



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

(562) 570-6194

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March 6, 2014

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Approve a request for a Site Plan Review, Conditional Use Permit (CUP), and a Categorical Exemption (CE 13-095) to demolish two one-story commercial buildings and construct a one-story, 1,889-square-foot ready-to-eat restaurant, in conjunction with a drive-thru lane at 5560 E. 7th Street in the Community Commercial Automobile-Oriented (CCA) zoning district. (District 3)

APPLICANT: Tom Carpenter
Frontier Real Estate Investments
610 Newport Center Drive, Suite 400
Newport Beach, CA 92660
(Application No.1310-11)

BACKGROUND

This item was continued from the February 6, 2014 Planning Commission meeting. At the meeting a number of residents spoke in opposition to the request due to the proposed removal of the "Big Donut Sign". Others spoke in opposition to the project based upon potential traffic problems. After public testimony, the Planning Commission continued the proposal to March 6, 2014. Staff was directed to add language to the Conditions of Approval requiring the applicant to come up with alternative solutions to retain the donut sign on site and that staff add a condition requiring a current traffic analysis and an analysis after the issuance of the Certificate of Occupancy at a minimum of one year intervals for a total of three years, subject to review of the City Traffic Engineer.

In response to Planning Commission direction to incorporate a Condition of Approval regarding potential traffic issues, the City Traffic Engineer and Planning staff met with the applicant on February 11, 2014. At that time the City Traffic Engineer determined that traffic counts should be conducted before the building is constructed, on two separate 3-hour periods, one weekday and one weekend; six months after construction; and one year after construction. The traffic counts will be used to determine what changes to the traffic flow or business operation need to be modified. This directive was added to the Conditions of Approval and any necessary traffic improvements will be made to the satisfaction of the City Traffic Engineer.

Staff also met with the applicant regarding the donut sign and Condition No. 4 was modified to require the applicant, through a Creative Sign Permit, to maintain the sign on-site and restore and modernize the sign to incorporate corporate branding in a manner that maintains the integrity of the sign to the satisfaction of the Director of Development Services.

DISCUSSION

The proposed application is for a Site Plan Review and Conditional Use Permit (CUP) to allow the demolition of two one-story commercial buildings and the construction of a 1,889-square-foot commercial building for Dunkin' Donuts (Exhibit A- Plans).

The subject site is currently developed with two, one-story commercial buildings, a 1,100-square-foot retail liquor store and an 864-square-foot coffee shop with a drive-thru lane and a distinctive donut-shaped pole sign. The liquor store is vacant and the coffee shop is currently occupied. According to building permit records, both commercial buildings were constructed in 1958. Since the City did not keep building permit records for signs back in 1958, staff can only assume that the sign, which is placed through the roof of the building, was placed at the same time the building was constructed in 1958.

The subject site is located on the southwest corner of Flint Avenue and 7th Street in the Community Commercial Automobile-Oriented (CCA) zone (Exhibit B- Location Map). The CCA zoning district permits retail and service uses for an entire community including convenience and comparison shopping goods, restaurants, and associated services. A ready-to-eat restaurant with a drive thru lane is allowed with the approval of a CUP when special development standards can be met. Special development standards prohibit fast food restaurants abutting a residential zone (Section 21.52.200). A ready-to-eat restaurant is defined as a use that sells food in a form that is ready to eat at the time of sale, and is primarily designed for takeout, with on-site service area limited to one hundred fifty square feet of dining/in front of counter area. Full service kitchens are not allowed in "ready-to-eat restaurants". Uses such as bakeries, delicatessens, donut shops, ice cream shops, and yogurt shops are common ready-to-eat establishments. The proposed use as a donut/sandwich shop meets the definition of a ready-to-eat restaurant given that no full kitchen is provided. The lack of a full kitchen significantly minimizes the potential impact to adjacent properties as there will be no smoke or odors typically associated with fast food restaurants. The one hundred fifty-square-foot limitation in dining area was included in the definition to allow these types of uses in parking impacted areas without requiring additional parking. In this case, the project meets all parking requirements.

With the proposed changes to the conditions of approval, staff remains in support of the proposed project because it will recycle two obsolete buildings without increasing net square footage of building on the site. As such, staff recommends that the Planning Commission approve the Site Plan Review and Conditional Use Permit requests subject to conditions (Exhibit C- Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

A Notice of Application was sent to the local community groups on September 21, 2013, and public hearing notices were distributed on January 17, 2014, in accordance with the provision of the Zoning Ordinance.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption (CE 13-095) was issued for the proposed project (Exhibit D).

Respectfully submitted,



JEFF WINKLEPLECK
ACTING PLANNING ADMINISTRATOR



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:JW:sv

Attachments: Exhibit A – Plans
 Exhibit B – Location Map
 Exhibit C – Findings and Conditions of Approval
 Exhibit D – Categorical Exemption CE 13-095

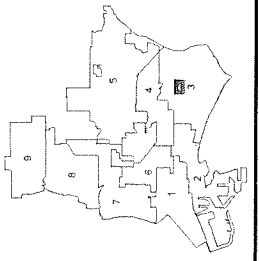
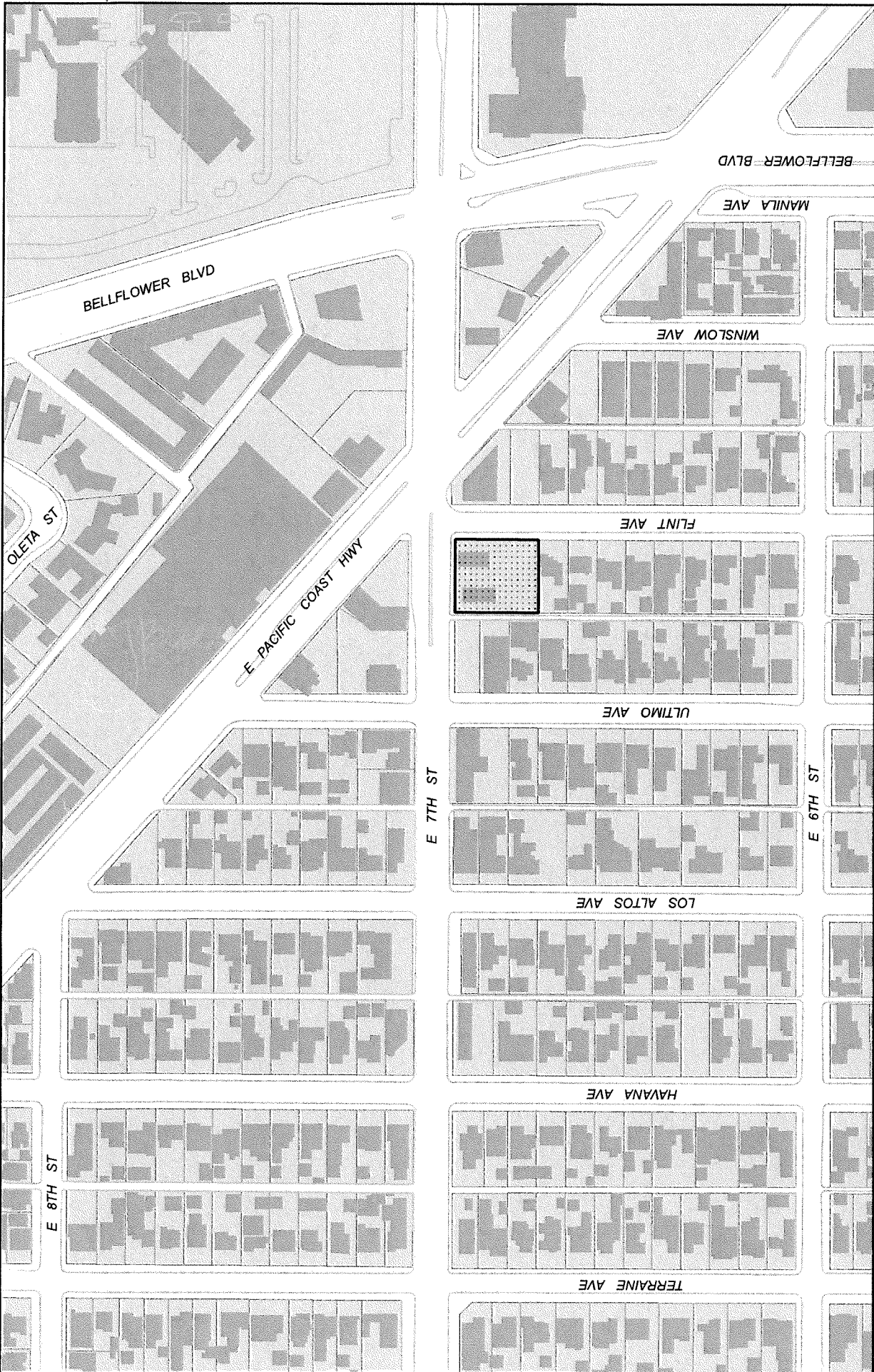
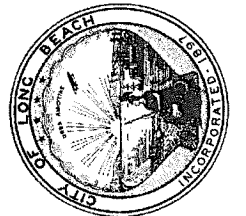


