To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Timothy Burroughs, Interim Director, Planning and Development
Subject: Referral Response: Location Approval Process for Apothecarium Dispensary

RECOMMENDATION
Adopt a Resolution establishing an approval process for a new location for the Apothecarium, a previously approved medical cannabis dispensary.

FISCAL IMPACTS OF RECOMMENDATION
The approval process will have minimal fiscal impacts related to the staff time needed to review the application for a new cannabis dispensary location. Cannabis dispensaries have the potential to generate tax revenue for the City.

CURRENT SITUATION AND ITS EFFECTS
This report responds to a City Council referral from October 31, 2017 (Attachment 2). The referral was designed to address a specific situation in which a medical cannabis dispensary approved by the Council through a detailed selection process in 2016 (the Apothecarium) was unable to locate in the Council-approved location. The Apothecarium met all requirements of the City and was highly-ranked in the initial selection process. Since the Apothecarium was approved by the Council with a specific location, the proposed re-location process also includes Council approval.

The proposed approval process (Exhibit A to the Resolution) is designed to enable the Council to consider issues related to any proposed new location for the Apothecarium and to approve a new location. The approval process also provides the community with an opportunity to learn about the business and give feedback to the Council. Only criteria related to dispensary location would be considered in the proposed approval process, as the Apothecarium was already evaluated and approved to operate as a dispensary by City Council in 2016.

The application process would require the Apothecarium to submit a basic application form, identify a new proposed location, and to submit a business plan, neighborhood compatibility plan, and safety and security plan. The Apothecarium would also be required to hold a community meeting in the area proposed for its new location.
BACKGROUND
On September 20, 2016, Council approved the Apothecarium as one of three new medical cannabis dispensaries. The Apothecarium was one of six applicants considered for the three quota slots in a competitive process.

The approval process considered both the business entity and the proposed location of the business. The application process consisted of four rounds during which applicants and locations were ranked by staff, applicants held community meetings in the neighborhood of their proposed dispensary, and the Cannabis Commission evaluated the applicants and made recommendations to Council. The process took 18 months, and during the entire process applicants had to provide proof of property owner willingness to rent to a dispensary.

The Apothecarium was approved for a specific location. It was ultimately unable to secure the approved location, which is why City Council referred to the City Manager development of a process for the relocation of the Apothecarium.

This process would only apply to the Apothecarium, as it was never able to locate in its approved location. Future relocations of existing dispensaries will be governed by the new regulations that are currently being developed to address adult use cannabis businesses.

ENVIRONMENTAL SUSTAINABILITY
The proposed selection process would have no identifiable effects on environmental sustainability.

RATIONALE FOR RECOMMENDATION
The adoption of this approval process would allow a previously selected dispensary to relocate, while giving neighbors in the area surrounding the new location an opportunity to ask questions and give comments.

ALTERNATIVE ACTIONS CONSIDERED
The Council could hold a new competitive selection process using the original ranking/allocation process, or could direct changes to the proposed relocation approval process proposed by staff.

CONTACT PERSON
Elizabeth Greene, Senior Planner, Planning and Development, 510-981-7484

Attachments:
1: Resolution
   Exhibit A: Dispensary Replacement Location Selection Process
2: 10-31-17 Council referral
3: Original Ranking/Allocation Process for Medical Cannabis Dispensaries
RESOLUTION NO. ##,###-N.S.

