

## **CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

**433 Pine Avenue**

**Application No. 2011-03 (CUP20-016)**

**Date: April 15, 2021**

1. This Conditional Use Permit approval is for the establishment and operation of an adult-use cannabis dispensary located at 433 Pine Avenue. Cannabis cultivation and manufacturing uses shall not be allowed. This approval is contingent on the approval and adoption of Zoning Code Amendment (ZCA) 20-015 by the Long Beach City Council. The subject property shall be developed in accordance with plans submitted and filed under Application Number 2011-03. The approved use shall comply with all applicable standards of Long Beach Municipal Code Chapter 5.92.
2. This permit and all development rights hereunder shall terminate three 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 three-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 property at 433 Pine Avenue shall comply with all applicable standards of PD-30, including the pedestrian-oriented window transparency standards set forth in Section 4 (Design Standards + Guidelines) of the PD-30 Ordinance. The proposed adult-use dispensary shall also comply with Section 5.92.760 of the Long Beach Municipal Code, in which no exterior evidence of cannabis goods, graphics depicting cannabis goods, or commercial cannabis activity shall be visible from the public right-of-way. Any deviation from these standards shall be grounds for permit revocation.
5. The applicant shall hire or contract for uniformed security personnel to provide twenty-four (24) hour random security patrols of the premises to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. At a minimum, uniformed security personnel shall be generally located at an indoor guard station on the premises during all hours of operation and security-patrolling services shall patrol the premises during all hours the Dispensary is closed to the public. All uniformed security personnel hired or contracted by a Dispensary shall be licensed with the State of California Bureau of Security and Investigative Service and shall comply with requirements in California Business and Professions Code Chapters 11.4 and 11.5 of Division 3.

6. No person shall be permitted to enter a Dispensary without government-issued identification. Dispensaries shall not provide cannabis goods to any person, whether by purchase, trade, gift, or otherwise, who does not possess a valid government-issued identification and who does not meet the age requirements of this Chapter.
7. An electronic age verification device is required. Dispensaries shall verify the proof of age of every person entering the business with an electronic age verification device, prior to entry into the retail area. The electronic age verification device may be mobile or fixed, and shall be able to retain a log of all scans that includes the following information: date, time, and age. Said log shall be kept for a minimum of one hundred and eighty (180) business days and all records shall be made available to the City Manager upon request. In the event of substantiated complaints about odors, the applicant shall work with the Director of Development Services to modify their operations including but not limited to new air handling equipment.
8. The proposed business shall not sell, distribute, or deliver more than 28.5 grams of cannabis or eight (8) grams of concentrated cannabis, including concentrated cannabis contained in cannabis products, to the same customer in the same business day.
9. 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.
10. Building Design must meet any applicable criteria in Title 21 of this Code, Specific Plans, or Planned Developments.
11. 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.
12. Any proposed loading areas shall comply with any applicable loading standards required in Long Beach Municipal Code (LBMC) Title 21.
13. 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 of any adjacent properties.

14. Exterior building signage shall not contain any logos or information that identifies, advertises, or lists the services or the products offered related to cannabis.
15. All door and gates shall swing within the private property.
16. All exterior doors shall remain closed and shall only be opened for ingress and egress as needed.
17. Individuals under twenty-one (21) years of age shall not be allowed on the premises at any time.
18. 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.
19. 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.
20. 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.
21. 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's face that is at least one inch (1") in width and one and a half inches (1.5") in height.
22. 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 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 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.
23. 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.
24. Noise Standards. All activities shall comply with the noise regulations contained in Chapter 8.80 (Noise) of the City of Long Beach Municipal Code.
25. Hours of Operation. The approved cannabis dispensary shall only be open to the public between the hours of eight (8:00) a.m. and seven (10:00) p.m. All deliveries of cannabis goods to customers shall be completed by 10:00 p.m.
26. 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 of 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 Development Services.

27. The applicant shall comply with all of the standards imposed by the Building Bureau, Fire Department, Long Beach Water, and Gas & Oil Department.

**General Conditions:**

28. 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.

29. 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.

30. 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.

31. 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.

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.

33. Upon plan approval and building permit issuance, the applicant shall submit a reduced size set of final construction plans for the project file.

34. 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.

35. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.

36. 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.

37. 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.
38. 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.
39. 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 inground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
40. 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.
41. 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:
42. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
43. 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.
44. 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.
45. 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.

46. 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.
47. 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.
48. Any graffiti found on site must be removed within 24 hours of its appearance.
49. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
50. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
51. 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.