

Legislative History:

- 1996, California voters approved Proposition 215 aka the Compassionate Use Act (CUA): allowing ill patients w/ a valid doctor's recommendation to possess & cultivate medical marijuana, including via "medical marijuana collectives" or "dispensaries" & grow facilities known as "cultivation sites"
- 2010, Long Beach City Council adopted Ordinance No. ORD-10-0007(Chapter 5.87 of Municipal Code), to implement local regulation of medical marijuana collectives operating in Long Beach via permitting scheme.
- February, 2012, in response to court challenges, i.e. a case called *Pack vs. City of Long Beach*, City Council voted to revoke 5.87 and instead implemented a ban of all medical marijuana collectives, with temporary exemption allowing the applicants selected under 5.87 to continue operating until August, 2012.

Legislative History:

- May 6, 2013, California State Supreme Court ruled that local municipalities may in fact regulate (or ban) medical marijuana collectives under their traditional land use and police powers
- July 2013, ballot initiative for medical marijuana regulation received support from over 30,000 Long Beach voters
- September 10, 2013, City Council voted to draft new ordinance under Title 21 to permit & regulate limited number of medical marijuana collectives through CUP process
- October, 2013, latest Gallup Poll showed over 58% Americans favor legalizing marijuana
- December 17, 2013, City Council directed Planning Commission to study & develop recommendations for new ordinance
- January 7, 2014, City Council voted to place Medical Marijuana Tax Measure A on April Ballot

Legislative History:

“...[N]either the CUA nor the MMP expressly or impliedly preempts the authority of California cities and counties, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana, and to enforce such policies by nuisance actions. Accordingly, we reject defendants' challenge to...medical marijuana dispensary ordinances.”

-CA Supreme Court

City of Riverside v. Inland Empire Patient's Health & Wellness Center (2013) 56 Cal. 4th 729

Legislative History:

**“[PACK V. CITY OF LONG BEACH] IS OF
NO LEGAL EFFECT IN CALIFORNIA.”**

-Judge John Shepard Wiley, Los Angeles Superior Court

Pack v. City of Long Beach Hearing, January 14, 2014

Post-Dismissal of Case by CA Supreme Court

Directive to Planning Commission Re New Ordinance:

1. Performance Standards including a Security Plan
2. Allow dispensaries to be located in industrial zones only;
3. Cap of 2 per Council District and no more than 18 Citywide;
4. 1,000 and 1,500 "buffers" between dispensaries, schools, and parks;
5. Development of CUP criteria, process and fees;
6. Creation of an Advisory Task Force;
7. Development of a mechanism accommodation of previously vetted marijuana dispensaries;
8. Report back to the City Council within 60 days from completion of the Planning Commission's study & recommendations

Proposed Performance Standards & Security Plan

Security Plan :

All collectives shall detail their operational security including but not limited to general security policies for the facility, employee specific policies, training, written policies, transactional security, visitor security, and 3rd party contractor security.

Proposed Performance Standards & Security Plan

Security Plan :

- Uniformed Guards: Armed (inside facility) or Unarmed by Third Party Bonded, Licensed Security contractor;
- Security Patrol Services provided during & after hours of operation;
- Alarm response services & fire alarm monitoring system;
- Outside safety patrol assisting with patient traffic, street sweeps, monitoring facility surroundings during hours of operation;
- High quality video surveillance & sufficient security lighting;
- 24 hour security guard on premises (Depending on Location);
- Safety Procedures for opening and closing a collective;
- Procedures to identify persons committing crimes against the collective or its surrounding area
- Private security neighborhood patrols.

Operating Conditions

“Buffer” Zones:

1. Not located in exclusive residential use zone
2. Located 1,500 ft radius from public high schools
3. 1,000 ft radius from public kindergartens, elementary, middle & jr high schools
4. 1,000 ft from public parks, public beaches
5. The Dispensary shall not be located within a one-thousand (1,000) foot radius of any other Dispensary.

Operating Conditions

- No loitering or using cannabis onsite or in immediate vicinity of dispensary
- No visible lines outside of dispensary, adequate parking & crowd controls
- Exterior signage & façade to blend in with neighborhood, properly maintained, no blight
- Ventilation & exhaust controls & systems to contain/eliminate odor
- Restriction of operation hours
- Cultivation & patient tracking systems & records to limit quantities
- Compliance with all building and safety codes
- Compliance with all State & Local Laws, including Non-profit laws
- Prompt payment of all taxes and fees, record tracking of all sales (POS Systems)
- Recycling programs
- Security Plan
- Dispensary Liaison to Neighborhood Task Force to aid enforcement

Prohibited Activity :

- **No person under the age of eighteen (18) shall be allowed on the Property**, unless that minor is a Qualified Patient and is accompanied by his or her licensed Attending Physician, parent(s) or documented legal guardian.
- **No person who has been convicted within the previous ten (10) years of a felony** or a crime of moral turpitude, or who is currently on parole or probation for the sale or distribution of a controlled substance shall be engaged directly or indirectly in the management of the Medical Marijuana Dispensary nor, further, shall manage or handle the receipts and expenses of the Dispensary.
- It shall be unlawful for any person to cause, permit or engage in the cultivation, possession, distribution, exchange or giving away of Marijuana for non-medical purposes.