

Exhibit A

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EXHIBIT A

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

MOSS LANDING COMMERCIAL PARK, LLC (PLN160401)

RESOLUTION NO. 22-

Resolution by the Monterey County Planning Commission:

- 1) Considering and adopting a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines; and
- 2) Approving a Combined Development Permit consisting of:
 - a. After-the-fact Coastal Development Permit to allow existing commercial cannabis activities in 23 existing structures to continue and to partially clear Code Enforcement Case Nos. 15CE00050 to allow commercial cannabis activities Building No. 20;
 - b. Coastal Development Permit to allow the establishment of commercial cannabis activities in 5 existing structures; and
 - c. General Development Plan to allow for the ongoing reuse of 6 structures for multi-tenant commercial and industrial use, and the ongoing reuse of 28 structures for multi-tenant commercial cannabis activities (cultivation, processing, manufacturing [non-volatile and volatile], and self-distribution); and
- 3) Adopting a Condition Compliance and Mitigation Monitoring and Reporting Plan.

[PLN160401, Moss Landing Commercial Park, LLC, 7697 Highway 1, Moss Landing, North County Land Use Plan/Moss Landing Community Plan area (APN: 133-172-013-000)]

The Moss Landing Commercial Park, LLC application (PLN160401) came on for public hearing before the Monterey County Planning Commission on December 7, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.

- EVIDENCE:** a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 1982 Monterey County General Plan;
 - North County Land Use Plan (NC LUP);
 - Moss Landing Community Plan (MLCP); and
 - Monterey County Coastal Implementation Plan, Part 1 and 2 (CIP, Title 20).

No conflicts were found to exist. The County received communications from interested members of the public during project review indicating inconsistencies with the text, policies, and regulations in the applicable plans and Monterey County Code (MCC); however, the County finds that the project is consistent with the text, policies, and regulations in the applicable documents. The project is located within the coastal zone and, therefore, the 2010 Monterey County General Plan does not apply to this project.

- b) Background. From the mid-1900s until 2002, the subject property was used by Kaiser Aluminum Refractories and then the National Refractories and Minerals Corporation to produce magnesium oxide, specialties containing magnesium oxide and refractory brick. In 2003, the parcel was purchased by the Moss Landing Commercial Park, LLC. The Moss Landing Cement Company, LLC, a subsidiary of Calera Corporation, operates the cement plant. The existing structures were used for research and the production of “green” cement. In 2014 an Interim General Development Plan (GDP) was approved under Minor and Trivial Amendment PLN060559 (Resolution No. 14-010). The amendment made two changes: 1) removes the construction of a 70,000 square foot industrial warehouse, and 2) replaces the previously approved General Development Plan with an interim GDP that limits development and uses to coastal-dependent and coastal-related development and uses. The interim GDP required all changes in use, intensity and placement to require a Coastal Development Permit in each case. However, in 2015, commercial cannabis operations began to occur within 23 of the existing 34 structures without the benefit of a Coastal Development Permit. Additionally, at this time (2015), commercial cannabis activities were not an allowed use at the subject property or within the subject zoning district (Heavy Industrial). See Finding 1, Evidence “d”. The interim GDP was intended to remain in effect until such time as the Moss Landing Community Plan update is certified as part of the Local Coastal Program by the California Coastal Commission. The Moss Landing Community Plan update is currently being prepared. The proposed General Development Plan reflects the existing uses, including the unpermitted cannabis activities, and therefore replaces and supersedes the 2014 interim GDP. See subsequent Evidence “c” and “e”.
- c) Moss Landing Commercial Park (“project site”) is situated in the northwest corner of the subject property (Assessor’s Parcel Number: [APN]: 133-172-013-000). This site has been heavily disturbed and developed by prior land uses and various industrial activities. The 188.5-acre site contains 34 buildings (approximately 385,070 square feet or 8.9 acres), 23 of which are currently being used by various

tenants for commercial cannabis business operations including cultivation, processing, manufacturing [non-volatile and volatile], and self-distribution. The remaining 11 structures are classified as offices (1), research and development facilities (1), industrial shop (1), storage (2) and warehouses (6). As detailed in the attached proposed General Development Plan (GDP), the proposed project includes allowing all existing cannabis activities to continue operation (23 buildings), establishing commercial cannabis operations within 5 existing vacant buildings, and allowing for the ongoing reuse of these 28 structures for all commercial cannabis activities (cultivation, processing, manufacturing [non-volatile and volatile], and distribution) and the ongoing reuse of the remaining 6 structures for various industrial and commercial uses. Construction permits for tenant improvements have been issued in a majority of the structures with existing commercial cannabis operations. Future tenant improvements within the 28 structures may be required for a change of cannabis operation (i.e., transitioning from vacant to commercial cannabis activities or from cultivation to solely manufacturing). No ground disturbance is proposed in this project or needed for repurposing the existing structures. Any development found inconsistent with the GDP or not proposed in the GDP will require separate discretionary review, an amendment to the GDP, and approval.

- d) Allowed Use. The property is located at 7697 Highway 1, Moss Landing (Assessor's Parcel Number 133-172-013-000), North County Land Use Plan/Moss Landing Community Plan. The parcel is primarily zoned Heavy Industrial within the Coastal Zone or "HI(CZ)". Portions of the subject property, including the southern boundary and a portion located in the eastern half of the of subject property are zoned Resource Conservation, also within the Coastal Zone or "RC(CZ)". No development or activities included in the proposed GDP will be located in the RC(CZ) portion of the property. In February 2018, the California Coastal Commission certified a Local Coastal Program Amendment to Monterey County Zoning Ordinance (Title 20), the North County Land Use Plan (Policies 4.3.6.F.1, 5.2.1.A.2, and 5.5.2.10) and the North County Coastal Implementation Plan (Section 20.144.160.C.1.k) to allow commercial cannabis activities at in certain coastal Zoning Districts and at the Kaiser National Refractories site (subject property). Following certification, the Monterey County Board of Supervisors approved a resolution and adopted Ordinance No. 5299 in March 2018 to amend Title 20 of the Monterey County Code to regulate commercial cannabis activities in the coastal unincorporated. This ordinance defined terms and added Chapter 20.67 to Monterey County Code (MCC) Title 20 to establish regulations governing the issuance of Coastal Development Permits for commercial cannabis activities. This Ordinance also amended the Coastal Implementation Plan (Part 2, Regulations for Development in the North County Land Use Plan Area) to allow limited commercial cannabis activities within existing industrial buildings at the subject property, the former Kaiser National Refractories, subject to a Coastal Development Permit (CDP) until a long-range master plan is completed that governs the site (i.e. through

an updated certified Moss Landing Community Plan) or until January 1, 2023, whichever comes first. As such, the applicant has applied for a Coastal Development Permit and a General Development Plan to satisfy this requirement. Therefore, the project is an allowed land use for this site, subject to the granting of a CDP and approval of the GDP.

- e) General Development Plan. The proposed Moss Landing Commercial Park GDP was prepared in October 2018 by the property owner in accordance with Moss Landing Community Plan Policy 5.5.2.2, Ordinance No. 5299, and Monterey County Code Section 20.28.030, which requires approval of a GDP prior to the establishment of any development in the HI zoning district if there is no prior approved GDP and if the lot is in excess of one acre. The GDP describes the site's existing and proposed uses, provides project details, and states that the objective of the project is to redevelop the industrial complex utilizing existing structures into an economically viable multi-tenant agricultural, commercial and industrial lease space. As proposed, the project includes establishing commercial cannabis activities in 5 existing vacant warehouses, after-the-fact approval of commercial cannabis activities in 23 existing structures, and the ongoing operation changes including the reuse of these 28 structures for commercial cannabis activities (cultivation, processing, manufacturing [non-volatile and volatile], and distribution) and the ongoing reuse of the remaining 6 structures for industrial and other commercial activities. No physical expansion, transportation improvements, or alternative development opportunities are proposed and are therefore not included in the GDP. The GDP does however establish potential future uses which will require separate discretionary review, such as a 12-acre solar facility. See Finding No. 7, Evidence "j". The GDP does not propose development on the parcel westward of Highway 1 (APN: 133-173-006-000), which is considered a portion of the Moss Landing Commercial Park.
- f) Lot Legality. The subject parcel is listed as a portion of Rancho Bolsa Nueva Y Moro Cojo in Record of Survey, Volume 5, Page 10, recorded in September 1953. Therefore, the County recognizes this lot as a legal lot of record.
- g) The project planner reviewed the project via the County's GIS records, and conducted a site visit on August 26, 2022 to verify that the proposed project conforms to the applicable plans and Monterey County Code.
- h) Site Development Standards. The proposed project does not include development or commencement of any use in the portion of the property zoned RC, and therefore such site development standards are not analyzed. Development standards for the HI zoning district are identified in MCC Section 20.28.070. Required setbacks in the HI zoning district shall be established by a GDP. In this case, the proposed GDP does not include construction of additional structures and therefore, does not establish the required setbacks. If structural development is proposed in the future, the GDP shall be amended to include setbacks. The maximum allowable structure height is 35 feet. The proposed project does not include exterior modifications which would alter the structures existing height. Although roof-mounted photovoltaic panels providing 109,000 Kw of energy per month are

proposed on Building Nos. 1, 3, 4, 5, 6, 7, 8, 9, 14, and 15, roof-mounted photovoltaic systems do not contribute to the height of a structure. The site coverage maximum in the HI zoning district is 50 percent. The property is 183.74 acres which would allow site coverage of 3,980,007.2 square feet. The subject property is currently developed with 34 structures totaling approximately 385,070 square feet which equates to a building site coverage of 4.83 percent. The proposed project will not result in additional building site coverage.

- i) ESHA. While the project site and its surroundings include high quality biological habitat, the subject property is an industrial park containing industrial structures, paved parking areas, and ruderal vegetation. The project will have a less than significant impact on these habitats. No ground disturbing activities are proposed. Construction would be limited to interior tenant improvements. The proposed project will not result in direct removal, filling, hydrological interruption, or other effects on the wetlands on and around the project site. The subject property is a developed 182.74 -acre parcel, currently operating as an industrial park. The industrial park, not including the artificial fill and the magnesium oxide “white lakes” which are located just south of the existing development, only occupies approximately 60 acres of the property. The developed portion of the project site contains minimal vegetation consisting primarily of non-native species which are weedy in quality. The southern portion of the site contains 7 large water tanks and a 35-acre area consisting of a magnesium hydroxide deposit from prior industrial activities. Magnesium hydroxide forms a solid surface on top of the ground, preventing vegetation growth. South of the magnesium hydroxide deposit is the Moro Cojo Slough, which connects to the west to the Moss Landing Harbor and the Pacific Ocean. The eastern portion of the project site contains a wetland complex. There are no structures or commercial activity, existing or proposed, within the wetland complex. The United States Fish and Wildlife Service (FWS) identifies these areas a 12.04 acres of Freshwater Emergent Wetland habitat. This protected area is off-limits to staff and visitors and is separated from the developed portion of the site by thick vegetation. Moro Cojo Slough is located south and east of the project site and contains 12.13 acres of Estuarine and Marine Wetland habitat. This wetland is buffered from the project site by the magnesium hydroxide deposit on the southern portion of the site. West of the project site across Highway 1 are additional large, mapped areas of Estuarine and Marine Deepwater habitat and Estuarine and Marine Wetland, where the Moro Cojo Slough and Elkhorn Slough connect to the Pacific Ocean. Additionally, the project site is across Highway 1 from the Moss Landing Harbor, which connects to the Elkhorn Slough State Marine Conservation Area.

As detailed in the prepared GDP, and as conditioned (Condition No. 6), all proposed exterior lighting shall be downlit and unobtrusive; and if security lighting is required for safety purposes, it shall be motion activated to prevent excessive illumination. Although exterior lighting currently exists and is visible from Highway 1, Condition No. 6 will minimize potential impacts to the circadian rhythms of nearby wildlife

species. Additionally, for any exterior construction activity, such as installation of the proposed roof-mounted solar panels, that occurs during the typical bird nesting season (February 22-August 1), the applicant would be required to submit to HCD-Planning a raptor and migratory bird survey (Condition No. 7). There will be no hazardous byproduct from hazardous materials during the cultivation and manufacturing process, and therefore, no hazardous waste would be produced, and no hazardous air emissions would be emitted.

- j) Historic Resources. In 2004, a Historical and Architectural Evaluation (LIB070067) was prepared for the project site. The subject property is specifically identified under the theme of "The 20th Century 1900-1950" in the 2000 Monterey County Historic Preservation Plan. While a majority of the 34 structures did not occur during the 1942-1956 period of significance or were found to be historically insignificant, three buildings do represent the early functions and processing of the Permanent Metals/Refractory Plant. These include the 1942-56 Administration/Laboratory Building; the Kiln Feed Building, where the processed raw material came for distribution to the market or for transfer to the brick plant; and the 7 circulate concrete 250 foot wide "Thickeners," where the chemical reaction of seawater with dolomite produced the magnesium hydroxide. The proposed project would allow all existing cannabis activities to continue operation (23 buildings), establish commercial cannabis operations within 5 existing vacant buildings, and allow for the ongoing reuse of these 28 structures for all commercial cannabis activities. As proposed, the 1942-56 Administration/Laboratory Building (Building No. 25) would be utilized for commercial cannabis activities. The Kiln Feed Building and Thickeners would not be used for cannabis activities. The historical aspect of the 1942-56 Administration/Laboratory Building is not based on the use of the structure and therefore utilizing this structure for commercial cannabis activities would have no impact. No exterior improvements of this structure are proposed, except for replacement exterior lighting (if deemed necessary). Per Condition No. 6, all exterior lighting of Building No. 25 shall be limited to the number of existing fixtures and replacement fixtures shall be consistent with the existing lighting. This will ensure there is no impact to the building's historical integrity. No solar panels are proposed on this building. None of the other buildings analyzed meet the criteria for inclusion on the California Register because they were not present during the period of significance, 1942-1956, and the buildings and their enclosed machinery have been altered over time.
- k) Cultural Resources. Due to proximity of the Pacific Ocean, Elkhorn Slough, Moro Cojo Slough and the Salinas River, the Moss Landing area provided significant hunting, fishing and other resources to indigenous populations. The Moss Landing Commercial Park consists of 34 previously constructed buildings. The entire parcel is heavily disturbed due to past and current land uses. North County CIP Section 20.144.110.B.3 states that an archaeological survey report shall be required for all development in a high archaeological sensitivity zone or within 750 feet of a known archaeological resources. According to the

Monterey County Geographic Informational System (GIS), the subject property has a high archaeological sensitivity and is within 750 of a known archeological resource. A Cultural Resources Reconnaissance survey was conducted in February 1991 (LIB04.09.126A) for a previous project and concluded that there was a cultural resource on site. Although the subject parcel meets the archaeological survey requirements of the CIP, the project does not propose any ground-disturbing development and therefore was not required to prepare a project specific report.

- l) Public Viewshed. In accordance with Moss Landing Community Plan Policy 5.6.2.1, development should be limited in scenic beach, dune, estuary, and wetland areas to protect the visual resources of Moss Landing. Although the subject property is visible from Highway 1, the existing development does not block views to and along the ocean shoreline from Highway 1, Molera Road, Struve Road, and public beaches. Views of the project site are partially obstructed by berms, fencing, and vegetation on the western and northern boundaries. Structures that are visible from the surrounding area consist of metal-clad industrial buildings and concrete water tanks. Existing exterior lighting on the site as well as from the industrial development to the north is visible from surrounding areas. The site is fully visible from Moss Landing Harbor and is associated shoreline. The site is not visible from Moro Cojo Slough due to topography and vegetation. Although not anticipated, if future tenant improvements result in an alteration of an existing structure's exterior, all proposed alterations shall be designed in a manner consistent with the Moss Landing Community Plan. Therefore, the project would have a less than significant impact on scenic vistas or a state scenic highway, would not substantially degrade the existing visual character or public view, would limit new sources of substantial light or glare, and is consistent with the applicable scenic resource policies of the 1982 General Plan, North County Land Use Plan and Coastal Implementation Plan (Part 2).
- m) Traffic. A traffic assessment (LIB220140) was prepared in accordance with North County CIP Section 20.144.120.A.1. The daily trips generated from the existing site conditions and proposed project are based on the land use codes and trip generation rates which are established in the 2019 Institute of Transportation Engineers' (ITE) Trip Generation Manual. The Trip Generation Manual does not have a "Commercial Cannabis" land use. Therefore, the project's traffic engineer determined that cannabis operations (cultivation, manufacturing, processing, and distribution) are most similar to greenhouses. The comparable land use for the cannabis portion of the existing site is a "Warehouse" (ITE Code 150). The Trip Generation Manual quotes a trip generation rate of 1.74 daily trips per 1,000 square feet for warehouses. This rate was assumed for all the commercial cannabis operations. The other non-cannabis building's land uses fall under the "Manufacturing" land use (ITE Code 140) or "Small Office Building" land use (ITE Code 712). Currently, there are 332,973 square feet of buildings (23) that are occupied by commercial cannabis activities and 52,097 square feet associated with non-cannabis buildings

(warehouses, research and development, storage, and industrial shops). The existing trip generation of the subject site is 763 daily trips, with 589 corresponding to the existing unpermitted commercial cannabis operations. Although Building No. 32's existing and proposed use is listed as an "industrial shop," it is currently being used as a fire corridor to provide the required separation between Building Nos. 7, 8 and 9. This building is vacant and will remain vacant in order to be in compliance with County fire standards.

The project proposes to repurpose 5 warehouses, or 11,120 square feet, into commercial cannabis operations. Therefore, based on the square footage of these warehouses, the additional commercial cannabis operations would generate approximately 19 daily trips. The total daily trip generation associated with the subject project site is 782, with 608 being associated with the cannabis operations of the 28 buildings. The project will result in an additional 19 daily trips and is therefore below the Office of Planning and Research determined threshold of significance (110 daily trips). There is only one ingress and egress point for the subject property located along Dolan Road. There are no access points along Highway 1. The proposed trip generation will have a less than significant impact on Highway 1 and the intersection with Dolan Road. Traffic improvements to accommodate the project's trips are not required and therefore, Policy 5.3.2.F.1 of the North County LUP is not applicable. HCD-Engineering Services has reviewed and concurs with the traffic engineers report and the transportation/traffic analysis of the Initial Study/Mitigated Negative Declaration.

- n) Land Use Advisory Committee. The project was referred to the North County Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors, this application warranted referral to the LUAC because the project requires CEQA review. The LUAC, at a duly-noticed public meeting on September 7, 2016, voted 8-0, with one member absent to deny the project as proposed. The LUAC members had numerous questions which are not specified in the September 7, 2016 minutes. However, their questions could not be answered because County staff nor the applicants were in attendance. Therefore, the LUAC members voted to deny the project. A subsequent LUAC meeting was scheduled for November 16, 2022. On November 16, 2022, the LUAC voted 3-1, with 3 members absent, to support the project as proposed. The LUAC members had questions regarding existing and proposed uses, water and wastewater, cannabis specific requirements (i.e. security and odor), and the open code enforcement case. Staff responded accordingly. The LUAC member voting against the project voiced his general disapproval of property owners seeking after-the-fact approval to rectify a code enforcement case than rather obtaining the necessary entitlements prior to commencement of use or construction.
- o) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in Project File PLN160401.

2. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: HCD-Planning, North County Fire Protection District, HCD-Engineering Service, HCD-Environmental Services and the Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) The following reports have been prepared:
 - “Moss Landing Commercial Park Trip Generation Update” (LIB220140) prepared by Keith Higgins, Gilroy, California, dated March 24, 2022;
 - “Geological Report” (LIB070189) prepared by CapRock Geology, Inc., Salinas, California, dated March 5, 2007; and
 - “Historical and Architectural Evaluation Report” (LIB070067), prepared by Kent L. Seavey, Pacific Grove, California, dated July 1, 2014.
 - c) County staff independently reviewed the above referenced reports and concurs with their conclusions. There are no physical or environmental constraints that would indicate that the property is not suitable for the use proposed.
 - d) The project planner reviewed submitted plans and conducted a site visit on August 26, 2021, to verify that the project conforms to the plans listed above and that the project area is suitable for this use.
 - e) The application, plans, and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN160401.
3. **FINDING:** a) **HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use; or be detrimental or injurious to property and improvements in the neighborhood; or to the general welfare of the County.
- EVIDENCE:**
- a) The project was reviewed by HCD-Planning, HCD-Engineering Services, HCD-Environmental Services, Environmental Health Bureau, and the North County Fire Protection District. Conditions have been recommended, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood.
 - b) Potable Water. Potable water service is currently provided to the site by the Pajaro Sunny Mesa Community Services District (PSMCSD). PSMCSD issued a letter indicating that the District can and will serve the proposed project and has the capacity to accommodate an proposed project’s water demand (overall site increase of 0.35 acre feet per year [AFY] or 1.75%). Based on five 2020 PSMCSD water service bills submitted by the applicant, monthly water consumption ranges between 695 to 788 units (1 unit = 748 gallons). Using the average water

consumption of 725 units or 542,300 gallons per month, the property's current average annual water usage is 6,507,600 gallons or 19.97 AFY. This baseline water use figure accounts for all existing operations (industrial, office space, commercial cannabis activities, etc.). This equates to approximately 0.40 AFY per 10,000 square feet or 1.74 AFY per acre. This is higher than the methodology provided by the Monterey County Agricultural Commissioner's Office which estimates that indoor cannabis grow operations require 0.25-acre AFY of water per 10,000 square feet of canopy or approximately 1.09 AFY of water per acre of cultivation. Therefore, to be conservative, the proposed project's water use was based on the five months of data provided to staff, which equates to 0.40 AFY per 10,000 square feet.

