

ZONE CHANGE FINDINGS **3012 Long Beach Boulevard** **Application No. 1511-12 (ZCHG18-002)** **April 19, 2018**

Pursuant to Section 21.25.106 of the Long Beach Municipal Code, in all cases, the Planning Commission and the City Council shall be required to make the following findings of fact before rezoning a parcel. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE PROPOSED CHANGE WILL NOT ADVERSELY AFFECT THE CHARACTER, LIVABILITY OR APPROPRIATE DEVELOPMENT OF THE SURROUNDING AREA; AND

Positive Finding: Part of the Salvation Army Citadel campus, the project site is currently zoned I (Institutional), R-1-N (Single Family Residential), and CCA (Community Automobile-Oriented), which reflects the former assemblage of the area in an auto-oriented commercial neighborhood with an institutional use. This I zone was put in place to allow for the maintenance of the church and church-related functions. Now that the Salvation Army Church has been relocated and the former congregation areas demolished, the zoning no longer reflects the current arrangement of uses on the property. To allow for the consolidation of the church and all related functions on one lot within the same zoning district, the project site will be rezoned to the Midtown Specific Plan (SP-1), in the Corridor District to allow for the development of a two-story gym with a fitness center, a youth soccer field, and a new parking lot with 70 parking spaces. SP-1 will be modified to allow permitted church and church related functions in a manner similar to the Institutional zoning district (I), except that SP-1 will allow the gym to be constructed at the proposed height (36 feet) with a reduced setback from the side property line (Elm Avenue). Currently, the subject site is vacant. Across Spring Street to the south is Long Beach Memorial Hospital. Across the alley to the north is an older, stable residential neighborhood zoned R-1-N (Single Family Residential) that dates to the 1950s. The single-family neighborhood will be preserved and vehicular access more limited as a result of the proposed street and alley vacations, which will enable the homes to be more secure and protected from Spring Street.

The vacation of a portion of Elm Avenue and alleys will also allow the Citadel property to be consolidated into one lot, which will allow for a more secure campus, and reduction of vehicles into the single-family neighborhood. The property will be further separated from the single-family homes by the placement of an 8-foot-tall CMU block or tilt-up concrete wall that is required by conditions of approval.

The Initial Study/Mitigated Negative Declaration prepared for the development project (IS/MND-04-15) found that there will be no significant unavoidable impacts associated with the project, and that all potentially significant impacts can be mitigated to a less than significant level. Particularly, the MND found that all construction noise impacts associated with the project can be mitigated to a level

Findings

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of less than significance, and ongoing operation noise impacts associated with the proposed gym and soccer field will be less than significant, with no mitigation necessary (see IS/MND-04-15). The rezoning and construction of the project will not negatively affect the character of the existing R-1-N neighborhood, nor would it adversely affect its livability. The project site will lead to improvements to the development site and would not result in negative effects upon the appropriate development of the surrounding area.

2. THE PROPOSED CHANGE IS CONSISTENT WITH THE GOALS, OBJECTIVES AND PROVISIONS OF THE GENERAL PLAN.

Positive Finding: The subject site currently has a General Plan Land Use District designation of No. 7, Mixed Use District. This reflects the anticipated use of the area as a multi-purpose activity center. The entire Midtown Specific Plan corridor that stretches from Spring Street to Anaheim Street to the south is designated LUD No. 7 (see General Plan Land Use District Map pages). This LUD allows for large multi-purpose activity centers, including centers of employment and a wide variety of larger-scale uses. According to the General Plan's Consistency Tests (see pp. 265–268, 1990 General Plan Land Use Element), *zoning is consistent with the Land Use Element when and where the zoning fulfills the intent of the land use district in which the zoning/proposed zone change is located*. The Zone Change to SP-1 is consistent with the uses allowed by and the intent of LUD No. 7, as it will create a large, master-planned church facility that will be a large, vital activity center. The proposed project is consistent with LUD No. 7 as well.

