



# City of Paso Robles Planning Commission Agenda Report

From: Susan DeCarli, City Planner

Subject: Appeal (APL 18-02) of Denial of Temporary Use Permit (TUP 18-002) for a Delivery-Only Medical Marijuana Business  
Dubs Green Garden  
1401 Park Street, APN 008-322-013

Date: May 22, 2018

**Facts**

1. Dubs Green Garden, has appealed a staff denial of a Temporary Use Permit to establish Delivery-Only Medical Marijuana Business office at 1401 Park St. in the TC-1 zoning district (Attachment 2).
2. On March 6, 2018 the City Council approved Ordinance 1052 creating a process for Temporary Use Permits for Delivery-Only Medical Marijuana Businesses (Attachment 1a).
3. Community Development Director decisions are appealable to the Planning Commission. The Planning Commission needs to make a determination as to whether a medical cannabis delivery business office is consistent with the applicable regulations in the TC-1 zoning district and the Temporary Use Permit requirements of Ordinance 1052.
4. The Uptown/Town Center Specific Plan zoning district for the property located at 1401 Pine Street is Town Center (TC-1) in the City’s Downtown (Attachment 1, Location Map). The intent of the TC-1 zone, which surrounds City Park, is to support pedestrian-oriented, downtown retail and entertainment uses. Therefore, as shown below in Table 5.3-1 offices on the ground floor adjacent to the street are not permitted in the TC-1 district since offices do not attract foot traffic.

City of Paso Robles  
Uptown/Town Centre Specific Plan

Land Use Type	PERMIT REQUIRED BY ZONE									Specific Use Regulations
	T3-N	T3-F	T4-N	T4-F	T4-NC	TC-1	TC-2	RC	OS	
Offices: insurance, real estate, administrative, consulting professions such as accountants, architects, attorneys, engineers, etc.	-	P	-	P	P	P*	P	P	-	* Use allowed only on an upper floor, or behind a ground floor street-fronting use.

5. The business location at 1401 Pine Street, Suite 102, was previously occupied by an office use (e.g. CenCal Motorsports, an online auto dealer). The business license for this use was approved prior to adoption of the Uptown/Town Center Specific Plan and the TC-1 zone for this location.
6. When Dubs Green Garden (a Non-Storefront Cannabis Delivery Office (State definition) use [aka Delivery-Only Medical Marijuana Businesses (City definition)]) applied for their original commercial business license it was determined that since an office use previously occupied that

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location that this new office-oriented business would not involve the storage or distribution of marijuana and would be consistent with the prior use, and approved the business license.

7. Dubs Green Garden has been operating from their home location since August 2014. As of January 1, 2018, State law requires all cannabis delivery businesses to have a non-storefront commercial location for the storage and distribution of marijuana products.
8. The City's Marijuana code (Chapter 21.33) prohibits the storage of any marijuana products in a commercial zone (Section 21.33.050.A.1.)(Attachment 1b)
9. To provide relief for Delivery-Only Medical Marijuana Businesses from the commercial storage prohibition, the City Council approved Ordinance 1052. The Ordinance modified Zoning Code Section 21.33C.10 (Marijuana Regulations), to allow approval of a Temporary Use Permit (TUP) to permit Delivery-Only Medical Marijuana Businesses to operate for one year in a commercial location while the City develops a permanent medical cannabis ordinance to be adopted by next year.
10. Since Dubs Green Garden had a business license approved at 1401 Park Street (a commercial location), they applied for a Temporary Use Permit on March 23, 2018 to comply with State law and City regulations. Dubs has not operated from the 1401 Park Street location.
11. Upon review of the Temporary Use Permit, staff determined the findings for approval of a Temporary Use Permit (TUP) could not be made. The Community Development Director determined the proposed TUP would "impair the integrity and character of the subject zoning district" and "may adversely impact the public health, safety, and welfare," and therefore has denied the TUP (Attachment 2).
12. The City offered assistance to the applicant on locating a suitable commercial site outside of the downtown area.

### Options

1. Deny the Appeal and uphold staff's determination to deny the Temporary Use Permit for a Delivery-Only Medical Marijuana Business located in the downtown at 1401 Park Street, based on specific findings for denial.
2. Request additional information and continue this public hearing.
3. Grant the Appeal for Dubs Green Garden to approve a Temporary Use Permit for a Delivery-Only Medical Marijuana Business at 1401 Park Street, subject to specific findings to be determined by the Planning Commission.

### Analysis and Conclusions

As of January 1, 2018, the State Business & Professions Code, Section 26070(a)(1) requires all cannabis retailers, including non-storefront delivery services, to have a commercial location and be licensed with the State Bureau of Cannabis Control (BCC), and local authority. At that time, the City's regulations prohibited establishment of any commercial retail medical cannabis businesses. The City's regulations did not regulate medical cannabis delivery services.

In light of new State regulations, the City Council adopted an amendment to the City's Marijuana Regulations, and added regulations that permit existing cannabis businesses that had a valid business license as of January 1, 2018, such as Dubs Green Garden, to apply for a Temporary Use Permit at a commercial location to operate. Temporary Use Permits are discretionary, and are subject to specific findings, such as those noted above, and in the attached letter of denial.

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On April 24, 2018 the Community Development Director issued a letter of determination that the proposed TUP would “impair the integrity and character of the subject zoning district” and “may adversely impact the public health, safety, and welfare,” and therefore has denied the TUP.

In addition to the TUP findings, staff is also concerned about unintended economic consequences of marijuana businesses on other commercial businesses. As evidenced in Grover Beach, marijuana businesses are able to pay significantly higher rents and quickly crowded out traditional businesses and services (Attachment 2a). Allowing multiple Delivery-Only Medical Marijuana Businesses in the TC-1 zoning district could displace stores and restaurants that are vital to the Downtown’s economic vitality and pedestrian oriented character.

## **Option 1**

Approve Resolution A (Attachment 5), to deny the appeal and uphold the City staff determination to deny the Temporary Use Permit for Dubs Green Garden to locate in the downtown at 1401 Park Street, based on specific findings for denial.

## **Option 2**

Request additional information and continue this public hearing.

## **Option 3**

Approve the Appeal for Dubs Green Garden to approve a Temporary Use Permit at 1401 Park Street, subject to specific findings to be determined by the Planning Commission.

## **Fiscal Impact**

Upholding denial of a Temporary Use Permit for this business will not result in fiscal impacts. The applicant may apply for a Temporary Use Permit at other commercial locations in the City. If successful the City would be able to collect sales tax from future transactions, which would result in positive fiscal benefits to the City.

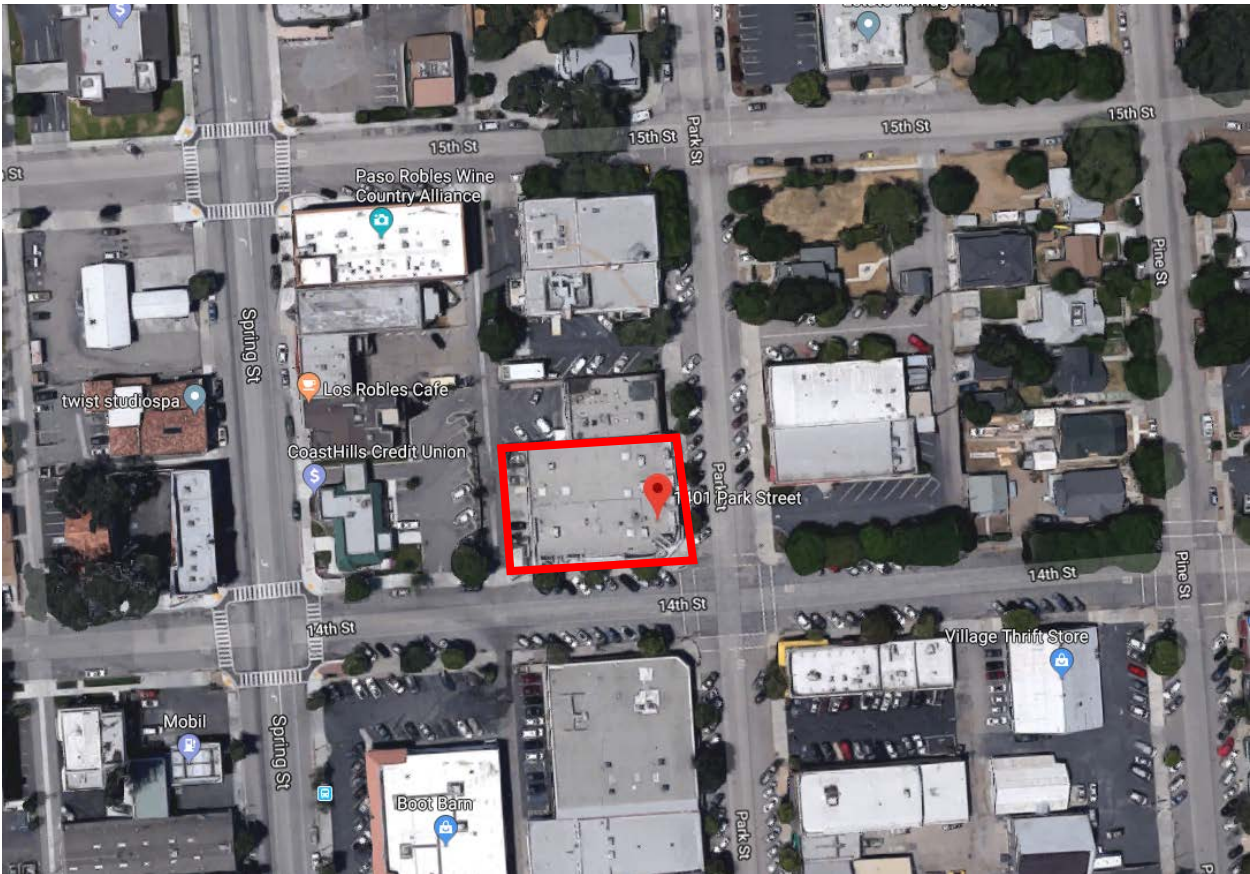
## **Recommendation**

Approve Resolution A (Attachment 5), to deny the Appeal and uphold staff’s determination to deny the Temporary Use Permit for a Delivery-Only Medical Marijuana Business located in the downtown at 1401 Park Street, based on specific findings for denial.

