Exhibit B



EXHIBIT C DRAFT RESOLUTION

Before the Planning Commission in and for the County of Monterey, State of California

In the matter of the application of:

CHAPIN DONALD D & BARBARA A CHAPIN TRS (PLN170296) RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission denying an amendment to a previously
approved General Development Plan, PLN090138
and Use Permit PLN050366 as amended by
PLN060174 to convert a legal non-conforming use
from an ornamental landscape nursery to a
commercial cannabis retailer with commercial
cannabis processing (edibles), and cannabis
cultivation within the existing greenhouse
[PLN170296, CHAPIN DONALD D & BARBARA
A CHAPIN TRS., 115 & 115 A Monterey Salinas
Highway, Greater Salinas Area Plan (APN: 207131-004-000 and 207-131-005-000)]

The Chapin application (PLN170296) came on for public hearing before the Monterey County Planning Commission on August 12th, 2020. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

- 1. **FINDING: INCONSISTENT** The Project, as conditioned, is not consistent with the applicable plans and policies which designate this area as appropriate for development.
 - **EVIDENCE:** a) An application for an Amendment to a previously approved General Development Plan and Use Permit was filed on May 2, 2019 and was deemed complete on May 26, 2020.
 - b) On November 14, 1984 Use Permit 3402 was issued, allowing expansion of the existing retail nursery on the adjacent 1.99 acre parcel, and an accessory landscape materials business. This permit expired in 1994.
 - c) On February 28, 1996 Use Permit PC 95110 was issued, recognizing the two legal non-conforming uses under one Use Permit.
 - d) On July 27, 2005 Use PLN050366 was issued, allowing continued use of a legal non-conforming use of a Nursery (Graber Gardens) and accessory ornamental landscape materials business (Deco Rock). PC approved the use permit without 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 2 0 7-131-005-000
- e) On July 12, 2006 PLN060174 was issued, amending PLN050366 to allow a 35-foot-tall ornamental windmill structure, new entry gate, trellis, 3,024 sq ft greenhouse, 200 sq ft concrete batch plant, new parking lot and signage and new landscaping and irrigation
- f) June 13, 2012: PLN090138 a General Development Plan, as issued to clear a code case, allow a produce stand in an existing unoccupied building, authorize a lighting plan and a sign program in addition to the existing nursery and ornamental landscape business. This permit also included a list of industry-related and seasonal events that would occur on the property.
- g) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 2010 Monterey County General Plan;
 - Greater Salinas Area Plan;
 - Monterey County Zoning Ordinance (Title 21);

Conflicts were found to exist. Communications were received during the course of review of the project indicating inconsistencies with the text, policies, and regulations in these documents.

- h) On May 28, 2020, a letter was received from Hansen P. Reed, with law firm Walker + Reed, Attorneys at Law in opposition to the proposed project. The letter included reference to two previous letters received from the law firm on June 25, 2019 and July 16, 2019. The series of letters cite opposition to the project generally based on inconsistency with zoning, the need to preserve agricultural uses, and potential impacts to traffic in the area.
- i) The property is located at 115 & 115 A Monterey Salinas Highway, Greater Salinas Area Plan (APN 207-131-004-000 and 207-131-005-000). The property is zoned Farmland/40 acres per unit or "F/40" which does not allow cannabis retail. The proposed use is not consistent with the F/40 zoning regulations.
- j) The currently permitted uses on the property are legal non-conforming as recognized by the permits listed in evidence b,c,d,e, and f above. The project is inconsistent with the regulations for legal non-conforming land use found in Title 21, Section 21.68.020, which states that a legal non-conforming land use may be continued from the time that legal non-conforming land use is established, except that:
 - A. No such use shall be expanded, enlarged, increased, or extended to occupy a greater area than that occupied when the legal nonconforming use was established
 - B. No such use may be intensified over the level of use that existed at the time the legal nonconforming use was established.

