



## Legislation Text

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**File #:** 17-1145, **Version:** 1

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Recommendation to receive supporting documentation into the record, conclude the hearing, and approve the hearing officer's recommendation to uphold the denial of the business license application MJ21701203 submitted by Seaside Medical Group, Inc., for a medical marijuana business located at 1529 West Pacific Coast Highway. (District 1)

The Long Beach Municipal Code (LBMC) requires a hearing be held before the City Council whenever the denial of a business license application is appealed.

On October 10, 2017, the City Council referred the appeal of the business license application denial for Seaside Medical Group, Inc. (Seaside), to a hearing officer and the appeal hearing was held on November 7, 2017.

LBMC Section 2.93.050 requires that the City Council set a time for a hearing to review and consider the hearing officer's report and recommendation. After review of the hearing officer's report, the City Council may adopt, reject or modify the recommended decision. The City Council may adopt, reject or modify the recommended decision. In its discretion, the City Council may take additional evidence at the hearing or refer the case back to the hearing officer with instructions to consider additional evidence.

Attached for your review is Hearing Officer Jennifer L. King's written report and the Appeal Hearing Packet (Attachment). Hearing Officer King recommends the denial of the business license application MJ21701203 submitted by Seaside be upheld due to the proposed business location being within 1,000 feet of a public or private school.

On February 21, 2017, Seaside submitted a business license application to operate a medical marijuana dispensary at 1529 West Pacific Coast Highway (Exhibit 2 to Attachment). On August 16, 2017, the Department of Financial Management denied the business license application due to failure to comply with the location requirements pursuant to LBMC Section 5.90.030, which states: "No Medical Marijuana Business may...be located within a one-thousand (1,000) foot radius of a public or private school..." (Exhibit 3 to Attachment).

On August 21, 2017, Seaside filed an appeal of the business license denial (Exhibit 5 to Attachment). On October 10, 2017, the City Council referred the appeal hearing to a Hearing Officer. On November 7, 2017, the appeal hearing for the denial of the business license application MJ21701203 was held. The presiding officer, assigned by the City Clerk's Office, was Jennifer L. King.

On November 9, 2017, the hearing officer recommended the denial of the business license

application submitted by Seaside be upheld due to Seaside's proposed location is within a 1,000-foot radius of a school as defined by LBMC 5.90.030.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on November 27, 2017.

The hearing date of December 19, 2017, has been posted on the business location, and the business owner has been notified by mail.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

APPROVED:

PATRICK H. WEST  
CITY MANAGER