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# City of Detroit

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**TO:** The Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division

**DATE:** February 18, 2022

**RE:** **Cannabis Industry Comparative Analysis**

The Legislative Policy Division (LPD) has been requested by Council Member Coleman A. Young, II to provide a comparative analysis of Detroit and U.S. cities with medical and/or adult use marijuana business models, and the locations in which they are allowed to conduct business.

While some States such as Colorado and Washington have been engaged in legalized marijuana for a number of years, many other States and cities within them have just begun to undertake the process. LPD has attempted to gather information from cities that have established medical and recreational marijuana legalization for comparative analysis. It is primarily the general business model in each jurisdiction that a license be required for a "Marijuana business" that grows, possesses, produces, processes, manufactures, sells (whether at wholesale or retail), distributes, transports, allows for consumption on their premises, or delivers marijuana with the object of commercial gain or benefit, regardless of whether the marijuana is intended for medical or recreational use. The City of Detroit's current ordinance iteration of licensing business models fits within the category of "marijuana business" listed above. The proposed ordinance provides the licensing business models under Section 20-6-3, which provides in pertinent part:

- (a) Pursuant to Section 205(1) of the MMFLA, the City shall authorize licenses in accordance with the provisions of this article for the following types of medical marijuana facilities:

- (1) Grower;
- (2) Processor;
- (3) Provisioning center;
- (4) Safety compliance facility; and
- (5) Secure transporter.

(b) Pursuant to Section 6(3) of the MRTMA, the City may authorize licenses in accordance with the provisions of this article for the following types of marijuana establishments:

- (1) Grower;
- (2) Retailer;
- (3) Processor;
- (4) Safety compliance facility;
- (5) Secure transporter;
- (6) Temporary marijuana event;
- (7) Marijuana event organizer;
- (8) Designated consumption establishment; and
- (9) Microbusiness.

Although the licenses may be titled differently, the basic undertaking of the marijuana business licenses generally cover the same areas. A separate license must be obtained for each business model undertaken. One commonality with Detroit is that each city identified allows for a licensee to obtain a separate dispensary license to sell medical and recreational marijuana from the same location.

## **Seattle, WA**

According to PotGuide.com<sup>1</sup> Washington, there are 55 marijuana dispensaries in Seattle, 27 are both Medical and Recreational.

The State of Washington was the first U.S. State to legalize marijuana in 2012. The licensing of marijuana businesses is issued by the State. There are three main licensing tiers in Washington state: marijuana producer, processor, or retailer. There are also transportation licenses that are very limited in scope. Under State law, marijuana establishments must comply with the location requirements. A dispensary cannot be located within 1,000 feet of any elementary school or secondary school, playground, recreation or childcare center, public park, public transit center, library or arcade that allows minors. Local governments have the ability to reduce this 1,000 foot rule all the way down to 100 feet for anywhere except schools

In Seattle, a business that engages in production, processing or retailing of marijuana are also required to follow Seattle City Code Section 23.42.058 – *Marijuana*, which provides in pertinent part:

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<sup>1</sup> PotGuide is a fact-driven, scientifically researched comprehensive online resource for the cannabis industry connecting consumers to dispensaries, delivery services, brands and exciting deals/offers on consumer products. A content driven site, PotGuide strives to show consumers the ropes of legal cannabis through various directories, educational guides and carefully curated information from industry experts. All of our content is created by subject matter experts and extensively reviewed in-house for accuracy.

A. Major marijuana activity is prohibited in any dwelling unit, regardless of the zone in which the dwelling unit is located, except that major marijuana activity is allowed in caretaker's quarters unless the quarters are located in a zone or district identified in subsection 23.42.058.B.

B. Major marihuana or marijuana activity is prohibited in the following zones and districts:

1. Single-family zones; 2. Multifamily zones; 3. Neighborhood Commercial 1 (NC1) zones; 4. Pioneer Square Mixed (PSM); 5. International District Mixed (IDM); 6. International District Residential (IDR); 7. Downtown Harborfront 1 (DH1); 8. Downtown Harborfront 2 (DH2); 9. Pike Market Mixed (PMM); 10. Ballard Avenue Landmark District; 11. Columbia City Landmark District; 12. Fort Lawton Landmark District; 13. Harvard-Belmont Landmark District; 14. International Special Review District; 15. Pike Place Market Historical District; 16. Pioneer Square Preservation District; 17. Sand Point Overlay District; or 18. Stadium Transition Area Overlay District.

