



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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January 21, 2016

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve Site Plan Review, Conditional Use Permit, and Tentative Parcel Map requests for the construction of freestanding 4,958-square-foot fast-food restaurant with a drive-thru lane and a freestanding 3,479-square-foot bank building; and a subdivision of the project site into two parcels at 4401 E. Pacific Coast Highway in the Regional Highway (CHW) zoning district and accept Categorical Exemption 15-140. (District 4)

APPLICANT: KZ DevCo, LP  
c/o Robert Falar  
18818 Teller Avenue, Suite 100  
Irvine, CA 92612  
(Application 1509-28)

## DISCUSSION

The subject site, located at 4401 E. Pacific Coast Highway, measures 1.49 acres and is bounded by E. Pacific Coast Highway and Outer Traffic Circle (Exhibit A – Location Map). The site is located within the Regional Highway District (CHW) zone and is currently leased by Hooman Toyota, an auto dealership in the process of relocating. Properties adjacent to the site are exclusively commercial in zoning and development.

The applicant is proposing to demolish the auto dealership buildings, subdivide the project site into two parcels, and construct two freestanding, single-story commercial buildings: a 4,958-square-foot fast-food restaurant with a drive-thru for Chick-Fil-A tenancy and a 3,479-square-foot bank building for Wells Fargo tenancy. Parcel 1, on the northern portion of the site and measuring 42,419 square feet in area, would be developed with the restaurant and 53 parking stalls. Parcel 2, at the southern end of the site and measuring 22,079 square feet in area, would be developed with the bank building and 22 parking stalls (Exhibit B – Plans and Tentative Parcel Map). The parking areas on the two parcels would be connected, as vehicular access to both parcels would come via two separate driveway access points on Parcel 2. There is also a two-way drive aisle connecting the subject site with the parking area of the existing CVS retail-pharmacy north of the site. Perpetual easements for pedestrian and vehicular access and ingress and egress to, from, and between the respective parcels would be provided.

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While the proposed development complies with all applicable Title 21 (Zoning Regulations) standards, a Conditional Use Permit is required for the restaurant's drive-thru lane. Per Section 21.45.130 (Special Development Standards—Drive-thru facilities), a minimum queuing distance of one hundred fifty feet must be provided from the forward-most drive-up window to the entrance of the drive-thru's automobile queuing area. As designed, the restaurant pad's drive-thru lane queuing distance measures approximately two hundred feet. In addition to Zoning Regulations compliance, the project's proposed land subdivision is consistent with all Title 20 (Subdivision Regulations) standards, including the requirement that all newly subdivided CHW-zoned parcels measure at least 20,000 square feet (Exhibit C – Findings).

Given the predominance of commercial land uses in the area and the site's CHW zoning designation, the development is in keeping with the nature and scale of area development. Furthermore, the project advances several General Plan objectives, including site vitalization and clustering of retail/restaurant and service uses, and is in conformity with public necessity, convenience, general welfare, and good zoning practice. Approval of the proposed project is thus recommended, as conditioned (Exhibit D – Conditions of Approval).

### **PUBLIC HEARING NOTICE**

Public Hearing Notices were distributed on December 29, 2015, in accordance with Zoning Regulations provisions. At the time of writing this report, staff has received no inquiries on this project.

### **ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, Categorical Exemption (CE 15-140) was issued for the proposed project (Exhibit E – Categorical Exemption).

