

Attachment H

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**PLANNING COMMISSION
COUNTY OF MONTEREY, STATE OF CALIFORNIA**

RESOLUTION NO. 06042

A.P.# 207-131-004-000
207-131-005-000

In the matter of the application of
McShane's Nursery (PLN060174)

FINDINGS & DECISION

for an Amendment to a previously approved Use Permit (PLN050366) in accordance with Title 21 (Zoning) Chapter 21.74 (Use Permits) of the Monterey County Code, to allow for an existing retail nursery and accessory ornamental landscape material business. The properties are located at 115 Monterey-Salinas Highway, Salinas, Greater Salinas Area, and came on regularly for hearing before the Planning Commission on July 12, 2006.

Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

1. **FINDING: CONSISTENCY** - The Amendment to Use Permit (PLN050366), as described in Condition No. 1 and as conditioned, conforms with the policies, requirements and standards of the Monterey County General Plan, Greater Salinas Area Plan and Chapter 21.68 (Legal Non Conforming Uses) of the Monterey County Zoning Ordinance (Title 21). The properties are located at 115 Monterey-Salinas Highway, Salinas (Assessor's Parcel Numbers 207-131-004-000 & 207-131-005-000). The parcels are zoned "F/40" (Farmlands, 40 Acres Minimum). On November 14, 1984, a Use Permit (Permit No. 3042 [Assessor's Parcel Number 207-131-005-000]) was approved by the Planning Commission. The permit granted the expansion of the existing retail nursery to established, on the adjacent 1.99 acre parcel, an accessory landscape materials business. This use permit (Permit No. 3042) expired on November 14, 1994. On February 28, 1996, the Planning Commission approved a Use Permit (PC 95110), that recognized the two legal non-conforming uses under one use permit. On July 27, 2005, the Planning Commission approved a Use Permit (PC050366) for the continued use of a legal non-conforming use of a Nursery (Graber Gardens) and accessory ornamental landscape materials business (Deco Rock). The planning commission approved the use permit with out an expiration date under the condition that: "No additional structures shall be erected, except for the reconstruction of structures that existed at the time that the legal non-conforming use was established upon, Assessor's Parcel Number 207-131-004-000. No permanent structures shall be erected upon the accessory parcel containing the ornamental landscape material business, located on Assessor's Parcel Number 207-131-005-000.

FINDING: CONSISTENCY - The Amendment to Use Permit (PLN050366) includes: a 45 foot tall functional windmill (as conditioned), new 5 foot, 4 inch tall entry gate and 1,872 foot long trellis, 3,024 square foot greenhouse and 200 square foot concrete batch plant. According Chapter 21.68 (Legal Nonconforming Uses), no use deemed legal nonconforming shall be "expanded, enlarged, increase or extended to occupy a greater area than that occupied when the legal nonconforming use was established. The addition of the greenhouse is proposed to occupy an area that is currently used as a staging area for bedding plants (i.e. six packs, flats and gallon plants) and was in this or a similar use at the time the legal nonconforming use was established. The concrete batch is proposed to utilize an area currently occupied as a landscape area. The concrete generated from the batch plant will complement the ornamental landscape material

business. Therefore, the nursery is not being intensified over the level of use permitted as established by the granting of the use permit PLN060174.

EVIDENCE: The Monterey County RMA - Planning Department staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The Monterey County General Plan
- b) The Greater Salinas Area Plan
- c) Chapter 21.68 (Legal Non-Conforming Uses) of Monterey County Zoning.
- d) The 45 foot tall windmill is consistent with Section 21.30.060 B.4.b of the Chapter 21.30 (Regulation for Farmlands Zoning Districts or "F" Districts). The windmill shall be functional, providing a working purpose that demonstrates both the historical and functional capabilities of this type of agricultural devices.
- e) Ordinance (Title 21).

EVIDENCE: The Amendment to Use Permit (PLN050366) has been reviewed by the Monterey County RMA - Planning Department, Salinas Rural Fire Protection District, California Department of Transportation, Department of Public Works, Environmental Health Division, and the Water Resources Agency. There has been no indication from these department or agencies that the site is not suitable for the proposed use. Necessary public facilities are available to the project site. The Salinas Rural Fire Protection District, California Department of Transportation, Department of Public Works has recommended conditions of approval in addition to the conditions recommended by the RMA - Planning Department.

