

ORD-23

May 23, 2023

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach

California

RECOMMENDATION:

Declare an Ordinance amending the Long Beach Municipal Code (LBMC) to reinstate language in Chapter 5.92 related to the operation of adult-use dispensaries in mixed-used buildings in Downtown Long Beach to correct the clerical/scriver error and allow the approved Ordinance amendments from June 15, 2021, to remain in place. (Citywide)

DISCUSSION

On June 15, 2021, the City Council approved an Ordinance amendment (ORD-21-0021) to the LBMC to amend language in Title 5, to amend and restate the Downtown Planned Development District (PD-30), amend Section 5.92.420, Section 5.92.760, Section 5.92.765, and Section 5.92.955, to allow the operation of adult-use cannabis dispensaries within mixed-use buildings in downtown by way of conditional use permit approval. The intent of the Ordinance amendment within Chapter 5.92 was to address how the provisions of the respective Title 5 sections would apply to adult-use dispensaries in Downtown Long Beach.

In summary, the Ordinance amendments executed the following:

- Allowed dispensaries to be located within buildings that contain residential units;
- Superseded Title 5 provisions to the contrary and required these uses to adhere to the high storefront transparency standards that reinforce the Downtown's walkable environment, while still complying with the Title 5 requirements that limit product visibility from the public right-of-way; and,
- Harmonized PD-30 transparency requirements generally within Title 5 requirements that allow lower storefront transparency (Building Design) and require posting of certain interior signs (Interior Signage), by reinforcing the PD-30 transparency requirements and eliminating any potential conflict between the regulations.

On May 17, 2022, the City Council approved an Ordinance amendment (ORD-22-0015) to the LBMC Chapter 5.90 and Chapter 5.92 to amend the regulations relating to the Cannabis Equity Program and cannabis dispensary business licenses, and adopt a Resolution authorizing the City Manager, or designee, to establish a Request for Proposals (RFP) for cannabis dispensary business licenses for the Cannabis Equity Program. The amended regulations included the addition of the Cannabis Equity Program provisions to Chapter 5.90, expansion of the Green Zone for cannabis dispensaries, establishing a merit-based RFP process to select eight equity

applicants to apply for a dispensary license, and strengthening of the Cannabis Equity Program eligibility criteria and application process improvements.

The Ordinance amendments have since been codified into the LBMC and implemented by the Department of Development Services and Office of Cannabis Oversight. However, due to a clerical/scrivener's error, the May 17, 2022, Ordinance amendments under ORD-22-0015 reinstated an old version of Chapter 5.92 including Section 5.92.420, Section 5.92.760, Section 5.92.765, and Section 5.92.955. Thus, eliminating the June 15, 2021 Ordinance amendments that were previously approved by the City Council and codified under ORD-21-0021 relating to the operation of adult-use dispensaries in mixed-used buildings in Downtown Long Beach. The recommended action would simply correct this clerical/scrivener's error and allow the approved Ordinance amendments from June 15, 2021, to remain in place.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on May 8, 2023, and by Revenue Management Officer Geraldine Alejo on May 2, 2023.

TIMING CONSIDERATIONS

City Council action is requested on May 23, 2023, to ensure timely correction of this clerical/scrivener's error to the LBMC and allow the approved Ordinance amendments from June 15, 2021, to remain in place.

FISCAL IMPACT

This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: ATTACHMENT A – ORDINANCE AMENDMENT
ATTACHMENT B – JUNE 15, 2021, CITY COUNCIL LETTER
ATTACHMENT C – ORD-21-0021
ATTACHMENT D – MAY 10, 2022, CITY COUNCIL LETTER
ATTACHMENT E – MAY 17, 2022, CITY COUNCIL LETTER
ATTACHMENT F – ORD-22-0015

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE BEACH
MUNICIPAL CODE BY AMENDING CHAPTER 5.92 TO
REINSTATE LANGUAGE RELATED TO THE OPERATION
OF ADULT-USE DISPENSARIES IN MIXED-USED
BUILDINGS IN DOWNTOWN LONG BEACH

WHEREAS, on June 15, 2021, the City Council approved an ordinance amendment (ORD-21-0021) to the Long Beach Municipal Code ("LBMC") to amend language in Title 5, amend and restate the Downtown Planned Development District (PD-30), amend Section 5.92.420, Section 5.92.760, Section 5.92.765, and Section 5.92.955 , to allow the operation of adult-use cannabis dispensaries within mixed-use buildings in downtown byway of conditional use permit approval; and

WHEREAS, the intent of the ordinance amendment within Chapter 5.92 was to address how the provisions of the respective Title 5 sections would apply to adult-use dispensaries in Downtown Long Beach; and

WHEREAS, on May 17, 2022, the City Council approved an ordinance amendment (ORD-22-0015) to the LBMC Chapter 5.90 and Chapter 5.92 to amend the regulations relating to the Cannabis Equity Program and cannabis dispensary business licenses, and adopt a resolution authorizing the City Manager to establish a Request for Proposal for cannabis dispensary business licenses for the Cannabis Equity Program; and

WHEREAS, the ordinance amendments have since been codified into the LBMC and implemented by the Department of Development Services and Office of Cannabis Oversight; and

WHEREAS, due to a scrivener's error, the May 17, 2022 , ordinance

1 amendments under ORD-21-0015 reinstated an old version of Chapter 5.92 including
2 Section 5.92.420, Section 5.92.760, Section 5.92.765, and Section 5.92.955, thereby
3 eliminating the June 15, 2021 ordinance amendments previously approved by City
4 Council and codified under ORD-21-0021 relating to the operation of adult-use
5 dispensaries in mixed-use buildings in Downtown Long Beach; and

6 WHEREAS, the recommended action would clarify that the approved
7 ordinance amendments from June 15, 2021 are still in place;

8 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
9 follows:

10 Section 1. The Long Beach Municipal Code is amended by amending
11 Subsection 5.92.420.B. to read as follows:

12 B. Adult-Use Cannabis Dispensary premises shall not be located
13 within:

14 1. A six-hundred foot (600') radius of a public or private
15 school (as defined in California Health and Safety Code Section
16 11362.768(h).

17 2. A six-hundred foot (600') radius of a day care center.

18 3. A six-hundred foot (600') radius of a playground or
19 community center.

20 4. A six-hundred foot (600') radius of a library.

21 5. A six-hundred foot (600') radius of any other
22 Dispensary.

23 6. Within a building which contains a dwelling unit, with
24 the exception of adult-use cannabis dispensaries, as otherwise permitted
25 on ground floors of mixed-use buildings within the Downtown Planned
26 Development District (PD-30).

27 7. A building which contains a dwelling unit, with the
28 exception of those dispensaries otherwise permitted on ground floors of

1 mixed-use buildings within the Downtown Planned Development District
2 (PD-30).

3 8. A dwelling unit within a zoning district.

4
5 Section 2. The Long Beach Municipal Code is amended by amending
6 Subsection 5.92.760.A. to read as follows:

7 A. From a public right-of-way, there shall be no exterior evidence
8 of cannabis goods, graphics depicting cannabis goods, or commercial
9 cannabis activity, except for any signage authorized by this Code. Premises
10 located within PD-30 shall also be designed to comply with Downtown
11 Pedestrian-Oriented transparency standards (if applicable), whereby clear,
12 nonreflective display windows or doors shall comprise at least sixty percent
13 (60%) of the ground-floor street façade of active, pedestrian-oriented uses.

14
15 Section 3. The Long Beach Municipal Code is amended by amending
16 Section 5.92.765 as follows:

17 5.92.765 Building Design

18 The nature and operations of Adult Use Cannabis Businesses have the
19 potential to result in building design changes that represent a departure from
20 typical building appearances. The following criteria is intended to minimize impacts
21 to neighborhood character caused by building design changes resulting from
22 remodeled and new premises for Adult-Use Cannabis Business and commercial
23 cannabis activities:

24 A. Building Design must meet any applicable criteria in Title 21 of
25 this Code, Specific Plans, or Planned Developments.

26 B. Any blank building facade on an existing industrial or
27 commercial building over twenty-five feet (25') visible from the street shall
28 be prohibited and must incorporate architectural features, such as building

plane breaks, three-dimensional elements, transparent windows, doors, changes in color and materials and landscaping that result in a building with articulation.

C. Windows

1. On any new commercial or industrial building elevation fronting the street, windows shall comprise at least thirty percent (30%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.

2. Existing buildings located on public right of ways classified as neighborhood connectors or greater, with elevations visible from the public right of way, shall maintain a minimum window area of at least twenty-five percent (25%) of said building elevation when incorporated with other architectural features and treatments.

3. An identifiable entrance to the cannabis facility shall be visible from the street.

4. Windows along the street-facing frontage shall be transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).

5. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted. Alternatively, storefront windows may be constructed of bullet resistant glass.

6. Window display areas shall have a minimum depth of at least forty-two inches (42"), not including walls. Display windows shall be permitted for up to one-hundred percent (100%) of the building storefront

1 window area. The window display area shall be maintained with a creative
2 attractive window display including but not limited to display of artwork, non-
3 cannabis plants, and the like.

4 7. Notwithstanding the foregoing requirements of Section
5 5.92.765(C), premises located within PD-30 shall be designed to comply
6 with Downtown Pedestrian transparency standards (as applicable),
7 whereby clear, nonreflective display windows or doors shall comprise at
8 least sixty percent (60%) of the ground-floor street façade of active,
9 pedestrian-oriented uses.

10
11 Section 4. The Long Beach Municipal Code is amended by amending
12 Section 5.92.955 as follows:

13 5.62.955 Interior signage required

14 Dispensaries shall post the following notice(s), on a separate sign, or by
15 adding the following notices to the interior sign required pursuant to Section
16 5.90.060 of this Code, conspicuously and where an average customer is likely to
17 clearly view said notice within the permitted premises:

18 A. "Smoking, vaporizing, ingesting, or consuming cannabis,
19 cannabis products, tobacco, or alcohol on these premises, or in their
20 vicinity, is prohibited and a violation of the Long Beach Municipal Code."

21 B. "Patrons must immediately leave the premises and should not
22 consume cannabis goods until at home or in an equivalent private location."

23 C. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis
24 and cannabis-derived products will expose you and those in your immediate
25 vicinity to cannabis smoke. Cannabis smoke is known by the State of
26 California to cause cancer."

27 D. Consistent with this Subsection, such signage is prohibited on
28 exterior windows and storefronts on ground-floor street facades, and

premises located within PD-30 are furthermore subject to the Downtown Pedestrian-Oriented transparency standards (if applicable), whereby clear, nonreflective display windows or doors shall comprise at least sixty percent (60%) of the ground-floor street façade of active, pedestrian-oriented uses.

Section 5. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

City Clerk

Approved: _____
(Date)

Mayor

June 15, 2021

H-19

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, review and determine that the proposed Long Beach Municipal Code (LBMC) amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15061(b)(3) (Common Sense Exemption), as it will not result directly or indirectly in significant environmental impacts (CE20-147); and,

Declare an Ordinance amending the LBMC (ZCA20-015) to amend language within Title 5; and by amending and restating the Downtown Planned Development District (PD-30), to allow the operation of adult-use cannabis dispensaries within mixed-use buildings in the Downtown Area by way of Conditional Use Permit approval, read the first time and laid over to the next regular meeting of the City Council for final reading. (Districts 1, 2)

DISCUSSION

In recent years, a number of Long Beach Municipal Code (LBMC) amendments have been adopted to regulate where and how both medical and adult-use cannabis businesses can operate in Long Beach, in conformance with State laws and a local voter-approved ballot initiative. On May 5, 2020, the City Council provided further direction regarding desirable changes to expand retail cannabis operations to mixed-use buildings. On April 15, 2021, the Planning Commission held a public hearing, approved a Categorical Exemption (CE20-147) and a Conditional Use Permit (CUP 20-016), and recommended that the City Council approve the proposed Zoning Code Amendments (ZCA) to clarify relevant regulations in LBMC Title 5 and in the Downtown Planned Development District (PD-30) to allow adult-use cannabis dispensaries to be located within mixed-use buildings in the Downtown area, with the approval of a Conditional Use Permit (CUP), and compliance with the storefront transparency requirements of the Downtown Plan (Attachment A - Planning Commission Staff Report and Attachments). In a related action, the Planning Commission also approved a CUP to allow the co-location of an adult-use cannabis dispensary with a proposed medical cannabis dispensary at 433 Pine Avenue, contingent on City Council adoption of the proposed code amendments.

As a result of a series of actions taken by the City Council, medical cannabis dispensaries are permitted citywide, and previous ZCA allowed adult-use cannabis dispensaries in Long Beach's commercial zoning districts. However, those ZCAs did not include similar updates to Planned Development Districts to allow cannabis dispensaries in Planned Development Districts (PDs) and subdistricts that allow commercial retail uses. As a result, adult-use cannabis dispensaries are not explicitly allowed in PD-30, and, they are moreover, not

permitted in mixed-use buildings containing dwelling units citywide, as set forth in Title 5 of the LBMC. Consequently, the proposed ZCA would allow the operation of adult-use cannabis dispensaries in mixed-use buildings within PD-30. The proposed ZCA would entail the following LBMC amendments:

1. Amendments to the PD-30 Use Tables to allow adult-use cannabis business where retail uses are currently permitted, with a CUP.
2. Amendments to Title 5 to:
 - a. Allow cannabis dispensaries in mixed-use buildings in PD-30 only; and,
 - b. Require that dispensaries in PD-30 adhere to PD-30's greater storefront transparency requirements.

Background

On January 1, 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) took effect, creating a statewide regulatory and licensing system for medical cannabis businesses in California. On November 8, 2016, Long Beach voters approved Measure MM. Measure MM established Chapter 5.90 (Medical Marijuana Businesses) within the LBMC and created a regulatory structure for medical cannabis businesses in Long Beach. As a part of Measure MM, a limitation of 32 medical cannabis dispensaries was established on a citywide basis. Additionally, Measure MM superseded many zoning regulations defining where medical marijuana businesses are allowed in Long Beach.

On November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). AUMA serves as the equivalent of MCRSA, from the standpoint of adult-use cannabis businesses. The following year, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which merged State regulations for medicinal and adult-use commercial cannabis activity into a single framework. MAUCRSA has given local governments the ability to regulate and/or prohibit adult cannabis activity within their jurisdictions.

Subsequently, in 2018, the City of Long Beach (City) adopted additional changes to portions of LBMC Title 21 – Zoning, and Title 5 – Regulation of Businesses, Trades and Professions, all pertaining to the regulation of adult-use cannabis. Changes to LBMC Title 21 included amendments to Use Tables in Chapters 21.31 (Residential Districts), 21.32 (Commercial Districts), 21.33 (Industrial Districts), 21.34 (Institutional Districts), and 21.35 (Park Districts), establishing the regulations that govern each adult-use cannabis type by its land use category. Changes to Chapter 21.32 (Commercial Districts) saw the addition of an “Adult-Use Cannabis Dispensary” category to Table 32-1, within Section 21.32.130 of the LBMC (whereby adult-use cannabis dispensaries would be allowed in each of the commercial zones), as shown in Table 1 below. However, it should be noted that these code amendments did not introduce specific changes to any of the PDs. As a result, adult-use cannabis dispensaries are currently not expressly permitted in any of the PDs (including PD-30).

Table 1 – “Adult-Use Cannabis Dispensary” in Commercial Zones

	Neighborhood			Community				Regional	Other
Retail Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS
Adult-Use Cannabis Dispensary	Y	Y	Y	Y	Y	Y	Y	Y	Y

Changes to LBMC Title 5 included the addition of Chapter 5.92 (Adult-Use Cannabis Business and Activities), providing all pertinent operational standards for the regulation of adult-use cannabis facilities. As a part of the adoption of Chapter 5.92, licensed dispensaries would be required to co-locate (i.e., hold both a medical license and an adult-use license at one location) and the City would only accept applications for adult-use dispensaries from the 32 existing medical cannabis dispensaries. As a result, the citywide limitation of 32 medical cannabis dispensaries was applied to adult-use cannabis dispensaries as well (notwithstanding the general citywide allowance of adult-use cannabis dispensaries in any of the commercial zones). In May 2020, the City Council requested an amendment to the LBMC with specific attention to allowing retail cannabis businesses on the ground floor of mixed-use buildings.

Proposed Zoning Code Amendments

Proposed PD-30 Amendments

The PD-30 Zoning District and regulations precede the changes in cannabis regulation, and PD-30 is currently “silent” regarding adult-use cannabis dispensaries. Although the PD-30 Zoning District Ordinance does not specifically call out or categorize adult-use cannabis dispensaries in Table 3-1 (Land Uses and Permit Requirements), several establishments exist in Downtown Long Beach because of the co-location requirement. Generally, in the zoning regulations (as outlined above) cannabis dispensaries are treated as any retail use and thus are allowed in commercial zoning districts. However, LBMC 5.92 currently allows dispensaries in commercial buildings only and expressly prohibits adult-use cannabis dispensaries from being located within mixed-use buildings. Consequently, Title 5 is proposed to be amended to allow adult-use cannabis dispensaries within mixed-use buildings, only within Downtown, given its existing mixed-use context and development patterns—and only if they comply with PD-30’s greater storefront transparency requirements. Additionally, to allow adult-use cannabis dispensaries within mixed-use buildings in Downtown Long Beach, PD-30 must be amended to include them in the use table. The proposed amendments (Attachment B – Proposed PD-30 Amendments) include adding a “Cannabis Dispensary (Adult-use)” category to the Retail Section of Table 3-1 within the PD-30 Ordinance.

With the proposed PD-30 amendment, an adult-use cannabis dispensary would require a CUP approval within the Downtown Plan Area of the larger PD-30 boundaries and would be prohibited within the subarea designated as the Downtown-Neighborhood Overlay area. The proposed amendments would also indicate that the use would additionally be subject to Title 5 standards. Staff finds that the CUP process to approve such uses alongside the Title 5

regulations will sufficiently regulate the use, ensuring that these types of uses can operate in a manner compatible with the mix of commercial and residential uses found within Downtown. Furthermore, Title 5 requires several buffers from sensitive uses such as schools and parks, along with a minimum 1,000-foot distance separation between dispensaries. These buffers will further ensure that there would not be an overconcentration of the cannabis dispensaries within Downtown. The PD-30 map (Attachment C – PD-30 Map) provides an image of the PD-30 boundaries, which delineates the Downtown Plan Area from the Downtown-Neighborhood Overlay area.

Proposed Title 5 Amendments

In conjunction with the PD-30 amendment, changes to four different sections of Title 5 are proposed and are summarized below (Attachment D - Proposed LBMC Title 5 Amendments).

LBMC Sections 5.92.420 – Location Requirements, 5.92.760 – Visibility, 5.92.765 (C) – Building Design, and 5.92.955 – Interior Signage are each proposed to be amended to address how provisions of the respective Title 5 sections would apply to adult-use dispensaries in the Downtown. To summarize, the amendments would:

- Allow the dispensaries to be located within buildings that contain residential units;
- Supersede Title 5 provisions to the contrary and would require these uses to adhere to the high storefront transparency standards that reinforce the Downtown's walkable environment, while still complying with Title 5 requirements that limit product visibility from the public right-of-way; and,
- Harmonize PD-30 transparency requirements generally with Title 5 requirements that allow lower storefront transparency (Building design) and require posting of certain interior signs (Interior Signage), by reinforcing the PD-30 transparency requirements and eliminating any potential conflict between the regulations.

The Pedestrian-Oriented Map (Attachment E – PD-30 Pedestrian-Oriented Map), shows the main and secondary streets in Downtown that require a 60 percent ground floor transparency and prohibit interior blinds, drapes, posters, signage, and interior shelving for product displays visible from the public right-of-way that obscure more than 10 percent of the transparent areas of each respective storefront.

Zoning Code Amendment Findings

In accordance with State law, the proposed amendments are congruent with the General Plan (Attachment F – Zoning Code Amendment Findings). Specifically, the proposed changes are consistent with the Land Use Element's goals for Downtown Long Beach. The Downtown (DT) PlaceType designation encourages a mix of land uses and housing types, with a focus on providing active ground floor shops, restaurants, and cafes. It promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles. Introducing adult-use cannabis dispensaries as a recognized use category eliminates the current ambiguity in the regulations and appropriately implements the goals of the DT PlaceType as it relates to the subject use. Dispensaries are recognized as retail uses, which

generally fall within the vision of providing active ground floor shops among the mix of compatible uses. The proposed amendments also require that such uses seek a CUP to ensure sensitive integration of these uses and compatibility with surrounding uses.

This matter was reviewed by Assistant City Attorney Michael J. Mais on May 26, 2021 and by Budget Management Officer Rhutu Amin Gharib on May 27, 2021.

Public Hearing Notice

In accordance with public hearing notification requirements for a Zoning Ordinance Amendment in LBMC Section 21.21.302.C, notice of this public hearing was published in the Long Beach Press-Telegram on June 8, 2021. Due to the declared state of emergency, notices were not provided to City libraries (most are closed), notice posting was provided at City Hall but not at multiple locations. A notice of the proposed zoning code amendment was distributed through the City's LinkLB e-mail blast system and to individual stakeholders who have requested notification on this item. No responses were received regarding this matter as of the date of preparation of this report. Any comments received prior to the City Council hearing will be provided at the hearing.

Environmental Review

The proposed Zone Code Amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15308 (Actions By Regulatory Agencies for Protection of the Environment) and Section 15061(b)(s) (Common Sense Exemption) as it can be seen with certainty that the subject modifications to the LBMC noted above will not have the potential for having a significant effect upon the environment and, therefore, the activity is not subject to CEQA. The proposed amendments modify the approval process for certain uses but do not modify the total amount of development nor the characteristics of that development beyond what was previously studied for Downtown Long Beach (CE20-147).

TIMING CONSIDERATIONS

Pursuant to Section 21.25.103 of the Zoning Code, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on April 15, 2020. The June 15, 2021 meeting of the City Council was the first available hearing date for this item.

FISCAL IMPACT

The recommendation does not have a direct fiscal impact. The goal of the proposed Zoning Code Amendments is to facilitate business creation and access to services in the Downtown area. The exact timing or quantification of these activities is dependent on future actions by private property owners and any projection of their impact would be speculative. Costs associated with processing future development applications will be offset by permit fees and surcharges. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is potential for modest job growth associated with this recommendation.

HONORABLE MAYOR AND CITY COUNCIL
June 15, 2021
Page 6 of 6

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



OSCAR W. ORCI
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: CITY COUNCIL ORDINANCE
ATTACHMENT A – PLANNING COMMISSION STAFF REPORT AND ATTACHMENTS
ATTACHMENT B – PROPOSED PD-30 AMENDMENTS
ATTACHMENT C – PD-30 MAP
ATTACHMENT D – PROPOSED LBMC TITLE 5 AMENDMENTS
ATTACHMENT E – PD-30 PEDESTRIAN-ORIENTED MAP
ATTACHMENT F – ZONING CODE AMENDMENT FINDINGS

ORDINANCE NO. ORD-

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 5.92.420,
SECTION 5.92.760, SECTION 5.92.765, AND SECTION
5.92.955; AND BY AMENDING AND RESTATING THE
DOWNTOWN PLANNED DEVELOPMENT DISTRICT
(PD-30), TO ALLOW THE OPERATION OF ADULT-USE
CANNABIS DISPENSARIES WITHIN MIXED-USE
BUILDINGS IN DOWNTOWN BY WAY OF CONDITIONAL
USE PERMIT APPROVAL

WHEREAS, on June 13, 2000, the Long Beach City Council adopted
Ordinance No. C-7694 amending and restating the Downtown Planned Development
District (PD-30). Ordinance No. C-7694 was amended by Ordinance No. C-7719 adopted
on November 28, 2000, and thereafter, PD-30 was amended by the following ordinances
adopted as follows: C-7830 on October 22, 2002; C-7884 on November 4, 2003; C-7950
on October 5, 2004; ORD-05-0009 on June 7, 2005; ORD-05-0042 on November 22,
2005; ORD-06-0033 on September 12, 2006; ORD-06-0043 on October 3, 2006; ORD-
06-0049 on October 24, 2006; Ordinance No. ORD-07-0018 adopted on April 24, 2007;
and Ordinance No. ORD-12-0001 adopted January 17, 2012;

WHEREAS, the Planning Commission, at its hearing on April 15, 2021,
reviewed the proposal to amend Title 5 and amend and restate PD-30, to allow the
operation of adult-use cannabis dispensaries within Mixed-Use buildings in Downtown by
way of Conditional Use Permit (CUP) approval and, thereafter, voted to recommend to the
City Council that Title 5 and PD-30 be amended as proposed;

WHEREAS, the City Council, hereby finds that the proposed amendments to

1 PD-30 and Title 5 will not adversely affect the character, livability or appropriate
2 development of the surrounding properties and that the proposed amendments are
3 consistent with the goals, objectives and provisions of the General Plan.

4 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
5 follows:

6 Section 1. Subsection A.5 of Section 5.92.420 of the Long Beach
7 Municipal Code is amended to read as follows:

8 5. Within a building which contains a dwelling unit, with
9 the exception of adult-use cannabis dispensaries, as otherwise permitted
10 on ground floors of mixed-use buildings within the Downtown Planned
11 Development District (PD-30).

12
13 Section 2. Subsection A of Section 5.92.760 of the Long Beach Municipal
14 Code is amended to read as follows:

15 A. From a public right-of-way, there shall be no exterior
16 evidence of cannabis goods, graphics depicting cannabis goods, or
17 commercial cannabis activity, except for any signage authorized by this
18 Code. Premises located within PD-30 shall also be designed to comply
19 with Downtown Pedestrian-Oriented transparency standards (if
20 applicable), whereby clear, nonreflective display windows or doors shall
21 comprise at least sixty percent (60%) of the ground-floor street façade of
22 active, pedestrian-oriented uses.

23
24 Section 3. Subsection C.7 of Section 5.92.765 of the Long Beach
25 Municipal Code is amended to read as follows:

26 7. Notwithstanding the foregoing requirements of
27 Section 5.92.765(C), premises located within PD-30 shall be designed to
28 comply with Downtown Pedestrian-Oriented transparency standards (as

1 applicable), whereby clear, nonreflective display windows or doors shall
2 comprise at least sixty percent (60%) of the ground-floor street façade of
3 active, pedestrian-oriented uses.
4

5 Section 4. Section 5.92.955 of the Long Beach Municipal Code is
6 amended by adding Subsection D to read as follows:

7 D. Consistent with this Subsection, such signage is prohibited
8 on exterior windows and storefronts on ground-floor street facades, and
9 premises located within PD-30 are furthermore subject to the Downtown
10 Pedestrian-Oriented transparency standards (if applicable), whereby
11 clear, nonreflective display windows or doors shall comprise at least sixty
12 percent (60%) of the ground-floor street façade of active, pedestrian-
13 oriented uses.
14

15 Section 5. The Downtown Plan (PD-30) is hereby amended and restated
16 in its entirety as set forth in Exhibit "A", which exhibit is attached hereto and incorporated
17 herein by this reference; and the area encompassing PD-30 is depicted on the map as set
18 forth in Exhibit "B", which exhibit is attached hereto and incorporated herein by this
19 reference.

20 Section 6. The City Clerk shall certify to the passage of this ordinance by
21 the City Council of the City of Long Beach and cause the same to be posted in three
22 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day
23 after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of _____, 20__, by the following
vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

CITY OF LONG BEACH

DOWNTOWN PLAN



January 2012

ACKNOWLEDGEMENTS

Mayor and City Council

Honorable Mayor Bob Foster
Vice Mayor Suja Lowenthal, Councilmember, 2nd District
Robert Garcia, Councilmember, 1st District
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Special Recognition

Downtown Visioning Committee Members
Downtown Steering Committee Members

Consultant Team

AECOM, Cityworks Design, Iteris, Strategic Economics, and ICF Jones and Stokes
with Patricia Smith, Contributing

CITY OF LONG BEACH

DOWNTOWN PLAN

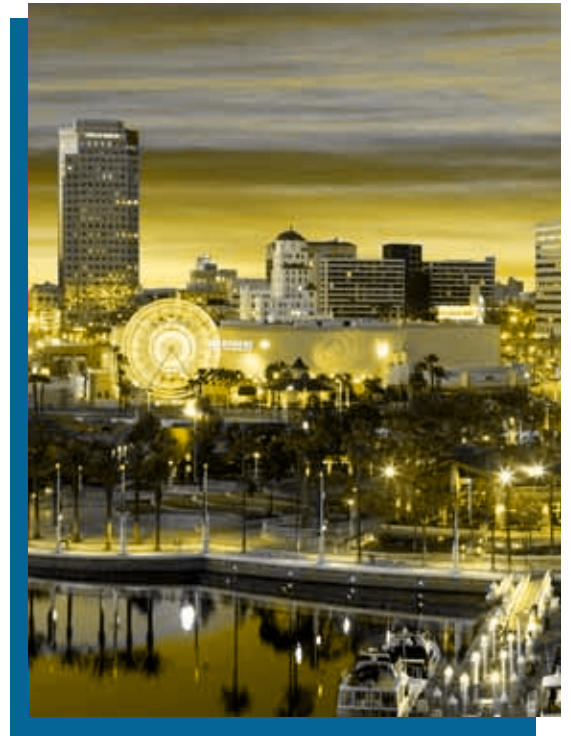
January 2012

Prepared for City of Long Beach Development Services Department
AECOM, Cityworks Design, Iteris, Strategic Economics, and ICF Jones and Stokes

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VISION + INTRODUCTION



CREATING A PLAN FOR DOWNTOWN

THE IMPORTANCE OF A DOWNTOWN PLAN

For most successful American cities, the downtown represents the symbolic center of commerce, trade, culture and social life. The area that now comprises Downtown Long Beach (Downtown) emerged when Wilmore City was incorporated in 1887. Prior to that, the area was platted into small blocks to serve a growing population that was initially attracted by agricultural opportunities. Later, the discovery and extraction of oil, the development of the Port and the ascent of Southern California's defense industry provided the economic engines for Long Beach to attain its status as one of California's largest cities (today it ranks as fifth largest in the state).

Downtown Long Beach has a relatively compact geographic footprint located atop a bluff overlooking the Pacific Ocean. It is also where the Los Angeles River and the various business activities associated with the Port of Long Beach meet the pleasure activities of the waterfront, beach and marinas. All of these factors provide both challenges and opportunities that require sound planning and design guidance as Downtown Long Beach continues to mature.

Since Downtown's inception over a hundred years ago, much has changed. In the 1960s–70s rapid suburban growth led to a reduced Downtown population and less emphasis on Downtown as the focal point of commerce and public life. More recent effects include globalized trade that brought significant changes in leading industries and job types, combined with a renewed interest in creating livable communities that are less reliant on the automobile.

As a Pacific Rim city, Long Beach has many influences economically and culturally. Downtown continues to be the hub of tourism, business and transit for the entire city. It is also home to a growing population of residents who want, within a livable urban core, convenient amenities and services. Today there are many unique features and treasures within the 1-square-mile Downtown, and when conceived as a whole, they each contribute to making Downtown and the City of Long Beach a memorable place. The Long Beach Downtown Plan (Downtown Plan) was written with a fundamental recognition of what is "quintessentially Long Beach" and seeks to guide how new private and public development can build on existing strengths and enhance the whole.



Build on Downtown Long Beach's historical roots



Downtown Long Beach is a memorable place

FIGURE 1-1

Regional Context



CREATING A PLAN FOR DOWNTOWN

There are many facets that contribute to Downtown's unique sense of place: It has a social heart (Pine Avenue and the waterfront), a civic core (Civic Center, City Hall, Courthouse), and major attractions (Convention Center, aquarium and major hotels, restaurants and beaches). It has areas with rich architectural identity (Ocean Boulevard, Villa Riviera, Willmore Historic District, East Village, Museum of Latin American Art) and areas that are emerging and redefining themselves (North Pine, Promenade). Importantly, most of Downtown's treasures are a short walk from each other; they would not be as meaningful on their own, or if they were located in another part of Long Beach.

Any vision of the future must respect Downtown's rich architectural legacy, which includes outstanding building examples of Art Deco, Streamline Moderne and Spanish International Style, as well as other styles. To make Downtown Long Beach a more complete place, this Plan strives to enhance what is currently great and to encourage even greater contributions from all new development. The Plan is therefore predicated on the preservation of historic structures and the introduction of new innovative buildings—both are essential to a thriving metropolis.

As a magnet for investment, office and residential towers, and civic institutions, Downtown will always experience more large-scale development activity than the City's surrounding residential neighborhoods. However, because of the magnitude of that financial investment, and the desire to attract jobs and businesses, it is vital that Long Beach keep current a plan describing what is wanted for Downtown today and in the future.

Some have felt that the fast pace of development funding and construction in Long Beach and all across the West Coast, over the last 10 years, resulted in a reactive planning process. This Downtown Plan encourages a proactive planning process with developers and institutions. This proactive process is critical for Long Beach to be well positioned when the pace of design and construction activity increases. In recent years, the approach used for the Downtown Plan has become known as a "form-based code." This means the focus is on the design and character of the building and how it contributes to defining and activating the nearby public realm. Less focus is on traditional regulation characterized by a list of uses permitted or not permitted within the building. Having such an adopted plan may make Downtown Long Beach more attractive to developers, who can see, clearly codified, what the residents and stakeholders want, what they see as good design, and more importantly what is right for Downtown, a key component of the larger City.

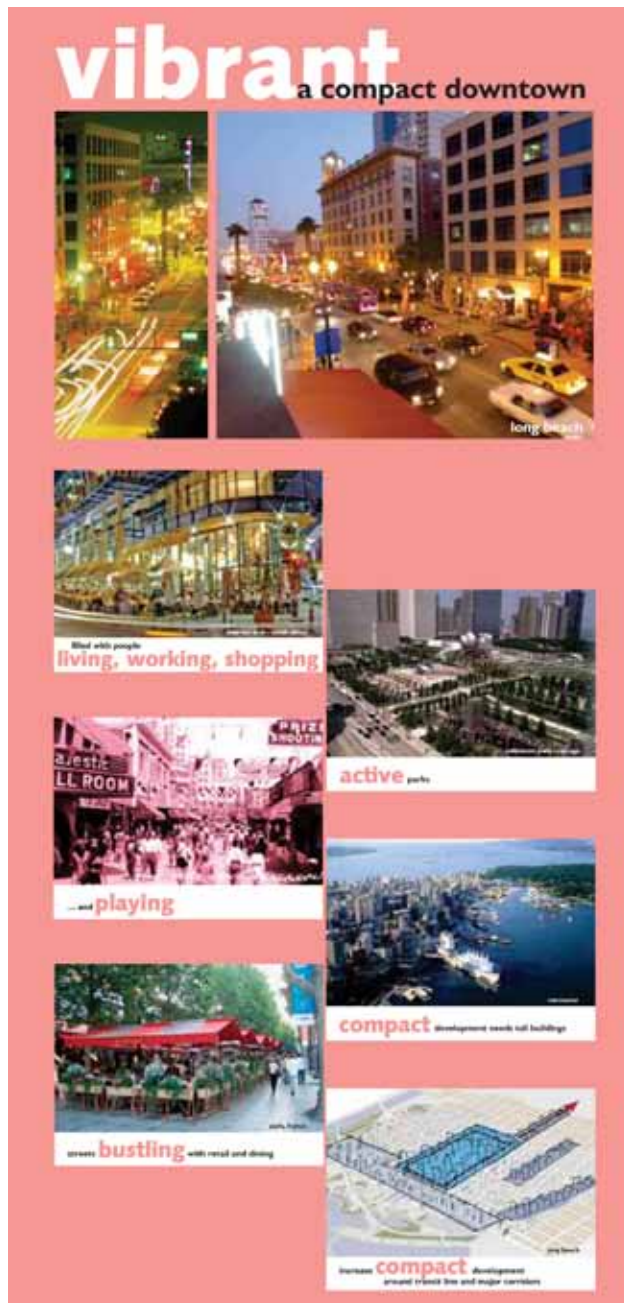


Enhance what is great



Retain the architectural legacy

CREATING A PLAN FOR DOWNTOWN



Thirteen posters were created during the Downtown visioning process

THE VISIONING PROCESS

The roots of this document were formed in a highly social “visioning process” that began in 2006 with the volunteer efforts of a Visioning Committee and input received through public workshops. This initial process resulted in a message that combined words and imagery to convey what the future might look like. This visioning provided a necessary foundation for the Downtown Plan and, as a reference to that important foundational work, some of these images are included throughout this chapter. Going forward, the document will exist as the formal policy document to be used by City Staff on a daily basis to (1) keep true to the community’s vision, and (2) provide specific standards and guidelines to reference when working with developers.

The more specific content of this Plan was developed with the contributions of a Downtown Steering Committee. Their mission was to advise Staff and the design consultants as the Plan evolved, to provide continuity with the prior visioning process, progress the thinking on focused topics through subcommittees, and to review and comment on draft versions of the document. A public workshop attended by Downtown residents and stakeholders provided additional insights and suggestions that were critical to the text and graphic content.

Today’s Economic Forces

In conjunction with the Plan, a market analysis of the greater Downtown Long Beach area was prepared for the Redevelopment Agency to evaluate both current conditions and projections for the future buildout. While the pace of Downtown development, as well as



Input received at public workshops

CREATING A PLAN FOR DOWNTOWN



Steering Committee examined height standards on bus tour

development elsewhere, will continue to be impacted by economic cycles, the study concluded that the addition of new housing and the increase in resident population will continue to attract new jobs. The new residents and Downtown employees will increase support for retail businesses. Overall, there are substantive reasons to be optimistic about Downtown's future.

A SUSTAINABLE FUTURE

As the City embarks on a sustainable path to the future, a *Sustainable City Action Plan* has been adopted that establishes initiatives and goals that will guide future operational and policy decisions for buildings and neighborhoods, energy, transportation, urban nature, waste reduction and water usage. For all issues sustainability seeks consider the environmental, social, and economic components and to maximize benefit with the smallest negative impact.

The Downtown Plan addresses the issues of sustainable design at the most fundamental level of planning and design. These standards reinforce a land use and transportation relationship that supports transit-oriented development nearest the Metro Blue Line stations, walkable streets, a bicycle-friendly environment, and mix of jobs, housing and amenities within a vibrant urban center. Encouraging a balance of transportation modes through good planning, design and development will effectively reduce vehicle miles travelled within Long Beach and, in turn, reduce vehicle emissions that contribute the greatest share of our region's greenhouse gases.



THE VISION FOR DOWNTOWN

VISIONING STATEMENT

Long Beach is a WATERFRONT METROPOLIS with a feel for the past and anticipation for the future. We are a model of international living and distinguish ourselves through a unique vision: progressive, diverse, cultured. Fueled by a vibrant City center, Long Beach is a place where residents are proud to live, work, and play.



With this clear vision and lofty but attainable goals, Downtown Long Beach is positioned to remain a model for metropolitan growth and a location of international importance. In achieving that model, the Downtown Plan acts as a comprehensive spatial development plan to implement strategies that both preserve and enhance the ideals that have contributed to Downtown's successes while seamlessly instilling new principles of sound urban development. Such strategies will keep Downtown home to the highest concentrations of residential and economic activity in the City, as well as the hub of arts and culture. Long Beach is a place where residents are proud to live, work, and play, and the Downtown Plan is designed to shape the future development of this vibrant City center in a way that is both visionary and sustainable.

GUIDING PRINCIPLES

The Visioning Committee also developed a set of nine guiding principles, which are meant to shape the outcome during the Downtown Plan's implementation. These represent the culmination of the visioning and outreach process and also serve as a basis of the Plan.



Major attractions are adjacent to Downtown

THE VISION FOR DOWNTOWN

WHAT WILL BE THE OUTCOME?

In the near term, a number of projects are underway that promote the principle of improving Downtown's public realm infrastructure. For example, the Pine Avenue Streetscape Improvement Project between Shoreline Drive and 8th Street will contribute to the ongoing betterment of walkability and connectivity. Similarly, the completion of the Metro Blue Line Bicycle and Pedestrian Access Plan will assist in acquiring funding to realize a range of improvements that will encourage bicycling and walking to all the Metro Blue Line Stations.

The Guiding Principles described on this page and the development standards and incentives contained in this Downtown Plan aim to create a world-class City center, and a vibrant and energetic Downtown that will be home to a diverse mix of people, businesses, and attractions. The Plan will provide for more and expanded urban choices for living, working, and shopping in the Downtown in a true mixed-use City center. The Plan will ensure that Long Beach remains highly livable, with interconnected open space and transit, and a range of community services and cultural opportunities.

Achieving a high-quality urban realm, bold architecture, and a progressive global city requires a plan that both regulates and stimulates future development. The Downtown Plan provides development standards and guidelines that establish the critical components for future development, while promoting design creativity as a real estate market catalyst. Specifically, the goals of the Plan include the following outcomes:



Development is balanced with open space

GUIDING PRINCIPLES FOR DOWNTOWN LONG BEACH

- 1 We promote the development of a **DISTINCTIVE DOWNTOWN SKYLINE**, providing a vibrant, compact city core attracting cosmopolitan and creative people.
- 2 Our lively Downtown acts as the **HEART OF THE CITY**, connecting with the neighborhoods and coastline.
- 3 We encourage an **INFRASTRUCTURE** to accommodate a future that is less dependent on fossil fuels and more focused on walking, bicycling, and public transportation.
- 4 We invite and support new industries to invest in our future so that we can continue to **DIVERSIFY OUR ECONOMY** and promote job growth while strengthening our existing backbone of convention, tourism, and port business.
- 5 We endorse **BOLD ARCHITECTURE, PLANNING, AND CONSTRUCTION** that utilize green building technology and incorporate sustainable energy.
- 6 We demand **QUALITY** in building practices in order to ultimately create historical masterpieces.
- 7 We value our buildings of **HISTORIC** merit and seek to preserve or restore them through adaptive reuse.
- 8 We include the best aspects of an innovative **GLOBAL CITY**: dynamic architecture, light-filled public spaces, active recreation, celebration of our unique culture, and respect for the natural environment.
- 9 We work together to ensure the **SUCCESS** of this vision and it is our promise to the City and its residents to invest in the future.

THE VISION FOR DOWNTOWN

DESTINATION DOWNTOWN

A Citywide multi-modal transportation network reinforces the role of Downtown as the focal point of the City.

- 1 *Embrace a “park once” philosophy in the Downtown, stressing the utilization of Downtown’s existing surplus of public parking and a renewed emphasis on shared use of parking facilities.*
- 2 *Facilitate walkability using initiatives such as the recent Pine Avenue Streetscape Improvement Project as a model for other pedestrian right-of-way enhancements in Downtown.*
- 3 *Strengthen connectivity between Downtown and areas south of Pine Avenue, such as the convention center, The Pike, Shoreline Village, and the Alamitos Beach bike path, to attract visitors to and from the waterfront.*
- 4 *Introduce standards that allow for future transit innovation—such as the reintroduction of the streetcar—and the necessary infrastructure improvements that would lend to its success.*
- 5 *Encourage high-density, transit-oriented development near existing Blue Line corridors to maximize usage of existing transit systems and support their success through regulations aimed at improved streetscape and building design along routes.*
- 6 *Uphold the title of The Most Bicycle Friendly City in America through the enhancement of existing bicycle amenities, such as the Bikestation; building on the successes of Downtown’s dedicated 3rd Street and Broadway bicycle lanes; and integrating the Downtown’s bicycle-friendly roads and bikeways with the City’s greater bicycle path network.*

Enhanced Mobility

The vision for Downtown reflects the City’s forward-thinking, unified approach toward alternative transportation methods that operate with efficiency, directness, and speed. This marks a deliberate departure from antiquated suburban models that focus almost exclusively on maximizing the efficiency of vehicular movement and vehicular parking. Once in Downtown, visitors, residents, and employees will enjoy engaging, clean, and safe pedestrian environments, including paseos, pedestrian-oriented lighting, and sidewalks connecting all of the amenities and excitement of a vibrant urban environment. A walkable Downtown is a successful Downtown.

This renewed commitment to improved mobility in Downtown incorporates improvements integrated into the street systems, including upgraded transit and Blue Line facilities; an increase in the number of interlinked bicycle pathways and related accommodations, such as the existing Bikestation; and pedestrian-oriented amenities. Together they will make Downtown a more welcoming environment, regardless of one’s chosen means of travel.

Additionally, a fully balanced multi-modal system can provide benefits beyond transportation. Where implemented, there are typically increases in economic and business activity and recreational opportunities, and increased support—and accompanying demand—for social and cultural institutions. Bicycle and pedestrian travel causes virtually no air or noise pollution and, as a by-product, improves the health of Downtown.



Dedicated bike paths improve rider safety

THE VISION FOR DOWNTOWN

A successful downtown is a destination. This is especially true for Long Beach, with its coveted waterfront location and wide range of land uses that draw workers, residents, and visitors into its Downtown. To facilitate the convenient and efficient exploration of Downtown attractions, connectivity between destinations—and the means of such—is a critical outcome of the Plan.

Downtown Long Beach will function as a hub of activity accessible to all through an interconnected transportation network that extends far beyond its borders. Enhanced Blue Line and transit stops will create a welcoming entrance into Downtown, and the reintroduction of the streetcar system may add a appealing, yet efficient, means of traversing through the area's increasingly revitalized corridors. For those who prefer non-motorized transport, enhanced streetscapes—complete with the ample, necessary amenities to make them an attractive, viable option—will provide attractive and safe grounds for both pedestrians and cyclists.

Interconnected Pedestrian Space

The Downtown Plan identifies standards and guidelines for an interconnected pedestrian network of open spaces, urban parks, plazas, community gardens, courtyards, and paseos. These resources within Downtown offer a range of recreational opportunities and amenities, in addition to their valuable role as a natural aesthetic. The Plan places great importance on streetscape design, a critical aspect of the City's public realm. Quality streetscape design and availability of usable open spaces provide respites from the frenzy of urban life in Downtown, offering places to read, reflect and recharge, or meet and chat with friends and colleagues. In addition to open space requirements contained within the Plan, the City will continue to pursue development opportunities for public open space



Enhanced stations make transit use more comfortable



Mutli-modal systems give community members greater choices

THE VISION FOR DOWNTOWN

in the form of pocket parks, dog parks, and other types of facilities, knitting together an interconnected network of open spaces serving all types of users and offering open space in all neighborhoods of Downtown.

Whether public or private, fully accessible and inviting open spaces are essential to the health and vibrancy of any downtown. It is perhaps from these open spaces that the scale, architecture, and character of the urban realm are best experienced. The interconnected open space network of urban parks, plazas, community gardens, courtyards, and paseos provide pedestrians direct contact with aesthetically pleasing natural features and a path of efficient travel to nearby amenities. A careful, coordinated design of these open space corridors will serve to create safe and suitable walking areas that enhance livability and create a more rewarding Downtown experience.

Quality Urban Architecture

From both land and sea, the Downtown Long Beach skyline creates a dramatic impression and a statement about the importance of Downtown. Each new building must be a positive addition to this skyline. By incorporating standards and guidelines for site and building design, the Downtown Plan establishes minimum thresholds of quality but allows flexibility by focusing on key elements of design and character of new structures, allowing the marketplace to dictate the details of form and use. This allows for bold new ideas and timeless design principles to shine through and add interest and vitality to the Long Beach skyline over time.

Well-designed buildings are the “building blocks” of great streets and neighborhoods. Good design typically results from projects that are conceived in their total with a “big design idea,” and respond sensitively to their immediate

THE CASE FOR PEDESTRIANS

A walkable Downtown is the cornerstone of a successful urban environment, a proven generator of economic growth, healthier living, and overall sustainability.

- 1 *Promote dense, mixed-use developments that encourage pedestrian travel for access to goods, services, and entertainment.*
- 2 *Emphasize pedestrian safety improvements such as the installation of decorative street lighting, pedestrian crossings, and bulb-outs—such as those recently installed in the Downtown’s East Village—to calm automotive traffic.*
- 3 *Continue parkway landscaping efforts along Downtown streets to create a more attractive, inviting pedestrian realm.*
- 4 *Create plazas, paseos, and walkways that interconnect various Downtown attractions and facilitate pedestrian activity.*
- 5 *Explore pedestrian linkages between Downtown and Alamitos Beach, the City’s largest public open space.*
- 6 *Support residents and visitors with pets with “clean solution” stations and appropriately designed animal-oriented spaces such as K-9 Corner and Downtown Dog Park.*



Successful open space can be either formal or informal



Open spaces large and small activate Downtown

THE VISION FOR DOWNTOWN

context while artfully solving the programmatic needs of the owner and building users. This should also be evident at the finer levels of execution—like the selection of materials, windows, doors, details, and the landscaping palette, where all elements combine to realize a larger architectural composition. Additionally, good building design includes active street-level uses with human-scale design features that will enhance the experience of moving through Downtown at street level and contribute to a high level of pedestrian activity.

A world-class Downtown, featuring innovative high-quality design, will attract a new class of commercial and office development and tenants, and more visitors, and contribute to the quality of the urban realm. From human-scale building frontages at the street level to distant views of its balanced, signature skyline, Downtown residents and visitors will continue to see an urban environment characterized by a sensitive blending of carefully preserved older structures, high-quality new construction, architectural gems, and engaging public spaces.



Bold ideas and timeless design principles

ARCHITECTURAL CHARACTER

Building design shall contribute not only to immediate site surroundings, but also enhance the overall Downtown aesthetic.

- 1 *New development shall be designed in such a way as to blend into the overall context of neighboring structures, particularly those with historic significance.*
- 2 *Ensure that the “public realm” of the street is consistent on Downtown’s most identifiable corridors by enforcing minimum building heights.*
- 3 *Require human-scale building frontages—particularly at street level—that appear open and inviting to the public and contain appropriate pedestrian amenities.*
- 4 *Preserve existing view corridors and natural light passages when considering taller structures, and hold new high-rise buildings to the highest standards of design to maintain the Downtown’s legacy of well-detailed, crafted, and timeless buildings.*
- 5 *Create a transition in bulk and scale to maintain a quality and balanced skyline. Enhance new development with significant landscaping, both on-site and within the abutting public right-of-way. Enforce design standards that encourage innovation and design of high-quality architecture and urban form.*
- 6 *Ensure that the individual design elements all contribute in a meaningful way to a complete, coherent design vision.*



THE VISION FOR DOWNTOWN

Sustainability

Continuing the City's forward-thinking approach toward sustainable design and development, the Plan advances a number of goals aimed at preserving the area's natural elements and lowering the ecological footprint of Downtown. The Citywide Sustainable City Action Plan and the green building policy is augmented in the Downtown Plan by development incentives. These are provided for projects that include LEED certification or equivalent, green roofs, use of renewable energy, public open space in excess of the standards, and rehabilitation of historic structures. The Plan's focus on linking density to transit significantly reduces automobile emission levels and lowers the Downtown's heat island effect. These future-oriented policies will specifically direct the City toward more environmentally friendly forms of development and community building.

As home to the highest concentrations of development in Long Beach, Downtown will continue to uphold the City's efforts at being a national leader in the sustainability movement. Quality transit-oriented projects will line upgraded, user-friendly Blue Line and bus routes, and the current infrastructure catering primarily to private automobile access into and around Downtown will be augmented by an upgraded system of bicycle and pedestrian amenities. Together with the implementation of various City policies and regulations aimed at "greening" Downtown, this will help ensure a cleaner, healthier Downtown of the future.



SUSTAINABILITY FRAMEWORK

A commitment to sustainable practices in both public and private spaces will ensure a healthy, more livable Downtown for future generations.

- 1 *Continue Long Beach's proactive approach to environmental issues by adopting standards that support the existing Sustainable City Action Plan, Green Building Development Standards, Water-Efficient Landscaping Ordinance, and the Low Impact Development Ordinance.*
- 2 *Encourage LEED Certified Silver or higher on all new Downtown developments.*
- 3 *Increase the greening of Downtown through right-of-way landscaping enhancements, public parks, and vegetated pathways linking streets with public and private open spaces, such as linkages connecting The Promenade and Pine Avenue.*
- 4 *Incorporate sustainable construction techniques into infrastructure projects to reduce long-term project impacts.*
- 5 *Implement public right-of-way enhancements such as energy-efficient street lights/signs and other amenities.*
- 6 *Support the emergence of Downtown as a center of green jobs through various education and job promotion campaigns.*
- 7 *Continue promotion of alternative transportation as a means to, from, and within Downtown.*



THE VISION FOR DOWNTOWN

Activities and Events – Enrichment of Arts and Culture

From summer concerts to trade shows and conventions to a myriad of special events, Downtown truly personifies the heart of the City. Aided by a temperate coastal climate, hundreds of events each year, including community gatherings of all types, art walks, street performances, and festivals, attract visitors from near and far. Art installations and window displays, exterior lighting of buildings, and other similar features create a truly unique urban environment, bringing newcomers and regulars back to Downtown to enjoy their leisure time and the unique architecture and character.

With no other South Bay location boasting such a large mix and concentration of activities and events, Downtown Long Beach is a highly popular regional destination. The Downtown Plan strives to expand this level of activity, encouraging the enrichment of the Downtown environment through the ongoing promotion of large, annual events—running the gamut from athletic competitions (the Long Beach Grand Prix and Long Beach Marathon) to street parades and concerts (the Long Beach Gay & Lesbian Pride celebration, Summer And Music [SAM])—as well as those with a more local flavor, such as the East Village Art District’s monthly Art Walk and the weekly Downtown Farmer’s Market. The continued hosting of these events and supporting venues for new events provide an immeasurable opportunity to showcase the spirit and character of Downtown.

A diverse collection of recreational opportunities for residents, visitors, and tourists are readily available within Downtown. From the hosting of large conferences to the continued scheduling of a diverse range of musical and cultural events, Downtown will cater to the interests of all segments of society. Creative art and performance spaces will see their numbers grow, increasing the Downtown’s status as a hub of culture and nightlife. Downtown will be an arts destination for visitors and home to many of America’s top writers and visual and performing artists. The Downtown Plan will implement strategies to make this vision a reality.

THE ROLE OF ARTS AND CULTURE IN DOWNTOWN

Drawing both visitors and local residents, a wide range of entertainment options are critical to the vitality of Downtown.

- 1 *Maintain the City’s partnership with the Downtown Long Beach Associates, Convention and Visitor’s Bureau, and other Downtown stakeholders to continue the promotion of visitor-service attractions.*
- 2 *Continue to pursue events of national and international interest, such as the hosting of the TED Conference.*
- 3 *Maintain a streamlined process for Downtown special event application review.*
- 4 *Foster development strategies that bolster the East Village’s standing as a regional hub of creativity, and encourage creative spaces, such as the recent Art Exchange project and 4th + Linden design studios, within the district.*
- 5 *Seek to establish suitable Downtown performance spaces as new trends in art and entertainment present themselves.*
- 6 *Program evening events that encourage Downtown businesses to extend their operating hours.*



Unique events draw people from near and far

THE VISION FOR DOWNTOWN

A Respect for History

Downtown Long Beach has a fine collection of older structures that are associated with the people, events, and history of the City. These buildings are the tangible roots of communal memories, reminding residents and visitors of where the City has come from and how it has grown. Preserving examples of historic buildings keeps intact the connection between the past, present, and future. Many of these historic buildings are architecturally significant for their materials, design, construction, ornament, and craftsmanship. Because of their unique urban character, they visually enrich our urban experience and can provide property owners with tangible benefits. In competitive real estate markets, well maintained historic buildings often have a special marketing edge.

Understanding the enriching value of these character-defining resources, the Plan complements the greater Long Beach goal of preservation and protection through adaptive reuse strategies and regulations that require future developments to be designed in a manner that harmoniously strengthens the present Downtown fabric. Important incentives for historic preservation are available at the federal and state level. Federal programs include the Federal Historic Preservation Tax Incentive Program, which creates tax credits, and the Preservation



HISTORIC CHARACTER

A key component of the Downtown character derives from the presence of structures from the turn of the century. Integrating modern structures with those of historic significance will positively reflect Downtown's continuing urbanization progress.

- 1 *Facilitate the reinvention of historically significant structures and incentivize—through density waivers, parking reductions, and other means—adaptive reuse possibilities, as seen in the Kress Lofts, Insurance Exchange, and Walker Building projects.*
- 2 *Require development on Downtown sites in proximity to structures of historic significance to be designed harmoniously with the existing building's historic character.*
- 3 *Create a more streamlined Certificate of Appropriateness process for small-scale modifications to existing historically significant structures.*
- 4 *Create opportunities to educate and promote Downtown and the adjacent waterfront's historic past.*



Encourage new uses for older buildings

THE VISION FOR DOWNTOWN

Easements Program, which creates charitable tax deductions. State programs include the 2007 California Historic Building Code, and the Uniform Code for Building Conservation which deal with the unique building construction and safety issues inherent in historic buildings, and the Mills Act Program, which provides for reductions in property taxes for qualified historic buildings.

A careful blending of both old and new will add to the rich history of Downtown. The emphasis on adaptive reuse will see older buildings reinvented in ways that pay homage to their past while renewing their status as destinations and places of interest.

Supporting Infrastructure

As one of the oldest neighborhoods in the City, Downtown faces the challenge of balancing the increasing flow of daily activity with the ever-present needs of an older infrastructure network. Ongoing maintenance and repair of streets, sidewalks, utilities, and communication systems remain a top priority, as well as the continued, successful collaboration between the City and service agencies, who, together, will lay the foundation for Downtown's continued vitality and success.

Downtown's future will consist of street improvements to make the area more readily accessible to both pedestrians and bicyclists. Enhanced sidewalks and connectivity via landscaped and amenity-rich paseos will connect points of interests in a way that will encourage a "park once" approach, encouraging visitors to walk to multiple Downtown destinations. Improved interface between buildings and their adjoining streetscapes will create an enjoyable, safe pedestrian environment that will act as a catalyst for the growth of Downtown's retail and restaurant sector.

INFRASTRUCTURE SYSTEMS AS DEVELOPMENT CATALYST

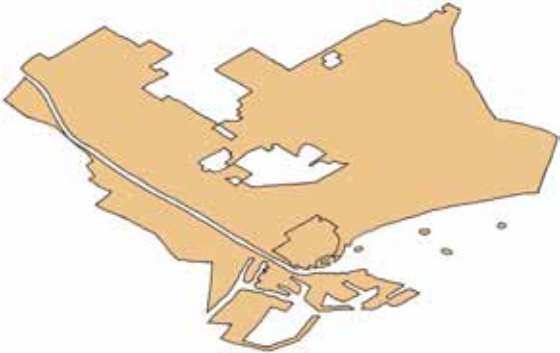


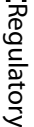



Properly functioning infrastructure is a proven catalyst for a successful, dynamic Downtown. Improvements in this realm will serve to increase the efficient movement of goods and people, and serve to support future development.

- 1 *Ensure that future street improvements cater to all modes of transportation, not simply automobiles.*
- 2 *Require infrastructure improvements, when necessary, as conditions of future development approvals.*
- 3 *Support the development of Downtown passenger terminals that serve two or more travel modes, such as the proximity of existing Blue Line stops, Downtown's First Street Transit Mall, and the BikeStation.*
- 4 *Provide clear and attractive wayfinding signage to and within Downtown.*
- 5 *Explore the potential for a free wireless network throughout Downtown.*
- 6 *Enhance the appearance, functionality, and safety of sidewalks and other pedestrian spaces.*



THE VISION FOR DOWNTOWN

Understanding The Planning Document Hierarchy For Downtown Long Beach

Level of Plan	Physical Extent	Scale & Specificity
Planning Policy Framework Providing policy initiatives and planning requirements Examples: National, State, and Regional (SCAG, SCAQMD) Regulations, Policies, and Plans Citywide Plans Goals and policies for future land-use decisions (guide for future development); Provides vision and guidance, but does not regulate land-use; Integrates a multitude of concepts such as sustainability, healthy living initiatives, economic development, and provides overarching comprehensive vision, or provides guidance for a particular topic citywide Examples: General Plan Update (Long Beach 2030), Long Beach Strategic Plan 2010, Bikeway Master Plan, Capital Improvement Plan (Infrastructure Master Plan)		More Conceptual-Based/Long Vision Planning 
Conceptual Area Plans Geographically focused plans which address relevant topics pertinent for specific areas; Provides vision, guidance and intended outcomes through guidelines, but doesn't regulate land-use Examples: Downtown Vision Statement, Strategic Guides For Development For Central and Downtown Redevelopment Project Areas, Streetscape Enhancement Master Plan, Downtown Retail Vision		
Community Plan/PD/Zoning Consistent with and systematically implements vision or conceptual documents for a particular area and/or topic; Implementation through zoning regulation, and enforceable development standards, does regulate land-use, setbacks, height, density, and other development standards Examples: Downtown Community Plan, Local Coastal Plan (Implementation Measures) PD-6 Downtown Shoreline		
Implementation/Improvement Plans Detailed construction-level projects, plans, and local implementation strategies Examples: Pine Ave. Streetscape Project, East Village Arts District Guide For Development, Blue Line Pedestrian/Bike Access Plan, 3rd Street & Broadway Bicycle Plan, Downtown Long Beach Area Retail Implementation Strategy		More Detailed/Near-Term Projects

Composite

A coordinated series of plans at various scales to guide development and infrastructure priorities, create great streets, and enhance neighborhoods and foster vibrant communities



HIGHLIGHTS OF THE PLAN

RELATIONSHIP TO OTHER PLANS

The City's broadest reaching plan document is its General Plan; the forthcoming *Long Beach 2030 Plan*. Other documents that supplement the General Plan and provide broad guidance for all areas of the City are documents like the *Sustainable City Action Plan* and the *Bicycle Master Plan*.

Second in the hierarchy of regulating documents are Specific Plans. **This Downtown Plan is not a Specific Plan, but will provide very localized guidance and standards for new development.**

Third, and representing the greatest level of specificity, are Improvement Plans. For Downtown Long Beach, these would include the *Pine Avenue Streetscape Improvement Project*, *East Village Arts District Guide for Development*, and the *Metro Blue Line Bicycle and Pedestrian Access Plan*. These documents must remain consistent with the principles of the Downtown Plan but provide very detailed design and implementation plans for improvements that will be realized in the near term.

Section 1 – The Vision and Introduction provides the context for the Downtown Plan, clarifies its relation to other guiding documents, describes its outgrowth from a visioning process, and articulates the expected outcomes..

Section 2 – Connectivity and Character describes the multimodal transportation facilities that will serve Downtown and how the pedestrian, bicycle, transit, and vehicular components all work together. It also describes important neighborhoods and character areas adjacent to and within Downtown.

Section 3 – Development Standards defines acceptable uses and envelopes for development, density, parking, building height and setbacks. These standards essentially define the developable envelope and are intended to both regulate and stimulate development.

Section 4 – Design Standards focuses on urban design and architecture to achieve pedestrian-friendly development and to foster buildings that are “good neighbors” making a significant design contribution to their block, street and neighborhood.

Section 5 – Streetscape and Public Realm Standards provides more specific criteria for the design of streetscape, street trees, planting, hardscape, site furnishings, lighting, open space and public art.

Section 6 – Sign Standards provides overall guidance in the design of commercial, residential and temporary signs.

Section 7 – Historic Preservation encourages adaptive reuse, treatment of landmark buildings, incentives.

Section 8 – Plan Administration clarifies the development approval process, procedures and environmental review assumptions of the Program EIR.

2

CHARACTER+CONNECTIVITY



CHARACTER

DOWNTOWN CHARACTER AREAS

Within the Downtown, there are a number of “character areas,” which are discussed throughout the Downtown Plan. These areas have evolved over time, so that each has a unique feel and unique attributes that should be strengthened through new development and rehabilitation. The Downtown character areas are discussed on the following pages, and their locations are generally identified in Figure 2-1.

CIVIC CENTER

This area includes the Civic Center, public library, and Lincoln Park. It is a primary icon and gathering area within the City.



BUSINESS AND ENTERTAINMENT AREA

Downtown is the heart of Long Beach and the site of much development in the recent past. It is the business, retail, and tourism hub of the City, and also the home of many of the City’s historic and cultural treasures. It is characterized by tall buildings; high vehicular, pedestrian, and transit traffic; and diverse building sizes and uses.



CHARACTER

WILLMORE HISTORIC DISTRICT

The northern portion of the Plan area includes parts of the Willmore City/Drake Park historic district, which features residences of the early 1900s and pleasant tree-lined streets.



EAST VILLAGE

East Village is the center of local arts and culture in the City. The eclectic neighborhood boasts a collection of privately owned businesses, galleries, shops, and a complementary street experience. Its nostalgic charm and diversity of uses attract both tourists and locals.



WEST END

The West End is located at the west side of Downtown, east of the I-710 freeway and Cesar Chavez Park. This district is defined by low-rise, single- and multi-family residential uses, and neighborhood amenities like churches and schools. This district represents the traditional neighborhoods with walkable streets and diverse housing types that characterize much of the City.



NORTH PINE

This area includes the northern portion of Pine Street, which has more neighborhood character than within the Downtown core. It also includes a variety of housing types, including multi-family buildings and condominiums.



FIGURE 2-1

Character Areas and Surrounding Neighborhoods



CHARACTER

SURROUNDING CONTEXT

While the development and design standards in Chapters 3 and 4 outline specific requirements for new development, new projects must also respond to the context of their setting and contribute to Downtown in a meaningful way. It's important to recognize that Downtown is actually a collection of neighborhoods and areas of distinct character that make it memorable. This Plan requires buildings to respond to their surrounding neighborhood and the character of their street and block with an urban design approach that is coherent, and a stylistic approach that balances innovation with architectural sensibility. Adjacent to the Downtown Plan study area are other notable neighborhoods in Long Beach that influence the character of the area.

Waterfront

The Long Beach waterfront is located to the south of the study area, defined by Ocean Boulevard as the boundary. The waterfront includes cultural, tourist and recreation attractions like the performing arts center, convention center, aquarium, and The Pike and Rainbow Harbor. These are linked by abundant public transportation. Much of the former industrial waterfront to the west has been transformed into business park uses.

Residential Neighborhoods

Residential neighborhoods surround the remainder of Downtown. To the east is Bluff Park and Alamitos Beach, an area of stately, oceanfront homes and mid-rise condominium buildings. The neighborhoods of Hellman and St. Mary's are located to the northeast, which are both traditional neighborhoods with Craftsman homes and other neighborhood uses. St. Mary's Medical Center is located within this community. North of Downtown are Drake Park and Willmore City, which together form a Historic District known for early 1900s residences.



CONNECTIVITY



THE IMPORTANCE OF CONNECTIVITY

The successful downtown is a destination. This is especially true for Long Beach with its unique waterfront location and its mix of uses that draw workers, residents, and visitors to the area and encourages them to move about and explore the different neighborhoods of Downtown. Conveniently and efficiently exploring the different areas of Downtown requires that they be interconnected in multiple ways, providing multiple choices as to how to move around and through the area.

The connectivity and mobility vision for Downtown is forward thinking and deliberately moves away from the typical suburban model and some of the downtown models that focused almost exclusively on maximizing the efficiency of vehicular movement and vehicular parking. The visioning process concluded that a dense, vibrant downtown could not be achieved by focusing on the automobile for moving people into and around the area. The Downtown mobility network must be a balanced network that provides transit as a viable alternative to the automobile, includes bicycle facilities integrated into the street system, and safe and engaging pedestrian corridors.

A fully balanced multi-modal mobility system has benefits beyond transportation. Where implemented there is typically increased economic and business activity, recreation, and increased support for social and cultural institutions. By providing appropriate and well-designed spaces for bicycles and pedestrians, the overall quality of life is elevated encouraging even more investment in quality development.

The vision of a balanced mobility network does not suggest that the network does not have priorities. The highest priority is on walking as the mode for moving within Downtown. This is followed by bicycles, the various forms of transit, and then vehicles.



CONNECTIVITY



The network in Downtown Long Beach consists of a combination of highways, streets, transit, and the pedestrian realm. Primary surface streets, regional and interstate highways, and major transit connectors all lead to Downtown. This access positions Long Beach as a regional hub, with connections to Los Angeles, San Diego, Orange County, nearby ports, and other regional destinations in Southern California. This network is illustrated in Figure 2-2.

Walkable streets and accessible transit are a crucial ingredient for a vibrant, multi-use community. Streets are the heart of the public realm and should accommodate a wide range of inhabitants beyond vehicles. The goal of the Downtown Plan is to restore the streets as places of community association and shared transportation, as it was historically in Long Beach.

DOWNTOWN STREETS

A number of important City thoroughfares converge in Downtown Long Beach. The streets are primarily in a grid with occasional diagonal streets, and a variety of types, sizes, character, and capacity.

Key Streets

Key streets in Downtown are either significant for being major thoroughfares or retail corridors, or because they provide iconic character and recognizable centers for neighborhood districts. Key mobility streets are illustrated in Figure 2-2.

Major streets provide direct regional access to and from the Downtown core. They are generally wide, with multiple lanes, are accessible to highways, and carry high traffic volumes. Most of them are consistent with the grid. Others—like Alamitos and Ocean Boulevard—deviate from the grid to channel traffic to specific destinations and are important gateways into Downtown. These streets are shared by personal vehicles, buses, bicycles, and pedestrians, often as important retail corridors. Major streets create the form of the City and help to distinguish unique communities therein.

CONNECTIVITY

The regulations and guidelines presented in this plan will realize the goals put forth by the Guiding Principles. Below are visual representations of what some character areas can resemble once these new policies and guidelines are implemented.



LONG BEACH BLVD

In the Downtown core, high-quality design should incorporate modern, innovative architectural solutions, a higher minimum streetwall, and taller buildings in the transit-oriented areas.



WEST END

Architectural design standards west of the Downtown core should promote high-quality residential development with a minimum streetwall, landscaped setbacks, parkways, and street trees to enhance the pedestrian environment.



EAST VILLAGE

East of the Downtown core, architectural design should promote high-quality mixed-use development with pedestrian-oriented ground floors.

CONNECTIVITY



Overall Guidelines for Walkability:

1. *Strengthen existing pedestrian connections and streetscapes where possible, through the use of lighting, street furniture, landscape, and signage.*
2. *Incorporate mid-block connections, paseos, or small plaza spaces to enhance the pedestrian realm, and provide pedestrian gathering places and stopping points.*
3. *Provide pedestrian-oriented uses and pocket parks along pedestrian zones to encourage “eyes on the street” and active uses.*

Other streets, such as Pine Avenue, Ocean Boulevard, Linden Avenue, and Alamitos Avenue, contribute to distinct characters within the City. These streets offer great pedestrian activity because of a predominance of ground-floor retail, public spaces, and other places of interest. Many of these streets are found Downtown, as it is the center of culture and identity.

Neighborhood Streets

Neighborhood streets complete the street network, composing the neighborhoods and city fabric and connecting the major streets. They are typically narrower; post slower speeds; and allow for a greater commingling of vehicles, pedestrians, and bicycles than primary streets.

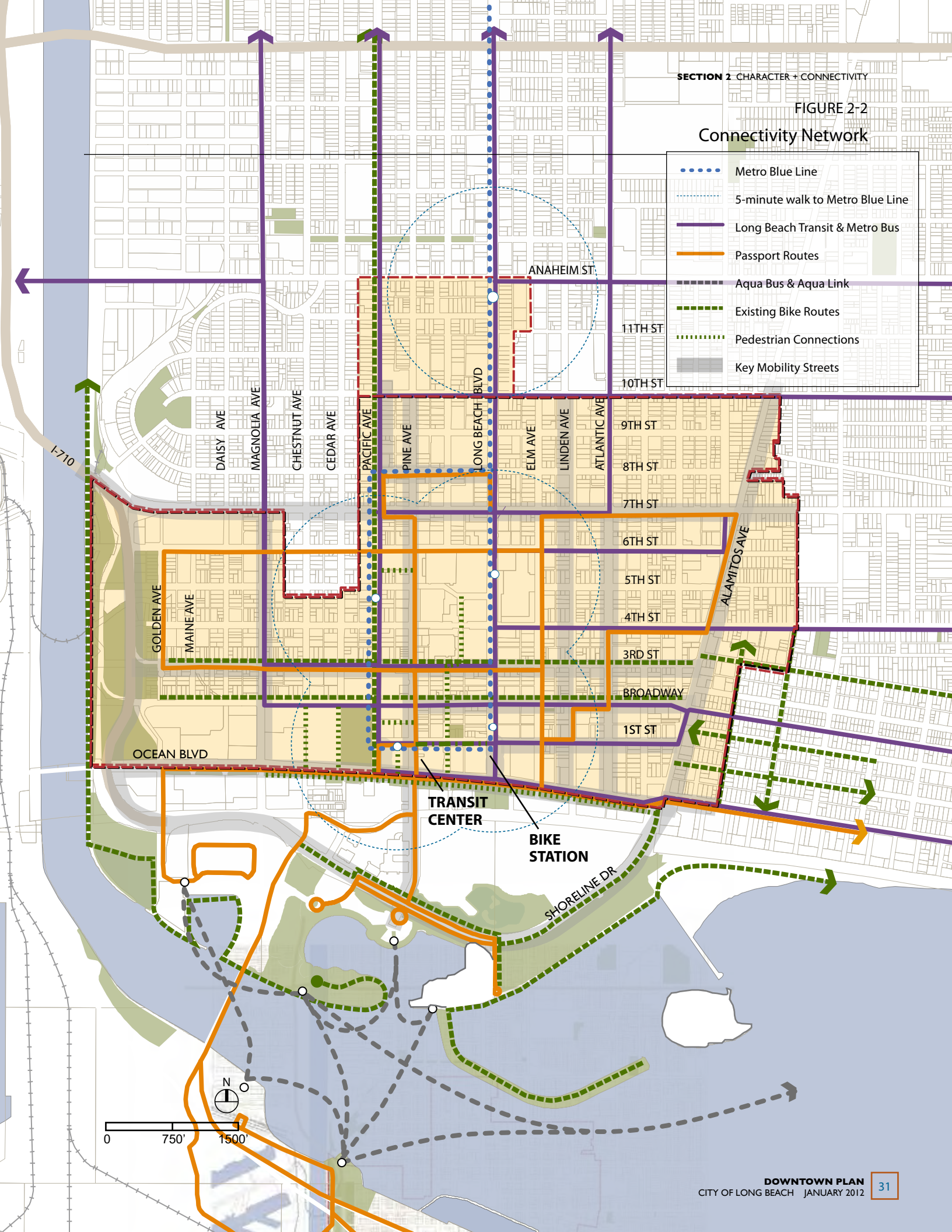
PEDESTRIAN CONNECTIONS

In several spaces, the public right-of-way is reserved for pedestrians, most notably the Promenade, which links City Place to the Transit Mall. Additional connections occur within privately owned courtyards that open to the street. The Civic Center features a pedestrian-only route between Broadway and Ocean Boulevard. Ocean Boulevard, an icon for the City, features wide setbacks that provide a pedestrian environment.



FIGURE 2-2

Connectivity Network



CONNECTIVITY

TRANSIT

Transit plays a key role in the mobility network of Downtown Long Beach. Parts of Pacific Avenue, 1st Street and 6th Street, and Long Beach Boulevard include the Metro Blue Line rail in the right-of-way. Additionally, a portion of 1st Street is reserved for bus traffic. These streets have a great amount of pedestrian activity as a result of their connection offerings and are significant activity centers in Downtown.

Los Angeles Metro System

The Metro Blue Line is a central feature of Downtown Long Beach. This light rail route connects to Los Angeles, surrounding cities, and greater Long Beach. Within Downtown there are four Blue Line stops, including an additional stop just north of Downtown on Anaheim Street. The entirety of the Downtown core is within a 5-minute walk of a Blue Line stop. This equals approximately one-third of Downtown.

The Long Beach Transit Mall, located at 1st Street and Pacific Avenue, is the junction of the Blue Line and multiple bus lines. Recent transit and pedestrian improvements at the Mall re-enforce its role as the center of transit activity in the City. In addition to the Blue Line, the Los Angeles Metropolitan Transit Authority also operates bus routes into Downtown Long Beach, with connections to the Transit Mall.

Local Bus and Water Taxis

Long Beach Transit, the local transit authority, operates an extensive bus system within the City. Several of its regular routes pass through the Downtown area. Bus routes operate mostly on primary streets, and most locations within Downtown Long Beach are within a 2-block distance from a bus route.

Long Beach Transit also operates bus routes for popular tourist destinations and areas of cultural interest. These include the Passport, the AquaLink, and the AquaBus, which provide links to activity centers throughout Downtown and the City. The reintroduction of the streetcar system may add appealing yet efficient means of traversing through the area's increasingly revitalized corridors.

Long Beach Transit also provides connections via water across the Harbor. The AquaBus operates a circular route to all attractions on the Harbor. The AquaLink is a larger vessel that travels farther to Alamitos Bay and also the Harbor destinations. Both of these options can be accessed from Downtown.



CONNECTIVITY

BIKEWAYS

The City of Long Beach would like to be the most bicycle-friendly urban city in the nation. The City and its residents developed a Bicycle Master Plan in 2000. This plan guides the development and maintenance of bicycle-friendly roads and bikeways, support facilities, and other programs. This Plan, which serves commuter and recreational riders, is currently being updated. A number of recreational bikeways and a Downtown street system already support bicycle use. The majority of the Class I bike lanes, those that are separated from vehicular paths, are located along the Los Angeles River and along the harbor through Shoreline Village. All of these are outside of Downtown.

Downtown contains a great asset for bicycle riders: the BikeStation. This commuter bike station, with 24-hour bike storage and amenities, was one of the first of its kind in the nation, and it set a precedent for bicycle use in Downtown. It is located in the center of Downtown, which is convenient for residents and acts as a promotional tool for bicycle use advocacy.

In 2008, the City began operation of City Bike Share, which encourages City employees to park their cars once and use bicycles to travel to nearby meetings, lunches, or errands. In 2009, the City was awarded funding to develop a Metro Blue Line Bicycle and Pedestrian Access Plan. This Plan will assess and recommend infrastructure and safety improvements to increase bicycling and walking to Metro Stations in Downtown and throughout the City.

Implementing a portion of the Bicycle Master Plan for Downtown, dedicated bike lanes have been completed on 3rd Street and Broadway. Completion of the planned bikeway facilities for Downtown will be the catalyst for achieving the most-bicycle-friendly goal.



Overall Guidelines for a Bicycle-Friendly Downtown:

1. Establish pedestrian and bicycle priority zones on primary and secondary streets within Downtown. Use traffic-calming measures to ensure safety for bicyclists riding in the street, and at pedestrian crosswalks.
2. Promote shared transit, pedestrian, and cyclist use on key transit streets. Enhance the attractiveness of these streetscapes to raise user awareness and comfort.



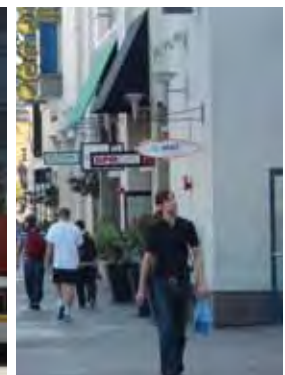
CONNECTIVITY

An important asset of Downtown is its relatively intact grid street system. The main goal as redevelopment continues is to ensure that this grid is maintained and, where possible, reestablished where past interruptions have occurred. Additionally, the coordination of all modes of transportation is a priority in the Downtown Plan.

The following is a summary of key goals identified for mobility in Downtown:

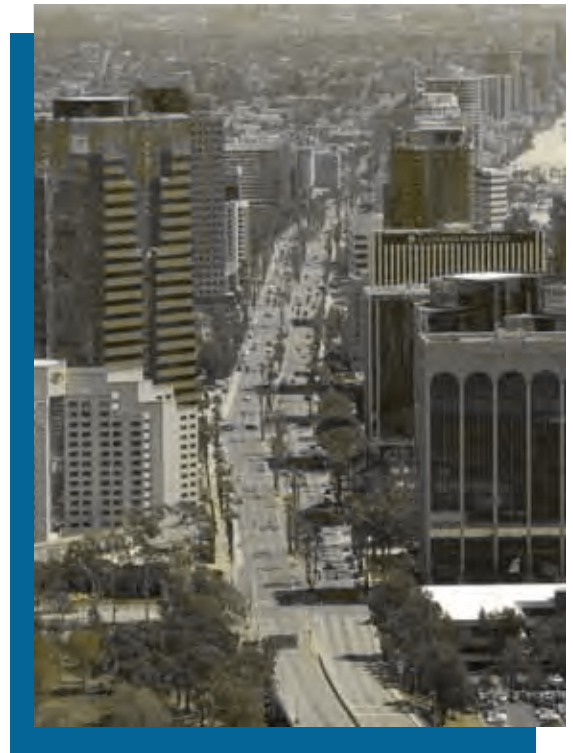
Overall Guidelines for Creating Great Streets:

1. *Maintain the historic street grid to promote the greatest number of mobility options, retain the historic scale of the streets, and preserve and/or establish new view corridors. Prohibit and discourage any interruption of the street grid.*
2. *Create new connections and corridors as larger sites are redeveloped. Require full vehicle and pedestrian access in new connections. Encourage pedestrian circulation by including mid-block connections in new developments, where feasible.*
3. *Promote shared parking, shared transit, and pedestrian and cyclist use on key transit streets. Enhance the attractiveness of these streetscapes to raise user awareness and comfort.*
4. *Provide active retail and pocket parks along pedestrian zones to encourage eyes on the street and active uses.*
5. *Include lighting along all streets, sidewalks, pedestrian connections, and on private property to ensure comfort and safety.*
6. *Establish pedestrian and bicycle priority zones in primary and secondary streets within Downtown. Use traffic-calming measures to ensure safety for bicyclists riding in the street, and at pedestrian crosswalks.*
7. *Ensure that entryways to all parking structures do not disrupt the pedestrian right-of-way on primary walking streets.*



3

DEVELOPMENT STANDARDS



ZONING



Aerial view of the Downtown core from the waterfront.

THE IMPORTANCE OF DEVELOPMENT STANDARDS

The development standards in this chapter serve to implement the vision of Long Beach as a world-class city center, with a vibrant and energetic downtown with a diverse mix of population, businesses, and attractions. Achieving a high-quality urban realm, bold architecture, and a progressive global city requires development standards that both regulate and stimulate development.

The districts, uses, and development standards developed for Downtown facilitate a range of housing types and businesses, shopping, services, and entertainment opportunities within a very vibrant mixed-use environment. Enhanced mobility, urban design, and interconnected open space better connect activities and provide for the mutually beneficial interaction of these uses for residents, visitors, and businesses.

Intact residential neighborhoods within Downtown provide a wide mix of historic and more recent housing types, including single-family homes, duplexes, and a range of apartment and condominium buildings. The Downtown Neighborhood Overlay district preserves these unique residential areas in Downtown while allowing some context-sensitive neighborhood services that are compatible with the residential character of these areas.

DOWNTOWN PLAN AREA

The Downtown area is identified in Figure 3-1. The majority of Downtown is characterized by mid- and high-rise residential development; high-intensity employment; and numerous retail, cultural, entertainment, and dining destinations. Table 3-1 indicates the uses that are permitted within Downtown. The notes and exceptions column includes special standards applicable to a use.

DOWNTOWN NEIGHBORHOOD OVERLAY

Within the Downtown area, residential neighborhoods provide a mix of housing opportunities within walking distance of employment and services. A Downtown Neighborhood Overlay is established to ensure that primarily residential uses are maintained and commercial uses compatible with small-scale neighborhoods are appropriately permitted and regulated within specific residential areas, as identified in Figure 3-1. Table 3-1 identifies specific land uses permitted within the Downtown Neighborhood Overlay. Neighborhood-serving commercial uses, such as corner stores and dry cleaners are permitted within the Downtown Neighborhood Overlay.

To ensure the continued viability of residential uses within the Downtown Neighborhood Overlay, the permitted height of structures is carefully regulated as indicated in Table 3-2. Height transitions shall be considered during design development and during the Site Plan Review process. In addition, setbacks and development standards set forth in this Chapter have been developed to sensitively integrate new development with surrounding neighborhoods.

ZONING

ADDITIONAL ZONING STANDARDS: GROUND-FLOOR PEDESTRIAN- ORIENTED USES

Figure 3-1 indicates streets within the Downtown area classified as Pedestrian-Oriented Main Streets and Pedestrian-Oriented Secondary Streets. The purpose of “Main” or “Secondary” designated streets is to further encourage active land uses in certain areas such as restaurants, retail stores, entertainment, dining, services, etc. to provide a vibrant, pedestrian-oriented experience throughout much of the day.

On Main or Secondary-designated streets, 100 percent of the ground-floor street fronts shall contain active uses. The requirement applies only to the ground-floor.

The permitted active uses allowed on Main or Secondary designated-streets are indicated in Table 3-1, under the column “Ground-Floor Pedestrian-Oriented Uses.” Within this column, “M, S” means the use is allowed as a ground-floor use on both Main and Secondary-designated streets, and “S” means the use is allowed on Secondary-designated streets but not Main-designated streets.

The Site Plan Review Committee shall consider uses not listed as M or S to be allowed on Main or Secondary-designated streets in cases of uncertainty or special configurations.

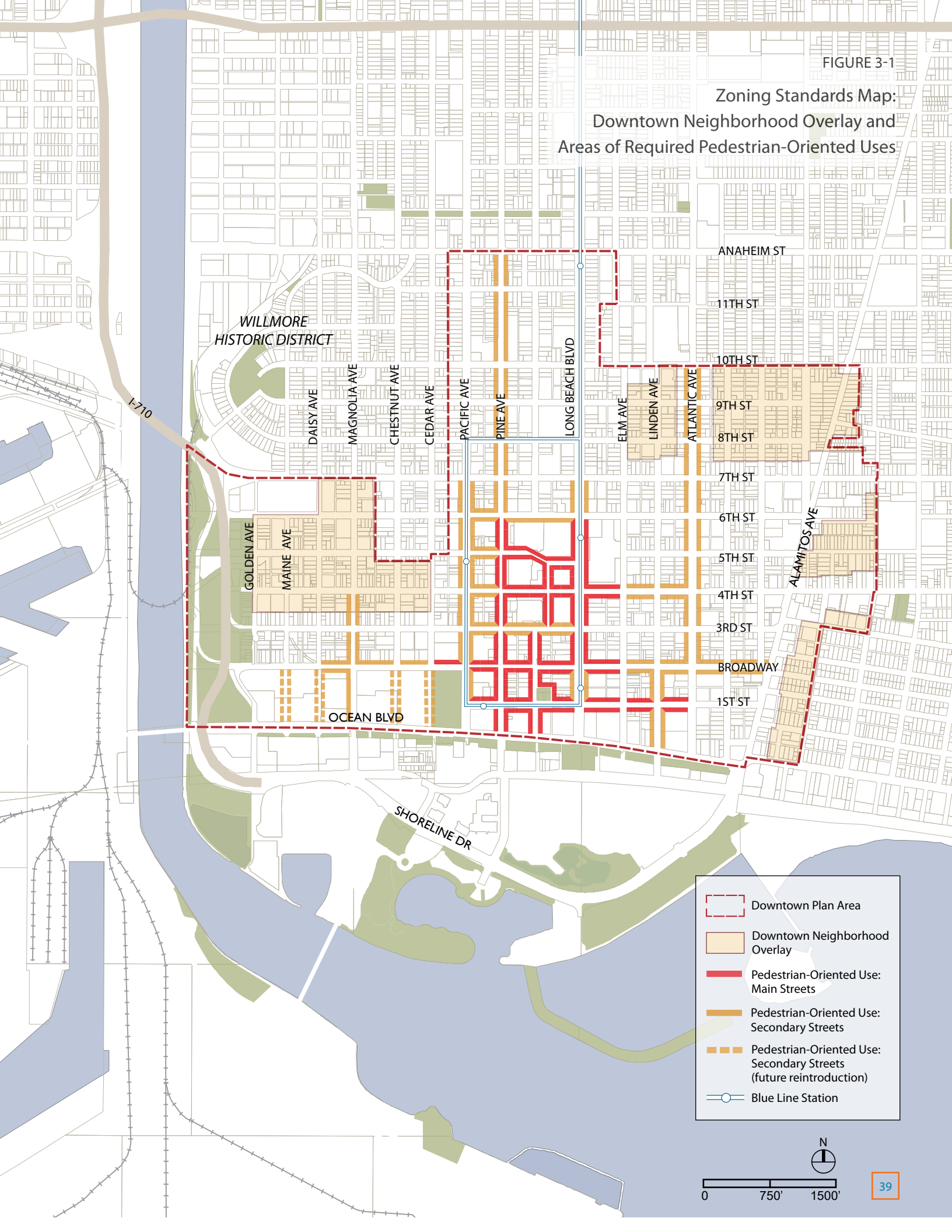
REGULATION OF LAND USES

Table 3-1 shall regulate all land uses within the Downtown area, and indicates uses permitted (Y), not permitted (N), permitted by Conditional Use Permit (C), permitted with an Administrative Use Permit (AP), permitted as accessory use (A), and permitted as a temporary use (T). An asterisk (*) indicates that additional development standards apply as indicated in the “Notes and Exceptions” column of Table 3-1.

All land uses not listed in Table 3-1 shall be prohibited, except that the Zoning Administrator shall have the authority to interpret, in cases of uncertainty, the intent of this ordinance as to whether an unlisted land use shall be designated Y, N, C, AP, A, or T, subject to verification by the Planning Commission upon appeal by the applicant, through the Classification of Use process as provided in Division VI of Chapter 21.25 of the Zoning Regulations.

FIGURE 3-1

Zoning Standards Map:
Downtown Neighborhood Overlay and
Areas of Required Pedestrian-Oriented Uses



PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Alcohol Beverage Sales				
Off-premise sales	C ^a	C ^a		See footnote (a).
On-premise sales	Y*/C ^a	C ^a	M, S	*Permitted by right within the height incentive area only. All other areas require a conditional use permit. Also see footnote (a).
Automobile Uses				
Auto detailing, with handheld machines only	AP*	AP*		*Inside parking structures or garages only.
Car wash	N	N		
Gasoline sales	N	N		
General auto repair (body work, painting, major mechanical work, etc.), as defined in 21.15.280	N	N		
Minor auto repair, as defined in 21.15.190	AP*	N		*Installation or sale of stereos and car alarms prohibited.
Limousine service (does not include auto repair)	A*	A*		*Accessory to hotel use only.
Motorcycle/scooter/jet ski sales	AP*	C*		*Indoor showroom only. Drop-off for off-site repair is allowed. Oil changes and minor on-site repair of tires, lights, etc. are allowed; any engine repair is prohibited on-site. No engine demonstrations on-site.
Parking structure	C*	C*		*Surface parking lots are limited to interim uses only.
Recreational vehicle storage	N	N		
Rental agency (does not include auto repair)	A*	N		*Accessory to hotel use only.
Rental agency – other than passenger cars	N	N		
Surface parking lot (interim only)	Y*	Y*		Interim use only. Subject to annual approval and review by Site Plan Review Committee. See Section 4, page 88, Parking Structure Design.
Vehicle/automotive parts – without installation	AP*	N		*Sale of stereos and car alarms prohibited.
Vehicle/automotive parts – with installation; tire store	N	N		
Vehicle sales – indoor showroom only	AP	AP		
Vehicle sales – outdoor	N	N		
Billboards				
Billboards/off-site advertising signs (any size)	N	N		

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Entertainment				
Amusement machines	A*	A*		*Limited to 4 or fewer.
Arcade, bowling alley, miniature golf, tennis club, skating rink, or the like	C	N		
Banquet room rental – accessory to restaurant or hotel	A	N		
Banquet room rental – not accessory to restaurant or hotel	AP	N		
Computer arcade, internet café	AP*	C*	M, S	*Subject to 21.52.220.5 except subsection (K).
Dancing	A*	N		*Accessory to restaurant, hotel, banquet room rental only.
Live or movie theater – less than 100 seats	Y	C	M, S	
Live or movie theater – 100 seats or more	Y	N	M, S	
Private club, social club, night club, pool hall	C*	N	M, S	*City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y*	N	M, S	*City council hearing is required for new and transferred business licenses.
Financial, Professional, and Personal Services				
Basic professional services – barber/beauty shop, catering (w/o trucks), diet/nutrition center, pet grooming, dry cleaner, housing cleaning service, locksmith, mail box rental, nail/manicure shop, repair shop for small appliances or electronics, bicycle sales/repair, tailor, shoe repair, tanning salon, travel agent, or veterinary clinic	Y	AP	M, S	
Basic professional services – accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractors, computer programming, consulting, contracting, dentistry, engineering, insurance, law, marketing, medicine, photography, professional care providers (MFC, MFCC, MSW, psychiatric nurses), psychiatry, psychology, real estate, tax preparation, or visitor information center	Y	AP	S	
ATM – on interior of building; vestibule	Y	AP	M, S	
ATM – freestanding exterior; walk-up machine on exterior wall of building	AP	AP	M, S	

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Bail bonds	C*	N		*Allowed only as a conditional use within 600 feet of a police station, jail, or court facility.
Bank, credit union, savings and loan	Y*	AP*	S	*Drive-thru windows prohibited.
Business support service (copy, fax, mail box rental, supplies; business equipment rental, sale, and repair)	Y*	AP*	S	*Administrative Use Permit required for offset printing.
Check cashing, payday loans	N	N		
Escrow, stocks and bonds broker	Y	AP	S	
Fitness center, gymnasium, health club, personal training, martial arts studio, dance/ballet studio	Y	C	S	
Laundromat	AP	C		
Massage therapy – accessory to other uses	A*	A*	S	*Subject to 21.51.243.
Massage establishment (not adult entertainment) – principal use	AP	C	S	
Major appliance repair (stove, refrigerator, upholstery, lawn mowers, etc.)	C	N		
Self-storage, mini-warehouse, etc.	N	N		
Shoe-shine stand – indoor or outdoor	A	A		
Tattoo parlor	C*	N	M, S	*Subject to 21.52.273.
Termite and pest control	N	N		
Vending machines – exterior	A*	A*		*Subject to 21.51.295.
Institutional Uses				
Adult day care	AP	C		
Church or other house of worship	C	C	S	Minor Conditional Use Permit
College or university	Y	AP	M, S	
Convalescent hospital or home	N	N		
Day care or pre-school – not accessory to a residence	Y*	Y*		*Conditional Use Permit required for over 14 children, unless accessory to an office building greater than 20,000 sf. Subject to 21.52.249.
Elementary or secondary school	C*	C*		*Subject to 21.52.263.
Government offices, fire or police station, courthouse, library, or other government facility	Y	AP	S	

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Industrial arts trade school or rehabilitation workshop	AP	N	S	
Museum	Y	AP	M, S	
Mortuary	N	N		
Parsonage	A*	A*		*Accessory to a house of worship.
Professional or business school	Y	AP	M, S	
Social service office (as defined in 21.15.2795) with or without food distribution	C	N		
Residential Uses				
Artist studio with residence	Y	Y	S	
Caretaker residence	A	A		
Child day care – accessory to residence, 14 or fewer children	A*	A*		*Subject to Section 21.51.230.
Child day care – accessory to residence, more than 14 children	C*	C*	S	*Subject to Section 21.52.249.
Community correctional reentry facility	N	N		
Residential	Y	Y	S	
Shopkeeper unit	Y*	Y*	S	*Commercial uses are regulated as set forth in this table and document.
Special group residence* (as defined in 21.15.2810)	C**	C**		**Subject to 21.52.271.
Restaurants & Ready-to-eat foods				
Restaurants & Ready-to-eat foods	Y*	AP*	M, S	*Drive-thru lanes prohibited.
Outdoor dining	A	A		
Vending cart – food items only	AP*	AP*	M, S	*Subject to 21.45.170.
Retail Sales				
Basic retail sales	Y	AP	M, S	
Building supply or hardware store with lumber, drywall, or masonry (hardware stores w/o lumber, drywall, or masonry are considered basic retail)	N	N		
Cannabis Dispensary (Adult-Use)	C	N	M, S	*Subject to Title 5 Standards
Flower stand or newsstand – not accessory to another use	Y*	Y*	M, S	*Subject to 21.45.135, except subsection (B.1).
Itinerant vendor	T	N		

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Major appliance sales (refrigerators, stoves, etc.)	Y	N		
Manufacture of products sold on-site	A*	AP*		
Outdoor flower, plant, fruit, or vegetable sales	A*	A*		
Swap meet, flea market, sales event – outdoor	T*	N		*Subject to 21.52.256. Indoor swap meets and flea markets are prohibited.
Thrift store, used merchandise, consignment shop	C*	N		*Subject to 21.52.281.
Vending cart – nonfood items	AP*	AP*	M, S	*Subject to 21.45.170.
Temporary Lodging				
Bed and breakfast inn	AP*	AP*		*Inns with fewer than 7 guest rooms are exempt from the AUP requirement. All inns are subject to 21.52.209.
Hotel	Y	N	M, S	As defined in 21.15.1380.
Motel	N	N		As defined in 21.15.1800.
Youth hostel	AP	N	S	
Other Uses				
Adult entertainment business	Y*	N		*Subject to Section 21.45.110.
Carnival, event, fair, fiesta, outdoor exhibition, seasonal sales, trade show, and the like	T*	T**		*Subject to 21.53.113. **Subject to 21.53.109.
Cellular or wireless telecommunications facility – building roof/mounted	Y*	C*		*Subject to Section 21.45.115. Freestanding monopoles are prohibited.
Electrical distribution station/substation	C	C		
Firearm sales or repair; fighting knives or martial arts weapons sales or repair	N	N		
Park, community gardens	Y	Y	M, S	
Recycling center – attended	N	N		
Recycling collection containers	A*	A*		*Subject to 21.51.265. Includes not more than four (4) reverse vending machines at one specific location.
Transportation facilities (bus terminals, cab stands, heliports/helistops, train stations, etc.)	C	C	M, S	
Towing – accessory or principal use	N	N		

PERMITTED LAND USES

Notes:

- (a) The following alcoholic beverage sales may be exempted from the Conditional Use Permit requirement:
1. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. For example, a sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a Conditional Use Permit to continue to sell alcohol.
 2. Department store or florist with accessory sale of alcoholic beverages.
 3. A brew pub or other similar facility that produces for on-site consumption may offer off-premises sales in accordance with State law.
 4. Grocery stores of 20,000 square feet or greater with accessory sale of alcoholic beverages.
- (b) Refer to Figure 3-1, which depicts areas in Downtown Long Beach that require a certain mix or percentage of ground-floor, pedestrian-oriented uses. Refer to Additional Zoning Standards: Pedestrian-Oriented Uses for specific development standards on ground-floor, pedestrian-oriented uses.

INTENSITY, HEIGHT AND TRANSITIONS

INTENSITY

In the Downtown area, development intensity is regulated by development standards such as height, floor area ratio (FAR), and parking, not by lot size. Table 3-2 indicates the permitted height and FAR. Sections 21.15.1070 and 21.15.1090 define and describe FAR.

In the Downtown Neighborhood Overlay, residential density is regulated as identified in Table 3-2.

Table 3-3 identifies allowable intensity in Downtown Long Beach, in terms of both FAR and height. The table also identifies allowable development bonuses, which is explained in the following discussion.

UNIT SIZE

Table 3-2 identifies the minimum dwelling unit sizes for new dwelling units. Replacement of any unit demolished, as defined in Section 21.15.750, shall be subject to the required new unit size.

LOT SIZE

Table 3-2 identifies the minimum lot size for any new subdivision of land.

UNIT MIX

A variety of housing unit types and sizes promotes a more balanced community. A mix of dwelling unit types and sizes is required for all development projects.

HEIGHT

Height areas are identified in Figure 3-2. Where projects straddle height areas, each height area shall remain in effect.

TRANSITIONS

Heights, setbacks, and development standards have been developed to sensitively integrate new development with surrounding neighborhoods. Transition areas were carefully observed to ensure the success of this goal, including transitions abutting the Downtown Neighborhood Overlay.

Key transition areas occur at the boundaries of Downtown and at the boundaries of height areas, in many cases along existing corridors or existing areas of marked distinction and development intensity. Flexibility in transition for areas that straddle boundaries shall be considered during design development and during the Site Plan Review process.

TABLE 3-2 DENSITY, UNIT AND LOT SIZE

Development Standard	Downtown Plan Area	Downtown Neighborhood Overlay	
Density	Regulated through FAR and Height. Refer to Tables 3-3 and 3-4.	Lot Size	Density
		0 to 3,200 sf	1 unit per lot
		3,201 to 15,000 sf	1 unit per 1,500 sf
		15,001 to 22,500 sf	1 unit per 1,200 sf
		22,501 sf or more	1 unit per 975 sf
Unit size minimum	600 sf*	600 sf	
Lot size minimum for new subdivision	10,000 sf	10,000 sf	

*Minimum unit size may be reduced from 600 sq ft to a minimum of 450 sq ft through the Site Plan Review process if the Site Plan Review Committee finds that

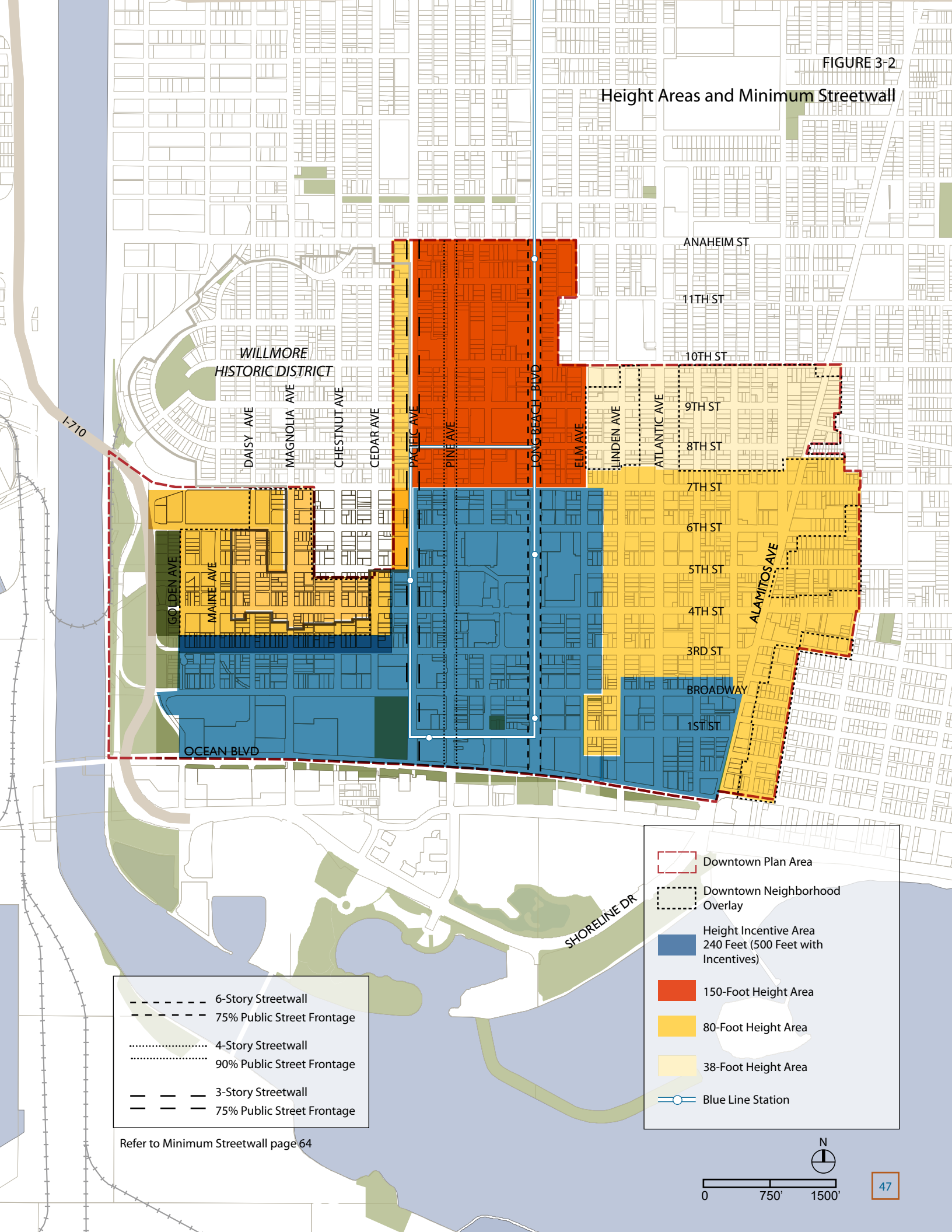
(a) The reduced-size units are high-quality dwelling units with sufficient amenities so as to be livable, desirable dwelling units, to be determined at the sole discretion of the Site Plan Review Committee

(b) Not more than 15% of the total units in the project will be units less than 600 sq ft, and

(c) Private open space requirements are not reduced, waived or otherwise abrogated.

FIGURE 3-2

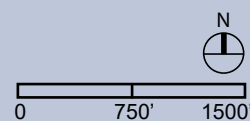
Height Areas and Minimum Streetwall



- 6-Story Streetwall
- 75% Public Street Frontage
- 4-Story Streetwall
- 90% Public Street Frontage
- 3-Story Streetwall
- 75% Public Street Frontage

Refer to Minimum Streetwall page 64

- Downtown Plan Area
- Downtown Neighborhood Overlay
- Height Incentive Area
240 Feet (500 Feet with Incentives)
- 150-Foot Height Area
- 80-Foot Height Area
- 38-Foot Height Area
- Blue Line Station



DEVELOPMENT INTENSITY AND DEVELOPMENT INCENTIVES

TABLE 3-3 DENSITY, UNIT AND LOT SIZE

Basic Height Categories	Floor Area Ratio (FAR)	Height with Incentives	FAR with Incentives
240 feet	8.0	500 feet	11.0
150 feet	5.0	N/A	N/A
80 feet	4.0	N/A	N/A
38 feet	2.25	N/A	N/A

The Downtown Plan has established a bonus system to allow for additional floor area (development bonus) for qualified projects in height incentive areas only. The purpose of bonuses is to incentivize the provision of certain project attributes such as sustainable features, provision of additional open space, and rehabilitation of certain existing buildings. Bonuses are only available within the Height Incentive Area. The following section describes the bonuses, while Table 3-4 identifies the specific incentives available.

The provision of development bonuses is subject to review and demonstration of achievement of the criteria in Table 3-4. Bonuses shall not exceed the maximum FAR in the Height Incentive Area as described in Table 3-3. Maximum FARs may not be achievable on all sites, as superseding development regulations may reduce development potential.

SUSTAINABLE DEVELOPMENT FEATURES

LEED® Certification

Projects that achieve LEED® (Leadership in Energy & Environmental Design) or equivalent certification are eligible to receive a development bonus, as indicated in Table 3-4.

Prior to issuance of a planning permit for one or more buildings receiving a development bonus for LEED Certification (or equivalent), the project developer shall post a performance bond equal to \$1.50/sf for each building receiving a development bonus but no less than \$100,000 for each application. To fully comply with these provisions, all affected projects must receive LEED Certification (or equivalent) within 1 year of the issuance of Certificate of Occupancy (CofO). If the LEED

Certification process (or equivalent) is delayed through no fault of applicant, then the 1-year period and bond shall be extended accordingly. The City shall release the performance bond within 1 week of receipt of evidence of LEED Certification. If the performance bond is drawn upon by the City, all obligations of the Developer shall be deemed fulfilled and any bond monies so drawn will be used by the City to fund maintenance, sustainability and other obligations within or related to Downtown.

Green Roof, Eco-Roof, or Eco-Roof Deck

Green roofs, also known as eco-roofs or eco-roof decks, are encouraged in Downtown because they reduce stormwater runoff, lower energy consumption, and provide for a visually interesting roofscape. If they are publicly accessible, they also provide needed open space. Projects that incorporate a green roof are eligible to receive a development bonus, as indicated in Table 3-4.

Renewable Energy

Projects that demonstrate a reliance on renewable energy for a portion of their energy requirements are eligible for a development bonus, as indicated in Table 3-4. Refer to Section 21.45.400 of the Long Beach Municipal Code (Green Building Standards).

PROVISION OF PUBLIC OPEN SPACE

As described in Table 3-4, projects that contribute open space in excess of the required open space standards described herein are eligible for a development bonus. Open space contributions may be satisfied through the direct provision of public open space, the provision of land for open space, or a monetary contribution to the creation of an off-site public open space.

DEVELOPMENT INTENSITY AND DEVELOPMENT INCENTIVES

TABLE 3-4 DEVELOPMENT INCENTIVES

Incentives for Height Incentive Area	Maximum FAR per Incentive*
LEED® Certification or Equivalent	
LEED® Silver Certified or Equivalent process	0.5
LEED® Gold, Platinum or Equivalent	1.0
Green Roof or Eco-Roof	
Option 1: 30% of footprint	0.25
Option 2: 31–60% of footprint	0.5
Option 3: Above 61% of footprint	1.0
Renewable Energy	
Option 1: Meet minimum 25% of energy needs	0.5
Option 2: Exceed 25% of energy needs	1.0
Provision of Public Open Space (See Section 5)	
Option 1: 10% of site	0.5
Option 2: 20% of site	1.0
Rehabilitation of Historic Buildings (See Section 7)	
Gross area (or percentage thereof) of existing building is removed from FAR calculation	1.0

*The total combined development bonus shall not exceed an FAR of 3.0 per project.

REHABILITATION OF HISTORIC BUILDINGS

For projects that preserve and reuse existing designated historic buildings, the gross floor area of the designated structure may be excluded from the calculation of the total FAR of the project so long as the historic and architectural character of the structure is rehabilitated and not adversely affected.

AFFORDABLE HOUSING

Refer to City's existing density bonus program as set forth in Chapter 21.63 of the Long Beach Municipal Code.

PARKING STANDARDS AND TRANSPORTATION DEMAND MANAGEMENT

Tables 3-5 and 3-6 provide the residential and nonresidential parking requirements in the Downtown area. If different land uses are part of the same project (e.g., mixed retail and residential development), the parking requirements for each separate land use are applicable and shall be added together to determine the total parking requirements for the project.

Parking and loading requirements not provided in this section shall be subject to review by the City Traffic Engineer who may require additional studies prior to approval.

Table 3-7 describes the bicycle parking requirements for Downtown Long Beach.

In the calculation of parking requirements, fractional numbers of parking spaces shall be rounded up to the nearest whole number.

TRANSPORTATION SYSTEM DEMAND MANAGEMENT

Transportation demand management strategies for Downtown Long Beach will accomplish two broad objectives:

- Reduce reliance on automobiles and associated congestion and emissions.
- Provide economic incentives for residential, office, and employment projects in Downtown.

Downtown is served by the Metro Blue Line light rail, local and regional bus services, and shuttle service. In addition, bicycling opportunities and the mixed-use character of Downtown decrease the need for parking spaces over those required in the past. For this reason, an Alternative Mobility Overlay encompassing many of these services and characteristics has been established. (See Figure 3-3.)

Within the Alternative Mobility Overlay, new development projects (both residential and nonresidential) additions, demolitions, rebuilds, and remodels (refer to Sections 21.15.065, 21.15.750, 21.15.2250, and 21.15.225 of the Long Beach Municipal Code, respectively) are eligible for a parking reduction by incorporating Transportation Demand Management (TDM) strategies.

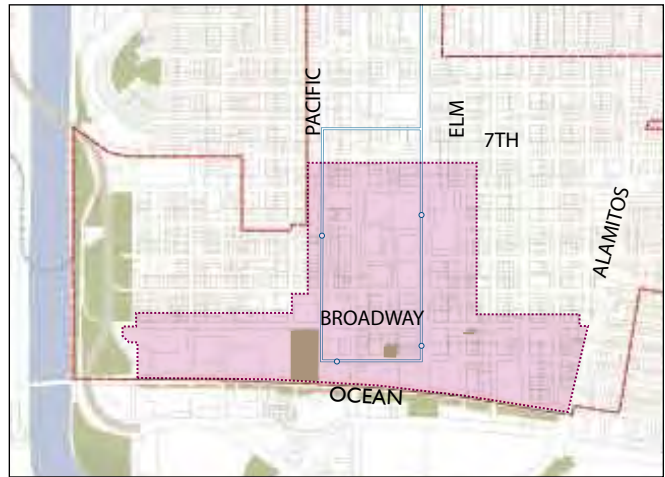


Figure 3-3: Alternative Mobility Overlay Area

TDM strategies applicable to reduced parking requirements, subject to the discretion of the Site Plan Review Committee, include:

- Car sharing
- Carpool/vanpools
- Garage lifts
- Unbundled parking (parking spaces are rented or sold separately, rather than automatically included with the rent or purchase price of a residential or commercial unit)
- Joint use (shared parking)
- Transit/bicycle/pedestrian system improvements,
- Other proposals

All parking reduction requirements shall be approved at the discretion of the Site Plan Review Committee, which will determine the appropriate level of parking demand reduction generated by these strategies on a project-specific basis.

A “park once” policy shall also be promoted for Downtown. Rather than driving from one Downtown use to another, visitors are highly encouraged to park once and walk to one or more destinations within Downtown. Similarly, residents and employees are encouraged to walk from residences or workplaces to Downtown destinations.

PARKING STANDARDS AND TRANSPORTATION DEMAND MANAGEMENT

TABLE 3-5 RESIDENTIAL OFF-STREET PARKING

Use	Minimum	Notes
Dwelling unit, shopkeeper unit, or live/work unit	1.0 space per unit plus 1 guest parking space per 4 units	Half of the required guest parking can be shared with commercial. Additional parking provided need not be allocated to an individual dwelling unit.
Special Group Residence	1.0 space per 3 bedrooms	As defined in Section 21.15.2810.

TABLE 3-6 NONRESIDENTIAL OFF-STREET PARKING

Use	Minimum	Notes
Professional office, medical/dental office, bank/savings & loan, other unspecified office	2.0 spaces per 1,000 sf	Projects containing less than 6,000 sf are exempt.
Retail, restaurants, bars	1.0 spaces per 1,000 sf	Projects containing less than 6,000 sf are exempt.
Hotel	0.5 spaces per room	Projects containing less than 6,000 sf are exempt.
Converted historic landmark buildings	No additional parking	Ground-floor uses of historic landmarks are converted to restaurant, retail, or entertainment uses.*
Outdoor dining	No additional parking	
Conversions of commercial buildings to residential	1.0 spaces per unit	Revised parking standards may be granted based on site conditions such as existing building parking constraints, proximity to mass transit, or use of other parking management techniques at the discretion of the Site Review Committee or the Planning Commission depending on the approving authority.

Note: If ground-floor uses of historic landmarks are converted to restaurant, retail, or entertainment uses. Other uses require the minimum parking required in Table 3-6.

sf = square feet

TABLE 3-7 BICYCLE PARKING

Use	Minimum	Notes
Dwelling unit, shopkeeper unit, or live/work unit	1.0 space for every five dwelling units	Fractions shall be rounded up to whole numbers.
Commercial building	1.0 space for each 5,000 sf of building area	Fractions shall be rounded up to whole numbers.
Retail building	1.0 space for each 7,500 sf of building area	Fractions shall be rounded up to whole numbers.

Note: The provision of individual secure bicycle storage is encouraged. Up to 50 percent of the total required spaces can be provided as individual bicycle facilities.

sf = square feet

BUILD-TO LINE/SETBACK STANDARDS

The siting of buildings plays a critical role in establishing the character and sense of place in Downtown Long Beach. In primarily residential areas, homes and buildings are set back from streets and adjacent structures to provide identity, privacy, light, air, and ventilation, as well as green space for recreation.

In dense commercial areas, buildings at the street's edge give spatial definition to the public realm, which is critical to supporting pedestrian activity. Spatial definition also establishes a visual connection between businesses on opposite sides of the street, provides a sense of enclosure, and is an important ingredient of a successful active, pedestrian-oriented street.



Build-To Lines permit limited setbacks to accentuate building entries and add interest to the public realm.

Figure 3-4 identifies the three types of setbacks for the Downtown area, which are discussed in more detail on the following pages and within Tables 3-8 and 3-9.

The following standards apply to all setbacks within the Downtown area. These standards have been developed to ensure a vibrant character and a pedestrian orientation to development within the Downtown. Additional standards for the design of building frontages are provided within Section 4, including Streetwall requirements on selected streets.

The Site Plan Review Committee may consider context-sensitive setbacks, deviating from the required setbacks or build-to lines on individual projects for both additions and new construction, if those deviations would be consistent with the intent of this Plan.

Build-To Lines and Setbacks

In some areas of Downtown, setbacks are prohibited. Buildings shall be built to the property line, which is a Zero-Foot Build-To Line. For Zero-Foot Build-To Lines, up to 20 percent of the building frontage may be set back not more than 5 feet.

For all other building setbacks identified, buildings are required to be set back from the property line in accordance with the requirements of Figure 3-4, and Tables 3-8 and 3-9.

Additional setbacks for entry plazas or courtyards, or to meet adjacent structures, may be permitted subject to additional design review. Arcades and colonnades may be used to satisfy setback requirements.

Stoops, patios, gardens, balconies, and bay windows may be located within the setback and are encouraged along the street edge. Projections are permitted into the required setbacks in accordance with Section 21.32.220(C) of the Long Beach Municipal Code. The design of setbacks is discussed in detail within Section 4.



Pedestrian-oriented uses activate the street edge.

Pedestrian-Oriented Uses

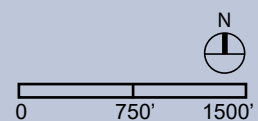
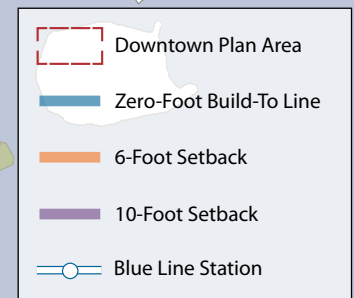
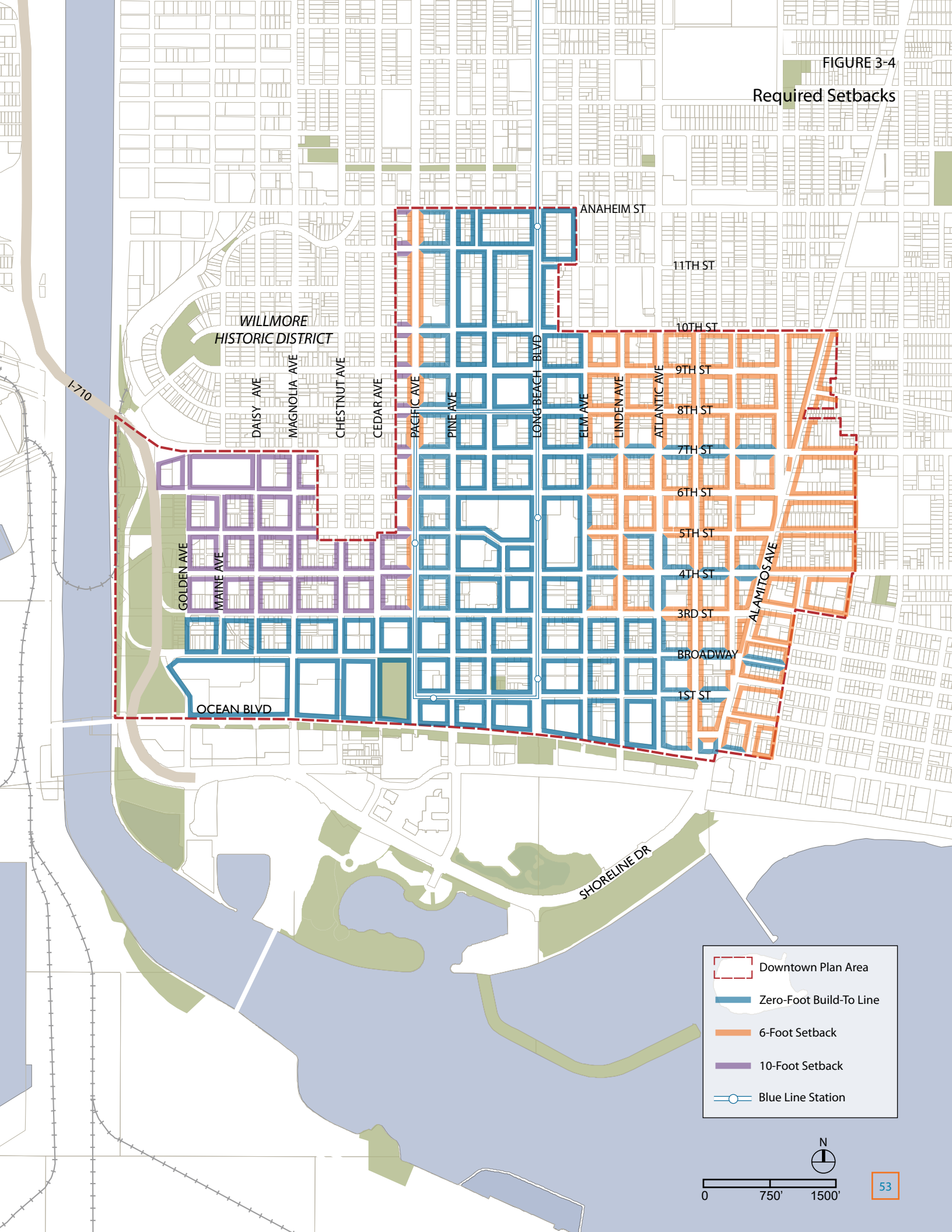
Pedestrian-oriented uses are required in specific areas, as designated in Figure 3-1 and the standards identified in the preceding section. In locations where pedestrian-oriented uses are not required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage, where existing zoning permits. Active uses may include building lobbies, residential amenities such as common spaces, athletic facilities, etc. Additional standards regarding the design of pedestrian-oriented uses are provided within Section 4.

Entrances Facing the Street

Ground-floor uses, including residential units, lobbies, recreation areas, and community rooms, shall provide large windows at the ground floor; and entries to activate the street frontage.

FIGURE 3-4

Required Setbacks



BUILD-TO LINE/SETBACK/OPEN SPACE STANDARDS

Surface Parking Lots

Surface parking lots may be built, as an interim use with site plan review, within the setback provided a continuous 6-foot-wide landscaped area is maintained between the parking lot and the street property line. Refer to Sections 21.42 and 21.44 of the Long Beach Municipal Code. Additional standards for the landscape treatment of parking can be found within the Parking Treatment portion of Section 4.

Interior Setbacks

An interior setback is the required distance from a nonfront, corner, or rear property line to a structure on a lot. Interior setbacks apply for all development in the Downtown area and are identified in Table 3-9.

Standards for required corner cut-off

Additional standards for a required corner cut-off apply in accordance with Section 21.15.660 of the Long Beach Municipal Code.

OPEN SPACE

Downtown Long Beach contains a variety of parks and open spaces that provide recreation, relaxation, and entertainment opportunities. Additional well-designed, accessible open spaces sprinkled throughout Downtown will contribute to its pleasant environment and appeal.

All new development in Downtown is required to provide open space. Types of open space allowed include common outdoor open space, common indoor open space, and private open space, in accordance with the standards described in Table 3-10.

Open space may assume a variety of different forms, but all open spaces should be expansive or uninterrupted, except for paseos and other through-block connections. Standards for the design of open space can be found in Section 4. Required Build-To Line and street setback areas cannot be used to satisfy required open space areas.

The Site Plan Review Committee may consider alternate configurations and amounts of open space on a project-specific basis, if such changes would be consistent with the intent and goals of this Plan.

TABLE 3-8 BUILD-TO LINE AND SETBACK STANDARDS ^(a)

Build-to Line/Setback	Minimum Setback	Notes
Zero-Foot Build-To Line ^{(b)(c)*}	0 feet	1. Building entrances shall open to a public ROW or public courtyard.
6-Foot Setback ^{(c)*}	6 feet	2. Additional setbacks for entry plazas or courtyards, or to meet adjacent structures, may be permitted subject to the discretion of the Site Plan Review Committee.
10-Foot Setback*	10 feet	3. If ground-floor use is either residential or hotel/motel guest rooms, a 5-foot interior setback is required in all areas. 4. No maximum setback is stipulated. 5. Required alley setbacks are measured from the centerline of the alley. 6. Setback is 0 feet if the structure is attached to a building on an abutting lot or if no building on an abutting lot is within 5 feet of property line. If no attachment can be achieved, a setback of 5 feet is required.

* See Figure 3-1 for areas with required pedestrian-oriented uses. Ground-floor pedestrian-oriented uses and neighborhood retail are encouraged in all areas.

(a) In all cases, minimum setback of 10 feet from curb face required.

(b) Arcades and colonnades may be used to satisfy the Zero foot Build-To Line requirement.

(c) Portions of the building frontage may be set back: Up to 20 percent of building frontage may be set back not more than 5 feet. In any case, setback shall not exceed 20 feet in width, or 5 feet in depth.

ROW = Right-of-way

SETBACK/OPEN SPACE STANDARDS

TABLE 3-9 INTERIOR SETBACK STANDARDS

Location ^(a)	Minimum Setback from Interior Property Line ^(b)	Minimum Setback from Alley ^(c)	Notes
Lot adjacent to side yard of lot in Neighborhood Overlay	5 feet	10 feet	
Lot adjacent to rear yard of lot in Neighborhood Overlay	10 feet	15 feet	
All other areas	0 feet ^(d)	10 feet	

(a) If ground floor use is either residential or hotel/motel guest rooms, a 5 foot interior setback is required in all areas.

(b) No maximum setback is stipulated.

(c) Required alley setbacks are measured from the centerline of the alley.

(d) Setback is 0 feet if the structure is attached to a building on an abutting lot or if no building on an abutting lot is within 5 feet of property line. If no attachment can be achieved, a setback of 5 feet is required.

TABLE 3-10 OPEN SPACE STANDARDS

Type of Open Space	Requirements			Notes
Common Outdoor Open Space – as a percentage of the lot area	Lot Size	% Common Outdoor Open Space		<ol style="list-style-type: none"> Each project shall provide common outdoor space at grade, podium, or roof level. Public open spaces directly accessible and visible from the public right-of-way are encouraged. Minimum area for common outdoor open space is 1,000 sf for projects of 21 or more new residential units and 500 feet for all other projects. Minimum dimensions of at least one portion of the open space shall measure 40 feet x 12 feet or greater. All common outdoor open space areas shall be well designed. Common open space may include rooftop decks, court game areas, tot lots, swimming pools, landscaped areas, community gardens, and courtyards. At least 10% of the open space area shall be planting.
		Projects with 21+ residential units	All other development projects	
	≤10,000 sf	10	Exempt	
	10,001 - 30,000 sf	15	5	
	>30,000 sf	20	10	
Additional Standards for Projects of 21 or More New Residential Units ⁽¹⁾				
Common Indoor Open Space	Each project shall provide at least one community room of at least 500 sf.			<ol style="list-style-type: none"> The area shall be located adjacent to, and accessible from the common outdoor open space. Area may contain active or passive recreational facilities, meeting space, exercise rooms, computer terminals or other activity space but must be accessible through a common corridor.
Private Open Space	At least 50% of all residential dwelling units shall provide private open space on a balcony, patio, or roof terrace.			<ol style="list-style-type: none"> Minimum area of private open space is 36 sf with a minimum width of 6 feet.

(1) Refer also to Tower Spacing requirements in Section 4, Standards by Building Types - Towers

ADDITIONAL STANDARDS

Residential Amenities

Residential developments consisting of 21 units or more shall provide storage space subject to the discretion of the Site Plan Review Committee. Each storage space shall be a minimum of 25 square feet in area and shall contain not less than one hundred 175 cubic feet. A garage shall not count as a storage space.

Off-Site Improvements

All development projects in Downtown shall comply with the requirements of Chapter 21.47 of the Long Beach Municipal Code (Dedication, Reservation and Improvement of Public Rights-of-way). In addition, off-site improvements may include such items as street lights, bumpouts, street trees, and intersection improvements, as well as other public facilities. Such improvements are subject to the Site Plan Review process as discussed in Section 5 Streetscape Standards and Improvements (page 93).

Other Development Standards

Development standards not specifically indicated in this Plan shall also apply to all Downtown projects in accordance with the provisions set forth in Title 21 of the Long Beach Municipal Code.

DESIGN STANDARDS



OVERALL STANDARDS

THE IMPORTANCE OF GOOD DESIGN

Well-designed buildings are the “building blocks” of great streets and neighborhoods. Downtown Long Beach is composed of buildings that reflect a variety of periods, from Craftsman to Spanish, and Art Deco to Moderne. In areas like the East Village, architectural style contributes to the district’s identity with its predominance of Art Deco and Streamlined Moderne buildings. All of these styles represent design innovations and a distinct place in time.

The design of new development projects should attempt to distinguish their own place in time and achieve the same level of distinction of past eras without replication. This can be done through bold and innovative design that consistently follows a singular new style or approach. The use of faux architecture that mimics the past is strongly discouraged as new buildings cannot replicate the method and quality of craftsmanship and often fall short on design and execution.

Good design usually results from projects that were conceived in their total, and respond sensitively to their immediate context, while artfully solving the programmatic needs of the owner and building users. The “big design idea” should then be evident at the finer levels of execution—like the selection of materials, windows, doors, details and landscaping palette, where all elements combine to realize a larger architectural composition.

Downtown Long Beach should be composed of buildings that represent the highest quality of design and construction in Southern California and the West. Quality, while subjective, usually requires a strong combination of skills to achieve. Depth of experience and a proven track record are essential, but quality must be advocated for every day by the developer who conceives it, the architect who designs it, and the contractor who builds it. Their decisions shape design and material choices that represent whether the project is viewed as representing “good design.”

The following standards and guidelines underscore design principles intended to produce good buildings, great streets, and memorable places. The design standards and guidelines are not indicative of any style but are intended to encourage innovation and the design of high-quality architecture and urban form.

Included in this section are both standards and guidelines. Standards, as indicated by the word “shall,” identify requirements. Guidelines, as indicated by the word “should,” describe recommendations for high-quality architecture and urban design. Guidelines should be addressed within all development projects—alternatives will be permitted only if the intent of the design guideline is met.



OVERALL STANDARDS

OVERALL STANDARDS FOR NEW BUILDINGS

1. New buildings shall respect **HISTORIC** structures and try to integrate them into new projects.
2. New buildings shall respect the **SCALE** of adjacent structures and respond to their elements in an appropriate manner.
3. New buildings should be **BOLD AND INNOVATIVE** and promote a forward-looking identity for Downtown Long Beach.
4. New buildings shall give particular attention to the ground floor to create a **PEDESTRIAN-ORIENTED** streetscape and the creation of great streets.
5. New buildings shall have an underlying **DESIGN IDEA** that the applicant can articulate through sketches, drawings, and specifications.
6. New buildings shall be made of **DURABLE** and high-quality materials that have a proven longevity in Long Beach.
7. Projects shall follow the recommended **MATERIALS** palette by building type.
8. Materials and color shall be used to reinforce variations in building **MASSING**. They should suggest form changes and turn corners so there is a substantive reading of form and material together.
9. Materials shall vary in the **VERTICAL** plane. Buildings shall exhibit greater detail and higher quality materials at the lower levels, where viewed by pedestrians, and contribute substantially to the streetscape.
10. Materials shall vary in tandem with massing in the **HORIZONTAL** plane, with changes in materials used to emphasize entrance lobbies and massing changes or differentiate uses or tenants.
11. The **FINISH** texture and color of materials shall be compatible with materials used in the project and be consistent with the overall architectural approach.
12. Buildings should have a simple **COLOR** palette that reinforces building massing and is not independent of the building's structural form.
13. Color can add a playful and **STYLISH** quality to projects, but it should be used thoughtfully and in consideration of its longevity within Downtown Long Beach. Unusual or very bright color palettes shall be tested on-site to confirm appropriateness for the site, block, and neighborhood.
14. Construction details shall be **AUTHENTIC** and applied with consistency and brevity.
15. No faux architecture is allowed that will mimic a past era with poor design and execution.



OVERALL STANDARDS

For residential projects of two new units or more, or nonresidential projects consisting of 1,000 square feet or more of new building area, the standards and design goals contained in this chapter shall be met to the satisfaction of the Director of Development Services, the Site Plan Review Committee, or the Planning Commission, as appropriate. The Site Plan Review Committee may consider alternate configurations or approaches to the standards and guidelines on a limited project-by-project basis, if such changes are found to be consistent with the goals of this Plan.

This section begins at the scale of the block structure and building massing, and then discusses the incorporation of setbacks and pedestrian-oriented uses into the overall block design. Guidelines specific to the building type are addressed in the subsequent portion of this section.

BLOCK STRUCTURE

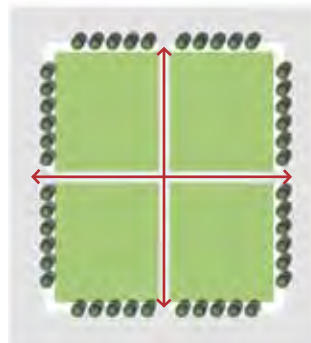
An important feature of Downtown Long Beach is the established block size. The majority of blocks are 300 x 320 feet—a scale that is ideal for pedestrians and walkability. Historically, the blocks were subdivided by alleys and paseos, allowing pedestrians and bicyclists to filter through the block with ease. In many locations, alleys that serve loading docks and parking garages can also be shared with pedestrians. This urban design element is encouraged in new development to ensure the preservation of the fine-grained scale of the City.

New projects shall preserve mid-block alleys and paseos, or create new connections, wherever possible.

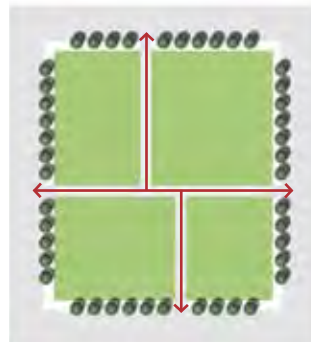
1. Shared use of these zones is allowed and shall be designed to encourage slow vehicle speeds and clearly signed for shared use with pedestrians and bicyclists.
2. Full-block developments that do not provide access through the block should articulate how they will provide a pedestrian-oriented environment that supports the objective of making Downtown more walkable.
3. Full-block development that does not provide public access through the block shall provide a pedestrian-oriented environment that is inviting and interesting along the public frontages.
4. Providing active uses along the alleys and paseos is highly encouraged.



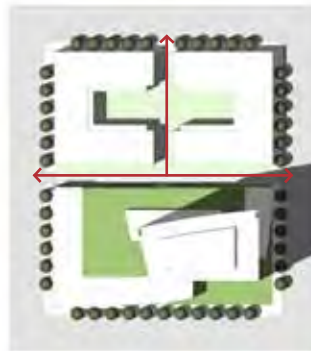
Typical Downtown Full Block
300 x 320 feet



Block subdivided into symmetrical
quarter-block sites with alleys
aligned (traditional pattern)



Block subdivided into
asymmetrical quarter-block lots
and alleys that are not aligned



Development on a subdivided
block, demonstrating varied
massing, heights with paseos or
shared-use alleys

The above diagrams show a typical Downtown block and the ability to break down the scale of the block with alleys or paseos, which facilitates pedestrian passage, and fine-grained blocks and buildings, rather than monolithic structures.

OVERALL STANDARDS

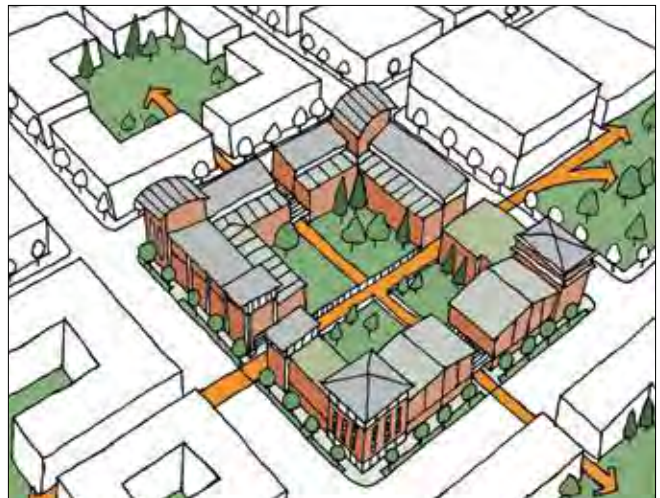
MASSING

Massing refers to the physical volume of a building or its breadth, and when considered with height these two factors define the overall scale or presence of a building. Massing and height must be addressed together and usually fall into three categories that are roughly defined as low-rise (1 to 6 stories), mid-rise (7 to 13 stories), and towers (usually 14 stories or higher). All have a street presence shaped by the first several stories, which contributes the most to defining the street's character.

1. Large projects shall be designed as a group of appropriately scaled buildings so that no building shall be more than 200 feet in length without a break (which is comparable to two-thirds of a typical downtown block face).
2. Quarter-block, half-block and full-block development projects shall all follow character and intent of the guidelines. Example images of quarter-block, half-block, and full-block developments are illustrated on the following page.



The Downtown Promenade is an example of a mid-block pedestrian linkage that “breaks down the block” into a walkable scale while providing building entrances and views onto a quieter public space.

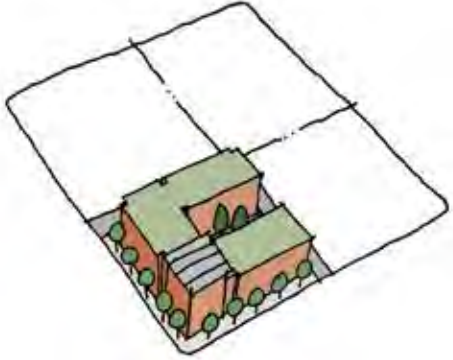


A meaningful pedestrian network in Downtown can take root with pedestrian paths and shared-use alleys that link to at-grade courtyards within new developments. Whether at the scale of quarter-block, half-block, or full-block development, placing required parking underground allows courtyards to be developed in the center of the block. Even if realized in phases or by different developers, courtyards should be sited to relate to each other.

OVERALL STANDARDS

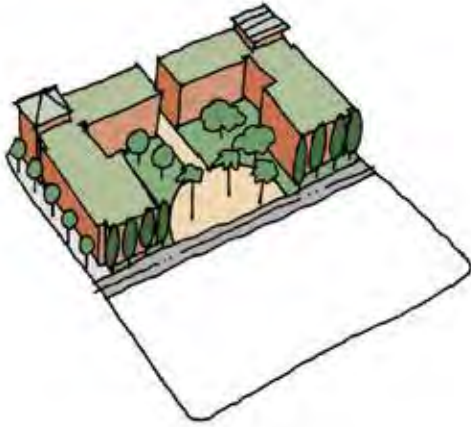
QUARTER BLOCK

Quarter-block developments in Downtown Long Beach are usually designed on a lot size of approximately 0.5 acre.



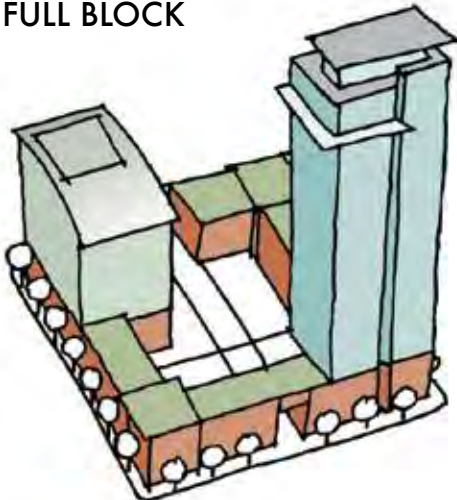
HALF BLOCK

Half-block developments in Downtown Long Beach are usually designed on a lot size of approximately 1.25 acres.



FULL BLOCK

Full-block developments in Downtown Long Beach are usually designed on lot size of approximately 2.5 acres.



OVERALL STANDARDS

STREETWALL DESIGN AND THE DESIGN OF SETBACKS

The following guidelines and standards relate to general urban design, the design of the streetwall, and the design of the setbacks. These guidelines and standards have been developed to ensure the development of an urban downtown environment with the best possible street environment for pedestrians. The location of specific setbacks is identified within Section 3: Development Standards.

Minimum Streetwall

A minimum streetwall height on key corridors ensures the “public room of the street” (as shaped by buildings on both sides) is consistent. This requirement should eliminate parcels being underdeveloped along the edges and not contributing to the creation of good streets on Downtown’s most identifiable corridors. Streetwall requirements shall be measured on a parcel-by-parcel basis. (See Figure 3-2.)

Long Beach Boulevard. The minimum streetwall shall be six stories for 75 percent of the public street frontage. Establishing this minimum street wall will provide a cohesive block face and promote an appropriate density along Downtown’s most important transit street.

Pine Avenue. The minimum streetwall shall be four stories for 90 percent of the public street frontage. Establishing the four-story streetwall along the sidewalk is required to reinforce this important retail and pedestrian-oriented mixed-use environment. Paseos that allow pedestrians and bicyclists to meander through a development or block are encouraged.



Horizontal variation can be provided with changes in the streetwall plane, materials, and color.



The streetwall is the primary contributor to human experience and district identity.

Pacific Avenue. The minimum streetwall shall be three stories for 75 percent of the public street frontage. Establishing the three-story streetwall along the sidewalk is required in this evolving urban district that bridges between the Downtown and low-rise residential or historic areas.

Streetwall Design

The streetwall of a building is the most visible component seen by pedestrians, bicyclists, and motorists. How the mass of the building “meets the street” should be well detailed. The design of the streetwall is what humans experience most intimately when on the sidewalk and is the biggest contributor to district character.

1. Buildings should maintain a generally consistent streetwall (as has been established with most of the historic buildings in Downtown) so the public room of the street is well defined. See Table 3-8 for Setback Standards.
2. The streetwall should include active uses focused along at sidewalk level with the greatest concentration sited at the intersection of two streets.
3. The streetwall should reinforce the building’s presence at major corners, public entrances, terminus for a view corridor, or as wayfinding when viewed from key locations within Downtown.
4. Monolithic structures that appear as a massive wall and that block views and overshadow the surrounding neighborhood shall be avoided.
5. Where parking structures are planned, the streetwall should be composed of active uses that screen podium parking, parking structures, and other uses that do not contribute to making a great Downtown street.

OVERALL STANDARDS



Both small and large setbacks can accommodate high-quality building and plant materials in private entrances and patios.



Windows and doors are a part of a comprehensive approach to massing and elevation design. Shown above are inset details, bay windows, taller ground-floor storefronts and emphasis on the pedestrian lobby entrance.

6. The streetwall should be designed to visually clarify paseos, the existing Downtown alley system, and any points where pedestrians can walk through a block.

Variation with the Streetwall

1. Monotonous stretches of uninterrupted façade are highly discouraged. The street wall façade shall exhibit variation in the street wall (by 2 to 4 feet to be read as a substantial change and provide a significant shadow line) by varying materials and colors, massing, fenestration, storefronts, public art, or other architectural elements that are well composed. (Refer to Setback Standards, Page 52.)
2. The maximum width of a bay of blank wall, without a feature in relief or protrusion of at least 6 inches, shall not be more than 25 feet.
3. Variation in the horizontal plane of low-rise mixed-use buildings shall reinforce the buildings, massing and material changes while providing a variety of solid and transparent surfaces.
4. The base of the building (the first 2 to 5 feet above the sidewalk) should be differentiated from the rest of the building façade with treatments such as change in material and/or color, mouldings, or built planters.
5. Physical breaks in the streetwall shall be limited to those necessary to accommodate pedestrian paseos, public plazas, entry forecourts, permitted vehicular access driveways, and hotel drop-offs.
6. Building entrances shall be well designed and emphasized with changes in materials and graphics. Private and public entrance points should be treated differently.

Private Entrances and Patios

1. Private residential street level entrances shall be set back to provide for front porches or small entry courts. The design of patio walls should be well integrated into the overall architectural idea and utilize the highest quality materials. Translucent materials are encouraged to provide a lighter visual barrier between the public and private realm.
2. Live-work or shopkeeper units should be designed to appear like a commercial storefront, gallery, or urban light industrial compatible to the area it is most affiliated with in character.

OVERALL STANDARDS

Windows and Doors

1. Entrances and windows, not garages, should be the dominant elements of the front façades. Window and door placement, size, material, and style should help define a building's architectural style.
2. Building façades shall have a glazed opening at least every 25 feet.
3. To prevent wall surfaces from being monotonously flat, windows and doors shall be recessed at least 3 inches from the face of the finished exterior wall to achieve a sufficient depth and shadow reading. Flush finish installations, especially with stucco, are not permitted.
4. Detailing of windows and doors should reflect the overall design idea of the building and be well crafted and constructed.
5. If a window contains divided lights (multiple panes), true divided lights or quality simulation should be included when using insulated glazing.
6. Metal security doors and exterior security grilles are not allowed.

Awnings, Canopies, and Marquees

Encroachments such as awnings, canopies, and marquees are encouraged but must be well designed and proportioned so they do not adversely impact the sidewalk environment.

1. The minimum vertical clearance between the ground or street level and the encroachment should be 10 feet. In areas of Zero-Foot Build-To Lines, awnings, canopies, and marquees should not project more than 6 feet into public right-of-way. Encroachments that are designed to require ground support are prohibited. In areas where setbacks are required, awnings, canopies, and marquees should not project past the setback line.
2. Horizontal dimensions should relate to the bays of the building façade. The awning or canopy may encroach over the public sidewalk provided at least 2 feet of clearance is maintained from the street curb line.
3. For awnings and canopies, the materials, shape, rigidity, reflectance, color, lighting, and signage should relate to the architectural design of the building.

Setbacks and Landscape Design

Treatment of the ground plane within the setback may be either planting or a combination of planting and hardscape, and shall be well designed and well maintained.

1. To create visual interest, landscape treatment of setbacks should vary along a street.
2. Setbacks should engage the pedestrian and act as an extension of the public realm.
3. Adjacent to ground-floor residential units, the setback should include elements such as porches, patios, gardens, and stoops.
4. Adjacent to retail, setbacks should include planting (in pots, planters, or the ground) and outdoor dining areas wherever applicable.
5. Where no setback is required, pots or planters should be provided along the building face to add life and character to the sidewalk.
6. Landscaping at the building wall is permitted, provided the planter is part of the building façade and the earth level for planting is at a level of at least 1 foot above sidewalk level.
7. Recesses, bases, and projections may be employed if the setback for landscaping is not more than 5 feet.
8. Additional guidelines specific to each setback are identified on the following pages.



Encroachments such as awnings, canopies, and marquees that do not obstruct the public right-of-way are encouraged.

OVERALL STANDARDS

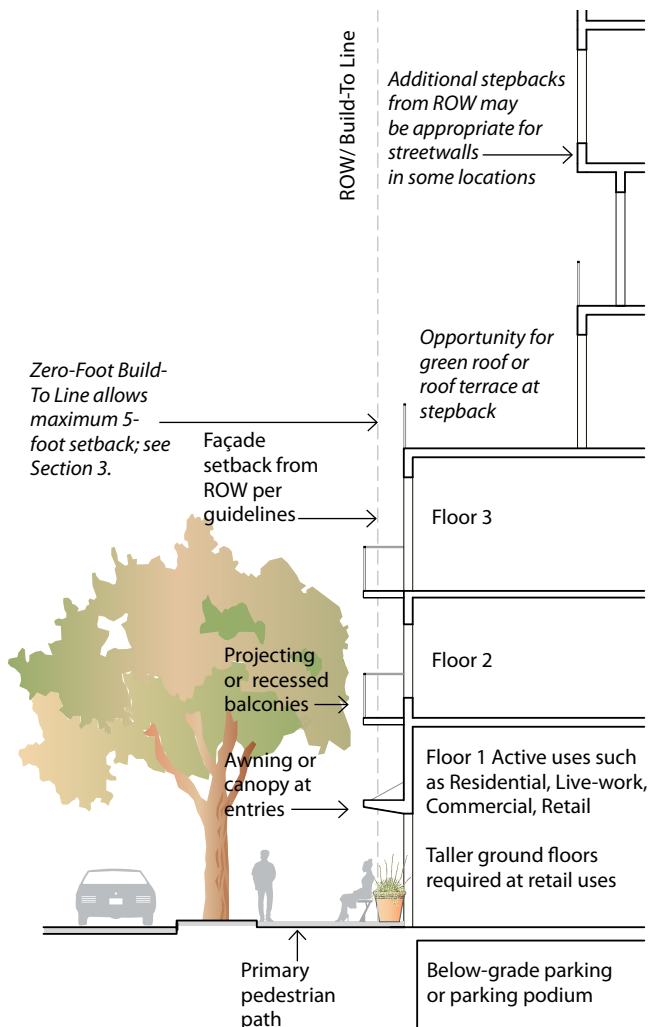


Zero-Foot Build-To Line

In addition to the above, the following standards apply:

To provide a consistent building streetwall that defines the street and pedestrian realm, portions of Downtown, including much of central Downtown, are designated as having a “Zero-Foot Build-to Line,” as described in Section 3. (Refer to Setback Standards, Page 52.)

1. Where building façades abut the property line, pots or planters should be provided on the sidewalk, out of the primary pedestrian path.
2. Provide greater setbacks adjacent to retail, patios and dining areas so elements such as trees, planting, and water features can be included. Refer to Section 3: Development Standards for additional standards related to outdoor dining.

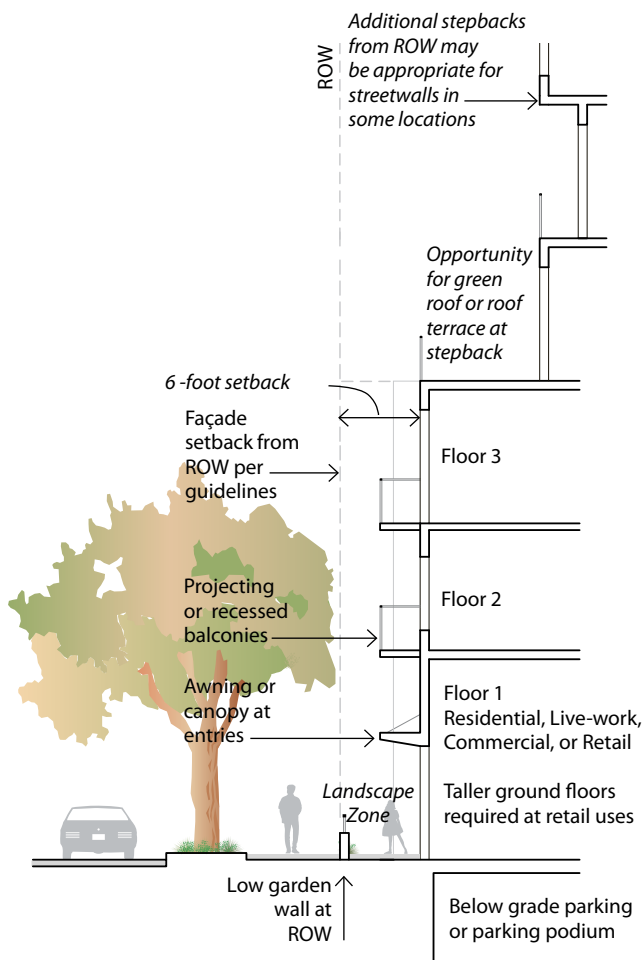


OVERALL STANDARDS

6-Foot Setback

6-foot setbacks are identified for areas at the eastern part of the Downtown, as described in Section 3.

1. In locations where 6-foot setbacks are required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage.
2. An 18-inch planting buffer should be provided between the sidewalk and the low garden wall separating private residential space.
3. The elevation of the setback zone should be no more than 24 inches above sidewalk elevation.
4. The setback zone should be landscaped and may include walkways, steps, patios, solid walls up to 3 feet above sidewalk elevation, and transparent fences (such as wrought iron, glass, etc.) up to a height of 5 feet above sidewalk elevation (or 42 inches above finished elevation of setback).
5. A physical connection should be provided between the residential unit and the sidewalk.



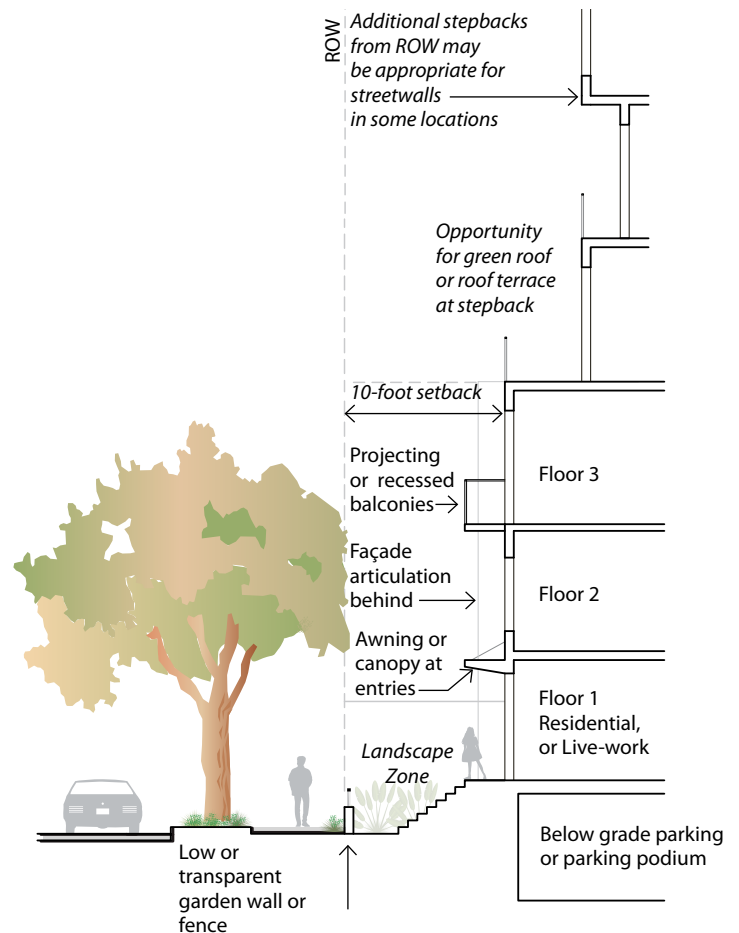
OVERALL STANDARDS



10-Foot Setback

10-foot setbacks are identified for areas at the western part of the Downtown, as described in Section 3.

1. In locations where 10-foot setbacks are required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage.
2. A 2-foot planting buffer should be provided between the sidewalk and the low garden wall separating private residential space.
3. The elevation of the setback zone should be no more than 36 inches above sidewalk elevation.
4. The setback zone should be landscaped and may include walkways, steps, patios, solid walls up to 3 feet above sidewalk elevation, and transparent fences (such as wrought iron, glass, etc.) up to a height of 5 feet above sidewalk elevation (or 42 inches above finished elevation of setback).
5. A physical connection should be provided between the residential unit and the sidewalk.



