

Exhibit A

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**EXHIBIT A
DRAFT RESOLUTION**

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

In the matter of the application of:

KIND REAL ESTATE LLC (PLN190352)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 1) Find that the project, reconstruction of greenhouses, qualifies as a Class 2 Categorical Exemption per Section 15302 per California Environmental Quality Act (CEQA) Guidelines and none of the exceptions under Section 15300.2 apply; and
- 2) Approve a Use Permit to allow:
 - a. For the demolition of 272,659 square feet of greenhouse (equating to 81.06% of the existing coverage) and construction of 215,540 square feet of greenhouse for a total building site coverage 57.63%, in excess of the 50% maximum coverage allowed in the Farmlands Zoning District.
 - b. The greenhouse replacement would not change the existing permitted commercial cannabis use at the site.

[PLN1790352, Kind Real Estate LLC, 2346 Alisal Road, Salinas, CA (APN: 137-141-007-000)]

The Kind Real Estate LLC application (PLN190352) came on for public hearing before the Monterey County Planning Commission on March 10th, 2021. 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) The project has been reviewed for consistency with the text, policies, and regulations in:
 - 2010 Monterey County General Plan;
 - Greater Salinas Area Plan;
 - Monterey County Zoning Ordinance (Title 21);

No conflicts were found to exist. No communications were received during the review of the project indicating any inconsistencies with the text, policies, and regulation in these documents.

- b) Allowed Use. The property is located at 2346 Alisal Road, Salinas (Assessor's Parcel Number 137-141-007-000), Greater Salinas Area Plan Area. The parcel is zoned Farmlands or F with a 40-acre minimum (F-40), which allows commercial cannabis cultivation and non-volatile manufacturing subject to the requirements of Chapter 21.67 of the Monterey County Code. The planning Commission has approved a Use Permit allowing the commercial cannabis use at the site (Resolution No. 18-030). The use will not change as a result of this permit. Therefore, the project is an allowed land use for this site.
- c) Site Configuration: The project is to demolish and redevelop the following existing facilities on site, the total current lot coverage is 336,332 square feet or 62.93%:
 - Approximately 272,659 square feet for mixed-light commercial cannabis cultivation;
 - Approximately 26,000 square feet for nursery;
 - Approximately 6,589 square feet for indoor drying and trimming processing;
- d) The overall redevelopment of the following facilities on site, will have a reduction of 28,335 square feet in lot coverage, the new proposed total lot coverage will be 307,997 square feet or 57.63%:
 - Approximately 215,540 square feet for mixed-light commercial cannabis cultivation;
 - Approximately 14,671 square feet for nursery;
 - Approximately 28,113 square feet for indoor drying and trimming processing;
- e) Building Site Coverage: The current building site coverage is at 62.93%, and the proposed plan building site coverage will have a reduction to 57.63%. A Use Permit is required for greenhouse lot coverage exceeding 50% in the Farmlands or F Zoning District. This resolution includes findings for approval of a Use Permit to allow new construction exceeding the maximum lot coverage.
- f) An updated Operation Plan will be submitted to update and reflect the changes to the layout and the new square footage of the commercial cannabis operations at the site. Changes from the previously approved plan are limited to those made necessary by the reconfiguration of structures considered in this Use Permit. Other the location and size of structures, the cannabis operation will remain substantially the same and other than the minor revisions to the operations plans made to reflect the new structures.
- g) There is no Land Use Advisory Committee (LUAC) for the Greater Salinas area, therefore the project was not referred to a LUAC for recommendations.
- h) 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 PLN190352.

