

**CONDITIONAL USE PERMIT
CONDITIONS OF APPROVAL
1320 Atlantic Avenue
Application No. 1806-24 (CUP18-017)
August 6, 2020**

Special Conditions:

1. Approved under this permit is a Conditional Use Permit request to establish a vehicular drive-through lane on an outlying pad (as noted above) for future restaurant/retail uses in a remodeled 56,345-square-foot commercial shopping center located at 1320 Atlantic Avenue in the Community Automobile-Oriented District (CCA). All Site Plan Review Conditions of Approval, dated May 27, 2020 shall remain applicable to this approval and are also listed herein. Project construction and completion shall be done in accordance to plans submitted and filed under Application No. 1806-24. Prior to the issuance of any building permits, construction plans submitted for plan check shall match plans approved by the Site Plan Review Committee and the Planning Commission. Furthermore, color elevations shall be included in the construction document submittal package. Any proposed deviation in plans approved by the Site Plan Review Committee and Planning Commission shall require the approval of a Modification to an Approved Permit, prior to any building permit issuance.
2. Exterior lighting should clearly illuminate the common areas surrounding the building and parking lot including, but not limited to, the entrance and exit doors, as well as the business address. Lighting shall also be positioned to be shielded away from adjacent properties.
3. Drive-through speaker systems shall emit no more than 50 decibels four feet from the vehicle and the speaker, and shall not be audible above the daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area.
4. Drive-through lanes shall be restricted to the hours of operation between 4:00 a.m. to 12:00 a.m.
5. The applicant shall be required to construct a masonry wall encompassing and buffering the entire span of the drive-through lane visible from Lime Avenue and New York, to the satisfaction of the Director of Development Services. The north/south masonry wall shall be 6'0" in height, spanning at least 45' (starting from the southernmost point of the drive-through lane, shielding the menu board and speaker). Beyond the first 45', the applicant shall gradually step down the height of the remaining portions of the masonry wall (along the remainder of Lime Avenue and New York Street) to no less than 4'6".
6. Any proposed outdoor patio/dining areas shall not exceed 250 s.f. otherwise additional parking requirements will be enforced prior to the issuance of any building permits or Certificate of Occupancy.
7. Prior to the issuance for any building permits for the project, the Applicant shall submit a Master Sign Program for the shopping center. The sign program shall include the removal of the existing freestanding sign at the southwest corner of the project site.

Standard Conditions – Plans, Permits, and Construction:

8. 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.
9. 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.
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 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.
11. 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.
12. 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.
13. Upon plan approval and building permit issuance, the applicant shall submit a reduced-size set of final construction plans for the project file.
14. 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.
15. Separate building permits are required for signs, fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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:

23. This permit and all development rights hereunder shall terminate three years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
24. 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).

25. 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.
26. 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.
27. 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.
28. 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.
29. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed prior to the issuance of a Certificate of Occupancy.
30. 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.
31. 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.
32. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
33. Any graffiti found on site must be removed within 24 hours of its appearance.
34. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
35. All trash and refuse containers shall be fully screened from public view to the satisfaction

of the Director of Development Services.

36. 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.
37. The Department of Public Works submits the following requirements for the proposed development. For additional information regarding off-site improvements, contact the Plan Check Coordinator, Jorge Magana, at (562) 570-6678:

GENERAL REQUIREMENTS

- a. Prior to the start of any on-site/off-site demolition or construction, the Developer shall submit a construction plan for pedestrian protection, construction area perimeter fencing with custom-printed screen(s), street lane closures, construction staging and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
- b. The Developer shall submit a Traffic Control Plan prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, for review and approval by the Department of Public Works.
- c. The Developer's site plan shows new and existing landscaped areas encroaching into the public rights-of-way along Atlantic Avenue, Lime Avenue and New York Street. All areas of encroachment shall consist only of landscaping per the standards and requirement of Long Beach Municipal Code Section 21.42.050, Landscaping standards—Public right-of-way. No wall structures, or fixtures restricting public access shall be installed at the back of sidewalk landscaped right-of-way areas.
- d. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval.
- e. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.

PUBLIC RIGHT-OF-WAY

- f. The Developer shall dedicate and improve 2.5 feet for sidewalk purposes along East Anaheim Street adjacent to the development site, resulting in a 10-foot-wide sidewalk to the satisfaction of the Director of Public Works.
- g. The Developer shall dedicate and improve 10 feet of the development site for right-of-way purposes along Atlantic Avenue, from the southwest corner of the property to a point, 220 feet north of said corner. The Developer shall dedicate and improve 2 feet of the development site for right-of-way purposes, extending thereon to the northwest corner of the property, resulting in a 50-foot right-of-way half-width adjacent to the development site.
- h. The Developer shall dedicate and improve a corner cut-off as needed for ADA curb ramp purposes at the corner of Lime Avenue and East Anaheim Street adjacent to the development site, to the satisfaction of the Director of Public Works. Based on preliminary review of the area, a 3-foot by 3-foot corner cut-off would be needed for right-of-way purposes.
- i. The Developer's site plan proposes construction within the vicinity of existing easements, underground/overhead utility lines, monitoring wells, franchise pipelines and gas lines. The Developer shall be responsible for resolving all matters of easement and/or utility line encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

Note: The Developer shall be responsible for the relocation of utility lines, quitclaim of easements, and/or any new utility easements required in connection with this development; as structures cannot be built within an easement or dedicated area.

