

RESOLUTION NO. 2021-95

A RESOLUTION OF THE CITY OF MARINA CITY COUNCIL APPROVING A 120-DAY EXTENSION OF A CANNABIS CONDITIONAL USE PERMIT ALLOWING A MEDICAL/ADULT USE CANNABIS DISPENSARY AT 3100 DEL MONTE BOULEVARD (CITY COUNCIL RESOLUTION 2020-65) BEYOND THE APPROVED ADMINISTRATIVE 90-DAY EXTENSION (EXPIRING ON SEPTEMBER 8, 2021) FOR A NEW SUBSTANTIAL ACTION TIME LIMIT EXPIRATION DATE OF JANUARY 6, 2022

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, on June 11, 2020, the City Council adopted Resolution 2020-65 approving a Cannabis Conditional Use Permit for a combined medical/adult use cannabis dispensary at 3100 Del Monte Boulevard as one of three approved applications. A condition of project approval required the following (typical of all three permits):

Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

WHEREAS, on June 9, 2021, upon request of the applicant, the City Manager approved a 90-day extension of the use permit for a new Substantial Action Time Limit expiration date of September 8, 2021; and,

WHEREAS, on July 20, 2021 the applicant submitted an application for an amendment to the Cannabis Condition Use Permit to extend the Substantial Action Time Limit an additional 120-days as reflected in “**EXHIBIT A**”; and,

WHEREAS, the applicant cites delays in the project due to complications with parking constraints, completion of a traffic study, meetings with staff and neighbors to explore a shared parking agreement and delays due to the COVID pandemic and the applicant has submitted a construction schedule that demonstrates the ability of the business to complete construction and open for business no later than January 6, 2022.

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that it hereby approves a 120-day Extension of a Cannabis Conditional Use Permit Allowing a Medical/Adult Use Cannabis Dispensary at 3100 Del Monte Boulevard (City Council Resolution 2020-65) Beyond the Approved Administrative 90-day Extension (Expiring on September 8, 2021) for a New Substantial Action Time Limit Expiration Date of January 6, 2022 with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.

3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.
9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit by January 6, 2022, this permit shall be deemed revoked. A one-time 30-day administrative extension may be granted by staff if, by January 6, 2022, the business is ready for final inspections.

10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.

20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary's permits and licenses authorizing delivery service; the employee's government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 17th day of August 2021, by the following vote:

AYES, COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

PACIFIC ROOTS MARINA, LLC
ATTN: ALBERTO "AVI" MARCIANO, MANAGER
2400 E. Katella Avenue, Ste. 370, Anaheim, CA
92806
Phone: (714) 478-3600 | Email: avim@me.com

July 14, 2021

City of Marina
ATTN: Christy Hopper,
Planning Services
Manager
211 Hillcrest Avenue
Marina, CA 93933
Phone: (831) 884-1238
Email: chopper@cityofmarina.org

**RE: Request to Modify the Cannabis Conditional Use Permit for Pacific Roots Marina, LLC,
at 3100 Del Monte Blvd., Marina, CA 93933**

Dear Planning Services Manager Hopper:

I am Alberto "Avi" Marciano, the LLC Manager for Pacific Roots Marina, LLC ("Pacific Roots"). I am submitting this planning application to request to modify the Cannabis Conditional Use Permit ("CUP") in order to allow for an additional extension of the time limit for the CUP for Pacific Roots at 3100 Del Monte Blvd., Marina, CA 93933 ("3100 Del Monte") based on Pacific Roots' substantial actions in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte.

We and the City knew from the start that this building had its challenges, but we both wanted to make this work to help update and modernize this building and become a mainstay in the community. We love the site and the Community of Marina and are willing to do whatever it takes to commence operations we just simply need more time after the time it took to address the parking and traffic issues that were necessary after approval. We remain able to complete construction very quickly once we have City approvals and building permits in hand.

As was previously mentioned in our original request letter to the City for an extension of the CUP our project had suffered a few setbacks resulting from our first meeting with the City in September of 2020 on the parking constraints and the requirement to conduct a traffic study and the back and forth meetings with the City and neighbors on parking issues at this location, which took exceptionally a longer time than anticipated due to COVID, schedules, people working from home and the overall lack of human power to move things during that time with a final sign off in February 2021. Nevertheless, we were and are determined to work through these setbacks in order to see this project to completion.

Since the original extension was given PacificRoots has been working at full speed with Graphia, led by Sean Freitas, and Delta Construction led by Aaron Baggaley. We had been hopeful that there would be no further delays, but as we began to ramp things up unforeseen issues continued to prevent us from establishing a medical / adult-use cannabis dispensary.

First, as mentioned before in the original extension Graphia resubmitted our plans for plan check on May 24 and since then Graphia has had lengthy discussions and emails with Planning to try and work through the difficulties of this space and phase out the exterior to a later date to avoid a lengthy Design Review and exterior construction (focus on interior for Phase 1) and at this time is still working diligently with planning to work on approval in order to move onward.

Simultaneously, Delta was facing similar impediments. Aaron Baggaley reached out to planning about pulling a demolition permit. Aaron was told an asbestos test was required. The initial results came back positive and it was not until recently that we received the full report confirming those results (meanwhile, our building application has been put on hold pending this remediation). Delta then reached out to multiple vendors to schedule the remediation process. A contractor has been hired for this work. The contractor has posted the required 10 business day notice in order to begin work and we will begin that process very soon, with hopes of resurrecting the demo and building permits to then commence construction on approximately August 9th. As we stand today, this leaves our construction team only one month to complete construction in order to commence operations by September 8th. Delta is actively acquiring materials and sub-contractors to move this project as fast as possible, but to complete this by the commencement date is nearly unachievable.

Enclosed you will find a realistic construction schedule and when businesses can commence if no additional delays occur and demoing would be able to commence by August 9th.

We also previously submitted our state application and are waiting for approval. The State licensing bureau has been in the act of consolidating its agencies to operate under one roof, which is resulting a lack of organization and in delays the State's approval process. We anticipate approval by the State very soon in order operate the store with a state license, but we anticipate approval to happen in September based on conversations we have had with the State. Again, this is assuming they do not need any additional information or no other reason for delay on their part.

When Marina City Council approved this CUP for Pacific Roots at 3100 Del Monte Blvd it was determined a great victory to the city as the building had not been vacant for years and was considered an eyesore by many in the community. Despite all the obstacles that have happened to this point we are determined to move ahead and complete this project and become a welcoming addition to the City and the Community. We will be a Unionized shop and providing good paying jobs as well as a good source of income through the taxes collected for the City.

Our Community Liaison, Brandon Gesicki continues to be available to all the communities questions and concerns. We have contributed to the following organizations and continue to do so: Friends Of The Marina Library, Veterans Transition Center, Marina Grange, Filipino American Community Club Of Monterey Peninsula, The American Legion – Marina Chapter, and Marina Youth Arts. We are also a part of the Marina Chamber of Commerce and the American Legion Marina Chapter.

Pacific Roots is moving as expeditiously as possible in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte, but as we have said certain items have been out of our control. These items have required a partnership with the City to solve. As such, we ask for a small extension to continue this partnership, make the necessary improvements, and allow our store to open after having addressed and remedied the problems discussed above. An approval to modify the CUP and get an extension of time from the City would be much appreciated. We are happy to provide updated information to the City to show the work we have done and will continue to do in order to open this store and become a pillar in this community.

Respectfully Submitted,

Alberto "Avi" Marciano
Pacific Roots Marina, LLC

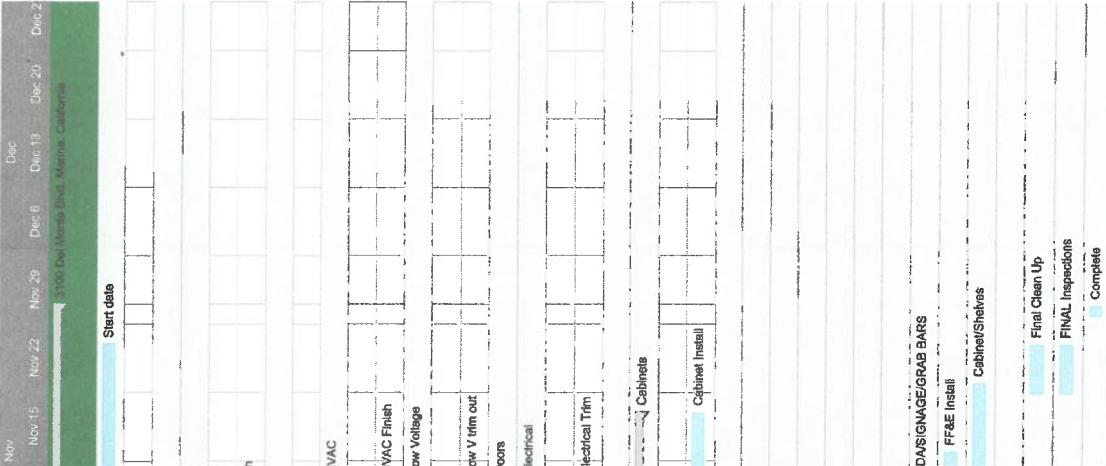
Enclosures:

1. Construction Timeline and Schedule

3100 Del Monte Blvd Marina, California



Task Name	Start Date	End Date	Aug	Sep	Oct	Nov	Dec
3100 Del Monte Blvd Marina, California	08/09/21	11/30/21					
Start date	08/09/21	11/28/21					
Demo	08/09/21	08/13/21					
Roofing	08/09/21	09/08/21					
Plumbing	08/30/21	11/05/21					
rough plumbing	08/30/21	09/10/21					
plumbing finish	11/01/21	11/05/21					
Framing	08/16/21	08/27/21					
Rough In Framing	08/16/21	09/27/21					
HVAC	08/30/21	11/12/21					
HVAC Rough In	08/30/21	09/20/21					
HVAC Finish	11/01/21	11/12/21					
Low Voltage	08/30/21	11/12/21					
Low V rough in	08/30/21	09/20/21					
Low V trim out	11/01/21	11/12/21					
Doors	11/01/21	11/12/21					
Electrical	08/23/21	11/12/21					
Electrical Rough	08/23/21	09/20/21					
Electrical Trim	11/01/21	11/12/21					
Security Mesh/Plywood Install	08/30/21	09/03/21					
Cabinets	08/30/21	11/19/21					
Build Cabinets off site	08/30/21	10/29/21					
Cabinet Install	11/01/21	11/19/21					
Insulation	09/23/21	09/24/21					
Rough wall inspections	09/20/21	09/24/21					
Drywall	09/27/21	10/08/21					
Interior paint	10/11/21	10/18/21					
Floors	10/19/21	10/27/21					
Baseboard install	10/27/21	11/01/21					
Coved Base	10/27/21	11/01/21					
ADA/SIGNAGE/GRAB BARS	11/01/21	11/12/21					
FF&E install	11/01/21	11/15/21					
Cabinet/Shelves	11/01/21	11/22/21					
Fire extinguishers	11/01/21	11/01/21					
Final Clean Up	11/22/21	11/26/21					
FINAL Inspections	11/22/21	11/28/21					
Complete	11/30/21	11/30/21					



Priority	Task Name	Start Date	End Date	Status	% Done	Trade	Duration
1	3100 Del Monte Blvd. Marina, California	08/09/21	11/30/21				82d
2	Start date	08/09/21	11/26/21	Not Started		GC	80d
3	Demo	08/09/21	08/13/21	Not Started		Demolition	5d
4	Roofing	08/09/21	09/08/21	Not Started		Roofing	23d
5	Plumbing	08/30/21	11/05/21	Not Started		Plumbing	50d
6	rough plumbing	08/30/21	09/10/21	Not Started		Plumbing	10d
7	plumbing finish	11/01/21	11/05/21	Not Started		Plumbing	5d
8	Framing	08/16/21	08/27/21	Not Started		GC	10d
9	Rough In Framing	08/16/21	08/27/21	Not Started		GC	10d
10	HVAC	08/30/21	11/12/21	Not Started		HVAC	55d
11	HVAC Rough In	08/30/21	09/20/21	Not Started		HVAC	18d
12	HVAC Finish	11/01/21	11/12/21	Not Started		HVAC	10d
13	Low Voltage	08/30/21	11/12/21	Not Started		Low Voltage	55d
14	Low V rough in	08/30/21	09/20/21	Not Started		Low Voltage	18d
15	Low V trim out	11/01/21	11/12/21	Not Started		Low Voltage	10d
16	Doors	11/01/21	11/12/21	Not Started		Doors and Hardware	10d
17	Electrical	08/23/21	11/12/21	Not Started		Electrical	60d
18	Electrical Rough	08/23/21	09/20/21	Not Started		Electrical	21d
19	Electrical Trim	11/01/21	11/12/21	Not Started		Electrical	10d
20	Security Mesh/Plywood Install	08/30/21	09/03/21	Not Started		GC	5d
21	Cabinets	08/30/21	11/19/21	Not Started		GC	60d
22	Build Cabinets off site	08/30/21	10/29/21	Not Started		GC	45d
23	Cabinet Install	11/01/21	11/19/21	Not Started		GC	16d
24	Insulation	09/23/21	09/24/21	Not Started		Insulation	2d
25	Rough wall inspections	09/20/21	09/24/21	Not Started		GC	5d
26	Drywall	09/27/21	10/08/21	Not Started		Drywall	10d
27	Interior paint	10/11/21	10/18/21	Not Started		Paint	6d
28	Floors	10/19/21	10/27/21	Not Started		Floors	7d
29	Baseboard install	10/27/21	11/01/21	Not Started		GC	4d
30	Coved Base	10/27/21	11/01/21	Not Started		GC	4d
31	ADA/SIGNAGE/GRAB BARS	11/01/21	11/12/21	Not Started		GC	10d
32	FF&E Install	11/01/21	11/15/21	Not Started		GC	11d
33	Cabinet/Shelves	11/01/21	11/22/21	Not Started		GC	16d
34	Fire extinguishers	11/01/21	11/01/21	Not Started		GC	1d
35	Final Clean Up	11/22/21	11/26/21	Not Started		GC	5d
36	FINAL Inspections	11/22/21	11/26/21	Not Started		GC	5d
37	Complete	11/30/21	11/30/21	Not Started		GC	1d

DELTA
CONSTRUCTION & ELECTRIC CO.

