Date: September 11, 2017

To: Mayor and Members of the City Council

From: Patrick H. West, City Manager

Subject: Response to Medical Marijuana Questions from the August 22, 2017 City Council Meeting

This memorandum provides responses to questions posed by the City Council at its August 22, 2017 meeting.

Request for City staff to prepare buffer maps showing where medical marijuana businesses may locate after January 1, 2018, when the recommended 600-foot daycare center buffers will take effect.

See Attachment A. These maps will be made available for the public on the City's medical marijuana business license website: www.longbeach.gov/marijuana.

Request for City staff to prepare maps showing where medical marijuana businesses are locating in the City.

See Attachment B. At this time, there are no licensed and operating medical marijuana businesses in Long Beach. However, a number of Priority Dispensary, Cultivation and Manufacturing applications have reached the Department Review Phase of the application process. Applicants that reach the Department Review Phase have had their locations approved by the Planning Bureau, and may submit their building plans to begin construction. Applications in the Department Review Phase have been included in Attachment B and are designated as “Pending.” Most Pending locations shown in Attachment B will require significantly more time to complete facility construction, and will likely not obtain a business license to begin operating until the end of 2017.

However, two Priority Dispensaries are nearing construction completion, and are expected to open this month. These Priority Dispensaries are:

- LB Green Room – 1735 E 7th Street, Long Beach CA 90813
- Connected Belmont Shore – 5227 E 2nd Street, Long Beach CA 90803

The LB Green Room could open as early as September 16, 2017, while Connected Belmont Shore will likely open by the end of the month. Staff will notify City Council Offices and Departments prior to the issuance of each medical marijuana business license to provide advanced notice of business openings.

This map will also be made available for the public on the medical marijuana business license website: www.longbeach.gov/marijuana. The map will be updated periodically as more applications are received and businesses begin to open.
Response to Medical Marijuana Questions from the August 22, 2017 City Council Meeting
September 11, 2017
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Request for City staff to report back to City Council on the process staff selected to measure medical marijuana buffer distances.

Staff studied and selected Geographic Information System (GIS) technology to measure distances between medical marijuana businesses and other sensitive uses. The measurements are necessary to determine compliance with Chapter 5.90 of the Long Beach Municipal Code (LBMC), which established minimum buffer distances between marijuana businesses and schools, beaches, parks, and libraries.

GIS was selected as the preferred method of measurement due to its ability to measure distances efficiently and accurately across hundreds of properties, allowing staff to meet the aggressive timelines for licensing medical marijuana businesses set forth in Chapter 5.90 of the LBMC. Staff estimates that GIS technology has a standard deviation of approximately 1 to 2 feet. Most distance measurements of marijuana business buffers fall well outside the 1- to 2-foot range of anticipated GIS error. GIS distance measurement determinations have been upheld by independent hearing officers during City appeal hearings regarding buffer measurements.

City Council requested that staff report back on using land surveys for the medical marijuana buffer review process. Land surveys potentially offer a precise tool for measurement. However, land surveys also require substantially more time and resources to conduct, and the accuracy of land surveys may still be subject to challenge.

Based upon existing contracts the City maintains with third party survey companies, each survey to measure the distance between properties would cost an estimated $1,000 and take two weeks to complete. However, the process would take substantially longer if the boundaries of a parcel are not clearly delineated, as is often the case in Long Beach. Unmarked parcels will require an additional property boundary survey to ensure accuracy at an estimated cost of $5,000 to $10,000 per survey.

A property boundary survey is necessary if either the proposed marijuana property or the buffer property has an unmarked boundary. Property boundary surveys must also be filed with the County Surveyor. Filing a record of survey with the County is usually an administrative exercise with little bearing on the outcome of the survey. However, the County Surveyor maintains the right to comment on, and request changes to, a property boundary survey and this process can take anywhere from two to three months. Should the County Surveyor request changes to the method of survey, the timeline to complete the survey would be delayed for an undetermined amount of time.

If the City implements a survey requirement, applicants who undergo a land survey must be granted the ability to appeal any determination resulting in ineligibility or failure to receive a point under the Priority Point System. Marijuana applicants that are rejected for buffer violations, or for receiving too few points to participate in the Public Lottery, currently have the right to file an appeal with the City. For most applicants, their window to file an appeal has expired. By implementing a survey requirement, the City would be required to grant an opportunity to appeal for all applicants previously approved for a location or for participation in the Public Lottery who subsequently received a rejection
due to the new survey process. Depending on the type of appeal filed, this additional appeal process could take a month or longer to complete.

