

## CONDITIONAL USE PERMIT FINDINGS

1445-1449 West Cowles Street  
Application No. 1809-19 (CUP18-027)  
January 16, 2020

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 the General Industrial (IG) Zoning District and has a 2019 General Plan PlaceType Designation of Industrial (I). The 2019 General Plan Land Use PlaceType is Industrial, which is intended to allow for all industrial activities: light industrial research parks, warehousing or storage activities, industrial manufacturing and machining operations. Furthermore, the IG Zoning District is an industrial district where a wide range of industries that may not be desirable in other districts may locate. Within the IG 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 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 IG 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 proposed adult-use cannabis distribution facility will occupy the rear portion of an existing 5,120-square-foot building, on a parcel of 10,000-square-feet. A cannabis manufacturing facility (permitted by right in the IG zone) would also occupy a portion of the existing building. 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 the Industrial PlaceType.

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

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 5,120-square-feet that requires only interior and minor exterior modifications. The site will be equipped with a surveillance system to deter criminal activity and promote safety. No existing residential uses abut the abutting the property and conditions of approval will ensure no there are no negative impacts on surrounding industrial uses. No industrial activity other than parking and the loading and unloading of materials will take place in the rear of the property, and the existing building is 56 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; AND**

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. No industrial activity, beyond parking and loading/unloading 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 at the rear parking area to curtail any adverse truck traffic and loading impacts to the surrounding uses. The proposed plans provide for a reduced box truck loading space. 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 within an existing building.