

September 19, 2024

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommendation to request City Council accept Exemption CE-24-133, finding the proposed Zoning Code Amendment and Local Coastal Program Amendment exempt from the California Environmental Quality Act pursuant to Section 15183 (Projects Consistent with a Community Plan or Zoning) and Section 15061(b)(3) (Common Sense Exemption), as it will not result directly or indirectly in significant environmental impacts; and

Request that City Council approve a Zoning Code Amendment (ZCA24-001) and Local Coastal Program Amendment (LCPA24-002), and adopt the proposed findings related thereto, to introduce and establish new regulations for adult-use cannabis delivery-only dispensaries within Title 21 (Zoning) and Title 22 (Transitional Zoning Code) of the Long Beach Municipal Code to support proposed changes to Title 5 (Regulation of Businesses, Trades and Professions) of the Long Beach Municipal Code. (Citywide)

APPLICANT: City of Long Beach
Community Development Department
411 West Ocean Boulevard, 3rd Floor
Long Beach, CA 90802
(Application No. 2404-27)

DISCUSSION

The proposed project entails a Zoning Code Amendment and Local Coastal Program Amendment (LCPA) to introduce and establish new regulations for adult-use cannabis delivery-only dispensaries. This is pursuant to direction provided by the City Council in 2021 directing City of Long Beach (City) staff to amend City regulations in order to allow the establishment of delivery-only dispensaries for adult-use cannabis in Long Beach. These changes largely reflect an evolution in the industry that has already occurred and these changes to Long Beach Municipal Code (LBMC) are necessary to catch-up with existing practice in the marketplace.

Delivery services are ubiquitous within the larger cannabis marketplace. While these delivery services may well source product from legal, regulated cultivators and distributors, the City currently lacks the regulatory recognition and control for delivery-only businesses. Recognizing and



CHAIR AND PLANNING COMMISSIONERS

September 19, 2024

Page 2 of 9

regulating these uses is part of a larger City strategy to support the legal cannabis industry, reduce competition from unlicensed or unregulated businesses and open new business opportunity to those previously left out of the cannabis industry through the City's equity business program.

The existing regulations for adult-use cannabis businesses exist in two titles of the LBMC. The regulations are primarily contained in Title 5 of the LBMC which regulates businesses. However, there are also references in Title 21. As such, changes to address delivery-only cannabis dispensaries would be needed in three areas of the LBMC:

1. Consideration of proposed changes to Title 5 of the LBMC amend the existing operating conditions for adult-use cannabis dispensary businesses;
2. An amendment to the existing text of Title 21 of the LBMC to update regulations for 12 existing zoning districts and clarify how these regulations pertain to Planned Development Districts; and,
3. An amendment to the existing text of Title 22 of the LBMC to update regulations for eight existing zoning districts.

Given that the Planning Commission's jurisdiction is limited to the Zoning Code (Titles 21 and 22), the proposal before the Planning Commission is limited to changes within those titles which would support the broader changes being contemplated for Title 5. Additionally, Title 21 of the LBMC is part of the Implementation Plan (IP) of the City's Certified Local Coastal Program (LCP). Therefore, any revisions to Title 21 of the LBMC require a LCPA to ensure the proposed regulations are consistent with the Coastal Act.

Background

On January 1, 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) took effect, creating a statewide regulatory and licensing system for medical cannabis businesses in California. On November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). AUMA serves as the equivalent of MCRSA, from the standpoint of adult-use cannabis businesses. The following year, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which merged state regulations for medicinal and adult-use commercial cannabis activity into a single framework. MAUCRSA has given local governments the ability to regulate and/or prohibit adult cannabis activity within their jurisdictions.

In 2018, subsequent to the above state regulations, the City adopted changes to portions of the LBMC Title 5 (Regulation of Businesses, Trades and Professions) and Title 21 (Zoning), pertaining to the regulation of adult-use cannabis. Changes to the LBMC Title 21 included amendments to definitions in Chapter 21.15 (Definitions) and permitted uses tables in Chapters 21.31 (Residential Districts), 21.32 (Commercial Districts), 21.33 (Industrial Districts), 21.34 (Institutional Districts), and 21.35 (Park Districts). The Title 21 amendments established the regulations that govern each adult-use cannabis type by its land use category. The changes to Title 5 of the LBMC included the establishment of cannabis facility location requirements, operating conditions, and security standards.

CHAIR AND PLANNING COMMISSIONERS

September 19, 2024

Page 3 of 9

On April 21, 2020, additional amendments to the LBMC were adopted by the City Council updating the City’s cannabis regulations for non-retail businesses. These amendments included the following:

- Addition of a new definition to define “Cannabis Distribution-Self” as an independent use;
- Changes to the entitlement requirements for establishing new adult-use cannabis cultivation and distribution business (transitioning from a Conditional Use Permit (CUP) to an Administrative Use Permit); and,
- Updating building design requirements related to façade window coverage and architectural features for cannabis facilities.

On July 7, 2020, the City Council requested City staff to explore ways to strengthen the Cannabis Social Equity Program to expand equitable business ownership opportunities in Long Beach. In response, City staff released a memorandum to the City Council identifying policy options for the City Council to consider, including:

- Licensing and regulating shared-use manufacturing;
- Non-storefront retail (delivery); and,
- Additional storefront retail (dispensary) businesses.

On August 17, 2021, City staff released a feasibility analysis, in response to a request made by City Council on January 5, 2021, to outline the potential impacts of allowing cannabis delivery-only services in Long Beach. Subsequent to the release of the feasibility study, City Council directed the City Attorney’s office to prepare an Ordinance to allow cannabis delivery-only facilities in Long Beach on October 12, 2021 (Attachment A – City Council Letter for October 12, 2021). On August 31, 2022, the Community Development Department’s Planning Bureau hosted a virtual community meeting to educate participants about the growing demand for e-commerce and delivery-only retail use in Long Beach, such as ghost kitchens, cannabis retailers and distribution centers. Members of the public were also given an opportunity to provide feedback to the City regarding their level of support and/or concerns regarding e-commerce and delivery-only cannabis retail through a survey. The City received 43 responses to an online survey made available in 2022 on this topic. Of these responses, participants were categorized as outlined in Table 1.

Table 1: 2022 Survey Results

Participant Type	Number of Participants	Percentage of Overall Responses
Residents	21	48.8
Non-cannabis Business Owners	8	18.6
Cannabis Business Owner (equity applicant)	6	13.9
Cannabis Business Owner (non-equity applicant)	3	6.97
Other/Interested Party	5	11.6

Regarding overall support level for a code amendment allowing businesses to operate without an active storefront, 24 participants (55.8 percent) were very supportive, 10 participants (23.2 percent)

were mostly supportive, four participants (9.3 percent) were neutral, one participant (2.32 percent) was mostly unsupportive, and four participants (9.3 percent) were very unsupportive.

Some of the concerns raised regarding non-storefront buildings was the lack of visibility into the storefront, lack of in-person activity, and parking impacts. However, the majority of participants expressed no concern for non-storefront buildings, so long as the property is well-maintained and has a visually interesting building façade. Therefore, as indicated later in this report, City staff has included building design standards as a part of proposed amendments.

Due to the nature of this code amendment as necessary but not the highest priority, combined with staffing changes and challenges, there was some pause on this work during 2023. While significant time has elapsed since the community input, based on consultation with the Office of Cannabis Oversight, City staff believes that these changes remain necessary, appropriate and generally supported by the community and stakeholders.

In order to facilitate preparation of an Ordinance to allow cannabis delivery-only dispensaries (non-storefront retail), changes to Title 5 (Regulation of Businesses, Trades and Professions), Title 21 (Zoning), and Title 22 (Transitional Zoning Code) of the LBMC are required.

Proposed Title 5 Amendments

Title 5 of the LBMC pertains to the regulation of Businesses, Trades and Professions. Although Title 5 is not under the purview of the Planning Commission, it is the primary mechanism through which the City regulates adult use cannabis businesses. Therefore, this section provides an overview of relevant existing provisions and proposed changes to Title 5 in order to give the Planning Commission an understanding of why supporting changes to Titles 21 and 22 are being proposed.

Chapter 5.92 of the LBMC regulates Adult Use Cannabis Businesses and Activities. The location requirements for adult-use cannabis businesses, including dispensaries, are outlined in Section 5.92.420. Section 5.92.420 lists a variety of buffer requirements that restrict and prohibit the location of such uses near schools, daycares or libraries. The section also reinforces the need to comply with all zoning regulations.

In addition to location requirements, Title 5 of the LBMC includes definitions of cannabis business types and their relation to state regulations. One pertinent definition for this proposed project is that Chapter 5.92.030 of the LBMC defines a “Dispensary” as:

“any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents engaged in both medicinal and adult-use commercial cannabis activity, from the same permitted premises for the retail sale and delivery of cannabis goods to customers. A “Dispensary,” as that term is used in this Code, is a “Retailer” under the MAUCRSA.”

Additionally, Division IV (Dispensary Operating Conditions) of Chapter 5.92 of the LBMC sets forth a list of requirements for adult-use cannabis dispensaries and delivery services. In particular, Section 5.92.960 of the LBMC establishes focused regulations pertaining to the delivery of

CHAIR AND PLANNING COMMISSIONERS

September 19, 2024

Page 5 of 9

cannabis goods from an established dispensary. Currently, Section 5.92.960.C of the LBMC prohibits the sale of cannabis goods exclusively by delivery.

Based on direction provided by the City Council, City staff is proposing to remove this restriction in order to allow for the establishment of adult-use cannabis facilities that offer sales exclusively by delivery, without retail storefronts (Attachment B – Proposed Title 5 Amendments). Other proposed amendments to the Division IV (Dispensary Operating Conditions) include amendments to Section 5.92.960 of the LBMC to limit delivery vehicle operation for delivery employees only, add limitations on delivery vehicle occupancy, establish new global positioning system requirements for delivery vehicles, and place restrictions on the use of third-party delivery entities.

In addition to the proposed amendments to Division IV (Dispensary Operating Conditions), City staff is proposing to introduce Division XII (Delivery-Only Dispensary Operating Conditions) into Chapter 5.92 of the LBMC. The following divisions contained within Chapter 5.92 of the LBMC currently provide operating conditions depending on the adult-use cannabis business type:

- Division III – General Operating Conditions;
- Division IV – Dispensary Operating Conditions;
- Division V – Cultivation Operating Conditions;
- Division VI – Manufacturing Operating Conditions;
- Division VII – Shared Use Manufacturing Operating Conditions;
- Division VIII – Distribution Operating Conditions; and,
- Division IX – Testing Laboratory Operating Conditions

The proposed addition of Division XII (Delivery-Only Dispensary Operating Conditions) would establish a distinct set of regulations for all delivery-only, non-storefront dispensaries, above and beyond the requirements of Section 5.92.960 of the LBMC. Division XII will include requirements for hours of operation, point-of-sale tracking, vendor training, and an extensive section on delivery protocols.

Compliance with the proposed operating conditions would be reviewed both by Business License during the process of obtaining a Business License for a delivery only cannabis business, and by the Planning Bureau as part of any by-right planning review applications such as an Administrative Land Use Review Permit, or discretionary entitlements, such as Administrative Use Permits (AUPs) which are heard before the City's Zoning Administrator. The proposed changes to Title 21 and Title 22, outlined below, will designate whether the use is permitted, discretionarily permitted, or prohibited within specific zones for eligible locations outside the established buffers provided in Section 5.92.420.

Proposed Title 21 Amendments

Title 21 of the LBMC is known and cited as the "Zoning Regulations of the City of Long Beach" or the "Zoning Regulations". The purpose of the Zoning Regulations is to promote and preserve the public health, safety, comfort, convenience, prosperity and general welfare of the people of Long Beach. The proposed amendment to the existing text of Title 21 of the LBMC would introduce a

new definition of “Adult-Use Delivery-Only Dispensaries” and add this land use category to the zoning regulations for 12 existing zoning districts (Attachment C – Map of Affected Zoning Districts).

Definitions

Chapter 21.15 of the LBMC establishes definitions for words, phrases and terms used in Title 21 of the LBMC to provide clarity of intent and interpretation. Currently, the only definition in Title 21 related to cannabis dispensary uses (Section 21.15.113 of the LBMC) is for adult-use retail storefront uses. As “Adult-Use Cannabis Delivery-Only Dispensaries” are a new land use being proposed for inclusion into the LBMC, Chapter 21.15 would be revised to include a definition for the new land use. The proposed amendment to add this definition is intended to specifically categorize “Adult-Use Cannabis Delivery-Only Dispensary” (distinct from “Adult-Use Cannabis Dispensary”) and establish a framework for its allowance within Title 21 and 22 use tables (Attachment D - Title 21 Amendments). In creating a clear delineation between the two dispensary types, streamlining of specific applications is feasible.

