

E.1

AMENDMENTS TO CANNABIS ORDINANCE LAND USE ORDINANCE

City Council
June 4, 2019

*Presentation by:
Anne Wells, Advance Planning Manager*



Agenda

- Presentation by staff
- City Council follow-up questions (Amendment Summary Table)
- Public comment
- City Council action on ordinance adoption

Existing City Regulation

- Ordinance Number 19-07 Cannabis Business License Ordinance (May 2019): *Establishes operating standards that ensure businesses are in compliance with local and state law*
- Resolution Number 19-22 Cannabis Fees (May 2019): *Establishes fees for the Cannabis Business License Application and Regulatory License Fee Program*
- Ordinance Number 18-03 Cannabis Land Use Ordinance (July 2018): *Permits and regulates medicinal and recreational cannabis uses, allows for deliveries in Goleta, and allows for indoor personal cultivation*

Ordinance Implementation

- City has received 15 applications for storefront retail (4 active applications on Hollister Avenue in Old Town)
- 8 applications for other cannabis uses including 5 for non-storefront retail (delivery)
- City approved 1 LUP for manufacturing (non-volatile)

Map of Existing Retailers & Active Applications

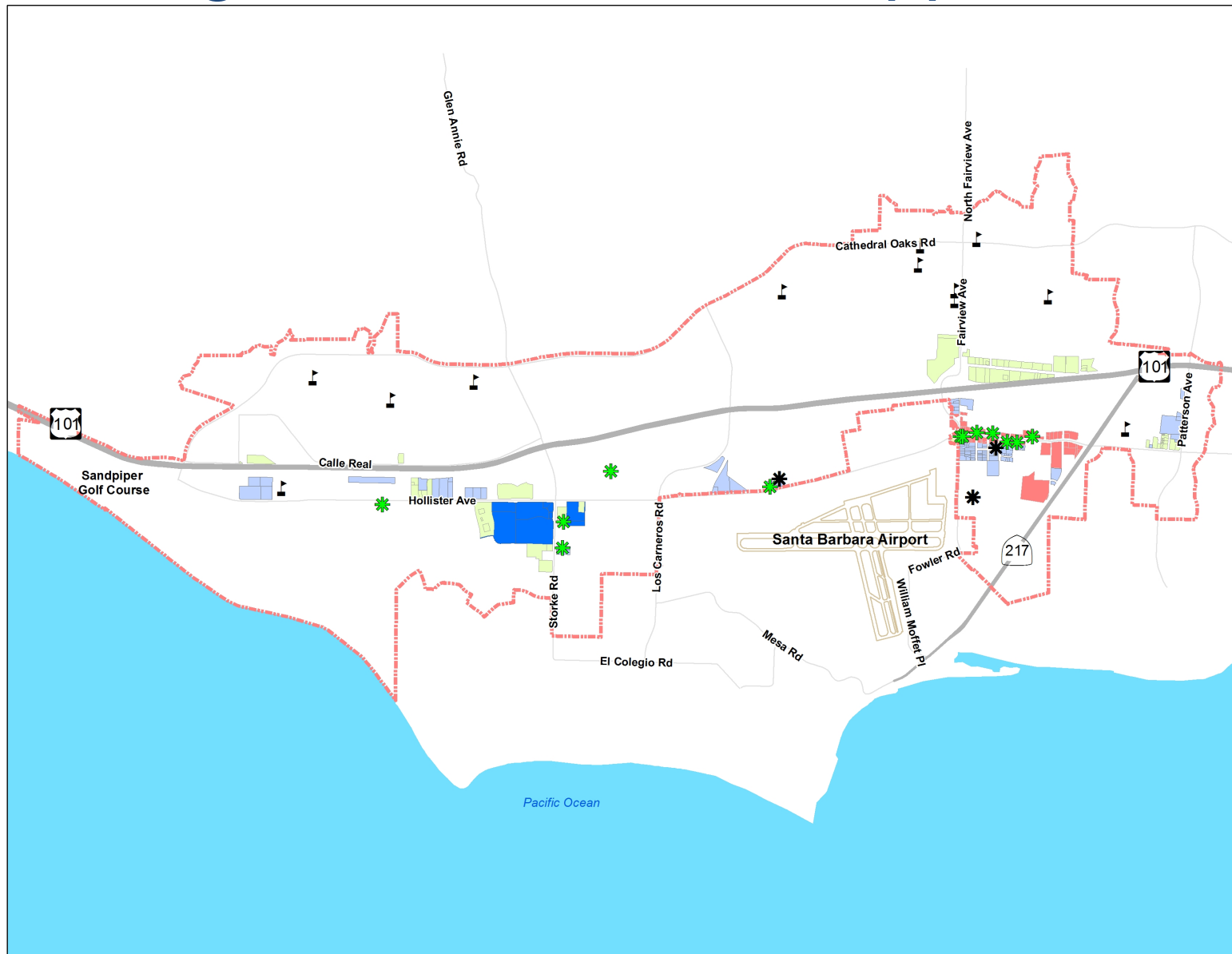
Map of Existing Retailers and Active Applications

