

CONDITIONAL USE PERMIT FINDINGS

**1360 W Cowles St
Application No. 1808-26 (CUP18-025)
August 1, 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 subject site is located in Land Use District No. (LUD) #9G –General Industry and within the IG (General Industrial) Zone. 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 a cultivation 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 LUD #9G – General 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 a 12,920 square-foot industrial 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 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, a Categorical Exemption (CE19-149) was prepared for this project and

is attached for review. The project is exempt per Section 15332 – Infill Development Projects.

The proposed use is not anticipated to be detrimental to the surrounding community as the project site is in a heavily industrialized area where more intense industrial uses are permitted by right. Furthermore, the conditions of approval will ensure that any odors are adequately controlled and the appropriate security measures are instituted including lighting and security cameras.

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 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 off-street parking lot to curtail any adverse 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 does not meet the threshold requirements of 21.45.400 to be subject to the green building standards enumerated therein.

ADMINISTRATIVE USE PERMIT FINDINGS

**1360 W Cowles St
Application No. 1808-26 (AUP18-008)
August 1, 2019**

Pursuant to Section 21.25.407 of the Long Beach Municipal Code, an Administrative 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 subject property is located within the IG zoning district (General Industrial) with an underlying General Plan designation of General Industry (9G). The approval of this permit for a testing facility is consistent with both the zoning and general plan as the proposed use is identified as an industrial use by both the zoning code and by the United States Department of Labor Occupational Safety and Health Administration (OSHA). The proposed use is furthermore subject to operational standards of Section 5.92 of the Long Beach Municipal Code which ensures continued compliance with the General Plan and applicable plans.

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

The proposed use will be operated within a new 12,920-square-foot building. By means of conditions, measures have been placed on this application to mitigate impacts. Specifically, operating conditions established in Section 5.92 of the Long Beach Municipal Code address requirements for health, ventilation, security, lighting, and other standards to mitigate any impacts to the surrounding community including public health, safety, general welfare, environmental quality or quality of life.

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

Chapter 21.52 of the LBMC does not provide special conditions to establish a laboratory testing facility. An adult-use cannabis testing facility, however, must comply with Section 5.92 of the Long Beach Municipal Code which includes operational standards to mitigate any impacts to the surrounding community.

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.

Section 21.45.400 of the Long Beach Municipal Code specifies the types of projects that require compliance with green building standards. The testing laboratory will operate within a new 12,920-square-foot building which is below the 50,000-square-foot threshold to comply with Section 21.45.400 of the Long Beach Municipal Code.

**LOT MERGER
FINDINGS
1360 W Cowles St
Application No. 1808-26 (LMG18-025)
August 1, 2019**

Pursuant to Section 20.28.030 of the Long Beach Municipal Code (Title 20, Subdivision Ordinance), Lot Mergers shall be required if the Zoning Administrator, at a public hearing, makes any of the following findings:

1. **ANY ONE OF SUCH CONTIGUOUS PARCELS OR UNITS HELD BY THE SAME OWNER DOES NOT CONFORM TO THE MINIMUM SIZE STANDARDS AS REQUIRED BY THE ZONING REGULATIONS, AND AT LEAST ONE OF SUCH CONTIGUOUS PARCELS IS NOT DEVELOPED WITH A SEPARATE BUILDING FOR WHICH A PERMIT HAS BEEN ISSUED BY THE CITY; OR**

The subject site is made up of two undeveloped contiguous lots held by the same owner. Each lot is of 5,000 square feet which is below the minimum size standard of 20,000 square feet. The proposal of this application as a whole would result demolishing the site and erecting a new industrial building on the newly merged lot of 10,000 square feet.

2. **A SINGLE PROJECT IS DEVELOPED ON CONTIGUOUS LOTS IN SUCH A MANNER THAT ONE OR MORE OF THESE RECORDED LOTS COULD BE SOLD SEPARATELY FROM THIS PROJECT BUT WILL RESULT IN REDUCTION OF REQUIRED PARKING, SETBACKS, OPEN SPACES, OR VIOLATION OF OTHER DEVELOPMENT STANDARDS AS SPECIFIED IN THE CURRENT ZONING REGULATIONS.**

This application proposes a new building which would cross over property lines as currently configured. This lot merger would allow the new building to be built on a single lot in order to be consistent with the required development standards for this General Industrial zone. The merged lot will be 10,000-square-feet which brings the lot closer to conformance with the minimum 20,000-square-foot lot size of the General Industrial zone.

