

## **CONDITIONAL USE PERMIT FINDINGS**

**3245 E. 59<sup>th</sup>**

**Application Nos. 1906-13 (CUP19-27)**

**December 5, 2019**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The applicant is requesting approval of stand-alone adult-use cannabis facilities consisting of product distribution. The subject site is located in Land Use District No. (LUD) #9R –Restricted Industry and within the IL (Light Industrial) Zone. The draft General Plan Land Use PlaceType is Neo Industrial, which is intended to allow for light industrial, clean manufacturing and supporting office uses. The IL zone is an industrial district where various industries and supporting office uses are permitted. The primary operations should occur entirely within enclosed structures and pose limited potential for environmental impacts on neighboring uses. Within the IL Zone, the operation of an adult-use cannabis distribution facility requires approval of a Conditional Use Permit (CUP). A CUP is consistent when it carries out the intent of the General Plan land use district in which it is located, and otherwise complies with the required findings of the Zoning Regulations. Approval of a CUP would allow for the establishment of low-intensity industrial uses (small-scale crop distribution) within a zoning district that permits a wide range of small-scale industrial uses, with conditions of approval required. Furthermore, the proposed uses will be primarily housed in an existing building and all applicable regulations of the IL Zone will be satisfied. Additional conditions of approval have been incorporated to ensure that any outdoor activities do not cause nuisance or produce offsite impacts.

The Land Use Element designation of LUD #9R – Restricted Industry is established to provide areas for specific businesses to conduct legitimate industrial activities, provided such business conducts its operations in a manner consistent with all applicable safety, environmental and zoning regulations. The proposed adult-use cannabis distribution facility will occupy the rear portion of an existing 20,266 square-foot building, on a parcel of 45,300 square-feet. The operation of such businesses are consistent with surrounding businesses that feature a variety of industrial and manufacturing uses. The Distribution facility will deliver medical and recreational cannabis to qualified licensed dispensaries. All adult-use cannabis facilities are subject to stringent rules and regulations governed by Long Beach Municipal Code Title 5 – Regulation of Businesses, Trades and Professions. Also, several Conditions of Approval will establish parameters by which the approved businesses will operate. Therefore, the proposed use is consistent with LUD #9G.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

In accordance with the California Environment Quality Act (CEQA) and the CEQA Guidelines, the project is exempt per Section 15301 – Existing Facilities. The proposed use will be established within an existing industrial space of 20,266 square feet that requires only interior and exterior modifications. The site will be equipped with a surveillance system to deter criminal activity and promote safety. There are existing residential uses abutting the property to the north, but the existing buildout of the site and conditions of approval will ensure no there are no negative impacts. No industrial activity other than loading and unloading of materials will take place in the rear of the property, and the existing building is more than 90 feet from the rear property line. Additional conditions, including upgrades to the existing fencing, landscaping, and lighting, will ensure that the proposed use as conditioned would not be detrimental to the community.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

Although Chapter 21.52 does not enumerate any special conditions related specifically to the operation of any adult-use cannabis facilities, Section 21.52.410 states the following conditions which apply to industrial uses requiring a Conditional Use Permit:

**A. The proposed use, and the siting and arrangement of that use on the property, will not adversely affect surrounding uses nor pose adverse health risks to persons working and living in the surrounding area.**

The proposed use is not anticipated to be detrimental to the surrounding community as the project site is in an industrialized area where industrial uses are common. While there are residential uses to the rear of the property, no industrial activity will be permitted in the rear of the property. Conditions of Approval will also address the operation, security requirements like digital surveillance systems and lighting, loitering, controlled access, and overall business functionality.

**B. Adequate permitting and site design safeguards will be provided to ensure compliance with the performance standards for industrial uses contained in Section 21.33.090 (Performance Standards) of this Title.**

Noise. The proposed used will be subject to the existing noise ordinance.

Hours. Between the hours of ten (10:00) p.m. and seven (7:00) a.m., the proposed use shall discontinue operations that produce noise levels at the nearest residential district or hospital property line higher than those permitted under Chapter 8.80 (Noise) of the Municipal Code.

Light and glare. The proposed use will be subject to the latest building and electrical construction codes which include provision curtailing light pollution onto neighboring properties.

On-site containment of materials and waste. The proposed use will be conditioned to not allow any material or waste to be deposited onsite in such a form or manner that it may be transferred off the property by natural causes or forces such as wind or rain. Additional conditions of approval shall require that all materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers approved by the Director of Planning and Building.

**C. Truck traffic and loading activities associated with the business will not adversely impact surrounding residential neighborhoods.**

The subject site includes an on-site loading area to curtail any adverse truck traffic and loading impacts to the surrounding uses. The proposed operations plan for passenger van loading and transportation, and no heavy truck circulation is anticipated. Additional conditions of approval are included to ensure there are no negative effects from loading and distribution activities.

**D. Businesses involved with hazardous waste treatment, hazardous waste disposal, or hazardous waste transfer shall comply with the following location requirements:**

- **The use shall not be located within two thousand feet (2,000') of any residential zone or use, any hotel or motel, any school or daycare facility, any hospital or convalescent home, any church or similar facility, or any public assembly use.**
- **The use shall not be located within one hundred feet (100') of any known earthquake fault, or within a fault hazard or flood hazard zone identified by the State of California.**
- **The use shall not be located on any land subject to liquefaction, as identified in the Seismic Safety Element of the General Plan, unless appropriate soils remediation occurs as required by the City Engineer.**

The proposed use will not be involved with any hazardous waste treatment, disposal, or transfer.

**4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400**

This project does not include the development of any new building square footage and consists of the operation of an adult-use cannabis distribution facility and an adult-use cannabis distribution facility within an existing building.