

CONDITIONAL USE PERMIT FINDINGS

433 Pine Avenue

App. No. 2011-03 (CUP20-016)

Date: March 4, 2021

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 project consists of a Conditional Use Permit (CUP) request to allow the establishment and operation of an adult-use cannabis dispensary within an existing tenant space (currently approved for a medical cannabis dispensary) in the Downtown Planned Development (PD-30) District. The CUP is requested in conjunction with a Zoning Code Amendment (ZCA) to the PD-30 Ordinance and portions of Long Beach Municipal Code (LBMC) Chapter 5.92 (Adult-Use Cannabis Businesses and Activities). The General Plan's Land Use Element, adopted in December 2019, designates the project site as the Downtown (DT) Placetype. Downtown is the business office, government and tourism hub of Long Beach. It is characterized by compact, mixed-use urban development; high vehicular, pedestrian and transit traffic; and diverse building sizes, heights, ages, styles, and uses. The DT PlaceType encourages a mix of land uses and housing types, with a focus on providing active ground-floor shops, restaurants and cafes. It also promotes a highly urbanized core featuring compact development composed of a mix of compatible uses, building types and styles.

One of the citywide goals identified in the LUE is to strengthen the City's fiscal health by stimulating continuous economic development and job growth (**Goal No. 2** of the LUE). In particular, Strategy No. 3 calls for the maintenance of a strong, diversified economic base that creates jobs and attracts employers. Specifically, LU Policy 3-4 sets forth a specific objective to accomplish this goal. This policy looks to "promote and attract a mix of commercial and industrial uses by emphasizing the flexibility of the PlaceType designations."

Another citywide goal identified in the LUE is to accommodate strategic growth and change (**Goal No. 3** of the LUE). Under this goal, the City aims to encourage this growth within strategic locations while preserving existing neighborhoods. Map LU-20 of the Land Use Element identifies Downtown Long Beach as a target for one of the eight major areas of change that are the focus of the land use concept: "Continue Downtown Development". LU Policy 7-7 is to "continue to develop the Downtown into a city center that provides compact development, accommodates new growth, creates a walkable urban environment, allows for diversified businesses..."

The proposed CUP supports the objectives of LU Policy 3-4 and LU Policy 7-7 by expanding the range and variety of uses allowed in certain parts of Downtown, while also promoting potential growth in the cannabis dispensary industry. Current regulations allow a citywide maximum of 32 cannabis dispensaries. The cap of 32 dispensaries would continue to be adhered to with the approval of this CUP as the proposed adult-cannabis use would be co-located with an existing medical cannabis dispensary that is currently located in the City and seeking to relocate in the ground floor of an existing mixed use building at the subject location. In particular, LU Policy 7-7's objective of allowing diversified businesses will be strengthened. Although cannabis dispensaries are considered retail uses, they can be seen as having a distinct character, adding to the variety of uses established in PD-30.

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**

LBMC Chapter 5.92 (Adult-Use Cannabis Businesses and Activities) was adopted in 2018 and established regulations for adult-use cannabis businesses, including dispensaries. Prior to the adoption of Chapter 5.92, Chapter 5.90 (Medical Marijuana Businesses) was adopted. At the time of adoption of Chapter 5.90 (Through Measure MM) a maximum number of 32 medical cannabis dispensaries was established on a citywide basis. The cap of 32 medical dispensaries was carried over to adult-use dispensaries, in which co-location (establishment of medical and adult-use cannabis businesses in the same facility) was required.

The proposed CUP is requested in conjunction with a ZCA to allow the establishment of adult-use cannabis dispensaries in the Downtown Plan Area of PD-30. The intent of the proposed ZCA is to allow PD-30, a major retail and restaurant hub, to permit the establishment of adult-use cannabis facilities (above and beyond the current limits of only being allowed in commercially zoned properties i.e. CCA, CNA, CNP, etc.) in Downtown Long Beach. PD-30 is characterized by a large percentage of higher density mixed-use and commercial developments consisting of retail, restaurants, offices, and entertainment uses. Cannabis dispensaries are defined as retail uses and their allowance in the PD-30 Downtown Plan Area (by way of a Conditional Use Permit) will not affect the character or livability of the City. LBMC Title 5 includes several stringent operational standards and measures that are required of all adult-use cannabis businesses. Each CUP application for an adult-use cannabis dispensary, including any proposed such uses in PD-30, would be subject to these Title 5 measures, as well as any additional special Conditions of Approval deemed appropriate. Title 5 requires several buffers from sensitive uses such as schools and parks a minimum 1,000 foot distance separation between dispensaries. These buffers will further ensure that there would not be an overconcentration of the cannabis dispensaries within the downtown.

Pursuant to the California Environment Quality Act (CEQA), Article 5, Section 15061 and the State CEQA Guidelines, the proposed CUP (in conjunction with the

proposed ZCA) will not have the potential for having a significant effect upon the environment.

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

Chapter 21.52 does not have any special conditions required for adult-use cannabis dispensaries. However, LBMC Title 5 includes several operational and safety standards required. They include security measures, lighting, hours of operation, prohibition of loitering, noise and odor control, and proper interior and exterior maintenance. Conditions of Approval are also incorporated to reinforce the stringent standards of LBMC Title 5 to ensure compliance on a continual basis.

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

The project consists of a CUP request to allow the establishment and operation of an adult-use cannabis dispensary within an existing commercial tenant space within PD-30. The project does not include the addition of any new building square footage and is therefore not subject to the Green Building Standards of Section 21.45.400 of the LBMC. All applicable building standards will be enforced by the Building & Safety Bureau of the Department of Development Services.