

**SITE PLAN REVIEW,
CONDITIONAL USE PERMIT, AND
LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL
210 East Ocean Boulevard
Application No. 1806-19 / SPR18-033, CUP18-015, LCDP18-022
November 15, 2018**

Special Conditions:

1. This Site Plan Review, Conditional Use Permit, and Local Coastal Development Permit Approval is for the change of use and renovation of The Breakers Hotel (City-designated Historic Landmark) into a 185-room hotel with food and beverage venues (with on-site alcohol), banquet/meeting areas, and amenity uses in the Coastal Zone at 210 East Ocean Boulevard in the Downtown Shoreline Planned Development District (PD-6).
2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, submitted in October 2018.
3. All work on or affecting The Breakers Hotel, a designated historic landmark building, shall comply with the Certificate of Appropriateness (HP18-099, August 13, 2018) and appurtenant conditions issued by the Cultural Heritage Commission for The Breakers Building.
4. No alterations not granted prior approval (dated August 13, 2018) for the alteration, remodel, enlarging, or improvements to The Breakers Building, shall be issued prior to review by the Cultural Heritage Commission (CHC) and issuance by the CHC of a certificate of appropriateness.
5. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction to the Planning Bureau for review by the Director of Development Services, 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 Development Services.
 - i. Proposed glass and structural features on the rooftop areas shall be designed to incorporate bird-safe building treatments. Prior to building permit approval, the applicant shall provide documentation noting the incorporation of these treatments into final project plans.
6. All temporary exterior fencing shall be removed prior to final Planning Bureau approval and issuance of a Certificate of Occupancy.

7. A minimum of 250 parking spaces shall be permanently maintained and in useful operation off-site for use by the proposed hotel and amenity uses at all times.
8. An executed lease for required off-site parking shall be provided to Planning Bureau staff prior to the issuance of building permits.
9. The property owner shall record Release of Restrictive Covenant, signed by the Director of Development Services, with the Los Angeles County Clerk-Recorder prior to the issuance of building permits. This covenant release shall remove the deed restriction recorded on October 4, 1990 (Document No. 90-1699860) requiring that each head of household in the congregate care unit be a senior citizen, 62 years old or older.
10. All required off-site street improvements shall be installed or provided to the satisfaction of the Director of Public Works prior to the final approval inspection.
11. Proposed improvements in Victory Park shall be completed prior to final Planning Bureau inspection approval and issuance of a Certificate of Occupancy.
12. Victory Park shall be restored to the existing conditions documented in a memorandum dated July 16, 2018 under the following conditions:
 - i. If the required entitlements (Site Plan Review, Conditional Use Permit, Local Coastal Development Permit) for the hotel are not approved, all fixtures, landscaping, and materials in Victory Park shall be restored to a condition similar to, or better than, existing conditions documented in the memorandum.
 - ii. In addition, if construction of the project has not commenced within one year of the date on the memorandum (July 16, 2018), the applicant will be required to remove the temporary construction fencing around Victory Park and restore the park back to existing conditions documented in the memorandum.
13. The proposed changes to Victory Park include widening and reconfiguring the existing driveway. The developer shall replace parkland at a 2:1 ratio. Existing parkland shall not be displaced until the replacement parkland (excluding roadways and parking) is under construction or developed elsewhere.
14. A new driveway easement in Victory Park shall be recorded to align with the reconfigured driveway. The easement shall reflect the existing locations of building area under the park and the basement access stairs. The revised easement shall replace the previous easements recorded on the property. The easement shall be recorded prior to the issuance of building permits.
15. The property owner shall be responsible for maintenance of Victory Park.
16. The driveway in Victory Park shall be only for passenger loading and unloading.

Conditions of Approval

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17. There shall be no parking of vehicles outside of the designated driveway in Victory Park. At no time shall vehicles be parked on landscaped areas in Victory Park.
18. No private signage for the private hotel, restaurant, or amenity uses shall be placed in Victory Park.
19. The landscaping and architectural details of Victory Park are conceptual and subject to minor changes and adjustments prior to final construction. The Director of Development Services is authorized to approve minor modifications to the approved design plans for Victory Park.
20. Signage shall be located in a conspicuous location in Victory Park that clearly indicates that the park is public property. All signage shall be consistent with the citywide wayfinding signage.
21. The existing two metal Victory Park plaques inlaid in the brick walkways shall be preserved and reinstalled in the redesigned Victory Park. The plaques shall be located in an area visible from the sidewalk along Ocean Boulevard that abuts Victory Park.
22. The existing palm trees in Victory Park shall be relocated and incorporated into the final landscape plan to the greatest extent feasible.
23. All modifications to vegetation in Victory Park shall comply with the Migratory Bird Treaty Act (MBTA), including the completion of nesting bird surveys prior to any tree removal.
24. The operator shall maintain full compliance with all applicable laws, Alcohol Beverage Control laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, Conditional Use Permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
25. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
26. Exterior lighting shall be maintained to the satisfaction of the Police Chief and the Director of Development Services.
27. The operator shall maintain exterior video security cameras at the front and rear of the business with full view of the public right-of-way. The cameras shall record video for a minimum of 30 days and be accessible via the Internet by the LBPD. A Public Internet Protocol (IP) address and user name/password to allow LBPD to view live and recorded video from the cameras over the Internet are also required. All video security cameras shall be installed to the satisfaction of the