C. The legal nonconforming use may be changed to a use of a similar or more restricted nature, subject to a use permit in each case

The proposed use is not a use similar or more restricted in nature. The use of a cannabis retailer is specifically not allowed in any zoning designation other than Light Commercial, Heavy Commercial, and Mixed Use. (See evidence k)

- k) The project does not meet the requirements for Commercial Cannabis Activities (Section 21.67.040), which allow cannabis retailers only in Light Commercial and Heavy Commercial zoning districts and explicitly state that "Cannabis retailers shall not be allowed in any other zoning district."
- The project was reviewed by the Agricultural Advisory Committee on June 27, 2019. The committee voted 4:2 to support staff's recommendation for denial, with two members abstaining, one recused, and four members absent.
- m) The project was referred to the Spreckles Neighborhood Design Review Committee, on July 17, 2019. The committee passed a motion of "no opinion or not applicable", noting that the project is not within the town of Spreckles and is of no concern related to historical review.
- n) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170296.
- 2. **FINDING:** SI

SITE SUITABILITY – The site is not physically suitable for the use proposed.

EVIDENCE:

- a) The project has been reviewed for site suitability by the following departments and agencies: RMA- Planning, Monterey Regional Fire Protection District, RMA-Public Works, RMA-Environmental Services, Monterey County Health and Environmental Health Bureau. There has been indication from Monterey County Health Department that the site is not suitable for the proposed development.
- b) Monterey County Health provided a matrix to assess the public health impact to determine the level of concern for at-risk populations if a cannabis retail facility is opened at this proposed location. The review uses a Risk Management Assessment Matrix to indicate if the proposed permitted facility would have low, moderate, or high public health concerns. It was concluded from the Health Department that the retail permit for this cannabis retail facility would result in a public health risk assessment score of eight (8), which falls into the range of a high risk for increased public health impacts due to potential exposures and/or increased use by risk groups due to normalization of cannabis. Based on this score and thus the potential for public health risk, Monterey County Health Department does not support the issuance of a retail permit for this facility at this time.
- c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA Planning for the proposed development found in Project File PLN170296.

3.	FINDING:	CEQA (Exempt): - Projects that are disapproved are statutorily exempt from the California Environmental Quality Act.
	EVIDENCE: a)	California Environmental Quality Act (CEQA) Guidelines Section
		15062, statutorily exempts projects that are disapproved.
		b) This has been disapproved with adoption of this resolution.
		Disapproval of the project will not change the circumstances or
		environment that currently exist.
		c) The application, project plans, and related support materials submitted by the project applicant to Monterey County RMA-Planning for the proposed development found in Project File PLN170296.
4.	FINDING:	APPEALABILITY - The decision on this project may be appealed to the
		Board of Supervisors
	EVIDENCE:	a) Section 21.80.040.D of the Monterey County Zoning Ordinance states
		that the proposed project is appealable to the Board of Supervisors.
		b) The project is not located in the Coastal Zone.
		<u>DECISION</u>
does l PLN0 confo comm	hereby Deny an ar 190138 and Use Perming use from ar	based on the above findings and evidence, the Planning Commission mendment to a previously approved General Development Plan, ermit PLN050366 as amended by PLN060174 to convert a legal non-nornamental landscape nursery to a commercial cannabis retailer with rocessing (edibles), and cannabis cultivation within the existing
DACC		TED this 12 th day of August, 2020 upon motion of,
		by the following vote:
	AYES:	
	NOES:	
Αl	BSENT:	
	STAIN:	
		Brandon Swanson, Secretary to the Planning Commission
		Diamon Swanson, Secretary to the Framming Commission