LPD notes, the Seattle Code prohibits marijuana activity in specific areas of their downtown such as Downtown Harborfront 1 and Downtown Harborfront 2. Marijuana activity is also not allowed in Neighborhood Commercial 1 zones which is a small shopping area that provides primarily convenience retail sales and services to the surrounding residential neighborhood.

## **Denver, CO**

According to PotGuide.com Colorado, there are approximately 214 marijuana dispensaries in Denver with approximately 132 being both Medical and recreational, 22 Medical alone and 59 recreational alone.

The State of Colorado began full legalization of medical and adult use marijuana in 2012. The Colorado Revised Statutes, Section 44-10-401, provides for licensing the cultivation, manufacture, distribution, hospitality, and sale of regulated marijuana and regulated marijuana products. The State also requires local communities to issue a license for any corresponding license issued by the State for marijuana establishments.

The City of Denver provides licenses for each of the different business models that are licensed by the State under Denver City Code, Section 6-205. The location and restrictions for medical and retail marijuana are set forth under the Denver City Code, Section 6-211, which pertinent provisions provide:

Prohibited locations. No retail marijuana store license shall be issued for the following locations:

(1) In any residential zone district as defined by the zoning code of the city, in any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district as defined by the zoning code of the city, or in any location where retail sales are prohibited by the zoning code or by any ordinance governing a planned unit development. The restriction against licensing a retail marijuana store in any MS-2, MS-2x, MX-2, MX-2A or MX-2x zone district shall not

apply to any location where the director previously issued a medical marijuana center license under article XII of chapter 24 and a licensed medical marijuana center has existed in continuous operations at the subject location since the time of original licensing.

(2) Within one thousand (1,000) feet of any school;

(3) Within one thousand (1,000) feet of any other retail marijuana store or medical marijuana center licensed under article XII of chapter 24;

(4) Within one thousand (1,000) feet of any childcare establishment or alcohol or drug treatment facility.

LPD was unable to identify any specific restrictions to marijuana dispensaries in the downtown area, however, the zoning codes prohibit any retail sales license being issued in any residential zone.

### **Chicago, IL**

According to PotGuide.com Illinois, there are 17 marijuana dispensaries in Chicago, 11 are dual Medical/recreation facilities.

The State of Illinois legalized marijuana in 2020 and administers the licenses for business models for dispensaries, craft growers, infusers, transporters and cultivation centers.<sup>2</sup> In 2021 the State increased the number of recreational dispensary licenses from 75 to 185. The licenses will be issued by three lotteries. The first lottery will be for 55 of the applicants that scored at least 85 out of 250 application points. The second lottery will be for social equity-justice involved applicants that scored at least 85 out of 250 application points. The final lottery will be for the initial 75 licenses that were authorized in 2020 and will be issued to the top scoring applicants that tied in application points. The number of licenses is issued proportionately according to regions with the highest population. The Chicago-Naperville-Elgin region is allowed 47 licenses.<sup>3</sup>

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<sup>2</sup> Dispensing organizations acquire cannabis from licensed entities for the purpose of selling or dispensing cannabis products to adults over the age of 21. Craft growers are authorized to cultivate, dry, cure, and package cannabis as well as perform other necessary activities to make cannabis available. Currently, Craft growers may only contain up to 5,000 square feet of cannabis canopy space. Infusers incorporate cannabis or cannabis concentrates to produce cannabis-infused products. Businesses that transport cannabis on behalf of cannabis business establishments or a licensed community college vocational program. Cultivation centers are authorized to cultivate, process, transport (unless limited by law), and perform other necessary activities to provide cannabis products to cannabis business establishments. The State can authorize 100 licenses for cultivation, 100 licenses for manufacturing/processing and 100 plus licenses for transporting.

<sup>3</sup> LPD notes the State of Illinois has a Social Equity program under 405 ILCS 705 which has an expungement initiative and awards a significant number of points in its recreational license evaluations to members of Disproportionately Impacted Communities. In addition, existing medical license holders pay fees to fund the Cannabis Business Development Fund, which is used to provide low interest loans and grants to applicants from Disproportionately Impacted Communities that are awarded licenses.

Illinois State law generally prohibits certain cannabis dispensaries from locating within 1,500 feet of another cannabis dispensary, however it does permit social equity adult use cannabis dispensaries to locate within 1,500 feet of non-social equity adult use cannabis dispensaries.

