

**PLANNING COMMISSION
SPECIAL MEETING**

Wednesday, July 6, 2022 – 6:00 P.M.

Web conference via ZOOM - To participate please join via Zoom:
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AGENDA

In Compliance with the Americans with Disabilities Act (ADA), if you are a disabled person and need a disability related modification or accommodation to participate in this meeting, please contact the City Clerk's Department at (310) 603-0220 ext. 214. Requests must be made as early as possible, and at least one full business day before the start of the meeting. Staff reports or other materials related to an item on this Agenda which are distributed to the Planning Commission less than 72 hours before this scheduled meeting shall be available for public inspection in the Development, Compliance and Enforcement Department/Planning Division office located at 11330 Bullis Road, Lynwood, CA 90262, during normal business hours.

- 1. CALL TO ORDER**
- 2. CERTIFICATION OF AGENDA**
- 3. ROLL CALL**

Roland Becerra, Commissioner
Francisco Martin, Commissioner
Arturo Ramirez, Commissioner
Robert Gomez, Commissioner
Kenneth West, Chair

Duly Posted
RECEIVED

JUN 30 2022

CITY OF LYNWOOD
CITY CLERKS OFFICE

Maria Guzman
City Clerk

4. PLEDGE OF ALLEGIANCE

5. PRESENTATIONS AND RECOGNITIONS

6. APPROVAL OF MINUTES

7. NON-AGENDA PUBLIC ORAL COMMUNICATION

(This time is reserved for members of the public to address the Planning Commission relative to matters that are not on the agenda. No action may be taken on non-agenda items unless authorized by law)

8. PUBLIC HEARING(S)

(With respect to speakers addressing items listed under the heading of public hearing, you are asked to wait until the Chair formally opens the public hearing and the item is called)

A. A request for the Planning Commission to consider the implementation of a citywide ordinance to amend the City of Lynwood's Zoning Code, specifically: (i) Chapter 25, Article 200 (Definitions) and (ii) Appendix A to Chapter 25 (Uses By Zoning District) updating the list of uses permitted in specific zoning districts.

- I. Staff Report Presentation
- II. Open Public Hearing
- III. Public Testimony
- IV. Close Public Hearing
- V. Commission Discussion
- VI. Call for the question/vote (M _____ S _____)

9. NEW - OLD BUSINESS

10. PLANNING COMMISSION/PBIDB ORAL COMMUNICATIONS

11. DIRECTOR COMMUNICATIONS

12. ADJOURNMENT

Next Regular Meeting is scheduled for August 12, 2022.


John Yonai,
Interim Community Development Director
Lynwood Planning Commission



City of **LYNWOOD**

A City Meeting Challenges

11330 BULLIS ROAD
LYNWOOD, CALIFORNIA 90262
(310) 603-0220



DATE: July 6, 2022

TO: Honorable Chair and Members of the Planning Commission

FROM: John Yonai, Interim Director of Community Development
Alfredo Perez, Planning Associate
John W. Lam, Assistant City Attorney

SUBJECT: Recommendation of Ordinance Amending Section 25-2001-1 of Chapter 25 (Zoning) of the Lynwood Municipal Code and Appendix A to Chapter 25 (Uses by Zoning District), ZC 2022-01

RECOMMENDATION

It is recommended that the Planning Commission:

1. **CONDUCT** a public hearing and receive public testimony; and
2. **ADOPT** Resolution No. 3446 recommending approval of Ordinance amending Section 25-2001-1 of Chapter 25 (Zoning) of the Lynwood Municipal Code and Appendix A to Chapter 25 (Uses by Zoning District)

Background:

From time-to-time, it is necessary for the City of Lynwood ("City") to update and amend Chapter 25 of the Lynwood Municipal Code, which regulates the zoning and land use regulations in the City ("Zoning Code"). It is imperative that the City continually monitors and studies changing land use trends and in turn timely updates its land use regulations to provide clarity in the Zoning Code, creates consistency of terms and definitions, and appropriately amend the Zoning Code to reflect current commercial market trends that better align with the needs of City businesses and residents.

