



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #:	RES 20-197	Name:	PLN190008 - Abundant Investments
Type:	BoS Resolution	Status:	Passed - RMA Administration
File created:	11/4/2020	In control:	Board of Supervisors
On agenda:	11/17/2020	Final action:	11/17/2020
Title:	Public hearing to consider: a. Granting an appeal by Monterey Retail Solutions from the May 13, 2020, decision of the Planning Commission to deny an application for a commercial cannabis retailer including delivery service and automotive repair; b. Find the project categorically exempt per CEQA Guidelines section 15303; and c. Approve an application for an Amendment to the General Development Plan and an Administrative Permit to allow a commercial cannabis retailer including delivery service within an existing commercial building in addition to a previously approved automotive detail facility/tire shop 1031 N. El Camino Real, North County Area Plan area (APN:133-023-042-000, PLN190008 - Abundant Investments, LLC (Monterey Retail Solutions))		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A – Discussion, 3. Attachment B - Board Resolution, 4. Attachment C – Vicinity Map, 5. Attachment D – Planning Commission Resolution, 6. Attachment E – Notice of Appeal, 7. Attachment F – Traffic Report (LIB200184), 8. Attachment G – Traffic Assessment, 9. Attachment H – Unified School District Letter, 10. Attachment I – Response from Applicant, 11. Attachment J – Caltrans Highway 156 Expansion Map, 12. Attachment K – North County LUAC Minutes, 13. Attachment L – Letter from County Health Department, 14. Attachment M – Old General Development Plan, 15. Item No. 15 Completed Board Order, Resolution, Conditions and Sketch, 16. Item No. 15 (JRG Attorneys at Law)- Received day of hearing, 17. Item No. 15 Memo from Staff- Received day of hearing

Date	Ver.	Action By	Action	Result
11/17/2020	1	Board of Supervisors		

Public hearing to consider:

- Granting an appeal by Monterey Retail Solutions from the May 13, 2020, decision of the Planning Commission to deny an application for a commercial cannabis retailer including delivery service and automotive repair;
- Find the project categorically exempt per CEQA Guidelines section 15303; and
- Approve an application for an Amendment to the General Development Plan and an Administrative Permit to allow a commercial cannabis retailer including delivery service within an existing commercial building in addition to a previously approved automotive detail facility/tire shop
1031 N. El Camino Real, North County Area Plan area (APN:133-023-042-000, PLN190008 - Abundant Investments, LLC (Monterey Retail Solutions))

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:

- Grant the appeal by Monterey Retail Solutions from the May 13, 2020, decision of the Planning Commission to deny a commercial cannabis retailer including delivery and automotive detail facility/tire shop.
- Find that the project is the conversion of an existing small structure from one (commercial) 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 Amendment to the General Development Plan and Administrative Permit to allow a commercial cannabis retailer including delivery service within an existing commercial building in addition to a previously approved automotive detail facility/tire shop.

A draft resolution with findings and evidence supporting this recommendation is attached for consideration (Attachment B). Staff recommends approval subject to 11 conditions.

PROJECT INFORMATION:

Project No: PLN190008/Abundant Investments, LLC

Agent: Robert Dee; Andrew M. Jun, Esq.

Property Owner: Abundant Investments, LLC

Applicant/Lessee: Monterey Retail Solutions

Location: 1031 N. El Camino Real (APN: 133-023-042-000)

Parcel Size: 1.79 acres

Zoning: Light Commercial or "LC"

Plan Area: North County Area Plan

Flagged and Staked: No

SUMMARY:

The applicant, Abundant Investments, LLC, requested entitlements for a commercial cannabis dispensary including delivery within an existing 1,413 square foot retail building located at 1031 N. El Camino Real, in the unincorporated area of the County near Salinas. The parcel is currently zoned for Light Commercial uses. Prior to the lease to Monterey Retail Solutions, this space was at one time operated as a "Tuff Shed" storage shed sales office. This building (upper level) has been vacant since November 2019. The site also contains an existing automotive detail facility/tire shop on the lower portion of the property that would remain. This automotive detail facility/tire shop was previously approved under the original Use Permit and General Development Plan (PLN030439, Resol.04026) in conjunction with the used car sales lot and office. There was some confusion with the automotive facility if it is a repair shop according the updated GDP. However, the owner clarified that no automotive repairs are done on site. The current use is primarily a tire shop. The current application includes a request to amend a General Development Plan for this commercial center to allow commercial cannabis, and an Administrative Permit for a cannabis dispensary in accordance with County Code.

