



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

R-8

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-7650

August 22, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file a report on the Medicinal and Adult-Use Cannabis Regulation and Safety Act to update the City Council on new State buffer requirements, including youth center and daycare center buffers, for marijuana facilities; and,

Request the City Attorney to draft an Ordinance amending Chapter 5.90, Medical Marijuana Businesses, of the Long Beach Municipal Code, to eliminate the 600-foot radius buffer for youth centers, add a 600-foot radius buffer for daycare centers, and establish an exemption from the daycare center buffer requirement for businesses that submit medical marijuana business license applications prior to January 1, 2018. (Citywide)

DISCUSSION

On June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA). The new law merges regulations for medical and recreational cannabis into a single regulatory framework.

Prior to the adoption of MAUCRSA, medical marijuana businesses were regulated by the Medical Cannabis Regulation and Safety Act (MCRSA) and recreational marijuana was regulated by the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA). MAUCRSA repealed MCRSA and inserted certain licensing provisions from the MCRSA into the AUMA.

In addition to State regulations, Long Beach medical marijuana businesses are required to comply with the regulations set forth in Measure MM, a ballot initiative passed by Long Beach voters in November 2016. Measure MM added Chapter 5.90 to the Long Beach Municipal Code (LBMC), and created a regulatory structure for medical marijuana businesses.

Pursuant to LBMC Chapter 5.90, no medical marijuana business may locate in an area zoned exclusively for residential use, within a 1,000-foot radius of a K-12 school or public beach, or within a 600-foot radius of a public park or public library. These local buffer requirements were previously compliant with state law under MCRSA.

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However, under MAUCRSA, the State legislature established new buffer requirements that were not included in MCRSA and that currently are not addressed in LBMC Chapter 5.90. MAUCRSA specifically states:

*No premises licensed under this division shall be located within a **600-foot radius** of a school providing instruction in kindergarten or any grades 1 through 12, **daycare center, or youth center** that is in existence at the time the license is issued, unless a licensing authority or a local jurisdiction specifies a different radius.*

MAUCRSA defines “daycare centers” and “youth centers” as follows:

- Daycare center means any public or private child daycare facility, other than a family daycare home, and includes infant centers, preschools, extended daycare facilities, and school-age child care centers.
- Youth center means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

It is the City Attorney’s opinion that the language in MAUCRSA requires the City of Long Beach to consider applying a buffer for daycare centers and youth centers to medical marijuana businesses. Since the 1,000-foot buffer for K-12 schools under LBMC Chapter 5.90 was established through voter initiative, the City Council does not have the authority to change the radius of the K-12 buffer without obtaining voter approval. City Council does, however, have the authority to authorize, reduce, or eliminate the new State buffer requirements for daycare centers and youth centers, as those facility types were never identified in Measure MM.

For more information on daycare center and youth center buffers, see Attachment A for a citywide map showing the eligible areas where Long Beach medical marijuana businesses could locate both before and after adoption of MAUCRSA. See Attachment B for the same information, broken down by Council District.

In light of the new buffers for youth centers and daycare centers mandated by the State, staff is presenting the City Council with the following options:

1. **Take no action** – The youth center and daycare center buffers will be applied retroactively to all medical marijuana business license applications that have been submitted to date, as well as to new applications moving forward. If an applicant’s location falls within 600 feet of a daycare center or youth center, the application will be rejected. City staff will continue to apply buffers set forth under LBMC Chapter 5.90, including K-12 schools, beaches, parks and libraries.

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2. **Eliminate buffers for youth centers and daycare centers** – MAUCRSA grants local jurisdictions the authority to eliminate buffers established through State law. By eliminating youth center and daycare center buffers, medical marijuana businesses will be held only to those buffer requirements set forth under LBMC Chapter 5.90, which include K-12 schools, beaches, parks and libraries. This option essentially maintains the status quo, as the regulations have existed to date.
3. **Affirm buffers under MAUCRSA for youth centers and daycare centers, with exemptions for medical marijuana businesses who applied before a certain date.** In addition to its ability to authorize, reduce, or eliminate the 600-foot buffers for daycare centers and youth centers, the City Council may also define what date those buffers shall take effect. All medical marijuana applications submitted before a specified date would be exempt from the youth center or daycare center buffer requirements. The daycare center and youth center buffers would apply to all applications submitted after such cut-off date.
4. **Eliminate buffers for youth centers, affirm buffers for daycare centers, and exempt medical marijuana businesses who applied before a certain date from the daycare center buffer.** City Council has the authority to take separate actions for each buffer type. This option will eliminate the youth center buffer, while affirming the 600-foot buffer for daycare centers. The daycare center buffer will only apply after a specified date.

After careful consideration of these options, staff recommends that the City Council pursue **Option #4**. In doing so, staff recommends that the City Council request the City Attorney to draft an Ordinance amending Chapter 5.90 of the LBMC to eliminate youth centers as buffers for all medical marijuana businesses, recognize daycare centers as buffers with a 600-foot radius for all medical marijuana businesses, and exempt businesses who have submitted applications for a medical marijuana business license prior to January 1, 2018 from the daycare center buffer requirement.

The recommended action of eliminating youth centers as buffers will provide greater long-term certainty over where medical marijuana businesses can locate in the City. The MAUCRSA definition for youth centers leaves open-ended the types of facilities that qualify for this designation. For instance, a strict interpretation of the MAUCRSA definition of youth center may include:

- Karate Studios
- Dance Studios
- Swim Schools
- Music Classes
- Painting Classes
- Gymnastic Classes

HONORABLE MAYOR AND CITY COUNCIL

August 22, 2017

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- Theatre Companies
- Ballet Companies
- Birthday Party Rooms
- Science/Education Facilities
- Tutoring Services

There are likely more facilities not yet identified by City Staff that could be added to this list. Given the level of uncertainty inherent in the definition of youth centers, and the number of legal challenges that could be expected due to this uncertainty, staff recommends eliminating the 600-foot youth center buffer requirement.

Unlike youth centers, daycare centers are both clearly defined in MAUCRSA and easily identifiable using the California Department of Social Services daycare licensing database. Including daycare centers as buffers will prohibit medical marijuana businesses from locating next to pre-schools and other child care facilities, in addition to the existing prohibition against operating near a K-12 school, in furtherance of the public health and safety.

By setting an effective date of January 1, 2018 for daycare center buffers, businesses will have sufficient time to apply for a medical marijuana business license before the new buffers take effect. The recommended action will result in improved consistency between LBMC Chapter 5.90 and MAUCRSA while also ensuring fair treatment of applicants who acted in good faith prior to the passage of MAUCRSA, but who would otherwise be rejected due to the new buffer requirements.

This matter was reviewed by Deputy City Attorney Monica J. Kilaita on August 3, 2017 and by Budget Analysis Officer Julissa José-Murray on August 2, 2017.

TIMING CONSIDERATIONS

City Council action is requested on August 22, 2017, to allow the medical marijuana application process to continue for those businesses who apply prior to January 1, 2018, and to provide clarification for staff on how to proceed with applications submitted after January 1, 2018.

FISCAL IMPACT

At this time, the fiscal impact of this recommendation is unknown. The regulation of medical marijuana businesses is an emerging sector and historical data to predict the fiscal outcome of a regulatory change is not yet available.

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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
CITY MANAGER



CHARLES PARKIN
CITY ATTORNEY

AK

Attachments: Attachment A – Citywide Maps Before/After MAUCRSA
Attachment B – Council District Maps

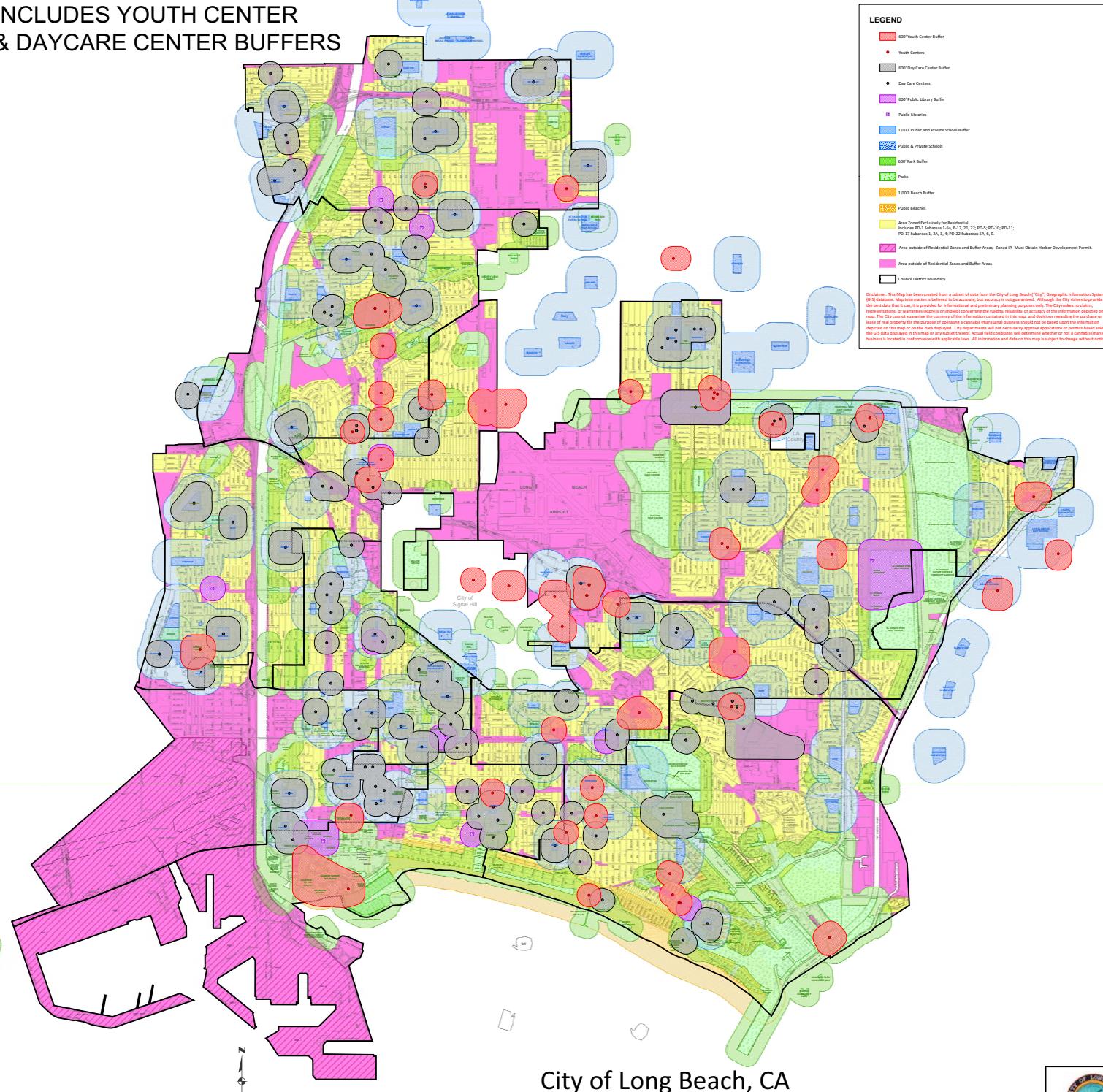
ATTACHMENT A

CITYWIDE BUFFER MAPS

MAP #1 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #2 – EXCLUDES YOUTH AND DAYCARE CENTER BUFFERS

A B C D E F G H J K L M N P Q R S T U V W X Y
 42 INCLUDES YOUTH CENTER & DAYCARE CENTER BUFFERS
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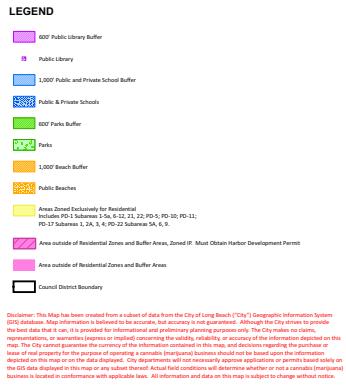
Council District Boundary Amended: 08-02-11
 by ORDINANCE ORD-11-0015

Disclaimer:
 This map from the City of Long Beach is intended for informational purposes only.
 While reasonable effort has been made to ensure the accuracy of the data, The City
 provides no guarantee as to its accuracy or otherwise. This map is
 provided without warranty of any kind.