ADOPTING AN APPROVAL PROCESS FOR A NEW LOCATION FOR THE
APOTHECARIUM DISPENSARY

WHEREAS, on July 1, 2014, the City Council adopted a Ranking and Allocation Process to select a limited number of new dispensaries per BMC Chapter 12.27; and

WHEREAS, as part of the process, applicants were ranked based on numerous mandatory criteria, including background checks of principals, proof of landlord approval, a competency test, proposed location, business plan, neighborhood compatibility, and safety and security plans; and

WHEREAS, the applicants were also ranked based on bonus criteria, such as community benefits, labor and employment standards and qualifications of the principals; and

WHEREAS, each applicant held a public hearing in the area proposed for its dispensary and was evaluated by the Medical Cannabis Commission; and

WHEREAS, on September 20, 2016 the Council selected the Apothecarium as one of the three new dispensaries; and

WHEREAS, the Apothecarium cannot locate at the Council-approved site due to a misunderstanding between the dispensary operators and the landlord, despite presenting adequate proof of landlord approval multiple times during the selection process; and

WHEREAS, the principals of the Apothecarium have not changed; and

WHEREAS, the Apothecarium previously met all of the requirements of the City and was highly ranked in the selection process; and

WHEREAS, this unusual and unanticipated situation is preventing the establishment of a sixth dispensary in Berkeley as approved by Council; and

WHEREAS, on October 31, 2017 the Council directed staff to develop a process for the relocation of the Apothecarium; and

WHEREAS, developing an abbreviated approval process to focus on approval of a new location for the Apothecarium would allow the dispensary to begin operations in a timely manner.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that an abbreviated approval process to select a new location for the Apothecarium, attached hereto as Exhibit A, is hereby adopted.
EXHIBIT A
DISPENSARY REPLACEMENT LOCATION SELECTION PROCESS

INTRODUCTION
This process is based on the Ranking and Allocation Process approved by the Council to implement Berkeley Municipal Code Chapter 12.27. This abbreviated process has been developed to select a new location for a specific Applicant (the Apothecarium) that was previously approved by Council. Only criteria addressing the location will be considered in this process, as the applicant was evaluated in the previous Ranking and Selection process.

PUBLIC INFORMATION
Applications and associated materials in the possession of the City are public records. While certain information will likely be exempt from disclosure, other information will not be, and some information will necessarily be made public as part of the ranking process. In complying with the Public Records Act, the City will make reasonable efforts to keep sensitive information from being disclosed, but cannot guaranty that information an applicant may want to be kept confidential will not be disclosed. The City will make reasonable efforts to notify applicants whenever requests for disclosure of their information are received. The City shall not in any way be liable for the disclosure of any such records or portions thereof if the disclosure is made pursuant to a request under the Public Records Act, and applicants assume the risk of such disclosure by submitting their applications.

DESCRIPTION OF PROCESS
The location selection process shall consist of a single application and a public review process, described below:

Round 1: Application

The Applicant will submit the following information:
1. Completed Application form
2. Proposed Location(s) of business
3. Business Plan
4. Neighborhood Compatibility Plan
5. Safety and Security Plan

City staff will review the information to determine if it is complete. Any new principals that were not considered under the previous application will need to submit information to verify that they meet the eligibility requirement of BMC Section 12.23.030.

Round 2: Selection

Once staff determines the application is complete, the Applicant shall conduct a community meeting in the area proposed for its dispensary. This meeting must be held within 45 days of receiving notice from staff that the application is complete. If no location in the immediate area is available, the Applicant shall use a community facility that is as near as reasonably possible. Notice of the community meeting shall be on a form approved by the City and shall be provided as set forth in BMC Chapter 23B.32 for Use Permit public hearings. Within 5 days after notice of the community meeting is mailed, the Applicant shall provide to the City a copy of the notice of the community meeting, a list of addresses to which it was sent, and an affidavit of mailing. Failure to hold a community meeting within 45 days will disqualify the Applicant from further consideration and will allow other entities to be considered for the sixth dispensary location.
The Cannabis Commission shall consider the application either before or after the community meeting. The Commission may make a recommendation to the City Council.

After the community meeting, the application shall be presented to the City Council. The Council will make the final selection on the location. Notice of the Council’s public meeting shall be provided as set forth in BMC Chapter 23B.32 for Use Permit public hearings.