- c) Wastewater. The subject property contains 7 existing septic tanks with a total maximum capacity to serve 346 onsite employees. Although the project's resulting employee population would be within this threshold (273), Septic System 2 is currently over capacity by 20 employees and Septic System 3 is currently over capacity by 33 employees. In accordance with Section 3364 of the General Industry Safety Orders of the California Division of Occupational Safety and Health regulations, employees must be within 200 feet of the nearest restroom. While most employees are located within 200 feet of restroom, the nearest restroom for the employees of building nos. 10 and 14 may be over 200 away. In order to ensure the existing and proposed onsite employees have access to restroom facilities within the distance requirement, and the wastewater served by the existing OWTS remain within the limitation thresholds of the systems, Mitigation Measure No. 1 has been proposed. See Finding 6, Evidence "p."
- d) Waste Management. Monterey County Waste Management will be provided by contracted services to dispose of on-site waste, green waste, and recycling. Regular waste, green waste, and recyclables will be separated, and stored in waste receptacles on-site and transported offsite. Cannabis plant trimming waste would be minimized by composting requirements pursuant to State of California Department of Cannabis Control (DCC) Section 16309 and Public Resources Code section 17223, which requires preparation of a cannabis waste management plan. The cannabis waste management plan shall be submitted to the DCC with each tenant's annual application for a cultivation license.
- e) Staff conducted a site inspection on August 26, 2021 to verify that the site is suitable for this use.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County HCD - Planning for the proposed development found in Project File PLN160401.

4. **FINDING:** **PUBLIC ACCESS** – The project is in conformance with the public access and recreation policies of the Coastal Act (specifically Chapter 3 of the Coastal Act of 1976, commencing with Section 30200 of the Public Resources Code) and Local Coastal Program, and does not interfere with any form of historic public use or trust rights.

- EVIDENCE:**
- a) Figure 4, Public Access and Recreation, of the Moss Landing Community Plan indicates that the subject property is not in a Public Access Priority Areas and is therefore not subject to applicable public access polices.
 - b) No access is required as part of the project as no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.144.150 of the Monterey County Coastal Implementation Plan (Part 2) can be demonstrated.
 - c) No evidence or documentation has been submitted or found showing the existence of historic public use or trust rights over this property.
 - d) The project planner conducted a site visit on August 26, 2021, to verify that the project, as proposed and conditioned and mitigated, would not impact public access. Based on this site inspection, the proposed development would not obstruct public views of the shoreline from surrounding roadways, would not obstruct public visual access to the shoreline from major public viewing corridors, and although the existing development is visible, the proposed project will not result in adverse impacts to the public viewshed or scenic character in the project vicinity. Therefore, the project is consistent with the applicable visual resource and public access policies of the North County Land Use Plan and Moss Landing Community Plan. See also Finding No. 1, Evidence “i”.
 - e) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development found in project file PLN160401.

5. **FINDING:** **VIOLATIONS** - Violations exist on the property. Approval of this Combined Development inclusive of an after-the-fact Coastal Development Permit will bring the subject property partially into compliance with all rules and regulations pertaining to zoning uses and other applicable provisions of the County’s zoning ordinance.

- EVIDENCE:**
- a) Staff reviewed Monterey County HCD-Planning and HCD-Building Services records and is aware of one violations existing on the subject property (Code Enforcement Case Nos. 15CE00050). Corrective actions provided in the notice of violation included obtaining necessary permits from Monterey County – Housing and Community Development (HCD) for the unpermitted development. No other open code enforcement cases exist on the subject property.
 - a) When approved, the proposed CDP and GDP will bring the subject property into compliance with all rules and regulations pertaining to the property and will remove the existing violations. Commercial cannabis activities are currently operating within 23 existing structures on the subject property without the benefit of a CDP. Code Enforcement Case No. 15CE00050 is specific to Building No. 20, which was occupied by Ethnobotanica. This code enforcement case cites that the Moss Landing Commercial Park and more specifically Ethnobotanica’s use of the subject property is in violation of MCC Sections 18.01.0709(B), 20.20.030(B), 20.144.160.C.1.K, various California Building codes and the North County Coastal Implementation Plan.

- b) On June 10, 2016, the County of Monterey, Moss Landing Commercial Park and Ethnobotanica entered into a stipulated agreement to resolve the violation. The stipulated agreement allowed Building 20 and all other structures to continue their current (unpermitted) commercial cannabis operations at the subject property until October 1, 2016, and thereafter if extended. Moss Landing Commercial Park was required to: 1) apply for an exemption to the previous medical marijuana interim ordinance (Ordinance No. 5265); 2) apply for a Coastal Development Permit, General Development Plan, and other applicable discretionary land use entitlements; 3) apply for all other ministerial permits (building, electrical, plumbing, etc.); and 4) pay a sum of \$77,875.00 to the County of Monterey Resource Management Agency (now Housing and Community Development). The stipulated agreement detailed that the MLCP and/or Ethnobotanica shall pay all necessary entitlement fees but double application fees will not be required. As such, the proposed Combined Development Permit fees were not double invoiced. The stipulated agreement has been amended 7 times, most recently on July 7, 2022 and the compliance date was extended to July 2024. All terms of the stipulated agreement have been met, with the exception of (1) obtaining all necessary land use entitlements, which is being addressed in this Resolution; (2) obtaining all necessary construction permits for interior work; and (3) payment of \$37,500 in fines (\$40,375 already paid).
- c) Although a code enforcement violation exists, construction permits for tenant improvements addressing health, life and safety building code related issues have been issued and this work has commenced. See Finding 6, Evidence “m” for a list of associated construction permits.
- d) MCC Section 7.90 requires the issuance of Cannabis Business Permits once necessary discretionary entitlements are obtained, in this case a Coastal Development Permit and after-the-fact Coastal Development Permit. Therefore, the property will be in full compliance with all rules and regulations pertaining to zoning uses and other applicable provisions of the County’s zoning ordinance once all cannabis operators obtain a Cannabis Business Permit from the Monterey County Cannabis Program.
- e) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN160401.

6. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County.

EVIDENCE: a) Pursuant to Public Resources Code Section 21083, and California Environmental Quality Act (CEQA) Guidelines Sections 15063(a) and 15063(b)(2), the Lead Agency shall conduct environmental review in the form of an Initial Study to determine if the project may have a significant effect on the environment, and shall prepare a Negative

Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

- b) Monterey County as Lead Agency, through HCD-Planning, prepared an initial study pursuant to CEQA. The initial study is on file in the offices of HCD-Planning and is hereby incorporated by reference (HCD-Planning File No. PLN160401).
- c) There is no substantial evidence, based upon the record as a whole, that the project may have a significant effect on the environment. The Initial Study identified several potentially significant effects, but the applicant has agreed to proposed mitigation measures that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.
- d) Based upon the analysis of the initial study, HCD-Planning prepared a mitigated negative declaration.
- f) A Condition Compliance and Mitigation Monitoring and/or Reporting Plan is required in accordance with Monterey County regulations, is designed to ensure compliance during project implementation, and is hereby incorporated herein by reference. The applicant must enter into an “Agreement to Implement a Mitigation Monitoring and/or Reporting Program” as a condition of project approval.
- g) The Initial Study/Draft Mitigated Negative Declaration (“IS/MND”) for PLN160401 was prepared in accordance with CEQA and circulated for public review from May 6, 2022 through June 6, 2022 (SCH#: 2022050130).
- h) During and subsequent to the public review period for the draft IS/MND, the County received CEQA comment letters from the California Department of Cannabis Control (DCC), California Department of Fish and Wildlife (CDFW) and Friends, Artists and Neighbors of Elkhorn Slough (FANS). The respective comments are included as Exhibit F of the December 7, 2022 Planning Commission staff report and are summarized and addressed below.
- i) Prior to the Planning Commission’s consideration of the MND, the previously circulated IS/MND was revised to respond to comments from CDFW, DCC, FANS. The revisions reflect more accurate project description, clarify the existing and proposed conditions, and amplify the analysis as detailed in subsequent Evidence “i” and “j”. Due to the incorporation of Condition No. 6 and 7 (exterior lighting plan and migratory bird nesting survey), impacts analyzed in Initial Study Sections VI.1 (Aesthetics) and VI.4 (Biological Resource) were raised from no impact to a level of less than significant. No new, avoidable significant effects were identified, and no mitigations measures were added. Therefore, pursuant to Section 15073.5 of the CEQA Guidelines, recirculation of the revised initial study is not required.
- j) A more accurate project description, as follows, was updated throughout the document: *“The existing 23 structures utilized for commercial cannabis activities would remain in operation. Five of the 11 remaining structures, which are currently used for storage, would be used for commercial cannabis activities. The proposed project would allow all commercial cannabis activities to occur within 28 of the 34 buildings and for tenants to change cannabis activities (cultivation, processing,*

manufacturing and/or distribution) without the need for separate future discretionary or environmental review, subject to being found consistent with the Coastal Development Permit, General Development Plan, and this Initial Study. Tenant improvements would be limited to interior changes only. No ground disturbance would occur.” These revisions serve as clarification to the document.

- k) To conservatively analyze the full impact of this proposed project, the Initial Study analysis was clarified and amplified to include the most intensive commercial cannabis activity per potential resource impact. For the purpose the Initial Study, it was assumed that commercial indoor cannabis cultivation would be the most intensive activity in terms of potential impacts to Air Quality, Energy, Greenhouse Gasses, and Utilities and Service Systems. Cannabis Manufacturing would be the most intensive activity in relation to potential impacts to Hazards and Hazardous Materials. All other resource areas do not have a specific intensive cannabis activity and are therefore analyzed based on impacts from all commercial cannabis activities (cultivation, manufacturing, distribution). Although potential impacts to Transportation would be greatest for commercial cannabis distribution, the International Transportation Engineers manual does not distinguish one cannabis activity from another. The revisions are in response to receiving public comments, do not create a new significant environmental impact, and serve as clarification and amplification to the document.
- l) DCC Comments. On June 1, 2022, the Department of Cannabis Control expressed six concerns: 1) the IS/MND did not clearly describe the project analyzed in the environmental document or the required County discretionary action; 2) the environmental document must be project specific, unless otherwise specified (e.g., a programmatic CEQA document); 3) lack of disclosure of environmental documents prepared for adoption of Ordinance No. 5299; 4) lack of tenant specific information; 5) compliance with AB 52; 6) need for factual conclusions with substantial evidence; and 7) evaluation of cumulative impacts.

