

**CONDITIONS OF APPROVAL**  
**Site Plan Review**  
**Application No. 2404-11 (SPR24-038)**  
**October 17, 2024**  
**REVISED**

**Special Conditions:**

1. The following approvals are granted for this project:
  - a. Accept Exemption CE-24-153, finding the proposed project exempt from the California Environmental Quality Act pursuant to Section 15192 and 15195 of the CEQA Guidelines.
  - b. Approve Site Plan Review (SPR24-038), and adopt the proposed findings and conditions of approval related thereto, for a project consisting of the construction of a new seven (7)-story multi-family residential building consisting of 96 micro dwelling units (12 of which are very-low income level affordable units) in a building with 17 vehicular parking spaces in an at-grade parking garage, 47 bicycle parking spaces, 3,993 square feet of common indoor amenity spaces, 4,155 square feet of common open space, and 1,500 square feet of private open space area located at 421 East 4<sup>th</sup> Street in the Downtown Plan (PD-30) Planned Development District. (District 1)

**Inclusionary Housing Conditions**

2. The Applicant shall provide a minimum of twelve (12) dwelling units, within the project, earmarked as affordable housing for very-low-income households. The availability and affordable status of these units shall be guaranteed as required by the Inclusionary Housing Ordinance (Chapter 21.67) to the satisfaction of the Director of Community Development for a period not less than 55 years.
3. Affordable housing units shall be comparable to market-rate units in terms of design, size distribution, interior finishes and access to common interior and exterior open space areas.
4. Finishes and features for inclusionary housing units and market-rate units shall be durable, of good quality, and consistent with contemporary standards for new housing.
5. The affordable housing units provided through Inclusionary Housing Ordinance (Chapter 21.67) shall be evenly distributed throughout the residential levels shown in the plan set, including the upper floors, and shall be generally reflective of the mix of unit sizes and number of bedrooms in the overall project. Applicant shall indicate which units will be designated as the affordable units on the plan set submitted for plan check. The approved very low-income affordable units shall be comprised of twelve (12) micro-unit studio units.

6. The inclusionary units shall be located so as not to create a geographic concentration of inclusionary units within the residential development.
7. The inclusionary units shall have the same amenities as the market-rate units included within the affordable rent or affordable sales price for the inclusionary unit.
  - a. Residents of the inclusionary units shall have the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, and residents of the inclusionary units shall not be charged more than affordable rents or affordable sales prices as for the use of such facilities and amenities.
8. The Applicant and the City will enter into an Affordable Housing Regulatory Agreement, in a form approved by the City Attorney, that memorializes the Affordable Housing requirements to be imposed on a Rental Residential Development.
9. The Affordable Housing Regulatory Agreement shall be recorded in first lien position on legal title to the Rental Residential Development prior to the approval of any final or parcel map or Demolition Permit/Building Permit for the Rental Residential Development, whichever occurs first.
10. The Applicant will be responsible for having the Affordable Housing Regulatory Agreement notarized and recorded with the Los Angeles County Recorder's Office. The Applicant will be responsible for paying any fees imposed by the Los Angeles County Recorder's Office to record the Affordable Housing Regulatory Agreement. The Applicant must provide a certified copy of the recorded Affordable Housing Regulatory Agreement to the City within 48 hours of being recorded at the Los Angeles County Recorder's Office.
11. Applicant shall coordinate with the City of Long Beach Housing & Neighborhood Services Bureau to market the affordable units to promote equitable access. This includes conducting marketing activities that may be required by the City, such as advertisements, language translation of promotional/application materials, and/or community outreach activities.
12. The Applicant shall pay the annual review and monitoring fee required for monitoring of the affordable units, per the fee resolution adopted by the City Council.
13. The Applicant shall be responsible for determining eligible affordable household status of each prospective tenant prior to occupancy, and recertify annually thereafter, and provide tenant verification documentation to the City for review and approval.

