



Legislation Details (With Text)

File #: 23-0532 **Version:** 2 **Name:** CM - Ordinance Amending LBMC 5.92

Type: Ordinance **Status:** Adopted

File created: 5/8/2023 **In control:** City Council

On agenda: 6/6/2023 **Final action:** 6/6/2023

Title: Recommendation to declare ordinance amending the Long 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, read and adopted as read. (Citywide)

Sponsors: City Manager

Indexes:

Code sections:

Attachments: 1. 05232023-ORD-23sr&att.pdf, 2. 06062023-ORD-35sr, 3. 060623-PC Handout.Woodard, 4. ORD-23-0026.pdf

Date	Ver.	Action By	Action	Result
6/6/2023	2	City Council	approve recommendation and adopt	Pass
5/23/2023	1	City Council	declare ordinance read the first time and laid over to the next regular meeting of the City Council for final reading	Pass

Recommendation to declare ordinance amending the Long 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, read and adopted as read. (Citywide)

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- Superseded Title 5 provisions to the contrary and required these uses to adhere to the high storefront transparency standards that reinforce the Downtown’s walkable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.

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.

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.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH 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/SCRIVENER ERROR AND ALLOW THE APPROVED ORDINANCE AMENDMENTS FROM JUNE 15, 2021, TO REMAIN IN PLACE, READ FOR THE FIRST TIME AND LAID OVER TO THE NEXT REGULAR MEETING OF THE CITY COUNCIL. (CITYWIDE)

THOMAS B. MODICA

CITY MANAGER