

CONDITIONS OF APPROVAL
450 The Promenade North, 501-599 Long Beach Blvd.
APNs: 7280-005-051, 7280-005-025
Application No. 2205-32, SPR22-060, VTPM22-002
January 19, 2023 (Planning Commission)

Special Conditions:

1. The following entitlements are approved for this project:
 - a. Site Plan Review for development of three eight-story residential apartment buildings (Buildings B, C1, and C2) totaling 900 dwelling units, with approximately 38,405 sq. ft. of ground-floor commercial space including an approximately 2,405-sq. ft. one-story-plus-mezzanine standalone retail pavilion, on an approximately 5.5-acre site within the Downtown Plan.
 - b. Vesting Tentative Parcel Map No. 83693 to subdivide one 170,736-square foot lot into two lots of 101,724 and 68,712 square feet, for the sites of Building C1 and C2.
 - c. Acceptance of an Addendum (EIRA-02022) to the Downtown Plan Program EIR (SCH No. 2009071006), determining that the project will not result in any new significant impacts that exceed those analyzed the Downtown Plan PEIR, and requiring this project to comply with the Mitigation Monitoring and Reporting Program (MMRP) of the Downtown Plan PEIR.
2. The Permittee shall provide six percent (6%) of the total number of dwelling units (54 units of 900) as affordable housing units at the Very Low Area Median Income (AMI) level, in accordance with Chapter 21.67 of the Zoning Regulations.
 - a. The availability and affordable status of these units shall be guaranteed as required by Cal. Government Code Subsection 65915, to the satisfaction of the Director of Development Services, including but not limited to recordation of a deed restriction for each affordable unit for a minimum of 55 years.
 - b. The affordable housing units shall be evenly distributed throughout the site plan and among the unit types of the residential development.
 - c. The Permittee shall submit a Fair Housing and Marketing Plan to the Director of Development Services for review and approval prior to issuance of building permits. The plan shall describe the applicant's marketing plan, which shall comply with all applicable fair housing laws and shall not discriminate in the sale or rental of inclusionary units on the basis of race, national origin, color, religion, gender, disability, familial status, age, income source, or marital status.
 - d. The Permittee shall pay the annual review and monitoring fee required for monitoring of the affordable units, per the fee resolution adopted by the City Council.
3. Prior to the issuance of any building permits, the Permittee shall submit evidence of an executed contract or agreement with the City of Long Beach relating to a

- \$500,000 contribution by the Permittee towards parking and security improvements within the Downtown Plan (PD-30) area.
4. The project shall be developed in substantial conformance with the plans reviewed by the Planning Commission on January 19, 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.
 5. In the event that the Permittee wishes to develop the project in phases, the Permittee shall submit a phasing plan to the Director of Development Services for review for substantial conformance with this approval.
 - a. The Permittee shall pay the applicable fee for a substantial conformance/as-planned review per the fee resolution adopted by the City Council. Following substantial conformance approval, each phase shall be submitted into plan check in the manner directed by the Building Official. A master site plan shall be included with each phase submittal, identifying each phase on the site, and showing each building in each phase, with full dimensions and setbacks information for each building on the site plan.
 - b. The affordable housing units may be constructed in phases if the market-rate units are constructed in phases, provided that the percentage of inclusionary units developed in each phase shall be equivalent to or greater than the total percentage of inclusionary units to be developed as part of the residential development until such time that all the inclusionary units have been built.
 6. The Permittee shall provide for the following Transportation Demand Management (TDM) strategies upon issuance of a Certificate of Occupancy for the project:
 - a. A Transportation Management Office (TMO) for the residential and commercial components of the project, which will oversee the implementation of TDM strategies and goal achievement, distribute ridesharing and carpool information, distribute transit information, market and promote the TDM strategies it manages, maintain a TDM display in a centralized area of the project, and periodically evaluate and refine the TDM program;
 - b. Encouragement of Alternative Modes of Travel for Residents, including unbundled parking (rental of parking spaces to project residents separately from rental of dwelling units), establishing an on-site telecommuting center for residents to work from home on-site, provision of quality on-site bicycle parking and bike repair, a discounted transit pass program, and proximity to high-quality bus and light-rail transit;

7. The Permittee shall submit a construction staging and management plan for the review of the Director of Development Services and Director of Public Works, and the Permittee shall make all required revisions to this plan and obtain the approval of said Directors on this plan prior to issuance of a building permit for the project. The Permittee shall adhere to this plan throughout all stages of construction. The construction staging and management plan shall include the following:
 - a. The Permittee shall plan construction and construction staging to maintain pedestrian access on adjacent sidewalks throughout all construction phases. Pedestrian access closures shall be limited to the minimum necessary.
 - b. The Permittee shall maintain adequate and safe pedestrian protection, including physical separation (including utilization of barriers such as K-Rails or scaffolding, etc.) from work areas and vehicular traffic and overhead protection, due to sidewalk closure or blockage, at all times.
 - c. Temporary pedestrian facilities shall be provided adjacent to the project site and shall provide safe, accessible routes that replicate as nearly as practical the most desirable characteristics of the existing pedestrian facilities.
 - d. Covered walkways shall be provided where pedestrians are exposed to potential injury from falling objects.
 - e. The Permittee shall maintain adequate roadway width and travel lane capacity to allow for adequate emergency services access through the affected roadway.
8. The Permittee shall submit a traffic management plan to the City Traffic Engineer, and said plan shall be revised to the satisfaction of the City Traffic Engineer and the Director of Development Services to specifically address roadway safety for all traffic entering or the project driveway(s) on Long Beach Blvd. and 6th St. during construction. No building permit shall be issued, and no work shall commence on the project site until this plan is approved by the City Traffic Engineer, and all traffic to and from the project site shall be subject to this traffic management plan to the satisfaction of the Director of Public Works.
9. 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 finest sand finish that does not require hand application. 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 prohibited, and for vinyl windows, frame color shall complement the design of each building. Windows and doors should have an inset of at least 3 inches into the building wall 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.
10. Prior to the issuance of building permits and commencement of construction activities, the Permittee 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.
11. During construction, in order to avoid archaeological resources, human remains, and paleontological resources, the Permittee shall prepare plans containing specific details and logistics for carrying out the Program EIR mitigation measures. The plans shall cover archaeological resources/human remains and paleontological resources, and shall 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.
12. Tribal Cultural Resources monitoring with the local culturally affiliated Native American tribe shall be required during construction unless determined not to be necessary by the tribe. The Permittee shall 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 shall 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 shall complete daily monitoring logs that 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 or that further monitoring is not needed.
13. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.
14. Any murals proposed on the project site shall be submitted for review and approval by the Director of Development Services prior to installation.

15. The Permittee shall complete the dedication of private streets to the City, per the Irrevocable Offer to Dedicate executed by the Permittee's predecessor in interest, to the satisfaction of the Director of Public Works. This dedication shall be completed prior to approval of the Final Map, or prior to Temporary Certificate of Occupancy or Certificate of Occupancy, whichever of these three occurs first.
16. Each 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.
17. The Permittee shall provide for an enhanced pedestrian crossing on 6th Street between Pine Ave. and Long Beach Blvd. to allow safe pedestrian crossing to and from the project's paseo between 5th and 6th Streets. This enhanced crossing should be located on the western side of the intersection with Locust Ave. unless otherwise directed by the Director of Public Works. The pedestrian crossing shall be designed and constructed to the satisfaction of the Director of Public Works.
18. The Permittee shall guarantee public access through the pedestrian paseo connecting 5th Street and 6th Street via recordation of a public access easement to the satisfaction of the Director of Development Services and Director of Public Works.
19. All modifications to vegetation on onsite and offsite (public right-of-way) shall comply with the Migratory Bird Treaty Act (MBTA), including the completion of nesting bird surveys prior to any tree or vegetation removal:
 - a. If initial clearing activities prior to the start of construction take place during the bird nesting season (generally January through September, but variable based on seasonal and annual climatic conditions), a nesting bird survey should be performed by a qualified biologist within three days of such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site.
 - b. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by the qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed, and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.
 - c. If no nesting birds are observed during pre-construction surveys, no further actions shall be necessary.
20. The project shall achieve a cumulative project-wide rating of LEED Certified. The project shall be registered with the USGBC to obtain the required LEED

certification, or the project may be certified by a third party as meeting the intent of LEED at the Certified level in lieu of registration with the USGBC. Verification that the project will achieve the required LEED Certified rating shall be provided to the satisfaction of the Director of Development Services prior to building permit issuance or as otherwise ordered by the Director.

21. The Permittee 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 refuse shall be provided adjacent to the area for the collection of waste.
22. All forms of barbed wire and razor wire shall be prohibited on the site.
23. The Permittee 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.
24. 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).
25. 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.
26. Required residential bicycle parking spaces shall be provided in a secured area, secured room, or secured lockers within the project garages or residential buildings.

27. 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.
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 on page 96 of the Downtown Plan. Street trees shall be installed under a right-of-way permit from the Department of Public Works.
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 Director of Development Services and the Director of Public Works may approve minor modifications to the approved Vesting Tentative Parcel Map, if said modifications are consistent with the original approval per Section 20.12.170, are consistent with the Subdivision Ordinance (Title 20, LBMC) and the Subdivision Map Act (Cal. Gov't Code section 66410 *et seq.*), and do not significantly alter the original Tentative Map approval per Section 21.21.405.
32. The Final Map shall be prepared to conform to all conditions and requirements of Title 20 (Subdivision Ordinance) of the City of Long Beach, unless specified otherwise herein.
33. All property taxes and all outstanding special assessments shall be paid in full prior to approval of the Final Map.
34. All required off-site improvements shall be financially provided for to the satisfaction of the Director of Public Works prior to approval of the Final Map.
35. Prior to approval of the Final Map, the Permittee shall deposit sufficient funds with the City to cover the cost of processing the Final Map through the Department of Public Works. Furthermore, the Permittee shall pay the Planning processing fees for the Final Map. The Permittee shall pay fees to the City for processing of the Final Map based on the total number of lots or units in the subdivision, including both ground lots and airspace lots.
36. Prior to issuance of a grading or demolition permit (whichever occurs first), the Permittee 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 Permittee.

37. The Permittee 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 Permittee's hauling practices to be remedied.
38. 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 Permittee shall be required to submit an application for a Modification of Approved Permit – Site Plan Review Committee Approval level.
39. 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.
40. The Permittee 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 February 3, 2022, which by this reference is made a part of these conditions of approval.
41. 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.
42. The Permittee 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.
43. 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 Permittee shall utilize best management practices (BMPs) and best available technology to achieve this. The Permittee 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 Permittee fails to remedy engine idling violations as required, until such time as the violations are remedied.

44. 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.
45. Prior to the issuance of a building permit, the Permittee 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.

Project EIR and Mitigation Measures

46. The Permittee shall comply with all mitigation measures of the Downtown Plan Program EIR and its Mitigation Monitoring and Reporting Program (MMRP), as detailed in the EIR Addendum (EIRA-02-22) prepared for this project. The MMRP is attached to these conditions of approval and by this reference made a part hereof.

Public Works Conditions

47. The Permittee shall provide for the following to the satisfaction of the Director of Public Works. Submittal of construction documents into plan check may result in additional or modified requirements from the Department of Public Works.

GENERAL REQUIREMENTS

- a. The final map shall be based upon criteria established by the California Subdivision Map Act and/or Title 20 of the Long Beach Municipal Code.
- b. Prior to final map approval, the Permittee shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All off-site and/ or public improvements and facilities required by the Department of Public Works not in place and accepted prior to final map approval shall be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to final map approval, the Permittee shall submit its on-site parking management plan and project Conditions, Covenants and Restrictions (CC&R's), or other acceptable documentation for review and approval of the Director of Public Works.
- e. The Permittee and successors shall be responsible for the maintenance of the site drainage system, and for the operation and maintenance of any private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such

responsibilities shall be enumerated and specified in the project CC&R's or other acceptable documentation, and a recorded copy of said document shall be provided to the Director of Public Works.

- f. No cross-lot drainage shall be permitted. Existing cross-lot drainage problems shall be corrected prior to approval of the final map, or a private drainage easement recorded on the map, to the satisfaction of the Director of Public Works.
- g. Permittee proposes architectural projection encroachments into the public right-of-way that include architectural features, signage, balconies and awnings. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way to be reviewed for approval, to the satisfaction of the Director of Public Works.
- h. 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.
- i. 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.
- j. The Permittee is proposing a refuse and recycling receptacle area as part of the proposed development. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Permittee and/ or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- k. Prior to the start of ANY demolition, excavation, or construction, the Permittee 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 Permittee 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

- l. The Permittee 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.
- m. 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.
- n. 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

- o. All architectural projection encroachments shall be constructed in compliance with Long Beach Municipal Code, Title 14, Chapter 14.48 and to the satisfaction of the Director of Public Works. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way, to be reviewed for approval for compliance with the referenced code, and City Pedestrian Accessibility Guidelines, or be eliminated to the satisfaction of the Director of Public Works.
- p. Note: Per the referenced LBMC, encroachments into the public right-of-way above eight feet in height above a sidewalk are allowed for awnings, canopies, signs, architectural features, balconies, and windows. These improvements can encroach over the property line one inch for each additional one inch of clearance above eight feet. The maximum encroachment shall be four feet at a minimum clearance height of twelve feet.
- q. 4th Street, 5th Street and The Promenade North adjacent to/in the vicinity of the project are currently private streets subject to a previously executed Irrevocable Offer to Dedicate (IOD). The City shall accept the IOD over the roadway from curb face to curb face making the roadway public right-of-way while allowing the sidewalks to remain private with public access easements. As illustrated in the project plans, the Permittee is proposing to process a street closure of the Promenade North between 3rd Street and 5th Street to vehicular traffic and only allow for pedestrian access. The street closure shall be processed as a part of the final map or per separate instrument, to the satisfaction of the Director of Public Works.

- r. Pursuant to the conditions d and e noted above, in lieu of CC&R's, Permittee may provide appropriate documentation from affected property owners demonstrating that all property owners agree to continue to maintain their sidewalk frontage along 4th street and 5th street to the satisfaction of the Director of Public Works.
- s. Permittee shall be responsible for the relocation and/ or undergrounding of utilities, right-of-way dedications, quitclaim of easements, and/or any new utility easements required in connection with the proposed development, and removal of any related abandoned facilities, or equipment as needed or required; as structures cannot be built within an easement or dedicated area.
- t. Permittee 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.
- u. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map recordation, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map.

OFF-SITE IMPROVEMENTS

- v. The Permittee shall remove unused driveways, pull-outs, and curb cuts, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Existing pavers shall be salvaged prior to construction and re-used within the reconstructed sidewalk to the fullest extent possible. Additional sidewalk improvements shall be constructed with Portland Cement Concrete. Aprons, curb, and gutter improvements shall be constructed with Portland cement concrete.
- w. Note: Bus pull-out improvements are subject to the review and approval of Long Beach Transit.
- x. Subject to the improvement limits of the proposed driveways along Long Beach Blvd and 6th Street, the Permittee shall provide for the relocation of the existing facilities in conflict with the new points of access, to the satisfaction of the Director of Public Works. The Permittee shall contact the interested agency or City Department to schedule the relocation work prior to submitting on-site grading plans. Agencies can include, but are not limited to, Metro, Long Beach Water Department, Long Beach Transit etc.
- y. Subject to the improvement limits of the proposed transit island along Long Beach Blvd, the Permittee shall provide for the relocation of the existing facilities in conflict with the new transit island to the satisfaction of the Director of Public Works. The Permittee shall contact the interested agency or City Department to schedule the relocation work prior to submitting on-site grading plans.

- z. Permittee shall confirm that the existing curb ramp at the southwest corner of the intersection of Long Beach Blvd and 6th street is ADA compliant. If curb ramp is deemed non-compliant, Permittee shall demolish and construct a new ADA compliant curb ramp to the satisfaction of the Director of Public Works. Curb ramp improvements shall be constructed with Portland cement concrete. Affected adjacent sidewalk improvements shall match existing pavers in kind. Existing pavers shall be salvaged prior to construction and re-used within the reconstructed sidewalk to the fullest extent possible, otherwise sidewalk improvements shall be constructed with Portland Cement concrete.
- aa. Permittee shall confirm that the existing curb ramps at the intersection of Long Beach Blvd and 5th street are ADA compliant. If the curb ramps are deemed non-compliant, Permittee shall demolish and construct new ADA compliant curb ramps to the satisfaction of the Director of Public Works. Curb Ramp improvements shall be constructed with Portland cement concrete. Affected adjacent sidewalk improvements shall match existing pavers in kind. Existing pavers shall be salvaged prior to construction and re-used within the reconstructed sidewalk to the fullest extent possible, otherwise sidewalk improvements shall be constructed with Portland Cement concrete.
- bb. Permittee shall confirm that the existing curb ramp at the northwest corner of Long Beach Blvd and 4th street is ADA compliant. If the curb ramp is deemed non-compliant, Permittee shall demolish and construct a new ADA compliant curb ramp to the satisfaction of the Director of Public Works. Curb Ramp improvements shall be constructed with Portland cement concrete. Affected adjacent sidewalk improvements shall match existing pavers in kind. Existing pavers shall be salvaged prior to construction and re-used within the reconstructed sidewalk to the fullest extent possible, otherwise sidewalk improvements shall be constructed with Portland Cement concrete.
- cc. The Permittee shall, as applicable, either 1) protect existing trees that are not affected by the proposed improvements, 2) replace dead or dying street trees adjacent to the site, or 3) provide new street trees at driveway closures that would result in a gap in street tree spacing along Long Beach Blvd and 6th Street adjacent to the project site, per Section 21.42.050 of the Long Beach Municipal Code. The Permittee and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Permittee 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 of public right of way, along the project frontage.
- dd. The Permittee shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavers, curb and curb gutter along all perimeter streets adjacent to the project site to the satisfaction of the Director of Public Works. Sidewalk and curb and gutter improvements shall be constructed with Portland

Cement Concrete. The Permittee shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way.

- ee. The Permittee shall check with the Long Beach Water Department at (562) 570-2300 and the Gas and Oil Department at (562) 570-2030 for scheduled main replacement work prior to submitting any improvement plans to the Department of Public Works.
- ff. The Permittee proposes improvements that may impact existing under- and above-ground utilities through and adjacent to the project site, such as gas lines, water pipelines, and utility poles and overhead lines, and along the perimeter streets and alleyways adjacent to the project site. The Permittee shall be responsible for all design, applicable utility approval, permitting, relocation and/or undergrounding work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.
- gg. The Permittee 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 Permittee, to the satisfaction of the Director of Public Works.
- hh. The Permittee 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.
- ii. The Permittee 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.
- jj. The Permittee shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.

TRAFFIC AND TRANSPORTATION

- kk. The Permittee 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.
- ll. The Permittee 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. The traffic signal related equipment shall be within signalized intersections that are directly impacted by the Permittee's project (i.e. the intersection of 6th Street and Long Beach Blvd). 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" 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 shall 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 Permittee 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 Permittee 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 Permittee's project. In such cases, the Permittee will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.
- mm. There are high volume Long Beach Transit bus stops on 6th Street and Long Beach Blvd adjacent to the development site. The Permittee shall incorporate enhancements to improve the bus stops into this project. Amenities such as a roof overhang for additional shelter and architectural seating for bus patrons should be integrated into the project. Enhanced 12-foot wide sidewalk paving should be provided for the bus stop per Long Beach Transit standards. The Permittee shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity.
- nn. Permittee shall contact Long Beach Transit prior to commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at any bus stops near the project site. Contact Christopher MacKechnie at (562) 489 -8466.
- oo. There appears to be a shared Torrance Transit bus stop on Long Beach Blvd. Permittee shall coordinate with Torrance Transit prior to commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at any bus stops near the project site.
- pp. At the discretion of the City Traffic Engineer, the Permittee shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks: A transit boarding island including a bike path behind the transit shelter shall be constructed on Long Beach Boulevard between 6th Street and the garage entry.

A minimum of four public bike racks on 6th Street and nine public bike racks on Long Beach Boulevard shall be provided. The existing Long Beach Bike Share hub shall be preserved on Long Beach Blvd north of 5th Street.

Note: The transit boarding island shall be located 100' from the corner of 6th Street to increase the width of the sidewalk. Additionally, Permittee shall design the protected bikeway to optimize the parkway/sidewalk in this area.

qq. The Permittee shall submit a signing and striping plan for review and approval by the City Traffic Engineer

rr. 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 to be processed with the submittal of off-site improvement plans.

Note: As illustrated on the proposed site plan, Permittee is proposing garage entry points along Long Beach Blvd and 6th Street. Entry points appear to be designed with curb returns, which is not acceptable to Public Works. Driveway approach design, geometry and configuration shall be per City of Long Beach Standard Plans and are subject to review and approval by the City Traffic Engineer.

ss. The Permittee 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.

tt. The Permittee shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

uu. The Permittee shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.

vv. The Permittee shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.

ww. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

xx. All bike racks and bike rack placement must follow the guidance in "Essentials of Bike Parking" by the Association of Pedestrian and Bicycle Professionals.

Metro Conditions

48. The Permittee shall comply with the following conditions provided by Metro (LACMTA):

- a. Technical Review: The Permittee shall submit engineering drawings and calculations, as well as construction work plans and methods including any crane placement and radius, to evaluate any impacts to the Metro A Line (Blue) infrastructure in relationship to the Project. Before issuance of any

building permit for the Project, the Permittee shall obtain Metro's approval of final construction plans.

- b. At-Grade Crossings: The Permittee shall analyze traffic and safety impacts and comply with all regulations and requirements of the California Public Utilities Commission (CPUC) with respect to the Project's potential impacts on the at-grade rail crossing at the intersection of 6th Street and Long Beach Boulevard and 4th Street and Long Beach Boulevard. CPUC may have additional comments and requirements regarding this Project and should be contacted in consultation efforts.
- c. OCS Protection: The Permittee shall take all necessary measures to protect the OCS from damage due to Project activities during and after construction, pursuant to applicable California Department of Industrial Relations regulations (Cal. Code of Regulations, Title 8). The Permittee shall post proper signage for equipment working around the OCS wires.
- d. Setback: Any building protrusions facing the ROW (e.g. balconies, awnings and other appurtenances), as well as landscaping shall be set back at least ten (10) feet from the OCS wires and support structures.
- e. Sidewalk OCS Support: During Project construction, the Permittee shall take precautions to protect in place all poles and underground infrastructure and maintain access for Metro personnel to service them at all times.
- f. Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro A Line (Blue) or the structural and systems integrity of Metro's light rail infrastructure. Not later than two months before Project construction, the Permittee shall contact Metro Construction Management Department to schedule a pre-construction meeting with all Project construction personnel and Construction Safety staff. During Project construction, the Permittee shall:
 - i) Construct a protection barrier to prevent objects, material, or debris from falling onto the ROW;
 - ii) Notify Metro of any changes to demolition and construction activities that may impact the use of the ROW; and
 - iii) Permit Metro staff to monitor demolition and/or construction activities to ascertain any impact to the Metro A Line (Blue).
- g. ROW Entry Permit: For any temporary or ongoing access to Metro ROW for demolition, construction, and/or maintenance activities, the Permittee shall complete Metro's Track Allocation process with Metro Rail Operations and obtain a Right of Entry Permit from Metro Real Estate. Approval for single tracking or a power shutdown, while possible, is highly discouraged; if sought, the Permittee shall apply for and obtain such approval from Metro not later than two months before the start of Project construction. The Permittee shall apply for and obtain approval from Metro for any special operations, including the use of a pile driver or any other equipment that