- * Existing 3 Cannabis Retail Businesses
- * ALL Storefront Retail Applications (as of 4-18-19)

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 = 2,640 feet

Issues with Original Cannabis Approach

- 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 to Address Issues

- 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
- March 11, 2019: Planning Commission Hearing
- April 16, 2019: City Council amends General Plan and Business License Ordinance and updates Fees - *Land Use Ord discussed with direction to return (subject of this hearing)*

April 16 Council Actions

- GPA/Land Use Ordinance CEQA Addendum Approval
- General Plan Amendments Approval
- Cannabis Business License Ordinance Adoption
- Cannabis User Fees and Charges Adoption
- Land Use Ordinance - Council suggested changes:
 - ✓ Reduce retail cap from 15 to 6
 - ✓ Distribution in B-P size limit by parcel (not license)
 - ✓ Prohibitive, not conditional buffers for storefront retail (600' schools/GVCC, 100' residential)
 - ✓ Larger, prohibitive storefront retail separation requirement

RECOMMENDATIONS

Cannabis Land Use Ordinance Amendments

Land Use Ordinance Amendments

Overview of Amendments

1. Cannabis Zoning Permits
2. Storefront Retail - Sensitive Receptor Buffers and Separation Requirements
3. Non-Storefront Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C)
4. Storefront Retail Cap
5. Amendments to Reflect General Plan Amendments
6. Deletion of Standards Moved to Cannabis Business License Ordinance

Amendment 1: Cannabis Zoning Permits

- Currently Land Use Permit/ Coastal Development Permit (LUP/CDP) or Conditional Use Permit (CUP) are required
- The Business Licenses Ordinance now includes detailed application review process and noticing requirements

Amendment 1:

Eliminate LUP/CDP and CUP requirements.

Amendment 2: Storefront Retail - Sensitive Receptor Buffers & Separation Requirements

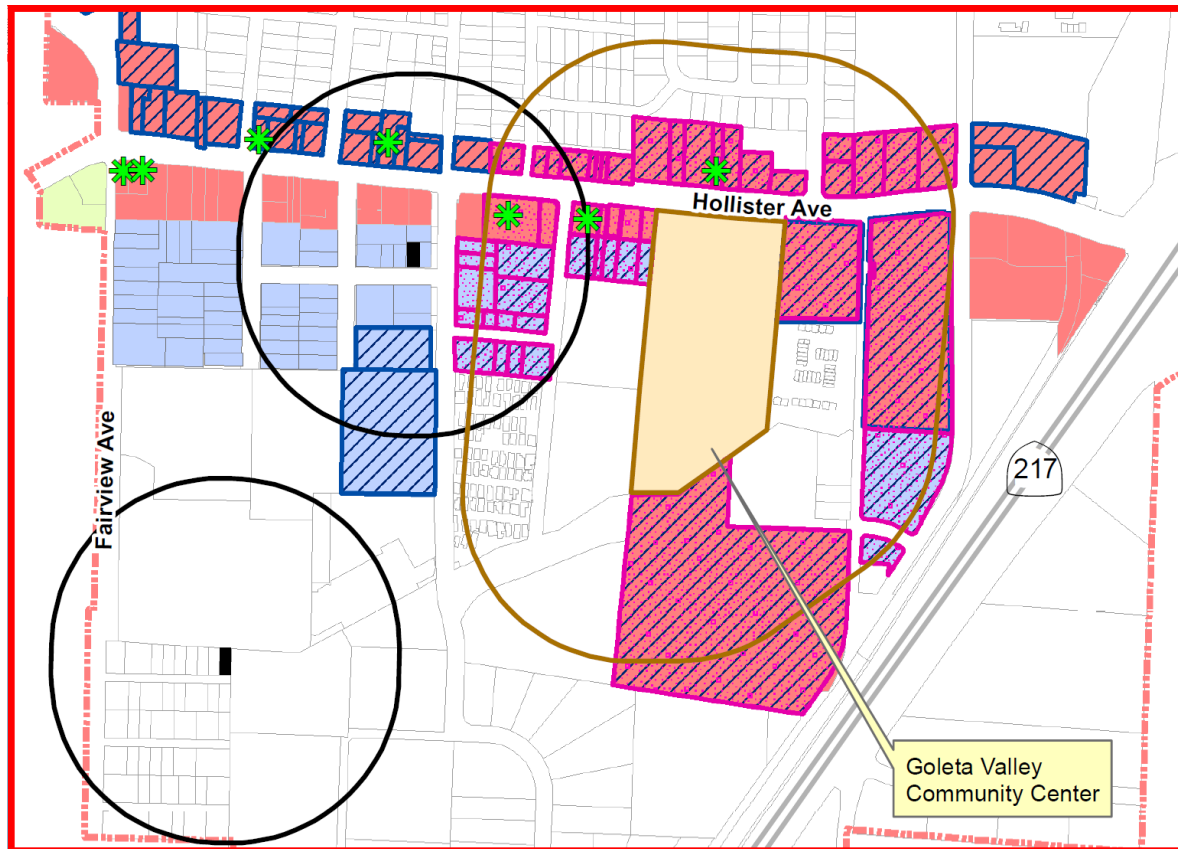
Staff recommends Land Use Ordinance include:

