

Attachment E

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George R. Walker, Esq. (1928-2018)

Hansen P. Reed, Esq.

Ashlee E. Gustafson, Esq.

John N. Staples, III, Esq.

William H. Shearer, Esq.

James G. Heisinger, Jr., Esq.

Of Counsel

Sidney M. Morris, Esq.

Of Counsel

**Via Electronic Mail at: phearingcomments@co.monterey.ca.us
And US Mail**

August 10, 2020

Author's Email Address:

hreed@walkerandreed.com

Monterey County Planning Commission
1441 Schilling Place
Salinas, CA 93901

Re: August 12, 2020 Commission Meeting

Dear Commissioners,

I am an attorney representing a group of Salinas Valley farmers and landowners regarding the above stated Planning File and the property at 115-117 Monterey Salinas Hwy, Salinas, California (the "Property"). Please accept this letter as direct opposition to the PLN170296 permit process for a cannabis dispensary use permit and/or cannabis cultivation use permit application.

The Property is Not Properly Zoned for Cannabis Retail.

The permit for proposed cannabis project at the Property must be denied because it is inconsistent with the Property's current zoning. Cannabis dispensaries are limited to Light Commercial and Heavy Commercial zones. MCC 21.67.040 states "Medical cannabis dispensaries shall not be allowed in any other zoning district." However, the Property is zoned farmland with a minimum building site of 40 acres (F/40). The Property is therefore not within the mandatory zoning for a cannabis dispensary, and the project cannot be approved as a matter of law.

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Cheryl Ku, a Senior Planner with the Monterey County Resource Management Agency, recently affirmed that the Property is not properly zoned for the proposed project. In a May 26, 2020 letter (“MCRMA Letter”), a copy of which is enclosed herein, Ms. Ku not only stated that the proposed project is not consistent with the property’s zoning, but also that Monterey County does not consider cannabis uses similar in nature to any existing or permitted use. The MCRMA Letter ultimately concluded that the MCRMA staff would recommend the denial of the project.

Cannabis Cultivation at the Property Would Create Problems for the Surrounding Area.

My client’s opposition to cannabis at the Property is not limited to inconsistent zoning, but also includes opposition to any cannabis cultivation at the Property. While the Property could potentially be used for cannabis cultivation because the Property is zoned for farming and includes a small greenhouse which existed on or before January 1, 2016, doing so would create several problems for the surrounding areas in the Salinas Valley.

First, allowing commercial cannabis cultivation at the property could create a dangerous precedent of transforming old barns into structures for cultivations use. Several buildings located on the Property cannot be utilized as greenhouses or as “industrial buildings” as they are not buildings located in an industrial zoned property. Should the applicant be permitted to transform the barn buildings into greenhouse space, the County would risk every tractor barn or out structure on an agriculture zoned property to be converted to cultivation use. It is the County’s intent to restrict the proliferation of greenhouses and other structures on productive agricultural lands. Allowing cannabis cultivation at the property threatens that goal.

Second, cannabis cultivation at the Property would impact the scenic nature of Highway 68. The highway is designated scenic highway and, pursuant to CEQA, the impacts on the view need to be considered. Cannabis cultivation is an industry requiring significant security precautions, for a variety of reasons. California’s cannabis regulations even require all that cannabis inventory be secured in a limited access area, with constant video surveillance. (CCR 16 §§ 5033, 5042, 5044). Accordingly, heavy security is standard within the cannabis industry. Allowing cultivation of cannabis at the Property could significantly impact the scenery on the main route between Monterey and Salinas, if large barbed wire fences or other items were placed on the Property for protection of cannabis. The City of Salinas has a vested interest in not having a cultivation facility at its gateway.

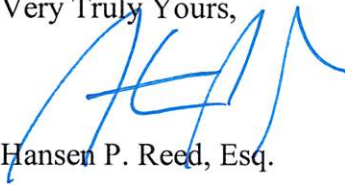
Third, cannabis cultivation at the Property would create a public health risk by significantly increasing the public exposure to cannabis. The Monterey County Health Department recommends that a cannabis retail permit for the Property be denied “due to potential exposures and/or increased use by risk groups due to normalization of cannabis.” Permitting commercial cannabis cultivation at the property would similarly expose the surrounding populations to cannabis, further normalizing the consumption of cannabis among high risk groups. The property’s location on the side of Highway 68 means that any cultivation at the Property is likely to be highly conspicuous. All traffic between Monterey and Salinas would be exposed to the cannabis operations at the Property, including students traveling to and from schools. The county should not permit the operation of a cannabis farm that poses such a risk to public health.

August 10, 2020

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We request that the permit submitted for the cannabis dispensary and cannabis cultivation be denied by the County. Should you wish to discuss this matter further or if you have any questions or concerns, please do not hesitate to contact my office.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Hansen P. Reed', written over the typed name below.

Hansen P. Reed, Esq.

HPR/whs
Enclosures

CC: Clients
Brandon Swanson, Planning Services Manager
Craig Spencer, Senior Planner
Jackie Nickerson via email NickersonJ@co.monterey.ca.us
Melissa McDougal via email McDougalM@co.monterey.ca.us



George R. Walker, Esq. 1928-2018
Hansen P. Reed, Esq.
Ashlee E. Gustafson, Esq.
John N. Staples, III, Esq.
William H. Shearer, Esq.

Via U.S. Mail

May 28, 2020

Monterey County Board of Supervisors
P.O. Box 1728
Salinas, CA 93902

Author's Email Address:
HReed@walkerandreed.com

**Re: PLN170296 Cannabis Dispensary and Cultivation Use Permit
115- 117 Monterey Salinas Hwy, Salinas, California**

Dear Supervisors:

I am an attorney representing a group of Salinas Valley farmers and landowners regarding the above stated Planning File and the property at 115-117 Monterey Salinas Hwy, Salinas, California (the "Property"). Please accept this letter and its enclosures as continued direct opposition to the PLN170296 permit process for a cannabis dispensary use permit and/or cannabis cultivation use permit application.

To avoid restating points that I have made previously, I have enclosed copies of previous letters my firm has send the Committee and AAC on this matter. We request that this letter and the attachments (previously submitted letters) be included in the Use Permit Planning file record.

We request that the permit submitted for the cannabis dispensary and cannabis cultivation on the Property be denied by the county. If you have any comments or questions, please feel free to contact my firms.

Very truly yours,

Hansen P. Reed /S/

Hansen P. Reed

HPR/whs
Enclosures

CC: Clients
Brandon Swanson, Planning Services Manager
Craig Spencer, Senior Planner
Jackie Nickerson via email NickersonJ@co.monterey.ca.us
Melissa McDougal via email McDougalM@co.monterey.ca.us

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George R. Walker, Esq. 1928-2018
Hansen P. Reed, Esq.
Ashlee E. Gustafson, Esq.
Barry Alan Kinman, Esq.
John N. Staples, III, Esq.

