

**ATTACHMENT B  
DRAFT RESOLUTION**

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

In the matter of the application of:

**PACHECO/HIGHWAYS DISPENSARY (PLN170478)**

**RESOLUTION NO.**

**Resolution by the Monterey County Board of  
Supervisors:**

- 1) Denying the appeal filed by Bayside Dispensary, LLC from the Planning Commission's decision approving the Pacheco, Carl R JR & Jill Use Permit application to allow a commercial cannabis retailer within an existing building at 10031 Reese Circle, Salinas;
- 2) Finding the project is a conversion of an existing small structure from one use to another with only minor modifications in the exterior of the structure which qualifies for a categorical exemption from CEQA pursuant to Section 15303 of the guidelines; and
- 3) Approving a Use Permit and General Development Plan amendment to allow a cannabis retailer use.

[PLN170478, Pacheco/Highways Dispensary, 10031 Reese Circle, North County Area Plan (APN: 125-022-024-000)]

**The Carl R JR & Jill Pacheco Use Permit application (PLN170478) came on for public hearing before the Monterey County Board of Supervisors on August 28, 2018. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors 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) Application Review: An application for a Use Permit and amendment to a General Development Plan to allow a cannabis dispensary and cannabis delivery at 10031 Reese Circle, Salinas was filed on January 17, 2018 and was deemed complete on April 7, 2018. Highway Dispensaries LLC (the proposed operator of the cannabis dispensary) made the application on behalf of Carl and Jill Pacheco, the owners of the property to whom the Use Permit is granted.

- b) Consistency Review: 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);

No conflicts were found to exist. Communications were received from attorneys for Bayside Dispensary, LLC. Bayside Dispensary, LLC, a proposed cannabis dispensary operator, has submitted an application on behalf of owner Anthony & Pat C Villafranca TRS (Villafranca/PLN170310), the owner of the property, for a Use Permit to allow a cannabis retail use on the Villafranca property, located at 10041 Reese Circle, Salinas, which is within 1500 feet of the Pacheco cannabis dispensary application. Bayside Dispensary has alleged that County staff has treated the Villafranca application unfairly and in violation of the Permit Streamlining Act. The communications have been reviewed, and there is no indication that the proposed application conflicts with the applicable regulations. (See Findings and Evidence that follow, including findings in response to the appeal.)

- c) Allowed Use: The Pacheco property is located at 10031 Reese Circle (APN: 125-022-024-000), North County Area Plan. The parcel is zoned Light Commercial, which allows cannabis retailers and deliveries subject to the requirements of Chapter 21.67 of the Monterey County Code. Therefore, the project is an allowed land use for this site.
- d) Minor Change: The Pacheco property has been improved with a 7,200 square foot building that is currently used as a whole-sale flooring store. The application would permit a change in use within that structure from a flooring store to a commercial cannabis dispensary. The proposed application involves only minor changes to the exterior of the existing 7,200 square foot structure on-site including new roof mounted renewable energy (solar), parking re-striping, new planter box, garbage enclosure, security systems, and signage. Signage must be less than 50 square feet, consistent with the allowable sign area in a commercial zoning district according Section 21.60.090 of the Zoning Ordinance.
- e) Dispensary setback: There are no cannabis retailers existing or approved within 1,500 feet of the site. An application for a Use Permit on the neighboring property at 10041 Reese Circle (Villafranca/PLN170310) was submitted on January 31, 2018 and deemed complete by operation of law on April 19, 2018. The subject application (Pacheco/PLN170478) was submitted on January 17, 2018 and deemed complete by operation of law on April 7, 2018, twelve days before April 19, 2018. Based on a policy to consider permits based on the date the permit application is deemed complete, the Pacheco Use Permit application was brought to hearing at the Planning Commission prior to the Villafranca Use Permit application. The Villafranca Use Permit application (PLN170310) has not been approved as of the date of this resolution. Therefore, the subject

application is not located within 1,500 feet of another established or approved cannabis retailer.