The City of Chicago regulates through its zoning authority where the dispensaries are permitted to locate. The ordinance permits new adult use cannabis dispensaries in certain Business (B), Commercial (C), Downtown (D), Manufacturing (M) and Planned Manufacturing (PMD) zoning districts provided they obtain a special use permit from the Zoning Board of Appeals (ZBA). The ordinance allows for permits/license for cannabis craft grower, processor and infuser facilities to locate in certain Manufacturing (M) zoning districts with distance requirements of 660 feet away from residential districts.

The Cannabis Zoning Ordinance, Section 17-7-0560, prohibits adult use cannabis dispensaries from opening within a defined portion of the Central Business District. The boundaries of the Downtown Exclusion Zone run from Division Street to Van Buren Street between State Street and Michigan Avenue. On Michigan Avenue exclusion zone goes from Division Street on the north to 16th Street on the south. The exclusion zone also includes the area bounded by Ohio Street on the north, Illinois Street on the south, State Street on the west, and Navy Pier on the east. The Cannabis Zoning Ordinance prohibits adult use cannabis dispensaries from locating within a portion of downtown and within 500 feet of a school.

The zoning appears to allow for dispensaries to be located in neighborhood business and commercial corridors in Chicago.

## **Las Vegas, NV**

According to PotGuide.com Nevada, there are 51 marijuana dispensaries in Las Vegas, 38 are both medical and recreational, 13 are recreational only.

The State of Nevada fully legalized marijuana for medical and adult use in 2016. Under the Nevada Revised statutes, Title 56, *Regulation of Cannabis* provides for the licensing of the cultivation, production, testing, dispensing and retail of both medical and adult use marijuana under Sections 678B *Licensing and Control of Cannabis*, 678C *Medical Use of Cannabis* and 678D *Adult Use of Cannabis*. Under State law, the number of licenses for adult use marijuana dispensaries issued to each county is based upon population. The County of Las Vegas is allowed 80 adult use marijuana dispensary licenses.

The City of Las Vegas requires in addition to the State license, a local license for business models for the cultivation, production, testing, dispensing and retail of both medical and adult use marijuana. The licenses are issued pursuant to the Las Vegas Code, Section 6.95.<sup>4</sup> Also, the

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<sup>4</sup> LPD notes that Nevada has recently amended its statute to include a social equity provision under Section 678B providing licensing for consumption lounges “Social equity applicant” means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to section 11 of this act. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

land use requirements for retail sales of either medical or adult use marijuana is under the Unified Development Code, Section 19.12.070:

Minimum Special Use Permit Requirements:

1. Pursuant to its general authority to regulate the cultivation, production, dispensing, and sale of cannabis, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring a minimum distance separation between a cannabis dispensary and certain other uses that should be protected from the impacts associated with a cannabis dispensary. Therefore, except as otherwise provided in these Requirements, no cannabis dispensary may be located within 1000 feet of any school, or within 300 feet of any of the following uses:

- a. City park;
- b. Church/house of worship;
- c. Individual care - family home, individual care - group home, or individual care center (in each case licensed for the care of children);
- d. Community recreational facility (public); or
- e. Any use whose primary function is to provide recreational opportunities to minors. Such uses include without limitation commercial recreation/amusement (indoor or outdoor); library, art gallery or museum (public); teen dance center; and martial arts studio that provides instruction to minors.

2. Independent of the minimum distance separation requirements in Requirement 1, no cannabis dispensary may be located within 1000 feet of any other cannabis dispensary, whether or not that other dispensary is located within the jurisdictional limits of the city.

Additionally, under Subsection 8, no cannabis dispensary shall be located:

- a. On any property which abuts Fremont Street west of 8th Street; or
- b. Within 1500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed cannabis dispensary was submitted to the City, but only if and to the extent the location of the proposed cannabis dispensary would be prohibited by Chapter 595, Statutes of Nevada 2019 (Assembly Bill 533).

The regulations do not cover the Las Vegas Strip, which is a section of Las Vegas Boulevard outside city limits in an unincorporated area of Clark County. The county reportedly barred dispensaries from locating there. It appears that as long as the dispensary meets the zoning and distance requirements, they can be located in neighborhood business and commercial corridors.

## **Phoenix, AZ**

According to PotGuide.com Arizona, there are 35 marijuana dispensaries in Phoenix all are both Medical and Recreational.

The State of Arizona legalized marijuana in 2020. The Arizona Department of Health Services (ADHS) is responsible for licensing and regulating marijuana, marijuana retail sales, marijuana growth, and testing facilities in Arizona, pursuant to Arizona Revised Statutes, Chapter 28.2, Section 36-2850 et. Seq.<sup>5</sup> The location of marijuana licensed establishments is governed by the Phoenix Zoning Code.