Via Email: nielsenk@co.monterey.ca.us

June 25, 2019

William Lipe, Monterey County AAC
Committee Chair
Monterey County AAC
1428 Abbott Street
Salinas, CA 93901

Author's Email Address:
HReed@walkerandreed.com

**Re: PLN170296 Cannabis Dispensary and Cultivation Use Permit
115- 117 Monterey Salinas Hwy, Salinas, California**

Dear Mr. Lipe:

I am an attorney representing a group of Salinas Valley farmers and landowners regarding the above stated Planning File and the property at 115-117 Monterey Salinas Hwy, Salinas, California (the "Property"). Please accept this letter as a direct opposition to the PLN170296 permit process for a cannabis retail use permit and/or cannabis cultivation use permit application. The applicant should not be permitted to transform the Property to a cannabis retail operation and/or for use of cannabis cultivation. We have reviewed the MCRMA letter dated May 31, 2019. While we agree with all the bases given in that letter for denial our opposition goes beyond the technical failures of the application.

CANNABIS RETAIL

The County of Monterey only allows cannabis retail operations and cannabis cultivation with an Administrative Permit and/or Use Permit and therefore any proper transformation will require County approval. The Property cannot be used for a cannabis retail site because the Property is not zoned for Light Commercial or Heavy Commercial. The Property is zoned for Farming/Agriculture. Cannabis retailers are limited to Light Commercial and Heavy Commercial. "21.67.040 - Regulations for cannabis retailers. A. Applicability. The provisions of this Section are applicable in Light Commercial (LC) and Heavy Commercial (HC) zoning districts. Cannabis retailers shall not be allowed in any other zoning district." The Property is not within the mandatory zoning for a cannabis retail and therefore as a matter of law cannot be approved. We want to be clear we are not seeking to thwart our neighbor from making a living in the field of agriculture. The historical usage of the nursery is as a nursery. The application is attempting to engage in the cannabis industry in every way.

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This is undoubtedly one of the reasons the County's letter of May 31, 2019 stated, The County does not consider cannabis uses similar in the nature to any existing or permitted use. It makes perfect sense and is completely consistent with past actions of the County in granting the permits in 1984, 1996 and 2006. In each case the fundamental use was consistent with the nature of the existing business. A landscape material business is like/kind to a nursery. Storage buildings and greenhouses are consistent with and supplement a nursery business. We agree completely with the applicant's argument as made by Alex J. Lorca on October 1, 2018 that, "PLN 060174 accurately summarized allowable uses at the Site: "the nursery, located on APN 207-131-004-000, consists of the main nursery building and greenhouse, annuals and perennial bedding flowers, various ornamental shrubs and trees, demonstration gardens and staging areas containing soil, soil amendment blends, bark, mulches and decorative rock, a storage and mixing area. The ornamental landscape material business (APN 207-131-005-000); consists of large quantities of bark, decorative rock and other landscape materials."

What the applicant's attorney refuses to acknowledge is what is obvious to the County; cannabis uses are not similar in nature to any existing or permitted use. The existing business would have to cease operations. The only way for the existing business to continue operations is if every customer who sought traditional nursery items qualified for entry into a cannabis business. All minors would have to be excluded. All identification requirements permitting entry to a cannabis business would have to be adhered to in order to gain entry into the nursery. Unless this was required option 1. of the County's two possible options as set forth on page 2 of the May 31, 2019 letter would not be meeting minimum legal requirements. Option 2. Is a hypothetical and will not be addressed.

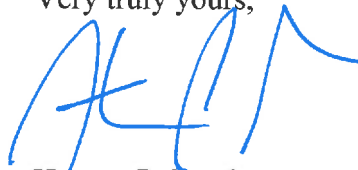
CANNABIS CULTIVATION

Although the Property could potentially be considered for cannabis cultivation, as the Property is zoned for farming and includes a small greenhouse which existed on or before January 1, 2016, the other buildings located on the Property cannot be utilized as greenhouses or as "industrial buildings" as they are not buildings located in an industrial zoned property. The "barn" has never been a barn. It has only been used as retail space. Should the applicant be permitted to transform the barn buildings into greenhouse space, the County would risk every tractor barn or out structure on an agriculture zoned property to be converted to cultivation use. The unavailability of greenhouse space on the Property would limit the operation to the current square footage of the greenhouse. Cannabis cultivation is limited to areas zoned for Farmland, Light Industrial, Heavy Industrial, and Agricultural Industrial and outdoor cannabis cultivation is prohibited in all Salinas Valley zones. It is the County's intent to provide adaptive reuse of greenhouses in Monterey County and to restrict the proliferation of greenhouses and other structures on productive agricultural lands. While the greenhouse could be improved for cannabis cultivation, the footprint of the existing building could not change. No cannabis can be visible from offsite and no visual markers indicating that cannabis is cultivated on site shall be visible from offsite. The greenhouse located on the Property is smaller than normal greenhouses and located just as traffic enters Salinas.

Further, Highway 68 is a designated scenic highway and, pursuant to Caltrans, the impacts on the view need to be considered. One of the benefits of a scenic highway designation is that it will, "Mitigate activities within the corridor that detract from its scenic quality by proper siting, landscaping or screening." The impact of allowing cannabis cultivation on the view could be substantial if large barbed wire fences or other items were placed on the Property for protection of the cultivation. Heavy protection is standard in the industry for a variety of reasons. The City of Salinas has a vested interest in not having a cultivation facility at its gateway.

We request that the permit submitted for the cannabis dispensary and cannabis cultivation be denied by the County. Should you wish to discuss this matter further or if you have any questions or concerns, please do not hesitate to contact my office. Finally, I would like to be kept up-to-date on any changes/advancements, hearings, filings, and actions taken on PLN170296.

Very truly yours,



Hansen P. Reed

HPR/aeg

CC: Clients

Carl P. Holm, AICP, RMA Director

Brandon Swanson, Planning Services Manager

Craig Spencer, Senior Planner

Jackie Nickerson via email NickersonJ@co.monterey.ca.us

Melissa McDougal via email McDougalM@co.monterey.ca.us

George R. Walker, Esq. 1928-2018

Hansen P. Reed, Esq.

Ashlee E. Gustafson, Esq.

John N. Staples, III, Esq.

Barry Alan Kinman, Esq.



Via Email: nickersonj@co.monterey.ca.us

July 16, 2019

Jacquelyn Nickerson
Spreckels LUAC
Monterey County RMA
1441 Schilling Place South, 2nd Floor
Salinas, CA 93901

Author's Email Address:
bkinman@walkerandreed.com

**Re: PLN170296 Cannabis Retail Dispensary Use Permit
115- 117 Monterey Salinas Hwy, Salinas, California**

Dear Ms. Nickerson:

I am an attorney representing a group of Salinas Valley farmers and landowners regarding the above stated Planning File and the property at 115-117 Monterey Salinas Hwy, Salinas, California (the "Property"). Please accept this letter as a direct opposition to the PLN170296 permit process for a cannabis retail use permit. The applicant should not be permitted to transform the Property from its historic agriculture usage into a cannabis retail operation. We support agriculture and the current application is based upon abandoning the agricultural usage of the property and converting it into a non- agriculture based retail cannabis operation. The MCAC previously rejected the application in part based upon the MCRMA letter dated May 31, 2019. While we agree with all the bases given in that letter for denial our opposition goes beyond the technical failures of the application. For us, preserving agriculture is paramount.

CANNABIS RETAIL IS NOT AGRICULTURE

The County of Monterey only allows cannabis retail operations and cannabis cultivation with an Administrative Permit and/or Use Permit and therefor any proper transformation will require County approval. The Property cannot be used for a cannabis retail site because the Property is not zoned for Light Commercial or Heavy Commercial. The Property is zoned for

WALKER+REED
ATTORNEYS AT LAW P.C.

July 16, 2019

Page 2

Farming/Agriculture. Cannabis retailers are limited to Light Commercial and Heavy Commercial. "21.67.040 - Regulations for cannabis retailers. A. Applicability. The provisions of this Section are applicable in Light Commercial (LC) and Heavy Commercial (HC) zoning districts. Cannabis retailers shall not be allowed in any other zoning district." The Property is not within the mandatory zoning for a cannabis retail and therefore as a matter of law cannot be approved. We want to be clear we are not seeking to thwart our neighbor from making a living in the field of agriculture. The historical usage of the nursery is as a nursery. The application is attempting to engage in the cannabis industry in a strictly retail fashion.

This is undoubtedly one of the reasons the County's letter of May 31, 2019 stated, "The County does not consider cannabis uses similar in the nature to any existing or permitted use." It makes perfect sense and is completely consistent with past actions of the County in granting the permits in 1984, 1996 and 2006. In each case the fundamental use was consistent with the nature of the existing business. A landscape material business is like/kind to a nursery. Storage buildings and greenhouses are consistent with and supplement a nursery business. We agree completely with the applicant's argument as made by Alex J. Lorca on October 1, 2018 that, "PLN 060174 accurately summarized allowable uses at the Site: "the nursery, located on APN 207-131-004-000, consists of the main nursery building and greenhouse, annuals and perennial bedding flowers, various ornamental shrubs and trees, demonstration gardens and staging areas containing soil, soil amendment blends, bark, mulches and decorative rock, a storage and mixing area. The ornamental landscape material business (APN 207-131-005-000); consists of large quantities of bark, decorative rock and other landscape materials."

It is obvious that the County, by rejecting the application through the prior processes, understands that cannabis retail sales are not similar in nature to any existing or permitted use. The existing business would have to cease operations. All minors would have to be excluded. All identification requirements permitting entry to a cannabis business would have to be adhered to in order to gain entry. Not only does the existing facility fail to meet code and the proposed usage would have no rational relation to its historic usage, the entire clientele would have to change. It begs the question, if this were permitted what change of usage from agriculture would not be permitted?

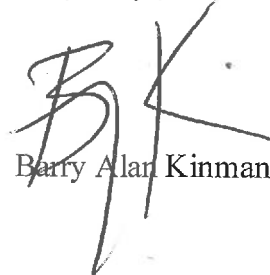
Further, Highway 68 is a designated scenic highway and, pursuant to Caltrans, the impacts on the view need to be considered. One of the benefits of a scenic highway designation is that it will, "Mitigate activities within the corridor that detract from its scenic quality by proper siting, landscaping or screening." The impact of allowing a cannabis retail operation on the view could be substantial if large barbed wire fences or other items were placed on the Property for protection retail operation and parking area. Heavy protection is standard in the industry for a variety of reasons. The City of Salinas has a vested interest in not having a cultivation facility at its gateway.

We request that the permit submitted for the cannabis dispensary be denied by the County. Should you wish to discuss this matter further or if you have any questions or concerns,

July 16, 2019
Page 3

please do not hesitate to contact my office. Finally, I would like to be kept up-to-date on any changes/advancements, hearings, filings, and actions taken on PLN170296.

Very truly yours,

A handwritten signature in black ink, appearing to be 'BAK', written over the typed name 'Barry Alan Kinman'. The signature is stylized and somewhat abstract.

Barry Alan Kinman

BAK/hpr

CC: Clients

Michelle Frederick: friedrichm@co.monterey.ca.us

Diana Najjar: najarda@co.monterey.ca.us

From: [Dennis Donohue](#)
To: [293-pchearingcomments](#)
Subject: Agenda Item 2 (PC 20-048) August 12,2020
Date: Tuesday, August 11, 2020 12:49:19 PM

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

I am writing to support the McShane Nursery request to “ amend an existing use permit to allow retail sales of cannabis products at an existing site”. While I am not a fan of legalized use of cannabis for recreational purposes, I believe that there should be consistency in application of the law. The current McShane’s location has clearly been growing and selling plants and derivative products for over six decades.

If both Monterey County and California have designated cannabis as an agricultural product then it doesn’t hold that cannabis should be treated differently than other greenhouse or horticulture products that are also grown in Monterey County and sold at the McShane’s site. Allowing for retail sales sets no precedents per se....it simply a product update to new norms.

I would also note that there is some reconsideration being given to outdoor growing by the County. That suggests that the County is making adjustments as this industry matures. The same sort of thinking makes sense in this instance as well.

Dennis Donohue

Monterey County Planning Commission
August 12, 2020

Public Comments for: **PLN170296 - CABRERA (CHAPIN LIVING TRUST)**

Dear Commissioners:

My name is John Mueller. I have been an investor, owner and or operator of a wide variety of “alternative agriculture” regulated companies including organic farming, free range hogs, farm raised fish, water development, and medical and recreational cannabis. I am the CEO of a Multi-State Operator (MSO) in the cannabis space and have been licensed to operate in Nevada, California, Arkansas, Missouri and Michigan.

Over the past 20 years the definition of agriculture and agriculture products has continued to evolve. As an example, Hemp was illegal to grow not many years ago and is now federally legal with hundreds of thousands of acres now being cultivated. Similarly, THC based cannabis was illegal in the US for almost over 80 years and is now legal for adult use in 11 states and medical use in 33 states; with more states in process. A federal legalization bill and several “state’s rights” bills are currently under review in the US Congress.

THC based cannabis has the same safety regulations as other regulated products with strict licensing, seed to sale tracking, and testing on a parts per million basis for 65 pesticides, biologics and heavy metals. This process is ten-fold vs the testing process for a product like a strawberry that you can eat.

Cannabis is now mainstream. In the early days of legalization, local governmental agencies “hid” cannabis operations in industrial zones. That now is a thing of the past. Cannabis dispensaries are now located on the same “main and main” street locations like Walgreens and CVS. Cannabis dispensaries can be found on Michigan Avenue in Chicago, 5th Ave in NYC, Beverly Hills and locally in the famed Barnyard Shopping Village in Carmel.

McShane’s Nursery has a 60 plus year history of cultivating and retailing a wide variety of regulated agriculture products, like fruit trees that are tagged, tracked and inspected prior to sale. Over the years agriculture products and McShane’s have continued to evolve. Adding cannabis products to this unique, successful location is the next evolution in its business.