Land Use

Title 21 of the LBMC currently does not include “Adult-Use Cannabis Delivery-Only Dispensaries” as a classified land use. Chapter 21.32 of the LBMC sets forth regulations that govern commercial zoning districts and Chapter 21.33 of the LBMC sets forth regulations that govern industrial zoning districts, all with the intent to ensure compatible and mutually beneficial land uses. Based on the nature of non-storefront and/or e-commerce establishments, staff has determined that Adult-Use Delivery-Only Dispensaries are appropriate within commercial and industrial zoning districts, contingent upon several caveats that will guide the regulatory framework. Therefore, proposed amendments to the Chapter 21.32 use table (Table 32-1) and the Chapter 21.33 use table (Table 33-2) would introduce Adult-Use Delivery-Only Dispensary as a classified use and establish in which zoning districts it is allowed by-right, discretionarily allowed, or not allowed.

In reference to commercial zoning districts, City staff proposes that Adult-Use Cannabis Delivery-Only Dispensaries within smaller buildings or tenant spaces (750 square feet or less) be allowed by right only within the following community and regional commercial districts: Community Auto-Oriented District (CCA); Community Pedestrian-Oriented District (CCP); and Regional Highway (CHW). Their use within the following neighborhood commercial and mixed-use zoning districts would be limited to second floors (as by-right uses): Neighborhood Pedestrian District (CNP); Neighborhood Auto-Oriented District (CNA); Neighborhood Commercial and Residential District (CNR); Community R-4-R District (CCR); and Community R-4-N District (CCN). City staff proposes that Cannabis Delivery-Only Dispensaries within larger buildings or tenant spaces (exceeding 750 square feet) would require an AUP within applicable zoning districts that correspond to the by-right allowances.

In reference to industrial zoning districts, smaller establishments would be allowed by right within the Light Industrial (IL), Medium Industrial (IM), and General Industrial (IG) zones, while larger establishments would also require an AUP. Pursuant to Sections 21.37.180 and 21.37.040 of the LBMC, when Title 21 is amended to add or change regulations for a specific land use in citywide zones such as those established within Commercial Districts (Chapter 21.32) or Industrial Districts

(Chapter 21.33), the Zoning Administrator may determine that the same use regulations apply to all or certain Planned Development Districts or Specific Plans if certain conditions are met.

The proposed zoning code amendment would also include amendments to Chapter 21.45 (Special Development Standards) of the LBMC for the addition of operational standards such as storefront and display requirements (even though not open to the public), architectural design, delivery loading on-site, business delivery vehicles on-site, and limits on the number of business-owned vehicles allowed. These special development standards would apply to both by-right uses and AUPs.

Proposed Title 22 Amendments

Title 22 (Transitional Zoning Code) of the LBMC was established in 2020, in order to facilitate a substantial update to the City's Zoning Regulations to implement the City's General Plan Land Use Element (LUE), which was updated in 2019. The City is now in the process of adding more zones to Title 22 and rezoning all parcels in the City over time through a geographic rezoning program. The intention is to fully transition from Title 21 to Title 22 of the LBMC. At this time, Title 22 only applies to designated areas outside the Coastal Zone.

Similar to Title 21 of the LBMC, Title 22 currently does not include "Adult-Use Cannabis Delivery-Only Dispensaries" as a classified land use. Section 22.15.030 of the LBMC sets forth the land use regulations that govern the zoning districts of Title 22. More specifically, Table 2B sets forth regulations that govern mixed-use districts and Table 2C sets forth regulations that govern commercial zoning districts. Proposed amendments to Table 2B and Table 2C would introduce Adult-Use Cannabis Delivery-Only Dispensary as a classified use and establish in which zoning districts it is allowed by-right, discretionarily allowed, or not allowed (Attachment E - Title 22 Amendments).

In reference to commercial and mixed-use zoning districts, City staff proposes that smaller (750 square-foot or less) Cannabis Delivery-Only Dispensaries be allowed by right within the C-3 zoning district, while limiting their use within the MU-1, MU-2, and MU-3 zoning districts to second floors (as by-right uses). City staff proposes that larger (exceeding 750 square feet) Cannabis Delivery-Only Dispensaries would require an AUP within applicable zoning districts that correspond to the by-right allowances.

Title 22 of the LBMC presently cross references the definitions and special development standards in Title 21 of the LBMC, therefore the requirements in both titles will be internally consistent for by-right and conditionally permitted uses.

Findings

Currently the LBMC does not require or have findings for amendments to the zoning code. However, the finding that City staff proposes relates to the consideration of the potential for negative impacts associated with poor design and its impact upon the surrounding area. The proposed amendments are consistent with the General Plan, specifically upholding the LUE emphasis on maintaining and improving the quality of life and the Public Safety Element's emphasis on creating safer physical environments (Attachment F – Findings). The proposed amendment

CHAIR AND PLANNING COMMISSIONERS

September 19, 2024

Page 8 of 9

would site these types of uses in commercial and industrial zones in locations sited a minimum distance from a variety of sensitive uses such as schools, daycares and libraries. The proposed amendment would be supported by operating conditions being considered for Title 5, to ensure there are no detrimental impacts on the surrounding areas. There would be no change to the location of commercial uses, or the development intensity planned for in the LUE.

With any changes to the IP (Title 21 of the LBMC) of the LCP, a LCPA is required to ensure the proposed regulations are consistent with the Coastal Act. The California Coastal Commission certified a LCPA on September 10, 2020, that included the introduction of the existing definitions and use categories for adult-use cannabis uses into Title 21 of the LBMC. As described above, the proposed changes to the zoning regulations would be to establish a new land use category and associated definition and development standards for a variation of commercial cannabis dispensary uses. There would be no change to the development intensity in commercial or industrial zones, including those within the Coastal Zone.

PUBLIC HEARING NOTICE

In accordance with the requirements of Chapter 21.21 of the LBMC, a public hearing notice was published in the Long Beach Press Telegram on September 5, 2024, posted online, and emailed via LinkLB Pursuant to 21.21.302.C of the LBMC, the notice of public hearing was posted in at least three public places within the boundaries of the City. The notice of public hearing was also mailed, together with all proposed changes, additions, modifications or deletions to all City libraries and to anyone requesting such notice. Notice was also emailed to the 48 individuals who signed up for interested parties notification on this project (43 of whom participated in the aforementioned community meeting survey). At the time of finalization of this report, no comments have been received.

ENVIRONMENTAL REVIEW

The proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15183 (Projects Consistent with a Community Plan or Zoning) and Section 15061(b)(3)(Common Sense Exemption) (CE-24-133). Pursuant to CEQA Guidelines Section 15183, project activities have been determined to be within the scope of activities analyzed in the General Plan Land Use and Urban Design Elements (LUE/UDE) Program Environmental Impact Report (PEIR) (State Clearinghouse No. 2015051054) and will not result in any new significant impacts (Attachment G – CE-24-133 and CEQA Statement of Support). The LUE/UDE PEIR was circulated for public review and was certified by the City Council on December 3, 2019. This PEIR analyzed the buildout of the General Plan LUE, which includes PlaceTypes that establish commercial and mixed-use areas in the City, among other uses. The proposed amendment would not change the established PlaceTypes in the LUE nor the buildout of the City. Rather, the new regulations would introduce and establish a new land use category, associated definition, and operating conditions for a variation of an existing commercial use. These uses would be limited to commercial zones within commercial and mixed-use PlaceTypes established in the LUE. As this project would not change the intensity of development identified in the LUE, it has been determined that the project will not result in any new significant impacts that exceed those analyzed in the PEIR.

CHAIR AND PLANNING COMMISSIONERS

September 19, 2024

Page 9 of 9

Furthermore, the proposed project introduces a new commercial land use category and associated regulations within established commercial and mixed-use zoning districts. There would be no physical development as a result of the proposed zoning code amendment. Future applications would have a similar form and function as non-cannabis commercial uses in the same zoning districts. Therefore, per Section 15061 of the State CEQA Guidelines, it can be seen with certainty that the subject modifications to the LBMC would not have the potential for having a significant effect upon the environment.

The proposed amendments introduce a newly categorized land use and establish an approval process and development standards for that land use. As it can be seen with certainty that the subject modifications to the LBMC noted above will not have the potential for having a significant effect upon the environment, and therefore the activity is exempt from CEQA.

Overall, these changes reflect current industry practices and will allow the City to better regulate cannabis delivery and create new opportunities through its cannabis equity program. Therefore, City staff recommends that the Planning Commission recommend that the City Council approve Zoning Code Amendment No. ZCA24-001 and LCPA No. LCPA24-002, establishing provisions for adult-use delivery-only cannabis establishments in Title 5, Title 21, and Title 22 of the LBMC.

Respectfully submitted,



CUENTIN JACKSON
PROJECT PLANNER



AMY HARBIN
PROJECT PLANNER



ALISON SPINDLER-RUIZ, AICP
PLANNING BUREAU MANAGER



CHRISTOPHER KOONTZ, AICP
DIRECTOR OF COMMUNITY
DEVELOPMENT

CK:ASR:MC:ah:cj

Attachments: Attachment A – City Council Letter for October 12, 2021
Attachment B – Title 5 Amendments
Attachment C – Map of Affected Zoning Districts
Attachment D – Title 21 Amendments
Attachment E – Title 22 Amendments
Attachment F – Findings
Attachment G – CE-24-133 and CEQA Statement of Support

ATTACHMENT B – PROPOSED TITLE 5 AMENDMENTS

The proposed Title 5 Amendments are not within the purview of the Planning Commission and are therefore not a subject of the Planning Commission hearing; however they are being provided for context to understand the proposed supporting changes to the Zoning Code (Titles 21 and 22)

DIVISION IV. DISPENSARY OPERATING CONDITIONS

In addition to the general operating requirements set forth in Division III of this Chapter, this Division provides additional requirements for Dispensaries and delivery services.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.910 Compliance.

Dispensaries may sell, distribute, dispense, provide, deliver, or transport Cannabis, only in accordance with all applicable laws and regulations, including but not limited to, this Code, any regulations implemented by the Department of Cannabis Control, California Business and Professions Code Sections 26000 et seq., and all other applicable State, federal and local laws and regulations.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.915 Hours of operation.

Dispensaries may only be open to the public between the hours of 9:00 a.m. to 9:00 p.m. up to seven (7) days per week. All deliveries of cannabis goods to customers by a Dispensary shall be completed by 10:00 p.m.

(ORD-22-0015 § 4, 2022; ORD-20-0042 § 2, 2020; ORD-18-0015 § 6(Exh. F), 2018)

5.92.920 Security personnel.

- A. Dispensaries shall hire or contract for uniformed security personnel to provide twenty-four (24) hour random security patrols of the premises to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. At a minimum, uniformed security personnel shall be generally located at an indoor guard station on the premises during all hours of operation and security-patrolling services shall patrol the premises during all hours the Dispensary is closed to the public.
- B. All uniformed security personnel hired or contracted by a Dispensary shall be licensed with the State of California Bureau of Security and Investigative Service, and shall comply with requirements in California Business and Professions Code Chapters 11.4 and 11.5 of Division 3.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.925 Protocols for individuals entering the premises.

- A. No person shall be permitted to enter a Dispensary without government-issued identification. Dispensaries shall not provide cannabis goods to any person, whether by purchase, trade, gift, or otherwise, who does not possess a valid government-issued identification and who does not meet the age requirements of this Chapter.
- B. Electronic age verification device required. Dispensaries shall verify the proof of age of every person entering the business with an electronic age verification device, prior to entry of the retail area. The electronic age verification device may be mobile or fixed, and shall be able to retain a log of all scans that includes the following information: date, time, and age. Said log shall be kept for a minimum of one-hundred and eighty (180) business days and all records shall be made available to the City Manager upon request.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.930 Point-of-sale tracking required.

A Dispensary shall facilitate the dispensing, making available, sale, and delivery of cannabis goods with a technology platform that uses point-of-sale technology to track, and database technology to record and store, the following information for each transaction involving the exchange of cannabis goods between the Dispensary and customer:

- A. The date and time of transaction.
- B. The first name and employee number of the Dispensary employee who processed the sale of cannabis goods on behalf of the Dispensary.
- C. A list of all the cannabis goods purchased, including the quantity purchased.
- D. The total amount paid for the sale, including the individual prices paid for cannabis or cannabis products purchased, and any amounts paid for taxes.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.935 Taxes.

Transactions for Dispensaries shall be taxed at the non-medical marijuana tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is able to prove by reasonable and verifiable standards which portion of the gross receipts are tied to the sale of the adult-use cannabis goods and which portion are tied to the sale of medicinal cannabis goods.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.940 Cannabis goods.