- f) Operations Plan: An Operations Plan (Attachment 2), which includes a Business Plan and Security Plan, has been submitted for the proposed cannabis retailer use that addresses the minimum regulations contained in Section 21.67.040.B of the Zoning Ordinance Title 21.
- g) Location: The retailer would be located in a Light Commercial zoning district, and is more than 600 feet from the nearest school, playground, youth center, or child care center; and is more than 1,500 feet from another permitted cannabis retailer. This project is the third cannabis retailer facility approved within the North County Area Plan (one in Pajaro and one in Castroville) and the fifth retailer facility County-wide (one in Moss Landing and one Carmel).
- h) Records: The Operation Plan (Page 19) proposes the use of track and trace software, such as Flowhub POS, to record and report information to prevent diversion of the products and theft while maintaining product quality and product consistency; making the employees accountable for the tasks they undertake; and providing management with key information and storage of information. A mandatory condition is included that requires the dispensary to allow access to Monterey County officials for inspection of the records (Condition 5).
- i) Security: The Operation Plan (Page 14) and Security Plan provide a detailed description of security measures to be implemented on-site. The proposed security measures have been reviewed by the RMA and include on-site security guards, 24-hour security cameras, limited access areas, alarm system, secured storage of cannabis products and cash or currency.
- j) Delivery Services: The Operation Plan states cannabis delivery services will be provided from the site. This Use Permit allows daily delivery of both personal and medical cannabis in accordance with the attached operations plan and subject to the requirements contained in Chapter 7.90 of the Monterey County Code and subject to the requirements of State law with respect to delivery services including providing GPS devices in all delivery vehicles.
- k) Supply Chain: The Operation Plan (page 15), states that the retailer will purchase and make available cannabis and cannabis products that are cultivated, manufactured, transported, distributed, and tested by licensed and permitted facilities that maintain operations in full compliance with state and local regulations.
- l) Packaging and Labeling: The Operation Plan (Page 21), states Highways Dispensary would adhere to packaging and labeling requirements of the County and state.
- m) Sheriff Notification: The Operation Plan (Page 19) and Security Plan describe the proposed operational procedures for preventing theft & diversion, on-site consumption, and loitering. The plan indicates that employees will be trained on procedures and requirements, and the Sheriff's office will be notified within 24 hours of significant discrepancies identified during inventory; diversion, theft, loss, or criminal activity involving the facility or its operations, or any agent, officer, or employee of the business; and any other breach in security.

- n) Other Illegal drugs: The Operations Plan (Page 15) does not propose to permit the dispensing or delivery of any non-cannabis substances.
- o) Business License: Any retailer business operating at the site will be required to obtain a Business Permit pursuant to Chapter 7.90 of the Monterey County Code, a Business License pursuant to Chapter 7.02 of the Monterey County Code, and retailer license(s) from the State. These other licenses and entitlements will ensure ongoing monitoring of compliance with the plans and operational requirements. Failure to obtain and maintain all required permits, licenses, and entitlements may be ground for revocation of this permit.
- p) LUAC: The project was referred to the North County Land Use Advisory Committee (LUAC) for review. The LUAC did not come to a consensus on a vote of 3 ayes, 3 noes, and 2 absent on a motion to recommend approval of the project. Public input was provided at the Land Use Advisory Committee meeting of February 21, 2018. Comments included concern regarding adequacy of fire protection, and water supply for fire protection and concerns regarding the incomplete application being considered prematurely. During review of this application the Fire District and Health Department confirmed adequate fire protection and water for fire protection can be made available. The project was deemed complete on April 7, 2018.
- q) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed project found in Project File PLN170478.

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: RMA- Planning, County of Monterey Health Department, County Environmental Health Bureau, County Waste Management, and County Fire Protection District. 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) To address odors, the applicant proposes to install an HVAC system with carbon and/or ozone-filtration to eliminate any odor issues. Customers will not be permitted to consume products on-site. In addition, all products will be sold in pre-sealed packages.
  - c) The proposed location is an existing warehouse and retail tenant space in a neighborhood of mixed light industrial, commercial, and rural residential uses. The proposed retailer and delivery use would be consistent with other light commercial uses in the vicinity. A Building Permit will be required for tenant improvements within the building.
  - d) Operational plans including security, tracking, reporting, and other relevant information are proposed to address regulatory requirements and minimize impacts at the site and in the surrounding areas (See also Finding 1 with relevant evidences)
  - e) 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 PLN170478.

