

Attachment C

CONDITIONAL USE PERMIT MODIFICATION CONDITIONS OF APPROVAL

1403 Seabright Avenue

Application No. 2102-23 (MOD21-001)

June 3, 2021

1. This application is a modification request of a previously approved Conditional Use Permit (Application No. 1908-38) expanding the operations of a truck yard facility at 1404 Hayes Ave onto the project site at 1403 Seabright Ave within the General Industrial (IG) Zoning District. The new truck yard facility will remove the existing dilapidated shed and accommodate 10 additional truck stalls.
2. All conditions of approval from the previous entitlement, App No. 1908-38, for this site and facility shall remain in full force and effect unless herein rescinded. If individual conditions from said entitlements are superseded by more restrictive conditions from this subject permit, the more restrictive condition(s) shall control.
3. This approval and all development rights hereunder shall terminate three years from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action 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 one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
4. This approval 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). 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 Zoning Administrator.
5. 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.

Special Conditions:

6. Landscaping shall be provided along the full extent of the truck yard's street front. These landscaped areas shall consist of drought-tolerant trees and shrub plantings and be outfitted with an irrigation system set to an electronic or solar time clock.
7. Prior to building permit issuance, a covenant shall be drafted by a qualified legal professional with exhibits and submitted to the Planning Bureau for the City Attorney to review. The purpose of the covenant is to conditionally allow the use at 1403 Seabright Avenue in conjunction with the continued operations of the

trucking facility located at 1404 Hayes Avenue and its office and bathroom facilities. Furthermore, discontinuation of the operations at 1404 Hayes Avenue would rescind this CUP approval.

8. Prior to final inspection, the existing site perimeter fencing shall be removed and replaced with an eight-foot-tall wrought iron fence or CMU block wall. Along the front property line, fencing shall be located behind the required five-foot landscape setback. Barbed wire and razor wire shall be prohibited at the site, and chain link fencing shall be restricted to the site's interior.
9. Any wrought iron fencing installed shall not include materials that obscure visibility. This includes solid metal screening, mesh, or other screening material that obscures visibility.
10. The site, including all landscaped areas, parking areas, walls, structures, and adjacent rights-of-way, 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. No trucks parked or stored at the site shall be used as a source of parts.
12. Lighting in the truck yard area shall be provided in accordance with the provisions of Section 21.41.259, Parking Areas—Lighting, and conform with California Title 24 Energy requirements.
13. Transport containers used for storing goods, materials, or equipment to be transported by truck, train, or marine vessel may be stored anywhere on a lot, with the exception of any required corner cutoff area. No more than two (2) containers shall be stacked atop one another.
14. All drayage trucks associated with truck yard operations shall comply with the provisions of the Clean Truck Program.
15. The site shall maintain adequate on-site maneuvers of any truck used for the business, and shall require such trucks to enter and exit the site in a forward direction, thereby avoiding backing from or into a public street.
16. No loading or unloading of any materials or trailers shall be allowed within the public right-of-way; such activities shall occur only within the subject truck yard area.
17. All paved areas, drive aisles and parking areas shall be maintained in a useable condition to the satisfaction of the Director of Development Services. When new paving is required, all truck drive aisles and parking areas shall be surfaced with a minimum six-inch- (6") thick reinforced concrete over compacted grade to ninety percent (90%) relative compaction, or a minimum of five-inch- (5") thick asphalt paving over 6-inch compacted road base, over compacted grade to ninety percent (90%) relative compaction, to the satisfaction of the Director of Development Services. All re-paving shall be conducted in a manner that minimizes dust.

18. All development shall conform to the Long Beach Building Code requirements.
19. Major auto repair associated with a trucking use and subletting to trucking repair businesses shall be prohibited. Minor auto repair associated with trucking uses is allowed as an accessory use.
20. Minor outdoor vehicle or equipment repair and maintenance shall occur only between the hours of seven (7:00) a.m. and ten (10:00) p.m.
21. Minor outdoor vehicle or equipment repair and maintenance activities shall not violate the City noise ordinance, Chapter 8.80 of the Municipal Code.
22. Dumping of tires, oil, transmission fluids, filters, or any other hazardous materials is strictly prohibited. The on-site treatment and/or transfer of hazardous waste shall also be prohibited.
23. A trash enclosure shall be provided pursuant to Section 21.45.167.
24. 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.

Interdepartmental Conditions:

25. The applicant shall comply with the requirements imposed by the Long Beach Water Department in their comment letter dated March 15, 2021.
26. The applicant shall comply with the requirements imposed by the Long Beach Public Works Department in their comment letter dated April 14, 2021.

Standard Conditions:

27. In the event of a 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, which are a part thereof. These specific requirements must be recorded with all title conveyance documents at the time of closing escrow.
28. A separate landscape permit and plan check will be required. Landscape plans shall be in accordance with the California State Model Water Efficiency Ordinance (MWELO) and the Long Beach Municipal Code (LBMC). The landscape permit shall be issued at the same time of any building permits.
29. 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.

30. 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/alter the approved design/project. All major modifications shall be reviewed by the Planning Commission, and any associated costs involved in a Planning Commission review shall be the responsibility of the project applicant.
31. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection, conducted at the discretion of City officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per special building inspection specifications established by City Council.
32. The applicant shall defend, indemnify, and hold harmless the City of Long Beach and its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, and employees to attack, set aside, void, or annul the approval of the City of Long Beach 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.