- A. Goleta Valley Community Center (GVCC) (prohibitive buffer)
- B. Schools (prohibitive buffer)
- C. Residential Land Uses (prohibitive buffer)
- D. Larger Retail Separation Requirement (prohibitive)

Buffer: Goleta Valley Community Center

Amendment 2A

A new buffer to prohibit storefront cannabis retailers on parcels located within 600 feet of the GVCC property.

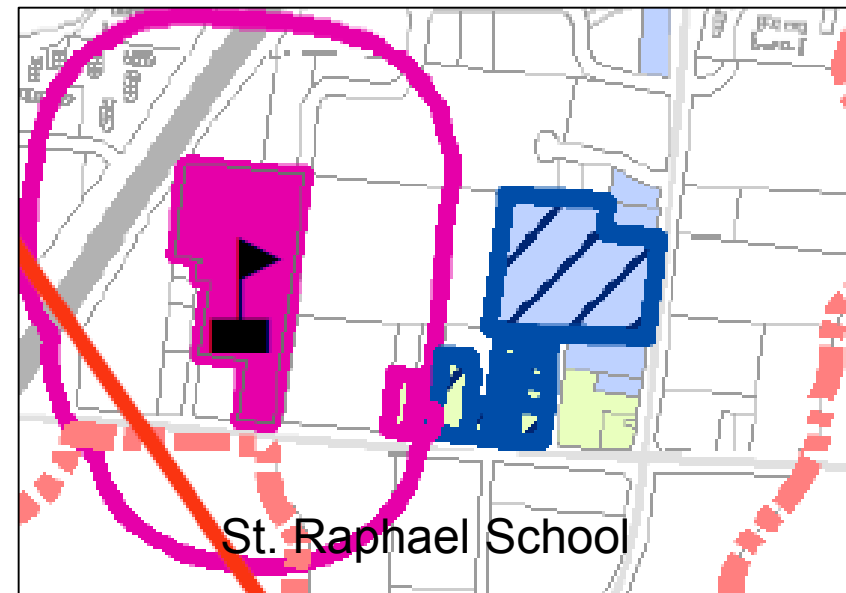
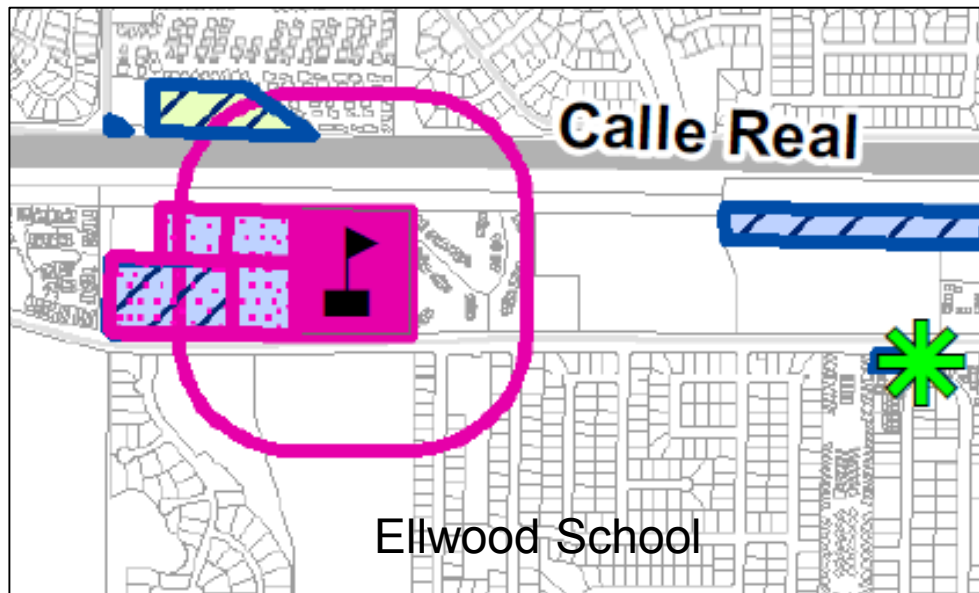


Buffer: Schools

Amendment 2B

A new buffer to prohibit storefront retailers on parcels located within 600 feet of a K-12 school.