**DESCRIPTION OF EVALUATION CRITERIA**

- **Application.** The Applicant will be required to submit an application on a form provided by the City. The application shall be signed by the Principals under penalty of perjury that they have personal knowledge of the information stated in the application and that it is true. The application shall include such information as the City may require that demonstrates compliance with applicable provisions of Chapter 12.27, as well as the following:
  - The name of a single point of contact for the Applicant, who shall be a Principal.
  - All information required by Section 12.27.040.
  - A description of the Dispensary and its proposed location(s), including the address of any proposed facility with proof of ownership, lease, and or letter of owner’s guarantee to lease.
  - The names of all Principals. All Principals need to include proof of patient/caregiver status. Principals that were not included in the previous application will also need to provide proof of Live Scan submittal to the Berkeley Police Department.

- **Proposed Location(s).** The application must include the address and a detailed description of the proposed location(s). Plans for alteration of the proposed site and buildings must be included. This section should also describe all confronting and abutting uses, transit access and accessibility, and nearby sensitive uses, such as schools. The Dispensary must be located in a commercial (C-) district and must not be within a 600-foot radius of schools or other legally operating Dispensaries. If more than one location is considered, information must be provided about each potential location, including a Neighborhood Compatibility Plan and a Safety and Security Plan.

- **Business Plan.** With as much detail as possible, the Business Plan should describe:
  - Description of day-to-day operations.
  - How the MCD will conform to local and state law. See BMC Chapters 12.26 and 12.27, Resolution No. 66,711-N.S., and California’s Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA).
  - How medical cannabis will be tracked and monitored to prevent diversion.
  - A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.

  The Business Plan should include:
  - A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
  - Proof of capitalization, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
- A **pro forma** for at least three years of operation.

- **Neighborhood Compatibility Plan.** For each proposed location, the application should address how the dispensary, including its exterior areas and surrounding public areas, will be managed, so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community. Further, a site plan (accurate, dimensioned and at a minimum scale of 1/16”) should be included for each potential location. If changes are proposed to the site, the site plan should reflect these changes.

- **Safety and Security Plan.** For each proposed location, the application should include:
  - A detailed **safety plan.** This plan should describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place. **It should include an assessment of the facility’s fire safety by a qualified fire prevention and suppression consultant.** An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
  - A detailed **security plan.** This plan should include a description and detailed schematic of the overall facility security. It should have details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security. In particular, applications should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed. **The security plan shall also include an assessment of site security by a qualified security consultant.** Security plans will not be made public.
  - A **floor plan** showing existing conditions. If changes are proposed as part of the project, then a proposed floor plan should also be submitted. The floor plan(s) should be accurate, dimensioned and at a minimum scale of 1/8”.
To: Honorable Mayor and Members of the City Council  
From: Councilmember Kriss Worthington  
Subject: Short-Term Referral to the City Manager, a Process for Relocation of a Permitted Cannabis Dispensary

RECOMMENDATION:  
Refer to the City Manager to approve a process for the relocation of Apothecarium, a cannabis dispensary with valid permits.

BACKGROUND:  
The dispute between Apothecarium and its prospective landlord resulted in the desire for relocation of Apothecarium. The lack of clarity between the two parties present an obstacle to the public policy purpose of meeting patient needs for cannabis.

In order to avoid a new lengthy competitive process, the City Council should extend the time of the permit and adopt a resolution authorizing the relocation of Apothecarium’s permit to a new location with a clear agreement signed by the property owner.

FINANCIAL IMPLICATIONS:  
Minimal

ENVIRONMENTAL SUSTAINABILITY:  
Consistent with Berkeley’s Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:  
Councilmember Kriss Worthington 510-981-7170
RANKING/ALLOCATION PROCESS FOR MEDICAL CANNABIS DISPENSARIES

INTRODUCTION

This process is adopted pursuant to and to implement Berkeley Municipal Code Chapter 12.27. The competitive process and criteria below will be used for determining which Dispensaries may fill any unoccupied slots under the City’s 4-dispensary cap, adopted in 2010, and codified in Section 12.26.130. As of the adoption of this Process, there were three operating Dispensaries, and one open slot, however additional slots may become available in the future either as a result of attrition or amendment of Section 12.26.130, or for other reasons.

