

A.1

AMENDMENTS TO CANNABIS LAND USE ORDINANCE AND GENERAL PLAN

Planning Commission
March 11, 2019

*Presentation by:
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Dan Gira, Wood plc.*



Agenda

- Presentation by staff
- Planning Commission follow-up questions
- Public comment
- Commission recommendations to City Council on project adoption (three resolutions)

Background – State Regulation

- 2016 - Prop. 64
- 2017 - Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)



Background – City Regulation

- July 2018 – City adopts two ordinances:
 - Ordinance Number 18-02:Cannabis Business License Ordinance
 - Ordinance Number 18-03:Cannabis Land Use Ordinance

Background – City Regulation

- **Ord. No. 18-02:** Cannabis Business License Ordinance
- Establishes operating standards that ensure businesses are in compliance with local and state law

Background – City Regulation

- **Ord. No. 18-03:** Cannabis Land Use Ordinance
 - ✓ Permits and regulates medicinal and recreational cannabis uses
 - ✓ Cultivation, distribution, manufacturing testing, and retail (storefront and non-storefront)
 - ✓ Allows for deliveries in Goleta
 - ✓ Allows for indoor personal cultivation

Land Uses Allowing Storefront Retail

Existing 3 Cannabis Retail Businesses

300 foot separation

City of Goleta

Land Use Allowing Storefront Retail

Old Town Commercial

General Commercial

Community Commercial

Regional Commercial

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 2,600 feet



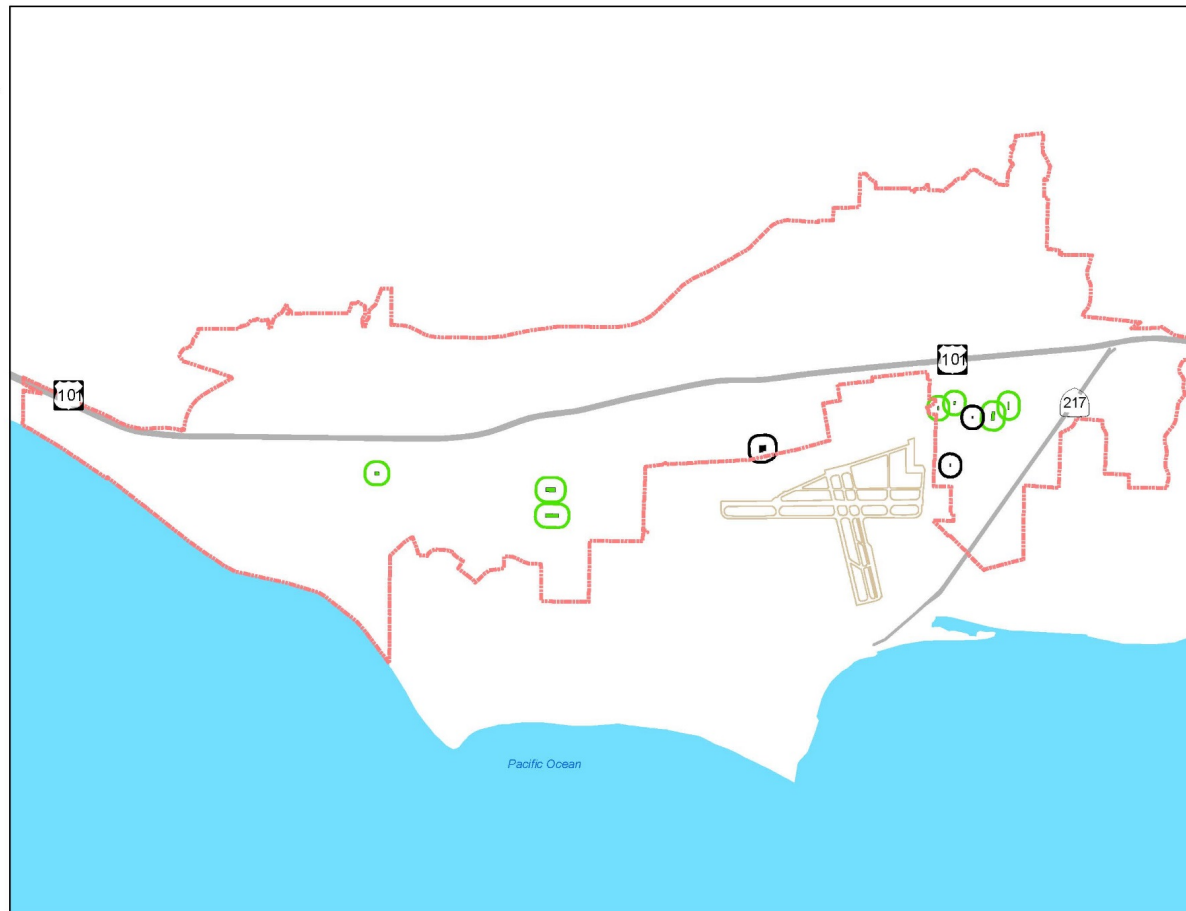
Ordinance Implementation

- City has received 15 applications for storefront retail and 7 applications for other cannabis uses; 4 active applications on Hollister Avenue in Old Town

Cannabis Workshop Mapping

- Existing 3 Cannabis Retail Businesses
- 300 foot separation
- Storefront Retail Applications (as of 1-11-19)
- 300 foot separation
- City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 2,800 feet



Concerns with Ordinances

- Potential overconcentration of storefront cannabis retailers in Old Town
- Lack of a streamlined approach when considering City and State licensing requirements
