



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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December 7, 2017

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution recommending that the City Council: 1) Approve an Addendum to the Midtown Specific Plan Programmatic Environmental Impact Report; and 2) Approve a General Plan Amendment (GPA17-006) from Moderate Density Residential #3B and Traditional Retail Strip Commercial #8A to Mixed Uses #7 on 13 lots located in the Midtown Specific Plan (MTSP); and,

Determine the project is within the scope of the project previously analyzed as part of the Midtown Specific Plan Environmental Impact Report (State Clearinghouse No. 2015031034) and warrants no further environmental review pursuant to CEQA Guidelines Section 15162; and approve Lot Merger (LMG17-0019) and Site Plan Review (SPR17-075) to allow the construction of a new five-story 145,039-square-foot mixed-use building consisting of 3,938 square feet of commercial space and 101 affordable residential units and 1 manager's unit at 1795 Long Beach Boulevard in the Midtown Specific Plan (SP-1). (District 1)

APPLICANT: AMCAL Multi-Housing, Inc.
30141 Agoura Road, Suite 100
Agoura Hills, CA 91301-4332
(Application No. 1709-46)

DISCUSSION

The proposed mixed-use development at 1795 Long Beach Boulevard would develop a 0.99-acre site with a five-story building containing 3,938 square feet of ground floor commercial space, 102 dwelling units (101 affordable) and 68 residential parking spaces, 9 commercial parking spaces, and 5 motorcycle parking spaces. The project site is located on the City's major transit corridor, with frontage on Long Beach Boulevard and Pacific Coast Highway. A named alley, Palmer Court, abuts the project along the west property line (Exhibit A – Location Map). West of the project site across the alley is a mix of one- and two-story buildings containing both commercial and residential uses. To the south is a one-story commercial building; to the east across Long Beach Boulevard is a two-story commercial building; and to the north across Pacific Coast Highway is a one-story car wash building (Exhibit B – Site Photos).

The project site is located within the Transit Node High District of the Midtown Specific Plan which is intended for the development of both housing and neighborhood serving uses. The Midtown Specific Plan identifies several locations, including this project site, as strategic sites for the development of affordable housing. The General Plan Land Use

designation for a major portion of the site is District #7- Mixed Uses (LUD 7). A small portion of the property is designated as District #3B. A General Plan Amendment is required to change the District 3B designation located on the southwest portion of the site to District 7 – Mixed Uses (LUD 7). A General Plan Amendment is proposed along with the project. The amendment includes a change to the Land Use Element on 13 nearby lots, including the lot associated with the project. The change will modify the General Plan within the Transit Node Hight District to allow for consistency on the project site with a high-quality context sensitive, mixed-use project that will enhance the streetscape and create a more consistent development pattern along the Transit Node as intended by the Mixed Use General Plan designation. The development of 101 affordable housing units is consistent with the City's certified Housing Element and furthers the City's attainment of its Regional Housing Needs Assessment allocation.

Project Summary

The project as proposed includes 102 dwelling units.

Table 1 – Unit Description			
Plan Type	Number of Units	Bedroom/Bath	Size
Plan 1 – 1X	49	1-Bedroom / 1-Bath	600-616 sq.ft.
Plan 2 – 2X	26	2-Bedroom / 2-Bath	816-830 sq.ft.
Studio Plan	1	Studio	466 sq.ft.
Plan 3 - 3X	27	3-Bedroom / 2-Bath	1,100-1,114 sq.ft.
Total	102		

Vehicle access to the project is taken by two driveways located off Palmer Court (named alley) on the west side of the property. A two-foot dedication will be provided for the purposes of widening the alley that will serve as the access point for the on-site parking garage for the commercial and residential portion of the development. Parking for the project consists of one level of parking that will be clearly separated between residential and commercial uses. Also, one loading space will be provided for commercial uses at the alley. The proposed project includes a ground floor bike storage area and a podium level area for a total of 56 bikes.

The ground floor will contain three commercial tenants, with storefronts oriented toward both street frontages. The primary pedestrian access point to the residential units is from a lobby on Long Beach Boulevard with an additional access point through the stairway facing Pacific Coast Highway. The building footprint covers approximately 90 percent of the site area. The proposed building is 64 feet and five stories in height which is consistent with the criteria set forth in the Specific Plan (100-foot maximum height limit in Transit Node High) for properties with a depth greater than 200 feet (as measured from the property line parallel to Long Beach Boulevard). The combined commercial and residential building area is 145,039 square feet.

The project consists of a mix of unit types, from one to three bedrooms, that range in size from 466 square feet to 1,100 square feet. The inclusion of 26 three-bedroom units will increase the City's housing stock for larger families; a need established in the 2013-2021 Housing Element of the General Plan.

Although the Midtown Specific Plan specifies a minimum unit size of 600 square feet, it allows for a reduction of this minimum size standard (to not less than 450 square feet) for up to 15 percent of all units in a given development. One of the 102 units, or approximately one percent, is reduced to 466 square feet in size. The reduced unit is the only studio unit proposed. The units all include full kitchens, balcony area, and built-in closet spaces. Since only one unit was less than 600 square feet in size, the Site Plan Review Committee found the smaller unit livable and desirable.

The project features a large common open space area for residents at the podium level totaling 8,167 square feet of common open space. The Midtown Specific Plan requires that an area equal to 10 percent (or 393 square feet) of the commercial project area for non-residential use be developed as open space. This requirement is satisfied by the 1,100-square-foot plaza area located on the corner of Pacific Coast Highway and Long Beach Boulevard. For private open space, each unit features a 60-square-foot private where a minimum of 50 square feet is required. In addition, the residents of the project will have access to a 4,720-square-foot common area located on the ground floor, adjacent to the lobby area.

The project adopts a contemporary architectural aesthetic. The north-east corner of the building steps back creating a tower element that is setback from Long Beach Boulevard. This step back not only serves to break up the building massing but the step back creates a mini-plaza area that acts as an extension of the public sidewalk. Along the Pacific Coast Highway frontage the building has a small retail base with the floors above taking on a commercial feel that is compatible with existing commercial development to the west. The building is proposed to be placed on the property line on 75 percent of the frontage as required by the Midtown Specific Plan. The portions of the building that are setback were required by the Site Plan Review Committee to create active areas at a busy intersection for use as seating areas. In the Transit Node High sub area, the height of the ground floor is required to be a minimum of 18 feet. The applicant had difficulty providing for an 18-foot ceiling height on this lot due to an east west slope on the property. The Midtown Specific Plan allows for a reduction in the ground floor height when architectural treatments are included to accentuate the ground floor and building entrance. The Site Plan Review Committee allowed for a reduction of the minimum ground floor height to 15 feet 6 inches, given that additional architectural treatments were included to accentuate the ground floor¹⁰.