3. IF THE PROPOSED CHANGE IS A REZONING OF AN EXISTING MOBILE HOME PARK, THAT THE REQUIREMENTS OF SECTION 21.25.109 HAVE BEEN OR WILL BE FULLY MET.

N/A: The proposed change is not a rezoning of an existing mobile home park.

SITE PLAN REVIEW FINDINGS

**3012 Long Beach Boulevard
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Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the Site Plan Review Committee or the Planning Commission shall not approve a Site Plan Review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;**

Positive Finding: The proposed project consists of a 22,931-square-foot, two-story, 36-foot-tall gymnasium with a fitness center, a soccer field, and 70 new parking spaces to be part of the 3.6-acre Salvation Army Citadel campus. The gym will total 20,057 square feet and contain a second-story mezzanine with offices, locker rooms, a kitchen, and classrooms.

The building (gym) is designed in a contemporary style, with a consistent architectural theme throughout the major design elements, architectural materials and detailing, color accents, and score lines (see project plans and elevation drawings in File No. 1511-12) and will be set back 15 feet 4 inches from the side of the nearest home, which will provide for adequate privacy and separation from any potential noise emitting uses associated with the gym. The design is compatible and in scale with neighboring structures on Elm Avenue, which consist of one-story single-family homes, and one-story commercial buildings to the west and north. The project's buildings are sited and oriented in such a way as to consolidate church services into a campus-like setting. The project will also be completely separated from the residential neighborhood, with no traffic ingress, egress, or circulation from the project from Elm Avenue on the south end of the residential neighborhood, keeping any traffic away from the residential district.

- 2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES OR THE GENERAL PLAN;**

Positive Finding: The proposed two-story gym incorporates into the building design breaks, recesses, and offsets, especially at the entryway, and is attractive and visually interesting through the incorporation of articulation, that allows it to blend appropriately with the church and lobby building, which enables the design to conform to the development standards adopted into the Long Beach Midtown Specific Plan (SP-1), to which the project site will be rezoned.

3. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE;

Positive Finding: No trees are present around the site. New trees will be added with denser and more beneficial landscaping tree species that will provide a continuous perimeter of broad, leafy shade canopies around the project site.

4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND

Positive Finding: Improvements to the public right-of-way adjacent to the project site will include a number of dedications and vacations, which were requested by the applicant to allow for the consolidation of lots, to enable the creation of a campus-like setting. The street and alley vacations requested include Elm Avenue and the two alleys north of the project site. Additionally, other infrastructure upgrades and improvements are required as part of the mitigation measures identified in the environmental report prepared for this project. These include a payment of fair share fee for the placement of a new traffic signal on Spring Street and Pasadena Avenue. All of these public improvements are required to offset the proposed project's traffic impacts and general impacts from increased use of the public facilities and infrastructure surround that project site that will result from project construction and operation.

5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT).

Positive Finding: The proposed development consists of approximately 22,931 square feet of assembly space, which is less than the 25,000-square-foot threshold for applicability of this finding.

LOT MERGER FINDINGS
3012 Long Beach Boulevard
Application No. 1511-12 (LMG18-008)
April 19, 2018

Pursuant to Section 20.228.030 of the Long Beach Municipal Code (Title 20, Subdivision Ordinance), Lot Mergers shall be required if the Zoning Administrator, at a public hearing, makes any of the following findings:

1. **ANY ONE OF SUCH CONTIGUOUS PARCELS OR UNITS HELD BY THE SAME OWNER DOES NOT CONFORM TO THE MINIMUM SIZE STANDARDS AS REQUIRED BY THE ZONING REGULATIONS, AND AT LEAST ONE OF SUCH CONTIGUOUS PARCELS IS NOT DEVELOPED WITH A SEPARATE BUILDING FOR WHICH A PERMIT HAS BEEN ISSUED BY THE CITY; OR**

Positive Finding: The eight lots that are proposed to be merged exceed the minimum lot size of 10,000 square feet in the Midtown Specific Plan (SP-1) zoning district. The eight lots (total of ten parcels) that will be merged to allow the placement of the soccer field are approximately 44,354 square feet in area. The other five lots (approximately 29,715 square feet) that are required to be merged, are located on the east side of Pasadena Avenue, north of Spring Street. The five lots exceed the minimum size lot in SP-1, and will allow for the consolidation of lots for a new parking lot with 70 parking spaces. The Lot Merger would merge thirteen lots into two lots. All parcels are currently vacant.