In response to concerns 2, 3, 4, 5, 6, 7, the draft IS/MND is project specific and is not intended to be relied upon as a programmatic CEQA document, an environmental document was not prepared for adoption of Ordinance No. 5299, tenant specific information is provided in the applied for CNBs (see Finding 7, Evidence “b”) and will be subsequently provided to the DCC prior to issuance of a DCC annual license, consultation with affiliated tribes was conducted (see subsequent Evidence “r”), the environmental document relied upon factual and substantial evidence as detailed in Section IX (Sources) of the Initial Study, and the IS/MND provided an evaluation of cumulative impacts by analyzing all recently approved and future (applied for) proposed projects within a 2 mile radius of the proposed project. As detailed in preceding Evidence “h” and “i” the Initial Study was revised to reflect a more accurate, clear project description by clarifying the existing and proposed conditions.

- m) CDFW Comments. The California Department of Fish & Wildlife submitted CEQA related comments outside of the 30-day review period.

On June 13, 2022, CDFW requested that a Bank Swallow nesting survey be conducted prior to ground-disturbing or vegetation-disturbing activities. The project does not include ground- or vegetation-disturbing activities. However, as a standard condition of approval, Condition No. 7 has been applied to ensure no bird or raptor nest is impacted during construction activities, specifically during installation of the proposed roof mounted photovoltaic system. CDFW also requested that all cultivators submitted a Lake and Streambed Alteration (LSA) notification to the CDFW prior to initiation of any construction or cultivation activities. As detailed in Section VI.4 (Biological Resources), cannabis cultivators applying for an Annual License from the California Department of Cannabis Control and are required to prepare a LSA or written verification that one is not needed. CDFW also provided general cannabis-specific impacts to biological resources. Such impacts include water use resulting in reduced flows and dewatered streams, night lighting affecting the circadian rhythms of wildlife and the use of pesticides. CDFW stated that they agreed with that cumulative impacts of the project would be low to negligible but encouraged the County to consider all approved and future projects when determining impact significant to biological species. As standard practice and in response to concerns about night lighting impacts on wildlife, Condition No. 6 has been applied. Cumulative impacts considered all recently approved and future (applied for) projects within a 2-mile radius of the subject property. The proposed project will result in a less than significant increase of 0.32 AFY. See Finding 3, Evidence “b.”

- n) FANS Comment (July 6, 2022). Molly Erikson, on behalf of Friends, Artists and Neighbors of Elkhorn Slough (FANS), submitted two CEQA related comment letters, dated July 6, 2022, and June 15, 2022, outside of the 30-day Initial Study public review period. The first comment letter asserts that the circulation period of the Initial Study/Mitigated Negative Declaration did not meet statutory requirements, the IS/MND was not available on the County’s website, and the IS/MND should not rely upon building square footages submitted by the subject property’s tenants. CEQA Guidelines Section 15105.b requires that a public review period for a ND or MND shall not be less than 20 days. However, if the ND or MND requires State agency review, the public review period shall not be less than 30 days. The IS/MND was sent to multiple State agencies for review. As detailed in the published Notice of Intent (NOI), the circulation period was for 30 days, starting May 6, 2022, and ending June 6, 2022. The IS/MND was accepted by the State Clearinghouse and published on CEQAnet on May 6, 2022. The IS/MND was uploaded on May 6, 2022 to the County’s public database, Accela Citizens Access. The NOI was emailed to Mrs. Erikson, as well as all contacts lists on the NOI (email only distribution list) on May 6, 2022, at 5:46 pm. Therefore, the CEQA document was adequately circulated.

The original submittal of the GDP included square footage calculations that were 58,198 square feet less than the square footage County staff calculated using information provided in issued building permits which

allowed for tenant improvements. Subsequently, the GDP was amended to include the correct calculations and states: *“However, in reliance the County of Monterey’s representations that the total square footage referenced in the above chart is correct and existing, MLCP is supplementing its GDP to reflect the increased total square footage of the above referenced buildings, and to allow for the such supplemented total square footage to be utilized for purposes of the CEQA/Initial Study environmental analysis. Incorporating the County indicated increased square footage into the chart of buildings results in a total square footage of all building to be 385,070.”* Therefore, the building square footage listed in Table 1 of the IS/MND are accurate. Approved building permits include 17CP02280 (Bldg 1), 19CP01415 (Bldg 2), 17CP02295 (Bldg 3&5), 19CP01236 (Bldg 4), 19CP00805 (Bldg 6), 18CP02045 (Bldg 7), 12CP02115 (Bldg 9), 19CP02078 (Bldgs 10, 14, 15), 17CP02114 (Bldg 12), 17CP02423 (Bldg 13A), 17CP02204 (Bldg 13B), 17CP01920 (Bldg 13C), 17CP02203 (Bldg 16), 17CP01574 (Bldg 18), 18CP03327 (Bldg 19), 17CP02267 (Bldg 20), 17CP03769 (Bldg 27), 17CP01718 (Bldg 28), and 17CP01720 (Bldg 29).

- o) FANS Comment (July 15, 2022). On July 15, 2022, FANS submitted a supplemental comment letter raising the following concerns: 1) inadequacy of the proposed General Development Plan; 2) violation of Monterey County Code as it relates to prohibiting development prior to the establishment of a GDP and prior to rectifying open Code Enforcement Case Nos. 20CE00250 and 17CE00322; 3) lack of detailed project description and ground conditions/baseline; 4) the need for the GDP to comply with the Draft Moss Landing Community Plan Update’s Moss Landing Business Park Special Treatment Area requirements; 5) inadequate and incomprehensible water use, energy use, onsite wastewater disposal, and traffic analysis; 6) the need to rectify Code Enforcement Case Nos. 20CE00250 and 17CE00322; and 7) the need to restrict the allowance of domestic animals at the site and prohibit the use, storage and disposal of pesticides and other chemicals.

The comments have been reviewed and responses to comments are provided in this Resolution, as well as the Initial Study/Mitigated Negative Declaration. Specifically, concerns numbered 1, 2, 3, 5, and 6 are specifically addressed in the following findings and evidence:

1. General Development Plan – See Finding 1, Evidence “e”;
2. Violations – See Finding 5, and supporting evidence;
3. Project description – See Finding 1, Evidence “b” and “c” and Finding 6, Evidence “h”, “i”, and “j”;
5. Water, onsite wastewater, traffic, and energy analysis – See Finding 3, Evidence “b” and “c”, Finding 1, Evidence “m” and Finding 7, Evidence “j”, respectively; and
6. Pesticide Use – See Finding 1, Evidence “i”.

In response to concern number 4, the draft Moss Landing Community Plan and associated special treatment area for the subject property are not adopted by the Monterey County Board of Supervisors or certified by the California Coastal Commission and therefore compliance is not required.

- p) Resource areas that were analyzed in the IS/MND included: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire.
- q) Evidence that has been received and considered includes: the application, technical studies/reports, staff reports that reflect the County's independent judgment, and information and testimony presented during public meetings and hearings. These documents are on file in HCD-Planning (HCD-Planning File No. PLN160401) and are hereby incorporated herein by reference.
- r) The County also identified potentially significant impacts to aesthetics, air quality, biological resources, energy, geology/soils, greenhouse gas emissions, hazards/hazardous materials, hydrology/water quality, transportation/traffic, and utility/service systems. One mitigation measure, applied as Condition No. 8, has been proposed to reduce the identified impacts to a level of less than significant. Mitigation Measure No. 1 would reduce the potentially significant impacts to utilities and service systems by requiring the Owner/Applicant to submit an Employee & Wastewater Operation Plan to HCD-Planning and Environmental Health Bureau for review and approval. The plan would need to identify the number of employees per building, locate to the number of restrooms within 200 feet of each building, and demonstrate how the respective septic systems would not be overloaded. All other potentially significant impacts were concluded to be at a level of less than significant.
- s) Pursuant to Public Resources Code section 21080.3.1 *et seq.*, Monterey County HCD-Planning initiated consultation with local Native American tribes (OCEN and the Esselen Tribe of Monterey County) on September 3, 2021. During the consultation, tribal members Jana Nason and Louise Ramirez found that the project would not have a potential impact to tribal cultural resources because there were no known sacred sites on the subject property and the project does not include ground disturbance. Condition No. 3 requires ensures that inadvertently discovered artifacts or human remains are treated with appropriate dignity and respect.
- t) Analysis contained in the initial study and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the California Department of Fish and Wildlife (CDFW) regulations. All land development projects that are subject to environmental review are subject to a state filing fee plus the County recording fee, unless CDFW determines that the project will have no effect on fish and wildlife resources. In this case, for purposes of the Fish and Game Code, the project may have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. The initial study was sent to CDFW for review, comment, and to recommend necessary conditions to protect biological resources in this area. Comments from CDFW were received and responded to through revisions

to the MND. The project will be required to pay the state fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and posting the Notice of Determination (Condition No. 4).

- u) The County has considered the comments received during the public review period. The Planning Commission considered the comments received for the draft initial study pursuant to CEQA Guidelines Section 15074.b, and finds that the comment does not conflict with or challenge the analysis and conclusions of the draft initial study or MND. Therefore, no further response is required.
- v) The Planning Commission finds that there is no substantial evidence supporting a fair argument of a significant environmental impact.
- w) The Monterey County Planning Commission considered the Mitigated Negative Declaration, along with the Combined Development Permit, at a duly noticed public hearing held on December 7, 2022.
- x) Monterey County HCD-Planning, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the Mitigated Negative Declaration is based.

7. **FINDING:** **COMMERCIAL CANNABIS CULTIVATION** - The cultivation, manufacturing, processing and distribution, as proposed and conditioned, will comply with all of the requirements of the State and County for the cultivation of cannabis, will not be located within six hundred (600) feet from any school, public park, or drug recovery facility, will not result in significant unavoidable impacts on the environment, include adequate measures that minimize use of water for cannabis cultivation, address the projected energy demand for cannabis cultivation at the site, ensures adequate quality control measures meet industry standards, and finally, includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors, prohibiting use or possession of firearms for security purposes at the premises, and ensuring that cannabis products are not supplied to unlicensed and unpermitted persons within the State and not distributed out of state.

- EVIDENCE:**
- a) The subject property is zoned Heavy Industrial (Coastal Zone), which allows commercial cannabis pursuant to Monterey County Code Section 20.67 (Ordinance No. 5299). Cultivation will take place within existing industrial building which were permitted or legally established prior to January 1, 2016. Based on Google Earth imagery, the existing structures were constructed between 1949 and 1971. Subsequent ministerial construction permits have since been issued to allow for tenant improvements to address health and safety compliant with California Building Code. The proposed project does not involve the construction of additional structures. The existing and proposed commercial cannabis activities will occur entirely within and enclosed structures. Cannabis plants or visual markers indicating that cannabis is cultivated on the property will not be visible from offsite.
 - b) Cannabis Business Permits. Eighteen Commercial Cannabis Business Permits (CNBs) have been applied for and are awaiting approval of this Combined Development Permit and General Development Plan (CNB190012, CNB190013, CNB190014, CNB190017, CNB190018,

CNB190019, CNB190020, CNB190021, CNB190022, CNB190023, CNB190024, CNB190025, CNB190026, CNB190027, CNB190028, CNB190029, CNB190100, and CNB190112). These CNB applications include 10 Type 1A licenses (Cultivation – Small Specialty Indoor, canopy size up to 5,000 square feet), 6 Type 2A licenses (Cultivation – Small Indoor, canopy size between 5,001 and 10,000 square feet), 1 Type 3A license (Cultivation – Medium Indoor, canopy size between 10,001 and 20,000 square feet), 4 Type 4 licenses (Cultivation – Nursery), 2 Type 6 licenses (Non-volatile Manufacturing), 2 Type 7 licenses (Volatile Manufacturing), and 5 Type 11 licenses (Distribution).

