

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

In the matter of the application of:

**PHAT, LLC (GRUPO FLOR/EAST OF EDEN CANNABIS CO.) (PLN170300)**

**RESOLUTION NO. 18 - 026**

Resolution by the Monterey County Hearing Body:

- 1) Finding the project categorically exempt from CEQA pursuant to Section 15303 of the guidelines; and
- 2) Approving a Coastal Development Permit to allow a commercial cannabis retailer, including sale and delivery of adult use (recreational) and medical use cannabis.

[PLN170300, Phat LLC (Grupo Flor/East of Eden Cannabis Co.), 8022 Moss Landing Road, Moss Landing Community Plan, North County Land Use Plan (APN: 133-212-002-000)]

**REVISED**

**July 10, 2018**

**(This resolution supersedes  
the previous resolution  
mailed on July 5, 2018)**

**The Grupo Flor/East of Eden Cannabis Co. application (PLN170300) came on for public hearing before the Monterey County Planning Commission on June 13, 2018. 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) An application for a Coastal Development Permit to allow a commercial cannabis retailer at 8022 Moss Landing Plan Road was filed on March 7, 2018 and was deemed complete on April 5, 2018.
  - b) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
    - Moss Landing Community Plan
    - North County Land Use Plan; and
    - Monterey County Zoning Ordinance (Title 20);No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.
  - c) The property is located at 8022 Moss Landing Road, (APN: 133-212-002-000), Moss Landing Community Plan, North County Land Use Plan. The parcel is zoned Moss Landing Commercial [MLC (CZ)] Zoning District in the Coastal Zone, which allows cannabis retailers subject to the requirements of Chapter 20.67.040 of the Monterey County Code. Therefore, the project is an allowed land use for this site.
  - d) The proposed application would include minor interior improvements

to the existing structure, including installation of a sprinkler and fire alarm system, partitioning of residential area, and restroom modifications for ADA compliance. Proposed exterior improvements would include signage, and security lighting. RMA Public Works would require frontage improvements and ADA compliance (access to street). The proposed signage is consistent with the allowable sign area in a commercial zoning district according to Section 20.60.050 of the Zoning Ordinance.

- e) There are no cannabis retailers within 1,500 feet of the site; and therefore, the retailer would comply with the required 1,500 feet setback from another retailer with a similar use.
- f) A Development Project Application which includes a General Development Plan, Business Plan, Operations Plan, and Security Plan, has been submitted for the proposed cannabis retailer use that addresses the minimum regulations contained in Section 20.67.040.B of the Zoning Ordinance Title 20.
- g) Location: The retailer would be located in the Moss Landing Commercial [MLC (CZ)] zoning district, and is more than 600 feet from the nearest school, public park or drug recovery facility; and is more than 1,500 feet from another permitted retailer.
- h) Records: The Operation Plan proposes the use of track and trace software, such as Trellis, to record and report information to prevent diversion of the products and theft while maintaining product quality and product consistency; make the employees accountable for the tasks they undertake and provide 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 6).
- i) Security: The Operation Plan 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, and panic buttons.
- j) Delivery Services: The General Development Plan states that the applicant would not deliver products initially but would like to add delivery services in the future. This Coastal Development Permit assumes delivery services will be provided.
- k) Supply Chain: The Operation Plan and Security Plan propose a supply chain where cannabis products available for purchase 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/Security Plan state East of Eden Cannabis Co. will adhere to packaging and labeling requirements set forth by the County of Monterey and the State.
- m) Sheriff Notification: The Operation Plan 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 the procedures and guidelines for dealing with

security threats, and the Sheriff's office will be notified within 24 hours of significant discrepancies identified during inventory including: 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 and Security Plan, Security Measures does not propose to permit the dispensing or delivery of any non-cannabis related controlled substances.
- o) Parking: The current site plan for the proposed retailer includes 6 standard stalls and one ADA accessible stall on the south side of the lot. Three parking spaces are shown for the residential side. Only one handicap parking space is required because there are less than 40 spaces altogether according to Section 20.58.050 (G) in Title 20. On September 14, 2000, under Resolution No. 970248, the Zoning Administrator approved a Combined Development Permit and Design Approval consisting of a General Development Plan and Coastal Administrative Permit for a retail store to include uses such as: an antique shop, a dress shop, resale shop, bookstore, florist, art studio, and shoe repair; and to allow for the renovation of a 340-square foot existing shed to office use. The original permit (PLN970248) was approved in conjunction with a Negative Declaration, where staff determined that 10 parking spaces was the minimum required for the uses proposed. The originally approved parking plan shows eleven parking spaces, including the handicap parking space (7 on south end and 4 on the north end). The subject project is proposing to occupy the approved retail space for a single commercial use (cannabis dispensary) and therefore, meets the parking requirement as outlined in Section 20.58.040 of Title 20. The current site plan will be revised to include the actual parking capacity. The standard parking requirement for general retail is 1 space per every 250 square feet of net floor area (e.g. does not include areas to be used for toilets or restrooms, utilities, stairways, mechanical rooms). The proposed project covers a net floor area of 1,853-square feet which translates to 7.4 or 8 parking spaces. A three-bedroom residential space (as shown on the floor plans dated 12/22/2017), requires 2.2 or 3 parking spaces. The 340-square foot office currently being rented by Elkhorn Slough Safari uses parking space at the Moss Landing Harbor, approximately .2 miles north of their physical address; employees of East of Eden Co. will also be parking at the Moss Landing Harbor parking lot.
- p) 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.
- q) The project was referred to the North County Land Use Advisory Committee (LUAC) for review. The LUAC recommended approval of the Use Permit by a vote of 7 ayes, 0 noes, and 1 abstention. Public

comments were received at the meeting related to concerns about parking; in particular, that parking is already insufficient for the current use. Committee Member Sherry Owen also had concerns about parking availability. The project meets the standard parking requirements under Section 20.58. See Evidence “O.”

- r) 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 PLN170300.