EVIDENCE: The project planner conducted a site analysis in July 2006.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the Planning Commission.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the amendment to Use Permit (PLN050366) found in the project file (PLN060174).

2. **FINDING: CATEGORICAL EXEMPTION** The proposed project will not have a significant environmental impact.

EVIDENCE: Section 15301 of the California Environmental Quality Act (CEQA) Guidelines Categorically exempts the subject development from environmental review. No adverse environmental impacts were identified during review of the established uses.

EVIDENCE: Use Permits PLN050366, PC 95110 and Permit No. 3042 we approved under a Categorical Exemption.

3. **FINDING: SITE SUITABILITY** - The site is physically suitable for the uses proposed. The subject properties are in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of Title 21, and any zoning violation abatement costs have been paid.

EVIDENCE: The Amendment to Use Permit (PLN050366) has been reviewed by the Monterey County RMA - Planning Department, Salinas Rural Fire Protection District, California Department of Transportation, Department of Public Works, Environmental Health Division, and the Water Resources Agency. There has been no indication from these department or agencies that the site is not suitable for the proposed uses. Necessary public facilities are available to the project site.

4. **FINDING: TRAFFIC IMPACT** - The proposed amendment to Use Permit (PLN050366) will not adversely impact traffic conditions in the area.
EVIDENCE: A Traffic Analysis Report (Library No. LIB060261) was prepared by Higgins Associates, Civil & Traffic Engineers, dated May 2, 2006. The California Department of Transportation and Public Works Department reviewed the proposed project, reviewed the report and have determined that no significant adverse traffic impacts will occur.
5. **FINDING: NO VIOLATIONS** - The subject properties are in compliance with all rules and regulations pertaining to the use of the property, that no violations exist on the property and that all zoning abatement costs, if any have been paid.
EVIDENCE: Staff verification of the Monterey County RMA - Planning Department and Building Services Department records indicated that no violations exist on subject property.
6. **FINDING: HEALTH AND SAFETY** - The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.
EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Monterey County RMA - Planning Department, Salinas Rural Fire Department, California Department of Transportation, Department of Public Works, Environmental Health Division, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.
EVIDENCE: Per the California Department of Transportation (CalTrans) inter-departmental referral in association with the review of the Traffic Analysis (LIB060261), prepared by Higgins Associates, Civil & Traffic Engineers of Gilroy California, dated May 2, 2006, it has been determined that no significant adverse traffic impacts will occur.
EVIDENCE: Materials in file PLN060174
7. **FINDING: APPEALABILITY** - The project is appealable to the Monterey County Board of Supervisors.
EVIDENCE: Section 21.80.040.D of the Monterey County Zoning Ordinance (Title 21).

THEREFORE, it is the decision of said Planning Commission that said application for a Use Permit be granted as shown on the attached sketch, and subject to the attached conditions.

DECISION

PASSED AND ADOPTED this 12th day of July, 2006, by the following vote:

AYES: Errea, Brown, Isakson, Salazar, Vandever, Padilla, Sanchez, Diehl
NOES: Rochester
ABSENT: Wilmot


MIKE NOVO, SECRETARY

COPY OF THIS DECISION WAS MAILED TO THE APPLICANT ON AUG 22 2006

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE SEP - 1 2006

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Resource Management Agency
Planning Department
Condition Compliance Reporting Plan**

Project Name: McShane's (Chapin)
File No. PLN060174 **APN:** 207-131-004-000 & 207-131-005-000
Approval by: Planning Commission **Date:** July 12, 2006

**Monitoring or Reporting refers to projects with an EIR or adopted Mitigated Negative Declaration per Section 21081.6 of the Public Resources Code.*

| <i>Permit Cond. Number</i> | <i>Mitig. Number</i> | <i>Conditions of Approval and/or Mitigation Measures and Responsible Land Use Department</i> | <i>Compliance or Monitoring Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i> | <i>Responsible Party for Compliance</i> | <i>Timing</i> | <i>Verification of Compliance (name/date)</i> |
|----------------------------|----------------------|---|--|---|---------------|---|
| 1. | | <p>PBD029 - SPECIFIC USES ONLY This Amendment to Use Permit (PLN050366) consisting of: a 45 foot tall functional windmill, new 5 foot, 4 inch tall entry gate and 1,872 foot long trellis, 3,024 square foot greenhouse and 200 square foot concrete batch plant to an existing legal nonconforming retail nursery and accessory landscape materials business. The nursery, located on, Assessor's Parcel Number 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, (Assessor's Parcel Number 207-131-005-000); consist of large quantities of bark, decorative rock and other landscape materials. The properties are located at 115 & 117 Monterey – Salinas Highway, Salinas (Assessor's Parcel Numbers 207-131-004-000 and 207-131-005-000). The McShane's Nursery and Landscape Supply operation (Aka Graber Gardens & Deco Rock), has merged two legal nonconforming uses under one ownership.</p> | Adhere to conditions and uses specified in the permit. | Owner/ Applicant | On-going | |

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|----------------------------|----------------------|--|--|---|---|---|
| | | This Amendment to Use Permit (PLN050366) was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of RMA - Planning Department. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. [Resource Management Agency (RMA) - Planning Department] | | | Ongoing | |
| 2. | | PBD025 - NOTICE-PERMIT APPROVAL The applicant shall record a notice which states: "A Use Permit (Resolution 06042) was approved by the Planning Commission for Assessor's Parcel Number 207-131-004-000 and 207-131-005-000 on July 12, 2006. The permit was granted subject to 17 conditions of approval which run with the land. A copy of the permit is on file with the Monterey County RMA - Planning Department." Proof of recordation of this notice shall be furnished to the Director of RMA – Planning Department prior to issuance of building permits or commencement of the use. (RMA - Planning Department) | Proof of recordation of this notice shall be furnished to PBI. | Owner/ Applicant | 30 days from Planning Commission Approval | |
| 3. | | NON-STANDARD CONDITION The property owner(s) shall maintain off-street parking. Within one year of approval, the parking area shall be base rocked. Within three years, the parking area shall be surfaced with asphalt or concrete. (RMA - Planning Department) | Submit parking plan to the Department of Public Works and RMA - Planning Department that includes a schedule of improvements. | Owner/ Applicant | As approved in parking plan. | |

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|----------------------------|----------------------|---|--|---|---|---|
| 4. | | NON-STANDARD CONDITION The legal nonconforming use shall not be expanded, enlarged, increase or extended to occupy a greater area than that occupied at the time that the legal nonconforming use was established. Additionally, the legal nonconforming use may not be intensified over the level of use as established by the granting of Use Permit (PLN060174) for Assessor's Parcel Number 207-131-004-000 and 207-131-005-000. (RMA - Planning Department) | | Owner/ Applicant | On-going | |
| 5. | | LANDSCAPE MATERIALS & LIGHTING All landscaped areas and fences shall be continuously maintained in a litter-free, weed-free, healthy, growing condition. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. (RMA - Planning Department) | Submit a lighting plan for any changes to exterior lights. | Owner/ Applicant | On-going | |
| 6. | | NON-STANDARD CONDITION The 45 foot tall windmill shall be functional, providing a working purpose that demonstrates both the historical and functional capabilities of this type of agricultural devices. No advertising, signage or nomenclature shall be allowed on the windmill device. (RMA - Planning Department) | Prior to issuance of grading and building permits the applicant shall submit 2 copies of an elevation plan which shall indicate the maximum 45 foot height of the entire windmill structure clearly indicating the functionality of the windmill device, per Section 21.30.060B.4.b. of Chapter 21.30 (Regulations for Farmlands Zoning Districts or "F" Districts) to the Direction of RMA – Planning Department. | Owner/ Applicant | Prior to issuance of grading or building permits. | |

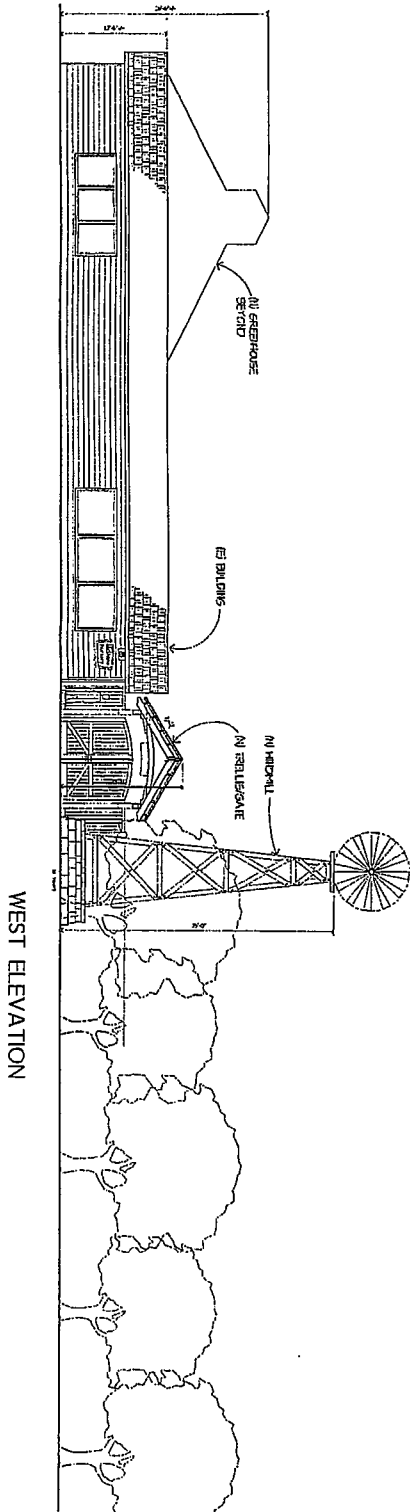
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| 7. | | NON STANDARD CONDITION ENCROACHMENT PERMIT The applicant shall obtain an encroachment permit from the California Department of Transportation (CalTrans) and define and maintain the driveways. To state Highway 68. (RMA - Planning Department) | Provide a copy of the encroachment permit to the RMA - Planning Department. | Owner/ Applicant | Within 90 days of Planning Commission Approval | |
| 8. | | NON STANDARD CONDITION That the driveway curbs be modified to a 25-foot radius, to better accommodate right turns into and out of the Nursery & Landscape Supply operation. (RMA - Planning Department & Public Works) | Prior to issuance of grading and building permits the applicant shall submit 3 copies of a site plan delineating the modified curbs for access and egress. | Owner/ Applicant | Prior to issuance of grading or building permits. | |
| 9. | | PW0007 – PARKING STD The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of RMA- Planning Department. (Public Works) | Applicant's engineer or architect shall prepare a parking plan for review and approval | Owner/Applicant/Engineer | Prior to issuance of grading or building permits. | |
| 10. | | NON-STANDARD The applicant shall pay the Transportation Agency for Monterey County (TAMC) regional traffic mitigation fee identified in the TAMC nexus study. (Public Works) | | Owner/ Applicant | Prior to issuance of grading or building permits | |
| 11. | | FIRE001 – ROAD ACCESS Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than 150 feet from fire department access. All roads shall be constructed to provide a minimum of two nine-foot traffic lanes with an unobstructed vertical | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. | Applicant/ Owner | Prior to issuance of grading and/or building | |

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| | | clearance of not less than 15 feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (22 tons). Each road shall have an approved name. Responsible Land Use Department: Salinas Rural Fire Protection District. | Applicant shall schedule fire dept. clearance inspection | Applicant/owner | permit. Prior to issuance of grading and/or building permit. | |
| 12. | | FIRE008 - GATES All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least the width of the traffic lane but in no case less than 12 feet wide. Where a one-way road with a single traffic lane provides access to a gated entrance, a 40-foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required. Responsible Land Use Department: Salinas Rural Fire Protection District. | Applicant shall incorporate specification into design and enumerate as "Fire Dept. Notes" on plans. Applicant shall schedule fire dept. clearance inspection | Applicant/Owner Applicant/Owner | Prior to issuance of grading and/or building permit. Prior to final building inspection. | |
| 13. | | FIRE011 - ADDRESSES FOR BUILDINGS All buildings shall be issued an address in accordance with Monterey County Ordinance No. 1241. Each occupancy, except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of 4-inch height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall | Applicant shall schedule fire dept. clearance inspection. Applicant shall schedule fire dept. clearance inspection | Applicant/Owner Applicant/Owner | Prior to issuance of building permit. Prior to final building inspection. | |

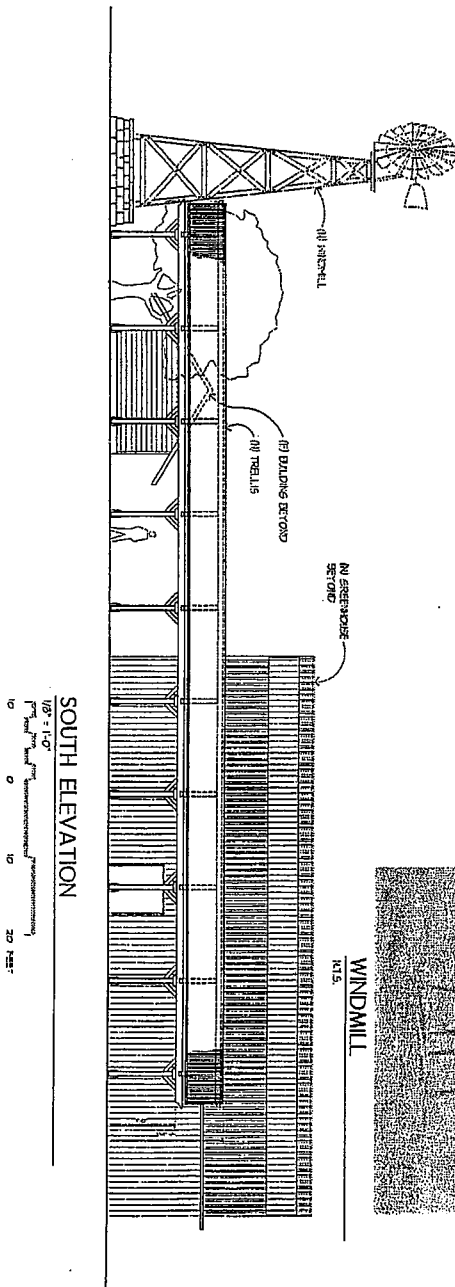
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|----------------------------|----------------------|---|--|---|---------------------------------------|---|
| | | <p>be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter.</p> <p>Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance. Responsible Land Use Department: Salinas Rural Fire Protection District.</p> | | | | |
| 14. | | <p>FIRE026 - ROOF CONSTRUCTION (STANDARD) All new structures, and all existing structures receiving new roofing over 50 percent or more of the existing roof surface within a one-year period, shall require a minimum of ICBO Class B roof construction. Responsible Land Use Department: Salinas Rural Fire Protection District.</p> | Applicant shall enumerate as "Fire Dept. Notes" on plans. | Applicant or owner | Prior to issuance of building permit. | |
| 15. | | <p>FIRE30 – NON-STANDARD CONDITON – EMERGENCY ACCESS KEY BOX- Emergency access keybox shall be installed and maintained. The type and location shall be approved by the fire department. The fire department shall be notified when locks are changed so that the emergency access keybox can be maintained with current keys. Responsible Land Use Department: Salinas Rural Fire Protection District.</p> | Applicant shall schedule fire dept. clearance inspection. | Applicant /Owner | Prior to final clearance | |

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|----------------------------|----------------------|--|--|---|--------------------------|---|
| 16. | | FIRE30-NON-STANDRDS CONDITON-PORTABLE FIRE EXTINGUISHERS Portable fire extinguishers shall be installed and maintained in accordance with NFPA 10. Responsible Land Use Department: Salinas Rural Fire Protection District. | Applicant shall schedule fire dept. clearance inspection. | Applicant /Owner | Prior to final clearance | |
| 17. | | FIRE30-NON-STANDRDS CONDITON-EMERGENY WATER STANDARDS – WATER SYSTEMS A water storage tank and hydrant shall be installed. The size of the water storage tank and hydrant shall be in accordance with NFPA Standard 1142, Water Supplies for Suburban and Rural Fire Fighting. Responsible Land Use Department: Salinas Rural Fire Protection District. | Plans shall be submitted to the fire district for approval prior to installation. | Applicant /Owner | Prior to final clearance | |
| | | | Water storage tank and hydrant shall be inspected and accepted by the fire district | Applicant /Owner | Prior to final clearance | |