Additionally, the project includes the design of a new bike lane, and bus stop along Long Beach Boulevard, north of the project site. The new bike lane and bus stop design will be utilized throughout Long Beach Boulevard for the expansion of the bike lane from 14th Street to Pacific Coast Highway, as shown on the Midtown Specific Plan. However, the bike lane is not a part of the Site Plan Review approval, as it is within the public right-of-way.

State law allows reduced parking ratios for developments that are located within one-half mile of public transit and projects that include special needs housing. Based on the State's parking requirement detailed in Table 3, the project is required to provide a total of 60 parking spaces. The project includes 77 residential parking spaces, including 5 motorcycle

spaces, which is more than what is required under California Government Code 65915 for affordable housing projects.

The commercial parking spaces will be clearly separated from the residential spaces. Access to the parking areas will be provided at the alley, at two separate driveways. The project would have sufficient parking in accordance with State law, the size and configuration conforms to the zoning standards.

Table 2 – Parking Summary			
Use		Parking Required	Parking Provided
101 Residential Units	101-affordable units	0.5 per unit ^A = 51 parking spaces	77 (including 5 motorcycle parking spaces)
	1-Managers unit	0.5 per unit ^A = 1 parking spaces	
3,789 square feet		2 /1,000 = 8 spaces	9
Total		60	82
^A The applicant has requested that the following parking ratios be applied to the project pursuant to State Government Code 65915 (p)(3).			

Entitlements

The Midtown Specific Plan requires Site Plan Review for projects involving the construction of one or more new dwelling units. The Site Plan Review is a discretionary approval. Projects consisting of 50 dwelling units or more are required to participate in the Conceptual Site Plan Review process. A Conceptual Site Plan Review for this project was completed in July 2017. In response, the applicant modified the plans including refining the design's color palette and raised the height of the ground floor windows to create a more active and harmonious design with surrounding uses.

In addition to the Site Plan Review approval, a Lot Merger is required to prevent the sale of a portion of the property separate resolve antiquated lot configurations, and subdivision design for lot sizes for lot sizes when such standards will merge two lots into one and General Plan Amendment are required to merge two lots into one, and to resolve inconsistencies in the General Plan.

General Plan Amendment

The Midtown Specific Plan replaced the Long Beach Boulevard Planned Development (PD-29) when it was adopted in 2016. The development project site and the surrounding area were changed to MTSP TN - High (Exhibit D – Midtown Specific Plan Map) in order to support compact transit oriented mixed-uses and residential developments centered on the three Metro Blue line stations. Pursuant to California Government Code Section 65803 and 65860 the City of Long Beach, as a Charter City, was not immediately obligated to have consistency between the Zoning and General Plan. A Mitigation Measure was included as part of the Midtown Specific Plan Programmatic EIR to complete these GPAs within one year of the approval of the MTSP. The underlying Land Use Designations were

CHAIR AND PLANNING COMMISSIONERS

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to be updated as part of the City's current Land Use Element/Urban Design Element update (anticipated to occur within a year of the MTSP adoption). However, the LUE/UDE update has thus far not been completed and has now hindered the review and processing of proposed development projects due to inconsistencies between the Midtown Specific Plan and the underlying General Plan Land Use Designations.

As stated above, the 1989 General Plan Land Use Map designates the development site as Moderate Density Residential (LUD #3B) which limits residential developments to a maximum of 30 dwelling units per acre. The lots located on the southeast corner of Locust Avenue and E. Pacific Coast Highway are designated as Traditional Retail Strip Commercial (LUD #8A), which allows office and retail uses that are local or neighborhood serving and not intended for residential uses. To ensure that other nearby properties designated as TN - High are also made consistent with the underlying General Plan LUD, 13 additional lots south and west of the development site are included in the proposed General Plan Amendment. The amendment will change the Land Use designations from Moderate Density Residential #3B and Traditional Retail Strip Commercial #8A to Mixed Uses #7 on 13 lots located in the Midtown Specific Plan (MTSP) (Exhibit E – General Plan LUD Amendment Map). LUD #7 allows both residential and commercial uses with densities that are consistent with the development standards for the Midtown Specific Plan Transit Node High. The purpose of this amendment is to resolve the inconsistencies and to facilitate development applications for this portion of the MTSP TN-High zone.

The Midtown Specific Plan identifies several locations including this project site (owned by the Long Beach Community Investment Company) as a strategic site for the development of affordable housing. The development of 101 affordable housing units is consistent with the City's certified Housing Element and furthers the City's attainment of its Regional Housing Needs Assessment allocation. The General Plan Amendment for the development site and the lots west and south will promote the intent of the Midtown Specific Plan and provide opportunity for development with high-quality context sensitive projects that will enhance the streetscape and create a more consistent development pattern along Long Beach Boulevard, E. Pacific Coast Highway and Locust Avenue.

Lot Merger

A Lot Merger is required in accordance with Chapter 20.28 of the Long Beach Municipal Code when a single project is development on contiguous lots in such a manner that one or more of the recorded lots could be sold separately from the project. In this case, the Lot Merger will consolidate two lots into one 0.99-acre lot.

Findings for the Site Plan Review and associated Lot Merger, to merger two lots into one lot are attached and can be made in support of the project. Therefore, staff recommends the Planning Commission approve the project based on the findings (Exhibit F – Findings of Approval) and subject to the conditions of approval (Exhibit G – Conditions of Approval) The Planning Commission's action will serve as a recommendation to the City Council, which is the decision-maker on General Plan Amendments.

PUBLIC HEARING NOTICE

A total of 2,355 Public Hearing notices were distributed on November 22, 2017, in accordance with the provision of the Zoning Ordinance and was printed in the Press Telegram on November 23, 2017. No comments have been received as of the preparation of this report.

