



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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February 6, 2014

## CHAIR AND PLANNING COMMISSIONERS

City of Long Beach  
California

### RECOMMENDATION:

Receive and file presentations on regulating medical marijuana locations throughout the City of Long Beach and provide direction to staff. (Citywide)

APPLICANT: City of Long Beach  
333 W. Ocean Boulevard, 3<sup>rd</sup> floor  
Long Beach, CA 90802  
(Application No. 1401-21)

### DISCUSSION

Staff is seeking direction from the Planning Commission on the preparation of a zoning ordinance to regulate medical marijuana locations within the City of Long Beach.

On September 10, 2013, the City Council requested the City Attorney and the Department of Development Services 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 for new medical marijuana operations in the City (Exhibit A). The City Council also directed that the following parameters be considered as part of any zoning ordinance:

- 1) All locations would require a Conditional Use Permit (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.

On December 17, 2013, City Council provided additional direction as follows (Exhibit B):

- 6) The ordinance be limited to industrial zones within the City.
- 7) A maximum of two locations per district, with a maximum total of 18 locations citywide.
- 8) Consideration of 1,000' buffers between individual medical marijuana locations.
- 9) Consideration of a buffer of 1,000' from existing elementary and middle schools and parks.

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- 10) Consideration of a buffer of 1,500' from existing high schools.
- 11) Creation of an advisory task force.
- 12) Development of a mechanism to accommodate previously vetted 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.

In 2010, the City Council adopted a regulatory ordinance in Title 5 of the Long Beach Municipal Code (LBMC) to permit the operation of medical marijuana dispensaries in the City. That ordinance was struck down by the California Court of Appeals in 2011 due to federal preemption of regulation of controlled substances. In 2013, in a related case involving the City of Riverside, the California Supreme Court ruled that local governments can ban medical marijuana dispensaries.

Should the Planning Commission and City Council adopt a new ordinance in Title 21 of the LBMC, the City Attorney's Office recommends that the ordinance address specific issues (Exhibit C).

On January 16, 2014, staff and the City Attorney met with representatives of the Long Beach Collective Association to discuss the City Council's directive. The LBCA provided a presentation which included a draft ordinance for the City's consideration (Exhibit D).

Information from both the Office of the City Attorney and the LBCA is attached for your consideration.

Respectfully submitted,



JEFFREY WINKLEPLECK  
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AJB:ajb

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Attachments:	Exhibit A:	September 10, 2013 City Council agenda item and minutes
	Exhibit B:	December 10, 2013 City Council agenda item and meeting minutes
	Exhibit C:	City Attorney's recommended list of issues to address
	Exhibit D:	Presentation material from Long Beach Collective Association