



City of Huntington Beach Planning and Building Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Jane James, Planning Manager *JJ*  
**DATE:** August 25, 2015

**SUBJECT: PLANNING APPLICATION NO. 2015-137 (APPEAL OF DIRECTOR'S DECISION REGARDING MEDICAL MARIJUANA DISPENSARY)**

**APPLICANT/**

**APPELLANT:** Medical Aid Program, d.b.a. Med-Aid HB, 17511 Griffin Lane, #6, Huntington Beach, CA 92647

**PROPERTY**

**OWNER:** Sheren Truong/Nhu Truong, 17511 Griffin Lane, #6, Huntington Beach, CA 92647

**LOCATION:** 17511 Griffin Lane, #6, 92647 (west side of Griffin Lane, south side of Slater Avenue)

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**STATEMENT OF ISSUE:**

- ♦ Planning Application No. 2015-137 (Appeal of Director's Decision):
  - To obtain zoning approval to establish a medical marijuana dispensary in the IG (General Industrial) zone at 17511 Griffin Lane, #6
- ♦ Staff Recommendation:

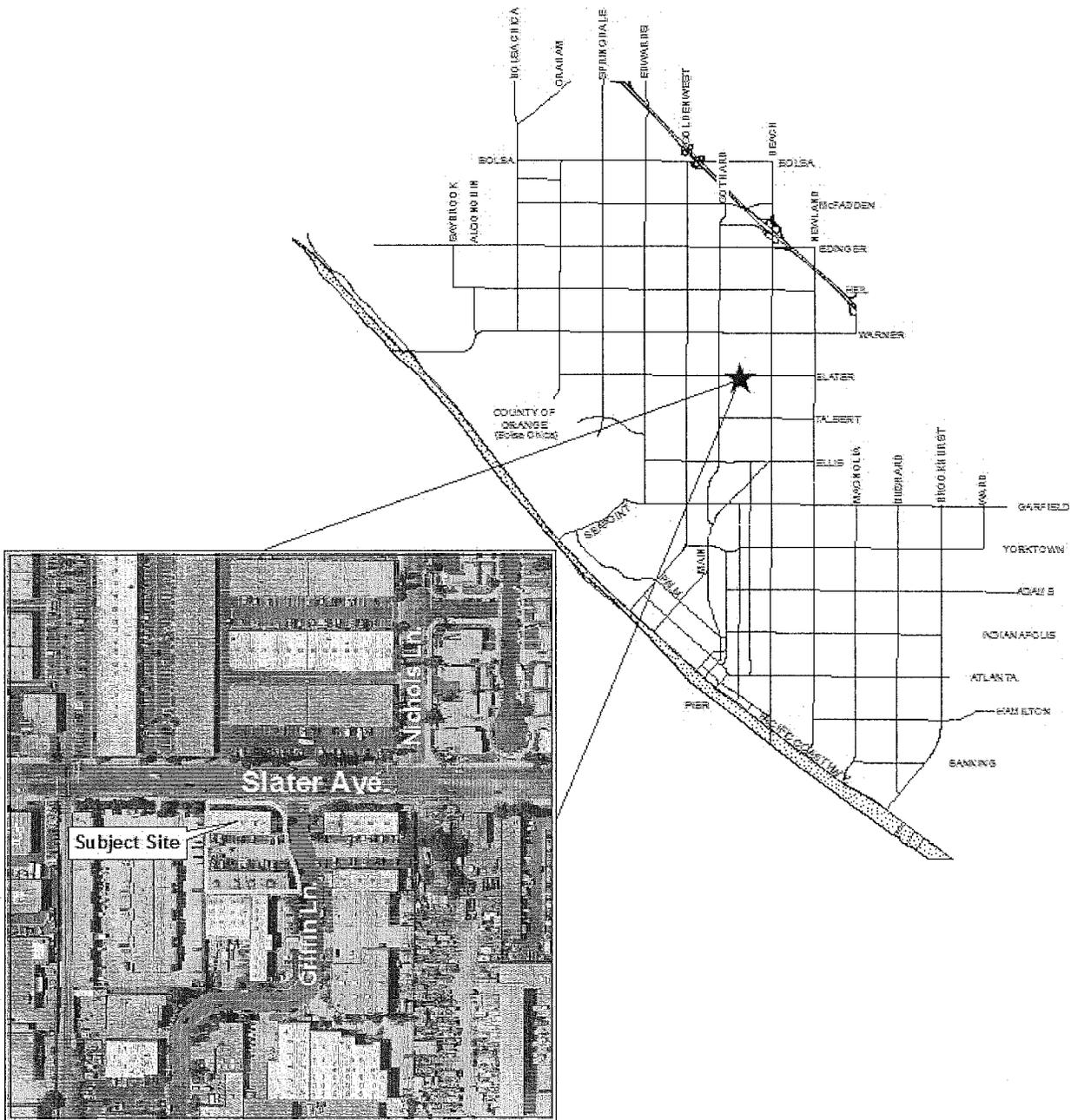
Deny Planning Application No. 2015-137 (Appeal of Director's Decision) based upon the following:

  - Pursuant to City Ordinance No. 3788 adopted in 2007, medical marijuana dispensaries are a prohibited use in the IG (General Industrial) zone
  - Medical marijuana dispensaries are not within any of the permitted use classifications of the IG (General Industrial) zone; instead, their characteristics are substantially different than uses within the IG (General Industrial) zone
  - Medical marijuana dispensaries are an expressly prohibited use throughout the City pursuant to Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Section 204.18, Prohibited Uses

**RECOMMENDATION:**

Motion to:

“Deny Planning Application No. 2015-137 (Appeal of Director's Decision) with findings (Attachment No. 1).”



**VICINITY MAP  
 PLANNING APPLICATION 2015-137  
 (17511 GRIFFIN LANE, # 6)**

**ALTERNATIVE ACTION(S):**

The Planning Commission may take an alternative action such as:

“Continue Planning Application No. 2015-137 (Appeal of Director’s Decision) and direct staff accordingly.”

**PROJECT PROPOSAL:**

Planning Application No. 2015-137 (Appeal of Director’s Decision) represents a request to obtain zoning approval to establish a medical marijuana dispensary at 17511 Griffin Lane, #6.

**Background:**

The applicant opened and began operating a medical marijuana dispensary on or about June 26, 2013. The applicant never obtained zoning approval, a certificate of occupancy, or a business license permit to open and operate the dispensary.

After litigation commenced and at the direction of his attorney, on June 16, 2015, the applicant submitted Business License and Certificate of Occupancy applications to operate a medical marijuana dispensary at the subject site (Attachment No. 3).