PUBLIC INFORMATION

Applications and associated materials in the possession of the City are public records. While certain information will likely be exempt from disclosure, other information will not be, and some information will necessarily be made public as part of the ranking process. In complying with the Public Records Act, the City will make reasonable efforts to keep sensitive information from being disclosed, but cannot guaranty that information an applicant may want to be kept confidential will not be disclosed. The City will make reasonable efforts to notify applicants whenever requests for disclosure of their information are received. The City shall not in any way be liable for the disclosure of any such records or portions thereof if the disclosure is made pursuant to a request under the Public Records Act, and applicants assume the risk of such disclosure by submitting their applications.

SUMMARY OF PROCESS

The ranking/allocation process shall consist of a single comprehensive application, and four rounds of evaluation, which are summarized below.

Round 1: Application and Determination of Eligibility

Staff will conduct a background and criminal history check and evaluate whether an application demonstrates eligibility under Section 12.27.030.

Each Principal must attain a passing grade on a Medical Cannabis competency test.

Successful applicants whose applications meet these requirements will be forwarded on to Round 2.

Materials submitted by applicants who do not pass the qualification round will be returned to them, and all copies of those materials will be destroyed.
**Round 2: Initial Ranking – Minimum Qualifications**

Applicants will be ranked based on criteria below.
- Proposed Location(s) of business
- Business Plan
- Neighborhood Compatibility Plan
- Safety and Security Plan

The top 10 applicants would move on to Round 3.

**Round 3: Second Ranking – Bonus Points**

Points will be awarded based on the categories listed below. The top five applications would move to the Selection process.
- Availability of Professional Services
- Community Benefits
- Enhanced Product Safety
- Environmental Benefits
- Labor & Employment
- Local Enterprise
- Location (final)
- Qualifications of Principals
- Consolidation

**Round 4: Selection**

The City Council will then make the final decision from among the top five candidates.

**DESCRIPTION OF PROCESS**

**A. Round 1 – Application and Determination of Eligibility**

1. Application Requirements

Before accepting applications, the City will give at least 60 days public notice that applications to operate a Dispensary or Dispensaries will be accepted pursuant Chapter 12.27. The notice shall specify a deadline for submission of applications, as well as the number of Dispensaries for which applications will be accepted.

All Applicants will be required to submit an application on a form provided by the City. Applications shall be signed by a Principal under penalty of perjury that she or he has personal knowledge of the information stated in the application and that it is true.
The application shall include such information as the City may require that demonstrates compliance with applicable provisions of Chapter 12.27, as well as the following:

1. The name of a single point of contact for the applicant, who shall be a Principal.

2. All information required by Section 12.27.040.

3. A description of the Dispensary and its proposed location(s), including the address of any proposed facility with proof of ownership, lease, and or letter of owner's willingness to lease.

4. Plans for alteration of any existing buildings.

5. Business Plan. The business plan must contain as much detail as possible on the day-to-day operation of the Dispensary and how it will conform to applicable state and local laws and the Attorney General's Guidelines. The business plan shall describe: mechanisms for ensuring that the Dispensary will operate on a Not-for-Profit basis; a description of how Medical Cannabis will be tracked and monitored to prevent diversion, such as by verifying the status of recommending physicians and retaining all written recommendations from recommending physicians; a schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.

The business plan shall include a budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation and maintenance costs, and shall demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds. Proof of capitalization shall be in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets. The business plan shall also include a pro forma for at least three years of operation.

6. Neighborhood Compatibility Plan. The application must describe how the Dispensary, including its exterior areas and surrounding public areas, will be managed so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.

7. Location(s). The application must describe the proposed location or locations of the Dispensary, all confronting and abutting uses, transit access and accessibility and nearby sensitive uses.