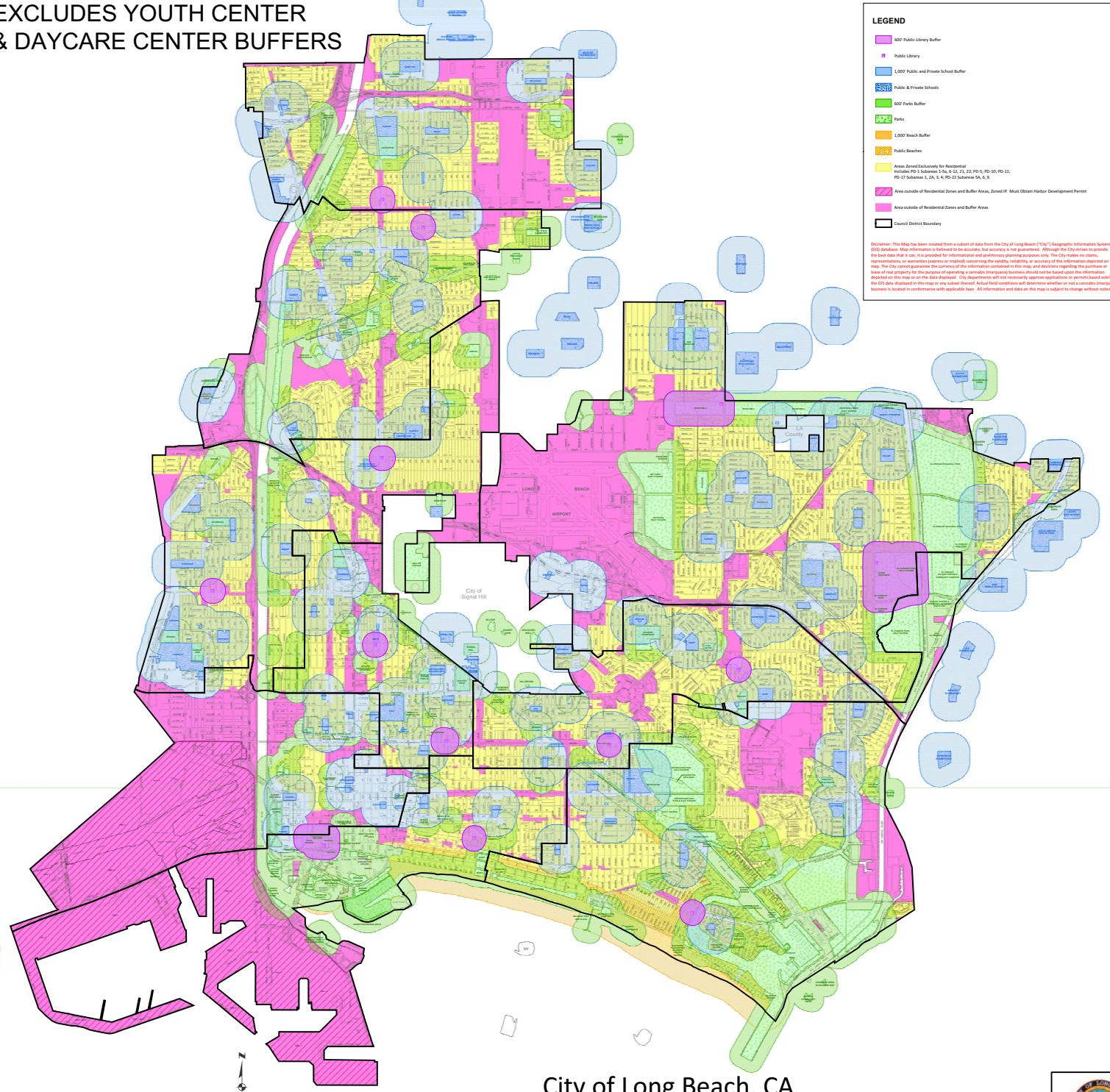
UPDATED 03/2017



A B C D E F G H J K L M N P Q R S T U V W X Y
EXCLUDES YOUTH CENTER & DAYCARE CENTER BUFFERS



Disclaimer: This Map has been created from a subset of data from the City of Long Beach ("City") Geographic Information System (GIS) database. Map information is believed to be accurate, but accuracy is not guaranteed. Although the City strives to provide the best data that it can, it is possible that errors and omissions may occur and the City makes no guarantee or warranty regarding the accuracy of the data. The City cannot guarantee the currency of the information contained in this map, and decisions regarding the purchase or use of the data should be made based on the most recent and accurate data available. The City does not warrant the data depicted on this map or the data displayed. City employees will not necessarily approve applications or permits based solely on the data displayed on this map. The City does not warrant that any business or entity located within the boundaries of this map is in full compliance with applicable laws. All information and data on this map is subject to change without notice.



Council District Boundary Amended: 08-02-11
by ORDINANCE ORD-11-0015

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0 0.25 0.5 1 1.5 2 Miles

City of Long Beach, CA
Proposed Medical Marijuana Buffer Zones

UPDATED 7/31/2017



ATTACHMENT B

DISTRICT BUFFER MAPS

MAP #1 – CD 1 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #2 – CD 1 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #3 – CD 2 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #4 – CD 2 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #5 – CD 3 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #6 – CD 3 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #7 – CD 4 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #8 – CD 4 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #9 – CD 5 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #10 – CD 5 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #11 – CD 6 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #12 – CD 6 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #13 – CD 7 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #14 – CD 7 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #15 – CD 8 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #16 – CD 8 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #17 – CD 9 – INCLUDES YOUTH & DAYCARE CENTER BUFFERS

MAP #18 – CD 9 – EXCLUDES YOUTH & DAYCARE CENTER BUFFERS

LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 1

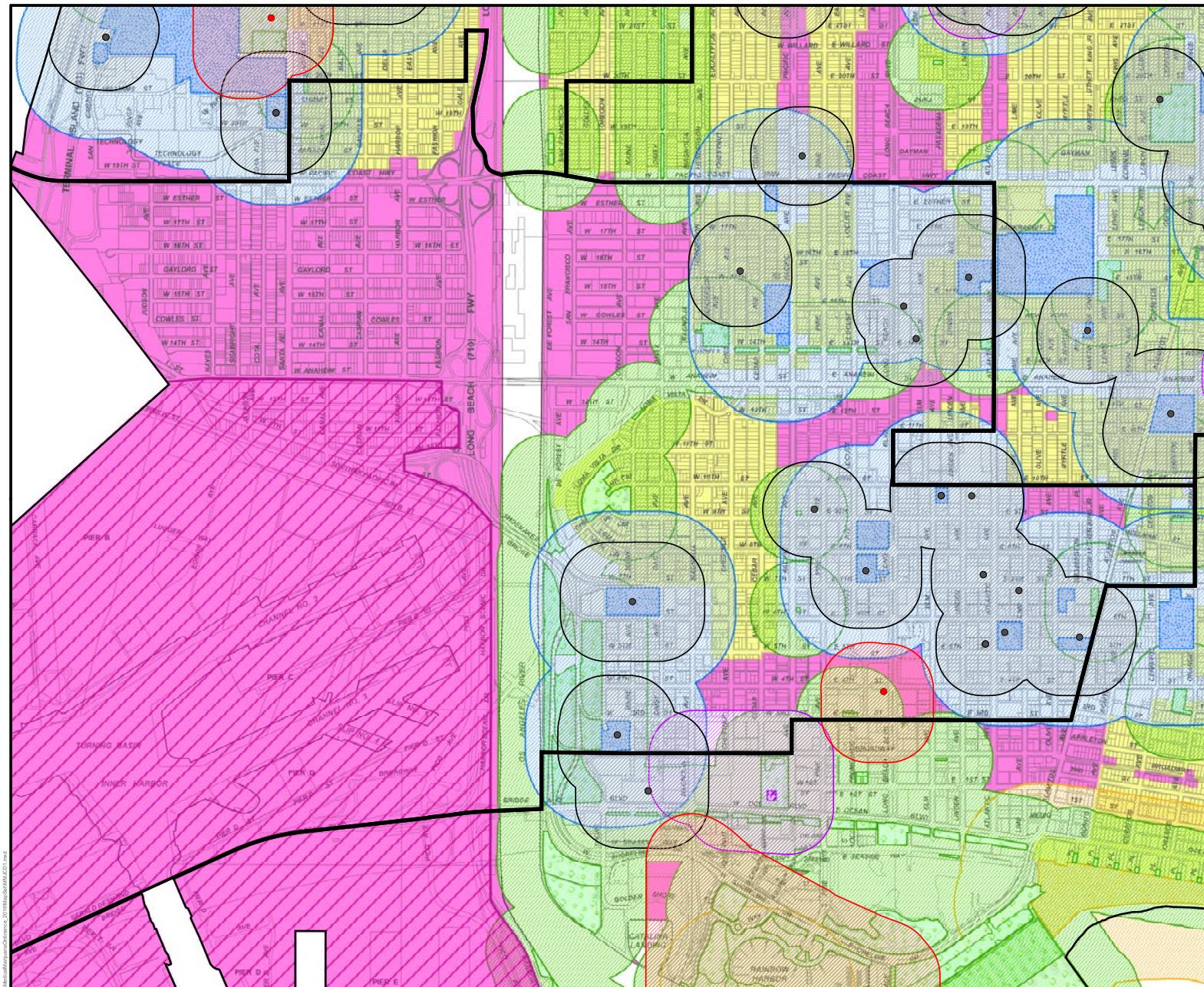
DRAFT

LEGEND

- 600' Youth Center Buffer
- Youth Centers
- 600' Day Care Center Buffer
- Day Care Centers
- 600' Public Library Buffer
- Public Libraries
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 600' Park Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Area Zoned Exclusively for Residential
Includes PD-1 Subareas 1-5a, 6-12, 21, 22; PD-5; PD-10; PD-11;
PD-17 Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9.
- Area outside of Residential Zones and Buffer Areas,
Must Obtain Harbor Development Permit.
- Area outside of Residential Zones and Buffer Areas
- Council District Boundary

INCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 1

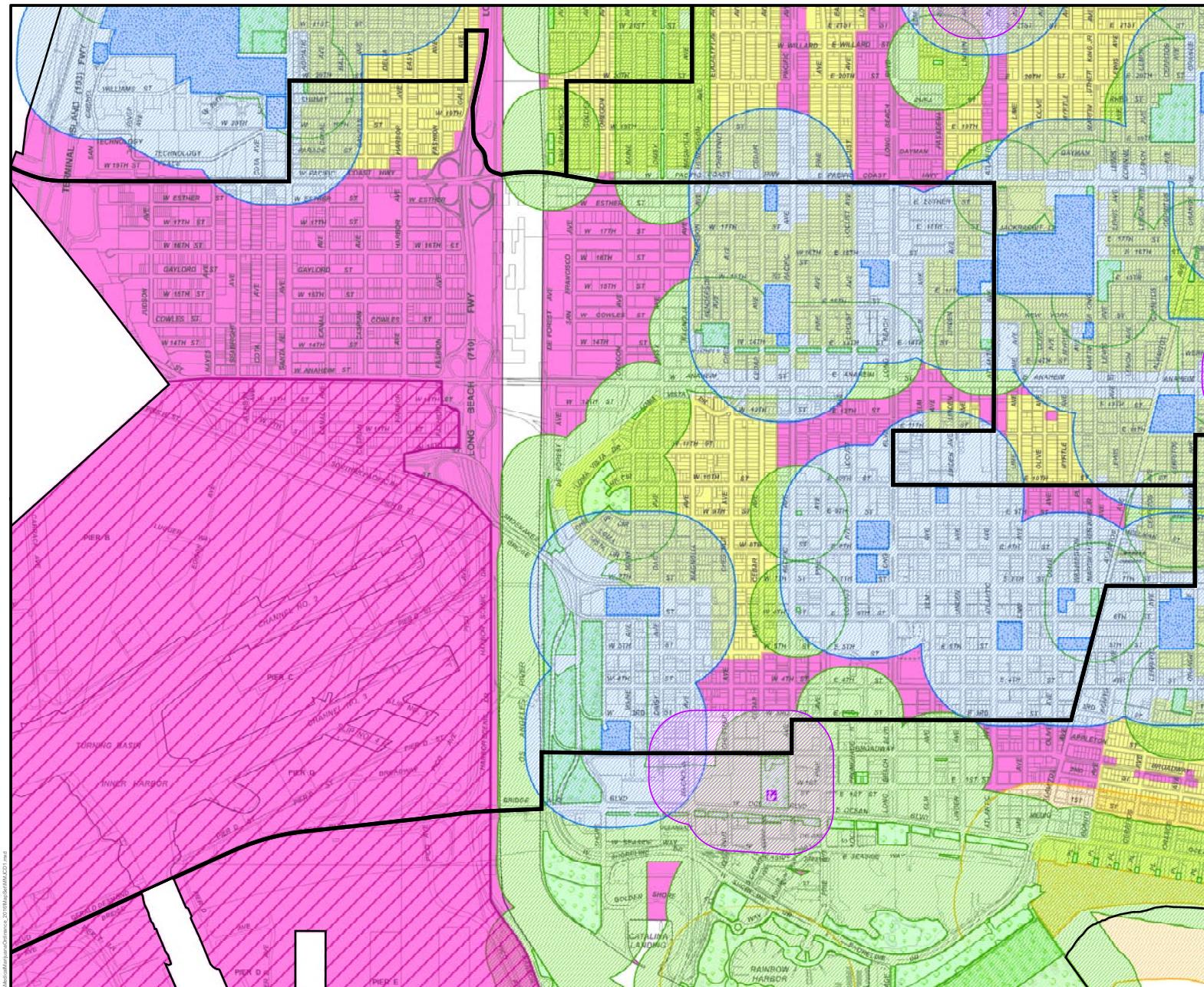
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LEGEND

- 600' Public Library Buffer
- Public Library
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 600' Parks Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Areas Zoned Exclusively for Residential
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EXCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 2

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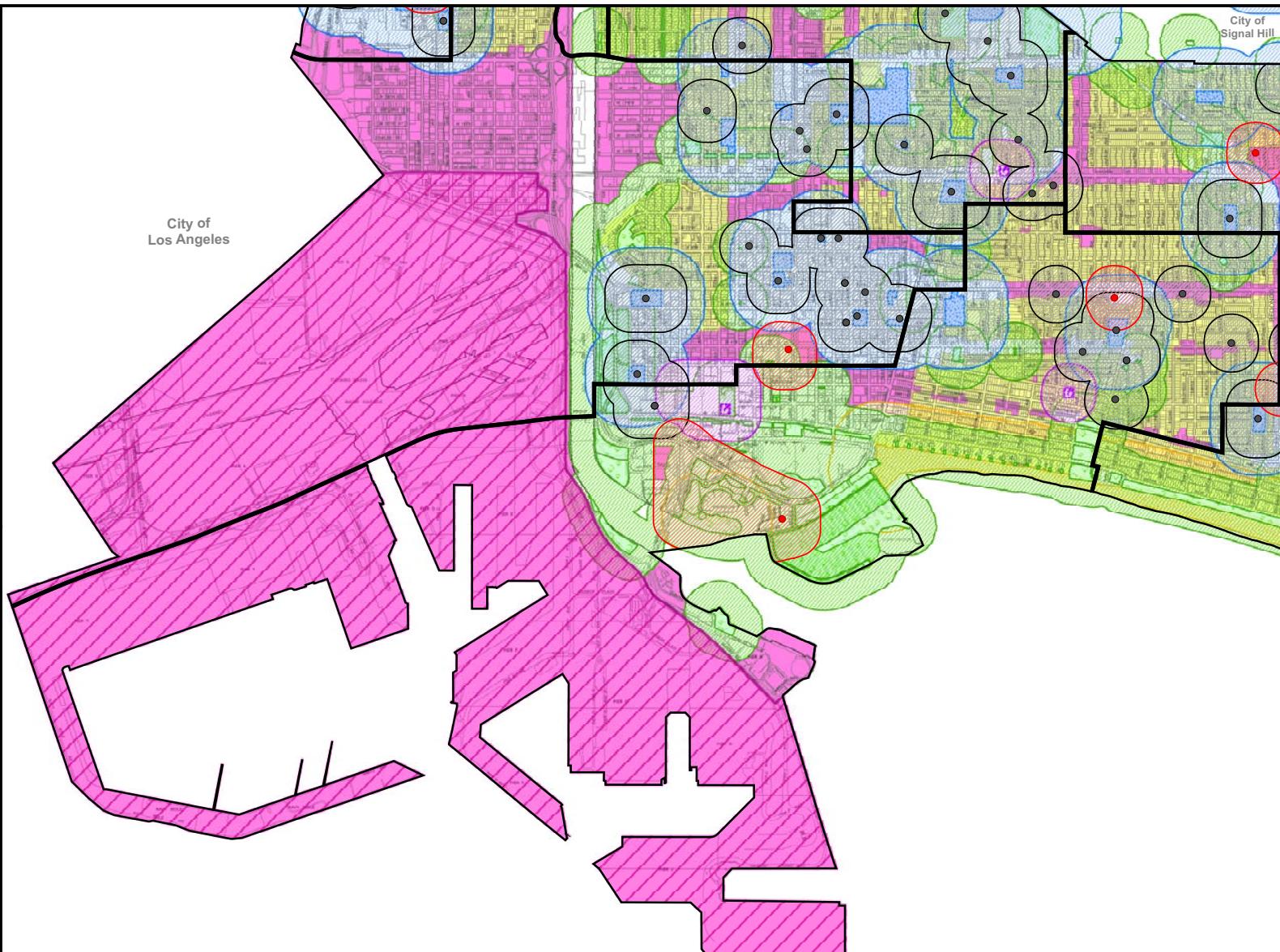
LEGEND

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- Youth Centers
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INCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

2,000 1,000 0 2,000 Feet

City of
Los Angeles



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 2

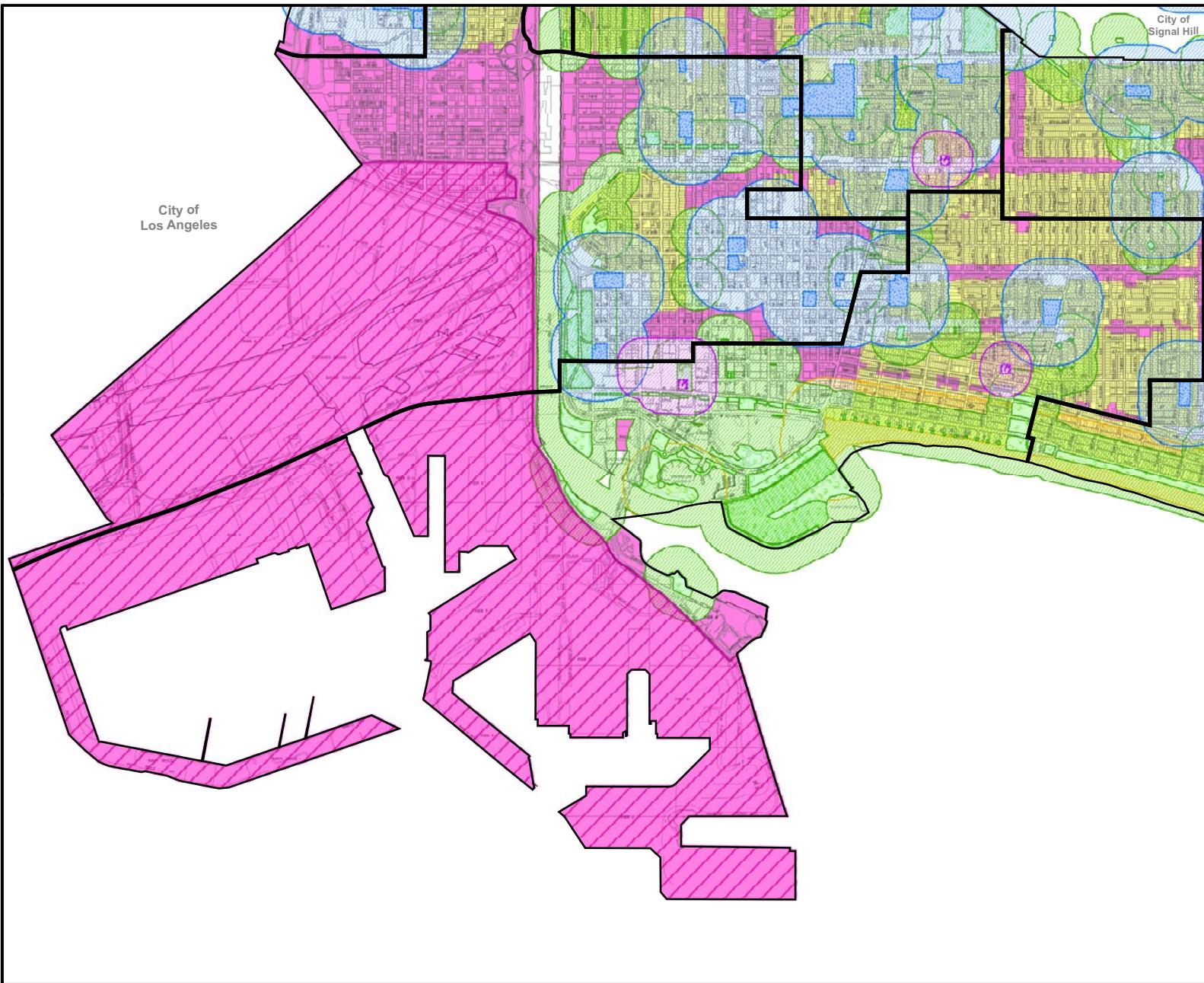
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EXCLUDES
YOUTH & DAYCARE
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2,000 1,000 0 2,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 3