Task Name

Task Name	Start Date	End Date
Demo	08/09/21	08/13/21
Roofing	08/09/21	09/03/21
Plumbing	08/30/21	11/05/21
rough plumbing	08/30/21	09/10/21
plumbing finish	11/01/21	11/05/21
Framing	08/16/21	09/27/21
Rough In Framing	08/16/21	09/27/21
HVAC	08/30/21	11/12/21
HVAC Rough In	08/30/21	09/20/21
HVAC Finish	11/01/21	11/12/21
Low Voltage	08/30/21	11/12/21
Low V rough in	08/30/21	09/20/21
Low V trim out	11/01/21	11/12/21
Doors	11/01/21	11/12/21
Electrical	09/23/21	11/12/21
Electrical Rough	08/23/21	09/20/21
Electrical Trim	11/01/21	11/12/21
Security Mesh/Plywood Install	08/30/21	09/03/21
Cabinets	08/30/21	11/19/21
Build Cabinets off site	08/30/21	10/29/21
Cabinet Install	11/01/21	11/19/21
Insulation	09/23/21	09/24/21
Rough wall inspections	09/20/21	09/24/21
Drywall	09/27/21	10/08/21
Interior paint	10/11/21	10/19/21
Floors	10/19/21	10/27/21
Baseboard install	10/27/21	11/01/21
Coved Base	10/27/21	11/01/21
ADA/SIGNAGE/GRAB BARS	11/01/21	11/12/21
FF&E Install	11/01/21	11/15/21
Cabinet/Shelves	11/01/21	11/22/21
Fire extinguishers	11/01/21	11/01/21
Final Clean Up	11/22/21	11/26/21
FINAL Inspections	11/22/21	11/26/21
Complete	11/30/21	11/30/21

Priority	Task Name	Start Date	End Date	Status	% Done	Trade	Duration
1	3100 Del Monte Blvd. Marina, California	08/09/21	11/30/21				82d
2	Start date	08/09/21	11/26/21	Not Started		GC	80d
3	Demo	08/09/21	08/13/21	Not Started		Demolition	5d
4	Roofing	08/09/21	09/08/21	Not Started		Roofing	23d
5	Plumbing	08/30/21	11/05/21	Not Started		Plumbing	50d
6	rough plumbing	08/30/21	09/10/21	Not Started		Plumbing	10d
7	plumbing finish	11/01/21	11/05/21	Not Started		Plumbing	5d
8	Framing	08/16/21	08/27/21	Not Started		GC	10d
9	Rough In Framing	08/16/21	08/27/21	Not Started		GC	10d
10	HVAC	08/30/21	11/12/21	Not Started		HVAC	55d
11	HVAC Rough In	08/30/21	09/20/21	Not Started		HVAC	16d
12	HVAC Finish	11/01/21	11/12/21	Not Started		HVAC	10d
13	Low Voltage	08/30/21	11/12/21	Not Started		Low Voltage	55d
14	Low V rough in	08/30/21	09/20/21	Not Started		Low Voltage	16d
15	Low V trim out	11/01/21	11/12/21	Not Started		Low Voltage	10d
16	Doors	11/01/21	11/12/21	Not Started		Doors and Hardware	10d
17	Electrical	08/23/21	11/12/21	Not Started		Electrical	60d
18	Electrical Rough	08/23/21	09/20/21	Not Started		Electrical	21d
19	Electrical Trim	11/01/21	11/12/21	Not Started		Electrical	10d
20	Security Mesh/Plywood Install	08/30/21	09/03/21	Not Started		GC	5d
21	Cabinets	08/30/21	11/19/21	Not Started		GC	60d
22	Build Cabinets off site	08/30/21	10/29/21	Not Started		GC	45d
23	Cabinet Install	11/01/21	11/19/21	Not Started		GC	15d
24	Insulation	09/23/21	09/24/21	Not Started		Insulation	2d
25	Rough wall inspections	09/20/21	09/24/21	Not Started		GC	5d
26	Drywall	09/27/21	10/08/21	Not Started		Drywall	10d
27	Interior paint	10/11/21	10/18/21	Not Started		Paint	6d
28	Floors	10/19/21	10/27/21	Not Started		Floors	7d
29	Baseboard install	10/27/21	11/01/21	Not Started		GC	4d
30	Coved Base	10/27/21	11/01/21	Not Started		GC	4d
31	ADA/SIGNAGE/GRAB BARS	11/01/21	11/12/21	Not Started		GC	10d
32	FF&E Install	11/01/21	11/15/21	Not Started		GC	11d
33	Cabinet/Shelves	11/01/21	11/22/21	Not Started		GC	16d
34	Fire extinguishers	11/01/21	11/01/21	Not Started		GC	1d
35	Final Clean Up	11/22/21	11/26/21	Not Started		GC	5d
36	FINAL Inspections	11/22/21	11/26/21	Not Started		GC	5d
37	Complete	11/30/21	11/30/21	Not Started		GC	1d

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of August 17, 2021

CITY COUNCIL OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY FROM THE PUBLIC, AND CONSIDER PLANNING COMMISSION RECOMMENDATION TO CONSIDER A 120-DAY EXTENSION OF A CANNABIS CONDITIONAL USE PERMIT ALLOWING A MEDICAL/ADULT USE CANNABIS DISPENSARY AT 3100 DEL MONTE BOULEVARD (CITY COUNCIL RESOLUTION 2020-65) BEYOND THE APPROVED ADMINISTRATIVE 90-DAY EXTENSION (EXPIRING ON SEPTEMBER 8, 2021) FOR A NEW SUBSTANTIAL ACTION TIME LIMIT EXPIRATION DATE OF JANUARY 6, 2022

RECOMMENDATION:

The City Council take the following action:

- 1) Open a public hearing and take any testimony from the public; consider adopting Resolution No. 2021-___, approving a 120-day extension of a Cannabis Conditional Use Permit allowing a Medical/Adult Use Cannabis Dispensary at 3100 Del Monte Boulevard (City Council Resolution 2020-65) beyond the approved administrative 90-day extension (Expiring on September 8, 2021) for a new Substantial Action Time Limit Expiration date of January 6, 2022

BACKGROUND:

On November 6, 2018, the citizens of the City of Marina passed an Ordinance allowing Cannabis Business Activity and Establishing Taxes and Fees for Such Businesses within the City of Marina, Amending Title and Chapter Establishing Cannabis Business Activities as a Use Allowed Subject to a Use Permit in Specified Zones and Establishing Uses to Protect Public Health, Safety and Welfare.

The voter initiative established Chapter 19 of the City of Marina Municipal Code (MMC), titled the City of Marina Commercial Cannabis Activities ordinance, and amended MMC Chapter 5 Business Taxes, Licenses and Registrations and Chapter 17 Zoning. Per the voter initiative, these municipal code additions and amendments took effect on April 1, 2019. As approved by the voters, the ordinance provides the regulatory framework for the Commercial Cannabis Activities program.

The ordinance allows for issuance of no more than three permits for the operation of medical cannabis dispensaries in the City at any one time, and no more than three permits for the operation of adult-use cannabis dispensaries in the City at any one time. Therefore, a maximum of six total dispensaries is allowed, or a maximum of three total dispensaries if each is permitted to operate collocated medical/adult-use dispensaries. Each application considered in this report is for a collocated medical/adult-use dispensary; therefore, a maximum of three businesses may receive permits.

Due to the limited number of dispensary permits that the City may award, applications were accepted only between April 8, 2019 and June 7, 2019 to initiate a competitive review process. Applications were reviewed and scored by HdL Companies, a consulting firm specializing in cannabis regulations. Per the Selection Criteria guidelines in MMC Section 19.08, applicants were permitted to combine applications after receiving an initial score, in order to optimize their scores. Following this “amend and combine” process, HdL submitted final scores to the City. Based on the scoring by HdL and the requirements of the MMC, five applicant groups were determined to be eligible to apply for conditional use permits. Each of these five applications received a perfect or near-perfect score from HdL.

On June 11, 2020, the City Council adopted Resolution 2020-65 approving a Cannabis Conditional Use Permit for a combined medical/adult use cannabis dispensary at 3100 Del Monte Boulevard as one of three approved applications (**ATTACHMENT 2**). A condition of project approval required the following (typical of all three permits):

Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

On June 9, 2021, upon request of the applicant, the City Manager approved a 90-day extension of the use permit as reflected in **ATTACHMENT 3** for a new Substantial Action Time Limit expiration date of September 8, 2021.

On July 20, 2021 the applicant submitted an application for an amendment to the Cannabis Condition Use Permit to extend the Substantial Action Time Limit an additional 120-days as reflected in **EXHIBIT A TO ATTACHMENT 1**. The applicant cites delays in the project due to complications with parking constraints, completion of a traffic study, meetings with staff and neighbors to explore a shared parking agreement and delays due to the COVID pandemic. The applicant has submitted a construction schedule that demonstrates the ability of the business to complete construction and open for business no later than January 6, 2022.

On August 12, 2021, the Planning Commission duly held and opened the public hearing for the requested amendment. The Planning Commission considered the staff presentation, applicant presentation, public comments, and debated the merits of the requested time extension.

After discussion, a motion was made to adopt a Resolution approving the 120-day extension with an option of an additional 30-day administrative extension if, by January 6, 2021, the business is ready for final inspections. The motion passed unanimously. (Planning Commission Resolution can be found as **ATTACHMENT 4**).

ANALYSIS:

The City Council should review the justification for the extension and determine whether or not the applicant has made significant progress on the project to warrant additional time for construction and commencement of business. The Commercial Cannabis Ordinance that was in effect at the time the use permit was approved does not set specific time limits for the initial opening of the business.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from the California Environmental Quality Act (CEQA) under Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines. This section states that existing facilities shall be exempt from the provisions of CEQA, when it involves the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Staff has determined that the exemption applies in this case because the conditional use permit under consideration would merely permit operation of a cannabis dispensary in an existing structure or facility and would involve negligible or no expansion of use.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Christy Hopper
Planning Services Manager, Planning Division
Community Development Department
City of Marina

REVIEWED/CONCUR:

J. Fred Aegerter, AICP
Community Development Director
City of Marina

Layne P. Long
City Manager
City of Marina

Attachments:

1. Draft City Council Resolution with Exhibit A
2. City Council Resolution 2020-65
3. June 9, 2021 Letter Approving a 90-Day Extension
4. Planning Commission Resolution 2021-10

RESOLUTION NO. 2020-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
APPROVING A CANNABIS CONDITIONAL USE PERMIT TO ALLOW A
MEDICAL/ADULT USE CANNABIS DISPENSARY LOCATED AT 3100 DEL MONTE
BOULEVARD (APN 032-192-018) IN THE C-1 (RETAIL BUSINESS) ZONING DISTRICT.

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and,

WHEREAS, the proposed project requires discretionary approval, and, per Marina Municipal Code Section 19.08.010, it is the responsibility of the Planning Commission to consider and weigh the merits of the application and public input in relation to the policies, standards, and intent of the Marina General Plan and Marina Municipal Code in making a recommendation on the proposed cannabis dispensary to the City Council; and,

WHEREAS, on May 14, 2020, the Marina Planning Commission considered oral comments and written information concerning the proposed cannabis dispensary at a regularly scheduled Planning Commission meeting and recommended City Council consideration of a Cannabis Conditional Use Permit for the business; and,

WHEREAS, at the regular meeting of on June 2, 2020, the City Council considered the application and all public comment and found that the application meets the requirements of the Marina Municipal Code for Cannabis Conditional Use Permits as reflected in the findings below; and,

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby approve a Cannabis Conditional Use Permit for Pacific Roots Marina, LLC at 3100 Del Monte Boulevard with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.

5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “EXHIBIT A”, submitted to the Planning Office on January 7, 2020, except as conditioned herein.
2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photometric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.