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, North County Fire Protection District, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau, and Water Resources Agency. 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) Potential impacts were identified with respect to electric and water consumption. Potable water service would be provided by the Pajaro/Sunny Mesa Community Services District. In an effort to reduce water usage, low flow toilets and motion sensor water faucets would be installed. Any proposed landscaping would be serviced by drip irrigation on a timed schedule to minimize excess or over watering. Energy efficiency measures would be utilized for the proposed use, including upgrading all lighting fixtures to LED. A letter from Pajaro/Sunny Mesa Community Services District stating that the District currently provides potable water to the parcel is part of the file (PLN170300).
  - c) The proposed location is a vacant retail space on the first floor of an existing two-story, mixed use building. A living area is located on the second floor of the building. The proposed retailer use would be consistent with other commercial uses in the vicinity. Parking and other improvements for the existing commercial building are already provided. RMA Public Works will require frontage improvements for the facility (Condition No. 12).
  - 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.
  - e) A site visit was conducted on May 11, 2018.
  - 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 PLN170300.

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 Planning, North County Fire Protection District, Public Works, 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 public facilities, including sewer and water services, are available. The facility is currently serviced by the Pajaro/Sunny Mesa Community Services District.
  - 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).
  - 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 reviewed the application and did not apply conditions; however, the Bureau will require that the facility 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 and 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 PLN170300.
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 cannabis retail facility.
- 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 20.67.040 of the Coastal Zoning Ordinance Title 20 (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 SETBACKS** – The retailer will not be located within 600 feet from any school, public park, or drug recovery facility, or within one thousand five hundred feet of another retail facility.
- EVIDENCE:**
- a) The retailer will be located at 8022 Moss Landing Road, Moss Landing (Assessor’s Parcel Number: 133-212-002-000).
  - b) North Monterey County Middle School is the nearest school. The school boundary is more than 2.4 miles from the proposed retailer.
  - c) Cato Phillips Park is the nearest park. The park is more than 3.3 miles from the proposed retailer. Salinas River State Beach is more than 1.5-miles from the proposed retailer.
  - d) The Recovery Center of Community Hospital of Monterey Peninsula is the nearest drug recovery facility. The drug recovery facility is located 18 miles from the proposed retailer.
  - e) The nearest approved retailer is more than 1,500 feet from the proposed retailer.
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 within an existing mixed-use, commercial building in the Moss Landing Commercial [MLC (CZ)] zoning district in the Coastal Zone. The only physical improvements would include interior tenant improvements, new exterior signage, and security lighting.
  - 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 retailer 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 Coastal Development Permit’s limits on hours of operation.
- EVIDENCE:**
- a) Plans and materials contained in the file (PLN170300) 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 electronic air purifier and HVAC system to ensure that odors from cannabis are not detectable off-site. 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., Monday through Sunday. The hours of operation have been included in the conditions of approval for the project (Condition #4).
- 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 PLN170300, including the Operations/Security Plan verifies products sold by East of Eden Cannabis Co. will be purchased from licensed distributors within the State of California. Labels on products sold at the retailer will contain warnings regarding impaired ability to operate machinery. Track and Trace measures are proposed and required 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.
- b) Background checks of all persons with 10 percent or more interest in the cannabis businesses will be conducted. 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 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 a 2,328-square foot space within an existing 4,469-square foot two-story mixed-use building. Improvements are limited to minor interior tenant improvements, exterior signage, and security lighting.
- 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 new signs 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 PLN170300.

11. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors
- EVIDENCE:**
- a) Chapter 20.86 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors and that certain decisions may be appealed to the California Coastal Commission based on Section 20.86.080 of Title 20.
  - b) The project is located in the Coastal Zone.

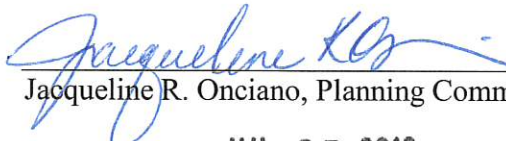
### **DECISION**

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

1. Find the project categorically exempt pursuant to Section 15303 of the guidelines; and
2. Approve a Coastal Development Permit to allow a commercial cannabis retailer operation in an existing retail space including sale and delivery of adult use (recreational) and medical use cannabis at 8022 Moss Landing Road, Moss Landing, in general conformance with the attached sketch and attached Operations Plan, and subject to the attached conditions all being attached hereto and incorporated herein by reference.

**PASSED AND ADOPTED** this 13<sup>th</sup> day of June 2018 upon motion of Commissioner Padilla, seconded by Commissioner Getzelman, by the following vote:

AYES: Diehl, Duflock, Getzelman, Gonzalez, Mendoza, Padilla, Vandever, Wizard  
NOES: None  
ABSENT: Ambriz  
ABSTAIN: Roberts

  
Jacqueline R. Onciano, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON **JUL 05 2018**

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 **JUL 16 2018**



(Coastal Projects)

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.

# Monterey County RMA Planning

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

PLN170300

### 1. PD001 - SPECIFIC USES ONLY

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** This Coastal Development Permit (PLN170300) allows a commercial cannabis retailer operation in an existing retail space including sale and delivery of adult use (recreational) and medical use cannabis at 8022a Moss Landing Road, Moss Landing (Assessor's Parcel Number 133-212-002-000), Moss Landing Community Plan. 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 Monitoring Measure:** The applicant shall record a Permit Approval Notice. This notice shall state:

"A Coastal Development Permit (Resolution Number 18-026) was approved by the Planning Commission for Assessor's Parcel Number 133-212-002 on June 13, 2018. The permit was granted subject to 13 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)

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.

**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. PD006(A) - CONDITION COMPLIANCE FEE

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors, for the staff time required to satisfy conditions of approval. The fee in effect at the time of payment shall be paid prior to clearing any conditions of approval.

**Compliance or Monitoring Action to be Performed:** Prior to clearance of conditions, the Owner/Applicant shall pay the Condition Compliance fee, as set forth in the fee schedule adopted by the Board of Supervisors.

## 4. PD029 - HOURS OF OPERATION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Hours of operation shall be 10 a.m. to 8 p.m., Monday through Sunday. (RMA - Planning)

**Compliance or Monitoring Action to be Performed:** Prior to commencement of use and on an on-going basis, the Owner/Applicant shall demonstrate compliance with the hours of operation to the Director of RMA-Planning.

