

MANHATTAN COMMUNITY BOARD FIVE  
STATE LICENSES AND PERMITES COMMITTEE  
REPORT OF THE CANNABIS TASK FORCE AND ADOPTION OF GUIDELINES FOR  
THE REVIEW OF CANNABIS-RELATED APPLICATIONS

In 2021 the State of New York legalized the production, sale, and use of recreational cannabis, which created the ability of the State to license retail cannabis dispensaries and establishments for on-site consumption. The regulation of these establishments is predominantly handled by the State and the State has created the State Cannabis Control Board for that purpose. Within the proposed State guidelines municipalities can enact local laws and regulations governing the “time, place and manner” of such establishments and tries to balance the needs of the entire community — ensuring the quality of life of the residents, while also allowing for the businesses to flourish; and

In the nascent phase of development of a new legalized cannabis industry in New York, the entitlement of cannabis licenses without evaluation of local history, public interest, and attention to balancing the rights of cannabis licensees with the rights of the residents, would do a disservice to both communities and businesses; and

To maximize the local benefit of new cannabis establishments allowed by State law and to minimize the risk of disruption of such establishments to the community, CB5 convened the Cannabis Task Force (CTF), to accomplish the following tasks:

1. To investigate the evolving regulations affecting the licensing of retail and on-site consumption cannabis establishments and report back to the Committee on same (ongoing); and
2. To interface with residents, businesses, BIDS, block associations, community groups, other community boards, and other relevant organizations to share information (ongoing); and
3. To propose guidelines by which CB5 will review and evaluate upcoming applications for retail and on-site consumption cannabis establishments, for comment to the Office of Cannabis Management, which guidelines shall (i) itemize specific uniform and objective criteria by which cannabis licenses will be reviewed and (ii) define parameters for acceptable methods of operation for cannabis establishments in our district; and
4. To propose comments on enforcement concerns and recommendations to OCM, NYPD, and/or other relevant agencies (ongoing); and

Over a period of two months, the CTF gathered information by meeting with and directly outreaching to residents, businesses, block associations, neighborhood groups, and building owners. The proposed guidelines proposed by the CTF for use in evaluating cannabis licensee applications (attached hereto, the "CTF Guidelines") were presented to the State Licenses and Permits Committee of CB5 (“SLAP”) and supported unanimously by the Committee after

discussion took place at the SLAP meeting on February 1, 2023, with comments and input taken from the public; and

The CTF Guidelines use as a foundation decisions already established through existing CB5 policy guidelines improving public health, safety, and quality of life in the community, such as those governing the evaluation of liquor license applications by SLAP within the “CB5 Restricted Licensing Area (the “RLA”) and the “Broadway Corridor Restricted Licensing Area” (the “BCRLA”).

## **MANHATTAN COMMUNITY BOARD FIVE**

### **GUIDELINES ON CANNABIS LICENSING**

Manhattan Community Board Five (“CB5”) hereby establishes these "GUIDELINES ON CANNABIS LICENSING" or “GCL” to govern the Board’s consideration of all cannabis license applications within our district.

#### **Distance**

Any application for a cannabis license within CB5 may only be approvable provided that the proposed location is no less than:

- 1) 1,000 feet from an existing cannabis establishment; and
- 2) 500 feet from a school; and
- 3) 500 feet from a community facility; and
- 4) 200 feet from a house of worship; and
- 5) 500 feet from a harm reduction facility; and

And for retail establishments only, the following additional distance requirements:

- 6) 500 feet from a park or a public space; and
- 7) 1,000 feet from a playground; and

#### **Noise and Odor Mitigation**

Cannabis applicants shall provide noise and odor mitigation plans demonstrating how their establishments will minimize noise and odor pollution. All applicants must minimize noise and odor pollution and its adverse impact on the community; and

#### **Hours of Operation**

No establishment for the retail sale, delivery, or on-site consumption of cannabis shall operate later than 2:00 a.m.; and

No establishment for the on-site consumption of cannabis, which is located within 500 feet of a residence, shall have hours of operation later than:

- Sunday through Wednesday nights: closure no later than 1:00 a.m.; and
- Thursday through Saturday nights: closure no later than 2:00 a.m.; and

### **Restricted Licensing Areas**

When a proposed cannabis license is located within any existing or future “Restricted Licensing Area” of CB5 (an “RLA”), to the extent that any requirements applicable within such RLA are more restrictive than those provided in these guidelines (including but not limited to hours of operation, size of the premises, etc.), the application shall comply with the more restrictive requirements of such RLA; and

### **Outdoor Space**

Consumption of cannabis products must not be permitted outdoors, including in sidewalk sheds, rooftops, terraces, and other outdoor areas within which the business operates; and

### **Community Engagement and Process**

- 1) Cannabis applicants must provide a timely response to a questionnaire provided by CB5, providing information including but not limited to details about the proposed premises, the description of the proposed method of operation, hours of operation, product lists, operational plans, and other information requested in the questionnaire; and
- 2) Cannabis applicants shall engage with local co-op and condo boards, resident and block associations, business improvement districts and/or other community organizations within the vicinity as part of a good faith effort to preserve the quality of life of the surrounding residents, businesses, and other local stakeholders; and
- 3) Cannabis applicants shall correspond with members of CB5's State Licenses and Permits (SLAP) committee, respond to community concerns, and attend community meetings and SLAP committee hearings as requested. CB5 cannabis licensee applicants must actively engage in this process, tailoring its method of operation as appropriate for the specific location being licensed; and
- 4) CB5 will evaluate applications in a fair and impartial manner utilizing these guidelines and the Method of Operations Approval Matrix included herein as Exhibit A; and
- 5) Cannabis applicants shall execute and deliver a legally-binding affidavit, whereby the applicant shall:
  - a) Represent, for each area of the proposed licensed premises (a) the square footage, (b) the capacity, (c) the "method of operation," and (d) other details that the committee considers relevant; and
  - b) Agree to all conditions and stipulations as required by CB5 as a condition to approval of the application; and
  - c) Incorporate all the conditions and restrictions into the "method of operation" included as part of the cannabis license application submitted by the applicant to the Cannabis Control Board, a copy of which shall be simultaneously submitted to CB5.

## Exhibit A

### Method of Operation Matrix

<b>Community Board Five Cannabis Licensee Application Evaluation Matrix</b>							
<b>KEY ISSUES</b>	<b>Less desirable feature</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>More desirable features</b>
<b>Time/Hours of Operation</b>							
Appropriate hours	Hours significantly differ from neighborhood retail and other businesses.						Hours aligns with neighborhood retail and other businesses.
<b>Place</b>							
Where is the cannabis dispensary located? Residential, Mixed Use, Commercial	Residential						Commercial
<b>Manner /Method of Operation</b>							
Accommodation for lines/crowds	No control						Crowd control plan
Security plan	No security plan						Security plan
Noise and odor	No control						Equipment, meters for control measures
Community engagement and relationship (e.g., co-op board; BID, block association)	No engagement or relationship						Active engagement or relationship