

1 RESOLUTION NO. RES-20-0048

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO
6 THE LONG BEACH ZONING REGULATIONS TO THE
7 CALIFORNIA COASTAL COMMISSION FOR APPROVAL

8
9 WHEREAS, on April 14, 2020, the City Council of the City of Long
10 Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21 of the
11 Long Beach Municipal Code, relating to amendments to the Zoning Regulations of the City
12 of Long Beach relating to cannabis businesses; and

13 WHEREAS, it is the desire of the City Council to submit the above referenced
14 zoning regulation amendments to the California Coastal Commission for its review; and

15 WHEREAS, the Planning Commission and City Council gave full
16 consideration to all facts and the proposals respecting the amendments to the zoning
17 regulations at properly noticed and advertised public hearings; and

18 WHEREAS, the City Council, in accordance with the recommendation of the
19 Planning Commission, approved the proposed amendments to the zoning regulations. The
20 proposed zoning regulation amendments are to be carried out in a manner fully consistent
21 with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal
22 Commission certification and approval; and

23 WHEREAS, the City Council hereby finds that the proposed zoning
24 amendments will not adversely affect the character, livability or appropriate development in
25 the City of Long Beach and that the amendments are consistent with the goals, objectives
26 and provisions of the City's General Plan.

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
28 follows:

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 Section 1. The amendment to the Long Beach Zoning Regulations of the
2 City of Long Beach adopted on April 21, 2020, by Ordinance No.
3 ORD- 20-0011, a copy of which is attached to and incorporated in this resolution as
4 Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest review
5 as to that part of the ordinance that directly affects land use matters in that portion of the
6 California Coastal Zone within the City of Long Beach.

7 Section 2. The Director of Development Services of the City of Long Beach
8 is hereby authorized to and shall submit a certified copy of this resolution, together with
9 appropriate supporting materials, to the California Coastal Commission with a request for its
10 earliest action, as an amendment to the Local Coastal program that will take effect
11 automatically upon Coastal Commission approval pursuant to the Public Resources Code
12 or as an amendment that will require formal City Council adoption after Coastal Commission
13 approval.

14 Section 3. This resolution shall take effect immediately upon its adoption by
15 the City Council, and the City Clerk shall certify the vote adopting this resolution.

16 I certify that this resolution was adopted by the City Council of the City of Long
17 Beach at its meeting of April 14, 2020, by the following vote:

18 Ayes: Councilmembers: Zendejas, Price, Supernaw, Mungo,
19 Andrews, Uranga, Austin, Richardson.

20 _____
21 Noes: Councilmembers: None.

22 _____
23 Absent: Councilmembers: None.

24 _____
25 Recusal(s): Councilmembers: Pearce.

26 _____
27 _____
28 M. De J. Jara
City Clerk

Attachment A

FINDINGS

Cannabis

Zoning Code Amendment (ZCA 19-009)

Application No. 1909-12

April 14, 2020

The Long Beach Municipal Code does not contain specific findings for the adoption of a zoning code amendment. Pursuant to California Government Code §65860, a zoning ordinance shall be consistent with the adopted General Plan. The City of Long Beach makes the following findings in support of its adoption of changes to the Cannabis zoning code amendment.

The Cannabis zoning code amendment is consistent with objectives, principles, and standards of the General Plan. In 2017 the City adopted the first development and design standards relating to cannabis businesses. This was done in an effort to address potential issues associated with the cannabis business uses relating to business location, aesthetics, security, and noise.

In 2018, a year after the initial implementation of the City's Cannabis Ordinance, the Council requested staff conduct a study of cannabis building design and zoning requirements. Upon that review, and including input from a variety of stakeholders, including the public as well as cannabis community members modifications to the existing ordinance are proposed and generally consist of the following modifications:

- Revised definitions for Cannabis Cultivation and Cannabis Distribution. The existing definitions do not include the full-scope of activities each business type is empowered to do. The proposed amendments are intended to further define the specific range of activities specific for these types of uses.
- New definition for Cannabis Distribution-Self. This new definition distinguishes distribution of third-party cannabis goods from those that distribute their own cannabis goods.
- Streamline cannabis cultivation uses within the General Industrial (GI) zoning district and cannabis distribution (3rd Party) within the Light Industrial (IL), Medium Industrial (IM), and IG zoning districts. Instead of requiring a conditional Use permit (CUP), require approval of an Administrative Use Permit (AUP). Although the AUP does require a public hearing process, it is generally more expedient and has a lower fee than going before the Planning Commission.
- Changes to Title 5. Although not under the purview of the Planning Commission, the proposed modified building design standards for both ground-up construction as well as existing buildings are proposed to minimize the impacts associated with remodeled or new cannabis facilities.

