



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

THE CITY OF SIGNAL HILL
WELCOMES YOU TO A REGULAR
PLANNING COMMISSION MEETING
December 15, 2015

The City of Signal Hill appreciates your attendance. Citizen interest provides the Planning Commission with valuable information regarding issues of the community. Meetings are held on the 3rd Tuesday of every month.

Meetings commence at 7:00 p.m. There is a public comment period at the beginning of the regular meeting, as well as the opportunity to comment on each agenda item as it arises. Any meeting may be adjourned to a time and place stated in the order of adjournment.

The agenda is posted 72 hours prior to each meeting on the City's website and outside of City Hall and is available at each meeting. The agenda and related reports are available for review online and at the Community Development office and Library on the Friday afternoon prior to the Commission meeting. Agenda and staff reports are also available at our website at www.cityofsignalhill.org.

During the meeting, the Community Development Director presents agenda items for Commission consideration. The public is allowed to address the Commission on all agenda items. The Chair will announce when the period for public comment is open on each agenda item. The public may speak to the Commission on items that are not listed on the agenda. This public comment period will be held at the beginning of the public portion of the meeting. You are encouraged (but not required) to complete a speaker card prior to the item being considered, and give the card to a City staff member. The purpose of the card is to ensure speakers are correctly identified in the minutes. However, completion of a speaker card is voluntary, and is not a requirement to address the Commission. The cards are provided at the rear of the Council Chamber. Please direct your comments or questions to the Chair.

CALL TO ORDER

ROLL CALL

CHAIR FALLON
VICE-CHAIR AUSTIN
COMMISSIONER BENSON
COMMISSIONER MURPHY
COMMISSIONER RICHÁRD

PLEDGE OF ALLEGIANCE

The Chair will lead the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR ON ITEMS NOT LISTED ON THIS AGENDA

PUBLIC WORKSHOPS

(1) The Courtyard Residential Development of 10 Condominiums and a New Specific Plan

Summary: The applicant, High Rhodes Property Group, is requesting workshop review of preliminary plans for 10 townhome condominium units on an approximate .6-acre property at 1933-1939 Temple Avenue. A view analysis was prepared for the project.

The proposal also includes a request for a Zoning Ordinance Amendment to create a new Specific Plan to allow:

- 3-story dwellings, 35'-6" in height (2.5-story, 25' maximum in the RH zone)
- Roof decks (not permitted in any zone)
- 12' front setback (20' minimum in the RH zone)
- Rear setback 5' at second floor and 7' at first floor (10' minimum in the RH zone)
- Side setback 3' at second floor and 5' at first floor (5' minimum in the RH zone)
- 6'-6" building separation (10' minimum in the RH zone)

The purpose of the Planning Commission workshop is to collect public comments and provide direction to the developer prior to finalizing plans for a future public hearing.

Recommendations: 1. Open the public workshop and receive testimony.
2. Provide direction as deemed appropriate for the proposal regarding the View Analysis, the Zoning Ordinance Amendment for a new Specific Plan and the Site Plan and Design Review considerations.

(2) Single-Family Dwelling at 2085 Freeman Avenue and Alley Vacation

Summary: The applicant, Bozena Jaworski of RPP Architects for the Tran Family, is requesting a workshop review of preliminary plans for a dwelling at 2085 Freeman Avenue. The proposal includes a 4,050-square-foot two-story, single-family dwelling with 5 bedrooms, 4.5 bathrooms and an attached 887-square-foot three-car garage. Story poles were installed to depict the height of the dwelling to facilitate the view analysis process and no requests for a view analysis were received. The project is within a traffic study area, as proposed, the north 180 feet segment of alley will be vacated.

Recommendations: 1. Open the public workshop and receive testimony.
2. Provide direction as deemed appropriate regarding the alley vacation, the View Analysis and the Site Plan Design Review considerations.

PUBLIC HEARING

(3) Regulations to Prohibit Cultivation and Delivery of Medical Marijuana

Summary: In response to changes in State law, the Planning Commission will consider two items:

1. A Zoning Ordinance Amendment prohibiting the cultivation of medical marijuana in all zoning districts in the City and revising the definition of medical marijuana dispensary to include mobile delivery services; and
2. An Ordinance Amendment prohibiting the delivery of medical marijuana and mobile medical marijuana dispensaries citywide.

Recommendations: 1. Waive further reading and adopt a resolution recommending City Council approval of Zoning Ordinance Amendment 15-03.
2. Recommend City Council adoption of an Ordinance Amendment to prohibit the delivery of medical marijuana and mobile medical marijuana dispensaries citywide.

COMMUNITY DEVELOPMENT DIRECTOR REPORT

(4) Volunteer Roundup for the 2016 Homeless Count Event

Summary: The 2016 Los Angeles Homeless Count event sponsored by the Los Angeles Homeless Services Authority (LAHSA) will be held in January over three days. The Signal Hill event will be on Wednesday, January 27, 2016 from 7:30 p.m. to 10:00 p.m. We need your help to roundup volunteers. The Community Development Department will host the event, provide coordination, training and snacks. Our Police Department will provide drivers.

Recommendations: Volunteer, roundup, receive, and file.

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. Items will be acted upon by the Commission at one time without discussion. Any item may be removed by a Commissioner or member of the audience for discussion.

(5) Minutes of the Following Meeting

Regular Meeting of November 10, 2015

Recommendation: Approve.

(6) City Council Follow-up

Summary: Attached for review is a brief summary on the City Council's action from the November 24, 2015 and December 8, 2015 meetings.

Recommendation: Receive and file.

(7) Development Status Report

Summary: Attached for review is the monthly Development Status Report which highlights current projects.

Recommendation: Receive and file.

(8) In the News

Summary: Articles compiled by staff that may be of interest to the Commission.

Recommendation: Receive and file.

COMMISSION NEW BUSINESS

COMMISSIONER RICHÁRD
COMMISSIONER MURPHY
COMMISSIONER BENSON
VICE-CHAIR AUSTIN
CHAIR FALLON

ADJOURNMENT

Adjourn tonight's meeting to the next regular meeting to be held Tuesday, January 19, 2016 at 7:00 p.m. in the Council Chambers located at City Hall.

CITIZEN PARTICIPATION

If you need special assistance beyond what is normally provided to participate in City meetings, the City will attempt to accommodate you in every reasonable manner. Please call the City Clerk's office at (562) 989-7305 at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

December 1



The Courtyard
at 1933-39 Temple Avenue

CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

PROCEDURES RELATIVE TO PUBLIC HEARINGS/WORKSHOPS

1. At the request of the Mayor/Chair, the City Clerk/Secretary reports on the Form of Notice given:
 - a. Notice was published in the *Signal Tribune* newspaper on December 4, 2015.
 - b. Notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 on December 4, 2015.
 - c. Notice was mailed to property owners and residents within a 500' radius on December 4, 2015.
2. Mayor/Chair asks for a staff report, which shall be included in written materials presented to the City Council/Commission so that they can be received into evidence by formal motion.

In addition, the staff report shall include the following:

- a. Summarize the resolution/ordinance;
 - b. The specific location of the property, and/or use, the surrounding properties;
 - c. The criteria of the Code which applies to the pending application; and
 - d. The recommendation of the Council/Commission and/or other legislative body of the City and staff recommendation.
3. Mayor/Chair declares the public hearing open.
4. Mayor/Chair invites those persons who are in favor of the application to speak.
5. Mayor/Chair invites those persons who are in opposition to the application to speak.
6. Applicant or their representative is provided a brief rebuttal period.
7. Mayor/Chair declares the public hearing closed.
8. Discussion by Council/Commission only.
9. City Attorney reads title of resolutions and/or ordinances.
10. City Clerk/Secretary conducts Roll Call vote.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SELENA ALANIS
ASSOCIATE PLANNER**

**SUBJECT: PUBLIC WORKSHOP – THE COURTYARD RESIDENTIAL
DEVELOPMENT OF 10 CONDOMINIUMS AND A NEW SPECIFIC PLAN**

Summary:

The applicant, High Rhodes Property Group, is requesting workshop review of preliminary plans for 10 townhome condominium units on an approximate .6-acre property at 1933-1939 Temple Avenue. A view analysis was prepared for the project.

The proposal also includes a request for a Zoning Ordinance Amendment to create a new Specific Plan to allow:

- 3-story dwellings, 35'-6" in height (2.5-story, 25' maximum under the current RH zoning designation)
- Roof decks (not permitted in any zone)
- 12' front setback (20' minimum in the RH zone)
- Rear setback 5' at second floor and 7' at first floor (10' minimum in the RH zone)
- Side setback 3' at second floor and 5' at first floor (5' minimum in the RH zone)
- 6'-6" building separation (10' minimum in the RH zone)

The purpose of the Planning Commission workshop is to collect public comments and provide direction to the developer prior to finalizing plans for a future public hearing.

Recommendations:

- 1) Open the public workshop and receive testimony.
- 2) Provide direction as deemed appropriate for the proposal regarding:
 - The View Analysis;
 - The Zoning Ordinance Amendment for a new Specific Plan; and
 - The Site Plan and Design Review considerations.

Background:

The project and subject site have not been reviewed by the Planning Commission. Until recently, the site had five industrial buildings and a small shed consisting of approximately 7,910 square feet. The State Division of Oil Gas and Geothermal Resources (DOGGR) maps indicate that two abandoned oil wells are in the vicinity of the project site.

In June 2015, in response to changes in the DOGGR site plan review and abandoned well certification program, the City amended the Oil Code and established new development standards for properties with abandoned oil wells. The Code allows properties with abandoned oil wells to be developed subject to demonstrating that:

- Wells are surveyed to identify the location;
- Wells are tested to confirm they are not leaking methane; and
- Adequate access to service the wells is provided.

On July 8, 2015, since the wells could not be located in the open areas on the site, a demolition permit was issued to demolish the southern and western buildings as the abandoned oil wells thought to be under the buildings.

On July 20, 2015, the wells were subsequently located, leak tested and found not to be leaking. The applicant prepared a well access exhibit and has designed a site plan that provides access to the oil wells (wells are not being built over).

On October 26, 2015, consistent with the City's View Policy, view notices were mailed to owners and residents within a 500-foot radius of the site. Story poles were installed to depict the height of the dwellings to facilitate the view analysis process. The placement and height of the story poles were certified by a licensed engineer.

Analysis:

The applicant, High Rhodes Property Group, a boutique real estate investment and development firm is in escrow with the current property owner the United Anglers of Southern California (Attachment A).

Project Vicinity

The site is located off of Temple Avenue between 20th and 19th Streets within the Hilltop Neighborhood and RH, Residential High Density, zoning district. The site is an infill parcel surrounded by condominium complexes on three sides. The surrounding developments are high density and vary in height from two to three stories.



Setting

Currently, two buildings with light industrial uses and a few small trees remain on the site. The non-conforming buildings will be demolished and the trees will be removed for construction of the project.

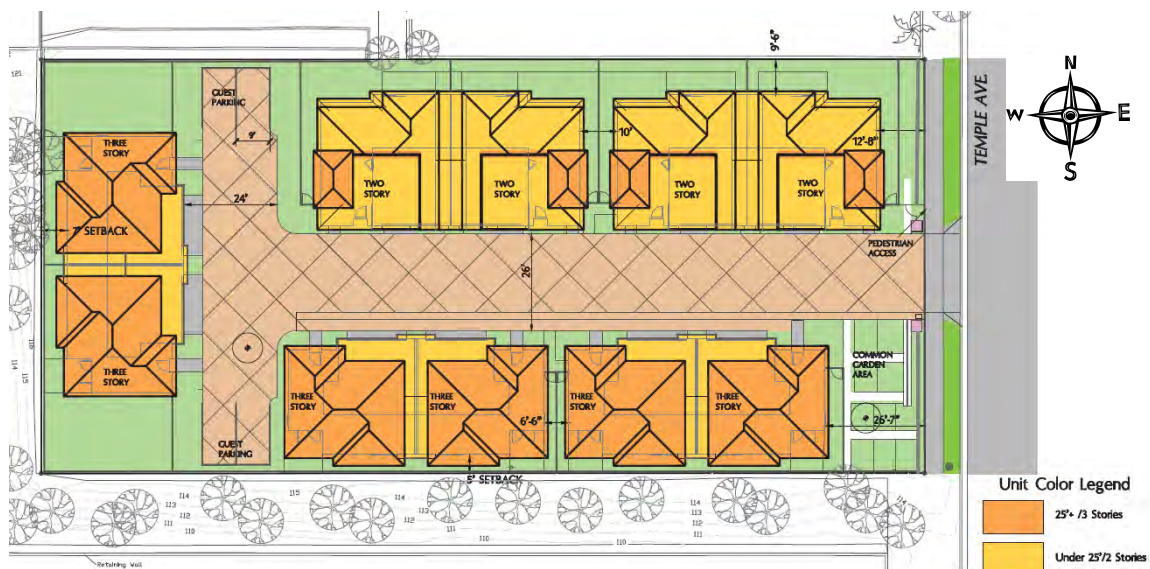
The zoning and existing land use for the project site and adjacent properties are as follows:

Direction	Zoning Designation	Existing Land Use
Project Site	RH, Residential High Density	A warehouse and storage building used for light industrial uses
North	RH, Residential High Density	Temple View Condominiums - 16 condos 2-3 stories in height with lower level parking and a 1-story single-family dwelling
South	RH, Residential High Density	Hillbrook Condominiums - 82 condos 3 stories in height with tuck under parking
East	RH, Residential High Density	Temple Avenue - California Crown Specific Plan
West	RH, Residential High Density	Hillbrook Condominiums - 82 condos 3 stories in height with tuck under parking

Site Plan

The project is an infill project for 10 townhome style condominiums - under the existing zoning designation 12 units could be developed on the site. The site is a u-shape configuration, with a 26' wide private driveway in the middle. Access to the development will be from a driveway on Temple Avenue. There are 4 guest parking spaces at the rear of the site. The same number of street parking spaces on Temple Avenue will remain as there is only 1 driveway.

The site plan is designed with five separate townhome buildings, rather than one large building with multiple attached units. The dwellings on the north are 2-3-story units with the roof deck on the third floor (31'-6" in height) and dwellings on the south and west are 3-story units (35'-6" in height).



Floor Plans

There are two unit types within the development. The units have a shared wall on the first floor and an 8-foot separation between the buildings on the second and third floors, which creates a corridor between the dwellings. Each floor plan is designed as follows:

- Plan 1 – 1,696 square feet
 - 1st floor: kitchen, great room, half bathroom, and 2-car garage
 - 2nd floor: three bedrooms, 2 bathrooms, laundry room and 57 SF covered balcony
 - 3rd floor: stairs/landing and adjoining 337 SF roof deck
- Plan 2 – 2,015 square feet
 - 1st floor: bedroom, bathroom, patio, 2-car garage with storage area
 - 2nd floor: kitchen, dining room, living room, half bathroom, 128 SF covered balcony
 - 3rd floor: two bedrooms, 2 bathrooms

Design

The development has a Spanish or Santa Barbara style design. The architecture includes a tiled roof, stucco finish with trim and vinyl windows. A color and material board will be available at the workshop.

New Specific Plan

As proposed, the project will require a Zoning Ordinance Amendment to create a new Specific Plan to permit deviations from the current RH zoning standards as follows:

Standard	RH Requirements	Proposed Project
Lot area and dimensions	6,000 square feet minimum Dimensions 50' by 120'	26,061 square feet (.6-acre) 110' by 235'
Dwelling Unit Density *	12 units maximum 21 dwelling units per acre maximum	10 units * 16 dwelling units per acre
Height *	25' height limit 2.5 stories	35'-6" and 31'-6" * 3-stories *
Setbacks Front (east) * Side (north) Side (south) * Rear (west) *	20' minimum 5' minimum 5' minimum 10' minimum	12'-8" * and 26'-7" 9'-6" 3' from the second floor * 5' from the second floor *
Space between buildings *	10' minimum	6'-6" *
Off-street parking	2-car garage, per unit	2-car garage, per unit 20' x 20' each
Guest Parking	1 space, per 4 units (3 stalls for 10 units)	4 stalls

Lot Coverage	50% maximum	42%
Open Space	6,515 square feet (25% of lot)	10,723 square feet

*Indicates deviation from RH Standards

The adoption of a Specific Plan requires both Planning Commission and City Council review. Key develop standards contained in the proposed specific plan include:

- 3-story dwellings, 35'-6" in height (2.5-story, 25' maximum in the RH zone)
- Roof decks (not permitted in any zone)
- 12' front setback (20' minimum in the RH zone)
- Rear setback 5' at second floor and 7' at first floor (10' minimum in the RH zone)
- Side setback 3' at second floor and 5' at first floor (5' minimum in the RH zone)
- 6'-6" building separation (10' minimum in the RH zone)

The applicant has prepared a summary of their goals and objectives related to their request to establish a Specific Plan for the project (Attachment B).

There are 13 residential Specific Plans in the City. Specific Plans create standards that are specific to the development and are approved in recognition of site constraints. The subject site is constrained in the size and contains abandoned oil wells. The lot is narrow and deep which limits functional and aesthetically pleasing design options. In addition, due to the location of the abandoned oil well the site plan was designed so that a large service truck could access the wells if need be requiring the building to the south to be setback and the distance between the two buildings to be reduced.

Key Provisions of the View Policy

The City's View Policy clarifies circumstances for which a view analysis is required, establishes procedures for providing notices to residents and property owners and guidelines for which views will be determined eligible for preservation by the Planning Commission and recommended modifications to protect views (Attachment C). Per the View Policy:

All projects shall preserve, to the extent possible, all views designated as "primary view" and "secondary view" with greater emphasis placed on the preservation of "primary views."

Views subjects that are not eligible for analysis or preservation include:

- Buildings on neighboring lots;
- The sky;
- Vacant land that is developable under City code; and
- Alleys or Streets.

The Planning Commission may require the applicant to make any or all of the following modifications to the proposed project:

- Reduce square footage;
- Increase setbacks;
- Eliminate bedrooms;
- Revise roofline by decreasing the area of top floor and/or by changing the roof pitch;
- Revise the floor plan; and
- Relocate structure on lot.

Project View Analysis

Prior to developing the workshop plans, the applicant informally met with the Temple View and Hillbrook Homeowners Associations to introduce themselves, share design concepts and gather preliminary community input on the project. The applicant has prepared a list of comments received (Attachment D). After consideration of the input received at these meetings, the applicant designed plans for the workshop.

A view notice was sent out residents and property owners within 500-feet of the project, story poles were installed on the site and staff received twelve responses to the view notice.

The applicant met with the twelve individuals that requested a view analysis and took view photos from the respective properties. The applicant then prepared a computer generated simulation (depicting the highest points of the dwellings with an orange line, depicting the roof lines in yellow and approximate location of 25' height limit to compare the project to the current development standards). The view analysis was provided to each of the affected parties (Attachment E).

After receipt of the view analysis documentation, several property owners submitted written responses and view photos from their respective properties (included in the discussion in the following section). In addition, a letter from an attorney was submitted on behalf of six property owners of the Temple View Condominiums at 1957 Temple Avenue (Attachment F).

View Analysis Assessments

For each property, a summary of the view analysis prepared by the applicant, a staff assessment of the submitted analysis and response from affected resident/property owners has been prepared.



- 1) 1999 Temple Avenue, Unit H - Signal Gate Condominiums - Marcy Allen
 - **Applicant Assessment:** View Photos were taken from the master bedroom and adjoining balcony. No view obstructions were reported (Attachment E, Pages 3-5).
 - **Staff Assessment of Applicant's View Analysis:** No Impacted View(s). The Courtyard project is visible in the photos taken from the balcony facing south. The existing views are retained.
 - **Property Owner Assessment:** No response to view analysis.
- 2) 2726 E. 20th Street - Sea View Condominiums - Pamela & Bob Morse
 - **Applicant Assessment:** View photos were taken from the living room and adjoining balcony. No view obstructions were reported (Attachment E, Pages 6-9).
 - **Staff Assessment of Applicant's View Analysis:** No Impacted View(s). The Courtyard project is visible from the view photos taken from the living room and balcony facing south. The existing views are retained.
 - **Property Owner Assessment:** No response to view analysis.
- 3) 2728 E. 20th Street - Sea View Condominiums - Michael Chambers
 - **Applicant Assessment:** View photos were taken from the kitchen, living room, dining room, and adjoining balcony. No view obstructions were reported (Attachment E, Pages 10-13).
 - **Staff Assessment of Applicant's View Analysis:** No Impacted View(s). The Courtyard project is visible from the view photos taken from the living room, dining room and balcony facing south. The existing views are retained.

- **Property Owner Assessment:** No response to view analysis.
- 4) 2722 E. 20th Street, Unit 305 - Sandra Sklarsh
- **Applicant Assessment:** View photos were taken from the dining room, living room and adjoining balcony. No view obstructions were reported (Attachment E, Pages 14-17).
 - **Staff Assessment of Applicant's View Analysis:** No Impacted View(s). The Courtyard project is visible from the dining room, living room and balcony facing southeast. The existing views are retained.
 - **Property Owner Assessment:** No response to view analysis.
- 5) 2662 E. 20th Street, Unit 310 - Marge Vandament
- **Applicant Assessment:** View photos were taken from the kitchen, dining room, living room and adjoining balcony. No view obstructions were reported (Attachment E, Pages 18-20).
 - **Staff Assessment of Applicant's View Analysis:** No Impacted View(s). The Courtyard project is visible from the dining room facing east, kitchen facing southeast and balcony facing southeast. The existing views are retained.
 - **Property Owner Assessment:** No response to view analysis.
- 6) 1903 Temple Avenue, Unit 227- Hillbrook Condominiums - Greg Kazen
- **Applicant Assessment:** View photos were taken from the living room, dining room/study and balcony. Views were determined not to be eligible for preservation (Attachment E, Pages 21-24).
 - **Staff Assessment of Applicant's View Analysis:** Ineligible View(s). The Courtyard project is directly visible from all areas that the photos were taken from. However, the views are not eligible for preservation and the property owner will be impacted by any development on the subject site.
 - **Property Owner Assessment:** Mr. Kazen submitted comments related to project design and zoning, discussed in the public comment section below.
- 7) 1903 Temple Avenue, Unit 311 - Hillbrook Condominiums - Erik Radcliffe
- **Applicant Assessment:** View photos were taken from the dining room/study, living room and balcony. Views from the property were determined not to be eligible for preservation (Attachment E, Pages 25-29).
 - **Staff Assessment of Applicant's View Analysis:** Ineligible View(s). The Courtyard project is directly visible from all areas that the photos were taken from. However, the views are not eligible for preservation and the property owner will be impacted by any development on the subject site.
 - **Property Owner Assessment:** Mr. Radcliffe submitted photos with brief narratives. Photos were taken to demonstrate the sense of open space that will be lost (Attachment G).

8) 1957 Temple Avenue, Unit 201 - Temple View Condominiums - Patrick Faecke

- **Applicant Assessment:** View photos were taken from the living room, master bedroom and balcony. The applicant reported: 1) there are no protected views from this unit and 2) the project does not interfere with the existing view (Attachment E, Pages 32-36).
- **Staff Assessment of Applicant's View Analysis:** Impacted view(s) - mitigation from balcony is feasible. Courtyard project is directly visible from all areas that the photos were taken. Ocean views would be impacted by the project. Photos from loft were not provided.
- **Property Owner Assessment:** Mr. Faecke does not believe the photos provided by High Rhodes accurately portray his views and contends that the view study does not recognize his primary view of the Long Beach skyline and the ocean. A written response and view photos to the applicants view analysis was submitted (Attachment F, Exhibit C 1-5 and Attachment H).

9) 1957 Temple Avenue, Unit 101 - Temple View Condominiums - Jan Reed

- **Applicant Assessment:** View photos were taken from the living room, master bedroom, and balcony. The applicant reported: 1) there are no protected views from this unit and 2) the project does not interfere with the existing view (Attachment E, Pages 37-41).
- **Staff Assessment of Applicant's View Analysis:** Impacted View(s) - mitigation is difficult. The Courtyard project is directly visible from all areas that the photos were taken from. It appears that views to the east will not be impacted but ocean views, due south, are impacted.
- **Property Owner Assessment:** The written comments submitted are related to design and zoning and discussed in the public comment section below. Photos taken from the property were submitted (Attachment F, Exhibit C 1-5).

10) 1957 Temple Avenue, Unit 102 - Temple View Condominiums - Steven Flores & Jay Kobielsuz

- **Applicant Assessment:** View photos were taken from the master bedroom and balcony. The applicant reported: 1) there are no protected views from this unit and 2) the project does not interfere with the existing view (Attachment E, Pages 42-46).
- **Staff Assessment of Applicant's View Analysis:** Impacted View(s) - mitigation is difficult. The Courtyard project is directly visible from all areas that the photos were taken from. It appears that views to the east will be impacted.
- **Property Owner Assessment:** Mr. Kobielsuz submitted comments related to project design and zoning, discussed in the public comment section below.

11) 1957 Temple Avenue, Unit 103 - Temple View Condominiums - Adam Steward & Katherine Bokamper

- **Applicant Assessment:** View photos were taken from the living room, balcony and loft. The applicant reported: 1) there are no protected views from this unit and 2) the project does not interfere with the existing view (Attachment E, Pages 47-51).
- **Staff Assessment of Applicant's View Analysis:** Impacted view(s) - mitigation from loft is feasible. Courtyard project is directly visible from all areas that the photos were taken. Ocean views would be impacted by the project. Based on the approximate 25' building height a reduction in the building height would not improve views from the living and balcony but would from the loft.
- **Property Owner Assessment:** Mr. Steward and Ms. Bokamper have views of the ocean and of the city skyline from their living quarters, loft and private patio. The 35'-6" height proposed will directly and fully obstruct those views (Attachment I).

12) 1957 Temple Avenue, Unit 104 - Temple View Condominiums - Alin & Roxanna Chitanu

- **Applicant Assessment:** View photos were taken from the living room, balcony and loft. The applicant reported: 1) there are no protected views from this unit and 2) the project does not interfere with the existing view (Attachment E, Pages 52-56).
- **Staff Assessment of Applicant's View Analysis:** Impacted view(s) - mitigation from loft is feasible. Courtyard project is directly visible from all areas that the photos were taken. Ocean views would be impacted by the project. Based on the approximate 25' building height a reduction in the building height would not improve views from the living and balcony but would from the loft.
- **Property Owner Assessment:** Mr. Chitanu does not believe the photos provided by High Rhodes accurately portray his views. Primary views of the ocean, hills and landmarks can be seen from their unit and were not recognized in the view analysis. Mr. Chitanu and Mr. Ferdi emailed each other in response to the view analysis (Attachment J). View photos and comments from Mr. Chitanu were submitted (Attachment F, Exhibit C 1-7).

The following individuals have submitted comments related to views:

1957 Temple Avenue, Unit 202 - Temple View Condominiums - Miruna Babtie

The property owner did not contact City staff in response to the view notice. Therefore, the applicant did not conduct a view analysis. Ms. Babtie, submitted written comments and view photos of the downtown Long Beach skyline and coastline (Attachment F, Exhibit C 1-8).

1903 Temple Avenue, Unit 125- Hillbrook Condominiums - David Fukumoto

The property owner contacted staff after the requested the view notice period. The applicant was not able to get in contact with the property owner to conduct the view analysis from their property. Mr. Fukumoto asked the applicant to take photos from the lawn in front of his balcony, but the applicant was unable to take the photos. The property owner has submitted photos which compare their unit to the proposed project (Attachment K).

The applicant has not revised the plans or the view analyses, prior to the workshop meeting. The Planning Commission can direct the applicant to make changes to the plans as described in the view policy above or deemed appropriate.

Additional Public Comments Received

In addition to view comments, staff has received several comments related to the project design and zoning (Attachment F, Exhibit B and Attachments L & M). In general, the residents do not support deviation from the current RH zoning standards. A summary of the comments related to design and zoning are as follows:

- 1) Do not support of the Specific Plan concept with specific concerns regarding:
 - a) Deviation from 25' height limit;
 - b) Roof decks; and
 - c) Deviation from standard setbacks
- 2) Loss of Property Values
- 3) Privacy concerns from windows, roof decks and patios
- 4) Noise from roof decks and yard patios
- 5) Blocked sunlight
- 6) Density
- 7) Construction & completion of a land survey

Landscape & Fence Plan

The project must comply with the recently adopted Water Conservation in Landscaping Ordinance which reflect the state ordinance which only allows for limited turf. Features of the landscape plan include:

- Common area and yard landscaping including a mixture of trees, shrubs and mix of ground cover using drought tolerant plantings and California native plants
- Common area garden at the front of the property. In the past, staff has found that gardens can become a nuisance if they are not maintained.
- Developer installed and HOA maintained 6' vinyl fencing on the north, west and south property lines
- Infiltration with dry wells and clarifier basins to treat stormwater

- Driveway with permeable pavers to provide additional source control for stormwater runoff and pollutant loads

There is a 4' plaster wall, pedestrian gate and metal gate setback 3'-6" from the front of the property. As proposed, guest and resident vehicles waiting for the gate to open would impede access to the public right-of-way, including the sidewalk and street. Therefore, the gate must be relocated so vehicles waiting for access do not block the street or sidewalk.

Grading

The grading plan calls for minor grading, so the proposed grades will be very similar to the existing grades.

Green Building Features

A summary of the green building and site features has been prepared by the applicant (Attachment N).

Approved by:

Scott Charney

Attachments

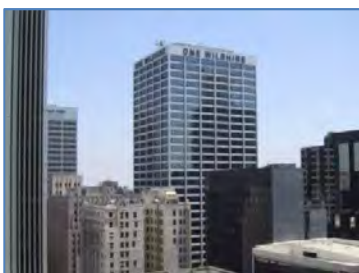
Development Team Overview

Development Entity - The Courtyard is sponsored by a venture of southern California real estate executives (“BHT-V”) who collectively have developed and operated a wide range of complex, high quality, market leading residential and commercial properties from Catalina Island to Washington DC. Individually, each member has a well-earned reputation for integrity while successfully delivering exceptional real estate solutions in some of the most environmentally sensitive and sophisticated planning communities in the nation. BHT-V has undertaken a multi-year effort to address the planning and environmental challenges of this unique site with a goal to develop an enclave of high quality homes which blend seamlessly with, and enhance the value of adjacent properties. The Courtyard is designed to create and maintain long-term value through the combination of functional lifestyle features and timeless design –to become an address which will be proudly recognized as a community of distinction within the city of Signal Hill.



High Rhodes - Development of The Courtyard is spearheaded by High Rhodes Property Group (“HRPG”) – a boutique real estate investment and development firm formed in 2007 by Brad Hillgren on a foundation of core values combining creativity with unyielding integrity, alignment of interests and fair and generous practices. Our mission is to focus upon a limited number of projects where we can make a significant impact through the delivery of industry leading real estate practices for our residents and tenants, our financial partners and within the communities where we invest and operate. Previously, Hillgren was president and CEO of Lowe Enterprises Real Estate Group, a privately held real estate development, investment and management firm based in Los Angeles with a nationwide practice involving a portfolio of commercial, residential and mixed use properties. Mark Ferdi, a principal with HRPG, adds extensive skills and decades of institutional real estate experience through prior executive roles at Carlyle, Arden, CBRE and Centex. Combined, HRPG’s principals have over 70 years of real estate development and operating experience spanning the United States including virtually all property types with a total combined valuation approaching \$5 billion. An example of HRPG’s current efforts includes Valley Plaza, a 25 acre mixed use project to be redeveloped with 600 residential units and more than 225,000 SF of commercial space in North Hollywood (see attached).

Note: photos at right are examples of specific projects High Rhodes principals have participated in owning, managing and/or developing.



Additional information about the firm and its principals can be found @ www.HighRhodes.com.



HIGH RHODES

Revised Outline- Residential Specific Plan The Courtyard at 1933 Temple – November 15, 2015

Purpose of this outline is to set forth the primary goals and objectives in establishing a Specific Plan for the property located at 1933 Temple. This document is not intended to address all the requirements of the State and Local codes. However, it is intended to highlight key factors and reasons behind the Specific Plan request.

Location and Boundary: The property consists of two lots located on the west side of Temple Avenue between 19th and 20th Streets. The lots will be combined into a single parcel containing 0.60 Acres (26,061 square feet) and developed as 10 townhome condominium units.

Primary goals

- 1) Encourage the development of privately sponsored townhomes for sale
- 2) Neighborhood enhancement through development featuring high quality design and planning principles
 - a. Enhanced design standards to achieve high quality land planning and architecture including differing setbacks, varied shapes and building massing, multiple roof levels, and highlighted architectural features (e.g. stairwell enclosures).
 - b. Maintain appropriate scale and character consistent with existing adjacent developments
 - c. Respect relationships with adjacent properties (protect privacy and views)
 - d. Enhance front setback landscaping to improve streetscapes and pedestrian walkways
 - e. Maximize amount and types of functional open spaces including ground level yards and decks or balconies - result is planned total exceeds 40% vs 25% RH requirement .
 - f. Provide architectural variety within a common design theme (contemporary Santa Barbara) to create and maintain a cohesive community
- 3) Protect / Preserve the value and livability of neighboring properties
 - a. Lower intensity than adjacent properties (all 3 sides 34-38 DU/A vs. planned 16 DU/A)
 - b. Careful establishment of setbacks and spatial relationships
 - i. Varied setbacks along Temple Avenue
 - ii. Setbacks are equal or greater in most instances than required in RH zone
 - iii. Reduced setbacks only where adjacent property is constructed more than 20' from the property line.

- iv. The focal point for the development and the open space decks and balconies is inward upon the central courtyard providing privacy for neighbors and the residents of the project.
- v. The highest points are placed away from adjacent properties (rather than immediately adjacent to property lines)
- c. Creation of view corridors for most sensitive adjacent properties
 - i. Open space corridors established between all buildings
 - ii. All homes are separated above the ground floor
 - iii. Reduced roof lines in key areas to preserve vistas
 - iv. Low screen walls to provide privacy for/to roof decks
- d. Inspirational and intelligent use of landscaping to further protect view planes and enhance community.
- e. Resident parking is provided in enclosed RH standard 2 car garages with appropriate storage space.
- f. Additional guest parking spaces in excess of RH standards are provided to reduce on-street parking demand

Respect goals of current RH planning standards

- 1) Reduced density: The Courtyard contains 10 homes vs. 12 allowed under the RH zone
- 2) Height variances placed to minimize impact of sky view reduction on adjacent properties
- 3) Maximum height elements situated to blend with the fabric of the surrounding elevations and adjacent properties
- 4) Sum of all open space including landscaping and roof decks is significantly greater (40%+) than required (25%)
- 5) 2 additional guest parking spaces provided to reduce parking demand on Temple Avenue

Property Constraints

- 1) **Overall Dimensions:** The remnant formerly industrial zoned property is deep (approx. 235') with a narrow frontage (approx. 110') along Temple which limits design options and accessibility.
- 2) **Prior Operations:** prior oil field operations (specific location of 2 abandoned wells) and existing industrial uses require design solutions to resolve environmental conditions and provide potential future access to existing certified abandoned wells.

- 3) **Side hill property:** The site has significant grade differences with adjacent properties requiring substantial retaining walls as well as design solutions to establish appropriate scale.

Variances compared to RH Zone

Every effort has been made to adhere to the RH Zone standards. The primary variance in the Specific Plan is additional height necessary to create functional homes which also meet or exceed RH standards for parking and open space. Privacy screen walls and related architectural stairwells serving roof decks on two-story homes, and the upper most levels and rooflines of three story homes located on the southern and western sides of the site exceed the 25' limit in certain locations. Setbacks and high points (roof lines and privacy screen walls) have been carefully considered and established to minimize the impact on the spatial relationship (privacy, light and views) of adjacent residents.

CITY OF SIGNAL HILL
View Protection Policy

Section 1. Purpose

The hillsides in Signal Hill provide the City with its most identifying feature. The views both from and of the hill are a limited natural resource, enjoyed by residents and visitors. The City's General Plan discusses the importance of views in several of the General Plan Elements. The Environmental Resources Element states that one of the City's goals is to "maintain and enhance the identity and aesthetic quality of Signal Hill as a City with striking view potential." That Element also includes Policy 1.1, which states the City will "protect views both to and from the Hill and other scenic features. This will extend to all new development and to major rebuilding and additions."

Specifically, this View Protection Policy accomplishes the following:

1. Clarifies the circumstances under which a view analysis is required.
2. Establishes procedures for providing proper notice of potential view impacts.
3. Establishes guidelines against which views will be determined eligible for preservation.
4. Establishes acceptable methods of analysis and provides guidelines for evaluation of results.
5. Establishes guidelines for the recommendations of modifications to proposed projects in order to protect views.

Section 2. Procedures and Requirements For Level 1 View Analysis

Any person proposing to develop a project which requires Site Plan and Design Review, as specified in Chapter 20.52 of the Signal Hill Municipal Code, shall submit with the Site Plan and Design Review application, a Level 1 view analysis. The Level 1 view analysis shall contain the following information:

1. A description of the topography of the project site and of all sites within 500 feet of the subject site.
2. A description of all uses and structures within 500 feet of the subject site.
3. A description of the potential view impacts of the proposed project on any property within 500 feet of the subject site.

View Protection Policy
(Continued)

The applicant may use a variety of methods to provide the information required, including but not limited to photographs, plot plans, grading plans, streetscapes, pad elevations, written descriptions, and documentation from neighboring residents and/or property owners.

The Planning Department shall verify the accuracy of the information provided through site visits and comparison of data with existing City records concerning the site.

Section 3. Procedures and Requirements for Level 2 View Analysis

A. Circumstances Requiring Level 2 View Analysis --

A Level 2 view analysis shall be required when the following conditions exist:

1. A Level 1 view analysis indicates that a proposed project may impact existing views.
2. A Level 1 view analysis indicates a proposed project will not impact existing views, but staff is unable to verify the accuracy of that analysis.

B. Noticing For Level 2 View Analysis --

All projects which require a Level 2 view analysis shall be noticed in the following manner:

1. The applicant shall take reasonable steps established by the City to consult with owners and residents of property located within 500 feet of the subject site. The applicant shall submit to the Planning Department the signatures of all individuals with whom the applicant consulted.
2. The applicant shall submit two sets of mailing labels for all property owners, residents, and homeowners' associations within 500 feet of the subject site. The City shall send a written notice of potential view impacts to each individual. Such notice shall contain a deadline for written comments.
3. The applicant shall post a copy of the view impact notice on the property. The notice shall be readable and/or readily accessible from the public right-of-way.

View Protection Policy
(Continued)

4. The Director of Planning may reduce the noticing requirements if a Level 1 view analysis clearly indicates that limited numbers of existing structures will be affected by the proposed development. In such instance, only the affected owners/residents would require special notice.

C. Preparation of Level 2 View Analysis

1. An applicant shall provide a description of all existing views from an affected unit. Such description may include photography and/or narrative.
2. The applicant shall evaluate each affected view to determine if each view qualifies as a "primary view" or "secondary view" eligible for preservation. Standards for evaluation are contained in Section 3,D.
3. Staff shall verify the accuracy of the evaluation completed by the applicant.
4. A Level 3 analysis shall be completed for all views determined to be primary or secondary views.

D. Designation of Primary and Secondary Views

1. An applicant shall designate the primary and secondary viewing areas in each affected building.
2. A viewing area shall be designated a "primary viewing area" if two or more of the following conditions exist:
 - a. The view is the only view in the structure.
 - b. The view is the resident's most important view.
 - c. The subject of the view is a unique landmark, such as the Queen Mary, Long Beach Skyline, Palos Verdes, ocean, Los Angeles, San Gabriel/Santa Ana mountains.
3. A viewing area shall be designated a "secondary viewing area" if only one of the above conditions exists.
4. A viewing area excludes bathrooms, hallways, garages, closets, and outdoor required setback areas.

View Protection Policy
(Continued)

5. The following view subjects are not eligible for analysis or preservation.
 - a. Buildings on neighboring lots;
 - b. The sky;
 - c. Vacant land that is developable under City code;
 - d. Alleys or streets.

E. Preparation of Level 3 View Analysis

1. The applicant shall consult with the Planning Department to determine the appropriate methods of analysis based on the site location, the type of proposed project, the potential view impacts, and the topography. Acceptable methods for a Level 3 View Analysis may include one or more of the following:
 - a. The applicant should photograph the existing view, use on-site markers to establish scale and perspective, and superimpose (draw) the outline of the proposed structure on the photographs.
 - b. The applicant should use a plot plan to show the location of the proposed structure relative to existing units and indicate the horizontal view area.
 - c. The applicant should photograph and/or sketch a streetscape showing pad elevations of existing and proposed structures and indicate existing verticle views.
 - d. The applicant should prepare a computer generated analysis.
2. An applicant may be required to prepare more than one analysis for each view, if the Director of Planning determines that one analysis may not accurately represent the potential impact. For example, an applicant may be required to analyze the view from an outdoor balcony, and analyze the same view from a location within the unit. All analyses should be taken between 4 feet and 6 feet above floor level.
3. Any affected property owner or resident who challenges the accuracy of an applicant's analysis may prepare a view analysis for review by the Planning Commission.

View Protection Policy
(Continued)

Section 4. Evaluation of View Analysis

- A. All projects shall preserve, to the extent possible, all views designated as "primary views" and "secondary views" with greater emphasis places on the preservation of "primary views."
- B. In an effort to preserve existing views, an applicant may be required to make any or all of the following modifications to the proposed project:
 - ▶ Reduce square footage;
 - ▶ Increase setbacks;
 - ▶ Eliminate bedrooms;
 - ▶ Revise roofline including decreasing the area of a second story;
 - ▶ Revise floor plan.

Section 5. Amendments

To the extent the Planning Commission finds that changes to this Policy are necessary to effectuate or enhance the purposes of this Policy as stated in Section 1, the Planning Commission may amend this policy at any time.

The Courtyard

Development Process To Date

Brief History: The development venture entered into a contract to purchase the property in early 2014 when the site was originally marketed for sale by the United Anglers of Southern California. Originally conceived as a short term opportunity by experienced real estate executives, the Courtyard has become a multiyear commitment including comprehensive environmental remediation of a site severely impacted by its previous uses and replacement with a community of 10 high quality new paired homes in the city of Signal Hill.

Design Process: The plan for The Courtyard is in direct response to input received as a result of an extensive process of proactive engagement with city staff and the community over the past 2 years. Following is a brief synopsis of the efforts undertaken and development solutions resulting from this effort.

January 2014 to May 2014 / Initial Outreach

- **Initial Concept Discussions:** The initial discussion with city staff occurred in January of 2014 regarding established zoning for the site, requirements for setbacks, height, open space, parking, etc., the issue of potential oil well(s), and the general process for securing entitlements. Subsequent meetings and discussions occurred in February, March and April regarding conceptual site planning and design options as well as alternative building methods.
- **Initial View Analysis:** Early in the process, the issue of potential impacts on adjacent properties was recognized and as a result, a preliminary view analysis was prepared and presented to the staff on April 23, 2014. Although no protected views were apparent, staff indicated the project would require a formal view study and recommended engagement with neighboring residents as we moved ahead with design.
- **Initial Resident Meetings:** The adjacent Temple View and Hillbrook HOA's were contacted for introductions and to arrange meetings regarding the development process and planning efforts for the site. On May 8th, we met privately on site at the request of 2 Temple View property owners (Flores and Chitanu), who expressed concerns about potential development impacts including privacy, noise, and views.

June 2014 to August 2015 / Oil Field Investigation

Oil Well Evaluation: The initial planning and design of the property could not commence until a complete evaluation of prior on-site wells was conducted. While planning was curtailed for the next 15 months, the following environmental and due diligence efforts were completed:

- Relocation and termination of impacted tenants
- Removal and disposition of lead and asbestos containing materials
- Demolition of one commercial building and one industrial building
- Evaluation of proposed/new city ordinance on oil producing properties
- Excavation on 4 separate dates to find reported abandoned wells
- Removal of extensive amounts of buried debris
- Identification and certification of compliance for 2 abandoned wells
- Installation of vent cones, backfill and regrade of effected property

May 2015 to October 2015 / Active Design and Outreach

Consistent with our core values and the commitment we made to our neighbors, High Rhodes (“HR”) has proactively reached out to residents throughout the process to secure ongoing input and to make appropriate and reasonable planning modifications. To this end we have conducted multiple meetings, shared initial conceptual plans and constructed preliminary story poles to assist neighbors with their understanding of the proposed plans. An overview of this process and the resulting planning efforts is as follows:

- **Initial HOA meetings:** By June of 2015, certain demolition had been completed and the oil well investigation was underway allowing design efforts to commence. Prior to beginning the planning process, we requested meetings with the neighboring HOA’s. The Hillbrook residents deferred their meeting until September 23rd due to a lack of interest (quorum) and on May 9th, a meeting was held with the Temple View HOA (Chitanu, Davis, Abell, Reed, Hall, McIntosh, Triplet, Flores, Stewart) during which times the following was presented:
 - **Developer experience and overview**
 - **Contact information with invitation to contact us throughout the process**
 - **Project goals**
 - **Site Constraints and zoning/planning conditions**
 - **Anticipated entitlement schedule and opportunities for resident involvement**
 - **Results of due diligence and oil well investigation**
 - **Commitment to reviewing plans & progress along the way**
 - **Possible architectural themes and possible project amenities**



During the meetings we specifically requested resident input on 2 specific planning options under consideration:

- 1) **Option 1:** 12 units in a 2 story configuration above a subterranean (partial) parking level generally within the existing zoning guidelines utilizing established setback and height criteria (similar to both Temple View and other nearby communities)

- 2) **Option 2:** 10 or 11 units in a Specific Plan which might provide substantial design benefits for adjacent residents including reduced massing and enhanced setbacks along the most proximate property lines - but which might require modest height impacts in a few locations to accommodate roof decks, enhanced privacy and more appealing architecture.

Like each and every discussion with residents to date, the meeting was both constructive in content and pleasant in nature. **The specific feedback received from neighboring residents (outlined below) established the overarching project goals and has been the basis for ALL design options considered.**

- General support for a quality development in place of existing uses
- Willingness to explore options if shown as beneficial
- Concerns about property value impacts
- View impacts on/by trees on southerly property
- Privacy concerns regarding views into and from adjacent rooms and decks
- Consensus support for Santa Barbara architectural style and project amenities

Initial Plan: The exact location and condition of the oil wells was determined in early September which finally established critical planning criteria/constraints and allowed HR to complete the initial site plan. On October 17th, a meeting was held onsite with the Temple View HOA (Chitanu, Flores, Reed, Faেকে, Davis, Abell, Hall, McIntosh, Triplet, Stewart) and with the Hillbrook HOA on September 23rd (15 members). Prior to these meetings preliminary story poles were erected as a courtesy in an effort to assist residents with their understanding of the plans and proposed development. The following was discussed

- Review of prior meeting discussions and issues
- Oil well investigation results and resulting access requirements
- Proposed site plan, floor plans and elevations
- Anticipated entitlement schedule and process
- Timing for changes and erection of certified story poles
- Modifications under consideration

Continued general support was voiced for the type and quality of project with the following concerns and requested modifications:

- Property value impacts
- Height/view impact on sky, trees, Hillbrook property, and ocean vistas from 3rd level
- Impacts on light and air circulation
- Privacy regarding views into and from adjacent rooms
- Requests were made for:
 - 1) reduction in massing
 - 2) move the buildings further south
 - 3) more (and less) setback between Temple View properties
 - 4) redesign or elimination of exterior stairwells to roof decks
 - 5) reduction of finished elevation to lower overall height
 - 6) trim adjacent property owner's trees
 - 7) Completion of the project in a timely manner

Final Submittal: In response, the following additional modifications were made to the plans contained in the submittal and reflected by the story poles currently located on the property.

- 1) Mass has been reduced by placing no more than 2 buildings along the length of each property line and by separating every unit above the ground floor.
- 2) The buildings have been moved further south so the minimum setback has been increased 100% and as much as 125% in some areas.
- 3) The direction of the stairwells was rotated 90 degrees to reduce visual impact while retaining design character
- 4) The finished grade and overall height was lowered by 12 to 15 inches

While we are not able to accommodate every resident request (particularly when some directly conflict with each other) we have endeavored to make every possible modification to ensure a project which minimizes potential negative impacts and which maximizes the value of each adjacent property. Following is a summary of design modifications or considerations made in direct response to resident and staff input throughout the design process:

- 1) Reduced density from 12 to 10 homes
- 2) Setbacks
 - a. Varied street front setbacks – greater than adjacent properties
 - b. Increased setbacks closest to Temple View residents
- 3) Reduced height impacts
 - a. lowered property finished grade
 - b. Placed tallest units away from closest adjacent properties
 - c. Placed tallest points away from property lines and sloped roof lines
 - d. Rotated stairwell enclosures to reduce visual impact
- 4) Reduced massing by
 - a. Minimizing the number of units on any property line
 - b. Separated all homes above the ground floor
- 5) Protected natural light and breezes
 - a. Designed to protect adjacent property from shadows - NO loss of sunlight
 - b. natural breezes enhanced by establishing/maintaining building separations
- 6) Increased privacy by
 - a. Placing primary orientation of the project internally on the central courtyard
 - b. Minimized windows facing adjacent properties
 - c. Used opaque clerestory windows for bedrooms and bathrooms facing adjacent homes
 - d. Added 24" privacy wall to screen roof decks
- 7) Enhanced 4 sided elevations featuring high quality design and finishes throughout
- 8) Enhanced Landscaping
 - a. Extensive street front landscaping
 - b. Handsome themed central courtyard

To help quantify the level of input sought and received regarding design and development of the property, following is a partial history of meetings and discussions with 3rd parties:

- | | |
|--|-----|
| • Documented meetings with HOA's | 4 |
| • Documented meetings & discussions with city Staff: | 20+ |
| • Documented meetings and discussions with individual owners | 10+ |
| • Meetings to conduct/complete and review view analysis | 12 |

The Courtyard

1933 Temple Avenue, Signal Hill, CA

View Analysis
November 2015



The Courtyard

Overview of Participants' Locations



View Analysis

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Marcy Allen

Address: 1999 Temple, Unit "H"

History:

October 26, 2015	Notice	View Notice mailed
October 30, 2015	View Analysis	Analysis performed at 12:30 p.m.

Setting:

Marcy's unit is a multi-level condo located in a project called Signal Gate, north of the proposed project. The view in question is from Marcy's balcony attached to the master bedroom.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Master Bedroom	Only View in Structure	No	Secondary view of ocean horizon off master bedroom balcony.
	Balcony	Most Important View	No	
		Subject of View is unique Landmark	Yes	

Analysis:

Photos were taken from the master bedroom and a adjoining balcony (see following pages). The story pole ribbons do not impact of Marcy's view. Marcy's concerns are the project may be built higher than the story pole ribbons indicate (e.g. adding a chimney element higher than the roof ridge currently modeled with the story poles). I explained if the building heights (roofs or any other elements) are increased, a new story pole analysis would be required. I also stated there are no chimneys/ nor fireplaces in the current building plans. Per the View Policy, there are currently no view obstructions via the proposed project.