## **Attachments**

1. Location Map
  - a. Ordinance 1052 – Temporary Use Permits for Delivery-Only Medical Marijuana Businesses
  - b. Marijuana Regulations
2. Letter of Denial for Temporary Use Permit 18-002
  - a. KSBY - Grover Beach marijuana impacts
3. Appellant’s Statement
4. Public Comments Received
5. Resolution A – Denial of Appeal
6. Public Notices

Attachment 1  
Site Location Map



ORDINANCE NO. 1052 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING SECTIONS 21.33.020 and 21.33.040 OF THE PASO ROBLES MUNICIPAL CODE AND AUTHORIZING THE ISSUANCE OF TEMPORARY USE PERMITS FOR DELIVERY-ONLY MEDICAL MARIJUANA RETAIL BUSINESSES

WHEREAS, Section 21.33.040 of the Paso Robles Municipal Code prohibits the establishment of a medical marijuana dispensary, but allows for the operation of medical marijuana delivery service businesses; and

WHEREAS, Section 21.33.050 of the Paso Robles Municipal Code prohibits the establishment or operation of any business of commercial marijuana activity; and

WHEREAS, pursuant to Business and Professions Code section 26070(a)(1), state law requires that all cannabis retailers, including marijuana retailers that will not be open to the public and that conduct sales exclusively by delivery, must operate from a physical location licensed by the State; and

WHEREAS, such non-storefront, delivery-only cannabis businesses may not obtain a temporary State license to operate without demonstrating proof of compliance with local ordinances, including obtaining all necessary local land use approvals; and

WHEREAS, non-storefront, delivery-only cannabis businesses that had obtained City business licenses prior to January 1, 2018 and that are located in the City are therefore currently prohibited from conducting any deliveries of cannabis until they obtain the applicable State license to operate; and

WHEREAS, this has created an unintended and substantial hardship for local medical cannabis patients and caregivers, who cannot receive medically prescribed marijuana pursuant to a physician recommendation from their customary delivery service of choice if that delivery service has not been able to obtain a state license; and

WHEREAS, several Paso Robles residents have expressed concern, hardship and urgency over the current inability to receive medical marijuana from a patient’s historic and/or current customary delivery service necessary for the treatment of existing medical conditions because of the licensing requirements adopted by the State and the regulations adopted by the City; and

WHEREAS, this Ordinance is intended only to provide a near-term limited allowance of delivery-only, non-storefront medical marijuana businesses that were both licensed to do business in Paso Robles and were physically located within the City limits as of January 1, 2018, in order for the City to more comprehensively consider the land use issues related to the location of such businesses and related matters; and

NOW, THEREFORE, the City Council of the City of El Paso de Robles does hereby ordain as follows:

Section 1. Recitals are True and Correct. The City Council hereby findings that the recitals above are true and correct and incorporated herein.

Section 2. Amendment to Section 21.33.020

The following definition is added at the end of Section 21.33.020 to read as follows:

“O. “Medical marijuana” means marijuana or cannabis used for medical purposes in accordance with the Compassionate Use Act (California Health and Safety Code Section 11362.5 et seq.) and the Medical Cannabis Program Act (California Health and Safety Code Section 11362.7 et seq.), as they may be amended from time to time.”

Section 3. Amendment to Section 21.33.040

The following paragraph D. is hereby added to Section 21.33.040 to read as follows:

“D. The Community Development Director is authorized to issue certain temporary use permits for the delivery of medical marijuana to qualified patients in the City, subject to all of the following rules and requirements:

1. The temporary use permits shall be limited to authorize only delivery of medical marijuana to qualified patients from the subject site location identified in the permit. The temporary use permit shall not authorize any public storefront or other retail sale or distribution of marijuana.
2. In order to obtain a temporary use permit for medical marijuana deliveries, eligible applicants shall apply on or before May 1, 2018 for a temporary use permit for a medical marijuana delivery-only retail business to operate at the proposed location. Failure to timely submit applications for a temporary use permit and maintain a valid City Business License shall be grounds for denial of a temporary use permit. No medical marijuana delivery services shall be conducted in the City unless and until a temporary use permit and Business License have been issued by the City for

the subject location and a license from the California Bureau of Cannabis Control has been issued for the business.

3. Applicants for a temporary use permit shall provide proof, to the satisfaction of the Community Development Director, that (i) the applicant had a valid Business License issued by the City of Paso Robles prior to January 1, 2018 to deliver medical marijuana to qualified patients in the City of Paso Robles; (ii) the address listed on the Business License is located within the City of Paso Robles; and (iii) the applicant has applied for a non-retail storefront license to operate from the California Bureau of Cannabis Control.
4. Prior to taking action on a temporary use permit application, the Community Development Director shall comply with the existing temporary use permit procedures set forth in Paso Robles Municipal Code Chapter 21.23C.
5. Deliveries of medical marijuana pursuant to the temporary use permit shall be subject to the delivery requirements set forth in Paso Robles Municipal Code paragraph C. of section 21.33.040, in addition to all applicable State law requirements.
6. The temporary use permit shall be valid for a term of no more than one (1) year from the date of adoption of the ordinance enacting this paragraph D. of section 21.33.040, and shall be expressly terminated, revoked, and invalid upon such expiration. Failure to obtain a license from the California Bureau of Cannabis Control by May 31, 2018 shall be grounds for revocation of the temporary use permit. The temporary use permit shall be understood and acknowledged by the applicant as conditioned upon it being temporary, and that it does not confer any right, entitlement or guarantee to future use(s) or property, nor shall the temporary use permit operate as any guarantee or entitlement to issuance of a conditional use permit or other permit for the operation of the business at that or any other location. Applicants for a temporary use permit shall expressly waive any right, title or claim to any vested right to continue conducting medical marijuana deliveries from a location in the City beyond the term of the temporary use permit.

The Community Development Director or his or her designee is authorized to develop an appropriate application form and to administer reasonable guidelines and policies necessary to carry out the purposes and intent of this paragraph D. of Section 21.33.040.”

Section 4. Existing Prohibitions Not Affected.

All marijuana uses already permitted or prohibited by the City’s Code shall remain permitted and prohibited and shall not be affected or modified by this Ordinance.

Section 5. CEQA Finding.

The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment because this Ordinance is narrowly tailored to mitigate unintended disruption in the ability of medical marijuana patients to receive medical marijuana on a short-term, non-permanent basis subject to existing locational restrictions and regulatory requirements already set forth in the City’s Municipal Code for marijuana businesses already permitted to operate in the City. This Ordinance is therefore exempt from any California Environmental Quality Act (CEQA) review pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Section 6. Publication. The City Clerk shall certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California, and cause the Ordinance to be published once within 15 days after passage in a newspaper of general circulation published and circulated in the City in accordance with Government Code section 36933.

INTRODUCED at a regular meeting of the City Council held on March 6, 2018, for first reading by the City Council of the City of El Paso de Robles, and adopted on the 20<sup>th</sup> day of March, 2018, by the following vote:

AYES: Strong, Gregory, Reed, Martin  
 NOES:  
 ABSENT: Hamon  
 ABSTAIN:



\_\_\_\_\_  
 Steven W. Martin, Mayor

Attest:



Kristen L. Buxkemper, Deputy City Clerk

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# Attachment 1b

### Chapter 21.33 - MARIJUANA REGULATIONS<sup>[13]</sup>

#### Sections:

#### 21.33.010 - Purpose.

The purpose of this chapter is to regulate personal, medical, and commercial marijuana uses. Nothing in this chapter shall preempt or make inapplicable any provision of state or federal law.

(Ord. No. 1036 N.S., § 2, 11-15-16)

#### 21.33.020 - Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, or sale of marijuana and marijuana products.
- B. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- C. "Delivery" means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
- D. "Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
- E. "Licensee" means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.
- F. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
- G.

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"Marijuana" means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

1. Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
  2. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- H. "Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.
- I. "Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
- J. "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- K. "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.
- L. "Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.
- M.



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Any term defined in this section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

(Ord. No. 1036 N.S., § 2, 11-15-16)

### 21.33.030 - Personal recreational use.

- A. For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the city to the extent it is unlawful under state law.
- B. Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the city. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
- C. Indoor Cultivation.
  1. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the city. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.
  2. To the extent a complete prohibition on indoor cultivation is not permitted under state law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence; however, a person may plant, cultivate, harvest, dry, or process marijuana plants inside an accessory structure to a private residence located upon the grounds of a private residence, but only if the person is first issued an indoor cultivation permit by the community development department. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the city that is not an accessory structure to a private residence located upon the grounds of a private residence.
  - 3.

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The community development department will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements. The city council may institute a fee for the indoor cultivation permit by resolution.

(Ord. No. 1036 N.S., § 2, 11-15-16)

### 21.33.040 - Medical use.

- A. Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in Section 21.33.030.
- B. The establishment or operation of any medical marijuana collective, cooperative, dispensary, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the city. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.
- C. Exception. The establishment or operation of a medical marijuana delivery service is permitted in the city, provided a use permit, variance, building permit, business license, and all other entitlements or permits have been approved pursuant to this Code.

(Ord. No. 1036 N.S., § 2, 11-15-16)

### 21.33.050 - Commercial use.

- A. The establishment or operation of **any business of commercial marijuana activity is prohibited**. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may **include, but are not limited to:**
  - 1. The transportation, **storage**, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
  - 2. The cultivation of marijuana;

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**Attachment 1b**

3. The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
4. Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.

(Ord. No. 1036 N.S., § 2, 11-15-16)

21.33.060 - Penalty for violations.

No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the city attorney or the district attorney. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided Chapters 1.02 and 1.03 and/or under state law.

(Ord. No. 1036 N.S., § 2, 11-15-16)



**CITY OF EL PASO DE ROBLES**

*“The Pass of the Oaks”*

April 24, 2018

Grace Hall  
Dubs Green Garden  
1615 Wade Drive  
Paso Robles, CA 93446

**RE: Temporary Use Permit (TUP 18-002) – Notice of Denial**  
Dubs Green Garden  
1401 Park Street, Paso Robles

Dear Ms. Hall:

The City of Paso Robles received your application for a Temporary Use Permit (TUP 18-002) on March 23, 2018, to establish a non-storefront medical marijuana, delivery service business for 1-year at 1401 Park Street.

In accordance with Zoning Code Section 21.23C.10, the purpose of temporary use permits (“TUP”) is to allow for certain short-term (1-year) activities not otherwise allowed if the public health, safety and welfare would not be adversely impacted by such temporary use. In order for a TUP to be approved, the Community Development Director must make specific findings that the temporary use will not adversely impact surrounding properties. These findings include:

- a) The proposed use is temporarily permitted within, and would not impair the integrity and character of the subject zoning district and complies with all applicable building and fire codes.
- b) The subject site is physically suitable for the type and density/intensity of the proposed use.
- c) The location, size, design, and operating characteristics of the proposed temporary use will not adversely impact surrounding properties.
- d) The proposed temporary use will not adversely impact the public health, safety, and welfare.
- e) There will be no potentially significant negative impacts upon environmental quality and natural resources that could not be properly mitigated and monitored.
- f) There are adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety.

In considering the TUP application for the proposed location, the City must evaluate the proposed use in the context of the applicable zoning regulations, such as the Uptown/Town Center Specific Plan, Town Center-1 (TC-1) district, and determine whether there is sufficient evidence to support the above findings that would justify the issuance of a TUP.

**The Community Development Director has determined the proposed TUP would “impair the integrity and character of the subject zoning district” and “may adversely impact the public health, safety, and welfare,” and therefore has denied the TUP.**



## CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

The Director's findings are based on the following:

There has been significant public and private investment in the Downtown area of Paso Robles to achieve the current exceptional pedestrian retail quality environment and character. The Downtown is the focal point of the community, and a destination for tourists that significantly contributes to the economic success of the City. The overarching intent of the Uptown/Town Center Specific Plan, Town Center-1 (TC-1) zoning district is to support a pedestrian-oriented, restaurant, retail and entertainment-oriented downtown. The proposed non-retail, marijuana delivery service business, creates an office on the ground floor, which is not consistent with the intent of a pedestrian-oriented downtown. Further, the intent of the TC-1 district is to foster foot traffic, provide retail activity, and support surrounding businesses and development. In accordance with Table 5.3-1, of the Uptown/Town Center Specific Plan, Allowed Uses and Permit Requirements, ground floor offices are specifically prohibited facing a street in the TC-1 zone. Therefore, the proposed use is not consistent with the applicable land use regulations that apply to the subject property.