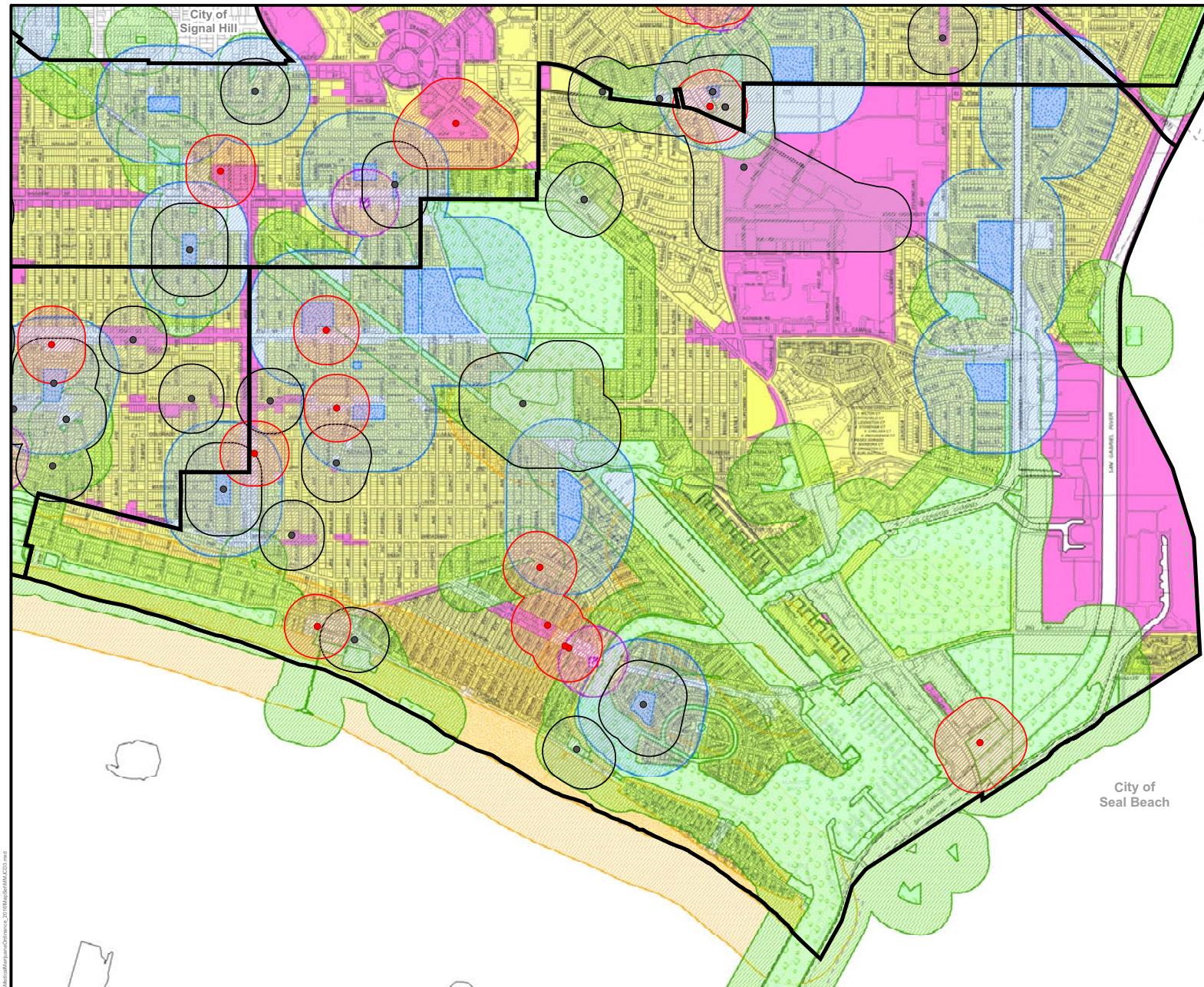
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LEGEND

- 600' Youth Center Buffer
● Youth Centers
- 600' Day Care Center Buffer
● Day Care Centers
- 600' Public Library Buffer
■ Public Libraries
- 1,000' Public and Private School Buffer
■ Public & Private Schools
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■ Parks
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INCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

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LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 3

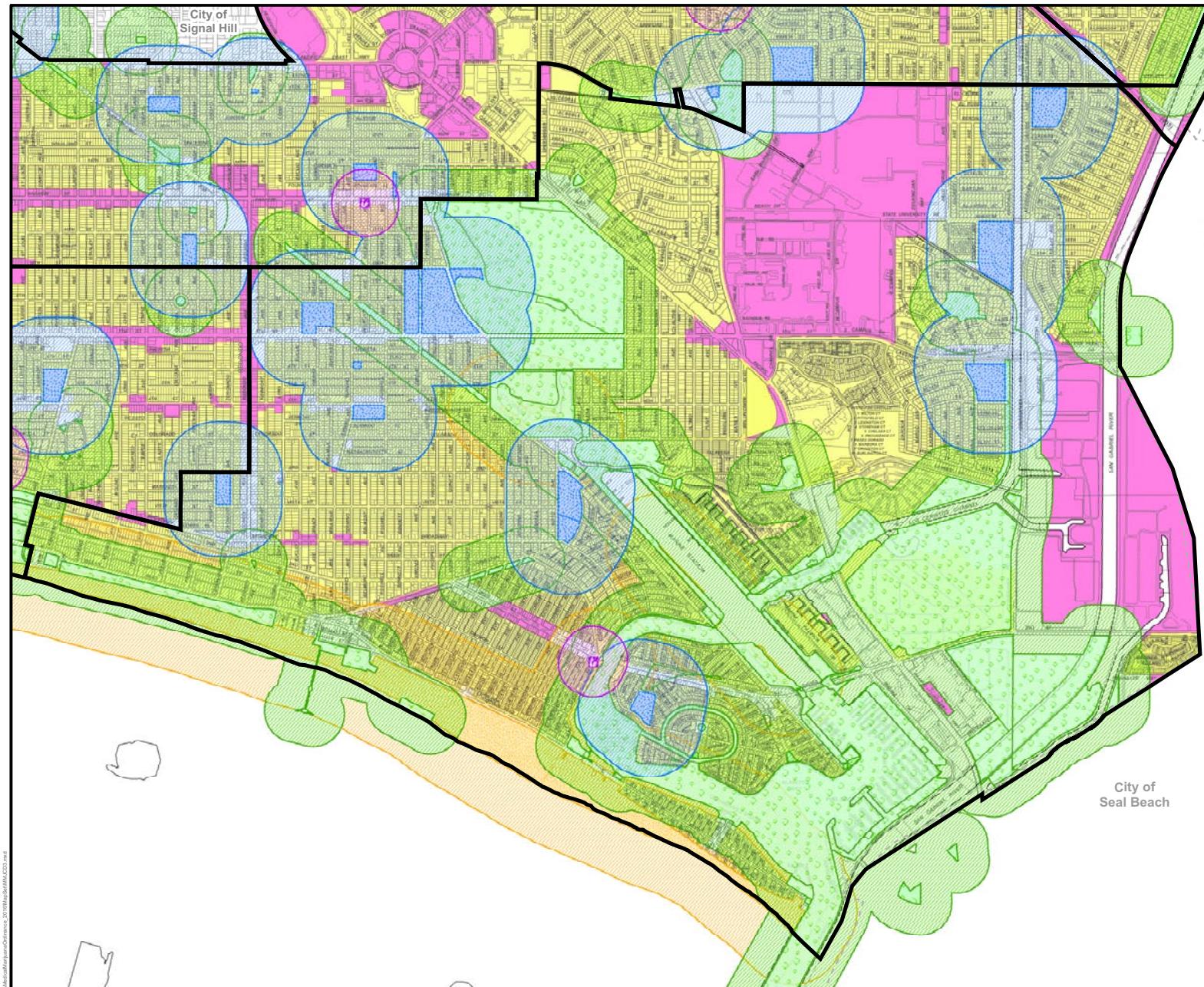
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EXCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