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, Monterey County Regional Fire District, RMA-Public Works, RMA-Environmental Services, and 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 and shall be continued to follow by the applicant.
 - b) The location is permitted to operate as a commercial cannabis cultivation under the entitlement PLN170110. The proposed plan will continue to operate as cannabis cultivation, which is similar in character to the current and its surrounding use. The proposed plan will have additional parking spaces and gate access facing Fuji Lane.
 - c) The plans and documentation, including security, tracking, reporting, sustainability measures, and other relevant information will continue to address regulatory requirements and minimize impacts at the site and in the surrounding areas.
 - d) 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 PLN190352.
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, Monterey County Regional Fire 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 are available including a septic system permitted by Environmental Health and water provided by a private well.
 - c) The plans and documentation, including security, tracking, reporting, sustainability measures, and other relevant information will continue to address regulatory requirements and minimize impacts at the site and in the surrounding areas.
 - d) Minor temporary increases in noise and dust will occur during the construction, however, the temporary impacts will not exceed the thresholds established in the General Plan (for noise) or by the Monterey Air Pollution Control District (for air quality). Typical construction methods and equipment will be used.

- e) 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 PLN190352.
4. **FINDING:** **NO VIOLATIONS** - The subject property is in compliance with all rules and regulations pertaining to zoning uses.
- EVIDENCE:** a) The subject property is currently in use for commercial cannabis cultivation. Staff has reviewed permit records and visited the site. The cannabis use is fully permitted and there are no known violations on the property.
- b) The application, site plans and supporting materials submitted by the project applicant to Monterey County HCD - Planning for the proposed development are found in Project File PLN190352.
5. **FINDING:** **CEQA (Exempt):** - The project is categorically exempt from environmental review.
- EVIDENCE:** a) California Environmental Quality Act (CEQA) Guidelines Section 15302, categorically exempts the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.
- b) The project consists of demolition and reconstruction of the existing greenhouses, nursery, and processing facility on site. The proposed new structures on the same site will continue to operate as cannabis cultivation and will not change the nature or intensity of the use. The new structures include a 215,540 square feet of canopy area for cannabis cultivation, an approximately 28,113 square feet processing facility, and an 14,671 square feet nursery, with a total of 307,997 square feet building coverage.
- c) None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project. There are no significant cumulative effects of the redevelopment of the existing structures, the site will only have temporary air quality impacts due to demolition and reconstruction. There are no historical resources and no hazardous waste sites involved.
- d) 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 PLN190352.
6. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Board of Supervisors
- EVIDENCE:** a) The Monterey County Zoning Ordinance Section 21.80.040.D 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:

1. Find that the project, reconstruction of greenhouses, qualifies as a Class 2 Categorical Exemption per Section 15302 of the California Environmental Quality Act (CEQA) Guidelines and none of the exceptions under Section 15300.2 apply; and
2. Approve a Use Permit to allow
 - a. For the demolition of 272,659 square feet of greenhouse (equating to 81.06% of existing coverage) and construction of 215,540 square feet of greenhouse for a total building site coverage 57.63%, in excess of the 50% maximum coverage allowed in the Farmlands Zoning District.
 - b. The greenhouse replacement would not change the existing permitted commercial cannabis use at the site.

All of which are subject to 4 conditions of approval and in conformance with the attached plans attached hereto and incorporated herein by reference.

PASSED AND ADOPTED this 10th day of March, 2021 upon motion of _____, seconded by _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Erik V. Lundquist, AICP, 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 March 10th, 2021.

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

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

PLN190352

1. PD001 - SPECIFIC USES ONLY

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: This Use permit (PLN190352) allows the demolition of 272,659 square feet of greenhouse (equating to 81.06% of the existing coverage) and construction of 215,540 square feet of greenhouse for a total building site coverage 57.63%, in excess of the 50% maximum coverage allowed in the Farmlands Zoning District. The greenhouse replacement would not change the existing permitted commercial cannabis use at the site. The property is located at 2346 Alisal Rd, Salinas, CA 93908 (Assessor's Parcel Number 137-141-007-000), Greater Salinas Area 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 HCD - 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. (HCD - 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 Use Permit (Resolution Number _____) was approved by Planning Commission for Assessor's Parcel Number 137-141-007-000 on March 10, 2021. The permit was granted subject to 4 conditions of approval which run with the land. A copy of the permit is on file with Monterey County HCD - Planning."

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

Compliance or Prior to the issuance of grading and building permits, certificates of compliance, or
Monitoring commencement of use, whichever occurs first and as applicable, the Owner/Applicant
Action to be Performed: 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
Monitoring Measure: 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.
(HCD - Planning)

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

Action to be Performed: 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."