OVERALL STANDARDS

PEDESTRIAN-ORIENTED USES

The Downtown Plan strategically encourages active street level uses that will increase and expand pedestrian activity. Pedestrian-oriented uses in Downtown Long Beach are defined as uses accessible to the general public that generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity in the public realm. Typical uses include retail shops, restaurants, outdoor dining areas, bars, theaters, performing arts, recreation and entertainment, personal and convenience services, lobbies, libraries, museums, galleries, and public plazas.

Section 3 identifies specific locations where a certain mix or percentage of active pedestrian-oriented uses is required. The following guidelines and standards address specific criteria related to the design of pedestrian-oriented uses.

1. Ground-floor floor-to-ceiling height shall be a minimum of 15 feet or taller to accommodate retail uses.
2. Each storefront bay shall contain an entrance. The primary entrance to each commercial space on the ground floor shall be located on the front façade along the street. If parking is located behind buildings, well-lit secondary rear entrances shall also be provided.
3. Where they occur, ground-floor residential uses, including residences, lobbies, recreation and community rooms, shall provide entries or large windows at the ground floor to activate the street frontage.

Transparency

Clear, nonreflective display windows or doors shall comprise at least 60 percent of the ground-floor street façade of active, pedestrian-oriented uses. Interior blinds, drapes, posters, signage, and interior shelving for product displays visible for the public right-of-way shall obscure no more than 10 percent of the transparent areas of each respective storefront.

The maximum height of the bottom sill of required display windows shall not exceed 30 inches above the adjacent sidewalk. The minimum head height for storefronts and windows at the ground floor should be 80 inches above the adjacent sidewalk.

First-Floor Elevation

The first level of buildings that require pedestrian-oriented uses shall have a floor elevation that is level with the elevation of the adjacent sidewalk.

Entrances Facing the Street

Entrances to uses on ground and upper floors should open onto a public right-of-way. Entrance doors should be set back between 1 to 3 feet from the property line.

Outdoor Dining

Outdoor dining adjacent to the sidewalk is encouraged. It may be provided along segments of the building's front façade that are set back from the property line within the setback, or on the sidewalk. A public sidewalk occupancy permit must be obtained, as outlined in the Municipal Code, Chapter 14.14. In addition, the following standards shall apply:

1. A continuous, unobstructed path of travel to facilitate pedestrian movement.
2. Awnings that project more than 6 feet into public right-of-way, or that are designed to require ground support are prohibited.
3. Retractable or movable shade devices are permitted.
4. Fixed canopies or canopy-type awnings or structures are prohibited.
5. Outdoor dining may not be fully enclosed.

Vehicular Driveway Access

Vehicular driveway access or entries to parking structures are prohibited along frontages that require active, pedestrian-oriented uses. Access shall be taken via the alleys serving the site or, on corner lots, at the street frontage, which does not require active ground-floor uses. The Site Plan Review Committee may consider alternate configurations on a limited project-by-project basis, if such changes are found to be consistent with the goals of this Plan.

OVERALL STANDARDS



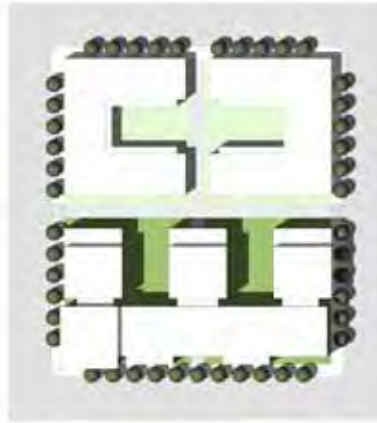
Where the ground-floor frontage is designed to accommodate retail, the building wall is almost completely transparent and is not set back from the sidewalk.



Businesses with pedestrian-oriented design and articulation help to activate the street, increasing safety and community awareness.

STANDARDS BY BUILDING TYPE

LOW-RISE



Building Characteristics

- 1 to 6 stories
- Residential, Mixed-use, Commercial

*The architectural design standards of low-rise buildings apply to all building types.

MID-RISE



Building Characteristics

- 7 to 13 stories
- Residential, Mixed-use, Commercial

TOWERS



Building Characteristics

- 14 stories and higher
- Residential, Mixed-use, Commercial

STANDARDS BY BUILDING TYPE

INTRODUCTION

The Guidelines and Standards by Building Type are form-based criteria that address the design of all buildings Downtown, and build upon the overarching design guidelines and standards addressed in the previous discussions. In some cases, design criteria may vary for residential and commercial projects as noted.

The guidelines and standards identified on the following pages are arranged according to specific building types; address the size, scale, design, and detailing of that building type; and are organized according to the following building types:

- Low-rise building (See pages 74-77)
- Mid-rise buildings (See pages 78-81)
- Towers (See pages 82-85)

Multiple building types may affect the design of a building. For example, a taller project may include a low-rise component, as well as a mid-rise building and towers. Such projects are expected to adhere to the guidelines and standards established for each of the project components.

The guidelines and standards start by addressing the scale and massing of that building type, as well as architectural design (the big moves established during schematic design), followed by materials, which have a great effect on the quality and longevity of a building and thus are critical to realizing the standard of design and construction envisioned for Downtown Long Beach.

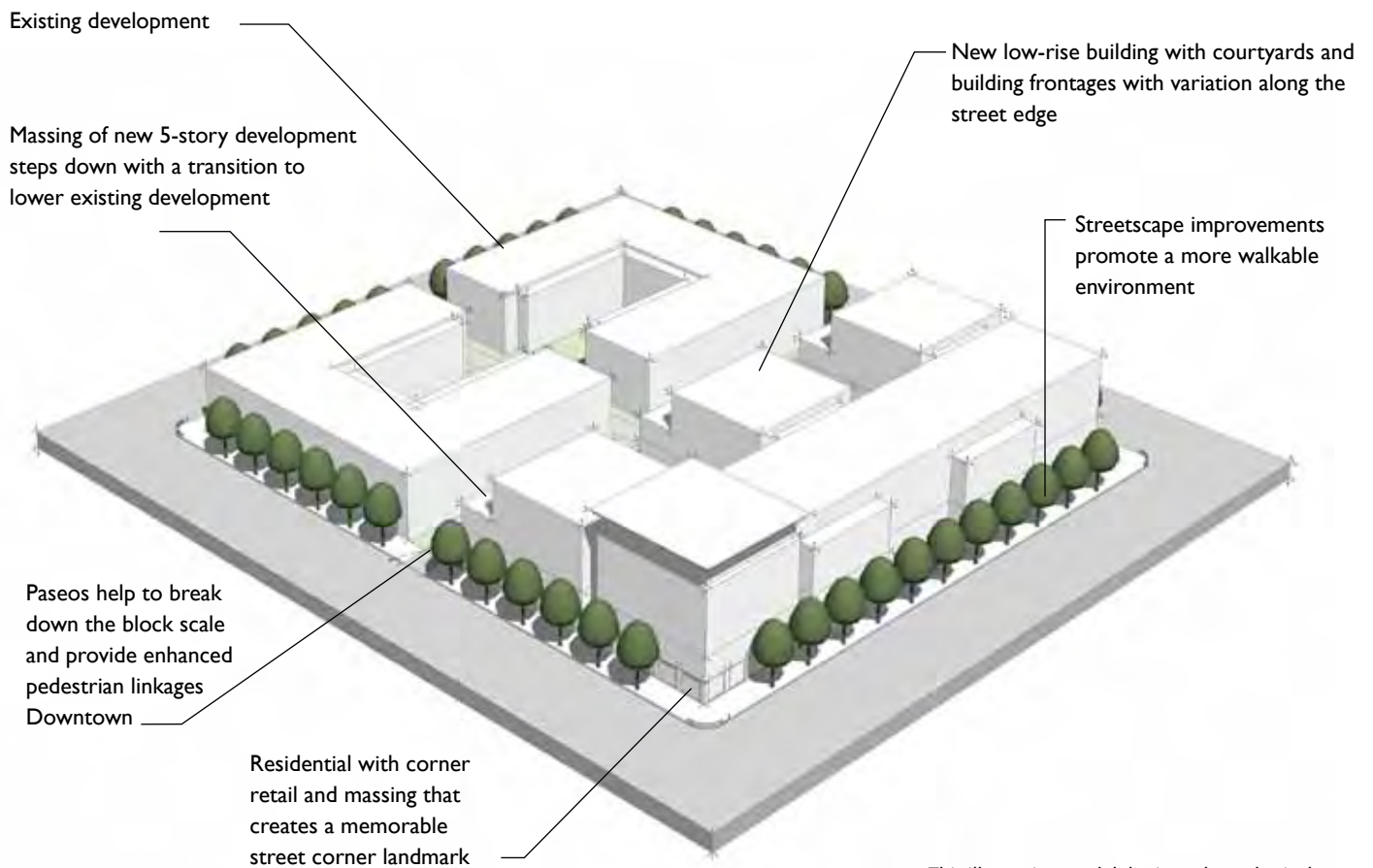
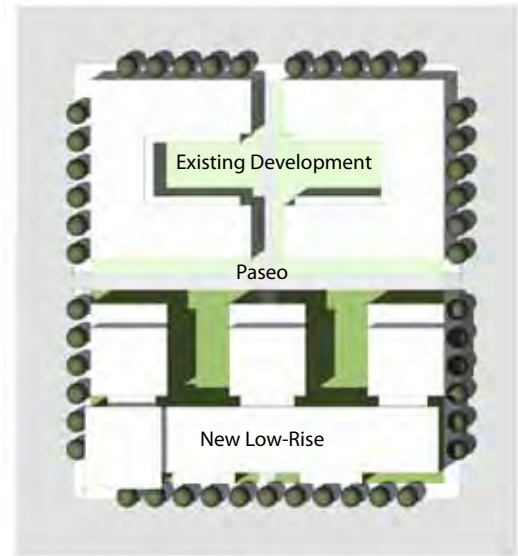
Well-detailed and crafted buildings are highly valued in Long Beach, and new buildings must contribute to this legacy.



STANDARDS BY BUILDING TYPE - LOW RISE

LOW-RISE BUILDINGS

Low-rise buildings are defined as being one to six stories tall. The more recent development projects in Downtown Long Beach have consisted of this building type in the form of multi-family residential or mixed-use projects. By nature of their size, low-rise buildings should be well crafted and exist as good neighbors to other buildings that share the same block and street.



This illustrative model depicts a hypothetical mixed-use low-rise development that might occur on a half-block site in Downtown.

STANDARDS BY BUILDING TYPE - LOW RISE

Architectural Design

New low-rise buildings should contribute to defining the character of the street and improving Downtown's pedestrian environment.

1. Low-rise buildings should respect the existing style and architectural character of their neighborhood and block while enriching both with complementary ideas and design elements.
2. When located on a corner site, low-rise buildings should include design elements that differentiate them from their mid-block neighbors, and integrate special features that accentuate the buildings' presence on the corner and help provide a visual landmark within Downtown.
3. Low-rise massing and roof forms should be simple and straightforward, proportional and well studied if referencing existing styles.
4. Low-rise buildings should represent a single architectural style that all materials and details are true to.
5. Detailed façade elements are essential to reinforce the overall design concept, to create texture, shade, and shadow, and to relate a building to human scale. Exaggeration of details or use of generic, applied details shall not be used as they create a cartoon-like appearance that is not consistent with quality design and the character intended for the Downtown.
6. Infrastructure needs must be understood in the earliest phases of design. This can help avoid misplaced vents, downspouts, life-safety and other site and building infrastructure that can adversely impact the architect's original intention.
7. Courtyards, often included in low-rise buildings, should be designed as a significant feature of the development and be integrated with the overall design idea.
8. New low-rise projects should thoughtfully integrate transit amenities such as bus stops, seating, bike racks, bike storage, and showers where required by code and to encourage their successful use by residents, tenants, and visitors.



Example of low-rise mixed-use project with massing and materials that delineate balconies, building corner and ground floor.



Example of low-rise project with massing and materials that delineate individual units, entrances and roof gardens.

9. While improvements to existing facades are encouraged, quality architectural elements that may already exist on the building should be preserved. Preserving existing facade elements that are both durable and handsome will add to the sustainability of a project and enhance the building's existing attributes.

STANDARDS BY BUILDING TYPE - LOW RISE

Roof Form

1. To maintain the integrity of the building design, the roof form should be consistent with the building's architectural style.
2. The transition of where the façade meets the sky, should be accentuated through design of the roof or overhang. Having no design detail here is allowed if justified within the overall architectural approach of the building.
3. All major building systems and equipment shall be accommodated within the building or enclosed in a penthouse structure that is integrated with the design of the building.

Residential Materials

1. Stucco is not permitted at the ground level but can be integrated into upper floors. A variety of textures can be achieved with a final coat of cementitious stucco, depending on the size of aggregates used, the method of application, and the final use of float or trowel. Acrylic stucco can achieve a more limited range of textures. Smooth, fine-textured finishes like Santa Barbara, 20/30 Float are permitted. Not permitted are rough, irregular or coarse-textured finishes like heavy lace, machine dash, or light lace.
2. Horizontal wood siding and wood trim are allowed for structures four-stories or less, and window and door frames (typically found in the older residential neighborhoods of Downtown).
3. Wood shingles with wood trim at building corners are allowed for structures three-stories or less.
4. Materials such as brick (red, gold, or multi-colored palette), natural stone, and precast concrete are encouraged.
5. Factory-finished metal panels (heavy gage only, in corrugated or flat sections) are encouraged.
6. Façade elements constructed of foam or foam molding are strongly discouraged. If used, they shall be well proportioned and constructed to avoid appearing pasted on the building.
7. High-quality windows should be provided with details that provide for a shadow line and depth, either through inset windows with an integral frame, or inseting the window into the exterior wall. Windows can be composed of wood, wood with vinyl clad exterior, recycled-content aluminum vinyl



Example of a roof detail that accentuates the top of the streetwall and where the building meets the sky. Example of large window openings, mullion patterns and exterior wall details that together create visual depth and pattern on the exterior wall.



Example of a setback elevation that uses some variation in heights, balconies and materials; the windows and doors are well detailed and noticeably inset. Example of higher quality materials and entrance canopies being used at the ground floor.

STANDARDS BY BUILDING TYPE - LOW RISE



Example of a residential infill project that integrates wood siding and details appropriate to its location in a historic neighborhood.



Example of reinforced fiber cement panels integrated in a low-rise residential project.



Example of architectural lighting that complements the texture and graphic pattern of this retro-style façade. Interior lighting and a transparent ground-floor storefront visually connect inside and outside.

clad, steel casement, or anodized aluminum.

8. Reinforced fiber cement panels and installation using a vertical cavity system are allowed.
9. Concrete is permitted when used as part of a larger architectural design approach and shall have a finished architectural appearance.
10. If concrete masonry units are to be used, they should be integral to building design and have appropriate finish at the ground floor.
11. Ceramic tile is prohibited unless it can be justified as part of a historic renovation or public art component.
12. Metal railings, entrance canopies, downspouts, scuppers, shutters, and garage openings should be designed consistently with the building's style and overall aesthetic.

Commercial Materials

1. Use high-quality materials such as granite, stone and precast concrete. Acceptable wall systems include metal panel, curtain wall, frameless glass patch, and high-quality glass storefront. Reinforced fiber cement panels and installation using a vertical cavity system are allowed.
2. Stucco or glass fiber reinforced composite panels are not permitted.
3. Transparency is encouraged in curtain wall systems and fenestration to the greatest extent possible. Highly reflective or very dark glass is not permitted.
4. Façade elements constructed of foam or foam molding are strongly discouraged. If used, they shall be well proportioned and constructed to avoid appearing pasted on the building.

Architectural Lighting

1. Lighting shall be designed to reinforce the architecture and create an inviting street and sidewalk environment at night.
2. A hierarchy of lighting types and fixtures should be provided describing how the lighting relates to the larger architectural idea, forms, and materials.
3. Visible direct lamp glare from unshielded floodlight fixtures is prohibited.
4. Lighting design that allows light to be cast up into the night sky is prohibited.

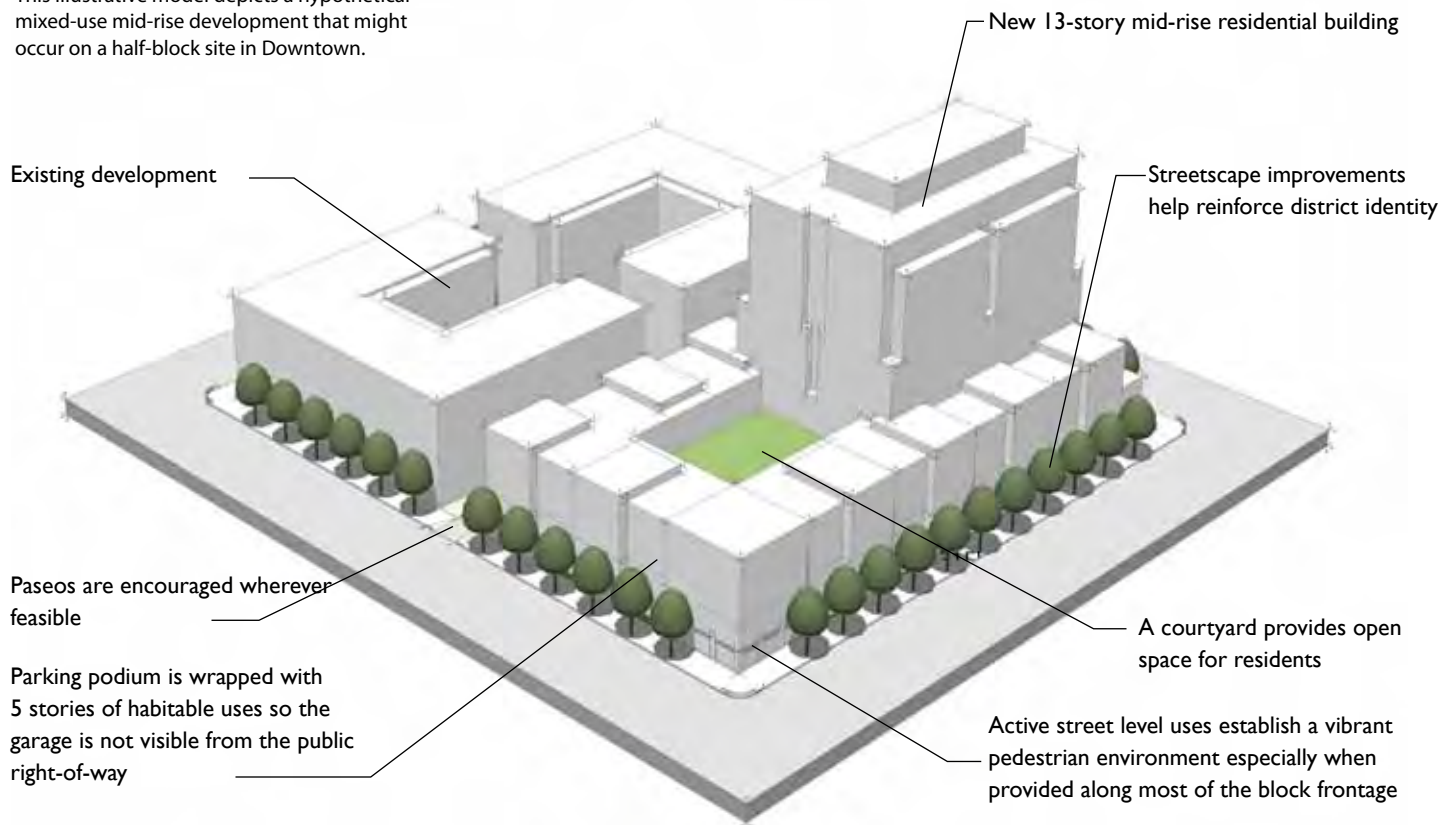
STANDARDS BY BUILDING TYPE - MID RISE

MID-RISE BUILDINGS

Mid-rise buildings are defined as being 7 to 13 stories tall. The guidelines for mid-rise buildings apply whether they are residential, mixed-use, or commercial projects. By nature of their larger scale, mid-rise buildings establish a strong presence and are often considered Downtown landmarks or major anchors. They are expected to be great examples of design and detailing based on the efficiencies of taller construction. They greatly affect the success of a block and street, and are expected to have a higher quality of design and construction than what is required for low-rise buildings.



This illustrative model depicts a hypothetical mixed-use mid-rise development that might occur on a half-block site in Downtown.



STANDARDS BY BUILDING TYPE - MID RISE

Architectural Design

Both classical and modern mid-rise buildings can exhibit principles of visual order in the vertical plane—often by having a distinct base or ground-floor treatment, a middle or core mid-section with consistent floor levels, and a top that distinguishes a building and defines how it “meets the sky.” Some innovative design approaches do not follow this rule but they should exhibit many of these core sensibilities:

1. Mid-rise buildings tend to read more solid than transparent due to structural requirements, cost factors, and the need for privacy in certain zones of the building. The massing and elevations should strike a balance between solid and transparent treatment. The material and detailing choices shall support the overall style being proposed.
2. The massing and design of mid-rise buildings should be sensitive to adjacent scales and carefully address the transition to lower height structures that may exist or be anticipated on the same block.
3. The existing cornice or roof line heights established by historic buildings in Downtown Long Beach shall be reflected in the adjacent cornice, roofline, or horizontal demarcation of new mid-rise buildings.
4. Mixed-use buildings should differentiate architecturally between their ground-floor activities and the uses up above. For example, fenestration and exterior materials could be different at ground-floor retail, than for hotel, residential or office uses above.
5. New mid-rise buildings should provide variation by using balconies, fenestration, and sunshades to create an interesting pattern of projections and recesses, light and shadow.
6. New mid-rise buildings should integrate sustainable features, especially opportunities for green roofs that can provide usable open space and be viewed by tenants from the upper floors.
7. New mid-rise projects should thoughtfully integrate transit amenities such as bus stops, seating, bike racks, bike storage, and showers where required by code to encourage their successful use by residents, tenants and visitors.



Example of mid-rise mixed-use project that is relatively transparent and interprets the classic building base, middle, and top in a modern way.



Stepbacks and variation in massing and materials break down the scale of this mid-rise urban infill project. The lower two stories reflect the scale and texture of existing buildings in the neighborhood.

STANDARDS BY BUILDING TYPE - MID RISE



Example of high-quality materials used on a new mid-rise building that exhibits a classic base, middle and top composed of more substantial material and storefront details at the pedestrian level, plus inset balconies and a variety of window types.



Brick focused at lower levels, transparent upper floors, metal detailed balconies and penthouse sun shading element create an innovative industrial style for this mixed-use building. At right, a traditional brick exterior is used at the lower levels in combination with metal panels and concrete to achieve a modern aesthetic.

Materials

1. Acceptable materials include architectural concrete or precast concrete panels, stone, curtain wall and heavy gage metal panel, and brick.
2. Doors and windows shall be metal or a curtain wall system.
3. Concrete masonry units shall have a ground face, and be burnished and honed.
4. Reinforced fiber cement panels and installation using a vertical cavity system are allowed.
5. Stucco is permitted on mid-rise buildings only on the upper floors and if appropriate for the architectural style.
6. Transparency is encouraged in curtain wall systems as it helps to visually lighten the appearance of mid-rise buildings. Highly reflective or very dark glass curtain wall systems or fenestration are not permitted.
7. Ceramic tile is prohibited unless it can be justified as part of a historic renovation or public art component.

Details

1. Concrete deck construction, often visible at extended balconies, floor levels, and roof decks, should be considered in the overall composition of the building and exterior wall design.
2. Balconies shall be transparent and composed of either metal railing or glass guardrail systems.
3. Sunshades should support the overall design idea and be made of high-quality materials detailed in proportion to the building massing. Flimsy or undersized sunshades applied for the sake of adding texture to the exterior are not permitted.
4. Unit vents and balcony downspouts shall not be visible on the exterior wall, unless proposed as an appropriate architectural feature consistent with the proposed style (like terra cotta scuppers on a Mediterranean-style building).

STANDARDS BY BUILDING TYPE - MID RISE

5. Flat roof forms or roof decks shall integrate a roof parapet detail (like a thin eyebrow, open framed or solid overhang) to accentuate where the building meets the sky.
6. Integrate glass window bay systems to add variation in the horizontal or vertical wall plane.
7. Mid-rise buildings should integrate large-scale window systems for individual units or offices (common in loft or industrial buildings) if they are not using a curtain wall system.
8. Special materials, like brick or stone, should be integrated at the lower levels to add texture and a more human touch where pedestrians experience the building closely.
9. Concrete wall systems should capitalize on joint systems to add simple detailing (joint location, width and depth) to utilitarian parts of the building exterior, and should be limited on the more public elevations.
10. Lighting shall be integrated with the architecture as appropriate to improve the presence of the mid-rise building in Downtown.



Example of a green roof on the lower floors of a mid-rise building that collects rainwater and provides open space with visual benefits.



Example of concrete exterior combined with large window systems and glass wall balconies. At right, the materials, details and corporate signage are well integrated in this mid-rise commercial project.

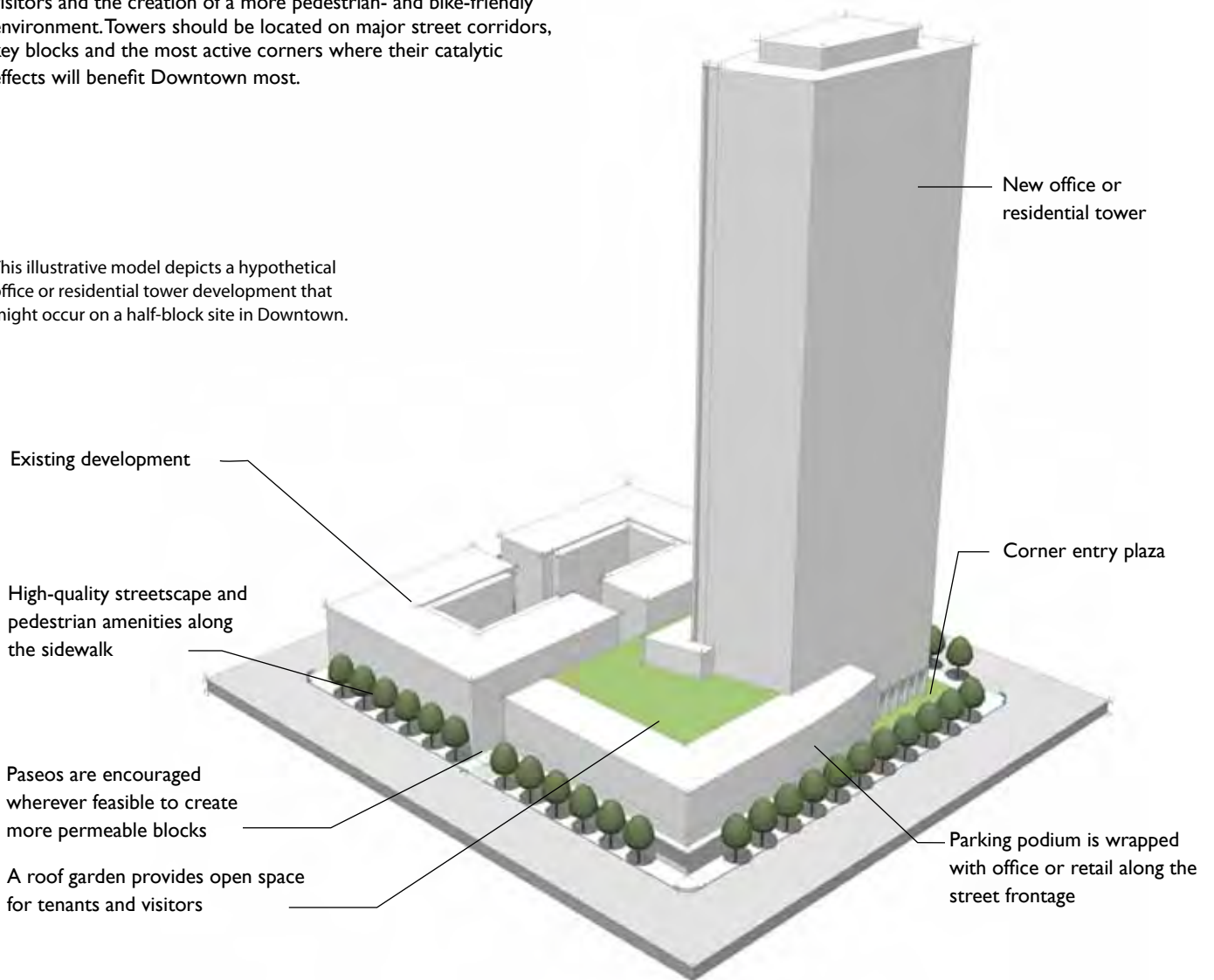
STANDARDS BY BUILDING TYPE - TOWERS

TOWERS

Towers are defined as being 14 stories or taller. These guidelines apply to towers whether they are residential, mixed-use, or commercial projects. Towers are expected to embody the highest quality of design and construction consistent with their stature in the skyline. They are now, and will be in the future, the greatest form-givers and placemakers for Downtown Long Beach, and so are expected to not only meet the intent of the guidelines but exceed public expectations and establish new standards of innovation. They should be timeless in their architectural vision and exist as icons of design.

Towers can represent a very sustainable model of development where most proximate to Downtown's existing transit and infrastructure investments, such as within a quarter-mile of Blue Line Stations, including the Transit Mall. Towers in these zones can best achieve reduced automobile trips for residents, tenants and visitors and the creation of a more pedestrian- and bike-friendly environment. Towers should be located on major street corridors, key blocks and the most active corners where their catalytic effects will benefit Downtown most.

This illustrative model depicts a hypothetical office or residential tower development that might occur on a half-block site in Downtown.



STANDARDS BY BUILDING TYPE - TOWERS

Tower Spacing

Towers should be sited and spaced appropriately to feature access to views, light and air for residents or tenants. Proper spacing can provide enough visual sky around each tower so its form can be read as distinct within the downtown skyline and enjoyed from the sidewalk as a pedestrian.

1. Towers shall meet or exceed the minimum spacing whether directly facing each other or offset diagonally. The minimum spacing applies between two new towers, or the distance a new tower must be from an existing tower.
2. Commercial or residential towers should be spaced a minimum of 80 feet from existing towers whether on the same site or across the street from each other (see illustration at right).
3. Commercial or residential towers should be sited to ensure privacy, natural light and air, and contribute to a distinctive skyline.
4. Projects with multiple towers should offset their footprints and sculpt their massing to create attractive and usable open spaces in between the towers. When two towers are proposed on a full-block development and directly across from each other, they should be sculpted to reduce the amount of exterior wall directly parallel from each other.



A 80-foot minimum to any existing tower across the street
 B 80-foot minimum to any existing tower on the same site
 Illustration of minimum spacing between towers.

Architectural Design

Towers are most responsible for shaping a city's skyline and are generally seen as being 14 stories or taller within the height incentive district. From a distance they are read more as a collection that indicates where a city's densest core exists. Within a downtown, towers are viewed individually and perceived as distinct forms. The following guidelines apply to towers as individual forms—which must be beautiful in their own right.

1. Where towers are proposed, a three-dimensional model shall be created, inset into an existing three-dimensional model of Downtown (physical or digital). The model shall depict the surrounding context within a quarter-mile of tower's full block to understand its setting, connections, and how it contributes to creating a more sustainable Downtown.



Example of slender residential towers along an urban waterfront that are adequately spaced to take advantage of light, air and views.



STANDARDS BY BUILDING TYPE - TOWERS

2. Towers should have an overall design rationale that translates from its overall massing down to the details of the exterior skin.
3. Towers should exude simplicity and be graceful in form—they should appear slender and sculpted, not boxy or bulky.
4. Towers should be designed to capitalize on natural ocean breezes and views of the water while maintaining slender proportions.
5. For projects with two or more towers, each one should have a distinct massing that relates to the other(s) to form a strong composition; matching towers are discouraged.
6. Towers should taper as they ascend to meet the sky, or have a clear design approach to resolving the design on the most upper floors or penthouse.
7. Towers should appear as transparent by maximizing the use of glass, curtain wall systems, and glass balcony railings.
8. Towers shall not replicate historic structures but shall establish their own identity and detailing that are responsive to adjacent structures without resorting to mimicry.
9. Helipads must be integrated to support the larger design idea and meet necessary code requirements. They should be well integrated with penthouses, elevator shafts, and the overall design approach for terminating the tower top.
10. Avoid massive stepped towers that usually appear as neither a well-designed mid-rise nor a well-designed tower.
11. New high-rise projects should thoughtfully integrate transit amenities such as bus stops, transit shelters, bike racks/storage, showers, and car-sharing programs to encourage their use by residents, tenants and visitors.

Materials

1. Acceptable materials include architectural concrete or precast concrete panels, stone, stainless steel, curtain wall, and heavy gage metal panels with factory finish. Being the most prominent building type seen for miles, high-quality design, materials, and detailing are required.



Examples of a hotel and residential towers that have a tall slender presence and incorporate glass, concrete and modern roof forms.



Example of office towers with high-quality materials, simple forms and a distinct manner of how they taper or meet the sky. Note that even transparent or clear glass will reflect some sky; the more reflective mirrored coatings are not encouraged.

2. Curtain wall systems are encouraged to achieve a high level of transparency.
3. The use of highly reflective glass is not encouraged. Very dark (for example black) glass curtain wall systems or fenestration are not encouraged.
4. Stucco and ceramic tile are not permitted anywhere on high-rise buildings.
5. Brick is permitted on the lower levels if consistent with the architectural style.
6. Balconies shall have glass guardrail systems and wind screens where needed.
7. Doors and windows shall be metal or a curtain wall system.

STANDARDS BY BUILDING TYPE - TOWERS

Details

Towers should read more transparent (less opaque, solid) as service functions are usually programmed into the building's central core leaving the exterior wall available for expansive views made available from the increased building height. The massing and elevations can compose the most creative forms seen within a city skyline and should represent a sophisticated development of solid and transparent elements.

1. Details should be designed to reinforce the tall, slender massing required for towers in Downtown Long Beach.
2. Details shall execute the overall design idea at the most refined scale.
3. The architect shall study the interplay of solid and transparent forms, and how materials meet and are read at the scale of the pedestrian or distant viewer.
4. The architect shall develop a design approach that includes texture, shadows and details that are true to the proposed material palette.
5. The architect shall design the curtain wall system to convey lightness, transparency and texture to achieve beautiful building elevations. They shall consider both the near-views of adjacent building neighbors, and as well as the view from afar.



Example of constructed towers (clockwise from upper left): Commercial tower with sophisticated curtain wall, divided windows and vertical fins; coated metal panels introduce color into this residential tower; two curtain wall systems that add another layer of texture with a metal frame, and glass fins.



Example of how exterior details should translate down to the main entrance lobby and be equally beautiful at the more human scale of the plaza or street level from which they are approached.

THE DESIGN OF PRIVATE OPEN SPACE

Courtyards, roof terraces, and other common areas within individual residential developments should be landscaped to be usable outdoor spaces that accommodate a variety of informal activities such as barbecues, small gatherings, gardening, relaxation, and children's games.

1. Courtyards shall have a minimum dimension of 40 feet in any direction (building face to building face).
2. A minimum of 50 percent of the courtyard space (including courtyards that are on-structure) shall be landscaped.
3. Where feasible, at-grade planting areas should be provided to accommodate large trees and landscaped areas that are not separated by planter walls.
4. Where trees are located on-structure, raised planters should have a minimum soil depth of 36 inches and be a minimum size of 40 square feet.
5. Trees should be planted as 24 inches box minimum.
6. Where raised planters or at-grade planting is not feasible (such as on a roof deck), large potted plants should be provided.
7. Private patios may be located in a courtyard if they are defined by a low wall (36 inches maximum) or hedge.
8. As appropriate, a variety of seating options should be provided, such as benches, picnic tables, and seat walls.
9. Courtyards should be fronted by doors, windows, and balconies. Where blank walls face a courtyard, landscape treatments such as vines, lattice, or plants with vertical form should be used to soften the wall.
10. To activate courtyard spaces and engage residents and visitors, consideration should be given to the inclusion of water features. Water features may count toward a maximum of 10 percent of a courtyard's landscape area requirement, and should be located in shade or partial shade to reduce evaporation.
11. The Site Plan Review Committee may consider alternate configurations or approaches on a limited project-by-project basis, if such changes are found to be consistent with the goals of this Plan.



Using elements such as arbors, curved paths, and a garden-like plant palette, semi-private open spaces can have an intimate feel.



Common open space enables active and passive uses.

THE DESIGN OF PRIVATE OPEN SPACE



Where landscaping must be in raised planters because of on-structure limitations, access should be provided with ramps or stairs (as shown above) to make the space usable for residents.



Roof terraces and gardens (above and below) should incorporate planting either in raised beds or pots and offer ample seating.



Water features can serve as the focus of a courtyard (above) or be subtly integrated into the landscape (below). Each provides additional life to the space.



PARKING STRUCTURE DESIGN

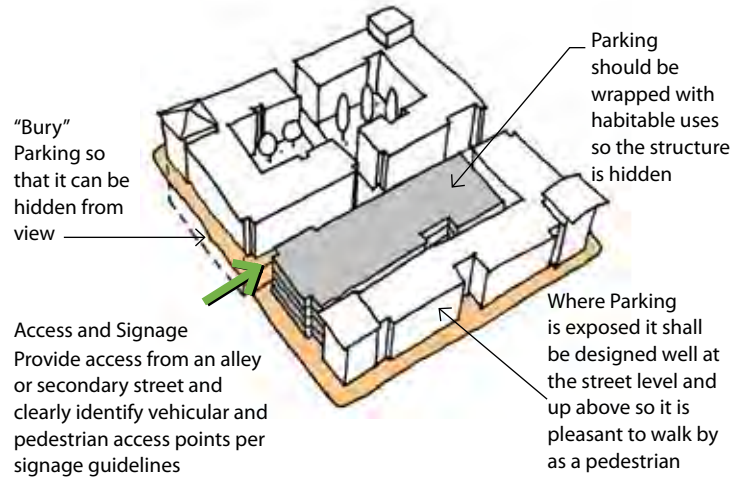
PARKING STRUCTURES

Parking for major projects should be hidden from view—ideally by providing it underground or wrapping it with active uses along the public frontages. Whether public or private, freestanding parking structures as well as integrated parking podiums should be treated as buildings and follow the same principles as good building design noted in earlier sections.

Architectural Treatment

Providing an exterior façade composed of high-quality materials that screen the underlying concrete structure will elevate the building's stature and contribute to the overall quality of Downtown's architecture. The following guidelines apply to freestanding parking structures, or where structures have major presence on the street if attached to other uses like a hotel, office, or residential building.

1. Parking structures that serve a group of buildings should be compatible in architectural treatment with the architecture of the buildings they serve.
2. Signage and wayfinding should be integrated with the architecture of the parking structure.
3. Parking structure entryways shall not disrupt the pedestrian right-of-way on primary streets.
4. Parking structures shall have an external skin designed to improve the building's appearance over the basic concrete structure of ramps, walls, and columns. This can include heavy-gauge metal screen, precast concrete panels, laminated glass, or photovoltaic panels.
5. Parking structures should integrate sustainable design features such as photovoltaic panels (especially on the top parking deck), renewable materials with proven longevity, and stormwater treatment wherever possible.
6. Vertical circulation cores (elevator and stairs) shall be located on the primary pedestrian corners and be highlighted architecturally so visitors can easily find and access these entry points.
7. On retail-oriented streets, provide active ground-floor uses along the street frontage of the garage. On all other streets, the ground-floor treatment should provide a low screening element that blocks views of parked vehicle bumpers and headlights from pedestrians using the adjacent sidewalk.
8. Integrate the design of public art and lighting with the architecture of the structure to reinforce its unique identity. This is especially important for



Ideally, garages should be hidden from view or located underground or behind habitable uses as shown here. The exception occurs when a garage provides an active ground-floor use or can prove its contribution to Downtown with an outstanding architectural presence on the street.

public parking structures to aid visitors in finding them upon arrival and getting oriented to Downtown.

9. Interior garage lighting should not produce glaring sources toward adjacent residential units while providing safe and adequate lighting levels per code.

Landscape Treatment

Parking structures and interim surface lots within Downtown should be located or screened such that the visual impact to the public realm is minimized and must comply with Chapter 21.42 of the Municipal Code.

1. Landscape should be cohesively designed with the building or garage. If a garage has a well-designed exterior, then it does not need to be screened by dense landscaping in the Downtown area.
2. When architectural solutions are not possible to screen a parking structure, a landscape screen should be integrated (and be visually consistent with the existing or proposed streetscape).
3. Surface parking lots should include ample trees to reduce the heat island effect and mitigate views from surrounding buildings and streets.
4. Landscape screens or "green screen" elements may be integrated with the architecture of the building or structure and coordinated with any streetscape improvements.
5. Parking lots adjacent to streets shall be screened from view using landscape features such as "green screens" or shrub massings at least 5 feet wide.

PARKING STRUCTURE DESIGN



Garage entrances should be incorporated into the building's architecture, be well signed and, where possible, should complement other ground-floor uses (above).



Example of a context-sensitive parking garage in a historic district of Downtown Los Angeles (above).



Where an architectural landscape screen (middle) is not feasible, a row of trees and shrubs should be provided to screen parking structures from view (lower).



Surface parking lots are considered interim uses in Downtown, and shall be screened from view.

5

STREETSCAPE + PUBLIC REALM STANDARDS



INTRODUCTION



Ocean Boulevard streetscape (above) contributes positively to the identity of Downtown Long Beach.

Good landscape design is an essential part of any development, streetscape, or district. Well-designed layout and careful selection of plants, paving, lighting, and site furnishings can help to create vibrant, functional, and beautiful outdoor spaces.

These landscape design standards are intended to supplement the standards in the zoning code to address streetscapes, building setbacks, required open spaces, and parking lots. With all projects in the Downtown Long Beach area, significant attention should be paid to construction standards, the integration of sustainable practices and solutions, and the idea of creating/maintaining strong district identities through landscape design.



A variety of streetscape improvements can make the pedestrian experience more comfortable and help to foster distinct districts.

STREETSCAPE

PEDESTRIAN ZONE

The pedestrian zone, between the street curb and edge of right-of-way, should be treated according to its width, adjacent uses, and volume of traffic. Shade, seating, and appropriately sized amenities will improve the experience of the pedestrian.

- Trees shall be provided along all streets within the pedestrian zone. (Refer to Street Trees discussion below.)
- Landscaping shall be provided within the pedestrian zone, either in a contiguous parkway between the sidewalk and street, in planted tree wells, or in large pots (where ground planting is not feasible).
- District gateways should be considered. These gateways may include subtle elements such as medallions in the paving, or more prominent elements such as signs or public art.



Street trees and street furnishings shall be placed outside of the primary circulation route (above). Permeable materials such as decomposed granite (below) can be used to allow additional room for pedestrian circulation.



Parkway planting shall be set back 18 inches from the curb to allow for easy access to parked vehicles.



Parkway planting should be used to buffer the street from the pedestrian zone and minimize paving where curb-to-building sidewalks are not needed, such as along residential streets.



Seating nooks should be integrated into the streetscape to provide comfortable locations to rest, ideally out of the primary pedestrian path and buffered from vehicular traffic. Where feasible, double rows of street trees can be used to produce a park-like feel.

STREET TREES

Street trees should enhance both the pedestrian and vehicular experience throughout Downtown Long Beach. Until a street tree master plan is developed, the following guidelines shall be followed.

- Parkway tree specimens shall be planted at a minimum 15-gallon size. Other trees within setbacks and open spaces shall be a minimum 24-inch or 36-inch box size where feasible.
- Street trees shall be spaced a maximum of 25 feet on center, per City zoning code.
- When siting trees, consideration shall be given to potential conflicts between tree canopies and building signage and the uniformity of existing placement patterns.
- Along residential streets, contiguous planted parkways are preferred.
- Along retail or commercial streets, large tree wells shall be provided in lieu of contiguous planted parkways. In all cases, the tree well should provide space adequate for that particular species' long-term growth. The minimum dimension of a tree well is 4 feet wide by 4 feet long. Where feasible, wider and longer tree wells should be provided.
- In all circumstances, small tree grates and root barriers that severely stunt tree growth shall be avoided. Exceptions may be made due to space limitations or utility conflicts.
- Where sidewalks/setbacks are wide enough, a double row of street trees (of the same species) shall be provided subject to the review by Public Works.
- Irrigation systems shall be provided for all street trees during the initial establishment period after installation. Systems using spray heads should be designed to avoid overspray as well as spray on tree trunks.
- Trees shall be properly staked according to City of Long Beach standards to ensure healthy growth and maintain a vertical trunk.
- Appropriate soil area or tree well shall be provided to allow a tree species to grow to its full size.
- Street trees shall be of a species designated for that particular street. Variation of street tree species within any block shall be discouraged. For nondesignated streets, trees shall be chosen from the list of approved species for nondesignated streets (See Figure 5-1, Required Street Trees).



The *Tabebuia caryocarpa* in the Pine district (above left) and the clusters of *Washingtonia robusta* in the median of Ocean Boulevard (above right) serve as good character-defining elements.



If used as a street tree, palms should be alternated with canopy trees or used as accents.



Used consistently along both sides of a street, tree species like Jacaranda (above) can help to establish a distinct character.

FIGURE 5-1

Required Street Trees



DESIGNATED STREET TREES

- *Magnolia grandiflora* (Southern Magnolia)
- *Washingtonia filifera* (California Fan Palm)
- *Ulmus parvifolia* (Chinese Elm)
- *Jacaranda mimosifolia* (Jacaranda)
- *Fraxinus angustifolia* (Raywood Ash)
- *Ginkgo biloba* (Maidenhare Tree) - male only
- *Laurus nobilis* (Saratoga Sweet Bay)
- *Bauhinia blakeana* (Hong Kong Orchid)
- *Arcastrum romansoffianum* (Queen Palm)
- *Tabebuia caryotrich* (Golden Trumpet Tree)
- *Tabebuia caryotrich* and *Washingtonia robusta*
- Pine Avenue Streetscape Improvement Project
- Long Beach Transit Mall Improvement Project

NONDESIGNATED STREET TREES

- Acer palmatum* (Japanese Maple)
- Chitalpa tashkentensis* (Pink Dawn)
- Cinnamomum camphora* (Camphor Tree)
- Geijera parviflora* (Australian Willow)
- Hymensporum flavum* (Sweet Shade)
- Lagerstroemia indica* (Crape Myrtle)
- Pistacia chinensis* (Chinese Pistache)
- Pyrus calleryana* 'Aristocrat' (Aristocrat Pear)
- Rhus lancea* (African Sumac)
- Tristania conferta* (Brisbane Box)
- Platanus acerifolia* (London Plane Tree)
- Cupaniopsis anacardiodes* (Carrotwood)

NOTES

The above diagram illustrates locations of Designated Street Trees where specific tree species are required.

The list of Nondesignated Street Trees is specified as an additional approved list of trees that are permitted along streets without a designated street tree (in addition to those species listed in the Designated Street Trees list).

The Site Plan Review Committee has authority to consider alternatives, through the Site Plan Review process, if such changes are consistent with the intent of the Plan and are found to further the goals of the Plan.

PLANTING

Planting within public and semi-public spaces shall be visually interesting, low maintenance, and drought tolerant in accordance with Long Beach Municipal Code Chapter 18.74, Low Impact Development Standards.

- The use of turf shall be minimized in the parkway and setbacks, and in publicly accessible open spaces.
- Where the parkway is adjacent to street parking and is planted with a material other than lawn, 18 inches adjacent to the curb shall be concrete, decomposed granite, gravel, or pavers to allow for foot traffic to/from parked vehicles.
- Parkway planting shall not exceed 30 inches in height.
- Wherever possible, plants should require moderate, low, or very low amounts of water per the WUCOLS III (Water Use Classification of Landscape Species) list for Region 3-South Coastal, CA.
- Appropriate plant species should be selected for any given space, preventing plants from becoming overgrown.



Plants with colorful foliage, such as *Phormium tenax*, can provide good accents in the landscape.



Species such as *Dietes vegeta* (above left) and *Rosmarinus officinalis* (above right) are drought-tolerant, and hearty, and grow well in coastal areas.



Pots and planters add color along a building or sidewalk and help to establish a human scale. Adjacent to or within any given development, pots shall be of a consistent style or family.



Succulents can add color, texture, and require less maintenance than turf.



Where feasible, groundcovers such as low drought-tolerant grasses (above 2 examples) shall be used in parkways instead of turf.

HARDSCAPE

Sidewalks, crosswalks, and other hardscape shall be of a high-quality material and enduring style.

- Stained concrete and surface-colored concrete (other than integral colored concrete) shall not be used. Without proper installation and maintenance, these types of paving can wear poorly.
- Standard grey concrete or earth-toned pavers shall be used for paving sidewalks where approved by Public Works.
- Paving accents, such as banding along the curb or perpendicular to the sidewalk, may be used if consistent with the established style for the district.
- At any given intersection, all crosswalks shall be of a consistent material and color.
- A limited hardscape palette should be used in each character area in public and semi-public spaces to help minimize visual clutter and promote a cohesive identity (see Page 23).



Standard grey concrete sidewalks may be complemented by pavers of a similar color (above) or sawcut in a diagonal pattern (right) to add visual interest.



Pavers may be used within the right-of-way if they are earth-toned and have only subtle variations in color. Pavers shall be square or rectangular and a minimum size of 8 inches by 8 inches.



Where possible, crosswalk paving shall visually tie into the adjacent streetscape and contrast with the adjacent street paving.



SITE FURNISHINGS AND LIGHTING

Street furnishings and lighting should enhance the comfort, safety, and character of Downtown Long Beach. The following standards apply to site furnishings and lighting.

- Benches and trash receptacles shall be carefully located to enhance the pedestrian experience without cluttering the streetscape.
- In some locations, site furnishings shall be recess mounted to paving, as opposed to surface mounted.
- Lighting shall be included along all streets, sidewalks, and pedestrian connections, and on private property to ensure comfort and safety.
- Where street lights are provided, additional pedestrian-scale lighting should also be incorporated into the streetscape.
- Consideration shall be given to providing lighting of a particular color and style within a given character area.



To convey elegance and authenticity, light fixtures shall be painted a dark color, such as dark bronze (left), black, dark green, or dark blue. Accent colors should be avoided. Brushed metal or similar treatments may be considered.



New site furnishings shall be simple, muted, and coordinated with each other within streets and districts. The benches and trash receptacles shown above and below offer examples of such character.



PUBLIC OPEN SPACE

Pocket Parks and Plazas

To serve residents, workers, and visitors, a variety of public open spaces throughout Downtown are encouraged. These open spaces, such as pocket parks and plazas, can vary in size, form, and character but should all contribute to a well-connected public realm.

- Where possible, pocket parks and plazas shall be located at intersections or adjacent to mid-block pedestrian crossings and be prominently integrated with the sidewalk and street. Plazas at corners are encouraged to include outdoor dining space for adjacent restaurants.
- Public parks and plazas may include an edge element such as a low hedge or seat wall but shall not be fenced or gated (unless hours are restricted).
- Public open spaces should include flexible area for public gatherings, such as lawn area or a paved plaza, at a scale that maintains intimacy.
- Public open spaces shall include elements such as shade, seating, and water features. Pedestrian lighting shall be incorporated to provide comfort and safety.



Small open spaces can offer a variety of amenities, such as open lawn and shaded benches (above) and movable seating near water features (below).



Streetscape elements, such as paving (above), should integrate with adjacent pocket parks.

Pedestrian Paseos

New connections and corridors should be created as larger sites are developed.

- Where blocks are longer than 400 feet or where a destination, view, or circulation path warrants a mid-block pedestrian connection, publicly accessible paseos shall be provided.
- Pedestrian paseos shall be considered open space and include elements such as shade, seating, and water features.
- Pedestrian lighting shall be incorporated to provide comfort and safety.
- Paseos should be at least 20 feet wide and include considerations for temporary and emergency vehicle access.



Pedestrian paseos should have a clear line of sight (such as the one adjacent to Long Beach City Hall, above), as well as be lined with active uses such as retail (below left) and residential (below right).



PEDESTRIAN CONNECTIVITY

In addition to creating great urban spaces in Downtown, it is critical to develop a strong pedestrian network that makes travelling between these spaces easy, safe, and enjoyable.

- Disruption of the existing street grid is prohibited; however, new streets, alleys, or pedestrian connections may be added.
- The pedestrian network shall include a great pedestrian zone (discussed in 'Streetscape' above), legible and well-located crosswalks, mid-block pedestrian connections, and wayfinding elements such as street signs and kiosks.
- The incorporation of retail and residential along pedestrian zones is highly encouraged. Additionally, for safety and "eyes on the street" all buildings addressing pedestrian zones shall incorporate balconies, patios, stoops, and building entries that address the pedestrian zone.
- Pedestrian and bicycle priority zones may be incorporated into pedestrian networks.



Street names, subtly integrated into the sidewalk or curbs, above, can assist with pedestrian wayfinding as well as convey historic character.



Kiosks and pedestrian wayfinding signage should be provided; however, it should be scaled appropriately (above right, as an example) so as not to block a sidewalk or appear characteristic of a shopping mall. (For more detail, refer to Section 7.)



Mid-block pedestrian connections, such as along the Promenade (above), can improve pedestrian circulation and offer vibrant activity zones if flanked at the ground floor with retail, restaurants, or entertainment uses. Where pedestrian paseos or corridors jog or otherwise change direction, strong visual connections should be created using specialty paving, lighting, and signage.

Where possible, mid-block crosswalks (right) should include bump-outs, traffic signals or signs, paving or striping that contrasts with the street, and visual cues in the sidewalk that draw attention to the crossing. All crosswalks within a district should be of a similar style.



PUBLIC ART IN DOWNTOWN

Public art embodies Long Beach's unique cultural spirit and is one of the strongest ways in which to create a sense of place as well as to reflect the rich and varied history of the City. Integrating artwork into both development projects and open spaces enriches the experience of the public realm and increases the quality of life in Downtown.

General Guidelines for Public Art:

1. Public art should be developed in the most accessible and visible places and considered in relation to other visual elements and cues (signage and other elements that may impede or heighten its enjoyment).
2. Public art should reflect Downtown Long Beach's visual and cultural setting and connect visitors and residents through participation, planning, and implementation of new installations.
3. New installation proposals shall provide a contextual understanding of and be clearly related to the overall network of public art in Downtown.
4. Artists should create sustainable, maintainable works of art that aspire to the highest standards of innovation and aesthetic quality.
5. The public artist shall be integrated into the project's design team at an early stage of development to ensure cohesiveness of site design, architecture, art, landscape, and public space.



These photos depict examples of public art in Downtown.



SIGN STANDARDS



OVERALL STANDARDS AND COMPLIANCE WITH ZONING CODE

The intent of the Downtown Plan is to maintain the current eclectic character of Long Beach, while enabling innovation and the emergence of new architectural styles. When added to existing buildings, or as part of a new development, signs provide aesthetic enhancement and complement the architecture. This applies to the selection of materials, orientation, scale, and the location of signs on and around buildings.



Signs should be designed to capture neighborhood identity and current eclectic character of Long Beach.

Any project incorporating two or more signs within the Downtown Plan will be required to submit a Sign Program during the design development phase. The Sign Program shall identify all proposed signs included in the project that can be viewed from the street, sidewalk, or public right-of-way. All signs are subject to the Design Review process. All signs that project into the public right-of-way must also be reviewed by the City Engineer.

All signs within the Plan Area shall be consistent with the requirements of Chapter 21.44 of the Zoning Regulations, and the full power and effect of Chapter 21.44 shall apply to Downtown unless otherwise specified herein. Additionally, all sign lighting shall comply with light pollution reduction standards. The following guidelines for Downtown do not supersede the requirements of the zoning code; rather, they provide additional guidance specific to the goals of the Downtown Plan. No sign development standards may be waived through this Plan. Any requests for waivers must be made through the Sign Standards Waiver or Standards Variance process, as appropriate.

Overall Standards for Sign Design:

The following standards shall be followed for the design of all signs in Downtown. These include signs of all type and audience. All sign programs are subject to Design Review, which will ensure that the goals are met.

1. **CHARACTER:** Signs shall enhance the public realm and aid in the creation of a street's character. Signs shall not impede pedestrian traffic, block sight lines along roadways, or disturb adjacent residences.
2. **COMPLEMENT:** The color, material, scale, lettering, and lighting shall complement the surrounding street environment and building(s) that the sign addresses.
3. **SIZE:** Signs shall never overpower the building. The sign shall fit comfortably into the architecture of the storefront. Signs shall be mounted in a manner that does not detract from building.
4. **AUDIENCE:** Signs intended for tourists or locals, or the age of the sign audience may impact sign design. Regardless of audience, sign design shall conform to other principles.
5. **CONCISE:** Information on signs shall be brief, clear, and simple with appropriately sized lettering, and a clear information hierarchy. When appropriate, symbols can be used in place of text.
6. **ILLUMINATION:** Lighting used with signs shall be focused and minimal. Lighting shall be in scale with the sign and façade.
7. **CONSISTENT:** Signs shall be internally consistent. If multiple tenants are listed on a single sign or a multi-tenant building, variation between size and typeface of tenant names and color palette shall be limited to one or two options.
8. **TIMELESS:** Sign design should convey a timeless character of a street, place, or business. Signs shall be designed with durable materials and be well maintained.

SIGN DESIGN



Signs shall enhance the public realm, aid in the creation of a street character, and add to the aesthetics of the built environment.

GUIDELINES BY SIGN TYPE

NONRESIDENTIAL SIGNS

1. Signs should be consistent with the overall design and identity of the building, including the architecture and landscaping. Signs should complement the overall aesthetic of the building and site.
2. If more than one sign type is necessary on a single façade, all signs shall be scaled in a clear hierarchy and to address different viewer orientation and audiences.
3. Buildings with multiple storefronts shall use the same sign strategy at every entrance. This is to reduce confusion for guests and present an organized appearance.
4. If multiple tenants are listed on a single sign, a shared sign program shall be designed. Size and typeface of tenant names and color palette shall be consistent.
5. For multi-building sites or buildings that are part of corporate campuses, a shared sign program shall be designed.
 - Signs shall be visible from all public right-of-ways and communicate necessary information easily.
 - Since Downtown corporate campuses may house multiple tenants of different business types, the design identity of the sign shall be capable of incorporating an array of styles and typefaces for the differing logos. However, the size of tenant names or logos and color palette shall be consistent.
6. Pedestrian-oriented signs are encouraged Downtown. Signs shall be scaled appropriately, including window signs, blade signs, directory signs, and backdrop wall signs.
7. Illumination should be used to accent signs, consistent with the building aesthetic. Trespass of light and glare from illumination into any adjacent units or buildings, whether residential or nonresidential, is strictly prohibited.
8. Signs and wayfinding shall be incorporated with public art or placemaking objects, to add an educational component.
9. Placement and type of signs in the public right-of-way should be uniform and readable. Signs for both motorists and pedestrians are desirable.



Commercial and mixed-use signs should communicate message while contributing to district or building character and achieving cohesiveness.



Corporate signs usually include multiple tenants, so the typeface should be consistent and uncluttered.

GUIDELINES BY SIGN TYPE

RESIDENTIAL SIGNS

1. Signs should be integrated with the design of the project's architecture and landscaping. Signs should be consistent with the design approach and convey a clear hierarchy of information.
2. Signs shall identify primary entrances, the address, and necessary information for visitors, while being understated and minimal.
3. Mixed-use projects with commercial uses on the ground floor shall comply with the standards for Nonresidential Signs identified within this document.
4. Illumination shall be designed to ensure safety around buildings but should not create significant light trespass onto adjacent properties.



Residential signs should be consistent with the design approach of the building, while highlighting entrances and the address clearly.

TEMPORARY AND PROHIBITED SIGNS

TEMPORARY SIGNS

Temporary signs refer to signs and banners that are used to advertise special events, sales, or promotions. They are not permanent fixtures and therefore are not part of the building design review process. However, they influence the appearance of the city or district, and when overused, may produce a cluttered appearance.

1. The only type of temporary sign allowed shall be a banner mounted to a building wall. Banners shall be placed discreetly and comply to the same design principles of all permanent signs. Banners shall be in place only for the period of time necessary for a given event.
2. Banners mounted in any other fashion shall be prohibited. Flags, balloons, etc., are prohibited as described below.
3. In addition to the restrictions set forth in the Plan, banners must comply with the provisions of 21.44.

to a business or other location. One each of national, state, and local government flags and one corporate flag may be displayed, all of which shall be flown from a flagpole at least 25 feet tall. Decorative flags that have no inherent meaning or significance, such as solid or multicolored flags used to decorate or draw attention to real estate or a business, shall be prohibited. Any flag that functions as a sign, including but not limited to “sails” and “feathers,” is prohibited. Flags that do not fall into the above categories and have a strictly social, political, or other purpose not business related, and that are in compliance with all other applicable regulations, shall be allowed.

- Pole signs
- Signs illuminated by low-pressure sodium lamps (pure yellow glow), high-pressure sodium lamps (pinkish-orange glow), and mercury vapor lamps (bluish-white glow).

PROHIBITED SIGNS

In addition to all signs prohibited by Section 21.44 of the Zoning Regulations, the following types of signs and sign-like contrivances also shall be prohibited within the Plan Area:

- Internally illuminated awnings
- Internally illuminated cabinet signs
- Freestanding or monument-style menu board signs for multi-tenant commercial centers (but not building directory signs)
- Searchlights, laser beams, and the like
- Signs projected onto a surface using light
- Inflatable or air-blown signs, streamers and the like. Any signs that are inflatable, such as balloons, and any signs that are air-blown or animated by the internal flow of air, such as signs that appear to have a waving head and arms, are prohibited.
- Balloons of any size, with or without printed copy on the balloons
- Pennants and streamers of any size
- Flag signs and any flags intended to draw attention

7

HISTORIC PRESERVATION



HISTORIC RESOURCES IN LONG BEACH

Downtown is the historic heart of Long Beach and contains a large collection of buildings and structures that stand as present-day reminders of the heritage and development of the City. Included in these resources are some that have been officially designated as landmarks possessing local, state, or national significance and others that have been identified through a survey as being significant historic resources but do not rise to the level of landmark status.



Preserving these resources through adaptive reuse and other appropriate means as well as integrating new development into the existing fabric are goals of the Downtown Plan to strengthen, not detract from, this unique setting.

All processes and procedures involving historic resources in Downtown shall adhere to the standards in Chapter 2.63 of the Long Beach Municipal Code.

ADAPTIVE REUSE

The Downtown Plan boundary contains a large collection of buildings and structures that speak to the rich past of Downtown Long Beach. Many of these buildings, though no longer economically sustainable while operating in line with their originally intended use, may be appropriate for adaptive reuse.

To facilitate the reinvention and reuse of these buildings that lend so much character to Downtown, the incentives found in table 7-1 are established to allow for the adaptive reuse of certain buildings.

Any building more than 45 years old can be considered for the incentives under the adaptive reuse policy if the proposed physical alterations are substantial and modify the building's original intended purpose.

When buildings or portions of buildings are renovated, features or components such as hardware, windows, or ghost signs should be preserved or reused to the greatest extent possible.

TABLE 7-1 INCENTIVES TO CONVERT FROM COMMERCIAL/INDUSTRIAL TO RESIDENTIAL

Development Standard	Incentive
Unit Size	Minimum 450 sf with an average of all units of 700 sf.
	No minimum number of units required.
	If converting to hotel, no minimum unit size, but each unit must contain a bathroom facility. Does not require that entire building be converted.
Parking	Existing parking spaces must be maintained, no new spaces required.
	If conversion is part of a tract map process, conditions may require that spaces be dedicated to specific on-site uses.
Mezzanines	May be added within the existing structure, provided that the total floor area of mezzanines at each mezzanine level does not exceed one-third of the area of the floor immediately below.

Discretionary review (Site Plan Review, etc.) is not required if all standards are met and the subject project is not a for-sale project (e.g., not commercial or residential condominiums). Allowed exceptions to the development standards include nonconforming floor area, setbacks, and height. However, if the proposed project cannot meet the applicable development standards, and either is a for-sale project or proposes any work to the exterior of the building, the appropriate discretionary review approvals shall be required. Any project that involves a designated historic landmark may require review for compliance with the California Environmental Quality Act (CEQA) and approval by the City's Cultural Heritage Commission even if all other development standards are met.

HISTORIC RESOURCES IN LONG BEACH

LANDMARK BUILDINGS

Downtown contains a number of buildings that have been designated as landmarks. The intent of designations is to recognize those buildings that are significant to the history and development of Long Beach or are representative of a particular style of architecture. A complete list of designated landmark buildings can be found in Chapter 16.52 of the Long Beach Municipal Code. (Note: Updated information on landmark status of buildings can be obtained from the Historic Preservation Staff.)

The historically designated and significant landmarks in the Downtown Plan area are identified in Figure 7-1.

Alterations to Landmark Buildings

I. Exterior Alterations

Applications for exterior changes to designated historic landmarks must obtain a Certificate of Appropriateness from the Cultural Heritage Commission. Exterior changes subject to Cultural Heritage Review include:

- Additions
- Remodeling (exterior only)
- Relocations
- Demolitions
- Exterior painting or other re-surfacing
- Exterior signs
- Window alterations
- Awnings



Historic buildings and nostalgic elements contribute to the character of the many neighborhoods of Downtown Long Beach.

HISTORIC RESOURCES IN LONG BEACH

2. Interior Alterations

Interiors may be subject to Certificate of Appropriateness review if they are publicly accessible and architecturally significant. If the interior was an element of the designation, it will appear in the designation ordinance for the building.

Reuse of Landmark Buildings – Incentives

1. Commercial Uses

Waiver of Parking for Ground-Floor Uses – The ground floor of existing landmark buildings may be converted to restaurant, retail or entertainment uses without providing additional parking.

2. Conversion to Residential Use Waiver of Density Standards

The Planning Commission may waive all density limits through a Conditional Use Permit provided new construction is not included in the area where density is waived and the use provides traditional residential units and not single-room occupancy rooms.

3. Conversion of a Residential Use to a Commercial Use

A residential landmark building located within the Downtown Neighborhood Overlay may be converted to a commercial use through the Administrative Use Permit process.

4. State Historic Building Code

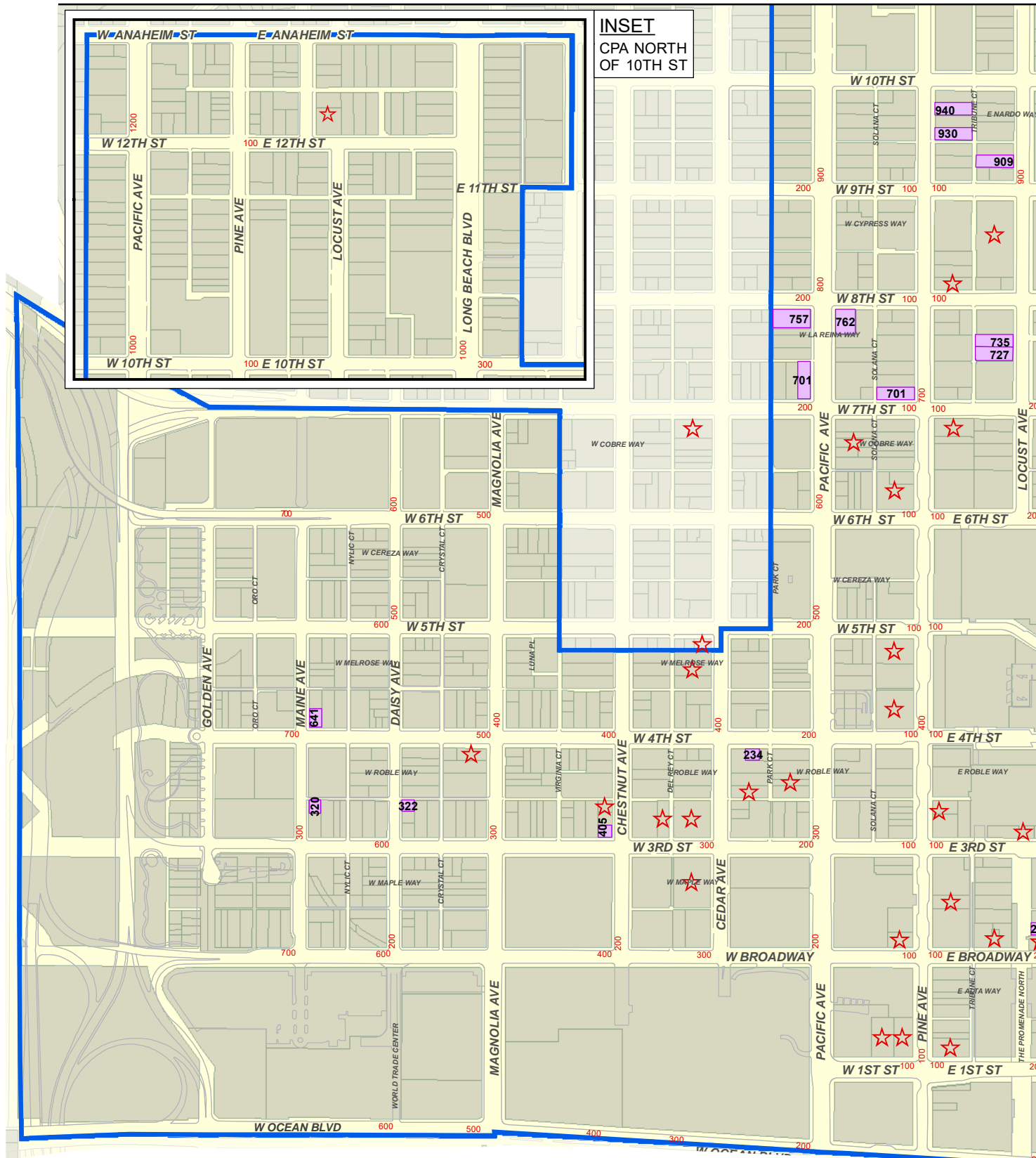
A state code exists for the rehabilitation of designated historic buildings with regard to building code issues. The intent of the State Historical Building Code is to permit flexibility in meeting the safety intentions of the code while retaining the existing archaic materials and designs inherent in historic buildings. The rehabilitation of historic buildings is facilitated by allowing code decisions based on performance standards, rather than prescriptive code standards, and is subject to the discretion of the building and fire officials.

SIGNIFICANT RESOURCES – NON-LANDMARK BUILDINGS

A survey was conducted to identify structures within Downtown that are significant historic resources and possess a character that is important to retain but do not qualify for designation as a landmark. The survey identified all buildings over 50 years of age that are not Landmarks as Significant Resources or Non-significant Structures.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Environmental Impact Report identifies a process for handling buildings designated as Significant Resources but not identified as Landmark Buildings. Prior to the issuance of a demolition permit or a building permit for alteration of any of these properties the Historic Preservation staff will be notified. In consultation with the Historic Preservation staff, Development Services Department staff will determine if a formal historic property survey or other documentation is needed. If, based on any required documentation, it is determined that the property may be eligible for designation the property will be referred to the Cultural Heritage Commission. The Commission determination of eligibility shall be considered as part of the environmental determination for the project in accordance with the CEQA.



MAP FEATURES

- ★ Historically Designated
- Historically Significant
- Downtown CPA
- 214 Parcel Addresses

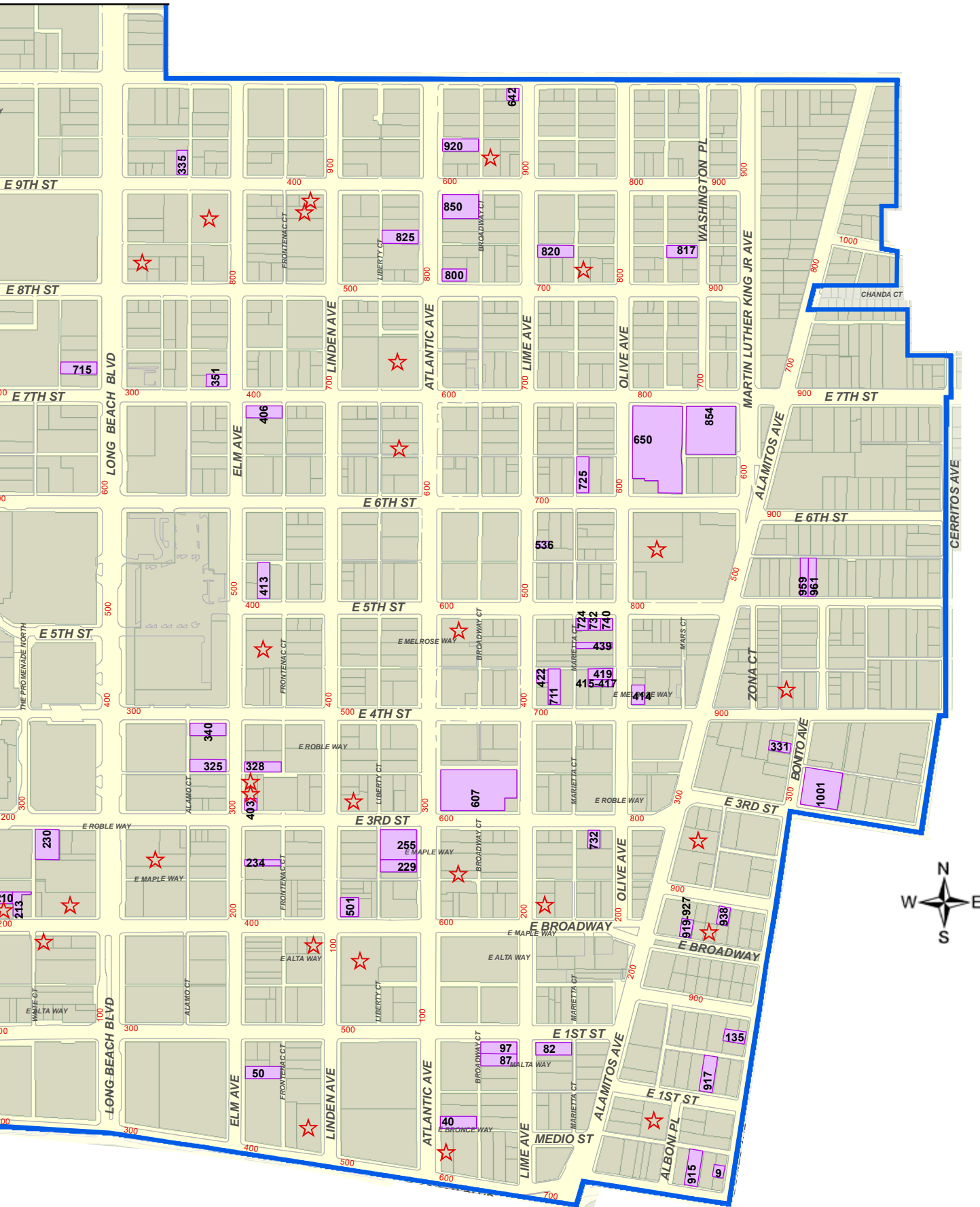


FIGURE 7-1

Downtown Plan Survey - Historically Designated & Significant Landmarks

PLAN ADMINISTRATION



POLICY BASIS AND ROLE OF THE DOWNTOWN PLAN

GUIDING PRINCIPLES

In reviewing and approving development plans and discretionary permits in the Downtown area, the City Council, Planning Commission, Redevelopment Agency and Site Plan Review Committee shall be guided by the following:

1. The goals and policies of the General Plan;
2. The Redevelopment Plans;
3. The development and use standards set forth by this Plan and other local plans; and
4. The procedures, development and use standards set forth in Title 21, Zoning, and other applicable sections of the Long Beach Municipal Code.

SPECIFIC PROCEDURES

One of the primary goals of the Downtown Plan is to enhance Downtown as a more vibrant, livable and walkable area with well-designed, pedestrian-friendly streets. This will be achieved by allowing greater flexibility in the application of context-sensitive development standards oriented toward a human scale rather than an automobile scale.

The Site Plan Review Committee shall have the authority to consider alternative configurations and compliances with certain development standards set forth in this Plan, as noted throughout the Plan document, provided that these alternatives meet the fundamental intent of this Plan and further the goals of this Plan.

The Downtown Plan establishes alternate thresholds for Site Plan Review, superseding the thresholds in Chapter 21.25 of the Long Beach Municipal Code, as follows:

1. Nonresidential Development: 1,000 square feet or more of new building area.
2. Residential Development: Addition of one or more new dwelling units, including replacement of a dwelling unit demolished as defined in Section 21.15.750 of the Long Beach Municipal Code.
3. Façade remodel: Any façade remodel consisting of 25 or more linear feet of façade. The 25 linear feet is counted cumulatively over the entire building frontage and need not be contiguous.

4. Thresholds for requiring Conceptual Site Plan Review, and Site Plan Review approval by Planning Commission:

- a) Nonresidential: Projects of 50,000 square feet or more of new building area.
- b) Residential: Projects of 50 or more new dwelling units, or 50,000 square feet or more of new building area.

For all specific procedures not modified or otherwise specified within the Downtown Plan, all planning entitlement and permitting processes for projects requiring said permits within the Plan area shall be carried out in accordance with the procedures set forth in Chapter 21.25 of the Long Beach Municipal Code.

For any other topical issue, development standard or design guideline, and/or regulation not addressed or otherwise specified within the Downtown Plan shall be carried out in accordance with the provisions of the Long Beach Municipal Code, particularly Chapter 21 (Zoning Code). The particular section of code shall be based on the most appropriate or closely matching land use type or procedure, as determined by the Site Plan Review Committee or Zoning Administrator.

TENANT RELOCATION AND REPLACEMENT HOUSING

In addition to the specific procedures previously outlined, all developments will be subject to the relocation and replacement housing standards as applicable under Chapter 20.32, 21.60, 21.61, 21.63 and 21.65 of the Municipal Code as well as Chapter 4, Article 9, Sections 33410 et seq., of the Community Redevelopment Law.



DEVELOPMENT APPROVAL PROCESS

ENVIRONMENTAL REVIEW

The Downtown Plan incorporates zoning, development standards, and design guidelines to establish design and development criteria in order to guide development in Downtown Long Beach in a way that is consistent with the vision for Downtown.

The Downtown Plan has been completed in conjunction with a Program Environmental Impact Report (EIR). The Program EIR identifies physical changes in the environment that may result from development in accordance with the regulations within this Plan. In addition, the EIR identifies mitigation measures that are available to avoid or minimize the effects of identified significant environmental impacts. These mitigation measures are identified in the Program EIR as well as the Mitigation Monitoring and Reporting Plan (MMRP), which accompanies the Final Program EIR. These mitigation measures include actions that are to be carried out as part of specific future developments.

According to CEQA Guidelines (Section 15168), the approach of a Program EIR is appropriate for evaluating a series of actions that can be characterized as one large project, are related geographically, and are logical parts in the chain of contemplated actions in connection with issuance of rules, regulations, or plans. The Downtown Plan meets this criteria. The Program EIR allows for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on separate individual actions, and ensures consideration of cumulative impacts that might be minimized when analyzed on a case-by-case basis.

The Program EIR provides a first-tier analysis of the environmental effects of the Downtown Plan. CEQA Guidelines (Section 15152) indicates that tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration related to a specific development proposal.

Subsequent activities in accordance with the Downtown Plan, e.g., when specific development projects are proposed, must be examined in light of the Program

EIR to determine whether additional environmental documentation must be prepared. If a subsequent project or later activity would have effects that were not examined in the Program EIR, or were not examined at an appropriate level of detail to be used for the later activity, an initial study (IS) would need to be prepared, leading to a negative declaration or an EIR. If the City finds that pursuant to Section 15152 of the CEQA Guidelines, no new effects could occur or new mitigation measures would be required on a subsequent project, the City can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental documentation would be required.

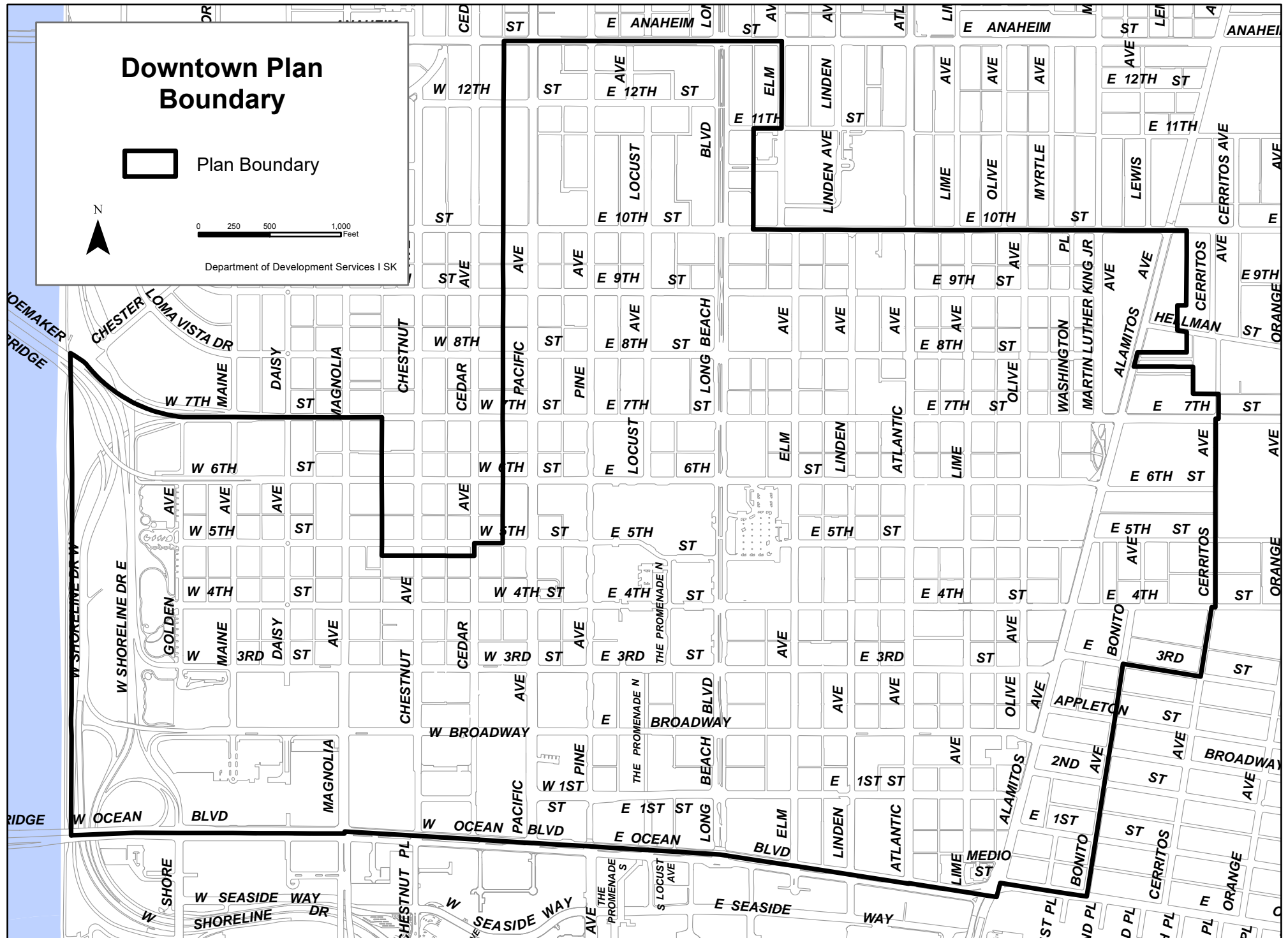
The program EIR will be reviewed as necessary to determine if conditions upon which it is based have changed significantly. If changes are significant then an appropriate updating of the analysis will be performed for the Downtown Plan area as a whole, or by each individual project, as appropriate.



Building A Better Long Beach

lbs.longbeach.gov

Exhibit B



April 15, 2021

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach California

RECOMMENDATION:

Recommend that the City Council find the proposed Zoning Code Amendment exempt from the California Environmental Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15061(b)(3) (Common Sense Exemption), as it will not result directly or indirectly in significant environmental impacts;

Recommend that City Council approve a Zoning Code Amendment (ZCA20-015) to amend language within Title 5 of the Long Beach Municipal Code and within the Downtown Planned Development District (PD-30) to allow the operation of adult-use cannabis dispensaries within mixed-Use buildings in Downtown by way of Conditional Use Permit approval (Districts 1 and 2); and,

Accept Categorical Exemption 20-147 and approve a Conditional Use Permit (CUP20-016) to allow the establishment and operation of an adult-use cannabis dispensary located at 433 Pine Avenue in the Downtown Planned Development District (PD-30). (District 1)

APPLICANT: Elliot Lewis for Casey Crow Collective
6700 Pacific Coast Highway
Long Beach, CA 90803
(Application No. 2011-03)

DISCUSSION

The applicant, Casey Crow Collective, is currently in the process of relocating its medical and adult-use dispensary from 5959 Cherry Avenue in the Community Auto-Oriented (CCA) District to 433 Pine Avenue in PD-30. Notwithstanding the 32-dispensary cap, medical cannabis dispensaries are permitted to be located in any zoning district allowing retail sales, including Planned Development Districts (PDs). However, adult-use cannabis dispensaries can only be located within the commercial zones shown in Table 1. Current regulations further require that adult-use cannabis dispensaries be co-located with medical cannabis dispensaries. Given the City's current regulatory framework for cannabis dispensaries, the proposed relocation of an existing medical and adult-use cannabis dispensary to 433 Pine Avenue, a mixed-use building, would not be permitted in PD-30.



Consequently, an amendment to the Long Beach Municipal Code (LBMC) is needed to allow this request.

The medical cannabis dispensary at 433 Pine Avenue is currently completing the interior tenant improvements within a 4,639-square-foot commercial space. The applicant also proposes to co-locate an adult-use cannabis dispensary with the medical cannabis dispensary. While the medical cannabis dispensary license can transfer over to the project site, as previously noted, the adult-use cannabis dispensary license is currently not allowed in PD-30, and, is moreover, not permitted in mixed-use buildings containing dwelling units citywide, as stipulated in Title 5 of the LBMC. Consequently, the proposed project necessitates a Zoning Code Amendment (ZCA) that would allow the operation of an adult-use cannabis dispensary within a mixed-use building within PD-30. The proposed ZCA would entail the following Municipal Code amendments:

1. Amendments to the PD-30 use tables to allow adult-use cannabis business where retail uses are currently permitted with a Conditional Use Permit (CUP); and
2. Amendments to LBMC Title 5 to:
 - a. Allow cannabis dispensaries in mixed-use buildings in PD-30 only; and,
 - b. Require that dispensaries in PD-30 adhere to PD-30's greater storefront transparency requirements.

Requested entitlements associated with this action are as follows:

- Zoning Code Amendment - changes to the PD-30 Ordinance and to Title 5 of the LBMC. The Planning Commission serves in an advisory capacity on legislative matters and would make a recommendation to the City Council.
- Conditional Use Permit - Requested to allow the operation of an adult-use dispensary in PD-30 (specifically at 433 Pine Avenue under this project), contingent on the approval of the ZCA.

The proposed project, including both the Zoning Code amendments described above and the Conditional Use Permit to allow the establishment and operation of an adult-use cannabis dispensary at the above location, was continued from the March 4, 2021 Planning Commission meeting.

Background

On January 1, 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) took effect, creating a statewide regulatory and licensing system for medical cannabis businesses in California. On November 8, 2016, Long Beach voters approved Measure MM. Measure MM established Chapter 5.90 ("Medical Marijuana Businesses") within the LBMC and created a regulatory structure for medical cannabis businesses in Long Beach. As a part of Measure MM, a limitation of 32 medical cannabis dispensaries was established on a citywide basis. Additionally, measure MM superseded many zoning regulations as to the land use tables defining where medical marijuana businesses are allowed in the City.

On November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). AUMA serves as the equivalent of MCRSA, from the standpoint of adult-use cannabis businesses. The following year, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which merged state regulations for medicinal and adult-use commercial cannabis activity into a single framework. MAUCRSA has given local governments the ability to regulate and/or prohibit adult cannabis activity within their jurisdictions.

Subsequently, in 2018, the City of Long Beach adopted additional changes to portions of LBMC Title 21 - Zoning and Title 5 - Regulation of Businesses, Trades and Professions, all pertaining to the regulation of adult-use cannabis. Changes to LBMC Title 21 included amendments of use tables in Chapters 21.31 (Residential Districts), 21.32 (Commercial Districts), 21.33 (Industrial Districts), 21.34 (Institutional Districts) and 21.35 (Park Districts). These amendments established the regulations that govern each adult-use cannabis type by its land use category. Changes to Chapter 21.32 - Commercial Districts saw the addition of an "Adult-Use Cannabis Dispensary" category to Table 32-1, within Section 21.32.130 of the LBMC (whereby adult-use cannabis dispensaries would be allowed in each of the commercial zones), as shown in Table 1 below. However, it should be noted that these code amendments did not introduce specific changes to any of the PDs. As a result, adult-use cannabis dispensaries are currently not expressly permitted in any of the PDs (including PD-30).

Table 1 – "Adult-Use Cannabis Dispensary" in commercial zones

	Neighborhood			Community				Regional	Other
Retail Services	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS
Adult-Use Cannabis Dispensary	Y	Y	Y	Y	Y	Y	Y	Y	Y

Changes to LBMC Title 5 included the addition of Chapter 5.92 - Adult-use Cannabis Business and Activities, providing all pertinent operational standards for the regulation of adult-use cannabis facilities. As a part of the adoption of Chapter 5.92, licensed dispensaries would be required to co-locate (i.e. hold both a medical license and an adult-use license at one location) and the City would only accept applications for adult-use dispensaries from the 32 existing medical cannabis dispensaries. As a result, the citywide limitation of 32 medical cannabis dispensaries was applied to adult-use cannabis dispensaries as well (notwithstanding the general citywide allowance of adult-use cannabis dispensaries in any of the commercial zones). In May of 2020, the City Council requested an amendment to the LBMC with specific attention to allowing retail cannabis businesses on the ground floor of mixed-use buildings.

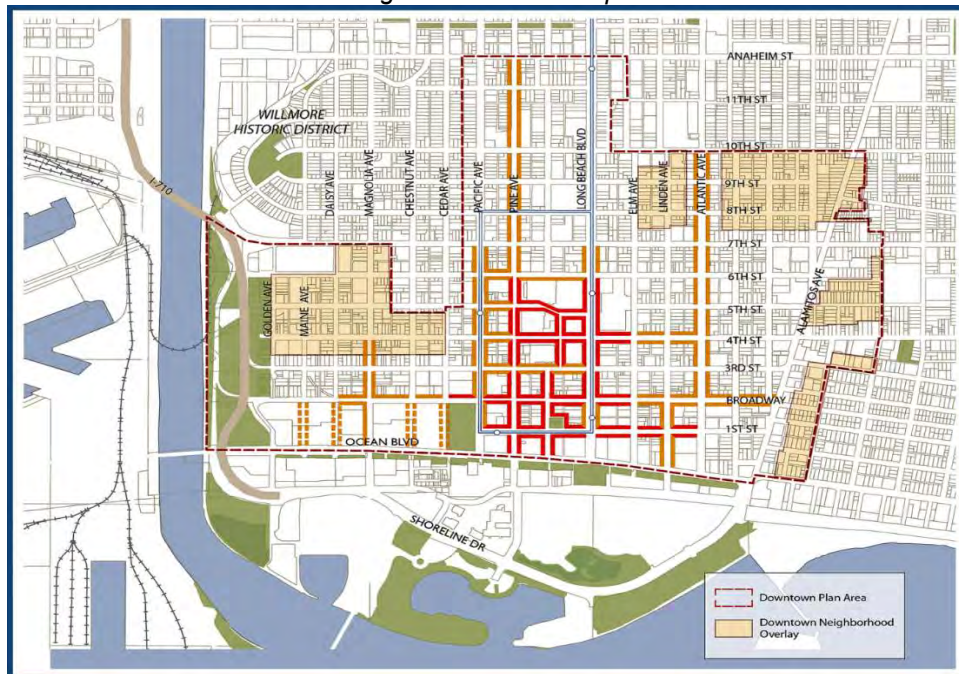
Proposed PD-30 Amendments

The PD-30 Zoning District and regulations precede the changes in cannabis regulation, and PD-30 is currently "silent" regarding adult-use cannabis dispensaries. Although the PD-30 Zoning

District Ordinance does not specifically call out or categorize adult-use cannabis dispensaries in Table 3-1 (Land Uses and Permit Requirements), several establishments exist in Downtown Long Beach because of the co-location requirement. Generally, in the zoning regulations (as outlined above) cannabis dispensaries are treated as any retail use and thus are allowed in commercial zoning districts. However, LBMC 5.92 currently allows dispensaries in commercial buildings and expressly prohibits adult-use cannabis dispensaries from being located within mixed-use buildings. Consequently, Title 5 is proposed to be amended to allow adult-use cannabis dispensaries within mixed use buildings, within in Downtown and if they comply with the storefront transparency requirements. Additionally, in order to allow adult-use cannabis dispensaries within mixed-use buildings in Downtown Long Beach, PD-30 must be amended to include them in the use table. As shown in Attachment A - Proposed PD-30 Amendments, a "Cannabis Dispensary (Adult-use)" category is proposed to be added to the Retail Section of Table 3-1 within the PD-30 Ordinance.

With the proposed PD-30 amendment, an adult-use cannabis dispensary would require a Conditional Use Permit (CUP) approval within the Downtown Plan Area and would be prohibited within the Downtown-Neighborhood Overlay sections of PD-30. The proposed amendments would also indicate that the use would additionally be subject to Title 5 standards. Staff finds that the CUP requirement to approve such uses alongside the Title 5 regulations will sufficiently regulate the use, ensuring that these types of uses can operate in a manner compatible with the mix of commercial and residential uses within the downtown. Furthermore, Title 5 requires several buffers from sensitive uses such as schools and parks, along with a minimum 1,000-foot distance separation between dispensaries. These buffers will further ensure that there would not be an overconcentration of the cannabis dispensaries within the downtown. Figure 1 (PD-30 Map) provides a map of PD-30 which delineates the Downtown Plan Area from the Downtown-Neighborhood Overlay area.

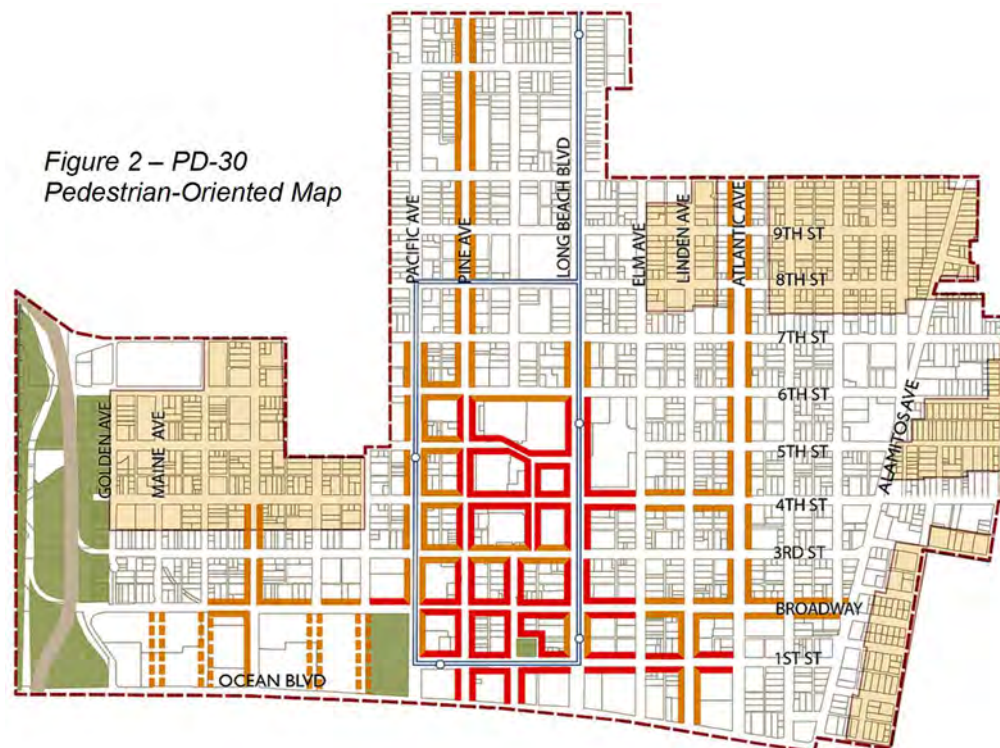
Figure 1 – PD-30 Map



Proposed Title 5 Amendments

In conjunction with the PD-30 amendment, changes to four different sections of Title 5 are proposed and are summarized below (Attachment B - Proposed Title 5 Amendments).

- **5.92.420 – Location Requirements** – Section 5.92.420 of the LBMC currently prohibits any adult-use cannabis premise from being located within a building which contains any dwelling units. As Downtown is made up of a significant percentage of mixed-use properties, particularly in the Downtown Core, adherence to Section 5.92.420 would substantially limit the locations in which an adult-use cannabis dispensary can be established. The proposed amendment to Section 5.92.420 would provide an exception for adult-use cannabis dispensaries located in PD-30.
- **5.92.760 – Visibility** – Section 5.92.760 of the LBMC has visibility standards in relation to public rights-of-way. It states, “...there shall be no exterior evidence of cannabis goods, graphics depicting cannabis goods, or commercial cannabis activity, except for signage authorized by this Code.” However, PD-30 has standards that can potentially be interpreted in conflict with Title 5 visibility regulations. Section 3 of the PD-30 Ordinance identifies specific locations by which a certain percentage of active pedestrian-oriented uses is required. Figure 2 below shows a more detailed look at the PD-30 map, with main and secondary pedestrian-oriented streets shown in red and yellow-orange, respectively.



On main and secondary pedestrian-oriented streets, “clear, nonreflective display windows or doors shall comprise at least 60 percent of the ground-floor street façade of active,

pedestrian-oriented uses. Interior blinds, drapes, posters, signage, and interior shelving for product displays visible from the public right-of-way shall obscure no more than 10 percent of the transparent areas of each respective storefront.” Proposed amendments to Section 5.92.760 of the LBMC would add language to reinforce the window transparency requirements set forth on main and secondary pedestrian-oriented streets in Downtown, per the development standards found in PD-30. Staff believes that the floor plans of future cannabis dispensaries on pedestrian-oriented streets in Downtown can be designed to comply both with Title 5 product visibility requirements and the transparency standards of PD-30, without conflict. Therefore, proposed language would inform potential applicants of their responsibility to design facilities that will comply with both standards.

- **5.92.765 (C) – Building Design** – Section 5.92.765 (C) of the LBMC sets forth building design requirements applicable to cannabis businesses. It states, “On any new commercial or industrial building elevation fronting the street, windows shall comprise at least thirty percent (30%) of the ground floor building elevation...Existing buildings located on public right of ways classified as neighborhood connectors or greater, with elevations visible from the public right of way, shall maintain a minimum window area of at least twenty-five percent (25%) of said building elevation when incorporated with other architectural features and treatments.” The PD-30 transparency requirements can be interpreted in conflict with the current window percentage standards of Section 5.92.765 (C). Therefore, language is proposed in Section 5.92.765 (C) to require such uses to comply with the greater transparency requirements of PD-30, where applicable.
- **5.92.955 – Interior Signage** – Section 5.92.955 of the LBMC requires dispensaries to post certain notices on the interior of their establishment. In order to inform potential applicants of their obligation to comply with the PD-30 requirement not to obscure more than ten percent of transparent windows/doors, additional language is proposed in Section 5.92.955 to reinforce the PD-30 transparency standards for pedestrian-oriented streets.

Zoning Code Amendment Findings

In accordance with state law, the proposed amendments are congruent with the General Plan (Attachment C – ZCA Findings). Specifically, the proposed changes are consistent with the Land Use Element’s goals for Downtown Long Beach. The Downtown (DT) PlaceType designation encourages a mix of land uses and housing types, with a focus on providing active ground-floor shops, restaurants, and cafes. It promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles. Introducing adult-use cannabis dispensaries as a recognized use category eliminates the current ambiguity in the regulations and appropriately implements the with the goals of the DT PlaceType as it relates to the subject use. Dispensaries are recognized as retail uses, which generally falls within the vision of providing active ground-floor shops among the mix of compatible uses. The proposed amendments also require that such uses seek a conditional use permit to ensure sensitive integration of these uses and compatibility with surrounding uses.

Conditional Use Permit (CUP)

The applicant is requesting a CUP to allow the operation of the adult-use dispensary at 433 Pine Avenue, contingent on the approval of the Zoning Code Amendment. The project site is located on the east side of Pine Street between 4th Street and 5th Street (Attachment D – Location Map). It is approximately 16,910 square feet in size and is currently developed with a 4-story mixed-use building of approximately 43,978 square feet. The ground floor consists of 6,119 square feet of commercial space and three residential units. The remainder of the building (levels 2-4) includes a total of twenty-five units. The site is located within the Downtown Planned Development District (PD-30) and has a General Plan PlaceType designation of Downtown (DT). Surrounding land uses are identified in Table 2 below.

Table 2 – Adjacent Zoning and Land Uses

DIRECTION	ZONING	RIGHT-OF-WAY BOUNDARY	LAND USES
North	PD-30	Not applicable	Mixed-use (commercial & residential within the historic Kress Building)
South	PD-30	Not applicable	Mixed-use (commercial & residential within the historic Walker Building)
East	PD-30	Pine Avenue	Mixed-use (commercial & residential)
West	PD-30	Solano Court alley	Multi-family residential / parking

The applicant is currently in the process of completing construction of tenant improvements for a 4,639-square-foot medical cannabis dispensary, approved on June 24, 2020 by the Department of Development Services (Attachment E - Plans) and proposes to co-locate an adult-cannabis dispensary at the subject location.

In order for the Planning Commission to approve the requested CUP, positive findings must be made (Attachment F - CUP Findings). These findings include the requirement that the use not be detrimental to the surrounding community and that it carries out the intent of the General Plan. Regarding the effects on the surrounding community, staff does not anticipate any detrimental impacts resulting from project approval. The project site has already received building permits for a medical cannabis dispensary. Approval to allow the incorporation of adult-use cannabis to the site will not change the integrity of the operation of the dispensary, which is defined as a retail use. The project site consists of approximately 6,119 square feet of ground-level commercial space. The dispensary will occupy 4,369 square feet of that space. Pine Avenue is lined with mixed-use properties that have ground-level commercial space, consisting largely of retail and restaurant uses. It is anticipated that the adult-use cannabis dispensary would be compatible with the active ground-level uses that are currently established along Pine Avenue. LBMC Title 5 sets forth a comprehensive list of operational and safety standards with which the applicant will be required to comply. Furthermore, several conditions of approval will be incorporated to support the requirements of LBMC Title 5 including security measures, lighting, hours of operation, prohibition of loitering, noise and odor control, and proper interior and exterior maintenance (Attachment G -

Conditions of Approval). The CUP would also be conditioned so that it will not be effective unless the ZCA is approved and in effect.

The operation of an adult-use dispensary subject to draft conditions of approval is not expected to cause any negative impacts to the Downtown area, particularly Pine Avenue. The southern portion of Pine Avenue (in relation to PD-30) is located in an area characterized as the “Business and Entertainment Area” of Downtown, serving as the City’s business, retail and tourism hub, and home of many of the City’s historic and cultural commodities. Furthermore, Pine Avenue is identified as a street in Downtown that offers great pedestrian activity with its predominance of ground-floor retail, public spaces and other places of interest. Development of the project site is done in a manner consistent with the standards of PD-30 and the DT PlaceType designation of the General Plan. The proposed amendments and CUP are meant to further promote consistency of development patterns within Downtown by allowing a new active use classification under the Retail category of PD-30 while adhering to the high transparency standards necessary to promote this objective. Staff recommends that the Planning Commission recommend that the City Council approve Zoning Code Amendment 20-015 and approve the Conditional Use Permit (CUP20-016), subject to Conditions of Approval.

PUBLIC HEARING NOTICE

In accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code, a public hearing notice was published in the Long Beach Press Telegram on April 1, 2021 and the public notice posted was online. Due to Covid-19 related facility closures, notices were not posted at libraries. No comments have been received as of the preparation of this report.

ENVIRONMENTAL REVIEW

The proposed Zone Code Amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15308 (Actions By Regulatory Agencies for Protection of the Environment) and Section 15061(b)(s) (Common Sense Exemption) as it can be seen with certainty that the subject modifications to the City’s Municipal Code noted above will not have the potential for having a significant effect upon the environment, and therefore the activity is not subject to CEQA. The proposed amendments modify the approval process for certain uses but do not modify the total amount of development nor the characteristics of that development beyond what was previously studied for Downtown Long Beach. Additionally, the proposed Conditional Use Permit is exempt pursuant to CEQA Section 15301 – Existing Facilities, as the project includes the establishment and operation of an adult-use cannabis dispensary within an existing commercial tenant space (CE20-147).

Quentin Jackson


ALEXIS OROPEZA



Christopher Koontz

OSCAR W. ORCI

Attachments:

- Attachment A – Proposed PD-30 Amendments
- Attachment B – Proposed Title 5 Amendments
- Attachment C – ZCA Findings
- Attachment D – Location Map
- Attachment E – Plans
- Attachment F – CUP Findings
- Attachment G – Conditions of Approval

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:57 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co

From: ANNA LEWIS [mailto:]
Sent: Wednesday, April 14, 2021 5:03 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co

-EXTERNAL-

To whom it may concern,

Please don't play politics with people's lives! DTLB businesses and residents support bringing Catalyst Cannabis Co to the 400 block of Pine Ave. This past year has wreaked havoc on our city. We need this project. It will uplift and bring valuable foot traffic to the surrounding retail businesses. It will generate \$1,000,000 in city tax revenue, and bring 20-30 union jobs. Catalyst is the most charitable and generous cannabis company out there. AND the only one that publicly supported social equity brick and mortar. Thank you for taking the time to read this, and I truly hope you all will put petty short sightedness in the past and do what is right for our beautiful, diverse, and progressive city. I am emphatically pleading please don't delay DTLB Catalyst any longer.

Respectfully,
Brook Orozco

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:57 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co.

From: Natasha Nguyen [mailto:[REDACTED]]
Sent: Wednesday, April 14, 2021 5:05 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co.

-EXTERNAL-

To whom it may concern:

I am writing to express my support for DTLB Catalyst Cannabis Co. I believe the DTLB Catalyst Cannabis Co. project is great and has significant potential. This project will help uplift and revitalize the downtown Long Beach area by helping increase the foot traffic which, in turn, would help the other retailers in the 400 block.

I am also in favor of creating over 20 union jobs as well as the potential \$1,000,000 tax revenue that would be generated.

Please allow this project to move forward.

Respectfully,
Natasha Nguyen

--

Sent from Gmail Mobile

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:57 AM
To: Dionne Bearden
Subject: FW: Public Comment

From: Zachary McKinnon [mailto:[REDACTED]]
Sent: Wednesday, April 14, 2021 5:21 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: Public Comment

-EXTERNAL-

I support Downtown Long Beach Catalyst and the addition of 20+ UNION jobs in Long Beach! Plus, the beautification of the area and foot traffic is much needed to bring more business to DTLB!

Zach McKinnon LB resident 8th dist.

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:56 AM
To: Dionne Bearden
Subject: FW: I Support DTLB Catalyst Cannabis Co

From: Elizabeth Consunji [mailto:[REDACTED]]
Sent: Wednesday, April 14, 2021 5:44 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I Support DTLB Catalyst Cannabis Co

-EXTERNAL-

To whom it may concern:

I am writing to express my support for DTLB Catalyst Cannabis Co. I believe the DTLB Catalyst Cannabis Co. project is great and has significant potential. This project will help uplift and revitalize the downtown Long Beach area by helping increase the foot traffic which, in turn, would help the other retailers on the 400 block of Pine.

I am also in favor of creating over 20 union jobs as well as the potential \$1,000,000 tax revenue that would be generated.

Please allow this project to move forward.

Respectfully,

Elizabeth Consunji

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:55 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co.

From: Liz Consunji [mailto:liz@catalystcannabis.co]
Sent: Wednesday, April 14, 2021 5:45 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co.

-EXTERNAL-

To whom it may concern:

I am writing to express my support for DTLB Catalyst Cannabis Co. I believe the DTLB Catalyst Cannabis Co. project is great and has significant potential. This project will help uplift and revitalize the downtown Long Beach area by helping increase the foot traffic which, in turn, would help the other retailers on the 400 block of Pine.

I am also in favor of creating over 20 union jobs as well as the potential \$1,000,000 tax revenue that would be generated.

Please allow this project to move forward.

Respectfully,

Liz Consunji
Promotions Manager
Catalyst Cannabis Co.
South Cord Holdings
C: 562-308-6350
E: liz@catalystcannabis.co

PLEASE NOTE: All COD deliveries and payment pickups must be scheduled 72 hours in advance. Net terms deliveries may be scheduled 48 hours in advance. Please use the following links to schedule your delivery or payment pick up now.

[Catalyst Bellflower](#) | [Catalyst Belmont](#) | [Catalyst Eastside](#) | [Catalyst Cherry](#) | [Catalyst Santa Ana](#)

Please use the links below to upload invoices for all deliveries and/ or payment pickups:

[Belmont Invoice Uploads](#)
[Cherry Invoice Uploads](#)
[Bellflower Invoice Uploads](#)
[Eastside Invoice Uploads](#)
[Santa Ana Invoice Uploads](#)

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:55 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co

From: Kerissa Torres [mailto: [REDACTED]@longbeach.gov]
Sent: Wednesday, April 14, 2021 6:35 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co

-EXTERNAL-

To Whom It May Concern,

I fully support the DTLB Catalyst Cannabis Co. location!

Catalyst Cannabis Co. genuinely cares for the Long Beach community. Catalyst has a vision beyond just being a cannabis retailer; they strive to bring diversity and change to our communities! They are proud to be a voice for those that have no platform to speak and are working endlessly to bring justice for social equity and equality! By allowing this location to open only allows for a greater platform for positive change. As a Long Beach native, I am also in favor of the potential of providing our city with \$100,000,000 in city tax revenue, 20-30 more union jobs and more foot traffic to the other retailers in the 400 block.

I am more than proud to stand alongside Catalyst Cannabis Co and hope that you will stand with us too! Please do not delay this project any longer.

--

Regards,

Kerissa Torres

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:55 AM
To: Dionne Bearden
Subject: FW: Response to the LBCA's Letter RE the 433 Pine Project
Attachments: Response to the LBCA's Letter RE the 433 Pine Project.pdf

From: Damian A. Martin [mailto:[REDACTED]]
Sent: Wednesday, April 14, 2021 6:46 PM
To: CityClerk <CityClerk@longbeach.gov>; LBDS <LBDS@longbeach.gov>
Cc: steveneal4lb@gmail.com; pam@thelbca.com; skaufman [REDACTED]; 'George M. Yin' <gyin@kaufmanlegalgroup.com>
Subject: Response to the LBCA's Letter RE the 433 Pine Project

-EXTERNAL-

City Clerk DeLaGarza and Long Beach Development Services, Planning Bureau:

Please provide the attached letter to the Honorable Mayor, City Councilmembers, Planning Commission Chair, and Planning Commissioners and include the attached in the record of any proceeding of the Long Beach City Council, the Long Beach Planning Commission, or other City of Long Beach public body or agency involving the proposed cannabis dispensary to be located at 433 Pine Avenue, Unit 500, Long Beach, CA 90802, that include (i) the Letter RE "Request for Equal Treatment of Retail and other type Cannabis Businesses through an (sic) Comprehensive Ordinance Amendments; Denial of CUP 20-016 and Rejection of 'Spot Zoning' Zoning Code Amendments" authored by the Long Beach Collective Association or (ii) the Letter RE "Cannabis Uses within Mixed Use Development in Long Beach" authored by George M. Yin of the Kaufman Legal Group.

Respectfully,

Damian A. Martin, Esq., M.B.A.

Phone: [REDACTED]
[REDACTED]@gmail.com

PRIVILEGE AND CONFIDENTIALITY NOTICE: This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. The contents of this e-mail message and any attachments are intended solely for the party or parties addressed and named in this message. This communication and all attachments, if any, are intended to be and to remain confidential. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute, or copy this message and or any attachments if you are not the intended recipient. Do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments. Although this email and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by this sender for damage arising in any way from its use.

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FEDERAL LAW DISCLAIMER: Under federal law, it is a crime to possess, use, distribute, or sell cannabis and any products containing cannabis. Advice regarding compliance with California law in no way constitutes advice regarding compliance with federal law and Damian A. Martin's, legal services are in no way intended to assist any client in violating federal law.

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:55 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co

From: Vicki vale [mailto:a[REDACTED]]
Sent: Wednesday, April 14, 2021 6:39 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co

-EXTERNAL-

During these trying times caused by the pandemic we had an opportunity to see what people were truly made of. When times get tough people reveal their true characters. Some people fold under pressures and others rise. I have been front seat to witness an organization literally take the community upon its shoulders during the most tumultuous times through not only community and social initiatives but doing what many were unable to do...provide full time employment to Long Beach citizens and on a grand scale. You know we are not out of the clear yet despite having a vaccination it is going to take the community pulling together to restore not only the local economy but faith in humanity. With that said I am writing in support of the opening of DTLB Catalyst Cannabis Co.. It would uplift the 400 block of downtown, increasing foot traffic and thus retail business. It would generate \$1,000,000 in city tax revenue and supply 20-30 union jobs.

I know politics plays a large role in these types of decisions but all things considered it's time for politics to take a backseat to humanity and doing what is best for the people and the people needs jobs. The people need foot traffic so that they can afford the rent on their retail businesses. The people need you to put the needs of the city before frivolous politics and stop the delay of the opening of DTLB Catalyst and get back on the road to economic recovery in away that benefits the city and the people.

Regards,
Ayesha Wilson

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:54 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co.

From: Blake Hogen [mailto: [REDACTED]]
Sent: Wednesday, April 14, 2021 7:22 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co.

-EXTERNAL-

To Whom It May Concern,

I am in full support of the DTLB Catalyst Cannabis Co. Location. Catalyst is all about supporting local communities and no more so than in the City of Long Beach. Catalyst loves partnering with local restaurants and any nearby businesses to help lift them up. They thrive in being a good partner to both the city and community. This location will help all local businesses in the 400 block with some much needed foot traffic. Even more so by opening up this location it will provide at least 20 well paid Union jobs and bring in over \$1,000,000 in City Tax Revenue within its first year and that is only the beginning.

I do hope you look to approve this project quickly so that Catalyst can help out the area as soon as possible as we move out of this pandemic and into a better and brighter day.

Sincerely,

Blake Hogen
[REDACTED]

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:54 AM
To: Dionne Bearden
Subject: FW: I support DTLA Catalyst Cannabis Co

From: Zoe Cruz [mailto: [REDACTED]@longbeach.gov]
Sent: Wednesday, April 14, 2021 8:30 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLA Catalyst Cannabis Co

-EXTERNAL-

To whom it may concern,

I am writing to express my support for DTLB Catalyst Cannabis Co. I believe the DTLB Catalyst Cannabis Co. project is great and has significant potential. This project will uplift and revitalize the Downtown Long Beach area by helping increase the foot traffic which, in turn, would help other retailers on the 400 block of Pine.

I am also in favor of creating over 20 union jobs as well as the potential \$1,000,000 tax revenue that would be generated.

Please allow this project to move forward.

Respectfully,

Zoe Rose Cruz

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:53 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co

-----Original Message-----

From: Raylene McCormick [mailto:[REDACTED]]
Sent: Wednesday, April 14, 2021 9:39 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co

-EXTERNAL-

To whom this may concern:

Catalyst Cannabis Co is a company who stands for their people and community. Approving a DTLB Catalyst will increase the foot traffic and retail businesses in the heart of the city, benefitting the city and citizens. The company could fund \$1,000,000 in city tax revenues. The new location would also create over 20 union jobs for the citizens of Long Beach. To say that Catalyst Cannabis Co helps the community would be an understatement, for the company has continually advocated for social justice, equal opportunity, and economic growth.
Thank you for your time.

Best regards,

RAYLENE MCCORMICK

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:53 AM
To: Dionne Bearden
Subject: FW: I Support DTLB Catalyst Cannabis Co.

From: Becky Sepulveda [mailto:[REDACTED]]
Sent: Wednesday, April 14, 2021 10:07 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I Support DTLB Catalyst Cannabis Co.

-EXTERNAL-

Uplifting the downtown 400 block increases foot traffic and retail businesses especially hurting because of Covid. Brings \$1,000,000 in City Tax revenue a win win. 21-25 union jobs to people in need. Please approve this!

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:53 AM
To: Dionne Bearden
Subject: FW: I Support DTLB Catalyst Cannabis Co.

From: Korinna Casas [mailto:korinna@catalystcannabis.co]
Sent: Wednesday, April 14, 2021 10:15 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I Support DTLB Catalyst Cannabis Co.

-EXTERNAL-

To whom it may concern:

I am writing to express my support for DTLB Catalyst Cannabis Co. I believe the DTLB Catalyst Cannabis Co. project is great and has significant potential. This project will help uplift and revitalize the downtown Long Beach area by helping increase the foot traffic which, in turn, would help the other retailers in the 400 block.

I am also in favor of creating over 20 union jobs as well as the potential \$1,000,000 tax revenue that would be generated.

Please allow this project to move forward.

Thank You
Korinna Casas
General Manager
Catalyst Santa Ana
p: 562-391-3130
e: korinna@catalystcannabis.co



PLEASE NOTE: All COD deliveries and payment pickups must be scheduled 72 hours in advance. Net terms deliveries may be scheduled 48 hours in advance. Please use the following links to schedule your delivery or payment pick up now.

[Catalyst Santa Ana](#)

Please use the links below to upload invoices for all deliveries and/ or payment pickups:

[Santa Ana Invoice Uploads](#)

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:53 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis

-----Original Message-----

From: brittney ramirez [mailto:]
Sent: Wednesday, April 14, 2021 11:17 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis

-EXTERNAL-

1. Uplifting more foot traffic and retail business 2. \$1,000,000 in city tax revenue 3. 21-25 union jobs

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:52 AM
To: Dionne Bearden
Subject: FW: I Support DTLB Catalyst Cannabis Co.

From: Julia Axelrod [mailto:julia@hifiexchange.us]
Sent: Wednesday, April 14, 2021 11:48 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I Support DTLB Catalyst Cannabis Co.

-EXTERNAL-

To Whom it May Concern:

I am writing to support the Catalyst Cannabis Co. Downtown Long Beach location on Pine.

Catalyst Cannabis Co. is a staple cannabis retail name in Long Beach which has a loyal client base that supports the company's mission and fair pricing. The project will uplift the 400 block increasing foot traffic which is great for small businesses in the area. It will also create 1,000,000 and create 21-25 union jobs.

All are positive aspects of this project and hope for the good of the community that this project is approved.

Best,
Julia

--

Julia Axelrod
HiFi Exchange

310.801.1338 (c)
julia@hifiexchange.us
hifiexchange.us

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:52 AM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co

-----Original Message-----

From: Alyssa Canann [mailto:alyssa@gourmetdetective.com]
Sent: Thursday, April 15, 2021 1:08 AM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co

-EXTERNAL-

To whom it may concern:

I support the opening of a Catalyst store downtown. Catalyst is a proven, ethical, exemplary cannabis retailer with a strong commitment to local economic development. A Catalyst store will increase foot traffic and retail business in the 400 block of Pine, revitalizing an area still reeling from the impact of Covid shutdowns and restrictions. Catalyst is a union employer that hires locally. Please say yes to 21+ new union jobs for Long Beach locals and \$1,000,000 plus in city tax revenue! Icing on the cake: Catalyst is committed to providing social equity opportunities as an essential component of its cannabis business plan. This company is actively sponsoring local social equity players with brick and mortar opportunities. They back up their words with deeds. DTLB Catalyst is a win-win-win for all.

Respectfully,
Alyssa Canann

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 9:52 AM
To: Dionne Bearden
Subject: FW: I SUPPORT DTLB Catalyst Cannabis Co.

From: Samantha N. Kohler [mailto:[REDACTED]]
Sent: Thursday, April 15, 2021 9:38 AM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I SUPPORT DTLB Catalyst Cannabis Co.

-EXTERNAL-

For the City's consideration,

I am writing to express my support for DTLB Catalyst Cannabis Co. I believe this project is great and has significant potential in uplifting the surrounding community. Catalyst Cannabis Co. will help uplift and revitalize the downtown Long Beach area by helping increase the foot traffic which, in turn, would help the other retailers on the 400 block of Pine.

This new Catalyst location will also create over 20 union jobs, as well as the potential \$1,000,000 tax revenue that would be generated.

Please allow this project to move forward.

Respectfully,

--

Samantha Kohler
Community & Digital Organizer
Catalyst Cannabis [REDACTED]
[REDACTED]

Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 1:39 PM
To: Dionne Bearden
Subject: FW: I support DTLB Catalyst Cannabis Co.

From: Natasha Nguyen [mailto: [REDACTED]]
Sent: Thursday, April 15, 2021 1:18 PM
To: CityClerk <CityClerk@longbeach.gov>
Subject: I support DTLB Catalyst Cannabis Co.

-EXTERNAL-

To whom it may concern:

I am writing to pledge my full support for the DTLB Catalyst Cannabis Co. project. Catalyst has been a leader in the Long Beach community and has strived to bring diversity and change to the Long Beach community.

The DTLB Catalyst project has so much potential. From creating 25 union jobs to the potential tax revenue generation that is upwards of \$1,000,000 to simply creating buzz to increase foot traffic on the 400 block that stands to benefit the entire Long Beach downtown community, the DTLB Catalyst project will benefit the community as a whole.

Please allow this project to move forward.

Respectfully,

Natasha Nguyen
Chief of Staff
South Cord Holdings
E: natasha.nguyen@southcordholdings.com



April 9, 2021

City of Long Beach
Attn.: City Council
411 W. Ocean Blvd. – Civic Chambers
Long Beach, CA 90802

Re: Request for Equal Treatment of Retail and other type Cannabis Businesses through an Comprehensive Ordinance Amendments; Denial of CUP 20-016 and Rejection of “Spot Zoning” Zoning Code Amendments

Dear Honorable Mayor, City Council, Planning Commissioners, and City Staff:

It has come to our attention that the Council is considering a Conditional Use Permit application for a cannabis retail use in downtown Long Beach (CUP20-016) through the use of “spot zoning” amendments to the Zoning Code. I oppose this application and the requested Zoning Code amendments because they are fundamentally unfair and not in line with the goals and standards set forth in the City’s General Plan.

As an existing cannabis business operator in the City of Long Beach, I urge you to deny the aforementioned Conditional Use Permit application and table any other proposed Zoning Code amendments at this time. Cannabis businesses have long sought to operate in the City of Long Beach because of the transparent, fair, and reputable processes that the City has put in place for cannabis businesses thus far. Approving a Conditional Use Permit application for a location in a zoning district that has been unavailable to all other cannabis businesses not only sets a dangerous precedent about the acceptable nature of spot zoning, but also communicates to cannabis businesses that the City can be swayed to support the desires of a single operator rather than the best interests of the Long Beach cannabis business community as a whole.

If Zoning Code changes are to be made to allow retail type cannabis uses within the downtown area, such changes should occur through the typical code/ordinance amendment processes routinely followed by the Council. All stakeholders, including other cannabis business operators, should have the chance to provide input on any Zoning Code changes regarding cannabis business locations. Additionally, all cannabis businesses should have an equal opportunity to apply for and be considered for retail permits in any and all newly approved zoning districts.

Should the Council vote to approve CUP20-016, it will not only allow a single operator to take advantage of the City’s zoning rules and approval processes, but it will also limit other operators’ ability to conduct business in downtown in the future because of the setbacks required between cannabis retail establishments. For the reasons above, I respectfully urge you to deny Conditional Use Permit application number CUP20-16 indefinitely and to table any and all other Zoning Code amendment considerations until stakeholders have had the opportunity to provide input.

Respectfully,

Angela Lockhart
Secretary PECC
lbpecc.org
714 820 1430



Dionne Bearden

From: CityClerk
Sent: Thursday, April 15, 2021 3:03 PM
To: Dionne Bearden
Subject: FW: Request for Equal Treatment of Retail and other type Cannabis Businesses through an Comprehensive Ordinance Amendments; Denial of CUP 20-016 and Rejection of "Spot Zoning" Zoning Code Amendments
Attachments: LBCA Equal Treatment 415 LBGR.pdf

From: Tarick Fouz [mailto:tarick@lbgreenroom.com]
Sent: Thursday, April 15, 2021 2:38 PM
To: Council District 1 <District1@longbeach.gov>; Mayor <Mayor@longbeach.gov>; Council District 2 <District2@longbeach.gov>; Council District 3 <District3@longbeach.gov>; Council District 4 <District4@longbeach.gov>; Council District 5 <District5@longbeach.gov>; Council District 6 <District6@longbeach.gov>; Council District 7 <District7@longbeach.gov>; Council District 8 <District8@longbeach.gov>; Council District 9 <District9@longbeach.gov>; LBDS <LBDS@longbeach.gov>; PlanningCommissioners <PlanningCommissioners@longbeach.gov>; CityClerk <CityClerk@longbeach.gov>; Patricia Diefenderfer <Patricia.Diefenderfer@longbeach.gov>
Cc: Adam H <adam.lbca@gmail.com>
Subject: Re: Request for Equal Treatment of Retail and other type Cannabis Businesses through an Comprehensive Ordinance Amendments; Denial of CUP 20-016 and Rejection of "Spot Zoning" Zoning Code Amendments

-EXTERNAL-

Dear Honorable Mayor, City Councilmembers, Planning Commission, & City Staff:

In regards to April 15th, 2021 Planning Commission Item Agenda Item 1. 21-024PL

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Thank you,

Tarick Fouz
Long Beach Green Room
Store Manager
949-910-5066
tarick@lbgreenroom.com

April 15, 2021

City of Long Beach
Attn.: City Council
411 W. Ocean Blvd. – Civic Chambers
Long Beach, CA 90802

Re: Request for Equal Treatment of Retail and other type Cannabis Businesses through an Comprehensive Ordinance Amendments; Denial of CUP 20-016 and Rejection of “Spot Zoning” Zoning Code Amendments

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Respectfully,





CDAC CHERRY INC dba FLIGHT ON CHERRY

City of Long Beach
Attn.: City Council
411 W. Ocean Blvd. – Civic Chambers
Long Beach, CA 90802

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Respectfully,



Joe Rollino

Flight On Cherry
1940 E. Del Amo Blvd.
Long Beach, CA 90807

Store: (562) 337-8484
Corp. Office (714) 846-8500

www.flightoncherry.com
[@flightoncherry](https://www.instagram.com/flightoncherry)

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Alcohol Beverage Sales				
Off-premise sales	C ^a	C ^a		See footnote (a).
On-premise sales	Y*/C ^a	C ^a	M, S	*Permitted by right within the height incentive area only. All other areas require a conditional use permit. Also see footnote (a).
Automobile Uses				
Auto detailing, with handheld machines only	AP*	AP*		*Inside parking structures or garages only.
Car wash	N	N		
Gasoline sales	N	N		
General auto repair (body work, painting, major mechanical work, etc.), as defined in 21.15.280	N	N		
Minor auto repair, as defined in 21.15.190	AP*	N		*Installation or sale of stereos and car alarms prohibited.
Limousine service (does not include auto repair)	A*	A*		*Accessory to hotel use only.
Motorcycle/scooter/jet ski sales	AP*	C*		*Indoor showroom only. Drop-off for off-site repair is allowed. Oil changes and minor on-site repair of tires, lights, etc. are allowed; any engine repair is prohibited on-site. No engine demonstrations on-site.
Parking structure	C*	C*		*Surface parking lots are limited to interim uses only.
Recreational vehicle storage	N	N		
Rental agency (does not include auto repair)	A*	N		*Accessory to hotel use only.
Rental agency – other than passenger cars	N	N		
Surface parking lot (interim only)	Y*	Y*		Interim use only. Subject to annual approval and review by Site Plan Review Committee. See Section 4, page 88, Parking Structure Design.
Vehicle/automotive parts – without installation	AP*	N		*Sale of stereos and car alarms prohibited.
Vehicle/automotive parts – with installation; tire store	N	N		
Vehicle sales – indoor showroom only	AP	AP		
Vehicle sales – outdoor	N	N		
Billboards				
Billboards/off-site advertising signs (any size)	N	N		

PERMITTED LAND USES

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Uses				
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Entertainment				
Amusement machines	A*	A*		*Limited to 4 or fewer.
Arcade, bowling alley, miniature golf, tennis club, skating rink, or the like	C	N		
Banquet room rental – accessory to restaurant or hotel	A	N		
Banquet room rental – not accessory to restaurant or hotel	AP	N		
Computer arcade, internet café	AP*	C*	M, S	*Subject to 21.52.220.5 except subsection (K).
Dancing	A*	N		*Accessory to restaurant, hotel, banquet room rental only.
Live or movie theater – less than 100 seats	Y	C	M, S	
Live or movie theater – 100 seats or more	Y	N	M, S	
Private club, social club, night club, pool hall	C*	N	M, S	*City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y*	N	M, S	*City council hearing is required for new and transferred business licenses.
Financial, Professional, and Personal Services				
Basic professional services – barber/beauty shop, catering (w/o trucks), diet/nutrition center, pet grooming, dry cleaner, housing cleaning service, locksmith, mail box rental, nail/manicure shop, repair shop for small appliances or electronics, bicycle sales/repair, tailor, shoe repair, tanning salon, travel agent, or veterinary clinic	Y	AP	M, S	
Basic professional services – accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractors, computer programming, consulting, contracting, dentistry, engineering, insurance, law, marketing, medicine, photography, professional care providers (MFC, MFCC, MSW, psychiatric nurses), psychiatry, psychology, real estate, tax preparation, or visitor information center	Y	AP	S	
ATM – on interior of building; vestibule	Y	AP	M, S	
ATM – freestanding exterior; walk-up machine on exterior wall of building	AP	AP	M, S	

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Bail bonds	C*	N		*Allowed only as a conditional use within 600 feet of a police station, jail, or court facility.
Bank, credit union, savings and loan	Y*	AP*	S	*Drive-thru windows prohibited.
Business support service (copy, fax, mail box rental, supplies; business equipment rental, sale, and repair)	Y*	AP*	S	*Administrative Use Permit required for offset printing.
Check cashing, payday loans	N	N		
Escrow, stocks and bonds broker	Y	AP	S	
Fitness center, gymnasium, health club, personal training, martial arts studio, dance/ballet studio	Y	C	S	
Laundromat	AP	C		
Massage therapy – accessory to other uses	A*	A*	S	*Subject to 21.51.243.
Massage establishment (not adult entertainment) – principal use	AP	C	S	
Major appliance repair (stove, refrigerator, upholstery, lawn mowers, etc.)	C	N		
Self-storage, mini-warehouse, etc.	N	N		
Shoe-shine stand – indoor or outdoor	A	A		
Tattoo parlor	C*	N	M, S	*Subject to 21.52.273.
Termite and pest control	N	N		
Vending machines – exterior	A*	A*		*Subject to 21.51.295.
Institutional Uses				
Adult day care	AP	C		
Church or other house of worship	C	C	S	Minor Conditional Use Permit
College or university	Y	AP	M, S	
Convalescent hospital or home	N	N		
Day care or pre-school – not accessory to a residence	Y*	Y*		*Conditional Use Permit required for over 14 children, unless accessory to an office building greater than 20,000 sf. Subject to 21.52.249.
Elementary or secondary school	C*	C*		*Subject to 21.52.263.
Government offices, fire or police station, courthouse, library, or other government facility	Y	AP	S	

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use				
	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Industrial arts trade school or rehabilitation workshop	AP	N	S	
Museum	Y	AP	M, S	
Mortuary	N	N		
Parsonage	A*	A*		*Accessory to a house of worship.
Professional or business school	Y	AP	M, S	
Social service office (as defined in 21.15.2795) with or without food distribution	C	N		
Residential Uses				
Artist studio with residence	Y	Y	S	
Caretaker residence	A	A		
Child day care – accessory to residence, 14 or fewer children	A*	A*		*Subject to Section 21.51.230.
Child day care – accessory to residence, more than 14 children	C*	C*	S	*Subject to Section 21.52.249.
Community correctional reentry facility	N	N		
Residential	Y	Y	S	
Shopkeeper unit	Y*	Y*	S	*Commercial uses are regulated as set forth in this table and document.
Special group residence* (as defined in 21.15.2810)	C**	C**		**Subject to 21.52.271.
Restaurants & Ready-to-eat foods				
Restaurants & Ready-to-eat foods	Y*	AP*	M, S	*Drive-thru lanes prohibited.
Outdoor dining	A	A		
Vending cart – food items only	AP*	AP*	M, S	*Subject to 21.45.170.
Retail Sales				
Basic retail sales	Y	AP	M, S	
Building supply or hardware store with lumber, drywall, or masonry (hardware stores w/o lumber, drywall, or masonry are considered basic retail)	N	N		
<u>Cannabis Dispensary (Adult-Use)</u>	<u>C</u>	<u>N</u>	<u>M, S</u>	<u>*Subject to Title 5 Standards</u>
Flower stand or newsstand – not accessory to another use	Y*	Y*	M, S	*Subject to 21.45.135, except subsection (B.1).
Itinerant vendor	T	N		

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

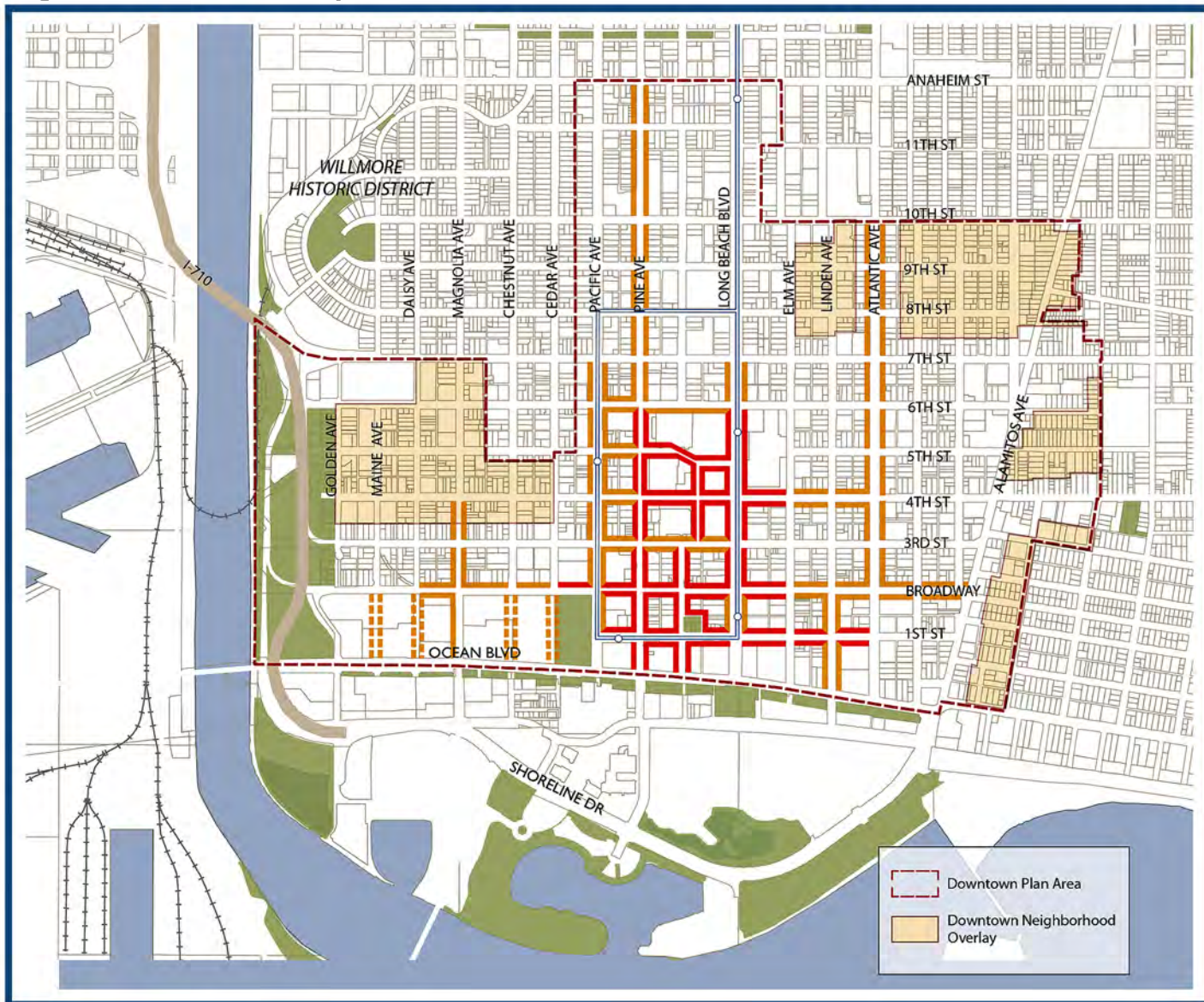
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Major appliance sales (refrigerators, stoves, etc.)	Y	N		
Manufacture of products sold on-site	A*	AP*		
Outdoor flower, plant, fruit, or vegetable sales	A*	A*		
Swap meet, flea market, sales event – outdoor	T*	N		*Subject to 21.52.256. Indoor swap meets and flea markets are prohibited.
Thrift store, used merchandise, consignment shop	C*	N		*Subject to 21.52.281.
Vending cart – nonfood items	AP*	AP*	M, S	*Subject to 21.45.170.
Temporary Lodging				
Bed and breakfast inn	AP*	AP*		*Inns with fewer than 7 guest rooms are exempt from the AUP requirement. All inns are subject to 21.52.209.
Hotel	Y	N	M, S	As defined in 21.15.1380.
Motel	N	N		As defined in 21.15.1800.
Youth hostel	AP	N	S	
Other Uses				
Adult entertainment business	Y*	N		*Subject to Section 21.45.110.
Carnival, event, fair, fiesta, outdoor exhibition, seasonal sales, trade show, and the like	T*	T**		*Subject to 21.53.113. **Subject to 21.53.109.
Cellular or wireless telecommunications facility – building roof/mounted	Y*	C*		*Subject to Section 21.45.115. Freestanding monopoles are prohibited.
Electrical distribution station/substation	C	C		
Firearm sales or repair; fighting knives or martial arts weapons sales or repair	N	N		
Park, community gardens	Y	Y	M, S	
Recycling center – attended	N	N		
Recycling collection containers	A*	A*		*Subject to 21.51.265. Includes not more than four (4) reverse vending machines at one specific location.
Transportation facilities (bus terminals, cab stands, heliports/helistops, train stations, etc.)	C	C	M, S	
Towing – accessory or principal use	N	N		

PERMITTED LAND USES

Notes:

- (a) The following alcoholic beverage sales may be exempted from the Conditional Use Permit requirement:
1. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. For example, a sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a Conditional Use Permit to continue to sell alcohol.
 2. Department store or florist with accessory sale of alcoholic beverages.
 3. A brew pub or other similar facility that produces for on-site consumption may offer off-premises sales in accordance with State law.
 4. Grocery stores of 20,000 square feet or greater with accessory sale of alcoholic beverages.
- (b) Refer to Figure 3-1, which depicts areas in Downtown Long Beach that require a certain mix or percentage of ground-floor, pedestrian-oriented uses. Refer to Additional Zoning Standards: Pedestrian-Oriented Uses for specific development standards on ground-floor, pedestrian-oriented uses.

Figure 1 - PD-30 Map



PROPOSED TITLE 5 CHANGES

5.92.420 – Location Requirements.

- A. Except as otherwise provided for in this Chapter, a premises shall comply with zoning districts in Title 21 (Zoning Ordinance) of this Code, Specific Plans, or Planned developments, and a premises shall not be located:
 - 1. Within a one thousand-foot (1,000') radius of a public or private school (as defined in California Health and Safety Code Section 11362.768(h)).
 - 2. Within a one thousand-foot (1,000') radius of a public beach.
 - 3. Within a six hundred-foot (600') radius of a public park, public library, or day care center.
 - 4. A Dispensary shall not be within a one thousand-foot (1,000') radius of any other Dispensary.
 - 5. Within a building which contains a dwelling unit, with the exception of adult-use cannabis dispensaries, as otherwise permitted on ground floors of mixed-use buildings within the Downtown Planned Development District (PD-30).
 - 6. Within a dwelling unit within any zoning district.
- B. Youth center buffer. Pursuant to its authority under California Business and Professions Code Section 26054, the City hereby establishes a zero-foot (0') radius buffer for youth centers for Adult-Use Cannabis Businesses licensed under this Chapter; therefore, there is no buffer distance requirement for youth centers for Adult-Use Cannabis Business within the City.

5.92.760- Visibility.

- A. From a public right-of-way, there shall be no exterior evidence of cannabis goods, graphics depicting cannabis goods, or commercial cannabis activity, except for any signage authorized by this Code. Premises located within PD-30 shall also be designed to comply with Downtown Pedestrian-Oriented transparency standards (if applicable), whereby clear, nonreflective display windows or doors shall comprise at least 60 percent of the ground-floor street façade of active, pedestrian-oriented uses.
- B. Exterior lighting. Every Adult-Use Cannabis Business shall implement exterior lighting security measures including, but not limited to:
 - 1. All exterior light fixtures shall be vandal resistant, installed on exterior walls, and shall be the type of fixture with proper cut-offs to avoid any light pollution, including but not limited to, urban sky glow, light trespass, glare, and clutter.
 - 2. Exterior lighting shall clearly illuminate the building address, all parking, driving, and walking surfaces, exterior doors, and all window areas during the hours of darkness.
 - 3. Any broken or burned out lights shall be replaced within seventy-two (72) hours.

5.92.765 – Building Design

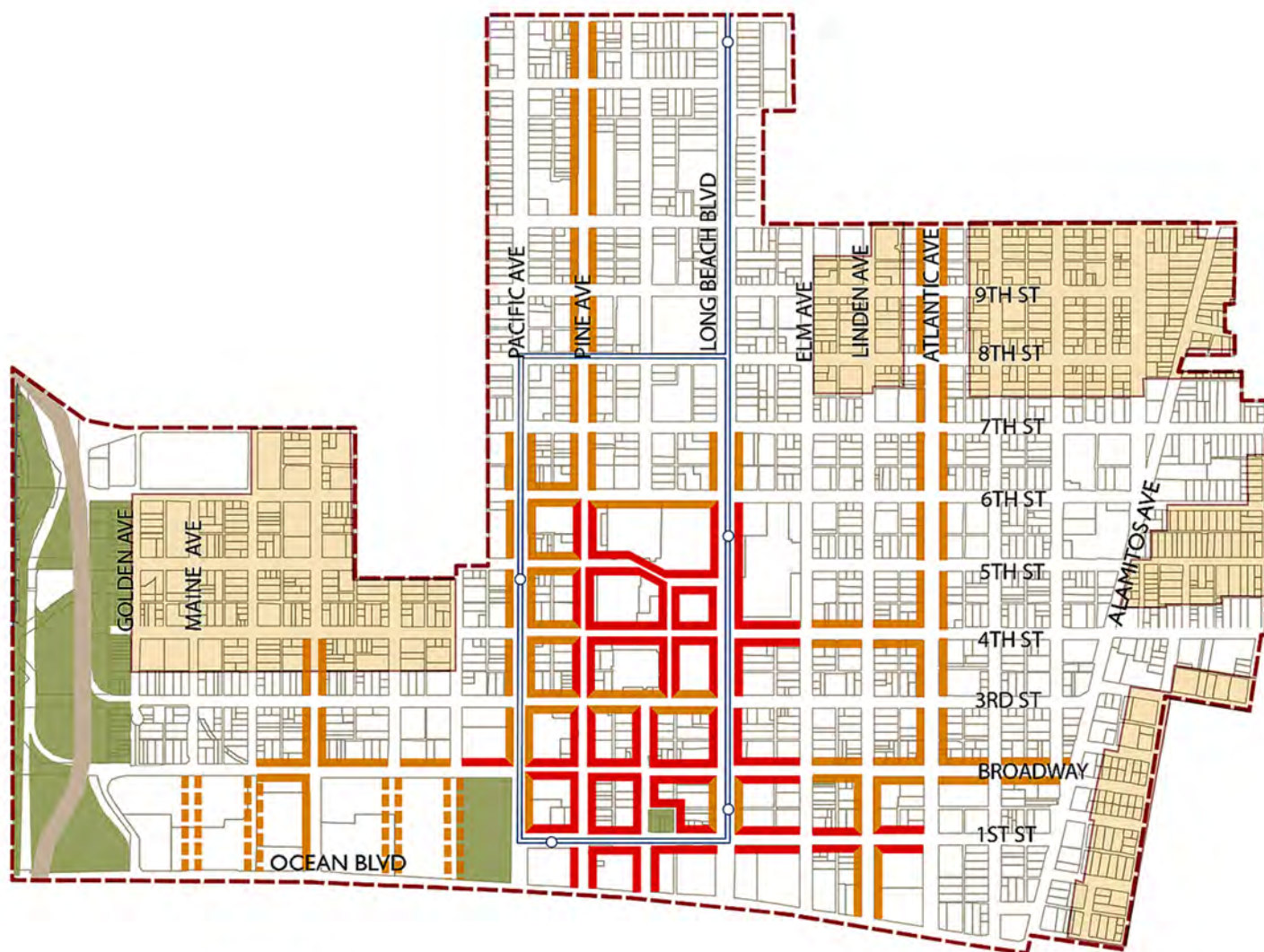
The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

- A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.
- B. Any blank building facade on an existing industrial or commercial building over twenty-five feet (25') visible from the street shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, transparent windows, doors, changes in color and materials and landscaping that result in a building with articulation.
- C. Windows.
 - 1. On any new commercial or industrial building elevation fronting the street, windows shall comprise at least thirty percent (30%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.
 - 2. Existing buildings located on public right of ways classified as neighborhood connectors or greater, with elevations visible from the public right of way, shall maintain a minimum window area of at least twenty-five percent (25%) of said building elevation when incorporated with other architectural features and treatments.
 - 3. An identifiable entrance to the cannabis facility shall be visible from the street.
 - 4. Windows along the street-facing frontage shall be transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).
 - 5. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted. Alternatively, storefront windows may be constructed of bullet-resistant glass.
 - 6. Window display areas shall have a minimum depth of at least forty-two inches (42"), not including walls. Display windows shall be permitted for up to one-hundred percent (100%) of the building storefront window area. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like.
 - 7. Notwithstanding the foregoing requirements of 5.92.765(C), premises located within PD-30 shall be designed to comply with Downtown Pedestrian-Oriented transparency standards (as applicable), whereby clear, nonreflective display windows or doors shall comprise at least 60 percent of the ground-floor street façade of active, pedestrian-oriented uses.

5.92.955 - Interior signage required.

Dispensaries shall post the following notice(s), on a separate sign, or by adding the following notices to the interior sign required pursuant to Section 5.90.060 of this Code, conspicuously and where an average customer is likely to clearly view said notice within the permitted premises:

- A. "Smoking, vaporizing, ingesting, or consuming cannabis, cannabis products, tobacco, or alcohol on these premises, or in their vicinity, is prohibited and a violation of the Long Beach Municipal Code."
- B. "Patrons must immediately leave the premises and should not consume cannabis goods until at home or in an equivalent private location."
- C. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis and cannabis-derived products will expose you and those in your immediate vicinity to cannabis smoke. Cannabis smoke is known by the State of California to cause cancer."
- D. Consistent with this Subsection, such signage is prohibited on exterior windows and storefronts on ground-floor street facades, and premises located within PD-30 are furthermore subject to the Downtown Pedestrian-Oriented transparency standards (if applicable), whereby clear, nonreflective display windows or doors shall comprise at least 60 percent of the ground-floor street façade of active, pedestrian-oriented uses.

Figure 2 - PD-30 Pedestrian-Oriented Map

- Pedestrian-Oriented Use: Main Streets*
- Pedestrian-Oriented Use: Secondary Streets*

FINDINGS

PD-30 / Title 5 Zoning Code Amendment Application No. 2011-03 (ZCA 20-015) April 15, 2021

The Long Beach Municipal Code does not require specific findings for the adoption of a Zoning Code Amendment. The proposed Zoning Code Amendments, however, are consistent with state law and guidelines, consistent with other elements of the General Plan, will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity, convenience, general welfare, and good planning practice. The City of Long Beach makes these findings in support of its adoption of the proposed Zoning Code Amendments to the Downtown Planned Development District (PD-30) and amendments to Title 5 of the Long Beach Municipal Code (LBMC), collectively referred to as “Zoning Code Amendments” as it relates to this action.

The PD-30 and LBMC Title 5 Zoning Code Amendments are consistent with objectives, principles, and standards of the General Plan. The Zoning Code Amendments (ZCA) would not conflict with the City’s General Plan, the 2010 Strategic Plan, or any other applicable land use plans and policies. The ZCA involves amendments to portions of PD-30 and LBMC Title 5 pertaining to the allowance of adult-use cannabis dispensaries in Downtown Long Beach, by way of Conditional Use Permit (CUP) approval. These amendments reflect the forward-moving direction and growth of the adult-use cannabis commercial industry within the City of Long Beach since the adoption of Chapter 5.92 (Adult-Use Cannabis Businesses and Activities) in 2018. The City of Long Beach has maintained a cap of 32 cannabis dispensaries citywide since 2018. At its May 5, 2020 meeting, the City Council requested an amendment to LBMC Section 5.92.420 with specific attention to allowing cannabis dispensaries within the ground floor of mixed-use structures. As a result, the Downtown area (which is comprised of a significant number of properties having mixed-use structures) is now being considered to accommodate additional adult-use cannabis dispensaries. The ZCA is consistent with goals, policies and strategies in the existing Land Use Element (LUE) of the General Plan.

Specifically, the ZCA will implement the following changes: introduce a “Cannabis Dispensary (Adult-Use)” category to the Retail section of Table 3-1 within the PD-30 Ordinance. The Cannabis Dispensary (Adult-Use) category will indicate that a Conditional Use Permit is required in the Downtown Plan Area and that the use is prohibited in the Neighborhood Overlay district; amend Section 5.92.420 – Location Requirements to allow the location of cannabis dispensaries within buildings that contain dwelling units, only in PD-30; amend Section 5.92.760 – Visibility to include language reinforcing PD-30’s window transparency requirements along specifically identified pedestrian-oriented streets in PD-30; amend Section 5.92.765 (C) – Building Design to include language also reinforcing PD-30’s window transparency requirements for pedestrian-oriented streets; and amend Section 5.92.955 – Interior Signage to include language also reinforcing PD-30’s window transparency requirement for pedestrian-oriented streets.

These amendments are consistent with the goals and policies of the General Plan's Land Use Element (LUE). While LBMC Title 5 is generally applicable to the entire City of Long Beach, the proposed amendments within Chapter 5.92 all relate to and reference PD-30. PD-30 has a General Plan Land Use PlaceType designation of Downtown (DT). Downtown is the business office, government and tourism hub of Long Beach. It is characterized by compact, mixed-use urban development; high vehicular, pedestrian and transit traffic; and diverse building sizes, heights, ages, styles, and uses. The DT PlaceType encourages a mix of land uses and housing types, with a focus on providing active ground-floor shops, restaurants and cafes. It also promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles.

One of the citywide goals identified in the LUE is to strengthen the City's fiscal health by stimulating continuous economic development and job growth (**Goal No. 2** of the LUE). In particular, Strategy No. 3 calls for the maintenance of a strong, diversified economic base that creates jobs and attracts employers. Specifically, LU Policy 3-4 sets forth a specific objective to accomplish this goal. This policy looks to "promote and attract a mix of commercial and industrial uses by emphasizing the flexibility of the PlaceType designations."

Another citywide goal identified in the LUE is to accommodate strategic growth and change (**Goal No. 3** of the LUE). Under this goal, the City aims to encourage this growth within strategic locations while preserving existing neighborhoods. Map LU-20 of the Land Use Element identifies Downtown Long Beach as a target for one of the eight major areas of change that are the focus of the land use concept: "Continue Downtown Development". LU Policy 7-7 is to "continue to develop the Downtown into a city center that provides compact development, accommodates new growth, creates a walkable urban environment, allows for diversified businesses..."

The proposed ZCA supports the objectives of LU Policy 3-4 and LU Policy 7-7 by expanding the range and variety of uses allowed in certain parts of Downtown, while also promoting potential growth in the cannabis dispensary industry. Current regulations allow a citywide maximum of 32 cannabis dispensaries. Allowing the establishment of adult-use cannabis dispensaries in Downtown Long Beach will help accommodate that growth while still appropriately prohibiting the use from the less intense Neighborhood Overlay area within PD-30, in conformance with policies that call for strategic growth and change. In particular, LU Policy 7-7's objective of allowing diversified businesses will be strengthened. Although cannabis dispensaries are considered retail uses, they can be seen as having a distinct character, adding to the variety of uses established in PD-30.

The PD-30 / LBMC Title 5 Zoning Code Amendments will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity convenience, general welfare, and good planning practice. LBMC Chapter 5.92 (Adult-Use Cannabis Businesses and Activities) was adopted in 2018 and established regulations for adult-use cannabis businesses, including dispensaries. Prior to the adoption of Chapter 5.92, Chapter 5.90 (Medical Marijuana Businesses) was adopted. At the time of adoption of Chapter 5.90 (Through Measure MM) a maximum

number of 32 medical cannabis dispensaries was established on a citywide basis. The cap of 32 medical dispensaries was carried over to adult-use dispensaries, in which co-location (establishment of medical and adult-use cannabis businesses in the same facility) was required. Since that time, the City of Long Beach has seen a steady influx of application submittals for adult-use cannabis manufacturing, cultivation, and distribution facilities. While there are specific location buffers placed on adult-use cannabis facilities in general, the steady expansion of manufacturing, cultivation and distribution businesses grows disproportionately larger than the 32 cannabis dispensaries throughout the city. The City of Long Beach has recognized this trend and is now in consideration of expanding the boundaries in which adult-use cannabis dispensaries can be established.

