

DATE SUBMITTED 9/12/2019
 SUBMITTED BY CITY MANAGER'S OFFICE
 DATE ACTION REQUIRED 9/18/2019

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS al

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: MARCH AND ASH MEDICAL CANNABIS PERMIT REVIEW

1. RE-AWARD OF MEDICAL CANNABIS PERMIT TO MARCH AND ASH

DEPARTMENT INVOLVED: CITY MANAGER'S OFFICE/COMMUNITY DEVELOPMENT DEPARTMENT

BACKGROUND/SUMMARY:

As per City of Imperial Ordinance 795 regarding the sale and distribution of medical cannabis within Imperial City limits, the City Council will review the permittee's conditions of approval on an annual basis. Upon review and consideration of the conditions of approval, it is at the discretion of the City Council to re-award or revoke said permit.

March and Ash were awarded the sole medical cannabis permit on September 19, 2018 after completing a competitive application process. They have met all conditions of approval set forth by the City. Please see the attached documentation for more information.

FISCAL IMPACT: Potential of \$60,000.00 contributed to City's general fund. Amount is estimated off of March and Ash's \$1,000,000.00 revenue projection and city's cannabis tax measure allotment.

FINANCE INITIALS

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STAFF RECOMMENDATION: It is staff's recommendation to re-award the sole medical cannabis permit to March and Ash.

DEPT. INITIALS

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MANAGER'S RECOMMENDATION: Agrees with staff recommendation

CITY MANAGER'S INITIALS

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MOTION:

SECONDED: APPROVED () REJECTED ()
 AYES: DISAPPROVED () DEFERRED ()
 NAYES:
 ABSENT: REFERRED TO:



**BUREAU OF
CANNABIS
CONTROL**
CALIFORNIA

Bureau of Cannabis Control
(833) 768-5880

**Medicinal - Retailer License
Provisional
Storefront**

**LICENSE NO:
C10-0000541-LIC**

**LEGAL BUSINESS NAME:
IMPERIAL GREENS RETAIL
OUTLET, INC.**

**PREMISE:
2433 MARSHALL AVE, SUITE 3
IMPERIAL, CA 92251-9599**



**VALID:
8/6/2019**

**EXPIRES:
8/5/2020**



Non-Transferable

*Prominently display this license
as required by Title 16 CCR § 5039*



CITY COUNCIL
 Geoff Dale – Mayor
 Betty Sampson – Mayor Pro Tem
 Robert Amparano – Councilmember
 Darrell Pecht – Councilmember
 James Tucker – Councilmember

CITY CLERK
 Debra Jackson

CITY TREASURER
 Stacy Cox

CITY ATTORNEY
 Dennis Morita

CITY MANAGER
 Stefan T. Chatwin

CONDITIONAL USE PERMIT

Permit Number: CUP 18-07
Issue Date: January 3, 2018
Location: 2433 Marshall Road; Imperial, CA 92251
Business Name: March & Ash Medical Cannabis Facility
Date Effective: December 26, 2018

 1/3/2019
 Lisa Tylenka, Planner
 Community Development Department
 City of Imperial

CONDITIONS OF APPROVAL

For

CUP (18-07)
2433 Marshall Road; Imperial, CA 92251
APN#: 044-701-013

1. This Conditional Use Permit is granted for a Medical Cannabis Dispensary Facility located at 2433 Marshall Road; Imperial, CA 92251. This Conditional Use Permit shall only be valid so long as a the California State issued Medical Cannabis Dispensary License is valid.
2. The Public Services Department would like to reserve the right, to require additional traffic mitigation measures and/or studies as needed for 18 month (counting from the first day of business).
3. The provisions of this Conditional Use Permit are to run with the business named "March and Ash", owned by "Blake Marchand", and is only valid so long as the project operates at 2433 Marshall Road; Imperial, CA 92251. If any of these conditions change, the Conditional Use Permit will not be valid.
4. "March and Ash" Company is to incorporate a type of "Community Outreach" plan that could help educate the citizens of the City of Imperial and that may give a better understanding of the medicinal products your company will be offering. Beginning from the date of operation. Potentially have a booth at

the City of Imperials designated "Market Day" events.

5. No cannabis or cannabis odors shall be detectable by sight or smell outside of a permitted facility. If Odor Control Plan is not effective, business must take steps to mitigate the problem- if need be. Noncompliance of such operating standards shall constitute a breach of the permit issued hereunder and may render such permit suspended or revoked based upon the City Manager's determination.
6. Permitted facilities must install security cameras capable of documenting activity inside and outside the facility, as determined by the Imperial Police Department. Permitted facilities must implement a track and trace program that records the movement of medical cannabis and medical cannabis products in their custody and make these records available to the City Manager upon request. Noncompliance of such operating standards shall constitute a breach of the permit issued hereunder and may render such permit suspended or revoked based upon the City Manager's determination. All security systems must be inspected by the Police Department prior to operation.
7. All commercial medical marijuana facilities shall secure a State license within 6 months of the State issuance. Revocation of a permittee's State license shall result in immediate revocation of the permittee's City of Imperial Conditional Use permit.
8. All commercial medical marijuana facilities shall maintain a minimum of 600 feet radius separation from sensitive zones as defined and in compliance with the City of Imperial's Ordinance 795.
9. Lighting at commercial medical marijuana facilities shall remain illuminated at all times between sunset and sunrise with sufficient intensity to illuminate every portion of the premises including but not limited to parking, any accessory uses and adjoining sidewalks.
10. 24-hour fixed-camera video surveillance shall be required at all commercial marijuana facilities and digital storage in the cloud or other off-site method of recordings shall be available for 90 days after recording. Further, that recording is of a sufficient quality to provide identification of any individual being recorded; that the surveillance covers every interior area and room and adjacent perimeter areas within a minimum of 50 feet; and that the City of Imperial Police Department or other City authorized department shall have 24-hour remote access to the surveillance system.
11. No consumption of any cannabis product shall be allowed on any of the facility's premises- except for research purposes that are certified/acknowledged by the FDA and registered in the "ClinicalTrials.gov" data base.
12. All information regarding the research and clinical trials must be submitted to the Community Development Department before commencing trials.
13. All products shall be tracked, tested, sealed and labeled at a minimum by State Medical Cannabis Regulation Act and as it may be amended.
14. All cannabis products that can be ingested by eating or drinking shall have a warning label or sign advising them of the potential hazard associated with over-consumption.
15. A licensee shall keep accurate records of commercial medical cannabis activity.