On June 26, 2015, the Director of Finance and the Director of Planning and Building together informed the applicant that the Business License and the Certificate of Occupancy applications were denied based on the fact that medical marijuana dispensaries are a prohibited use within the City (Attachment No. 3). The City’s letter outlined the process for appeal of the Director of Planning and Building’s decision.

**Appeal:**

On July 6, 2015, the Applicant filed an appeal of the Director of Planning and Building’s decision (Attachment No. 4) and the item is now scheduled for public hearing before the Planning Commission.

**Code Enforcement History:**

On February 5, 2014, the City filed suit against the owners of this Dispensary, Garth Reidl and Nhu Quynh Thanh Troung, *City of Huntington Beach v. Med-Aid*, Orange County Superior Court, Case No. 30-2014-00702871. On December 12, 2014, the Court entered an order granting the City’s motion for a preliminary injunction, which resulted in the closure of the dispensary until the case is tried, beginning January 25, 2016. The Court found that the dispensary was a nuisance *per se* because the use was prohibited under the City Municipal Code and Zoning and Subdivision Ordinance and therefore open and operating illegally.

## **ISSUES:**

### **General Plan Conformance:**

The General Plan Land Use Map designation is I-F2-d (Industrial-0.50 Floor Area Ratio-Design Overlay). The proposed Planning Application No. 2015-137 to obtain zoning approval of a medical marijuana dispensary is not consistent with this designation or the policies of the City's General Plan as follows:

#### **A. Land Use Element:**

**Policy LU 7.1.1:** Accommodate existing uses and new development in accordance with the Land Use and Density Schedules (Table LU-2a and 2b).

The City has routinely held for almost a decade that medical marijuana dispensaries are not a permitted use in any zoning district or specific plan area and therefore the request to obtain zoning approval of a medical marijuana dispensary is not in compliance with the General Plan or the Zoning and Subdivision Ordinance.

### **Zoning Compliance:**

The subject site is located in the IG (General Industrial) zone and the proposed use does not comply with the requirements of that zoning designation. HBZSO Section 212.04 identifies the permitted and conditionally permitted commercial uses in the General Industrial and Limited Industrial zones, and HBZSO Chapter 204 defines each of these uses. Use classifications that are not listed as permitted are prohibited (HBZSO Section 212.04.). As discussed further below, a medical marijuana dispensary cannot be classified as any of the permitted or conditionally permitted uses in the General Industrial zone.

**Urban Design Guidelines Conformance:** Not applicable.

### **Environmental Status:**

The review of appeal by the Planning Commission is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Coastal Status:** Not applicable

**Design Review Board:** Not applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:** This staff report was jointly prepared by the City Attorney's Office and Planning and Building Department.

**Public Notification:**

The applicant/appellant was notified of the appeal hearing date on July 24, 2015 (Attachment No. 5). As of August 18, 2015, no further communication regarding the request has been received.

**Application Processing Dates:**

<u>DATE OF COMPLETE APPLICATION:</u>	<u>MANDATORY PROCESSING DATE(S):</u>
Not Applicable	Not Applicable

**ANALYSIS:**

Applicants’ appeal raises the following issues:

1. Ordinance No. 4058 Prohibiting Medical Marijuana Dispensaries Is Valid

In May 2015, the City Council adopted Ordinance No. 4058, adding Section 204.18 to the Huntington Beach Zoning and Subdivision Ordinance, which states in relevant part: “A medical marijuana business, collective, cooperative or dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City” (Attachment No. 2). Applicants make the legal argument at pages 2-4 of their Appeal that HBZSO Section 204.18 is invalid. The City Attorney considers this claim without merit, particularly since the Supreme Court recently approved of such local ordinances in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 752. If the Applicant seeks to persist in this claim, it should be raised in Court. The Planning Commission should review on the basis that all City Ordinances are valid.

It should also be noted that even prior to the adoption of HBZSO Section 204.18 prohibiting all medical marijuana dispensaries throughout the City, the HBZSO already banned dispensaries. In November 2007, due to increasing concerns of public health, safety, and welfare of the residents and businesses, the City Council adopted Ordinance No. 3788, which amended the HBZSO to specifically repeal the authorization of dispensaries in Industrial zones. By repealing the exclusive authorization of dispensaries in Industrial zones, the result was to prohibit them throughout the City. This prohibition has remained intact since 2007.

2. The Applicants Were Not Wrongfully Denied The Opportunity To Apply For A Business License

Applicants claim that before opening their dispensary on Griffin Lane, they attempted to apply for a business license but the City denied it. Applicants offer no evidence that they ever applied for a business license, but even if they applied and the City rejected it, their remedy was to sue in Superior Court to obtain an order compelling the City to formally act on the license application. The remedy available to them was not “self help,” i.e., to open up the business in defiance of the City’s prohibition of such dispensaries. Consequently, the applicant’s “wrongful denial” claim is without merit.

### 3. Medical Marijuana Dispensaries Are Not A Permitted Use In The General Industrial Zone

As explained above, not only have dispensaries been prohibited throughout the City, they are specifically prohibited in the General Industrial zone. In 2007, the Council adopted Ordinance No. 3788 which deleted medical marijuana dispensaries as a permitted use in all Industrial zones.

However, applicant makes the specific claim at pages 4-6 of his appeal that regardless of the general prohibition on dispensaries, his individual dispensary is a permitted use in the General Industrial zone. The Planning Commission should reject this claim as well.

HBZSO Section 212.04 lists all the permitted and conditionally permitted uses in the Industrial districts. Medical marijuana dispensaries are not listed as a permitted use. HBZSO Section 212.04 further provides that: "Use classifications that are not listed are prohibited." Section 204.02 adds that because use classifications describe one or more uses having "similar characteristics," but do not list "every use," the Director of Planning and Building shall determine whether a specific use is within the classification. The Director shall exclude the use "if its characteristics are substantially different than those typical of uses named within the classification" (Section 204.02.) (Attachment No. 2).

The applicant claims that dispensaries share the same characteristics as "Industry, Custom," a permitted use in the General Industrial zone. Section 204.12 defines "Industry, Custom" as follows:

"Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

Small-Scale. Includes mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, and custom jewelry manufacture."

The applicant claims in his appeal that dispensaries are a Custom Industrial use because they "take the medical marijuana in its raw form to process and treating it in preparation for its final sellable form either as a medical marijuana cigarette or edible form."

