

CONDITIONS OF APPROVAL

Conditional Use Permit (CUP18-023)

6141 - 6191 Atlantic Avenue

Application No. 1706-11

October 4, 2018

1. Project approvals consist of Conditional Use Permit (CUP18-023) to establish a drive-through lane for the restaurant denoted as Unit 6191 for the shopping center located at 6141-6191 Atlantic Avenue in the Commercial Neighborhood Automobile-Oriented District (CNA). (District 9)
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 request submitted to and approved by the Zoning Administrator 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 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).

Special Conditions:

4. Noise levels from the speaker board and patio areas shall be restricted to acceptable noise levels established for the district in compliance with the City's noise ordinance outlined in Chapter 8.80.
5. The ordering board speaker for the drive-through shall be oriented and directed away from adjacent residential uses. Noise levels from the speaker board shall be in compliance with the applicable provisions of the City's noise ordinance outlined in Chapter 8.80.
6. Drive-through lanes shall be restricted to the hours of operation between 4:00 a.m. to 12:00 a.m.
7. Prior to the issuance of building permits, a drive-through contingency plan shall be submitted to the Department of Development Services to address possible overflow queuing conditions that could impede internal vehicle circulation of the shopping center.
8. All work shall be carried out in substantial conformance with the activities shown on the plans received by the Department of Development Services, Planning

Bureau, dated September 17, 2018, including any subsequent conditions of generated from Planning Commission on October 4, 2018.

9. On-site landscaping shall be subject to LBMC Section 21.42.035 – Special Requirements for Water Efficient Landscaping. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water-conserving, automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
10. All signage shall be reviewed for a separate permit/entitlement. All signage must comply with the Long Beach Municipal Code including providing a corner cut-off for future monument/ freestanding signs. A sign program is required for new commercial buildings, and/or for more than five signs on a site.
11. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security problems, and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.

Standard Conditions:

12. 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.
13. 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.
14. 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).

15. 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.
16. 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 or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
17. The Director of Development Services is authorized to make 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 or Planning Commission, respectively.
18. 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.
19. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
20. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
21. 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).
22. Any graffiti found on site must be removed within 24 hours of its appearance.
23. 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 any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.

24. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
25. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
26. 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.
27. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
28. 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.
29. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
30. 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.
31. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
32. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
33. 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

CONDITIONS OF APPROVAL

Conditional Use Permit (CUP18-024)

6141 - 6191 Atlantic Avenue

Application No. 1706-11

October 4, 2018

1. Project approvals consist of Conditional Use Permit (CUP18-024) to establish a drive-through lane for the restaurant denoted as Unit A1 for the shopping center located at 6141-6191 Atlantic Avenue in the Commercial Neighborhood Automobile-Oriented District (CNA). (District 9)
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 request submitted to and approved by the Zoning Administrator 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 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).

Special Conditions:

4. Noise levels from the speaker board and patio areas shall be restricted to acceptable noise levels established for the district in compliance with the City's noise ordinance outlined in Chapter 8.80. .
5. The ordering board speaker for the drive-through shall be oriented and directed away from adjacent residential uses. Noise levels from the speaker board shall be in compliance with the applicable provisions of the City's noise ordinance outlined in Chapter 8.80.
6. Drive-through lanes shall be restricted to the hours of operation between 4:00 a.m. to 12:00 a.m.
7. The designated loading area located adjacent to Unit B shall be clearly marked on the surface as "Loading". The use of this loading area shall not impede with the queuing for Unit A2 drive-through lane.
1. Prior to the issuance of building permits, a drive-through contingency plan shall be submitted to the Department of Development Services to address possible

overflow queuing conditions that could impede internal vehicle circulation of the shopping center.

2. All work shall be carried out in substantial conformance with the activities shown on the plans received by the Department of Development Services, Planning Bureau, dated September 17, 2018, including any subsequent conditions of generated from Planning Commission on October 4, 2018.
3. On-site landscaping shall be subject to LBMC Section 21.42.035 – Special Requirements for Water Efficient Landscaping. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water-conserving, automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
4. All signage shall be reviewed for a separate permit/entitlement. All signage must comply with the Long Beach Municipal Code including providing a corner cut-off for future monument/ freestanding signs. A sign program is required for new commercial buildings, and/or for more than five signs on a site.
5. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security problems, and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.

Standard Conditions:

6. 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.
7. 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.

8. 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).
9. 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.
10. 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 or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
11. The Director of Development Services is authorized to make 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 or Planning Commission, respectively.
12. 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.
13. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
14. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
15. 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).
16. Any graffiti found on site must be removed within 24 hours of its appearance.

17. 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 any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
18. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
19. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
20. 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.
21. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
22. 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.
23. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
24. 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.

25. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
26. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
27. 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