Phoenix divided medical-marijuana land uses into three categories:

Retail sales/dispensaries: Where patients can purchase medical marijuana. Sales will be allowed only in C-1 (the C-1, Commercial Neighborhood Retail District, is a district of light neighborhood type retail and customer service uses); and. C-2 zoning, (Commercial Intermediate District, is a district of commercial uses of medium intensity designed to be compatible with each other and to provide for a wide range of types of commercial).which are generally strip malls and commercial-retail centers. This covers many of the city's major intersections and streets.

Grow facilities: Where marijuana will be grown or cultivated to supply dispensaries. In Phoenix, grow facilities will be allowed only in areas zoned for heavy industry or agriculture (S-1, S-2, A-1, A-2).

Infusion: Where marijuana is blended into balms, lotions and food. Baking brownies will be considered manufacturing, so infusion facilities will be limited to heavy industry area.

LPD was unable to identify any specific restrictions to marijuana dispensaries in the downtown area. As indicated above, marijuana dispensaries can be located in neighborhood commercial retail districts.

## **Portland, OR**

According to PotGuide.com Oregon, there are 197 marijuana dispensaries in Portland OR, 118 are both Medical and Recreational.

The State of Oregon legalized marijuana for medical and adult use in 2016. The City of Portland can authorize a marijuana business license for the cultivation, production, testing and dispensing of marijuana but also includes micro-producer, micro-wholesaler, processor, retail courier. Included in the Portland licensing regulations is the Social Equity program under Section 14B.130.055.<sup>6</sup>

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<sup>5</sup> LPD notes the State of Arizona under Section 36-2854 is to issue 26 additional marijuana establishment licenses under its Social Equity program to entities that are qualified pursuant to the social equity ownership program. The creation and implementation of a social equity ownership program to promote the ownership and operation of marijuana establishments and marijuana testing facilities by individuals from communities disproportionately impacted by the enforcement of previous marijuana laws.

<sup>6</sup> To qualify as a Social Equity Applicant (includes but is not limited to): demonstrating at least one of the following qualifying factors: **a.** Applicant provides opportunities to individuals directly impacted by criminal prosecutions during cannabis prohibition as demonstrated by: **(1)** 25 percent or greater of ownership is represented by individuals with a federal or state conviction for a criminal offense committed prior to July 1, 2015 in which possession, delivery or manufacture of marijuana or marijuana items is an element, whether misdemeanor or felony; or **(2)** 20 percent or greater of staff hours are represented by individuals with a federal or state conviction for a

The Portland City Code details the land use restrictions under Section 14B.130.040, *Minimum Standards*.

A. A marijuana regulatory license may only be issued for a specific, fixed location which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to a building or zoning permit.

B. If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary.

C. Except for marijuana retail couriers, if the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer.

D. Distance Restrictions for Dispensaries and Retailers.

1. Except for marijuana retail couriers, a marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer

E. No medical dispensary, marijuana retailer or marijuana retail courier may locate its licensed premises for business operations within 1,000 feet of:

1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or

2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).

3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.

LPD was unable to identify any specific restrictions to marijuana dispensaries in the downtown area. It appears the zoning ordinance does not prohibit the marijuana dispensaries along neighborhood commercial retail corridors.

## **Los Angeles, CA**

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criminal offense committed prior to July 1, 2015 in which possession, delivery or manufacture of marijuana or marijuana items is an element, whether misdemeanor or felony. Qualifying applicants can receive a discount on the application fees of up to 15% or 25%. Portland also applies an excise tax of 3% in cannabis revenue for grant funds for BIPOC and women led/owned small business initiatives and/or projects, programs or services that support economic and educational development of Black and Brown communities, which were most impacted by cannabis prohibition.



According to PotGuide.com California, there are 87 marijuana dispensaries in Los Angeles. All provide both medical and recreational marijuana. However, the numbers vary, according to a publication Crosstown dated December 2019:

Of LA's 189 licensed cannabis dispensaries, 15 are in Downtown, according to data from the City of Los Angeles. But there are far more dispensaries listed on Weedmaps, a service that allows people to search for dispensaries in their neighborhoods. Weedmaps currently lists 71 operating dispensaries in Downtown Los Angeles alone.

