

# CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

3500 E. Burnett Street  
Application No. 2003-25 (CUP20-058)  
June 4, 2020

1. This Conditional Use Permit approval is for the establishment of a rocket manufacturing facility, **with outdoor operations** located at 3500 E. Burnett Street. Project and site development shall commence in accordance with plans submitted and filed under Application Number 2003-25 (CUP20-058).
2. This approval and all development rights hereunder shall terminate two 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.
3. 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).
4. 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:

5. All outdoor equipment shall be adequately screened from public right-of-way view, to the satisfaction of the Director of Development Services.
6. Prior to the issuance of any business licenses for the use, the applicant shall be required to submit an operation plan to the satisfaction of the Director of Development Services. The operation plan shall include a detailed list of all activities conducted indoors and outdoors including hours of operation for each, truck routes used to make deliveries to and from the project site, and scheduled delivery times.
7. Prior to the issuance of any business licenses for the use, the applicant shall be required to submit truck traffic diagrams to the Department of Public Works for review and approval.
8. The applicant shall be required to comply with all applicable Transportation Demand and Trip Reduction Measures in accordance with Chapter 21.64 of the Long Beach Municipal Code. Prior to the issuance of any business licenses for the use, the applicant shall be required to submit a Trip Generation/Traffic Study

to the satisfaction of the Director of Development Services and the City Traffic Engineer.

9. The applicant shall take appropriate measures to ensure that the proposed outdoor activity does not result in the production of any odors affecting the surrounding community.
10. Hours of operation for indoor activity and loading/unloading shall be limited from 7:00 a.m. to 10:00 p.m. Hours of operation for outdoor activity shall be limited from 5:30 a.m. to 7:00 p.m. Any noise-producing activity occurring between 10:00 p.m. and 7:00 a.m. shall not exceed:
  - a) 45 decibels for a cumulative period of more than thirty (30) minutes in any hour; or
  - b) 50 decibels for a cumulative period of more than fifteen (15) minutes in any hour; or
  - c) 55 decibels for a cumulative period of more than five (5) minutes in any hour; or
  - d) 60 decibels for a cumulative period of more than one (1) minute in any hour; or
  - e) 65 decibels for any period of time between 10:00 p.m. and 7:00 a.m.
11. The applicant shall implement the noise attenuating measures identified by Newson Brown Acoustics LLC on file with the Department of Development Services.
12. The applicant shall be required to comply with Section 8.80.150 of the City's noise ordinance. If verified complaints about sound are received, the applicant shall work with the Director of Development Services to mitigate the sound to a level permitted within the LBMC, including but not limited to limiting the hours of operation and producing subsequent acoustical reports.
13. All lighting, reflective surfaces, or any other source of illumination shall be shielded at lot lines so as not to be directly visible from any adjoining residential district.
14. In accordance with Mitigation Measure HAZ-4 of Mitigated Negative Declaration 06-17, prior to issuance of a Certificate of Occupancy, the project applicant shall submit documentation as proof, to the City of Long Beach City Engineer, that the relocation of any monitoring wells have been conducted in compliance with the City of Long Beach, Department of Environmental Health standards and regulations.
15. Any hazardous materials produced and/or stored on-site shall be properly contained to the satisfaction of the Director of Development Services and the

Long Beach Fire Chief. Hazardous materials shall be disposed of using a licensed hazardous waste vendor and shipped to an Environment Protection Agency (EPA) certified Treatment, Storage, and Disposal Facility.

16. The operator shall be prohibited from utilizing the outdoor area for the temporary or permanent storage of any hazardous materials, trash, debris, or other ancillary equipment/devices. The applicant shall only be allowed to set up and store equipment pertinent to the proposed outdoor testing of rocket tanks, as presented on plans submitted and filed with the Department of Development Services under Application Number 2003-25 (CUP20-058).

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

17. 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.
18. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
19. 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.
20. 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 Development Services.
21. 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.
22. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
23. 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.

24. 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.
25. 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.
26. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
27. 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.
28. 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.
29. 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.
30. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to 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 Development Services.
31. 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.
32. 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.

33. 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.
34. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
35. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
36. 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.
37. 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:**

38. 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).
39. 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.
40. 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.

41. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
42. 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.
43. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator shall clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
44. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
45. Any graffiti found on site shall be removed within 24 hours of its appearance.
46. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
47. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
48. 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.