In the entire Salinas area and along the Hwy 68 corridor there are only two operating dispensaries: a small dispensary near the Salinas Airport and a dispensary on Work Street in Salinas. Both medical patients and adult users have very limited access to cannabis in the area and no access along Hwy 68. With the traffic patterns, the stand-alone location, and no surrounding churches, schools, etc., McShane’s is an ideal location to sell cannabis alongside its other agriculture derived products.

Thank you for your time and consideration and I hope you support this application.

John Mueller

From: [Magana, Sophia x5305](mailto:Magana_Sophia_x5305)
Subject: FW: Comment for PLN170296 - CABRERA (CHAPIN LIVING TRUST)
Date: Wednesday, August 12, 2020 8:06:25 AM
Attachments: [PLN170296 - CABRERA \(CHAPIN LIVING TRUST\) OPPOSITION.pdf](#)

Good Morning,

Please email below and the attached public comment received this morning for PLN170296 Chapin project.

Thank you,

Sophia Magana / Senior Secretary

Monterey County RMA – Planning Division

1441 Schilling Place, South 2nd Floor, Salinas, CA 93901

Direct Line: (831) 755-5305, Fax: (831) 757-9516

Email: maganas@co.monterey.ca.us

The Monterey County Resource Management Agency is currently operating with limited in-office staff to reduce risk of COVID-19 transfer to and among its workforce. During this time, responses may be delayed, but staff is checking email and will respond to you. If you have an urgent issue that requires immediate attention, please contact our main line at: [831-755-5025](tel:831-755-5025).

From: Pivotal Campaigns [mailto:christian@pivotalcampaignservices.com]
Sent: Wednesday, August 12, 2020 5:12 AM
To: 293-pchearingcomments <pchearingcomments@co.monterey.ca.us>
Subject: Comment for PLN170296 - CABRERA (CHAPIN LIVING TRUST)

[CAUTION: This email originated from outside of the County. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Please read the following comment into the record and accept the attached submission.

Much appreciated.

Comment:

I request the following analysis be submitted to the record and reviewed.

Admittedly I know little of building plans but what is obvious even to a novice is a lack of consistency in numbers. For example, the fluctuating size of the greenhouse. Or is it a barn? Is it one building or two? And how did it grow over time with no construction? This information is not clear from what has been submitted.

It seems obvious that after the Planning Commission denies Chapin/Cabrera today they will take the next step of going to the Board of Supervisors in hopes all previous denials of the project will be ignored and they will be shown special favor.

Chapin/Cabrera extraordinary request to change the rules just for their personal benefit warrants full due diligence from the Planning Commission before any appeal is heard.

I believe completing an audit comparing the numbers given in the various permits to the actual physical buildings could clear up the metaphysical aspects of their plans.

Of additional concern, it has been reported in the media that in civil cases the cannabis industry has

admitted at times to fudging details to obtain permits.

In my opinion, it is important to remove all doubt and remain above the perception that special favors are being done for select individuals.

Following is my rough analysis in opposition.

With Regards

Christian Schneider

--

Christian Schneider
917.520.9110 (cell)

I request the following analysis be submitted to the record and reviewed.

Admittedly I know little of building plans but what is obvious even to a novice is a lack of consistency in numbers. For example, the fluctuating size of the greenhouse. Or is it a barn? Is it one building or two? And how did it grow over time with no construction? This information is not clear from what has been submitted.

It seems obvious that after the Planning Commission denies Chapin/Cabrera today they will take the next step of going to the Board of Supervisors in hopes all previous denials of the project will be ignored.

Chapin/Cabrera extraordinary request to change the rules just for their personal benefit warrants full due diligence from the Planning Commission before any appeal is heard.

I believe completing an audit comparing the numbers given in the various permits to the actual physical buildings could clear up the metaphysical aspects of their plans.

Of additional concern, it has been reported in the media that in civil cases the cannabis industry has admitted at times to fudging details to obtain permits.

In my opinion, it is important to remove all doubt and remain above the perception that special favors are being done for select individuals.

Following is my rough analysis.

With Regards

Christian Schneider

Proposed Project Discrepancies:

The project proposes to use existing structures for new cannabis-related uses.

An existing 4,760 square foot building, portions of which had previously been used for retail nursery sales, would be used as a commercial dispensary and edibles manufacturing building.

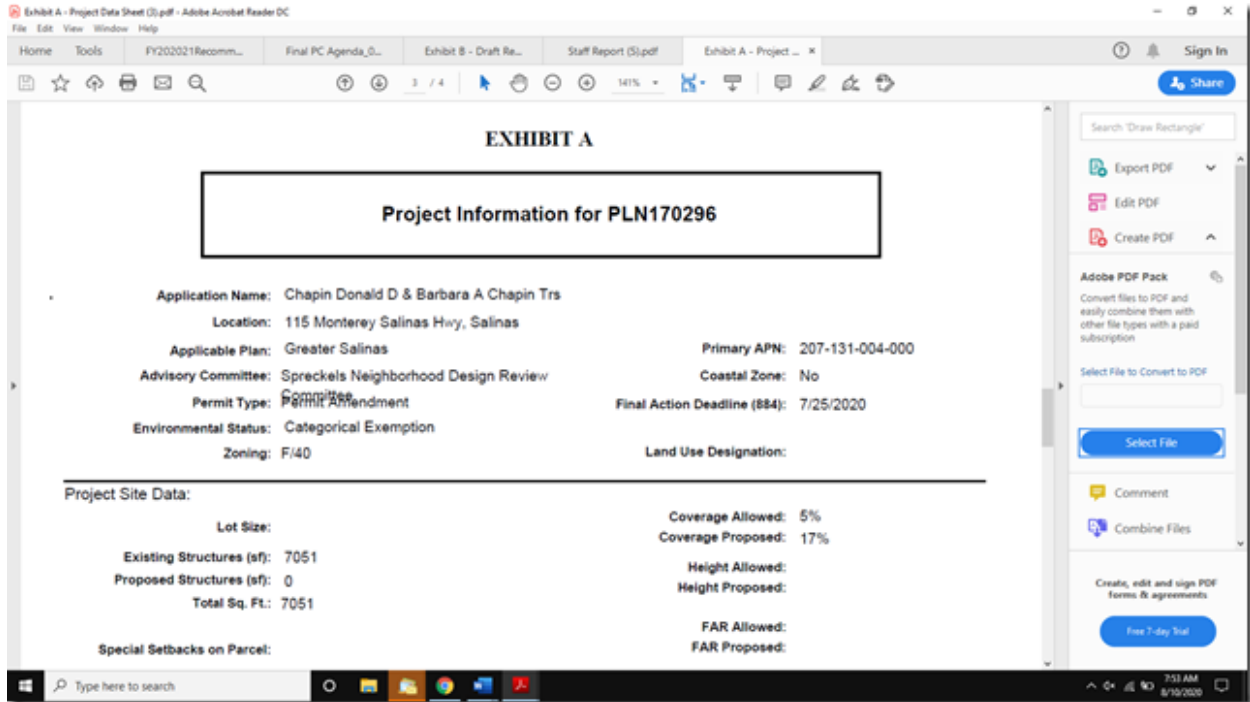
An existing 42'x72' barn structure, which has not been previously used for retail space, would be used as an overflow commercial dispensary building.