The proposed amendments are consistent with the General plan, specifically upholding the Land Use Elements emphasis on maintaining and improving the quality of life, while accommodating growth and change. Additionally, the proposed criteria are consistent with the Public Safety Element's emphasis on creating and maintaining safer physical environments, by maintaining window openings which allow for 'eyes on the street'. Removed windows, walled off doors, and elevations void of articulation can negatively impact the character of neighborhoods and give a perception of decline in the area.

In addition, the newly adopted Urban Design Element promotes enhancement of the built environments through façade improvements, context sensitive infill development and landscaping. The proposed changes to the design criteria do not eliminate any design criteria, but rather modify the design criteria so that improvements to existing buildings do not detract, but improve those elevations facing or visible from the public right-of-way which contributes to the overall aesthetics of the surrounding area.

Attachment B

Title 21 Proposed Changes

Proposed Code Amendment -- Cannabis

21.32 – Industrial Districts Table 32-2, Uses In All Other Industrial Zoning Districts

| Use | IL | IM | IG | IP | *Notes and Exceptions |
|--|----|----|----|----------------------------|---|
| 1. Agriculture And Related Uses (SIC codes 01, 02, 07*) | N | N | C | See Item 10 in this table. | <ul style="list-style-type: none"> (Crop Cultivator) – Must comply with Chapter 5.92 if Adult Use Cannabis Business |
| 6. Wholesale Trade (SIC codes 50*, 51*, 422) | Y | Y | Y | | a. Requires an Administrative Use Permit: <ul style="list-style-type: none"> 422 Cannabis Distributors |
| | | | | | b. Permitted by Right: <ul style="list-style-type: none"> 422 Cannabis Self-Distributors |
| | | | | | c. Prohibited in IL, IM, and IP, and requires a conditional use permit in IG: <ul style="list-style-type: none"> 4225 (personal storage, self-storage, including recreational vehicle, and/or miniwarehouse as defined by Section 21.15.570) 5015 (motor vehicle parts, used) 5093 (scrap and waste materials, including retail sales) |
| 1.2 Cannabis Cultivation | Y | Y | AP | N | |

Proposed Change to definitions

21.15.441.3 - Cannabis distribution.

An industrial use (SIC Code 422) engaged in the transporting of third-party cannabis goods between licensed cannabis facilities, arranging for testing of cannabis goods, and conducting quality assurance review of cannabis goods to ensure compliance with all packaging and labeling requirements.

21.15.441.1 - Cannabis cultivation.

Title 21 Proposed Changes

An industrial use that engages in the commercial activity of planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. This definition also includes a nursery which produces clones, immature plants, seeds, or other agricultural products specifically for the planting, propagation, and development of cannabis.

Proposed New Definition

21.15.441.5 Cannabis Distributor—Self Distribution

An Industrial Use (SIC 422) engaged only in the distribution of cannabis goods that the subject licensee has cultivated or manufactured on-site. This definition does not permit the distribution of cannabis goods or manufactured by other third-party licenses.

5.92.765 - Building Design.

The nature and operations of Adult Use Cannabis Businesses have the potential to result in building design changes that represent a departure from typical building appearances. The following criteria is intended to minimize impacts to neighborhood character caused by building design changes resulting from remodeled and new premises for Adult-Use Cannabis Business and commercial cannabis activities:

- A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.
- B. Any blank building facade on an existing industrial or commercial building over twenty-five feet (25') visible from the street shall 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 visible from 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 rights of ways classified greater than neighborhood connectors, 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 window area. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like.

Proposed Chapter 8.13--Personal Cultivation of Cannabis

8.13.010 -- Purpose

The purpose of this Chapter is to establish parameters, consistent with State Law, regarding the personal cultivation of cannabis.

8.13.020 – Definitions

8.13.020.005 -- Private Residence

'Private Residence' means a house, an apartment unit, a mobile home or other similar dwelling.

8.13.020.010 -- Public Place

'Public Place or Public' means any real property owned, leased or used by a public entity and any place on private property open to the public, common areas of buildings, private clubs, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places. 'Place open to the public' does not mean any fenced area or a private residence regardless of whether it can be seen from a place open to the public.

