

CONDITIONS OF APPROVAL
7681 Carson Boulevard
Application No. 2303-06 (CUP23-009, MOD23-008)
September 21, 2023

1. Approval for a Conditional Use Permit and Modification to Approved Permit to allow modifications to an existing 4,659 Square Foot restaurant with drive through that includes a new bypass drive thru lane, a 236 Square foot addition, canopies, and interior and exterior improvements in the Community Commercial Automobile-Oriented (CCA) Zoning District.
2. This permit and all development rights hereunder shall terminate three years from the effective date of this permit unless construction is commenced or a time extension is granted for a one-year period, as permitted by Section 21.21.406 of the Long Beach Municipal Code (LBMC), based on a written and approved request submitted prior to the expiration of the subject grant.
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 form 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. Any expansion of the drive-through facility shall be subject to a modification to the Conditional Use Permit.
5. No loading or unloading of any deliveries shall be allowed within the public right-of-way; such activities shall occur only within the subject site.
6. Deliveries shall not occur during regular business hours for the restaurant.
7. The hours of operations, shall be limited to following hours:
 - a. 6:00 AM to 11:30 PM Monday through Sunday.
8. Should the City receive calls for service during the permitted hours of operation, the applicant shall work with the Development Services Department to modify the business operations to address nuisance activity including but not limited to addition of security.
9. At the time of plan check submittal, the applicant shall include a raised pedestrian crosswalk for any pedestrian pathways that crosses through the drive through lanes, if applicable.
10. The applicant shall maintain the existing outdoor patio with appropriate outdoor

seating and weather protection for an enhanced pedestrian environment.

11. At the time of plan check submittal and landscape plan submittal, the applicant shall incorporate information showing climbing vines to be installed where the new wall mounted trellis screens will be installed.
12. The applicant shall install informational signs "do not block walkways" signage within the drive through lanes that intersect with the pedestrian walkways to prevent vehicles from obstructing the walkways.
13. The applicant shall provide clear pavement markings for the entrance of the drive through aisles and the direction of traffic flow.
14. The menu board shall meet a four (4) minimum vehicle queuing for each drive through lanes.
15. Noise levels emanating from the project site shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 - Exterior Noise Limits.
16. The project site shall maintain the landscape buffer between Carson Street and the drive thru lane to provide screening to the queuing lane.
17. The site, including all new and modified landscaped areas, walls, and structures, 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.
18. The project landscaping shall comply with the Water Efficient Landscaping standards of Chapter 21.42 of the Zoning Regulations.
19. The applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services, as a separate, but concurrent plan check with the building plans.
20. Building permits will not be issued prior to the approval of a landscape permit (LBMC 21.42.030.C).
21. All landscaped areas shall comply with the State of California's model landscape ordinance. 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.

22. The applicant, and potential landscaping contracts for the subject property, shall utilize electric lawn and garden equipment, outdoor power equipment, and other small equipment to eliminate the worsened air quality impact of gasoline-powered and combustion engine equipment onsite for landscape management and site maintenance.
23. The applicant shall obtain all necessary permits by all City, County and State agencies.
24. For any major substantial changes, the applicant shall be required to submit an application for a Modification of an Approved Permit (Planning Commission approval) and shall require further environmental review, subject to applicable fees.
25. Site Maintenance. All areas visible from public rights-of-way shall be kept clean and orderly in compliance with the provisions of the property maintenance ordinance, Chapter 8.76 of the Municipal Code. All broken, cracked, depressed or damaged curbs and sidewalks shall be repaired. No vehicle or equipment repair use shall allow dirt, grime, oil or any chemicals to drain across the public sidewalk or alley in a manner that stains or discolors the sidewalk or alley.
26. To the extent feasible, removal of any tree and/or vegetation suitable for nesting of birds shall not occur during the bird breeding season of January through September, but variable based on seasonal and annual climatic conditions. If initial clearing activities, prior to construction, take place during nesting season, a nesting bird survey shall be performed by a qualified biologist within three days prior to such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site. The nesting survey and report the City shall include the name and qualifications of the qualified biologist or ornithologist and tree arborist. The report shall include a tree pruning or removal plan prepared by the arborist or landscape contractor which shall incorporate the following: a description of how work will occur (work must be performed using nonmechanized hand tools to the maximum extent feasible), limits of tree trimming and/or removal established in the field with flagging and stakes or construction fencing, and steps to be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.
 - a. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by a qualified biologist until it has been

determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding\nesting is completed, and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.