2. **A SINGLE PROJECT IS DEVELOPED ON CONTIGUOUS LOTS IN SUCH A MANNER THAT ONE OR MORE OF THESE RECORDED LOTS COULD BE SOLD SEPARATELY FROM THIS PROJECT BUT WILL RESULT IN REDUCTION OF REQUIRED PARKING, SETBACKS, OPEN SPACES, OR VIOLATION OF OTHER DEVELOPMENT STANDARDS AS SPECIFIED IN THE CURRENT ZONING REGULATIONS.**

Positive Finding: The Lot Merger will allow for the consolidation of thirteen lots into two lots for the development of the Salvation Army gym, soccer field, and parking lot. The merger will consolidate Salvation Army into two lots in a manner that will prevent the lots from being sold separately. The Lot Merger, along with the proposed street and alley vacation, will also lead to the creation of a campus-like setting for the Salvation Army. This proposal will remedy the current lot configuration.

CONDITIONS OF APPROVAL
Site Plan Review (SPR18-0222)
3012 Long Beach Boulevard
Application No. 1511-12
April 19, 2018

Special Conditions:

1. The following approvals are granted for this project:
 - a. Site Plan Review approval for construction of a two-story gymnasium with a fitness center and activity room totaling approximately 22,391 square feet of gross floor area. The project also includes a youth soccer field and a new 70-space parking lot.
 - b. Zone Change approval from R-1-N (Single Family Residential), CCA (Community Automobile-Oriented), and I (Institutional) zoning districts to SP-1, The Midtown Specific Plan. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on April 19, 2018. 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 Development Services
2. These approvals, and all rights and privileges associated herewith, shall be invalid, null, and void unless the City Council adopts a Zone Change as described above.
3. The developer shall provide for an eight-foot-tall CMU block or concrete wall for the full length of northern property line(s) of the entire project site adjacent to the single-family home. A property line wall plan shall be submitted for review to the Director of Development Services for review prior to issuance of a permit for said wall.
4. Prior to the issuance of a Certificate of Occupancy, the alley vacation, Lot Merger, and Certificate of Compliance shall be recorded.
5. A Covenant stating that the new parking lot is to be maintained as required parking for the Salvation Army Campus, and not be sold separately, and shall be recorded prior to the issuance of a Certificate of Occupancy for the gym.
6. 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.
7. All forms of barbed wire and razor wire shall be prohibited on the site.
8. 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 SP-1 Ordinance.

9. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.
10. Any street 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 Development Services 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.

Public Works Conditions

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

General Requirements

- a. The Developer's site plan proposes to vacate the north/south alley lying adjacent to the Salvation Army property east of Long Beach Boulevard, north of Spring Street; the east/west alley east of Elm Avenue, north of Spring Street; and that portion of Elm Avenue immediately north of Spring Street to point approved for the proposed Elm Avenue cul-de sac. With regard to the proposed vacation of public rights-of-way, the Public Works conditions stated herein shall be subject to a successful vacation of the above stated rights-of-way. If the vacations fail, Public Works reserves the right to revise and/or add the conditions that relate to the street and/or alley that failed to be vacated by the City.
- b. The Developer shall provide for all documentation and preparation requirements of the right-of-way vacations, the reconfiguration of the public rights-of-way affected by the vacations, and all forthcoming conditions of approval stipulated by Public Works that arise during vacation proceedings.
- c. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

PUBLIC RIGHT-OF-WAY

- d. The Developer shall dedicate 5 feet for sidewalk widening purposes on the southwest side of the project site along Long Beach Boulevard resulting in a 12-foot-wide public sidewalk adjacent to the bus stop. The dedication shall extend from the prolongation of the southerly property line, beyond the bus stop, to approximately 100 feet north of the southerly property line. The

Developer shall improve the entire width of the sidewalk at this location as stated in line item “u”, with Portland Cement Concrete (PCC) per Public Works standards 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).

