

FINDINGS

PD-30 / Title 5 Zoning Code Amendment Application No. 2011-03 (ZCA 20-015) April 15, 2021

The Long Beach Municipal Code does not require specific findings for the adoption of a Zoning Code Amendment. The proposed Zoning Code Amendments, however, are consistent with state law and guidelines, consistent with other elements of the General Plan, will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity, convenience, general welfare, and good planning practice. The City of Long Beach makes these findings in support of its adoption of the proposed Zoning Code Amendments to the Downtown Planned Development District (PD-30) and amendments to Title 5 of the Long Beach Municipal Code (LBMC), collectively referred to as “Zoning Code Amendments” as it relates to this action.

The PD-30 and LBMC Title 5 Zoning Code Amendments are consistent with objectives, principles, and standards of the General Plan. The Zoning Code Amendments (ZCA) would not conflict with the City’s General Plan, the 2010 Strategic Plan, or any other applicable land use plans and policies. The ZCA involves amendments to portions of PD-30 and LBMC Title 5 pertaining to the allowance of adult-use cannabis dispensaries in Downtown Long Beach, by way of Conditional Use Permit (CUP) approval. These amendments reflect the forward-moving direction and growth of the adult-use cannabis commercial industry within the City of Long Beach since the adoption of Chapter 5.92 (Adult-Use Cannabis Businesses and Activities) in 2018. The City of Long Beach has maintained a cap of 32 cannabis dispensaries citywide since 2018. At its May 5, 2020 meeting, the City Council requested an amendment to LBMC Section 5.92.420 with specific attention to allowing cannabis dispensaries within the ground floor of mixed-use structures. As a result, the Downtown area (which is comprised of a significant number of properties having mixed-use structures) is now being considered to accommodate additional adult-use cannabis dispensaries. The ZCA is consistent with goals, policies and strategies in the existing Land Use Element (LUE) of the General Plan.

Specifically, the ZCA will implement the following changes: introduce a “Cannabis Dispensary (Adult-Use)” category to the Retail section of Table 3-1 within the PD-30 Ordinance. The Cannabis Dispensary (Adult-Use) category will indicate that a Conditional Use Permit is required in the Downtown Plan Area and that the use is prohibited in the Neighborhood Overlay district; amend Section 5.92.420 – Location Requirements to allow the location of cannabis dispensaries within buildings that contain dwelling units, only in PD-30; amend Section 5.92.760 – Visibility to include language reinforcing PD-30’s window transparency requirements along specifically identified pedestrian-oriented streets in PD-30; amend Section 5.92.765 (C) – Building Design to include language also reinforcing PD-30’s window transparency requirements for pedestrian-oriented streets; and amend Section 5.92.955 – Interior Signage to include language also reinforcing PD-30’s window transparency requirement for pedestrian-oriented streets.

These amendments are consistent with the goals and policies of the General Plan's Land Use Element (LUE). While LBMC Title 5 is generally applicable to the entire City of Long Beach, the proposed amendments within Chapter 5.92 all relate to and reference PD-30. PD-30 has a General Plan Land Use PlaceType designation of Downtown (DT). Downtown is the business office, government and tourism hub of Long Beach. It is characterized by compact, mixed-use urban development; high vehicular, pedestrian and transit traffic; and diverse building sizes, heights, ages, styles, and uses. The DT PlaceType encourages a mix of land uses and housing types, with a focus on providing active ground-floor shops, restaurants and cafes. It also promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles.

One of the citywide goals identified in the LUE is to strengthen the City's fiscal health by stimulating continuous economic development and job growth (**Goal No. 2** of the LUE). In particular, Strategy No. 3 calls for the maintenance of a strong, diversified economic base that creates jobs and attracts employers. Specifically, LU Policy 3-4 sets forth a specific objective to accomplish this goal. This policy looks to "promote and attract a mix of commercial and industrial uses by emphasizing the flexibility of the PlaceType designations."

Another citywide goal identified in the LUE is to accommodate strategic growth and change (**Goal No. 3** of the LUE). Under this goal, the City aims to encourage this growth within strategic locations while preserving existing neighborhoods. Map LU-20 of the Land Use Element identifies Downtown Long Beach as a target for one of the eight major areas of change that are the focus of the land use concept: "Continue Downtown Development". LU Policy 7-7 is to "continue to develop the Downtown into a city center that provides compact development, accommodates new growth, creates a walkable urban environment, allows for diversified businesses..."

The proposed ZCA supports the objectives of LU Policy 3-4 and LU Policy 7-7 by expanding the range and variety of uses allowed in certain parts of Downtown, while also promoting potential growth in the cannabis dispensary industry. Current regulations allow a citywide maximum of 32 cannabis dispensaries. Allowing the establishment of adult-use cannabis dispensaries in Downtown Long Beach will help accommodate that growth while still appropriately prohibiting the use from the less intense Neighborhood Overlay area within PD-30, in conformance with policies that call for strategic growth and change. In particular, LU Policy 7-7's objective of allowing diversified businesses will be strengthened. Although cannabis dispensaries are considered retail uses, they can be seen as having a distinct character, adding to the variety of uses established in PD-30.

The PD-30 / LBMC Title 5 Zoning Code Amendments will not adversely affect the character, livability or appropriate development of the City, and is in conformity with public necessity convenience, general welfare, and good planning practice. LBMC Chapter 5.92 (Adult-Use Cannabis Businesses and Activities) was adopted in 2018 and established regulations for adult-use cannabis businesses, including dispensaries. Prior to the adoption of Chapter 5.92, Chapter 5.90 (Medical Marijuana Businesses) was adopted. At the time of adoption of Chapter 5.90 (Through Measure MM) a maximum

number of 32 medical cannabis dispensaries was established on a citywide basis. The cap of 32 medical dispensaries was carried over to adult-use dispensaries, in which co-location (establishment of medical and adult-use cannabis businesses in the same facility) was required. Since that time, the City of Long Beach has seen a steady influx of application submittals for adult-use cannabis manufacturing, cultivation, and distribution facilities. While there are specific location buffers placed on adult-use cannabis facilities in general, the steady expansion of manufacturing, cultivation and distribution businesses grows disproportionately larger than the 32 cannabis dispensaries throughout the city. The City of Long Beach has recognized this trend and is now in consideration of expanding the boundaries in which adult-use cannabis dispensaries can be established.

The intent of the proposed ZCA is to allow PD-30, a major retail and restaurant hub, to permit the establishment of adult-use cannabis facilities (above and beyond the current limits of only being allowed in commercially zoned properties i.e. CCA, CNA, CNP, etc.) in Downtown Long Beach. PD-30 is characterized by a higher-density mixed-use and commercial developments consisting of retail, restaurants, offices, and entertainment uses. Cannabis dispensaries are defined as retail uses and their allowance in the PD-30 Downtown Plan Area (by way of a Conditional Use Permit) will not affect the character or livability of the City. LBMC Title 5 includes several stringent operational standards and measures that are required of all adult-use cannabis businesses to which such uses in PD-30 will also be subject. The Title 5 standards include several buffers from sensitive uses such as schools and parks as well as a minimum 1,000-foot distance separation between dispensaries. These buffers will further ensure that there would not be an overconcentration of the cannabis dispensaries within the downtown. Each CUP application for an adult-use cannabis dispensary would be subject to these Title 5 measures, as well as any additional special Conditions of Approval deemed appropriate.