

**CONDITIONS OF APPROVAL**  
**Conditional Use Permit**  
**1445-1449 West Cowles Street**  
**Application No. 1809-19 (CUP18-027)**  
**January 16, 2020**

**Special Conditions:**

1. The uses permitted on the subject site, in addition to the other uses permitted in the General Industrial (IG) Zoning District, shall be an adult-use cannabis distribution facility within 1,311-square-feet (and 416-square-feet of common area) of an existing 5,120-square-foot building located at 1445-1449 West Cowles Street. Any site development shall commence in accordance with plans submitted and filed under Application No. 1809-19 included as Exhibit B of the related Planning Commission staff report for January 16, 2020.
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced, or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgement Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Plans and Construction

4. Prior to the issuance of any Certificates of Occupancy to operate the proposed business, the applicant shall be required to remove all barbed wire and replace it with new/modified fencing in conformance with the provisions of Section 21.43 of the Long Beach Municipal Code, matching the color of the building and to the maximum permitted height. At the time of plan check for tenant improvements, plans shall explicitly indicate removal and replacement of all fencing.
5. The final location of the proposed electrical transformer shall be verified by the service provider prior to issuance of building permits. The location of the electrical transformer shall not conflict with the code-required turning radii reflected in the final parking lot striping.
6. All parking areas shall provide striping, lighting, and landscaping in accordance with Section 21.41 of the Long Beach Municipal Code.
7. The plans shall be revised to add additional lighting to the rear parking and loading areas in conformance with Section 21.41 of the Long Beach Municipal Code.

- a. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
8. Prior to the issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site (location of removed loading doors on Cowles Street) shall be closed and reconstructed to full-height curb and gutter under a permit from the Department of Public Works, to the satisfaction of the Director of Development Services.
9. The final plans shall reflect the design provisions for buildings included in Section 5.92.765 of the Long Beach Municipal Code:
  - A. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.
  - B. Blank building facades over twenty-five feet (25') fronting the street or parking lot shall be prohibited and must incorporate architectural features, such as building plane breaks, three-dimensional elements, windows, doors, and changes in color and materials that result in a building with articulation.
  - C. Windows.
    1. On any building elevation visible from the street, windows shall comprise at least forty percent (40%) of the ground floor building elevation. On all other ground floor elevations visible from the street, windows shall comprise at least twenty-five percent (25%) of the building elevation.
    2. An identifiable entrance to the cannabis facility shall be visible from the street.
    3. Windows along the street-facing frontage shall be transparent. Such glass should be clear with an exterior daylight reflectance of not more than eight percent (8%).
    4. Where feasible, the storefront window shall provide visibility to the tenant space. Where visibility to the tenant space by means of the storefront window is not feasible due to security needs of the permittee's operation, the creation of a storefront window display may be permitted.
    5. Window display areas shall have a minimum depth of at least forty-eight inches (48"), not including walls. Display windows shall be permitted for up to sixty percent (60%) of the building's storefront window area. Display areas shall be well lit during hours of operation. The window display area shall be maintained with a creative attractive window display including but not limited to display of artwork, non-cannabis plants, and the like.

10. Prior to the issuance of any Certificates of Occupancy to operate the proposed business, the applicant shall be required to re-pave and stripe the new parking area located to the rear of the principal building. Additionally, any proposed parking spaces and truck loading shall comply with any applicable parking standards required in Long Beach Municipal Code (LBMC) Title 21, including landscaping, ADA accessibility, and buffering requirements. At the time of plan check for tenant improvements, plans shall note reduced truck loading spaces and ensure the required turn radius does not conflict with any proposed parking spaces.
11. Prior to issuance of a building permit, the applicant must submit landscape plans. The landscape plan shall be in full compliance with Section 21.42 of the Municipal Code.
12. Prior to issuance of a building permit, the applicant must properly screen any exterior equipment to the height of the equipment from the public right-of-way. All equipment and activities not conducted fully within the existing building structure must be done in a manner as to not impact air quality, health and safety, noise, or other concerns for any adjacent properties.
13. Prior to the issuance of any Certificates of Occupancy to operate the proposed business, the applicant shall be required to provide a trash enclosure onsite that is properly secured.
14. Prior to the issuance of any Certificates of Occupancy to operate the proposed business, the applicant shall be required to remove all exterior bars on windows and doors on the property and relocate them to the interior of the building. At the time of plan check for tenant improvements, plans shall explicitly indicate removal and relocation of all exterior bars.

#### Operation

15. No temporary or permanent storage of materials equipment shall occur in any striped areas designated for loading in accordance with the Americans with Disabilities Act (ADA).
16. This project shall comply with all applicable regulations of Title 5 of the Long Beach Municipal Code.
17. Individuals under twenty-one (21) years of age shall not be allowed on the premises at any time.
18. No direct sales of any cannabis goods to the public may occur upon the premises at any time.
19. Advertisements and marketing may not be designed to appeal to children or encourage children to consume cannabis goods, contain any false or misleading statements, or make any misrepresentations.