Also on the site, is an existing office building that would continue to be used as an office, and two additional 360 square foot and 480 square foot buildings would continue to be used for non-cannabis retail sales and to house non-cannabis accessories.

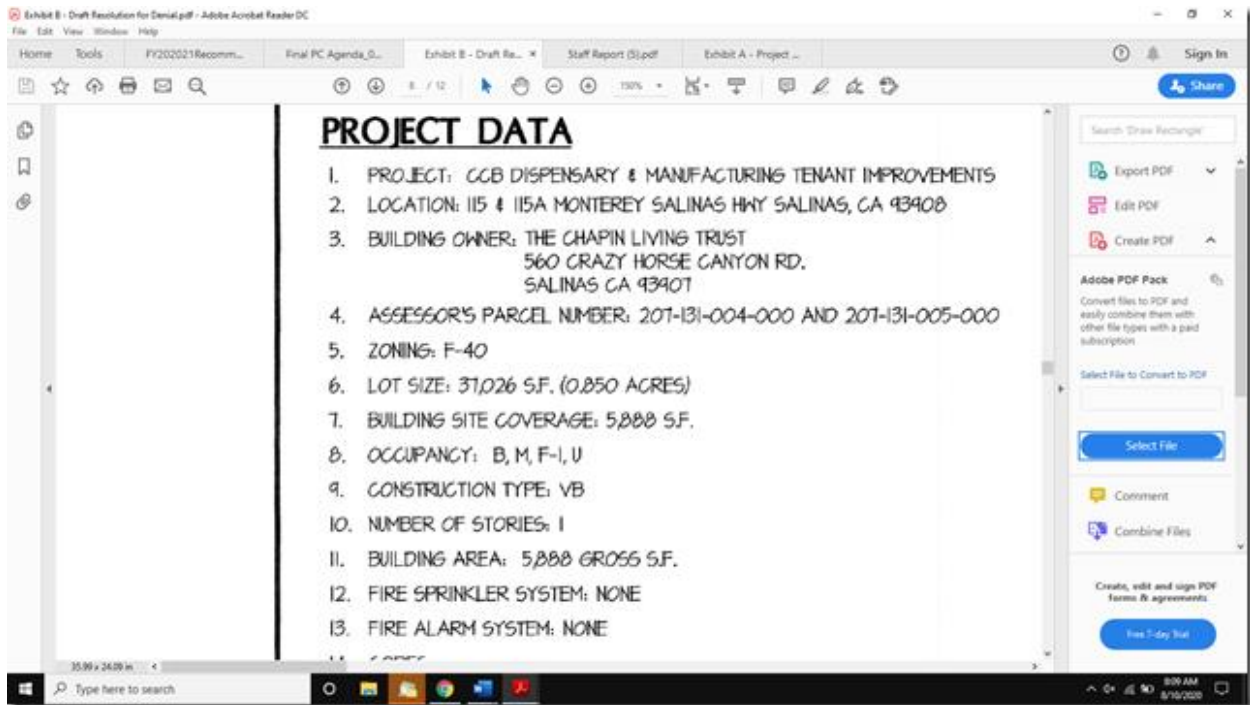
An existing 1,080 square foot greenhouse, which was constructed prior to January 1, 2016, would be used to cultivate cannabis for demonstration and education purposes only. This greenhouse is not proposed to produce cannabis that would be sold commercially.

The highlighted areas describe five existing buildings. The 42x72 structure would be the 3024 sq ft greenhouse/barn described elsewhere in the staff report. Those numbers are not given in this paragraph but are provided elsewhere. Being that this paragraph describes existing buildings, nothing makes sense. If you add all those numbers up it goes well past the 7051 sq ft what Exhibit A the Project Data Sheet claims are existing buildings.

Take a close look at Exhibit A. Right below where it says there are existing structures of 7051 sq ft, it states "0" in proposed structures. Keep that in mind.



Here is the project data from page 8 of Exhibit B. The other maps I copied below are on pages 9 and 10.

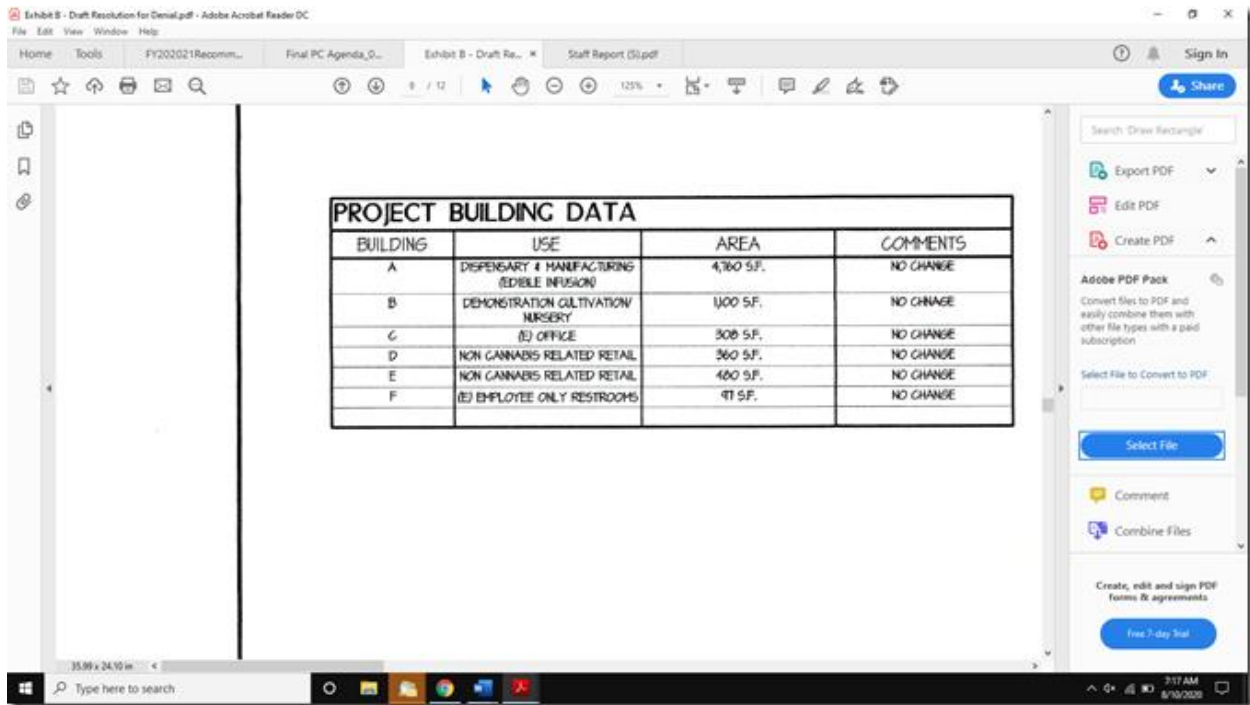


Look at the building site coverage at #7. It says 5,888 sq ft. This is not 7,051 sq ft that Exhibit A lists. This is a huge discrepancy.

