

**SITE PLAN REVIEW, LOCAL COASTAL DEVELOPMENT
PERMIT, LOT MERGER, LOT LINE ADJUSTMENT
CONDITIONS OF APPROVAL**

**6615, 6621, and 6695 East Pacific Coast Highway
Application No. 2208-10 (SPR22-082, LCDP22-049, LMG22-012)
Application No. 2201-12 (LLA22-002)
September 19, 2023
*Revised***

Special Conditions:

1. The following approvals are granted for this project:
 - a. Site Plan Review for a project consisting of the demolition of all existing structures on the site, and the construction of a new 6-story mixed-use project consisting of 390 residential dwelling units (seventeen [17] of which are affordable [very low income]), 5,351 square feet of commercial/retail space in a building with 576 vehicular parking spaces in an above-grade structure, 196 bicycle parking spaces, and 45,141 square feet of public and private open space area within the Mixed-Use Community Core (MU-CC) designation of the Southeast Area Specific Plan (SP-2) located at 6615, 6621, and 6695 East Pacific Coast Highway.
 - b. Per State Density Bonus law, the proposed development shall have and maintain a minimum of seventeen (17) units for rent to very low-income households pursuant to California Health and Safety Code Section 50105. Rents for these units shall be set at an affordable rent, as defined in Health and Safety Code Section 50053.
 - c. Per State Density Bonus Law, one incentive and four waivers/concessions have been granted by the Site Plan Review Committee enabling the project to:
 1. Include one building in lieu of multiple buildings encouraged by the SEASP (incentive)
 2. Exceed maximum height of 80 feet to allow for the sixth floor and rooftop amenities (waiver)
 3. Exceed the building height requirements along Pacific Coast Highway (limited to 5 stories) and Shopkeeper Road [limited to 3 stories, the first 30 feet] (waiver)
 4. Allow six stories within the 30 feet adjacent to Shopkeeper Road fronting the wetlands (limited to 3 stories, the first 30 feet) (waiver)
 5. Allow the project to include buildings at maximum height (waiver).
 - d. Lot Line Adjustment to reposition the eastern property line between two parcels (APNs: 7237-020-050 and 7237-020-041).

- e. Lot Merger to combine two (2) lots (APNs: 7237-020-050 and 7237-020-040) into a single 163,249-square-foot (3.75-acre) lot.
 - f. Local Coastal Development Permit for the scope of work covered under the Site Plan Review, Lot Merger, and Lot Line Adjustment on a property that is located within the Coastal Zone; and
 - g. Acceptance and approval of a Compliance Checklist (PECC 03-23) to the Southeast Area Specific Plan Program EIR (PEIR) (SCH#2015101075) determining that the project will not result in any new significant impacts that exceed those already analyzed in the SEASP PEIR, and requiring this project to comply with the Mitigation Monitoring and Reporting program of the SEASP PEIR.
2. The Applicant shall comply with all mitigation measures and project design features of the Southeast Area Specific Plan Program EIR and its Mitigation Monitoring and Reporting Program (MMRP), as detailed in the EIR (SCH2015101075) prepared for this project. The MMRP is attached to these conditions of approval and by this reference made a part hereof.
 3. The Applicant shall provide a minimum of seventeen (17) dwelling units, within the project as affordable housing for very low-income households. The availability and affordable status of these units shall be guaranteed as required by the California Government Code Subsection 65915, to the satisfaction of the Director of Development Services for a period not less than 55 years.
 4. The affordable housing units provided through State Density Bonus law shall be evenly distributed throughout the residential levels shown in the plan set, including the upper floors, and shall be generally reflective of the mix of unit sizes and number of bedrooms in the overall project. Applicant shall indicate which units will be designated as the affordable units on the plan set submitted for plan check. The approved breakdown of very-low income affordable units are comprised of:
 - a. Four (4) studio units;
 - b. Eight (8) 1-bedroom units;
 - c. Four (4) 2-bedroom units; and
 - d. One (1) 3-bedroom unit
 5. Affordable housing units shall be comparable to market-rate units in terms of design, interior finishes and accessibility to common interior and exterior open space areas.