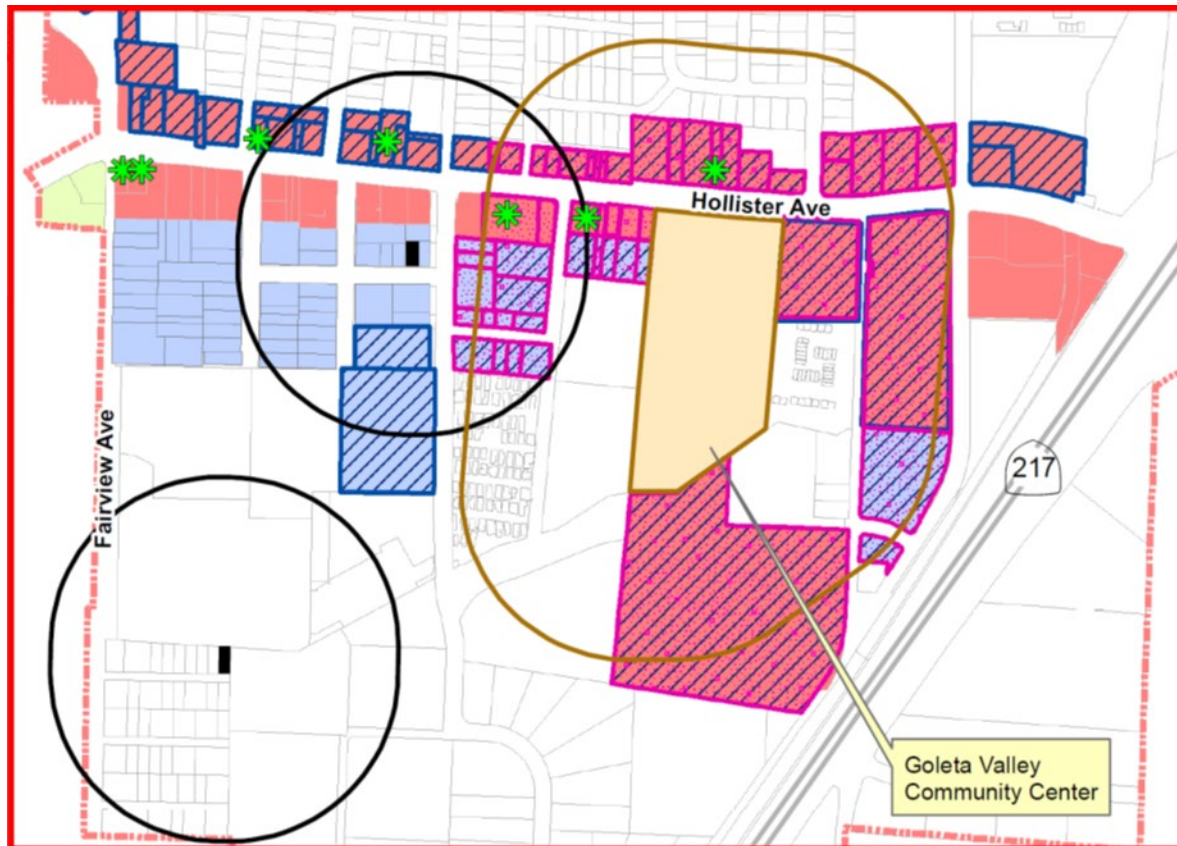
- Ellwood Elementary and St. Raphael school are within 600 feet of a location where storefront retail would otherwise be allowed.




Buffer: Residential Land Uses

Amendment 2C

A new buffer to prohibit storefront retailers on parcels located within 100 feet of a residential land use.



