

March 5, 2020

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach

California

RECOMMENDATION:

Accept Categorical Exemption CE19-183 and approve Conditional Use Permits CUP19-028 and CUP19-042 to allow the cultivation and distribution of adult-use cannabis within an existing 4,764 sq. ft. building, located at 1667 Cota Avenue in the General Industrial (IG) Zoning District. (District 1)

APPLICANT: American Flower, LLC
c/o Ross Como
24681 La Plaza, Suite 280
Dana Point, CA 92629
(Application No. 1906-14)

DISCUSSION

The site is located on the west side of Cota Avenue between Pacific Coast Highway and West 16th Street (Exhibit A - Vicinity Map). The site is 6,503.5 square-feet in area and developed with a 4,764 square-foot building. The site is within the General Industrial (IG) Zoning District and has a General Plan Land Use PlaceType designation of Industrial (I). The adjacent uses are industrial in nature to the north, south, east and west. The applicant proposes to establish an adult-use cannabis manufacturing, cultivation, and distribution facility (Exhibit B – Plans).

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.

LBMC Title 21 does not include specific special development standards for adult-use cannabis facilities. Cannabis uses are regulated through LBMC Title 5, 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. Building design standards are implemented to minimize impacts associated with remodeled or new adult-use cannabis facilities. Title 5 requirements further address the security of adult-use cannabis facilities and cover a wide range of requirements from digital surveillance and alarm systems to record-keeping, barriers, and secure transportation areas. Additionally, the California Building Code and Fire Code regulate the storage and handling of chemicals associated with crop cultivation.

Pursuant to LBMC Title 21, adult-use cannabis distribution and cultivation requires a Conditional Use Permit (CUP). The purpose of the CUP is to allow a review of certain land uses to ensure it is compatible with surrounding uses, or, through the imposition of development conditions, can be made compatible with surrounding uses (Exhibit C – Conditions). The site is located within a heavily industrialized area in which intense industrial uses are allowed. The applicant is proposing tenant improvements to the existing building previously used as a general auto repair facility. The components of the proposed business, however, constitute a less intense use than those generally allowed in the IG zone. Moreover, the applicant will be required to demonstrate compliance with the conditions set forth in LBMC Title 5.

Positive findings are also required in order to approve the requested CUP for the proposed adult-use cannabis facility (Exhibit D – Findings). These findings include the requirement that the use is not detrimental to the surrounding community and that it carries out the intent of the General Plan. The conditions of approval imposed on the proposed use further ensure compatibility with the surrounding uses and provides mitigation measures against nuisance activities.

The proposed adult-use cannabis facility offers the opportunity for the applicant to enhance the overall quality of the site, while also meeting the General Plan's intent of businesses conducting legitimate industrial activities. Staff recommends that the Planning Commission approve the Conditional Use Permit, subject to Conditions of Approval.

PUBLIC HEARING NOTICE

In accordance with provisions of the Zoning Ordinance, 309 Public Hearing notices were mailed on February 14, 2020. At the time of preparation of this report, staff has not received any correspondence regarding the project.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15301 – Existing Facilities, as the project consists of the operation of a cannabis cultivation facility within an existing building (Exhibit E – Categorical Exemption CE19-183).

Respectfully submitted,



JONATHAN INIESTA
PROJECT PLANNER



ALEXIS OROPEZA
CURRENT PLANNING OFFICER



CHRISTOPHER KOONTZ, AICP
PLANNING BUREAU MANAGER



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

LT:CK:AO:JI

Attachments: Exhibit A – Vicinity Map
 Exhibit B – Plans
 Exhibit C – Conditions
 Exhibit D – Findings
 Exhibit E – Categorical Exemption CE19-183