



**James Johnson**  
**City of Long Beach**  
**Councilmember, Seventh District**

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**Date:** June 7, 2011

**To:** Honorable Mayor and Members of the City Council

**From:** Vice-Mayor Suja Lowenthal, Second District *SL*  
Councilmember James Johnson, Seventh District *JJ*

**Subject:** Amending Chapter 5.87 of the Municipal Code (Medical Marijuana) to Clarify Council's Intent to Prohibit Medical Marijuana Collectives from Locating Within 1000 Feet of Parks.

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**RECOMMENDATION:**

Request that the City Attorney prepare an amendment to Chapter 5.87 of the Municipal Code ("Medical Marijuana") clarifying that collectives are prohibited within 1000 feet of all City owned, operated, or leased parks.

**DISCUSSION**

After exhaustive Council discussion and debate, the City Council approved a final ordinance related to medical marijuana collectives. A key part of that ordinance was a prohibition of collectives within 1000 feet of "parks." For purposes of the ordinance the term "park" is defined to include "publicly owned natural or open areas set aside for active and passive public use for recreational, cultural or community service activities." Subsequent to passage of the ordinance, it was determined that there are several park areas in the City that are not "owned" by the City but are actually leased to the City by private individuals or entities for park purposes. For example, Tanaka Park has been leased by the City and used as a "park" since 2001. The current version of the medical marijuana ordinance does not recognize Tanaka Park as a "park" since the City does not own the land where it is located.

In order to correct this technical oversight and to update the ordinance to more accurately reflect Council's intent, the ordinance should be amended to clarify that all areas that are either owned, operated, or leased by the City for park purposes be considered as "parks" for determining appropriate buffers zones. This would extend the same protections to residents located near "leased" parks that residents in other parts of the City currently enjoy.

**FISCAL IMPACT**

This item would have no significant fiscal impact.