2,000 1,000 0 2,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 4

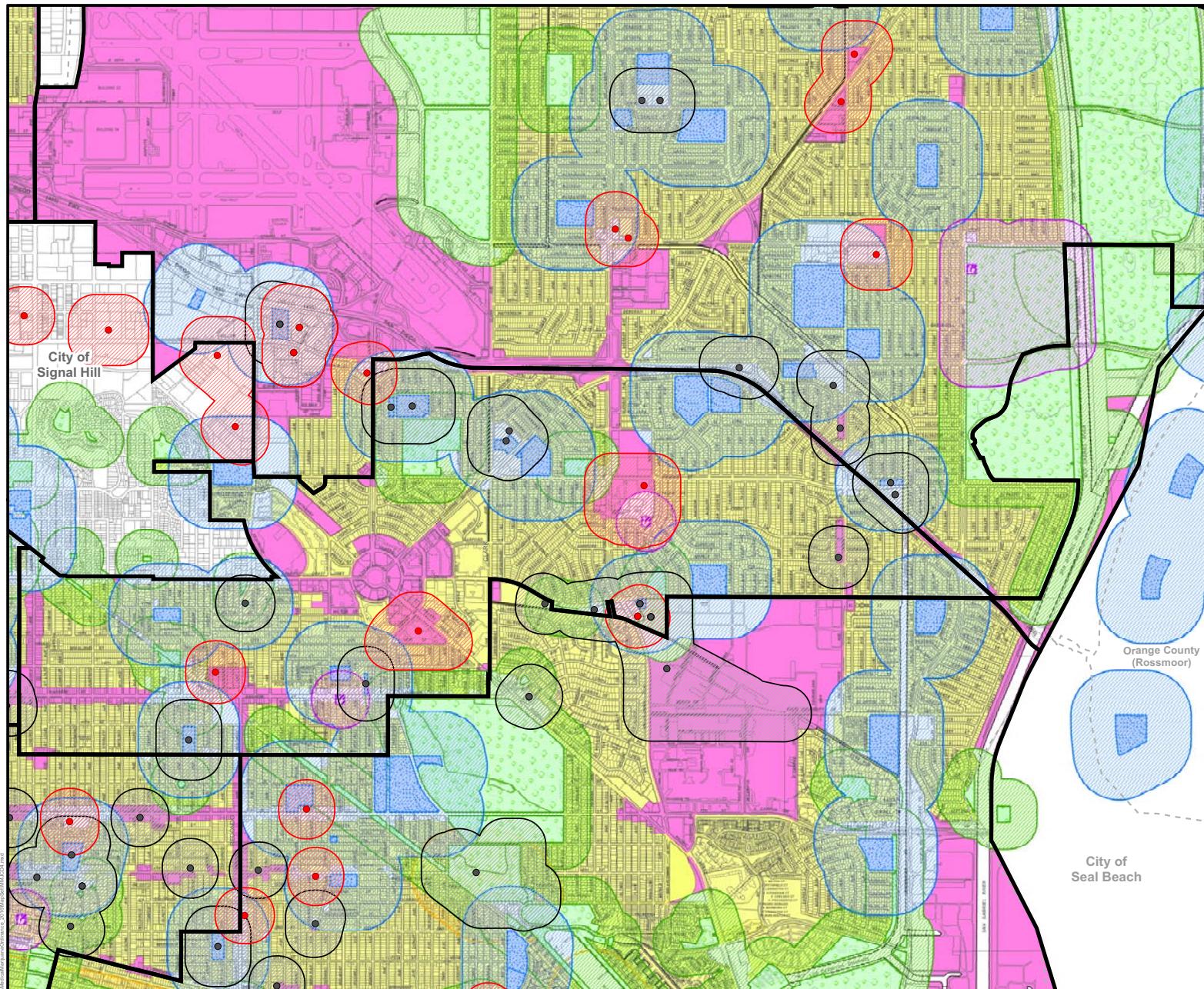
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INCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

2,000 1,000 0 2,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 4

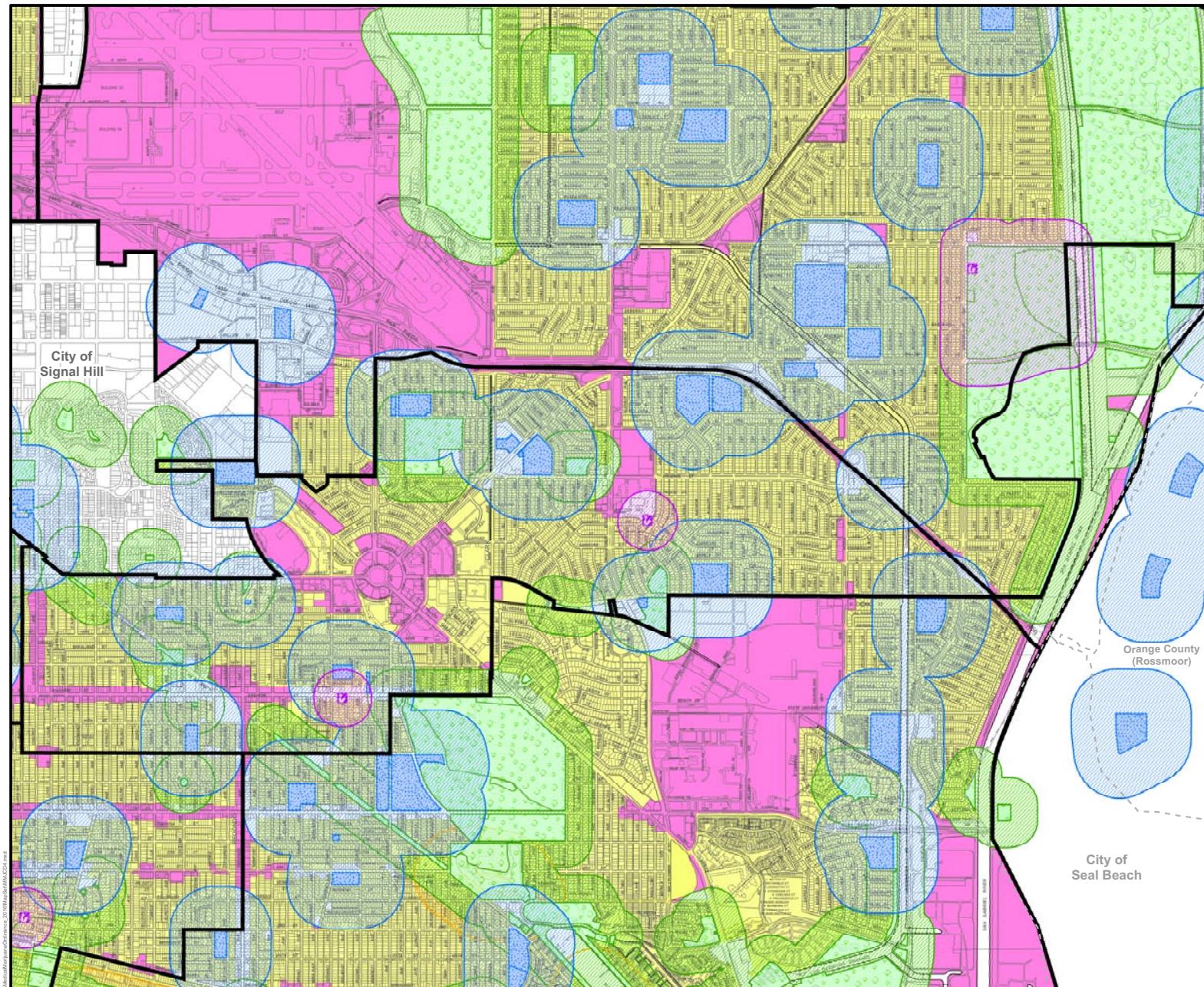
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CENTER BUFFERS**

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LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 5

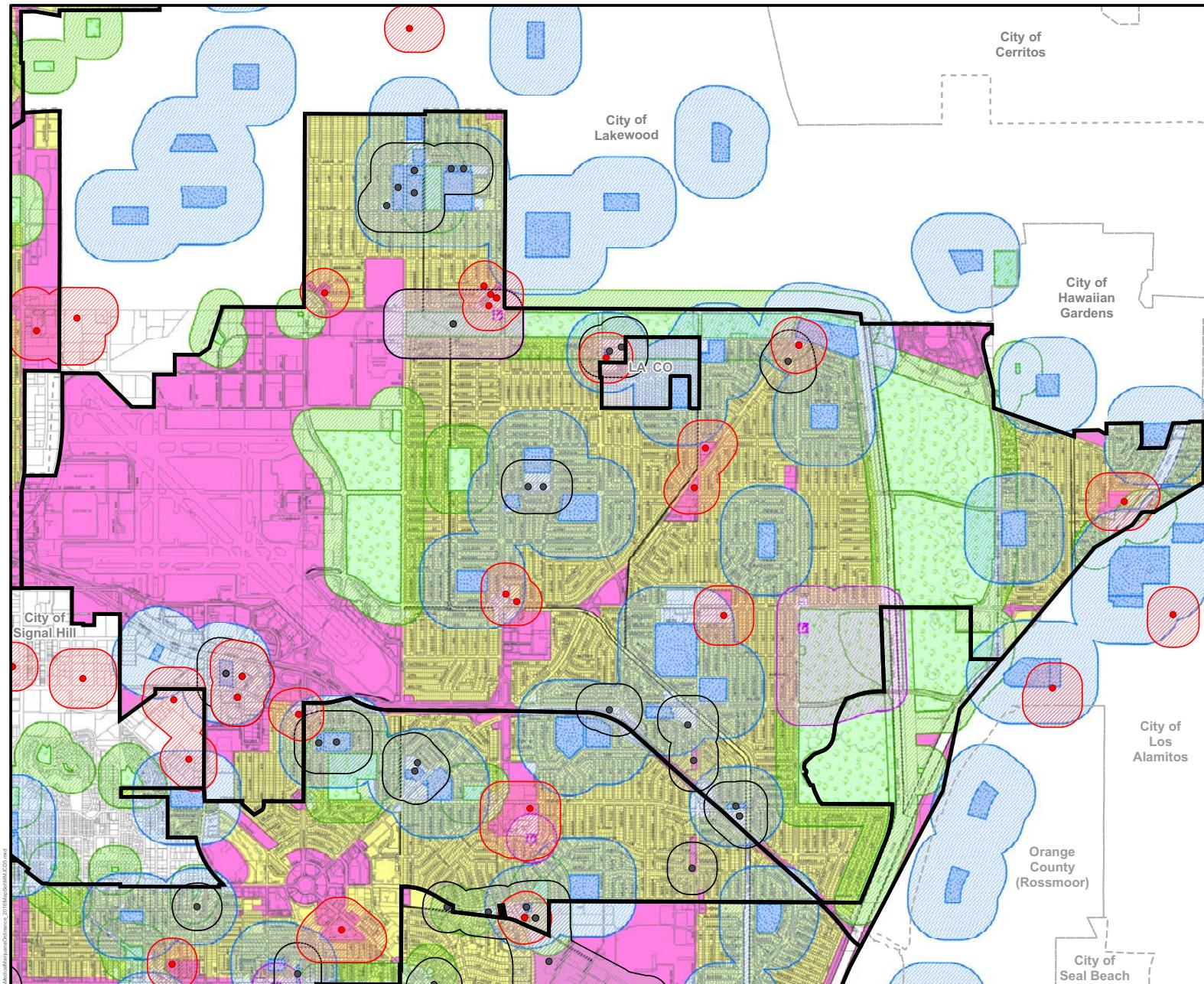
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INCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