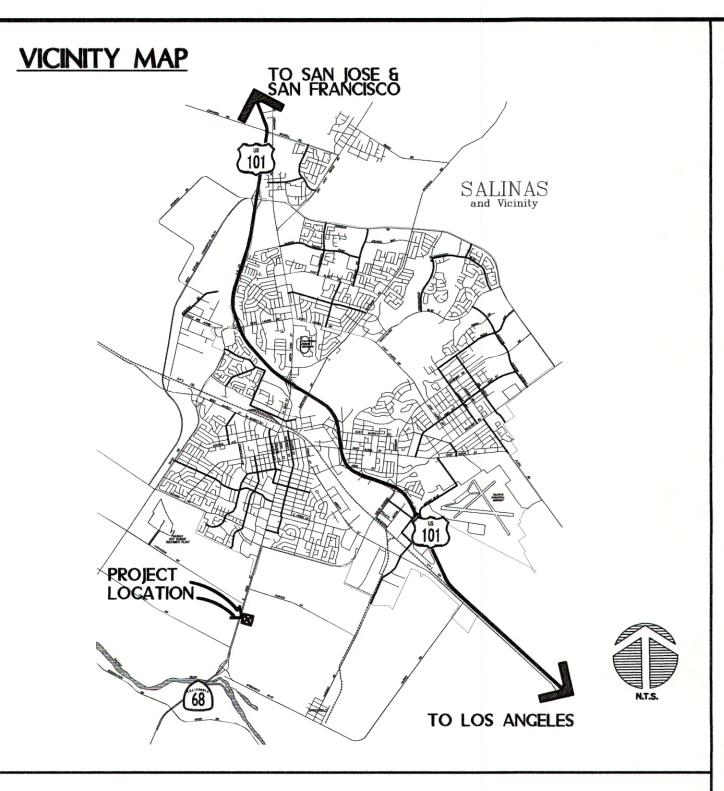
COPY OF THIS DECISION MAILED TO APPLICANT ON

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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.

CHAPIN (PLN170296)

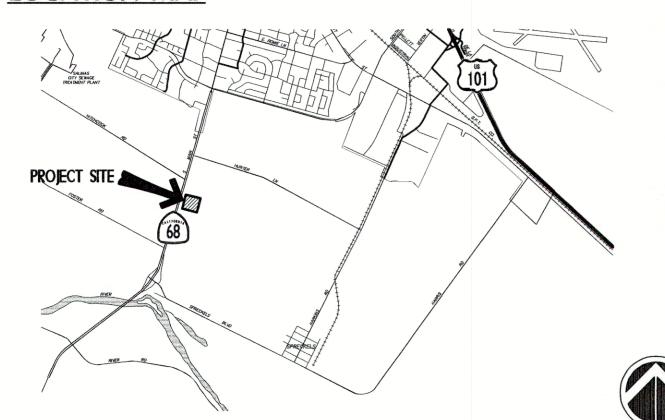


LOCATION MAP

PROJECT DATA

5. ZONING: F-40

14. CODES:



I. PROJECT: CCB DISPENSARY & MANUFACTURING TENANT IMPROVEMENTS

560 CRAZY HORSE CANYON RD.

4. ASSESSOR'S PARCEL NUMBER: 207-131-004-000 AND 207-131-005-000

2019 BUILDING STANDARDS ADMINISTRATIVE CODE, PARTI, TITLE 24 C.C.R.

2019 CALIFORNIA BUILDING CODE, VOLUMES 1 \$ 2; PART 2, TITLE 24 C.C.R.

2019 CALIFORNIA REFERENCED STANDARDS CODE, PART 12, TITLE 24, C.C.R.

2019 NFPA 13 & NFPA 72 - NATIONAL FIRE ALARM CODE (CA. AMENDED)

TITLE 19, C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS

15. COMPLIANCE WITH CFC CHAPTER 14, FIRE SAFETY DURING CONSTRUCTION & DEMO AND CBC

16. THIS BUILDING OR SPACE SHALL PROVIDE A READILY DISTINGUISHABLE MEANS OF EGRESS

COMPLYING WITH CHAPTER IO AND CHAPTER II (WHERE APPLICABLE FOR ACCESSIBILITY PURPOSE)

OF THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE. THE EXIT SYSTEM SHALL MAINTAIN A CONTINUOUS, UNOBSTRUCTED AND UNDIMINISHED PATH OF EXIT TRAVEL FROM ANY OCCUPIED POINT

2019 CALIFORNIA ELECTRICAL CODE; PART 3, TITLE 24 C.C.R.

2019 CALIFORNIA MECHANICAL CODE; PART 4, TITLE 24 C.C.R.

2019 CALIFORNIA PLUMBING CODE; PART 5, TITLE 24 C.C.R.

2019 CALIFORNIA FIRE CODE (CFC), PART 9, TITLE 24 C.C.R.

ADA STANDARDS FOR ACCESSIBLE DESIGN

CHAPTER 33, SAFETY DURING CONSTRUCTION WILL BE ENFORCED.

2019 CALIFORNIA ENERGY CODE, PART 6

WITHIN THE BUILDING TO A PUBLIC WAY.