Resident Name: Marcy Allen

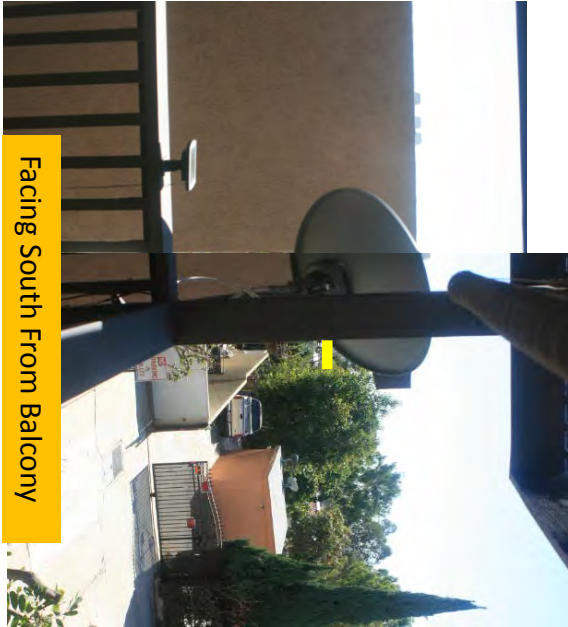
Address/Unit: 1999 Temple, Unit "H"

Date: 10-30-2015

Time: 12:29 p.m.

Main View : West off Master Bedroom/Balcony

View of Site: Looking South off balcony



Facing South From Balcony



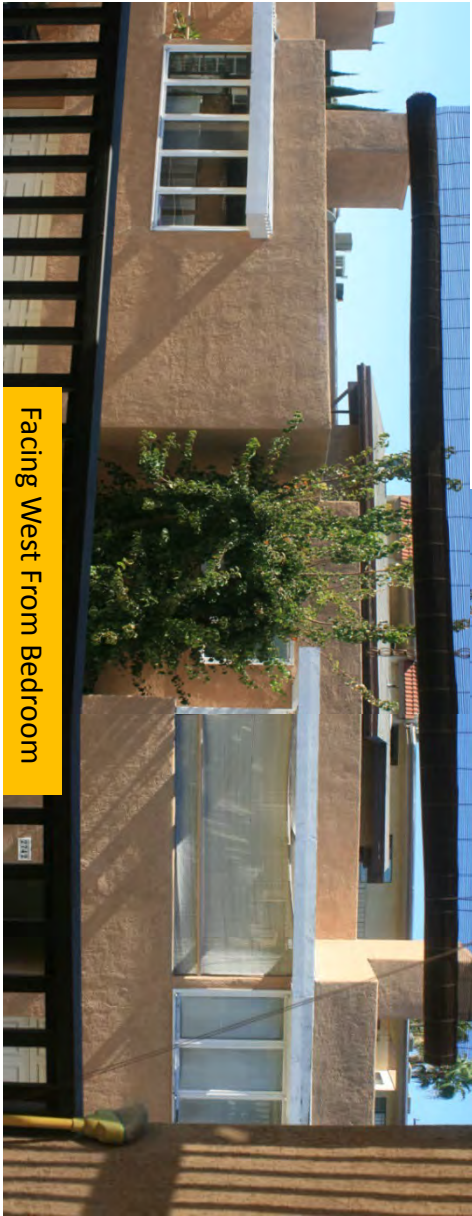
Facing South from Balcony



Locator Aerial

Resident Name: Marcy Allen (cont.)

Address/Unit: 1999 Temple, Unit "H"



Facing West From Bedroom



Facing South From Balcony

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Bob Morse

Address: 2726 E. 20th

History:

October 26, 2015	Notice	View Notice mailed
November 19, 2015	City Notifies High Rhodes	Sea View Condos did not receive Notices
November 20, 2015	View Analysis	Meeting set immediately. Photos taken

Setting:

Bob's unit is a multi-level unit located in a project called Sea View condos, north of the proposed project. Bob's only view is to the south. His unit is flanked on both sides by larger complexes. The primary view for study is from Bob's living room and balcony areas.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Living room and balcony area	Only View in Structure	Yes	Primary view looking South.
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

Analysis:

Photos were taken from the living room and adjoining balcony (see following pages). The story pole ribbons do not impact any "protected" views per the View Policy (View Policy Section 3D(5)). Bob's concerns are the multitude of trees (on disparate owners' properties) that keep "choking down" his view. While Bob is supportive of the two story elements of the project, he is not supportive of the three story elements. Per the View Policy, there are currently no view obstructions via the proposed project.

Resident Name: Bob Morse

Address/Unit: 2726 E. 20th Street

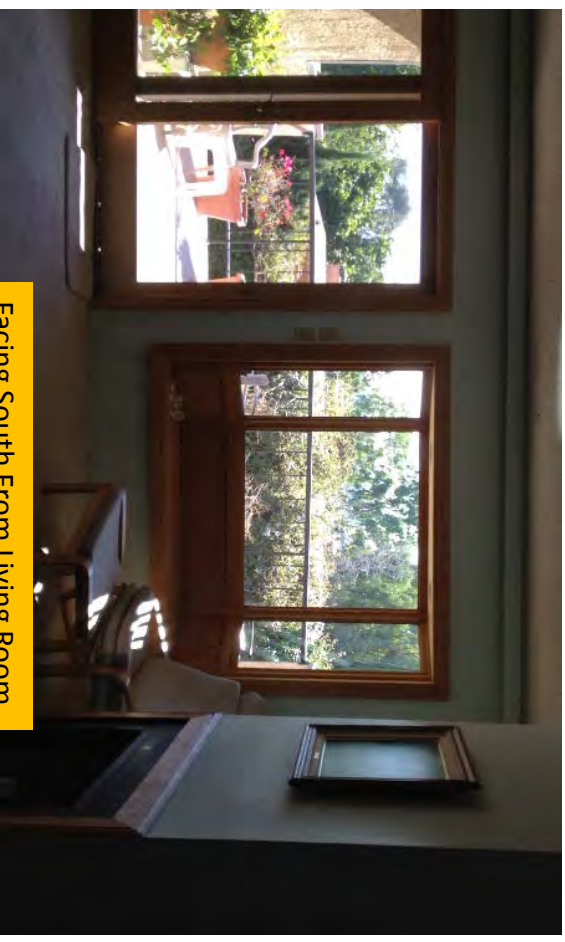
Date: 11-20-2015

Time: 12:00 p.m.

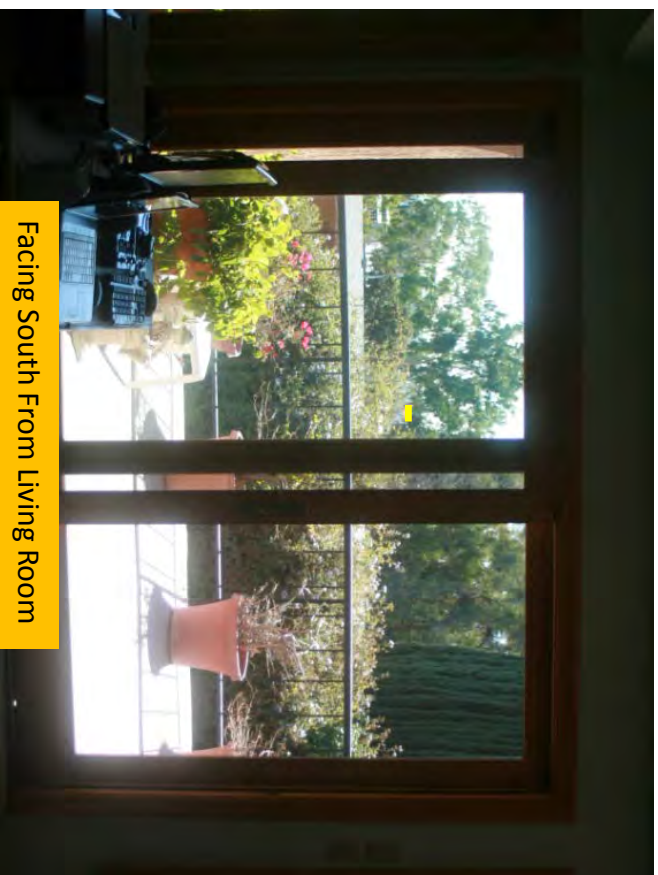
Main View : South from Main Living/Balcony
View of Site: South from Main Living/Balcony



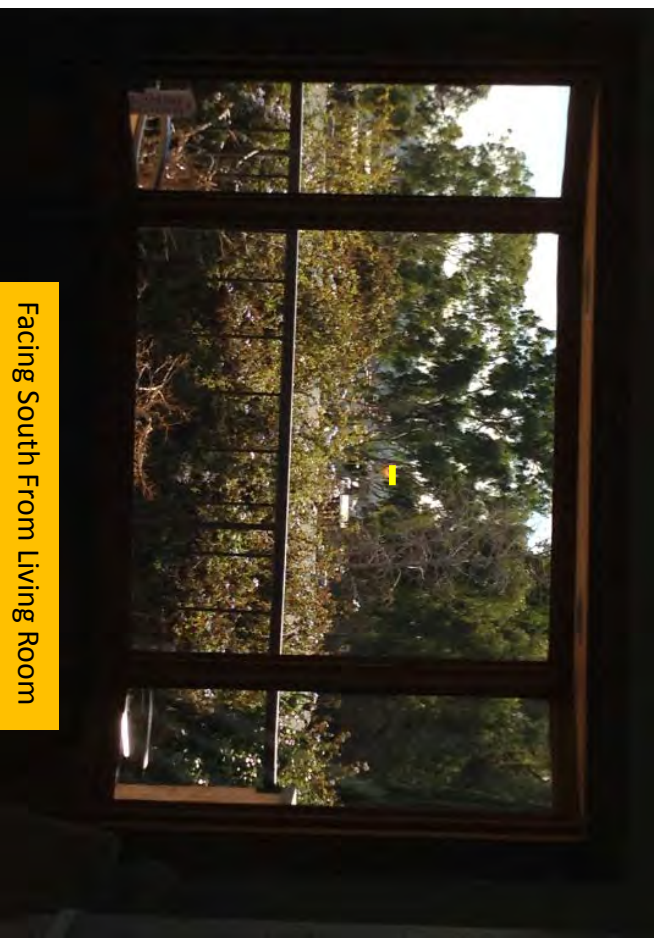
Resident Name: Bob Morse (cont.)
Address/Unit: 2726 E. 20th Street



Facing South From Living Room

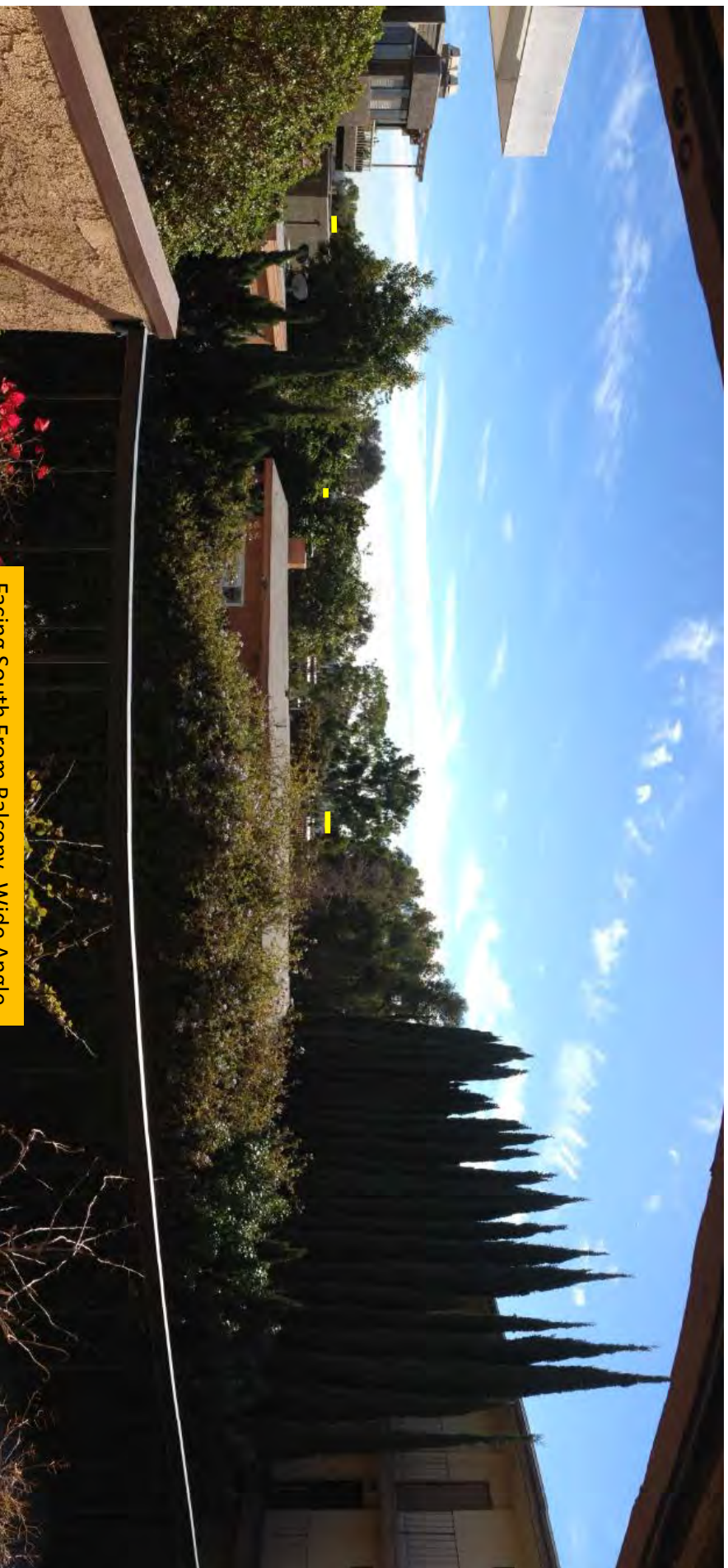


Facing South From Living Room



Facing South From Living Room

Resident Name: Bob Morse (cont.)
Address/Unit: 2726 E. 20th Street



Facing South From Balcony- Wide Angle

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Michael Chambers

Address: 2728 E. 20th

History:

October 26, 2015	Notice	View Notice mailed
November 19, 2015	City Notifies High Rhodes	Sea View Condos did not receive Notices
November 20, 2015	View Analysis	Meeting set immediately. Photos taken

Setting:

Michael's unit is a multi-level unit located on the top level of a project called Sea View condos, north of the proposed project. Michael's primary view is to the south. His unit is flanked on both sides by larger complexes. The primary view for study is from Michael's living room, dining room, and balcony areas.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Living room and balcony area	Only View in Structure	Yes	Primary view looking South.
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

Analysis:

Photos were taken from the kitchen (limited views to the East), living and dining rooms and adjoining balcony (see following pages). The story pole ribbons do not impact any "protected" views per View Policy Section 3D(5). Michael is a new owner of the unit and did not express any particular/specific concerns. Per the View Policy, there are currently no view obstructions via the proposed project.

Resident Name: Michael Chambers
Address/Unit: 2728 E. 20th Street

Date: 11-20-2015

Time: 12:29 p.m.

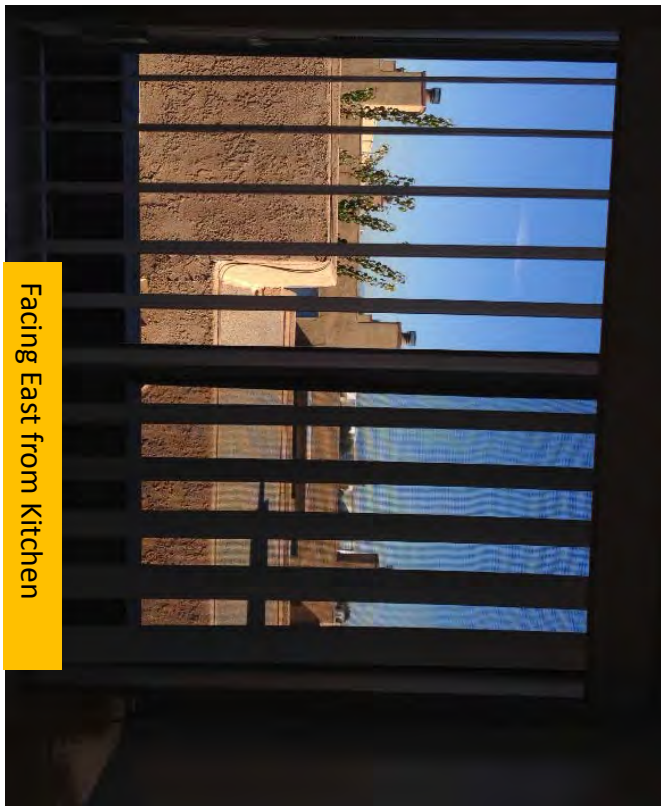
Main View : South from Main Living/Balcony
View of Site: South from Main Living/Balcony



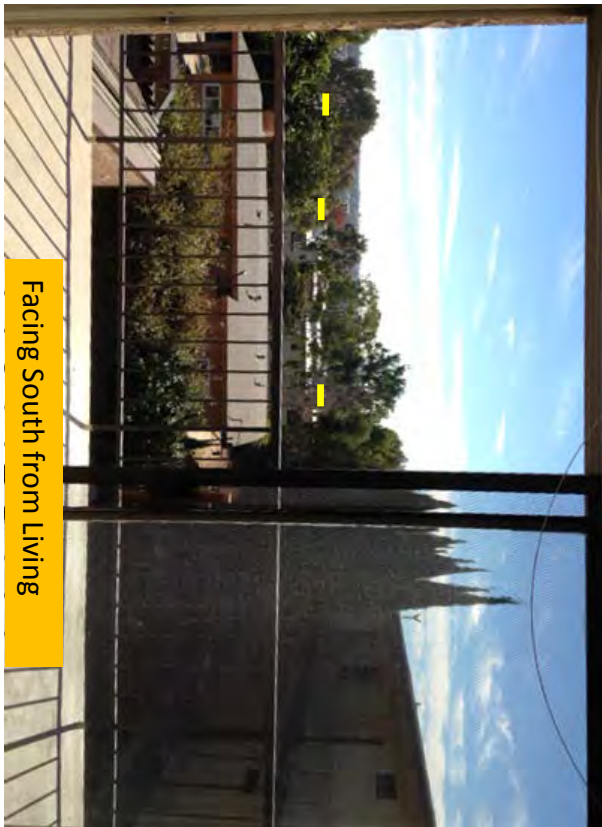
Resident Name: Michael Chambers (cont.)
Address/Unit: 2728 E. 20th Street



Facing South From Dining



Facing East from Kitchen



Facing South from Living

Resident Name: Michael Chambers (cont.)

Address/Unit: 2728 E. 20th Street



The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Sandra Sklarsh, Ed.D. Address: 2722 E. 20th, Unit 305

History:

October 26, 2015	Notice	View Notice mailed
November 14, 2015	View Analysis	Analysis performed at 10:30 a.m.

Setting:

Sandra's unit is a split level condo located on the highest (3rd) level of the complex northwest of the proposed project. She has sweeping views of the city skyline, and ocean views to the west, south and southwest.

<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
Living Room/Balcony facing Southeast	Only View in Structure	No	While Sandra's primary views are oriented to the south and southwest, the project is visible in looking southeast.
	Most Important View	No	
	Subject of View is unique Landmark	No	

Analysis:

We took photos from both inside and outside the unit (see following pages). The story poles indicate the proposed project is entirely below and to the east of Sandra's primary and secondary view planes. Consequently, per the View Policy there are no impacted views requiring protection.

Resident Name: Sandra Sklarsh, Ed.D.

Address/Unit: 2722 E. 20th, Unit #305

Date: 11-14-2015

Time: 10:30 a.m.

Main View: South facing Living Room/Balcony

Secondary View: South facing Dining

Site View: East facing Dining, Balcony, Kitchen



Locator Aerial

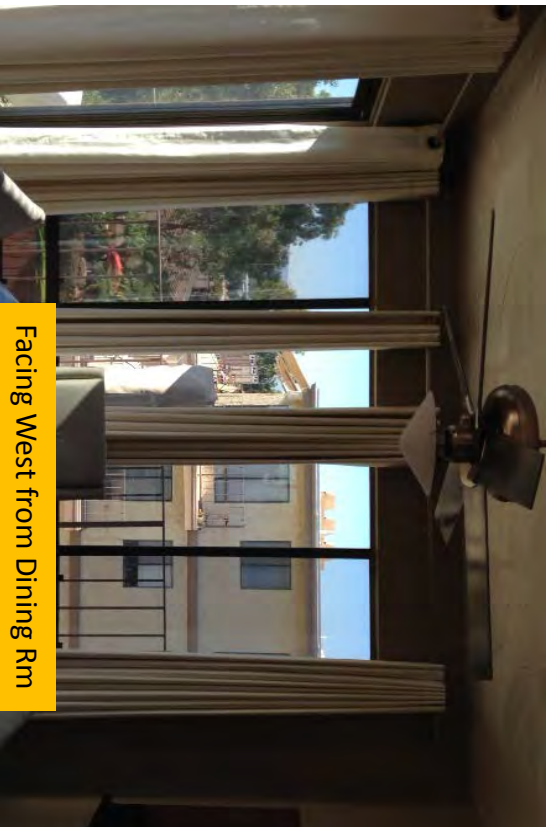
Resident Name: Sandra Sklarsh (cont.)
Address/Unit: 2722 E. 20th, Unit #305



Facing South From Dining Rm



Facing South From Living Rm



Facing West from Dining Rm



Facing East From Living/
Dining

Resident Name: Sandra Sklarsh (cont.)
Address/Unit: 2722 E. 20th, Unit #305



Facing Southeast Off Balcony

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Marge Vandament Address: 2262 E. 20th, Unit 310

History:

October 26, 2015	Notice	View Notice mailed
November 2, 2015	View Analysis	Analysis performed at 11:30 a.m.

Setting:

Marge's unit is a single level condo located on the highest (3rd) level of the complex northwest of the proposed project. She has sweeping views of the city skyline, Queen Mary and ocean to the west, south and southwest.

<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
Kitchen/Dining/Balcony facing Southeast	Only View in Structure	No	This is view facing project.
	Most Important View	No	
	Subject of View is unique Landmark	No	

Analysis:

We took photos from both inside and outside the unit (see following pages). The story poles indicate the proposed project is entirely below and to the east of Marge's primary and secondary view planes. Consequently, per the View Policy there are no impacted views requiring protection.

Resident Name: Marge Vandament

Address/Unit: 2262 E. 20th, Unit #310

Date: 11-3-2015

Time: 11:30 a.m.

Main View: South facing Living Room/Balcony

Secondary View: South facing Dining

Site View: East facing Dining, Balcony, Kitchen



Wide Angle Facing Southeast on Balcony



Locator Aerial



Wide Angle Facing Southwest on Balcony

Resident Name: Marge Vandament (cont.)
Address/Unit: 2262 E. 20th, Unit #310



Facing South From Dining Rm



Facing South From Living Rm



Facing East from Dining Rm



Facing Southeast from Kitchen

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Greg Kazan

Address: 1903 Temple, Unit 227

History:

October 26, 2015	Notice	View Notice mailed
October 30, 2015	View Analysis	Analysis performed at 11:45 a.m.

Setting:

Greg's unit is a single-level condo located in Hillbrook Condominiums, immediately adjacent to the south and west of the proposed project. Greg's unit is due west of the proposed site. The views in question are from Greg's living room, dining/study room and balcony adjacent to living room – all face the same direction.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>	<u>View Designation</u>
1	Living Room/Balcony facing East	Only View in Structure	Primary view is from the living room facing directly east.
		Most Important View	
		Subject of View is unique Landmark	
2	Dining/Study facing East	Only View in Structure	Secondary view is same as primary.
		Most Important View	
		Subject of View is unique Landmark	

Analysis:

Photos were taken from both inside and outside the unit (see following pages). Greg's concern is the blocking out of light. The trees in the photos reside on Hillbrook's property. We also visited the other side of the property line and took photos towards Greg's unit (see photos labeled "Facing West from Proposed Development"). Any view obstructions via the proposed project fall under the City's definition of "not eligible for preservation" pursuant to the View Protection Policy Section 3.D(5) as the adjacent land is developable under City code.

Resident Name: Greg Kazan

Address/Unit: 1903 Temple, Unit 227

Date: 10-30-2015

Time: 11:45

Main View: Eastward from Living Room

Secondary View: Eastward from Dining/Study Area



Facing East from Living Rm



Locator Aerial

Resident Name: Greg Kazan (cont.)

Address/Unit: 1903 Temple, Unit 227



Facing East from Dining/Study



Facing East from Balcony



Facing Southeast from Balcony

Resident Name: Greg Kazan (cont.)

Address/Unit: 1903 Temple, Unit 227



Story Pole Ribbons

RH Zone- 25'

Developer Depiction/ Project Roofline



The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Eric Radcliffe Address: 1903 Temple, Unit #311

History:

October 26, 2015	Notice	View Notice mailed
November 18, 2015	Phone Call	Discussed project, set meeting for View Analysis
November 20, 2015	View Analysis	Analysis performed at 10:00 a.m.

Setting:

Eric's unit is a single-level condo located in ~~Hillbrook~~ Hillbrook Condominiums, immediately adjacent to the south of the proposed project. The views in question are from Eric's living room, and adjacent balcony and from one of the bedrooms – all facing north.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Living Room/Balcony facing North	Only View in Structure	Yes	Primary view is from the living room facing North.
		Most Important View	Yes	
		Subject of View is unique Landmark	No	
2	Bedroom facing North	Only View in Structure	Yes	Secondary view is same as primary.
		Most Important View	No	
		Subject of View is unique Landmark	No	

Analysis:

Photos were taken from both inside and outside the unit (see following pages). Eric's concern is the blocking out of "green-scape" views to the North. We reviewed plans and elevations and Eric was relieved to see there was a fair amount of "break up" between the structures, hammerhead drive aisle, and within each building itself – i.e. these were not the "monolithic" structures envisioned when the story poles first went up. Any view obstructions via the proposed project fall under the City's definition of "not eligible for preservation" pursuant to the View Protection Policy Section 3 D(5) as the adjacent land is developable under City code.

Resident Name: Eric Radcliffe

Address/Unit: 1903 Temple, Unit 311

Date: 11-20-2015

Time: 10:00

Main View: North from Living Room

Secondary View: North from Bedroom



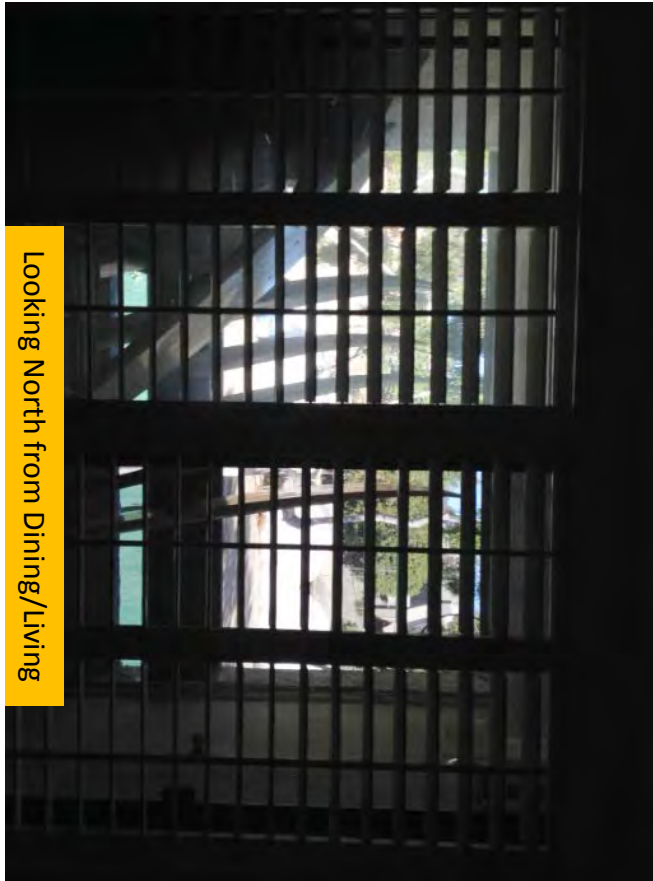
Locator Aerial

Resident Name: Eric Radcliffe (cont.)

Address/Unit: 1903 Temple, Unit 311



Looking North from Dining/Living

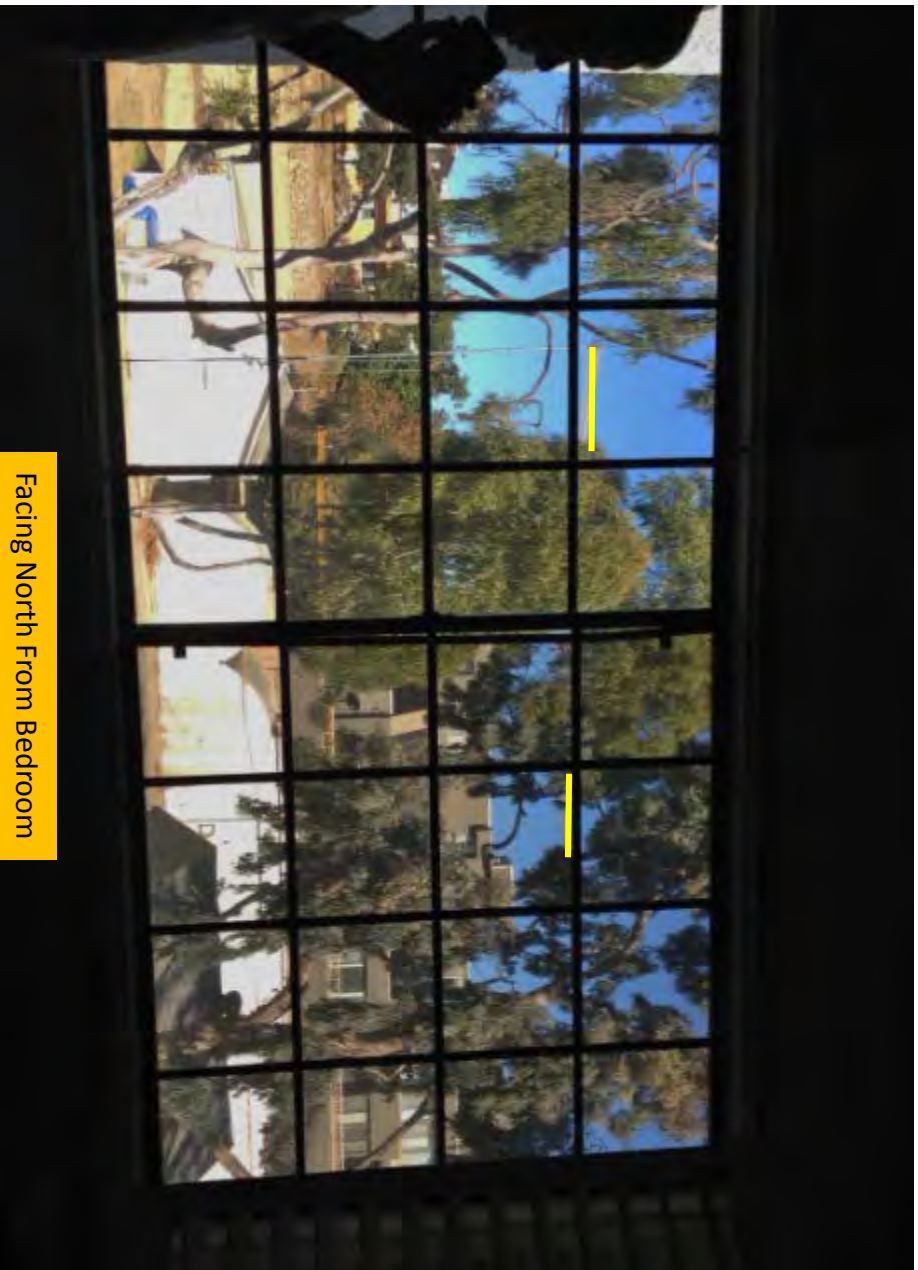


Looking North from Dining/Living



Looking North from Balcony

Resident Name: Eric Radcliffe (cont.)
Address/Unit: 1903 Temple, Unit 311



Facing North From Bedroom

Resident Name: Eric Radcliffe (cont.)
Address/Unit: 1903 Temple, Unit 311



Facing North from
Balcony/Wide Angle

Temple View Condominium Participants



Temple View Condominium Locator Aerial



The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Patrick Faecke

Address: 1957 Temple, Unit 201

History:

October 17, 2015	HOA Mtg. #2	On site meeting- presented site plans, floor plans and elevations of the project. Discussed upcoming "certified" story pole installation and view analysis. Also discussed changes made to plans as a result of resident feedback concerns and preliminary story pole observations. Toured Patrick's unit at that time to see impact of the preliminary story poles
October 26, 2015	Notice	View Notice mailed
November 4, 2015	View Analysis	On site meeting -photos taken at 9:00 a.m.

Setting:

Patrick's unit is a multi-level condo located on the second floor of the Temple View complex. View planes face South from the Living Room, Southeast to Southwest on the Balcony, and South from the Master Bedroom.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Facing South from Living Room	Only View in Structure	No	Primary. The primary view for this unit is south - an expansive sky view along with the 3 story condominium project and trees located across the property.
		Most Important View	Yes	
		Subject of View is unique Landmark	No	
2	Facing South / Southwest from Balcony	Only View in Structure	No	Primary view is same as living room. Secondary (oblique) views to the southeast include rooftops of the adjacent residential area
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

Resident Name: Patrick Faecke (cont.)
 Address/Unit: 1957 Temple, #201

3	Facing South from Master Bedroom	Only View in Structure	No	Secondary.
		Most Important View	No	
		Subject of View is unique Landmark	No	

Analysis:

Photos were taken from both inside and outside the unit (included on following pages). Patrick's primary concerns have been obstructed views, and privacy issues associated with any new development adjacent. The following adjustments have been made to the plans in direct response to these specific concerns:

Privacy

- Focused project around central courtyard away from all neighboring properties
- Opaque clerestory (high) windows where bedrooms and baths face Temple View
- Privacy walls on roof decks to shield views from/to Temple View

View / Height

- Moved entire project south to minimize impact on Temple View project
- Increased setbacks 5' to 10' adjacent to Temple View
- Separated homes above ground floor to create view corridors
- 3 story homes placed farthest from Temple View and shielded by 2 story homes
- Reduced overall elevation by lowering finished ground floor elevation
- Rotated stairwells to minimize visible facade and roof

The Courtyard project will be in the field of view of Patrick's and other Temple View south facing units. In accordance with the View Policy: 1) there are no protected views from this unit, and 2) the project does not interfere with the existing views. As designed, The Courtyard protects the expansive sky view which is the primary attribute of this unit while partially obscuring the view of the condominium and trees across the site, which are not protected under the Signal Hill view policy.

Resident Name: Patrick Faecke

Address/Unit: 1957 Temple, #201

Date: 11-4-2015

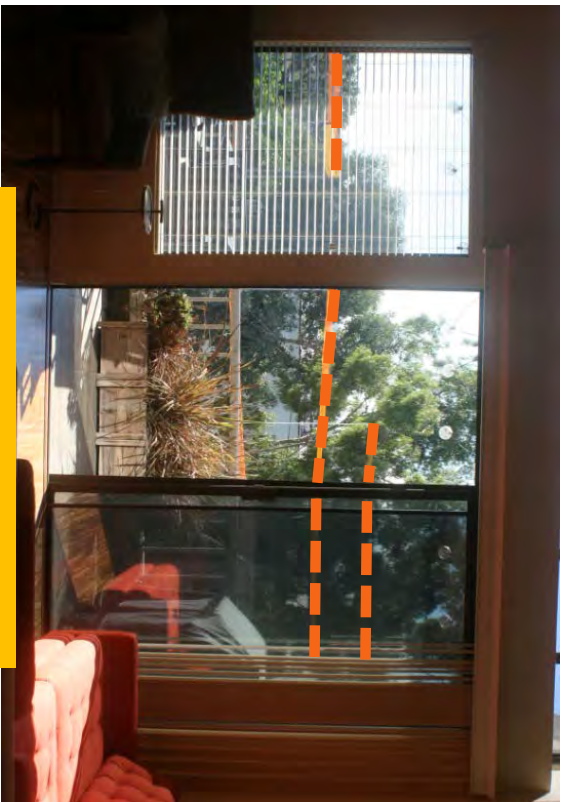
Time: 9:00 a.m.

Main View: South Facing Living Room/Balcony

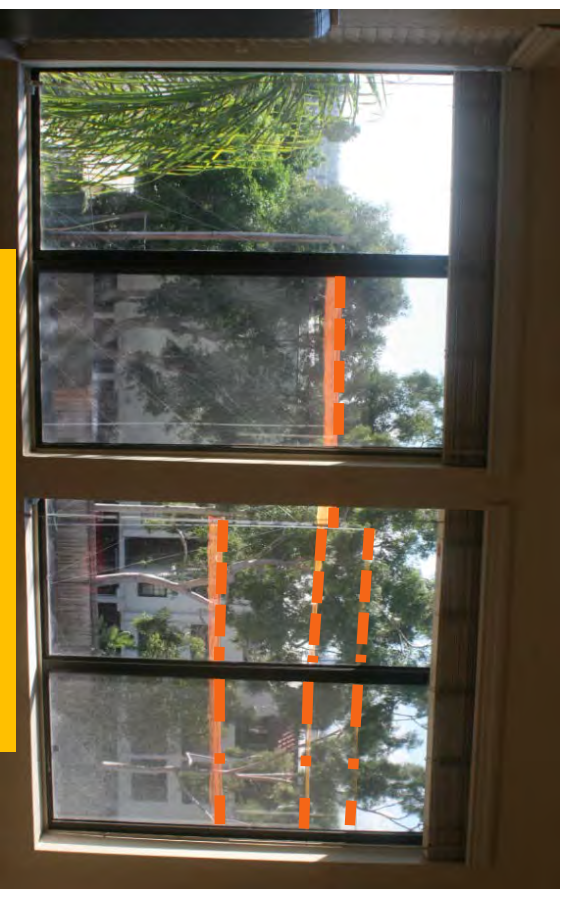
Secondary View: South Facing Master Bedroom



Resident Name: Patrick Faecke (cont.)
Address/Unit: 1957 Temple, #201



Facing South from Living Room



Facing South from Master Bedroom

Resident Name: Patrick Faecke (cont.)
Address/Unit: 1957 Temple, #201



Story Pole Ribbons

RH Zone- 25'

Developer Depiction/ Project Roofline

Wide Angle View Facing South from Balcony

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Jan Reed Address: 1957 Temple, Unit 101

History:

May 9, 2015	HOA Mtg. #1	Attended on site HOA meeting and discussed zoning, City processes, design types and schedules for the development. Also noted residents' concerns over the new project
October 6, 2015	Meeting	On site meeting with Steven Flores and Jan Reed to discuss development plans and processes, as well as their concerns. Meeting was initiated due to the installation of a preliminary set of story poles. Toured units to see impact of preliminary story poles.
October 17, 2015	HOA Mtg. #2	On site meeting- presented site plans, floor plans and elevations of the project. Discussed upcoming "certified" story pole installation and view analysis. Also discussed changes made to plans as a result of resident feedback/ concerns and preliminary story pole observations
October 26, 2015	Notice	View Notice mailed
November 2, 2015	View Analysis	On site meeting -photos taken at 1:00 p.m.

Setting:

Jan's unit is a single level condo located on the first level of the Temple View complex. View planes are facing South from the Living Room, South and Southeast from the Balcony, and Southeast from the Master Bedroom.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Facing South from Living Room	Only View in Structure	No	Primary. The primary view for this unit is south - an expansive sky view along with the 3 story condominium project and trees located across the property
		Most Important View	Yes	
		Subject of View is unique Landmark	No	
2	Facing South and Southeast from Balcony	Only View in Structure	No	Primary view is same as living room. Secondary (oblique) views to the southeast include rooftops of the adjacent residential area
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

3	Facing Southeast from Master Bedroom	Only View in Structure Most Important View	No
		Subject of View is unique Landmark	Yes
			No
			Secondary views facing south and southeast.

Analysis:

Photos were taken from both inside and outside the unit. Over the course of our interactions, Jan has shared concerns over the proximity, views, possible value dilution (to her unit due to new buildings in close proximity), and privacy issues associated with any new development adjacent. Photos were taken from both inside and outside the unit (included on following pages). The following adjustments have been made to the plans in direct response to these specific concerns:

Privacy

- Focused project around central courtyard away from all neighboring properties
- Opaque clerestory (high) windows where bedrooms and baths face Temple View
- Privacy walls on roof decks to shield views from/to Temple View

View / Height

- Moved entire project south to minimize impact on Temple View project
- Increased setbacks 5' to 10' adjacent to Temple View
- Separated homes above ground floor to create view corridors
- 3 story homes placed farthest from Temple View and shielded by 2 story homes
- Reduced overall elevation by lowering finished ground floor elevation
- Rotated stairwells to minimize visible facade and roof

The Courtyard project will be in the field of view of Jan's and other Temple View south facing units. In accordance with the View Policy: 1) there are no protected views from this unit, and 2) the project does not interfere with the existing views. As designed, The Courtyard protects the expansive sky view which is the primary attribute of this unit while partially obscuring the view of the condominium and trees across the site, which are not protected under the Signal Hill view policy

Resident Name: Jan Reed

Address/Unit: 1957 Temple, Unit 101

Date: 11-2-2015

Time: 1:00 p.m.

Main View: South Facing Living Room/Balcony

Secondary View: South Facing Master Bedroom

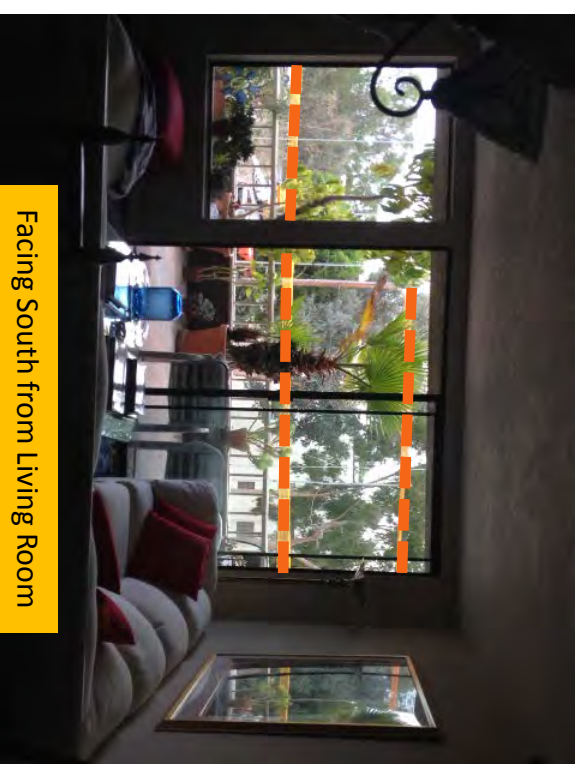


Resident Name: Jan Reed (cont.)

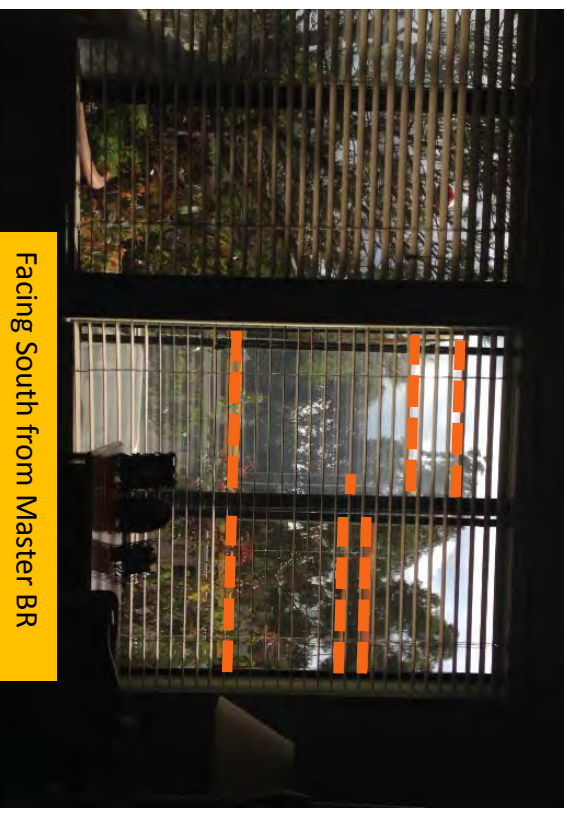
Address/Unit: 1957 Temple, Unit 101



Facing South from Balcony



Facing South from Living Room



Facing South from Master BR

Resident Name: Jan Reed (cont.)

Address/Unit: 1957 Temple, Unit 101



Wide Angle from Balcony

Story Pole Ribbons

RH Zone- 25'

Developer Depiction/ Project Roofline

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Respondent: Steven Flores

Address: 1957 Temple, Unit 102

History:

May 8, 2014	Initial Contact	On site meeting with Steven Flores and Alin Chitanu (Temple View resident) in Alin's unit to discuss the Courtyard site and future development
January 27, 2015	Update	Email to Alin and Steven about upcoming well search activities
April 6, 2015	Update	Email to Alin and Steven about continued well search activities inclusive of building demolition
May 9, 2015	HOA Mtg. #1	Attended on site HOA meeting and discussed zoning, City processes, design types and schedules for the development. Also noted residents' concerns over the new project
October 6, 2015	Meeting	On site meeting with Steven Flores and Jan Reed to discuss development plans and processes, as well as their concerns. Meeting was initiated due to the installation of a preliminary set of story poles
October 17, 2015	HOA Mtg. #2	On site meeting- presented site plans, floor plans and elevations of the project. Discussed upcoming "certified" story pole installation and view analysis. Also discussed changes made to plans as a result of resident feedback/concerns and preliminary story pole observations
October 26, 2015	Notice	View Notice mailed
October 30, 2015	View Analysis	On site meeting- photos taken at 11:00 a.m.

Setting:

Steven's unit is a single level condo located on the first living level of the Temple View complex. View planes are facing South from the Living Room, South and Southeast from the Balcony, and South and Southeast from the Master Bedroom.

	View Description	View Policy (see Section 3.D)		View Designation
1	Facing South from Living Room	Only View in Structure	No	Primary. The primary view for this unit is south - an expansive sky view along with the 3 story condominium project and trees located across the property.
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

2	Facing South and Southeast from Balcony	Only View in Structure	No	Primary view is same as livingroom. Secondary (oblique) views to the southeast include rooftops of the adjacent residential area
		Most Important View	Yes	
		Subject of View is unique Landmark	No	
3	Facing South and Southeast from Master Bedroom	Only View in Structure	No	Secondary
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

Analysis:

Photos were taken from both inside and outside the unit. Additionally, several photos facing South were taken (and combined) from the balcony. Over the course of our interactions, Steven has shared concerns over the proximity, views, and privacy issues associated with any new development adjacent. The following adjustments have been made to the plans in direct response to these specific concerns:

Privacy

- Focused project around central courtyard away from all neighboring properties
- Opaque clerestory (high) windows where bedrooms and baths face Temple View
- Privacy walls on roof decks to shield views from/to Temple View

View / Height

- Moved entire project south to minimize impact on Temple View project
- Increased setbacks 5' to 10' adjacent to Temple View
- Separated homes above ground floor to create view corridors
- 3 story homes placed farthest from Temple View and shielded by 2 story homes
- Reduced overall elevation by lowering finished ground floor elevation
- Rotated stairwells to minimize visible facade and roof

The Courtyard project will be in the field of view of Steven's and other Temple View south facing units. In accordance with the View Policy: 1) there are no protected views from this unit, and 2) the project does not interfere with the existing views. As designed, The Courtyard protects the expansive sky view which is the primary attribute of this unit while partially obscuring the view of the condominium and trees across the site, which are not protected under the Signal Hill view policy.

Resident Name: Steven Flores

Address/Unit: 1957 Temple Avenue, Unit 102

Date: 10-30-2015 Time: 11:00 a.m.

Main View: South Facing Living Room/ Balcony

Secondary View: South Facing Master Bedroom



Resident Name: Steven Flores (cont.)

Address/Unit: 1957 Temple Avenue, Unit 102



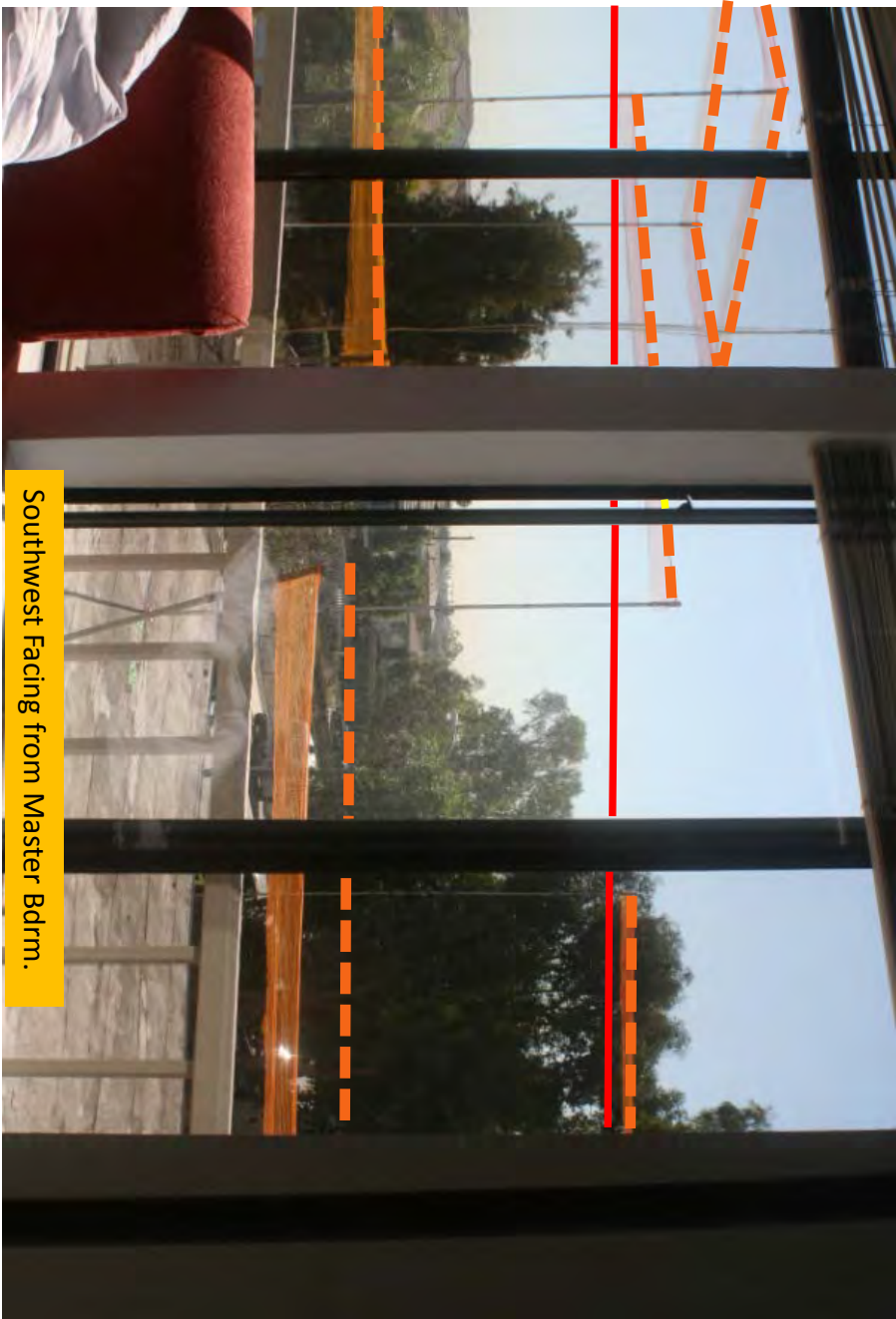
Story Pole Ribbons

RH Zone- 25'

Developer Depiction/ Project Roofline

Resident Name: Steven Flores (cont.)