2,000 1,000 0 2,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 5

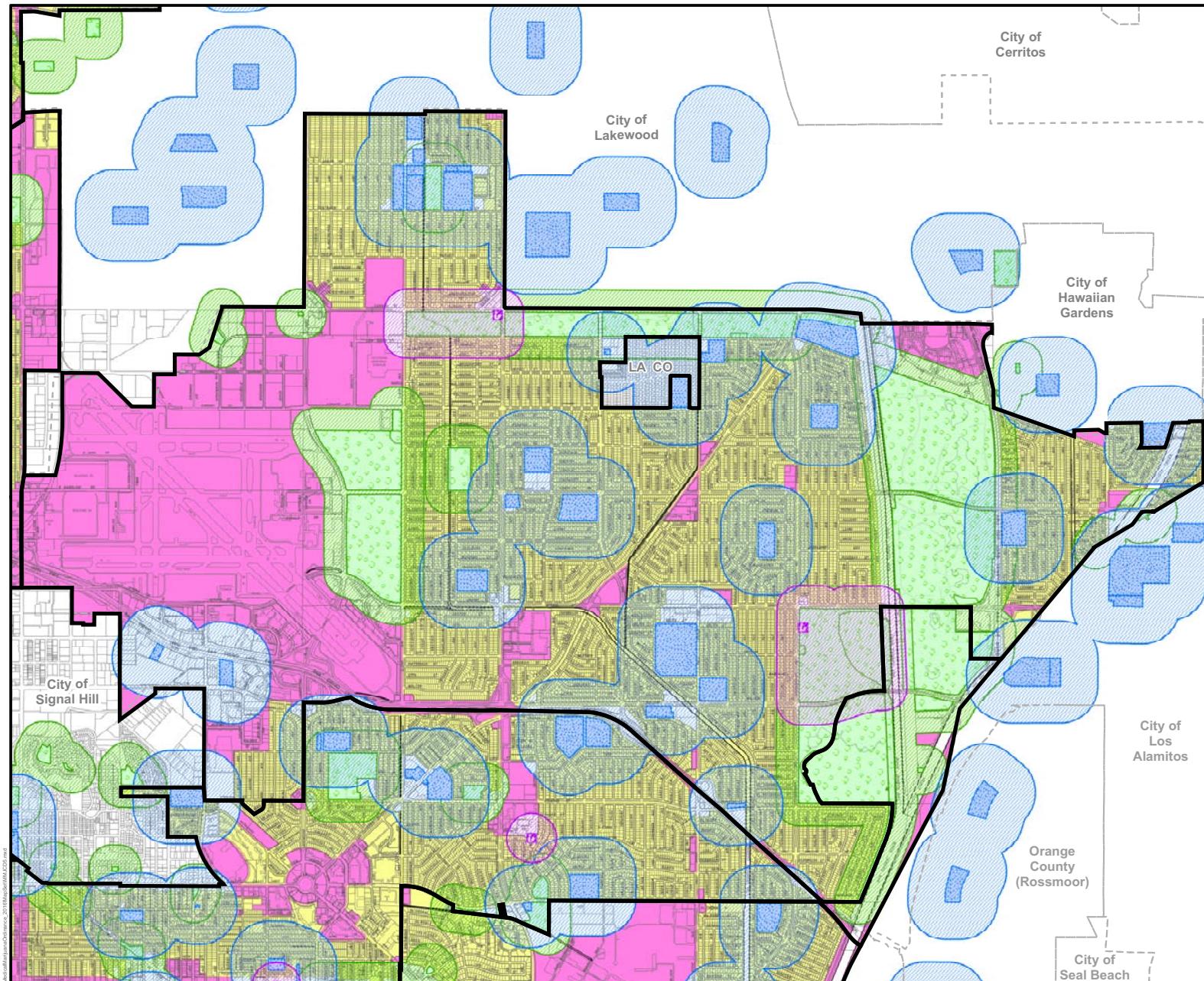
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EXCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

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LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 6

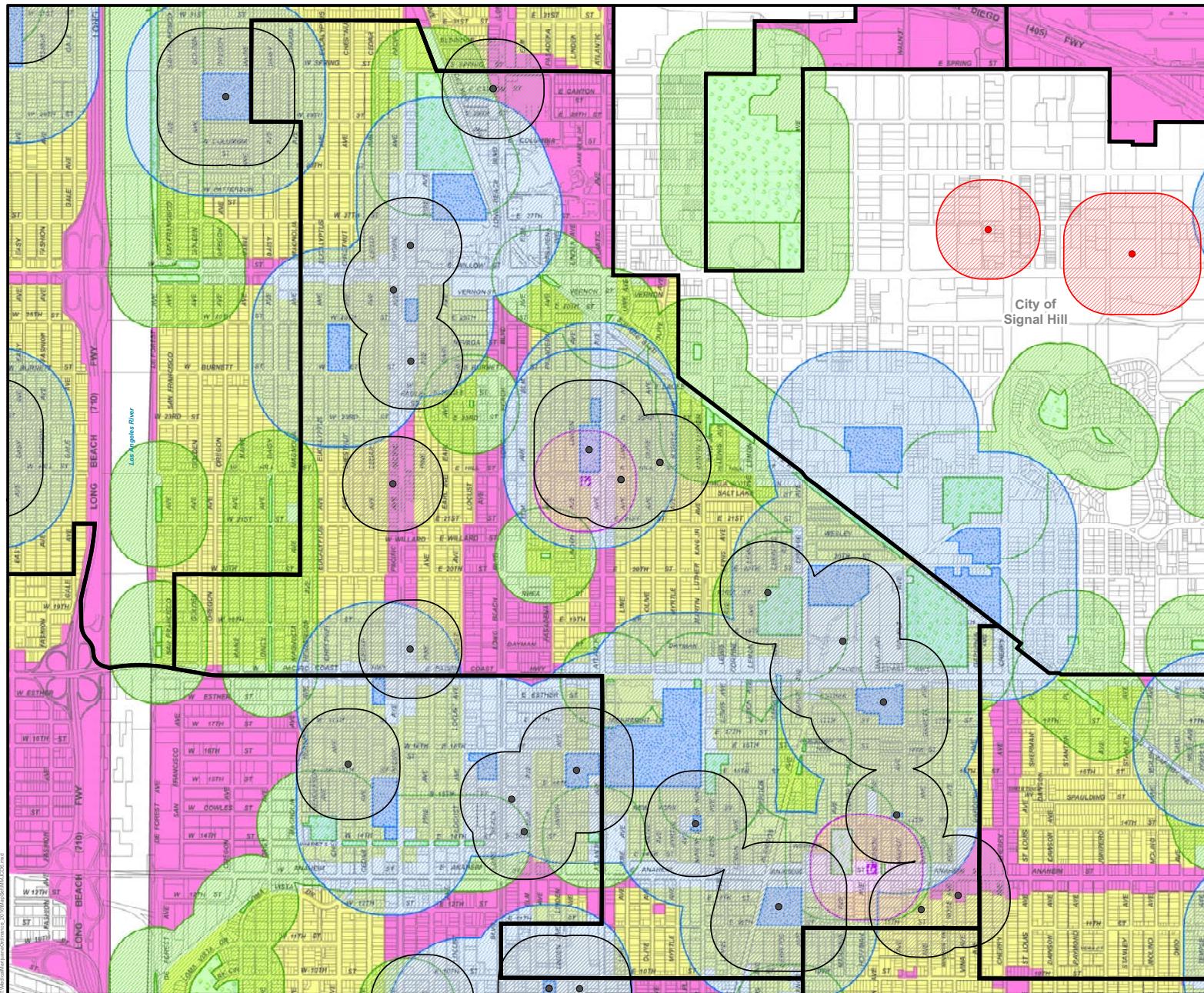
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INCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 6

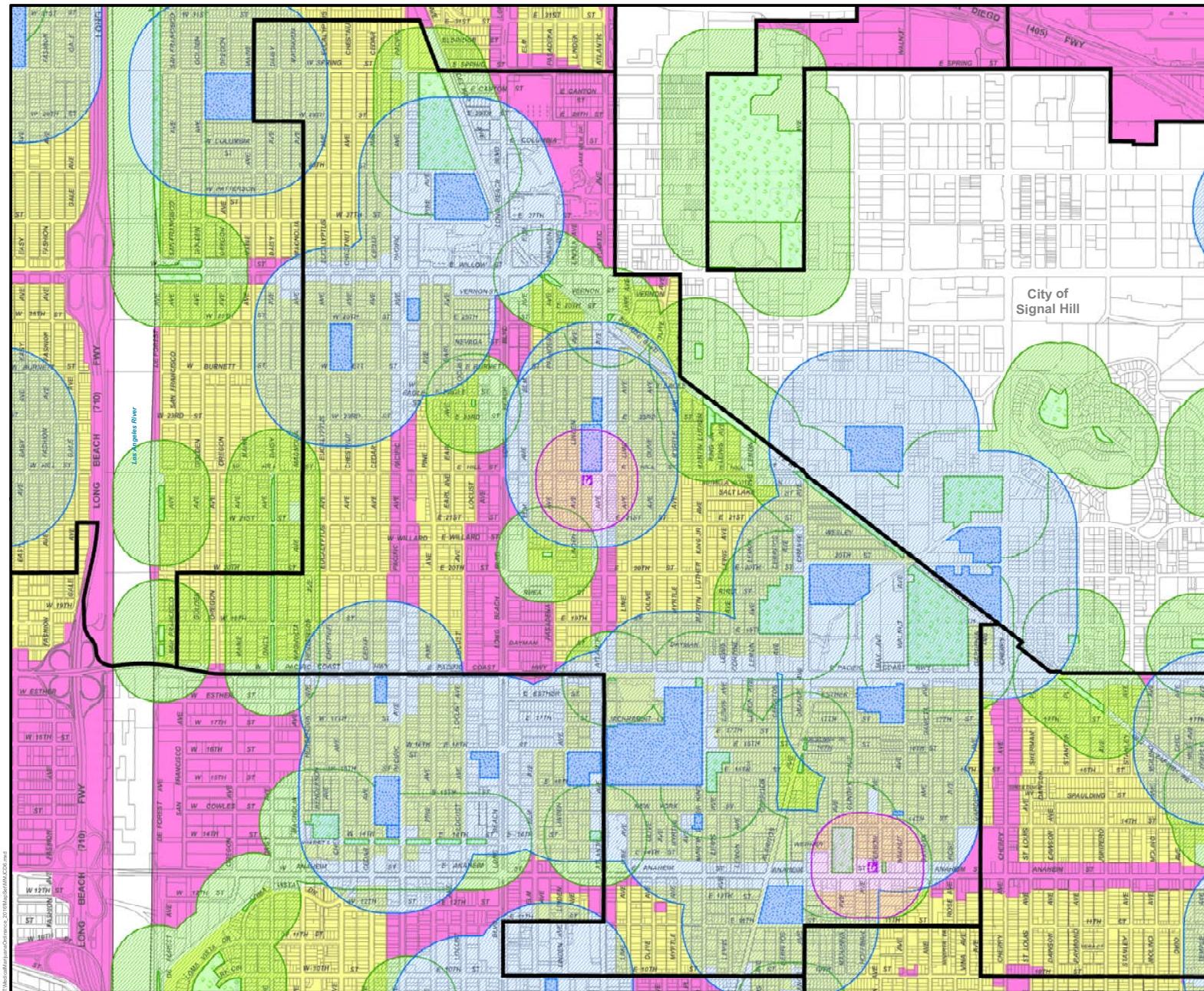
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LEGEND

- [Pink Box] 600' Public Library Buffer
- [Purple Box] Public Library
- [Blue Box] 1,000' Public and Private School Buffer
- [Light Blue Box] Public & Private Schools
- [Green Box] 600' Parks Buffer
- [Light Green Box] Parks
- [Orange Box] 1,000' Beach Buffer
- [Yellow Box] Public Beaches
- [Yellow Box] Areas Zoned Exclusively for Residential
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- [Pink Box] Area outside of Residential Zones and Buffer Areas,
Zoned IP. Must Obtain Harbor Development Permit
- [Magenta Box] Area outside of Residential Zones and Buffer Areas
- [Black Box] Council District Boundary

EXCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 7

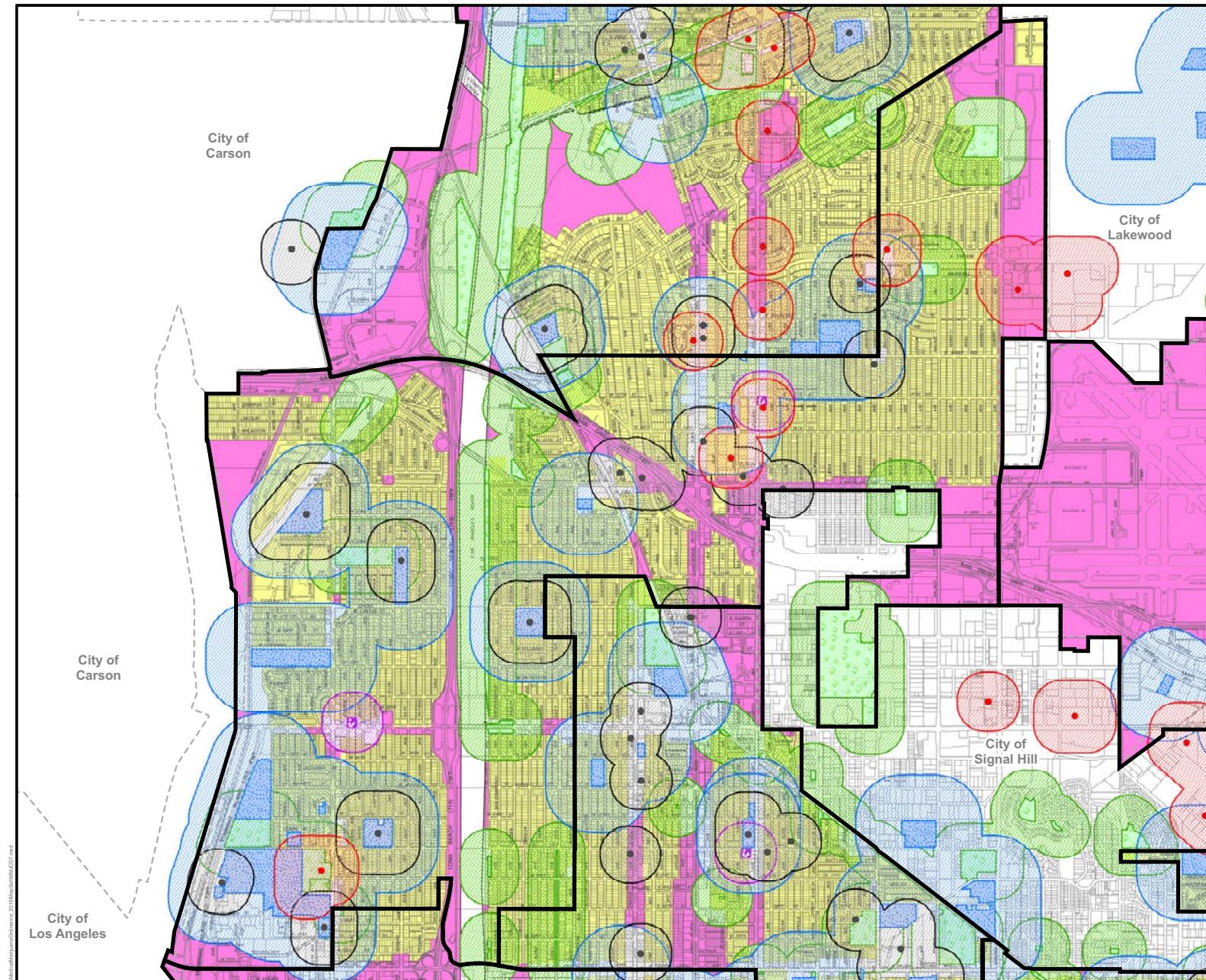
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CENTER BUFFERS

2,000 1,000 0 2,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 7

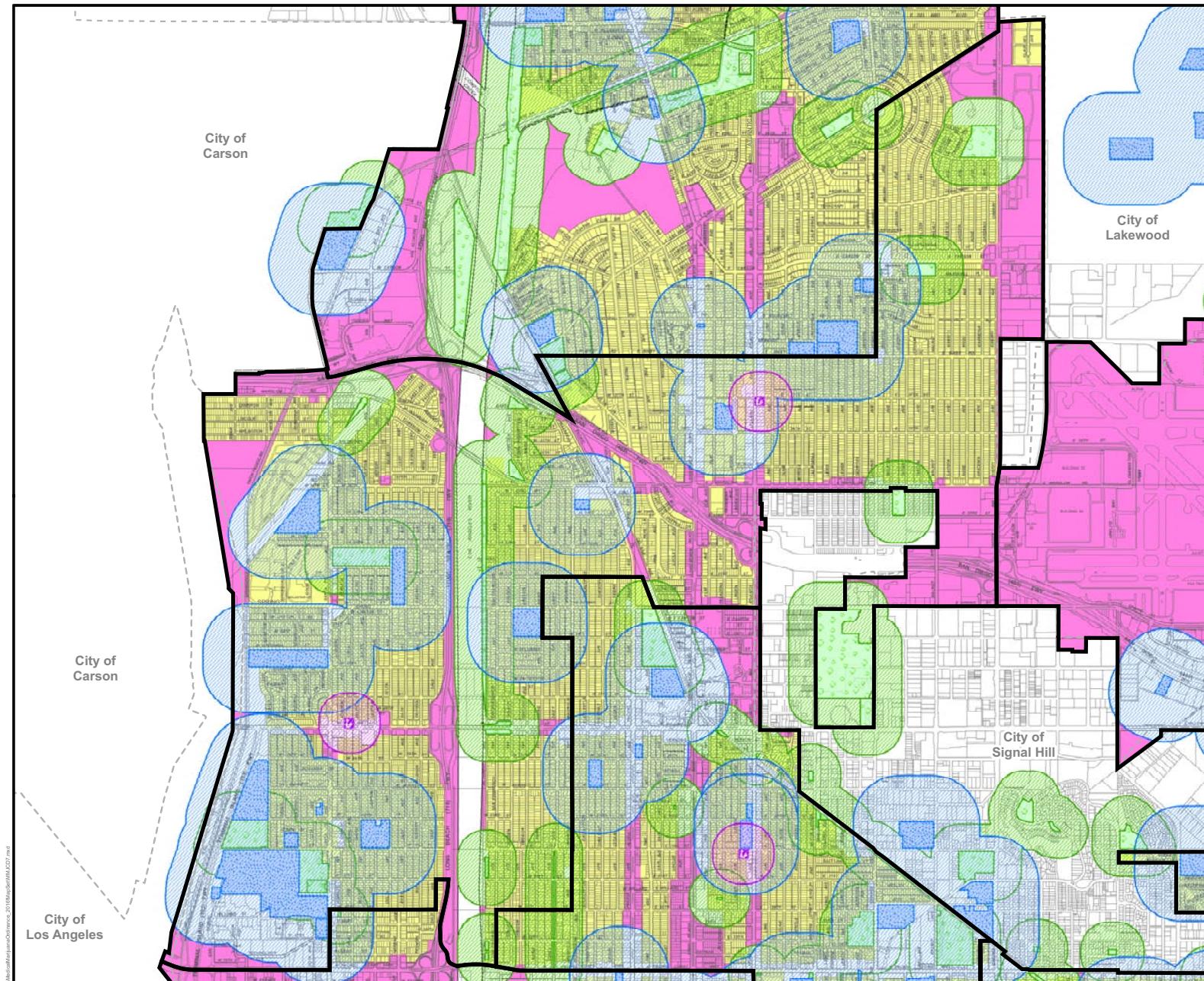
DRAFT

LEGEND

- 600' Public Library Buffer
- Public Library
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 600' Parks Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Areas Zoned Exclusively for Residential
Includes PD-1 Subareas 1-5a, 6-12, 21, 22; PD-5; PD-10; PD-11;
PD-17 Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9.
- Area outside of Residential Zones and Buffer Areas,
Zoned IP. Must Obtain Harbor Development Permit
- Area outside of Residential Zones and Buffer Areas
- Council District Boundary

EXCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

2,000 1,000 0 2,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 8

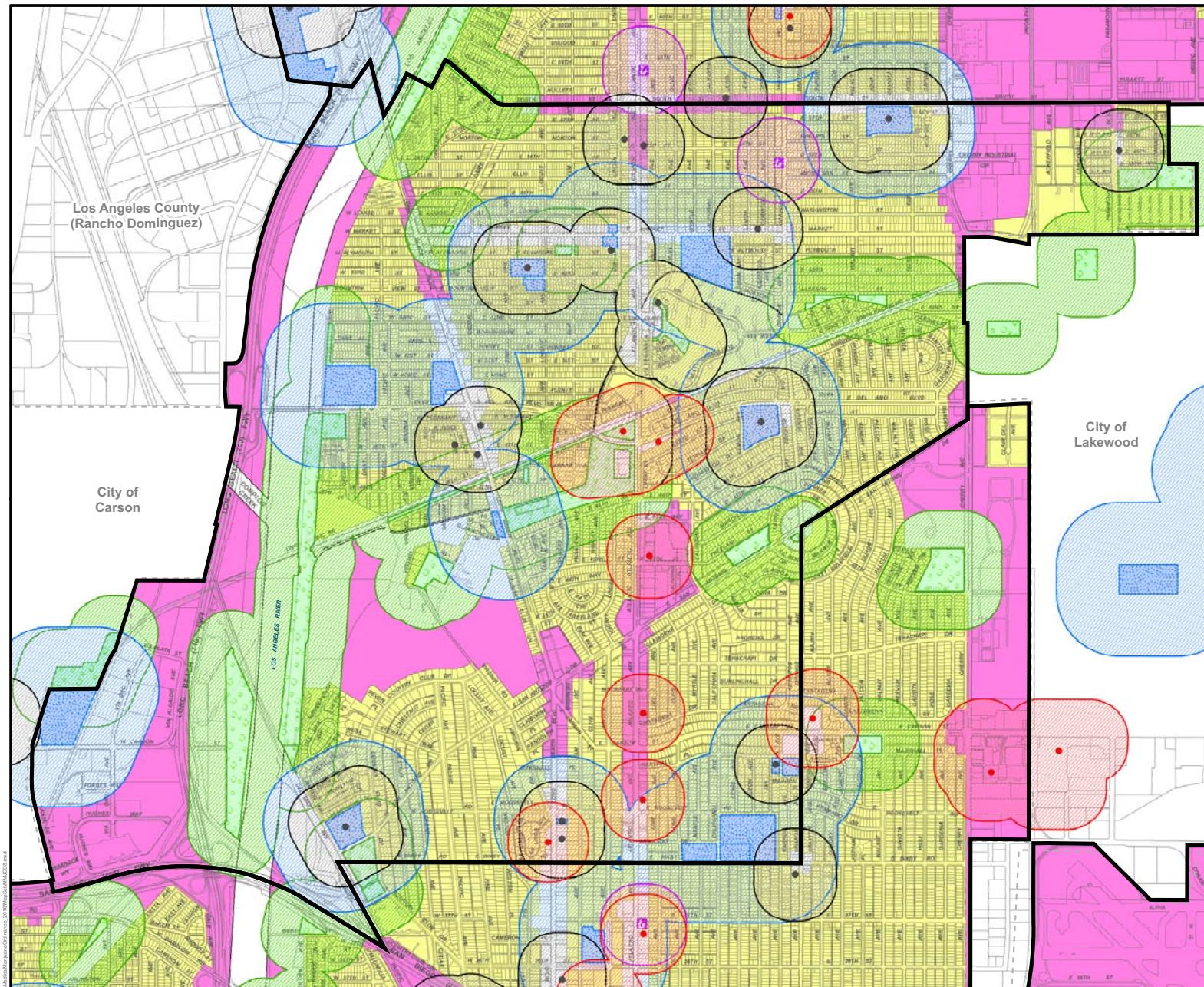
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LEGEND