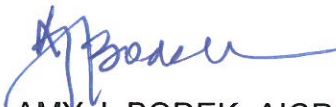
ENVIRONMENTAL REVIEW

The proposed project is located within the Midtown Specific Plan for which a program Environmental Impact Report (State Clearinghouse No. 2015031034) was certified and adopted by the City Council in June of 2016. The project has been reviewed in compliance with the California Environmental Quality Act and qualifies for an exemption from additional environmental review pursuant to CEQA Guidelines 15162 and 15183. The proposed project is consistent with the Midtown Specific Plan "community plan" and no subsequent environmental review is warranted pursuant to CEQA Guidelines 15162 and 15183. In accordance with CEQA Guidelines Section 15162, the proposed project has been analyzed and it has been determined that the project would not result in new environmental impacts not previously identified in the Midtown Specific Plan Program EIR. The analysis is included as Exhibit H - Environmental Compliance Checklist.

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER

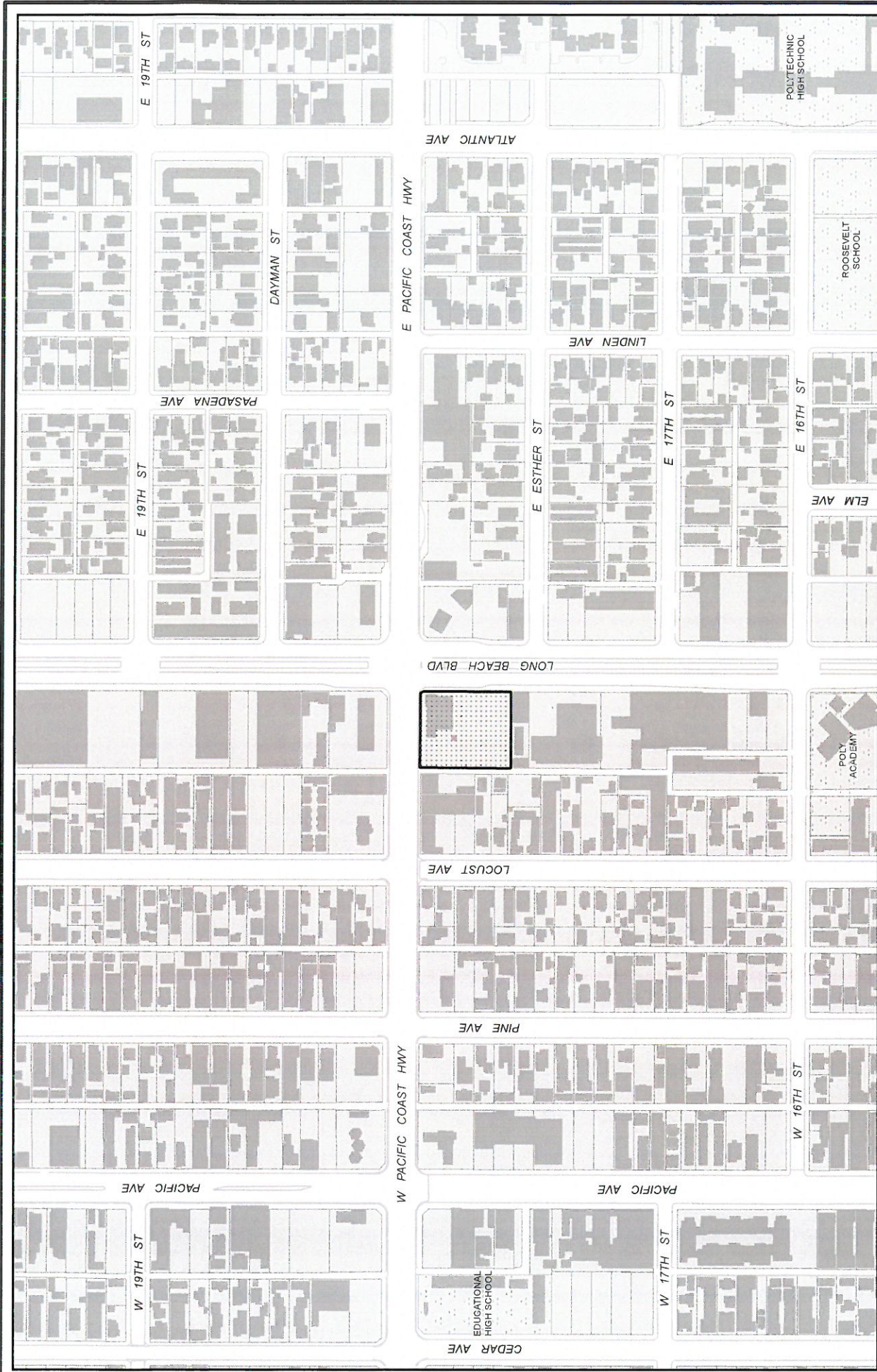


AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB: LFT:CK:GC: SV

Attachments:

- Exhibit A – Location Map
- Exhibit B – Site Photos
- Exhibit C – Plans
- Exhibit D – Midtown Specific Plan Map
- Exhibit E – General Plan LUD Amendment Map
- Exhibit F – Findings of Approval
- Exhibit G – Conditions of Approval
- Exhibit H – Environmental Compliance Checklist

