



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

May 2, 2019

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemptions CE-18-255 and CE-19-012 and approve two (2) Conditional Use Permits (CUP18-036 and CUP19-001) to operate agriculture-related uses (crop cultivator and crop distributor) for Adult-Cannabis businesses within an existing 35,000 square-foot building located at 700 W. 16th Street in the General Industrial (IG) District. (District 1)

APPLICANT: Adam Bang
APYK Enterprises
5917 Oaks Avenue #381
Temple City, CA 91780
(Application Nos. 1811-09,1901-08)

DISCUSSION

The project site is located on the south side of 16th Street, between San Francisco Avenue and Oregon Avenue (Exhibit A – Location Map). The site is approximately 42,750 square-feet in area and developed with a 35,000 square-foot industrial building. The site is within the General Industrial (IG) District and has a General Plan Designation of LUD #9R for General Industry. It is bordered by industrial properties to the north, south, east and west. The applicant proposes to divide the existing building into multiple suites and establish an Adult Cannabis cultivation facility, an Adult Cannabis distribution facility, and an Adult Cannabis manufacturing facility, all to be operated separately as stand-alone businesses.

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. Changes to LBMC

Title 21 included amendments of use tables in Chapters 21.31 (Residential Districts), 21.32 (Commercial Districts), 21.33 (Industrial Districts), 21.34 (Institutional Districts) and 21.35 (Park Districts). These amendments established the regulations that govern each adult-use cannabis type by its land use category.

The applicant is proposing to occupy an existing 35,000 square-foot industrial building for the operation of three stand-alone businesses consisting of cannabis cultivation, cannabis distribution and cannabis manufacturing (Exhibit B – Plans & Photos). The 35,000 square-foot building would be divided into three tenant spaces, with the inclusion of an additional shared space that will serve as a break room and lobby, commonly accessible to each tenant. Pursuant to Section 21.33 of the Long Beach Municipal Code, CUPs are required for the operation of a cannabis cultivation business and a cannabis distribution business (while a cannabis manufacturing business is allowed by right) within the General Industrial zoning district. In this instance, the distribution use is in conjunction with the manufacture of on-site products.

The LBMC Title 21 does not include specific special development standards for adult-use cannabis facilities. Cannabis uses are regulated through LBMC Title 5, specifically newly adopted 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. Title 5 building design standards are implemented to minimize impacts associated with remodeled or new adult-use cannabis facilities. These characteristic impacts include minimal glazing, lack of transparency, lack of architecture interest, uninviting entrances, and blank buildings. Title 5 conditions addressing security of adult-use cannabis facilities cover a wide range of requirements from digital surveillance and alarm systems to security records, barriers and secure transportation areas.

In order to approve the requested CUPs for cannabis cultivation and cannabis distribution, the Planning Commission must make positive findings (Exhibit C – Findings & Conditions). These findings include the requirement that the use not be detrimental to the surrounding community and that it carries out the intent of the General Plan.

Regarding effects on the surrounding community, staff does not anticipate any detrimental impacts resulting from the operation of adult-use cannabis cultivation or distribution facilities. The project site is located within a heavily industrialized area in which intense industrial uses are allowed. The proposed stand-alone distribution facility will be 1,546 square-feet, which encompasses only four percent of the total building area. The small size of the distribution facility minimizes the intensity of any shipping/receiving functions while the cultivation facility constitutes a mildly intense activity at best.

Regarding General Plan conformance, the site is located within LUD #9R, for General Industry. The intent of LUD #9R is 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. LBMC Title 5 sets forth a comprehensive list of operational and safety standards with which the applicant will be required to comply. Furthermore, several Conditions of Approval will be incorporated to support the requirements of LBMC Title 5 including security measures, lighting, hours of operation, prohibition of loitering, and proper interior and exterior