Address/Unit: 1957 Temple Avenue, Unit 102



The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Adam Stewart

Address: 1957 Temple, Unit 102

History:

May 9, 2015	HOA Mtg. #1	Attended on site HOA meeting and discussed zoning, City processes, design types and schedules for the development. Also noted residents' concerns over the new project
October 17, 2015	HOA Mtg. #2	On site meeting- presented site plans, floor plans and elevations of the project. Discussed upcoming "certified" story pole installation and view analysis. Also discussed changes made to plans as a result of resident feedback/ concerns and preliminary story pole observations
October 26, 2015	Notice	View Notice mailed
October 30, 2015	View Analysis	On site meeting with Steven Flores who coordinated photos taken at 11:30 a.m.

Setting:

Adam's unit is a multi-level condo located on the first living level of the Temple View complex. View planes are facing South from the Living Room and Loft, South and southeast from Balcony, and South and Southwest from Master bedroom. We conducted the photo analysis in the absence of Adam.

	<u>View Description</u>	<u>View Policy (see Section 3.D)</u>		<u>View Designation</u>
1	Facing South from Living Room and Loft	Only View in Structure	No	Primary. The primary view for this unit is south- an expansive sky view along with the 3 story condominium project and trees located across the property
		Most Important View	Yes	
		Subject of View is unique Landmark	No	
2	South and Southeast from Balcony	Only View in Structure	No	Primary view is same as living room. Secondary (oblique) views to the southeast include rooftop of the adjacent residential area
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

3	South from Loft	Only View in Structure	No	Secondary
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

Analysis:

Photos were taken from both inside and outside the unit (included on following pages). The following adjustments have been made to the plans in direct response to several of the Temple View residents' concerns:

Privacy

- Focused project around central courtyard away from all neighboring properties
- Opaque clerestory (high) windows where bedrooms and baths face Temple View
- Privacy walls on roof decks to shield views from/to Temple View

View / Height

- Moved entire project south to minimize impact on Temple View project
- Increased setbacks 5' to 10' adjacent to Temple View
- Separated homes above ground floor to create view corridors
- 3 story homes placed farthest from Temple View and shielded by 2 story homes
- Reduced overall elevation by lowering finished ground floor elevation
- Rotated stairwells to minimize visible facade and roof

The Courtyard project will be in the field of view of Adam's and other Temple View south facing units. In accordance with the View Policy: 1) there are no protected views from this unit, and 2) the project does not interfere with the existing views. As designed, The Courtyard protects the expansive skyview which is the primary attribute of this unit while partially obscuring the view of the condominium and trees across the site, which are not protected under the Signal Hill view policy

Resident Name: Adam Stewart (toured by Steven Flores)

Address/Unit: 1957 Temple, Unit 103

Date: 10-30-2015

Time: 11:30 a.m.

Main View: South Facing Living Room/Balcony

Secondary View: South Facing Master Bedroom

Secondary View: South Facing Loft



Resident Name: Adam Stewart (toured by Steven Flores)

Address/Unit: 1957 Temple, Unit 103



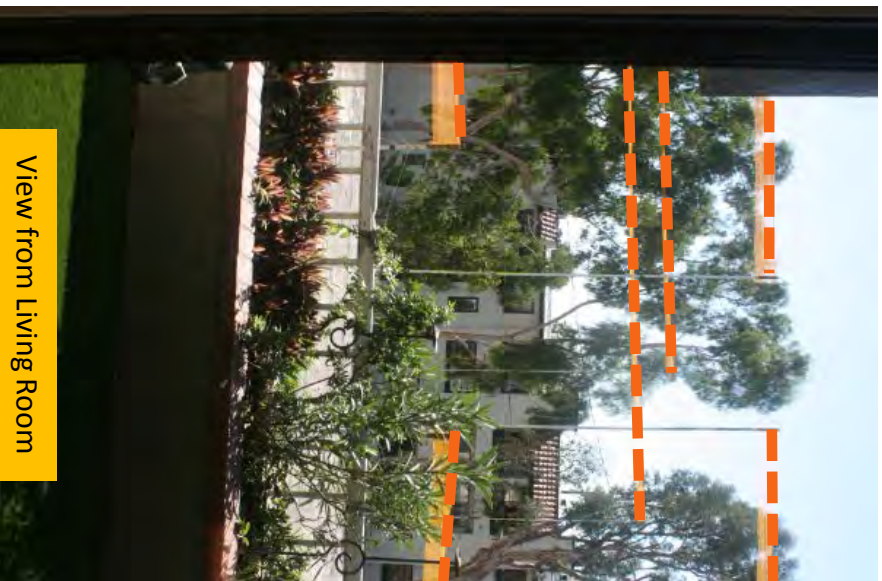
Story Pole Ribbons

RH Zone- 25'

Developer Depiction/ Project Roofline

Resident Name: Adam Stewart (toured by Steven Flores)

Address/Unit: 1957 Temple, Unit 103



View from Living Room



View from Loft

The Courtyard – November 2015 View Analysis

Individual Narrative Report

Resident: Alin Chitanu

Address: 1957 Temple, Unit 102

History:

May 8, 2014	Initial Contact	On site meeting with Steven Flores and Alin Chitanu in Alin's unit to discuss the Courtyard site and future development
January 27, 2015	Update	Email to Alin and Steven about upcoming well search activities
April 6, 2015	Update	Email to Alin and Steven about continued well search activities inclusive of building demolition
May 9, 2015	HOA Mtg. #1	Attended on site HOA meeting and discussed zoning, City processes, design types and schedules for the development. Also noted residents' concerns over the new project
October 17, 2015	HOA Mtg. #2	On site meeting- presented site plans, floor plans and elevations of the project. Discussed upcoming "certified" story pole installation and view analysis. Also discussed changes made to plans as a result of resident feedback/concerns and preliminary story pole observations
October 26, 2015	Notice	View Notice mailed
November 2, 2015	View Analysis	On site meeting -photos taken at 10:00 a.m.

Setting:

Alin's unit is a single level condo located on the first level of the Temple View complex. View planes are facing South from the Living Room, South and Southeast from Balcony, and South from the Loft.

	<u>View Description</u>	<u>View Policy (Section 3.D)</u>		<u>View Designation</u>
1	Facing South from Living Room	Only View in Structure	No	Primary. The primary view for this unit is south - an expansive sky view along with the 3 story condominium project and trees located across the property.
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

2	Facing South and Southeast from Balcony	Only View in Structure	No	Primary view is same as living room. Secondary (oblique) views to the southeast include rooftops of the adjacent residential area
		Most Important View	Yes	
		Subject of View is unique Landmark	No	
3	Facing South from Loft	Only View in Structure	No	Secondary
		Most Important View	Yes	
		Subject of View is unique Landmark	No	

Analysis:

Over the course of our interactions, Alin has shared concerns over the proximity, views, and privacy issues associated with any new development adjacent. The following adjustments have been made to the plans in direct response to these specific concerns:

Privacy

- Focused project around central courtyard away from all neighboring properties
- Opaque clerestory (high) windows where bedrooms and baths face Temple View
- Privacy walls on roof decks to shield views from/to Temple View

View / Height

- Moved entire project south to minimize impact on Temple View project
- Increased setbacks 5' to 10' adjacent to Temple View
- Separated homes above ground floor to create view corridors
- 3 story homes placed farthest from Temple View and shielded by 2 story homes
- Reduced overall elevation by lowering finished ground floor elevation
- Rotated stairwells to minimize visible facade and roof

The Courtyard project will be in the field of view of Alin's and other Temple View south facing units. In accordance with the View Policy: 1) there are no protected views from this unit, and 2) the project does not interfere with the existing views. As designed, The Courtyard protects the expansive sky view which is the primary attribute of this unit while partially obscuring the view of the condominium and trees across the site, which are not protected under the Signal Hill view policy.

Resident Name: Alin Chitanu

Address/Unit: 1957 Temple Avenue, Unit 104

Date: 11-2-2015

Time: 10:00 a.m.

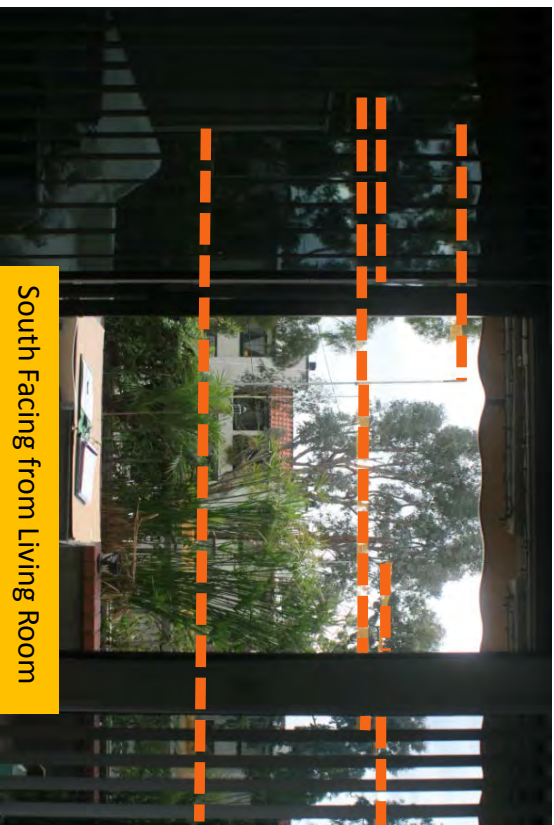
Main View: South Facing Living Room and Balcony

Secondary View: South Facing Loft



Resident Name: Alin Chitanu (cont.)

Address/Unit: 1957 Temple Avenue, Unit 104



Resident Name: Alin Chitanu (cont.)

Address/Unit: 1957 Temple Avenue, Unit 104



Story Pole Ribbons

RH Zone- 25'

Developer Depiction/ Project Roofline

JONATHAN DANIEL WINTERS

ATTORNEY AT LAW

2750 BELLFLOWER BOULEVARD

SUITE 101

LONG BEACH, CALIFORNIA 90815

E-MAIL: jwinters@jwinterslaw.com

TEL (562) 497-0472

FAX (562) 497-0474

Via US Mail

December 8, 2015

City of Signal Hill

Attention: Selena Alanis (Assistant Planner)

2175 Cherry Ave.,

Signal Hill, CA 90755

Re: Applicant: High Rhodes Property Group; Public Workshop scheduled for: 12/15/15
RESPONSE IN OPPOSITION with attachments (signatures).

Dear Mrs. Alanis,

I have been retained to represent Mr. and Mrs. Alin Chitanu who reside at 1957 Temple View, Unit 104, Signal Hill.

It is my understanding that applicant High Rhodes Property Group has requested that the City permit it to construct ten townhome condominium units on a .6 acre site at 1933-1939 Temple Ave.

This is to inform you that Mr. Chitanu has contacted the neighboring residents and property owners regarding the proposed development planned by applicant High Rhodes Property Group; and all oppose it.

Please find attached to this letter as Exh. A, signatures from the neighboring residents/owners authorizing this response in opposition to the planned construction by High Rhodes; and Exh. B, statements of the neighboring residents/owners in opposition. Please also find attached to this letter as Exh. C, pictures of the current views from Units 101, 104, 201, and 202 which shows the story poles and clearly depicts the impact the proposed development will have on the current views.

The proposed development of High Rhodes Property Group violates the view protection policy set forth by the City of Signal Hill and constitutes both a private nuisance in violation of California Civil Code 3479 but also a public nuisance (California Civil Code 3480).

High Rhodes Property Group has not worked in good faith with the neighboring property owners to address their concerns regarding the proposed development's impact on obstructing their scenic views of the ocean, hills, landmarks etc., or of the impact on their rights to privacy.

The proposed development violates the 25' height restriction set by the city and will cause harm to Mr. and Mrs. Chitanu and the neighboring property owners property values and as such is objected to. The proposed development does nothing to enhance the aesthetic quality of Signal Hill; but rather amounts to nothing more than the Manhattanization of Signal Hill.

Mr. Chitanu and the neighboring residents' peaceful use and enjoyment of their homes will be impacted by the proposed development. Their ocean views will be completely obstructed with these taller buildings with three levels plus terrace. Units 103, 104, 201 and 202 will all lose their ocean views. The proposed setback will cause further loss of views for Units 101 and 102. The residents' privacy will also be impacted due to the proximity of the proposed building, location of windows, and outdoor spaces.

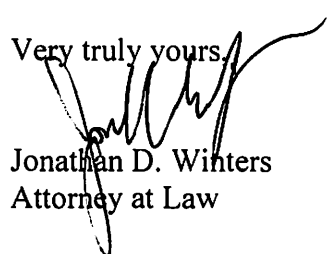
It is my understanding that suggestions were made by the neighboring residents to High Rhodes Property Group which have gone ignored.

Such suggestions as that the proposed development should: extend and lower their proposed roof edge, eliminate the top part of the stair towers, by making the stairs from first to second floor (terrace) open/external, grade down the property by more than one foot; and having the windows face each other instead of facing Mr. Chitanu's building. The way it is currently being proposed will impact the right of privacy of Mr. Chitanu and the other residents.

Therefore, the City of Signal Hill should deny applicant High Rhodes Group's construction plans.

Thank you for your cooperation.

Very truly yours,



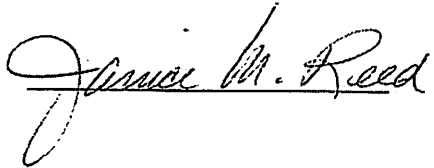
Jonathan D. Winters
Attorney at Law

Exhibit A

To: LAW OFFICES OF JONATHAN WINTERS

"I, JANICE REED, from Temple View Condominium, 1957 Temple Ave. Unit # 101 Signal Hill, CA 90755, authorize Alin Chitanu with the same Address, unit 104, to file this Response to "The Courtyard" (1933-1939 Temple Avenue, High Rhodes Development Company) Proposed Site Plan on my behalf with the City of Signal Hill.

Signed

A handwritten signature in cursive script that reads "Janice M. Reed". The signature is written in dark ink and is positioned to the left of the date.

Date 12/07/2015

To: LAW OFFICES OF JONATHAN WINTERS

"I, Jay Kobielusz, from Temple View Condominium, 1957 Temple Ave. Unit # 102, Signal Hill, CA 90755, authorize Alin Chitanu with the same Address, unit 104, to file this Response to "The Courtyard" (1933-1939 Temple Avenue, High Rhodes Development Company) Proposed Site Plan on my behalf with the City of Signal Hill.

Signed

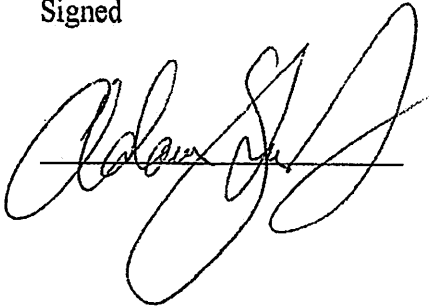
Jay Kobielusz

Date 12/07/2015

To: LAW OFFICES OF JONATHAN WINTERS

"I, Adam Stewart, from Temple View Condominium, 1957 Temple Ave. Unit # 103 Signal Hill, CA 90755, authorize Alin Chitanu with the same Address, unit 104, to file this Response to "The Courtyard" (1933-1939 Temple Avenue, High Rhodes Development Company) Proposed Site Plan on my behalf with the City of Signal Hill.

Signed

A handwritten signature in black ink, appearing to read "Adam Stewart", written over a horizontal line.

Date 12/07/2015

To: **LAW OFFICES OF JONATHAN WINTERS**

"I, Patrick Facke, from Temple View Condominium, 1957 Temple Ave. Unit # 201 Signal Hill, CA 90755, authorize Alin Chitanu with the same Address, unit 104, to file this Response to "The Courtyard" (1933-1939 Temple Avenue, High Rhodes Development Company) Proposed Site Plan on my behalf with the City of Signal Hill.

Signed

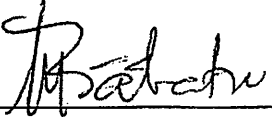
Patrick Facke

Date 12/07/2015

To: LAW OFFICES OF JONATHAN WINTERS

"I, MIRUNA BABATIE, from Temple View Condominium, 1957 Temple Ave. Unit # 202 Signal Hill, CA 90755, authorize Alin Chitanu with the same Address, unit 104, to file this Response to "The Courtyard" (1933-1939 Temple Avenue, High Rhodes Development Company) Proposed Site Plan on my behalf with the City of Signal Hill.

Signed



Date 12/07/2015

Exhibit B

Jan Reed: 1957 Temple Ave., Unit #101, Signal Hill, CA 90755

Concerns:

Ms. Reed owns a one-story condo with a 36' by 9.5' south-facing patio. Ms. Reed specifically bought her condo because of large garden located on the patio. Ms. Reed is concerned the tall buildings in the proposed project will impact sunlight, including shading her garden and her rose garden.

The "tower" in the new construction with the large window directly faces Ms. Reed's master bedroom window. She is concerned she will have a loss of privacy.

Ms. Reed is concerned the third story patio and stairway on the new construction will impact her view and privacy.

If a backyard patio is proposed as an alternative, Ms. Reed is concerned that a backyard patio would put new construction tenants just 5 feet from her patio which will diminish her privacy.

Most importantly, Ms. Reed is concerned about the loss of property value.

Requests:

Ms. Reed requests that the third story patios / "roof decks" and tower be eliminated so that the plan meets Signal Hill's building codes. Ms. Reed requests that the buildings be no taller than 25 feet.

Jay Kobiulusz: 1957 Temple Ave., Unit #102, Signal Hill, CA 90755

Concerns:

Mr. Kobiulusz is concerned that the rooftop decks and patios will create noise disturbances. Mr. Kobiulusz is concerned that demolishing the buildings could damage the brick wall that divides the properties as the building is attached to the brick wall itself and the underpinning could create damage.

Mr. Kobiulusz is concerned that the proposed buildings exceed the 25 foot height limit.

Mr. Kobiulusz is concerned about loss of property value due to diminished views on the south facing side of 1957 Temple Avenue.

Requests:

Mr. Kobiulusz requests that the buildings be no taller than 25 feet to comply with Signal Hill's height limit. Mr. Kobiulusz requests no rooftop patios be part of the plans.

Mr. Kobiulusz requests view surveys for each unit that looks out onto the proposed project.

Mr. Kobiulusz requests a land survey to protect all residents from any potential damage occurring as part of construction. This survey will provide proof of conditions prior to start of construction.

Mr. Kobiulusz requests a detailed plan on the underpinnings process and the impact the proposed project will have on his building's foundation.

Adam Stewart and Katherine Bokhamper: 1957 Temple Ave., Unit #103, Signal Hill, CA 90755

Concerns:

Mr. Stewart and Ms. Bokhamper enjoy views of the ocean and the city skyline from their living quarters, their loft, and their private patio. The 35'6" height proposed by High Rhodes will directly and fully obstruct those views.

Mr. Stewart and Ms. Bokhamper are concerned the proposed "roof decks", which are a non-permitted property feature, will negatively affect their use of their private, outdoor space.

Mr. Stewart and Ms. Bokhamper are concerned the proposed reduction in setbacks will encroach upon space that currently acts as a vital separation of their condominium development and the proposed new development. Mr. Stewart and Ms. Bokhamper are concerned the reduction in space between the outdoor spaces would negatively affect the desirability and value of their residential investment.

Mr. Stewart and Ms. Bokhamper are concerned the proposed development project will negatively affect their views, their right to privacy, and the resale value of their residence.

Requests:

Mr. Stewart and Ms. Bokhamper request that High Rhodes Property Group redesign their project to fit within the parameters of the existing zoning ordinances of sufficient setbacks and height restrictions.

Mr. Stewart and Ms. Bokhamper request that High Rhodes Property Group not be permitted to create "roof decks" / outdoor spaces that will take away the enjoyment and value of Mr. Stewart and Ms. Bokhamper's current outdoor space.

Alin Chitanu: 1957 Temple Ave., Unit #104, Signal Hill, CA 90755

Concerns:

Mr. Chitanu's view from the balcony has a southeast view of the south part of Long Beach. Mr. Chitanu is concerned the proposed development project will completely block his current views of Long Beach.

Mr. Chitanu's view from his loft, where he has his office, has a view of the ocean that extends from Seal Beach/South Long Beach to Downtown Long Beach and the Port Area, including a view of the Catalina Island, the THUMS Islands (Astronauts Islands) and downtown Long Beach high rises. At night time, he has views of the city lights in general and especially of the downtown Long Beach and the boats navigating the Long Beach coastal waters. Mr. Chitanu is concerned the proposed development will be blocked by the buildings exceeding the 25 foot height limit.

Mr. Chitanu is concerned that the proposed development will diminish his privacy. The proposed buildings are close to his apartment and the windows face his building at a very close distance. Even if opaque windows are installed in the proposed development, he will still have to deal with increased noise due to the close proximity of the buildings. Privacy will also be impacted if he is out on his deck or if the new tenants in the proposed development are outside.

Mr. Chitanu is most concerned about the impact the proposed development will have on the value of his property.

Requests:

Mr. Chitanu requests the extension and lowering of the roof edge so that the entirety of new construction will be at or below 25 feet.

Mr. Chitanu requests the lowering of the top part of the stair towers, by making the stairs from first to second floor (terrace) open/external.

Mr. Chitanu requests having windows in the proposed development face each other rather than his building.

Patrick Faecke, CPA: 1957 Temple Ave., Unit #201, Signal Hill, CA 90755

Concerns:

Mr. Faecke is concerned the new proposed development will have a negative impact on his primary view based on the current plans. Mr. Faecke has a south facing view of the coast, including the downtown area all the way to Belmont Shores. Mr. Faecke can see the ocean from his balcony on clear days. Mr. Faecke has a view of the city lights at night time. These views is the reason why Mr. Faecke paid more for his condo in March 2015 compared to any of the other condos in the entire complex. When Mr. Faecke purchased his condo in March 2015 he was assured that the permitted height for any new development was only 25 feet above 1960's grade. However, the proposed development of the new project is 36 feet. Had he known a building would be built based on the current plans he certainly would not have purchased his condo. Mr. Faecke is very concerned about his residential investment and how the proposed development will impact both his privacy and his enjoyment of his home.

Mr. Faecke is concerned his privacy will diminish due to the proposed development. Mr. Faecke's primary view faces directly into the bedroom windows and walk-in-closet windows of the southern side of the Courtyard development. Given the layout of Mr. Faecke's condo, he will be able to see directly into these windows all the way through his kitchen, dining area, living room, and balcony, and visa-versa. Currently the only windows that face into Mr. Faecke's condo are covered by trees and are much farther away.

Mr. Faecke is concerned about increased noise from the proposed development. On the northern side of the Courtyard development, closest to Mr. Faecke's condo, the current plan includes a rooftop deck. While this deck is partially obscured by a 5 foot privacy wall, Mr. Faecke fears that this wall will not impede any noise coming from the deck, which is intended for people to congregate on.

Mr. Faecke disputes the View Study conducted on his condo by High Rhodes because it does not accurately portray his view. The View Study does not show the clear views Mr. Faecke has over the existing condos and through the trees next to these condos. The View Study indicates that the primary views from Mr. Faecke's condo are not considered "protected views" under the City of Signal Hill View Protection Policy, which is false. The View Protection Policy clearly states that the Long Beach skyline and the ocean are considered protected views and Mr. Faecke currently has both views.

Requests:

Mr. Faecke requests that the third story patios / “roof decks” and tower be eliminated so that the plan meets Signal Hill’s building codes. Mr. Faecke requests that the buildings be no taller than 25 feet.

Miruna Babatie: 1957 Temple Ave., Unit #202, Signal Hill, CA 90755

Concerns:

One of the reasons Ms. Babatie recently bought her unit is because it was described as having "awe-inspiring views of Downtown LB and the OC Coastline." Both the living room and the master bedroom have almost 180 degrees views of ocean, from the port and downtown Long Beach (and its iconic Villa Riviera and International Tower buildings), Catalina Island and all the way to Orange County to the east.

While Ms. Babatie has only lived in her unit for a short time, watching the sunrise over the ocean to the east has quickly become her favorite way to start the day and watching the sunset and city lights at night is now her favorite way to end the day.

Another reason Ms. Babatie bought her unit was because of Signal Hill's 25 foot maximum height restriction, which she thought would ensure her views would not be impeded.

Ms. Babatie is very concerned the proposed development (as currently proposed at 36 feet) will destroy almost all of her views except for a few degrees to the east. Ms. Babatie's view to the west would also be completely blocked.

Ms. Babatie worries that not only will she lose her views, but her property value will be adversely affected.

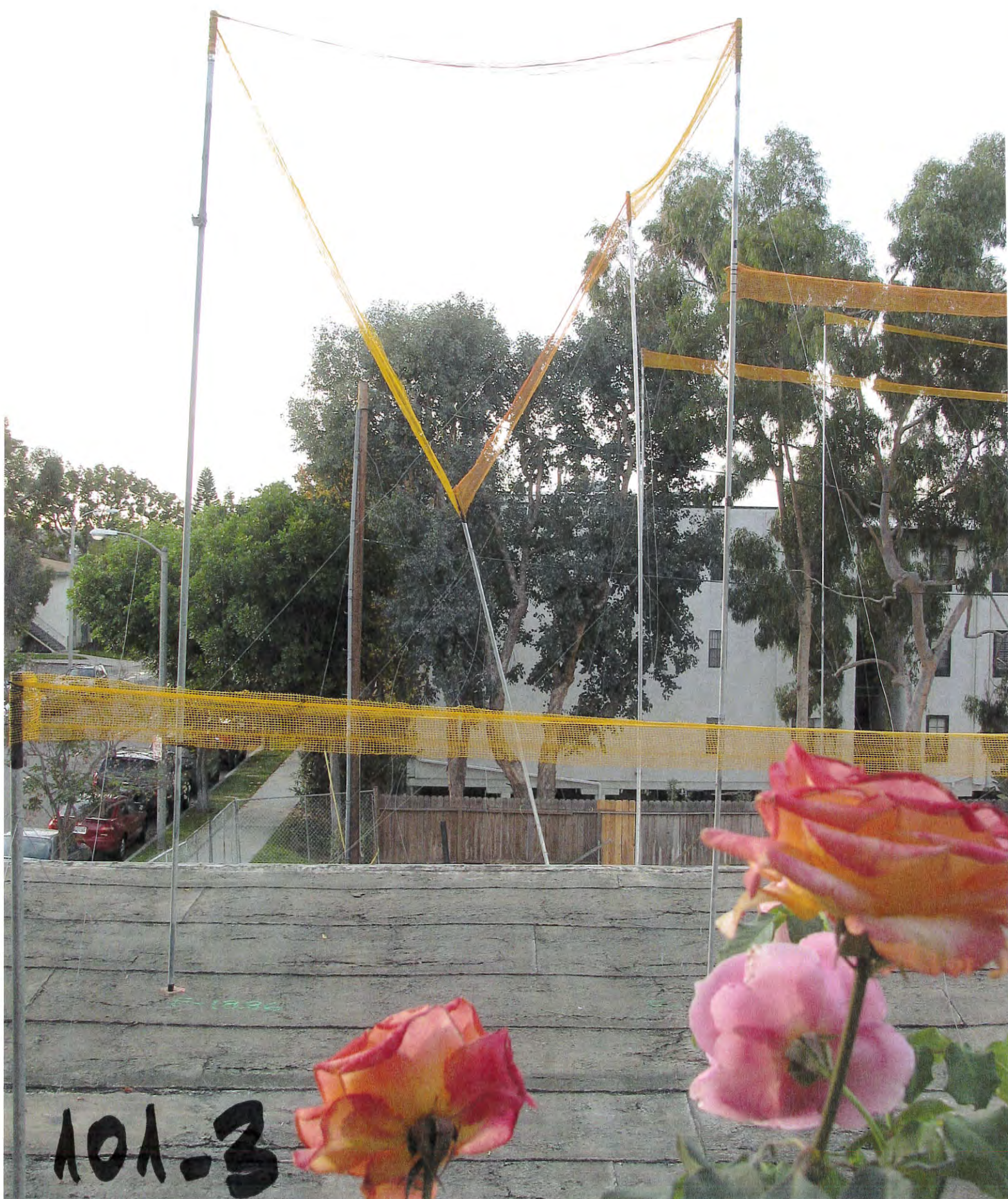
Requests:

Ms. Babatie requests that the third story patios / "roof decks" and tower be eliminated so that the plan meets Signal Hill's building codes. Ms. Babatie requests that the buildings be no taller than 25 feet.





2-101-1

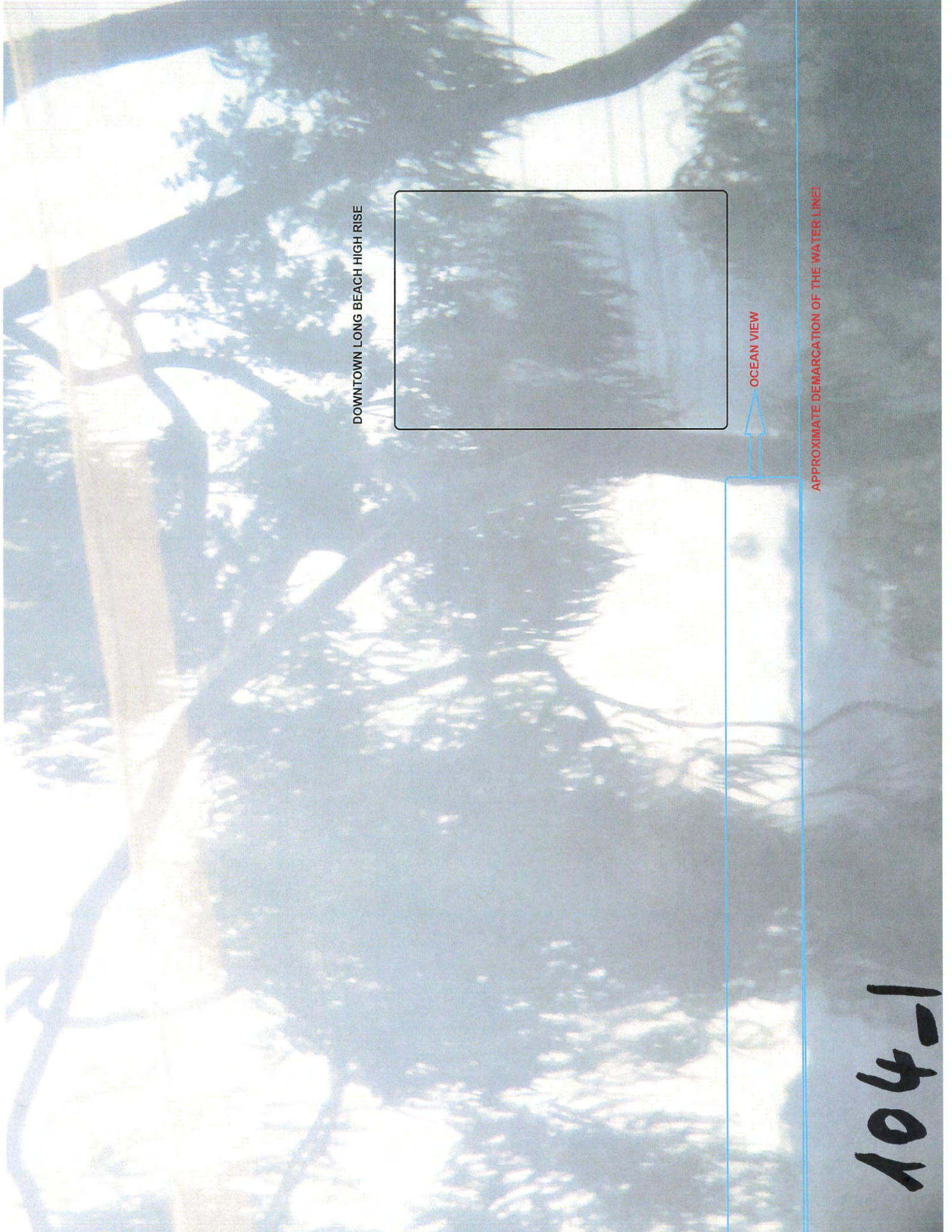


101-3



5-101





DOWNTOWN LONG BEACH HIGH RISE

OCEAN VIEW

APPROXIMATE DEMARCATION OF THE WATER LINE!

104-1

OCEN VIEW COMPLETELY BLOCKED BY THE NEW
DEVELOPMENT !!!

104-2

OCEN VIEW COMPLETELY BLOCKED BY THE NEW DEVELOPMENT !!!

104-3

↑ Story Poles
#lag!

Catalina Island!
↓

104-4



OCEN VIEW and DOWNTOWN LONG BEACH COMPLETELY BLOCKED BY THE NEW DEVELOPMENT !!!

104-S

OCCEN VIEW COMPLETELY BLOCKED BY THE NEW DEVELOPMENT !!!

104-6

104-7



ONE OF THE THUMB ISLANDS (AKA ASTRONAUT ISLANDS)

OCEAN VIEW

APPROXIMATE DEMARCATION OF THE WATER LINE





2102





2014

5-102





1-202



2-202

story pole
Flag

Ocean!

Catalina Island!

5-202



4-202



202-5



9-202



202-7



8-202

Selena Alanis

From: Erik Radcliffe <satyrman@verizon.net>
Sent: Friday, December 04, 2015 10:27 PM
To: Selena Alanis
Subject: View Photos
Attachments: IMG_1766.JPG; ATT00001.txt

Hi Selena. Sorry so late, I had a busy day. Anyway here we go. This is what I see now standing on my balcony. It is my only and primary view. As insignificant as it may seem the loss of the greenway view and sense of open space takes away what little I do have. As you can see by Story Pole flags closest to me, this will be the highest point in the roof on the building directly in my view. At 25' high it would be bad enough but at 35' high it completely blocks me in and offers an open view looking down onto my private balcony, to the windows of the proposed building across from me. The only proposed open views are between the proposed buildings which is hard to picture with story poles or drawings. The true impact isn't felt till the walls go up and with the small gaps between buildings that is proposed, it truly offers no relief from being surrounded on all sides. See next email.



Selena Alanis

From: Erik Radcliffe <satyrman@verizon.net>
Sent: Friday, December 04, 2015 10:35 PM
To: Selena Alanis
Subject: Next pic
Attachments: IMG_1778.JPG; ATT00001.txt

Here is the same balcony view looking east towards the street. Again, this open space will be gone once the walls go up. By the time they fill the lot both upward and outward, I am basically relegated to having my current view diminished into an "Alley" view of this proposed project's back side. Keeping the height down at 25' would at least open up that hemmed in feeling.



Selena Alanis

From: Erik Radcliffe <satyrman@verizon.net>
Sent: Friday, December 04, 2015 10:46 PM
To: Selena Alanis
Subject: Last One
Attachments: IMG_1780.JPG; ATT00001.txt

Secondary view from bedroom on same side of my unit as the balcony, same issue. The blocking of my open space and rustic view and the height of the proposed project is unacceptable. It seems unacceptable to take away my little view to allow this project a variance to build upward and outward and give my new neighbor a better view at my expense. Some of the buildings in the project have proposed rooftop viewing areas for the tenants to hang out and that will allow them to look into my windows and down on my balcony so they can see above my building and I am on the top floor.(3rd) This completely takes away any privacy.



December 8, 2015

Planning Commission
City of Signal Hill
2175 Cherry Avenue
Signal Hill, CA 90755

To whom it may concern:

I am writing this letter to put forth my concerns regarding the current plans for the proposed development at 1933-39 Temple Ave ("the Courtyard" development), and to request that the plans be redesigned. I own unit #201 in the Temple View Condos, directly north of the Courtyard development on the upper level. I just recently purchased my condo in March 2015. At that time, I had been assured that the permitted height for the Courtyard development would be limited to 25 feet above 1960's grade and would only improve the value of my investment. I purchased my condo feeling fully confident that I had made a good decision. Fast forward to the current day, I am very concerned about my investment and how the Courtyard development will impact both my privacy and my enjoyment of my home. So far I have only had the opportunity to participate in one of the two planning meetings conducted by High Rhodes, and a one-on-one view study meeting with Mark Ferdi of High Rhodes. Since the time of these meetings I have not seen any changes in the current plans that address the concerns I've raised. It also clear to me that the plans completely ignore the existing permitted height restrictions as well as the City of Signal Hill View Protection Policy, specifically Section 3.D. My concerns over the plans are deepened by the fact that there are only a limited number of residents in the Temple View Condos whose views are directly impacted by the Courtyard development. I fear that this may result in there being more residents in favor of the current plans than not since they wish to see the replacement of the existing, rather rundown Anglers structures with new condos. I would add at this time, that I am not opposed to having condo's built next door. I only object to the current plans for the Courtyard development.

I will now address each of my concerns individually.

- 1) Primary View – As was noted as a selling point when I first purchased my condo, a large part of the value of my condo rests with my view. I have a south facing view that includes a view of the Long Beach skyline/coastline and city lights all the way from downtown Long Beach to Belmont Shores. I can also see the ocean from my balcony on clear days. As can be seen from the photos provided with this letter, but not from the photos provided with the view study, I have a view of the city lights at the night time and a clear view of the skyline/coastline during the day. My view is currently partially obstructed by trees on the neighboring property but these trees are thinned out annually and appear much fully in the pictures than they are normally. As is also shown in the photos I've provided, my views to the south and to the west would be virtually wiped out by the rooftops of the Courtyard development, which are proposed to extend as high as 36 feet above current grade, higher even than the buildings to the south of the Courtyard development. The current plans for the Courtyard development also includes a

roofed staircase tower on the northern side of the Courtyard development that obtrudes from the rest of the buildings very close to my condo. As can be seen from the photos I've provided, while seated on my balcony, my view looking toward Belmont Shores is blocked even further by this tower.

- 2) Privacy – Based on the current plans, my primary view faces directly into the bedroom windows and walk-in-closet windows of the southern side of the Courtyard development. Given the layout of my condo, I will be able to see directly into these windows all the way through my Kitchen, dining area, living room, and balcony, and visa-versa. I would think that this fact would make the condos in the Courtyard development facing into my condo less desirable, and they certainly make my condo less desirable as well. Currently the only windows I face into from my condo are covered by trees and are much farther away. Regardless of whether the windows are made opaque, they may still not be opaque enough to ensure privacy. The level to which the windows would need to be made opaque to ensure privacy would make them very unappealing for the homeowner.
- 3) Noise – On the northern side of the Courtyard development, closest to my condo, the current plan includes a rooftop deck. While this deck is partially obscured by a 5 foot privacy wall I fear that it will not impede any noise coming from the deck, which is intended for people to congregate on. The current permit restrictions specifically prohibit rooftop decks at any height for this very reason.
- 4) High Rhodes View Study – I don't believe the photos provided by High Roads as part of their view study accurately portray my view. They do not show the clear views I have over the existing condos and through the trees next to these condos. It is also difficult to see scenes that are farther away from a photo that focuses on the foreground. I am not a professional photographer but I believe even my amateurish photos give a better sense of the views I have than the view study photos. I also invite the Planning Commission to come visit my condo to see these views for themselves to get a better appreciation for them. The High Roads view study also indicates that the primary views from my condo are not considered "protected views" under the City of Signal Hill View Protection Policy, which is false. The View Protection Policy clearly states that the Long Beach skyline and the ocean are considered protected views and I have currently have views of both.

I would like to conclude by saying that I am very much open to continuing to work with High Rhodes and the City of Signal Hill Planning Commission to work out any design changes that need to be made. It is my feeling, and I hope the Planning Commission's feeling as well, that High Rhodes should continue to work through their design to find a plan for the Courtyard development that complies with existing permit restrictions and the City of Signal Hill View Protection Policy.

Thank you kindly for your time and consideration in this matter.

Sincerely,

Patrick Faecke







Selena Alanis

From: Adam Stewart <stewart11986@gmail.com>
Sent: Monday, December 07, 2015 7:20 PM
To: alin chitanu; Katie Bokamper
Cc: Selena Alanis
Subject: Please submit these points on our behalf (Temple View, Unit 103)

Alin,
Thank you for taking the lead with these issues. Please feel free to forward these points to our representative on behalf of myself, Adam Stewart and the condo owner (unit 103) Katherine Bokamper.

The proposed Zoning Ordinance Amendment, raised by High Rhodes Property Group, will negatively affect our views, our right to privacy, and potentially the resale value of our residence.

From our main living quarters, our loft, and our private patio we enjoy views of the ocean and of the city skyline. The 35'6" height proposed by High Rhodes will directly and fully obstruct those views. In addition, the proposal of "roof decks", a non permitted property feature, will negatively affect our use of private, outdoor space. The proposed reduction in setbacks will encroach upon space that would act as a necessary separation of our condominium development and the proposed new development. The reduction in space between our private outdoor space and the potential outdoor space of the new development could very well negatively affect the desirability and hence the value of our investment.

I propose that the High Rhodes Property Group should be made to redesign their project to fit within the parameters of the existing zoning ordinances of sufficient setbacks and height restrictions, and to omit unpermitted outdoor space that might take away the enjoyment and value of our outdoor space.

I intend to be present to deliver these grievances at the public workshop but please present this written declaration in the unlikely case of our absence.

Thank you again.
Adam Stewart and Katherine Bokamper

--

Selena Alanis

From: Alin Chitanu <alin.chitanu@me.com>
Sent: Saturday, December 05, 2015 3:04 PM
To: Mark Ferdi
Cc: Selena Alanis; Brad Hillgren; janreed1959@verizon.net; stevenflores1971@yahoo.com; jjregio33@me.com; contact information for new
Subject: Re: View Analysis/Temple Avenue New Development

Mark,

If it's was a particular foggy day I could understand that you did not see the ocean, but when I expressly mentioned to you that : "in clear days we have ocean view from the loft" and you decided to ignore my statement and unilaterally conclude that I have no discernible view of landmarks and or ocean , I believe that to be mal-intent, from your part, in an effort to diminish the negative impact, your exceedingly tall town-homes will have, on our views of the ocean, the city and the surrounding neighborhood, and to mention the negative financial impact that we'll have on our property values if your project will continue in this format.

I believe that you have no interest to comply with any but one of our requests, as it suited you, (you guys added a patio, right under our balconies after moving away from the property line) , as so far you dismissed any comments and suggestions made by us and we'll make that known at the meeting on 15th

See attached pictures with land marks and city views!













Regards

Alin Chitanu
ISSE
9492834372
Sent from iPhone

On Dec 4, 2015, at 2:56 PM, Mark Ferdi <mferdi@integrity.com> wrote:

Hi Alin,

Thank you for your response to the view study prepared for your home. Attached please find a collection of photos taken from your study area the same day the other photographs were taken. The 3 photos reflect a normal perspective and 3 images were taken with a telephoto lens. [Link - https://www.dropbox.com/sh/y287x7rq3wpk9ua/AACdJ3WutbUUCst53h_BMI7Va?dl=0.] These were not included in the original report as no ocean or other protected view is discernible.

Regarding your other comments, the majority of adjacent residents specifically requested we increase the setback along the north property line. We believe this reflects a better solution and accordingly shifted the entire project south (subject to city approval) to increase the setback along the north by 100% - 150% above current zoning standards. To address remaining privacy issues, primary windows, balconies and roof decks are faced inward to the central courtyard while upper floor windows facing Temple View will be clerestory (high) and consist of opaque glass. Additionally, the homes have been placed to allow maximum natural light and breezes to reach neighboring properties. Each Courtyard townhome is separated above the ground floor to reduce building massing and designed with sloped roofs which establish high points away from neighboring homes to further minimize massing.

Alin, we appreciate your continued input. If there are any additional items we can address at this time, please let us know.

-Mark

From: Alin Chitanu [<mailto:alin.chitanu@me.com>]
Sent: Thursday, December 03, 2015 12:16 AM
To: Mark Ferdi; SAlanis@cityofsignalhill.org
Cc: janreed1959@verizon.net; knel4218@aol.com; stevenflores1971@yahoo.com
Subject: Re: View Analysis/Temple Avenue New Development

Mark

In your report you skipped some important information related to the view from my loft, where I have my home office and from where I have a view of the Ocean through the trees in front and above the building across your property.

That view will be complete obstructed with your taller buildings with 3 levels + terrace. The same will apply to units 103, 104, 301 and 302.

So please correct your documentation and resubmit or make a note and confirm receiving this information

It also seems that only one issue was addressed as a possible solution, and that was only partial improvement to begin with (reorientation of the stairs tower), out all the issues we raised and the suggestions we made

- extending and lowering the roof edge

- eliminating the top part of the stair towers, by making the stairs from first to second floor (terrace) open/external, you're going to the terrace anyway....

- Having the windows face each other of your own buildings rather than our building! (Facing E/SE and W/NW

- grade dawn the property by 1 more foot!

Regards

Alin Chitanu
1957 Temple Avenue
Unit 104
Signal Hill

Cellphone 9492834372
Sent from iPhone

On Nov 18, 2015, at 3:21 PM, Mark Ferdi <mferdi@integrity.com> wrote:

Dear Alin:

Shortly you will receive (via mail) a copy of your section of the View Analysis Report prepared for the City, related to the new project on Temple Avenue. Please read the information carefully. If you think there is any additional/supplemental materials appropriate for consideration, please forward to Selena or me for inclusion. Lastly, if you have any questions concerning the project or process, please call or email me at your convenience. Thank you for your time and efforts, it is greatly appreciated.

-Mark

Mark Ferdi

Cell: 949.637.3675

www.highrhodes.com

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6081 / Virus Database: 4477/11104 - Release Date: 12/03/15

Selena Alanis

From: David Fukumoto <talk@davidfukumoto.com>
Sent: Wednesday, December 09, 2015 4:43 PM
To: Selena Alanis
Subject: Photo #1 against High Rhodes
Attachments: 1903 Temple#2.jpg; 1903_temple.jpg

Hello Selena and planning commission,

This is David Fukumoto 1903 Temple ave. #125 directly adjacent to the High Rhodes proposed site. I am against the site size and scale due to reduced property values, and privacy. I also don't feel the virtual or complete elimination of all direct sunlight is fair. I feel the reduction of all privacy will lower my property value and due to the up-slope of High Rhodes vs our property adds another story to the already 30% taller proposal.

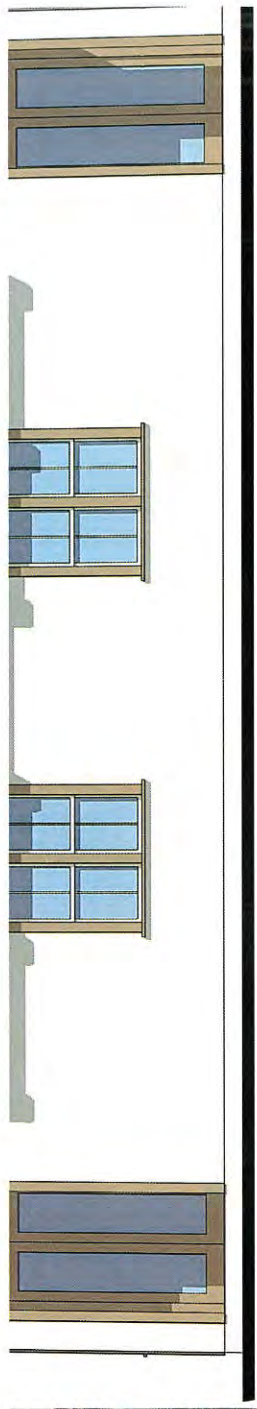
I realize this is not in your backyard so it will not affect you voting, but for myself and neighbors this is a very freighting situation.

Privacy in one's home is last barrier of security one has in this world.

Thanks David



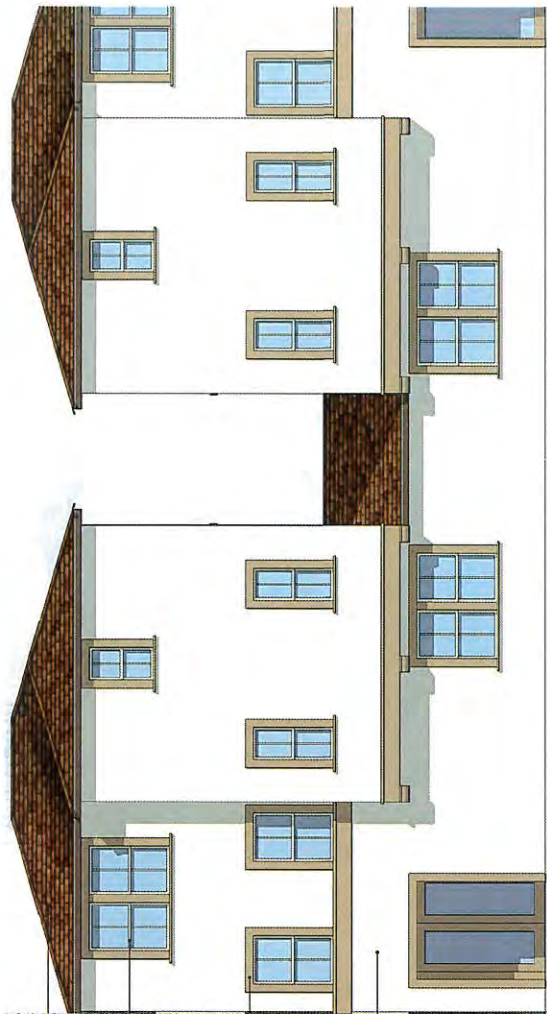
All windows will look down into my patio, bathroom (not shown) living room the only windows in my condo .





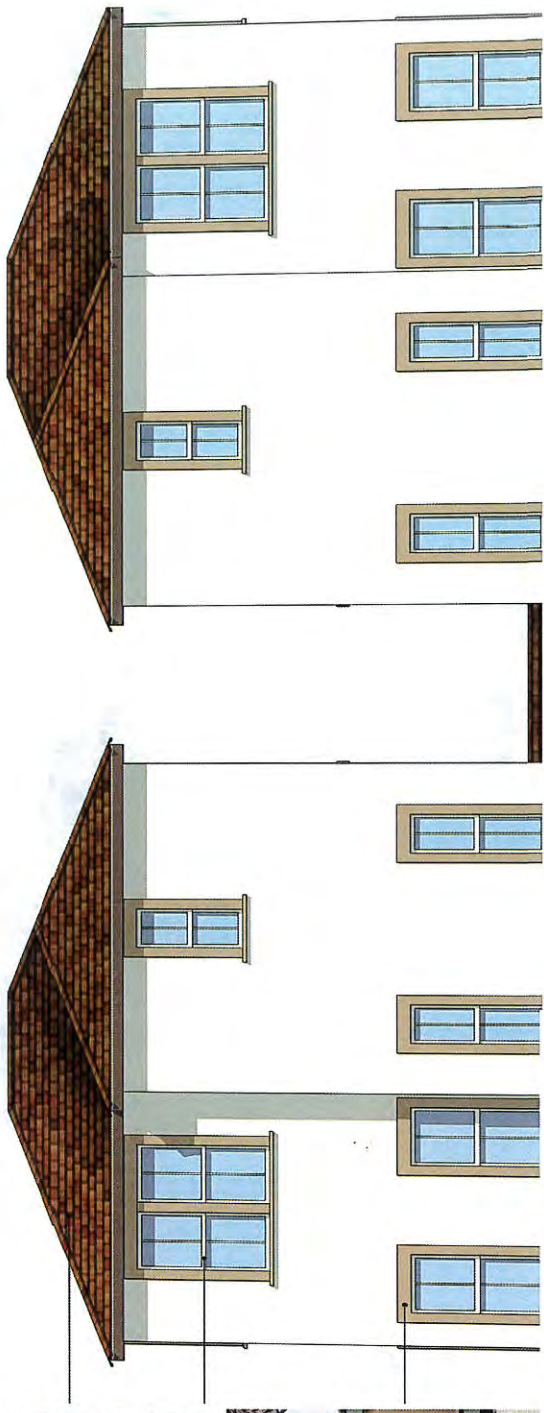
42-47' above 1903 Temple st #123-125-127 due to upslope.
Faded area approximates High Rhodes proposal at 35'
plus 7-11' of upslope. Eliminates all privacy and reduced
Sunlight and property value.





