



Legislation Details (With Text)

File #: 17-0901 **Version:** 1 **Name:** FM - BL App Denial for Seaside Medical Group

Type: Agenda Item **Status:** Approved

File created: 9/14/2017 **In control:** City Council

On agenda: 10/10/2017 **Final action:** 10/10/2017

Title: Recommendation to refer to a Hearing Officer the business license application denial appeal by Seaside Medical Group Inc., to operate a medical marijuana business located at 1529 West Pacific Coast Highway. (District 1)

Sponsors: Financial Management

Indexes: Licenses

Code sections:

Attachments: 1. 101017-C-8sr&att.pdf

Date	Ver.	Action By	Action	Result
10/10/2017	1	City Council	approve recommendation	Pass

Recommendation to refer to a Hearing Officer the business license application denial appeal by Seaside Medical Group Inc., to operate a medical marijuana business located at 1529 West Pacific Coast Highway. (District 1)

On August 16, 2017, the Department of Financial Management denied the business license application for Seaside Medical Group, Inc. (Seaside), to operate a medical cannabis dispensary at 1529 West Pacific Coast Highway (Attachment A), due to the proposed business location being within 1,000 feet of a public or private school, which is in violation of Long Beach Municipal Code (LBMC) Section 5.90.030 (Attachment B). On August 21, 2017, Seaside filed an appeal of the business license application denial (Attachment C). The appeal was filed for the following stated reasons:

1. A claim that the location does not violate the 1,000-foot school buffer requirement, based on a Google map distance calculation;
2. A claim that the location was approved by the City on June 1, 2017.

With regard to the buffer distance measurement, the property line of the proposed dispensary at 1529 West Pacific Coast Highway is 975 feet away from the closest property line of SIATech Charter School, which violates the 1,000-foot minimum school buffer requirement. This measurement is calculated using the methodology required by the LBMC, not the arbitrary set of points referenced in the appeal. With regard to the claimed approval, the City did provide preliminary confirmation of the proposed location in a letter dated June 1, 2017, but the letter stated that the proposed location was “currently” in compliance with buffer distances and that buffers would be revisited through a secondary review after July 24, 2017. The secondary review followed a public comment period of the buffer map, during which time

SIATech Charter School, which was in existence at the time of Seaside's application submission, was identified and added to the buffer map. All applicants received notice of the public comment period through mail and email. In addition, a disclaimer is posted on each version of the buffer map, specifying that all information and data on the map is subject to change without notice. For these reasons, staff has sustained the denial of Seaside's business license application.

Pursuant to LBMC Section 3.80.421.6, an applicant for a business license whose application for such license has been denied by the Director of Financial Management may appeal such denial to the City Council.

Whenever it is provided that a hearing shall be heard by the City Council, the City Council may, in its discretion, conduct the hearing itself or refer it to a hearing officer, in accordance with LBMC 2.93.050(A). Staff recommends the appeal hearing be referred to a hearing office. If referred, upon selection of a hearing officer, the matter will be heard not less than 30 days thereafter.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on September 26, 2017.

If referred, upon selection of a hearing officer, the matter will be heard not less than 30 days thereafter.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER