

CONDITIONS OF APPROVAL
Site Plan Review, Tentative Tract Map, General Plan Conformity
131 West 3rd Street
Application No. 1807-11 (SPR18-038, TTM18-008, GPC18-004)
September 19, 2019

Special Conditions:

1. The following approvals are granted for this project:
 - a. Approval of an EIR Addendum (EIRA-02-19) to the Downtown Plan Program EIR (SCH #2009071006).
 - b. Site Plan Review approval for the project as depicted on plans submitted to the Department of Development Services, consisting of:
 - 1) One high-rise tower (South Tower) of 23 stories with a parking structure with above grade and subterranean parking and one mid-rise building (North Building) 8 stories in height with above grade and subterranean parking containing a total of 563 parking stalls.
 - 2) A public paseo area between the South Tower and North Buildings.
 - 3) 14,481 square feet of retail space at the ground floor level.
 - c. A Height Incentive, as provided in the Downtown Plan (PD-30) through LEED Silver Certified or Equivalent, Green Roof or Eco-Roof – Option 2: 31-60 percent of footprint, and Public Open Space – Option 1: 10 percent of site to allow a an additional 1.5 floor area ratio (FAR) and total building height of approximately 269 feet above grade instead of the non-incentive base height limit of 240 feet.
 - d. A Vesting Tentative Tract Map to create one ground lot and 6 airspace lots.
 - e. A General Plan Conformity finding to vacate an existing named alley (Roble Way) for a public pedestrian paseo and to vacate between two feet to 11 feet along the eastern portion of the Pacific Avenue right-of-way.

Plans and Construction

2. Prior to the issuance of a demolition or grading permit, the developer shall complete the pending real estate transaction for the subject property with the City of Long Beach Successor Agency, unless specifically and explicitly authorized by the City of Long Beach to begin demolition or grading prior to conclusion of the real estate transaction.

3. The applicant shall provide for “bird-safe” glazing on all buildings as follows:
 - a. Fritting, permanent stencils, frosted, nonreflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, or UV patterns visible to birds shall be used to reduce the amount of untreated glass or glazing to less than thirty-five percent (35%) of the building facade.
 - b. Where applicable, vertical elements within the treatment pattern should be at least one-quarter inch (1/4") wide at a maximum spacing of four inches (4") and horizontal elements should be at least one-eighth inch (1/8") wide at a maximum spacing of two inches (2").
 - c. No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed thirty percent (30%).
 - d. The building owners and operators shall participate in "Lights Out for Birds" programs or similar initiatives by turning off lighting at night, particularly during bird migration periods.
4. Prior to the issuance of a building permit for each phase of construction, the applicant shall notify all adjacent property owners and occupants in writing of when the start of grading/construction is to occur. The letter shall include a name and phone number of a responsible person who has the authority to resolve concerns.
5. Prior to issuance of a demolition or grading permit, the developer shall complete: 1) the vacation of the portion of Roble Way between Pacific Avenue and Solana Court and 2) the vacation of 11 feet along the Pacific Avenue Frontage (between Roble Way and West 3rd Street), and 3) the dedication of 2 feet the entire length of Solana Court along the eastern property boundary. The applicant shall provide for the recording of said vacations and dedications with the County of Los Angeles, unless specifically and explicitly authorized by the City of Long Beach. Authorization from the City Engineer shall be required for any work to be performed in or on Roble Way until the vacation is complete and recorded.
6. Prior to the issuance of building permits, the applicant shall prepare a supplemental traffic and circulation studies to facilitate a discussion of a pedestrian scramble crosswalk at Pacific Avenue and West 4th Street. The study shall include analysis of signal timing and Metro rail transit travel times to determine how the scramble may be incorporated. The applicant shall submit these required studies to the Planning Bureau for review and consideration to the Department of Public Works and Metro staff. If it is determined that the scramble crosswalk is appropriate. The applicant shall either install or pay its fair share of the improvements prior to issuance of a Certificate of Occupancy.
7. The full width of the proposed public pedestrian paseo shall be constructed prior to the issuance of Certificate(s) of Occupancy for the first phase of the project (North Mid-Rise Building).

8. In the event that the phasing plan is modified, the applicant shall provide a revised phasing plan to the Department of Development Services prior to the building plan check submittal. The revised phasing plan shall note compliance with all conditions of approval to the satisfaction of the Director of Development Services.
9. All required on-site parking for the project buildings shall be provided and maintained upon issuance of Certificate(s) of Occupancy for the project buildings. Interim surface parking may be provided at the location of the South Tower (Phase 2) to meet this requirement. Site planning for the interim parking shall comply with the applicable standards of PD-30 and the Zoning Regulations, including approval by the Site Plan Review Committee.
 - a. If building permits for Phase 2 are not issued within six (6) months of receipt of a Certificate of Occupancy for Phase 1, a plan shall be submitted to the Department of Development Services identifying interim uses for the southern portion of the site. Interim uses include, but are not limited to, art installations, landscaped parking lots, etc.
10. The applicant shall design and provide for “solar-ready” building rooftops and “solar-ready” infrastructure on flat-roof buildings and the top (exposed to sky) level of the parking garage, for possible future installation of solar panels.
11. Prior to issuance of a Certificate of Occupancy, the applicant shall obtain “LEED Certified”-level or equivalent green building certification for the project building, as required by Section 21.45.400 of the Zoning Regulations.
12. Prior to issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site shall be closed and reconstructed to full-height curb and gutter under a permit from the Department of Public Works, to the satisfaction of the Director of Development Services.
13. The applicant shall concurrently submit grading, shoring, and construction plans with engineering calculations, including any crane placement and radius, to the City of Long Beach Department of Development Services and to the Los Angeles County Metropolitan Transportation Authority (Metro) to evaluate potential impacts to the Metro Blue Line infrastructure in relationship to the Project. The Applicant shall demonstrate Metro’s approval on the final set of plans and calculations prior to City of Long Beach building permit issuance.
14. Prior to the issuance of a certificate of occupancy for any building on the project site, the developer shall record a public access surface easement for a two-foot (2’) width of the north-south named alley (Solana Court), to the satisfaction of the Director of Development Services. This easement shall be required to be publicly accessible 24 hours a day, 7 days a week.

15. The Final Map shall be recorded with the County of Los Angeles prior to the issuance of a building permit for the project (excluding demolition and grading permits). The Final Map shall note all details to the satisfaction of the Department of Development Services and the Department of Public Works, including, but not limited to:
 - a. All dimensions of ground and airspace lots.
 - b. Vertical guidelines to show alignment between the different airspace levels.
 - c. Dedication, easement, and vacation areas on the 3D airspace view.

16. Prior to the issuance of a certificate of occupancy for any building on the project site, the developer shall record a public access surface easement for the vacated named alley (Roble Way) at the full width of the proposed pedestrian paseo, to the satisfaction of the Director of Development Services. This easement shall be required to be publicly accessible 24 hours a day, 7 days a week. The amenity is required to be maintained open and available for public access in exchange for the development incentives.

17. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of 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) and approval shall be binding upon all hauling activities and construction truck trips by the developer.

18. The developer shall abide by 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 developer's hauling practices to be remedied.

19. Prior to the issuance of grading and building permits, the applicant shall submit a pedestrian access and protection plan to the Department of Development Services and the Department of Public Works for review and approval. The plan shall detail all pedestrian access closures and detail detours for safe navigation around the project site during construction. The approved pedestrian access and protection plan shall be maintained on-site at all times during project construction activities.

20. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on September 19, 2019. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
 - a. Glazing selections and quality,
 - b. Screening areas at above-grade parking areas.
 - c. Architectural design and features of the South Tower and North Mid-Ride Building,
 - d. Ground-floor storefront window systems, and
 - e. All materials and finish selections specifically identified on plans and the materials sample board provided with the project file application, or equal or better to the satisfaction of the Director of Development Services.
21. The applicant shall submit an application for a Sign Program for all project site buildings (this may be divided between Phase 1 and Phase 2) during the construction of Phase 1. 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.
22. The Sign Program for the site shall include wayfinding signage consistent with City design standards for public space. This wayfinding signage shall clearly indicate that Roble Way is public amenity area.
23. 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 developer shall be required to submit an application for a Modification of Approved Permit (Planning Commission approval).
24. The applicant shall provide a copy of the Covenants, Conditions, and Restrictions (CCRs) to the Department of Development Services for review and approval prior to recordation of the Final Tract Map with the County of Los Angeles Clerk Recorder.
25. The interior common open space areas intended to exchange for private open space shall be maintained in perpetuity for the onsite residential uses. The maintenance of these indoor common areas shall be documented in the CCRs for the Tentative Tract Map. The CCRs shall include a figure that notes the location of the indoor open space areas in Airspace Lots 2 and 4.
26. The CCRs shall include a stipulation that the bike kitchen at the ground floor of the north mid-rise building shall be maintained in perpetuity for the residential uses onsite. The CCRs shall note that the location of the bike kitchen in Airspace

Lot 1 shall not constitute this area as for retail use.

27. The CCRs shall include a stipulation and floor plans noting the separation of parking areas for residential, guest, and retail uses.
28. The CCRs shall include a stipulation noting the maintenance responsibility for the shadowbox display at the ground level at the south elevation on West 3rd Street.
29. All sixteen (16) units under the size of 600 square feet shall have closet organizers installed and maintained within the applicable units subject to review and approval by the Director of Development Services or designee.
30. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of Development Services, prior to issuance of a building permit for new construction. If these materials are found to be below the standards approved in concept, the developer shall remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Director of Development Services.
31. The architectural design of all buildings shall be harmonious and complementary, and in conformance with the design requirements and guidelines of the PD-30 Ordinance. The architectural style and materials shall not be changed between buildings or between phases of construction; except as provided by these conditions of approval.
32. The developer shall install decorative pavers, subject to review and approval by the Department of Public Works, in the full width of the alley paseo (Roble Way), as shown on plans submitted to the Planning Commission.
33. 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.
34. Landscape plans shall be submitted as a separate, but concurrent plan check.
35. Pursuant to Section 21.42.050 of the City Municipal Code, one (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length. Street trees shall be consistent with the street tree standards and designated species outlined in the Downtown Plan (PD-30). Enhanced landscaped parkway areas should extend beyond the tree wells as shown on conceptual landscape plans. The landscaped parkway shall be located in coordination with the location of on-street parking.
 - a. Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of the Municipal Code.

36. All forms of barbed wire and razor wire shall be prohibited on the site.
37. 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 July 19, 2018, attached to these conditions of approval and by this reference made a part hereof.
38. Any street lights, pedestrian lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of 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.
39. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the PD-30 ordinance. The trash receptacles shall be constructed in conjunction with each applicable phase of the project.
40. Prior to the issuance of building permits and commencement of construction activities, the applicant or construction contractor shall notify adjacent and adjoining property owners/occupants of the initiation of construction activities. The notification shall include the days and hours of construction and contact information for potential complaints.
41. During construction, in order to avoid archaeological resources, human remains, and paleontological resources plans containing specific details and logistics for carrying out the Program EIR mitigation measures will be prepared. The plans shall cover archaeological resources/human remains and paleontological resources, and would include: the professional qualification standards for archaeological and paleontological staff (following the Secretary of the Interior and Society for Vertebrate Paleontology, as applicable); communication protocols; a description and maps noting the locations/depths of where monitoring is required based on sensitivity and construction plans; training for construction personnel; the process for modifying monitoring frequency (reducing or discontinuing); protocols to follow in the event of a discovery, including work stoppage and notification procedures; an outline for significance evaluations of discovered resources; protocols for sampling, recovery, treatment, and analysis of resources; and reporting and curation requirements.
42. Cultural tribal monitoring with the local culturally affiliated tribe will still be

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

43. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

Use and Operation

44. Each individual residential dwelling unit shall be assigned at least one permanent parking stall. Priority shall be given to two- and three-bedroom units for assignment of additional parking stalls.
45. Each pair of residential tandem parking spaces shall be assigned to one dwelling unit only. Use of tandem parking spaces for non-residential or guest parking shall be prohibited, except for valet parking operations.
46. The developer shall obtain approvals from the Department of Public Works to install white-painted curb (passenger loading zone) and yellow-painted curb (loading zone) adjacent to the project site on West 4th Street in the lengths necessary to accommodate the reasonably-anticipated passenger loading and loading demands of the project.
47. All refuse collection shall take place at the alley (Solana Court), with all trash receptacles being moved internally within the project site to the alley for collection. Refuse collection and the movement of trash receptacles on West 3rd Street, Pacific Avenue, and West 4th Street shall be prohibited. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
48. The applicant shall inform all tenants of restrictions regarding loading activities by means of incorporating said language into leasing agreements.

49. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.
50. 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.

Building and Safety Conditions

51. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on April 22, 2019.

Fire Department Conditions

52. The applicant shall comply with all comments from the Long Beach Fire Department dated on December 31, 2018.

Water Department Conditions

53. The applicant shall comply with all comments from the Long Beach Water Department dated on March 11, 2019.

Energy Resources Department Conditions

54. The applicant shall comply with all comments from the Long Beach Energy Resources Department dated on August 21, 2018.

Public Works Conditions

55. 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 on-site/off-site demolition, excavation, or construction, the Developer shall submit a construction plan for pedestrian protection, grading, construction area perimeter fencing with custom-printed screen(s), street lane closures, construction staging, traffic control, utilities, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.). All applicable plans and drawings shall be 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.
- b. The Developer shall submit a Traffic Control Plan prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, for review and approval by the Department of Public Works.

- c. The Developer proposes subterranean and architectural projection encroachments into the public right-of-way that include underground parking garages, architectural features, balconies, and awnings. Construction plans shall be submitted to the Department of Public Works for all projections beneath/over the public right-of-way, to be reviewed for approval as to compliance with California Building Code Chapter 32, to the satisfaction of the Director of Public Works. All encroachments shall comply with the applicable code(s) or be eliminated.

Note: The Developer's site plan shows various projection encroachments into the public rights-of-way adjacent to the project site, both aerial and subterranean. Once dedicated to the City of Long Beach, a dedication line becomes the new property line. The encroachment of balconies and architectural features 8 feet or more above the established grade of the public right-of-way shall be a 1-inch projection for every 1-inch vertical rise, to a maximum of 4-foot projection at a 12-foot height.

- d. The Developer proposes new refuse and recycling receptacle locations adjacent to the improved Solana Court alley. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60, including receptacle specifications and collection services. The Developer and/or successors shall ensure that all receptacles are placed for collection on-site, outside of the improved alley right-of-way, and be responsible for the cleanliness of the paved alley adjacent to the project site.
- e. The Developer proposes to improve portions of public right-of-way with decorative pavers to which an Installation and Maintenance Agreement is required. The Developer shall apply for an Installation and Maintenance Agreement from the City's Public Works Department for the maintenance of the pavers within the public right-of-way, prior to issuance of a building permit. All street improvements shall be constructed per Public Works Standards, per plans reviewed and approved by Public Works, and to the satisfaction of the Director of Public Works.
- f. The Developer proposes construction beneath the established grade of the adjacent public right-of-way, along Pacific Avenue and the east-west alley (Roble Way), consisting of subterranean parking. Construction plans shall be submitted to the Department of Public Works for all construction beneath the public right-of-way, for review and approval by the City Engineer and to the satisfaction of the Director of Public Works. The Developer shall then process a vacation of subterranean right-of-way for the approved area(s) where the structure is proposed to encroach beneath the established grade of public right-of-way. The Developer shall submit a complete application to the City's Public Works Department prior to issuance of a building permit.
- g. A portion of West 4th Street adjacent to the project site is currently under a 5-year moratorium, with less than one year remaining (ending on February 1, 2020). In addition, West 3rd Street is expected to be under a similar moratorium following completion of an ongoing City project along Broadway

- and 3rd Street. The Developer shall provide written approval from the City to implement any street improvements prior to the end of the existing moratoriums, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block and the Developer shall adhere to this requirement.
- h. The Developer shall construct all off-site improvements needed to provide full Americans with Disabilities Act (ADA) accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. At this stage in the entitlement process the plans are conceptual in nature, and Public Works plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Developer shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
 - i. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval.
 - j. 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

- k. The Developer's site plan proposes two-way traffic along Solana Court, which is currently designated as a one-way alley by Long Beach Municipal Code Chapter 10.14. The Developer shall dedicate and improve an additional 2 feet of right-of-way for alley widening purposes along Solana Court, to the satisfaction of the Director of Public Works. A complete application along with all required items shall be submitted for review and processing. The Developer shall also be responsible for providing the necessary off-site improvements, processing fee(s) and documentation to convert Solana Court to a two-way alley. Separate approval from the City of Long Beach City Council is required prior to converting the designation of a one-way alley. Installation/removal of traffic signing and striping is required for the two-way alley conversion.
- l. The Developer shall process and improve a 2-foot wide public access easement (in addition to the required dedication) for alley purposes along Solana Court, to achieve a 20-foot wide public alleyway. Subject to the limits of any proposed aerial/subterranean projection encroachment above/beneath the easement area, the Developer shall limit the easement, above and/or below grade as needed, and exclude those areas necessary to accommodate

the development. A minimum vertical clearance 17 feet in height above the alley shall be provided within the easement area. A complete application along with all required items shall be submitted for review and processing.

- m. The Developer's site plan proposes that the City vacate a 9-foot wide portion of public right-of-way previously dedicated for street widening purposes along Pacific Avenue. If the Developer intends to pursue a vacation, the Developer is responsible for providing a design which complies with all Long Beach Transit, Los Angeles County Metropolitan Transportation Authority (Metro), and City standards. At a minimum, the Developer shall provide two 12-foot wide northbound travel lanes, a bus stop location with ADA compliant sidewalk clearance, and a 5-foot wide buffer zone abutting the existing Metro Blue Line. Street improvements shall be made per plans reviewed and approved to the satisfaction of the Director of Public Works. In addition, the Developer shall process a vacation of right-of-way sufficient to provide these minimum design requirements along Pacific Avenue. The extent of the vacation is subject to review and approval of the interested agency, City Department and the Director of Public Works. The Developer shall submit a complete application to the City's Public Works Department prior to issuance of a building permit.
- n. The Developer's site plan proposes the use of Roble Way as a mid-block paseo adjacent to the development site, between Pacific Avenue and Solana Court. The Developer shall process a vacation of right-of-way for the public alley, reserving an access easement for public access along the proposed paseo. The Developer is responsible for relocating, or retaining easements for, all public utilities within the alley to the satisfaction of the interested utility agency, City Department, and the Director of Public Works—this includes, but may not be limited to, the relocation of the existing 14-inch water main along Roble Way as found in condition no. 52 herein. The Developer shall submit a complete application to the City's Public Works Department prior to issuance of a building permit.

Note: A single application may be submitted for all proposed vacations of right-of-way in connection with this project.

- o. The Developer shall dedicate corner cut-offs and reconstruct the sidewalk/curb ramps as needed to provide minimum ADA clearance at the corners of Pacific Avenue, at West 3rd Street and West 4th Street, adjacent to the project site. A complete application along with all required items shall be submitted for review and processing.
- p. The Developer shall be responsible for the relocation of utility lines, right-of-way dedications, quitclaim of easements, and/or new utility easements required in connection with this development; as structures cannot be built within an easement or dedicated area. Approved plans for relocation shall be submitted to Public Works along with the on-site grading plans.
- q. All outdoor dining areas within the public right-of-way shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 14.14 and

parklet standards. Separate approval is required prior to private use of the public right-of-way. The Developer shall contact the Department of Public Works, at (562) 570-6996, to request a Public Walkways Occupancy Permit application and initiate review.

ENGINEERING BUREAU

- r. The Developer proposes improvements that may impact existing underground/ above ground utilities adjacent to the project site. The Developer is responsible for all design, applicable utility approval, permitting, relocation work, and commissioning as required by the interested agency and shall work with each utility directly.
- s. Subject to a successful vacation of right-of-way along Pacific Avenue adjacent to the project site, the Developer shall be responsible for modifying the roadway section to the satisfaction of the Director of Public Works. Modifications shall apply to, but may not be limited to, the following: sidewalk pavement, curb, curb gutter, landscaping, curb ramps, existing public facilities, roadway pavement, traffic signal equipment, traffic striping and signage.
- t. The Developer shall widen Solana Court 4 feet, by means of conditions k and l, west of centerline with additional Portland cement concrete. The Developer shall reconstruct the full width of Solana Court adjacent to the development site, undergrounding and/or relocating existing utility poles to accommodate the alley widening. All obstructions within the proposed alley widening shall be relocated by the Developer at project expense, and to the satisfaction of the Director of Public Works.
- u. The Developer shall reconstruct the Solana Court alley intersections and curb returns, at West 3rd Street and West 4th Street, to align with the proposed alley widening. Alley improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- v. The Developer shall provide for public street lamps or install on-site alley lighting to the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.
- w. 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 alley improvement plans to the Department of Public Works.
- x. Subject to approval of the proposed use of Roble Way and a successful vacation of right-of-way, the Developer shall demolish and replace the alley intersection at Pacific Avenue with full-height curb, curb gutter and sidewalk pavement. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.

- y. The Developer shall remove unused driveways and curb cuts, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- z. The Developer shall demolish the existing sidewalk pavement and curb ramps located on the corners of Pacific Avenue, at West 3rd Street and West 4th Street, adjacent to the project site, and construct new ADA compliant sidewalk pavement and curb ramps to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- aa. The Developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the development site, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- bb. The Developer shall provide for new tree wells and street trees with root barriers adjacent to the project site, per Section 21.42.050 of the Long Beach Municipal Code. Street trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. 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 any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area dedicated for public right of way.
- cc. Prior to ANY demolition, excavation, or construction 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.
- dd. 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.

- ee. The Developer shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- ff. The Developer shall provide for the relocation of the street light conduit, beneath the southwest corner of the project site, to be outside of the proposed building footprint. The Developer shall contact City Light and Power to schedule the relocation work prior to submitting on-site grading plans, to the satisfaction of the Director of Public Works. Approved plans for relocation shall be submitted to Public Works along with the on-site grading plans.
- gg. To the satisfaction of the Director of Public Works, the Developer shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
- hh. The Developer shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.
- ii. The project is located in the vicinity of existing facilities within the jurisdiction of, and therefore under the purview of, Long Beach Transit and Metro. The Developer is responsible for coordination with the applicable entity(s) and approvals from such.

Note: The Developer shall coordinate with the applicable entity(s) for review and approval of the proposed modifications to Pacific Avenue.

- jj. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI), and a certification from the Developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office, at (213) 576-6600, or visit their website for complete instructions at www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml.
- ml. Left-click on the Construction General Permit Order 2009-0009-DWQ link.

TRAFFIC & TRANSPORTATION BUREAU

- kk. A traffic impact analysis consistent with the requirements of the Downtown Program EIR must be prepared for this project, under the supervision and approval of a registered Traffic Engineer in the State of California (Engineer's stamp required) and submitted for review to the City Traffic Engineer prior to

issuance of a building permit. The Developer shall submit a scoping letter to the City prior to proceeding with the traffic impact analysis. In addition, any physical street improvements must include a scaled drawing stamped by a registered Civil Engineer in the State of California. Any conditions generated by the analysis shall be made a part of these conditions.

Note: The Developer shall submit a detailed drawing (including a cross-section and applicable dimensions) and preliminary striping plan for Public Works review and approval of the proposed modifications to Pacific Avenue.

- II. The Developer shall be responsible to improve certain traffic signal related equipment to current California Manual on Uniform Traffic Control Devices (CA MUTCD) and/or City of Long Beach Standards, at the intersections of Pacific Avenue/West 4th Street and Pacific Avenue/West 3rd Street directly impacted by the development. The traffic signal related equipment requiring improvement shall also be within the signalized intersection(s) deemed to be significantly impacted by the Developer's project, based on the results of the traffic impact analysis. If not existing, the Traffic Signal related equipment shall include, but may not be limited to the following:
 - i. All Traffic Signal indications shall be updated to 12-inch Light-Emitting Diode (LED) units.
 - ii. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection.
 - iii. All pedestrian indications shall be upgraded to LED Countdown Modules within all pedestrian crossings.
 - iv. All pedestrian push buttons shall be upgraded to the most current City Standard.
 - v. All signalized intersections will require the installation of Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.
 - vi. Because of the fact that so many City of Long Beach traffic signals operate and share coordinated signal timing plans, the Developer shall install a GPS Module at all traffic signals that are directly impacted by their project. The GPS Modules create accurate time-based communications between nearby traffic signals.
 - vii. The Developer may be asked to update the traffic signal controller located in the traffic signal cabinet. The existing traffic signal controller may not have the capability to handle the complexities of new traffic patterns that are directly related to the Developer's project. In such cases, the Developer will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.