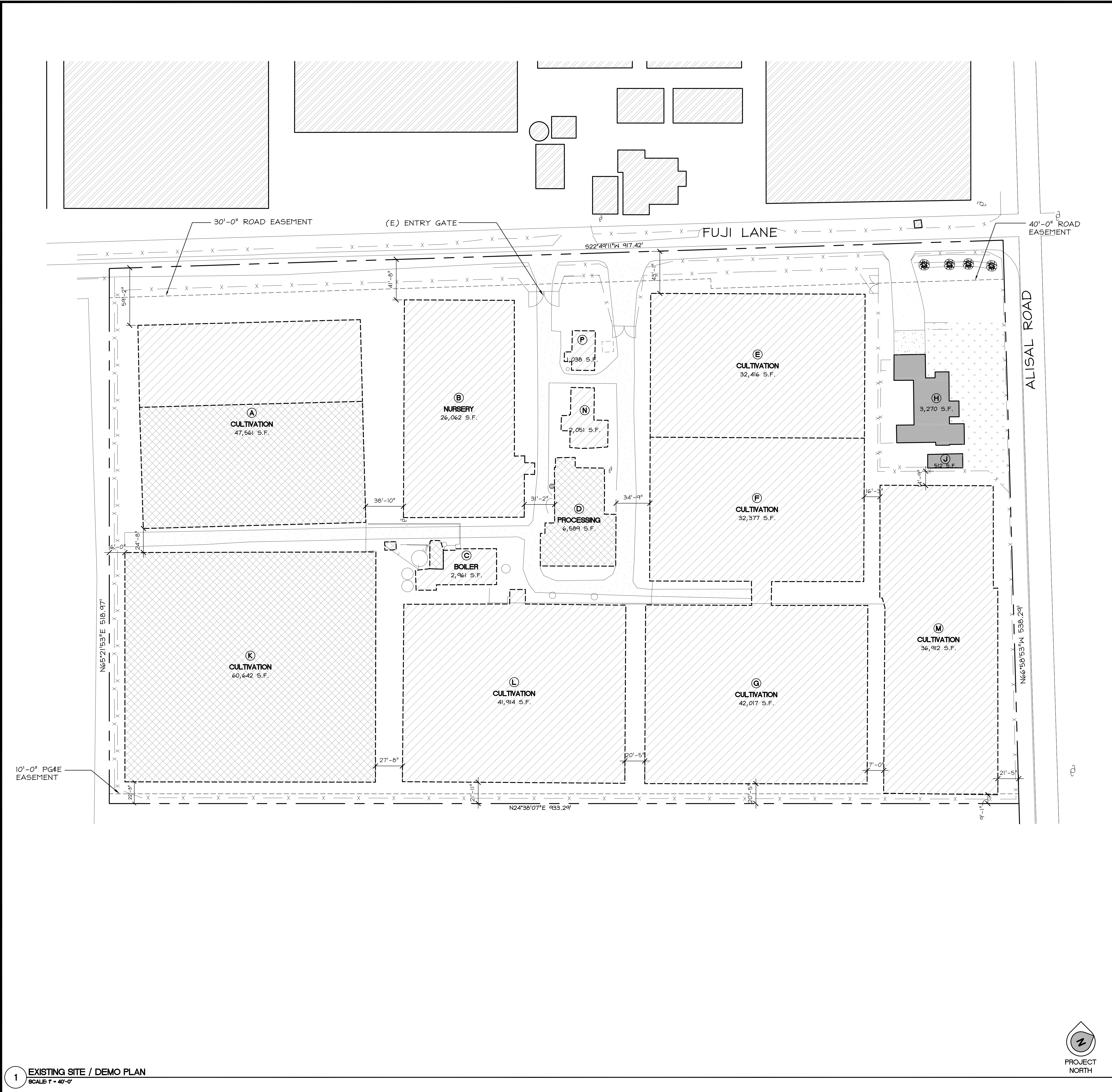
When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery.

