



Legislation Text

File #: 17-0935, **Version:** 1

Recommendation to receive supporting documentation into the record, conclude the hearing, and approve the hearing officer's recommendation to uphold the denial of the business license application MJ21701212 submitted by EZ Greens, LLC, for a medical marijuana business located at 1355 West Willow Street. (District 7)

The Long Beach Municipal Code (LBMC) requires a hearing be held before the City Council whenever the denial of a business license application is appealed.

On July 18, 2017, the City Council referred the appeal of the business license application denial for EZ Greens, LLC (EZ Greens), to a hearing officer and the appeal hearing was held on August 10, 2017.

LBMC Section 2.93.050 requires that the City Council set a time for a hearing to review and consider the hearing officer's report and recommendation. After review of the hearing officer's report, the City Council may adopt, reject or modify the recommended decision. In its discretion, the City Council may take additional evidence at the hearing, or refer the case back to the hearing officer with instructions to consider additional evidence.

Attached for your review is Hearing Officer Elio Palacios's written report (Exhibit A) and the Appeal Hearing Packet (Exhibit B). Hearing Officer Palacios recommends to uphold the denial of the business license application MJ21701212 submitted by EZ Greens, due to the proposed business location being in an area zoned exclusively for residential use.

On February 21, 2017, EZ Greens submitted a business license application to operate a medical marijuana dispensary at 1355 W. Willow Street (Exhibit A1). On May 31, 2017, the Department of Financial Management denied the business license application due to failure to comply with the location requirements pursuant to LBMC Section 5.90.030, which states "No Medical Marijuana Business may be operated in an area zoned exclusively for residential use ..." (Exhibit A2).

On June 8, 2017, EZ Greens filed an appeal of the business license denial (Exhibit A3). On July 18, 2017, the City Council referred the appeal hearing to a hearing officer. On August 10, 2017, the appeal hearing for the denial of the business license application MJ21701212 was held. The presiding officer, assigned by the City Clerk's Office, was Elio Palacios.

On August 29, 2017, the hearing officer recommended that the denial of the business license application submitted by EZ Greens be upheld due to the proposed business location being in an area zoned exclusively for residential use (Exhibit A).

This matter was reviewed by Deputy City Attorney Monica J. Kilaita on September 18, 2017.

The hearing date of October 17, 2017, has been posted on the business location, and the business owner has been notified by mail.

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

Approve recommendation.

JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER