

**Juniper Lane Cannabis**  
**Application for Variance Relief**  
**2305 Atlantic Avenue – First Floor**  
**Block 280, Lot 40**  
**City of Atlantic City, New Jersey**

**Addendum to Application – Project Narrative & Variance Justification Report**

Juniper Lane Cannabis (the “Applicant”), requests variance relief pursuant to N.J.S.A. 40:55D-70(c)(1) or c(2) to permit the Applicant to establish a Class 5 retail cannabis facility on the property located at 2305 Atlantic Avenue, Atlantic City, NJ (the “Subject Property”). The Subject Property is located within the Ducktown Arts (“DA”) Zoning District. Additionally, the Subject Property is located within the Green Zone Redevelopment Area.

The Applicant is an experienced cannabis retailer and a woman-owned corporation, owning a retail cannabis facility in Bennington, Vermont, as well. The Applicant strives to be a diverse, inclusive, and equitable cannabis business that enriches the local community. The founders of Juniper Lane Cannabis, Colleen McQuade and Colleen Begley, are recipients of the New Jersey Seed Equity Grant, a grant program whose mission is to create new and lasting entrepreneurship opportunities for individuals and communities that have been negatively impacted by the war on drugs.

Colleen McQuade started her career in medical cannabis by working in the cannabis communities of Pennsylvania, Illinois, and Vermont, training hundreds of doctors, cannabis patients, and employees of the industry. Ms. McQuade opened the first Juniper Lane in Bennington, Vermont, and currently serves as the chair to the board of Cannabis Retailers of Vermont. Colleen Begley has spent years lobbying for cannabis legalization. Ms. Begley first collaborated with the Coalition for Medical Marijuana New Jersey to pass New Jersey’s first compassionate use bill in 2010, and thereafter focused her efforts on the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act which was passed in 2020.

The Subject Property previously has been operated as a check-cashing building. The Applicant does not propose any changes to the exterior of the building or the site itself, except for updating the awning signage. The exterior of the building will remain as-is and shall be maintained by the Applicant. The Applicant will utilize the street address for first responders and deliveries.

The Applicant recognizes that security is an area of focus for this particular type of operation. The Applicant will install an electronic alarm system which, if triggered, will notify the Atlantic City Police Department and owner. Further, the Applicant will provide on-site security at least one hour prior to opening to ensure safety and security. Customers will be required to present identification prior to gaining entry, and all activities on the premises will be monitored by 24/7 cameras.

Deliveries and loading will occur from the side entrance on Mississippi Avenue. Deliveries would be standard and comparable to deliveries to/from an office or business. The Applicant will

install two (2) cameras, each facing north and south down Mississippi Avenue. A keyed door latch will be installed on the outside of the gate leading to the alley, with an internal panic button to allow emergency exits. The Applicant intends to comply with all CRC requirements pertaining to shipments and deliveries of cannabis products.

### **1. c(1) Variance relief is Appropriate in Light of Existing Site Conditions**

As the CRDA is aware, c(1) variance relief is warranted if the CRDA finds that, “(1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property . . . “ N.J.S.A. 40:55D-70(c)(1).

The Applicant submits that c(1) variance relief from both the onsite parking requirement as well as the loading zone on the subject lot requirement is warranted in this case due to the current lawfully existing conditions of the Subject Property, namely the fact that the property is almost entirely occupied by a long-existing building which almost extends from property line to property line. Thus there is no onsite parking available nor space for a loading zone on this site and Applicant is unable to acquire more land to add onsite parking to satisfy these requirements.

Further, as a result of the existing conditions no exterior renovations (which would require the Property Owner’s permission) to create onsite parking and a loading zone are possible without a total demolition of the existing building and a complete re-design of the Subject Property. As such, the Applicant requests c(1) variance relief from both the loading zone requirement and the on-site parking requirements due to the existing conditions uniquely affecting this property which result in peculiar and exceptional practical difficulties and undue hardship to the Applicant if these requirements were strictly imposed.