#### Plans and Construction

14. The project shall be developed in conformance with the Long Beach Climate Action Plan (LB CAP) as follows:
  - a. The site shall be developed with solar panels/photovoltaic (PV) cells to the maximum extent feasible to offset onsite energy uses. Potential locations for onsite solar panels/PV cells include the rooftop of the residential building. Providing battery storage for the solar PV system to support and power onsite energy uses is highly encouraged.
  - b. As of November 2, 2023, Southern California Edison's (SCE) Green Rate program is not accepting new customers and has a waitlist available to prospective customers on a first-come, first-served basis. The applicant shall apply to be on SCE's Green Rate program waitlist and comply with condition (11.a) to provide on-site solar as feasible to meet the Long Beach Climate Action Plan's Development Checklist's requirement to utilize 100% zero-carbon electricity."
  - c. 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. Copies of all landscaping contracts documenting this requirement shall be made available upon request.
    - 1) The South Coastal Air Quality Management District and other external agencies may have available rebate programs for the purchase of electric lawn and garden equipment.
  - d. The raised planter areas in the courtyard and/or rooftop amenity areas shall include an urban agriculture component in the form of community or private garden for the building residents.
  - e. All provided parking shall be unbundled from the proposed residential units.
  - f. The building operator/leasing company shall provide educational material and training to occupants and tenants in new and renewed lease agreements for available transit and non-vehicular transportation options in the downtown area. Upon annual lease renewals, educational material shall be provided in lease documents to inform tenants of best practices for reducing vehicle miles travelled. Copies of all lease documents and required enclosed educational materials shall be available upon request.
  - g. Pursuant to Senate Bill 1383, Assembly Bill 1826, and Section 8.60.37 of the LBMC, a designated area for the collection of organic waste and compost shall be provided adjacent to the area for the collection of waste and recyclables.

- h. The building operator/leasing company shall provide educational material and training to occupants and tenants in new and renewed lease agreements for protocols to properly separate recyclables from all other solid waste, place recyclables in a separate container designated for recycling, and composting organic waste. Upon annual lease renewals, educational material shall be provided in lease documents to inform tenants of best practices for recycling and organics composting. Copies of all lease documents and required enclosed educational materials shall be available upon request.
  - i. Pursuant to Section 18.67.100 of the LBMC, the project shall comply with all Mandatory Construction & Demolition (C&D) Recycling Program Requirements.
  - j. Applicant shall use recycled water and greywater for non-potable uses consisted with the Low-Impact Development (LID) report and LB CAP.
- 15. One (1) mural is required on the eastern elevation, near the podium level.
- 16. A Lot Merger shall be recorded prior to the issuance of a building permit. Please contact the project planner to obtain instructions.
- 17. All power lines shall be placed underground. If undergrounding all or some of the power lines is determined to be unfeasible or presents an undue hardship, the applicant shall submit detailed documentation and justification to the Department of Community Development and/or the Department of Public Works for review and approval.
- ~~18. Decorative paving/treatment shall be provided in the alleyway. Installation and maintenance agreement are subject to the review of the Long Beach Department of Public Works. The applicant shall work to incorporate decorative paving, colored concrete, or another suitable treatment for the alley, as feasible in coordination with the applicant, Public Works and Planning.~~
- 19. Except gas water boiler, the building shall only use electric appliances.
- 20. Prior to the issuance of a building permit, the applicant shall notify all adjacent property owners and occupants in writing of when the start of grading/construction is to occur. The letter shall include the name and phone number of a responsible person who has the authority to resolve concerns.
- 21. Pursuant to section 21.45.400 (c), the project shall meet the intent of Leadership in Energy and Environmental Design (LEED) at the Certified level to the satisfaction of the Director of Community Development. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.

22. Pursuant to Section 21.45.400 (i), the applicant shall design and provide for “solar-ready” building rooftops and “solar-ready” infrastructure on flat-roof buildings, for possible future installation of solar panels.
23. Pursuant to section 21.45.400 (i), a designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
24. Prior to issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site shall be closed and reconstructed to full-height curb and gutter under a permit from the Department of Public Works.
25. 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 Community Development and the City Engineer. The Director of Community Development 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.
26. The developer shall abide by the haul route/trucking route approved by the Director of Community Development 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 Community Development and City Engineer determine the developer’s hauling practices to be remedied.
27. Prior to the issuance of grading and building permits, the applicant shall submit a pedestrian access and protection plan to the Department of Community Development and the Department of Public Works for review and approval. The plan shall detail all pedestrian access closures and detail detours for safe navigation around the project site during construction. The approved pedestrian access and protection plan shall be maintained on-site at all times during project construction activities.
28. The applicant shall submit an application for a Sign Program for the project site. No permanent on-site signs requiring a sign permit shall be installed prior to approval of a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas.
29. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on October 17, 2024. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:

- a. Glazing selections and quality,
  - b. Architectural design and features,
  - c. Ground-floor storefront window systems, and
  - d. All materials and finish selections specifically identified on plans, or amended herein, and the virtual materials sample board provided with the project file application, or equal or better to the satisfaction of the Director of Community Development.
30. The ground floor elevations shall not include stucco. Stucco is permitted only on the upper floors and if appropriate for the architectural style in compliance with the PD-30 design standards.
31. Prior to the issuance of building permits, the Applicant shall provide a sample of all materials and finish selections specifically identified on plans, or amended herein, and the virtual materials sample board provided with the project file application, or equal or better to the satisfaction of the Director of Community Development.
32. 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 Community Development. 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).
33. The bike storage area at the ground floor shall be maintained in perpetuity for residential uses onsite.
34. All designated micro-units shall have the following amenities at a minimum pursuant to Sections 21.15.1756 and 21.25.600 of the Long Beach Municipal Code:
  - a. Full bathroom, kitchen facilities, and built-in storage within the Micro-Unit; and
  - b. Common usable open space, as depicted on plans on file.
35. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of Community Development, prior to issuance of a building permit for new construction. If these materials 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 Director of Community Development.

36. The architectural design of all buildings shall be harmonious and complementary, and in conformance with the design requirements and guidelines of the PD-30 Ordinance. The architectural style and materials shall not be changed; except as provided by these conditions of approval.
37. All windows and doors shall be recessed at least 3 inches from the face of the finished exterior wall. Flush finish installations are not permitted.
38. 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.
39. Landscape plans shall be submitted as a separate, but concurrent, plan check applications.
40. Pursuant to Section 21.42.050 of the City Municipal Code, one (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length. Street trees shall be consistent with the street tree standards and designated species outlined in the Downtown Plan (PD-30). Enhanced landscaped parkway areas should extend beyond the tree wells as shown on conceptual landscape plans. The landscaped parkway shall be located in coordination with the location of on-street parking.
41. Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of the Municipal Code.
42. All forms of barbed wire and razor wire shall be prohibited on the site.
43. Any street lights, pedestrian lights, parking lot 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 Community Development 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.
44. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the PD-30 ordinance.
45. During construction, in order to avoid archaeological resources, human remains, and paleontological resources plans containing specific details and logistics for carrying out the Program EIR mitigation measures will be prepared. The plans

shall cover archaeological resources/human remains and paleontological resources, and would include: the professional qualification standards for archaeological and paleontological staff (following the Secretary of the Interior and Society for Vertebrate Paleontology, as applicable); communication protocols; a description and maps noting the locations/depths of where monitoring is required based on sensitivity and construction plans; training for construction personnel; the process for modifying monitoring frequency (reducing or discontinuing); protocols to follow in the event of a discovery, including work stoppage and notification procedures; an outline for significance evaluations of discovered resources; protocols for sampling, recovery, treatment, and analysis of resources; and reporting and curation requirements.

46. Cultural tribal monitoring with the local culturally affiliated tribe will still be required during construction. The project applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the culturally affiliated tribe and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
47. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

#### Downtown Plan PEIR and EIR Addendum Mitigation Measures

48. The developer shall provide for compliance all mitigation measures of the Downtown Plan Program EIR (PEIR) that apply to this project. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.

#### Land Use Element PEIR Mitigation Measures

49. The developer shall provide for compliance all mitigation measures of the Land Use Element Program EIR (PEIR) that apply to this project. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.

#### Use and Operation



50. 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.
51. All refuse collection shall take place at the alley (Frontenac Court), with all trash receptacles being moved internally within the project site to the alley for collection. Refuse collection and the movement of trash receptacles on East 4<sup>th</sup> Street shall be prohibited. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
52. The applicant shall inform all tenants of restrictions regarding loading activities by means of incorporating said language into leasing agreements.
53. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.
54. One or several central satellite television/data receiver dish(es) shall be located on the roof of the building or in another utility area so that a separate satellite receiver dish is not needed for each residential unit.