4. PDSP01 - OPERATIONS PLAN (NON-STANDARD)

Responsible Department: RMA-Planning

Condition/Mitigation Monitoring Measure: Prior to the issuance of construction permits for the demolition and rebuild of the greenhouse structures, the owner/applicant shall submit a final Operations Plan for the commercial cannabis cultivation activity on the site. (HCD-Planning)

Compliance or Monitoring Action to be Performed: Prior to the issuance of construction permits for the demolition and rebuild of greenhouse structures, the owner/applicant shall submit a final Commercial Cannabis Operations Plan to HCD-Planning for review and approval.



PROJECT DATA

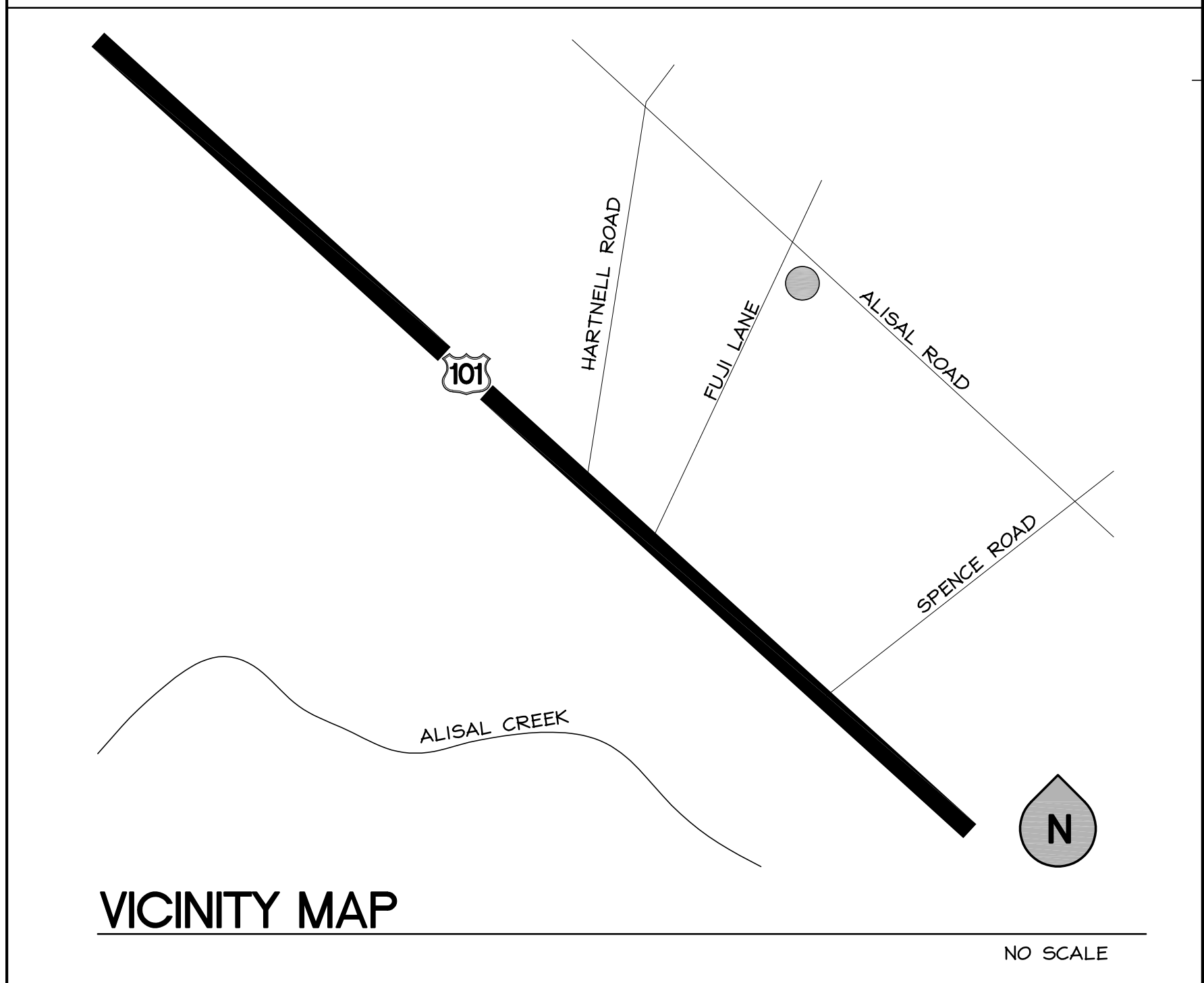
PROPERTY OWNER & OPERATOR:	KIND OF CORP. LUIS ESPINOSA	APN:	137-141-007-000
PARCEL SIZE:	534,446 S.F. (12.3 ACRES)	ZONING:	F/40
LOT COVERAGE (NET):	336,332 S.F. (62.93%)	USE DESIGNATION:	FARMLAND (40-160 ACRE)
FLOOR AREA RATIO:	336,332 S.F. (62.93%)	USE:	GREENHOUSE CULTIVATION/CANNABIS
IMPERVIOUS COVERAGE:	BUILDINGS: 336,332 S.F. OTHER: 23,706 S.F. TOTAL: 360,037 S.F.	PARKING PROPOSED:	26 SPACES
TREE REMOVAL:	NONE	INCLUDES ADA PKG:	NO
GRADING VOLUMES:	NONE	WATER SERVICE:	ON SITE WELL
		SEWER SERVICE:	ON SITE SEPTIC