7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.

9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.

11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.

Resolution No, 2020-65

Page Four

12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.
16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.

Resolution No, 2020-65

Page Five

24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs “Security Guard Card” at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary’s permits and licenses authorizing delivery service; the employee’s government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the City Council of the City of Marina at an adjourned regular meeting duly held on the 10th day of June 2020, by the following vote:

AYES, COUNCIL MEMBERS: Berkley, Urrutia, Morton, Delgado

NOES, COUNCIL MEMBERS: O’Connell

ABSENT, COUNCIL MEMBERS: None

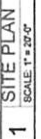
ABSTAIN, COUNCIL MEMBERS: None



Bruce C. Delgado, Mayor

ATTEST:


Anita Sharp, Deputy City Clerk



Submitted to the Planning Office January 7, 2020

EXHIBIT A

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PROJECT: 20190505

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: ARON WEISBERG
1249 F-HILL ST, #114
LOS ANGELES, CA 90033
Tel: ARON@PACIFICROOTS.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
SITE PLAN - ALT1

ISSUES:
Project Name: Pacific Roots - Marina
Project Number: 20190505
Revision Number: 01/07/2020
Revision Description:

ARCHITECT'S APPROVAL



THIS PROJECT IS NOT APPROVED FOR CONSTRUCTION
UNTIL THE OWNER HAS BEEN ISSUED A PERMIT BY THE
CITY OF LOS ANGELES AND THE PROJECT HAS BEEN
APPROVED BY THE CITY OF LOS ANGELES.

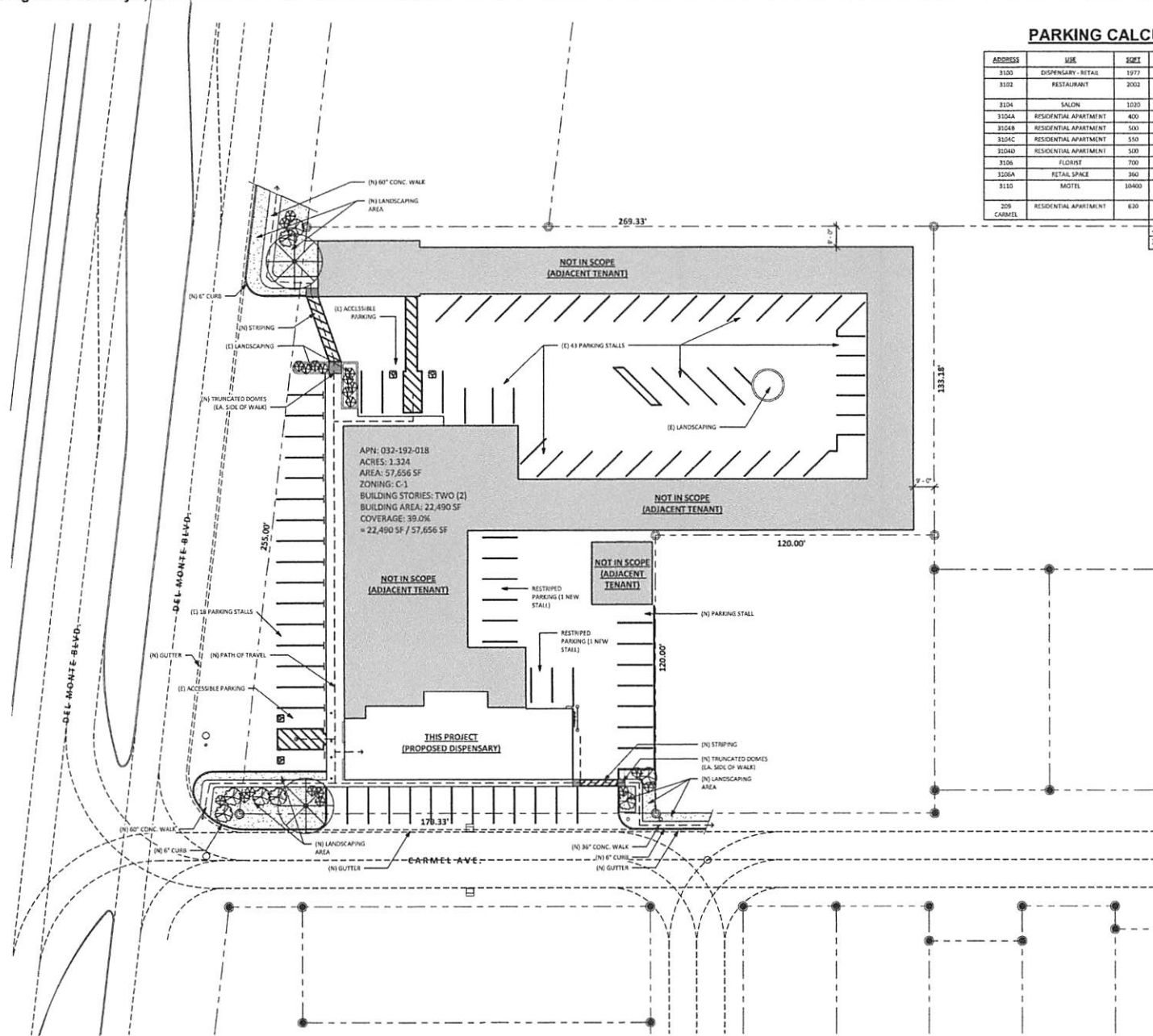
SHEET:

A2.12

SHEET OF SHEETS

PARKING CALCULATIONS:

ADDRESS	USE	SQFT	SPACE CRITERIA	REQUIRED SPACES
3100	DISPENSARY - RETAIL	1977	1 SPACE PER 275 SQFT	7 SPACES
3102	RESTAURANT	2002	1 SPACE PER 60 SQFT OF DINING AREA (1200)	30 SPACES
3104	SALON	1020	1 SPACE PER 100 SQFT	10 SPACES
3104A	RESIDENTIAL APARTMENT	400	1 SPACE PER UNIT	1 SPACE
3104B	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3104C	RESIDENTIAL APARTMENT	550	1 SPACE PER UNIT	1 SPACE
3104D	RESIDENTIAL APARTMENT	500	1 SPACE PER UNIT	1 SPACE
3106	FLOORING	700	1 SPACE PER 275 SQFT	3 SPACES
3106A	RETAIL SPACE	360	1 SPACE PER 275 SQFT	1 SPACE
3110	MOTEL	10400	2 SPACES PLUS 1 PER UNIT (25)	27 SPACES
208 CARMEL	RESIDENTIAL APARTMENT	620	1 SPACE PER UNIT	1 SPACE
TOTAL SPACES REQUIRED				66 SPACES
TOTAL SPACES PROVIDED				84 SPACES



1 SITE PLAN - ALT1

SCALE: 1" = 20'-0"

REFERENCE NORTH



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PROJECT: 20190505

CLIENT: PACIFIC ROOTS - MARINA

3100 DEL MONTE BOULEVARD
MARINA, CA 93933

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

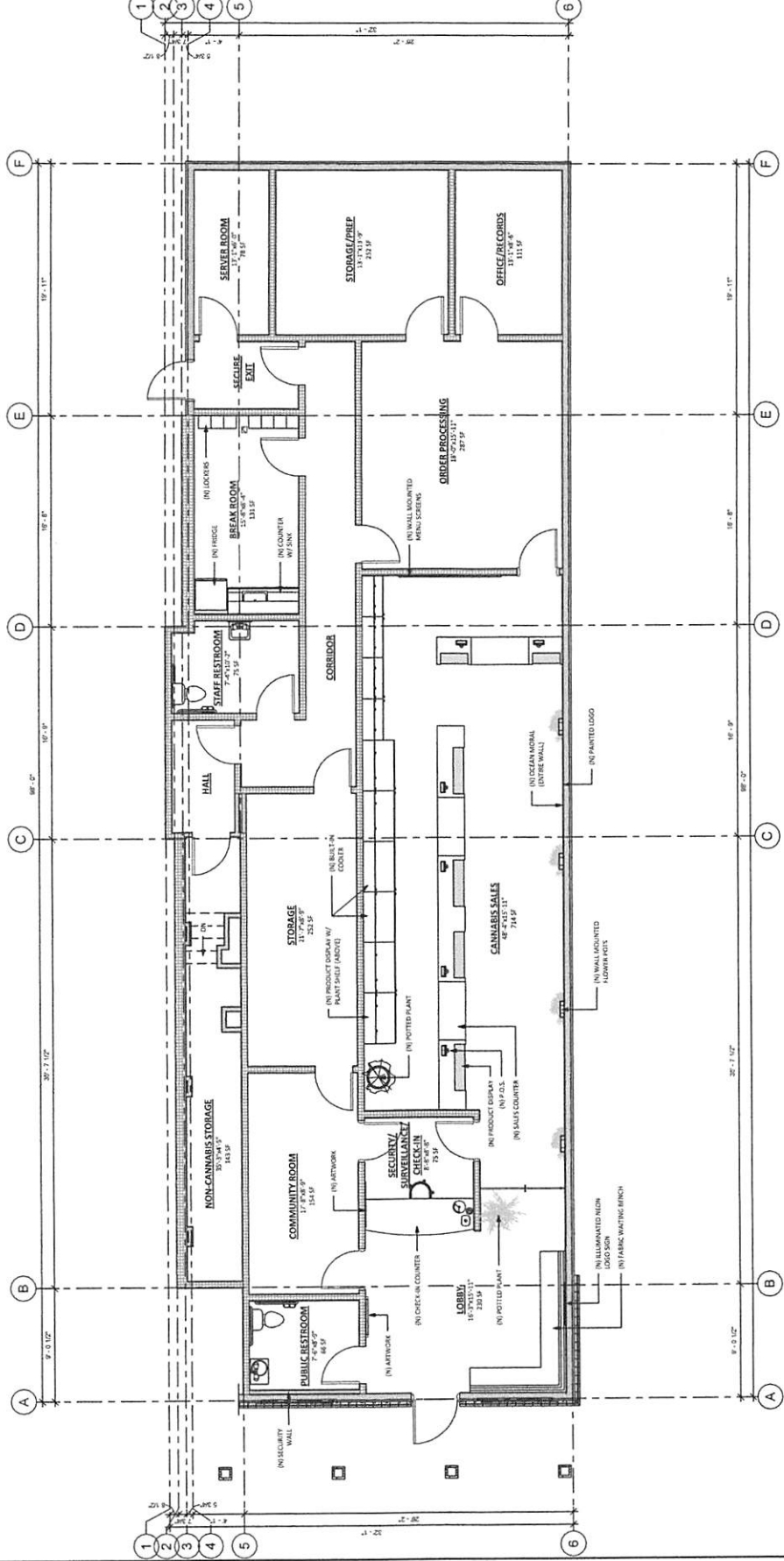
TITLE: PACIFIC ROOTS - MARINA
ISSUES:
DATE: 1/7/2020
BY: SEAN FREITAS
CHECKED BY: SEAN FREITAS
APPROVED BY: SEAN FREITAS



ARCHITECT'S APPROVAL
SHEET: A3.01
OF 1



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



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PROJECT: 201900205



CLIENT:

NEW TENANT IMPROVEMENT FOR:
(DISPENSARY)
AARON HERZBERG
3100 DEL MONTE BOULEVARD
MARINA, CA 99933

TITLE:
FLOOR PLAN - LEVEL 1

DATE: 1/15/20

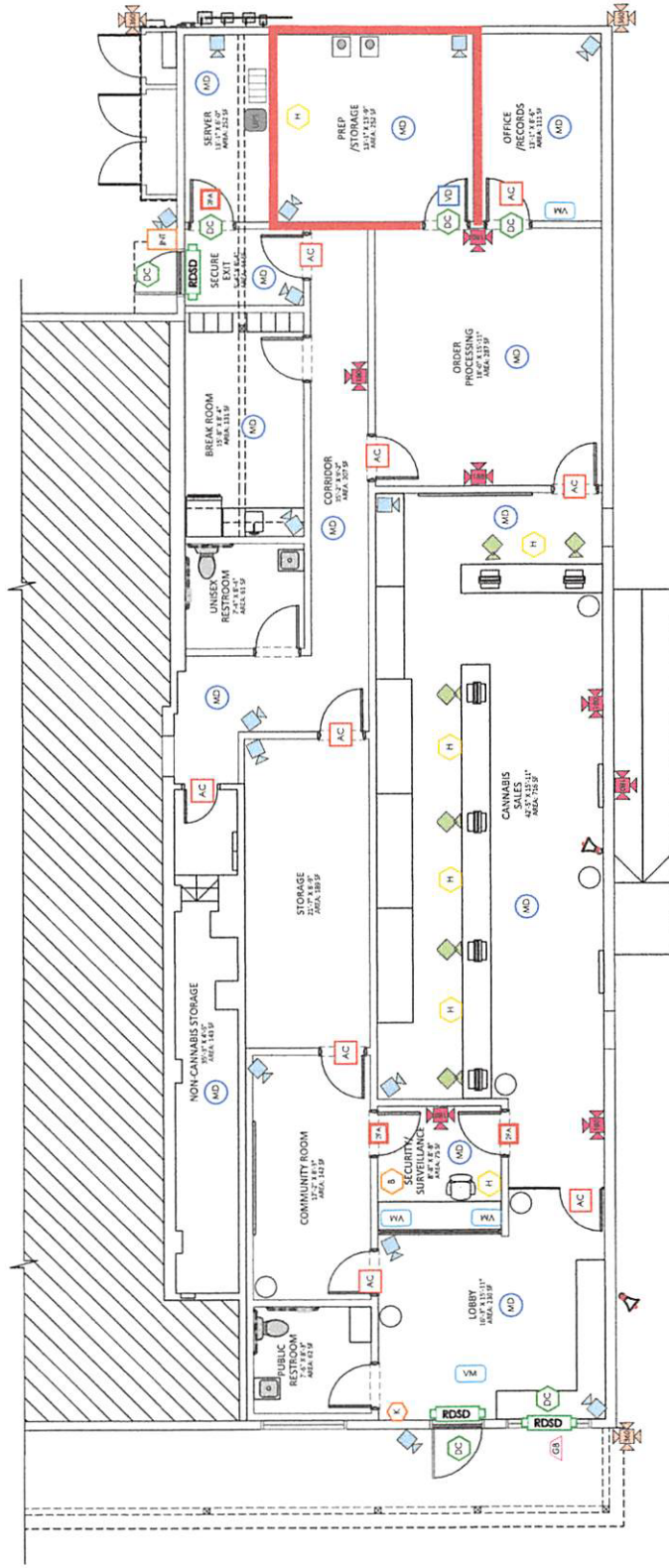
DESIGN REVIEW DRAWING

NOT FOR
CONSTRUCTION

THIS PROJECT IS NOT APPROVED FOR CONSTRUCTION UNTIL THE CITY OF SAN FRANCISCO HAS REVIEWED AND APPROVED THE PROJECT.