Comparison trees in #1 about 3 stories pole in #2 looks low in trees due to perspective, but in reality are as tall as the trees in #1 proposed building height approximated at height of trees. Not including full height of up-slope grade for photo purposes.

Height of High Rhodes approximately 10' taller than my building plus 7-11' up-slope grade.



All windows will look down into my patio, bathroom (not shown) living room the only windows in my condo .



Selena Alanis

From: Jay Kobielsuz <jay_k90069@yahoo.com>
Sent: Thursday, December 03, 2015 8:46 PM
To: Selena Alanis
Subject: Re: Property development by High Rhodes Property Group on 1933 Temple Ave. Signal Hill, CA

In addition to the city 25' height limit, I would like to add the rooftop decks and patios would create noise disturbance, demolishing the building could damage the brick wall that divides the properties as this building is attached to the brick wall itself and underpinning itself could do damage. Thank you, Jay Kobielsuz

On Tuesday, November 24, 2015 8:51 AM, Selena Alanis <SAlanis@cityofsignalhill.org> wrote:

Hi Jay-

I will attach your comment to the staff report for the Planning Commission workshop, for the Planning Commission's consideration.

Please contact me if you have any questions or comments about the project or the process. A separate notice will be going out to notify you of the Planning Commission workshop (tentatively scheduled for Dec 15th at 7pm at City Hall), please attend the workshop if you can.

Thank you,

Selena Alanis
Associate Planner
City of Signal Hill
2175 Cherry Avenue
Signal Hill, CA 90755
Direct Phone: (562) 989-7341

From: Jay Kobielsuz [mailto:jay_k90069@yahoo.com]
Sent: Monday, November 23, 2015 5:46 PM
To: Selena Alanis
Subject: Property development by High Rhodes Property Group on 1933 Temple Ave. Signal Hill, CA

I would like the City Of Signal Hill to enforce the 25' height limit for the proposed development. Proposed development will lower property value for residence with views on south facing side of 1957 Temple Ave. Towers on said property exceed the 25' height limit and would further take away property value. Thank you. Jay Kobielsuz

Selena Alanis

From: Gregory Kazen <gregkazen65@gmail.com>
Sent: Wednesday, December 09, 2015 3:05 PM
To: Selena Alanis
Subject: Re: Notice of Planning Commission Workshop

I am unable to attend the workshop due to work. Even though I can't attend, I'd like to voice my opposition to this project. My concerns are as to why the builders are being allowed to go 30 percent over code ? That is all I'm concerned with. Those 30 percent numbers will have a huge impact on my family and possibly our resale value. Greg kazen 1903 temple Ave 227

Sent from my iPhone

On Dec 7, 2015, at 9:30 AM, Selena Alanis <SAlanis@cityofsignalhill.org> wrote:

CORRECTION OF DATE IN LAST EMAIL: Sorry for any confusion, I made a typo in the last email. The workshop meeting date is the **Tuesday, December 15th**.

From: Selena Alanis
Sent: Monday, December 07, 2015 8:12 AM
Subject: Notice of Planning Commission Workshop

Good Morning-

Attached you will find the notice of the Planning Commission workshop for Tuesday - **December 15th** ~~17~~, 2015 at 7pm here at City Hall in the Council Chambers (a copy of this notice was also mailed to residents and property owners within 500' of the site and posted in the Signal Tribune). This project is the first item on the meeting agenda.

You are encouraged to participate at the workshop, to allow the Planning Commission to collect public comments and allow the applicant to respond to these comments prior to finalizing the plans. If you would like to submit written comments to be attached to the staff report that will be distributed to the Planning Commission and be made part of the public record, please send them to me via email by end of day tomorrow (December 8th). The Planning Commission will make comments as deemed appropriate. Final decisions on the project will not be made at this meeting.

The format of the meeting will include a staff report consisting me walking through a PowerPoint presentation (to overview the plans, view photos, proposal for specific plan, etc), the Commission will ask any questions or comments they have for clarifications, then they will open the meeting up to public comments, at this time you are invited to address your comments to the Commission about the project, the applicant will be there to respond to any questions or comments from the Commission or public, and at the end of the workshop the Commission will provide direction to staff and/or the applicant about the next steps for the project.

I will send a copy of the staff report to you via email on Thursday evening. Please contact me with any questions or comments about the project or the process and feel free to forward this to others that are interested.

Thank you,

HIGH RHODES

November 17, 2015

Ms. Selena Alanis
Assistant Planner
City of Signal Hill
2175 Cherry Avenue
Signal Hill CA 90755

Re: The Courtyard Project – 10 Paired Homes
Green Building Standards

Dear Selena:

We are delighted to be processing our newest project, The Courtyard, atop the former United Angler's property on Temple Avenue. As you know, this site has many challenges: abandoned oil wells, small, narrow and deep shape, and surrounded on three sides by 3 level (all over parking) condominiums. Through our team's planning efforts, we have sought out the right solution for the site, the City, and surrounding stakeholders.

As the planning process unfolds, key elements to the final design and construction of the project will include various green building/site features. The City's Policy requires all projects to comply with CalGreen Code, and further encourages the applications of "LEED" standards. It is our intent to pursue the CalGreen Code requirements together with its Tier 1 certification- targeting a 15% + outperformance of the code.

While not finalized, current areas of study/application include:

Site:

We are evaluating future residents' potential for use of the Long Beach Transit system- the nearby stop is at Temple/PCH, and with our on-site parking in excess of code- evaluations are underway on best designation (electric vehicle, bicycle storage, carpool, etc.).

Utilization of the drive aisle (built with a permeable material) to allow capture / infiltration of runoff. This adds to the efficiency of the site and aids in the aesthetics. Additionally, due to location of abandoned oil wells on-site, "dry wells" may be utilized to further assist in retention / infiltration of storm water.

Attention is also paid to creating exterior building pads and designs to prevent water intrusion into the structure.

Energy Management/Reduction:

Key points under consideration include: "solar ready" characteristics - conduit raceways/wiring and appropriate roof sizing, directional orientation, and weight bearing capacities.

Use of Energy Star rated systems and appliances (or equivalent) such as: dual pane Low-E windows, effective thermal insulation, occupancy sensors, digital programmable thermostats, etc.

Water Reduction:

Interior - use of low flow faucets, showers and toilets intended to reduce water consumption from baseline.

Exterior - design of effective water management systems to not only control and direct water where intended, but also to prevent water intrusion into the structure.

A landscape plan is being designed to utilize drought tolerant / low water plants, with appropriate irrigation monitoring and controls.

Materials:

We have already begun working to the CalGreen standards via our demolition activities (searching for abandoned wells) – with 100% of the non- hazardous debris going to recycling.

Further operational control will be exerted over the construction process to avoid waste and insure the correct handling of any “haul off” materials. Attention is also focused on the use sustainable materials in the construction process.

Indoor Environment:

Use of: low VOC finish materials (paints, adhesives, flooring materials, etc.).

Incorporation of mechanical systems enabling introduction of fresh outside air and owner friendly maintenance.

Utilization of sound dampening materials in construction and ambient/indirect lighting

The City of Signal Hill is serious about its commitment to the use of Green Building standards and practices, evidenced by its policies and pursuits- and its qualification as a “One Leaf Green City”. We too take our roles as developers seriously and strive to be good stewards of the environment and the resources entrusted to us. As our entitlement process unfolds, please contact us at any time to further gain insight as to our pursuits in specific areas of the CalGreen Code compliance or other “green” practices.

Sincerely,



Mark A. Ferdi

December 2



Single-Family Dwelling
at 2085 Freeman Avenue

CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

PROCEDURES RELATIVE TO PUBLIC HEARINGS/WORKSHOPS

1. At the request of the Mayor/Chair, the City Clerk/Secretary reports on the Form of Notice given:
 - a. Notice was published in the *Signal Tribune* newspaper on December 4, 2015.
 - b. Notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 on December 4, 2015.
 - c. Notice was mailed to property owners and residents within a 500' radius on December 4, 2015.
2. Mayor/Chair asks for a staff report, which shall be included in written materials presented to the City Council/Commission so that they can be received into evidence by formal motion.

In addition, the staff report shall include the following:

- a. Summarize the resolution/ordinance;
 - b. The specific location of the property, and/or use, the surrounding properties;
 - c. The criteria of the Code which applies to the pending application; and
 - d. The recommendation of the Council/Commission and/or other legislative body of the City and staff recommendation.
3. Mayor/Chair declares the public hearing open.
4. Mayor/Chair invites those persons who are in favor of the application to speak.
5. Mayor/Chair invites those persons who are in opposition to the application to speak.
6. Applicant or their representative is provided a brief rebuttal period.
7. Mayor/Chair declares the public hearing closed.
8. Discussion by Council/Commission only.
9. City Attorney reads title of resolutions and/or ordinances.
10. City Clerk/Secretary conducts Roll Call vote.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SELENA ALANIS
ASSOCIATE PLANNER**

**SUBJECT: PUBLIC WORKSHOP – SINGLE-FAMILY DWELLING AT 2085
FREEMAN AVENUE AND ALLEY VACATION**

Summary:

The applicant, Bozena Jaworski of RPP Architects for the Tran Family, is requesting a workshop review of preliminary plans for a dwelling at 2085 Freeman Avenue. The proposal includes a 4,050-square-foot two-story, single-family dwelling with 5 bedrooms, 4.5 bathrooms and an attached 887-square-foot three-car garage. Story poles were installed to depict the height of the dwelling to facilitate the view analysis process and no requests for a view analysis were received. The project is within a traffic study area, as proposed, the north 180 feet segment of alley will be vacated.

Recommendations:

- 1) Open the public workshop and receive testimony.
- 2) Provide direction as deemed appropriate regarding:
 - The alley vacation;
 - The View Analysis; and
 - The Site Plan and Design Review considerations.

Background:

On March 21, 2006, the Planning Commission conducted a public workshop to review plans for a 3,745-square-foot two-story, single-family dwelling with 4 bedrooms and an attached 784-square-foot two-car garage on the subject site (previously addressed at 2095 Freeman Avenue). A view notice was mailed out to residents and property owners within 500 feet of the project site. There were no responses to the view notice and no one spoke in opposition of the project at the workshop (Attachment A).

On April 18, 2006, the Planning Commission approved Site Plan and Design Review 06-12 with a 5/0 vote (Attachment B). In 2007, since building permits were not pulled for the project, the Site Plan and Design Review expired and the site remained vacant.

In 2008, after a series of Planning Commission public workshops, the City Council approved plans for the Freeman Heights project on the property east of the subject site. The proposal was for six two-story, single-family dwellings and an alley between Obispo and Freeman Avenues having ingress and egress mid-block on Freeman Avenue which would align with the subject site (Attachment C).

In 2014, the subject property was purchased by the Tran Family. Also around that time, the City was in the process of developing standards for development on properties with abandoned oil wells. The Division of Oil, Gas and Geothermal Resources maps indicated that there was one abandoned oil well on the site and several active wells are nearby.

On February 10, 2015, the abandoned well was located, leak tested, found not to be leaking methane and a vent cone was installed. The applicant prepared a well access exhibit and designed a site plan that does not provide access to the abandoned well (well is being built over).

On July 25, 2015, a Well Abandonment Report was produced and determined that the well is abandoned in accordance with the City's standards and therefore, can be built over. The report found that no additional abandonment work was required and that the project may proceed with the Site Plan and Design Review process.

On November 6, 2015, consistent with the City's View Policy, view notices were mailed to owners and residents within a 500-foot radius of the site. Story poles were installed to depict the height of the dwelling to facilitate the view analysis process. The placement and height of the story poles were certified by a licensed engineer. To date, staff has not received a response to the view notice.

Analysis:

Project Vicinity

The site is located on the west side of Freeman Avenue, north of 20th Street in an undeveloped area of the Hilltop Neighborhood in the Residential Low Density (RL) zoning district.



The zoning and existing land use for the project site and surrounding properties are as follows:

Direction	Land Use Designation/ Zoning	Existing Land Use
Project Site	RL, Residential Low Density	Vacant with an abandoned oil well and 3 existing trees
North	RL, Residential Low Density	Vacant parcel
South	RL, Residential Low Density	Two-story, single-family dwelling
East	SP-20, Freeman Heights Specific Plan	Vacant parcel with active oil operations
West	RL, Residential Low Density	Vacant parcel

Zoning Development Standards

The dwelling complies with the applicable development standards including:

Standard	Required	Proposed
Minimum Lot Area	5,000 square feet 55' x 90'	8,100 square feet * 60' x 135' *
Building Height	25' height limit as measured by the datum line method (as determined from the 1960 topography map)	25' height
Setbacks Front (south) Side (north) Rear (west)	20' minimum 5' minimum 10' minimum	20' 5' 21'-6" *
Lot Coverage	50% maximum	44% (3,584 square feet) *
Floor Area Ratio	.5 maximum	.5 FAR (4,050 square feet) *
Off-street parking	3-car garage for five bedroom dwelling	3-car garage
Architectural Projections	30" maximum	30" at south side yard

*Indicates after alley vacation

Site Plan & Floor Plans

Currently, the lot size is 7,800 square feet and the proposed alley vacation will increase the lot size to 8,100 square feet. The garage is located at the front of the property and vehicle access will be from the driveway off of Freeman Avenue.

The proposal is for a 4,050-square-foot single-family dwelling. The project is designed to be split level, but at no point is the dwelling more than two stories (see plan set Sheet A3.1 for cross sections). No responses to the view notice were received. The floor plans include:

- The lower level has a large entry foyer and adjacent office/gym room (for off-street parking purposes the room is counted as a bedroom), living room, dining room, kitchen, powder room, pantry, laundry room and 887-square-foot 3-car garage with an attached storage/work area.
- Five feet up from the entry level is the master bedroom, bathroom and walk-in closet. The master bedroom has high ceilings, but no second story above.
- The second floor, consists of a loft that leads to three bedrooms and two bathrooms.
- The project also has a second story covered balcony at the front of the house and second story uncovered deck on the south side of the house.
- In addition, the project is designed to be energy efficient and uses water efficient fixtures along with other green features (Attachment D).

Architecture

The dwelling has a modern design featuring a smooth stucco finish, copper and stone tile cladding, cable hand rails and a brushed aluminum garage door. The dwelling has clean lines, bold roof lines and a tower element at the entry which serves as a focal point. A colors and materials board will be available at the workshop.

Landscape Plan

The conceptual landscape plan has been designed with water efficient shrubs and ground cover. The tree types were picked by the homeowner. The dwelling will be conditioned to comply with the new water conservation in landscaping ordinance which requires projects with more than 500 square feet of landscaped area to have plans prepared by a landscape architect and comply with a prescribed water budget which limits the amount of turf that can be installed. Currently, only a small area in the backyard will be turf or synthetic turf.

In addition, the project complies with the recently adopted standard allowing a 25% maximum hardscape in the front setback. Turf block will be used for one driveway space to allow water to infiltrate on site.

The rear yard has a covered terrace adjacent to the master bedroom. The terrace is open on one side and has a guard rail on the other side as required by the difference between the elevations. An access gate is provided to the 5' proposed utility easement at the rear. Gravel will be installed in this area and the property owner will be responsible for maintaining this area.

There is a 6' stucco wall and entry just behind the front setback. There is an existing wall on the south side of the property and a 6' wall will be constructed on the north property line. The rear yard will have a new retaining wall with fence on top that will be no more than 6' from the adjacent grade. The 5' area at the rear of the property will be enclosed with a chain link fence.

Grading

Currently, the site slopes low to high from east to west, so that the rear of the property is approximately 10' higher than the front of the property. In addition, the property sits approximately 10' higher than the property to the south. The top of the abandoned oil well is at 141', to maintain adequate distance between the top of the plate and finished grade, the first floor is split level. The proposed grade at the front of the house will be at 141' and the back of the house will be terraced at 143' and 148'.

Alley Vacation

The project is in a traffic study area which requires a traffic analysis before the precise street and alley configuration can be identified. The City's traffic engineer has reviewed

the proposed street and alley configuration and prepared a memorandum in support of the vacation. As such, the Planning Commission will have to find the proposed traffic configuration consistent with the General Plan (Attachment E).

As proposed, the north 180' segment of the alley will be vacated and the subject site will gain 5 feet at the rear of the property. The southern 500' (15' and 20' wide) segment of the alley will remain fully improved for traffic and utility access purposes. The condominiums on Orizaba Avenue use the alley to access rear garages and the condominiums on the east side of the alley use Freeman Avenue to access an underground parking structure. The five new homes on Freeman Avenue do not use the alley because of topographical constraints, vehicular access to the driveways and garages of these homes is provided from Freeman Avenue.

The site plan has been designed with the proposed vacation, but the paperwork to establish the vacation has not been finalized. Notice of the vacation has been provided to the utility service providers and it is likely that utility easements will be required at the rear of the property. If the vacation is not accepted for some reason, the site plan would have to be redesigned to reduce the floor area by 300 square feet to comply with the Floor Area Ratio standards.

Approved:

Scott Charney

Attachments

March 21, 2006

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: JAMES R. KAO
ASSOCIATE PLANNER**

SUBJECT: WORKSHOP—SINGLE-FAMILY DWELLING AT 2089 FREEMAN AVENUE

Summary:

The applicant, Bozena Jaworski of RPP Architects for Eduardo Morales, is requesting a workshop review of preliminary plans for a two-story single-family dwelling with an attached 2-car garage at 2089 Freeman Avenue, in the RL, Residential Low-Density, zoning district.

Recommendations:

- 1) Open the public workshop and receive testimony.
- 2) Direct the applicant to make revisions as deemed appropriate.

Background:

The Planning Commission has not previously reviewed this project.

Analysis:

Existing conditions

The subject site is located on the east flank of the Hill, south of the 188-unit Bixby Ridge project and east of the 90-unit California Crown project (Attachment A). Surrounding properties include vacant land to the north and east, and condominiums and four new single-family homes to the south and condominiums to the southwest across a public alley.

The lot is vacant and recently oil pipes were removed in anticipation of development. The lot measures 60' x 125' after public dedication for the street and alley. The lot exceeds the minimum lot size requirement of 5,000 square feet for the RL zoning district and meets the minimum lot frontage dimension of 55 feet.

Proposal

The proposal consists of a two-story, four-bedroom dwelling unit that measures 3,745 square feet. The unit has an attached 2-car garage measuring 784 square feet located at the front of the property with access from the street. The garage is extra deep to provide additional storage and complies with the garage ordinance standard for larger size garages, which requires a two-car 500 square-foot garage for a dwelling unit with 4 bedrooms. The proposal meets the minimum setbacks and standards for lot coverage and floor area ratio.

The architecture style is Mediterranean with Italian influences and typical features like wrought iron balconies, columns, ornamental wrought iron entry doors, rotunda, arched windows, keystone window lintels, and s-tile roofing. A color and materials board has been submitted and will be on display at the workshop.

View issues

Staff mailed a view notice to residents and property owners within 500 feet of the project site. The applicant installed story poles and had the heights certified by a licensed surveyor (Attachment B). Staff did not receive any requests for view analysis photos.

The applicant has designed the home to minimize view impacts and meet the owner's requirements for tall ceilings and view opportunities. To do this, the pad elevation was set several feet below the 1960 datum line and a retaining wall measuring up to 10' in height is required adjacent to the alley to keep the home below the maximum height limit.

The applicant has submitted a landscape plan that consists of a diverse combination of trees, palms, shrubs, grasses, color perennials, turf and groundcovers for a Mediterranean look. The plan was reviewed by the City's landscape consultant who did not foresee potential view impacts posed by the trees, which are lower growing species and easily pruned. Additional landscape features include an entry wall fountain and the rear yard has a swimming pool and spa.

2089 Freeman Avenue
March 21, 2006
Page 3

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act per Section 15303, Class 3(a). It is also consistent with the General Plan and standards of the RL zoning district.

Approved:

Gary Jones

April 18, 2006

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: REINA SCHAETZL
ASSISTANT PLANNER**

**SUBJECT: PUBLIC HEARING—SINGLE-FAMILY DWELLING AT 2089 FREEMAN
AVENUE**

Summary:

The applicant, Bozena Jaworski of RPP Architects for Eduardo Morales, is requesting approval to construct a two-story single-family dwelling with an attached 2-car garage at 2089 Freeman Avenue, in the RL, Residential Low-Density, zoning district.

Recommendation:

Waive further reading and adopt the following resolution, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SIGNAL HILL, CALIFORNIA, APPROVING SITE PLAN AND DESIGN
REVIEW 06-12, A REQUEST TO CONSTRUCT A 3,745 SQUARE FOOT
TWO-STORY SINGLE-FAMILY DWELLING WITH A TWO CAR ATTACHED
GARAGE AT 2089 FREEMAN AVENUE IN THE RL, RESIDENTIAL LOW
DENSITY, ZONING DISTRICT

Background:

At its March 21, 2006 meeting, the Planning Commission held a workshop regarding the proposal. No one spoke in opposition to the project and the Commission recommended that the proposal be brought back in April as a public hearing.

Analysis:

Existing conditions

The subject site is located on the east flank of the Hill, south of the 188-unit Bixby Ridge project and east of the 90-unit California Crown project (Attachment A). Surrounding properties include vacant land to the north and east, and condominiums and four new single-family homes to the south and condominiums to the southwest across a public alley.

The lot is vacant and recently oil pipes were removed in anticipation of development. The lot measures 60' x 125' after public dedication for the street and alley. The lot exceeds the minimum lot size requirement of 5,000 square feet for the RL zoning district and meets the minimum lot frontage dimension of 55 feet.

Proposal

The proposal consists of a two-story, four-bedroom dwelling unit that measures 3,745 square feet. The unit has an attached 2-car garage measuring 784 square feet located at the front of the property with access from the street. The garage is extra deep to provide additional storage and complies with the garage ordinance standard for larger size garages, which requires a two-car 500 square-foot garage for a dwelling unit with 4 bedrooms. The proposal meets the minimum setbacks and standards for lot coverage and floor area ratio.

The architecture style is Mediterranean with Italian influences and typical features like wrought iron balconies, columns, ornamental wrought iron entry doors, rotunda, arched windows, keystone window lintels, and s-tile roofing. A color and materials board has been submitted and will be on display at the workshop.

View issues

Staff mailed a view notice to residents and property owners within 500 feet of the project site. The applicant installed story poles and had the heights certified by a licensed surveyor (Attachment B). Staff did not receive any requests for view analysis photos.

The applicant has designed the home to minimize view impacts and meet the owner's requirements for tall ceilings and view opportunities. To do this, the pad elevation was set several feet below the 1960 datum line and a retaining wall measuring up to 10' in height is required adjacent to the alley to keep the home below the maximum height limit.

The applicant has submitted a landscape plan that consists of a diverse combination of trees, palms, shrubs, grasses, color perennials, turf and groundcovers for a Mediterranean look.

The plan was reviewed by the City's landscape consultant who did not foresee potential view impacts posed by the trees, which are lower growing species and easily pruned. Additional landscape features include an entry wall fountain and the rear yard has a swimming pool and spa.

The proposed project is categorically exempt from the requirements of the California Environmental Quality Act per Section 15303, Class 3(a). It is also consistent with the General Plan and standards of the RL zoning district.

Approved:

Gary Jones

GREEN BUILDING FEATURES

2085 Freeman Avenue, Signal Hill, CA

The Single Family Residence will be in compliance with 2013 CALGreen Building Standards Code.

Sec. 4.106 Site Development

The new project is an infill in the brown field areas of the City of Signal Hill. It maintains traditional neighborhood development pattern and extends existing infrastructure.

Project was designed as a split level to minimize negative effects on the site, to preserve the natural slope and facilitate the storm water drainage.

The construction plans will indicate location of drains and water disposal system.

The turf block driveway will aid in ground water recharge.

The Civil Engineer will prepare the plans for the drainage and storm water management during construction.

Sec. 4.201 Energy Efficiency

The following features are incorporated into design:

Day lighting - Skylights and Solatubes

Provisions for efficient and energy saving duct layout

Mechanical equipment inside the conditioned envelope

Dimmers, occupancy sensors, LED fixtures

Thermal Insulation and careful detailing of the tight stucco envelope

Shading canopies

Sec. 4.303 Indoor Water Use

Water conserving plumbing fixtures (toilets) and fittings (shower heads and faucets) shall comply with maximum flow rate:

Water closets 1.28 gp flush

Showerhead 2.0 gpm

Lavatory faucets 1.5 gpm

Kitchen 1.8 gpm

Sec. 4.304 Outdoor water use

Automatic irrigation system controllers shall be weather – or soil based controllers that adjust irrigation as the weather conditions change.

Sec. 4.501 Environmental Quality

Covering of the ducts opening and HVAC equipment protection during construction

Finish material pollutant control through limiting the VOC content in adhesives, sealants, caulks, paints and coatings.

Interior moisture control at construction phase and house ventilation design.

October 29, 2015

MEMORANDUM

Steve Myrter, P.E.
Director of Public Works
City of Signal Hill
2175 Cherry Avenue
Signal Hill, CA 90806

Subject: Partial Vacation of Orizaba Avenue Alley North of 20th Street from Mid-Block to End

The purpose of this memorandum is to present the findings of a traffic circulation analysis related to the proposed vacation of a portion of the alley located north of 20th Street between Orizaba Avenue and Freeman Avenue. The alley vacation is being proposed to address traffic circulation needs associated with existing and future development adjacent to the alley. Based on the analysis, the northerly 180 feet of the alley will not impede existing traffic circulation and may be vacated.

The proposed alley vacation affects the north 180 feet of the alley that terminates at Tract No. 51830 as shown in Exhibit "B". The south 500 feet of the alley is needed for traffic and utility access purposes. An aerial map showing the vicinity of the proposed alley vacation is provided as Exhibit "A".

The southerly portion of the alley is fully improved and varies in width between 15 and 20 feet wide as shown in Exhibit "C" and Exhibit "D". This portion of the alley is bordered by existing condominiums and five newly constructed single-family homes. The alley provides access only to the garages of the condominiums on the west side of the alley. The condominiums on the east side of the alley use Freeman Avenue for access to an underground parking structure. The five new homes do not use the alley because of topographical constraints. Vehicular access to the driveways and garages of these homes is also provided from Freeman Avenue. This portion of the alley is also used for trash collection.

In conclusion, alley traffic is comprised of vehicles entering and exiting the developed properties adjacent to the east side of Orizaba Avenue. Trash is collected in the alley for these properties. Trash collection for the developed properties along Freeman Avenue is provided along the street frontage. No other property access is required from the alley.

Additionally, the topography encourages property access from Freeman and Orizaba Avenues rather than the alley. Trash collection can also be accommodated from the street side of the affected properties. Vacating only the northerly portion of the alley provides ample vehicle turnaround area for residents with garage access off of the alley and for trash collection vehicles. Therefore, the findings of the traffic analysis supports vacating the northerly 180 feet of alley right-of-way.

Sincerely,

Bill Zimmerman, P.E., PTOE
City Traffic Engineer

WGZE

W.G. Zimmerman Engineering, Inc.

5772 Bolsa Avenue, Suite 200

Huntington Beach, CA 92649

(714) 799 -1700 / (714) 799 -1701 Fax

EXHIBIT A



EXHIBIT B



EXHIBIT C



**FACING NORTH
EXHIBIT D**



FACING SOUTH

December 3



Medical Marijuana
Cultivation and
Mobile Delivery

CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

PROCEDURES RELATIVE TO PUBLIC HEARINGS/WORKSHOPS

1. At the request of the Mayor/Chair, the City Clerk/Secretary reports on the Form of Notice given:
 - a. Notice was published in the *Signal Tribune* newspaper per Gov't Code §65091(a)(4) on December 4, 2015.
 - b. Notice was posted in accordance with Signal Hill Municipal Code Section 1.08.010 on December 4, 2015.
2. Mayor/Chair asks for a staff report, which shall be included in written materials presented to the City Council/Commission so that they can be received into evidence by formal motion.

In addition, the staff report shall include the following:

- a. Summarize the resolution/ordinance;
 - b. The specific location of the property, and/or use, the surrounding properties;
 - c. The criteria of the Code which applies to the pending application; and
 - d. The recommendation of the Council/Commission and/or other legislative body of the City and staff recommendation.
3. Mayor/Chair declares the public hearing open.
4. Mayor/Chair invites those persons who are in favor of the application to speak.
5. Mayor/Chair invites those persons who are in opposition to the application to speak.
6. Applicant or their representative is provided a brief rebuttal period.
7. Mayor/Chair declares the public hearing closed.
8. Discussion by Council/Commission only.
9. City Attorney reads title of resolutions and/or ordinances.
10. City Clerk/Secretary conducts Roll Call vote.



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
DIRECTOR OF COMMUNITY DEVELOPMENT**

**SUBJECT: PUBLIC HEARING – REGULATIONS TO PROHIBIT CULTIVATION
AND DELIVERY OF MEDICAL MARIJUANA**

Summary:

In response to changes in State law, the Planning Commission will consider two items:

1. A Zoning Ordinance Amendment prohibiting the cultivation of medical marijuana in all zoning districts in the City and revising the definition of medical marijuana dispensary to include mobile delivery services; and
2. An Ordinance Amendment prohibiting the delivery of medical marijuana and mobile medical marijuana dispensaries citywide.

Recommendations:

1. Waive further reading and adopt the following resolution, entitled:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIGNAL HILL RECOMMENDING CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT 15-03 AMENDING TITLE 20 OF THE SIGNAL HILL MUNICIPAL CODE PROHIBITING MEDICAL MARIJUANA CULTIVATION IN ALL ZONING DISTRICTS INCLUDING SPECIFIC PLANS AND REVISING THE DEFINITION OF MEDICAL MARIJUANA DISPENSARY TO INCLUDE MOBILE DELIVERY SERVICES

2. Recommend City Council adoption of an Ordinance Amendment to prohibit the delivery of medical marijuana and mobile medical marijuana dispensaries citywide.

Background:

In 1996, California voters approved the Compassionate Use Act (Proposition 215) which decriminalized medical marijuana.

On July 7, 2009, the City Council adopted Urgency Ordinance No. 2009-07-1400 imposing a 45-day moratorium on the establishment or operation of medical marijuana dispensaries after the discovery of two dispensaries operating illegally in the City. At the time, dispensaries were not a listed use in any zoning district and therefore were considered a prohibited use. To ensure that the record was clear, the City Council adopted a moratorium after finding that there were potential negative and harmful effects on the public health, safety and welfare associated with unregulated dispensaries including:

- Increase of crime such as burglary, robbery and loitering;
- Use of marijuana in public around dispensaries;
- Increase of marijuana DUIs;
- Illegal resale of marijuana to individuals without physician recommendations;
- Street dealers attempting to sell marijuana to dispensary customers; and
- Increase of sale of illegal drugs in the vicinity of dispensaries.

On August 4, 2009, four persons addressed the City Council during public business from the floor to speak in opposition to the moratorium.

On August 18, 2009, the City Council extended the moratorium for an additional 10 months and 15 days to June 28, 2010. Two persons spoke in opposition to the moratorium extension.

On June 15, 2010, the City Council extended the moratorium for the maximum time allowed under State law, a period of one year. The extension was granted to allow staff and the Planning Commission time to establish standards to regulate medical marijuana dispensaries under the zoning code.

On March 8, 2011, the Planning Commission conducted a public workshop to discuss possible regulations, including prohibiting the use of medical marijuana dispensaries in the City. During the workshop, two community residents spoke in favor of prohibiting the use. Staff, including the then Interim Chief of Police, was also supportive of prohibiting the use. The Planning Commission unanimously directed staff to proceed with a zoning ordinance amendment to list the use as prohibited.

On April 12, 2011, the Planning Commission conducted a public hearing and unanimously recommended City Council approval of Zoning Ordinance Amendment 11-02 listing medical marijuana dispensaries as a prohibited use in all commercial and industrial zoning districts.

On April 19, 2011, the City Council conducted a public hearing and introduced Zoning Ordinance Amendment 11-02 by unanimous vote. At the time, the City Council determined that dispensary prohibition was justified for the following reasons:

- There were many dispensaries already available in the City of Long Beach within close proximity and, therefore, not essential for Signal Hill patients;
- The City had given ample time for the dispensary industry to work with staff to develop regulations. The City Council had encouraged dialogue between operators and staff to develop standards and regulations and no operators responded by showing genuine interest in working with the City;
- It was in the City's best financial interest to avoid the legal costs that cities that were attempting regulation had been subject to;
- Prohibition would help the City avoid the most harmful secondary effects associated with dispensaries;
- The City Attorney believed that the City could prohibit the use as there is no State law preempting such action and the use was not a fundamental right or protected under the First Amendment; and
- The City did not have any existing operating dispensaries and was well-positioned to prohibit new dispensaries with prompt adoption of a new ordinance.

On May 3, 2011, the City Council approved the second reading of the Zoning Ordinance Amendment by unanimous vote. The action did not address the cultivation or delivery of medical marijuana.

On October 9, 2015, Governor Brown signed the Medical Marijuana Regulation and Safety Act (Attachment A). The law consists of three bills and is collectively referred to as the "MMRSA". The law allows local agencies to maintain local control over land use decisions and does not require local agencies to allow dispensaries, cultivation operations and delivery services. Key provisions of the law include:

- AB 243 – Establishing a regulatory and dual licensing structure for the *cultivation of medical marijuana* (Attachment B). Both a State license *and* local approval are required (similar to the process for the sale and consumption of alcohol). The State Department of Food and Agriculture is the primary regulator.
- AB 266 – Establishing a dual licensing structure for the *delivery of medical marijuana* (Attachment C). Both a State license *and* local approval are required. The State Department of Consumer Affairs is the primary regulator.
- SB 643 – Establishing criteria for licensing of medical marijuana businesses, regulating physicians and providing authority for local taxes and fees.

Analysis:

Medical Marijuana Cultivation

The most pressing concern regarding the MMRSA from the perspective of local agencies is the mandate to respond to a March 1, 2016 deadline to have cultivation regulations, or explicit prohibitions, in effect. Consequences to local agencies that fail to adopt regulations by the deadline include:

- The agency would forfeit its ability to prohibit the activity for the foreseeable future;
- Operators of medical marijuana cultivation facilities would not be subject to a local approval; and
- The sole regulatory tool would be the State license.

Medical marijuana cultivation is not currently listed as a permitted or prohibited use in the City's Zoning Ordinance. Accordingly, as an unlisted use, it is not permitted. However, staff is recommending that the Zoning Ordinance be amended at this time to explicitly prohibit cultivation in all zoning districts to meet the deadline, ensure that the administrative record is clear and preserve maximum regulatory flexibility. It is important to note that it is possible under the MMRSA to prohibit the use at this time and then consider regulations allowing cultivation in the future after implications associated with implementation of State regulatory framework become more evident.

Medical Marijuana Delivery Services

Under provisions of the MMRSA, deliveries of medical marijuana will be allowed by State licensed medical marijuana dispensaries in all jurisdictions except those that explicitly prohibit such deliveries. To prohibit mobile deliveries, local jurisdictions must adopt an ordinance expressly prohibiting the activity before the State begins issuing their licenses. The law does not have a clear timeline regarding the start date for State-issued permits. The State currently estimates that it will begin issuing licenses in January, 2018, but could begin sooner.

Although an immediate response is not necessary, staff believes it is appropriate to address the issue concurrently with the cultivation issue. Accordingly, staff is proposing to:

- Establish a new Municipal Code Section to explicitly prohibit delivery services and mobile dispensaries in all zoning districts including specific plans.
- Revise the definition of medical marijuana dispensary in the Zoning Code to include delivery services and mobile dispensaries.

Staff has summarized highlights of Zoning Ordinance Amendment 15-03 (Attachment D) and Ordinance Amendment 15-06 (Attachment E).

Status of Dispensary Regulations in Long Beach

In 2011 when Signal Hill prohibited medical marijuana dispensaries, a key consideration was that dispensary services were available in surrounding communities to meet the needs of Signal Hill residents. In late 2011, the City of Long Beach, in response to a court decision, revised their regulations to prohibit dispensary operations. However, the Long Beach City Council expressed interest in allowing dispensaries subject to new regulations. On December 8, 2015, the Long Beach City Council considered new dispensary regulations that would allow up to nine dispensaries with Conditional Use Permits and subject to certain performance standards (Attachment F). The regulations also allow for cultivation of medical marijuana and delivery services. At the meeting, by a 5/4 vote, the Long Beach City Council approved a delivery only model (Attachment G).

Attachments



California

LEGISLATIVE INFORMATION

SB-643 Medical marijuana. (2015-2016)

Senate Bill No. 643

CHAPTER 719

An act to amend Sections 144, 2220.05, 2241.5, and 2242.1 of, to add Sections 19302.1, 19319, 19320, 19322, 19323, 19324, and 19325 to, to add Article 25 (commencing with Section 2525) to Chapter 5 of Division 2 of, and to add Article 6 (commencing with Section 19331), Article 7.5 (commencing with Section 19335), Article 8 (commencing with Section 19337), and Article 11 (commencing with Section 19348) to Chapter 3.5 of Division 8 of, the Business and Professions Code, relating to medical marijuana.

[Approved by Governor October 09, 2015. Filed with Secretary of State
October 09, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 643, McGuire. Medical marijuana.

(1) Existing law, the Compassionate Use Act of 1996, an initiative measure enacted by the approval of Proposition 215 at the November 6, 1996, statewide general election, authorizes the use of marijuana for medical purposes. Existing law enacted by the Legislature requires the establishment of a program for the issuance of identification cards to qualified patients so that they may lawfully use marijuana for medical purposes, and requires the establishment of guidelines for the lawful cultivation of marijuana grown for medical use. Existing law provides for the licensure of various professions by the Department of Consumer Affairs. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the regulation of food, drugs, devices, and cosmetics, as specified. A violation of that law is a crime.

This bill would, among other things, set forth standards for a physician and surgeon prescribing medical cannabis and require the Medical Board of California to prioritize its investigative and prosecutorial resources to identify and discipline physicians and surgeons that have repeatedly recommended excessive cannabis to patients for medical purposes or repeatedly recommended cannabis to patients for medical purposes without a good faith examination, as specified. The bill would require the Bureau of Medical Marijuana to require an applicant to furnish a full set of fingerprints for the purposes of conducting criminal history record checks. The bill would prohibit a physician and surgeon who recommends cannabis to a patient for a medical purpose from accepting, soliciting, or offering any form of remuneration from a facility licensed under the Medical Marijuana Regulation and Safety Act. The bill would make a violation of this prohibition a misdemeanor, and by creating a new crime, this bill would impose a state-mandated local program.

This bill would require the Governor, under the Medical Marijuana Regulation and Safety Act, to appoint, subject to confirmation by the Senate, a chief of the Bureau of Medical Marijuana Regulation. The act would require the Department of Consumer Affairs to have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation and storage, unrelated to manufacturing, of medical marijuana, and would authorize the department to collect fees for its regulatory activities and impose specified duties on this department in this regard. The act would require the Department of Food and Agriculture to administer the provisions of the act related to, and associated with, the cultivation, and transportation of, medical cannabis and would impose specified duties on this department in this regard. The act would require the State Department of Public Health to administer the provisions of the act related to, and associated with, the

manufacturing and testing of medical cannabis and would impose specified duties on this department in this regard.

This bill would authorize counties to impose a tax upon specified cannabis-related activity.

This bill would require an applicant for a state license pursuant to the act to provide a statement signed by the applicant under penalty of perjury, thereby changing the scope of a crime and imposing a state-mandated local program.

This bill would set forth standards for the licensed cultivation of medical cannabis, including, but not limited to, establishing duties relating to the environmental impact of cannabis and cannabis products. The bill would also establish state cultivator license types, as specified.

(2) This bill would provide that its provisions are severable.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) Existing constitutional provisions require that a statute that limits the right of access to the meeting of public bodies or the writings of public bodies or the writings of public officials and agencies be adopted with finding demonstrating the interest protected by the limitation and the need for protecting that interest. The bill would make legislative findings to that effect.

(5) The bill would become operative only if AB 266 and AB 243 of the 2015–16 Regular Session are enacted and take effect on or before January 1, 2016.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 144 of the Business and Professions Code is amended to read:

144. (a) Notwithstanding any other provision of law, an agency designated in subdivision (b) shall require an applicant to furnish to the agency a full set of fingerprints for purposes of conducting criminal history record checks. Any agency designated in subdivision (b) may obtain and receive, at its discretion, criminal history information from the Department of Justice and the United States Federal Bureau of Investigation.

(b) Subdivision (a) applies to the following:

- (1) California Board of Accountancy.
- (2) State Athletic Commission.
- (3) Board of Behavioral Sciences.
- (4) Court Reporters Board of California.
- (5) State Board of Guide Dogs for the Blind.
- (6) California State Board of Pharmacy.
- (7) Board of Registered Nursing.
- (8) Veterinary Medical Board.
- (9) Board of Vocational Nursing and Psychiatric Technicians.
- (10) Respiratory Care Board of California.
- (11) Physical Therapy Board of California.

- (12) Physician Assistant Committee of the Medical Board of California.
- (13) Speech-Language Pathology and Audiology and Hearing Aid Dispenser Board.
- (14) Medical Board of California.
- (15) State Board of Optometry.
- (16) Acupuncture Board.
- (17) Cemetery and Funeral Bureau.
- (18) Bureau of Security and Investigative Services.
- (19) Division of Investigation.
- (20) Board of Psychology.
- (21) California Board of Occupational Therapy.
- (22) Structural Pest Control Board.
- (23) Contractors' State License Board.
- (24) Naturopathic Medicine Committee.
- (25) Professional Fiduciaries Bureau.
- (26) Board for Professional Engineers, Land Surveyors, and Geologists.
- (27) Bureau of Medical Marijuana Regulation.

(c) For purposes of paragraph (26) of subdivision (b), the term "applicant" shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.

SEC. 2. Section 2220.05 of the Business and Professions Code is amended to read:

2220.05. (a) In order to ensure that its resources are maximized for the protection of the public, the Medical Board of California shall prioritize its investigative and prosecutorial resources to ensure that physicians and surgeons representing the greatest threat of harm are identified and disciplined expeditiously. Cases involving any of the following allegations shall be handled on a priority basis, as follows, with the highest priority being given to cases in the first paragraph:

- (1) Gross negligence, incompetence, or repeated negligent acts that involve death or serious bodily injury to one or more patients, such that the physician and surgeon represents a danger to the public.
- (2) Drug or alcohol abuse by a physician and surgeon involving death or serious bodily injury to a patient.
- (3) Repeated acts of clearly excessive prescribing, furnishing, or administering of controlled substances, or repeated acts of prescribing, dispensing, or furnishing of controlled substances without a good faith prior examination of the patient and medical reason therefor. However, in no event shall a physician and surgeon prescribing, furnishing, or administering controlled substances for intractable pain consistent with lawful prescribing, including, but not limited to, Sections 725, 2241.5, and 2241.6 of this code and Sections 11159.2 and 124961 of the Health and Safety Code, be prosecuted for excessive prescribing and prompt review of the applicability of these provisions shall be made in any complaint that may implicate these provisions.
- (4) Repeated acts of clearly excessive recommending of cannabis to patients for medical purposes, or repeated acts of recommending cannabis to patients for medical purposes without a good faith prior examination of the patient and a medical reason for the recommendation.
- (5) Sexual misconduct with one or more patients during a course of treatment or an examination.
- (6) Practicing medicine while under the influence of drugs or alcohol.

(b) The board may by regulation prioritize cases involving an allegation of conduct that is not described in subdivision (a). Those cases prioritized by regulation shall not be assigned a priority equal to or higher than the priorities established in subdivision (a).

(c) The Medical Board of California shall indicate in its annual report mandated by Section 2312 the number of temporary restraining orders, interim suspension orders, and disciplinary actions that are taken in each priority category specified in subdivisions (a) and (b).

SEC. 3. Section 2241.5 of the Business and Professions Code is amended to read:

2241.5. (a) A physician and surgeon may prescribe for, or dispense or administer to, a person under his or her treatment for a medical condition dangerous drugs or prescription controlled substances for the treatment of pain or a condition causing pain, including, but not limited to, intractable pain.

(b) No physician and surgeon shall be subject to disciplinary action for prescribing, dispensing, or administering dangerous drugs or prescription controlled substances in accordance with this section.

(c) This section shall not affect the power of the board to take any action described in Section 2227 against a physician and surgeon who does any of the following:

(1) Violates subdivision (b), (c), or (d) of Section 2234 regarding gross negligence, repeated negligent acts, or incompetence.

(2) Violates Section 2241 regarding treatment of an addict.

(3) Violates Section 2242 or 2525.3 regarding performing an appropriate prior examination and the existence of a medical indication for prescribing, dispensing, or furnishing dangerous drugs or recommending medical cannabis.

(4) Violates Section 2242.1 regarding prescribing on the Internet.

(5) Fails to keep complete and accurate records of purchases and disposals of substances listed in the California Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code) or controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Sec. 801 et seq.), or pursuant to the federal Comprehensive Drug Abuse Prevention and Control Act of 1970. A physician and surgeon shall keep records of his or her purchases and disposals of these controlled substances or dangerous drugs, including the date of purchase, the date and records of the sale or disposal of the drugs by the physician and surgeon, the name and address of the person receiving the drugs, and the reason for the disposal or the dispensing of the drugs to the person, and shall otherwise comply with all state recordkeeping requirements for controlled substances.

(6) Writes false or fictitious prescriptions for controlled substances listed in the California Uniform Controlled Substances Act or scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970.

(7) Prescribes, administers, or dispenses in violation of this chapter, or in violation of Chapter 4 (commencing with Section 11150) or Chapter 5 (commencing with Section 11210) of Division 10 of the Health and Safety Code.

(d) A physician and surgeon shall exercise reasonable care in determining whether a particular patient or condition, or the complexity of a patient's treatment, including, but not limited to, a current or recent pattern of drug abuse, requires consultation with, or referral to, a more qualified specialist.

(e) Nothing in this section shall prohibit the governing body of a hospital from taking disciplinary actions against a physician and surgeon pursuant to Sections 809.05, 809.4, and 809.5.

SEC. 4. Section 2242.1 of the Business and Professions Code is amended to read:

2242.1. (a) No person or entity may prescribe, dispense, or furnish, or cause to be prescribed, dispensed, or furnished, dangerous drugs or dangerous devices, as defined in Section 4022, on the Internet for delivery to any person in this state, without an appropriate prior examination and medical indication, except as authorized by Section 2242.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to either a fine of up to twenty-five thousand dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-five thousand dollars (\$25,000) per occurrence.

(c) The Attorney General may bring an action to enforce this section and to collect the fines or civil penalties authorized by subdivision (b).

(d) For notifications made on and after January 1, 2002, the Franchise Tax Board, upon notification by the Attorney General or the board of a final judgment in an action brought under this section, shall subtract the amount of the fine or awarded civil penalties from any tax refunds or lottery winnings due to the person who is a defendant in the action using the offset authority under Section 12419.5 of the Government Code, as delegated by the Controller, and the processes as established by the Franchise Tax Board for this purpose. That amount shall be forwarded to the board for deposit in the Contingent Fund of the Medical Board of California.

(e) If the person or entity that is the subject of an action brought pursuant to this section is not a resident of this state, a violation of this section shall, if applicable, be reported to the person's or entity's appropriate professional licensing authority.

(f) Nothing in this section shall prohibit the board from commencing a disciplinary action against a physician and surgeon pursuant to Section 2242 or 2525.3.

SEC. 5. Article 25 (commencing with Section 2525) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 25. Recommending Medical Cannabis

2525. (a) It is unlawful for a physician and surgeon who recommends cannabis to a patient for a medical purpose to accept, solicit, or offer any form of remuneration from or to a facility issued a state license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8, if the physician and surgeon or his or her immediate family have a financial interest in that facility.

(b) For the purposes of this section, "financial interest" shall have the same meaning as in Section 650.01.

(c) A violation of this section shall be a misdemeanor punishable by up to one year in county jail and a fine of up to five thousand dollars (\$5,000) or by civil penalties of up to five thousand dollars (\$5,000) and shall constitute unprofessional conduct.

2525.1. The Medical Board of California shall consult with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, on developing and adopting medical guidelines for the appropriate administration and use of medical cannabis.

2525.2. An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California shall not recommend medical cannabis to a patient, unless that person is the patient's attending physician, as defined by subdivision (a) of Section 11362.7 of the Health and Safety Code.

2525.3. Recommending medical cannabis to a patient for a medical purpose without an appropriate prior examination and a medical indication constitutes unprofessional conduct.

2525.4. It is unprofessional conduct for any attending physician recommending medical cannabis to be employed by, or enter into any other agreement with, any person or entity dispensing medical cannabis.

2525.5. (a) A person shall not distribute any form of advertising for physician recommendations for medical cannabis in California unless the advertisement bears the following notice to consumers:

NOTICE TO CONSUMERS: The Compassionate Use Act of 1996 ensures that seriously ill Californians have the right to obtain and use cannabis for medical purposes where medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of medical cannabis. Recommendations must come from an attending physician as defined in Section 11362.7 of the Health and Safety Code. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by state law.

(b) Advertising for attending physician recommendations for medical cannabis shall meet all of the requirements in Section 651. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discounts, premiums, gifts, or statements of a similar nature.

SEC. 6. Section 19302.1 is added to the Business and Professions Code, to read:

19302.1. (a) The Governor shall appoint a chief of the bureau, subject to confirmation by the Senate, at a salary to be fixed and determined by the director with the approval of the Director of Finance. The chief shall serve under the direction and supervision of the director and at the pleasure of the Governor.

(b) Every power granted to or duty imposed upon the director under this chapter may be exercised or performed in the name of the director by a deputy or assistant director or by the chief, subject to conditions and limitations that the director may prescribe. In addition to every power granted or duty imposed with this chapter, the director shall have all other powers and duties generally applicable in relation to bureaus that are part of the Department of Consumer Affairs.

(c) The director may employ and appoint all employees necessary to properly administer the work of the bureau, in accordance with civil service laws and regulations.

(d) The Department of Consumer Affairs shall have the sole authority to create, issue, renew, discipline, suspend, or revoke licenses for the transportation, storage unrelated to manufacturing activities, distribution, and sale of medical marijuana within the state and to collect fees in connection with activities the bureau regulates. The bureau may create licenses in addition to those identified in this chapter that the bureau deems necessary to effectuate its duties under this chapter.

(e) The Department of Food and Agriculture shall administer the provisions of this chapter related to and associated with the cultivation of medical cannabis. The Department of Food and Agriculture shall have the authority to create, issue, and suspend or revoke cultivation licenses for violations of this chapter. The State Department of Public Health shall administer the provisions of this chapter related to and associated with the manufacturing and testing of medical cannabis.

SEC. 7. Section 19319 is added to the Business and Professions Code, to read:

19319. (a) A qualified patient, as defined in Section 11362.7 of the Health and Safety Code, who cultivates, possesses, stores, manufactures, or transports cannabis exclusively for his or her personal medical use but who does not provide, donate, sell, or distribute cannabis to any other person is not thereby engaged in commercial cannabis activity and is therefore exempt from the licensure requirements of this chapter.