PROJECT BUILDING DATA

BLDG	USE DESCRIPTION	OCCUPANCY	CONST. TYPE	BLDG. HT.	GROSS S.F.
A	CULTIVATION	U	V-B	35'-0"	47,561 S.F.
B	NURSERY	U	V-B	35'-0"	26,062 S.F.
C	BOILERS	F-I	V-B	35'-0"	2,961 S.F.
D	PROCESSING/RR	F-I	V-B	35'-0"	6,589 S.F.
E	CULTIVATION	U	V-B	35'-0"	32,416 S.F.
F	CULTIVATION	U	V-B	35'-0"	32,377 S.F.
G	CULTIVATION	U	V-B	35'-0"	42,017 S.F.
H	RESIDENCE	R	V-B	35'-0"	3,270 S.F.
I	STORAGE	S-I	V-B	35'-0"	512 S.F.
J	CULTIVATION	U	V-B	35'-0"	60,642 S.F.
K	CULTIVATION	U	V-B	35'-0"	41,914 S.F.
L	CULTIVATION	U	V-B	35'-0"	36,912 S.F.
M	OFFICE	B	V-B	35'-0"	2,051 S.F.
N	OFFICE	B	V-B	35'-0"	1,038 S.F.
TOTAL EXISTING BUILDING AREA					336,332 S.F.

LEGEND

---	(E) PROPERTY LINE		(E) ADJACENT BUILDING
x x x	(E) FENCE TO BE REMOVED		LANDSCAPING
---	EASEMENT OR SETBACK		A/C PAVING
	(E) BUILDING TO REMAIN		CONCRETE PAVING
	(E) PHASE 1 DEMO		(E) POWER POLE
	(E) PHASE 2 DEMO		(E) GAS METER