The HBZSO offers several examples of small-scale, custom industry uses such as ceramic studios, candle-making shops and custom jewelry manufacture. A medical marijuana dispensary is comparable to none of them. Medical marijuana is provided through the cooperative or collective cultivation efforts of patients and caregivers. The sale of medical marijuana, currently a federally classified schedule 1 substance, is an "all cash" business which imposes public safety concerns on the City. A dispensary is not a machine shop, but a noncommercial cooperative or collective endeavor. Consequently, even if dispensaries were not prohibited throughout the City, and specifically in the Industrial zones, they still would not qualify as an "Industry, Custom" use.

Applicants also rely upon Section 211.02 regarding Commercial Districts and retail uses, but this argument is misplaced because the Griffin Lane property is located in the Industrial, not the Commercial zone, and "retail" is not a listed use in any Industrial zone (Section 212.04.).

More generally, dispensaries are not a retail use. The case of *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4<sup>th</sup> 1068, is directly on point. In that matter the Court found "that the operation of a

dispensary does not fall within the use classification of retail sales.” (*Id.* at 1092.) While also deciding that the operation of a dispensary did not fall within the term “personal services,” (*id.* at 1092), or fit “within the model under which a pharmacy or medical supply house conducts retail sales of prescription pharmacies and medical supplies to customers.” (*Id.* at 1093-1094.) The Court concluded that while “medical marijuana is certainly a good or commodity, it stretches beyond its limits the meaning of a retail sale to include within that category the noncommercial circumstance under which a collective of patients and caregivers qualified under the Compassionate Use Act.” (*Id.* at 1093.)

In summary, medical marijuana dispensaries have been a prohibited use within this City since the City adopted Ordinance No. 3788 in November 2007. There has not been a change in the City’s prohibition since then. Recently, in order to make this longstanding prohibition clearer to the public, the City enacted HBZSO Section 204.18 in May 2015. This zoning amendment expressly articulates that medical marijuana dispensaries are a prohibited use everywhere in the City, including all zoning districts and all specific plan areas. Therefore, Staff recommends that the Planning Commission deny Planning Application No. 2015-137, the applicant’s appeal, and request to obtain zoning approval for a medical marijuana dispensary at the subject site.

**ATTACHMENTS:**

1. Findings for Denial – Planning Application No. 2015-137 (Appeal of Director’s Decision)
2. HBZSO Section 204.02, *Applicability*, and Section 204.18 *Prohibited Uses*
3. Letter from City of Huntington Beach to Nhu Truong dated June 26, 2015 (includes copy of Business License application and Certificate of Occupancy application)
4. Appeal from Applicant, Medical Aid Program, d.b.a. Med-Aid HB received and dated July 6, 2015
5. Notice of Filing Status Letter from City of Huntington Beach to Appellant dated July 24, 2015

SH:JJ:kd

**ATTACHMENT NO. 1**

**SUGGESTED FINDINGS FOR DENIAL**

**PLANNING APPLICATION NO. 2015-137 (APPEAL OF DIRECTOR'S DECISION)**

**SUGGESTED FINDINGS FOR DENIAL – PLANNING APPLICATION NO. 2015-137:**

1. Medical marijuana dispensaries have been a prohibited use within the City since the City adopted Ordinance No. 3788 in November 2007. Since then, Huntington Beach Zoning and Subdivision Ordinance (HBZSO) Section 204.18, Prohibited Uses, went into effect in June 2015 and expressly articulates that medical marijuana dispensaries are not a permitted use anywhere within the City including all zoning districts and all specific plan areas.
2. Huntington Beach Zoning and Subdivision Ordinance Section 212.04 lists all the permitted and conditionally permitted uses in the IG (General Industrial) zone, and medical marijuana dispensaries are not listed as a permitted or conditionally permitted use. HBZSO Section 212.04 adds that “use classifications that are not listed are prohibited.” Consequently, dispensaries are a prohibited use.
3. Huntington Beach Zoning and Subdivision Ordinance Section 204.02, provides that the Director of Planning and Building shall determine whether a specific use is within one of the permitted Industrial use classifications. The Director shall exclude the use “if its characteristics are substantially different than those typical of uses named within the classification.” The Director finds that medical marijuana dispensaries are substantially different than Industrial, Custom or any other permitted or conditionally permitted use in the IG (General Industrial) zone.
4. Planning Application No. 2015-137 (Appeal of Director’s Decision) to obtain zoning approval of a medical marijuana dispensary will be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because pursuant to Huntington Beach Zoning and Subdivision Ordinance Section 204.18, medical marijuana dispensaries are a prohibited use within the City of Huntington Beach.
5. Planning Application No. 2015-137 (Appeal of Director’s Decision) to obtain zoning approval of a medical marijuana dispensary will not be compatible with surrounding uses because pursuant to Ordinance No. 3788, the City repealed, in November 2007, the limited exemption for dispensaries in Industrial zones. Further the City enacted in June 2015 Huntington Beach Zoning and Subdivision Ordinance Section 204.18, expressly demonstrating that medical marijuana dispensaries are a prohibited use within the City of Huntington Beach.
6. Planning Application No. 2015-137 (Appeal of Director’s Decision) to obtain zoning approval of a medical marijuana dispensary will not comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance because pursuant to Huntington Beach Zoning and Subdivision Ordinance Section 204.18, medical marijuana dispensaries are a prohibited use within the City of Huntington Beach.

7. Planning Application No. 2015-137 (Appeal of Director's Decision) to obtain zoning approval of a medical marijuana dispensary is not consistent with the General Plan Land Use Element. In addition, it is not consistent with the following policy of the General Plan:

A. Land Use Element:

Policy LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules (Table LU-2a and 2b).

The City has established that medical marijuana dispensaries are not a permitted use in any zoning district or specific plan area and therefore the request to obtain zoning approval of a medical marijuana dispensary is not in compliance with the General Plan or the Zoning and Subdivision Ordinance.

Huntington Beach Charter and Codes							
Up	Previous	Next	Main		Search	Print	No Frames
ZONING CODE							
Title 20 ZONING CODE—GENERAL PROVISIONS							
Chapter 204 USE CLASSIFICATIONS							

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### 204.02 Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title. The director may determine that a specific use shall not be deemed to be within a classification, if its characteristics are substantially different than those typical of uses named within the classification. The director's decision may be appealed to the Planning Commission. (3334-6/97)

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View the [mobile version](#).