In December 2016, the City adopted Chapter 4-34 allowing and establishing comprehensive regulations legalizing, controlling, and regulating commercial cannabis activities related to nonmedicinal cannabis for use by adults twenty-one (21) years of age and older, including the storefront retail sale of nonmedical cannabis for use by adults twenty-one (21) years of age and older in the City as permitted by Proposition 64 -the Adult Use of Marijuana Act ("AUMA"), which was overwhelmingly approved by California voters.

Discussion:

Although permitted under AUMA, the City elected to prohibit retail store front sales of nonmedical cannabis and those commercial cannabis activities related to wholesale distribution, warehousing, and manufacturing of medical and nonmedical cannabis.

During the 5 years since the City enacted Chapter 4-34, the commercial cannabis industry has developed and been tested in other cities throughout the State of California. The City now desires to permit limited retail cannabis sales in certain zoning districts in the City, subject to a strong and effective regulatory system with regard to the storefront retail sale of medicinal and nonmedicinal cannabis that protects the public health, safety, and environmental resources, provides a consistent regulatory pathway for the storefront retail sale of medicinal and nonmedicinal cannabis consistent with State regulations, fosters healthy, diverse, and economically viable the cannabis retailers that contribute to the local economy, and ensures that environmental, public health, safety and nuisance factors related to the storefront retail sale of medicinal and nonmedicinal cannabis.

Staff is recommending to update and amend Chapter 25 of the Lynwood Municipal Code in an effort to generate additional revenues for critical police, fire and quality of life services. As discussed at the June 21, 2022, regular City Council meeting when adopting the updated second year budget of the biennial fiscal year 2021-22 and 2022-23 budget, several funds critical to the City's ability to provide public services have large increases in financial liabilities. For example, over the last several fiscal years the landscape fund has grown to a deficit projected to be over \$6 million dollars in fiscal year 2022-23. With limited opportunities to generate additional revenues, City staff is exploring all options to include reduction of services, cost efficiency analysis, and initiating new revenue opportunities such as the proposed update and amendment to Chapter 25 of the Lynwood Municipal Code.

Allowing limited retail cannabis sales will provide land uses that better meet the needs of the City by providing a more balanced and functional mix of land uses, plans for new patterns of land uses that better complement the overall character and existing uses, promotes land uses that capitalize on the opportunities and mitigates the negative impacts of the City's adjacency to major transportation systems, better plans for a range of commercial sites that serve the needs of those living, working, and visiting Lynwood and help develop the Lynwood a viable commercial retail center for the area, and provides commercial merchandising and retailing establishments that serve the needs of the residents and businesses of Lynwood. Additionally, as previously stated, the new uses proposed under this Ordinance would expand the commercial revenue base in the City of Lynwood, which would provide additional funding for important public services. Based on these factors, which are outlined in more detail in the findings contained in the Resolution, the required findings under Section 25-115-4 of the Lynwood Municipal Code.

In furtherance of these goals, the City desires to amend Chapter 25 (Zoning) to allow the storefront retail sale of medicinal and nonmedicinal cannabis within the following City zoning districts: C-2A (Medium Commercial District), C-3 (Heavy Commercial District), or M (Manufacturing District), including any overlay zones, in particular any SPA (Specific Plan Area) covering the C-2A (Medium Commercial District), C-3 (Heavy Commercial District), or M (Manufacturing District), subject to the requirements of Chapter 4-35, which proposes

establishing strong and comprehensive development standards and permitting requirements for storefront retail sales of medicinal and nonmedicinal cannabis.

The ordinance establishing the storefront retail cannabis development standards and permitting requirements will be considered by the City concurrently with the consideration of this Ordinance amending Chapter 25.