### **2. The Variances may also be granted under c(2) Variance Criteria.**

As the CRDA is aware, c(2) variance relief is warranted if the CRDA finds that “the purposes of [the Municipal Land Use Law]...would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.” N.J.S.A. 40:55D-70(c)(2). The purposes of zoning are found under N.J.S.A. 40:55D-2, and advancement of any one or more of the enumerated purposes satisfies the positive criteria.

#### **Positive Criteria**

1. Promotion of Public Welfare (N.J.S.A. 40:55D-2(a) – The Applicant satisfies purpose (a) of the MLUL to “encourage municipal action to guide the appropriate use or development of all land in the state in a manner which will promote the public health, safety, morals, and general welfare.” N.J.S.A. 40:55D-2(a). As noted above, the Subject Property has been included in the Green Zone Redevelopment Plan as an appropriate and permissible location for Class V cannabis

operations. The use of the site for cannabis operations also is consistent with the Cannabis Regulatory Enforcement and Marketplace Modernization Act's public policy goals which promote retail sales of recreational cannabis as a social equity movement in this State. Further, the proposed operations will promote public health and safety because Applicant is required to, and will, comply with CRC regulatory requirements associated with its Class V license, such as noise, odor and disposal controls, shipment and delivery standards and security personnel, thereby eliminating any possibility of disregard for health or safety. In specific reference to the general welfare, the Applicant's proposed use will create job opportunities within the City and will generate valuable tax dollars for Atlantic City in the form of a local cannabis tax.

2. Appropriate Location (N.J.S.A. 40:55D-2(g)) - The Applicant satisfies this purpose of the MLUL by "providing sufficient space in an appropriate location for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens." N.J.S.A. 40:55D-2g. In particular, the Subject Property is an especially appropriate location for the Applicant's proposed retail cannabis facility due to its location (i) within the Green Zone Redevelopment Area which specifically permits the use and (ii) in a uniquely central location.

3. Efficient Use of Land (N.J.S.A. 40:55D-2(m)) - The Applicant satisfies this purpose of the MLUL by "encouraging coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land." N.J.S.A. 40:55D-2m. Here, the Applicant's proposal makes efficient use of land by operating within an existing building in a manner which will require minimal exterior site improvements and minimal interior renovations. In addition, rather than constructing its operation on a lot as the sole use, the Applicant proposes to establish its cannabis operation in an existing building. The Applicant will make use of an existing building thereby lessening the cost of development and promoting the more efficient use of the Subject Property.

### **Negative Criteria**

As indicated above, the Applicant must also satisfy the so-called negative criteria by demonstrating that the within variance will not substantially impair the intent and purpose of the Atlantic City Zoning Ordinance. Under Section 4.5 of the Green Zone Redevelopment Plan, an objective of the Plan is stated to be "to eliminate the need for cannabis retailers in the Green Zone to secure use variances by making cannabis retail a permitted use." The Applicant, as a Class V retailer of cannabis, would further benefit the objectives of the Green Zone Redevelopment Plan and Area.

Further, as evidenced by the recent issuance of a Zoning Determination Letter regarding the Applicant's proposed use for this specific site, the proposed cannabis cultivation and cannabis manufacturing facility is a permitted use and therefore is consistent with the zone plan and Green Zone Redevelopment Plan, and thus does not substantially impair the intent and purpose of the zone plan or zoning ordinance.

Moreover, it is important to note the Subject Property was previously approved for a check-cashing establishment which would have generated a much higher amount of customer traffic to the site despite the fact that there is no onsite parking or loading site. Thus, the Applicant submits the intensity of parking associated with Applicant's permitted use is much less than what previously has been allowed. Ultimately, the lack of onsite parking or loading zone does not substantially impair the intent or purpose of the zone plan or zoning ordinance which, again, specifically permits this specific use at this site.