



# City of Morro Bay

Morro Bay, CA 93442 • 805-772-6200  
www.morro-bay.ca.us

July 18, 2006

Charles Lynch  
589 Rosemary Ln  
Arroyo Grande, CA 93420

SUBJECT: Case Number UP0-123

SITE: 780 Monterey Avenue

Dear Mr. Lynch:

At its regular meeting on July 17, 2006 the Planning Commission approved your request for a Conditional Use Permit to occupy an existing 60 square-foot of floor area for the purposes of adding cannabis plants (clones) with conditions. This Conditional Use Permit is subject to conditions, which are specified in the attached conditions of approval. The Planning Commission added a condition that annual report be filed with this business.

This action does not constitute a building permit. If you wish to further modify the interior of the building that would require a building permit you are subject to the applicable rules and regulations of the Morro Bay Municipal Code, and must initiate any further processing of this project including building and sign modification permits.

The Morro Bay Municipal Code provides for an appeal of the action by the Planning Commission within ten (10) days of adoption and anyone wishing to appeal may do so in writing by delivering such letter to the office of the City Clerk. There is a fee for processing appeals, which are not coastal permits.

Sincerely,

Mike Prater, Senior Planner

Enclosures: Permit, Findings & Conditions of Approval

CC: Bob Davis, P.O. Box 6523, Los Osos, Ca. 93412

FINANCE  
595 Harbor Street  
HARBOR DEPARTMENT  
1275 Embarcadero Road

ADMINISTRATION  
595 Harbor Street  
CITY ATTORNEY  
955 Shasta Avenue

FIRE DEPARTMENT  
715 Harbor Street  
POLICE DEPARTMENT  
850 Morro Bay Boulevard

PUBLIC SERVICES  
955 Shasta Street  
RECREATION AND PARKS  
1001 Kennedy Way



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## CONDITIONAL USE PERMIT

CASE NO: UP0-123

THIS PERMIT IS HEREBY APPROVED AND ISSUED FOR:

SITE ADDRESS: 780 Monterey Avenue

APPLICANT: Charles Lynch

APN: 066-121-001 LEGAL: Portion of Lot 7, Block 27, Town of Morro

DATE APPROVED: July 17, 2006 APPROVED BY: PLANNING COMMISSION

**APPROVED BASED UPON ATTACHED FINDINGS (Findings and Conditions of Approval Attached)**

CEQA DETERMINATION: CATEGORICAL EXEMPTION, CLASS 1, SECTIONS 15301

**DESCRIPTION OF APPROVAL:** Occupation of an existing 60 square-feet of floor area for the purposes of adding cannabis plants (clones) with conditions.

THIS APPROVAL IS CONDITIONAL AND IS VALID *ONLY IF CONDITIONS (ATTACHED) ARE MET AND ONLY AFTER THE APPLICABLE APPEAL PERIOD*. Failure to comply with the conditions of this permit shall, at the discretion of the Public Services Director pursuant to Municipal Code Section 17.60.150, render this entitlement null and void.

**PERMIT EFFECTIVE DATE & INFORMATION APPLICABLE TO YOUR PROJECT IS OUTLINED FOLLOWING THE BOX CHECKED BELOW:**

YOUR PROPERTY IS LOCATED IN THE CITY OF MORRO BAY JURISDICTION, THERE IS AN APPEAL PERIOD OF TEN (10) *Calendar days*, WITHIN WHICH TIME YOUR PERMIT IS APPEALABLE TO THE CITY COUNCIL.

YOUR PROPERTY IS LOCATED OUTSIDE THE COASTAL COMMISSION'S APPEAL JURISDICTION.

IF NOT APPEALED, YOUR PERMIT WILL BE EFFECTIVE: July 28, 2006

ATTEST: *Mike Prater* DATE: July 18, 2006

Mike Prater, Senior Planner  
FOR: Bruce Ambo, Public Services Director

**THIS IS A DISCRETIONARY APPROVAL AND DOES NOT CONSTITUTE A BUILDING PERMIT**

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## EXHIBIT A: FINDINGS FOR APPROVAL

UP0-123: The applicant requests a Conditional Use Permit to Add Medical Cannabis Plant Nursery to an existing medical marijuana dispensary business in the C-1 zone district.