SHEET:

A3.11



FLOOR PLAN - LEVEL 1

1

2MP POS Overhead Camera	6
2 MP Indoor Fixed IP/IR Camera	15
5 MP Panoramic 180-degree IP/IR Camera	7
5 MP Fisheye 360-degree IP/IR Camera	3
Video Surveillance Camera Monitor	4
Alarm Arming Keypad	1
PIR Alarm Motion Sensor	13
Door Buzzer for Remote Entry	1

PA	Two-Factor Authentication AC Device	3
VO	UL Rated Vault Door with Group 1 Lock	1
DC	UL Rated Burglary-Resistant Fireproof Safe	2
MD	Security Equipment Storage Rack	1
PA	100 Decibels Audible Interior/Exterior Siren	2
VO	Video/Intercom System	1
MD	Uninterruptible Power Supply	1

AC	Access Control Device (Keypad PIN Biometric)	9
H	Emergency Holdup/Duress Alarm Button	6
DC	Magnetic Door Alarm Contact	6
PA	Glass Break Alarm Sensor	1
VO	Vault Wall	1
MD	Roll Down Security Door	3

Submitted to the Planning Office January 7, 2020

EXHIBIT A

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PROJECT: 20190505

CLIENT:
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DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
PACIFIC ROOTS - MARINA

ISSUES:
Project Name: Pacific Roots - Marina
Project Number: 20190505
Project Date: 01/07/2020
Project Status: Approved

ARCHITECT'S APPROVAL



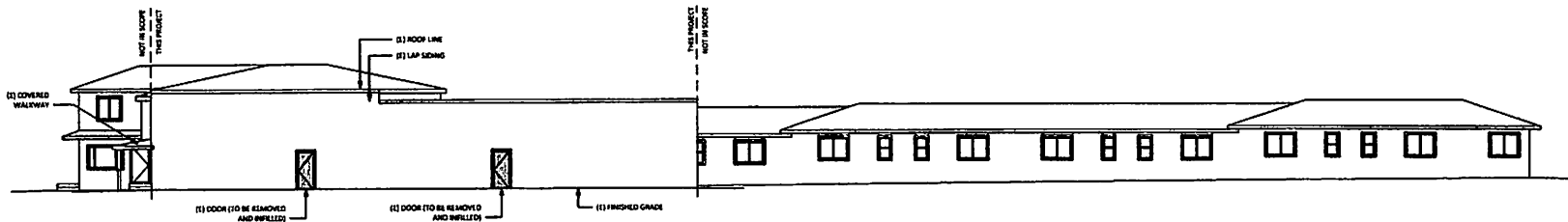
SEAN FREITAS
ARCHITECT
12345
STATE OF CALIFORNIA

SHEET:

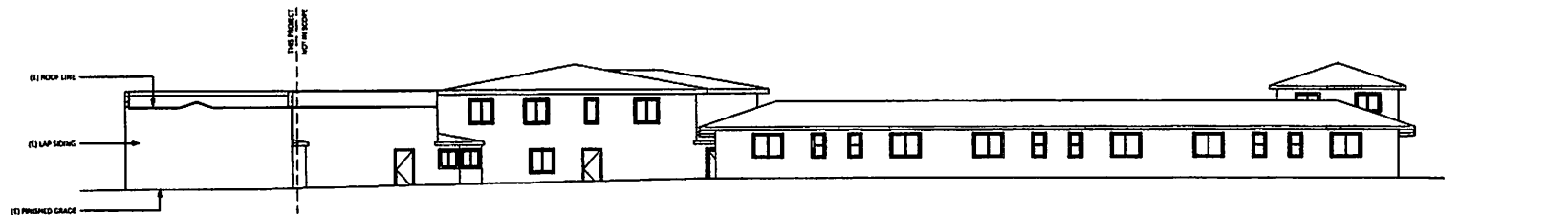
A4.11

SHEET OF SHEETS

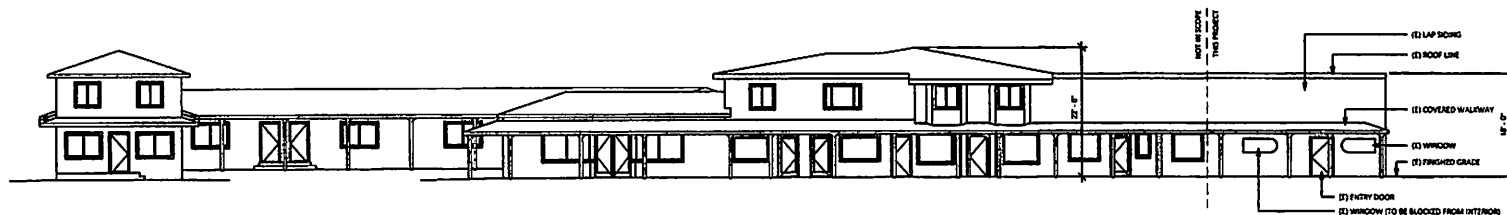
4 (E) EXTERIOR ELEVATIONS - RIGHT
SCALE: 1" = 10'-0"



3 (E) EXTERIOR ELEVATIONS - LEFT
SCALE: 1" = 10'-0"



2 (E) EXTERIOR ELEVATIONS - REAR
SCALE: 1" = 10'-0"



1 (E) EXTERIOR ELEVATIONS - FRONT
SCALE: 1" = 10'-0"

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PROJECT: 20190505

CLIENT:

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
BLENDED LEARNING EXTENSION

ISSUES:
Project team goals
Project timeline
Shared team structure
Resource allocation

ISSN 0731-2058
PERIODICALS DEPARTMENT
J2574-23

ARCHITECT'S APPROVAL

The seal of the American Institute of Architects (AIA) is a circular emblem. It features a central figure of an eagle with its wings spread, perched on a globe. The globe is inscribed with the words "THE WORLD". The eagle is holding an olive branch in its right talon and a bundle of arrows in its left. The words "AMERICAN INSTITUTE OF ARCHITECTS" are inscribed around the perimeter of the seal, with "1911" at the bottom.

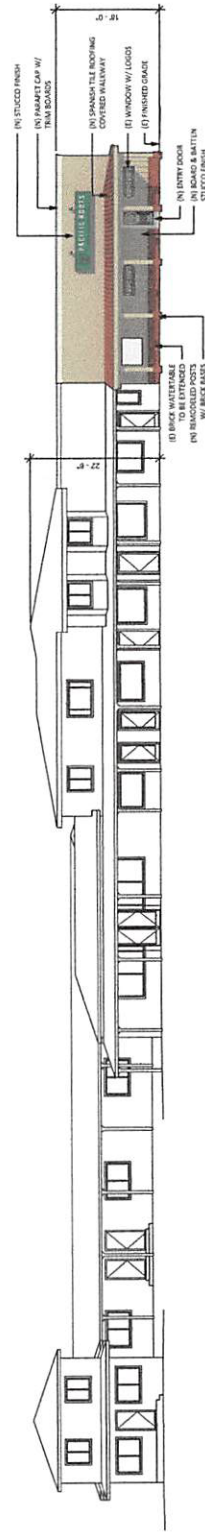
Find product & price information for your local distributor. Call 1-800-368-5848. For more information, visit our website at www.aia.com. The seal of the American Institute of Architects is a mark of the Institute's commitment to the highest standards of professional conduct and ethics. The seal is a symbol of the Institute's dedication to the advancement of the architectural profession and the betterment of the built environment.

SHEET:
A4.12

2



2 (N) EXTERIOR PERSPECTIVE VIEW



1 (N) EXTERIOR ELEVATIONS - FRONT



EXHIBIT A

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PROJECT: 20190905



CLIENT:

NEW TENANT IMPROVEMENT FOR:
**AARON HERZBERG
(DISPENSARY)**
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
PROJECT - ROOF PLAN

DATE: 10/1/2019

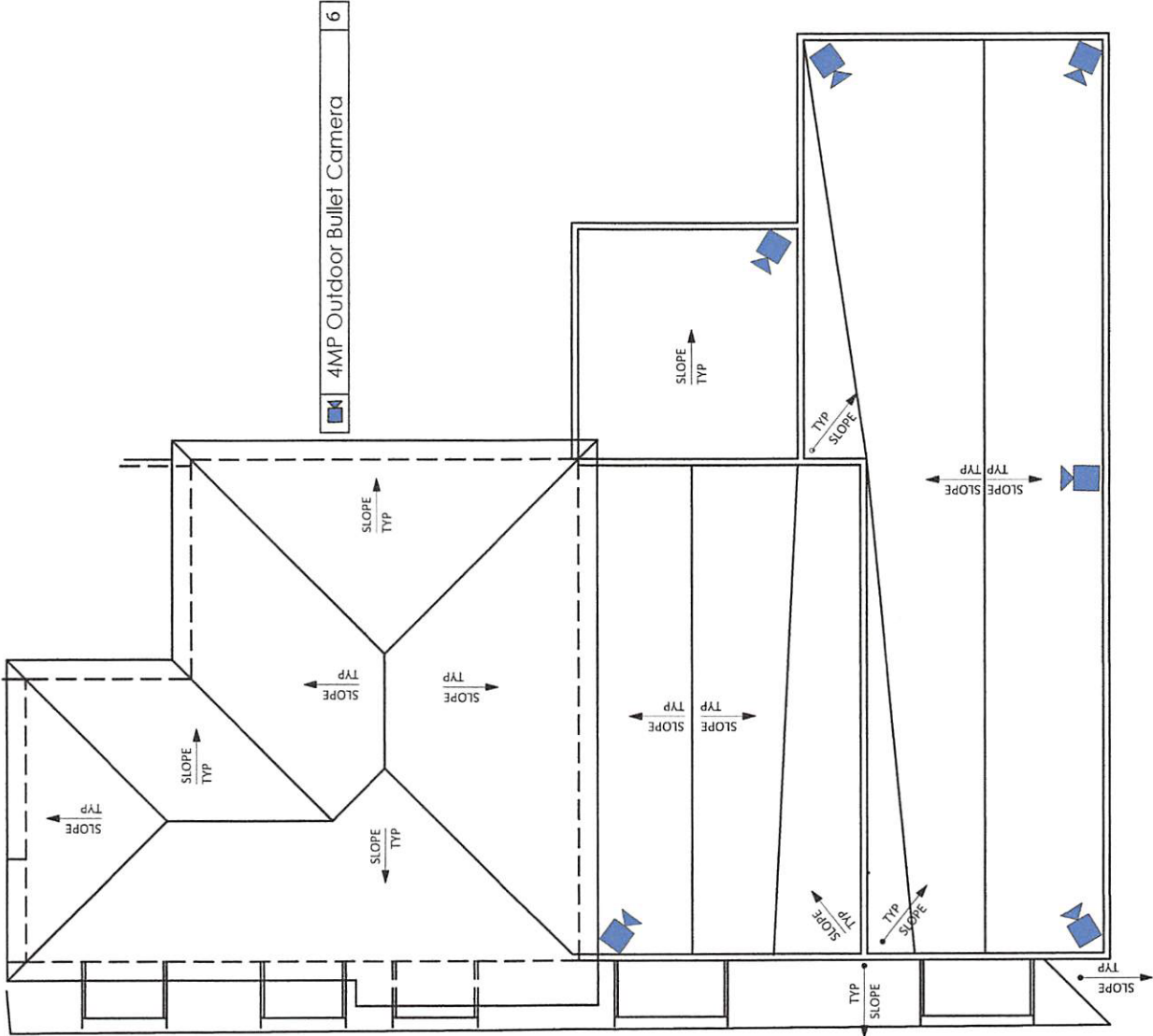
DESIGN REVIEW DRAWING

NOT FOR
CONSTRUCTION

THIS PROJECT IS NOT APPROVED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

