



## Community Development

December 27, 2018

Elliott Taylor  
Harvest of Napa, Inc.  
384 Camino Sobrante  
Orinda, CA 94563

*via email to [elliott@terranova-ind.com](mailto:elliott@terranova-ind.com)*

**Re: MMD18-0009 - HARVEST OF NAPA - 2441 - 2449 2<sup>nd</sup> Street - APN: 004-491-028  
Cannabis Establishment Clearance**

Dear Mr. Taylor:

This letter is to advise you that on December 27, 2018, Staff determined that your request for a Cannabis Establishment Clearance ("Clearance Request") pursuant to Napa Municipal Code ("NMC") Section 17.52.275 ("Cannabis Ordinance") is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15268 of the CEQA Guidelines. In accordance with California Business and Professions Code Section 26055(g)(2)(C), Staff has also determined that the Clearance Request is in compliance with applicable local ordinances and regulations, including the Cannabis Ordinance. As such, the City of Napa ("City") grants a Cannabis Establishment Clearance ("Clearance") to Harvest of Napa, Inc. (Elliot Taylor, Steven White & Jason Verdadi) ("Applicants") for a Medical Cannabis Retailer at 2441 & 2449 2<sup>ND</sup> Street (APN: 004-491-028) ("Site") as described in the plans submitted to the City of Napa on March 14, 2018 (revised October 24, 2018) (Planning Division File No. MMD18-0009) subject to the following conditions:

1. This Clearance provides the Applicant with limited immunity from enforcement by the City of any prohibition of Commercial Cannabis Activities under any remedies available to the City under NMC Chapters 1.16 through 1.26 to operate a Medicinal Cannabis Retailer on the Site. Any capitalized terms used but not defined herein shall have the meaning ascribed to such terms in the Cannabis Ordinance.
2. This Clearance is valid for one year from the date of issuance of December 27, 2018 provided that the Applicant remains in compliance with all of the requirements set forth in this Clearance, the Cannabis Ordinance and all applicable State Cannabis Laws. Request for a renewal of the Clearance shall be filed with the City no earlier than 90 days, and no later than 30 days, prior to the expiration of the Clearance.

3. A valid Cannabis Establishment Clearance Certificate issued by the City ("Certificate") shall be prominently displayed in a publicly visible location on the Site at all times. A full-size duplicate of the Certificate may be displayed in lieu of the original Certificate.
4. The Applicant shall comply with all requirements set forth in the Cannabis Ordinance and all applicable State Cannabis Laws.
5. Prior to demolition, construction, or occupancy, an application for a Building Permit must be submitted to the Building Division for any change of use, demolition, or tenant improvement. Standards established by the Cannabis Ordinance (such as required signage and the use of odor-absorbing ventilation), and modifications to the Site (to comply with the Cannabis Ordinance and the NMC), shall be reflected in the plans submitted for a Building Permit.
6. No signs shall be installed on the Site except in compliance with the City's Sign Ordinance.
7. Should the Planning Manager determine that the medical cannabis operations on the Site cause a nuisance, this Clearance shall be reviewed for consideration of new conditions of approval, modified conditions of approval, or if necessary, revocation of the Clearance consistent with NMC Chapter 17.72.
8. Unless otherwise specifically provided, each condition of approval of this Clearance shall be satisfied prior to issuance of a Building Permit, or if a Building Permit is not required, prior to the commencement of use.
9. Applicant shall pay all applicable fees and charges at the required time and at the rate in effect at time of payment (in accordance with the City's Master Fee Schedule; see individual departments regarding the timing of fee payment requirements).
10. Applicant shall design and construct all improvements and facilities on the Site in compliance with the General Plan, any applicable Specific Plan, the NMC, City ordinances and resolutions, the "Standard Specifications" of the Public Works and Fire Departments, and any approved site plan, plans and specifications, and other approved documents.
11. The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.
12. To the full extent permitted by law, the Applicant shall indemnify, defend, release and hold City, its agents, officers, and employees harmless from and against any claims, suits, liabilities, actions, damages, penalties or causes of action by any person, including Applicant, for any injury (including death) or damage to person or

property or to set aside, attack, void or annul any actions of City, its agents, officers and employees, from any cause whatsoever in whole or in part arising out of or in connection with (1) the processing, conditioning or approval of this Clearance; (2) any failure to comply with all applicable laws and regulations; (3) the establishment, use, operation, or ownership of the Medicinal Cannabis Retailer or (4) the design, installation or operation of improvements on the Site and regardless whether the actions or omissions are alleged to be caused by City or Applicant so long as City promptly notifies Applicant of any such claim, etc., and the City cooperates in the defense of same.

13. If the Applicant is not the owner of the Site, all agreements required to be executed by the City must be executed by the Owner(s) as well as the Applicant.
14. Violation of any term, condition, mitigation measure or project description relating to this Clearance is unlawful, prohibited and a violation of the NMC and can result in revocation or modification of this Clearance and/or the institution of civil and/or criminal enforcement and/or abatement proceedings.
15. Approval of this Clearance would not have been granted but for the applicability and validity of each and every one of the specified conditions, and if any one or more of such conditions is found to be invalid by a court of law, this Clearance would not have been granted without requiring other valid conditions consistent with achieving the purpose and intent of such approval.
16. This Clearance does not create, confer, or convey any vested rights or entitlement to operate a Medicinal Cannabis Retailer on the Site.
17. This Clearance is non-transferable to another person or entity or to another location.

If you have any questions regarding this action, or need any additional information, please contact me at [mallen@cityofnapa.org](mailto:mallen@cityofnapa.org) or 707.257.9530.

Sincerely,



Michael Allen  
Senior Planner

Enclosures: Certificate

Copy: Project File  
[steve@terranova-ind.com](mailto:steve@terranova-ind.com)