Exhibit A



Subject Property:

5560 E 7th St
 Application No. 1310-11
 Council District 3
 Zoning Code : CCA



**REVISED
SITE PLAN REVIEW
CONDITIONAL USE PERMIT FINDINGS**

5560 E. 7th Street

No. 1310-11

March 6, 2014

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 8N – Shopping Nodes and within the Community Automobile-Oriented (CCA) zoning district. The CCA zoning district allows retail, ready-to-eat restaurants, office and service related uses by right. The operation of a drive-thru lane requires approval of a Conditional use Permit (CUP). A CUP is consistent when it carries out the intent of the land use district in which is located, and otherwise complies with the required findings of the Zoning Regulations. Approval of a Conditional Use Permit would allow a commercial use with conditions of approval required.

The Land Use Element designation of LUD 8N – Shopping Nodes was created to accommodate retail and service uses exclusively, primarily in small clusters. It is widely dispersed in the form of numerous clusters of neighborhood-serving uses. The district requires adequate off-street parking, minimization of curb cuts, maximization of side street access, and de-emphasis of curbside parking. The proposed drive-thru and ready-to-eat restaurant will operate on the project site and, as conditioned, will eliminate two curb approaches, thereby emphasizing side street access, while at the same time de-emphasizing curb side parking by providing adequate off-street parking. Furthermore, the construction and operation of the drive-thru lane is designed to allow exiting from the north/south alley and Flint Avenue. As such, all customers visiting the site will be directed by signage to exit the site at either Flint Avenue or the public alley. The customers visiting the site are expected to come eastbound on 7th Street, since accessibility from 7th street heading westbound is not allowed. With incorporated conditions of approval, which includes adequate directional signage, the proposal is consistent and carries out the intent of the General Plan.

The subject site is not within the Coastal Zone.

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 Environmental Quality Act and the CEQA Guidelines, a Categorical Exemption (CE 12-032) was prepared for this project and is attached for your review.

The propose use is not anticipated to be detrimental to the surrounding community as the proposed drive-thru design far exceeds the required queuing distance for drive-thru lanes. Furthermore, with the closure of two curb approaches on 7th Street and the utilization of the alley and Flint Avenue as exits, the traffic flow and potential backups will be reduced.

It is anticipated that the peak hours of drive-thru usage and functionality will be from 6:00 a.m. – 9:00 a.m., and 4:00 p.m. – 6:00 p.m., Monday thru Friday, with a gradual decline in traffic thereafter. These peak hours occur before most businesses are open. Thus, the drive-thru functionality is not expected to increase the amount of trips in the areas, as it will service commuters that are already established. However, to address potential issues with vehicles traveling into the residential neighborhood to the south, conditions of approval are incorporated to address potential negative impacts. Conditions of approval will require the applicant to provide traffic counts before the building is constructed, 6-months and one-year after issuance of a Certificate of Occupancy. The traffic counts will be used to determine what impacts need to be mitigated, per the City Traffic Engineer. In addition to traffic counts, the hours of operation were limited, directional signage required, and compliance with all applicable standards of the Health Department. Approval of such requested Conditional Use Permits enables the City to enforce these conditions and address potential nuisances that may arise in the future.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52

Chapter 21.52 has standards pertaining to restaurants and fast food eating facilities. The following conditions shall apply to fast-food restaurants. Although the proposed use is not defined as a fast food restaurant, staff provided these conditions to show how the use was being defined.