#### Building and Safety Conditions

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

#### Water Department Conditions

56. The applicant shall comply with all comments from the Long Beach Water Department dated on July 9, 2024.

#### Energy Resources Department Conditions

57. The applicant shall coordinate with Long Beach Utilities (Energy Resources) to establish a plan for the relocation, or cut and cap of gas facilities.
58. The applicant shall review and obtain approval for proposed meter(s) locations with Long Beach Utilities (Energy Resources) inspector.
59. The applicant shall provide gas loads for proposed development and confirm that the new meter(s) locations meet all Long Beach Utilities (Energy Resources) requirements.

#### Public Works Conditions

60. The applicant shall comply with all comments from the Long Beach Department of Public Works dated on July 10, 2024. The developer shall provide for the following to the satisfaction of the Director of Public Works:

## **GENERAL REQUIREMENTS**

- a. Prior to the start of ANY demolition, excavation, or construction, the Applicant shall,
  - i. Submit a construction plan for pedestrian protection, construction staging, scaffolding and excavations, and
  - ii. Submit a traffic control plan with street lane closures and routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.) prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, and
  - iii. Submit a plan for construction area and/or site perimeter fencing with custom printed screen(s),
  - iv. All for review and approval by the Department of Public Works and installed in accordance with the latest version of the Public Works Development Guideline.
- b. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit. The Applicant shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.
- c. The Developer may be subject to street restoration requirements if an adjacent street/alley affected by the project is under a street cut moratorium that is active at any point through the completion of construction. Although a street cut moratorium may not be in place at the time of these conditions, one may be in effect at a later date that the project shall adhere to. The Developer shall provide written approval from the City to implement any street improvements prior to the end of the moratorium, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block.
- d. The extent of repaving and restoration of the adjacent Rights-of-Way shall be per the discretion of the Director of Public Works and shall be determined during the plan check process based on the excavation proposed.
- e. If the proposed off-site improvements associated with the proposed project, stipulated herein, conflict/overlap with a planned City project, a fair share fee may be assessed and paid by the Applicant to the City at the discretion of the City Traffic Engineer, City Engineer and Director of Public Works.
- f. The Applicant proposes architectural projection encroachments into the public right-of-way that include architectural features and balconies. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way to be reviewed for approval as to compliance with the City of

Long Beach Municipal Code Section 14.48.040, to the satisfaction of the Director of Public Works.

Note: The Applicant's site plan shows various projection encroachments into the public rights-of-way adjacent to the project site. Once dedicated to the City of Long Beach, a dedication line becomes the new property line. Encroachments are not permitted along the adjacent alleyway, Frontenac Court. Certain encroachments are acceptable over the adjacent sidewalk of East 4<sup>th</sup> Street and shall follow the following requirements. The encroachment of balconies and architectural features 8 feet or more above the established grade of the public right-of-way shall be a 1-inch projection for every 1-inch vertical rise, to a maximum of 4-foot projection at a 12-foot height. Additionally, encroachments cannot be habitable space.

- g. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Applicant and/or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- h. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- i. Any proposed signage shall be located entirely on site, on private property, completely out of the public right-of-way. Any signage initially proposed in public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- j. All off-site improvements shall provide a compliant clear path between any and all obstructions for pedestrian travel purposes compliant with the most recent Americans with Disabilities Act (ADA) standards within the dedicated right-of-way. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- k. The Applicant 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. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- l. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and **submitted to [pw-privatedevelopment@longbeach.gov](mailto:pw-privatedevelopment@longbeach.gov)**, for review and approval. The City's Public Works Engineering Standard Plans are available online at

[www.longbeach.gov/pw/resources/engineering/standard-plans](http://www.longbeach.gov/pw/resources/engineering/standard-plans). **This is in addition to, and separate from, any plan check required by the Department of Community Development, Building & Safety Bureau.**

- m. 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.
- n. Applicant shall provide stamped and signed record drawings and as-builts of the off-site improvements at the end of construction prior to Public Works permit closeout and Public Works clearance for Temporary and Final Certificate of Occupancy.
- o. Applicant shall provide Off-Site Improvement Record Drawings (PDF and CAD files) at the end of construction prior to Public Works permit closeout and Public Works clearance for Temporary and Final Certificate of Occupancy. Record drawings shall reflect all field changes and contractor markups (updated in CAD) and shall be signed and stamped by the project Civil Engineer. Any supplemental contractor markups for the off-site improvements shall also be provided at project closeout.

