

CONDITIONAL USE PERMIT FINDINGS

1667 Cota Ave

Application No. 1906-14 (CUP19-028, CUP19-042)

March 5, 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 an adult-use cannabis cultivation (CUP19-028) and distribution (CUP19-042) facility.

The subject site is located in PlaceType designation Industrial and within the General Industrial (IG) Zoning District. The IG zone is an industrial district where a wide range of industries that may not be desirable in other districts are typically located. Emphasis is placed on traditionally heavy industrial and manufacturing uses. Within the IG Zone, the operation of an adult-use cannabis cultivation and manufacturing facility requires the approval of a Conditional Use Permit (CUP). A CUP is consistent when it carries out the intent of the 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 an industrial use (crop cultivation and distribution) within a zoning district that permits a wide range of industrial uses, with conditions of approval required. Furthermore, the proposed use will be housed in an existing building and all applicable regulations of the IG Zone will be satisfied.

The Land Use Element designation of Industry is established 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 proposed adult-use cannabis cultivation facility will take place within an existing 4,764-square-foot building. The operation of such a facility is consistent with surrounding businesses that feature a variety of industrial and manufacturing uses. 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 use will operate. Therefore, the proposed use is consistent with the General Plan.

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, a Categorical Exemption (CE19-183) was prepared for this project and is attached for review. The project is exempt per Section 15301 – Existing Facilities.

The proposed use is not anticipated to be detrimental to the surrounding community as the project site is in a heavily industrialized area where intense industrial uses are common. Conditions of Approval will address the operation, security requirements like digital surveillance systems, loitering, controlled access, and overall business functionality.

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

Section 21.52.410 further requires the following findings:

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 a heavily industrialized area where intense industrial uses are common. Conditions of Approval will address the operation, security requirements like digital surveillance systems, 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 use 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 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 off-street loading area to curtail any adverse truck traffic and loading impacts to the surrounding uses.

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 consists of cannabis cultivation and distribution within an existing building and would not be required to comply with the green building standards listed in Section 21.45.400 of the Municipal Code.