The Non-Priority Dispensary applicants have already been notified of their GIS distance measurement determinations and their Priority Point assessment for purposes of the Public Lottery. The window to submit appeals for both the GIS distance measurement and the point awarded to each business has now expired. The Public Lottery for Non-Priority Dispensary applicants has been scheduled for September 28, 2017. If the City implemented a new system utilizing land surveys, the Public Lottery would need to be delayed until the end of 2017 at the earliest, but could be delayed well into 2018, depending on the outcome of a number of variables identified herein in order to account for extensive time needed to survey and allow for appeals of effected applicants.

At this time, it is unclear what the one-time General Fund cost will be to implement a land survey program. Staff estimates the one-time cost could range from $25,000 to $100,000, depending on the distance threshold selected (e.g., 10 or 50 feet), and the characteristics of the properties being surveyed. For example, a preliminary review of medical marijuana applications received to date found that four proposed locations fall within ten feet of a buffer. Public Works survey staff visited these sites and found that none of the locations had clearly defined boundaries. Thus, each property would require a boundary survey to ensure accuracy, at an estimated cost of $5,000 to $10,000 per survey. Conversely, approximately 20 proposed medical marijuana business locations fall within 50 feet of a buffer. It is unclear how many of these locations would require a boundary survey to define property borders. Additionally, it is unclear what the ongoing costs to a land survey program would be for future medical marijuana applicants.

City staff maintains its preference for using GIS to measure buffer distances. Should City Council instead decide that land surveys will be used, staff requests that this decision be made by the September 19, 2017 City Council meeting. A decision by the requested date will provide staff the opportunity to publicly notify Non-Priority Dispensary applicants of the new land survey process and the indefinite delay in the Public Lottery before its scheduled date of September 28, 2017.

Should you have any questions, please contact Ajay Kolluri, Assistant to the City Manager, at (562) 570-6406 or via email at Ajay.Kolluri@longbeach.gov.

AK
MM/MARIJUANA/TFFS

CC:  CHARLES PARKIN, CITY ATTORNEY
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     DOUG HAUBERT, CITY PROSECUTOR
     TOM MODICA, ASSISTANT CITY MANAGER
     KEVIN JACKSON, DEPUTY CITY MANAGER
     REBECCA JIMENEZ, ASSISTANT TO THE CITY MANAGER
     DEPARTMENT HEADS
     LEA ERIKSEN, ASSISTANT FINANCE DIRECTOR
ATTACHMENT A

DAYCARE CENTER BUFFER MAPS

MAP #1 – CITYWIDE – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #2 – DISTRICT 1 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #3 – DISTRICT 2 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #4 – DISTRICT 3 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #5 – DISTRICT 4 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #6 – DISTRICT 5 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #7 – DISTRICT 6 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #8 – DISTRICT 7 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #9 – DISTRICT 8 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
MAP #10 – DISTRICT 9 – INCLUDES DAYCARE CENTER AND EXCLUDES YOUTH CENTER BUFFERS
COUNCIL DISTRICT 1

LONG BEACH
MEDICAL MARIJUANA
BUFFER ZONES

1,000’ 0 1,000’ Feet
Area outside of Residential Zones and Buffer Areas, Zoned IP. Must Obtain Harbor Development Permit.

LEGEND

600’ Public Library Buffer
1,000’ Public and Private School Buffer
Public Libraries
1,000’ Public and Private School Buffer
Public & Private Schools
600’ Day Care Center Buffer
Public Beaches

INCLUDES

DAGCARE CENTER BUFFERS &
EXCLUDES

YOUTH CENTER BUFFERS
LONG BEACH
MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 2

DRAFT

LEGEND

- 600' Day Care Center Buffer
- Day Care Centers
- 1,000' Public Library Buffer
- Public Libraries
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 1,000' Parks Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Area outside of Residential Zones and Buffer Areas
- Includes PD-2 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.
- Includes PD-2 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 DF-M Clubhouse/dwelling Development Period.
- Includes PD-2 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.

INCLUDES DAYCARE CENTER BUFFERS & EXCLUDES YOUTH CENTER BUFFERS

0 0.5 1.0 1.5 2.0 2.5 Miles

City of Los Angeles
City of Signal Hill
LONG BEACH
MEDICAL MARIJUANA BUFFER ZONES
COUNCIL DISTRICT 3
DRAFT

LEGEND

600’ Public Library Buffer
1,000’ Public and Private School Buffer
Public & Private Schools
1,000’ Beach Buffer
Public Beaches
Council District Boundary
Public Libraries
600’ Park Buffer
Area outside of Residential Zones and Buffer Areas

INCLUDES DAYCARE CENTER BUFFERS &
EXCLUDES YOUTH CENTER BUFFERS

City of Signal Hill
City of Seal Beach

Area zoned exclusively for residential use includes PD-1 Subareas 1, 2, 3, 4, 5, 6, 11, 12; PD-5; PD-10; PD-11; PD-17 Subareas 1, 2A, 3, 4; PD-22 Subarea 5A, 6, 9

T:\MedicalMarijuanaOrdinance_2016\MapSet\MMJCD3.mxd

2,000 0 2,000 1,000 Feet
Area outside of Residential Zones and Buffer Areas

INCLUDES DAYCARE CENTER BUFFERS & EXCLUDES YOUTH CENTER BUFFERS
LONG BEACH
MEDICAL MARIJUANA BUFFER ZONES
COUNCIL DISTRICT 5
DRAFT

LEGEND

- 600’ Day Care Center Buffer
- Day Care Centers

- 600’ Public Library Buffer
- Public Libraries

- 1,000’ Public and Private School Buffer
- Public & Private Schools

- 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
  - 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.