Police Chief, Director of Technology Services, and Director of Development Services.

28. Any and all employees hired to sell alcoholic beverages shall provide evidence that they have either:
 - i. Completed training from the State of California of Alcoholic Beverage Control “Leadership and Education in Alcohol and Drugs” (LEAD) program as confirmed by receipt of an ABC-issued certificate of completion; or,
 - ii. Completed equivalent training acceptable to the ABC District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.
 - iii. If any prospective employee designated to sell alcoholic beverages, tobacco or inhalants does not currently have such training then:
 - iv. The ABC-licensed proprietors shall have confirmed with the Development Services Department within 15 days of the final approval of the CUP or within 15 days of the opening to the public of a new store, whichever is later, that a date certain has been scheduled with the local ABC Office for said prospective employees to take the LEAD Program course; and
 - v. Within 30 days of taking said course the employee(s) or responsible employer shall deliver to the Planning Department each required LEAD Program Certificate evidencing completion of said course.
29. Noise levels emanating from the project’s common outdoor areas (rooftop terrace, outdoor pool deck, etc.) shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.15 – Exterior Noise Limits.
30. Prior to the issuance of a Temporary or Final Certificate of Occupancy, whichever comes first, an operations plan related to alcohol service, patio and terrace areas, large events, and security measures shall be submitted to the Planning Bureau for review and approval. The contents of this operations plan shall include procedures for maintaining on-site security and ensuring compliance with regulations pertaining to alcohol service, noise standards, and venue occupancy. A copy of the approved operations plan shall be maintained on-site at all times.
31. The pool area shall be for the use of hotel guests only.
32. Prior to issuance of a building permit, the applicant shall provide information on fixtures and mounting heights and locations for lobby lighting, building lighting, landscape lighting, parking area and pedestrian lighting to be approved by the Director of Development Services. All lighting fixtures shall be of historic design and approved by the Historic Preservation staff within the Planning Bureau.

33. A final lighting plan shall be submitted to the Planning Bureau in compliance with the lighting design standards established in the Downtown Shoreline Planned Development District (PD-6).
34. Prior to issuance of a Temporary or Final Certificate of Occupancy, whichever comes first, the applicant shall fully comply with all applicable Transportation Demand Management and Trip Reduction measures. The applicant shall implement the program measures outlined in the Transportation Demand Management (TDM) Program submitted to the Planning Bureau.
35. A reciprocal access agreement shall be secured for access to the vacated alley between the subject property and the owners of 207 Seaside Way. Documentation of the reciprocal access agreement shall be provided to Planning Bureau staff prior to the issuance of building permits.
36. The vacated alley shall be for the temporary loading and unloading of vehicles only.
37. The applicant shall install an interpretive display describing the historic significance of the building, including reference to the World War II-era pill box.
38. Plans shall be submitted showing the reconfiguration of the driveway on Ocean Boulevard shall not result in the loss of on-street parking.
39. The applicant shall submit a Master Sign Program for review and approval by the Director of Development Services.
40. Prior to issuance of building permits, a hotel operations plan shall be submitted to the Planning Bureau. The operations plan shall document all vehicular operations, including, but not limited to, valet operations, delivery locations, and rideshare drop off and pick-up locations. The valet operations plan shall document protocol for parking specialized Americans with Disabilities Act (ADA) accessible vehicles that arrive for valet parking in accordance with ADA requirements.
41. Indoor bicycle parking spaces shall be provided for and maintained on site per the Transportation Demand Management (TDM) Plan. The indoor bicycle storage shall have restricted access exclusive to employees. The type, spacing and placement of exterior bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
42. 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 hotel room or venue.
43. Pursuant to section 21.45.400 (i), the project shall provide:

- i. Bicycle parking shall be provided at a minimum of one (1) space for each five thousand (5,000) square feet of new commercial building area. Fractions shall be rounded up to whole numbers;
- ii. A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.