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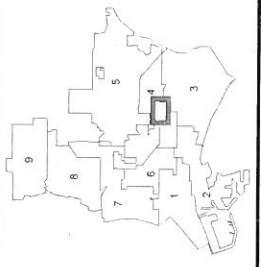
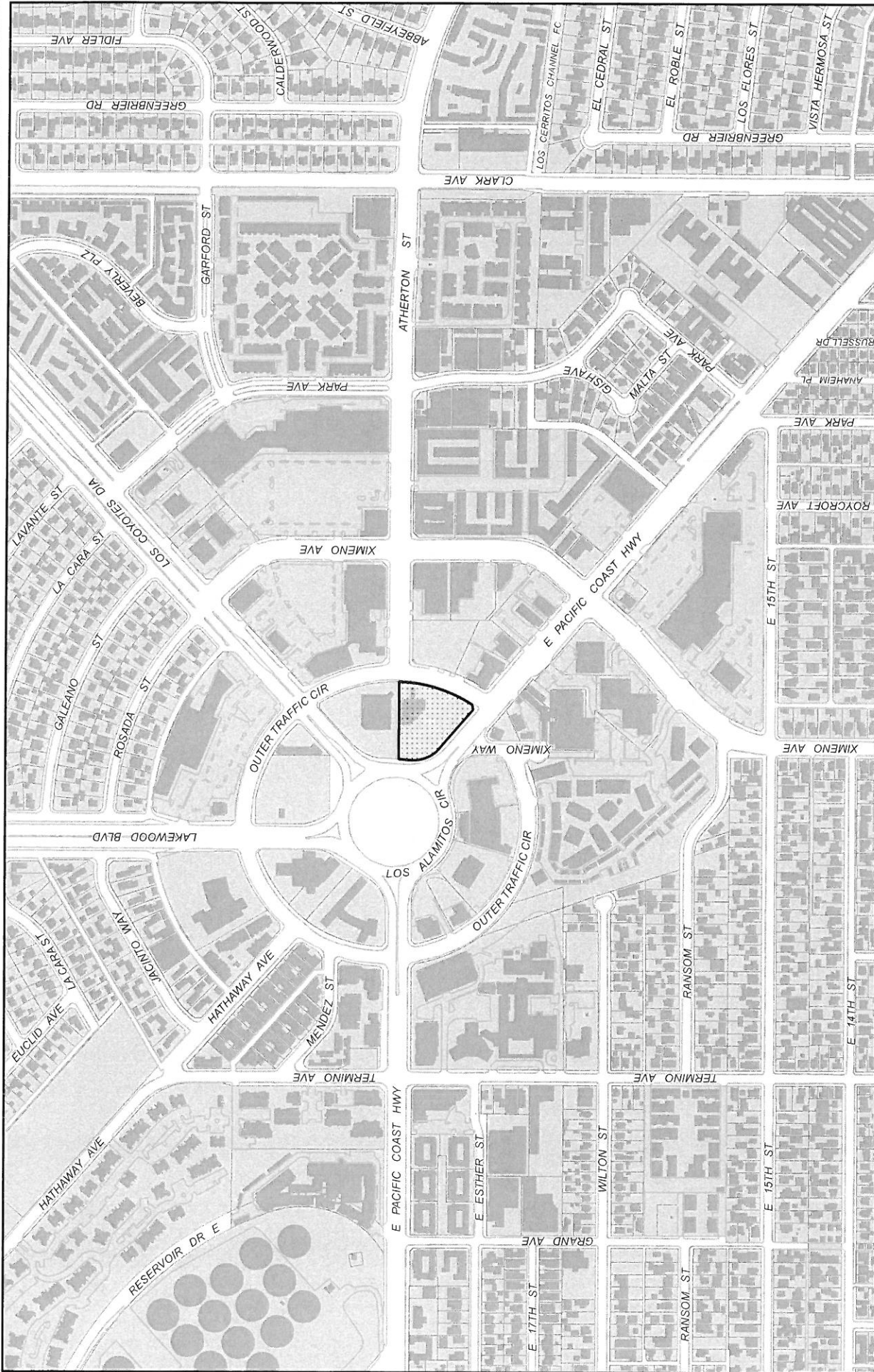
JEFF MANN, DIRECTOR

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MY J. BODEK, AICP

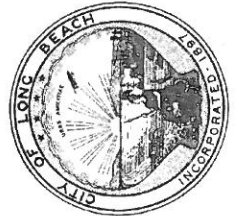
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Attachments:      Exhibit A – Location Map  
Exhibit B – Plans and Tentative Parcel Map  
Exhibit C – Findings  
Exhibit D – Conditions of Approval  
Exhibit E – Categorical Exemption



## Exhibit A

**Subject Property:**  
4401 E Pacific Coast Hwy  
Application No. 1509-28  
Council District 4  
Zoning Code : CHW





**SITE PLAN REVIEW FINDINGS  
4401 E. Pacific Coast Highway  
Application No. 1509-28**

Pursuant to Section 21.25.506 of the Zoning Ordinance, the Site Plan Review Committee or the Planning Commission shall not approve a Site Plan Review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

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

The proposed development consists of two new single-story, detached buildings and 75 appurtenant parking stalls on a 1.49-acre project site. The larger of the two buildings – a fast-food restaurant with a drive-thru – measures 4,958 square feet and is located on the northern portion of the project site. The other building, a 3,479-square-foot bank, is located on the southern portion of the project site. The buildings and their related parking areas meet all applicable land use and development standards (save for the fast-food restaurant's drive-thru lane, which requires a Conditional Use Permit that is part of the project's overall entitlement package).

The triangular shape of the project site necessitates that each building have a four-sided design. The development team has understood this unique site condition and appropriately designed each building with a contemporary aesthetic that includes substantial glazing and architectural detail along all frontage-facing building facades. The chosen colors and material selections further contribute to the attractiveness of each building.