## 5. PDSP001 ANNUAL INSPECTION

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The retailer shall allow access to the retailer facilities and records if requested by the County, its officers, or agents, and shall pay an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.

**Compliance or Monitoring Action to be Performed:** The retailer shall allow for inspection of the premises and records on an on-going basis.

## 6. PDSP002 INSPECTION OF RECORDS

**Responsible Department:** RMA-Planning

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

**Compliance or Monitoring Action to be Performed:**

## 7. PDSP003 COMMERCIAL CANNABIS PERMIT

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** Any person operating a cannabis retailer shall obtain a valid and fully executed commercial cannabis permit pursuant to Chapter 7.90 of the Monterey County Code prior to commencing operations and must maintain such permit in good standing in order to continue operations.  
Within 90 days, the retailer shall apply for and obtain a Commercial Cannabis Business Permit pursuant to Chapter 7.90 of the Monterey County Code.

**Compliance or Monitoring Action to be Performed:** The retailer shall comply with the requirements of the Commercial Cannabis Permit and maintain the permits in good standing while in operation on an ongoing basis.

## 8. PDSP004 PERMITS, LICENSES, AND ENTITLEMENTS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The 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 or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Coastal Development Permit pursuant to Section 20.67.120 of the Monterey County Code.

**Compliance or Monitoring Action to be Performed:** As needed on an ongoing basis, the owner shall verify that the businesses operating on the site have obtained and maintain all required permits, licenses, and entitlements to operate a cannabis business on the property. If needed the owner shall diligently pursue evicting or removing cannabis operations from the site that have failed to obtain or maintain the required permits.

## 9. PDSP005 OPERATIONS

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The retailer shall operate only in accordance with the operating plans reviewed and approved by the County.

**Compliance or Monitoring Action to be Performed:** Maintain operations and procedures approved by the County on an on-going basis.

## 10. PDSP007 ODOR CONTROL

**Responsible Department:** RMA-Planning

**Condition/Mitigation Monitoring Measure:** The property owner shall ensure that any cannabis businesses operating on-site conforms to Section 7.90.100.A.7 of the Monterey County Code, which requires odor prevention devices and techniques are installed and maintained, through the operational life of the cannabis business, to ensure that odors from cannabis are not detectable off-site or as Section 7.90.100.A.7 may be amended.

**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, indicating and 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 through the life of the operation(s).

## 11. CC01 INDEMNIFICATION AGREEMENT

**Responsible Department:** RMA-Planning

**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)

**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 County Counsel 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.

## 12. PW0001 – FRONTAGE IMPROVEMENTS

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Construct asphalt curb, sidewalk, driveway connections, and paveout, together with required drainage facilities, along the frontage of Moss Landing Road. The design and construction is subject to the approval of the RMA. Encroachment Permits are required for all work within the public right-of-way.

**Compliance or Monitoring Action to be Performed:** Owner/Applicant shall submit the design for review and approval of the RMA-PWF, obtain an encroachment permit from the RMA prior to issuance of building or grading permits, and construct and complete improvements prior to occupancy or commencement of use. Applicant is responsible to obtain all permits and environmental clearances.