8. Safety and Security Plan. The application shall include a detailed description of Fire prevention, suppression, HVAC and alarm systems that includes an assessment of the facility's fire safety by a qualified Fire prevention suppression consultant. An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
The security plan shall include a description and detailed schematic of the overall facility security. Applicants shall detail their operational security including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security. In particular Applicants should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types of security systems (alarms and cameras), and security personnel to be employed. The security plan shall also include an assessment of site security by a qualified security consultant. Security plans shall not be made public.

During the evaluation period, security plan details that could aid persons who wish to commit security violations shall be considered to be confidential and shall not be released unless ordered by a court.

9. Environmental Benefits. The application must describe any proposed “green” business practices relating to energy and climate, water conservation, and materials and waste management. Specific “green” practices that are encouraged are:
   a. maximizing energy efficiency;
   b. where applicable, applying for and using available PG&E programs for free technical assistance for design and construction of building shell, tenant improvements, building systems and processes;
   c. using renewable energy;
   d. reducing transportation emissions (e.g., use of biofuels, electric vehicles);
   e. using green building measures;
   f. any other efforts to reduce or offset any greenhouse gas emissions
   g. reuse and remediation of Brownfield sites;
   h. water conservation, including recycling and on-site treatment, if permitted
   i. developing a zero waste plan for operations;
   j. minimizing packaging and using recycled content, recyclable and reusable materials, throughout the supply chain;
   k. implementing a reuse plan for materials used;
   l. providing a prediction of and implementing an operational phase waste stream broken down by refuse, recycled materials and composted materials by volume;
   m. using organic fertilizers and pest control measures; and
   n. minimizing use of hazardous or toxic substances and preventing them from entering the soil, air or water.

10. Community Benefits. The application shall describe benefits that the Dispensary would provide to the local community. Examples of such benefits are:
   a. providing re-entry jobs and job training to the unemployed;
   b. contributing to/supporting domestic violence prevention programs;
   c. contributing to/supporting Parks and Recreation Centers, libraries, or funding for arts, culture, and environmental programs;
   d. contributing to/supporting Children/Youth programs and intervention services;
e. contributing to/supporting substance abuse education and rehabilitation programs;
f. funding foreclosure prevention and foreclosure abatement programs, including eviction defense following foreclosure; and
g. any other neighborhood improvements.

11. Enhanced Product Safety. The application shall state how the Dispensary will ensure enhanced consumer safety by testing for biological and chemical contaminants, specified by the City Manager pursuant to state or federal standards for food, drugs or tobacco.

12. Labor and Employment. The application shall describe to what extent the Dispensary will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees. Specific practices that are subject to consideration include the following:
   a. providing compensation to and opportunities for continuing education and training of employees/staff (applications should provide proof of the Dispensary’s policy and regulations);
   b. being a “card check-neutral” facility;
   c. having obtained pre-existing recognition from a certified labor union;
   d. being party to a collective bargaining agreement with a certified labor union; and
   e. providing a “living wage” to facility staff and employees. Wage scale should be provided in writing for all levels of employment at the facility. “Living Wage” shall mean 200% of the minimum wage mandated by California or Federal law, whichever is greater.

13. Local Enterprise. The application shall state the extent to which the Dispensary will be a locally managed enterprise whose Principals reside within Berkeley and/or the following adjacent cities: Albany, Kensington, Oakland and Emeryville.

14. Availability of Professional Services. The application shall state the extent to which the Dispensary will provide professional services related to the use of Medical Cannabis to Members, whether on- or off-site. Such services may include, but are not necessarily limited to, medical or technical consulting, referrals to providers of such services, mental health services, alternative health care to the extent permitted by state law, diet and nutritional advice, and similar types of services, but shall not include recommending the use of Medical Cannabis.

15. Qualifications of Principals. The application shall include information concerning any special business or professional qualifications or licenses of principals that would add to the number or quality of services that the Dispensary would provide, especially in areas related to Medical Cannabis, such as scientific or health care fields.
2. Determination of Eligibility

Staff will undertake background and criminal history checks, verify whether the applications provide complete and accurate information and demonstrate compliance with the eligibility requirements of Section 12.27.030.