The intent of the proposed ZCA is to allow PD-30, a major retail and restaurant hub, to permit the establishment of adult-use cannabis facilities (above and beyond the current limits of only being allowed in commercially zoned properties i.e. CCA, CNA, CNP, etc.) in Downtown Long Beach. PD-30 is characterized by a higher-density mixed-use and commercial developments consisting of retail, restaurants, offices, and entertainment uses. Cannabis dispensaries are defined as retail uses and their allowance in the PD-30 Downtown Plan Area (by way of a Conditional Use Permit) will not affect the character or livability of the City. LBMC Title 5 includes several stringent operational standards and measures that are required of all adult-use cannabis businesses to which such uses in PD-30 will also be subject. The Title 5 standards include several buffers from sensitive uses such as schools and parks as well as a minimum 1,000-foot distance separation between dispensaries. These buffers will further ensure that there would not be an overconcentration of the cannabis dispensaries within the downtown. Each CUP application for an adult-use cannabis dispensary would be subject to these Title 5 measures, as well as any additional special Conditions of Approval deemed appropriate.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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ORDINANCE NO. ORD- 21-0021

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 5.92.420,
SECTION 5.92.760, SECTION 5.92.765, AND SECTION
5.92.955; AND BY AMENDING AND RESTATING THE
DOWNTOWN PLANNED DEVELOPMENT DISTRICT
(PD-30), TO ALLOW THE OPERATION OF ADULT-USE
CANNABIS DISPENSARIES WITHIN MIXED-USE
BUILDINGS IN DOWNTOWN BY WAY OF CONDITIONAL
USE PERMIT APPROVAL

WHEREAS, on June 13, 2000, the Long Beach City Council adopted
Ordinance No. C-7694 amending and restating the Downtown Planned Development
District (PD-30). Ordinance No. C-7694 was amended by Ordinance No. C-7719 adopted
on November 28, 2000, and thereafter, PD-30 was amended by the following ordinances
adopted as follows: C-7830 on October 22, 2002; C-7884 on November 4, 2003; C-7950
on October 5, 2004; ORD-05-0009 on June 7, 2005; ORD-05-0042 on November 22,
2005; ORD-06-0033 on September 12, 2006; ORD-06-0043 on October 3, 2006; ORD-
06-0049 on October 24, 2006; Ordinance No. ORD-07-0018 adopted on April 24, 2007;
and Ordinance No. ORD-12-0001 adopted January 17, 2012;

WHEREAS, the Planning Commission, at its hearing on April 15, 2021,
reviewed the proposal to amend Title 5 and amend and restate PD-30, to allow the
operation of adult-use cannabis dispensaries within Mixed-Use buildings in Downtown by
way of Conditional Use Permit (CUP) approval and, thereafter, voted to recommend to the
City Council that Title 5 and PD-30 be amended as proposed;

WHEREAS, the City Council, hereby finds that the proposed amendments to

PD-30 and Title 5 will not adversely affect the character, livability or appropriate development of the surrounding properties and that the proposed amendments are consistent with the goals, objectives and provisions of the General Plan.

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Subsection A.5 of Section 5.92.420 of the Long Beach Municipal Code is amended to read as follows:

5. Within a building which contains a dwelling unit, with the exception of adult-use cannabis dispensaries, as otherwise permitted on ground floors of mixed-use buildings within the Downtown Planned Development District (PD-30).

Section 2. Subsection A of Section 5.92.760 of the Long Beach Municipal Code is amended to read as follows:

A. From a public right-of-way, there shall be no exterior evidence of cannabis goods, graphics depicting cannabis goods, or commercial cannabis activity, except for any signage authorized by this Code. Premises located within PD-30 shall also be designed to comply with Downtown Pedestrian-Oriented transparency standards (if applicable), whereby clear, nonreflective display windows or doors shall comprise at least sixty percent (60%) of the ground-floor street façade of active, pedestrian-oriented uses.

Section 3. Subsection C.7 of Section 5.92.765 of the Long Beach Municipal Code is amended to read as follows:

7. Notwithstanding the foregoing requirements of Section 5.92.765(C), premises located within PD-30 shall be designed to comply with Downtown Pedestrian-Oriented transparency standards (as

1 applicable), whereby clear, nonreflective display windows or doors shall
2 comprise at least sixty percent (60%) of the ground-floor street façade of
3 active, pedestrian-oriented uses.

4
5 Section 4. Section 5.92.955 of the Long Beach Municipal Code is
6 amended by adding Subsection D to read as follows:

7 D. Consistent with this Subsection, such signage is prohibited
8 on exterior windows and storefronts on ground-floor street facades, and
9 premises located within PD-30 are furthermore subject to the Downtown
10 Pedestrian-Oriented transparency standards (if applicable), whereby
11 clear, nonreflective display windows or doors shall comprise at least sixty
12 percent (60%) of the ground-floor street façade of active, pedestrian-
13 oriented uses.

14
15 Section 5. The Downtown Plan (PD-30) is hereby amended and restated
16 in its entirety as set forth in Exhibit "A", which exhibit is attached hereto and incorporated
17 herein by this reference; and the area encompassing PD-30 is depicted on the map as set
18 forth in Exhibit "B", which exhibit is attached hereto and incorporated herein by this
19 reference.

20 Section 6. The City Clerk shall certify to the passage of this ordinance by
21 the City Council of the City of Long Beach and cause the same to be posted in three
22 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first day
23 after it is approved by the Mayor.

24 //

25 //

26

27

28

I hereby certify that the foregoing ordinance was adopted by the City Council
of the City of Long Beach at its meeting of July 6, 2021, by the following
vote:

Ayes: Councilmembers: Zendejas, Allen, Price, Supernaw, Mungo,
Saro, Uranga, Austin, Richardson.


Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: None.


City Clerk

Approved: 7/7/21
(Date)


Mayor

CITY OF LONG BEACH

DOWNTOWN PLAN



January 2012

ACKNOWLEDGEMENTS

Mayor and City Council

Honorable Mayor Bob Foster
Vice Mayor Suja Lowenthal, Councilmember, 2nd District
Robert Garcia, Councilmember, 1st District
Gary DeLong, Councilmember, 3rd District
Patrick O'Donnell, Councilmember, 4th District
Gerrie Schipske, Councilwoman, 5th District
Dee Andrews, Councilman, 6th District
James Johnson, Councilmember, 7th District
Rae Gabelich, Councilwoman, 8th District
Steven Neal, Councilmember, 9th District

City of Long Beach Planning Commission

Becky Blair, Chair
Alan Fox, Vice Chair
Charles Durnin
Leslie Gentile
Philip Saumur
Melani Smith
Donita Van Horik

City of Long Beach Redevelopment Agency Board

John Thomas, Chair
Diane Arnold, Vice-Chair
John Cross
Julie Heggeness
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Vivian Tobias

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Erika Martin

Planning Bureau
Derek Burnham
Jill Griffiths
Steve Gerhardt
Angie Zetterquist
Scott Kinsey
Mark Hungerford

Special Recognition

Downtown Visioning Committee Members
Downtown Steering Committee Members

Consultant Team

AECOM, Cityworks Design, Iteris, Strategic Economics, and ICF Jones and Stokes
with Patricia Smith, Contributing

CITY OF LONG BEACH

DOWNTOWN PLAN

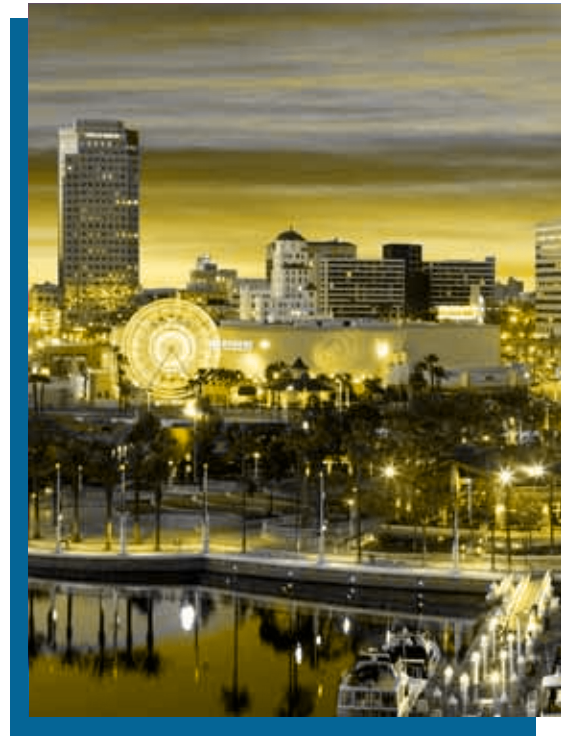
January 2012

Prepared for City of Long Beach Development Services Department
AECOM, Cityworks Design, Iteris, Strategic Economics, and ICF Jones and Stokes

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VISION + INTRODUCTION



CREATING A PLAN FOR DOWNTOWN

THE IMPORTANCE OF A DOWNTOWN PLAN

For most successful American cities, the downtown represents the symbolic center of commerce, trade, culture and social life. The area that now comprises Downtown Long Beach (Downtown) emerged when Wilmore City was incorporated in 1887. Prior to that, the area was platted into small blocks to serve a growing population that was initially attracted by agricultural opportunities. Later, the discovery and extraction of oil, the development of the Port and the ascent of Southern California's defense industry provided the economic engines for Long Beach to attain its status as one of California's largest cities (today it ranks as fifth largest in the state).

Downtown Long Beach has a relatively compact geographic footprint located atop a bluff overlooking the Pacific Ocean. It is also where the Los Angeles River and the various business activities associated with the Port of Long Beach meet the pleasure activities of the waterfront, beach and marinas. All of these factors provide both challenges and opportunities that require sound planning and design guidance as Downtown Long Beach continues to mature.

Since Downtown's inception over a hundred years ago, much has changed. In the 1960s–70s rapid suburban growth led to a reduced Downtown population and less emphasis on Downtown as the focal point of commerce and public life. More recent effects include globalized trade that brought significant changes in leading industries and job types, combined with a renewed interest in creating livable communities that are less reliant on the automobile.

As a Pacific Rim city, Long Beach has many influences economically and culturally. Downtown continues to be the hub of tourism, business and transit for the entire city. It is also home to a growing population of residents who want, within a livable urban core, convenient amenities and services. Today there are many unique features and treasures within the 1-square-mile Downtown, and when conceived as a whole, they each contribute to making Downtown and the City of Long Beach a memorable place. The Long Beach Downtown Plan (Downtown Plan) was written with a fundamental recognition of what is "quintessentially Long Beach" and seeks to guide how new private and public development can build on existing strengths and enhance the whole.



Build on Downtown Long Beach's historical roots



Downtown Long Beach is a memorable place

FIGURE 1-1

Regional Context



CREATING A PLAN FOR DOWNTOWN

There are many facets that contribute to Downtown's unique sense of place: It has a social heart (Pine Avenue and the waterfront), a civic core (Civic Center, City Hall, Courthouse), and major attractions (Convention Center, aquarium and major hotels, restaurants and beaches). It has areas with rich architectural identity (Ocean Boulevard, Villa Riviera, Willmore Historic District, East Village, Museum of Latin American Art) and areas that are emerging and redefining themselves (North Pine, Promenade). Importantly, most of Downtown's treasures are a short walk from each other; they would not be as meaningful on their own, or if they were located in another part of Long Beach.

Any vision of the future must respect Downtown's rich architectural legacy, which includes outstanding building examples of Art Deco, Streamline Moderne and Spanish International Style, as well as other styles. To make Downtown Long Beach a more complete place, this Plan strives to enhance what is currently great and to encourage even greater contributions from all new development. The Plan is therefore predicated on the preservation of historic structures and the introduction of new innovative buildings—both are essential to a thriving metropolis.

As a magnet for investment, office and residential towers, and civic institutions, Downtown will always experience more large-scale development activity than the City's surrounding residential neighborhoods. However, because of the magnitude of that financial investment, and the desire to attract jobs and businesses, it is vital that Long Beach keep current a plan describing what is wanted for Downtown today and in the future.

Some have felt that the fast pace of development funding and construction in Long Beach and all across the West Coast, over the last 10 years, resulted in a reactive planning process. This Downtown Plan encourages a proactive planning process with developers and institutions. This proactive process is critical for Long Beach to be well positioned when the pace of design and construction activity increases. In recent years, the approach used for the Downtown Plan has become known as a "form-based code." This means the focus is on the design and character of the building and how it contributes to defining and activating the nearby public realm. Less focus is on traditional regulation characterized by a list of uses permitted or not permitted within the building. Having such an adopted plan may make Downtown Long Beach more attractive to developers, who can see, clearly codified, what the residents and stakeholders want, what they see as good design, and more importantly what is right for Downtown, a key component of the larger City.

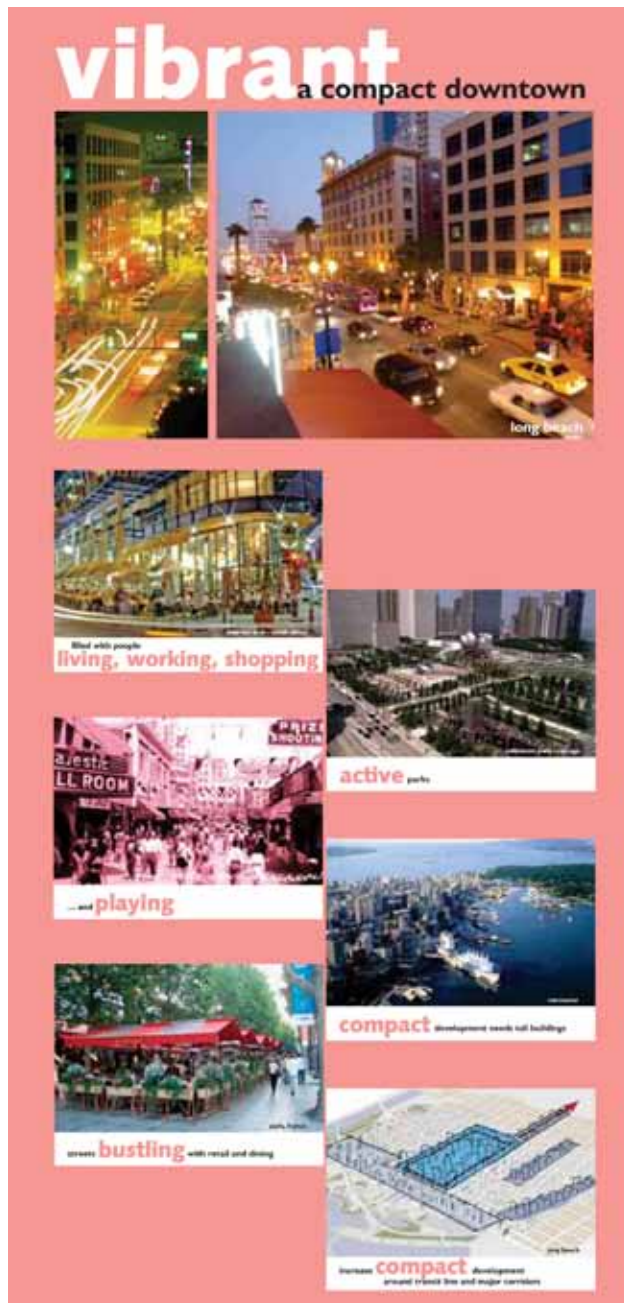


Enhance what is great



Retain the architectural legacy

CREATING A PLAN FOR DOWNTOWN



Thirteen posters were created during the Downtown visioning process

THE VISIONING PROCESS

The roots of this document were formed in a highly social “visioning process” that began in 2006 with the volunteer efforts of a Visioning Committee and input received through public workshops. This initial process resulted in a message that combined words and imagery to convey what the future might look like. This visioning provided a necessary foundation for the Downtown Plan and, as a reference to that important foundational work, some of these images are included throughout this chapter. Going forward, the document will exist as the formal policy document to be used by City Staff on a daily basis to (1) keep true to the community’s vision, and (2) provide specific standards and guidelines to reference when working with developers.

The more specific content of this Plan was developed with the contributions of a Downtown Steering Committee. Their mission was to advise Staff and the design consultants as the Plan evolved, to provide continuity with the prior visioning process, progress the thinking on focused topics through subcommittees, and to review and comment on draft versions of the document. A public workshop attended by Downtown residents and stakeholders provided additional insights and suggestions that were critical to the text and graphic content.

Today’s Economic Forces

In conjunction with the Plan, a market analysis of the greater Downtown Long Beach area was prepared for the Redevelopment Agency to evaluate both current conditions and projections for the future buildout. While the pace of Downtown development, as well as



Input received at public workshops

CREATING A PLAN FOR DOWNTOWN



Steering Committee examined height standards on bus tour

development elsewhere, will continue to be impacted by economic cycles, the study concluded that the addition of new housing and the increase in resident population will continue to attract new jobs. The new residents and Downtown employees will increase support for retail businesses. Overall, there are substantive reasons to be optimistic about Downtown's future.

A SUSTAINABLE FUTURE

As the City embarks on a sustainable path to the future, a *Sustainable City Action Plan* has been adopted that establishes initiatives and goals that will guide future operational and policy decisions for buildings and neighborhoods, energy, transportation, urban nature, waste reduction and water usage. For all issues sustainability seeks consider the environmental, social, and economic components and to maximize benefit with the smallest negative impact.

The Downtown Plan addresses the issues of sustainable design at the most fundamental level of planning and design. These standards reinforce a land use and transportation relationship that supports transit-oriented development nearest the Metro Blue Line stations, walkable streets, a bicycle-friendly environment, and mix of jobs, housing and amenities within a vibrant urban center. Encouraging a balance of transportation modes through good planning, design and development will effectively reduce vehicle miles travelled within Long Beach and, in turn, reduce vehicle emissions that contribute the greatest share of our region's greenhouse gases.



THE VISION FOR DOWNTOWN

VISIONING STATEMENT

Long Beach is a WATERFRONT METROPOLIS with a feel for the past and anticipation for the future. We are a model of international living and distinguish ourselves through a unique vision: progressive, diverse, cultured. Fueled by a vibrant City center, Long Beach is a place where residents are proud to live, work, and play.



With this clear vision and lofty but attainable goals, Downtown Long Beach is positioned to remain a model for metropolitan growth and a location of international importance. In achieving that model, the Downtown Plan acts as a comprehensive spatial development plan to implement strategies that both preserve and enhance the ideals that have contributed to Downtown's successes while seamlessly instilling new principles of sound urban development. Such strategies will keep Downtown home to the highest concentrations of residential and economic activity in the City, as well as the hub of arts and culture. Long Beach is a place where residents are proud to live, work, and play, and the Downtown Plan is designed to shape the future development of this vibrant City center in a way that is both visionary and sustainable.

GUIDING PRINCIPLES

The Visioning Committee also developed a set of nine guiding principles, which are meant to shape the outcome during the Downtown Plan's implementation. These represent the culmination of the visioning and outreach process and also serve as a basis of the Plan.



Major attractions are adjacent to Downtown

THE VISION FOR DOWNTOWN

WHAT WILL BE THE OUTCOME?

In the near term, a number of projects are underway that promote the principle of improving Downtown's public realm infrastructure. For example, the Pine Avenue Streetscape Improvement Project between Shoreline Drive and 8th Street will contribute to the ongoing betterment of walkability and connectivity. Similarly, the completion of the Metro Blue Line Bicycle and Pedestrian Access Plan will assist in acquiring funding to realize a range of improvements that will encourage bicycling and walking to all the Metro Blue Line Stations.

The Guiding Principles described on this page and the development standards and incentives contained in this Downtown Plan aim to create a world-class City center, and a vibrant and energetic Downtown that will be home to a diverse mix of people, businesses, and attractions. The Plan will provide for more and expanded urban choices for living, working, and shopping in the Downtown in a true mixed-use City center. The Plan will ensure that Long Beach remains highly livable, with interconnected open space and transit, and a range of community services and cultural opportunities.

Achieving a high-quality urban realm, bold architecture, and a progressive global city requires a plan that both regulates and stimulates future development. The Downtown Plan provides development standards and guidelines that establish the critical components for future development, while promoting design creativity as a real estate market catalyst. Specifically, the goals of the Plan include the following outcomes:



Development is balanced with open space

GUIDING PRINCIPLES FOR DOWNTOWN LONG BEACH

- 1 We promote the development of a **DISTINCTIVE DOWNTOWN SKYLINE**, providing a vibrant, compact city core attracting cosmopolitan and creative people.
- 2 Our lively Downtown acts as the **HEART OF THE CITY**, connecting with the neighborhoods and coastline.
- 3 We encourage an **INFRASTRUCTURE** to accommodate a future that is less dependent on fossil fuels and more focused on walking, bicycling, and public transportation.
- 4 We invite and support new industries to invest in our future so that we can continue to **DIVERSIFY OUR ECONOMY** and promote job growth while strengthening our existing backbone of convention, tourism, and port business.
- 5 We endorse **BOLD ARCHITECTURE, PLANNING, AND CONSTRUCTION** that utilize green building technology and incorporate sustainable energy.
- 6 We demand **QUALITY** in building practices in order to ultimately create historical masterpieces.
- 7 We value our buildings of **HISTORIC** merit and seek to preserve or restore them through adaptive reuse.
- 8 We include the best aspects of an innovative **GLOBAL CITY**: dynamic architecture, light-filled public spaces, active recreation, celebration of our unique culture, and respect for the natural environment.
- 9 We work together to ensure the **SUCCESS** of this vision and it is our promise to the City and its residents to invest in the future.

THE VISION FOR DOWNTOWN

DESTINATION DOWNTOWN

A Citywide multi-modal transportation network reinforces the role of Downtown as the focal point of the City.

- 1 *Embrace a “park once” philosophy in the Downtown, stressing the utilization of Downtown’s existing surplus of public parking and a renewed emphasis on shared use of parking facilities.*
- 2 *Facilitate walkability using initiatives such as the recent Pine Avenue Streetscape Improvement Project as a model for other pedestrian right-of-way enhancements in Downtown.*
- 3 *Strengthen connectivity between Downtown and areas south of Pine Avenue, such as the convention center, The Pike, Shoreline Village, and the Alamitos Beach bike path, to attract visitors to and from the waterfront.*
- 4 *Introduce standards that allow for future transit innovation—such as the reintroduction of the streetcar—and the necessary infrastructure improvements that would lend to its success.*
- 5 *Encourage high-density, transit-oriented development near existing Blue Line corridors to maximize usage of existing transit systems and support their success through regulations aimed at improved streetscape and building design along routes.*
- 6 *Uphold the title of The Most Bicycle Friendly City in America through the enhancement of existing bicycle amenities, such as the Bikestation; building on the successes of Downtown’s dedicated 3rd Street and Broadway bicycle lanes; and integrating the Downtown’s bicycle-friendly roads and bikeways with the City’s greater bicycle path network.*

Enhanced Mobility

The vision for Downtown reflects the City’s forward-thinking, unified approach toward alternative transportation methods that operate with efficiency, directness, and speed. This marks a deliberate departure from antiquated suburban models that focus almost exclusively on maximizing the efficiency of vehicular movement and vehicular parking. Once in Downtown, visitors, residents, and employees will enjoy engaging, clean, and safe pedestrian environments, including paseos, pedestrian-oriented lighting, and sidewalks connecting all of the amenities and excitement of a vibrant urban environment. A walkable Downtown is a successful Downtown.

This renewed commitment to improved mobility in Downtown incorporates improvements integrated into the street systems, including upgraded transit and Blue Line facilities; an increase in the number of interlinked bicycle pathways and related accommodations, such as the existing Bikestation; and pedestrian-oriented amenities. Together they will make Downtown a more welcoming environment, regardless of one’s chosen means of travel.

Additionally, a fully balanced multi-modal system can provide benefits beyond transportation. Where implemented, there are typically increases in economic and business activity and recreational opportunities, and increased support—and accompanying demand—for social and cultural institutions. Bicycle and pedestrian travel causes virtually no air or noise pollution and, as a by-product, improves the health of Downtown.



Dedicated bike paths improve rider safety

THE VISION FOR DOWNTOWN

A successful downtown is a destination. This is especially true for Long Beach, with its coveted waterfront location and wide range of land uses that draw workers, residents, and visitors into its Downtown. To facilitate the convenient and efficient exploration of Downtown attractions, connectivity between destinations—and the means of such—is a critical outcome of the Plan.

Downtown Long Beach will function as a hub of activity accessible to all through an interconnected transportation network that extends far beyond its borders. Enhanced Blue Line and transit stops will create a welcoming entrance into Downtown, and the reintroduction of the streetcar system may add a appealing, yet efficient, means of traversing through the area's increasingly revitalized corridors. For those who prefer non-motorized transport, enhanced streetscapes—complete with the ample, necessary amenities to make them an attractive, viable option—will provide attractive and safe grounds for both pedestrians and cyclists.

Interconnected Pedestrian Space

The Downtown Plan identifies standards and guidelines for an interconnected pedestrian network of open spaces, urban parks, plazas, community gardens, courtyards, and paseos. These resources within Downtown offer a range of recreational opportunities and amenities, in addition to their valuable role as a natural aesthetic. The Plan places great importance on streetscape design, a critical aspect of the City's public realm. Quality streetscape design and availability of usable open spaces provide respites from the frenzy of urban life in Downtown, offering places to read, reflect and recharge, or meet and chat with friends and colleagues. In addition to open space requirements contained within the Plan, the City will continue to pursue development opportunities for public open space



Enhanced stations make transit use more comfortable



Mutli-modal systems give community members greater choices

THE VISION FOR DOWNTOWN

in the form of pocket parks, dog parks, and other types of facilities, knitting together an interconnected network of open spaces serving all types of users and offering open space in all neighborhoods of Downtown.

Whether public or private, fully accessible and inviting open spaces are essential to the health and vibrancy of any downtown. It is perhaps from these open spaces that the scale, architecture, and character of the urban realm are best experienced. The interconnected open space network of urban parks, plazas, community gardens, courtyards, and paseos provide pedestrians direct contact with aesthetically pleasing natural features and a path of efficient travel to nearby amenities. A careful, coordinated design of these open space corridors will serve to create safe and suitable walking areas that enhance livability and create a more rewarding Downtown experience.

Quality Urban Architecture

From both land and sea, the Downtown Long Beach skyline creates a dramatic impression and a statement about the importance of Downtown. Each new building must be a positive addition to this skyline. By incorporating standards and guidelines for site and building design, the Downtown Plan establishes minimum thresholds of quality but allows flexibility by focusing on key elements of design and character of new structures, allowing the marketplace to dictate the details of form and use. This allows for bold new ideas and timeless design principles to shine through and add interest and vitality to the Long Beach skyline over time.

Well-designed buildings are the “building blocks” of great streets and neighborhoods. Good design typically results from projects that are conceived in their total with a “big design idea,” and respond sensitively to their immediate

THE CASE FOR PEDESTRIANS

A walkable Downtown is the cornerstone of a successful urban environment, a proven generator of economic growth, healthier living, and overall sustainability.

- 1 *Promote dense, mixed-use developments that encourage pedestrian travel for access to goods, services, and entertainment.*
- 2 *Emphasize pedestrian safety improvements such as the installation of decorative street lighting, pedestrian crossings, and bulb-outs—such as those recently installed in the Downtown’s East Village—to calm automotive traffic.*
- 3 *Continue parkway landscaping efforts along Downtown streets to create a more attractive, inviting pedestrian realm.*
- 4 *Create plazas, paseos, and walkways that interconnect various Downtown attractions and facilitate pedestrian activity.*
- 5 *Explore pedestrian linkages between Downtown and Alamitos Beach, the City’s largest public open space.*
- 6 *Support residents and visitors with pets with “clean solution” stations and appropriately designed animal-oriented spaces such as K-9 Corner and Downtown Dog Park.*



Successful open space can be either formal or informal



Open spaces large and small activate Downtown

THE VISION FOR DOWNTOWN

context while artfully solving the programmatic needs of the owner and building users. This should also be evident at the finer levels of execution—like the selection of materials, windows, doors, details, and the landscaping palette, where all elements combine to realize a larger architectural composition. Additionally, good building design includes active street-level uses with human-scale design features that will enhance the experience of moving through Downtown at street level and contribute to a high level of pedestrian activity.

A world-class Downtown, featuring innovative high-quality design, will attract a new class of commercial and office development and tenants, and more visitors, and contribute to the quality of the urban realm. From human-scale building frontages at the street level to distant views of its balanced, signature skyline, Downtown residents and visitors will continue to see an urban environment characterized by a sensitive blending of carefully preserved older structures, high-quality new construction, architectural gems, and engaging public spaces.



Bold ideas and timeless design principles

ARCHITECTURAL CHARACTER

Building design shall contribute not only to immediate site surroundings, but also enhance the overall Downtown aesthetic.

- 1 *New development shall be designed in such a way as to blend into the overall context of neighboring structures, particularly those with historic significance.*
- 2 *Ensure that the “public realm” of the street is consistent on Downtown’s most identifiable corridors by enforcing minimum building heights.*
- 3 *Require human-scale building frontages—particularly at street level—that appear open and inviting to the public and contain appropriate pedestrian amenities.*
- 4 *Preserve existing view corridors and natural light passages when considering taller structures, and hold new high-rise buildings to the highest standards of design to maintain the Downtown’s legacy of well-detailed, crafted, and timeless buildings.*
- 5 *Create a transition in bulk and scale to maintain a quality and balanced skyline. Enhance new development with significant landscaping, both on-site and within the abutting public right-of-way. Enforce design standards that encourage innovation and design of high-quality architecture and urban form.*
- 6 *Ensure that the individual design elements all contribute in a meaningful way to a complete, coherent design vision.*



THE VISION FOR DOWNTOWN

Sustainability

Continuing the City's forward-thinking approach toward sustainable design and development, the Plan advances a number of goals aimed at preserving the area's natural elements and lowering the ecological footprint of Downtown. The Citywide Sustainable City Action Plan and the green building policy is augmented in the Downtown Plan by development incentives. These are provided for projects that include LEED certification or equivalent, green roofs, use of renewable energy, public open space in excess of the standards, and rehabilitation of historic structures. The Plan's focus on linking density to transit significantly reduces automobile emission levels and lowers the Downtown's heat island effect. These future-oriented policies will specifically direct the City toward more environmentally friendly forms of development and community building.

As home to the highest concentrations of development in Long Beach, Downtown will continue to uphold the City's efforts at being a national leader in the sustainability movement. Quality transit-oriented projects will line upgraded, user-friendly Blue Line and bus routes, and the current infrastructure catering primarily to private automobile access into and around Downtown will be augmented by an upgraded system of bicycle and pedestrian amenities. Together with the implementation of various City policies and regulations aimed at "greening" Downtown, this will help ensure a cleaner, healthier Downtown of the future.



SUSTAINABILITY FRAMEWORK

A commitment to sustainable practices in both public and private spaces will ensure a healthy, more livable Downtown for future generations.

- 1 *Continue Long Beach's proactive approach to environmental issues by adopting standards that support the existing Sustainable City Action Plan, Green Building Development Standards, Water-Efficient Landscaping Ordinance, and the Low Impact Development Ordinance.*
- 2 *Encourage LEED Certified Silver or higher on all new Downtown developments.*
- 3 *Increase the greening of Downtown through right-of-way landscaping enhancements, public parks, and vegetated pathways linking streets with public and private open spaces, such as linkages connecting The Promenade and Pine Avenue.*
- 4 *Incorporate sustainable construction techniques into infrastructure projects to reduce long-term project impacts.*
- 5 *Implement public right-of-way enhancements such as energy-efficient street lights/signs and other amenities.*
- 6 *Support the emergence of Downtown as a center of green jobs through various education and job promotion campaigns.*
- 7 *Continue promotion of alternative transportation as a means to, from, and within Downtown.*



THE VISION FOR DOWNTOWN

Activities and Events – Enrichment of Arts and Culture

From summer concerts to trade shows and conventions to a myriad of special events, Downtown truly personifies the heart of the City. Aided by a temperate coastal climate, hundreds of events each year, including community gatherings of all types, art walks, street performances, and festivals, attract visitors from near and far. Art installations and window displays, exterior lighting of buildings, and other similar features create a truly unique urban environment, bringing newcomers and regulars back to Downtown to enjoy their leisure time and the unique architecture and character.

With no other South Bay location boasting such a large mix and concentration of activities and events, Downtown Long Beach is a highly popular regional destination. The Downtown Plan strives to expand this level of activity, encouraging the enrichment of the Downtown environment through the ongoing promotion of large, annual events—running the gamut from athletic competitions (the Long Beach Grand Prix and Long Beach Marathon) to street parades and concerts (the Long Beach Gay & Lesbian Pride celebration, Summer And Music [SAM])—as well as those with a more local flavor, such as the East Village Art District’s monthly Art Walk and the weekly Downtown Farmer’s Market. The continued hosting of these events and supporting venues for new events provide an immeasurable opportunity to showcase the spirit and character of Downtown.

A diverse collection of recreational opportunities for residents, visitors, and tourists are readily available within Downtown. From the hosting of large conferences to the continued scheduling of a diverse range of musical and cultural events, Downtown will cater to the interests of all segments of society. Creative art and performance spaces will see their numbers grow, increasing the Downtown’s status as a hub of culture and nightlife. Downtown will be an arts destination for visitors and home to many of America’s top writers and visual and performing artists. The Downtown Plan will implement strategies to make this vision a reality.

THE ROLE OF ARTS AND CULTURE IN DOWNTOWN

Drawing both visitors and local residents, a wide range of entertainment options are critical to the vitality of Downtown.

- 1 *Maintain the City’s partnership with the Downtown Long Beach Associates, Convention and Visitor’s Bureau, and other Downtown stakeholders to continue the promotion of visitor-service attractions.*
- 2 *Continue to pursue events of national and international interest, such as the hosting of the TED Conference.*
- 3 *Maintain a streamlined process for Downtown special event application review.*
- 4 *Foster development strategies that bolster the East Village’s standing as a regional hub of creativity, and encourage creative spaces, such as the recent Art Exchange project and 4th + Linden design studios, within the district.*
- 5 *Seek to establish suitable Downtown performance spaces as new trends in art and entertainment present themselves.*
- 6 *Program evening events that encourage Downtown businesses to extend their operating hours.*



Unique events draw people from near and far

THE VISION FOR DOWNTOWN

A Respect for History

Downtown Long Beach has a fine collection of older structures that are associated with the people, events, and history of the City. These buildings are the tangible roots of communal memories, reminding residents and visitors of where the City has come from and how it has grown. Preserving examples of historic buildings keeps intact the connection between the past, present, and future. Many of these historic buildings are architecturally significant for their materials, design, construction, ornament, and craftsmanship. Because of their unique urban character, they visually enrich our urban experience and can provide property owners with tangible benefits. In competitive real estate markets, well maintained historic buildings often have a special marketing edge.

Understanding the enriching value of these character-defining resources, the Plan complements the greater Long Beach goal of preservation and protection through adaptive reuse strategies and regulations that require future developments to be designed in a manner that harmoniously strengthens the present Downtown fabric. Important incentives for historic preservation are available at the federal and state level. Federal programs include the Federal Historic Preservation Tax Incentive Program, which creates tax credits, and the Preservation



HISTORIC CHARACTER

A key component of the Downtown character derives from the presence of structures from the turn of the century. Integrating modern structures with those of historic significance will positively reflect Downtown's continuing urbanization progress.

- 1 *Facilitate the reinvention of historically significant structures and incentivize—through density waivers, parking reductions, and other means—adaptive reuse possibilities, as seen in the Kress Lofts, Insurance Exchange, and Walker Building projects.*
- 2 *Require development on Downtown sites in proximity to structures of historic significance to be designed harmoniously with the existing building's historic character.*
- 3 *Create a more streamlined Certificate of Appropriateness process for small-scale modifications to existing historically significant structures.*
- 4 *Create opportunities to educate and promote Downtown and the adjacent waterfront's historic past.*



Encourage new uses for older buildings

THE VISION FOR DOWNTOWN

Easements Program, which creates charitable tax deductions. State programs include the 2007 California Historic Building Code, and the Uniform Code for Building Conservation which deal with the unique building construction and safety issues inherent in historic buildings, and the Mills Act Program, which provides for reductions in property taxes for qualified historic buildings.

A careful blending of both old and new will add to the rich history of Downtown. The emphasis on adaptive reuse will see older buildings reinvented in ways that pay homage to their past while renewing their status as destinations and places of interest.

Supporting Infrastructure

As one of the oldest neighborhoods in the City, Downtown faces the challenge of balancing the increasing flow of daily activity with the ever-present needs of an older infrastructure network. Ongoing maintenance and repair of streets, sidewalks, utilities, and communication systems remain a top priority, as well as the continued, successful collaboration between the City and service agencies, who, together, will lay the foundation for Downtown's continued vitality and success.

Downtown's future will consist of street improvements to make the area more readily accessible to both pedestrians and bicyclists. Enhanced sidewalks and connectivity via landscaped and amenity-rich paseos will connect points of interests in a way that will encourage a "park once" approach, encouraging visitors to walk to multiple Downtown destinations. Improved interface between buildings and their adjoining streetscapes will create an enjoyable, safe pedestrian environment that will act as a catalyst for the growth of Downtown's retail and restaurant sector.

INFRASTRUCTURE SYSTEMS AS DEVELOPMENT CATALYST

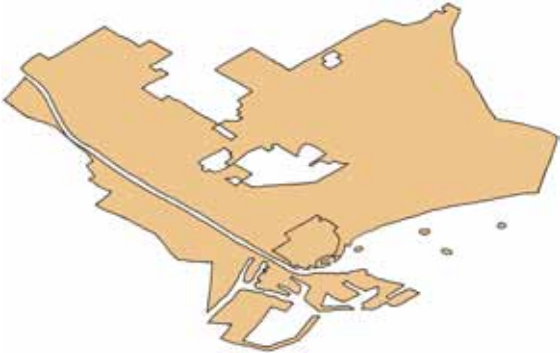






Properly functioning infrastructure is a proven catalyst for a successful, dynamic Downtown. Improvements in this realm will serve to increase the efficient movement of goods and people, and serve to support future development.

- 1 *Ensure that future street improvements cater to all modes of transportation, not simply automobiles.*
- 2 *Require infrastructure improvements, when necessary, as conditions of future development approvals.*
- 3 *Support the development of Downtown passenger terminals that serve two or more travel modes, such as the proximity of existing Blue Line stops, Downtown's First Street Transit Mall, and the BikeStation.*
- 4 *Provide clear and attractive wayfinding signage to and within Downtown.*
- 5 *Explore the potential for a free wireless network throughout Downtown.*
- 6 *Enhance the appearance, functionality, and safety of sidewalks and other pedestrian spaces.*



THE VISION FOR DOWNTOWN

Understanding The Planning Document Hierarchy For Downtown Long Beach

Level of Plan	Physical Extent	Scale & Specificity
Planning Policy Framework Providing policy initiatives and planning requirements Examples: National, State, and Regional (SCAG, SCAQMD) Regulations, Policies, and Plans Citywide Plans Goals and policies for future land-use decisions (guide for future development); Provides vision and guidance, but does not regulate land-use; Integrates a multitude of concepts such as sustainability, healthy living initiatives, economic development, and provides overarching comprehensive vision, or provides guidance for a particular topic citywide Examples: General Plan Update (Long Beach 2030), Long Beach Strategic Plan 2010, Bikeway Master Plan, Capital Improvement Plan (Infrastructure Master Plan)		More Conceptual-Based/Long Vision Planning 
Conceptual Area Plans Geographically focused plans which address relevant topics pertinent for specific areas; Provides vision, guidance and intended outcomes through guidelines, but doesn't regulate land-use Examples: Downtown Vision Statement, Strategic Guides For Development For Central and Downtown Redevelopment Project Areas, Streetscape Enhancement Master Plan, Downtown Retail Vision		
Community Plan/PD/Zoning Consistent with and systematically implements vision or conceptual documents for a particular area and/or topic; Implementation through zoning regulation, and enforceable development standards, does regulate land-use, setbacks, height, density, and other development standards Examples: Downtown Community Plan, Local Coastal Plan (Implementation Measures) PD-6 Downtown Shoreline		
Implementation/Improvement Plans Detailed construction-level projects, plans, and local implementation strategies Examples: Pine Ave. Streetscape Project, East Village Arts District Guide For Development, BlueLine Pedestrian/Bike Access Plan, 3rd Street & Broadway Bicycle Plan, Downtown Long Beach Area Retail Implementation Strategy		More Detailed/Near-Term Projects

Composite

A coordinated series of plans at various scales to guide development and infrastructure priorities, create great streets, and enhance neighborhoods and foster vibrant communities



HIGHLIGHTS OF THE PLAN

RELATIONSHIP TO OTHER PLANS

The City's broadest reaching plan document is its General Plan; the forthcoming *Long Beach 2030 Plan*. Other documents that supplement the General Plan and provide broad guidance for all areas of the City are documents like the *Sustainable City Action Plan* and the *Bicycle Master Plan*.

Second in the hierarchy of regulating documents are Specific Plans. **This Downtown Plan is not a Specific Plan, but will provide very localized guidance and standards for new development.**

Third, and representing the greatest level of specificity, are Improvement Plans. For Downtown Long Beach, these would include the *Pine Avenue Streetscape Improvement Project*, *East Village Arts District Guide for Development*, and the *Metro Blue Line Bicycle and Pedestrian Access Plan*. These documents must remain consistent with the principles of the Downtown Plan but provide very detailed design and implementation plans for improvements that will be realized in the near term.

Section 1 – The Vision and Introduction provides the context for the Downtown Plan, clarifies its relation to other guiding documents, describes its outgrowth from a visioning process, and articulates the expected outcomes..

Section 2 – Connectivity and Character describes the multimodal transportation facilities that will serve Downtown and how the pedestrian, bicycle, transit, and vehicular components all work together. It also describes important neighborhoods and character areas adjacent to and within Downtown.

Section 3 – Development Standards defines acceptable uses and envelopes for development, density, parking, building height and setbacks. These standards essentially define the developable envelope and are intended to both regulate and stimulate development.

Section 4 – Design Standards focuses on urban design and architecture to achieve pedestrian-friendly development and to foster buildings that are “good neighbors” making a significant design contribution to their block, street and neighborhood.

Section 5 – Streetscape and Public Realm Standards provides more specific criteria for the design of streetscape, street trees, planting, hardscape, site furnishings, lighting, open space and public art.

Section 6 – Sign Standards provides overall guidance in the design of commercial, residential and temporary signs.

Section 7 – Historic Preservation encourages adaptive reuse, treatment of landmark buildings, incentives.

Section 8 – Plan Administration clarifies the development approval process, procedures and environmental review assumptions of the Program EIR.

CHARACTER+CONNECTIVITY



CHARACTER

DOWNTOWN CHARACTER AREAS

Within the Downtown, there are a number of “character areas,” which are discussed throughout the Downtown Plan. These areas have evolved over time, so that each has a unique feel and unique attributes that should be strengthened through new development and rehabilitation. The Downtown character areas are discussed on the following pages, and their locations are generally identified in Figure 2-1.

CIVIC CENTER

This area includes the Civic Center, public library, and Lincoln Park. It is a primary icon and gathering area within the City.



BUSINESS AND ENTERTAINMENT AREA

Downtown is the heart of Long Beach and the site of much development in the recent past. It is the business, retail, and tourism hub of the City, and also the home of many of the City’s historic and cultural treasures. It is characterized by tall buildings; high vehicular, pedestrian, and transit traffic; and diverse building sizes and uses.



CHARACTER

WILLMORE HISTORIC DISTRICT

The northern portion of the Plan area includes parts of the Willmore City/Drake Park historic district, which features residences of the early 1900s and pleasant tree-lined streets.



EAST VILLAGE

East Village is the center of local arts and culture in the City. The eclectic neighborhood boasts a collection of privately owned businesses, galleries, shops, and a complementary street experience. Its nostalgic charm and diversity of uses attract both tourists and locals.



WEST END

The West End is located at the west side of Downtown, east of the I-710 freeway and Cesar Chavez Park. This district is defined by low-rise, single- and multi-family residential uses, and neighborhood amenities like churches and schools. This district represents the traditional neighborhoods with walkable streets and diverse housing types that characterize much of the City.



NORTH PINE

This area includes the northern portion of Pine Street, which has more neighborhood character than within the Downtown core. It also includes a variety of housing types, including multi-family buildings and condominiums.



FIGURE 2-1

Character Areas and Surrounding Neighborhoods



CHARACTER

SURROUNDING CONTEXT

While the development and design standards in Chapters 3 and 4 outline specific requirements for new development, new projects must also respond to the context of their setting and contribute to Downtown in a meaningful way. It's important to recognize that Downtown is actually a collection of neighborhoods and areas of distinct character that make it memorable. This Plan requires buildings to respond to their surrounding neighborhood and the character of their street and block with an urban design approach that is coherent, and a stylistic approach that balances innovation with architectural sensibility. Adjacent to the Downtown Plan study area are other notable neighborhoods in Long Beach that influence the character of the area.

Waterfront

The Long Beach waterfront is located to the south of the study area, defined by Ocean Boulevard as the boundary. The waterfront includes cultural, tourist and recreation attractions like the performing arts center, convention center, aquarium, and The Pike and Rainbow Harbor. These are linked by abundant public transportation. Much of the former industrial waterfront to the west has been transformed into business park uses.

Residential Neighborhoods

Residential neighborhoods surround the remainder of Downtown. To the east is Bluff Park and Alamitos Beach, an area of stately, oceanfront homes and mid-rise condominium buildings. The neighborhoods of Hellman and St. Mary's are located to the northeast, which are both traditional neighborhoods with Craftsman homes and other neighborhood uses. St. Mary's Medical Center is located within this community. North of Downtown are Drake Park and Willmore City, which together form a Historic District known for early 1900s residences.



CONNECTIVITY



THE IMPORTANCE OF CONNECTIVITY

The successful downtown is a destination. This is especially true for Long Beach with its unique waterfront location and its mix of uses that draw workers, residents, and visitors to the area and encourages them to move about and explore the different neighborhoods of Downtown. Conveniently and efficiently exploring the different areas of Downtown requires that they be interconnected in multiple ways, providing multiple choices as to how to move around and through the area.

The connectivity and mobility vision for Downtown is forward thinking and deliberately moves away from the typical suburban model and some of the downtown models that focused almost exclusively on maximizing the efficiency of vehicular movement and vehicular parking. The visioning process concluded that a dense, vibrant downtown could not be achieved by focusing on the automobile for moving people into and around the area. The Downtown mobility network must be a balanced network that provides transit as a viable alternative to the automobile, includes bicycle facilities integrated into the street system, and safe and engaging pedestrian corridors.

A fully balanced multi-modal mobility system has benefits beyond transportation. Where implemented there is typically increased economic and business activity, recreation, and increased support for social and cultural institutions. By providing appropriate and well-designed spaces for bicycles and pedestrians, the overall quality of life is elevated encouraging even more investment in quality development.

The vision of a balanced mobility network does not suggest that the network does not have priorities. The highest priority is on walking as the mode for moving within Downtown. This is followed by bicycles, the various forms of transit, and then vehicles.



CONNECTIVITY



The network in Downtown Long Beach consists of a combination of highways, streets, transit, and the pedestrian realm. Primary surface streets, regional and interstate highways, and major transit connectors all lead to Downtown. This access positions Long Beach as a regional hub, with connections to Los Angeles, San Diego, Orange County, nearby ports, and other regional destinations in Southern California. This network is illustrated in Figure 2-2.

Walkable streets and accessible transit are a crucial ingredient for a vibrant, multi-use community. Streets are the heart of the public realm and should accommodate a wide range of inhabitants beyond vehicles. The goal of the Downtown Plan is to restore the streets as places of community association and shared transportation, as it was historically in Long Beach.

DOWNTOWN STREETS

A number of important City thoroughfares converge in Downtown Long Beach. The streets are primarily in a grid with occasional diagonal streets, and a variety of types, sizes, character, and capacity.

Key Streets

Key streets in Downtown are either significant for being major thoroughfares or retail corridors, or because they provide iconic character and recognizable centers for neighborhood districts. Key mobility streets are illustrated in Figure 2-2.

Major streets provide direct regional access to and from the Downtown core. They are generally wide, with multiple lanes, are accessible to highways, and carry high traffic volumes. Most of them are consistent with the grid. Others—like Alamitos and Ocean Boulevard—deviate from the grid to channel traffic to specific destinations and are important gateways into Downtown. These streets are shared by personal vehicles, buses, bicycles, and pedestrians, often as important retail corridors. Major streets create the form of the City and help to distinguish unique communities therein.

CONNECTIVITY

The regulations and guidelines presented in this plan will realize the goals put forth by the Guiding Principles. Below are visual representations of what some character areas can resemble once these new policies and guidelines are implemented.



LONG BEACH BLVD

In the Downtown core, high-quality design should incorporate modern, innovative architectural solutions, a higher minimum streetwall, and taller buildings in the transit-oriented areas.



WEST END

Architectural design standards west of the Downtown core should promote high-quality residential development with a minimum streetwall, landscaped setbacks, parkways, and street trees to enhance the pedestrian environment.



EAST VILLAGE

East of the Downtown core, architectural design should promote high-quality mixed-use development with pedestrian-oriented ground floors.

CONNECTIVITY



Overall Guidelines for Walkability:

1. *Strengthen existing pedestrian connections and streetscapes where possible, through the use of lighting, street furniture, landscape, and signage.*
2. *Incorporate mid-block connections, paseos, or small plaza spaces to enhance the pedestrian realm, and provide pedestrian gathering places and stopping points.*
3. *Provide pedestrian-oriented uses and pocket parks along pedestrian zones to encourage “eyes on the street” and active uses.*

Other streets, such as Pine Avenue, Ocean Boulevard, Linden Avenue, and Alamitos Avenue, contribute to distinct characters within the City. These streets offer great pedestrian activity because of a predominance of ground-floor retail, public spaces, and other places of interest. Many of these streets are found Downtown, as it is the center of culture and identity.

Neighborhood Streets

Neighborhood streets complete the street network, composing the neighborhoods and city fabric and connecting the major streets. They are typically narrower; post slower speeds; and allow for a greater commingling of vehicles, pedestrians, and bicycles than primary streets.

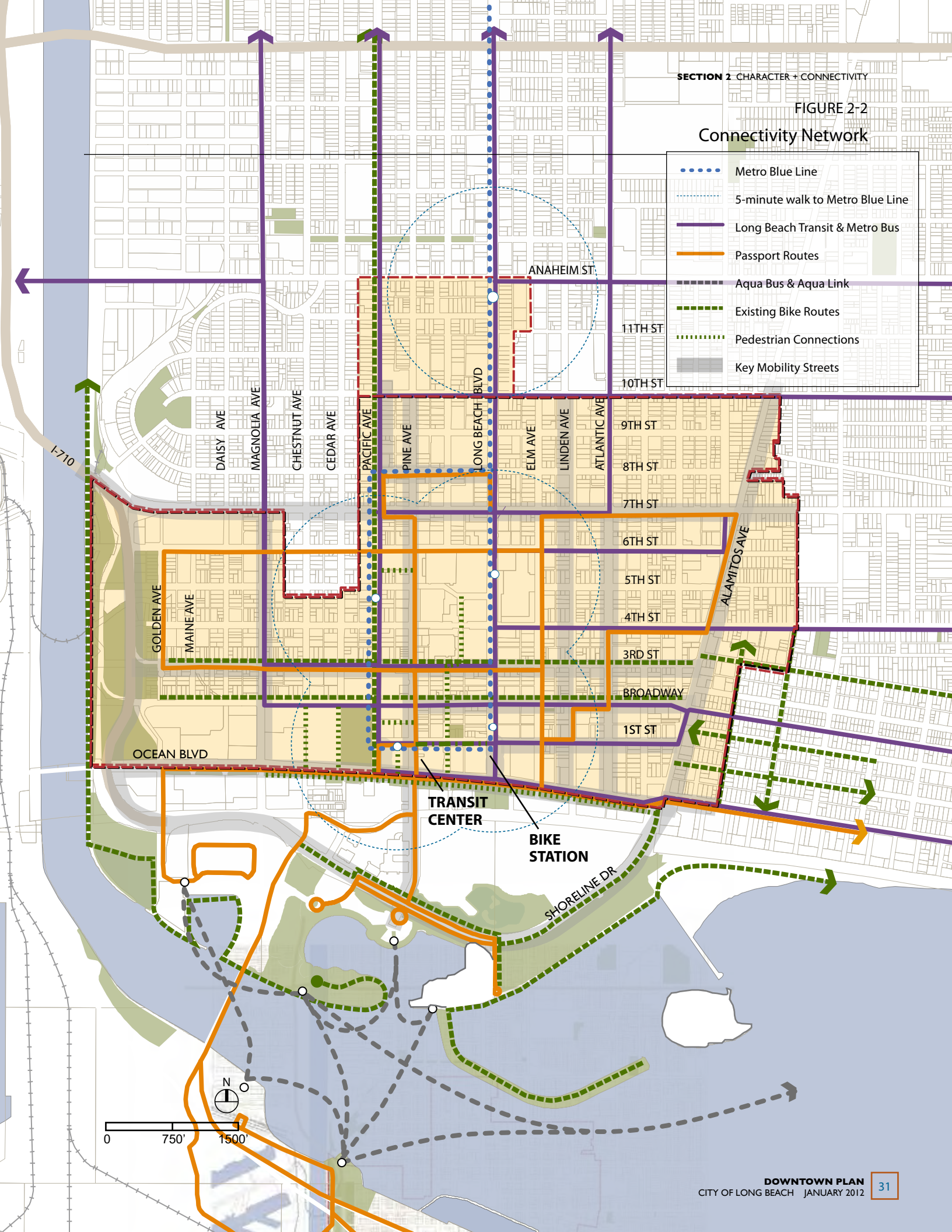
PEDESTRIAN CONNECTIONS

In several spaces, the public right-of-way is reserved for pedestrians, most notably the Promenade, which links City Place to the Transit Mall. Additional connections occur within privately owned courtyards that open to the street. The Civic Center features a pedestrian-only route between Broadway and Ocean Boulevard. Ocean Boulevard, an icon for the City, features wide setbacks that provide a pedestrian environment.



FIGURE 2-2

Connectivity Network



CONNECTIVITY

TRANSIT

Transit plays a key role in the mobility network of Downtown Long Beach. Parts of Pacific Avenue, 1st Street and 6th Street, and Long Beach Boulevard include the Metro Blue Line rail in the right-of-way. Additionally, a portion of 1st Street is reserved for bus traffic. These streets have a great amount of pedestrian activity as a result of their connection offerings and are significant activity centers in Downtown.

Los Angeles Metro System

The Metro Blue Line is a central feature of Downtown Long Beach. This light rail route connects to Los Angeles, surrounding cities, and greater Long Beach. Within Downtown there are four Blue Line stops, including an additional stop just north of Downtown on Anaheim Street. The entirety of the Downtown core is within a 5-minute walk of a Blue Line stop. This equals approximately one-third of Downtown.

The Long Beach Transit Mall, located at 1st Street and Pacific Avenue, is the junction of the Blue Line and multiple bus lines. Recent transit and pedestrian improvements at the Mall re-enforce its role as the center of transit activity in the City. In addition to the Blue Line, the Los Angeles Metropolitan Transit Authority also operates bus routes into Downtown Long Beach, with connections to the Transit Mall.

Local Bus and Water Taxis

Long Beach Transit, the local transit authority, operates an extensive bus system within the City. Several of its regular routes pass through the Downtown area. Bus routes operate mostly on primary streets, and most locations within Downtown Long Beach are within a 2-block distance from a bus route.

Long Beach Transit also operates bus routes for popular tourist destinations and areas of cultural interest. These include the Passport, the AquaLink, and the AquaBus, which provide links to activity centers throughout Downtown and the City. The reintroduction of the streetcar system may add appealing yet efficient means of traversing through the area's increasingly revitalized corridors.

Long Beach Transit also provides connections via water across the Harbor. The AquaBus operates a circular route to all attractions on the Harbor. The AquaLink is a larger vessel that travels farther to Alamitos Bay and also the Harbor destinations. Both of these options can be accessed from Downtown.



CONNECTIVITY

BIKEWAYS

The City of Long Beach would like to be the most bicycle-friendly urban city in the nation. The City and its residents developed a Bicycle Master Plan in 2000. This plan guides the development and maintenance of bicycle-friendly roads and bikeways, support facilities, and other programs. This Plan, which serves commuter and recreational riders, is currently being updated. A number of recreational bikeways and a Downtown street system already support bicycle use. The majority of the Class I bike lanes, those that are separated from vehicular paths, are located along the Los Angeles River and along the harbor through Shoreline Village. All of these are outside of Downtown.

Downtown contains a great asset for bicycle riders: the BikeStation. This commuter bike station, with 24-hour bike storage and amenities, was one of the first of its kind in the nation, and it set a precedent for bicycle use in Downtown. It is located in the center of Downtown, which is convenient for residents and acts as a promotional tool for bicycle use advocacy.

In 2008, the City began operation of City Bike Share, which encourages City employees to park their cars once and use bicycles to travel to nearby meetings, lunches, or errands. In 2009, the City was awarded funding to develop a Metro Blue Line Bicycle and Pedestrian Access Plan. This Plan will assess and recommend infrastructure and safety improvements to increase bicycling and walking to Metro Stations in Downtown and throughout the City.

Implementing a portion of the Bicycle Master Plan for Downtown, dedicated bike lanes have been completed on 3rd Street and Broadway. Completion of the planned bikeway facilities for Downtown will be the catalyst for achieving the most-bicycle-friendly goal.



Overall Guidelines for a Bicycle-Friendly Downtown:

1. Establish pedestrian and bicycle priority zones on primary and secondary streets within Downtown. Use traffic-calming measures to ensure safety for bicyclists riding in the street, and at pedestrian crosswalks.
2. Promote shared transit, pedestrian, and cyclist use on key transit streets. Enhance the attractiveness of these streetscapes to raise user awareness and comfort.



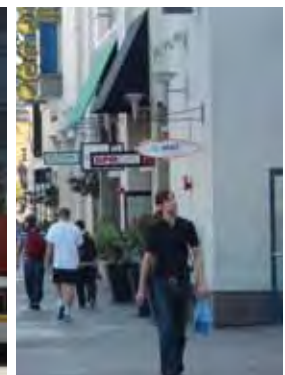
CONNECTIVITY

An important asset of Downtown is its relatively intact grid street system. The main goal as redevelopment continues is to ensure that this grid is maintained and, where possible, reestablished where past interruptions have occurred. Additionally, the coordination of all modes of transportation is a priority in the Downtown Plan.

The following is a summary of key goals identified for mobility in Downtown:

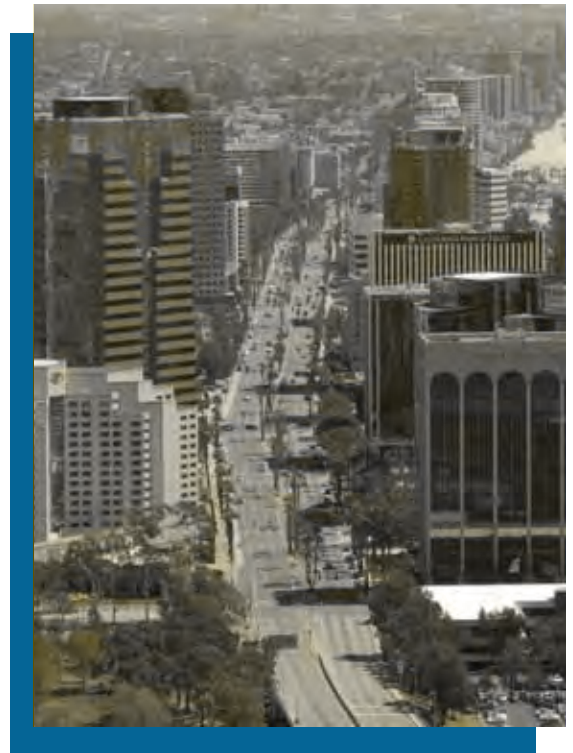
Overall Guidelines for Creating Great Streets:

1. *Maintain the historic street grid to promote the greatest number of mobility options, retain the historic scale of the streets, and preserve and/or establish new view corridors. Prohibit and discourage any interruption of the street grid.*
2. *Create new connections and corridors as larger sites are redeveloped. Require full vehicle and pedestrian access in new connections. Encourage pedestrian circulation by including mid-block connections in new developments, where feasible.*
3. *Promote shared parking, shared transit, and pedestrian and cyclist use on key transit streets. Enhance the attractiveness of these streetscapes to raise user awareness and comfort.*
4. *Provide active retail and pocket parks along pedestrian zones to encourage eyes on the street and active uses.*
5. *Include lighting along all streets, sidewalks, pedestrian connections, and on private property to ensure comfort and safety.*
6. *Establish pedestrian and bicycle priority zones in primary and secondary streets within Downtown. Use traffic-calming measures to ensure safety for bicyclists riding in the street, and at pedestrian crosswalks.*
7. *Ensure that entryways to all parking structures do not disrupt the pedestrian right-of-way on primary walking streets.*



3

DEVELOPMENT STANDARDS



ZONING



Aerial view of the Downtown core from the waterfront.

THE IMPORTANCE OF DEVELOPMENT STANDARDS

The development standards in this chapter serve to implement the vision of Long Beach as a world-class city center, with a vibrant and energetic downtown with a diverse mix of population, businesses, and attractions. Achieving a high-quality urban realm, bold architecture, and a progressive global city requires development standards that both regulate and stimulate development.

The districts, uses, and development standards developed for Downtown facilitate a range of housing types and businesses, shopping, services, and entertainment opportunities within a very vibrant mixed-use environment. Enhanced mobility, urban design, and interconnected open space better connect activities and provide for the mutually beneficial interaction of these uses for residents, visitors, and businesses.

Intact residential neighborhoods within Downtown provide a wide mix of historic and more recent housing types, including single-family homes, duplexes, and a range of apartment and condominium buildings. The Downtown Neighborhood Overlay district preserves these unique residential areas in Downtown while allowing some context-sensitive neighborhood services that are compatible with the residential character of these areas.

DOWNTOWN PLAN AREA

The Downtown area is identified in Figure 3-1. The majority of Downtown is characterized by mid- and high-rise residential development; high-intensity employment; and numerous retail, cultural, entertainment, and dining destinations. Table 3-1 indicates the uses that are permitted within Downtown. The notes and exceptions column includes special standards applicable to a use.

DOWNTOWN NEIGHBORHOOD OVERLAY

Within the Downtown area, residential neighborhoods provide a mix of housing opportunities within walking distance of employment and services. A Downtown Neighborhood Overlay is established to ensure that primarily residential uses are maintained and commercial uses compatible with small-scale neighborhoods are appropriately permitted and regulated within specific residential areas, as identified in Figure 3-1. Table 3-1 identifies specific land uses permitted within the Downtown Neighborhood Overlay. Neighborhood-serving commercial uses, such as corner stores and dry cleaners are permitted within the Downtown Neighborhood Overlay.

To ensure the continued viability of residential uses within the Downtown Neighborhood Overlay, the permitted height of structures is carefully regulated as indicated in Table 3-2. Height transitions shall be considered during design development and during the Site Plan Review process. In addition, setbacks and development standards set forth in this Chapter have been developed to sensitively integrate new development with surrounding neighborhoods.

ZONING

ADDITIONAL ZONING STANDARDS: GROUND-FLOOR PEDESTRIAN- ORIENTED USES

Figure 3-1 indicates streets within the Downtown area classified as Pedestrian-Oriented Main Streets and Pedestrian-Oriented Secondary Streets. The purpose of “Main” or “Secondary” designated streets is to further encourage active land uses in certain areas such as restaurants, retail stores, entertainment, dining, services, etc. to provide a vibrant, pedestrian-oriented experience throughout much of the day.

On Main or Secondary-designated streets, 100 percent of the ground-floor street fronts shall contain active uses. The requirement applies only to the ground-floor.

The permitted active uses allowed on Main or Secondary designated-streets are indicated in Table 3-1, under the column “Ground-Floor Pedestrian-Oriented Uses.” Within this column, “M, S” means the use is allowed as a ground-floor use on both Main and Secondary-designated streets, and “S” means the use is allowed on Secondary-designated streets but not Main-designated streets.

The Site Plan Review Committee shall consider uses not listed as M or S to be allowed on Main or Secondary-designated streets in cases of uncertainty or special configurations.

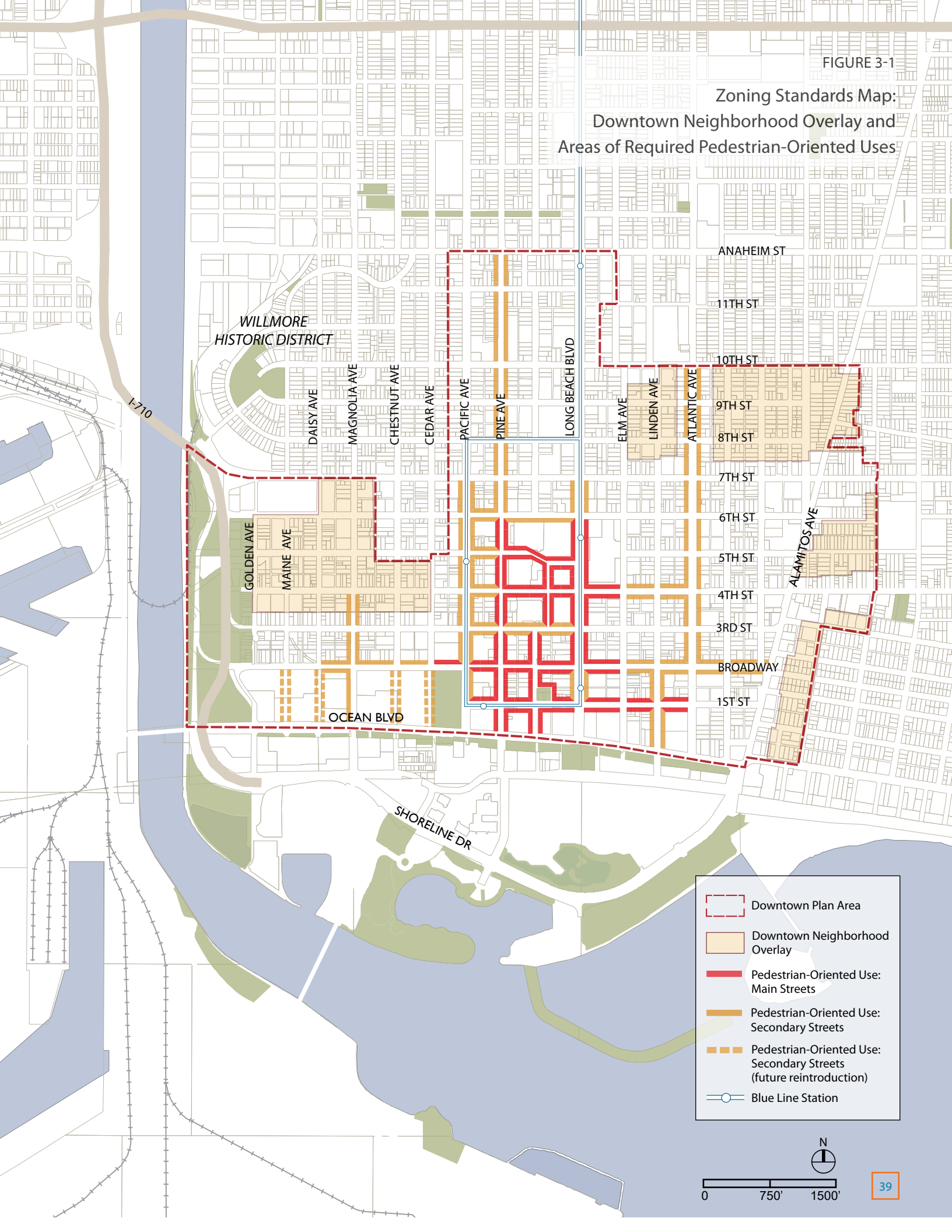
REGULATION OF LAND USES

Table 3-1 shall regulate all land uses within the Downtown area, and indicates uses permitted (Y), not permitted (N), permitted by Conditional Use Permit (C), permitted with an Administrative Use Permit (AP), permitted as accessory use (A), and permitted as a temporary use (T). An asterisk (*) indicates that additional development standards apply as indicated in the “Notes and Exceptions” column of Table 3-1.

All land uses not listed in Table 3-1 shall be prohibited, except that the Zoning Administrator shall have the authority to interpret, in cases of uncertainty, the intent of this ordinance as to whether an unlisted land use shall be designated Y, N, C, AP, A, or T, subject to verification by the Planning Commission upon appeal by the applicant, through the Classification of Use process as provided in Division VI of Chapter 21.25 of the Zoning Regulations.

FIGURE 3-1

Zoning Standards Map:
Downtown Neighborhood Overlay and
Areas of Required Pedestrian-Oriented Uses



PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Alcohol Beverage Sales				
Off-premise sales	C ^a	C ^a		See footnote (a).
On-premise sales	Y*/C ^a	C ^a	M, S	*Permitted by right within the height incentive area only. All other areas require a conditional use permit. Also see footnote (a).
Automobile Uses				
Auto detailing, with handheld machines only	AP*	AP*		*Inside parking structures or garages only.
Car wash	N	N		
Gasoline sales	N	N		
General auto repair (body work, painting, major mechanical work, etc.), as defined in 21.15.280	N	N		
Minor auto repair, as defined in 21.15.190	AP*	N		*Installation or sale of stereos and car alarms prohibited.
Limousine service (does not include auto repair)	A*	A*		*Accessory to hotel use only.
Motorcycle/scooter/jet ski sales	AP*	C*		*Indoor showroom only. Drop-off for off-site repair is allowed. Oil changes and minor on-site repair of tires, lights, etc. are allowed; any engine repair is prohibited on-site. No engine demonstrations on-site.
Parking structure	C*	C*		*Surface parking lots are limited to interim uses only.
Recreational vehicle storage	N	N		
Rental agency (does not include auto repair)	A*	N		*Accessory to hotel use only.
Rental agency – other than passenger cars	N	N		
Surface parking lot (interim only)	Y*	Y*		Interim use only. Subject to annual approval and review by Site Plan Review Committee. See Section 4, page 88, Parking Structure Design.
Vehicle/automotive parts – without installation	AP*	N		*Sale of stereos and car alarms prohibited.
Vehicle/automotive parts – with installation; tire store	N	N		
Vehicle sales – indoor showroom only	AP	AP		
Vehicle sales – outdoor	N	N		
Billboards				
Billboards/off-site advertising signs (any size)	N	N		

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Entertainment				
Amusement machines	A*	A*		*Limited to 4 or fewer.
Arcade, bowling alley, miniature golf, tennis club, skating rink, or the like	C	N		
Banquet room rental – accessory to restaurant or hotel	A	N		
Banquet room rental – not accessory to restaurant or hotel	AP	N		
Computer arcade, internet café	AP*	C*	M, S	*Subject to 21.52.220.5 except subsection (K).
Dancing	A*	N		*Accessory to restaurant, hotel, banquet room rental only.
Live or movie theater – less than 100 seats	Y	C	M, S	
Live or movie theater – 100 seats or more	Y	N	M, S	
Private club, social club, night club, pool hall	C*	N	M, S	*City council hearing is required for new and transferred business licenses.
Restaurant with entertainment	Y*	N	M, S	*City council hearing is required for new and transferred business licenses.
Financial, Professional, and Personal Services				
Basic professional services – barber/beauty shop, catering (w/o trucks), diet/nutrition center, pet grooming, dry cleaner, housing cleaning service, locksmith, mail box rental, nail/manicure shop, repair shop for small appliances or electronics, bicycle sales/repair, tailor, shoe repair, tanning salon, travel agent, or veterinary clinic	Y	AP	M, S	
Basic professional services – accounting, advertising, architecture, artist studio, bookkeeping, business headquarters, chiropractors, computer programming, consulting, contracting, dentistry, engineering, insurance, law, marketing, medicine, photography, professional care providers (MFC, MFCC, MSW, psychiatric nurses), psychiatry, psychology, real estate, tax preparation, or visitor information center	Y	AP	S	
ATM – on interior of building; vestibule	Y	AP	M, S	
ATM – freestanding exterior; walk-up machine on exterior wall of building	AP	AP	M, S	

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Bail bonds	C*	N		*Allowed only as a conditional use within 600 feet of a police station, jail, or court facility.
Bank, credit union, savings and loan	Y*	AP*	S	*Drive-thru windows prohibited.
Business support service (copy, fax, mail box rental, supplies; business equipment rental, sale, and repair)	Y*	AP*	S	*Administrative Use Permit required for offset printing.
Check cashing, payday loans	N	N		
Escrow, stocks and bonds broker	Y	AP	S	
Fitness center, gymnasium, health club, personal training, martial arts studio, dance/ballet studio	Y	C	S	
Laundromat	AP	C		
Massage therapy – accessory to other uses	A*	A*	S	*Subject to 21.51.243.
Massage establishment (not adult entertainment) – principal use	AP	C	S	
Major appliance repair (stove, refrigerator, upholstery, lawn mowers, etc.)	C	N		
Self-storage, mini-warehouse, etc.	N	N		
Shoe-shine stand – indoor or outdoor	A	A		
Tattoo parlor	C*	N	M, S	*Subject to 21.52.273.
Termite and pest control	N	N		
Vending machines – exterior	A*	A*		*Subject to 21.51.295.
Institutional Uses				
Adult day care	AP	C		
Church or other house of worship	C	C	S	Minor Conditional Use Permit
College or university	Y	AP	M, S	
Convalescent hospital or home	N	N		
Day care or pre-school – not accessory to a residence	Y*	Y*		*Conditional Use Permit required for over 14 children, unless accessory to an office building greater than 20,000 sf. Subject to 21.52.249.
Elementary or secondary school	C*	C*		*Subject to 21.52.263.
Government offices, fire or police station, courthouse, library, or other government facility	Y	AP	S	

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses ^(b)	Notes and Exceptions
Industrial arts trade school or rehabilitation workshop	AP	N	S	
Museum	Y	AP	M, S	
Mortuary	N	N		
Parsonage	A*	A*		*Accessory to a house of worship.
Professional or business school	Y	AP	M, S	
Social service office (as defined in 21.15.2795) with or without food distribution	C	N		
Residential Uses				
Artist studio with residence	Y	Y	S	
Caretaker residence	A	A		
Child day care – accessory to residence, 14 or fewer children	A*	A*		*Subject to Section 21.51.230.
Child day care – accessory to residence, more than 14 children	C*	C*	S	*Subject to Section 21.52.249.
Community correctional reentry facility	N	N		
Residential	Y	Y	S	
Shopkeeper unit	Y*	Y*	S	*Commercial uses are regulated as set forth in this table and document.
Special group residence* (as defined in 21.15.2810)	C**	C**		**Subject to 21.52.271.
Restaurants & Ready-to-eat foods				
Restaurants & Ready-to-eat foods	Y*	AP*	M, S	*Drive-thru lanes prohibited.
Outdoor dining	A	A		
Vending cart – food items only	AP*	AP*	M, S	*Subject to 21.45.170.
Retail Sales				
Basic retail sales	Y	AP	M, S	
Building supply or hardware store with lumber, drywall, or masonry (hardware stores w/o lumber, drywall, or masonry are considered basic retail)	N	N		
Cannabis Dispensary (Adult-Use)	C	N	M, S	*Subject to Title 5 Standards
Flower stand or newsstand – not accessory to another use	Y*	Y*	M, S	*Subject to 21.45.135, except subsection (B.1).
Itinerant vendor	T	N		

PERMITTED LAND USES

TABLE 3-1 LAND USES AND PERMIT REQUIREMENTS

Uses				
Key to Permit Requirements: Y = Permitted use N = Not permitted C = Conditional use permit AP = Administrative use permit A = Accessory Use M = Permitted on main and secondary streets S = Permitted on secondary streets T = Temporary use	Downtown Plan Area	Downtown-Neighborhood Overlay	Ground-Floor Pedestrian-Oriented Uses^(b)	Notes and Exceptions
Major appliance sales (refrigerators, stoves, etc.)	Y	N		
Manufacture of products sold on-site	A*	AP*		
Outdoor flower, plant, fruit, or vegetable sales	A*	A*		
Swap meet, flea market, sales event – outdoor	T*	N		*Subject to 21.52.256. Indoor swap meets and flea markets are prohibited.
Thrift store, used merchandise, consignment shop	C*	N		*Subject to 21.52.281.
Vending cart – nonfood items	AP*	AP*	M, S	*Subject to 21.45.170.
Temporary Lodging				
Bed and breakfast inn	AP*	AP*		*Inns with fewer than 7 guest rooms are exempt from the AUP requirement. All inns are subject to 21.52.209.
Hotel	Y	N	M, S	As defined in 21.15.1380.
Motel	N	N		As defined in 21.15.1800.
Youth hostel	AP	N	S	
Other Uses				
Adult entertainment business	Y*	N		*Subject to Section 21.45.110.
Carnival, event, fair, fiesta, outdoor exhibition, seasonal sales, trade show, and the like	T*	T**		*Subject to 21.53.113. **Subject to 21.53.109.
Cellular or wireless telecommunications facility – building roof/mounted	Y*	C*		*Subject to Section 21.45.115. Freestanding monopoles are prohibited.
Electrical distribution station/substation	C	C		
Firearm sales or repair; fighting knives or martial arts weapons sales or repair	N	N		
Park, community gardens	Y	Y	M, S	
Recycling center – attended	N	N		
Recycling collection containers	A*	A*		*Subject to 21.51.265. Includes not more than four (4) reverse vending machines at one specific location.
Transportation facilities (bus terminals, cab stands, heliports/helistops, train stations, etc.)	C	C	M, S	
Towing – accessory or principal use	N	N		

PERMITTED LAND USES

Notes:

- (a) The following alcoholic beverage sales may be exempted from the Conditional Use Permit requirement:
1. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. For example, a sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than 30 percent of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a Conditional Use Permit to continue to sell alcohol.
 2. Department store or florist with accessory sale of alcoholic beverages.
 3. A brew pub or other similar facility that produces for on-site consumption may offer off-premises sales in accordance with State law.
 4. Grocery stores of 20,000 square feet or greater with accessory sale of alcoholic beverages.
- (b) Refer to Figure 3-1, which depicts areas in Downtown Long Beach that require a certain mix or percentage of ground-floor, pedestrian-oriented uses. Refer to Additional Zoning Standards: Pedestrian-Oriented Uses for specific development standards on ground-floor, pedestrian-oriented uses.

INTENSITY, HEIGHT AND TRANSITIONS

INTENSITY

In the Downtown area, development intensity is regulated by development standards such as height, floor area ratio (FAR), and parking, not by lot size. Table 3-2 indicates the permitted height and FAR. Sections 21.15.1070 and 21.15.1090 define and describe FAR.

In the Downtown Neighborhood Overlay, residential density is regulated as identified in Table 3-2.

Table 3-3 identifies allowable intensity in Downtown Long Beach, in terms of both FAR and height. The table also identifies allowable development bonuses, which is explained in the following discussion.

UNIT SIZE

Table 3-2 identifies the minimum dwelling unit sizes for new dwelling units. Replacement of any unit demolished, as defined in Section 21.15.750, shall be subject to the required new unit size.

LOT SIZE

Table 3-2 identifies the minimum lot size for any new subdivision of land.

UNIT MIX

A variety of housing unit types and sizes promotes a more balanced community. A mix of dwelling unit types and sizes is required for all development projects.

HEIGHT

Height areas are identified in Figure 3-2. Where projects straddle height areas, each height area shall remain in effect.

TRANSITIONS

Heights, setbacks, and development standards have been developed to sensitively integrate new development with surrounding neighborhoods. Transition areas were carefully observed to ensure the success of this goal, including transitions abutting the Downtown Neighborhood Overlay.

Key transition areas occur at the boundaries of Downtown and at the boundaries of height areas, in many cases along existing corridors or existing areas of marked distinction and development intensity. Flexibility in transition for areas that straddle boundaries shall be considered during design development and during the Site Plan Review process.

TABLE 3-2 DENSITY, UNIT AND LOT SIZE

Development Standard	Downtown Plan Area	Downtown Neighborhood Overlay	
Density	Regulated through FAR and Height. Refer to Tables 3-3 and 3-4.	Lot Size	Density
		0 to 3,200 sf	1 unit per lot
		3,201 to 15,000 sf	1 unit per 1,500 sf
		15,001 to 22,500 sf	1 unit per 1,200 sf
		22,501 sf or more	1 unit per 975 sf
Unit size minimum	600 sf*	600 sf	
Lot size minimum for new subdivision	10,000 sf	10,000 sf	

*Minimum unit size may be reduced from 600 sq ft to a minimum of 450 sq ft through the Site Plan Review process if the Site Plan Review Committee finds that

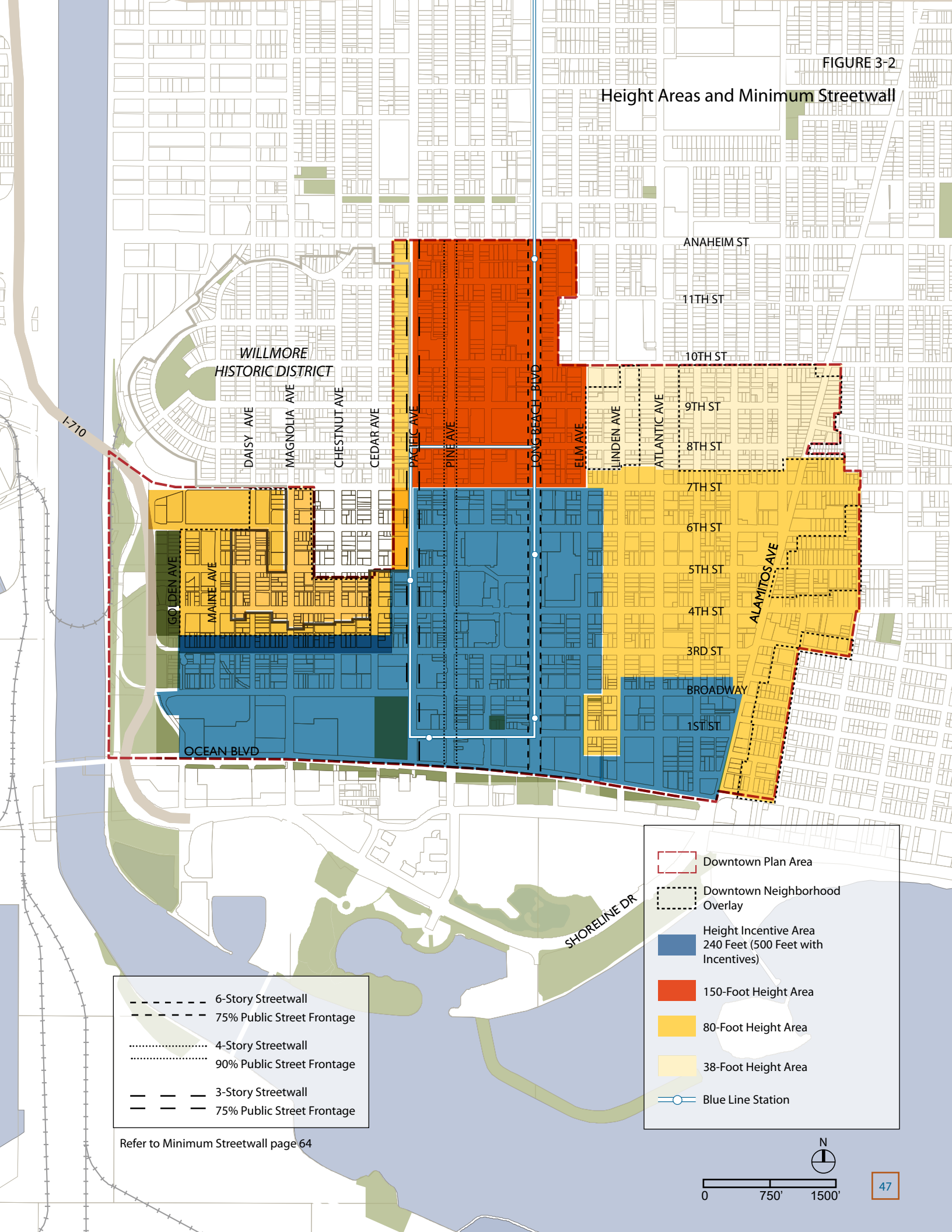
(a) The reduced-size units are high-quality dwelling units with sufficient amenities so as to be livable, desirable dwelling units, to be determined at the sole discretion of the Site Plan Review Committee

(b) Not more than 15% of the total units in the project will be units less than 600 sq ft, and

(c) Private open space requirements are not reduced, waived or otherwise abrogated.

FIGURE 3-2

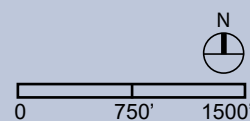
Height Areas and Minimum Streetwall



- 6-Story Streetwall
- 75% Public Street Frontage
- 4-Story Streetwall
- 90% Public Street Frontage
- 3-Story Streetwall
- 75% Public Street Frontage

Refer to Minimum Streetwall page 64

- Downtown Plan Area
- Downtown Neighborhood Overlay
- Height Incentive Area
240 Feet (500 Feet with Incentives)
- 150-Foot Height Area
- 80-Foot Height Area
- 38-Foot Height Area
- Blue Line Station



DEVELOPMENT INTENSITY AND DEVELOPMENT INCENTIVES

TABLE 3-3 DENSITY, UNIT AND LOT SIZE

Basic Height Categories	Floor Area Ratio (FAR)	Height with Incentives	FAR with Incentives
240 feet	8.0	500 feet	11.0
150 feet	5.0	N/A	N/A
80 feet	4.0	N/A	N/A
38 feet	2.25	N/A	N/A

The Downtown Plan has established a bonus system to allow for additional floor area (development bonus) for qualified projects in height incentive areas only. The purpose of bonuses is to incentivize the provision of certain project attributes such as sustainable features, provision of additional open space, and rehabilitation of certain existing buildings. Bonuses are only available within the Height Incentive Area. The following section describes the bonuses, while Table 3-4 identifies the specific incentives available.

The provision of development bonuses is subject to review and demonstration of achievement of the criteria in Table 3-4. Bonuses shall not exceed the maximum FAR in the Height Incentive Area as described in Table 3-3. Maximum FARs may not be achievable on all sites, as superseding development regulations may reduce development potential.

SUSTAINABLE DEVELOPMENT FEATURES

LEED® Certification

Projects that achieve LEED® (Leadership in Energy & Environmental Design) or equivalent certification are eligible to receive a development bonus, as indicated in Table 3-4.

Prior to issuance of a planning permit for one or more buildings receiving a development bonus for LEED Certification (or equivalent), the project developer shall post a performance bond equal to \$1.50/sf for each building receiving a development bonus but no less than \$100,000 for each application. To fully comply with these provisions, all affected projects must receive LEED Certification (or equivalent) within 1 year of the issuance of Certificate of Occupancy (CofO). If the LEED

Certification process (or equivalent) is delayed through no fault of applicant, then the 1-year period and bond shall be extended accordingly. The City shall release the performance bond within 1 week of receipt of evidence of LEED Certification. If the performance bond is drawn upon by the City, all obligations of the Developer shall be deemed fulfilled and any bond monies so drawn will be used by the City to fund maintenance, sustainability and other obligations within or related to Downtown.

Green Roof, Eco-Roof, or Eco-Roof Deck

Green roofs, also known as eco-roofs or eco-roof decks, are encouraged in Downtown because they reduce stormwater runoff, lower energy consumption, and provide for a visually interesting roofscape. If they are publicly accessible, they also provide needed open space. Projects that incorporate a green roof are eligible to receive a development bonus, as indicated in Table 3-4.

Renewable Energy

Projects that demonstrate a reliance on renewable energy for a portion of their energy requirements are eligible for a development bonus, as indicated in Table 3-4. Refer to Section 21.45.400 of the Long Beach Municipal Code (Green Building Standards).

PROVISION OF PUBLIC OPEN SPACE

As described in Table 3-4, projects that contribute open space in excess of the required open space standards described herein are eligible for a development bonus. Open space contributions may be satisfied through the direct provision of public open space, the provision of land for open space, or a monetary contribution to the creation of an off-site public open space.

DEVELOPMENT INTENSITY AND DEVELOPMENT INCENTIVES

TABLE 3-4 DEVELOPMENT INCENTIVES

Incentives for Height Incentive Area	Maximum FAR per Incentive*
LEED® Certification or Equivalent	
LEED® Silver Certified or Equivalent process	0.5
LEED® Gold, Platinum or Equivalent	1.0
Green Roof or Eco-Roof	
Option 1: 30% of footprint	0.25
Option 2: 31–60% of footprint	0.5
Option 3: Above 61% of footprint	1.0
Renewable Energy	
Option 1: Meet minimum 25% of energy needs	0.5
Option 2: Exceed 25% of energy needs	1.0
Provision of Public Open Space (See Section 5)	
Option 1: 10% of site	0.5
Option 2: 20% of site	1.0
Rehabilitation of Historic Buildings (See Section 7)	
Gross area (or percentage thereof) of existing building is removed from FAR calculation	1.0

*The total combined development bonus shall not exceed an FAR of 3.0 per project.

REHABILITATION OF HISTORIC BUILDINGS

For projects that preserve and reuse existing designated historic buildings, the gross floor area of the designated structure may be excluded from the calculation of the total FAR of the project so long as the historic and architectural character of the structure is rehabilitated and not adversely affected.

AFFORDABLE HOUSING

Refer to City's existing density bonus program as set forth in Chapter 21.63 of the Long Beach Municipal Code.

PARKING STANDARDS AND TRANSPORTATION DEMAND MANAGEMENT

Tables 3-5 and 3-6 provide the residential and nonresidential parking requirements in the Downtown area. If different land uses are part of the same project (e.g., mixed retail and residential development), the parking requirements for each separate land use are applicable and shall be added together to determine the total parking requirements for the project.

Parking and loading requirements not provided in this section shall be subject to review by the City Traffic Engineer who may require additional studies prior to approval.

Table 3-7 describes the bicycle parking requirements for Downtown Long Beach.

In the calculation of parking requirements, fractional numbers of parking spaces shall be rounded up to the nearest whole number.

TRANSPORTATION SYSTEM DEMAND MANAGEMENT

Transportation demand management strategies for Downtown Long Beach will accomplish two broad objectives:

- Reduce reliance on automobiles and associated congestion and emissions.
- Provide economic incentives for residential, office, and employment projects in Downtown.

Downtown is served by the Metro Blue Line light rail, local and regional bus services, and shuttle service. In addition, bicycling opportunities and the mixed-use character of Downtown decrease the need for parking spaces over those required in the past. For this reason, an Alternative Mobility Overlay encompassing many of these services and characteristics has been established. (See Figure 3-3.)

Within the Alternative Mobility Overlay, new development projects (both residential and nonresidential) additions, demolitions, rebuilds, and remodels (refer to Sections 21.15.065, 21.15.750, 21.15.2250, and 21.15.225 of the Long Beach Municipal Code, respectively) are eligible for a parking reduction by incorporating Transportation Demand Management (TDM) strategies.

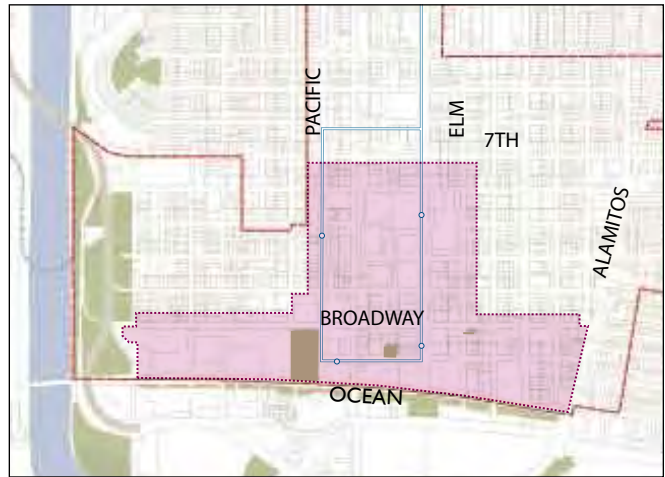


Figure 3-3: Alternative Mobility Overlay Area

TDM strategies applicable to reduced parking requirements, subject to the discretion of the Site Plan Review Committee, include:

- Car sharing
- Carpool/vanpools
- Garage lifts
- Unbundled parking (parking spaces are rented or sold separately, rather than automatically included with the rent or purchase price of a residential or commercial unit)
- Joint use (shared parking)
- Transit/bicycle/pedestrian system improvements,
- Other proposals

All parking reduction requirements shall be approved at the discretion of the Site Plan Review Committee, which will determine the appropriate level of parking demand reduction generated by these strategies on a project-specific basis.

A “park once” policy shall also be promoted for Downtown. Rather than driving from one Downtown use to another, visitors are highly encouraged to park once and walk to one or more destinations within Downtown. Similarly, residents and employees are encouraged to walk from residences or workplaces to Downtown destinations.

PARKING STANDARDS AND TRANSPORTATION DEMAND MANAGEMENT

TABLE 3-5 RESIDENTIAL OFF-STREET PARKING

Use	Minimum	Notes
Dwelling unit, shopkeeper unit, or live/work unit	1.0 space per unit plus 1 guest parking space per 4 units	Half of the required guest parking can be shared with commercial. Additional parking provided need not be allocated to an individual dwelling unit.
Special Group Residence	1.0 space per 3 bedrooms	As defined in Section 21.15.2810.

TABLE 3-6 NONRESIDENTIAL OFF-STREET PARKING

Use	Minimum	Notes
Professional office, medical/dental office, bank/savings & loan, other unspecified office	2.0 spaces per 1,000 sf	Projects containing less than 6,000 sf are exempt.
Retail, restaurants, bars	1.0 spaces per 1,000 sf	Projects containing less than 6,000 sf are exempt.
Hotel	0.5 spaces per room	Projects containing less than 6,000 sf are exempt.
Converted historic landmark buildings	No additional parking	Ground-floor uses of historic landmarks are converted to restaurant, retail, or entertainment uses.*
Outdoor dining	No additional parking	
Conversions of commercial buildings to residential	1.0 spaces per unit	Revised parking standards may be granted based on site conditions such as existing building parking constraints, proximity to mass transit, or use of other parking management techniques at the discretion of the Site Review Committee or the Planning Commission depending on the approving authority.

Note: If ground-floor uses of historic landmarks are converted to restaurant, retail, or entertainment uses. Other uses require the minimum parking required in Table 3-6.

sf = square feet

TABLE 3-7 BICYCLE PARKING

Use	Minimum	Notes
Dwelling unit, shopkeeper unit, or live/work unit	1.0 space for every five dwelling units	Fractions shall be rounded up to whole numbers.
Commercial building	1.0 space for each 5,000 sf of building area	Fractions shall be rounded up to whole numbers.
Retail building	1.0 space for each 7,500 sf of building area	Fractions shall be rounded up to whole numbers.

Note: The provision of individual secure bicycle storage is encouraged. Up to 50 percent of the total required spaces can be provided as individual bicycle facilities.

sf = square feet

BUILD-TO LINE/SETBACK STANDARDS

The siting of buildings plays a critical role in establishing the character and sense of place in Downtown Long Beach. In primarily residential areas, homes and buildings are set back from streets and adjacent structures to provide identity, privacy, light, air, and ventilation, as well as green space for recreation.

In dense commercial areas, buildings at the street's edge give spatial definition to the public realm, which is critical to supporting pedestrian activity. Spatial definition also establishes a visual connection between businesses on opposite sides of the street, provides a sense of enclosure, and is an important ingredient of a successful active, pedestrian-oriented street.



Build-To Lines permit limited setbacks to accentuate building entries and add interest to the public realm.

Figure 3-4 identifies the three types of setbacks for the Downtown area, which are discussed in more detail on the following pages and within Tables 3-8 and 3-9.

The following standards apply to all setbacks within the Downtown area. These standards have been developed to ensure a vibrant character and a pedestrian orientation to development within the Downtown. Additional standards for the design of building frontages are provided within Section 4, including Streetwall requirements on selected streets.

The Site Plan Review Committee may consider context-sensitive setbacks, deviating from the required setbacks or build-to lines on individual projects for both additions and new construction, if those deviations would be consistent with the intent of this Plan.

Build-To Lines and Setbacks

In some areas of Downtown, setbacks are prohibited. Buildings shall be built to the property line, which is a Zero-Foot Build-To Line. For Zero-Foot Build-To Lines, up to 20 percent of the building frontage may be set back not more than 5 feet.

For all other building setbacks identified, buildings are required to be set back from the property line in accordance with the requirements of Figure 3-4, and Tables 3-8 and 3-9.

Additional setbacks for entry plazas or courtyards, or to meet adjacent structures, may be permitted subject to additional design review. Arcades and colonnades may be used to satisfy setback requirements.

Stoops, patios, gardens, balconies, and bay windows may be located within the setback and are encouraged along the street edge. Projections are permitted into the required setbacks in accordance with Section 21.32.220(C) of the Long Beach Municipal Code. The design of setbacks is discussed in detail within Section 4.



Pedestrian-oriented uses activate the street edge.

Pedestrian-Oriented Uses

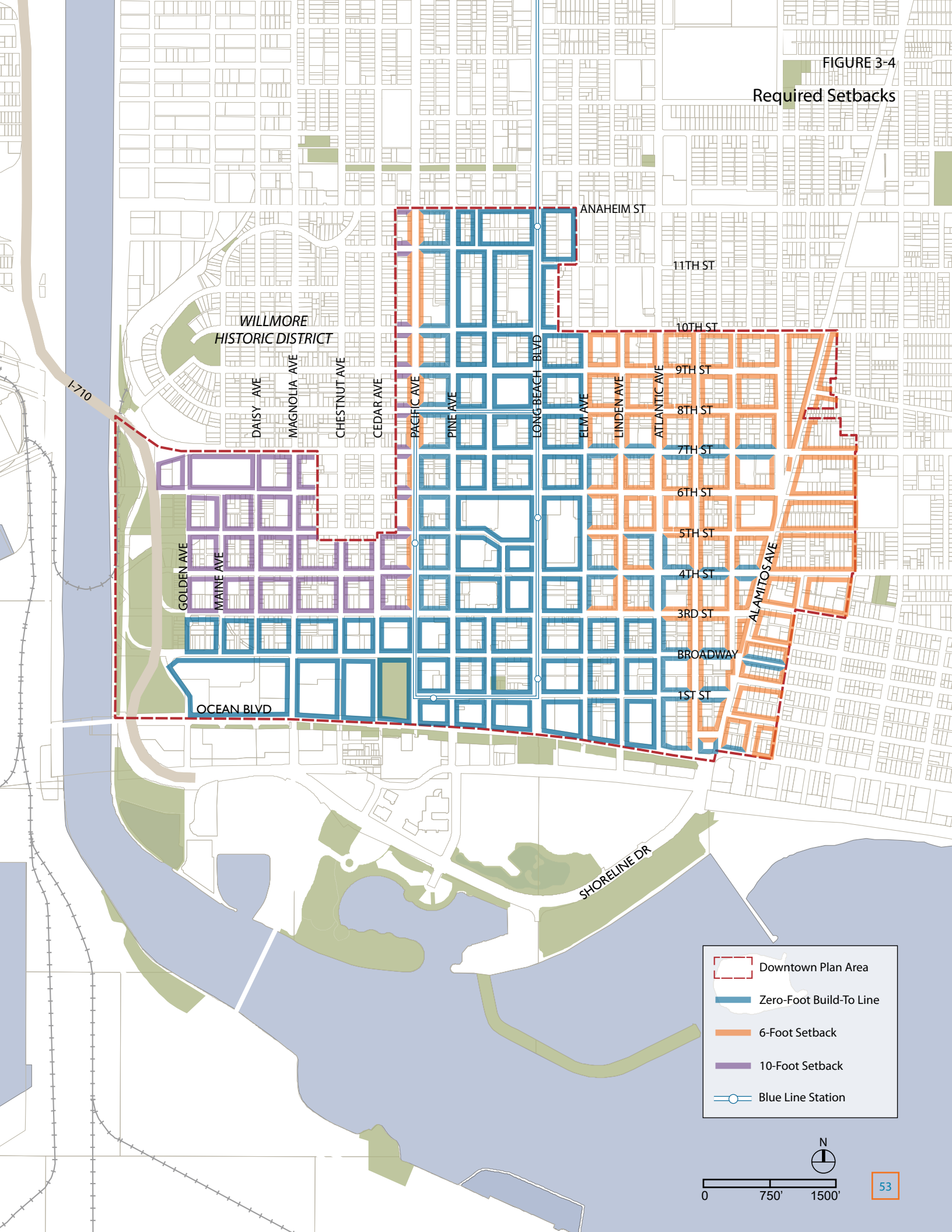
Pedestrian-oriented uses are required in specific areas, as designated in Figure 3-1 and the standards identified in the preceding section. In locations where pedestrian-oriented uses are not required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage, where existing zoning permits. Active uses may include building lobbies, residential amenities such as common spaces, athletic facilities, etc. Additional standards regarding the design of pedestrian-oriented uses are provided within Section 4.

Entrances Facing the Street

Ground-floor uses, including residential units, lobbies, recreation areas, and community rooms, shall provide large windows at the ground floor; and entries to activate the street frontage.

FIGURE 3-4

Required Setbacks



BUILD-TO LINE/SETBACK/OPEN SPACE STANDARDS

Surface Parking Lots

Surface parking lots may be built, as an interim use with site plan review, within the setback provided a continuous 6-foot-wide landscaped area is maintained between the parking lot and the street property line. Refer to Sections 21.42 and 21.44 of the Long Beach Municipal Code. Additional standards for the landscape treatment of parking can be found within the Parking Treatment portion of Section 4.

Interior Setbacks

An interior setback is the required distance from a nonfront, corner, or rear property line to a structure on a lot. Interior setbacks apply for all development in the Downtown area and are identified in Table 3-9.

Standards for required corner cut-off

Additional standards for a required corner cut-off apply in accordance with Section 21.15.660 of the Long Beach Municipal Code.

OPEN SPACE

Downtown Long Beach contains a variety of parks and open spaces that provide recreation, relaxation, and entertainment opportunities. Additional well-designed, accessible open spaces sprinkled throughout Downtown will contribute to its pleasant environment and appeal.

All new development in Downtown is required to provide open space. Types of open space allowed include common outdoor open space, common indoor open space, and private open space, in accordance with the standards described in Table 3-10.

Open space may assume a variety of different forms, but all open spaces should be expansive or uninterrupted, except for paseos and other through-block connections. Standards for the design of open space can be found in Section 4. Required Build-To Line and street setback areas cannot be used to satisfy required open space areas.

The Site Plan Review Committee may consider alternate configurations and amounts of open space on a project-specific basis, if such changes would be consistent with the intent and goals of this Plan.

TABLE 3-8 BUILD-TO LINE AND SETBACK STANDARDS ^(a)

Build-to Line/Setback	Minimum Setback	Notes
Zero-Foot Build-To Line ^{(b)(c)*}	0 feet	1. Building entrances shall open to a public ROW or public courtyard.
6-Foot Setback ^{(c)*}	6 feet	2. Additional setbacks for entry plazas or courtyards, or to meet adjacent structures, may be permitted subject to the discretion of the Site Plan Review Committee.
10-Foot Setback*	10 feet	3. If ground-floor use is either residential or hotel/motel guest rooms, a 5-foot interior setback is required in all areas. 4. No maximum setback is stipulated. 5. Required alley setbacks are measured from the centerline of the alley. 6. Setback is 0 feet if the structure is attached to a building on an abutting lot or if no building on an abutting lot is within 5 feet of property line. If no attachment can be achieved, a setback of 5 feet is required.

* See Figure 3-1 for areas with required pedestrian-oriented uses. Ground-floor pedestrian-oriented uses and neighborhood retail are encouraged in all areas.

(a) In all cases, minimum setback of 10 feet from curb face required.

(b) Arcades and colonnades may be used to satisfy the Zero foot Build-To Line requirement.

(c) Portions of the building frontage may be set back: Up to 20 percent of building frontage may be set back not more than 5 feet. In any case, setback shall not exceed 20 feet in width, or 5 feet in depth.

ROW = Right-of-way

SETBACK/OPEN SPACE STANDARDS

TABLE 3-9 INTERIOR SETBACK STANDARDS

Location ^(a)	Minimum Setback from Interior Property Line ^(b)	Minimum Setback from Alley ^(c)	Notes
Lot adjacent to side yard of lot in Neighborhood Overlay	5 feet	10 feet	
Lot adjacent to rear yard of lot in Neighborhood Overlay	10 feet	15 feet	
All other areas	0 feet ^(d)	10 feet	

(a) If ground floor use is either residential or hotel/motel guest rooms, a 5 foot interior setback is required in all areas.

(b) No maximum setback is stipulated.

(c) Required alley setbacks are measured from the centerline of the alley.

(d) Setback is 0 feet if the structure is attached to a building on an abutting lot or if no building on an abutting lot is within 5 feet of property line. If no attachment can be achieved, a setback of 5 feet is required.

TABLE 3-10 OPEN SPACE STANDARDS

Type of Open Space	Requirements			Notes
Common Outdoor Open Space – as a percentage of the lot area	Lot Size	% Common Outdoor Open Space		<ol style="list-style-type: none"> Each project shall provide common outdoor space at grade, podium, or roof level. Public open spaces directly accessible and visible from the public right-of-way are encouraged. Minimum area for common outdoor open space is 1,000 sf for projects of 21 or more new residential units and 500 feet for all other projects. Minimum dimensions of at least one portion of the open space shall measure 40 feet x 12 feet or greater. All common outdoor open space areas shall be well designed. Common open space may include rooftop decks, court game areas, tot lots, swimming pools, landscaped areas, community gardens, and courtyards. At least 10% of the open space area shall be planting.
		Projects with 21+ residential units	All other development projects	
	≤10,000 sf	10	Exempt	
	10,001 - 30,000 sf	15	5	
	>30,000 sf	20	10	
Additional Standards for Projects of 21 or More New Residential Units ⁽¹⁾				
Common Indoor Open Space	Each project shall provide at least one community room of at least 500 sf.			<ol style="list-style-type: none"> The area shall be located adjacent to, and accessible from the common outdoor open space. Area may contain active or passive recreational facilities, meeting space, exercise rooms, computer terminals or other activity space but must be accessible through a common corridor.
Private Open Space	At least 50% of all residential dwelling units shall provide private open space on a balcony, patio, or roof terrace.			<ol style="list-style-type: none"> Minimum area of private open space is 36 sf with a minimum width of 6 feet.

(1) Refer also to Tower Spacing requirements in Section 4, Standards by Building Types - Towers

ADDITIONAL STANDARDS

Residential Amenities

Residential developments consisting of 21 units or more shall provide storage space subject to the discretion of the Site Plan Review Committee. Each storage space shall be a minimum of 25 square feet in area and shall contain not less than one hundred 175 cubic feet. A garage shall not count as a storage space.

Off-Site Improvements

All development projects in Downtown shall comply with the requirements of Chapter 21.47 of the Long Beach Municipal Code (Dedication, Reservation and Improvement of Public Rights-of-way). In addition, off-site improvements may include such items as street lights, bumpouts, street trees, and intersection improvements, as well as other public facilities. Such improvements are subject to the Site Plan Review process as discussed in Section 5 Streetscape Standards and Improvements (page 93).

Other Development Standards

Development standards not specifically indicated in this Plan shall also apply to all Downtown projects in accordance with the provisions set forth in Title 21 of the Long Beach Municipal Code.

DESIGN STANDARDS



OVERALL STANDARDS

THE IMPORTANCE OF GOOD DESIGN

Well-designed buildings are the “building blocks” of great streets and neighborhoods. Downtown Long Beach is composed of buildings that reflect a variety of periods, from Craftsman to Spanish, and Art Deco to Moderne. In areas like the East Village, architectural style contributes to the district’s identity with its predominance of Art Deco and Streamlined Moderne buildings. All of these styles represent design innovations and a distinct place in time.

The design of new development projects should attempt to distinguish their own place in time and achieve the same level of distinction of past eras without replication. This can be done through bold and innovative design that consistently follows a singular new style or approach. The use of faux architecture that mimics the past is strongly discouraged as new buildings cannot replicate the method and quality of craftsmanship and often fall short on design and execution.

Good design usually results from projects that were conceived in their total, and respond sensitively to their immediate context, while artfully solving the programmatic needs of the owner and building users. The “big design idea” should then be evident at the finer levels of execution—like the selection of materials, windows, doors, details and landscaping palette, where all elements combine to realize a larger architectural composition.

Downtown Long Beach should be composed of buildings that represent the highest quality of design and construction in Southern California and the West. Quality, while subjective, usually requires a strong combination of skills to achieve. Depth of experience and a proven track record are essential, but quality must be advocated for every day by the developer who conceives it, the architect who designs it, and the contractor who builds it. Their decisions shape design and material choices that represent whether the project is viewed as representing “good design.”

The following standards and guidelines underscore design principles intended to produce good buildings, great streets, and memorable places. The design standards and guidelines are not indicative of any style but are intended to encourage innovation and the design of high-quality architecture and urban form.

Included in this section are both standards and guidelines. Standards, as indicated by the word “shall,” identify requirements. Guidelines, as indicated by the word “should,” describe recommendations for high-quality architecture and urban design. Guidelines should be addressed within all development projects—alternatives will be permitted only if the intent of the design guideline is met.



OVERALL STANDARDS

OVERALL STANDARDS FOR NEW BUILDINGS

1. New buildings shall respect **HISTORIC** structures and try to integrate them into new projects.
2. New buildings shall respect the **SCALE** of adjacent structures and respond to their elements in an appropriate manner.
3. New buildings should be **BOLD AND INNOVATIVE** and promote a forward-looking identity for Downtown Long Beach.
4. New buildings shall give particular attention to the ground floor to create a **PEDESTRIAN-ORIENTED** streetscape and the creation of great streets.
5. New buildings shall have an underlying **DESIGN IDEA** that the applicant can articulate through sketches, drawings, and specifications.
6. New buildings shall be made of **DURABLE** and high-quality materials that have a proven longevity in Long Beach.
7. Projects shall follow the recommended **MATERIALS** palette by building type.
8. Materials and color shall be used to reinforce variations in building **MASSING**. They should suggest form changes and turn corners so there is a substantive reading of form and material together.
9. Materials shall vary in the **VERTICAL** plane. Buildings shall exhibit greater detail and higher quality materials at the lower levels, where viewed by pedestrians, and contribute substantially to the streetscape.
10. Materials shall vary in tandem with massing in the **HORIZONTAL** plane, with changes in materials used to emphasize entrance lobbies and massing changes or differentiate uses or tenants.
11. The **FINISH** texture and color of materials shall be compatible with materials used in the project and be consistent with the overall architectural approach.
12. Buildings should have a simple **COLOR** palette that reinforces building massing and is not independent of the building's structural form.
13. Color can add a playful and **STYLISH** quality to projects, but it should be used thoughtfully and in consideration of its longevity within Downtown Long Beach. Unusual or very bright color palettes shall be tested on-site to confirm appropriateness for the site, block, and neighborhood.
14. Construction details shall be **AUTHENTIC** and applied with consistency and brevity.
15. No faux architecture is allowed that will mimic a past era with poor design and execution.



OVERALL STANDARDS

For residential projects of two new units or more, or nonresidential projects consisting of 1,000 square feet or more of new building area, the standards and design goals contained in this chapter shall be met to the satisfaction of the Director of Development Services, the Site Plan Review Committee, or the Planning Commission, as appropriate. The Site Plan Review Committee may consider alternate configurations or approaches to the standards and guidelines on a limited project-by-project basis, if such changes are found to be consistent with the goals of this Plan.

This section begins at the scale of the block structure and building massing, and then discusses the incorporation of setbacks and pedestrian-oriented uses into the overall block design. Guidelines specific to the building type are addressed in the subsequent portion of this section.

BLOCK STRUCTURE

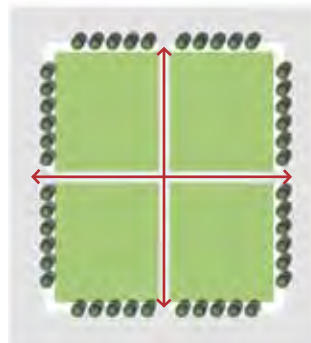
An important feature of Downtown Long Beach is the established block size. The majority of blocks are 300 x 320 feet—a scale that is ideal for pedestrians and walkability. Historically, the blocks were subdivided by alleys and paseos, allowing pedestrians and bicyclists to filter through the block with ease. In many locations, alleys that serve loading docks and parking garages can also be shared with pedestrians. This urban design element is encouraged in new development to ensure the preservation of the fine-grained scale of the City.

New projects shall preserve mid-block alleys and paseos, or create new connections, wherever possible.

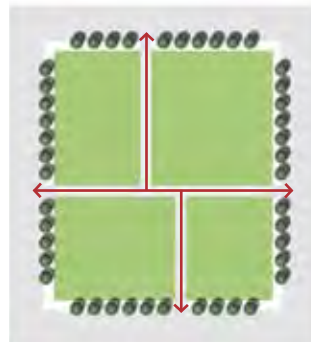
1. Shared use of these zones is allowed and shall be designed to encourage slow vehicle speeds and clearly signed for shared use with pedestrians and bicyclists.
2. Full-block developments that do not provide access through the block should articulate how they will provide a pedestrian-oriented environment that supports the objective of making Downtown more walkable.
3. Full-block development that does not provide public access through the block shall provide a pedestrian-oriented environment that is inviting and interesting along the public frontages.
4. Providing active uses along the alleys and paseos is highly encouraged.



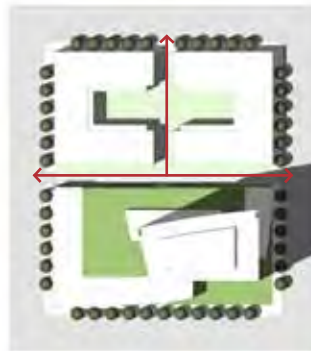
Typical Downtown Full Block
300 x 320 feet



Block subdivided into symmetrical
quarter-block sites with alleys
aligned (traditional pattern)



Block subdivided into
asymmetrical quarter-block lots
and alleys that are not aligned



Development on a subdivided
block, demonstrating varied
massing, heights with paseos or
shared-use alleys

The above diagrams show a typical Downtown block and the ability to break down the scale of the block with alleys or paseos, which facilitates pedestrian passage, and fine-grained blocks and buildings, rather than monolithic structures.

OVERALL STANDARDS

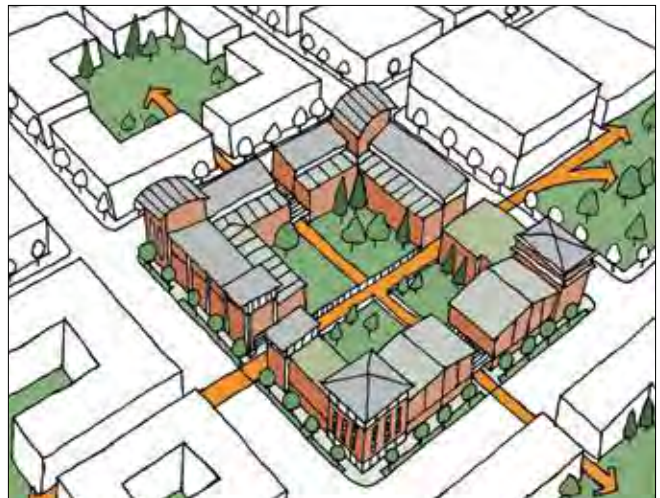
MASSING

Massing refers to the physical volume of a building or its breadth, and when considered with height these two factors define the overall scale or presence of a building. Massing and height must be addressed together and usually fall into three categories that are roughly defined as low-rise (1 to 6 stories), mid-rise (7 to 13 stories), and towers (usually 14 stories or higher). All have a street presence shaped by the first several stories, which contributes the most to defining the street's character.

1. Large projects shall be designed as a group of appropriately scaled buildings so that no building shall be more than 200 feet in length without a break (which is comparable to two-thirds of a typical downtown block face).
2. Quarter-block, half-block and full-block development projects shall all follow character and intent of the guidelines. Example images of quarter-block, half-block, and full-block developments are illustrated on the following page.



The Downtown Promenade is an example of a mid-block pedestrian linkage that “breaks down the block” into a walkable scale while providing building entrances and views onto a quieter public space.

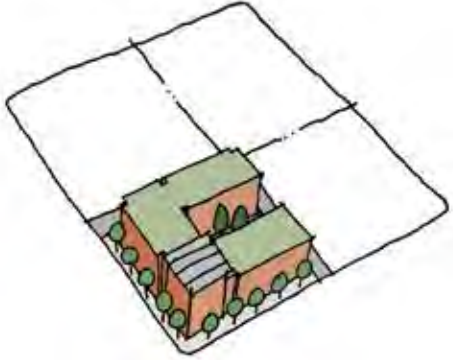


A meaningful pedestrian network in Downtown can take root with pedestrian paths and shared-use alleys that link to at-grade courtyards within new developments. Whether at the scale of quarter-block, half-block, or full-block development, placing required parking underground allows courtyards to be developed in the center of the block. Even if realized in phases or by different developers, courtyards should be sited to relate to each other.

OVERALL STANDARDS

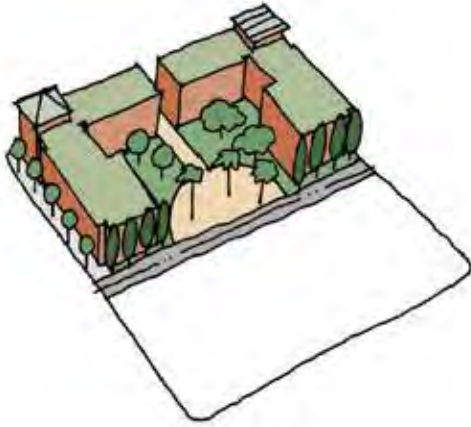
QUARTER BLOCK

Quarter-block developments in Downtown Long Beach are usually designed on a lot size of approximately 0.5 acre.



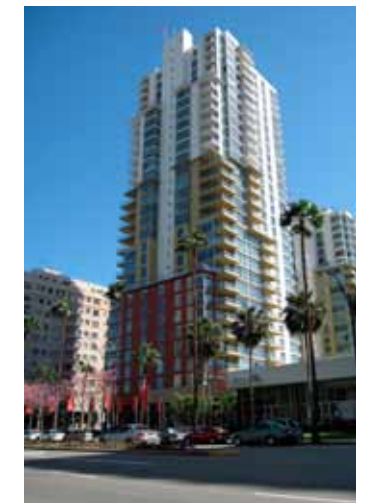
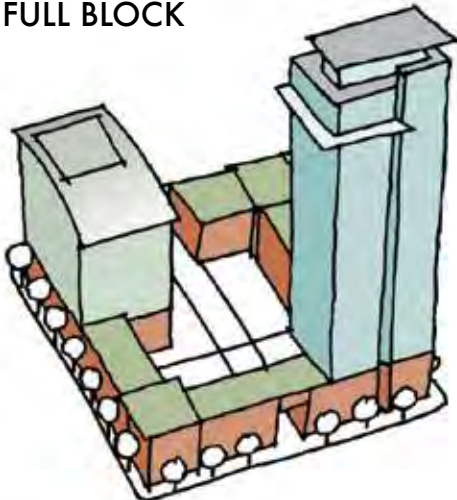
HALF BLOCK

Half-block developments in Downtown Long Beach are usually designed on a lot size of approximately 1.25 acres.



FULL BLOCK

Full-block developments in Downtown Long Beach are usually designed on lot size of approximately 2.5 acres.



OVERALL STANDARDS

STREETWALL DESIGN AND THE DESIGN OF SETBACKS

The following guidelines and standards relate to general urban design, the design of the streetwall, and the design of the setbacks. These guidelines and standards have been developed to ensure the development of an urban downtown environment with the best possible street environment for pedestrians. The location of specific setbacks is identified within Section 3: Development Standards.

Minimum Streetwall

A minimum streetwall height on key corridors ensures the “public room of the street” (as shaped by buildings on both sides) is consistent. This requirement should eliminate parcels being underdeveloped along the edges and not contributing to the creation of good streets on Downtown’s most identifiable corridors. Streetwall requirements shall be measured on a parcel-by-parcel basis. (See Figure 3-2.)

Long Beach Boulevard. The minimum streetwall shall be six stories for 75 percent of the public street frontage. Establishing this minimum street wall will provide a cohesive block face and promote an appropriate density along Downtown’s most important transit street.

Pine Avenue. The minimum streetwall shall be four stories for 90 percent of the public street frontage. Establishing the four-story streetwall along the sidewalk is required to reinforce this important retail and pedestrian-oriented mixed-use environment. Paseos that allow pedestrians and bicyclists to meander through a development or block are encouraged.



Horizontal variation can be provided with changes in the streetwall plane, materials, and color.



The streetwall is the primary contributor to human experience and district identity.

Pacific Avenue. The minimum streetwall shall be three stories for 75 percent of the public street frontage. Establishing the three-story streetwall along the sidewalk is required in this evolving urban district that bridges between the Downtown and low-rise residential or historic areas.

Streetwall Design

The streetwall of a building is the most visible component seen by pedestrians, bicyclists, and motorists. How the mass of the building “meets the street” should be well detailed. The design of the streetwall is what humans experience most intimately when on the sidewalk and is the biggest contributor to district character.

1. Buildings should maintain a generally consistent streetwall (as has been established with most of the historic buildings in Downtown) so the public room of the street is well defined. See Table 3-8 for Setback Standards.
2. The streetwall should include active uses focused along at sidewalk level with the greatest concentration sited at the intersection of two streets.
3. The streetwall should reinforce the building’s presence at major corners, public entrances, terminus for a view corridor, or as wayfinding when viewed from key locations within Downtown.
4. Monolithic structures that appear as a massive wall and that block views and overshadow the surrounding neighborhood shall be avoided.
5. Where parking structures are planned, the streetwall should be composed of active uses that screen podium parking, parking structures, and other uses that do not contribute to making a great Downtown street.

OVERALL STANDARDS



Both small and large setbacks can accommodate high-quality building and plant materials in private entrances and patios.



Windows and doors are a part of a comprehensive approach to massing and elevation design. Shown above are inset details, bay windows, taller ground-floor storefronts and emphasis on the pedestrian lobby entrance.

6. The streetwall should be designed to visually clarify paseos, the existing Downtown alley system, and any points where pedestrians can walk through a block.

Variation with the Streetwall

1. Monotonous stretches of uninterrupted façade are highly discouraged. The street wall façade shall exhibit variation in the street wall (by 2 to 4 feet to be read as a substantial change and provide a significant shadow line) by varying materials and colors, massing, fenestration, storefronts, public art, or other architectural elements that are well composed. (Refer to Setback Standards, Page 52.)
2. The maximum width of a bay of blank wall, without a feature in relief or protrusion of at least 6 inches, shall not be more than 25 feet.
3. Variation in the horizontal plane of low-rise mixed-use buildings shall reinforce the buildings, massing and material changes while providing a variety of solid and transparent surfaces.
4. The base of the building (the first 2 to 5 feet above the sidewalk) should be differentiated from the rest of the building façade with treatments such as change in material and/or color, mouldings, or built planters.
5. Physical breaks in the streetwall shall be limited to those necessary to accommodate pedestrian paseos, public plazas, entry forecourts, permitted vehicular access driveways, and hotel drop-offs.
6. Building entrances shall be well designed and emphasized with changes in materials and graphics. Private and public entrance points should be treated differently.

Private Entrances and Patios

1. Private residential street level entrances shall be set back to provide for front porches or small entry courts. The design of patio walls should be well integrated into the overall architectural idea and utilize the highest quality materials. Translucent materials are encouraged to provide a lighter visual barrier between the public and private realm.
2. Live-work or shopkeeper units should be designed to appear like a commercial storefront, gallery, or urban light industrial compatible to the area it is most affiliated with in character.

OVERALL STANDARDS

Windows and Doors

1. Entrances and windows, not garages, should be the dominant elements of the front façades. Window and door placement, size, material, and style should help define a building's architectural style.
2. Building façades shall have a glazed opening at least every 25 feet.
3. To prevent wall surfaces from being monotonously flat, windows and doors shall be recessed at least 3 inches from the face of the finished exterior wall to achieve a sufficient depth and shadow reading. Flush finish installations, especially with stucco, are not permitted.
4. Detailing of windows and doors should reflect the overall design idea of the building and be well crafted and constructed.
5. If a window contains divided lights (multiple panes), true divided lights or quality simulation should be included when using insulated glazing.
6. Metal security doors and exterior security grilles are not allowed.

Awnings, Canopies, and Marquees

Encroachments such as awnings, canopies, and marquees are encouraged but must be well designed and proportioned so they do not adversely impact the sidewalk environment.

1. The minimum vertical clearance between the ground or street level and the encroachment should be 10 feet. In areas of Zero-Foot Build-To Lines, awnings, canopies, and marquees should not project more than 6 feet into public right-of-way. Encroachments that are designed to require ground support are prohibited. In areas where setbacks are required, awnings, canopies, and marquees should not project past the setback line.
2. Horizontal dimensions should relate to the bays of the building façade. The awning or canopy may encroach over the public sidewalk provided at least 2 feet of clearance is maintained from the street curb line.
3. For awnings and canopies, the materials, shape, rigidity, reflectance, color, lighting, and signage should relate to the architectural design of the building.

Setbacks and Landscape Design

Treatment of the ground plane within the setback may be either planting or a combination of planting and hardscape, and shall be well designed and well maintained.

1. To create visual interest, landscape treatment of setbacks should vary along a street.
2. Setbacks should engage the pedestrian and act as an extension of the public realm.
3. Adjacent to ground-floor residential units, the setback should include elements such as porches, patios, gardens, and stoops.
4. Adjacent to retail, setbacks should include planting (in pots, planters, or the ground) and outdoor dining areas wherever applicable.
5. Where no setback is required, pots or planters should be provided along the building face to add life and character to the sidewalk.
6. Landscaping at the building wall is permitted, provided the planter is part of the building façade and the earth level for planting is at a level of at least 1 foot above sidewalk level.
7. Recesses, bases, and projections may be employed if the setback for landscaping is not more than 5 feet.
8. Additional guidelines specific to each setback are identified on the following pages.



Encroachments such as awnings, canopies, and marquees that do not obstruct the public right-of-way are encouraged.

OVERALL STANDARDS

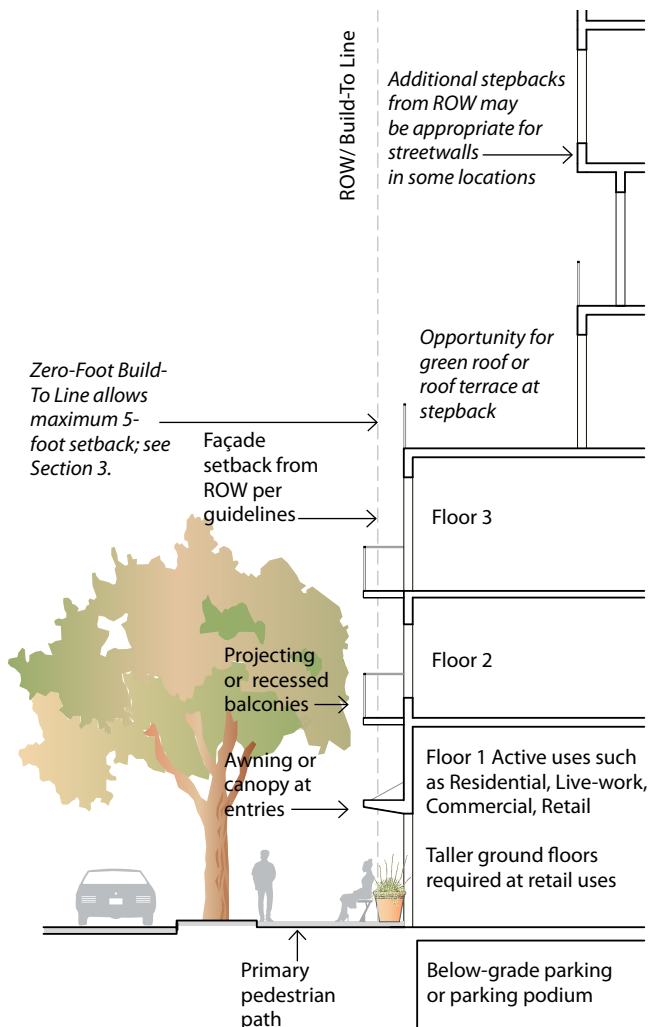


Zero-Foot Build-To Line

In addition to the above, the following standards apply:

To provide a consistent building streetwall that defines the street and pedestrian realm, portions of Downtown, including much of central Downtown, are designated as having a “Zero-Foot Build-to Line,” as described in Section 3. (Refer to Setback Standards, Page 52.)

1. Where building façades abut the property line, pots or planters should be provided on the sidewalk, out of the primary pedestrian path.
2. Provide greater setbacks adjacent to retail, patios and dining areas so elements such as trees, planting, and water features can be included. Refer to Section 3: Development Standards for additional standards related to outdoor dining.

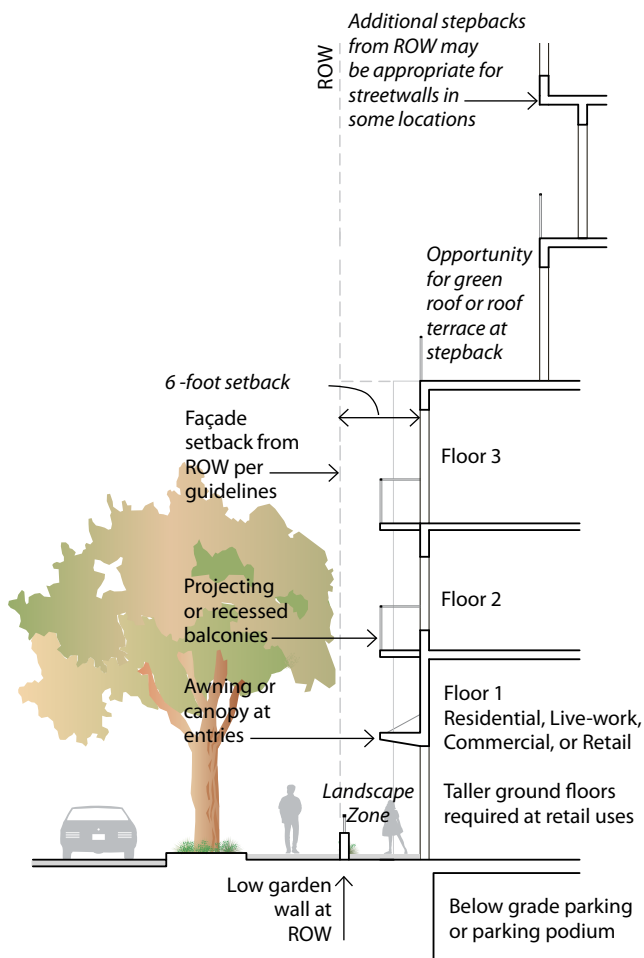


OVERALL STANDARDS

6-Foot Setback

6-foot setbacks are identified for areas at the eastern part of the Downtown, as described in Section 3.

1. In locations where 6-foot setbacks are required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage.
2. An 18-inch planting buffer should be provided between the sidewalk and the low garden wall separating private residential space.
3. The elevation of the setback zone should be no more than 24 inches above sidewalk elevation.
4. The setback zone should be landscaped and may include walkways, steps, patios, solid walls up to 3 feet above sidewalk elevation, and transparent fences (such as wrought iron, glass, etc.) up to a height of 5 feet above sidewalk elevation (or 42 inches above finished elevation of setback).
5. A physical connection should be provided between the residential unit and the sidewalk.



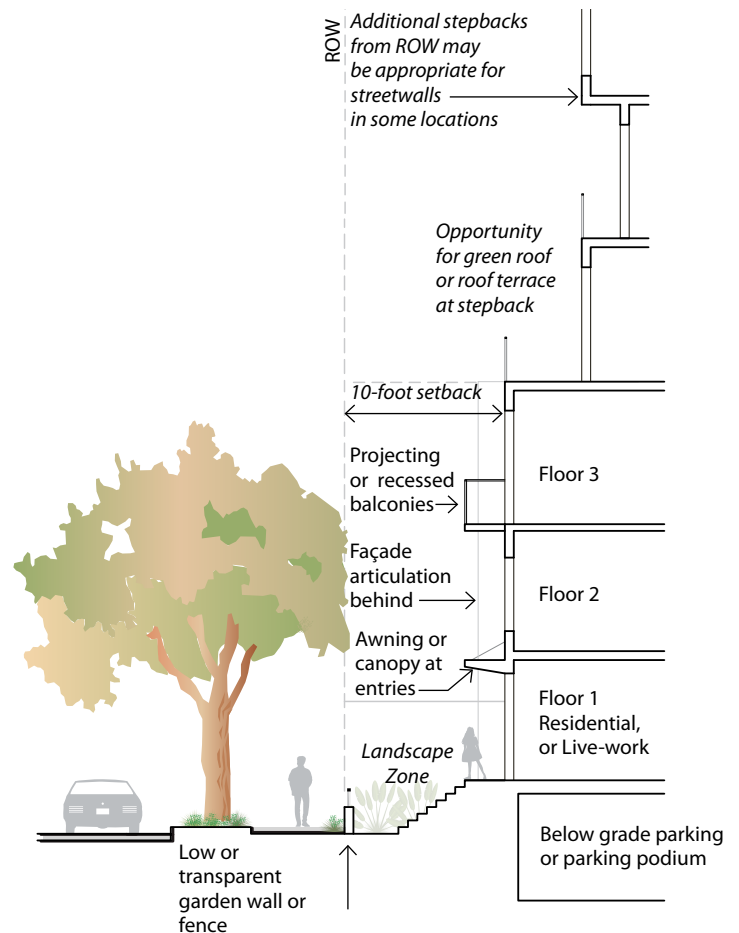
OVERALL STANDARDS



10-Foot Setback

10-foot setbacks are identified for areas at the western part of the Downtown, as described in Section 3.

1. In locations where 10-foot setbacks are required, neighborhood retail and other active uses are encouraged at the ground-floor street frontage.
2. A 2-foot planting buffer should be provided between the sidewalk and the low garden wall separating private residential space.
3. The elevation of the setback zone should be no more than 36 inches above sidewalk elevation.
4. The setback zone should be landscaped and may include walkways, steps, patios, solid walls up to 3 feet above sidewalk elevation, and transparent fences (such as wrought iron, glass, etc.) up to a height of 5 feet above sidewalk elevation (or 42 inches above finished elevation of setback).
5. A physical connection should be provided between the residential unit and the sidewalk.



OVERALL STANDARDS

PEDESTRIAN-ORIENTED USES

The Downtown Plan strategically encourages active street level uses that will increase and expand pedestrian activity. Pedestrian-oriented uses in Downtown Long Beach are defined as uses accessible to the general public that generate walk-in pedestrian clientele and contribute to a high level of pedestrian activity in the public realm. Typical uses include retail shops, restaurants, outdoor dining areas, bars, theaters, performing arts, recreation and entertainment, personal and convenience services, lobbies, libraries, museums, galleries, and public plazas.

Section 3 identifies specific locations where a certain mix or percentage of active pedestrian-oriented uses is required. The following guidelines and standards address specific criteria related to the design of pedestrian-oriented uses.

1. Ground-floor floor-to-ceiling height shall be a minimum of 15 feet or taller to accommodate retail uses.
2. Each storefront bay shall contain an entrance. The primary entrance to each commercial space on the ground floor shall be located on the front façade along the street. If parking is located behind buildings, well-lit secondary rear entrances shall also be provided.
3. Where they occur, ground-floor residential uses, including residences, lobbies, recreation and community rooms, shall provide entries or large windows at the ground floor to activate the street frontage.

Transparency

Clear, nonreflective display windows or doors shall comprise at least 60 percent of the ground-floor street façade of active, pedestrian-oriented uses. Interior blinds, drapes, posters, signage, and interior shelving for product displays visible for the public right-of-way shall obscure no more than 10 percent of the transparent areas of each respective storefront.

The maximum height of the bottom sill of required display windows shall not exceed 30 inches above the adjacent sidewalk. The minimum head height for storefronts and windows at the ground floor should be 80 inches above the adjacent sidewalk.

First-Floor Elevation

The first level of buildings that require pedestrian-oriented uses shall have a floor elevation that is level with the elevation of the adjacent sidewalk.

Entrances Facing the Street

Entrances to uses on ground and upper floors should open onto a public right-of-way. Entrance doors should be set back between 1 to 3 feet from the property line.

Outdoor Dining

Outdoor dining adjacent to the sidewalk is encouraged. It may be provided along segments of the building's front façade that are set back from the property line within the setback, or on the sidewalk. A public sidewalk occupancy permit must be obtained, as outlined in the Municipal Code, Chapter 14.14. In addition, the following standards shall apply:

1. A continuous, unobstructed path of travel to facilitate pedestrian movement.
2. Awnings that project more than 6 feet into public right-of-way, or that are designed to require ground support are prohibited.
3. Retractable or movable shade devices are permitted.
4. Fixed canopies or canopy-type awnings or structures are prohibited.
5. Outdoor dining may not be fully enclosed.

Vehicular Driveway Access

Vehicular driveway access or entries to parking structures are prohibited along frontages that require active, pedestrian-oriented uses. Access shall be taken via the alleys serving the site or, on corner lots, at the street frontage, which does not require active ground-floor uses. The Site Plan Review Committee may consider alternate configurations on a limited project-by-project basis, if such changes are found to be consistent with the goals of this Plan.

OVERALL STANDARDS



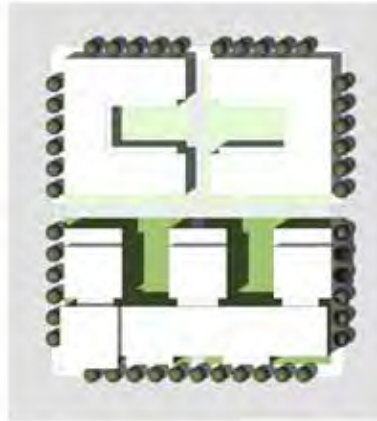
Where the ground-floor frontage is designed to accommodate retail, the building wall is almost completely transparent and is not set back from the sidewalk.



Businesses with pedestrian-oriented design and articulation help to activate the street, increasing safety and community awareness.

STANDARDS BY BUILDING TYPE

LOW-RISE



Building Characteristics

- 1 to 6 stories
- Residential, Mixed-use, Commercial

*The architectural design standards of low-rise buildings apply to all building types.

MID-RISE



Building Characteristics

- 7 to 13 stories
- Residential, Mixed-use, Commercial

TOWERS



Building Characteristics

- 14 stories and higher
- Residential, Mixed-use, Commercial

STANDARDS BY BUILDING TYPE

INTRODUCTION

The Guidelines and Standards by Building Type are form-based criteria that address the design of all buildings Downtown, and build upon the overarching design guidelines and standards addressed in the previous discussions. In some cases, design criteria may vary for residential and commercial projects as noted.

The guidelines and standards identified on the following pages are arranged according to specific building types; address the size, scale, design, and detailing of that building type; and are organized according to the following building types:

- Low-rise building (See pages 74-77)
- Mid-rise buildings (See pages 78-81)
- Towers (See pages 82-85)

Multiple building types may affect the design of a building. For example, a taller project may include a low-rise component, as well as a mid-rise building and towers. Such projects are expected to adhere to the guidelines and standards established for each of the project components.

The guidelines and standards start by addressing the scale and massing of that building type, as well as architectural design (the big moves established during schematic design), followed by materials, which have a great effect on the quality and longevity of a building and thus are critical to realizing the standard of design and construction envisioned for Downtown Long Beach.

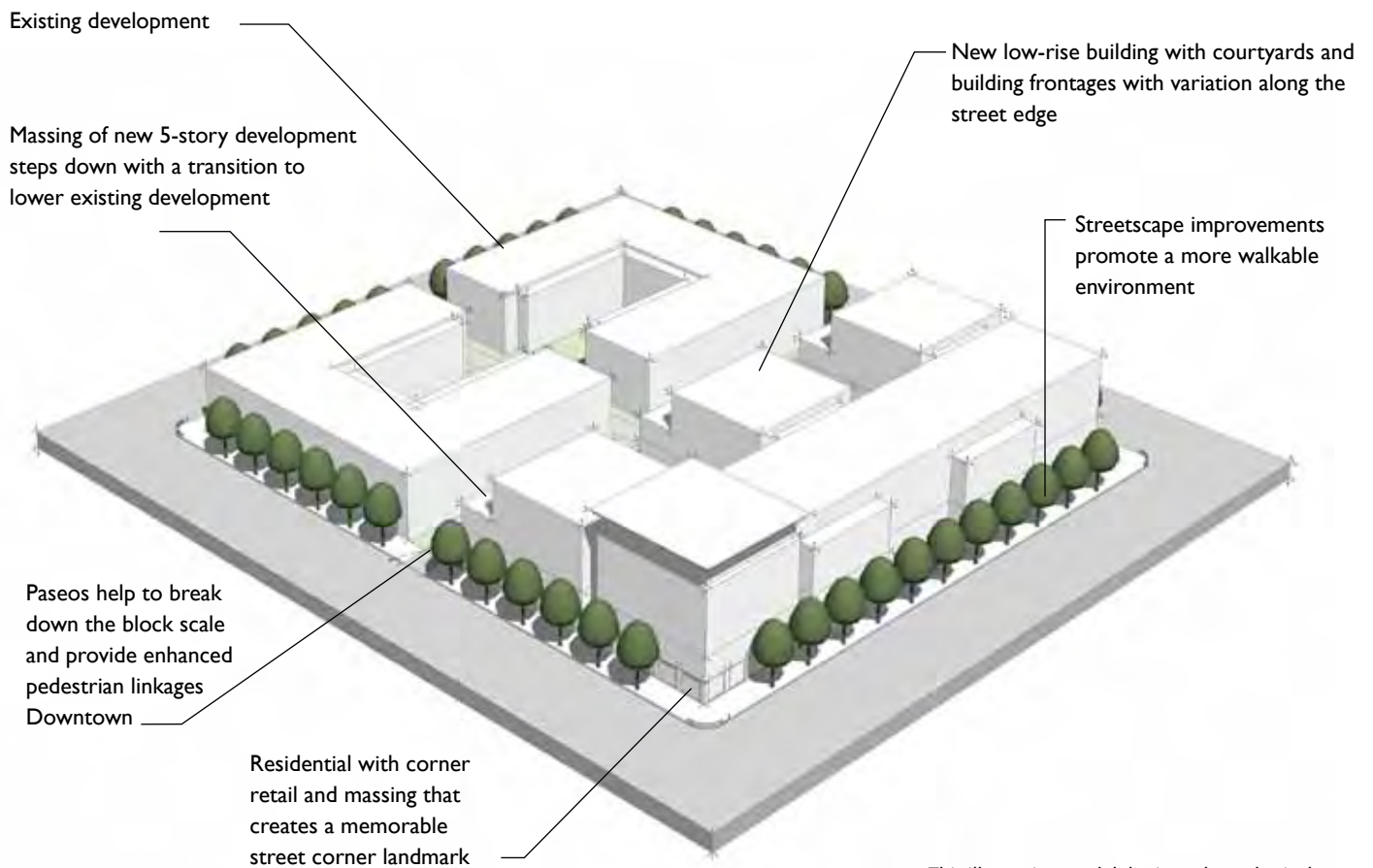
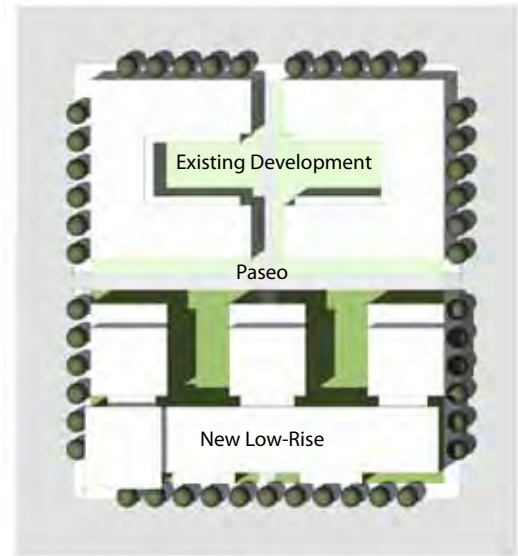
Well-detailed and crafted buildings are highly valued in Long Beach, and new buildings must contribute to this legacy.



STANDARDS BY BUILDING TYPE - LOW RISE

LOW-RISE BUILDINGS

Low-rise buildings are defined as being one to six stories tall. The more recent development projects in Downtown Long Beach have consisted of this building type in the form of multi-family residential or mixed-use projects. By nature of their size, low-rise buildings should be well crafted and exist as good neighbors to other buildings that share the same block and street.



This illustrative model depicts a hypothetical mixed-use low-rise development that might occur on a half-block site in Downtown.

STANDARDS BY BUILDING TYPE - LOW RISE

Architectural Design

New low-rise buildings should contribute to defining the character of the street and improving Downtown's pedestrian environment.

1. Low-rise buildings should respect the existing style and architectural character of their neighborhood and block while enriching both with complementary ideas and design elements.
2. When located on a corner site, low-rise buildings should include design elements that differentiate them from their mid-block neighbors, and integrate special features that accentuate the buildings' presence on the corner and help provide a visual landmark within Downtown.
3. Low-rise massing and roof forms should be simple and straightforward, proportional and well studied if referencing existing styles.
4. Low-rise buildings should represent a single architectural style that all materials and details are true to.
5. Detailed façade elements are essential to reinforce the overall design concept, to create texture, shade, and shadow, and to relate a building to human scale. Exaggeration of details or use of generic, applied details shall not be used as they create a cartoon-like appearance that is not consistent with quality design and the character intended for the Downtown.
6. Infrastructure needs must be understood in the earliest phases of design. This can help avoid misplaced vents, downspouts, life-safety and other site and building infrastructure that can adversely impact the architect's original intention.
7. Courtyards, often included in low-rise buildings, should be designed as a significant feature of the development and be integrated with the overall design idea.
8. New low-rise projects should thoughtfully integrate transit amenities such as bus stops, seating, bike racks, bike storage, and showers where required by code and to encourage their successful use by residents, tenants, and visitors.



Example of low-rise mixed-use project with massing and materials that delineate balconies, building corner and ground floor.



Example of low-rise project with massing and materials that delineate individual units, entrances and roof gardens.

9. While improvements to existing facades are encouraged, quality architectural elements that may already exist on the building should be preserved. Preserving existing facade elements that are both durable and handsome will add to the sustainability of a project and enhance the building's existing attributes.

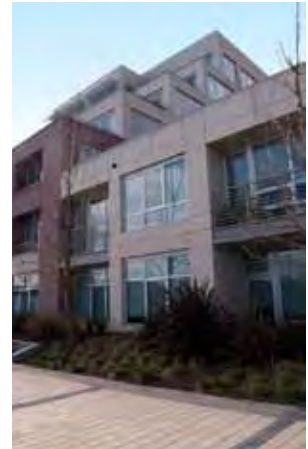
STANDARDS BY BUILDING TYPE - LOW RISE

Roof Form

1. To maintain the integrity of the building design, the roof form should be consistent with the building's architectural style.
2. The transition of where the façade meets the sky, should be accentuated through design of the roof or overhang. Having no design detail here is allowed if justified within the overall architectural approach of the building.
3. All major building systems and equipment shall be accommodated within the building or enclosed in a penthouse structure that is integrated with the design of the building.

Residential Materials

1. Stucco is not permitted at the ground level but can be integrated into upper floors. A variety of textures can be achieved with a final coat of cementitious stucco, depending on the size of aggregates used, the method of application, and the final use of float or trowel. Acrylic stucco can achieve a more limited range of textures. Smooth, fine-textured finishes like Santa Barbara, 20/30 Float are permitted. Not permitted are rough, irregular or coarse-textured finishes like heavy lace, machine dash, or light lace.
2. Horizontal wood siding and wood trim are allowed for structures four-stories or less, and window and door frames (typically found in the older residential neighborhoods of Downtown).
3. Wood shingles with wood trim at building corners are allowed for structures three-stories or less.
4. Materials such as brick (red, gold, or multi-colored palette), natural stone, and precast concrete are encouraged.
5. Factory-finished metal panels (heavy gage only, in corrugated or flat sections) are encouraged.
6. Façade elements constructed of foam or foam molding are strongly discouraged. If used, they shall be well proportioned and constructed to avoid appearing pasted on the building.
7. High-quality windows should be provided with details that provide for a shadow line and depth, either through inset windows with an integral frame, or inseting the window into the exterior wall. Windows can be composed of wood, wood with vinyl clad exterior, recycled-content aluminum vinyl



Example of a roof detail that accentuates the top of the streetwall and where the building meets the sky. Example of large window openings, mullion patterns and exterior wall details that together create visual depth and pattern on the exterior wall.



Example of a setback elevation that uses some variation in heights, balconies and materials; the windows and doors are well detailed and noticeably inset. Example of higher quality materials and entrance canopies being used at the ground floor.

STANDARDS BY BUILDING TYPE - LOW RISE



Example of a residential infill project that integrates wood siding and details appropriate to its location in a historic neighborhood.



Example of reinforced fiber cement panels integrated in a low-rise residential project.



Example of architectural lighting that complements the texture and graphic pattern of this retro-style façade. Interior lighting and a transparent ground-floor storefront visually connect inside and outside.

clad, steel casement, or anodized aluminum.

8. Reinforced fiber cement panels and installation using a vertical cavity system are allowed.
9. Concrete is permitted when used as part of a larger architectural design approach and shall have a finished architectural appearance.
10. If concrete masonry units are to be used, they should be integral to building design and have appropriate finish at the ground floor.
11. Ceramic tile is prohibited unless it can be justified as part of a historic renovation or public art component.
12. Metal railings, entrance canopies, downspouts, scuppers, shutters, and garage openings should be designed consistently with the building's style and overall aesthetic.

Commercial Materials

1. Use high-quality materials such as granite, stone and precast concrete. Acceptable wall systems include metal panel, curtain wall, frameless glass patch, and high-quality glass storefront. Reinforced fiber cement panels and installation using a vertical cavity system are allowed.
2. Stucco or glass fiber reinforced composite panels are not permitted.
3. Transparency is encouraged in curtain wall systems and fenestration to the greatest extent possible. Highly reflective or very dark glass is not permitted.
4. Façade elements constructed of foam or foam molding are strongly discouraged. If used, they shall be well proportioned and constructed to avoid appearing pasted on the building.

Architectural Lighting

1. Lighting shall be designed to reinforce the architecture and create an inviting street and sidewalk environment at night.
2. A hierarchy of lighting types and fixtures should be provided describing how the lighting relates to the larger architectural idea, forms, and materials.
3. Visible direct lamp glare from unshielded floodlight fixtures is prohibited.
4. Lighting design that allows light to be cast up into the night sky is prohibited.

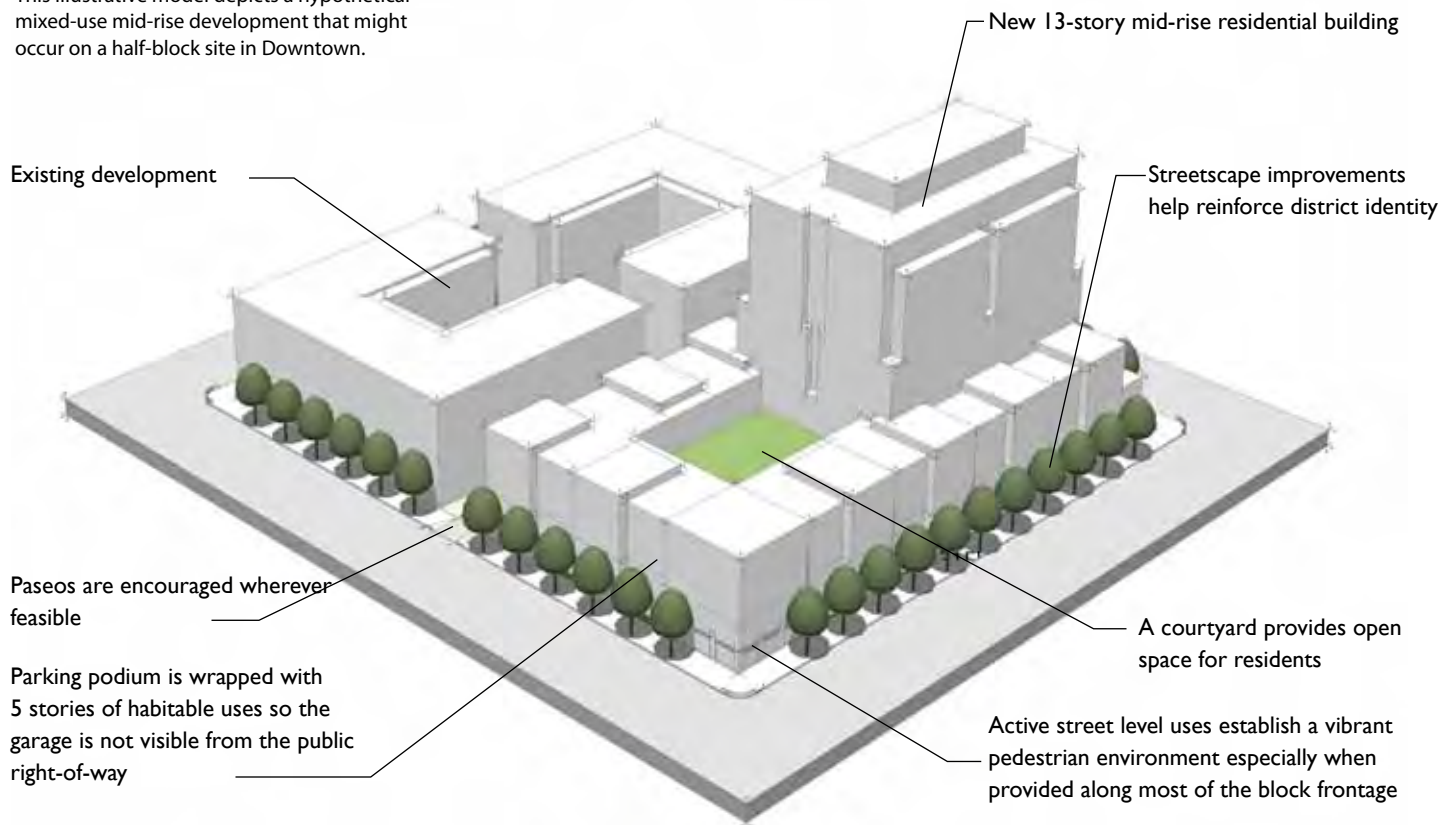
STANDARDS BY BUILDING TYPE - MID RISE

MID-RISE BUILDINGS

Mid-rise buildings are defined as being 7 to 13 stories tall. The guidelines for mid-rise buildings apply whether they are residential, mixed-use, or commercial projects. By nature of their larger scale, mid-rise buildings establish a strong presence and are often considered Downtown landmarks or major anchors. They are expected to be great examples of design and detailing based on the efficiencies of taller construction. They greatly affect the success of a block and street, and are expected to have a higher quality of design and construction than what is required for low-rise buildings.



This illustrative model depicts a hypothetical mixed-use mid-rise development that might occur on a half-block site in Downtown.



STANDARDS BY BUILDING TYPE - MID RISE

Architectural Design

Both classical and modern mid-rise buildings can exhibit principles of visual order in the vertical plane—often by having a distinct base or ground-floor treatment, a middle or core mid-section with consistent floor levels, and a top that distinguishes a building and defines how it “meets the sky.” Some innovative design approaches do not follow this rule but they should exhibit many of these core sensibilities:

1. Mid-rise buildings tend to read more solid than transparent due to structural requirements, cost factors, and the need for privacy in certain zones of the building. The massing and elevations should strike a balance between solid and transparent treatment. The material and detailing choices shall support the overall style being proposed.
2. The massing and design of mid-rise buildings should be sensitive to adjacent scales and carefully address the transition to lower height structures that may exist or be anticipated on the same block.
3. The existing cornice or roof line heights established by historic buildings in Downtown Long Beach shall be reflected in the adjacent cornice, roofline, or horizontal demarcation of new mid-rise buildings.
4. Mixed-use buildings should differentiate architecturally between their ground-floor activities and the uses up above. For example, fenestration and exterior materials could be different at ground-floor retail, than for hotel, residential or office uses above.
5. New mid-rise buildings should provide variation by using balconies, fenestration, and sunshades to create an interesting pattern of projections and recesses, light and shadow.
6. New mid-rise buildings should integrate sustainable features, especially opportunities for green roofs that can provide usable open space and be viewed by tenants from the upper floors.
7. New mid-rise projects should thoughtfully integrate transit amenities such as bus stops, seating, bike racks, bike storage, and showers where required by code to encourage their successful use by residents, tenants and visitors.



Example of mid-rise mixed-use project that is relatively transparent and interprets the classic building base, middle, and top in a modern way.



Stepbacks and variation in massing and materials break down the scale of this mid-rise urban infill project. The lower two stories reflect the scale and texture of existing buildings in the neighborhood.

STANDARDS BY BUILDING TYPE - MID RISE



Example of high-quality materials used on a new mid-rise building that exhibits a classic base, middle and top composed of more substantial material and storefront details at the pedestrian level, plus inset balconies and a variety of window types.



Brick focused at lower levels, transparent upper floors, metal detailed balconies and penthouse sun shading element create an innovative industrial style for this mixed-use building. At right, a traditional brick exterior is used at the lower levels in combination with metal panels and concrete to achieve a modern aesthetic.

Materials

1. Acceptable materials include architectural concrete or precast concrete panels, stone, curtain wall and heavy gage metal panel, and brick.
2. Doors and windows shall be metal or a curtain wall system.
3. Concrete masonry units shall have a ground face, and be burnished and honed.
4. Reinforced fiber cement panels and installation using a vertical cavity system are allowed.
5. Stucco is permitted on mid-rise buildings only on the upper floors and if appropriate for the architectural style.
6. Transparency is encouraged in curtain wall systems as it helps to visually lighten the appearance of mid-rise buildings. Highly reflective or very dark glass curtain wall systems or fenestration are not permitted.
7. Ceramic tile is prohibited unless it can be justified as part of a historic renovation or public art component.

Details

1. Concrete deck construction, often visible at extended balconies, floor levels, and roof decks, should be considered in the overall composition of the building and exterior wall design.
2. Balconies shall be transparent and composed of either metal railing or glass guardrail systems.
3. Sunshades should support the overall design idea and be made of high-quality materials detailed in proportion to the building massing. Flimsy or undersized sunshades applied for the sake of adding texture to the exterior are not permitted.
4. Unit vents and balcony downspouts shall not be visible on the exterior wall, unless proposed as an appropriate architectural feature consistent with the proposed style (like terra cotta scuppers on a Mediterranean-style building).

STANDARDS BY BUILDING TYPE - MID RISE

5. Flat roof forms or roof decks shall integrate a roof parapet detail (like a thin eyebrow, open framed or solid overhang) to accentuate where the building meets the sky.
6. Integrate glass window bay systems to add variation in the horizontal or vertical wall plane.
7. Mid-rise buildings should integrate large-scale window systems for individual units or offices (common in loft or industrial buildings) if they are not using a curtain wall system.
8. Special materials, like brick or stone, should be integrated at the lower levels to add texture and a more human touch where pedestrians experience the building closely.
9. Concrete wall systems should capitalize on joint systems to add simple detailing (joint location, width and depth) to utilitarian parts of the building exterior, and should be limited on the more public elevations.
10. Lighting shall be integrated with the architecture as appropriate to improve the presence of the mid-rise building in Downtown.



Example of a green roof on the lower floors of a mid-rise building that collects rainwater and provides open space with visual benefits.



Example of concrete exterior combined with large window systems and glass wall balconies. At right, the materials, details and corporate signage are well integrated in this mid-rise commercial project.

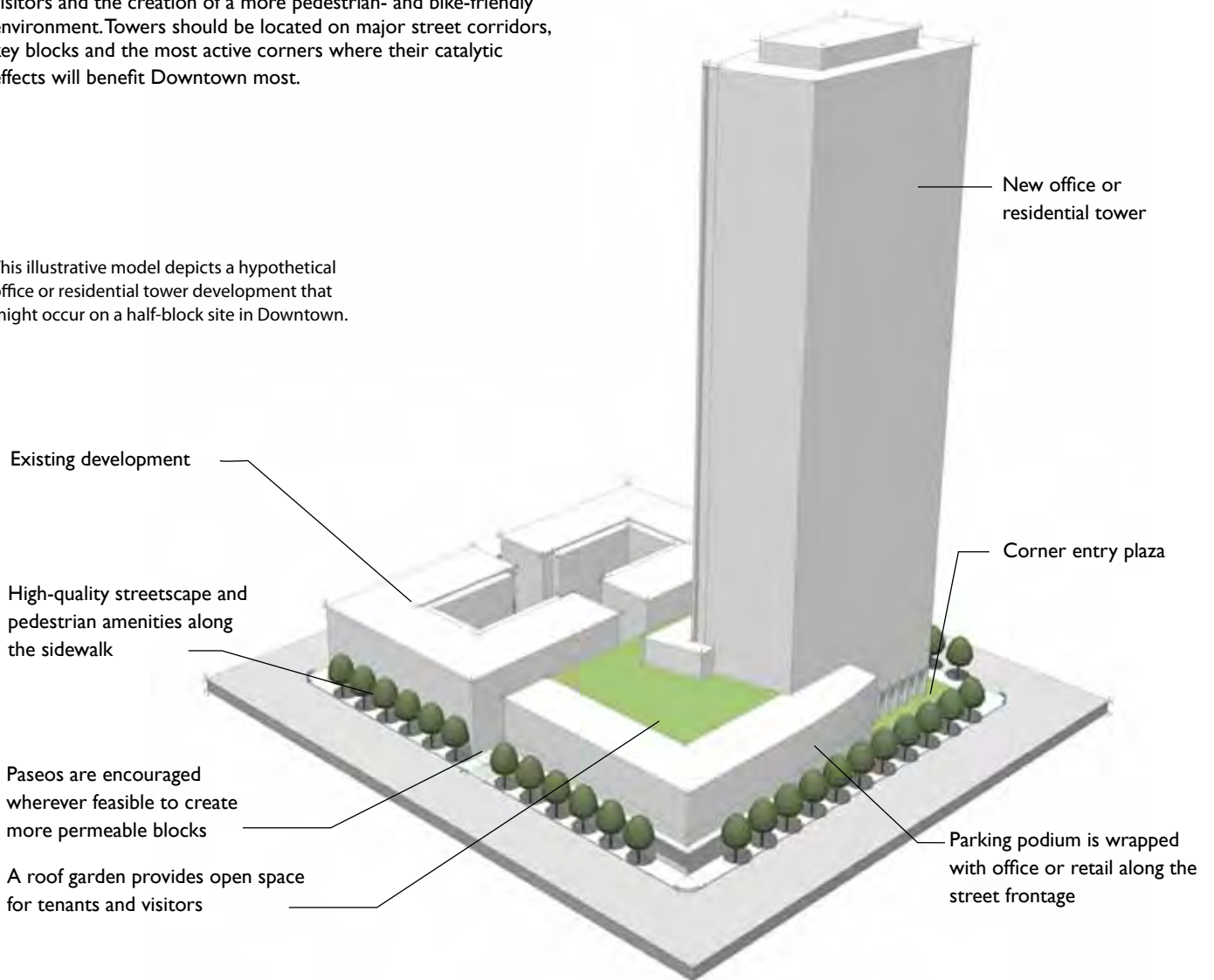
STANDARDS BY BUILDING TYPE - TOWERS

TOWERS

Towers are defined as being 14 stories or taller. These guidelines apply to towers whether they are residential, mixed-use, or commercial projects. Towers are expected to embody the highest quality of design and construction consistent with their stature in the skyline. They are now, and will be in the future, the greatest form-givers and placemakers for Downtown Long Beach, and so are expected to not only meet the intent of the guidelines but exceed public expectations and establish new standards of innovation. They should be timeless in their architectural vision and exist as icons of design.

Towers can represent a very sustainable model of development where most proximate to Downtown's existing transit and infrastructure investments, such as within a quarter-mile of Blue Line Stations, including the Transit Mall. Towers in these zones can best achieve reduced automobile trips for residents, tenants and visitors and the creation of a more pedestrian- and bike-friendly environment. Towers should be located on major street corridors, key blocks and the most active corners where their catalytic effects will benefit Downtown most.

This illustrative model depicts a hypothetical office or residential tower development that might occur on a half-block site in Downtown.



STANDARDS BY BUILDING TYPE - TOWERS

Tower Spacing

Towers should be sited and spaced appropriately to feature access to views, light and air for residents or tenants. Proper spacing can provide enough visual sky around each tower so its form can be read as distinct within the downtown skyline and enjoyed from the sidewalk as a pedestrian.

1. Towers shall meet or exceed the minimum spacing whether directly facing each other or offset diagonally. The minimum spacing applies between two new towers, or the distance a new tower must be from an existing tower.
2. Commercial or residential towers should be spaced a minimum of 80 feet from existing towers whether on the same site or across the street from each other (see illustration at right).
3. Commercial or residential towers should be sited to ensure privacy, natural light and air, and contribute to a distinctive skyline.
4. Projects with multiple towers should offset their footprints and sculpt their massing to create attractive and usable open spaces in between the towers. When two towers are proposed on a full-block development and directly across from each other, they should be sculpted to reduce the amount of exterior wall directly parallel from each other.



A 80-foot minimum to any existing tower across the street
 B 80-foot minimum to any existing tower on the same site
 Illustration of minimum spacing between towers.

Architectural Design

Towers are most responsible for shaping a city's skyline and are generally seen as being 14 stories or taller within the height incentive district. From a distance they are read more as a collection that indicates where a city's densest core exists. Within a downtown, towers are viewed individually and perceived as distinct forms. The following guidelines apply to towers as individual forms—which must be beautiful in their own right.

1. Where towers are proposed, a three-dimensional model shall be created, inset into an existing three-dimensional model of Downtown (physical or digital). The model shall depict the surrounding context within a quarter-mile of tower's full block to understand its setting, connections, and how it contributes to creating a more sustainable Downtown.



Example of slender residential towers along an urban waterfront that are adequately spaced to take advantage of light, air and views.



STANDARDS BY BUILDING TYPE - TOWERS

2. Towers should have an overall design rationale that translates from its overall massing down to the details of the exterior skin.
3. Towers should exude simplicity and be graceful in form—they should appear slender and sculpted, not boxy or bulky.
4. Towers should be designed to capitalize on natural ocean breezes and views of the water while maintaining slender proportions.
5. For projects with two or more towers, each one should have a distinct massing that relates to the other(s) to form a strong composition; matching towers are discouraged.
6. Towers should taper as they ascend to meet the sky, or have a clear design approach to resolving the design on the most upper floors or penthouse.
7. Towers should appear as transparent by maximizing the use of glass, curtain wall systems, and glass balcony railings.
8. Towers shall not replicate historic structures but shall establish their own identity and detailing that are responsive to adjacent structures without resorting to mimicry.
9. Helipads must be integrated to support the larger design idea and meet necessary code requirements. They should be well integrated with penthouses, elevator shafts, and the overall design approach for terminating the tower top.
10. Avoid massive stepped towers that usually appear as neither a well-designed mid-rise nor a well-designed tower.
11. New high-rise projects should thoughtfully integrate transit amenities such as bus stops, transit shelters, bike racks/storage, showers, and car-sharing programs to encourage their use by residents, tenants and visitors.

Materials

1. Acceptable materials include architectural concrete or precast concrete panels, stone, stainless steel, curtain wall, and heavy gage metal panels with factory finish. Being the most prominent building type seen for miles, high-quality design, materials, and detailing are required.



Examples of a hotel and residential towers that have a tall slender presence and incorporate glass, concrete and modern roof forms.



Example of office towers with high-quality materials, simple forms and a distinct manner of how they taper or meet the sky. Note that even transparent or clear glass will reflect some sky; the more reflective mirrored coatings are not encouraged.

2. Curtain wall systems are encouraged to achieve a high level of transparency.
3. The use of highly reflective glass is not encouraged. Very dark (for example black) glass curtain wall systems or fenestration are not encouraged.
4. Stucco and ceramic tile are not permitted anywhere on high-rise buildings.
5. Brick is permitted on the lower levels if consistent with the architectural style.
6. Balconies shall have glass guardrail systems and wind screens where needed.
7. Doors and windows shall be metal or a curtain wall system.

STANDARDS BY BUILDING TYPE - TOWERS

Details

Towers should read more transparent (less opaque, solid) as service functions are usually programmed into the building's central core leaving the exterior wall available for expansive views made available from the increased building height. The massing and elevations can compose the most creative forms seen within a city skyline and should represent a sophisticated development of solid and transparent elements.

1. Details should be designed to reinforce the tall, slender massing required for towers in Downtown Long Beach.
2. Details shall execute the overall design idea at the most refined scale.
3. The architect shall study the interplay of solid and transparent forms, and how materials meet and are read at the scale of the pedestrian or distant viewer.
4. The architect shall develop a design approach that includes texture, shadows and details that are true to the proposed material palette.
5. The architect shall design the curtain wall system to convey lightness, transparency and texture to achieve beautiful building elevations. They shall consider both the near-views of adjacent building neighbors, and as well as the view from afar.



Example of constructed towers (clockwise from upper left): Commercial tower with sophisticated curtain wall, divided windows and vertical fins; coated metal panels introduce color into this residential tower; two curtain wall systems that add another layer of texture with a metal frame, and glass fins.



Example of how exterior details should translate down to the main entrance lobby and be equally beautiful at the more human scale of the plaza or street level from which they are approached.

THE DESIGN OF PRIVATE OPEN SPACE

Courtyards, roof terraces, and other common areas within individual residential developments should be landscaped to be usable outdoor spaces that accommodate a variety of informal activities such as barbecues, small gatherings, gardening, relaxation, and children's games.

1. Courtyards shall have a minimum dimension of 40 feet in any direction (building face to building face).
2. A minimum of 50 percent of the courtyard space (including courtyards that are on-structure) shall be landscaped.
3. Where feasible, at-grade planting areas should be provided to accommodate large trees and landscaped areas that are not separated by planter walls.
4. Where trees are located on-structure, raised planters should have a minimum soil depth of 36 inches and be a minimum size of 40 square feet.
5. Trees should be planted as 24 inches box minimum.
6. Where raised planters or at-grade planting is not feasible (such as on a roof deck), large potted plants should be provided.
7. Private patios may be located in a courtyard if they are defined by a low wall (36 inches maximum) or hedge.
8. As appropriate, a variety of seating options should be provided, such as benches, picnic tables, and seat walls.
9. Courtyards should be fronted by doors, windows, and balconies. Where blank walls face a courtyard, landscape treatments such as vines, lattice, or plants with vertical form should be used to soften the wall.
10. To activate courtyard spaces and engage residents and visitors, consideration should be given to the inclusion of water features. Water features may count toward a maximum of 10 percent of a courtyard's landscape area requirement, and should be located in shade or partial shade to reduce evaporation.
11. The Site Plan Review Committee may consider alternate configurations or approaches on a limited project-by-project basis, if such changes are found to be consistent with the goals of this Plan.



Using elements such as arbors, curved paths, and a garden-like plant palette, semi-private open spaces can have an intimate feel.



Common open space enables active and passive uses.

THE DESIGN OF PRIVATE OPEN SPACE



Where landscaping must be in raised planters because of on-structure limitations, access should be provided with ramps or stairs (as shown above) to make the space usable for residents.



Roof terraces and gardens (above and below) should incorporate planting either in raised beds or pots and offer ample seating.



Water features can serve as the focus of a courtyard (above) or be subtly integrated into the landscape (below). Each provides additional life to the space.



PARKING STRUCTURE DESIGN

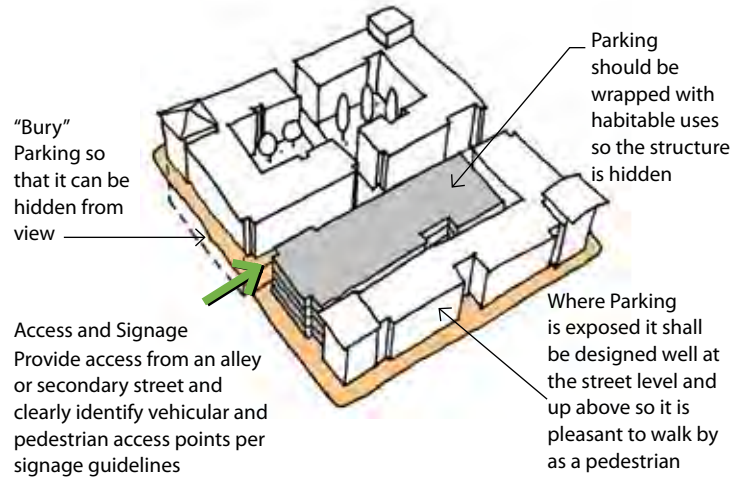
PARKING STRUCTURES

Parking for major projects should be hidden from view—ideally by providing it underground or wrapping it with active uses along the public frontages. Whether public or private, freestanding parking structures as well as integrated parking podiums should be treated as buildings and follow the same principles as good building design noted in earlier sections.

Architectural Treatment

Providing an exterior façade composed of high-quality materials that screen the underlying concrete structure will elevate the building's stature and contribute to the overall quality of Downtown's architecture. The following guidelines apply to freestanding parking structures, or where structures have major presence on the street if attached to other uses like a hotel, office, or residential building.

1. Parking structures that serve a group of buildings should be compatible in architectural treatment with the architecture of the buildings they serve.
2. Signage and wayfinding should be integrated with the architecture of the parking structure.
3. Parking structure entryways shall not disrupt the pedestrian right-of-way on primary streets.
4. Parking structures shall have an external skin designed to improve the building's appearance over the basic concrete structure of ramps, walls, and columns. This can include heavy-gauge metal screen, precast concrete panels, laminated glass, or photovoltaic panels.
5. Parking structures should integrate sustainable design features such as photovoltaic panels (especially on the top parking deck), renewable materials with proven longevity, and stormwater treatment wherever possible.
6. Vertical circulation cores (elevator and stairs) shall be located on the primary pedestrian corners and be highlighted architecturally so visitors can easily find and access these entry points.
7. On retail-oriented streets, provide active ground-floor uses along the street frontage of the garage. On all other streets, the ground-floor treatment should provide a low screening element that blocks views of parked vehicle bumpers and headlights from pedestrians using the adjacent sidewalk.
8. Integrate the design of public art and lighting with the architecture of the structure to reinforce its unique identity. This is especially important for



Access and Signage
Provide access from an alley or secondary street and clearly identify vehicular and pedestrian access points per signage guidelines

Ideally, garages should be hidden from view or located underground or behind habitable uses as shown here. The exception occurs when a garage provides an active ground-floor use or can prove its contribution to Downtown with an outstanding architectural presence on the street.

public parking structures to aid visitors in finding them upon arrival and getting oriented to Downtown.

9. Interior garage lighting should not produce glaring sources toward adjacent residential units while providing safe and adequate lighting levels per code.

Landscape Treatment

Parking structures and interim surface lots within Downtown should be located or screened such that the visual impact to the public realm is minimized and must comply with Chapter 21.42 of the Municipal Code.

1. Landscape should be cohesively designed with the building or garage. If a garage has a well-designed exterior, then it does not need to be screened by dense landscaping in the Downtown area.
2. When architectural solutions are not possible to screen a parking structure, a landscape screen should be integrated (and be visually consistent with the existing or proposed streetscape).
3. Surface parking lots should include ample trees to reduce the heat island effect and mitigate views from surrounding buildings and streets.
4. Landscape screens or "green screen" elements may be integrated with the architecture of the building or structure and coordinated with any streetscape improvements.
5. Parking lots adjacent to streets shall be screened from view using landscape features such as "green screens" or shrub massings at least 5 feet wide.

PARKING STRUCTURE DESIGN



Garage entrances should be incorporated into the building's architecture, be well signed and, where possible, should complement other ground-floor uses (above).



Example of a context-sensitive parking garage in a historic district of Downtown Los Angeles (above).



Where an architectural landscape screen (middle) is not feasible, a row of trees and shrubs should be provided to screen parking structures from view (lower).



Surface parking lots are considered interim uses in Downtown, and shall be screened from view.

5

STREETSCAPE + PUBLIC REALM STANDARDS



INTRODUCTION



Ocean Boulevard streetscape (above) contributes positively to the identity of Downtown Long Beach.

Good landscape design is an essential part of any development, streetscape, or district. Well-designed layout and careful selection of plants, paving, lighting, and site furnishings can help to create vibrant, functional, and beautiful outdoor spaces.

These landscape design standards are intended to supplement the standards in the zoning code to address streetscapes, building setbacks, required open spaces, and parking lots. With all projects in the Downtown Long Beach area, significant attention should be paid to construction standards, the integration of sustainable practices and solutions, and the idea of creating/maintaining strong district identities through landscape design.



A variety of streetscape improvements can make the pedestrian experience more comfortable and help to foster distinct districts.

STREETSCAPE

PEDESTRIAN ZONE

The pedestrian zone, between the street curb and edge of right-of-way, should be treated according to its width, adjacent uses, and volume of traffic. Shade, seating, and appropriately sized amenities will improve the experience of the pedestrian.

- Trees shall be provided along all streets within the pedestrian zone. (Refer to Street Trees discussion below.)
- Landscaping shall be provided within the pedestrian zone, either in a contiguous parkway between the sidewalk and street, in planted tree wells, or in large pots (where ground planting is not feasible).
- District gateways should be considered. These gateways may include subtle elements such as medallions in the paving, or more prominent elements such as signs or public art.



Street trees and street furnishings shall be placed outside of the primary circulation route (above). Permeable materials such as decomposed granite (below) can be used to allow additional room for pedestrian circulation.



Parkway planting shall be set back 18 inches from the curb to allow for easy access to parked vehicles.



Parkway planting should be used to buffer the street from the pedestrian zone and minimize paving where curb-to-building sidewalks are not needed, such as along residential streets.



Seating nooks should be integrated into the streetscape to provide comfortable locations to rest, ideally out of the primary pedestrian path and buffered from vehicular traffic. Where feasible, double rows of street trees can be used to produce a park-like feel.

STREET TREES

Street trees should enhance both the pedestrian and vehicular experience throughout Downtown Long Beach. Until a street tree master plan is developed, the following guidelines shall be followed.

- Parkway tree specimens shall be planted at a minimum 15-gallon size. Other trees within setbacks and open spaces shall be a minimum 24-inch or 36-inch box size where feasible.
- Street trees shall be spaced a maximum of 25 feet on center, per City zoning code.
- When siting trees, consideration shall be given to potential conflicts between tree canopies and building signage and the uniformity of existing placement patterns.
- Along residential streets, contiguous planted parkways are preferred.
- Along retail or commercial streets, large tree wells shall be provided in lieu of contiguous planted parkways. In all cases, the tree well should provide space adequate for that particular species' long-term growth. The minimum dimension of a tree well is 4 feet wide by 4 feet long. Where feasible, wider and longer tree wells should be provided.
- In all circumstances, small tree grates and root barriers that severely stunt tree growth shall be avoided. Exceptions may be made due to space limitations or utility conflicts.
- Where sidewalks/setbacks are wide enough, a double row of street trees (of the same species) shall be provided subject to the review by Public Works.
- Irrigation systems shall be provided for all street trees during the initial establishment period after installation. Systems using spray heads should be designed to avoid overspray as well as spray on tree trunks.
- Trees shall be properly staked according to City of Long Beach standards to ensure healthy growth and maintain a vertical trunk.
- Appropriate soil area or tree well shall be provided to allow a tree species to grow to its full size.
- Street trees shall be of a species designated for that particular street. Variation of street tree species within any block shall be discouraged. For nondesignated streets, trees shall be chosen from the list of approved species for nondesignated streets (See Figure 5-1, Required Street Trees).



The *Tabebuia caryocarpa* in the Pine district (above left) and the clusters of *Washingtonia robusta* in the median of Ocean Boulevard (above right) serve as good character-defining elements.



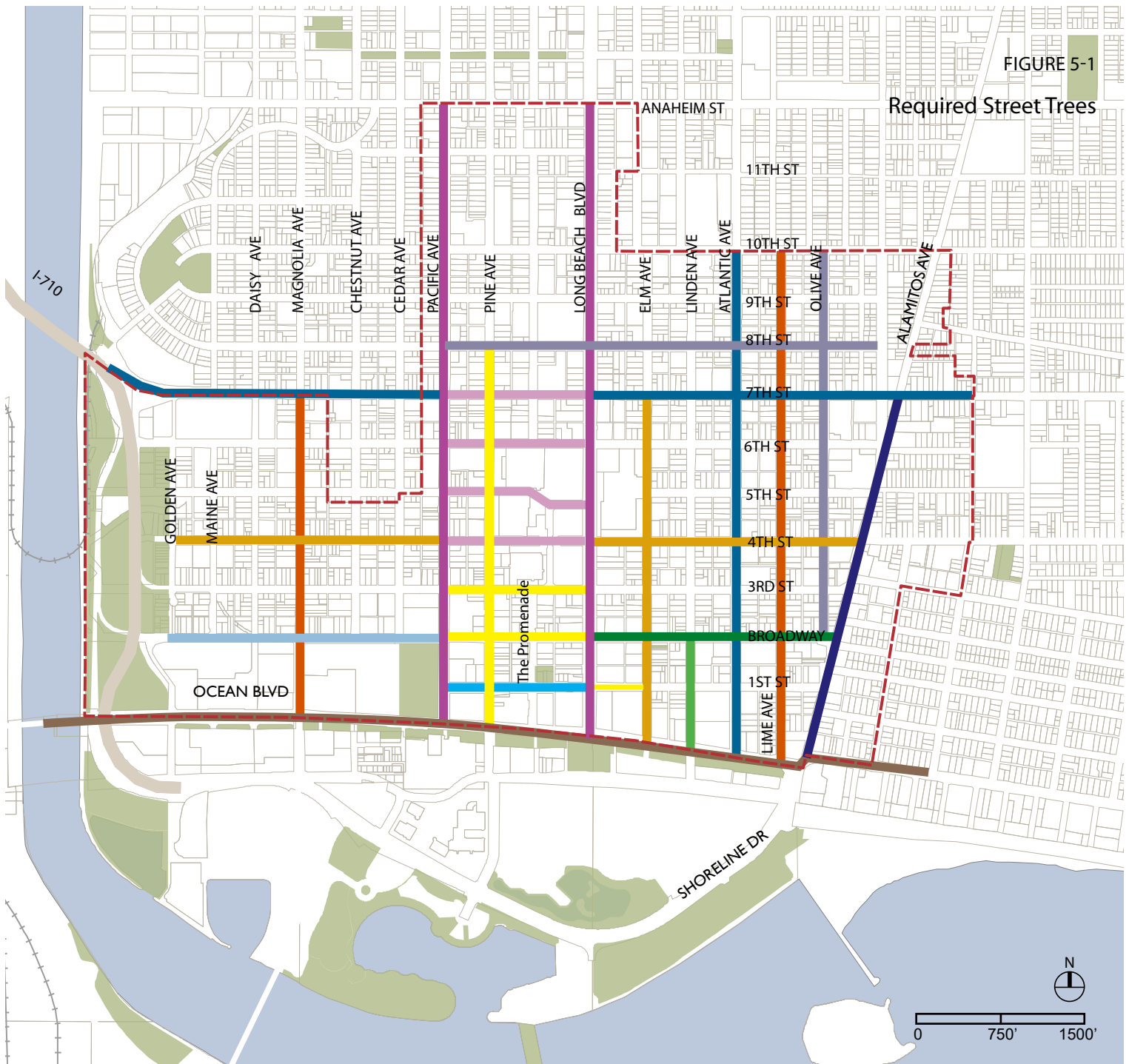
If used as a street tree, palms should be alternated with canopy trees or used as accents.



Used consistently along both sides of a street, tree species like *Jacaranda* (above) can help to establish a distinct character.

FIGURE 5-1

Required Street Trees



DESIGNATED STREET TREES

- *Magnolia grandiflora* (Southern Magnolia)
- *Washingtonia filifera* (California Fan Palm)
- *Ulmus parvifolia* (Chinese Elm)
- *Jacaranda mimosifolia* (Jacaranda)
- *Fraxinus angustifolia* (Raywood Ash)
- *Ginkgo biloba* (Maidenhare Tree) - male only
- *Laurus nobilis* (Saratoga Sweet Bay)
- *Bauhinia blakeana* (Hong Kong Orchid)
- *Arcastrum romansoffianum* (Queen Palm)
- *Tabebuia caryotrich* (Golden Trumpet Tree)
- *Tabebuia caryotrich* and *Washingtonia robusta*
- Pine Avenue Streetscape Improvement Project
- Long Beach Transit Mall Improvement Project

NONDESIGNATED STREET TREES

- Acer palmatum* (Japanese Maple)
- Chitalpa tashkentensis* (Pink Dawn)
- Cinnamomum camphora* (Camphor Tree)
- Geijera parviflora* (Australian Willow)
- Hymensporum flavum* (Sweet Shade)
- Lagerstroemia indica* (Crape Myrtle)
- Pistacia chinensis* (Chinese Pistache)
- Pyrus calleryana* 'Aristocrat' (Aristocrat Pear)
- Rhus lancea* (African Sumac)
- Tristania conferta* (Brisbane Box)
- Platanus acerifolia* (London Plane Tree)
- Cupaniopsis anacardiodes* (Carrotwood)

NOTES

The above diagram illustrates locations of Designated Street Trees where specific tree species are required.

The list of Nondesignated Street Trees is specified as an additional approved list of trees that are permitted along streets without a designated street tree (in addition to those species listed in the Designated Street Trees list).

The Site Plan Review Committee has authority to consider alternatives, through the Site Plan Review process, if such changes are consistent with the intent of the Plan and are found to further the goals of the Plan.

PLANTING

Planting within public and semi-public spaces shall be visually interesting, low maintenance, and drought tolerant in accordance with Long Beach Municipal Code Chapter 18.74, Low Impact Development Standards.

- The use of turf shall be minimized in the parkway and setbacks, and in publicly accessible open spaces.
- Where the parkway is adjacent to street parking and is planted with a material other than lawn, 18 inches adjacent to the curb shall be concrete, decomposed granite, gravel, or pavers to allow for foot traffic to/from parked vehicles.
- Parkway planting shall not exceed 30 inches in height.
- Wherever possible, plants should require moderate, low, or very low amounts of water per the WUCOLS III (Water Use Classification of Landscape Species) list for Region 3-South Coastal, CA.
- Appropriate plant species should be selected for any given space, preventing plants from becoming overgrown.



Plants with colorful foliage, such as *Phormium tenax*, can provide good accents in the landscape.



Species such as *Dietes vegeta* (above left) and *Rosmarinus officinalis* (above right) are drought-tolerant, and hearty, and grow well in coastal areas.



Pots and planters add color along a building or sidewalk and help to establish a human scale. Adjacent to or within any given development, pots shall be of a consistent style or family.



Succulents can add color, texture, and require less maintenance than turf.



Where feasible, groundcovers such as low drought-tolerant grasses (above 2 examples) shall be used in parkways instead of turf.

HARDSCAPE

Sidewalks, crosswalks, and other hardscape shall be of a high-quality material and enduring style.

- Stained concrete and surface-colored concrete (other than integral colored concrete) shall not be used. Without proper installation and maintenance, these types of paving can wear poorly.
- Standard grey concrete or earth-toned pavers shall be used for paving sidewalks where approved by Public Works.
- Paving accents, such as banding along the curb or perpendicular to the sidewalk, may be used if consistent with the established style for the district.
- At any given intersection, all crosswalks shall be of a consistent material and color.
- A limited hardscape palette should be used in each character area in public and semi-public spaces to help minimize visual clutter and promote a cohesive identity (see Page 23).



Standard grey concrete sidewalks may be complemented by pavers of a similar color (above) or sawcut in a diagonal pattern (right) to add visual interest.



Pavers may be used within the right-of-way if they are earth-toned and have only subtle variations in color. Pavers shall be square or rectangular and a minimum size of 8 inches by 8 inches.



Where possible, crosswalk paving shall visually tie into the adjacent streetscape and contrast with the adjacent street paving.



SITE FURNISHINGS AND LIGHTING

Street furnishings and lighting should enhance the comfort, safety, and character of Downtown Long Beach. The following standards apply to site furnishings and lighting.

- Benches and trash receptacles shall be carefully located to enhance the pedestrian experience without cluttering the streetscape.
- In some locations, site furnishings shall be recess mounted to paving, as opposed to surface mounted.
- Lighting shall be included along all streets, sidewalks, and pedestrian connections, and on private property to ensure comfort and safety.
- Where street lights are provided, additional pedestrian-scale lighting should also be incorporated into the streetscape.
- Consideration shall be given to providing lighting of a particular color and style within a given character area.



To convey elegance and authenticity, light fixtures shall be painted a dark color, such as dark bronze (left), black, dark green, or dark blue. Accent colors should be avoided. Brushed metal or similar treatments may be considered.



New site furnishings shall be simple, muted, and coordinated with each other within streets and districts. The benches and trash receptacles shown above and below offer examples of such character.



PUBLIC OPEN SPACE

Pocket Parks and Plazas

To serve residents, workers, and visitors, a variety of public open spaces throughout Downtown are encouraged. These open spaces, such as pocket parks and plazas, can vary in size, form, and character but should all contribute to a well-connected public realm.

- Where possible, pocket parks and plazas shall be located at intersections or adjacent to mid-block pedestrian crossings and be prominently integrated with the sidewalk and street. Plazas at corners are encouraged to include outdoor dining space for adjacent restaurants.
- Public parks and plazas may include an edge element such as a low hedge or seat wall but shall not be fenced or gated (unless hours are restricted).
- Public open spaces should include flexible area for public gatherings, such as lawn area or a paved plaza, at a scale that maintains intimacy.
- Public open spaces shall include elements such as shade, seating, and water features. Pedestrian lighting shall be incorporated to provide comfort and safety.



Small open spaces can offer a variety of amenities, such as open lawn and shaded benches (above) and movable seating near water features (below).



Streetscape elements, such as paving (above), should integrate with adjacent pocket parks.

Pedestrian Paseos

New connections and corridors should be created as larger sites are developed.

- Where blocks are longer than 400 feet or where a destination, view, or circulation path warrants a mid-block pedestrian connection, publicly accessible paseos shall be provided.
- Pedestrian paseos shall be considered open space and include elements such as shade, seating, and water features.
- Pedestrian lighting shall be incorporated to provide comfort and safety.
- Paseos should be at least 20 feet wide and include considerations for temporary and emergency vehicle access.



Pedestrian paseos should have a clear line of sight (such as the one adjacent to Long Beach City Hall, above), as well as be lined with active uses such as retail (below left) and residential (below right).



PEDESTRIAN CONNECTIVITY

In addition to creating great urban spaces in Downtown, it is critical to develop a strong pedestrian network that makes travelling between these spaces easy, safe, and enjoyable.

- Disruption of the existing street grid is prohibited; however, new streets, alleys, or pedestrian connections may be added.
- The pedestrian network shall include a great pedestrian zone (discussed in 'Streetscape' above), legible and well-located crosswalks, mid-block pedestrian connections, and wayfinding elements such as street signs and kiosks.
- The incorporation of retail and residential along pedestrian zones is highly encouraged. Additionally, for safety and "eyes on the street" all buildings addressing pedestrian zones shall incorporate balconies, patios, stoops, and building entries that address the pedestrian zone.
- Pedestrian and bicycle priority zones may be incorporated into pedestrian networks.



Street names, subtly integrated into the sidewalk or curbs, above, can assist with pedestrian wayfinding as well as convey historic character.



Kiosks and pedestrian wayfinding signage should be provided; however, it should be scaled appropriately (above right, as an example) so as not to block a sidewalk or appear characteristic of a shopping mall. (For more detail, refer to Section 7.)



Mid-block pedestrian connections, such as along the Promenade (above), can improve pedestrian circulation and offer vibrant activity zones if flanked at the ground floor with retail, restaurants, or entertainment uses. Where pedestrian paseos or corridors jog or otherwise change direction, strong visual connections should be created using specialty paving, lighting, and signage.

Where possible, mid-block crosswalks (right) should include bump-outs, traffic signals or signs, paving or striping that contrasts with the street, and visual cues in the sidewalk that draw attention to the crossing. All crosswalks within a district should be of a similar style.



PUBLIC ART IN DOWNTOWN

Public art embodies Long Beach's unique cultural spirit and is one of the strongest ways in which to create a sense of place as well as to reflect the rich and varied history of the City. Integrating artwork into both development projects and open spaces enriches the experience of the public realm and increases the quality of life in Downtown.

General Guidelines for Public Art:

1. Public art should be developed in the most accessible and visible places and considered in relation to other visual elements and cues (signage and other elements that may impede or heighten its enjoyment).
2. Public art should reflect Downtown Long Beach's visual and cultural setting and connect visitors and residents through participation, planning, and implementation of new installations.
3. New installation proposals shall provide a contextual understanding of and be clearly related to the overall network of public art in Downtown.
4. Artists should create sustainable, maintainable works of art that aspire to the highest standards of innovation and aesthetic quality.
5. The public artist shall be integrated into the project's design team at an early stage of development to ensure cohesiveness of site design, architecture, art, landscape, and public space.



These photos depict examples of public art in Downtown.



SIGN STANDARDS



OVERALL STANDARDS AND COMPLIANCE WITH ZONING CODE

The intent of the Downtown Plan is to maintain the current eclectic character of Long Beach, while enabling innovation and the emergence of new architectural styles. When added to existing buildings, or as part of a new development, signs provide aesthetic enhancement and complement the architecture. This applies to the selection of materials, orientation, scale, and the location of signs on and around buildings.



Signs should be designed to capture neighborhood identity and current eclectic character of Long Beach.

Any project incorporating two or more signs within the Downtown Plan will be required to submit a Sign Program during the design development phase. The Sign Program shall identify all proposed signs included in the project that can be viewed from the street, sidewalk, or public right-of-way. All signs are subject to the Design Review process. All signs that project into the public right-of-way must also be reviewed by the City Engineer.

All signs within the Plan Area shall be consistent with the requirements of Chapter 21.44 of the Zoning Regulations, and the full power and effect of Chapter 21.44 shall apply to Downtown unless otherwise specified herein. Additionally, all sign lighting shall comply with light pollution reduction standards. The following guidelines for Downtown do not supersede the requirements of the zoning code; rather, they provide additional guidance specific to the goals of the Downtown Plan. No sign development standards may be waived through this Plan. Any requests for waivers must be made through the Sign Standards Waiver or Standards Variance process, as appropriate.

Overall Standards for Sign Design:

The following standards shall be followed for the design of all signs in Downtown. These include signs of all type and audience. All sign programs are subject to Design Review, which will ensure that the goals are met.

1. **CHARACTER:** Signs shall enhance the public realm and aid in the creation of a street's character. Signs shall not impede pedestrian traffic, block sight lines along roadways, or disturb adjacent residences.
2. **COMPLEMENT:** The color, material, scale, lettering, and lighting shall complement the surrounding street environment and building(s) that the sign addresses.
3. **SIZE:** Signs shall never overpower the building. The sign shall fit comfortably into the architecture of the storefront. Signs shall be mounted in a manner that does not detract from building.
4. **AUDIENCE:** Signs intended for tourists or locals, or the age of the sign audience may impact sign design. Regardless of audience, sign design shall conform to other principles.
5. **CONCISE:** Information on signs shall be brief, clear, and simple with appropriately sized lettering, and a clear information hierarchy. When appropriate, symbols can be used in place of text.
6. **ILLUMINATION:** Lighting used with signs shall be focused and minimal. Lighting shall be in scale with the sign and façade.
7. **CONSISTENT:** Signs shall be internally consistent. If multiple tenants are listed on a single sign or a multi-tenant building, variation between size and typeface of tenant names and color palette shall be limited to one or two options.
8. **TIMELESS:** Sign design should convey a timeless character of a street, place, or business. Signs shall be designed with durable materials and be well maintained.

SIGN DESIGN



Signs shall enhance the public realm, aid in the creation of a street character, and add to the aesthetics of the built environment.

GUIDELINES BY SIGN TYPE

NONRESIDENTIAL SIGNS

1. Signs should be consistent with the overall design and identity of the building, including the architecture and landscaping. Signs should complement the overall aesthetic of the building and site.
2. If more than one sign type is necessary on a single façade, all signs shall be scaled in a clear hierarchy and to address different viewer orientation and audiences.
3. Buildings with multiple storefronts shall use the same sign strategy at every entrance. This is to reduce confusion for guests and present an organized appearance.
4. If multiple tenants are listed on a single sign, a shared sign program shall be designed. Size and typeface of tenant names and color palette shall be consistent.
5. For multi-building sites or buildings that are part of corporate campuses, a shared sign program shall be designed.
 - Signs shall be visible from all public right-of-ways and communicate necessary information easily.
 - Since Downtown corporate campuses may house multiple tenants of different business types, the design identity of the sign shall be capable of incorporating an array of styles and typefaces for the differing logos. However, the size of tenant names or logos and color palette shall be consistent.
6. Pedestrian-oriented signs are encouraged Downtown. Signs shall be scaled appropriately, including window signs, blade signs, directory signs, and backdrop wall signs.
7. Illumination should be used to accent signs, consistent with the building aesthetic. Trespass of light and glare from illumination into any adjacent units or buildings, whether residential or nonresidential, is strictly prohibited.
8. Signs and wayfinding shall be incorporated with public art or placemaking objects, to add an educational component.
9. Placement and type of signs in the public right-of-way should be uniform and readable. Signs for both motorists and pedestrians are desirable.



Commercial and mixed-use signs should communicate message while contributing to district or building character and achieving cohesiveness.



Corporate signs usually include multiple tenants, so the typeface should be consistent and uncluttered.

GUIDELINES BY SIGN TYPE

RESIDENTIAL SIGNS

1. Signs should be integrated with the design of the project's architecture and landscaping. Signs should be consistent with the design approach and convey a clear hierarchy of information.
2. Signs shall identify primary entrances, the address, and necessary information for visitors, while being understated and minimal.
3. Mixed-use projects with commercial uses on the ground floor shall comply with the standards for Nonresidential Signs identified within this document.
4. Illumination shall be designed to ensure safety around buildings but should not create significant light trespass onto adjacent properties.



Residential signs should be consistent with the design approach of the building, while highlighting entrances and the address clearly.

TEMPORARY AND PROHIBITED SIGNS

TEMPORARY SIGNS

Temporary signs refer to signs and banners that are used to advertise special events, sales, or promotions. They are not permanent fixtures and therefore are not part of the building design review process. However, they influence the appearance of the city or district, and when overused, may produce a cluttered appearance.

1. The only type of temporary sign allowed shall be a banner mounted to a building wall. Banners shall be placed discreetly and comply to the same design principles of all permanent signs. Banners shall be in place only for the period of time necessary for a given event.
2. Banners mounted in any other fashion shall be prohibited. Flags, balloons, etc., are prohibited as described below.
3. In addition to the restrictions set forth in the Plan, banners must comply with the provisions of 21.44.

to a business or other location. One each of national, state, and local government flags and one corporate flag may be displayed, all of which shall be flown from a flagpole at least 25 feet tall. Decorative flags that have no inherent meaning or significance, such as solid or multicolored flags used to decorate or draw attention to real estate or a business, shall be prohibited. Any flag that functions as a sign, including but not limited to “sails” and “feathers,” is prohibited. Flags that do not fall into the above categories and have a strictly social, political, or other purpose not business related, and that are in compliance with all other applicable regulations, shall be allowed.

- Pole signs
- Signs illuminated by low-pressure sodium lamps (pure yellow glow), high-pressure sodium lamps (pinkish-orange glow), and mercury vapor lamps (bluish-white glow).

PROHIBITED SIGNS

In addition to all signs prohibited by Section 21.44 of the Zoning Regulations, the following types of signs and sign-like contrivances also shall be prohibited within the Plan Area:

- Internally illuminated awnings
- Internally illuminated cabinet signs
- Freestanding or monument-style menu board signs for multi-tenant commercial centers (but not building directory signs)
- Searchlights, laser beams, and the like
- Signs projected onto a surface using light
- Inflatable or air-blown signs, streamers and the like. Any signs that are inflatable, such as balloons, and any signs that are air-blown or animated by the internal flow of air, such as signs that appear to have a waving head and arms, are prohibited.
- Balloons of any size, with or without printed copy on the balloons
- Pennants and streamers of any size
- Flag signs and any flags intended to draw attention

7

HISTORIC PRESERVATION



HISTORIC RESOURCES IN LONG BEACH

Downtown is the historic heart of Long Beach and contains a large collection of buildings and structures that stand as present-day reminders of the heritage and development of the City. Included in these resources are some that have been officially designated as landmarks possessing local, state, or national significance and others that have been identified through a survey as being significant historic resources but do not rise to the level of landmark status.



Preserving these resources through adaptive reuse and other appropriate means as well as integrating new development into the existing fabric are goals of the Downtown Plan to strengthen, not detract from, this unique setting.

All processes and procedures involving historic resources in Downtown shall adhere to the standards in Chapter 2.63 of the Long Beach Municipal Code.

ADAPTIVE REUSE

The Downtown Plan boundary contains a large collection of buildings and structures that speak to the rich past of Downtown Long Beach. Many of these buildings, though no longer economically sustainable while operating in line with their originally intended use, may be appropriate for adaptive reuse.

To facilitate the reinvention and reuse of these buildings that lend so much character to Downtown, the incentives found in table 7-1 are established to allow for the adaptive reuse of certain buildings.

Any building more than 45 years old can be considered for the incentives under the adaptive reuse policy if the proposed physical alterations are substantial and modify the building's original intended purpose.

When buildings or portions of buildings are renovated, features or components such as hardware, windows, or ghost signs should be preserved or reused to the greatest extent possible.

TABLE 7-1 INCENTIVES TO CONVERT FROM COMMERCIAL/INDUSTRIAL TO RESIDENTIAL

Development Standard	Incentive
Unit Size	Minimum 450 sf with an average of all units of 700 sf.
	No minimum number of units required.
	If converting to hotel, no minimum unit size, but each unit must contain a bathroom facility. Does not require that entire building be converted.
Parking	Existing parking spaces must be maintained, no new spaces required.
	If conversion is part of a tract map process, conditions may require that spaces be dedicated to specific on-site uses.
Mezzanines	May be added within the existing structure, provided that the total floor area of mezzanines at each mezzanine level does not exceed one-third of the area of the floor immediately below.

Discretionary review (Site Plan Review, etc.) is not required if all standards are met and the subject project is not a for-sale project (e.g., not commercial or residential condominiums). Allowed exceptions to the development standards include nonconforming floor area, setbacks, and height. However, if the proposed project cannot meet the applicable development standards, and either is a for-sale project or proposes any work to the exterior of the building, the appropriate discretionary review approvals shall be required. Any project that involves a designated historic landmark may require review for compliance with the California Environmental Quality Act (CEQA) and approval by the City's Cultural Heritage Commission even if all other development standards are met.

HISTORIC RESOURCES IN LONG BEACH

LANDMARK BUILDINGS

Downtown contains a number of buildings that have been designated as landmarks. The intent of designations is to recognize those buildings that are significant to the history and development of Long Beach or are representative of a particular style of architecture. A complete list of designated landmark buildings can be found in Chapter 16.52 of the Long Beach Municipal Code. (Note: Updated information on landmark status of buildings can be obtained from the Historic Preservation Staff.)

The historically designated and significant landmarks in the Downtown Plan area are identified in Figure 7-1.

Alterations to Landmark Buildings

I. Exterior Alterations

Applications for exterior changes to designated historic landmarks must obtain a Certificate of Appropriateness from the Cultural Heritage Commission. Exterior changes subject to Cultural Heritage Review include:

- Additions
- Remodeling (exterior only)
- Relocations
- Demolitions
- Exterior painting or other re-surfacing
- Exterior signs
- Window alterations
- Awnings



Historic buildings and nostalgic elements contribute to the character of the many neighborhoods of Downtown Long Beach.

HISTORIC RESOURCES IN LONG BEACH

2. Interior Alterations

Interiors may be subject to Certificate of Appropriateness review if they are publicly accessible and architecturally significant. If the interior was an element of the designation, it will appear in the designation ordinance for the building.

Reuse of Landmark Buildings – Incentives

1. Commercial Uses

Waiver of Parking for Ground-Floor Uses – The ground floor of existing landmark buildings may be converted to restaurant, retail or entertainment uses without providing additional parking.

2. Conversion to Residential Use Waiver of Density Standards

The Planning Commission may waive all density limits through a Conditional Use Permit provided new construction is not included in the area where density is waived and the use provides traditional residential units and not single-room occupancy rooms.

3. Conversion of a Residential Use to a Commercial Use

A residential landmark building located within the Downtown Neighborhood Overlay may be converted to a commercial use through the Administrative Use Permit process.

4. State Historic Building Code

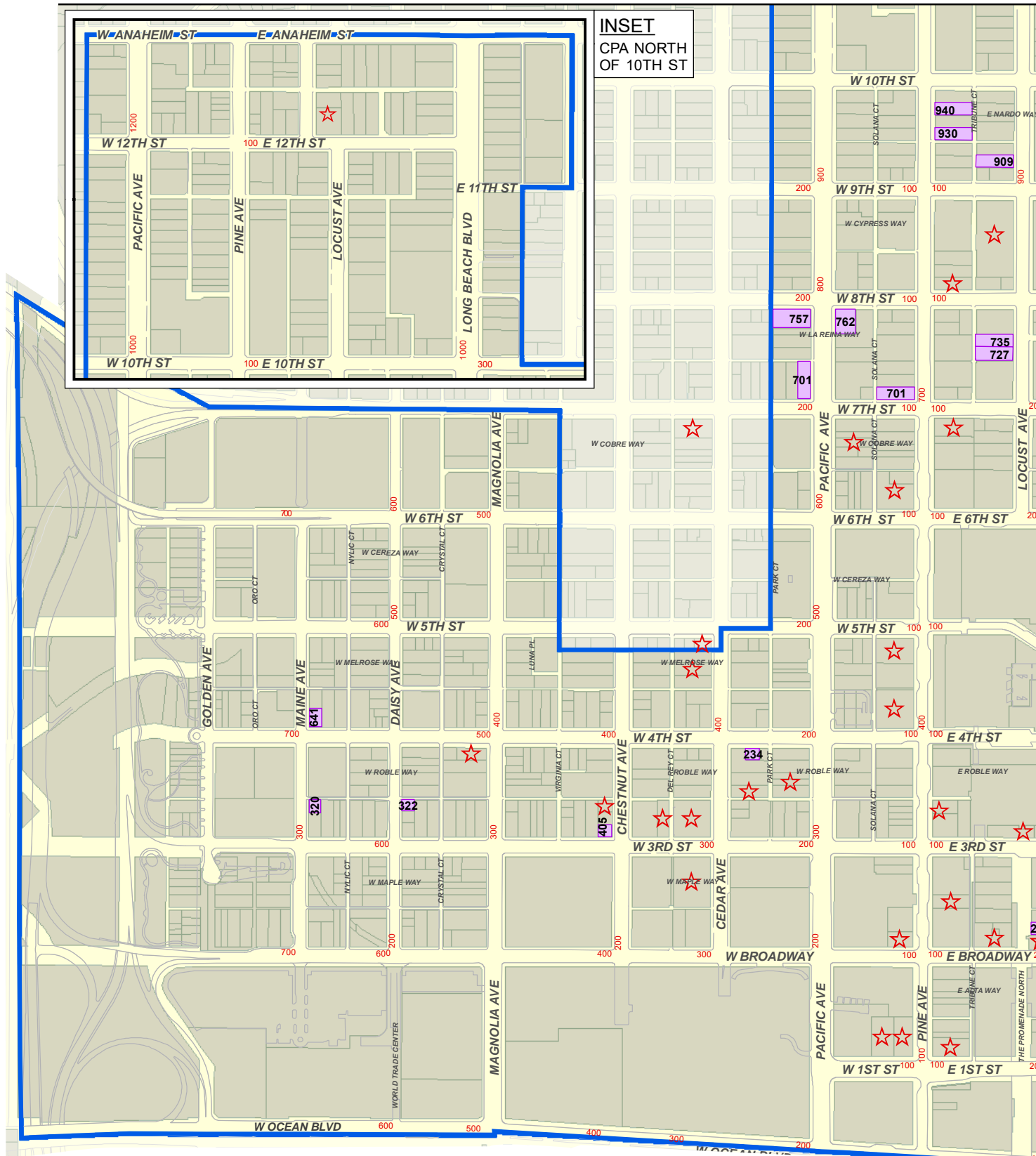
A state code exists for the rehabilitation of designated historic buildings with regard to building code issues. The intent of the State Historical Building Code is to permit flexibility in meeting the safety intentions of the code while retaining the existing archaic materials and designs inherent in historic buildings. The rehabilitation of historic buildings is facilitated by allowing code decisions based on performance standards, rather than prescriptive code standards, and is subject to the discretion of the building and fire officials.

SIGNIFICANT RESOURCES – NON-LANDMARK BUILDINGS

A survey was conducted to identify structures within Downtown that are significant historic resources and possess a character that is important to retain but do not qualify for designation as a landmark. The survey identified all buildings over 50 years of age that are not Landmarks as Significant Resources or Non-significant Structures.

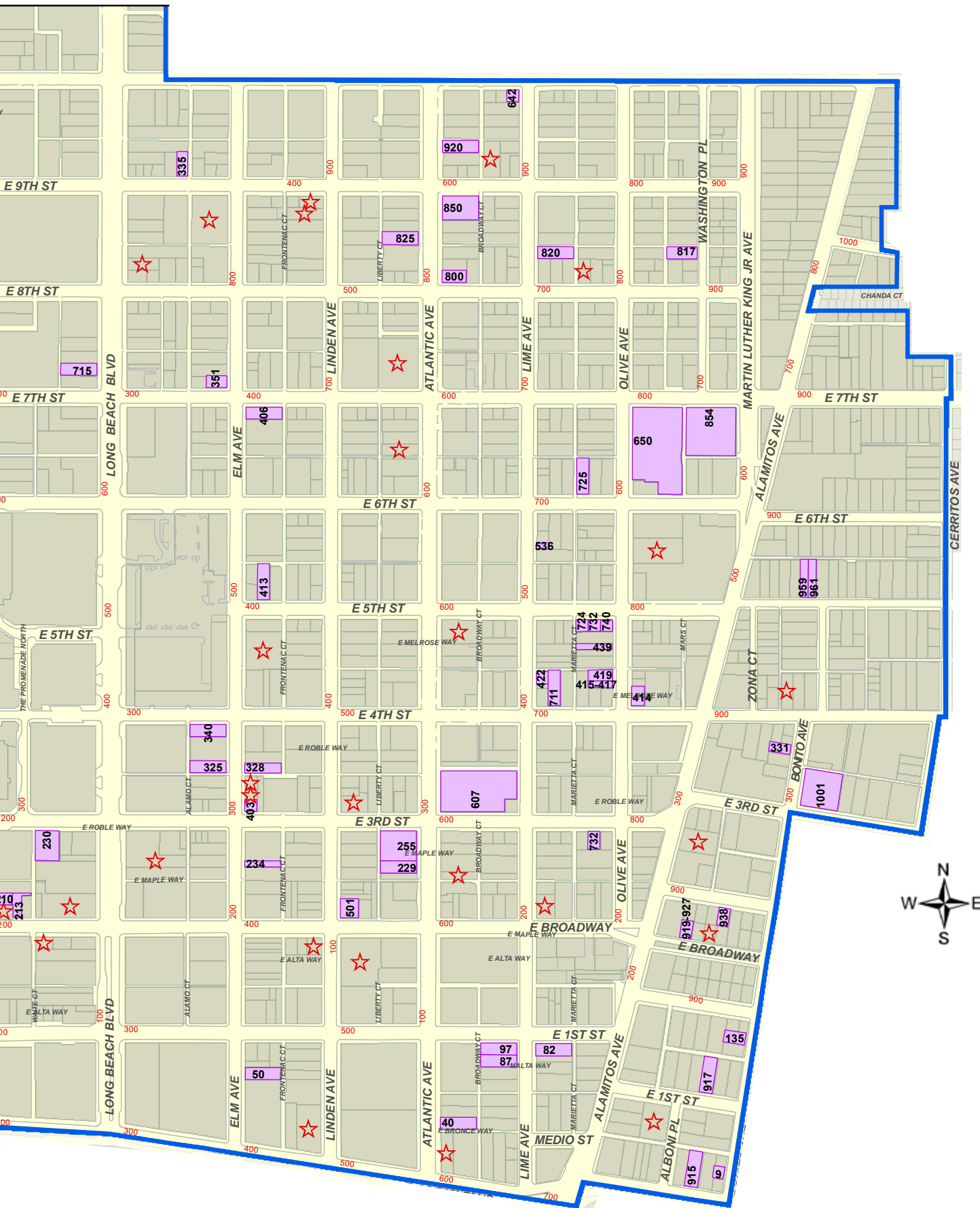
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Environmental Impact Report identifies a process for handling buildings designated as Significant Resources but not identified as Landmark Buildings. Prior to the issuance of a demolition permit or a building permit for alteration of any of these properties the Historic Preservation staff will be notified. In consultation with the Historic Preservation staff, Development Services Department staff will determine if a formal historic property survey or other documentation is needed. If, based on any required documentation, it is determined that the property may be eligible for designation the property will be referred to the Cultural Heritage Commission. The Commission determination of eligibility shall be considered as part of the environmental determination for the project in accordance with the CEQA.



MAP FEATURES

- ★ Historically Designated
- Historically Significant
- Downtown CPA
- 214 Parcel Addresses



PLAN ADMINISTRATION



POLICY BASIS AND ROLE OF THE DOWNTOWN PLAN

GUIDING PRINCIPLES

In reviewing and approving development plans and discretionary permits in the Downtown area, the City Council, Planning Commission, Redevelopment Agency and Site Plan Review Committee shall be guided by the following:

1. The goals and policies of the General Plan;
2. The Redevelopment Plans;
3. The development and use standards set forth by this Plan and other local plans; and
4. The procedures, development and use standards set forth in Title 21, Zoning, and other applicable sections of the Long Beach Municipal Code.

SPECIFIC PROCEDURES

One of the primary goals of the Downtown Plan is to enhance Downtown as a more vibrant, livable and walkable area with well-designed, pedestrian-friendly streets. This will be achieved by allowing greater flexibility in the application of context-sensitive development standards oriented toward a human scale rather than an automobile scale.

The Site Plan Review Committee shall have the authority to consider alternative configurations and compliances with certain development standards set forth in this Plan, as noted throughout the Plan document, provided that these alternatives meet the fundamental intent of this Plan and further the goals of this Plan.

The Downtown Plan establishes alternate thresholds for Site Plan Review, superseding the thresholds in Chapter 21.25 of the Long Beach Municipal Code, as follows:

1. Nonresidential Development: 1,000 square feet or more of new building area.
2. Residential Development: Addition of one or more new dwelling units, including replacement of a dwelling unit demolished as defined in Section 21.15.750 of the Long Beach Municipal Code.
3. Façade remodel: Any façade remodel consisting of 25 or more linear feet of façade. The 25 linear feet is counted cumulatively over the entire building frontage and need not be contiguous.

4. Thresholds for requiring Conceptual Site Plan Review, and Site Plan Review approval by Planning Commission:

- a) Nonresidential: Projects of 50,000 square feet or more of new building area.
- b) Residential: Projects of 50 or more new dwelling units, or 50,000 square feet or more of new building area.

For all specific procedures not modified or otherwise specified within the Downtown Plan, all planning entitlement and permitting processes for projects requiring said permits within the Plan area shall be carried out in accordance with the procedures set forth in Chapter 21.25 of the Long Beach Municipal Code.

For any other topical issue, development standard or design guideline, and/or regulation not addressed or otherwise specified within the Downtown Plan shall be carried out in accordance with the provisions of the Long Beach Municipal Code, particularly Chapter 21 (Zoning Code). The particular section of code shall be based on the most appropriate or closely matching land use type or procedure, as determined by the Site Plan Review Committee or Zoning Administrator.

TENANT RELOCATION AND REPLACEMENT HOUSING

In addition to the specific procedures previously outlined, all developments will be subject to the relocation and replacement housing standards as applicable under Chapter 20.32, 21.60, 21.61, 21.63 and 21.65 of the Municipal Code as well as Chapter 4, Article 9, Sections 33410 et seq., of the Community Redevelopment Law.



DEVELOPMENT APPROVAL PROCESS

ENVIRONMENTAL REVIEW

The Downtown Plan incorporates zoning, development standards, and design guidelines to establish design and development criteria in order to guide development in Downtown Long Beach in a way that is consistent with the vision for Downtown.

The Downtown Plan has been completed in conjunction with a Program Environmental Impact Report (EIR). The Program EIR identifies physical changes in the environment that may result from development in accordance with the regulations within this Plan. In addition, the EIR identifies mitigation measures that are available to avoid or minimize the effects of identified significant environmental impacts. These mitigation measures are identified in the Program EIR as well as the Mitigation Monitoring and Reporting Plan (MMRP), which accompanies the Final Program EIR. These mitigation measures include actions that are to be carried out as part of specific future developments.

According to CEQA Guidelines (Section 15168), the approach of a Program EIR is appropriate for evaluating a series of actions that can be characterized as one large project, are related geographically, and are logical parts in the chain of contemplated actions in connection with issuance of rules, regulations, or plans. The Downtown Plan meets this criteria. The Program EIR allows for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on separate individual actions, and ensures consideration of cumulative impacts that might be minimized when analyzed on a case-by-case basis.

The Program EIR provides a first-tier analysis of the environmental effects of the Downtown Plan. CEQA Guidelines (Section 15152) indicates that tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site-specific EIR or negative declaration related to a specific development proposal.

Subsequent activities in accordance with the Downtown Plan, e.g., when specific development projects are proposed, must be examined in light of the Program

EIR to determine whether additional environmental documentation must be prepared. If a subsequent project or later activity would have effects that were not examined in the Program EIR, or were not examined at an appropriate level of detail to be used for the later activity, an initial study (IS) would need to be prepared, leading to a negative declaration or an EIR. If the City finds that pursuant to Section 15152 of the CEQA Guidelines, no new effects could occur or new mitigation measures would be required on a subsequent project, the City can approve the activity as being within the scope of the project covered by the Program EIR, and no new environmental documentation would be required.

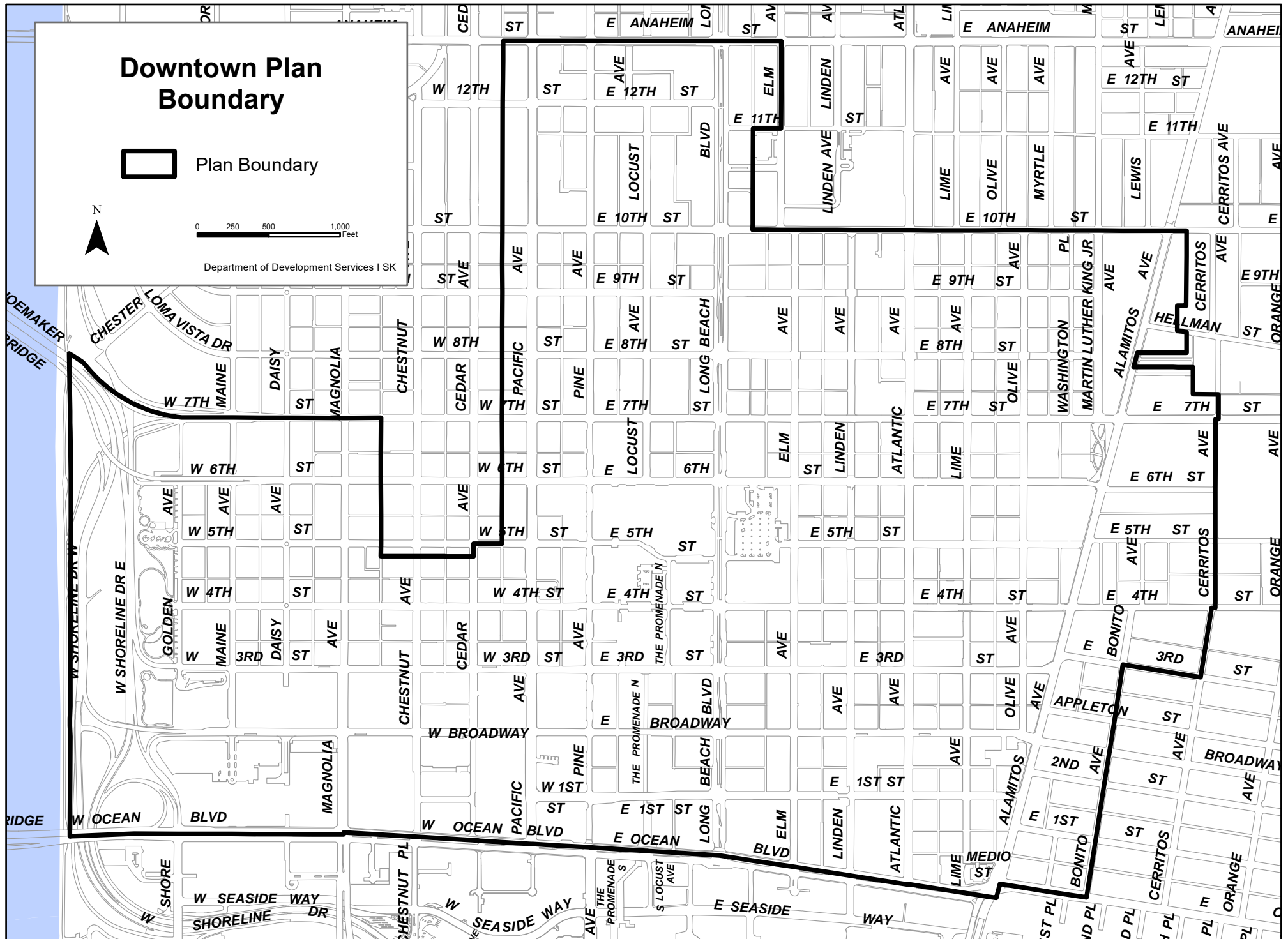
The program EIR will be reviewed as necessary to determine if conditions upon which it is based have changed significantly. If changes are significant then an appropriate updating of the analysis will be performed for the Downtown Plan area as a whole, or by each individual project, as appropriate.



Building A Better Long Beach

lbs.longbeach.gov

Exhibit B



AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 7th day of July, 2021, I posted three true and correct copies of ORD-21-0021 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

Tamela Austin

Subscribed and sworn to before me
This 7th day of July 2021.

My. De. J. B.
CITY CLERK

ORD-28

May 10, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Long Beach Municipal Code Chapters 5.90 and 5.92 relating to the regulation of cannabis retail storefront (dispensary) business licenses and the Cannabis Social Equity Program, read the first time, and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution authorizing the City Manager, or designee, to establish a Request for Proposals (RFP) for cannabis retail storefront (dispensary) business licenses for the Cannabis Social Equity Program. (Citywide)

DISCUSSION

On October 12, 2021, the City Council directed City of Long Beach (City) staff to prepare an Ordinance to allow up to eight additional cannabis dispensaries in Long Beach to be owned exclusive by verified equity applicants as part of the Cannabis Social Equity Program (Equity Program). The purpose of the Equity Program is to promote cannabis business ownership and employment opportunities for individuals in communities previously impacted by the prior criminalization of cannabis, also known as the War on Drugs.

Under Long Beach Municipal Code (LBMC) Chapters 5.90 and 5.92, up to 32 cannabis dispensaries may operate in Long Beach with both a medical and adult-use license. These dispensaries were selected during an application process under LBMC Chapter 5.90 that was in place prior to the establishment of the Equity Program. The addition of up to eight additional dispensary licenses available exclusively for equity applicants helps to expand the goals of the Equity Program by seeking to balance the disparity in dispensary ownership and encourages Black, Latinx, Asian, Indigenous, and other people of color to gain entry to ownership opportunities. It also provides equity applicants the opportunity to participate in the retail cannabis market – one of the most lucrative markets in the cannabis industry.

In addition to the cannabis equity dispensary Ordinance, the City Council requested City staff to prepare an Ordinance on licensing and regulating non-storefront retail (delivery) businesses and make those licenses available exclusively for equity applicants, perform an analysis on increasing the 1,000 foot buffer between dispensaries to a 1,500 foot buffer, seek grants as a first option for funding to hire additional City staff for the cannabis program, and focus on a merit-based RFP process to select the applicants eligible to move forward in obtaining a dispensary license. The City Manager released a

memorandum to the Mayor and City Council on April 27, 2022, providing an update on these additional requests (Attachment A).

Using input from current Equity Program participants and recommendations from the City Manager's Office and other City departments, the City Attorney's Office has prepared an Ordinance with the City Council's requested changes as well as additional changes seeking to strengthen the Equity Program. The following discussion identifies some of the key provisions that are included in the proposed Ordinance:

Assistance and Benefits for Equity Applicants Applying for a Medical License

The proposed Ordinance provides assistance and benefits to equity applicants for their medical and adult-use cannabis business licenses. Currently, Equity Program benefits are only available to equity applicants applying for an adult-use cannabis business license. By providing benefits for both license types, equity applicants will face reduced barriers in the licensing process, such as securing a location for their cannabis business within the "Green Zone" and will also be able to conduct medical cannabis sales at their newly established dispensaries. This, in turn, allows patients greater access to cannabis as a form of medical treatment and is consistent with the types of products and services provided by non-equity dispensary businesses today.

Expansion of the Green Zone for Dispensaries

The proposed Ordinance expands the available area where cannabis dispensaries can locate in Long Beach, also known as the "Green Zone", by reducing the existing buffers to be consistent with State law and allow additional opportunities for the equity dispensaries to find viable locations. Under the proposed Ordinance, dispensaries must not be located within:

- A 600-ft radius of a public or private school
- A 600-ft radius of a day care center
- A 600-ft radius of a playground or community center
- A 600-ft radius of a library

These new buffers will apply to any new cannabis dispensaries entering the licensing process and existing cannabis dispensaries looking to relocate. Although this applies to all dispensary businesses, the proposed Ordinance includes a moratorium on existing cannabis businesses moving their facilities to a new location in the expanded Green Zone for 180 days from the date that the eight equity applicants are awarded to move forward in the licensing process, or until all eight equity applicants have submitted a fully authorized Property Owner Authorization Form, whichever occurs sooner. Because equity applicants already face significant barriers compared to other non-equity applicants, this change will allow equity applicants selected in the RFP process the first opportunity at finding viable properties in the newly expanded Green Zone before allowing existing dispensary operators to benefit from this change.

Request for Proposals

The proposed Resolution establishes a merit-based RFP process to select the eight equity applicants that will be eligible to obtain a cannabis dispensary license. The goal of the RFP process is to select qualified equity applicants who demonstrate they have the necessary skills, training, and/or experience to successfully open and operate a cannabis business in Long Beach.

To develop the RFP process guidelines and criteria, City staff from the Office of Cannabis Oversight (OCO) conducted an RFP criteria workshop where over 20 equity applicants provided their thoughts and feedback on the types of questions and information that should be asked and requested of equity applicants in the RFP process. In addition, City staff released a survey to all current equity applicants seeking feedback on questions related to the RFP guidelines. The survey results can be found in Attachment A.

Based on the feedback from equity applicants as well as discussions with internal City departments and local jurisdictions that have implemented similar programs, City staff developed the RFP process and guidelines detailed in Attachment C. The following discussion identifies some of the key provisions that are included in the proposed Resolution (Attachment D) for the RFP process:

Eligibility. The RFP will be open to individuals who meet the Equity Program eligibility requirements as of the date that the RFP is advertised, as well as any individuals previously verified as equity applicants by the OCO prior to the date the RFP is advertised. Any individuals who were not previously verified as an equity applicant by the OCO will need to submit documents evidencing their eligibility in addition to their proposal for review and approval.

Proposal Submission. A proposal may be submitted by one equity applicant or a group of equity applicants in the Equity Program. No individual may be identified in any capacity in more than one proposal. Such a duplicate submission will result in the subject proposals being deemed nonresponsive and disqualified from review. In addition, proposals may only be submitted by one equity applicant per household.

RFP Criteria. The OCO will develop criteria for the RFP that evaluates the experience and training of applicants to determine which applicants will be the most successful at applying for and operating a cannabis dispensary, including a description of the applicant's background and impact from the War on Drugs, a description of the experience, training, and education completed to prepare the applicant for operating a successful cannabis business in the City, and a business plan that details a plan to achieve success and sustainability. The RFP criteria will be made available to the public on the date the RFP is issued.

Panel Review. All responsive proposals shall be reviewed and scored by an unbiased and neutral review panel who possess the relevant knowledge or experience to evaluate the proposals. Members of the review panel may consist of individuals who 1) have some level of expertise in economic or business development; 2) have an active involvement in social equity matters; or 3) are cannabis business regulators from another jurisdiction.

Under no circumstances will a member of the review panel be an employee or contractor of the City or affiliated in any way with the cannabis industry in the City of Long Beach.

Ownership Requirements. Applicants must certify in their proposals that for a period of five years from the issuance of the dispensary business license a minimum of fifty-one percent (51%) ownership in the cannabis retail storefront dispensary will be held by one equity applicant or, if the cannabis retail storefront dispensary permit will be held by a group of applicants in the Equity Program, any one (1) of the equity applicants must hold majority ownership interest in the cannabis retail storefront dispensary.

Deadline to Obtain a Business License. Individuals awarded the opportunity to apply for the dispensary business license must obtain the business license within three years from the date they are notified of their eligibility to apply for the business license. Individuals may request an extension of the three-year period by submitting a request in writing to the OCO detailing the extenuating circumstances preventing them from obtaining a license within the three-year period.

Strengthening the Equity Program Criteria and Regulations

In addition to the changes for the equity dispensary selection process, the proposed Ordinance also strengthens the Equity Program criteria and includes additional regulations related to the Equity Program. Some of the proposed changes are outlined as follows:

Eligibility Criteria. The proposed Ordinance makes changes to the eligibility criteria to be considered an equity applicant by increasing the Long Beach residency requirement from three to five years, and requiring that the individual applying was arrested or convicted of a cannabis crime prior to 2016 or has a parent, sibling, or child who was arrested or convicted of a cannabis crime prior to 2016.

Most equity applicants have not qualified for the Equity Program under the cannabis arrest/conviction criteria. A full breakdown of Equity Program eligibility criteria statistics can be found in Attachment E. To ensure that the grant-funded benefits and assistance of the Equity Program affects the target population – individuals previously impacted by the War on Drugs – the eligibility criteria should include proof that the equity applicant and/or an immediate family member were impacted from the prior criminalization of cannabis, in addition to income and residency requirements.

Equity Business Eligibility. Many equity applicants have requested the ability to own businesses with other equity applicants since inception of the Equity Program. The proposed Ordinance would allow an equity applicant or a group of equity applicants to be eligible to qualify as an Equity Business and apply for a cannabis business license. To be considered an Equity Business, a minimum of fifty-one percent (51%) ownership in the cannabis business must be held by one equity applicant or, if the cannabis business will be held by a group of applicants in the Equity Program, any one (1) of the equity applicants must hold majority ownership interest in the cannabis business. This ensures that, at all times, the cannabis business is majority owned by an equity applicant and not a non-equity individual, such as an investor or other business partner.

Timeframe to be Equity-Owned. The proposed Ordinance requires that all Equity Businesses will be prohibited from transferring more than 51 percent ownership interest to a non-equity individual for five years from the date the Equity Business submits a cannabis business license application to the City. However, exceptions may be granted by the City Manager, or designee, for an extenuating circumstance preventing an equity applicant(s) from continuing to hold ownership interest in the cannabis business.

One Member per Household Policy. The proposed Ordinance includes provisions to reduce the likelihood that an equity business is receiving additional grant funds and assistance above what is currently allowed for one business. The proposed Ordinance allows one member of a household that qualifies as an equity applicant to receive grant funds and assistance. This prevents spouses and/or multiple family members that live in the same household from qualifying for the Equity Program and each receiving benefits and assistance that will be used for one cannabis business. This ensures that each equity business is afforded the same opportunities for benefits and assistance and allows additional equity businesses to receive these services.

Process Improvements. The proposed Ordinance also includes improvements to the regulations regarding the equity applicant verification process and documentation requirements. These improvements include a 90-day deadline to correct deficiencies in the verification application as well as an update to the types of documents and the level of detail that is required to be verified as an equity applicant in the program.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on April 25, 2022 and by Budget Management Officer Nader Kaamoush on April 21, 2022.

TIMING CONSIDERATIONS

City Council action is requested on May 10, 2022, to ensure timely amendment to the LBMC. Should the City Council adopt the proposed Ordinance, City staff estimates the RFP process to select the eight equity applicants will begin in July 2022 after the Ordinance takes effect. The eight equity applicants will likely be awarded to proceed through the business license process in December 2022 after the RFP process has concluded.

As it takes over a year on average to open a cannabis dispensary in Long Beach, City staff estimates that cannabis sales from the additional licensed dispensaries would be realized starting in FY 24.

FISCAL IMPACT

It is anticipated that this new license type will result in an increase in business license tax revenues from equity dispensary operators. However, it is unclear how much revenue will be collected from these operators as it is largely based on market demand. Equity dispensary operators will be charged the same tax rate that other dispensary operators are charged – 6 percent of gross receipts from medical sales and 8 percent of gross receipts from adult-use sales. Revenues from this new license type will not be realized until businesses are licensed and operating, beginning approximately in FY 24. City staff

HONORABLE MAYOR AND CITY COUNCIL

May 10, 2022

Page 6

will monitor these additional revenues and factor any potential impact into future projections. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. The number of additional local jobs associated with this recommendation is currently unknown.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: ORDINANCE
RESOLUTION
A – APRIL 27, 2022 MEMORANDUM TO THE MAYOR AND CITY COUNCIL
B – EQUITY DISPENSARY REQUEST FOR PROPOSALS (RFP) PROCEDURES
C – EQUITY PROGRAM ELIGIBILITY CRITERIA STATISTICS

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 5.90.030 AND
5.90.060, BY ADDING SECTION 5.90.310; AND, BY
AMENDING AND RESTATING CHAPTER 5.92, ALL
RELATING TO THE REGULATION OF CANNABIS RETAIL
STOREFRONT (DISPENSARY) BUSINESS LICENSES AND
THE CANNABIS SOCIAL EQUITY PROGRAM

WHEREAS, on July 10, 2018, the City Council adopted the Cannabis Social
Equity Program (Equity Program) to support equal opportunity in the cannabis industry by
making legal cannabis business ownership and employment opportunities more
accessible to low-income individuals and communities most impacted by the
criminalization of cannabis, also known as the War on Drugs; and

WHEREAS, a feasibility analysis was conducted on licensing and regulating
up to eight additional cannabis dispensary business licenses in Long Beach to be made
available exclusively to verified equity applicants in the Equity Program; and

WHEREAS, based upon the results of the feasibility analysis, City staff
prepared an ordinance to allocate eight new cannabis dispensary business licenses to be
made exclusive to verified equity applicants using a merit-based application process that
includes a Request for Proposals ("RFP") in the selection of the equity dispensaries; and

WHEREAS, City staff determined a fair and equitable way to allocate eight
new cannabis dispensary business licenses and ensure that the best qualified Equity
Program participants are selected, is through a Request for Proposals ("RFP") process
that utilizes criteria to evaluate the ability for an equity applicant or group of equity
applicants in the Equity Program to successfully apply for and operate a retail storefront

1 dispensary.

2 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
3 follows:

4
5 Section 1. Section 5.90.030 of the Long Beach Municipal Code is
6 amended to read as follows:

7 5.90.030 Medical Marijuana Business License Permit.

8 Except as otherwise set forth in this Chapter, it shall be unlawful for
9 any person or entity to operate, in or upon any property, a Medical
10 Marijuana Business without first obtaining all required State licenses and a
11 business license or permits issued by the City. Each State license type
12 available in the MMRSA is eligible to apply for a City Business License
13 Permit. Medical Marijuana Business shall be considered a personal service
14 type business in the City of Long Beach (as defined in section 21.15.2020)
15 with respect to issuing a Business License Permit and setting application
16 and license fees. Until the regulatory implementation of the MMRSA, the
17 Medical Marijuana Business license permits shall be issued without regard
18 to the fact the State license has not been issued. Failure to timely obtain
19 required State licenses or permits shall be grounds for suspension or
20 revocation of any permit or license issued by the City. Upon the regulatory
21 implementation of the MMRSA, unless otherwise set forth in this Chapter,
22 no person shall engage in commercial cannabis activity or in the activities of
23 a Medical Marijuana Business without possessing all applicable State
24 licenses and all applicable City permits and licenses. Revocation of a State
25 license shall constitute grounds for the City to suspend or revoke any permit
26 or license issued by the City.

27 A Medical Marijuana Business that is operating in compliance with
28 this Chapter and other State and local laws on or before January 1, 2018,

1 may continue its operations until its application for State licensure is
2 approved or denied by the licensing authority.

3 A Medical Marijuana Business must at all times maintain liability
4 insurance having aggregate policy limits in an amount not less than one
5 million dollars (\$1,000,000.00).

6 The City may impose an annual business license fee no greater than
7 one hundred fifty percent (150%) of the average business license fee the
8 city charges for non-cannabis related personal service business. Failure to
9 timely pay the annual business license fee shall be grounds for suspension
10 or revocation of the business license. Applicants that previously paid an
11 application fee pursuant to former Chapter 5.87 may, at the applicant's
12 discretion, have any un-refunded fee applied as credit against any fees
13 applicable under this Section. All Medical Marijuana Businesses shall be
14 subject to an annual regulatory inspection by the City to insure compliance
15 with all of the applicable provisions of this Chapter and to confirm
16 compliance with the business license permit issued by the City.

17 It shall be unlawful for the owner of a building to allow the use of any
18 portion of a building by a Medical Marijuana Business unless the tenant has
19 a valid business license permit, or has applied for and not been denied, a
20 business license permit. Each owner of a building whose tenant is a Medical
21 Marijuana Business License Permit applicant shall execute an
22 acknowledgement that the Applicant has the owner's permission and
23 consent to operate a Medical Marijuana Business at the subject property.

24 Each Medical Marijuana Business shall designate a Community
25 Relations Liaison (hereinafter, the "Liaison"), who shall be at least twenty-
26 one (21) years of age; and shall provide the Liaison's name to the City
27 Manager. The Liaison shall receive all complaints received by the City
28 Manager regarding the Medical Marijuana Dispensary, and make good faith

1 attempts to promptly resolve all complaints. To address community
2 complaints and concerns, the name and telephone number for the Liaison
3 shall be made publicly available. Each Medical Marijuana Business Liaison
4 is required to respond by phone or email within three (3) business days of
5 contact by a city official concerning the Medical Marijuana Business. The
6 name and contact information for Liaison of the medical marijuana business
7 shall be conspicuously posted on the main entry doors to the business.

8 No pesticides or insecticides prohibited by federal, State, or local law
9 for fertilization or production of edible produce may be used on any
10 marijuana cultivated, produced or distributed by a Medical Marijuana
11 Business. A Medical Marijuana Business shall comply with all applicable
12 federal, State, and local laws regarding use and disposal of pesticides and
13 fertilizers.

14 No Medical Marijuana Business may be operated in an area zoned
15 exclusively for residential use. No Medical Marijuana Dispensary may be
16 located within a six-hundred (600) foot radius of a public or private school
17 (as defined in Health and Safety Code Section 11362.768(h)), or within a
18 six-hundred (600) foot radius of a day care center, playground, community
19 center, or library, or within one thousand (1,000) feet of another dispensary.
20 No Medical Marijuana Business may be located within a one-thousand
21 (1,000) foot radius of a public or private school (as defined in Health and
22 Safety Code § 11362.768(h)) or public beach, or within a six hundred foot
23 (600') radius of a public park or public library, with the exception of
24 dispensaries which must follow the location requirements above. The
25 distances specified in this subdivision shall be determined by the horizontal
26 distance measured in a straight line from the property line of the school,
27 park or library to the closest property line of the lot on which the Medical
28 Marijuana Business is located, without regard to intervening structures.

1
2 Section 2. Section 5.90.060 of the Long Beach Municipal Code is
3 amended to read as follows:

4 5.90.060 Medical Marijuana Dispensary Operating Conditions and
5 Restrictions.

6 Every person and entity operating as a Medical Marijuana
7 Dispensary in the City shall comply with the following operating conditions
8 and restrictions. No Medical Marijuana Dispensary may operate within the
9 City of Long Beach without meeting the following conditions:

10 A Medical Marijuana Dispensary shall not be located within a one
11 thousand foot (1,000') radius of any other Medical Marijuana Dispensary.

12 A sign shall be posted in a conspicuous location inside each Property
13 advising: (a) It is a violation of State Law to engage in the sale of marijuana
14 or the diversion of marijuana for non-medical purposes; (b) The use of
15 marijuana may impair a person's ability to drive a motor vehicle or operate
16 heavy machinery; (c) Loitering at the location of a Medical Marijuana
17 Business for an illegal purpose is prohibited by Penal Code § 647(h); (d)
18 This Medical Marijuana Business is licensed in accordance with the laws of
19 the City of Long Beach; (e) Your membership will be terminated if you
20 engage in the illegal sale or diversion of Medical Marijuana.

21 Representative samples of Medical Marijuana distributed by the
22 Business shall be analyzed by an independent laboratory to ensure that
23 they are free of harmful pesticides and other contaminants regulated under
24 local, state or federal law.

25 No person, other than a patient, caregiver, licensee, employee, or a
26 contractor shall be in the medical marijuana dispensary room. No patient
27 shall be allowed entry into the medical marijuana dispensary room without
28 showing a valid State issued picture Driver's License or Identification. A

1 Medical Marijuana Dispensary may distribute, dispense, deliver or transport
2 medical marijuana only in accordance with this Chapter and State law.

3 The number of licensed and permitted Medical Marijuana
4 Dispensaries shall be limited to not less than one (1) Medical Marijuana
5 Dispensary business for every eighteen thousand (18,000) residents in the
6 City of Long Beach or not more than one (1) Medical Marijuana Dispensary
7 business for every fifteen thousand (15,000) residents in the City of Long
8 Beach. The population of the City shall be based on the official census
9 population estimate as periodically updated by the US Department of
10 Commerce, United States Census Bureau. The City Council may increase
11 the number of licensed and permitted medical marijuana dispensaries
12 pursuant to this Chapter but may not reduce them below the thresholds set
13 forth herein. The City Manager shall issue the maximum number of licenses
14 permitted by this Section unless otherwise directed by the City Council. The
15 total number of permitted Medical Marijuana Dispensaries in the City is set
16 at 40, with eight (8) dispensaries designated to be owned by cannabis
17 equity businesses pursuant to Section 5.90.310. The eight (8) Medical
18 Marijuana Dispensaries owned by cannabis equity businesses shall be
19 selected via a Request for Proposals (RFP) process as outlined in
20 regulations set forth by the City Manager, or their designee, and shall not be
21 selected using the procedures outlined in Sections 5.90.070 and 5.90.080 of
22 this Chapter.

23 The City will not accept applications from any of the thirty two (32)
24 existing cannabis dispensary businesses to change their business location
25 for one hundred eighty (180) days from the date the City awards the eight
26 (8) Equity Dispensary Businesses to move forward in the licensing process,
27 or until all Equity Dispensary Businesses have provided the complete,
28 notarized Property Owner Authorization for the business premises in the

business license application, whichever occurs sooner.

Section 3. Section 5.90.310 is hereby added to the Long Beach Municipal Code to read as follows:

5.90.310 Implementation of the Cannabis Social Equity Program.

A. The Cannabis Equity Program provisions outlined in Chapter 5.92 of this Code shall be applicable to any Medical Marijuana Business who meets the criteria of the program.

B. An equity applicant or a group of equity applicants applying for a Medical Marijuana Business Permit as an equity business shall receive the same assistance and benefits as an equity business applying for an Adult-Use Cannabis Business Permit pursuant to Chapter 5.92 of this Code.

C. The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of Chapter 5.92 of this Code to develop and implement an administrative program for this Equity Program. Regulations promulgated by the City Manager become effective upon date of publication, unless specified otherwise.

Section 4. Chapter 5.92 of the Long Beach Municipal Code is hereby amended and restated to read as follows:

Chapter 5.92

ADULT-USE CANNABIS BUSINESSES AND ACTIVITIES

DIVISION I - PURPOSE AND DEFINITIONS

5.92.010 Purpose and intent.

It is the purpose and intent of this Chapter to:

A. Regulate the cultivation, possession, manufacture,

1 distribution, processing, storing, laboratory testing, packaging, labeling,
2 transportation, delivery, and sale of cannabis goods for adults twenty-one
3 (21) years of age and over, and co-located medicinal and adult-use
4 commercial cannabis activities, in a manner that promotes and protects the
5 health, safety, and welfare of the residents, neighborhoods, and businesses
6 in the City and mitigates the costs to the community for the oversight of
7 these activities.


8 B. Enforce rules and regulations consistent with State law
9 pursuant to the MAUCRSA and any related or successor laws and
10 regulations implemented by the State or any of its departments or divisions.

11 C. Regulate commercial cannabis activity in the City concurrently
12 with the State.

13 5.92.020 General provisions.

14 A. Legal authority. Pursuant to Sections 5 and 7 of Article XI of
15 the California Constitution and provisions of the MAUCRSA, as it may be
16 amended from time to time and any subsequent State legislation or
17 regulations regarding same, the City is authorized to adopt ordinances that
18 establish standards, requirements, and regulations for local licenses and
19 permits for commercial cannabis activity involving adult-use cannabis. Any
20 standards, requirements, and regulations regarding health and safety,
21 security, welfare, and worker protections established by the State, or any of
22 its departments or divisions, are the minimum standards applicable to
23 commercial cannabis activity in the City.

24 B. Conflict of law. This Chapter is not intended to interfere with,
25 abrogate, or annul any other ordinance, resolution, regulation, statute, or
26 other provision of law. In the event of any conflict between the provisions of
27 this Chapter and any other applicable State or local law or regulation, the
28 more restrictive provision shall control.

1 C. Nothing in this Chapter is intended, nor shall it be construed
2 to: 

3 3. Interfere with an employer's rights and obligations to
4 maintain a drug and alcohol free workplace or require an employer to allow
5 or accommodate the use, consumption, possession, transfer, display,
6 transportation, sale, or growth of cannabis in the workplace, or affect the
7 ability of an employer to have policies prohibiting the use of cannabis by
8 employees or prospective employees, or prevent employers from complying
9 with local, State, or federal law.

10 4. Interfere with the right of any property owner from
11 restricting or prohibiting any of the actions or conduct otherwise permitted
12 under California Health and Safety Code Section 11362.1 on said property
13 owner's privately owned real property.

14 5. Condone or legalize the possession, use, consumption,
15 transportation, sale, or any other use of cannabis or cannabis products that
16 are otherwise prohibited under State law.

17 6. Require the City to allow, permit, license, authorize, or
18 otherwise regulate commercial cannabis activity, or to abridge the City's
19 police power with respect to enforcement regarding commercial cannabis
20 activity, or to restrict or otherwise limit the enforcement authority conferred
21 upon the City, or any State agency, by other provisions of this Code or
22 State law.

23 7. Exempt any commercial cannabis activity from any
24 applicable local and State building, electrical, plumbing, land use, or any
25 other building or land use standards or permitting requirements.

26 D. Adult-Use Cannabis Businesses, adult-use commercial
27 cannabis activity, and Co-Located Cannabis Businesses shall only be
28 allowed in compliance with this Chapter and all applicable provisions set

1 forth in this Code, including but not limited to, the cannabis business tax
2 ordinance pursuant to Chapter 3.80 of this Code, and all regulations
3 governing the land use, building, grading, plumbing, septic, electrical, fire,
4 hazardous materials, nuisance, and public health and safety.

5 E. If the State prohibits the cultivation, possession, manufacture,
6 processing, storing, laboratory testing, labeling, transporting, distribution,
7 delivery, or sale of cannabis goods through Adult-Use Cannabis
8 Businesses, or if a court of competent jurisdiction determines that the
9 federal government's prohibition of the sale, cultivation, manufacture,
10 possession, or other distribution of cannabis goods through Adult-Use
11 Cannabis Businesses supersedes State law, any permit issued pursuant to
12 this Chapter shall be deemed to be immediately revoked by operation of
13 law with no ground for appeal, or other redress, on behalf of any Adult-Use
14 Cannabis Business.

15 5.92.030 Definitions.

16 The definitions set forth in California Business and Professions Code
17 Section 26000 et seq. shall apply to this Chapter and are hereby incorporated by
18 reference. Any reference to State statutes includes any regulations promulgated
19 thereunder and is deemed to include any successor or amended version of the
20 referenced statute or regulatory provision. Unless otherwise defined herein, and
21 unless otherwise clearly apparent from the context, the following terms as used in
22 this Chapter shall have the meanings set forth in this Section:

23 A. "Accreditation Body" means an impartial non-profit
24 organization that operates in conformance with the International
25 Organization for Standardization (ISO)/International Electrotechnical
26 Commission (IEC) standard 17011 and is a signatory to the International
27 Laboratory Accreditation Cooperation (ILAC) Mutual Recognition
28 Arrangement (MRA) for Testing.

1 B. “Administrative Hold” means an order by the City Manager
2 prohibiting the movement, removal, transport, use, treatment, or disposal of
3 a material that is, or is suspected of being, adulterated, misbranded, or
4 hazardous waste that is being mismanaged or that the City Manager has
5 reason to suspect is, or will be, managed in violation of this Chapter.

6 C. “Adulterated” shall have the same meaning as California
7 Business and Professions Code Section 26131.

8 D. “Adult-Use Cannabis” means cannabis or cannabis products
9 for adults twenty-one (21) years of age or older who do not possess a
10 physician’s recommendation.

11 E. “Adult-Use Cannabis Business” means any person, entity, or
12 operation, in whole or in part, whether operating for-profit or not-for-profit,
13 and all associated owners, employees, managers, and agents, engaged in
14 adult-use commercial cannabis activity.

15 F. “Adult-Use Cannabis Business Permit” or “Permit” means one
16 (1) document issued by the City to reflect the regulatory business permit
17 issued pursuant to the provisions of this Chapter and Title 5 of this Code,
18 and a business license issued pursuant to Chapter 3.80 of this Code,
19 authorizing the holder thereof to operate an Adult-Use Cannabis Business
20 and to conduct adult-use commercial cannabis activities.

21 G. “Applicant” means a person or entity who has submitted an
22 application for an Adult-Use Cannabis Business Permit pursuant to this
23 Chapter, including any individual, officer, director, partner, or other duly
24 authorized representative applying on behalf of an entity.

25 H. “Batch” means a specific quantity of homogeneous cannabis
26 or cannabis product that is either a harvest batch or a manufactured
27 cannabis batch.

28 I. “Batch Number” or “Lot Number” means any distinct group of

1 numbers, letters, or symbols, or any combination thereof, assigned to a
2 unique group of cannabis goods, from which the complete history of the
3 commercial cannabis activity involving the cannabis goods can be
4 determined, as required by State law.

5 J. "Cannabinoid" means any of the chemical compounds that are
6 the active principles of cannabis.

7 K. "Cannabis" or "Plant" means all of the following:

8 1. All parts of the plant cannabis sativa linnaeus, cannabis
9 indica, or cannabis ruderalis, whether growing or not; the seeds thereof; the
10 resin, whether crude or purified, extracted from any part of the plant; and
11 every compound, manufacture, salt, derivative, mixture, or preparation of
12 the plant, its seeds, or resin.

13 2. The separated resin, whether crude or purified,
14 obtained from cannabis.

15 3. "Cannabis" as defined by California Health and Safety
16 Code Section 11018.

17 4. "Cannabis" does not include the mature stalks of the
18 plant, fiber produced from the stalks, oil or cake made from the seeds of the
19 plant, any other compound, manufacture, salt, derivative, mixture, or
20 preparation of the mature stalks (except the resin extracted therefrom),
21 fiber, oil, or cake, or the sterilized seed of the plant which is incapable of
22 germination.

23 5. For purposes of this Chapter, "Cannabis" does not
24 mean industrial hemp as defined by California Health and Safety Code
25 Section 11018.5.

26 L. "Cannabis Concentrate" or "Concentrate" means cannabis
27 that has undergone a process to concentrate one (1) or more active
28 cannabinoids, thereby increasing the product's potency. For purposes of

1 this Chapter, “Cannabis Concentrate” includes, but is not limited to, the
2 separated resin obtained from cannabis, whether crude or purified,
3 tinctures, capsules, suppositories, extracts, and vape cartridges. “Cannabis
4 Concentrate” is not considered food, as defined by California Health and
5 Safety Code Section 109935, or a drug, as defined by California Health and
6 Safety Code Section 109925.

7 M. “Cannabis Facility” or “Facility” means a permanent structure
8 in a fixed location that contains the permitted premises of one (1)
9 Commercial Cannabis Business or where the permitted premises of two (2)
10 or more Commercial Cannabis Businesses are located.

11 N. “Cannabis Goods” means cannabis and/or cannabis products.

12 O. “Cannabis Product” or “Manufactured Cannabis Product” or
13 “Product” means cannabis that has undergone a process whereby the plant
14 material is transformed into a concentrate for internal consumption or
15 topical application, including, but not limited to, concentrated cannabis, an
16 edible cannabis product, or a topical cannabis product containing cannabis
17 or concentrated cannabis in combination with other ingredients.

18 P. “Cannabis Public Health Permit” means a written authorization
19 issued by the Long Beach Health Department to operate an Adult-Use
20 Cannabis Business pursuant to this Chapter.

21 Q. “Cannabis Waste” means waste that is generated from a
22 commercial cannabis activity that contains cannabis or cannabis products.

23 R. “Canopy” means the designated area(s) at a permitted
24 premises, except nurseries, that will contain mature plants at any point in
25 time. The total area of the canopy shall be calculated and measured using
26 the method(s) required by the State Department of Food and Agriculture.

27 S. “Certificate of Accreditation” means a certificate issued by an
28 accreditation body that attests to a Laboratory’s competence to carry out

specific testing analysis.

T. "City" means the City of Long Beach.

U. "City Attorney" means the City Attorney of the City of Long Beach and his or her designee.

V. "City Health Officer" means the City Health Officer of the City of Long Beach, his or her designee, or any other person exercising the duties of City Health Officer for the City of Long Beach.

W. "City Manager" means the City Manager of the City of Long Beach and his or her designee.

X. "Co-Located Cannabis Business" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents engaged in both adult-use and medicinal commercial cannabis activities on the same permitted premises for one (1) identical type of commercial cannabis activity.

Y. "Code" means the Long Beach Municipal Code.

Z. "Commercial Cannabis Activity" or "Commercial Cannabis Activities" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, making available, or sale of cannabis goods.

AA. "Commercial Cannabis Business" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents that engages in adult-use commercial cannabis activity or adult-use and medicinal commercial cannabis activity from one (1) premises.

BB. "Common-Use Area" means any area of a cannabis manufacturer's licensed shared-use facility, including equipment that is available for use by more than one licensee, provided that the use of a

common-use area is limited to one licensee at a time.

CC. "Component" means any substance or item intended for use in the manufacture of a cannabis product, including those substances or items that are not intended to appear in the final form of the product.

"Component" may include cannabis, cannabis products used as ingredients, other ingredients, and processing aids.

DD. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

EE. "Cultivation Area" means the combined total number of square feet on one (1) premises dedicated to the cultivation of living cannabis plants, including, but not limited to, any areas dedicated to the vertical and/or horizontal cultivation of cannabis.

FF. "Cultivation Site" means a permanent structure in a fixed location that contains a permitted premises where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a premises where any combination of those activities occurs.

GG. "Cultivator" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, and agents engaged in planting, growing, harvesting, drying, curing, grading, or trimming cannabis, including a nursery which produces clones, immature plants, seeds, or other agricultural products specifically for the planting, propagation, or cultivation of cannabis.

HH. "Customer" means a natural person twenty-one (21) years of age or older or a natural person eighteen (18) years of age or older who possesses a physician's recommendation.

II. "Day Care Center" shall have the same meaning as in

1 California Health and Safety Code Section 1596.76.

2 JJ. "Delivery" means the commercial transfer of cannabis goods
3 by a Dispensary to a customer at a physical address. "Delivery" also
4 includes the use of any technology platform by a Dispensary that is also
5 owned, leased, or controlled by the Dispensary.

6 KK. "Delivery Employee" means an employee of a Dispensary
7 who delivers cannabis goods from the premises of a Dispensary to a
8 customer at a physical address. "Department of Cannabis Control" means
9 the division of the State Department of Consumer Affairs responsible for
10 licensing and regulating cannabis businesses in California.

11 LL. "Department of Cannabis Control" means the division of the
12 State Department of Consumer Affairs responsible for licensing and
13 regulating cannabis businesses in California.

14 MM. "Designated Area" means the area of a cannabis
15 manufacturer's licensed shared-use facility that is designated principal
16 licensee for the sole and exclusive use of a shared use manufacturing
17 Operator Licensee, including storage of the shared use manufacturing
18 Operator Licensee's cannabis, cannabis concentrates, and cannabis
19 products.

20 NN. "Director of Financial Management" means the Director of
21 Financial Management of the City of Long Beach and his or her designee.

22 OO. "Dispensary" means any person, entity, or operation, in whole
23 or in part, whether operating for-profit or not-for-profit, and all associated
24 owners, employees, managers, or agents engaged in both medicinal and
25 adult-use commercial cannabis activity from the same permitted premises
26 for the retail sale and delivery of cannabis goods to customers. A
27 "Dispensary," as that term is used in this Code, is a "Retailer" under the
28 MAUCRSA.

1 PP. "Distribution" means the procurement, sale, and transport of
2 cannabis or cannabis products between State licensees.

3 QQ. "Distributor" means any person, entity, or operation, in whole
4 or in part, whether operating for-profit or not-for-profit, and all associated
5 owners, employees, managers, or agents that engages in the business of
6 the distribution of cannabis goods between State licensees.

7 RR. "Dried Flower" means all dead cannabis that has been
8 harvested, dried, cured, or otherwise processed, excluding leaves and
9 stems.

10 SS. "Edible Cannabis Product" means manufactured cannabis that
11 is intended to be used, in whole or in part, for oral human consumption
12 including, but not limited to, chewing gum, but excluding products set forth
13 in Division 15 (commencing with Section 32501) of the California Food and
14 Agricultural Code. An edible cannabis product is not considered food as
15 defined by California Health and Safety Code Section 109935 or a drug as
16 defined by California Health and Safety Code Section 109925.

17 TT. "Electronic Age Verification Device" means a device capable
18 of quickly and reliably confirming the age of the cardholder of a
19 government-issued identification card using computer processes.

20 UU. "Employee" means any individual engaged in the operation of
21 a Commercial Cannabis Businesses, whether full-time, part-time,
22 permanent, or temporary, for a wage, salary, commission, barter, or any
23 other form of compensation, or for no compensation, including but not
24 limited to, any owner-operator, member of the owner's family, partner,
25 associate, agent, manager or solicitor, full-time employee, part-time
26 employee, temporary employee, contractors, volunteers, and agents. The
27 owner of a sole proprietorship shall not be considered an employee.

28 VV. "Equity Applicant" means an individual who meets the criteria

1 in Section 5.92.1615.

2 WW. "Equity Business" means a cannabis business where a
3 minimum of fifty-one percent (51%) ownership in the cannabis business is
4 held by one equity applicant or, if the cannabis business will be held by a
5 group of applicants in the Equity Program, any one (1) of the equity
6 applicants must hold majority ownership interest in the cannabis business.

7 XX. "Equity Dispensary" means a dispensary owned by an equity
8 business as defined in Section 5.92.1620.

9 YY. "Equity Employee" means an individual who meets the criteria
10 in Section 5.92.1610.

11 ZZ. "Extraction" means a process by which cannabinoids are
12 separated from cannabis plant material through chemical or physical
13 means.

14 AAA. "Fire Alarm System" means an assembly of equipment and
15 devices arranged to signal the presence of a hazard requiring urgent
16 attention, to which fire officials may respond.

17 BBB. "Flowering" means that a cannabis plant has formed a mass
18 of pistils measuring greater than one half inch (1/2") wide at its widest point.

19 CCC. "Good Standing" means that a Commercial Cannabis
20 Business is regarded as having complied with all explicit obligations, while
21 not being subject to any form of sanction, suspension, or disciplinary
22 censure by the City, State, or any of the State's departments or divisions.

23 DDD. "Government-Issued Identification" means a document issued
24 by a federal, state, county, or municipal government that includes the name,
25 date of birth, physical description, and picture of the person, such as a
26 driver's license, U.S. passport, military ID, or State or local government
27 identification card.

28 EEE. "Harvest Batch" means a specifically identified quantity of

1 dried flower or trim, leaves, and other cannabis plant matter that is uniform
2 in strain, harvested at the same time, and, if applicable, cultivated using the
3 same pesticides and other agricultural chemicals, and harvested at the
4 same time.

5 FFF. "Household" means the residence address as indicated on the
6 equity verification application.

7 GGG. "Household Size" means the number of individuals that meet
8 any of the following criteria :

9 1. All spouses or domestic partners must be included in
10 the household and must appear in the submission content.

11 2. All household members who are under 18 years of age
12 must be the legal dependent of an adult household member, except in the
13 case of emancipated minors, as claimed on the most recent income tax
14 return, or legal minor children of title holders.

15 3. Pregnant applicants will only be counted as two
16 household members with verifiable medical documentation.

17 4. Temporarily absent household members who intend to
18 live in the residence upon return may be considered, if verifiable
19 documentation supporting their absence is provided. Such household
20 members include, but are not limited to, household members serving
21 temporarily in the armed forces, or who are temporarily institutionalized.

22 5. Individuals not listed on the equity applicant's most
23 recent tax return, such as elderly relatives, live-in assistants, and foster
24 children will not be counted toward household size.

25 HHH. "Identification Card" means a document issued by the State
26 pursuant to California Health and Safety Code 11362.7 et seq. that
27 identifies a person authorized to engage in the medicinal use of cannabis
28 and the person's designated primary caregiver, if any.

1 III. "Immature Plant" means a cannabis plant that is not flowering,
2 including, but not limited to, seedlings, sprouts, and unrooted clones.

3 JJJ. "Infusion" means a process by which cannabis, cannabinoids,
4 cannabis concentrates, or manufactured cannabis is directly incorporated
5 into a cannabis product formulation to produce a cannabis product.

6 KKK. "Ingredient" means any substance that is used in the
7 manufacture of a cannabis product and that is intended to be present in the
8 product's final form.

9 LLL. "Labeling" means any label or other written, printed, or graphic
10 matter upon cannabis goods, its container or wrapper, or that accompanies
11 cannabis goods.

12 MMM. "Labor Peace Agreement" shall have the same meaning as
13 California Business and Professions Code 26001(y), as amended from time
14 to time.

15 NNN. "Licensee" means a person or entity licensed by the City of
16 Long Beach to operate a cannabis business.

17 OOO. "Limited-Access Area" means an area within a permitted
18 premises used for storing and holding cannabis goods and currency, which
19 is only accessible to the permittee and authorized employees of the
20 permittee.

21 PPP. "Live Plants" or "Live Cannabis Plants" means living cannabis
22 flowers and plants, including but not limited to, seeds, sprouts, immature
23 plants, plants in the vegetative stage, plants in the flowering stage, and
24 mature plants.

25 QQQ. "Manager" means any person(s) designated by a Commercial
26 Cannabis Business to act as the representative or agent of the Commercial
27 Cannabis Business in managing day-to-day operations with corresponding
28 liabilities and responsibilities, and/or the individual in apparent charge of the

permitted premises of the Commercial Cannabis Business. Evidence of management includes, but is not limited to, evidence that the individual has the power to direct, supervise, or hire and dismiss employees, control hours of operation, creates policy rules, or purchases supplies.

RRR. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

SSS. "Manufactured Cannabis Batch" means either of the following:

1. An amount of cannabis concentrate or extract that is produced in one (1) production cycle using the same extraction methods and standard operating procedures.

2. An amount of a type of manufactured cannabis produced in one (1) production cycle using the same formulation and standard operating procedures.

TTT. "Manufacturer" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, and agents, engaged in the production, conversion, preparation, propagation, deriving, processing, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis goods or labels or relabels its container.

UUU. "Manufacturing" means all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis product. "Manufacturing" shall also include any processing, preparing, holding, or storing of components and ingredients used in cannabis products.

VVV. "Marijuana" shall have the same meaning as cannabis under

1 this Chapter.

2 WWW. "Mature Cannabis Plant" or "Mature Plant" means a
3 cannabis plant that is flowering.

4 XXX. "MAUCRSA" means the Medicinal and Adult-Use Cannabis
5 Regulation and Safety Act, consisting of the legislation in SB 94.

6 YYY. "Medicinal Marijuana Business" means any person, entity, or
7 operation, in whole or in part, whether operating for-profit or not-for-profit,
8 and all associated owners, employees, managers, and agents, engaged in
9 commercial cannabis activity involving medicinal cannabis pursuant to
10 Chapter 5.90 of this Code.

11 ZZZ. "Medical Marijuana Business Permit" means one (1)
12 document issued by the City to reflect the regulatory business permit issued
13 pursuant to the provisions of Chapter 5.90 and Title 5 of this Code, and the
14 business license issued pursuant to Chapter 3.80 of this Code, authorizing
15 the holder thereof to operate a Medical Marijuana Business and to conduct
16 medicinal commercial cannabis activities.

17 AAAA. "Medicinal Cannabis" or "Medicinal Cannabis Product" means
18 cannabis or a cannabis product, respectively, intended to be sold for use
19 pursuant to California Health and Safety Code Section 11362.5, by a
20 medicinal cannabis patient in California who possesses a physician's
21 recommendation.

22 BBBB. "Medicinal Cannabis Patient" or "Medical Patient" means a
23 qualified patient or a person with an identification card.

24 CCCC. "Microbusiness" or "Type 12 Microbusiness" means a
25 business as defined by California Business and Professions Code Section
26 26070, applying for, or issued, a Type-12 Microbusiness State license, to
27 engage in three (3) or more of the following commercial cannabis activities
28 from one permitted premises: cultivation on an area less than ten thousand

(10,000) square feet, distribution, manufacturing, or retail sales
(Dispensary).

DDDD. "Microorganisms" means yeasts, molds, bacteria,
viruses, protozoa, and/or microscopic parasites and includes species that
are pathogens. The term "Undesirable Microorganisms" includes those
microorganisms that are pathogens, that subject a cannabis product to
decomposition, that indicate that a cannabis product is contaminated with
filth, or that otherwise may cause a cannabis product to be adulterated.

EEEE. "Misbranded" shall have the same meaning as California
Business and Professions Code Section 26121.

FFFF. "Non-Equity Business" means a business that does not meet
the definition of an Equity Business as defined in Section 5.92.1620.

GGGG. "Nonvolatile Solvent" means any solvent used in the
extraction process that is not a volatile solvent, including but not limited to,
carbon dioxide or ethanol.

HHHH. "Nursery" means a Cultivator that produces only
clones, immature plants, seeds, and other agricultural products used
specifically for the planting, propagation, and cultivation of cannabis.

III. "Operation" means any act for which a person is legally
required to have a State and local permit or license, or any commercial
transfer of cannabis goods.

JJJJ. "Operator" means a person that is engaged in any act for
which a State and local permit or license is legally required.

KKKK. "Owner" means any of the following:

1. Any person with an ownership interest of ten percent
(10%) or more in the Adult-Use Cannabis Business applying for a permit
pursuant to this Chapter;
2. The chief executive officer of an entity, including

1 nonprofits;

2 3. A member of the board of directors of a for-profit or
3 non-profit entity;

4 4. All persons within an entity that have a financial interest
5 of ten percent (10%) or more in the proposed Adult-Use Cannabis
6 Business, including but not limited to:

7 a. A general partner of an Adult-Use Cannabis
8 Business that is organized as a partnership;

9 b. A non-member manager or managing member
10 of an Adult-Use Cannabis Business that is organized as a limited liability
11 company;

12 c. Any person holding a voting interest in a
13 partnership, association, or limited liability company;

14 d. All officers or directors of an Adult-Use Cannabis
15 Business that is organized as a corporation and all shareholders who
16 individually own more than ten percent (10%) of the issued and outstanding
17 stock of the corporation.

18 LLLL. "Outdoors" means any location within the City that is not
19 within an enclosed locked structure or building.

20 MMMM. "Package" and "Packaging" means any container or
21 wrapper that may be used for enclosing or containing any cannabis goods
22 for final retail sale. "Package" does not include a shipping container or outer
23 wrapping used solely for the transport of cannabis goods in bulk quantity to
24 a State licensee.

25 NNNN. "Panic Hardware" means a door-latching assembly
26 incorporating a device that releases the latch upon the application of a force
27 in the direction of egress travel.

28 OOOO. "Parcel of Land" means one (1) contiguous piece of

1 real property, its boundaries, and all the rights contained therein, which is
2 identified by a Los Angeles County Assessor's Parcel Number (APN).

3 PPPP. "Permittee" means a person issued an Adult-
4 Use Cannabis Business Permit pursuant to this Chapter.

5 QQQQ. "Person" means a natural person as well as an entity,
6 individual, firm, partnership, joint venture, association, corporation, limited
7 liability company, estate, trust, business trust, receiver, syndicate, or any
8 other legal entity or group, or combination thereof acting as a unit, and
9 includes the plural as well as the singular number.

10 RRRR. "Physician's Recommendation" means a
11 recommendation provided by a physician or surgeon that an individual may
12 obtain and use cannabis for medicinal purposes in accordance with
13 California Health and Safety Code Section 11362.5.

14 SSSS. "Playground" means any park or recreational area specifically
15 designed to be used by children which has play equipment installed,
16 including public grounds designed for athletic activities such as baseball,
17 football, soccer, or basketball, or any similar facility located on public or
18 private school grounds, or city, county, or state parks.

19 TTTT. "Premises" means a contiguous area wherein the permit
20 privileges are, or will be, exercised, as diagrammed in the application for an
21 Adult-Use Cannabis Business Permit, and for which a separate permit is
22 required.

23 UUUU. "Primary Caregiver" means the individual, designated
24 by a qualified patient, who has consistently assumed responsibility for the
25 housing, health, or safety of said qualified patient pursuant to California
26 Health and Safety Code Section 11362.7.

27 VVVV. "Principal Licensee" means the licensed cannabis
28 manufacturer that has been approved by the City of Long Beach to operate

its licensed premises as a Shared-use Manufacturing Facility.

WWWW. "Property Line" means the defined boundaries of a parcel of land.

XXXX. "Property Owner" means the person who is the owner of record for the real property and premises where a commercial cannabis activity or commercial cannabis activities are located, or are proposed to be located.

YYYY. "Public Beach" or "Beach" means any beach area used for recreational purposes which is owned, operated, or controlled by the State, any State agency, or any local agency within the City's authority, including but not limited to, Alamitos Bay Beach, Alamitos Beach, Alamitos Park Beach, Belmont Shore Beach, Colorado Lagoon Park, Granada Beach, Rosie's Dog Beach, Long Beach City Beach, Marine Stadium Beach, Mothers Beach, Peninsula Bayside Beach, Peninsula Beach, and Shoreline Aquatic Park.

ZZZZ. "Public Park" or "Park" means publicly owned natural or open areas set aside for active public use for recreational, cultural, or community service activities, including but not limited to, all parks dedicated or designated in Table 35-2 of Chapter 21.35 of this Code.

AAAAA. "Public Place" or "Public" means any real property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. "Place open to the public" does not include any fenced area of a private residence regardless of whether it can be seen from a place open to the public.

BBBBB. "Public Right-Of-Way" means any public highway,

1 street, alley, sidewalk, parkway, and all extensions or additions thereto
2 which is either owned, operated, or controlled by the City, or is subject to an
3 easement or dedication to the City, or is a privately-owned area within City's
4 authority which is not yet dedicated, but is designated as a proposed public
5 right-of-way on a tentative subdivision map approved by the City.

6 CCCCC. "Qualified Patient" means a person who is entitled to
7 the protections of California Health and Safety Code Section 11362.5, but
8 who does not have an identification card.

9 DDDDD. "Quality Control Personnel" means any person or
10 group, designated by the permittee to be responsible for quality control
11 operations.

12 EEEEE. "Retail Area" means a building, room, or other area that
13 is open to the public upon a premises in which cannabis goods are sold or
14 displayed.

15 FFFFF. "Security Alarm System" means an assembly of
16 equipment and devices arranged to signal the presence of a hazard
17 requiring urgent attention, to which police officials may respond.

18 GGGGG. "Sell," "Sale," and "To Sell" means any transaction
19 whereby, for any consideration, title to cannabis goods are transferred from
20 one (1) person to another, and includes the delivery of cannabis goods in
21 response to an order placed for the purchase of the same and soliciting or
22 receiving an order for the same, but does not include the return of cannabis
23 goods by a permittee to the permittee from whom the cannabis goods were
24 purchased.

25 HHHHH. "Shared-Use Manufacturing Facility" or "Shared-Use
26 Facility" means a manufacturing premises operated by a Principal Licensee
27 in which Shared Use Manufacturing Operator Licensees are authorized to
28 conduct manufacturing operations.

1 IIIII. “Shared Use Manufacturing Operator Licensee” or “Operator
2 Licensee” means any person, entity, or operation, in whole or in part,
3 whether operating for-profit or not-for-profit, and all associated owners,
4 employees, managers, or agents that engages in manufacturing activities
5 limited to infusions, packaging/labeling of cannabis products, and
6 extractions with butter or food grade oils in common-use areas of a licensed
7 Shared-Use Manufacturing Facility, pursuant to California Department of
8 Public Health Code Section 40191.

9 JJJJJ. “Site” means one (1) or more contiguous lots or parcels of
10 land which were developed and function as a single development for
11 satisfying the requirements and development standards of this Code,
12 including, but not limited to, access and parking.

13 KKKKK. “Site Boundary” means the outer defined boundaries of
14 a site, which are coterminous with any or all portions of the property line(s)
15 of the lot(s) or parcel(s) of land that total the whole of the site.

16 LLLLL. “State” means the State of California.

17 MMMMM. “State Licensee” means a person issued a State
18 license by the State, or one of its departments or divisions, pursuant to the
19 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis
20 activity, and includes the holder of a Testing Laboratory license.

21 NNNNN. “State License” means a license issued by the State of
22 California, or one of its departments or divisions, pursuant to the
23 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis
24 activity, as well as a Testing Laboratory State license.

25 OOOOO. “Technical Report” means a document prepared by,
26 and bearing the stamp of, a registered design professional or qualified
27 specialist, laboratory, or fire safety specialty organization to analyze and
28 demonstrate that the fire safety properties of the equipment, devices,

1 systems, products, technologies, materials and uses attending the design,
2 operation or use of a building or premises comply with all applicable local
3 and State Building Codes, Fire Codes, Electrical Codes, and other laws.

4 PPPPP. "Testing Laboratory" means any person, entity, or
5 operation, in whole or in part, whether operating for-profit or not-for-profit,
6 and all associated owners, employees, managers, or agents offering or
7 performing tests of cannabis goods and that is ISO/IEC 17025 accredited,
8 or pending ISO/IEC 17025 accreditation.

9 QQQQQ. "Time and/or Temperature Controlled" means a
10 cannabis or cannabis product that requires time and/or temperature control
11 for safety to limit pathogenic microorganism growth or toxin formation.

12 RRRRR. "Trim" means the excess snipping of leaves from the
13 flowers of cannabis plants.

14 SSSSS. "Topical Cannabis Product" means a cannabis product
15 intended for external use, such as cannabis-enriched lotions, balms, and
16 salves. A topical cannabis product is not considered a drug as defined by
17 California Health and Safety Code Section 109925.

18 TTTTT. "Track-and-Trace System" means the State-approved
19 system required by the MAUCRSA to track commercial cannabis activity
20 and movement of cannabis goods through the distribution chain.

21 UUUUU. "Transport," "Transporting," or "Transportation" means
22 the physical movement of cannabis goods from the premises of one State
23 licensee to the premises of another State licensee.

24 VVVVV. "Transport Only Distributor" means any person, entity,
25 or operation, in whole or in part, whether operating for-profit or not-for-profit,
26 and all associated owners, employees, managers, or agents that engages
27 in the business of the transporting of cannabis goods between State
28 licensees only where the cannabis or cannabis products were cultivated or

1 manufactured by said permittee (self-distribution), or where the cannabis or
2 cannabis products are cultivated or manufactured by other State licensees.

3 WWWWW. "Transporter" means an employee of a Distributor
4 engaged in the procurement, sale, and transfer of cannabis goods from the
5 premises of one State licensee to the premises of another State licensee.

6 XXXXX. "Unique Identifier" means an alphanumeric code or
7 designation used for reference to a specific cannabis plant on a permitted
8 premises and any cannabis goods derived or manufactured from said
9 cannabis plant.

10 YYYYY. "Vacuum Oven" means an oven that uses a
11 combination of heat and negative pressure (vacuum) to strip the
12 concentrated material of any residual solvents that were used in the
13 extraction process.

14 ZZZZZ. "Volatile Solvent" means a solvent that is or produces a
15 flammable gas or vapor that, when present in the air in sufficient quantities,
16 will create explosive or ignitable mixtures. Examples of volatile solvents
17 include, but are not limited to, hexane and liquefied petroleum gases, such
18 as butane or propane.

19 AAAAA. "Youth Center" shall have the same meaning as
20 California Health and Safety Code Section 11353.1.

21 22 DIVISION II ADMINISTRATION

23 Subdivision I General Authority.

24 5.92.110 Authority to delegate.

25 A. The City Manager may delegate an act required to be
26 performed pursuant to this Chapter to any Code Enforcement Officer or
27 Official of the City, including, without limitation, the Chief of Police, the Fire
28 Code Official, the Building Official, the Director of Financial Management,

1 the City Attorney, the City Health Officer, or any designee of such officers or
2 officials. All references to the City Manager in this Chapter shall include any
3 designee of the City Manager.

4 B. The City Manager has all the powers of any peace officer to:

5 1. Investigate violations or suspected violations of this
6 Chapter; Chapter 3.80, Chapter 5.90, and Title 21 of this Code; the
7 provisions of MAUCRSA; any regulations implemented and enforced by the
8 State or any of its departments or divisions that may be enforced by peace
9 officers; any other laws or regulations pertaining to Commercial Cannabis
10 Businesses in this City, any resolutions or regulations promulgated
11 pursuant to such provisions;

12 2. View, duplicate, and/or take possession of recordings
13 made by the digital video surveillance system of a Commercial Cannabis
14 Business, which shall be made available to the City Manager upon verbal
15 request. No search warrant, court order, or subpoena shall be needed for
16 the City Manager to view security records;

17 3. Enter the cannabis facility and premises of a
18 Commercial Cannabis Business from time to time unannounced to make
19 reasonable inspections to observe and enforce compliance with this
20 Chapter and all laws and regulations of the City and State;

21 4. Serve all warrants, summonses, subpoenas,
22 administrative citations, notices, or other processes relating to the
23 enforcement of laws regulating commercial cannabis activities and
24 Commercial Cannabis Businesses.

25 5. Assist or aid any law enforcement officer in the
26 performance of his or her duties upon such law enforcement officer's
27 request, or the request of other local officials that have jurisdiction;

28 6. Inspect, examine, or investigate any Commercial

1 Cannabis Business, and the premises and/or cannabis facility for the same,
2 where cannabis goods are grown, harvested, possessed, stored, cultivated,
3 processed, manufactured, packaged, labeled, transported from, tested,
4 distributed, sold, or made available, and any books and records in any way
5 connected with any permitted activity;

6 7. Require any Commercial Cannabis Business, upon
7 demand, to allow an inspection of any Commercial Cannabis Business
8 during business hours, or at any time of apparent business, including,
9 without limitation, any cannabis equipment, cannabis accessories, security
10 records, inventory, on-site operations specific to the Commercial Cannabis
11 Business, accounts, or books and records; and to permit the testing of, or
12 examination of, cannabis goods.

13 8. Require applicants to submit complete and current
14 applications, fees, and any other information the City Manager deems
15 necessary to make permitting decisions and to approve material changes
16 made by any applicant or Commercial Cannabis Business;

17 9. Conduct investigations into the character, criminal
18 history, and all other relevant factors related to suitability of all applicants for
19 a Commercial Cannabis Business Permit, and such other persons with a
20 direct or indirect interest in a Commercial Cannabis Business, as the City
21 Manager may require; and

22 10. Promulgate such administrative regulations as deemed
23 necessary and appropriate, if said regulations are consistent herewith and
24 with all applicable State law and regulations.

25 11. Exercise any other power or duty authorized by law.

26 C. Nothing in this Section is intended to, or shall operate to,
27 change or shall have the effect of changing, the status of a City Manager's
28 designee under this Section from a public or miscellaneous officer or

1 employee to an individual peace officer or safety member or to a class of
2 peace officer or safety member for purposes of retirement, worker's
3 compensation or similar injury or death benefits, or any other employee
4 benefit or benefits to which said officer or employee would not have been
5 entitled to as a public employee prior to the adoption of this Section.

6 5.92.120 - Authority to order an administrative hold of cannabis goods.

7 To prevent destruction of evidence, diversion, or other threats to public
8 safety, while permitting a Commercial Cannabis Business to retain its inventory
9 pending further investigation, the City Manager may order an administrative hold
10 of cannabis goods pursuant to the following procedure:

11 A. If during an investigation or inspection of a Commercial
12 Cannabis Business, the City Manager develops reasonable grounds to
13 believe certain cannabis goods constitute evidence of acts in violation of
14 this Chapter, or rules promulgated pursuant to it, or otherwise constitute a
15 threat to the public safety, the City Manager may issue a notice of
16 administrative hold of any such cannabis goods.

17 B. The notice of administrative hold shall provide a documented
18 description of the cannabis goods to be subject to the administrative hold.

19 C. The Commercial Cannabis Business shall completely and
20 physically segregate the cannabis goods subject to the administrative hold
21 in a separate area of the location under investigation, where it shall be
22 safeguarded by the Commercial Cannabis Business. Pending the outcome
23 of the investigation and any related disciplinary proceeding, the Commercial
24 Cannabis Business is prohibited from selling, giving away, transferring,
25 transporting, or destroying the cannabis goods subject to the administrative
26 hold.

27 D. Following an investigation, the City Manager may lift the
28 administrative hold, order the continuation of the administrative hold, or

1 seek a Final Order for the destruction of the cannabis goods. A Commercial
2 Cannabis Business shall be responsible for the cost of the destruction of
3 cannabis associated with its violation.

4 E. Any decision or action of the City Manager pursuant to this
5 subsection is subject to the appeal procedures pursuant to Section
6 5.92.1445.

7 F. Voluntary surrender of cannabis goods. The Commercial
8 Cannabis Business, prior to a Final Order and upon mutual agreement with
9 the City Manager, may elect to waive a right to a hearing and any
10 associated rights, and voluntarily surrender any goods to the City Manager.
11 Such voluntary surrender may require destruction of any cannabis goods in
12 the presence of the City Manager.

13 5.92.130 Authority to make reasonable rules, policies, and procedures.

14 A. The City Manager is authorized to make reasonable rules,
15 policies, and procedures consistent with the intent and spirit of this Chapter
16 as may be necessary to administer and enforce the provisions of this
17 Chapter and any other ordinances, regulations or laws relating to and
18 affecting the permitting and operations of Commercial Cannabis
19 Businesses. Regulations promulgated by the City Manager become
20 effective upon date of publication, unless specified otherwise.

21 B. Applicants and permittees shall cooperate with the City
22 Manager, including City Manager designees who are conducting
23 inspections or investigations relevant to the enforcement of laws and
24 regulations related to this Chapter.

25 C. It is unlawful for any person to obstruct, impede, or interfere
26 with the City Manager, from reasonable inspection, investigation, audits
27 authorized by law or from exercising their respective duties under the
28 provisions of this Chapter and all rules promulgated pursuant to it, including

1 but not limited to, the following:

2 1. Threatening force or violence against the City
3 Manager, or otherwise endeavoring to intimidate, obstruct, or impede the
4 City Manager or any peace officers from exercising their duties. The term
5 “threatening force” includes the threat of bodily harm to such individual or to
6 a member of his or her family;

7 2. Denying the City Manager access to any portion of a
8 Commercial Cannabis Business, premises, and/or cannabis facility during
9 business hours or times of apparent activity;

10 3. Providing false or misleading statements;

11 4. Providing false or misleading documents and records;

12 5. Failing to timely produce requested books and records
13 required to be maintained by the Commercial Cannabis Business; or

14 6. Failing to timely respond to any request for information
15 made by the City Manager about an investigation of the qualifications,
16 conduct, or compliance of a Commercial Cannabis Business or applicants.

17 5.92.140 Authority of the Director of Financial Management.

18 The Director of Financial Management is authorized to make reasonable
19 rules, policies, and procedures consistent with the intent and spirit of this Chapter
20 concerning the applications, the application process, the information required of
21 applicants, the application procedures, and the administration and procedures to
22 be used and followed in the application process for permit applications and
23 requests for permit changes or modifications required pursuant to this Chapter.

24
25 Subdivision II Permit Application and Administration.

26 5.92.210 Business license and permit required.

27 A. It is unlawful for any person to engage in, operate, conduct,
28 carry on, or allow to be carried on, the business of adult-use cannabis in the

City without having first met the following requirements:

1. The person has paid any business license tax pursuant to Chapter 3.80 of this Code;

2. The person holds a valid permit pursuant to the requirements of this Chapter; and

3. The person holds a State license in accordance with California Business and Professions Code Section 26000 et seq. and any applicable regulations implemented by the State or any of its departments or divisions.

B. Each permit issued pursuant to the requirements of this Chapter shall entitle the holder thereof to obtain a City license to engage in the business described in the permit, upon payment of the license tax required by the provisions of Chapter 3.80 of this Code, provided the holder of the permit complies with all other applicable provisions of law or ordinance.

C. Fixed location required. A permit may only be issued for a specific, fixed location within a secured, fully enclosed building, that is subject to building and/or zoning permits and regulations.

5.92.215 Permit application required filing.

A. Any person seeking an Adult-Use Cannabis Business Permit shall submit a written application to the City, signed under penalty of perjury, using the form approved by the City for that purpose and in the manner required by the Director of Financial Management. The application shall be accompanied by a non-refundable application fee, established by resolution of the City Council. All applications shall contain, at a minimum, the following information and documents unless otherwise specified by the Director of Financial Management:

1. Applicant information.

- a. The legal business name of the applicant.
- b. The applicant's mailing address, e-mail address, and business telephone number.
- c. The federal employer identification number or social security number of the applicant.
- d. A description of the business organizational structure of the applicant, including the entity identification number, if applicable.
- e. The contact information for the Community Liaison, including the Liaison's full name, phone number, and e-mail address.
- f. Other cannabis licenses. A list of all State licenses and any out-of-state or other local licenses, permits, or authorizations to conduct commercial cannabis activity held by the applicant, including the date the license was issued and the state license number.
- g. Description of State licenses required. A description or identification of the State license(s) types that are required for the applicant's proposed operations.
- h. Prior denials, suspensions, or revocations. A statement under penalty of perjury by the applicant, as to whether the applicant has ever had the right to conduct a commercial cannabis activity denied, suspended, or revoked by the City, State, or any other cannabis licensing authority, including out-of-state licensing authorities.

2. Owner information. Every application shall include the following information for every owner of the applicant's Adult-Use Cannabis Business:

- a. The full legal name, title, social security number

1 or individual taxpayer identification number, mailing address, e-mail
2 address, telephone number, and percentage of ownership in the Adult-Use
3 Cannabis Business.

4 b. A copy of a completed Live Scan fingerprinting
5 and criminal background check form, identifying the Long Beach Police
6 Department as the requesting agency; and

7 c. A color copy of every owner's government-
8 issued identification.

9 3. Property information. Every application shall include,
10 but not be limited to, the following property information concerning the
11 proposed premises:

12 a. The physical address of the premises to be
13 permitted;

14 b. A premises diagram;

15 c. The full legal name, e-mail address, and
16 telephone number of the property owner for the proposed premises; and

17 d. Proof that the applicant has the legal right to
18 occupy and use the premises for commercial cannabis activity, subject to
19 the following requirements:

20 (i) If the Adult-Use Cannabis Business owns
21 the real property where the commercial cannabis activity will occur, the
22 applicant shall provide properly executed deeds or other proof of title to said
23 real property.

24 (ii) If the Adult-Use Cannabis Business does
25 not own the real property where the commercial cannabis activity will occur,
26 the applicant shall provide the following:

27 1) A written statement, on a form
28 provided by the City for that purpose, signed and notarized by each

property owner under penalty of perjury, consenting and/or attesting to the following:

a. That commercial cannabis activity may be conducted on the property by the Adult-Use Cannabis Business applicant;

b. That the Adult-Use Cannabis Business applicant has the right to occupy the property;

c. That no person shall engage in commercial cannabis activity on the proposed premises without all licenses and permits required by this Code and State law to conduct commercial cannabis activity while a Commercial Cannabis Business application is pending;

d. That the City may enter the property to conduct property inspections during the application process and after a permit is issued; and

e. That each property owner has read, understands, and will ensure compliance with the terms of this Chapter.

2) A copy of the Property Owner's Non-Residential Rental Business License.

4. Details of business operation. Every application shall include details of the proposed operation, including but not limited to: the proposed hours of operation; a description of the nature of the proposed commercial cannabis activity; whether any other type of commercial cannabis activity will share the proposed premises or cannabis facility with the proposed operation; and all specifications for any equipment to be required for the proposed operation.

5.92.220 Permit application investigation.

1 A. Upon receipt of a complete application, the Director of
2 Financial Management shall refer the application to the appropriate City
3 departments to determine whether the proposed premises and cannabis
4 facility complies with all applicable laws and regulations.

5 B. As part of the application process, every Adult-Use Cannabis
6 Business shall be subject to mandatory inspections of the proposed
7 premises.

8 C. All applicants shall obtain all required land use approvals, and
9 any other necessary approvals, certifications, permits, or licenses from the
10 City, State, or any applicable State or local agencies, for each separate
11 proposed premises and for every type of commercial cannabis activity
12 required for the applicant's proposed operation.

13 5.92.225 Co-location of adult-use and medicinal commercial cannabis
14 activities.

15 The City may allow a Commercial Cannabis Business to conduct both
16 adult-use and medicinal commercial cannabis activity on the same permitted
17 premises if all of the following criteria are met:

18 A. The permittee holds both an Adult-Use Cannabis Business
19 Permit and a Medical Marijuana Business Permit on the same premises for
20 an identical type of commercial cannabis activity.

21 B. Except as otherwise authorized by law, the permittee only
22 conducts one of the following types of commercial cannabis activities on the
23 same permitted premises: retail sale (Dispensary), cultivation, distribution,
24 manufacturing, or laboratory testing. Examples of exceptions authorized by
25 law include, but are not limited to, businesses holding a State license for a
26 Type 12 Microbusiness or Transport Only Distributors that hold a State
27 license and City permit for cultivation or manufacturing.

28 C. Prior to the issuance of an Adult-Use Cannabis Business

1 Permit, the applicant shall waive the rights to the inspection, penalty,
2 suspension, revocation, and appeals process and requirements under
3 Chapter 5.90 of this Code, and shall consent to subject the Medical
4 Marijuana Business Permit to the inspection, penalty, suspension,
5 revocation, and appeals processes and requirements of this Chapter.

6 D. The application for an Adult-Use Cannabis Business Permit
7 shall be submitted by the same entity and owners that hold the Medical
8 Marijuana Business Permit, or the same entity and owners who are named
9 on the application for the Medical Marijuana Business Permit, for the
10 identical premises as the Medical Marijuana Business.

11 E. The operation of adult-use and medicinal commercial
12 cannabis activities from the same permitted premises complies with the
13 requirements in this Chapter and all other applicable State and local laws
14 and regulations, including, but not limited to, the location requirements
15 specified in Section 5.92.420.

16 F. If the Commercial Cannabis Business is a Dispensary, the
17 proposed Adult-Use Cannabis Dispensary shall also be a permitted Medical
18 Marijuana Dispensary in good standing.

19 G. The Medical Marijuana Business Permit shall be issued
20 before the Adult-Use Cannabis Business Permit will be issued.

21 5.92.240 Effect of other permits or licenses.

22 Possession of other types of local and State licenses or permits does not
23 exempt any person from the requirement of obtaining a permit under this Chapter.

24 5.92.245 Incomplete applications.

25 A. Upon review of an application, if the Director of Financial
26 Management determines an application is incomplete, the Director of
27 Financial Management shall provide notice to the applicant, who shall have
28 ninety (90) calendar days to correct all deficiencies.

1 B. If the applicant fails to correct said deficiencies within the
2 ninety (90) day period, the application shall be deemed abandoned, void,
3 and of no further force and effect. The applicant may reapply at any time
4 following an abandoned application. The City will not refund any fees for
5 incomplete or abandoned applications.

6 C. The Director of Financial Management may extend the
7 deadline upon showing of good cause by the applicant for the inability to
8 provide all required information by the deadline, if a written request for an
9 extension is received no later than ten (10) calendar days prior to the
10 deadline. For purposes of this subsection, the term "good cause" shall
11 mean the applicant's failure to complete the application process occurred
12 due to circumstances outside of the applicant's control.

13 5.92.250 One applicant per property address.

14 A. The Director of Financial Management shall only accept
15 applications from one (1) applicant per property address at a time.

16 B. Any applications received by the Director of Financial
17 Management from a different applicant, while an active application is
18 pending for the same property address, is deemed void and of no force and
19 effect.

20 C. If more than one (1) application for an Adult-Use Cannabis
21 Business Permit has been submitted for the same property address, the
22 first application received by the Director of Financial Management shall be
23 eligible to proceed.

24 5.92.255 Withdrawal of application.

25 A. An applicant may withdraw an application any time prior to the
26 issuance or denial of a permit by submitting a signed and dated request to
27 withdraw, on a form provided by the City for that purpose.

28 B. Upon the Director of Financial Management's receipt of the

1 request to withdraw, the application is deemed withdrawn, void, and of no
2 further force and effect.

3 C. Withdrawal of an application submitted under this Chapter
4 does not deprive the Director of Financial Management of his or her
5 authority to institute or continue any proceeding against the applicant for the
6 denial of an application for a permit upon any ground provided by law or to
7 enter an order denying an application for a permit upon any such ground.

8 5.92.260 Revocable privilege.

9 A permit issued by the City is a revocable privilege. It is the responsibility of
10 the applicant to provide all information required for approval of the permit and to
11 demonstrate compliance with this Chapter and any other applicable law, rule, or
12 regulation.

13 5.92.265 Persons prohibited as owners.

14 A. It shall be unlawful for any of the following persons to be an
15 owner of an Adult-Use Cannabis Business pursuant to this Chapter:

16 1. A sheriff deputy, police officer, or prosecuting officer, or
17 an officer or employee of the State, County, or the City.

18 2. A person otherwise prohibited in this Chapter from
19 engaging in commercial cannabis activity.

20 3. A licensed physician making patient recommendations
21 for cannabis.

22 4. An individual who is under twenty-one (21) years of
23 age.

24 5. A person who has been convicted of any offense within
25 the last ten (10) years that is substantially related to the qualifications,
26 functions, or duties of the operation of a Commercial Cannabis Business
27 and conducting commercial cannabis activity, which includes the following
28 offenses:

1 a. A violent felony, as specified under Penal Code
2 Section 667.5(c).

3 b. A serious felony, as specified under Penal Code
4 Section 1192.7(c).

5 c. A felony involving fraud, deceit, or
6 embezzlement.

7 6. A person who has been convicted of any offense that is
8 substantially related to the qualifications, functions, or duties of the
9 operation of a Commercial Cannabis Business and conducting commercial
10 cannabis activity, which includes the following offenses:

11 a. A felony conviction for hiring, employing, or
12 using a minor in transporting, carrying, selling, giving away, preparing for
13 sale, or peddling, any controlled substance to a minor; or selling, offering to
14 sell, furnishing, offering to furnish, administering, or giving any controlled
15 substance to a minor.

16 b. A felony conviction for drug trafficking with
17 enhancements pursuant to California Health and Safety Code Section
18 11370.4 or 11379.8.

19 7. Any person who has failed to remedy any outstanding
20 delinquent taxes, fees, or judgment owed to the City.

21 8. A person who has, within the past (3) years, been
22 sanctioned or fined for, enjoined from, found guilty of, or plead guilty or no
23 contest to, any charge of engaging in commercial cannabis activity without
24 the required permits, licenses, registrations, or approvals required by State
25 or local law.

26 B. Conviction for any controlled substance felony after the
27 issuance of an Adult-Use Cannabis Business Permit shall be grounds for
28 revocation of said permit or denial of the renewal of said permit.

1 C. A plea or verdict of guilty, or a conviction following a plea of
2 nolo contendere is deemed a conviction within the meaning of this Chapter.

3 D. Except as provided for in Section 5.92.265.A.6 and Section
4 5.92.1615.B.4.a, a prior conviction, where the sentence, including any term
5 of probation, incarceration, or supervised release, is completed, for
6 possession of, possession for sale, sale, manufacture, transportation, or
7 cultivation of cannabis and/or cannabis goods shall not be the sole ground
8 for denial of a permit.

9 5.92.270 Limitations on liability.

10 To the fullest extent permitted by law, the City will not assume any liability
11 whatsoever with respect to issuing any permit pursuant to this Chapter or
12 otherwise approving the operation of any Adult-Use Cannabis Business or Co-
13 Located Cannabis Business. Prior to issuance of an Adult-Use Cannabis Business
14 Permit, the applicant, or its legal representative, shall execute an agreement, on a
15 form approved by the City Attorney, regarding the following:

16 A. The applicant will indemnify, defend (at applicant's sole cost
17 and expense), and hold harmless the City, and its officers, officials,
18 employees, representatives, and agents from any and all claims, losses,
19 damages, injuries, liabilities or losses which arise out of, or which are in any
20 way related to, the City's issuance of the Adult-Use Cannabis Business
21 Permit, the City's decision to approve the applicant's operation of any
22 commercial cannabis activity or any Commercial Cannabis Business
23 operation, the process used by the City in making its decision, or the
24 alleged violation of any federal, State, or local laws by the Adult-Use
25 Cannabis Business applicant, permittee, or any of its officers, managers,
26 employees, or agents; and

27 B. The applicant will agree to reimburse the City for all costs and
28 expenses, including but not limited to attorney fees and costs, which the

City may be required to pay as a result of any legal challenge related to the City's approval of the applicant's Adult-Use Cannabis Business Permit, or related to the City's approval of the applicant's commercial cannabis activity. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

5.92.275 Payment of fees.

A. No person may commence or continue any adult-use commercial cannabis activity in the City, without timely paying in full all fees and taxes required for the operation of an Adult-Use Cannabis Business.

B. The actual cost to the City arising from the processing and oversight of permits, business permits and licenses, and the costs of monitoring and ensuring compliance with this Chapter, including the Equity Program, the Responsible Vendor Pilot Program, investigations, enforcement actions, and disciplinary or abatement proceedings, shall be offset through application fees, and annual renewal fees, and shall be established by resolution of the City Council which may be amended from time to time.

C. The amount of any fee, cost, or charge imposed pursuant to this Chapter shall be deemed a debt to the City that is recoverable in any manner authorized by this Code, State law, or in any court of competent jurisdiction.

Subdivision III Permit Terms and Modifications.

5.92.310 Term and renewal of permit.

A. All permits issued under the provisions of this Chapter shall be effective for a period not to exceed five (5) years after issuance. The City Manager may renew a permit if the City Manager determines that the

1 permittee has complied with the provisions of this Chapter and all
2 applicable laws during the preceding permit term, and if the permittee pays
3 the renewal fees and taxes required by this Chapter.

4 B. Any permit issued under this Chapter does not confer a
5 vested right or entitlement to receive a future permit under this Chapter.

6 C. Any permit issued under this Chapter does not authorize any
7 conduct or continuance of any operation of a Commercial Cannabis
8 Business, in the event a permittee fails to provide required business tax
9 returns and taxes to the City.

10 5.92.320 Permit changes or modifications generally.

11 A. Form and fees required. Any permit changes or modifications
12 made pursuant to this Subdivision shall be submitted on a form, provided by
13 the City for that purpose, with a nonrefundable fee established by resolution
14 of the City Council.

15 B. No permittee may avail themselves of the provisions of this
16 Subdivision if the Director of Financial Management has notified the
17 permittee that the Adult-Use Cannabis Business Permit or Co-Located
18 Cannabis Business Permits have been, or may be, suspended or revoked,
19 or may not be renewed.

20 5.92.330 Change of address.

21 A. Any relocation or expansion of the permitted premises that
22 includes a different property address is considered a change of address.

23 B. No permittee shall operate an Adult-Use Cannabis Business
24 or Co-Located Cannabis Business at any premises other than the premises
25 specified in the permittee's permit(s).

26 C. The relocation of any Adult-Use Cannabis Business shall first
27 be approved by the Director of Financial Management who shall determine
28 whether all ordinances and regulations of the City will be complied with at

1 any proposed new premises.

2 D. Only permittees may request to relocate an Adult-Use
3 Cannabis Business operation to a new premises. Applicants seeking to
4 relocate shall withdraw their existing application and submit a new
5 application for the new proposed premises pursuant to the requirements of
6 this Chapter.

7 E. The Director of Financial Management may approve a
8 permittee's request to relocate the operation of an Adult-Use Cannabis
9 Business if the relocation complies with the following requirements:

10 1. The permittee, and any owners identified in the permit,
11 and the commercial cannabis activity specified in the existing permit remain
12 unchanged if the request to relocate is approved.

13 2. The existing Adult-Use Cannabis Business Permit, and
14 the corresponding State license, shall not be the subject of a pending
15 revocation or suspension action by the City, State, or any of the State's
16 divisions or departments.

17 3. If the permittee is a Dispensary, both the Medical
18 Marijuana Dispensary and the Adult-Use Cannabis Dispensary shall
19 relocate to the same premises at the same time. It shall be unlawful for a
20 Co-Located Dispensary to relocate the operation of either the Adult-Use
21 Cannabis Dispensary or the Medical Marijuana Dispensary without likewise
22 changing the location of the other.

23 4. The proposed premises complies with the requirements
24 in this Chapter and all other applicable State and local laws and regulations,
25 including, but not limited to, the locations requirements specified in Section
26 5.92.420.

27 F. A Non-Equity Dispensary shall not be eligible to submit a
28 request to relocate the operation of the Adult-Use Cannabis Dispensary

1 until one hundred eighty (180) days after the City begins accepting
2 business license applications from Equity Dispensaries, or until all Equity
3 Dispensaries have provided the complete, notarized Property Owner
4 Authorization for the business premises in the business license application,
5 whichever occurs sooner.

6 5.92.340 Change of ownership.

7 A. Except as otherwise set forth in this Chapter, any sale,
8 transfer, assignment, attempted sale, attempted transfer, or attempted
9 assignment of a permit in violation of this Chapter shall be deemed to
10 constitute a voluntary surrender of such permit, and all rights to operate a
11 Commercial Cannabis Business in the City shall terminate, and any such
12 permit(s) shall thereafter be deemed null and void.

13 B. No permittee may sell, transfer, or assign, or change
14 ownership or control of an Adult-Use Cannabis Business Permit to another
15 person, or by operation of law, unless and until the proposed new owner(s),
16 or the proposed transferee(s), submit all required materials at least thirty
17 (30) days prior to the change of ownership or transfer, pay all applicable
18 fees, and independently meet the requirements of this Chapter. For
19 purposes of this Chapter:

20 1. A change in ownership occurs when one (1) or more of
21 the owners of a permit change and the new person added to the permit
22 meets the definition of an "Owner" pursuant to this Chapter.

23 2. A change in ownership does not occur when one (1) or
24 more owners leave the business by transferring their ownership interest to
25 the other existing owner(s). In cases where one (1) or more owners leave
26 the business by transferring their ownership interest to the other existing
27 owner(s), the owner(s) that are transferring their interest shall provide a
28 signed statement to the City confirming that they have transferred their

1 interest.

2 C. If the permittee is a Co-Located Cannabis Business, any
3 request to change ownership, or transfer a permit, shall not be approved
4 unless both the Medical Marijuana Business and the Adult-Use Cannabis
5 Business changes permit ownership at the same time, to the same owners,
6 same business name, and in the same business formation. It shall be
7 unlawful for a Co-located Commercial Cannabis Business to change
8 ownership of either the Medical Marijuana Business Permit or the Adult-Use
9 Cannabis Business Permit without likewise changing the ownership of the
10 other.

11 D. The existing permittee may conduct business under the
12 existing permit while the Director of Financial Management reviews the
13 application for a change of ownership or permit transfer. Denial of an
14 application for a change of ownership does not result in the revocation of
15 the existing permit.

16 5.92.350 Change in business name.

17 No permittee shall operate, conduct, manage, engage in, or carry on an
18 Adult-Use Cannabis Business under any name other than the name of the Adult-
19 Use Cannabis Business specified in the permit and/or any “doing business as” or
20 “DBA” provided in the permit application.

21 5.92.360 Physical modification of premises.

22 A. A permittee shall not make a physical change, alteration, or
23 modification of the permitted premises without the prior written approval of
24 the Director of Financial Management.

25 B. If a permitted premises is to be changed, modified, or altered,
26 the permittee is responsible for filing a request for a premises modification
27 with the Director of Financial Management and securing all necessary City
28 approvals, project plan approvals, and permits.

1 C. Alterations or modifications requiring City approval include,
2 without limitation:

3 1. The removal, creation, or relocation of a common
4 entryway, doorway, passage, or a means of public entry or exit, when such
5 common entryway, doorway, or passage alters or changes the limited-
6 access areas within the permitted premises.

7 2. The removal, creation, addition, or relocation of the
8 cultivation area.

9 3. Any other physical modification resulting in a material
10 or substantial change in the mode or character of business operation.

11 4. The requirements of this Section are in addition to
12 compliance with any other applicable State or local rule, law, or regulation
13 pertaining to approval of building modifications, zoning, or land use
14 requirements.

15 D. The Director of Financial Management may refer the plans
16 and specifications to all concerned City departments for review and
17 inspection, as appropriate.

18 DIVISION III - GENERAL OPERATING CONDITIONS

19 The following general operating requirements are applicable to all
20 Adult-Use Cannabis Businesses. Requirements in this Section are in addition to
21 the requirements specific to each type of Adult-Use Cannabis Business set forth in
22 Division IV (Dispensary operating conditions); Division V (Cultivation operating
23 conditions); Division VI (Manufacturing operating conditions); Division VII (Shared
24 Use Manufacturing operating conditions); Division VIII (Distribution operating
25 conditions); and Division IX (Testing Laboratory operating conditions) of this
26 Chapter.

27
28 Subdivision I Cannabis facility and location requirements.

1 5.92.410 Compliance.

2 A. Every Adult-Use Cannabis Business shall comply with all
3 applicable State laws and regulations, as may be amended and adopted,
4 including all permit, approval, inspection, reporting and operational
5 requirements, imposed by the State or its regulatory agencies having
6 jurisdiction over cannabis, commercial cannabis activity, or Commercial
7 Cannabis Businesses.

8 B. Every Adult-Use Cannabis Business shall comply with all
9 applicable State laws, guidelines, and regulations for cannabis and
10 commercial cannabis activity, as may be adopted and as amended by any
11 State agency or department, including, but not limited to, the Department of
12 Cannabis Control, the State Department of Food and Agriculture, the State
13 Department of Public Health, the State Department of Pesticide Regulation,
14 the Attorney General, and the State Department of Tax and Fee
15 Administration.

16 C. Every Adult-Use Cannabis Business shall comply with all
17 applicable local and regional agency regulations, including, but not limited
18 to, regulations issued by the State Water Resources Control Board and the
19 Los Angeles County Agricultural Commissioner/Weights and Measures.

20 D. Adult-Use Cannabis Businesses shall provide copies of State,
21 regional and local agency licenses, permits, approvals, or certificates upon
22 verbal or written request by the City Manager, to serve as verification for
23 such compliance.

24 5.92.415 Right to use and occupy premises.

25 Every Adult-Use Cannabis Business permittee, and applicant for the same,
26 shall maintain a legal right to occupy and a right to use the premises upon which
27 the Adult-Use Cannabis Business operates.

28 5.92.420 Location requirements.

1 A. Except as otherwise provided for in this Chapter, a premises
2 shall comply with zoning districts in Title 21 (Zoning Ordinance) of this
3 Code, Specific Plans, or Planned developments.

4 B. Adult-Use Cannabis Dispensary premises shall not be located
5 within:

6 1. A six-hundred foot (600') radius of a public or private
7 school (as defined in California Health and Safety Code Section
8 11362.768(h)).

9 2. A six-hundred foot (600') radius of a day care center.

10 3. A six-hundred foot (600') radius of a playground or
11 community center.

12 4. A six hundred foot (600') radius of a library.

13 5. A one-thousand foot (1,000') radius of any other
14 Dispensary.

15 6. A building which contains a dwelling unit, with the
16 exception of those dispensaries otherwise permitted on ground floors of
17 mixed-use buildings within the Downtown Planned Development District
18 (PD-30).



19 7. A dwelling unit within any zoning district.

20 C. A premises for a cannabis business that is not an Adult-Use
21 Cannabis Dispensary shall not be located within:

22 1. A one-thousand foot (1,000') radius of a public or
23 private school (as defined in California Health and Safety Code Section
24 11362.768(h)).

25 2. A one-thousand foot (1,000') radius of a public beach.

26 3. A six-hundred foot (600') radius of a public park, public
27 library, or day care center.

28 4. A building which contains a dwelling unit.

1 5. A dwelling unit within any zoning district.

2 D. Youth center buffer. Pursuant to its authority under California
3 Business and Professions Code Section 26054, the City hereby establishes
4 a zero-foot (0') radius buffer for youth centers for Adult-Use Cannabis
5 Businesses licensed under this Chapter; therefore, there is no buffer
6 distance requirement for youth centers for Adult-Use Cannabis Business
7 within the City.

8 5.92.425 Noncompliant locations.

9 A. If the Director of Financial Management has deemed an
10 application complete, any Adult-Use Cannabis Business may continue the
11 application process unaffected if the proposed premises becomes non-
12 compliant with the buffers in subsections (1) through (4) of Section
13 5.92.420.A due to the establishment of any sensitive use.

14 B. A permittee pursuant to this Chapter may continue to operate
15 unaffected if the permitted premises becomes non-compliant with the
16 buffers in subsections (1) through (4) of Section 5.92.420.A due to the
17 establishment of any sensitive use, so long as an Adult-Use Cannabis
18 Business Permit remains valid.

19 5.92.430 Measurement of distance between sites.

20 The distance between a proposed premises and any sensitive use, as set
21 forth in subsections (1) through (4) of Section 5.92.420.A, shall be determined by
22 the horizontal distance measured in a straight line from the site boundary of the
23 sensitive use to the closest site boundary of the site on which the proposed
24 premises is to be located, without regard to intervening structures.

25 5.92.435 Premises requirements.

26 A. Except as otherwise provided in this Chapter, the premises of
27 two (2) or more Commercial Cannabis Businesses proposed on the same
28 site or within the same cannabis facility shall be granted approval only if:

1 1. All of the proposed Commercial Cannabis Businesses
2 and their operation from the same site or cannabis facility are authorized by
3 both local and applicable State law and regulations; and

4 2. Every Commercial Cannabis Business within said
5 cannabis facility or on any one site operates from a separate premises and
6 property address.

7 B. Commercial Cannabis Businesses issued permits for multiple
8 permit types at the same physical address shall maintain clear separation
9 between permit types unless otherwise authorized by local and State law.

10 C. Two (2) or more permitted premises may share a common
11 lobby, common interior walkway, or common interior hallway and
12 bathroom(s), wherein no permitted privileges will be exercised, provided
13 that all premises comply with the requirements of this Chapter and any
14 applicable State laws and regulations.

15 D. Commercial Cannabis Businesses shall obtain all necessary
16 local and State licenses and permits, and land use approvals from local and
17 State agencies for each type of commercial cannabis activity proposed at
18 every separate premises.

19 E. Commercial Cannabis Businesses shall ensure the
20 requirements set forth in this Code for each type of commercial cannabis
21 activity and every separate premises are satisfied, including all parking
22 requirements.

23 F. Except for Commercial Cannabis Businesses authorized by
24 the State to operate as a Type 12 Microbusiness, Commercial Cannabis
25 Businesses shall only conduct one (1) type of commercial cannabis activity
26 per permitted premises. Commercial Cannabis Businesses intending to
27 apply with the State for, and operate as, a Type 12 Microbusiness State
28 license shall obtain a separate permit for every type of commercial

cannabis activity on the proposed premises.

G. The City may allow one (1) permittee to conduct both adult-use and medicinal commercial cannabis activities from the same permitted premises if:

1. The requirements of this Section are satisfied; and
2. The permittee holds both an Adult-Use Cannabis Business Permit and a Medical Marijuana Business Permit for the identical type of commercial cannabis activity at the same premises.

5.92.440 Business identification signage.

A. Exterior business identification signage for every Adult-Use Cannabis Business shall conform to the requirements of State law and this Code, including, but not limited to, Title 21 of this Code and California Business and Professions Code, Chapter 15 ("Advertising and Marketing Restrictions") of Division 10.

B. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. Business identification signage is discouraged for Adult-Use Cannabis Businesses that are not open to the public.

C. Exterior signage for one (1) Commercial Cannabis Business issued permits for two (2) or more commercial cannabis activities at the same physical address shall be cumulative; one (1) business identification sign shall represent all uses.

5.92.445 Fire prevention system.

A. Where applicable, every Adult-Use Cannabis Business shall implement fire prevention measures on the premises in compliance with Title 18 of this Code, including but not limited to, fire sprinkler systems, fire alarm systems, fire extinguishers, and gas detections systems.

1 B. The Adult-Use Cannabis Business shall obtain all necessary
2 permits for any fire prevention systems installed at the premises and/or
3 cannabis facility from the Long Beach Fire Department.

4 C. A minimum of a one (1) hour fire barrier shall be maintained
5 between every premises of a Commercial Cannabis Business and any
6 adjacent business that is not engaged in commercial cannabis activity or
7 that is not a Commercial Cannabis Business.

8 D. Every premises shall be fully separated from any other
9 premises where commercial cannabis activities are conducted by walls that
10 extend from floor to underneath the roof with five-eighths inch (5/8") drywall
11 on both sides. All doors and windows separating commercial cannabis
12 activities shall be one (1) hour rated.

13 5.92.450 General sanitation requirements.

14 A. Washing facilities. Every premises shall have:

15 1. Hand-washing facilities designed to ensure an
16 employee's hands do not pose a source of contamination to products,
17 surfaces, or packaging materials. Hand-washing facilities shall also be
18 convenient and furnish hot running water running water of at least 100°F;

19 2. Effective hand-cleaning (liquid soap) and disposable
20 paper towel or suitable drying devices;

21 3. Three (3) compartment utensil washing facilities;

22 4. Bathrooms; and

23 5. Mop sinks with hot and cold running water.

24 B. Adequate lighting. Cannabis facilities shall have adequate
25 lighting in the following areas: hand-washing areas; dressing and locker
26 rooms; toilet facilities; all areas where components or cannabis goods are
27 examined, trimmed, harvested, manufactured, processed, packed, or held;
28 and in all areas where equipment or utensils are cleaned.

1 5.92.455 Cannabis public health permit.

2 A. Permit required. Every Adult-Use Cannabis Business shall
3 obtain a cannabis public health permit prior to the establishment or
4 operation of any adult-use commercial cannabis activity and in addition to
5 any other applicable permits and licenses required pursuant to State and
6 local law to engage in adult-use commercial cannabis activity.

7 B. Application and fees required. To obtain a cannabis public
8 health permit, every Adult-Use Cannabis Business shall file an application
9 with the City Health Officer, on a form provided for that purpose, and pay a
10 nonrefundable cannabis public health permit fee established by resolution
11 of the City Council. The City Health Officer may request additional
12 documentation and information as deemed necessary for the Adult-Use
13 Cannabis Business to demonstrate compliance.

14 C. Permit provisions.

15 1. All cannabis public health permits are valid for twelve
16 (12) months from the date of issuance and may be renewed annually.

17 2. Every cannabis public health permit is valid only for the
18 person, premises, and type of commercial cannabis activity specified in the
19 permit. Cannabis public health permits are not transferable upon change of
20 ownership or relocation of the premises.

21 3. Every premises where commercial cannabis activities
22 occur within the same cannabis facility requires a separate cannabis public
23 health permit.

24 4. All public health permits and licenses shall be posted in
25 a conspicuous place within the premises.

26 D. Permit renewals.

27 1. An application for renewal of any cannabis public
28 health permit shall be submitted to the City Health Officer at least sixty (60)

1 business days prior to the expiration date of the current cannabis public
2 health permit, but no more than one-hundred and twenty (120) calendar
3 days prior to the expiration of the current cannabis public health permit.

4 2. An Adult-Use Cannabis Business that does not obtain
5 a renewed cannabis public health permit by the end of the business day of
6 the expiration date shall discontinue operation of the Adult-Use Cannabis
7 Business until a new cannabis public health permit is issued.

8 3. Any cannabis public health permit that has not been
9 renewed by the annual renewal date will not be valid and is deemed
10 inactive.

11 4. Denial of applications or renewals. The City Health
12 Officer may deny an application or renewal application for a cannabis public
13 health permit for any reason enumerated in Section 5.92.1540 of this
14 Chapter.

15 E. Permit suspension or revocation.

16 1. Any cannabis public health permit issued under this
17 Chapter may be suspended or revoked by the City Health Officer for any
18 violation of the requirements of this Chapter, this Code, or State or local
19 laws or regulations.

20 2. Any premises, or portion of a premises, for which the
21 cannabis public health permit has been suspended or revoked shall close,
22 cease doing business, and remain closed until the cannabis public health
23 permit has been reinstated or reissued by the City Health Officer.

24 3. Whenever the City Health Officer finds the operation of
25 any Adult-Use Cannabis Business does not comply with the requirements
26 of this Chapter or State or local laws or regulations, a written notice to
27 comply, that contains a required compliance date, shall be issued to the
28 Adult-Use Cannabis Business.

1 4. If the Adult-Use Cannabis Business fails to comply
2 within the specified time, the City Health Officer may issue a written notice
3 setting forth the acts or omissions with which the Adult-Use Cannabis
4 Business is charged, and informing the Adult-Use Cannabis Business of a
5 right to a hearing, if requested, to show cause why the cannabis public
6 health permit should not be suspended or revoked.

7 5. Notice requirements for an Adult-Use Cannabis
8 Business's request for an appeal, and the suspension or revocation of a
9 cannabis public health permit shall be governed by the provisions of
10 Division IX of this Chapter. No person shall conduct any activity regulated
11 by this Section after a cannabis public health permit for such activity has
12 been revoked or during the time a cannabis public health permit therefor
13 has been suspended.

14
15 Subdivision II General Operating Requirements.

16 5.92.510 Community Liaison.

17 A. Adult-Use Cannabis Businesses shall have a Community
18 Relations Liaison designated at all times, who shall be twenty-one (21)
19 years of age or older. Any Co-Located Cannabis Business or Commercial
20 Cannabis Business conducting two (2) or more commercial cannabis
21 activities within the same cannabis facility shall designate one (1) Liaison
22 for the site.

23 B. The Liaison shall be responsible for receiving and responding
24 to all concerns and complaints made to the City regarding the Adult-Use
25 Cannabis Business and for making a good faith attempt to promptly
26 address all concerns and resolve all complaints.

27 C. The Liaison shall respond by phone or e-mail within forty-eight
28 (48) hours of any complaint(s) or concern(s) reported by a City official.

D. The Liaison's name and contact information shall be:

1. Publicly available, such as, available to any individual upon request, on the Adult-Use Cannabis Business's website, marketing material, or the technology platform used by the Adult-Use Cannabis Business.

2. Provided to the City Manager prior to operation of the business and within forty-eight (48) hours of a designation of a new Liaison.

3. Provided to all neighboring businesses located within one-hundred feet (100') of the permitted premises or cannabis facility, as measured in a straight line without regard to intervening structures, between the front doors of each establishment prior to opening.

4. Posted conspicuously, and in a conspicuously visible font size, on the main entry doors to the business.

5.92.515 Display of permit and license.

Every Adult-Use Cannabis Business shall maintain a copy of its City permit and State license on display during business hours and in a conspicuous place so that the City permit and State license may be readily seen by all persons entering the premises.

5.92.520 Age restrictions.

Individuals under twenty-one (21) years of age shall not be allowed on the premises of any Adult-Use Cannabis Business, except as pertaining to the sale of cannabis for medicinal use by a Dispensary to a medical patient or primary caregiver who is at least eighteen (18) years of age.

5.92.525 No direct sales to the public.

Except as otherwise provided for in this Chapter and Chapter 5.90 of this Code for Dispensaries, no direct sales of cannabis goods to the public may occur upon a permitted premises of a Distributor, Cultivator, Manufacturer, or Testing Laboratory.

1 5.92.530 Advertising and marketing.

2 A. All advertisements and marketing, including off-site
3 advertising signs, on-premises signs, labels, and billboards by an Adult-Use
4 Cannabis Business shall comply with this Chapter, Title 21 of this Code,
5 any regulations implemented by the State or any of its divisions or
6 departments, and California Business and Professions Code Chapter 15
7 ("Advertising and Marketing Restrictions") of Division 10.

8 B. Not attractive to children. Advertisements and marketing may
9 not be designed to appeal to children or encourage children to consume
10 cannabis goods, contain any false or misleading statements, or make any
11 misrepresentations.

12 C. Billboard advertising and marketing.

13 1. No person shall place, establish, keep, allow, maintain,
14 or locate any advertisement or marketing for cannabis goods on any
15 billboard located within a one-thousand foot (1,000') radius of a public park,
16 day care center, or public or private school (as defined in California Health
17 and Safety Code Section 11362.768(h)).

18 2. The City hereby establishes a zero-foot (0') radius
19 buffer for youth centers and playgrounds for any advertisements or
20 marketing of cannabis goods on a billboard within the City by a Commercial
21 Cannabis Business; therefore, there are no buffer distance requirements for
22 youth centers or playgrounds for billboards advertising or marketing
23 cannabis goods within the City.

24 5.92.535 Waste management.

25 A. Obligation to comply. When managing cannabis goods,
26 chemicals, hazardous or dangerous waste, Adult-Use Cannabis Businesses
27 are obligated to obtain all required permits, licenses, or other clearances
28 and comply with all orders, laws, regulations, or other requirements of other

1 regulatory agencies, including, but not limited to, local health agencies,
2 regional water quality control boards, air quality management districts or air
3 pollution control districts, local land use authorities, and fire authorities.

4 B. The sale of cannabis waste is prohibited.

5 C. Storage of cannabis waste. All cannabis waste shall be stored
6 in a secured waste receptacle or in a secured area on the permitted
7 premises. For the purposes of this section, "secure waste receptacle" or
8 "secured area" means that physical access to the receptacle or area is
9 restricted to the permittee, employees of the permittee, or by the local
10 agency or local agency franchised or contracted waste hauler only. Public
11 access to the designated receptacle or area shall be strictly prohibited.

12 D. Before removing any cannabis waste from the premises for
13 disposal, the Adult-Use Cannabis Business shall render cannabis goods
14 unusable and unrecognizable in compliance with State and local laws or
15 regulations.

16 E. Records of cannabis waste. Every Adult-Use Cannabis
17 Business shall maintain accurate and comprehensive records at the
18 premises regarding cannabis waste that accounts for, reconciles, and
19 provides evidence of, all activity related to the generation and disposal or
20 deposition of cannabis waste.

21 5.92.540 Ventilation and filtration system.

22 A. Every Adult-Use Cannabis Business shall implement
23 adequate ventilation system and odor control filtration measures to prevent
24 odors from inside the cannabis facility from being detected outside the
25 cannabis facility.

26 B. Certification of system. A licensed professional engineer shall
27 certify that the system is capable of preventing odors from inside the
28 cannabis facility from being detected outside the cannabis facility. The

1 design of the ventilation and filtration system shall be based on industry-
2 specific best control technologies and best management practices to
3 effectively mitigate cannabis odors. The system shall use a range of odor
4 mitigation practices to control odor-emitting activities, sources, and
5 locations.

6 C. Training and maintenance. The Adult-Use Cannabis Business
7 is responsible for regular maintenance to ensure the system remains
8 functional and shall implement staff training procedures regarding use and
9 maintenance of the system.

10 D. Records. All records relating to odor management shall be
11 made available upon verbal or written request of the City Health Officer,
12 including but not limited to:

13 1. Odor complaints received, actions taken by the
14 business, and responses to the complaint; and

15 2. System installation, maintenance, and any equipment
16 malfunctions.

17 5.92.545 Discourage illegal, criminal, or nuisance activities.

18 A. Every Adult-Use Cannabis Business shall take reasonable
19 steps to discourage persons on the Site of the permitted premises, and
20 within any parking areas under the control of the Adult-Use Cannabis
21 Business, from engaging in illegal, criminal, or nuisance activities. For
22 purposes of this Section, "illegal, criminal, or nuisance activities" includes,
23 but is not limited to, disturbances of the peace, public intoxication, drinking
24 alcoholic beverages in public or on the site of the permitted premises,
25 smoking or ingesting cannabis goods in public or on the site of the
26 permitted premises, illegal drug activity, vandalism, obstruction of the
27 operation of a another business, harassment of passersby, gambling,
28 prostitution, loitering, public urination, lewd conduct, drug trafficking,

1 excessive loud noise, or any other behavior that adversely affects or
2 detracts from the quality of life for adjoining residents, property owners, or
3 businesses.

4 B. Loitering prohibited. Loitering is prohibited on or around the
5 premises or any area under control of the Adult-Use Cannabis Business.
6 Adult-Use Cannabis Businesses shall prevent individuals from remaining on
7 the premises or site of the Adult-Use Cannabis Business if they are not
8 engaging in an activity directly related to the permitted operations of the
9 Adult-Use Cannabis Business.

10 C. Property maintenance. The site, premises, and all associated
11 parking areas, including the adjacent area under the control of the Adult-
12 Use Cannabis Business and any sidewalk or alley, shall be maintained in
13 an attractive condition and shall be kept free of obstruction, trash, litter, and
14 debris.

15 D. Graffiti. Adult-Use Cannabis Businesses shall remove graffiti
16 from the premises within forty-eight (48) hours of its occurrence.

17 E. Nuisances. Commercial cannabis activity shall not adversely
18 affect the health or safety of the nearby residents by creating dust, glare,
19 heat, noise, smoke, vibration, or other negative impacts, and shall not be
20 hazardous due to use or storage of materials, processes, products,
21 chemicals, or wastes. Commercial Cannabis Activity shall not adversely
22 affect health, safety, or welfare of any persons engaged in the operation of
23 the Adult-Use Cannabis Business.

24 5.92.550 Recordkeeping.

25 A. Adult-Use Cannabis Businesses shall comply with all
26 recordkeeping requirements, as set forth in this Chapter, California
27 Business and Professions Code Section 26000 et seq., and all applicable
28 regulations implemented and enforced by the State or any of its

1 departments and divisions.

2 B. Every owner and operator of an Adult-Use Cannabis Business
3 shall maintain legible, clear, adequate, and accurate books, records, and
4 documentation, demonstrating that all cannabis goods have been obtained
5 from, and are provided to, other State licensees, and shall detail all of the
6 revenues and expenses of the business, and all of its assets and liabilities
7 on the premises. All records shall be in English.

8 C. All required records shall be stored, preserved, and maintain
9 on the premises for a minimum of (7) years. Mandatory records shall be
10 stored in a secured area where the records remain protected from debris,
11 moisture, contamination, hazardous waste, fire, or theft. Electronic records
12 shall be secured and backed up in a manner that prevents unauthorized
13 access and that ensures the integrity of the records is maintained.

14 D. Adult-Use Cannabis Businesses shall maintain a current
15 register of the names and the contact information (including the address, e-
16 mail address and telephone number) of anyone owning or holding an
17 interest in the Adult-Use Cannabis Business, and separately a register of all
18 the officers, managers, employees, responsible persons, and volunteers
19 currently employed or otherwise engaged by the Adult-Use Cannabis
20 Business. The register required by this subsection shall be provided to the
21 City Manager upon a verbal or written request.

22 E. Point-of-sale inventory control and reporting system.

23 1. Adult-Use Cannabis Businesses shall maintain a point-
24 of-sale software inventory control and reporting system that accurately
25 documents the present location, amounts, and descriptions of all cannabis
26 goods for all stages of the growing, production, manufacturing, laboratory
27 testing, distribution processes, sale, transfer, purchase, receipt, and
28 delivery of cannabis goods, as set forth in California Business and

1 Professions Code Section 26000 et seq. and any regulations implemented
2 thereunder.

3 2. The software shall be capable of producing electronic
4 shipping manifests, tracking all cannabis inventory in possession of the
5 Adult-Use Cannabis Business, promptly identifying any discrepancy in the
6 stock, and tracking cannabis from the customer back to its source in the
7 event of a serious adverse event.

8 3. The system shall have the capability to produce
9 historical transactional data for review by the City.

10 F. Track-and-Trace.

11 1. Tracking inventory. Adult-Use Cannabis Businesses
12 shall promptly comply with any track-and-trace system requirements
13 established by the State or any of its departments and divisions.

14 2. Every Adult-Use Cannabis Business is responsible for
15 the accuracy and completeness of all data and information entered into the
16 track-and-trace system. Data entered into the track-and-trace system shall
17 be accurate. Inaccuracies in the track-and-trace system, if not corrected,
18 may result in an enforcement action against the Adult-Use Cannabis
19 Business.

20 5.92.555 Notification to City.

21 A. Breaches of security. Every Adult-Use Cannabis Business
22 shall notify the City Manager and the Long Beach Police Department in
23 writing, within twenty-four (24) hours after discovering any of the following:

- 24 1. Significant discrepancies identified in inventory.
25 2. Suspected diversion, theft, loss, or any other criminal
26 activity pertaining to the operation of the Adult-Use Cannabis Business and
27 cannabis goods.
28 3. Discovering diversion, theft, loss, or any other criminal

1 activity by any individual authorized to engage in the operation of the Adult-
2 Use Cannabis Business and pertaining to the operations of the business.

3 4. The loss or unauthorized alteration of records related to
4 cannabis goods, customers, or employees of the Adult-Use Cannabis
5 Business.

6 5. Any other breach of security.

7 6. All written notifications regarding a breach of security
8 shall include the date and time of occurrence of theft, loss, or criminal
9 activity and a description of the incident including, where applicable, and
10 the item(s) that were taken or lost.

11 B. Criminal acts.

12 1. Adult-Use Cannabis Businesses shall notify the City
13 Manager in writing, either by mail or by electronic mail, of any felony
14 conviction against any owner or manager of the Adult-Use Cannabis
15 Business within forty-eight (48) hours of the conviction.

16 2. The written notification to the City Manager shall
17 include the date of conviction, the court docket number, the name of the
18 court in which the person was convicted, and the specific offense(s) for
19 which the person was convicted.

20 C. Change in permit or license status.

21 1. Adult-Use Cannabis Businesses shall notify the City
22 Manager in writing within ten (10) days, either by mail or by electronic mail,
23 of any denial, suspension, modification, revocation, or expiration or any
24 applicable State or local license and/or permit required for the operation of
25 the Adult-Use Cannabis Business.

26 2. The written notification shall include the name of the
27 agency involved, a written explanation of the proceeding or enforcement
28 action, and the specific violation(s) that led to the discipline or revocation.

Subdivision III Cannabis Goods.

5.92.610 Handling of cannabis goods.

A. Every person that handles cannabis goods shall comply with the provisions of all relevant State and local laws regarding the storage, preparation, handling, packaging, preparation, distribution, and sale of food.

B. Employee health and handling cannabis goods.

1. To reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness, or are known to be infected with a communicable disease that is transmissible through foodstuffs, are prohibited from handling cannabis goods until they are free of that illness or disease, or are incapable of transmitting the illness or disease through cannabis goods.

2. The City Health Officer has authority to exclude any Adult-Use Cannabis Business employee that handles cannabis goods from any Adult-Use Cannabis Business if the employee is diagnosed with an illness caused by an infectious agent, and the employee is either symptomatic and still considered infectious, or is not experiencing symptoms of the illness associated with that agent but is still considered infectious.

3. For purposes of this Section, "illness caused by an infectious agent" means a condition caused by any of the following infectious agents: Hepatitis A virus; Salmonella typhi; Salmonella spp; Shigella spp; Entamoeba histolytica; Enterohemorrhagic or shiga toxin producing Escherichia coli; Norovirus; and any other communicable diseases that may be transmitted to others through the handling of cannabis goods.

4. The Adult-Use Cannabis Business may remove a

1 restriction placed on an employee upon the resolution of symptoms, as
2 reported by an employee, if the employee states that he or she no longer
3 has any symptoms of an acute gastrointestinal illness.

4 5. Only the City Health Officer may remove exclusions or
5 restrictions, or both, related to diagnosed illnesses due to infectious agents
6 specified in this Section after the City Health Officer provides a written
7 clearance stating that the excluded or restricted employee is no longer
8 considered infectious.

9 5.92.620 Storage of cannabis goods.

10 A. Every Adult-Use Cannabis Business shall store currency and
11 cannabis goods, including all living cannabis plants, in a manner that
12 prevents diversion, theft, loss, hazards, contamination, and nuisances.

13 B. Cannabis goods shall be stored separate and apart from
14 employee break rooms, changing facilities, or bathrooms.

15 C. Except for limited amounts of cannabis goods used for display
16 purposes, samples, or immediate sale, cannabis goods that do not require
17 refrigeration, and currency, shall be stored in a limited-access area, such as
18 a secured and locked safe room, or in a locked safe or vault, that is secured
19 to the structure of the cannabis facility.

20 D. Any refrigerator, refrigerated storage, or freezer used for
21 storage of cannabis products shall be locked and secured to the structure of
22 the cannabis facility in a limited-access area.

23 E. All extractions, concentrates, infusions, components, and
24 edible cannabis products intended for human consumption and capable of
25 supporting the growth of undesirable microorganisms shall be refrigerated
26 at temperatures of 41°F continually, unless otherwise approved by the City
27 Health Officer. Adult-Use Cannabis Businesses shall follow the
28 Manufacturer's requirements for safe storage of such cannabis products.

1 F. Refrigeration equipment standards. All refrigerators,
2 refrigerated storage, or freezers used for commercial cannabis activity
3 under this Chapter shall:

4 1. Meet National Sanitation Foundation (NSF) or
5 American National Standards Institute (ANSI) standards or an equivalent.

6 2. Be equipped with an NSF thermometer or temperature-
7 recording device that is accurate to plus or minus 2°F and installed in a
8 location to indicate the air temperature in the warmest part of the unit and to
9 be readily visible.

10 3. Be approved by the City Health Officer prior to use.

11 5.92.630 Laboratory testing of cannabis goods.

12 Cannabis goods may not be sold or transferred to a Dispensary, or
13 released for retail sale, unless a representative sample of the cannabis goods
14 have undergone and passed all testing pursuant to California Business and
15 Professions Code Section 26000 et seq. and any applicable regulations
16 implemented and enforced by the State or any of its divisions or departments.

17 5.92.640 Quality assurance of cannabis goods.

18 A. Internal quality assurance testing. Notwithstanding any of the
19 provisions of this Chapter, an Adult-Use Cannabis Business may conduct
20 internal quality assurance testing of any cannabis goods as part of its
21 reasonable business operations. This provision shall not be interpreted to
22 authorize or permit cross-licensing of a Laboratory with any other type of
23 permit under this Chapter or with respect to State law.

24 B. Quality assurance testing by the City.

25 1. The City Health Officer may collect and analyze
26 samples or specimens of cannabis goods, including any living cannabis
27 plants and any components used in cannabis products, from any premises
28 during business hours, or any reasonable time, without notice and at no

1 cost to the Health Department, to verify compliance with State and local
2 laboratory testing, packaging, and labeling requirements for cannabis
3 goods.

4 2. The City Health Officer shall provide the Adult-Use
5 Cannabis Business with a receipt or documentation for any samples or
6 specimens of cannabis goods collected from an Adult-Use Cannabis
7 Business prior to leaving the permitted premises. A copy of the results of
8 the sample analysis shall be provided to the Adult-Use Cannabis Business.

9 3. The City Health Officer may take any enforcement
10 action necessary to protect the health, safety, and welfare of the public
11 depending on the testing results and analysis of the sample(s) or
12 specimen(s) of cannabis goods collected at a permitted premises.

13 5.92.650 Adulterated or misbranded cannabis goods.

14 A. When the City Health Officer has evidence that cannabis
15 goods in possession of an Adult-Use Cannabis Business are adulterated or
16 misbranded, the City Health Officer may notify and order the Adult-Use
17 Cannabis Business to immediately cease any commercial cannabis activity
18 related to all cannabis goods that have been identified as being potentially
19 adulterated or misbranded.

20 B. Upon confirmation from the State, including any of its
21 departments or divisions, that the identified cannabis goods are adulterated
22 or misbranded, the City Health Officer may issue orders to the Adult-Use
23 Cannabis Business regarding the required movement, segregation,
24 isolation, or destruction of the adulterated or misbranded cannabis goods,
25 and may order those to be held in place, embargoed, or quarantined.

26 C. It is unlawful for any person to move, or allow to be moved,
27 any cannabis goods that are subject to an order to quarantine, embargo, or
28 hold cannabis goods in place unless that person has first obtained written

1 authorization from the City Health Officer and/or State Department of Public
2 Health.

3
4 Subdivision IV Security.

5 5.92.710 Security standards.

6 Every Adult-Use Cannabis Business shall implement security measures to
7 prevent unauthorized entrance into areas containing cannabis goods and
8 currency, prevent the theft of cannabis goods and currency from the premises, and
9 to protect the physical safety of employees in compliance with this Chapter, State
10 law, and any regulations implemented and enforced by the State or any of its
11 divisions or departments. These security measures shall include, but shall not be
12 limited to, all of the provisions of this Subdivision.

13 5.92.715 Limited-access areas.

14 Adult-Use Cannabis Businesses shall establish limited-access areas
15 accessible only to authorized employees of the Adult-Use Cannabis Business.

16 5.92.720 Identification badges.

17 All employees of an Adult-Use Cannabis Business shall display or wear a
18 laminated or plastic-coated identification badge at all times while engaging in
19 commercial cannabis activity, including during transport and delivery of cannabis
20 goods. At a minimum, the identification badge shall include:

21 A. The Adult-Use Cannabis Business's "doing business as"
22 name, City permit number, and State license number;

23 B. The first name of the individual;

24 C. Any employee number exclusively assigned to that individual
25 for identification purposes; and

26 D. A color photograph of the individual that clearly shows the full
27 front of the individual's face that is at least one inch (1") in width and one
28 and a half inches (1.5") in height.

1 5.92.725 Secure transportation area.

2 A. Adult-Use Cannabis Businesses shall implement procedures
3 for safe and secure transportation and delivery of cannabis goods and
4 currency in accordance with State and local laws and regulations.

5 B. Adult-Use Cannabis Businesses shall have an area of the
6 premises designed for the secure transfer of cannabis goods from the
7 cannabis facility to a vehicle for transportation or delivery, wherever
8 possible.

9 C. Any individual or employee transferring cannabis goods from
10 a cannabis facility to a vehicle for transportation or delivery shall be
11 accompanied by a security escort during the transfer, if the cannabis facility
12 does not have an area designed for the secure transfer of cannabis goods
13 from the cannabis facility to a vehicle for transportation or delivery.

14 5.92.730 Digital video surveillance system.

15 A. Every Adult-Use Cannabis Business shall implement an
16 operational digital video surveillance system at the premises that meets or
17 exceeds the following criteria:

18 1. The digital video surveillance system with a minimum
19 video camera resolution of 1280 × 1024 pixels.

20 2. Each video surveillance camera shall record
21 continuously twenty-four (24) hours per day, seven (7) days a week, and at
22 a minimum of fifteen (15) frames per second (FPS).

23 3. The location and position of each camera shall be
24 capable of recording images of the area under surveillance, in any light
25 condition, to allow facial feature identification of persons in the following
26 locations on the premises:

27 a. In interior and exterior areas where cannabis
28 goods or currency are present at any given time.

b. In the immediate interior and exterior areas of doors, windows, or other avenues of potential access.

c. Areas open to the public, including a full view of public right-of-way and any parking lot under the control of the Adult-Use Cannabis Business.

d. Point-of-sale locations and areas where cannabis goods are displayed for sale at a Dispensary, including but not limited to, a retail area.

e. Any other areas as required by this Chapter, State law, or any regulations implemented and enforced by the State or any of its divisions or departments.

B. Each camera shall be permanently mounted and in a fixed location and, to the extent reasonably possible, shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling the camera.

C. All video surveillance equipment shall have sufficient battery backup to support a minimum of four (4) hours of recording in the event of a power outage.

D. Every video surveillance system shall be equipped with a failure notification system that provides prompt notification to the Adult-Use Cannabis Business of any prolonged surveillance interruption and/or the complete failure of the surveillance system.

E. Surveillance video recordings shall clearly and accurately display the date and time. Time is to be measured in accordance with the United States National Institute of Standards and Technology standards for the Pacific Time zone.

F. Security notice required. The permitted premises shall have a sign posted in a conspicuous place near each monitored area on the

interior and exterior of the premises and shall not be less than twelve inches (12") wide and twelve inches (12") long, composed of letters not less than one inch (1") in height, stating "All Activities Monitored by Video Camera" or "This Premises is Being Digitally Recorded," or otherwise advising all persons entering the premises that a video surveillance and camera recording system is in operation at the premises and recording all activity as provided in this Chapter.

5.92.735 Security records.

A. Surveillance recordings of every Adult-Use Cannabis Business are subject to inspection by the City Manager, or any City Manager designee, without a search warrant, court order, or subpoena. The Adult-Use Cannabis Business shall send, or otherwise provide, copies of the recordings immediately upon verbal request or within a time specified by the City Manager.

B. Secure storage. To prevent tampering or theft, all surveillance recordings and monitoring equipment shall be kept in a secure limited-access area of the permitted premises.

C. At a minimum, every Adult-Use Cannabis Business shall maintain the following security records at the premises:

1. Surveillance video recordings shall be maintained for a minimum of ninety (90) days and on an IP-configurable Digital Video Recorder (DVR) capable of producing a still photograph in color from any live or recorded camera image at the premises and capable of exporting the images in TIFF, BMP, or JPG format.

2. A map of the camera locations, the direction of camera coverage, and assigned camera numbers.

3. Surveillance equipment maintenance activity logs and operating instructions for the surveillance equipment.

1 4. A user authorization list of individuals who have access
2 to the surveillance system, including, but not limited to, the secured area for
3 recording and monitoring equipment and physical media and surveillance
4 recording storage devices.

5 5.92.740 Security alarm system.

6 Every Adult-Use Cannabis Business shall implement an operational
7 security alarm system at the premises that meets or exceeds the following criteria:

8 A. The security alarm system shall be operated, maintained,
9 monitored by, and responded to by a security company staffed twenty-four
10 hours (24) a day, seven (7) days a week and licensed by the Department of
11 Consumer Affairs, Bureau of Security and Investigative Services.

12 B. The security alarm system shall include sensors to detect all
13 points of entry and exit, from all limited-access and secured areas, all roof
14 hatches, and all windows.

15 C. Every Adult-Use Cannabis Business shall obtain a security
16 alarm system permit pursuant to Chapter 5.12 of this Code.

17 5.92.745 Commercial-grade locks.

18 Every Adult-Use Cannabis Business shall secure the following areas using
19 commercial-grade, non-residential door locks, roof hatches, and window locks in a
20 manner that prevents free and unauthorized access:

21 A. All points of ingress and egress to a premises.

22 B. Limited-access areas.

23 C. Areas where cannabis goods, living cannabis plants, cannabis
24 waste, and currency are stored and/or present at any given time.

25 D. Areas where surveillance equipment and records are stored.

26 5.92.750 Security barriers.

27 A. Any security barriers installed on the windows or the doors of
28 the premises shall be installed only on the interior of the building and in

1 compliance with all City Building, Zoning, and Fire Codes. Security bars are
2 discouraged for all Adult-Use Cannabis Businesses and shall not be
3 minimally visible from the public right-of-way.

4 B. Security barriers shall meet the following criteria:

5 1. Only open grill design security systems located on the
6 inside of the building shall be permitted on elevations visible from the street.

7 2. Open grill design security systems shall be primarily
8 transparent with not less than seventy-five percent (75%) visibility from the
9 street.


10 3. Solid roll-down security doors are prohibited unless
11 part of a vehicle loading bay.

12 4. Interior security gates shall be opened and fully
13 retracted during the hours of operation.

14 5.92.755 Remain secure during power outage.

15 Every Adult-Use Cannabis Business shall have the capability to remain
16 secure during a power outage. Adult-Use Cannabis Businesses shall also ensure
17 that all access doors on the premises are not solely controlled by an electronic
18 access panel, to ensure that locks are not released during a power outage.

19 5.92.760 Visibility.

20 A. From a public right-of-way, there shall be no exterior evidence
21 of cannabis goods, graphics depicting cannabis goods, or commercial
22 cannabis activity, except for any signage authorized by this Code. 

23 B. Exterior lighting. Every Adult-Use Cannabis Business shall
24 implement exterior lighting security measures including, but not limited to:

25 1. All exterior light fixtures shall be vandal resistant,
26 installed on exterior walls, and shall be the type of fixture with proper cut-
27 offs to avoid any light pollution, including but not limited to, urban sky glow,
28 light trespass, glare, and clutter.


2. Exterior lighting shall clearly illuminate the building address, all parking, driving, and walking surfaces, exterior doors, and all window areas during the hours of darkness.

3. Any broken or burned out lights shall be replaced within seventy-two (72) hours.


5.92.765 Building design.

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.


B. Blank building facades over twenty-five feet (25') fronting the street or parking lot shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, windows, doors, and changes in color and materials that result in a building with articulation. 


C. Windows.


1. On any building elevation visible from the street, windows shall comprise at least forty percent (40%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation. 

2. An identifiable entrance to the cannabis facility shall be visible from the street.

3. Windows along the street-facing frontage shall be

transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%). 

4. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted. 

5. Window display areas shall have a minimum depth of at least forty-eight inches (48"), not including walls. Display windows shall be permitted for up to sixty percent (60%) of the building's storefront window area. Display areas shall be well lit during hours of operation. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like. 

Subdivision V Prohibited Activities.

5.92.810 Consumption of cannabis prohibited; signage required.

A. Cannabis goods shall not be consumed by any individual on the premises of an Adult-Use Cannabis Business. The term "consumed" includes, but is not limited to, vaporizing, inhaling, ingesting, smoking, eating, or otherwise introducing cannabis goods into the human body.

B. Adult-Use Cannabis Businesses shall post a sign in a conspicuous place near the interior entrance to the premises, that shall be visibly posted with a clear and legible notice with the following language: "Smoking, vaporizing, ingesting, or consuming cannabis, cannabis products, tobacco, or alcohol on these premises, or in their vicinity, is prohibited and a violation of the Long Beach Municipal Code."

5.92.820 Alcohol or tobacco prohibited.

1 No person shall cause or permit the sale, dispensing, storage, distribution,
2 or consumption of alcohol or tobacco products on or about the premises of an
3 Adult-Use Cannabis Business.

4 5.92.830 Physician evaluations prohibited.

5 Adult-Use Cannabis Businesses shall not:

6 A. Permit a physician to evaluate existing or potential medicinal
7 cannabis patients on its premises by any means, or permit a physician to
8 provide a physician's recommendation on its premises, including, but not
9 limited to: a physician that provides evaluations or recommendations in-
10 person from the permittee's site or on-site via the internet, or a physician
11 that provides recommendations via the internet, fax, electronic means, or by
12 any other means from the permittee's site.

13 B. Enter into an agreement with, employ, provide, or offer to
14 provide, any form of remuneration to, a physician who provides physician's
15 recommendations for medicinal cannabis.

16 C. Advertise or market services for a physician who provides
17 physician's recommendations for medicinal cannabis.

18 5.92.840 Weapons or firearms prohibited.

19 Weapons and firearms are prohibited on the premises of an Adult-Use
20 Cannabis Business. This provision does not apply to public officials engaged in
21 official duty or uniformed security personnel or patrol hired or contracted by an
22 Adult-Use Cannabis Business.

23 5.92.850 Generators prohibited.

24 The use of generators by any Adult-Use Cannabis Business is prohibited,
25 except as short-term temporary emergency back-up systems.

26 5.92.860 Outdoor storage of cannabis goods prohibited.

27 No outdoor storage of cannabis goods is permitted at any time.

28 5.92.870 Drive-through services prohibited.

1 Drive-through services or walk-up window services where cannabis goods
2 are sold, or made available to any person, that are operated in conjunction with
3 any Adult-Use Cannabis Business are prohibited.

4 5 DIVISION IV - DISPENSARY OPERATING CONDITIONS

6 In addition to the general operating requirements set forth in Division III of
7 this Chapter, this Division provides additional requirements for Dispensaries and
8 delivery services.

9 10 5.92.910 Compliance.

11 Dispensaries may sell, distribute, dispense, provide, deliver, or transport
12 Cannabis, only in accordance with all applicable laws and regulations, including
13 but not limited to, this Code, any regulations implemented by the Bureau of
14 Cannabis Control, California Business and Professions Code Sections 26000 et
15 seq., and all other applicable State, federal and local laws and regulations.

16 5.92.915 Hours of operation.

17 Dispensaries may only be open to the public between the hours of 9:00
18 a.m. to 9:00 p.m. up to seven (7) days per week. All deliveries of cannabis goods
19 to customers by a Dispensary shall be completed by 10:00 p.m.

20 5.92.920 Security personnel.

21 A. Dispensaries shall hire or contract for uniformed security
22 personnel to provide twenty-four (24) hour random security patrols of the
23 premises to monitor site activity, control loitering and site access, and to
24 serve as a visual deterrent to unlawful activities. At a minimum, uniformed
25 security personnel shall be generally located at an indoor guard station on
26 the premises during all hours of operation and security-patrolling services
27 shall patrol the premises during all hours the Dispensary is closed to the
28 public.

1 B. All uniformed security personnel hired or contracted by a
2 Dispensary shall be licensed with the State of California Bureau of Security
3 and Investigative Service, and shall comply with requirements in California
4 Business and Professions Code Chapters 11.4 and 11.5 of Division 3.

5 5.92.925 Protocols for individuals entering the premises.

6 A. No person shall be permitted to enter a Dispensary without
7 government-issued identification. Dispensaries shall not provide cannabis
8 goods to any person, whether by purchase, trade, gift, or otherwise, who
9 does not possess a valid government-issued identification and who does
10 not meet the age requirements of this Chapter.

11 B. Electronic age verification device required. Dispensaries shall
12 verify the proof of age of every person entering the business with an
13 electronic age verification device, prior to entry of the retail area. The
14 electronic age verification device may be mobile or fixed, and shall be able
15 to retain a log of all scans that includes the following information: date, time,
16 and age. Said log shall be kept for a minimum of one-hundred and eighty
17 (180) business days and all records shall be made available to the City
18 Manager upon request.

19 5.92.930 Point-of-sale tracking required.

20 A Dispensary shall facilitate the dispensing, making available, sale, and
21 delivery of cannabis goods with a technology platform that uses point-of-sale
22 technology to track, and database technology to record and store, the following
23 information for each transaction involving the exchange of cannabis goods
24 between the Dispensary and customer:

25 A. The date and time of transaction.

26 B. The first name and employee number of the Dispensary
27 employee who processed the sale of cannabis goods on behalf of the
28 Dispensary.

1 C. A list of all the cannabis goods purchased, including the
2 quantity purchased.

3 D. The total amount paid for the sale, including the individual
4 prices paid for cannabis or cannabis products purchased, and any amounts
5 paid for taxes.

6 5.92.935 Taxes.

7 Transactions for Dispensaries shall be taxed at the non-medical marijuana
8 tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is
9 able to prove by reasonable and verifiable standards which portion of the gross
10 receipts are tied to the sale of the adult-use cannabis goods and which portion are
11 tied to the sale of medicinal cannabis goods.

12 5.92.940 Cannabis goods.

13 A. A Dispensary shall not make any cannabis goods available for
14 sale or delivery to a customer unless the cannabis goods were received
15 from a State licensed Distributor.

16 B. Prior to making cannabis goods available to customers,
17 Dispensaries shall ensure that all cannabis goods dispensed, sold,
18 delivered, or made available by the Dispensary, at a minimum:

19 1. Are packaged and sealed in tamper-evident packaging
20 that includes a unique identifier, such as a batch number and lot number or
21 bar code, to identify and track the cannabis goods.

22 2. For manufactured cannabis products, that the product
23 complies with all requirements of California Business and Professions Code
24 Section 26130 and all other applicable laws and regulations.

25 3. The Dispensary has verified that the cannabis goods
26 have not exceeded their expiration or sell-by date, if one is provided.

27 4. For edible cannabis product, that the products comply
28 with State packaging and labeling requirements, including, but not limited

1 to:

2 a. Edible cannabis products shall not exceed 10
3 milligrams of tetrahydrocannabinol (THC) per serving.

4 b. The THC content for the cannabis product in its
5 entirety is printed on the package.

6 c. All applicable requirements pursuant to
7 California Business and Professions Code Sections 26120 and 26121 and
8 any regulations promulgated thereunder.

9 C. Exit packaging. Cannabis goods purchased by a customer
10 shall not leave the Dispensary's premises unless placed in an opaque (not
11 see-through) exit package.

12 D. Secure storage of cannabis goods. Cannabis goods that are
13 not used for display purposes or immediate sale shall be stored in a limited-
14 access area, such as a secure and locked room, safe, or vault, and in a
15 manner reasonably designed to prevent diversion, theft, and loss. It is
16 unlawful, and a violation of this Chapter for a Dispensary to store cannabis
17 goods in the retail area after the close of business.

18 E. Edible cannabis products.

19 1. Dispensaries may only dispense, sell, provide, or make
20 available those edible cannabis products authorized by the State
21 Department of Public Health and the City Health Officer.

22 2. The sale, distribution, and delivery of edible cannabis
23 products shall be conducted in a manner that complies with all applicable
24 food safety laws for the protection of humans consuming cannabis.

25 F. No sales of expired cannabis products. Dispensaries are
26 prohibited from selling any expired cannabis goods. It is unlawful for any
27 person to alter, edit, or adjust, in any manner, an expiration date on any
28 item or cannabis product once affixed by its Manufacturer.

1 5.92.945 Daily limit per person.

2 No Dispensary shall sell, distribute, or deliver more than 28.5 grams of
3 cannabis or eight (8) grams of concentrated cannabis, including concentrated
4 cannabis contained in cannabis products, to the same customer in the same
5 business day.

6 5.92.950 No free adult-use cannabis goods.

7 A Dispensary shall not provide free adult-use cannabis goods to any
8 person. A Dispensary shall not allow individuals that are not employed by the
9 Dispensary to provide free adult-use cannabis goods to any person on the
10 permitted premises. In this Section, "free adult-use cannabis goods" shall mean
11 any amount of cannabis goods provided to any person without cost or payment in
12 exchange of any other thing of value.

13 5.92.955 Interior signage required.

14 Dispensaries shall post the following notice(s), on a separate sign, or by
15 adding the following notices to the interior sign required pursuant to Section
16 5.90.060 of this Code, conspicuously and where an average customer is likely to
17 clearly view said notice within the permitted premises:

18 A. "Smoking, vaporizing, ingesting, or consuming cannabis,
19 cannabis products, tobacco, or alcohol on these premises, or in their
20 vicinity, is prohibited and a violation of the Long Beach Municipal Code."

21 B. "Patrons must immediately leave the premises and should not
22 consume cannabis goods until at home or in an equivalent private location."

23 C. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis
24 and cannabis-derived products will expose you and those in your immediate
25 vicinity to cannabis smoke. Cannabis smoke is known by the State of
26 California to cause cancer."



27 5.92.960 Delivery services.

28 In addition to the requirements set forth in this Chapter for Dispensaries, the

1 delivery of cannabis goods shall be subject to the following requirements:

2 A. Compliance. Delivery services shall be conducted in
3 accordance with any relevant State and local laws and regulations, any
4 applicable local laws in the delivery location, and any conditions imposed
5 upon a Dispensary.

6 B. Delivery services may operate only as a part of, and in
7 conjunction with, a Dispensary with a storefront open to the public during
8 business hours and permitted pursuant to this Chapter and Chapter 5.90 of
9 this Code and any applicable State laws and regulations.

10 C. No person shall conduct sales of cannabis goods exclusively
11 by delivery.

12 D. Any application for a Dispensary shall include a statement as
13 to whether the proposed use will include delivery of cannabis goods to
14 customers.

15 E. Vehicle standards. Dispensaries shall only allow delivery of
16 cannabis goods in a vehicle that:

17 1. Is capable of securing (locking) the cannabis goods
18 during transportation.

19 2. Is capable of being time and/or temperature controlled,
20 if perishable cannabis goods are being transported.

21 3. Does not display advertising or symbols visible from
22 the exterior of the vehicle that suggest the vehicle is used for cannabis
23 delivery or affiliation with a Dispensary.

24 F. Inspections. Any motor vehicle used by a Dispensary to
25 deliver cannabis goods is subject to inspection by the City Manager or Chief
26 of Police and may be stopped at the premises or during the delivery for
27 inspection.

28 G. Delivery employees. Every delivery employee of a Dispensary

1 shall be at least twenty-one (21) years of age and shall have a valid
2 California Driver's License.

3 H. Documentation during transport. Delivery employees of a
4 Dispensary shall carry a physical or electronic copy of the delivery request
5 receipt with details regarding the delivery, a copy of the Dispensary's
6 current permits and/or licenses required by the State and City, the
7 employee's government-issued identification, and an identification badge
8 provided by the Dispensary. All documentation shall be made available
9 upon request to the City Manager or Chief of Police.

10 I. Dispensaries shall maintain a database, and provide to the
11 City Manager upon verbal or written request, a list of delivery employees
12 and vehicles authorized to conduct deliveries on behalf of the Dispensary.

13 J. Delivery employees shall personally verify, for each individual
14 transaction, that the identity of the customer receiving cannabis goods from
15 the Dispensary is the same as the person who ordered the delivery, and
16 that said person is twenty-one (21) years of age or older, via the
17 presentation of a valid government-issued identification.

18 K. Limitations.

19 1. While making deliveries, a Dispensary's delivery
20 employee shall not carry cannabis goods worth more than limits imposed by
21 the State at any time. This value shall be determined using the current retail
22 price of all cannabis goods carried by the delivery employee.

23 2. Direct route only. Except where a delivery employee
24 requires rest, fuel, vehicle repair, or where the road conditions make the
25 continued use of the road unsafe, impossible, or impracticable, a delivery
26 employee may only travel to and from the Dispensary, to the delivery
27 address, and between delivery addresses while delivering cannabis goods.

28 3. Dispensaries and delivery employees may only deliver

cannabis goods to customers within a city or county that does not expressly prohibit such delivery by ordinance.

4. Consumption prohibited. No person shall consume or otherwise ingest cannabis goods, alcohol, any controlled substance, or intoxicants while transporting or delivering cannabis goods.

5. The Dispensary shall prepare a delivery request receipt for each delivery of cannabis goods that shall include the following:

- a. The name and address of the Dispensary;
- b. The first name and employee number of the Dispensary's delivery employee who delivered the order;
- c. The first name and employee number of the Dispensary's employee who prepared the order for delivery;
- d. The first name of the customer and a Dispensary-assigned customer number for the person who requested the delivery;
- e. The date and time the delivery request was made;
- f. The delivery address;
- g. A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;
- h. The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and
- i. Upon delivery, the date and time the delivery was made, and the signature of the customer who received the delivery.

6. A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for

1 identifying the geographic location of the delivery vehicle in compliance with
2 all applicable State laws and regulations.

3 a. The dedicated GPS device must be owned by
4 the Dispensary and used for delivery only.

5 b. The device shall be either permanently or
6 temporarily affixed to the delivery vehicle, shall remain active, and inside of
7 the delivery vehicle at all times during delivery.

8 c. At all times, the Dispensary shall be able to
9 identify the geographic location of all delivery vehicles that are making
10 deliveries for the Dispensary and shall provide that information to the City
11 Manager or Chief of Police upon request.

12 5.92.965 Responsible Vendor Training Pilot Program.

13 A. Purpose and Intent. Recognizing the potential harms and
14 public health implications associated with cannabis use, the purpose of this
15 Section is to promote public health and safety to reduce the likelihood of the
16 problematic use of cannabis by proactively requiring that all customer-
17 facing employees and managers of Dispensaries learn the necessary skills
18 to protect customers, the public, employees of the Dispensary, and
19 Dispensaries through a Responsible Vendor Training Program.

20 B. Compliance. Every customer-facing manager and employee
21 of a permitted Dispensary shall enroll in the Department of Health and
22 Human Services' standardized training for Dispensaries within ninety (90)
23 days of the establishment of the City's Responsible Vendor Training Pilot
24 Program. Upon completion of such training, employees and managers shall
25 receive written confirmation from the Department of Health and Human
26 Services of successful completion of the program. Dispensaries shall keep
27 a copy of said written confirmation on the permitted premises for every
28 customer-facing employee and manager.

1 C. New employees and managers. Any newly hired manager or
2 employee of a permitted Dispensary shall successfully complete the
3 Responsible Vendor Training Pilot Program within sixty (60) days of said
4 individual's first day of employment.

5 D. Renewal of Training. After initial successful completion of the
6 Responsible Vendor Pilot Training Program, every manager and employee
7 of a Dispensary shall successfully complete the Responsible Vendor
8 Training Pilot Program every twenty-four (24) months.

9 E. Online or in-person training is at the discretion of the
10 Department of Health and Human Services. Nothing in this Section shall
11 prevent the City from becoming a training provider under any similar
12 program for Dispensaries implemented by the State.

13 F. Within three (3) years of the establishment of the program, the
14 City Council will consider the available data and determine whether and
15 how to continue the program. This Section shall remain in effect until
16 revoked by the City Council.

17
18 DIVISION V - CULTIVATION OPERATING CONDITIONS

19 In addition to the general operating requirements set forth in Division III of
20 this Chapter, this Division provides additional requirements for Cultivators.

21
22 5.92.1010 Compliance.

23 A. Cultivation shall always be conducted in accordance with
24 State and local laws and regulations related to cultivation, zoning, grading,
25 electricity, water usage, water quality, fish and wildlife habitat protection,
26 wastewater discharges, pesticides, and fertilizers, handling and storage of
27 gases, and employee safety.

28 B. Cultivation shall always be conducted in such a way as to

1 ensure the health, safety, and welfare of the public, the employees working
2 at the cultivation site, neighboring properties, to protect the environment
3 from harm to waterways, fish, and wildlife; to ensure the security of the
4 cannabis; and to safeguard against the diversion of cannabis for unlicensed
5 purposes.

6 5.92.1015 Outdoor cultivation prohibited.

7 All cultivation shall occur indoors, and only on a site holding a valid Adult-
8 Use Cannabis Business Permit from the City pursuant to this Chapter. All outdoor
9 or mixed light cultivation is prohibited, including but not limited to, the use of
10 greenhouses.

11 5.92.1020 Maximum canopy size.

12 A. The total canopy size on one (1) premises shall not exceed
13 the maximum number of square feet authorized by State license
14 classifications Type 1A, Type 1C, Type 2A, Type 3A, and Type 4.

15 B. The total canopy size on one (1) premises shall not exceed
16 the maximum number of square feet identified in the application and
17 authorized by the Adult-Use Cannabis Business Permit. Permittees shall
18 obtain written permission from the City prior to engaging in any activity that
19 results in an increase of the square feet of maximum canopy authorized by
20 the Adult-Use Cannabis Business Permit.

21 5.92.1025 Extension cords prohibited.

22 The use of extension cords to supply power to any electrical equipment
23 used in cultivation is prohibited. All electrical equipment used in cultivation shall be
24 plugged directly into a wall outlet or otherwise hardwired.

25 5.92.1030 Interior lighting.

26 All lighting used for indoor cultivation shall be fully shielded, downward
27 casting, and shall not spill over onto structures, other properties, or into the night
28 sky. Indoor cultivation lighting shall be contained so that little to no light escapes

1 and any light that escapes from the cultivation site shall be at a level that is not
2 visible from neighboring properties between sunset and sunrise.

3 5.92.1035 Environmental control systems.

4 A. In addition to the general odor control and ventilation
5 requirements in Section 5.92.540, every Cultivator shall implement
6 environmental control systems to minimize and/or prevent the likelihood of
7 mold and mildew growth. Cultivators shall regularly test for mold and
8 mildew within the cultivation site.

9 B. Environmental control systems at a cultivation site shall
10 include a range of environmental control technologies and practices to
11 control humidity levels, illumination, heating, cooling, air circulation, and
12 ventilation.

13 C. Compatibility with odor prevention and ventilation systems.
14 Cultivators shall implement an environmental control system that is
15 adequately compatible with any odor control prevention and ventilation
16 systems at the cultivation site. For purposes of this Section, "adequately
17 compatible" means that any environmental control systems and odor control
18 systems operating at the cultivation site operate concurrently to prevent
19 cannabis odors from being detected outside the cultivation site, while still
20 allowing for the permittee to successfully cultivate.

21 5.92.1040 Water source.

22 Cultivators shall comply with California Water Code Section 13149 and any
23 implementing regulations, policies, or guidelines adopted by the State Water
24 Resources Control Board regarding water usage, the diversion of water, and the
25 discharge of waste while cultivating cannabis.

26 5.92.1045 Carbon dioxide testing.

27 Cultivators shall test carbon dioxide levels within cultivation areas at the
28 cultivation site, if carbon dioxide is added to the air. No carbon dioxide shall be

utilized for cultivation without prior inspection and approval of the City's Building Official and the Fire Code Official.

5.92.1050 Storage and use of compressed gas.

A. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems used for cultivation shall comply with this Code and the California Fire Code.

B. Any compressed gases used in cultivation shall not be stored on any property within the City in containers that exceed the amount that is approved by the Fire Code Official and authorized by the Adult-Use Cannabis Business Permit.

5.92.1055 Pesticides.

A. Cultivators shall comply with all applicable federal, State and local laws and regulations regarding use, storage, and disposal of pesticides and fertilizers, including, without limitation, those enforced by the State Department of Food and Agriculture and State Department of Pesticide Regulation. Cultivators shall ensure hazards are not created on the permitted premises by the use or storage of chemicals, fertilizers, materials, processes, products, or wastes.

B. Pesticides, insecticides, and/or fertilizers prohibited by federal, state, or local law for fertilization or production of edible produce shall not be used for cultivation.

C. Employee safety. At a minimum, Cultivators using pesticides shall protect all employees from exposure to pesticides by following pesticide labels; providing required personal protective equipment; providing access to pesticide labels, safety information, and training on an annual basis; properly ventilating all areas of the cultivation site; and proper storage, handling, and disposal of pesticides in compliance with State, federal, and local laws and regulations pertaining to pesticide use and

1 worker safety.

2 5.92.1060 Packaging and labeling.

3 A. All cannabis packaged and/or labeled by a Cultivator shall
4 meet the provisions of packaging and labeling requirements specified by
5 State law, including but not limited to, California Business and Professions
6 Code Division 5 ("Weights and Measures") and Division 10 ("Cannabis")
7 and any regulations implemented and enforced by the Bureau of Cannabis
8 Control, the State Department of Public Health, or State Department of
9 Food and Agriculture.

10 B. Prior to distribution and transportation, a Cultivator shall
11 package and seal all cannabis in tamper-evident packaging and use a
12 unique identifier of the harvest batch to identify and track said cannabis.

13 C. Product labels. All labels for cannabis shall include all of the
14 following: all required government warnings; the net weight of cannabis in
15 the package; source and the date of cultivation; the type of cannabis; the
16 date of packaging; and the product's unique identifier for the harvest batch.

17 D. Packaging that makes cannabis attractive to children or
18 imitates candy is prohibited.

19 5.92.1065 Accurate weights and measures.

20 A. Weighing devices used by a Cultivator shall be approved,
21 tested, sealed, and registered with the Los Angeles County Agricultural
22 Commissioner/Weights and Measures in compliance with California
23 Business and Professions Code Division 5 ("Weights and Measures") and
24 Division 10 ("Cannabis"), any regulations implemented by the State
25 Department of Food and Agriculture, and all other applicable local, State,
26 and Federal laws.

27 B. Cultivators are prohibited from using scales, weights, or
28 measures that do not accurately conform to the standard of weights and

measures of the State and county.

DIVISION VI - MANUFACTURING OPERATING CONDITIONS

In addition to the general operating requirements set forth in Division III of this Chapter, this Division provides additional requirements for Manufacturers.

5.92.1110 Compliance.

A. The manufacture of cannabis products shall comply with the standards set by State and local law, including but not limited to those related to volatile and nonvolatile extractions; labeling, packaging, repackaging, and relabeling; infusions; safety; discharges; waste disposal; processing, handling, and storage of solvents or gases; and food handling.

B. Manufacturers shall only be allowed to engage in the manufacture of cannabis authorized by State law and in the Adult-Use Cannabis Business Permit issued for the premises. No additional manufacturing activities may be conducted without applying for, and receiving written permission, from the City for said additional activity.

C. The manufacture of cannabis products shall be conducted in a manner to ensure the operation does not pose a significant threat to the health, safety, and welfare of the public or to neighboring properties.

5.92.1115 Additional ventilation requirements.

A. In addition to the general odor control and ventilation requirements in Section 5.92.540, Manufacturers shall utilize adequate ventilation or control equipment to minimize dust, odors, and vapors (including steam and noxious fumes) in areas where they may cause allergen cross-contact or contamination of cannabis products.

B. Fans and other air-blowing equipment used at a manufacturing facility shall be used in a manner that minimizes the potential

1 for allergen cross-contact and contamination of manufactured cannabis
2 products or packaging materials and contact surfaces intended for
3 manufactured cannabis handling or production.

4 5.92.1120 Sanitation standards.

5 A Manufacturer shall comply with sanitation standards equivalent to the
6 California Retail Food Code (Part 7 (commencing with Section 113700) of Division
7 104 of the California Health and Safety Code) for food preparation, storage,
8 handling, and sale of products. Cannabis, including concentrated cannabis in a
9 cannabis product, manufactured in compliance with this Chapter and State law is
10 not considered an adulterant under this Chapter.

11 5.92.1125 Quality and preventative controls.

12 A. Quality control. A Manufacturer shall employ quality control
13 personnel and establish standard operating procedures that comply with
14 current good manufacturing practices, as outlined by the State Department
15 of Public Health and the U.S. Food and Drug Administration.

16 B. Preventative controls. All Manufacturers have a continuous
17 obligation to identify and/or evaluate known or reasonably foreseeable
18 hazards and implement written preventive controls to significantly minimize
19 or prevent manufactured cannabis products from becoming adulterated or
20 misbranded.

21 5.92.1130 Standard operating procedures.

22 A Manufacturer creating cannabis extracts shall develop standard operating
23 procedures, good manufacturing practices, and a training plan prior to producing
24 extracts for the marketplace.

25 5.92.1135 Fire Code Official approval required.

26 Manufacturers conducting extractions, including any professional closed
27 loop systems or equipment used in extraction or processing, shall be approved for
28 their use by the Fire Code Official and shall comply with the following

requirements:

A. Any required fire, safety, and building code requirements specified in the California Building and Fire Codes, as adopted by the City.

B. Any State laws and regulations implemented and enforced by the State Department of Public Health.

5.92.1140 Vacuum ovens.

A. Vacuum ovens shall not be used to process volatile solvents or flammable/combustible liquids contained in cannabis concentrate unless said vacuum oven is rated to process the vapors of volatile solvents or flammable/combustible liquids, such as a vacuum oven that is rated with an explosion-proof classification.

B. Manufacturers conducting extractions with a vacuum oven shall take adequate precautions to ensure that any cannabis concentrate introduced into said oven does not contain volatile solvents or flammable/combustible liquids.

C. All vacuum ovens used in the manufacture of cannabis products shall be listed by a Nationally Recognized Testing Laboratory (NRTL).

5.92.1145 Doors to extraction room.

Doors to any room where Manufacturers use volatile solvents, hazardous materials, or flammable/combustible liquids in the manufacture of cannabis shall swing in the direction of egress, be self-closing and/or self-latching, and be provided with panic hardware.

5.92.1150 Refrigerators.

A. Volatile solvents, hazardous chemicals, and flammable/combustible liquids, including volatile solvents, hazardous chemicals, and flammable/combustible liquids contained in concentrated cannabis or cannabis goods, shall be stored in a refrigerator, refrigerated

1 storage, or a freezer rated to store flammable liquids.

2 B. Manufacturers shall store and process all volatile solvents or
3 flammable/combustible liquids, including concentrated cannabis and
4 manufactured cannabis that contains volatile solvents or
5 flammable/combustible liquids, in refrigerators, refrigerated storage, or
6 freezers rated to store flammable liquids which are, at a minimum, rated
7 "Lab-Safe" or "Flammable Safe."

8 5.92.1155 Closed loop system required.

9 A. Chemical extractions using carbon dioxide or a volatile solvent
10 shall be conducted in a professional and commercially manufactured closed
11 loop extraction system that has been certified by a California-licensed
12 engineer. All professional and commercially manufactured closed loop
13 systems shall bear a permanently affixed and viable serial number.

14 B. No closed loop systems shall be utilized without prior
15 inspection and approval of the Fire Code Official.

16 C. Certification requirements.

17 1. Certifications from a California-licensed engineer of any
18 closed loop system used by a Manufacturer shall be provided to the Fire
19 Code Official to certify that the system was commercially manufactured, is
20 safe for its intended use, and was built to codes of recognized and
21 generally accepted good engineering practices, including but not limited to:

22 a. The American Society of Mechanical Engineers
23 (ASME);

24 b. American National Standards Institute (ANSI);

25 c. Underwriters Laboratories (UL); or

26 d. The American Society for Testing and Materials
27 (ASTM).

28 2. The certification document required pursuant this

subsection shall contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

D. Training required. Any person using solvents or gases in a closed looped system to create cannabis extracts shall be fully trained on how to use the system, have direct access to applicable material safety data sheets, and handle and store the solvents and gases safely in compliance with State and local laws and regulations.

5.92.1160 Volatile and nonvolatile solvents permitted.

A. Manufacturers may only use volatile solvents or gases approved by the Fire Code Official and State law for extractions. Manufacturers may use nonvolatile solvents or mechanical processes to create or refine extracts, if approved by the Fire Code Official.

B. Any extraction process must use solvents or gases in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation. Manufacturers shall control all sources of ignition where a flammable atmosphere is or may be present.

5.92.1165 Change in solvent.

A. Any Manufacturer that changes the medium of extraction or solvent used in manufacturing from the technical report previously approved by the Fire Code Official shall submit a revised technical report for approval of the Fire Code Official prior to the use of the equipment with said new medium or solvent. The technical report shall be revised at the cost of the Manufacturer.

B. If the original engineer of record that drafted the last approved technical report is not available, then the Manufacturer shall comply with the following requirements prior to submitting a revised technical report to the Fire Code Official that has been drafted by a new engineer of record:

1 1. The Manufacturer shall submit the new engineer's
2 educational background and professional experience specific to the review
3 and approval of system, equipment, and processes with like hazards of
4 those associated with the extraction system to the Fire Code Official.

5 2. Once the proof of qualifications is deemed acceptable
6 by the Fire Code Official, the engineer of record shall produce the technical
7 report and the report shall be signed and sealed in accordance with State
8 requirements. The proof of qualifications shall include documentation
9 indicating the person is a professional engineer licensed in the State.

10 5.92.1170 Storage and use of compressed gas.

11 A. Storage and use of compressed gases in compressed gas
12 containers, cylinders, tanks, and systems used for cannabis manufacturing
13 shall comply with this Code and the California Fire Code.

14 B. Any compressed gases used in the manufacturing process
15 shall not be stored on any property within the City in containers that exceed
16 the amount that is approved by the Fire Code Official and authorized by the
17 Adult-Use Cannabis Business Permit.

18 5.92.1175 Hazardous material requirements.

19 Manufacturers that use and generate hazardous materials or hazardous
20 waste shall comply with all applicable hazardous material regulations for
21 hazardous waste generators and hazardous material handling requirements and
22 shall maintain any applicable permits from the Certified Unified Program Agency
23 (CUPA) of Long Beach for said regulations and requirements.

24 5.92.1180 Edible cannabis products.

25 A. The manufacture, distribution, and transportation of edible
26 cannabis products shall be conducted in a manner that complies with all
27 applicable food safety laws for the protection of humans consuming
28 cannabis.

B. Cannabis facility requirements and limitations.

1. All products, storage facilities, utensils, equipment, and materials used for the manufacture of edible cannabis products shall be approved, used, managed, and handled in accordance to the provisions of all State and local laws regarding the preparation, distribution, labeling, and sale of food.

2. Any manufacturing site that proposes to prepare, store, dispense, and distribute edible cannabis products shall comply with the relevant provisions of all State and local laws regarding the preparation, distribution, labeling, and sale of food.

3. No food production shall be allowed in a facility where edible cannabis products are manufactured to avoid the unintentional contamination of non-cannabis foods with cannabis.

4. Facilities where edible cannabis products are manufactured shall be constructed, permitted, operated, and inspected in accordance with the applicable building code and applicable food safety requirements.

5.92.1185 Food handler certification.

All owners, employees, volunteers, or other individuals that participate in the production of edible cannabis products shall be State certified food handlers. The valid certificate number of each such owner, employee, volunteer, or other individual shall be on record at the permitted premises where said individual participates in the production of edible cannabis products.

5.92.1190 Packaging and labeling.

A. All manufactured cannabis products packaged and/or labeled by a Manufacturer shall meet the provisions of packaging and labeling requirements specified by State law, including but not limited to, California Business and Professions Code Division 5 ("Weights and Measures") and

1 Division 10 ("Cannabis"), and any regulations implemented and enforced by
2 the Bureau of Cannabis Control or the State Department of Public Health.

3 B. Packaging that makes cannabis products attractive to children
4 or imitates candy is prohibited.

5 C. Prior to release of a product to a Distributor, Manufacturers
6 shall package and seal all cannabis products in tamper-evident packaging
7 and use a unique identifier for the manufactured cannabis batch to identify
8 and track the cannabis products.

9 D. Edible cannabis products shall not exceed 10 milligrams of
10 tetrahydrocannabinol (THC) per serving. The THC content for the edible
11 cannabis product in its entirety shall be printed on the edible cannabis
12 product packaging.

13 5.92.1195 Accurate weights and measures.

14 A. Manufacturers shall maintain all weighing devices in good
15 working order, approved, tested, sealed, and registered with the Los
16 Angeles County Agricultural Commissioner/Weights and Measures in
17 compliance Division 5 ("Weights and Measures") of the California Business
18 and Professions Code, any regulations implemented by the Manufactured
19 Cannabis Safety Branch, and all other applicable local, State, and Federal
20 laws.

21 B. Manufacturers are prohibited from using scales, weights, or
22 measures that do not accurately conform to the standard of weights and
23 measures of the State and county.

24
25 DIVISION VII – SHARED USE MANUFACTURING OPERATING CONDITIONS

26 Manufacturing facilities may be shared, containing multiple licensed permit
27 holders for a single premises. In addition to the general operating requirements set
28 forth in Division III and the manufacturing operating requirements set forth in

1 Division VI of this Chapter, this Division provides additional requirements for
2 Shared Use Manufacturing.

3
4 5.92.1210 Compliance

5 A. The manufacture of cannabis products in shared-use facilities
6 shall comply with the standards set by State and local law, including but not
7 limited to those related to volatile and nonvolatile extractions; labeling,
8 packaging, repackaging, and relabeling; infusions; safety; discharges;
9 waste disposal; processing, handling, and storage of solvents or gases; and
10 food handling.

11 B. Manufacturers shall only be allowed to engage in the
12 manufacture of cannabis authorized by State law and in the Adult-Use
13 Cannabis Business Permit issued for the premises. No additional
14 manufacturing activities may be conducted without applying for, and
15 receiving written permission, from the City for said additional activity.

16 C. The manufacture of cannabis products shall be conducted in a
17 manner to ensure the operation does not pose a significant threat to the
18 health, safety, and welfare of the public or to neighboring properties.

19 5.92.1215 Equity licenses prioritized.

20 A. The City shall accept applications for Shared Use
21 Manufacturing Operator Licenses from Verified Equity Businesses only for
22 a period of one (1) year, or until fifteen (15) Operator licenses have been
23 issued, whichever occurs sooner. The one-year period shall not start until
24 the date the City begins accepting applications for Shared Use
25 Manufacturing Operator Licenses.

26 B. After the one-year period has concluded, the City shall begin
27 accepting applications from all qualifying applicants for the Shared Use
28 Manufacturing Operator license pursuant to this chapter.

1 5.92.1220 Principal Licensees.

2 A. Shared-use manufacturing facilities are required to have a
3 Principal Licensee, who is responsible for the facility.

4 B. The principal licensee shall operate the shared-use facility in
5 accordance with the conditions of operation specified in this Chapter.

6 C. The shared-use manufacturing principal licensee shall be
7 responsible for ensuring the facility meets all applicable requirements of this
8 Chapter.

9 D. No cannabis manufacturer shall operate as a shared-use
10 manufacturing facility without prior approval of the City.

11 E. Licensed cannabis manufacturers in good standing may
12 request to operate as a shared-use manufacturing facility on a form
13 prescribed by the Director of Financial Management.

14 5.92.1225 Operator Licensees.

15 A. Operator licenses will only be issued to businesses that have
16 received written authorization to operate in a licensed shared-use
17 manufacturing facility.

18 B. Operator Licensees may only conduct the following
19 operational activities:

- 20 1. Infusions, as defined by this Chapter;
21 2. Packaging and labeling of cannabis products; and,
22 3. Extractions with butter or food-grade oils, provided that
23 the resulting extract or concentrate shall be used solely in the manufacture
24 of the Operator Licensee's infused product and shall not be sold to any
25 other licensee.

26 C. Operator licensees shall have a separate license for each
27 shared-use manufacturing facility where they are conducting manufacturing
28 operations.

1 D. Operator Licensees may only operate at the facility identified
2 by their license and during the hours set forth in the occupancy schedule.

3 5.92.1230 Exemptions.

4 A. Operator Licensees are exempt from the following provisions
5 of this Chapter:

6 1. 5.92.215.3.d (Proof that the applicant has the legal
7 right to occupy and use the premises for commercial cannabis activity)

8 2. 5.92.250 (One applicant per address)

9 3. 5.92.425 (Noncompliant locations)

10 4. 5.92.435 (Premises Requirements)

11 5. 5.92.860 (Subletting prohibited)

12 5.92.1235 Use agreements.

13 A. The Principal licensee and the Operator Licensee(s) may take
14 part in a use agreement which may allocate responsibility for providing and
15 maintaining commonly used equipment and services, including, but not
16 limited to, security systems, fire monitoring and protection services, and
17 waste disposal services. However, such agreement is not binding on the
18 City and the City may take enforcement action against either the principal
19 licensee or the Operator Licensee(s), regardless of the allocation of
20 responsibility in the use agreement.

21 5.92.1240 Designated areas.

22 A. The Principal licensee will identify and assign each Operator
23 Licensee a "designated area" that, at a minimum:

24 1. Is for exclusive use by the Operator Licensee; and,

25 2. Provides an area for storage that is secure, fixed in
26 place, locked with a commercial-grade lock, and accessible only to the
27 Operator Licensee for storage of that Operator Licensee's cannabis,
28 cannabis concentrates, and cannabis products.

1 B. The designated area for an Operator Licensee shall not be
2 altered without prior notification to the City. Prior to making any changes to
3 the designated area, written notification shall be submitted to the City that
4 includes the intended changes. The City shall approve all changes prior to
5 the designated area being altered.

6 5.92.1245 Common-use areas.

7 A. The Principal licensee will identify and assign common-use
8 area(s) authorized for use by the Operator Licensee.

9 B. Any part of the premises used for manufacturing activities that
10 is a common-use area shall be occupied by only one licensee at a time by
11 restricting the time period that each licensee may use the common-use
12 area. During the assigned time period, one licensee shall have sole and
13 exclusive occupancy of the common-use area.

14 C. The principal licensee may conduct manufacturing activities
15 as permitted under its medical or adult-use manufacturing license and may
16 use the common-use area during its scheduled time period.

17 5.92.1250 Occupancy schedules.

18 A. The Principal licensee is responsible for providing an
19 occupancy schedule that identifies the days and/or times each Operator
20 Licensee is authorized to use the common-use area(s).

21 B. The occupancy schedule shall be prominently posted near the
22 entrance to the licensed shared-use facility.

23 C. The occupancy schedule shall not be altered without prior
24 notification to the City. Prior to making any changes to the occupancy
25 schedule, written notification shall be submitted to the City that includes the
26 intended changes.

27 5.92.1255 Facility restrictions.

28 The use of the shared use facility shall be restricted to the principal licensee

1 and Operator Licensees authorized by the City to use the shared-use facility.

2 5.92.1260 Facility modifications.

3 The use of the shared use facility shall be restricted to the principal licensee
4 and Operator Licensee(s) authorized by the City to use the shared-use facility.

5 5.92.1265 Cannabis waste.

6 Any cannabis product or other materials remaining after an Operator
7 Licensee ceases operation and discontinues use of its designated area shall be
8 considered cannabis waste and disposed of by the principal licensee consistent
9 with the requirements of this Chapter.

10 5.92.1270 Product recalls or embargoes.

11 In the event of a recall or embargo of a cannabis product produced at a
12 shared-use facility, the City, in its sole discretion, may include any or all cannabis
13 products produced at the shared-use facility.

14 5.92.1275 Discontinuing operations.

15 A Principal Licensee that wishes to discontinue operation as a shared-use
16 facility may do so by providing written notice to the City and each Operator
17 Licensee authorized to use the shared-use facility at least thirty (30) calendar days
18 prior to the effective date of the cancellation.

19 5.92.1280 Violations.

20 A Principal licensee or an Operator Licensee is liable for any violation found
21 at the shared-use facility during that licensee's scheduled occupancy or within that
22 licensee's designated area. However, a violation of any provision of the Chapter
23 may be deemed a violation for which each Operator Licensee and the principal
24 licensee are responsible. In the event of a recall or embargo of a cannabis product
25 produced at a shared-use facility, the City, in its sole discretion, may include any
26 or all cannabis products produced at the shared-use facility.

27
28 DIVISION VIII - DISTRIBUTION OPERATING CONDITIONS

1 In addition to the general operating requirements set forth in Division III of
2 this Chapter, this Division provides additional requirements for Distributors.

3
4 5.92.1310 Compliance.

5 A. A Distributor and the premises shall meet all health protection
6 operating criteria for the distribution of cannabis goods as required by State
7 law and regulations implemented and enforced by the Bureau of Cannabis
8 Control.

9 B. Distributors shall transfer cannabis goods only between State
10 licensees.

11 5.92.1315 Transport Only Distributor.

12 A. Transport Only Distributor may transport cannabis goods
13 between State licensees if the transport, and the type of cannabis goods
14 transported, is authorized by State and local law.

15 B. A Transport Only Distributor shall comply with all provisions
16 required by this Code and State law for Distributors, except for those
17 related to quality assurance and testing.

18 C. A Transport Only Distributor shall not hold title to any
19 cannabis goods unless said Transport Only Distributor also holds a State-
20 issued Cultivation, Manufacturing, Retailer, or Microbusiness license.

21 D. Transport Only Distributors shall not be authorized to:

- 22 1. Engage in the delivery of cannabis goods to a
23 customer; or
24 2. Engage in the wholesale, destruction, packaging,
25 labeling, or storing of cannabis goods; or
26 3. Arrange for the testing of cannabis goods by a Testing
27 Laboratory.

28 5.92.1320 Storage.

1 A. Separate and distinct. Distributors shall ensure that each
2 batch is stored separately and distinctly from every other batch on the
3 Distributor's premises.

4 B. Labels required for batch storage containers. Distributors shall
5 ensure a label with the following information is physically attached to each
6 container of each batch: the Manufacturer or Cultivator's name and State
7 license number; the date of entry into the Distributor's storage area; the
8 unique identifiers and batch number associated with the batch; a
9 description of the cannabis goods with enough detail to easily identify the
10 batch; and the weight of or quantity of units in the batch.

11 C. A Distributor shall store cannabis goods in a building designed
12 to permit control of temperature and humidity and shall prevent the entry of
13 environmental contaminants such as smoke and dust. The area in which
14 cannabis goods are stored shall be vermin proof and shall not be exposed
15 to direct sunlight. Distributors shall not store cannabis goods outdoors.

16 D. Storage-only services. Distributors may provide cannabis or
17 cannabis product storage-only services to a Cultivator, Manufacturer, or
18 other Distributor, which are unrelated to the quality assurance and
19 laboratory testing processes required of the Distributor.

20 5.92.1325 Quality assurance.

21 A. Distributors shall ensure compliance with any requirements for
22 packaging and labeling cannabis goods pursuant to State and local law and
23 regulations.

24 B. After taking physical possession of a cannabis batch, the
25 Distributor shall meet all testing requirements and procedures as required
26 by local and State law and regulations. Upon the request of the City
27 Manager, the Distributor shall immediately make available the results of all
28 tests performed on each cannabis batch by a certified State licensed

1 Laboratory.

2 C. A Distributor shall only procure, sell, or transport cannabis
3 goods that are packaged and sealed in tamper-evident packaging that use
4 a unique identifier, such as a batch and lot number or bar code, to identify
5 and track the cannabis goods.

6 5.92.1330 Transport.

7 A. Documentation during transport. Transporters shall carry a
8 physical or electronic copy of the shipping manifest for the transport of
9 cannabis goods, a copy of the Distributor's current permits and/or licenses
10 required by the State and City, the Transporter's government-issued
11 identification, and an identification badge provided by the Distributor. All
12 documentation shall be made available upon request to the City Manager or
13 Chief of Police.

14 B. Transporters shall be at least twenty-one (21) years of age
15 and shall have a valid California Driver's License.

16 C. Vehicle standards. A Distributor shall only allow transport of
17 cannabis goods in a vehicle:

18 1. That is capable of securing (locking) the cannabis
19 goods during transportation.

20 2. That is capable of being time and/or temperature
21 controlled if perishable cannabis goods are being transported.

22 3. That does not display advertising or symbols visible
23 from the exterior of the vehicle that suggest the vehicle is used for cannabis
24 transport or affiliated with a Commercial Cannabis Business.

25 D. Inspections. Any motor vehicle used by a Distributor to
26 transport cannabis goods is subject to inspection by the City Manager or
27 Chief of Police and may be stopped during transport, delivery, or pick-up of
28 cannabis goods for inspection.

1 5.92.1335 Accurate weights and measures.

2 A. Distributors shall maintain all weighing devices in good
3 working order, approved, tested, sealed, and registered with the Los
4 Angeles County Agricultural Commissioner/Weights and Measures in
5 compliance Division 5 ("Weights and Measures") of the California Business
6 and Professions Code, any applicable State laws and regulations
7 implemented by the State or its departments or divisions, and all other
8 applicable local, State, and Federal laws.

9 B. Distributors are prohibited from using scales, weights, or
10 measures that do not accurately conform to the standard of weights and
11 measures of the State and county.

12 5.92.1340 Records.

13 A. In addition to records generally required of all Adult-Use
14 Cannabis Businesses, every Distributor shall maintain records specific to
15 the operation, including but not limited to: records relating to branding,
16 packaging and labeling; inventory logs and records; transportation bills of
17 lading and shipping manifests for completed transports and for cannabis
18 goods in transit; vehicle and trailer ownership records; quality-assurance
19 records; records relating to destruction of cannabis goods; laboratory-
20 testing records; warehouse receipts; records relating to tax payments
21 collected and paid. The Distributor shall make all records available to the
22 City upon request.

23 B. Storage records. A Distributor shall maintain a written contract
24 with other State licensees storing cannabis goods on the Distributor's
25 premises. A Distributor shall maintain a separate storage inventory log for
26 every State licensee storing cannabis goods on the Distributor's premises.
27 The Distributor's storage inventory logs and written contracts shall be
28 provided to the City Manager upon request. All inventory documents shall

1 contain the identity and State license number of all contracting parties.

2 C. A Distributor shall maintain a database, and provide to the
3 City upon request, a list of the individuals and vehicles authorized to
4 conduct transportation on behalf of the Distributor.

5
6 DIVISION IX - TESTING LABORATORY OPERATING CONDITIONS

7 In addition to the general operating requirements set forth in Division III of
8 this Chapter, this Division provides additional requirements for Testing
9 Laboratories.

10
11 5.92.1410 Compliance.

12 All laboratory testing of cannabis goods shall be performed in accordance
13 with this Chapter, this Code, and any applicable State law and regulations,
14 implemented and enforced by the State and its divisions and departments.

15 5.92.1415 No other employment or interest.

16 No owner or employee of a Laboratory may be employed by, or have any
17 ownership or financial interest, in any other type of commercial cannabis activity.

18 5.92.1420 Laboratory employee requirements.

19 Laboratory employees shall meet the experience, education, and training
20 requirements specified and required by the State or any of its departments and
21 divisions.

22 5.92.1425 Certificate of accreditation required.

23 Every Laboratory shall hold a valid certificate of ISO/IEC 17025
24 accreditation, issued by an accreditation body that attests to the Laboratory's
25 competence to perform testing of the cannabis goods for compounds and
26 contaminants, in compliance with State laws and regulations for cannabis testing.
27 Said accreditation body shall be a signatory to the International Laboratory
28 Accreditation Cooperation Mutual Recognition Arrangement for testing. The

1 certificate of accreditation shall be kept at the premises.

2 5.92.1430 Standard operating procedures.

3 A Laboratory shall adopt a standard operating procedure using methods
4 consistent with general requirements established by the International Organization
5 for Standardization, specifically ISO/IEC 17025, to test cannabis goods, and shall
6 operate in compliance with State law at all times.

7 5.92.1435 Chain of custody controls.

8 A Laboratory shall establish standard operating procedures that provide for
9 adequate chain of custody controls for samples transferred to the Laboratory for
10 testing.

11 5.92.1440 Certificate of Analysis.

12 A Laboratory shall generate a Certificate of Analysis (COA) for all
13 representative samples analyzed by the Laboratory in compliance with State law
14 and any regulations implemented and enforced by the Bureau of Cannabis
15 Control.

16 5.92.1445 Annual audit.

17 A Laboratory shall conduct an internal audit at least once per year or
18 according to the ISO Accrediting Body and the State's requirements, whichever is
19 more frequent.

20 5.92.1450 Transportation and storage of testing samples.

21 Every Laboratory shall ensure samples are transferred, transported, and
22 securely stored in a manner that prevents degradation, contamination, and
23 tampering, and in compliance with labeling on the cannabis product pursuant to a
24 specified chain of custody protocol.

25 5.92.1455 Destruction of samples.

26 A Laboratory shall destroy the remains of samples of any cannabis goods
27 upon completion of analyses, and after the expiration of any post-testing sample
28 retention period, in compliance with State law and any regulations implemented

1 and enforced by the Bureau of Cannabis Control.

2 5.92.1460 Additional ventilation requirements.

3 In addition to the general odor control and ventilation requirements in
4 Section 5.92.540, the Laboratory shall implement adequate ventilation or control
5 equipment to minimize dust, odors, and vapors (including steam and noxious
6 fumes) in areas where they may cause allergen cross-contact or contamination of
7 cannabis products. Fans and other air-blowing equipment used at a Laboratory
8 premises shall be used in a manner that minimizes the potential for allergen cross-
9 contact and contamination of cannabis goods.

10 5.92.1465 Hazardous material requirements.

11 Laboratories that use and generate hazardous materials or hazardous
12 waste shall comply with all applicable hazardous material regulations for
13 hazardous waste generators, and hazardous materials handling requirements and
14 shall maintain any applicable permits for these programs from the Certified Unified
15 Program Agency (CUPA) of Long Beach.

16 5.92.1470 Records.

17 A Laboratory shall ensure the transport, handling, storage, and destruction
18 of samples are accurately documented. All documentation and the results of all
19 testing shall be maintained as a part of the required records of the Laboratory.

20 21 DIVISION XI - ENFORCEMENT AND PENALTIES

22
23 5.92.1510 Violations generally.

24 A. It is unlawful for any person to violate any provision, or to fail
25 to comply with any of the conditions or requirements of this Chapter, or any
26 regulation adopted pursuant to it.

27 B. Separate violation. Every day, during any portion of which,
28 any violation of this Chapter is committed, continued, or allowed to continue

1 is a separate offense and is subject to all remedies and enforcement
2 measures authorized by this Code.

3 C. Every cannabis plant, including both immature and mature
4 plants, cultivated in violation of this Chapter by an illegal cannabis operation
5 constitutes a separate violation subject to the penalties of this Chapter.

6 D. Paying a fine or serving a jail sentence does not relieve any
7 person from responsibility for correcting any condition that violates any
8 provision of this Chapter.

9 E. Whenever in this Chapter any act or omission is made
10 unlawful, it shall include causing, permitting, aiding, abetting, suffering, or
11 concealing the fact of such act or omission.

12 F. Violation of any provision of this Chapter shall be considered
13 a strict liability; accordingly, the City shall not be required to prove
14 knowledge, criminal intent, or any other mental state to establish a violation
15 of this Chapter.

16 5.92.1515 Remedies cumulative.

17 A. The remedies provided for in this Chapter are not mutually
18 exclusive. Pursuit of any one remedy does not preclude the City from
19 availing itself of any or all available administrative, civil, or criminal
20 remedies, at law or equity. The remedies provided by this Chapter are
21 cumulative and in addition to any other remedies available at law or in
22 equity.

23 B. This Chapter does not limit the City's additional remedies for
24 recovering taxes or damages in accordance with any applicable law
25 including, without limitation, cannabis business taxes owed by an unlawful
26 Commercial Cannabis Business pursuant to Chapter 3.80 of this Code.

27 5.92.1520 Declaration of public nuisance.

28 A. Any violation of the provisions of this Chapter is hereby

1 deemed unlawful and a public nuisance.

2 B. As a nuisance per se, any violation of this Chapter is subject
3 to any of the following remedies, including, without limitation: injunctive
4 relief, revocation of applicable permits or licenses, revocation of the
5 certificate of occupancy for the real property where the violation occurred,
6 disgorgement and payment to the City of all monies unlawfully obtained,
7 costs of abatement, costs of investigation, attorney fees, and any other
8 relief or remedy available at law or equity.

9 C. For purposes of notification of nuisance and abatement
10 pursuant to Section 9.37.100 of this Code, a reasonable time limit for a
11 property owner or person to correct or abate the nuisance of an illegal
12 cannabis operation is no less than five (5) calendar days.

13 5.92.1525 Liability of employees and agents.

14 Liability of employees and agents. In construing and enforcing the
15 provisions of this Chapter, the act, omission, or failure of an agent, officer,
16 representative, or other person acting for or employed by an Adult-Use Cannabis
17 Business, within the scope of his or her employment or office, will be in every case
18 be deemed the act, omission, or failure of the Adult-Use Cannabis Business.

19 5.92.1530 Liability of property owners.

20 A. No property owner in charge of, or in possession of, any real
21 property within the City shall cause, permit, maintain, conduct, or otherwise
22 suffer or allow a public nuisance as defined in this Chapter to exist.

23 B. It is the duty of every property owner, and person that controls
24 any real property or interest therein, within the City to remove, abate, and
25 prevent the reoccurrence of the public nuisance upon such real property.
26 Such duty of the property owner exists regardless of whether the property
27 owner is in actual possession of his or her real property, and includes an
28 obligation to act to evict or otherwise remove an illegal cannabis operation

1 who illegally exists or creates a public nuisance upon the property owner's
2 real property.

3 C. In addition to any abatement costs incurred by the City for
4 closing or removing an illegal cannabis operation from private real property,
5 failure of a property owner to voluntarily abate an illegal cannabis operation
6 after notification by the City shall result in the penalties set forth in this
7 Chapter.

8 5.92.1535 Liability of costs, fines, and fees.

9 A. Liability of costs. In any enforcement action brought pursuant
10 to this Chapter, whether by administrative proceedings, judicial
11 proceedings, or summary abatement, every person who causes, suffers,
12 maintains, or permits any illegal cannabis operation and/or operation to
13 exist, or remain in violation of this Chapter, is liable for all actual costs
14 incurred by the City, including, but not limited to: all actual costs for
15 inspection, enforcement, revocation, suspension, abatement, or any other
16 actual costs incurred to undertake, or to cause or compel any responsible
17 party to undertake, any abatement action in compliance with the
18 requirements of this Chapter, including costs of litigation and reasonable
19 attorney's fees, whether those costs are incurred prior to, during, or
20 following enactment of this Chapter.

21 B. Any person may abate an illegal cannabis operation or cause
22 it to be abated at any time prior to commencement of abatement by, or at
23 the direction of, the City Manager. Abatement prior to the hearing does not
24 absolve any person from paying costs, fees, and administrative penalties
25 that accrued up to the date of abatement. Proof of Abatement shall be
26 provided to the Hearing Officer(s) at the time of hearing.

27 C. Liability for cost of destruction. If required by State law,
28 regulation, or court order to destroy any cannabis goods associated with a

1 violation of this Chapter, a violator is responsible for the cost of the
2 destruction of cannabis goods associated with said violation.

3 D. Failure to pay fines and fees. Failure to pay a fine or penalty
4 within thirty (30) calendar days of the date of assessment may result in
5 penalties, suspension, or revocation of the permit, unless the citation is
6 being appealed. The full amount of any assessed fine or penalty may be
7 added to the fee for renewal of the permit.

8 5.92.1540 Permit suspension, revocation, or denials.

9 A. Noncompliance. Failure to comply with any of the provisions
10 of this Chapter will constitute grounds for suspension, denial, or revocation
11 of the permit. The noticing and hearing requirements for suspension or
12 revocation of the permit shall be governed by the provisions of Chapter 5.06
13 of this Code.

14 B. Cease activity. No person may conduct any business or
15 activity regulated by this Chapter while an application for a permit is
16 pending, at any time after a permit denial or revocation, or while a permit is
17 suspended.

18 C. Grounds for denial, revocation, or suspension of permit. In
19 addition to the provisions of Chapter 5.06 of this Code, the Director of
20 Financial Management may deny any application for a permit, or revoke or
21 suspend any permit, on the following grounds:

22 1. A permit application does not satisfy the minimum
23 qualifications or fails to comply with the applicable requirements of this
24 Chapter.

25 2. Failure to comply with any of the terms and conditions
26 attached to the permit at the time of approval.

27 3. Any act or omission that violates the requirements of
28 this Code, including any rule, regulation, condition, or standard adopted

pursuant to this Chapter, or any other applicable State or local rule, law, or regulation.

4. Any act or omission that results in the denial, revocation, or suspension of the permittee's State license.

5. Failure to renew the permittee's State license.

6. The permit was granted, in whole or in part, based on any written or oral misrepresentation or omission of a material statement in the permit application.

7. Conducting a commercial cannabis activity in a manner that constitutes a nuisance, where the permittee has failed to comply with reasonable conditions to abate the nuisance.

8. Conviction for any controlled substance felony by an owner after a permit has been issued.

9. A person has been, or is, prohibited from having an ownership interest in an Adult-Use Cannabis Business pursuant to Section 5.92.265.

10. A person has committed a deliberate or willful violation of an applicable law, or applicable rule and regulation related to commercial cannabis activity.

5.92.1545 Appeal of permit denial.

A. Any applicant pursuant to this Chapter whose application for an Adult-Use Cannabis Business Permit, whose application for such permit has been denied, shall be notified in writing of the denial and their right to file an appeal, pursuant to Section 5.06.030 of this Code, within ten (10) calendar days after the date of mailing of the Notice of such denial.

B. Any written request for an appeal of a permit denial pursuant to this Chapter shall include details regarding the denial and the specific ground(s) on which the dispute of the denial is based. At the time of filing

1 the notice of appeal, the applicant shall pay to the Director of Financial
2 Management the fee set by resolution of the City Council for appeals
3 hereunder.

4 C. If the written request is filed within the time period specified,
5 within thirty (30) days following the filing of said written request, the City
6 shall set a hearing to be held not less than ten (10) days nor not more than
7 thirty (30) days thereafter, and such hearing may for good cause be
8 continued by the City.

9 D. The hearing shall be held in accordance with Chapter 2.93 of
10 this Code, except that the matter shall be automatically referred to the City
11 Clerk for selection of a Hearing Officer, without the City Council's referral, in
12 accordance with Subsection 2.93.050.B of this Code.

13 E. Failure to file the written request within the time period
14 specified shall result in waiver of any right to dispute the denial of an
15 application for an Adult-Use Cannabis Business Permit pursuant to this
16 Chapter. Failure of an appellant or their authorized representative to appear
17 at any noticed hearing shall constitute an abandonment of the hearing
18 appeal and shall constitute a failure to exhaust administrative remedies.

19 F. Right to recover costs. In the event a civil action is initiated by
20 the City to enforce any decision under this Section, and a judgment is
21 entered to enforce said decision, any person against whom the order of
22 enforcement has been entered shall be liable to pay the City's total costs of
23 enforcement, including reasonable attorney fees.

24 5.92.1550 Factors for suspension or revocation.

25 A. The City Manager may consider the following factors in
26 deciding whether a permit should be suspended or revoked in accordance
27 with this Chapter, as applicable:

- 28 1. The nature and severity of the acts, offense, or crimes

under consideration.

2. Any corrective action taken by the permittee.
3. Prior violations at the permitted premises by the permittee and the effectiveness of prior corrective action.
4. Previous sanctions imposed against the permittee.
5. The number and/or variety of current violations.
6. The likelihood of recurrence.
7. All circumstances surrounding the violation.
8. Whether the violation was willful.
9. Any actual or potential harm to the public.
10. The length of time the permit has been held by the permittee.
11. Evidence of expungement proceedings under Penal Code Section 1203.4.
12. Any other factor that makes the situation unique or the violation of greater concern, with respect to the permittee or the permitted premises.

5.92.1555 Permit reapplications.

A. Whenever an application for a permit is denied, no other application by such permittee will be considered for a period of one (1) year from the date of the denial of an application, with an exception granted to any applicant whose Adult-Use Business License Application was denied solely because the applicant's proposed premises does not comply with the sensitive use buffers in subsection (1) through (4) of Section 5.92.420.A.

B. Whenever a permit has been revoked, no other similar application by such permittee for an Adult-Use Cannabis Business Permit shall be considered for a period of five (5) years from either the date the notice of the permit revocation was mailed or the date of the final decision

1 of the City Council to revoke the permit, whichever is later.

2 C. The provisions of subsections (A) and (B), above, apply to all
3 of the following:

4 1. Any individual whose permit was revoked or whose
5 application was denied who later becomes a director or officer of a
6 corporation, profit or nonprofit, or a member of a partnership or a person
7 owning or possessing any portion of the shares of a corporation seeking to
8 obtain a new permit.

9 2. A corporation, profit or nonprofit, whose permit was
10 revoked or application was denied, to any of its directors or officers or to
11 any person who owned any portion of its shares, who attempts by way of a
12 new corporation or using their individual names or becoming a member of a
13 partnership or a director or officer or a person owning or possessing any
14 portion of the shares in another corporation seeking to obtain a new permit.

15 D. Effect of suspension, revocation, or denial on Co-Located
16 Cannabis Business Permits.

17 1. Suspension of a permittee's co-located Adult-Use
18 Cannabis Business Permit or Medical Marijuana Business Permit, shall
19 immediately suspend the permittee's other co-located permit for the same
20 premises and permittee's ability to operate a Commercial Cannabis
21 Business within the City, until the City reinstates or reissues permittee's
22 Adult-Use Cannabis Business Permit and Medical Marijuana Business
23 Permit.

24 2. Revocation or termination of a permittee's co-located
25 Adult-Use Cannabis Business Permit or Medical Marijuana Business
26 Permit, shall also immediately revoke, terminate, or surrender permittee's
27 co-located permit for the same premises, and permittee's ability to operate
28 a Commercial Cannabis Business from that premises.

1 3. Surrender of the permittee's co-located Medical
2 Marijuana Dispensary permit shall also immediately revoke, terminate, or
3 surrender the permittee's co-located Adult-Use Cannabis Dispensary
4 Permit for the same premises, and permittee's ability to operate a
5 Commercial Cannabis Business from that premises.

6 E. Effect of suspension, revocation, or denial on State licenses.

7 1. Suspension of a permittee's State license shall
8 immediately suspend the permittee's Adult-Use Cannabis Business Permit,
9 any co-located Medical Marijuana Business Permits for the same premises,
10 and permittee's ability to operate a Commercial Cannabis Business within
11 the City, until the State, or its respective department or division, reinstates
12 or reissues permittee's State license.

13 2. Revocation, termination, or surrender of a permittee's
14 State license shall immediately suspend the permittee's Adult-Use
15 Cannabis Business Permit, any co-located Medical Marijuana Business
16 Permits for the same premises, and permittee's ability to operate a
17 Commercial Cannabis Business within the City.

18 5.92.1560 Criminal penalty.

19 Any person who violates any provision of this Chapter is guilty of a
20 misdemeanor, and upon conviction thereof, may be punished by a fine of not more
21 than one thousand dollars (\$1,000.00), or by imprisonment in the City or county jail
22 for a period not exceeding six (6) months, or by both such fine and imprisonment.

23 5.92.1565 Administrative civil penalties.

24 A. Administrative citations. In addition to all other legal remedies
25 at law, violations of this Chapter and building, health, and safety violations
26 caused as a result of a violation of this Chapter are enforceable using the
27 administrative citation procedures set forth in Chapter 9.65 of this Code.

28 1. Administrative citations for violations of this Chapter

1 shall be set by resolution of the City Council pursuant to Chapter 9.65 of
2 this Code for any violation of the Long Beach Municipal Code that could
3 potentially be criminally cited as an infraction.

4 2. Fines for illegal cannabis operations shall be set by
5 resolution of the City Council pursuant to Chapter 9.65 of this Code.

6 B. Administrative penalties imposed pursuant to this Section also
7 constitute a personal obligation on each person who causes, permits,
8 maintains, conducts, or otherwise suffers or allows the nuisance to exist. In
9 the event administrative penalties are imposed pursuant to this Section on
10 two (2) or more persons for the same violation, all such persons are jointly
11 and severally liable for the full amount of the penalties imposed.

12 C. In addition to any other remedy, the City may prosecute a civil
13 action through the City Attorney to collect any administrative penalty
14 imposed pursuant to this Chapter.

15 5.92.1570 Actions for injunctive relief and civil penalties.

16 A. As an alternative, or in addition to any other remedy, the City
17 Attorney may enforce the provisions of this Chapter against any illegal
18 cannabis operation and/or property owner in any court of competent
19 jurisdiction. The City Attorney may apply to such court for an order seeking
20 injunctive relief to abate or remove any nuisance caused, maintained, or
21 permitted by an illegal cannabis operation and/or property owner, to restrain
22 any illegal cannabis operation and/or property owner from taking any action
23 contrary to the provisions of this Chapter or other applicable law; and/or to
24 require any illegal cannabis operation and/or property owner to take any
25 action to comply with this Chapter or other applicable law.

26 B. In any civil court action brought by the City Attorney pursuant
27 to this Section in which the City succeeds in obtaining an order from the
28 court, the City shall be entitled to recover from an illegal cannabis operation

1 and/or property owner all of the City's costs of investigation, enforcement,
2 abatement, destruction, and litigation, including but not limited to attorneys'
3 fees.

4 C. Civil penalties.

5 1. The City is entitled to recover civil penalties against an
6 illegal cannabis operation and/or property owner a maximum amount of five
7 thousand dollars (\$5,000.00) per violation for each day an illegal cannabis
8 operation is operated, permitted, or maintained on the subject property, and
9 the court may order the destruction of cannabis associated with that
10 violation in accordance with California Health and Safety Code Section
11 11479.

12 2. In assessing the amount of a civil penalty, the court
13 shall consider any one or more of the relevant circumstances presented by
14 any of the parties to the case, including, but not limited to, the following:

- 15 a. The nature and seriousness of the violation;
- 16 b. Any economic benefit gained through the
17 violation;
- 18 c. The number of violations;
- 19 d. The length of time over which the violation
20 occurred;
- 21 e. The willfulness of the defendant's violation; and
- 22 f. The defendant's assets, liabilities, and net worth.

23 D. The City Attorney is authorized, without further direction from
24 the City Council, to institute any civil actions permitted pursuant to this
25 Section.

26 5.92.1575 Liens and special assessments.

27 A. Notwithstanding any other provision of this Chapter to the
28 contrary, the costs incurred by the City in the abatement of a violation or

1 nuisance may be placed against any privately owned and affected property
2 as either a nuisance abatement lien or a special assessment lien pursuant
3 to California Government Code Section 38771 et seq., as amended from
4 time-to-time, or a lien pursuant to California Government Code Section
5 54988, as amended from time to time.

6 B. Liens. All actual costs required by this Section constitute a lien
7 upon the property upon which the Adult-Use Cannabis Business is situated.
8 The lien for any inspection, enforcement, or abatement costs may attach
9 thirty (30) days after the responsible parties are notified of the costs, and
10 will remain until the costs are paid or the premises is sold in payment
11 thereof.

12 C. Lien enforcement. The City may enforce a lien under this
13 Chapter in any manner permitted by law, including filing a civil action either
14 to foreclose on its liens or to obtain a money judgment or both, or pursuing
15 non-judicial foreclosure.

16 D. Conversion of liens. The City may elect, upon thirty (30)
17 calendar days written notice to all known and record owners of the privately
18 owned and affected property, to convert any nuisance abatement lien
19 authorized by this Chapter to a special assessment lien, or vice versa.
20 Costs recoverable under this Chapter may include those categories of costs
21 and fees set forth in Civil Code Section 3496, regardless of the type of
22 nuisance involved.

23 E. Special Assessment. If the property is specially assessed,
24 said assessment may be collected at the same time and in the same
25 manner as ordinary real property taxes are collected and will be subject to
26 the same penalties and the same procedure and sale in case of
27 delinquency as provided for ordinary real property taxes. All laws applicable
28 to the levy, collection, and enforcement of real property taxes are applicable

1 to the special assessment.

2 5.92.1580 Prohibited premises sites due to prior illegal cannabis operations.

3 A. The City may, in its sole discretion, take any action as
4 specified in this subsection.

5 B. If the City discovers an illegal cannabis operation is currently
6 and/or was operating within the previous sixty (60) days at or on a property,
7 or any portion thereof, without valid State or City permits or licenses the
8 City may take action as specified herein. The City shall notify the property
9 owner in writing of their right to file, within fifteen (15) days after the date of
10 mailing of the Notice, written request of a hearing to the City disputing the
11 alleged illegal cannabis operation. Such written request shall set forth the
12 specific ground(s) on which the dispute is based and the property owner
13 shall pay to the City at the time of filing said written request a filing fee in an
14 amount to be set by resolution of the City Council.

15 C. Failure to file the written request within the time period
16 specified shall result in waiver of any right to dispute the allegation of
17 operation of an illegal cannabis operation at the subject property. In the
18 event of such waiver, no Commercial Cannabis Business, whether licensed
19 or non-licensed, shall be permitted to operate at the subject property for a
20 period of one (1) year from the 16th day after the date of mailing of the
21 Notice.

22 D. The illegal cannabis operation and/or property owner shall
23 have the right of appeal as set forth in Section 5.92.1445.

24 E. Whenever it has been determined that an illegal cannabis
25 operation was and/or is in operation, no Commercial Cannabis Business,
26 whether licensed or non-licensed, shall be permitted to operate at the
27 subject property for a period of one (1) year from the effective date of such
28 determination.

1 F. The prohibitions contained in this Section are sufficient
2 grounds to deny any application for operation of a Commercial Cannabis
3 Business or cannabis operation at the subject property received within the
4 one (1) year time.

5 G. In the event the City revokes a Property Owner's Non-
6 Residential Rental Business License for violating this Chapter, no
7 Commercial Cannabis Business or cannabis operation, whether licensed or
8 non-licensed, is permitted to operate at the subject property for a period of
9 five (5) years from the effective date of revocation of the Non-Residential
10 Rental Business License. Such revocation is sufficient grounds to deny any
11 application for operation of a Commercial Cannabis Business or cannabis
12 operation at the subject property received within the five (5) year period.
13 This prohibition shall also remain in effect in the event a property owner (or
14 an entity owned by or affiliated with such property owner) obtains another
15 Non-Residential Rental Business License anytime within the five (5) year
16 period for the subject property.

17 5.92.1585 Disconnection of utilities.

18 A. To the maximum extent permitted by law, and in accordance
19 with the processes thereof, the City may discontinue utility services to any
20 premises upon which an illegal cannabis operation is operating.

21 B. Prior to the disconnection of utility services, the City must
22 notify, wherever possible, the property owner and occupant of the building,
23 structure, or premises upon which the illegal cannabis operation is
24 operating, of the decision to disconnect the utility service(s) and the
25 reason(s) for service suspension at least seven (7) calendar days before
26 taking such action, unless a different period of notification is mandated by
27 law; provided that the City's Building Official may dispense with any attempt
28 at prior notification if, in the sole discretion of the Building Official, the

1 nature or severity of any apparent dangerous hazard justifies such
2 disconnection in accordance with other provisions of this Code.

3 C. In the event utilities are disconnected, the Building Official
4 must notify the owner or occupant of the building, structure, or premises in
5 writing of the disconnection as soon as practical thereafter.

6 D. Disconnected utilities shall not be re-established until an
7 inspection has been made by the City's Building Official and the Building
8 Official has determined that the unlawful illegal cannabis operation has
9 ceased operations; that any imminent hazard has been abated or
10 eliminated (if applicable); that the building complies with applicable law; and
11 that any applicable fees for disconnection, reconnection, penalties, and/or
12 other related services have been paid.

13 E. Removing or defacing a notice posted in relation to this
14 provision shall constitute a separate and distinct violation of this Chapter.

15 5.92.1590 Medical Marijuana Task Force.

16 The authority, powers, and duties of the Medical Marijuana Task Force,
17 established pursuant to Section 5.90.260 of this Code, are limited exclusively to
18 the provisions in Chapter 5.90 and shall not extend to any applicant, permittee,
19 Adult-Use Cannabis Business, and/or Medical Marijuana Business electing to
20 engage in commercial cannabis activity pursuant to this Chapter.

21 5.92.1595 Severability.

22 In the event, any provision in this Chapter is deemed invalid, illegal, or
23 unenforceable, the validity, legality and enforceability of the remaining provisions
24 shall not in any way be affected or impaired thereby and such provision is
25 ineffective only to the extent of such invalidity, illegality, or unenforceability.

26
27 DIVISION XII - EQUITY PROGRAM
28

1 5.92.1610 Equity employee eligibility

2 A. To be eligible for the Equity Program as an equity employee,
3 an individual shall satisfy the following criteria:

- 4 1. Be a natural person; and
5 2. In the last year, have had an annual family income at or
6 below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los
7 Angeles County) Area Median Income (AMI) adjusted for family size, and a
8 net worth below \$250,000; and

9 3. The individual satisfies at least one of the following
10 criteria:

11 a. Has lived in a Long Beach census tract for a
12 minimum of three (3) years where at least fifty-one percent (51%) of current
13 residents have a household income at or below eighty percent (80%) of the
14 Los Angeles County Area Median Income; or

15 b. Was arrested or convicted for a crime relating to
16 the sale, possession, use, or cultivation of cannabis in the City of Long
17 Beach prior to November 8, 2016 that could have been prosecuted as a
18 misdemeanor or citation under current California law; or

19 c. Is a Long Beach resident currently receiving
20 unemployment benefits.

21 5.92.1615 Equity applicant eligibility.

22 A. To be eligible for the Equity Program as an equity applicant,
23 an individual shall satisfy the following criteria:

- 24 1. Be a natural person; and
25 2. In the last year, have had an annual family income at or
26 below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los
27 Angeles County) Area Median Income (AMI) adjusted for family size, and a
28 net worth below \$250,000; and

1 3. Has lived in a Long Beach census tract for a minimum
2 of five (5) years, either consecutively or in total, where at least fifty-one
3 percent (51%) of current residents have a household income at or below
4 eighty percent (80%) of the Los Angeles County Area Median Income; and

5 4. Meets at least one of the following criteria:

6 a. During the period 1971-2016, was arrested for,
7 convicted of, or adjudged to be a ward of the juvenile court for any crime
8 under the laws of California or any other jurisdiction relating to the sale,
9 possession, use, manufacture, or cultivation of cannabis; or

10 b. Has a parent, sibling, or child who, during the
11 period of 1971-2016, was arrested for, convicted of, or adjudged to be a
12 ward of the juvenile court for any crime under the laws of California or any
13 other jurisdiction relating to the sale, possession, use, manufacture, or
14 cultivation of cannabis.

15 5.92.1620 Equity business eligibility.

16 To be eligible for the Equity Program as an Equity Business, majority
17 ownership of the business must be held by equity applicant(s). If the cannabis
18 business has one equity applicant listed as an owner, a minimum of fifty-one
19 percent (51%) ownership in the cannabis business must be held by the equity
20 applicant. If the cannabis business will have multiple equity applicants listed as
21 owners of the cannabis business, any one (1) of the equity applicants must hold
22 majority ownership interest in the cannabis business.

23 5.92.1625 Application required.

24 A. Any person seeking to be qualified as a Verified Equity
25 Applicant or Verified Equity Employee shall submit a written application to
26 the City, signed under penalty of perjury, using the form approved by the
27 City for that purpose and in the manner required by the Director of
28 Economic Development. All applications shall contain, at a minimum, the

1 following information and documents:

2 1. Applicant Information

3 a. The legal name of the applicant.
4 b. The applicant's mailing address, e-mail address,
5 and telephone number.

6 2. Proof of income

7 a. All income documents must list the first and last
8 name of the equity applicant and be effective within the last year.

9 b. A minimum of last year's federal tax return and
10 at least one (1) of the following approved documents listed below shall be
11 considered acceptable proof of residency:

12 (i) Wage and tax statement (W-2, 1099, or
13 other Federal income reporting document)

14 (ii) Two (2) months of most recent pay stubs,
15 or

16 (iii) Proof of current eligibility for General
17 Relief (GR), CalFresh (Food Stamps), Medical/CalWORKs, Supplemental
18 Security Income (SSI), or Social Security Disability (SSDI).

19 3. Proof of Residency

20 a. A minimum of two (2) of the supporting
21 documents listed below, evidencing a minimum of five (5) years of
22 residency, whether consecutive or in total, shall be considered acceptable
23 proof of residency. All residency documents must list the first and last name
24 of the equity applicant and the Long Beach residence address in a
25 qualifying Long Beach census tract pursuant to Section 5.92.1620.A.3:

26 (i) California Driver's record or permanent
27 Driver's License or AB 60 Driver's License; or

28 (ii) California identification card record; or

(iii) Property tax billing and payments from the LA County Assessor; or

(iv) Verified copies of State or Federal income tax returns where a Long Beach address within a qualifying Long Beach census tracts pursuant to Section 5.92.1620.A.3 is listed as a primary address; or

(v) School records; or

(vi) Medical records; or

(vii) Banking records; or

(viii) Long Beach Housing Authority records; or

(ix) Utility, cable, or internet company billing and payment covering any month in each of the five (5) years.

4. Proof of Cannabis Criminalization

a. Proof of cannabis arrest or conviction should be demonstrated through court documents, probation documents, Department of Corrections or Federal Bureau of Prisons documentation. Documentation needs to include the following:

(i) Date of the offense or arrest

(ii) Charges filed

(iii) Name of defendant

(iv) Exact location of offense or arrest that occurred in Long Beach, CA.

5.92.1630 Incomplete applications.

A. Upon review of an application, if an application is determined to be incomplete, the City shall provide notice to the applicant, who shall have ninety (90) calendar days to correct all deficiencies in the application.

B. If the applicant fails to correct said deficiencies within the ninety (90) day period, the application shall be deemed abandoned, void,

1 and of no further force and effect. The applicant may reapply at any time
2 following an abandoned application.

3 C. The Director of Economic Development may extend the
4 deadline upon showing of good cause by the applicant for the inability to
5 provide all required information by the deadline, if a written request for an
6 extension is received no later than ten (10) calendar days prior to the
7 deadline. For purposes of this subsection, the term "good cause" shall
8 mean the applicant's failure to complete the application process occurred
9 due to circumstances outside of the applicant's control.

10 5.92.1635 Application rejection.

11 Upon review of an application, if an application is determined to not meet
12 the criteria to be verified as an equity applicant or equity employee, the City shall
13 have the right to reject said application. All rejections are final and may not be
14 appealed. An equity applicant may reapply at any time after having an application
15 rejected.

16 5.92.1640 Assistance available to equity applicants.

17 A sole equity applicant that intends to apply for an Adult-Use Cannabis
18 Business Permit as an equity business, shall be eligible to receive direct technical
19 assistance prior to the application process to acquire the knowledge and/or skills
20 necessary in order to gain entry to, and to successfully operate in, the regulated
21 cannabis marketplace. Direct technical assistance includes:

22 A. One-on-one consulting and training, including direct
23 interactions in group settings, to provide equity applicants and licensees the
24 technical knowledge and expertise necessary to facilitate business
25 ownership and employment in the cannabis industry.

26 B. Small business support services, professional mentorship
27 services, training and education regarding state cannabis licensing and
28 regulatory requirements, manufacturing assistance, financial management,

and business resilience such as emergency preparedness.

5.92.1645 Assistance available to equity businesses.

A sole equity applicant or group of equity applicants applying for an Adult-Use Cannabis Business Permit as an equity business, shall be eligible to receive the following assistance during the application process: expedited Adult-Use Cannabis Business Permit application review; Adult-Use Cannabis Business Permit application and compliance assistance; cultivation business license tax deferrals during the first year; expedited building plan check review; waivers of City permitting fees; and direct grants as provided by the State of California.

5.92.1650 Assistance per household.

Assistance as part of the Equity Program will only be provided to one (1) verified equity applicant per household. Assistance will not be provided to multiple equity applicants living within the same household and/or the equity applicant is listed as a dependent on another equity applicants tax filings.

5.92.1655 Equity business transfer of ownership requirements.

Equity Businesses are prohibited from transferring majority ownership interest to a non-equity applicant, for five years after the issuance of the Adult-Use Cannabis Business License for that cannabis business. Exceptions may be granted by the City Manager, or their designee, for an extenuating circumstance preventing an equity applicant(s) from continuing to hold ownership in the Cannabis Business.

5.92.1660 Requirements for all Adult-Use Cannabis Businesses.

Adult-Use Cannabis Businesses that do not qualify for the Equity Program shall comply with the following requirements:

A. Employment.

1. Adult-Use Cannabis Businesses that do not qualify for the Equity Program shall employ equity employees for a minimum of forty percent (40%) of total annual work hours performed at the business. Upon

1 a showing of good cause by an Adult-Use Cannabis Business, the City
2 Manager may waive the employment requirement.

3 2. Compliance. To ensure compliance with this
4 requirement, Adult-Use Cannabis Businesses shall submit certified payroll
5 records to the City Manager at such frequency as determined by the City
6 Manager. Adult-Use Cannabis Businesses that fail to meet this requirement
7 may be subject to penalties pursuant to this Chapter, including but not
8 limited to, suspension or revocation of the Adult-Use Cannabis Business
9 Permit pursuant to Section 5.92.1540. To avoid penalties for
10 noncompliance, a business may demonstrate that it utilized its best efforts
11 to hire and employ individuals that meet the criteria in Section 5.92.1620.A
12 by detailing all efforts made and affixing documents to support such efforts.

13 B. Support for equity businesses. Adult-Use Cannabis Business
14 shall submit a Community Reinvestment and Small Business Incubation
15 Plan to the City describing how they intend to support equity businesses,
16 adjacent neighborhoods, and communities within the eligible social equity
17 program census tracts. Support for equity businesses may include, but shall
18 not be limited to, business plan guidance at the time of application,
19 business operations consulting, and industry specific technical assistance,
20 shelf space for cannabis goods cultivated or manufactured by equity
21 businesses, or any other form of support by an Adult-Use Cannabis
22 Business consistent with the intent and spirit of this Division.

23 C. Labor peace agreement. Any Adult-Use Cannabis Business
24 with two (2) or more employees (as defined by California Business and
25 Professions Code 26051.5(a)(5)) shall provide a statement at the time of
26 application that the applicant will enter into, or demonstrate that it has
27 already entered into, and abide by the terms of a labor peace agreement.

28 5.92.1665 Authority to develop and implement Equity Program.

1 The City Manager is authorized to make reasonable rules, policies, and
2 procedures consistent with the intent and spirit of this Division to develop and
3 implement and administrative program for this Equity Program. Regulations
4 promulgated by the City Manager become effective upon date of publication,
5 unless specified otherwise.

6 Section 5. The City Clerk shall certify to the passage of this ordinance by
7 the City Council and cause it to be posted in three (3) conspicuous places in the City of
8 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
9 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2022,
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE CITY
MANAGER TO ESTABLISH A REQUEST FOR PROPOSALS
FOR CANNABIS RETAIL STOREFRONT (DISPENSARY)
BUSINESS LICENSES FOR THE CANNABIS SOCIAL
EQUITY PROGRAM

WHEREAS, on July 10, 2018, the City Council adopted the Cannabis Social
Equity Program (Equity Program) to support equal opportunity in the cannabis industry by
making legal cannabis business ownership and employment opportunities more
accessible to low-income individuals and communities most impacted by the
criminalization of cannabis, also known as the War on Drugs; and

WHEREAS, on March 16, 2021, the City Council directed staff to prepare a
feasibility analysis on licensing and regulating up to eight additional cannabis dispensary
business licenses in Long Beach to be made available exclusively to verified equity
applicants in the Equity Program; and

WHEREAS, on October 12, 2021, the City Council directed staff to prepare
an ordinance to allocate eight new cannabis dispensary business licenses to be made
exclusive to verified equity applicants using a merit-based application process that
includes a Request for Proposals ("RFP") in the selection of the equity dispensaries; and

WHEREAS, a fair and equitable way to allocate eight new cannabis
dispensary business licenses and ensure that the best qualified Equity Program
participants are selected, is through a Request for Proposals ("RFP") process that utilizes
criteria to evaluate the ability for an equity applicant or group of equity applicants in the
Equity Program to successfully apply for and operate a retail storefront dispensary.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2 Section 1. The above recitals are true and correct and are incorporated
3 herein by this reference.

4 Section 2. The City Manager shall issue the maximum number of
5 cannabis dispensary business licenses permitted by the City Council as set forth in the
6 provisions of the Long Beach Municipal Code Chapter 5.90.

7 Section 3. The City Manager is authorized to make reasonable rules,
8 policies, and procedures as may be necessary to administer and enforce the provisions
9 of Long Beach Municipal Code Chapter 5.90 and 5.92 and any other ordinances,
10 regulations or laws relating to and affecting the permitting and operations of Commercial
11 Cannabis Businesses.

12 Section 4. The Request for Proposals ("RFP") Process for issuing
13 cannabis dispensary business licenses to individuals or groups in the Cannabis Social
14 Equity Program is hereby adopted. (Exhibit A).

15 Section 5. Exhibit A is a part of this Resolution.

16 Section 6. This resolution shall take effect immediately upon its adoption
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

Date: April 26, 2022

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager

Subject: Cannabis Equity Delivery and Dispensary Update

On October 12, 2021, the City Council directed staff to prepare an ordinance to allow cannabis delivery businesses and up to eight additional cannabis dispensaries in Long Beach to be owned exclusive by verified equity applicants. In addition to preparing the ordinances, the City Council directed staff to:

- Perform a feasibility study on increasing the buffer distance between dispensaries from 1,000 feet to 1,500 feet;
- Search for grants as a first option for funding the expansion of the cannabis program as opposed to a tax increase on cannabis businesses;
- Focus on a full merit-based process that does not include a lottery in the selection of the equity dispensaries;
- Authorize \$50,000 to be used for a consultant to engage the community in developing the dispensary RFP application criteria; and,
- Expedite the licensing process for these cannabis businesses.

This memorandum provides an update on each of these directives as well as next steps.

1,500 Foot Dispensary Buffer Feasibility Analysis

The City Council requested staff to perform a feasibility analysis on increasing the buffer distance between dispensaries from 1,000 feet to 1,500 feet to avoid overconcentration of dispensaries in the city. Staff has performed an analysis on expanding the dispensary buffer and recommends maintaining the current buffer distance of 1,000 feet to remain consistent with the distance that was required between the existing 32 cannabis dispensaries in the city.

Currently, cannabis dispensaries must maintain a 1,000 foot distance between each other pursuant to Long Beach Municipal Code (LBMC) Chapter 5.92.420. Under the current conditions with 32 existing cannabis dispensaries in the City, there is less than approximately three square miles of eligible "Green Zone" for the eight cannabis equity dispensaries to locate, taking into account all buffers and zoning requirements. In a memorandum dated October 1, 2021, staff described some of the challenges and barriers that equity applicants face when trying to start a cannabis business, including the ability for equity businesses to find and secure available properties in the Green Zone. To lower this barrier to entry, staff recommended reducing buffers around certain sensitive uses such as beaches and parks, which would expand the Green Zone for equity dispensary businesses by approximately 3.1 square miles.

If the City Council were to increase the buffer distance between dispensaries to 1,500 feet, this would detrimentally impact the eight new equity dispensaries that are trying to start a successful cannabis business in Long Beach. This change would have little impact on the existing 32 cannabis dispensaries, who were able to find viable properties without regard for any additional zoning restrictions and would only be applicable if an existing dispensary decided to move their business to a new location.

Assuming the existing 32 cannabis dispensary businesses were to remain in the same locations they have today, and the eight equity dispensaries had a buffer of 1,500 feet around their business, the buffer area for all eight equity dispensaries would total 2.03 square miles, whereas, if the eight equity dispensaries had a buffer of 1,000 feet around their business, it would only collectively take up 0.9 square miles. Therefore, an additional 1.1 square miles would be taken up from the Green Zone with an increase of the buffer by 500 square feet. Although there are variables that could affect this calculation, such as where the existing 32 dispensaries and each of the eight new dispensaries will end up locating, an increase to the buffer would further reduce the area where an equity business could locate.

In addition to reducing the land area on which equity dispensaries could locate, a 1,500 foot buffer also imposes a more restrictive condition on equity applicants than what was imposed on the initial 32 cannabis dispensaries, none of whom are owned by equity applicants. Most of the existing 32 cannabis dispensaries have been able to operate from ideal locations for years, while equity dispensaries are trying to find facilities that are compliant with all buffers and zoning, as well as finding locations where property owners agree to rent or lease their space at a fair market value, if at all.

Lastly, staff performed outreach to existing cannabis dispensary owners and equity applicants to understand if a 1,500 foot buffer would be beneficial in reducing overconcentration. Although it was acknowledged that it would increase the distance between dispensaries, many of the business owners and equity applicants indicated that it would be in their best interest to find properties that are further than 1,500 feet away from each other to reduce competition; therefore, they did not believe a more restrictive buffer was necessary. In conclusion, increasing the buffer between dispensaries would further perpetuate the existing barriers equity applicants face in finding viable properties and is not recommended at this time.

Grant Funding for Cannabis Staff

During staff's presentation at the October 12, 2021 meeting, staff stated that two additional full-time employees (FTEs) would be needed, one in the Office of Cannabis Oversight (OCO) in the City Manager Department and one in the Business License Division in the Financial Management Department to implement the City Council's cannabis initiatives, such as shared-use manufacturing, delivery, and equity dispensaries, as well as the ongoing programmatic updates needed in the cannabis program. At the time, the only funding source available for these resources would be an increase to the cannabis business tax on retailers. In response, the City Council requested that staff look to grant funding as a first option to support the

cannabis staffing request. Fortunately, staff was able to apply for and be awarded grant funds to bring on the necessary staff to support the cannabis program through March 2025.

At its [meeting on January 18, 2022](#), the City Council approved the Local Jurisdiction Assistance Grant provided by the Department of Cannabis Control through March 2025. This grant will support 11 positions (existing and new) in multiple City departments, including City Manager, Development Services, Financial Management, Economic Development, Fire, and Health and Human Services.

In addition, at its [meeting on March 8, 2022](#), the City Council approved a Cannabis Equity Grant (CEG) provided by the Governor's Office of Business and Economic Development (GO Biz) to support a Community Program Specialist in the Economic Development Department through October 2023. This position will be responsible for supporting the Cannabis Social Equity Program, including but not limited to, developing and coordinating direct technical assistance activities, verifying equity applicants, and administering grants to equity applicants. It is anticipated that CEG grants will continue to be available on an annual basis for future years.

With the additional grant funding, staff is no longer requesting resources for additional staff to support the cannabis program at this time; however, as the cannabis program continues to expand, there will likely be additional resources necessary to sustain the program in future years once these grant funds are exhausted.

Equity Dispensary RFP Criteria Community Engagement

At its meeting on October 12, 2021, the City Council authorized \$50,000 to hire consultants to solicit input and feedback from the equity community on the eligibility and evaluation criteria for Request for Proposals (RFP) process to select the eight equity dispensary operators. However, due to the time it would take to competitively solicit a consultant, staff decided to conduct the community outreach in-house through in-person workshops and meetings, and an online survey.

On December 16, 2021, OCO staff hosted an in-person Equity Dispensary Request for Proposals (RFP) Criteria Workshop to gain valuable insights on questions related to the eligibility and evaluation criteria of the RFP. Topics of discussion included using a points system or full discretionary model to score applications, eligibility requirements that illustrate an equity applicant's experience with the War on Drugs in Long Beach, business plan requirements to determine an equity applicant's "fitness" to operate a dispensary, and knowledge and understanding of the cannabis industry as well as local, state, and federal regulations. In addition to the interactive workshop, a short survey was distributed to verified equity applicants in the Cannabis Equity Program asking them to provide feedback on the topics that were discussed in the in-person workshop. A detailed summary of the survey responses can be found attached to this memorandum.

On March 17, 2022, OCO staff hosted an Equity Town Hall meeting to provide updates on the Equity Program and important information regarding the Equity Dispensary RFP process.

Cannabis Equity Delivery and Dispensary Update

April 26, 2022

Page 4 of 4

Approximately 40 people attended the meeting, with the majority being equity applicants, who provided feedback on the RFP selection process and timing. Using the information provided by equity applicants through this community engagement, staff is developing eligibility and evaluation criteria for the RFP that is consistent with community's priorities and ensures that the City is selecting eight equity applicants that have a high likelihood of success at opening and operating a cannabis dispensary in Long Beach.

Next Steps

Staff has been working diligently on preparing the ordinances for the equity delivery business type and the eight additional equity dispensaries. Staff will be presenting the equity dispensary ordinance to the City Council on May 10, 2022 prior to the equity delivery ordinance, which will be presented at a later date. The delivery business type requires new land use regulations; therefore, the proposed zoning regulations will be presented to the Planning Commission in June 2022 and the delivery business ordinance will be presented to the City Council shortly thereafter.

If you have any questions, please contact Emily Armstrong, Cannabis Program Manager, at (562) 570-6406 or Emily.Armstrong@longbeach.gov.

ATTACHMENT – EQUITY DISPENSARY APPLICATION CRITERIA FEEDBACK SURVEY RESULTS

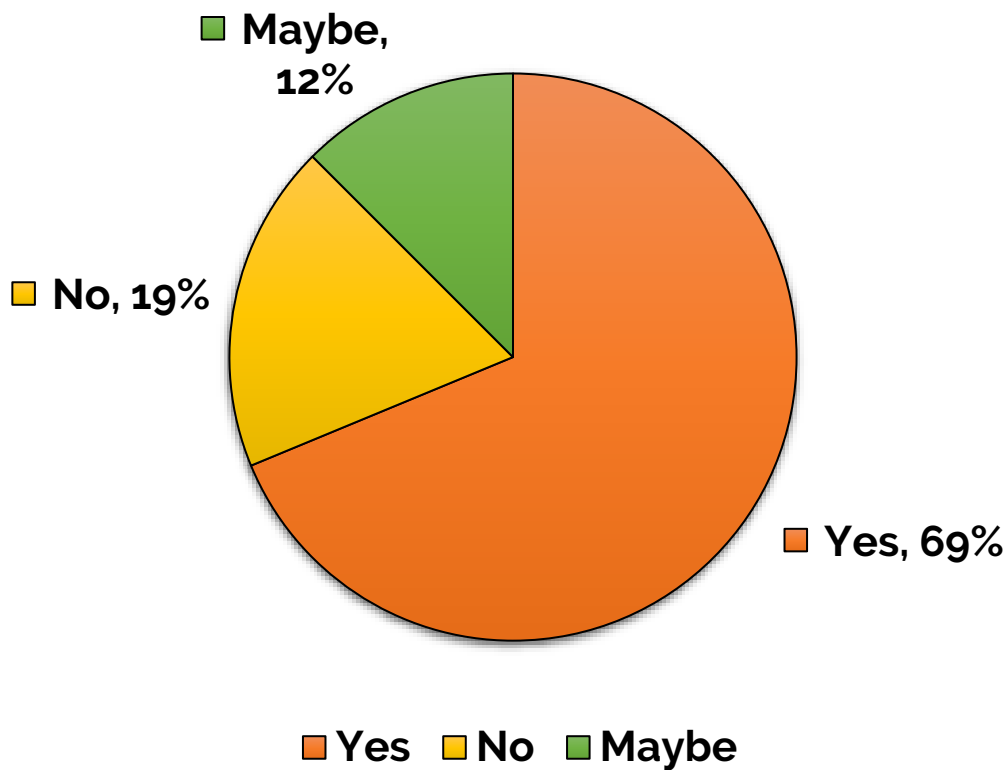
CC: CHARLES PARKIN, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
APRIL WALKER, ADMINISTRATIVE DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK
DEPARTMENT HEADS

Equity Dispensary Application Criteria Feedback Survey Results

General Questions

1. Should an equity applicant currently live in Long Beach to be eligible for a dispensary license?

Note: There are verified equity applicants in the program that are not current Long Beach residents.



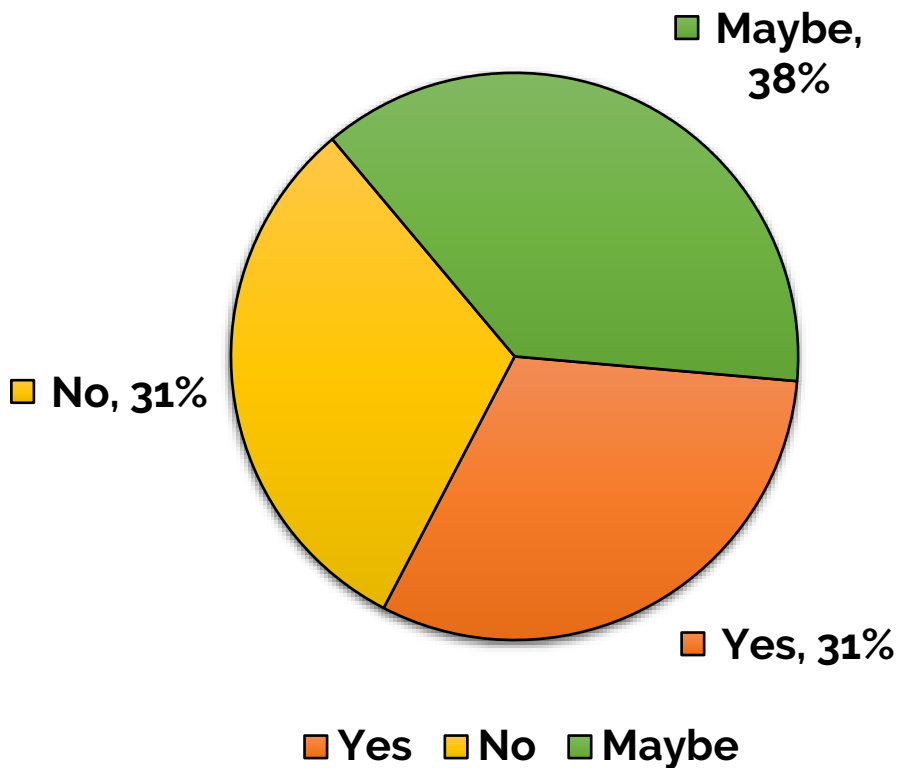
2. Please briefly explain your response to Question #1.

1	Because Long Beach is the City that is attempting to increase equity participation, Long Beach residents should be given priority.
2	The goal of the social equity program should be to give back to the disadvantaged and biased regardless of their current demographics as long as they meet the criteria to be qualified
3	I believe the priority should be given to a social equity applicant that actually lives in the city of Long Beach because it shows pride and dedication to the city of Long Beach.
4	The applicant should be a Long Beach resident to benefit city
5	I do not believe the equity applicant should live in Long Beach because, many prior residents that love and lived in Long Beach for numerous year have had to move because of work or unfortunate circumstances like cost of living for example.
6	If they moved for financial hardship then should be considered
7	The purpose of the Equity program is to help minorities who have been treated unfairly or incarcerated or arrested due to the (marijuana) war on drugs, unemployed and live in the city of Long Beach CA.
8	I live in Long Beach however I know someone in program who was shot & effected by the war on crimes. This person chose to get out of Long Beach after they were affected so harshly in this city. Why should they be disqualified? The council and OCO should consider these things.
9	Residency, or the preference for residents, should be treated as a different topic. The War On Drugs had an impact on far too many people to limit this opportunity to just LB residents. Additionally, some of the best applicants in terms of job and revenue creation for the city, may not happen to be residents and the city will sacrifice results.
10	Equity applicants should be residents who are familiar with the community Ave have long standing ties. It's important that the city give opportunities to those who live and spend in the city of Long Beach and keep the taxes along with the economic impact (dollars) recirculating in Long Beach
11	I do not know the legal ramifications. No matter what, applicants are going to find someone.
12	Supports local community members
13	The Dispensary licensee will have direct interaction with the consumer and the community. As such, a person who resides in the community will probably have a greater stake in and better understanding of the communities needs and the positive impact that a retail store can have on the Long Beach community (e.g., job creation for local residents), The other licenses (e.g., manufacturing, cultivation, distribution) are not directly accessed by the community and my guess is that they operated in anonymity and without community interaction. Those equity applicants who live outside of Long Beach should apply for those licenses.
14	To be able to build the Community they reside in and have vested interest in the success of not only the location, but the community that surrounds the location.
15	They are verified applicants who may have been displaced due to Covid/Evictions etc. We have to be mindful it's a pandemic. They should be in surrounding areas at lease Los Angeles County.
16	If you want to have equity and inclusion you should begin with the residents who "reside" within the city of Long Beach.

17	I worry that vulturous investors could come in if we expand the licenses to outside of Long Beach. There is enough demand from people who have already started the City's equity program that they should have first priority over the licenses.
18	This will help LB residents own business in their city which something that could benefit all because they're already part of the community and probably want to see it thrive rather than coming in and mining it for resources and then leaving at the end of it.
19	The applicant should be a resident because we as equity applicants can't go to any other city to open a business with this program and they are a lot of investors with money that can over power us and it would be nice to have a business in our city that some of us have lived our entire lives.
20	I believe the residents of Long Beach should only be able to participant in this process, because LA City and LA County had the opportunity to apply for these funds for their residents to participant in an Equity Program. I believe residents will support their own.
21	The equity program is about reinvestment in the community one lives. The city should be helping it's own residents who have ties to the community and truly care about the future of Long Beach.
22	This is the Long Beach Equity Program. Therefore the only equity applicants who are proven 3+ year city residents should have access to this city-specific program. I'm shocked that this is even a question and that the City is currently giving resources away to non-residents as equity program participants. That's ridiculous.
23	It's was already hard for equity applicants to get the license but being pushed out by a an applicant that's not apart of the community isn't fair either
24	It's the Long Beach equity program. I believe that bans alone expresses exclusivity to Long Beach residence. Also, there are already hundreds of Long Beach applicants who might be pushed to the side if others bombard and already saturated process.
25	Yes, applicants who live in Long Beach show their commitment by living in the city. Through this commitment individuals who live in the city will recycle or reinvest the dollar back into the community. Recycling the dollar in the city is important for the local economy. For this reason and more it is important for the social equity applicant to not only have been raised in the community but for also the applicant to have remained productive members of the Long Beach community. For example, I went to elementary, middle school and high school in Long Beach. completed my undergraduate degree and my graduate degree and maintain my residence in the Long Beach. I have invested in the community for most of life; I need the community to reinvest back into me to create a preputial cycle. Also, applicants that have not live in the city will just come back to benefit without putting any of the work.
26	Yes, applicants who live in Long Beach show their commitment by living in the city. Through this commitment individuals who live in the city will recycle or reinvest the dollar back into the community. Recycling the dollar in the city is important for the local economy. For this reason and more it is important for the social equity applicant to not only have been raised in the community but for also the applicant to have remained productive members of the Long Beach community. For example, I went to elementary, middle school and high school in Long Beach. completed my undergraduate degree and my graduate degree and maintain my residence in the Long Beach. I have invested in the community for most of life; I need the community to reinvest back into me to create a preputial cycle.

27	1) How are there qualified equity applicants not in the city? 2) How would the parameters be defined - Where do you draw the line? One of the purposes of the social equity plan is community reinvestment, rewarding those with ongoing ties to the neighborhoods they reside in.
28	They have ties to the city/neighborhood and that is a reason to reward them. They will give back to long beach
29	Social equity is about ties to the city and should be required to live there
30	If we have lived In Long beach is all that matters. As long as we can visit Long Beach when needed should be fine.
31	This is our community of course it should only be for Long Beach residents. Also the license should not have any corporations as partners. The license should be 100% equity owned with no chance to be bought out by corporations.
32	Equity candidates should be anyone who meets criteria geography of residence isn't necessary. We want the best candidates

3. Should an applicant applying for a dispensary license have previous cannabis business experience?



4. Please briefly explain your answer to Question #3 below, including what types of cannabis experience

1	The ultimate goal is to have successful equity run businesses. There is no greater indicator of success in running a dispensary than having operated a dispensary. You cannot learn on the job.
2	It's beneficial to all parties involved that the social equity applicants are valued and are able to contribute, best way to show this is to have a track record.
3	The applicant should have some knowledge and/or a team that has significant knowledge.
4	This will prevent individuals with extensive experience in outside industries with more than enough experience from doing business
5	I do not believe an applicant should have cannabis business experience when applying for a dispensary license because, a great business starts with trial and error and if the equity applicant can't provide the proper work ethic in running the business grass roots and with help of the city then the applicant has to make the choice of continuing to work hard or pass the license to the next applicant.
6	A degree, business, or real estate license shows discipline
7	What kind of experience? Selling marijuana? Making topicals and giving them to family and relatives. Legally growing 6 plants in my house or yard? How do you prove this stuff? So my answer is no.
8	Cannabis Businesses are already hard enough to open. A dispensary requires the most capital & experience to open. Anyone interested in a dispensary would already have the ambition to be in the industry as a operator, owner or employee. To ensure success we should have require the applicant has previous cannabis experience.
9	Retail cannabis is far tough competitive and complicated to trust one of these permits to a group with no understanding as to what they are getting into.
10	I think cannabis experience should be preferred but not necessary. Not all social Equity applicants have had any opportunities to be a part of the cannabis community for various reasons including financial disadvantages shopping with criminal convictions which I'd the point of the social Equity program
11	Why would you punish people who obeyed the law.
12	Plenty of resources available to obtain compliance knowledge, open door for new SEP owners.
13	I think that basic knowledge of the industry should be demonstrated. That could take the form of cannabis classes, self-study, mentorship, etc. I do not think that the licensee necessarily has to have worked in a dispensary prior to ownership.
14	Having had licenses previously, or partook in the "black market" prior to the introduction of the licensing process.
15	Most applicants have street credits selling cannabis the applicants should have some business background. They should know the fundamentals of accounting. This is key to running a business and some management skills. Or at least enrolled in a program to advance themselves.
16	The applicant should have prior cannabis experience to include managing a cannabis facility.
17	Not necessarily, as the City seems to have a pretty good infrastructure to support applicants through the licensing/regulatory process. I would almost prefer people

	not have a lot of cannabis experience, as the whole point of the program is to give licenses to those who have been reaped of the opportunity to start their own cannabis business. However, I think this mostly applies to storefronts. People with experience in manufacturing or cultivation should be of higher preference, whether their experience was legal or not.
18	Allowing residents who are interested in getting started in the cannabis business opens it to all rather than a privileged few.
19	The applicant should not have to have cannabis experience because this is a hard industry to get into and not everyone is fortunate to have been in the industry due to having to survive in our normal life's.
20	The individuals that first signed up for this program had to have an infraction with the City of Long Beach. I believe credit should be given for both cannabis and retail experience. If you know marketing, retail, inventory and hiring staff. This skills qualify to operate a retail business (dispensary)
21	I think the most important criteria is for the applicant to have a willingness to succeed and learn about the industry. It would be more helpful if the the applicant had general business knowledge or experience. Specific cannabis experience would be a bonus, but not vital to success. It can be learned on the job and through relationships, partners, staff and vendors.
22	These eight licenses will have significant value due to the high probability of reaching profitability more quickly than any other cannabis business. I think it's essential that the candidates have at least some knowledge of the industry and understand the requirements. I also think it's good to test applicants' understanding of the legal cannabis industry.
23	Historically low income POC business owners have been discriminated against maintaining such licenses. Making it a requirement with further damage and distance true equity applicants who weren't able to secure those licenses in the past.
24	For this initial round it is important for the applicant to have a basic understanding of the cannabis industry. It has been about 5 years and ample opportunity to enter the cannabis industry as at least a worker. It is essential for an applicant to have previous cannabis business experience because it is imperative that the applicant shows proof of knowledge and ability to operate a successful cannabis business. Experience in cannabis allows for applicants who have already created contacts and meaningful relationships that can benefit the cannabis business and ensure greater likelihood of success. This knowledge can only be gained from prior experience in the cannabis industry. Experience an include receiving Metrc transfers, creating purchase orders, placing orders, understanding compliance?
25	For this initial round it is important for the applicant to have a basic understanding of the cannabis industry. It has been about 5 years and ample opportunity to enter the cannabis industry as at least a worker. It is essential for an applicant to have previous cannabis business experience because it is imperative that the applicant shows proof of knowledge and ability to operate a successful cannabis business. Experience in cannabis allows for applicants who have already created contacts and meaningful relationships that can benefit the cannabis business and ensure greater likelihood of success. This knowledge can only be gained from prior experience in the cannabis industry. Experience an include receiving Metrc transfers, creating purchase orders, placing orders, understanding compliance.
26	I think the most important criteria is a willingness to learn the correct way (legal way) to operate a business. Business experience is vital for success, not cannabis

	experience. Cannabis experience would be a bonus, but it can be gained through the partner/sponsor dispensary, hiring and continuing education through vendors and product research.
27	They need to understand the legal way to run a cannabis business. It's the only way they will succeed. A good partner is very important
28	They need to understand compliance to run a legal dispensary
29	Any type of cannabis experience should suffice. Not many industries have that requirement to become an owner why initiate that on equity applicants. Doesn't make any sense.
30	I think the applicants should have some cannabis knowledge.
31	This is the only way anyone in this business will be successful. Or a degree in botany and or business.

5. Is there any other professional experience an applicant should have to be eligible for a dispensary license?

1	Any applicant with advanced degrees or experience in operating a business should receive bonus points, again the point is to have success equity owned dispensaries.
2	Previous cannabis retail experience
3	Customer service should be sufficient.
4	Management experience
5	There is no really professional experience an applicant should have to be eligible for a dispensary license, other than having high integrity, honesty and a people person.
6	A degree or lic of some sort. Or own business that's proven success.
7	They should have a successful self-employment history. They must have the personality and a business acumen to foresee the inevitable change and adapt. Not everyone is cut out for self-employment. Some will make great cannabis industry employees but may not necessarily be equipped to sustain themselves as a business owner.
8	Any type of business owner, Military, Law Enforcement, Security, Law, Accounting, & College Degrees.
9	Experience with regulated substances, including cannabis, alcohol, pharm, especially those which limit customers by age etc... High value retail is good to.
10	Yes an applicant should have some professional experience or identify someone on their team who has the experience and submit their resume
11	Hard to pinpoint given the person is not "really" going to participate. They are just winning the lottery.
12	Again, no - SEP owners need no further barriers to entry including "professional experience." Numerous online assets available to train and learn.
13	The applicant should be familiar with at least the basic of business (e.g., marketing, human resources, operations). This can be documented through education, work experience, mentorship, etc.
14	Customer service... to be able to serve the people, correctly. Customer service whether, "professional" or just an overall care for the people.

15	Leadership skills is important treating employees with respect goes along way. Getting a certificate from LBCC in Cannabis business is a great start and it's only \$420. I'm attending in March and it's online.
16	Business management as well as accounting principles should be a requirement.
17	I think what's most important is that they have a good grasp of the industry as a whole. What marketing they plan to have, familiarity with what's popular in the industry, best practices and so on. It should be a balance between how they've been impacted by (low income, War on Drugs, closed out of other opportunities) and how the City evaluates their potential for success.
18	A ton of skill sets are transferable so no? Their professional experience should make sense but also there may be folks from other industries who are trying to pivot to this one which is fine
19	No as long as he or she is a qualified equity applicant and has love for the industry.
20	Successful Completion of the Cannabis Entrepreneurship Academy 8 week program or any other completion of a Cannabis Business Owner certificate program.
21	General business experience is important such as dealing with customers, vendors and employees. Safety/security and inventory control are important.
22	Most equity applicants won't have professional experience, but that shouldn't limit their opportunity at these licenses. Whatever experience applicants can provide is great, but it shouldn't make or break them.
23	I believe the applicants should have some knowledge or experience within the cannabis industry either in retail/delivery(as management or employee), cultivation or distribution. If not experience in the industry then they should have some type of educational background related to cannabis whether that be science, biology or health.
24	Yes, I believe at minimum an undergraduate degree is essential to prove their commitment to a long-term goal. Additional degrees beyond an undergraduate should be considered as an additional asset. Also, non-profit experience.
25	Yes, I believe at minimum an undergraduate degree is essential to prove their commitment to a long-term goal. Additional degrees beyond an undergraduate should be considered as an additional asset.
26	General business experience is important such as inventory control, compliance, directing staff, customer service.
27	Business experience, ability to work with staff, inventory experience
28	Customer service, HR, inventory, business experience
29	No
30	No
31	Some familiarity experience with product and business. It is very difficult to know what to buy, quality of products etc and also the many policies and procedures.

6. What types of information or documents should the City request from an applicant to demonstrate their plan for the business?

1	A viable business plan and/or model that shows 1) the applicant has experience in operating a dispensary, 2) economic and managerial resources necessary to operate a dispensary and 3) evidence the applicant is prepared to operate a dispensary.
2	Business plans that should include operating plans, staffing plans, community and neighborhood plans and security plans at minimum
3	A business plan and proposal.
4	Business plan Financial statement
5	The types of information or documents the city should request from the applicant to demonstrate their plan for the business is a rough sketch of the interior layout and rough estimate of gross yearly income.
6	None
7	A business plan, SOP's.
8	Previous Cannabis Experience, business plan, security plan, proof of funds.
9	Ignore product mix and how a dispensary is going to market itself, or educate consumers. That is all fluff. The City should want to see sales reports and bank deposits that support the claims of performance that the City should expect. You are picking a spouse, figure out who the candidate really is.
10	Business Plan, personal background, statement of how the war on drugs has impacted them etc
11	They are not going to do the business plan. All a business plan demonstrates is that they didn't start the application last minute.
12	Source and amount of capital intended for building department approvals and operations for first 180 days.
13	A solid business plan that includes addressing equity issues; not just for themselves and their family, but also how the license will be used to achieve equity for others impacted by the War on Drugs.
14	Their ideas in opening the Location, the purpose, and The Why. A thought out paragraph would suffice. Any mock up drawings as well as any ideas/plans to rebuild the community, service the community and help the community.
15	Business Plan, Resume, A letter stating why they believe they can run a dispensary. Prior or current business ownership will help. Understanding your Profit and Loss Statements, Balance Sheet, Employees Taxes, Business and Franchise Taxes.
16	A business plan, risk assessment (physical security, employee background checks, etc).
17	What kind of products they plan to sell and why, what their marketing will look like, how they plan to engage with the community, general schematics of what they want the aesthetic of the store to look like (without costly renderings, but with at least an understanding of how much it will cost to furnish a store and hire people). Where they plan to source their products from (preference over people who plan to integrate locally grown or manufactured products).
18	Business plan: budget, business entity, website, branding, etc
19	Why he or she would like to open a dispensary, and a ordinance of how they will run their buisness.

20	1) General business plan similar to the to the original medical dispensary applicants 2) Real Location with owner consent that fits buffers and zoning criteria 3) Experienced dispensary partner/sponsor that is in good standing with the city and up-to-date with compliance and paying taxes 4) Other parts of a business plan like financial projections, operating plan, security plan, marketing plan, legal and compliance
21	I think the city should work with outside business professionals on putting together an incredibly detailed questionnaire that provokes well-thought-out answers on every aspect of what owning and operating a cannabis dispensary will require and how they intend to do it. I realize this is essentially a business plan, but creating a standard template will help remove any bias toward someone who knows how to format their plan correctly. Hopefully, this will also limit some predatory practices of expensive attorneys, and cannabis consultants who I'm sure are licking their chops over this portion of the process.
22	Business plan
23	If they have some sort of business plan documents, those should be submitted or they can briefly explain in a written entry their experience, why they qualify and what they envision for the business.
24	Business plan Community plan
25	Business plan
26	1) General business plan 2) Location 3) Strong and experienced dispensary partner/sponsor, which has good standing with the city and state. 4) Other sections found in a business plan, such as Financial Projections, Operating Plan, Security Plan, Marketing Plan, Legal and Compliance
27	A certified location, business plan, who their partner is, that they can demonstrate they know how to operate a business. We dont want this to turn out like Oakland or Los Angeles where social equity has failed
28	Provide a certified location, business plan, experienced partner
29	Business plan only!
30	A business plan, did they attend the cannabis entrepreneurship Academy to gain the knowledge of what you need to run a dispensary, proper verification that they are a Long Beach resident.
31	Some type of proof I.e letter of recommendation from employer, business license, degree cert, paystub from employer in the business of cannabis.

7. Should an applicant have a certain level of training to be eligible for a dispensary license? Why or why not?

1	Again, unless an applicant has operated a dispensary or managed a dispensary the likelihood of success of the endeavor is dramatically decreased. allowing an applicant with no experience whereas an applicant with experience is also available would simply increase the likelihood of failure.
2	Yes but there's lack of standardization in this field to differentiate
3	The applicant should at minimum have completed some type of cannabis course just to understand the huge undertaking the business requires.
4	Yes, to allow successful outcomes

5	The applicant should do their part in educating them self on how to run a dispensary prior to apply. If the city provides "work shop" to help the applicants in training for a dispensary then that should also be part of the applicants duty to utilize the available resource.
6	Nono
7	Some certification would be helpful. You can't have people unequipped.
8	College degree should be an added ranking. Every dispensary applicant should be in a position to successfully open up. We want to set up people for success.
9	Absolutely. A lack of business acumen is fatal, not necessarily cannabis but retail is key. Just being rich enough to afford the start-up is not enough. A track record of hiring, training and customer service is paramount.
10	If you're going to do retail you should have some experience working in retail, the applicants shouldn't need it but they need to have a team member who has that experience
11	Associates degree. This is supposed to help people who are trying to help themselves, so some evidence would be ideal
12	Again, no - SEP owners need no further barriers to entry. Numerous online assets available to train and learn.
13	Again, I think the applicant should have some basic business knowledge. The should also have a plan in place for how they will address their gaps in knowledge. For example, if operations is not their strength, who will be hired to fill in that gap.
14	No, they shouldn't, as some would not have had the opportunity to be able to receive said training due to being incarcerated on cannabis charges. We do not want to leave out those who cannot meet certain criteria, though they are still considered SOCIAL EQUITY.
15	Yes prior or current business ownership/ LBCC Cannabis course which covers the history, cultivation,distribution, testing, delivery all license type. It's online due to Covid, it's once a week on zoom. Education is the key to understanding this fast pace business.
16	Yes, they should have training for a dispensary license. They should have knowledge of their responsibilities.
17	They should be able to prove by their plans that they have a grasp of what starting the business entails. The plan should vouch for their potential for success. Managerial experience or entrepreneurial experience to some degree would be good so they aren't going in completely blind.
18	Yes, if they're interested in this business it should only make sense that they've already taken certain steps to demonstrate how serious they are. The only concern here is privilege. Those who have more resources will probably be further along than those who don't and that's concerning because then it's not equitable.
19	No because we as equity applicants have not ran a dispensary before. An alternative would be to have a training at another location to see how the business is ran through out the day
20	See answers 4 & 5
21	I feel that the applicant should have general business experience and training, but a willingness to learn and ongoing education opportunities should be more important. The applicant should have a good dispensary partner/sponsor that understand the business. Ongoing trainings in general accounting, business, inventory control, compliance, marketing, HR and products.

22	I think that the eight chosen applicants should be required to complete a training course that consists of one shift at each licensed Long Beach dispensary. This will allow them to experience all the different methods of operating a cannabis retail business.
23	A class or advisor on the laws of a dispensary
24	Yes, I believe that they should have some sort of background in cannabis businesses themselves or some sort of education related to the botany of the plant in order to be able to teach people what they should and should not buy. If you have never worked in the cannabis industry in any shape or form, I believe it will be very hard for you to build a cannabis business from scratch because you don't know what the business should entail. You also won't be able to combat the issues that the current cannabis industry faces because you will not be aware of them.
25	Yes, training, experience, and management in the cannabis industry. Also, experience managing a non cannabis business can help.
26	Yes, training, experience, and management in the cannabis industry. Also, experience managing a non cannabis business can help. Plus, education and non profit experience
27	1) What type of training 2) General accounting, business, inventory control, compliance, marketing, HR, METRC, Products The applicant should have a willingness to learn coupled with a good dispensary partner/sponsor.
28	Accounting, inventory, HR, compliance
29	Training in inventory, compliance, HR
30	Yes the incubation period is crucial in understanding the business and getting the experience for those whom never worked In This industry
31	Yes they should have completed the cannabis entrepreneurship academy classes to gain the knowledge learn how to build a team and to have the people in place to assist in running a cannabis business.
32	1 year experience in any cannabis business.

8. Should equity applicants who have been in the Equity Program longer receive additional points/higher ranking for their application? Why or why not?

1	It is hard to see how participating in the Equity Program means that candidate is more qualified than another equity candidate.
2	Yeah they should be given recognition for having the right coordination and preparation to accomplish that
3	I don't believe that is necessary if priority is given to applicants that live in the city of Long Beach.
4	Yes, these candidates have been waiting on this type of license prior to newer applicants
5	Applicants who have been in the program longer should receive the same attention as new applicants if the criteria is met. So that the process of selecting the right person is equal.

6	No but equity applicants who have a track record of attendance, involvement, and input should .
7	Actively waiting, yes !! Idly waiting, absolutely not.
8	If you completed the course you should receive higher ranking. The longer applicants should be considered higher ranking after passing qualifications.
9	Can't imagine why. In fact, the City should now defer to the State's definition of a Social Equity applicant.
10	Definitely not, they should not get extra points just because they've signed up and then proceeded to do nothing for the last few years, the points should be based on who can actually get the dispensary up and running not how long you sat on the sidelines, help comes to those who help themselves
11	No. Why would we give preference? You are just handing the licenses to the big companies.
12	No - SEP eligibility is the determining factor, not first come first served given the time and effort required to complete and application.
13	No, I do not think that applicants who have been in the program longer should receive additional points or higher ranking. That gives people an unfair advantage based solely on when they applied for the program and that is not as important as having a solid business plan, which includes business experience and addresses equity issues.
14	Yes. As this process should've started with The List, and Applicant number 1. Since we are not, those who were enrolled in the Program, should receive a higher rank, or greater points.
15	Yes especially the people who show up for the Town Hall to sitting for 3 hours to speak for 3 mins. The people who you know by name who is constantly fighting to push forward these people like me Jillian have passion and a mission to save the youths from tbd streets.
16	I don't know what the requirements are to be in the equity program but I would highly consider everyone be treated fairly. Set the standards first and then apply ALL of the applicants to the set criteria.
17	To some extent yes, but I'm more concerned with the business's potential for success and a thorough business plan. (Ability to adapt to changing market factors, watching new regulations at the state level and contingency plans for if something goes awry.) There are plenty of people who didn't know the equity program didn't exist in the beginning, and they shouldn't be discounted if they seem promising.
18	Not sure tbh.
19	I believe we should have interviews in person to gain those points and higher rankings so they can hear some of our ideas not everyone is good at expressing them selfs in groups or paper.
20	Yes, because I have being searching for property and participating in all workshops and training provided by the City in order to advance my education and knowledge of operating a business.
21	No. The best applicant should be able to advance, regardless of when they signed up, as long as they meet the criteria. The process should be transparent and the timing of the application should not be treated as a qualitative factor.
22	The time spent in the program alone shouldn't impact points whatsoever. Conversely, what each applicant has accomplished within their time in the program should be used in the scoring process.
23	No, longer doesn't not mean more qualified

24	Yes. I believe the time when you became an applicant should matter because if you've been working at this for years, that time should be honored. New applicants should not be moved to the top of the pile or placed before previous years' applicants, unless that previous applicant was contacted, offered the same opportunities or grants first and they declined.
25	Yes, length and also attempts within that time to enter the cannabis industry. It is not simply just about waiting around but also about having the discipline, perseverance and tenacity to try to enter the cannabis industry in one way or another. Using the limited resources made available to try to make "something out of nothing".
26	Yes, length and also attempts within that time to enter the cannabis industry. It is not simply just about waiting around but also about having the discipline, perseverance and tenacity to try to enter the cannabis industry in one way or another. Using the limited resources made available to try to make "something out of nothing".
27	This is a huge one... No, this should be a transparent & fair process with the BEST applicant being able to advance. In order for the program to be a success, the best applicants should move forward regardless of the place in line.
28	No, applicants should move forward based on how good their application is and how good their partner is.
29	no, this needs to be a transparent process. That seems biased
30	No! Maybe they found out about the program after others. Maybe they needed more time to gather the proper paperwork to apply.
31	Yes they should because they have been waiting for the license to become available for a long time and have also paid there dues.
32	No irrelevant to success - experience, education or alliance with partners that have experience

9. What types of questions should be asked in the application to determine an applicant's fitness to operate a dispensary?

1	Have you operated a successful business previously, 2. Have you operated a dispensary, 3. have you managed a dispensary, 4. have you owned a dispensary, 5. Have you worked in cannabis, 6. do you have resources within the cannabis industry who will provide insight/guidance.
2	Previous operating experience, future plans for operation and the community, safety and security plan
3	I'm not really sure but I believe a persons "why" they want to be in the business is an important question.
4	Professional experience Third parties that will be involved Financial viability Operational plan
5	A question for the applicant to help determine weather the applicant fitness is appropriate to operate a dispensary is the following. Has the applicant held a job for more than three years with one company? And show proof.
6	Why should we choose you - and let them tell you.

7	Do you have business experience? Do you have any life achievements? Do you have a college degree ?
8	Proof of owning and operating a dispensary is best, and only licensed ones for over a couple years really proves anything, but also owning and operating fast paced retail could be granted preference. It's nice to believe that anyone that tries hard or has money can be successful, but that's a fairy tale. There are hundreds of people who have earned the right to apply for CUPs and licenses, who have not yet and may never open their stores.
9	This should be based on the team they put together, the quality of the the people they have to help run this business and their experiences as well
10	Ask them about what percentage of the business do they think employee costs will be? What is cost of goods sold? What is gross margin? What is net margin?
11	Plan for type and use of consultants to include, book keeping, taxes and METRC reporting.
12	1. What is your LONG-TERM plan for this business? 2. How what your background in business? 3. How will you address 4. What support network have you created to assist in establishing and maintaining the business (e.g., business mentors, community support, etc.)?
13	Please see previous answers.
14	Have they established a LLC, Business Plan and have they ever been in business.
15	Management skills, customer service and accounting questions.
16	Do you have a contingency plan in case regulatory changes impact part of your business? What kind of things can prove you have a track record of success, or show your promise in running a dispensary? Do you have funding? Do you have enough funding to cushion you in the case of another pandemic (or disaster of any sort)?
17	What their business plan is? How they plan to support the community? Etc.
18	Why would they like to open a business in Long Beach. Why do they believe these business are good for the community What benefits do people have with having a dispensary in their neighborhood What are their plans once their business is running.
19	What my WHY?
20	1) Who is the partner? 2) Where is the Location? 3) How does your Business Plan look? 4) What is your Past Experience? 5) What is your Job Experience? 6) Are you committed to active daily and long term participation in the operation of the business?
21	This brings me back to a standardized, in-depth business plan questionnaire. There's no guarantee that any of these dispensaries will be a success. Still, if you stack the process with obstacles that will ultimately help the dispensary winners succeed in their business, that's the best you can do. To clarify, I mean making this application process a commitment and seeing who has the grit to get through it and shine. If this process is over the top thorough and thought-provoking, I think the cream will rise to the top.
22	Do you have experience in the cannabis industry? Are you able to decipher different strains and variations of cannabis? Are you familiar with the current city and county cannabis tax percentages? What are the current legal operating hours for a cannabis business in the city of Long Beach? Do you have experience in any form of retail business? Do you have any experience in management or any other forms of leadership?
23	What kind of cannabis experience do you have? How long have you lived in the city? What is your motivation to operate a cannabis business? Have you managed any

	business? How long have you lived in the city? Outside of ownership what is your experience in the cannabis industry? How much management experience do you have? Non cannabis related. Can you fill out your own state cannabis application? Or will you hire a cannabis consultant? Do you understand how the state tracks from seed to sale? What compliance issues are you worrying about encountering? What plans do you have to remain compliant and not lose your license?
24	What kind of cannabis experience do you have? How long have you lived in the city? What is your motivation to operate a cannabis business? Have you managed any business? How long have you lived in the city? Outside of ownership what is your experience in the cannabis industry? How much management experience do you have? Non cannabis related. Can you fill out your own state cannabis application? Or will you hire a cannabis consultant? Do you understand how the state tracks from seed to sale? What compliance issues are you worrying about encountering? What plans do you have to remain compliant and not lose your license? Compliance and METRC related questions.
25	1) Who the partner is 2) Location 3) Business Plan 4) Past Experience 5) Job Experience
26	Who the partner is, their business plan, the location, past experience
27	Who is the partner, location, past job experience
28	What's your business plan? How sustainable is your business and have you been networking with people in the industry to understand the process?
29	Are you a Long Beach resident? Have you completed the entrepreneurship academy program? Are you involved in the community? Do you have any entrepreneurship experience? Do you have the hustle and drive and are you willing to go above and beyond to get the job done? Can you resource?
30	How many years Experience do you have in the legal cannabis business? What business experience education do you have?
31	1. Have you operated a successful business previously, 2. Have you operated a dispensary, 3. have you managed a dispensary, 4. have you owned a dispensary, 5. Have you worked in cannabis, 6. do you have resources within the cannabis industry who will provide insight/guidance.
32	Previous operating experience, future plans for operation and the community, safety and security plan

Application Topics/Categories

The dispensary application will contain categories that cover an applicant's personal and professional experience as well as their plans for operating a dispensary.

10. Please rank the following categories for the application in order of importance.

■ 1st Choice ■ 2nd Choice ■ 3rd Choice ■ 4th Choice ■ 5th Choice

Business Plan



Cannabis Experience



Training and Education



Community Reinvestment Plan/Ties to the Community



Personal Impact from the War on Drugs



11. Is there any other topic that should be covered in the application that is not included on this list?

- *Personal Impact from the War on Drugs*
- *Cannabis Experience*
- *Other Professional Business Experience*
- *Training and Education*
- *Business Plan*
- *Community Reinvestment Plan/Ties to the Community*

1	Have you succeeded in other ventures.
2	The listed topics seem to cover a broad range and the most important topics.
3	Legal risk reduction
4	No
5	Have you ever been self-employed ? This is not a 9 to 5pm. Are you cut out for this ?
6	College education should really be more emphasized here. The city should care if the applicant is educated & ready to operate a business.
7	Location and fit within the Community - Cities never value this but has the largest impact. The jobs, taxes and contributions are not possible if the city wastes a permit on a tiny shop with no parking. You need superstores with parking who are also not going to impact the community. You're better off turning a warehouse into a destination dispensary than many of the shops that you'll find people can afford.
8	nope
9	Verified source of capital
10	No.
11	Why do you want to own a dispensary in The City of Long Beach?
12	Understanding the fundamental principles of accounting
13	Why would they like to open a dispensary in Long Beach and why do they believe cannabis is a benefit to ones health and the community.
14	n/a
15	Where is your location? Who is your dispensary business partner/sponsor?
16	This industry is highly challenging, and participants need to have a solid and creative mindset to compete. Given this, I'd consider adding some outside-of-the-box critical thinking exercises to the equation. If there's anything, you can do to get more real answers from the applicants and not their attorneys, the better. Those attorneys won't be in the trenches with them during day-to-day operations.
17	No
18	Did the applicants attend the 1st entrepreneur cannabis academy in Long Beach?
19	Did the applicant attend the 1st cannabis entrepreneur academy in Long Beach?
20	Location and partner
21	Who is the business partner and location
22	Impact on those who are stalled in This program
23	No
a24	Make it simple

Application Scoring Method

Equity applicants will be submitting an application/proposal where they will be answering open ended questions and can also provide additional documentation/backup to show their fitness to become a cannabis business owner.

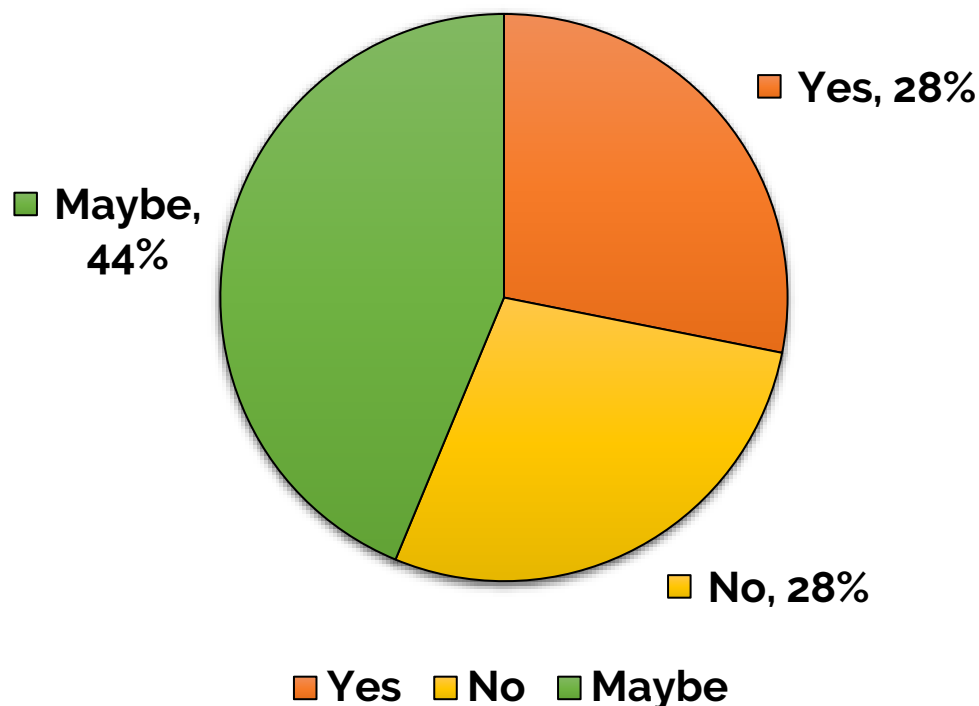
Questions on the application may include:

- *What is your prior experience in the cannabis industry?*
- *How were you personally impacted by the War on Drugs in Long Beach?*
- *Why do you want to own a cannabis dispensary?*

Please keep this information in mind as you answer the questions below.

12. Should applications be scored using a point system?

A point system means that each question is allocated a certain number of points, the points are then totaled, and those applicants with the highest points are selected and/or eligible to move on in the application process.



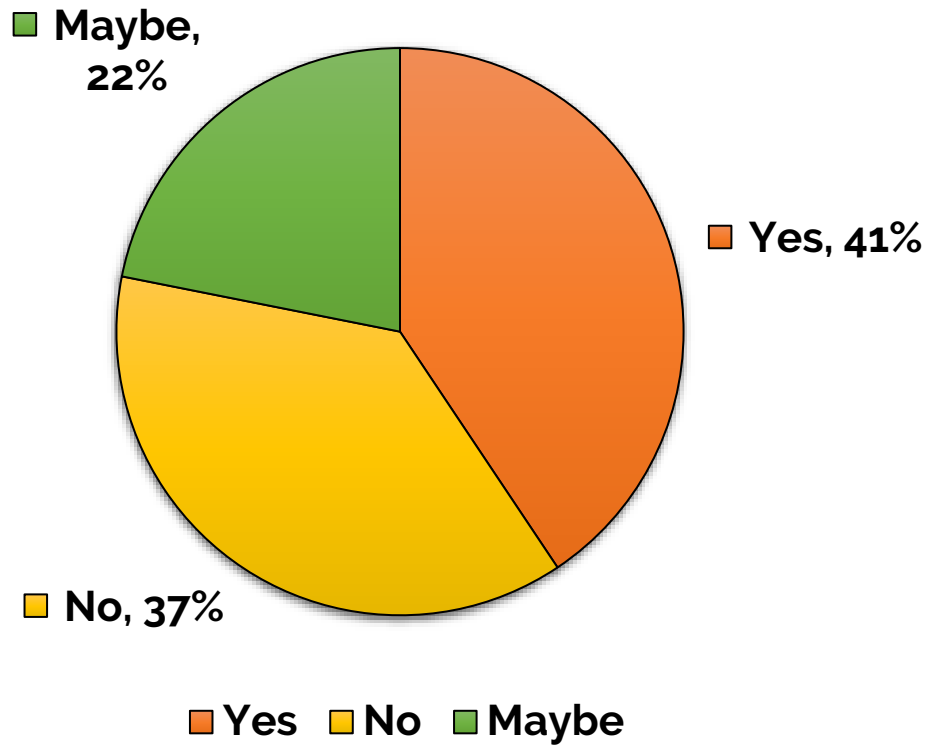
13. Please explain your response to Question #12.

1	The issue is can you operate a dispensary successfully. The highest scoring applicants are more likely to succeed.
2	Point system is the best merit based system that measures quantitatively
3	Whatever system chosen to decide an applicants eligibility doesn't matter to me as long as it's fair. A point system may make it difficult because there could be a lot of applicants that score the same and that means there would need to be another system in place to determine a process of elimination. I honestly believe that the decision should be based on the goals the applicant has for their consumers and how it benefits the city of Long Beach using a voting system.
4	This will allow for awards to be somewhat impartial
5	In the case of the point system, if it is held to the standards of answering questions, some applicants might have trouble in answering questions but it is a good idea.
6	I'm really not sure. I honestly think you have to meet the individual and determine whether or not they are an entrepreneur.
7	Yes ! Within the program of verified social equity applicants you should rank them in order to award these permits fair & square! Rankings of importance include: Cannabis Experience Business Owner Experience College Education Life Awards & Achievements Letters of Recommendation
8	If it is not objective, yes or no, all you'll get are lawsuits and fraud. These questions are going to kill the process and get no one open. Needless to say, you won't find a source to grade them that is above reproach or at least the allegations of bribery. Plenty of cities have learned this the hard way.
9	Should a person gain more points for going to jail and having a drug conviction over the person who went to college and did things the "right way" ? How do you place value over one person's experience over another? Others might gain points for having professional experience that someone else didn't have, which one is of more points value the person at disadvantage or the person who may be more qualified to succeed based on experience?
10	Points work if there is a lottery.
11	Lottery is the fairest method of awarding licenses. City must determine minimum requirements for the applicants.
12	This may be a fair option, if each category has equal weight and uses a rubric. Perhaps 0 (Insufficient or Missing Answer) to 5 (Exceptional Answer). Again, this is why I do not think that length in the time in the program should be considered. How do you score or weigh that?
13	Depends on who is "grading" these papers, and if their opinion should be the deciding factor on someone else's answers.
14	It all depends I feel it should be on the applicants ability to run a business. Anyone can someone to answer those questions perfectly.
15	It depends on how many will be scoring the application. If it is a panel of 2-3 or more then yes this will be a good system. If it is only 1 person then I say a scoring system will not be good.
16	For the most part yes, but outliers with great promise should also be given a chance. (Give the underdogs a chance, but with cautious optimism. The second portion of the process will weed out anyone who's not suitable for a license.)
17	This scoring appears like it has potential to reduce bias

18	Because some people's writings will be better than other because some have better ways of explaining them selfs that others and someone could have a better idea or proposals but not know how to express their thoughts.
19	What happens if you have more than 8 applications that scores high point in the process, what would be the next steps to decide who would get awarded the dispensary?
20	There needs to be an objective and systematic way to rank the applicants. A point system is inherently biased and subjective if left up to the reviewer.
21	I'm not necessarily opposed to point-scoring. However, the first round of more generic qualifiers should be a pass/fail format.
22	If the point system is fare, unbiased and does not necessarily exclude everyone but creates a range of points for people to fall under. Ex. Scoring anywhere between 85-100 is acceptable rather than just only applicants that score a perfect 100. Because no one is perfect, but plenty are capable.
23	Yes, because it ensures the most qualified applicant based on set criteria. A point system brings value to the human experience and removes it from being a luck based decision. A point system allows each potential applicant to be evaluated and fairly compared based on criteria that ensures the greatest likelihood of success. Also, the point system provides an actual guideline and what criteria need to be met
24	Yes, it ensures the most qualified applicant based on set criteria. A point system brings value to the human experience and removes it from being a luck based decision. A point system allows each potential applicant to be evaluated and fairly compared based on criteria that ensures the greatest likelihood of success. Also, the point system provides an actual guideline and what criteria need to be met
25	There needs to be a systematic way to rank the applicants to move through the process by removing subjectivity.
26	Dont leave it open to biased opinions. Needs to be mathematically earned
27	We need to remove subjectivity and biased opinions.
28	Just depends on the situation.
29	I don't think you should be judged on your past or your experience in legal cannabis. I think you should be judged on your work ethic and how you are going to impact the industry and your community.
30	If they meet x they get the max points don't make it difficult or subject to human guessing. If x they get the points keep it simple.

14. Should applications be scored using a pass/fail model?

A pass/fail model means that the reviewer will read the entire application before determining if the applicant meets the criteria and should move forward in the application process.



15. Please explain your response to question #14.

1	If a candidate cannot put forth sufficient criteria to show minimal qualifications, allowing to move forward doesn't make sense.
2	It's only qualitative hard to rank
3	I believe every applicant's application should be reviewed and voted on by a committee.
4	This will eliminate businesses that may be fully capable of creating a profitable dispensary
5	Yes because it will make the process go smoothly.
6	Is it really pass or fail? Or, is it you're not ready but we believe you will make a great employee. And, maybe put them on a priority list to be interviewed as an employee and put on a waiting list to be re-interviewed if any Equity Applicant business fails.
7	The ranking system will eliminate the lower qualified candidates either way. No need to "fail" anyone.
8	Only way, but make the bar low and objective.
9	Ultimately there has to be a subjective decision based on basic criteria this will be a case of have and have not...
10	Pass fail is better than points.
11	Supports the lottery model.
12	Maybe, if this is used in "Round One" to weed out a poor quality application and/or one that has insufficient information or the applicant lives outside of the city. Then those applicants who "pass" would advance to "Round Two" which would be the scoring system method.
13	refer to answer prior, as well as some applications should automatically fail depending on WHY they want to have a dispensary, and if they have an investor tied to their application who would then want complete control. No more predatory practices or using of Applicants to acquire more cannabis businesses.
14	Reading the entire application is fair
15	It depends if there will be more than one reviewer scoring the application.
16	This would allow implicit bias by reviewer
17	Some reviewers might think different than another reviewer. To one person it could be good to another person it could be the worse in their mind
18	How will the pass/fail work would the determination be it sound good, looks good. What would be the criteria for the the pass/fail this could be very bias.
19	The application process needs to be transparent and objective and not succumb to any biases of the reviewer. There should be no potential for outside influence. The applicants that meet the criteria should move forward and enter a lottery.
20	I think doing a pass/fail qualifying round will give more eligible candidates a fair opportunity to show their stuff during the more in-depth rounds of the process.
21	Criteria should definitely be provided before applications open
22	This would be traumatizing and ostracize an already underserved group. To present only one way to "pass" as a business owner is also false and misleading. It would be better presented to the applicants in a scoring range format rather than just a flat pass or fail.
23	Pass fail provided no guideline and will not provide a reason why.
24	Pass fail provided no guideline and will not provide a reason why.

25	The application process needs to be transparent and objective and not succumb to any biases of the reviewer. There should be no potential for outside influence. The applicants that meet the criteria should move forward and enter a lottery. Similar to the original selection
26	This needs to be transparent, no outside influence.
27	We need to remove outside influence, once the points are tallied then a lottery
28	No need to set up more obstacles
29	That method allows one person to dictate who they believe will be acceptable.
30	If they get all the points they qualify less lawsuits less corruption exists this way.

16. Is there a different method of application scoring that was not previously identified that the City should consider? If so, please describe below.

1	No idea.
2	Voting by a committee on the applications that meet the standards the city of Long Beach has set.
3	No the method used by the city is a great method.
4	Ambition . Who shown it and has it
5	It will depend on the individual. PERIOD. Do they have the right team in place ? Have they secured a location ? Do they have a business plan ? SOP's ? Are they entrepreneur material ? Have you ever owned a business before ? You do not want to invest in someone irresponsible, ill-prepared and inadequate no matter how long they've been waiting. AND, a good question to ask is what have you been doing while you've been waiting for the city of long beach to provide you with grant monies to begin your career in the world of cannabis ?
6	The city of Sacramento & Fresno did RFQ considering the following: Cannabis Experience Business Owner Experience College Education Life Awards & Achievements Letters of Recommendation
7	Yes, City of San Diego limits permits by district (36 total) and then people race to a CUP. Of course, money and expertise are key to achieving it but so is access to property which connects the local ownership. If you want to give Social Equity a chance, give them a head start on the application window and use the state standard to settle who's eligible. You probably can set a very high cap knowing that setbacks from residential or other retailers who were approved first is a practical cap. The scoring and broken hearts all comes from the euphoria / delusion of a chance that the application window creates.
8	Passing applications that are deemed qualified should be placed into the lottery system and then pull to see who gets chosen....?
9	Maybe exclude property from the equation. Create a simple process with a lottery so we don't all have to spend so much money and raise the prices on green zone properties. Allow us to enter the lottery and then we have 6 months to get property.
10	No, Support pass/fail
11	No.

12	having a conversation with the person, to see/hear their heart. not just words on paper.
13	I think it really should be the people who participate and show up. The people you know have been pushing for this program to work
14	I suggest having more than 1 person evaluating the applications. I would also hold in-person interviews of the candidates you are thinking of awarding the license to before making a final decision.
15	Not sure
16	No these methods are great but maybe an interview to get to know the person and who is going to be opening a business in their city.
17	It appeared that the original application process for the medical licenses a few years ago was fair and successful, where there was basically a pass/fail and lottery model. It would make sense to replicate that process.
18	N/A
19	No scoring system at all. If the applicants meet all the basis criteria as a person of color, low income, who lives in the city of Long Beach. Their application should be accepted and then it would be up to them participating in the other applications that come along through the program to receive loans, grants, etc. They could simply be a verified applicant based off of meeting the basis criteria, not scoring.
20	n/a
21	n/a
22	It appeared the prior application process for the medical licenses was fair and successful, so go with that
23	I would score and award it the same way the current dispensary owners were judged. Seemed to work
24	Do it the same way the current medical dispensary had to do it
25	No
26	No
27	Make it ez, make it fair, more candidates that qualify the better. Let the ability to get a building, license, personnel etc be the deciding factor if they do all that they get a license that simple. Don't have a cap let the availability of buildings and the market decide. Caps create monopolies, corruption etc. The more dispensaries you have the more illegal market product comes off the street.

Additional Information

17. Is there any other information you would like to provide?

1	This program has a chance to succeed and not being afraid to pick the most qualified candidates is important :)
2	N/A
3	No and thank you for the opportunity to answer the survey questions.
4	no
5	Yes ! The vendors have not been helpful !
6	Please be careful to not create a lawsuit factory while giving people a chance to be successful. Try not to give the landlords and lawyers a golden ticket at the expense of the applicants, especially the social equity applicants.
7	Yes, 8 additional licenses are not going to be enough!
8	Nope
9	Keep up the great work enrolling the local community for input.
10	No
11	Please do a GOOD job in selecting these next 8. a lot hangs on this. and PLEASE do not let anyone else who already has a dispensary in The City, or even out of The City, partake in this process whether directly, or indirectly.
12	Thank you for the opportunity to give my thoughts. As an applicant it has been a journey but nothing good comes easy. I definitely a story to tell I hope you all make a fair decision. Gratefulness Jillian L.Xavier
13	Community reinvestment should be a HIGH priority in choosing an applicant. Locally sourced products, donating a portion of their earnings, holding philanthropic events (beach cleanups, job fairs, expungement clinics, etc.)
14	No
15	The applicant's partner/sponsor should only be from a Long Beach licensed dispensary, and that licensed dispensary group should only be able to sponsor one social equity licensee.
16	Please keep the original 32 licensed dispensary owners out of this process the best you can. There's no doubt that they'll find ways to influence this process, but please think through some of what those points could be and try to eliminate them. For example, I think it's important to have the applicants currently or previously employed by Long Beach dispensaries disclose the dispensaries they are referencing.
17	No, thank you
18	There are some of us that have been waiting for this opportunity since 2018 and have truly made attempts to enter legal cannabis industry. Please recognize and rate our attempts and failures. Having attempts and failures are better than just sitting around and doing nothing waiting.
19	Please consider length and also passed fail attempts to enter the cannabis industry. Having fail attempts shows effort and commitment. It is better than waiting around.

20	The applicant's partner/sponsor should only be from a verified Long Beach dispensary licensee. The verified dispensary group should only be able to sponsor one social equity licensee.
21	I feel a partner needs to only be from the existing long beach dispensaries. Only they are tied to the community
22	Partner needs to be a current long beach dispensary owner and they can only partner once
23	Approve all of us! Thank you
24	Yes, I believe that big cannabis corporations should not be involved in the application process with an equity applicant or involved with the social equity program. Big cannabis corporations involvement is predatorial and ultimately causes equity applicants without corporate backing to lose opportunities to lease properties due to big corporations capital and status.
25	As a cultivator and business owner my experience is the good quality companies succeed and the bad ones go away - either way the city wins with better building, smart young people trying to succeed, jobs and it kills illegal market. Caps create the opposite.

CITY OF LONG BEACH

REQUEST FOR PROPOSALS ("RFP") FOR CANNABIS RETAIL STOREFRONT
(DISPENSARY) BUSINESS LICENSES FOR THE CANNABIS SOCIAL EQUITY
PROGRAM

The following RFP process is established pursuant to Long Beach Municipal Code (LBMC) Section 5.90.060, which states that the City Manager shall issue the maximum number of cannabis retail storefront (dispensary) business licenses permitted by the City Council, and is authorized to make reasonable rules, policies, and procedures as may be necessary to administer and enforce the provisions of LBMC Chapter 5.90 and 5.92 and any other ordinances, regulations or laws relating to and affecting the permitting and operations of commercial cannabis businesses.

A. Definitions.

The following definitions apply to this process:

1. "Applicant" means an equity applicant or group of equity applicants in the Cannabis Social Equity Program (Equity Program) who submits a proposal in response to the City's RFP for issuance of a retail storefront cannabis (dispensary) business license.
2. "Cannabis Retail Storefront Dispensary" has the same meaning as "Medical Marijuana Dispensary" and "Adult-Use Cannabis Dispensary" in LBMC Chapter 5.90 and 5.92.
3. "City Attorney" means the City Attorney or the City Attorney's designee.
4. "City Manager" means the City Manager or the City Manager's designee.
5. "Director of Economic Development" means the Director of Economic Development or the Director of Economic Development's designee.
6. "Director of Financial Management" means the Director of Financial Management or the Director of Financial Management's designee.
7. "Individual" means a sole, natural person.
8. "LBMC" means the Long Beach Municipal Code.
9. "OCO" means the Office of Cannabis Oversight.
10. "Permit" means a business license issued by the City to operate a cannabis retail storefront dispensary.
11. "Permit application process" means the City's process for an applicant to obtain a business license in accordance with applicable state law and local ordinances. It

includes, at a minimum, applicant information, owner information, property information, and details of business operation.

12. “Proposal” means the written document submitted in response to an RFP.

13. “Request for Proposals” or “RFP” means a written request for the submission of qualifications to successfully apply for and operate a cannabis retail storefront dispensary.

14. “War on Drugs” means the effort to criminalize cannabis and its use in the United States from the period of 1976 to 2016 through increased penalties, enforcement, and incarceration.

B. Process.

1. Eligibility

a. The RFP will be open to individuals that meet the Equity Program eligibility requirements as of the date that the RFP is advertised, as well as any individuals previously verified as equity applicants by the Office of Cannabis Oversight (OCO) prior to the RFP being advertised.

b. Individuals that are not currently verified as equity applicants in the Equity Program are able to submit a proposal and will be verified by the OCO using the Equity Program eligibility requirements as of the date the RFP is advertised. If an individual meets the Equity Program eligibility requirements, they will become a verified equity applicant in the Equity Program.

2. Advertising. The RFP will be advertised for a period of 30 calendar days on the City’s procurement portal and the OCO will advertise the RFP for 14 calendar days on the City’s website and through other industry appropriate means.

3. RFP Requirements.

a. The RFP will be used solely to identify individuals in the Equity Program or individuals that meet the qualifications for the Equity Program with the highest scoring proposals to successfully apply for and operate a cannabis retail storefront dispensary.

b. Individuals awarded the opportunity to apply for the dispensary business license must obtain a business license within three years from the date they are notified of their eligibility to apply for the business license. Individuals may request an extension of the three-year period by submitting a request in writing to the OCO detailing the extenuating circumstances preventing them from obtaining a license within the three-year period.

- c. OCO will prepare the RFP. The RFP must be in the City's standard RFP format.

4. RFP Evaluation Criteria.

- a. The RFP shall utilize criteria that comply with the LBMC and all applicable City procurement policies and procedures; are reasonably necessary to protect the public health, safety, and welfare; and evaluate the experience and training of applicants to determine which applicants will be the most successful at applying for and operating a cannabis retail storefront dispensary including but not limited to:
 - 1. A description of the applicant's background and impact from the War on Drugs.
 - 2. A description of experience, training, and education completed to prepare the applicant for operating a successful cannabis business in the City of Long Beach.
 - 3. A business plan that details a plan to achieve success and sustainability.
- b. In developing the RFP criteria, OCO must consider input of individuals in the Equity Program.
- c. The criteria for the RFP are subject to the approval of the City Manager, City Attorney, Director of Financial Management, and Director of Economic Development.

5. Proposals.

- 1. To respond to the RFP, individuals in the Equity Program or individuals that meet the qualifications of the Equity Program must submit a proposal in writing through the procurement portal by the due date indicated in the advertisement.
- 2. A proposal may be submitted by one equity applicant or a group of equity applicants in the Equity Program. No individual may be identified in any capacity in more than one proposal. Such a duplicate submission will result in the subject proposals being deemed nonresponsive and disqualified from review.
- 3. A proposal may only be submitted by one equity applicant per household, as defined in LBMC Chapter 5.92.

6. Required Certifications in Proposals.

- a. Applicants must certify in their proposals that for a period of 5 years from the issuance of the permit that:
 - i. A minimum of fifty-one percent (51%) ownership in the cannabis retail storefront dispensary will be held by one equity applicant or, if the cannabis retail storefront dispensary permit will be held by a group of applicants in the Equity Program, any one (1) of the equity applicants must hold majority ownership interest in the cannabis retail storefront dispensary.
- b. The certification of ownership will be a condition on the permit.

7. Proposal Acceptance and Evaluation.

- a. Proposals shall not be altered after opening.
- b. No criteria may be used in evaluating a proposal that are not specified in the RFP or in the LBMC or other applicable laws or regulations.
- c. All responsive proposals shall be reviewed and scored by an unbiased and neutral review panel who possess the relevant knowledge or experience to evaluate the proposals. Members of the review panel may consist of individuals who:
 - i. Have some level of expertise in economic or business development;
 - ii. Have an active involvement in social equity matters; or
 - iii. Are cannabis business regulators from another jurisdiction.
- d. Under no circumstances will a member of the review panel be an employee or a contractor of the City or affiliated in any way with the cannabis industry in the City of Long Beach.
- e. No member of the review panel may discuss the proposal with applicants for any purpose other than administrative clarification after the submission of proposal, except during the interview phase, if any.
- f. Once OCO has received and calculated all the reviewing panels' scores, the top scoring proposals shall be awarded the opportunity to interview with the reviewing panel. The interview panel shall then select the top eight (8) individuals via a forced ranking process.
- g. The top scoring proposals shall be awarded the opportunity to apply for a cannabis retail storefront dispensary permit, until all available permits have been issued.

- h. All applicants will be notified of the status of their proposals through award announcements on the City's procurement portal and OCO will publish the scores for all proposals on its website as soon as reasonably possible.

8. Protest Procedures

- a. Only an applicant who has actually submitted a Proposal is eligible to protest a license opportunity awarded through a Request for Proposals (RFP). An applicant may not rely on the protest submitted by another applicant but must pursue its own protest.
- b. The City will post a notice of the intent to award a license opportunity at least ten (10) business days before an award is made. The notice will be available to all applicants who submitted a proposal via the City's electronic bid notification system at <http://www.longbeach.gov/purchasing>. An applicant desiring to submit a protest for a proposal must do so within five (5) business days of the electronic notification of intent to award. The City Purchasing Agent must receive the protest by the close of business on the fifth (5th) business day following posting of notification of intent to award the contract. Applicants are responsible for registering with the City's electronic bid notification system and maintaining an updated profile. The City is not responsible for Applicants' failure to obtain notification for any reason, including but not limited to failure to maintain updated email addresses, failure to open/read electronic messages and failure of their own computer/technology equipment. The City's RFP justification memo will be available for review by protestors once the notification of intent to award has been posted via the City's electronic bid notification system.
- c. The protest must be in writing and signed by the individual who signed the proposal and addressed to the City Purchasing Agent. Protests must be submitted via email to the City Purchasing Agent. They must include a valid email address and phone number. Protests must set forth a complete and detailed statement of the grounds for the protest and include all relevant information to support the grounds stated, and must refer to specific portions of the RFP and attachments upon which the protest is based. Once the protest is received by the City Purchasing Agent, the City will not accept additional information on the protest unless the City requests it.
- d. The City Purchasing Agent or designee will respond with a decision regarding the protest within five (5) business days of receipt of protest to the email address provided in the protest. This decision shall be final.
- e. The procedure and time limits set forth herein are mandatory and are the applicant's sole and exclusive remedy in the event of a protest. The applicant's failure to comply with these procedures shall constitute a waiver

of any right to further pursue a protest, including filing a Government Code Claim or initiation of legal proceedings.

9. Late and Nonresponsive Proposals.

- a. A Proposal is late if it is received at the location designated in the RFP after the deadline specified in the RFP. A late Proposal shall be rejected and not considered, regardless of the reason for the lateness, including circumstances beyond the control of the individual or group that submits the Proposal. A late Proposal may only be opened for identification purposes.
 - b. A Proposal is nonresponsive if it does not comply with requirements of the RFP or if it is submitted in accordance with section B.5.ii or B.5.iii.
 - c. Late and nonresponsive Proposals will be rejected.
 - d. The City shall have the authority to reject proposals that are late or nonresponsive.
- C. Public Disclosure. Proposals submitted in response to the RFP will be made available in response to a request for public records in accordance with the California Public Records Act once the protest period has concluded.
- D. Timeframe for Opportunity to Apply for a Permit. It is imperative that permits are actually issued to businesses that will successfully operate within a reasonable period of time. Therefore, any opportunity to apply for a permit shall become void and of no effect if the awarded applicant surrenders the opportunity to apply for the permit or the storefront cannabis dispensary is not operating after a period of three years from the date of the applicant's award announcement, unless an exception is granted by the City Manager pursuant to section 3(b).
- E. Conditions on Permits. By responding to the RFP, applicants understand and agree that in addition to all other applicable permit conditions, the City will place the following conditions on their permit for 5 years starting from its issuance: A minimum of fifty-one percent (51%) ownership in the cannabis retail storefront dispensary will be held by one equity applicant or, if the cannabis retail storefront dispensary permit will be held by a group of applicants in the Equity Program, any one (1) of the equity applicants must hold majority ownership interest in the cannabis retail storefront dispensary.

Equity Dispensary Request for Proposals (RFP) Procedures

Staff from the Office of Cannabis Oversight in the City Manager Department will be responsible for drafting the Equity Dispensary RFP and evaluation criteria. The procedures and timeline related to the RFP are as follows:

Step 1 - Stakeholder Meeting

The Office of Cannabis Oversight will host a stakeholder meeting prior to release of the RFP to provide an overview of the eligibility criteria and requirements to apply, submission format, important deadlines, and host a Q & A session. This meeting will likely be held virtually and will be open to the public. All information presented during the meeting will also be provided on the City's website.

Step 2 - Proposal Submission Period

Interested applicants will be eligible to submit a proposal during the proposal submission period as outlined in the RFP guidelines. The RFP will be posted on the City's new procurement portal: [Long Beach Buys!](#) for 30 calendar days. The RFP will also be advertised on the City's website for at least 14 calendar days. Individuals that are not currently verified equity applicants may submit a proposal if they believe they meet the eligibility criteria for the Equity Program. During the submission period, there will also be a Q & A period where applicants can ask questions regarding the RFP, and answers will be made available in writing to all applicants on the procurement portal prior to the RFP closing.

Step 3 - Eligibility Criteria Verification

After the submission period is closed, the City will review the proposals to first determine if an individual meets the criteria to be considered an equity applicant. Individuals who were previously verified as an equity applicant prior to the RFP being advertised and individuals who meet the Equity Program eligibility requirements as of the date that the RFP is advertised will be eligible to move forward in the RFP process. If an individual does not provide the documentation or requirements to be considered an equity applicant, they will be disqualified from the RFP process.

Step 4 – Proposal Redaction

After the submission period is closed, City staff will redact proposals for any identifying personal information and the demographic information collected in the RFP. Proposals will not be redacted for information presented in the proposal regarding an applicant's race, gender, etc. as that may interfere with the applicant's narrative.

Step 5 - Evaluation Period

Individuals that meet the eligibility criteria will have their proposals reviewed and scored by an unbiased and neutral review panel who possess the relevant knowledge or experience to evaluate the proposals. There will be a minimum of three (3) members on the panel, which will be selected by the Business Development Officer in the Economic Development Department. Panelists will be participating in the process voluntarily and will not receive compensation. Proposals will be scored using the criteria established by the Office of Cannabis Oversight. The twenty (20) applicants with the highest scoring proposals will move forward in the RFP process.

Step 6 - Panel Interviews

Once the Office of Cannabis Oversight has received and calculated all the reviewing panels' scores, the top scoring proposals will be awarded the opportunity to interview with the reviewing panel. Interview questions will be established by the Office of Cannabis Oversight. The interviews will likely be held virtually. The interview panel will collectively select the top eight (8) applicants via a forced ranking process.

Step 7 – Award Notification

After the eight (8) individuals have been identified, the City will post a notice of the intent to award a license opportunity at least ten (10) business days before an award is made. The notice of intent to award will be available to all applicants who submitted a proposal via the City's electronic bid notification system at <http://www.longbeach.gov/purchasing>.

Step 8 – Protest Period

The City will have a protest period for applicants desiring to submit a protest for a proposal. Applicants must do so within five (5) business days of the electronic notification of intent to award. The City Purchasing Agent or designee will respond with a decision regarding the protest within five (5) business days of receipt of protest to the email address provided in the protest. This decision shall be final.

Step 9 – Business License Application Submission

Once the protest period has concluded, the eight (8) awarded applicants will be eligible to apply for a cannabis dispensary business license without a business location. The equity applicants moving forward will receive benefits and assistance to assist them with successfully finding viable cannabis properties for their dispensary business. Non-equity dispensary business owners will not be eligible to relocate their business until 180 days after the City begins accepting business license applications from Equity Dispensaries, or until all Equity Dispensaries have provided the complete, notarized Property Owner Authorization for the business premises in the business license application, whichever occurs sooner.

Step 10 – Business License Process

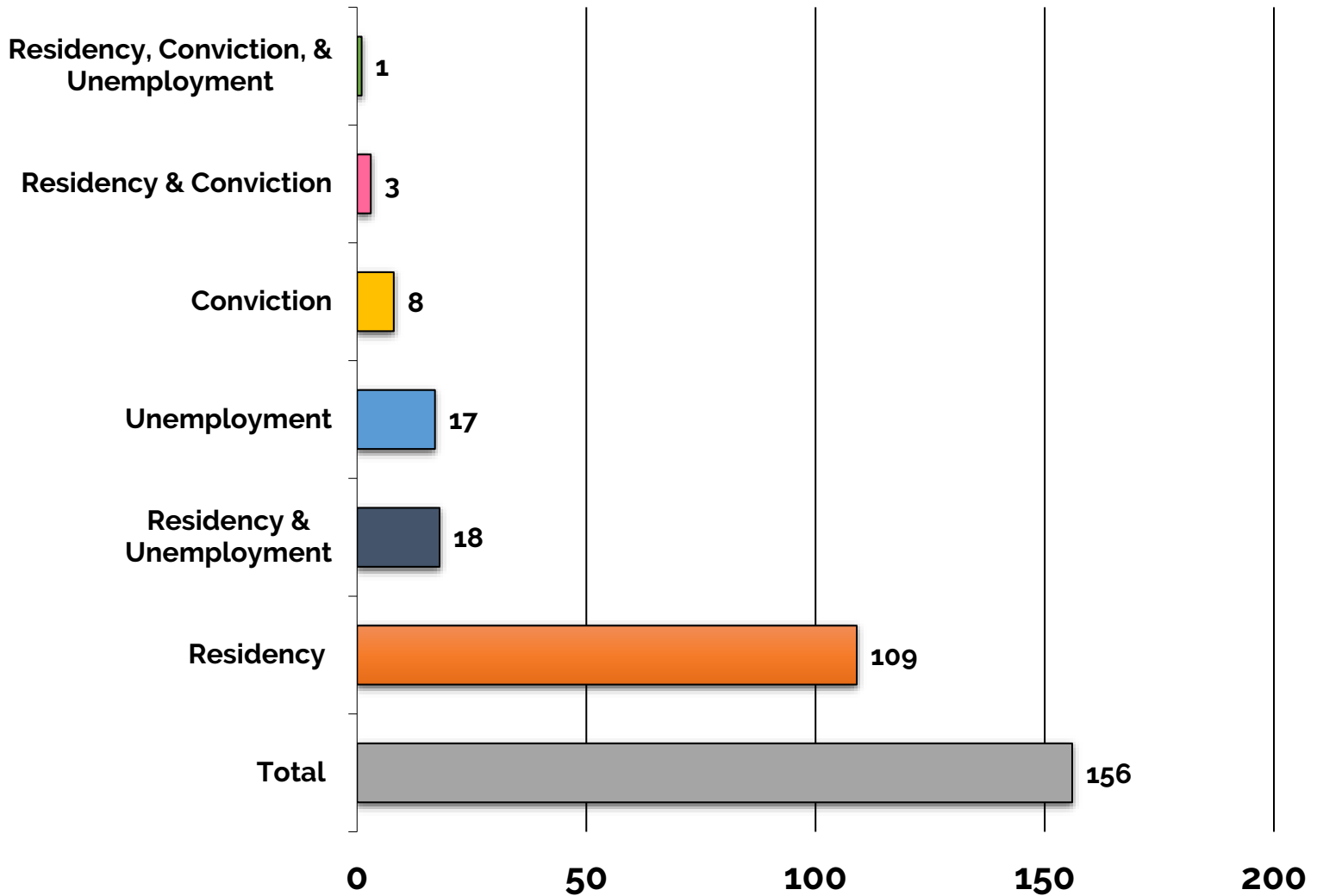
The awarded applicants will need to obtain a business license within a three-year period from the date they are eligible to submit a business license application. To obtain a business license, the applicants will need to complete the following milestones in the licensing process:

- Application Submission
- Application Review
- Planning Review
- Application Fees
- Department Reviews
- Final Inspections
- Issuance of Business License

Additional information on the cannabis business licensing process can be found at www.longbeach.gov/cannabisbusiness.

Equity Program Eligibility Criteria Statistics

2018 - Present



Detailed Summary

	2018	2019	2020	2021	2022	Total
Residency, Conviction, & Unemployment	-		-	1	-	1
Residency & Conviction	-	1	-	2	-	3
Residency & Unemployment	1	1	9	11	-	22
Conviction	1	4	1	1	1	8
Unemployment*	5	1	5	7	-	18
Residency	-	40	11	40	13	104
Total	7	47	26	62	14	156

**As of August 16, 2021, "currently receiving unemployment benefits" was removed as a criterion for the Equity Program.*

ORD-25

REVISED

May 17, 2022

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare an Ordinance amending Long Beach Municipal Code Chapters 5.90 and 5.92 relating to the regulation of cannabis retail storefront (dispensary) business licenses and the Cannabis Social Equity Program, read the first time, and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution authorizing the City Manager to establish a Request for Proposals (RFP) for cannabis retail storefront (dispensary) business licenses for the Cannabis Social Equity Program. (Citywide)

DISCUSSION

On May 10, 2022, the City Council received a presentation from staff on the Equity Dispensary Ordinance and Resolution, which will allow eight (8) additional cannabis dispensaries in Long Beach to be owned exclusive by verified equity applicants as part of the Cannabis Social Equity Program (Equity Program).

Following the staff presentation, public comment, and City Council discussion, the City Council passed a motion to:

- Amend the proposed Equity Business ownership requirements to prohibit Equity Businesses from transferring more than 51 percent ownership interest to a non-equity individual for ten years from the date the Equity Business submits a cannabis business license application to the City; and
- Amend the Equity Dispensary RFP Guidelines to only allow equity applicants who were verified on or before May 10, 2022, to submit a proposal. Equity applicants who received their verification after May 10, 2022, are not eligible to participate in the RFP process; and
- Amend the Equity Dispensary RFP Guidelines to add a provision to give priority to equity applicants who were selected in a previous lottery on September 10, 2010 and/or September 28, 2017. In order to be eligible to receive additional points in the RFP process, an equity applicant must have received their verification letter on or before May 10, 2022 and be listed on the original business license application(s) as an owner/managing member.

HONORABLE MAYOR AND CITY COUNCIL

May 17, 2022

Page 2

The attached Equity Dispensary Ordinance and Resolution includes these amendments to the Equity Business Ownership Requirements and Equity Dispensary RFP Guidelines.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez and Budget Manager Grace H. Yoon on May 12, 2022.

TIMING CONSIDERATIONS

City Council action is requested on May 17, 2022, to ensure timely amendment to the LBMC. Should the City Council adopt the proposed Ordinance, staff estimates the RFP process to select the eight equity applicants will begin in July 2022 after the Ordinance takes effect. The eight equity applicants will likely be awarded to proceed through the business license process in December 2022 after the RFP process has concluded.

Given that it takes over a year on average to open a cannabis dispensary in Long Beach, staff estimates that cannabis sales from the additional licensed dispensaries would be realized likely starting in FY 24.

FISCAL IMPACT

It is anticipated that this new license type will result in an increase in business license tax revenues from equity dispensary operators. However, it is unclear how much revenue will be collected from these operators as it is largely based on market demand. Equity dispensary operators will be charged the same tax rate that other dispensary operators are charged - 6 percent of gross receipts from medical sales and 8 percent of gross receipts from adult-use sales. Revenues from this new license type will not be realized until businesses are licensed and operating, beginning approximately in FY 24. City staff will monitor these additional revenues and factor any potential impact into future projections. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. The number of additional local jobs associated with this recommendation is currently unknown.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



THOMAS B. MODICA
CITY MANAGER

ATTACHMENTS: ORDINANCE
RESOLUTION

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 5.90.030 AND
5.90.060, BY ADDING SECTION 5.90.310; AND, BY
AMENDING AND RESTATING CHAPTER 5.92, ALL
RELATING TO THE REGULATION OF CANNABIS RETAIL
STOREFRONT (DISPENSARY) BUSINESS LICENSES AND
THE CANNABIS SOCIAL EQUITY PROGRAM

WHEREAS, on July 10, 2018, the City Council adopted the Cannabis Social
Equity Program (Equity Program) to support equal opportunity in the cannabis industry by
making legal cannabis business ownership and employment opportunities more
accessible to low-income individuals and communities most impacted by the
criminalization of cannabis, also known as the War on Drugs; and

WHEREAS, a feasibility analysis was conducted on licensing and regulating
up to eight additional cannabis dispensary business licenses in Long Beach to be made
available exclusively to verified equity applicants in the Equity Program; and

WHEREAS, based upon the results of the feasibility analysis, City staff
prepared an ordinance to allocate eight new cannabis dispensary business licenses to be
made exclusive to verified equity applicants using a merit-based application process that
includes a Request for Proposals ("RFP") in the selection of the equity dispensaries; and

WHEREAS, City staff determined a fair and equitable way to allocate eight
new cannabis dispensary business licenses and ensure that the best qualified Equity
Program participants are selected, is through a Request for Proposals ("RFP") process
that utilizes criteria to evaluate the ability for an equity applicant or group of equity
applicants in the Equity Program to successfully apply for and operate a retail storefront

1 dispensary.

2 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
3 follows:

4
5 Section 1. Section 5.90.030 of the Long Beach Municipal Code is
6 amended to read as follows:

7 5.90.030 Medical Marijuana Business License Permit.

8 Except as otherwise set forth in this Chapter, it shall be unlawful for
9 any person or entity to operate, in or upon any property, a Medical
10 Marijuana Business without first obtaining all required State licenses and a
11 business license or permits issued by the City. Each State license type
12 available in the MMRSA is eligible to apply for a City Business License
13 Permit. Medical Marijuana Business shall be considered a personal service
14 type business in the City of Long Beach (as defined in section 21.15.2020)
15 with respect to issuing a Business License Permit and setting application
16 and license fees. Until the regulatory implementation of the MMRSA, the
17 Medical Marijuana Business license permits shall be issued without regard
18 to the fact the State license has not been issued. Failure to timely obtain
19 required State licenses or permits shall be grounds for suspension or
20 revocation of any permit or license issued by the City. Upon the regulatory
21 implementation of the MMRSA, unless otherwise set forth in this Chapter,
22 no person shall engage in commercial cannabis activity or in the activities of
23 a Medical Marijuana Business without possessing all applicable State
24 licenses and all applicable City permits and licenses. Revocation of a State
25 license shall constitute grounds for the City to suspend or revoke any permit
26 or license issued by the City.

27 A Medical Marijuana Business that is operating in compliance with
28 this Chapter and other State and local laws on or before January 1, 2018,

1 may continue its operations until its application for State licensure is
2 approved or denied by the licensing authority.

3 A Medical Marijuana Business must at all times maintain liability
4 insurance having aggregate policy limits in an amount not less than one
5 million dollars (\$1,000,000.00).

6 The City may impose an annual business license fee no greater than
7 one hundred fifty percent (150%) of the average business license fee the
8 city charges for non-cannabis related personal service business. Failure to
9 timely pay the annual business license fee shall be grounds for suspension
10 or revocation of the business license. Applicants that previously paid an
11 application fee pursuant to former Chapter 5.87 may, at the applicant's
12 discretion, have any un-refunded fee applied as credit against any fees
13 applicable under this Section. All Medical Marijuana Businesses shall be
14 subject to an annual regulatory inspection by the City to insure compliance
15 with all of the applicable provisions of this Chapter and to confirm
16 compliance with the business license permit issued by the City.

17 It shall be unlawful for the owner of a building to allow the use of any
18 portion of a building by a Medical Marijuana Business unless the tenant has
19 a valid business license permit, or has applied for and not been denied, a
20 business license permit. Each owner of a building whose tenant is a Medical
21 Marijuana Business License Permit applicant shall execute an
22 acknowledgement that the Applicant has the owner's permission and
23 consent to operate a Medical Marijuana Business at the subject property.

24 Each Medical Marijuana Business shall designate a Community
25 Relations Liaison (hereinafter, the "Liaison"), who shall be at least twenty-
26 one (21) years of age; and shall provide the Liaison's name to the City
27 Manager. The Liaison shall receive all complaints received by the City
28 Manager regarding the Medical Marijuana Dispensary, and make good faith

1 attempts to promptly resolve all complaints. To address community
2 complaints and concerns, the name and telephone number for the Liaison
3 shall be made publicly available. Each Medical Marijuana Business Liaison
4 is required to respond by phone or email within three (3) business days of
5 contact by a city official concerning the Medical Marijuana Business. The
6 name and contact information for Liaison of the medical marijuana business
7 shall be conspicuously posted on the main entry doors to the business.

8 No pesticides or insecticides prohibited by federal, State, or local law
9 for fertilization or production of edible produce may be used on any
10 marijuana cultivated, produced or distributed by a Medical Marijuana
11 Business. A Medical Marijuana Business shall comply with all applicable
12 federal, State, and local laws regarding use and disposal of pesticides and
13 fertilizers.

14 No Medical Marijuana Business may be operated in an area zoned
15 exclusively for residential use. No Medical Marijuana Dispensary may be
16 located within a six-hundred (600) foot radius of a public or private school
17 (as defined in Health and Safety Code Section 11362.768(h)), or within a
18 six-hundred (600) foot radius of a day care center, playground, community
19 center, or library, or within one thousand (1,000) feet of another dispensary.
20 No Medical Marijuana Business may be located within a one-thousand
21 (1,000) foot radius of a public or private school (as defined in Health and
22 Safety Code § 11362.768(h)) or public beach, or within a six hundred foot
23 (600') radius of a public park or public library, with the exception of
24 dispensaries which must follow the location requirements above. The
25 distances specified in this subdivision shall be determined by the horizontal
26 distance measured in a straight line from the property line of the school,
27 park or library to the closest property line of the lot on which the Medical
28 Marijuana Business is located, without regard to intervening structures.

Section 2. Section 5.90.060 of the Long Beach Municipal Code is amended to read as follows:

5.90.060 Medical Marijuana Dispensary Operating Conditions and Restrictions.

Every person and entity operating as a Medical Marijuana Dispensary in the City shall comply with the following operating conditions and restrictions. No Medical Marijuana Dispensary may operate within the City of Long Beach without meeting the following conditions:

A Medical Marijuana Dispensary shall not be located within a one thousand foot (1,000') radius of any other Medical Marijuana Dispensary.

A sign shall be posted in a conspicuous location inside each Property advising: (a) It is a violation of State Law to engage in the sale of marijuana or the diversion of marijuana for non-medical purposes; (b) The use of marijuana may impair a person's ability to drive a motor vehicle or operate heavy machinery; (c) Loitering at the location of a Medical Marijuana Business for an illegal purpose is prohibited by Penal Code § 647(h); (d) This Medical Marijuana Business is licensed in accordance with the laws of the City of Long Beach; (e) Your membership will be terminated if you engage in the illegal sale or diversion of Medical Marijuana.

Representative samples of Medical Marijuana distributed by the Business shall be analyzed by an independent laboratory to ensure that they are free of harmful pesticides and other contaminants regulated under local, state or federal law.

No person, other than a patient, caregiver, licensee, employee, or a contractor shall be in the medical marijuana dispensary room. No patient shall be allowed entry into the medical marijuana dispensary room without showing a valid State issued picture Driver's License or Identification. A

1 Medical Marijuana Dispensary may distribute, dispense, deliver or transport
2 medical marijuana only in accordance with this Chapter and State law.

3 The number of licensed and permitted Medical Marijuana
4 Dispensaries shall be limited to not less than one (1) Medical Marijuana
5 Dispensary business for every eighteen thousand (18,000) residents in the
6 City of Long Beach or not more than one (1) Medical Marijuana Dispensary
7 business for every fifteen thousand (15,000) residents in the City of Long
8 Beach. The population of the City shall be based on the official census
9 population estimate as periodically updated by the US Department of
10 Commerce, United States Census Bureau. The City Council may increase
11 the number of licensed and permitted medical marijuana dispensaries
12 pursuant to this Chapter but may not reduce them below the thresholds set
13 forth herein. The City Manager shall issue the maximum number of licenses
14 permitted by this Section unless otherwise directed by the City Council. The
15 total number of permitted Medical Marijuana Dispensaries in the City is set
16 at 40, with eight (8) dispensaries designated to be owned by cannabis
17 equity businesses pursuant to Section 5.90.310. The eight (8) Medical
18 Marijuana Dispensaries owned by cannabis equity businesses shall be
19 selected via a Request for Proposals (RFP) process as outlined in
20 regulations set forth by the City Manager, or their designee, and shall not be
21 selected using the procedures outlined in Sections 5.90.070 and 5.90.080 of
22 this Chapter.

23 The City will not accept applications from any of the thirty two (32)
24 existing cannabis dispensary businesses to change their business location
25 for one hundred eighty (180) days from the date the City awards the eight
26 (8) Equity Dispensary Businesses to move forward in the licensing process,
27 or until all Equity Dispensary Businesses have provided the complete,
28 notarized Property Owner Authorization for the business premises in the

business license application, whichever occurs sooner.

Section 3. Section 5.90.310 is hereby added to the Long Beach Municipal Code to read as follows:

5.90.310 Implementation of the Cannabis Social Equity Program.

A. The Cannabis Equity Program provisions outlined in Chapter 5.92 of this Code shall be applicable to any Medical Marijuana Business who meets the criteria of the program.

B. An equity applicant or a group of equity applicants applying for a Medical Marijuana Business Permit as an equity business shall receive the same assistance and benefits as an equity business applying for an Adult-Use Cannabis Business Permit pursuant to Chapter 5.92 of this Code.

C. The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of Chapter 5.92 of this Code to develop and implement an administrative program for this Equity Program. Regulations promulgated by the City Manager become effective upon date of publication, unless specified otherwise.

Section 4. Chapter 5.92 of the Long Beach Municipal Code is hereby amended and restated to read as follows:

Chapter 5.92

ADULT-USE CANNABIS BUSINESSES AND ACTIVITIES

DIVISION I - PURPOSE AND DEFINITIONS

5.92.010 Purpose and intent.

It is the purpose and intent of this Chapter to:

A. Regulate the cultivation, possession, manufacture,

1 distribution, processing, storing, laboratory testing, packaging, labeling,
2 transportation, delivery, and sale of cannabis goods for adults twenty-one
3 (21) years of age and over, and co-located medicinal and adult-use
4 commercial cannabis activities, in a manner that promotes and protects the
5 health, safety, and welfare of the residents, neighborhoods, and businesses
6 in the City and mitigates the costs to the community for the oversight of
7 these activities.

8 B. Enforce rules and regulations consistent with State law
9 pursuant to the MAUCRSA and any related or successor laws and
10 regulations implemented by the State or any of its departments or divisions.

11 C. Regulate commercial cannabis activity in the City concurrently
12 with the State.

13 5.92.020 General provisions.

14 A. Legal authority. Pursuant to Sections 5 and 7 of Article XI of
15 the California Constitution and provisions of the MAUCRSA, as it may be
16 amended from time to time and any subsequent State legislation or
17 regulations regarding same, the City is authorized to adopt ordinances that
18 establish standards, requirements, and regulations for local licenses and
19 permits for commercial cannabis activity involving adult-use cannabis. Any
20 standards, requirements, and regulations regarding health and safety,
21 security, welfare, and worker protections established by the State, or any of
22 its departments or divisions, are the minimum standards applicable to
23 commercial cannabis activity in the City.

24 B. Conflict of law. This Chapter is not intended to interfere with,
25 abrogate, or annul any other ordinance, resolution, regulation, statute, or
26 other provision of law. In the event of any conflict between the provisions of
27 this Chapter and any other applicable State or local law or regulation, the
28 more restrictive provision shall control.

1 C. Nothing in this Chapter is intended, nor shall it be construed
2 to:

3 3. Interfere with an employer's rights and obligations to
4 maintain a drug and alcohol free workplace or require an employer to allow
5 or accommodate the use, consumption, possession, transfer, display,
6 transportation, sale, or growth of cannabis in the workplace, or affect the
7 ability of an employer to have policies prohibiting the use of cannabis by
8 employees or prospective employees, or prevent employers from complying
9 with local, State, or federal law.

10 4. Interfere with the right of any property owner from
11 restricting or prohibiting any of the actions or conduct otherwise permitted
12 under California Health and Safety Code Section 11362.1 on said property
13 owner's privately owned real property.

14 5. Condone or legalize the possession, use, consumption,
15 transportation, sale, or any other use of cannabis or cannabis products that
16 are otherwise prohibited under State law.

17 6. Require the City to allow, permit, license, authorize, or
18 otherwise regulate commercial cannabis activity, or to abridge the City's
19 police power with respect to enforcement regarding commercial cannabis
20 activity, or to restrict or otherwise limit the enforcement authority conferred
21 upon the City, or any State agency, by other provisions of this Code or
22 State law.

23 7. Exempt any commercial cannabis activity from any
24 applicable local and State building, electrical, plumbing, land use, or any
25 other building or land use standards or permitting requirements.

26 D. Adult-Use Cannabis Businesses, adult-use commercial
27 cannabis activity, and Co-Located Cannabis Businesses shall only be
28 allowed in compliance with this Chapter and all applicable provisions set

1 forth in this Code, including but not limited to, the cannabis business tax
2 ordinance pursuant to Chapter 3.80 of this Code, and all regulations
3 governing the land use, building, grading, plumbing, septic, electrical, fire,
4 hazardous materials, nuisance, and public health and safety.

5 E. If the State prohibits the cultivation, possession, manufacture,
6 processing, storing, laboratory testing, labeling, transporting, distribution,
7 delivery, or sale of cannabis goods through Adult-Use Cannabis
8 Businesses, or if a court of competent jurisdiction determines that the
9 federal government's prohibition of the sale, cultivation, manufacture,
10 possession, or other distribution of cannabis goods through Adult-Use
11 Cannabis Businesses supersedes State law, any permit issued pursuant to
12 this Chapter shall be deemed to be immediately revoked by operation of
13 law with no ground for appeal, or other redress, on behalf of any Adult-Use
14 Cannabis Business.

15 5.92.030 Definitions.

16 The definitions set forth in California Business and Professions Code
17 Section 26000 et seq. shall apply to this Chapter and are hereby incorporated by
18 reference. Any reference to State statutes includes any regulations promulgated
19 thereunder and is deemed to include any successor or amended version of the
20 referenced statute or regulatory provision. Unless otherwise defined herein, and
21 unless otherwise clearly apparent from the context, the following terms as used in
22 this Chapter shall have the meanings set forth in this Section:

23 A. "Accreditation Body" means an impartial non-profit
24 organization that operates in conformance with the International
25 Organization for Standardization (ISO)/International Electrotechnical
26 Commission (IEC) standard 17011 and is a signatory to the International
27 Laboratory Accreditation Cooperation (ILAC) Mutual Recognition
28 Arrangement (MRA) for Testing.

1 B. “Administrative Hold” means an order by the City Manager
2 prohibiting the movement, removal, transport, use, treatment, or disposal of
3 a material that is, or is suspected of being, adulterated, misbranded, or
4 hazardous waste that is being mismanaged or that the City Manager has
5 reason to suspect is, or will be, managed in violation of this Chapter.

6 C. “Adulterated” shall have the same meaning as California
7 Business and Professions Code Section 26131.

8 D. “Adult-Use Cannabis” means cannabis or cannabis products
9 for adults twenty-one (21) years of age or older who do not possess a
10 physician’s recommendation.

11 E. “Adult-Use Cannabis Business” means any person, entity, or
12 operation, in whole or in part, whether operating for-profit or not-for-profit,
13 and all associated owners, employees, managers, and agents, engaged in
14 adult-use commercial cannabis activity.

15 F. “Adult-Use Cannabis Business Permit” or “Permit” means one
16 (1) document issued by the City to reflect the regulatory business permit
17 issued pursuant to the provisions of this Chapter and Title 5 of this Code,
18 and a business license issued pursuant to Chapter 3.80 of this Code,
19 authorizing the holder thereof to operate an Adult-Use Cannabis Business
20 and to conduct adult-use commercial cannabis activities.

21 G. “Applicant” means a person or entity who has submitted an
22 application for an Adult-Use Cannabis Business Permit pursuant to this
23 Chapter, including any individual, officer, director, partner, or other duly
24 authorized representative applying on behalf of an entity.

25 H. “Batch” means a specific quantity of homogeneous cannabis
26 or cannabis product that is either a harvest batch or a manufactured
27 cannabis batch.

28 I. “Batch Number” or “Lot Number” means any distinct group of

1 numbers, letters, or symbols, or any combination thereof, assigned to a
2 unique group of cannabis goods, from which the complete history of the
3 commercial cannabis activity involving the cannabis goods can be
4 determined, as required by State law.

5 J. "Cannabinoid" means any of the chemical compounds that are
6 the active principles of cannabis.

7 K. "Cannabis" or "Plant" means all of the following:

8 1. All parts of the plant cannabis sativa linnaeus, cannabis
9 indica, or cannabis ruderalis, whether growing or not; the seeds thereof; the
10 resin, whether crude or purified, extracted from any part of the plant; and
11 every compound, manufacture, salt, derivative, mixture, or preparation of
12 the plant, its seeds, or resin.

13 2. The separated resin, whether crude or purified,
14 obtained from cannabis.

15 3. "Cannabis" as defined by California Health and Safety
16 Code Section 11018.

17 4. "Cannabis" does not include the mature stalks of the
18 plant, fiber produced from the stalks, oil or cake made from the seeds of the
19 plant, any other compound, manufacture, salt, derivative, mixture, or
20 preparation of the mature stalks (except the resin extracted therefrom),
21 fiber, oil, or cake, or the sterilized seed of the plant which is incapable of
22 germination.

23 5. For purposes of this Chapter, "Cannabis" does not
24 mean industrial hemp as defined by California Health and Safety Code
25 Section 11018.5.

26 L. "Cannabis Concentrate" or "Concentrate" means cannabis
27 that has undergone a process to concentrate one (1) or more active
28 cannabinoids, thereby increasing the product's potency. For purposes of

1 this Chapter, "Cannabis Concentrate" includes, but is not limited to, the
2 separated resin obtained from cannabis, whether crude or purified,
3 tinctures, capsules, suppositories, extracts, and vape cartridges. "Cannabis
4 Concentrate" is not considered food, as defined by California Health and
5 Safety Code Section 109935, or a drug, as defined by California Health and
6 Safety Code Section 109925.

7 M. "Cannabis Facility" or "Facility" means a permanent structure
8 in a fixed location that contains the permitted premises of one (1)
9 Commercial Cannabis Business or where the permitted premises of two (2)
10 or more Commercial Cannabis Businesses are located.

11 N. "Cannabis Goods" means cannabis and/or cannabis products.

12 O. "Cannabis Product" or "Manufactured Cannabis Product" or
13 "Product" means cannabis that has undergone a process whereby the plant
14 material is transformed into a concentrate for internal consumption or
15 topical application, including, but not limited to, concentrated cannabis, an
16 edible cannabis product, or a topical cannabis product containing cannabis
17 or concentrated cannabis in combination with other ingredients.

18 P. "Cannabis Public Health Permit" means a written authorization
19 issued by the Long Beach Health Department to operate an Adult-Use
20 Cannabis Business pursuant to this Chapter.

21 Q. "Cannabis Waste" means waste that is generated from a
22 commercial cannabis activity that contains cannabis or cannabis products.

23 R. "Canopy" means the designated area(s) at a permitted
24 premises, except nurseries, that will contain mature plants at any point in
25 time. The total area of the canopy shall be calculated and measured using
26 the method(s) required by the State Department of Food and Agriculture.

27 S. "Certificate of Accreditation" means a certificate issued by an
28 accreditation body that attests to a Laboratory's competence to carry out

specific testing analysis.

T. "City" means the City of Long Beach.

U. "City Attorney" means the City Attorney of the City of Long Beach and his or her designee.

V. "City Health Officer" means the City Health Officer of the City of Long Beach, his or her designee, or any other person exercising the duties of City Health Officer for the City of Long Beach.

W. "City Manager" means the City Manager of the City of Long Beach and his or her designee.

X. "Co-Located Cannabis Business" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents engaged in both adult-use and medicinal commercial cannabis activities on the same permitted premises for one (1) identical type of commercial cannabis activity.

Y. "Code" means the Long Beach Municipal Code.

Z. "Commercial Cannabis Activity" or "Commercial Cannabis Activities" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, making available, or sale of cannabis goods.

AA. "Commercial Cannabis Business" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents that engages in adult-use commercial cannabis activity or adult-use and medicinal commercial cannabis activity from one (1) premises.

BB. "Common-Use Area" means any area of a cannabis manufacturer's licensed shared-use facility, including equipment that is available for use by more than one licensee, provided that the use of a

common-use area is limited to one licensee at a time.

CC. "Component" means any substance or item intended for use in the manufacture of a cannabis product, including those substances or items that are not intended to appear in the final form of the product.

"Component" may include cannabis, cannabis products used as ingredients, other ingredients, and processing aids.

DD. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis, including nurseries.

EE. "Cultivation Area" means the combined total number of square feet on one (1) premises dedicated to the cultivation of living cannabis plants, including, but not limited to, any areas dedicated to the vertical and/or horizontal cultivation of cannabis.

FF. "Cultivation Site" means a permanent structure in a fixed location that contains a permitted premises where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a premises where any combination of those activities occurs.

GG. "Cultivator" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, and agents engaged in planting, growing, harvesting, drying, curing, grading, or trimming cannabis, including a nursery which produces clones, immature plants, seeds, or other agricultural products specifically for the planting, propagation, or cultivation of cannabis.

HH. "Customer" means a natural person twenty-one (21) years of age or older or a natural person eighteen (18) years of age or older who possesses a physician's recommendation.

II. "Day Care Center" shall have the same meaning as in

1 California Health and Safety Code Section 1596.76.

2 JJ. "Delivery" means the commercial transfer of cannabis goods
3 by a Dispensary to a customer at a physical address. "Delivery" also
4 includes the use of any technology platform by a Dispensary that is also
5 owned, leased, or controlled by the Dispensary.

6 KK. "Delivery Employee" means an employee of a Dispensary
7 who delivers cannabis goods from the premises of a Dispensary to a
8 customer at a physical address. "Department of Cannabis Control" means
9 the division of the State Department of Consumer Affairs responsible for
10 licensing and regulating cannabis businesses in California.

11 LL. "Department of Cannabis Control" means the division of the
12 State Department of Consumer Affairs responsible for licensing and
13 regulating cannabis businesses in California.

14 MM. "Designated Area" means the area of a cannabis
15 manufacturer's licensed shared-use facility that is designated principal
16 licensee for the sole and exclusive use of a shared use manufacturing
17 Operator Licensee, including storage of the shared use manufacturing
18 Operator Licensee's cannabis, cannabis concentrates, and cannabis
19 products.

20 NN. "Director of Financial Management" means the Director of
21 Financial Management of the City of Long Beach and his or her designee.

22 OO. "Dispensary" means any person, entity, or operation, in whole
23 or in part, whether operating for-profit or not-for-profit, and all associated
24 owners, employees, managers, or agents engaged in both medicinal and
25 adult-use commercial cannabis activity from the same permitted premises
26 for the retail sale and delivery of cannabis goods to customers. A
27 "Dispensary," as that term is used in this Code, is a "Retailer" under the
28 MAUCRSA.

1 PP. "Distribution" means the procurement, sale, and transport of
2 cannabis or cannabis products between State licensees.

3 QQ. "Distributor" means any person, entity, or operation, in whole
4 or in part, whether operating for-profit or not-for-profit, and all associated
5 owners, employees, managers, or agents that engages in the business of
6 the distribution of cannabis goods between State licensees.

7 RR. "Dried Flower" means all dead cannabis that has been
8 harvested, dried, cured, or otherwise processed, excluding leaves and
9 stems.

10 SS. "Edible Cannabis Product" means manufactured cannabis that
11 is intended to be used, in whole or in part, for oral human consumption
12 including, but not limited to, chewing gum, but excluding products set forth
13 in Division 15 (commencing with Section 32501) of the California Food and
14 Agricultural Code. An edible cannabis product is not considered food as
15 defined by California Health and Safety Code Section 109935 or a drug as
16 defined by California Health and Safety Code Section 109925.

17 TT. "Electronic Age Verification Device" means a device capable
18 of quickly and reliably confirming the age of the cardholder of a
19 government-issued identification card using computer processes.

20 UU. "Employee" means any individual engaged in the operation of
21 a Commercial Cannabis Businesses, whether full-time, part-time,
22 permanent, or temporary, for a wage, salary, commission, barter, or any
23 other form of compensation, or for no compensation, including but not
24 limited to, any owner-operator, member of the owner's family, partner,
25 associate, agent, manager or solicitor, full-time employee, part-time
26 employee, temporary employee, contractors, volunteers, and agents. The
27 owner of a sole proprietorship shall not be considered an employee.

28 VV. "Equity Applicant" means an individual who meets the criteria

1 in Section 5.92.1615.

2 WW. "Equity Business" means a cannabis business where a
3 minimum of fifty-one percent (51%) ownership in the cannabis business is
4 held by one equity applicant or, if the cannabis business will be held by a
5 group of applicants in the Equity Program, any one (1) of the equity
6 applicants must hold majority ownership interest in the cannabis business.

7 XX. "Equity Dispensary" means a dispensary owned by an equity
8 business as defined in Section 5.92.1620.

9 YY. "Equity Employee" means an individual who meets the criteria
10 in Section 5.92.1610.

11 ZZ. "Extraction" means a process by which cannabinoids are
12 separated from cannabis plant material through chemical or physical
13 means.

14 AAA. "Fire Alarm System" means an assembly of equipment and
15 devices arranged to signal the presence of a hazard requiring urgent
16 attention, to which fire officials may respond.

17 BBB. "Flowering" means that a cannabis plant has formed a mass
18 of pistils measuring greater than one half inch (1/2") wide at its widest point.

19 CCC. "Good Standing" means that a Commercial Cannabis
20 Business is regarded as having complied with all explicit obligations, while
21 not being subject to any form of sanction, suspension, or disciplinary
22 censure by the City, State, or any of the State's departments or divisions.

23 DDD. "Government-Issued Identification" means a document issued
24 by a federal, state, county, or municipal government that includes the name,
25 date of birth, physical description, and picture of the person, such as a
26 driver's license, U.S. passport, military ID, or State or local government
27 identification card.

28 EEE. "Harvest Batch" means a specifically identified quantity of

1 dried flower or trim, leaves, and other cannabis plant matter that is uniform
2 in strain, harvested at the same time, and, if applicable, cultivated using the
3 same pesticides and other agricultural chemicals, and harvested at the
4 same time.

5 FFF. "Household" means the residence address as indicated on the
6 equity verification application.

7 GGG. "Household Size" means the number of individuals that meet
8 any of the following criteria :

9 1. All spouses or domestic partners must be included in
10 the household and must appear in the submission content.

11 2. All household members who are under 18 years of age
12 must be the legal dependent of an adult household member, except in the
13 case of emancipated minors, as claimed on the most recent income tax
14 return, or legal minor children of title holders.

15 3. Pregnant applicants will only be counted as two
16 household members with verifiable medical documentation.

17 4. Temporarily absent household members who intend to
18 live in the residence upon return may be considered, if verifiable
19 documentation supporting their absence is provided. Such household
20 members include, but are not limited to, household members serving
21 temporarily in the armed forces, or who are temporarily institutionalized.

22 5. Individuals not listed on the equity applicant's most
23 recent tax return, such as elderly relatives, live-in assistants, and foster
24 children will not be counted toward household size.

25 HHH. "Identification Card" means a document issued by the State
26 pursuant to California Health and Safety Code 11362.7 et seq. that
27 identifies a person authorized to engage in the medicinal use of cannabis
28 and the person's designated primary caregiver, if any.

1 III. “Immature Plant” means a cannabis plant that is not flowering,
2 including, but not limited to, seedlings, sprouts, and unrooted clones.

3 JJJ. “Infusion” means a process by which cannabis, cannabinoids,
4 cannabis concentrates, or manufactured cannabis is directly incorporated
5 into a cannabis product formulation to produce a cannabis product.

6 KKK. “Ingredient” means any substance that is used in the
7 manufacture of a cannabis product and that is intended to be present in the
8 product’s final form.

9 LLL. “Labeling” means any label or other written, printed, or graphic
10 matter upon cannabis goods, its container or wrapper, or that accompanies
11 cannabis goods.

12 MMM. “Labor Peace Agreement” shall have the same meaning as
13 California Business and Professions Code 26001(y), as amended from time
14 to time.

15 NNN. “Licensee” means a person or entity licensed by the City of
16 Long Beach to operate a cannabis business.

17 OOO. “Limited-Access Area” means an area within a permitted
18 premises used for storing and holding cannabis goods and currency, which
19 is only accessible to the permittee and authorized employees of the
20 permittee.

21 PPP. “Live Plants” or “Live Cannabis Plants” means living cannabis
22 flowers and plants, including but not limited to, seeds, sprouts, immature
23 plants, plants in the vegetative stage, plants in the flowering stage, and
24 mature plants.

25 QQQ. “Manager” means any person(s) designated by a Commercial
26 Cannabis Business to act as the representative or agent of the Commercial
27 Cannabis Business in managing day-to-day operations with corresponding
28 liabilities and responsibilities, and/or the individual in apparent charge of the

permitted premises of the Commercial Cannabis Business. Evidence of management includes, but is not limited to, evidence that the individual has the power to direct, supervise, or hire and dismiss employees, control hours of operation, creates policy rules, or purchases supplies.

RRR. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

SSS. "Manufactured Cannabis Batch" means either of the following:

1. An amount of cannabis concentrate or extract that is produced in one (1) production cycle using the same extraction methods and standard operating procedures.

2. An amount of a type of manufactured cannabis produced in one (1) production cycle using the same formulation and standard operating procedures.

TTT. "Manufacturer" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, and agents, engaged in the production, conversion, preparation, propagation, deriving, processing, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis goods or labels or relabels its container.

UUU. "Manufacturing" means all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis product. "Manufacturing" shall also include any processing, preparing, holding, or storing of components and ingredients used in cannabis products.

VVV. "Marijuana" shall have the same meaning as cannabis under

1 this Chapter.

2 WWW. "Mature Cannabis Plant" or "Mature Plant" means a
3 cannabis plant that is flowering.

4 XXX. "MAUCRSA" means the Medicinal and Adult-Use Cannabis
5 Regulation and Safety Act, consisting of the legislation in SB 94.

6 YYY. "Medicinal Marijuana Business" means any person, entity, or
7 operation, in whole or in part, whether operating for-profit or not-for-profit,
8 and all associated owners, employees, managers, and agents, engaged in
9 commercial cannabis activity involving medicinal cannabis pursuant to
10 Chapter 5.90 of this Code.

11 ZZZ. "Medical Marijuana Business Permit" means one (1)
12 document issued by the City to reflect the regulatory business permit issued
13 pursuant to the provisions of Chapter 5.90 and Title 5 of this Code, and the
14 business license issued pursuant to Chapter 3.80 of this Code, authorizing
15 the holder thereof to operate a Medical Marijuana Business and to conduct
16 medicinal commercial cannabis activities.

17 AAAA. "Medicinal Cannabis" or "Medicinal Cannabis Product" means
18 cannabis or a cannabis product, respectively, intended to be sold for use
19 pursuant to California Health and Safety Code Section 11362.5, by a
20 medicinal cannabis patient in California who possesses a physician's
21 recommendation.

22 BBBB. "Medicinal Cannabis Patient" or "Medical Patient" means a
23 qualified patient or a person with an identification card.

24 CCCC. "Microbusiness" or "Type 12 Microbusiness" means a
25 business as defined by California Business and Professions Code Section
26 26070, applying for, or issued, a Type-12 Microbusiness State license, to
27 engage in three (3) or more of the following commercial cannabis activities
28 from one permitted premises: cultivation on an area less than ten thousand

(10,000) square feet, distribution, manufacturing, or retail sales
(Dispensary).

DDDD. "Microorganisms" means yeasts, molds, bacteria,
viruses, protozoa, and/or microscopic parasites and includes species that
are pathogens. The term "Undesirable Microorganisms" includes those
microorganisms that are pathogens, that subject a cannabis product to
decomposition, that indicate that a cannabis product is contaminated with
filth, or that otherwise may cause a cannabis product to be adulterated.

EEEE. "Misbranded" shall have the same meaning as California
Business and Professions Code Section 26121.

FFFF. "Non-Equity Business" means a business that does not meet
the definition of an Equity Business as defined in Section 5.92.1620.

GGGG. "Nonvolatile Solvent" means any solvent used in the
extraction process that is not a volatile solvent, including but not limited to,
carbon dioxide or ethanol.

HHHH. "Nursery" means a Cultivator that produces only
clones, immature plants, seeds, and other agricultural products used
specifically for the planting, propagation, and cultivation of cannabis.

III. "Operation" means any act for which a person is legally
required to have a State and local permit or license, or any commercial
transfer of cannabis goods.

JJJJ. "Operator" means a person that is engaged in any act for
which a State and local permit or license is legally required.

KKKK. "Owner" means any of the following:

1. Any person with an ownership interest of ten percent
(10%) or more in the Adult-Use Cannabis Business applying for a permit
pursuant to this Chapter;
2. The chief executive officer of an entity, including

1 nonprofits;

2 3. A member of the board of directors of a for-profit or
3 non-profit entity;

4 4. All persons within an entity that have a financial interest
5 of ten percent (10%) or more in the proposed Adult-Use Cannabis
6 Business, including but not limited to:

7 a. A general partner of an Adult-Use Cannabis
8 Business that is organized as a partnership;

9 b. A non-member manager or managing member
10 of an Adult-Use Cannabis Business that is organized as a limited liability
11 company;

12 c. Any person holding a voting interest in a
13 partnership, association, or limited liability company;

14 d. All officers or directors of an Adult-Use Cannabis
15 Business that is organized as a corporation and all shareholders who
16 individually own more than ten percent (10%) of the issued and outstanding
17 stock of the corporation.

18 LLLL. "Outdoors" means any location within the City that is not
19 within an enclosed locked structure or building.

20 MMMM. "Package" and "Packaging" means any container or
21 wrapper that may be used for enclosing or containing any cannabis goods
22 for final retail sale. "Package" does not include a shipping container or outer
23 wrapping used solely for the transport of cannabis goods in bulk quantity to
24 a State licensee.

25 NNNN. "Panic Hardware" means a door-latching assembly
26 incorporating a device that releases the latch upon the application of a force
27 in the direction of egress travel.

28 OOOO. "Parcel of Land" means one (1) contiguous piece of

1 real property, its boundaries, and all the rights contained therein, which is
2 identified by a Los Angeles County Assessor's Parcel Number (APN).

3 PPPP. "Permittee" means a person issued an Adult-
4 Use Cannabis Business Permit pursuant to this Chapter.

5 QQQQ. "Person" means a natural person as well as an entity,
6 individual, firm, partnership, joint venture, association, corporation, limited
7 liability company, estate, trust, business trust, receiver, syndicate, or any
8 other legal entity or group, or combination thereof acting as a unit, and
9 includes the plural as well as the singular number.

10 RRRR. "Physician's Recommendation" means a
11 recommendation provided by a physician or surgeon that an individual may
12 obtain and use cannabis for medicinal purposes in accordance with
13 California Health and Safety Code Section 11362.5.

14 SSSS. "Playground" means any park or recreational area specifically
15 designed to be used by children which has play equipment installed,
16 including public grounds designed for athletic activities such as baseball,
17 football, soccer, or basketball, or any similar facility located on public or
18 private school grounds, or city, county, or state parks.

19 TTTT. "Premises" means a contiguous area wherein the permit
20 privileges are, or will be, exercised, as diagrammed in the application for an
21 Adult-Use Cannabis Business Permit, and for which a separate permit is
22 required.

23 UUUU. "Primary Caregiver" means the individual, designated
24 by a qualified patient, who has consistently assumed responsibility for the
25 housing, health, or safety of said qualified patient pursuant to California
26 Health and Safety Code Section 11362.7.

27 VVVV. "Principal Licensee" means the licensed cannabis
28 manufacturer that has been approved by the City of Long Beach to operate

its licensed premises as a Shared-use Manufacturing Facility.

WWWW. "Property Line" means the defined boundaries of a parcel of land.

XXXX. "Property Owner" means the person who is the owner of record for the real property and premises where a commercial cannabis activity or commercial cannabis activities are located, or are proposed to be located.

YYYY. "Public Beach" or "Beach" means any beach area used for recreational purposes which is owned, operated, or controlled by the State, any State agency, or any local agency within the City's authority, including but not limited to, Alamitos Bay Beach, Alamitos Beach, Alamitos Park Beach, Belmont Shore Beach, Colorado Lagoon Park, Granada Beach, Rosie's Dog Beach, Long Beach City Beach, Marine Stadium Beach, Mothers Beach, Peninsula Bayside Beach, Peninsula Beach, and Shoreline Aquatic Park.

ZZZZ. "Public Park" or "Park" means publicly owned natural or open areas set aside for active public use for recreational, cultural, or community service activities, including but not limited to, all parks dedicated or designated in Table 35-2 of Chapter 21.35 of this Code.

AAAAA. "Public Place" or "Public" means any real property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. "Place open to the public" does not include any fenced area of a private residence regardless of whether it can be seen from a place open to the public.

BBBBB. "Public Right-Of-Way" means any public highway,

1 street, alley, sidewalk, parkway, and all extensions or additions thereto
2 which is either owned, operated, or controlled by the City, or is subject to an
3 easement or dedication to the City, or is a privately-owned area within City's
4 authority which is not yet dedicated, but is designated as a proposed public
5 right-of-way on a tentative subdivision map approved by the City.

6 CCCCC. "Qualified Patient" means a person who is entitled to
7 the protections of California Health and Safety Code Section 11362.5, but
8 who does not have an identification card.

9 DDDDD. "Quality Control Personnel" means any person or
10 group, designated by the permittee to be responsible for quality control
11 operations.

12 EEEEE. "Retail Area" means a building, room, or other area that
13 is open to the public upon a premises in which cannabis goods are sold or
14 displayed.

15 FFFFF. "Security Alarm System" means an assembly of
16 equipment and devices arranged to signal the presence of a hazard
17 requiring urgent attention, to which police officials may respond.

18 GGGGG. "Sell," "Sale," and "To Sell" means any transaction
19 whereby, for any consideration, title to cannabis goods are transferred from
20 one (1) person to another, and includes the delivery of cannabis goods in
21 response to an order placed for the purchase of the same and soliciting or
22 receiving an order for the same, but does not include the return of cannabis
23 goods by a permittee to the permittee from whom the cannabis goods were
24 purchased.

25 HHHHH. "Shared-Use Manufacturing Facility" or "Shared-Use
26 Facility" means a manufacturing premises operated by a Principal Licensee
27 in which Shared Use Manufacturing Operator Licensees are authorized to
28 conduct manufacturing operations.

1 IIIII. “Shared Use Manufacturing Operator Licensee” or “Operator
2 Licensee” means any person, entity, or operation, in whole or in part,
3 whether operating for-profit or not-for-profit, and all associated owners,
4 employees, managers, or agents that engages in manufacturing activities
5 limited to infusions, packaging/labeling of cannabis products, and
6 extractions with butter or food grade oils in common-use areas of a licensed
7 Shared-Use Manufacturing Facility, pursuant to California Department of
8 Public Health Code Section 40191.

9 JJJJJ. “Site” means one (1) or more contiguous lots or parcels of
10 land which were developed and function as a single development for
11 satisfying the requirements and development standards of this Code,
12 including, but not limited to, access and parking.

13 KKKKK. “Site Boundary” means the outer defined boundaries of
14 a site, which are coterminous with any or all portions of the property line(s)
15 of the lot(s) or parcel(s) of land that total the whole of the site.

16 LLLLL. “State” means the State of California.

17 MMMMM. “State Licensee” means a person issued a State
18 license by the State, or one of its departments or divisions, pursuant to the
19 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis
20 activity, and includes the holder of a Testing Laboratory license.

21 NNNNN. “State License” means a license issued by the State of
22 California, or one of its departments or divisions, pursuant to the
23 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis
24 activity, as well as a Testing Laboratory State license.

25 OOOOO. “Technical Report” means a document prepared by,
26 and bearing the stamp of, a registered design professional or qualified
27 specialist, laboratory, or fire safety specialty organization to analyze and
28 demonstrate that the fire safety properties of the equipment, devices,

1 systems, products, technologies, materials and uses attending the design,
2 operation or use of a building or premises comply with all applicable local
3 and State Building Codes, Fire Codes, Electrical Codes, and other laws.

4 PPPPP. "Testing Laboratory" means any person, entity, or
5 operation, in whole or in part, whether operating for-profit or not-for-profit,
6 and all associated owners, employees, managers, or agents offering or
7 performing tests of cannabis goods and that is ISO/IEC 17025 accredited,
8 or pending ISO/IEC 17025 accreditation.

9 QQQQQ. "Time and/or Temperature Controlled" means a
10 cannabis or cannabis product that requires time and/or temperature control
11 for safety to limit pathogenic microorganism growth or toxin formation.

12 RRRRR. "Trim" means the excess snipping of leaves from the
13 flowers of cannabis plants.

14 SSSSS. "Topical Cannabis Product" means a cannabis product
15 intended for external use, such as cannabis-enriched lotions, balms, and
16 salves. A topical cannabis product is not considered a drug as defined by
17 California Health and Safety Code Section 109925.

18 TTTTT. "Track-and-Trace System" means the State-approved
19 system required by the MAUCRSA to track commercial cannabis activity
20 and movement of cannabis goods through the distribution chain.

21 UUUUU. "Transport," "Transporting," or "Transportation" means
22 the physical movement of cannabis goods from the premises of one State
23 licensee to the premises of another State licensee.

24 VVVVV. "Transport Only Distributor" means any person, entity,
25 or operation, in whole or in part, whether operating for-profit or not-for-profit,
26 and all associated owners, employees, managers, or agents that engages
27 in the business of the transporting of cannabis goods between State
28 licensees only where the cannabis or cannabis products were cultivated or

1 manufactured by said permittee (self-distribution), or where the cannabis or
2 cannabis products are cultivated or manufactured by other State licensees.

3 WWWWW. "Transporter" means an employee of a Distributor
4 engaged in the procurement, sale, and transfer of cannabis goods from the
5 premises of one State licensee to the premises of another State licensee.

6 XXXXX. "Unique Identifier" means an alphanumeric code or
7 designation used for reference to a specific cannabis plant on a permitted
8 premises and any cannabis goods derived or manufactured from said
9 cannabis plant.

10 YYYYY. "Vacuum Oven" means an oven that uses a
11 combination of heat and negative pressure (vacuum) to strip the
12 concentrated material of any residual solvents that were used in the
13 extraction process.

14 ZZZZZ. "Volatile Solvent" means a solvent that is or produces a
15 flammable gas or vapor that, when present in the air in sufficient quantities,
16 will create explosive or ignitable mixtures. Examples of volatile solvents
17 include, but are not limited to, hexane and liquefied petroleum gases, such
18 as butane or propane.

19 AAAAA. "Youth Center" shall have the same meaning as
20 California Health and Safety Code Section 11353.1.

21 22 DIVISION II ADMINISTRATION

23 Subdivision I General Authority.

24 5.92.110 Authority to delegate.

25 A. The City Manager may delegate an act required to be
26 performed pursuant to this Chapter to any Code Enforcement Officer or
27 Official of the City, including, without limitation, the Chief of Police, the Fire
28 Code Official, the Building Official, the Director of Financial Management,

1 the City Attorney, the City Health Officer, or any designee of such officers or
2 officials. All references to the City Manager in this Chapter shall include any
3 designee of the City Manager.

4 B. The City Manager has all the powers of any peace officer to:

5 1. Investigate violations or suspected violations of this
6 Chapter; Chapter 3.80, Chapter 5.90, and Title 21 of this Code; the
7 provisions of MAUCRSA; any regulations implemented and enforced by the
8 State or any of its departments or divisions that may be enforced by peace
9 officers; any other laws or regulations pertaining to Commercial Cannabis
10 Businesses in this City, any resolutions or regulations promulgated
11 pursuant to such provisions;

12 2. View, duplicate, and/or take possession of recordings
13 made by the digital video surveillance system of a Commercial Cannabis
14 Business, which shall be made available to the City Manager upon verbal
15 request. No search warrant, court order, or subpoena shall be needed for
16 the City Manager to view security records;

17 3. Enter the cannabis facility and premises of a
18 Commercial Cannabis Business from time to time unannounced to make
19 reasonable inspections to observe and enforce compliance with this
20 Chapter and all laws and regulations of the City and State;

21 4. Serve all warrants, summonses, subpoenas,
22 administrative citations, notices, or other processes relating to the
23 enforcement of laws regulating commercial cannabis activities and
24 Commercial Cannabis Businesses.

25 5. Assist or aid any law enforcement officer in the
26 performance of his or her duties upon such law enforcement officer's
27 request, or the request of other local officials that have jurisdiction;

28 6. Inspect, examine, or investigate any Commercial

1 Cannabis Business, and the premises and/or cannabis facility for the same,
2 where cannabis goods are grown, harvested, possessed, stored, cultivated,
3 processed, manufactured, packaged, labeled, transported from, tested,
4 distributed, sold, or made available, and any books and records in any way
5 connected with any permitted activity;

6 7. Require any Commercial Cannabis Business, upon
7 demand, to allow an inspection of any Commercial Cannabis Business
8 during business hours, or at any time of apparent business, including,
9 without limitation, any cannabis equipment, cannabis accessories, security
10 records, inventory, on-site operations specific to the Commercial Cannabis
11 Business, accounts, or books and records; and to permit the testing of, or
12 examination of, cannabis goods.

13 8. Require applicants to submit complete and current
14 applications, fees, and any other information the City Manager deems
15 necessary to make permitting decisions and to approve material changes
16 made by any applicant or Commercial Cannabis Business;

17 9. Conduct investigations into the character, criminal
18 history, and all other relevant factors related to suitability of all applicants for
19 a Commercial Cannabis Business Permit, and such other persons with a
20 direct or indirect interest in a Commercial Cannabis Business, as the City
21 Manager may require; and

22 10. Promulgate such administrative regulations as deemed
23 necessary and appropriate, if said regulations are consistent herewith and
24 with all applicable State law and regulations.

25 11. Exercise any other power or duty authorized by law.

26 C. Nothing in this Section is intended to, or shall operate to,
27 change or shall have the effect of changing, the status of a City Manager's
28 designee under this Section from a public or miscellaneous officer or

1 employee to an individual peace officer or safety member or to a class of
2 peace officer or safety member for purposes of retirement, worker's
3 compensation or similar injury or death benefits, or any other employee
4 benefit or benefits to which said officer or employee would not have been
5 entitled to as a public employee prior to the adoption of this Section.

6 5.92.120 - Authority to order an administrative hold of cannabis goods.

7 To prevent destruction of evidence, diversion, or other threats to public
8 safety, while permitting a Commercial Cannabis Business to retain its inventory
9 pending further investigation, the City Manager may order an administrative hold
10 of cannabis goods pursuant to the following procedure:

11 A. If during an investigation or inspection of a Commercial
12 Cannabis Business, the City Manager develops reasonable grounds to
13 believe certain cannabis goods constitute evidence of acts in violation of
14 this Chapter, or rules promulgated pursuant to it, or otherwise constitute a
15 threat to the public safety, the City Manager may issue a notice of
16 administrative hold of any such cannabis goods.

17 B. The notice of administrative hold shall provide a documented
18 description of the cannabis goods to be subject to the administrative hold.

19 C. The Commercial Cannabis Business shall completely and
20 physically segregate the cannabis goods subject to the administrative hold
21 in a separate area of the location under investigation, where it shall be
22 safeguarded by the Commercial Cannabis Business. Pending the outcome
23 of the investigation and any related disciplinary proceeding, the Commercial
24 Cannabis Business is prohibited from selling, giving away, transferring,
25 transporting, or destroying the cannabis goods subject to the administrative
26 hold.

27 D. Following an investigation, the City Manager may lift the
28 administrative hold, order the continuation of the administrative hold, or

1 seek a Final Order for the destruction of the cannabis goods. A Commercial
2 Cannabis Business shall be responsible for the cost of the destruction of
3 cannabis associated with its violation.

4 E. Any decision or action of the City Manager pursuant to this
5 subsection is subject to the appeal procedures pursuant to Section
6 5.92.1445.

7 F. Voluntary surrender of cannabis goods. The Commercial
8 Cannabis Business, prior to a Final Order and upon mutual agreement with
9 the City Manager, may elect to waive a right to a hearing and any
10 associated rights, and voluntarily surrender any goods to the City Manager.
11 Such voluntary surrender may require destruction of any cannabis goods in
12 the presence of the City Manager.

13 5.92.130 Authority to make reasonable rules, policies, and procedures.

14 A. The City Manager is authorized to make reasonable rules,
15 policies, and procedures consistent with the intent and spirit of this Chapter
16 as may be necessary to administer and enforce the provisions of this
17 Chapter and any other ordinances, regulations or laws relating to and
18 affecting the permitting and operations of Commercial Cannabis
19 Businesses. Regulations promulgated by the City Manager become
20 effective upon date of publication, unless specified otherwise.

21 B. Applicants and permittees shall cooperate with the City
22 Manager, including City Manager designees who are conducting
23 inspections or investigations relevant to the enforcement of laws and
24 regulations related to this Chapter.

25 C. It is unlawful for any person to obstruct, impede, or interfere
26 with the City Manager, from reasonable inspection, investigation, audits
27 authorized by law or from exercising their respective duties under the
28 provisions of this Chapter and all rules promulgated pursuant to it, including

1 but not limited to, the following:

2 1. Threatening force or violence against the City
3 Manager, or otherwise endeavoring to intimidate, obstruct, or impede the
4 City Manager or any peace officers from exercising their duties. The term
5 “threatening force” includes the threat of bodily harm to such individual or to
6 a member of his or her family;

7 2. Denying the City Manager access to any portion of a
8 Commercial Cannabis Business, premises, and/or cannabis facility during
9 business hours or times of apparent activity;

10 3. Providing false or misleading statements;

11 4. Providing false or misleading documents and records;

12 5. Failing to timely produce requested books and records
13 required to be maintained by the Commercial Cannabis Business; or

14 6. Failing to timely respond to any request for information
15 made by the City Manager about an investigation of the qualifications,
16 conduct, or compliance of a Commercial Cannabis Business or applicants.

17 5.92.140 Authority of the Director of Financial Management.

18 The Director of Financial Management is authorized to make reasonable
19 rules, policies, and procedures consistent with the intent and spirit of this Chapter
20 concerning the applications, the application process, the information required of
21 applicants, the application procedures, and the administration and procedures to
22 be used and followed in the application process for permit applications and
23 requests for permit changes or modifications required pursuant to this Chapter.

24
25 Subdivision II Permit Application and Administration.

26 5.92.210 Business license and permit required.

27 A. It is unlawful for any person to engage in, operate, conduct,
28 carry on, or allow to be carried on, the business of adult-use cannabis in the

1 City without having first met the following requirements:

2 1. The person has paid any business license tax pursuant
3 to Chapter 3.80 of this Code;

4 2. The person holds a valid permit pursuant to the
5 requirements of this Chapter; and

6 3. The person holds a State license in accordance with
7 California Business and Professions Code Section 26000 et seq. and any
8 applicable regulations implemented by the State or any of its departments
9 or divisions.

10 B. Each permit issued pursuant to the requirements of this
11 Chapter shall entitle the holder thereof to obtain a City license to engage in
12 the business described in the permit, upon payment of the license tax
13 required by the provisions of Chapter 3.80 of this Code, provided the holder
14 of the permit complies with all other applicable provisions of law or
15 ordinance.

16 C. Fixed location required. A permit may only be issued for a
17 specific, fixed location within a secured, fully enclosed building, that is
18 subject to building and/or zoning permits and regulations.

19 5.92.215 Permit application required filing.

20 A. Any person seeking an Adult-Use Cannabis Business Permit
21 shall submit a written application to the City, signed under penalty of
22 perjury, using the form approved by the City for that purpose and in the
23 manner required by the Director of Financial Management. The application
24 shall be accompanied by a non-refundable application fee, established by
25 resolution of the City Council. All applications shall contain, at a minimum,
26 the following information and documents unless otherwise specified by the
27 Director of Financial Management:

28 1. Applicant information.

- a. The legal business name of the applicant.
 - b. The applicant's mailing address, e-mail address, and business telephone number.
 - c. The federal employer identification number or social security number of the applicant.
 - d. A description of the business organizational structure of the applicant, including the entity identification number, if applicable.
 - e. The contact information for the Community Liaison, including the Liaison's full name, phone number, and e-mail address.
 - f. Other cannabis licenses. A list of all State licenses and any out-of-state or other local licenses, permits, or authorizations to conduct commercial cannabis activity held by the applicant, including the date the license was issued and the state license number.
 - g. Description of State licenses required. A description or identification of the State license(s) types that are required for the applicant's proposed operations.
 - h. Prior denials, suspensions, or revocations. A statement under penalty of perjury by the applicant, as to whether the applicant has ever had the right to conduct a commercial cannabis activity denied, suspended, or revoked by the City, State, or any other cannabis licensing authority, including out-of-state licensing authorities.
2. Owner information. Every application shall include the following information for every owner of the applicant's Adult-Use Cannabis Business:
- a. The full legal name, title, social security number

1 or individual taxpayer identification number, mailing address, e-mail
2 address, telephone number, and percentage of ownership in the Adult-Use
3 Cannabis Business.

4 b. A copy of a completed Live Scan fingerprinting
5 and criminal background check form, identifying the Long Beach Police
6 Department as the requesting agency; and

7 c. A color copy of every owner's government-
8 issued identification.

9 3. Property information. Every application shall include,
10 but not be limited to, the following property information concerning the
11 proposed premises:

12 a. The physical address of the premises to be
13 permitted;

14 b. A premises diagram;

15 c. The full legal name, e-mail address, and
16 telephone number of the property owner for the proposed premises; and

17 d. Proof that the applicant has the legal right to
18 occupy and use the premises for commercial cannabis activity, subject to
19 the following requirements:

20 (i) If the Adult-Use Cannabis Business owns
21 the real property where the commercial cannabis activity will occur, the
22 applicant shall provide properly executed deeds or other proof of title to said
23 real property.

24 (ii) If the Adult-Use Cannabis Business does
25 not own the real property where the commercial cannabis activity will occur,
26 the applicant shall provide the following:

27 1) A written statement, on a form
28 provided by the City for that purpose, signed and notarized by each

property owner under penalty of perjury, consenting and/or attesting to the following:

a. That commercial cannabis activity may be conducted on the property by the Adult-Use Cannabis Business applicant;

b. That the Adult-Use Cannabis Business applicant has the right to occupy the property;

c. That no person shall engage in commercial cannabis activity on the proposed premises without all licenses and permits required by this Code and State law to conduct commercial cannabis activity while a Commercial Cannabis Business application is pending;

d. That the City may enter the property to conduct property inspections during the application process and after a permit is issued; and

e. That each property owner has read, understands, and will ensure compliance with the terms of this Chapter.

2) A copy of the Property Owner's Non-Residential Rental Business License.

4. Details of business operation. Every application shall include details of the proposed operation, including but not limited to: the proposed hours of operation; a description of the nature of the proposed commercial cannabis activity; whether any other type of commercial cannabis activity will share the proposed premises or cannabis facility with the proposed operation; and all specifications for any equipment to be required for the proposed operation.

5.92.220 Permit application investigation.

1 A. Upon receipt of a complete application, the Director of
2 Financial Management shall refer the application to the appropriate City
3 departments to determine whether the proposed premises and cannabis
4 facility complies with all applicable laws and regulations.

5 B. As part of the application process, every Adult-Use Cannabis
6 Business shall be subject to mandatory inspections of the proposed
7 premises.

8 C. All applicants shall obtain all required land use approvals, and
9 any other necessary approvals, certifications, permits, or licenses from the
10 City, State, or any applicable State or local agencies, for each separate
11 proposed premises and for every type of commercial cannabis activity
12 required for the applicant's proposed operation.

13 5.92.225 Co-location of adult-use and medicinal commercial cannabis
14 activities.

15 The City may allow a Commercial Cannabis Business to conduct both
16 adult-use and medicinal commercial cannabis activity on the same permitted
17 premises if all of the following criteria are met:

18 A. The permittee holds both an Adult-Use Cannabis Business
19 Permit and a Medical Marijuana Business Permit on the same premises for
20 an identical type of commercial cannabis activity.

21 B. Except as otherwise authorized by law, the permittee only
22 conducts one of the following types of commercial cannabis activities on the
23 same permitted premises: retail sale (Dispensary), cultivation, distribution,
24 manufacturing, or laboratory testing. Examples of exceptions authorized by
25 law include, but are not limited to, businesses holding a State license for a
26 Type 12 Microbusiness or Transport Only Distributors that hold a State
27 license and City permit for cultivation or manufacturing.

28 C. Prior to the issuance of an Adult-Use Cannabis Business

1 Permit, the applicant shall waive the rights to the inspection, penalty,
2 suspension, revocation, and appeals process and requirements under
3 Chapter 5.90 of this Code, and shall consent to subject the Medical
4 Marijuana Business Permit to the inspection, penalty, suspension,
5 revocation, and appeals processes and requirements of this Chapter.

6 D. The application for an Adult-Use Cannabis Business Permit
7 shall be submitted by the same entity and owners that hold the Medical
8 Marijuana Business Permit, or the same entity and owners who are named
9 on the application for the Medical Marijuana Business Permit, for the
10 identical premises as the Medical Marijuana Business.

11 E. The operation of adult-use and medicinal commercial
12 cannabis activities from the same permitted premises complies with the
13 requirements in this Chapter and all other applicable State and local laws
14 and regulations, including, but not limited to, the location requirements
15 specified in Section 5.92.420.

16 F. If the Commercial Cannabis Business is a Dispensary, the
17 proposed Adult-Use Cannabis Dispensary shall also be a permitted Medical
18 Marijuana Dispensary in good standing.

19 G. The Medical Marijuana Business Permit shall be issued
20 before the Adult-Use Cannabis Business Permit will be issued.

21 5.92.240 Effect of other permits or licenses.

22 Possession of other types of local and State licenses or permits does not
23 exempt any person from the requirement of obtaining a permit under this Chapter.

24 5.92.245 Incomplete applications.

25 A. Upon review of an application, if the Director of Financial
26 Management determines an application is incomplete, the Director of
27 Financial Management shall provide notice to the applicant, who shall have
28 ninety (90) calendar days to correct all deficiencies.

1 B. If the applicant fails to correct said deficiencies within the
2 ninety (90) day period, the application shall be deemed abandoned, void,
3 and of no further force and effect. The applicant may reapply at any time
4 following an abandoned application. The City will not refund any fees for
5 incomplete or abandoned applications.

6 C. The Director of Financial Management may extend the
7 deadline upon showing of good cause by the applicant for the inability to
8 provide all required information by the deadline, if a written request for an
9 extension is received no later than ten (10) calendar days prior to the
10 deadline. For purposes of this subsection, the term "good cause" shall
11 mean the applicant's failure to complete the application process occurred
12 due to circumstances outside of the applicant's control.

13 5.92.250 One applicant per property address.

14 A. The Director of Financial Management shall only accept
15 applications from one (1) applicant per property address at a time.

16 B. Any applications received by the Director of Financial
17 Management from a different applicant, while an active application is
18 pending for the same property address, is deemed void and of no force and
19 effect.

20 C. If more than one (1) application for an Adult-Use Cannabis
21 Business Permit has been submitted for the same property address, the
22 first application received by the Director of Financial Management shall be
23 eligible to proceed.

24 5.92.255 Withdrawal of application.

25 A. An applicant may withdraw an application any time prior to the
26 issuance or denial of a permit by submitting a signed and dated request to
27 withdraw, on a form provided by the City for that purpose.

28 B. Upon the Director of Financial Management's receipt of the

1 request to withdraw, the application is deemed withdrawn, void, and of no
2 further force and effect.

3 C. Withdrawal of an application submitted under this Chapter
4 does not deprive the Director of Financial Management of his or her
5 authority to institute or continue any proceeding against the applicant for the
6 denial of an application for a permit upon any ground provided by law or to
7 enter an order denying an application for a permit upon any such ground.

8 5.92.260 Revocable privilege.

9 A permit issued by the City is a revocable privilege. It is the responsibility of
10 the applicant to provide all information required for approval of the permit and to
11 demonstrate compliance with this Chapter and any other applicable law, rule, or
12 regulation.

13 5.92.265 Persons prohibited as owners.

14 A. It shall be unlawful for any of the following persons to be an
15 owner of an Adult-Use Cannabis Business pursuant to this Chapter:

16 1. A sheriff deputy, police officer, or prosecuting officer, or
17 an officer or employee of the State, County, or the City.

18 2. A person otherwise prohibited in this Chapter from
19 engaging in commercial cannabis activity.

20 3. A licensed physician making patient recommendations
21 for cannabis.

22 4. An individual who is under twenty-one (21) years of
23 age.

24 5. A person who has been convicted of any offense within
25 the last ten (10) years that is substantially related to the qualifications,
26 functions, or duties of the operation of a Commercial Cannabis Business
27 and conducting commercial cannabis activity, which includes the following
28 offenses:

1 a. A violent felony, as specified under Penal Code
2 Section 667.5(c).

3 b. A serious felony, as specified under Penal Code
4 Section 1192.7(c).

5 c. A felony involving fraud, deceit, or
6 embezzlement.

7 6. A person who has been convicted of any offense that is
8 substantially related to the qualifications, functions, or duties of the
9 operation of a Commercial Cannabis Business and conducting commercial
10 cannabis activity, which includes the following offenses:

11 a. A felony conviction for hiring, employing, or
12 using a minor in transporting, carrying, selling, giving away, preparing for
13 sale, or peddling, any controlled substance to a minor; or selling, offering to
14 sell, furnishing, offering to furnish, administering, or giving any controlled
15 substance to a minor.

16 b. A felony conviction for drug trafficking with
17 enhancements pursuant to California Health and Safety Code Section
18 11370.4 or 11379.8.

19 7. Any person who has failed to remedy any outstanding
20 delinquent taxes, fees, or judgment owed to the City.

21 8. A person who has, within the past (3) years, been
22 sanctioned or fined for, enjoined from, found guilty of, or plead guilty or no
23 contest to, any charge of engaging in commercial cannabis activity without
24 the required permits, licenses, registrations, or approvals required by State
25 or local law.

26 B. Conviction for any controlled substance felony after the
27 issuance of an Adult-Use Cannabis Business Permit shall be grounds for
28 revocation of said permit or denial of the renewal of said permit.

1 C. A plea or verdict of guilty, or a conviction following a plea of
2 nolo contendere is deemed a conviction within the meaning of this Chapter.

3 D. Except as provided for in Section 5.92.265.A.6 and Section
4 5.92.1615.B.4.a, a prior conviction, where the sentence, including any term
5 of probation, incarceration, or supervised release, is completed, for
6 possession of, possession for sale, sale, manufacture, transportation, or
7 cultivation of cannabis and/or cannabis goods shall not be the sole ground
8 for denial of a permit.

9 5.92.270 Limitations on liability.

10 To the fullest extent permitted by law, the City will not assume any liability
11 whatsoever with respect to issuing any permit pursuant to this Chapter or
12 otherwise approving the operation of any Adult-Use Cannabis Business or Co-
13 Located Cannabis Business. Prior to issuance of an Adult-Use Cannabis Business
14 Permit, the applicant, or its legal representative, shall execute an agreement, on a
15 form approved by the City Attorney, regarding the following:

16 A. The applicant will indemnify, defend (at applicant's sole cost
17 and expense), and hold harmless the City, and its officers, officials,
18 employees, representatives, and agents from any and all claims, losses,
19 damages, injuries, liabilities or losses which arise out of, or which are in any
20 way related to, the City's issuance of the Adult-Use Cannabis Business
21 Permit, the City's decision to approve the applicant's operation of any
22 commercial cannabis activity or any Commercial Cannabis Business
23 operation, the process used by the City in making its decision, or the
24 alleged violation of any federal, State, or local laws by the Adult-Use
25 Cannabis Business applicant, permittee, or any of its officers, managers,
26 employees, or agents; and

27 B. The applicant will agree to reimburse the City for all costs and
28 expenses, including but not limited to attorney fees and costs, which the

1 City may be required to pay as a result of any legal challenge related to the
2 City's approval of the applicant's Adult-Use Cannabis Business Permit, or
3 related to the City's approval of the applicant's commercial cannabis
4 activity. The City may, at its sole discretion, participate at its own expense
5 in the defense of any such action, but such participation shall not relieve
6 any of the obligations imposed hereunder.

7 5.92.275 Payment of fees.

8 A. No person may commence or continue any adult-use
9 commercial cannabis activity in the City, without timely paying in full all fees
10 and taxes required for the operation of an Adult-Use Cannabis Business.

11 B. The actual cost to the City arising from the processing and
12 oversight of permits, business permits and licenses, and the costs of
13 monitoring and ensuring compliance with this Chapter, including the Equity
14 Program, the Responsible Vendor Pilot Program, investigations,
15 enforcement actions, and disciplinary or abatement proceedings, shall be
16 offset through application fees, and annual renewal fees, and shall be
17 established by resolution of the City Council which may be amended from
18 time to time.

19 C. The amount of any fee, cost, or charge imposed pursuant to
20 this Chapter shall be deemed a debt to the City that is recoverable in any
21 manner authorized by this Code, State law, or in any court of competent
22 jurisdiction.

23
24 Subdivision III Permit Terms and Modifications.

25 5.92.310 Term and renewal of permit.

26 A. All permits issued under the provisions of this Chapter shall
27 be effective for a period not to exceed five (5) years after issuance. The City
28 Manager may renew a permit if the City Manager determines that the

1 permittee has complied with the provisions of this Chapter and all
2 applicable laws during the preceding permit term, and if the permittee pays
3 the renewal fees and taxes required by this Chapter.

4 B. Any permit issued under this Chapter does not confer a
5 vested right or entitlement to receive a future permit under this Chapter.

6 C. Any permit issued under this Chapter does not authorize any
7 conduct or continuance of any operation of a Commercial Cannabis
8 Business, in the event a permittee fails to provide required business tax
9 returns and taxes to the City.

10 5.92.320 Permit changes or modifications generally.

11 A. Form and fees required. Any permit changes or modifications
12 made pursuant to this Subdivision shall be submitted on a form, provided by
13 the City for that purpose, with a nonrefundable fee established by resolution
14 of the City Council.

15 B. No permittee may avail themselves of the provisions of this
16 Subdivision if the Director of Financial Management has notified the
17 permittee that the Adult-Use Cannabis Business Permit or Co-Located
18 Cannabis Business Permits have been, or may be, suspended or revoked,
19 or may not be renewed.

20 5.92.330 Change of address.

21 A. Any relocation or expansion of the permitted premises that
22 includes a different property address is considered a change of address.

23 B. No permittee shall operate an Adult-Use Cannabis Business
24 or Co-Located Cannabis Business at any premises other than the premises
25 specified in the permittee's permit(s).

26 C. The relocation of any Adult-Use Cannabis Business shall first
27 be approved by the Director of Financial Management who shall determine
28 whether all ordinances and regulations of the City will be complied with at

1 any proposed new premises.

2 D. Only permittees may request to relocate an Adult-Use
3 Cannabis Business operation to a new premises. Applicants seeking to
4 relocate shall withdraw their existing application and submit a new
5 application for the new proposed premises pursuant to the requirements of
6 this Chapter.

7 E. The Director of Financial Management may approve a
8 permittee's request to relocate the operation of an Adult-Use Cannabis
9 Business if the relocation complies with the following requirements:

10 1. The permittee, and any owners identified in the permit,
11 and the commercial cannabis activity specified in the existing permit remain
12 unchanged if the request to relocate is approved.

13 2. The existing Adult-Use Cannabis Business Permit, and
14 the corresponding State license, shall not be the subject of a pending
15 revocation or suspension action by the City, State, or any of the State's
16 divisions or departments.

17 3. If the permittee is a Dispensary, both the Medical
18 Marijuana Dispensary and the Adult-Use Cannabis Dispensary shall
19 relocate to the same premises at the same time. It shall be unlawful for a
20 Co-Located Dispensary to relocate the operation of either the Adult-Use
21 Cannabis Dispensary or the Medical Marijuana Dispensary without likewise
22 changing the location of the other.

23 4. The proposed premises complies with the requirements
24 in this Chapter and all other applicable State and local laws and regulations,
25 including, but not limited to, the locations requirements specified in Section
26 5.92.420.

27 F. A Non-Equity Dispensary shall not be eligible to submit a
28 request to relocate the operation of the Adult-Use Cannabis Dispensary

1 until one hundred eighty (180) days after the City begins accepting
2 business license applications from Equity Dispensaries, or until all Equity
3 Dispensaries have provided the complete, notarized Property Owner
4 Authorization for the business premises in the business license application,
5 whichever occurs sooner.

6 5.92.340 Change of ownership.

7 A. Except as otherwise set forth in this Chapter, any sale,
8 transfer, assignment, attempted sale, attempted transfer, or attempted
9 assignment of a permit in violation of this Chapter shall be deemed to
10 constitute a voluntary surrender of such permit, and all rights to operate a
11 Commercial Cannabis Business in the City shall terminate, and any such
12 permit(s) shall thereafter be deemed null and void.

13 B. No permittee may sell, transfer, or assign, or change
14 ownership or control of an Adult-Use Cannabis Business Permit to another
15 person, or by operation of law, unless and until the proposed new owner(s),
16 or the proposed transferee(s), submit all required materials at least thirty
17 (30) days prior to the change of ownership or transfer, pay all applicable
18 fees, and independently meet the requirements of this Chapter. For
19 purposes of this Chapter:

20 1. A change in ownership occurs when one (1) or more of
21 the owners of a permit change and the new person added to the permit
22 meets the definition of an "Owner" pursuant to this Chapter.

23 2. A change in ownership does not occur when one (1) or
24 more owners leave the business by transferring their ownership interest to
25 the other existing owner(s). In cases where one (1) or more owners leave
26 the business by transferring their ownership interest to the other existing
27 owner(s), the owner(s) that are transferring their interest shall provide a
28 signed statement to the City confirming that they have transferred their

1 interest.

2 C. If the permittee is a Co-Located Cannabis Business, any
3 request to change ownership, or transfer a permit, shall not be approved
4 unless both the Medical Marijuana Business and the Adult-Use Cannabis
5 Business changes permit ownership at the same time, to the same owners,
6 same business name, and in the same business formation. It shall be
7 unlawful for a Co-located Commercial Cannabis Business to change
8 ownership of either the Medical Marijuana Business Permit or the Adult-Use
9 Cannabis Business Permit without likewise changing the ownership of the
10 other.

11 D. The existing permittee may conduct business under the
12 existing permit while the Director of Financial Management reviews the
13 application for a change of ownership or permit transfer. Denial of an
14 application for a change of ownership does not result in the revocation of
15 the existing permit.

16 5.92.350 Change in business name.

17 No permittee shall operate, conduct, manage, engage in, or carry on an
18 Adult-Use Cannabis Business under any name other than the name of the Adult-
19 Use Cannabis Business specified in the permit and/or any “doing business as” or
20 “DBA” provided in the permit application.

21 5.92.360 Physical modification of premises.

22 A. A permittee shall not make a physical change, alteration, or
23 modification of the permitted premises without the prior written approval of
24 the Director of Financial Management.

25 B. If a permitted premises is to be changed, modified, or altered,
26 the permittee is responsible for filing a request for a premises modification
27 with the Director of Financial Management and securing all necessary City
28 approvals, project plan approvals, and permits.

1 C. Alterations or modifications requiring City approval include,
2 without limitation:

3 1. The removal, creation, or relocation of a common
4 entryway, doorway, passage, or a means of public entry or exit, when such
5 common entryway, doorway, or passage alters or changes the limited-
6 access areas within the permitted premises.

7 2. The removal, creation, addition, or relocation of the
8 cultivation area.

9 3. Any other physical modification resulting in a material
10 or substantial change in the mode or character of business operation.

11 4. The requirements of this Section are in addition to
12 compliance with any other applicable State or local rule, law, or regulation
13 pertaining to approval of building modifications, zoning, or land use
14 requirements.

15 D. The Director of Financial Management may refer the plans
16 and specifications to all concerned City departments for review and
17 inspection, as appropriate.

18 DIVISION III - GENERAL OPERATING CONDITIONS

19 The following general operating requirements are applicable to all
20 Adult-Use Cannabis Businesses. Requirements in this Section are in addition to
21 the requirements specific to each type of Adult-Use Cannabis Business set forth in
22 Division IV (Dispensary operating conditions); Division V (Cultivation operating
23 conditions); Division VI (Manufacturing operating conditions); Division VII (Shared
24 Use Manufacturing operating conditions); Division VIII (Distribution operating
25 conditions); and Division IX (Testing Laboratory operating conditions) of this
26 Chapter.

27
28 Subdivision I Cannabis facility and location requirements.

1 5.92.410 Compliance.

2 A. Every Adult-Use Cannabis Business shall comply with all
3 applicable State laws and regulations, as may be amended and adopted,
4 including all permit, approval, inspection, reporting and operational
5 requirements, imposed by the State or its regulatory agencies having
6 jurisdiction over cannabis, commercial cannabis activity, or Commercial
7 Cannabis Businesses.

8 B. Every Adult-Use Cannabis Business shall comply with all
9 applicable State laws, guidelines, and regulations for cannabis and
10 commercial cannabis activity, as may be adopted and as amended by any
11 State agency or department, including, but not limited to, the Department of
12 Cannabis Control, the State Department of Food and Agriculture, the State
13 Department of Public Health, the State Department of Pesticide Regulation,
14 the Attorney General, and the State Department of Tax and Fee
15 Administration.

16 C. Every Adult-Use Cannabis Business shall comply with all
17 applicable local and regional agency regulations, including, but not limited
18 to, regulations issued by the State Water Resources Control Board and the
19 Los Angeles County Agricultural Commissioner/Weights and Measures.

20 D. Adult-Use Cannabis Businesses shall provide copies of State,
21 regional and local agency licenses, permits, approvals, or certificates upon
22 verbal or written request by the City Manager, to serve as verification for
23 such compliance.

24 5.92.415 Right to use and occupy premises.

25 Every Adult-Use Cannabis Business permittee, and applicant for the same,
26 shall maintain a legal right to occupy and a right to use the premises upon which
27 the Adult-Use Cannabis Business operates.

28 5.92.420 Location requirements.

1 A. Except as otherwise provided for in this Chapter, a premises
2 shall comply with zoning districts in Title 21 (Zoning Ordinance) of this
3 Code, Specific Plans, or Planned developments.

4 B. Adult-Use Cannabis Dispensary premises shall not be located
5 within:

6 1. A six-hundred foot (600') radius of a public or private
7 school (as defined in California Health and Safety Code Section
8 11362.768(h)).

9 2. A six-hundred foot (600') radius of a day care center.

10 3. A six-hundred foot (600') radius of a playground or
11 community center.

12 4. A six hundred foot (600') radius of a library.

13 5. A one-thousand foot (1,000') radius of any other
14 Dispensary.

15 6. A building which contains a dwelling unit, with the
16 exception of those dispensaries otherwise permitted on ground floors of
17 mixed-use buildings within the Downtown Planned Development District
18 (PD-30).

19 7. A dwelling unit within any zoning district.

20 C. A premises for a cannabis business that is not an Adult-Use
21 Cannabis Dispensary shall not be located within:

22 1. A one-thousand foot (1,000') radius of a public or
23 private school (as defined in California Health and Safety Code Section
24 11362.768(h)).

25 2. A one-thousand foot (1,000') radius of a public beach.

26 3. A six-hundred foot (600') radius of a public park, public
27 library, or day care center.

28 4. A building which contains a dwelling unit.

1 5. A dwelling unit within any zoning district.

2 D. Youth center buffer. Pursuant to its authority under California
3 Business and Professions Code Section 26054, the City hereby establishes
4 a zero-foot (0') radius buffer for youth centers for Adult-Use Cannabis
5 Businesses licensed under this Chapter; therefore, there is no buffer
6 distance requirement for youth centers for Adult-Use Cannabis Business
7 within the City.

8 5.92.425 Noncompliant locations.

9 A. If the Director of Financial Management has deemed an
10 application complete, any Adult-Use Cannabis Business may continue the
11 application process unaffected if the proposed premises becomes non-
12 compliant with the buffers in subsections (1) through (4) of Section
13 5.92.420.A due to the establishment of any sensitive use.

14 B. A permittee pursuant to this Chapter may continue to operate
15 unaffected if the permitted premises becomes non-compliant with the
16 buffers in subsections (1) through (4) of Section 5.92.420.A due to the
17 establishment of any sensitive use, so long as an Adult-Use Cannabis
18 Business Permit remains valid.

19 5.92.430 Measurement of distance between sites.

20 The distance between a proposed premises and any sensitive use, as set
21 forth in subsections (1) through (4) of Section 5.92.420.A, shall be determined by
22 the horizontal distance measured in a straight line from the site boundary of the
23 sensitive use to the closest site boundary of the site on which the proposed
24 premises is to be located, without regard to intervening structures.

25 5.92.435 Premises requirements.

26 A. Except as otherwise provided in this Chapter, the premises of
27 two (2) or more Commercial Cannabis Businesses proposed on the same
28 site or within the same cannabis facility shall be granted approval only if:

1 1. All of the proposed Commercial Cannabis Businesses
2 and their operation from the same site or cannabis facility are authorized by
3 both local and applicable State law and regulations; and

4 2. Every Commercial Cannabis Business within said
5 cannabis facility or on any one site operates from a separate premises and
6 property address.

7 B. Commercial Cannabis Businesses issued permits for multiple
8 permit types at the same physical address shall maintain clear separation
9 between permit types unless otherwise authorized by local and State law.

10 C. Two (2) or more permitted premises may share a common
11 lobby, common interior walkway, or common interior hallway and
12 bathroom(s), wherein no permitted privileges will be exercised, provided
13 that all premises comply with the requirements of this Chapter and any
14 applicable State laws and regulations.

15 D. Commercial Cannabis Businesses shall obtain all necessary
16 local and State licenses and permits, and land use approvals from local and
17 State agencies for each type of commercial cannabis activity proposed at
18 every separate premises.

19 E. Commercial Cannabis Businesses shall ensure the
20 requirements set forth in this Code for each type of commercial cannabis
21 activity and every separate premises are satisfied, including all parking
22 requirements.

23 F. Except for Commercial Cannabis Businesses authorized by
24 the State to operate as a Type 12 Microbusiness, Commercial Cannabis
25 Businesses shall only conduct one (1) type of commercial cannabis activity
26 per permitted premises. Commercial Cannabis Businesses intending to
27 apply with the State for, and operate as, a Type 12 Microbusiness State
28 license shall obtain a separate permit for every type of commercial

cannabis activity on the proposed premises.

G. The City may allow one (1) permittee to conduct both adult-use and medicinal commercial cannabis activities from the same permitted premises if:

1. The requirements of this Section are satisfied; and
2. The permittee holds both an Adult-Use Cannabis Business Permit and a Medical Marijuana Business Permit for the identical type of commercial cannabis activity at the same premises.

5.92.440 Business identification signage.

A. Exterior business identification signage for every Adult-Use Cannabis Business shall conform to the requirements of State law and this Code, including, but not limited to, Title 21 of this Code and California Business and Professions Code, Chapter 15 ("Advertising and Marketing Restrictions") of Division 10.

B. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. Business identification signage is discouraged for Adult-Use Cannabis Businesses that are not open to the public.

C. Exterior signage for one (1) Commercial Cannabis Business issued permits for two (2) or more commercial cannabis activities at the same physical address shall be cumulative; one (1) business identification sign shall represent all uses.

5.92.445 Fire prevention system.

A. Where applicable, every Adult-Use Cannabis Business shall implement fire prevention measures on the premises in compliance with Title 18 of this Code, including but not limited to, fire sprinkler systems, fire alarm systems, fire extinguishers, and gas detections systems.

1 B. The Adult-Use Cannabis Business shall obtain all necessary
2 permits for any fire prevention systems installed at the premises and/or
3 cannabis facility from the Long Beach Fire Department.

4 C. A minimum of a one (1) hour fire barrier shall be maintained
5 between every premises of a Commercial Cannabis Business and any
6 adjacent business that is not engaged in commercial cannabis activity or
7 that is not a Commercial Cannabis Business.

8 D. Every premises shall be fully separated from any other
9 premises where commercial cannabis activities are conducted by walls that
10 extend from floor to underneath the roof with five-eighths inch (5/8") drywall
11 on both sides. All doors and windows separating commercial cannabis
12 activities shall be one (1) hour rated.

13 5.92.450 General sanitation requirements.

14 A. Washing facilities. Every premises shall have:

15 1. Hand-washing facilities designed to ensure an
16 employee's hands do not pose a source of contamination to products,
17 surfaces, or packaging materials. Hand-washing facilities shall also be
18 convenient and furnish hot running water running water of at least 100°F;

19 2. Effective hand-cleaning (liquid soap) and disposable
20 paper towel or suitable drying devices;

21 3. Three (3) compartment utensil washing facilities;

22 4. Bathrooms; and

23 5. Mop sinks with hot and cold running water.

24 B. Adequate lighting. Cannabis facilities shall have adequate
25 lighting in the following areas: hand-washing areas; dressing and locker
26 rooms; toilet facilities; all areas where components or cannabis goods are
27 examined, trimmed, harvested, manufactured, processed, packed, or held;
28 and in all areas where equipment or utensils are cleaned.

1 5.92.455 Cannabis public health permit.

2 A. Permit required. Every Adult-Use Cannabis Business shall
3 obtain a cannabis public health permit prior to the establishment or
4 operation of any adult-use commercial cannabis activity and in addition to
5 any other applicable permits and licenses required pursuant to State and
6 local law to engage in adult-use commercial cannabis activity.

7 B. Application and fees required. To obtain a cannabis public
8 health permit, every Adult-Use Cannabis Business shall file an application
9 with the City Health Officer, on a form provided for that purpose, and pay a
10 nonrefundable cannabis public health permit fee established by resolution
11 of the City Council. The City Health Officer may request additional
12 documentation and information as deemed necessary for the Adult-Use
13 Cannabis Business to demonstrate compliance.

14 C. Permit provisions.

15 1. All cannabis public health permits are valid for twelve
16 (12) months from the date of issuance and may be renewed annually.

17 2. Every cannabis public health permit is valid only for the
18 person, premises, and type of commercial cannabis activity specified in the
19 permit. Cannabis public health permits are not transferable upon change of
20 ownership or relocation of the premises.

21 3. Every premises where commercial cannabis activities
22 occur within the same cannabis facility requires a separate cannabis public
23 health permit.

24 4. All public health permits and licenses shall be posted in
25 a conspicuous place within the premises.

26 D. Permit renewals.

27 1. An application for renewal of any cannabis public
28 health permit shall be submitted to the City Health Officer at least sixty (60)

1 business days prior to the expiration date of the current cannabis public
2 health permit, but no more than one-hundred and twenty (120) calendar
3 days prior to the expiration of the current cannabis public health permit.

4 2. An Adult-Use Cannabis Business that does not obtain
5 a renewed cannabis public health permit by the end of the business day of
6 the expiration date shall discontinue operation of the Adult-Use Cannabis
7 Business until a new cannabis public health permit is issued.

8 3. Any cannabis public health permit that has not been
9 renewed by the annual renewal date will not be valid and is deemed
10 inactive.

11 4. Denial of applications or renewals. The City Health
12 Officer may deny an application or renewal application for a cannabis public
13 health permit for any reason enumerated in Section 5.92.1540 of this
14 Chapter.

15 E. Permit suspension or revocation.

16 1. Any cannabis public health permit issued under this
17 Chapter may be suspended or revoked by the City Health Officer for any
18 violation of the requirements of this Chapter, this Code, or State or local
19 laws or regulations.

20 2. Any premises, or portion of a premises, for which the
21 cannabis public health permit has been suspended or revoked shall close,
22 cease doing business, and remain closed until the cannabis public health
23 permit has been reinstated or reissued by the City Health Officer.

24 3. Whenever the City Health Officer finds the operation of
25 any Adult-Use Cannabis Business does not comply with the requirements
26 of this Chapter or State or local laws or regulations, a written notice to
27 comply, that contains a required compliance date, shall be issued to the
28 Adult-Use Cannabis Business.

1 4. If the Adult-Use Cannabis Business fails to comply
2 within the specified time, the City Health Officer may issue a written notice
3 setting forth the acts or omissions with which the Adult-Use Cannabis
4 Business is charged, and informing the Adult-Use Cannabis Business of a
5 right to a hearing, if requested, to show cause why the cannabis public
6 health permit should not be suspended or revoked.

7 5. Notice requirements for an Adult-Use Cannabis
8 Business's request for an appeal, and the suspension or revocation of a
9 cannabis public health permit shall be governed by the provisions of
10 Division IX of this Chapter. No person shall conduct any activity regulated
11 by this Section after a cannabis public health permit for such activity has
12 been revoked or during the time a cannabis public health permit therefor
13 has been suspended.

14
15 Subdivision II General Operating Requirements.

16 5.92.510 Community Liaison.

17 A. Adult-Use Cannabis Businesses shall have a Community
18 Relations Liaison designated at all times, who shall be twenty-one (21)
19 years of age or older. Any Co-Located Cannabis Business or Commercial
20 Cannabis Business conducting two (2) or more commercial cannabis
21 activities within the same cannabis facility shall designate one (1) Liaison
22 for the site.

23 B. The Liaison shall be responsible for receiving and responding
24 to all concerns and complaints made to the City regarding the Adult-Use
25 Cannabis Business and for making a good faith attempt to promptly
26 address all concerns and resolve all complaints.

27 C. The Liaison shall respond by phone or e-mail within forty-eight
28 (48) hours of any complaint(s) or concern(s) reported by a City official.

D. The Liaison's name and contact information shall be:

1. Publicly available, such as, available to any individual upon request, on the Adult-Use Cannabis Business's website, marketing material, or the technology platform used by the Adult-Use Cannabis Business.

2. Provided to the City Manager prior to operation of the business and within forty-eight (48) hours of a designation of a new Liaison.

3. Provided to all neighboring businesses located within one-hundred feet (100') of the permitted premises or cannabis facility, as measured in a straight line without regard to intervening structures, between the front doors of each establishment prior to opening.

4. Posted conspicuously, and in a conspicuously visible font size, on the main entry doors to the business.

5.92.515 Display of permit and license.

Every Adult-Use Cannabis Business shall maintain a copy of its City permit and State license on display during business hours and in a conspicuous place so that the City permit and State license may be readily seen by all persons entering the premises.

5.92.520 Age restrictions.

Individuals under twenty-one (21) years of age shall not be allowed on the premises of any Adult-Use Cannabis Business, except as pertaining to the sale of cannabis for medicinal use by a Dispensary to a medical patient or primary caregiver who is at least eighteen (18) years of age.

5.92.525 No direct sales to the public.

Except as otherwise provided for in this Chapter and Chapter 5.90 of this Code for Dispensaries, no direct sales of cannabis goods to the public may occur upon a permitted premises of a Distributor, Cultivator, Manufacturer, or Testing Laboratory.

1 5.92.530 Advertising and marketing.

2 A. All advertisements and marketing, including off-site
3 advertising signs, on-premises signs, labels, and billboards by an Adult-Use
4 Cannabis Business shall comply with this Chapter, Title 21 of this Code,
5 any regulations implemented by the State or any of its divisions or
6 departments, and California Business and Professions Code Chapter 15
7 ("Advertising and Marketing Restrictions") of Division 10.

8 B. Not attractive to children. Advertisements and marketing may
9 not be designed to appeal to children or encourage children to consume
10 cannabis goods, contain any false or misleading statements, or make any
11 misrepresentations.

12 C. Billboard advertising and marketing.

13 1. No person shall place, establish, keep, allow, maintain,
14 or locate any advertisement or marketing for cannabis goods on any
15 billboard located within a one-thousand foot (1,000') radius of a public park,
16 day care center, or public or private school (as defined in California Health
17 and Safety Code Section 11362.768(h)).

18 2. The City hereby establishes a zero-foot (0') radius
19 buffer for youth centers and playgrounds for any advertisements or
20 marketing of cannabis goods on a billboard within the City by a Commercial
21 Cannabis Business; therefore, there are no buffer distance requirements for
22 youth centers or playgrounds for billboards advertising or marketing
23 cannabis goods within the City.

24 5.92.535 Waste management.

25 A. Obligation to comply. When managing cannabis goods,
26 chemicals, hazardous or dangerous waste, Adult-Use Cannabis Businesses
27 are obligated to obtain all required permits, licenses, or other clearances
28 and comply with all orders, laws, regulations, or other requirements of other

1 regulatory agencies, including, but not limited to, local health agencies,
2 regional water quality control boards, air quality management districts or air
3 pollution control districts, local land use authorities, and fire authorities.

4 B. The sale of cannabis waste is prohibited.

5 C. Storage of cannabis waste. All cannabis waste shall be stored
6 in a secured waste receptacle or in a secured area on the permitted
7 premises. For the purposes of this section, "secure waste receptacle" or
8 "secured area" means that physical access to the receptacle or area is
9 restricted to the permittee, employees of the permittee, or by the local
10 agency or local agency franchised or contracted waste hauler only. Public
11 access to the designated receptacle or area shall be strictly prohibited.

12 D. Before removing any cannabis waste from the premises for
13 disposal, the Adult-Use Cannabis Business shall render cannabis goods
14 unusable and unrecognizable in compliance with State and local laws or
15 regulations.

16 E. Records of cannabis waste. Every Adult-Use Cannabis
17 Business shall maintain accurate and comprehensive records at the
18 premises regarding cannabis waste that accounts for, reconciles, and
19 provides evidence of, all activity related to the generation and disposal or
20 deposition of cannabis waste.

21 5.92.540 Ventilation and filtration system.

22 A. Every Adult-Use Cannabis Business shall implement
23 adequate ventilation system and odor control filtration measures to prevent
24 odors from inside the cannabis facility from being detected outside the
25 cannabis facility.

26 B. Certification of system. A licensed professional engineer shall
27 certify that the system is capable of preventing odors from inside the
28 cannabis facility from being detected outside the cannabis facility. The

1 design of the ventilation and filtration system shall be based on industry-
2 specific best control technologies and best management practices to
3 effectively mitigate cannabis odors. The system shall use a range of odor
4 mitigation practices to control odor-emitting activities, sources, and
5 locations.

6 C. Training and maintenance. The Adult-Use Cannabis Business
7 is responsible for regular maintenance to ensure the system remains
8 functional and shall implement staff training procedures regarding use and
9 maintenance of the system.

10 D. Records. All records relating to odor management shall be
11 made available upon verbal or written request of the City Health Officer,
12 including but not limited to:

13 1. Odor complaints received, actions taken by the
14 business, and responses to the complaint; and

15 2. System installation, maintenance, and any equipment
16 malfunctions.

17 5.92.545 Discourage illegal, criminal, or nuisance activities.

18 A. Every Adult-Use Cannabis Business shall take reasonable
19 steps to discourage persons on the Site of the permitted premises, and
20 within any parking areas under the control of the Adult-Use Cannabis
21 Business, from engaging in illegal, criminal, or nuisance activities. For
22 purposes of this Section, "illegal, criminal, or nuisance activities" includes,
23 but is not limited to, disturbances of the peace, public intoxication, drinking
24 alcoholic beverages in public or on the site of the permitted premises,
25 smoking or ingesting cannabis goods in public or on the site of the
26 permitted premises, illegal drug activity, vandalism, obstruction of the
27 operation of a another business, harassment of passersby, gambling,
28 prostitution, loitering, public urination, lewd conduct, drug trafficking,

1 excessive loud noise, or any other behavior that adversely affects or
2 detracts from the quality of life for adjoining residents, property owners, or
3 businesses.

4 B. Loitering prohibited. Loitering is prohibited on or around the
5 premises or any area under control of the Adult-Use Cannabis Business.
6 Adult-Use Cannabis Businesses shall prevent individuals from remaining on
7 the premises or site of the Adult-Use Cannabis Business if they are not
8 engaging in an activity directly related to the permitted operations of the
9 Adult-Use Cannabis Business.

10 C. Property maintenance. The site, premises, and all associated
11 parking areas, including the adjacent area under the control of the Adult-
12 Use Cannabis Business and any sidewalk or alley, shall be maintained in
13 an attractive condition and shall be kept free of obstruction, trash, litter, and
14 debris.

15 D. Graffiti. Adult-Use Cannabis Businesses shall remove graffiti
16 from the premises within forty-eight (48) hours of its occurrence.

17 E. Nuisances. Commercial cannabis activity shall not adversely
18 affect the health or safety of the nearby residents by creating dust, glare,
19 heat, noise, smoke, vibration, or other negative impacts, and shall not be
20 hazardous due to use or storage of materials, processes, products,
21 chemicals, or wastes. Commercial Cannabis Activity shall not adversely
22 affect health, safety, or welfare of any persons engaged in the operation of
23 the Adult-Use Cannabis Business.

24 5.92.550 Recordkeeping.

25 A. Adult-Use Cannabis Businesses shall comply with all
26 recordkeeping requirements, as set forth in this Chapter, California
27 Business and Professions Code Section 26000 et seq., and all applicable
28 regulations implemented and enforced by the State or any of its

1 departments and divisions.

2 B. Every owner and operator of an Adult-Use Cannabis Business
3 shall maintain legible, clear, adequate, and accurate books, records, and
4 documentation, demonstrating that all cannabis goods have been obtained
5 from, and are provided to, other State licensees, and shall detail all of the
6 revenues and expenses of the business, and all of its assets and liabilities
7 on the premises. All records shall be in English.

8 C. All required records shall be stored, preserved, and maintain
9 on the premises for a minimum of (7) years. Mandatory records shall be
10 stored in a secured area where the records remain protected from debris,
11 moisture, contamination, hazardous waste, fire, or theft. Electronic records
12 shall be secured and backed up in a manner that prevents unauthorized
13 access and that ensures the integrity of the records is maintained.

14 D. Adult-Use Cannabis Businesses shall maintain a current
15 register of the names and the contact information (including the address, e-
16 mail address and telephone number) of anyone owning or holding an
17 interest in the Adult-Use Cannabis Business, and separately a register of all
18 the officers, managers, employees, responsible persons, and volunteers
19 currently employed or otherwise engaged by the Adult-Use Cannabis
20 Business. The register required by this subsection shall be provided to the
21 City Manager upon a verbal or written request.

22 E. Point-of-sale inventory control and reporting system.

23 1. Adult-Use Cannabis Businesses shall maintain a point-
24 of-sale software inventory control and reporting system that accurately
25 documents the present location, amounts, and descriptions of all cannabis
26 goods for all stages of the growing, production, manufacturing, laboratory
27 testing, distribution processes, sale, transfer, purchase, receipt, and
28 delivery of cannabis goods, as set forth in California Business and

1 Professions Code Section 26000 et seq. and any regulations implemented
2 thereunder.

3 2. The software shall be capable of producing electronic
4 shipping manifests, tracking all cannabis inventory in possession of the
5 Adult-Use Cannabis Business, promptly identifying any discrepancy in the
6 stock, and tracking cannabis from the customer back to its source in the
7 event of a serious adverse event.

8 3. The system shall have the capability to produce
9 historical transactional data for review by the City.

10 F. Track-and-Trace.

11 1. Tracking inventory. Adult-Use Cannabis Businesses
12 shall promptly comply with any track-and-trace system requirements
13 established by the State or any of its departments and divisions.

14 2. Every Adult-Use Cannabis Business is responsible for
15 the accuracy and completeness of all data and information entered into the
16 track-and-trace system. Data entered into the track-and-trace system shall
17 be accurate. Inaccuracies in the track-and-trace system, if not corrected,
18 may result in an enforcement action against the Adult-Use Cannabis
19 Business.

20 5.92.555 Notification to City.

21 A. Breaches of security. Every Adult-Use Cannabis Business
22 shall notify the City Manager and the Long Beach Police Department in
23 writing, within twenty-four (24) hours after discovering any of the following:

- 24 1. Significant discrepancies identified in inventory.
25 2. Suspected diversion, theft, loss, or any other criminal
26 activity pertaining to the operation of the Adult-Use Cannabis Business and
27 cannabis goods.
28 3. Discovering diversion, theft, loss, or any other criminal

1 activity by any individual authorized to engage in the operation of the Adult-
2 Use Cannabis Business and pertaining to the operations of the business.

3 4. The loss or unauthorized alteration of records related to
4 cannabis goods, customers, or employees of the Adult-Use Cannabis
5 Business.

6 5. Any other breach of security.

7 6. All written notifications regarding a breach of security
8 shall include the date and time of occurrence of theft, loss, or criminal
9 activity and a description of the incident including, where applicable, and
10 the item(s) that were taken or lost.

11 B. Criminal acts.

12 1. Adult-Use Cannabis Businesses shall notify the City
13 Manager in writing, either by mail or by electronic mail, of any felony
14 conviction against any owner or manager of the Adult-Use Cannabis
15 Business within forty-eight (48) hours of the conviction.

16 2. The written notification to the City Manager shall
17 include the date of conviction, the court docket number, the name of the
18 court in which the person was convicted, and the specific offense(s) for
19 which the person was convicted.

20 C. Change in permit or license status.

21 1. Adult-Use Cannabis Businesses shall notify the City
22 Manager in writing within ten (10) days, either by mail or by electronic mail,
23 of any denial, suspension, modification, revocation, or expiration or any
24 applicable State or local license and/or permit required for the operation of
25 the Adult-Use Cannabis Business.

26 2. The written notification shall include the name of the
27 agency involved, a written explanation of the proceeding or enforcement
28 action, and the specific violation(s) that led to the discipline or revocation.

Subdivision III Cannabis Goods.

5.92.610 Handling of cannabis goods.

A. Every person that handles cannabis goods shall comply with the provisions of all relevant State and local laws regarding the storage, preparation, handling, packaging, preparation, distribution, and sale of food.

B. Employee health and handling cannabis goods.

1. To reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness, or are known to be infected with a communicable disease that is transmissible through foodstuffs, are prohibited from handling cannabis goods until they are free of that illness or disease, or are incapable of transmitting the illness or disease through cannabis goods.

2. The City Health Officer has authority to exclude any Adult-Use Cannabis Business employee that handles cannabis goods from any Adult-Use Cannabis Business if the employee is diagnosed with an illness caused by an infectious agent, and the employee is either symptomatic and still considered infectious, or is not experiencing symptoms of the illness associated with that agent but is still considered infectious.

3. For purposes of this Section, "illness caused by an infectious agent" means a condition caused by any of the following infectious agents: Hepatitis A virus; Salmonella typhi; Salmonella spp; Shigella spp; Entamoeba histolytica; Enterohemorrhagic or shiga toxin producing Escherichia coli; Norovirus; and any other communicable diseases that may be transmitted to others through the handling of cannabis goods.

4. The Adult-Use Cannabis Business may remove a

1 restriction placed on an employee upon the resolution of symptoms, as
2 reported by an employee, if the employee states that he or she no longer
3 has any symptoms of an acute gastrointestinal illness.

4 5. Only the City Health Officer may remove exclusions or
5 restrictions, or both, related to diagnosed illnesses due to infectious agents
6 specified in this Section after the City Health Officer provides a written
7 clearance stating that the excluded or restricted employee is no longer
8 considered infectious.

9 5.92.620 Storage of cannabis goods.

10 A. Every Adult-Use Cannabis Business shall store currency and
11 cannabis goods, including all living cannabis plants, in a manner that
12 prevents diversion, theft, loss, hazards, contamination, and nuisances.

13 B. Cannabis goods shall be stored separate and apart from
14 employee break rooms, changing facilities, or bathrooms.

15 C. Except for limited amounts of cannabis goods used for display
16 purposes, samples, or immediate sale, cannabis goods that do not require
17 refrigeration, and currency, shall be stored in a limited-access area, such as
18 a secured and locked safe room, or in a locked safe or vault, that is secured
19 to the structure of the cannabis facility.

20 D. Any refrigerator, refrigerated storage, or freezer used for
21 storage of cannabis products shall be locked and secured to the structure of
22 the cannabis facility in a limited-access area.

23 E. All extractions, concentrates, infusions, components, and
24 edible cannabis products intended for human consumption and capable of
25 supporting the growth of undesirable microorganisms shall be refrigerated
26 at temperatures of 41°F continually, unless otherwise approved by the City
27 Health Officer. Adult-Use Cannabis Businesses shall follow the
28 Manufacturer's requirements for safe storage of such cannabis products.

1 F. Refrigeration equipment standards. All refrigerators,
2 refrigerated storage, or freezers used for commercial cannabis activity
3 under this Chapter shall:

4 1. Meet National Sanitation Foundation (NSF) or
5 American National Standards Institute (ANSI) standards or an equivalent.

6 2. Be equipped with an NSF thermometer or temperature-
7 recording device that is accurate to plus or minus 2°F and installed in a
8 location to indicate the air temperature in the warmest part of the unit and to
9 be readily visible.

10 3. Be approved by the City Health Officer prior to use.

11 5.92.630 Laboratory testing of cannabis goods.

12 Cannabis goods may not be sold or transferred to a Dispensary, or
13 released for retail sale, unless a representative sample of the cannabis goods
14 have undergone and passed all testing pursuant to California Business and
15 Professions Code Section 26000 et seq. and any applicable regulations
16 implemented and enforced by the State or any of its divisions or departments.

17 5.92.640 Quality assurance of cannabis goods.

18 A. Internal quality assurance testing. Notwithstanding any of the
19 provisions of this Chapter, an Adult-Use Cannabis Business may conduct
20 internal quality assurance testing of any cannabis goods as part of its
21 reasonable business operations. This provision shall not be interpreted to
22 authorize or permit cross-licensing of a Laboratory with any other type of
23 permit under this Chapter or with respect to State law.

24 B. Quality assurance testing by the City.

25 1. The City Health Officer may collect and analyze
26 samples or specimens of cannabis goods, including any living cannabis
27 plants and any components used in cannabis products, from any premises
28 during business hours, or any reasonable time, without notice and at no

1 cost to the Health Department, to verify compliance with State and local
2 laboratory testing, packaging, and labeling requirements for cannabis
3 goods.

4 2. The City Health Officer shall provide the Adult-Use
5 Cannabis Business with a receipt or documentation for any samples or
6 specimens of cannabis goods collected from an Adult-Use Cannabis
7 Business prior to leaving the permitted premises. A copy of the results of
8 the sample analysis shall be provided to the Adult-Use Cannabis Business.

9 3. The City Health Officer may take any enforcement
10 action necessary to protect the health, safety, and welfare of the public
11 depending on the testing results and analysis of the sample(s) or
12 specimen(s) of cannabis goods collected at a permitted premises.

13 5.92.650 Adulterated or misbranded cannabis goods.

14 A. When the City Health Officer has evidence that cannabis
15 goods in possession of an Adult-Use Cannabis Business are adulterated or
16 misbranded, the City Health Officer may notify and order the Adult-Use
17 Cannabis Business to immediately cease any commercial cannabis activity
18 related to all cannabis goods that have been identified as being potentially
19 adulterated or misbranded.

20 B. Upon confirmation from the State, including any of its
21 departments or divisions, that the identified cannabis goods are adulterated
22 or misbranded, the City Health Officer may issue orders to the Adult-Use
23 Cannabis Business regarding the required movement, segregation,
24 isolation, or destruction of the adulterated or misbranded cannabis goods,
25 and may order those to be held in place, embargoed, or quarantined.

26 C. It is unlawful for any person to move, or allow to be moved,
27 any cannabis goods that are subject to an order to quarantine, embargo, or
28 hold cannabis goods in place unless that person has first obtained written

1 authorization from the City Health Officer and/or State Department of Public
2 Health.

3
4 Subdivision IV Security.

5 5.92.710 Security standards.

6 Every Adult-Use Cannabis Business shall implement security measures to
7 prevent unauthorized entrance into areas containing cannabis goods and
8 currency, prevent the theft of cannabis goods and currency from the premises, and
9 to protect the physical safety of employees in compliance with this Chapter, State
10 law, and any regulations implemented and enforced by the State or any of its
11 divisions or departments. These security measures shall include, but shall not be
12 limited to, all of the provisions of this Subdivision.

13 5.92.715 Limited-access areas.

14 Adult-Use Cannabis Businesses shall establish limited-access areas
15 accessible only to authorized employees of the Adult-Use Cannabis Business.

16 5.92.720 Identification badges.

17 All employees of an Adult-Use Cannabis Business shall display or wear a
18 laminated or plastic-coated identification badge at all times while engaging in
19 commercial cannabis activity, including during transport and delivery of cannabis
20 goods. At a minimum, the identification badge shall include:

21 A. The Adult-Use Cannabis Business's "doing business as"
22 name, City permit number, and State license number;

23 B. The first name of the individual;

24 C. Any employee number exclusively assigned to that individual
25 for identification purposes; and

26 D. A color photograph of the individual that clearly shows the full
27 front of the individual's face that is at least one inch (1") in width and one
28 and a half inches (1.5") in height.

1 5.92.725 Secure transportation area.

2 A. Adult-Use Cannabis Businesses shall implement procedures
3 for safe and secure transportation and delivery of cannabis goods and
4 currency in accordance with State and local laws and regulations.

5 B. Adult-Use Cannabis Businesses shall have an area of the
6 premises designed for the secure transfer of cannabis goods from the
7 cannabis facility to a vehicle for transportation or delivery, wherever
8 possible.

9 C. Any individual or employee transferring cannabis goods from
10 a cannabis facility to a vehicle for transportation or delivery shall be
11 accompanied by a security escort during the transfer, if the cannabis facility
12 does not have an area designed for the secure transfer of cannabis goods
13 from the cannabis facility to a vehicle for transportation or delivery.

14 5.92.730 Digital video surveillance system.

15 A. Every Adult-Use Cannabis Business shall implement an
16 operational digital video surveillance system at the premises that meets or
17 exceeds the following criteria:

18 1. The digital video surveillance system with a minimum
19 video camera resolution of 1280 × 1024 pixels.

20 2. Each video surveillance camera shall record
21 continuously twenty-four (24) hours per day, seven (7) days a week, and at
22 a minimum of fifteen (15) frames per second (FPS).

23 3. The location and position of each camera shall be
24 capable of recording images of the area under surveillance, in any light
25 condition, to allow facial feature identification of persons in the following
26 locations on the premises:

27 a. In interior and exterior areas where cannabis
28 goods or currency are present at any given time.

1 b. In the immediate interior and exterior areas of
2 doors, windows, or other avenues of potential access.

3 c. Areas open to the public, including a full view of
4 public right-of-way and any parking lot under the control of the Adult-Use
5 Cannabis Business.

6 d. Point-of-sale locations and areas where
7 cannabis goods are displayed for sale at a Dispensary, including but not
8 limited to, a retail area.

9 e. Any other areas as required by this Chapter,
10 State law, or any regulations implemented and enforced by the State or any
11 of its divisions or departments.

12 B. Each camera shall be permanently mounted and in a fixed
13 location and, to the extent reasonably possible, shall be installed in a
14 manner that prevents intentional obstruction, tampering with, and/or
15 disabling the camera.

16 C. All video surveillance equipment shall have sufficient battery
17 backup to support a minimum of four (4) hours of recording in the event of a
18 power outage.

19 D. Every video surveillance system shall be equipped with a
20 failure notification system that provides prompt notification to the Adult-Use
21 Cannabis Business of any prolonged surveillance interruption and/or the
22 complete failure of the surveillance system.

23 E. Surveillance video recordings shall clearly and accurately
24 display the date and time. Time is to be measured in accordance with the
25 United States National Institute of Standards and Technology standards for
26 the Pacific Time zone.

27 F. Security notice required. The permitted premises shall have a
28 sign posted in a conspicuous place near each monitored area on the

interior and exterior of the premises and shall not be less than twelve inches (12") wide and twelve inches (12") long, composed of letters not less than one inch (1") in height, stating "All Activities Monitored by Video Camera" or "This Premises is Being Digitally Recorded," or otherwise advising all persons entering the premises that a video surveillance and camera recording system is in operation at the premises and recording all activity as provided in this Chapter.

5.92.735 Security records.

A. Surveillance recordings of every Adult-Use Cannabis Business are subject to inspection by the City Manager, or any City Manager designee, without a search warrant, court order, or subpoena. The Adult-Use Cannabis Business shall send, or otherwise provide, copies of the recordings immediately upon verbal request or within a time specified by the City Manager.

B. Secure storage. To prevent tampering or theft, all surveillance recordings and monitoring equipment shall be kept in a secure limited-access area of the permitted premises.

C. At a minimum, every Adult-Use Cannabis Business shall maintain the following security records at the premises:

1. Surveillance video recordings shall be maintained for a minimum of ninety (90) days and on an IP-configurable Digital Video Recorder (DVR) capable of producing a still photograph in color from any live or recorded camera image at the premises and capable of exporting the images in TIFF, BMP, or JPG format.

2. A map of the camera locations, the direction of camera coverage, and assigned camera numbers.

3. Surveillance equipment maintenance activity logs and operating instructions for the surveillance equipment.

1 4. A user authorization list of individuals who have access
2 to the surveillance system, including, but not limited to, the secured area for
3 recording and monitoring equipment and physical media and surveillance
4 recording storage devices.

5 5.92.740 Security alarm system.

6 Every Adult-Use Cannabis Business shall implement an operational
7 security alarm system at the premises that meets or exceeds the following criteria:

8 A. The security alarm system shall be operated, maintained,
9 monitored by, and responded to by a security company staffed twenty-four
10 hours (24) a day, seven (7) days a week and licensed by the Department of
11 Consumer Affairs, Bureau of Security and Investigative Services.

12 B. The security alarm system shall include sensors to detect all
13 points of entry and exit, from all limited-access and secured areas, all roof
14 hatches, and all windows.

15 C. Every Adult-Use Cannabis Business shall obtain a security
16 alarm system permit pursuant to Chapter 5.12 of this Code.

17 5.92.745 Commercial-grade locks.

18 Every Adult-Use Cannabis Business shall secure the following areas using
19 commercial-grade, non-residential door locks, roof hatches, and window locks in a
20 manner that prevents free and unauthorized access:

21 A. All points of ingress and egress to a premises.

22 B. Limited-access areas.

23 C. Areas where cannabis goods, living cannabis plants, cannabis
24 waste, and currency are stored and/or present at any given time.

25 D. Areas where surveillance equipment and records are stored.

26 5.92.750 Security barriers.

27 A. Any security barriers installed on the windows or the doors of
28 the premises shall be installed only on the interior of the building and in

1 compliance with all City Building, Zoning, and Fire Codes. Security bars are
2 discouraged for all Adult-Use Cannabis Businesses and shall not be
3 minimally visible from the public right-of-way.

4 B. Security barriers shall meet the following criteria:

5 1. Only open grill design security systems located on the
6 inside of the building shall be permitted on elevations visible from the street.

7 2. Open grill design security systems shall be primarily
8 transparent with not less than seventy-five percent (75%) visibility from the
9 street.

10 3. Solid roll-down security doors are prohibited unless
11 part of a vehicle loading bay.

12 4. Interior security gates shall be opened and fully
13 retracted during the hours of operation.

14 5.92.755 Remain secure during power outage.

15 Every Adult-Use Cannabis Business shall have the capability to remain
16 secure during a power outage. Adult-Use Cannabis Businesses shall also ensure
17 that all access doors on the premises are not solely controlled by an electronic
18 access panel, to ensure that locks are not released during a power outage.

19 5.92.760 Visibility.

20 A. From a public right-of-way, there shall be no exterior evidence
21 of cannabis goods, graphics depicting cannabis goods, or commercial
22 cannabis activity, except for any signage authorized by this Code.

23 B. Exterior lighting. Every Adult-Use Cannabis Business shall
24 implement exterior lighting security measures including, but not limited to:

25 1. All exterior light fixtures shall be vandal resistant,
26 installed on exterior walls, and shall be the type of fixture with proper cut-
27 offs to avoid any light pollution, including but not limited to, urban sky glow,
28 light trespass, glare, and clutter.

2. Exterior lighting shall clearly illuminate the building address, all parking, driving, and walking surfaces, exterior doors, and all window areas during the hours of darkness.

3. Any broken or burned out lights shall be replaced within seventy-two (72) hours.

5.92.765 Building design.

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.

B. Blank building facades over twenty-five feet (25') fronting the street or parking lot shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, windows, doors, and changes in color and materials that result in a building with articulation.

C. Windows.

1. On any building elevation visible from the street, windows shall comprise at least forty percent (40%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.

2. An identifiable entrance to the cannabis facility shall be visible from the street.

3. Windows along the street-facing frontage shall be

transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).

4. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted.

5. Window display areas shall have a minimum depth of at least forty-eight inches (48"), not including walls. Display windows shall be permitted for up to sixty percent (60%) of the building's storefront window area. Display areas shall be well lit during hours of operation. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like.

Subdivision V Prohibited Activities.

5.92.810 Consumption of cannabis prohibited; signage required.

A. Cannabis goods shall not be consumed by any individual on the premises of an Adult-Use Cannabis Business. The term "consumed" includes, but is not limited to, vaporizing, inhaling, ingesting, smoking, eating, or otherwise introducing cannabis goods into the human body.

B. Adult-Use Cannabis Businesses shall post a sign in a conspicuous place near the interior entrance to the premises, that shall be visibly posted with a clear and legible notice with the following language: "Smoking, vaporizing, ingesting, or consuming cannabis, cannabis products, tobacco, or alcohol on these premises, or in their vicinity, is prohibited and a violation of the Long Beach Municipal Code."

5.92.820 Alcohol or tobacco prohibited.

1 No person shall cause or permit the sale, dispensing, storage, distribution,
2 or consumption of alcohol or tobacco products on or about the premises of an
3 Adult-Use Cannabis Business.

4 5.92.830 Physician evaluations prohibited.

5 Adult-Use Cannabis Businesses shall not:

6 A. Permit a physician to evaluate existing or potential medicinal
7 cannabis patients on its premises by any means, or permit a physician to
8 provide a physician's recommendation on its premises, including, but not
9 limited to: a physician that provides evaluations or recommendations in-
10 person from the permittee's site or on-site via the internet, or a physician
11 that provides recommendations via the internet, fax, electronic means, or by
12 any other means from the permittee's site.

13 B. Enter into an agreement with, employ, provide, or offer to
14 provide, any form of remuneration to, a physician who provides physician's
15 recommendations for medicinal cannabis.

16 C. Advertise or market services for a physician who provides
17 physician's recommendations for medicinal cannabis.

18 5.92.840 Weapons or firearms prohibited.

19 Weapons and firearms are prohibited on the premises of an Adult-Use
20 Cannabis Business. This provision does not apply to public officials engaged in
21 official duty or uniformed security personnel or patrol hired or contracted by an
22 Adult-Use Cannabis Business.

23 5.92.850 Generators prohibited.

24 The use of generators by any Adult-Use Cannabis Business is prohibited,
25 except as short-term temporary emergency back-up systems.

26 5.92.860 Outdoor storage of cannabis goods prohibited.

27 No outdoor storage of cannabis goods is permitted at any time.

28 5.92.870 Drive-through services prohibited.

1 Drive-through services or walk-up window services where cannabis goods
2 are sold, or made available to any person, that are operated in conjunction with
3 any Adult-Use Cannabis Business are prohibited.

4 5 DIVISION IV - DISPENSARY OPERATING CONDITIONS

6 In addition to the general operating requirements set forth in Division III of
7 this Chapter, this Division provides additional requirements for Dispensaries and
8 delivery services.

9 10 5.92.910 Compliance.

11 Dispensaries may sell, distribute, dispense, provide, deliver, or transport
12 Cannabis, only in accordance with all applicable laws and regulations, including
13 but not limited to, this Code, any regulations implemented by the Bureau of
14 Cannabis Control, California Business and Professions Code Sections 26000 et
15 seq., and all other applicable State, federal and local laws and regulations.

16 5.92.915 Hours of operation.

17 Dispensaries may only be open to the public between the hours of 9:00
18 a.m. to 9:00 p.m. up to seven (7) days per week. All deliveries of cannabis goods
19 to customers by a Dispensary shall be completed by 10:00 p.m.

20 5.92.920 Security personnel.

21 A. Dispensaries shall hire or contract for uniformed security
22 personnel to provide twenty-four (24) hour random security patrols of the
23 premises to monitor site activity, control loitering and site access, and to
24 serve as a visual deterrent to unlawful activities. At a minimum, uniformed
25 security personnel shall be generally located at an indoor guard station on
26 the premises during all hours of operation and security-patrolling services
27 shall patrol the premises during all hours the Dispensary is closed to the
28 public.

1 B. All uniformed security personnel hired or contracted by a
2 Dispensary shall be licensed with the State of California Bureau of Security
3 and Investigative Service, and shall comply with requirements in California
4 Business and Professions Code Chapters 11.4 and 11.5 of Division 3.

5 5.92.925 Protocols for individuals entering the premises.

6 A. No person shall be permitted to enter a Dispensary without
7 government-issued identification. Dispensaries shall not provide cannabis
8 goods to any person, whether by purchase, trade, gift, or otherwise, who
9 does not possess a valid government-issued identification and who does
10 not meet the age requirements of this Chapter.

11 B. Electronic age verification device required. Dispensaries shall
12 verify the proof of age of every person entering the business with an
13 electronic age verification device, prior to entry of the retail area. The
14 electronic age verification device may be mobile or fixed, and shall be able
15 to retain a log of all scans that includes the following information: date, time,
16 and age. Said log shall be kept for a minimum of one-hundred and eighty
17 (180) business days and all records shall be made available to the City
18 Manager upon request.

19 5.92.930 Point-of-sale tracking required.

20 A Dispensary shall facilitate the dispensing, making available, sale, and
21 delivery of cannabis goods with a technology platform that uses point-of-sale
22 technology to track, and database technology to record and store, the following
23 information for each transaction involving the exchange of cannabis goods
24 between the Dispensary and customer:

25 A. The date and time of transaction.

26 B. The first name and employee number of the Dispensary
27 employee who processed the sale of cannabis goods on behalf of the
28 Dispensary.

1 C. A list of all the cannabis goods purchased, including the
2 quantity purchased.

3 D. The total amount paid for the sale, including the individual
4 prices paid for cannabis or cannabis products purchased, and any amounts
5 paid for taxes.

6 5.92.935 Taxes.

7 Transactions for Dispensaries shall be taxed at the non-medical marijuana
8 tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is
9 able to prove by reasonable and verifiable standards which portion of the gross
10 receipts are tied to the sale of the adult-use cannabis goods and which portion are
11 tied to the sale of medicinal cannabis goods.

12 5.92.940 Cannabis goods.

13 A. A Dispensary shall not make any cannabis goods available for
14 sale or delivery to a customer unless the cannabis goods were received
15 from a State licensed Distributor.

16 B. Prior to making cannabis goods available to customers,
17 Dispensaries shall ensure that all cannabis goods dispensed, sold,
18 delivered, or made available by the Dispensary, at a minimum:

19 1. Are packaged and sealed in tamper-evident packaging
20 that includes a unique identifier, such as a batch number and lot number or
21 bar code, to identify and track the cannabis goods.

22 2. For manufactured cannabis products, that the product
23 complies with all requirements of California Business and Professions Code
24 Section 26130 and all other applicable laws and regulations.

25 3. The Dispensary has verified that the cannabis goods
26 have not exceeded their expiration or sell-by date, if one is provided.

27 4. For edible cannabis product, that the products comply
28 with State packaging and labeling requirements, including, but not limited

1 to:

2 a. Edible cannabis products shall not exceed 10
3 milligrams of tetrahydrocannabinol (THC) per serving.

4 b. The THC content for the cannabis product in its
5 entirety is printed on the package.

6 c. All applicable requirements pursuant to
7 California Business and Professions Code Sections 26120 and 26121 and
8 any regulations promulgated thereunder.

9 C. Exit packaging. Cannabis goods purchased by a customer
10 shall not leave the Dispensary's premises unless placed in an opaque (not
11 see-through) exit package.

12 D. Secure storage of cannabis goods. Cannabis goods that are
13 not used for display purposes or immediate sale shall be stored in a limited-
14 access area, such as a secure and locked room, safe, or vault, and in a
15 manner reasonably designed to prevent diversion, theft, and loss. It is
16 unlawful, and a violation of this Chapter for a Dispensary to store cannabis
17 goods in the retail area after the close of business.

18 E. Edible cannabis products.

19 1. Dispensaries may only dispense, sell, provide, or make
20 available those edible cannabis products authorized by the State
21 Department of Public Health and the City Health Officer.

22 2. The sale, distribution, and delivery of edible cannabis
23 products shall be conducted in a manner that complies with all applicable
24 food safety laws for the protection of humans consuming cannabis.

25 F. No sales of expired cannabis products. Dispensaries are
26 prohibited from selling any expired cannabis goods. It is unlawful for any
27 person to alter, edit, or adjust, in any manner, an expiration date on any
28 item or cannabis product once affixed by its Manufacturer.

1 5.92.945 Daily limit per person.

2 No Dispensary shall sell, distribute, or deliver more than 28.5 grams of
3 cannabis or eight (8) grams of concentrated cannabis, including concentrated
4 cannabis contained in cannabis products, to the same customer in the same
5 business day.

6 5.92.950 No free adult-use cannabis goods.

7 A Dispensary shall not provide free adult-use cannabis goods to any
8 person. A Dispensary shall not allow individuals that are not employed by the
9 Dispensary to provide free adult-use cannabis goods to any person on the
10 permitted premises. In this Section, "free adult-use cannabis goods" shall mean
11 any amount of cannabis goods provided to any person without cost or payment in
12 exchange of any other thing of value.

13 5.92.955 Interior signage required.

14 Dispensaries shall post the following notice(s), on a separate sign, or by
15 adding the following notices to the interior sign required pursuant to Section
16 5.90.060 of this Code, conspicuously and where an average customer is likely to
17 clearly view said notice within the permitted premises:

18 A. "Smoking, vaporizing, ingesting, or consuming cannabis,
19 cannabis products, tobacco, or alcohol on these premises, or in their
20 vicinity, is prohibited and a violation of the Long Beach Municipal Code."

21 B. "Patrons must immediately leave the premises and should not
22 consume cannabis goods until at home or in an equivalent private location."

23 C. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis
24 and cannabis-derived products will expose you and those in your immediate
25 vicinity to cannabis smoke. Cannabis smoke is known by the State of
26 California to cause cancer."

27 5.92.960 Delivery services.

28 In addition to the requirements set forth in this Chapter for Dispensaries, the

1 delivery of cannabis goods shall be subject to the following requirements:

2 A. Compliance. Delivery services shall be conducted in
3 accordance with any relevant State and local laws and regulations, any
4 applicable local laws in the delivery location, and any conditions imposed
5 upon a Dispensary.

6 B. Delivery services may operate only as a part of, and in
7 conjunction with, a Dispensary with a storefront open to the public during
8 business hours and permitted pursuant to this Chapter and Chapter 5.90 of
9 this Code and any applicable State laws and regulations.

10 C. No person shall conduct sales of cannabis goods exclusively
11 by delivery.

12 D. Any application for a Dispensary shall include a statement as
13 to whether the proposed use will include delivery of cannabis goods to
14 customers.

15 E. Vehicle standards. Dispensaries shall only allow delivery of
16 cannabis goods in a vehicle that:

17 1. Is capable of securing (locking) the cannabis goods
18 during transportation.

19 2. Is capable of being time and/or temperature controlled,
20 if perishable cannabis goods are being transported.

21 3. Does not display advertising or symbols visible from
22 the exterior of the vehicle that suggest the vehicle is used for cannabis
23 delivery or affiliation with a Dispensary.

24 F. Inspections. Any motor vehicle used by a Dispensary to
25 deliver cannabis goods is subject to inspection by the City Manager or Chief
26 of Police and may be stopped at the premises or during the delivery for
27 inspection.

28 G. Delivery employees. Every delivery employee of a Dispensary

1 shall be at least twenty-one (21) years of age and shall have a valid
2 California Driver's License.

3 H. Documentation during transport. Delivery employees of a
4 Dispensary shall carry a physical or electronic copy of the delivery request
5 receipt with details regarding the delivery, a copy of the Dispensary's
6 current permits and/or licenses required by the State and City, the
7 employee's government-issued identification, and an identification badge
8 provided by the Dispensary. All documentation shall be made available
9 upon request to the City Manager or Chief of Police.

10 I. Dispensaries shall maintain a database, and provide to the
11 City Manager upon verbal or written request, a list of delivery employees
12 and vehicles authorized to conduct deliveries on behalf of the Dispensary.

13 J. Delivery employees shall personally verify, for each individual
14 transaction, that the identity of the customer receiving cannabis goods from
15 the Dispensary is the same as the person who ordered the delivery, and
16 that said person is twenty-one (21) years of age or older, via the
17 presentation of a valid government-issued identification.

18 K. Limitations.

19 1. While making deliveries, a Dispensary's delivery
20 employee shall not carry cannabis goods worth more than limits imposed by
21 the State at any time. This value shall be determined using the current retail
22 price of all cannabis goods carried by the delivery employee.

23 2. Direct route only. Except where a delivery employee
24 requires rest, fuel, vehicle repair, or where the road conditions make the
25 continued use of the road unsafe, impossible, or impracticable, a delivery
26 employee may only travel to and from the Dispensary, to the delivery
27 address, and between delivery addresses while delivering cannabis goods.

28 3. Dispensaries and delivery employees may only deliver

1 cannabis goods to customers within a city or county that does not expressly
2 prohibit such delivery by ordinance.

3 4. Consumption prohibited. No person shall consume or
4 otherwise ingest cannabis goods, alcohol, any controlled substance, or
5 intoxicants while transporting or delivering cannabis goods.

6 5. The Dispensary shall prepare a delivery request receipt
7 for each delivery of cannabis goods that shall include the following:

- 8 a. The name and address of the Dispensary;
- 9 b. The first name and employee number of the
10 Dispensary's delivery employee who delivered the order;
- 11 c. The first name and employee number of the
12 Dispensary's employee who prepared the order for delivery;
- 13 d. The first name of the customer and a
14 Dispensary-assigned customer number for the person who requested the
15 delivery;
- 16 e. The date and time the delivery request was
17 made;
- 18 f. The delivery address;
- 19 g. A detailed description of all cannabis goods
20 requested for delivery. The description shall include the weight, volume, or
21 any other accurate measure of the amount of all cannabis goods requested;
- 22 h. The total amount paid for the delivery, including
23 any taxes or fees, the cost of the cannabis goods, and any other charges
24 related to the delivery; and
- 25 i. Upon delivery, the date and time the delivery
26 was made, and the signature of the customer who received the delivery.

27 6. A vehicle used for the delivery of cannabis goods shall
28 be outfitted with a dedicated Global Positioning System (GPS) device for

1 identifying the geographic location of the delivery vehicle in compliance with
2 all applicable State laws and regulations.

3 a. The dedicated GPS device must be owned by
4 the Dispensary and used for delivery only.

5 b. The device shall be either permanently or
6 temporarily affixed to the delivery vehicle, shall remain active, and inside of
7 the delivery vehicle at all times during delivery.

8 c. At all times, the Dispensary shall be able to
9 identify the geographic location of all delivery vehicles that are making
10 deliveries for the Dispensary and shall provide that information to the City
11 Manager or Chief of Police upon request.

12 5.92.965 Responsible Vendor Training Pilot Program.

13 A. Purpose and Intent. Recognizing the potential harms and
14 public health implications associated with cannabis use, the purpose of this
15 Section is to promote public health and safety to reduce the likelihood of the
16 problematic use of cannabis by proactively requiring that all customer-
17 facing employees and managers of Dispensaries learn the necessary skills
18 to protect customers, the public, employees of the Dispensary, and
19 Dispensaries through a Responsible Vendor Training Program.

20 B. Compliance. Every customer-facing manager and employee
21 of a permitted Dispensary shall enroll in the Department of Health and
22 Human Services' standardized training for Dispensaries within ninety (90)
23 days of the establishment of the City's Responsible Vendor Training Pilot
24 Program. Upon completion of such training, employees and managers shall
25 receive written confirmation from the Department of Health and Human
26 Services of successful completion of the program. Dispensaries shall keep
27 a copy of said written confirmation on the permitted premises for every
28 customer-facing employee and manager.

1 C. New employees and managers. Any newly hired manager or
2 employee of a permitted Dispensary shall successfully complete the
3 Responsible Vendor Training Pilot Program within sixty (60) days of said
4 individual's first day of employment.

5 D. Renewal of Training. After initial successful completion of the
6 Responsible Vendor Pilot Training Program, every manager and employee
7 of a Dispensary shall successfully complete the Responsible Vendor
8 Training Pilot Program every twenty-four (24) months.

9 E. Online or in-person training is at the discretion of the
10 Department of Health and Human Services. Nothing in this Section shall
11 prevent the City from becoming a training provider under any similar
12 program for Dispensaries implemented by the State.

13 F. Within three (3) years of the establishment of the program, the
14 City Council will consider the available data and determine whether and
15 how to continue the program. This Section shall remain in effect until
16 revoked by the City Council.

17
18 DIVISION V - CULTIVATION OPERATING CONDITIONS

19 In addition to the general operating requirements set forth in Division III of
20 this Chapter, this Division provides additional requirements for Cultivators.

21
22 5.92.1010 Compliance.

23 A. Cultivation shall always be conducted in accordance with
24 State and local laws and regulations related to cultivation, zoning, grading,
25 electricity, water usage, water quality, fish and wildlife habitat protection,
26 wastewater discharges, pesticides, and fertilizers, handling and storage of
27 gases, and employee safety.

28 B. Cultivation shall always be conducted in such a way as to

1 ensure the health, safety, and welfare of the public, the employees working
2 at the cultivation site, neighboring properties, to protect the environment
3 from harm to waterways, fish, and wildlife; to ensure the security of the
4 cannabis; and to safeguard against the diversion of cannabis for unlicensed
5 purposes.

6 5.92.1015 Outdoor cultivation prohibited.

7 All cultivation shall occur indoors, and only on a site holding a valid Adult-
8 Use Cannabis Business Permit from the City pursuant to this Chapter. All outdoor
9 or mixed light cultivation is prohibited, including but not limited to, the use of
10 greenhouses.

11 5.92.1020 Maximum canopy size.

12 A. The total canopy size on one (1) premises shall not exceed
13 the maximum number of square feet authorized by State license
14 classifications Type 1A, Type 1C, Type 2A, Type 3A, and Type 4.

15 B. The total canopy size on one (1) premises shall not exceed
16 the maximum number of square feet identified in the application and
17 authorized by the Adult-Use Cannabis Business Permit. Permittees shall
18 obtain written permission from the City prior to engaging in any activity that
19 results in an increase of the square feet of maximum canopy authorized by
20 the Adult-Use Cannabis Business Permit.

21 5.92.1025 Extension cords prohibited.

22 The use of extension cords to supply power to any electrical equipment
23 used in cultivation is prohibited. All electrical equipment used in cultivation shall be
24 plugged directly into a wall outlet or otherwise hardwired.

25 5.92.1030 Interior lighting.

26 All lighting used for indoor cultivation shall be fully shielded, downward
27 casting, and shall not spill over onto structures, other properties, or into the night
28 sky. Indoor cultivation lighting shall be contained so that little to no light escapes

1 and any light that escapes from the cultivation site shall be at a level that is not
2 visible from neighboring properties between sunset and sunrise.

3 5.92.1035 Environmental control systems.

4 A. In addition to the general odor control and ventilation
5 requirements in Section 5.92.540, every Cultivator shall implement
6 environmental control systems to minimize and/or prevent the likelihood of
7 mold and mildew growth. Cultivators shall regularly test for mold and
8 mildew within the cultivation site.

9 B. Environmental control systems at a cultivation site shall
10 include a range of environmental control technologies and practices to
11 control humidity levels, illumination, heating, cooling, air circulation, and
12 ventilation.

13 C. Compatibility with odor prevention and ventilation systems.
14 Cultivators shall implement an environmental control system that is
15 adequately compatible with any odor control prevention and ventilation
16 systems at the cultivation site. For purposes of this Section, "adequately
17 compatible" means that any environmental control systems and odor control
18 systems operating at the cultivation site operate concurrently to prevent
19 cannabis odors from being detected outside the cultivation site, while still
20 allowing for the permittee to successfully cultivate.

21 5.92.1040 Water source.

22 Cultivators shall comply with California Water Code Section 13149 and any
23 implementing regulations, policies, or guidelines adopted by the State Water
24 Resources Control Board regarding water usage, the diversion of water, and the
25 discharge of waste while cultivating cannabis.

26 5.92.1045 Carbon dioxide testing.

27 Cultivators shall test carbon dioxide levels within cultivation areas at the
28 cultivation site, if carbon dioxide is added to the air. No carbon dioxide shall be

1 utilized for cultivation without prior inspection and approval of the City's Building
2 Official and the Fire Code Official.

3 5.92.1050 Storage and use of compressed gas.

4 A. Storage and use of compressed gases in compressed gas
5 containers, cylinders, tanks, and systems used for cultivation shall comply
6 with this Code and the California Fire Code.

7 B. Any compressed gases used in cultivation shall not be stored
8 on any property within the City in containers that exceed the amount that is
9 approved by the Fire Code Official and authorized by the Adult-Use
10 Cannabis Business Permit.

11 5.92.1055 Pesticides.

12 A. Cultivators shall comply with all applicable federal, State and
13 local laws and regulations regarding use, storage, and disposal of
14 pesticides and fertilizers, including, without limitation, those enforced by the
15 State Department of Food and Agriculture and State Department of
16 Pesticide Regulation. Cultivators shall ensure hazards are not created on
17 the permitted premises by the use or storage of chemicals, fertilizers,
18 materials, processes, products, or wastes.

19 B. Pesticides, insecticides, and/or fertilizers prohibited by federal,
20 state, or local law for fertilization or production of edible produce shall not
21 be used for cultivation.

22 C. Employee safety. At a minimum, Cultivators using pesticides
23 shall protect all employees from exposure to pesticides by following
24 pesticide labels; providing required personal protective equipment;
25 providing access to pesticide labels, safety information, and training on an
26 annual basis; properly ventilating all areas of the cultivation site; and proper
27 storage, handling, and disposal of pesticides in compliance with State,
28 federal, and local laws and regulations pertaining to pesticide use and

1 worker safety.

2 5.92.1060 Packaging and labeling.

3 A. All cannabis packaged and/or labeled by a Cultivator shall
4 meet the provisions of packaging and labeling requirements specified by
5 State law, including but not limited to, California Business and Professions
6 Code Division 5 ("Weights and Measures") and Division 10 ("Cannabis")
7 and any regulations implemented and enforced by the Bureau of Cannabis
8 Control, the State Department of Public Health, or State Department of
9 Food and Agriculture.

10 B. Prior to distribution and transportation, a Cultivator shall
11 package and seal all cannabis in tamper-evident packaging and use a
12 unique identifier of the harvest batch to identify and track said cannabis.

13 C. Product labels. All labels for cannabis shall include all of the
14 following: all required government warnings; the net weight of cannabis in
15 the package; source and the date of cultivation; the type of cannabis; the
16 date of packaging; and the product's unique identifier for the harvest batch.

17 D. Packaging that makes cannabis attractive to children or
18 imitates candy is prohibited.

19 5.92.1065 Accurate weights and measures.

20 A. Weighing devices used by a Cultivator shall be approved,
21 tested, sealed, and registered with the Los Angeles County Agricultural
22 Commissioner/Weights and Measures in compliance with California
23 Business and Professions Code Division 5 ("Weights and Measures") and
24 Division 10 ("Cannabis"), any regulations implemented by the State
25 Department of Food and Agriculture, and all other applicable local, State,
26 and Federal laws.

27 B. Cultivators are prohibited from using scales, weights, or
28 measures that do not accurately conform to the standard of weights and

measures of the State and county.

DIVISION VI - MANUFACTURING OPERATING CONDITIONS

In addition to the general operating requirements set forth in Division III of this Chapter, this Division provides additional requirements for Manufacturers.

5.92.1110 Compliance.

A. The manufacture of cannabis products shall comply with the standards set by State and local law, including but not limited to those related to volatile and nonvolatile extractions; labeling, packaging, repackaging, and relabeling; infusions; safety; discharges; waste disposal; processing, handling, and storage of solvents or gases; and food handling.

B. Manufacturers shall only be allowed to engage in the manufacture of cannabis authorized by State law and in the Adult-Use Cannabis Business Permit issued for the premises. No additional manufacturing activities may be conducted without applying for, and receiving written permission, from the City for said additional activity.

C. The manufacture of cannabis products shall be conducted in a manner to ensure the operation does not pose a significant threat to the health, safety, and welfare of the public or to neighboring properties.

5.92.1115 Additional ventilation requirements.

A. In addition to the general odor control and ventilation requirements in Section 5.92.540, Manufacturers shall utilize adequate ventilation or control equipment to minimize dust, odors, and vapors (including steam and noxious fumes) in areas where they may cause allergen cross-contact or contamination of cannabis products.

B. Fans and other air-blowing equipment used at a manufacturing facility shall be used in a manner that minimizes the potential

1 for allergen cross-contact and contamination of manufactured cannabis
2 products or packaging materials and contact surfaces intended for
3 manufactured cannabis handling or production.

4 5.92.1120 Sanitation standards.

5 A Manufacturer shall comply with sanitation standards equivalent to the
6 California Retail Food Code (Part 7 (commencing with Section 113700) of Division
7 104 of the California Health and Safety Code) for food preparation, storage,
8 handling, and sale of products. Cannabis, including concentrated cannabis in a
9 cannabis product, manufactured in compliance with this Chapter and State law is
10 not considered an adulterant under this Chapter.

11 5.92.1125 Quality and preventative controls.

12 A. Quality control. A Manufacturer shall employ quality control
13 personnel and establish standard operating procedures that comply with
14 current good manufacturing practices, as outlined by the State Department
15 of Public Health and the U.S. Food and Drug Administration.

16 B. Preventative controls. All Manufacturers have a continuous
17 obligation to identify and/or evaluate known or reasonably foreseeable
18 hazards and implement written preventive controls to significantly minimize
19 or prevent manufactured cannabis products from becoming adulterated or
20 misbranded.

21 5.92.1130 Standard operating procedures.

22 A Manufacturer creating cannabis extracts shall develop standard operating
23 procedures, good manufacturing practices, and a training plan prior to producing
24 extracts for the marketplace.

25 5.92.1135 Fire Code Official approval required.

26 Manufacturers conducting extractions, including any professional closed
27 loop systems or equipment used in extraction or processing, shall be approved for
28 their use by the Fire Code Official and shall comply with the following

requirements:

A. Any required fire, safety, and building code requirements specified in the California Building and Fire Codes, as adopted by the City.

B. Any State laws and regulations implemented and enforced by the State Department of Public Health.

5.92.1140 Vacuum ovens.

A. Vacuum ovens shall not be used to process volatile solvents or flammable/combustible liquids contained in cannabis concentrate unless said vacuum oven is rated to process the vapors of volatile solvents or flammable/combustible liquids, such as a vacuum oven that is rated with an explosion-proof classification.

B. Manufacturers conducting extractions with a vacuum oven shall take adequate precautions to ensure that any cannabis concentrate introduced into said oven does not contain volatile solvents or flammable/combustible liquids.

C. All vacuum ovens used in the manufacture of cannabis products shall be listed by a Nationally Recognized Testing Laboratory (NRTL).

5.92.1145 Doors to extraction room.

Doors to any room where Manufacturers use volatile solvents, hazardous materials, or flammable/combustible liquids in the manufacture of cannabis shall swing in the direction of egress, be self-closing and/or self-latching, and be provided with panic hardware.

5.92.1150 Refrigerators.

A. Volatile solvents, hazardous chemicals, and flammable/combustible liquids, including volatile solvents, hazardous chemicals, and flammable/combustible liquids contained in concentrated cannabis or cannabis goods, shall be stored in a refrigerator, refrigerated

storage, or a freezer rated to store flammable liquids.

B. Manufacturers shall store and process all volatile solvents or flammable/combustible liquids, including concentrated cannabis and manufactured cannabis that contains volatile solvents or flammable/combustible liquids, in refrigerators, refrigerated storage, or freezers rated to store flammable liquids which are, at a minimum, rated "Lab-Safe" or "Flammable Safe."

5.92.1155 Closed loop system required.

A. Chemical extractions using carbon dioxide or a volatile solvent shall be conducted in a professional and commercially manufactured closed loop extraction system that has been certified by a California-licensed engineer. All professional and commercially manufactured closed loop systems shall bear a permanently affixed and viable serial number.

B. No closed loop systems shall be utilized without prior inspection and approval of the Fire Code Official.

C. Certification requirements.

1. Certifications from a California-licensed engineer of any closed loop system used by a Manufacturer shall be provided to the Fire Code Official to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

a. The American Society of Mechanical Engineers (ASME);

b. American National Standards Institute (ANSI);

c. Underwriters Laboratories (UL); or

d. The American Society for Testing and Materials (ASTM).

2. The certification document required pursuant this

subsection shall contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

D. Training required. Any person using solvents or gases in a closed looped system to create cannabis extracts shall be fully trained on how to use the system, have direct access to applicable material safety data sheets, and handle and store the solvents and gases safely in compliance with State and local laws and regulations.

5.92.1160 Volatile and nonvolatile solvents permitted.

A. Manufacturers may only use volatile solvents or gases approved by the Fire Code Official and State law for extractions. Manufacturers may use nonvolatile solvents or mechanical processes to create or refine extracts, if approved by the Fire Code Official.

B. Any extraction process must use solvents or gases in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation. Manufacturers shall control all sources of ignition where a flammable atmosphere is or may be present.

5.92.1165 Change in solvent.

A. Any Manufacturer that changes the medium of extraction or solvent used in manufacturing from the technical report previously approved by the Fire Code Official shall submit a revised technical report for approval of the Fire Code Official prior to the use of the equipment with said new medium or solvent. The technical report shall be revised at the cost of the Manufacturer.

B. If the original engineer of record that drafted the last approved technical report is not available, then the Manufacturer shall comply with the following requirements prior to submitting a revised technical report to the Fire Code Official that has been drafted by a new engineer of record:

1 1. The Manufacturer shall submit the new engineer's
2 educational background and professional experience specific to the review
3 and approval of system, equipment, and processes with like hazards of
4 those associated with the extraction system to the Fire Code Official.

5 2. Once the proof of qualifications is deemed acceptable
6 by the Fire Code Official, the engineer of record shall produce the technical
7 report and the report shall be signed and sealed in accordance with State
8 requirements. The proof of qualifications shall include documentation
9 indicating the person is a professional engineer licensed in the State.

10 5.92.1170 Storage and use of compressed gas.

11 A. Storage and use of compressed gases in compressed gas
12 containers, cylinders, tanks, and systems used for cannabis manufacturing
13 shall comply with this Code and the California Fire Code.

14 B. Any compressed gases used in the manufacturing process
15 shall not be stored on any property within the City in containers that exceed
16 the amount that is approved by the Fire Code Official and authorized by the
17 Adult-Use Cannabis Business Permit.

18 5.92.1175 Hazardous material requirements.

19 Manufacturers that use and generate hazardous materials or hazardous
20 waste shall comply with all applicable hazardous material regulations for
21 hazardous waste generators and hazardous material handling requirements and
22 shall maintain any applicable permits from the Certified Unified Program Agency
23 (CUPA) of Long Beach for said regulations and requirements.

24 5.92.1180 Edible cannabis products.

25 A. The manufacture, distribution, and transportation of edible
26 cannabis products shall be conducted in a manner that complies with all
27 applicable food safety laws for the protection of humans consuming
28 cannabis.

B. Cannabis facility requirements and limitations.

1. All products, storage facilities, utensils, equipment, and materials used for the manufacture of edible cannabis products shall be approved, used, managed, and handled in accordance to the provisions of all State and local laws regarding the preparation, distribution, labeling, and sale of food.

2. Any manufacturing site that proposes to prepare, store, dispense, and distribute edible cannabis products shall comply with the relevant provisions of all State and local laws regarding the preparation, distribution, labeling, and sale of food.

3. No food production shall be allowed in a facility where edible cannabis products are manufactured to avoid the unintentional contamination of non-cannabis foods with cannabis.

4. Facilities where edible cannabis products are manufactured shall be constructed, permitted, operated, and inspected in accordance with the applicable building code and applicable food safety requirements.

5.92.1185 Food handler certification.

All owners, employees, volunteers, or other individuals that participate in the production of edible cannabis products shall be State certified food handlers. The valid certificate number of each such owner, employee, volunteer, or other individual shall be on record at the permitted premises where said individual participates in the production of edible cannabis products.

5.92.1190 Packaging and labeling.

A. All manufactured cannabis products packaged and/or labeled by a Manufacturer shall meet the provisions of packaging and labeling requirements specified by State law, including but not limited to, California Business and Professions Code Division 5 ("Weights and Measures") and

1 Division 10 ("Cannabis"), and any regulations implemented and enforced by
2 the Bureau of Cannabis Control or the State Department of Public Health.

3 B. Packaging that makes cannabis products attractive to children
4 or imitates candy is prohibited.

5 C. Prior to release of a product to a Distributor, Manufacturers
6 shall package and seal all cannabis products in tamper-evident packaging
7 and use a unique identifier for the manufactured cannabis batch to identify
8 and track the cannabis products.

9 D. Edible cannabis products shall not exceed 10 milligrams of
10 tetrahydrocannabinol (THC) per serving. The THC content for the edible
11 cannabis product in its entirety shall be printed on the edible cannabis
12 product packaging.

13 5.92.1195 Accurate weights and measures.

14 A. Manufacturers shall maintain all weighing devices in good
15 working order, approved, tested, sealed, and registered with the Los
16 Angeles County Agricultural Commissioner/Weights and Measures in
17 compliance Division 5 ("Weights and Measures") of the California Business
18 and Professions Code, any regulations implemented by the Manufactured
19 Cannabis Safety Branch, and all other applicable local, State, and Federal
20 laws.

21 B. Manufacturers are prohibited from using scales, weights, or
22 measures that do not accurately conform to the standard of weights and
23 measures of the State and county.

24
25 DIVISION VII – SHARED USE MANUFACTURING OPERATING CONDITIONS

26 Manufacturing facilities may be shared, containing multiple licensed permit
27 holders for a single premises. In addition to the general operating requirements set
28 forth in Division III and the manufacturing operating requirements set forth in

1 Division VI of this Chapter, this Division provides additional requirements for
2 Shared Use Manufacturing.

3
4 5.92.1210 Compliance

5 A. The manufacture of cannabis products in shared-use facilities
6 shall comply with the standards set by State and local law, including but not
7 limited to those related to volatile and nonvolatile extractions; labeling,
8 packaging, repackaging, and relabeling; infusions; safety; discharges;
9 waste disposal; processing, handling, and storage of solvents or gases; and
10 food handling.

11 B. Manufacturers shall only be allowed to engage in the
12 manufacture of cannabis authorized by State law and in the Adult-Use
13 Cannabis Business Permit issued for the premises. No additional
14 manufacturing activities may be conducted without applying for, and
15 receiving written permission, from the City for said additional activity.

16 C. The manufacture of cannabis products shall be conducted in a
17 manner to ensure the operation does not pose a significant threat to the
18 health, safety, and welfare of the public or to neighboring properties.

19 5.92.1215 Equity licenses prioritized.

20 A. The City shall accept applications for Shared Use
21 Manufacturing Operator Licenses from Verified Equity Businesses only for
22 a period of one (1) year, or until fifteen (15) Operator licenses have been
23 issued, whichever occurs sooner. The one-year period shall not start until
24 the date the City begins accepting applications for Shared Use
25 Manufacturing Operator Licenses.

26 B. After the one-year period has concluded, the City shall begin
27 accepting applications from all qualifying applicants for the Shared Use
28 Manufacturing Operator license pursuant to this chapter.

1 5.92.1220 Principal Licensees.

2 A. Shared-use manufacturing facilities are required to have a
3 Principal Licensee, who is responsible for the facility.

4 B. The principal licensee shall operate the shared-use facility in
5 accordance with the conditions of operation specified in this Chapter.

6 C. The shared-use manufacturing principal licensee shall be
7 responsible for ensuring the facility meets all applicable requirements of this
8 Chapter.

9 D. No cannabis manufacturer shall operate as a shared-use
10 manufacturing facility without prior approval of the City.

11 E. Licensed cannabis manufacturers in good standing may
12 request to operate as a shared-use manufacturing facility on a form
13 prescribed by the Director of Financial Management.

14 5.92.1225 Operator Licensees.

15 A. Operator licenses will only be issued to businesses that have
16 received written authorization to operate in a licensed shared-use
17 manufacturing facility.

18 B. Operator Licensees may only conduct the following
19 operational activities:

- 20 1. Infusions, as defined by this Chapter;
21 2. Packaging and labeling of cannabis products; and,
22 3. Extractions with butter or food-grade oils, provided that
23 the resulting extract or concentrate shall be used solely in the manufacture
24 of the Operator Licensee's infused product and shall not be sold to any
25 other licensee.

26 C. Operator licensees shall have a separate license for each
27 shared-use manufacturing facility where they are conducting manufacturing
28 operations.

1 D. Operator Licensees may only operate at the facility identified
2 by their license and during the hours set forth in the occupancy schedule.

3 5.92.1230 Exemptions.

4 A. Operator Licensees are exempt from the following provisions
5 of this Chapter:

6 1. 5.92.215.3.d (Proof that the applicant has the legal
7 right to occupy and use the premises for commercial cannabis activity)

8 2. 5.92.250 (One applicant per address)

9 3. 5.92.425 (Noncompliant locations)

10 4. 5.92.435 (Premises Requirements)

11 5. 5.92.860 (Subletting prohibited)

12 5.92.1235 Use agreements.

13 A. The Principal licensee and the Operator Licensee(s) may take
14 part in a use agreement which may allocate responsibility for providing and
15 maintaining commonly used equipment and services, including, but not
16 limited to, security systems, fire monitoring and protection services, and
17 waste disposal services. However, such agreement is not binding on the
18 City and the City may take enforcement action against either the principal
19 licensee or the Operator Licensee(s), regardless of the allocation of
20 responsibility in the use agreement.

21 5.92.1240 Designated areas.

22 A. The Principal licensee will identify and assign each Operator
23 Licensee a “designated area” that, at a minimum:

24 1. Is for exclusive use by the Operator Licensee; and,

25 2. Provides an area for storage that is secure, fixed in
26 place, locked with a commercial-grade lock, and accessible only to the
27 Operator Licensee for storage of that Operator Licensee’s cannabis,
28 cannabis concentrates, and cannabis products.

1 B. The designated area for an Operator Licensee shall not be
2 altered without prior notification to the City. Prior to making any changes to
3 the designated area, written notification shall be submitted to the City that
4 includes the intended changes. The City shall approve all changes prior to
5 the designated area being altered.

6 5.92.1245 Common-use areas.

7 A. The Principal licensee will identify and assign common-use
8 area(s) authorized for use by the Operator Licensee.

9 B. Any part of the premises used for manufacturing activities that
10 is a common-use area shall be occupied by only one licensee at a time by
11 restricting the time period that each licensee may use the common-use
12 area. During the assigned time period, one licensee shall have sole and
13 exclusive occupancy of the common-use area.

14 C. The principal licensee may conduct manufacturing activities
15 as permitted under its medical or adult-use manufacturing license and may
16 use the common-use area during its scheduled time period.

17 5.92.1250 Occupancy schedules.

18 A. The Principal licensee is responsible for providing an
19 occupancy schedule that identifies the days and/or times each Operator
20 Licensee is authorized to use the common-use area(s).

21 B. The occupancy schedule shall be prominently posted near the
22 entrance to the licensed shared-use facility.

23 C. The occupancy schedule shall not be altered without prior
24 notification to the City. Prior to making any changes to the occupancy
25 schedule, written notification shall be submitted to the City that includes the
26 intended changes.

27 5.92.1255 Facility restrictions.

28 The use of the shared use facility shall be restricted to the principal licensee

1 and Operator Licensees authorized by the City to use the shared-use facility.

2 5.92.1260 Facility modifications.

3 The use of the shared use facility shall be restricted to the principal licensee
4 and Operator Licensee(s) authorized by the City to use the shared-use facility.

5 5.92.1265 Cannabis waste.

6 Any cannabis product or other materials remaining after an Operator
7 Licensee ceases operation and discontinues use of its designated area shall be
8 considered cannabis waste and disposed of by the principal licensee consistent
9 with the requirements of this Chapter.

10 5.92.1270 Product recalls or embargoes.

11 In the event of a recall or embargo of a cannabis product produced at a
12 shared-use facility, the City, in its sole discretion, may include any or all cannabis
13 products produced at the shared-use facility.

14 5.92.1275 Discontinuing operations.

15 A Principal Licensee that wishes to discontinue operation as a shared-use
16 facility may do so by providing written notice to the City and each Operator
17 Licensee authorized to use the shared-use facility at least thirty (30) calendar days
18 prior to the effective date of the cancellation.

19 5.92.1280 Violations.

20 A Principal licensee or an Operator Licensee is liable for any violation found
21 at the shared-use facility during that licensee's scheduled occupancy or within that
22 licensee's designated area. However, a violation of any provision of the Chapter
23 may be deemed a violation for which each Operator Licensee and the principal
24 licensee are responsible. In the event of a recall or embargo of a cannabis product
25 produced at a shared-use facility, the City, in its sole discretion, may include any
26 or all cannabis products produced at the shared-use facility.

27
28 DIVISION VIII - DISTRIBUTION OPERATING CONDITIONS

1 In addition to the general operating requirements set forth in Division III of
2 this Chapter, this Division provides additional requirements for Distributors.

3
4 5.92.1310 Compliance.

5 A. A Distributor and the premises shall meet all health protection
6 operating criteria for the distribution of cannabis goods as required by State
7 law and regulations implemented and enforced by the Bureau of Cannabis
8 Control.

9 B. Distributors shall transfer cannabis goods only between State
10 licensees.

11 5.92.1315 Transport Only Distributor.

12 A. Transport Only Distributor may transport cannabis goods
13 between State licensees if the transport, and the type of cannabis goods
14 transported, is authorized by State and local law.

15 B. A Transport Only Distributor shall comply with all provisions
16 required by this Code and State law for Distributors, except for those
17 related to quality assurance and testing.

18 C. A Transport Only Distributor shall not hold title to any
19 cannabis goods unless said Transport Only Distributor also holds a State-
20 issued Cultivation, Manufacturing, Retailer, or Microbusiness license.

21 D. Transport Only Distributors shall not be authorized to:

- 22 1. Engage in the delivery of cannabis goods to a
23 customer; or
24 2. Engage in the wholesale, destruction, packaging,
25 labeling, or storing of cannabis goods; or
26 3. Arrange for the testing of cannabis goods by a Testing
27 Laboratory.

28 5.92.1320 Storage.

1 A. Separate and distinct. Distributors shall ensure that each
2 batch is stored separately and distinctly from every other batch on the
3 Distributor's premises.

4 B. Labels required for batch storage containers. Distributors shall
5 ensure a label with the following information is physically attached to each
6 container of each batch: the Manufacturer or Cultivator's name and State
7 license number; the date of entry into the Distributor's storage area; the
8 unique identifiers and batch number associated with the batch; a
9 description of the cannabis goods with enough detail to easily identify the
10 batch; and the weight of or quantity of units in the batch.

11 C. A Distributor shall store cannabis goods in a building designed
12 to permit control of temperature and humidity and shall prevent the entry of
13 environmental contaminants such as smoke and dust. The area in which
14 cannabis goods are stored shall be vermin proof and shall not be exposed
15 to direct sunlight. Distributors shall not store cannabis goods outdoors.

16 D. Storage-only services. Distributors may provide cannabis or
17 cannabis product storage-only services to a Cultivator, Manufacturer, or
18 other Distributor, which are unrelated to the quality assurance and
19 laboratory testing processes required of the Distributor.

20 5.92.1325 Quality assurance.

21 A. Distributors shall ensure compliance with any requirements for
22 packaging and labeling cannabis goods pursuant to State and local law and
23 regulations.

24 B. After taking physical possession of a cannabis batch, the
25 Distributor shall meet all testing requirements and procedures as required
26 by local and State law and regulations. Upon the request of the City
27 Manager, the Distributor shall immediately make available the results of all
28 tests performed on each cannabis batch by a certified State licensed

1 Laboratory.

2 C. A Distributor shall only procure, sell, or transport cannabis
3 goods that are packaged and sealed in tamper-evident packaging that use
4 a unique identifier, such as a batch and lot number or bar code, to identify
5 and track the cannabis goods.

6 5.92.1330 Transport.

7 A. Documentation during transport. Transporters shall carry a
8 physical or electronic copy of the shipping manifest for the transport of
9 cannabis goods, a copy of the Distributor's current permits and/or licenses
10 required by the State and City, the Transporter's government-issued
11 identification, and an identification badge provided by the Distributor. All
12 documentation shall be made available upon request to the City Manager or
13 Chief of Police.

14 B. Transporters shall be at least twenty-one (21) years of age
15 and shall have a valid California Driver's License.

16 C. Vehicle standards. A Distributor shall only allow transport of
17 cannabis goods in a vehicle:

18 1. That is capable of securing (locking) the cannabis
19 goods during transportation.

20 2. That is capable of being time and/or temperature
21 controlled if perishable cannabis goods are being transported.

22 3. That does not display advertising or symbols visible
23 from the exterior of the vehicle that suggest the vehicle is used for cannabis
24 transport or affiliated with a Commercial Cannabis Business.

25 D. Inspections. Any motor vehicle used by a Distributor to
26 transport cannabis goods is subject to inspection by the City Manager or
27 Chief of Police and may be stopped during transport, delivery, or pick-up of
28 cannabis goods for inspection.

1 5.92.1335 Accurate weights and measures.

2 A. Distributors shall maintain all weighing devices in good
3 working order, approved, tested, sealed, and registered with the Los
4 Angeles County Agricultural Commissioner/Weights and Measures in
5 compliance Division 5 ("Weights and Measures") of the California Business
6 and Professions Code, any applicable State laws and regulations
7 implemented by the State or its departments or divisions, and all other
8 applicable local, State, and Federal laws.

9 B. Distributors are prohibited from using scales, weights, or
10 measures that do not accurately conform to the standard of weights and
11 measures of the State and county.

12 5.92.1340 Records.

13 A. In addition to records generally required of all Adult-Use
14 Cannabis Businesses, every Distributor shall maintain records specific to
15 the operation, including but not limited to: records relating to branding,
16 packaging and labeling; inventory logs and records; transportation bills of
17 lading and shipping manifests for completed transports and for cannabis
18 goods in transit; vehicle and trailer ownership records; quality-assurance
19 records; records relating to destruction of cannabis goods; laboratory-
20 testing records; warehouse receipts; records relating to tax payments
21 collected and paid. The Distributor shall make all records available to the
22 City upon request.

23 B. Storage records. A Distributor shall maintain a written contract
24 with other State licensees storing cannabis goods on the Distributor's
25 premises. A Distributor shall maintain a separate storage inventory log for
26 every State licensee storing cannabis goods on the Distributor's premises.
27 The Distributor's storage inventory logs and written contracts shall be
28 provided to the City Manager upon request. All inventory documents shall

1 contain the identity and State license number of all contracting parties.

2 C. A Distributor shall maintain a database, and provide to the
3 City upon request, a list of the individuals and vehicles authorized to
4 conduct transportation on behalf of the Distributor.

5
6 DIVISION IX - TESTING LABORATORY OPERATING CONDITIONS

7 In addition to the general operating requirements set forth in Division III of
8 this Chapter, this Division provides additional requirements for Testing
9 Laboratories.

10
11 5.92.1410 Compliance.

12 All laboratory testing of cannabis goods shall be performed in accordance
13 with this Chapter, this Code, and any applicable State law and regulations,
14 implemented and enforced by the State and its divisions and departments.

15 5.92.1415 No other employment or interest.

16 No owner or employee of a Laboratory may be employed by, or have any
17 ownership or financial interest, in any other type of commercial cannabis activity.

18 5.92.1420 Laboratory employee requirements.

19 Laboratory employees shall meet the experience, education, and training
20 requirements specified and required by the State or any of its departments and
21 divisions.

22 5.92.1425 Certificate of accreditation required.

23 Every Laboratory shall hold a valid certificate of ISO/IEC 17025
24 accreditation, issued by an accreditation body that attests to the Laboratory's
25 competence to perform testing of the cannabis goods for compounds and
26 contaminants, in compliance with State laws and regulations for cannabis testing.
27 Said accreditation body shall be a signatory to the International Laboratory
28 Accreditation Cooperation Mutual Recognition Arrangement for testing. The

certificate of accreditation shall be kept at the premises.

5.92.1430 Standard operating procedures.

A Laboratory shall adopt a standard operating procedure using methods consistent with general requirements established by the International Organization for Standardization, specifically ISO/IEC 17025, to test cannabis goods, and shall operate in compliance with State law at all times.

5.92.1435 Chain of custody controls.

A Laboratory shall establish standard operating procedures that provide for adequate chain of custody controls for samples transferred to the Laboratory for testing.

5.92.1440 Certificate of Analysis.

A Laboratory shall generate a Certificate of Analysis (COA) for all representative samples analyzed by the Laboratory in compliance with State law and any regulations implemented and enforced by the Bureau of Cannabis Control.

5.92.1445 Annual audit.

A Laboratory shall conduct an internal audit at least once per year or according to the ISO Accrediting Body and the State's requirements, whichever is more frequent.

5.92.1450 Transportation and storage of testing samples.

Every Laboratory shall ensure samples are transferred, transported, and securely stored in a manner that prevents degradation, contamination, and tampering, and in compliance with labeling on the cannabis product pursuant to a specified chain of custody protocol.

5.92.1455 Destruction of samples.

A Laboratory shall destroy the remains of samples of any cannabis goods upon completion of analyses, and after the expiration of any post-testing sample retention period, in compliance with State law and any regulations implemented

1 and enforced by the Bureau of Cannabis Control.

2 5.92.1460 Additional ventilation requirements.

3 In addition to the general odor control and ventilation requirements in
4 Section 5.92.540, the Laboratory shall implement adequate ventilation or control
5 equipment to minimize dust, odors, and vapors (including steam and noxious
6 fumes) in areas where they may cause allergen cross-contact or contamination of
7 cannabis products. Fans and other air-blowing equipment used at a Laboratory
8 premises shall be used in a manner that minimizes the potential for allergen cross-
9 contact and contamination of cannabis goods.

10 5.92.1465 Hazardous material requirements.

11 Laboratories that use and generate hazardous materials or hazardous
12 waste shall comply with all applicable hazardous material regulations for
13 hazardous waste generators, and hazardous materials handling requirements and
14 shall maintain any applicable permits for these programs from the Certified Unified
15 Program Agency (CUPA) of Long Beach.

16 5.92.1470 Records.

17 A Laboratory shall ensure the transport, handling, storage, and destruction
18 of samples are accurately documented. All documentation and the results of all
19 testing shall be maintained as a part of the required records of the Laboratory.

20 21 DIVISION XI - ENFORCEMENT AND PENALTIES

22
23 5.92.1510 Violations generally.

24 A. It is unlawful for any person to violate any provision, or to fail
25 to comply with any of the conditions or requirements of this Chapter, or any
26 regulation adopted pursuant to it.

27 B. Separate violation. Every day, during any portion of which,
28 any violation of this Chapter is committed, continued, or allowed to continue

1 is a separate offense and is subject to all remedies and enforcement
2 measures authorized by this Code.

3 C. Every cannabis plant, including both immature and mature
4 plants, cultivated in violation of this Chapter by an illegal cannabis operation
5 constitutes a separate violation subject to the penalties of this Chapter.

6 D. Paying a fine or serving a jail sentence does not relieve any
7 person from responsibility for correcting any condition that violates any
8 provision of this Chapter.

9 E. Whenever in this Chapter any act or omission is made
10 unlawful, it shall include causing, permitting, aiding, abetting, suffering, or
11 concealing the fact of such act or omission.

12 F. Violation of any provision of this Chapter shall be considered
13 a strict liability; accordingly, the City shall not be required to prove
14 knowledge, criminal intent, or any other mental state to establish a violation
15 of this Chapter.

16 5.92.1515 Remedies cumulative.

17 A. The remedies provided for in this Chapter are not mutually
18 exclusive. Pursuit of any one remedy does not preclude the City from
19 availing itself of any or all available administrative, civil, or criminal
20 remedies, at law or equity. The remedies provided by this Chapter are
21 cumulative and in addition to any other remedies available at law or in
22 equity.

23 B. This Chapter does not limit the City's additional remedies for
24 recovering taxes or damages in accordance with any applicable law
25 including, without limitation, cannabis business taxes owed by an unlawful
26 Commercial Cannabis Business pursuant to Chapter 3.80 of this Code.

27 5.92.1520 Declaration of public nuisance.

28 A. Any violation of the provisions of this Chapter is hereby

1 deemed unlawful and a public nuisance.

2 B. As a nuisance per se, any violation of this Chapter is subject
3 to any of the following remedies, including, without limitation: injunctive
4 relief, revocation of applicable permits or licenses, revocation of the
5 certificate of occupancy for the real property where the violation occurred,
6 disgorgement and payment to the City of all monies unlawfully obtained,
7 costs of abatement, costs of investigation, attorney fees, and any other
8 relief or remedy available at law or equity.

9 C. For purposes of notification of nuisance and abatement
10 pursuant to Section 9.37.100 of this Code, a reasonable time limit for a
11 property owner or person to correct or abate the nuisance of an illegal
12 cannabis operation is no less than five (5) calendar days.

13 5.92.1525 Liability of employees and agents.

14 Liability of employees and agents. In construing and enforcing the
15 provisions of this Chapter, the act, omission, or failure of an agent, officer,
16 representative, or other person acting for or employed by an Adult-Use Cannabis
17 Business, within the scope of his or her employment or office, will be in every case
18 be deemed the act, omission, or failure of the Adult-Use Cannabis Business.

19 5.92.1530 Liability of property owners.

20 A. No property owner in charge of, or in possession of, any real
21 property within the City shall cause, permit, maintain, conduct, or otherwise
22 suffer or allow a public nuisance as defined in this Chapter to exist.

23 B. It is the duty of every property owner, and person that controls
24 any real property or interest therein, within the City to remove, abate, and
25 prevent the reoccurrence of the public nuisance upon such real property.
26 Such duty of the property owner exists regardless of whether the property
27 owner is in actual possession of his or her real property, and includes an
28 obligation to act to evict or otherwise remove an illegal cannabis operation

1 who illegally exists or creates a public nuisance upon the property owner's
2 real property.

3 C. In addition to any abatement costs incurred by the City for
4 closing or removing an illegal cannabis operation from private real property,
5 failure of a property owner to voluntarily abate an illegal cannabis operation
6 after notification by the City shall result in the penalties set forth in this
7 Chapter.

8 5.92.1535 Liability of costs, fines, and fees.

9 A. Liability of costs. In any enforcement action brought pursuant
10 to this Chapter, whether by administrative proceedings, judicial
11 proceedings, or summary abatement, every person who causes, suffers,
12 maintains, or permits any illegal cannabis operation and/or operation to
13 exist, or remain in violation of this Chapter, is liable for all actual costs
14 incurred by the City, including, but not limited to: all actual costs for
15 inspection, enforcement, revocation, suspension, abatement, or any other
16 actual costs incurred to undertake, or to cause or compel any responsible
17 party to undertake, any abatement action in compliance with the
18 requirements of this Chapter, including costs of litigation and reasonable
19 attorney's fees, whether those costs are incurred prior to, during, or
20 following enactment of this Chapter.

21 B. Any person may abate an illegal cannabis operation or cause
22 it to be abated at any time prior to commencement of abatement by, or at
23 the direction of, the City Manager. Abatement prior to the hearing does not
24 absolve any person from paying costs, fees, and administrative penalties
25 that accrued up to the date of abatement. Proof of Abatement shall be
26 provided to the Hearing Officer(s) at the time of hearing.

27 C. Liability for cost of destruction. If required by State law,
28 regulation, or court order to destroy any cannabis goods associated with a

1 violation of this Chapter, a violator is responsible for the cost of the
2 destruction of cannabis goods associated with said violation.

3 D. Failure to pay fines and fees. Failure to pay a fine or penalty
4 within thirty (30) calendar days of the date of assessment may result in
5 penalties, suspension, or revocation of the permit, unless the citation is
6 being appealed. The full amount of any assessed fine or penalty may be
7 added to the fee for renewal of the permit.

8 5.92.1540 Permit suspension, revocation, or denials.

9 A. Noncompliance. Failure to comply with any of the provisions
10 of this Chapter will constitute grounds for suspension, denial, or revocation
11 of the permit. The noticing and hearing requirements for suspension or
12 revocation of the permit shall be governed by the provisions of Chapter 5.06
13 of this Code.

14 B. Cease activity. No person may conduct any business or
15 activity regulated by this Chapter while an application for a permit is
16 pending, at any time after a permit denial or revocation, or while a permit is
17 suspended.

18 C. Grounds for denial, revocation, or suspension of permit. In
19 addition to the provisions of Chapter 5.06 of this Code, the Director of
20 Financial Management may deny any application for a permit, or revoke or
21 suspend any permit, on the following grounds:

22 1. A permit application does not satisfy the minimum
23 qualifications or fails to comply with the applicable requirements of this
24 Chapter.

25 2. Failure to comply with any of the terms and conditions
26 attached to the permit at the time of approval.

27 3. Any act or omission that violates the requirements of
28 this Code, including any rule, regulation, condition, or standard adopted

pursuant to this Chapter, or any other applicable State or local rule, law, or regulation.

4. Any act or omission that results in the denial, revocation, or suspension of the permittee's State license.

5. Failure to renew the permittee's State license.

6. The permit was granted, in whole or in part, based on any written or oral misrepresentation or omission of a material statement in the permit application.

7. Conducting a commercial cannabis activity in a manner that constitutes a nuisance, where the permittee has failed to comply with reasonable conditions to abate the nuisance.

8. Conviction for any controlled substance felony by an owner after a permit has been issued.

9. A person has been, or is, prohibited from having an ownership interest in an Adult-Use Cannabis Business pursuant to Section 5.92.265.

10. A person has committed a deliberate or willful violation of an applicable law, or applicable rule and regulation related to commercial cannabis activity.

5.92.1545 Appeal of permit denial.

A. Any applicant pursuant to this Chapter whose application for an Adult-Use Cannabis Business Permit, whose application for such permit has been denied, shall be notified in writing of the denial and their right to file an appeal, pursuant to Section 5.06.030 of this Code, within ten (10) calendar days after the date of mailing of the Notice of such denial.

B. Any written request for an appeal of a permit denial pursuant to this Chapter shall include details regarding the denial and the specific ground(s) on which the dispute of the denial is based. At the time of filing

1 the notice of appeal, the applicant shall pay to the Director of Financial
2 Management the fee set by resolution of the City Council for appeals
3 hereunder.

4 C. If the written request is filed within the time period specified,
5 within thirty (30) days following the filing of said written request, the City
6 shall set a hearing to be held not less than ten (10) days nor not more than
7 thirty (30) days thereafter, and such hearing may for good cause be
8 continued by the City.

9 D. The hearing shall be held in accordance with Chapter 2.93 of
10 this Code, except that the matter shall be automatically referred to the City
11 Clerk for selection of a Hearing Officer, without the City Council's referral, in
12 accordance with Subsection 2.93.050.B of this Code.

13 E. Failure to file the written request within the time period
14 specified shall result in waiver of any right to dispute the denial of an
15 application for an Adult-Use Cannabis Business Permit pursuant to this
16 Chapter. Failure of an appellant or their authorized representative to appear
17 at any noticed hearing shall constitute an abandonment of the hearing
18 appeal and shall constitute a failure to exhaust administrative remedies.

19 F. Right to recover costs. In the event a civil action is initiated by
20 the City to enforce any decision under this Section, and a judgment is
21 entered to enforce said decision, any person against whom the order of
22 enforcement has been entered shall be liable to pay the City's total costs of
23 enforcement, including reasonable attorney fees.

24 5.92.1550 Factors for suspension or revocation.

25 A. The City Manager may consider the following factors in
26 deciding whether a permit should be suspended or revoked in accordance
27 with this Chapter, as applicable:

- 28 1. The nature and severity of the acts, offense, or crimes

under consideration.

2. Any corrective action taken by the permittee.
3. Prior violations at the permitted premises by the permittee and the effectiveness of prior corrective action.
4. Previous sanctions imposed against the permittee.
5. The number and/or variety of current violations.
6. The likelihood of recurrence.
7. All circumstances surrounding the violation.
8. Whether the violation was willful.
9. Any actual or potential harm to the public.
10. The length of time the permit has been held by the permittee.
11. Evidence of expungement proceedings under Penal Code Section 1203.4.
12. Any other factor that makes the situation unique or the violation of greater concern, with respect to the permittee or the permitted premises.

5.92.1555 Permit reapplications.

A. Whenever an application for a permit is denied, no other application by such permittee will be considered for a period of one (1) year from the date of the denial of an application, with an exception granted to any applicant whose Adult-Use Business License Application was denied solely because the applicant's proposed premises does not comply with the sensitive use buffers in subsection (1) through (4) of Section 5.92.420.A.

B. Whenever a permit has been revoked, no other similar application by such permittee for an Adult-Use Cannabis Business Permit shall be considered for a period of five (5) years from either the date the notice of the permit revocation was mailed or the date of the final decision

1 of the City Council to revoke the permit, whichever is later.

2 C. The provisions of subsections (A) and (B), above, apply to all
3 of the following:

4 1. Any individual whose permit was revoked or whose
5 application was denied who later becomes a director or officer of a
6 corporation, profit or nonprofit, or a member of a partnership or a person
7 owning or possessing any portion of the shares of a corporation seeking to
8 obtain a new permit.

9 2. A corporation, profit or nonprofit, whose permit was
10 revoked or application was denied, to any of its directors or officers or to
11 any person who owned any portion of its shares, who attempts by way of a
12 new corporation or using their individual names or becoming a member of a
13 partnership or a director or officer or a person owning or possessing any
14 portion of the shares in another corporation seeking to obtain a new permit.

15 D. Effect of suspension, revocation, or denial on Co-Located
16 Cannabis Business Permits.

17 1. Suspension of a permittee's co-located Adult-Use
18 Cannabis Business Permit or Medical Marijuana Business Permit, shall
19 immediately suspend the permittee's other co-located permit for the same
20 premises and permittee's ability to operate a Commercial Cannabis
21 Business within the City, until the City reinstates or reissues permittee's
22 Adult-Use Cannabis Business Permit and Medical Marijuana Business
23 Permit.

24 2. Revocation or termination of a permittee's co-located
25 Adult-Use Cannabis Business Permit or Medical Marijuana Business
26 Permit, shall also immediately revoke, terminate, or surrender permittee's
27 co-located permit for the same premises, and permittee's ability to operate
28 a Commercial Cannabis Business from that premises.

1 3. Surrender of the permittee's co-located Medical
2 Marijuana Dispensary permit shall also immediately revoke, terminate, or
3 surrender the permittee's co-located Adult-Use Cannabis Dispensary
4 Permit for the same premises, and permittee's ability to operate a
5 Commercial Cannabis Business from that premises.

6 E. Effect of suspension, revocation, or denial on State licenses.

7 1. Suspension of a permittee's State license shall
8 immediately suspend the permittee's Adult-Use Cannabis Business Permit,
9 any co-located Medical Marijuana Business Permits for the same premises,
10 and permittee's ability to operate a Commercial Cannabis Business within
11 the City, until the State, or its respective department or division, reinstates
12 or reissues permittee's State license.

13 2. Revocation, termination, or surrender of a permittee's
14 State license shall immediately suspend the permittee's Adult-Use
15 Cannabis Business Permit, any co-located Medical Marijuana Business
16 Permits for the same premises, and permittee's ability to operate a
17 Commercial Cannabis Business within the City.

18 5.92.1560 Criminal penalty.

19 Any person who violates any provision of this Chapter is guilty of a
20 misdemeanor, and upon conviction thereof, may be punished by a fine of not more
21 than one thousand dollars (\$1,000.00), or by imprisonment in the City or county jail
22 for a period not exceeding six (6) months, or by both such fine and imprisonment.

23 5.92.1565 Administrative civil penalties.

24 A. Administrative citations. In addition to all other legal remedies
25 at law, violations of this Chapter and building, health, and safety violations
26 caused as a result of a violation of this Chapter are enforceable using the
27 administrative citation procedures set forth in Chapter 9.65 of this Code.

28 1. Administrative citations for violations of this Chapter

1 shall be set by resolution of the City Council pursuant to Chapter 9.65 of
2 this Code for any violation of the Long Beach Municipal Code that could
3 potentially be criminally cited as an infraction.

4 2. Fines for illegal cannabis operations shall be set by
5 resolution of the City Council pursuant to Chapter 9.65 of this Code.

6 B. Administrative penalties imposed pursuant to this Section also
7 constitute a personal obligation on each person who causes, permits,
8 maintains, conducts, or otherwise suffers or allows the nuisance to exist. In
9 the event administrative penalties are imposed pursuant to this Section on
10 two (2) or more persons for the same violation, all such persons are jointly
11 and severally liable for the full amount of the penalties imposed.

12 C. In addition to any other remedy, the City may prosecute a civil
13 action through the City Attorney to collect any administrative penalty
14 imposed pursuant to this Chapter.

15 5.92.1570 Actions for injunctive relief and civil penalties.

16 A. As an alternative, or in addition to any other remedy, the City
17 Attorney may enforce the provisions of this Chapter against any illegal
18 cannabis operation and/or property owner in any court of competent
19 jurisdiction. The City Attorney may apply to such court for an order seeking
20 injunctive relief to abate or remove any nuisance caused, maintained, or
21 permitted by an illegal cannabis operation and/or property owner, to restrain
22 any illegal cannabis operation and/or property owner from taking any action
23 contrary to the provisions of this Chapter or other applicable law; and/or to
24 require any illegal cannabis operation and/or property owner to take any
25 action to comply with this Chapter or other applicable law.

26 B. In any civil court action brought by the City Attorney pursuant
27 to this Section in which the City succeeds in obtaining an order from the
28 court, the City shall be entitled to recover from an illegal cannabis operation

1 and/or property owner all of the City's costs of investigation, enforcement,
2 abatement, destruction, and litigation, including but not limited to attorneys'
3 fees.

4 C. Civil penalties.

5 1. The City is entitled to recover civil penalties against an
6 illegal cannabis operation and/or property owner a maximum amount of five
7 thousand dollars (\$5,000.00) per violation for each day an illegal cannabis
8 operation is operated, permitted, or maintained on the subject property, and
9 the court may order the destruction of cannabis associated with that
10 violation in accordance with California Health and Safety Code Section
11 11479.

12 2. In assessing the amount of a civil penalty, the court
13 shall consider any one or more of the relevant circumstances presented by
14 any of the parties to the case, including, but not limited to, the following:

- 15 a. The nature and seriousness of the violation;
- 16 b. Any economic benefit gained through the
17 violation;
- 18 c. The number of violations;
- 19 d. The length of time over which the violation
20 occurred;
- 21 e. The willfulness of the defendant's violation; and
- 22 f. The defendant's assets, liabilities, and net worth.

23 D. The City Attorney is authorized, without further direction from
24 the City Council, to institute any civil actions permitted pursuant to this
25 Section.

26 5.92.1575 Liens and special assessments.

27 A. Notwithstanding any other provision of this Chapter to the
28 contrary, the costs incurred by the City in the abatement of a violation or

1 nuisance may be placed against any privately owned and affected property
2 as either a nuisance abatement lien or a special assessment lien pursuant
3 to California Government Code Section 38771 et seq., as amended from
4 time-to-time, or a lien pursuant to California Government Code Section
5 54988, as amended from time to time.

6 B. Liens. All actual costs required by this Section constitute a lien
7 upon the property upon which the Adult-Use Cannabis Business is situated.
8 The lien for any inspection, enforcement, or abatement costs may attach
9 thirty (30) days after the responsible parties are notified of the costs, and
10 will remain until the costs are paid or the premises is sold in payment
11 thereof.

12 C. Lien enforcement. The City may enforce a lien under this
13 Chapter in any manner permitted by law, including filing a civil action either
14 to foreclose on its liens or to obtain a money judgment or both, or pursuing
15 non-judicial foreclosure.

16 D. Conversion of liens. The City may elect, upon thirty (30)
17 calendar days written notice to all known and record owners of the privately
18 owned and affected property, to convert any nuisance abatement lien
19 authorized by this Chapter to a special assessment lien, or vice versa.
20 Costs recoverable under this Chapter may include those categories of costs
21 and fees set forth in Civil Code Section 3496, regardless of the type of
22 nuisance involved.

23 E. Special Assessment. If the property is specially assessed,
24 said assessment may be collected at the same time and in the same
25 manner as ordinary real property taxes are collected and will be subject to
26 the same penalties and the same procedure and sale in case of
27 delinquency as provided for ordinary real property taxes. All laws applicable
28 to the levy, collection, and enforcement of real property taxes are applicable

1 to the special assessment.

2 5.92.1580 Prohibited premises sites due to prior illegal cannabis operations.

3 A. The City may, in its sole discretion, take any action as
4 specified in this subsection.

5 B. If the City discovers an illegal cannabis operation is currently
6 and/or was operating within the previous sixty (60) days at or on a property,
7 or any portion thereof, without valid State or City permits or licenses the
8 City may take action as specified herein. The City shall notify the property
9 owner in writing of their right to file, within fifteen (15) days after the date of
10 mailing of the Notice, written request of a hearing to the City disputing the
11 alleged illegal cannabis operation. Such written request shall set forth the
12 specific ground(s) on which the dispute is based and the property owner
13 shall pay to the City at the time of filing said written request a filing fee in an
14 amount to be set by resolution of the City Council.

15 C. Failure to file the written request within the time period
16 specified shall result in waiver of any right to dispute the allegation of
17 operation of an illegal cannabis operation at the subject property. In the
18 event of such waiver, no Commercial Cannabis Business, whether licensed
19 or non-licensed, shall be permitted to operate at the subject property for a
20 period of one (1) year from the 16th day after the date of mailing of the
21 Notice.

22 D. The illegal cannabis operation and/or property owner shall
23 have the right of appeal as set forth in Section 5.92.1445.

24 E. Whenever it has been determined that an illegal cannabis
25 operation was and/or is in operation, no Commercial Cannabis Business,
26 whether licensed or non-licensed, shall be permitted to operate at the
27 subject property for a period of one (1) year from the effective date of such
28 determination.

1 F. The prohibitions contained in this Section are sufficient
2 grounds to deny any application for operation of a Commercial Cannabis
3 Business or cannabis operation at the subject property received within the
4 one (1) year time.

5 G. In the event the City revokes a Property Owner's Non-
6 Residential Rental Business License for violating this Chapter, no
7 Commercial Cannabis Business or cannabis operation, whether licensed or
8 non-licensed, is permitted to operate at the subject property for a period of
9 five (5) years from the effective date of revocation of the Non-Residential
10 Rental Business License. Such revocation is sufficient grounds to deny any
11 application for operation of a Commercial Cannabis Business or cannabis
12 operation at the subject property received within the five (5) year period.
13 This prohibition shall also remain in effect in the event a property owner (or
14 an entity owned by or affiliated with such property owner) obtains another
15 Non-Residential Rental Business License anytime within the five (5) year
16 period for the subject property.

17 5.92.1585 Disconnection of utilities.

18 A. To the maximum extent permitted by law, and in accordance
19 with the processes thereof, the City may discontinue utility services to any
20 premises upon which an illegal cannabis operation is operating.

21 B. Prior to the disconnection of utility services, the City must
22 notify, wherever possible, the property owner and occupant of the building,
23 structure, or premises upon which the illegal cannabis operation is
24 operating, of the decision to disconnect the utility service(s) and the
25 reason(s) for service suspension at least seven (7) calendar days before
26 taking such action, unless a different period of notification is mandated by
27 law; provided that the City's Building Official may dispense with any attempt
28 at prior notification if, in the sole discretion of the Building Official, the

1 nature or severity of any apparent dangerous hazard justifies such
2 disconnection in accordance with other provisions of this Code.

3 C. In the event utilities are disconnected, the Building Official
4 must notify the owner or occupant of the building, structure, or premises in
5 writing of the disconnection as soon as practical thereafter.

6 D. Disconnected utilities shall not be re-established until an
7 inspection has been made by the City's Building Official and the Building
8 Official has determined that the unlawful illegal cannabis operation has
9 ceased operations; that any imminent hazard has been abated or
10 eliminated (if applicable); that the building complies with applicable law; and
11 that any applicable fees for disconnection, reconnection, penalties, and/or
12 other related services have been paid.

13 E. Removing or defacing a notice posted in relation to this
14 provision shall constitute a separate and distinct violation of this Chapter.

15 5.92.1590 Medical Marijuana Task Force.

16 The authority, powers, and duties of the Medical Marijuana Task Force,
17 established pursuant to Section 5.90.260 of this Code, are limited exclusively to
18 the provisions in Chapter 5.90 and shall not extend to any applicant, permittee,
19 Adult-Use Cannabis Business, and/or Medical Marijuana Business electing to
20 engage in commercial cannabis activity pursuant to this Chapter.

21 5.92.1595 Severability.

22 In the event, any provision in this Chapter is deemed invalid, illegal, or
23 unenforceable, the validity, legality and enforceability of the remaining provisions
24 shall not in any way be affected or impaired thereby and such provision is
25 ineffective only to the extent of such invalidity, illegality, or unenforceability.

26
27 DIVISION XII - EQUITY PROGRAM
28

1 5.92.1610 Equity employee eligibility

2 A. To be eligible for the Equity Program as an equity employee,
3 an individual shall satisfy the following criteria:

- 4 1. Be a natural person; and
5 2. In the last year, have had an annual family income at or
6 below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los
7 Angeles County) Area Median Income (AMI) adjusted for family size, and a
8 net worth below \$250,000; and

9 3. The individual satisfies at least one of the following
10 criteria:

11 a. Has lived in a Long Beach census tract for a
12 minimum of three (3) years where at least fifty-one percent (51%) of current
13 residents have a household income at or below eighty percent (80%) of the
14 Los Angeles County Area Median Income; or

15 b. Was arrested or convicted for a crime relating to
16 the sale, possession, use, or cultivation of cannabis in the City of Long
17 Beach prior to November 8, 2016 that could have been prosecuted as a
18 misdemeanor or citation under current California law; or

19 c. Is a Long Beach resident currently receiving
20 unemployment benefits.

21 5.92.1615 Equity applicant eligibility.

22 A. To be eligible for the Equity Program as an equity applicant,
23 an individual shall satisfy the following criteria:

- 24 1. Be a natural person; and
25 2. In the last year, have had an annual family income at or
26 below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los
27 Angeles County) Area Median Income (AMI) adjusted for family size, and a
28 net worth below \$250,000; and

1 3. Has lived in a Long Beach census tract for a minimum
2 of five (5) years, either consecutively or in total, where at least fifty-one
3 percent (51%) of current residents have a household income at or below
4 eighty percent (80%) of the Los Angeles County Area Median Income; and

5 4. Meets at least one of the following criteria:

6 a. During the period 1971-2016, was arrested for,
7 convicted of, or adjudged to be a ward of the juvenile court for any crime
8 under the laws of California or any other jurisdiction relating to the sale,
9 possession, use, manufacture, or cultivation of cannabis; or

10 b. Has a parent, sibling, or child who, during the
11 period of 1971-2016, was arrested for, convicted of, or adjudged to be a
12 ward of the juvenile court for any crime under the laws of California or any
13 other jurisdiction relating to the sale, possession, use, manufacture, or
14 cultivation of cannabis.

15 5.92.1620 Equity business eligibility.

16 To be eligible for the Equity Program as an Equity Business, majority
17 ownership of the business must be held by equity applicant(s). If the cannabis
18 business has one equity applicant listed as an owner, a minimum of fifty-one
19 percent (51%) ownership in the cannabis business must be held by the equity
20 applicant. If the cannabis business will have multiple equity applicants listed as
21 owners of the cannabis business, any one (1) of the equity applicants must hold
22 majority ownership interest in the cannabis business.

23 5.92.1625 Application required.

24 A. Any person seeking to be qualified as a Verified Equity
25 Applicant or Verified Equity Employee shall submit a written application to
26 the City, signed under penalty of perjury, using the form approved by the
27 City for that purpose and in the manner required by the Director of
28 Economic Development. All applications shall contain, at a minimum, the

1 following information and documents:

2 1. Applicant Information

3 a. The legal name of the applicant.
4 b. The applicant's mailing address, e-mail address,
5 and telephone number.

6 2. Proof of income

7 a. All income documents must list the first and last
8 name of the equity applicant and be effective within the last year.

9 b. A minimum of last year's federal tax return and
10 at least one (1) of the following approved documents listed below shall be
11 considered acceptable proof of residency:

12 (i) Wage and tax statement (W-2, 1099, or
13 other Federal income reporting document)

14 (ii) Two (2) months of most recent pay stubs,
15 or

16 (iii) Proof of current eligibility for General
17 Relief (GR), CalFresh (Food Stamps), Medical/CalWORKs, Supplemental
18 Security Income (SSI), or Social Security Disability (SSDI).

19 3. Proof of Residency

20 a. A minimum of two (2) of the supporting
21 documents listed below, evidencing a minimum of five (5) years of
22 residency, whether consecutive or in total, shall be considered acceptable
23 proof of residency. All residency documents must list the first and last name
24 of the equity applicant and the Long Beach residence address in a
25 qualifying Long Beach census tract pursuant to Section 5.92.1620.A.3:

26 (i) California Driver's record or permanent
27 Driver's License or AB 60 Driver's License; or

28 (ii) California identification card record; or

(iii) Property tax billing and payments from the LA County Assessor; or

(iv) Verified copies of State or Federal income tax returns where a Long Beach address within a qualifying Long Beach census tracts pursuant to Section 5.92.1620.A.3 is listed as a primary address; or

(v) School records; or

(vi) Medical records; or

(vii) Banking records; or

(viii) Long Beach Housing Authority records; or

(ix) Utility, cable, or internet company billing and payment covering any month in each of the five (5) years.

4. Proof of Cannabis Criminalization

a. Proof of cannabis arrest or conviction should be demonstrated through court documents, probation documents, Department of Corrections or Federal Bureau of Prisons documentation. Documentation needs to include the following:

(i) Date of the offense or arrest

(ii) Charges filed

(iii) Name of defendant

(iv) Exact location of offense or arrest that occurred in Long Beach, CA.

5.92.1630 Incomplete applications.

A. Upon review of an application, if an application is determined to be incomplete, the City shall provide notice to the applicant, who shall have ninety (90) calendar days to correct all deficiencies in the application.

B. If the applicant fails to correct said deficiencies within the ninety (90) day period, the application shall be deemed abandoned, void,

1 and of no further force and effect. The applicant may reapply at any time
2 following an abandoned application.

3 C. The Director of Economic Development may extend the
4 deadline upon showing of good cause by the applicant for the inability to
5 provide all required information by the deadline, if a written request for an
6 extension is received no later than ten (10) calendar days prior to the
7 deadline. For purposes of this subsection, the term "good cause" shall
8 mean the applicant's failure to complete the application process occurred
9 due to circumstances outside of the applicant's control.

10 5.92.1635 Application rejection.

11 Upon review of an application, if an application is determined to not meet
12 the criteria to be verified as an equity applicant or equity employee, the City shall
13 have the right to reject said application. All rejections are final and may not be
14 appealed. An equity applicant may reapply at any time after having an application
15 rejected.

16 5.92.1640 Assistance available to equity applicants.

17 A sole equity applicant that intends to apply for an Adult-Use Cannabis
18 Business Permit as an equity business, shall be eligible to receive direct technical
19 assistance prior to the application process to acquire the knowledge and/or skills
20 necessary in order to gain entry to, and to successfully operate in, the regulated
21 cannabis marketplace. Direct technical assistance includes:

22 A. One-on-one consulting and training, including direct
23 interactions in group settings, to provide equity applicants and licensees the
24 technical knowledge and expertise necessary to facilitate business
25 ownership and employment in the cannabis industry.

26 B. Small business support services, professional mentorship
27 services, training and education regarding state cannabis licensing and
28 regulatory requirements, manufacturing assistance, financial management,

and business resilience such as emergency preparedness.

5.92.1645 Assistance available to equity businesses.

A sole equity applicant or group of equity applicants applying for an Adult-Use Cannabis Business Permit as an equity business, shall be eligible to receive the following assistance during the application process: expedited Adult-Use Cannabis Business Permit application review; Adult-Use Cannabis Business Permit application and compliance assistance; cultivation business license tax deferrals during the first year; expedited building plan check review; waivers of City permitting fees; and direct grants as provided by the State of California.

5.92.1650 Assistance per household.

Assistance as part of the Equity Program will only be provided to one (1) verified equity applicant per household. Assistance will not be provided to multiple equity applicants living within the same household and/or the equity applicant is listed as a dependent on another equity applicants tax filings.

5.92.1655 Equity business transfer of ownership requirements.

Equity Businesses are prohibited from transferring majority ownership interest to a non-equity applicant, for ten years after the issuance of the Adult-Use Cannabis Business License for that cannabis business. Exceptions may be granted by the City Manager, or their designee, for an extenuating circumstance preventing an equity applicant(s) from continuing to hold ownership in the Cannabis Business.

5.92.1660 Requirements for all Adult-Use Cannabis Businesses.

Adult-Use Cannabis Businesses that do not qualify for the Equity Program shall comply with the following requirements:

A. Employment.

1. Adult-Use Cannabis Businesses that do not qualify for the Equity Program shall employ equity employees for a minimum of forty percent (40%) of total annual work hours performed at the business. Upon

1 a showing of good cause by an Adult-Use Cannabis Business, the City
2 Manager may waive the employment requirement.

3 2. Compliance. To ensure compliance with this
4 requirement, Adult-Use Cannabis Businesses shall submit certified payroll
5 records to the City Manager at such frequency as determined by the City
6 Manager. Adult-Use Cannabis Businesses that fail to meet this requirement
7 may be subject to penalties pursuant to this Chapter, including but not
8 limited to, suspension or revocation of the Adult-Use Cannabis Business
9 Permit pursuant to Section 5.92.1540. To avoid penalties for
10 noncompliance, a business may demonstrate that it utilized its best efforts
11 to hire and employ individuals that meet the criteria in Section 5.92.1620.A
12 by detailing all efforts made and affixing documents to support such efforts.

13 B. Support for equity businesses. Adult-Use Cannabis Business
14 shall submit a Community Reinvestment and Small Business Incubation
15 Plan to the City describing how they intend to support equity businesses,
16 adjacent neighborhoods, and communities within the eligible social equity
17 program census tracts. Support for equity businesses may include, but shall
18 not be limited to, business plan guidance at the time of application,
19 business operations consulting, and industry specific technical assistance,
20 shelf space for cannabis goods cultivated or manufactured by equity
21 businesses, or any other form of support by an Adult-Use Cannabis
22 Business consistent with the intent and spirit of this Division.

23 C. Labor peace agreement. Any Adult-Use Cannabis Business
24 with two (2) or more employees (as defined by California Business and
25 Professions Code 26051.5(a)(5)) shall provide a statement at the time of
26 application that the applicant will enter into, or demonstrate that it has
27 already entered into, and abide by the terms of a labor peace agreement.

28 5.92.1665 Authority to develop and implement Equity Program.

1 The City Manager is authorized to make reasonable rules, policies, and
2 procedures consistent with the intent and spirit of this Division to develop and
3 implement and administrative program for this Equity Program. Regulations
4 promulgated by the City Manager become effective upon date of publication,
5 unless specified otherwise.

6 Section 5. The City Clerk shall certify to the passage of this ordinance by
7 the City Council and cause it to be posted in three (3) conspicuous places in the City of
8 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
9 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2022,
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AUTHORIZING THE CITY
MANAGER TO ESTABLISH A REQUEST FOR PROPOSALS
FOR CANNABIS RETAIL STOREFRONT (DISPENSARY)
BUSINESS LICENSES FOR THE CANNABIS SOCIAL
EQUITY PROGRAM

WHEREAS, on July 10, 2018, the City Council adopted the Cannabis Social
Equity Program (Equity Program) to support equal opportunity in the cannabis industry by
making legal cannabis business ownership and employment opportunities more
accessible to low-income individuals and communities most impacted by the
criminalization of cannabis, also known as the War on Drugs; and

WHEREAS, on March 16, 2021, the City Council directed staff to prepare a
feasibility analysis on licensing and regulating up to eight additional cannabis dispensary
business licenses in Long Beach to be made available exclusively to verified equity
applicants in the Equity Program; and

WHEREAS, on October 12, 2021, the City Council directed staff to prepare
an ordinance to allocate eight new cannabis dispensary business licenses to be made
exclusive to verified equity applicants using a merit-based application process that
includes a Request for Proposals ("RFP") in the selection of the equity dispensaries; and

WHEREAS, a fair and equitable way to allocate eight new cannabis
dispensary business licenses and ensure that the best qualified Equity Program
participants are selected, is through a Request for Proposals ("RFP") process that utilizes
criteria to evaluate the ability for an equity applicant or group of equity applicants in the
Equity Program to successfully apply for and operate a retail storefront dispensary.

NOW, THEREFORE, the City Council of the City of Long Beach resolves as

1 follows:

2 Section 1. The above recitals are true and correct and are incorporated
3 herein by this reference.

4 Section 2. The City Manager shall issue the maximum number of
5 cannabis dispensary business licenses permitted by the City Council as set forth in the
6 provisions of the Long Beach Municipal Code Chapter 5.90.

7 Section 3. The City Manager is authorized to make reasonable rules,
8 policies, and procedures as may be necessary to administer and enforce the provisions
9 of Long Beach Municipal Code Chapter 5.90 and 5.92 and any other ordinances,
10 regulations or laws relating to and affecting the permitting and operations of Commercial
11 Cannabis Businesses.

12 Section 4. The Request for Proposals ("RFP") Process for issuing
13 cannabis dispensary business licenses to individuals or groups in the Cannabis Social
14 Equity Program is hereby adopted. (Exhibit A).

15 Section 5. Exhibit A is a part of this Resolution.

16 Section 6. This resolution shall take effect immediately upon its adoption
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

Recusal(s):	Councilmembers:	_____

CITY OF LONG BEACH

REQUEST FOR PROPOSALS ("RFP") FOR CANNABIS RETAIL STOREFRONT (DISPENSARY) BUSINESS LICENSES FOR THE CANNABIS SOCIAL EQUITY PROGRAM

The following RFP process is established pursuant to Long Beach Municipal Code (LBMC) Section 5.90.060, which states that the City Manager shall issue the maximum number of cannabis retail storefront (dispensary) business licenses permitted by the City Council, and is authorized to make reasonable rules, policies, and procedures as may be necessary to administer and enforce the provisions of LBMC Chapter 5.90 and 5.92 and any other ordinances, regulations or laws relating to and affecting the permitting and operations of commercial cannabis businesses.

A. Definitions.

The following definitions apply to this process:

1. "Applicant" means an equity applicant or group of equity applicants in the Cannabis Social Equity Program (Equity Program) who submits a proposal in response to the City's RFP for issuance of a retail storefront cannabis (dispensary) business license.
2. "Cannabis Retail Storefront Dispensary" has the same meaning as "Medical Marijuana Dispensary" and "Adult-Use Cannabis Dispensary" in LBMC Chapter 5.90 and 5.92.
3. "City Attorney" means the City Attorney or the City Attorney's designee.
4. "City Manager" means the City Manager or the City Manager's designee.
5. "Director of Economic Development" means the Director of Economic Development or the Director of Economic Development's designee.
6. "Director of Financial Management" means the Director of Financial Management or the Director of Financial Management's designee.
7. "Individual" means a sole, natural person.
8. "LBMC" means the Long Beach Municipal Code.
9. "OCO" means the Office of Cannabis Oversight.
10. "Permit" means a business license issued by the City to operate a cannabis retail storefront dispensary.
11. "Permit application process" means the City's process for an applicant to obtain a business license in accordance with applicable state law and local ordinances. It

includes, at a minimum, applicant information, owner information, property information, and details of business operation.

12. “Proposal” means the written document submitted in response to an RFP.

13. “Request for Proposals” or “RFP” means a written request for the submission of qualifications to successfully apply for and operate a cannabis retail storefront dispensary.

14. “War on Drugs” means the effort to criminalize cannabis and its use in the United States from the period of 1976 to 2016 through increased penalties, enforcement, and incarceration.

B. Process.

1. Eligibility

a. The RFP will be open to individuals previously verified as equity applicants by the Office of Cannabis Oversight (OCO) on or before May 10, 2022.

2. Advertising. The RFP will be advertised for a period of 30 calendar days on the City’s procurement portal and the OCO will advertise the RFP for 14 calendar days on the City’s website and through other industry appropriate means.

3. RFP Requirements.

a. The RFP will be used solely to identify individuals in the Equity Program or individuals that meet the qualifications for the Equity Program with the highest scoring proposals to successfully apply for and operate a cannabis retail storefront dispensary.

b. Individuals awarded the opportunity to apply for the dispensary business license must obtain a business license within three years from the date they are notified of their eligibility to apply for the business license. Individuals may request an extension of the three-year period by submitting a request in writing to the OCO detailing the extenuating circumstances preventing them from obtaining a license within the three-year period.

c. OCO will prepare the RFP. The RFP must be in the City’s standard RFP format.

4. RFP Evaluation Criteria.

a. The RFP shall utilize criteria that comply with the LBMC and all applicable City procurement policies and procedures; are reasonably necessary to protect the public health, safety, and welfare; and evaluate the experience and training of applicants to determine which applicants

will be the most successful at applying for and operating a cannabis retail storefront dispensary including but not limited to:

1. A description of the applicant's background and impact from the War on Drugs.
 2. A description of experience, training, and education completed to prepare the applicant for operating a successful cannabis business in the City of Long Beach.
 3. A business plan that details a plan to achieve success and sustainability.
- b. In developing the RFP criteria, OCO must consider input of individuals in the Equity Program.
 - c. The criteria for the RFP are subject to the approval of the City Manager, City Attorney, Director of Financial Management, and Director of Economic Development.

5. Proposals.

1. To respond to the RFP, individuals in the Equity Program or individuals that meet the qualifications of the Equity Program must submit a proposal in writing through the procurement portal by the due date indicated in the advertisement.
2. A proposal may be submitted by one equity applicant or a group of equity applicants in the Equity Program. No individual may be identified in any capacity in more than one proposal. Such a duplicate submission will result in the subject proposals being deemed nonresponsive and disqualified from review.
3. A proposal may only be submitted by one equity applicant per household, as defined in LBMC Chapter 5.92.

6. Required Certifications in Proposals.

- a. Applicants must certify in their proposals that for a period of 10 years from the issuance of the permit that:
 - i. A minimum of fifty-one percent (51%) ownership in the cannabis retail storefront dispensary will be held by one equity applicant or, if the cannabis retail storefront dispensary permit will be held by a group of applicants in the Equity Program, any one (1) of the equity applicants must hold majority ownership interest in the cannabis retail storefront dispensary.

- ii. Once the cannabis retail storefront dispensary permit is issued, the business may transfer ownership to another equity business at any time pursuant to LBMC Chapter 5.92.340.

b. The certification of ownership will be a condition on the permit.

7. Proposal Acceptance and Evaluation.

- a. Proposals shall not be altered after opening.
- b. No criteria may be used in evaluating a proposal that are not specified in the RFP or in the LBMC or other applicable laws or regulations.
- c. All responsive proposals shall be redacted for personal identifying information prior to being reviewed and scored by an unbiased and neutral review panel who possess the relevant knowledge or experience to evaluate the proposals. Members of the review panel may consist of individuals who:
 - i. Have some level of expertise in economic or business development;
 - ii. Have an active involvement in social equity matters; or
 - iii. Are cannabis business regulators from another jurisdiction.
- d. Under no circumstances will a member of the review panel be an employee or a contractor of the City or affiliated in any way with the cannabis industry in the City of Long Beach.
- e. No member of the review panel may discuss the proposal with applicants for any purpose other than administrative clarification after the submission of proposal, except during the interview phase, if any.
- f. Verified equity applicants that were awarded to move forward with obtaining a dispensary license in a previous lottery process on September 10, 2010 and/or September 28, 2017 will be allocated an additional 10 percent of points out of the total available added to their total score. In order to be eligible to receive additional points in the RFP process, an equity applicant must have received their verification letter on or before May 10, 2022 and be listed on the original business license application(s) as an owner/managing member.
- g. Once OCO has received and calculated all the reviewing panels' scores, the top scoring proposals shall be awarded the opportunity to interview with the reviewing panel. The interview panel shall then select the top eight (8) individuals via a forced ranking process.

- h. The top scoring proposals shall be awarded the opportunity to apply for a cannabis retail storefront dispensary permit, until all available permits have been issued.
- i. All applicants will be notified of the status of their proposals through award announcements on the City's procurement portal and OCO will publish the scores for all proposals on its website as soon as reasonably possible.

8. Protest Procedures

- a. Only an applicant who has actually submitted a Proposal is eligible to protest a license opportunity awarded through a Request for Proposals (RFP). An applicant may not rely on the protest submitted by another applicant but must pursue its own protest.
- b. The City will post a notice of the intent to award a license opportunity at least ten (10) business days before an award is made. The notice will be available to all applicants who submitted a proposal via the City's electronic bid notification system at <http://www.longbeach.gov/purchasing>. An applicant desiring to submit a protest for a proposal must do so within five (5) business days of the electronic notification of intent to award. The City Purchasing Agent must receive the protest by the close of business on the fifth (5th) business day following posting of notification of intent to award the contract. Applicants are responsible for registering with the City's electronic bid notification system and maintaining an updated profile. The City is not responsible for Applicants' failure to obtain notification for any reason, including but not limited to failure to maintain updated email addresses, failure to open/read electronic messages and failure of their own computer/technology equipment. The City's RFP justification memo will be available for review by protestors once the notification of intent to award has been posted via the City's electronic bid notification system.
- c. The protest must be in writing and signed by the individual who signed the proposal and addressed to the City Purchasing Agent. Protests must be submitted via email to the City Purchasing Agent. They must include a valid email address and phone number. Protests must set forth a complete and detailed statement of the grounds for the protest and include all relevant information to support the grounds stated, and must refer to specific portions of the RFP and attachments upon which the protest is based. Once the protest is received by the City Purchasing Agent, the City will not accept additional information on the protest unless the City requests it.
- d. The City Purchasing Agent or designee will respond with a decision regarding the protest within five (5) business days of receipt of protest to the email address provided in the protest. This decision shall be final.

- e. The procedure and time limits set forth herein are mandatory and are the applicant's sole and exclusive remedy in the event of a protest. The applicant's failure to comply with these procedures shall constitute a waiver of any right to further pursue a protest, including filing a Government Code Claim or initiation of legal proceedings.

9. Late and Nonresponsive Proposals.

- a. A Proposal is late if it is received at the location designated in the RFP after the deadline specified in the RFP. A late Proposal shall be rejected and not considered, regardless of the reason for the lateness, including circumstances beyond the control of the individual or group that submits the Proposal. A late Proposal may only be opened for identification purposes.
 - b. A Proposal is nonresponsive if it does not comply with requirements of the RFP or if it is submitted in accordance with section B.5.ii or B.5.iii.
 - c. Late and nonresponsive Proposals will be rejected.
 - d. The City shall have the authority to reject proposals that are late or nonresponsive.
- C. Public Disclosure. Proposals submitted in response to the RFP will be made available in response to a request for public records in accordance with the California Public Records Act once the protest period has concluded.
- D. Timeframe for Opportunity to Apply for a Permit. It is imperative that permits are actually issued to businesses that will successfully operate within a reasonable period of time. Therefore, any opportunity to apply for a permit shall become void and of no effect if the awarded applicant surrenders the opportunity to apply for the permit or the storefront cannabis dispensary is not operating after a period of three years from the date of the applicant's award announcement, unless an exception is granted by the City Manager pursuant to section 3(b).
- E. Conditions on Permits. By responding to the RFP, applicants understand and agree that in addition to all other applicable permit conditions, the City will place the following conditions on their permit for 5 years starting from its issuance: A minimum of fifty-one percent (51%) ownership in the cannabis retail storefront dispensary will be held by one equity applicant or, if the cannabis retail storefront dispensary permit will be held by a group of applicants in the Equity Program, any one (1) of the equity applicants must hold majority ownership interest in the cannabis retail storefront dispensary.

ORDINANCE NO. ORD-22-0015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 5.90.030 AND 5.90.060, BY ADDING SECTION 5.90.310; AND, BY AMENDING AND RESTATING CHAPTER 5.92, ALL RELATING TO THE REGULATION OF CANNABIS RETAIL STOREFRONT (DISPENSARY) BUSINESS LICENSES AND THE CANNABIS SOCIAL EQUITY PROGRAM

WHEREAS, on July 10, 2018, the City Council adopted the Cannabis Social Equity Program (Equity Program) to support equal opportunity in the cannabis industry by making legal cannabis business ownership and employment opportunities more accessible to low-income individuals and communities most impacted by the criminalization of cannabis, also known as the War on Drugs; and

WHEREAS, a feasibility analysis was conducted on licensing and regulating up to eight additional cannabis dispensary business licenses in Long Beach to be made available exclusively to verified equity applicants in the Equity Program; and

WHEREAS, based upon the results of the feasibility analysis, City staff prepared an ordinance to allocate eight new cannabis dispensary business licenses to be made exclusive to verified equity applicants using a merit-based application process that includes a Request for Proposals ("RFP") in the selection of the equity dispensaries; and

WHEREAS, City staff determined a fair and equitable way to allocate eight new cannabis dispensary business licenses and ensure that the best qualified Equity Program participants are selected, is through a Request for Proposals ("RFP") process that utilizes criteria to evaluate the ability for an equity applicant or group of equity applicants in the Equity Program to successfully apply for and operate a retail storefront

1 dispensary.

2 NOW, THEREFORE, the City Council of the City of Long Beach ordains as
3 follows:

4
5 Section 1. Section 5.90.030 of the Long Beach Municipal Code is
6 amended to read as follows:

7 5.90.030 Medical Marijuana Business License Permit.

8 Except as otherwise set forth in this Chapter, it shall be unlawful for
9 any person or entity to operate, in or upon any property, a Medical
10 Marijuana Business without first obtaining all required State licenses and a
11 business license or permits issued by the City. Each State license type
12 available in the MMRSA is eligible to apply for a City Business License
13 Permit. Medical Marijuana Business shall be considered a personal service
14 type business in the City of Long Beach (as defined in section 21.15.2020)
15 with respect to issuing a Business License Permit and setting application
16 and license fees. Until the regulatory implementation of the MMRSA, the
17 Medical Marijuana Business license permits shall be issued without regard
18 to the fact the State license has not been issued. Failure to timely obtain
19 required State licenses or permits shall be grounds for suspension or
20 revocation of any permit or license issued by the City. Upon the regulatory
21 implementation of the MMRSA, unless otherwise set forth in this Chapter,
22 no person shall engage in commercial cannabis activity or in the activities of
23 a Medical Marijuana Business without possessing all applicable State
24 licenses and all applicable City permits and licenses. Revocation of a State
25 license shall constitute grounds for the City to suspend or revoke any permit
26 or license issued by the City.

27 A Medical Marijuana Business that is operating in compliance with
28 this Chapter and other State and local laws on or before January 1, 2018,

1 may continue its operations until its application for State licensure is
2 approved or denied by the licensing authority.

3 A Medical Marijuana Business must at all times maintain liability
4 insurance having aggregate policy limits in an amount not less than one
5 million dollars (\$1,000,000.00).

6 The City may impose an annual business license fee no greater than
7 one hundred fifty percent (150%) of the average business license fee the
8 city charges for non-cannabis related personal service business. Failure to
9 timely pay the annual business license fee shall be grounds for suspension
10 or revocation of the business license. Applicants that previously paid an
11 application fee pursuant to former Chapter 5.87 may, at the applicant's
12 discretion, have any un-refunded fee applied as credit against any fees
13 applicable under this Section. All Medical Marijuana Businesses shall be
14 subject to an annual regulatory inspection by the City to insure compliance
15 with all of the applicable provisions of this Chapter and to confirm
16 compliance with the business license permit issued by the City.

17 It shall be unlawful for the owner of a building to allow the use of any
18 portion of a building by a Medical Marijuana Business unless the tenant has
19 a valid business license permit, or has applied for and not been denied, a
20 business license permit. Each owner of a building whose tenant is a Medical
21 Marijuana Business License Permit applicant shall execute an
22 acknowledgement that the Applicant has the owner's permission and
23 consent to operate a Medical Marijuana Business at the subject property.

24 Each Medical Marijuana Business shall designate a Community
25 Relations Liaison (hereinafter, the "Liaison"), who shall be at least twenty-
26 one (21) years of age; and shall provide the Liaison's name to the City
27 Manager. The Liaison shall receive all complaints received by the City
28 Manager regarding the Medical Marijuana Dispensary, and make good faith

1 attempts to promptly resolve all complaints. To address community
2 complaints and concerns, the name and telephone number for the Liaison
3 shall be made publicly available. Each Medical Marijuana Business Liaison
4 is required to respond by phone or email within three (3) business days of
5 contact by a city official concerning the Medical Marijuana Business. The
6 name and contact information for Liaison of the medical marijuana business
7 shall be conspicuously posted on the main entry doors to the business.

8 No pesticides or insecticides prohibited by federal, State, or local law
9 for fertilization or production of edible produce may be used on any
10 marijuana cultivated, produced or distributed by a Medical Marijuana
11 Business. A Medical Marijuana Business shall comply with all applicable
12 federal, State, and local laws regarding use and disposal of pesticides and
13 fertilizers.

14 No Medical Marijuana Business may be operated in an area zoned
15 exclusively for residential use. No Medical Marijuana Dispensary may be
16 located within a six-hundred (600) foot radius of a public or private school
17 (as defined in Health and Safety Code Section 11362.768(h)), or within a
18 six-hundred (600) foot radius of a day care center, playground, community
19 center, or library, or within one thousand (1,000) feet of another dispensary.
20 No Medical Marijuana Business may be located within a one-thousand
21 (1,000) foot radius of a public or private school (as defined in Health and
22 Safety Code § 11362.768(h)) or public beach, or within a six hundred foot
23 (600') radius of a public park or public library, with the exception of
24 dispensaries which must follow the location requirements above. The
25 distances specified in this subdivision shall be determined by the horizontal
26 distance measured in a straight line from the property line of the school,
27 park or library to the closest property line of the lot on which the Medical
28 Marijuana Business is located, without regard to intervening structures.

1
2 Section 2. Section 5.90.060 of the Long Beach Municipal Code is
3 amended to read as follows:

4 5.90.060 Medical Marijuana Dispensary Operating Conditions and
5 Restrictions.

6 Every person and entity operating as a Medical Marijuana
7 Dispensary in the City shall comply with the following operating conditions
8 and restrictions. No Medical Marijuana Dispensary may operate within the
9 City of Long Beach without meeting the following conditions:

10 A Medical Marijuana Dispensary shall not be located within a one
11 thousand foot (1,000') radius of any other Medical Marijuana Dispensary.

12 A sign shall be posted in a conspicuous location inside each Property
13 advising: (a) It is a violation of State Law to engage in the sale of marijuana
14 or the diversion of marijuana for non-medical purposes; (b) The use of
15 marijuana may impair a person's ability to drive a motor vehicle or operate
16 heavy machinery; (c) Loitering at the location of a Medical Marijuana
17 Business for an illegal purpose is prohibited by Penal Code § 647(h); (d)
18 This Medical Marijuana Business is licensed in accordance with the laws of
19 the City of Long Beach; (e) Your membership will be terminated if you
20 engage in the illegal sale or diversion of Medical Marijuana.

21 Representative samples of Medical Marijuana distributed by the
22 Business shall be analyzed by an independent laboratory to ensure that
23 they are free of harmful pesticides and other contaminants regulated under
24 local, state or federal law.

25 No person, other than a patient, caregiver, licensee, employee, or a
26 contractor shall be in the medical marijuana dispensary room. No patient
27 shall be allowed entry into the medical marijuana dispensary room without
28 showing a valid State issued picture Driver's License or Identification. A

1 Medical Marijuana Dispensary may distribute, dispense, deliver or transport
2 medical marijuana only in accordance with this Chapter and State law.

3 The number of licensed and permitted Medical Marijuana
4 Dispensaries shall be limited to not less than one (1) Medical Marijuana
5 Dispensary business for every eighteen thousand (18,000) residents in the
6 City of Long Beach or not more than one (1) Medical Marijuana Dispensary
7 business for every fifteen thousand (15,000) residents in the City of Long
8 Beach. The population of the City shall be based on the official census
9 population estimate as periodically updated by the US Department of
10 Commerce, United States Census Bureau. The City Council may increase
11 the number of licensed and permitted medical marijuana dispensaries
12 pursuant to this Chapter but may not reduce them below the thresholds set
13 forth herein. The City Manager shall issue the maximum number of licenses
14 permitted by this Section unless otherwise directed by the City Council. The
15 total number of permitted Medical Marijuana Dispensaries in the City is set
16 at 40, with eight (8) dispensaries designated to be owned by cannabis
17 equity businesses pursuant to Section 5.90.310. The eight (8) Medical
18 Marijuana Dispensaries owned by cannabis equity businesses shall be
19 selected via a Request for Proposals (RFP) process as outlined in
20 regulations set forth by the City Manager, or their designee, and shall not be
21 selected using the procedures outlined in Sections 5.90.070 and 5.90.080 of
22 this Chapter.

23 The City will not accept applications from any of the thirty two (32)
24 existing cannabis dispensary businesses to change their business location
25 for one hundred eighty (180) days from the date the City awards the eight
26 (8) Equity Dispensary Businesses to move forward in the licensing process,
27 or until all Equity Dispensary Businesses have provided the complete,
28 notarized Property Owner Authorization for the business premises in the

business license application, whichever occurs sooner.

Section 3. Section 5.90.310 is hereby added to the Long Beach Municipal Code to read as follows:

5.90.310 Implementation of the Cannabis Social Equity Program.

A. The Cannabis Equity Program provisions outlined in Chapter 5.92 of this Code shall be applicable to any Medical Marijuana Business who meets the criteria of the program.

B. An equity applicant or a group of equity applicants applying for a Medical Marijuana Business Permit as an equity business shall receive the same assistance and benefits as an equity business applying for an Adult-Use Cannabis Business Permit pursuant to Chapter 5.92 of this Code.

C. The City Manager is authorized to make reasonable rules, policies, and procedures consistent with the intent and spirit of Chapter 5.92 of this Code to develop and implement an administrative program for this Equity Program. Regulations promulgated by the City Manager become effective upon date of publication, unless specified otherwise.

Section 4. Chapter 5.92 of the Long Beach Municipal Code is hereby amended and restated to read as follows:

Chapter 5.92

ADULT-USE CANNABIS BUSINESSES AND ACTIVITIES

DIVISION I - PURPOSE AND DEFINITIONS

5.92.010 Purpose and intent.

It is the purpose and intent of this Chapter to:

A. Regulate the cultivation, possession, manufacture,

1 distribution, processing, storing, laboratory testing, packaging, labeling,
2 transportation, delivery, and sale of cannabis goods for adults twenty-one
3 (21) years of age and over, and co-located medicinal and adult-use
4 commercial cannabis activities, in a manner that promotes and protects the
5 health, safety, and welfare of the residents, neighborhoods, and businesses
6 in the City and mitigates the costs to the community for the oversight of
7 these activities.

8 B. Enforce rules and regulations consistent with State law
9 pursuant to the MAUCRSA and any related or successor laws and
10 regulations implemented by the State or any of its departments or divisions.

11 C. Regulate commercial cannabis activity in the City concurrently
12 with the State.

13 5.92.020 General provisions.

14 A. Legal authority. Pursuant to Sections 5 and 7 of Article XI of
15 the California Constitution and provisions of the MAUCRSA, as it may be
16 amended from time to time and any subsequent State legislation or
17 regulations regarding same, the City is authorized to adopt ordinances that
18 establish standards, requirements, and regulations for local licenses and
19 permits for commercial cannabis activity involving adult-use cannabis. Any
20 standards, requirements, and regulations regarding health and safety,
21 security, welfare, and worker protections established by the State, or any of
22 its departments or divisions, are the minimum standards applicable to
23 commercial cannabis activity in the City.

24 B. Conflict of law. This Chapter is not intended to interfere with,
25 abrogate, or annul any other ordinance, resolution, regulation, statute, or
26 other provision of law. In the event of any conflict between the provisions of
27 this Chapter and any other applicable State or local law or regulation, the
28 more restrictive provision shall control.

1 C. Nothing in this Chapter is intended, nor shall it be construed
2 to:

3 1. Interfere with an employer's rights and obligations to
4 maintain a drug and alcohol free workplace or require an employer to allow
5 or accommodate the use, consumption, possession, transfer, display,
6 transportation, sale, or growth of cannabis in the workplace, or affect the
7 ability of an employer to have policies prohibiting the use of cannabis by
8 employees or prospective employees, or prevent employers from complying
9 with local, State, or federal law.

10 2. Interfere with the right of any property owner from
11 restricting or prohibiting any of the actions or conduct otherwise permitted
12 under California Health and Safety Code Section 11362.1 on said property
13 owner's privately owned real property.

14 3. Condone or legalize the possession, use, consumption,
15 transportation, sale, or any other use of cannabis or cannabis products that
16 are otherwise prohibited under State law.

17 4. Require the City to allow, permit, license, authorize, or
18 otherwise regulate commercial cannabis activity, or to abridge the City's
19 police power with respect to enforcement regarding commercial cannabis
20 activity, or to restrict or otherwise limit the enforcement authority conferred
21 upon the City, or any State agency, by other provisions of this Code or
22 State law.

23 5. Exempt any commercial cannabis activity from any
24 applicable local and State building, electrical, plumbing, land use, or any
25 other building or land use standards or permitting requirements.

26 D. Adult-Use Cannabis Businesses, adult-use commercial
27 cannabis activity, and Co-Located Cannabis Businesses shall only be
28 allowed in compliance with this Chapter and all applicable provisions set

1 forth in this Code, including but not limited to, the cannabis business tax
2 ordinance pursuant to Chapter 3.80 of this Code, and all regulations
3 governing the land use, building, grading, plumbing, septic, electrical, fire,
4 hazardous materials, nuisance, and public health and safety.

5 E. If the State prohibits the cultivation, possession, manufacture,
6 processing, storing, laboratory testing, labeling, transporting, distribution,
7 delivery, or sale of cannabis goods through Adult-Use Cannabis
8 Businesses, or if a court of competent jurisdiction determines that the
9 federal government's prohibition of the sale, cultivation, manufacture,
10 possession, or other distribution of cannabis goods through Adult-Use
11 Cannabis Businesses supersedes State law, any permit issued pursuant to
12 this Chapter shall be deemed to be immediately revoked by operation of
13 law with no ground for appeal, or other redress, on behalf of any Adult-Use
14 Cannabis Business.

15 5.92.030 Definitions.

16 The definitions set forth in California Business and Professions Code
17 Section 26000 et seq. shall apply to this Chapter and are hereby incorporated by
18 reference. Any reference to State statutes includes any regulations promulgated
19 thereunder and is deemed to include any successor or amended version of the
20 referenced statute or regulatory provision. Unless otherwise defined herein, and
21 unless otherwise clearly apparent from the context, the following terms as used in
22 this Chapter shall have the meanings set forth in this Section:

23 A. "Accreditation Body" means an impartial non-profit
24 organization that operates in conformance with the International
25 Organization for Standardization (ISO)/International Electrotechnical
26 Commission (IEC) standard 17011 and is a signatory to the International
27 Laboratory Accreditation Cooperation (ILAC) Mutual Recognition
28 Arrangement (MRA) for Testing.

1 B. “Administrative Hold” means an order by the City Manager
2 prohibiting the movement, removal, transport, use, treatment, or disposal of
3 a material that is, or is suspected of being, adulterated, misbranded, or
4 hazardous waste that is being mismanaged or that the City Manager has
5 reason to suspect is, or will be, managed in violation of this Chapter.

6 C. “Adulterated” shall have the same meaning as California
7 Business and Professions Code Section 26131.

8 D. “Adult-Use Cannabis” means cannabis or cannabis products
9 for adults twenty-one (21) years of age or older who do not possess a
10 physician’s recommendation.

11 E. “Adult-Use Cannabis Business” means any person, entity, or
12 operation, in whole or in part, whether operating for-profit or not-for-profit,
13 and all associated owners, employees, managers, and agents, engaged in
14 adult-use commercial cannabis activity.

15 F. “Adult-Use Cannabis Business Permit” or “Permit” means one
16 (1) document issued by the City to reflect the regulatory business permit
17 issued pursuant to the provisions of this Chapter and Title 5 of this Code,
18 and a business license issued pursuant to Chapter 3.80 of this Code,
19 authorizing the holder thereof to operate an Adult-Use Cannabis Business
20 and to conduct adult-use commercial cannabis activities.

21 G. “Applicant” means a person or entity who has submitted an
22 application for an Adult-Use Cannabis Business Permit pursuant to this
23 Chapter, including any individual, officer, director, partner, or other duly
24 authorized representative applying on behalf of an entity.

25 H. “Batch” means a specific quantity of homogeneous cannabis
26 or cannabis product that is either a harvest batch or a manufactured
27 cannabis batch.

28 I. “Batch Number” or “Lot Number” means any distinct group of

1 numbers, letters, or symbols, or any combination thereof, assigned to a
2 unique group of cannabis goods, from which the complete history of the
3 commercial cannabis activity involving the cannabis goods can be
4 determined, as required by State law.

5 J. "Cannabinoid" means any of the chemical compounds that are
6 the active principles of cannabis.

7 K. "Cannabis" or "Plant" means all of the following:

8 1. All parts of the plant cannabis sativa linnaeus, cannabis
9 indica, or cannabis ruderalis, whether growing or not; the seeds thereof; the
10 resin, whether crude or purified, extracted from any part of the plant; and
11 every compound, manufacture, salt, derivative, mixture, or preparation of
12 the plant, its seeds, or resin.

13 2. The separated resin, whether crude or purified,
14 obtained from cannabis.

15 3. "Cannabis" as defined by California Health and Safety
16 Code Section 11018.

17 4. "Cannabis" does not include the mature stalks of the
18 plant, fiber produced from the stalks, oil or cake made from the seeds of the
19 plant, any other compound, manufacture, salt, derivative, mixture, or
20 preparation of the mature stalks (except the resin extracted therefrom),
21 fiber, oil, or cake, or the sterilized seed of the plant which is incapable of
22 germination.

23 5. For purposes of this Chapter, "Cannabis" does not
24 mean industrial hemp as defined by California Health and Safety Code
25 Section 11018.5.

26 L. "Cannabis Concentrate" or "Concentrate" means cannabis
27 that has undergone a process to concentrate one (1) or more active
28 cannabinoids, thereby increasing the product's potency. For purposes of

1 this Chapter, "Cannabis Concentrate" includes, but is not limited to, the
2 separated resin obtained from cannabis, whether crude or purified,
3 tinctures, capsules, suppositories, extracts, and vape cartridges. "Cannabis
4 Concentrate" is not considered food, as defined by California Health and
5 Safety Code Section 109935, or a drug, as defined by California Health and
6 Safety Code Section 109925.

7 M. "Cannabis Facility" or "Facility" means a permanent structure
8 in a fixed location that contains the permitted premises of one (1)
9 Commercial Cannabis Business or where the permitted premises of two (2)
10 or more Commercial Cannabis Businesses are located.

11 N. "Cannabis Goods" means cannabis and/or cannabis products.

12 O. "Cannabis Product" or "Manufactured Cannabis Product" or
13 "Product" means cannabis that has undergone a process whereby the plant
14 material is transformed into a concentrate for internal consumption or
15 topical application, including, but not limited to, concentrated cannabis, an
16 edible cannabis product, or a topical cannabis product containing cannabis
17 or concentrated cannabis in combination with other ingredients.

18 P. "Cannabis Public Health Permit" means a written authorization
19 issued by the Long Beach Health Department to operate an Adult-Use
20 Cannabis Business pursuant to this Chapter.

21 Q. "Cannabis Waste" means waste that is generated from a
22 commercial cannabis activity that contains cannabis or cannabis products.

23 R. "Canopy" means the designated area(s) at a permitted
24 premises, except nurseries, that will contain mature plants at any point in
25 time. The total area of the canopy shall be calculated and measured using
26 the method(s) required by the State Department of Food and Agriculture.

27 S. "Certificate of Accreditation" means a certificate issued by an
28 accreditation body that attests to a Laboratory's competence to carry out

specific testing analysis.

T. "City" means the City of Long Beach.

U. "City Attorney" means the City Attorney of the City of Long Beach and his or her designee.

V. "City Health Officer" means the City Health Officer of the City of Long Beach, his or her designee, or any other person exercising the duties of City Health Officer for the City of Long Beach.

W. "City Manager" means the City Manager of the City of Long Beach and his or her designee.

X. "Co-Located Cannabis Business" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents engaged in both adult-use and medicinal commercial cannabis activities on the same permitted premises for one (1) identical type of commercial cannabis activity.

Y. "Code" means the Long Beach Municipal Code.

Z. "Commercial Cannabis Activity" or "Commercial Cannabis Activities" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, making available, or sale of cannabis goods.

AA. "Commercial Cannabis Business" means any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents that engages in adult-use commercial cannabis activity or adult-use and medicinal commercial cannabis activity from one (1) premises.

BB. "Common-Use Area" means any area of a cannabis manufacturer's licensed shared-use facility, including equipment that is available for use by more than one licensee, provided that the use of a

1 common-use area is limited to one licensee at a time.

2 CC. "Component" means any substance or item intended for use
3 in the manufacture of a cannabis product, including those substances or
4 items that are not intended to appear in the final form of the product.
5 "Component" may include cannabis, cannabis products used as
6 ingredients, other ingredients, and processing aids.

7 DD. "Cultivation" means any activity involving the planting,
8 growing, harvesting, drying, curing, grading, or trimming of cannabis,
9 including nurseries.

10 EE. "Cultivation Area" means the combined total number of square
11 feet on one (1) premises dedicated to the cultivation of living cannabis
12 plants, including, but not limited to, any areas dedicated to the vertical
13 and/or horizontal cultivation of cannabis.

14 FF. "Cultivation Site" means a permanent structure in a fixed
15 location that contains a permitted premises where cannabis is planted,
16 grown, harvested, dried, cured, graded, or trimmed, or a premises where
17 any combination of those activities occurs.

18 GG. "Cultivator" means any person, entity, or operation, in whole
19 or in part, whether operating for-profit or not-for-profit, and all associated
20 owners, employees, managers, and agents engaged in planting, growing,
21 harvesting, drying, curing, grading, or trimming cannabis, including a
22 nursery which produces clones, immature plants, seeds, or other
23 agricultural products specifically for the planting, propagation, or cultivation
24 of cannabis.

25 HH. "Customer" means a natural person twenty-one (21) years of
26 age or older or a natural person eighteen (18) years of age or older who
27 possesses a physician's recommendation.

28 II. "Day Care Center" shall have the same meaning as in

1 California Health and Safety Code Section 1596.76.

2 JJ. "Delivery" means the commercial transfer of cannabis goods
3 by a Dispensary to a customer at a physical address. "Delivery" also
4 includes the use of any technology platform by a Dispensary that is also
5 owned, leased, or controlled by the Dispensary.

6 KK. "Delivery Employee" means an employee of a Dispensary
7 who delivers cannabis goods from the premises of a Dispensary to a
8 customer at a physical address. "Department of Cannabis Control" means
9 the division of the State Department of Consumer Affairs responsible for
10 licensing and regulating cannabis businesses in California.

11 LL. "Department of Cannabis Control" means the division of the
12 State Department of Consumer Affairs responsible for licensing and
13 regulating cannabis businesses in California.

14 MM. "Designated Area" means the area of a cannabis
15 manufacturer's licensed shared-use facility that is designated principal
16 licensee for the sole and exclusive use of a shared use manufacturing
17 Operator Licensee, including storage of the shared use manufacturing
18 Operator Licensee's cannabis, cannabis concentrates, and cannabis
19 products.

20 NN. "Director of Financial Management" means the Director of
21 Financial Management of the City of Long Beach and his or her designee.

22 OO. "Dispensary" means any person, entity, or operation, in whole
23 or in part, whether operating for-profit or not-for-profit, and all associated
24 owners, employees, managers, or agents engaged in both medicinal and
25 adult-use commercial cannabis activity from the same permitted premises
26 for the retail sale and delivery of cannabis goods to customers. A
27 "Dispensary," as that term is used in this Code, is a "Retailer" under the
28 MAUCRSA.

1 PP. "Distribution" means the procurement, sale, and transport of
2 cannabis or cannabis products between State licensees.

3 QQ. "Distributor" means any person, entity, or operation, in whole
4 or in part, whether operating for-profit or not-for-profit, and all associated
5 owners, employees, managers, or agents that engages in the business of
6 the distribution of cannabis goods between State licensees.

7 RR. "Dried Flower" means all dead cannabis that has been
8 harvested, dried, cured, or otherwise processed, excluding leaves and
9 stems.

10 SS. "Edible Cannabis Product" means manufactured cannabis that
11 is intended to be used, in whole or in part, for oral human consumption
12 including, but not limited to, chewing gum, but excluding products set forth
13 in Division 15 (commencing with Section 32501) of the California Food and
14 Agricultural Code. An edible cannabis product is not considered food as
15 defined by California Health and Safety Code Section 109935 or a drug as
16 defined by California Health and Safety Code Section 109925.

17 TT. "Electronic Age Verification Device" means a device capable
18 of quickly and reliably confirming the age of the cardholder of a
19 government-issued identification card using computer processes.

20 UU. "Employee" means any individual engaged in the operation of
21 a Commercial Cannabis Businesses, whether full-time, part-time,
22 permanent, or temporary, for a wage, salary, commission, barter, or any
23 other form of compensation, or for no compensation, including but not
24 limited to, any owner-operator, member of the owner's family, partner,
25 associate, agent, manager or solicitor, full-time employee, part-time
26 employee, temporary employee, contractors, volunteers, and agents. The
27 owner of a sole proprietorship shall not be considered an employee.

28 VV. "Equity Applicant" means an individual who meets the criteria

1 in Section 5.92.1615.

2 WW. "Equity Business" means a cannabis business where a
3 minimum of fifty-one percent (51%) ownership in the cannabis business is
4 held by one equity applicant or, if the cannabis business will be held by a
5 group of applicants in the Equity Program, any one (1) of the equity
6 applicants must hold majority ownership interest in the cannabis business.

7 XX. "Equity Dispensary" means a dispensary owned by an equity
8 business as defined in Section 5.92.1620.

9 YY. "Equity Employee" means an individual who meets the criteria
10 in Section 5.92.1610.

11 ZZ. "Extraction" means a process by which cannabinoids are
12 separated from cannabis plant material through chemical or physical
13 means.

14 AAA. "Fire Alarm System" means an assembly of equipment and
15 devices arranged to signal the presence of a hazard requiring urgent
16 attention, to which fire officials may respond.

17 BBB. "Flowering" means that a cannabis plant has formed a mass
18 of pistils measuring greater than one half inch (1/2") wide at its widest point.

19 CCC. "Good Standing" means that a Commercial Cannabis
20 Business is regarded as having complied with all explicit obligations, while
21 not being subject to any form of sanction, suspension, or disciplinary
22 censure by the City, State, or any of the State's departments or divisions.

23 DDD. "Government-Issued Identification" means a document issued
24 by a federal, state, county, or municipal government that includes the name,
25 date of birth, physical description, and picture of the person, such as a
26 driver's license, U.S. passport, military ID, or State or local government
27 identification card.

28 EEE. "Harvest Batch" means a specifically identified quantity of

1 dried flower or trim, leaves, and other cannabis plant matter that is uniform
2 in strain, harvested at the same time, and, if applicable, cultivated using the
3 same pesticides and other agricultural chemicals, and harvested at the
4 same time.

5 FFF. "Household" means the residence address as indicated on the
6 equity verification application.

7 GGG. "Household Size" means the number of individuals that meet
8 any of the following criteria :

9 1. All spouses or domestic partners must be included in
10 the household and must appear in the submission content.

11 2. All household members who are under 18 years of age
12 must be the legal dependent of an adult household member, except in the
13 case of emancipated minors, as claimed on the most recent income tax
14 return, or legal minor children of title holders.

15 3. Pregnant applicants will only be counted as two
16 household members with verifiable medical documentation.

17 4. Temporarily absent household members who intend to
18 live in the residence upon return may be considered, if verifiable
19 documentation supporting their absence is provided. Such household
20 members include, but are not limited to, household members serving
21 temporarily in the armed forces, or who are temporarily institutionalized.

22 5. Individuals not listed on the equity applicant's most
23 recent tax return, such as elderly relatives, live-in assistants, and foster
24 children will not be counted toward household size.

25 HHH. "Identification Card" means a document issued by the State
26 pursuant to California Health and Safety Code 11362.7 et seq. that
27 identifies a person authorized to engage in the medicinal use of cannabis
28 and the person's designated primary caregiver, if any.

1 III. "Immature Plant" means a cannabis plant that is not flowering,
2 including, but not limited to, seedlings, sprouts, and unrooted clones.

3 JJJ. "Infusion" means a process by which cannabis, cannabinoids,
4 cannabis concentrates, or manufactured cannabis is directly incorporated
5 into a cannabis product formulation to produce a cannabis product.

6 KKK. "Ingredient" means any substance that is used in the
7 manufacture of a cannabis product and that is intended to be present in the
8 product's final form.

9 LLL. "Labeling" means any label or other written, printed, or graphic
10 matter upon cannabis goods, its container or wrapper, or that accompanies
11 cannabis goods.

12 MMM. "Labor Peace Agreement" shall have the same meaning as
13 California Business and Professions Code 26001(y), as amended from time
14 to time.

15 NNN. "Licensee" means a person or entity licensed by the City of
16 Long Beach to operate a cannabis business.

17 OOO. "Limited-Access Area" means an area within a permitted
18 premises used for storing and holding cannabis goods and currency, which
19 is only accessible to the permittee and authorized employees of the
20 permittee.

21 PPP. "Live Plants" or "Live Cannabis Plants" means living cannabis
22 flowers and plants, including but not limited to, seeds, sprouts, immature
23 plants, plants in the vegetative stage, plants in the flowering stage, and
24 mature plants.

25 QQQ. "Manager" means any person(s) designated by a Commercial
26 Cannabis Business to act as the representative or agent of the Commercial
27 Cannabis Business in managing day-to-day operations with corresponding
28 liabilities and responsibilities, and/or the individual in apparent charge of the

1 permitted premises of the Commercial Cannabis Business. Evidence of
2 management includes, but is not limited to, evidence that the individual has
3 the power to direct, supervise, or hire and dismiss employees, control hours
4 of operation, creates policy rules, or purchases supplies.

5 RRR. "Manufacture" means to compound, blend, extract, infuse, or
6 otherwise make or prepare a cannabis product.

7 SSS. "Manufactured Cannabis Batch" means either of the following:

8 1. An amount of cannabis concentrate or extract that is
9 produced in one (1) production cycle using the same extraction methods
10 and standard operating procedures.

11 2. An amount of a type of manufactured cannabis
12 produced in one (1) production cycle using the same formulation and
13 standard operating procedures.

14 TTT. "Manufacturer" means any person, entity, or operation, in
15 whole or in part, whether operating for-profit or not-for-profit, and all
16 associated owners, employees, managers, and agents, engaged in the
17 production, conversion, preparation, propagation, deriving, processing, or
18 compounding of cannabis or cannabis products either directly or indirectly
19 or by extraction methods, or independently by means of chemical synthesis,
20 or by a combination of extraction and chemical synthesis at a fixed location
21 that packages or repackages cannabis goods or labels or relabels its
22 container.

23 UUU. "Manufacturing" means all aspects of the extraction and/or
24 infusion processes, including processing, preparing, holding, storing,
25 packaging, or labeling of cannabis product. "Manufacturing" shall also
26 include any processing, preparing, holding, or storing of components and
27 ingredients used in cannabis products.

28 VVV. "Marijuana" shall have the same meaning as cannabis under

1 this Chapter.

2 WWW. "Mature Cannabis Plant" or "Mature Plant" means a
3 cannabis plant that is flowering.

4 XXX. "MAUCRSA" means the Medicinal and Adult-Use Cannabis
5 Regulation and Safety Act, consisting of the legislation in SB 94.

6 YYY. "Medicinal Marijuana Business" means any person, entity, or
7 operation, in whole or in part, whether operating for-profit or not-for-profit,
8 and all associated owners, employees, managers, and agents, engaged in
9 commercial cannabis activity involving medicinal cannabis pursuant to
10 Chapter 5.90 of this Code.

11 ZZZ. "Medical Marijuana Business Permit" means one (1)
12 document issued by the City to reflect the regulatory business permit issued
13 pursuant to the provisions of Chapter 5.90 and Title 5 of this Code, and the
14 business license issued pursuant to Chapter 3.80 of this Code, authorizing
15 the holder thereof to operate a Medical Marijuana Business and to conduct
16 medicinal commercial cannabis activities.

17 AAAA. "Medicinal Cannabis" or "Medicinal Cannabis Product" means
18 cannabis or a cannabis product, respectively, intended to be sold for use
19 pursuant to California Health and Safety Code Section 11362.5, by a
20 medicinal cannabis patient in California who possesses a physician's
21 recommendation.

22 BBBB. "Medicinal Cannabis Patient" or "Medical Patient" means a
23 qualified patient or a person with an identification card.

24 CCCC. "Microbusiness" or "Type 12 Microbusiness" means a
25 business as defined by California Business and Professions Code Section
26 26070, applying for, or issued, a Type-12 Microbusiness State license, to
27 engage in three (3) or more of the following commercial cannabis activities
28 from one permitted premises: cultivation on an area less than ten thousand

(10,000) square feet, distribution, manufacturing, or retail sales
(Dispensary).

DDDD. "Microorganisms" means yeasts, molds, bacteria,
viruses, protozoa, and/or microscopic parasites and includes species that
are pathogens. The term "Undesirable Microorganisms" includes those
microorganisms that are pathogens, that subject a cannabis product to
decomposition, that indicate that a cannabis product is contaminated with
filth, or that otherwise may cause a cannabis product to be adulterated.

EEEE. "Misbranded" shall have the same meaning as California
Business and Professions Code Section 26121.

FFFF. "Non-Equity Business" means a business that does not meet
the definition of an Equity Business as defined in Section 5.92.1620.

GGGG. "Nonvolatile Solvent" means any solvent used in the
extraction process that is not a volatile solvent, including but not limited to,
carbon dioxide or ethanol.

HHHH. "Nursery" means a Cultivator that produces only
clones, immature plants, seeds, and other agricultural products used
specifically for the planting, propagation, and cultivation of cannabis.

IIII. "Operation" means any act for which a person is legally
required to have a State and local permit or license, or any commercial
transfer of cannabis goods.

JJJJ. "Operator" means a person that is engaged in any act for
which a State and local permit or license is legally required.

KKKK. "Owner" means any of the following:

1. Any person with an ownership interest of ten percent
(10%) or more in the Adult-Use Cannabis Business applying for a permit
pursuant to this Chapter;
2. The chief executive officer of an entity, including

1 nonprofits;

2 3. A member of the board of directors of a for-profit or
3 non-profit entity;

4 4. All persons within an entity that have a financial interest
5 of ten percent (10%) or more in the proposed Adult-Use Cannabis
6 Business, including but not limited to:

7 a. A general partner of an Adult-Use Cannabis
8 Business that is organized as a partnership;

9 b. A non-member manager or managing member
10 of an Adult-Use Cannabis Business that is organized as a limited liability
11 company;

12 c. Any person holding a voting interest in a
13 partnership, association, or limited liability company;

14 d. All officers or directors of an Adult-Use Cannabis
15 Business that is organized as a corporation and all shareholders who
16 individually own more than ten percent (10%) of the issued and outstanding
17 stock of the corporation.

18 LLLL. "Outdoors" means any location within the City that is not
19 within an enclosed locked structure or building.

20 MMMM. "Package" and "Packaging" means any container or
21 wrapper that may be used for enclosing or containing any cannabis goods
22 for final retail sale. "Package" does not include a shipping container or outer
23 wrapping used solely for the transport of cannabis goods in bulk quantity to
24 a State licensee.

25 NNNN. "Panic Hardware" means a door-latching assembly
26 incorporating a device that releases the latch upon the application of a force
27 in the direction of egress travel.

28 OOOO. "Parcel of Land" means one (1) contiguous piece of

1 real property, its boundaries, and all the rights contained therein, which is
2 identified by a Los Angeles County Assessor's Parcel Number (APN).

3 PPPP. "Permittee" means a person issued an Adult-
4 Use Cannabis Business Permit pursuant to this Chapter.

5 QQQQ. "Person" means a natural person as well as an entity,
6 individual, firm, partnership, joint venture, association, corporation, limited
7 liability company, estate, trust, business trust, receiver, syndicate, or any
8 other legal entity or group, or combination thereof acting as a unit, and
9 includes the plural as well as the singular number.

10 RRRR. "Physician's Recommendation" means a
11 recommendation provided by a physician or surgeon that an individual may
12 obtain and use cannabis for medicinal purposes in accordance with
13 California Health and Safety Code Section 11362.5.

14 SSSS. "Playground" means any park or recreational area specifically
15 designed to be used by children which has play equipment installed,
16 including public grounds designed for athletic activities such as baseball,
17 football, soccer, or basketball, or any similar facility located on public or
18 private school grounds, or city, county, or state parks.

19 TTTT. "Premises" means a contiguous area wherein the permit
20 privileges are, or will be, exercised, as diagrammed in the application for an
21 Adult-Use Cannabis Business Permit, and for which a separate permit is
22 required.

23 UUUU. "Primary Caregiver" means the individual, designated
24 by a qualified patient, who has consistently assumed responsibility for the
25 housing, health, or safety of said qualified patient pursuant to California
26 Health and Safety Code Section 11362.7.

27 VVVV. "Principal Licensee" means the licensed cannabis
28 manufacturer that has been approved by the City of Long Beach to operate

1 its licensed premises as a Shared-use Manufacturing Facility.

2 WWW. "Property Line" means the defined boundaries of a
3 parcel of land.

4 XXXX. "Property Owner" means the person who is the owner of
5 record for the real property and premises where a commercial cannabis
6 activity or commercial cannabis activities are located, or are proposed to be
7 located.

8 YYYY. "Public Beach" or "Beach" means any beach area used for
9 recreational purposes which is owned, operated, or controlled by the State,
10 any State agency, or any local agency within the City's authority, including
11 but not limited to, Alamitos Bay Beach, Alamitos Beach, Alamitos Park
12 Beach, Belmont Shore Beach, Colorado Lagoon Park, Granada Beach,
13 Rosie's Dog Beach, Long Beach City Beach, Marine Stadium Beach,
14 Mothers Beach, Peninsula Bayside Beach, Peninsula Beach, and Shoreline
15 Aquatic Park.

16 ZZZZ. "Public Park" or "Park" means publicly owned natural or open
17 areas set aside for active public use for recreational, cultural, or community
18 service activities, including but not limited to, all parks dedicated or
19 designated in Table 35-2 of Chapter 21.35 of this Code.

20 AAAA. "Public Place" or "Public" means any real property
21 owned, leased, or used by a public entity, and any place on private property
22 open to the public, common areas of buildings, private clubs, vehicles,
23 those portions of any private property upon which the public has an express
24 or implied license to enter or remain, and any place visible from such
25 places. "Place open to the public" does not include any fenced area of a
26 private residence regardless of whether it can be seen from a place open to
27 the public.

28 BBBB. "Public Right-Of-Way" means any public highway,

1 street, alley, sidewalk, parkway, and all extensions or additions thereto
2 which is either owned, operated, or controlled by the City, or is subject to an
3 easement or dedication to the City, or is a privately-owned area within City's
4 authority which is not yet dedicated, but is designated as a proposed public
5 right-of-way on a tentative subdivision map approved by the City.

6 CCCCC. "Qualified Patient" means a person who is entitled to
7 the protections of California Health and Safety Code Section 11362.5, but
8 who does not have an identification card.

9 DDDDD. "Quality Control Personnel" means any person or
10 group, designated by the permittee to be responsible for quality control
11 operations.

12 EEEEE. "Retail Area" means a building, room, or other area that
13 is open to the public upon a premises in which cannabis goods are sold or
14 displayed.

15 FFFFF. "Security Alarm System" means an assembly of
16 equipment and devices arranged to signal the presence of a hazard
17 requiring urgent attention, to which police officials may respond.

18 GGGGG. "Sell," "Sale," and "To Sell" means any transaction
19 whereby, for any consideration, title to cannabis goods are transferred from
20 one (1) person to another, and includes the delivery of cannabis goods in
21 response to an order placed for the purchase of the same and soliciting or
22 receiving an order for the same, but does not include the return of cannabis
23 goods by a permittee to the permittee from whom the cannabis goods were
24 purchased.

25 HHHHH. "Shared-Use Manufacturing Facility" or "Shared-Use
26 Facility" means a manufacturing premises operated by a Principal Licensee
27 in which Shared Use Manufacturing Operator Licensees are authorized to
28 conduct manufacturing operations.

1 IIIII. "Shared Use Manufacturing Operator Licensee" or "Operator
2 Licensee" means any person, entity, or operation, in whole or in part,
3 whether operating for-profit or not-for-profit, and all associated owners,
4 employees, managers, or agents that engages in manufacturing activities
5 limited to infusions, packaging/labeling of cannabis products, and
6 extractions with butter or food grade oils in common-use areas of a licensed
7 Shared-Use Manufacturing Facility, pursuant to California Department of
8 Public Health Code Section 40191.

9 JJJJJ. "Site" means one (1) or more contiguous lots or parcels of
10 land which were developed and function as a single development for
11 satisfying the requirements and development standards of this Code,
12 including, but not limited to, access and parking.

13 KKKKK. "Site Boundary" means the outer defined boundaries of
14 a site, which are coterminous with any or all portions of the property line(s)
15 of the lot(s) or parcel(s) of land that total the whole of the site.

16 LLLLL. "State" means the State of California.

17 MMMMM. "State Licensee" means a person issued a State
18 license by the State, or one of its departments or divisions, pursuant to the
19 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis
20 activity, and includes the holder of a Testing Laboratory license.

21 NNNNN. "State License" means a license issued by the State of
22 California, or one of its departments or divisions, pursuant to the
23 MAUCRSA to conduct adult-use and/or medicinal commercial cannabis
24 activity, as well as a Testing Laboratory State license.

25 OOOOO. "Technical Report" means a document prepared by,
26 and bearing the stamp of, a registered design professional or qualified
27 specialist, laboratory, or fire safety specialty organization to analyze and
28 demonstrate that the fire safety properties of the equipment, devices,

1 systems, products, technologies, materials and uses attending the design,
2 operation or use of a building or premises comply with all applicable local
3 and State Building Codes, Fire Codes, Electrical Codes, and other laws.

4 PPPPP. "Testing Laboratory" means any person, entity, or
5 operation, in whole or in part, whether operating for-profit or not-for-profit,
6 and all associated owners, employees, managers, or agents offering or
7 performing tests of cannabis goods and that is ISO/IEC 17025 accredited,
8 or pending ISO/IEC 17025 accreditation.

9 QQQQQ. "Time and/or Temperature Controlled" means a
10 cannabis or cannabis product that requires time and/or temperature control
11 for safety to limit pathogenic microorganism growth or toxin formation.

12 RRRRR. "Trim" means the excess snipping of leaves from the
13 flowers of cannabis plants.

14 SSSSS. "Topical Cannabis Product" means a cannabis product
15 intended for external use, such as cannabis-enriched lotions, balms, and
16 salves. A topical cannabis product is not considered a drug as defined by
17 California Health and Safety Code Section 109925.

18 TTTTT. "Track-and-Trace System" means the State-approved
19 system required by the MAUCRSA to track commercial cannabis activity
20 and movement of cannabis goods through the distribution chain.

21 UUUUU. "Transport," "Transporting," or "Transportation" means
22 the physical movement of cannabis goods from the premises of one State
23 licensee to the premises of another State licensee.

24 VVVVV. "Transport Only Distributor" means any person, entity,
25 or operation, in whole or in part, whether operating for-profit or not-for-profit,
26 and all associated owners, employees, managers, or agents that engages
27 in the business of the transporting of cannabis goods between State
28 licensees only where the cannabis or cannabis products were cultivated or

1 manufactured by said permittee (self-distribution), or where the cannabis or
2 cannabis products are cultivated or manufactured by other State licensees.

3 WWWWW. "Transporter" means an employee of a Distributor
4 engaged in the procurement, sale, and transfer of cannabis goods from the
5 premises of one State licensee to the premises of another State licensee.

6 XXXXX. "Unique Identifier" means an alphanumeric code or
7 designation used for reference to a specific cannabis plant on a permitted
8 premises and any cannabis goods derived or manufactured from said
9 cannabis plant.

10 YYYYY. "Vacuum Oven" means an oven that uses a
11 combination of heat and negative pressure (vacuum) to strip the
12 concentrated material of any residual solvents that were used in the
13 extraction process.

14 ZZZZZ. "Volatile Solvent" means a solvent that is or produces a
15 flammable gas or vapor that, when present in the air in sufficient quantities,
16 will create explosive or ignitable mixtures. Examples of volatile solvents
17 include, but are not limited to, hexane and liquefied petroleum gases, such
18 as butane or propane.

19 AAAAA. "Youth Center" shall have the same meaning as
20 California Health and Safety Code Section 11353.1.

21 22 DIVISION II ADMINISTRATION

23 Subdivision I General Authority.

24 5.92.110 Authority to delegate.

25 A. The City Manager may delegate an act required to be
26 performed pursuant to this Chapter to any Code Enforcement Officer or
27 Official of the City, including, without limitation, the Chief of Police, the Fire
28 Code Official, the Building Official, the Director of Financial Management,

1 the City Attorney, the City Health Officer, or any designee of such officers or
2 officials. All references to the City Manager in this Chapter shall include any
3 designee of the City Manager.

