

# **CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

**2925 Seaboard Lane  
Application No. 1903-33 (CUP19-011)  
March 5, 2020**

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 and cultivation facility within an existing 14,122-square-foot building located at 2925 Seaboard Lane. Any site development shall commence in accordance with plans submitted and filed under Application No. 1903-33 included as Exhibit B of the related Planning Commission staff report for March 5, 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).

## **Special Conditions:**

4. The exterior walls, window framing, and doors shall be repaired and repainted as needed.
5. The roll down doors along the west elevation shall be infilled and shall match the existing architectural finish as shown on the plans. At the time of plan check for tenant improvements, plans shall explicitly indicate removal and infill of the roll down doors and finished to match existing.
6. The roof ladder mounted on the west elevation of the building shall be removed as shown on the plans. At the time of plan check for tenant improvements, plans shall explicitly indicate removal of the roof ladder.
7. 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 chain link fence and shall replace it with new/modified fencing in conformance with the provisions of Section 21.43 of the Long Beach Municipal Code 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.
8. All parking areas shall provide striping, lighting, and landscaping in accordance with Section 21.41 of the Long Beach Municipal Code.

9. The final location of the proposed electrical transformer shall be verified by the service provider prior to issuance of building permits. Any change in location shall be reviewed by the Planning Department. The location of the electrical transformer shall not conflict with the code-required turning radii reflected in the final parking lot striping.
10. 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.
11. The plans shall be revised to add additional lighting in the parking and loading areas in conformance with Section 21.41 of the Long Beach Municipal Code.
12. The final plans shall reflect the design provisions for buildings included in Section 5.92.765 of the Long Beach Municipal Code.
13. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.
14. 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%).
15. 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.
16. 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 side 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.
17. 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 and approved prior to permit issuance.
18. 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.

19. 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.
20. The applicant shall coordinate with Long Beach Energy Resource prior to permit issuance to coordinate a plan and understand cost, load requirement and schedule impacts for gas service.
21. Exterior building signage shall not contain any logos or information that identifies, advertises, or lists the services or the products offered related to cannabis.
22. All door and gates shall swing within the private property.
23. The applicant shall comply with all applicable standards of Chapter 5 of the Long Beach Municipal Code (LBMC).
24. Individuals under twenty-one (21) years of age shall not be allowed on the premises at any time.
25. No direct sales of any cannabis goods to the public may occur upon the premises at any time.
26. 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.
27. 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.
28. 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.
29. 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.
30. The applicant shall be required to implement an operational digital video surveillance system at the site, in accordance with 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 × 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 the 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 the 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.
31. Odor control. Cultivators 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.
32. Noise Standards. All activities shall comply with the noise regulations contained in Chapter 8.80 (Noise) of the City of Long Beach Municipal Code.

33. Hours of Operation. Between the hours of ten (10:00) p.m. and seven (7:00) a.m., all industrial businesses 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.
34. On-Site Containment of Materials and Waste. No material or waste shall 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. 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.

**Interdepartmental Comments:**

35. The applicant shall comply with the requirements imposed by the Building Department in their letter dated July 5, 2019 found within the case file.
36. The applicant shall comply with the requirements imposed by Long Beach Water in their letter dated May 6, 2019 found within the case file.

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

37. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes, if any, that are impacted by these conditions of approval, to the satisfaction of the Director of Development Services.
38. All conditions of approval must be printed verbatim on a page or pages within all sets of plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
39. The plans submitted for plan review must 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 and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
40. Prior to the issuance of a building permit, the applicant must 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 prominent locations within 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.
41. 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.

42. Upon plan approval and building permit issuance, the applicant shall submit a reduced-size set of final construction plans for the project file.
43. 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.
44. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
45. 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.
46. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
47. 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, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
48. 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.
49. 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.
50. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed) unless a modification is granted by the City's Noise Control Officer:
  - 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:**

51. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

52. This approval is required to comply with these conditions of approval as long as the uses are 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 inspection costs.
53. If, for any reason, there is a violation of any of the conditions of this permit or if the uses/operations are 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.
54. In the event of a 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 development conditions must be recorded with all title conveyance documents at the 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. 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.
57. Any graffiti found on site must be removed within 24 hours of its appearance.
58. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
59. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
60. 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.