- c) State and County requirements. In accordance with MCC Section 7.90 and to address regulatory requirements, each applied for CNB includes an Operation Plan which establishes security measures that restrict access to only those intended and deter trespass and theft, track and trace protocols, monitoring and reporting requirements, packaging and labeling standards, sustainability measures, and other relevant information. On-site security is prohibited from carrying lethal weapons. All future CNB applications shall submit an operations plan for review and approval. Plans and materials contained in file PLN160401 include descriptions of security measures that restrict youth access to the site. Prior to issuance of the CNBs, the Monterey County Cannabis Program will ensure that the application materials demonstrate that the total canopy size of the cannabis cultivated at the site does not exceed the amount authorized by the permit and State law. The current canopy size within the 23 structures totals 120,360 square feet.
- d) Required conditions of approval specified in MCC Section 20.67.050.D have been incorporated as Condition nos. 9 through 13.
- e) Location: In accordance with MCC Section 20.67.050.B.4, the property is located more than 600-feet from the nearest school, public park, and drug recover facility. North Monterey County Middle School is the closest school, approximately 3 miles away, from the proposed project area. The nearest recreation facility, the Moss Landing Community Park, is located across the Moss Landing Harbor, approximately 0.1 miles west of the subject property. The nearest drug recovery facility is over 7.5 miles south of the subject property.
- f) Quality Control. Cannabis and cannabis products supplied by the applicant, except for immature cannabis plants and seeds, are subject to quality assurance and testing prior to sale at a retailer, microbusiness, or nonprofit.
- g) As a licensed distributor, the applicant/owner/tenant shall adhere to these procedures. As a licensed cultivator, nursery or manufacturer, the applicant/owner/tenant shall ensure that products are distributed by a licensed distributor.
- h) Operational standards that ensure testing of each batch of cannabis produced at the site will be addressed through the Commercial Cannabis Business Permit required pursuant to Chapter 7.90 of the Monterey County Code.
- i) In accordance with applicable Department of Cannabis Control regulations and Environmental Health Bureau standards, there will be

no hazardous byproduct from hazardous materials during the cultivation and manufacturing process, and therefore, no hazardous waste would be produced. In the case that hazardous waste is produced, it will be transported to a hazardous waste facility to prevent potential exposure to the surrounding environment. To prevent any unlawful or harmful exposure to or emissions from hazardous waste, chemicals or pesticides associated with cannabis operations must follow standard operating procedures and adhere to Monterey County Agricultural Commissioner's Office and Department of Pesticide Regulations. All pesticides and fertilizers are properly labeled and stored to avoid contamination through erosion, leakage, or inadvertent damage. All waste, pesticides and hazardous materials are disposed of in accordance with county code; this includes plant nutrients and plant debris.

- j) The attached plans include a preliminary plan set for onsite renewable energy facilities, dated October 8, 2020 and prepared by CalCom Energy. Roof-mounted solar voltaic panels providing 109,000Kw of energy per month are proposed on Building Nos. 1, 3, 4, 5, 6, 7, 8, 9, 14, and 15. If roof-mounted solar voltaic panels are not installed, the Applicant/Property owner shall submit evidence of ongoing participation in a rate program offered by the electric utility provider, such as the Pacific Gas and Electric Company's Solar Choice or Regional Renewable Choice programs. As detailed in the Initial Study, the proposed project would increase the project site's annual energy demand by 1,047,243 kW, or 1.02%. No ground disturbance is assumed for this project component. The General Development Plan includes the establishment of a 5-megawatt ground-mounted solar power system on an unidentified 12-acre portion of the property as a potential future use requiring a separate entitlement. As such, discretionary review and environmental impacts relative to this future use would be analyzed separately.
- k) The application, plans and supporting materials submitted by the project applicant to Monterey County HCD-Planning for the proposed development are found in Project File PLN160401.

8. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors and the California Coastal Commission.

- EVIDENCE:**
- a) Board of Supervisors. Pursuant to CEQA Guidelines Section 15074(f), when a non-elected decision-making body within a local lead agency adopts a negative declaration, that adoption may be appealed to the agency's elected decision-making body. Therefore, and pursuant to Section 20.86.030 of the Monterey County Zoning Ordinance (Title 20), an appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of an Appropriate Authority other than the Board of Supervisors.
 - b) California Coastal Commission. Pursuant to Section 20.86.080.A of the Monterey County Zoning Ordinance (Title 20), the project is subject to appeal by/to the California Coastal Commission because it involves development that is permitted in the underlying zone as a conditional use.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Consider and adopt a Mitigated Negative Declaration pursuant to Section 15074 of the CEQA Guidelines; and
2. Approve a Combined Development Permit consisting of:
 - a. Coastal Development Permit to allow the establishment of commercial cannabis activities in 5 existing structures; and
 - b. After-the-fact Coastal Development Permit to partially clear Code Enforcement Case Nos. 15CE00050 to allow commercial cannabis activities in 23 existing structures; and
 - c. General Development Plan to allow for the ongoing reuse of 6 structures for multi-tenant commercial and industrial use, and the ongoing reuse of 28 structures for multi-tenant commercial cannabis activities (cultivation, processing, manufacturing [non-volatile and volatile], and self-distribution); and
3. Adopt a Condition Compliance and Mitigation Monitoring and Reporting Plan.

All work must be in general conformance with the attached plans and this approval is subject to fourteen (14) conditions (including 1 mitigation measure), all being attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 7th day of December, 2022 upon motion of _____, seconded by _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Craig Spencer
Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON _____.

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE _____.

THIS PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE FINAL LOCAL ACTION NOTICE (FLAN) STATING THE DECISION BY THE FINAL DECISION MAKING BODY, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from Monterey County RMA-Planning and RMA-Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.

County of Monterey HCD Planning

DRAFT Conditions of Approval/Implementation Plan/Mitigation Monitoring and Reporting Plan

PLN160401

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Combined Development Permit consisting of: 1) Coastal Development Permit to allow the establishment of commercial cannabis activities in five (5) existing structures; 2) After-the-fact Coastal Development Permit to partially clear Code Enforcement violation [15CE00050] to allow commercial cannabis activities in 23 existing structures; and 3) General Development Plan to allow for the on-going reuse of six (6) structures for multi-tenant commercial and industrial use, and the on-going reuse of 28 structures for multi-tenant commercial cannabis activities (cultivation, processing, manufacturing [non-volatile & volatile] and self-distribution). The property is located at 7697 Highway 1, Moss Landing (Assessor's Parcel Number 133-172-013-000), North County Land Use Plan, Moss Landing Community Plan, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the terms and conditions described in the project file. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. To the extent that the County has delegated any condition compliance or mitigation monitoring to the Monterey County Water Resources Agency, the Water Resources Agency shall provide all information requested by the County and the County shall bear ultimate responsibility to ensure that conditions and mitigation measures are properly fulfilled. (RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to conditions and uses specified in the permit on an ongoing basis unless otherwise stated.

2. PD002 - NOTICE PERMIT APPROVAL

Responsible Department: RMA-Planning

Condition/Mitigation The applicant shall record a Permit Approval Notice. This notice shall state:

Monitoring Measure: "A Combined Development Permit (Resolution Number ***) was approved by the Monterey County Planning Department for Assessor's Parcel Number 133-172-013-000 on December 7, 2022. The permit was granted subject to 14 conditions of approval which run with the land. A copy of the permit is on file with Monterey County RMA - Planning."

Proof of recordation of this notice shall be furnished to the Director of RMA - Planning prior to issuance of grading and building permits, Certificates of Compliance, or commencement of use, whichever occurs first and as applicable. (RMA - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of grading and building permits, certificates of compliance, or commencement of use, whichever occurs first and as applicable, the Owner/Applicant shall provide proof of recordation of this notice to the RMA - Planning.

3. PD003(A) - CULTURAL RESOURCES NEGATIVE ARCHAEOLOGICAL REPORT

Responsible Department: RMA-Planning

Condition/Mitigation If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery.
(RMA - Planning)

Compliance or Monitoring Action to be Performed: The Owner/Applicant shall adhere to this condition on an on-going basis.

Prior to the issuance of grading or building permits and/or prior to the recordation of the final/parcel map, whichever occurs first, the Owner/Applicant shall include requirements of this condition as a note on all grading and building plans. The note shall state "Stop work within 50 meters (165 feet) of uncovered resource and contact Monterey County RMA - Planning and a qualified archaeologist immediately if cultural, archaeological, historical or paleontological resources are uncovered."

When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PD005 - FISH & GAME FEE NEG DEC/EIR

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Pursuant to the State Public Resources Code Section 753.5, State Fish and Game Code, and California Code of Regulations, the applicant shall pay a fee, to be collected by the County, within five (5) working days of project approval. This fee shall be paid before the Notice of Determination is filed. If the fee is not paid within five (5) working days, the project shall not be operative, vested or final until the filing fees are paid. (HCD - Planning)

Compliance or Monitoring Action to be Performed: Within five (5) working days of project approval, the Owner/Applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning.

If the fee is not paid within five (5) working days, the applicant shall submit a check, payable to the County of Monterey, to the Director of HCD - Planning prior to the recordation of the final/parcel map, the start of use, or the issuance of building permits or grading permits.

5. PD006 - CONDITION OF APPROVAL / MITIGATION MONITORING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant shall enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring and/or Reporting Plan (Agreement) in accordance with Section 21081.6 of the California Public Resources Code and Section 15097 of Title 14, Chapter 3 of the California Code of Regulations. Compliance with the fee schedule adopted by the Board of Supervisors for mitigation monitoring shall be required and payment made to the County of Monterey at the time the property owner submits the signed Agreement. The agreement shall be recorded. (HCD- Planning)

Compliance or Monitoring Action to be Performed: Within sixty (60) days after project approval or prior to the issuance of building and grading permits, whichever occurs first, the Owner/Applicant shall:

- 1) Enter into an agreement with the County to implement a Condition of Approval/Mitigation Monitoring Plan.
- 2) Fees shall be submitted at the time the property owner submits the signed Agreement.
- 3) Proof of recordation of the Agreement shall be submitted to HCD-Planning.

