



City of Long Beach
Working Together to Serve

Memorandum

Date: April 10, 2014

To: Chair Van Horik and Members of the Planning Commission

From: Kendra L. Carney, Deputy City Attorney *KC*
Office of the City Attorney

Subject: Background Information Pertaining to Medical Marijuana -- Discussion for April 2014 Planning Commission Meeting

Based on the September 10, 2013 request from the City Council, on February 6, 2014, the Planning Commission directed the City Attorney's Office to draft a zoning ordinance regulating the location and operating conditions of medical marijuana businesses in the City for consideration by the Planning Commission.

An agenda item is scheduled for your meeting of April 17, 2014 regarding this issue. As directed, the ordinance requires a Conditional Use Permit for medical marijuana businesses to operate in the City. The draft ordinance from the Office of the City Attorney is provided for your advance review prior to our meeting of April 17, 2014, and includes the following zoning restrictions and operating requirements:

1. All medical marijuana business locations require a Conditional Use Permit (CUP), and are subject to development standards established for consideration of all CUP applications;
2. All medical marijuana businesses are required to submit an application detailing their compliance with City performance standards which include a security plan, background checks, nuisance abatement measures, and record management and retention plans;
3. Medical marijuana businesses have location restrictions within certain zones allowing industrial zones, but excluding residential and institutional zones;
4. There is a cap of 2 medical marijuana business locations per Council District and no more than 18 locations citywide;
5. "Buffers" separate medical marijuana businesses and schools as follows:
 - 1000 feet between two (2) medical marijuana business locations;
 - 1000 feet between a medical marijuana business location and an

elementary or junior high school;

- 1000 feet between a medical marijuana business location and a park;

-1500 feet between a medical marijuana location and a high school;

6. Based on the zoning restrictions and limitations on concentration of medical marijuana businesses in the City, to determine the priority of a medical marijuana business application and the proximity of applicants' properties, applicants meeting all application requirements shall have priority based on the accumulation of points based on specific criteria including items such as the security measures, criminal history of the applicant(s) and their business associates, and previous violations of the Long Beach Municipal Code;

7. All medical marijuana businesses are required to maintain records detailing monetary and in kind transactions, and these records are subject to inspection and audit by the City;

8. The security plan required by all medical marijuana businesses must include video cameras that upload images to an internet location accessible to the Long Beach Police Department, have safe storage of medical marijuana, and incorporate an alarm system; and

9. All medical marijuana infused products are required to meet packaging and labeling standards.

The City Attorney's Office intends to meet with the representatives from the Long Beach Collective Association prior to the April 17, 2014 meeting.

If you have any questions, please contact me at 562-570-2215. Thank you.

KLC:jp
A13-01921

Attachment: Draft Ordinance - adding LBMC 5.91 and repealing 5.89