6. Affordable units shall have equal access to all of the on-site amenities.
7. The Applicant and the City will enter into an Affordable Housing Regulatory Agreement, in a form approved by the City Attorney, that memorializes the Affordable Housing requirements to be imposed on a Rental Residential Development.
8. The Affordable Housing Regulatory Agreement must be recorded in first lien position on legal title to the Rental Residential Development prior to the approval of any final or parcel map or Building Permit for the Rental Residential Development, whichever occurs first.
9. The Applicant will be responsible for having the Affordable Housing Regulatory Agreement notarized and recorded with the Los Angeles County Recorder's Office. The Applicant will be responsible for paying any fees imposed by the Los Angeles County Recorder's Office to record the Affordable Housing Regulatory Agreement. The Applicant must provide a certified copy of the recorded Affordable Housing Regulatory Agreement to the City within 48 hours of being recorded at the Los Angeles County Recorder's Office.
10. Applicant shall coordinate with the City of Long Beach Housing & Neighborhood Services Bureau to market the affordable units to promote equitable access. This includes conducting marketing activities that may be required by the City, such as advertisements, language translation of promotional/application materials, and/or community outreach activities.
11. The Applicant shall pay the annual review and monitoring fee required for monitoring of the affordable units, per the fee resolution adopted by the City Council.
12. The Applicant shall be responsible for determining eligible affordable household status of each prospective tenant prior to occupancy, and recertify annually thereafter, and provide tenant verification documentation to the City for review and approval.
13. Prior to the issuance of building permits, the Applicant shall amend the Declaration of Covenants, Conditions and Restrictions (CC&Rs) that addresses parking and access requirements of the parcels owned by the Marketplace Shopping Center, CV IV Marketplace, LLC (project applicant), and City. The final CC&Rs shall include explicit allocations of parking allowed for each entity with access to existing shared parking areas.
14. A minimum of 132 parking spaces shall be maintained for the building at 6621 E

Pacific Coast Highway pursuant to Chapter 21.41 of the Certified Municipal Code. The configuration of the required parking can be accommodated onsite, within existing approved parking areas used by the existing building, and offsite pursuant to the effective CC&Rs.

15. Applicant shall comply with the SEASP policies, as applicable, referenced and included in the Compliance Checklist (PECC 03-23) to the Southeast Area Specific Plan Program EIR (PEIR) (SCH#2015101075).
16. The applicant shall record a Notice of Lot Merger and Lot Line Adjustment with the Los Angeles County Registrar-Recorder's office prior to the issuance of building permits.
17. The applicant shall submit the application and fees to the Department of Public Works for final review and processing of the Lot Line Adjustment.
18. A minimum of 576 parking stalls shall be permanently maintained and operational within the parking structure and onsite. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
19. Prior to the issuance of building or grading permits, the project applicant shall submit an amended Post-Closure Land Use Proposal (PCLUP) for the Project to the County of Los Angeles Solid Waste Management Program. The amended PCLUP shall depict the final design for project construction and operation. A copy of the approved and amended PCLUP shall be provided to the Department of Development Services prior to the initiation of any construction activities.
20. The project shall be developed in substantial conformance with the plans reviewed by the Planning Commission on July 20, 2023, except as amended herein. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design. Minor changes to the approved project design consistent with the project approval shall require, at a minimum, an additional review by Planning staff for Substantial Conformance to the approved plan set, or review by the Director of Development Services for the approval of minor modifications. Significant alterations (as defined in Section 21.21.405) shall require additional review by the Planning Commission.
21. Architecture, design, and materials of the project as a whole shall comply with the following:

- a. No rough-finish stucco is permitted, and all stucco finish shall be the smooth plaster finish per the elevations in the most recent plan set. Hand application stucco is encouraged and preferred on enhanced elevations and on community buildings.
 - b. All windows shall consist of high-quality materials. White vinyl windows shall be off-white color and matte finish.
 - c. Windows and doors should have an inset as shown on plans presented to the Planning Commission on July 20, 2023 and approved by the Site Plan Review Committee, to create sufficient shadow reading on elevations.
 - c. No low-quality or inauthentic architectural detail elements are permitted. Details shall be high-quality materials and shall be consistent with the tradition of the selected architectural styles.
 - d. The parking garage openings shall be filled with decorative perforated metal panels, or equivalent decorative treatment.
22. The residential building and dwelling unit shall be designed and constructed to maintain a 45 dBA community noise exposure level (CNEL) or less in building interiors.
 23. All forms of barbed wire and razor wire shall be prohibited on the site.
 24. The Applicant shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the residential units, commercial space, common areas, amenities, and public areas of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations.
 25. All trash receptacles, including receptacles for recycling and for organics, shall be stored in the designated trash areas shown on approved plans. Trash receptacles shall be moved to the exterior pickup location only on collection day(s) and shall not be stored or kept outside or in the public right-of-way except as needed on collection day(s).
 26. All bicycle racks on-site and in off-site improvements shall conform to the guidance in "Essentials of Bike Parking" by the Association of Pedestrian and Bicycle Professionals.
 27. Any exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.
 28. Any trees removed or replaced on the development site shall be replaced at a ratio of no less than two-to-one (2:1) to the greatest extent feasible.

29. Street trees shall be provided on all street frontages adjacent to the project site, at a tree spacing of not more than 25 feet on-center. Street trees shall be of a species approved by the Department of Public Works in accordance with the tree species requirements for that segment of Pacific Coast Highway. Street trees shall be installed under a right-of-way permit from the Department of Public Works and/or the California Department of Transportation (CalTrans).
30. All on-site landscaping and improvements and all off-site improvements shall be completed prior to approval of a final building inspection or certificate(s) of occupancy for any residential units in the final phase of the development.
31. The use of insecticides, herbicides, anticoagulant rodenticides or any toxic chemical substance that has the potential to significantly degrade biological resources shall be prohibited, except where necessary to protect or enhance the habitat itself, such as for eradication of invasive plant species or habitat restoration, and where there are no feasible alternatives that would result in fewer adverse effects to the habitat value of the site. Application of such chemical substances shall not take place during the winter season or when rain is predicted within a week of application. Herbicide application necessary to prevent regrowth of highly invasive exotic vegetation such as giant reed/cane (*Arundo donax*) shall be restricted to the best available and least-toxic product and method in order to minimize adverse impacts to wildlife and the potential for introduction of herbicide into the aquatic environment or onto adjacent non-targeted vegetation. In no instance shall herbicide application occur if wind speeds on site are greater than five miles per hour or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.
32. Prior to issuance of a grading or demolition permit (whichever occurs first), the Applicant shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon neighboring uses. Said modifications (if any), approval, and enforcement shall be binding upon all hauling activities and construction truck trips by the Applicant.
33. The Applicant shall abide by and enforce the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the Applicant's hauling practices to be remedied.

34. 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. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the Applicant shall be required to submit an application for a Modification of Approved Permit – Site Plan Review Committee Approval level.
35. 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.
36. All refuse collection from the building shall take place within the site. Refuse collection and the movement of trash receptacles on Pacific Coast Highway shall be prohibited. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
37. All move in and deliveries to the building shall take place within the existing building envelope and designated loading space. Parking of delivery vehicles on Pacific Coast Highway shall be prohibited.
38. The applicant shall inform all tenants of restrictions regarding loading activities by means of incorporating said language into leasing agreements.
39. One or several central satellite television/data receiver dish(es) shall be located on the roof of the building or in another utility area so that a separate satellite receiver dish is not needed for each residential and commercial unit.
40. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on July 20, 2023. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
 - a. Metal Cladding
 - b. Smooth Stucco
 - c. Wood-like Fiber Cement Siding
 - d. Metal Awnings
 - e. Metal Railing
 - f. Glass Railings
 - g. Recessed Vinyl Windows
 - h. Glass Storefront System
 - i. Perforated Metal Screens