3. **FINDING:** **HEALTH AND SAFETY** – The establishment, maintenance, or operation of the project applied for will not under the circumstances of this 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 the Resource Management Agency (RMA) Planning, Public Works, and Environmental Services Divisions, North County Fire Protection District, Environmental Health Bureau, and Water Resources Agency. The respective agencies have recommended conditions, 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) Necessary septic and well water are available or will be provided to service the retailer use. The Monterey County Health Department inspected the well, and confirmed well water adequately available for the proposed use. Analytic testing confirmed the quality of that well water. An estimate of waste water demand was performed, and a septic performance evaluation confirmed the condition of the existing septic tank and drainage system is good.
  - c) Operational plans including security, tracking, reporting, and other relevant information are proposed to address regulatory requirements and minimize impacts at the site and in the surrounding areas (See also Finding 1 with relevant evidences).
  - d) Any retailer operating at the site will be required to obtain a Business Permit pursuant to Chapter 7.90 of the Monterey County Code, a Business License pursuant to Chapter 7.02 of the Monterey County Code, and a retailer license from the State. These other licenses and entitlements will ensure ongoing monitoring of compliance with the plans and operational requirements.
  - e) The Environmental Health Bureau will require that the facilities be designed to meet or exceed the requirements of the California Health and Safety Code, Division 104, Part 7, California Retail Food Code and the Agricultural Commissioner's Office will inspect packaging, labeling, and weighing devices used on-site.
  - f) 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 PLN170478.
4. **FINDING:** **NO VIOLATIONS** – The subject property is in compliance with all rules and regulations pertaining to zoning uses.
- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning and Building Services Department records and determined that no outstanding violations exist on the property.
5. **FINDING:** **STATE AND COUNTY REQUIREMENTS** – The retailer, as proposed, has demonstrated that it can and will comply with all of the requirements of the State and County to operate a retailer use.

- EVIDENCE**
- a) Operational plans including security measures, track and trace programs, monitoring and reporting requirements, packaging and labeling standards, and other relevant information are proposed to address regulatory requirements contained in Section 21.67.040 of the Inland Zoning Ordinance Title 21 (See also Finding 1 with relevant evidences).
  - b) Any retailer operating at the site will be required to obtain a Business Permit pursuant to Chapter 7.90 of the Monterey County Code, a Business License pursuant to Chapter 7.02 of the Monterey County Code, and a retailer license from the State. These other licenses and entitlements will ensure ongoing monitoring of compliance with the plans and operational requirements on the local and State level. Failure to obtain and maintain all required permits, licenses, and entitlements may be ground for revocation of this permit.

6. **FINDING:** **REQUIRED SET BACKS** – The retailer will not be located within six hundred feet from any school, playground, or youth center, or child care center, or within one thousand five hundred feet of another retailer.

- EVIDENCE:**
- a) The retailer will be located at 10031 Reese Circle, unincorporated Salinas (Assessor’s Parcel Number: APN:125-022-024-000).
  - b) Central Bay Continuation School is the nearest school. The school boundary is more than 2,000 feet from the proposed retailer.
  - c) The City of Salinas Central Park is more than 8 miles from the proposed retailer.
  - d) Door of Hope Addiction Services is 8.2 miles from the proposed retailer.
  - e) No other retailer is within 1,500 feet from the proposed retailer. Another application (PLN170310/Villafranca at 10041 Reese Circle) has been submitted approximately 150 feet from this site but the setback restriction is not established until a Use Permit for the other use is approved.

7. **FINDING:** **LESS THAN SIGNIFICANT IMPACTS** – The retailer, as approved and conditioned, will not result in significant unavoidable impacts on the environment.

- EVIDENCE:**
- a) The project would allow a commercial cannabis retailer and delivery within an existing commercial building in a Light Commercial zoning district. The limited physical improvements would include interior tenant and site improvements such as parking lot re-striping, and a new exterior sign.
  - b) As proposed and conditioned, the project can be categorically exempt from the California Environmental Quality Act (See Finding 10).

8. **FINDING:** **MINIMIZE NUISANCES** - The operations plan includes adequate measures that minimize, to the extent feasible, nuisances to the immediate neighborhood and community including minimizing the detection of odor from off-site, minimizing the effects of loitering, providing adequate security measures, and not exceeding the Use Permit’s limits on hours of operation.