Conclusions

For the reasons stated above, it is recommended that the Planning Commission adopt the Resolution recommending adoption of an ordinance amending Chapter 25 (Zoning) and Appendix "A" to Chapter 25 of the Lynwood Municipal Code.

Environmental Determination

The adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility that the amendment of Chapter 25 (Zoning) and its Appendix A, which provides clarity, creates consistency of terms and definitions, amends the Zoning Code to reflect current commercial market trends may have a significant effect on the environment. Moreover, no specific project or use will be approved in any specific location in the City through the approval of this Ordinance.

Public Notice Process

Pursuant to California Government Code Section 65091, a public hearing notice has been published in at least one newspaper of general circulation within the local agency. As such, the notice was published in the Lynwood Press Wave on June 24, 2022. In addition, the notice was posted at three (3) public locations, which included inside City Hall, outside City Hall at the kiosk, and on the City's website.

ATTACHMENTS

1. Draft PC Resolution
2. Draft City Council Ordinance

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LYNWOOD RECOMMENDING TO THE LYNWOOD CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING SECTION 25-200-1, CHAPTER 25 (ZONING) OF THE LYNWOOD MUNICIPAL CODE AND APPENDIX A TO CHAPTER 25 (USES BY ZONING DISTRICT)

WHEREAS, the City of Lynwood is a general law city granted police powers set forth under Article XI, Section 7 of the Constitution of the State of California; and

WHEREAS, pursuant to its police powers, the City of Lynwood may from time-to-time adopt such planning and zoning laws and regulations for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, the all requisite public hearing notices were given as required by law; and

WHEREAS, the Planning Commission, upon giving the required notice did, on the 6th day of July 2022, conduct a duly-advertised public hearing as prescribed by law, at which time evidence, both oral and written, including a staff report were presented and received, and comments were heard from all interested parties appearing in the matter, recommending to the Lynwood City Council approval of a proposed ordinance amending Chapter 25 of the Lynwood Municipal Code pursuant to Lynwood Municipal Code Section 25-115-2.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Lynwood as follows:

SECTION 1. Based on the above recitals, the staff report accompanying this Resolution, and public comment (written and oral), the Planning Commission hereby finds and determines as follows:

A. *That the proposed amendment to Chapter 25 of the Lynwood Municipal Code (Zoning) is consistent with the goals, policies, and objectives of the general plan;*

The proposed ordinance amending Chapter 25 of the Lynwood Municipal Code (Zoning) is consistent with the Lynwood General Plan Land Use Element Goals and Policies:

- Provides a balanced and functional mix of land uses, which takes advantage of the unique position of Lynwood in relation to the region. The proposed ordinance amending Chapter 25 allows new forms of retailers within certain districts within the City that provide an important service and access to goods to those living, working, and visiting Lynwood.
- Plan for new patterns of land uses which complement the overall character or existing uses, and which offer opportunities for the compatible

development of vacant and underutilized parcels. The proposed ordinance amending Chapter 25 allows new compatible retail land uses that are currently unavailable in the City, which when allowed would compliment the existing mix of land uses and provide much needed services to those living, working, and visiting the City.

- Promote land uses that both capitalize on the opportunities and mitigates the negative impacts of the City's adjacency to major transportation systems. The proposed ordinance amending Chapter 25 allows new forms of retailers within certain districts within the City that may take advantage of the major transportation systems available to the City and create destination retail uses within the City, which provide much needed services and expands the local retail tax base within the City thereby increasing local revenue available for public services that benefit the public health, safety, and general welfare.
- Goal LU-2 calls for the City to plan for a range of commercial sites that serve the needs of those living, working, and visiting Lynwood and provide a range of commercial opportunities in line with the needs of the community and will continue to develop the City as a retail center for the area. The proposed ordinance amending Chapter 25 allows new compatible retail land uses that are currently unavailable in the City, which when allowed would complement the existing mix of land uses and provide much needed services to those living, working, and visiting the City.
- Commercial Policy LU 2.1 calls for commercial uses to provide for general merchandising and retailing establishments that serve the needs of the residents of Lynwood. The proposed ordinance amending Chapter 25 allows new compatible retail land uses that are currently unavailable in the City, which when allowed would complement the existing mix of land uses and provide much needed services to those living, working, and visiting the City.