- e. Subject to a successful vacation of that portion of Elm Avenue, the Developer shall dedicate as required to provide for a 10-foot-wide paved sidewalk adjacent to the project site along the proposed Elm Avenue cul-de-sac. Sidewalk improvements shall consist of a 6-foot-wide PCC pavement and a 4-foot-wide parkway constructed to the satisfaction of the Director of Public Works.
- f. 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. If a dedication of additional rights-of-way is necessary to satisfy ADA requirements during plan check, the right-of-way dedication shall be provided.
- g. The Developer’s site plan proposes to vacate the east/west alley lying north of Spring Street between Elm Avenue and Pasadena Avenue. A review by Public Works has identified a County storm drain and various private pipelines within the alley right-of-way. If a vacation process is successful, an easement for underground utilities and access to the existing unimproved alley and private garage on the north side of the existing alley will be required. Public Works would accept an alternative to vacating the alley that would: 1) retain the existing alley in its current configuration; 2) monitor traffic patterns after the completion of the development project; and 3) if necessary, close the alley to through traffic to prevent excessive cut through traffic.
- h. The Developer’s site plan proposes to improve Pasadena Avenue roadway adjacent to the development site with decorative pavers. Subject to the design structural section determined by the Traffic Report conditioned below, plans shall be submitted to Public Works for review and approved prior to any construction permit. In addition, prior to any construction work, the Developer shall successfully complete an Installation and Maintenance Agreement with the City’s Public Works Department for the maintenance of the proposed street pavers.
- i. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities within the rights-of-way (ROW), along the truck route(s) and adjacent to the construction site shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
- j. The Developer shall provide for new street trees with root barriers within the parkways along the proposed Elm Avenue cul-de-sac per Long Beach

Municipal Code Chapter 21.42.060. All required street trees and any other landscaping required in connection with this project shall be privately maintained and irrigated by the developer and/or successors. The Developer shall contact the Street Tree Division of the Department of Public Works at (562) 570-2770 to request a "Permit To Plant Street Tree(s)" form.

- k. The Developer shall repair the tree wells adjacent to the project site along Spring Street and install new street trees with root barriers where the tree is missing. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- l. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- m. The Developer shall provide for the demolition and reconstruct sidewalk, curbs, curb gutters, roadway pavement, parkways, parkway street trees and ground cover along the full width of Pasadena Avenue, from 31st Street to Spring Street. Rights-of-way street improvements shall include, but not limited to, all required traffic signage, striping, and the full width construction of the roadway and structural cross-section, curbs, gutters, sidewalks, and parkways. The Developer shall submit detailed construction plans per Public Works Standard Specification for review and approval by Public Works.
- n. The Developer shall reconstruct deteriorated, uplifted, or depressed sections of sidewalk adjacent to the project site along Spring Street. Sidewalk improvements shall be constructed with Portland Cement Concrete 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).
- o. The Developer shall provide for truncated domes adjacent to the project site within the ADA ramps on Spring Street, Elm Avenue, Pasadena Avenue and the southeast corner of Long Beach Boulevard and Spring Street to the satisfaction of the Director of Public Works.
- p. The Developer shall be responsible for certified material testing for the streets, sidewalks, striping, and any and all quality control drawings required in connection with this project. During construction, the Developer shall provide the City with the certificate that all testing complies with green book standards. The certification shall be by a registered Civil Engineer in the State of California.
- q. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works. No

- manholes, pullboxes, meters, streetlight or traffic signal vaults shall be installed within ADA wheelchair ramps.
- r. All work within the public right-of-way must be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business License sufficient to qualify the contractor to do the work. The Contractor shall have on file with the City Engineer a Certification of General Liability Insurance and an endorsement evidencing minimum City of Long Beach limits of required general liability insurance.
 - s. 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) 266-7500 or visit their website for complete instructions at www.waterboards.ca.gov/stormwtr/construction.html Left-click on the Construction General Permit 99-08-DWQ link.
 - t. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