REVISIONS	DATE	BY	DESCRIPTION

BELL ARCHITECTURAL GROUP 831.424.4620
235 MONTEREY STREET, SUITE B, SALINAS, CA 95001
BELLTAG.COM

Bell Architectural Group

EXISTING / DEMO SITE PLAN
VARIANCE BUILDING PERMIT FOR:
KIND OF CORP.
2346 ALISAL ROAD
SALINAS, CA 95008

DATE	02/06/2019
SCALE	AS NOTED
DRAWN	SM
JOB	18001
SHEET	110

OF SHEETS



PROJECT DATA

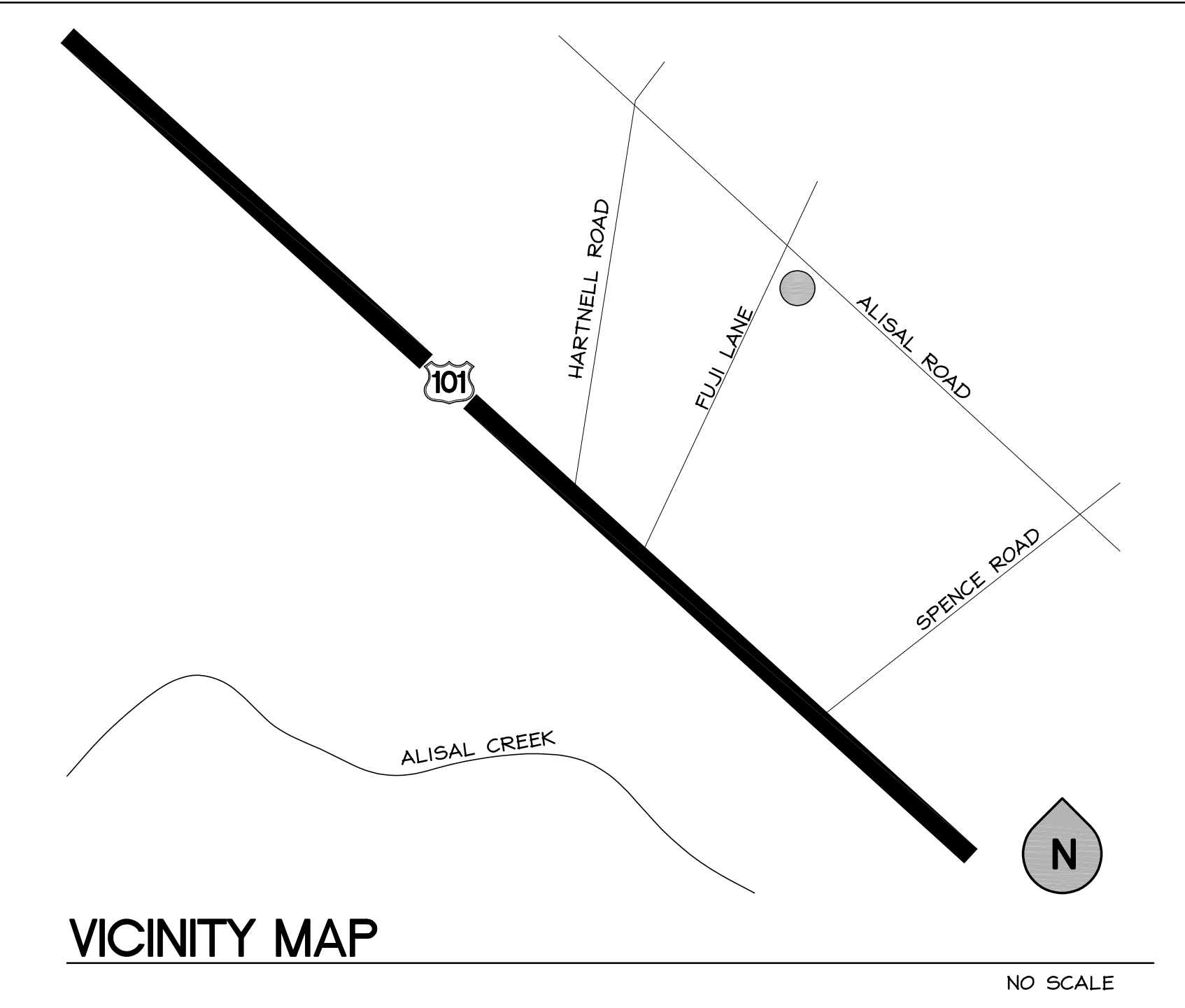
PROPERTY OWNER & OPERATOR:	KIND OF CORP. LUIS ESPINOSA	APN:	137-141-007-000
PARCEL SIZE:	534,446 S.F. (12.3 ACRES)	ZONING:	F/40
LOT COVERAGE (NET):	307,997 S.F. (57.63%)	USE DESIGNATION:	FARMLAND (40-160 ACRE)
FLOOR AREA RATIO:	307,997 S.F. (57.63%)	USE:	GREENHOUSE CULTIVATION/CANNABIS
IMPERVIOUS COVERAGE:	BUILDINGS: 307,997 S.F. OTHER: 90,574 S.F. TOTAL: 398,571 S.F.	PARKING PROPOSED:	64 SPACES
TREE REMOVAL:	NONE	INCLUDES ADA PKG:	3 (1 VAN ACCESSIBLE)
GRADING VOLUMES:	CUT - 1,664 C.Y. FILL - 26,748 C.Y.	WATER SERVICE:	ON SITE WELL
		SEWER SERVICE:	ON SITE SEPTIC