- A. A Dispensary shall not make any cannabis goods available for sale or delivery to a customer unless the cannabis goods were received from a State licensed Distributor.
- B. Prior to making cannabis goods available to customers, Dispensaries shall ensure that all cannabis goods dispensed, sold, delivered, or made available by the Dispensary, at a minimum:
 - 1. Are packaged and sealed in tamper-evident packaging that includes a unique identifier, such as a batch number and lot number or bar code, to identify and track the cannabis goods.
 - 2. For manufactured cannabis products, that the product complies with all requirements of California Business and Professions Code Section 26130 and all other applicable laws and regulations.
 - 3. The Dispensary has verified that the cannabis goods have not exceeded their expiration or sell-by date, if one is provided.
 - 4. For edible cannabis product, that the products comply with State packaging and labeling requirements, including, but not limited to:
 - a. Edible cannabis products shall not exceed 10 milligrams of tetrahydrocannabinol (THC) per serving.
 - b. The THC content for the cannabis product in its entirety is printed on the package.
 - c. All applicable requirements pursuant to California Business and Professions Code Sections 26120 and 26121 and any regulations promulgated thereunder.
- C. Exit packaging. Cannabis goods purchased by a customer shall not leave the Dispensary's premises unless placed in an opaque (not see-through) exit package.
- D. Secure storage of cannabis goods. Cannabis goods that are not used for display purposes or immediate sale shall be stored in a limited-access area, such as a secure and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss. It is unlawful, and a violation of this Chapter for a Dispensary to store cannabis goods in the retail area after the close of business.
- E. Edible cannabis products.
 - 1. Dispensaries may only dispense, sell, provide, or make available those edible cannabis products authorized by the State Department of Public Health and the City Health Officer.
 - 2. The sale, distribution, and delivery of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.
- F. No sales of expired cannabis products. Dispensaries are prohibited from selling any expired cannabis goods. It is unlawful for any person to alter, edit, or adjust, in any

manner, an expiration date on any item or cannabis product once affixed by its Manufacturer.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.945 Daily limit per person.

No Dispensary shall sell, distribute, or deliver more than 28.5 grams of cannabis or eight (8) grams of concentrated cannabis, including concentrated cannabis contained in cannabis products, to the same customer in the same business day.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.950 No free adult-use cannabis goods.

A Dispensary shall not provide free adult-use cannabis goods to any person. A Dispensary shall not allow individuals that are not employed by the Dispensary to provide free adult-use cannabis goods to any person on the permitted premises. In this Section, "free adult-use cannabis goods" shall mean any amount of cannabis goods provided to any person without cost or payment in exchange of any other thing of value.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.955 Interior signage required.

Dispensaries shall post the following notice(s), on a separate sign, or by adding the following notices to the interior sign required pursuant to Section 5.90.060 of this Code, conspicuously and where an average customer is likely to clearly view said notice within the permitted premises:

- A. "Smoking, vaporizing, ingesting, or consuming cannabis, cannabis products, tobacco, or alcohol on these premises, or in their vicinity, is prohibited and a violation of the Long Beach Municipal Code."
- B. "Patrons must immediately leave the premises and should not consume cannabis goods until at home or in an equivalent private location."
- C. "CALIFORNIA PROP. 65 WARNING: Smoking of cannabis and cannabis-derived products will expose you and those in your immediate vicinity to cannabis smoke. Cannabis smoke is known by the State of California to cause cancer."
- D. Consistent with this Subsection, such signage is prohibited on 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.

(ORD-23-0026 § 4, 2023; ORD-22-0015 § 4, 2022; ORD-21-0021 § 4, 2021; ORD-18-0015 § 6(Exh. F), 2018)

5.92.960 Delivery services.

In addition to the requirements set forth in this Chapter for Dispensaries, the delivery of cannabis goods shall be subject to the following requirements:

- A. Compliance. Delivery services shall be conducted in accordance with any relevant State and local laws and regulations, any applicable local laws in the delivery location, and any conditions imposed upon a Dispensary.
- B. Delivery services may operate as a part of, and in conjunction with, a Dispensary with a storefront open to the public during business hours and permitted pursuant to this Chapter and Chapter 5.90 of this Code and any applicable State laws and regulations.
- ~~C. No Person shall conduct sales of cannabis goods exclusively by delivery.~~
- C. Any application for a Dispensary shall include a statement as to whether the proposed use will include delivery of cannabis goods to customers.
- D. Vehicle standards. Dispensaries shall only allow delivery of cannabis goods in a vehicle that:
 - 1. Is capable of securing (locking) the cannabis goods during transportation.
 - 2. Is capable of being time and/or temperature controlled, if perishable cannabis goods are being transported.
 - 3. Does not display advertising or symbols visible from the exterior of the vehicle that suggest the vehicle is used for cannabis delivery or affiliation with a Dispensary.
 - 4. Shall only be operated by the delivery employee of the Dispensary
 - 5. Only the licensee or an employee of the Dispensary for whom delivery is being performed shall be in the delivery vehicle.
- E. Inspections. Any motor vehicle used by a Dispensary to deliver cannabis goods is subject to inspection by the City Manager or Chief of Police and may be stopped at the premises or during the delivery for inspection.
- F. Delivery employees. Every delivery employee of a Dispensary shall be at least twenty-one (21) years of age and shall have a valid California Driver's License.
- G. Documentation during transport. Delivery employees of a Dispensary shall carry a physical or electronic copy of the delivery request receipt with details regarding the delivery, a copy of the Dispensary's current permits and/or licenses required by the State and City, the employee's government-issued identification, and an identification badge provided by the Dispensary. All documentation shall be made available upon request to the City Manager or Chief of Police.
- H. Dispensaries shall maintain a database, and provide to the City Manager upon verbal or written request, a list of delivery employees and vehicles authorized to conduct deliveries on behalf of the Dispensary.

- I. Delivery employees shall personally verify, for each individual transaction, that the identity of the customer receiving cannabis goods from the Dispensary is the same as the person who ordered the delivery, and that said person is twenty-one (21) years of age or older, via the presentation of a valid government-issued identification.
- J. Limitations.
 1. While making deliveries, a Dispensary's delivery employee shall not carry cannabis goods worth more than limits imposed by the State at any time. This value shall be determined using the current retail price of all cannabis goods carried by the delivery employee.
 2. Direct route only. Except where a delivery employee requires rest, fuel, vehicle repair, or where the road conditions make the continued use of the road unsafe, impossible, or impracticable, a delivery employee may only travel to and from the Dispensary, to the delivery address, and between delivery addresses while delivering cannabis goods.
 3. Dispensaries and delivery employees may only deliver cannabis goods to customers within a city or county that does not expressly prohibit such delivery by ordinance.
 4. Consumption prohibited. No person shall consume or otherwise ingest cannabis goods, alcohol, any controlled substance, or intoxicants while transporting or delivering cannabis goods.
 5. The Dispensary shall prepare a delivery request receipt for each delivery of cannabis goods that shall include the following:
 - a. The name and address of the Dispensary;
 - b. The first name and employee number of the Dispensary's delivery employee who delivered the order;
 - c. The first name and employee number of the Dispensary's employee who prepared the order for delivery;
 - d. The first name of the customer and a Dispensary-assigned customer number for the person who requested the delivery;
 - e. The date and time the delivery request was made;
 - f. The delivery address;
 - g. A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;
 - h. The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and
 - i. Upon delivery, the date and time the delivery was made, and the signature of the customer who received the delivery.

6. A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle in compliance with all applicable State laws and regulations.
 - a. The dedicated GPS device must be owned by the Dispensary and used for delivery only. A personal or business phone or tablet is not an acceptable GPS device.
 - b. The device shall be either permanently or temporarily affixed to the delivery vehicle, shall remain active, and inside of the delivery vehicle at all times during delivery.
 - c. At all times, the Dispensary shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the Dispensary and shall provide that information to the City Manager or Chief of Police upon request. The history of all locations traveled to by a delivery employee while engaging in delivery shall be maintained by the licensee for a minimum of 90 days.
- K. All cannabis and all cannabis products being delivered must be obtained from the site of the licensed Dispensary or Delivery-Only Dispensary that is authorized to deliver cannabis. No cannabis or cannabis products may be delivered from any other facility, such as a separate storage facility or a cannabis product manufacturing facility. Loading and unloading of cannabis products must only take place within the designated and approved secured loading area.
- L. Deliveries Facilitated by Technology Platforms. A delivery license retailer shall not sell or otherwise transfer any cannabis goods to a customer through the use of an unlicensed third party, intermediary business, broker, or any other business or entity.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.965 Responsible Vendor Training Pilot Program.

- A. Purpose and Intent. Recognizing the potential harms and public health implications associated with cannabis use, the purpose of this Section is to promote public health and safety to reduce the likelihood of the problematic use of cannabis by proactively requiring that all customer-facing employees and managers of Dispensaries learn the necessary skills to protect customers, the public, employees of the Dispensary, and Dispensaries through a Responsible Vendor Training Program.
- B. Compliance. Every customer-facing manager and employee of a permitted Dispensary shall enroll in the Department of Health and Human Services' standardized training for Dispensaries within ninety (90) days of the establishment of the City's Responsible Vendor Training Pilot Program. Upon completion of such training, employees and managers shall receive written confirmation from the Department of Health and Human Services of successful completion of the program.

Dispensaries shall keep a copy of said written confirmation on the permitted premises for every customer-facing employee and manager.

- C. New employees and managers. Any newly hired manager or employee of a permitted Dispensary shall successfully complete the Responsible Vendor Training Pilot Program within sixty (60) days of said individual's first day of employment.
- D. Renewal of Training. After initial successful completion of the Responsible Vendor Pilot Training Program, every manager and employee of a Dispensary shall successfully complete the Responsible Vendor Training Pilot Program every twenty-four (24) months.
- E. Online or in-person training is at the discretion of the Department of Health and Human Services. Nothing in this Section shall prevent the City from becoming a training provider under any similar program for Dispensaries implemented by the State.
- F. Within three (3) years of the establishment of the program, the City Council will consider the available data and determine whether and how to continue the program. This Section shall remain in effect until revoked by the City Council.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

DIVISION XII. DELIVERY- ONLY DISPENSARY OPERATING CONDITIONS

In addition to the general operating requirements set forth in Division III of this Chapter, this Division provides additional requirements for Delivery-Only Dispensaries.

5.92.1710 Compliance.

Delivery-Only Dispensaries may sell, distribute, dispense, provide, deliver, or transport Cannabis, only in accordance with all applicable laws and regulations, including but not limited to, this Code, any regulations implemented by the Department of Cannabis Control, California Business and Professions Code Sections 26000 et seq., and all other applicable State, federal and local laws and regulations.

5.92.1715 Hours of operation.

Delivery-Only Dispensaries may only conduct deliveries between the hours of 9:00 a.m. to 10:00 p.m. up to seven (7) days per week.

5.92.1720 Point-of-sale tracking required.

A Delivery-Only Dispensary shall facilitate the dispensing, making available, sale, and delivery of cannabis goods with a technology platform that uses point-of-sale technology to track, and database technology to record and store, the following information for each transaction involving the exchange of cannabis goods between the Delivery-Only Dispensary and customer:

- A. The date and time of transaction.
- B. The first name and employee number of the Delivery-Only Dispensary employee who processed the sale of cannabis goods on behalf of the Delivery-Only Dispensary.
- C. A list of all the cannabis goods purchased, including the quantity purchased.
- D. The total amount paid for the sale, including the individual prices paid for cannabis or cannabis products purchased, and any amounts paid for taxes.

(ORD-22-0015 § 4, 2022; ORD-18-0015 § 6(Exh. F), 2018)

5.92.1725 Taxes.

Transactions for Delivery-Only Dispensaries shall be taxed at the non-medical marijuana tax rate pursuant to Section 3.80.261.C.2 of this Code, unless the Dispensary is able to prove by reasonable and verifiable standards which portion of the gross receipts are tied to the sale of the adult-use cannabis goods and which portion are tied to the sale of medicinal cannabis goods.

5.92.1730 Cannabis goods.

- A. A Delivery-Only Dispensary shall not make any cannabis goods available for sale or delivery to a customer unless the cannabis goods were received from a State licensed Distributor.

B. Prior to making cannabis goods available to customers, Delivery-Only Dispensaries shall ensure that all cannabis goods dispensed, sold, delivered, or made available by the Delivery-Only Dispensary, at a minimum:

1. Are packaged and sealed in tamper-evident packaging that includes a unique identifier, such as a batch number and lot number or bar code, to identify and track the cannabis goods.
2. For manufactured cannabis products, that the product complies with all requirements of California Business and Professions Code Section 26130 and all other applicable laws and regulations.
3. The Dispensary has verified that the cannabis goods have not exceeded their expiration or sell-by date, if one is provided.
4. For edible cannabis product, that the products comply with State packaging and labeling requirements, including, but not limited to:
 - a. Edible cannabis products shall not exceed 10 milligrams of tetrahydrocannabinol (THC) per serving.
 - b. The THC content for the cannabis product in its entirety is printed on the package.
 - c. All applicable requirements pursuant to California Business and Professions Code Sections 26120 and 26121 and any regulations promulgated thereunder.

D. Secure storage of cannabis goods. Cannabis goods that are not used for immediate sale shall be stored in a limited-access area, such as a secure and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

E. Edible cannabis products.

1. Delivery-Only Dispensaries may only dispense, sell, provide, or make available those edible cannabis products authorized by the State Department of Public Health and the City Health Officer.
2. The sale, distribution, and delivery of edible cannabis products shall be conducted in a manner that complies with all applicable food safety laws for the protection of humans consuming cannabis.

F. No sales of expired cannabis products. Delivery-Only Dispensaries are prohibited from selling any expired cannabis goods. It is unlawful for any person to alter, edit, or adjust, in any manner, an expiration date on any item or cannabis product once affixed by its Manufacturer.