- EVIDENCE:**
- a) Plans and materials contained in the file (PLN170478) include measures to minimize nuisances within the area. A 24-hour contact will be available to address issues and concerns that may arise as a result of the operation.
  - b) Odor control measures are proposed to include an HVAC system with carbon and/or ozone-filtration to eliminate any odor issues. Customers will not be permitted to consume products on-site.
  - c) Security measures and protocols are proposed that would minimize risk of theft, diversion, and loitering.
  - d) Procedures are proposed to ensure customers are of a legal age to purchase cannabis and cannabis products.
  - e) The proposed retailer would be open seven days a week. Hours of operation would be from 10:00 A.M. to 8:00 P.M. daily for members, and deliveries. The hours of operation have been included in the conditions of approval for the project (Condition 8).
  - f) Ongoing monitoring and inspection for compliance with the plans and regulations will be required.

9. **FINDING:** **FEDERAL COMPLIANCE** – The retailer will provide adequate measures that address the federal enforcement priorities for cannabis activities including providing for restriction on drugged driving, restricting access to minors, prohibiting use or possession of firearms for security purposes at the premises, and ensuring that cannabis and cannabis products are supplied from permitted and licensed sources.

- EVIDENCE:**
- a) Plans and materials contained in file PLN170478 include measures to ensure that cannabis and cannabis products are obtained from the regulated cannabis market in California. Track and Trace measures are proposed to ensure all products purchased, provided to, and sold at the retailer come from other permitted sources. The applicant proposes to verify the identity, age, and any other relevant information of all customers and visitors to the retailer and to limit access of products to minors through that process. On-site security is prohibited from carrying lethal weapons and the retailer is not permitted to possess, manufacture, or distribute any other controlled.
  - b) Background checks of all persons with 10 percent or more interest in the cannabis businesses will be conducted. Certain prior convictions within the last 10 years or any known association with organized crime may be grounds for denial of business permits and State licenses required to operate the retailer.
  - c) Any cannabis retailer and delivery business operating at the site will be required to obtain a Business Permit pursuant to Chapter 7.90 of the Monterey County Code, a Business License pursuant to Chapter 7.02 of the Monterey County Code, and a retailer license from the State. These other licenses and entitlements will ensure ongoing monitoring of compliance with the plans and operational requirements on the local and State level.
  - d) Violations of Federal Enforcement priorities may be grounds for revocation of this permit.

10. **FINDING:** **CEQA (Exempt)** –The project is categorically exempt from environmental review and no unusual circumstances were identified to exist for the proposed project
- EVIDENCE:**
- a) California Environmental Quality Act (CEQA) Guidelines Section 15303, categorically exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
  - b) The project entails a change in commercial use in an approximate one acre parcel within an existing 7,200-square foot commercial building. The building has been used as a commercial flooring store and the proposed use would be a commercial cannabis retailer. The exterior structure will remain, with new roof mounted renewable energy (solar). Site improvements include parking re-striping, new planter box, garbage enclosure and security system.
  - c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. The project is located within an existing structure that has adequate services available to serve the proposed use. Other than interior building improvements, and minor lot improvements, and a new sign identifying the business, there are no physical changes proposed that may cause an impact to historic resources or visual resources.
  - d) The applicant has proposed appropriate operational plans, which include details to minimize nuisances in the vicinity including odor; and security measures (See the preceding Findings and Evidence).
  - 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 PLN170478.
11. **FINDING:** **APPEAL AND APPELLANT CONTENTIONS** – The appellant, Bayside Dispensary LLC, requests that the Board of Supervisors grant the appeal and deny the Pacheco Use Permit application (PLN170478), correct the completeness date of the Bayside Dispensary, LLC (Villafranca/PLN170310) application to March 2, 2018, and grant a hearing for the Villafranca Use Permit application (Villafranca/Bayside Dispensary, LLC/ PLN170310) in advance of any future hearings on the Pacheco application. The appeal alleges: there was a lack of a fair hearing on the project, the findings or decision or conditions are not supported by the evidence, and the decision was contrary to law. The contentions are summarized below with responses to the contentions are provided. The Board of Supervisors denies the appeal based on the following findings regarding the appellant's contentions and based on the findings and evidence set forth above.
- EVIDENCE:**
- a) **Contention 1 – Permit Streamlining Act.**  
*The County violated the Permit Streamlining Act (Cal. Gov. Code §65942) and Inaction By County to Correct The Violation Wrongfully Denied Bayside Dispensary a Timely, Fair and Impartial hearing of Its Use Permit Application.*