2. LOCATION: 115 & 115A MONTEREY SALINAS HWY SALINAS, CA 93908

SALINAS CA 93907

3. BUILDING OWNER: THE CHAPIN LIVING TRUST

6. LOT SIZE: 37,026 S.F. (0.850 ACRES)

7. BUILDING SITE COVERAGE: 5,888 S.F.

II. BUILDING AREA: 5,888 GROSS S.F.

12. FIRE SPRINKLER SYSTEM: NONE

13. FIRE ALARM SYSTEM: NONE

8. OCCUPANCY: B, M, F-I, U

GONSTRUCTION TYPE: VB

IO. NUMBER OF STORIES: I

SYMBOLS

ABBREVIATIONS

ACCESSIBLE

ADJUSTABLE, ADJACENT

CONSTRUCTION JOINT

EXPANSION JOINT

EXPANSION, EXPOSE

ELECTRICAL

FACE OF

FACE OF STUD

HARDWOOD

INCLUDING

INVERT

HOLLOW METAL

GENERAL CONTRACTOR GALVANIZED IRON

GYPSUM WALL BOARD

INSTALL BY CONTRACTOR

MACHINE BOL

NOT IN CONTRACT

ON CENTER EACH WAY

PANIC HARDWARE POURED IN PLACE

PRESSURE TREATED

ROUGH OPENING

SOLID BLOCKING

SOLID CORE STAINLESS STE

STRUCTURAL

THICK

TOP OF

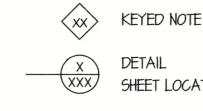
UNLESS OTHERWISE NOTED

VAPOR BARRIER VERIFY IN FIELD

R/F, REINF REINFORCING

POWDER ACTUATED FASTENER

ON CENTER







SHEET LOCATION

GENERAL NOTES:

- A. INTERIOR RENOVATIONS FOR RETAIL DISPENSARY, MANUFACTURING AND DEMONSTRATION
- B. ASSOCIATED SITE IMPROVEMENTS.
- 2. DO NOT SCALE THE DRAWINGS. IF UNABLE TO DETERMINE DIMENSIONS FOR ANY ITEM OF WORK. CONSULT THE ARCHITECT FOR DIRECTION PRIOR TO PROCEEDING.
- PERFORM ALL WORK IN ACCORDANCE WITH THE RULES AND REGULATIONS OF GOVERNMENTAL AGENCIES HAVING JURISDICTION. CONFORM TO ALL CITY, COUNTY, STATUTES, AND ORDINANCES. PROMPTLY REPORT ANY DISCREPANCIES AND OMMISIONS IN THE CONTRACT DOCUMENTS TO THE ARCHITECT.
- 4. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR JOB SITE SAFETY
- 5. NO WORK IS PROPOSED THAT WILL REQUIRE MODIFICATION TO THE SITE OR IMPACT EXISTING STORM WATER DRAINAGE. A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) IS NOT
- PROJECT <u>DOES NOT</u> INCLUDE ASBESTOS ABATEMENT.
- WORK, IS A DEFERRED SUBMITTAL AND SHALL REQUIRE A SEPARATE SUBMITTAL AND REVIEW. DEFERRED SUBMITTAL SHALL INCLUDE DRAWINGS AND SUPPORTIVE CALCULATIONS FOR ALL MODIFICATIONS TO THE EXISTING FIRE ALARM SYSTEM AND SHALL BE SUBMITTED BY THE INSTALLING LICENSED FIRE ALARM CONTRACTOR TO THE CITY OF SALINAS FIRE DEPARTMENT

- SCOPE OF WORK:
 - NURSERY FOR A COMMERCIAL CANNABIS BUSINESS.

SHEET LOCATION

- NOTICE TO CONTRACTORS: MODIFICATIONS TO THE FIRE ALARM SYSTEM, RESULTING FROM NEW FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.