SHEET:

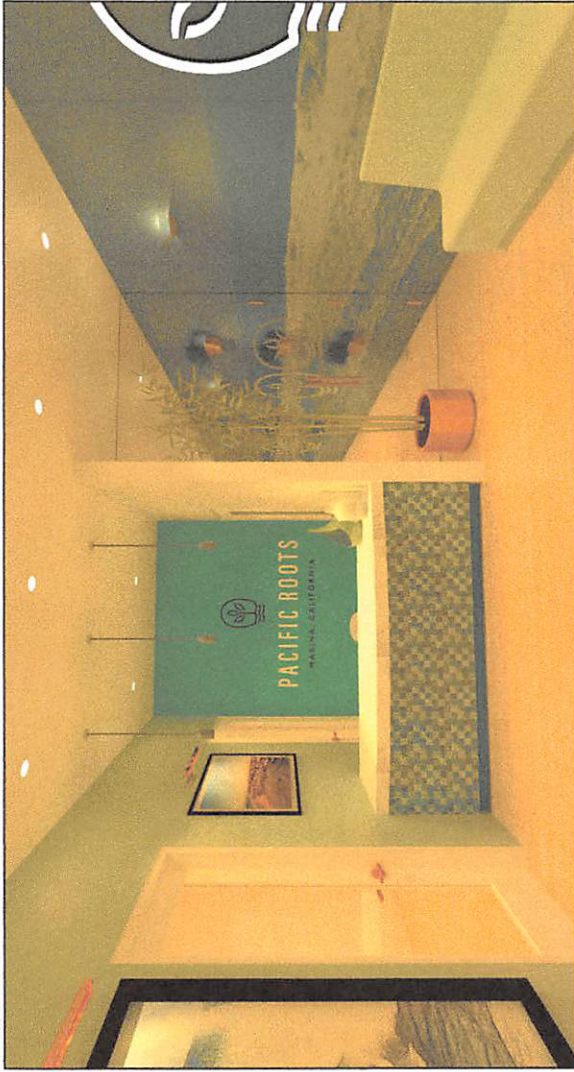
A5.11



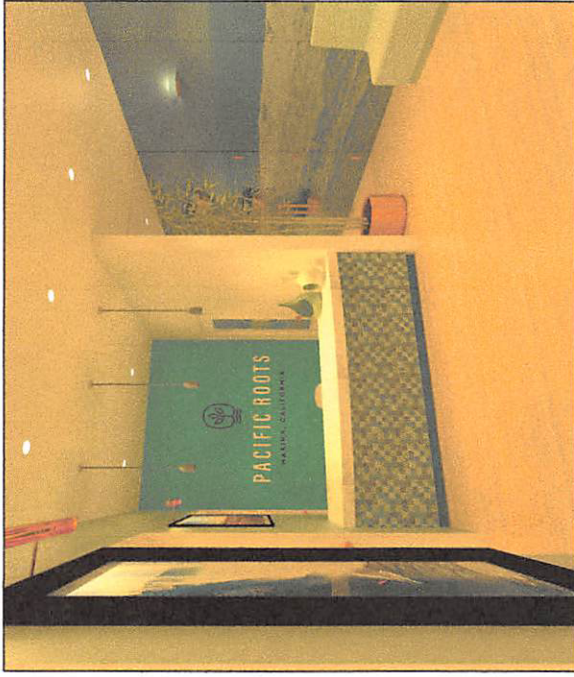
PROJECT - ROOF PLAN

Scale: 1" = 10'

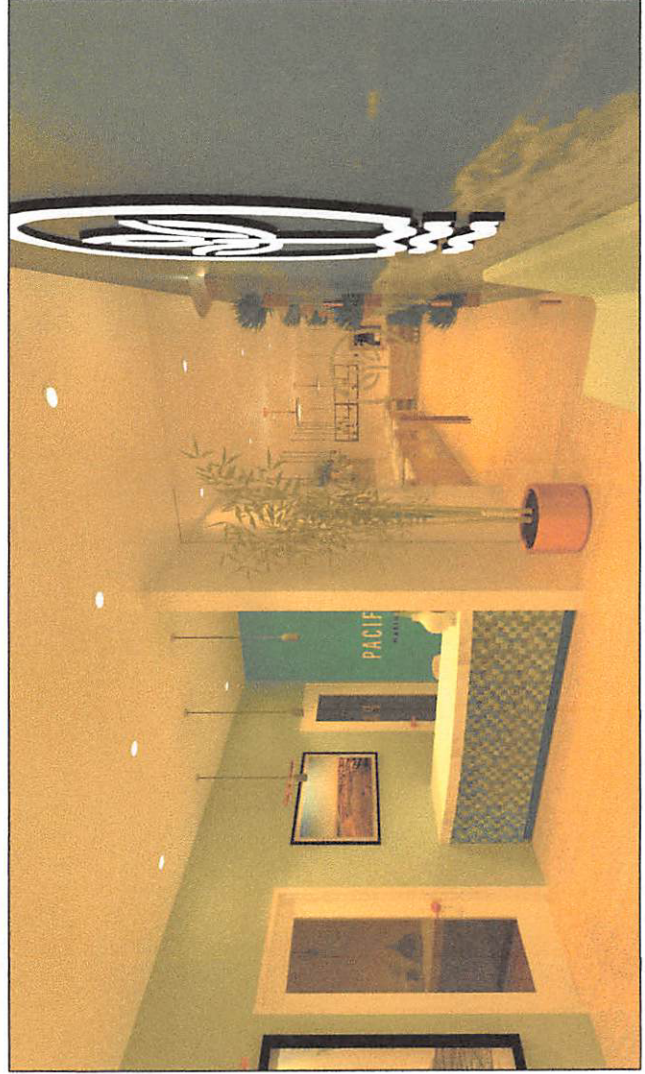
1



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)



LOBBY VIEW (TOWARDS SALES ROOM & CHECK-IN)

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
DESIGN REVIEW
DATE: 01/07/2020
BY: SEAN FREITAS
FOR: PACIFIC ROOTS



ARCHITECT'S APPROVAL
I, the undersigned, being a duly licensed architect under the laws of the State of California, do hereby certify that I am the author of the design herein and that I am a duly licensed architect under the laws of the State of California.

SHEET:
A7.11

SEAN
FREITAS
ARCHITECT
(516) 580-0981
sean@seanfreitas.com
SEANFREITAS.COM

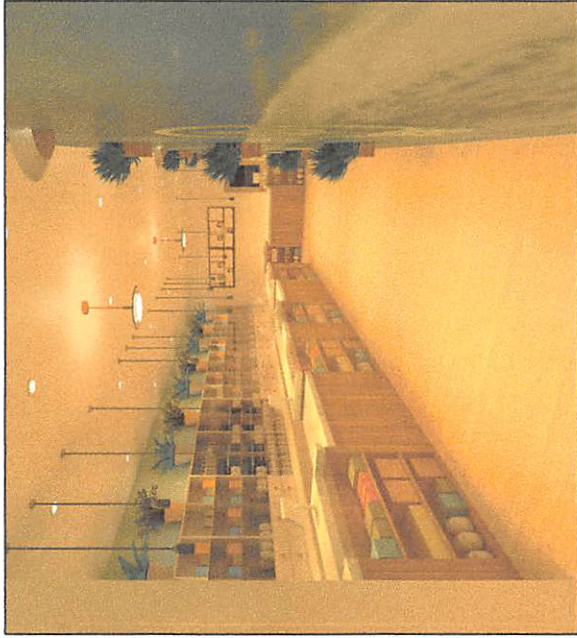
THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF SEAN FREITAS ARCHITECT. NO PART OF THESE DRAWINGS ARE TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF SEAN FREITAS ARCHITECT. ALL RIGHTS RESERVED.

PROJECT: 20190505

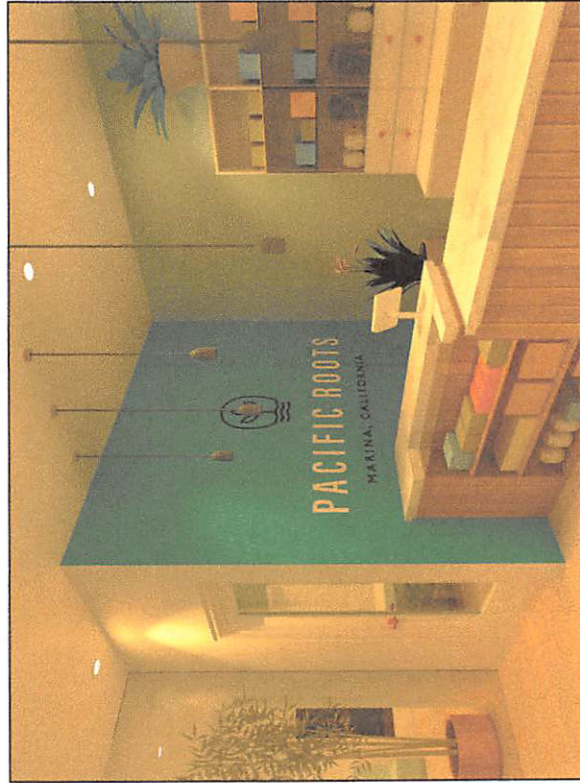
CLIENT:
PACIFIC ROOTS - MARINA
ATTN: KAREN HERRERA
1149 S HILL ST STE 425
LOS ANGELES, CA 90015
TEL: 310-338-7071
EMAIL: KAREN@PACIFICROOTS.COM



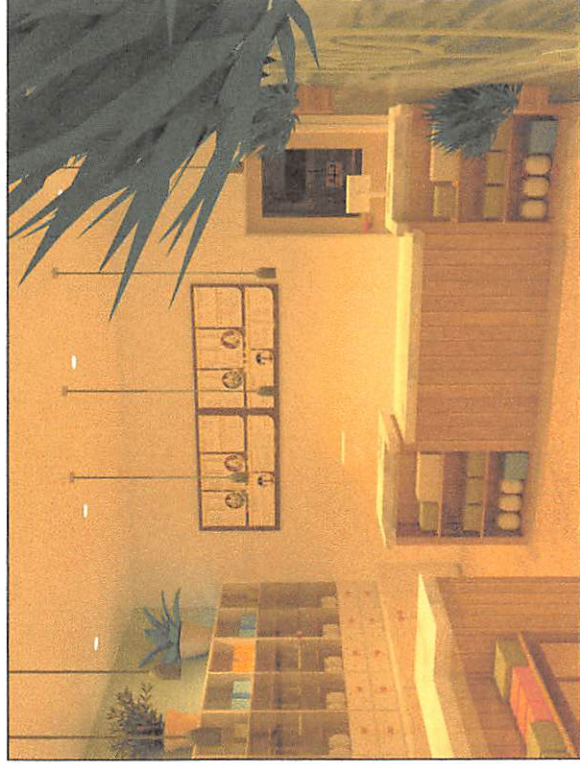
SALES VIEW (TOWARDS LOBBY)



SALES VIEW (FROM SALES ENTRY DOOR)



SALES COUNTER VIEW (TOWARDS SECURITY OFFICE)



SALES COUNTER VIEW (REAR OF SALES ROOM)

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
ISSUES:
DATE:
BY:
FOR:

ARCHITECT'S APPROVAL
[Stamp]
I, [Name], Architect, do hereby certify that the above is a true and correct copy of the original as submitted to the Planning Office for review.

