

November 22, 2013

City and County of Denver
Department of Excise and Licenses
Office of Director

Attn: Ms. Judy Steel (with cc: Ruthie Sullivan, John Jennings and Daniel Douglas - Assistant City Attorney)
201 W. Colfax Ave., Department 206
Denver, CO 80202

RE: **Recommended Decision in the matter of the application of Rocky Mountain Farmacy Inc. d/b/a The Retreat for a retail marijuana store license for the premises known and designated as 2420 S. Colorado Boulevard, Denver, Colorado 80222.**

Dear Ms. Steel,

On November 13, 2013 three members of our Warren's University Community Council (WUCC) board, representing our community residents and business owners, went to oppose the retail marijuana license application hearing that was scheduled at 9:00 am. Ms. Patty Ortiz, WUCC's Vice President testified for this opposition and the original WUCC Opposition Letter and Map were admitted into evidence as exhibits P-1 and P-2. The Hearing Officer made his decision and emailed the official Recommended Decision to recommend approval for a retail license for The Retreat on November 13, 2013.

This letter is to inform you and the Denver Department of Excise and Licensing that WUCC wishes to object to the recommended decision that The Retreat obtain a retail marijuana license in our Registered Neighborhood Organization's boundaries as it does not meet the rules and regulations that have been set in the Council Bill No CB13-0570 Amendment 64 Chapter 6, section 6-211. This point was represented in testimony by Ms. Ortiz (reference item 14 in the Recommended Decision document by Hearing Officer William A. Hobbs, November 13, 2013).

Item 14 of the Recommended Decision further states *"On behalf of the City, Mr. Douglas clarified that the Department will determine after the hearing and prior to issuance of a license whether the premises are within a prohibited location, and the Department will not issue the license if it determines that the premises are in a prohibited location."*

The evidence that "The Retreat" does not meet the rules and regulations of the Council Bill No CB13-0570 is described in the following analysis utilizing the criteria of Section 6-201 (Defined terms) and Section 6-211 (Licensing requirements - Retail Marijuana Stores).

Sec. 6-201. (5) School means a public or private preschool or a public or private elementary, middle, junior high, or high school.

Sec. 6-211. (c) Prohibited locations. No retail marijuana store license shall be issued for the following locations:

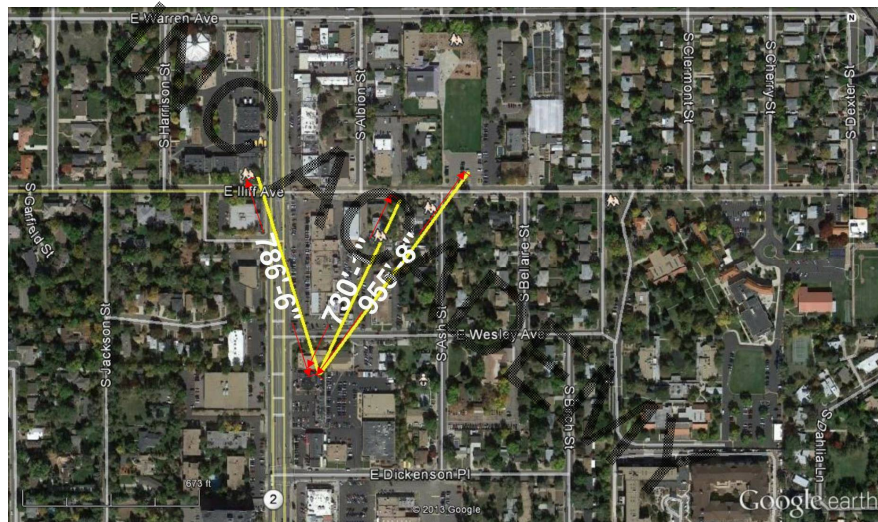
(2) Within one thousand (1,000) feet of any school, with the distance computed by direct measurement **in a straight line** from the nearest property line of the land used for school to the

nearest portion of the building in which the retail marijuana store is located. ~~using a route of direct pedestrian access.~~

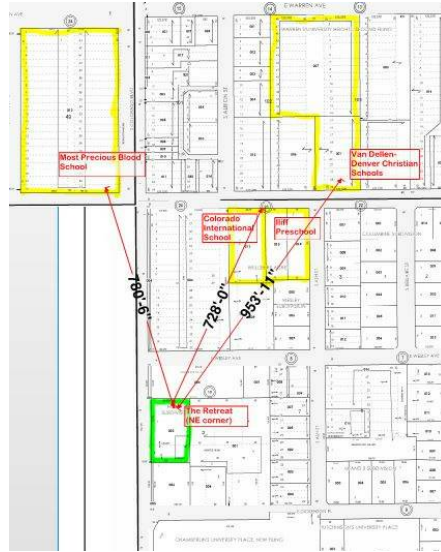
There are four (4) schools located within a 1,000 foot distance of The Retreat including:

- **Colorado International School, 4100 E. Iliff Ave**
- **Iliff Preschool, 4140 E. Iliff Ave, Denver, CO 80222**
- **Most Precious Blood School, 2227 S. Colorado Blvd Denver, CO 80222**
- **Van Dellen – Denver Christian Schools 4200 E. Warren Ave Denver, CO 80222**

The map provided by WUCC in the hearing showing a 1,000 foot radius around The Retreat and schools within that affected area did not include a scale bar or labeled distances to individual properties, although Ms. Ortiz testified the figure and measurements were generated using the measurement tool in Google Earth. WUCC has repeated the analysis in Google Earth including a scale bar provided by Google Earth along with distance labels to each of the school properties. The full version of the map correlating to the snapshot below is included as an attachment.



The schools near The Retreat were identified using Google Maps. The address of The Retreat was input to Google Maps followed by a “search nearby – schools” request. To further follow up on what WUCC knows to be vibrant, functioning schools in the neighborhood we have provided snapshots (as an attachment) of the property record details from the Denvergov website for both The Retreat location and each of the school addresses confirming these properties are school properties. The distances from The Retreat to the school properties were also confirmed utilizing Denver County Assessor’s Maps 06303, 06302 and 05251 (obtained from Denver from their website). The assessor maps have a scale bar that was utilized to perform the measurements. As shown in the excerpt below, the measurements using the assessor maps confirm the measurements performed using Google Earth (the full size map pdf is included as an attachment).



As indisputably demonstrated by the above analyses, the applicant does not meet the rules and requirements to obtain a retail marijuana license and based on this we re-affirm our opposition to a retail marijuana establishment in our neighborhood community.

Sincerely,
WUCC

Warren's University Community Council Members:

- ArlisRuter, President, Warrens University Community Council (WUCC) 170
- Patty Ortiz, Vice President, Warrens University Community Council (WUCC)
- Sheila Gargan, Secretary, Warrens University Community Council (WUCC)
- Don VonDonslear, Treasurer Warrens University Community Council (WUCC)
- Jack Strube, Board Member, Warrens University Community Council (WUCC)
- Edie Petz, Board Member, Warrens University Community Council (WUCC)
- Steve Arnold, Board Member, Warrens University Community Council (WUCC)