LIST OF DRAWINGS

ARCHITECTURAL

AO.I TITLE SHEET

WHERE OCCURS

WELDED WIRE FABRIC

- AI.I SITE PLAN
- A2.I FLOOR PLAN PROPOSED A3.I EXTERIOR ELEVATIONS

FIRE DEPT. NOTES:

REQUIRED FOR THIS PROJECT

A) UNDERGROUND FIRE SERVICE B) FIRE SPRINKLER SYSTEM C) FIRE ALARM SYSTEM

SUBMIT PLANS TO: FIRE PLAN CHECK

MAY BE CITED & THE PROJECT WILL BE RED TAGGED.

19900 PORTOLA DR.

SALINAS, CA 93908

APPROVAL OF THIS SUBMITTAL PACKAGE EXCLUDES THESE SYSTEMS.

C-I SITE IMPROVEMENT PLAN FOR REFERENCE ONLY

115 & 115A MONTEREY SALINAS HWY SALINAS, CA 93908

PROPERTY OWNER:

THE CHAPIN LIVING TRUST 560 CRAZY HORSE CANYON RD SALINAS, CA 93907

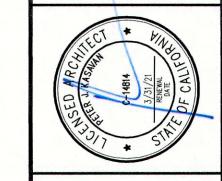
ARCHITECT

KASAVAN ARCHITECTS 60 W. MARKET STREET, SUITE 300 SALINAS, CALIFORNIA 93901 831.424.2232

PERMIT NO: PLN170296 CCB DISPENSARY & PROCESSING & CULTIVATION & NURSERY USE PERMIT FOR: RICKY CABRERA and THE CHAPIN LIVING TRUST

PROPRIETOR:

RICKY CABRERA



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FVISIONS.

EET NUMBER

TE: 30 APR 2019 DRAWN

- - C. (E) BUILDING IMPROVEMENTS.

- - CONFORM TO NFPA 13 MIN. STANDARDS AND SHALL BE REVIEWED BY FIRE DEPARTMENT PRIOR TO INSTALLATION. STAMPED, APPROVED PLANS MUST BE KEPT ON SITE FOR FIRE INSPECTOR.
 - a.) SUBMITTAL TO INCLUDE A MINIMUM OF FOUR SETS OF PLANS AND CALCULATIONS WITH ALL DETAILS PER NFPA 13. b.) CONTRACTOR IS REQUIRED TO SUBMIT A SET OF "AS-BUILT" DOCUMENTS/DRAWINGS FOR APPROVAL PRIOR TO FINAL INSPECTION WHEN NOT INSTALLED PER PLAN.
 - c.) TEST REQUIRED: ADDITION/ALTERATION, 150 PSI FOR 2 HOURS. FIRE DEPARTMENT CONNECTION (FDC) THREADS SHALL BE PROTECTED WITH APPROVED BRASS OR ALUMINUM ALLOY SCREW-IN PLUGS.

PRIOR TO THE FRAME INSPECTION, APPROVED FIRE SPRINKLER AND/OR FIRE ALARM MUST BE

FIRE SAFETY DURING CONSTRUCTION SHALL FOLLOW 2013 CFC CH. 14. FIRE EXTINGUISHERS SHALL

MAINTAINED IN ACCORDANCE W/ SECTION. COMBUSTIBLE DEBRIS, RUBBISH AND WASTE MATERIAL SHALL BE REMOVED FROM BUILDING AT THE END OF EACH WORK SHIFT. OPERATIONS INVOLVING

UPDATED & MAINTAINED W/ MASTER KEYS AND SHALL BE PERMANENTLY TAGGED & LABELED. THE

NO MATERIALS STORED IN THE PROPOSED FACILITY IS CATAGORIZED AS HAZARDOUS OR EXCEED REGULATED VOLUMES. A HAZARDOUS MATERIALS INVENTORY STATEMENT (HMIS) SHALL NOT BE

NOTICE TO CONTRACTORS: THE PROPOSED SCOPE OF WORK INCLUDES FIRE ALARM SYSTEMS, ANY

PROTECTION SYSTEM PRIOR TO PLAN APPROVAL, CONTRACTORS WHO ENGAGE IN SUCH ACTIVITIES

FIRE SERVICE MAINS, FIRE SPRINKLER SYSTEMS, FIRE ALARM SYSTEMS OR OTHER FIRE

WHEN APPLICABLE, SEPARATE SUBMITTAL FOR REVIEW AND APPROVAL REQUIRED FOR THE

MONTEREY COUNTY REGIONAL FIRE DISTRICT DEVELOPMENT & PERMIT SERVICES DEPARTMENT

INFORMATION INCLUDED WITH THIS SUBMITTAL PACKAGE ON ANY OF THE ABOVE NOTED SYSTEMS

ARE FOR REFERENCE ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. FIRE DEPARTMENT