Map of properties within 100 feet of residential land uses in Old Town

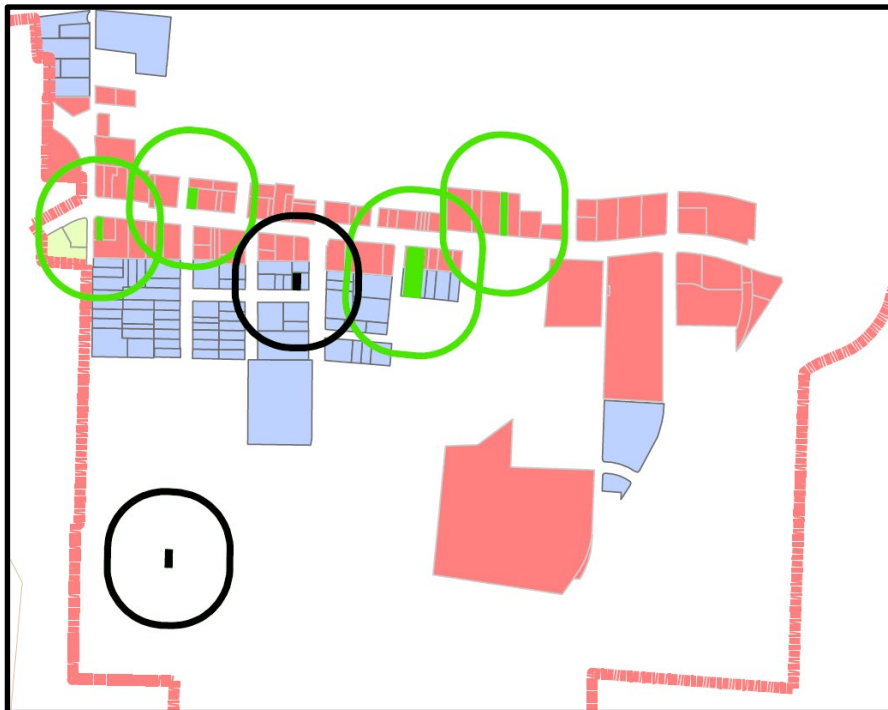
 Properties that are buffered due to 100 foot residential buffer

Storefront Cannabis Retailer - Separation

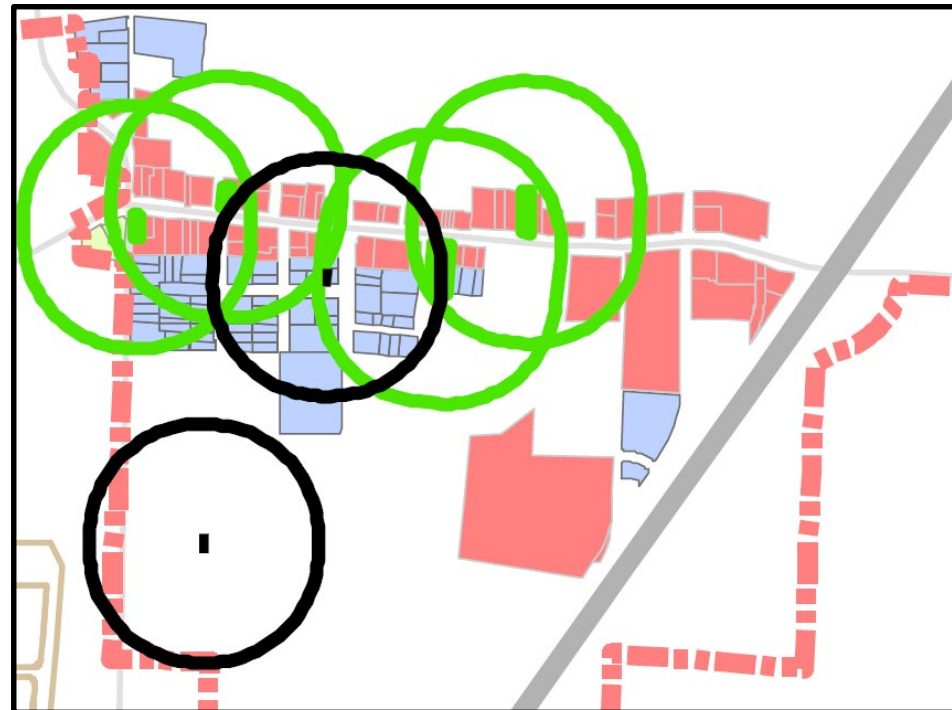
Amendment 2D

Increase the separation requirement from 300 feet to 600 feet between storefront retailers.