A. The site shall not adjoin or abut a residential use district;

The property is abutting a residential use district. Although the standards prohibit fast-food restaurants near residential districts, the use is by definition

not considered a fast-food establishment. A "Ready-to-eat restaurant" is a use, whether it meets the definition of "restaurant" or not, that sells food in a form that is ready to eat at the time of sale, and is primarily designed for takeout, with on-site service area limited to one hundred fifty (150) square feet of dining/in front of counter area. Full service kitchens are not allowed in "ready-to-eat restaurants". Such uses as bakeries, delicatessens, donut shops, ice cream shops, and yogurt shops are common ready-to-eat restaurants. The proposed Dunkin' Donuts will provide coffee, donuts, and breakfast sandwiches to their customers. The coffee and sandwiches sold will be prepared off-site and delivered to the store for consumption. To demonstrate they are a ready-eat-restaurant the proposed floor plan does not show a full kitchen or a bakery. Only microwaves and sinks will be provided. The definition also states that, such uses as donut shops, delicatessens, and bakeries are common ready-to-eat restaurants. The proposed use offers donuts, coffee and breakfast sandwiches (delicatessens), and operates very similar to Starbucks. The proposed use clearly meets the definition of a ready-to-eat restaurant, with the exception of the 150 square feet of dining limitation. The 150 square foot limitation of dining areas was implemented to allow for the conversion of existing retail establishments into ready-to-eat restaurants, since parking standards are the same for both (4 per 1,000). The intent was not to limit the square footage of new ready-to-eat restaurants when adequate parking could be provided. There are numerous examples throughout the city, where a ready-to-eat restaurant was approved with a dining area more than 150 square feet in size. A couple of examples are the Starbucks in Belmont Shore and 7th Street and Park Avenue. Another example of ready-to-eat establishments is Subway and Togo's restaurants.

B. The proposed site shall not interrupt or intrude into a concentration of retail uses and shall not impede pedestrian circulation between retail uses;

The proposed ready-to-eat restaurant and drive thru lane will not interrupt or intrude into a concentration of retail uses and will not impede pedestrian circulation between retail uses. With the improvements to the lot, the site will be improved, alleyways and sidewalks widened and circulation improved between adjoining retail uses.

C. The use shall not constitute a nuisance to the area due to noise, litter, loitering, smoke or odor; and

Operational conditions of approval were added to address potential issues with noise, litter, smoke and odor.

D. Order board speakers shall be oriented and directed away from adjacent residential uses

A condition was added, requiring the menu board to be re-oriented away from adjacent residential uses. Furthermore, additional landscaping and a new block wall will be required, which will help reduce the potential impact that the noise emanating from the menu board may have.

REVISED
SITE PLAN REVIEW FINDINGS

App. No. 1310-11

Date: Mar 6, 2014

Pursuant to Chapter 21.25, Division V of the Long Beach Municipal Code, the Site Plan Review Committee or City Planning Commission shall not approve a Site Plan Review unless positive findings are made consistent with the criteria set fourth in the Site Plan Review regulations.

1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATABLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;

The proposed demolition of two one-story commercial buildings and construction of a one-story ready-to-eat restaurant is located in LUD No. 8N - Shopping Nodes and within the Community Automobile-Oriented (CCA) zoning district. The CCA zoning district allows retail, restaurant, office and service related uses by right. The construction of a ready-to-eat restaurant with a drive-thru lane is allowed with the approval of a Conditional Use Permit and Site Plan Review application in the CCA zone.

The project was found to have a promotional relationship to the site and its surroundings. The project design is contemporary in style and is also harmonious, consistent, and complete within itself through the use of similar materials, a variety of compatible colors and varying heights. The building design has ample articulation through the use of projections, and is similar in style to the adjacent Vitamin Store. The ready-to-eat restaurant is consistent with other uses in the area and is sensitive to nearby uses through the incorporation of landscaping buffers and block walls.