In addition, the potential external, secondary effects of a cannabis delivery service in the Downtown area are unknown. The City does not know how a cannabis delivery business and office would affect other businesses or visitors in the Downtown. Since the City cannot determine that the proposed use would not affect the integrity, character, public health, safety and welfare of the community or surrounding properties, the Director does not believe there is sufficient evidence that would justify the approval of this application.

The City would like to assist in identifying a suitable location for your business and would recommend considering an alternative location other than the Downtown core. Alternatives to consider would be the Riverside Corridor (RC), Manufacturing (M) and Commercial/Light Industrial (C3) zoning districts, where the findings for an office and delivery business would be consistent with the zoning. In these zones, there has been less of a public and private investment in improvements, less emphasis on attracting foot traffic, and possibly lesser impacts on neighboring properties.

This Director decision may be appealed to the Planning Commission. An appeal application must be filed within 14 days of the date on this letter.

Please be aware if this decision is appealed, that there are still items of incompleteness that would need to be addressed including State requirements regarding security including numerous detailed improvements, including specific video surveillance systems, commercial grade locks, and alarm systems. See attached list of State requirements.

Should you find a more suitable location, please be advised that the City will require demonstrated compliance with all state licensing requirements, including inspections of the proposed premises by City Police and Community Development staff prior to operating your business. Lastly, if any alterations to an existing building are necessary, please be sure to obtain the required building permits.



**CITY OF EL PASO DE ROBLES**

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Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Warren Frace". The signature is stylized and fluid.

Warren Frace  
Community Development Director

Attachment

1. List of State security requirements
2. Zoning Map: Riverside Corridor (RC), Manufacturing (M) and Commercial/Light Industrial (C3)

cc: Paso Robles City Council  
Tom Frutchey, City Manager  
Iris Yang, City Attorney  
Ty Lewis, Commander  
Susan DeCarli, City Planner  
Cliff Branch, Building Owner



**CITY OF EL PASO DE ROBLES**

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**Attachment 1**

**List of California State security requirements**

§ 5044. Video Surveillance System

- (a) Each licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels.
  - (b) The surveillance-system storage device or the cameras shall be transmission control protocol (TCP) capable of being accessed through the internet.
  - (c) The video surveillance system shall at all times be able to effectively and clearly record images of the area under surveillance.
  - (d) Each camera shall be permanently mounted and in a fixed location. Each camera shall be placed in a location that allows the camera to clearly record activity occurring within 20 feet of all points of entry and exit on the licensed premises, and allows for the clear and certain identification of any person and activities in all areas required to be filmed under subsection (e).
  - (e) Areas that shall be recorded on the video surveillance system include the following:
    - (1) Areas where cannabis goods are weighed, packed, stored, loaded, and unloaded for transportation, prepared, or moved within the premises;
    - (2) Limited-access areas;
    - (3) Security rooms;
    - (4) Areas storing a surveillance-system storage device with at least one camera recording the access points to the secured surveillance recording area; and
- Bureau of Cannabis Control Emergency Regulation Text Page 33 of 115
- (5) Entrances and exits to the premises, which shall be recorded from both indoor and outdoor vantage points.
  - (f) Retailers shall also record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.
  - (g) Cameras shall record continuously 24 hours per day and at a minimum of 15 frames per second (FPS).
  - (h) The physical media or storage device on which surveillance recordings are stored shall be secured in a manner to protect the recording from tampering or theft.
  - (i) Surveillance recordings shall be kept for a minimum of 90 days.
  - (j) Surveillance recordings are subject to inspection by the Bureau, and shall be kept in a manner that allows the Bureau to view and obtain copies of the recordings at the licensed premises immediately upon request. The licensee shall also send or otherwise provide copies of the recordings to the Bureau upon request within the time specified by the Bureau.
  - (k) Recorded images shall clearly and accurately display the time and date. Time is to be measured in accordance with the United States National Institute Standards and Technology standards.
  - (l) The video surveillance system shall be equipped with a failure notification system that provides notification to the licensee of any interruption or failure of the video surveillance system or video surveillance-system storage device.

Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.



## CITY OF EL PASO DE ROBLES

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### § 5046. Locks

A licensee shall ensure that the limited-access areas described in section 5042 of this division can be securely locked using commercial-grade, nonresidential door locks. A licensee shall also use commercial-grade, nonresidential door locks on all points of entry and exit to the licensed premises.

Bureau of Cannabis Control Emergency Regulation Text Page 34 of 115

Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

### § 5047. Alarm System

(a) A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n) at the licensed premises.

(b) A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system.

(c) Upon request, a licensee shall make available to the Bureau all information related to the alarm system, monitoring, and alarm activity.

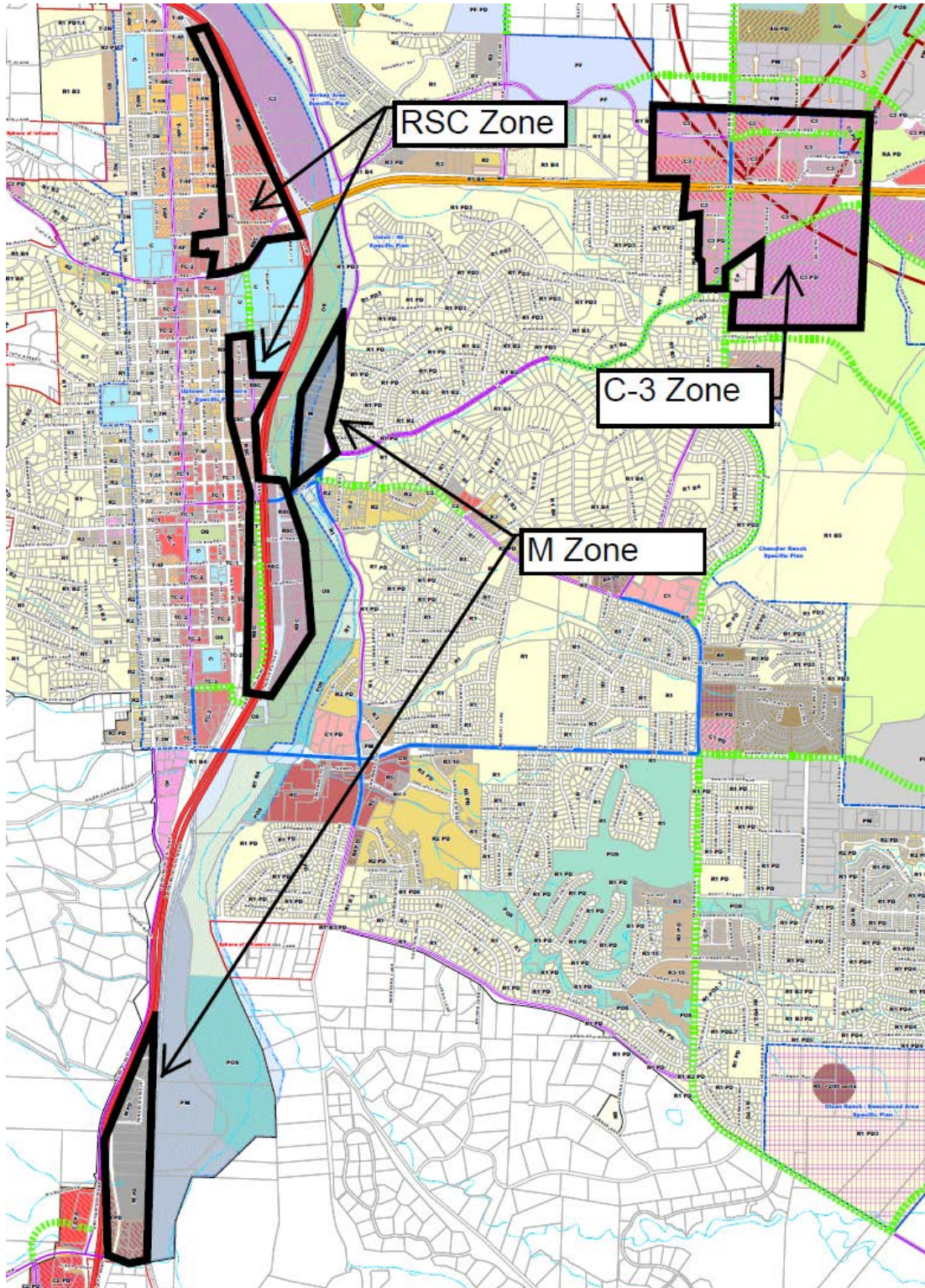
Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.





CITY OF EL PASO DE ROBLES  
*"The Pass of the Oaks"*

Attachment 2 – Zoning Map

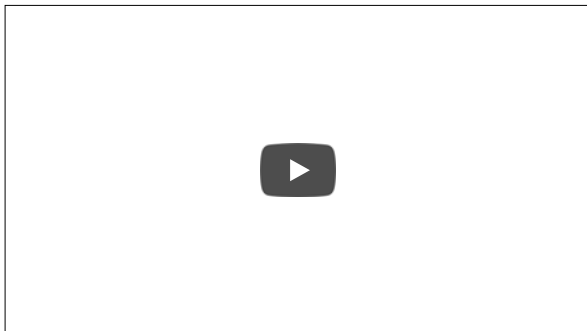


# Agenda Item 1 Attachment 2a

## Grover Beach businesses move out as marijuana retailers move in

Posted: Apr 24, 2018 10:31 PM PDT  
 Updated: Apr 24, 2018 10:31 PM PDT

By Kelsey McFarland



Some business owners in Grover Beach are relocating, claiming new marijuana businesses are pushing them out.

The Gym is in a new location on Highland Way. Owners Corinne Furnice and her husband are still putting together equipment after a difficult move.

"Grover Beach is not the best place if you're trying to relocate a business," said Furnice.

Furnice says finding a space that was appropriate for a gym at a decent price was nearly impossible.

"If we hadn't have had this place, we would have most likely been out of business," said Furnice.

The Gym was previously on Farroll Rd. That space now sits empty after it was bought with the intention to start a marijuana business. The new owners were never awarded a permit from the city.

Still, Furnice says rising rent prices would have pushed them out.

"For the price they sold it for, we knew we weren't going to be able to stay," said Furnice.

Rising rent is now a trend in the area, Furnice says.

"What was anywhere from 85 cents to a dollar per square foot went up to at least \$2.50 per square foot. I know there are many other business owners that have been in their building for 20, 30 years or longer and they had to go," Furnice added.

- **Dance studio suing City of Grover Beach over marijuana-selling neighbor**

Epic Entertainment, previously located in the industrial zone of Grover Beach, also had to relocate.

"The cannabis business bought the entire center we were in. We were on a month-to-month at that point, so they said we needed to leave," said Owner Anthony Salas.

Salas almost took his business to another city before settling on a Grande Avenue location. He needs to sublease the space to afford it.

"Everything is more expensive, especially just being on Grand is more expensive," said Salas.