### California Environmental Quality Act (CEQA)

- A. The project is Categorical Exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1 exemption for "minor alterations to existing facilities", (State CEQA Guidelines Section 15301). There are no known sensitive environmental resources on the project site that would suggest that the exemption should not be applied.

### Conditional Use Permit Findings:

- B. That the dispensary permit is consistent with the intent of Proposition 215 and related State Law, the provisions of the Zoning Code.
- C. That the dispensary location is not identified as having significant crime issues. That there have not been significant numbers of calls for police service, crimes or arrests in the area.
- D. That an applicant or employee is not under eighteen (18) years of age.
- E. That an appropriate limit on size of the dispensary has been established and the requested permit would not exceed limitations on number of patients.
- F. That issuance of a dispensary permit for the size requested is justified to meet the needs of residents.
- G. That the site plan, floor plan, and security plan have incorporated features necessary to assist in reducing potential crime-related problems. These features may include, but are not limited to, security on-site; procedures for allowing entry; openness to surveillance and control of the premises; the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior.
- H. That no dispensary use, owner, permittee, agent, or employee has violated any provision of municipal code including grounds for suspension, modification or revocation of a permit.
- I. That all reasonable measures have been incorporated into the plan and/or consistently taken to successfully control the establishment's patrons' conduct resulting in disturbances, vandalism, crowd control inside or outside the premises, traffic control problems, ingesting cannabis in public, harassment of passerby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct, or police detentions or arrests.
- J. There has been no substantial evidence submitted into the record that would suggest that the project would, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of the project.

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- K. That the applicant, his or her agent or employee, or any person who is exercising managerial authority on behalf of the applicant has not been convicted of a felony, or of a misdemeanor involving moral turpitude, or has engaged in misconduct related to the qualifications, functions or duties of a permittee.

EXHIBIT B:  
CONDITIONS OF APPROVAL

UP0-123: The applicant requests a Conditional Use Permit to Add Medical Cannabis Plant Nursery to an existing medical marijuana dispensary business in the C-1 zone district.

STANDARD CONDITIONS

1. Permit: This permit is granted for the land described in the staff report, referenced above, and all attachments thereto, and as shown on the attached exhibits, and on file with the Public Services Department.
2. Inaugurate Within Two Years: Unless the construction or operation of the structure, facility, or use is commenced not later than two (2) years after the effective date of this approval and is diligently pursued thereafter, this approval will automatically become null and void; provided however, that upon the written request of the applicant, prior to the expiration of this approval the applicant may request up to two extensions for not more than one (1) additional year each. Said extensions may be granted by the Public Services Director, upon finding that the project complies with all applicable provisions of the Morro Bay Municipal Code, General Plan and Local Coastal Program Land Use Plan (LCP) in effect at the time of the extension request.
3. Changes: Any minor change may be approved by the Public Services Director. Any substantial change, as so deemed by the Public Services Director, will require the filing of an application for an amendment to be reviewed by the Planning Commission.
4. Compliance with the Law: All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval.
5. Compliance with Conditions: By issuance of building permits for the proposed use or development, the owner or designee accepts and agrees to comply with all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.
6. Compliance with Morro Bay Standards: This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the Zoning Ordinance, certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
7. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to

attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

### PROJECT-SPECIFIC CONDITIONS

8. Nursery Conditions of Approval will be displayed conspicuously in the nursery area;
9. No more than 12 immature plants per verified patient may be on the premises at one time;
10. No plant shall be taller than 1 foot from the base of the plant;
11. No mature budding plants are allowed;
12. Nursery area will be maintained free of mold, mildew, and fungus;
13. Nursery area will be maintained free of bugs and mites;
14. Nursery dispensing will comply with all provisions of California Health and Safety Code;
15. Nursery area shall not exceed 60 square feet of total office space;
16. The nursery shall be maintained in compliance with regulations the City may issue regarding, but not limited to, the maximum number that may be dispensed in any single transaction. Such regulations may be modified from time to time, as the City deems appropriate.
17. In addition to the cannabis currently sold at this location, all products sold when leaving the business must be disguised in a manner that conceals the contents.
18. The applicant shall provide an annual report to be submitted to the Public Services Department.
19. No active Cannaboids shall be disposed of improperly.