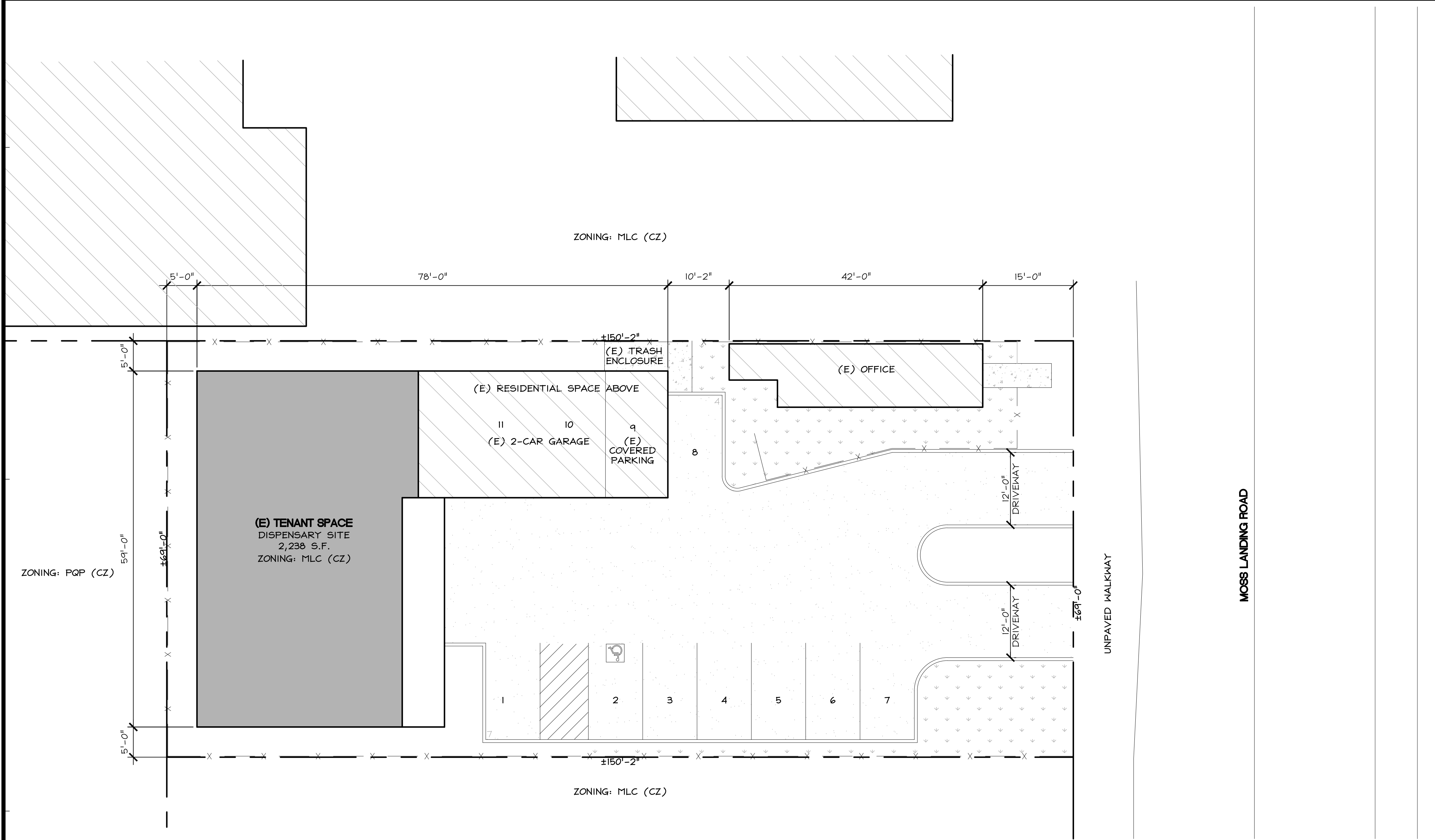
## 13. PW0045 – COUNTYWIDE TRAFFIC FEE

**Responsible Department:** RMA-Public Works

**Condition/Mitigation Monitoring Measure:** Prior to issuance of building permits, the Owner/Applicant shall pay the Countywide Traffic Fee or the ad hoc fee pursuant to General Plan Policy C-1.8. The fee amount shall be determined based on the parameters in the current fee schedule.

**Compliance or Monitoring Action to be Performed:** Prior to issuance of Building Permits, the Owner/Applicant shall pay Monterey County RMA Building Services the traffic mitigation fee. The Owner/Applicant shall submit proof of payment to the Development Services.

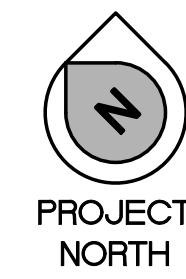
USE PERMIT FOR:  
**PHAT, LLC.**  
8022 MOSS LANDING ROAD  
MOSS LANDING, CA 95039



**LEGEND**

- (E) PROPERTY LINE
- ACCESSIBLE PATH OF TRAVEL TO BUILDING ENTRANCE
- (E) FENCE
- (E) TENANT SPACE, IN PROJECT SCOPE
- (E) BUILDING/TENANT SPACE, NOT IN PROJECT SCOPE
- (E) LANDSCAPING
- (E) CONCRETE WALKWAY
- (E) A/C PAVING

**1 EXISTING SITE PLAN**  
SCALE: 1" = 10'-0"



**PROJECT DATA**

**#PLN170300**

PROPERTY OWNER: A.G. DAVI  
383 WASHINGTON STREET SUITE D  
MONTEREY, CA 93940  
PROJECT ADDRESS: 8022 MOSS LANDING ROAD  
MOSS LANDING, CA 95039  
PARCEL SIZE: 10,222 S.F. (0.22 ACRES)  
LOT COVERAGE: 4,469 S.F. (44%)  
TENANT AREA: 2,328 S.F. (23%)  
FLOOR AREA RATIO: 6,039 S.F. (59%)  
IMPERVIOUS COVERAGE: BUILDINGS: 4,469 S.F.  
OTHER: 3,462 S.F.  
TOTAL: 8431 (82%)  
LANDSCAPING AREA: ±1,791 S.F. (18%)  
TREE REMOVAL: NONE  
GRADING VOLUMES: NONE  
OPERATOR: PHAT, LLC.  
115 CAYUGA STREET  
SALINAS, CA 93901  
APN: 133-212-002-000  
ZONING: MLC (CZ)  
USE: MOSS LANDING COMMERCIAL  
JURISDICTION: COUNTY OF MONTEREY  
USE DESIGNATION: DISPENSARY  
REQUIRED PARKING: TBD  
PARKING PROPOSED: 11 (E) TO REMAIN  
INCLUDES ADA PKG: 1 VAN ACCESSIBLE

PROJECT DESCRIPTION: USE EXISTING TENANT SPACE FOR THE SALE OF MEDICAL CANNABIS.

CODES: 2016 CBC - CALIFORNIA BUILDING CODE  
2016 CPC - CALIFORNIA PLUMBING CODE  
2016 CHC - CALIFORNIA MECHANICAL CODE  
2016 CEC - CALIFORNIA ELECTRICAL CODE  
2016 CFC - CALIFORNIA FIRE CODE  
2016 CALIFORNIA TITLE 24 ENERGY REQUIREMENTS  
2016 CALIFORNIA AMENDMENTS

**BUILDING DATA**

BUILDING DESCRIPTION: EXISTING WOOD STRUCTURE  
CONSTRUCTION TYPE: V-B, NON-SPRINKLERED  
EXISTING OCC. GROUP: M, R-2  
NEW OCC. GROUP: M, R-2  
USE DESCRIPTION: (E) RETAIL SPACE  
STORIES: 1  
BUILDING HEIGHT: 35'-0"  
TENANT GROSS S.F.: 2,328 S.F.