ATTACHMENT NO. 2.1

Huntington Beach Charter and Codes							
Up	Previous	Next	Main		Search	Print	No Frames
ZONING CODE							
Title 20 ZONING CODE—GENERAL PROVISIONS							
Chapter 204 USE CLASSIFICATIONS							

## 204.18 Prohibited Uses

- A. **Purpose.** In order to expressly inform the public that any distribution of marijuana by Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries, etc., is prohibited in the City of Huntington Beach, the City is adding this express prohibition to the Zoning and Subdivision Ordinance.
- B. **Definitions.** For purposes of this section, the following term is defined:
1. **Medical Marijuana Business, Collective, Cooperative or Dispensary** means any location, structure, facility, vehicle, business, store, co-op, residence, or similar facility used, in full or in part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, displayed, placed or cultivated, including any of the foregoing if used in connection with the distribution of marijuana.
- C. **Medical Marijuana Businesses, Collectives, Cooperatives or Dispensaries.** A Medical Marijuana Business, Collective, Cooperative or Dispensary or any other such business, no matter how so named, is not a permitted use in any zoning district or specific plan in the City. It shall be unlawful for any person or entity to own, manage, establish, conduct or operate a Medical Marijuana Business, Collective, Cooperative or Dispensary. Also, it shall be unlawful for any person to permit to be established, conducted, operated, owned or managed as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, any Medical Marijuana Business, Collective, Cooperative or Dispensary in the City. (4059-5/15, 4058-6/15)

[View the mobile version.](#)

ATTACHMENT NO. 2.2



# CITY OF HUNTINGTON BEACH

**Original Via U.S. Mail – Certified Return Receipt**

June 26, 2015

Nhu Truong  
President  
Medical Aid Program dba Med-Aid HB  
17511 Griffin Lane #6  
Huntington Beach, CA 92647

Dear Nhu Truong:

The City of Huntington Beach has received your application for the establishment and operation of a business that appears to be related to the retail/dispensation of Medical Marijuana and related products, commonly referred to as a Medical Marijuana Dispensary. We note that on June 16, 2015, you submitted an application for a business license for a Medical Marijuana Dispensary.

Earlier this year, the City passed an ordinance that expressly prohibits the establishment of Medical Marijuana Dispensaries or related businesses in Huntington Beach; although this ordinance did not change the City's longstanding prohibition (HBZSO Section 204.18). Prior to this recent legislative act by the City Council, the Huntington Beach Zoning and Subdivision Ordinance (land use laws) in Huntington Beach prohibited the establishment of any Medical Marijuana Dispensaries or related businesses in Huntington Beach because such businesses were not listed as a "permitted use" under the City zoning laws (HBZSO Sections 204.02, 204.10, 211.04, 212.04, and 215.04). In keeping with the City's policy on this issue over the years, the Director of Planning and Building has consistently held, under "permissive use" laws, that this kind of establishment in the City is prohibited.

After careful review and consideration of your application, the Director of Planning and Building, relying upon the foregoing authorities, has determined that your proposed Medical Marijuana business is not eligible to receive any zoning approvals or permit because you are proposing to operate a business not permitted within any zoning in the City. Without any zoning approval, a Medical Marijuana Dispensary cannot obtain a Certificate of Occupancy, which is required for the location of your business.

In addition, the Director of Finance shall not issue a business license to any person failing to present all appropriate zoning approvals, or who has failed to comply with any other provision of this code, or whose business is prohibited or illegal (HBMC Sections 5.04.050 and 5.08.360). As the HBZSO Section 204.18 expressly states that your proposed business is a prohibited use, the Finance Director cannot legally issue a business license for this use.

While we appreciate your interest in conducting business in Huntington Beach, your request for a City Business License is not approved and no business license will be issued.

You may appeal the decision of the Director of Planning and Building by submitting an appeal to the Planning Commission by filing a written notice of appeal within ten (10) days. The Notice of Appeal shall include the name and address of the appellant, the decision to be appealed, and the grounds for the appeal. That appeal must be accompanied by a payment of \$494.00 to cover the filing fee.

The City of Huntington Beach thanks you for your interest in conducting business in the City. In light of the denial of your business license application, the City will be issuing you a full refund of any payments you made to the City with your business license application. The reimbursement will be sent by check to your mailing address. If you have any questions or concerns, please do not hesitate to contact either the Director of Finance at (714) 536-5630, or the Director of Planning and Building at (714) 536-5276.

Thank you.

Sincerely,



Lori Ann Farrell, Director of Finance

  
ACTING

Scott Hess, Director of Planning and Building

Enclosure: Copy of Application



# CITY OF HUNTINGTON BEACH

## FINANCE DEPARTMENT - BUSINESS LICENSE

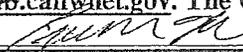
P. O. Box 190 - 2000 Main Street, Huntington Beach, CA 92648-2702  
Phone (714) 536-5267 - Fax (714) 536-5934 - [www.surfcity-hb.org](http://www.surfcity-hb.org)

### APPLICATION FOR BUSINESS LICENSE

RECEIVED  
JUN 16 2015  
Business License

<b>BUSINESS DETAILS:</b> Applications must be typed, or legibly hand printed in blue or black ink			
Name of Business (DBA): <i>Med-Aid HB</i>			
Name of Corporation (attach list of officers): <i>Medical Aid Program</i>			
Owner(s) or Principal(s): <i>Nhu Truong</i>		Title: <i>President</i>	
Contact Person: <i>Nhu Truong</i>		Title: <i>President</i>	
Business Address: <i>17511 Griffin Lane # 6 HB 92647</i>			
Mailing Address; City, State, Zip: <i>same</i>			
E-mail Address	Web Site	Business Phone	Fax
Type of Ownership: <input type="checkbox"/> Sole Proprietor	Social Security # [REDACTED]	Type of Ownership: <input type="checkbox"/> LLC <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation	Federal Tax ID # [REDACTED] State Tax ID # [REDACTED]
Date Business Started in Huntington Beach:	# Employees (include self per latest tax filing):	Full-time	Part-time (FTE) SIC #
Detailed Description of Business Activity: <i>Medical Marijuana dispensary</i>			
Located in a BID? <input type="checkbox"/> Yes <input type="checkbox"/> No	BID Zone <input type="checkbox"/> 1 <input type="checkbox"/> 2	BID Type or Category	Sq Ftg/Floor/Etc. <i>950 sq ft</i>
Description of Products Sold		Do you collect sales tax? <input type="checkbox"/> Yes <input type="checkbox"/> No	Seller's Permit (Resale #)
Business Vehicles Used in the City? <input type="checkbox"/> Yes <input type="checkbox"/> No How Many?	Under 1 ton	1-3 tons	Over 3 tons License Plate # License Plate #
<input type="checkbox"/> General Contractor <input type="checkbox"/> Sub Contractor	Contractor's Lic #	Classes	Expiration Date Job Address
Burglar Alarm System? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, permit is required. Call (714) 960-8805	Alarm Permit #	Health Permit #	ABC License # CUPA#
State License (# / Type / Exp. Date)	Live Entertainment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Sale of Adult Only Items? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Coin Operated Machines? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	# Vending	# Amusement	# Service # Music # Bulk
Vending Company's Name/Address/Phone			
# Apt/Motel/Rooming House/Office Units	# Trailer Spaces	Date of Purchase	Mobile Vendor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, complete section on back of form
I am aware of the provisions of Section 3700 of the California Labor Code, which requires every employer to be insured against liability for Workers Compensation. (Please check appropriate box) <input checked="" type="checkbox"/> Certificate of Workers Compensation Insurance <input type="checkbox"/> Certificate of Self-insurance of Workers Compensation			
<input type="checkbox"/> I certify that in the performance of work for which this license is issued I shall not employ any person in any manner so as to become subject to the worker's compensation laws of California. Note: If after signing the certificate, you hire any employee, you become subject to the workers' compensation provisions of the California Labor Code and you must immediately comply with the provisions of Section 3700 or your license immediately becomes revoked.			
In order to obtain a business license, the applicant must present all appropriate zoning permits. Business License applications will not be accepted or processed by the Business License office until proof of all appropriate zoning permits have been provided.			
I hereby declare under penalty of perjury that the information and statements on this application are true and correct.			
Signature: <i>Nhu Truong</i>		Title: <i>President</i>	
Printed Name: <i>TRUONG, NHU</i>		Date: <i>6-16-15</i>	
B/L#		Total Due: <i>11760</i>	

