

**-The Ballast Collective-
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**Long Beach City Council
333 W. Ocean Blvd.
Long Beach, CA 90802**

July 12, 2010

Council members,

On the 18th of June, I went before Mr. Sund and his staff, for a review of our permit request. I was informed at that time, that almost 2 weeks after being informed of the fee structure for the application process, a request went out to LBUSD for a list of all of their high schools and affiliate programs w/ satellite locations. In so doing, EPHS (Education Partnership High School), a continuation program located 408 e. 1st st., here in downtown was added to the list of sites from which all collectives must be away by 1500ft. Prior to EPHS' addition to the list, I had made a concerted effort to make certain that we were appropriately distant from any and all institutions of learning, using the spirit of the guidelines that had been adopted by proceeding cities (i.e. Los Angeles, Oakland etc) that were also attempting to flesh out and ordinance that was apropos for the denizens of their respective jurisdictions. While EPHS is affiliated with LBUSD it is not "technically" a high school campus.

With that said, according to Long Beach's **Special Conditions for Conditional and Administrative Use Permits Division II section 21.52.201-Alcoholic beverage sales uses: (paragraph E):**

The use shall not be located within five hundred feet (500') of a public school, or public park, except (1) locations in the greater downtown area...

(Ord. C-7032 42, 1992; Ord. C-6533 1 (part) 1988)

EPHS is literally surrounded by establishments that serve alcohol:

- 1) **House of Hayden** is directly across the street and open from 12pm -2am,
- 2) **Utopia**
- 3) **Crème de la crepe**
- 4) **555 East (steakhouse)**
- 5) **Modica's Cafe**
- 6) **District Wine**
- 7) **The Basement**

All of these establishments are within 500' of EPHS, and far closer to EPHS than Ballast. House of Hayden is less than 100' from them. In that vein, if businesses are receiving special consideration, I would simply like to ask that Ballast, likewise, receive the same deference. While I have no qualms with any of the businesses that serve alcohol

B. The specific purpose of this corporation is to facilitate herbal or natural remedies for chronically ill patron members who are California residents with HIV, AIDS, chronic pain, chronic spasticity, glaucoma, arthritis, cancer, migraine, wasting syndrome, and/or such other conditions for which licensed medical physicians may recommend such herbal or natural remedies pursuant to California law.

Truly, there should be no issues with regard to our distance from EPHS. While I applaud Council's efforts to keep medicine out of the hands of our youth, I assure you that they would have a much easier time acquiring alcohol from one of the many establishments that surround EPHS, than they would at getting into The Ballast Collective; where patients have to be members with valid doctor recommendations. This deterrent is coupled by a multi-layered security through which all patients must traverse prior to entering our facility. Finally Ballast is further away from all of the aforementioned establishments.

On more than one occasion, I listened to the honorable Mayor, Bob Foster, say that he was cognizant of the fact that this ordinance was not going to be perfect; and that should there be need, that it could be changed on any given Tuesday. I come to you in hopes of amending an err in the ordinance as it now stands, and hope that I may enlist your aid to that end.

I look forward to our future conversations,

Yours in earnest,

-david sharpe-

CEO: the ballast collective

Shrink Map