- b. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary, but all trimming/removal shall be in compliance with the Migratory Bird Treaty Act (MBTA).

Building and Safety Conditions

27. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated May 15, 2023.

Water Department Conditions

28. The applicant shall comply with all comments from the Long Beach Water Department dated March 7, 2023.

Standard Conditions

29. All trucks, construction vehicles, and equipment not actively in use on the project site, including those queueing off-site, shall be prohibited from engine idling for more than 5 minutes, and the developer shall utilize best management practices (BMPs) and best available technology to achieve this. The developer shall post a clearly-legible sign on the exterior construction fencing with the phone number of a construction site compliant/issues coordinator responsible for managing truck and equipment idling. Upon the completion of construction, the developer shall also post a clearly-legible sign on the exterior of the wrought iron fencing with the phone number of a complaint/issues coordinator/manager responsible for managing truck and equipment idling. Complaints of violations regarding truck and equipment idling shall be resolved within 24 hours of the receipt of the complaint. The Director of Development Services is authorized to issue stop work orders and withhold the issuance of building permits if the developer fails to remedy engine idling violations as required, until such time as the violations are remedied. All patrons and occupants of the project site shall be required to fill out and sign a Motor Vehicle Addendum, as submitted to the Department of Development Services and filed under Application No. 2112-17. The Applicant shall incorporate language into their individual lease agreements stipulating that occupants are prohibited from idling recreational vehicles for longer than 5 minutes while at the facility.
30. The Applicant shall be required to address all standards imposed by the California Department of Toxic Substances Control (DTSC) prior to the issuance of building permits.

31. Any street lights, pedestrian lights, parking lot lights, building lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
32. Prior to issuance of a grading permit, the developer shall provide a construction staging plan to the Director of Development Services for review and approval. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon neighboring uses. Said modifications (if any) and approval shall be binding upon all hauling activities and construction truck trips by the developer.
33. The developer shall abide by the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the developer's hauling practices to be remedied.
34. Minor changes to these approved plans, in keeping with the intent and spirit of the project approvals, may be approved at the discretion of the Director of Development Services. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the developer shall be required to submit an application for a Modification of Approved Permit (Planning Commission approval).
35. All groundcover and shrubs shall be drought-tolerant and low-water requirement species. The project landscaping shall comply with the Water Efficient Landscaping standards of Chapter 21.42 of the Zoning Regulations.
36. All forms of barbed wire and razor wire shall be prohibited throughout the site.
37. The developer shall provide final architectural plans and a sample of all final exterior finish and architectural materials and colors selected for construction to the Site Plan

Review Committee for review, prior to issuance of a building permit. If the final building design or materials specifications are found to be below the standards approved in concept, the developer shall remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Site Plan Review Committee.

38. Any removed or replaced trees shall be replaced at a ratio of no less than one-to-one (1:1).
39. Prior to the issuance of a building permit, the Applicant shall depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. Wherever feasible, these devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened to the greatest extent feasible by landscaping or another screening method approved by the Director of Development Services.
40. If, in the judgment of the Director of Development Services, criminal or nuisance behaviors become a problem at the project site to the detriment of neighboring businesses, residents, or land uses, the Director of Development Services or Chief of Police may require the property owner to provide for additional on-site security services or other measures as necessary to remedy the problem.
41. Prior to the issuance of a building permit, the Applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
42. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
43. The plans submitted for plan review shall 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.
44. 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.
45. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall 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 screening plan shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.

46. 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.
47. 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.
48. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
49. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.
50. 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.
51. 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.
52. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
53. For projects consisting of new buildings, parking lots, or landscaped area, the Applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to application for a temporary certificate of occupancy, or certificate of occupancy. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. On-site landscaping shall comply with Chapter 21.42 (Landscaping Standards), as applicable, to the satisfaction of the Director of

Development Services. The landscape plan check shall be submitted as a separate submittal concurrent with the building plan check.

54. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - b. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - c. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - d. Sundays: not allowed
55. 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).
56. 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 shall be recorded with all title conveyance documents at time of closing escrow.
57. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
58. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
59. 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.
60. 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.
61. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator shall clean the parking 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 lighting or private security guards.

62. Any graffiti found on site shall be removed within 24 hours of its appearance.
63. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.