CR# 1283061

SUPPLEMENTARY INFORMATION REQUIRED: (NON-PUBLIC INFORMATION)			
Applications must be typed, or legibly hand printed in blue or black ink			
Owner or Principal	NEW TRUCKS		Title
Residence Address			
7521 Edinger Ave 1'			
City	State	Zip	Home Phone
Huntington Beach	CA	92647	[REDACTED]
Date of Birth	Social Security #	Drivers License	
[REDACTED]	[REDACTED]	[REDACTED]	
Signature	Date		
[Signature]	6-16-15		
Partner's Name or Secondary Principal (If applicable)			Title
Residence Address			
City	State	Zip	Home Phone
Date of Birth	Social Security #	Drivers License	
Signature	Date		
<b>ALTERNATIVE CONTACT IN CASE OF EMERGENCY:</b>			
Name	Title	Phone	
<b>MOBILE VENDORS ONLY – SUPPLEMENTARY INFORMATION:</b>			
Products Sold		Overnight Location of Vehicle	
Registered Owner of Vehicle		Description of Logo (may attach photo)	
Make of Vehicle	Year	Color	VIN #
Previous License?	City where previous license obtained		Date
<input type="checkbox"/> Yes <input type="checkbox"/> No			
Has license/franchise previously been revoked/suspended?	Reason for Suspension if Yes		Year
<input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>MOBILE VENDORS MUST ALSO PROVIDE WITH APPLICATION:</b>			
<ul style="list-style-type: none"> <li>• Legible photo copy of valid drivers license for each driver</li> <li>• DMV auto registration</li> <li>• Copy of auto insurance referencing VIN and policy #, naming additionally insured</li> <li>• Color photos of vehicle showing full side profile with logo and full rear of vehicle with license plate</li> </ul>			
<b>IMPORTANT INFORMATION:</b>			
Please notify the Business License Office of any changes to the business, including business name, location, owners, partners, business type or activity. If the business license is not updated accordingly, it may no longer be valid and the business owner may then be liable for penalties and administrative citations.			
If the business moves to another commercial location, a Certificate of Occupancy for the new location must be applied for with the Planning Department. Call (714) 536-5271 for application.			
As an applicant for a business license as a sole proprietor, you are <b>required</b> to provide your Social Security number as part of the application. Pursuant to Section 405(c)(2)(C)(i) of Title 42 of the United States Code, the City is permitted to require disclosure of the Social Security number for tax purposes. Disclosure of this information is mandatory. However, while disclosure is required in order for the City to properly administer the business license tax program, the Social Security number is not public record, and will not be disclosed to any members of the public.			
<p><b>Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies: The Division of the State Architect at <a href="http://www.dgs.ca.gov/dsa/Home.aspx">www.dgs.ca.gov/dsa/Home.aspx</a>. The Department of Rehabilitation at <a href="http://www.rehab.cahwnet.gov">www.rehab.cahwnet.gov</a>. The California Commission on Disability Access at <a href="http://www.cdda.ca.gov">www.cdda.ca.gov</a>.</b></p>			
Signature 			
<b>OFFICE USE ONLY:</b>			
Bus License #	NOTES:		TOTAL DUE: \$ (Includes non-refundable processing fee)



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**DEMAND FOR APPEAL OF  
BUSINESS LICENSE APPLICATION DECISION**

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TO: CITY OF HUNTINGTON BEACH Planning Commission

FROM: APPLICANT, Medical Aid Program d.b.a. Med-Aid HB  
17511 Griffin Lane # 6  
Huntington Beach, CA 92647

Date: July 6, 2015

RE: **Appeal of City of Huntington Beach's June 26, 2015, decision to deny zoning approval and permits for operation of medical marijuana dispensary**

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I, Sheren Truong, president of Medical Aid Program d.b.a. Med-Aid HB demand by way of this appeal that the City of Huntington Beach issue Medical Aid Program d.b.a. Med-Aid HB a business license along with all applicable permits in order to operate medical marijuana dispensary at the location commonly known as: 17511 Griffin Lane # 6, Huntington Beach, CA 92647 for the following reasons:

1. The City of Huntington Beach's denial of business license application based on HBZSO section 204.18 is not valid as the underlying Ordinance No. 4059 used to pass 2014.18 is void as a matter of law pursuant to California Government Code section 65858(e) as it duplicated the City's Ordinance No. 3700.
2. Medical Aid Program prior to operating attempted to apply for business license, but was wrongfully denied its due process rights to submit its business license application because of the City's mistaken belief that its municipal code sections prohibited medical marijuana dispensaries from operating in the zone where Medical Aid Program operated out of.

RECEIVED

JUL 06 2015

Dept. of Planning  
& Building

**ATTACHMENT NO. 4.1**

ARGUMENT

**I. The City of Huntington Beach's denial of business license application based on HBZSO section 204.18 is not valid as the underlying Ordinance No. 4059 used to pass 2014.18 is void as a matter of law pursuant to California Government Code section 65858(e) as it duplicated the City's Ordinance No. 3700**

According to the City's June 26, 2015, decision to deny Applicant's business license application its application for business license was denied because:

Earlier this year, the City passed an ordinance that expressly prohibits the establishment of Medical Marijuana Dispensaries or related businesses in Huntington Beach; although this ordinance did not change the City's longstanding (HBZSO Section 204.18). Prior to this Ordinance (land use laws) in Huntington Beach prohibited the establishment of any Medical Marijuana Dispensaries or related business in Huntington Beach because such a businesses were not listed as a "permitted use" under the City zoning laws (HBZSO Sections 204.02, 2014.10, 211.04, and 215.04)

See Exhibit "A" City of Huntington Beach June 26, 2015, denial of business license application.