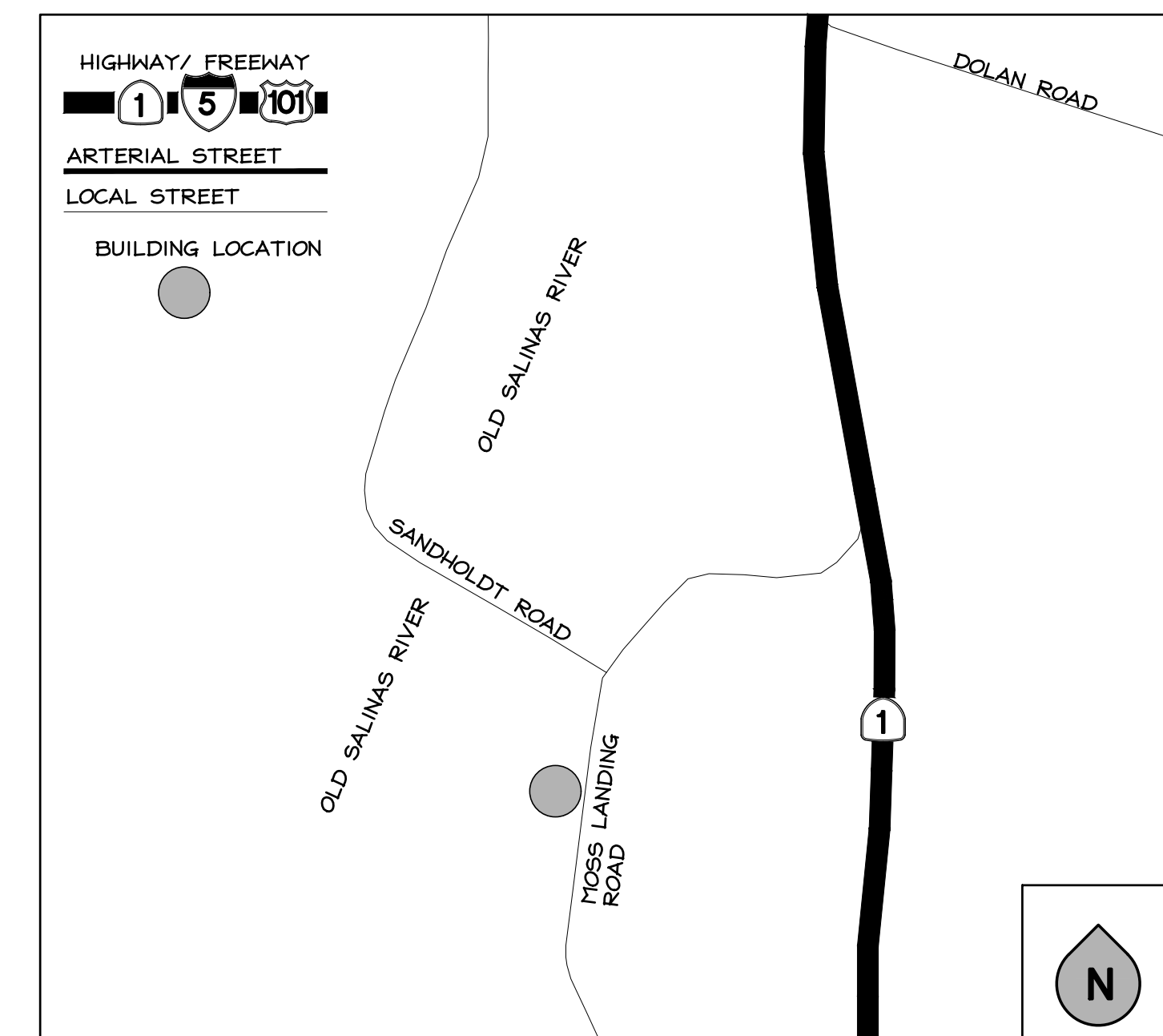
**PROJECT TEAM**

OPERATOR:  
PHAT, LLC.  
CONTACT: KAZ AJIR  
PHONE: (831) 277-4520

ARCHITECT:  
BELLI ARCHITECTURAL GROUP  
CONTACT: LINO BELLI  
PHONE: (831) 424-4620  
FAX: (831) 424-4408

**SHEET INDEX**

1.1 TITLE SHEET  
ARCHITECTURAL  
A1.1 SITE PLAN  
A2.1 EXISTING GROUND FLOOR PLAN  
A2.2 CONSTRUCTION FLOOR PLAN  
A2.3 PROPOSED GROUND FLOOR/FIXTURE PLAN  
A4.1 EXTERIOR ELEVATIONS  
A9.1 DETAILS



