



DENVER
THE MILE HIGH CITY

Denver City Council
Special Issues: MJ Committee
March 18, 2019

THE PROBLEM

- Only 1 business in operation since voters approved the initiative in 2016
- Through interviews with interested potential applicants and a careful study of maps showing the impacts of distance requirements, it is evident that the additional distance requirements are thwarting the intent of the voter-approved initiative by restricting available locations.

#6 Confluence Park, #5 City Park, #4 Red Rocks Amphitheatre
“10 Best Places to Smoke Weed in Denver” – *Green Rush Daily*, September 1, 2017

THE SOLUTION

- Change the distance requirements

THE COMPROMISE

- Keep proximity restrictions from schools set at 1000 feet
- Reduce proximity restrictions from child care facilities, city-owned recreation centers & outdoor pools, and drug & alcohol treatment facilities to 500 feet

WHY THIS COMPROMISE?

- More restrictive than liquor license distance requirements
- Does not eliminate EXL restrictions
- Opens an additional 5 square miles to eligibility
- Denver Post Editorial Board endorsed the initiative in 2016 and suggests a change to 500 feet is “reasonable”
- Multiple prospective business owners & industry support:

Utopia Natural Healing Lounge • Dean Ween’s Honey Pot Lounge • Ellementa • Denver Women of Cannabis • Colorado Cannabis Tours • Puff, Pass and Paint • Kush & Canvases • Ganja Yoga Guru • Iron Mountain • Crea8.Space • Minorities for Medical Marijuana • Southern Colorado Cannabis Council • Clover Leaf University • Saris Vati • Top Shelf Budtending • Bgood MMJ • Yoga on the Green • 0420 Inc. • TerpDiol/TCC • HTBX International • My 420 Tours • Tokeactivity • Desarollo Real Estate • Texaco LTD • Bolivar Hemp Company

“Denver should give the social pot-use experiment room to work”
– *Denver Post* Editorial Board, December 15, 2017

“But the voters have spoken, and the spirit and language of the measure they supported has obviously been disregarded. That’s just not kind.

Denver’s regulators ought to re-think the stiffer-than-workable rules and give seekers of on-site pot-use permits more room. Supporters suggest a 500-foot buffer between shops and child care facilities, or the ability to craft waivers with such entities. That’s a reasonable ask.”

Distance requirements of I-300 (2016), Rules Governing Designated Marijuana Consumption Areas, & the proposed compromise

	Voter-approved Initiative	Additional EXL Rules	Proposed Compromise
Schools	1000 feet	1000 feet	1000 feet
Child Care Facilities	-	1000 feet	500 feet
City-owned Recreation Centers & Outdoor Pools	-	1000 feet	500 feet
Substance Use Treatment Facilities	-	1000 feet	500 feet

- Colorado Clean Indoor Air Act compliance
- Consumption CANNOT be visible to the public
- Strict advertising rules
- Required Needs & Desires Hearing (or by request for Special Events)
- Required neighborhood support
- CANNOT be in a residential zone district
- CANNOT be on publicly-owned property
- Application and permitting fees
- CANNOT co-locate with a liquor license
- No dual/poly consumption
- Age restrictions (21+)
- Cap of 10 events/individual/year
- Building & operational requirements (proper signage, responsible operations plan, Odor Control Plan, health & sanitation plan, employee training plan, waste removal plan, DCA plan, community engagement plan)

A BILL

For an ordinance concerning designated consumption area setback requirements.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That section 6-311 (a), D.R.M.C., is amended by deleting the language stricken and adding the language underlined, to read as follows:

Sec. 6-311- Zoning, location, and setback requirements.

(a) A designated consumption area may not be located or operated within the following distances ~~one thousand (1,000) feet of any school~~, with the distance computed by direct measurement in a straight line from the nearest property line of the land used for ~~school~~ each of the following, to the nearest portion of the building, structure, or enclosure in which the designated consumption area is located:

- (1) One thousand (1,000) feet of a school;
- (2) Five hundred (500) feet of a Child Care Establishment;
- (3) Five hundred (500) feet of a alcohol or drug treatment facility;
- (4) Five hundred (500) feet of a city-owned recreation center or city-owned outdoor

pool.

PUBLIC COMMENT:

Please share your thoughts on the proposed changes to the distance requirements and suggestions to improve special event permitting for social consumption.

Speakers have 2 minutes. Please respect the time limit!

NEXT COUNCIL SPECIAL ISSUES: MARIJUANA COMMITTEE

MONDAY, APRIL 8

1:30 – 3 PM

CITY & COUNTY BUILDING, ROOM 391

PROPOSED AGENDA:

- Continue discussion on special event permits for social consumption
- State update