



Legislation Details (With Text)

File #: 20-0301 **Version:** 2 **Name:** DS - Reclassify cannabis cultivation
Type: Ordinance **Status:** Adopted
File created: 3/4/2020 **In control:** City Council
On agenda: 4/14/2020 **Final action:** 4/21/2020

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

Sponsors: Development Services

Indexes:

Code sections:

Attachments: 1. 041420-H-32sr&att.pdf, 2. 042120-ORD-24att.pdf, 3. ORD-20-0011.pdf

Date	Ver.	Action By	Action	Result
4/21/2020	2	City Council	approve recommendation and adopt	Pass
4/14/2020	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 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, read and adopted as read. (Citywide)

In July 2019, the City Manager provided the City Council with a review of adult-use cannabis business activity in Long Beach since adoption of the City’s regulations in 2018. The City Council direction to staff included a request to review zoning regulations and design requirements applicable to adult-use cannabis businesses and requested that the Planning Commission provide a recommendation to the City Council on any proposed updates to regulations for non-retail businesses. The overall purpose of this effort is to clarify the code, streamline the review process, and create options for compliance as appropriate. On January 16, 2020, the Planning Commission conducted a public hearing and recommended (with two Commissioners absent - 5-0) that City Council approve the proposed Cannabis Code Amendments and Findings (Attachment A - Findings). The following provides an overview of each of the proposed amendments to the various Titles of the LBMC. The “red-lined” changes to the Zoning Code are included in Attachment B - Redlined Title 21 Amendments, Attachment C - Redlined Title 5 Amendments, and Attachment D - Redlined Title 8 Amendments.

Zoning Definitions & Land Use - Title 21

Currently, the Zoning Code contains definitions for Cannabis Cultivation and Cannabis Distribution. These definitions, while providing a basis for which to classify adult-use

cannabis businesses, do not include the full scope of activities allowed by each business type. The proposed amendments to LBMC Chapter 21.15 are intended to further specify the range of activities common to Cannabis Cultivation and Cannabis Distribution uses. Additionally, the proposed amendments will introduce and define a new land use category known as “Cannabis Distribution-Self.”

The intent of the new definition (Cannabis Distribution-Self) is to clearly distinguish accessory distribution uses, where products are cultivated and/or manufactured onsite, are transported out for distribution from the more intense nature of third-party distributors. Creating a clear delineation between distribution types, allows for streamlining the processing of applications for self-distributors and removes current entitlement requirements that may slow approval times for certain non-retail cannabis businesses. Specifically, cannabis self-distribution will now be allowed by right.

Proposed changes to Title 21 include reclassification of cannabis cultivation and the addition of use 1.2 Cannabis Cultivation to the Industrial Districts Table, and changes to the entitlement requirements for establishing new adult-use cannabis cultivation and distribution businesses. Specifically, new adult cannabis cultivation uses would now be subject to an Administrative Use Permit instead of a Conditional Use permit. This change will significantly reduce the cost and time required for non-retail cannabis businesses to gain permission to operate in Long Beach. With the incorporation of “Cannabis Distribution-Self” as a new land use category and definition (distinct from “Cannabis Distribution”), there will be a corresponding modification to Table 33-2 to be amended to introduce the new category as an allowable use within the Light Industrial (IL), Medium Industrial (IM), and General Industrial (IG) zoning districts (Attachment B - Redlined Title 21 Amendments).

Design - Title 5

LBMC Chapter 5.92.765 was originally implemented to minimize the impacts associated with remodeled or new adult-use cannabis facilities, and include minimal glazing, lack of transparency, lack of architectural interest, uninviting entrances, and blank building walls. Buildings without windows and other architectural features can contribute to a perception of blight and signal the decline of an area. Changes to this chapter include a reduction in the amount of required window area for newly constructed buildings, remodeled buildings, and the provision of alternative materials and design methods to provide for a variety of options and flexibility while ensuring the minimal design quality of the buildings (Attachment C - Redlined Title 5 Amendments). The goal of these changes is to provide meaningful relief and flexibility to non-retail cannabis businesses while maintaining community standards and expectations for high-quality design.

Staff presented the Planning Commission with three design options for consideration as set forth in Table 1. In concurrence with staff’s recommendation, the Planning Commission recommended Alternative 2, which reduces the window requirement in conjunction with the use of alternative design materials and architectural treatments for new and remodeled buildings.

Table 1: Alternative

Alternative (Alt).	WINDOW REQUIREMENT FOR NEWLY CONSTRUCTED BUILDINGS	WINDOW REQUIREMENT FOR EXISTING, REMODELED BUILDINGS.	ALTERNATIVE MATERIALS OR DESIGN METHODS
Alt. 1	40% of the ground floor building elevation facing the street. All other elevations visible from the public r-o-w 25% of the building elevation		None noted
Alt. 2	30% on elevations facing public right-of-way. 25% on elevations visible from the public right-of-way when done in conjunction with enhanced architectural features	25% on elevations visible from the public right-of-way when done in conjunction with enhanced architectural features	Building plane breaks, three-dimensional elements, transparent windows, doors, and changes in colors and materials, and landscaping
Alt. 3	30% on all elevations visible from the public right-of-way	None	N/A

Cannabis Cultivation at Private Residences - Title 8

The addition to LBMC Chapter 8 pertains to the cultivation of cannabis for personal use, implemented to establish parameters that are consistent with State law. In accordance with California Health and Safety Code Section 11362.1, LBMC Chapter 8 will provide definitions for “Public Place” and “Private Residence,” as well as mandate the maximum number of living cannabis plants at six (Attachment D - Redlined Title 8 Amendments). The codification of State law will enable Code Enforcement staff to issue citations if violation(s) are found.

Public Engagement and Notice

Staff held outreach events in the community to obtain stakeholder input on the proposed changes from not only the cannabis community, business operators, and consultants, but also the community at-large (November 6, 2019). From these two events, staff received a considerable amount of verbal feedback regarding issues that are not under the purview of the Planning Bureau, such as tax rates imposed on cannabis businesses and illegally operating cannabis businesses (black market). Written comments (9 responses) from these events and an online survey (5 responses) provide feedback (reduction in scope or elimination) to staff relating to design regulations for existing buildings and the requirement for a Conditional Use Permit for cannabis distribution businesses.

The required public hearing notice was provided in accordance with LMBC Chapter 21.21. A public hearing notice was published in the Long Beach Press-Telegram on March 10, 2020, public hearing notices were mailed to the California Coastal Commission, all City libraries, and three public hearing notices were posted in public places within the City. No written correspondence has been received prior to the City Council Hearing.

Pursuant to the California Environmental Quality Act (CEQA), Article 5, Section 15061 and the State CEQA Guidelines, it can be seen with certainty that the subject modifications to the City's LBMC noted above will not have the potential for having a significant effect upon the environment, and therefore the activity is not subject to CEQA.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Analysis Officer Julissa José-Murray on February 26, 2020.

City Council action is requested on April 14, 2020. Pursuant to Section 21.25.103 of the Zoning Regulations, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on January 16, 2019.

This recommendation has no staffing impact beyond the 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 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

LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

THOMAS B. MODICA
ACTING CITY MANAGER