41. No portion of the exterior cladding, siding or building components shall have siding with a reflective surface that produces glare.
42. Pursuant to SEASP requirements, all new structures shall demonstrate eligibility for and conformity with the United States Green Building Council Leadership in Energy and Environmental Design (LEED) Silver certification. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required.
43. Prior to the issuance of a Certificate of Occupancy, proof of payment of the Sensitive Coastal Resource Impact Fee as outlined in Chapter 18.19 of the Long Beach Municipal Code (Ordinance No. ORD-22-0032).
44. Native American Monitoring shall be consistent with and in compliance with the mitigation measures as noted in the SEASP Program EIR Mitigation Monitoring Program.
45. Prior to the issuance of a Certificate of Occupancy, the applicant and/or property owner shall submit a final public areas management program, subject to the review and approval of the Zoning Administrator, that protects the rights of the public to enter and use the public open space areas. The program shall incorporate the following:
 - a. Public Access Signage Plan. The signage plan shall clearly describe, at a minimum, the dimensions, material(s), text, and font of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil. The signs shall facilitate, manage, and provide public access to the public open space areas, including identification of all public features that will be provided on the site (seating, picnic areas, etc.) and allowable uses of the public areas. The signs shall be conspicuously sited to maximize visibility from the public walkways abutting the project site without adversely impacting public views and visual resources.
 - b. The final plans shall provide a mechanism for the Zoning Administrator to review and approve minor sign changes. Changes may only be granted if such changes will not adversely impact, and/or will enhance coastal resources, including coastal access (e.g., modifying the signage to be clearer to the public and/or more aesthetically pleasing)
 - c. The signage plan shall include wayfinding signage that includes, but is not limited to, uniform wall signs and/or painted walkway signs along the public access areas.

46. The use of amplified music shall not be permitted from the open space areas, including the roof deck.
47. To ensure notification of all interested parties and successors in interest, that the City of Long Beach issued an approval of a Local Coastal Development Permit at the subject property, the current property owner shall record the conditions of approval on the property title, in a form approved by the City Attorney, with the Los Angeles County Registrar-Recorder's office prior to the issuance of building permits. The Notice of Restriction shall include a complete property description, the conditions of approval as an exhibit, and contain the notarized signature of the property owner(s). The Notice shall not be removed or amended without the prior written approval of the Director of Development Services.
48. The applicant shall submit an application for a Sign Program for the project. No permanent on-site signs requiring a sign permit shall be installed prior to approval of a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas. The Sign Program for the site shall include wayfinding signage consistent with City design standards for public space. This wayfinding signage shall clearly indicate public open space areas.
49. SEASP Projects that will generate more than 50 peak hour trips shall join the Transportation Management Association (TMA).
50. The building shall contain all electric appliances within the interior/indoor residential units only.
51. The Applicant shall provide the following in accordance with the Green Building Standards of Section 21.45.400 of the Zoning Regulations:
 - a. Canopy trees shall provide shade coverage, after five (5) years of growth, of forty percent (40%) of the total area dedicated to parking stalls and associated vehicular circulation, or paving materials with a solar reflectance index of at least twenty-nine (29) shall be used on a minimum of fifty percent (50%) of paving surfaces dedicated to parking stalls and associated vehicular circulation.
 - b. Bicycle parking shall be provided at a minimum of one (1) space for every five (5) residential units, one (1) space for each five thousand (5,000) square feet of commercial building area, one (1) space for each seven thousand five hundred (7,500) square feet of retail building area and one (1) space for each ten thousand (10,000) square feet of industrial building area. Fractions shall be rounded up to whole numbers;