- Ensuring existing cannabis retail businesses remain conforming uses

Amendments

- October 2, 2018: City Council initiated process to amend the General Plan and Ordinances
- January 23, 2019: City Council workshop to review the proposed amendments, receive public input, and provide feedback to staff

Business License Ord Amendments

- Amendment processes for BL Ord and LU Ord
- Regs moved from LU Ord to BL Ord to ensure implementation consistency
- Ensure a thorough licensing process, including standards for odors, lighting, and hours of business
- Add screening process to help ensure business viability
- A Council action

Amendments for Commission Consideration

- Land Use Ordinance Amendments
- General Plan Amendments

Land Use Ordinance Amendments

Overview of Amendments

- 1) Permitting and Licensing Procedures
- 2) Storefront Cannabis Retailer - Sensitive Receptor Buffers and Regulations
- 3) Storefront Cannabis Retailer - Separation Requirements
- 4) Non-Storefront Cannabis Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C)

Note: additional amendments contingent upon GPAs



1) Permitting & Licensing Procedures

- Currently Land Use Permit/ Coastal Development Permit (LUP/CDP), or Conditional Use Permit (CUP) are required
- Adds an additional layer to an already multi-layered business license scheme
- Requirements of the LU Ord can be addressed through amended BL Ord, thus reducing the layers of processing

Proposed Amendment 1):

Eliminate LUP/CDP and CUP requirements.

2) Storefront Cannabis Retailer - Sensitive Receptor Buffers and Regulations

Two types of retail buffers:

- Prohibitive - cannabis retailers are prohibited within this buffer
- Restrictive - cannabis retailers are allowed with restrictions

Staff recommends LU Ord include buffers from the following sensitive receptors:

- A. Goleta Valley Community Center (GVCC)
- B. Schools
- C. Residential Land Uses

Buffer: Goleta Valley Community Center

Proposed Amendment 2A:

A new restrictive buffer to prohibit storefront cannabis retailers on parcels located within 300 feet of the GVCC property unless the following applies:

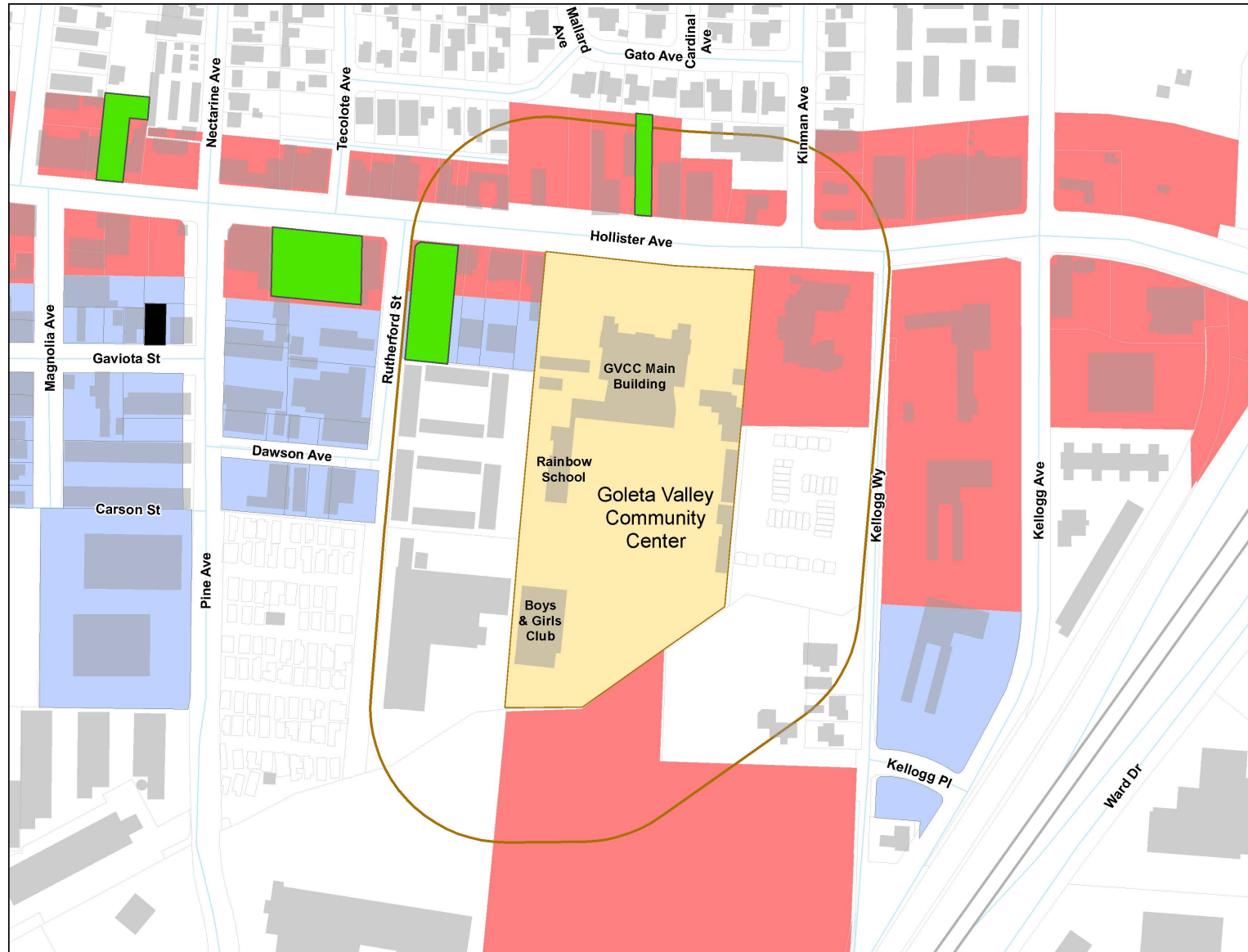
1. Neither the frontage nor the entrance nor the signage face Hollister Avenue; and
2. Off-street parking is available.

Map of GVCC Buffer

Cannabis Workshop Mapping

-  Existing 3 Cannabis Retail Businesses
-  ALL Storefront Retail Applications (as of 1-23-19)
-  Goleta Valley Community Center
-  GVCC 300 foot separation from Property
- Land Use Allowing Storefront Retail
-  Old Town Commercial
-  General Commercial
-  Regional Commercial
-  Community Commercial
-  City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 200 feet

Buffer: Schools

Proposed Amendment 2B:

Increase the buffer prohibiting storefront retail near schools from zero feet to 300 feet.