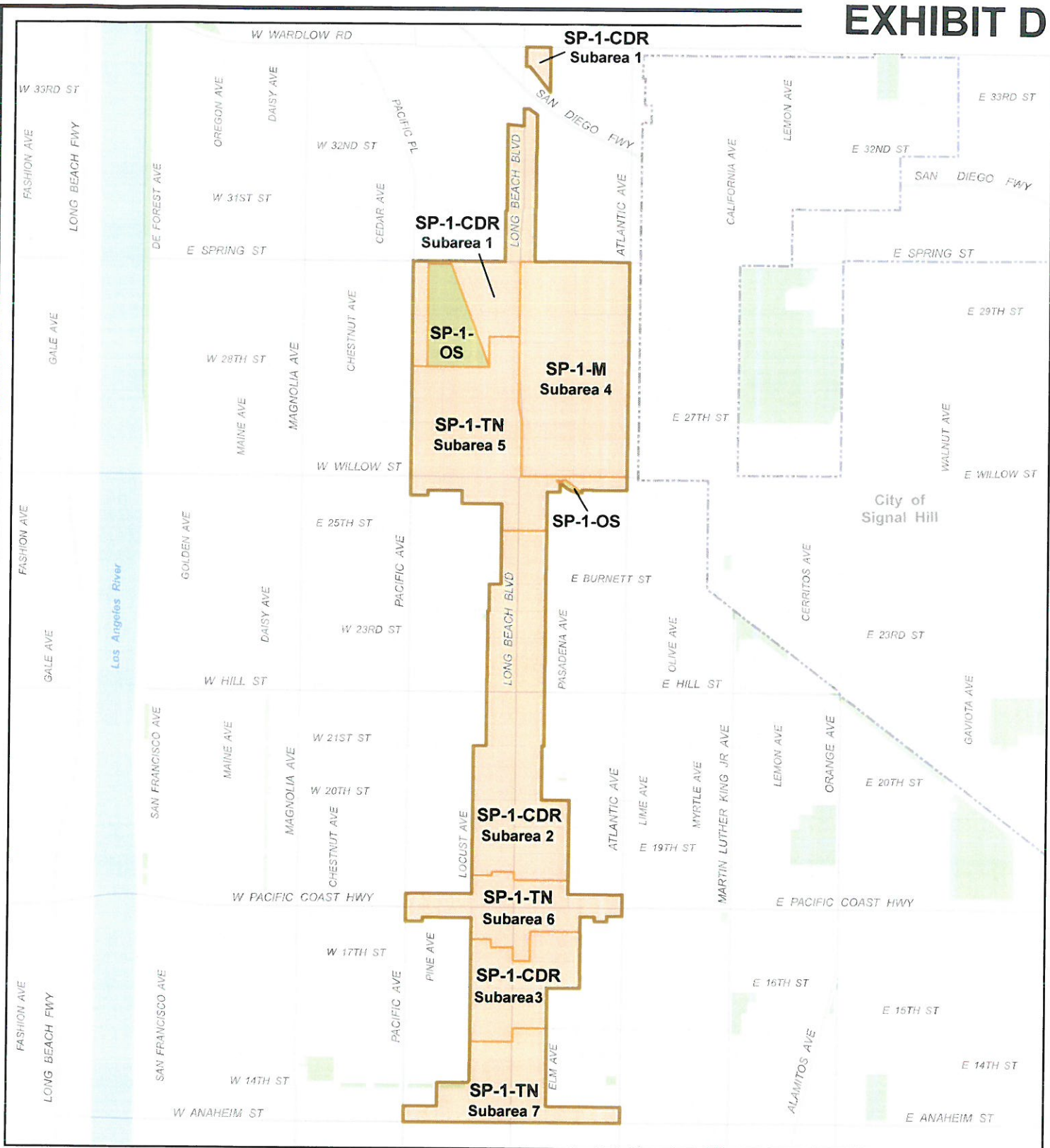


Subject Property:
1795 Long Beach Blvd
Application No. 1709-46
Council District 1
Zoning Code : SP-1-TN SubArea 6