(b) A primary caregiver who cultivates, possesses, stores, manufactures, transports, donates, or provides cannabis exclusively for the personal medical purposes of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 of the Health and Safety Code, but who does not receive remuneration for these activities except for compensation in full compliance with subdivision (c) of Section 11362.765 of the Health and Safety Code, is exempt from the licensure requirements of this chapter.

SEC. 8. Section 19320 is added to the Business and Professions Code, to read:

19320. (a) Licensing authorities administering this chapter may issue state licenses only to qualified applicants engaging in commercial cannabis activity pursuant to this chapter. Upon the date of implementation of regulations by the licensing authority, no person shall engage in commercial cannabis activity without possessing both a state license and a local permit, license, or other authorization. A licensee shall not commence activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.

(b) Revocation of a local license, permit, or other authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction until the local jurisdiction reinstates or reissues the local license, permit, or other required authorization. Local authorities shall notify the bureau upon revocation of a local license. The bureau shall inform relevant licensing authorities.

(c) Revocation of a state license shall terminate the ability of a medical cannabis licensee to operate within California until the licensing authority reinstates or reissues the state license. Each licensee shall obtain a separate license for each location where it engages in commercial medical cannabis activity. However, transporters only need to obtain licenses for each physical location where the licensee conducts business while not in transport, or any equipment that is not currently transporting medical cannabis or medical cannabis products, permanently resides.

(d) In addition to the provisions of this chapter, local jurisdictions retain the power to assess fees and taxes, as applicable, on facilities that are licensed pursuant to this chapter and the business activities of those licensees.

(e) Nothing in this chapter shall be construed to supersede or limit state agencies, including the State Water Resources Control Board and Department of Fish and Wildlife, from establishing fees to support their medical cannabis regulatory programs.

SEC. 9. Section 19322 is added to the Business and Professions Code, to read:

19322. (a) A person or entity shall not submit an application for a state license issued by the department pursuant to this chapter unless that person or entity has received a license, permit, or authorization by a local jurisdiction. An applicant for any type of state license issued pursuant to this chapter shall do all of the following:

(1) Electronically submit to the Department of Justice fingerprint images and related information required by the Department of Justice for the purpose of obtaining information as to the existence and content of a record of state or federal convictions and arrests, and information as to the existence and content of a record of state or federal convictions and arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance, pending trial or appeal.

(A) The Department of Justice shall provide a response to the licensing authority pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(B) The licensing authority shall request from the Department of Justice subsequent notification service, as provided pursuant to Section 11105.2 of the Penal Code, for applicants.

(C) The Department of Justice shall charge the applicant a fee sufficient to cover the reasonable cost of processing the requests described in this paragraph.

(2) Provide documentation issued by the local jurisdiction in which the proposed business is operating certifying that the applicant is or will be in compliance with all local ordinances and regulations.

(3) Provide evidence of the legal right to occupy and use the proposed location. For an applicant seeking a cultivator, distributor, manufacturing, or dispensary license, provide a statement from the owner of real property or their agent where the cultivation, distribution, manufacturing, or dispensing commercial medical cannabis activities will occur, as proof to demonstrate the landowner has acknowledged and consented to permit cultivation, distribution, manufacturing, or dispensary activities to be conducted on the property by the tenant applicant.

(4) If the application is for a cultivator or a dispensary, provide evidence that the proposed location is located beyond at least a 600-foot radius from a school, as required by Section 11362.768 of the Health and Safety Code.

(5) Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

(6) (A) For an applicant with 20 or more employees, provide a statement that the applicant will enter into, or demonstrate that it has already entered into, and abide by the terms of a labor peace agreement.

(B) For the purposes of this paragraph, "employee" does not include a supervisor.

(C) For purposes of this paragraph, "supervisor" means an individual having authority, in the interest of the licensee, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(7) Provide the applicant's seller's permit number issued pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code or indicate that the applicant is currently applying for a seller's permit.

(8) Provide any other information required by the licensing authority.

(9) For an applicant seeking a cultivation license, provide a statement declaring the applicant is an "agricultural employer," as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code), to the extent not prohibited by law.

(10) For an applicant seeking licensure as a testing laboratory, register with the State Department of Public Health and provide any information required by the State Department of Public Health.

(11) Pay all applicable fees required for licensure by the licensing authority.

(b) For applicants seeking licensure to cultivate, distribute, or manufacture medical cannabis, the application shall also include a detailed description of the applicant's operating procedures for all of the following, as required by the licensing authority:

(1) Cultivation.

(2) Extraction and infusion methods.

(3) The transportation process.

(4) Inventory procedures.

(5) Quality control procedures.

SEC. 10. Section 19323 is added to the Business and Professions Code, to read:

19323. (a) The licensing authority shall deny an application if either the applicant or the premises for which a state license is applied do not qualify for licensure under this chapter.

(b) The licensing authority may deny the application for licensure or renewal of a state license if any of the following conditions apply:

(1) Failure to comply with the provisions of this chapter or any rule or regulation adopted pursuant to this chapter, including but not limited to, any requirement imposed to protect natural resources, instream flow, and water quality pursuant to subdivision (a) of Section 19322.

(2) Conduct that constitutes grounds for denial of licensure pursuant to Chapter 2 (commencing with Section 480) of Division 1.5.

(3) A local agency has notified the licensing authority that a licensee or applicant within its jurisdiction is in violation of state rules and regulation relating to commercial cannabis activities, and the licensing authority, through an investigation, has determined that the violation is grounds for termination or revocation of the license. The licensing authority shall have the authority to collect reasonable costs, as determined by the licensing authority, for investigation from the licensee or applicant.

(4) The applicant has failed to provide information required by the licensing authority.

(5) The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, except that if the licensing authority determines that the applicant or licensee is otherwise suitable to be issued a license and granting the license would not compromise public safety, the licensing authority shall conduct a thorough review of the nature of the crime, conviction, circumstances, and evidence of rehabilitation of the applicant, and shall evaluate the suitability of the applicant or licensee to be issued a license based on the evidence found through the review. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the licensing authority shall include, but not be limited to, the following:

(A) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance.

(B) A violent felony conviction, as specified in subdivision (c) of Section 667.5 of the Penal Code.

(C) A serious felony conviction, as specified in subdivision (c) of Section 1192.7 of the Penal Code.

(D) A felony conviction involving fraud, deceit, or embezzlement.

(6) The applicant, or any of its officers, directors, or owners, is a licensed physician making patient recommendations for medical cannabis pursuant to Section 11362.7 of the Health and Safety Code.

(7) The applicant or any of its officers, directors, or owners has been subject to fines or penalties for cultivation or production of a controlled substance on public or private lands pursuant to Section 12025 or 12025.1 of the Fish and Game Code.

(8) The applicant, or any of its officers, directors, or owners, has been sanctioned by a licensing authority or a city, county, or city and county for unlicensed commercial medical cannabis activities or has had a license revoked under this chapter in the three years immediately preceding the date the application is filed with the licensing authority.

(9) Failure to obtain and maintain a valid seller's permit required pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

SEC. 11. Section 19324 is added to the Business and Professions Code, to read:

19324. Upon the denial of any application for a license, the licensing authority shall notify the applicant in writing. Within 30 days of service of the notice, the applicant may file a written petition for a license with the licensing authority. Upon receipt of a timely filed petition, the licensing authority shall set the petition for hearing. The hearing shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director of each licensing authority shall have all the powers granted therein.

SEC. 12. Section 19325 is added to the Business and Professions Code, to read:

19325. An applicant shall not be denied a state license if the denial is based solely on any of the following:

(a) A conviction or act that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made for which the applicant or licensee has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(b) A conviction that was subsequently dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

SEC. 13. Article 6 (commencing with Section 19331) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 6. Licensed Cultivation Sites

19331. The Legislature finds and declares all of the following:

(a) The United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(b) The use of pesticides is not adequately regulated due to the omissions in federal law, and cannabis cultivated in California for California patients can and often does contain pesticide residues.

(c) Lawful California medical cannabis growers and caregivers urge the Department of Pesticide Regulation to provide guidance, in absence of federal guidance, on whether the pesticides currently used at most cannabis cultivation sites are actually safe for use on cannabis intended for human consumption.

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and

discharge associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability.

(e) The Department of Food and Agriculture shall have the authority necessary for the implementation of the regulations it adopts pursuant to this chapter. The regulations shall do all of the following:

(1) Provide that weighing or measuring devices used in connection with the sale or distribution of medical cannabis are required to meet standards equivalent to Division 5 (commencing with Section 12001).

(2) Require that cannabis cultivation by licensees is conducted in accordance with state and local laws related to land conversion, grading, electricity usage, water usage, agricultural discharges, and similar matters. Nothing in this chapter, and no regulation adopted by the department, shall be construed to supersede or limit the authority of the State Water Resources Control Board, regional water quality control boards, or the Department of Fish and Wildlife to implement and enforce their statutory obligations or to adopt regulations to protect water quality, water supply, and natural resources.

(3) Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license, pursuant to Article 8 (commencing with Section 19337). All cannabis shall be labeled with the unique identifier issued by the Department of Food and Agriculture.

(4) Prescribe standards, in consultation with the bureau, for the reporting of information as necessary related to unique identifiers, pursuant to Article 8 (commencing with Section 19337).

(f) The Department of Pesticide Regulation, in consultation with the State Water Resources Control Board, shall promulgate regulations that require that the application of pesticides or other pest control in connection with the indoor or outdoor cultivation of medical cannabis meets standards equivalent to Division 6 (commencing with Section 11401) of the Food and Agricultural Code and its implementing regulations.

(g) State cultivator license types issued by the Department of Food and Agriculture include:

(1) Type 1, or "specialty outdoor," for outdoor cultivation using no artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises, or up to 50 mature plants on noncontiguous plots.

(2) Type 1A, or "specialty indoor," for indoor cultivation using exclusively artificial lighting of less than or equal to 5,000 square feet of total canopy size on one premises.

(3) Type 1B, or "specialty mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, of less than or equal to 5,000 square feet of total canopy size on one premises.

(4) Type 2, or "small outdoor," for outdoor cultivation using no artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(5) Type 2A, or "small indoor," for indoor cultivation using exclusively artificial lighting between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(6) Type 2B, or "small mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(7) Type 3, or "outdoor," for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(8) Type 3A, or "indoor," for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3B, or "mixed-light," for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 4, or "nursery," for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

19332.5. (a) Not later than January 1, 2020, the Department of Food and Agriculture in conjunction with the bureau, shall make available a certified organic designation and organic certification program for medical marijuana, if permitted under federal law and the National Organic Program (Section 6517 of the federal Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code.

(b) The bureau may establish appellations of origin for marijuana grown in California.

(c) It is unlawful for medical marijuana to be marketed, labeled, or sold as grown in a California county when the medical marijuana was not grown in that county.

(d) It is unlawful to use the name of a California county in the labeling, marketing, or packaging of medical marijuana products unless the product was grown in that county.

19333. An employee engaged in commercial cannabis cultivation activity shall be subject to Wage Order 4-2001 of the Industrial Welfare Commission.

SEC. 14. Article 7.5 (commencing with Section 19335) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 7.5. Unique Identifier and Track and Trace Program

19335. (a) The Department of Food and Agriculture, in consultation with the bureau, shall establish a track and trace program for reporting the movement of medical marijuana items throughout the distribution chain that utilizes a unique identifier pursuant to Section 11362.777 of the Health and Safety Code and secure packaging and is capable of providing information that captures, at a minimum, all of the following:

(1) The licensee receiving the product.

(2) The transaction date.

(3) The cultivator from which the product originates, including the associated unique identifier, pursuant to Section 11362.777 of the Health and Safety Code.

(b) (1) The Department of Food and Agriculture shall create an electronic database containing the electronic shipping manifests which shall include, but not be limited to, the following information:

(A) The quantity, or weight, and variety of products shipped.

(B) The estimated times of departure and arrival.

(C) The quantity, or weight, and variety of products received.

(D) The actual time of departure and arrival.

(E) A categorization of the product.

(F) The license number and the unique identifier pursuant to Section 11362.777 of the Health and Safety Code issued by the licensing authority for all licensees involved in the shipping process, including cultivators, transporters, distributors, and dispensaries.

(2) (A) The database shall be designed to flag irregularities for all licensing authorities in this chapter to investigate. All licensing authorities pursuant to this chapter may access the database and share information related to licensees under this chapter, including social security and individual taxpayer identifications notwithstanding Section 30.

(B) The Department of Food and Agriculture shall immediately inform the bureau upon the finding of an irregularity or suspicious finding related to a licensee, applicant, or commercial cannabis activity for investigatory purposes.

(3) Licensing authorities and state and local agencies may, at any time, inspect shipments and request documentation for current inventory.

(4) The bureau shall have 24-hour access to the electronic database administered by the Department of Food and Agriculture.

(5) The Department of Food and Agriculture shall be authorized to enter into memoranda of understandings with licensing authorities for data sharing purposes, as deemed necessary by the Department of Food and Agriculture.

(6) Information received and contained in records kept by the Department of Food and Agriculture or licensing authorities for the purposes of administering this section are confidential and shall not be disclosed pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), except as necessary for authorized employees of the State of California or any city, county, or city and county to perform official duties pursuant to this chapter or a local ordinance.

(7) Upon the request of a state or local law enforcement agency, licensing authorities shall allow access to or provide information contained within the database to assist law enforcement in their duties and responsibilities pursuant to this chapter.

19336. (a) Chapter 4 (commencing with Section 55121) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the bureau's collection of the fees, civil fines, and penalties imposed pursuant to this chapter.

(b) Chapter 8 (commencing with Section 55381) of Part 30 of Division 2 of the Revenue and Taxation Code shall apply with respect to the disclosure of information under this chapter.

SEC. 15. Article 8 (commencing with Section 19337) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 8. Licensed Transporters

19337. (a) A licensee authorized to transport medical cannabis and medical cannabis products between licenses shall do so only as set forth in this chapter.

(b) Prior to transporting medical cannabis or medical cannabis products, a licensed transporter of medical cannabis or medical cannabis products shall do both of the following:

(1) Complete an electronic shipping manifest as prescribed by the licensing authority. The shipping manifest must include the unique identifier, pursuant to Section 11362.777 of the Health and Safety Code, issued by the Department of Food and Agriculture for the original cannabis product.

(2) Securely transmit the manifest to the bureau and the licensee that will receive the medical cannabis product. The bureau shall inform the Department of Food and Agriculture of information pertaining to commercial cannabis activity for the purpose of the track and trace program identified in Section 19335.

(c) During transportation, the licensed transporter shall maintain a physical copy of the shipping manifest and make it available upon request to agents of the Department of Consumer Affairs and law enforcement officers.

(d) The licensee receiving the shipment shall maintain each electronic shipping manifest and shall make it available upon request to the Department of Consumer Affairs and any law enforcement officers.

(e) Upon receipt of the transported shipment, the licensee receiving the shipment shall submit to the licensing agency a record verifying receipt of the shipment and the details of the shipment.

(f) Transporting, or arranging for or facilitating the transport of, medical cannabis or medical cannabis products in violation of this chapter is grounds for disciplinary action against the licensee.

19338. (a) This chapter shall not be construed to authorize or permit a licensee to transport or cause to be transported cannabis or cannabis products outside the state, unless authorized by federal law.

(b) A local jurisdiction shall not prevent transportation of medical cannabis or medical cannabis products on public roads by a licensee transporting medical cannabis or medical cannabis products in compliance with this chapter.

SEC. 16. Article 11 (commencing with Section 19348) is added to Chapter 3.5 of Division 8 of the Business and Professions Code, to read:

Article 11. Taxation

19348. (a) (1) A county may impose a tax on the privilege of cultivating, dispensing, producing, processing, preparing, storing, providing, donating, selling, or distributing medical cannabis or medical cannabis products by a licensee operating pursuant to this chapter.

(2) The board of supervisors shall specify in the ordinance proposing the tax the activities subject to the tax, the applicable rate or rates, the method of apportionment, if necessary, and the manner of collection of the tax. The tax may be imposed for general governmental purposes or for purposes specified in the ordinance by the board of supervisors.

(3) In addition to any other method of collection authorized by law, the board of supervisors may provide for the collection of the tax imposed pursuant to this section in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the county. A tax imposed pursuant to this section is a tax and not a fee or special assessment. The board of supervisors shall specify whether the tax applies throughout the entire county or within the unincorporated area of the county.

(4) The tax authorized by this section may be imposed upon any or all of the activities set forth in paragraph (1), as specified in the ordinance, regardless of whether the activity is undertaken individually, collectively, or cooperatively, and regardless of whether the activity is for compensation or gratuitous, as determined by the board of supervisors.

(b) A tax imposed pursuant to this section shall be subject to applicable voter approval requirements imposed by law.

(c) This section is declaratory of existing law and does not limit or prohibit the levy or collection of any other fee, charge, or tax, or a license or service fee or charge upon, or related to, the activities set forth in subdivision (a) as otherwise provided by law. This section shall not be construed as a limitation upon the taxing authority of a county as provided by law.

(d) This section shall not be construed to authorize a county to impose a sales or use tax in addition to the sales and use tax imposed under an ordinance conforming to the provisions of Sections 7202 and 7203 of the Revenue and Taxation Code.

SEC. 17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 18. The Legislature finds and declares that Section 14 of this act, which adds Section 19335 to the Business and Professions Code, thereby imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitation imposed under this act is necessary for purposes of compliance with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Sec. 1320d et seq.), the Confidentiality of Medical Information Act (Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code), and the Insurance Information and Privacy Protection Act (Article 6.6 (commencing with Section 791) of Part 2 of Division 1 of the Insurance Code).

SEC. 19. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 20. This act shall become operative only if Assembly Bill 266 and Assembly Bill 243 of the 2015-16 Session are enacted and take effect on or before January 1, 2016.

MEDICAL MARIJUANA REGULATION AND SAFETY ACT¹

What Cities Need to Know About the New Law and Cultivation

OVERVIEW

Here's what you need to know:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. **Local authority remains intact under the new law.**
- **State license required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation, transport or distribution – must have a State license².
- **State license not enough:** A medical marijuana business in any city may only operate if it has permission from the State and permission from the city (“dual licensing”).
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval of the State, a city may enforce State law.
- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operating without a State license.

CULTIVATION

Here's what you need to know:

If your city does **not** have a land use ordinance in place regulating or prohibiting the cultivation of marijuana, *either expressly or otherwise under the principles of permissive zoning*, or chooses not to administer a conditional permit program, then commencing **March 1, 2016**, the State Department of Food and Agriculture will be the sole licensing authority for medical marijuana cultivation applicants.

¹ AB 266 (Bonta, Cooley, Jones-Sawyer, Lack, Wood); AB 243 (Wood); and SB 643 (McGuire). Effective 1/1/2016.

² The Department of Consumer Affairs estimates it will begin issuing State licenses in January 2018. The Department of Food and Agriculture and the Department of Public Health also have licensing authority under the new law. Businesses operating in compliance with local ordinances will get priority in the State licensing application process.

October 27, 2015

CULTIVATION

Here's what you need to do:

Determine if your city fits within City #1 or City #2 as described below:

- **City #1:** Municipal Code that does not expressly prohibit nor expressly regulate cultivation of medical marijuana and is not a “permissive zoning” code. **Need to take action.**

ACTION REQUIRED: Adopt a land use ordinance regulating or prohibiting the cultivation of medical marijuana. The ordinance must be effective by February 28, 2016. The ordinance may be adopted as an “urgency ordinance,” or second reading must occur on or before January 29, 2016.

- **City #2:** Municipal Code that is a “permissive zoning” code and does not enumerate cultivation of medical marijuana as a permitted or conditional use. **Need to take action.**

ACTION REQUIRED: (1) Check and confirm that your city’s zoning code is adopted and implemented under the principles of permissive zoning. If not, take action recommended for City #1. (2) If confirmed, adopt a resolution that includes the following provisions:

- States that Health & Safety Code section 11362.777(b)(3) provides that the Department of Food and Agriculture may not issue a State license to cultivate medical marijuana within a city that prohibits cultivation under principles of permissive zoning;
- Re-affirms and confirms that the Zoning Code is adopted and operates under the principles of permissive zoning;
- States this means that cultivation of marijuana is not allowed within City #2 because it is not expressly permitted; and
- Therefore, the State is not allowed to issue a license for the cultivation of medical marijuana within City #2.

Be sure to consult with your city attorney before taking any of the actions recommended in this document.



MEDICAL MARIJUANA REGULATION AND SAFETY ACT¹

What Cities Need to Know About the New Law and Delivery Services

OVERVIEW

Here's what you need to know:

- **Local prohibition or regulation:** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions. **Local authority remains intact under the new law.**
- **State license required:** All medical marijuana businesses – dispensary sales, delivery service, cultivation, or transport – must have a State license².
- **State license not enough:** A medical marijuana business in any city may only operate if it has permission from the State **and** permission from the city (“dual licensing”).
- **Enforcement:** Revocation of local permission to operate means a medical marijuana business must terminate operation because the new law requires dual licensing. Upon approval of the State, a city may enforce State law.
- **State law penalties for unlicensed activity:** There are civil penalties and criminal penalties for operating without a State license.

DELIVERY

Here's what you need to know:

If a city does not expressly prohibit the delivery of medical marijuana within its jurisdiction, delivery will be allowed (with a State dispensary license). This means that if your city wishes to prohibit the delivery of medical marijuana within its jurisdiction, the city must adopt an ordinance expressly prohibiting delivery services and mobile dispensaries.

DELIVERY

Here's what you need to do:

- Determine whether your city currently bans delivery services for medical marijuana.
- If you have a ban, determine whether it is an express ban, or a ban enacted via permissive zoning (i.e., it is not listed in your zoning or other codes as a permitted activity within the city limits).
- If you have an express ban specifically identifying marijuana deliveries as a prohibited activity, you do not need to take further action.
- If you wish to prohibit delivery services but do not have an express ban, **you need to take further action.**

ACTION REQUIRED: Adopt an ordinance expressly banning deliveries within your jurisdiction. If you do not adopt an express ban ordinance before the State begins issuing any State licenses, a State-licensed dispensary will be able to deliver medical marijuana within your jurisdiction. You may adopt an ordinance expressly banning deliveries after the State begins to issue licenses. However, it may be difficult to terminate the State licensee's deliveries at that time. Therefore, best practice is for an ordinance to be in place before the State begins issuing State licenses. The State currently estimates that it will begin issuing dispensary licenses in January 2018, but that could certainly happen sooner.

- A ban enacted via permissive zoning is not an express ban.

Be sure to consult with your city attorney before taking any of the actions recommended in this document.

¹ AB 266 (Bonta, Cooley, Jones-Sawyer, Lack, Wood); AB 243 (Wood); and SB 643 (McGuire). Effective 1/1/2016.

² The Department of Consumer Affairs estimates it will begin issuing State licenses in January 2018. The Department of Food and Agriculture and the Department of Public Health also have licensing authority under the new law. Businesses operating in compliance with local ordinances will get priority in the State licensing application process.

Highlights of Zoning Ordinance Amendment 15-03

1. Revises the existing definition for medical marijuana dispensary contained in Section 20.04.505 of the Municipal Code as follows:

“Medical marijuana dispensary” means any for-profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana, or allows others to possess and distribute marijuana, to more than one (1) person such as a qualified patient, primary caregiver, or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq. A "medical marijuana dispensary" includes a "collective" or "cooperative" as described in Health and Safety Code Section 11362.775, **and includes an establishment that delivers marijuana to offsite locations.** A "medical marijuana dispensary" shall not include the following uses, provided that the location of such uses is permitted by the Signal Hill Municipal Code and that the uses comply with all applicable state laws including Health and Safety Code Section 11362.5 et seq.: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

2. Adds “mobile medical marijuana delivery services” to the prohibited medical marijuana dispensary use in Section 20.20.020, entitled Use Classifications as follows:

Miscellaneous Uses	CO	CTC	CG	CR	CI	LI	GI
Medical marijuana dispensary (including mobile delivery services)	X	X	X	X	X	X	X

3. Adds “mobile medical marijuana delivery services” to the prohibited medical marijuana dispensary use in all commercial and industrial zoning districts including specific plans.
4. Prohibits medical marijuana cultivation in all zoning districts including specific plan areas as follows:

Miscellaneous Uses	CO	CTC	CG	CR	CI	LI	GI
Medical marijuana cultivation	X	X	X	X	X	X	X

Highlights of Draft Ordinance Amendment 15-06

1. Add Section 9.50 to Title 9 prohibiting the delivery of medical marijuana and mobile medical marijuana dispensaries citywide:

Chapter 9.50

MOBILE MEDICAL MARIJUANA DISPENSARIES & DELIVERY SERVICES

Section 9.50.010 Definitions

“Mobile Medical Marijuana Dispensary” means any for-profit or not-for-profit group whether permanent or temporary, where the owner(s) or operator(s) intends to or does transport or deliver medical marijuana to offsite locations, or allows or arranges others to transport or deliver medical marijuana, to more than one (1) person such as a qualified patient, primary caregiver or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq. A "medical marijuana dispensary" includes a "collective" or "cooperative" as described in Health and Safety Code Section 11362.775.

“Medical Marijuana Delivery Service” means the same as mobile medical marijuana dispensary.

Section 9.50.020 Mobile medical marijuana dispensaries prohibited

Mobile medical marijuana dispensaries are prohibited. No person, group, firm, corporation, club or business shall operate, or allow to operate, any mobile medical marijuana dispensary within the City.

Section 9.50.030 Medical marijuana delivery services prohibited

- A. Medical marijuana delivery services are prohibited. No person, group, firm, corporation, club or business shall deliver medical marijuana to any location within the City, regardless of where the associated medical marijuana dispensary is located, or engage in any operation for this purpose.
- B. No person, group, firm, corporation, club or business shall deliver any product infused with medical marijuana such as baked goods or other consumable products to any location within the City, regardless of where the associated medical marijuana dispensary is located, or engage in any operation for this purpose.

Section 9.50.040 Public nuisance declaration

Operation of any mobile medical marijuana dispensary or medical marijuana delivery service within the City in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available means.

Section 9.50.050 Violations

Violations of this chapter may be enforced in accordance with the provisions of Chapter 8.12. A violation of this chapter is not subject to criminal penalties.



OFFICE OF THE CITY ATTORNEY
Long Beach, California

Attachment F
H-2

CHARLES PARKIN
City Attorney

December 8, 2015

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the hearing, and declare ordinance amending the Long Beach Municipal Code by adding Chapter 21.66; and by repealing Chapter 5.89, all relating to Medical Marijuana, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

On September 22, 2015, the City Council requested the City Attorney to draft a Medical Marijuana Ordinance that would be consistent with the newly enacted State legislation known as the Medical Marijuana Regulation and Safety Act ("MMRSA"). Council also requested that the Ordinance provide for:

- (1) Up to 9 dispensaries in the City;
- (2) Located in all zones, except those zoned exclusively for residential use; and
- (3) Subject to buffers of:
 - 1,500 feet from a public or private high school;
 - 1,000 feet from a public or private kindergarten, elementary, middle, or junior high school;
 - 1,000 feet from a public park;
 - 1,000 feet from a State licensed child care facility located on a commercial corridor;
 - 1,000 feet from a location identified by the Police Department to be a "human trafficking high crime corridor" (which has now been identified as Pacific Coast Highway between Santa Fe Avenue and Redondo Avenue, Anaheim Street between the 710 Freeway and Redondo Avenue, and Long Beach Blvd. between Victoria Street and the north City limits);
 - 1,000 feet from a public library; and
 - 1,000 feet from any other medical marijuana business.

The Ordinance was also to allow for medical marijuana cultivation in the City, although cultivation would not be a requirement, permit delivery services by a medical marijuana business that was otherwise permitted in the City, require a permittee to have in

MUNICIPAL EMPLOYEES

Gary J. Anderson
Dominic Holzhaus
Anne C. Lattime

MEMBERS

C. Geoffrey Allred
Richard F. Anthony
William R. Baerg
Kendra L. Carney
LaTasha N. Corry
Charles M. Gale
Haleh R. Jenkins
Michele L. Levinson
Barbara J. McTigue
Lauren E. Misajon
Howard D. Russell
Arturo D. Sanchez
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

place a "labor peace" agreement prior to commencing operations, and would require that a medical marijuana business apply for and obtain a Conditional Use Permit and Business License before engaging in a medical marijuana business in the City.

The Ordinance presented as part of this Agenda item does incorporate all of the provisions described above. In addition, the Ordinance is structured in such a way that an applicant/permittee would be required to obtain all necessary State licenses and permits when the new State regulations are fully implemented, which likely will not occur before March 2018. Failure to obtain required State licensing would subject a City permitted facility to a City initiated suspension or revocation procedure.

The draft Ordinance also provides for certain minimum operational standards in order to protect the public from nuisance related activities in and around a licensed medical marijuana premise. These provisions include a requirement to provide a "Neighborhood Safety and Responsibility Plan," a limit on the hours of operation from 8:00 a.m. to 7:00 p.m. (although delivery services could extend to 9:00 p.m.), the presence of security guards during normal business hours, a requirement for worker's compensation and public liability insurance, certain limitations on both on-site and off-site advertising, requirements related to odor elimination through ventilation requirements, requirements related to the testing of all medical marijuana products to ensure that they are pesticide and mold free, and otherwise uncontaminated, video recording systems to deter crime and assist the City in its tax collection efforts, a requirement that a business manager be on the premises during normal business hours, limits on the size of a medical marijuana business (dispensary site 2,000 square feet or less; cultivation site 5,000 square feet or less), packaging and labeling requirements for medical marijuana products, a requirement to provide fire and security alarm systems, and certain recordkeeping requirements.

In order to ensure the best possible operators in the City, the draft Ordinance establishes a "Priority Point System." This system will be used by City staff to evaluate, score, and rank all those who submit a complete application during a specified application period. Those receiving the highest ranking will have their application processed first, until the City established nine (9) Conditional Use Permits have been allocated. The "Priority Point System" has twenty (20) separate categories for which "points" can be awarded. The categories include such items as proximity to transportation hubs, exceedance of minimum buffer requirements, a superior security plan, a superior business plan, the lack of a criminal history by applicants, demonstration of service to the community, superior odor elimination systems, separation from residential areas, and staffing plans that will ensure safe dispensing, theft prevention and maintenance of confidential information, and demonstration that the Applicant was a successful lottery entrant in the City's September 2010 medical marijuana lottery. In the event of a tie between an applicant or applicants, priority processing will be determined by lottery.

The draft Ordinance will allow both residents and non-residents to obtain medical marijuana from a City permitted medical marijuana business provided that the patient is over the age of 21 and produces a recommendation from a State licensed medical provider. The Ordinance would also allow a CUP holder to provide delivery service both in the City of Long Beach and outside of the City, provided that deliveries outside the City could only be made in those cities that specifically allow such activities within their jurisdictions.

At the September 22, 2015, City Council meeting, Council also asked the City Attorney to "report back" as to whether any tax revenues generated by the sale of medical marijuana could be used to support parks and after school programs. In April 2014, the voters passed Measure "A" as a general business license tax on the sale or cultivation of

medical marijuana. This tax is now codified at Section 3.80.261 of the Municipal Code and will become effective if the Council repeals the ban on medical marijuana in the City and instead adopts a regulatory Ordinance. As a "general" as opposed to a "special" tax, revenues cannot be earmarked in advance for specific purposes such as park enhancements or after school programs. However, as general fund revenue to the City, the City Council may employ the funds generated by the medical marijuana tax on an annual basis for any general fund purpose, which could include park enhancements or after school programs among many other general fund purposes.

If the attached regulatory Ordinance is passed, it includes a provision that will repeal Chapter 5.89 of the Municipal Code, which was adopted by the City Council in 2012, in order to ban medical marijuana facilities in the City.


SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

CHARLES PARKIN, City Attorney

By



MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

Attach.

A15-02587

I:\apps\ctylaw32\wpdocs\d025\p024\00579963.docx

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY ADDING CHAPTER 21.66; AND BY
REPEALING CHAPTER 5.89, ALL RELATING TO
MEDICAL MARIJUANA

WHEREAS, the people of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 ("CUA") (codified in Health and Safety Code Section 11362.5, et seq.), which allows for the possession and cultivation of marijuana for medical use by certain qualified persons; and

WHEREAS, the CUA creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited circumstances; and

WHEREAS, in 2004, the State of California ("State") enacted Senate Bill 420, the Medical Marijuana Program Act ("MMPA") (codified in California Health and Safety Code Section 11362.7 et seq.), which purports to clarify the scope of the CUA, and also which recognizes the right of cities and other governing bodies to adopt and enforce rules and regulations consistent with the MMPA; and

WHEREAS, in 2015, the State of California passed the Medical Marijuana Regulation and Safety Act ("MMRSA") to provide a State framework for licensure and regulation of medical marijuana within the State, while continuing to recognize the authority of local governments to regulate or ban medical marijuana related activity within their respective jurisdictions; and

WHEREAS, notwithstanding the passage of the CUA and MMPA, and the MMRSA, the cultivation, possession, and distribution of marijuana is prohibited by federal law and specifically by the Controlled Substances Act ("CSA") (codified in 21

1 U.S.C. Section 841); and Section 841 of the CSA makes it unlawful for a person to
2 manufacture, distribute, dispense, or possess with intent to manufacture, distribute, or
3 dispense marijuana; and

4 WHEREAS, the regulations for medical marijuana uses are not yet
5 adequate at the State level to address the impacts on the City of medical marijuana,
6 making it appropriate for local regulation of the impacts of medical marijuana uses; and

7 WHEREAS, pursuant to the City's police powers authorized in Article XI,
8 Section 7, of the California Constitution, the Long Beach Municipal Code, and other
9 provisions of California law including, but not limited to California Government Code
10 Section 38771, the City has the power through its City Council to determine, for
11 purposes of the public health, safety, and welfare, the appropriate uses of land within a
12 local jurisdiction's borders; and

13 WHEREAS, nothing in this Chapter is intended to promote or condone the
14 production, distribution, or possession of marijuana in violation of any applicable law;
15 and

16 WHEREAS, this Chapter is to be construed to protect the general public's
17 health, safety and welfare over medical marijuana related interests; and

18 WHEREAS, operation of a medical marijuana dispensary is a revocable
19 privilege and not a right in the City. There is no property or vested right for an individual
20 or entity to have a medical marijuana business in the City; and

21 WHEREAS, the City has a zero tolerance policy for violations of this
22 Chapter or provisions of the State's MMRSA ; and

23 WHEREAS, the City Council wishes to repeal Chapter 5.89 of the
24 Municipal Code ("Medical Marijuana Dispensary Ban") in its entirety and at the same
25 time adopt regulations allowing for the limited existence of medical marijuana
26 dispensaries and related activities in the City of Long Beach in accordance with this
27 Chapter and the State's MMRSA.

28 NOW, THEREFORE, the City Council of the City of Long Beach ordains

1 as follows:

2 Section 1. Chapter 21.66 of the Long Beach Municipal Code is added
3 to read as follows:

4 Chapter 21.66

5 MEDICAL MARIJUANA

6
7 21.66.010 Purpose.

8 The primary purpose of this Chapter is to protect the public health,
9 safety, and welfare of the residents and patients of the City by prescribing the
10 manner in which medical marijuana dispensaries and related activities can
11 operate in the City.

12 Protection of the public shall be the highest priority for the City in
13 exercising its regulatory and disciplinary functions under this Chapter.
14 Whenever the protection of the public is inconsistent with other interests
15 sought to be promoted, the protection of the public shall be paramount. The
16 City intends that both this Chapter and the relevant provisions of the State
17 "MMRSA" shall apply in the regulation of medical marijuana activities in the
18 City.

19 This Chapter regulates the use, acquisition, cultivation, production, and
20 distribution of medical marijuana in a manner that is consistent with the State
21 Compassionate Use Act ("CUA"), the State Medical Marijuana Program Act
22 ("MMPA"), and the State Medical Marijuana Regulation and Safety Act
23 ("MMRSA"). The following regulations are intended to apply to all medical
24 marijuana business operations in the City whether by a patient or primary
25 caregiver, or a collective of patients, or any medical marijuana related entity
26 allowed under the State law. Medical marijuana distribution, cultivation, and
27 production can have an impact on health, safety and community resources,
28 and this Chapter is intended to allow medical marijuana distribution and

1 cultivation only where it will have a minimal impact. To do so, the following
2 regulations:

3 A. Provide for a means for cultivation, production, and
4 distribution of marijuana to patients who qualify to obtain, possess, and use
5 marijuana for medical purposes under the CUA, MMPA, and MMRSA.

6 B. Protect public health and safety through reasonable limitations
7 on medical marijuana business operations as they relate to noise, air, and
8 water quality, food safety, neighborhood and patient safety, security for the
9 dispensary location and its personnel, nuisance conditions, and other health
10 and safety concerns;

11 C. Promote lively street life and high quality neighborhoods by
12 limiting the concentration of medical marijuana businesses in the City;

13 D. Impose fees to cover the cost to the City of regulating medical
14 marijuana related operations in an amount sufficient for the City to recover
15 its related costs;

16 E. Adopt a mechanism to monitor compliance with the provisions
17 of this Chapter and State law;

18 F. Create regulations that address the particular needs of the
19 residents and patients of the City and coordinate with laws and regulations
20 that have been or may be enacted by the State regarding the same;

21 G. Facilitate the implementation of the CUA, MMPA, and
22 MMRSA without going beyond the authority granted to the City by them;

23 H. Allow medical marijuana related operations only by individuals
24 and entities that have demonstrated an intent and ability to comply with this
25 Chapter and State law;

26 I. Protect public safety and residential uses by limiting the
27 locations in the City where medical marijuana businesses may operate.
28

21.66.020 Definitions.

A. "Accrediting body" means a nonprofit organization that requires conformance to ISO/IEC 17025 requirements and is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement for Testing.

B. "Advertise" means the act of drawing the public's attention, whether in print or on the television, internet, cellular network, or radio, or any and all media now known or hereafter devised, to a medical marijuana business in order to promote the sale of medical marijuana by the business.

C. "Applicant" means the following:

1. The owner or owners of a proposed medical marijuana facility, including all persons or entities having an ownership interest in the facility.

2. If the owner is an entity, "owner" includes within the entity each person participating in the direction, control, or management of, or having a financial interest in, the proposed facility.

3. If the Applicant is a publicly traded company, "owner" means the chief executive officer or any person or entity with an aggregate ownership of five percent or more.

D. "Batch" means a specific quantity of medical marijuana or medical marijuana products that is intended to have uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

E. "Bureau" means the State Bureau of Medical Marijuana Regulation within the State Department of Consumer Affairs.

F. "Business manager" means the individual designated by the owner of the medical marijuana business as the person responsible for all operations of the business in the absence of the owner from the business

1 property. Business manager shall include any person with managerial
2 authority in the business, and any person that has access to lock or unlock
3 the safe, to unlock or lock the business, or set or disarm the alarm.

4 G. "Cannabinoid" or "phytocannabinoid" means a chemical
5 compound that is unique to and derived from cannabis.

6 H. "Cannabis" means all parts of the plant cannabis sativa,
7 Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not;
8 the seeds thereof; the resin; whether crude or purified, extracted from any
9 part of the plant; and every compound, manufacture, salt, derivative,
10 mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also
11 means the separated resin, whether crude or purified, obtained from
12 marijuana. "Cannabis" also means marijuana as defined in California Health
13 and Safety Code Section 11018. It does not include the mature stalks of
14 the plant, fiber produced from the stalks, oil or cake made from the seeds of
15 the plant, any other compound, manufacture, salt, derivative, mixture, or
16 preparation of the mature stalks (except the resin extracted therefrom),
17 fiber, oil, or cake, or the sterilized seed of the plant which is incapable of
18 germination. "Cannabis" does not mean "industrial hemp" as defined by
19 Section 81000 of the Food and Agricultural Code or Section 11018.5 of the
20 Health and Safety Code.

21 I. "Cannabis concentrate" means manufactured cannabis that
22 has undergone a process to concentrate the cannabinoid active ingredient,
23 thereby increasing the product's potency. An edible medical cannabis
24 product is not considered food, as defined by Section 109935 of the Health
25 and Safety Code, or a drug, as defined by Section 109925 of the Health
26 and Safety Code.

27 J. "Caregiver" or "primary caregiver" means the individual,
28 designated by a qualified patient or by a person possessing a valid

1 physician's written recommendation for medical marijuana, who has
2 consistently assumed responsibility for the housing, health, or safety of that
3 patient or person.

4 K. "Commercial cannabis activity" means cultivation, possession,
5 manufacture, processing, storing, laboratory testing, labeling, transporting,
6 distribution, or sale of medical cannabis or a medical cannabis product,
7 except as set forth in Business and Professions Code Section 19319,
8 related to qualifying patients and primary caregivers.

9 L. "Cultivation" or "cultivate" means any activity involving the
10 planting, growing, harvesting, drying, curing, grading, or trimming of
11 marijuana.

12 M. "Cultivation site" means a facility where medical cannabis is
13 planted, grown, harvested, dried, cured, graded, or trimmed, or that does all
14 or any combination of those activities, that holds a valid State license
15 pursuant to this chapter, and that holds a valid local license or permit.

16 N. "Delivery" means the commercial transfer of medical
17 marijuana or medical marijuana products from a dispensary, to a primary
18 caregiver or qualified patient, or a testing laboratory. "Delivery" also
19 includes the use by a dispensary of any technology platform owned and
20 controlled by the dispensary, or independently licensed under this Chapter,
21 that enables qualified patients or primary caregivers to arrange for or
22 facilitate the commercial transfer by a licensed dispensary of medical
23 marijuana or medical marijuana products.

24 O. "Dispensary" means a facility where medical marijuana,
25 medical marijuana products, or devices for the use of medical marijuana are
26 offered, either individually or in any combination, for retail sale, including an
27 establishment that delivers medical marijuana and medical marijuana
28 products as part of retail sale.

1 P. "Dispensing" means any activity involving the transfer of title
2 or possession, exchange or barter, conditional or otherwise, in any means
3 whatsoever, of tangible personal property for a consideration including any
4 monetary consideration of medical marijuana or medical marijuana products
5 from a dispensary, including but not limited to, membership dues,
6 reimbursements or total amount of cash or in-kind contributions.

7 Q. "Distribute" or "distribution" means the procurement, sale, and
8 transport of medical marijuana and medical marijuana products between
9 entities licensed by the State and permitted by the City in accordance with
10 this Chapter.

11 R. "Distributor" means a person licensed by the State to engage
12 in the business of purchasing medical marijuana from a licensed cultivator,
13 or medical marijuana products from a licensed manufacturer, for sale to a
14 licensed or permitted dispensary.

15 S. "Dried flower" means all dead medical cannabis that has been
16 harvested, dried, cured, or otherwise processed, excluding leaves and
17 stems.

18 T. "Edible cannabis product" means manufactured cannabis that
19 is intended to be used, in whole or in part, for human consumption,
20 including, but not limited to, chewing gum. An edible medical cannabis
21 product is not considered food as defined by Section 109935 of the Health
22 and Safety Code or a drug as defined by Section 109925 of the Health and
23 Safety Code.

24 U. "Financier" means any person or entity who lends money,
25 grants, donates, or otherwise provides assets to any person applying for a
26 permit or who has been issued a permit under this Chapter. Financier shall
27 not include a bank, savings and loan association, credit union, or industrial
28 bank supervised and regulated by an agency of the State or federal

1 government.

2 V. "Labor peace agreement" means an agreement between a
3 licensee or permittee and a bona fide labor organization that, at a minimum,
4 prohibits labor organizations and members from engaging in picketing, work
5 stoppages, boycotts, and any other economic interference with the
6 Applicant's business. This agreement means that the Applicant has agreed
7 not to disrupt efforts by the bona fide labor organization to communicate
8 with, and attempt to organize and represent, the Applicant's employees.
9 The agreement shall provide a bona fide labor organization access at
10 reasonable times to areas in which the Applicant's employees work, for the
11 purpose of meeting with employees to discuss their right to representation,
12 employment rights under State law, and terms and conditions of
13 employment. This type of agreement shall not mandate a particular method
14 of election or certification of the bona fide labor organization.

15 W. "Licensee" means a person issued a State and/or City license
16 or permit under this Chapter to engage in commercial cannabis activity.

17 X. "Licensing authority" means the City of Long Beach or the
18 State agency responsible for the issuance, renewal, or reinstatement of the
19 license, or the State agency authorized to take disciplinary action against
20 the license.

21 Y. "Live plants" means living medical cannabis flowers and
22 plants, including seeds, immature plants, and vegetative stage plants.

23 Z. "Lot" means a batch, or a specifically identified portion of a
24 batch, having uniform character and quality within specified limits. In the
25 case of medical cannabis or a medical cannabis product produced by a
26 continuous process, "lot" means a specifically identified amount produced in
27 a unit of time or a quantity in a manner that ensures its having uniform
28 character and quality within specified limits.

1 AA. "Manufactured cannabis" means raw cannabis that has
2 undergone a process whereby the raw agricultural product has been
3 transformed into a concentrate, an edible product, or a topical product.

4 BB. "Manufacturer" means a person that conducts the production,
5 preparation, propagation, or compounding of manufactured medical
6 cannabis, or medical cannabis products either directly or indirectly or by
7 extraction methods, or independently by means of chemical synthesis or by
8 a combination of extraction and chemical synthesis at a fixed location that
9 packages or repackages medical cannabis or medical cannabis products or
10 labels or relabels its container, that holds a valid State license, and that
11 holds a valid local license or permit.

12 CC. "Manufacturing site" means a location that produces,
13 prepares, propagates, or compounds manufactured medical cannabis or
14 medical cannabis products, directly or indirectly, by extraction methods,
15 independently by means of chemical synthesis, or by a combination of
16 extraction and chemical synthesis, and is owned and operated by a
17 licensee for these activities.

18 DD. "Medical cannabis," "medical cannabis product," or "cannabis
19 product" means a product, including edible or food type products,
20 containing cannabis, including, but not limited to, concentrates and
21 extractions, intended to be sold and consumed or used by medical
22 cannabis patients in California pursuant to the Compassionate Use Act of
23 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety
24 Code or the relevant provisions of the State MMRSA. For the purposes of
25 this Chapter, "medical cannabis" does not include "industrial hemp" as
26 defined by Section 81000 of the Food and Agricultural Code or
27 Section 11018.5 of the Health and Safety Code.

28 EE. "Medical marijuana business" means:

1 1. Any association of four (4) or more individuals that
2 cultivates, produces, manufactures, sells, distributes, possesses,
3 transports, delivers, or makes available medical marijuana to qualified
4 patients and their designated primary caregivers who associate at a
5 particular location or Property within the boundaries of the City of Long
6 Beach to collectively cultivate or distribute medical marijuana in accordance
7 with California Health and Safety Code Sections 11362.5, *et seq.*, the State
8 MMRSA, or this Chapter. For purposes of this Chapter, the term medical
9 marijuana cooperative, collective, facility, or dispensary shall have the same
10 meaning as medical marijuana business. Medical marijuana business
11 includes, but is not limited to, dispensary storefront locations, cultivation
12 facilities, and medical marijuana-infused product manufacturers.

13 2. Any person that cultivates, produces, sells, distributes,
14 possesses, transports or delivers more than six (6) mature marijuana plants
15 or twelve (12) immature marijuana plants, or eight (8) ounces of a useable
16 form of marijuana for medical use, pursuant to California Health and Safety
17 Code Section 11362.5, *et seq.*

18 3. The term medical marijuana business shall not include
19 the private possession, production, or medical use of no more than six (6)
20 mature marijuana plants or twelve (12) immature marijuana plants, or eight
21 (8) ounces of a useable form of marijuana by a patient or caregiver in the
22 residence of the patient.

23 FF. "Medical marijuana-infused product" means a marijuana-
24 infused, edible, ingestible, or inhalable product, including but not limited to
25 topical solutions and vaporizers.

26 GG. "Permit," "local license," or "local permit" means an official
27 document granted by the City that specifically authorizes a person to
28 conduct commercial cannabis activity in the City.

1 HH. "Person" means an individual, firm, partnership, joint venture,
2 association, corporation, limited liability company, estate, trust, business
3 trust, receiver, syndicate, or any other group or combination acting as a unit
4 and includes the plural as well as the singular number.

5 II. "Permittee" means the medical marijuana business named on
6 the Conditional Use Permit and business license, and all individuals named
7 in the Conditional Use Permit application or later reported to the City,
8 including without limitation, owners, business managers, financiers, and
9 individuals owning any part of an entity that holds a financial or ownership
10 interest in a medical marijuana business.

11 JJ. "Place open to the general public" means any property owned,
12 leased, or used by a public entity, and any place on private property open to
13 the public, common areas of buildings, private clubs, vehicles, those
14 portions of any private property upon which the public has an express or
15 implied license to enter or remain, and any place visible from such places.
16 "Place open to the general public" shall not include any fenced area of a
17 private residence regardless of whether it can be seen from a place open to
18 the public.

19 KK. "Possess" or "possession" means having physical control of
20 an object, or control of the property in which an object is located, or having
21 the power and intent to control an object, without regard to whether the one
22 in possession has ownership of the object. Possession may be held by
23 more than one (1) person at a time. Use of the object is not required for
24 possession. The owner of a medical marijuana business shall be
25 considered in possession of the medical marijuana business at all times.
26 The business manager of a medical marijuana business shall be
27 considered in possession of the medical marijuana business at all times
28 that the business manager is on the property of the business or has been

1 designated by the owner as the business manager in the absence of the
2 owner in accordance with this Chapter.

3 LL. "Property" means a distinct and definite location, which may
4 include a building, a part of a building, a room or any other defined
5 contiguous area.

6 MM. "Produce" or "production" means:

7 1. Preparing, compounding, processing, encapsulating,
8 packaging or repackaging, labeling or relabeling of marijuana or its
9 derivatives, whether alone or mixed with any amount of any other
10 substance; or

11 2. Combining marijuana with any other substance for
12 distribution, including storage and packaging for resale.

13 NN. "Responsible person" means any individual who is the owner,
14 partial owner, or occupant of real property, last registered owner and/or
15 legal owner of a vehicle, the holder, business manager, or the agent of the
16 holder of any permit, or the party or agent of a party to any agreement
17 covered by this Chapter; or the owner or authorized agent of any business,
18 company or entity subject to this Chapter.

19 OO. "Restricted area" means the portion of a medical marijuana
20 business location within which the licensee defines on its application it
21 intends to cultivate, distribute, possess or produce medical marijuana and
22 which area is clearly identified as the restricted area on the floor plan
23 submitted with the medical marijuana business CUP application for the
24 business.

25 PP. "State license," "license," or "registration" means a State
26 license issued by the State of California pursuant to the State's MMRSA for
27 the purpose of engaging in any form of commercial cannabis activity.

28 QQ. "Testing laboratory" means a facility, entity, or site in the State

1 that offers or performs tests of medical cannabis or medical cannabis
2 products and that is both of the following:

3 1. Accredited by an accrediting body that is independent
4 from all other persons involved in the medical cannabis industry in
5 the state.

6 2. Registered or licensed by the State pursuant to the
7 State's MMRSA.

8 RR. "Transport" means the transfer of medical cannabis or medical
9 cannabis products from the permitted business location of one licensee to
10 the permitted business location of another licensee, for the purposes of
11 conducting commercial cannabis activity as authorized by State law and
12 this Chapter.

13 SS. "Transporter" means a person issued a State license to
14 transport medical cannabis or medical cannabis products in an amount
15 above a threshold determined by the State between facilities that have
16 been issued a State license.