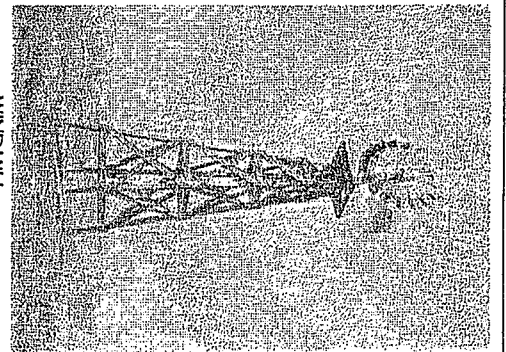
End of Conditions



WEST ELEVATION



SOUTH ELEVATION



WINDMILL
K1.5

NEW GREENHOUSE & TRELLIS FOR
McSHANE'S NURSERY
 115 MCINTIREY - SALINAS HIGHWAY
 SALINAS, CALIFORNIA
 PROPOSED ELEVATIONS

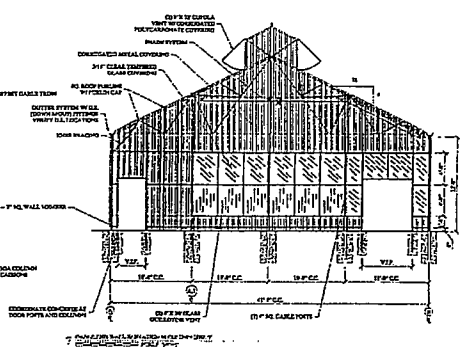
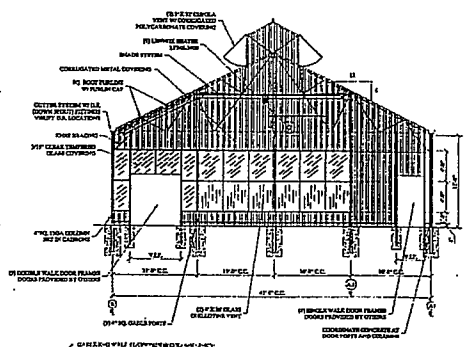
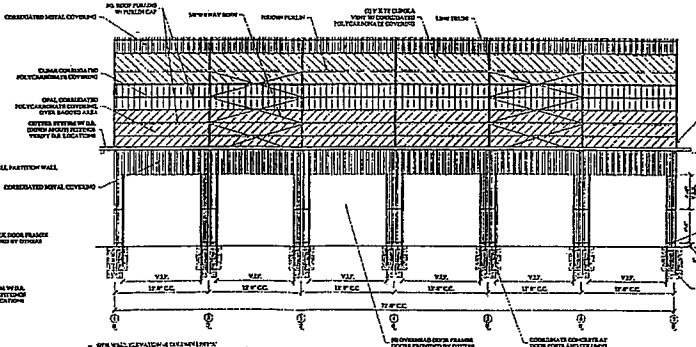
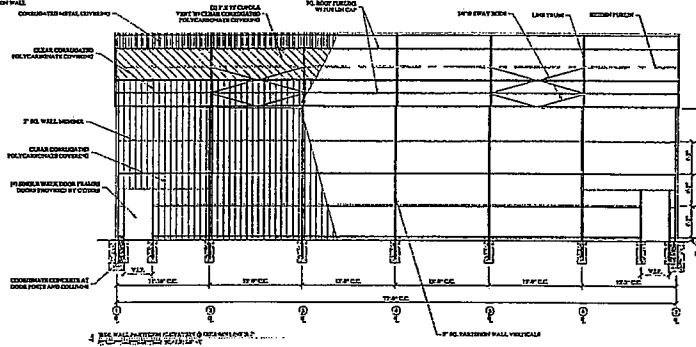
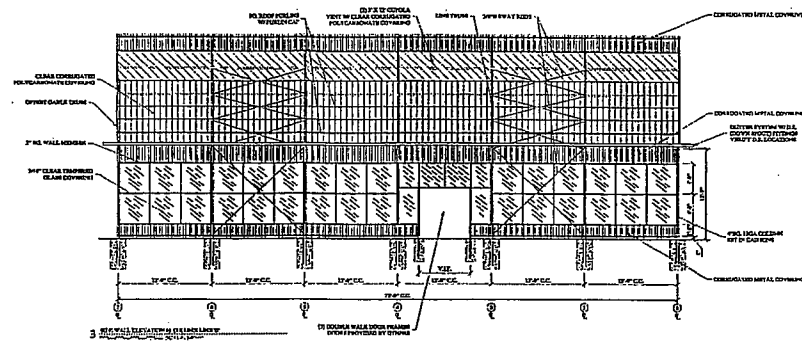
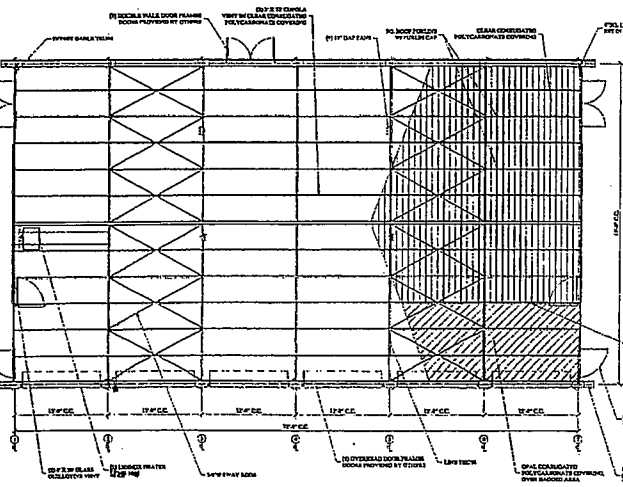
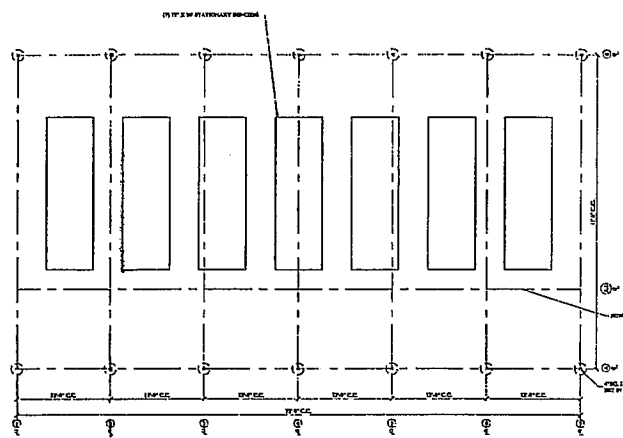
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DESIGNED BY
 DRAWN BY
 CHECKED BY
 DATE