- 600' Youth Center Buffer
- Youth Centers
- 600' Day Care Center Buffer
- Day Care Centers
- 600' Public Library Buffer
- Public Libraries
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 600' Park Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Area Zoned Exclusively for Residential
Includes PD-1 Subareas 1-5a, 6-12, 21, 22; PD-5; PD-10; PD-11;
PD-17 Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9.
- Area outside of Residential Zones and Buffer Areas,
Zoned IP. Must Obtain Harbor Development Permit.
- Area outside of Residential Zones and Buffer Areas
- Council District Boundary

INCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 8

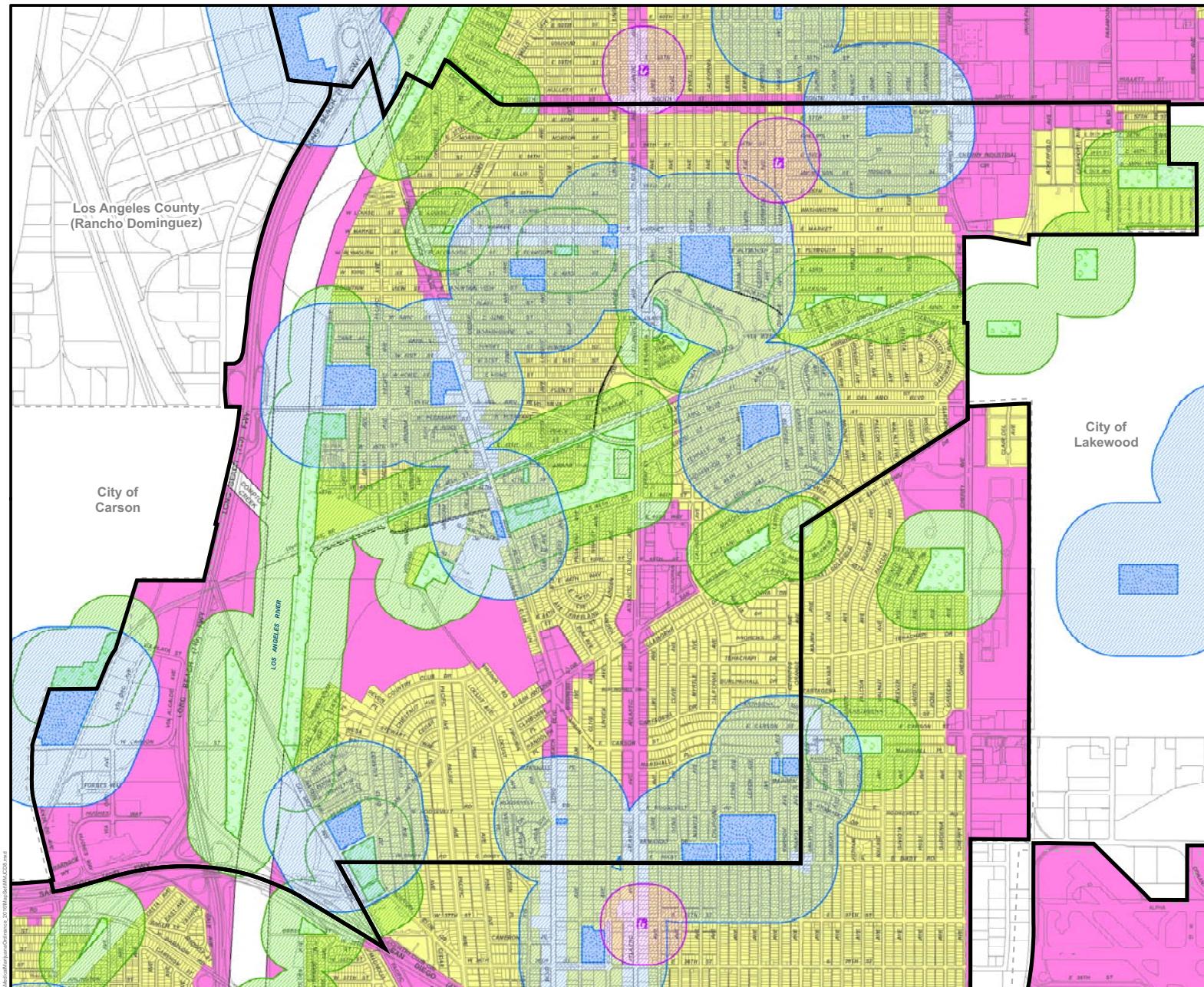
DRAFT

LEGEND

- 600' Public Library Buffer
- Public Library
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 600' Parks Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Areas Zoned Exclusively for Residential
Includes PD-1 Subareas 1-5a, 6-12, 21, 22; PD-5; PD-10; PD-11
Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9.
- Area outside of Residential Zones and Buffer Areas,
Zoned IP. Must Obtain Harbor Development Permit
- Area outside of Residential Zones and Buffer Areas
- Council District Boundary

EXCLUDES
**YOUTH & DAYCARE
CENTER BUFFERS**

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 9

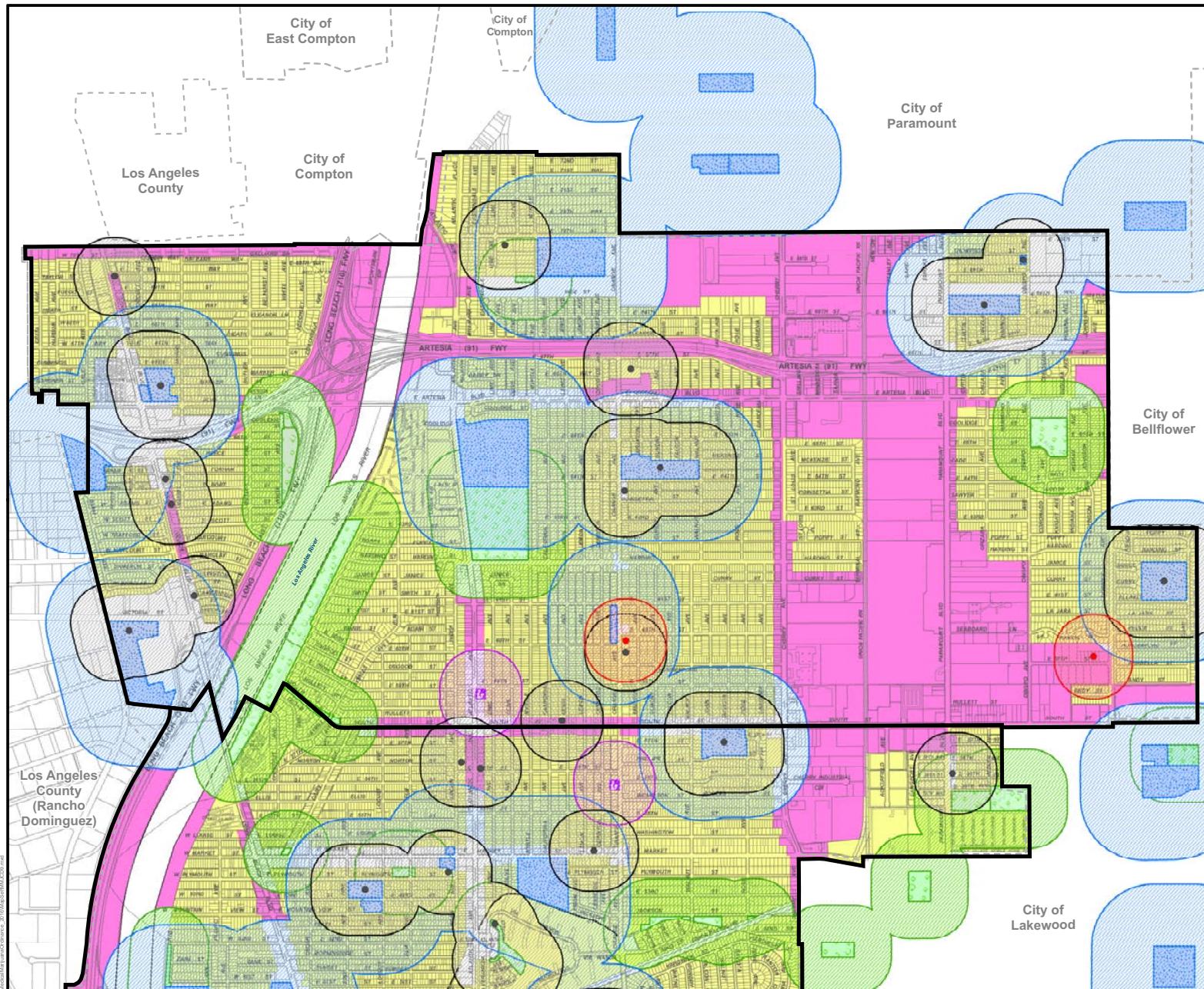
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LEGEND

- 600' Youth Center Buffer
● Youth Centers
- 600' Day Care Center Buffer
● Day Care Centers
- 600' Public Library Buffer
■ Public Libraries
- 1,000' Public and Private School Buffer
■ Public & Private Schools
- 600' Park Buffer
■ Parks
- 1,000' Beach Buffer
■ Public Beaches
- Area Zoned Exclusively for Residential
Includes PD-1 Subareas 1-5a, 6-12, 21, 22; PD-5; PD-10; PD-11;
PD-17 Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9.
- Area outside of Residential Zones and Buffer Areas,
Zoned IP. Must Obtain Harbor Development Permit.
- Area outside of Residential Zones and Buffer Areas
- Council District Boundary

INCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

1,000 500 0 1,000 Feet



LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 9

DRAFT

LEGEND

- 600' Public Library Buffer
- Public Library
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 600' Parks Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Areas Zoned Exclusively for Residential
Includes PD-1 Subareas 1-5a, 6-12, 21, 22; PD-5; PD-10; PD-11
PD-17 Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9.
- Area outside of Residential Zones and Buffer Areas,
Zoned IP. Must Obtain Harbor Development Permit
- Area outside of Residential Zones and Buffer Areas
- Council District Boundary

EXCLUDES
YOUTH & DAYCARE
CENTER BUFFERS

1,000 500 0 1,000 Feet