300 foot separation between applications in Old Town

















600 foot separation between applications in Old Town
(creates conflict for 2 of 4 applications... with GVCC buffer,
creates conflict for 3 of 4 applications)



Combined Buffers & Separation

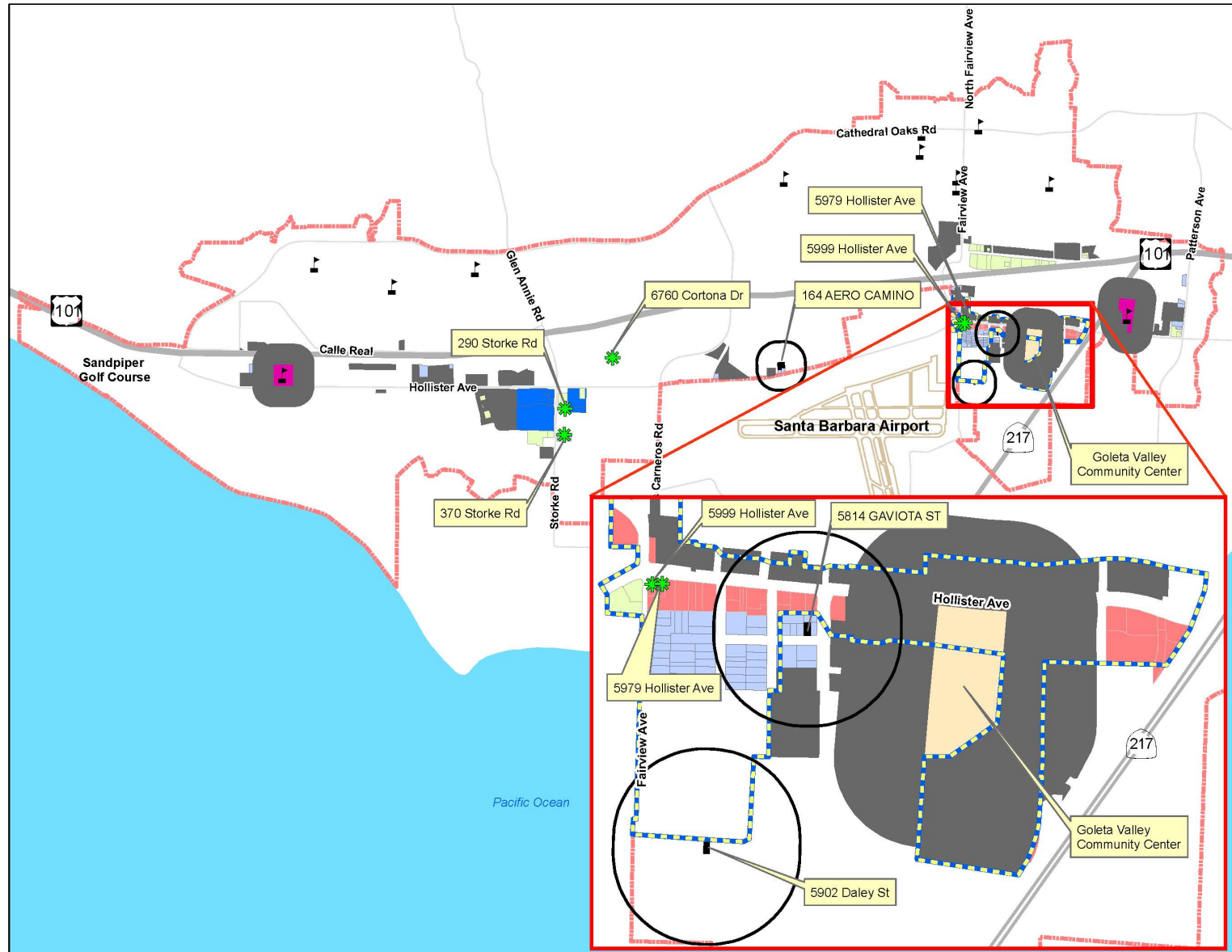
Proposed Amendments for Storefront Retail Uses with Old Town Heritage District

-  Goleta Old Town Heritage District
-  Remaining Storefront Locations
-  City of Goleta
-  Existing 3 Cannabis Retail Businesses
-  600 foot separation
- Land Use Allowing Storefront Retail
-  Old Town Commercial
-  Regional Commercial
-  General Commercial
-  Community Commercial
- Potential Sensitive Receptors
-  Schools in Proximity to Storefront Retail
-  600 foot buffer of Schools
-  Goleta Valley Community Center
-  600 foot buffer of GVCC
-  Properties that are buffered due to 100 foot residential buffer