**VICINITY MAP**

NO SCALE

REVISIONS	DATE	BY	DESCRIPTION

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235 MONTEREY STREET, SUITE B, SALINAS, CA 93901  
BELLIAG.COM

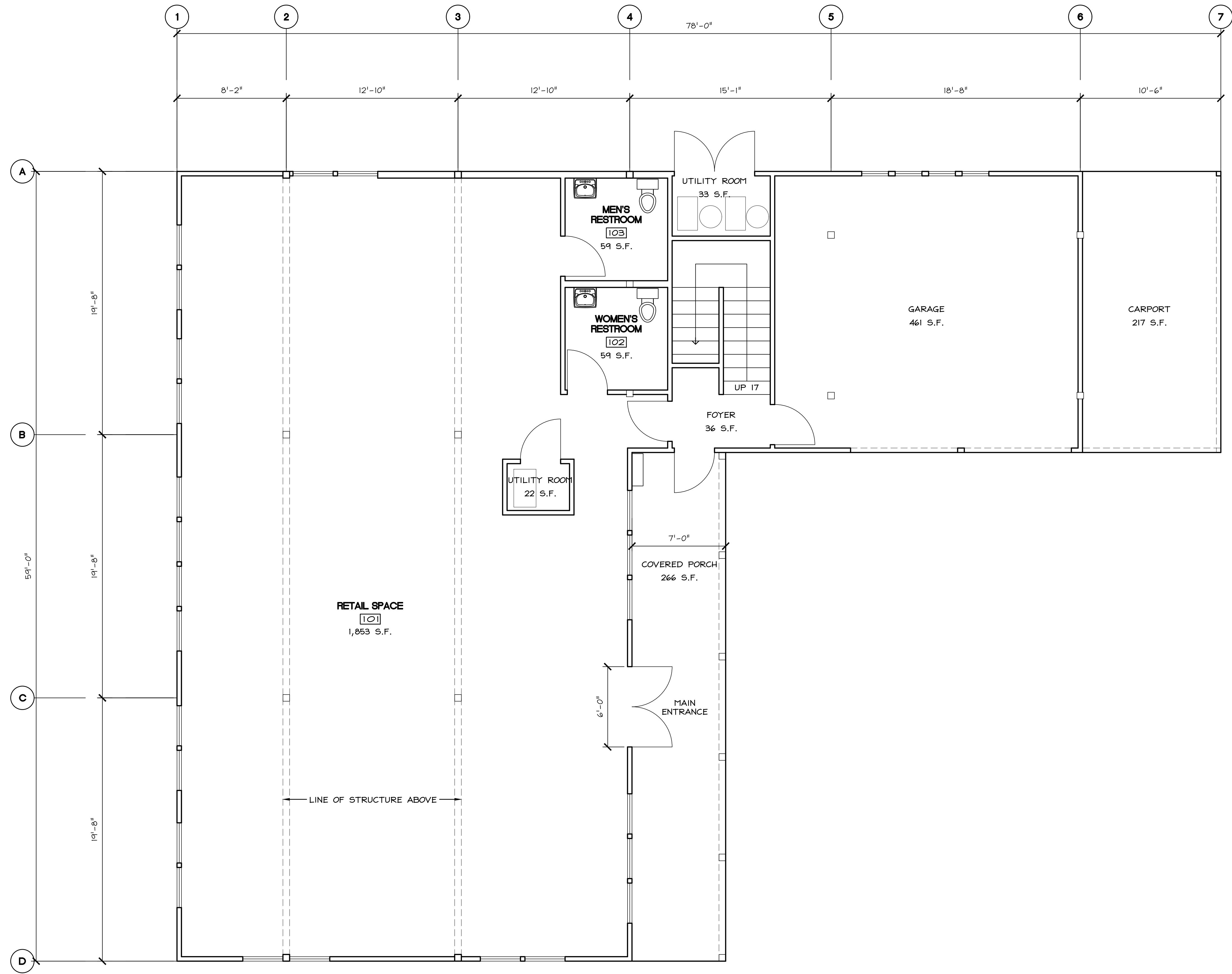
**1** OF SHEETS

**T1.1**









1 EXISTING GROUND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



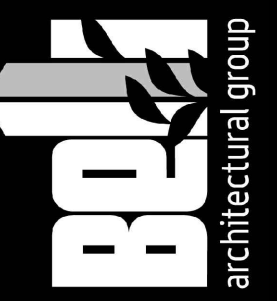
EXISTING GROUND FLOOR PLAN

USE PERMIT FOR:  
**PHAT, LLC.**  
8022a Moss Landing Road  
Moss Landing, CA 95039

DATE 06/27/18  
SCALE AS NOTED  
DRAWN JC  
JOB 17028  
SHEET

A2.1

OF SHEETS



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REVISIONS	DATE	BY	DESCRIPTION

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1 EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



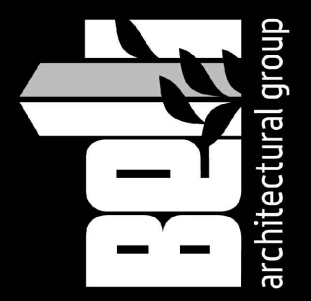
EXISTING SECOND FLOOR PLAN

USE PERMIT FOR:  
**PHAT, LLC.**  
8022a Moss Landing Road  
Moss Landing, CA 95039

DATE	06/27/18
SCALE	A5 NOTED
DRAWN	JC
JOB	I7028
SHEET	

A2.2

OF SHEETS

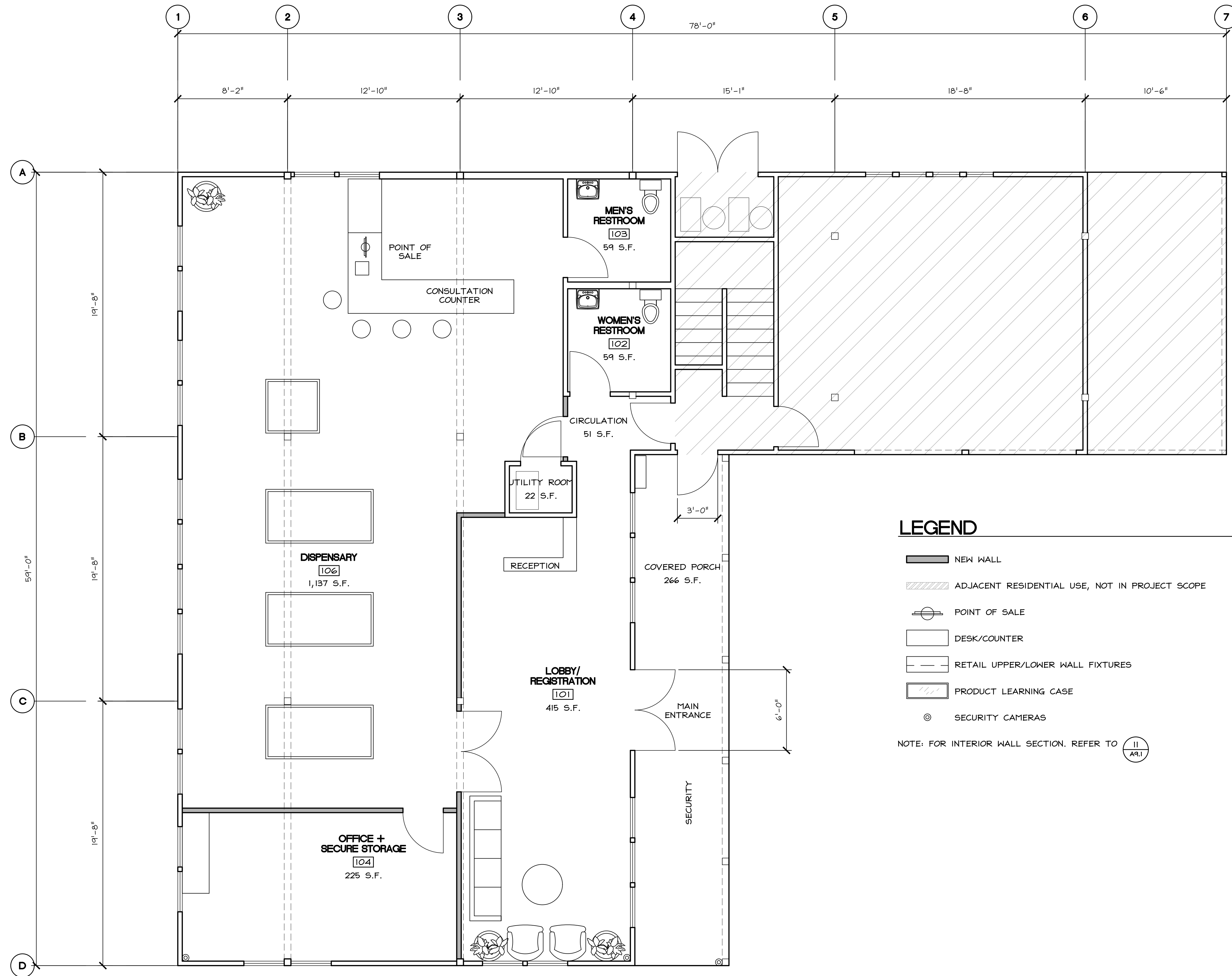


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## LEGEND

- NEW WALL
- ADJACENT RESIDENTIAL USE, NOT IN PROJECT SCOPE
- POINT OF SALE
- DESK/COUNTER
- RETAIL UPPER/LOWER WALL FIXTURES
- PRODUCT LEARNING CASE
- SECURITY CAMERAS