- c. Roofs shall be designed to be solar-ready subject to all applicable state and local construction codes and provide conduit from the electrical panel to the roof; and
 - d. A designated area for the collection of recyclables and organics shall be provided adjacent to the area for the collection of waste.
- 52. The use of invasive plant species, such as those listed by the California Invasive Plant Council, shall be prohibited in the Coastal Zone.
- 53. To the greatest extent feasible, the Applicant shall incorporate ecologically responsible pest control methods.
- 54. The final plant schedule shall comply with the approved plant palette for the Southeast Area Specific Plan (SEASP Appendix D).
 - a. To the greatest extent feasible, the landscaping selected for installation shall be selected to maximize the capacity to support habitat for species common to the Los Cerritos Wetlands area.
 - b. Landscaping within natural areas shall consist of California native species or varieties that will not invade habitat or hybridize with existing native vegetation to create a more seamless transition between the natural wetlands and the development (per CalGreen and Cal IPC standards).
- 55. The Applicant shall install street trees and landscaping within the public right-of-way in conformance with Section 21.42.050 of the Municipal Code, SEASP Section 8.2.4, Streetscape Amenities, and SEASP Appendix D, Plant Palette.
- 56. All on-site landscaping and improvements and all off-site improvements shall be completed prior to approval of a final building inspection or certificate(s) of occupancy for the development.
- 57. The final selection of window and door systems shall be in compliance with the Bird-Safe Treatment requirements in Section 8.3.14 of the Southeast Area Specific Plan document. The final plans shall include final details and specifications for the proposed treatments.
- 58. No portion of the exterior door and window systems or building components shall have a reflective surface that produces glare in exceedance of what is explicitly stated in the SEASP Program EIR and/or Specific Plan document.
- 59. All tree removal and modifications shall be completed in conformance with SEASP Policy 5.31.

60. During construction, the Applicant shall implement Best Management Construction methods minimize water runoff and debris in accordance with all applicable state, regional, and local requirements.
61. To the greatest extent feasible, the recommendation contained in the Sea Level Rise Analysis by Moffatt & Nichol, dated June 2023, shall be incorporated and implemented into the project.
62. Construction staging, equipment, and materials shall not impede public access to the coast at all locations for vehicular, bicycle, and pedestrian traffic.
63. The Applicant shall provide a construction staging plan to the Director of Development Services for review and approval prior to the issuance permits for each phase of construction, including demolition/site preparation, rough grading, precise grading, and each phase of building permits.
64. Any streetlights, pedestrian lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of 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.
 - a. A final photometric plan per SEASP development standards shall demonstrate the project lighting will be designed and shielded in accordance with plan requirements.
65. All trucks, construction vehicles, and equipment not actively in use on the project site, including those queueing off-site, shall be prohibited from engine idling for more than 5 minutes, and the Applicant shall utilize best management practices (BMPs) and best available technology to achieve this. The Applicant shall post a clearly-legible sign on the exterior construction fencing with the phone number of a construction site complaint/issues coordinator responsible for managing truck and equipment idling. Complaints of violations regarding truck and equipment idling shall be resolved within 24 hours of the receipt of the complaint. The Director of Development Services is authorized to issue stop work orders and withhold the issuance of building permits if the Applicant fails to remedy engine idling violations as required, until such time as the violations are remedied.
66. All equipment reverse signal alarms utilized by construction vehicles and equipment on the site, as required per OSHA regulations and provided in Code of