6. PD014(A) - LIGHTING - EXTERIOR LIGHTING PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting source shall be shielded and recessed into the fixture. The applicant shall submit three (3) copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. If the exterior lighting of the Administrative/Laboratory structure (Building No. 25) requires replacing, all proposed exterior lighting shall be limited to the number of existing fixtures and replacement fixtures shall be consistent with the existing lighting (wattage, type, and location). The lighting shall comply with the requirements of the California Energy Code set forth in California Code of Regulations Title 24 Part 6. Should security lighting be proposed, it shall be motion activated. The exterior lighting plan shall be subject to approval by the Director of HCD - Planning, prior to the issuance of building permits.
(HCD - Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of building permits, the Owner/Applicant shall submit three copies of the lighting plans to HCD - Planning for review and approval. Approved lighting plans shall be incorporated into final building plans.

Prior to final/occupancy, the Owner/Applicant/Contractor shall submit written and photographic evidence demonstrating that the lighting has been installed according to the approved plan.

On an on-going basis, the Owner/Applicant shall ensure that the lighting is installed and maintained in accordance with the approved plan.

7. PD050 - RAPTOR/MIGRATORY BIRD NESTING

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any exterior construction activity that occurs during the typical bird nesting season (February 22-August 1), the County of Monterey shall require that the project applicant retain a County qualified biologist to perform a nest survey in order to determine if any active raptor or migratory bird nests occur within the project site or within 300 feet of proposed tree removal activity. During the typical nesting season, the survey shall be conducted no more than 30 days prior to ground disturbance or tree removal. If nesting birds are found on the project site, an appropriate buffer plan shall be established by the project biologist. (HCD - Planning)

Compliance or Monitoring Action to be Performed: No more than 30 days prior to ground disturbance or tree removal, the Owner/Applicant/Tree Removal Contractor shall submit to HCD -Planning a nest survey prepared by a County qualified biologist to determine if any active raptor or migratory bird nests occur within the project site or immediate vicinity.

8. MM USS-1 EMPLOYEE & WASTEWATER OPERATIONS PLAN

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: In order to ensure onsite employees have access to restrooms within 200 feet and that the project does not result in conveying wastewater to the existing septic systems beyond capacity, the owner/applicant shall submit an Employee & Wastewater Operation Plan. This plan shall demonstrate that employees operate within 200 feet travel distance of an assigned, approved, and readily available toilet and handwashing facility, to ensure that restroom facilities are available to employees and prevent overload of individual septic systems. The owner/applicant shall be provided with employee counts for each individual operators within each building on the site. Should operators change within buildings, the owner/applicant shall be responsible for obtaining and maintaining accurate employee records.

Compliance or Monitoring Action to be Performed: Prior to issuance of construction permits for tenant improvements for Buildings 21, 22, 23, 30 and 31 or prior to commencement of use of those buildings, whichever occurs first, the owner/applicant shall provide HCD-Planning with an Employee & Wastewater Operation Plan for review and approval. The plan shall include a list of employees per each occupied building and their designated restroom. The plan shall include an accurate site plan, drawn to scale, delineating the distances between buildings and assigned restrooms. Since Septic Systems 2 and 3 are currently overloaded, and not all employees have access to restroom facilities within 200 feet, the plan shall address reallocating employees in Buildings 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 20, 28, 29 and 33 to a septic system with adequate capacity that is within 200 feet. Septic systems shall not be overloaded after employee reallocation of restroom facilities.

Prior to final of construction permits for grading and building, the owner/applicant shall submit evidence documenting compliance with approved Employee & Wastewater Operation Plan.

On an on-going basis, the owner/applicant shall remain in compliance with the approved Employee & Wastewater Operation Plan for the life of the project. Should operators change within buildings, the owner applicant shall submit a revised Employee & Wastewater Operation Plan to HCD-Planning for review and approval.

9. PDSP002 – INSPECTION OF RECORDS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The applicant, owner, and permittees agree to submit to and pay for, inspection of the operations and relevant records or documents necessary to determine compliance with Chapter 21/20.67 from any enforcement officer of the County or their designee.

Compliance or Monitoring Action to be Performed: On-going during cannabis operations. The owner and/or permittee shall allow access to cannabis business records and pay any required inspection fees.

10. PDSP003 – COMMERCIAL CANNABIS PERMIT

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Any person, business, or entity operating a commercial cannabis activity on the property shall obtain a valid and fully executed Commercial Cannabis Business Permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing commercial cannabis activities at the site and must maintain such permits in good standing in order to continue operations.

Compliance or Monitoring Action to be Performed: Within 90 days of approval of a Use Permit/Coastal Development Permit, the person, business, and/or entities operating commercial cannabis activities shall obtain all required Commercial Cannabis Business Permits.

11. PDSP004 – GROUNDS FOR REVOCATION

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with all permits and licenses required by the Monterey County Code and State law. Failure to take appropriate action to evict or otherwise remove permittees and persons conducting commercial cannabis activities at the site who do not maintain permits and licenses in good standing with the County and State shall be grounds for the suspension or revocation of this permit.

Compliance or Monitoring Action to be Performed: On-going during cannabis operations at the site. The owner shall ensure that all commercial cannabis operations have obtained and maintain all required permits, licenses, and entitlements or take appropriate actions to evict operators who do not maintain appropriate permits, licenses, and entitlements.

12. PDSP005 – COMPLIANCE WITH OPERATIONS PLANS

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The commercial cannabis activities shall be maintained in accordance with the operation plans approved by the County.

Compliance or Monitoring Action to be Performed: On-going during cannabis operations. Cannabis activities shall comply with the operations plans attached to this permit and as may be approved under a Commercial Cannabis Business Permit.

13. PDSP006 – ODOR CONTROL

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: The property owner shall ensure that any cannabis business operating on-site conforms to Section 7.90.100.A.8 of the Monterey Code, as may be amended. Odor prevention devices and techniques, such as ventilation system with a carbon filter, shall be incorporated to ensure that odors from cannabis are not detectable off-site.

Compliance or Monitoring Action to be Performed: Prior to issuance of Commercial Cannabis Business Permits, the owner/applicants shall provide plans and information to the satisfaction of the Chief of Planning, describing how odors will be controlled and how the odor control devices will be maintained.

Odor prevention devices shall be maintained in accordance with approved odor control plans during the life of the operations.

14. CC01 INDEMNIFICATION AGREEMENT

Responsible Department: County Counsel-Risk Management

Condition/Mitigation Monitoring Measure: The property owner agrees as a condition and in consideration of approval of this discretionary development permit that it will, pursuant to agreement and/or statutory provisions as applicable, including but not limited to Government Code Section 66474.9, defend, indemnify and hold harmless the County of Monterey or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees to attack, set aside, void or annul this approval, which action is brought within the time period provided for under law, including but not limited to, Government Code Section 66499.37, as applicable. The property owner will reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate in the defense of such action; but such participation shall not relieve applicant of his/her/its obligations under this condition. An agreement to this effect shall be recorded upon demand of County Counsel or concurrent with the issuance of building permits, use of property, filing of the final map, recordation of the certificates of compliance whichever occurs first and as applicable. The County shall promptly notify the property owner of any such claim, action or proceeding and the County shall cooperate fully in the defense thereof. If the County fails to promptly notify the property owner of any such claim, action or proceeding or fails to cooperate fully in the defense thereof, the property owner shall not thereafter be responsible to defend, indemnify or hold the County harmless. (County Counsel-Risk Management)

Compliance or Monitoring Action to be Performed: Upon demand of County Counsel or concurrent with the issuance of building permits, use of the property, recording of the final/parcel map, or recordation of Certificates of Compliance, whichever occurs first and as applicable, the Owner/Applicant shall submit a signed and notarized Indemnification Agreement to the Office of County Counsel-Risk Management for review and signature by the County.

Proof of recordation of the Indemnification Agreement, as outlined, shall be submitted to the Office of County Counsel-Risk Management

Appendix A

Moss Landing Commercial Park
General Development Plan

October 2018

Purpose and Intent

This document has been prepared to fulfill the Zoning Ordinance (Section 20.28.030) requirement for a General Development Plan (GDP) and to provide a framework for development in the Moss Landing Commercial Park.

The Moss Landing Commercial Park property is located in Moss Landing on the eastern side of Highway 1, south of Dolan Road at 11500 Dolan Road, in the County of Monterey.

The community of Moss Landing is a light industrial and residential area, characterized by the Moss Landing power plant, harbor, commercial fishing, manufacturing, storage, retail businesses, and other commercial uses. The property consists of approximately 188 acres and five Assessor's Parcel Numbers. The historical use of the Moss Landing Commercial Park has been primarily as a mineral extraction and processing facility as well as a brick production plant, operated by Kaiser Refractories. Kaiser Refractories left the property in 2002 and the use and impact on the property has become significantly less intensive since that time.

The Commercial Park's overall objective is to redevelop the industrial complex utilizing existing structures into an economically viable multi-tenant agricultural, commercial and industrial lease space. All long range development of the property and operation will be addressed in the updated Moss Landing Community Plan and the amended North County Coastal Implementation Plan, upon certification as part of the Local Coastal Program by the California Coastal Commission.

Existing Uses Requested to Continue:

- Wireless communications facility;
- Research and development laboratories and institutes;
- Light manufacturing including processing, packaging, shipping;
- Indoor agriculture including but not limited to the indoor growing of cannabis plants;
- Agricultural activities including but not limited to processing, production, manufacturing, packaging and other related commercial cannabis activities as allowed by current zoning;
- Ocean related research and operations including cultivation of fish, oysters, abalone, kelp and seaweed;
- Office space;
- Storage and warehouse facilities;
- Shops for tradesmen such as plumbers, electricians and repair persons, and similar uses provided that in all cases all equipment and materials, except vehicles, are maintained within a structure;
- Parking;
- Accessory structures and uses related to or supportive of an approved use and;
- Caretaker unit for purpose of on-site security as allowed by 20.28.050 (H).

Previous and Potentially Future Uses; Separate Use Permit Required

- Manufacture of gypsium and tank farms for bio-diesel;
- Activities related to the removal of magnesium hydroxide from prior Heavy Industrial activity; including the processing, drying, and transport of magnesium;
- Development of additional facilities related to approved uses;
- Other uses as allowed by current Monterey County zoning.

Development Standards and Design Guidance

Any use proposed under the GDP shall comply with the following development standards.

Site Design

The exterior of buildings at the Moss Landing Business Park shall be consistent with the Moss Landing Community Plan design criteria.

Parking lots, outdoor work and storage areas shall be screened from public view by buildings, fences, and/or landscaping.

Fences and/or screening walls shall not display blank or unattractive frontage to Highway 1 or Dolan Road and shall incorporate height limitations within Title 20, Monterey County Zoning Ordinance, Coastal Zone.

Rooftop equipment shall be screened from view of Highway 1 and Dolan Road.

Access/Security

This site has controlled access through a staffed gate on Dolan Road. Site access is focused on safety and efficiency. No new access points are proposed. Security is onsite 24 hours a day, 7 days a week.

Tenants with Commercial Cannabis Permits also have a security plan as required by Chapter 7.90 of the Monterey County Code.

Adequate fire department access shall be maintained for the overall site.