could come into close proximity to the OCS or support structures, not later than one month before the start of Project construction.

- h. Occupational Safety and Health Administration (OSHA) Requirements: Demolition, construction and/or excavation work in proximity to Metro ROW with potential to damage light rail tracks and related infrastructure may be subject to additional OSHA safety requirements.
- i. Technical Review: Metro charges for staff time spent on engineering review and construction monitoring. Permittee shall pay review fees or costs as required.
- j. Cost of Impacts: The Permittee shall be responsible for costs incurred resulting from Project construction/operation issues that cause delay or harm to Metro service delivery or infrastructure, including single-tracking or bus bridging around closures. The Permittee shall also bear all costs for any noise mitigation required for the Project.

Long Beach Water Department Conditions

- 49. The Permittee shall provide for the following to the satisfaction of the General Manager of the Long Beach Water Department:
 - a. Demolition plans shall be submitted to LBWD for review and approval and shall direct the Permittee to protect-in-place or demolish water services and sewer laterals as specified.
 - b. The development shall have separate domestic and commercial water services.
 - c. Backflow prevention assemblies shall be required on all water services.

Long Beach Energy Resources (Gas) Department Conditions

- 50. The Permittee shall provide for the following to the satisfaction of the Director of the Long Beach Energy Resources Department:
 - a. The Permittee shall be responsible for coordinating with LBER to make sure there is a plan in place for the relocation, or cut and cap of gas facilities. Per LB Municipal Code, any structures or obstructions are not allowed to be built above the existing gas lines deterring access to those facilities.
 - b. The Permittee shall review and obtain approval for proposed meter(s) locations with LBER inspector.
 - c. The Permittee shall provide gas loads for proposed development and to confirm that the new meter(s) locations meet all LBER requirements.

Standard Conditions – Plans, Permits, and Construction:

- 51. Prior to the issuance of a building permit, the Permittee 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.

52. 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.
53. 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.
54. 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.
55. 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.
56. Upon plan approval and prior to issuance of a building permit, the Permittee shall submit a reduced-size set of final construction plans for the project file.
57. 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.
58. 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.
59. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
60. The Permittee shall file a separate landscaping plan check submittal to the Department of Development Services for review and approval prior to issuance of a building permit.
61. The Permittee 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.
62. 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.

63. 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, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
64. For projects consisting of new buildings, parking lots, or landscaped area, the Permittee shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to application for a temporary certificate of occupancy, or certificate of occupancy. 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. On-site landscaping shall comply with Chapter 21.42 (Landscaping Standards), as applicable, to the satisfaction of the Director of Development Services.
65. 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.
66. 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.
67. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
68. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
69. 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.
70. 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:

71. 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.
72. This permit shall be invalid if the owner(s) and/or Permittee(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).
73. 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).
74. 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.
75. 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.
76. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
77. 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.
78. 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

Conditions of Approval

450 The Promenade North, 501-599 Long Beach Blvd. (APNs: 7280-005-051, 7280-005-025)

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- preventative measures such as but not limited to, additional lighting or private security guards.
79. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
 80. Any graffiti found on site shall be removed within 24 hours of its appearance.
 81. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
 82. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
 83. 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.