FIRE SPRINKLER SYSTEMS & ALTERATIONS OF AN (E) SYSTEM AND ALL COMPONENTS SHALL

BE PROVIDED. THE AUTOMATIC FIRE SPRINKLER SYSTEM IS TO REMAIN ACCESSIBLE AND IN

SERVICE AT ALL TIMES. FIRE DEPARTMENT ACCESS TO BUILDING SHALL BE ESTABLISHED

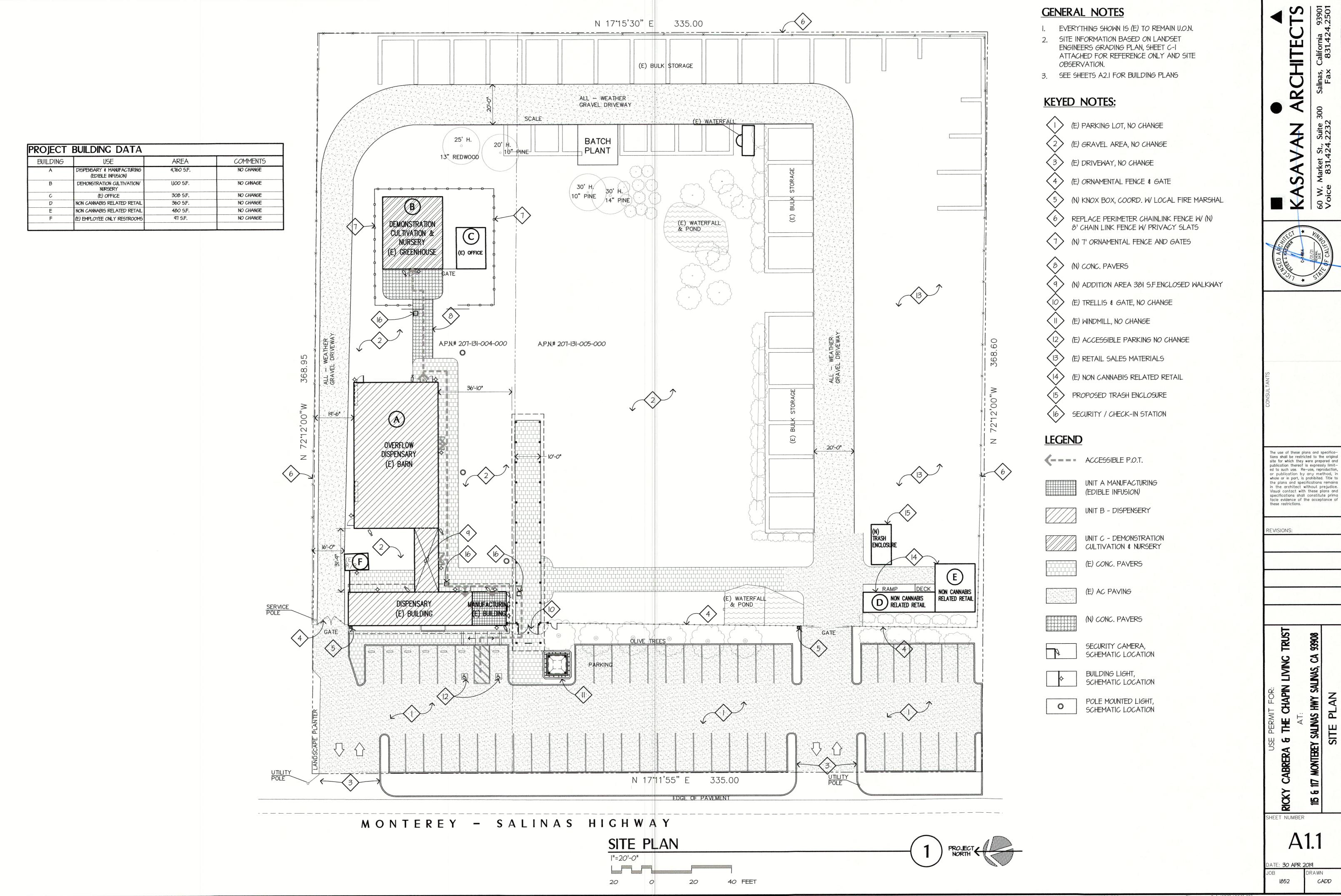
THE USE OF CUTTING AND WELDING SHALL BE DONE IN ACCORDANCE WITH CFC CH. 26.