5.92.1735 No free adult-use cannabis goods.

A Delivery-Only Dispensary shall not provide free adult-use cannabis goods to any person. A Delivery-Only Dispensary shall not allow individuals that are not employed by the Delivery-Only Dispensary to provide free adult-use cannabis goods to any person on

the permitted premises. In this Section, "free adult-use cannabis goods" shall mean any amount of cannabis goods provided to any person without cost or payment in exchange of any other thing of value.

5.92.1740 Delivery services.

In addition to the requirements set forth in this Chapter for Delivery-Only Dispensaries, the delivery of cannabis goods shall be subject to the following requirements:

- A. Compliance. Delivery services shall be conducted in accordance with any relevant State and local laws and regulations, any applicable local laws in the delivery location, and any conditions imposed upon a Delivery-Only Dispensary.
- B. No person shall conduct sales of cannabis goods exclusively by delivery, unless they are a verified equity business.
- C. No Delivery-Only Dispensary shall open their site to the public or conduct any retail sales of any goods and services to any person on the Delivery-Only Dispensary site.
- D. Any application for a Delivery-Only Dispensary shall include a statement as to whether the proposed use will include delivery of cannabis goods to customers.
- E. Vehicle standards. A Delivery-Only Dispensary shall only allow delivery of cannabis goods in a vehicle that:
 1. Is capable of securing (locking) the cannabis goods during transportation.
 2. Is capable of being time and/or temperature controlled, if perishable cannabis goods are being transported.
 3. Does not display advertising or symbols visible from the exterior of the vehicle that suggest the vehicle is used for cannabis delivery or affiliation with a Delivery-Only Dispensary.
 4. Shall only be operated by the delivery employee of the Delivery-Only Dispensary.
 5. Only the licensee or an employee of the Delivery-Only Dispensary licensee for whom delivery is being performed shall be in the delivery vehicle.
- F. Inspections. Any motor vehicle used by a Delivery-Only Dispensary to deliver cannabis goods is subject to inspection by the City Manager or Chief of Police and may be stopped at the premises or during the delivery for inspection.
- G. Delivery employees. Every delivery employee of a Delivery-Only Dispensary shall be at least twenty-one (21) years of age and shall have a valid California Driver's License.
- H. Documentation during transport. Delivery employees of a Delivery-Only Dispensary shall carry a physical or electronic copy of the delivery request receipt with details regarding the delivery, a copy of the Delivery-Only Dispensary's current permits and/or licenses required by the State and City, the employee's

government-issued identification, and an identification badge provided by the Delivery-Only Dispensary. All documentation shall be made available upon request to the City Manager or Chief of Police.

I. A Delivery-Only Dispensary shall maintain a database, and provide to the City Manager upon verbal or written request, a list of delivery employees and vehicles authorized to conduct deliveries on behalf of the Delivery-Only Dispensary.

J. Limitations.

1. While making deliveries, a Delivery-Only Dispensary's delivery employee shall not carry cannabis goods worth more than limits imposed by the State at any time. This value shall be determined using the current retail price of all cannabis goods carried by the delivery employee.

2. Direct route only. Except where a delivery employee requires rest, fuel, vehicle repair, or where the road conditions make the continued use of the road unsafe, impossible, or impracticable, a delivery employee may only travel to and from the Delivery-Only Dispensary, to the delivery address, and between delivery addresses while delivering cannabis goods.

3. Delivery-Only Dispensaries and delivery employees may only deliver cannabis goods to customers within a city or county that does not expressly prohibit such delivery by ordinance.

4. Consumption prohibited. No person shall consume or otherwise ingest cannabis goods, alcohol, any controlled substance, or intoxicants while transporting or delivering cannabis goods.

5. The Delivery-Only Dispensary shall prepare a delivery request receipt for each delivery of cannabis goods that shall include the following:

a. The name and address of the Delivery-Only Dispensary;

b. The first name and employee number of the Delivery-Only Dispensary's delivery employee who delivered the order;

c. The first name and employee number of the Delivery-Only Dispensary's employee who prepared the order for delivery;

d. The first name of the customer and a Delivery-Only Dispensary-assigned customer number for the person who requested the delivery;

e. The date and time the delivery request was made;

f. The delivery address;

g. A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;

h. The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and

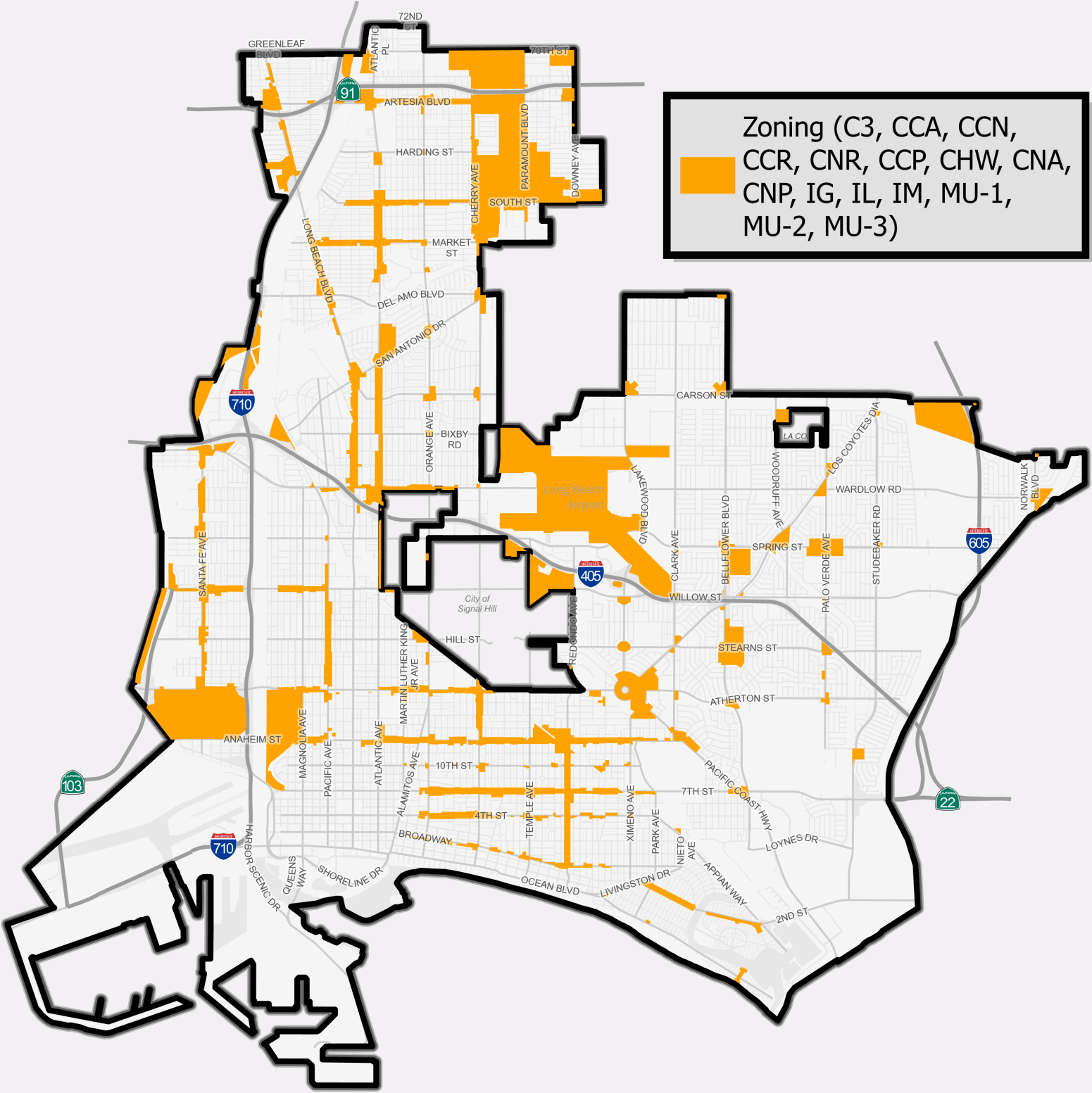
- d. Each Delivery-Only Dispensary shall have adequate storage space in a building for all its cannabis and cannabis products. The storage areas must not be shared with another delivery-only cannabis dispensary permittee, must be separated from the main entrance and lobby and must be secured by a lock accessible only to managers and staff of the Delivery-Only Dispensary.

5.92.1745 Responsible Vendor Training Pilot Program.

- A. Purpose and Intent. Recognizing the potential harms and public health implications associated with cannabis use, the purpose of this Section is to promote public health and safety to reduce the likelihood of the problematic use of cannabis by proactively requiring that all customer-facing employees and managers of Delivery-Only Dispensaries learn the necessary skills to protect customers, the public, employees of the Delivery-Only Dispensary, and Delivery-Only Dispensaries through a Responsible Vendor Training Program.
- B. Compliance. Every customer-facing manager and employee of a permitted Delivery-Only Dispensary shall enroll in the Department of Health and Human Services' standardized training for Delivery-Only Dispensaries within ninety (90) days of the establishment of the City's Responsible Vendor Training Pilot Program. Upon completion of such training, employees and managers shall receive written confirmation from the Department of Health and Human Services of successful completion of the program. Delivery-Only Dispensaries shall keep a copy of said written confirmation on the permitted premises for every customer-facing employee and manager.
- C. New employees and managers. Any newly hired manager or employee of a permitted Delivery-Only Dispensary shall successfully complete the Responsible Vendor Training Pilot Program within sixty (60) days of said individual's first day of employment.
- D. Renewal of Training. After initial successful completion of the Responsible Vendor Pilot Training Program, every manager and employee of a Delivery-Only Dispensary shall successfully complete the Responsible Vendor Training Pilot Program every twenty-four (24) months.
- E. Online or in-person training is at the discretion of the Department of Health and Human Services. Nothing in this Section shall prevent the City from becoming a training provider under any similar program for Delivery-Only Dispensaries implemented by the State.
- F. Within three (3) years of the establishment of the program, the City Council will consider the available data and determine whether and how to continue the program. This Section shall remain in effect until revoked by the City Council.

ATTACHMENT C

Zoning (C3, CCA, CCN, CCR, CNR, CCP, CHW, CNA, CNP, IG, IL, IM, MU-1, MU-2, MU-3)



Disclaimer
This map from the City of Long Beach is intended for informational purposes only. While reasonable effort has been made to ensure the accuracy of the data, the City assumes no liability or damages arising from errors or omissions. This map is provided without warranty of any kind. No part of this map may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying or recording system.



ATTACHMENT D – PROPOSED TITLE 21 AMENDMENTS

Chapter 21.15 DEFINITIONS

21.15.113 - Adult-Use Cannabis Dispensary.

A retail use (SIC Code 59) where cannabis goods or devices for the use of cannabis goods are offered, either individually or in any combination, for retail sale to customers at an on-site fixed location, including an establishment that also offers delivery of cannabis goods as part of a retail sale, in addition to on-site sales, in compliance with Titles 5.90 and 5.92.

For adult-use delivery-only cannabis dispensary, see "Adult-Use Cannabis delivery-only dispensary".

21.15.114 – Adult-Use Cannabis Delivery-Only Dispensary.

A commercial use in which any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents engaged in both medicinal and adult-use commercial cannabis activity from a permitted premise that does not have a retail storefront, is not open to the public and by which the exchange of products is facilitated directly to an end-consumer through off-site delivery only, with no transactions physically occurring on-site at the facility.

For retail (SIC Code 59) adult-use cannabis dispensary, see "Adult-Use Cannabis Dispensary".

