



**City of Long Beach**  
*Working Together to Serve*

**Memorandum**

**Office of the City Attorney**

**DATE:** September 11, 2014

**To:** Chair Van Horik and Members of the Planning Commission

**FROM:** Kendra L. Carney, Deputy City Attorney *KC*

**SUBJECT:** Background Information Pertaining to Medical Marijuana --  
Discussion for September 18, 2014 Planning Commission Meeting

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**RECOMMENDATION:**

Receive and file the latest draft of the proposed medical marijuana ordinance and provide additional comments and direction to staff. (Citywide)

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 September 18, 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 September 18, 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, community automobile-oriented districts ("CCA"), and regional highway districts ("CHW"), but excluding residential and institutional zones;
4. There is a cap of 5 medical marijuana business locations per Council District, and a limit of four medical marijuana businesses in industrial zones per Council District,

one medical marijuana business in a CCA or CHW per Council District, and no more than 18 locations citywide;

5. "Buffers" are created between medical marijuana businesses and schools as follows:

- 1000 feet between two (2) medical marijuana business locations in CCA and CHW zones;
- 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; and
- 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, and the number of medical marijuana businesses allowed in a particular Council District, 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;

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

10. The ordinance creates a task force consisting of community members, patients, and medical marijuana business operators to recommend to the City operational and safety standards for medical marijuana businesses.

At this time, the City Attorney's Office requests further direction from the Planning Commission regarding the following:

1. The suitability of the zoning restrictions and limitations on the number of dispensaries allotted per district;

2. Whether the City should also allow manufacturing of and/or sales of marijuana infused products such as edibles; and

3. Whether the City should require dispensary members to obtain a specific ID card from the City prior to enrolling in a dispensary membership.

The City Attorney's Office has continued to meet with the representatives from the Long Beach collectives, community advocates, and neighborhood association representatives prior to the September 18, 2014 meeting.

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

KLC:jp (A13-01921)

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Attachment: Draft Ordinance - LBMC 21.XX