17 TT. "Violation of any law" means a conviction, whether by verdict
18 or finding of a violation of any law in a criminal, civil, or administrative
19 proceeding, whether part of a plea agreement, settlement agreement, or
20 determination by an arbitrator, hearing officer, court, or jury.

21
22 21.66.030 Permit required.

23 A. It shall be unlawful for any person or entity to operate, in or
24 upon any property, a medical marijuana business without first obtaining all
25 required State licenses and a Conditional Use Permit and business license
26 issued by the City. Although State issued licenses or permits are not
27 available at the time of the adoption of this Chapter, it is incumbent upon
28 the Applicant to apply for, and obtain, all necessary or relevant State

1 licenses or permits when they become available for issuance by the State.
2 Failure to obtain required State licenses or permits shall be grounds for
3 suspension or revocation of any permit or license issued by the City.

4 The permit requirement set forth in this Chapter shall be in
5 addition to, and not in lieu of any other licensing and permitting requirements
6 imposed by any other federal, State or local law, including, but not limited to,
7 building and occupancy permits, California seller's permit or other State
8 issued permits or licenses issued for the purpose of engaging in commercial
9 cannabis activities.

10 B. The issuance of any permit pursuant to this Chapter does not
11 create an exception, defense, or immunity to any person or entity from
12 criminal liability for the cultivation, production, distribution, transportation, or
13 possession of marijuana.

14 C. A single Conditional Use Permit shall be required for each
15 property from which an individual medical marijuana business operates.

16 D. A Conditional Use Permit issued pursuant to this Chapter
17 shall become null and void upon the closure of the business for more than
18 thirty (30) days, and/or the relocation of the business to a different location.

19 1. The following shall be deemed a change in location:

20 a. Any relocation or expansion that includes a
21 separate parcel of property, building suite, or parcel of land from the initially
22 permitted Property;

23 b. Any expansion of the initially permitted Property
24 which represents a greater than fifty percent (50%) increase in the square
25 footage of space devoted to the medical marijuana business operations,
26 including the restricted areas;

27 E. The lawful conduct of activity regulated by this Chapter shall
28 be limited to those activities expressly indicated on the medical marijuana

1 Conditional Use Permit application.

2 F. The Permittees of a medical marijuana business are only
3 those persons disclosed in the Conditional Use Permit application or
4 subsequently disclosed to the City in accordance with this Chapter. A
5 transfer of a Conditional Use Permit is prohibited. Anytime the transfer of
6 stock, assets, capital contribution and the like results in a change of
7 ownership of a medical marijuana business, a new Conditional Use Permit
8 and business license must be applied for and granted. Upon the date of
9 implementation of regulations by a State licensing authority, no person shall
10 engage in commercial cannabis activity or in the activities of a medical
11 marijuana business without possessing all applicable State licenses and all
12 applicable City permits and licenses. No person shall commence activity
13 under the authority of a State license until the person has obtained, in
14 addition to all applicable State licenses, a Conditional Use Permit and
15 business license from the City in accordance with the requirements of this
16 Chapter. Revocation of a State license shall constitute grounds for the City
17 to suspend or revoke any permit or license issued by the City.

18 G. A medical marijuana business that is operating in compliance
19 with this Chapter and other State and local requirements on or before
20 January 1, 2018, may continue its operations until its application for State
21 licensure is approved or denied pursuant to Business and Professions
22 Code Section 19321(c), or six (6) months from the time licensing
23 procedures are adopted by the State, whichever is first, unless good cause
24 is established by the medical marijuana business that the time periods set
25 forth herein should be extended.

26
27 21.66.035 General permit provisions.

28 A. The general procedures and requirements set forth in Chapter

1 21.25, "Conditional Use Permits," shall apply to Conditional Use Permits
2 issued pursuant to this Chapter. To the extent there is any conflict between
3 the provisions of this Chapter and Chapter 21.25, the provisions of this
4 Chapter shall control for Conditional Use Permits related to medical
5 marijuana businesses.

6 B. Insurance required.

7 A medical marijuana business must at all times maintain workers'
8 compensation insurance as required by the California Labor Code and
9 employers liability insurance in an amount not less than \$1,000,000. This
10 policy shall be endorsed to state that the insurer waives its right of
11 subrogation against the City, its boards and commission, and its officials,
12 employees, and agents. Public liability insurance with minimum limits of
13 \$250,000 for any one person and \$1,000,000 for any one accident, and public
14 property damage insurance with a minimum limit of \$500,000 for any one
15 accident, must be maintained at all times.

16 C. Costs to regulate medical marijuana activities.

17 1. The City will incur costs in the administration of medical
18 marijuana activities including the issuance of a permit or license, inspection,
19 enforcement, tax collection, auditing, and costs of litigation, including
20 attorney's fees and related costs to regulate licensed and permitted medical
21 marijuana businesses. A regulatory fee in order to recoup said costs from
22 licensed and permitted medical marijuana businesses may be established
23 by the City Council by resolution.

24 2. In the event of failure to pay an established regulatory
25 fee, a Conditional Use Permit or business license may be revoked or
26 suspended.

27 D. Costs of inspection, enforcement, and abatement.

28 1. In the event the City incurs costs in the inspection,

1 enforcement, revocation, abatement, or any other requirements to remove a
2 medical marijuana business or related equipment, the medical marijuana
3 business and all responsible persons shall reimburse the City for all actual
4 costs incurred by the City for such inspection, enforcement, or abatement,
5 including costs of litigation and attorney's fees.

6 2. All actual costs required by this Section shall constitute
7 a lien upon the property upon which the medical marijuana business is
8 situated. The lien for any inspection, enforcement, or abatement costs shall
9 attach thirty (30) days after the responsible parties are notified of the costs,
10 and shall remain until the costs are paid or the property is sold in payment
11 thereof.

12 E. Landlord duty.

13 It shall be unlawful for the owner of a building to lease space or allow
14 the use of any portion of a building by a medical marijuana business unless
15 the tenant has a valid Conditional Use Permit and a valid business license, or
16 has applied for and not been denied, a Conditional Use Permit and/or
17 business license and no marijuana is located on the property until all
18 applicable permits have been issued by the City.

19
20 21.66.040 Conditional Use Permit application.

21 A. Application requirements.

22 In addition to the general Conditional Use Permit application
23 requirements of Chapter 21.25, an application for a Conditional Use Permit to
24 operate a medical marijuana business shall include completed forms provided
25 by the City for that purpose. The Applicant shall use the application to
26 demonstrate its compliance with this Chapter and any other applicable law,
27 rule, or regulation. The application shall include the following information:

28 1. Name and address of the owner or owners of the medical

1 marijuana business in whose name the permit is proposed to be issued.

2 2. If an owner is a corporation, the name and address of all
3 officers or directors of the corporation and of any person holding issued and
4 outstanding capital stock of the corporation.

5 3. If an owner is a partnership, association, or company, the
6 name and address of any person holding an interest therein and the
7 managing members. If a managing member is an entity rather than an
8 individual, the same disclosure shall be required for each entity with an
9 ownership interest until a managing member that is a natural person is
10 identified.

11 4. If an owner is not a natural person, the organizational
12 documents for all entities identified in the application, identification of the
13 natural person that is authorized to speak for the entity and contact
14 information for that person.

15 5. Name and address of:

16 a. Any business managers of the medical
17 marijuana business, if the business manager is proposed to be someone
18 other than the owner;

19 b. All financiers of the medical marijuana business;
20 and

21 c. All agents of the medical marijuana business who
22 either:

23 (i) act with managerial authority,
24 (ii) provide advice to the medical marijuana
25 business for compensation, or

26 (iii) receive periodic compensation totaling
27 one thousand dollars (\$1,000.00) or more in a single year for services related
28 to the medical marijuana business.

1 6. A statement indicating whether any of the named owners,
2 members, business managers, financiers, primary caregivers, or persons
3 named on the application have been:

4 a. Denied an application for a Conditional Use Permit
5 pursuant to this Chapter, or any similar state or local licensing or permitting
6 law, rule, or regulation, or had such a license or permit suspended or
7 revoked.

8 b. Convicted of violating any law, other than a traffic
9 violation infraction, or completed any portion of a sentence due to a violation
10 of any law.

11 c. Convicted of driving or operating other machinery
12 under the influence of alcohol, drugs, or medication, driving while impaired, or
13 any comparable law, or a misdemeanor related to abuse of alcohol or a
14 controlled substance.

15 d. Owners, members, business managers, or
16 financiers of any other medical marijuana business in any location, Long
17 Beach or otherwise, at any time, and the status of the other business(es) as
18 of the date the application is submitted.

19 7. Proof of ownership or legal possession of the Property at
20 which the medical marijuana business will be located. If the medical
21 marijuana business is not the owner of the property of the business, the
22 Applicant shall provide written authorization to the City from the property
23 owner to enter the property for inspection of the property on a form approved
24 by the City as well as an acknowledgement from the owner that the Applicant
25 has the owner's permission and consent to operate a medical marijuana
26 business at the subject property.

27 8. A certificate for proof of insurance signed by a qualified
28 agent of an insurance company evidencing the existence of valid and

1 effective policies of workers' compensation and public liability and property
2 damage insurance naming the City and its officers and employees as an
3 additional named insured on the liability policy at least to the limits required by
4 Section 21.66.035(B) of this Chapter, the limits of each policy, the policy
5 number(s), the name of the insurer, the effective date, and expiration date of
6 each policy, and a copy of an endorsement placed on each policy requiring
7 ten days' notice by mail to the owner or business manager before the insurer
8 may cancel the policy for any reason.

9 9. An operating plan for the proposed medical marijuana
10 business, including the following information:

11 a. A description of all the products and services to
12 be provided by the medical marijuana business.

13 b. A schedule depicting the hours of operation.

14 c. A description of the procedures for cash
15 handling and audits.

16 d. A dimensioned floor plan, clearly labeled, showing:

17 (i) The layout of the facility and the floor plan
18 in which the medical marijuana business is to be located;

19 (ii) The principal uses of the floor area depicted
20 on the floor plan, including but not limited to the areas where non-patients will
21 be permitted, private consulting areas, storage areas, retail areas, areas for
22 cash handling and storage, and restricted areas where medical marijuana will
23 be located; and

24 (iii) Electrical, mechanical, plumbing, disabled
25 access compliance pursuant to Title 24 of the State of California Code of
26 Regulations and the federally mandated Americans with Disabilities Act;

27 (iv) The separation of the areas that are open
28 to persons who are not patients from those areas open to patients; and

1 (v) Any other information required by the City
2 in its review of the application.

3 e. A neighborhood safety and responsibility plan
4 that demonstrates how the Applicant will comply with the requirements of
5 this Chapter and abate associated crime and nuisance conditions in the
6 immediate vicinity of the marijuana business, and how the business will
7 fulfill its responsibilities to the neighborhood including outreach and dispute
8 resolution.

9 f. For cultivation facilities, and medical marijuana
10 businesses that produce medical marijuana-infused products, a plan that
11 specifies:

12 (i) The methods to be used to prevent the
13 growth of harmful mold and compliance with limitations on discharge into
14 the wastewater system of the City as set forth in Long Beach Municipal
15 Code Chapter 15.16, "Industrial Waste and Wastewater."

16 (ii) A minimum of a one-hour fire separation
17 wall between a cultivation facility and any adjacent business.

18 (iii) All ventilation systems used to control the
19 environment for the plants that describes how such systems operate with
20 the systems preventing any odor leaving the property. Such plan shall also
21 include all ventilation systems used to mitigate noxious gases or other
22 fumes used or created as part of the production process.

23 g. A business plan which must include, but is not
24 limited to, the following information.

25 (i) Information that demonstrates the
26 prospective owner or owners' thorough understanding of medical marijuana
27 business operations, local market conditions, and inherent financial and
28 non-financial risks in operating a medical marijuana business in the City.

(ii) Information regarding revenue projections, sales forecast, inventory and timeline for breaking even from initial capital contribution.

(iii) Information regarding verifiable capital reserve levels, lines of credit, bank statements showing adequate resources for start-up costs, as well as on- going operations until a break -even point is achieved.

(iv) Information regarding the owner(s) or business manager(s) resume demonstrating skills, knowledge and experience owning and/or managing prior businesses.

10. A State seller's permit issued to the Applicant pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

B. Additional requirements.

1. A lighting plan showing the lighting outside of the marijuana business and compliance with applicable City requirements.

2. Color images and a site plan indicating locations of proposed signage.

3. A fully legible copy of one valid government issued form of photo identification, such as a State Driver's License or Identification Card and Livescan fingerprinting completed at the Long Beach Police Department. This requirement shall apply to all owners, business managers, financiers, and caregivers employed by, or under contract to provide services to, the medical marijuana business, including all individuals who have an interest as described herein of any portion of the medical marijuana business, directly or as an agent, or a member, partner or officer of a corporation, partnership, association or company.

4. A plan for disposal of any medical marijuana or medical

1 marijuana-infused product that is not sold to a patient or primary caregiver in
2 a manner that protects any portion thereof from being possessed or ingested
3 by any person or animal.

4 5. A plan for ventilation of the medical marijuana business
5 that describes the ventilation systems that will be used to prevent any odor of
6 medical marijuana off the property of the business.

7 6. A description of all toxic, flammable, or other materials
8 regulated by a federal, State, or local government that would have authority
9 over the business if it was not a marijuana business, that will be used or kept
10 at the medical marijuana business, the location of such materials, and how
11 such materials will be stored, subject to review and approval by the Long
12 Beach Fire Department or designee.

13 7. A statement of the amount of the projected daily average
14 and peak electric load anticipated to be used by the business and certification
15 from the landlord and utility provider that the property is equipped to provide
16 the required electric load, or necessary upgrades that will be performed prior
17 to final inspection of the property.

18 8. A description of the point of sale software the medical
19 marijuana business will utilize to track inventory and sales of medical
20 marijuana.

21 9. A statement signed under penalty of perjury by each
22 owner or business manager that they have read, understand, and shall
23 ensure compliance with the terms of this Chapter.

24 C. Fee required.

25 Any application for a Conditional Use Permit shall be accompanied by
26 the Conditional Use Permit application fee, criminal background check ("Live
27 Scan") fee, and any other applicable fees established by the City Council by
28 resolution.

1. Investigation.

For purposes of this Chapter, the investigation of the application by the City is not complete until the Department of Development Services has:

- a. Determined the application is complete;
- b. Determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws;
- c. Obtained all other information the Director determines necessary to make a recommendation whether to approve the permit application with conditions, or deny the permit application; and
- d. Prepared the documentation necessary to support the recommended action to the City's Planning Commission and City Council.

2. Approval requirements.

- a. Once the Department of Development Services deems an application complete, the matter will be set for hearing in accordance with Chapter 21.21 of the Long Beach Municipal Code.
- b. The Director will deny any application that does not meet the requirements of this Chapter or any other applicable law, rule, or regulation or that contains any false or incomplete information.
- c. The conditions of an approval issued as part of the Conditional Use Permit process shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

21.66.050 Persons prohibited as Permittees and business managers.

It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no

1 permit provided by this Chapter shall be issued to or held by, and no medical
2 marijuana business shall be managed by:

- 3 1. Any person until all required fees have been paid;
- 4 2. Any person who has been convicted within the previous
5 ten (10) years of a felony or a crime of moral turpitude, or who is currently on
6 parole or probation for the sale or distribution of a controlled substance;
- 7 3. Any person who is under twenty-one (21) years of age; or
- 8 4. Any person who operates or manages or has operated or
9 managed a medical marijuana business contrary to the provisions of this
10 Chapter, any other applicable law, rule or regulation or conditions imposed on
11 land use or license approvals, or contrary to the terms of the plans submitted
12 with the permit application, or amended as permitted by this Chapter.
- 13 5. A licensed physician making patient recommendations;
- 14 6. A person permitted to operate pursuant to this Chapter
15 who, while lawfully operating, or who, at the time of application, has failed to
16 remedy an outstanding delinquency for taxes or fees owed, or an outstanding
17 delinquent judgment owed to the City;
- 18 7. A sheriff, deputy, police officer, or prosecuting officer, or
19 an officer or employee of the State or City of Long Beach;
- 20 8. Any person applying for a Conditional Use Permit to
21 operate a medical marijuana business who is currently permitted to operate
22 another medical marijuana business in the City pursuant to this Chapter.

23
24 21.66.060 Location of medical marijuana businesses.

25 A. Fixed location required.

26 It shall be unlawful to operate a medical marijuana business or to grow
27 medical marijuana outside of an enclosed building. All Conditional Use
28 Permits shall be issued for a specific fixed location within an enclosed

1 building.

2 B. Location – permitted use in zoning district.

3 No Conditional Use Permit may be issued for a medical marijuana
4 business located in an area zoned exclusively for residential use.

5 C. Conditional Use Permit Numerical Limits.

6 No more than nine (9) medical marijuana business Conditional Use
7 Permits may operate within the City at any one time.

8 D. Priority of medical marijuana business location.

9 1. Each Application submitted and deemed complete by the
10 Department of Development Services during a specified application period
11 will be evaluated for priority for processing based on certain criteria set forth
12 in a Priority Point System established pursuant to this Section. All
13 applications so evaluated and scored will be ranked from the most to the least
14 points. Applications for any available Conditional Use Permit will be
15 processed based upon this ranking.

16 a. Suitability of the proposed property:

17 (i) Applicant demonstrates proposed
18 location exceeds all buffer zones established in Subsection (F) by at least
19 five hundred (500) feet (1 point);

20 (ii) Proposed property possesses air scrubbers
21 or a filtration system capable of eliminating odors from escaping the building
22 or commitment to do so before operating (1 point);

23 (iii) Proposed property is located within one
24 thousand (1000) feet of a public transportation hub, stop, or station (1 point);

25 (iv) Proposed property is located at least
26 three hundred (300) feet from any residential zones. (1 point)

27 b. Suitability of security plan:

28 (i) The Applicant's security plan includes the

1 presence of security personnel on premises twenty-four (24) hours per day
2 (1 point);

3 (ii) The Applicant's security plan demonstrates
4 a method to track and monitor inventory so as to prevent theft or diversion of
5 marijuana (1 point);

6 (iii) The Applicant's security plan describes the
7 enclosed, locked facility that will be used to secure or store marijuana when
8 the location is both open and closed for business, and the steps taken to
9 ensure marijuana is not visible to the public (1 point);

10 (iv) The Applicant's security plan includes
11 measures to prevent the diversion of marijuana to persons under the age of
12 twenty-one (21) (1 point);

13 (v) Applicant demonstrates security measures
14 exceeding the requirements of this Chapter, including but not limited to brick
15 or concrete construction or additional fire and/or security alarms (1 point);

16 c. Suitability of business plan and financial record
17 keeping:

18 (i) The Applicant describes a staffing plan
19 that will provide and ensure safe dispensing, adequate security, theft
20 prevention, and the maintenance of confidential information (1 point);

21 (ii) Applicant provides an operations manual
22 that demonstrates compliance with this Chapter (1 point);

23 (iii) The Applicant provides a business plan
24 that demonstrates a strong financial plan, industry knowledge and
25 experience and adequate resources for start-up costs and ongoing
26 operations (1 point).

27 d. Criminal history:

28 (i) Applicants without any felony

conviction(s) (1 point);

(ii) Applicants without any misdemeanor conviction(s) (1 point);

(iii) Applicants without any pending criminal complaint(s) (1 point);

(iv) Applicants certify as a condition of maintaining the revocable Conditional Use Permit that they will not employ any person with any type of felony conviction (1 point);

(v) Applicants certify as a condition of maintaining the revocable Conditional Use Permit that they will not employ as managers or employees any person with any narcotics related misdemeanor conviction (1 point).

e. Regulatory compliance history:

(i) Applicants and financiers have not had a permit or license revoked by the City of Long Beach (1 point);

(ii) Applicants have not had administrative penalties assessed against their business or the location of their business (1 point);

(iii) Applicants were successful lottery entrants in the City's September 10, 2010 application process (1 point).

f. Community service:

(i) Applicants demonstrate involvement in the community, other non-profit association, or neighborhood association (1 point).

2. In the event review of the applications of two (2) or more eligible medical marijuana business applicants results in the same total number of points assigned, the City will utilize a lottery to determine which Applicant receives priority.

1 E. It shall be unlawful to operate a medical marijuana business in
2 a dwelling unit within any zoning district.

3 F. Separation from schools, parks, and other medical marijuana
4 uses.

5 The property identified in the Conditional Use Permit application must
6 be located in accordance with the following:

7 1. The medical marijuana business is not located within
8 one thousand five hundred (1,500) feet of a public or private high school or
9 Educational Partnership High School ("EPHS"), even if said high school is
10 physically located outside the boundaries of the City of Long Beach; or
11 within one thousand (1,000) feet of a public or private kindergarten,
12 elementary, middle, or junior high school, even if said school is located
13 outside the boundaries of the City of Long Beach; or within one thousand
14 (1,000) feet of a public park; or within one thousand (1,000) feet of State
15 licensed child care facilities located on commercial corridors; or within one
16 thousand (1,000) feet of a public library; or within one thousand (1,000) feet
17 of a location identified by the Police Department to be a human trafficking
18 high crime corridor; or the medical marijuana business is not located within
19 one thousand (1,000) feet of any other medical marijuana business;

20 2. The distances specified in this Subsection shall be
21 determined by the horizontal distance measured in a straight line from the
22 property line of the school, park, medical marijuana business or other
23 buffered use, to the closest property line of the lot on which the medical
24 marijuana business is located, without regard to intervening structures.

25 21.66.070 Limitations on medical marijuana businesses.

26 The following shall be the minimum requirements for a medical
27 marijuana business:
28

1 A. The area of a medical marijuana business dispensary is two
2 thousand (2,000) square feet or less and at least five hundred (500) square
3 feet are dedicated to a lobby and/or waiting area;

4 B. The area of a medical marijuana business cultivation site is
5 five thousand (5,000) square feet or less;

6 C. The business distributes, dispenses, delivers or transports
7 medical marijuana only in accordance with this Chapter and State law; and

8 D. The business includes a secured and locked medical
9 marijuana dispensary room, one or more private rooms for consultation on
10 the medical use of marijuana, and a separate reception area for screening
11 of patients and waiting for non-patients.

12
13 21.66.080 Requirements related to operation of medical marijuana
14 businesses.

15 A. Onsite use prohibited.

16 No marijuana shall be smoked, eaten, or otherwise consumed or
17 ingested within the medical marijuana business.

18 B. Restriction on access to restricted area.

19 No person, other than a patient, licensee, employee, or a contractor
20 shall be in the medical marijuana dispensary room. No patient shall be
21 allowed entry into the medical marijuana dispensary room without showing
22 a valid State issued picture Driver License or Identification.

23 C. Display of permits required.

24 The name and contact information for the owner or owners and any
25 business manager of the medical marijuana business, the Conditional Use
26 Permit, the business license, and the sales tax seller's permit shall be
27 conspicuously posted in the business.

28 D. Business conducted within building.

1 1. Any and all cultivation, production, distribution,
2 possession, storage, display, sales or other distribution of marijuana shall
3 occur only within an enclosed area of a medical marijuana business and
4 shall not be visible from the exterior of the business.

5 2. Consultations by medical professionals shall not be
6 permitted at a medical marijuana business nor as a permitted accessory use
7 at a medical marijuana business.

8 E. Owner or business manager required on property.

9 No medical marijuana business shall be managed by any person
10 other than the Permittee or the business manager listed on the application
11 for the permit or a renewal thereof. Such Permittee or business manager
12 shall be on the property and responsible for all activities within the licensed
13 business during all times when the business is open.

14 F. Hours of operation.

15 A medical marijuana business shall be closed to the public, and no
16 sale or other distribution of marijuana shall occur upon the property
17 between the hours of seven o'clock (7:00) p.m. and eight o'clock (8:00) a.m.

18 G. Use of pesticides.

19 No pesticides or insecticides which are prohibited by federal, State,
20 or local law for fertilization or production of edible produce shall be used on
21 any marijuana cultivated, produced or distributed by a medical marijuana
22 business. A medical marijuana business shall comply with all applicable
23 federal, State, and local laws regarding use and disposal of pesticides.

24 H. Ventilation required.

25 A medical marijuana business shall be ventilated so that the odor of
26 marijuana cannot be detected at the exterior of the medical marijuana
27 business or at any adjoining use or property.

28 I. Use of carbon dioxide generators prohibited.

1 The medical marijuana business shall not use carbon dioxide
2 generators, burners, or converters of any kind. Medical marijuana
3 businesses are prohibited from altering normal air composition in any
4 manner.

5 J. Limitations on inventory.

6 The medical marijuana business shall not maintain any more
7 marijuana within the property than is permitted under applicable State law.
8 The medical marijuana business shall maintain current records evidencing
9 the status and number of patients for whom they cultivate or dispense
10 medical marijuana. The medical marijuana business shall maintain current
11 records evidencing the strains of marijuana cultivated or sold.

12 K. Reporting requirements.

13 A medical marijuana business shall report to the City each of the
14 following within the time specified. If no time is specified, the report shall be
15 provided within twenty-four (24) hours of the event.

16 1. Transfer or change of financial interest, business
17 manager, financier, or primary caregiver in the permit application at least
18 thirty (30) days before the transfer or change. (Report to the Director of
19 Development Services or designee.)

20 2. Sales and taxable transactions and file sales and use
21 tax reports to the City monthly. (Report to the Director of Financial
22 Management or designee.)

23 3. A violation of any law by any Permittee or Applicant of
24 a medical marijuana business. (Report to the Director of Development
25 Services or designee.)

26 4. Diversion, theft, loss, or any criminal activity involving
27 the dispensary or any agent or employee of the dispensary. (Report to the
28 Chief of Police or designee.)

1 5. The loss or unauthorized alteration of records related to
2 cannabis, registered qualifying patients, primary caregivers, or dispensary
3 employees or agents. (Report to the Director of Development Services or
4 designee.)

5 6. Any other breach of security. (Report to the Director of
6 Development Services or designee.)

7 L. Cultivation.

8 1. All medical marijuana distributed from a medical
9 marijuana business must be cultivated in accordance with State law.

10 2. Cultivation in the City of Long Beach is permitted subject
11 to the relevant provisions of this Chapter and only if a Conditional Use Permit
12 authorizing such activity has been obtained. At such time that the State issues
13 cultivation licenses pursuant to the State's MMRSA, a permittee must also
14 apply for and obtain all applicable State cultivation licenses. Failure to obtain
15 a State cultivation license shall be grounds for suspending or revoking a
16 Conditional Use Permit issued pursuant to this Chapter.

17 3. This Section does not apply to a qualified patient
18 cultivating marijuana pursuant to Health and Safety Code Section 11362.5 if
19 the area he or she uses to cultivate marijuana does not exceed twenty (20)
20 square feet and he or she cultivates marijuana for his or her personal medical
21 use and does not sell, distribute, donate, or provide marijuana to any other
22 person or entity. This Section does not apply to a primary caregiver
23 cultivating marijuana pursuant to Section 11362.5 if the area he or she uses
24 to cultivate marijuana does not exceed fifty (50) square feet and he or she
25 cultivates marijuana exclusively for the personal medical use of no more than
26 five (5) specified qualified patients for whom he or she is the primary
27 caregiver within the meaning of Health and Safety Code Section 11362.7 and
28 does not receive remuneration for these activities, except for compensation

1 provided in full compliance with subdivision (c) of Health and Safety Code
2 Section 11362.765.

3 M. Transportation and delivery of medical marijuana.

4 It shall be unlawful for any person to transport medical marijuana,
5 except as specifically allowed by this Chapter and State law. Transport or
6 delivery activities shall comply with all of the following:

7 1. All medical marijuana-infused products are hand-
8 packaged, sealed and labeled, and the products stored in closed containers
9 that are labeled as provided in this Section.

10 2. All medical marijuana in a usable form for medicinal
11 use is packaged and stored in closed containers that are labeled as
12 provided in this Section.

13 3. Each container used to transport or deliver medical
14 marijuana is labeled with the amount of medical marijuana or medical
15 marijuana-infused products, or the number and size of the plants, in the
16 container. The label shall include the name and address of the medical
17 marijuana business that the medical marijuana is being transported or
18 delivered from and the name and address of the medical marijuana
19 business or individual that the medical marijuana is being transported to.
20 The label shall be shown to any law enforcement officer who requests to
21 see the label.

22 4. An individual transporting medical marijuana items
23 must have a valid California Driver's License and shall use a vehicle for
24 transport that is insured at or above the legal requirement in California;
25 capable of securing (locking) the medical marijuana during transportation;
26 and capable of being temperature controlled if perishable medical
27 marijuana is being transported.

28 5. A permitted medical marijuana dispensary may deliver

1 medical marijuana only to a residence in Long Beach or to a City outside of
2 the City of Long Beach that specifically permits, by ordinance, the delivery
3 of medical marijuana to that City by an outside vendor or outside medical
4 marijuana business. For purposes of this rule, "residence" means a
5 dwelling such as a house or apartment but does not include a dormitory,
6 hotel, motel, bed and breakfast or similar commercial business.

7 6. Delivery Approval. The medical marijuana dispensary
8 must specify home delivery services in its application for a Conditional Use
9 Permit and the Conditional Use Permit shall set forth conditions related to
10 the home delivery service.

11 7. Bona Fide Orders.

12 a. A bona fide order must be received by a permitted
13 dispensary from the individual requesting delivery, before 4:00 p.m. on the
14 day the delivery is requested;

15 b. The bona fide order must contain:

16 i. The individual requestor's name, date of
17 birth, the date delivery is requested and the address of the residence where
18 the individual would like the items delivered;

19 ii. A document that describes the marijuana
20 proposed for delivery and the amounts; and

21 iii. A written statement that the marijuana is for
22 medical use only and not for the purpose of resale.

23 8. Delivery Requirements.

24 a. Deliveries must be made before 9:00 p.m. local
25 time and may not be made between the hours of 9:00 p.m. and 8:00 a.m.
26 local time;

27 b. The medical marijuana dispensary may only
28 deliver to the individual who placed the bona fide order and only to individuals

1 who are twenty-one (21) years of age or older, and who are able to provide to
2 the delivery service a valid medical marijuana recommendation from a
3 licensed medical doctor authorized by State law to issue recommendations;

4 c. At the time of delivery the individual performing
5 delivery must check the identification of the individual to whom delivery is
6 being made in order to determine that it is the same individual who submitted
7 the bona fide order, that the individual is twenty-one (21) years of age or
8 older, and must require the individual to sign a document indicating the
9 medical marijuana products were received;

10 d. A medical marijuana dispensary may not deliver
11 medical marijuana to an individual who is visibly intoxicated at the time of
12 delivery, or who cannot provide a valid medical marijuana recommendation
13 from a licensed medical doctor authorized by State law to issue
14 recommendations, or to an individual who fails to provide a valid State issued
15 identification verifying that the person is twenty-one (21) years of age or older;

16 e. Deliveries may not be made more than once per
17 day to the same physical address or to the same individual;

18 f. Marijuana items delivered to an individual's
19 residence must:

20 i. Comply with all packaging and labeling
21 regulations established by this Chapter or the State of California.

22 ii. Be placed in a larger delivery receptacle
23 that has a label that reads: "Contains marijuana: Signature of person
24 21 years of age or older required for delivery."

25 g. A retailer may not carry or transport at any one
26 time more than a total of one thousand dollars (\$1,000) in retail value worth of
27 marijuana items designated for retail delivery;

28 h. All marijuana items must be kept in a lock-box

1 securely affixed inside the delivery vehicle;

2 i. A manifest must be created for each delivery or
3 series of deliveries and the individual doing the delivery may not make any
4 unnecessary stops between deliveries or deviate substantially from the
5 manifest route.

6 9. Documentation Requirements. A medical marijuana
7 dispensary must document the following regarding deliveries:

8 a. The bona fide order and the date and time it was
9 received by the retailer;

10 b. The date and time the medical marijuana items
11 were delivered;

12 c. A description of the medical marijuana that was
13 delivered, including the weight or volume and price paid by the consumer;

14 d. Who delivered the medical marijuana items; and

15 e. The name of the individual to whom the delivery
16 was made and the delivery address;

17 f. A dispensary is required to maintain the name of
18 an individual to whom a delivery was made for eighteen (18) months from
19 the date of delivery.

20 10. Prohibitions. A medical marijuana business may not
21 deliver medical marijuana items to a residence on publicly owned land or to
22 any federally owned property. Home delivery or transportation services
23 originating from within the City of Long Beach city limits, but not from a
24 person having a valid Conditional Use Permit are strictly prohibited. Home
25 delivery or transportation services from outside the City of Long Beach city
26 limits, or from a person or entity who does not have a valid Conditional Use
27 Permit issued by the City of Long Beach are strictly prohibited.

28 N. Disposal of medical marijuana and marijuana byproducts.

1 All medical marijuana and any product containing a usable form of
2 marijuana must be made unusable and unrecognizable prior to removal
3 from the business for disposal purposes in compliance with all applicable
4 laws. This provision shall not apply to law enforcement acting in the course
5 of their duties.

6 O. Advertisement.

7 A medical marijuana business may not advertise in a manner that is
8 inconsistent with the medicinal use of medical marijuana. A medical
9 marijuana business may not advertise in a manner that is misleading,
10 deceptive, false, or is designed to appeal to minors. Advertisement that
11 promotes medical marijuana for recreational or any use other than for
12 medicinal purposes shall be a violation of this Chapter. The following
13 conditions shall apply:

14 1. Except as otherwise provided in this paragraph, it shall
15 be unlawful for any person permitted under this Chapter or any other person
16 to advertise any medical marijuana or medical marijuana-infused product
17 anywhere in the city where the advertisement is in plain view of or in a place
18 open to the general public, including advertising utilizing any of the following
19 media: illuminated signs, signs incorporating green crosses or other
20 marijuana related symbol, any billboard or other outdoor general advertising
21 device as defined by the zoning regulations of the City; any sign mounted on
22 a vehicle; any hand-held or other portable sign; or any handbill, leaflet or flier
23 directly handed to any person in a public place, left upon a motor vehicle, or
24 posted upon any public or private property. The prohibition set forth in this
25 paragraph shall not apply to:

26 a. Any sign located on the same lot as a medical
27 marijuana business which exists solely for the purpose of identifying the
28 location of the medical marijuana business and which otherwise complies with

1 this Chapter and any other applicable city laws and regulations;

2 b. Any advertisement contained within a newspaper,
3 magazine, or other periodical of general circulation or on the Internet; or

4 c. Advertising which is purely incidental to
5 sponsorship of a charitable event by a medical marijuana business or a
6 medical marijuana-infused products manufacturer;

7 d. No medical marijuana business shall distribute or
8 allow the distribution of any marijuana without charge within a marijuana
9 business or any place open to the public for the purpose of promotion or
10 advertising;

11 e. No medical marijuana business shall distribute or
12 allow the distribution of any coupon or similar writing, electronically or on
13 paper, which purports to allow the bearer to exchange the same for any
14 marijuana product, either free or at a discount.

15 2. No medical marijuana business shall sell, distribute, or
16 provide, or allow the sale, distribution, or provision of, products marked with its
17 name or logo, other than packaging in which medical marijuana is sold or on
18 medical marijuana products. This prohibition shall not prevent employees of
19 the business from wearing uniforms with the name or logo of the medical
20 marijuana business while working for the business on the business property.
21 A person shall not distribute any form of advertising for physician
22 recommendations for medical cannabis in the City unless the advertisement
23 bears the following notice to consumers:

24 NOTICE TO CONSUMERS: The Compassionate Use Act of 1996
25 ensures that seriously ill Californians have the right to obtain and use
26 cannabis for medical purposes where medical use is deemed appropriate
27 and has been recommended by a physician who has determined that the
28 person's health would benefit from the use of medical cannabis. Recommendations must come from an attending physician as defined in Section 11362.7 of the Health and Safety Code. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Activity related to

1 cannabis use is subject to federal prosecution, regardless of the protections
2 provided by State law.

3 Advertising for attending physician recommendations for medical
4 cannabis shall meet all of the requirements in Business and Professions Code
5 Section 651. Price advertising shall not be fraudulent, deceitful, or misleading,
6 including statements or advertisements of bait, discounts, premiums, gifts, or
7 statements of a similar nature.

8 P. Medical marijuana business response time.

9 The owner or manager is required to respond by phone or email within
10 twenty-four hours of contact by a city official concerning their medical
11 marijuana business at the phone number or email address provided to the
12 City as the contact for the business. Each twenty-four (24) hour period during
13 which an owner or manager does not respond to the city official shall be
14 considered a separate violation.

15 Q. Concentrated, synthetic, and extracted marijuana products
16 prohibited.

17 1. No medical marijuana business may produce or
18 distribute concentrated or any form of synthetic cannabis.

19 2. No medical marijuana business may use metals,
20 butane, propane or other flammable product, or produce flammable vapors
21 to process marijuana. No medical marijuana business may utilize an
22 extraction method of any kind.

23 R. Packaging at a medical marijuana business.

24 All dispensed medical marijuana must be packaged in a manner
25 which clearly shows the name of the dispensary providing the medical
26 marijuana, name of the patient receiving the medical marijuana, date the
27 marijuana is dispensed, amount of marijuana dispensed, and amount paid
28 by the patient to obtain the marijuana.

1 S. Drive through operations prohibited.

2 No medical marijuana business shall have a drive through lane or
3 drive up window and no medical marijuana shall be dispensed from a drive
4 through lane or drive up window.

5 T. Regulatory inspection required.

6 All medical marijuana businesses shall be subject to an annual
7 regulatory inspection by the City to insure compliance with all of the
8 applicable provisions of this Chapter and to confirm compliance with the
9 Conditional Use Permit and business license issued by the City.

10
11 21.66.090 Lab testing of medical marijuana required.

12 A. A medical marijuana business must ensure that usable
13 marijuana and plants are tested for pesticides, mold and mildew, and for an
14 analysis of the levels of Tetrahydrocannabinol (THC) and Cannabidiol
15 (CBD) in accordance with this Section prior to the transfer of marijuana to a
16 consumer. The requirements of this Section remain in full force and effect
17 until the State Department of Public Health issues and enforces testing
18 regulations that supersede this Section.

19 B. As part of the cultivation process, medical marijuana
20 businesses must ensure marijuana is segregated into batches, that each
21 batch is placed in an individual container or bag, and that a label is attached
22 to the container or bag that includes at least the following information:

- 23 1. A unique identifier;
24 2. The name of the person who transferred it; and
25 3. The dates the marijuana batch was cultivated and
26 made available for sale at the dispensary storefront.

27 C. Sampling.

28 The medical marijuana business must ensure that random samples

1 from each batch are separated in an amount necessary to conduct the
2 applicable test, that the samples are labeled with the batch's unique identifier,
3 and are properly submitted for testing.

4 D. Testing.

5 The medical marijuana business must ensure that each sample is
6 tested for pesticides, mold, and mildew and for an analysis of the levels of
7 THC and CBD.

8 E. Immature Plants.

9 An immature plant may be tested for pesticides, mold, or mildew by
10 conducting a macroscopic or microscopic screening to determine if the plant
11 has visible pesticide residue, mold, or mildew.

12 F. Flowers or other usable marijuana plant material.

13 Medical marijuana in the form of flowers or other plant material
14 must be:

15 1. Tested for pesticides, mold, and mildew using valid
16 testing methodologies and macroscopic or microscopic screening may not
17 be used;

18 2. Tested for pesticides by testing for the following
19 analytes:

- 20 a. Chlorinated Hydrocarbons;
- 21 b. Organophosphates;
- 22 c. Carbamates; and
- 23 d. Pyrethroids; and

24 3. Analyzed, using valid testing methodologies, to
25 determine the levels of THC and CBD.

26 G. Edibles and liquids.

27 If medical marijuana used in the edible or liquid has been tested in
28 accordance with this Section and tested negative for pesticides, mold, or

1 mildew, the edible or liquid does not need to be tested for pesticides, mold,
2 and mildew but must be tested for an analysis of the levels of THC and CBD.
3 If the medical marijuana used in the edible or liquid was not tested in
4 accordance with this Section, the edible or liquid must be tested for
5 pesticides, mold or mildew, and for an analysis of the levels of THC and CBD,
6 in accordance with this Section.

7 H. Laboratory requirements.

8 A medical marijuana business must ensure that all testing, except for
9 testing of immature plants, is done by a third party or laboratory that:

10 1. Is properly licensed by the State, when such licensing
11 becomes available;

12 2. Uses valid testing methodologies; and

13 3. Has a Quality System for testing of pesticides, mold,
14 and mildew that is compliant with the:

15 a. 2005 International Organization for
16 Standardization 17025 Standard; or

17 b. 2009 National Environmental Laboratory
18 Accreditation Conference Institute TNI Standards.

19 c. Macroscopic or microscopic screening of
20 immature plants must be conducted by a person who has a minimum of a
21 bachelor's degree in horticulture, botany, plant pathology, microbiology, or
22 an equivalent degree but is not required to be done by a laboratory.

23 I. Testing results.

24 A laboratory must provide testing results to the medical marijuana
25 business signed by an official of the laboratory who can attest to the accuracy
26 of the results, and that includes the levels of pesticides, mold, or mildew
27 detected and the levels of THC and CBD. The medical marijuana business
28 must maintain these records for a minimum of forty-eight (48) months and

1 must make the same records available to the City upon request.

2 1. If an immature plant has visible pesticide residue, mold,
3 or mildew it must be deemed to test positive and must be destroyed.

4 2. A sample of marijuana shall be deemed to test positive
5 for mold and mildew if the sample has levels that exceed the maximum
6 acceptable counts in the Pharmacopeia, Section 1111 (May 1, 2009).

7 a. A sample of usable marijuana shall be deemed
8 to test positive for pesticides with a detection of more than 0.1 parts per
9 million of any pesticide.

10 b. If an immature plant or sample of marijuana
11 tests positive for pesticides, mold, or mildew based on the standards in this
12 Section, the medical marijuana business must ensure the entire batch from
13 which the sample was taken is destroyed and must document how many or
14 how much was destroyed, and the date of destruction.

15 J. The medical marijuana business may permit laboratory
16 personnel or other persons authorized to test to have access to secure or
17 restricted access areas of the facility where marijuana or immature plants
18 are stored. The medical marijuana business must log the date and time in
19 and out of all such persons.

20
21 21.66.100 Right of entry – records to be maintained.

22 A. Records to be maintained.

23 Each Permittee shall utilize point of sale software to track inventory
24 and sales as well as keep a complete set of books of account, invoices,
25 copies of orders and sales, shipping instructions, bills of lading, weigh bills,
26 correspondence, bank statements including cancelled checks and deposit
27 slips and all other records necessary to show fully the business transactions
28 of such Permittee. Receipts shall be maintained in a computer program or by

1 pre-numbered receipts and used for each sale. All records related to
2 commercial cannabis activity shall be maintained for a minimum of seven
3 years. The records of the business shall clearly track medical marijuana
4 product inventory purchased and/or grown and sales and disposal thereof to
5 clearly track revenue from sales of any medical marijuana from other
6 paraphernalia or services offered by the medical marijuana business. The
7 Permittee shall also maintain inventory records evidencing that no more
8 medical marijuana was within the medical marijuana business than allowed
9 by applicable law for the number of patients who designated the medical
10 marijuana business owners as their primary caregiver. All such records shall
11 be open at all times during business hours for the inspection and examination
12 of the City, or its duly authorized representatives. The City may require any
13 Permittee to furnish such information as it considers necessary for the proper
14 administration of this Chapter. The records shall clearly show the source,
15 amount, price and dates of all marijuana received or purchased, and the
16 amount, price, dates and patient or caregiver for all medical marijuana sold.

17 B. Separate bank accounts.

18 The revenues and expenses of the medical marijuana business shall
19 not be commingled in a checking account or any other bank account with any
20 other business or individual person's deposits or disbursements.

21 C. Disclosure of records.

22 By applying for a Conditional Use Permit, the Permittee provides
23 consent to disclose the information required by this Chapter, including
24 information about patients and caregivers. Any records provided by the
25 Permittee that include patient or caregiver confidential information may be
26 submitted in a manner that maintains the confidentiality of the documents.
27 Any document that the Applicant considers eligible for protection shall be
28 clearly marked as confidential, and the reasons for such confidentiality shall

1 be stated on the document. The City shall not disclose confidential
2 information to other parties who are not agents of the City, except law
3 enforcement agencies who present a lawfully issued search warrant or other
4 court order.

5 D. Audits.

6 The City may require an audit of the books of account and records of a
7 medical marijuana business on such occasions as it may consider necessary,
8 including but not limited to ensuring compliance with LBMC Section
9 3.80.261(H). Such audit may be made by an auditor selected by the City
10 Manager that shall likewise have access to all books and records of the
11 medical marijuana business. The expense of any audit determined
12 necessary by the City shall be paid by the medical marijuana business.

13 E. Consent to inspection.

14 1. Application for a Conditional Use Permit or operation of
15 a medical marijuana business, or leasing property to a medical marijuana
16 business, constitutes consent by the Applicant, and all owners, managers
17 and employees of the business and the owner of the property to permit the
18 City Manager or designee to conduct routine inspections of the medical
19 marijuana business to ensure compliance with this Chapter or any other
20 applicable law, rule, or regulation.

21 2. The owner or business manager on duty shall retrieve
22 and provide the records of the business pertaining to the inspection. For
23 purposes of this Chapter, inspections of medical marijuana businesses and
24 recordings from security cameras in such businesses are required to be
25 produced as part of the routine policy of inspection and enforcement of this
26 Chapter for the purpose of protecting the public safety, individuals operating
27 and using the services of the medical marijuana business, and the adjoining
28 properties and neighborhood.

1 3. Application for a Conditional Use Permit constitutes
2 consent to inspection of the business as a public property without a search
3 warrant, and consent to seizure of any surveillance records, camera
4 recordings, reports or other materials required as a condition of a medical
5 marijuana permit without a search warrant. Should the owner or business
6 manager refuse to comply with this Section, the City may obtain a search
7 warrant or administrative search warrant.

8 F. Reporting of source, quantity and sales.

9 The records to be maintained by each medical marijuana business
10 shall include the source and quantity of any marijuana distributed, produced
11 or possessed within the property. Such reports shall include, without
12 limitation, for both cultivation, acquisitions from wholesalers and transactions
13 to patients or caregivers, the following:

- 14 1. Name and address of grower, seller and purchaser;
- 15 2. Date, weight, type of marijuana and dollar amount or
16 other consideration of transaction; and
- 17 3. For wholesale transactions, the State and City, if any,
18 sales and use tax license number of the seller.

19 G. Privacy.

20 1. Information identifying the names of patients, their
21 medical conditions, or the names of their primary caregivers received and
22 contained in records kept by the City for the purposes of administering this
23 Chapter are confidential and shall not be disclosed pursuant to the
24 California Public Records Act (Chapter 3.5 (commencing with Section 6250)
25 of Division 7 of Title 1 of the Government Code), except as necessary for
26 authorized employees of the State of California or any city, county, or city
27 and county to perform official duties pursuant to this Chapter.

- 28 2. Information identifying the names of patients, their

1 medical conditions, or the names of their primary caregivers received and
2 contained in records kept by the City for the purposes of administering this
3 Chapter shall be maintained in accordance with Chapter 1 (commencing
4 with Section 123100) of Part 1 of Division 106 of the Health and Safety
5 Code, Part 2.6 (commencing with Section 56) of Division 1 of the Civil
6 Code, and other State and federal laws relating to confidential patient
7 information.

8 3. Nothing in this Section precludes the following:

9 a. Employees of the City notifying State or local
10 agencies about information submitted to the City that the employee
11 suspects is falsified or fraudulent.

12 b. Notifications from the City or any licensing
13 authorities to State or local agencies about apparent violations of this
14 Chapter or other local, State or federal law.

15 c. Verification of requests by State or local
16 agencies to confirm licenses and certificates issued by the City or other
17 agency.

18 d. Provision of information requested pursuant to a
19 court order or subpoena issued by a court or an administrative agency or
20 local governing body authorized by law to issue subpoenas.

21 4. Information shall not be disclosed by the City beyond
22 what is necessary to achieve the goals of a specific investigation,
23 notification, or the parameters of a specific court order or subpoena.

24
25 21.66.110 Requirements related to monitoring and security of medical
26 marijuana businesses.

27 All components of the security plan submitted with the application, as it
28 may be amended, shall be in good working order, monitored and secured

1 twenty-four (24) hours per day. A separate security system is required for
2 each business.

3 A licensed dispensary shall implement sufficient security measures to
4 both deter and prevent unauthorized entrance into areas containing medical
5 cannabis or medical cannabis products and theft of medical cannabis or
6 medical cannabis products at the dispensary. These security measures shall
7 include, but not be limited to, all of the following:

8 A. Preventing individuals from remaining on the premises of the
9 dispensary if they are not engaging in activity expressly related to the
10 operations of the dispensary.

11 B. Establishing limited access areas accessible only to
12 authorized dispensary personnel.

13 C. Storing all finished medical cannabis and medical cannabis
14 products in a secured and locked room, safe, or vault, and in a manner as
15 to prevent diversion, theft, and loss, except for limited amounts of cannabis
16 used for display purposes, samples, or immediate sale.

17 D. Video cameras.

18 Prior to exercising the privileges of a Conditional Use Permit or
19 business license issued for a medical marijuana business, such business
20 shall install and maintain a fully operational digital video surveillance and
21 camera recording system that monitors no less than the front and rear of the
22 Property, all points of ingress and egress at the business, all points of sale
23 within the business, all areas within the business where medical marijuana
24 products are displayed for sale, and all limited access areas within the facility.
25 The video and surveillance system shall, at a minimum, meet the following
26 requirements:

27 1. Capture a full view of the public right-of-ways and any
28 parking lot under the control of the medical marijuana business;

2. Be of adequate quality, color rendition and resolution to allow the ready identification of any individual committing a crime anywhere on or adjacent to the exterior of the property;

3. Record and maintain video for a minimum of ninety (90) days, except as otherwise provided in this Section, and be accessible via the Internet by the Long Beach Police Department and the Director of Financial Management or designee. A Public Internet Protocol (IP) address and user name/password is also required to allow the Long Beach Police Department or the Director of Financial Management or designee to view live and recorded video from these cameras over the Internet. Consent is given by the Medical Marijuana business under this Subsection to the provision of said recordings or live video feed to the Police Department or the Director of Financial Management or designee, without requirement for a search warrant, subpoena or court order. Video surveillance and recording records shall be held in confidence by all employees and representatives of the City, except the City may use said records for the purpose of conducting financial audits of the activities of the facility, and for legitimate law enforcement activity or the prevention of crime;

4. Licensees are responsible for ensuring that all video or surveillance equipment is properly functioning and maintained, so that playback quality is suitable for viewing and the equipment is capturing the identity of all individuals and activities in the monitored areas.

5. At each point of sale location, camera coverage must enable recording of the customer(s) and employees facial features with sufficient clarity to determine identity.

6. The system shall be capable of recording all monitored areas in any lighting conditions and must be housed in a designated, locked, and secured room or other enclosure with access limited to authorized

1 employees. Licensees must keep a current list of all authorized employees
2 and service personnel who have access to the surveillance system and/or
3 room on the licensed premises.

4 7. A sign shall be posted in a conspicuous place near each
5 monitored location on the interior or exterior of the premises which shall be
6 not less than twelve (12) inches wide and twelve (12) inches long, composed
7 of letters not less than one (1) inch in height, stating "All Activities Monitored
8 by Video Camera" or "These Premises are Being Digitally Recorded", or
9 otherwise advising all persons entering the premises that a video surveillance
10 and camera recording system is in operation at the facility and recording all
11 activity as provided in this Section.