TRAFFIC & TRANSPORTATION BUREAU

- u. There is a high volume Long Beach Transit bus stop on Long Beach Boulevard in front of this property. Architectural design for this project should reflect the presence of the bus stop. Ideally, amenities such as a roof overhang for shelter and architectural seating for bus patrons should be integrated into the project. A widened sidewalk is to be constructed at a minimum 12 feet and enhanced paving should be provided for the bus stop area. Developer should collaborate with Long Beach Transit and the City's Urban Design Officer to take advantage of the bus stop enhancements.
- v. The Developer shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at the existing bus stop on Long Beach Boulevard. Contact Karissa Selvester, Manager of External Affairs, Long Beach Transit, at (562) 599-8534 for additional information.
- w. 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 require a variance; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.

- x. The Developer shall remove unused driveways, alley curb returns, and all street corner curbs and ADA ramps, and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland Cement Concrete.
- y. The Developer shall provide for the installation of a "NOT A THROUGH STREET" sign within the parkway at the southwest corner of Elm Avenue and 31st Street viewable by cars entering onto Elm Avenue from 31st Street. The sign is to be installed per City standards and to the satisfaction of the City Traffic Engineer.
- z. A traffic report must be prepared for this project under the supervision and approved (stamped) by a registered Traffic Engineer in the State of California to determine, but not limited to, traffic mitigation measures for improvements and the design structural section traffic index base for the Pasadena Avenue improvements. In addition, any proposed physical street improvements must include a scaled drawing stamped by a registered civil engineer.
- aa. The Developer 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.
- bb. 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.
- cc. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- dd. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the California Manual On Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- ee. The Developer shall contact the Traffic & Transportation Bureau at (562) 570-6331 to modify the existing curb marking zones, adjacent to the site.

IS/MND Mitigation Measures

- 12. The developer shall provide for compliance with the following mitigation measures, as set forth in the Initial Study/Mitigated Negative Declaration prepared for the project (IS/MND-04-15), as follows:
 - a. **Traffic**

- 1) **Mitigation Measure T-1: Fair Share Fees.** The applicant shall pay fair share fees to offset the incremental contribution of their project to identified traffic impacts. These fees may include, but are not limited to a form of first/last mile improvements connecting to blue line stations or bike projects within the City. A funding mechanism shall be established as a condition of project approval. Fee payment shall occur prior to issuance of building permits.

b. Biological Resources

- 1) **Mitigation Measure BIO-1:** To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the Project Boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground-disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

c. Tribal Cultural Resources

- 1) **Mitigation Measure TCR-1: Native American Monitoring.** Prior to issuance of any Grading Permit for the project, the City of Long Beach Development Services Department shall ensure that the construction contractor provide access for Native American monitoring during ground-disturbing activities. The provision shall be included on project plans and specifications. The site shall be made accessible to any Native American tribe requesting to be present, provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall be approved by a local tribal representative and shall be present on-site during the construction phases that involve ground disturbing

activities. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act (CEQA), California Public Resources Code Division 13, Section 21083.2 (a) through (k). Neither the City of Long Beach, the project applicant, or construction contractor shall be financially obligated for any monitoring activities. If evidence of any tribal cultural resources is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find, in order to recover and/or determine the appropriate plan of recovery for the resource. The recovery process shall not unreasonably delay the construction process. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archaeological resources.