If an application meets these requirements, each Principal will be required to attain a passing grade on a Medical Cannabis competency test to demonstrate a working knowledge of state and local compliance standards.

Applications that include all required information will be considered.

Late and incomplete applications will not be considered.

Applicants who pass the Medical Cannabis competency test and whose applications meet these requirements will be eligible to continue to Round 2.

Determinations in Round 1 will be final and not be subject to appeal.

3. Competitive Ranking Process

Applications that pass Round 1 will be reviewed by a three-person panel of City staff designated by the City Manager. The reviewing panel will evaluate applications in each succeeding round based on how well they satisfy the criteria for that round. In evaluating applications, the reviewing panel shall consider the quality and responsiveness of the application with respect to each of the topics covered. The evaluation and ranking of the applications and allocation of Dispensary slots shall lie within the sole judgment and discretion of the reviewers.

B. Round 2 – Initial Ranking: Minimum Qualifications

In Round 2, the reviewing panel will evaluate each application against the criteria in, and assign points based on, the following table.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Maximum Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Location(s)</td>
<td>400</td>
</tr>
<tr>
<td>Business Plan</td>
<td>300</td>
</tr>
<tr>
<td>Neighborhood Compatibility Plan</td>
<td>400</td>
</tr>
<tr>
<td>Safety and Security Plan</td>
<td>400</td>
</tr>
<tr>
<td>Total possible</td>
<td>1500</td>
</tr>
</tbody>
</table>

The top 10 applicants will move on to Round 3.

The reviewing panel will rank the remaining applicants by assigning points in each of the categories in the table below. “Consolidation” points shall be awarded for consolidation with one or more of the other top ten applications. The top five applications, based on the
total number of points from Rounds 2 and 3 will then move to the Selection process. In the case of a consolidated application, the average number of total points shall be used.

C. Round 3 – Second Ranking: Bonus Points

<table>
<thead>
<tr>
<th>Topic</th>
<th>Maximum Possible Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Availability of Professional Services</td>
<td>300</td>
</tr>
<tr>
<td>Enhanced Product Safety</td>
<td>200</td>
</tr>
<tr>
<td>Environmental Benefits</td>
<td>200</td>
</tr>
<tr>
<td>Community Benefits</td>
<td>300</td>
</tr>
<tr>
<td>Labor &amp; Employment</td>
<td>300</td>
</tr>
<tr>
<td>Local Enterprise</td>
<td>500</td>
</tr>
<tr>
<td>Location (final)</td>
<td>500</td>
</tr>
<tr>
<td>Qualifications of Principals</td>
<td>500</td>
</tr>
<tr>
<td>Consolidation (with applicants that pass Round 2)</td>
<td>150 for each consolidation, maximum of 300</td>
</tr>
<tr>
<td>Total possible</td>
<td>2800 (plus up to 300 for consolidation)</td>
</tr>
</tbody>
</table>

D. Round 4 – Selection

Within 45 days after Round 3 is completed, each applicant shall conduct a public meeting in the area or areas proposed for its Dispensary. If no location in the immediate area is available, the applicant shall use a community facility that is as near as possible. Notice of such public meetings shall be on a form approved by the City and shall be provided as set forth in BMC Chapter 23B.32 for Use Permit public hearings. Within 5 days after notice of the public meeting is mailed, an applicant shall provide to the City a copy of the notice of the public meeting, a list of addresses to which it was sent, and an affidavit of mailing. An applicant that does not hold a public meeting within this period of time shall be disqualified.

After the public meetings are completed the applications shall be presented to the Medical Cannabis Commission, which may make a recommendation to the City Council.

The City Council will then establish the final ranking of applications and make its selection from among the top five.

Notice of the public meetings of the Commission and Council shall be provided as set forth in BMC Chapter 23B.32 for Use Permit public hearings.