SHEET:
A7.12
OF
2

SEAN
FREITAS
ARCHITECT
(916) 580-0981
sean@seanfreitas.com
SEANFREITAS.COM

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PROJECT: 20190605

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: JASON HENDERSON
1149 S. HILL ST. #100
LOS ANGELES, CA 90015
TEL: (213) 464-7925
EMAIL: JASON@PACIFICROOTS.COM

SEAN
FREITAS
ARCHITECT

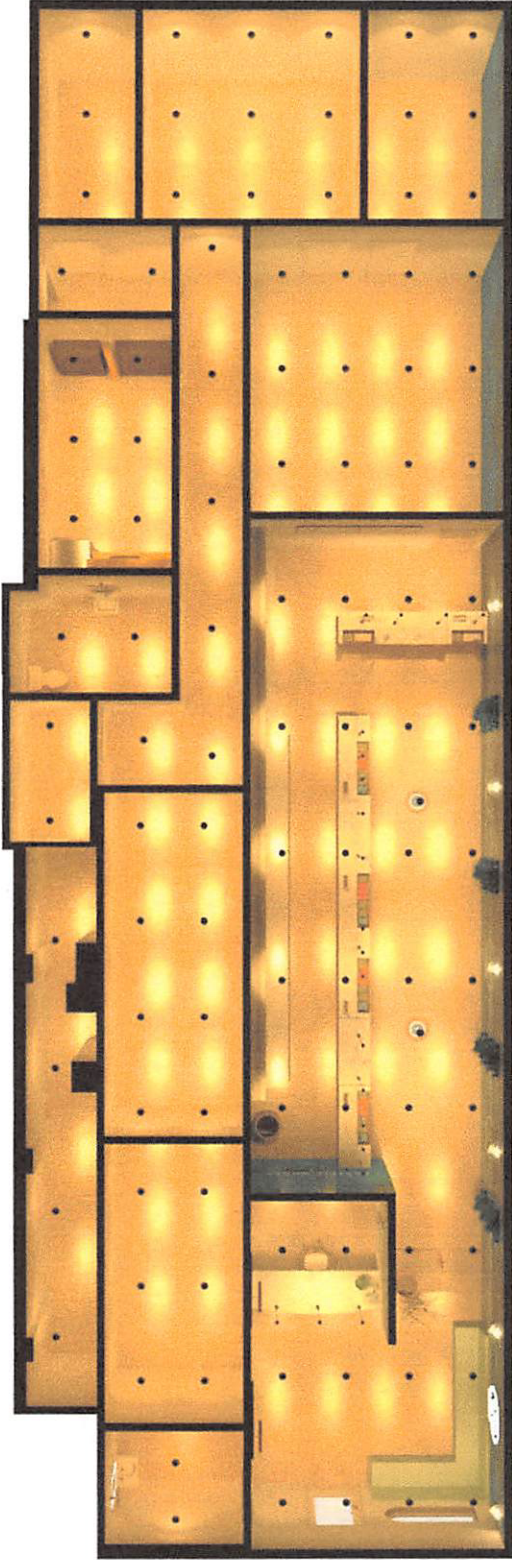
(916) 550-0981
Sean@seanfreitas.com
SEANFREITAS.COM

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INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE
AND RETRIEVAL SYSTEM, WITHOUT
THE WRITTEN PERMISSION OF SEAN
FREITAS ARCHITECT.

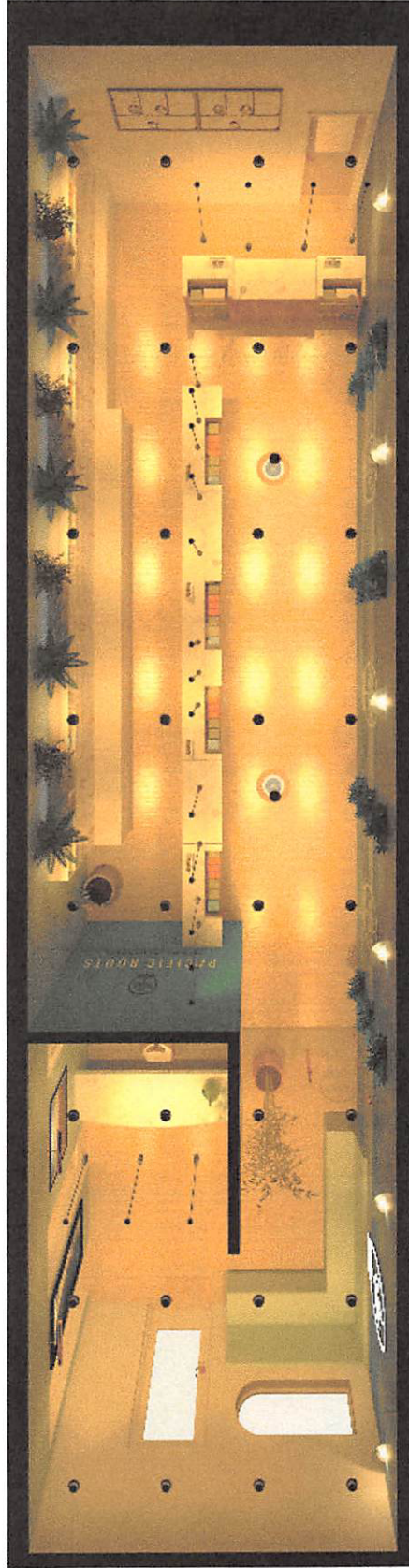
PROJECT: 20190605

CLIENT:
PACIFIC ROOTS - MARINA
ATTN: MARION HAZENBROS
DRAKONIAN PARTNERS
1348 S HILL ST. STE 425
LOS ANGELES, CA 90015
TEL: (213) 639-7075
EMAIL: MARION@VIZZAGROUPLAW.COM

OVERHEAD PERSPECTIVE VIEW



OVERHEAD PERSPECTIVE VIEW (ENLARGED SALES AND LOBBY)



DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

TITLE:
INTERIOR ARCHITECTURE
ISSUES:
DATE: 01/07/2020
DRAWN BY: SEAN FREITAS
CHECKED BY: SEAN FREITAS
APPROVED BY: SEAN FREITAS

ARCHITECT'S APPROVAL
SEAN FREITAS ARCHITECT
1348 S HILL ST. STE 425
LOS ANGELES, CA 90015
TEL: (213) 639-7075
EMAIL: SEAN@SEANFREITAS.COM

SHEET:
A7.13
OF
2

SEAN
FREITAS
ARCHITECT

(310) 560-9981
Sean@SeanFreitas.com
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TRANSMITTED IN ANY FORM OR BY
ANY MEANS, ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE AND
RETRIEVAL SYSTEM, WITHOUT EXPRESS
WRITTEN PERMISSION FROM SEAN
FREITAS. ALL RIGHTS RESERVED.

PROJECT: 20190605

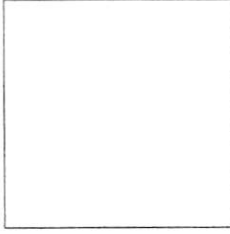
CLIENT:
PACIFIC ROOTS - MARINA
ATTN: KAMRON HANSEN
11400 S. HILL ST., STE. 425
TOLSON PARKWAY
LOS ANGELES, CA 90025
TEL: (310) 209-7071
EMAIL: KAMRON@PACIFICROOTS.COM

DESIGN REVIEW FOR
PACIFIC ROOTS - MARINA
3100 DEL MONTE BOULEVARD
MARINA, CA 93933

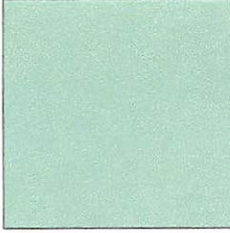
TITLE:
MATERIAL & COLOR SAMPLES
DATE: 01/07/20
DRAWN BY: Sean Freitas
CHECKED BY: Sean Freitas
APPROVED BY: Sean Freitas

ARCHITECT'S APPROVAL
SEAN FREITAS
ARCHITECT
11400 S. HILL ST., STE. 425
TOLSON PARKWAY
LOS ANGELES, CA 90025
TEL: (310) 209-7071
EMAIL: SEAN@SEANFREITAS.COM

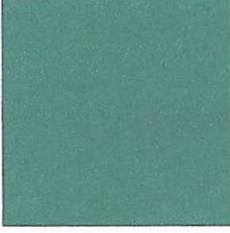
SHEET:
A8.11



PRIMARY COLOR
[CEILING & WALLS]



ACCENT COLOR
[OBJECTS & WALLS]



ACCENT COLOR
[OBJECTS & WALLS]



PRIMARY & ACCENT COLOR
[OBJECTS & WALLS]



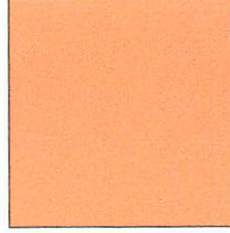
CASEWORK



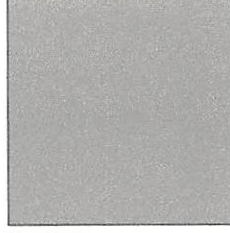
METALS



ACCENT COLOR
[OBJECTS]



ACCENT COLOR
[OBJECTS]



ACCENT COLOR
[OBJECTS]



TILE
[CHECK-IN COUNTER]



FLOORING



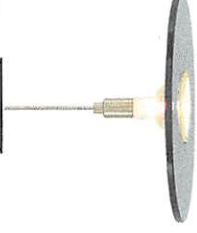
COUNTERTOPS



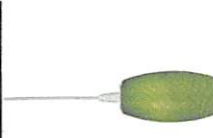
RECESSED LIGHTING



WALL SCONCE LIGHTING



PENDANT LIGHTING
[SALES ROOM]



PENDANT LIGHTING
[COUNTERS]



ART LIGHTING
[LOBBY]



CITY OF MARINA
211 Hillcrest Avenue
Marina, Ca 93933
831- 884-1278; FAX 831- 384-9148
www.cityofmarina.org

June 9, 2021

Mr. Alberto Marciano, Manager
Pacific Roots Marina, LLC

Via Electronic Transmittal

SUBJECT: Approval of a 90-Day Extension to a Cannabis CUP for Pacific Roots Marina, LLC at 3100 Del Monte Blvd. (City Council Resolution No. 2020-65)

Mr Marciano,

I have received your request submitted on May 28, 2021, requesting a 90-day extension to a Cannabis Conditional Use Permit (CUP) issued through City Council Resolution No. 2020-65. The subject Cannabis CUP was issued June 10, 2020, by the Marina City Council and included a one-year term to commence operations. This requirement is provided in the Condition of Approval stated below:

Substantial Action Time Limit- If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

In order for an extension to be granted, you must be able to demonstrate the following:

1. The delay was due to situations beyond your control; and,
2. That significant progress towards establishing the use has been made; and,
3. There is cause to believe that the permittee will be ready to commence operations in accordance with the terms of the Permit within the 90-day period.

Based upon my review of your request, I am approving a 90-day extension for the above referenced Cannabis CUP. Please note that your business is only eligible for one 90-day extension before you will forfeit your Cannabis CUP. This extension will expire if your business has not commenced operations by **September 8, 2021**.

Sincerely,



Layne Long
City Manager

PACIFIC ROOTS MARINA, LLC
ATTN: ALBERTO “AVI” MARCIANO, MANAGER
2400 E. Katella Avenue, Ste. 370, Anaheim, CA 92806
Phone: (714) 478-3600 | Email: avim@me.com

May 28, 2021

VIA EMAIL:

City of Marina
ATTN: Christy Hopper,
Planning Services Manager
211 Hillcrest Avenue
Marina, CA 93933
Phone: (831) 884-1238
Email: chopper@cityofmarina.org

RE: Request (the “Letter”) for an Extension to the Cannabis Conditional Use Permit for Pacific Roots Marina, LLC, at 3100 Del Monte Blvd., Marina, CA 93933

Dear Planning Services Manager Hopper:

I am Alberto “Avi” Marciano, the LLC Manager for Pacific Roots Marina, LLC (“Pacific Roots”). I am writing this Letter to request an extension of the time limit for the Cannabis Conditional Use Permit for Pacific Roots at 3100 Del Monte Blvd., Marina, CA 93933 (“3100 Del Monte”) based on Pacific Roots’ substantial actions in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte.

Since the City of Marina approved Pacific Roots’ Cannabis Conditional Use Permit for a medical / adult-use cannabis dispensary at 3100 Del Monte, the project has suffered innumerable difficulties and setbacks beyond Pacific Roots’ control. As a result of the COVID-19 Pandemic, one of Pacific Roots’ owners in its original application, Aaron Herzberg, was unable to perform his financial and operational obligations related to the project. Accordingly, Mr. Herzberg had to resign from Pacific Roots. Further, Pacific Roots had issues with its landlord at 3100 Del Monte, who initially refused to extend Pacific Roots’ lease option on 3100 Del Monte to account for the longer than expected timeline in the approval of Pacific Roots’ Cannabis Conditional Use Permit. Last and certainly not least, 3100 Del Monte had serious technical engineering issues and required a traffic study before any development could really commence.

Notwithstanding these difficulties and setbacks beyond Pacific Roots’ control, Pacific Roots has still taken substantial actions in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte. Pacific Roots received approval for Mr. Herzberg’s resignation from the City Attorney on May 20, 2021, as indicated by the enclosed email. Pacific Roots has extended its lease option for 3100 Del Monte, thus resolving its issues with its landlord. On that note, Pacific Roots has been working at full speed with the best architectural firm and construction company in the cannabis industry to develop 3100 Del Monte. Graphia, led by Sean Freitas, the top architecture and engineering in the cannabis industry with over 100 cannabis projects approved

in the State of California, has submitted a full set of building plans for 3100 Del Monte and a full resubmittal with all corrections as of May 27, 2021. Further, Delta Construction led by Aaron Baggaley has been engaged to handle the construction of 3100 Del Monte. Delta Construction has been in business since the 1970s and is a leading contractor in the legal cannabis industry since 2016, building out over 20 cannabis facility locations.