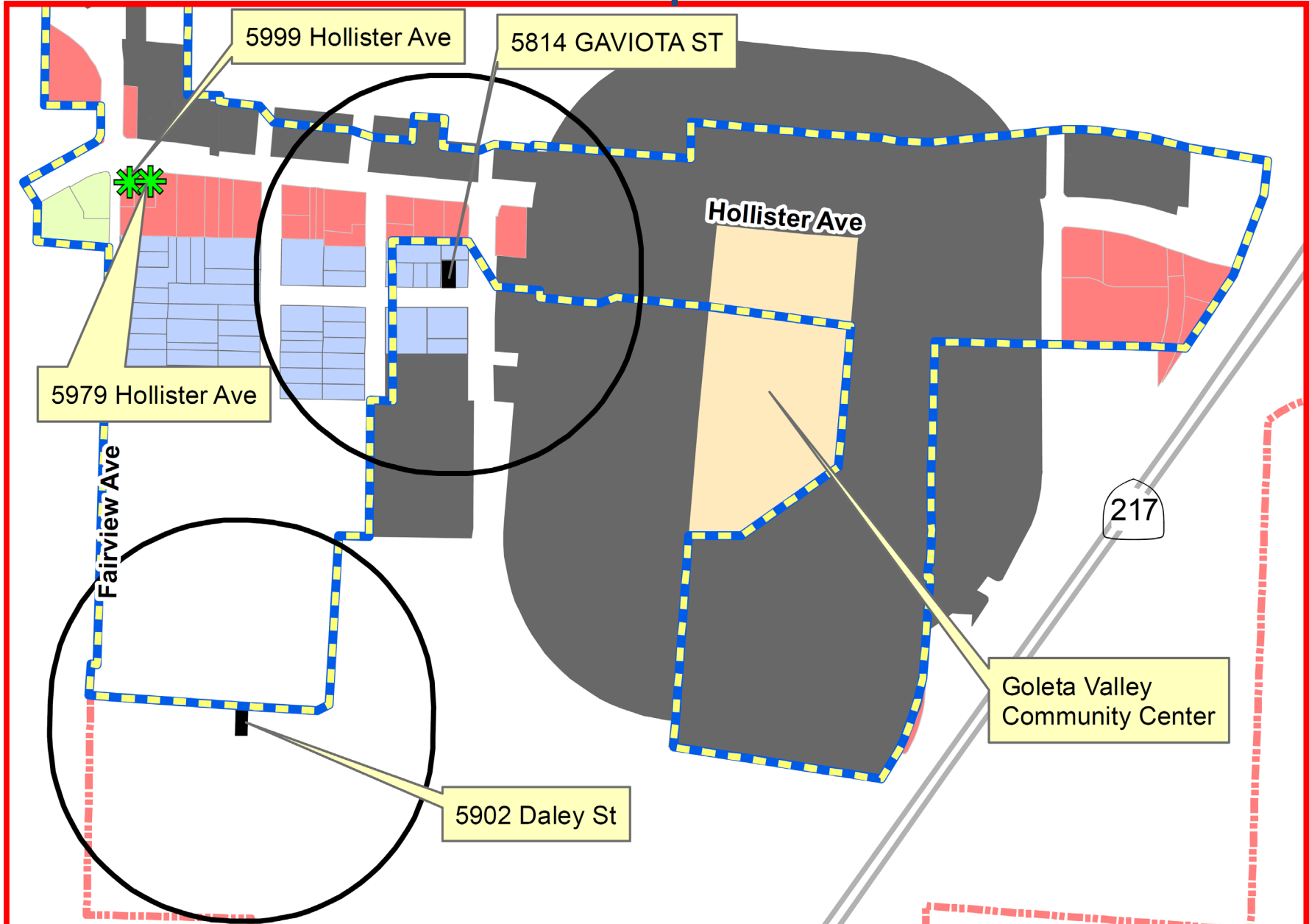
Note: Existing 3 businesses are treated as grandfathered uses because they were in operation prior to the cannabis dispensary ban dated June 16, 2009.



1 inch = 2,640 feet



Combined Buffers & Separation in Old Town



Amendment 3: Non-Storefront Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C)

Amendment 3:

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), Intersection Commercial (C-I), and General Commercial (C-G)
- Cannabis delivery is only consistent with General Plan policies for C-R and C-C designations

Amendment 4: Storefront Retail Cap

Amendment 4:

Reduce citywide cap from 15 to 6 storefront retail operations:

- Cap of 6 ensures adequate access for potential consumers while limiting the proliferation of use within the City
- Currently, 15 applications pending

Storefront Retail Cap Permitting Process

Permitting Process (Not Part of Ordinance):

- Applicants retain the same order established by the original CUP submittals
- Of the 15 pending applications, 3 existing dispensaries occupy the first 3 uses counted towards cap
- 4 of the original 15 applications were buffered out
- Buffered-out applications returned – applicants reserve place in line for six months to allow time to relocate
- In summary, spots are prioritized as follows:
 - The existing 3 dispensaries occupy the first 3 spots
 - The first 12 new applications received on and after August 17, 2018 occupy spots 4 through 15