- Ellwood Elementary school is the only school within 300 feet of a location where storefront retail would otherwise be allowed

Map of School Buffer

Potential Sensitive Receptors

- Schools
- Schools 300 foot separation

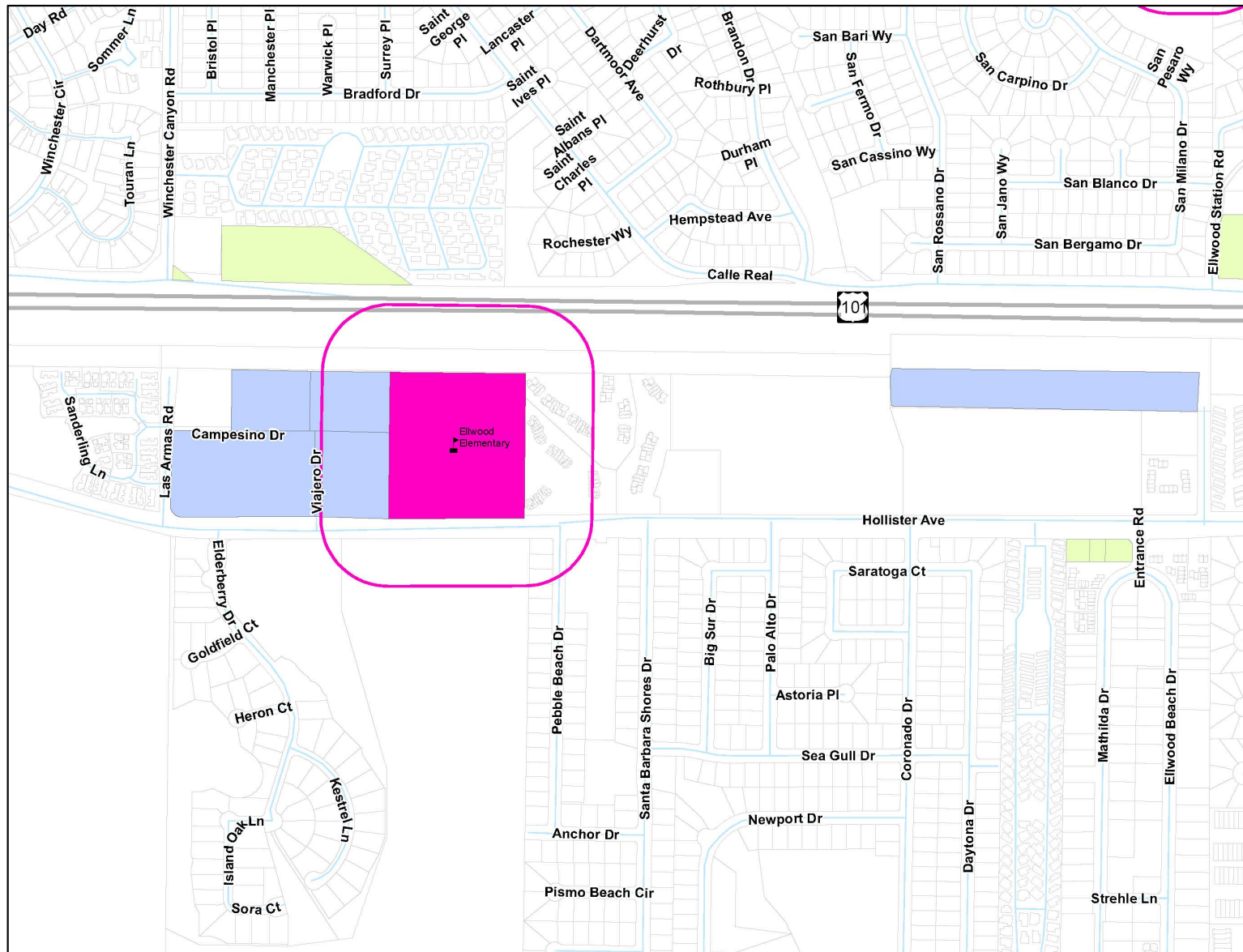
Land Use Allowing Storefront Retail

- Old Town Commercial
- General Commercial
- Regional Commercial
- Community Commercial
- City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 400 feet



Residential Land Uses

Proposed Amendment 2C

A new restrictive buffer to require storefront retailers on parcels that are adjacent to parcels designated for residential land uses meet the following requirements:

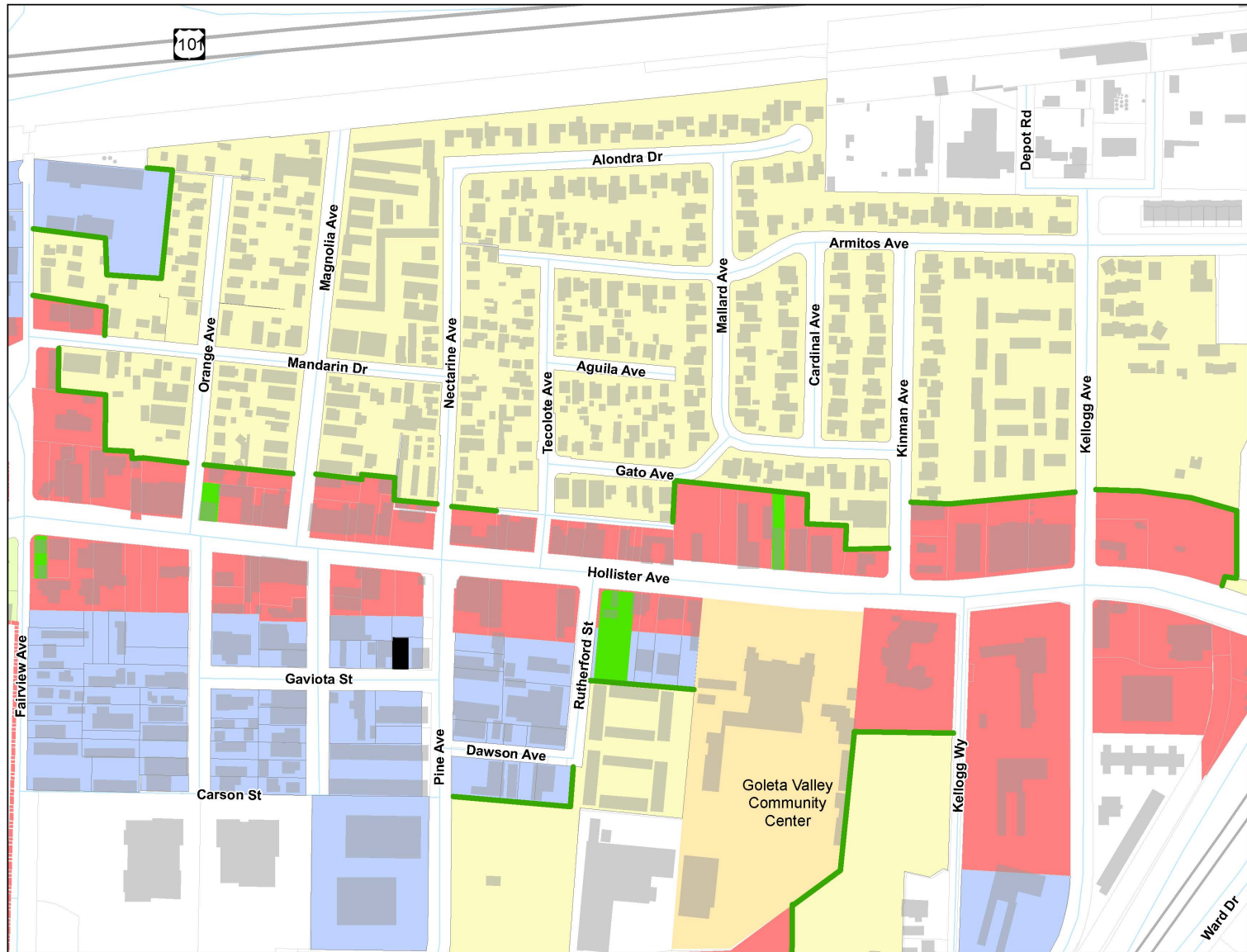
1. No front door or signage of the cannabis business may face the residential parcel; and
2. The retail parcel and the residential parcel are separated by a fence, wall, or hedge at least 4 feet high.