Chapter 21.32 COMMERCIAL DISTRICTS

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Retail Services										
Adult-Use Cannabis Dispensary	Y	Y	Y	Y	Y	Y	Y	Y	N	Subject to requirements in 5.92.
<u>Adult-Use Cannabis Delivery-Only Dispensary up to 750 sq. ft. of GFA*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y</u>	<u>Y</u>	<u>Y*</u>	<u>Y*</u>	<u>Y</u>	<u>N</u>	<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u> <u>*Allowed only on the 2nd floor within the CNP, CNA, CNR, CCR, and CCN zones.</u>
<u>Adult-Use Cannabis Delivery-Only Dispensary over 750 sq. ft. of GFA*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP</u>	<u>AP</u>	<u>AP*</u>	<u>AP*</u>	<u>AP</u>	<u>N</u>	<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u> <u>*Allowed only on the 2nd floor within the CNP, CNA, CNR, CCR, and CCN zones contingent on Administrative Use Permit approval.</u>

Chapter 21.32 INDUSTRIAL DISTRICTS

**Table 33-2
Uses In Industrial Districts**

Use	IL	IM	IG	IP	*Notes and Exceptions	
7. Retail Trade					a. Primarily, these uses are intended to serve nearby industries and employees, and the retail's proximity will provide convenience with minimal impact on the retail operations.	
7.1 Eating places without drive-through facilities (SIC code 5812*)	Y	Y	Y	See item 10 in this table	b. Any business involved in the sale of alcoholic beverages shall be subject to conditional use permit review and shall meet the location requirements contained in Section <u>21.52.201</u> . The following exceptions do not require a conditional use permit: Restaurants with alcoholic beverage service only with meals, whereby alcoholic beverage sales comprise 30 percent or less of the monthly gross sales of the restaurant. This generally means that any use with a fixed bar is not exempt from the conditional use permit requirement. A service bar is not a fixed bar. A sushi bar where alcoholic beverages are served at the same bar as meals is considered as serving alcoholic beverages only with meals. A cocktail lounge without a bar but with service primarily of hors d'oeuvres and alcoholic beverages shall require a conditional use permit.	
7.2 Eating with drive-through facilities (SIC code 5812*)	C	C	C			
7.3 Book and video stores; video rentals (SIC codes 5735, 5942, 7841)	Y	Y	Y			
7.4 All other retail trade (SIC codes 52 through 57, 59)	Y	C	C			
<u>7.5 Adult-Use Cannabis Delivery-Only Dispensary up to 750 sq. ft. of GFA</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>			<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u>
<u>Adult-Use Cannabis Delivery-Only Dispensary over 750 sq. ft. of GFA</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>			<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u>
7. Retail Trade (continued) See item 13 in this table for "drinking places." (SIC code 5813)						

Chapter 21.45 SPECIAL DEVELOPMENT STANDARDS

21.45.700 – Adult-use cannabis delivery-only dispensaries

The following special development standards shall apply to Adult-use cannabis delivery-only dispensaries:

- A. Building Facades. On any industrial or commercial building or tenant space (existing or new) elevation fronting the street, blank walls in excess of 20 feet (or as specified within the applicable zoning district, whichever is more stringent) shall be prohibited. Facades visible from the street shall incorporate architectural elements such as building plane breaks, three-dimensional elements, transparent, display, doors, changes in color and materials and landscaping that result in a building with articulation.
- B. Window Coverage. On any commercial or industrial building or tenant space elevation fronting the street, standard windows or display windows shall comprise at least twenty-five percent (25%) of the elevation that encompasses the proposed use. Windows along street-facing frontages shall be transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).
- C. Entrances and Lobbies. Delivery-only dispensaries shall have a main entrance that is clearly visible from the public right-of-way. Entrances shall be clear of blockages, landscaping, and any other obstructions. The main entrance shall lead to a lobby used only to receive persons into the site and verify access privilege into restricted areas. Entrances into a building or tenant space on the dispensary site shall be locked at all times. Access into the facility and/or restricted areas shall be controlled by the managers and staff of the delivery-only dispensary.
- D. Distribution Area. Each delivery-only dispensary shall have a specific area designated for the secure transfer of cannabis products between a vehicle and the restricted area.
- E. Storage. Each delivery-only dispensary shall have adequate storage space for all cannabis products. The storage areas shall be for the sole use of each individual permittee and shall not be shared with another delivery-only permittee. Storage areas shall be separated from main entrances and lobbies and must be secured and accessible only to managers and staff of the delivery-only dispensary.

ATTACHMENT E – PROPOSED TITLE 22 AMENDMENTS

22.15.030 – Permit Requirements-Permitted Uses.
Table 2B: Permitted Uses in Mixed Use (MU) Zones

Table 2B: Permitted Uses							
Uses	Mixed-Use Zones			Mixed-Use Zones (A-Series)			Notes and Exceptions
	MU-1	MU-2	MU-3	MU-1-A/ MU-1-B*	MU-2-A	MU-3-A	
Commercial: Business/Retail/Professional/Personal							
<i>Basic Sales and Service: Retail/Business/Professional/Personal</i>							
≤4,500 Sq. Ft. GFA	Y	Y	Y	Y	Y	Y	Subject to 21.52.251 in RMU3 and RMU4 zones.
>4,500 and ≤9,000 Sq. Ft. GFA	Y	Y	Y	Y	Y	Y	
>9,000 Sq. Ft. GFA	Y	AP	AP	Y	AP	AP	
Thrift Store, Used Merchandise	Y	Y	N	Y	Y	N	
Pawn Shop	N	N	N	N	N	N	
Daycare Center or Pre-School, 15 or More	Y	Y	Y	Y	Y	Y	
Gallery/Experience/Demonstration Space	Y	Y	Y	Y	Y	Y	
Equipment Sales, Rental, or Repair	AP	N	N	AP	N	N	

<u>Adult-Use Cannabis Delivery-Only Dispensary up to 750 sq. ft. of GFA*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>Y*</u>	<u>As defined in 21.15.114.</u> <u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u> <u>*Allowed only on the 2nd floor of all mixed-use zoning districts</u>
<u>Adult-Use Cannabis Delivery-Only Dispensary over 750 sq. ft. of GFA*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u> <u>*Allowed only on the 2nd floor of all mixed-use zoning districts, contingent on Administrative Use Permit approval</u>

Table 2C: Permitted Uses in Commercial Zones

Table 2C: Permitted Uses			
Uses	Commercial Mixed-Use Zones	Commercial Mixed-Use Zones (A-Series)	Notes and Exceptions
	C3	C3-A	Code section numbers reference the Long Beach Municipal Code. All uses subject to 21.52.29 and the following noted standards or regulations.
Commercial: Business/Retail/Professional/Personal			
<i>Basic Sales and Service: Retail/Business/Professional/Personal</i>			
≤4,500 Sq. Ft. GFA	Y	Y	Subject to 21.52.251 in RMU3 and RMU4 zones.
>4,500 and ≤9,000 Sq. Ft. GFA	Y	Y	
>9,000 Sq. Ft. GFA	Y	Y	
Thrift Store, Used Merchandise	Y	Y	
Pawn Shop	C	C	Subject to 21.52.270.1 .
Daycare Center or Pre-School, 15 or More	Y	Y	As defined in 21.15.730 , subject to 21.52.249 .

Gallery/Experience/Demonstration Space	Y	Y	
Equipment Sales, Rental, or Repair	Y	Y	Indoor only; outdoor display or sales prohibited.
<u>Adult-Use Cannabis Delivery-Only Dispensary up to 750 sq. ft. of GFA</u>	<u>Y</u>	<u>Y</u>	<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u>
<u>Adult-Use Cannabis Delivery-Only Dispensary over 750 sq. ft. of GFA</u>	<u>AP</u>	<u>AP</u>	<u>Subject to requirements in 5.92 and special standards in Section 21.45.700.</u>

FINDINGS

Citywide Zoning Code Amendment Application No. 2404-27 (ZCA 24-001, LCPA24-002) September 19, 2024 (Planning Commission)

The Long Beach Municipal Code (LBMC) does not require specific findings for the adoption of a Zoning Code Amendment (ZCA). The proposed ZCA, however, has been determined to be consistent with state law and guidelines, consistent with all 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 amendments to Title 21 and Title 22 of the LBMC.

The Title 21 and Title 22 Code Amendments are consistent with objectives, principles, and standards of the General Plan. The proposed amendments would not conflict with the City's General Plan, the 2030 Strategic Vision, or any other applicable land use plans and policies. The ZCA involves amendments to Titles 21 (Zoning Code) and Title 22 (Transitional Zoning Code) of the LBMC pertaining to the establishment of a new land use for adult-use delivery-only dispensaries. These changes support major amendments being proposed to Title 5 (Regulation of Businesses, Trades and Professions) as to the permitting and operational standards for delivery only cannabis businesses (including their allowance within specific commercial and mixed-use zoning districts). 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) of the LBMC in 2018 and subsequent amendments in 2020. Up until this point, dispensaries within the City of Long Beach were not allowed to have delivery-only options. On July 7, 2020, the City Council requested city staff to explore ways to strengthen the Cannabis Social Equity Program to expand equitable business ownership opportunities in Long Beach. In response, staff released a memorandum to the City Council identifying policy options for the City Council to consider, including:

- Licensing and regulating shared-use manufacturing;
- Non-storefront retail (delivery-only); and
- Additional storefront retail (dispensary) businesses.

On August 17, 2021, staff released a feasibility analysis (as requested by City Council on January 5, 2021) to outline the potential impacts of allowing cannabis delivery-only services in Long Beach. Subsequent to the release of the feasibility study, City Council directed the City Attorney's office to prepare an Ordinance to allow cannabis delivery-only facilities in Long Beach on October 12, 2021. In order to facilitate preparation of an Ordinance to allow cannabis delivery-only dispensaries (non-storefront retail), changes to Titles 5, 21 and 22 of the LBMC are required. As detailed below, the ZCA is consistent with goals, policies and strategies in the existing Land Use Element (LUE) of the General

Plan.

For context, the following changes are contemplated for Title 5 of the LBMC:

- Remove the Section 5.92.960.C of the LBMC prohibition of dispensary sales exclusively by delivery; and
- Introduce a new Division into Chapter 5.92 of the LBMC (Division XII), pertaining to operating conditions for delivery-only dispensaries.

In support of those changes, the ZCA will implement the following amendments:

Title 21 of the LBMC:

- Introduce a new definition for “Adult-Use Delivery-Only Dispensary” into Chapter 21.15 of the LBMC; and
- Introduce a new land use category for “Adult-Use Delivery-Only Dispensary” into the Retail sections of Tables 32-1 (Chapter 21.32) and 33-2 (Chapter 21.33) within Title 21 of the LBMC.

Title 22 of the LBMC:

- Introduce the new land use category for “Adult-Use Delivery-Only Dispensary” into the Basic Sales and Service sections of Tables 2B and 2C (Chapter 22.15) within Title 22 of the LBMC.

The Adult-Use Delivery-Only Dispensary category will indicate a by-right allowance within commercial and industrial zones, when up to 750 square-feet in size, and an Administrative Use Permit (AUP) requirement when greater than 750 square-feet. These uses will be limited to 2nd floor areas within neighborhood commercial and mixed-use zoning districts (such as CNP, CNA, CNR, CCR, CCN, MU-1, MU-2, and MU-3).

These amendments are consistent with the goals and policies of the General Plan’s Land Use Element (LUE) on a citywide basis. 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.”

The proposed ZCA supports the objectives of LU Policy 3-4 by expanding the variety of land uses allowed throughout the city, while also promoting potential growth in the cannabis dispensary industry. Current regulations do not allow adult-use cannabis dispensaries to operate on a delivery-only basis. Allowing the establishment of adult- use delivery-only dispensaries in the City of Long Beach will help accommodate that growth while still appropriately requiring discretion actions when a 750-square-foot size threshold

is surpassed.

The Title 5, Title 21, and Title 22 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 of the LBMC (Adult-Use Cannabis Businesses and Activities) was adopted in 2018 and established regulations for adult-use cannabis businesses, including dispensaries. Chapter 5.90 (Medical Marijuana Businesses) was adopted prior to the adoption of Chapter 5.92 of LBMC. At the time of adoption of Chapter 5.90 (Through Measure MM) a maximum of 32 medical cannabis dispensaries were 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, including compliance with zoning requirements, 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 accommodating non-storefront dispensaries with delivery-only functionality, in order to expand the types of adult-use cannabis dispensaries.

The intent of the proposed ZCA is to allow the expansion of adult-use cannabis dispensaries, while simultaneously establishing a less intense operation model that omits a retail storefront. Cannabis dispensaries are currently capped on a citywide basis and do not allow delivery-only operations. Introducing delivery-only dispensaries provides an additional means of facilitating business transactions to end-consumers without the customer having to visit a facility. Title 5 of the LBMC includes several stringent operational standards and measures that are required of all adult-use cannabis businesses. Proposed amendments to Title 5 of the LBMC include additional standards and measures that will govern delivery-only adult-use cannabis dispensaries. The location requirements established in Title 5 of the LBMC, including buffers from sensitive uses such as schools and parks as well as a minimum 1,000-foot distance separation between dispensaries, would remain in full force and effect with this code amendment. These buffers continue to ensure that there would not be an overconcentration of the cannabis dispensaries in any particular area of the City.

The proposed ZCA would also include amendments to Chapter 21.45 of the LBMC (Special Development Standards) for the addition of operational standards for delivery only dispensaries, such as storefront and display requirements, which are important even though these locations will not be open to the public. The proposed architectural and design requirements ensure that these types of uses are seamlessly integrated into the commercial zoning districts and maintain high-quality urban design standards with the necessary security measures for cannabis uses. Multiple strategies outlined in the Urban

Design Element (UDE) encourage an “eyes on the street” active pedestrian environment by maximizing transparency of exterior walls, incorporating and/or encouraging active ground floor uses, and entrances that engage the street. The proposed ordinance stipulates that delivery-only dispensaries should be located only on the 2nd floor in certain pedestrian-oriented commercial zones, to ensure that active ground floor uses are preserved and encouraged at the ground level. The proposed ordinance includes mechanisms for discretion to ensure the goals of the LUE and UDE are maintained with each application. In addition to location requirements and architectural design, delivery loading on-site, business delivery vehicles on-site, and limits on the number of business-owned vehicles allowed ensure that the operation of these uses do not create a security or access concern for nearby uses. These special development standards would apply to both by-right uses and AUPs. While the delivery-only dispensary use is commercial in nature, the form and function of these uses are nuanced from a traditional commercial storefront. Therefore, the introduction of these standards help ensure the operation of delivery-only dispensary uses do not adversely affect the character, livability or appropriate development of the City.

