

EXHIBIT J
CONDITIONAL USE PERMIT / STANDARDS VARIANCE
CONDITIONS OF APPROVAL

3639 E. 7th St.

Application No. 1804-10 (CUP18-008, SV18-006)

January 17, 2019

1. A Conditional Use Permit (CUP) to operate a drive-through lane at an existing fast food restaurant, and a Standards Variance (SV18-006) to reduce on-site parking, allowing for eight (8) spaces where eleven (11) spaces are required for a fast food restaurant located at 3639 E. 7th Street within the Community Commercial Pedestrian-Oriented (CCP) zoning district. (District 3)
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 and approved request submitted 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).
4. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services and Planning Bureau, received December 13, 2018.
5. All conditions of approval must be printed verbatim on a reference sheet in all plan sets submitted for plan review to the Department of Development Services.
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. 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).
8. 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.

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 Planning Commission.
10. 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.
11. Prior to the issuance of a building permit, the Developer shall submit a revised set of plans reflecting all design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
12. 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.
13. All structures and improvements shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
14. The Developer 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.
15. Prior to the issuance of a building permit, the Developer 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.
16. Prior to issuance of a building permit, the Developer shall submit a reduced 11"x17" set of final construction plans to the Planning Bureau for the project file.
17. 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.
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. All required utility easements shall be provided to the satisfaction of the concerned

department, agency, or utility company.

20. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
21. Any graffiti found on site must be removed within 24 hours of its appearance.
22. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
23. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
24. 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
25. The Applicant/Developer(s) 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/Developer(s) 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/Developer(s) of any such claim, action or proceeding or fails to cooperate fully in the defense, the Applicant/Developer(s) shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

Special Conditions:

26. This Standards Variance is dependent on the property tenant(s) and owner(s) maintaining the existing building footprint and proposed drive-through length and configuration. Any addition, expansion or modification to the existing building footprint or square footage, and any change to the drive-through other than what is entitled herein shall void the Standards Variance and the approved reduction in on-site parking.
27. The Developer shall provide adequate on-site directional signs per the regulations in Long Beach Municipal Code 21.44. The Developer shall prioritize signs and striping that prioritized pedestrian safety and circulation, as indicated in the site plans received on December 13, 2018.

28. Drive-through lanes shall be restricted to the hours of operation between 5:00 a.m. to 1:00 a.m. Prior to the issuance of a building permit the applicant shall submit a late-night hour's operation plan for the review and approval of the Director of Development Services or designee. This plan shall include but not be limited to providing a designated community and police liaison, posting urban etiquette signs, yearly notification to adjacent neighbors of an on-site contact and phone number for concerns. Should the City receive substantiated complaints of noise, the applicant shall work with the Director of Development Services or designee to modify the operations plan further. The Planning Commission shall maintain the right to review the operations, subject to a duly noticed public hearing, should the operations plan fail to fully address noise complaints.
29. The proposed menu board shall be illuminated with lights directed and shielded to prevent light and glare from intruding onto adjacent sites. Menu board lights shall be illuminated to the applicable standards of the Illuminating Engineers Society.
30. The ordering board speakers 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.
31. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.
32. 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.
33. Prior to the issuance of a building permit, the Applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services. Per LBMC 21.42.035, all new commercial projects requiring Site Plan Review and with an aggregate landscape area equal to or greater than five hundred (500) square feet requiring a landscape plumbing permit, shall comply with the water efficient landscaping standards set forth by the State Model Water Efficient Landscape Ordinance (MWELo), pursuant to the State Water Conservation in Landscaping Act (AB1881). Please access <http://www.lbds.info/lbsmartscape/> for the MWELo Performance Compliance Checklist and guidelines to demonstrate performance compliance with State MWELo standards.
34. The Developer shall coordinate with Planning Bureau to staff provide a landscape plan detailing the specific species, size and location of on-site trees. The trees

shall be canopy trees that provide adequate year-round shade and sun on the site, and they shall not impede pedestrian or vehicular circulation on or off-site.

35. The Developer shall provide new canopy street trees in the public right-of-way adjacent to the project site on 7th Street and Euclid Avenue to the satisfaction of the Director of Public Works and the Director of Development Services. The street trees shall be of a species approved by Public Works. One tree shall be provided for each 25 feet of site frontage or portion thereof, and trees shall be spaced no more than 25 feet on center. Tree wells shall be a minimum of 4 feet by 4 feet in dimension and shall be larger where feasible. Tree grates shall be of a high-quality design to the satisfaction of the Director of Development Services and 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 dedicated for public right of way.
36. All proposed landscaping and groundcover shall support and incorporate features that achieve Low Impact Development (LID). Effective, November 12, 2013, the LID Ordinance applies to any new development or redevelopment that results in the replacement of more than fifty percent (50%) of an existing building structure, or impervious surface area. The LID manual is available online at: http://www.lbds.info/low_impact_development/. Please contact the Building and Safety Bureau at (562) 570-5237 for further information and clarifications.
37. 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.
38. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.