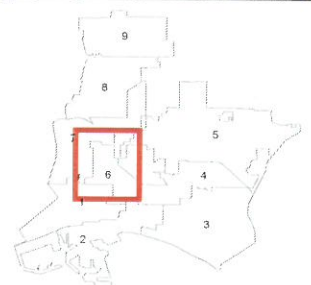
Exhibit A

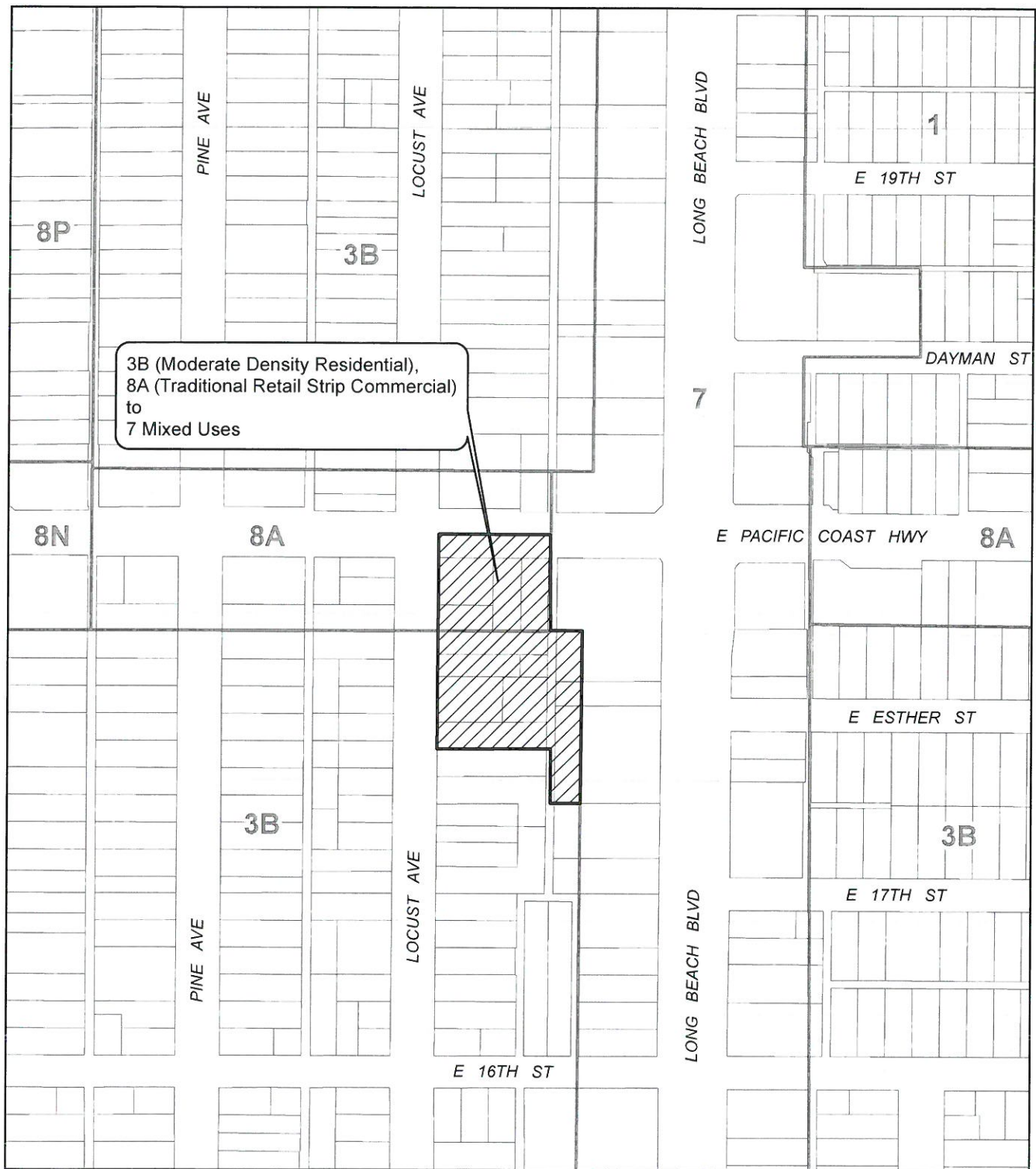


EXHIBIT D



City of Long Beach MIDTOWN SPECIFIC PLAN





Area to be modified from 3B (Moderate Density Residential),
8A (Traditional Retail Strip Commercial) to 7 Mixed Uses



PROPOSED AMENDMENT TO A PORTION OF PART 9 OF THE LANDUSE DISTRICT MAP

GPA Case #
17-006

LOT MERGER FINDINGS

1795 Long Beach Boulevard
App. No. 1709-46 / LMG17-019
December 7, 2017

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

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

The two lots that are proposed to be merged will allow the lot to become more conforming to the Midtown Specific Plan (SP1), and will allow for consolidation of the lots, to allow for the construction of a five-story, mixed-use building. The Lot Merger would create one 42,553.8- (0.99-acre) square-foot lot, which will allow the lot to conform to the SP-1 minimum lot standards.

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

A five-story, mixed-use structure is proposed on the lot and will result in the reduction of required parking, setbacks, open space or other development standards in the Midtown Specific Plan or Zoning Regulations. This proposal will remedy the current lot configuration by merging two lots into one.

SITE PLAN REVIEW FINDINGS
1795 Long Beach Boulevard
Application No. 1709-46 /SPR 17-075
December 7, 2017

Pursuant to Section 21.25.506 of the Zoning Ordinance, the Planning Commission shall not approve a Site Plan Review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

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

The project is compatible in design, character and scale with neighboring structures and the community. The proposed project (Project) involves the construction of a five-story, mixed-use building containing 4,051 square feet of commercial space, and 102 dwelling units (101 affordable units) with a total of 77 parking spaces. The project would improve the entire block frontage on the west side of Long Beach Boulevard between Pacific Coast Highway and Palmer Court (named alley). The project will create a more consistent development pattern on the corridor as its design is compatible with the existing three- to four-story residential development to the south. The project site is separated from the lower density residential development to the west by the alley. As a part of this project the alley will be widened by 2 feet for a total width of 20 feet providing additional separation from the residential units. All surrounding properties are located within the same Transit Node District of the Midtown Specific Plan and may develop to higher intensity uses in the future. However, the building design is sensitive to the existing low-scale nature of the residences located to the east as the middle section of the building only rises to the podium level and has afforded an additional seven-foot setback at the south-east corner of the building. In addition, the applicant has used placement and reduced window sizes to minimize any real or perceived issues of privacy.

The Project is harmonious, consistent, and complete within itself. The development will introduce new, quality affordable housing with a range of unit sizes to a site within the area of the Midtown Specific Plan.

The project adopts a contemporary architectural aesthetic. The ground floor uses include commercial uses that are yet to be identified, a bike storage area, and residential lobby areas. The ground floor features a finished face CMU block façade with ample storefront window openings that promote an active pedestrian-oriented streetscape.

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

The project site is located within the Transit Area High District of the Midtown Specific Plan. The project design conforms to Design Guidelines of the Specific Plan. With a maximum building height of 64 feet and five stories the development is consistent with the criteria set forth in the Specific Plan for properties with a depth greater than 200 feet (as measured from the property line parallel to Long Beach Boulevard). The project includes a total floor area of 145,405 square feet of 3.36 which does not exceed the maximum floor area of 4.0 allowed for this site. With the exception of the on-site manager unit, all units will be affordable.

The Midtown Specific Plan Design Guidelines emphasize the need for buildings to have a distinct architectural character with a pedestrian focus to uplift the character of the corridor and build a vital and active street life. The proposed building design achieves this purpose of the plan in a number of ways including the use of special architectural elements at the corner of the building and at entry ways. The north east corner of the building steps back creating a tower element that highlights the patio area on the project. This stepback not only serves to break up the building massing but the step back creates a plaza area that serves as an extension of the public sidewalk. At the south north side of the building along Pacific Coast Highway, the building has a retail base and storage rooms for bikes with residential floors above. The building is not setback from either street frontage, but the entire property frontage on Long Beach Boulevard creates opportunities for use of the area for activation. At the north end of the building an active retail space is provided, along with storage areas for bikes. A ground floor height of 15 feet is maintained to provide for an active area, even with the property sloping from east to west.

The Project is consistent with the design guidelines in a number of other ways as well, including the provision of architectural variation between ground floor uses and upper floor uses, the incorporation of balconies, windows insets, and variations in massing, color, and finishes.

A major portion of the project is located within Land Use District 7 (LUD 7) –Mixed Use District of the General Plan. A small portion of the lot is located within Land Use District 3B – Moderate Density Residential. A General Plan Amendment is proposed as part of this request to change the LUD 3B portion of the lot to LUD 7 to resolve inconsistencies between the General Plan and Midtown Specific Plan. This land use district change after the modification will allow for a careful blending of different types of land use and will clear up incompatibilities. The Project

combines ground floor commercial uses and a bike storage areas with dwelling units above; these are complimentary uses and conform to the General Plan. The Midtown Specific Plan replaced the Long Beach Boulevard Planned Development (PD-29) when it was adopted in 2016. The development project site and the surrounding area were changed to MTSP TN - High in order to support compact transit-oriented mixed uses and residential developments centered on the three Metro Blue line stations. The underlying Land Use Designations were to be updated as part of the City's current Land Use Element/Urban Design Element update (anticipated to occur within a year of the MTSP adoption), a Mitigation Measure was included as part of the Midtown Specific Plan Programmatic EIR to complete these GPAs within one year of the approval of the MTSP. However, the LUE/UDE update has thus far not been completed and has now hindered the review and processing of proposed development projects due to inconsistencies between the Midtown Specific Plan and the underlying General Plan Land Use Designations. The associated General Plan Amendment will resolve the inconsistencies in the General Plan. The Project design is also consistent with the General Plan Housing Element. The project incorporates a mix of unit types. The General Plan identifies that the City's housing stock has a shortage of three-bedroom units which this project will help to reduce. Additionally, the project helps the City reach the following stated policies of the Housing Element:

Housing Element Policy 4.1: To Provide adequate sites to facilitate the housing production and affordability goals set forth in the 2014—2021 RHNA.