#### **PUBLIC RIGHT-OF-WAY**

- p. Applicant shall dedicate and improve an additional 2 feet of right-of-way along the north-south alleyway, Frontenac Court, adjacent to the site, for alley widening purposes along the eastern property line boundary, relocating and/ or undergrounding all existing facilities as necessary to accommodate the alley widening. All improvements shall be constructed with Portland cement concrete. To initiate the dedication process, Applicant shall submit a Dedication application to Public Works, along with all required attachments and filing fees, which approval is subject to acceptance by the City Council.
- q. As illustrated in the project plans, decorative pavement appears to be proposed within the Frontenac Ct right-of-way to which an Installation and Maintenance Agreement is required. Pavers are prohibited along Frontenac Ct due to the underlying water line. The decorative paving must be approved by both Long Beach Utilities and Public Works. The Developer shall apply for an Installation and Maintenance Agreement from the City's Public Works Department for the maintenance of the decorative pavement within Frontenac Ct prior to a building permit. All street improvements shall be constructed per Public Works Standards, per plans reviewed and approved by Public Works, and to the satisfaction of the Director of Public Works.
- r. The Applicant shall provide easements to the City of Long Beach for any proposed or required public utility facilities, to the satisfaction of the concerned City Department or public agency.

Note: Backflow preventer must be installed on private property and an easement to the City must be processed through an application to the Department of Public Works

- s. The Applicant shall be responsible for the relocation and/or undergrounding of utilities, right-of-way dedications, quitclaim of easements, and/or any new utility easements required in connection with the proposed development, and removal of any related abandoned facilities or equipment as needed or required; as structures cannot be built within an easement or dedicated area. The Applicant shall be responsible for resolving all matters of easement and/or utility encroachment to the satisfaction of the interested agency, City department, and the Director of Public Works.

### **OFF-SITE IMPROVEMENTS**

- t. East 4<sup>th</sup> Street is currently subject to a street pavement cut moratorium ending in May 2028. The Applicant shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block and the Applicant shall adhere to this requirement.
- u. Frontenac Ct is currently subject to a street pavement cut moratorium ending in March 2029. The Applicant shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation. Any work within the alley under moratorium requires a complete repaving of the alley adjacent to the project site with Portland Cement Concrete to the latest City standards.
- v. The Applicant shall improve the dedicated area along Frontenac Ct with Portland Cement Concrete. This extension of the alley shall match the slope and score lines of the existing alleyway. As the alleyway is currently under a street pavement cut moratorium, any excavation, trenching or damage to the pavement within the alley will require the repaving of the full width of the alley adjacent to the project site. All utility poles along the proposed alley widening shall be undergrounded/relocated by the Developer at project expense, and to the satisfaction of the Director of Public Works. The undergrounding/relocation of the utility poles shall be completed prior to obtaining the final certificate of occupancy.
- w. The Applicant shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the project site along East 4<sup>th</sup> Street, to the latest City standards and to the satisfaction of the Director of Public Works. The Developer shall assess the existing sidewalk adjacent to the project site for ADA compliance, and if found to be non-compliant,

shall replace the existing sidewalk with a compliant design 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).