**B. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES, OR THE GENERAL PLAN;**

The proposed development meets all applicable design criteria specified for commercial development, including those guidelines found in Section 21.32.230 (Commercial Districts—Design of Buildings). These criteria include consistency in architectural theme and variation in building materials. The General Plan offers no specifications for development in Land Use District 7 (LUD 7) – Mixed Uses.

**C. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE IS POSSIBLE;**

The project site, currently used as an automobile dealership, features no significant mature trees. All off-site trees removed as part of project activities shall be replaced to the satisfaction of the Directors of Public Works and Development Services.

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

The developers will be required to comply with all public improvement requirements found by the Public Works Department to apply to this project. These improvements, detailed in a Public Works memo dated December 21, 2015, include a dedication along Pacific Coast Highway that would result in a 12-foot curbface-to-property line featuring an 8-foot-wide paved sidewalk and a 4-foot-wide parkway. Pedestrian traffic generated by the two proposed visitor-serving uses at the project site necessitates standard-size rights-of-way for public safety.

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

The proposed project consists of less than 25,000 square feet of new, non-residential development and thus will be exempt from Transportation Demand Management requirements.

**CONDITIONAL USE PERMIT FINDINGS**  
**4401 E. Pacific Coast Highway**  
**Application No. 1509-28**

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 7 (LUD 7) – Mixed Uses, which is one of 20 Land Use Districts that comprise the Land Use Element of the General Plan. LUD 7 is a mixed-use Land Use District that was created to accommodate a “careful blending of different types of land uses...to save time and energy in transportation and communications, simplify and shorten transactions of goods and services, vitalize a site, and give it more importance in the urban structure of the City.” Land uses intended for LUD 7 include retail, restaurants, office uses, personal and professional services, and high-density residential. A visitor-serving fast food restaurant with an accessory drive-thru would thus be consistent with the objectives of LUD 7.

The subject site is comprised of two contiguous parcels in the Regional Highway District (CHW). The CHW zone allows retail, restaurant, office and service-related uses by right. However, the establishment and operation of a fast food restaurant with an accessory drive-thru in the CHW zone requires approval of a Conditional Use Permit (CUP). The intent of the CUP process is to determine whether the type of use proposed, and/or the location of the proposed use, is compatible with surrounding uses, or, through the imposition of development conditions, can be made compatible with surrounding uses. The proposed restaurant and its accessory drive-thru have been designed and oriented to fit the site and provide the least impact on site pedestrian and automobile movements. To that, the proposed drive-thru queueing distance of approximately 200 feet far exceeds the 150-foot drive-thru queueing distance required by the Zoning Regulations.

The subject site is not within the Coastal Zone.

**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 15-140) was prepared for this project.

The proposed use is not anticipated to be detrimental to the surrounding community as the proposed drive-thru has been designed to exceed the minimum queuing distance requirement, as described in the previous finding. Furthermore, the drive-thru contains dual lanes, each with their own separate menu board / speaker box. This feature will allow for the drive-thru facility to accommodate a higher volume of cars than a standard single-lane arrangement, reducing the likelihood of the queueing area extending into areas that would hinder on-site automobile or pedestrian movements and cause general site disruptions.

**2. 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:

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

Properties surrounding the site are exclusively commercial in zoning and development.

**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 subject site measures 1.49 acres and would be developed with a detached, 4,958-square-foot fast food restaurant with an accessory drive-thru and a detached, 3,479-square-foot bank building. Each building would sit on their own parcel and have their own parking areas (with cross-lot access provided). North of the subject site, on an abutting 1.59-acre parcel, sits a stand-alone CVS retail-pharmacy and its parking lot. The two sites and the uses which would stand upon them would not be considered a retail cluster, nor would the proposed fast-foot restaurant with a drive-thru impede pedestrian circulation to either the retail-pharmacy or bank buildings.

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

A development condition of approval has been put in place prohibiting loitering and excessive noise, smoke, and odor levels.



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

There are no residential uses adjacent to the site.

**TENTATIVE PARCEL MAP FINDINGS**  
**4401 E. Pacific Coast Highway**  
**Application No. 1509-28**

Pursuant to Section 20.12.100 of the Subdivision Regulations, the Planning Commission shall approve a Tentative Map if the map complies with State and local regulations and if all of the following findings are made:

**A. THAT THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The project site is located in General Plan Land Use District 7 (LUD 7) – Mixed Uses, and the Regional Highway District (CHW) zone. The CHW zone is compatible with the intent of LUD 7 – mixed uses, including retail, restaurants, office uses, personal and professional services – so the subdivision of one parcel in the CHW zone into two parcels would not run the risk of introducing any new nonconformities to the site. Furthermore, the proposed map is consistent with the lot area requirements of the CHW zone. Both parcels would exceed the zone's 10,000-square-foot minimum lot area standard, and all required parking for the subject site's commercial uses would be located on their respective parcel.