The Project supports this policy because it will develop 102 new affordable rental units contributing towards the City meeting the Regional Housing Needs Assessment allocated to it for the 2014-2021 planning period. Specifically, 50 of the units are designated to rent to those in the extremely low-income category where 30 percent of the Area Median Income is earned and 25 units are designated at Low-Income. This project is not on the Housing Element list of sites available for housing.

Housing Element Policy 4.2: Encourage a balance of rental and homeownership opportunities, including high-quality apartments, townhomes, condominiums, and single-family homes to accommodate the housing needs of all socioeconomic segments of the community, including large families.

This project is consistent with this policy to provide high-quality housing to meet all socioeconomic segments of the community including large families. The project includes a mix of unit types ranging from one- to three-bedroom units. All but one of the units will be affordable. This project further supports this policy because twenty-five percent (25 units) of the units will have three bedrooms. Large families require a unit size with a minimum of three bedrooms.

Housing Element Policy 4.5: Encourage residential development along transit corridors in the downtown and close to employment, transportation, and activity centers; and encourage infill and mixed-use in designated districts.

This project is consistent with this policy as the project is an infill development of mixed-use building on Long Beach Boulevard, the City's major transit corridor. The Long Beach Transit stop is directly in front of the lot and the entrance to the Anaheim Metro Blue Line stop is across the street.

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

The 0.99-acre (net) project site is comprised of five parcels that are currently fenced off as a single site and vacant except for a temporary art installation on the south side of the site. The juvenile palm trees growing along the east property line abutting the alley will all be moved. The project will provide additional street trees that will enhance the street frontage. There are no existing parkway trees along the site's boundaries.

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

The developers are required to comply with all public improvement requirements including parkway improvements and property dedications found by the Department of Public Works to apply to this project. The Project design has incorporated a City-required two-foot dedication along the alley and seven-foot dedication along Pacific Coast Highway creating a standard-width alley and sidewalk. The increase in on-site development intensity and the potential pedestrian and transit traffic generated by the Project necessitates these public improvements.

D. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT); AND

The Project contains less than 25,000 square feet of new, non-residential development and thus is exempt from Transportation Demand Management requirements. However, there is ample opportunity from this location for residents, patrons, employees, workers, and visitors to utilize transit; the Project site is within a Long Beach Transit stop and directly adjacent to a Metro Blue Line stop. In addition, per the Mobility Element of the General Plan, a Class III Bikeway/Sharrows Lane is planned for Long Beach Boulevard. Additionally, the

Project has incorporated a ground floor bicycle storage for up to 55 bicycles into its design.

E. THE APPROVAL IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.

The Project is a new mixed-use development containing over 50,000 square feet of gross floor area and is thus subject to meeting the intent of Leadership in Energy and Environmental Design (LEED) at the certified level. The section's other green building requirements – one bicycle parking stall for every five residential units, solar-ready rooftops, and designated recyclable materials collection areas in all project trash collection area – will also be met. Furthermore, the project will be designed to meet Title 24.

FINDINGS
1795 Long Beach Boulevard
Application No. 1709-46 /GPA17-006
December 7, 2017

GENERAL PLAN AMENDMENT

Pursuant to Government Code Section 65358, the City Council shall not approve a General Plan Amendment unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. The proposed change will benefit public interest; and

General Plan Amendment (GPA17-005 and GPA17-006) will change the land use designations from Moderate Density Residential #3B and Traditional Retail Strip Commercial #8A to Mixed Uses #7 on 24 parcels located in the Midtown Specific Plan, consisting of 16 parcels located on the east side of Locust Avenue extending east to Palmer Court, between and inclusive of 1852 Locust Avenue and 1738 Locust Avenue and 8 parcels located on the west side of Long Beach Boulevard extending west to Palmer Court, between and inclusive of 1851 Long Beach Boulevard and 1725 Long Beach Boulevard ("project boundary area"). The purpose of the amendment is to resolve inconsistency between the underlining zoning designation of Midtown Specific Plan Transit Node High(TN) District and the existing land use designations (LUE #3b and #8A). The current Land Use Districts restrict development use and intensity. The General Plan Amendment will benefit public interest by supporting new development opportunities and encourage new investment. This new development will upgrade existing public infrastructure such as sidewalks and bring new goods, services and housing opportunities for the benefit of Long Beach residents. This change is also consistent with other Elements of the General Plan. For example, the Housing Element stresses the importance of new housing choices at all levels of affordability. The Mobility Element stresses the importance of sidewalk and other infrastructure improvements to promote active transportation and transit. This action is consistent with the Midtown Specific Plan which underwent an exhaustive General Plan consistency analysis.

B. The proposed change is consistent with Zoning Designation; and

General Plan Amendment (GPA17-005 and GPA17-006) will change the land use designations from Moderate Density Residential #3B and Traditional Retail Strip Commercial #8A to Mixed Uses #7 on 24 parcels located in the Midtown Specific Plan, consisting of 16 parcels located on the east side of Locust Avenue extending east to Palmer Court, between and inclusive of 1852 Locust Avenue and 1738 Locust Avenue and 8 parcels located on the west side of Long Beach Boulevard

extending west to Palmer Court, between and inclusive of 1851 Long Beach Boulevard and 1725 Long Beach Boulevard ("project boundary area"). The purpose of the amendment is to resolve inconsistency between the underlining zoning designation of Midtown Specific Plan Transit Node High(TN) District and the existing land use designations (LUE #3B and #8A).

The current Land Use Districts restrict development use and intensity. The amendment will change the Land Use designations from Moderate Density Residential #3B and Traditional Retail Strip Commercial #8A to Mixed Uses #7 on eleven lots located in the Midtown Specific Plan. LUD #7 allows both residential and commercial uses with densities that are consistent with the development standards for the Midtown Specific Plan Transit Node High. The purpose of this amendment is to resolve the inconsistencies and to facilitate development applications for this portion of the MTSP TN-High zone.