Each adult-use delivery-only dispensary (whether by-right or by AUP application) would be subject to these Title 5 operational standards, Title 21 special development standards, and any additional special Conditions of Approval deemed appropriate as part of discretionary approvals. The proposed project introduces a new commercial land use category and associated regulations within established commercial and mixed-use zoning districts. There would be no physical development as a result of the proposed zoning code amendment. Future applications would have a similar form and function as non-cannabis commercial uses in the same zoning districts.

CEQA Notice of Exemption

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Community Development Department
411 W. Ocean Blvd, 3rd Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Exemption Number: CE-24-133

Project Title (Application Number): Cannabis Delivery-Only Dispensary Ordinance (App. No. 2404-27)

Project Location – Specific: Citywide

Project Location – City/County: **City of Long Beach, Los Angeles County, California**

Description of Nature, Purpose and Beneficiaries of Project:

A Zoning Code Amendment(ZCA24-001)and Local Coastal Program Amendment (LCPA24-002) to introduce and establish new regulations for adult-use cannabis delivery-only dispensaries within Title 21 and Title 22 of the Long Beach Municipal Code to support proposed changes to Title 5 of the Long Beach Municipal Code.(Citywide)

Public Agency Approving Project: **City of Long Beach, California**

Person or Agency Carrying Out Project: City of Long Beach, Community Development Department

Exempt Status: **(Check One)**

- Ministerial (Sec 21080(b)(1); 15268);
- Declared Emergency (Sec 21080(b)(3); 15269(a));
- Emergency Project (Sec 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15061(b)(3)
- Statutory Exemption. State code number: 15183

Reasons why project is exempt:

Pursuant to CEQA Guidelines Section 15183, project activities have been determined to be within the scope of activities analyzed in the General Plan Land Use and Urban Design Elements (LUE/UDE) Program Environmental Impact Report (EIR) (State Clearinghouse No. 2015051054) and will not result in any new significant impacts. The Program EIR analyzed the buildout of the General Plan LUE, which includes PlaceTypes that establish commercial and mixed-use areas in the City of Long Beach, among other uses. The proposed amendment would not change the established PlaceTypes in the LUE nor the buildout of the City of Long Beach. Furthermore, the proposed project introduces a new commercial land use category and associated regulations within established commercial and mixed-use zoning districts. There would be no physical development as a result of the proposed zoning code amendment. Future applications would have a similar form and function as non-cannabis commercial uses in the same zoning districts. Per Section 15061 of the State CEQA Guidelines, it can be seen with certainty that the subject modifications to the City's Municipal Code would not have the potential for having an effect on the environment.

Lead Agency

Contact Person: Cuentin Jackson Contact Phone: (562) 570- 6345

Signature: Cuentin Jackson Date: _____ Title: Planner

CEQA Exemption 15183 – Environmental Documentation

1. Project Background

On January 1, 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) took effect, creating a statewide regulatory and licensing system for medical cannabis businesses in California. On November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). AUMA serves as the equivalent of MCRSA, from the standpoint of adult-use cannabis businesses. The following year, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which merged state regulations for medicinal and adult-use commercial cannabis activity into a single framework. MAUCRSA has given local governments the ability to regulate and/or prohibit adult cannabis activity within their jurisdictions.

In 2018, subsequent to the above state regulations, the City adopted changes to portions of the LBMC Title 5 (Regulation of Businesses, Trades and Professions) and Title 21 (Zoning), pertaining to the regulation of adult-use cannabis. Changes to the LBMC Title 21 included amendments to definitions in Chapter 21.15 (Definitions) and permitted uses tables in Chapters 21.31 (Residential Districts), 21.32 (Commercial Districts), 21.33 (Industrial Districts), 21.34 (Institutional Districts), and 21.35 (Park Districts). The Title 21 amendments established the regulations that govern each adult-use cannabis type by its land use category. The changes to Title 5 of the LBMC included the establishment of cannabis facility location requirements, operating conditions, and security standards.

On April 21, 2020, additional amendments to the LBMC were adopted by the City Council updating the City's cannabis regulations for non-retail businesses. These amendments included the following:

- Addition of a new definition to define “Cannabis Distribution-Self” as an independent use;
- Changes to the entitlement requirements for establishing new adult-use cannabis cultivation and distribution business (transitioning from a Conditional Use Permit (CUP) to an Administrative Use Permit); and,
- Updating building design requirements related to façade window coverage and architectural features for cannabis facilities.

On July 7, 2020, the City Council requested City staff to explore ways to strengthen the Cannabis Social Equity Program to expand equitable business ownership opportunities in Long Beach. In response, City staff released a memorandum to the City Council identifying policy options for the City Council to consider, including:

- Licensing and regulating shared-use manufacturing;
- Non-storefront retail (delivery); and,
- Additional storefront retail (dispensary) businesses.

On August 17, 2021, City staff released a feasibility analysis, in response to a request made by City Council on January 5, 2021, to outline the potential impacts of allowing cannabis delivery-only services in Long Beach. Subsequent to the release of the feasibility study, City Council directed the City Attorney's office to prepare an Ordinance to allow cannabis delivery-only facilities in Long Beach on October 12, 2021 (Attachment A – City Council Letter for October 12, 2021). On August 31, 2022, the Community Development Department's Planning Bureau hosted a virtual community meeting to educate participants about the growing demand for e-commerce and delivery-only retail use in Long Beach, such as ghost kitchens, cannabis retailers and distribution centers.

In order to facilitate preparation of an Ordinance to allow cannabis delivery-only dispensaries (non-storefront retail), changes to Title 5 (Regulation of Businesses, Trades and Professions), Title 21 (Zoning), and Title 22 (Transitional Zoning Code) of the LBMC are required.

2. Project Overview

2.1. Project Description

The City is proposing amendments to the Zoning Code to allow cannabis delivery-only dispensaries, which would not require a storefront as currently required under the LBMC. No specific development is proposed as part of the project, rather, the proposed project would allow for adult-use delivery-only cannabis dispensaries within the existing commercial and industrial zoning districts throughout the City. While the proposed project would expand the allowable land uses in certain zones for this discrete use, it would not change the density of allowable development. The proposed Zoning Code amendments are summarized below.

Proposed Title 5 Amendments

Title 5 of the LBMC pertains to the regulation of Businesses, Trades and Professions. Although Title 5 is not under the purview of the Planning Commission, it is the primary mechanism through which the City regulates adult use cannabis businesses. Therefore, this section provides an overview of relevant existing provisions and proposed changes to Title 5 in order to give the Planning Commission an understanding of why supporting changes to Titles 21 and 22 are being proposed.

Chapter 5.92.030 – Definitions defines “Dispensary” as *“any person, entity, or operation, in whole or in part, whether operating for-profit or not-for-profit, and all associated owners, employees, managers, or agents engaged in both medicinal and adult-use commercial cannabis activity, from the same permitted premises for the retail sale and delivery of cannabis goods to customers. A “Dispensary,” as that term is used in this Code, is a “Retailer” under the MAUCRSA.”*

Additionally, Chapter 5.92 of the LBMC. Division IV - Dispensary Operating Conditions, outlines a list of requirements for adult-use cannabis dispensaries and delivery services. In particular, Section 5.92.960 - Delivery Services establishes focused regulations pertaining to the delivery of cannabis goods from an established dispensary. Currently, Section 5.92.960.C of the LBMC prohibits the sale of cannabis goods exclusively by delivery.

The proposed project would remove this restriction to allow for the establishment of adult-use cannabis facilities that offer sales exclusively by delivery, without retail storefronts. Other proposed amendments to Section 5.92.960 include the limitation of delivery vehicle operation for delivery employees only, limitations on delivery vehicle occupancy, new global positioning system requirements for delivery vehicles, and restrictions on the use of third-party delivery entities.

In addition to the proposed amendments to Division IV - Dispensary Operating Conditions, City staff is proposing to introduce Division XII – Delivery-Only Dispensary Operating Conditions into Chapter 5.92 of the LBMC. The following operating conditions are currently contained within Chapter 5.92 of the LBMC:

- Division III – General Operating Conditions;
- Division IV – Dispensary Operating Conditions;
- Division V – Cultivation Operating Conditions;
- Division VI – Manufacturing Operating Conditions;

- Division VII – Shared Use Manufacturing Operating Conditions;
- Division VIII – Distribution Operating Conditions; and
- Division IX – Testing Laboratory Operating Conditions

The proposed addition of Division XII – Delivery-Only Dispensary Operating Conditions will establish a distinct set of regulations for all delivery-only, non-storefront dispensaries, above and beyond the requirements of Section 5.92.960 of the LBMC. Division XII would include requirements for hours of operation, point-of-sale tracking, vendor training, and a section on delivery protocols.

Proposed Title 21 Amendments

Title 21 of the LBMC is known and cited as the "Zoning Regulations of the City of Long Beach" or the "Zoning Regulations". The purpose of the Zoning Regulations is to promote and preserve the public health, safety, comfort, convenience, prosperity and general welfare of the people of Long Beach. The proposed amendment to the existing text of Title 21 of the LBMC would introduce a new definition of "Adult-Use Delivery-Only Dispensaries" and add this land use category to the zoning regulations for 12 existing zoning districts.

Definitions

Chapter 21.15 of the LBMC establishes definitions for words, phrases and terms used in Title 21 of the LBMC to provide clarity of intent and interpretation. Currently, the only definition in Title 21 related to cannabis dispensary uses (Section 21.15.113 of the LBMC) is for adult-use retail storefront uses. As "Adult-Use Cannabis Delivery-Only Dispensaries" are a new land use being proposed for inclusion into the LBMC, Chapter 21.15 would be revised to include a definition for the new land use. The proposed amendment to add this definition is intended to specifically categorize "Adult-Use Cannabis Delivery-Only Dispensary" (distinct from "Adult-Use Cannabis Dispensary") and establish a framework for its allowance within Title 21 and 22 use tables (Attachment D - Proposed Title 21 Amendments). In creating a clear delineation between the two dispensary types, streamlining of specific applications is feasible.

Land Use

Title 21 of the LBMC currently does not include "Delivery-Only Dispensaries" as a classified land use. Chapter 21.32 of the LBMC sets forth regulations that govern commercial zoning districts while Chapter 21.33 of the LBMC sets forth regulations that govern industrial zoning districts. Based on the nature of non-storefront and/or e-commerce establishments, the City has determined that Delivery-Only Dispensaries are appropriate within commercial and industrial zoning districts, contingent upon several caveats that would guide the regulatory framework. Therefore, proposed amendments to the Chapter 21.32 use table (Table 32-1) and the Chapter 21.33 use table (Table 33-2) would introduce Delivery-Only Dispensary as a classified use and establish in which zoning districts the new use would be allowed by-right, discretionarily allowed, or not allowed.

In reference to commercial zoning districts, City staff proposes that Adult-Use Cannabis Delivery-Only Dispensaries within smaller buildings or tenant spaces (750 square feet or less) be allowed by right only within the following community and regional commercial districts: Community Auto-Oriented District (CCA); Community Pedestrian-Oriented District (CCP); and Regional Highway (CHW). Their use within the following neighborhood commercial and mixed-use zoning districts would be limited to second floors (as by-right uses): Neighborhood Pedestrian District (CNP); Neighborhood Auto-Oriented District (CNA); Neighborhood Commercial and Residential District

(CNR); Community R-4-R District (CCR); and Community R-4-N District (CCN). City staff proposes that Cannabis Delivery-Only Dispensaries within larger buildings or tenant spaces (exceeding 750 square feet) would require an AUP within applicable zoning districts that correspond to the by-right allowances.

In reference to industrial zoning districts, smaller establishments would be allowed by right within the Light Industrial (IL), Medium Industrial (IM), and General Industrial (IG) zones, while larger establishments would also require an AUP. [WHY see previous comment] Pursuant to Sections 21.37.180 and 21.37.040 of the LBMC, when Title 21 is amended to add or change regulations for a specific land use in citywide zones such as those established within Commercial Districts (Chapter 21.32) or Industrial Districts (Chapter 21.33), the Zoning Administrator may determine that the same use regulations apply to all or certain Planned Development Districts or Specific Plans if certain conditions are met.

The proposed zoning code amendment would also include amendments to Chapter 21.45 (Special Development Standards) of the LBMC for the addition of operational standards such as storefront and display requirements (even though not open to the public), architectural design, delivery loading on-site, business delivery vehicles on-site, and limits on the number of business-owned vehicles allowed. These special development standards would apply to both by-right uses and AUPs.

Proposed Title 22 Amendments

Title 22 (Transitional Zoning Code) of the LBMC was established in 2020, in order to facilitate a substantial update to the City's Zoning Regulations to implement the City's General Plan Land Use Element (LUE), which was updated in 2019. The City is now in the process of adding more zones to Title 22 and rezoning all parcels in the City over time through a geographic rezoning program. The intention is to fully transition from Title 21 to Title 22 of the LBMC. At this time, Title 22 only applies to designated areas outside the Coastal Zone.