- Federal Regulations 29 CFR 1926.601(b)(4) and 1926.602(a)(9), shall not be of the single-tone high-pitch type. Alternate pitch, broad-spectrum sound, or other non-single-tone non-high-pitch alarms meeting the requirements of 29 CFR 1926.601(b)(4) and 1926.602(a)(9) shall be utilized instead.
67. 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. Wherever feasible, these devices shall not be located in any front, side, or rear yard area that is adjacent to a street. Furthermore, these devices shall be screened to the greatest extent feasible by landscaping or another screening method approved by the Director of Development Services.
 68. The Applicant is hereby advised that sea level rise could potentially cause physical hazards, such as beach erosion, flooding, and saltwater intrusion upon the subject property. This condition of approval serves in an advisory capacity, and does not constitute a vulnerability assessment. The Applicant is encouraged to include adaptive capacity in development with measures such as waterproofing, flood shields, water tight doors, moveable flood walls, partitions, and other flood proofing techniques.
 69. Vehicles used for the project construction workers shall not be parked in the Alamitos Bay Marina parking lots and workers shall be informed that no parking will occur in the Alamitos Bay Marina parking lot.
 70. Dedicated loading zones will be provided subject to approval by Public Works.
 71. As a part of the residential lease agreement, residents shall be provided a decal identifying their vehicle and shall be notified that parking is restricted in the Alamitos Bay Marina Parking lots and that residents shall not park in the marina parking lot.
 72. Employees of the residential and commercial component of the development shall park within the on-site parking without cost.
 73. On-site directional signage to resident parking and loading areas shall be provided to all residents.
 74. Tenants shall sign documentation acknowledging their understanding of the rules and regulations for the Alamitos Bay Marina, including, for example, restrictions on swimming and that no trespassing is allowed onto private boats. This documentation shall provide a background about the Long Beach Marina System, how the marina system and its improvements are generally funded, expectations when using the marina, a list of all applicable rules and regulations, and how the

rules and regulations are enforced. The Applicant shall use the guiding documentation dated July 19, 2023 from the Long Beach Boat Owner's Association to Hunter Weaver and Will Cipes to prepare the documentation for tenant signature.

75. Prior to the issuance of demolition/building permits for the proposed project, the Applicant (Property Owner/Management Group) shall hold one (1) meeting with the existing tenants of the three office buildings onsite to share project information, including but not limited to a timeline for development. Within 60 days of demolition/building permit issuance, the Applicant (Property Owner/Management Group) shall hold a second project information meeting with all tenants of the affected office buildings. At the conclusion of construction, the Applicant (Property Owner/Management Group) shall hold a third project information meeting with all tenants of the affected office buildings.

Building and Safety Conditions

76. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated September 23, 2022.

Long Beach Energy Resources Conditions

77. The applicant shall comply with all comments from the Long Beach Energy Resources (LBER) Department dated September 21, 2022.
78. The Developer shall coordinate with LBER in advance to understand what is required for new gas services, and the cost and schedule impacts associated.
79. The developer shall review and obtain approval for proposed meter(s) locations and gas line routing for this development with LBER.

Long Beach Transit Conditions

80. The applicant shall comply with all comments from Long Beach Transit dated September 6, 2022.

Police Department Conditions

81. The applicant shall provide for all CPTED (crime prevention through environmental design) recommendations issued for the project by the Long Beach Police Department, in the memo dated October 5, 2022, attached to these conditions of approval and by this reference made a part hereof.

Orange County Transportation Authority Conditions

82. The applicant shall comply with all comments from Orange County Transportation Authority dated September 19, 2022.

Water Department Conditions

83. The applicant shall comply with all comments from the Long Beach Water Department dated January 6, 2022, and October 5, 2022.
84. The developer shall provide for the following to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of ANY demolition, excavation, or construction, the Developer shall,
- i. Submit a construction plan for pedestrian protection, construction staging, scaffolding and excavations, and
 - ii. Submit a traffic control plan with street lane closures and routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.) prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, and
 - iii. Submit a plan for construction area and/or site perimeter fencing with custom printed screen(s),
 - iv. All for review and approval by the Department of Public Works and installed in accordance with the latest version of the Public Works Development Guideline.

Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit. The Developer shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.

- b. The Developer may be subject to street restoration requirements if an adjacent street/alley affected by the project is under a street cut moratorium that is active at any point through the completion of construction. Although a street cut moratorium may not be in place at the time of these conditions, one may be in effect at a later date that the project shall adhere to. The Developer shall provide written approval from the City to implement any street improvements prior to the end of the moratorium, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block.