Parking

The required number of parking spaces shall be calculated on an individual use basis. Table 1 provides an estimate of the necessary parking based on the proposed use. Parking areas may be fenced and used for outdoor storage of equipment and materials, subject to the following requirements: (i) adequate fire department access shall be maintained for the overall site; and (ii) the number of parking spaces required herein shall remain open and accessible. All outdoor

storage shall be fully screened from view from the public right of way. Should a reciprocal parking agreement be recorded on the project site in the future, county parking ratios shall be calculated on the basis of the aggregate uses on the site, and not on an individual use basis.

Lighting

All new street lights proposed for specific projects within the development area shall be reviewed and approved by the Director of the RMA - Planning Department. Approved street light plans shall be incorporated into final building plans. Street lights shall be full cut-off fixtures that shield and direct the light to the intended on-site areas, but shall be directed such that light does not shine toward wetland areas.

Exterior Lighting

All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Exterior lights shall have recessed lighting elements. Exterior light sources that would be directly visible when viewed from a common public viewing area, as defined in Section 20.06.197, are prohibited unless required for safety.

Solid Waste and Recycling

Trash and recycling storage areas shall be screened from view by fences or walls conforming to the style and materials of the accompanying building.

Landscaping

All landscaping shall be established in accordance with North County requirements to use coastal native species. As a condition of project approval, landscaping plans submitted for specific projects shall require the use of native species consistent with and found in the project area.

A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Coastal Implementation Plan Development Regulations is available in brochure form (Suggested Native Species Landscaping List - North County Coastal Zone) from the RMA Planning Department. All landscaped areas and fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition.

Sign Program

All signage shall be consistent with the applicable sections of Regulations for Signs (Chapter 20.60) of the Monterey County Zoning Ordinance (Title 20).

Renewable Energy and Water Conservation

Individual cannabis operators will be required to meet standards for water conservation and energy efficiency, as required by both State and County Cannabis regulations.

Operations

Table 1 provides an overview of the existing structures on site, the historical use, proposed use and employee count, existing square feet and dimensions of the building as well as the parking required per Monterey County Code 20.58.040. All onsite operations will occur in existing buildings.

Employees work flexible shifts generally from 7:00am to 7:00pm. Security is onsite 24 hours a day, 7 days week.

The list of uses is intended as a guideline to identify the types and ranges of businesses envisioned within the Commercial Park.

Table 1: Historical and Proposed Uses of Moss Landing Business Park

Bldg No.	Historical Use	Proposed Use*	Square Feet	Proposed Employee	Parking Required**
1	Warehouse	Commercial Cannabis Activities	20,800	4	42
2	Warehouse	Commercial Cannabis Activities	9,450	3	19
3	Warehouse	Commercial Cannabis Activities	16,080	4	32
4	Warehouse	Commercial Cannabis Activities	10,200	4	20
5	Warehouse	Commercial Cannabis Activities	13,500	3	21
6	Warehouse	Commercial Cannabis Activities	10,200	2	20
7	Warehouse	Commercial Cannabis Activities	26,950	8	54
8	Refractory	Refractory, Research and Development	23,360	10	47
9	Warehouse	Commercial Cannabis Activities	12,000	12	24
10	Warehouse	Commercial Cannabis Activities	8,884	10	17
11	Industrial Shop	Industrial Shop	9,237	4	18
12	Industrial Shop	Commercial Cannabis Activities	7,323	6	15
13	Light Manufacturing	Commercial Cannabis Activities	11,200	5	22
14	Warehouse	Commercial Cannabis Activities	9,800	5	20

15	Warehouse	Commercial Cannabis Activities	7,000	5	14
16	Warehouse	Commercial Cannabis Activities	14,080	6	28
17	Industrial Offices	Industrial Offices	2,770	5	11
18	Warehouse	Commercial Cannabis Activities	15,360	4	31
19	Warehouse	Commercial Cannabis Activities	7,200	4	14
20	Industrial Shops	Commercial Cannabis Activities, Office Space, Maintenance Shops, Industrial Shops	19,535	12	39
21	Industrial Shops	Commercial Cannabis Activities	1,800	1	4
22	Warehouse	Commercial Cannabis Activities	1,800	1	4
23	Industrial Shops	Commercial Cannabis Activities	2,400	1	5
24	Industrial Shops	Commercial Cannabis Activities	2,400	1	5
25	Research and Development	Commercial Cannabis Activities	6,800	7	14
26	Industrial Shops	Commercial Cannabis Activities	19,200	5	38
27	Warehouse	Commercial Cannabis Activities	3,030	3	6
28	Industrial Shops	Commercial Cannabis Activities	12,150	3	3
29	Industrial Shops	Commercial Cannabis Activities	12,403	3	24
30	Industrial Shops	Commercial Cannabis Activities	1,360	0	3
31	Industrial Shops	Commercial Cannabis Activities	1,360	0	3
32	Industrial Shops	Fire Corridor/Storage	5,385	0	11
33	Industrial Lab	Commercial Cannabis Activities	1,630	3	3
34	Storage	Storage	225	0	0
TOTAL			326,872	144	390

* Uses shall be consistent with applicable zoning

**Parking requirement determined by Monterey County Code 20.58.040

Long-Range Development and Operation

All long range development and operation will be addressed in the updated Moss Landing Community Plan and the amended North County Coastal Implementation Plan, upon certification as part of the Local Coastal Program by the California Coastal Commission.

**AMENDMENT TO MOSS LANDING COMMERCIAL PARK
GENERAL DEVELOPMENT PLAN
Dated October 2018**

This Amendment to Moss Landing Commercial Park General Development Plan dated October 2018 (“Amendment”) is made as of July 31, 2020 (“Effective Date”) by Moss Landing Commercial Park, LLC, a California limited liability company, (“MLCP”) as follows:

1. Recitals.

1.1 A General Development Plan dated October 2018 (“GDP”) was prepared to fulfill the Zoning Ordinance (Section 20.28.030) requirement for a General Development Plan and to provide a framework for development in the Moss Landing Commercial Park located in Moss Landing, California, on the eastern side of Highway 1, south of Dolan Road at 11500 Doan Road, in Monterey County (the “Park”).

1.2 MLCP desires to amend the GDP to update and supplement the GDP, pursuant to the terms and conditions of this Amendment.

2. Amendment to Supplement. The GDP is amended to update and supplement the GDP as follows:

2.1 Operations. The GDP section titled “Operations” is updated and supplemented by adding the following:

“Monterey County Resource Management Agency indicated in April 2020 that it calculated, from information it obtained from permit applications it received from tenants at the Park for the remodel of certain buildings, the total square footage of such buildings at the Park to be as stated in the below chart:

Building Number	County Determined Total Square Footage
1	21,156
3 and 5	45,669
6	11,056
9	12,135
10	9,250
12	10,326
13	11,235
16	14,817
18	19,998
19	13,612
20	41,182
27	5,575
28	13,529

MLCP has no personal knowledge of the tenant permit applications nor the calculation of such square footages and thus cannot, and is not, making any representations as to the

accuracy of such measurements or existence of such square footage. However, in reliance the County of Monterey’s representations that the total square footage referenced in the above chart is correct and existing, MLCP is supplementing its GDP to reflect the increased total square footage of the above referenced buildings, and to allow for the such supplemented total square footage to be utilized for purposes of the CEQA/Initial Study environmental analysis. Incorporating the County indicated increased square footage into the chart of buildings results in a total square footage of all building to be 385,070 as indicated in the below chart:

Building Number	Total Square Footage (Incorporating County Determined Square Footage)
1	21,156
2	9,450
3 and 5	45,669
4	10,200
6	11,056
7	26,950
8	23,360
9	12,135
10	9,250
11	9,237
12	10,326
13	11,235
14	9,800
15	7,000
16	14,817
17	2,770
18	19,998
19	13,612
20	41,182
21	1,800
22	1,800
23	2,400
24	2,400
25	6,800
26	19,200
27	5,575
28	13,529
29	12,403
30	1,360
31	1,360
32	5,385
33	1,630
34	225
TOTAL	385,070

2.2 Previous and Potentially Future Uses; Separate Use Permit Required. The GDP section titled “Previous and Potentially Future Uses; Separate Use Permit Required” is updated and supplemented by adding the following:

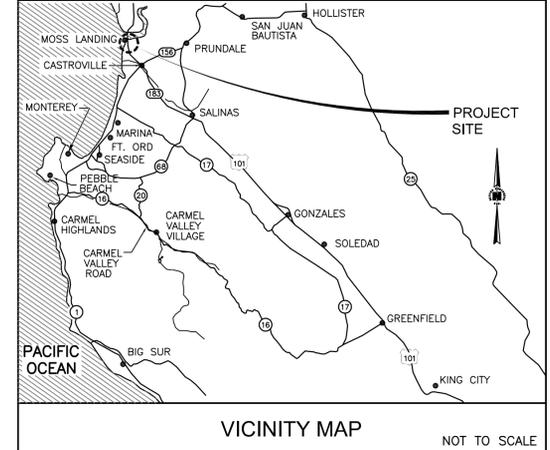
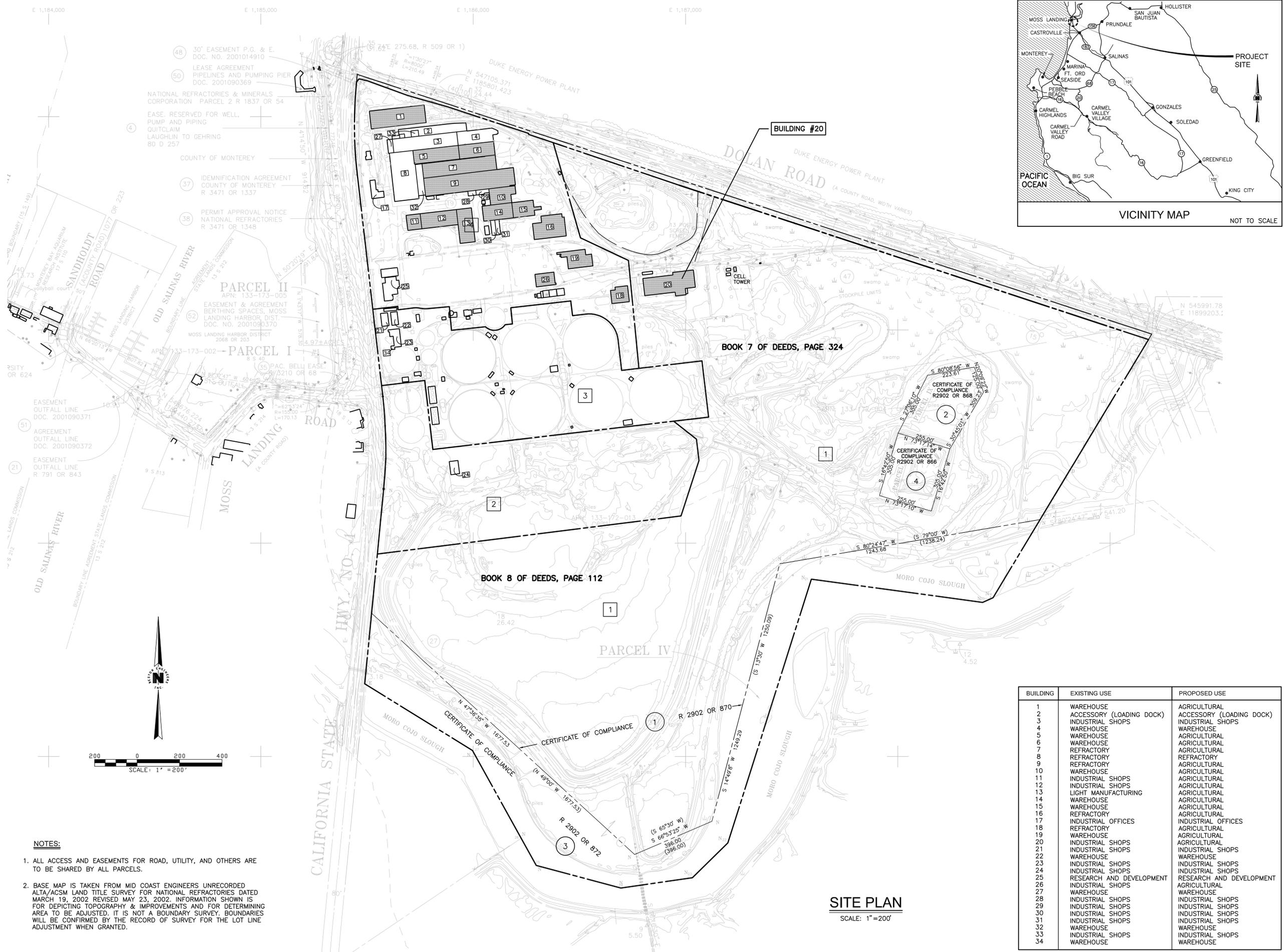
- Potential future development for site to include the creation of a 5 mega watt solar power system located primarily on up to 12 flat acres on the site and partially on the roof of buildings, with the capability to produce at least 750,000 Kw of tenant power needs per month.