The developer shall provide for the following to the satisfaction of the Director of Public Works:

General Requirements

44. Prior to the start of any on-site/off-site demolition or construction, the Developer shall submit a construction plan for pedestrian protection, construction area perimeter fencing with custom-printed screen(s), street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
45. The Developer shall submit a Traffic Control Plan prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, for review and approval by the Department of Public Works.
46. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. At this stage in the entitlement process the plans are conceptual in nature, and plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Developer shall dedicate additional right-of-way necessary to satisfy unfulfilled ADA requirements.
47. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval.
48. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.

Public Right-of-Way

49. The Developer shall be responsible for the relocation of existing utilities and/or obstructions within the alley as necessary to accommodate the development, to the satisfaction of the interested agency, City Department, and the Director of Public Works.

Note: The east-west alley (Marine Way) adjacent to the development site was vacated by Resolution No. C-23207, and an easement was reserved along the full length and width of the alley for utility purposes. The Developer's site plan indicates two-way vehicular traffic along Marine Way, but the development only has rights to the northerly 10 feet of the vacated alley; a 20-foot alley width is required to support two-way traffic. The Developer shall be responsible for addressing this issue.

50. The Developer's site plan proposes construction in the vicinity of an existing easement, granted by the City for access to the building through the adjacent park property. The Developer shall be responsible for quitclaiming the old easement and requesting a new easement for the proposed access routes and dining areas along the north boundary of the development site, to the satisfaction of the interested City Department and the Director of Public Works.

Note: Attached for reference is the Right-of-Way sketch, Sketch No. 22 (EG), showing the existing easement area providing access to the building.

51. Public Works suggests that the Developer explore the option of converting South Locust Avenue and Collins Way to one-way streets as this may improve traffic circulation within the vicinity of the development. Subject to the results of the traffic impact analysis prepared for this project and Developer's selection, the Developer shall be responsible for providing the necessary off-site improvements, processing fee(s) and documentation to convert South Locust Avenue and Collins Way to one-way streets. Separate approval from the City of Long Beach City Council is required to change the designation of a two-way street.

Off-Site Improvements

52. Subject to resolution of the issue regarding two-way vehicular access along the alley, the Developer shall reconstruct the alley intersections and curb returns on South Locust Avenue and Collins Way to align with the limits of the vacated alley, to the satisfaction of the Director of Public Works. Alley improvements shall be constructed with Portland cement concrete.

Note: The Developer's site plan shows doors swinging into the vacated alley. Public Works suggests that the Developer adjust the swing direction of the door openings, to avoid potential conflict with vehicular traffic.

53. The Developer shall remove unused driveways and curb cuts, or portions thereof, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
54. Subject to the improvement limits of the proposed driveways along Collins Way and East Ocean Boulevard, the Developer shall provide for the relocation of the

- existing facilities in conflict with the new points of access, to the satisfaction of the Director of Public Works. The Developer shall contact the interested agency or City Department to schedule the relocation work prior to submitting on-site grading plans. Approved plans for relocation shall be submitted to Public Works along with the on-site grading plans.
55. Subject to approval of the proposed park improvements, the Developer shall demolish the existing sidewalk and curb ramp located at the corner of Collins Way and East Ocean Boulevard adjacent to the park property, and construct a new ADA compliant curb ramp to the satisfaction of the Director of Public Works.
 56. The Developer's plan set shows modifications to the existing public infrastructure adjacent to the project site along South Locust Avenue and Collins Way, including removal of the existing sidewalk pavement along both streets and installation of a new railing at the top of the stairs along Collins Way. The Developer shall work with the Department of Public Works to ensure ADA requirements are satisfied in the adjacent public right-of-way. The Developer shall be responsible for providing all necessary modifications to provide ADA accessibility compliance, to the satisfaction of the Director of Public Works. Based on preliminary review, the Developer shall install a conventional steel railing system at the top of the stairs along Collins Way, and provide a minimum 5-foot wide sidewalk clear path around all existing street fixtures (street lights, traffic signal poles, etc.) along South Locust Avenue.
 57. The Developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the development site along South Locust Avenue and Collins Way. Subject to approval of the proposed park improvements, the Developer shall also be responsible for reconstructing any cracked, deteriorated, uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the park property. Sidewalk improvements shall be constructed with Portland cement concrete and to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
 58. The Developer shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Developer shall consult with the Department of Public Works to review and approve.
 59. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements, adjacent to the development site and/or along the

truck delivery route, found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.