- **Marijuana dispensaries race to be first to open in Grover Beach**

At least two other local businesses have relocated to other cities. KB Horseshoes is now in Santa Maria and Central Coast Refreshments is now in San Luis Obispo.

KSBY reached out to the City of Grover Beach for comment but a spokesperson was not available.

## RESOLUTION PC 18-xxx

**A RESOLUTION OF THE PLANNING COMMISSION  
 OF THE CITY OF EL PASO DE ROBLES DENYING THE  
 APPEAL (APL 18-02) OF A DENIAL OF TEMPORARY USE PERMIT (TUP 18-002) FOR A  
 DELIVERY-ONLY MEDICAL MARIJUANA BUSINESS  
 1401 PARK STREET  
 APN: 008-322-013**

**Grace Hall Appellant - Dubs Green Garden**

WHEREAS, Grace Hall owner of Dubs Green Garden, has appealed a Community Development Director's denial of a Temporary Use Permit to establish a Delivery-Only Medical Marijuana Business office at 1401 Park St. in the TC-1 zoning district; and

WHEREAS, Community Development Director decisions are appealable to the Planning Commission. The Planning Commission needs to make a determination as to whether a medical Delivery-Only Medical Marijuana Business office is consistent with the applicable regulations in the TC-1 zoning district and the Temporary Use Permit requirements of Ordinance 1052; and

WHEREAS, the Uptown/Town Center Specific Plan zoning district for the property located at 1401 Pine Street is Town Center (TC-1) in the City's downtown, and the intension of the TC-1 zone is to support pedestrian-oriented, downtown retail and entertainment uses. Therefore, as shown below in Table 5.3-1 offices on the ground floor adjacent to the street are not permitted in the TC-1 district since offices do not attract foot traffic; and

WHEREAS, the business location at 1401 Pine Street, Suite 102, was previously occupied by an office use (e.g. CenCal Motorsports, an online auto dealer). The business license for this use was approved prior to adoption of the Uptown/Town Center Specific Plan and the TC-1 zone for this location; and

WHEREAS, when Dubs Green Garden (a Non-Storefront Cannabis Delivery Office (State definition) use [aka Delivery-Only Medical Marijuana Businesses (City definition)]) applied for their original commercial business license it was determined that since an office use previously occupied that location that this new office-oriented business **would not involve the storage or distribution of marijuana** and it would be consistent with the prior use, and approved the business license.

WHEREAS, Dubs Green Garden has been operating from their home location since August 2014. As of January 1, 2018, State law requires all cannabis delivery businesses to have a non-storefront commercial location for the **storage and distribution of marijuana** products; and

WHEREAS, the City's Marijuana code (Chapter 21.33) prohibits the storage of any marijuana products in a commercial zone (Section 21.33.050.A.1.); and

WHEREAS, to provide relief for Delivery-Only Medical Marijuana Businesses from the commercial storage prohibition, the City Council approved an Ordinance 1052. The Ordinance modified Zoning Code Section 21.33C.10 (Marijuana Regulations), to allow approval of a Temporary Use Permit (TUP) to permit Delivery-Only Medical Marijuana Businesses to operate for one year in a commercial location while the City develops a permanent medical cannabis ordinance; and

WHEREAS, since Dubs Green Garden had a business license approved at 1401 Park Street (a commercial location), they applied for a Temporary Use Permit on March 23, 2018 to comply with State law and City regulations. Dubs has not operated from the 1401 Park Street location; and

WHEREAS, there may be unintended consequences of potential external, secondary effects of this type of business in the Downtown; and

WHEREAS, upon review of the Temporary Use Permit, staff determined the findings for approval of a Temporary Use Permit (TUP) could not be made. The Community Development Director determined the proposed TUP would “impair the integrity and character of the subject zoning district” and “may adversely impact the public health, safety, and welfare,” and therefore has denied the TUP in a letter dated April 24, 2018.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1.** All of the above recitals are true and correct and incorporated herein by reference.

**Section 2** - Findings: In accordance with Zoning Ordinance Section 21.23B.060, required findings, and based upon the facts and analysis presented in the staff report, public testimony received, the Planning Commission hereby denies the Appeal of TUP 18-008, based on the following findings of denial:

- a. There has been significant public and private investment in the Downtown area of Paso Robles to achieve the current exceptional pedestrian retail quality environment and character. The Downtown is the focal point of the community, and a destination for tourists that significantly contributes to the economic success of the City. The overarching intent of the Uptown/Town Center Specific Plan, Town Center-1 (TC-1) zoning district is to support a pedestrian-oriented, restaurant, retail and entertainment-oriented downtown. The proposed non-retail, marijuana delivery service business, creates an office on the ground floor, which is not consistent with the intent of a pedestrian-oriented downtown. Further, the intent of the TC-1 district is to foster foot traffic, provide retail activity, and support surrounding businesses and development. In accordance with Table 5.3-1, of the Uptown/Town Center Specific Plan, Allowed Uses and Permit Requirements, ground floor offices are specifically prohibited facing a street in the TC-1 zone. Therefore, the proposed use is not consistent with the applicable land use regulations that apply to the subject property.
- b. The potential for external, secondary effects of a cannabis delivery service in the Downtown area are unknown. The City does not know how a cannabis delivery business and office would affect other businesses or visitors in the Downtown. Since the City cannot determine that the proposed use would not affect the integrity, character, public health, safety and welfare of the community or surrounding properties, the Planning Commission does not believe there is sufficient evidence that would justify granting of the appeal.

PASSED AND ADOPTED THIS 22nd day of May 2018, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
DOUG BARTH, CHAIRPERSON

\_\_\_\_\_  
WARREN FRACE, PLANNING COMMISSION SECRETARY



# Attachment 4: Appellant's Statement

CITY OF EL PASO DE ROBLES  
COMMUNITY DEVELOPMENT DEPARTMENT  
DEVELOPMENT APPLICATION APPEAL

APR 25 2018 (805) 237-3970  
1000 Spring Street  
Paso Robles, CA. 93446  
City of Paso Robles  
Community Development Dept.

## GENERAL INFORMATION REQUIRED

Applicant Dubs Green Garden Phone 805-286-5987 Fax # \_\_\_\_\_  
Mailing/Billing Address 1615 wade dr Email dubsgreengarden@gmail.com  
Representative Grace Hall Phone 805-400-7325 Fax \_\_\_\_\_  
Mailing Address 1615 wade dr Email dubsgreengarden@gmail.com  
Property Owner Cliff Branch Phone 805-544-3030 Fax # \_\_\_\_\_  
Owner's Address \_\_\_\_\_ Email \_\_\_\_\_

## PROJECT DESCRIPTION (APPEAL)

Assessor's Parcel Number(s) 008-322-013

Project Location: 1401 Park St.

Project Description: Non- storefront medical cannabis delivery service.

*Appealing city decision not allowing Dubs Green Garden in the TC zone at 1401 Park.*

## OWNER / APPLICANT AUTHORIZATION

**APPLICANT / REPRESENTATIVE:** I have reviewed this completed application and the attached material. The information included with this application is true and correct to the best of my knowledge. I am submitting the project description, site plan, and elevations for this project on a 3.5 inch disk or IBM compatible CD with all graphics/illustrations in PDF or JPEG format. I understand the city might not approve what I am applying for, or might set conditions of approval.

### PROPERTY OWNER / AUTHORIZED AGENT:

I certify that I am presently the legal owner of the above described property. Further, I acknowledge the filing of this application and certify that all of the above information is true and accurate. I understand that I am responsible for ensuring compliance with conditions of approval. (If the undersigned is different from the legal property owner, a letter of authorization must accompany this form). I hereby authorize the City of Paso Robles and/or its designated agent(s) to enter onto the subject property to confirm the location of existing conditions and proposed improvements, including compliance with applicable City code requirements.

*[Signature]* 4/25/18  
Signed Date

*[Signature]* 4/25/18  
Signed Date  
*Cliff Branch for Fair Sky properties*

### BELOW AREA FOR OFFICE USE ONLY

#### Notes to File / Staff Notes:

P18-0032  
APL 18-01

#### Action / Body / Date:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Attachment 4: Appellant's Statement

Warren Frace, Community Development Director  
City of Paso Robles  
1000 Spring Street  
Paso Robles, CA 93446

May 2, 2018

RECEIVED

MAY 08 2018

City of Paso Robles  
Community Development Dept

Dear Mr. Frace,

I am writing to follow up on your letter dated April 24, 2018, wherein the Paso Robles Planning Department recommended denial of a request by our tenant, Dubs Green Garden, for a temporary use permit to store a delivery bag of medical cannabis prescriptions within their existing premises located at 1401 Park Street.

As I stated in my previous letter, I am in hopes that a reasonable decision can be reached, since the planning staff "finding" is in such stark contrast to the sentiment I heard expressed by members of the City Council during the hearing in December, 2017. All of the other tenants located at the same address have no problem with Dub's presence in the building, as Dubs is professionally operated.

The stated reason for the denial is that the Dubs Green Garden storefront is located within the downtown **TC-1 District**, which you apparently feel is inconsistent with Dubs Green Garden's business operations.

As I am sure you are aware, overnight on-site storage of cannabis is a requirement of any medical cannabis delivery service by the California Bureau of Cannabis Control, and therein lies the Catch-22.

As I also pointed out in my first letter, the Planning Department's decision (for all practical purposes) will cause significant financial harm to my tenant and will likely force them to go out of business.

Please note that my tenant already has a permit to deliver medical cannabis within the City of Paso Robles, and was also issued a business license to operate at the 1401 Park Street address. To continue to operate the business legally, Dubs simply requires the City's approval to store a medical delivery bag containing sealed cannabis prescriptions within a secured, fireproof safe at the 1401 Park Street address at the end of the business day. The medical delivery bag would be used exclusively *for delivery* of medicinal cannabis products directly to clients who hold medical cannabis prescriptions (ID cards) issued by a physician. As I mentioned briefly above, each individual prescription is sealed in plastic (see photos). The medical delivery bag would be removed from the 1401 Park Street address only twice each business day; early in the morning, or late at night, when all of the other businesses have closed.

We believe the conclusion reached by the Paso Robles Planning Department is unreasonable, not based on facts and places an undue burden on Dubs Green Garden.

Page 1 of 17

# Attachment 4: Appellant's Statement

To quote your letter:

**The Community Development Director has determined the proposed TUP would “impair the integrity and character of the subject zoning district” and “may adversely impact the public health, safety, and welfare,” and therefore has denied the TUP.**

As I pointed out in my first letter, the Planning Department failed to engage both the owner of the building and the tenant in any meaningful dialogue, in order to better understand their business. In fact, despite an invitation by Dubs Green Garden to the City, there was no on-site inspection performed with either the owner or the tenant. Since the Planning Department took several months to deliberate and study “cannabis issues,” I was also surprised to learn (during our telephone conversation) that you did not have any familiarity with CBD products, especially since they are already being sold on a daily basis in retail stores within the **TC-1 district**. Cannabidiol (commonly abbreviated as CBD) is a substance derived from the marijuana plant which does not have any psychoactive affects associated with marijuana. CBD has been shown to be medically beneficial for a myriad of ailments, and is found in a wide assortment of health-related products in various forms including creams, lotions and pills. CBD products are readily available online and in 49 states (without a prescription). In San Luis Obispo County, products containing CBD can be purchased for retail sale in many different locations.

