

# Attachment D

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

In the matter of the application of:

**ABUNDANT INVESTMENTS LLC - PLN190008**

**RESOLUTION NO. 20-011**

Resolution by the Monterey County Planning Commission denying an Amendment to a General Development Plan and Administrative Permit to allow commercial cannabis retailer including delivery and automotive repair.

[PLN190008, Abundant Investments LLC, 1031 N. El Camino Real, North County Area Plan (APN: 133-023-042-000)]

**The Abundant Investments LLC application (PLN190008) came on for public hearing before the Monterey County Planning Commission on April 8, 2020 and May 13, 2020. 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:**           **INCONSISTENT** – The Project, as conditioned, is not consistent with all of the applicable plans and policies which designate this area as appropriate for development.
- EVIDENCE:**   a)   An application for an Amendment to a General Development Plan and Administrative Permit to allow commercial cannabis retailer including delivery and automotive repair at 1031 N. El Camino Real was filed on August 2, 2019 and was deemed complete on November 12, 2019. The hearing on this project was duly noticed and scheduled for the April 8, 2020 Planning Commission. The Commission considered the project, adopted a motion of intent to deny the permit, and directed staff to return with a resolution for denial of the project based on concerns surrounding traffic, safety, and neighborhood character.
- b)   During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
- the 2010 Monterey County General Plan;
  - North County Area Plan;
  - Monterey County Zoning Ordinance (Title 21);
- c)   The property is located at 1031 N. El Camino Real (APN: 133-023-042-000), North County Area Plan and is zoned Light Commercial (LC). The site is 1.79 acres in size and will contain more than one use (auto repair and cannabis retailer), therefore a General Development Plan is required pursuant to Section 21.18.030 of the Inland Zoning

Ordinance, Title 21. A General Development Plan was approved for the property by the Planning Commission on July 2, 2004 (Resolution No. 04026) which allowed a used car sales lot with 72 outside display parking spaces on the property. An auto repair facility/tire shop associated with the used car sales lot began operating on the site. The amended General Development Plan prepared by the Applicant to include the dispensary failed to address the long range development and operation of the facilities including physical expansion and new development, operational changes, circulation or transport improvements, alternative development opportunities, environmental considerations, potential mitigation of adverse environmental impacts and conformance to the policies of the local area plan

- d) Traffic: In this specific case, the site previously contained a Tuff Shed display and sales office that has been vacant since November 2019. The proposed change in commercial use of the property includes a change from a relatively low volume Tuff Shed sales lot, to a high volume cannabis retailer use with delivery services. Therefore, a trip generation rate that reflects the high retail use should be considered. As presented to the Planning Commission, and absent a project specific traffic study, the analysis of the projected project impacts on traffic was not adequate. Additionally, testimony was received during review of the project indicating that adding additional traffic to the nearby on/off ramp to Highway 101 may be unsafe. The use will also create a diversion of traffic into the residential neighborhood adjacent to the site, causing an increase of traffic that could impact the neighborhood. RMA- Public Works compiled collision data from the California Statewide Integrated Traffic Records System (SWITRS) between January, 2015 through December, 2019. During this five-year period, ten (10) collisions were reported moving southbound on Hwy 101. These collisions occurred within the segment of Hwy 101 that is 600 feet north and 300 feet south of the site, where El Camino Real intersects with Hwy 101. The collisions were attributable to driver behavior (seven were for unsafe speed, two were under the influence of drug or alcohol and one was for improper turning). Furthermore, there is a North Monterey County Unified School District bus stop directly in front of the proposed site. This proximity presents potential public safety risks for the students since there will be an increase in traffic which could result in pedestrian conflicts. Absent a traffic study addressing increases in traffic volumes and addressing potential circulation hazards in the vicinity, the Planning Commission finds that the proposed use may conflict with Circulation Policies in the 2010 General Plan which require mitigation of direct traffic impacts and are intended to provide for the efficient and safe movement of people and commodities and, as such, may not be compatible with the surrounding neighborhood.
- e) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190008.

2. **FINDING:** **SITE INSUITABILITY** – The site is not suitable for the use proposed.
- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, Monterey County Health and Environmental Health Bureau. There has been indication from Monterey County Health Department that the site is not suitable for the proposed development due to potential health risks.
  - b) Monterey County Health provided a matrix to assess the public health impact to determine the level of concern for at-risk populations if a cannabis retail facility is opened at this proposed location. The review uses a Risk Management Assessment Matrix to indicate if the proposed permitted facility would have low, moderate, or high public health concerns. Of particular concern is the impact of legalization on youth below age 25. It was concluded from the Health Department that the retail permit for this cannabis retail facility would result in a public health risk assessment score of six (6), which falls into the range of a moderate risk for increased public health impacts due to potential exposures and/or increased use by risk groups due to normalization of cannabis. Based on this score and thus the potential for public health risk, Monterey County Health Department did not support the issuance of a retail permit for this facility at this time. The Planning Commission considered the recommendation of the Health Department as a contributing factor to finding conflicts with site suitability in this case. Health recommendations in combination with potential traffic hazards made this site unsuitable for a Commercial Cannabis Dispensary, based on the evidence presented to the Planning Commission.
  - c) As described in Finding 1, Evidence d of this resolution, in the absence of a project specific traffic study, the evidence presented indicated potential impacts from increase traffic trips, potential hazardous traffic conditions, and impacts to the adjacent residential neighborhood.
  - d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning for the proposed development found in Project File PLN190008.
  - e) The proposed dispensary would be the sixth one in North Monterey County. Given this concentration, there is not sufficient need in the area to justify the potential traffic hazards, or risks identified by The Health Department in this particular case.
3. **FINDING:** **CEQA (Exempt):** - Projects that are disapproved are statutorily exempt from the California Environmental Quality Act.
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15062, statutorily exempts projects that are disapproved.
  - b) This has been disapproved with adoption of this resolution. Disapproval of the project will not change the circumstances or environment that currently exist.

- c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN190008.

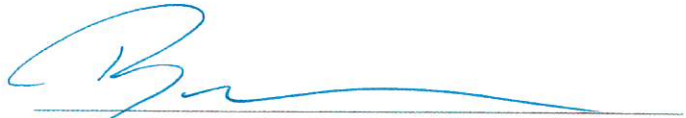
4. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors
- EVIDENCE:** a) Section 21.80.040.D of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
- b) The project is not located in the Coastal Zone.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Planning Commission does hereby Deny an Amendment to a General Development Plan and Administrative Permit to allow commercial cannabis retailer including delivery and automotive repair at 1030 N. El Camino Real, Salinas (PLN190008).

**PASSED AND ADOPTED** this 13<sup>th</sup> day of May, 2020 upon motion of Commissioner Ambriz, seconded by Commissioner Coffelt, by the following vote:

- AYES: Ambriz, Coffelt, Duflock, Diehl, Monsalve, Getzelman, Gonzales, Mendoza, Roberts, Daniels
- NOES: None
- ABSENT: None
- ABSTAIN: None

  
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Brandon Swanson, Secretary to the Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAY 28 2020**

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 **JUN 08 2020**

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.

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