20. Loitering shall be prohibited on or around the premises or any area under control of the adult-use cannabis business. The applicant shall be required to prevent individuals from remaining on the premises or site of the adult-use cannabis business if they are not engaging in an activity directly related to the permitted operations of the adult-use cannabis business.
21. Commercial cannabis activity shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, vibration, or other negative impacts, and shall not be hazardous due to use or storage of materials, processes, products, chemicals, or wastes.
22. All employees of the proposed business shall display or wear plastic-coated identification badges at all time while engaging in commercial cannabis activity, including during transport and delivery of cannabis goods. At a minimum, the identification badge shall include the following:
  - a. The adult-use cannabis business's "doing business as" name, City permit number, and State license number;
  - b. The first name of the individual;
  - c. Any employee number exclusively assigned to that individual for identification purposes; and
  - d. A color photograph of the individual that clearly shows the full front of the individual that clearly shows the full front of the individual's face that is at least one inch (1") in width and one and a half inches (1.5") in height.
23. The applicant shall be required to implement an operational digital video surveillance system at the site, in accordance to criteria set forth in Section 5.92.730 of the Municipal Code, including the following criteria:
  - a. The digital video surveillance system with a minimum video camera resolution of 1280 x 1024 pixels.
  - b. Each video surveillance camera shall record continuously twenty-four (24) hours per day, seven (7) days a week, and at a minimum of fifteen (15) frames per second (FPS).
  - c. The location and position of each camera shall be capable of recording images of the area under surveillance, in any light condition, to allow facial feature identification of persons in the following locations on the premises:
    - 1) In interior and exterior areas where cannabis goods or currency are present at any given time.

- 2) In the immediate interior and exterior areas of doors, windows, or other avenues of potential access.
  - 3) Areas open to the public, including a full view of public right-of-way and any parking lot under the control of the Adult-Use Cannabis Business.
  - 4) Point-of-sale locations and areas where cannabis goods are displayed for sale at a Dispensary, including but not limited to, a retail area.
  - 5) Any other areas as required by this Chapter, State law, or any regulations implemented and enforced by the State or any of its divisions or departments.
24. Odor control – the applicant shall implement an environmental control system that is adequately compatible with any odor control prevention and ventilation systems at the cultivation site. For purposes of this condition, "adequately compatible" means that any environmental control systems and odor control systems operating at the cultivation site operate concurrently to prevent crop cultivation odors from being detected outside the cultivation site, while still allowing for the permittee to successfully cultivate to the satisfaction of applicable construction codes and the Director of Development Services.
25. Prior to the issuance of a building permit, the applicant shall contact Long Beach Energy Resources to coordinate natural gas load requirements and impacts.

#### Building and Safety Conditions

26. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on July 24, 2019.

#### Public Works Conditions

27. The developer shall provide for the following to the satisfaction of the Director of Public Works:

#### **GENERAL REQUIREMENTS**

- a. Prior to the start of any on-site/off-site demolition, excavation, or construction, the Applicant shall submit all applicable plans and drawings for review and approval by the Department of Public Works (e.g. construction plan for pedestrian protection, construction area perimeter fencing, grading, street lane closures, construction staging, traffic control, utilities, shoring excavations and the routing of construction vehicles, etc.). This is in addition to any plan check required by the Department of Development Services. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit.

- b. The Applicant shall construct all off-site improvements needed to provide full American with Disabilities Act (ADA) accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. At this stage in the entitlement process the plans are conceptual in nature, and Public Works plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Developer shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
- c. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. The City's Public Works Engineering Standard Plans are available online at [www.longbeach.gov/pw/resources/engineering/standard-plans](http://www.longbeach.gov/pw/resources/engineering/standard-plans). Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval.
- d. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.

#### **OFF-SITE IMPROVEMENTS**

- e. The Applicant shall remove all unused driveways and curb cuts, or portions thereof along West Cowles Street, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- f. The Applicant shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the project site along West Cowles Street, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- g. All off-site improvements shall provide a minimum of 5 feet clear dedicated right-of-way between any and all obstructions for pedestrian travel purposes compliant with the most recent ADA standards. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- h. The Applicant shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements.
- i. The Applicant shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site

improvements by the City. All off-site improvements, adjacent to the development site, found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.

- j. The Applicant shall submit a precise grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.
- k. Prior to ANY demolition, excavation, or construction the Applicant shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Developer shall consult with the Department of Public Works to review and approve.

#### **TRAFFIC AND TRANSPORTATION**

- l. The Applicant shall protect or replace/repaint all traffic signage, markings and colored curb within the public right-of-way adjacent to the project site.
- m. The Applicant shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- n. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the current edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

#### **Standard Conditions – Plans, Permits, and Construction:**

- 28. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
- 29. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
- 30. The plans submitted for plan review shall explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission.

No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.

31. Prior to the issuance of a building permit, the applicant shall depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
32. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
33. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
34. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
35. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
36. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
37. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
38. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
39. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
40. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.



41. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
42. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to the issuance of a building permit. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Development Services.
43. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
44. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
45. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.
46. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
47. Energy conserving equipment, lighting, and construction features shall be utilized in this project.

48. Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
49. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

**Standard Conditions – General:**

50. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
51. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment shall be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
52. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
53. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
54. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements shall be recorded with all title conveyance documents at time of closing escrow.

55. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
56. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
57. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
58. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator shall clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
59. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
60. Any graffiti found on site shall be removed within 24 hours of its appearance.
61. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
62. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
63. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.