- c. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- d. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Developer and/or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- e. All off-site improvements shall provide a minimum of 5 feet clear dedicated right-of-way between any and all obstructions for pedestrian travel purposes compliant with the most recent ADA standards. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- 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 right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- g. Any proposed signage shall be located entirely on site, on private property, completely out of the public right-of-way. Any signage initially proposed in public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- h. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and **submitted to the Public Works counter at the Permit Center on the 2nd Floor of City Hall (411 W. Ocean Blvd., Long Beach, CA 90802)**, for review and approval. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. **This is in addition to, and separate from, any plan check required by the Department of Development Services, Building & Safety Bureau.**
- i. 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

- j. A 10 foot public access easement along Pacific Coast Highway shall be granted

to the City of Long Beach for additional parkway and dining/retail purposes consistent with the SEASP. Developer shall process all necessary documents and applicable fees for said easement.

- k. 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 right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
- l. The Developer shall provide easements to the City of Long Beach for any proposed or required public utility facilities, to the satisfaction of the concerned City Department or public agency.
- m. The Developer shall be responsible for resolving all matters of easement(s) and/or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

OFF-SITE IMPROVEMENTS

- n. A portion of Pacific Coast Highway is under Caltrans jurisdiction. A street improvement encroachment permit from Caltrans will be required for all work within Caltrans right-of-way. The Applicant shall contact Caltrans to request additional information regarding its permitting process and provide a copy of the approved permit and design plans to the Department of Public Works.
- o. Developer shall improve the full right-of-way width (110 feet) of Studebaker Road from Pacific Coast Highway to the eastern limit of the proposed property based on the concept depicted in the entitlement drawings, including a turnaround and raised median. It is understood that a traffic analysis to analyze queuing for the site is to be conducted by the Developer to determine if a left turn pocket into the site from east bound Studebaker Road would be acceptable to incorporate into the final design. Pending the results of said study, the final design may vary from the design shown in the entitlement drawings. The final design is subject to revisions during the plan check process to the satisfaction of the City Traffic Engineer and the Director of Public Works. Studebaker Road shall be designed and constructed to allow for future connectivity to the conceptual connection to the existing Shopkeeper Road. A signage and striping plan shall be provided to the Transportation Mobility Bureau for review and approval.
- p. Per previous conditions, the Developer is required to construct the full right-of-way width of Studebaker Road. Developer may apply for a credit toward the required Transportation Impact Fee (TIF) for the cost of the improvements south of the Studebaker Road centerline. The credit request is subject to review and approval

of the Director of Public Works, Director of Development Services and City Council.

- q. Developer shall contribute a fair share fee to the City of Long Beach to the satisfaction of the City Traffic Engineer and Director of Public Works to conform to the most current revision of Figure 7-7 of the SEASP for Pacific Coast Highway. Fair share fee shall account for the cost to construct the following improvements, including but not limited to: a raised street median, a raised bike lane and buffer, a Portland Cement Concrete sidewalk, a transit boarding island separating buses from bicyclists per Long Beach Transit standards, landscaped and irrigated parkways, street trees and root barriers, street restoration, and signage and striping. The proposed improvements shown for the final Pacific Coast Highway street section as presented in the SEASP and, as applicable, the latest Bicycle Master Plan, are subject to Caltrans review and approval. Right of way improvements, dedications and easements conditioned in this document are subject to change pending Caltrans review.

Note: The City project schedule for the Pacific Coast Highway improvements is not contingent upon the construction schedule or anticipated Certificate of Occupancy of the proposed Private Development Project. The City project construction shall commence independent of the private development project and may occur before or after the construction of the private development project is complete.