Map of Residential – Retail Interface

Cannabis Workshop Mapping

-  Existing 3 Cannabis Retail Businesses
-  Storefront Retail Applications (as of 1-23-19)
-  Goleta Valley Community Center
-  Residential Uses
-  Border of Residential Use and Land Use Allowing Storefront Retail
- Land Use Allowing Storefront Retail
-  Old Town Commercial
-  General Commercial
-  Regional Commercial
-  Community Commercial
-  City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 258 feet

3) Storefront Cannabis Retailer - Separation Requirements

Proposed Amendment 3):







A storefront retailer shall only be located between 300-600 feet of another legally established storefront cannabis retailer if the following applies:

1. Neither the frontage nor the entrance nor the signage face Hollister Avenue in Old Town; and
2. Off-street parking is available.

The 300 feet of separation between storefront cannabis retail uses remains unchanged

Separation Requirements Map

Cannabis Workshop Mapping

-  Existing 3 Cannabis Retail Businesses
-  Storefront Retail Applications (as of 1-23-19)
-  300 foot separation
-  600 foot separation
-  Goleta Valley Community Center
-  GVCC 300 foot separation from Property

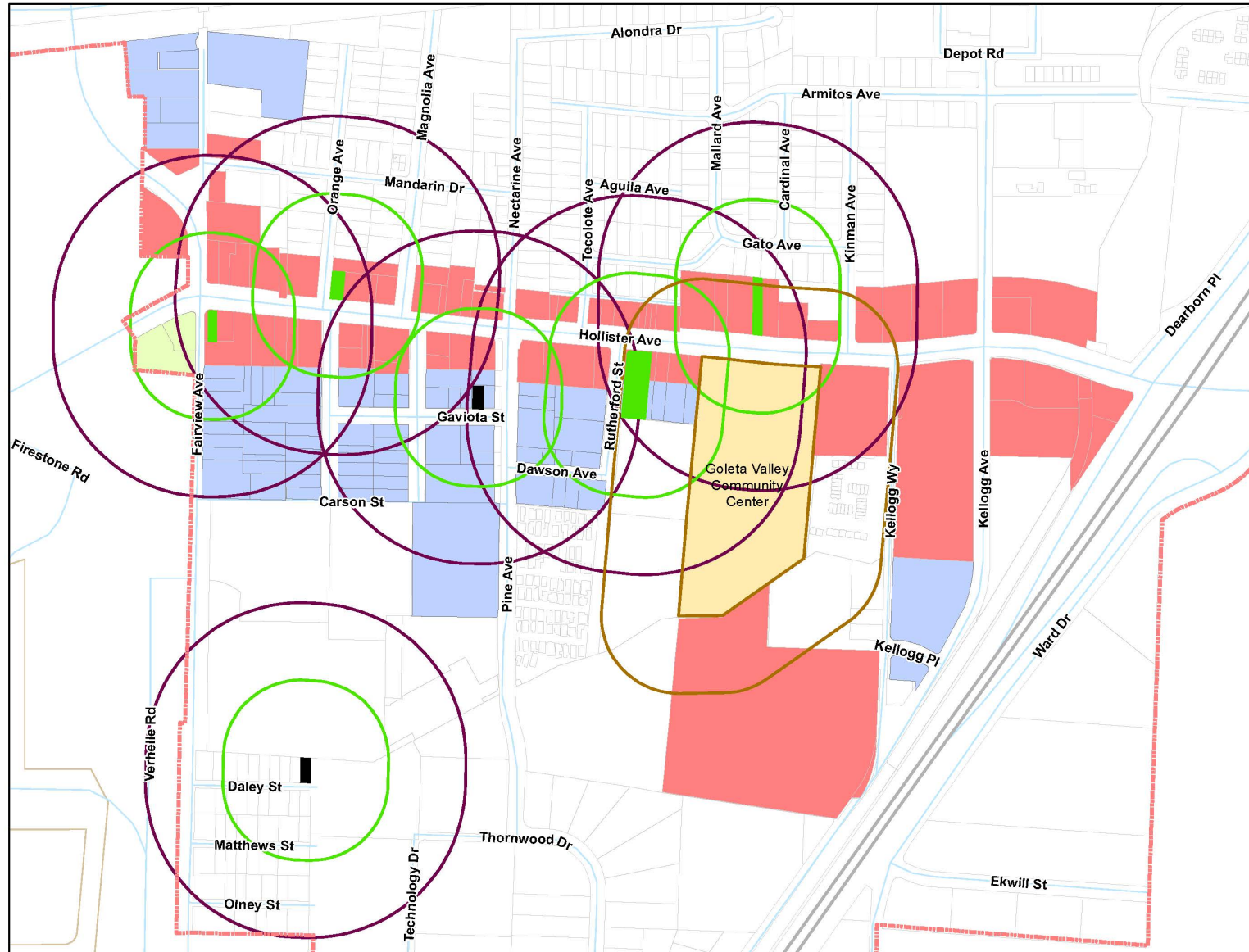
Land Use Allowing Storefront Retail

-  Old Town Commercial
-  General Commercial
-  Regional Commercial
-  Community Commercial
-  City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 350 feet



4) Non-Storefront Cannabis Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C)

Proposed Amendment 4)

Allow non-storefront cannabis retail in C-R and C-C:

- General Plan currently allows “other services” in C-R, C-C, Old Town Commercial (C-OT), Commercial Visitor (C-VS), and Intersection Commercial (C-I)
- Cannabis delivery is only consistent with General Plan policies for C-R and C-C designations

