



City of Long Beach
Working Together to Serve

Memorandum

Date: August 4, 2009

To: Honorable Mayor and Members of the City Council

From: Councilmember Robert Garcia, First District
Councilmember Suja Lowenthal, Second District
Councilmember Rae Gabelich, Eighth District
Vice Mayor Val Lerch, Ninth District

Subject: Medical Marijuana Collectives

In an effort to understand the complexities of the issue and to provide thoughtful guidance that complies with state law and recent court rulings, some council offices have been engaged in meetings and discussions with legal staff, law enforcement, and other appropriate city staff prior to bringing a recommended action forward to the entire City Council.

Based on this research, we would like to make a substitute motion to provide more clear policy direction to city staff and the city attorney in reporting back to the City Council.

Recommended Action:

Request a report back to the City Council within 60 days on the feasibility, legality and enforcement of potential local ordinances the Council may enact regarding medical marijuana, pursuant to state law. The report would include the following considerations:

- 1) The means for legal medical marijuana collectives, as defined in state law and clarified in court cases such as *People v. Mentsch*, *People v. Northcutt* and *People v. Urziceanu*, to operate within the City;
- 2) Zoning criteria for the location of collectives within the City, including whether it is feasible to limit the location, size and number of members in a collective operating within a residential-zoned area;
- 3) The ability to prohibit any collective from being located within 1,000-foot radius of schools, parks, licensed child care facilities, or other medical marijuana collectives;
- 4) The establishment of a system in which qualified collectives must register with the City to obtain a permit, and provide a list of the primary caregivers and qualified patients that belong to the collective;
- 5) An appropriate fee payable to the City prior to being issued a permit;
- 6) The ability to regulate the sale or dispensing of any marijuana-related paraphernalia;
- 7) Require that all permitted collectives meet certain conditions, including, but not limited to:
 - a) The location shall have a security plan approved by the Police Department, and the Police Department or other appropriate City department may inspect every medical marijuana collective location at a reasonable time to ensure compliance;
 - b) No cultivated marijuana or dried marijuana product may be visible from the building exterior;
 - c) No medical marijuana products may be consumed on-site, or in the parking areas of the site; and

- d) Any food-related products offered by the collective shall comply with Health Department standards;
- 8) The applicability of the Americans with Disabilities Act towards the operating of collectives in either residential or commercial corridors; and
- 9) The legality and feasibility of imposing a tax on gross receipts of medical marijuana, similar to the measure recently approved by the voters of the City of Oakland, CA.