**B. THAT THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

The proposed map is being processed in conjunction with the construction of a detached, 4,958-square-foot fast-food restaurant with a drive-thru lane and a detached, 3,479-square-foot bank building. The restaurant, along with 53 parking stalls, would be located on Parcel 1, which measures 42,419 square feet. The bank building, along with 22 parking stalls, would be located on Parcel 2, which measures 22,079 square feet. All improvements proposed for the subject site have been reviewed by staff and the Site Plan Review Committee for compliance with all applicable zoning regulations and the department's architecture and urban design goals.

**C. THAT THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT;**

The proposed improvements outlined in Finding B are commercial in nature and therefore consistent with the site's underlying CHW zoning.

**D. THAT THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT;**

The proposed improvements outlined in Finding B are consistent with all applicable zoning regulations, including setbacks, building height, and parking stall count.

**E. THAT THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLE INJURY TO FISH AND WILDLIFE OR THEIR HABITAT;**

In accordance with the California Environmental Quality Act and the CEQA Guidelines, a Categorical Exemption (CE 15-140) was prepared for this project. The exemption was issued after a determination was made that the proposed project improvements would not have a significant effect on the environment, including any substantial and avoidable injury to fish and wildlife or their habitat.

**F. THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENT IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND**

The design of the subdivision and all proposed improvements on the subject site are not likely to cause serious public health or safety problems. Impacts in these areas were analyzed, and as mentioned in Finding E, the project was found to pose no significant effect on the environment. To reduce the likelihood of disturbance, a development condition of approval has been put in place prohibiting loitering and excessive noise, smoke, and odor levels emanating from the site.

**G. THAT THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF THE PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

Applicable City departments have conducted a review of the proposed map and determined that the design of the subdivision and all proposed improvements on the subject site will not conflict with any public access easements. All required easements and utility locations would be provided for prior to the recording of the project's Final Map, as conditioned.

**CONDITIONS OF APPROVAL**  
**4401 E. Pacific Coast Highway**  
**Application No. 1509-28**  
**January 21, 2016**

**Special Conditions:**

1. Approved under this permit are Site Plan Review, Conditional Use Permit, and Tentative Parcel Map requests in conjunction with the subdivision of the 1.49-acre project site into two parcels and the construction of a detached 4,958-square-foot fast-food restaurant with a drive-thru lane and 53 parking stalls on Parcel 1 and a detached 3,479-square-foot bank building and 22 parking stalls on Parcel 2.
2. The applicant shall prepare and record with the Country Recorder's Office a perpetual nonexclusive appurtenant easement providing for pedestrian and vehicular cross access (including parking access), ingress and egress upon, over and across all sidewalks, roadways, entrance ways, driveways, and other access ways for the benefit of the respective owners and users to the satisfaction of the City of Long Beach and the Department of Development Services.
3. Changes to the location of parking stalls and/or the direction and flow of traffic within the project site shall be subject to the review and approval of the Director of Development Services.
4. The Department of Public Works submits the following requirements for the proposed development. For additional information regarding final map processing, contact the Right-of-way/Subdivision Coordinator, Bill Pittman, at (562) 570-6996. For off-site improvements, contact the Plan Check Coordinator, Jorge Magana, at (562) 570-6678.

**GENERAL REQUIREMENTS**

- a. The final map shall be based upon criteria established by the California Subdivision Map Act and Title 20 of the Long Beach Municipal Code.
- b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All required facilities required by the Department of Public Works not in place and accepted prior to final map approval must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to the start of any on-site/off-site construction, the Subdivider 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**

- e. The Subdivider shall dedicate and improve the sidewalk fronting the project site to achieve a 12-foot-wide public sidewalk along Pacific Coast Highway where the sidewalk width narrows. Sidewalk improvement shall consist of an 8-foot-wide paved sidewalk and a 4-foot-wide parkway. Sidewalk improvements shall be constructed per plans reviewed and approved to the satisfaction of the Director of Public Works.
- f. The Subdivider 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 during off-site improvements plan check the right-of-way dedication shall be provided.
- g. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map recordation, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map filing.