60. The Developer shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
61. To the satisfaction of the Director of Public Works, the Developer shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
62. The Developer shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.

Traffic & Transportation Bureau

63. A revised traffic impact analysis must be submitted to the City Traffic Engineer for review, prior to issuance of a building permit. The Developer shall include within the scope of the analysis the effects of converting South Locust Avenue and Collins Way, respectively, to northbound and southbound one-way streets. Any conditions generated by the analysis shall be made a part of these conditions.
64. Prior to issuance of a building permit, the Developer shall submit for review to the City Traffic Engineer a scaled drawing stamped by a registered Civil Engineer in the State of California for any physical street improvements.

Note: Subject to the results of the traffic impact analysis and Developer's selection, the Developer shall be responsible for providing necessary improvements to physically convert South Locust Avenue and Collins Way to one-way streets, to the satisfaction of the City Traffic Engineer. Right-of-way improvements shall consist of, but may not be limited to, new traffic signal equipment, striping, pavement markings and signage. The Developer shall provide a signing and striping plan for these improvements.

65. The Developer shall be responsible to improve traffic signal related equipment to current CA MUTCD and/or City of Long Beach Standards, at the corner of South Locust Avenue and East Ocean Boulevard adjacent to the project site. If not existing, the Traffic Signal related equipment shall include, but may not be limited to the following:
 - i. All 8" Traffic Signal indications shall be updated to 12" LED units.

- ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection.
- iii. All pedestrian indications shall be upgraded to LED Countdown Modules within all pedestrian crossings.
- iv. All pedestrian push buttons shall be upgraded to the most current City Standard.
- v. All signalized intersections will require the installation of Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.
- vi. Because of the fact that so many City of Long Beach traffic signals operate and share coordinated signal timing plans, the Developer shall install a GPS Module at all traffic signals that are directly impacted by their project. The GPS Modules create accurate time-based communications between nearby traffic signals.
- vii. The Developer may be asked to update the traffic signal controller located in the traffic signal cabinet. The existing traffic signal controller may not have the capability to handle the complexities of new traffic patterns that are directly related to the Developer's project. In such cases, the Developer will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.

Note: Subject to the results of the traffic impact analysis and Developer's selection, additional traffic signal modifications shall be provided at the intersection of South Locust Avenue and East Ocean Boulevard for the one-way street conversion on South Locust Avenue.

66. New continental style crosswalks in the vicinity of the project shall be added by the Developer to the satisfaction of the City Traffic Engineer. The Developer shall be responsible to upgrade all existing crosswalks, and install all new marked crosswalks, to the newest City standards.
67. The Developer shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks, or contribute a fair share fee to the City for future implementation, to the satisfaction of the City Traffic Engineer.
68. The Developer shall be responsible to provide new public bicycle parking and related facilities adjacent to the project site, to the satisfaction of the City Traffic Engineer.
69. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet in width require a variance; contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.

Note: The Developer shall maintain line of sight for the proposed driveway at Collins Way.

70. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
71. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
72. The Developer shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
73. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

Standard Conditions – Plans, Permits, and Construction:

74. The applicant shall comply with all comments from the Long Beach Police, Energy Resources, Public Works, Parks, Recreation, and Marine, Water, and Fire Departments and Building Bureau.
75. 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.
76. 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.
77. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
78. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
79. 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.

80. All rooftop mechanical equipment shall be fully screened from public view and views from taller, adjacent rooftops. Said screening must 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 must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
81. Upon plan approval and prior to issuance of a building permit, the applicant shall submit an 11"x17" size set of final construction plans for the project file.
82. 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.
83. 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.
84. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
85. 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.
86. 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.
87. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
88. 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.
89. 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.
90. All landscaped areas shall comply with the State of California's Model Water Efficient Landscape Ordinance (MWELO). 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.

91. 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.
92. 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.
93. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
94. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
95. 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.
96. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
97. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - i. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - ii. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - iii. Sundays: not allowed
98. 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.

99. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the Conditions of Approval Acknowledgment Form supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
100. 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.
101. 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).
102. 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.
103. 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.
104. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
105. 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.
106. The property owner shall prevent loitering in all Victory Park, driveway, and landscaping areas serving the use during and after hours of operation. The operator must clean the park, driveway, 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.

107. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
108. Any graffiti found on site must be removed within 24 hours of its appearance.
109. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
110. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
111. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the 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 any anticipated litigation costs and staff time required as a result of litigation activity.