CANNABIS STOREFRONT RETAIL APPLICATIONS

CUP Application Order	Application Order with Medicinal Dispensaries as first 3 Applications	File Number	Applicant Name, Location (Existing Business)	Impact of Proposed Ordinance Amendment
1	4	18-103-CUP	Michael Bitton, 5777 Hollister (A-OK)	Eliminated by separation requirement. Applicant to find new location.
2	5	18-104-CUP	Chris Hester, 5890 Hollister (Gimeals)	Eliminated by Residential Buffer. Applicant to find new location.
3	6	18-105 -CUP	Chris Hester, 5999 Hollister (Palm Reader)	Continue to Process subject to cap
4	7	18-106-CUP	Sid Dunmore 290 Storke Rd (Ming Dynasty)	Continue to Process subject to cap
5	8	18-107-CUP	Sid Dunmore, 5836 Hollister (Motor Sports)	Eliminated by separation requirement. Applicant to find new location.
6	9	18-108-CUP	Troy White, 370 Storke (Zizzos)	Continue to Process subject to cap
7	10	18-109-CUP	Troy White, 5755 Hollister (Fuel Depot)	Eliminated by GVCC Buffer. Applicant to find new location.
8	11	18-110-CUP	David MacFarlane, 5979 Hollister (Sam's to Go)	Eliminated by separation requirement. Applicant to find new location.
9	1	18-111-CUP	David MacFarlane, 5814 Gaviota (Existing Dispensary)	N/A
10	12	18-112-CUP	Luke Bruner, 6416 Hollister Avenue (Bus site)	Eliminated by separation requirement. Applicant to find new location.
11	13	18-115-CUP	Malante Hayworth, 5710 Hollister (Copy Center building across from GVCC)	Eliminated by GVCC Buffer. Applicant to find new location.
12	2	18-117 -CUP	Todd Falstrom, 5902 Daley St (Existing Dispensary)	N/A
13	14	18-156-CUP	Michael Bitton, 7433 Hollister (Yoga Studio)	Eliminated by Residential Buffer. Applicant to find new location.
14	15	19-010-CUP	Cameron Porter, 6760 Cortona	Continue to Process subject to cap
15	3		Mark Russell, 164 Aero Camino (Existing Dispensary)	N/A

Amendment 5: Amendments to Reflect General Plan Amendments

Amendment 5:

Council adopted cannabis-related GPAs on April 16:

- Allow storefront retailers in IG (existing dispensaries only)
- Allow distribution in BP (floor area limited to each licensed distributor to a max of 30,000 square ft per parcel)
- Allow microbusinesses in IG and IS without storefront retail (except existing storefronts)
- Allow microbusinesses in CG limited to existing storefronts only

Edits to ordinance are necessary to reflect the GPAs

Amendment 6: Deletion of Standards Moved to Cannabis Business License Ordinance

Amendment 6:

BL Ord No. 19-07 includes operational requirements that can now be removed from Land Use Ordinance:

- Odor Abatement Plan requirement
- Operating hours for Non-Storefront Retail
- Storefront Retail onsite consumption prohibition
- Requirement for edibles to be prepackaged and shelf-stable
- Canopy size limit, limit on use of generators, requirements for energy conservation analysis and consultation, limit on one use per building, and prohibition of operations being visible from the right-of-way for Indoor Cultivation

SUMMARY TABLE

Cannabis Land Use Ordinance Amendments

Overview of Amendments	Summary of Amendment
1 Cannabis Zoning Permits	<ul style="list-style-type: none"> • Rely no Business License Ordinance for processing and notification
2 Storefront Retail - Sensitive Receptor Buffers and Separation Requirements	<ul style="list-style-type: none"> • Add 600 foot prohibitive buffers around GVCC and Schools • Add 100 foot prohibitive buffer around residential land uses • Increase retail separation requirement from 300 feet to 600 feet
3 Non-Storefront Retailer (Delivery) in Regional Commercial (C-R) and Community Commercial (C-C)	<ul style="list-style-type: none"> • Allow non-storefront retail in C-R and C-C consistent with the General Plan
4 Storefront Retail Cap	<ul style="list-style-type: none"> • Reduce cap from 15 to 6
5 Amendments to Reflect General Plan Amendments	<ul style="list-style-type: none"> • Change ordinance to reflect the April 16 GPAs
6 Deletion of Standards Moved to Cannabis Business License Ordinance	<ul style="list-style-type: none"> • Remove standards that are now in Business License (odor abatement, operating hours, on-site consumption prohibition, edibles, canopy size, energy conservation, visibility)

COUNCIL ACTION

Staff Recommendations

1. Adopt Revised Cannabis Land Use Ordinance