- 2) **Mitigation Measure TCR-2: Recovery Procedures.** All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribe shall coordinate with the landowner regarding treatment and curation of these resources. The treatment plan established for the resources shall be in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

d. Cultural Resources

- 1) **Mitigation Measure CR-1:** To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot inside the Project Boundary, including a 300-foot buffer (500-foot for raptors), and in inaccessible areas (e.g., private lands) from afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with

the identification of avian species known to occur in southern California coastal communities. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground-disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

- 2) **Mitigation Measure CR-2:** Paleontological Resource Procedures. If evidence of subsurface paleontological resources is found during excavation and other ground-breaking activities, all work within 50 feet of the discovery shall cease and the construction contractor shall contact the City of Long Beach Development Service Department.
- 3) **Mitigation Measure CR-3:** Paleontological Resource Procedures. If evidence of subsurface paleontological resources is found during excavation and other ground-breaking activities, all work within 50 feet of the discovery shall cease and the construction contractor shall contact the City of Long Beach Development Service Department. With direction from the Development Services Department, a paleontologist certified by the County of Los Angeles shall evaluate the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

e. **Noise**

- 1) **Mitigation Measure N-1:** Electrical Power. Electrical power must be used to run air compressors and similar power
- 2) **Mitigation Measure N-2:** Construction Noise Complaint Line. The applicant must provide a non-automated telephone number for local residents and employees to call to submit complaints associated with construction noise. The telephone number must be included and posted on near all project site entrances and must be easily viewed from adjacent public areas.
- 3) **Mitigation Measure N-3:** Distancing of Vehicles and Equipment. Noise and ground-borne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) must be conducted as far as possible from the nearest noise- and vibration-sensitive land uses. The location of vehicles and equipment must be designated on building and grading plans. Equipment and

vehicles must remain in the designated location throughout construction activities.

- 4) **Mitigation Measure N-4:** Avoid Operating Equipment Simultaneously. Whenever possible, construction activities must be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels. The construction schedule and timing of operation of each piece of equipment must be provided to the City by the applicant.
- 5) **Mitigation Measure N-5:** Sound Control Curtains and Acoustical Blankets. Flexible sound control curtains must be placed around all drilling apparatuses, drill rigs, and jackhammers when in use. Acoustical blankets (or similarly effective temporary noise barriers) must be placed along the northern and eastern project site boundaries to reduce noise transmission to existing land uses to the north and east, which are residential units along Elm Avenue and Pasadena Avenue. The equipment area with appropriate sound control curtains and the locations of acoustical blankets must be designated on building and grading plans. Equipment and shielding must remain in the designated location throughout construction activities.
- 6) **Mitigation Measure N-6:** Newest Power Construction Equipment. The project contractor must use the newest available power construction equipment with standard recommended noise shielding and muffling devices.

f. Tribal Cultural Resources

- 1) **Mitigation Measure TCR-1:** Prior to the issuance of any Grading Permit for the project, the City of Long Beach Development Services Department shall ensure that the construction contractor provide access for Native American monitoring during ground-disturbing activities. This provision shall be included on project plans and specifications. The site shall be made accessible to any Native American tribe requesting to be present, provided adequate notice is given to the construction contractor and that a construction safety hazard does not occur. The monitor(s) shall be approved by a local tribal representative and shall be present on-site during the construction phases that involve any ground disturbing activities. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the monitor(s) shall be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities pertinent to the provisions outlined in the California Environmental Quality Act (CEQA), California Public Resources Code Division 13, Section 21083.2 (a) through (k). Neither the City of Long Beach, project applicant, or construction contractor shall be financially obligated for any monitoring activities. If evidence of any tribal cultural resources

is found during ground-disturbing activities, the monitor(s) shall have the capacity to halt construction in the immediate vicinity of the find, in order to recover and/or determine the appropriate plan of recovery for the resource. The recovery process shall not unreasonably delay the construction process. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archaeological resources.

- 2) **Mitigation Measure TCR-2:** All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and Native American monitor. If the resources are Native American in origin, the tribe shall coordinate with the landowner regarding treatment and curation of these resources. The treatment plan established for the resources shall be in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) shall be the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

Standard Conditions – Plans, Permits, and Construction:

13. 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.
14. 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.
15. 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.
16. All rooftop mechanical equipment shall be fully screened from public view. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
 29. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
 30. For projects consisting of new buildings, parking lots, or landscaped areas, the applicant must 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. Fifty 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. 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.
 32. 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.
 33. 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.
 34. 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:

35. 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.
36. 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).
37. 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.
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 must 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 must 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 must 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.