



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

October 16, 2014

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt an Ordinance, in whole or in part, amending the Long Beach Municipal Code by adding Chapter 21.66 and repealing Chapter 5.89 to establish restrictions and prohibitions on the establishment and operation of medical marijuana businesses, and consider Categorical Exemption CE14-127. (Citywide)

APPLICANT: City of Long Beach
333 W. Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
Application No. 1401-21

DISCUSSION

On September 10, 2013, the City Council requested the City Attorney and the Department of Development Services to prepare a zoning ordinance for consideration by the Planning Commission regarding the regulation of medical marijuana locations within the City. The City Council directed that the Ordinance require a Conditional Use Permit (CUP) for new medical marijuana operations and also directed that the following parameters be considered as part of any zoning ordinance:

- 1) All locations would require a CUP, and development standards would be established for consideration of all CUP applications.
- 2) Performance standards which include a security plan.
- 3) Location restrictions within certain zones allowing industrial zones, but excluding residential and institutional zones.
- 4) A cap of 2 locations per Council District and no more than 18 locations citywide.
- 5) Consideration of 'buffers' between dispensaries and schools.

The City Council provided the following additional direction at its December 17, 2013 meeting:

- 6) The Ordinance be limited to industrial zones within the City.
- 7) A maximum of 2 locations per Council District, with a maximum of 18 locations citywide.

CHAIR AND PLANNING COMMISSIONERS

October 16, 2014

Page 2 of 3

- 8) Consideration of 1,000 foot buffers between individual medical marijuana locations.
- 9) Consideration of a buffer of 1,000 feet from existing elementary schools, middle schools and parks.
- 10) Consideration of a buffer of 1,500 feet from existing high schools.
- 11) Creation of an advisory task force.
- 12) Development of a mechanism to accommodate previously vetted medical marijuana dispensaries.
- 13) Report back to the City Council within 60 days from completion of the Planning Commission's study and recommendations on a zoning ordinance addressing medical marijuana dispensaries.

The Planning Commission first discussed the item at its February 6, 2014 meeting. Staff was seeking direction on the preparation of a zoning ordinance to regulate medical marijuana businesses and provided a list of specific issues that the ordinance should address. At that meeting, the Planning Commission directed staff to craft an ordinance based on comments and suggestions from the Planning Commission and recommendations from the City Council with staff exploring appropriate zones that could accommodate up to two locations per City Council District based on the buffer zones suggested by the City Council.

The City Attorney prepared a draft ordinance that was presented to the Planning Commission at three subsequent meetings (April 17, 2014, July 17, 2014 and September 18, 2014). At each of the meetings, there was significant discussion including public input from the various stakeholders.

The current draft ordinance is similar to the draft ordinance that the Planning Commission reviewed at its September 18, 2014 meeting with the exception that there is a minor change in the priority point system in favor of the previously vetted marijuana dispensaries, and other minor clean up items pointed out by the Planning Commission (Exhibit A – Draft Ordinance). The medical marijuana maps have not been modified since the September 18, 2014 meeting (Exhibit B – Medical Marijuana Maps).

Over the past nine months, City staff and staff from the City Attorney's Office met multiple times with interested stakeholders. The stakeholders included the Long Beach Medical Marijuana Task Force, the Long Beach Collective Association, representatives of the Central Project Area Council, representatives of the Magnolia Industrial Group, several attorneys representing individual interests, concerned citizens and other various members of the public. Staff also read and considered all materials submitted by stakeholders throughout the preparation of the draft ordinance.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council adopt an Ordinance, in whole or in part, amending the Long Beach Municipal Code by adding Chapter 21.66 and repealing Chapter 5.89 to establish restrictions and prohibitions on the establishment and operation of medical marijuana businesses.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU
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TO: [] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[X] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 14-127

Project Location/Address: Citywide

Project/Activity Description: Adopt an Ordinance amending the Long Beach Municipal Code by adding Chapter 21.66 and repealing Chapter 5.89 to establish restrictions and prohibitions on the establishment and operation of medical marijuana collectives

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: City of Long Beach

Mailing Address: 333 W. Ocean Boulevard, 3rd Floor

Phone Number: 562-570-6428

Applicant Signature: [Handwritten Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1401-21 Planner's Initials: [Handwritten Initials]

Required Permits: Zoning Code Amendment

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308, Class 8, Actions by Regulatory Agencies

Statement of support for this finding: New local regulations on medical marijuana operations

Contact Person: Craig Chalfant
Signature: [Handwritten Signature]

Contact Phone: 562-570-6368
Date: 10/18/14