**A. THE CITY'S URGENCY ORDINANCE NO. 4059, IS VOID ON ITS FACE. IT IMPERMISSIBLY DUPLICATED ORDINANCE NO. 3700 IN VIOLATION OF CALIFORNIA GOVERNMENT CODE SECTION 65858, ET. SEQ.**

The City's June 26, 2015, denial of business license application by Medical Aid Program d.b.a. Med-Aid HB makes it clear that the City thinks that it passed Ordinance 4059 on May 4, 2015. Passage of an urgency ordinance, such as this one, are subject to particular procedures that must be followed by the City adopting a zoning ordinance. However:

Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the legislative body of a county, city, including a charter city, or city and county, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.

California Government Code section 65858(a).

While enacting Ordinance 4059, the City invoked this provision: "Pursuant to Government Code Section 65858, and based on the findings set forth above, the City Council hereby declares that this

1 interim ordinance is necessary as an urgency measure for the immediate preservation of the public  
2 health, safety, or welfare.”

3 **B. The City cannot meet the provisions of Cal. Gov. Code §65858 as it failed to ameliorate the**  
4 **effects of its prior urgency ordinance for moratorium against medical marijuana**  
5 **dispensaries.**

6 The ability to simply bypass procedures based upon the willingness of a city council to make  
7 “findings that there is a current and immediate threat to the public health, safety, or welfare, and that the  
8 approval of additional subdivisions, use permits, variances, building permits, or any other applicable  
9 entitlement for use which is required in order to comply with a zoning ordinance would result in that  
10 threat to public health, safety, or welfare” (Gov. Code § 65858(c)) would seem ripe for abuse, and the  
11 City does just that. Fortunately, subdivision (e) steps in to prevent the City’s abuse:

12 When an interim ordinance has been adopted, **every subsequent ordinance**  
13 **adopted pursuant to this section, covering the whole or a part of the same property,**  
14 **shall automatically terminate and be of no further force or effect upon the**  
15 **termination of the first interim ordinance or any extension of the ordinance as**  
16 **provided in this section.**

17 California Government Code section 65858(e). (Emphasis added).

18 Subdivision (e) prevents the City from re-enacting its previous moratorium against “medical  
19 marijuana dispensaries.” No two interim ordinances can address the same subject on the same land for  
20 the same reason and purpose.

21 **C. A moratorium on Medical Marijuana Dispensaries was already implemented.**

22 The City admits there was a previous moratorium in the new interim ordinance: “The City of  
23 Huntington Beach also previously imposed a Moratorium on medical marijuana dispensaries.” (City’s  
24 RJN E, § 1A.) In fact, the City adopted it on February 22, 2005:

25 A motion was made by Bohr, second Hansen to adopt **Interim Ordinance No.**  
26 **3700** — “*An Interim Ordinance of the City of Huntington Beach Imposing a Moratorium*  
27 *on Medical Marijuana Dispensaries*” with specific findings regarding the detriment to  
28 the public’s health, safety and welfare **amended** to bypass the Planning Commission and  
bring an ordinance directly to Council and to change from a 45-day to a 30-day  
moratorium. The motion carried by the following roll call vote:

AYES: Hansen, Coerper, Sullivan, Hardy, Green, Bohr  
NOES: Cook  
ABSENT: None

City Council Minutes, February 22, 2005.

Interim Ordinance 3700 likewise invoked Government Code section 65858, stating, “Pursuant to

1 California Government Code Section 65858(a) . . . this interim ordinance shall become effective  
2 immediately.” (Ordinance 3700, § 4.) Including the amendment to cut the effective period down to 30  
3 days, the moratorium **expired on March 25, 2005 and can not be re-enacted ten years later pursuant**  
4 **to Government Code section 65858, subdivision (e).** As a result, the current state of the law in the City  
5 of Huntington Beach falls back on what the law was prior to the City’s failed attempt to pass a ban on  
6 medical marijuana dispensaries.

7  
8 **II. Medical Aid Program prior to operating attempted to apply for business license, but**  
9 **was wrongfully denied its due process rights to submit its business license**  
10 **application because of the City’s mistaken belief that its municipal code sections**  
11 **prohibited medical marijuana dispensaries from operating in the zone where**  
12 **Medical Aid Program operated out of.**

13 The Huntington Beach Municipal Code provides that it will issue licenses for those seeking a  
14 business license and that it cannot use its business license for the purpose of regulation:

15 “The business licenses issued pursuant to the provisions of this title constitute a receipt  
16 for the license fee paid and shall have no other legal effect. A business license is a  
17 requirement, not a permit to conduct, manage or carry on any business activity within this  
18 City. (838-6/61)”

19 HBMC section 5.04.090 License not a permit.

20 The ordinance codified herein is enacted solely to raise revenue for municipal purposes,  
21 and is not intended for regulation. (766-7/60)

22 HBMC section 5.04.020 Purpose

23 Medical Aid Program’s property falls under the City’s industrial use classification as Custom  
24 Industry: “A. **Industry, Custom.** Establishments primarily engaged in on-site production of goods by  
25 hand manufacturing involving the use of hand tools and small-scale equipment.” HBMC Zoning 204.12.

26 Not only that but because medical marijuana dispensaries may only sell medical marijuana to its  
27 members then the property can also simultaneously qualify for classification as a club or lodge under  
28 Huntington Beach Zoning Subdivisions & Ordinances section 204.08 Public and Semipublic Use  
Classification.

Now under the City’s land use laws a property classified as Custom Industry can perform retail  
sales of goods such as medical marijuana:

In the following schedules, letter designations are used as follows:

“P” designates use classifications permitted in commercial districts.

“L” designates use classifications subject to certain limitations prescribed by the “Additional Provisions” that follow.

\*\*\*]

Use classifications that are not listed are prohibited. Letters in parentheses in the “Additional Provisions” column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

CO, CG, and CV Districts: Land Use Controls

P = Permitted

\*\*\*]

	Co	CG [Commercial General]	CV	Additional Provisions
***]	***]	***]	***]	***]
Industrial				
Industry, Custom	-	L-6	L-6	

CO, CG, and CV Districts: Additional Provisions

\*\*\*]

L-6 Only “small-scale” facilities, as described in use classifications, are permitted with a maximum of seven persons employed full time in processing or treating retail products, limited to those sold on the premises.