### **OFF-SITE IMPROVEMENTS**

- h. The Subdivider shall construct the 4-foot-wide landscape area between the property line in back of the 8-foot-wide sidewalk pavement along Pacific Coast Highway. The Subdivider shall improve the parkway with Drought-tolerant accent shrubbery and permeable groundcover such as decomposed granite as described in Section 21.42.050 of the Municipal Code.
- i. The Subdivider 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, or along the truck delivery route 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 Subdivider shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet requires a variance; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- k. The Subdivider shall provide for the resetting to grade existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- l. The Subdivider shall repair the cracked, uplifted and/or depressed sections of sidewalk pavement adjacent to the site along Outer Traffic Circle and Pacific Coast Highway. 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. The Subdivider 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.
- n. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the 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.
- o. The Subdivider shall submit grading and related storm drain plans 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 approval of the final map approval.
- p. All rough grading shall be completed prior to the approval of the final map. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works prior to approval of the final map approval.
- q. Public improvements shall be constructed in accordance with plans

reviewed and approved by Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.

- r. Prior to approving an engineering plan, all projects greater than 1-acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the Subdivider or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit, or wish to obtain an application, please call the State Regional Board office at (213) 266-7500 or visit their website for complete instructions at [www.waterboards.ca.gov/stormwtr/construction.html](http://www.waterboards.ca.gov/stormwtr/construction.html). Left-click on the Construction General Permit 99-08-DWQ link.

#### **TRAFFIC & TRANSPORTATION**

- s. The Subdivider shall comply with the recommendation of the Traffic Impact Study dated October 1, 2015, by R.K. Engineering Group, Inc. The Subdivider shall submit plans for all traffic related improvements recommended in the Traffic Impact Study, to the City Traffic Engineer for review and approval prior to any traffic related permit(s).
- t. The Subdivider shall provide for all new traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs requiring removal and installations shall be accomplished to the satisfaction of the California Department of Transportation (Caltrans), and the City Traffic Engineer.
- u. The Subdivider shall provide for the repainting of the red curb along Pacific Coast Highway and Outer Traffic Circle adjacent to the development site to the satisfaction of the City Traffic Engineer.
- v. The Subdivider shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the project site.
- w. Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). A street improvement permit from (Caltrans) will be required for all work within the East Pacific Coast Highway right-of-way. Contact Joyce

Minzey at (213) 897-7632 to request additional information regarding the Caltrans permitting process.

- x. 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 or current edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

### **LONG TERM MAINTENANCE**

- y. The Subdivider and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way.

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

- 5. 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, impacting these conditions of approval, to the satisfaction of the Director of Development Services.
- 6. 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.
- 7. 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.
- 8. 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.
- 9. 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.



10. Upon plan approval and building permit issuance, the applicant shall submit a reduced-size set of final construction plans for the project file.
11. 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.
12. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
13. 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.
14. 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.
15. 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.
16. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with primarily 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.
17. 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.
18. 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.
19. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.



20. 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.
21. 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:**

22. 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 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).
23. 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.
24. 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.
25. 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 development conditions must be recorded with all title conveyance documents at time of closing escrow.
26. 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.

27. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
28. 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.
29. The operator of the approved uses shall prevent loitering at the project site. Furthermore, the operators must clean the project site parking lot 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 on-site lighting or private security guards.
30. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
31. Any graffiti found on site must be removed within 24 hours of its appearance.
32. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
33. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
34. 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.



# CITY of LONG BEACH NOTICE of EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES | PLANNING BUREAU  
333 W. OCEAN BLVD., 5<sup>TH</sup> FLOOR, LONG BEACH, CA 90802  
(562) 570-6194 FAX: (562) 570-6068  
lbsds.longbeach.gov

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

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

☐ L.A. County Clerk  
Environmental Fillings  
12400 E. Imperial Hwy. 2<sup>nd</sup> Floor, Room 2001  
Norwalk, CA 90650

Categorical Exemption CE- 15-140

Project Location/Address: 4401 E Pacific Coast Highway, Long Beach, CA 90815

Project/Activity Description: Demolition of existing building and redevelopment into 2 freestanding buildings  
(i) Approx. 5,000 s.f. building with drive-thru; and (ii) Approx. 3,479 s.f building

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

Applicant Name: KZ DevCo, LP

Mailing Address: 18818 Teller Avenue Suite 100, Irvine, CA 92612

Phone Number: (949) 476-2700

Applicant Signature: M. S. Z.

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1509-28 Planner's Initials: MH

Required Permits: SPR, CUP, TENTATIVE MAP

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:

Less than four commercial  
buildings not exceeding  
10,000 square foot floor area  
in urbanized community

Contact Person: Craig Chalfant

Contact Phone: 562-570-6368

Signature: [Signature]

Date: 1/4/16