



Legislation Details (With Board Report)

File #: PC 19-049 **Name:** PLN170336 - Mann
Type: Planning Item **Status:** Agenda Ready
File created: 7/1/2019 **In control:** County of Monterey Planning Commission
On agenda: 7/10/2019 **Final action:**
Title: PLN170336 - MANN (CARMEL VALLEY ORIGINAL INC.)
Public hearing to consider a commercial cannabis retailer (dispensary) use including delivery services within an existing building located in the Light Commercial zone.
Project Location: 299 River Road, Salinas, Toro Area Plan (APN: 139-061-003-000)
Proposed CEQA action: Categorically Exempt per Class 3, Section 15303 of the CEQA Guidelines

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Project Data Sheet, 3. Exhibit B - Discussion, 4. Exhibit C - Draft Resolution, 5. Exhibit D - Vicinity Map, 6. Exhibit E - Interested Party Letters, 7. Exhibit F - Correspondence from Sharmi Shah addressing public concerns, 8. Exhibit G - Toro LUAC Minutes, 9. Exhibit H - Traffic Report (November 27, 2018), 10. Exhibit I - Updated Traffic Report (May 9, 2019), 11. Exhibit J - Traffic Collision History Report, 12. Exhibit K - Lighting Plans, 13. Exhibit L - Letter from Monterey County Public Health, 14. Exhibit M - Security Gate

Date	Ver.	Action By	Action	Result
7/10/2019	1	County of Monterey Planning Commission		

PLN170336 - MANN (CARMEL VALLEY ORIGINAL INC.)

Public hearing to consider a commercial cannabis retailer (dispensary) use including delivery services within an existing building located in the Light Commercial zone.

Project Location: 299 River Road, Salinas, Toro Area Plan (APN: 139-061-003-000)

Proposed CEQA action: Categorically Exempt per Class 3, Section 15303 of the CEQA Guidelines

RECOMMENDATION:

It is recommended that the Planning Commission adopt a resolution to:

- a. Find that the project is the conversion of an existing small structure from one use to another, which qualifies for a Class 3 Categorical Exemption per Section 15303 of the CEQA Guidelines and none of the exceptions under Section 15300.2 apply; and
- b. Approve an Administrative Permit and Design Approval for a cannabis retailer including delivery at 299 River Road, Salinas.

The attached draft resolution includes findings and evidence for consideration (**Exhibit C**). Staff recommends approval subject to 12 conditions of approval including six (6) mandatory conditions per the Monterey County Code.

PROJECT INFORMATION:

Agent: Anthony Lane
Property Owner: Lawrence Mann, Angela Mann & Anthony Lane
APN: 139-061-003-000
Parcel Size: 0.38-acre
Zoning: LC-D (Light Commercial with a Design Overlay)

Plan Area: Toro Area Plan

Flagged and Staked: No

SUMMARY:

The applicant, Carmel Valley Original Inc., requests entitlements for a cannabis dispensary including delivery within an existing 1,284 square foot retail building located at 299 River Road, in Salinas. Dispensaries are listed as a use allowed in the Light Commercial zone with an Administrative Permit. A Design Approval is also required for modifications to the building/site.

The proposed dispensary would be located within a building that, at one time, operated as a neighborhood serving convenience store. This building has been vacant since about 1998. The site also contains an existing single-family dwelling at the rear of the property that would remain and is proposed to be used for onsite employee housing.

Staff has reviewed the plans and information submitted with the application and has determined that the project complies with the adopted regulations contained in Chapter 21.67 of the Zoning ordinance regulating commercial cannabis uses, but also identified concerns with respect to neighborhood compatibility. The property is zoned Light Commercial which is a zone that permits commercial cannabis dispensaries and no other commercial cannabis uses exist within 1,500 feet of the site. However, the proposed dispensary is located in an area that is primarily characterized as a rural residential community with a small neighborhood serving commercial uses along River Road. Neighbors have identified concerns with a many youth in the area and bus stops near the proposed dispensary location. Also, staff finds that there could be potential traffic impacts and conflicts with access to and from the site directly from River Road, which is a high-speed artillery road with the site located where there is reduced visibility for northbound traffic coming over a hill.

The project includes a discretionary permit which provides the opportunity to consider if the proposed use is appropriate for the site and its surroundings. As described in more detail in the discussion staff has considered the concerns raised during review of the application. The project is located in a zone that permits cannabis dispensaries and operation and security plans have been submitted in conformance with adopted standards and regulations. A traffic report was submitted addressing potential impacts on roads and hazards, and staff finds that the actions recommended in that report are sufficient to address the traffic issues. Staff is recommending approval of this permit subject to conditions that include resolution of the traffic issues.

DISCUSSION:

A more detailed discussion is provided in **Exhibit B**.

CEQA

Section 15303 of the California Environmental Quality Act exempts the conversion of small structures, from one use to another, where only minor modifications are made to the exterior. The majority of the proposed modifications will take place within the interior of the structure for the dispensary. Minor modifications to the exterior will occur to allow for implementation of the proposed security measures. Approval of the permit would not result in an increase to the existing square footage of the building. Therefore, the project meets the class 3 categorical exemption.

OTHER AGENCY INVOLVEMENT:

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

Environmental Health Bureau

RMA-Public Works

RMA-Environmental Services

Monterey Regional Fire Protection District
Monterey County Health Department

The proposed project was reviewed by the Toro Area Land Use Advisory Committee (LUAC) on January 14, 2019. Five members were in attendance and unanimously recommended denial of the project siting incompatibility with the character of the neighborhood.

FINANCING:

Funding for staff time associated with this project is included in the 19-20 Adopted Budgets for RMA-Planning.

Prepared by: Son Pham-Gallardo, Associate Planner

Reviewed by: Craig Spencer, RMA Interim Planning Services Manager

Approved by: John Dugan, FAICP, RMA Deputy Director

The following attachments are on file with the RMA:

Exhibit A - Project Data Sheet

Exhibit B - Discussion

Exhibit C - Draft Resolution including:

- Conditions of Approval
- Project Plans
- Operational Plan

Exhibit D - Vicinity Map

Exhibit E - Interested Party Letters

Exhibit F - Correspondence from Sharmi Shah addressing public concerns

Exhibit G - Toro LUAC Minutes

Exhibit H - Traffic Report (November 27, 2018)

Exhibit I - Updated Traffic Report (May 9, 2019)

Exhibit J - Traffic Collision History Report

Exhibit K - Lighting Plans

Exhibit L - Letter & Matrix from Monterey County Public Health

Exhibit M - Security Gate

cc: Front Counter Copy; Planning Commission, Craig Spencer, RMA Interim Services Manager; Son Pham-Gallardo, Associate Planner; Anthony Lane, Agent; Lawrence Mann, Angela Mann & Anthony Lane, Owners; The Open Monterey Project (Molly Erickson); LandWatch (Executive Director); Project File PLN170336.