SITE PLAN REVIEW, LOT MERGER, GENERAL PLAN AMENDMENT

CONDITIONS OF APPROVAL

1795 Long Beach Boulevard

Application No. 1709-46 /SPR 17-075 / LMG17-019 / GPA17-006

December 7, 2017

1. This Site Plan Review approval is for the construction of a new five-story, mixed-use building containing 3,938 square feet of ground floor commercial space and 102 dwelling units (101 affordable) with 77 parking spaces including 5 motorcycle spaces.
2. A minimum of 77 parking stalls, including 5 motorcycle spaces, shall be permanently maintained and in useful operation within the building's parking garage. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
3. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, except as follows:
 - a. Windows shall be inset between three to six inches.
 - b. A decorative gate system that is cohesive with the proposed vehicle entry gates shall be installed along both entryways at the alley. The gates shall be closed between 6 a.m. to 10 p.m. daily.
 - c. Decorative pedestrian entry gates are required for all secondary pedestrian entryways.
 - d. Lighting shall be provided along the west building elevation of the alley. Light shields shall be required to prevent spillage onto adjacent properties.
4. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program (MMRP) of the Midtown Specific Plan Program EIR) and as described in the Exhibit H entitled, "Midtown Specific Plan Compliance Checklist" to the Planning Commission Staff Report.
5. 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 request submitted to and approved by the Zoning Administrator prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.

6. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions:

7. A minimum of 56 bicycle parking spaces shall be provided for and maintained on site. The bicycle storage areas shall have restricted access exclusive to tenants and building support staff. The type, spacing and placement of bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
8. The floor to ceiling height along the ground floor commercial and common area spaces, shall not be less than 15 feet 5 inches on Pacific Coast Highway, or 15 feet 6 inches along Long Beach Boulevard.
9. 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.
10. All required off-site street improvements shall be installed or provided to the satisfaction of the Director of Public Works prior to issuance of a building permit.
11. The applicant shall record a Notice of Lot Merger with the County Recorder's Office, prior to plan check submittal.
12. The applicant shall submit an application for a Master Sign Program prior to issuance of a building permit for construction.
13. Stucco used on the exterior walls of the approved building shall consist of the smooth sand float finish type to the satisfaction of the Zoning Administrator and the Housing Services Bureau.
14. The landscaping plan submitted for plan check purposes shall list the common names of each tree, shrub, and plant in addition to their scientific names.
15. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security problems, and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.
16. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.

17. Pursuant to Long Beach Municipal Code section 21.45.400 (c), the project shall meet the intent of LEED at the Certified level to the satisfaction of the Director of Development Services. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.
18. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code.
19. Pursuant to Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits, use of the podium-level courtyard area areas shall be restricted to the hours of 6:00 a.m. – 10:00 p.m.
20. The applicant shall hire a qualified project archaeologist or archaeological monitor approved by the City in advance of any ground-disturbing activities and shall be present during excavation into native sediments and shall have the authority to halt excavation for inspection and protection of cultural resources. The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities to allow the find to be evaluated. If the archaeological monitor determines the find to be significant, the project applicant and the City shall be notified and an appropriate treatment plan for the resources shall be prepared. The treatment plan shall include notification of a Native American representative and shall consider whether the resource should be preserved in place or removed to an appropriate repository as identified by the City.
21. The project archaeologist shall prepare a final report of the find for review and approval by the City and shall include a description of the resources unearthed, if any, treatment of the resources, and evaluation of the resources with respect to the California Register of Historic Resources and the National Register of Historic Places. The report shall be filed with the California Historic Resources Information System South Central Coastal Information Center. If the resources are found to be significant, a separate report including the results of the recovery and evaluation process shall be prepared.
22. A qualified project archaeologist or archaeological monitor approved by the City in advance of any ground-disturbing activities shall be present during excavation into native sediments and shall have the authority to halt excavation for inspection and protection of cultural resources. The archaeological monitor shall be empowered to halt or redirect ground-disturbing activities to allow the find to be evaluated. If the archaeological monitor determines the find to be significant, the project applicant and the City shall be notified and an appropriate treatment plan for the resources shall be prepared. The treatment plan shall include notification of a Native American representative and shall consider whether the resource should be preserved in place or removed to an appropriate repository as identified by the City.

23. If human remains are encountered during excavation and grading activities, State Health and Safety Code Section requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the corner is to notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then identify the person(s) thought to be the Most Likely Descendent, who will help determine what course of action should be taken in dealing with the remains. Preservation in place and project design alternatives shall be considered as possible courses of action by the project applicant, the City, and the Most Likely Descendent.

Standard Conditions:

24. 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.
25. This approval is required to comply with the 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).
26. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
27. The applicant shall provide the following to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, construction area perimeter fencing with custom-printed screen(s), street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
- b. The Developer proposes potential 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

as to compliance with California Building Code Chapter 32, to the satisfaction of the Director of Public Works.

- c. The Developer proposes potential encroachments into public rights-of-way consisting of doors adjacent to the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated or set back outside of the public right-of-way, to the satisfaction of the Director of Public Works.
- d. The Developer proposes a refuse and recycling receptacle location adjacent to the improved alley. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60.
- e. The Developer shall protect in-place the streetlight supporting catenary cables connected to the Metropolitan Transportation Authority rail line, near the southeast corner of the project site, to the satisfaction of the Director of Public Works.

PUBLIC RIGHT-OF-WAY

- f. The Developer shall dedicate and improve 7 feet for sidewalk purposes along East Pacific Coast Highway adjacent to the project site, resulting in a 12-foot-wide public sidewalk. Sidewalk improvements shall be constructed of Portland cement concrete to the satisfaction of the Director of Public Works.
- g. The Developer shall dedicate a corner cut-off at the intersection of East Pacific Coast Highway and Long Beach Boulevard adjacent to the project site, to provide a minimum sidewalk space of 5 feet beyond the curb ramp.
- h. The Developer shall dedicate and improve 2 feet for alley widening purposes and improve the full width of the North Palmer Court alley right-of-way adjacent to the development site, relocating all existing facilities as necessary to accommodate the alley widening.
- i. The Developer shall dedicate as needed to provide the minimum design requirements referenced in the Traffic & Transportation requirement 'gg.' of these conditions, and shown on the attached conceptual design plan.
- j. The Developer shall relocate or provide easements to the City of Long Beach for all existing or proposed public utility facilities within the private property, to the satisfaction of the City Department or public agency with interest.
- k. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.