- j. 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. At this stage in the entitlement process the plans are conceptual in nature, and plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Developer shall dedicate additional right-of-way necessary to satisfy unfulfilled ADA requirements.

OFF-SITE IMPROVEMENTS

- k. The Developer shall improve the dedicated right-of-way along Atlantic Avenue, demolishing and reconstructing the sidewalk pavement to achieve a 50-foot improved right-of-way half-width with a 20-foot wide Portland cement concrete sidewalk; 6-foot wide parkway and 14-foot wide walkway, or an alternative design proposed by Developer to provide full ADA accessibility compliance within the right-of-way, to the satisfaction of the Director of Public Works. If necessary, the Developer shall provide for or relocate all facilities required in connection with the right-of-way widening. In addition, the Developer shall reconstruct cracked, deteriorated, uplifted/depressed sections of curb and curb gutter along Atlantic Avenue adjacent to the project site, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).

- l. Subject to the footprint of proposed Pad 1, the Developer shall provide for the relocation of the existing street light conduit in conflict with the new point of access, to the satisfaction of the Director of Public Works. City records show existing street light conduit within the southwest region of the project site. The Developer shall contact the interested agency or City Department to schedule the relocation work prior to submitting on-site grading plans. Approved plans for relocation shall be submitted to Public Works along with the on-site grading plans.
- m. The Developer shall install truncated domes at the existing curb ramp located on the corner of Lime Avenue and New York Street adjacent to the project site, to the satisfaction of the Director of Public Works.
- n. The Developer shall remove unused driveways and curb cuts, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- o. The Developer shall demolish the existing sidewalk and curb ramp located on the corner of Lime Avenue and East Anaheim Street adjacent to the project site, and construct a new ADA compliant curb ramp to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- p. The Developer shall reconstruct the sidewalk pavement along New York Street adjacent to the project site, extending the sidewalk pavement to the full width of the public right-of-way and resulting in a 12-foot wide public sidewalk. In addition, the Developer shall reconstruct cracked, deteriorated, uplifted/depressed sections of curb and curb gutter along New York Street adjacent to the project site, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- q. The Developer shall reconstruct the sidewalk pavement, along Lime Avenue adjacent to the project site, from New York Street to the northernmost driveway servicing the property (approximately 475 feet south of New York Street). The Developer shall reconstruct the sidewalk pavement to provide full ADA accessibility to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- r. The Developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the project site along Lime Avenue, , to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- s. The Developer shall reconstruct the sidewalk pavement, along East Anaheim Street adjacent to the project site, to provide full ADA accessibility compliance within the right-

of-way to the satisfaction of the Director of Public Works. The Developer shall provide for or relocate all facilities required in connection with the sidewalk improvements. Sidewalk improvements shall be constructed with Portland cement concrete.

- t. The Developer shall, as applicable, either 1) replace dead or dying street trees adjacent to the site, or 2) provide new street trees at driveway closures that would result in a gap in street tree spacing. Tree wells shall be per Section 21.42.050 of the Long Beach Municipal Code. Any street trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. 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 any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area of public right of way, along the project frontage.
- u. The Developer shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Developer shall consult with the Department of Public Works to review and approve.
- v. The Developer 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 and/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.
- w. The Developer shall submit a grading plan 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 issuance of a building permit.

TRAFFIC AND TRANSPORTATION

- x. A trip generation memorandum must be prepared for this project, under the supervision and approval of a registered Traffic Engineer in the State of California (Engineer's stamp required), and submitted for review to the City Traffic Engineer prior to issuance of a building permit. The trip generation memo will be evaluated to determine the changes in the peak hour trips to the project to further determine if a comprehensive traffic impact analysis is warranted.
- y. New continental style crosswalks in the vicinity of the project shall be added by the Developer to the satisfaction of the City Traffic Engineer. The Developer shall be

responsible to upgrade all existing crosswalks, and install all new marked crosswalks, to the newest City standards.

- z. There are high volume Long Beach Transit bus stops on Atlantic Avenue and New York Street adjacent to the development site. The Developer shall incorporate enhancements to improve the bus stops into this project. Amenities such as a roof overhang for additional shelter and architectural seating for bus patrons should be integrated into the project. The Developer shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity.
- aa. The Developer shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at the existing bus stops on Atlantic Avenue and New York Street. Contact the Manager of Service Development Planning, Shirley Hsiao, at (562) 591-8753.
- bb. 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 in width require a variance; contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- cc. The Developer shall be responsible to replace the existing decorative bicycle racks along Atlantic Avenue and East Anaheim Street, and provide new bicycle parking and related facilities to the satisfaction of the City Traffic Engineer.
- dd. 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.
- ee. The Developer shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- ff. 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.).