CATEGORICAL EXEMPTION FINDINGS

**1360 W Cowles St
Application No. 1808-26 (CE19-149)
August 1, 2019**

Section 15300 through 15333 of the California Environmental Quality Act (CEQA) establishes certain classes of projects as categorically exempt from the provisions of CEQA because they do not ordinarily result in a significant effect on the environment. The Project proposes a new four-story 12,920-square-foot building on a 10,000-square-foot lot in the General Industrial (IG) zoning district at 1360 West Cowles Street.

CEQA Section 15300.2 provides specific instance where exceptions to the established Classes of Exemptions included Class 32 -Infill Exemption are superseded; none of those conditions were found to apply to this project. The following analysis provides substantial evidence to support a conclusion that the proposed project qualifies for an exemption under CEQA Guidelines Section 15332 as a Class 32 urban infill development and would not have a significant effect on the environment.

1. THE PROJECT IS CONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION AND REGULATIONS.

The subject site is located in Land Use District No. (LUD) #9G –General Industry and within the IG (General Industrial) Zone. 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 a cultivation 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 manufacture) within a zoning district that permits a wide range of industrial uses, with conditions of approval required. Furthermore, the proposed building will meet all applicable development standards of the IG Zone.

The Land Use Element designation of LUD #9G – General 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 a 12,920 square-foot industrial 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 LUD #9G.

2. THE PROPOSED DEVELOPMENT OCCURS WITHIN CITY LIMITS ON A PROJECT SITE OF NO MORE THAN FIVE ACRES SUBSTANTIALLY SURROUNDED BY URBAN USES.

The project site is entirely within the city limits of Long beach, on a site that totals 10,000-square-foot lot which is less than maximum five acres specified. The project site is located at the southeast intersection of West Cowles Street and Harbor Avenue in the city of Long Beach.

3. THE PROJECT SITE HAS NO VALUE AS HABITAT FOR ENDANGERED, RARE OR THREATENED SPECIES

The project site is a formerly developed site that that has not value as, a habitat for endangered rare or threatened species.

4. APPROVAL OF THE PROJECT WOULD NOT RESULT IN ANY SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY.

A trip generation calculation was prepared by K2 Traffic Engineering using the 2010 Institute of Transportation Engineers Manual and is incorporated by reference here. The project will generate 51 vehicle daily trips. Of these, the peak trips result in eight, am peak trips and nine, pm peak trips. These peak trips are below the 50 peak trips established threshold by the City of Long Beach Public Works Department to be considered as a significant impact. All street improvements are existing, and any proposed driveway or frontage improvements will be conditioned to comply with City standards. The City has established a Transportation Improvement Fee that must be paid by the Developer prior to issuance of building permits. Fees are used to fund roadway improvements necessary to support adequate traffic circulation. Therefore, no significant effects relating to traffic are anticipated.

The ambient noise environment of the Project site consists primarily of industrial activity from the surrounding industrial uses. Short term noise levels associated with construction will comply with the City's Noise ordinance. Operational noise associated with the operations would be generated by manufacturing activities, loading, vehicles, doors, car alarms, and typical office noise. At the time of operation, the project will not introduce a substantial new noise source relative to existing conditions and the project will operate within the standards of the adopted Noise Ordinance. Furthermore, the project has been conditioned to prohibit noise levels from the project to exceed the noise standards specified in the Long Beach Municipal Code.

The projects' emissions were calculated using CalEEMod V.2016.3.2 and analyzed by Rincon Consultants and is incorporated by reference here. The Air Quality Technical Analysis completed for the proposed project was analyzed in accordance with the methodologies outlined in the South Coast Air Quality Management District (SCAQMD) CEQA Air Quality Handbook and supplemental guidance. Both emissions for construction and operation were found to be below the thresholds of significance for the six criteria pollutants established by the SCAQMD. Therefore, no significant effects relating to air quality are anticipated.

Furthermore, the proposed project will comply with all requirement of the Long Beach Municipal Code Chapter 18.74 pertaining to low impact development standards and practices for stormwater pollution mitigation.

5. THE SITE CAN BE ADEQUATELY SERVED BY ALL REQUIRED UTILITIES AND PUBLIC SERVICES.

The project was previously developed and served by utilities and public services. The Project can adequately be served by utilities and public by reestablishing connections for water, sewer, electrically and natural gas, which would be undertaken as part of the building permitting process.