Huntington Beach Zoning Subdivisions & Ordinance section 211.04

This is exactly what Medical Aid Program does, which is take the medical marijuana in its raw form to process and treating it in preparation for its final sellable form either as a medical marijuana cigarette or edible form. This is allowed in this zone for this property and for this purpose.

The next question is what retail sales are allowed and what merchandise can be sold in the sector where the Property is located? Those two questions are easily disposed of in the City’s municipal code section that follows regarding the permitted use by Med Aid Program under HBMC 204.10Y.

**a. The retail sale of medical marijuana is provided for under the City of Huntington Beach municipal code section under: 204.10Y states:**

Y. Retail Sales. The retail sale of merchandise not specifically listed under another use classification. This classification includes department stores, drug stores, clothing stores, and furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, surfing boards and equipment,

1 kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and  
2 wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive  
3 parts and accessories (excluding service and installation).

4 Hunting Beach Zoning & Subdivision and Ordinances section 204.10Y.

5 Clearly, the retail sale of medical marijuana is allowed under the local land use laws of the City.  
6 “Permissive” in circumstances such this means that if something is not specifically provided for or  
7 allowed then it is not permitted and/or is prohibited.

8 In this case however, there are two reasons why this does not apply as a matter of fact and law. The  
9 first is the code section above, is a catchall provision providing for the right to sell merchandise: “Retail  
10 Sales. The retail sale of merchandise not specifically listed under another use classification.” Huntington  
11 Beach Zoning & Subdivision Ordinances Section 204.10 Y

12 This language lifts it out of the permissive analysis to a prohibitive statutory analysis. Under a  
13 prohibitive statutory analysis that which is not prohibited is permitted unlike the analysis applicable  
14 under the permissive scheme: Nothing which is done or maintained under express authority of a statute  
15 can be deemed a nuisance.

16 As a compliment to that section and in order to further understand the application of the language in  
17 establishing that the City’s laws do embrace medical marijuana dispensaries:

18 211.02 Commercial Districts Established

19 The purpose of the commercial districts is to implement the General Plan and Local  
20 Coastal Program commercial land use designations. Three commercial zoning districts  
21 are established by this chapter as follows:

22 [\*\*\*]

23 B. The CG General Commercial District provides opportunities for the full range of  
24 retail and service businesses deemed suitable for location in Huntington Beach.

25 Huntington Beach Zoning & Subdivision Ordinance section 211.02

26 This section clearly establishes that if dispensary is seeking to sell medical marijuana that it falls  
27 within the stated purposes of the City in keeping with its objectives for its land use laws. This is made  
28 clear through its use of the terms “full range of retail...businesses” meaning the complete spectrum of  
29 retail businesses without any further qualification whatsoever.

30 This section does not say “a moderate range of retail businesses”, “some retails business”, or  
31 “everything except medical marijuana.” The City could have but it did not. Clearly, persons such as Med  
32 Aid Program seeking a business license to sell medical marijuana have the legal authority to do so in the

1 City of Huntington Beach.

2 The second reason why the principal of permissive code interpretation is inapplicable in this case  
3 comes by way of Art. I., Sec.'s 1 & 26 of the California State Constitution. It mandates that the rights  
4 involved with medical marijuana deal with certain inalienable rights:

5 "All people are by nature free and independent and have inalienable rights. Among these  
6 are enjoying and defending life and liberty, acquiring, possessing, and protecting  
7 property, and pursuing and obtaining safety, happiness, and privacy."

8 California Constitution, Article 1, Section 1.

9 Medical marijuana is property and the ability to seek treatment through the use of medical marijuana  
10 involves the right to enjoy life in not suffering from ailments that can be cured or resolved and/or better  
11 tolerated through the use of medical marijuana. It also involves the right to be safe from chronic pain of  
12 medical conditions, which also affects one's rights to pursue happiness, all of which can be achieved  
13 through the use of medical marijuana.

14 The right to medical marijuana however, is not an absolute or an unfettered right. The right to  
15 medical marijuana is subject to proscription under the language provided for under California  
16 Constitution Art. I. Sec. 3(b)(4) that guarantees and mandates that if such a right is to be limited or  
17 denied that such limitation or prohibition must be achieved through due process of law and under equal  
18 protection of law. In order to meet this mandate, those like the City; seeking to limit or take away any  
19 person's rights to medical marijuana must do so through express words.

20 "The provisions of this Constitution are mandatory and prohibitory, unless by express  
21 words they are declared to be otherwise."

22 California Constitution, Article 1, Section 26

23 But the reality is that please property falls squarely within the classification of light industrial  
24 located at the address commonly known as 17 511 Griffin Ln.,#6, Huntington Beach, CA 92647.

25 According to the key provided by the cities own laws under 211.04 provides retail sales and light  
26 industrial area where the subject property is located. Commercial businesses qualified by the designation  
27 L-6, Which according to the cities code key involving additional provisions for: "L-6 only small-scale  
28 facilities as described in use classifications, I permitted with a maximum of seven such persons

1 employed full-time and processing or treating retail products, limited to those sold on the premises.”

2  
3 [Huntington Beach Municipal Code section 211.04] limited industrial encompasses:

4 Manufacturing the finish parts or products, primarily from previously prepared  
5 materials, and provisions of industrial services, both within and close building. This  
6 classification includes processing, fabrication, Assembly, treatment, and packaging, but  
7 excludes basic industrial processing from Ron materials and vehicle/equipment services,  
8 but does allow food processing for human consumption.

9  
10 HBZSO section 204.12C

11 You're in the process medical are what is route received a trough form still on the stand of  
12 the plant and broken down and processed by removing stems and leaves the actual usable  
13 component and/or place within rolling papers for his final assembly as A medical marijuana  
14 cigarette to the end-user, i.e., patients by way of retail sales. This is clearly provided for and  
15 stated under section 211.04 which permits retail sales in general commercial zones.

16 Therefore what retail sales are allowed in general commercial zones use classifications which  
17 states full:

18 ...retail sale of merchandise not specifically listed under another use classification.

19 This classification includes... drugstores, and businesses retailing the following goods:...

20 handcrafted items, medical supplies,..."

