

# Conditional Use Permit “CUP” Process

- ⌘ The LBCA proposes two separate tracks for obtaining a Conditional Use Permit:
  - ⌘ • No new dispensary or cultivation site may operate in the City without first obtaining a Medical Marijuana Conditional Use Permit prior to initiating operations.
  - ⌘ • No previously exempted/vetted dispensary and/or cultivation site may continue operating in the City unless it applies for a Conditional Use Permit within thirty (30) days of resuming operations under this Chapter. .
- ⌘ In the former ordinance, the City established a Medical Marijuana Permit application process, which we believe can be adopted by this Commission and converted to the CUP process.

# Conditional Use Permit “CUP” Process

1. Building Construction/Plan and Schedule for Planned Construction
2. Security Plan
3. Fire Prevention/Protection Plan
4. Environmental Plan & Practices
5. Community Benefits & Proactive Efforts
6. Parking Plan/Requirements
7. Proof of Insurance

- Building Construction/Plan and Schedule for Planned Construction:** Applicants should submit a narrative outlining the elements of proposed construction and improvements; time-line for proposed construction and improvements; detailing type and number of anticipated building and construction permits that may be required;
- Fire Prevention/Protection Plan:** A fire inspection will be required annually prior to renewal of any permit awarded, to assure that adequate fire safety measures remain in place. An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues
- Community Benefits & Proactive Efforts :** Applicants must show how they plan to have minimal nuisance or negative impacts on their neighbors and community. Nuisance/negative impacts include but are not limited to: noise, odor, increased foot or vehicle traffic and increase in safety related concerns;
- Proof of Insurance :** Applicants must obtain, show proof of and at all times maintain general commercial liability insurance that includes/does not exclude public nuisance coverage, as well as indemnity insurance indemnifying the City, of at least \$1,000,000.00, and naming the City as a beneficiary thereunder



# Industrial Zone Limitations

- ⌘ **A strict limitation of all dispensaries and cultivation sites to industrial only zones is difficult to justify or support unless hardship accommodations for immobile, disabled patients are made in order to assure the safe access mandated under state law.**
- ⌘ Long Beach's industrial zones are not dispersed equally in the city, but rather are concentrated in only a few select districts:
  - ⌘ **• Districts 2, 4 & 6: have no industrial zones**
- ⌘ Therefore a patient residing in a district where no industrial zones are located – i.e. **one third of the population -- would have no local legal access.** Patient would be forced to travel several miles across town and to a location that is remote, with limited public transportation options to accommodate immobility/disability.
- ⌘ Also conflict with the City Council's directive that there be two dispensaries located per district, since then none could be located within Districts 2, 4 and 6.

# Industrial Zone Limitations

- **The City's own staff reports reveal that in all actuality, it would be unlikely that districts 3, 5, 6, or 7 could accommodate dispensaries with these particular rules. With 1,000-foot buffers, likely only districts 1 and 9 (maybe 7) could accommodate them. Therefore in reality, the vast majority of the population would lack legal access.**
- Corroborating those reports is the land use map of dispensary locations under 5.87 with dispensaries in industrial zones in **districts 1 & 9 only**.
- **Lack of Justification for Industrial Zone Only:** Locations of some of the buildings within the industrial zones do not support the justification that limiting the dispensaries to the industrial zones would keep them distant from schools and homes. In most scenarios, there are homes and schools that are located immediately adjacent to an industrial zone. Therefore, the justification is contrived rather than merited.

# **Industrial Zone Limitations**

- **Better Solution: Cultivation sites only allowed in industrial zones, with limited number of dispensaries without cultivation allowed in business corridors to accommodate the immobile patients and provide them with safe access. These dispensaries will then collectively acquire and operate a cultivation site in an industrial only zone.**



# Task-Force

- ⌘ The LBCA has been committed to building a coalition with not only other advocates, but with business owners, home owners and law enforcement in order to provide the best support and guidance possible to the City and this Commission during this ordinance crafting process.
- ⌘ But our commitment is also to continue building upon that coalition and formalize it into an ongoing Neighborhood Task Force that will help the collective operators self police their industry, as well as assist law enforcement and Development Services with crackdowns on the illegal operators and public nuisance abatement.
- ⌘ Neighborhood Task Force: Each collective shall also be required to commit to a strict Code of Conduct, which shall be drafted and overseen by a newly created Neighborhood Task Force comprised of citizen volunteers appointed to the Task Force by members of the City Council, the Chief of Police, the City Prosecutor, the City Attorney, and assigned Dispensary Liaisons. This Task Force shall be responsible for assisting the Chief, the City Prosecutor and the City Attorney with enforcement of this Ordinance, and for monitoring and reducing overall crime, blight, recycling program and drug abuse in the City.

# **Accommodation For Previously Vetted Operators**

- ⌘ When City Council passed the current ban on marijuana collectives back on February 14, 2012, it also crafted an exception for those collectives who had already undergone a thorough vetting process via the 5.87 ordinance. Those collectives were the applicants who had been approved and selected by the City, and whose locations and improvements thereon had already been accepted and approved by the City for development and operation. That is why the City Council has now directed this Commission to develop a method for accommodating those operators under the new ordinance.
- ⌘ Not all of the operators on that list are still viable to reinstate their operations in the same locations as those previously vetted by the City. In addition, after extensive meetings/discussions with council-members, the City Attorney's office, the City Prosecutor's office, and members of the public, the LBCA has recognized and developed key criteria for qualifying the previous vetted operators for reinstatement.



# **Criteria for qualifying vetted operators:**

1. Dispensary has been and continues to be managed by the same original Managing Member(s) previously approved by the City, and each Managing Member is otherwise eligible to operate the dispensary under the new ordinance's operating standards;
2. The exempted dispensary applies for a Medical Marijuana Conditional Use Permit as set forth in the new ordinance, or for a variance, therefrom, within thirty (30) days of resuming operations. Such applications shall take priority for processing and hearing over applications from new applicants.
3. The exempted dispensary was actually open and operating pursuant to the provisions of Chapter 5.87 of the Municipal Code at the time that Chapter was in existence, and prior to the enactment of ban;
4. All of the terms and conditions set forth in under Operating Standards are strictly met;
5. The exempted dispensary has maintained actual, lawful, peaceful, continuous, and uninterrupted possession of the same location (or has maintained the right to reenter location once ban is lifted) that was approved by the City under the provisions of Chapter 5.87 of the Municipal Code at the time that Chapter was in existence.

# Accommodation For Previously Vetted Operators

- ⌘ Accommodation for those previously vetted collectives that are located in commercial zones rather than in industrial zones either through:
  - ⌘ a new exemption to the new ordinance, or
  - ⌘ a variance process and criteria for granting such a variance be developed
  - ⌘ so long as all “buffers” & operating standards are met;
- ⌘ Additional terms and conditions should be adopted for these operators to resume operations prior to obtaining a CUP or variance:
  - ⌘ A cash bond of \$10,000.00 be posted by each vetted/exempted dispensary, with such bond proceeds to be managed by the City Attorney toward nuisance abatement;
  - ⌘ A written agreement for voluntary ceasing of operations and closure in the event of final denial of CUP or variance, and for reimbursement of the City’s attorneys fees and costs in the event of breach thereof (with a grace period of 90 days to wind down operations and vacate premises);
  - ⌘ Proof of Insurance – both liability and indemnity of at least \$1,000,000.00, naming the City as beneficiary.