- Day Care Center Buffers & Excludes Youth Center Buffers

INCLUDES DAYCARE CENTER BUFFERS & EXCLUDES YOUTH CENTER BUFFERS
Los Angeles River

City of Signal Hill

LONG BEACH MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 6

DRAFT

LEGEND

600' Public Library Buffer

1,000' Public and Private School Buffer

Public & Private Schools

Public Beaches

Council District Boundary

Public Libraries

600' Park Buffer

Area outside of Residential Zones and Buffer Areas

Includes PD-5 Subareas 1, 5, 9; PD-10; PD-11; PD-17 Subareas 1, 2A, 3, 4; PD-22 Subareas 5A, 6, 9, 10; Area exclusively for Residential Use; Area Zoned Exclusively for Residential Use; Area Outside of Residential Zones and Buffer Areas, Except P. Bass Comedy Center Development Proceeds.

600' Day Care Center Buffer

Day Care Centers

1,000' Beach Buffer

Public Libraries

INCLUDES DAYCARE CENTER BUFFERS & EXCLUDES YOUTH CENTER BUFFERS

1,000 Feet  500 Feet  0 Feet

Scale
LONG BEACH
MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 7

DRAFT

LEGEND

- 600' Day Care Center Buffer
- Day Care Centers
- 600' Public Library Buffer
- Public Libraries
- 1,000' Public and Private School Buffer
- Public & Private Schools
- Park Buffer
- Parks
- 1,000' Beach Buffer
- Public Beaches
- Area Zoned Exclusively for Residential
  Includes PD-1 Subareas 1, 2A, 3, 4, 5, 6, 12, 13, 14, PD-5 Subareas 1, 2, 3, 4, 5, 6, 7, 8, 9, PD-11 Subarea 1, PD-17 Subarea 1, PD-22 Subarea 13, PD-22 Subarea 11
- Area outside of Residential Zones and Buffer Areas
  Based on Non-Delinquent Development History

INCLUDES DAYCARE CENTER BUFFERS &
EXCLUDES YOUTH CENTER BUFFERS
The ordinance states that all Alcohol Beverage Manufacturers are allowed in any commercial zone and commercial planned development areas. The following zoning districts are included:

- Commercial Zones
- Commercial Planned Development Areas
- Industrial Zones (Except the Port-Related Industrial Zone)
- Industrial Planned Development Areas

The diagram illustrates buffer zones for various locations such as schools, libraries, parks, and beaches.
LONG BEACH
MEDICAL MARIJUANA BUFFER ZONES

COUNCIL DISTRICT 9
DRAFT

LEGEND
- 600' Day Care Center Buffer
- Day Care Centers
- 1,000' Public Library Buffer
- Public Libraries
- 1,000' Public and Private School Buffer
- Public & Private Schools
- 1,000' Beach Buffer
- Parks
- 600' Park Buffer
- Area Zoned Exclusively for Residential
- Includes PD-1 Subareas 1, 2a, 2b, 2c, PD-12, PD-13, PD-22 Subarea 4; PD-17 Subarea 4, 5, 6, 9.
- Area outside of Residential Zones and Buffer Areas
- Excludes Youth Center Buffers

INCLUDES DAYCARE CENTER BUFFERS & EXCLUDES YOUTH CENTER BUFFERS
ATTACHMENT B

LICENSED AND PENDING MEDICAL MARIJUANA BUSINESS LOCATIONS IN LONG BEACH

MAP #1 – CITYWIDE – Licensed and Pending Medical Marijuana Business Locations*

List #1 – CITYWIDE – Licensed and Pending Medical Marijuana Business Locations

*Note: Currently, there are no licensed and operating medical marijuana businesses in Long Beach. However, a number of applications have reached the Department Review Phase of the application process. The locations associated with these applications have been included on the map and designated as “pending.”
Licensed and Pending Medical Marijuana Business Locations

City of Long Beach, CA
Medical Marijuana Business Locations
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<th>License Number</th>
<th>Priority Applicant</th>
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<td>WEST 15TH STREET COLLECTIVE INC</td>
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