21  
22 HBZSO section 204.10Y

23 But this thing is a question of just how I am full is the definition retell sales what was the intent of  
24 the city when seeking to define the universe of retail sales that it meant to include in this use  
25 classification. The answer simple because the city clearly states and it's intention of what has intended  
26 to include in its retail sales:

27 The purpose of the commercial district is to implement the general plan and local coastal program  
28 commercial land-use designations. Three commercial zoning districts ourselves by this chapter as  
follows:

B. The CG general commercial district provides opportunities for the full range of retail

1 and service this is being suitable for location in Huntington Beach.

2  
3 HBZOS 211.02

4 Clearly, the intended universe of retail sales encompasses in the cities limited industrial area  
5 covered under general commercial district is compliments and he is a full range of retail business. Full  
6 range can be defined according to common parlance is used by the people means: the entire spectrum.  
7 Plainly and clearly intending to encompass anything and everything that can fall into this use  
8 classification.

9  
10 **III. CONCLUSION**

11 Based on the foregoing Med Aid Program requests that the City of Huntington Beach issue to it a  
12 business license and permit. More importantly, the City in its denial letter has failed to specify what  
13 permits it does not qualify for. According to the zoning charts Med Aid Program's business is  
14 considered a "L-6 " which is permitted to do business in that zone. Therefore, we ask that you  
15 reconsider the City's decision to deny business license and permits and issue Med Aid Program a  
16 business license along with proper zoning approval.

Exhibit "A"

ATTACHMENT NO. 4.10



## CITY OF HUNTINGTON BEACH

Original Via U.S. Mail – Certified Return Receipt

June 26, 2015

Nhu Truong  
President  
Medical Aid Program dba Med-Aid HB  
17511 Griffin Lane #6  
Huntington Beach, CA 92647

Dear Nhu Truong:

The City of Huntington Beach has received your application for the establishment and operation of a business that appears to be related to the retail/dispensation of Medical Marijuana and related products, commonly referred to as a Medical Marijuana Dispensary. We note that on June 16, 2015, you submitted an application for a business license for a Medical Marijuana Dispensary.

Earlier this year, the City passed an ordinance that expressly prohibits the establishment of Medical Marijuana Dispensaries or related businesses in Huntington Beach, although this ordinance did not change the City's longstanding prohibition (HBZSO Section 204.18). Prior to this recent legislative act by the City Council, the Huntington Beach Zoning and Subdivision Ordinance (land use laws) in Huntington Beach prohibited the establishment of any Medical Marijuana Dispensaries or related businesses in Huntington Beach because such businesses were not listed as a "permitted use" under the City zoning laws (HBZSO Sections 204.02, 204.10, 211.04, 212.04, and 215.04). In keeping with the City's policy on this issue over the years, the Director of Planning and Building has consistently held, under "permissive use" laws, that this kind of establishment in the City is prohibited.

After careful review and consideration of your application, the Director of Planning and Building, relying upon the foregoing authorities, has determined that your proposed Medical Marijuana business is not eligible to receive any zoning approvals or permit because you are proposing to operate a business not permitted within any zoning in the City. Without any zoning approval, a Medical Marijuana Dispensary cannot obtain a Certificate of Occupancy, which is required for the location of your business.

In addition, the Director of Finance shall not issue a business license to any person failing to present all appropriate zoning approvals, or who has failed to comply with any other provision of this code, or whose business is prohibited or illegal (HBMC Sections 5.04.050 and 5.08.360). As the HBZSO Section 204.18 expressly states that your proposed business is a prohibited use, the Finance Director cannot legally issue a business license for this use.

While we appreciate your interest in conducting business in Huntington Beach, your request for a City Business License is not approved and no business license will be issued.

You may appeal the decision of the Director of Planning and Building by submitting an appeal to the Planning Commission by filing a written notice of appeal within ten (10) days. The Notice of Appeal shall include the name and address of the appellant, the decision to be appealed, and the grounds for the appeal. That appeal must be accompanied by a payment of \$494.00 to cover the filing fee.

The City of Huntington Beach thanks you for your interest in conducting business in the City. In light of the denial of your business license application, the City will be issuing you a full refund of any payments you made to the City with your business license application. The reimbursement will be sent by check to your mailing address. If you have any questions or concerns, please do not hesitate to contact either the Director of Finance at (714) 536-5630, or the Director of Planning and Building at (714) 536-5270.

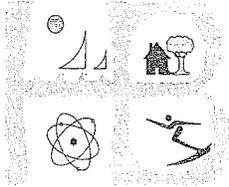
Thank you.

Sincerely,

  
Lori Ann Farrell, Director of Finance

  
Scott Mess, Director of Planning and Building

Enclosure: Copy of Application



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING AND BUILDING

[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov)

Planning Division

714.536.5271

Building Division

714.536.5241

July 24, 2015

### NOTICE OF FILING STATUS

APPLICATION: **PLANNING APPLICATION NO. 2015-137 – APPEAL OF DIRECTOR'S DECISION (17511 GRIFFIN LANE, #6 )**

APPLICANT: Medical Aid Program d.b.a. Med-Aid HB – 17511 Griffin Lane, #6, Huntington Beach, CA 92647

PROPERTY OWNER: 17511 Griffin Lane, #6, Huntington Beach, CA 92647

REQUEST: To obtain zoning approval to establish a medical marijuana dispensary.

PROJECT LOCATION: 17511 Griffin Lane, #6, 92647 (west side of Griffin Lane, south side of Slater Avenue)

Dear Applicant:

**NOTICE IS HEREBY GIVEN** that the Planning and Building Department has received your Appeal of Director's Decision, received and dated July 6, 2015.

**NOTICE IS HEREBY GIVEN** that on **Tuesday, August 25, 2015, at 7:00 PM in the City Council Chambers, 2000 Main Street, Huntington Beach, CA, 92648**, the **Planning Commission** will hold a **public hearing** on the request described above.

Please note the applicant is allowed to present to the Planning Commission up to the pre-set amount of time of four minutes. Additional time may be granted to the applicant at the discretion of the Planning Commission Chair. If you would like to request more time or if you would like to make a detailed presentation with PowerPoint, please contact staff prior to the meeting to make arrangements. Also, if you have handouts or presentation materials, please make sure you have sufficient copies for all in attendance.

If you should have any questions or concerns regarding the processing of your application, please feel free to contact me at (714) 536-5596 or [jjames@surfcity-hb.org](mailto:jjames@surfcity-hb.org).

Sincerely,

Jane James  
Planning Manager

copy: Property Owner, 17511 Griffin Lane, #6, Huntington Beach, CA 92647  
Sheren Truong, Med-Aid HB, 17511 Griffin Lane #6, Huntington Beach, CA 92647  
Nhu Truong, Med-Aid HB, 17511 Griffin Lane #6, Huntington Beach, CA 92647

**ATTACHMENT NO. 5**