It should also be pointed out that **California** voters passed Proposition 215 in 1996, so the use of medical marijuana has been legal in our state for over 20 years. Since 1996, 29 additional states have enacted similar laws. Dubs Green Garden has been operating in the City of Paso Robles for five years now, without incident. In an effort to shed light on the underlying facts, we have provided additional information, which follows.

## **Additional points to be considered in our appeal:**

Any suggestion that the overnight storage of a medical delivery bag containing cannabis within a fireproof safe at the Dubs Green Garden office would somehow “*impair the integrity and character of the subject zoning district*” or that such activities “*may adversely impact the public health, safety, and welfare*” – is, on its face, ludicrous.

By any reasonable measure, activities that “adversely affect public health, safety and welfare” have long been established within the TC-1 District. Furthermore, much has changed in the medical cannabis industry since the TC-1 District was originally contemplated.

First and foremost, there are approximately **38** retail establishments (see list attached) that already exist in the **TC-1 District** which not only promote recreational drug use generally, but also actually encourage the use of recreational drugs on-site. These retail establishments sell alcohol in a wide range of attractive concoctions. Alcoholism is a common health problem, yet the Paso Robles Chamber of Commerce actively promotes visiting a wide variety of business establishments that primarily serve alcohol. For the record, and to prevent any misnomer, this is the definition of the substance commonly available within same zoning district:



## Attachment 4: Appellant's Statement

*“Alcohol, also known by its chemical name ethanol, is a **psychoactive drug** that is the active ingredient in **alcoholic** beverages such as beer, wine, and distilled spirits (hard liquor). It is a common recreational substance, causing the characteristic effects of **alcohol intoxication.**”*

**In contrast, Dubs Green Garden does not, and will not, allow consumption of medical cannabis on-site – they deliver their medical product directly to their customer.**

Consider the business licenses and permits the City has currently issued to establishments within the TC-1 District. To our knowledge, the City of Paso Robles has never claimed that these businesses have **“adversely impacted the public health, safety, and welfare”** of the community:

- A. There is a “drug store” already located within the **TC-1 District** which retails opiates and many other forms of narcotics on a daily basis, requiring only a simple prescription from a doctor.
- B. How did the City of Paso Robles Planning Department determine that a prescription from one doctor for a wide variety of opiates, which are then picked up at a drug store in the TC-1 District qualifies as “harmless,” however a medical prescription delivered by my tenant from the TC-1 District is somehow “harmful” to public health?

From a strictly moral perspective, *more than 35 San Luis Obispo County residents died from opiate overdoses in 2016.* Abuse of prescription opiates is a well-documented health problem both nationwide and in San Luis Obispo County, yet curiously the City of Paso Robles allows large quantities of opiates and other narcotics to be stored within the TC-1 District, even though it is self-evident that opiates sold from such establishments **“may adversely impact the public health, safety, and welfare.”**

*In stark contrast, we are not aware of any deaths attributed to overdoses from medical cannabis prescriptions in San Luis Obispo County.* Is the City of Paso Robles able to provide *any* data to the contrary?

- C. There is another retail establishment commonly known as a “head shop” which has operated for years in the TC-1 District. The establishment in question not only sells cigars (which cause cancer) but also offers a plethora of products for recreational drug use. The drug paraphernalia for sale (see photos) is commonly used to smoke marijuana, cocaine, heroin and methamphetamine. Any pretense by the City Planning Department claiming that these products are primarily used for the consumption of tobacco would have to be considered the height of hypocrisy. Again, this existing establishment would certainly seem to **“adversely impact the public health, safety, and welfare.”**
- D. There is also another retail store which has existed for some time located in the TC-1 District that actively advertises and sells *legal* cannabis-based CBD products. Again, CBD products are not psychoactive; they do not contain THC and are commonly sold in a variety of retail stores (see photos).

## Attachment 4: Appellant's Statement

- E. The Paso Robles Police Department can certainly confirm that “recreational marijuana” is currently widely available from private sellers on the streets of Paso Robles, which would *include the downtown TC-1 District*. It’s no secret that bars are a good place to find potential customers.
- F. Perhaps the City Planning Department is somehow confusing my tenant’s business with that of a retail cannabis dispensary, so let me be quite clear: **Dubs Green Garden is not a retail cannabis dispensary**. The sole business operation of my tenant is the delivery of medical cannabis directly to patients (generally senior citizens) suffering from various forms of cancer, arthritis, sleep disorders or PTSD.

### Suggested solutions:

1. First and foremost, time is of the essence. Dubs Green Garden has been waiting for direction from the City for several months, and unless they are given a TUP prior to May 31, 2018, they will essentially be “out of business.” Can the City approve a “revised finding” that *a limited area within the TC-1 District* could allow for a delivery use? Could the existing use be grandfathered at their existing location, with the understanding that the use would terminate if the business shut down in the future?
2. Given the circumstances, can the City provide a TUP with the condition that Dubs Green Garden will have the opportunity to convert the use of their current location to sell CBD products, and cease using the current location as delivery offices? Since the California Bureau of Cannabis Control does not allow the retail sale of CBD products within the same location as medical cannabis delivery offices, my tenants would agree to move their delivery business to a location that the City would prefer. The existing Park Street location would offer a wide variety of CBD-based health products including creams, lotions and even “CBD dog treats” for older family pets suffering from arthritis. Again, these CBD products are already being sold, legally, in a variety of zones in the City of Paso Robles and elsewhere in the County.

In closing, it seems mystifying that the City will allow (and actively promote) establishments within the TC-1 District that serve beer, wine and hard liquor on nearly every city block, and permit drug stores which stock large quantities of narcotics on-site, but not allow Dubs Green Garden to store a medical delivery bag containing prescribed medical cannabis – it defies common sense.

We are respectfully requesting you to reconsider, and to find a way to allow my tenant to continue to operate out of its existing location.

Sincerely,

Cliff Branch  
Fair Sky Properties  
755 Santa Rosa St. Ste. 310  
San Luis Obispo, CA 93401

# Attachment 4: Appellant's Statement



In the City's letter of April 24, the Planning Department expressed concerns about the issuance of a permit, as it may have an effect on the **"integrity and character"** of TC-1 District. The photos that appear on the following pages were all taken in the TC-1 District. Given that these businesses already exist in the same district, it should be self-evident that the Dubs Green Garden storefront will not likely diminish the "character or integrity" of the surrounding area. There is very little foot traffic by this storefront!



NOTE: When Dubs Green Garden leased this office space, the unit was extremely dilapidated and in need of repairs. The space had been historically used as office space for a wholesale flower company, as well as a motorcycle repair shop. Previously, the unit had been vacant for over a year. Since being leased by Dubs Green Garden, new ceramic tile flooring has been installed, the unit has been completely re-painted, repairs have been made to the lighting, plumbing and HVAC, and a state of the art security system has been installed.

# Attachment 4: Appellant's Statement



4,000lb fireproof safe for storage of medical cannabis bag. Located in the rear storage room of Dubs Green Garden

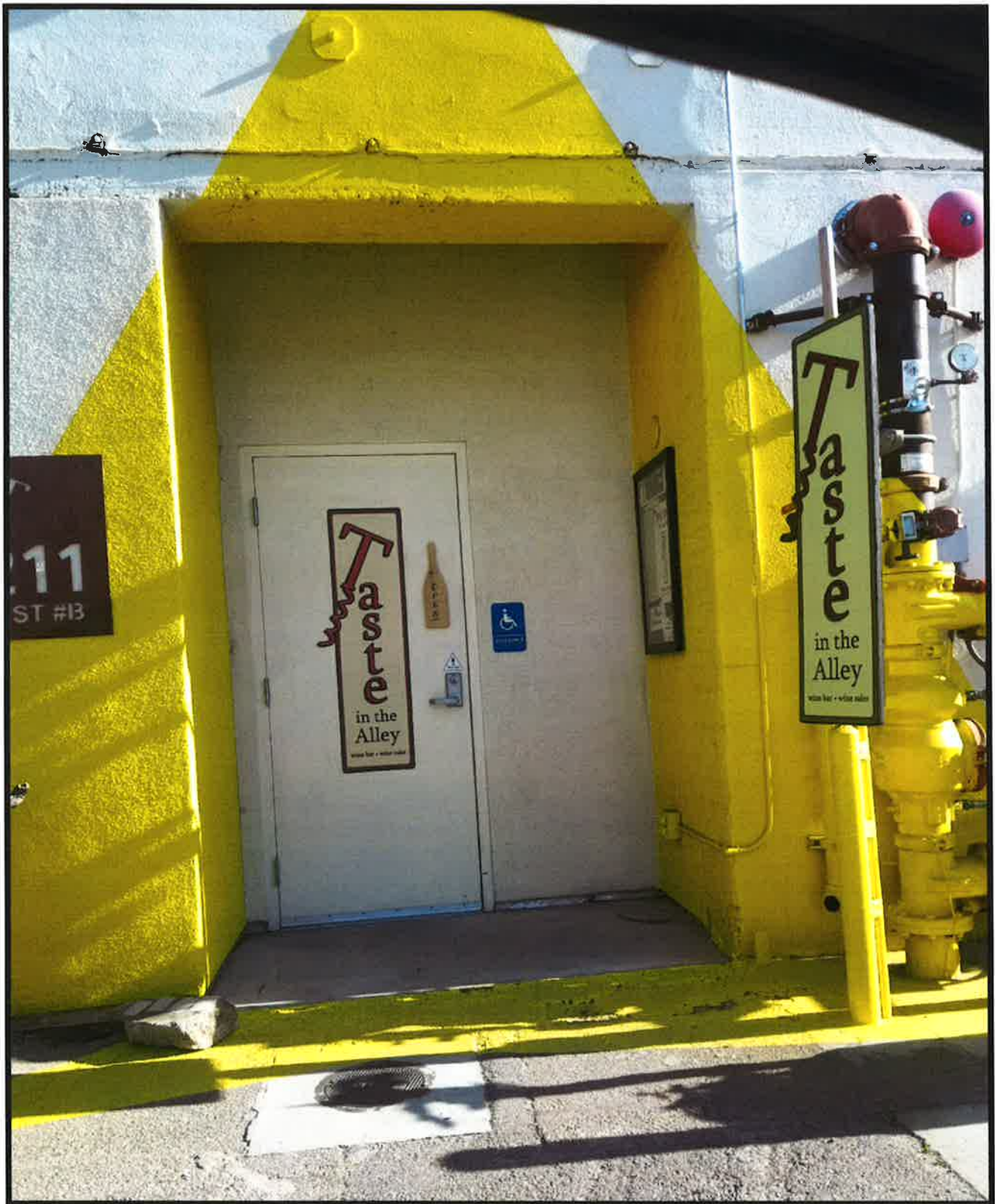


Medical bag used for delivery of medical cannabis prescriptions, to be stored in the safe.



Typical medical cannabis prescriptions NOTE: All medical cannabis prescriptions are sealed with plastic, thus there is no odor associated with storage.