A fast food restaurant, according to the Conditional Use Permit findings, is not allowed adjacent to a residential zone. Although the use is adjacent to a residential zone to the south, the restaurant is not defined as a fast food establishment because a full kitchen is not provided, and only pre-packaged sandwiches, coffee, and donuts are provided. The Site Plan Review Committee recommended approval on the location, layout and design of the building on November 15, 2013. The Site Plan Review Committee at that time defined the proposed restaurant use as a ready-to-eat restaurant and not a fast food establishment given the use is very similar to a Starbucks, a delicatessen, and a donut shop, and given that no kitchen is provided. As a ready-to-eat operation, the use is allowed by right in the CCA zone and is in compliance with CUP standards, regulations and guidelines.

- 2. THE DESIGN CONFORMS TO THE “DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE “DOWNTOWN DESIGN GUIDELINES”, THE GENERAL PLAN, AND ANY OTHER DESIGN GUIDELINES OR SPECIFIC PLANS WHICH MAY BE APPLICABLE TO THE PROJECT;**

The proposed project is consistent with the intent of the LUD #8N – Shopping Nodes in that a ready-to-eat restaurant use is allowed by right in the CCA zone. There are no design guidelines or specific plans that apply to this location.

- 3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS FEASIBLE;**

The proposed project is consistent with the intent of LUD #8N and will not result in the removal of mature trees.

- 4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND**

The street and alley dedication required by this project are directly related to the proposal, and are necessary to allow for a better, safer entry to the alley, and property. The widening of the sidewalk to a width required by the General Plan is necessary to ensure a safe and improved pedestrian flow in front of the project.

- 5. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT)**

The conditions of approval require compliance with Chapter 21.64.

REVISED
SITE PLAN REVIEW AND CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
5560 E. 7th Street
Application No. 1310-11
Date: March 6, 2014

1. A Site Plan Review and Conditional Use Permit approval to allow the demolition of two one-story commercial buildings and construction of a one-story, 1,889-square-foot restaurant, in conjunction with a Conditional Use Permit request for a drive thru lane at 5560 E. 7th Street in the CCA zoning district.
2. This permit and all development rights hereunder shall terminate one year 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 one 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. Subject to a separate Creative Sign Application, the existing donut sign shall be evaluated and brought up to current standards. This will include the addition of signage consistent with the applicant's intended use which will be integrated into the sign to the satisfaction of the Director of Development Services. The sign will be placed in a location on site to the satisfaction of the Direction of Development Services.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide traffic counts and a corresponding traffic report explaining current turning movements into and out of the site from Flint Street and the portion of the alley that directly abuts the adjoining residential properties during typical morning and afternoon time periods. Traffic counts and corresponding reports shall also be provided six months and one year after the issuance of a Certificate of Occupancy. All traffic counts and corresponding traffic reports will be analyzed by the City Traffic Engineer. Any future changes to the flow of traffic will be implemented at the discretion of the City Traffic Engineer.
6. The applicant shall replace the existing wood fence located at the alley with a six-foot-tall block wall.

7. A five-foot-wide landscape buffer shall be provided along Flint Avenue, along the rear property line, and at the public alley. One tree and three shrubs shall be planted for every 15 linear feet of the property line. All landscaping shall be drought tolerant. The use of palm trees is prohibited.
8. The building shall be constructed as shown on the approved plans on file with the City of Long Beach, except as modified by said conditions. The Site Plan Review Committee shall approve any alterations or modification to the plans.
9. The north facing elevation shall be modified by incorporating faux windows, landscaping, or commercial identification signage to the satisfaction of the Director of Development Services.
10. Signage shall be placed at the driveway entrance at the alley and at the exit to the drive-thru to direct customers to the exits and drive-thru entrance.
11. Installation of any exterior newsstands, pay phones or vending machines shall be prohibited.
12. Video or coin operated games and the like shall be prohibited on site so as to discourage loitering on the premises.
13. The operator of the approved use shall prevent loitering and loud noises around the project site, and in all parking areas serving the use during and after hours of operation.
14. An attendant shall monitor the drive-thru lane when more than ten vehicles are stacked in the drive-thru lane to mitigate potential traffic issues on 7th Street and Flint Avenue.
15. The parking lot and building shall be significantly lit to reduce loitering. The lights shall be limited 15-feet in height and contain glare shields. The lighting plan shall be approved to the satisfaction of the Chief of Police.
16. The hours of operation for the business and drive-thru lane shall be limited to 5 a.m. – 10:00 p.m., Monday-Sunday.
17. Security cameras shall be installed along the exterior of the building to monitor the business on a 24-hour basis. The cameras should monitor all portion of the property, to the satisfaction of the Director of Development Services.
18. The speakers associated with the drive thru lane shall not face the residential properties to the south. Additional landscaping shall be added