PROJECT BUILDING DATA

BLDG.	USE DESCRIPTION	(E) OCC.	(N) OCC.	CONST. TYPE	BLDG. HT.	GROSS SF.
A	PROCESSING	-	F-1	II-B	35'-0"	28,113 S.F.
B	(E) RESIDENCE	R-1	F-1	V-B	35'-0"	3,270 S.F.
C	CO-GEN	-	ACCESSORY	II-B	35'-0"	5,623 S.F.
D	CULTIVATION	-	U	II-B	35'-0"	14,702 S.F.
E	CULTIVATION	-	U	II-B	35'-0"	14,586 S.F.
F	CULTIVATION	-	U	II-B	35'-0"	14,670 S.F.
G	CULTIVATION	-	U	II-B	35'-0"	14,702 S.F.
H	CULTIVATION	-	U	II-B	35'-0"	14,705 S.F.
J	CULTIVATION	-	U	II-B	35'-0"	14,696 S.F.
K	CULTIVATION	-	U	II-B	35'-0"	14,784 S.F.
L	CULTIVATION	-	U	II-B	35'-0"	14,703 S.F.
M	CULTIVATION	-	U	II-B	35'-0"	14,587 S.F.
N	NURSERY	-	U	II-B	35'-0"	14,671 S.F.
O	CULTIVATION	-	U	II-B	35'-0"	14,703 S.F.
P	CULTIVATION	-	U	II-B	35'-0"	14,703 S.F.
Q	CULTIVATION	-	U	II-B	35'-0"	14,700 S.F.
R	CULTIVATION	-	U	II-B	35'-0"	14,695 S.F.
S	CULTIVATION	-	U	II-B	35'-0"	4,910 S.F.
T	CULTIVATION	-	U	II-B	35'-0"	14,784 S.F.
V	STORAGE	S-1	S-1	V-B	35'-0"	512 S.F.
AA	WEST CORRIDOR	-	U	II-B	35'-0"	7,083 S.F.
BB	N/S CORRIDOR	-	U	II-B	35'-0"	22,146 S.F.
CC	EAST CORRIDOR	-	U	II-B	35'-0"	12,596 S.F.
DD	SOIL MIXING	-	U	II-B	35'-0"	2,634 S.F.
EE	PROPAGATION	-	ACCESSORY	II-B	35'-0"	710 S.F.
NEW BUILDING AREA						304,215 S.F.
EXISTING BUILDING AREA						3,782 S.F.
TOTAL AREA						307,997 S.F.

LEGEND

---	(E) PROPERTY LINE		(E) ADJACENT BUILDING
-x-x-	(N) FENCE		LANDSCAPING
-x-x-x-	(N) GABION WALL		A/C PAVING
---	EASEMENT OR SETBACK		CONCRETE PAVING
	(E) BUILDING		
	FUTURE BUILDING PROPOSED VARIANCE		



REVISIONS

DATE

BY

DESCRIPTION

DESIGNED

ARCHITECT

PROJECT LINE BELLS

13

18071

Exp. 6/30/21

STATE OF CALIFORNIA

BELLI ARCHITECTURAL GROUP 831 424 4620

235 MONTEREY STREET, SUITE B, SALINAS, CA 93901

BELLIAG.COM

PROPOSED SITE PLAN

VARIANCE BUILDING PERMIT FOR:

KIND OF CORP.

2346 ALISAL ROAD

SALINAS, CA 93906

DATE

02/06/2019

SCALE

AS NOTED

DRAWN

SM

JOB

18001

SHEET

A11

OF

SHEETS

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