ENGINEERING BUREAU

- l. The Developer shall reconstruct the full width of North Palmer Court alley adjacent to the project site with Portland cement concrete, to the satisfaction of the Director of Public Works. All utility poles along the proposed alley widening shall be relocated by the Developer at project expense, and to the satisfaction of the Director of Public Works.
- m. The Developer shall widen the alley with additional Portland cement concrete by 2 feet, to the satisfaction of the Director of Public Works.
- n. The Developer shall reconstruct the alley intersection at East Pacific Coast Highway to align with the new alley widening. Alley intersection improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- o. The Developer shall provide for or install on-site alley lighting to the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.
- p. The Developer 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 alley improvement plans to the Department of Public Works.
- q. The Developer shall remove unused driveways and curb cuts, and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- r. The Developer shall demolish the existing sidewalk and curb ramp located at the intersection of Long Beach Boulevard and East Pacific Coast Highway, adjacent to the project site, and construct a new ADA compliant curb ramp to the satisfaction of the Director of Public Works.
- s. The Developer shall reconstruct the sidewalk, curb and curb gutter along Long Beach Boulevard and East Pacific Coast Highway adjacent to the project site. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- t. The Developer shall remove all unused under sidewalk parkway drains, and reconstruct the sidewalk, curb and curb gutter to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- u. The Developer shall install FenceScreen.com Custom Printed Flex Mesh screen(s), Series 311, or equivalent, fence screening along the perimeter of the development site, and provide for the printed graphic, to the satisfaction of the

Director of Public Works. The Developer shall consult with Public Works prior to submitting the graphic design for printing.

- v. The Developer shall provide for new tree wells and street trees with root barriers along Long Beach Boulevard adjacent to the project site. 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 on Long Beach Boulevard. 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 percent of the total area dedicated for public right-of-way.
- w. 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.
- x. The Developer shall provide for the resetting to grade of existing 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.
- y. 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 per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
- z. All work within the public right-of-way must be performed by a contractor holding a valid State of California Contractor's License and City of Long Beach Business License, sufficient to qualify the contractor to do work. The Contractor shall have on file with the City Engineer a Certificate of General Liability insurance, and endorsement evidencing minimum City of Long Beach limits of required general liability insurance.
- aa. Public improvements shall be constructed in accordance with plans reviewed and approved by Public Works. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Department of Public Works for approval.

- bb. 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.
- cc. 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. Left-click on the Construction General Permit Order 2009-0009-DWQ link.

TRAFFIC & TRANSPORTATION BUREAU

- dd. The Developer shall be responsible to improve certain traffic signal related equipment to current 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 Developer's project. If not existing, the Traffic Signal related equipment shall include, but may not be limited to the following:
 - i. All 8" 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 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. At the discretion of the City Traffic Engineer, it may be decided that the existing traffic signal controller does 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.

- ee. At the discretion of the City Traffic Engineer, the Developer shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks.
- ff. There is a high volume Long Beach Transit bus stop on Long Beach Boulevard adjacent to the development site. The Developer is encouraged to incorporate enhancements to improve the bus stop 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 sidewalk paving should be provided for the bus stop per Long Beach Transit standards. The Developer shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity.
- gg. The Developer shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues and to ensure that construction does not interfere with transit bus operations at the existing bus stop on Long Beach Boulevard. Contact Shirley Hsiao, Manager of Service Development Planning, at (562) 591-8753.
- hh. The Developer is responsible for providing development designs along Long Beach Boulevard which comply with the requirements of Long Beach Transit and the City Traffic Engineer. Attached is a conceptual design plan approved by both entities; at minimum the Developer shall provide for an 8-foot-wide public sidewalk, 5-foot-wide bike lane in compliance with the City's Bicycle Master Plan, and 9-foot-wide bus pad spanning 100 feet with at-grade crosswalk for pedestrian access. Street improvements shall be made per plans reviewed and approved to the satisfaction of the City Traffic Engineer. Improvement plans shall be prepared by a registered Traffic Engineer, stamped, signed and submitted to the Department of Public Works for approval.
- ii. Subject to street improvement limits along Long Beach Boulevard, the Developer shall relocate the existing Bike Share bicycle rack and signage at project expense, to the satisfaction of the City Traffic Engineer. The Developer shall contact the Traffic & Transportation Bureau at (562) 570-6384.
- jj. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet require a variance; contact the Traffic & Transportation Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- kk. 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.
- ll. 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.

- mm. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- nn. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- oo. Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). A street improvement permit from (Caltrans) will be required for all work within the East Pacific Coast Highway right-of-way. Contact Joyce Minzey at (213) 897-7632 to request additional information regarding the Caltrans permitting process.
- pp. 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.).

Standard Conditions – Plans, Permits, and Construction:

- 28. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil, Public Works, Water and Fire Departments and Building Bureau.
- 29. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
- 30. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services.
- 31. All landscaped areas shall comply with the State of California's Model Landscape Ordinance. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
- 32. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
- 33. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.

34. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
35. 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.
36. All rooftop mechanical equipment shall be fully screened from public view and views from taller, adjacent rooftops. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
37. Upon plan approval and prior to issuance of a building permit, the applicant shall submit an 11"x17" size set of final construction plans for the project file.
38. 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.
39. 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.
40. 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.
41. 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.
42. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
43. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
44. Any graffiti found on site must be removed within 24 hours of its appearance.

45. 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.
46. 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
47. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water all material being excavated and stockpiled.
 - c. Water all grading and cover materials being transported.
 - d. Properly maintain all grading and construction equipment propulsion systems to avoid excess emissions.
 - e. Schedule truck trips to avoid peak hours (7:00-9:00 a.m. and 4:00-6:00 p.m., weekdays).
 - f. Discontinue construction during Stage 2 smog alerts (ozone greater than or equal to 0.35 ppm.)
48. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
49. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
50. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the 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 any anticipated litigation costs and staff time required as a result of litigation activity.