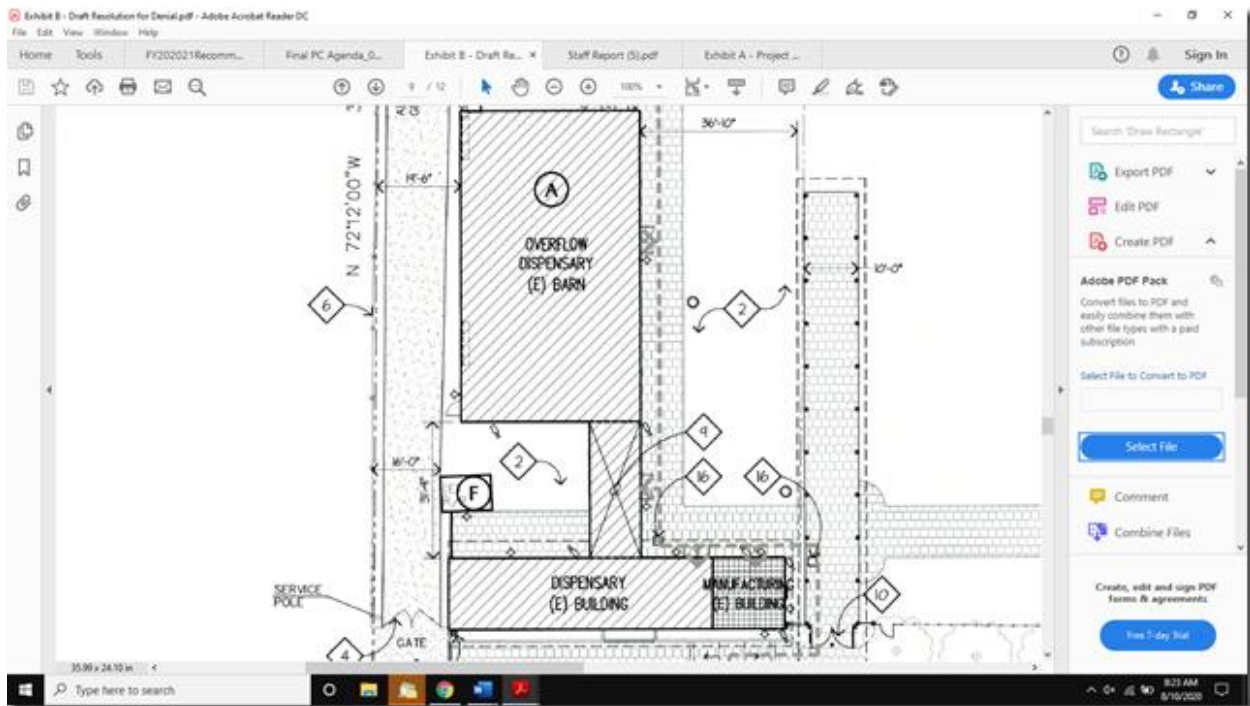
On the following page of Exhibit B, the project building data doesn't list the 3024 sq ft greenhouse/barn but it does list the "existing" 4,760 sq ft building identified as Building A.

Building B in this chart is the demonstration greenhouse described in the staff report as a 1,080 sq ft building. However, here it is 1,100. That's not a big difference, but there shouldn't be any. However, if you add up all these numbers from the project building data below, it actually equals 7,105, not 7051 or 5,888.

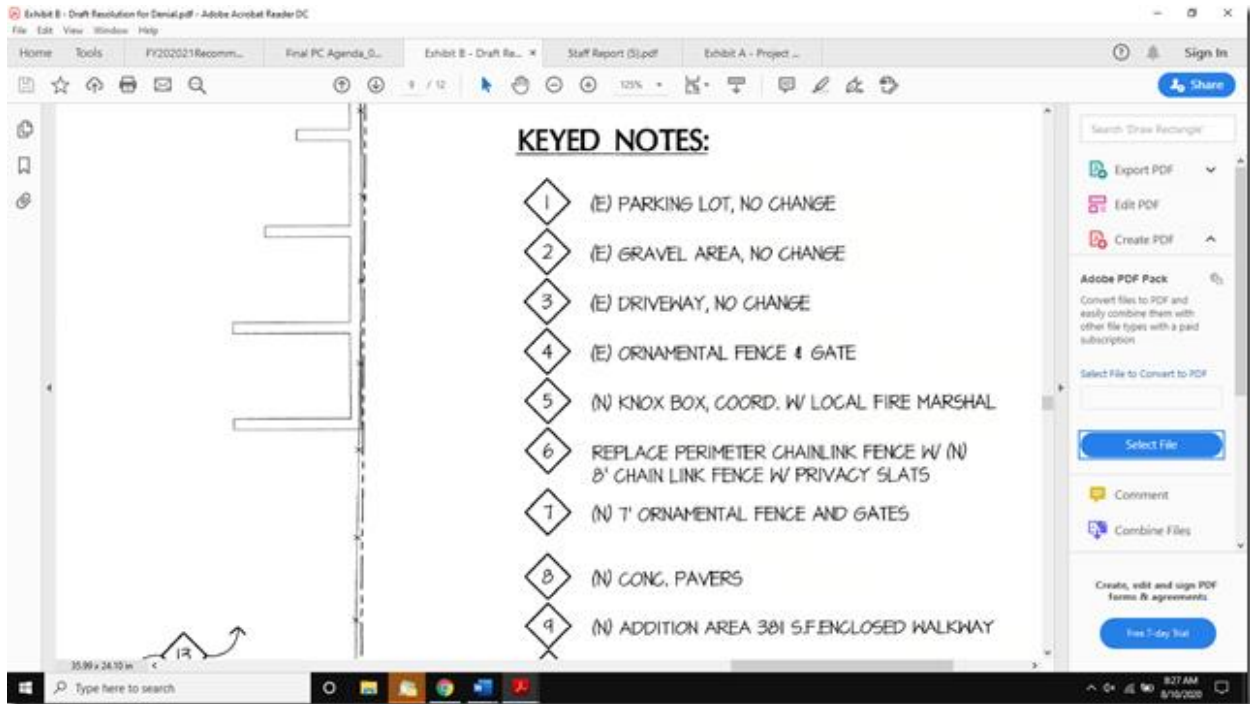
However, D and E are off the cannabis site and are on McShane's Landscape Supply side. If we remove those 840 sq ft then we have even a new total of 6,265 sq ft. for the cannabis site.



Let's take a closer look at Building A now.



These are actually two buildings. They are not connected. But in the middle is a walkway identified as #9.