along the south property line, to reduce the potential noise from the speaker, to the satisfaction of the Director of Development Services.

Standard Conditions:

19. The developer shall complete the following requirements to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

PUBLIC RIGHT-OF-WAY

- b. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided to the satisfaction of the Director of Public Works.
- c. The Developer shall dedicate and improve 5 feet of right-of-way for alley purposes and relocate existing facilities as necessary to accommodate the alley widening.
- d. The Developer shall dedicate and improve 5 feet for sidewalk purposes along 7th Street adjacent to the project site resulting in a 10.5 –foot-wide public walkway. Improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- e. The Developer shall reconstruct the full width of existing alley pavement adjacent to the project site and construct the alley curb return at 7th Street to align with the new alley widening to the satisfaction of the Director of Public Works.

ENGINEERING BUREAU

- f. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements 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.
- g. The Developer shall construct a new 4-foot-wide parkway within the public walkway along 7th Street fronting this project site. The parkway

- shall be located south of the curbface and the 6.5-foot widened sidewalk to the satisfaction of the Director of Public Works.
- h. The Developer shall improve the parkway with drought-tolerant accent shrubbery and permeable groundcover such as decomposed granite as described in Section 21.42.060 of the Municipal Code, to the satisfaction of the Director of Public Works.
 - i. The Developer shall provide for new street trees with root barriers and irrigation within the treewalls where a tree is missing adjacent to the project site on Flint Avenue. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
 - j. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. The use of palm trees is prohibited.
 - k. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
 - l. The Developer shall repair the cracked, uplifted, asphalt patched and/or deteriorated sidewalk pavement adjacent to the construction site along Flint Avenue. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
 - m. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

TRAFFIC & TRANSPORTATION BUREAU

- n. The Developer shall remove the driveways along 7th Street adjacent to the project site and replace with full-height curb, curb gutter, sidewalk and parkway as required in line items "g". Sidewalk improvements shall be constructed with Portland cement to the satisfaction of the Director of Public Works. Ingress and egress for the drive-through and parking lot shall be from Flint Avenue or the north/south alley west of the development site. Contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- o. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- p. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

- q. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
 - r. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2012 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
 - s. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570- 6331, to modify the existing curb marking zones, adjacent to the site.
20. 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.
 21. 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 must be recorded with all title conveyance documents at time of closing escrow.
 22. 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).
 23. All conditions of approval must be printed verbatim on all 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.
 24. The Director of Development Services is authorized to make minor modifications to the approval design plans or any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Planning Commission, respectively.
 25. 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. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

26. Any graffiti found on site must be removed within 24 hours of its appearance.
27. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the approval of the 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.



NOTICE of EXEMPTION from CEQA

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: [] Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

[x] L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 13-095

Project Location/Address: 5560 E- 7th Street, Long Beach, CA 90804

Project/Activity Description: Demolition of former Daily Grind and
liquor store and construction of 2,087 SF restaurant

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: Tom Carpenter

Mailing Address: 610 Newport Center Drive Suite 400, Newport Beach, CA 92660

Phone Number: 949-354-5600 Applicant Signature: [Signature]

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1310-11 Planner's Initials: SV

Required Permits: Site Plan Review AND Conditional Use Permit

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15303, Class 3, New Construction of
Small Structures

Statement of support for this finding: Construction of small restaurant building

Contact Person: Craig Chalfant Contact Phone: 562-570-6368

Signature: [Signature] Date: 1/23/14