

ORDINANCE NO. ORD-23-0026

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 July 6, 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 24, 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 24, 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 July 6, 2021 ordinance amendments previously approved by City Council
4 and codified under ORD-21-0021 relating to the operation of adult-use dispensaries in
5 mixed-use buildings in Downtown Long Beach; and

6 WHEREAS, the recommended action would clarify that the approved
7 ordinance amendments from July 6, 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 June 6, 2023, by the following vote:

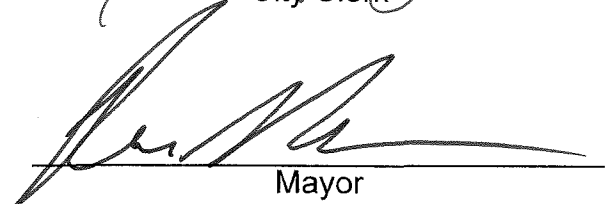
Ayes: Councilmembers: Zendejas, Duggan, Supernaw, Saro,
Uranga, Austin, Ricks-Oddie.

Noes: Councilmembers: None.

Absent: Councilmembers: Allen, Kerr.

Recusal(s): Councilmembers: None.


City Clerk


Mayor

Approved: 6/6/23
(Date)