3. No Further Changes.

In all other respects, the GDP shall remain unchanged.

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THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS IN THE DESIGNER WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ADOPTION OF THESE RESTRICTIONS.



BUILDING	EXISTING USE	PROPOSED USE
1	WAREHOUSE	AGRICULTURAL
2	ACCESSORY (LOADING DOCK)	ACCESSORY (LOADING DOCK)
3	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
4	WAREHOUSE	WAREHOUSE
5	WAREHOUSE	AGRICULTURAL
6	WAREHOUSE	AGRICULTURAL
7	REFRACTORY	REFRACTORY
8	REFRACTORY	REFRACTORY
9	REFRACTORY	REFRACTORY
10	WAREHOUSE	AGRICULTURAL
11	INDUSTRIAL SHOPS	AGRICULTURAL
12	INDUSTRIAL SHOPS	AGRICULTURAL
13	LIGHT MANUFACTURING	AGRICULTURAL
14	WAREHOUSE	AGRICULTURAL
15	WAREHOUSE	AGRICULTURAL
16	REFRACTORY	AGRICULTURAL
17	INDUSTRIAL OFFICES	INDUSTRIAL OFFICES
18	REFRACTORY	AGRICULTURAL
19	WAREHOUSE	AGRICULTURAL
20	INDUSTRIAL SHOPS	AGRICULTURAL
21	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
22	WAREHOUSE	WAREHOUSE
23	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
24	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
25	RESEARCH AND DEVELOPMENT	RESEARCH AND DEVELOPMENT
26	INDUSTRIAL SHOPS	AGRICULTURAL
27	WAREHOUSE	WAREHOUSE
28	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
29	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
30	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
31	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
32	WAREHOUSE	WAREHOUSE
33	INDUSTRIAL SHOPS	INDUSTRIAL SHOPS
34	WAREHOUSE	WAREHOUSE

SITE PLAN
SCALE: 1"=200'

- NOTES:**
- ALL ACCESS AND EASEMENTS FOR ROAD, UTILITY, AND OTHERS ARE TO BE SHARED BY ALL PARCELS.
 - BASE MAP IS TAKEN FROM MID COAST ENGINEERS UNRECORDED ALTA/ACSM LAND TITLE SURVEY FOR NATIONAL REFRATORIES DATED MARCH 19, 2002 REVISED MAY 23, 2002. INFORMATION SHOWN IS FOR DEPICTING TOPOGRAPHY & IMPROVEMENTS AND FOR DETERMINING AREA TO BE ADJUSTED. IT IS NOT A BOUNDARY SURVEY. BOUNDARIES WILL BE CONFIRMED BY THE RECORD OF SURVEY FOR THE LOT LINE ADJUSTMENT WHEN GRANTED.

REVISIONS

DESIGNED BY	CLH
DRAWN BY	STAFF
DATE:	
ENGINEER	
RCE:	
EXP:	

PRELIMINARY
NOT FOR CONSTRUCTION

BESTOR ENGINEERS, INC.
CIVIL ENGINEERING - SURVEYING - LAND PLANNING
9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940

PREPARED FOR: REVX-173 LCL

BUILDING USE EXHIBIT
NATIONAL REFRATORIES
MOSS LANDING, CALIFORNIA

COUNTY OF MONTEREY

SCALE: 1"=200'

DATE: 7/1/16

SHEET: 1 OF 1

WO: 6433.00



PROJECT: Moss Landing
748.80 kW Roof Mounted PV Array
7697 CA-1
Moss Landing, CA 95039

ARRAY LOCATION: 36.802452°, -121.782693°

DATE: October 8, 2020

CALCOM ENERGY CONTACT:
Rodney Machado
559-471-9791
machado@CalComEnergy.com

PRELIMINARY DESIGNER:
Justus Karenzi

**PRELIMINARY DESIGN
NOT FOR CONSTRUCTION**

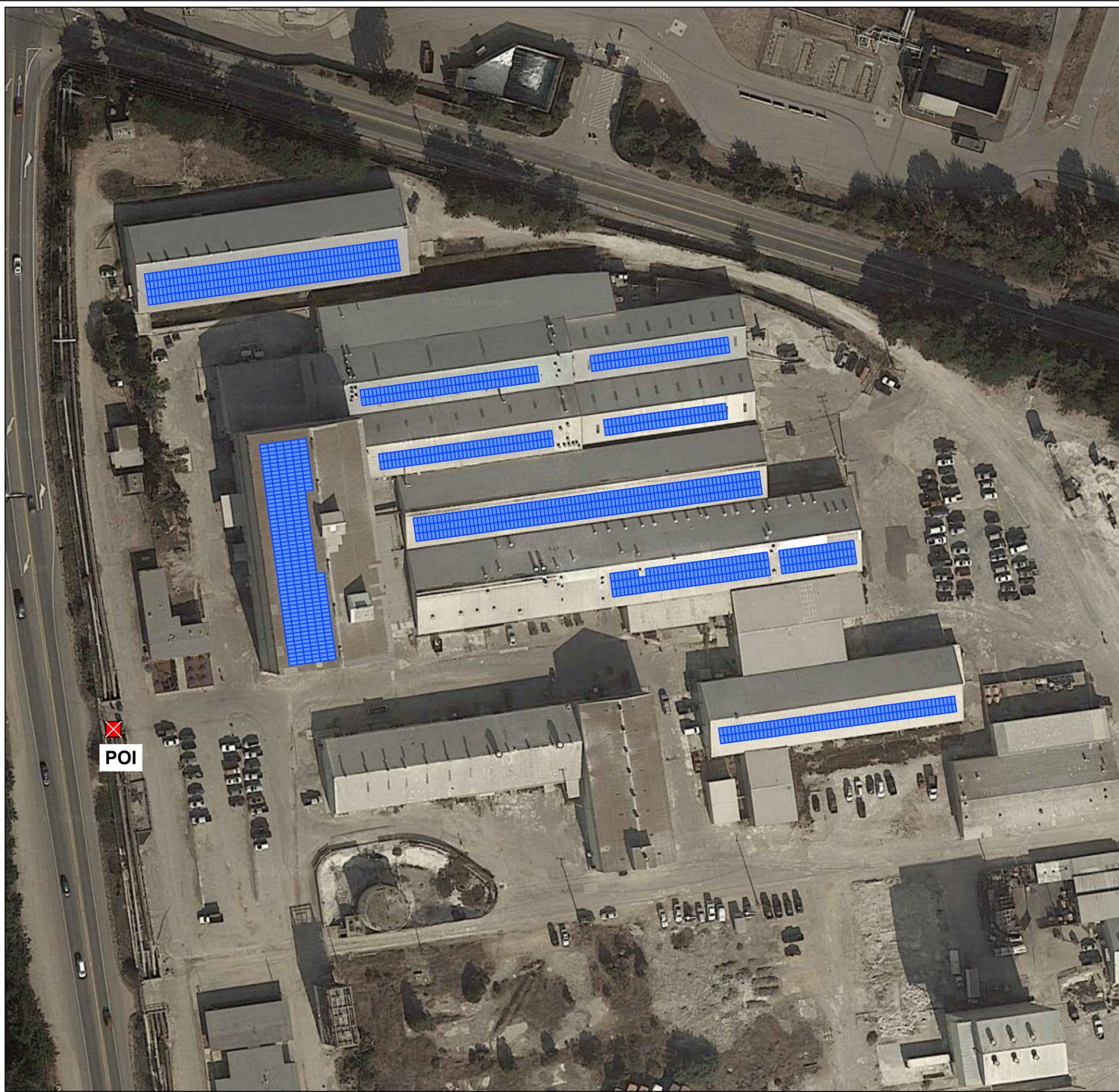
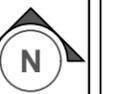
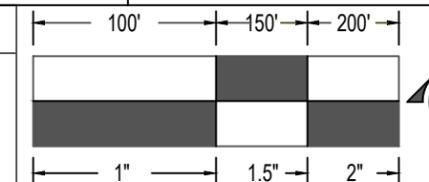
SYSTEM DESIGN SUMMARY

ARRAY TOTALS

ARRAY DC POWER RATING	748.800	KW DC
ARRAY CEC AC RATING	688.917	KW AC
SUM OF INVERTER RATING	600.000	KW AC
INVERTER QTY & MODEL	10	CPS - SCA60KTL-DO/US-A-480
TOTAL STRINGS	80	
MODULE QTY & MODEL	1440	Canadian Solar - CS6W-520MB-AG
PRODUCTION ESTIMATE	1,308,000	kWh
KWH/KW	1,747	
SYSTEM DC/AC RATIO	1.248	
ACREAGE	2.600	ft/acres
RACKING TYPE	Fixed Tilt	

LINE TYPE LEGEND

-  AC RUN
-  POI



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