



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

411 West Ocean Blvd., 3rd Floor

Long Beach, CA 90802

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August 1, 2019

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption CE19-149 and approve 1) a Conditional Use Permit (CUP18-025) for cultivation and distribution, 2) an Administrative Use Permit (AUP18-008) to operate a testing laboratory, and 3) a Lot Merger (LMG18-025) to create a single lot for the construction of a new 12,920-square-foot industrial building in conjunction with establishing an adult-use cannabis facility at 1360 West Cowles Street in the General Industrial (IG) Zoning District. (District 1)

APPLICANT: Joe Caristo
2436 E. 4th Street #421
Long Beach, CA 90814
(Application 1808-26)

DISCUSSION

The project site is located on the southeast intersection of Cowles Street and Harbor Avenue (Exhibit A), and has a General Plan Designation of General Industry (LUD No. 9G). The site is in a heavily industrialized district and surrounded by uses that are industrial in nature to the north, east, south, and west.

The applicant is proposing to merge two adjoining lots into a single 10,000-square-foot lot to erect a 12,920-square-foot industrial building which will include cultivation, manufacturing, distribution, and testing operations. The design of the facility received approval from the Site Plan Review Committee on June 12, 2019 (Exhibit B & C). The applications for the Planning Commission's consideration include a Conditional Use Permit (CUP) for the cultivation and distribution of adult-use cannabis, an Administrative Use Permit (AUP) for testing of adult-use cannabis, and a Lot Merger of the two parcels.

On January 1, 2016, the Medical Cannabis Regulation and Safety Act (MCRSA) took effect, creating a statewide regulatory and licensing system for medical cannabis businesses in California. On November 8, 2016, California voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA). AUMA serves as the equivalent of MCRSA, from the standpoint of adult-use cannabis businesses. The following year, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which merged state regulations for medicinal and adult-use commercial cannabis activity into

a single framework. MAUCRSA has given local governments the ability to regulate and/or prohibit adult cannabis activity within their jurisdictions.

Subsequently, in 2018, the City of Long Beach adopted changes to portions of Long Beach Municipal Code (LBMC) Title 21 – Zoning and Title 5 – Regulation of Businesses, Trades, and Professions, all pertaining to the regulation of adult-use cannabis. The result of the code amendment was to establish the land use regulations that govern each adult-use cannabis business type.

LBMC Title 21 does not include specific special development standards for adult-use cannabis facilities. Cannabis uses are regulated through LBMC Title 5, specifically newly adopted Chapter 5.92 – Adult-Use Cannabis Businesses and Activities. Chapter 5.92 consists of general operating conditions such as building design, location requirements, and security. Title 5 building design standards are implemented to minimize impacts associated with remodeled or new adult-use cannabis facilities. Title 5 conditions addressing the security of adult-use cannabis facilities cover a wide range of requirements from digital surveillance and alarm systems to security records, barriers, and secure transportation areas. Additionally, California Building Code and Fire Code regulate the storage and handling of chemicals associated with crop cultivation.

Both Administrative Use Permits and Lot Mergers are typically processed by the Zoning Administrator Hearing process. However, in an effort to provide a streamlined process for the applicant and the public, the matter of the lot merger was referred to the Planning Commission as part of this application. The proposed lot merger combines two contiguous lots into a single 10,000-square-foot lot in the IG zone. The lot merger brings the property closer to conformance with the 20,000-square-foot minimum lot size in the IG zone.

Positive findings are required in order to approve a CUP or AUP for the proposed adult-use cannabis facility (Exhibit D). These findings include the requirement that the use not be detrimental to the surrounding community and that it carries out the intent of the General Plan.

The project site is located within a heavily industrialized area in which intense industrial uses are allowed. The components of the proposed business constitute a less intense use than those generally allowed in the IG zone. Staff does not anticipate any detrimental impacts resulting from the approval of this adult-use cannabis facility.

The intent of LUD No. 9G is to provide areas for any business to conduct legitimate industrial activities, indoors or outdoors, provided such business conducts its operations in a manner consistent with all applicable safety, environmental and zoning regulations. The Long Beach Municipal Code (LBMC), Title 5, sets forth a comprehensive list of operational and safety standards with which the applicant will be required to comply with. Furthermore, several Conditions of Approval will be incorporated to support the requirements of LBMC Title 5 including security measures, lighting, hours of operation, prohibition of loitering, and proper interior and exterior maintenance.