For the reasons stated above, proposed ordinance amending Chapter 25 is consistent with the goals, policies, and objectives of the Lynwood General Plan.

B. That a proposed zoning code amendment will not adversely affect surrounding properties.

The proposed ordinance amending Chapter 25 of the Lynwood Municipal Code (Zoning) would not have an adverse affect on surrounding properties because the proposed ordinance proposes to allow new retailer land uses in specific zoning districts within the City, the specific location of such uses is not currently know and will be evaluated on a case by case basis.

SECTION 2. The Planning Commission hereby recommends to the City of Lynwood City Council adoption of an ordinance amending Chapter 25 of the Lynwood Municipal Code (Zoning) in substantially similar form to the draft ordinance attached to the Staff Report accompanying this Resolution.

SECTION 3. The Planning Commission further finds that the adoption of this Resolution is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility that the Planning Commission’s recommendation of the proposed ordinance to the City Council may have a significant effect on the environment.

SECTION 4. If any section, subsection, clause or phrase of this Resolution is for any reason, held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Resolution. The Planning Commission hereby finds that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. This Resolution is the result of an action taken by the Planning Commission on July 6, 2022 at a Special Meeting of the Planning Commission, by the following vote:

YES:

NO:

ABSENT:

ABSTAIN:

SECTION 6. The Secretary shall certify to the adoption of this Resolution, which shall go into effect immediately upon its adoption.

[Signatures on the following page(s)]

PASSED, APPROVED AND ADOPTED this 6th day of July 6, 2022.

Ken West, Vice-Chairperson

APPROVED AS TO FORM

APPROVED AT TO CONTENT

John W. Lam
Office of the City Attorney
Development

John Yonai
Interim Director of Community

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, CALIFORNIA AMENDING SECTION 25-200-1 OF CHAPTER 25 (ZONING) OF THE LYNWOOD MUNICIPAL CODE AND APPENDIX A TO CHAPTER 25 (USES BY ZONING DISTRICT)

WHEREAS, the City of Lynwood is a general law city granted police powers set forth under Article XI, Section 7 of the Constitution of the State of California; and

WHEREAS, pursuant to its police powers, the City of Lynwood may from time-to-time adopt such planning and zoning laws and regulations for the purpose of promoting the public health, safety, and general welfare; and

WHEREAS, this Ordinance provides clarity, creates consistency of terms and definitions, amends the Zoning Code to reflect current commercial market trends; and

WHEREAS, on July 6, 2022 at a special meeting of the Lynwood Planning Commission, the Planning Commission recommended to the City Council approval of this Ordinance; and

WHEREAS, the all requisite public hearing notices were given as required by law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and declares that the recitals set forth above are true and correct, and adopts and incorporates such as a material part of this Ordinance.

SECTION 2. Based on the staff reports, presentations, public testimony, Planning Commission recommendations, and other evidence presented at the duly noticed public hearing on this matter, the City Council finds and determines as follows:

A. *This Ordinance amending Chapter 25 of the Lynwood Municipal Code (Zoning) is consistent with the goals, policies, and objectives of the general plan;*

The proposed ordinance amending Chapter 25 of the Lynwood Municipal Code (Zoning) is consistent with the Lynwood General Plan Land Use Element Goals and Policies:

- Provides a balanced and functional mix of land uses, which takes advantage of the unique position of Lynwood in relation to the region. The

proposed ordinance amending Chapter 25 allows new forms of retailers within certain districts within the City that provide an important service and access to goods to those living, working, and visiting Lynwood.