# Attachment 4: Appellant's Statement



An example of the existing "integrity and character" of the TC-1 Zoning District

# Attachment 4: Appellant's Statement



An example of the existing “integrity and character” of the TC-1 Zoning District



An example of the existing “integrity and character” of the TC-1 Zoning District

# Attachment 4: Appellant's Statement



An example of the existing “integrity and character” in and around the TC-1 Zoning District



An example of the existing “integrity and character” of the TC-1 Zoning District

# Attachment 4: Appellant's Statement



An example of the existing “integrity and character” of the TC-1 Zoning District



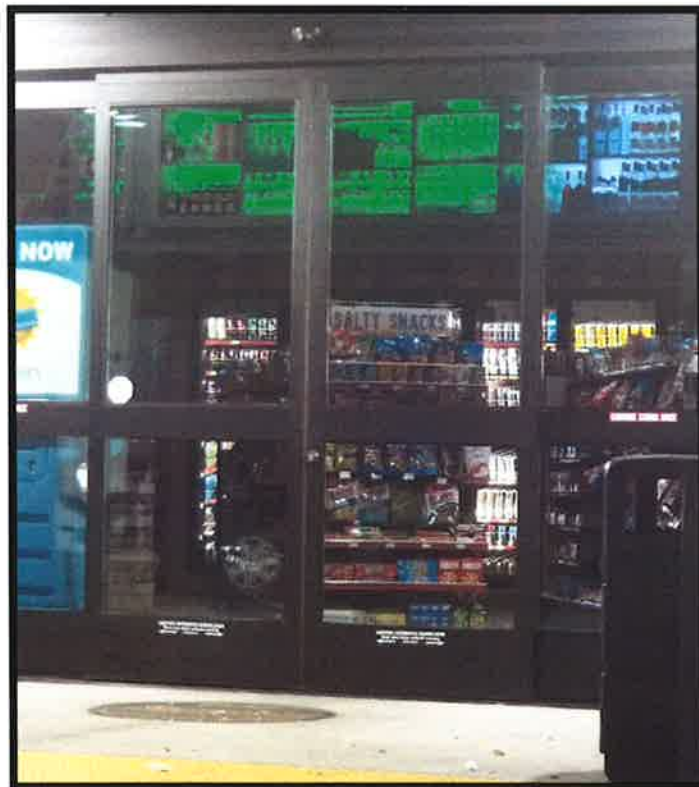
An example of the existing “integrity and character” of the TC-1 Zoning District



# Attachment 4: Appellant's Statement



An example of the existing “integrity and character” of the TC-1 Zoning District



An example of the existing “integrity and character” of the TC-1 Zoning District

# Attachment 4: Appellant's Statement



An example of the existing “integrity and character” of the TC-1 Zoning District



An example of the existing “integrity and character” of the TC-1 Zoning District



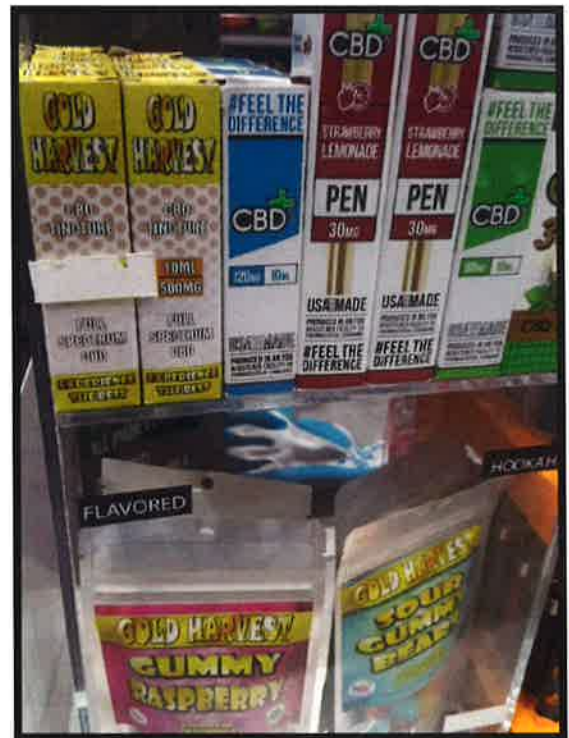
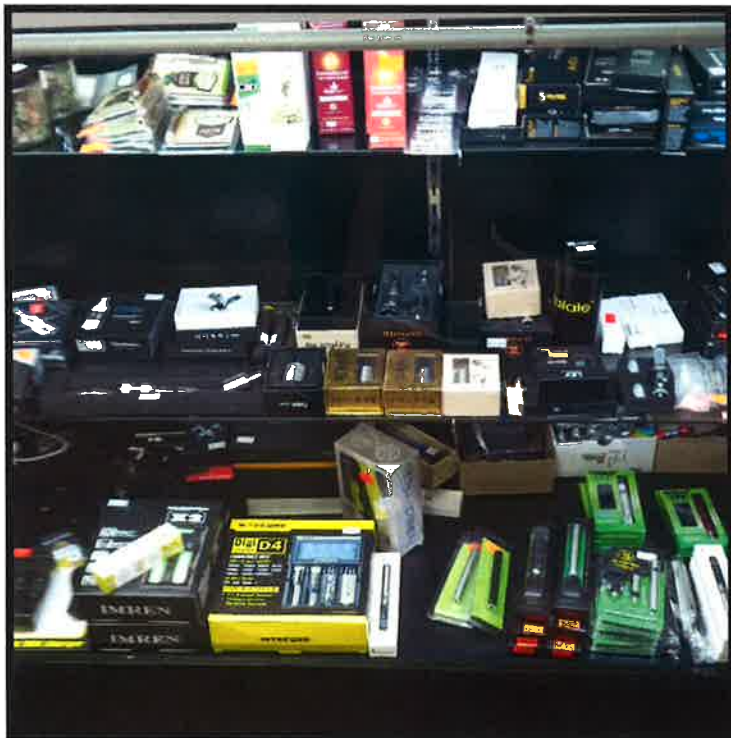
Cannabis-based CBD products currently for sale in the TC-1 Zoning District



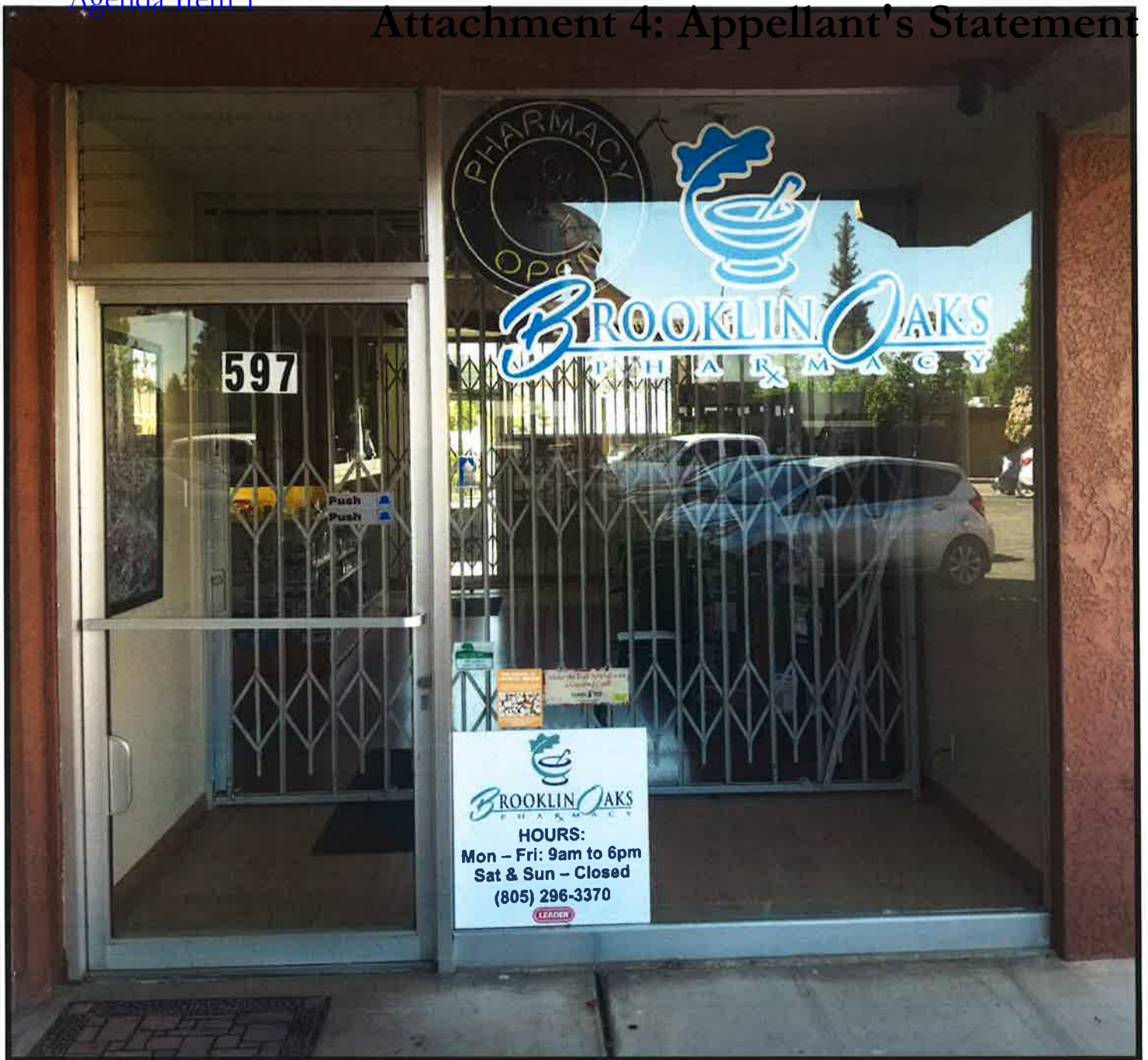
# Attachment 4: Appellant's Statement



Drug paraphernalia currently for sale in the TC-1 Zoning District. Items in the photo are typically used for smoking crack cocaine, methamphetamine, marijuana and other substances.



Cannabis-based CBD products currently for sale in the TC-1 Zoning District



Drug store in the TC-1 Zoning District offering prescription opiates and other narcotics.

# Attachment 4: Appellant's Statement



The building photographed is located directly across the street from the Dubs Green Garden storefront, another prime example of the “integrity and character” of the TC-1 Zoning District.