Combined Buffers & Restrictions

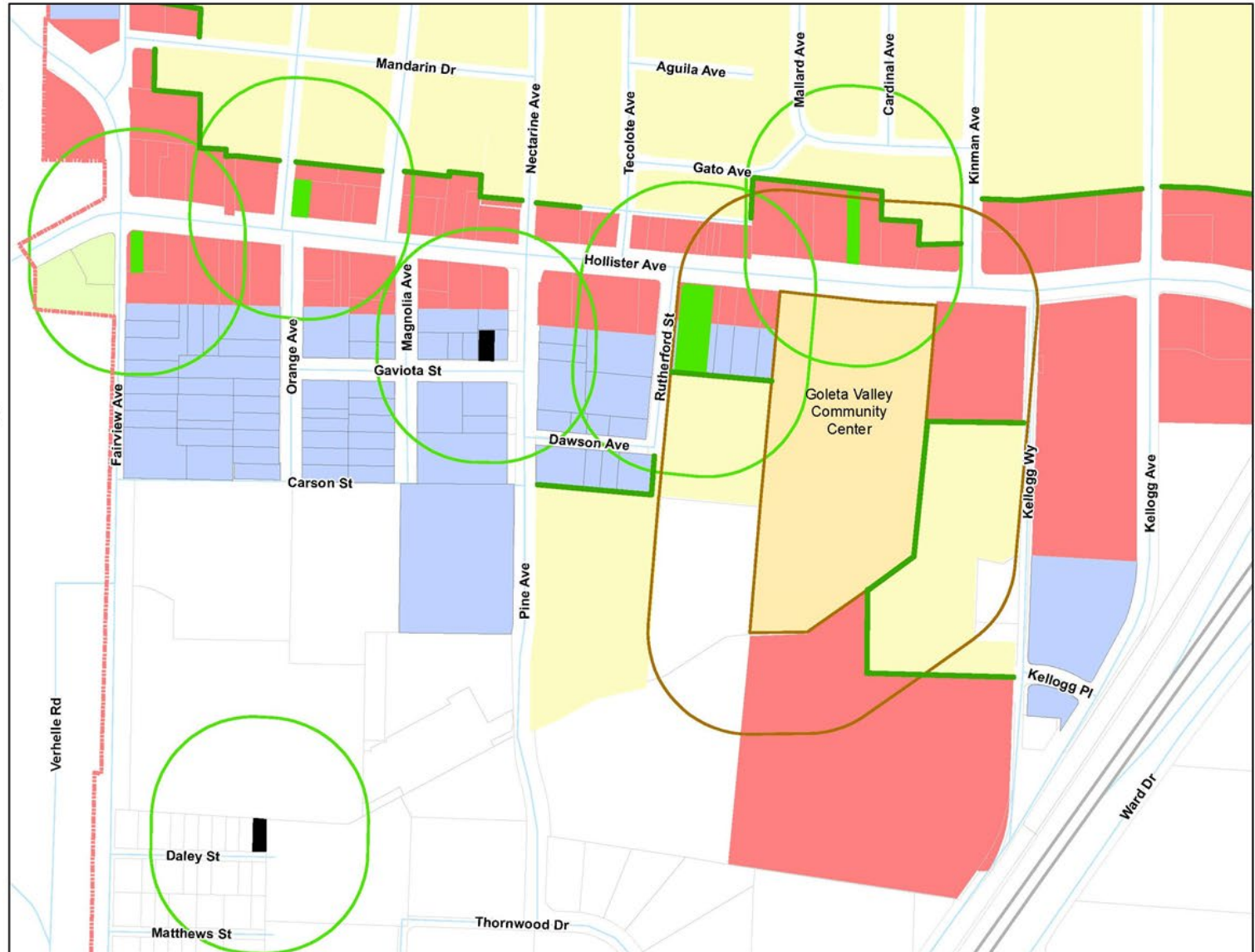
Cannabis Workshop Mapping

- Existing 3 Cannabis Retail Businesses
- Storefront Retail Applications (as of 1-23-19)
- 300 foot separation
- Goleta Valley Community Center
- GVCC 300 foot separation from Property
- Residential Uses
- Border of Residential Use and Land Use Allowing Storefront Retail
- Land Use Allowing Storefront Retail
- Old Town Commercial
- General Commercial
- Regional Commercial
- Community Commercial
- City of Goleta

Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 267 feet



Proposed General Plan Amendments

Overview of Amendments

- 5) Accessory Uses
- 6) Storefront Cannabis Retailers in General Industrial (I-G)
- 7) Cannabis Distribution in Business-Park (I-BP)
- 8) Microbusiness in: General Industrial (I-G) and Service Industrial (I-S); and for Existing Dispensary in General Commercial (C-G)

5) Accessory Uses

Proposed Amendment 5:

The Land Use Element Tables 2-1 through 2-4 do not clarify uses as primary or accessory.

- Add footnote to tables specifying that *accessory uses to they allowed uses in the table are regulated through zoning.*

6) Storefront Cannabis Retailers in General Industrial (I-G)

Proposed Amendment 6:

Allow storefront retailers in I-G only in locations where a cannabis dispensary was located prior to June 16, 2009.

- Add a new use to Table 2-3 for “Cannabis Storefront Retail”
- Add a footnote to Table 2-3 clarifying that the new use applies to existing dispensaries

Note: Similar amendments are proposed to the LU Ord.

7) Cannabis Distribution in Business-Park (I-BP)

Proposed Amendment 7:

Allow cannabis distribution in I-BP.

- Add a new allowance in Table 2-3 for “General Wholesale Trade” in I-BP
- Add a footnote to Table 2-3 limiting General Wholesale Trade in I-BP to Cannabis Distribution

Note: Similar amendments are proposed to the LU Ord. with a restriction on floor area to 30,000 square feet for each licensed distributor.

8) Microbusinesses

Proposed Amendment 8)

Allow microbusinesses in I-G and I-S.

- Add a new use to Table 2-2 for “Cannabis Microbusiness” in C-G only and include a footnote restricting use to cannabis uses as of 2009
- Add a new use to Table 2-3 for “Cannabis Microbusiness” in I-S and I-G and include a footnote restricting use to cannabis uses as of 2009

Note: Similar amendments are proposed to the LU Ord with an added clarification that accessory uses to microbusinesses are prohibited.

CEQA Addenda

- Proposed amendments would not result in new significant impacts or a substantial increase in the severity of previously identified impacts
- No additional mitigation required as a result of the proposed amendments
- An Addendum to the City's General Plan 2006 FEIR, 2009 Supplemental EIR, and subsequent addenda has been drafted
 - Appropriate under CEQA Guidelines Section 15164 because only minor changes and additions to the FEIR are necessary

Staff Recommendations

Adopt the following Resolutions:

1. Recommendation for City Council approval of the CEQA Addendum to the General Plan/Coastal Land Use Plan Final EIR
2. Recommendation for City Council approval of GP Amendments to Land Use Element Tables 2-1 through 2-4
3. Recommendation for City Council Approval of Amendment to Ordinance 18-03