8.13.030 -- Restrictions on Cultivation of Cannabis for Personal use

Maximum Number of Plants for Adult-use

- A. Not more than six living plants may be planted, cultivated, harvested, dried or processed within a single private residence, or upon the grounds of a private residence at one time.
- B. The living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within the individual's private residence, or upon the grounds of that private residence (e.g. an outdoor garden), shall be kept in a locked space, and shall not be visible by normal unaided vision from a public space.

ORDINANCE NO. ORD-20-0011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 21.15.441.1, 21.15.441.3, AND TABLE 33-2 OF CHAPTER 21.33; AND BY ADDING SECTION 21.15.441.5, ALL RELATING TO CANNABIS BUSINESSES

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.15.441.1 of the Long Beach Municipal Code is amended to read as follows:

21.15.441.1 Cannabis cultivation.

An industrial use that engages in the commercial activity of planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. This definition also includes a nursery which produces clones, immature plants, seeds, or other agricultural products specifically for the planting, propagation, and development of cannabis.

Section 2. Section 21.15.441.3 of the Long Beach Municipal Code is amended to read as follows:

21.15.441.3 Cannabis distribution.

An industrial use (SIC Code 422) engaged in the transporting of third-party cannabis goods between licensed cannabis facilities, arranging for testing of cannabis goods, and conducting quality assurance review of cannabis goods to ensure compliance with all packaging and labeling requirements.

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CHARLES PARKIN, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

1 Section 3. Table 33-2 of Chapter 21.33 of Long Beach Municipal Code
 2 under "1. Agriculture and Related Uses" is amended to read as follows:

3 Table 33-2
 4 Uses In Industrial Districts

| Use | IL | IM | IG | IP | *Notes and Exceptions |
|---------------------------------------|----|----|----|----------------------------------|--|
| 1. Agriculture And Related Uses | | | | | a. Permitted in IL and IM |
| (SIC codes 01, 02, 07*) | N | N | C | See Item 10 in this table. | <ul style="list-style-type: none"> • 0742 (Veterinary Services for Animal Specialties) • 0752 (Animal Specialty Services, Boarding, Kennels, Shelters) • 078 (Landscape and Horticultural Services) |
| 1.1 Urban Agriculture Use | Y | AP | AP | AP | All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260 |
| 1.2 Cannabis Cultivation | Y | Y | AP | N | |

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 Long Beach, CA 90802

1 Section 4. Table 33-2 of Chapter 21.33 of Long Beach Municipal Code
 2 under "6. Wholesale Trade" is amended to read as follows:

3 Table 33-2
 4 Uses In Industrial Districts

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| Use | IL | IM | IG | IP | *Notes and Exceptions |
|--|----|----|----|----|---|
| 6 7 8 9 10 11 12 13 14 15 16 17 6. Wholesale Trade (SIC codes 50*, 51*, 422) | Y | Y | Y | | a. Requires an Administrative Use Permit: <ul style="list-style-type: none"> • 422 Cannabis Distributors b. Permitted by Right: <ul style="list-style-type: none"> • 422 Cannabis Self-Distributors c. Prohibited in IL, IM, and IP, and requires a conditional use permit in IG: <ul style="list-style-type: none"> • 4225 (personal storage, self-storage, including recreational vehicle, and/or miniwarehouse as defined by Section 21.15.570) • 5015 (motor vehicle parts, used) • 5093 (scrap and waste materials, including retail sales) • 5154 (livestock sales) |

18
 19 Section 5. The Long Beach Municipal Code is amended by adding
 20 Section 21.15.441.5 to read as follows:

21 21.15.441.5 Cannabis distributor-self distribution.

22 An Industrial Use (SIC 422) engaged only in the distribution of
 23 cannabis goods that the subject licensee has cultivated or manufactured
 24 on-site. This definition does not permit the distribution of cannabis goods
 25 cultivated or manufactured by other third-party licenses.

26
 27 Section 6. The City Clerk shall certify to the passage of this ordinance by
 28 the City Council and cause it to be posted in three (3) conspicuous places in the City of

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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 April 21, 2020, by the following vote:

Ayes: Councilmembers: Zendejas, Price, Supernaw, Mungo,
Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

Recusal(s): Councilmembers: Pearce.


City Clerk


Mayor

Approved: 4/23/2020
(Date)