The State of California legalized marijuana for medical and adult use in 2016. The State of California also enacted the California Cannabis Equity Act<sup>7</sup>. Pursuant to the Los Angeles City Code, Section 104.02 a license is required to establish a marijuana business for:

Growing cannabis (cultivation); Transporting cannabis (distribution); Making cannabis products (manufacturing); Testing cannabis or cannabis products (testing laboratory); Selling cannabis (retail); Holding an event where cannabis will be sold (event organizers)

The Los Angeles City Code provides the parameters for which the marijuana dispensaries shall operate Section 105.2, *Location and other Requirements for Commercial Cannabis Activities*, provides in pertinent part:

The Commercial Cannabis Activity described in Subsections A(1) -A(7) shall not be required to comply with the distance restriction from a school, day care center, or youth center stated in Business and Professions Code Section 26054. In place and stead of these State law distance and sensitive use restrictions, the Commercial Cannabis Activity shall be required to meet the distance and sensitive use restrictions stated in this article.

(a) Commercial Cannabis Activity.

Retailer Commercial Cannabis Activity. Commercial Cannabis Activity falling under the category "Type 10 - Retailer" in Section 26050 of the California Business and Professions Code or "Type 9 - Non-Storefront Retailer" in California Code of Regulations Title 16 Division 42 Chapter 3 Section 5414; only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

1. Chapter 1 of the Los Angeles Municipal Code: C1 Limited Commercial Zone, C1.5 Limited Commercial Zone, C2 Commercial Zone, C4 Commercial Zone, C5 Commercial Zone, CM Commercial Manufacturing Zone, M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

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<sup>7</sup> The California Cannabis Equity Act is designed to assist members of communities most severely impacted by the War on Drugs that wish to enter California's newly legal cannabis industry. The Act authorizes \$10 million in appropriations to be used to offer equity applicants and licensees business loans or grants, waivers for licensing fees, technical support, and other services.

2. Commercial Manufacturing (Glencoe/Maxella) Zone: CM(GM) Zone under the Glencoe/Maxella Specific Plan; or
3. Central City West Specific Plan Zone: RC4(CW) Residential Mixed-Use Category, RC5(CW) Residential Mixed-Use Category, C1(CW) Limited Commercial Category, C2(CW) Commercial Category, C4(CW) Commercial Category, or CM(CW) Commercial Manufacturing Category, under the Central City West Specific Plan; or
4. Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where “Retail Store, general merchandise” or “Hybrid Industrial” uses are permitted under the Warner Center Specific Plan; or
5. Los Angeles Sports and Entertainment District Specific Plan Zone: LASED Los Angeles Sports and Entertainment District Specific Plan Zone under the Los Angeles Sports and Entertainment District Specific Plan; or
6. Playa Vista Specific Plan Zone: M(PV) Industrial Zone and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or
7. Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Lemon Grove Lot (Parcels A and B), South Bronson Lot, Windsor Lot, Camerford Lot, Waring Lot, and Gregory Lot (Parcels A and B) under the Paramount Pictures Specific Plan; or
8. USC Specific Plan Zone: USC Specific Plan Zone within Subarea 3 under the USC Specific Plan; or
9. Jordan Downs Urban Village Specific Plan Zone: CM(UV) Commercial Manufacturing Zone under the Jordan Downs Urban Village Specific Plan; or
10. Comfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and Outside of a 700-foot radius of a School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; and outside of a 700- foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity defined in this section.

LPD was unable to ascertain whether any of the prohibited areas include downtown Los Angeles, however, it does appear to allow marijuana dispensaries in in commercial zones including mixed residential areas.

**San Diego, CA**

According to PotGuide.com California, there are 22 marijuana dispensaries in San Diego. All provide both medical and recreational marijuana except 1 which is recreational.

The State of California legalized marijuana for medical and adult use in 2016. Under the San Diego City Code, only marijuana retail outlet establishments are allowed in the city. All other marijuana facilities are prohibited. The pertinent provisions of the San Diego City Code are as follows: Section 141.0504 – *Cannabis Outlets*

Marijuana outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four marijuana outlets are permitted in each City Council District. Marijuana outlets are subject to the following regulations.

(a) Marijuana outlets shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:

(1) 1,000 feet from resource and population-based city parks, other marijuana outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) 100 feet from a residential zone.

LPD was unable to identify any specific restrictions to marijuana dispensaries in the downtown area, however, it does appear to allow marijuana dispensaries in commercial corridors as long as they are 100 feet from a residential zone.

If we can be of any further assistance, please call upon us.