NOTE: FOR INTERIOR WALL SECTION, REFER TO II A9.1



PROJECT  
NORTH

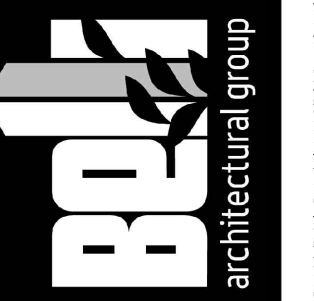
PROPOSED GROUND FLOOR/FIXTURE PLAN

USE PERMIT FOR:  
**PHAT, LLC.**  
8022a Moss Landing Road  
Moss Landing, CA 95039

DATE: 06/27/18  
SCALE: AS NOTED  
DRAWN: JC  
JOB: I7028  
SHEET:

A2.3

OF SHEETS



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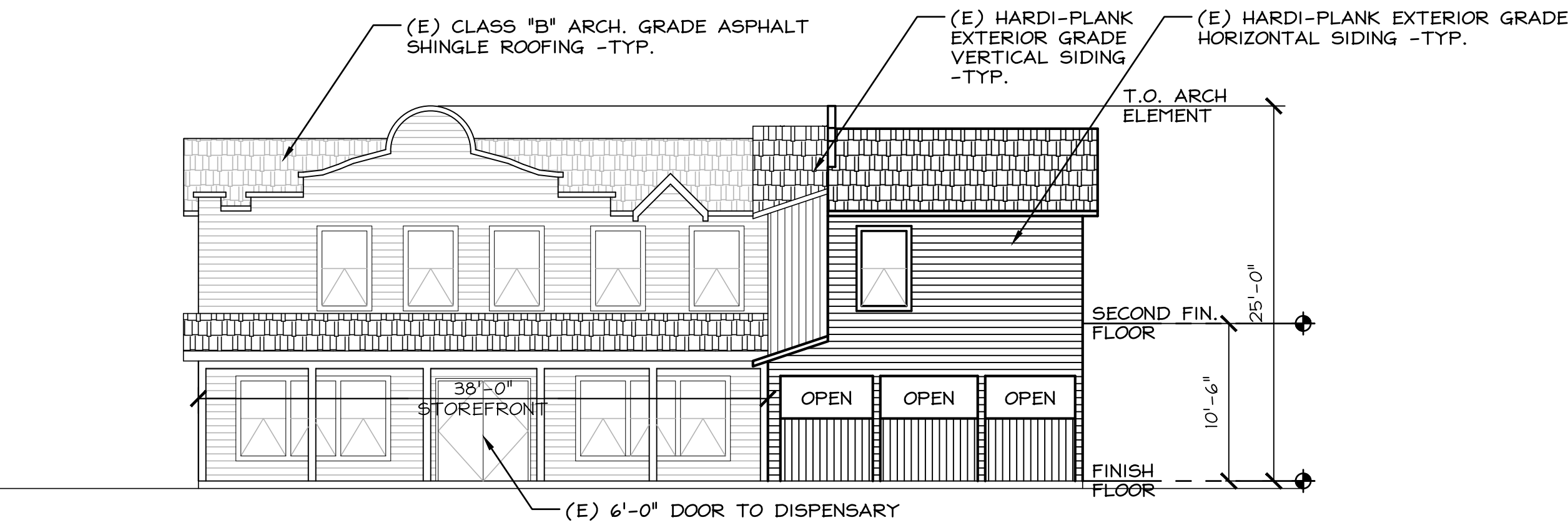


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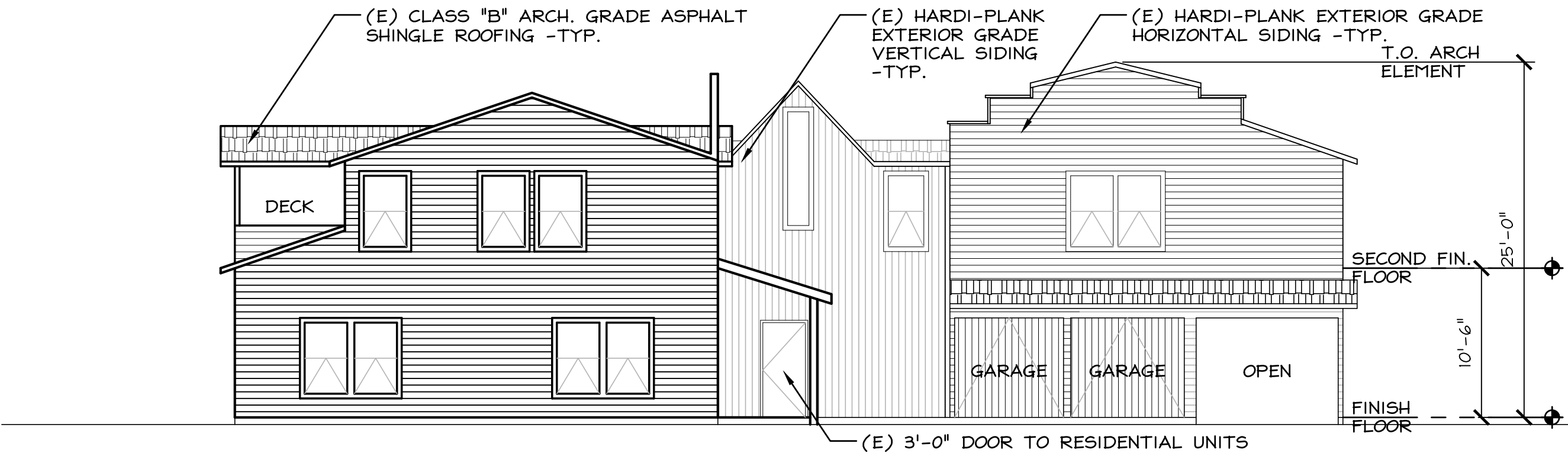
SIGNAGE NOTES