- Plan for new patterns of land uses which complement the overall character or existing uses, and which offer opportunities for the compatible development of vacant and underutilized parcels. The proposed ordinance amending Chapter 25 allows new compatible retail land uses that are currently unavailable in the City, which when allowed would complement the existing mix of land uses and provide much needed services to those living, working, and visiting the City.
- Promote land uses that both capitalize on the opportunities and mitigates the negative impacts of the City's adjacency to major transportation systems. The proposed ordinance amending Chapter 25 allows new forms of retailers within certain districts within the City that may take advantage of the major transportation systems available to the City and create destination retail uses within the City, which provide much needed services and expands the local retail tax base within the City thereby increasing local revenue available for public services that benefit the public health, safety, and general welfare.
- Goal LU-2 calls for the City to plan for a range of commercial sites that serve the needs of those living, working, and visiting Lynwood and provide a range of commercial opportunities in line with the needs of the community and will continue to develop the City as a retail center for the area. The proposed ordinance amending Chapter 25 allows new compatible retail land uses that are currently unavailable in the City, which when allowed would complement the existing mix of land uses and provide much needed services to those living, working, and visiting the City.
- Commercial Policy LU 2.1 calls for commercial uses to provide for general merchandising and retailing establishments that serve the needs of the residents of Lynwood. The proposed ordinance amending Chapter 25 allows new compatible retail land uses that are currently unavailable in the City, which when allowed would complement the existing mix of land uses and provide much needed services to those living, working, and visiting the City.

For the reasons stated above, proposed ordinance amending Chapter 25 is consistent with the goals, policies, and objectives of the Lynwood General Plan.

B. That a proposed zoning code amendment will not adversely affect surrounding properties.

The proposed ordinance amending Chapter 25 of the Lynwood Municipal Code (Zoning) would not have an adverse effect on surrounding properties because the proposed ordinance proposes to allow new retailer land uses in specific zoning districts within the City, the specific location of such uses is not currently know and will be evaluated on a case by case basis.

SECTION 3. The City Council finds that the adoption of this Resolution is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility that the amendment of Chapter 25 (Zoning), which provides clarity, creates consistency of terms and definitions, amends the Zoning Code to reflect current commercial market trends may have a significant effect on the environment. Moreover, no specific project or use will be approved in any specific location in the City through the approval of this Ordinance.

SECTION 4. The following definition within Section 25-200-1 (General) of Article 200 (Definitions) of Chapter 25 (Zoning) of the City Municipal Code is hereby deleted in its entirety:

MEDICAL MARIJUANA DISPENSARIES: Any establishment or location where marijuana is distributed, transmitted, given to, or otherwise provided to qualified patients or primary caregivers in accordance with California Health and Safety Code sections 11362.5 through 11362.83, inclusive, commonly referred to as the “compassionate use act of 1996” and “senate bill 420”.

SECTION 5. Appendix A (Uses by Zoning District) of Chapter 25 (Zoning) of the City Municipal Code is hereby amended by the deletion and addition of the following land uses and notes regarding additional regulations to the table within such Appendix A as shown below:

Land Use	R-1	R-2	R-3	PRD	P-1	C-2	C-2A	C-3	PCD	CB-1	M	HMD	PF	OS	SPA	CCOA
<u>Cannabis retailer</u>							<u>P⁵</u>	<u>P⁵</u>			<u>P⁵</u>				<u>P^{5,6}</u>	
<u>Medical marijuana dispensaries</u>	Prohibited in any zoning district															

⁵ Pursuant to the requirements of Chapter 4-35.

⁶ Permitted by right if the SPA (Specific Plan Area) covers the C-3 (Heavy Commercial District), or M (Manufacturing District)

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not

declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and cause it to be posted as required by law. This Ordinance shall become effective thirty (30) days after its adoption following the second reading of the Ordinance.

Jorge Casanova, Mayor

ATTEST:

Maria Quinonez, City Clerk

APPROVED AS TO FORM

Noel Tapia, City Attorney