- x. The Applicant shall reconstruct the alley curb returns and intersections at East 4<sup>th</sup> Street and Frontenac Court to align with the new alley widening in conformance with all applicable ADA requirements. The Developer shall relocate all existing facilities to accommodate the widening. Alley intersection improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- y. Applicant shall install on-site alley lighting to the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.
- z. Applicant shall check with the Long Beach Utilities Department, Water and Gas, at (562) 570-2300 and (562) 570-2030, respectively, for scheduled main replacement work prior to submitting any improvement plans to the Department of Public Works.
- aa. Applicant shall protect the existing tree along East 4<sup>th</sup> Street and provide for new tree wells and street trees with root barriers and associated irrigation on East 4<sup>th</sup> Street, per Section 21.42.050 and Section 14.28.020 of the Long Beach Municipal Code. Where physical obstructions do not allow for the required number of street trees to be planted, an in-lieu fee may be assessed by the City Arborist and paid by the Applicant for each required street tree that is not provided. Furthermore, in the case of any existing street tree removal, an additional fee will be collected for each removed tree to allow for the planting of one additional tree elsewhere. All proposed street tree removals must be approved by the City Arborist and shall follow the tree removal procedure as outlined in the Public Works Tree Maintenance Policy. Applicant and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. If required, street tree removals and in-lieu tree planting fees shall be coordinated directly with the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to issuance of permit. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- bb. Applicant shall contact the Street Tree Division prior to beginning the tree planting, landscaping, and any irrigation system work.
- cc. Applicant proposes improvements that may impact existing under- and above-ground utilities through and adjacent to the project site, such as gas lines, street light conduits and utility poles and overhead lines, and along the perimeter

streets and alleyways adjacent to the project site. The Applicant shall be responsible for all design, applicable utility approval, permitting, relocation work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.

- dd. Applicant shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the entire project, from commencement of the on-site improvements, until final inspection of the off-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 Applicant, to the satisfaction of the Director of Public Works.
- ee. Applicant shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- ff. Applicant shall install Custom Printed Flex Mesh screen(s), such as FenceScreen.com Series 311, or equivalent, fence screening along the perimeter of the development site, and provide for the printed graphic, to the satisfaction of the Director of Public Works. The Developer shall consult with Public Works prior to submitting the graphic design for printing.
- gg. Applicant shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review by the Director of Planning and Building Services and the Director of Public Works, prior to approval of the map and/or release of any building permit.
- hh. Applicant shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
- ii. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 576-6600 or visit their website for complete instructions at [www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml). Left-click on the Construction General Permit Order 2009-0009-DWQ link.

## **TRAFFIC AND TRANSPORTATION**

- jj. The Applicant shall provide a trip generation and trip distribution analysis. Based on these studies, a traffic impact analysis may be required. Any conditions generated by the analysis shall be made a part of these conditions.
- kk. The Applicant 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
- ll. The Applicant shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- mm. The Applicant shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- nn. The Applicant shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- oo. All traffic control device installations, 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.).
- pp. All bike racks and bike rack placement must follow the guidance in “Essentials of Bike Parking” by the Association of Pedestrian and Bicycle Professionals.
- qq. The Applicant shall provide diagrams of passenger car access from the alley to the garage entrance, confirming there are no obstructions in the path of travel of a Passenger Car Design Vehicle defined by the American Association of State Highway and Transportation Officials (AASHTO).

**Standard Conditions – Plans, Permits, and Construction:**

- 61. 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 Community Development.
- 62. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Community Development. These conditions shall be printed on the site plan or a subsequent reference page.
- 63. 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.

64. 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. 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 by landscaping or another screening method approved by the Director of Community Development.
65. The Director of Community Development 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.
66. 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 Community Development prior to the issuance of a building permit.
67. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
68. 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.
69. 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.
70. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
71. 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.
72. 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.
73. 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.

74. Site development, including landscaping, shall conform to the approved plans on file with the Department of Community Development. 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.
75. 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 Community Development prior to the issuance of a building permit. 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. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Community Development.
76. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted 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.
77. 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.
78. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Community Development. 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 Community Development.
79. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
80. Energy conserving equipment, lighting, and construction features shall be utilized in this project.

81. 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.
82. 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

**Standard Conditions – General:**

83. 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.
84. 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 shall 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).
85. 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.
86. 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).
87. 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.
88. 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.

89. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
90. 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.
91. 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 Community Development may require additional preventative measures such as but not limited to, additional lighting or private security guards.
92. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
93. Any graffiti found on site shall be removed within 24 hours of its appearance.
94. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
95. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Community Development.
96. 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.