

## 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, 3<sup>rd</sup> 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 or 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.