SIGNAGE ALLOWED: 1 S.F. PER LINEAR FOOT OF STOREFRONT  
(E) 38'-0" LINEAR FT. OF STOREFRONT  
TOTAL: 38 S.F. SIGNAGE ALLOWED



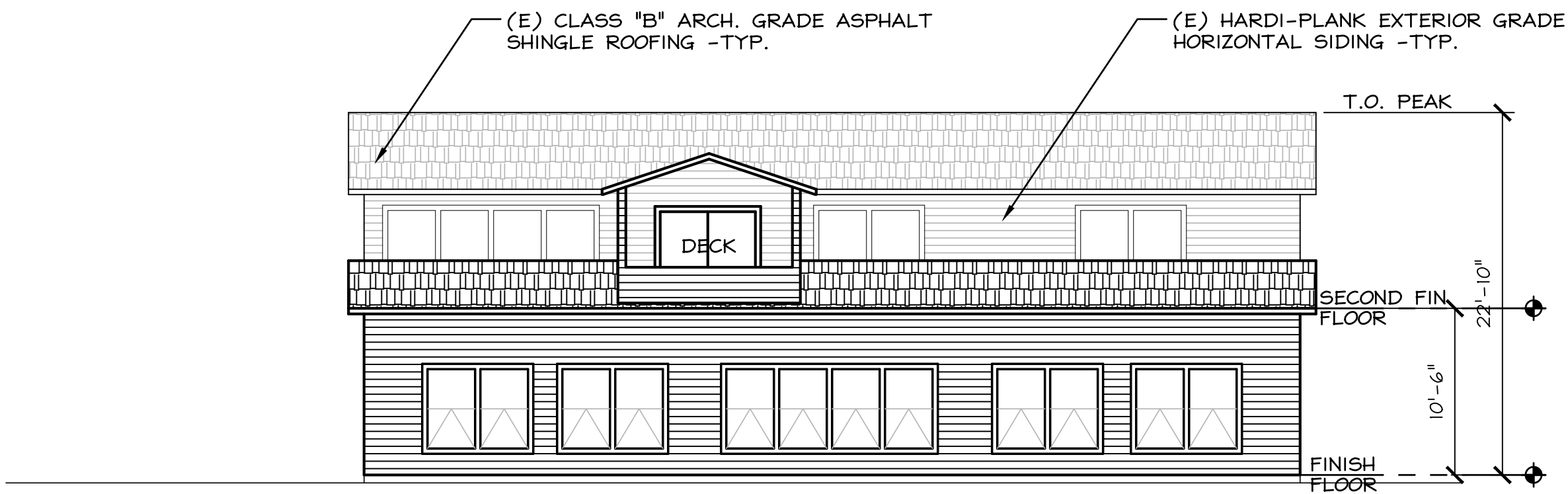
KEY PLAN

1 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



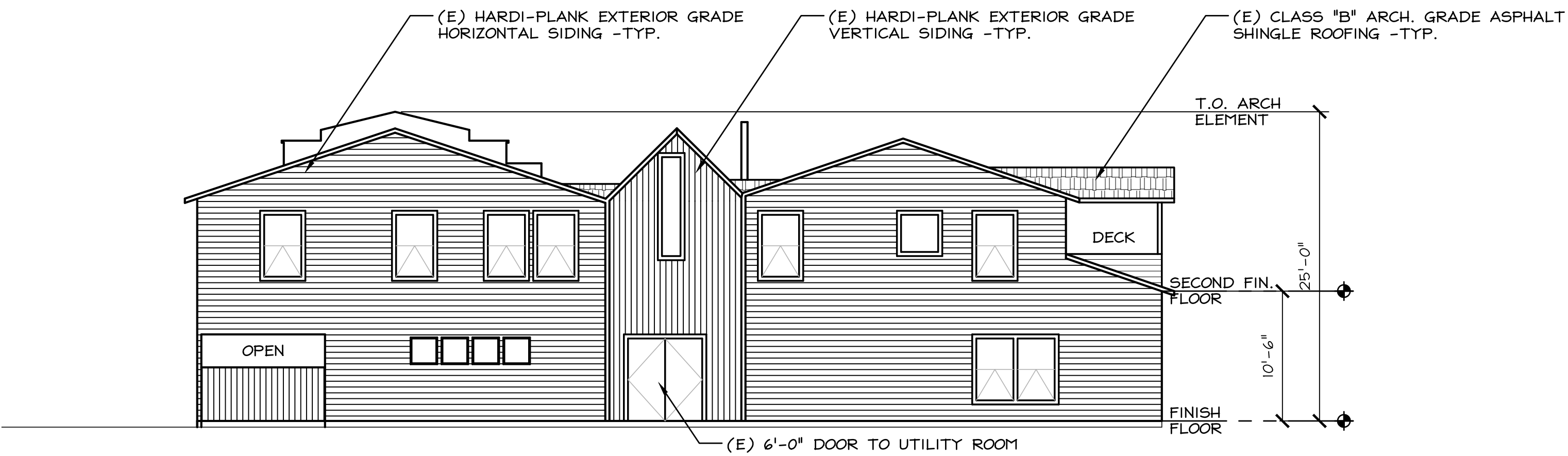
KEY PLAN

2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



KEY PLAN

3 WEST ELEVATION  
SCALE: 1/8" = 1'-0"



KEY PLAN

4 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

REVISIONS	DATE	BY	DESCRIPTION



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EXTERIOR ELEVATIONS  
USE PERMIT FOR:  
PHAT, LLC.  
8022a Moss Landing Road  
Moss Landing, CA 95039

DATE	06/27/18
SCALE	A5 NOTED
DRAWN	JC
JOB	17028
SHEET	A4.1
OF	SHEETS

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OF SHEETS