On April 8, 2020 the Planning Commission conducted a hearing on the project. Public testimony, including the North County LUAC and North Monterey County Unified School District, expressed concern with compatibility of the project with neighborhood character. The school transportation department has a bus stop located on El Camino Real near the proposed dispensary that currently services two students (Pre-COVID). Concerns from the School District include ensuring that appropriate safety measures are in place to protect students from any potential safety or health issues due to the location of the dispensary. Issues included but were not limited to; increased auto traffic near the bus stop, increased pedestrian traffic at the location, loitering and tobacco use in the area, and potential for students to enter the dispensary facility. The Commission voted (9 -1) to adopt a motion of intent to deny the project and continued the hearing to May 13, 2020 for staff to return with a resolution for denial. At the hearing on May 13, the Commission voted to deny the project. (Planning Commission Resolution No. 20-011) The Planning Commission's denial was based largely on inadequate analysis of the traffic impacts of the project and concern that traffic in and out of the site that could pose safety issues to both the neighborhood and along the entrance adjacent to Highway 101. The Planning Commissions concerns did not include the allowability of the use.

The Appellant, Monterey Retail Solutions, who is the prospective lessee of the property and cannabis dispensary operator, filed a timely appeal which addresses the specific contentions. Since the time of the Planning Commission denial, the appellant caused to be prepared and provided a comprehensive traffic report prepared by Keith Higgins, traffic engineer, dated September 16, 2020 (LIB200184) and a detailed updated General Development Plan to address the Planning Commission's reasons for denial. This traffic report adds a thorough analysis of the project trip generation, vehicle accident history in the immediate area, traffic assessment of nearby roads and analysis of project vehicle miles traveled (VMT). Updates to the GDP include long range development and operation of the facilities including physical expansion and new development, operational changes to enhance safety, traffic circulation improvements, and alternative development opportunities,

Based on the new information received, Staff recommends that the Board grant the appeal and approve the proposed project based on this new information. Staff finds that the new information addresses the concerns relating to traffic and safety given the location of the project as well as proximity to the residential neighborhood. From a CEQA perspective, there is an existing commercial space that had been used for an office and sales center and would now be a cannabis retail dispensary. In addition, the previously approved automobile detail facility/tire shop would remain but, is currently only serving as a tire shop. Staff finds that this qualifies as categorically exempt under Section 15303 of the CEQA Guidelines which exempts the conversion of small structures from one use to another. There are no unusual or cumulative effects that would trigger the need for an initial study (Section 15300.2 of the CEQA Guidelines).

A draft resolution has been prepared granting the appeal, finding the project categorically exempt, and approving the new use. If the Board desires to take a different action, the Board could adopt a motion of intent and continue the hearing to a date certain with direction for staff to prepare a resolution with modified findings.

DISCUSSION

See Attachment A for a detailed project description and discussion, including project analysis and responses to the Appellant's contentions.

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 North County Land Use Advisory Committee (LUAC) on September 18, 2019. The LUAC recommended approval of the cannabis dispensary with a vote of 5-3. Concerns about the project were mainly based on traffic and safety. Further recommendation noted in the minutes are to limit the number of dispensaries, traffic, nearby school bus stops, and to allocate tax dollars from North County dispensaries to remain in North County.

FINANCING:

Funding for staff time associated with this project is included in the Fiscal Year 20-21 Adopted Budgets for RMA-Planning.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action represents effective and timely response to our RMA customers. Processing this application in accordance with all applicable policies and regulations also provides the County accountability for proper

management of our land resources. Adherence to Monterey County Cannabis Regulations also ensures the health and safety of County Residents.

Check the related Board of Supervisors Strategic Initiatives:

X Economic Development

X Administration

X Health & Human Services

 Infrastructure

X Public Safety

Prepared by: Son Pham-Gallardo, Associate Planner ext. 5226

Reviewed by: Brandon Swanson, Planning Services Manager

Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:

Attachment A - Discussion

Attachment B - Board Resolution, including

- Conditions of Approval
- Site Plan, Floor Plans, Elevations
- Updated General Development Plan

Attachment C - Vicinity Map

Attachment D - Planning Commission Resolution

Attachment E - Notice of Appeal

Attachment F - Traffic Report (LIB200184)

Attachment G - Traffic Assessment

Attachment H - Unified School District Letter

Attachment I - Response from Applicant

Attachment J - Caltrans Highway 156 Expansion Map

Attachment K - North County LUAC Minutes

Attachment L - Letter from County Health Department

Attachment M - Old General Development Plan

cc: Front Counter Copy; Brandon Swanson, RMA Services Manager; Son Pham-Gallardo, Project Planner; North County Land Use Advisory Committee, Abundant Investments PLN190008 Owner, Monterey Retail Solutions, Appellant, c/o Andrew m. Jun; County of Monterey Health Department; Monterey County Environmental Health Bureau; Monterey County Waste Management; North County Fire Protection District; North Monterey County Unified School District; Caltrans; Project File PLN190008.