# Attachment 4: Appellant's Statement

## Established Businesses in the TC-1 Zoning District

The following addresses are existing establishments located within the TC-1 Zoning District that currently offer alcoholic beverages, prescription drugs (such as opiates and other narcotics) and/or cannabis-based CBD products for retail sale:

- |     |                          |     |                                 |
|-----|--------------------------|-----|---------------------------------|
| 1.  | 1145 Spring St.          | 21. | 1234 Park St.                   |
| 2.  | 1215 Spring St.          | 22. | 1240 Park St.                   |
| 3.  | 1319 Spring St.          | 23. | 1244 Park St.                   |
| 4.  | 1441 Spring St.          | 24. | 1317 Park St.                   |
| 5.  | 1514 Spring St.          | 25. | 1322 Park St.                   |
| 6.  | 836 11 <sup>th</sup> St. | 26. | 1344 Park St.                   |
| 7.  | 565 12 <sup>th</sup> St. | 27. | 1420 Park St.                   |
| 8.  | 597 12 <sup>th</sup> St. | 28. | 710 Pine St.                    |
| 9.  | 612 12 <sup>th</sup> St. | 29. | 740 Pine St.                    |
| 10. | 622 12 <sup>th</sup> St. | 30. | 1122 Pine St.                   |
| 11. | 725 12 <sup>th</sup> St. | 31. | 1144 Pine St.                   |
| 12. | 729 12 <sup>th</sup> St. | 32. | 1140 Pine St.                   |
| 13. | 835 12 <sup>th</sup> St. | 33. | 1202 Pine St.                   |
| 14. | 727 13 <sup>th</sup> St. | 34. | 1211 Pine St. #B (in the alley) |
| 15. | 809 13 <sup>th</sup> St. | 35. | 1213 Pine St. (in the alley)    |
| 16. | 827 13 <sup>th</sup> St. | 36. | 1234 Pine St.                   |
| 17. | 829 13 <sup>th</sup> St. | 37. | 1244 Pine St.                   |
| 18. | 840 13 <sup>th</sup> St. | 38. | 1306 Pine St.                   |
| 19. | 1210 Park St.            |     |                                 |
| 20. | 1220 Park St.            |     |                                 |

# Attachment 4: Appellant's Statement



## PERMITS REQUIRED

La Vida Verde

April 26, 2018

Hello,

In order to maintain our compliance, we need to collect the State Temporary Permits from you, our customers.

This information must be received by **May 2nd** in order to continue to sell our line of Brass Knuckles, La Vida Verde, Blank, Skunk Feather, and LA Kush to your company. We are also considering if you are in the application process to use that towards your compliance. We are willing to use your application as a good faith effort with the State if needed.

I know from talking to you that many, many municipalities are lagging behind in approving any local permits making it difficult to get the State one. To put it mildly, this sucks. As you have tirelessly been working towards advancing our industry only to be blocked by small-minded and/or corrupt local politicians. If you are willing, please call the State Cannabis Bureau and voice your concerns.

If you have any kind of paperwork, please email to [darcy@lavidaverde.com](mailto:darcy@lavidaverde.com) as soon as possible. And if you have any questions, please don't hesitate to contact me.

Thank you!

**NOTE:** This recently received letter is typical of several letters that have been sent by the wholesale vendors supplying medical cannabis products to Dubs Green Garden. If Dubs Green Garden is not issued a TUP from the City of Paso Robles, they will be cut off from their suppliers and unable to conduct business.



# Attachment 4: Appellant's Statement

*(Excerpts from an article from Web MD)*

## **CBD Has Health Benefits**

Dec. 15, 2017 – A compound found in the cannabis plant is not harmful, has health benefits, and does not have abuse potential, experts at the World Health Organization say.

The World Health Organization Expert Committee on Drug Dependence focused on cannabidiol, or **CBD**, one of the naturally occurring cannabinoids found in cannabis plants. After reviewing evidence from animal and human studies, the committee concludes that "In humans, **CBD** exhibits no effects indicative of any abuse or dependence potential."

### **Medical Marijuana**

Medical marijuana is any part of the marijuana plant that you use to treat health problems. People use it to get relief from their symptoms, not to try to get high.

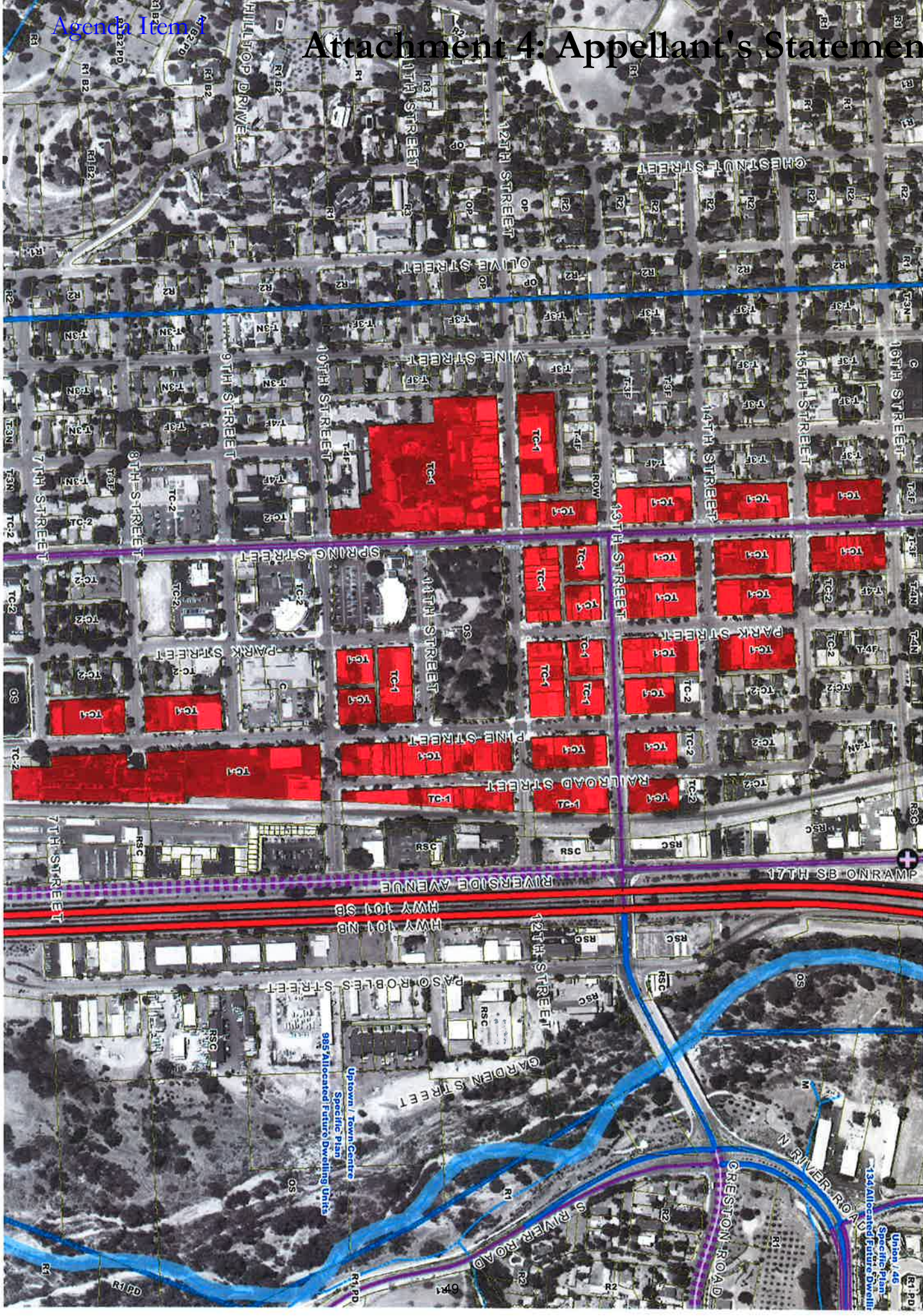
Medical marijuana is specially grown to have less of the chemicals that cause feelings of euphoria. The experts also say that **CBD** might be able to treat epilepsy (where most research has focused), although results are mixed. Other conditions it might treat are Alzheimer's disease, Parkinson's, anxiety, depression, and other maladies. **CBD** may ease inflammation, provide antioxidants, and relieve pain.

Twenty-nine states and Washington, D.C., have legalized the use of marijuana for recreational or medicinal purposes. Other states, including Georgia, have legalized the possession of **CBD** to treat specific disorders.

**CBD** is an ingredient in popular products sold over the counter as oils, extracts, supplements, and gum to treat many ailments.

**CBD** usually is given as a capsule or dissolved in liquid to be taken orally, under the tongue, or as a nasal spray. **CBD** does not produce the high. In fact, **CBD** appears to have effects opposite of **THC**. The experts produced the report in November, while the WHO announced its conclusions this week. In May, the committee will study cannabis and cannabis-related substances more fully. Other major studies have shown marijuana and its products can relieve pain, nausea related to cancer treatment and multiple sclerosis-related muscle spasms. But using cannabis has well-known short-term and long-term health effects, such as learning and coordination problems.

# Attachment 4: Appellant's Statement



# Attachment 4: Appellant's Statement



## PERMITS REQUIRED

La Vida Verde

April 26, 2018

Hello,

In order to maintain our compliance, we need to collect the State Temporary Permits from you, our customers.

This information must be received by **May 2nd** in order to continue to sell our line of Brass Knuckles, La Vida Verde, Blank, Skunk Feather, and LA Kush to your company. We are also considering if you are in the application process to use that towards your compliance. We are willing to use your application as a good faith effort with the State if needed.

I know from talking to you that many, many municipalities are lagging behind in approving any local permits making it difficult to get the State one. To put it mildly, this sucks. As you have tirelessly been working towards advancing our industry only to be blocked by small-minded and/or corrupt local politicians. If you are willing, please call the State Cannabis Bureau and voice your concerns.

If you have any kind of paperwork, please email to [darcy@lavidaverde.com](mailto:darcy@lavidaverde.com) as soon as possible. And if you have any questions, please don't hesitate to contact me.

Thank you!

**NOTE:** This recently received letter is typical of several letters that have been sent by the wholesale vendors supplying medical cannabis products to Dubs Green Garden. If Dubs Green Garden is not issued a TUP from the City of Paso Robles, they will be cut off from their suppliers and unable to conduct business.

**Susan DeCarli**

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**From:** Susan DeCarli  
**Sent:** Monday, May 14, 2018 10:32 AM  
**To:** [REDACTED]  
**Subject:** RE: Dubs green garden

Hi –

Thank you for sharing your comments, I will forward them to the Planning Commission for consideration.

Best,

Susan DeCarli

City Planner

**From:** jrobertson [REDACTED]  
**Sent:** Saturday, May 12, 2018 6:30 PM  
**To:** Susan DeCarli <SDeCarli@prcity.com>  
**Subject:** Dubs green garden

To whom it may concern Dubs green garden is a great and professional delivery service that helps people get there medical marajuina and CBD which is what I get hope you guys allow this great company in to our city thank you

Sent from my Verizon 4G LTE smartphone

**Susan DeCarli**

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**From:** Thomas Zundel [REDACTED]  
**Sent:** Saturday, May 12, 2018 4:58 PM  
**To:** Susan DeCarli  
**Subject:** Dubs Green Garden

To Whom it may concern,

I would like you to know that DGG is doing a great service to the community by helping people like me get the pain relief I can not get from any doctor.

I have had to live with back pain for many years, I have tried pretty much everything. Doctors tell me they can't do anything for me, that I just had to live with it. DGG has provided me relief from my pain and I now am able to have a better quality of life. Please consider this when making decisions regarding Dubs Green Garden.

Thomas Zundel  
[REDACTED]

Sent from my iPhone

**Susan DeCarli**

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**From:** heidi marks [REDACTED]  
**Sent:** Saturday, May 12, 2018 4:33 PM  
**To:** Susan DeCarli  
**Subject:** Dubs green garden

5 stars all around,excellent customer service! Only delivery I use!