- mm. New crosswalks in the vicinity of the project shall be added by the Developer at the intersections of Pacific Avenue/West 4th Street and Pacific Avenue/West 3rd Street, to the satisfaction of the City Traffic Engineer. The Developer shall be responsible to upgrade all existing crosswalks, and install all new thermoplastic continental crosswalks, to the newest City standards.
- nn. The Developer's proposed site plan shows two locations identified as 'LOADING'; one at each building, both along Solana Court near the intersection with Roble Way. These areas are limited to use by vehicles no larger than a "Van" and shall only be accessed by reversing into them. The Developer agrees to install signs indicating these limited uses and maneuvers. The Developer agrees to install convex mirrors attached to the building or other non-public property, to assist and increase the driver's visibility of Roble Way, when exiting these areas.
- oo. The Developer shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks, along with protection, removal and/or replacement of existing bicycle racks/ installation of new bicycle racks, or contribute a fair share fee to the City for future implementation to the satisfaction of the City Traffic Engineer.

Note: The locations of the proposed bicycle racks along Pacific Avenue shall not be in conflict with the nearby bus stop loading zone or restrict ADA pedestrian access to the bus stop.

- pp. The Developer shall be responsible for the installation of a Bike Share Station adjacent to the project site, to the satisfaction of the City Traffic Engineer. The Developer shall contact the Transportation Mobility Bureau, at (562) 570-6384, to request additional information regarding Bike Share requirements.
- qq. There is a high volume Long Beach Transit bus stop on Pacific Avenue adjacent to the development site. The Developer shall incorporate enhancements to improve the bus stop into this project. The Developer shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity.

Note: The Developer's site plan shows the relocation of the bus stop approximately 9 feet west of its current location, to be an in-lane stop location following a successful vacation of right-of-way. The relocation of the bus stop on Pacific Avenue shall be reviewed and approved by Long Beach Transit and the Department of Public Works. Subject to approval, the Developer shall be responsible for providing all necessary improvements for the relocation of the bus stop.

- rr. 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 Avenue. Contact the Manager of Service Development Planning, Shirley Hsiao, at (562) 591-8753.

- ss. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet in width require a variance; contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- tt. The Developer shall be responsible for providing new metered parking facilities, curb marking and striping adjacent to the full-height sidewalk, curb and curb gutter along West 3rd Street. All traffic improvements shall be installed to the satisfaction of the City Traffic Engineer.
- uu. The Developer's site plan shows a proposed rideshare loading zone along West 4th Street near the northwest corner of the project site. This loading zone is not acceptable at this location. Public Works recommends that the loading zone be located further east along West 4th Street, adjacent to the Solana Court alley intersection. Parking tees shall be modified to accommodate and enlarge the proposed loading zone so that it is equal to two parking spaces in size and shall serve as both a Commercial Loading and Unloading Zone and rideshare loading zone. The curb shall be painted yellow at this location and the Developer shall install signage noting this area as a **LOADING and UNLOADING ZONE ONLY FROM 7 AM TO 6 PM, except SUNDAYS AND HOLIDAYS, PER THE LONG BEACH MUNICIPAL CODE.**
- vv. 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.
- ww. 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.
- xx. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- yy. The Developer shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones and/or install new colored curb adjacent to the project site.
- zz. All traffic control device installations, including pavement markings within the private parking garages and along the proposed speed table, shall be installed in accordance with the provisions of the current edition of the CA MUTCD (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

Downtown Plan PEIR and EIR Addendum Mitigation Measures

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

Standard Conditions – Plans, Permits, and Construction:

57. 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.
58. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
59. The plans submitted for plan review shall explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
60. Prior to the issuance of a building permit, the applicant shall depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
61. 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.
62. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
63. 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.

64. 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.
65. 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.
66. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
67. 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.
68. 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.
69. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.
70. 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.
71. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to the issuance of a building permit. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Development Services.
72. 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.

73. 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.
74. 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.
75. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
76. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
77. 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.
78. 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:

79. 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.

80. 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).
81. 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.
82. 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).
83. 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.
84. 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.
85. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
86. 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.
87. 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.

88. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
89. Any graffiti found on site shall be removed within 24 hours of its appearance.
90. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
91. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
92. 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.