- r. The Developer shall provide for new street trees with root barriers along Studebaker Road, per Section 21.42.050 and Section 14.28.020 of the Long Beach Municipal Code. Where physical obstructions do not allow for the required number of street trees to be planted, an in-lieu fee may be assessed by the City Arborist and paid by the Applicant for each required street tree that is not provided. Furthermore, in the case of any existing street tree removal, an additional fee will be collected for each removed tree to allow for the planting of one additional tree elsewhere. All proposed street tree removals must be approved by the City Arborist and shall follow the tree removal procedure as outlined in the Public Works Tree Maintenance Policy. Applicant and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. If required, street tree removals and in-lieu tree planting fees shall be coordinated directly with the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to issuance of permit. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- s. Applicant shall contact the Street Tree Division prior to beginning the tree planting, landscaping, and any irrigation system work.
- t. The Developer shall check with the Long Beach Water Department at (562) 570-2300 and the Energy Resources Department at (562) 570-2000 for scheduled main replacement work prior to submitting any improvement plans to the

Department of Public Works.

- u. The Developer proposes improvements that may impact existing under- and above-ground utilities adjacent to the project site, including, but not limited to, a fire hydrant, traffic signal poles, street light conduits, and utility cabinets, along the perimeter streets adjacent to the project site. The Developer shall be responsible for all design, applicable utility approval, permitting, relocation work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.
- v. 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.
- w. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- x. 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.
- y. Public Works review and approval is required for on-site grading and drainage prior to issuance of a grading permit from Development Services. 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 approval of the map and/or release of any building permit.
- z. 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 the Department of Public Works for review and approval. This is in addition to any plan check required

by the Department of Development Services. Work, including hauling soils or other debris, is not allowed within the right of way without a valid Public Works permit.

- aa. 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.
- bb. 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 Developer must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 576-6600 or visit their website for complete instructions at www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml.

TRAFFIC AND TRANSPORTATION

- cc. The Developer shall provide a trip generation and trip distribution analysis. Based on these studies, a traffic impact analysis may be required. Any conditions generated by the analysis shall be made a part of these conditions.
- dd. The Applicant shall contribute a fee for their fair share of traffic signal improvements at the intersection of Studebaker Road and Pacific Coast Highway to the latest Caltrans standards, to the satisfaction of the City Traffic Engineer.
- ee. The Developer shall install all necessary traffic signal improvements directly related to the proposed improvements, to the satisfaction of the City Traffic Engineer and Caltrans.

Note: This intersection and associated traffic signals are within Caltrans jurisdiction. Caltrans shall have full authority on the review and approval of the traffic signal improvements.

- ff. At the discretion of the City Traffic Engineer, the developer shall provide a connection between the planned bike path along the east side of future Shopkeeper Road and Pacific Coast Highway via a bike path along Studebaker Road.
- gg. 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 Pacific Coast Highway. Contact Christopher MacKechnie at (562) 489 -8466.

- hh. 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.
- ii. The Developer shall obtain a Caltrans encroachment permit for the proposed driveway along Pacific Coast Highway.
- jj. 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.
- kk. 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.
- ll. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- mm. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- nn. All bike racks and bike rack placement must follow the guidance in “Essentials of Bike Parking” by the Association of Pedestrian and Bicycle Professionals.

Standard Conditions – General:

- 85. As provided in Section 21.21.406 of the Long Beach Municipal Code, every right or privilege authorized under this permit shall terminate three (3) years after the granting of the request and be of no further force and effect if the right or privilege has not been commenced within that three-year period. The termination will take effect without further City action if a timely request for extension of time has not been made or is denied. Any interruption or cessation necessitated by publicly declared emergency, fire, flood, earthquake or act of war or vandalism or cessation shall not result in the termination of the right or privilege.
- 86. This permit shall be invalid if the owner(s) and/or Applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau.

This acknowledgment shall be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

87. 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).
88. 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.
89. 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. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
90. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
91. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator shall clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
92. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
93. Any graffiti found on site shall be removed within 24 hours of its appearance.
94. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.

95. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.

96. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.