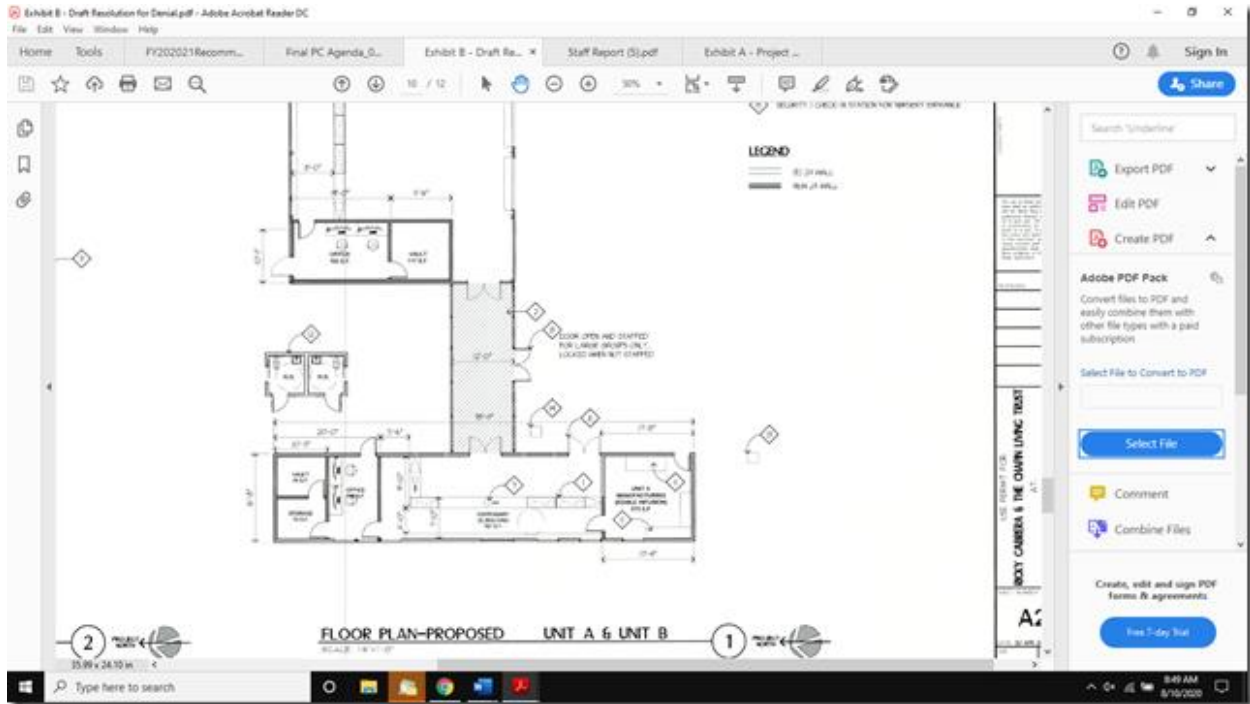
That is an enclosed walkway of 381 sq ft. It is also an addition, but remember how Exhibit A said there are no proposed structures? This is a structure. It combines two buildings into 1 to create the “existing” Building A.

It appears Chapin and Cabrera are trying to slip by construction that doesn't exist just as they are trying to combine two buildings as one that doesn't exist.

Look at the floor plans of the these buildings.

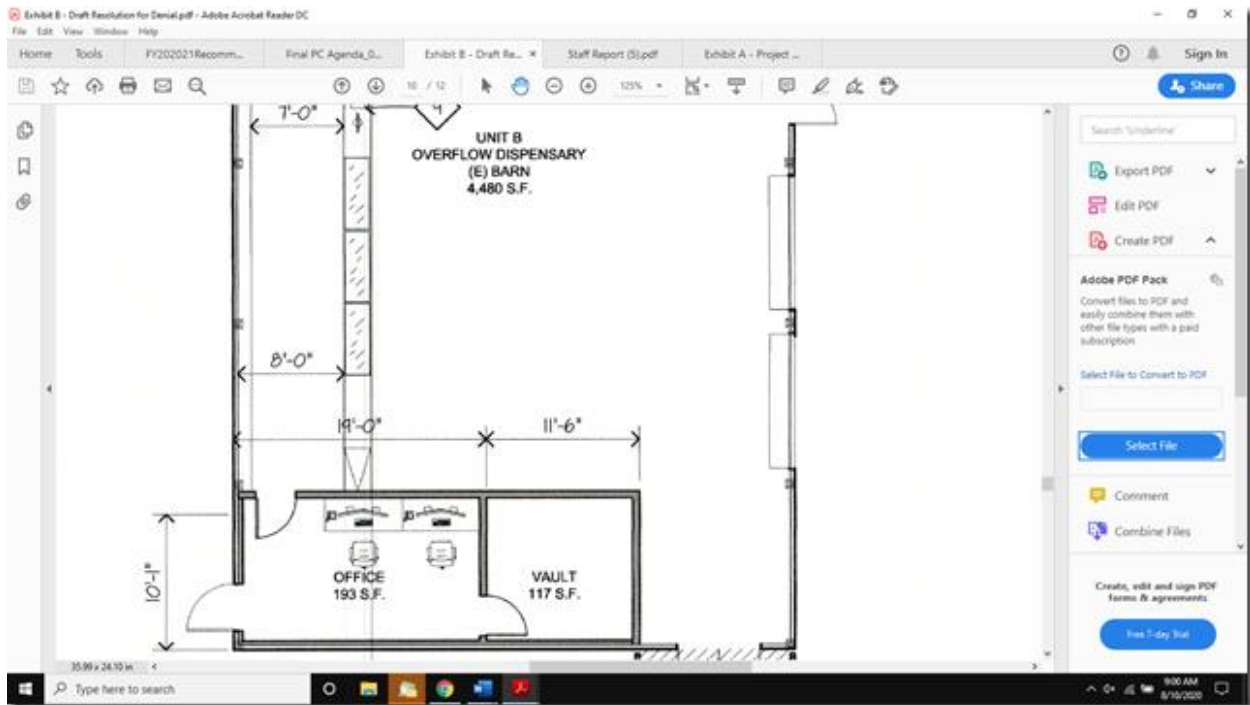
First, the demonstration greenhouse that they can't decide is 1,080 or 1,100 sq ft. and the office. They are behind the barn/greenhouse as you can see.

identified different too. Everything is now called a Unit and not a Building, but we can't see anything in the legend that identifies what a Unit is.



In this drawing, Building or Unit B has moved to the front. Here is a closer look at the floor plan of A and B. Remember both of these have been identified earlier as a single Building known as A.