**Response:**



Section 21.67.040.B.3 of Title 21 of the Monterey County Code provides that a cannabis dispensary shall not be located within 1,500 feet of another cannabis dispensary. When multiple applications have been submitted to the County Resource Management Agency (RMA) for a cannabis dispensary within 1,500 feet of one another, the policy and consistent practice of the County RMA is to schedule Use Permit applications for consideration by the Planning Commission based on the date the application is deemed complete. This policy was expressed verbally to the applicants at the Development Review Committee (pre-application) meeting for each project and in writing as part of the application cover memo and checklist provided to the applicants for both the Villafranca Use Permit applicants (Bayside Dispensary, LLC/PLN170310) and the Pacheco Use Permit applicants (Highways Dispensary LLC/PLN170478) in advance of submittal of an application for a Use Permit in both cases.

The Resource Management Agency has written letters to the appellant's representatives dated June 19, 2018 and June 25, 2018 and wrote a memorandum to the Planning Commission also dated June 25, 2018, regarding the completeness of both the Pacheco and Villafranca project pursuant to the Permit Streamlining Act. These letters are attached to the staff report for the Board of Supervisors hearing on the Pacheco project on August 29, 2018 and are incorporated herein by reference.

It is the determination of the County that the Pacheco project (PLN170478) was deemed complete by operation of law on April 7, 2018 and the Villafranca project (PLN170310) was deemed complete by operation of law on April 19, 2018 as outlined in the June 25, 2018 memorandum to the Planning Commission.

The County has not violated the Permit Streamlining Act. The County did not move or change the completeness criteria for the Villafranca project and has complied with the Permit Streamlining Act in this regard. The post Development Review Committee (DRC) letter to Villafranca dated December 21, 2017 provides comments and the checklist of required materials for the Villafranca project application. (See Dec. 21, 2017 letter attached to the appeal.) The December 21, 2017 letter required information to address septic system constraints (paragraph 5, pg 1). Attached to that DRC letter were Environmental Health Bureau comments dated October 3, 2017 which specifically requested: "For the entire site and for the dispensary operation, provide a project description with estimated number of employees, customers, daily visitors." (See item 1 under the heading "Project Description/General Information). A septic system performance evaluation for each of the existing on-site waste water treatment systems (OWTS) "to ensure they are in good working order" was also noted as an application requirement (See item 3 under the heading "Wastewater -OWTS"). (See Application Checklist dated December 21, 2017 and incomplete letter dated March 2, 2017 to Villafranca,

identifying missing information that was required per the Application Checklist.)

The Pacheco application is first in line because it was deemed complete first. The reason that the Pacheco application was deemed complete prior to the Villafranca application is because Pacheco submitted information in response to its incomplete letter prior to the Villafranca submitting information in response to its incomplete letter. Staff has treated the two applications fairly based on the particular facts and circumstances of each site. Differences in Environmental Health Bureau (EHB) requirements for the Villafranca and Pacheco projects stem directly from the differences in circumstances at sites and the differences in the information submitted in the initial application materials. Both the Villafranca application and the Pacheco application were required to submit septic system performance evaluations and employee numbers. The Villafranca septic system was found to be lacking a diversion valve which was not lacking on the Pacheco site. In addition, EHB required additional information on the number of employees proposed at the Villafranca site to identify nitrate loading and septic system size requirements, information which the DRC letter requested prior to the Use Permit application and which was again identified in the incomplete letter. The Villafranca site has five separate tenant spaces sharing use of one septic system, only one tenant space is proposed to contain a dispensary, and the Villafranca application did not provide the total number of employees on the site inclusive of all five tenant spaces. In contrast, the Pacheco application contains one structure which would be converted to a dispensary, and the application materials for the Pacheco project identified the number of employees on that site.

**b) Contention 2 - Denial of a Hearing.**

*Inconsistent Statements Made by County Officials Contradict Written Facts in Evidence and Wrongfully Denied Bayside Dispensary a Timely, Fair and Impartial Hearing.*

**Response:**

The applicant for the Villafranca project has not been denied a hearing and can and will be provided with such a hearing if the Villafranca applicant chooses to proceed to hearing. RMA staff has provided the applicant's representative with options for proceeding with their Use Permit application. Options include having a hearing scheduled before the Planning Commission or waiting to schedule the permit application for consideration until after the Board of Supervisors considers an ordinance amending the dispensary setback requirement. The applicant has not expressed a preferred option to date with regard to consideration of their permit and has instead filed an appeal of the Pacheco permit application. The draft ordinance that would amend dispensary setback requirements is currently in draft form and has been presented to the Board of Supervisors Cannabis Committee. Staff intends to schedule

the draft ordinance amending the dispensary setback requirement for a public hearing at the Planning Commission in September 2018.