16. All records related to commercial medical cannabis activity shall be maintained for a minimum of seven years.
17. The City or its designee may examine the records of licensees and inspect the premises of a licensee as the licensing authority as may be authorized by law at any time and furthermore, the establishment will be subject to quarterly inspections by the Community Development Department and will be subject to regulatory inspection fees.
18. The City or its designee shall have access to any licensed medical marijuana facility for inspection of the facility, the employees and records (HIPPA compliance rules apply) during any normal business hours or at any other reasonable time. Licensees shall provide and deliver records to the licensing authority upon request.
19. A commercial medical marijuana licensee shall have a reasonable period of time, which shall not exceed 14 calendar days to correct an adverse impact or to cure a legitimate complaint or possible non-compliance as defined in this section, before being subject to revocation, suspension, or other discipline unless the impact, complaint or non-compliance would result in an immediate danger to the public and shall then be cured immediately as determined by local law enforcement or other appropriate authority.
20. Disposal of any unused or unwanted medical marijuana shall undergo a special process and shall not be disposed of as or with routine garbage disposal procedures. Please submit disposal procedures for review during building permit process.
21. Applicant shall comply with all local and State laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
22. The conditional approval of the Conditional Use Permit shall not constitute the waiver of any requirement of the City's Ordinances or regulations, except where a condition set forth herein specifically provides for a waiver.
23. As between the City and the Permittee, any violation of this permit may be a "nuisance per se". The City may enforce the terms and conditions of this permit in accordance with its Codified Ordinances and/or State law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
24. Permittee shall not be permitted to maintain a "nuisance", which is anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.
25. Applicant must meet all aspects as depicted and outlined within their Medical Cannabis Retail Facility Permit Application.
26. Assessment of site security by a qualified licensed security consultant.

27. Permit application require the submittal of security and fire prevention plans.
28. Security measures to include, but not limited to installation of 24-hour, live-feed security High Definition cameras accessible by the Police Department remotely on demand; alarm systems; and 24-hour onsite security personnel authorized by the Police Chief.
29. City Manager, Planning Director, Police Chief or designee may enter the business at any time during hours of operation without notice to inspect location, request recordings and records, or obtain samples of the cannabis to test for public safety purposes.
30. Camera systems, will surveillance footage be made available to law enforcement at any time of day should an incident occurred in or around your facility.
31. Who will be tasked and have access to "guardian Angel" software. Should an incident arise where access to such program be necessary for an investigation, will the program be available to officer/ investigators.
32. Placement of a backup power system in case of a power outage in order to maintain security systems running for an extended period of time.
33. 3% of Medical Cannabis Facility gross profits goes to youth programs and education for the City of Imperial.
34. 5% of Medical Cannabis Facility gross profits goes to public safety for the City of Imperial.
35. All cannabis facilities shall have an approved automatic fire suppression system. All fire suppression systems will be installed and maintained to the current adapted fire code and regulations.
36. All cannabis facilities shall have an approved automatic fire detection system. All fire detection systems will be installed and maintained to the current adapted fire code and regulations.
37. All cannabis facilities shall have an approved automatic smoke removal system with approved filtration for cannabis operations.
38. Gates and fire department access will be in accordance with the current adapted fire code and the facility will maintain a Knox Box for access on site.
39. Further requirement shall be required for cultivation and manufacturing process.
40. Compliance with all required sections of the fire code.
41. Page 57 of provided package submitted will need to have the following changes made. Keys will be kept in an approved KNOX Box purchase by the applicant. Information will be provided by Imperial County Fire Department on type and location of Knox box.
42. Page 89 of provided package submitted shows the propose floorplan. Egress access is of concerns with minimal exits provided. Only 1 public exit is shown on the plans which will limit the occupant load capacity. Other exits are in restricted locations which may be locked and restricted from public access.

43. Imperial County Fire Department reserves the right to comment at a later time as we feel necessary. Further requirements may be required as the California Fire Code are being revised and/or amendments being added for cannabis operations.

The undersigned hereby declare and certify that under penalty of perjury that I accept all conditions imposed by the Planning Commission in their approval as outlined above. As the project applicant, I agree to comply with these conditions and all other applicable laws and regulations at all times.


Signature

1-3-2019
Date

Blaise Marchand
Printed Name