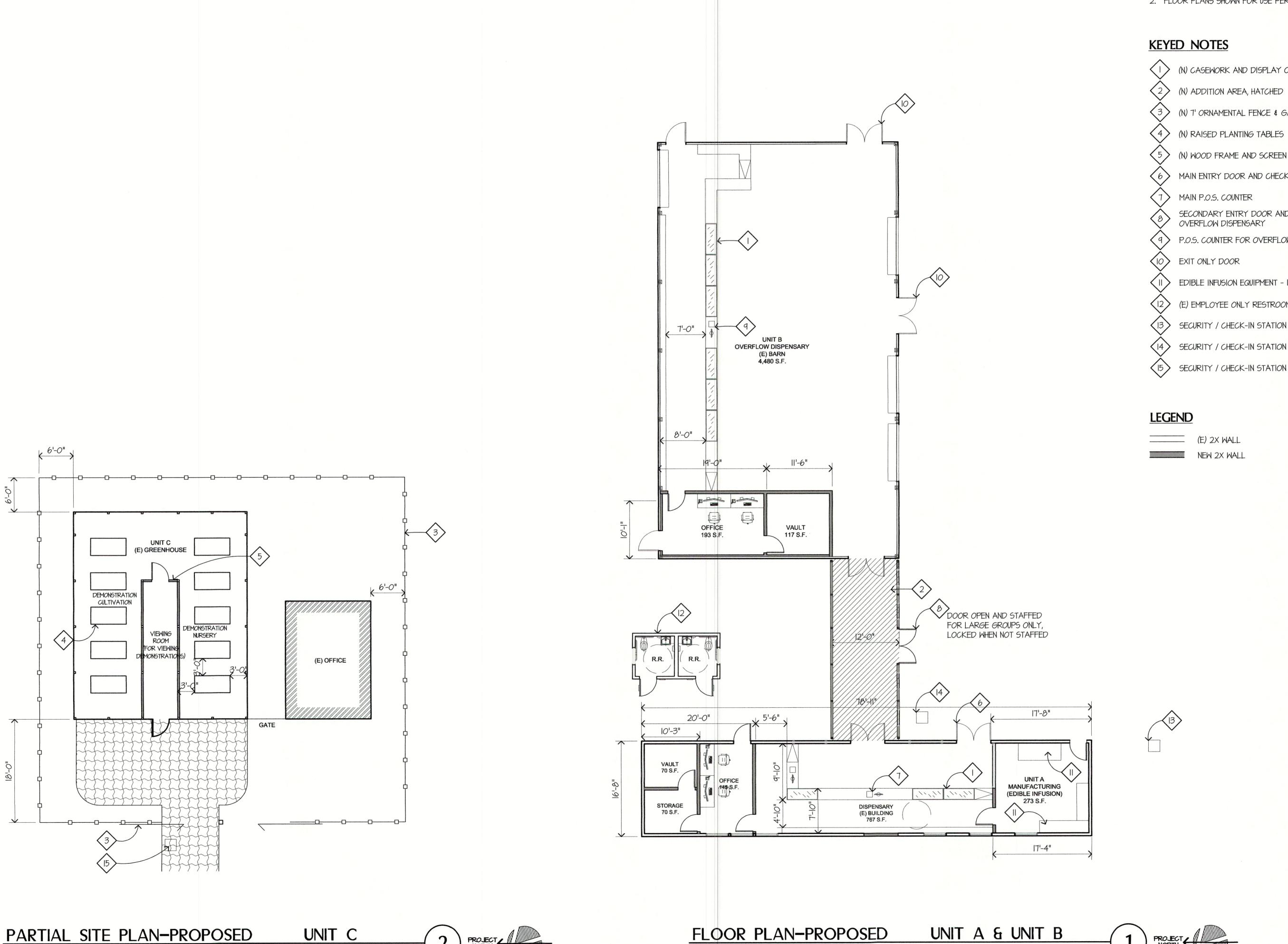
FIRE: [X] MASTER KEY; [X] FIRE ALARM KEYS; [X] POINT OF CONTACT AFTER HOUR

NO CHANGES TO (E) BUILDING EXIT PLAN ARE PROPOSED. EXACT LOCATIONS, SPACING, LAYOUT & VISIBILITY OF EXIT SIGNS SHALL BE REVIEWED AT TIME OF FINAL INSPECTIONS. LINE OF SITE & OBSTRUCTIONS SHALL BE NOTED. MODIFICATIONS (INCLUDING THE ADDITION AND/OR RELOCATION

OF SIGNS) MAY BE REQUIRED IF EXIT SIGNAGE IS NOT FOUND TO BE FULLY CODE COMPLIANT.

- IO. ALL SITE INSPECTIONS REQUIRE A MINIMUM 24 HOURS NOTICE. ALL FIRE DEPARTMENT INSPECTIONS ARE TO BE REQUESTED THROUGH THE BUILDING DIVISION. PLEASE BE SPECIFIC AS TO TYPE OF
- APPROVED NUMBERS AND/OR LETTERS SHALL BE PLACED ON ALL BUILDINGS, TO BE VISIBLE FROM THE STREET, COLOR CONTRASTING TO BACKGROUND. ADDRESS POSTING IS REQUIRED ON THE BUILDING, FIRE DEPARTMENT ACCESS, AND ON ALL REAR DOORS. SIGNAGE TO BE 6" HIGH BY 3/4" STROKE.
- 12. TACTILE SIGNAGE IS TO BE INSTALLED AS REQUIRED BY 2016 CFC.
- 13. FIRE ALARM SYSTEM AND ALL COMPONENTS SHALL CONFORM TO NFPA 72 MINIMUM STANDARDS AND SHALL BE REVIEWED AND APPROVED BY THE FIRE DEPARTMENT PRIOR TO INSTALLATION. STAMPED, APPROVED PLANS MUST BE KEPT ON SITE FOR THE FIRE INSPECTOR.