I am confident there will be no further delays and that Pacific Roots is planning to move as expeditiously as possible from this point forward in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte. An extension from the City would be much appreciated, and I assure you that Pacific Roots will follow through on its request with quick and effective work.

Respectfully Submitted,

Alberto "Avi" Marciano
Pacific Roots Marina, LLC

Enclosures:

1. Email RE Approval for Mr. Herzberg's Resignation from Pacific Roots Marina, LLC

RESOLUTION NO. 2021-10

A RESOLUTION OF THE CITY OF MARINA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL APPROVE A 120-DAY EXTENSION OF A CANNABIS CONDITIONAL USE PERMIT ALLOWING A MEDICAL/ADULT USE CANNABIS DISPENSARY AT 3100 DEL MONTE BOULEVARD (CITY COUNCIL RESOLUTION 2020-65) BEYOND THE APPROVED ADMINISTRATIVE 90-DAY EXTENSION (EXPIRING ON SEPTEMBER 8, 2021) FOR A NEW SUBSTANTIAL ACTION TIME LIMIT EXPIRATION DATE OF JANUARY 6, 2022.

WHEREAS, Aaron Herzberg of Pacific Roots Marina, LLC submitted an application for a conditional use permit to operate a medical/adult-use cannabis dispensary; and

WHEREAS, on June 11, 2020, the City Council adopted Resolution 2020-65 approving a Cannabis Conditional Use Permit for a combined medical/adult use cannabis dispensary at 3100 Del Monte Boulevard as one of three approved applications. A condition of project approval required the following (typical of all three permits):

Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit within one year of its issue date, this permit shall be deemed revoked. The City Manager or their designee may grant a 90-day extension to this time limit if the permittee can demonstrate that the delay was due to situations beyond their control, that significant progress towards establishing the use has been made, and there is cause to believe that the permittee will be ready to commence operations in accordance with the terms of this Permit within the 90-day period.

WHEREAS, on June 9, 2021, upon request of the applicant, the City Manager approved a 90-day extension of the use permit for a new Substantial Action Time Limit expiration date of September 8, 2021; and,

WHEREAS, on July 20, 2021 the applicant submitted an application for an amendment to the Cannabis Condition Use Permit to extend the Substantial Action Time Limit an additional 120-days as reflected in **Exhibit A**; and,

WHEREAS, the applicant cites delays in the project due to complications with parking constraints, completion of a traffic study, meetings with staff and neighbors to explore a shared parking agreement and delays due to the COVID pandemic and the applicant has submitted a construction schedule that demonstrates the ability of the business to complete construction and open for business no later than January 6, 2022.

WHEREAS, the project is categorically exempt from the California Environmental Quality Act per Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures and facilities involving negligible or no expansion of existing or former use.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Marina that it hereby recommends City Council consider a 120-day Extension of a Cannabis Conditional Use Permit Allowing a Medical/Adult Use Cannabis Dispensary at 3100 Del Monte Boulevard (City Council Resolution 2020-65) Beyond the Approved Administrative 90-day Extension (Expiring on September 8, 2021) for a New Substantial Action Time Limit Expiration Date of January 6, 2022 with the following findings and conditions:

Findings

That the project:

1. Will comply with all of the requirements of the state and city, and any additional conditions of license for the operation of a cannabis dispensary.
2. Will not result in significant unavoidable impacts on the environment as the use will be conducted in an entirely enclosed building and noise and odor mitigation is planned and will be integrated into the use. In addition, no hazardous materials or systems will be utilized.
3. Includes adequate quality control measures to ensure that the dispensary would operate in accordance with industry standards with regard to security, product testing, etc.
4. Includes adequate measures that address the federal enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are not supplied to unlicensed and unpermitted persons within the state and not distributed out of state.
5. Will obtain a valid and fully executed commercial cannabis use permit pursuant to Chapter 5.76 of the Marina Municipal Code prior to commencing operations and must maintain such permit in good standing in order to continue operations; will additionally enter into an operating agreement with the City ensuring on-going neighborhood compatibility and compliance with City regulations, as they may amended over time.
6. Will renew the cannabis use permit annually and execute a renewed operating agreement annually.
7. Will operate in good standing with all permits and licenses required by state law.

Conditions of Approval

Initial Establishment of Commercial Cannabis Operations

1. Substantial Compliance – The project shall be constructed in substantial compliance with the plans attached hereto as “**EXHIBIT A**”, submitted to the Planning Office on January 7, 2020, except as conditioned herein.

2. Lighting – Exterior Lighting Plan – All exterior lighting shall be unobtrusive, down-lit, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. Prior to issuance of a building permit, the Owner/Applicant, shall submit three (3) copies of an exterior lighting plan (including a photo-metric analysis) which shall indicate the location, type, and wattage of all light fixtures and include catalog sheet for each fixture. The lighting shall comply with the requirement of the California Energy Code set forth in California Code of Regulation, Title 24, Part 6. The exterior lighting plan shall be subject to approval by the Director of Community Development-Planning.
3. Occupancy Permit – Prior to obtaining an occupancy permit and commencing commercial operations, the applicant shall schedule an inspection with Community Development Department staff to verify compliance with the conditional use permit conditions of approval. Inspections by additional City departments may be required.
4. Development/Operating Agreement – Per MMC Section 5.76.030, prior to commencing commercial operations, the permittee shall enter into a development/operating agreement with the City setting forth the terms and conditions under which the dispensary will operate, including, but not limited to, payment of fees and taxes as mutually agreed, and other such terms and conditions that will protect and promote public health, safety, and welfare.
5. Permit Modifications – The City may modify this permit at any time as needed to clarify or augment requirements of the permittee, so long as modifications do not conflict with the MMC or State laws, as they may be amended from time to time. Modifications resulting in a new permit must be executed by the City and the permittee. If the City has made modifications to the permit and requested permit execution by the permittee, the prior permit may be deemed null and void and the permittee shall cease commercial operations until completing execution of the new permit.

Public Improvements

6. Public Improvements – In accordance with Marina Municipal Code Chapter 15.36, public improvements shall be designed and installed by the applicant or property owner to the satisfaction of the City Engineer and may include, but are not limited to, curb, gutter, sidewalk, park strip, street trees and light poles. The installation of improvements may be deferred by the City Engineer until the City Council approval of the design for Del Monte Boulevard and then completed within a time to be determined in accordance with the design.
7. Parking – Subject to approval by the Director of Community Development-Planning, final plans shall indicate either site modifications that allow for one parking space per 275 square feet of tenant floor space, or alternate means of compliance, such as an agreement with neighboring property owners.

Standard Cannabis Dispensary Operating Conditions

8. Right to Operate – Except as modified by required conditions of approval, the permittee shall have the right to operate a medical/adult-use cannabis dispensary, including non-storefront retail (delivery) in accordance with the conditional use permit application submitted on January 7, 2020.
9. Substantial Action Time Limit - If the permittee does not commence commercial cannabis activity in accordance with the terms of this Permit by January 6, 2022, this permit shall be deemed revoked. A one-time 30-day administrative extension may be granted by staff if, by January 6, 2022, the business is ready for final inspections.
10. Permit Expiration - This permit shall have a duration of one year. The one year period shall commence upon the date of occupancy. The Community Development Department may administratively renew the permit as long as the business is operating in compliance with the MCC and the permit's conditions of approval, has paid all taxes and fees in a timely manner, and has maintained possession of a current State license to operate the dispensary. The City may perform an annual inspection of the facility in conjunction with permit renewal to confirm ongoing compliance with conditions of approval.
11. Indemnification – The Owner/Applicant shall agree as a condition of approval of this project to defend, at its sole expense, indemnify and hold harmless from any liability, the City and reimburse the City for any expenses incurred resulting from, or in connection with, the approval of this project, including any appeal, claim, suit or legal proceeding. The City may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the applicant of its obligations under this condition.
12. State License – The permittee must provide a copy of a valid and current State license to operate a cannabis dispensary prior to initiating commercial business operations and must provide an updated copy whenever the license is renewed or amended. If at any time the State license expires or is revoked, the business must cease operations until a valid and current license is obtained.
13. Business License - The permittee shall obtain and maintain a City of Marina business license.
14. Posting of Permits and Licenses - The permittee shall conspicuously display, within the interior of the building near the entrance, a copy of the State License, the conditional use permit, the business license, and any other documentation required as proof of right to operate a cannabis dispensary on the premises.
15. Inspection Access - At any time and without prior notice, the business shall allow entry into the premises by the Marina Police Department, the Marina Fire Department, the Community Development Department, and any other staff, including Monterey County staff, charged with inspecting the business or enforcing the conditions of the conditional use permit. The business shall provide access to all portions of the premises as well as business records, if requested.

16. Compliance with State and Local Requirements – The permittee shall comply with all state and local requirements for operation of a cannabis dispensary, including those not listed on the conditional use permit, and as they may be amended over time.
17. Cannabis Consumption Prohibited on Premises – Cannabis shall not be smoked, ingested, or otherwise consumed on the business premises.
18. Alcoholic Beverages and Tobacco – Alcoholic beverages shall not be sold, dispensed, or consumed on the premises. Sale or consumption of tobacco is prohibited on the premises.
19. Payment of Taxes and Fees – The permittee shall pay any applicable taxes and fees due to the City in a timely manner.
20. Transfer of Permit – This conditional use permit is granted only to the applicant identified in this resolution for the site defined herein. This permit shall not be transferable to any other site or to any other person without the consent of the City.
21. Hours of Operation – The business may be open for customer-serving commercial activities between the hours of 9:00 am and 11:59 pm.

Site Security and Neighborhood Compatibility Conditions

22. Site Maintenance – The permittee shall maintain the premises' parking areas, driveways, accessways and grounds, landscaped areas, and exterior building surfaces in accordance with applicable City standards in the MMC.
23. Signage – Signage with graphics depicting cannabis is prohibited. Signage is subject to a sign permit.
24. Odor – Cannabis odors shall not be detectable outside of the facility. Prior to opening for business, the permittee shall demonstrate to City staff that odor prevention equipment is in place.
25. Security Guards and Cameras – The permittee shall maintain 24-hour security camera coverage of the premises. The premises shall be staffed by security guards to an extent sufficient to ensure the site safety and deter crime. Security guards shall be licensed and possess a valid Department of Consumer Affairs "Security Guard Card" at all times. Security personnel may not be armed.
26. Marina Police Department Notification – The permittee shall notify the Marina Police Department within 24-hours after discovering any breach of security.
27. Delivery – Employees delivering cannabis shall carry a copy of the following documents when making deliveries: copy of the dispensary's permits and licenses authorizing delivery service; the employee's government-issued identification; a copy of the delivery request; and chain of custody records for good being delivered.

Enforcement

28. Permit Revocation – Per MMC Section 19.08.010, the City may revoke this conditional use permit at any time for failure to comply with any state and local requirements, including but not limited to, conditions of approval and requirements regarding timely payment of taxes and fees.

PASSED AND ADOPTED by the Planning Commission of the City of Marina at a regular meeting duly held on the 12th day of August 2021, by the following vote:

AYES, COMMISSIONERS: McCarthy, Amadeo, Bielsker, Hur, Rana, Walton, Woodson

NOES, COMMISSIONERS: None

ABSENT, COMMISSIONERS: None

ABSTAIN, COMMISSIONERS: None

Brian McCarthy, Chair

ATTEST:

Christy Hopper
Planning Services Manager
City of Marina

PACIFIC ROOTS MARINA, LLC
ATTN: ALBERTO "AVI" MARCIANO, MANAGER
2400 E. Katella Avenue, Ste. 370, Anaheim, CA
92806
Phone: (714) 478-3600 | Email: avim@me.com

July 14, 2021

City of Marina
ATTN: Christy Hopper,
Planning Services
Manager
211 Hillcrest Avenue
Marina, CA 93933
Phone: (831) 884-1238
Email: chopper@cityofmarina.org

**RE: Request to Modify the Cannabis Conditional Use Permit for Pacific Roots Marina, LLC,
at 3100 Del Monte Blvd., Marina, CA 93933**

Dear Planning Services Manager Hopper:

I am Alberto "Avi" Marciano, the LLC Manager for Pacific Roots Marina, LLC ("Pacific Roots"). I am submitting this planning application to request to modify the Cannabis Conditional Use Permit ("CUP") in order to allow for an additional extension of the time limit for the CUP for Pacific Roots at 3100 Del Monte Blvd., Marina, CA 93933 ("3100 Del Monte") based on Pacific Roots' substantial actions in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte.

We and the City knew from the start that this building had its challenges, but we both wanted to make this work to help update and modernize this building and become a mainstay in the community. We love the site and the Community of Marina and are willing to do whatever it takes to commence operations we just simply need more time after the time it took to address the parking and traffic issues that were necessary after approval. We remain able to complete construction very quickly once we have City approvals and building permits in hand.

As was previously mentioned in our original request letter to the City for an extension of the CUP our project had suffered a few setbacks resulting from our first meeting with the City in September of 2020 on the parking constraints and the requirement to conduct a traffic study and the back and forth meetings with the City and neighbors on parking issues at this location, which took exceptionally a longer time than anticipated due to COVID, schedules, people working from home and the overall lack of human power to move things during that time with a final sign off in February 2021. Nevertheless, we were and are determined to work through these setbacks in order to see this project to completion.

Since the original extension was given PacificRoots has been working at full speed with Graphia, led by Sean Freitas, and Delta Construction led by Aaron Baggaley. We had been hopeful that there would be no further delays, but as we began to ramp things up unforeseen issues continued to prevent us from establishing a medical / adult-use cannabis dispensary.

First, as mentioned before in the original extension Graphia resubmitted our plans for plan check on May 24 and since then Graphia has had lengthy discussions and emails with Planning to try and work through the difficulties of this space and phase out the exterior to a later date to avoid a lengthy Design Review and exterior construction (focus on interior for Phase 1) and at this time is still working diligently with planning to work on approval in order to move onward.

Simultaneously, Delta was facing similar impediments. Aaron Baggaley reached out to planning about pulling a demolition permit. Aaron was told an asbestos test was required. The initial results came back positive and it was not until recently that we received the full report confirming those results (meanwhile, our building application has been put on hold pending this remediation). Delta then reached out to multiple vendors to schedule the remediation process. A contractor has been hired for this work. The contractor has posted the required 10 business day notice in order to begin work and we will begin that process very soon, with hopes of resurrecting the demo and building permits to then commence construction on approximately August 9th. As we stand today, this leaves our construction team only one month to complete construction in order to commence operations by September 8th. Delta is actively acquiring materials and sub-contractors to move this project as fast as possible, but to complete this by the commencement date is nearly unachievable.

Enclosed you will find a realistic construction schedule and when businesses can commence if no additional delays occur and demoing would be able to commence by August 9th.

We also previously submitted our state application and are waiting for approval. The State licensing bureau has been in the act of consolidating its agencies to operate under one roof, which is resulting a lack of organization and in delays the State's approval process. We anticipate approval by the State very soon in order operate the store with a state license, but we anticipate approval to happen in September based on conversations we have had with the State. Again, this is assuming they do not need any additional information or no other reason for delay on their part.

When Marina City Council approved this CUP for Pacific Roots at 3100 Del Monte Blvd it was determined a great victory to the city as the building had not been vacant for years and was considered an eyesore by many in the community. Despite all the obstacles that have happened to this point we are determined to move ahead and complete this project and become a welcoming addition to the City and the Community. We will be a Unionized shop and providing good paying jobs as well as a good source of income through the taxes collected for the City.

Our Community Liaison, Brandon Gesicki continues to be available to all the communities questions and concerns. We have contributed to the following organizations and continue to do so: Friends Of The Marina Library, Veterans Transition Center, Marina Grange, Filipino American Community Club Of Monterey Peninsula, The American Legion – Marina Chapter, and Marina Youth Arts. We are also a part of the Marina Chamber of Commerce and the American Legion Marina Chapter.

Pacific Roots is moving as expeditiously as possible in establishing a medical / adult-use cannabis dispensary at 3100 Del Monte, but as we have said certain items have been out of our control. These items have required a partnership with the City to solve. As such, we ask for a small extension to continue this partnership, make the necessary improvements, and allow our store to open after having addressed and remedied the problems discussed above. An approval to modify the CUP and get an extension of time from the City would be much appreciated. We are happy to provide updated information to the City to show the work we have done and will continue to do in order to open this store and become a pillar in this community.

Respectfully Submitted,

Alberto "Avi" Marciano
Pacific Roots Marina, LLC

Enclosures:

1. Construction Timeline and Schedule

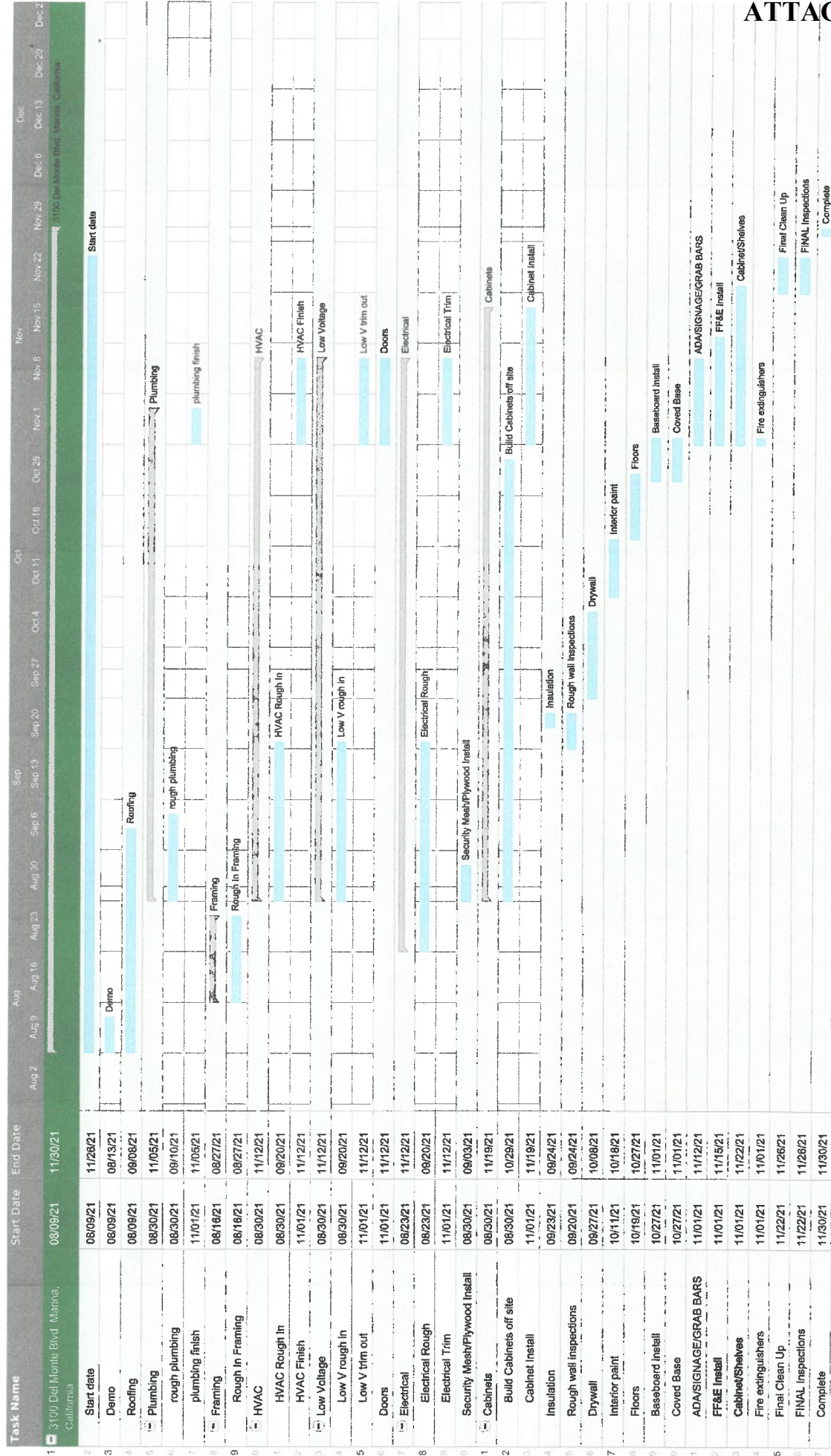
3100 Del Monte Blvd Marina, California



Task Name	Start Date	End Date	Aug	Sep	Oct	Nov	Dec
3100 Del Monte Blvd Marina, California	08/09/21	11/30/21					
1 Demo	08/09/21	08/13/21					
2 Roofing	08/09/21	09/08/21					
3 Plumbing	08/30/21	11/05/21					
4 rough plumbing	08/30/21	09/10/21					
5 plumbing finish	11/01/21	11/05/21					
6 Framing	08/16/21	09/27/21					
7 Rough In Framing	08/16/21	09/27/21					
8 HVAC	08/30/21	11/12/21					
9 HVAC Rough In	08/30/21	09/20/21					
10 HVAC Finish	11/01/21	11/12/21					
11 Low Voltage	08/30/21	11/12/21					
12 Low V rough in	08/30/21	09/20/21					
13 Low V trim out	11/01/21	11/12/21					
14 Doors	11/01/21	11/12/21					
15 Electrical	08/23/21	11/12/21					
16 Electrical Rough	08/23/21	09/20/21					
17 Electrical Trim	11/01/21	11/12/21					
18 Security Mesh/Plywood Install	08/30/21	09/03/21					
19 Cabinets	08/30/21	11/19/21					
20 Build Cabinets off site	08/30/21	10/29/21					
21 Cabinet Install	11/01/21	11/19/21					
22 Insulation	09/23/21	09/24/21					
23 Rough wall inspections	09/20/21	09/24/21					
24 Drywall	09/27/21	10/08/21					
25 Interior paint	10/11/21	10/18/21					
26 Floors	10/19/21	10/27/21					
27 Baseboard install	10/27/21	11/01/21					
28 Covered Base	10/27/21	11/01/21					
29 ADA/SIGNAGE/GRAB BARS	11/01/21	11/12/21					
30 FF&E install	11/01/21	11/15/21					
31 Cabinet/Shelves	11/01/21	11/22/21					
32 Fire extinguishers	11/01/21	11/01/21					
33 Final Clean Up	11/22/21	11/26/21					
34 FINAL Inspections	11/22/21	11/28/21					
35 Complete	11/30/21	11/30/21					

Priority	Task Name	Start Date	End Date	Status	% Done	Trade	Duration
1	3100 Del Monte Blvd. Marina, California	08/09/21	11/30/21				82d
2	Start date	08/09/21	11/26/21	Not Started		GC	80d
3	Demo	08/09/21	08/13/21	Not Started		Demolition	5d
4	Roofing	08/09/21	09/08/21	Not Started		Roofing	23d
5	Plumbing	08/30/21	11/05/21	Not Started		Plumbing	50d
6	rough plumbing	08/30/21	09/10/21	Not Started		Plumbing	10d
7	plumbing finish	11/01/21	11/05/21	Not Started		Plumbing	5d
8	Framing	08/16/21	08/27/21	Not Started		GC	10d
9	Rough In Framing	08/16/21	08/27/21	Not Started		GC	10d
10	HVAC	08/30/21	11/12/21	Not Started		HVAC	55d
11	HVAC Rough In	08/30/21	09/20/21	Not Started		HVAC	18d
12	HVAC Finish	11/01/21	11/12/21	Not Started		HVAC	10d
13	Low Voltage	08/30/21	11/12/21	Not Started		Low Voltage	55d
14	Low V rough in	08/30/21	09/20/21	Not Started		Low Voltage	18d
15	Low V trim out	11/01/21	11/12/21	Not Started		Low Voltage	10d
16	Doors	11/01/21	11/12/21	Not Started		Doors and Hardware	10d
17	Electrical	08/23/21	11/12/21	Not Started		Electrical	60d
18	Electrical Rough	08/23/21	09/20/21	Not Started		Electrical	21d
19	Electrical Trim	11/01/21	11/12/21	Not Started		Electrical	10d
20	Security Mesh/Plywood Install	08/30/21	09/03/21	Not Started		GC	5d
21	Cabinets	08/30/21	11/19/21	Not Started		GC	60d
22	Build Cabinets off site	08/30/21	10/29/21	Not Started		GC	45d
23	Cabinet Install	11/01/21	11/19/21	Not Started		GC	16d
24	Insulation	09/23/21	09/24/21	Not Started		Insulation	2d
25	Rough wall inspections	09/20/21	09/24/21	Not Started		GC	5d
26	Drywall	09/27/21	10/08/21	Not Started		Drywall	10d
27	Interior paint	10/11/21	10/18/21	Not Started		Paint	6d
28	Floors	10/19/21	10/27/21	Not Started		Floors	7d
29	Baseboard install	10/27/21	11/01/21	Not Started		GC	4d
30	Coved Base	10/27/21	11/01/21	Not Started		GC	4d
31	ADA/SIGNAGE/GRAB BARS	11/01/21	11/12/21	Not Started		GC	10d
32	FF&E Install	11/01/21	11/15/21	Not Started		GC	11d
33	Cabinet/Shelves	11/01/21	11/22/21	Not Started		GC	16d
34	Fire extinguishers	11/01/21	11/01/21	Not Started		GC	1d
35	Final Clean Up	11/22/21	11/26/21	Not Started		GC	5d
36	FINAL Inspections	11/22/21	11/26/21	Not Started		GC	5d
37	Complete	11/30/21	11/30/21	Not Started		GC	1d

3100 Del Monte Blvd Marina, California



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22	Build Cabinets off site	08/30/21	10/29/21	Not Started		GC	45d
23	Cabinet Install	11/01/21	11/19/21	Not Started		GC	15d
24	Insulation	09/23/21	09/24/21	Not Started		Insulation	2d
25	Rough wall inspections	09/20/21	09/24/21	Not Started		GC	5d
26	Drywall	09/27/21	10/08/21	Not Started		Drywall	10d
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