CONTRACT NO.
 PROJECT NO.



KASAVAN ARCHITECTS
 60 W. Market St., Suite 300 Salinas, California 93901
 Phone: 831.474.7333 Fax: 831.474.7334



NOTE
 1. INTERIOR IS MEANTHUS FOR THE DESIGN OF THE STRUCTURE ONLY. MASONRY WALLS, FOUNDATION, SLAB AND GARBAN DESIGN ARE BY OTHER. VERIFICATION OF THE CONCRETE IS THE RESPONSIBILITY OF THE USER.
 2. DESIGN LOADS: ROOF LIVE LOAD - 20 PSF. DESIGN WIND SPEED - 100 MPH. EXPOSURE B.
 3. TYPICAL CRACK AND LEAK TOLERANCE: 1/8\"/>

STRUCTURAL ONLY
 11/17/2023
 11/17/2023

NEXUS GREENHOUSE CORPORATION (P) (M) (S) (D)
 NEXUS NURSERY INC. (P) (M) (S) (D)
 1000 HIGHLAND, COLTON, CA 95310

McSHANE NURSERY & LANDSCAPE
 115 MONTEREY-SALINAS HWY, SALINAS, CA
 (1) 41'-6\"/>

DATE: 11/17/23
 DRAWN BY: G. P. L. S.
 CHECKED BY: G. P. L. S.
 SCALE: AS SHOWN
 SHEET: 1
 JOB: 23-0000