- 14. FIRE SAFETY DURING CONSTRUCTION SHALL FOLLOW 2016 CFC CH. 33. FIRE EXTINGUISHERS SHALL BE PROVIDED. THE AUTOMATIC FIRE SPRINKLER SYSTEM IS TO REMAIN IN SERVICE AT ALL TIMES. UNDER INO CIRCUMSTANCE SHALL THE FIRE SPRINKLER SYSTEM BE LEFT OUT OF SERVICE OVERNIGHT. FIRE DEPARTMENT ACCESS ROADS SHALL BE ESTABLISHED & MAINTAINED IN ACCORDANCE WITH SECTION 503.
- AN APPROVED ACCESS WALKWAY LEADING FROM FIRE APPARATUS ACCESS ROADS TO EXTERIOR OPENINGS SHALL BE PROVIDED AND MAINTAINED.





SCALE: 1/8"=1'-0"

GENERAL NOTES

- 1. EVERYTHING SHOWN IS (E) TO REMAIN U.O.N.
- 2. FLOOR PLANS SHOWN FOR USE PERMIT REVIEW ONLY.

(1) (N) CASEMORK AND DISPLAY CASES TYP.

(3) (N) 7' ORNAMENTAL FENCE & GATES

(N) WOOD FRAME AND SCREEN PARTITION

MAIN ENTRY DOOR AND CHECK-IN

SECONDARY ENTRY DOOR AND CHECK-IN FOR

9 P.O.S. COUNTER FOR OVERFLOW DISPENSARY

EDIBLE INFUSION EQUIPMENT - 110 V TABLETOP EQUIPMENT

(E) EMPLOYEE ONLY RESTROOMS

SECURITY / CHECK-IN STATION FOR SITE ENTRANCE

SECURITY / CHECK-IN STATION FOR DISPENSARY ENTRANCE

SECURITY / CHECK-IN STATION FOR NURSERY ENTRANCE

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