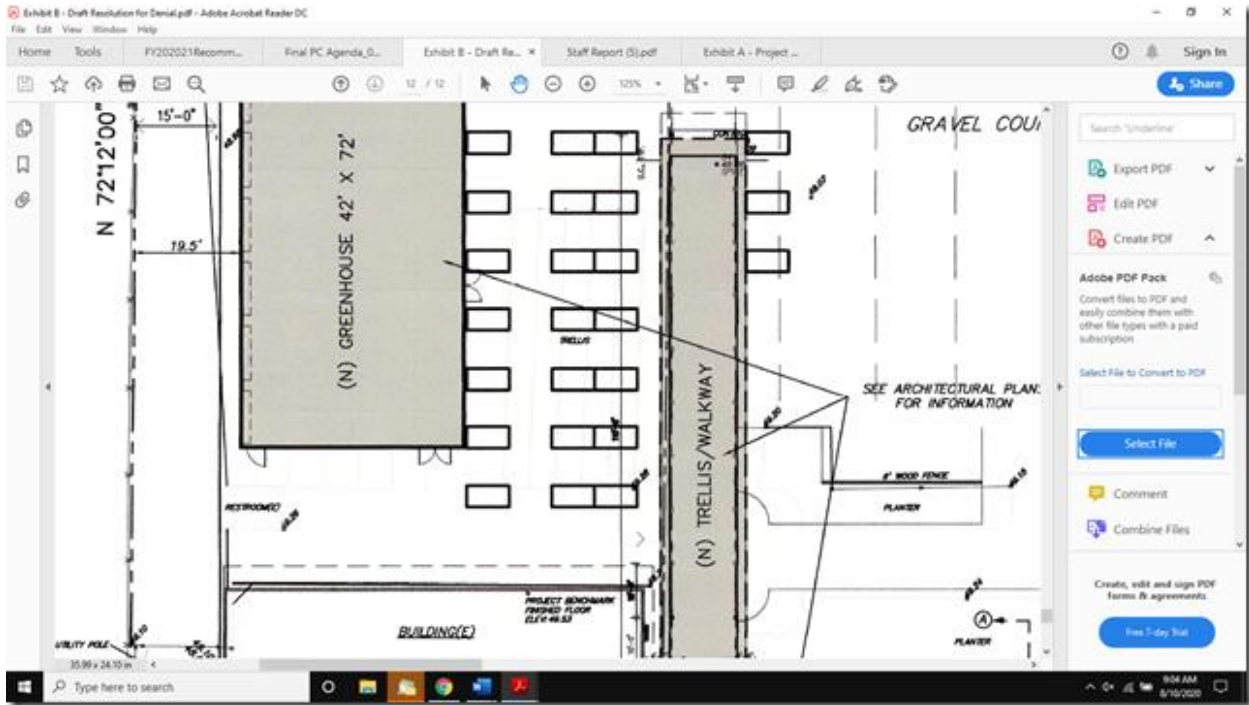
First, here is the barn/greenhouse that was supposed to be built at 3,024 sq ft, but has been renamed a barn with, surprise, new dimensions.



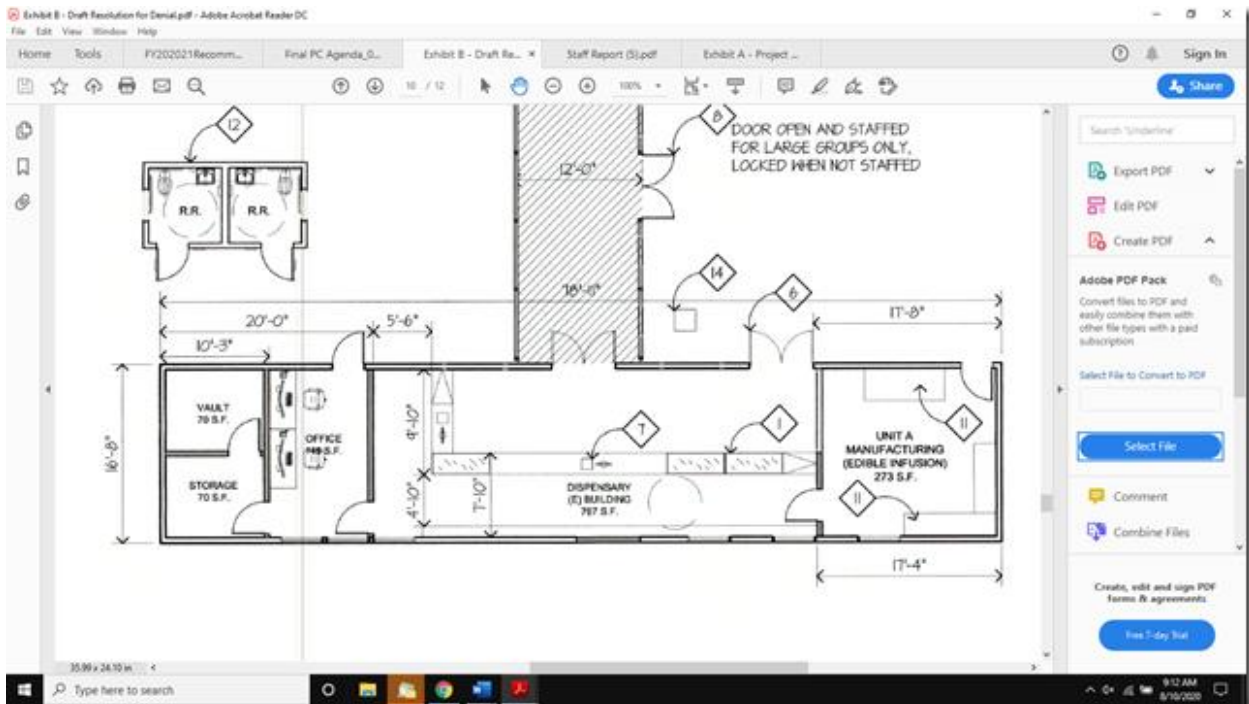
Building A, now called Unit B with the office and vault added comes to 4,790 sq ft. This is supposed to be a greenhouse that is 42x72 or 3,024 sq ft.

On page 12, these dimensions are specifically identified to this building as the Greenhouse. It is building N and the front building is E. Magically, they are no longer the same "existing" building. Also, magically, the 3,024 sq ft greenhouse grew up to become a 4,790 sq ft barn.

Further adding to the confusion of numbers is that the existing Building A was identified in the staff report and earlier map at 4,760 sq ft. This leads me to wonder if they got a permit for a 3,024 sq ft greenhouse and actually build a 4,760 or 4,790 sq ft one.



So now let's take a look at the floor plan of the front building, which is called Building E in the above map.



In this map the front building has an E identifying it. Three screenshots up it is attached to E, also known as the Barn, AKA Greenhouse, AKA Unit C, AKA Unit B.

Add the square footage in the part identified as E, it comes to 1,325 square footage from the sections identified as vault, storage, office, dispensary building and manufacturing, which is now curiously identified as Unit A by itself.

Summary

What is identified as Building A of a size of 4,760 sq ft is much larger. It is 4,790 from the “barn”, 1,325 from the front building and 381 from the enclosed walkway addition for a grand total of 6,496 sq ft.

Last point to be made in the staff report under one of the yellow highlighted areas I identified. It reads as such:

An existing 42'x72' barn structure, which has not been previously used for retail space, would be used as an overflow commercial dispensary building

We know this is not true. This the greenhouse, now a bigger barn. It has been used for retail.

1. There are number discrepancies all through this. I don't know what is the real size of any of these buildings because every map has something different.
2. It appears the greenhouse of 3,024 sq ft is now a barn of 4,790 sq ft
3. Existing Building A does not exist. It is actually two buildings as described in a map on page 12 as N and E.
4. Despite the claim that there is no new construction of a building, there is a walkway between N and E that will be constructed to make a building A that does not currently exist.
5. Claims of the barn not being used for retail are questionable.