12 8. All exterior camera views must be continuously recorded
13 24 hours a day and all interior cameras views shall be recorded during all
14 hours that the facility is open for business.

15 9. All video surveillance systems must be equipped with a
16 failure notification system that provides prompt notification to the Permittee of
17 any prolonged surveillance interruption and/or complete failure of the
18 surveillance system.

19 10. All point of sale areas shall record video with such clarity
20 and resolution that all sales transactions are clearly recorded. Video or
21 surveillance equipment must be positioned over the cash register or similar
22 device to provide a clear view over the area where the tender type (cash,
23 credit, checks) are exchanged between the Licensee and the medical
24 marijuana patient as well as the register or computer keys utilized to enter
25 sales information. Video records of all sales transactions shall be maintained
26 for a period of eighteen (18) months.

27 E. Use of safe for storage.

28 The medical marijuana business shall install and use a safe for storage

1 of any processed marijuana and cash on the property when the business is
2 closed to the public. The safe shall be incorporated into the building structure
3 or securely attached thereto. For medical marijuana-infused products that
4 must be kept refrigerated or frozen, the business shall lock the refrigerated
5 container or freezer in place of using a safe so long as the container is affixed
6 to the building structure.

7 F. Alarm system.

8 The medical marijuana business shall install and use a fire and burglar
9 alarm system that is monitored by a company that is staffed twenty-four hours
10 (24) a day, seven (7) days a week. The security plan submitted to the City
11 shall identify the company monitoring the alarm, including contact information,
12 and the City shall be updated within seventy-two (72) hours of any change of
13 monitoring company.

14 G. Security guard.

15 The medical marijuana business shall hire and maintain an armed
16 guard, licensed by the State of California, generally located at an indoor
17 guard station, during all hours of operation. The security guard should only
18 be engaged in activities related to providing security for the facility.

19
20 21.66.120 Requirements for public health and labeling.

21 A. Medical marijuana-infused products.

22 The production of any medical marijuana-infused product shall be at a
23 medical marijuana-infused product manufacturer that meets all requirements
24 of a retail food establishment as set forth in Chapter 8.45 of this Code. Edible
25 cannabis products must be produced by a State certified food handler with a
26 valid certificate, a copy of which must be kept on-site where the edible
27 product is distributed, or which must be made available during inspections.

28 The Permittee shall comply with all applicable existing and future State and

1 local health regulations related to the production, testing, preparation,
2 labeling, and sale of prepared food items.

3 B. Labeling and packaging requirements.

4 1. All medical marijuana sold or otherwise distributed by
5 the Permittee shall be packaged in tamper-proof, single-serving sizes and
6 labeled in a manner that advises the purchaser that it contains marijuana
7 and specifies the amount of marijuana in the product, that the marijuana is
8 intended for medical use solely by the patient to whom it is sold, and that
9 any resale or redistribution of the medical marijuana to a third person is
10 prohibited. In addition, the label shall be in print large enough to be
11 readable and shall include:

12 a. Potential food allergy ingredients, including but
13 not limited to milk, eggs, fish, shellfish, tree nuts, peanuts, wheat, and
14 soybeans.

15 b. All additives used to extract THC, including,
16 without limitation, pesticides, herbicides and fertilizers that were used in the
17 cultivation of the medical marijuana used in the product.

18 c. The following warning:
19 THIS PRODUCT CONTAINS MARIJUANA. THIS PRODUCT
20 HAS NOT BEEN TESTED BY LOCAL, STATE OR FEDERAL
21 GOVERNMENTAL AGENCIES FOR HEALTH, SAFETY, OR
22 EFFICACY. THERE MAY BE HEALTH RISKS ASSOCIATED
23 WITH THE INGESTION OR USE OF THIS PRODUCT.

24 2. The product shall be packaged in a single-serving
25 sized, sealed container that cannot be opened without obvious damage to
26 the packaging.

27
28 21.66.130 Medical marijuana business permit application process.

1 A. Any medical marijuana business desiring a Conditional Use
2 Permit required by this Chapter shall, prior to initiating operations, complete
3 and file an application on a form supplied by the City, and shall submit the
4 completed application to the Department of Development Services ("DDS")
5 with payment of a nonrefundable processing and notification fee, as
6 established by the City Council by resolution.

7 B. Prior to accepting applications, DDS shall cause to be posted
8 on its website a public notice of availability. The notice will appear on the
9 DDS website for thirty (30) consecutive days, immediately prior to the
10 opening of the application period. The notice shall specify, at a minimum,
11 the period of time that applications will be received by the DDS for further
12 processing and consideration.

13 C. DDS shall review each application and ensure that the
14 application is complete. Incomplete applications will be rejected and will not
15 be further processed or considered unless the applicant submits a complete
16 application during the period specified by the DDS as the time period to
17 submit applications. Determinations made by DDS as to whether or not an
18 application is complete are final and shall not be appealable to any other
19 person or body.

20 D. Any notices required by this Chapter shall be deemed issued
21 upon the date they are either deposited in the United States mail or the date
22 upon which personal service of such notice is provided.

23 E. At the conclusion of the application period, DDS shall
24 complete a review of the applications and shall assign points to each
25 Applicant in accordance with Section 21.66.060. Sixty (60) days from the
26 date the application period closes, DDS will post the point priority rankings
27 on the its website and mail written notification to each Applicant indicating
28 the total points assigned, and the Applicant's rank.

1 F. Each Applicant will have ten (10) calendar days from the date
2 the notice of point priority ranking is mailed to contact DDS and confirm the
3 Applicant will continue in the CUP process. Should an Applicant fail to
4 contact DDS during this time, the application will be considered null and
5 void. Should and Applicant wish to withdraw its application at this time, the
6 Applicant shall be eligible for a partial refund in accordance with procedures
7 established by DDS.

8 G. Once DDS receives confirmation to proceed with the CUP
9 process from an Applicant, the application for CUP will be set for hearing in
10 accordance with Chapter 21.21 of the Long Beach Municipal Code.

11
12 21.66.140 Vacant medical marijuana business application allocation.

13 A. The Director shall determine, at the end of the fourth (4th)
14 calendar quarter following implementation of this Chapter, and each year
15 thereafter, whether additional medical marijuana businesses may be
16 allowed within the City based on the total number of medical marijuana
17 businesses authorized pursuant to this Chapter. Additional Conditional Use
18 Permit applications above those medical marijuana businesses already
19 permitted shall be accepted only to the extent the Director of Development
20 Services determines that initiation of the Conditional Use Permit application
21 process will not lead the medical marijuana businesses, as a group, to
22 exceed the restrictions established pursuant to Section 21.66.060.

23 B. Should the Director of Development Services determine the
24 City can accommodate additional medical marijuana businesses within the
25 restrictions set forth in this Chapter, DDS shall cause to be posted on its
26 website a public notice of availability and the potential number of
27 Conditional Use Permits available. The notice will appear on the DDS
28 website for thirty (30) consecutive days, immediately prior to the opening of

1 the application period. The application process will then proceed in
2 accordance with this Chapter.

3
4 21.66.150 Compliance with other applicable law.

5 A. Application of State and federal law.

6 Except as may be provided otherwise in this Chapter, or rules adopted
7 pursuant to this Chapter or interpretations by the City, any law or regulation
8 adopted by the State governing the cultivation, production, possession or
9 distribution of marijuana for medical use shall also apply to medical marijuana
10 businesses in the City. Provided however, if a State law or regulation permits
11 what this Chapter prohibits, this Chapter shall prevail. Noncompliance with
12 any applicable State law or regulation is unlawful and shall be grounds for
13 revocation or suspension of any license or permit issued under this Chapter.
14 No medical marijuana business shall continue operations in violation of an
15 additional State law or regulation applicable within the City after the effective
16 date of the State law or regulation.

17 B. Revocation of permit upon applicable State or federal
18 prohibition.

19 If the State prohibits the cultivation, production, possession or other
20 distribution of marijuana through a medical marijuana businesses, or if a court
21 of competent jurisdiction determines that the federal government's prohibition
22 of the cultivation, production, possession or other distribution of marijuana
23 through medical marijuana businesses supersedes State law, any permit
24 issued pursuant to this Chapter shall be deemed to be immediately revoked
25 by operation of law, with no ground for appeal or other redress on behalf of
26 the Permittee.

27 C. Revocable privilege.

28 A Conditional Use Permit is a revocable privilege, and no Applicant

therefor or holder thereof shall be deemed to have acquired any property or vested interest therein.

21.66.160 Drug and alcohol free workplace.

This Chapter shall not interfere with an employer's rights and obligations to maintain a drug and alcohol free workplace or require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace or affect the ability of employers to have policies prohibiting the use of cannabis by employees and prospective employees, or prevent employers from complying with local, State, or federal law.

21.66.170 Prohibited acts.

A. It shall be unlawful for any person to:

1. Cultivate, distribute, possess, or produce marijuana in plain view of, or in a place open to the general public.
2. Smoke, use or ingest on the property of the medical marijuana business:
 - a. Marijuana,
 - b. Alcoholic beverage, or
 - c. A controlled substance, except in compliance with the directions of a legal prescription for the person from a doctor with prescription writing privileges.
3. Operate or be in physical control of any medical marijuana business while under the influence of alcohol, medical marijuana, or other intoxicant.
4. Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or

1 consume medical marijuana.

2 5. Obtain marijuana from a person who is not permitted
3 as a medical marijuana business.

4 6. Possess or operate a medical marijuana business in
5 violation of this Chapter.

6 7. Distribute medical marijuana without a Conditional Use
7 Permit or outside of the restricted area of the medical marijuana business.

8 8. Permit any other person to violate any provision of this
9 Chapter or any condition of an approval granted pursuant to this Chapter, or
10 any law, rule or regulation applicable to the use of medical marijuana or the
11 operation of a medical marijuana business.

12 9. Lease any property to a medical marijuana business
13 that has marijuana on the property without a Conditional Use Permit from
14 the City.

15
16 21.66.180 Suspension or revocation of permit.

17 A. A Conditional Use Permit or business license may be
18 suspended or revoked for any violation of this Chapter in accordance with
19 the procedures provided in the Long Beach Municipal Code.

20 B. If the City revokes or suspends a Conditional Use Permit or
21 business license, the business may not move any marijuana from the
22 property except under the supervision of the Long Beach Police
23 Department.

24
25 21.66.190 Term of permit – renewals – expiration of permit.

26 A. Term of permit.

27 A Conditional Use Permit shall be valid for five (5) years. The
28 permit shall expire on the last day of the month in which the permit is issued

1 five (5) years following issuance or renewal of the permit.

2 B. Renewal of permit.

3 1. The Permittee shall apply for renewal of the Conditional
4 Use Permit at least forty-five (45) days before the expiration of the permit.
5 The Permittee shall apply for renewal using forms provided by the City. If
6 the Applicant fails to apply for renewal at least forty-five days before the
7 expiration of the permit but does apply for renewal prior to expiration of the
8 permit, the City may process the renewal application if the Applicant
9 submits a late filing fee of Five Thousand Dollars (\$5,000) at the time of
10 submittal of the renewal application.

11 2. The renewal permit fee, and late fee if applicable, shall
12 accompany the renewal application. Such fee is nonrefundable.

13 3. In the event there has been a change to any of the plans
14 identified in the permit application which were submitted to and approved by
15 the City with the application or an earlier renewal, the renewal application
16 shall include specifics of the changes or proposed changes in any of such
17 plans.

18 4. In the event any person who has an interest as described
19 in the disclosures made to the City pursuant to this Chapter, or any business
20 manager, financier, agent, or employee has been charged with or accused of
21 violations of any law since such disclosure, the renewal application shall
22 include the name of the violator, the date of the violation, the court and case
23 number where the violation was filed and the disposition of the violation with
24 the renewal application.

25 5. In the event the a Conditional Use Permit has been
26 suspended or revoked or a Permittee has received any notice of violation of
27 any law, the renewal application shall include a copy of the notice,
28 suspension or revocation.

1 6. The renewal application shall include proof of payment of
2 all applicable taxes and fees required by the Long Beach Municipal Code and
3 verification that the business has a valid State seller's permit in good
4 standing.

5 7. The renewal application shall include a summary report
6 for the previous twelve (12) months showing the amount of marijuana
7 purchased, the amount of marijuana sold, the forms in which marijuana was
8 sold, the number of patients and the number of primary caregivers who
9 received marijuana, the police report numbers or case numbers of all police
10 calls to the medical marijuana business and for calls resulting in a charge of a
11 violation of any law, the charge, case number and disposition of any of the
12 charges.

13 8. The City shall not accept renewal applications after the
14 expiration of the permit, but instead shall require the Applicant to file a new
15 permit application.

16 9. In the event there have been allegations of violations of
17 this Chapter by any of the Permittees or the business submitting a renewal
18 application, the City may hold a hearing prior to approving the renewal
19 application. The hearing shall be to determine whether the application and
20 proposed Permittees comply with this Chapter and whether the operation of
21 the business has been in compliance with this Code.

22 C. Nonpayment of tax.

23 In the event a medical marijuana business that has been open
24 and operating, and submitting monthly business license tax returns and taxes
25 to the City, ceases providing business license returns and taxes to the City for
26 a period of ninety (90) days or longer, the Conditional Use Permit shall be
27 deemed to have expired and the permittee shall cease doing business at the
28 location.

21.66.200 City manager authorized to issue rules.

The City Manager or his designee may adopt reasonable rules and regulations that the City Manager determines are necessary to implement the requirements and administration of this Chapter.

21.66.210 Violation and enforcement.

A. Any person violating any provision of this Chapter or knowingly or intentionally misrepresenting any material fact in procuring a Conditional Use Permit, including a Permittee's agent or employee while acting on behalf of the Permittee or engaged in commercial cannabis activity, shall be deemed guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for not more than twelve (12) months, or by both such fine and imprisonment.

B. Any person who engages in any medical marijuana business operations without a business license issued by the City or Conditional Use Permit, or after a Conditional Use Permit application has been denied, or a medical marijuana permit has been suspended or revoked, shall be guilty of a misdemeanor.

C. Any person engaging in commercial cannabis activity without a State license shall be subject to civil penalties of up to twice the amount of the license fee for each violation in accordance with Business and Professions Code Section 19318, and a court may order the destruction of all medical cannabis associated with that violation in accordance with Section 11479 of the Health and Safety Code.

D. As a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, revocation of the certificate of occupancy for the property, disgorgement and payment to the City of any and all monies

1 unlawfully obtained, costs of abatement, costs of investigation, attorney
2 fees, and any other relief or remedy available at law or equity. The City
3 may also pursue any and all remedies and actions available and applicable
4 under local and State law for any violations related to the operation of a
5 medical marijuana business.

6 E. Any violation of the terms and conditions of the Conditional
7 Use Permit, of this Chapter, or of applicable local or State regulations and
8 laws shall be grounds for permit suspension or revocation.

9
10 21.66.220 Establishment of a Medical Marijuana Task Force.

11 A. A Long Beach Medical Marijuana Task Force ("Task Force")
12 may be established. If established, the Task Force shall consist of nine (9)
13 members. Appointments to the Task Force shall be made and vacancies
14 on the Task Force shall be filled by the Mayor and City Council in
15 accordance with the provisions in Chapter 2.18 of this Code. Services of
16 the members of the Task Force shall be voluntary and members will serve
17 without compensation.

18 B. All members of the Task Force shall be residents of the City.
19 The Task Force shall be comprised of the following members:

- 20 1. Three (3) Task Force members shall be representatives
21 from three separate medical marijuana businesses operating in the City;
22 2. Five (5) Task Force members shall be representatives of
23 recognized neighborhood organizations which have at least one (1) medical
24 marijuana business operating within its boundaries; and
25 3. One (1) Task Force member shall be a representative of
26 a local patient advocacy organization with a background in working to protect
27 the interests of medical marijuana patients.

28 C. The Medical Marijuana Task Force shall have the power and

1 duty to:

- 2 1. Recommend to the City operational and safety
3 standards for medical marijuana businesses operating in the City;
4 2. Develop and make recommendations for a mediation
5 process to be used by operators of medical dispensaries, patients, and
6 neighbors of dispensaries to address community concerns and nuisance
7 issues and resolve conflicts and disputes.
8

9 21.66.230 Severability.

10 If any provision of this Chapter, or the application thereof to any person
11 or circumstance, is held invalid, that invalidity shall not affect any other
12 provision or application of this Chapter that can be given effect without the
13 invalid provision or application; and to this end, the provisions or applications
14 of this Chapter are severable.
15

16 Section 2. Chapter 5.89 of the Long Beach Municipal Code is
17 repealed effective on the first (1st) day after this Chapter becomes effective by
18 operation of law.
19

20 Section 3. The City Clerk shall certify to the passage of this ordinance
21 by the City Council and cause it to be posted in three (3) conspicuous places in the City
22 of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by
23 the Mayor.
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

Long Beach's new medical marijuana law is delivery-only

By [Andrew Edwards](#), Press-Telegram

Posted: 12/08/15, 11:59 PM PST | Updated: 6 hrs ago

[1 Comment](#)

A Long Beach City Council debate on how to regulate marijuana dispensaries in the city resulted in something of a twist: a split vote Tuesday to allow cannabis deliveries while banning storefront dispensaries — at least for the time being.

The new law could pave the way for brick-and-mortars pot shops at a later date. But the council's vote doesn't necessarily settle the matter.

Supporters advocating for storefront dispensaries want voters to decide the issue and have sued the city. The 9th U.S. Circuit Court of Appeals is scheduled to hear arguments in February over whether just such a proposed ballot measure could move forward.

“What the lawsuit is asking for is for the city clerk to certify the ballot measure to the City Council,” said Gautam Dutta, the attorney representing the ballot measure's proponents.

“If the ruling goes in our favor, it would be up to the City Council to decide what to with it.”

Assistant City Attorney Monte Machit said the city remains hopeful the appellate court will take the city's side — that a previously proposed ballot measure for a special election would not be eligible for future elections.

Should the city lose the appeal and, upon revisiting the matter, a majority of the council reject dispensaries again, the issue would then be placed on a ballot.

City Council's move

The council on Tuesday considered allowing storefronts. Councilwoman Suzie Price, who is an Orange County deputy district attorney by day, proposed phasing in a medical marijuana policy, starting with a quartet of providers to make home deliveries only.

Long Beach has [generally prohibited](#) marijuana collectives since 2012. Their return would be a waste of city money and place undue burdens on police officers, Price asserted.

Before offering her alternative, Price contended deliveries will provide a means for people who need medicinal cannabis to get it.

“This is a substitute motion designed for patients,” Price said.

The council passed Price’s measure in a 5-4 vote. Council members Lena Gonzalez, Daryl Supernaw, Stacy Mungo and Al Austin joined her in supporting the delivery-only policy.

Price’s motion would initially allow four medical marijuana providers to deliver cannabis to patients. Six months after the first delivery service begins, city staffers would report back to the council and review associated sales tax receipts, enforcement costs and other issues.

Based on that report, the council would then decide whether four storefront dispensaries should be able to open, Price said. The council would then determine if there is enough demand for a maximum of seven dispensaries in Long Beach.

Price could not be reached for comment Wednesday.

It wasn’t completely clear how long before a delivery-only provider opens for business in Long Beach.

The timeline for a storefront is more clear, said Assistant City Manager Tom Modica, adding that once given the green light, dispensary operators would need about a year to obtain permits and prep for an opening.

Creating the law

The winning proposal differed significantly from the medical marijuana ordinance the city’s legal office had drafted at [the council’s prior request](#) for Tuesday’s meeting.

Proposals to regulate marijuana in Long Beach have grown more restrictive over the past year.

In October 2014, the [Planning Commission proposed](#) a law that would allow up to 18 dispensaries in the city. The City Council subsequently formed a special panel to make recommendations for a medical marijuana law. The panel held several meetings this year and suggested a [number of restrictions](#) for providers.

After the state Legislature this year passed three bills intended to create California’s first-ever [system of regulations](#) for medical marijuana, Councilwoman Suja Lowenthal pushed for an ordinance.

In September, a majority of the council asked the City Attorney’s Office to prepare a law that would allow up to nine dispensaries to operate in Long Beach, subject to the kinds restrictions suggested by the special panel, including buffer zones separating dispensaries from schools and parks.

Lowenthal asked council members on Tuesday to support the proposed ordinance before them, with some amendments. That ordinance never came to a vote, however, because Price’s substitute motion was heard and passed first.

In an emailed statement Wednesday, Lowenthal said she's concerned that a deliveries-only model will prove difficult to regulate and lead to a more expansive policy appearing on a future ballot.

One local medical marijuana proponent who served on the city's marijuana committee, Larry King, said Wednesday he was disappointed with the council's decision and predicted a deliveries-only model would be harder to enforce than a policy allowing storefronts.

"If you have an illegal dispensary, you're a sitting duck," King said. On the flip side, unsanctioned delivery-only providers will be moving targets.

Legal proceedings

The 9th U.S. Circuit Court of Appeals is scheduled to hear arguments in February on whether a proposed 2013 Long Beach ballot measure that was written to end the city's ban on marijuana collectives should have been certified.

The specific legal question is whether the ballot measure, which did not have enough signatures to qualify for a special election, should have been handled as if it were submitted for a regularly scheduled election.

Long Beach officials have argued that former City Clerk Larry Herrera-Cabrera did not have the power to do so, since the measure was specifically proposed for a special election.

U.S. District Court Judge Andre Birotte Jr. sided with City Hall in December 2014 and [dismissed the case](#).

Justices of the 9th Circuit are scheduled to hear oral arguments [Feb. 11](#) at Richard H. Chambers Courthouse in Pasadena.

Editor's note: The online version of this story has been updated from its initial version to report that Councilwoman Suzie Price's motion may eventually allow for storefront dispensaries to exist in Long Beach.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF THE SIGNAL HILL RECOMMENDING CITY
COUNCIL APPROVAL OF ZONING ORDINANCE
AMENDMENT 15-03 AMENDING TITLE 20 OF THE
SIGNAL HILL MUNICIPAL CODE PROHIBITING MEDICAL
MARIJUANA CULTIVATION IN ALL ZONING DISTRICTS
INCLUDING SPECIFIC PLANS AND REVISING THE
DEFINITION OF MEDICAL MARIJUANA DISPENSARY TO
INCLUDE MOBILE DELIVERY SERVICES**

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as Health & Safety Code Section 11362.5 *et seq.* and entitled “The Compassionate Use Act of 1996 (CUA)”); and

WHEREAS, the CUA creates a limited exception from criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited circumstances; and

WHEREAS, on July 7, 2009, the City Council adopted Urgency Ordinance No. 2009-07-1400 imposing a 45-day moratorium on the establishment or operation of medical marijuana dispensaries after the discovery of two dispensaries operating illegally in the City. At the time, dispensaries were not a listed use in any zoning district and therefore were considered a prohibited use. To ensure that the record was clear, the City Council adopted a moratorium after finding that there were potential negative and harmful effects on the public health, safety and welfare associated with unregulated dispensaries including increase of crime such as burglary, robbery and loitering; use of marijuana in public around dispensaries; increase of marijuana DUIs; illegal resale of marijuana to individuals without physician recommendations; street dealers attempting to sell marijuana to dispensary customers; and increase of sale of illegal drugs in the vicinity of dispensaries; and

WHEREAS, on August 18, 2009, after review of a progress report, the City Council extended the moratorium for an additional 10 months and 15 days; and

WHEREAS, on June 15, 2010, after review of a progress report, the City Council deemed that an additional extension of the temporary moratorium on the establishment or expansion of medical marijuana dispensaries was needed to complete a study to consider zoning and other amendments to the Signal Hill Municipal Code to regulate such establishments; and

WHEREAS, on March 8, 2011, the Planning Commission conducted a public workshop to discuss possible regulations, including prohibiting the use of medical marijuana dispensaries in the City. The Planning Commission unanimously directed staff to proceed with a zoning ordinance amendment to list the use as prohibited; and

WHEREAS, on April 12, 2011, the Planning Commission conducted a public hearing and unanimously recommended City Council approval of Zoning Ordinance Amendment 11-02 listing medical marijuana dispensaries as a prohibited use in all commercial and industrial zoning districts; and

WHEREAS, on April 19, 2011, the City Council conducted a public hearing and introduced Zoning Ordinance Amendment 11-02 by unanimous vote; and

WHEREAS, on May 3, 2011, the City Council approved the second reading of the Zoning Ordinance Amendment by unanimous vote; and

WHEREAS, in 2015, the State of California passed the Medical Marijuana Regulation and Safety Act (“MMRSA”) to provide a State framework for licensure and regulation of medical marijuana within the State, while continuing to recognize the authority of local governments to regulate or ban medical marijuana related activity within their respective jurisdictions; and

WHEREAS, the MMRSA would allow medical marijuana cultivation in the City unless local prohibitions are adopted to prohibit it. Local jurisdictions have the option

to either allow the MMRSA licensing regulations as the tool for permitting medical marijuana cultivation or adopt local regulations that are more restrictive. The mandate from the State requires that local jurisdictions either allow cultivation through the State licensing process or adopt local cultivation regulations to regulate or expressly prohibit cultivation to be effective by March 1, 2016. Introduction of Zoning Ordinance Amendment 15-03 by City Council at the January 26, 2016 meeting accomplishes that mandate by prohibiting cultivation in all zoning districts. This ensures that the administrative record is clear and maximum regulatory flexibility is preserved. It is also allowable under the MMRSA to prohibit the use at this time and then consider regulations allowing it in the future after implications associated with implementation of State regulatory framework become more evident. Considering the potential for secondary negative impacts on the public health, safety and welfare, associated with cultivation facilities such as the potential for safety and health risks, and impacts on water conservation efforts and water quality, it is appropriate to adopt local regulations prohibiting medical marijuana cultivation; and

WHEREAS, the MMRSA would allow medical marijuana mobile delivery services in the City unless local prohibitions are adopted to prohibit them. Local jurisdictions have the option to either allow the MMRSA licensing regulations as the tool for permitting medical marijuana mobile delivery services or adopt local regulations that are more restrictive. The mandate from the State does not have a specific time frame for local regulations for mobile delivery services to be in place however, Zoning Ordinance Amendment 15-03 amends the definition of medical marijuana dispensaries to include mobile delivery services and both dispensaries and mobile delivery services are prohibited in all commercial and industrial zones, including specific plans. Considering the potential for secondary negative impacts on the public health, safety and welfare, associated with mobile delivery services such as increased crime, driving under the influence, and access to minors and unauthorized persons, it is appropriate to adopt local regulations prohibiting mobile delivery services ; and

WHEREAS, Zoning Ordinance Amendment 15-03 was prepared to prohibit medical marijuana cultivation as a use in all zoning districts including specific plans and

to revise the definition of medical marijuana dispensaries to include mobile delivery services; and

WHEREAS, Zoning Ordinance Amendment 15-03 is consistent with the General Plan; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15060(c)(3) and 15061(b)(3) of the California Administrative Code because it can be seen with certainty that there is no possibility that prohibiting the cultivation and deliver of medical marijuana will have a significant effect on the environment and therefore it is not defined as a project per Section 15378 and is not subject to CEQA; and

WHEREAS, pursuant to Signal Hill Municipal Code, Chapter 20.86, entitled “Amendments,” the subject is properly a matter for Planning Commission review and recommendation for City Council adoption; and

WHEREAS, on December 4, 2015, notice of a Planning Commission public hearing regarding Zoning Ordinance Amendment 15-03 was published in the Signal Tribune newspaper in accordance with Government Code § 65091(a)(4) and was posted in accordance with Signal Hill Municipal Code Section 1.08.010; and

WHEREAS, on December 15, 2015, the Planning Commission held a public hearing regarding Zoning Ordinance Amendment 15-03 and all interested parties were given the opportunity to be heard; and

WHEREAS, the City has incorporated all comments received and responses thereto.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Signal Hill, California, has considered the public comments and finds as follows:

1. That Zoning Ordinance Amendment 15-03 is consistent with applicable state law.

2. That the Planning Commission has reviewed Zoning Ordinance Amendment 15-03 and found the proposed amendment to be in the best interest of the community and its health, safety and general welfare in that it is consistent with the following Goal(s) and Policies of the Signal Hill General Plan:

LAND USE ELEMENT GOAL 3 – Assure a safe, healthy, and aesthetically pleasing community for residents and businesses.

Land Use Policy 3.7 – Maintain and enhance the quality of residential neighborhoods.

Finding regarding Policy 3.7 – Prohibiting medical marijuana cultivation citywide and mobile delivery services along with the previously prohibited dispensaries will provide additional safeguards for residential neighborhoods and the business community from crime and other secondary effects shown to be caused by these uses when located in close proximity and/or as home occupations.

Land Use Policy 3.9 – Safeguard residential neighborhoods from intrusion by nonconforming and disruptive uses.

Finding regarding Policy 3.9 – Medical marijuana cultivation and mobile delivery services have been shown to have harmful secondary effects such as increases in crime, high water use, increased fire hazards and greater access for minors and unauthorized persons. Prohibiting these activities will provide safeguards to residential neighborhoods from these disruptive secondary effects.

Land Use Policy 3.13 – Reinforce Signal Hill's image and community identity within the greater Long Beach Metropolitan Area.

Finding regarding Policy 3.13 – By prohibiting medical marijuana cultivation and mobile delivery services, Signal Hill will maintain its image as a safe community to live in and work. Authorized patients will still have access to dispensaries already located in nearby communities.

SAFETY ELEMENT GOAL 2 – Provide an environment that is safe and secure and as free from criminal activity as possible for Signal Hill residents, businesses, employees, visitors and property.

Safety Policy 2.1 – Intensify the City’s crime prevention programs.

Finding regarding Policy 2.1 – Prohibition of medical marijuana cultivation and mobile delivery services is consistent with the City’s efforts to prevent crime as it has been shown that these activities have negative secondary effects that include increases in criminal activities.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Planning Commission of the City of Signal Hill, California, does hereby recommend City Council adoption of Zoning Ordinance Amendment 15-03 as follows:

Section 1. That Title 20 Chapter 20.04 entitled, “Definitions,” is hereby amended to read as follows:

20.04.505 Medical marijuana dispensary. “Medical marijuana dispensary” means any for-profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana, or allows others to possess and distribute marijuana, to more than one (1) person such as a qualified patient, primary caregiver, or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5, et seq. A “medical marijuana dispensary” includes a “collective” or “cooperative” as described in Health and Safety Code Section 11362.775, **and includes an establishment that delivers marijuana to offsite locations.** A “medical marijuana dispensary” shall not include the following uses, provided that the location of such uses is permitted by the Signal Hill Municipal Code and that the uses comply with all applicable state laws including Health and Safety Code Section 11362.5 et seq.: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

20.04.384 Home occupation.

B. The following criteria shall apply for the determination of a home occupation:

11. No medical marijuana dispensary **(including mobile delivery services)** shall operate as a home occupation.

Section 2. That Section 20.20.020, entitled, “Use Classifications,” is hereby amended to read as follows:

USES	DISTRICTS						
	CO	CTC	CG	CR	CI	LI	GI
Miscellaneous							
Adult oriented businesses (A)	X	X	P	X	P	X	X
Business college, technical school	X	X	X	X	X	X	C
Carports	X	X	P	X	P	P	P
Church	X	X	C	X	C	P	P
Chiropractic college	P	P	P	P	P	P	P
Club, lodge	C	X	C	C	X	X	X
Furniture restoration, cabinet making, woodcarving	X	X	X	X	P	P	P
Gymnastics academy	P	P	P	P	P	P	X
Health, sports club	P	P	P	P	P	X	X
Hospital	C	X	X	X	C	X	X
Hotel (minimum 100 rooms)	C	X	X	X	X	X	X
Massage parlor (SBP) (B)	X	X	X	X	X	X	X
Medical marijuana dispensary (including mobile delivery services)	X	X	X	X	X	X	X
Medical marijuana cultivation	X	X	X	X	X	X	X
Mortuary	X	X	X	X	X	X	X
Museum	A	P	P	P	P	X	X

Section 3. That Chapter 20.29, “SP-20 Freeman Heights Residential Specific Plan,” Section 20.29.935(C), “Use classifications,” is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 4. That Chapter 20.30, “SP-10 Pacific Coast Highway Specific Plan,” Section 20.30.030, “Use classification,” is hereby amended to read as follows:

USES	DISTRICTS		
	Area 1	Area 2	Area 3
Miscellaneous			

Adult entertainment establishment (SBP) ¹	X	X	X
Acupuncture or acupressure	X	X	X
Business college, technical school	X	X	P
Carports	X	X	X
Church	X	X	X
Chiropractic college	X	X	C
Club, lodge	X	X	X
Furniture restoration, cabinet making, wood carving	X	X	P
Hospital	X	X	C
Hotel (minimum 100 rooms)	X	X	C
Massage parlor (SBP) ²	X	X	X
Medical marijuana dispensary (including mobile delivery services)	X	X	X
Medical marijuana cultivation	X	X	X
Mortuary	X	X	X
Museum	X	C	P
Nursery school, preschool	X	C	X
Oil wells and appurtenant facilities ³	X	X	X
Outdoor advertising structure ⁴	X	X	X
Parochial and private school ⁵	X	X	P
Post office	P	P	P
Satellite dish antenna ⁶	A	A	A
Shooting range	X	X	X
Suites lodge facility	X	X	X
Trade schools	X	X	P
Wholesale	X	X	P
Retail			
Alcoholic beverage (packaged, off-premises consumption) (SBP) ⁷	X	X	C
All-terrain vehicle sales and rentals (new and used)	X	C	X
Antiques, antique furniture	X	P	P

Section 5. That Chapter 20.31, “SP-11 Crescent Heights Historic District Specific Plan,” Section 20.31.022, “Use classifications,” is hereby added to read as follows:

20.31.022 Use classifications. A. Principal Uses. The principal use of the Crescent Heights Historic District shall consist of detached single-family dwelling units relocated into the district or constructed within the district. These developments shall be compatible with the existing architecture of the district and follow the established Design Guidelines for the Crescent Heights Historical Districts contained in section XI. Any other use shall be prohibited.

B. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana cultivation.**

Section 6. That Chapter 20.32, "SP-12 Freeway Self-Storage Specific Plan," Section 20.32.030(C), "Use classifications," is hereby amended to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana dispensary (including mobile delivery services).**
- 2. Medical marijuana cultivation.**

Section 7. That Chapter 20.33, "SP-13 Cherry Avenue Corridor Residential Specific Plan," Section 20.33.030(C), "Use classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana cultivation.**

Section 8. That Chapter 20.34, "SP-14 Hathaway Ridge Residential Specific Plan," Section 20.34.030(C), "Use classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana cultivation.**

Section 9. That Chapter 20.35, "SP-15 Cityview Residential Specific Plan," Section 20.35.030(C), "Use classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana cultivation.**

Section 10. That Chapter 20.36, "SP-16 Villagio Residential Specific Plan," Section 20.36.030(C), "Use classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana cultivation.**

Section 11. That Chapter 20.37, "SP-17 Crescent Square Residential Specific Plan," Section 20.37.030(C), "Use classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

- 1. Medical marijuana cultivation.**

Section 12. That Chapter 20.38, "SP-18 Pacificwalk Residential Specific Plan," Section 20.38.030(C), "Use classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 13. That Chapter 20.39, "SP-19 General Industrial Specific Plan," Section 20.39.030(D), "Land Use," is hereby amended to read as follows:

D. Unlisted Uses Prohibited. Unlisted uses shall be prohibited including the following unlisted uses that are expressly prohibited: Auto body repair, auto painting, towing, towing dispatch office, auto wrecking, dismantling, junk yard, trucking yard, transit yard, truck repair, bus, ambulance or van storage, auto shipping, storage of shipping containers, tire recapping, trailer for office use, medical marijuana dispensary **(including mobile delivery services), medical marijuana cultivation,** medical office, dental office, optometrist office, chiropractic office, hazardous waste management facilities, schools including trade schools, gyms or sports clubs, public storage and vendor food sales.

Section 14. That Chapter 20.40, "SP-1 Town Center East Specific Plan," Section 20.40.040(E), "Use Classifications," is hereby amended to read as follows:

E. Prohibited Uses.

Adults entertainment businesses;
Arcade;
Auction yard;
Auto parts (sale of);
Auto repair and service;
Automobile body repair or paint shop;
Automobile wrecking yard;
Check cashing;
Containerized storage units;
Convenience food store with or without gasoline sales;
Ice, drink and food products dispensing machines in exterior locations;
Junkyard;
Medical marijuana dispensary **(including mobile delivery services);**
Medical marijuana cultivation;
Medical offices and clinics;
Pawnshop;

Section 15. That Chapter 20.41, "SP-7 Special Purpose Housing Specific Plan," Section 20.41.030(D), "Use Classifications," is hereby added to read as follows:

D. Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 16. That Chapter 20.42, "SP-2 Hilltop Specific Plan District," Section 20.42.037, "Use Classifications," is hereby added to read as follows:

20.42.037 Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 17. That Chapter 20.43, "SP-8 Signal Hill Village Specific Plan," Section 20.43.030(C), "Use Classifications," is hereby added to read as follows:

C. Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 18. That Chapter 20.44, "SP-9 Bixby Ridge Specific Plan District," Section 20.44.027, "Use Classifications," is hereby added to read as follows:

20.44.027 Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 19. That Chapter 20.45, "SP-3 Town Center West Specific Plan District," Section 20.45.035, "Use Classifications," is hereby added to read as follows:

20.45.035 Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana dispensary (including mobile delivery services).

2. Medical marijuana cultivation.

Section 20. That Chapter 20.47, "SP-4 Auto Center Specific Plan," Section 20.47.027, "Prohibited uses," is hereby amended to read as follows:

The uses stated below shall be strictly prohibited in the auto center specific plan:

A. Medical marijuana dispensary (including mobile delivery services):

B. Medical marijuana cultivation:

Section 21. That Chapter 20.48, "SP-5 California Crown Specific Plan," Section 20.48.027, "Use Classifications," is hereby added to read as follows:

20.48.027 Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

Section 22. That Chapter 20.49, "SP-6 Commercial Corridor Specific Plan," Section 20.49.030(G), "Use Classifications," is hereby added to read as follows:

G. Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana dispensary (including mobile delivery services).

2. Medical marijuana cultivation.

Section 23. That Chapter 20.50, "Condominiums," Section 20.50.045, "Prohibited Uses," is hereby added to read as follows:

20.50.045 Prohibited Uses. The following uses shall be prohibited.

1. Medical marijuana cultivation.

PASSED, APPROVED, AND ADOPTED, at a regular meeting of the Planning Commission of the City of Signal Hill, California, on this ____ day of _____, 2015.

JANE FALLON
CHAIR

ATTEST:

SCOTT CHARNEY
COMMISSION SECRETARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, Scott Charney, Commission Secretary do hereby certify that Resolution No. _____ was adopted by the Planning Commission of the City of Signal Hill, California, at a regular meeting held on the ____ day of _____, 2015, and was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SCOTT CHARNEY
COMMISSION SECRETARY

December 4



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: VOLUNTEER ROUNDUP FOR THE 2016 HOMELESS COUNT

Summary:

Staff is conducting a volunteer roundup for the 2016 Los Angeles Homeless Count. The Count is a three-day event sponsored by the Los Angeles Homeless Services Authority (LAHSA). The Signal Hill event will be on *Wednesday, January 27, 2016 from 7:30 p.m. to 10:00 p.m.* The Community Development Department will host, coordinate, provide training and a snack. Our Police Department will provide drivers.

The purpose of the event is to document the number and location of homeless persons or makeshift shelters in the City. It also serves to:

- Inform the public and governmental officials on the state of homelessness;
- Bring vital resources to agencies serving the homeless population; and
- Drive engagement by raising awareness.

The 2013 event data for Signal Hill was helpful for justifying a realistic, local number for our required Regional Housing Needs Allocation during our Housing Element update.

In the past, our Planning Commissioners have been very supportive as volunteers for the event and we are asking for your support again this year. If you are not able to participate, we request that you roundup another volunteer in your place. For a successful count, we estimated a need of 10-12 volunteers including our police drivers. Your help will be greatly appreciated. Please contact our Community Development Administrative Assistant, Sarah Tsao to include yourself or a friend as a volunteer. Additional information is also provided on the City website (Attachment A).

Recommendations:

Volunteer, roundup, receive, and file.

VOLUNTEERS NEEDED!!!

Attachment A



What is the Homeless Count?

The Homeless Point-in-time Count determines the number of homeless individuals and families we have in the Los Angeles County on any given night, identifies their demographic characteristics and the locations where they reside. In 2015, the Greater Los Angeles Homeless Count was the largest homeless census in the country. It engaged more than 5,500 volunteers who counted 89 percent of Los Angeles County's census tracts.

The City of Signal Hill Community Development Department will coordinate the event and provide training. Police Department staff will drive through Signal Hill neighborhoods with volunteers to count and document homeless persons or makeshift shelters in the City.

**The City of Signal Hill's Count is on:
Wednesday, January 27, 2016
7:30 PM to 10:00 PM**

*Orientation will begin at 7:30 PM, please arrive on time. This training is **MANDATORY**.*

Questions? Or to register as a City Volunteer:
Please contact Sarah Tsao, Community Development
Department, at (562) 989-7340 or via email
stsao@cityofsignalhill.org

REGISTRATION DEADLINE: JANUARY 15, 2016

Top 3 Reasons to Participate:

1. **Inform the state of homelessness in LA:** Understanding the size and scope of our homeless population is essential. You will shine a light on the people experiencing homelessness and tell the important stories of who they are and where they live.
2. **Bring vital community resources:** Data from the Homeless Count is the most powerful tool nonprofits and local leadership have to advocate for additional and specialized resources. As a volunteer, you will help the region specify needs and track progress over time.
3. **Drive engagement:** Through a shared commitment to serving and reducing the homeless population, we can make powerful progress. Bringing together leaders, residents and other stakeholders will help raise awareness and create new pathways for involvement.

City of Signal Hill ♦ 2175 Cherry Avenue ♦ Signal Hill, CA 90755
(562) 989-7340 ♦ www.cityofsignalhill.org

December 5



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: MINUTES

Summary:

Attached for your review and approval are the minutes of last month's regular meeting.

Recommendation:

Approve.

**A REGULAR MEETING OF THE CITY OF SIGNAL HILL
PLANNING COMMISSION
November 10, 2015
7:00 P.M.**

CALL TO ORDER

Chair Fallon called the meeting to order at 7:01 p.m.

ROLL CALL

The Commission Secretary conducted roll call.

Present: Chair Fallon
 Vice-Chair Devon Austin
 Commissioner Tom Benson
 Commissioner Shannon Murphy
 Commissioner Rose Richárd

Staff present:

- 1) Community Development Director Scott Charney
- 2) Senior Planner Colleen Doan
- 3) Associate Planner Selena Alanis
- 4) Assistant City Attorney David Kwon
- 5) Sr. Engineering Technician Anthony Caraveo

In addition, there were 2 people in attendance.

PLEDGE OF ALLEGIANCE

Chair Fallon led the audience in reciting the Pledge of Allegiance.

PUBLIC BUSINESS FROM THE FLOOR

Brad Hillgren, High Rhodes Property Group, made an introduction and extended his gratitude to Community Development Department staff for working with him on the 1933/1939 Temple Avenue project.

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

(1) Pending Development Projects

Associate Planner Selena Alanis gave the staff report.

Vice-Chair Austin inquired whether a cul-de-sac will be constructed for 2599 E. Pacific Coast Highway project. Staff responded the cul-de-sac design has not been secured at this moment. Staff has been in touch with the adjacent property owner to the east to discuss the cul-de-sac design, but has not been able to schedule a meeting.

Commissioner Benson asked if the 3 Freeman projects in the staff report are in addition to the Signal Hill Petroleum owned properties in the Freeman Heights Specific Plan. Staff confirmed that they are additional, not included in the Freeman Heights Specific Plan and zoned as RL (Residential Low Density).

The Commission motioned to receive and file the report.

The motion carried 5/0.

(2) Turf Replacement Exhibits for Plant Proportions and Maintenance

Senior Planner Colleen Doan gave the staff report.

Commissioner Benson advised the staff to communicate to the public as to what the guidelines are for turf replacement. Staff responded that turf replacement guidelines are in progress and the results of today's activity will aid in the making of the guidelines.

Commissioner Benson recommended adding specific guidelines for hill landscaping (slope versus no slope).

CONSENT CALENDAR

It was moved by Commissioner Benson and seconded by Commissioner Richárd to receive and file Consent Calendar Item Nos. 3 to 7.

The motion carried 5/0.

COMMISSION NEW BUSINESS

Commissioner Richárd raised a concern regarding pedestrian safety for the 4-way stop on Hill Street and Temple Avenue where the new school is under construction; she asked if a traffic signal or flashing lights will be installed at the intersection. Staff responded there will not be a traffic signal for this intersection but will share comments and discuss other options with the Public Works Department.

Commissioner Benson commented on the poor maintenance of the landscaping on the property where the old water tank used to be on Temple Avenue. Staff advised that they will look into the matter.

Commissioner Benson asked about the status of his request for an organizational chart of all water agencies. Staff advised that the request has been forwarded to the Director of Public Works who will provide the information.

Commissioner Benson commented on trends in commercial development.

Commissioner Murphy commented on the Wells Fargo ATM in Town Center East. Staff advised that a field meeting was held to discuss possible control measures or relocation

of the ATM with representatives from Town Center Management, Wells Fargo and Costco, but solutions are not final.

Vice-Chair Austin asked how long Cherry Avenue will be under construction. Public Works staff updated on the status of the project.

Vice-Chair Austin requested an update on replacement of Fresh & Easy. Staff is in discussion with the owner of the property, Signal Hill Petroleum.

Vice-Chair Austin asked about the recent outbreak of E. Coli at Chipotle restaurants in Washington State. Staff responded our Health Department is aware of the situation.

The Commission joined in a discussion regarding the 2311 Ocean View project and code enforcement procedures. Staff will get an updated construction schedule and relay the Commission's concern to the City Manager.

ADJOURNMENT

It was moved by Vice-Chair Austin and seconded by Commissioner Richárd to adjourn to the next regular meeting of the Planning Commission to be held on Tuesday, December 15, 2015, at 7:00 p.m., in the Council Chamber of City Hall, 2175 Cherry Avenue, Signal Hill, CA, 90755.

The motion carried 5/0.

Chair Fallon adjourned the meeting at 8:05 p.m.

Jane Fallon
Chair

Attest:

Scott Charney
Commission Secretary

December 6



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: COLLEEN DOAN
SENIOR PLANNER**

SUBJECT: CITY COUNCIL FOLLOW-UP

Summary:

Below for your review is a brief summary on the City Council's actions from the previous month.

Recommendation:

Receive and file.

Background & Analysis:

- 1) At the November 24, 2015 City Council meeting:
 - The City Council approved the second reading of Ordinance Amendment 15-04 and Zoning Ordinance Amendment 15-02 related to water conservation in landscaping, by a vote of 3/0. The Ordinance will become effective on December 24, 2015.
 - The City Council introduced Ordinance Amendment 15-05 adding Chapter 18.13 Finance and Conveyance Maps to the Signal Hill Municipal Code consistent with the Subdivision Map Act. The Ordinance was approved by a vote of 3/0.
- 2) At the December 8, 2015 City Council meeting:
 - The City Council approved the second reading of Ordinance Amendment 15-05 adding Chapter 18.13 Finance and Conveyance Maps to the Signal Hill Municipal Code, by a vote of 5/0. The Ordinance will become effective on January 7, 2016.

Approved by:

Scott Charney

December 7



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: DEVELOPMENT STATUS REPORT

Summary:


Attached for your review is the monthly Development Status Report which highlights current projects.

Recommendation:

Receive and file.