Happy Connecting. Sent from my Sprint Samsung Galaxy S@ 5

**Susan DeCarli**

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**From:** Sherrie Worrell [REDACTED]  
**Sent:** Sunday, May 13, 2018 8:22 AM  
**To:** Susan DeCarli  
**Subject:** Dubs Green Garden

Dubs is always available to help me with all of my Cannabis needs I am a medical Cannabis user and a Cancer survivor Dubs allows me a comfortable and discreet way to get my medication.

**Susan DeCarli**

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**From:** Earon Jones [REDACTED]  
**Sent:** Monday, May 14, 2018 9:42 AM  
**To:** Susan DeCarli  
**Subject:** Dubs green care

I am a homeowner and manager in North county and I feel he has a service that is needed for this area and very professional



**Susan DeCarli**

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**From:** Mark Fleming [REDACTED]  
**Sent:** Sunday, May 13, 2018 2:09 PM  
**To:** Susan DeCarli  
**Subject:** Re: Dubs Green Garden Collective.

My name is Mark Fleming..

I used to be a campus security officer in Fresno County..

I was assaulted on campus and received life-threatening injuries. I was attacked by the parent of a female fighter on my campus. My injuries are: a torn right rotator cuff, that will never heal properly.

Spine damage in vertebrae C6 and C7.

Spy damage in vertebrae, L4 L5 and L6.

I have nerve damage in my lower extremities, nerve damage in my upper extremities. Dubs Green Garden collective is a Godsend...

I have gone to pain management doctors in the past.

Clearing the way for me to be legal. Don't know what I'd do without Dub's.

MCF

Sent from my iPhone

**Susan DeCarli**

---

**From:** Stacey Sinclair [REDACTED]  
**Sent:** Sunday, May 13, 2018 11:04 PM  
**To:** Susan DeCarli  
**Subject:** Medical marijuana delivery

To whom it may concern,

My name is Stacey, I am writing this email to formally speak on behalf of Dubs at Green Garden delivery services. I have been struggling with depression, anxiety, and insomnia for almost 11 years now. After years of over-the-counter prescriptions I decided to stop taking them for a more natural remedy for my body and get my medical marijuana card. When I had called Dubs green garden for a prescription delivery, not only did he come to my home promptly, professionally and with an extreme amount of knowledge, he also recommended me certain strains for certain emotions. Everything he has ever recommended me has helped to ease my anxiety, depression and insomnia. This is the only company I go to now for years, With out this company, I don't know where I would ever trust to get what I need or when I need it. Please help keep his business growing, there are a lot of people who truly need it and benefit from it. Keep it local, keep it professional.

Sincerely,  
Stacey Raygada

**Susan DeCarli**

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**From:** Rodney [REDACTED]  
**Sent:** Sunday, May 13, 2018 10:14 PM  
**To:** Susan DeCarli  
**Subject:** Ernest Hall reference

To whom it may concern,

I'm sending this email to give a service reference for Dubs Green Gardens. I've had service from Ernest Hall who is very professional and always on time. He is a great pleasure to work with and I would recommend him to any and everyone I know. If you have any specific questions you would like answered please do not hesitate to contact me.

Thank you,  
Rodney Davis

**Susan DeCarli**

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**From:** Melody Young [REDACTED]  
**Sent:** Monday, May 14, 2018 6:55 PM  
**To:** Susan DeCarli  
**Subject:** Dubs Green Garden

I was mortified to hear Dubs could be shut down!! I have been dealing with Dub & his driver's for several years. I have been treated with nothing but the utmost respect & anyone I've ever dealt with has been respectful. The providers are knowledgeable & helpful & I rely on Dubs Green Garden. I have horrible anxiety & PTSD & I can call Dub anytime of day or night & he's there. PLEASE give Dub his license back!!!

**Susan DeCarli**

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**From:** Jon McCray [REDACTED]  
**Sent:** Monday, May 14, 2018 6:24 PM  
**To:** Susan DeCarli  
**Subject:** DubsGreenGarden

DubsGreenGarden I have to say they are very consistent, reliable knowledgeable an got tha best flowers on tha coast, I'm from "Vee'(Vallejo) an being here I've been a lil home sick, bt dubs green garden makes it a little easier.

Sent from my iPhone

**Susan DeCarli**

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**From:** srvforever [REDACTED]  
**Sent:** Monday, May 14, 2018 2:42 PM  
**To:** Susan DeCarli  
**Subject:** Dubs Green Garden

To Whom this may concern:

I am writing you in support of Ernest Hall's business "Dubs Green Garden". I am a customer who suffers from severe lumbar and cyatica pain. Dubs Green Garden has always been there to help me find the best CBD infused cannibus medication to deal with my pain. This business is the only one who has gone the extra mile in acquiring and keeping the products in stock that best help my back and leg pain. Because of this pain, even traveling somewhere close like San Luis Obispo is painful. There are days when I can't get out of bed without the help of his service. Green Garden is the only delivery service in SLO County that I will deal with.

Ernest really cares about his customers, his is the only company that makes me feel relaxed and not like I'm just a dollar sign. He really listens and wants his customers to get the best care possible. Green Garden never makes me feel bad and always takes the time to answer any questions I might have about the Cannabinoid/Cannabidial medications they carry. Before Dub's was delivering, I never felt like the other delivery services really cared about the customers who were looking for help. They never kept products in stock and always seemed to make me feel like I was taking up their time. His service is always prompt and courteous and if they did not carry something I was looking for, they do their best to acquire it and keep it in stock. They also offer a "money back guarantee" if you are not satisfied. North County needs Dub's Green Garden.

Sincerely,  
Patti Jackson  
Atascadero, CA  
[REDACTED]

**Susan DeCarli**

---

**From:** Rob Appell [REDACTED]  
**Sent:** Monday, May 14, 2018 7:17 PM  
**To:** Susan DeCarli  
**Subject:** Dubs Green Garden Cannabis delivery

I understand that there is a permit process in place. I have used Dubs service for the past few months. Nice guys, good citizens. I appreciate the need for permits and oversight. These gentlemen have been a great resource for my medical marijuana needs. Thank you, Rob Appell

**Susan DeCarli**

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**From:** Mike Vasquez [REDACTED]  
**Sent:** Monday, May 14, 2018 7:16 PM  
**To:** Susan DeCarli  
**Subject:** City approval

My name is Mike Vasquez I am a consistent client to Dub's Green Garden! It happens that the pills that are prescribed to me by most physicians upset my stomach or simply make me physically ill! Please continue to let us, that need relief, form chronic pain continue to receive the relief that is delivered to me?



**Susan DeCarli**

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**From:** Melody Young [REDACTED]  
**Sent:** Monday, May 14, 2018 7:02 PM  
**To:** Susan DeCarli  
**Subject:** Closure of Dubs Green Garden

OMGosh....what an incredible inconvenience this is going to create for me & many of my friends & Dubs clients!!! This is absurd! Dub & his driver's have been entering my home for years & have always been professional & respectful. I think it's unjustified to relinquish Dubs license & which will eliminate a service that is extremely needed.

**Susan DeCarli**

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**From:** Sheila Lee [REDACTED]  
**Sent:** Tuesday, May 15, 2018 7:05 AM  
**To:** Susan DeCarli  
**Subject:** Dub's Garden Delivery Service

To Whom it may concern:

I'm writing on behalf of Dub's Garden regarding their delivery service. I don't have a car so having delivery is the only way I can get my medicine. I'm pleading with you to grant approval for delivery service. Thank you for your support!

Sheila Lee

Sent from my iPhone

**Susan DeCarli**

---

**From:** Vyc Corley [REDACTED]  
**Sent:** Monday, May 14, 2018 7:55 PM  
**To:** Susan DeCarli

5-14-2018 Hello. My name is Vyctor L. Corley. I am a longtime resident of Paso Robles Ca. I approve of DUB'S Green Garden. I along with other hard working citizens of the community are grateful for DUB'S services here in our wonderful community. Thank you for your time and please help us support DUB'S Green Garden.

Sincerely,  
Vyctor L. Corley

**Susan DeCarli**

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**From:** Randall Sears [REDACTED]  
**Sent:** Tuesday, May 15, 2018 9:11 PM  
**To:** Susan DeCarli  
**Subject:** Review

My wife and I are in our 60's and have been living with extreme pain for decades. Sometimes we are not capable of driving and some times we need reliable and safe delivery. We trust this service to be our delivery service and would recommend them to our neighbors. Thank you for giving them your consideration.

RANDALL SEARS

[REDACTED]  
Atascadero, ca  
[REDACTED]

**Susan DeCarli**

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**From:** Donnie Watkins [REDACTED]  
**Sent:** Tuesday, May 15, 2018 9:36 PM  
**To:** Susan DeCarli  
**Subject:** Her City Planner RE:Delivery

Dubs Green Garden Has Been Very Professional For The Last Year They Have Always Delivered on Time And Is My Only Preferred Source For the last two years I highly recommend Sincerely Don Watkins 5 Cites ,Pismo.

**Susan DeCarli**

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**From:** abullah mohamed swager [REDACTED]  
**Sent:** Wednesday, May 16, 2018 2:48 PM  
**To:** Susan DeCarli  
**Subject:** medical cannabis provider

dubs green garden has been a great help for me and a secure provider in quality medicine it has helped me stop drinking and focus in more positive manner through the whole community if not for them i might not be here to say thanks please help them establish a site for walk ins or any help for this helps our community grow and prosper

RECEIVED

MAY 14 2018

City of Paso Robles  
Community Development Dept

**THE** *Newspaper of the Central Coast*  
**TRIBUNE**

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In The Superior Court of The State of California  
In and for the County of San Luis Obispo

AD #3655658  
CITY OF PASO ROBLES

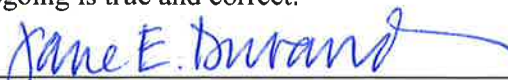
STATE OF CALIFORNIA

ss.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; MAY 11, 2018 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



(Signature of Principal Clerk)

DATE: MAY 11, 2018

AD COST: \$210.54

**CITY OF EL PASO DE ROBLES**  
"The Pass of the Oaks"

**NOTICE OF PLANNING COMMISSION PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Planning Commission will hold a Public Hearing on May 22, 2018, at 6:30 p.m. at the Library Conference Center, 1000 Spring Street, Paso Robles, California, to consider the following project:

**APPLICATION:** Appeal (APL18-01) of the Community Development Director's April 24, 2018 Notice of Denial of a Temporary Use Permit (TUP 18-002) for a temporary, medical marijuana delivery service business office in the TC-1 zoning district.

**APPLICANT:** Dubs Green Garden

**LOCATION:** 1401 Park Street; Assessor's Parcel Number 008-322-013

**ENVIRONMENTAL DETERMINATION:** This application is exempt from review under the California Environmental Quality Act.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at [planning@prcity.com](mailto:planning@prcity.com). Comments on the proposed application may be mailed to the Community Development Department, or emailed to [planning@prcity.com](mailto:planning@prcity.com) provided that such comments are received prior to the time of the hearings.

If you challenge the application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Copies of the staff report pertaining to this project will be available for review at the Community Development Department on the Thursday preceding the hearing (copies are available for purchase for the cost of reproduction). If you have any questions, please contact the Community Development Department at (805) 237-3970.

Susan DeCarli  
City Planner  
May 11, 2018

3655658



**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Temporary Use Permit 18-002, on this 11<sup>th</sup> day of May, 2018.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:   
Monica Hollenbeck