Similar to Title 21 of the LBMC, Title 22 currently does not include "Adult-Use Cannabis Delivery-Only Dispensaries" as a classified land use. Section 22.15.030 of the LBMC sets forth the land use regulations that govern the zoning districts of Title 22. More specifically, Table 2B sets forth regulations that govern mixed-use districts and Table 2C sets forth regulations that govern commercial zoning districts. Proposed amendments to Table 2B and Table 2C would introduce Adult-Use Cannabis Delivery-Only Dispensary as a classified use and establish in which zoning districts it is allowed by-right, discretionarily allowed, or not allowed (Attachment E - Proposed Title 22 Amendments).

In reference to commercial and mixed-use zoning districts, City staff proposes that smaller (750 square-foot or less) Cannabis Delivery-Only Dispensaries be allowed by right within the C-3 zoning district, while limiting their use within the MU-1, MU-2, and MU-3 zoning districts to second floors (as by-right uses). City staff proposes that larger (exceeding 750 square feet) Cannabis Delivery-Only Dispensaries would require an AUP within applicable zoning districts that correspond to the by-right allowances.

Title 22 of the LBMC presently cross references the definitions and special development standards in Title 21 of the LBMC, therefore the requirements in both titles will be internally consistent for by-right and conditionally permitted uses.

3. CEQA Regulatory Setting

The California Environmental Quality Act (CEQA) applies to proposed projects initiated by, funded by, or requiring discretionary approvals from state or local government agencies. CEQA applies

generally to discretionary actions by agencies which may have a significant effect on the environment. However, where it can be seen with certainty that there is no possibility that an activity may have a significant effect on the environment, or if the activity meets the conditions for a CEQA exemption, it is considered exempt from the provisions of CEQA. CEQA Guidelines Section 15183 provides an exemption for projects that are consistent with the densities established by existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was certified. Additional environmental review of such projects shall not be required, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

On December 4, 2019, the City of Long Beach adopted the General Plan Land Use and Urban Design Elements (LUE/UDE) and certified the General Plan Land Use and Urban Design Elements Final Recirculated Program Environmental Impact Report (LUE/UDE PEIR), dated October 2019. The LUE/UDE are intended to guide development patterns and aesthetic character of the City through implementation of goals, policies, and implementation strategies through the year 2040. According to the LUE/UDE PEIR, the full buildout of the General Plan (year 2040) would result in a net increase of 18,230 new residents, 28,524 dwelling units, and 28,511 jobs as compared to existing conditions in 2012.

The LUE/UDE PEIR is a program EIR pursuant to Section 15168 of the CEQA Guidelines, providing a level of analysis consistent with the high-level nature of the LUE/UDE. The programmatic environmental document may be used to eliminate or reduce the scope of future environmental review for individual projects that are consistent with the LUE/UDE pursuant to CEQA Guidelines Section 21083.3 and other streamlining provisions authorized by CEQA. Later projects implemented after adoption of the LUE/UDE are examined with consideration of the LUE/UDE PEIR to determine whether subsequent environmental analysis or documentation must be prepared. In addition, as previously discussed, the CEQA Guidelines currently provide for streamlining through Section 15183, *Projects Consistent with a Community Plan or Zoning*.

Projects that are consistent with the densities and use characteristics considered by the LUE/UDE PEIR may qualify for the CEQA Guidelines Section 15183 Exemption process. In accordance with CEQA Guidelines Section 15183(b), in approving a project meeting the requirements of Section 15183, “a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) *Are peculiar to the project or the parcel on which the project would be located,*
- (2) *Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
- (3) *Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
- (4) *Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.”*

The environmental review contained in Section 4 was prepared to assess the potential for the proposed project to result in environmental effects meeting one or more of these four criteria and confirms that the proposed project qualifies for an exemption under CEQA Guidelines Section 15183. The previously certified LUE/UDE PEIR serves as the base environmental document for the proposed project’s exemption pursuant to CEQA Guidelines Section 15183, and the text,

standards conditions, and applicable mitigation measures from the LUE/UDE PEIR are incorporated by reference.

4. Environmental Review

This section includes an assessment, by issue area, of the proposed project's potential effects on the environment.

4.1. Aesthetics

The LUE/UDE PEIR identifies several scenic resources throughout the City, including views of and along El Dorado Park, Ocean Boulevard, the Downtown skyline, and beaches and marinas. The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts and does not involve new construction or development that could negatively affect scenic resources, visual character, or create new sources of light or glare. Any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and existing policies and regulations pertaining to visual resources, including density, building height, massing, setbacks, and design and lighting standards. Therefore, similar to the LUE/UDE PEIR conclusion, aesthetics impacts would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to aesthetics than those discussed in the LUE/UDE PEIR.

4.2. Agriculture and Forestry Resources

As discussed in the LUE/UDE PEIR, the City is highly urbanized and developed, and does not contain farmland, timberland, or forest lands. Additionally, no areas of the City are zoned for agricultural use and no Williamson Act Contract is applicable within the City. The proposed project would amend the zoning code to define and allow the new delivery-only dispensary use within existing commercial and industrial zoning districts in the City. No new development would occur with implementation of the proposed project. Therefore, similar to the LUE/UDE PEIR conclusion, no impact to agricultural and forestry resources would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to agriculture and forestry resources than those discussed in the LUE/UDE PEIR.

4.3. Air Quality

The LUE/UDE PEIR identified significant and unavoidable air quality impacts related to conflict with the applicable air quality management plan; cumulatively considerable net increase of criteria pollutants; and exposure of sensitive receptors to substantial pollutant concentrations associated with development resulting from the buildout scenario. The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. While the proposed project would expand the allowable land uses in certain zones for this discrete use, it would not change the density of allowable development. As such, the proposed project would be implemented within the same planning

horizon as the LUE/UDE PEIR and potential future development is accounted for in the LUE/UDE PEIR buildout scenario. The proposed project itself does not involve new construction or development that could generate air quality emissions. Additionally, potential future development would be required to implement mitigation measures MM AQ-1, MM AQ-2, and MM AQ-3, as applicable, to reduce potential air quality impacts. As such, implementation of the proposed project would not result in greater impacts than have been identified in the LUE/UDE PEIR.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to air quality than those discussed in the LUE/UDE PEIR.

4.4. Biological Resources

As discussed in the LUE/UDE PEIR, several areas of the City have the potential to support sensitive biological resources, including El Dorado Regional Park, the Los Angeles and San Gabriel Rivers, Los Cerritos Wetlands, beaches and coastal areas, marinas, bays, wetlands, etc. The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts and does not directly involve new construction or development. As such, implementation of the proposed project would not affect designated open spaces or areas of the City with the potential to support sensitive habitat or species or that contain wildlife movement corridors. Additionally, any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and existing regulations related to biological resources, including the Migratory Bird Treaty Act and the City's tree policies. As discussed in the LUE/UDE PEIR, there is no adopted Habitat Conservation Plan or Natural Community Conservation Plan in the City. Therefore, similar to the LUE/UDE PEIR conclusion, impacts to biological resources would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to biological resources than those discussed in the LUE/UDE PEIR.

4.5. Cultural Resources

The proposed project would amend the zoning code to define and allow the new delivery-only dispensary use within existing commercial and industrial zoning districts in the City. No new development would occur with implementation of the proposed project. As discussed in the LUE/UDE PEIR, both the LUE/UDE include goals and policies to preserve existing historic resources. Policies within the LUE aim to preserve existing historic structures and neighborhoods (LU Goal NO. 4, Strategy NO. 3, LU-M-3, and LU-M-43) while policies and strategies within the UDE are identified for preservation of the aesthetic character of existing historic resources (UD Strategy NO. 9, Policy UD 2-1, Policy UD 9-1, Policy UD 9-2, Policy UD 99-3, Policy UD 10-1, Policy UD 10-3, Policy UD 19-4, and Policy UD 20-5). Additionally, historic resources in the City are protected under the policies in the Historic Preservation Element of the City's General Plan and the City's Cultural Heritage Ordinance. Protection of archaeological resources and human remains are required by LU Policy 20-12, which requires compliance with applicable federal, state, and local guidelines. Any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and existing

policies and regulations pertaining to cultural resources. Therefore, similar to the LUE/UDE PEIR conclusion, impacts to cultural resources would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to cultural resources than those discussed in the LUE/UDE PEIR.

4.6. Energy

The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. The proposed project does not include new construction or development. The proposed new use classification would be allowed within zoning districts that currently include commercial retail and other similar businesses. While the proposed project would expand the allowable land uses in certain zones for this discrete use, it would not change the density of allowable development. As such, implementation of the proposed project would not be anticipated to increase energy demand beyond what was analyzed under the LUE/UDE PEIR buildout scenario. Therefore, similar to the LUE/UDE PEIR conclusion, impacts to energy would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to energy than those discussed in the LUE/UDE PEIR.

4.7. Geology and Soils

The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. The proposed project does not involve new construction or development. As discussed in the LUE/UDE PEIR, any potential future development occurring throughout the City would be required to comply with LU Policy 20-12, which requires compliance with current building codes to reduce potential impacts related to seismic hazards. Additionally, LU Policy 20-12 requires compliance with Chapter 18.05 of the LBMC, which requires the preparation of a soils engineering report and/or geology report and comply with applicable engineering recommendations prior to issuance of grading permits. Potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable policies and regulations relative to seismic criteria, including seismic ground-shaking, liquefaction, landslides, soil erosion, and unstable soils. Regarding paleontological resources, LU Policy 20-12 requires compliance with applicable federal, state, and local guidelines to minimize potential impacts to unknown paleontological resources. Therefore, similar to the LUE/UDE PEIR conclusion, geology and soils impacts would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to geology and soils than those discussed in the LUE/UDE PEIR.

4.8. Global Climate Change

The LUE/UDE PEIR identified significant and unavoidable global climate impacts related to the generation of greenhouse gas (GHG) emissions associated with development resulting from the

buildout scenario. The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. While the proposed project would expand the allowable land uses in certain zones for this discrete use, it would not change the density of allowable development. As such, the proposed project would be implemented within the same planning horizon as the LUE/UDE PEIR and potential future development is accounted for in the LUE/UDE PEIR buildout scenario. The proposed project itself does not involve new construction or development that could generate GHG emissions. Additionally, potential future development would be required to implement GHG reduction strategies identified in the City's Climate Action Plan, as applicable, to reduce potential GHG impacts. As such, implementation of the proposed project would not result in greater impacts than have been identified in the LUE/UDE PEIR.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to global climate change than those discussed in the LUE/UDE PEIR.

4.9. Hazards and Hazardous Materials

The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. The proposed project does not involve new construction or development. As discussed in the LUE/UDE PEIR, any potential future development occurring throughout the City, including within the commercial and industrial zoning districts in which the new use category would be allowed, would be subject to the applicable policies and regulations relative to transport, use, disposal, and/or storage of hazardous materials, including the Hazardous Materials Transportation Act, the Resource Conservation and Recovery Act, and the California Code of Regulations. Additionally, LU Policy 20-12 requires future project applicants to prepare a Contingency Plan outlining procedures to be followed if hazardous materials are encountered during construction. Therefore, similar to the LUE/UDE PEIR conclusions, no impacts related to routine transport, use, or disposal of hazardous materials; accidental release of hazardous materials; or hazardous materials sites would occur.

Any potential future development located near a public airport would be required to comply with land use, noise, and height standards and regulations in the applicable Airport Land Use Plan and established by the Federal Aviation Administration. Therefore, similar to the LUE/UDE PEIR conclusion, the proposed project would not expose people residing or working in the project area to safety hazards or excessive noise levels within two miles of a public use airport.

Potential future development would also be required to comply with the policies outlined in the Public Safety Element of the City's General Plan related to emergency preparedness and evacuation procedures. Additionally, as discussed in the LUE/UDE PEIR, the City is generally developed and no wildlands occur. Furthermore, no portion of the City is classified as a Very High Fire Hazard Severity Zone. Therefore, similar the LUE/UDE PEIR conclusions, no impacts related to emergency response or risk of wildland fires would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to hazards and hazardous materials than those discussed in the LUE/UDE PEIR.

4.10. Hydrology and Water Quality

The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. The proposed project does not involve new construction or development. As such, implementation of the proposed project would not result in changes to drainage patterns that could result in erosion of flooding, or increase rates of runoff that would exceed existing storm drain capacity. Additionally, the proposed project would not deplete groundwater supplies or interfere with groundwater recharge. Furthermore, the proposed zoning code amendments would allow for a new commercial use category and would not involve the development of housing. As such, implementation of the proposed project would not place housing within a flood zone. Any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and existing water quality regulations, including those related to stormwater pollution, runoff, erosion, siltation, and/or flooding.

As discussed in the LUE/UDE PEIR, the majority of the City is not susceptible to seiche or tsunami. Tsunami Inundation Zones in the City are located near the Port of Long Beach, along the coastline, and near the Los Angeles and San Gabriel Rivers. In the event of a tsunami, the City has established response procedures outlined in the City of Long Beach Natural Hazards Mitigation Plan, which would continue to remain in place after implementation of the proposed project.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze. As shown in the preceding discussion, the project would not result in new or more severe significant impacts compared to the determinations of the LUE/UDE PEIR, which concluded that impacts related to hydrology and water quality would be less than significant.