4 B. The City Manager has all the powers of any peace officer to:

5 1. Investigate violations or suspected violations of this
6 Chapter; Chapter 3.80, Chapter 5.90, and Title 21 of this Code; the
7 provisions of MAUCRSA; any regulations implemented and enforced by the
8 State or any of its departments or divisions that may be enforced by peace
9 officers; any other laws or regulations pertaining to Commercial Cannabis
10 Businesses in this City, any resolutions or regulations promulgated
11 pursuant to such provisions;

12 2. View, duplicate, and/or take possession of recordings
13 made by the digital video surveillance system of a Commercial Cannabis
14 Business, which shall be made available to the City Manager upon verbal
15 request. No search warrant, court order, or subpoena shall be needed for
16 the City Manager to view security records;

17 3. Enter the cannabis facility and premises of a
18 Commercial Cannabis Business from time to time unannounced to make
19 reasonable inspections to observe and enforce compliance with this
20 Chapter and all laws and regulations of the City and State;

21 4. Serve all warrants, summonses, subpoenas,
22 administrative citations, notices, or other processes relating to the
23 enforcement of laws regulating commercial cannabis activities and
24 Commercial Cannabis Businesses.

25 5. Assist or aid any law enforcement officer in the
26 performance of his or her duties upon such law enforcement officer's
27 request, or the request of other local officials that have jurisdiction;

28 6. Inspect, examine, or investigate any Commercial

1 Cannabis Business, and the premises and/or cannabis facility for the same,
2 where cannabis goods are grown, harvested, possessed, stored, cultivated,
3 processed, manufactured, packaged, labeled, transported from, tested,
4 distributed, sold, or made available, and any books and records in any way
5 connected with any permitted activity;

6 7. Require any Commercial Cannabis Business, upon
7 demand, to allow an inspection of any Commercial Cannabis Business
8 during business hours, or at any time of apparent business, including,
9 without limitation, any cannabis equipment, cannabis accessories, security
10 records, inventory, on-site operations specific to the Commercial Cannabis
11 Business, accounts, or books and records; and to permit the testing of, or
12 examination of, cannabis goods.

13 8. Require applicants to submit complete and current
14 applications, fees, and any other information the City Manager deems
15 necessary to make permitting decisions and to approve material changes
16 made by any applicant or Commercial Cannabis Business;

17 9. Conduct investigations into the character, criminal
18 history, and all other relevant factors related to suitability of all applicants for
19 a Commercial Cannabis Business Permit, and such other persons with a
20 direct or indirect interest in a Commercial Cannabis Business, as the City
21 Manager may require; and

22 10. Promulgate such administrative regulations as deemed
23 necessary and appropriate, if said regulations are consistent herewith and
24 with all applicable State law and regulations.

25 11. Exercise any other power or duty authorized by law.

26 C. Nothing in this Section is intended to, or shall operate to,
27 change or shall have the effect of changing, the status of a City Manager's
28 designee under this Section from a public or miscellaneous officer or

1 employee to an individual peace officer or safety member or to a class of
2 peace officer or safety member for purposes of retirement, worker's
3 compensation or similar injury or death benefits, or any other employee
4 benefit or benefits to which said officer or employee would not have been
5 entitled to as a public employee prior to the adoption of this Section.

6 5.92.120 - Authority to order an administrative hold of cannabis goods.

7 To prevent destruction of evidence, diversion, or other threats to public
8 safety, while permitting a Commercial Cannabis Business to retain its inventory
9 pending further investigation, the City Manager may order an administrative hold
10 of cannabis goods pursuant to the following procedure:

11 A. If during an investigation or inspection of a Commercial
12 Cannabis Business, the City Manager develops reasonable grounds to
13 believe certain cannabis goods constitute evidence of acts in violation of
14 this Chapter, or rules promulgated pursuant to it, or otherwise constitute a
15 threat to the public safety, the City Manager may issue a notice of
16 administrative hold of any such cannabis goods.

17 B. The notice of administrative hold shall provide a documented
18 description of the cannabis goods to be subject to the administrative hold.

19 C. The Commercial Cannabis Business shall completely and
20 physically segregate the cannabis goods subject to the administrative hold
21 in a separate area of the location under investigation, where it shall be
22 safeguarded by the Commercial Cannabis Business. Pending the outcome
23 of the investigation and any related disciplinary proceeding, the Commercial
24 Cannabis Business is prohibited from selling, giving away, transferring,
25 transporting, or destroying the cannabis goods subject to the administrative
26 hold.

27 D. Following an investigation, the City Manager may lift the
28 administrative hold, order the continuation of the administrative hold, or

1 seek a Final Order for the destruction of the cannabis goods. A Commercial
2 Cannabis Business shall be responsible for the cost of the destruction of
3 cannabis associated with its violation.

4 E. Any decision or action of the City Manager pursuant to this
5 subsection is subject to the appeal procedures pursuant to Section
6 5.92.1445.

7 F. Voluntary surrender of cannabis goods. The Commercial
8 Cannabis Business, prior to a Final Order and upon mutual agreement with
9 the City Manager, may elect to waive a right to a hearing and any
10 associated rights, and voluntarily surrender any goods to the City Manager.
11 Such voluntary surrender may require destruction of any cannabis goods in
12 the presence of the City Manager.

13 5.92.130 Authority to make reasonable rules, policies, and procedures.

14 A. The City Manager is authorized to make reasonable rules,
15 policies, and procedures consistent with the intent and spirit of this Chapter
16 as may be necessary to administer and enforce the provisions of this
17 Chapter and any other ordinances, regulations or laws relating to and
18 affecting the permitting and operations of Commercial Cannabis
19 Businesses. Regulations promulgated by the City Manager become
20 effective upon date of publication, unless specified otherwise.

21 B. Applicants and permittees shall cooperate with the City
22 Manager, including City Manager designees who are conducting
23 inspections or investigations relevant to the enforcement of laws and
24 regulations related to this Chapter.

25 C. It is unlawful for any person to obstruct, impede, or interfere
26 with the City Manager, from reasonable inspection, investigation, audits
27 authorized by law or from exercising their respective duties under the
28 provisions of this Chapter and all rules promulgated pursuant to it, including

1 but not limited to, the following:

2 1. Threatening force or violence against the City
3 Manager, or otherwise endeavoring to intimidate, obstruct, or impede the
4 City Manager or any peace officers from exercising their duties. The term
5 "threatening force" includes the threat of bodily harm to such individual or to
6 a member of his or her family;

7 2. Denying the City Manager access to any portion of a
8 Commercial Cannabis Business, premises, and/or cannabis facility during
9 business hours or times of apparent activity;

10 3. Providing false or misleading statements;

11 4. Providing false or misleading documents and records;

12 5. Failing to timely produce requested books and records
13 required to be maintained by the Commercial Cannabis Business; or

14 6. Failing to timely respond to any request for information
15 made by the City Manager about an investigation of the qualifications,
16 conduct, or compliance of a Commercial Cannabis Business or applicants.

17 5.92.140 Authority of the Director of Financial Management.

18 The Director of Financial Management is authorized to make reasonable
19 rules, policies, and procedures consistent with the intent and spirit of this Chapter
20 concerning the applications, the application process, the information required of
21 applicants, the application procedures, and the administration and procedures to
22 be used and followed in the application process for permit applications and
23 requests for permit changes or modifications required pursuant to this Chapter.

24
25 Subdivision II Permit Application and Administration.

26 5.92.210 Business license and permit required.

27 A. It is unlawful for any person to engage in, operate, conduct,
28 carry on, or allow to be carried on, the business of adult-use cannabis in the

1 City without having first met the following requirements:

2 1. The person has paid any business license tax pursuant
3 to Chapter 3.80 of this Code;

4 2. The person holds a valid permit pursuant to the
5 requirements of this Chapter; and

6 3. The person holds a State license in accordance with
7 California Business and Professions Code Section 26000 et seq. and any
8 applicable regulations implemented by the State or any of its departments
9 or divisions.

10 B. Each permit issued pursuant to the requirements of this
11 Chapter shall entitle the holder thereof to obtain a City license to engage in
12 the business described in the permit, upon payment of the license tax
13 required by the provisions of Chapter 3.80 of this Code, provided the holder
14 of the permit complies with all other applicable provisions of law or
15 ordinance.

16 C. Fixed location required. A permit may only be issued for a
17 specific, fixed location within a secured, fully enclosed building, that is
18 subject to building and/or zoning permits and regulations.

19 5.92.215 Permit application required filing.

20 A. Any person seeking an Adult-Use Cannabis Business Permit
21 shall submit a written application to the City, signed under penalty of
22 perjury, using the form approved by the City for that purpose and in the
23 manner required by the Director of Financial Management. The application
24 shall be accompanied by a non-refundable application fee, established by
25 resolution of the City Council. All applications shall contain, at a minimum,
26 the following information and documents unless otherwise specified by the
27 Director of Financial Management:

28 1. Applicant information.

- a. The legal business name of the applicant.
- b. The applicant's mailing address, e-mail address, and business telephone number.
- c. The federal employer identification number or social security number of the applicant.
- d. A description of the business organizational structure of the applicant, including the entity identification number, if applicable.
- e. The contact information for the Community Liaison, including the Liaison's full name, phone number, and e-mail address.
- f. Other cannabis licenses. A list of all State licenses and any out-of-state or other local licenses, permits, or authorizations to conduct commercial cannabis activity held by the applicant, including the date the license was issued and the state license number.
- g. Description of State licenses required. A description or identification of the State license(s) types that are required for the applicant's proposed operations.
- h. Prior denials, suspensions, or revocations. A statement under penalty of perjury by the applicant, as to whether the applicant has ever had the right to conduct a commercial cannabis activity denied, suspended, or revoked by the City, State, or any other cannabis licensing authority, including out-of-state licensing authorities.

2. Owner information. Every application shall include the following information for every owner of the applicant's Adult-Use Cannabis Business:

- a. The full legal name, title, social security number

1 or individual taxpayer identification number, mailing address, e-mail
2 address, telephone number, and percentage of ownership in the Adult-Use
3 Cannabis Business.

4 b. A copy of a completed Live Scan fingerprinting
5 and criminal background check form, identifying the Long Beach Police
6 Department as the requesting agency; and

7 c. A color copy of every owner's government-
8 issued identification.

9 3. Property information. Every application shall include,
10 but not be limited to, the following property information concerning the
11 proposed premises:

12 a. The physical address of the premises to be
13 permitted;

14 b. A premises diagram;

15 c. The full legal name, e-mail address, and
16 telephone number of the property owner for the proposed premises; and

17 d. Proof that the applicant has the legal right to
18 occupy and use the premises for commercial cannabis activity, subject to
19 the following requirements:

20 (i) If the Adult-Use Cannabis Business owns
21 the real property where the commercial cannabis activity will occur, the
22 applicant shall provide properly executed deeds or other proof of title to said
23 real property.

24 (ii) If the Adult-Use Cannabis Business does
25 not own the real property where the commercial cannabis activity will occur,
26 the applicant shall provide the following:

27 1) A written statement, on a form
28 provided by the City for that purpose, signed and notarized by each

property owner under penalty of perjury, consenting and/or attesting to the following:

a. That commercial cannabis activity may be conducted on the property by the Adult-Use Cannabis Business applicant;

b. That the Adult-Use Cannabis Business applicant has the right to occupy the property;

c. That no person shall engage in commercial cannabis activity on the proposed premises without all licenses and permits required by this Code and State law to conduct commercial cannabis activity while a Commercial Cannabis Business application is pending;

d. That the City may enter the property to conduct property inspections during the application process and after a permit is issued; and

e. That each property owner has read, understands, and will ensure compliance with the terms of this Chapter.

2) A copy of the Property Owner's Non-Residential Rental Business License.

4. Details of business operation. Every application shall include details of the proposed operation, including but not limited to: the proposed hours of operation; a description of the nature of the proposed commercial cannabis activity; whether any other type of commercial cannabis activity will share the proposed premises or cannabis facility with the proposed operation; and all specifications for any equipment to be required for the proposed operation.

5.92.220 Permit application investigation.

1 A. Upon receipt of a complete application, the Director of
2 Financial Management shall refer the application to the appropriate City
3 departments to determine whether the proposed premises and cannabis
4 facility complies with all applicable laws and regulations.

5 B. As part of the application process, every Adult-Use Cannabis
6 Business shall be subject to mandatory inspections of the proposed
7 premises.

8 C. All applicants shall obtain all required land use approvals, and
9 any other necessary approvals, certifications, permits, or licenses from the
10 City, State, or any applicable State or local agencies, for each separate
11 proposed premises and for every type of commercial cannabis activity
12 required for the applicant's proposed operation.

13 5.92.225 Co-location of adult-use and medicinal commercial cannabis
14 activities.

15 The City may allow a Commercial Cannabis Business to conduct both
16 adult-use and medicinal commercial cannabis activity on the same permitted
17 premises if all of the following criteria are met:

18 A. The permittee holds both an Adult-Use Cannabis Business
19 Permit and a Medical Marijuana Business Permit on the same premises for
20 an identical type of commercial cannabis activity.

21 B. Except as otherwise authorized by law, the permittee only
22 conducts one of the following types of commercial cannabis activities on the
23 same permitted premises: retail sale (Dispensary), cultivation, distribution,
24 manufacturing, or laboratory testing. Examples of exceptions authorized by
25 law include, but are not limited to, businesses holding a State license for a
26 Type 12 Microbusiness or Transport Only Distributors that hold a State
27 license and City permit for cultivation or manufacturing.

28 C. Prior to the issuance of an Adult-Use Cannabis Business

1 Permit, the applicant shall waive the rights to the inspection, penalty,
2 suspension, revocation, and appeals process and requirements under
3 Chapter 5.90 of this Code, and shall consent to subject the Medical
4 Marijuana Business Permit to the inspection, penalty, suspension,
5 revocation, and appeals processes and requirements of this Chapter.

6 D. The application for an Adult-Use Cannabis Business Permit
7 shall be submitted by the same entity and owners that hold the Medical
8 Marijuana Business Permit, or the same entity and owners who are named
9 on the application for the Medical Marijuana Business Permit, for the
10 identical premises as the Medical Marijuana Business.

11 E. The operation of adult-use and medicinal commercial
12 cannabis activities from the same permitted premises complies with the
13 requirements in this Chapter and all other applicable State and local laws
14 and regulations, including, but not limited to, the location requirements
15 specified in Section 5.92.420.

16 F. If the Commercial Cannabis Business is a Dispensary, the
17 proposed Adult-Use Cannabis Dispensary shall also be a permitted Medical
18 Marijuana Dispensary in good standing.

19 G. The Medical Marijuana Business Permit shall be issued
20 before the Adult-Use Cannabis Business Permit will be issued.

21 5.92.240 Effect of other permits or licenses.

22 Possession of other types of local and State licenses or permits does not
23 exempt any person from the requirement of obtaining a permit under this Chapter.

24 5.92.245 Incomplete applications.

25 A. Upon review of an application, if the Director of Financial
26 Management determines an application is incomplete, the Director of
27 Financial Management shall provide notice to the applicant, who shall have
28 ninety (90) calendar days to correct all deficiencies.

1 B. If the applicant fails to correct said deficiencies within the
2 ninety (90) day period, the application shall be deemed abandoned, void,
3 and of no further force and effect. The applicant may reapply at any time
4 following an abandoned application. The City will not refund any fees for
5 incomplete or abandoned applications.

6 C. The Director of Financial Management may extend the
7 deadline upon showing of good cause by the applicant for the inability to
8 provide all required information by the deadline, if a written request for an
9 extension is received no later than ten (10) calendar days prior to the
10 deadline. For purposes of this subsection, the term "good cause" shall
11 mean the applicant's failure to complete the application process occurred
12 due to circumstances outside of the applicant's control.

13 5.92.250 One applicant per property address.

14 A. The Director of Financial Management shall only accept
15 applications from one (1) applicant per property address at a time.

16 B. Any applications received by the Director of Financial
17 Management from a different applicant, while an active application is
18 pending for the same property address, is deemed void and of no force and
19 effect.

20 C. If more than one (1) application for an Adult-Use Cannabis
21 Business Permit has been submitted for the same property address, the
22 first application received by the Director of Financial Management shall be
23 eligible to proceed.

24 5.92.255 Withdrawal of application.

25 A. An applicant may withdraw an application any time prior to the
26 issuance or denial of a permit by submitting a signed and dated request to
27 withdraw, on a form provided by the City for that purpose.

28 B. Upon the Director of Financial Management's receipt of the

1 request to withdraw, the application is deemed withdrawn, void, and of no
2 further force and effect.

3 C. Withdrawal of an application submitted under this Chapter
4 does not deprive the Director of Financial Management of his or her
5 authority to institute or continue any proceeding against the applicant for the
6 denial of an application for a permit upon any ground provided by law or to
7 enter an order denying an application for a permit upon any such ground.

8 5.92.260 Revocable privilege.

9 A permit issued by the City is a revocable privilege. It is the responsibility of
10 the applicant to provide all information required for approval of the permit and to
11 demonstrate compliance with this Chapter and any other applicable law, rule, or
12 regulation.

13 5.92.265 Persons prohibited as owners.

14 A. It shall be unlawful for any of the following persons to be an
15 owner of an Adult-Use Cannabis Business pursuant to this Chapter:

16 1. A sheriff deputy, police officer, or prosecuting officer, or
17 an officer or employee of the State, County, or the City.

18 2. A person otherwise prohibited in this Chapter from
19 engaging in commercial cannabis activity.

20 3. A licensed physician making patient recommendations
21 for cannabis.

22 4. An individual who is under twenty-one (21) years of
23 age.

24 5. A person who has been convicted of any offense within
25 the last ten (10) years that is substantially related to the qualifications,
26 functions, or duties of the operation of a Commercial Cannabis Business
27 and conducting commercial cannabis activity, which includes the following
28 offenses:

1 a. A violent felony, as specified under Penal Code
2 Section 667.5(c).

3 b. A serious felony, as specified under Penal Code
4 Section 1192.7(c).

5 c. A felony involving fraud, deceit, or
6 embezzlement.

7 6. A person who has been convicted of any offense that is
8 substantially related to the qualifications, functions, or duties of the
9 operation of a Commercial Cannabis Business and conducting commercial
10 cannabis activity, which includes the following offenses:

11 a. A felony conviction for hiring, employing, or
12 using a minor in transporting, carrying, selling, giving away, preparing for
13 sale, or peddling, any controlled substance to a minor; or selling, offering to
14 sell, furnishing, offering to furnish, administering, or giving any controlled
15 substance to a minor.

16 b. A felony conviction for drug trafficking with
17 enhancements pursuant to California Health and Safety Code Section
18 11370.4 or 11379.8.

19 7. Any person who has failed to remedy any outstanding
20 delinquent taxes, fees, or judgment owed to the City.

21 8. A person who has, within the past (3) years, been
22 sanctioned or fined for, enjoined from, found guilty of, or plead guilty or no
23 contest to, any charge of engaging in commercial cannabis activity without
24 the required permits, licenses, registrations, or approvals required by State
25 or local law.

26 B. Conviction for any controlled substance felony after the
27 issuance of an Adult-Use Cannabis Business Permit shall be grounds for
28 revocation of said permit or denial of the renewal of said permit.

1 C. A plea or verdict of guilty, or a conviction following a plea of
2 nolo contendere is deemed a conviction within the meaning of this Chapter.

3 D. Except as provided for in Section 5.92.265.A.6 and Section
4 5.92.1615.B.4.a, a prior conviction, where the sentence, including any term
5 of probation, incarceration, or supervised release, is completed, for
6 possession of, possession for sale, sale, manufacture, transportation, or
7 cultivation of cannabis and/or cannabis goods shall not be the sole ground
8 for denial of a permit.

9 5.92.270 Limitations on liability.

10 To the fullest extent permitted by law, the City will not assume any liability
11 whatsoever with respect to issuing any permit pursuant to this Chapter or
12 otherwise approving the operation of any Adult-Use Cannabis Business or Co-
13 Located Cannabis Business. Prior to issuance of an Adult-Use Cannabis Business
14 Permit, the applicant, or its legal representative, shall execute an agreement, on a
15 form approved by the City Attorney, regarding the following:

16 A. The applicant will indemnify, defend (at applicant's sole cost
17 and expense), and hold harmless the City, and its officers, officials,
18 employees, representatives, and agents from any and all claims, losses,
19 damages, injuries, liabilities or losses which arise out of, or which are in any
20 way related to, the City's issuance of the Adult-Use Cannabis Business
21 Permit, the City's decision to approve the applicant's operation of any
22 commercial cannabis activity or any Commercial Cannabis Business
23 operation, the process used by the City in making its decision, or the
24 alleged violation of any federal, State, or local laws by the Adult-Use
25 Cannabis Business applicant, permittee, or any of its officers, managers,
26 employees, or agents; and

27 B. The applicant will agree to reimburse the City for all costs and
28 expenses, including but not limited to attorney fees and costs, which the

1 City may be required to pay as a result of any legal challenge related to the
2 City's approval of the applicant's Adult-Use Cannabis Business Permit, or
3 related to the City's approval of the applicant's commercial cannabis
4 activity. The City may, at its sole discretion, participate at its own expense
5 in the defense of any such action, but such participation shall not relieve
6 any of the obligations imposed hereunder.

7 5.92.275 Payment of fees.

8 A. No person may commence or continue any adult-use
9 commercial cannabis activity in the City, without timely paying in full all fees
10 and taxes required for the operation of an Adult-Use Cannabis Business.

11 B. The actual cost to the City arising from the processing and
12 oversight of permits, business permits and licenses, and the costs of
13 monitoring and ensuring compliance with this Chapter, including the Equity
14 Program, the Responsible Vendor Pilot Program, investigations,
15 enforcement actions, and disciplinary or abatement proceedings, shall be
16 offset through application fees, and annual renewal fees, and shall be
17 established by resolution of the City Council which may be amended from
18 time to time.

19 C. The amount of any fee, cost, or charge imposed pursuant to
20 this Chapter shall be deemed a debt to the City that is recoverable in any
21 manner authorized by this Code, State law, or in any court of competent
22 jurisdiction.

23
24 Subdivision III Permit Terms and Modifications.

25 5.92.310 Term and renewal of permit.

26 A. All permits issued under the provisions of this Chapter shall
27 be effective for a period not to exceed five (5) years after issuance. The City
28 Manager may renew a permit if the City Manager determines that the

1 permittee has complied with the provisions of this Chapter and all
2 applicable laws during the preceding permit term, and if the permittee pays
3 the renewal fees and taxes required by this Chapter.

4 B. Any permit issued under this Chapter does not confer a
5 vested right or entitlement to receive a future permit under this Chapter.

6 C. Any permit issued under this Chapter does not authorize any
7 conduct or continuance of any operation of a Commercial Cannabis
8 Business, in the event a permittee fails to provide required business tax
9 returns and taxes to the City.

10 5.92.320 Permit changes or modifications generally.

11 A. Form and fees required. Any permit changes or modifications
12 made pursuant to this Subdivision shall be submitted on a form, provided by
13 the City for that purpose, with a nonrefundable fee established by resolution
14 of the City Council.

15 B. No permittee may avail themselves of the provisions of this
16 Subdivision if the Director of Financial Management has notified the
17 permittee that the Adult-Use Cannabis Business Permit or Co-Located
18 Cannabis Business Permits have been, or may be, suspended or revoked,
19 or may not be renewed.

20 5.92.330 Change of address.

21 A. Any relocation or expansion of the permitted premises that
22 includes a different property address is considered a change of address.

23 B. No permittee shall operate an Adult-Use Cannabis Business
24 or Co-Located Cannabis Business at any premises other than the premises
25 specified in the permittee's permit(s).

26 C. The relocation of any Adult-Use Cannabis Business shall first
27 be approved by the Director of Financial Management who shall determine
28 whether all ordinances and regulations of the City will be complied with at

1 any proposed new premises.

2 D. Only permittees may request to relocate an Adult-Use
3 Cannabis Business operation to a new premises. Applicants seeking to
4 relocate shall withdraw their existing application and submit a new
5 application for the new proposed premises pursuant to the requirements of
6 this Chapter.

7 E. The Director of Financial Management may approve a
8 permittee's request to relocate the operation of an Adult-Use Cannabis
9 Business if the relocation complies with the following requirements:

10 1. The permittee, and any owners identified in the permit,
11 and the commercial cannabis activity specified in the existing permit remain
12 unchanged if the request to relocate is approved.

13 2. The existing Adult-Use Cannabis Business Permit, and
14 the corresponding State license, shall not be the subject of a pending
15 revocation or suspension action by the City, State, or any of the State's
16 divisions or departments.

17 3. If the permittee is a Dispensary, both the Medical
18 Marijuana Dispensary and the Adult-Use Cannabis Dispensary shall
19 relocate to the same premises at the same time. It shall be unlawful for a
20 Co-Located Dispensary to relocate the operation of either the Adult-Use
21 Cannabis Dispensary or the Medical Marijuana Dispensary without likewise
22 changing the location of the other.

23 4. The proposed premises complies with the requirements
24 in this Chapter and all other applicable State and local laws and regulations,
25 including, but not limited to, the locations requirements specified in Section
26 5.92.420.

27 F. A Non-Equity Dispensary shall not be eligible to submit a
28 request to relocate the operation of the Adult-Use Cannabis Dispensary

1 until one hundred eighty (180) days after the City begins accepting
2 business license applications from Equity Dispensaries, or until all Equity
3 Dispensaries have provided the complete, notarized Property Owner
4 Authorization for the business premises in the business license application,
5 whichever occurs sooner.

6 5.92.340 Change of ownership.

7 A. Except as otherwise set forth in this Chapter, any sale,
8 transfer, assignment, attempted sale, attempted transfer, or attempted
9 assignment of a permit in violation of this Chapter shall be deemed to
10 constitute a voluntary surrender of such permit, and all rights to operate a
11 Commercial Cannabis Business in the City shall terminate, and any such
12 permit(s) shall thereafter be deemed null and void.

13 B. No permittee may sell, transfer, or assign, or change
14 ownership or control of an Adult-Use Cannabis Business Permit to another
15 person, or by operation of law, unless and until the proposed new owner(s),
16 or the proposed transferee(s), submit all required materials at least thirty
17 (30) days prior to the change of ownership or transfer, pay all applicable
18 fees, and independently meet the requirements of this Chapter. For
19 purposes of this Chapter:

20 1. A change in ownership occurs when one (1) or more of
21 the owners of a permit change and the new person added to the permit
22 meets the definition of an "Owner" pursuant to this Chapter.

23 2. A change in ownership does not occur when one (1) or
24 more owners leave the business by transferring their ownership interest to
25 the other existing owner(s). In cases where one (1) or more owners leave
26 the business by transferring their ownership interest to the other existing
27 owner(s), the owner(s) that are transferring their interest shall provide a
28 signed statement to the City confirming that they have transferred their

1 interest.

2 C. If the permittee is a Co-Located Cannabis Business, any
3 request to change ownership, or transfer a permit, shall not be approved
4 unless both the Medical Marijuana Business and the Adult-Use Cannabis
5 Business changes permit ownership at the same time, to the same owners,
6 same business name, and in the same business formation. It shall be
7 unlawful for a Co-located Commercial Cannabis Business to change
8 ownership of either the Medical Marijuana Business Permit or the Adult-Use
9 Cannabis Business Permit without likewise changing the ownership of the
10 other.

11 D. The existing permittee may conduct business under the
12 existing permit while the Director of Financial Management reviews the
13 application for a change of ownership or permit transfer. Denial of an
14 application for a change of ownership does not result in the revocation of
15 the existing permit.

16 5.92.350 Change in business name.

17 No permittee shall operate, conduct, manage, engage in, or carry on an
18 Adult-Use Cannabis Business under any name other than the name of the Adult-
19 Use Cannabis Business specified in the permit and/or any "doing business as" or
20 "DBA" provided in the permit application.

21 5.92.360 Physical modification of premises.

22 A. A permittee shall not make a physical change, alteration, or
23 modification of the permitted premises without the prior written approval of
24 the Director of Financial Management.

25 B. If a permitted premises is to be changed, modified, or altered,
26 the permittee is responsible for filing a request for a premises modification
27 with the Director of Financial Management and securing all necessary City
28 approvals, project plan approvals, and permits.

1 C. Alterations or modifications requiring City approval include,
2 without limitation:

3 1. The removal, creation, or relocation of a common
4 entryway, doorway, passage, or a means of public entry or exit, when such
5 common entryway, doorway, or passage alters or changes the limited-
6 access areas within the permitted premises.

7 2. The removal, creation, addition, or relocation of the
8 cultivation area.

9 3. Any other physical modification resulting in a material
10 or substantial change in the mode or character of business operation.

11 4. The requirements of this Section are in addition to
12 compliance with any other applicable State or local rule, law, or regulation
13 pertaining to approval of building modifications, zoning, or land use
14 requirements.

15 D. The Director of Financial Management may refer the plans
16 and specifications to all concerned City departments for review and
17 inspection, as appropriate.

18 DIVISION III - GENERAL OPERATING CONDITIONS

19 The following general operating requirements are applicable to all
20 Adult-Use Cannabis Businesses. Requirements in this Section are in addition to
21 the requirements specific to each type of Adult-Use Cannabis Business set forth in
22 Division IV (Dispensary operating conditions); Division V (Cultivation operating
23 conditions); Division VI (Manufacturing operating conditions); Division VII (Shared
24 Use Manufacturing operating conditions); Division VIII (Distribution operating
25 conditions); and Division IX (Testing Laboratory operating conditions) of this
26 Chapter.

27
28 Subdivision I Cannabis facility and location requirements.

1 5.92.410 Compliance.

2 A. Every Adult-Use Cannabis Business shall comply with all
3 applicable State laws and regulations, as may be amended and adopted,
4 including all permit, approval, inspection, reporting and operational
5 requirements, imposed by the State or its regulatory agencies having
6 jurisdiction over cannabis, commercial cannabis activity, or Commercial
7 Cannabis Businesses.

8 B. Every Adult-Use Cannabis Business shall comply with all
9 applicable State laws, guidelines, and regulations for cannabis and
10 commercial cannabis activity, as may be adopted and as amended by any
11 State agency or department, including, but not limited to, the Department of
12 Cannabis Control, the State Department of Food and Agriculture, the State
13 Department of Public Health, the State Department of Pesticide Regulation,
14 the Attorney General, and the State Department of Tax and Fee
15 Administration.

16 C. Every Adult-Use Cannabis Business shall comply with all
17 applicable local and regional agency regulations, including, but not limited
18 to, regulations issued by the State Water Resources Control Board and the
19 Los Angeles County Agricultural Commissioner/Weights and Measures.

20 D. Adult-Use Cannabis Businesses shall provide copies of State,
21 regional and local agency licenses, permits, approvals, or certificates upon
22 verbal or written request by the City Manager, to serve as verification for
23 such compliance.

24 5.92.415 Right to use and occupy premises.

25 Every Adult-Use Cannabis Business permittee, and applicant for the same,
26 shall maintain a legal right to occupy and a right to use the premises upon which
27 the Adult-Use Cannabis Business operates.

28 5.92.420 Location requirements.

1 A. Except as otherwise provided for in this Chapter, a premises
2 shall comply with zoning districts in Title 21 (Zoning Ordinance) of this
3 Code, Specific Plans, or Planned developments.

4 B. Adult-Use Cannabis Dispensary premises shall not be located
5 within:

6 1. A six-hundred foot (600') radius of a public or private
7 school (as defined in California Health and Safety Code Section
8 11362.768(h)).

9 2. A six-hundred foot (600') radius of a day care center.

10 3. A six-hundred foot (600') radius of a playground or
11 community center.

12 4. A six hundred foot (600') radius of a library.

13 5. A one-thousand foot (1,000') radius of any other
14 Dispensary.

15 6. A building which contains a dwelling unit, with the
16 exception of those dispensaries otherwise permitted on ground floors of
17 mixed-use buildings within the Downtown Planned Development District
18 (PD-30).

19 7. A dwelling unit within any zoning district.

20 C. A premises for a cannabis business that is not an Adult-Use
21 Cannabis Dispensary shall not be located within:

22 1. A one-thousand foot (1,000') radius of a public or
23 private school (as defined in California Health and Safety Code Section
24 11362.768(h)).

25 2. A one-thousand foot (1,000') radius of a public beach.

26 3. A six-hundred foot (600') radius of a public park, public
27 library, or day care center.

28 4. A building which contains a dwelling unit.

1 5. A dwelling unit within any zoning district.

2 D. Youth center buffer. Pursuant to its authority under California
3 Business and Professions Code Section 26054, the City hereby establishes
4 a zero-foot (0') radius buffer for youth centers for Adult-Use Cannabis
5 Businesses licensed under this Chapter; therefore, there is no buffer
6 distance requirement for youth centers for Adult-Use Cannabis Business
7 within the City.

8 5.92.425 Noncompliant locations.

9 A. If the Director of Financial Management has deemed an
10 application complete, any Adult-Use Cannabis Business may continue the
11 application process unaffected if the proposed premises becomes non-
12 compliant with the buffers in subsections (1) through (4) of Section
13 5.92.420.A due to the establishment of any sensitive use.

14 B. A permittee pursuant to this Chapter may continue to operate
15 unaffected if the permitted premises becomes non-compliant with the
16 buffers in subsections (1) through (4) of Section 5.92.420.A due to the
17 establishment of any sensitive use, so long as an Adult-Use Cannabis
18 Business Permit remains valid.

19 5.92.430 Measurement of distance between sites.

20 The distance between a proposed premises and any sensitive use, as set
21 forth in subsections (1) through (4) of Section 5.92.420.A, shall be determined by
22 the horizontal distance measured in a straight line from the site boundary of the
23 sensitive use to the closest site boundary of the site on which the proposed
24 premises is to be located, without regard to intervening structures.

25 5.92.435 Premises requirements.

26 A. Except as otherwise provided in this Chapter, the premises of
27 two (2) or more Commercial Cannabis Businesses proposed on the same
28 site or within the same cannabis facility shall be granted approval only if:

1 1. All of the proposed Commercial Cannabis Businesses
2 and their operation from the same site or cannabis facility are authorized by
3 both local and applicable State law and regulations; and

4 2. Every Commercial Cannabis Business within said
5 cannabis facility or on any one site operates from a separate premises and
6 property address.

7 B. Commercial Cannabis Businesses issued permits for multiple
8 permit types at the same physical address shall maintain clear separation
9 between permit types unless otherwise authorized by local and State law.

10 C. Two (2) or more permitted premises may share a common
11 lobby, common interior walkway, or common interior hallway and
12 bathroom(s), wherein no permitted privileges will be exercised, provided
13 that all premises comply with the requirements of this Chapter and any
14 applicable State laws and regulations.

15 D. Commercial Cannabis Businesses shall obtain all necessary
16 local and State licenses and permits, and land use approvals from local and
17 State agencies for each type of commercial cannabis activity proposed at
18 every separate premises.

19 E. Commercial Cannabis Businesses shall ensure the
20 requirements set forth in this Code for each type of commercial cannabis
21 activity and every separate premises are satisfied, including all parking
22 requirements.

23 F. Except for Commercial Cannabis Businesses authorized by
24 the State to operate as a Type 12 Microbusiness, Commercial Cannabis
25 Businesses shall only conduct one (1) type of commercial cannabis activity
26 per permitted premises. Commercial Cannabis Businesses intending to
27 apply with the State for, and operate as, a Type 12 Microbusiness State
28 license shall obtain a separate permit for every type of commercial

1 cannabis activity on the proposed premises.

2 G. The City may allow one (1) permittee to conduct both adult-
3 use and medicinal commercial cannabis activities from the same permitted
4 premises if:

- 5 1. The requirements of this Section are satisfied; and
6 2. The permittee holds both an Adult-Use Cannabis
7 Business Permit and a Medical Marijuana Business Permit for the identical
8 type of commercial cannabis activity at the same premises.

9 5.92.440 Business identification signage.

10 A. Exterior business identification signage for every Adult-Use
11 Cannabis Business shall conform to the requirements of State law and this
12 Code, including, but not limited to, Title 21 of this Code and California
13 Business and Professions Code, Chapter 15 ("Advertising and Marketing
14 Restrictions") of Division 10.

15 B. Business identification signage shall be limited to that needed
16 for identification only and shall not contain any logos or information that
17 identifies, advertises, or lists the services or the products offered. Business
18 identification signage is discouraged for Adult-Use Cannabis Businesses
19 that are not open to the public.

20 C. Exterior signage for one (1) Commercial Cannabis Business
21 issued permits for two (2) or more commercial cannabis activities at the
22 same physical address shall be cumulative; one (1) business identification
23 sign shall represent all uses.

24 5.92.445 Fire prevention system.

25 A. Where applicable, every Adult-Use Cannabis Business shall
26 implement fire prevention measures on the premises in compliance with
27 Title 18 of this Code, including but not limited to, fire sprinkler systems, fire
28 alarm systems, fire extinguishers, and gas detections systems.

1 B. The Adult-Use Cannabis Business shall obtain all necessary
2 permits for any fire prevention systems installed at the premises and/or
3 cannabis facility from the Long Beach Fire Department.

4 C. A minimum of a one (1) hour fire barrier shall be maintained
5 between every premises of a Commercial Cannabis Business and any
6 adjacent business that is not engaged in commercial cannabis activity or
7 that is not a Commercial Cannabis Business.

8 D. Every premises shall be fully separated from any other
9 premises where commercial cannabis activities are conducted by walls that
10 extend from floor to underneath the roof with five-eighths inch (5/8") drywall
11 on both sides. All doors and windows separating commercial cannabis
12 activities shall be one (1) hour rated.

13 5.92.450 General sanitation requirements.

14 A. Washing facilities. Every premises shall have:

15 1. Hand-washing facilities designed to ensure an
16 employee's hands do not pose a source of contamination to products,
17 surfaces, or packaging materials. Hand-washing facilities shall also be
18 convenient and furnish hot running water running water of at least 100°F;

19 2. Effective hand-cleaning (liquid soap) and disposable
20 paper towel or suitable drying devices;

21 3. Three (3) compartment utensil washing facilities;

22 4. Bathrooms; and

23 5. Mop sinks with hot and cold running water.

24 B. Adequate lighting. Cannabis facilities shall have adequate
25 lighting in the following areas: hand-washing areas; dressing and locker
26 rooms; toilet facilities; all areas where components or cannabis goods are
27 examined, trimmed, harvested, manufactured, processed, packed, or held;
28 and in all areas where equipment or utensils are cleaned.

1 5.92.455 Cannabis public health permit.

2 A. Permit required. Every Adult-Use Cannabis Business shall
3 obtain a cannabis public health permit prior to the establishment or
4 operation of any adult-use commercial cannabis activity and in addition to
5 any other applicable permits and licenses required pursuant to State and
6 local law to engage in adult-use commercial cannabis activity.

7 B. Application and fees required. To obtain a cannabis public
8 health permit, every Adult-Use Cannabis Business shall file an application
9 with the City Health Officer, on a form provided for that purpose, and pay a
10 nonrefundable cannabis public health permit fee established by resolution
11 of the City Council. The City Health Officer may request additional
12 documentation and information as deemed necessary for the Adult-Use
13 Cannabis Business to demonstrate compliance.

14 C. Permit provisions.

15 1. All cannabis public health permits are valid for twelve
16 (12) months from the date of issuance and may be renewed annually.

17 2. Every cannabis public health permit is valid only for the
18 person, premises, and type of commercial cannabis activity specified in the
19 permit. Cannabis public health permits are not transferable upon change of
20 ownership or relocation of the premises.

21 3. Every premises where commercial cannabis activities
22 occur within the same cannabis facility requires a separate cannabis public
23 health permit.

24 4. All public health permits and licenses shall be posted in
25 a conspicuous place within the premises.

26 D. Permit renewals.

27 1. An application for renewal of any cannabis public
28 health permit shall be submitted to the City Health Officer at least sixty (60)

1 business days prior to the expiration date of the current cannabis public
2 health permit, but no more than one-hundred and twenty (120) calendar
3 days prior to the expiration of the current cannabis public health permit.

4 2. An Adult-Use Cannabis Business that does not obtain
5 a renewed cannabis public health permit by the end of the business day of
6 the expiration date shall discontinue operation of the Adult-Use Cannabis
7 Business until a new cannabis public health permit is issued.

8 3. Any cannabis public health permit that has not been
9 renewed by the annual renewal date will not be valid and is deemed
10 inactive.

11 4. Denial of applications or renewals. The City Health
12 Officer may deny an application or renewal application for a cannabis public
13 health permit for any reason enumerated in Section 5.92.1540 of this
14 Chapter.

15 E. Permit suspension or revocation.

16 1. Any cannabis public health permit issued under this
17 Chapter may be suspended or revoked by the City Health Officer for any
18 violation of the requirements of this Chapter, this Code, or State or local
19 laws or regulations.

20 2. Any premises, or portion of a premises, for which the
21 cannabis public health permit has been suspended or revoked shall close,
22 cease doing business, and remain closed until the cannabis public health
23 permit has been reinstated or reissued by the City Health Officer.

24 3. Whenever the City Health Officer finds the operation of
25 any Adult-Use Cannabis Business does not comply with the requirements
26 of this Chapter or State or local laws or regulations, a written notice to
27 comply, that contains a required compliance date, shall be issued to the
28 Adult-Use Cannabis Business.

1 4. If the Adult-Use Cannabis Business fails to comply
2 within the specified time, the City Health Officer may issue a written notice
3 setting forth the acts or omissions with which the Adult-Use Cannabis
4 Business is charged, and informing the Adult-Use Cannabis Business of a
5 right to a hearing, if requested, to show cause why the cannabis public
6 health permit should not be suspended or revoked.

7 5. Notice requirements for an Adult-Use Cannabis
8 Business's request for an appeal, and the suspension or revocation of a
9 cannabis public health permit shall be governed by the provisions of
10 Division IX of this Chapter. No person shall conduct any activity regulated
11 by this Section after a cannabis public health permit for such activity has
12 been revoked or during the time a cannabis public health permit therefor
13 has been suspended.

14 Subdivision II General Operating Requirements.

15 5.92.510 Community Liaison.

16 A. Adult-Use Cannabis Businesses shall have a Community
17 Relations Liaison designated at all times, who shall be twenty-one (21)
18 years of age or older. Any Co-Located Cannabis Business or Commercial
19 Cannabis Business conducting two (2) or more commercial cannabis
20 activities within the same cannabis facility shall designate one (1) Liaison
21 for the site.

22 B. The Liaison shall be responsible for receiving and responding
23 to all concerns and complaints made to the City regarding the Adult-Use
24 Cannabis Business and for making a good faith attempt to promptly
25 address all concerns and resolve all complaints.

26 C. The Liaison shall respond by phone or e-mail within forty-eight
27 (48) hours of any complaint(s) or concern(s) reported by a City official.
28

D. The Liaison's name and contact information shall be:

1. Publicly available, such as, available to any individual upon request, on the Adult-Use Cannabis Business's website, marketing material, or the technology platform used by the Adult-Use Cannabis Business.

2. Provided to the City Manager prior to operation of the business and within forty-eight (48) hours of a designation of a new Liaison.

3. Provided to all neighboring businesses located within one-hundred feet (100') of the permitted premises or cannabis facility, as measured in a straight line without regard to intervening structures, between the front doors of each establishment prior to opening.

4. Posted conspicuously, and in a conspicuously visible font size, on the main entry doors to the business.

5.92.515 Display of permit and license.

Every Adult-Use Cannabis Business shall maintain a copy of its City permit and State license on display during business hours and in a conspicuous place so that the City permit and State license may be readily seen by all persons entering the premises.

5.92.520 Age restrictions.

Individuals under twenty-one (21) years of age shall not be allowed on the premises of any Adult-Use Cannabis Business, except as pertaining to the sale of cannabis for medicinal use by a Dispensary to a medical patient or primary caregiver who is at least eighteen (18) years of age.

5.92.525 No direct sales to the public.

Except as otherwise provided for in this Chapter and Chapter 5.90 of this Code for Dispensaries, no direct sales of cannabis goods to the public may occur upon a permitted premises of a Distributor, Cultivator, Manufacturer, or Testing Laboratory.

1 5.92.530 Advertising and marketing.

2 A. All advertisements and marketing, including off-site
3 advertising signs, on-premises signs, labels, and billboards by an Adult-Use
4 Cannabis Business shall comply with this Chapter, Title 21 of this Code,
5 any regulations implemented by the State or any of its divisions or
6 departments, and California Business and Professions Code Chapter 15
7 ("Advertising and Marketing Restrictions") of Division 10.

8 B. Not attractive to children. Advertisements and marketing may
9 not be designed to appeal to children or encourage children to consume
10 cannabis goods, contain any false or misleading statements, or make any
11 misrepresentations.

12 C. Billboard advertising and marketing.

13 1. No person shall place, establish, keep, allow, maintain,
14 or locate any advertisement or marketing for cannabis goods on any
15 billboard located within a one-thousand foot (1,000') radius of a public park,
16 day care center, or public or private school (as defined in California Health
17 and Safety Code Section 11362.768(h)).

18 2. The City hereby establishes a zero-foot (0') radius
19 buffer for youth centers and playgrounds for any advertisements or
20 marketing of cannabis goods on a billboard within the City by a Commercial
21 Cannabis Business; therefore, there are no buffer distance requirements for
22 youth centers or playgrounds for billboards advertising or marketing
23 cannabis goods within the City.

24 5.92.535 Waste management.

25 A. Obligation to comply. When managing cannabis goods,
26 chemicals, hazardous or dangerous waste, Adult-Use Cannabis Businesses
27 are obligated to obtain all required permits, licenses, or other clearances
28 and comply with all orders, laws, regulations, or other requirements of other

1 regulatory agencies, including, but not limited to, local health agencies,
2 regional water quality control boards, air quality management districts or air
3 pollution control districts, local land use authorities, and fire authorities.

4 B. The sale of cannabis waste is prohibited.

5 C. Storage of cannabis waste. All cannabis waste shall be stored
6 in a secured waste receptacle or in a secured area on the permitted
7 premises. For the purposes of this section, "secure waste receptacle" or
8 "secured area" means that physical access to the receptacle or area is
9 restricted to the permittee, employees of the permittee, or by the local
10 agency or local agency franchised or contracted waste hauler only. Public
11 access to the designated receptacle or area shall be strictly prohibited.

12 D. Before removing any cannabis waste from the premises for
13 disposal, the Adult-Use Cannabis Business shall render cannabis goods
14 unusable and unrecognizable in compliance with State and local laws or
15 regulations.

16 E. Records of cannabis waste. Every Adult-Use Cannabis
17 Business shall maintain accurate and comprehensive records at the
18 premises regarding cannabis waste that accounts for, reconciles, and
19 provides evidence of, all activity related to the generation and disposal or
20 deposition of cannabis waste.

21 5.92.540 Ventilation and filtration system.

22 A. Every Adult-Use Cannabis Business shall implement
23 adequate ventilation system and odor control filtration measures to prevent
24 odors from inside the cannabis facility from being detected outside the
25 cannabis facility.

26 B. Certification of system. A licensed professional engineer shall
27 certify that the system is capable of preventing odors from inside the
28 cannabis facility from being detected outside the cannabis facility. The

1 design of the ventilation and filtration system shall be based on industry-
2 specific best control technologies and best management practices to
3 effectively mitigate cannabis odors. The system shall use a range of odor
4 mitigation practices to control odor-emitting activities, sources, and
5 locations.

6 C. Training and maintenance. The Adult-Use Cannabis Business
7 is responsible for regular maintenance to ensure the system remains
8 functional and shall implement staff training procedures regarding use and
9 maintenance of the system.

10 D. Records. All records relating to odor management shall be
11 made available upon verbal or written request of the City Health Officer,
12 including but not limited to:

- 13 1. Odor complaints received, actions taken by the
14 business, and responses to the complaint; and
- 15 2. System installation, maintenance, and any equipment
16 malfunctions.

17 5.92.545 Discourage illegal, criminal, or nuisance activities.

18 A. Every Adult-Use Cannabis Business shall take reasonable
19 steps to discourage persons on the Site of the permitted premises, and
20 within any parking areas under the control of the Adult-Use Cannabis
21 Business, from engaging in illegal, criminal, or nuisance activities. For
22 purposes of this Section, "illegal, criminal, or nuisance activities" includes,
23 but is not limited to, disturbances of the peace, public intoxication, drinking
24 alcoholic beverages in public or on the site of the permitted premises,
25 smoking or ingesting cannabis goods in public or on the site of the
26 permitted premises, illegal drug activity, vandalism, obstruction of the
27 operation of a another business, harassment of passersby, gambling,
28 prostitution, loitering, public urination, lewd conduct, drug trafficking,

1 excessive loud noise, or any other behavior that adversely affects or
2 detracts from the quality of life for adjoining residents, property owners, or
3 businesses.

4 B. Loitering prohibited. Loitering is prohibited on or around the
5 premises or any area under control of the Adult-Use Cannabis Business.
6 Adult-Use Cannabis Businesses shall prevent individuals from remaining on
7 the premises or site of the Adult-Use Cannabis Business if they are not
8 engaging in an activity directly related to the permitted operations of the
9 Adult-Use Cannabis Business.

10 C. Property maintenance. The site, premises, and all associated
11 parking areas, including the adjacent area under the control of the Adult-
12 Use Cannabis Business and any sidewalk or alley, shall be maintained in
13 an attractive condition and shall be kept free of obstruction, trash, litter, and
14 debris.

15 D. Graffiti. Adult-Use Cannabis Businesses shall remove graffiti
16 from the premises within forty-eight (48) hours of its occurrence.

17 E. Nuisances. Commercial cannabis activity shall not adversely
18 affect the health or safety of the nearby residents by creating dust, glare,
19 heat, noise, smoke, vibration, or other negative impacts, and shall not be
20 hazardous due to use or storage of materials, processes, products,
21 chemicals, or wastes. Commercial Cannabis Activity shall not adversely
22 affect health, safety, or welfare of any persons engaged in the operation of
23 the Adult-Use Cannabis Business.

24 5.92.550 Recordkeeping.

25 A. Adult-Use Cannabis Businesses shall comply with all
26 recordkeeping requirements, as set forth in this Chapter, California
27 Business and Professions Code Section 26000 et seq., and all applicable
28 regulations implemented and enforced by the State or any of its

1 departments and divisions.

2 B. Every owner and operator of an Adult-Use Cannabis Business
3 shall maintain legible, clear, adequate, and accurate books, records, and
4 documentation, demonstrating that all cannabis goods have been obtained
5 from, and are provided to, other State licensees, and shall detail all of the
6 revenues and expenses of the business, and all of its assets and liabilities
7 on the premises. All records shall be in English.

8 C. All required records shall be stored, preserved, and maintain
9 on the premises for a minimum of (7) years. Mandatory records shall be
10 stored in a secured area where the records remain protected from debris,
11 moisture, contamination, hazardous waste, fire, or theft. Electronic records
12 shall be secured and backed up in a manner that prevents unauthorized
13 access and that ensures the integrity of the records is maintained.

14 D. Adult-Use Cannabis Businesses shall maintain a current
15 register of the names and the contact information (including the address, e-
16 mail address and telephone number) of anyone owning or holding an
17 interest in the Adult-Use Cannabis Business, and separately a register of all
18 the officers, managers, employees, responsible persons, and volunteers
19 currently employed or otherwise engaged by the Adult-Use Cannabis
20 Business. The register required by this subsection shall be provided to the
21 City Manager upon a verbal or written request.

22 E. Point-of-sale inventory control and reporting system.

23 1. Adult-Use Cannabis Businesses shall maintain a point-
24 of-sale software inventory control and reporting system that accurately
25 documents the present location, amounts, and descriptions of all cannabis
26 goods for all stages of the growing, production, manufacturing, laboratory
27 testing, distribution processes, sale, transfer, purchase, receipt, and
28 delivery of cannabis goods, as set forth in California Business and

1 Professions Code Section 26000 et seq. and any regulations implemented
2 thereunder.

3 2. The software shall be capable of producing electronic
4 shipping manifests, tracking all cannabis inventory in possession of the
5 Adult-Use Cannabis Business, promptly identifying any discrepancy in the
6 stock, and tracking cannabis from the customer back to its source in the
7 event of a serious adverse event.

8 3. The system shall have the capability to produce
9 historical transactional data for review by the City.

10 F. Track-and-Trace.

11 1. Tracking inventory. Adult-Use Cannabis Businesses
12 shall promptly comply with any track-and-trace system requirements
13 established by the State or any of its departments and divisions.

14 2. Every Adult-Use Cannabis Business is responsible for
15 the accuracy and completeness of all data and information entered into the
16 track-and-trace system. Data entered into the track-and-trace system shall
17 be accurate. Inaccuracies in the track-and-trace system, if not corrected,
18 may result in an enforcement action against the Adult-Use Cannabis
19 Business.

20 5.92.555 Notification to City.

21 A. Breaches of security. Every Adult-Use Cannabis Business
22 shall notify the City Manager and the Long Beach Police Department in
23 writing, within twenty-four (24) hours after discovering any of the following:

24 1. Significant discrepancies identified in inventory.
25 2. Suspected diversion, theft, loss, or any other criminal
26 activity pertaining to the operation of the Adult-Use Cannabis Business and
27 cannabis goods.

28 3. Discovering diversion, theft, loss, or any other criminal

1 activity by any individual authorized to engage in the operation of the Adult-
2 Use Cannabis Business and pertaining to the operations of the business.

3 4. The loss or unauthorized alteration of records related to
4 cannabis goods, customers, or employees of the Adult-Use Cannabis
5 Business.

6 5. Any other breach of security.

7 6. All written notifications regarding a breach of security
8 shall include the date and time of occurrence of theft, loss, or criminal
9 activity and a description of the incident including, where applicable, and
10 the item(s) that were taken or lost.

11 B. Criminal acts.

12 1. Adult-Use Cannabis Businesses shall notify the City
13 Manager in writing, either by mail or by electronic mail, of any felony
14 conviction against any owner or manager of the Adult-Use Cannabis
15 Business within forty-eight (48) hours of the conviction.

16 2. The written notification to the City Manager shall
17 include the date of conviction, the court docket number, the name of the
18 court in which the person was convicted, and the specific offense(s) for
19 which the person was convicted.

20 C. Change in permit or license status.

21 1. Adult-Use Cannabis Businesses shall notify the City
22 Manager in writing within ten (10) days, either by mail or by electronic mail,
23 of any denial, suspension, modification, revocation, or expiration or any
24 applicable State or local license and/or permit required for the operation of
25 the Adult-Use Cannabis Business.

26 2. The written notification shall include the name of the
27 agency involved, a written explanation of the proceeding or enforcement
28 action, and the specific violation(s) that led to the discipline or revocation.

Subdivision III Cannabis Goods.

5.92.610 Handling of cannabis goods.

A. Every person that handles cannabis goods shall comply with the provisions of all relevant State and local laws regarding the storage, preparation, handling, packaging, preparation, distribution, and sale of food.

B. Employee health and handling cannabis goods.

1. To reduce the likelihood of foodborne disease transmission, individuals who are suffering from symptoms associated with acute gastrointestinal illness, or are known to be infected with a communicable disease that is transmissible through foodstuffs, are prohibited from handling cannabis goods until they are free of that illness or disease, or are incapable of transmitting the illness or disease through cannabis goods.

2. The City Health Officer has authority to exclude any Adult-Use Cannabis Business employee that handles cannabis goods from any Adult-Use Cannabis Business if the employee is diagnosed with an illness caused by an infectious agent, and the employee is either symptomatic and still considered infectious, or is not experiencing symptoms of the illness associated with that agent but is still considered infectious.

3. For purposes of this Section, "illness caused by an infectious agent" means a condition caused by any of the following infectious agents: Hepatitis A virus; Salmonella typhi; Salmonella spp; Shigella spp; Entamoeba histolytica; Enterohemorrhagic or shiga toxin producing Escherichia coli; Norovirus; and any other communicable diseases that may be transmitted to others through the handling of cannabis goods.

4. The Adult-Use Cannabis Business may remove a

1 restriction placed on an employee upon the resolution of symptoms, as
2 reported by an employee, if the employee states that he or she no longer
3 has any symptoms of an acute gastrointestinal illness.

4 5. Only the City Health Officer may remove exclusions or
5 restrictions, or both, related to diagnosed illnesses due to infectious agents
6 specified in this Section after the City Health Officer provides a written
7 clearance stating that the excluded or restricted employee is no longer
8 considered infectious.

9 5.92.620 Storage of cannabis goods.

10 A. Every Adult-Use Cannabis Business shall store currency and
11 cannabis goods, including all living cannabis plants, in a manner that
12 prevents diversion, theft, loss, hazards, contamination, and nuisances.

13 B. Cannabis goods shall be stored separate and apart from
14 employee break rooms, changing facilities, or bathrooms.

15 C. Except for limited amounts of cannabis goods used for display
16 purposes, samples, or immediate sale, cannabis goods that do not require
17 refrigeration, and currency, shall be stored in a limited-access area, such as
18 a secured and locked safe room, or in a locked safe or vault, that is secured
19 to the structure of the cannabis facility.

20 D. Any refrigerator, refrigerated storage, or freezer used for
21 storage of cannabis products shall be locked and secured to the structure of
22 the cannabis facility in a limited-access area.

23 E. All extractions, concentrates, infusions, components, and
24 edible cannabis products intended for human consumption and capable of
25 supporting the growth of undesirable microorganisms shall be refrigerated
26 at temperatures of 41°F continually, unless otherwise approved by the City
27 Health Officer. Adult-Use Cannabis Businesses shall follow the
28 Manufacturer's requirements for safe storage of such cannabis products.

1 F. Refrigeration equipment standards. All refrigerators,
2 refrigerated storage, or freezers used for commercial cannabis activity
3 under this Chapter shall:

4 1. Meet National Sanitation Foundation (NSF) or
5 American National Standards Institute (ANSI) standards or an equivalent.

6 2. Be equipped with an NSF thermometer or temperature-
7 recording device that is accurate to plus or minus 2°F and installed in a
8 location to indicate the air temperature in the warmest part of the unit and to
9 be readily visible.

10 3. Be approved by the City Health Officer prior to use.

11 5.92.630 Laboratory testing of cannabis goods.

12 Cannabis goods may not be sold or transferred to a Dispensary, or
13 released for retail sale, unless a representative sample of the cannabis goods
14 have undergone and passed all testing pursuant to California Business and
15 Professions Code Section 26000 et seq. and any applicable regulations
16 implemented and enforced by the State or any of its divisions or departments.

17 5.92.640 Quality assurance of cannabis goods.

18 A. Internal quality assurance testing. Notwithstanding any of the
19 provisions of this Chapter, an Adult-Use Cannabis Business may conduct
20 internal quality assurance testing of any cannabis goods as part of its
21 reasonable business operations. This provision shall not be interpreted to
22 authorize or permit cross-licensing of a Laboratory with any other type of
23 permit under this Chapter or with respect to State law.

24 B. Quality assurance testing by the City.

25 1. The City Health Officer may collect and analyze
26 samples or specimens of cannabis goods, including any living cannabis
27 plants and any components used in cannabis products, from any premises
28 during business hours, or any reasonable time, without notice and at no

1 cost to the Health Department, to verify compliance with State and local
2 laboratory testing, packaging, and labeling requirements for cannabis
3 goods.

4 2. The City Health Officer shall provide the Adult-Use
5 Cannabis Business with a receipt or documentation for any samples or
6 specimens of cannabis goods collected from an Adult-Use Cannabis
7 Business prior to leaving the permitted premises. A copy of the results of
8 the sample analysis shall be provided to the Adult-Use Cannabis Business.

9 3. The City Health Officer may take any enforcement
10 action necessary to protect the health, safety, and welfare of the public
11 depending on the testing results and analysis of the sample(s) or
12 specimen(s) of cannabis goods collected at a permitted premises.

13 5.92.650 Adulterated or misbranded cannabis goods.

14 A. When the City Health Officer has evidence that cannabis
15 goods in possession of an Adult-Use Cannabis Business are adulterated or
16 misbranded, the City Health Officer may notify and order the Adult-Use
17 Cannabis Business to immediately cease any commercial cannabis activity
18 related to all cannabis goods that have been identified as being potentially
19 adulterated or misbranded.

20 B. Upon confirmation from the State, including any of its
21 departments or divisions, that the identified cannabis goods are adulterated
22 or misbranded, the City Health Officer may issue orders to the Adult-Use
23 Cannabis Business regarding the required movement, segregation,
24 isolation, or destruction of the adulterated or misbranded cannabis goods,
25 and may order those to be held in place, embargoed, or quarantined.

26 C. It is unlawful for any person to move, or allow to be moved,
27 any cannabis goods that are subject to an order to quarantine, embargo, or
28 hold cannabis goods in place unless that person has first obtained written

1 authorization from the City Health Officer and/or State Department of Public
2 Health.

3
4 Subdivision IV Security.

5 5.92.710 Security standards.

6 Every Adult-Use Cannabis Business shall implement security measures to
7 prevent unauthorized entrance into areas containing cannabis goods and
8 currency, prevent the theft of cannabis goods and currency from the premises, and
9 to protect the physical safety of employees in compliance with this Chapter, State
10 law, and any regulations implemented and enforced by the State or any of its
11 divisions or departments. These security measures shall include, but shall not be
12 limited to, all of the provisions of this Subdivision.

13 5.92.715 Limited-access areas.

14 Adult-Use Cannabis Businesses shall establish limited-access areas
15 accessible only to authorized employees of the Adult-Use Cannabis Business.

16 5.92.720 Identification badges.

17 All employees of an Adult-Use Cannabis Business shall display or wear a
18 laminated or plastic-coated identification badge at all times while engaging in
19 commercial cannabis activity, including during transport and delivery of cannabis
20 goods. At a minimum, the identification badge shall include:

21 A. The Adult-Use Cannabis Business's "doing business as"
22 name, City permit number, and State license number;

23 B. The first name of the individual;

24 C. Any employee number exclusively assigned to that individual
25 for identification purposes; and

26 D. A color photograph of the individual that clearly shows the full
27 front of the individual's face that is at least one inch (1") in width and one
28 and a half inches (1.5") in height.

1 5.92.725 Secure transportation area.

2 A. Adult-Use Cannabis Businesses shall implement procedures
3 for safe and secure transportation and delivery of cannabis goods and
4 currency in accordance with State and local laws and regulations.

5 B. Adult-Use Cannabis Businesses shall have an area of the
6 premises designed for the secure transfer of cannabis goods from the
7 cannabis facility to a vehicle for transportation or delivery, wherever
8 possible.

9 C. Any individual or employee transferring cannabis goods from
10 a cannabis facility to a vehicle for transportation or delivery shall be
11 accompanied by a security escort during the transfer, if the cannabis facility
12 does not have an area designed for the secure transfer of cannabis goods
13 from the cannabis facility to a vehicle for transportation or delivery.

14 5.92.730 Digital video surveillance system.

15 A. Every Adult-Use Cannabis Business shall implement an
16 operational digital video surveillance system at the premises that meets or
17 exceeds the following criteria:

18 1. The digital video surveillance system with a minimum
19 video camera resolution of 1280 × 1024 pixels.

20 2. Each video surveillance camera shall record
21 continuously twenty-four (24) hours per day, seven (7) days a week, and at
22 a minimum of fifteen (15) frames per second (FPS).

23 3. The location and position of each camera shall be
24 capable of recording images of the area under surveillance, in any light
25 condition, to allow facial feature identification of persons in the following
26 locations on the premises:

27 a. In interior and exterior areas where cannabis
28 goods or currency are present at any given time.

b. In the immediate interior and exterior areas of doors, windows, or other avenues of potential access.

c. Areas open to the public, including a full view of public right-of-way and any parking lot under the control of the Adult-Use Cannabis Business.

d. Point-of-sale locations and areas where cannabis goods are displayed for sale at a Dispensary, including but not limited to, a retail area.

e. Any other areas as required by this Chapter, State law, or any regulations implemented and enforced by the State or any of its divisions or departments.

B. Each camera shall be permanently mounted and in a fixed location and, to the extent reasonably possible, shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling the camera.

C. All video surveillance equipment shall have sufficient battery backup to support a minimum of four (4) hours of recording in the event of a power outage.

D. Every video surveillance system shall be equipped with a failure notification system that provides prompt notification to the Adult-Use Cannabis Business of any prolonged surveillance interruption and/or the complete failure of the surveillance system.

E. Surveillance video recordings shall clearly and accurately display the date and time. Time is to be measured in accordance with the United States National Institute of Standards and Technology standards for the Pacific Time zone.

F. Security notice required. The permitted premises shall have a sign posted in a conspicuous place near each monitored area on the

1 interior and exterior of the premises and shall not be less than twelve
2 inches (12") wide and twelve inches (12") long, composed of letters not less
3 than one inch (1") in height, stating "All Activities Monitored by Video
4 Camera" or "This Premises is Being Digitally Recorded," or otherwise
5 advising all persons entering the premises that a video surveillance and
6 camera recording system is in operation at the premises and recording all
7 activity as provided in this Chapter.

8 5.92.735 Security records.

9 A. Surveillance recordings of every Adult-Use Cannabis
10 Business are subject to inspection by the City Manager, or any City
11 Manager designee, without a search warrant, court order, or subpoena. The
12 Adult-Use Cannabis Business shall send, or otherwise provide, copies of
13 the recordings immediately upon verbal request or within a time specified
14 by the City Manager.

15 B. Secure storage. To prevent tampering or theft, all surveillance
16 recordings and monitoring equipment shall be kept in a secure limited-
17 access area of the permitted premises.

18 C. At a minimum, every Adult-Use Cannabis Business shall
19 maintain the following security records at the premises:

20 1. Surveillance video recordings shall be maintained for a
21 minimum of ninety (90) days and on an IP-configurable Digital Video
22 Recorder (DVR) capable of producing a still photograph in color from any
23 live or recorded camera image at the premises and capable of exporting the
24 images in TIFF, BMP, or JPG format.

25 2. A map of the camera locations, the direction of camera
26 coverage, and assigned camera numbers.

27 3. Surveillance equipment maintenance activity logs and
28 operating instructions for the surveillance equipment.

1 4. A user authorization list of individuals who have access
2 to the surveillance system, including, but not limited to, the secured area for
3 recording and monitoring equipment and physical media and surveillance
4 recording storage devices.

5 5.92.740 Security alarm system.

6 Every Adult-Use Cannabis Business shall implement an operational
7 security alarm system at the premises that meets or exceeds the following criteria:

8 A. The security alarm system shall be operated, maintained,
9 monitored by, and responded to by a security company staffed twenty-four
10 hours (24) a day, seven (7) days a week and licensed by the Department of
11 Consumer Affairs, Bureau of Security and Investigative Services.

12 B. The security alarm system shall include sensors to detect all
13 points of entry and exit, from all limited-access and secured areas, all roof
14 hatches, and all windows.

15 C. Every Adult-Use Cannabis Business shall obtain a security
16 alarm system permit pursuant to Chapter 5.12 of this Code.

17 5.92.745 Commercial-grade locks.

18 Every Adult-Use Cannabis Business shall secure the following areas using
19 commercial-grade, non-residential door locks, roof hatches, and window locks in a
20 manner that prevents free and unauthorized access:

21 A. All points of ingress and egress to a premises.

22 B. Limited-access areas.

23 C. Areas where cannabis goods, living cannabis plants, cannabis
24 waste, and currency are stored and/or present at any given time.

25 D. Areas where surveillance equipment and records are stored.

26 5.92.750 Security barriers.

27 A. Any security barriers installed on the windows or the doors of
28 the premises shall be installed only on the interior of the building and in

1 compliance with all City Building, Zoning, and Fire Codes. Security bars are
2 discouraged for all Adult-Use Cannabis Businesses and shall not be
3 minimally visible from the public right-of-way.

4 B. Security barriers shall meet the following criteria:

5 1. Only open grill design security systems located on the
6 inside of the building shall be permitted on elevations visible from the street.

7 2. Open grill design security systems shall be primarily
8 transparent with not less than seventy-five percent (75%) visibility from the
9 street.

10 3. Solid roll-down security doors are prohibited unless
11 part of a vehicle loading bay.

12 4. Interior security gates shall be opened and fully
13 retracted during the hours of operation.

14 5.92.755 Remain secure during power outage.

15 Every Adult-Use Cannabis Business shall have the capability to remain
16 secure during a power outage. Adult-Use Cannabis Businesses shall also ensure
17 that all access doors on the premises are not solely controlled by an electronic
18 access panel, to ensure that locks are not released during a power outage.

19 5.92.760 Visibility.

20 A. From a public right-of-way, there shall be no exterior evidence
21 of cannabis goods, graphics depicting cannabis goods, or commercial
22 cannabis activity, except for any signage authorized by this Code.

23 B. Exterior lighting. Every Adult-Use Cannabis Business shall
24 implement exterior lighting security measures including, but not limited to:

25 1. All exterior light fixtures shall be vandal resistant,
26 installed on exterior walls, and shall be the type of fixture with proper cut-
27 offs to avoid any light pollution, including but not limited to, urban sky glow,
28 light trespass, glare, and clutter.

2. Exterior lighting shall clearly illuminate the building address, all parking, driving, and walking surfaces, exterior doors, and all window areas during the hours of darkness.

3. Any broken or burned out lights shall be replaced within seventy-two (72) hours.

5.92.765 Building design.

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.

B. Blank building facades over twenty-five feet (25') fronting the street or parking lot shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, windows, doors, and changes in color and materials that result in a building with articulation.

C. Windows.

1. On any building elevation visible from the street, windows shall comprise at least forty percent (40%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.

2. An identifiable entrance to the cannabis facility shall be visible from the street.

3. Windows along the street-facing frontage shall be

1 transparent. Such glass should be clear with an exterior daylight reflectance
2 of not more than eight percent (8%).

3 4. Where feasible, the storefront window shall provide
4 visibility to the tenant space. Where visibility to the tenant space by means
5 of the storefront window is not feasible due to security needs of the
6 permittee's operation, the creation of a storefront window display may be
7 permitted.

8 5. Window display areas shall have a minimum depth of
9 at least forty-eight inches (48"), not including walls. Display windows shall
10 be permitted for up to sixty percent (60%) of the building's storefront
11 window area. Display areas shall be well lit during hours of operation. The
12 window display area shall be maintained with a creative attractive window
13 display including but not limited to display of artwork, non-cannabis plants,
14 and the like.

15
16 Subdivision V Prohibited Activities.

17 5.92.810 Consumption of cannabis prohibited; signage required.

18 A. Cannabis goods shall not be consumed by any individual on
19 the premises of an Adult-Use Cannabis Business. The term "consumed"
20 includes, but is not limited to, vaporizing, inhaling, ingesting, smoking,
21 eating, or otherwise introducing cannabis goods into the human body.

22 B. Adult-Use Cannabis Businesses shall post a sign in a
23 conspicuous place near the interior entrance to the premises, that shall be
24 visibly posted with a clear and legible notice with the following language:
25 "Smoking, vaporizing, ingesting, or consuming cannabis, cannabis
26 products, tobacco, or alcohol on these premises, or in their vicinity, is
27 prohibited and a violation of the Long Beach Municipal Code."

28 5.92.820 Alcohol or tobacco prohibited.

1 No person shall cause or permit the sale, dispensing, storage, distribution,
2 or consumption of alcohol or tobacco products on or about the premises of an
3 Adult-Use Cannabis Business.

4 5.92.830 Physician evaluations prohibited.

5 Adult-Use Cannabis Businesses shall not:

6 A. Permit a physician to evaluate existing or potential medicinal
7 cannabis patients on its premises by any means, or permit a physician to
8 provide a physician's recommendation on its premises, including, but not
9 limited to: a physician that provides evaluations or recommendations in-
10 person from the permittee's site or on-site via the internet, or a physician
11 that provides recommendations via the internet, fax, electronic means, or by
12 any other means from the permittee's site.

13 B. Enter into an agreement with, employ, provide, or offer to
14 provide, any form of remuneration to, a physician who provides physician's
15 recommendations for medicinal cannabis.

16 C. Advertise or market services for a physician who provides
17 physician's recommendations for medicinal cannabis.

18 5.92.840 Weapons or firearms prohibited.

19 Weapons and firearms are prohibited on the premises of an Adult-Use
20 Cannabis Business. This provision does not apply to public officials engaged in
21 official duty or uniformed security personnel or patrol hired or contracted by an
22 Adult-Use Cannabis Business.

23 5.92.850 Generators prohibited.

24 The use of generators by any Adult-Use Cannabis Business is prohibited,
25 except as short-term temporary emergency back-up systems.

26 5.92.860 Outdoor storage of cannabis goods prohibited.

27 No outdoor storage of cannabis goods is permitted at any time.

28 5.92.870 Drive-through services prohibited.

1 Drive-through services or walk-up window services where cannabis goods
2 are sold, or made available to any person, that are operated in conjunction with
3 any Adult-Use Cannabis Business are prohibited.

4
5 DIVISION IV - DISPENSARY OPERATING CONDITIONS

6 In addition to the general operating requirements set forth in Division III of
7 this Chapter, this Division provides additional requirements for Dispensaries and
8 delivery services.

9
10 5.92.910 Compliance.

11 Dispensaries may sell, distribute, dispense, provide, deliver, or transport
12 Cannabis, only in accordance with all applicable laws and regulations, including
13 but not limited to, this Code, any regulations implemented by the Bureau of
14 Cannabis Control, California Business and Professions Code Sections 26000 et
15 seq., and all other applicable State, federal and local laws and regulations.

16 5.92.915 Hours of operation.

17 Dispensaries may only be open to the public between the hours of 9:00
18 a.m. to 9:00 p.m. up to seven (7) days per week. All deliveries of cannabis goods
19 to customers by a Dispensary shall be completed by 10:00 p.m.

20 5.92.920 Security personnel.

21 A. Dispensaries shall hire or contract for uniformed security
22 personnel to provide twenty-four (24) hour random security patrols of the
23 premises to monitor site activity, control loitering and site access, and to
24 serve as a visual deterrent to unlawful activities. At a minimum, uniformed
25 security personnel shall be generally located at an indoor guard station on
26 the premises during all hours of operation and security-patrolling services
27 shall patrol the premises during all hours the Dispensary is closed to the
28 public.

1 B. All uniformed security personnel hired or contracted by a
2 Dispensary shall be licensed with the State of California Bureau of Security
3 and Investigative Service, and shall comply with requirements in California
4 Business and Professions Code Chapters 11.4 and 11.5 of Division 3.

5 5.92.925 Protocols for individuals entering the premises.

6 A. No person shall be permitted to enter a Dispensary without
7 government-issued identification. Dispensaries shall not provide cannabis
8 goods to any person, whether by purchase, trade, gift, or otherwise, who
9 does not possess a valid government-issued identification and who does
10 not meet the age requirements of this Chapter.

11 B. Electronic age verification device required. Dispensaries shall
12 verify the proof of age of every person entering the business with an
13 electronic age verification device, prior to entry of the retail area. The
14 electronic age verification device may be mobile or fixed, and shall be able
15 to retain a log of all scans that includes the following information: date, time,
16 and age. Said log shall be kept for a minimum of one-hundred and eighty
17 (180) business days and all records shall be made available to the City
18 Manager upon request.

19 5.92.930 Point-of-sale tracking required.

20 A Dispensary shall facilitate the dispensing, making available, sale, and
21 delivery of cannabis goods with a technology platform that uses point-of-sale
22 technology to track, and database technology to record and store, the following
23 information for each transaction involving the exchange of cannabis goods
24 between the Dispensary and customer:

25 A. The date and time of transaction.

26 B. The first name and employee number of the Dispensary
27 employee who processed the sale of cannabis goods on behalf of the
28 Dispensary.

1 C. A list of all the cannabis goods purchased, including the
2 quantity purchased.

3 D. The total amount paid for the sale, including the individual
4 prices paid for cannabis or cannabis products purchased, and any amounts
5 paid for taxes.

6 5.92.935 Taxes.

7 Transactions for Dispensaries shall be taxed at the non-medical marijuana
8 tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is
9 able to prove by reasonable and verifiable standards which portion of the gross
10 receipts are tied to the sale of the adult-use cannabis goods and which portion are
11 tied to the sale of medicinal cannabis goods.

12 5.92.940 Cannabis goods.

13 A. A Dispensary shall not make any cannabis goods available for
14 sale or delivery to a customer unless the cannabis goods were received
15 from a State licensed Distributor.

16 B. Prior to making cannabis goods available to customers,
17 Dispensaries shall ensure that all cannabis goods dispensed, sold,
18 delivered, or made available by the Dispensary, at a minimum:

19 1. Are packaged and sealed in tamper-evident packaging
20 that includes a unique identifier, such as a batch number and lot number or
21 bar code, to identify and track the cannabis goods.

22 2. For manufactured cannabis products, that the product
23 complies with all requirements of California Business and Professions Code
24 Section 26130 and all other applicable laws and regulations.

25 3. The Dispensary has verified that the cannabis goods
26 have not exceeded their expiration or sell-by date, if one is provided.

27 4. For edible cannabis product, that the products comply
28 with State packaging and labeling requirements, including, but not limited

1 to:

2 a. Edible cannabis products shall not exceed 10
3 milligrams of tetrahydrocannabinol (THC) per serving.

4 b. The THC content for the cannabis product in its
5 entirety is printed on the package.

6 c. All applicable requirements pursuant to
7 California Business and Professions Code Sections 26120 and 26121 and
8 any regulations promulgated thereunder.

9 C. Exit packaging. Cannabis goods purchased by a customer
10 shall not leave the Dispensary's premises unless placed in an opaque (not
11 see-through) exit package.

12 D. Secure storage of cannabis goods. Cannabis goods that are
13 not used for display purposes or immediate sale shall be stored in a limited-
14 access area, such as a secure and locked room, safe, or vault, and in a
15 manner reasonably designed to prevent diversion, theft, and loss. It is
16 unlawful, and a violation of this Chapter for a Dispensary to store cannabis
17 goods in the retail area after the close of business.

18 E. Edible cannabis products.

19 1. Dispensaries may only dispense, sell, provide, or make
20 available those edible cannabis products authorized by the State
21 Department of Public Health and the City Health Officer.

22 2. The sale, distribution, and delivery of edible cannabis
23 products shall be conducted in a manner that complies with all applicable
24 food safety laws for the protection of humans consuming cannabis.

25 F. No sales of expired cannabis products. Dispensaries are
26 prohibited from selling any expired cannabis goods. It is unlawful for any
27 person to alter, edit, or adjust, in any manner, an expiration date on any
28 item or cannabis product once affixed by its Manufacturer.

1 5.92.945 Daily limit per person.

2 No Dispensary shall sell, distribute, or deliver more than 28.5 grams of
3 cannabis or eight (8) grams of concentrated cannabis, including concentrated
4 cannabis contained in cannabis products, to the same customer in the same
5 business day.

6 5.92.950 No free adult-use cannabis goods.

7 A Dispensary shall not provide free adult-use cannabis goods to any
8 person. A Dispensary shall not allow individuals that are not employed by the
9 Dispensary to provide free adult-use cannabis goods to any person on the
10 permitted premises. In this Section, "free adult-use cannabis goods" shall mean
11 any amount of cannabis goods provided to any person without cost or payment in
12 exchange of any other thing of value.

13 5.92.955 Interior signage required.

14 Dispensaries shall post the following notice(s), on a separate sign, or by
15 adding the following notices to the interior sign required pursuant to Section
16 5.90.060 of this Code, conspicuously and where an average customer is likely to
17 clearly view said notice within the permitted premises:

18 A. "Smoking, vaporizing, ingesting, or consuming cannabis,
19 cannabis products, tobacco, or alcohol on these premises, or in their
20 vicinity, is prohibited and a violation of the Long Beach Municipal Code."

21 B. "Patrons must immediately leave the premises and should not
22 consume cannabis goods until at home or in an equivalent private location."

23 C. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis
24 and cannabis-derived products will expose you and those in your immediate
25 vicinity to cannabis smoke. Cannabis smoke is known by the State of
26 California to cause cancer."

27 5.92.960 Delivery services.

28 In addition to the requirements set forth in this Chapter for Dispensaries, the

1 delivery of cannabis goods shall be subject to the following requirements:

2 A. Compliance. Delivery services shall be conducted in
3 accordance with any relevant State and local laws and regulations, any
4 applicable local laws in the delivery location, and any conditions imposed
5 upon a Dispensary.

6 B. Delivery services may operate only as a part of, and in
7 conjunction with, a Dispensary with a storefront open to the public during
8 business hours and permitted pursuant to this Chapter and Chapter 5.90 of
9 this Code and any applicable State laws and regulations.

10 C. No person shall conduct sales of cannabis goods exclusively
11 by delivery.

12 D. Any application for a Dispensary shall include a statement as
13 to whether the proposed use will include delivery of cannabis goods to
14 customers.

15 E. Vehicle standards. Dispensaries shall only allow delivery of
16 cannabis goods in a vehicle that:

17 1. Is capable of securing (locking) the cannabis goods
18 during transportation.

19 2. Is capable of being time and/or temperature controlled,
20 if perishable cannabis goods are being transported.

21 3. Does not display advertising or symbols visible from
22 the exterior of the vehicle that suggest the vehicle is used for cannabis
23 delivery or affiliation with a Dispensary.

24 F. Inspections. Any motor vehicle used by a Dispensary to
25 deliver cannabis goods is subject to inspection by the City Manager or Chief
26 of Police and may be stopped at the premises or during the delivery for
27 inspection.

28 G. Delivery employees. Every delivery employee of a Dispensary

1 shall be at least twenty-one (21) years of age and shall have a valid
2 California Driver's License.

3 H. Documentation during transport. Delivery employees of a
4 Dispensary shall carry a physical or electronic copy of the delivery request
5 receipt with details regarding the delivery, a copy of the Dispensary's
6 current permits and/or licenses required by the State and City, the
7 employee's government-issued identification, and an identification badge
8 provided by the Dispensary. All documentation shall be made available
9 upon request to the City Manager or Chief of Police.

10 I. Dispensaries shall maintain a database, and provide to the
11 City Manager upon verbal or written request, a list of delivery employees
12 and vehicles authorized to conduct deliveries on behalf of the Dispensary.

13 J. Delivery employees shall personally verify, for each individual
14 transaction, that the identity of the customer receiving cannabis goods from
15 the Dispensary is the same as the person who ordered the delivery, and
16 that said person is twenty-one (21) years of age or older, via the
17 presentation of a valid government-issued identification.

18 K. Limitations.

19 1. While making deliveries, a Dispensary's delivery
20 employee shall not carry cannabis goods worth more than limits imposed by
21 the State at any time. This value shall be determined using the current retail
22 price of all cannabis goods carried by the delivery employee.

23 2. Direct route only. Except where a delivery employee
24 requires rest, fuel, vehicle repair, or where the road conditions make the
25 continued use of the road unsafe, impossible, or impracticable, a delivery
26 employee may only travel to and from the Dispensary, to the delivery
27 address, and between delivery addresses while delivering cannabis goods.

28 3. Dispensaries and delivery employees may only deliver

1 cannabis goods to customers within a city or county that does not expressly
2 prohibit such delivery by ordinance.

3 4. Consumption prohibited. No person shall consume or
4 otherwise ingest cannabis goods, alcohol, any controlled substance, or
5 intoxicants while transporting or delivering cannabis goods.

6 5. The Dispensary shall prepare a delivery request receipt
7 for each delivery of cannabis goods that shall include the following:

- 8 a. The name and address of the Dispensary;
9 b. The first name and employee number of the
10 Dispensary's delivery employee who delivered the order;
11 c. The first name and employee number of the
12 Dispensary's employee who prepared the order for delivery;
13 d. The first name of the customer and a
14 Dispensary-assigned customer number for the person who requested the
15 delivery;
16 e. The date and time the delivery request was
17 made;
18 f. The delivery address;
19 g. A detailed description of all cannabis goods
20 requested for delivery. The description shall include the weight, volume, or
21 any other accurate measure of the amount of all cannabis goods requested;
22 h. The total amount paid for the delivery, including
23 any taxes or fees, the cost of the cannabis goods, and any other charges
24 related to the delivery; and
25 i. Upon delivery, the date and time the delivery
26 was made, and the signature of the customer who received the delivery.

27 6. A vehicle used for the delivery of cannabis goods shall
28 be outfitted with a dedicated Global Positioning System (GPS) device for

1 identifying the geographic location of the delivery vehicle in compliance with
2 all applicable State laws and regulations.

3 a. The dedicated GPS device must be owned by
4 the Dispensary and used for delivery only.

5 b. The device shall be either permanently or
6 temporarily affixed to the delivery vehicle, shall remain active, and inside of
7 the delivery vehicle at all times during delivery.

8 c. At all times, the Dispensary shall be able to
9 identify the geographic location of all delivery vehicles that are making
10 deliveries for the Dispensary and shall provide that information to the City
11 Manager or Chief of Police upon request.

12 5.92.965 Responsible Vendor Training Pilot Program.

13 A. Purpose and Intent. Recognizing the potential harms and
14 public health implications associated with cannabis use, the purpose of this
15 Section is to promote public health and safety to reduce the likelihood of the
16 problematic use of cannabis by proactively requiring that all customer-
17 facing employees and managers of Dispensaries learn the necessary skills
18 to protect customers, the public, employees of the Dispensary, and
19 Dispensaries through a Responsible Vendor Training Program.

20 B. Compliance. Every customer-facing manager and employee
21 of a permitted Dispensary shall enroll in the Department of Health and
22 Human Services' standardized training for Dispensaries within ninety (90)
23 days of the establishment of the City's Responsible Vendor Training Pilot
24 Program. Upon completion of such training, employees and managers shall
25 receive written confirmation from the Department of Health and Human
26 Services of successful completion of the program. Dispensaries shall keep
27 a copy of said written confirmation on the permitted premises for every
28 customer-facing employee and manager.

1 C. New employees and managers. Any newly hired manager or
2 employee of a permitted Dispensary shall successfully complete the
3 Responsible Vendor Training Pilot Program within sixty (60) days of said
4 individual's first day of employment.

5 D. Renewal of Training. After initial successful completion of the
6 Responsible Vendor Pilot Training Program, every manager and employee
7 of a Dispensary shall successfully complete the Responsible Vendor
8 Training Pilot Program every twenty-four (24) months.

9 E. Online or in-person training is at the discretion of the
10 Department of Health and Human Services. Nothing in this Section shall
11 prevent the City from becoming a training provider under any similar
12 program for Dispensaries implemented by the State.

13 F. Within three (3) years of the establishment of the program, the
14 City Council will consider the available data and determine whether and
15 how to continue the program. This Section shall remain in effect until
16 revoked by the City Council.

17
18 DIVISION V - CULTIVATION OPERATING CONDITIONS

19 In addition to the general operating requirements set forth in Division III of
20 this Chapter, this Division provides additional requirements for Cultivators.

21
22 5.92.1010 Compliance.

23 A. Cultivation shall always be conducted in accordance with
24 State and local laws and regulations related to cultivation, zoning, grading,
25 electricity, water usage, water quality, fish and wildlife habitat protection,
26 wastewater discharges, pesticides, and fertilizers, handling and storage of
27 gases, and employee safety.

28 B. Cultivation shall always be conducted in such a way as to

1 ensure the health, safety, and welfare of the public, the employees working
2 at the cultivation site, neighboring properties, to protect the environment
3 from harm to waterways, fish, and wildlife; to ensure the security of the
4 cannabis; and to safeguard against the diversion of cannabis for unlicensed
5 purposes.

6 5.92.1015 Outdoor cultivation prohibited.

7 All cultivation shall occur indoors, and only on a site holding a valid Adult-
8 Use Cannabis Business Permit from the City pursuant to this Chapter. All outdoor
9 or mixed light cultivation is prohibited, including but not limited to, the use of
10 greenhouses.

11 5.92.1020 Maximum canopy size.

12 A. The total canopy size on one (1) premises shall not exceed
13 the maximum number of square feet authorized by State license
14 classifications Type 1A, Type 1C, Type 2A, Type 3A, and Type 4.

15 B. The total canopy size on one (1) premises shall not exceed
16 the maximum number of square feet identified in the application and
17 authorized by the Adult-Use Cannabis Business Permit. Permittees shall
18 obtain written permission from the City prior to engaging in any activity that
19 results in an increase of the square feet of maximum canopy authorized by
20 the Adult-Use Cannabis Business Permit.

21 5.92.1025 Extension cords prohibited.

22 The use of extension cords to supply power to any electrical equipment
23 used in cultivation is prohibited. All electrical equipment used in cultivation shall be
24 plugged directly into a wall outlet or otherwise hardwired.

25 5.92.1030 Interior lighting.

26 All lighting used for indoor cultivation shall be fully shielded, downward
27 casting, and shall not spill over onto structures, other properties, or into the night
28 sky. Indoor cultivation lighting shall be contained so that little to no light escapes

1 and any light that escapes from the cultivation site shall be at a level that is not
2 visible from neighboring properties between sunset and sunrise.

3 5.92.1035 Environmental control systems.

4 A. In addition to the general odor control and ventilation
5 requirements in Section 5.92.540, every Cultivator shall implement
6 environmental control systems to minimize and/or prevent the likelihood of
7 mold and mildew growth. Cultivators shall regularly test for mold and
8 mildew within the cultivation site.

9 B. Environmental control systems at a cultivation site shall
10 include a range of environmental control technologies and practices to
11 control humidity levels, illumination, heating, cooling, air circulation, and
12 ventilation.

13 C. Compatibility with odor prevention and ventilation systems.
14 Cultivators shall implement an environmental control system that is
15 adequately compatible with any odor control prevention and ventilation
16 systems at the cultivation site. For purposes of this Section, "adequately
17 compatible" means that any environmental control systems and odor control
18 systems operating at the cultivation site operate concurrently to prevent
19 cannabis odors from being detected outside the cultivation site, while still
20 allowing for the permittee to successfully cultivate.

21 5.92.1040 Water source.

22 Cultivators shall comply with California Water Code Section 13149 and any
23 implementing regulations, policies, or guidelines adopted by the State Water
24 Resources Control Board regarding water usage, the diversion of water, and the
25 discharge of waste while cultivating cannabis.

26 5.92.1045 Carbon dioxide testing.

27 Cultivators shall test carbon dioxide levels within cultivation areas at the
28 cultivation site, if carbon dioxide is added to the air. No carbon dioxide shall be

utilized for cultivation without prior inspection and approval of the City's Building Official and the Fire Code Official.

5.92.1050 Storage and use of compressed gas.

A. Storage and use of compressed gases in compressed gas containers, cylinders, tanks, and systems used for cultivation shall comply with this Code and the California Fire Code.

B. Any compressed gases used in cultivation shall not be stored on any property within the City in containers that exceed the amount that is approved by the Fire Code Official and authorized by the Adult-Use Cannabis Business Permit.

5.92.1055 Pesticides.

A. Cultivators shall comply with all applicable federal, State and local laws and regulations regarding use, storage, and disposal of pesticides and fertilizers, including, without limitation, those enforced by the State Department of Food and Agriculture and State Department of Pesticide Regulation. Cultivators shall ensure hazards are not created on the permitted premises by the use or storage of chemicals, fertilizers, materials, processes, products, or wastes.

B. Pesticides, insecticides, and/or fertilizers prohibited by federal, state, or local law for fertilization or production of edible produce shall not be used for cultivation.

C. Employee safety. At a minimum, Cultivators using pesticides shall protect all employees from exposure to pesticides by following pesticide labels; providing required personal protective equipment; providing access to pesticide labels, safety information, and training on an annual basis; properly ventilating all areas of the cultivation site; and proper storage, handling, and disposal of pesticides in compliance with State, federal, and local laws and regulations pertaining to pesticide use and

1 worker safety.

2 5.92.1060 Packaging and labeling.

3 A. All cannabis packaged and/or labeled by a Cultivator shall
4 meet the provisions of packaging and labeling requirements specified by
5 State law, including but not limited to, California Business and Professions
6 Code Division 5 ("Weights and Measures") and Division 10 ("Cannabis")
7 and any regulations implemented and enforced by the Bureau of Cannabis
8 Control, the State Department of Public Health, or State Department of
9 Food and Agriculture.

10 B. Prior to distribution and transportation, a Cultivator shall
11 package and seal all cannabis in tamper-evident packaging and use a
12 unique identifier of the harvest batch to identify and track said cannabis.

13 C. Product labels. All labels for cannabis shall include all of the
14 following: all required government warnings; the net weight of cannabis in
15 the package; source and the date of cultivation; the type of cannabis; the
16 date of packaging; and the product's unique identifier for the harvest batch.

17 D. Packaging that makes cannabis attractive to children or
18 imitates candy is prohibited.

19 5.92.1065 Accurate weights and measures.

20 A. Weighing devices used by a Cultivator shall be approved,
21 tested, sealed, and registered with the Los Angeles County Agricultural
22 Commissioner/Weights and Measures in compliance with California
23 Business and Professions Code Division 5 ("Weights and Measures") and
24 Division 10 ("Cannabis"), any regulations implemented by the State
25 Department of Food and Agriculture, and all other applicable local, State,
26 and Federal laws.

27 B. Cultivators are prohibited from using scales, weights, or
28 measures that do not accurately conform to the standard of weights and

measures of the State and county.

DIVISION VI - MANUFACTURING OPERATING CONDITIONS

In addition to the general operating requirements set forth in Division III of this Chapter, this Division provides additional requirements for Manufacturers.

5.92.1110 Compliance.

A. The manufacture of cannabis products shall comply with the standards set by State and local law, including but not limited to those related to volatile and nonvolatile extractions; labeling, packaging, repackaging, and relabeling; infusions; safety; discharges; waste disposal; processing, handling, and storage of solvents or gases; and food handling.

B. Manufacturers shall only be allowed to engage in the manufacture of cannabis authorized by State law and in the Adult-Use Cannabis Business Permit issued for the premises. No additional manufacturing activities may be conducted without applying for, and receiving written permission, from the City for said additional activity.

C. The manufacture of cannabis products shall be conducted in a manner to ensure the operation does not pose a significant threat to the health, safety, and welfare of the public or to neighboring properties.

5.92.1115 Additional ventilation requirements.

A. In addition to the general odor control and ventilation requirements in Section 5.92.540, Manufacturers shall utilize adequate ventilation or control equipment to minimize dust, odors, and vapors (including steam and noxious fumes) in areas where they may cause allergen cross-contact or contamination of cannabis products.

B. Fans and other air-blowing equipment used at a manufacturing facility shall be used in a manner that minimizes the potential

1 for allergen cross-contact and contamination of manufactured cannabis
2 products or packaging materials and contact surfaces intended for
3 manufactured cannabis handling or production.

4 5.92.1120 Sanitation standards.

5 A Manufacturer shall comply with sanitation standards equivalent to the
6 California Retail Food Code (Part 7 (commencing with Section 113700) of Division
7 104 of the California Health and Safety Code) for food preparation, storage,
8 handling, and sale of products. Cannabis, including concentrated cannabis in a
9 cannabis product, manufactured in compliance with this Chapter and State law is
10 not considered an adulterant under this Chapter.

11 5.92.1125 Quality and preventative controls.

12 A. Quality control. A Manufacturer shall employ quality control
13 personnel and establish standard operating procedures that comply with
14 current good manufacturing practices, as outlined by the State Department
15 of Public Health and the U.S. Food and Drug Administration.

16 B. Preventative controls. All Manufacturers have a continuous
17 obligation to identify and/or evaluate known or reasonably foreseeable
18 hazards and implement written preventive controls to significantly minimize
19 or prevent manufactured cannabis products from becoming adulterated or
20 misbranded.

21 5.92.1130 Standard operating procedures.

22 A Manufacturer creating cannabis extracts shall develop standard operating
23 procedures, good manufacturing practices, and a training plan prior to producing
24 extracts for the marketplace.

25 5.92.1135 Fire Code Official approval required.

26 Manufacturers conducting extractions, including any professional closed
27 loop systems or equipment used in extraction or processing, shall be approved for
28 their use by the Fire Code Official and shall comply with the following

requirements:

A. Any required fire, safety, and building code requirements specified in the California Building and Fire Codes, as adopted by the City.

B. Any State laws and regulations implemented and enforced by the State Department of Public Health.

5.92.1140 Vacuum ovens.

A. Vacuum ovens shall not be used to process volatile solvents or flammable/combustible liquids contained in cannabis concentrate unless said vacuum oven is rated to process the vapors of volatile solvents or flammable/combustible liquids, such as a vacuum oven that is rated with an explosion-proof classification.

B. Manufacturers conducting extractions with a vacuum oven shall take adequate precautions to ensure that any cannabis concentrate introduced into said oven does not contain volatile solvents or flammable/combustible liquids.

C. All vacuum ovens used in the manufacture of cannabis products shall be listed by a Nationally Recognized Testing Laboratory (NRTL).

5.92.1145 Doors to extraction room.

Doors to any room where Manufacturers use volatile solvents, hazardous materials, or flammable/combustible liquids in the manufacture of cannabis shall swing in the direction of egress, be self-closing and/or self-latching, and be provided with panic hardware.

5.92.1150 Refrigerators.

A. Volatile solvents, hazardous chemicals, and flammable/combustible liquids, including volatile solvents, hazardous chemicals, and flammable/combustible liquids contained in concentrated cannabis or cannabis goods, shall be stored in a refrigerator, refrigerated

1 storage, or a freezer rated to store flammable liquids.

2 B. Manufacturers shall store and process all volatile solvents or
3 flammable/combustible liquids, including concentrated cannabis and
4 manufactured cannabis that contains volatile solvents or
5 flammable/combustible liquids, in refrigerators, refrigerated storage, or
6 freezers rated to store flammable liquids which are, at a minimum, rated
7 "Lab-Safe" or "Flammable Safe."

8 5.92.1155 Closed loop system required.

9 A. Chemical extractions using carbon dioxide or a volatile solvent
10 shall be conducted in a professional and commercially manufactured closed
11 loop extraction system that has been certified by a California-licensed
12 engineer. All professional and commercially manufactured closed loop
13 systems shall bear a permanently affixed and viable serial number.

14 B. No closed loop systems shall be utilized without prior
15 inspection and approval of the Fire Code Official.

16 C. Certification requirements.

17 1. Certifications from a California-licensed engineer of any
18 closed loop system used by a Manufacturer shall be provided to the Fire
19 Code Official to certify that the system was commercially manufactured, is
20 safe for its intended use, and was built to codes of recognized and
21 generally accepted good engineering practices, including but not limited to:

22 a. The American Society of Mechanical Engineers
23 (ASME);

24 b. American National Standards Institute (ANSI);

25 c. Underwriters Laboratories (UL); or

26 d. The American Society for Testing and Materials
27 (ASTM).

28 2. The certification document required pursuant this

subsection shall contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

D. Training required. Any person using solvents or gases in a closed looped system to create cannabis extracts shall be fully trained on how to use the system, have direct access to applicable material safety data sheets, and handle and store the solvents and gases safely in compliance with State and local laws and regulations.

5.92.1160 Volatile and nonvolatile solvents permitted.

A. Manufacturers may only use volatile solvents or gases approved by the Fire Code Official and State law for extractions. Manufacturers may use nonvolatile solvents or mechanical processes to create or refine extracts, if approved by the Fire Code Official.

B. Any extraction process must use solvents or gases in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation. Manufacturers shall control all sources of ignition where a flammable atmosphere is or may be present.

5.92.1165 Change in solvent.

A. Any Manufacturer that changes the medium of extraction or solvent used in manufacturing from the technical report previously approved by the Fire Code Official shall submit a revised technical report for approval of the Fire Code Official prior to the use of the equipment with said new medium or solvent. The technical report shall be revised at the cost of the Manufacturer.

B. If the original engineer of record that drafted the last approved technical report is not available, then the Manufacturer shall comply with the following requirements prior to submitting a revised technical report to the Fire Code Official that has been drafted by a new engineer of record:

1 1. The Manufacturer shall submit the new engineer's
2 educational background and professional experience specific to the review
3 and approval of system, equipment, and processes with like hazards of
4 those associated with the extraction system to the Fire Code Official.

5 2. Once the proof of qualifications is deemed acceptable
6 by the Fire Code Official, the engineer of record shall produce the technical
7 report and the report shall be signed and sealed in accordance with State
8 requirements. The proof of qualifications shall include documentation
9 indicating the person is a professional engineer licensed in the State.

10 5.92.1170 Storage and use of compressed gas.

11 A. Storage and use of compressed gases in compressed gas
12 containers, cylinders, tanks, and systems used for cannabis manufacturing
13 shall comply with this Code and the California Fire Code.

14 B. Any compressed gases used in the manufacturing process
15 shall not be stored on any property within the City in containers that exceed
16 the amount that is approved by the Fire Code Official and authorized by the
17 Adult-Use Cannabis Business Permit.

18 5.92.1175 Hazardous material requirements.

19 Manufacturers that use and generate hazardous materials or hazardous
20 waste shall comply with all applicable hazardous material regulations for
21 hazardous waste generators and hazardous material handling requirements and
22 shall maintain any applicable permits from the Certified Unified Program Agency
23 (CUPA) of Long Beach for said regulations and requirements.

24 5.92.1180 Edible cannabis products.

25 A. The manufacture, distribution, and transportation of edible
26 cannabis products shall be conducted in a manner that complies with all
27 applicable food safety laws for the protection of humans consuming
28 cannabis.

1 B. Cannabis facility requirements and limitations.

2 1. All products, storage facilities, utensils, equipment, and
3 materials used for the manufacture of edible cannabis products shall be
4 approved, used, managed, and handled in accordance to the provisions of
5 all State and local laws regarding the preparation, distribution, labeling, and
6 sale of food.

7 2. Any manufacturing site that proposes to prepare, store,
8 dispense, and distribute edible cannabis products shall comply with the
9 relevant provisions of all State and local laws regarding the preparation,
10 distribution, labeling, and sale of food.

11 3. No food production shall be allowed in a facility where
12 edible cannabis products are manufactured to avoid the unintentional
13 contamination of non-cannabis foods with cannabis.

14 4. Facilities where edible cannabis products are
15 manufactured shall be constructed, permitted, operated, and inspected in
16 accordance with the applicable building code and applicable food safety
17 requirements.

18 5.92.1185 Food handler certification.

19 All owners, employees, volunteers, or other individuals that participate in
20 the production of edible cannabis products shall be State certified food handlers.
21 The valid certificate number of each such owner, employee, volunteer, or other
22 individual shall be on record at the permitted premises where said individual
23 participates in the production of edible cannabis products.

24 5.92.1190 Packaging and labeling.

25 A. All manufactured cannabis products packaged and/or labeled
26 by a Manufacturer shall meet the provisions of packaging and labeling
27 requirements specified by State law, including but not limited to, California
28 Business and Professions Code Division 5 ("Weights and Measures") and

1 Division 10 ("Cannabis"), and any regulations implemented and enforced by
2 the Bureau of Cannabis Control or the State Department of Public Health.

3 B. Packaging that makes cannabis products attractive to children
4 or imitates candy is prohibited.

5 C. Prior to release of a product to a Distributor, Manufacturers
6 shall package and seal all cannabis products in tamper-evident packaging
7 and use a unique identifier for the manufactured cannabis batch to identify
8 and track the cannabis products.

9 D. Edible cannabis products shall not exceed 10 milligrams of
10 tetrahydrocannabinol (THC) per serving. The THC content for the edible
11 cannabis product in its entirety shall be printed on the edible cannabis
12 product packaging.

13 5.92.1195 Accurate weights and measures.

14 A. Manufacturers shall maintain all weighing devices in good
15 working order, approved, tested, sealed, and registered with the Los
16 Angeles County Agricultural Commissioner/Weights and Measures in
17 compliance Division 5 ("Weights and Measures") of the California Business
18 and Professions Code, any regulations implemented by the Manufactured
19 Cannabis Safety Branch, and all other applicable local, State, and Federal
20 laws.

21 B. Manufacturers are prohibited from using scales, weights, or
22 measures that do not accurately conform to the standard of weights and
23 measures of the State and county.

24
25 DIVISION VII – SHARED USE MANUFACTURING OPERATING CONDITIONS

26 Manufacturing facilities may be shared, containing multiple licensed permit
27 holders for a single premises. In addition to the general operating requirements set
28 forth in Division III and the manufacturing operating requirements set forth in

1 Division VI of this Chapter, this Division provides additional requirements for
2 Shared Use Manufacturing.

3
4 5.92.1210 Compliance

5 A. The manufacture of cannabis products in shared-use facilities
6 shall comply with the standards set by State and local law, including but not
7 limited to those related to volatile and nonvolatile extractions; labeling,
8 packaging, repackaging, and relabeling; infusions; safety; discharges;
9 waste disposal; processing, handling, and storage of solvents or gases; and
10 food handling.

11 B. Manufacturers shall only be allowed to engage in the
12 manufacture of cannabis authorized by State law and in the Adult-Use
13 Cannabis Business Permit issued for the premises. No additional
14 manufacturing activities may be conducted without applying for, and
15 receiving written permission, from the City for said additional activity.

16 C. The manufacture of cannabis products shall be conducted in a
17 manner to ensure the operation does not pose a significant threat to the
18 health, safety, and welfare of the public or to neighboring properties.

19 5.92.1215 Equity licenses prioritized.

20 A. The City shall accept applications for Shared Use
21 Manufacturing Operator Licenses from Verified Equity Businesses only for
22 a period of one (1) year, or until fifteen (15) Operator licenses have been
23 issued, whichever occurs sooner. The one-year period shall not start until
24 the date the City begins accepting applications for Shared Use
25 Manufacturing Operator Licenses.

26 B. After the one-year period has concluded, the City shall begin
27 accepting applications from all qualifying applicants for the Shared Use
28 Manufacturing Operator license pursuant to this chapter.

1 5.92.1220 Principal Licensees.

2 A. Shared-use manufacturing facilities are required to have a
3 Principal Licensee, who is responsible for the facility.

4 B. The principal licensee shall operate the shared-use facility in
5 accordance with the conditions of operation specified in this Chapter.

6 C. The shared-use manufacturing principal licensee shall be
7 responsible for ensuring the facility meets all applicable requirements of this
8 Chapter.

9 D. No cannabis manufacturer shall operate as a shared-use
10 manufacturing facility without prior approval of the City.

11 E. Licensed cannabis manufacturers in good standing may
12 request to operate as a shared-use manufacturing facility on a form
13 prescribed by the Director of Financial Management.

14 5.92.1225 Operator Licensees.

15 A. Operator licenses will only be issued to businesses that have
16 received written authorization to operate in a licensed shared-use
17 manufacturing facility.

18 B. Operator Licensees may only conduct the following
19 operational activities:

- 20 1. Infusions, as defined by this Chapter;
21 2. Packaging and labeling of cannabis products; and,
22 3. Extractions with butter or food-grade oils, provided that
23 the resulting extract or concentrate shall be used solely in the manufacture
24 of the Operator Licensee's infused product and shall not be sold to any
25 other licensee.

26 C. Operator licensees shall have a separate license for each
27 shared-use manufacturing facility where they are conducting manufacturing
28 operations.

1 D. Operator Licensees may only operate at the facility identified
2 by their license and during the hours set forth in the occupancy schedule.

3 5.92.1230 Exemptions.

4 A. Operator Licensees are exempt from the following provisions
5 of this Chapter:

6 1. 5.92.215.3.d (Proof that the applicant has the legal
7 right to occupy and use the premises for commercial cannabis activity)

8 2. 5.92.250 (One applicant per address)

9 3. 5.92.425 (Noncompliant locations)

10 4. 5.92.435 (Premises Requirements)

11 5. 5.92.860 (Subletting prohibited)

12 5.92.1235 Use agreements.

13 A. The Principal licensee and the Operator Licensee(s) may take
14 part in a use agreement which may allocate responsibility for providing and
15 maintaining commonly used equipment and services, including, but not
16 limited to, security systems, fire monitoring and protection services, and
17 waste disposal services. However, such agreement is not binding on the
18 City and the City may take enforcement action against either the principal
19 licensee or the Operator Licensee(s), regardless of the allocation of
20 responsibility in the use agreement.

21 5.92.1240 Designated areas.

22 A. The Principal licensee will identify and assign each Operator
23 Licensee a "designated area" that, at a minimum:

24 1. Is for exclusive use by the Operator Licensee; and,

25 2. Provides an area for storage that is secure, fixed in
26 place, locked with a commercial-grade lock, and accessible only to the
27 Operator Licensee for storage of that Operator Licensee's cannabis,
28 cannabis concentrates, and cannabis products.

1 B. The designated area for an Operator Licensee shall not be
2 altered without prior notification to the City. Prior to making any changes to
3 the designated area, written notification shall be submitted to the City that
4 includes the intended changes. The City shall approve all changes prior to
5 the designated area being altered.

6 5.92.1245 Common-use areas.

7 A. The Principal licensee will identify and assign common-use
8 area(s) authorized for use by the Operator Licensee.

9 B. Any part of the premises used for manufacturing activities that
10 is a common-use area shall be occupied by only one licensee at a time by
11 restricting the time period that each licensee may use the common-use
12 area. During the assigned time period, one licensee shall have sole and
13 exclusive occupancy of the common-use area.

14 C. The principal licensee may conduct manufacturing activities
15 as permitted under its medical or adult-use manufacturing license and may
16 use the common-use area during its scheduled time period.

17 5.92.1250 Occupancy schedules.

18 A. The Principal licensee is responsible for providing an
19 occupancy schedule that identifies the days and/or times each Operator
20 Licensee is authorized to use the common-use area(s).

21 B. The occupancy schedule shall be prominently posted near the
22 entrance to the licensed shared-use facility.

23 C. The occupancy schedule shall not be altered without prior
24 notification to the City. Prior to making any changes to the occupancy
25 schedule, written notification shall be submitted to the City that includes the
26 intended changes.

27 5.92.1255 Facility restrictions.

28 The use of the shared use facility shall be restricted to the principal licensee

1 and Operator Licensees authorized by the City to use the shared-use facility.

2 5.92.1260 Facility modifications.

3 The use of the shared use facility shall be restricted to the principal licensee
4 and Operator Licensee(s) authorized by the City to use the shared-use facility.

5 5.92.1265 Cannabis waste.

6 Any cannabis product or other materials remaining after an Operator
7 Licensee ceases operation and discontinues use of its designated area shall be
8 considered cannabis waste and disposed of by the principal licensee consistent
9 with the requirements of this Chapter.

10 5.92.1270 Product recalls or embargoes.

11 In the event of a recall or embargo of a cannabis product produced at a
12 shared-use facility, the City, in its sole discretion, may include any or all cannabis
13 products produced at the shared-use facility.

14 5.92.1275 Discontinuing operations.

15 A Principal Licensee that wishes to discontinue operation as a shared-use
16 facility may do so by providing written notice to the City and each Operator
17 Licensee authorized to use the shared-use facility at least thirty (30) calendar days
18 prior to the effective date of the cancellation.

19 5.92.1280 Violations.

20 A Principal licensee or an Operator Licensee is liable for any violation found
21 at the shared-use facility during that licensee's scheduled occupancy or within that
22 licensee's designated area. However, a violation of any provision of the Chapter
23 may be deemed a violation for which each Operator Licensee and the principal
24 licensee are responsible. In the event of a recall or embargo of a cannabis product
25 produced at a shared-use facility, the City, in its sole discretion, may include any
26 or all cannabis products produced at the shared-use facility.

27
28 DIVISION VIII - DISTRIBUTION OPERATING CONDITIONS

1 In addition to the general operating requirements set forth in Division III of
2 this Chapter, this Division provides additional requirements for Distributors.

3
4 5.92.1310 Compliance.

5 A. A Distributor and the premises shall meet all health protection
6 operating criteria for the distribution of cannabis goods as required by State
7 law and regulations implemented and enforced by the Bureau of Cannabis
8 Control.

9 B. Distributors shall transfer cannabis goods only between State
10 licensees.

11 5.92.1315 Transport Only Distributor.

12 A. Transport Only Distributor may transport cannabis goods
13 between State licensees if the transport, and the type of cannabis goods
14 transported, is authorized by State and local law.

15 B. A Transport Only Distributor shall comply with all provisions
16 required by this Code and State law for Distributors, except for those
17 related to quality assurance and testing.

18 C. A Transport Only Distributor shall not hold title to any
19 cannabis goods unless said Transport Only Distributor also holds a State-
20 issued Cultivation, Manufacturing, Retailer, or Microbusiness license.

21 D. Transport Only Distributors shall not be authorized to:

- 22 1. Engage in the delivery of cannabis goods to a
23 customer; or
24 2. Engage in the wholesale, destruction, packaging,
25 labeling, or storing of cannabis goods; or
26 3. Arrange for the testing of cannabis goods by a Testing
27 Laboratory.

28 5.92.1320 Storage.

1 A. Separate and distinct. Distributors shall ensure that each
2 batch is stored separately and distinctly from every other batch on the
3 Distributor's premises.

4 B. Labels required for batch storage containers. Distributors shall
5 ensure a label with the following information is physically attached to each
6 container of each batch: the Manufacturer or Cultivator's name and State
7 license number; the date of entry into the Distributor's storage area; the
8 unique identifiers and batch number associated with the batch; a
9 description of the cannabis goods with enough detail to easily identify the
10 batch; and the weight of or quantity of units in the batch.

11 C. A Distributor shall store cannabis goods in a building designed
12 to permit control of temperature and humidity and shall prevent the entry of
13 environmental contaminants such as smoke and dust. The area in which
14 cannabis goods are stored shall be vermin proof and shall not be exposed
15 to direct sunlight. Distributors shall not store cannabis goods outdoors.

16 D. Storage-only services. Distributors may provide cannabis or
17 cannabis product storage-only services to a Cultivator, Manufacturer, or
18 other Distributor, which are unrelated to the quality assurance and
19 laboratory testing processes required of the Distributor.

20 5.92.1325 Quality assurance.

21 A. Distributors shall ensure compliance with any requirements for
22 packaging and labeling cannabis goods pursuant to State and local law and
23 regulations.

24 B. After taking physical possession of a cannabis batch, the
25 Distributor shall meet all testing requirements and procedures as required
26 by local and State law and regulations. Upon the request of the City
27 Manager, the Distributor shall immediately make available the results of all
28 tests performed on each cannabis batch by a certified State licensed

1 Laboratory.

2 C. A Distributor shall only procure, sell, or transport cannabis
3 goods that are packaged and sealed in tamper-evident packaging that use
4 a unique identifier, such as a batch and lot number or bar code, to identify
5 and track the cannabis goods.

6 5.92.1330 Transport.

7 A. Documentation during transport. Transporters shall carry a
8 physical or electronic copy of the shipping manifest for the transport of
9 cannabis goods, a copy of the Distributor's current permits and/or licenses
10 required by the State and City, the Transporter's government-issued
11 identification, and an identification badge provided by the Distributor. All
12 documentation shall be made available upon request to the City Manager or
13 Chief of Police.

14 B. Transporters shall be at least twenty-one (21) years of age
15 and shall have a valid California Driver's License.

16 C. Vehicle standards. A Distributor shall only allow transport of
17 cannabis goods in a vehicle:

18 1. That is capable of securing (locking) the cannabis
19 goods during transportation.

20 2. That is capable of being time and/or temperature
21 controlled if perishable cannabis goods are being transported.

22 3. That does not display advertising or symbols visible
23 from the exterior of the vehicle that suggest the vehicle is used for cannabis
24 transport or affiliated with a Commercial Cannabis Business.

25 D. Inspections. Any motor vehicle used by a Distributor to
26 transport cannabis goods is subject to inspection by the City Manager or
27 Chief of Police and may be stopped during transport, delivery, or pick-up of
28 cannabis goods for inspection.

1 5.92.1335 Accurate weights and measures.

2 A. Distributors shall maintain all weighing devices in good
3 working order, approved, tested, sealed, and registered with the Los
4 Angeles County Agricultural Commissioner/Weights and Measures in
5 compliance Division 5 ("Weights and Measures") of the California Business
6 and Professions Code, any applicable State laws and regulations
7 implemented by the State or its departments or divisions, and all other
8 applicable local, State, and Federal laws.

9 B. Distributors are prohibited from using scales, weights, or
10 measures that do not accurately conform to the standard of weights and
11 measures of the State and county.

12 5.92.1340 Records.

13 A. In addition to records generally required of all Adult-Use
14 Cannabis Businesses, every Distributor shall maintain records specific to
15 the operation, including but not limited to: records relating to branding,
16 packaging and labeling; inventory logs and records; transportation bills of
17 lading and shipping manifests for completed transports and for cannabis
18 goods in transit; vehicle and trailer ownership records; quality-assurance
19 records; records relating to destruction of cannabis goods; laboratory-
20 testing records; warehouse receipts; records relating to tax payments
21 collected and paid. The Distributor shall make all records available to the
22 City upon request.

23 B. Storage records. A Distributor shall maintain a written contract
24 with other State licensees storing cannabis goods on the Distributor's
25 premises. A Distributor shall maintain a separate storage inventory log for
26 every State licensee storing cannabis goods on the Distributor's premises.
27 The Distributor's storage inventory logs and written contracts shall be
28 provided to the City Manager upon request. All inventory documents shall

1 contain the identity and State license number of all contracting parties.

2 C. A Distributor shall maintain a database, and provide to the
3 City upon request, a list of the individuals and vehicles authorized to
4 conduct transportation on behalf of the Distributor.

5
6 DIVISION IX - TESTING LABORATORY OPERATING CONDITIONS

7 In addition to the general operating requirements set forth in Division III of
8 this Chapter, this Division provides additional requirements for Testing
9 Laboratories.

10
11 5.92.1410 Compliance.

12 All laboratory testing of cannabis goods shall be performed in accordance
13 with this Chapter, this Code, and any applicable State law and regulations,
14 implemented and enforced by the State and its divisions and departments.

15 5.92.1415 No other employment or interest.

16 No owner or employee of a Laboratory may be employed by, or have any
17 ownership or financial interest, in any other type of commercial cannabis activity.

18 5.92.1420 Laboratory employee requirements.

19 Laboratory employees shall meet the experience, education, and training
20 requirements specified and required by the State or any of its departments and
21 divisions.

22 5.92.1425 Certificate of accreditation required.

23 Every Laboratory shall hold a valid certificate of ISO/IEC 17025
24 accreditation, issued by an accreditation body that attests to the Laboratory's
25 competence to perform testing of the cannabis goods for compounds and
26 contaminants, in compliance with State laws and regulations for cannabis testing.
27 Said accreditation body shall be a signatory to the International Laboratory
28 Accreditation Cooperation Mutual Recognition Arrangement for testing. The

1 certificate of accreditation shall be kept at the premises.

2 5.92.1430 Standard operating procedures.

3 A Laboratory shall adopt a standard operating procedure using methods
4 consistent with general requirements established by the International Organization
5 for Standardization, specifically ISO/IEC 17025, to test cannabis goods, and shall
6 operate in compliance with State law at all times.

7 5.92.1435 Chain of custody controls.

8 A Laboratory shall establish standard operating procedures that provide for
9 adequate chain of custody controls for samples transferred to the Laboratory for
10 testing.

11 5.92.1440 Certificate of Analysis.

12 A Laboratory shall generate a Certificate of Analysis (COA) for all
13 representative samples analyzed by the Laboratory in compliance with State law
14 and any regulations implemented and enforced by the Bureau of Cannabis
15 Control.

16 5.92.1445 Annual audit.

17 A Laboratory shall conduct an internal audit at least once per year or
18 according to the ISO Accrediting Body and the State's requirements, whichever is
19 more frequent.

20 5.92.1450 Transportation and storage of testing samples.

21 Every Laboratory shall ensure samples are transferred, transported, and
22 securely stored in a manner that prevents degradation, contamination, and
23 tampering, and in compliance with labeling on the cannabis product pursuant to a
24 specified chain of custody protocol.

25 5.92.1455 Destruction of samples.

26 A Laboratory shall destroy the remains of samples of any cannabis goods
27 upon completion of analyses, and after the expiration of any post-testing sample
28 retention period, in compliance with State law and any regulations implemented

1 and enforced by the Bureau of Cannabis Control.

2 5.92.1460 Additional ventilation requirements.

3 In additional to the general odor control and ventilation requirements in
4 Section 5.92.540, the Laboratory shall implement adequate ventilation or control
5 equipment to minimize dust, odors, and vapors (including steam and noxious
6 fumes) in areas where they may cause allergen cross-contact or contamination of
7 cannabis products. Fans and other air-blowing equipment used at a Laboratory
8 premises shall be used in a manner that minimizes the potential for allergen cross-
9 contact and contamination of cannabis goods.

10 5.92.1465 Hazardous material requirements.

11 Laboratories that use and generate hazardous materials or hazardous
12 waste shall comply with all applicable hazardous material regulations for
13 hazardous waste generators, and hazardous materials handling requirements and
14 shall maintain any applicable permits for these programs from the Certified Unified
15 Program Agency (CUPA) of Long Beach.

16 5.92.1470 Records.

17 A Laboratory shall ensure the transport, handling, storage, and destruction
18 of samples are accurately documented. All documentation and the results of all
19 testing shall be maintained as a part of the required records of the Laboratory.

20
21 DIVISION XI - ENFORCEMENT AND PENALTIES

22
23 5.92.1510 Violations generally.

24 A. It is unlawful for any person to violate any provision, or to fail
25 to comply with any of the conditions or requirements of this Chapter, or any
26 regulation adopted pursuant to it.

27 B. Separate violation. Every day, during any portion of which,
28 any violation of this Chapter is committed, continued, or allowed to continue

1 is a separate offense and is subject to all remedies and enforcement
2 measures authorized by this Code.

3 C. Every cannabis plant, including both immature and mature
4 plants, cultivated in violation of this Chapter by an illegal cannabis operation
5 constitutes a separate violation subject to the penalties of this Chapter.

6 D. Paying a fine or serving a jail sentence does not relieve any
7 person from responsibility for correcting any condition that violates any
8 provision of this Chapter.

9 E. Whenever in this Chapter any act or omission is made
10 unlawful, it shall include causing, permitting, aiding, abetting, suffering, or
11 concealing the fact of such act or omission.

12 F. Violation of any provision of this Chapter shall be considered
13 a strict liability; accordingly, the City shall not be required to prove
14 knowledge, criminal intent, or any other mental state to establish a violation
15 of this Chapter.

16 5.92.1515 Remedies cumulative.

17 A. The remedies provided for in this Chapter are not mutually
18 exclusive. Pursuit of any one remedy does not preclude the City from
19 availing itself of any or all available administrative, civil, or criminal
20 remedies, at law or equity. The remedies provided by this Chapter are
21 cumulative and in addition to any other remedies available at law or in
22 equity.

23 B. This Chapter does not limit the City's additional remedies for
24 recovering taxes or damages in accordance with any applicable law
25 including, without limitation, cannabis business taxes owed by an unlawful
26 Commercial Cannabis Business pursuant to Chapter 3.80 of this Code.

27 5.92.1520 Declaration of public nuisance.

28 A. Any violation of the provisions of this Chapter is hereby

1 deemed unlawful and a public nuisance.

2 B. As a nuisance per se, any violation of this Chapter is subject
3 to any of the following remedies, including, without limitation: injunctive
4 relief, revocation of applicable permits or licenses, revocation of the
5 certificate of occupancy for the real property where the violation occurred,
6 disgorgement and payment to the City of all monies unlawfully obtained,
7 costs of abatement, costs of investigation, attorney fees, and any other
8 relief or remedy available at law or equity.

9 C. For purposes of notification of nuisance and abatement
10 pursuant to Section 9.37.100 of this Code, a reasonable time limit for a
11 property owner or person to correct or abate the nuisance of an illegal
12 cannabis operation is no less than five (5) calendar days.

13 5.92.1525 Liability of employees and agents.

14 Liability of employees and agents. In construing and enforcing the
15 provisions of this Chapter, the act, omission, or failure of an agent, officer,
16 representative, or other person acting for or employed by an Adult-Use Cannabis
17 Business, within the scope of his or her employment or office, will be in every case
18 be deemed the act, omission, or failure of the Adult-Use Cannabis Business.

19 5.92.1530 Liability of property owners.

20 A. No property owner in charge of, or in possession of, any real
21 property within the City shall cause, permit, maintain, conduct, or otherwise
22 suffer or allow a public nuisance as defined in this Chapter to exist.

23 B. It is the duty of every property owner, and person that controls
24 any real property or interest therein, within the City to remove, abate, and
25 prevent the reoccurrence of the public nuisance upon such real property.
26 Such duty of the property owner exists regardless of whether the property
27 owner is in actual possession of his or her real property, and includes an
28 obligation to act to evict or otherwise remove an illegal cannabis operation

1 who illegally exists or creates a public nuisance upon the property owner's
2 real property.

3 C. In addition to any abatement costs incurred by the City for
4 closing or removing an illegal cannabis operation from private real property,
5 failure of a property owner to voluntarily abate an illegal cannabis operation
6 after notification by the City shall result in the penalties set forth in this
7 Chapter.

8 5.92.1535 Liability of costs, fines, and fees.

9 A. Liability of costs. In any enforcement action brought pursuant
10 to this Chapter, whether by administrative proceedings, judicial
11 proceedings, or summary abatement, every person who causes, suffers,
12 maintains, or permits any illegal cannabis operation and/or operation to
13 exist, or remain in violation of this Chapter, is liable for all actual costs
14 incurred by the City, including, but not limited to: all actual costs for
15 inspection, enforcement, revocation, suspension, abatement, or any other
16 actual costs incurred to undertake, or to cause or compel any responsible
17 party to undertake, any abatement action in compliance with the
18 requirements of this Chapter, including costs of litigation and reasonable
19 attorney's fees, whether those costs are incurred prior to, during, or
20 following enactment of this Chapter.

21 B. Any person may abate an illegal cannabis operation or cause
22 it to be abated at any time prior to commencement of abatement by, or at
23 the direction of, the City Manager. Abatement prior to the hearing does not
24 absolve any person from paying costs, fees, and administrative penalties
25 that accrued up to the date of abatement. Proof of Abatement shall be
26 provided to the Hearing Officer(s) at the time of hearing.

27 C. Liability for cost of destruction. If required by State law,
28 regulation, or court order to destroy any cannabis goods associated with a

1 violation of this Chapter, a violator is responsible for the cost of the
2 destruction of cannabis goods associated with said violation.

3 D. Failure to pay fines and fees. Failure to pay a fine or penalty
4 within thirty (30) calendar days of the date of assessment may result in
5 penalties, suspension, or revocation of the permit, unless the citation is
6 being appealed. The full amount of any assessed fine or penalty may be
7 added to the fee for renewal of the permit.

8 5.92.1540 Permit suspension, revocation, or denials.

9 A. Noncompliance. Failure to comply with any of the provisions
10 of this Chapter will constitute grounds for suspension, denial, or revocation
11 of the permit. The noticing and hearing requirements for suspension or
12 revocation of the permit shall be governed by the provisions of Chapter 5.06
13 of this Code.

14 B. Cease activity. No person may conduct any business or
15 activity regulated by this Chapter while an application for a permit is
16 pending, at any time after a permit denial or revocation, or while a permit is
17 suspended.

18 C. Grounds for denial, revocation, or suspension of permit. In
19 addition to the provisions of Chapter 5.06 of this Code, the Director of
20 Financial Management may deny any application for a permit, or revoke or
21 suspend any permit, on the following grounds:

22 1. A permit application does not satisfy the minimum
23 qualifications or fails to comply with the applicable requirements of this
24 Chapter.

25 2. Failure to comply with any of the terms and conditions
26 attached to the permit at the time of approval.

27 3. Any act or omission that violates the requirements of
28 this Code, including any rule, regulation, condition, or standard adopted

pursuant to this Chapter, or any other applicable State or local rule, law, or regulation.

4. Any act or omission that results in the denial, revocation, or suspension of the permittee's State license.

5. Failure to renew the permittee's State license.

6. The permit was granted, in whole or in part, based on any written or oral misrepresentation or omission of a material statement in the permit application.

7. Conducting a commercial cannabis activity in a manner that constitutes a nuisance, where the permittee has failed to comply with reasonable conditions to abate the nuisance.

8. Conviction for any controlled substance felony by an owner after a permit has been issued.

9. A person has been, or is, prohibited from having an ownership interest in an Adult-Use Cannabis Business pursuant to Section 5.92.265.

10. A person has committed a deliberate or willful violation of an applicable law, or applicable rule and regulation related to commercial cannabis activity.

5.92.1545 Appeal of permit denial.

A. Any applicant pursuant to this Chapter whose application for an Adult-Use Cannabis Business Permit, whose application for such permit has been denied, shall be notified in writing of the denial and their right to file an appeal, pursuant to Section 5.06.030 of this Code, within ten (10) calendar days after the date of mailing of the Notice of such denial.

B. Any written request for an appeal of a permit denial pursuant to this Chapter shall include details regarding the denial and the specific ground(s) on which the dispute of the denial is based. At the time of filing

1 the notice of appeal, the applicant shall pay to the Director of Financial
2 Management the fee set by resolution of the City Council for appeals
3 hereunder.

4 C. If the written request is filed within the time period specified,
5 within thirty (30) days following the filing of said written request, the City
6 shall set a hearing to be held not less than ten (10) days nor not more than
7 thirty (30) days thereafter, and such hearing may for good cause be
8 continued by the City.

9 D. The hearing shall be held in accordance with Chapter 2.93 of
10 this Code, except that the matter shall be automatically referred to the City
11 Clerk for selection of a Hearing Officer, without the City Council's referral, in
12 accordance with Subsection 2.93.050.B of this Code.

13 E. Failure to file the written request within the time period
14 specified shall result in waiver of any right to dispute the denial of an
15 application for an Adult-Use Cannabis Business Permit pursuant to this
16 Chapter. Failure of an appellant or their authorized representative to appear
17 at any noticed hearing shall constitute an abandonment of the hearing
18 appeal and shall constitute a failure to exhaust administrative remedies.

19 F. Right to recover costs. In the event a civil action is initiated by
20 the City to enforce any decision under this Section, and a judgment is
21 entered to enforce said decision, any person against whom the order of
22 enforcement has been entered shall be liable to pay the City's total costs of
23 enforcement, including reasonable attorney fees.

24 5.92.1550 Factors for suspension or revocation.

25 A. The City Manager may consider the following factors in
26 deciding whether a permit should be suspended or revoked in accordance
27 with this Chapter, as applicable:

- 28 1. The nature and severity of the acts, offense, or crimes

under consideration.

2. Any corrective action taken by the permittee.
3. Prior violations at the permitted premises by the permittee and the effectiveness of prior corrective action.
4. Previous sanctions imposed against the permittee.
5. The number and/or variety of current violations.
6. The likelihood of recurrence.
7. All circumstances surrounding the violation.
8. Whether the violation was willful.
9. Any actual or potential harm to the public.
10. The length of time the permit has been held by the permittee.
11. Evidence of expungement proceedings under Penal Code Section 1203.4.
12. Any other factor that makes the situation unique or the violation of greater concern, with respect to the permittee or the permitted premises.

5.92.1555 Permit reapplications.

A. Whenever an application for a permit is denied, no other application by such permittee will be considered for a period of one (1) year from the date of the denial of an application, with an exception granted to any applicant whose Adult-Use Business License Application was denied solely because the applicant's proposed premises does not comply with the sensitive use buffers in subsection (1) through (4) of Section 5.92.420.A.

B. Whenever a permit has been revoked, no other similar application by such permittee for an Adult-Use Cannabis Business Permit shall be considered for a period of five (5) years from either the date the notice of the permit revocation was mailed or the date of the final decision

1 of the City Council to revoke the permit, whichever is later.

2 C. The provisions of subsections (A) and (B), above, apply to all
3 of the following:

4 1. Any individual whose permit was revoked or whose
5 application was denied who later becomes a director or officer of a
6 corporation, profit or nonprofit, or a member of a partnership or a person
7 owning or possessing any portion of the shares of a corporation seeking to
8 obtain a new permit.

9 2. A corporation, profit or nonprofit, whose permit was
10 revoked or application was denied, to any of its directors or officers or to
11 any person who owned any portion of its shares, who attempts by way of a
12 new corporation or using their individual names or becoming a member of a
13 partnership or a director or officer or a person owning or possessing any
14 portion of the shares in another corporation seeking to obtain a new permit.

15 D. Effect of suspension, revocation, or denial on Co-Located
16 Cannabis Business Permits.

17 1. Suspension of a permittee's co-located Adult-Use
18 Cannabis Business Permit or Medical Marijuana Business Permit, shall
19 immediately suspend the permittee's other co-located permit for the same
20 premises and permittee's ability to operate a Commercial Cannabis
21 Business within the City, until the City reinstates or reissues permittee's
22 Adult-Use Cannabis Business Permit and Medical Marijuana Business
23 Permit.

24 2. Revocation or termination of a permittee's co-located
25 Adult-Use Cannabis Business Permit or Medical Marijuana Business
26 Permit, shall also immediately revoke, terminate, or surrender permittee's
27 co-located permit for the same premises, and permittee's ability to operate
28 a Commercial Cannabis Business from that premises.

1 3. Surrender of the permittee's co-located Medical
2 Marijuana Dispensary permit shall also immediately revoke, terminate, or
3 surrender the permittee's co-located Adult-Use Cannabis Dispensary
4 Permit for the same premises, and permittee's ability to operate a
5 Commercial Cannabis Business from that premises.

6 E. Effect of suspension, revocation, or denial on State licenses.

7 1. Suspension of a permittee's State license shall
8 immediately suspend the permittee's Adult-Use Cannabis Business Permit,
9 any co-located Medical Marijuana Business Permits for the same premises,
10 and permittee's ability to operate a Commercial Cannabis Business within
11 the City, until the State, or its respective department or division, reinstates
12 or reissues permittee's State license.

13 2. Revocation, termination, or surrender of a permittee's
14 State license shall immediately suspend the permittee's Adult-Use
15 Cannabis Business Permit, any co-located Medical Marijuana Business
16 Permits for the same premises, and permittee's ability to operate a
17 Commercial Cannabis Business within the City.

18 5.92.1560 Criminal penalty.

19 Any person who violates any provision of this Chapter is guilty of a
20 misdemeanor, and upon conviction thereof, may be punished by a fine of not more
21 than one thousand dollars (\$1,000.00), or by imprisonment in the City or county jail
22 for a period not exceeding six (6) months, or by both such fine and imprisonment.

23 5.92.1565 Administrative civil penalties.

24 A. Administrative citations. In addition to all other legal remedies
25 at law, violations of this Chapter and building, health, and safety violations
26 caused as a result of a violation of this Chapter are enforceable using the
27 administrative citation procedures set forth in Chapter 9.65 of this Code.

28 1. Administrative citations for violations of this Chapter

1 shall be set by resolution of the City Council pursuant to Chapter 9.65 of
2 this Code for any violation of the Long Beach Municipal Code that could
3 potentially be criminally cited as an infraction.

4 2. Fines for illegal cannabis operations shall be set by
5 resolution of the City Council pursuant to Chapter 9.65 of this Code.

6 B. Administrative penalties imposed pursuant to this Section also
7 constitute a personal obligation on each person who causes, permits,
8 maintains, conducts, or otherwise suffers or allows the nuisance to exist. In
9 the event administrative penalties are imposed pursuant to this Section on
10 two (2) or more persons for the same violation, all such persons are jointly
11 and severally liable for the full amount of the penalties imposed.

12 C. In addition to any other remedy, the City may prosecute a civil
13 action through the City Attorney to collect any administrative penalty
14 imposed pursuant to this Chapter.

15 5.92.1570 Actions for injunctive relief and civil penalties.

16 A. As an alternative, or in addition to any other remedy, the City
17 Attorney may enforce the provisions of this Chapter against any illegal
18 cannabis operation and/or property owner in any court of competent
19 jurisdiction. The City Attorney may apply to such court for an order seeking
20 injunctive relief to abate or remove any nuisance caused, maintained, or
21 permitted by an illegal cannabis operation and/or property owner, to restrain
22 any illegal cannabis operation and/or property owner from taking any action
23 contrary to the provisions of this Chapter or other applicable law; and/or to
24 require any illegal cannabis operation and/or property owner to take any
25 action to comply with this Chapter or other applicable law.

26 B. In any civil court action brought by the City Attorney pursuant
27 to this Section in which the City succeeds in obtaining an order from the
28 court, the City shall be entitled to recover from an illegal cannabis operation

1 and/or property owner all of the City's costs of investigation, enforcement,
2 abatement, destruction, and litigation, including but not limited to attorneys'
3 fees.

4 C. Civil penalties.

5 1. The City is entitled to recover civil penalties against an
6 illegal cannabis operation and/or property owner a maximum amount of five
7 thousand dollars (\$5,000.00) per violation for each day an illegal cannabis
8 operation is operated, permitted, or maintained on the subject property, and
9 the court may order the destruction of cannabis associated with that
10 violation in accordance with California Health and Safety Code Section
11 11479.

12 2. In assessing the amount of a civil penalty, the court
13 shall consider any one or more of the relevant circumstances presented by
14 any of the parties to the case, including, but not limited to, the following:

- 15 a. The nature and seriousness of the violation;
- 16 b. Any economic benefit gained through the
17 violation;
- 18 c. The number of violations;
- 19 d. The length of time over which the violation
20 occurred;
- 21 e. The willfulness of the defendant's violation; and
- 22 f. The defendant's assets, liabilities, and net worth.

23 D. The City Attorney is authorized, without further direction from
24 the City Council, to institute any civil actions permitted pursuant to this
25 Section.

26 5.92.1575 Liens and special assessments.

27 A. Notwithstanding any other provision of this Chapter to the
28 contrary, the costs incurred by the City in the abatement of a violation or

1 nuisance may be placed against any privately owned and affected property
2 as either a nuisance abatement lien or a special assessment lien pursuant
3 to California Government Code Section 38771 et seq., as amended from
4 time-to-time, or a lien pursuant to California Government Code Section
5 54988, as amended from time to time.

6 B. Liens. All actual costs required by this Section constitute a lien
7 upon the property upon which the Adult-Use Cannabis Business is situated.
8 The lien for any inspection, enforcement, or abatement costs may attach
9 thirty (30) days after the responsible parties are notified of the costs, and
10 will remain until the costs are paid or the premises is sold in payment
11 thereof.

12 C. Lien enforcement. The City may enforce a lien under this
13 Chapter in any manner permitted by law, including filing a civil action either
14 to foreclose on its liens or to obtain a money judgment or both, or pursuing
15 non-judicial foreclosure.

16 D. Conversion of liens. The City may elect, upon thirty (30)
17 calendar days written notice to all known and record owners of the privately
18 owned and affected property, to convert any nuisance abatement lien
19 authorized by this Chapter to a special assessment lien, or vice versa.
20 Costs recoverable under this Chapter may include those categories of costs
21 and fees set forth in Civil Code Section 3496, regardless of the type of
22 nuisance involved.

23 E. Special Assessment. If the property is specially assessed,
24 said assessment may be collected at the same time and in the same
25 manner as ordinary real property taxes are collected and will be subject to
26 the same penalties and the same procedure and sale in case of
27 delinquency as provided for ordinary real property taxes. All laws applicable
28 to the levy, collection, and enforcement of real property taxes are applicable

1 to the special assessment.

2 5.92.1580 Prohibited premises sites due to prior illegal cannabis operations.

3 A. The City may, in its sole discretion, take any action as
4 specified in this subsection.

5 B. If the City discovers an illegal cannabis operation is currently
6 and/or was operating within the previous sixty (60) days at or on a property,
7 or any portion thereof, without valid State or City permits or licenses the
8 City may take action as specified herein. The City shall notify the property
9 owner in writing of their right to file, within fifteen (15) days after the date of
10 mailing of the Notice, written request of a hearing to the City disputing the
11 alleged illegal cannabis operation. Such written request shall set forth the
12 specific ground(s) on which the dispute is based and the property owner
13 shall pay to the City at the time of filing said written request a filing fee in an
14 amount to be set by resolution of the City Council.

15 C. Failure to file the written request within the time period
16 specified shall result in waiver of any right to dispute the allegation of
17 operation of an illegal cannabis operation at the subject property. In the
18 event of such waiver, no Commercial Cannabis Business, whether licensed
19 or non-licensed, shall be permitted to operate at the subject property for a
20 period of one (1) year from the 16th day after the date of mailing of the
21 Notice.

22 D. The illegal cannabis operation and/or property owner shall
23 have the right of appeal as set forth in Section 5.92.1445.

24 E. Whenever it has been determined that an illegal cannabis
25 operation was and/or is in operation, no Commercial Cannabis Business,
26 whether licensed or non-licensed, shall be permitted to operate at the
27 subject property for a period of one (1) year from the effective date of such
28 determination.

1 F. The prohibitions contained in this Section are sufficient
2 grounds to deny any application for operation of a Commercial Cannabis
3 Business or cannabis operation at the subject property received within the
4 one (1) year time.

5 G. In the event the City revokes a Property Owner's Non-
6 Residential Rental Business License for violating this Chapter, no
7 Commercial Cannabis Business or cannabis operation, whether licensed or
8 non-licensed, is permitted to operate at the subject property for a period of
9 five (5) years from the effective date of revocation of the Non-Residential
10 Rental Business License. Such revocation is sufficient grounds to deny any
11 application for operation of a Commercial Cannabis Business or cannabis
12 operation at the subject property received within the five (5) year period.
13 This prohibition shall also remain in effect in the event a property owner (or
14 an entity owned by or affiliated with such property owner) obtains another
15 Non-Residential Rental Business License anytime within the five (5) year
16 period for the subject property.

17 5.92.1585 Disconnection of utilities.

18 A. To the maximum extent permitted by law, and in accordance
19 with the processes thereof, the City may discontinue utility services to any
20 premises upon which an illegal cannabis operation is operating.

21 B. Prior to the disconnection of utility services, the City must
22 notify, wherever possible, the property owner and occupant of the building,
23 structure, or premises upon which the illegal cannabis operation is
24 operating, of the decision to disconnect the utility service(s) and the
25 reason(s) for service suspension at least seven (7) calendar days before
26 taking such action, unless a different period of notification is mandated by
27 law; provided that the City's Building Official may dispense with any attempt
28 at prior notification if, in the sole discretion of the Building Official, the

1 nature or severity of any apparent dangerous hazard justifies such
2 disconnection in accordance with other provisions of this Code.

3 C. In the event utilities are disconnected, the Building Official
4 must notify the owner or occupant of the building, structure, or premises in
5 writing of the disconnection as soon as practical thereafter.

6 D. Disconnected utilities shall not be re-established until an
7 inspection has been made by the City's Building Official and the Building
8 Official has determined that the unlawful illegal cannabis operation has
9 ceased operations; that any imminent hazard has been abated or
10 eliminated (if applicable); that the building complies with applicable law; and
11 that any applicable fees for disconnection, reconnection, penalties, and/or
12 other related services have been paid.

13 E. Removing or defacing a notice posted in relation to this
14 provision shall constitute a separate and distinct violation of this Chapter.

15 5.92.1590 Medical Marijuana Task Force.

16 The authority, powers, and duties of the Medical Marijuana Task Force,
17 established pursuant to Section 5.90.260 of this Code, are limited exclusively to
18 the provisions in Chapter 5.90 and shall not extend to any applicant, permittee,
19 Adult-Use Cannabis Business, and/or Medical Marijuana Business electing to
20 engage in commercial cannabis activity pursuant to this Chapter.

21 5.92.1595 Severability.

22 In the event, any provision in this Chapter is deemed invalid, illegal, or
23 unenforceable, the validity, legality and enforceability of the remaining provisions
24 shall not in any way be affected or impaired thereby and such provision is
25 ineffective only to the extent of such invalidity, illegality, or unenforceability.

26
27 DIVISION XII - EQUITY PROGRAM
28

1 5.92.1610 Equity employee eligibility

2 A. To be eligible for the Equity Program as an equity employee,
3 an individual shall satisfy the following criteria:

- 4 1. Be a natural person; and
- 5 2. In the last year, have had an annual family income at or
6 below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los
7 Angeles County) Area Median Income (AMI) adjusted for family size, and a
8 net worth below \$250,000; and

9 3. The individual satisfies at least one of the following
10 criteria:

11 a. Has lived in a Long Beach census tract for a
12 minimum of three (3) years where at least fifty-one percent (51%) of current
13 residents have a household income at or below eighty percent (80%) of the
14 Los Angeles County Area Median Income; or

15 b. Was arrested or convicted for a crime relating to
16 the sale, possession, use, or cultivation of cannabis in the City of Long
17 Beach prior to November 8, 2016 that could have been prosecuted as a
18 misdemeanor or citation under current California law; or

19 c. Is a Long Beach resident currently receiving
20 unemployment benefits.

21 5.92.1615 Equity applicant eligibility.

22 A. To be eligible for the Equity Program as an equity applicant,
23 an individual shall satisfy the following criteria:

- 24 1. Be a natural person; and
- 25 2. In the last year, have had an annual family income at or
26 below eighty percent (80%) Los Angeles – Long Beach – Glendale (Los
27 Angeles County) Area Median Income (AMI) adjusted for family size, and a
28 net worth below \$250,000; and

1 3. Has lived in a Long Beach census tract for a minimum
2 of five (5) years, either consecutively or in total, where at least fifty-one
3 percent (51%) of current residents have a household income at or below
4 eighty percent (80%) of the Los Angeles County Area Median Income; and

5 4. Meets at least one of the following criteria:

6 a. During the period 1971-2016, was arrested for,
7 convicted of, or adjudged to be a ward of the juvenile court for any crime
8 under the laws of California or any other jurisdiction relating to the sale,
9 possession, use, manufacture, or cultivation of cannabis; or

10 b. Has a parent, sibling, or child who, during the
11 period of 1971-2016, was arrested for, convicted of, or adjudged to be a
12 ward of the juvenile court for any crime under the laws of California or any
13 other jurisdiction relating to the sale, possession, use, manufacture, or
14 cultivation of cannabis.

15 5.92.1620 Equity business eligibility.

16 To be eligible for the Equity Program as an Equity Business, majority
17 ownership of the business must be held by equity applicant(s). If the cannabis
18 business has one equity applicant listed as an owner, a minimum of fifty-one
19 percent (51%) ownership in the cannabis business must be held by the equity
20 applicant. If the cannabis business will have multiple equity applicants listed as
21 owners of the cannabis business, any one (1) of the equity applicants must hold
22 majority ownership interest in the cannabis business.

23 5.92.1625 Application required.

24 A. Any person seeking to be qualified as a Verified Equity
25 Applicant or Verified Equity Employee shall submit a written application to
26 the City, signed under penalty of perjury, using the form approved by the
27 City for that purpose and in the manner required by the Director of
28 Economic Development. All applications shall contain, at a minimum, the

following information and documents:

1. Applicant Information

- a. The legal name of the applicant.
- b. The applicant's mailing address, e-mail address, and telephone number.

2. Proof of income

- a. All income documents must list the first and last name of the equity applicant and be effective within the last year.

b. A minimum of last year's federal tax return and at least one (1) of the following approved documents listed below shall be considered acceptable proof of residency:

(i) Wage and tax statement (W-2, 1099, or other Federal income reporting document)

(ii) Two (2) months of most recent pay stubs, or

(iii) Proof of current eligibility for General Relief (GR), CalFresh (Food Stamps), Medical/CalWORKs, Supplemental Security Income (SSI), or Social Security Disability (SSDI).

3. Proof of Residency

- a. A minimum of two (2) of the supporting documents listed below, evidencing a minimum of five (5) years of residency, whether consecutive or in total, shall be considered acceptable proof of residency. All residency documents must list the first and last name of the equity applicant and the Long Beach residence address in a qualifying Long Beach census tract pursuant to Section 5.92.1620.A.3:

(i) California Driver's record or permanent Driver's License or AB 60 Driver's License; or

(ii) California identification card record; or

(iii) Property tax billing and payments from the LA County Assessor; or

(iv) Verified copies of State or Federal income tax returns where a Long Beach address within a qualifying Long Beach census tracts pursuant to Section 5.92.1620.A.3 is listed as a primary address; or

(v) School records; or

(vi) Medical records; or

(vii) Banking records; or

(viii) Long Beach Housing Authority records; or

(ix) Utility, cable, or internet company billing and payment covering any month in each of the five (5) years.

4. Proof of Cannabis Criminalization

a. Proof of cannabis arrest or conviction should be demonstrated through court documents, probation documents, Department of Corrections or Federal Bureau of Prisons documentation. Documentation needs to include the following:

(i) Date of the offense or arrest

(ii) Charges filed

(iii) Name of defendant

(iv) Exact location of offense or arrest that occurred in Long Beach, CA.

5.92.1630 Incomplete applications.

A. Upon review of an application, if an application is determined to be incomplete, the City shall provide notice to the applicant, who shall have ninety (90) calendar days to correct all deficiencies in the application.

B. If the applicant fails to correct said deficiencies within the ninety (90) day period, the application shall be deemed abandoned, void,

1 and of no further force and effect. The applicant may reapply at any time
2 following an abandoned application.

3 C. The Director of Economic Development may extend the
4 deadline upon showing of good cause by the applicant for the inability to
5 provide all required information by the deadline, if a written request for an
6 extension is received no later than ten (10) calendar days prior to the
7 deadline. For purposes of this subsection, the term "good cause" shall
8 mean the applicant's failure to complete the application process occurred
9 due to circumstances outside of the applicant's control.

10 5.92.1635 Application rejection.

11 Upon review of an application, if an application is determined to not meet
12 the criteria to be verified as an equity applicant or equity employee, the City shall
13 have the right to reject said application. All rejections are final and may not be
14 appealed. An equity applicant may reapply at any time after having an application
15 rejected.

16 5.92.1640 Assistance available to equity applicants.

17 A sole equity applicant that intends to apply for an Adult-Use Cannabis
18 Business Permit as an equity business, shall be eligible to receive direct technical
19 assistance prior to the application process to acquire the knowledge and/or skills
20 necessary in order to gain entry to, and to successfully operate in, the regulated
21 cannabis marketplace. Direct technical assistance includes:

22 A. One-on-one consulting and training, including direct
23 interactions in group settings, to provide equity applicants and licensees the
24 technical knowledge and expertise necessary to facilitate business
25 ownership and employment in the cannabis industry.

26 B. Small business support services, professional mentorship
27 services, training and education regarding state cannabis licensing and
28 regulatory requirements, manufacturing assistance, financial management,

1 and business resilience such as emergency preparedness.

2 5.92.1645 Assistance available to equity businesses.

3 A sole equity applicant or group of equity applicants applying for an Adult-
4 Use Cannabis Business Permit as an equity business, shall be eligible to receive
5 the following assistance during the application process: expedited Adult-Use
6 Cannabis Business Permit application review; Adult-Use Cannabis Business
7 Permit application and compliance assistance; cultivation business license tax
8 deferrals during the first year; expedited building plan check review; waivers of
9 City permitting fees; and direct grants as provided by the State of California.

10 5.92.1650 Assistance per household.

11 Assistance as part of the Equity Program will only be provided to one (1)
12 verified equity applicant per household. Assistance will not be provided to multiple
13 equity applicants living within the same household and/or the equity applicant is
14 listed as a dependent on another equity applicants tax filings.

15 5.92.1655 Equity business transfer of ownership requirements.

16 Equity Businesses are prohibited from transferring majority ownership
17 interest to a non-equity applicant, for ten years after the issuance of the Adult-Use
18 Cannabis Business License for that cannabis business. Exceptions may be
19 granted by the City Manager, or their designee, for an extenuating circumstance
20 preventing an equity applicant(s) from continuing to hold ownership in the
21 Cannabis Business.

22 5.92.1660 Requirements for all Adult-Use Cannabis Businesses.

23 Adult-Use Cannabis Businesses that do not qualify for the Equity Program
24 shall comply with the following requirements:

25 A. Employment.

26 1. Adult-Use Cannabis Businesses that do not qualify for
27 the Equity Program shall employ equity employees for a minimum of forty
28 percent (40%) of total annual work hours performed at the business. Upon

1 a showing of good cause by an Adult-Use Cannabis Business, the City
2 Manager may waive the employment requirement.

3 2. Compliance. To ensure compliance with this
4 requirement, Adult-Use Cannabis Businesses shall submit certified payroll
5 records to the City Manager at such frequency as determined by the City
6 Manager. Adult-Use Cannabis Businesses that fail to meet this requirement
7 may be subject to penalties pursuant to this Chapter, including but not
8 limited to, suspension or revocation of the Adult-Use Cannabis Business
9 Permit pursuant to Section 5.92.1540. To avoid penalties for
10 noncompliance, a business may demonstrate that it utilized its best efforts
11 to hire and employ individuals that meet the criteria in Section 5.92.1620.A
12 by detailing all efforts made and affixing documents to support such efforts.

13 B. Support for equity businesses. Adult-Use Cannabis Business
14 shall submit a Community Reinvestment and Small Business Incubation
15 Plan to the City describing how they intend to support equity businesses,
16 adjacent neighborhoods, and communities within the eligible social equity
17 program census tracts. Support for equity businesses may include, but shall
18 not be limited to, business plan guidance at the time of application,
19 business operations consulting, and industry specific technical assistance,
20 shelf space for cannabis goods cultivated or manufactured by equity
21 businesses, or any other form of support by an Adult-Use Cannabis
22 Business consistent with the intent and spirit of this Division.

23 C. Labor peace agreement. Any Adult-Use Cannabis Business
24 with two (2) or more employees (as defined by California Business and
25 Professions Code 26051.5(a)(5)) shall provide a statement at the time of
26 application that the applicant will enter into, or demonstrate that it has
27 already entered into, and abide by the terms of a labor peace agreement.

28 5.92.1665 Authority to develop and implement Equity Program.

1 The City Manager is authorized to make reasonable rules, policies, and
2 procedures consistent with the intent and spirit of this Division to develop and
3 implement and administrative program for this Equity Program. Regulations
4 promulgated by the City Manager become effective upon date of publication,
5 unless specified otherwise.

6 Section 5. The City Clerk shall certify to the passage of this ordinance by
7 the City Council and cause it to be posted in three (3) conspicuous places in the City of
8 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the
9 Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of May 24, 2022, by the following vote:

Ayes: Councilmembers: Zendejas, Price, Supernaw,
Uranga, Austin.

Noes: Councilmembers: None.

Absent: Councilmembers: Allen, Mungo, Saro, Richardson.

Recusal(s): Councilmembers: None.


City Clerk

Approved: 5/26/22
(Date)


Mayor

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA) ss
COUNTY OF LOS ANGELES)
CITY OF LONG BEACH)

Tamela Austin being duly sworn says: That I am employed in the Office of the City Clerk of the City of Long Beach; that on the 25th day of May, 2022, I posted three true and correct copies of ORD-22-0015 in three conspicuous places in the City of Long Beach, to wit: One of said copies in the lobby of Civic Chambers; one of said copies in the Main Library; and one of said copies on the front counter of the Office of the City Clerk.

_____

Subscribed and sworn to before me
This 25th day of May 2022.



CITY CLERK