**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	<u>REVIEW</u>			<u>SPDR</u>			<u>CTL</u>			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2357 Lewis Avenue	Repairs to a fire damaged single-family dwelling Applicant: California Construction	Administrative Review	✓	N/A	N/A	Building Permit Issued 2/13/15			2/8/16 			Home rebuild begun, rough plumbing and electrical complete (5/15). Drywall and stucco begun (6/15). Stucco complete (7/15). Landscape installation and site clean-up pending (8/15). Project has been finalized (12/15). SA/JH
1790 E Burnett St.	Renovation of existing house and construction of new 4-car garage with roof deck, workshop and parking court Applicant: Gary Severns	Administrative Review	✓	N/A	N/A	Building Permit Issued 02/13/14			N/A			Approved change to composite roof. New color board and rock samples submitted. Rock band installed. Rev. front window design (9/14). Rear grade too steep, grade reworked, garage foundation and framing begun (1/15). Rough plumbing, electrical and HVAC complete (3/15). Garage roof and interior underway (5/15). Public Works required removal of wall & landscaping in ROW (6/15). Retaining wall complete. Street improvements completed. Interior work in progress (12/15). JH/CTD


**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	<u>REVIEW</u>			<u>SPDR</u>			<u>CTL</u>			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
3240 Cerritos Ave.	New permit issued for interior drywall, plumbing and electrical for remainder of interior of existing house Applicant: Jim Trevillyan	Administrative Review	✓	N/A	N/A	Building Permit Issued 03/3/15			02/26/16 			Rough plumbing, electrical and mechanical completed (7/15). Drywall and nailing completed (9/15). Improvements on project ongoing (11/15). Warning notice of permit expiration sent to applicant (12/15). JH
2477 Gaviota Ave.	Rehabilitation of the existing single-family dwelling and new 2-car garage Applicant: Rama Singhal	Administrative Review (SPDR 15-03)	✓	N/A	N/A	Building Permit Issued 07/15/15			07/15/16			Demolition for the rehabilitation has started (8/15). Framing for new garage completed (9/15). Foundation repair completed (11/15). Framing is ongoing (12/15). SA/JH
2518 Willow St.	New front entry electronic gate w/stone veneer pilasters, update guard shack Applicant: Willow Ridge Homeowners Association	Administrative Review	✓	N/A	N/A	Permit Ready for Issuance						Plans are ready for permit issuance (8/15). 3 rd reminder sent to applicant (12/15). JH/SA

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	<u>REVIEW</u>			<u>SPDR</u>			<u>CTL</u>			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2451 Avis Court	200 sf addition of one bedroom and bathroom Applicant: M/M Lopez	Administrative Review	✓	N/A	N/A	Building Permit Issued 10/5/15			4/2/16			Building permit issued (10/15). Foundation and methane barrier completed (11/15). Framing, sheath and sheer wall completed (12/15). SA/JH
2311 Ocean View	Add/expand second story decks and "trainhouse" in side and rear yard of existing single-family home Applicant: M/M Hughes	SPDR 08-05	N/A	07/14/09	N/A	Building Permit Issued 08/16/13			08/11/14	9/30/14	03/03/15 	The first extension granted by Director until 9/30/14. A second extension granted until 3/03/15. The project is an active Code Enforcement case (7/15). Deck finish and electricals are in process (12/15). SA/JH
924 E Vernon St.	Demolition of existing dwelling and detached garage for construction of a new two story 3,230 sf duplex and 4-car garage Applicant: LLG Construction	SPDR 14-02	N/A	06/10/14	N/A	Building Permit Issued 11/06/15			4/29/17			Building permit issued for demolition and new duplex 11/06/15. Demolition in process (12/15). SA/JH

Residential

4

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential


<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2260 Walnut Ave.	A proposal for a new two story 1,894 sf SFD with attached 2-car garage on a vacant lot Applicant: Santana Investors	SPDR	N/A	Required	N/A							Leak test passed, vent cone was not installed (2/15). Staff has reviewed preliminary plans. Well exhibit approved (9/15). Applicant is working on plans for a Planning Commission workshop (12/15). SA/CD
2085 Freeman Ave.	A proposal for a new two story 4,050 sf SFD with attached 3-car garage on a vacant lot and alley vacation Applicant: RPP Architects	SPDR	N/A	Required	N/A							Leak test passed and vent cone installed (2/15). Well Assessment Report has been reviewed and updates to the report are required (11/15). Planning Commission workshop #1 on 12/15/15. SA

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	

Large Subdivisions (5 or more lots) and Multi-family Developments

Crescent Square	25 three-story detached single-family dwellings at the N/E corner of Walnut and Crescent Heights Street	SPDR 14-04 ZOA 14-03 VTTM 72594	N/A	8/12/14	9/2/14 (Map 9/2/16)	9/2/15	3/3/16 					SPDR approved on 8/12/14. SPDR has been extended to 3/3/16. Grading plan has been submitted for plan check (3/15). WAR for 8 wells approved by the Oil Services Coordinator (8/15). Awaiting submittal of building plans for plan check. CC&Rs are pending submittal from applicant (11/15). Property sold to SummerHill Homes (11/15). SC/SA
Walnut/ Crescent Heights St.	Applicant: SummerHill Homes											
Gundry Hill	72 multiple-family, affordable units, three and four stories in height and a community building, community garden, tot lot and courtyard with on-site management	Administrative Review (SPDR 15-01)	Approved 2/18/15	N/A	N/A	Building Permit Issued 11/30/15			11/09/19			Demolition completed on 10/21/15. Building permit issued on 11/30/15. Escrow closed 12/4/15. Construction is expected to start on 12/14/15.
1500 E Hill St.	Applicant: Meta Housing											SA/SC

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2599 Pacific Coast Highway	<p>Residential SP-10</p> <p>1st concept plan had 14 attached units</p> <p>2nd concept plan had 12 attached units</p> <p>3rd concept plan had 10 detached units</p> <p>4th concept plan has 9 units</p> <p>Applicant: Mike Afiuny</p>	<p>Preliminary review</p> <p>PC Workshop 8/14/12</p> <p>PC Workshop 9/9/14</p> <p>SPDR</p>	N/A	Required	Required							<p>Staff met w/owner who reported unsuccessful lot consolidation out-reach effort (9/12).</p> <p>Staff met w/applicant to review a new concept plan on 9/13. Revised design (10 detached units) more closely met the intent of SP-10. Access and guest parking revised (6/14).</p> <p>Commission requested design changes. Applicant's revised conceptual plans (9 units) were previewed and met most of the development standards. Due to proposed height / view policy, applicant to proceed with view analysis outreach (9/14).</p> <p>Revised plans submitted for conceptual review w/one less unit and required setbacks. Some buildings still exceed height limit and view policy outreach is pending. Rough grading to be submitted to review options to reduce heights (5/15).</p> <p>Application and plans for a ZOA and SPDR submitted. Condominium map submittal is pending (11/15).</p> <p>CTD</p>

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Residential

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
1939 Temple Avenue	Residential development for 10 condominium units (5 buildings with 2 attached units) two stories with a roof deck and three stories in height. A Specific Plan would be required to deviate from current RH zoning for 3-stories height and a reduced front setback. Applicant: High Rhodes Property Group	SPDR and ZOA for a Specific Plan	N/A	Required	Required							2 wells discovered, leak tests passed and vent cones installed (8/15). Preliminary site plan received and applicant began to outreach to nearby HOAs. View Notice was sent to property owners and residents within 500' on 10/26/15. Applicant is working on view analyses and plans and for a Planning Commission workshop (11/15). Planning Commission workshop #1 on 12/15/15. SA

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Commercial-Industrial

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR/CUP			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
1798 E Willow St.	Tenant Improvements to replace existing restaurant with a new restaurant GD Bro Burger	Administrative Review	✓	N/A	N/A	Building permit issued 06/17/15			N/A			Obtained permit, working on interior TI (12/15). JH
2653 Walnut Ave.	An approximate 8,000 sf warehouse/office building	Administrative Review	✓	N/A	N/A	Building permit issued 04/13/11			Prior to CTL			Exterior complete. Working on Public Works conditions of approval (4/15). Building permit issued for TI on 10/29/15. TI work has begun (12/15). JH
2H Construction	Applicant: 2H Construction											
2701 Cherry Avenue	ADA parking lot improvements	Administrative Review	✓	N/A	N/A	Building permit issued 06/01/15			N/A			Sidewalk and curb completed (7/15). Awaiting request for final inspection (12/15). JH
	Applicant: Best Buy											
3355 Olive Avenue	Proposal for new 5,000 sf warehouse and office building	Administrative Review 15-05	✓ 11/23/15	N/A	N/A	In plan check						Grading permit issued and in process. Storm water system installed (11/15). Methane plans ready for signature. Issuance of building plans pending on methane plans (12/15). JH/SA
	Applicant: Roger Vititow											

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Commercial-Industrial

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR/CUP			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2355 Walnut Avenue	Proposal for new 10,000 sf warehouse and office building. Applicant: Roger Vititow	Administrative Review	Required	N/A	N/A	Required						Preliminary plans submitted for planning and building review (12/15). SA
2650-2690 and 2700-2730 Cherry Ave.	Leak testing for previously abandoned wells on the property Applicant: City of Signal Hill Successor Agency	Well Discovery Permit	✓	N/A	N/A	Permit Issued			N/A			2 wells discovered, tested, and vent cones installed. 3 rd well discovered but could not be tested due to deterioration. Backfilled and compacted (7/15). JH
1400 E Spring St.	Leak testing for previously abandoned wells on the property Applicant: City of Signal Hill Successor Agency	Well Discovery Permit	✓	N/A	N/A	Permit Issued			N/A			2 wells discovered, leak tests completed and vent cones installed. Backfilled and compacted (7/15). JH

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Commercial-Industrial

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR/CUP			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
3201-3225 Pacific Coast Highway	Tentative Parcel Map to subdivide an existing 1.8-acre lot into two lots	71592, extension granted	N/A	11/08/11	N/A	11/8/13	11/8/14	11/8/15	N/A			3 rd ext granted per State law. TPM valid until 11/8/15. Property has new owner. Staff inquired about future intent for subdivision from new property owner and will confirm whether the State has continued automatic extensions under the economic hardship policy. A storage room was constructed without a permit. A final inspection is pending (12/15).
Quality Inn	Applicant: William Suh											CTD
2200 E. Willow St.	Amendment to CUP 13-01 to extend the gas station hours of operation to 5 am to 10 pm seven days a week Applicant: Costco Wholesale	Amendment to CUP	N/A	7/15/15	Required	Permit Ready for Issuance						Community meeting held (2/15). Planning Commission public hearing on 7/14/15. Applicant is working with staff to create a plan to address on-site circulation issues (12/15). SA

Commercial-Industrial

4

Commercial-Industrial

5

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Commercial-Industrial

Business Licenses and Permit Summary

- Planning Department staff reviewed and approved 13 business licenses.
- Building Department staff issued 33 permits including 4 residential solar permits. The valuation of the projects is approximately \$11,279,543 with permit revenues at \$60,628.

Training/Forums

- Staff organized and participated in the Free Much Pick-Up Day event.
- Associate Planner received the AICP (American Institute of Certified Planners) Certification from the American Planning Association.

Current Projects

- Water Conservation in Landscaping and Turf replacement ordinance was introduced at City Council on 11/3/15 and second reading of the ordinance was held on 11/24/15.
- Finance and Conveyance Maps ordinance was introduced at City Council on 11/24/15 and second reading of the ordinance was held on 12/8/15.

Ongoing / Upcoming Projects

- Vacant Parcel Ordinance.
- Oil Well Inspections.
- Dog Park Zoning Ordinance Amendment and General Plan Amendment.
- Annual Conditional Use Permit and Institutions inspections.
- 2016 Greater Los Angeles Homeless Count event (Jan. 27, 2016).
- Mayor's Clean-Up event (March 12, 2016).

Wireless Telecommunications Facilities

1

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Wireless Telecommunications Facilities

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
3275 E. Grant Street	3 new antennas, 3 new RRH units. Applicant: Sprint	Administrative to modify CUP 10-04	✓	N/A	N/A	Permit ready for issuance						Plans ready for permit issuance (7/15). Reminder notice will be sent to applicant (12/15). SA
2525 Cherry Avenue	Removing and replacing the 3 existing antennas Applicant: Core Dev. for Sprint	Administrative to modify CUP 02-01	✓	N/A	N/A							Plans have been submitted for building plan check (12/15). SA
2550 Orange Avenue	3 new RRHs on monopalm Applicant: Core Dev. for Sprint	Administrative to modify CUP 04-02	✓	N/A	N/A							Plans have been submitted for building plan check (12/15). SA
3200 Willow Street	Replacement of 6 existing panels with 6 new 8' panels and new fiber box Applicant: PlanCom for Verizon	Administrative to modify 95-02	✓									Plans have been submitted for staff review (12/15). SA

**City of Signal Hill
Community Development Department
Development Status Report
December 15, 2015**

Wireless Telecommunications Facilities

<u>Address</u>	<u>Project Description</u>	<u>Application</u>	REVIEW			SPDR			CTL			<u>Status</u>
			<u>Director approval</u>	<u>PC approval</u>	<u>CC approval</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	<u>Expires</u>	<u>1st Ext.</u>	<u>2nd Ext.</u>	
2633 Cherry Avenue	Rooftop Wireless Telecommunication Facility for AT&T Applicant: Core Dev. for AT&T	CUP	N/A	Required	Required							Staff met with the applicant to review preliminary plans for the rooftop facility and suggested revisions to elevations and plans for aesthetics (5/14 and 7/14). Applicant preparing plans and expects to resubmit (11/15). SA

December 8



CITY OF SIGNAL HILL

2175 Cherry Avenue ♦ Signal Hill, CA 90755-3799

December 15, 2015

AGENDA ITEM

**TO: HONORABLE CHAIR
AND MEMBERS OF THE PLANNING COMMISSION**

**FROM: SCOTT CHARNEY
COMMUNITY DEVELOPMENT DIRECTOR**

SUBJECT: IN THE NEWS

Summary:

Articles compiled by staff that may be of interest to the Commission include:

- From Machine to Green – Lessons from the industrial landscape parks of Germany's Ruhr Valley
- California Cities Prepare for Implementation of Medical Marijuana Legislation
- Drone's Eye View – The ups and downs of using this new technology
- Design Ideas for Strengthening Downtowns

Recommendation:

Receive and file.



At Duisburg North Landscape Park, a tour group peers into the historic sedimentation tanks, which purified the water used for the blast furnace behind them. Today, the blast furnace is a centerpiece of the park and includes a 230-foot-high viewing platform at the top.

Baden volkshaus
Lehrstuhl durch
Museum unter der
Wasserfläche

From Machine to Green

Lessons from the industrial landscape parks
of Germany's Ruhr Valley.

Story and photos by KATHARINE BURGESS, AICP





AT

DUISBURG NORTH LANDSCAPE PARK in Germany's Ruhr Valley, a 230-foot-tall blast furnace looms above an otherwise idyllic landscape of trees, greens, and crisscrossed bike trails. In use from 1903 to 1985 and typically running at more than 4,350 degrees Fahrenheit, this imposing industrial structure produced about 37 million tons of pig iron and numerous by-products.

Today this industrial monument is the centerpiece of Duisburg North Landscape Park, complete with a twisting exterior staircase that skirts the workings of the historic machinery and leads to spectacular views. From that lofty spot, visitors can see beyond the green expanses of the 445-acre park, across the Ruhr Valley's seemingly endless commercial landscape, to glimpses of a train line, other industrial structures, and even an IKEA.

A relatively new park, Duisburg North is a hub for the local community, and the second most visited regional tourist attraction after the Gothic masterpiece of Cologne Cathedral. Beyond exploring factory relics, visitors picnic, bike, rock climb on industrial surfaces, and even scuba dive in a gas tank. Theater, piano, film, and arts activities—as well as weddings and corporate events—regularly occupy indoor and outdoor spaces, including a 500-seat amphitheater. The result is a landscape in line with community interests and offering commercial possibilities for the leftover industrial structures.

American cities have also transformed infrastructure into parkland. To many, the most beloved is New York's High Line, the third and final section of which opened in September 2014. Similarly ambitious projects include Chicago's elevated 606 Park and Trail, part of which opened this summer, and Washington's emerging 11th Street Bridge Park. Both seek to transform outdated transportation infrastructure into valuable green space for urban populations.

A matter of scale

In the Ruhr Valley, parks like these are far larger. East of Duisburg North are the 247-acre Zollverein Park and the 395-acre Hoheward Landscape Park, among others. Each is different in size, character,

use, and funding structure, but all are examples of former infrastructure that has been transformed into green space to local and national acclaim. Germany has something to teach U.S. cities.

Located in the northwestern state of North Rhine-Westphalia, the Ruhr Valley is Germany's most densely populated region. Its cities include Essen, Duisburg, and Dortmund. Together, these cities form an urban region that rivals the population and geographic area of many European capitals.

Mining and industry came to define the region's economy when Germany industrialized in the 19th century. As the area became Europe's most prominent coal and steel center, the cities' populations rapidly expanded: Dortmund's population alone increased 11 fold between 1850 and 1900. Many of the cities suffered massive damage from World War II air raids, but bounced back in the 1950s because of their strong manufacturing bases.

Then, in the 1980s, structural change led to the closure of many of the coal mines and manufacturing centers, vastly undercutting economic opportunity in the region. Environmental contamination was common. The region had lost not only its economic engine, but also its natural landscape, a century earlier.

Park origins

What spurred change in the Ruhr Valley was the 1989–1999 International Building Exhibition (IBA, or Internationale Bauausstellung) for Emscher Park. Dating back to 1901, IBAs are German national festivals that develop new design concepts, often symbolizing the key architectural movements of their day. The 1927 IBA in Stuttgart sponsored Le Corbusier, Mies van der Rohe, and Walter Gropius to develop the modernist settlement of Weissenhof; the 2006–2013 IBA in Hamburg tested ecological design concepts that might not have emerged commercially, such as the world's first house partially powered by an algae-covered facade.

The Emscher Park IBA took a regional approach and brought environmen-

tal issues to the forefront. Exhibition materials explained that the event “was not an exhibition in the traditional sense, but a plan for the future of North Rhine-Westphalia. . . . The goal was improved quality of life and work, with architectural, urban, social and ecological measures as the foundation for economic transformation.” Developing green space was another explicit goal. The parks formed a key part of the celebrations, particularly Zollverein Park, which hosted the IBA finale.

As a 10-year initiative, the 1989–1999 IBA featured 120 projects in 17 cities across a 300-square-mile area, including more than 74,000 acres of new parks, 6,000 new and revitalized apartments, and 17 new technology centers. This represented a total investment of over 2.5 billion euros (\$2.8 billion), two-thirds of it from public sources, including programs for ecology, housing, and coal field regeneration. The remainder came from private sources, such as developers, private companies, and nonprofits. A publicly owned, privately managed organization administered these funds and managed the projects.

According to Claudia Kalinowski, who manages external affairs for the Duisburg North Landscape Park, “everything you now see was possible because of the IBA.”

In 2010, the region returned to the spotlight as the European Capital of Culture, a European Union-funded festival that since 1985 has recognized over 50 cities seeking to raise their international profiles and foster tourism. Like the IBA, the Ruhr Capital of Culture program differed from those before it by highlighting a region rather than a city, recognizing 53 towns. A 2010 article from leading German newsmagazine *Der Spiegel* described the ECC jurors as being impressed by the way the Ruhr region came to grips with its shift “from coal to culture.”

Design and management

Two landscape parks initiated by IBA and featured in the ECC now stand out as tourist magnets: Zollverein and Duisburg North. The parks are jointly promoted along with others in the region, many of which feature in the Ruhr Route of Industrial Heritage and the 143-mile-long Ruhr cycle route.

Most renowned is Zollverein Park, a UNESCO World Heritage site that was once Europe’s largest and most productive coal complex. The World Heritage List nomination says the site is unique for its architectural design and its ties to Europe’s industrial heritage. The Ruhr Valley’s Museum for Architecture as Art portrays the site as “symbolic of the rise and fall of an entire industry.”

Fully closed to industry in 1993, today’s Zollverein Park is a microcosm of German industrial architecture from the 19th century, through early 20th century modernism to the postwar reconstruction

period. Founders sank the initial shaft in 1847, creating the first mine in the region. The most famous building is the Bauhaus-inspired Shaft XII, which opened in 1932.

Rem Koolhaas’s Rotterdam-based Office for Metropolitan Architecture developed a master plan for Zollverein’s revitalization after its closure. The plan aimed to preserve the industrial buildings as monuments, and to activate the site’s edges with cultural, office, and academic uses; construction continues today. A local design firm translated the master plan into a landscape plan, which turned historic train tracks into bike and pedestrian paths. A pioneer forest that emerged after part of the site was abandoned was preserved and populated with art installations. Refurbishment began in 2003, and the landscape plan was fully realized in 2010.

That same year, the Ruhr Museum, a historical collection that attracts 400,000 visitors a year, also opened in Shaft XII for the European Capital of Culture celebrations. Today, the museums are a central draw, as are the range of activities on the landscape park, including a summer pool and winter skating rink within the grandeur of the old cokery. The Zollverein Foundation runs the site and organizes events, tours, and venue rentals.

Although Zollverein arguably is now the centerpiece of the Ruhr’s cultural landscape, its development was challenging. The site is surrounded by homes, many owned by descendants of mine workers. According to Sascha Wienecke, an architect from Planergruppe Oberhausen, which led the landscape plan, many residents saw Zollverein as a “place of work and pollution,” and considered the UNESCO designation elitist.

Small-scale installations began to change perceptions. Charitable projects have also sought to involve community members in efforts like storytelling ini-

The Emscher Park IBA (1989–1999) took a regional approach and brought environmental issues to the forefront. Exhibition materials explained that the event ‘was not an exhibition in the traditional sense, but a plan for the future of North Rhine-Westphalia.

The goal was improved quality of life and work, with architectural, urban, social and ecological measures as the foundation for economic transformation.’ Developing green space was another explicit goal.



In Duisburg North Landscape Park, the Emscher Promenade runs along the canal, providing a link between the park’s industrial structures and open spaces. Historically, the canal managed wastewater on-site.



Several of Zollverein Park's most historic structures stand side by side. Tallest and most prominent is Shaft XII, a Bauhaus-inspired structure that was once the largest coal mining facility in the world.

tiatives and to alert them to job opportunities on site. Today, Zollverein is an employment hub again: 1.5 million people visit each year, and 1,500 people work for companies located on the premises.

Opposite aesthetic

Duisburg North Landscape Park, located about 13 miles west, is quite different. Rather than showcasing the preservation of architecturally significant structures, the park emphasizes the decline of industry—by offering an obvious landscape transformation. Today, more than 1.1 million visit the park annually, up from 700,000 in 2012.

Construction of the industrial center began in 1901, and by 1912 the site featured five blast furnaces, all of which shut down in 1985. The site owner, Thyssen Corporation, resisted paying to dismantle the structures. Meanwhile, some citizens groups, including one that later formed the German Society for Industrial Culture, pushed for preservation of the industrial forms, whereas others argued for their demolition, largely over uncertainty about long-term costs.

The IBA ultimately provided an impetus for the state of North Rhine-Westphalia to purchase the site from the Thyssen Corporation for a park. Goals included providing local recreational green space, creating regional cultural venues, and preserving the structures as a “witness to history.” A design competition led to the selection of landscape architect Peter Latz, who created a green oasis where natural ecologies slowly overtook the historic structures to create new spaces, uses, and atmospheres. Latz created some features from materials discovered on-site, such as the sharply geometric Piazza Metallica, composed of 49 found slabs of pig iron.

Community members participated in the development of the park design, among them the scuba club, which proposed building a scuba facility in a former gas tank after a club-sponsored exploration of the site. Coordination with former mine workers occurred throughout the design process and remains ongoing.

Today, climbing the blast furnace means seeing green vistas across the park and beyond, and exploring the ironworks leads visitors through gardens that are home to abundant wildlife. More than 1,800 species were counted in the park in 2001, including several endangered species, and a monitoring station records ecological activity.

A city-owned company now manages park development with an annual budget of 4.5 million euros (\$5 million) and a professional staff of 15. One-third of the budget comes from the state of North Rhine-Westphalia, one-third from the city, and one-third from on-site earned income, primarily from leasing and space rentals.

The management company also leases offices to 26 companies on-site, which together employ 350 people. One surprising use is the gas tank, now a diving center operated by the local diving club, complete with a sunken East German Trabant (Trabi) car.

Lessons learned

The Ruhr Valley's parks may be the best precedents worldwide for landscape reclamation of industrial sites. There is much to learn from this region.

Many of the renowned American examples, like Seattle's Gas-Works Park, are smaller scale, urban interventions, not regional initiatives. However, one recent American project parallels the Ruhr Valley: the SteelStacks Park in Bethlehem, Pennsylvania. Previously home to industrial behemoth Bethlehem Steel, SteelStacks preserved the site's blast furnaces and created a cultural destination for more than 1,750 events since opening in 2011, with 850,000 visitors in 2013 alone. (See “21st Century Smokestacks,” October.)

With packed cultural calendars, both SteelStacks and the Ruhr parks showcase the current allure and compatibility of arts events juxtaposed with industrial backdrops.

SteelStacks and other American park redevelopments typically require a larger portion of private investment than their German counterparts, as German public sources often contribute more actively to both long-term funding and short-term, upfront investments such as the IBA. However, the German parks also suggest possibilities for earned income, particularly at Duisburg North, where innovative repurposed spaces are leased quite successfully. American parks have enthusiastically embraced this approach and taken it a step further with real estate development-funded park maintenance, as at Brooklyn Bridge Park.

Philanthropic backing is also becoming increasingly important in the U.S., particularly for parks using the conservancy model for funding and management. Here, the German model is quite different. In fact, regulations often prohibit public-sector-funded projects such as Duisburg North from privately fundraising.

It is unlikely that American park planners will deliver a Zollverein or Duisburg North using the same mechanisms as their German counterparts. However, there are still opportunities for site owners and planners willing to explore unusual funding, delivery, and management structures. The German parks also offer relevant examples of community engagement in the planning process and creative ideas for repurposed industrial spaces. And once created, the recreational, cultural, and ecological opportunities emerging from these reclaimed spaces are striking, as is the visual transformation.

The basic concept “was to use what has been left in a totally different way,” says Duisburg North staff member Kalinowski, gesturing to the gasworks, now surrounded by green. ■

Katharine Burgess, AICP, is an urban planner based in Washington, D.C. In 2014 and 2015, she was a Robert Bosch Foundation Fellow in Germany, researching German planning policy and working in both the public and private sectors in Berlin.

California Cities Prepare for Implementation of Medical Marijuana Legislation

by Tim Cromartie and Eva Spiegel

Almost two decades after voters enacted Proposition 215 to give patients access to medical marijuana, California finally has a strong regulatory framework that upholds local control, protects public safety and enhances patient safety. Governor Jerry Brown's signature on the Medical Marijuana Regulation and Safety Act on Oct. 9 culminated an effort led by a broad coalition that included the League, the California Police Chiefs Association, labor groups, patient advocates and portions of the cannabis industry. Licensing will begin in 2018 at the earliest.

Three bills comprise the Medical Marijuana Regulation and Safety Act:

- AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey and Wood) contains the critical local control provisions and most of the core provisions of the regulatory structure, headed by the Department of Consumer Affairs;
- AB 243 (Wood) regulates marijuana cultivation and provides a regulatory structure specifically to address environmental impacts; and
- SB 643 (McGuire) contains critical provisions on criteria for state licensing, including disqualifying felonies. It also regulates physicians making medical marijuana recommendations and requires a digital seed-to-sale or track-and-trace program for marijuana, similar to that employed for agricultural products.

The Medical Marijuana Regulation and Safety Act is significant for California cities because it:

- Protects local control by requiring that all marijuana businesses have a local permit or license — in addition to a state license — to operate in California;
- Protects public safety by providing mandatory minimum statewide security requirements and specifying criteria for state licensing, including disqualifying felonies;
- Protects public health with mandatory minimum statewide health and safety standards, backed up by mandatory product testing; and
- Ensures patient safety with quality assurance protocols requiring random sample testing by certified laboratories for all medical marijuana sold in California.

A summary of the act is available at www.cacities.org/MarijuanaLegislation.

The League's strong advocacy efforts and collaboration with legislators ensured that the legislation protects local control unconditionally. Jurisdictions with a ban in place will be able to retain their ban, and jurisdictions that currently ban deliveries or mobile dispensaries — or those considering such a ban — must have an ordinance in place that explicitly prohibits this activity. Cities should also take note of a provision in one of the bills that requires jurisdictions to have a cultivation ordinance in place by March 1, 2016, to avoid state pre-emption in the area of cultivation.

Informational Briefings

To help cities prepare for the new law, this fall the League began hosting a series of informational briefings throughout California for city officials. These briefings cover:

- An overview of the three bills;
- An explanation of local control provisions;
- Details on deadlines and ordinances;
- Areas that require cleanup legislation;
- Local taxation issues; and
- What cities need to know to prepare for this change in the law.

League staff and legal counsel are participating in informational briefings, which may also feature legislative authors depending on the location and their availability.

The informational briefings are tentatively scheduled for:

- Jan. 13, Sacramento;
- Jan. 20, San Luis Obispo;
- Jan. 25, Fresno;
- Jan. 27, Pasadena;
- Jan. 28, Riverside; and
- Feb. 9, San Diego.

For more information, visit www.cacities.org/medicalmarijuana; to register for a briefing, visit www.cacities.org/events. ■

Tim Cromartie is a legislative representative for the League and can be reached at tcromartie@cacities.org. Eva Spiegel is communications director for the League and can be reached at espiegel@cacities.org.

DRONE'S



EYE VIEW

The ups and downs of using this new technology. By CRAIG GUILLOT

EVEN IF YOU HAVEN'T SEEN A DRONE OR TWO FLYING AROUND YOUR CITY, CHANCES ARE YOU WILL soon. Inexpensive and easy to operate, they're coming to the masses and taking hold in industries from entertainment and energy to construction and engineering. [AP](#) Planners say they could offer tremendous uses in the field with real-time aerial views, high-resolution aerial imagery, and more detailed data for decision making. Despite the potential, commercial drone operation remains illegal in the U.S. without a special exemption from the Federal Aviation Administration. While the agency is moving toward establishing a licensing system in 2016, many commercial operators aren't waiting. It's time to learn more about what could prove to be one of the greatest tools we've seen in the past decade.

A drone by any other name

Unmanned aerial vehicles, more commonly known as drones, are typically defined as aircraft without a pilot on board. They can be operated autonomously or by a human on the ground, and range from multimillion-dollar machines the size of a school bus to \$100 units the size of a baseball.

Civilian versions are increasingly being deployed for commercial applications all around the globe. Energy companies are using them to inspect power lines in the United Kingdom, Japanese farmers are using them to spray crops, and the United Arab Emirates is working on a prototype system of drones to deliver government documents. Liam Young, an architect and cofounder of the urban futures think tank Tomorrow's Thoughts Today, says that within the next decade drones could become as "ubiquitous and as common as pigeons."

Here in the U.S., drones have started to take hold in a number of industries from real estate to construction. Robert Voigt, senior project manager at

Cambium Consulting and Engineering in Ontario, says the machines have "great potential" for planning. Voigt's firm has been using UAVs for almost two years. Cambium was the first planning firm in Canada to obtain a commercial drone certificate from Transport Canada, the nation's federal transportation agency.

Voigt says drones allow planners to "see more of the environment they're planning for." They enable planners to easily conduct topographical surveys and learn more about an area by obtaining a "whole new visual perspective." They also offer aerial accessibility in a cost-effective and simple manner.

Planners can use drones to obtain instant aerial views before undertaking the costly measures of dealing with survey crews and hiring planes for traditional aerial imagery. Voigt says drone photography and video also deliver a "wow factor" and clear communication in planning reports.

"Oblique imagery is a clearer form of communication and allows you to better envision the world

FROM TOP:

An image of the inaugural flight of one drone used by Cambium Consulting and Engineering.

The firm used a drone to take panoramas and other images of Omemee, Ontario, to help give people an immediate sense of scale and bearings.

A drone snapped a series of images of Fenelon Falls, Ontario, which were used in the city's Community Design Standards. They show the relationship between the built environment of the downtown core and its natural setting.

COURTESY CAMBIUM CONSULTING AND ENGINEERING





The author, a drone enthusiast, snapped some pics about 150 feet over a plaza in Seaside, Florida.

MAPPING CHRIST THE REDEEMER Aeryon Labs Inc.

Explores the first-ever modeling of the Rio de Janeiro statue (2015).

tinyurl.com/navlwza

AERIAL DRONE VIEW OVER NORTH BEACH MARYLAND CALVERT COUNTY

Mid-Atlantic Aerial Shows the city's assets, part of crafting a new plan with help from APA's Community Assistance Program (2014).

tinyurl.com/pdoujzg

VIDEO

40 USES FOR DRONES

Ric Stephens put together a list of practical applications for UAVs—and lots of other resources—at stephensplanning.com.

because you're not looking straight down or straight out. It's a powerful tool to visualize location," he says.

He adds that his firm has been able to get in four to eight drone flights a day and obtain "spectacular" imagery of sites. Cambium has been using drones on behalf of a half-dozen clients—for urban design work, to analyze development opportunities, and to document existing projects.

Lane Kendig, based in Sturgeon Bay, Wisconsin, is the strategic advisor at Kendig Keast Collaborative, a community planning and design firm. He has written zoning codes and comprehensive plans in the past and says drones could have tremendous potential in helping planners conduct research, especially in the field of parking. He says most county and city parking manuals are often "years outdated" and believes drones could help planners more efficiently obtain up-to-date parking surveys.

"When it comes to writing zoning codes, that has always been a frustration because you can't always get [reliable and up-to-date] parking information," says Kendig.

Small applications

Whether they're used to scout a new piece of land, analyze the layout of a community, or obtain images for plan presentations, UAVs ultimately offer near real-time information in a cost-effective manner, Voigt says. Things like satellite images from Google Earth are often low quality and up to three years old. UAVs allow planners to put a camera hundreds of feet in the air and obtain real-time views of just about any location at any time.

Voigt believes drones could be especially beneficial to smaller communities. "Small towns can now [obtain] site-specific aerial photos. They can do fly-through of areas and obtain phenomenal data and images that can really change people's perspectives," he says.

Mitchell Sipus, CEO of Sutika Sipus in New York City, has worked in conflict zones such as Somalia, providing mapping for social research and humanitarian operations. Sipus, a planner, says that UAVs offer tremendous benefits in the field of planning. Ten years ago, he worked in refugee camps that grew almost every day. The only way he could obtain maps was to walk the perimeter of camps and log GPS coordinates with his satellite phone.

"I had to come up with all these creative ways to do planning back then. Nowadays, you could just fly a drone up in the air and obtain images," he says.

Sipus says while the machines now offer aerial observation and imagery, they could have even more uses in the future from advances in programming and autonomy. The technology is still evolving, but Sipus says that along with other machinery and programming, drones are simply a form of "social robotics" that can change how we see things and think.

Cost-effective, easy to operate

Drones are widely available in the consumer market and relatively easy to fly. Many models come with high-resolution photo and video capabilities for under \$1,000. Radios have ranges of up to one kilometer, and sophisticated flight controllers allow users to easily maintain positions at virtually any altitude. Real-time imagery from the drone is broadcast back to a ground station monitor or the user's smartphone. Voigt says even a "technically challenged" person could learn to operate one easily.

"They now have gyroscopes in them and know where they are in relation to the ground. They're not hard to fly; you could be proficient in a few days of practice," says Voigt.

That practice is less about being able to fly without crashing than it is to operate the drone smoothly for good video quality. Operators must be highly alert to their surroundings and altitude, especially when flying at lower altitudes near buildings and trees.

Ric Stephens, principal of Stephens Planning & Design in Portland, Oregon, has been using a drone for the past year to analyze projects, film presentations, and create photo simulations. He has captured aerial photos for the University of Oregon for future development evaluation, created photo simulations of downtown designs for Mt. Angela, Oregon, and shot video for the Portland Innovation District.

Stephens uses several UAVs, including a DJI Phantom 2 Vision Plus, one of the most popular consumer drones on the market. It features a built-in gimbal camera that shoots 14 megapixel photos, 1080p video, and can fly for 25 minutes on a single battery charge. "When GPS-connected to more than six satellites, it's a very high-quality, stable platform," says Stephens, referring to the fact that drones have

an autostabilization system allowing an operator to take hands off the controls.

There are dozens of drones with a range of price and capability. Based in Waterloo, Ontario, Aeryon Labs manufactures small UAVs for commercial and government applications. Its SkyRanger and Scout machines are being deployed around the world for power line inspections, disaster response, police investigations, surveying and mapping, and the oil and gas industry.

Aeryon vice president of marketing and product management David Proulx says the growth in the UAV industry can be attributed to advances in technology that allow them to be made smaller, cheaper, and easier to operate. Miniaturization of processors, GPS units, batteries, and motors has dramatically shrunk the size of machines and reduced costs. Easily transported in a small case, Aeryon's machines feature advanced software that allows them to be controlled with tablets and even programmed for autopilot missions.

"They're becoming intuitive and a lot easier to use," says Proulx. "Our [UAVs] were designed for people who have day jobs and aren't going to be full-time UAV operators."

Proulx says drones offer tremendous advantages in aerial observation and imagery. When factoring in a machine's lifetime of aerial capabilities, they're a fraction of the cost of photography and observation from manned aircraft. As manned planes are barred from flying too low or close to urban areas, they often have to capture images from hundreds or thousands of feet away. UAVs can fly at ultra-low altitudes and obtain images at close proximity from any angle.

New software solutions can stitch together hundreds or thousands of images to create highly detailed 3-D models of buildings or areas. Voigt says that feature allows planners to visualize existing sites in detailed and precise ways that have never before been possible.

Aeryon's machines have been used to create complex 3-D models, including one of the Christ the Redeemer statue in Rio de Janeiro, Brazil, which has never been accurately modeled. Aeryon captured 3,584 images of the statue in 19 10-minute flights, then converted them into a 3-D model with Pix4Dmapper Pro. Proulx says commercial users are only scratching the surface of what UAVs could do for modeling buildings, neighborhoods, and areas.

"You can post-process imagery to create ortho-rectified 2-D or 3-D models that can be used in the planning process," says Proulx. "It offers a whole new way to visualize and measure."

Risks and legal issues

While they're inexpensive and available, drones do raise issues. Anyone can operate a drone for recreational purposes under "hobbyist" regulations, but as of June 2015, the FAA still officially barred using drones for commercial operation without a Section 333 exemption. The agency has so far only issued a few hundred exemptions, which come with a strict set of requirements, including observation by an actual licensed pilot.

The agency is in the process of writing a framework of regulations for a licensing system in the next year or so. The FAA stated in a press release in February 2015 that the permitting would be less stringent and a private pilot license would no longer be required. A drone operator would need to be over the age of 17, pass an aero-

'Oblique imagery is a clearer form of communication and allows you to better envision the world because you're not looking straight down or straight out. It's a powerful tool to visualize location.'

ROBERT VOIGT, SENIOR PROJECT MANAGER, CAMBIUM

nautical knowledge test, and obtain an FAA UAS operator certificate. (For more on FAA rules, see "Know Your Drone," May 2015.)

Flights would be limited to daylight and line-of-sight operation below 400 feet. UAVs would also need to be registered and marked. The proposed rule also implies there could be the inclusion of a more flexible framework for "micro" UAVs under 4.4 pounds.

In practice, the FAA has yet to officially fine a single operator solely for commercial operation. All fines levied so far have been for pilots partaking in flights the agency has deemed "reckless." Aviation authority representatives have even stated in press releases that their selective enforcement strategy is meant to "educate" and "prevent dangerous situations."

"There are all kinds of people flying these things without a permit. It all comes down to policing," says Voigt.

Stephens, who teaches a course on drones at Portland State University's College of Urban and Public Affairs, says there's a lot to learn before jumping in. The course covers history, laws and ethics, aerodynamics and navigation, flight planning, operations, aerial photography, and emerging trends.

UAVs do entail some risk. There have been a number of high-profile crashes and near-misses with airplanes. All drone operators are supposed to stay at least five miles away from airports and stay under 400 feet in altitude unless authorized by the FAA. A propeller, motor, or battery failure could send the drone spiraling down to the ground.

With FAA approval or not, planners considering using drones may want to think about liability insurance. There are now about a half-dozen insurance companies offering policies to cover liability and damages in the event of a crash or mechanical failure.

While Stephens believes UAVs have great potential, he says they're being hampered by "a lot of confusion" about federal, state, and local regulations, compounded by safety, privacy, and issues that the media "is quick to exploit." Most public organizations that have interest in drones are waiting for FAA approval before they start deploying them, but many in the private sector aren't waiting, says Stephens.

"It is my sincerest wish that the U.S. will move forward with this transformative technology so we can realize its extraordinary benefits," says Stephens. ■

Craig Guillot is a freelance writer based in New Orleans.

RESEARCH

ONLINE

"The Age of Drones," by Ric Stephens, *Planning*, October 2013. Association for Unmanned Vehicle Systems International (drone/UAV trade association): auvsi.org.

FAA official model aircraft operation rules: faa.gov/uas/model_aircraft.

How to apply for a Section 333 exemption: faa.gov/uas/legislative_programs/section_333.

UAV liability insurance: transportrisk.com/uavrcfilm.html.

Design Ideas for Strengthening Downtowns

Drawing from his new book, *Rural by Design*, an experienced observer of rural and small town design reports on some of the more successful downtown revitalization strategies in use around the U.S.

By RANDALL ARENDT, FRTP

CREATIVE DESIGN INITIATIVES have helped enliven and strengthen downtowns in many communities, and are often part of broader strategies. The central lesson from Holland, Michigan (pop. 33,644), whose downtown is particularly successful and vibrant, is that no single action or approach will provide the answer. Complete solutions require initiatives on several different fronts. Many of them involve physical improvements, but intangibles such as commitments, relationships, and trust are equally important. The examples described here focus on the physical aspects, many containing important design components.

Maintaining traditional form and function

Town centers inevitably change over time, but such changes need not erase a community's special character.

According to Phil Walker, AICP, author of APA's *Downtown Planning for Smaller and Midsize Communities*, "One of the greatest victories a downtown plan can achieve is a clear set of development policies to ensure that the traditional urban form of a downtown is protected and reinforced by future development." Here is a close corollary: A pleasant and useful mix of uses and activities must also be achieved and maintained.

Officials should think through the possible unintended consequences of current regulations. Better zoning provisions include establishing "maximum front setbacks" (or a "build-to" line), minimum height (or a "build-up" line), and requiring buildings to have traditional windows and front doors facing streets, plus off-street parking located behind buildings. (Alcoves are an exception to maximum setback rules; see photo on this page)

When multistory infill replaces single-story buildings, downtowns benefit in several ways. Such an approach is offered by form-based coding, detailed in "Simplify That Code!" (June), although a combination of basic form-related design standards can provide excellent protection as well. In Davidson, North Carolina, zoning requires all new commercial buildings to have at least two functional stories above grade, with floor space that can be occupied.

Promoting upper-story uses, particularly residential, is key. Most of the upper floors along Hol-

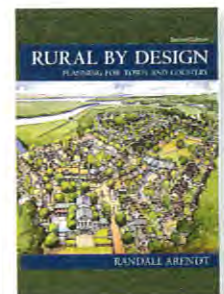


land's main street are occupied. Not counting two large senior housing blocks with about 750 units, nearly half of that floor space is residential, ensuring that downtown streets stay lively after shops close.

land's main street are occupied. Not counting two large senior housing blocks with about 750 units, nearly half of that floor space is residential, ensuring that downtown streets stay lively after shops close.

Metrics that work

One of the more remarkable small town examples is Oxford, Ohio (pop. 21,782), where a dozen new multistory mixed use buildings have been built downtown since 2007. One basic rule is that at least 70 percent of the front facade must meet the right-of-way line, and a minimum height of two stories is required. In practice, however, most new infill proj-



Rural by Design
2015; APA Planners
Press; 552 pp.; \$109.95
(APA members \$79.95).

ects have been taller, better matching the scale of many three- to four-story buildings.

Results are impressive: 12 new mixed use, multistory infill buildings providing 97 residential units housing 331 occupants (mostly students from Miami University), with eight new units housing 43 more residents in redeveloped buildings, above a total of 81,600 square feet of new ground floor commercial space. Although building height is limited to four floors, four-story slabs are avoided by limiting building area to three times the lot area. The upshot: Top floors are smaller than the rest, often stepped back beyond prominent third floor cornices, creating variety in apparent building heights. Limiting residential density to one occupant per 200 square feet of lot area allows more variety in the number of bedrooms in each dwelling unit.

Ground-floor commercial must cover at least 70 percent of the lot area, and 30 percent more may be located above or below that. Because downtown land is valuable, there are no on-site parking requirements, a key aspect of Oxford's approach. Although some residents do not own cars, many who do park them in lots they can either walk to or reach by the free local bus service. These metrics have worked very well, according to local architect Scott Webb, de-



The two photos above show an inappropriately low infill building from the 1960s in downtown Oxford, Ohio, that was replaced by a new four-story mixed use building. With a shared vision and cooperation between officials and entrepreneurs, downtown streetscapes can be restored to their previous form and function.

signer of many of the new infill buildings. Notably, these results have been achieved without form-based coding.

Holland has provided parking on land behind its main street buildings, with maintenance provided by the municipality or by a business improvement district. These rear parking lots have been created, expanded, and landscaped over the years as parcels have become available or as buildings have come down. The city controls some parking through ownership and several lots through leases. The downtown development authority maintains all city-owned and leased lots and a relatively new downtown parking deck, which are funded through an annual assessment program. All on-street and public lot parking is free, although residents pay overnight parking fees.

Many merchants increase their business by opening rear doorways, allowing customers to enter from parking lots. Even when people use shops as shortcuts to the street, some retailers see this as an opportunity to display their wares and say hello. Interviews with shopkeepers have shown that most of them like the idea, and they report virtually no increase in shoplifting.

Creating attractive environments helps increase the number of downtown visitors and the frequency and length of their visits. Shade trees and benches are basic; they should be supplemented with colorful planters, widened sidewalks to accommodate dining tables, and a small fountain or two. Street musicians, performance artists, and public art help create a welcoming ambience, inviting shoppers and others to linger and enjoy their surroundings.

Holland attracts thousands of visitors every year during its annual springtime tulip festival; it also closes several blocks of its main street to cars every Thursday evening during the summer, converting it into a popular pedestrian promenade. Crowds of residents and visitors fill the street, enjoying food, music, aromas, shops, and each other's company.

When large downtown buildings become vacant, creative solutions are essential. In Northampton, Massachusetts (pop. 28,554), a three-story department store with 55,000 square feet of floor space was sensitively reconfigured (preserving its historic staircase, tin ceilings, and woodwork). Rechristened as Thorne's Mar-



Attractively paved and landscaped footpaths along municipal parking lots behind "main street" shops in Holland, Michigan, lead into many businesses through rear entryways.

ketplace, it leases individual spaces to dozens of small retailers and food purveyors, creating what has been described as a “contemporary bazaar.” This imaginative and highly successful conversion has brought customers back to the downtown shopping and dining district. According to town planner Wayne Feiden, FAICP, “Thorne’s was the single most important retail pioneer that helped bring downtown back alive.”

Public space is valuable

Whether in new mixed use areas or retrofitted town centers, creating comfortable public spaces can provide economic as well as aesthetic benefits. A 1989 study of 21 rural towns in Georgia conducted by James Kenyon of the University of Georgia found that the vitality of the centers (expressed by their peak pedestrian volumes) was related, in part, to the physical form of the central business district. Of four broad physical forms identified (courthouse square, multiblock, cruciform, and stem), pedestrian activity was by far the strongest in the towns with courthouse squares.

In the West, plazas created by Spanish settlers anchor hundreds of downtowns, where artists display and sell their jewelry, pottery, weaving, and other works, fulfilling an age-old need for meaningful public places.

Such a need was recognized in Lewisburg, West Virginia (pop. 3,939), after a corner building dating from 1897 burned down in 1997. A 5,600-square-foot park was built in stages between 2005 and 2013, a result of joint efforts by citizens, officials, and two local foundations. Downtown foot traffic near the park—the heart of the shopping district—increased dramatically, according to Mayor John Manchester.

In the city of Bainbridge Island, Washington, a similar, but less elaborate, amenity was created when three buildings were replaced by a mixed use development designed in an L shape, facing a four-way intersection across a newly created green. Notably, this park



Grass, shade trees, brick paving, benches, planters, public art, and a children’s play fountain have transformed a vacant parcel at one of the main intersections in Lewisburg, West Virginia.

would have been impossible had the new building maintained a traditionally close relationship to the streets, underscoring the need for flexibility in building siting.

Public art

Sheridan, Wyoming (pop. 17,916), is one of many communities recognizing that public art displays help revitalize downtowns. In any given year between 20 and 30 sculptures, on loan from artists around the country, are displayed in Sheridan’s public spaces. In addition, the city has acquired 42 permanent sculptures for its parks and downtown. Those sculptures were donated by local businesspeople and residents, or purchased with commissions from sculpture sales, or funds raised by an annual golf tournament and the county’s one percent sales tax.

Artists whose work is selected for display receive a \$500 honorarium from the city, which collects a 25 percent commission on works sold during exhibition periods. Even in a slow year such as 2011, loaned sculptures were sold for \$104,000, generating \$26,000, which the city spent on new sculpture acquisitions. Similar programs exist in Grand Junction and Loveland, Colorado; Lewiston and Coeur d’Alene, Idaho; Sioux Falls, South Dakota; and Gillette and Green River, Wyoming.

Small parks and parklets

Even modest downtown spaces can become much more special, as shown by the conversion of a remnant triangle of asphalt at a wide intersection in downtown Auburn, California (pop. 13,960).



This statue of a heron was one of more than 20 pieces of art on display in 2010 in Sheridan, Wyoming, which recognizes that public art helps revitalize its downtown.



Nevada City, California, installed a moveable wooden platform to create a sidewalk seating area to test the public's acceptance of parklets.

A small triangular park built in 2009 has greatly improved the attractiveness of a formerly very broad intersection with three small traffic islands. It is now filled with outdoor seating, trees, landscaping, a fire pit, and a rain garden to pretreat stormwater. The park became a possibility when an awkwardly angled intersection was rectified, freeing about 6,000 square feet of land for music, movies, square dancing, and service club events.

Having seen successful parklets in curbside parking spaces in other downtowns, Nevada City, California (pop. 3,068), has approved a removable boardwalk seating area as a multiyear experiment, occupying three parking spaces on Commercial Street. The 50-foot-long parklet, with eight-foot-wide wooden planks level with the sidewalk, and separated from vehicles by bollards, provides space for benches, planters, and bike racks.

These small oases create synergy when located in front of businesses such as coffeehouses and sandwich shops. They work best on streets with low speed limits and in mid-block locations away from corners, where they could block views and impede turning movements. Parklets can help create innovative new public space, and their low cost allows cities to experiment with various forms and locations.

A tale of two bridges

Turning lemons into lemonade, a local women's club transformed an abandoned trolley bridge into a major tourist attraction in Shelburne Falls, Massachusetts (pop. 1,731). Since the late 1920s, lush plantings have lined both sides of a central meandering footpath crossing this bridge, whose surface is covered by several feet of soil. This "Bridge of Flowers" attracts as many as 36,000 visitors annually from more than 100 countries.

Spanning Sand Creek in downtown Sandpoint, Idaho (pop. 7,365), is the Cedar Street Bridge, reconstructed as an enclosed linear retail walkway in 1982 by local entrepreneur Scott Glickenhau. An outside walkway, four feet wide and roofed, allows pedestrian access when the shops are closed. This historic bridge at the end of Cedar Street, linking downtown businesses

with the train depot, was closed to vehicular traffic in 1971, and condemned nine years later.

This project was influenced by Glickenhau's visit to Florence's Ponte Vecchio ("old bridge"), and by the transformation of Boston's historic Faneuil Hall Marketplace into a lively urban space for meeting and eating. "People like to sit; they love sun, shade, and water," Glickenhau says. "Those are the things you need to have a vibrant downtown, the colors and the smells. Those were the ingredients that went into (and) helped create the flavor of the bridge."

This addition to the downtown business district is thoroughly modern. The southern wall was built with 4,500 square feet of insulated glazing, creating a long solarium that lights and heats the space on sunny days. The north side resembles a traditional covered bridge, wood-clad with few openings. About 100,000 square feet of insulated concrete flooring absorbs the sun's energy and serves as a passive heat sink. In the winter, when the sun is lower on the horizon, its rays warm the enclosed airspace. The overall effect of walking through or sitting inside the bridge is extremely peaceful, with food aromas circulating throughout.

The bridge, 60 to 80 feet wide and more than 400 feet long, contains 26,500 square feet of retail space, divided into numerous shops and restaurants. A long, wide ramp provides easy access to the second floor. According to the Sonoran Institute, upon completion the bridge became an instant landmark and tourist attraction, drawing new customers to Sandpoint's downtown business district. The Cedar Street Bridge has evolved into a collection of cart vendors, restaurants, gift shops, jewelers, and boutiques.

Daylighting a downtown creek

After several decades of gradual economic decline—the result of Interstate 84 bypassing town—officials in Caldwell, Idaho (pop.



Landscaping has transformed a disused trolley bridge (above and immediate right) into a major tourist attraction in Shelburne Falls, Massachusetts. It is now called the Bridge of Flowers.



The reconstructed Cedar Street Bridge in Sandpoint, Idaho, is now an enclosed linear retail walkway linking the train depot to downtown businesses.



46,237), a once-thriving industrial center, identified Indian Creek as a potential key to downtown revitalization. They subsequently requested assistance from the U.S. Army Corps of Engineers to determine the feasibility of uncovering, or daylighting, Indian Creek as it flows through the city center. This impressive municipal effort, involving several departments, restored the creek to its former natural openness, creating a 120-foot-wide greenway with six acres of open space, paths for walking and biking, natural rock features, and a vastly improved natural habitat.

The creek corridor defines the geometry of downtown development and creates a framework for special districts and placemaking spaces with paved walkways, interpretive nodes, and historic lighting for people-centered and community-supported development in front of the restored train depot, according to the *Downtown Framework Master Plan*.

The large number and variety of creative approaches initiated by individual entrepreneurs, municipal governments, and volunteer groups interested in strengthening small downtowns across

the country are extremely encouraging. In addition to the extra care taken in regulating the height and setbacks of new infill buildings, promoting residential occupancy and creating new and inviting public spaces are key aspects of successful strategies.

From displaying public art and daylighting covered waterways to finding new uses for vacant department stores or old bridges, there is virtually no limit to what can be accomplished when challenges are met creatively and cooperatively.

Randall Arendt is the author of *Rural by Design: Planning for Town and Country*, published by APA Planners Press. This article is adapted from the completely revised, second edition of the book, issued in April: planning.org/store/product/?ProductCode=BOOK_ARDP.

RESOURCES

FROM APA

Downtown Planning for Smaller and Midsize Communities, Phil Walker, AICP. In print and e-book format, available at planning.org/store/product/?ProductCode=BOOK_AE1450.

"Simplify That Code!" Randall Arendt, *Planning*, June 2015, planning.org/planning/2015/jun/simplifythatcode.htm.