4.11. Land Use and Planning

The proposed project would amend the zoning code to define and allow the new delivery-only dispensary use within existing commercial and industrial zoning districts in the City. While the proposed project would expand the allowable land uses in certain zones for this discrete use, it would not change the density of allowable development. No new development would occur with implementation of the proposed project. Any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and existing land use policies and regulations, including those contained within the LUE/UDE. Upon approval of the proposed project, future development would be compatible with the applicable zoning regulations. Therefore, similar to the LUE/UDE PEIR conclusion, impacts to land use and planning would be less than significant.

The proposed amendments are consistent with the goals and policies of the LUE/UDE on a citywide basis. 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."

The proposed amendments support the objectives of LU Policy 3-4 by expanding the variety of land uses allowed throughout the city, while also promoting potential growth in the cannabis

dispensary industry. Current regulations do not allow adult-use cannabis dispensaries to operate on a delivery-only basis. Allowing the establishment of adult-use delivery-only dispensaries in the City of Long Beach will help accommodate that growth while still appropriately requiring discretion actions when a 750-square-foot size threshold is surpassed.

The proposed ZCA would also include amendments to Chapter 21.45 of the LBMC (Special Development Standards) for the addition of operational standards for delivery only dispensaries, such as storefront and display requirements, which are important even though these locations will not be open to the public. The proposed architectural and design requirements ensure that these types of uses are seamlessly integrated into the commercial zoning districts and maintain high-quality urban design standards with the necessary security measures for cannabis uses. Multiple strategies outlined in the UDE encourage an “eyes on the street” active pedestrian environment by maximizing transparency of exterior walls, incorporating and/or encouraging active ground floor uses, and entrances that engage the street. The proposed ordinance stipulates that delivery-only dispensaries should be located only on the 2nd floor in certain pedestrian-oriented commercial zones, to ensure that active ground floor uses are preserved and encouraged at the ground level. The proposed ordinance includes mechanisms for discretion to ensure the goals of the LUE/UDE are maintained with each application. In addition to location requirements and architectural design, delivery loading on-site, business delivery vehicles on-site, and limits on the number of business-owned vehicles allowed ensure that the operation of these uses do not create a security or access concern for nearby uses. These special development standards would apply to both by-right uses and discretionary actions. While the delivery-only dispensary use is commercial in nature, the form and function of these uses are nuanced from a traditional commercial storefront. Therefore, the introduction of these standards help ensure the operation of delivery-only dispensary uses do not adversely affect the character, livability or appropriate development of the City.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze. As shown in the preceding discussion, the project would not result in new or more severe impacts compared to the determinations of the LUE/UDE PEIR, which concluded that impacts related to land use and planning would be less than significant.

4.12. Mineral Resources

As discussed in the LUE/UDE PEIR, mineral resources within the City have historically consisted of oil and natural gas. The proposed project involves amendments to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. The proposed project does not involve new construction or development. As such, implementation of the proposed project would not result in the loss of availability of a known mineral resource. Therefore, similar to the LUE/UDE PEIR conclusion, no impact to mineral resources would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to mineral resources than those discussed in the LUE/UDE PEIR.

4.13. Noise

The LUE/UDE PEIR identified significant and unavoidable construction noise impacts associated with development resulting from the buildout scenario. The LUE/UDE PEIR also indicated that

construction vibration impacts would be significant without implementation of mitigation. The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. As such, the proposed project does not involve new construction or development that could result in noise or vibration impacts. However, the proposed project would be implemented within the same planning horizon as the LUE/UDE PEIR and potential future development is accounted for in the LUE/UDE PEIR buildout scenario. Additionally, potential future development would be required to implement mitigation measure MM NOI-1, as applicable, to reduce potential construction noise and vibration impacts. As such, implementation of the proposed project would not result in new or greater impacts than have been identified in the LUE/UDE PEIR.

Regarding airport noise, the LUE/UDE PEIR states that potential future development would be required to comply with the policies of the LUE/UDE, which would not introduce new noise-sensitive receptors near the airport. The proposed new use classification is not a use that would be sensitive to airport noise. Therefore, similar to the LUE/UDE PEIR conclusion, no impacts related to airport noise would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant noise impacts than those discussed in the LUE/UDE PEIR.

4.14. Population and Housing

The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. The proposed project does not involve new construction or development. As such, implementation of the proposed project would not remove existing housing or displace people or housing. Additionally, the proposed new use classification would be allowed within zoning districts that currently include commercial retail and other businesses with no increase in allowable density. Thus, the proposed project would not increase job growth projections beyond those analyzed under the LUE/UDE PEIR buildout scenario. Therefore, the project would not directly or indirectly induce substantial unplanned population growth.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze. As shown in the preceding discussion, the project would not result in new or more severe significant impacts compared to the determinations of the LUE/UDE PEIR, which concluded that impacts related to population and housing would be less than significant.

4.15. Public Services

The proposed project does not involve new construction or development and would not induce population growth, either directly or indirectly. Therefore, implementation of the proposed project would not require the construction of new or expansion of existing police or fire protection facilities, or schools, parks, or other public facilities. Therefore, the proposed project would not result in impacts to public services beyond what the LUE/UDE PEIR analyzed in the buildout scenario.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze. As shown in the preceding discussion, the project would not result in new or more severe significant

impacts compared to the determinations of the LUE/UDE PEIR, which concluded that impacts related to public services would be less than significant.

4.16. Recreation

The proposed project does not involve new construction or development and would not result in increases in the permanent population that could result in increased demand for recreational facilities. As such, the proposed project would not generate the need for new or expanded recreational facilities or significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration of the facility would occur or be accelerated. Therefore, similar to the conclusion in the Initial Study prepared for the LUE/UDE PEIR, impacts to recreation would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze. As shown in the preceding discussion, the project would not result in new or more severe significant impacts to recreation compared to the determinations of the LUE/UDE PEIR.

4.17. Transportation

The LUE/UDE PEIR identified significant and unavoidable impacts related to conflict with programs, plans, ordinances, or policies addressing the circulation system resulting from vehicle delays at study intersections with buildout of the General Plan. The LUE/UDE PEIR identifies Mitigation Measure T-1, which would require implementation of traffic improvements for individual development projects forecast to generate 100 or more peak-hour trips. The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts, with no increase in the allowable development density. The proposed project does not involve new construction or development that could generate vehicle trips. However, the proposed new use classification would be allowed within zoning districts that currently include commercial retail and other similar businesses, and would not be anticipated to measurably increase vehicle trips over those generated by the existing uses within the commercial and industrial zoning districts. As such, implementation of the proposed project would not result in increased vehicle trips when compared to those analyzed under the LUE/UDE PEIR buildout scenario.

Section 15064.3 of the CEQA Guidelines requires the significance of traffic impacts to be based on vehicle miles traveled (VMT). VMT refers to the amount and distance of automobile travel attributable to a project. The proposed project would be implemented within the same planning horizon as the LUE/UDE PEIR and the implementation of the proposed project falls within the LUE/UDE PEIR buildout scenario, including households, population, and employment, which are three components used in the analysis of VMT. As such, similar to the LUE/UDE PEIR conclusion, VMT impacts related to implementation of the proposed project would be less than significant.

The proposed project does not involve new development and would not change the configuration of existing adjacent roadways. Additionally, potential future development in the zoning districts in which the new use classification would be located would be required to maintain emergency access to the site throughout project construction and operation. Therefore, similar to the LUE/UDE PEIR conclusions, no impacts related hazardous design features or emergency access would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and

there are no new significant or more severe significant impacts to transportation than those discussed in the LUE/UDE PEIR.

4.18. Tribal Cultural Resources

The proposed project would amend the zoning code to define and allow the new delivery-only dispensary use within existing commercial and industrial zoning districts in the City. No new development would occur with implementation of the proposed project. As previously discussed, both the LUE/UDE include goals and policies to preserve existing historic resources. Additionally, protection of archaeological resources and human remains are required by LU Policy 20-12, which requires compliance with applicable federal, state, and local guidelines, including the noticing requirements of Assembly Bill 52 and Senate Bill 18. Any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and existing policies and regulations pertaining to tribal cultural resources. Therefore, similar to the LUE/UDE PEIR conclusion, no impacts to tribal cultural resources would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to tribal cultural resources than those discussed in the LUE/UDE PEIR.

4.19. Utilities and Service Systems

The proposed project involves updates to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts, with no increase in allowable development density. The proposed project does not involve new construction or development. The proposed new use classification would be allowed within zoning districts that currently include commercial retail and other similar businesses. As such, it is anticipated that potential future development in the zoning districts containing the new use classification would connect to existing utilities serving the properties in those zoning districts. As such, implementation of the proposed project would not increase utility demand beyond what was analyzed under the LUE/UDE PEIR buildout scenario. Therefore, similar to the LUE/UDE PEIR conclusion, impacts to utilities and service systems would be less than significant.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and there are no new significant or more severe significant impacts to utilities and service systems than those discussed in the LUE/UDE PEIR.

4.20. Wildfire

The CEQA Guidelines require analysis of wildfire risk in state responsibility areas and/or lands classified as very high fire hazard severity zones. As discussed in the LUE/UDE PEIR, no portion of the City is located within or near a state responsibility area, nor is it classified as a Very High Fire Hazard Severity Zone. Therefore, similar to the LUE/UDE PEIR conclusion, no impact to wildfire would occur.

The proposed project is consistent with the LUE/UDE and would not have any specific effects which are peculiar to the project or the project site. There are no project-specific impacts or potentially significant off-site or cumulative impacts that the LUE/UDE PEIR did not analyze, and

there are no new significant or more severe significant impacts to wildfire than those discussed in the LUE/UDE PEIR.

5. Findings

The City intends to use the CEQA Guidelines Section 15183 Exemption for the proposed project. As stated in CEQA Guidelines Section 15183, this exemption requires a project to meet the following conditions:

- 1) *The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.*

The proposed project involves amendments to the zoning code to allow for delivery-only adult-use cannabis dispensaries within existing commercial and industrial zoning districts. While the proposed project would expand the allowable land uses in certain zones for this discrete use, it would not change the density of allowable development. The proposed project does not involve new construction or development. The proposed new use classification would be allowed within existing zoning districts that currently include commercial retail and other similar businesses. Any potential future development occurring throughout the City within the commercial and industrial zoning districts in which the new use category would be allowed would be subject to the applicable development standards of the corresponding zoning and the existing policies contained within the LUE/UDE, including the allowable development density. As such, the proposed project is consistent with the development density established in the LUE/UDE and within the buildout scenario identified in the LUE/UDE PEIR. Therefore, the proposed project is consistent with Criterion 1.

- 2) *There are no project specific effects which are peculiar to the project or its site.*

The proposed project would implement zoning code amendments to allow for delivery-only cannabis dispensaries within the existing commercial and industrial zoning districts that were considered in the LUE/UDE PEIR. No new construction or development would occur as part of the project. Potential future development would occur consistent with the commercial and industrial land use designations and the corresponding development standards and densities. Additionally, future development would be required to comply with the applicable zoning regulations. As evaluated in Section 4, there are no project specific effects which are peculiar to the Project or its site. Therefore, the proposed project is consistent with Criterion 2.

- 3) *There are no project specific impacts that were not analyzed as significant effects in the prior EIR.*

The LUE/UDE PEIR concluded that full buildout of the General Plan would result in a net increase of 18,230 new residents, 28,524 dwelling units, and 28,511 jobs by the horizon year 2040. The proposed project would implement zoning code amendments to allow for delivery-only cannabis dispensaries within the existing commercial and industrial zoning districts that were considered in the LUE/UDE PEIR. No new construction or development would occur as part of the project and potential future development would occur in accordance with the General Plan. Thus, the proposed project was considered in the planning horizon of the LUE/UDE and would have similar or lesser significant impacts than analyzed in the LUE/UDE PEIR. As evaluated in Section 4, there are no project specific impacts which the LUE/UDE PEIR did not analyze as significant effects. Therefore, the proposed project is consistent with Criterion 3.

- 4) *There are no potentially significant off-site and/or cumulative impacts that were not discussed in the prior EIR.*

As discussed previously, implementation of the proposed project is consistent with the buildout scenario of the LUE/UDE and, thus, was considered in the LUE/UDE PEIR analysis. No off-site improvements would be implemented and the size and nature of the project would not result in cumulatively considerable environmental impacts. As evaluated in Section 4, there are no potentially significant off-site and/or cumulative impacts from the project which the LUE/UDE PEIR did not discuss. Therefore, the project is consistent with Criterion 4.

- 5) *There is no substantial new information which results in more severe impacts than anticipated by the prior EIR.*

As evaluated in Section 4, the proposed project would result in similar and/or lesser impacts than those identified in the LUE/UDE PEIR. There is no substantial new information which results in more severe impacts than anticipated by the LUE/UDE PEIR. Therefore, the project is consistent with Criterion 5.

Conclusion:

As shown, the proposed project is consistent with CEQA Guidelines Section 15183. As such, the proposed project qualifies for a CEQA exemption pursuant to CEQA Guidelines Section 15183.