Information presented for the Pacheco case has been accurate, or, where appropriate, corrections have been made to ensure that information is accurate before a decision on this application.

For example, the completeness date was corrected prior to the Planning Commission hearing. Following receipt of correspondence from the Appellant's representative Megan Walsh, the Resource Management Agency (RMA) revisited previously expressed completeness dates for both the Pacheco Use Permit application (PLN170478) and the Villafranca Use Permit application (PLN170310). Upon further review and consideration of the completeness dates, the RMA provided letters and a memorandum to the Planning Commission recognizing revised completeness dates based on the facts in the record. The table below summarizes the applicable events for both applications:

Event	PLN170478 - Pacheco	PLN170310 - Villafranca
DRC application	April 23, 2017	March 31, 2017
DRC meeting	October 3, 2017	November 28, 2017
Checklist	December 22, 2017	December 21, 2017
Development Application	January 17, 2018	January 31, 2018
Deemed Incomplete - Letter	February 16, 2018	March 2, 2018
Re-submitted Materials	March 8, 2018	March 20, 2018
<b>Operation of law complete</b>	<b>April 7, 2018</b>	<b>April 19, 2018</b>
<b>Deemed Complete - letter</b>	<b>April 19, 2018</b>	<b>May 8, 2018</b>

Staff presented these corrected completeness dates, as shown in the table above, to the Planning Commission at their June 27, 2018 hearing, and staff recommended revisions to evidence (e ) of finding 1 to include this information regarding the application completeness date. (See June 25, 2018 memo to Planning Commission). While the PC resolution listed a completeness date of April 19 in evidence (a) and (p) of finding 1, it is clear the reference to April 19 was a clerical error that was residual from a draft resolution that preceded staff's correction of the completeness dates. It is clear from evidence in the record that the Planning Commission was informed and understood that the Pacheco application was deemed complete by operation of law on April 7, 2018.

Information provided by the Environmental Health Bureau (EHB) has also been accurate and appropriate in this case. The installation of the diversion valve on the existing septic system for the Villafranca project was not the only incomplete item for the project. Incomplete

information additionally included the need to identify the number of employees on site. The requirements in the incomplete letter for the Villafranca application were based on review of information submitted with the application. The Septic System performance report submitted with the application identified a lack of the necessary valve and the project was lacking information requested regarding the total number of employees on the site.

c) **Contention 3 – Erroneous Information**

*The Commission's Decision is Supported by Erroneous Facts and Contrary to Law due to the County's Failure to Timely Correct its Admitted Violations of the Permit Streamlining Act*

**Response:**

There was no violation of the Permit Streamlining Act. See Preceding responses regarding completeness date and compliance with the Permit Streamlining Act.

With respect to inconsistencies within the Planning Commission resolution (specifically application completion dates in Finding 1, evidence a and p, and Finding 1, Evidence e) this was a typographical error and the completeness dates were made clear to the Planning Commission before they made their decision to approve the application. In any event, the appeal sets aside the Planning Commission decision, and the appropriate and consistent dates are reflected in this resolution.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Board of Supervisors does hereby:

1. Deny the appeal of Bayside Dispensary, LLC from the Planning Commission's decision approving the Use Permit application (Pacheco, Carl R JR & Jill) to allow a commercial cannabis retailer within an existing building at 10031 Reese Circle, Salinas;
2. Find the project is a conversion of an existing small structure from one use to another with only minor modifications in the exterior of the structure which qualifies for a categorical exemption from CEQA pursuant to Section 15303 of the CEQA Guidelines; and
3. Approve a Use Permit and amendment to the General Development Plan (Pacheco, Carl R JR & Jill/PLN170478) to allow a cannabis retailer at 10031 Reese Circle, Salinas, in general conformance with the attached sketch and the attached Operations Plan, and subject to the attached conditions, all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 29<sup>th</sup> of August, 2018 upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

I, Valarie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book\_\_\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy