

CONDITIONS OF APPROVAL
Site Plan Review (SPR17-065)
1400–1452 Long Beach Blvd.
Application No. 1708-03
June 7, 2018

(See also conditions of approval for Tentative Tract Map TTM17-006.)

Special Conditions:

1. This approval is for a Site Plan Review for a new building of four stories (plus mezzanine), having 65 residential dwelling units, approximately 2,300 sq. ft. of ground-floor commercial space, and 90 parking stalls.
2. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon adjacent residential districts. Said modifications (if any) and approval shall be binding upon all hauling activities and construction truck trips by the developer. All construction traffic shall access the site from Long Beach Blvd., via City-designated truck routes. No construction through traffic on 14th St., 15th St., Elm Ave., or any other neighborhood streets shall be permitted.
3. The developer shall abide by the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the developer's hauling practices to be remedied.
4. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on June 7, 2018. The building and project 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 these approved plans, in keeping with the intent and spirit of the project approvals, may be approved at the discretion of the Director of Development Services. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the developer shall be required to submit an application for a Modification of Approved Permit.

5. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of Development Services, prior to issuance of a building permit for new construction. If these materials are found to be below the standards approved in concept, the developer remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Director of Development Services.
6. The developer shall provide for an eight-foot-tall (8'-0") CMU block or concrete wall for the full length of eastern property line(s) of the entire project site adjacent to the alley, except for vehicular and pedestrian access gates. A property line wall plan shall be submitted for review to the Director of Development Services for review prior to issuance of a permit for said wall. This wall shall include pilasters, patterns, relief or textured surfaces, or other appropriate architectural treatments to avoid a monotonous or monolithic structure, to the satisfaction of the Director of Development Services. Vehicular and pedestrian access gates shall be constructed of high-quality metal materials. Vehicular gates shall be motorized and remotely operated. Pedestrian gates shall be self-closing and locking.
7. 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.
8. All forms of barbed wire and razor wire shall be prohibited on the site.
9. Any street lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
10. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the SP-1 document.
11. 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.
12. The project shall comply with the Green Building requirements set forth in Section 21.45.400 of the Zoning Regulations, as applicable to this project.

13. All existing street trees adjacent to the project site on Long Beach Blvd. shall be retained and protected in place during construction, unless directed otherwise by the Department of Public Works Street Tree Division. Irrigation systems shall be upgraded as necessary to keep said trees sufficiently irrigated and healthy prior to issuance of a certificate of occupancy for this project.
14. The Midtown Specific Plan (SP-1) requires that new development pay in-lieu fees that will go toward park improvements within the Midtown corridor boundary. To assess the costs of public improvements to new development through in-lieu fees, the City is required to complete a Development Impact Fee Nexus Study (Nexus Study) and adopt an Impact Fee Ordinance (Fee Ordinance) no later than thirty-six (36) months of the adoption of the Midtown Specific Plan, which is June 2019. Pursuant to this requirement, the following shall apply to this project:
 - a. The developer shall pay applicable impact fee(s) as determined by the Nexus Study and Fee Ordinance, prior to issuance of a building permit for the project.
 - b. If the Nexus Study and Fee Ordinance are not complete at the time that building permits are ready for issuance, the developer shall pay a deposit (Deposit) of thirty-seven thousand, five-hundred dollars (\$37,500), which is based on a reasonable estimate of the costs to complete or improve a portion of the public improvements required of this project by the Midtown Specific Plan.
 - c. If the required fees determined by the Nexus Study and Fee Ordinance are higher than the deposit amount, the developer shall pay the difference to the City prior to issuance of a Certificate of Occupancy for the project. If the Nexus Study and Fee Ordinance are not completed by the time the project is ready for issuance of a Certificate of Occupancy, the developer shall record a Covenant prior to issuance of a Certificate of Occupancy agreeing to pay the difference between the applicable impact fee(s) in the Fee Ordinance and the Deposit within 60 days of the effective date of the Fee Ordinance.
 - d. If the required fees determined by the Nexus Study are lower than the deposit amount, the City shall initiate a refund to the developer for the difference within sixty (60) days of the effective date of the Fee Ordinance.
 - e. Payment of the public improvement fees and/or the required deposit shall not exempt the developer from payment of any other required impact fees, including but not limited to the Parks and Recreation Facilities Fee (PRFF) impact fee.
15. The developer shall provide for all applicable CPTED (Crime Prevention Through Environmental Design) recommendations provided by the Long Beach Police Department, to the satisfaction of the Director of Development Services, including security standards for the following areas: exterior/pedestrian lighting placement, lighting/illumination, video surveillance system guidelines, parking lot lighting and security, stairways and stairwells lighting and security, signage, landscape, and fencing/gate standards.

Public Works Conditions

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

General Requirements

- a. (not applicable)
- b. (not applicable)
- c. (not applicable)
- d. 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.).
- e. The developer 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 as to compliance with California Building Code Chapter 32, to the satisfaction of the Director of Public Works.
- f. 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 to the satisfaction of the Director of Public Works.
- g. 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.

Public Right-of-Way

- h. The developer shall dedicate an additional 2 feet of right-of-way for alley widening purposes along the east boundary of the development site, to the satisfaction of the Director of Public Works and prior to final map approval.
- i. The developer shall reconstruct the existing alley curb return at East 14th Street to align with the new required alley widening to the satisfaction of the Director of Public Works. The developer shall provide for the relocation of any existing facilities located within the alley as may be required to accommodate the alley widening at no expense to the City.
- j. The developer shall dedicate a 5-foot by 5-foot corner cut-off and reconstruct the sidewalk/curb ramp to provide minimum ADA clearance at the northeast corner of Long Beach Boulevard and East 14th Street, adjacent to the project site.

- k. The developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
- l. The developer shall relocate or provide easements to the City of Long Beach for all existing public utility facilities within the private property to the satisfaction of the City Department or public agency with interest. All easements shall show on the subdivision map.
- m. The developer shall provide easements to the City of Long Beach for any City facilities including traffic signal controls, signage, required slopes, bus stops, refuse collection access, and any other public necessities, to the satisfaction of the interested Department or agency and shall show on the final map.
- n. 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.
- o. All proposed outdoor dining areas within the public rights-of-way shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 14.14 and parklet standards. Approval from the City of Long Beach City Council is required prior to private use of the public rights-of-way. The developer shall contact the Department of Public Works at (562) 570-7954 to request a Public Walkways Occupancy Permit application.

Engineering Bureau

- p. The developer shall reconstruct the full width of the alley adjacent to the project site with Portland cement concrete, from East 14th Street to the northerly prolongation of the property line, to the satisfaction of the Director of Public Works.
- q. The developer shall widen the alley with additional Portland cement concrete by 2 feet, to the satisfaction of the Director of Public Works.
- r. The developer shall provide for or install alley lighting in the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.

- s. All obstructions, including power poles within the proposed alley widening shall be relocated or removed by the developer at project expense, and to the satisfaction of the Director of Public Works.
- t. The developer shall reconstruct the alley curb return at East 14th Street to align with the new alley widening. Alley improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- u. 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.
- v. The developer shall reconstruct the sidewalk paving along East 14th Street adjacent to the project site, resulting in a newly paved 15-foot wide sidewalk. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- w. The developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the development site along Long Beach Boulevard. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- x. 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.
- y. 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.
- z. The developer shall demolish the existing sidewalk and curb ramp located at the northeast corner of Long Beach Boulevard and East 14th Street, and construct a new ADA compliant curb ramp to the satisfaction of the Director of Public Works.
- aa. The developer shall provide for new street trees with root barriers along East 14th Street adjacent to the project site, per Section 21.42.050 of the Long Beach Municipal Code. Street trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. The developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work on East 14th Street. The Street

Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area dedicated for public right of way.

- bb. 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.
- cc. The developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- dd. Subject to the improvement limits of the alley widening, the developer shall provide for the relocation of the streetlight pull box, near the southeast corner of the project site, to the satisfaction of the Director of Public Works. The developer shall contact City Light and Power to schedule the relocation work prior to submitting on-site grading plans.
- ee. All rough grading shall be completed prior to the approval of the final map. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works prior to the approval of the final map.
- ff. The developer shall submit grading and related storm drain plans 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 final map.
- gg. To the satisfaction of the Director of Public Works, the developer shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
- hh. 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.
- ii. Public improvements shall be constructed in accordance with plans reviewed and approved by Public Works. 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.

- jj. 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.
- kk. 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 and Transportation Bureau

- II. 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.
- mm. New crosswalks in the vicinity of the project shall be added by the developer at the discretion of the City Traffic Engineer. The developer shall be responsible to upgrade all existing crosswalks, and install all new marked crosswalks, to the newest City standards.
- nn. 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.
- oo. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet require a variance; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- pp. The developer shall designate a portion of the curb parking along Long Beach Boulevard, nearest East 14th Street, adjacent to the property as loading only, and provide the appropriate curb marking and signage. All curb marking zones and signage shall be installed to the satisfaction of the City Traffic Engineer.
- qq. 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.
- rr. 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.
- ss. The developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- tt. The developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- uu. 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.).

Long Term Maintenance

- vv. The developer and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the 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 "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.

IS/MND Mitigation Measures

- 17. The developer shall provide for compliance with the following mitigation measures, as set forth in the Midtown Specific Plan EIR, and as identified in the Environmental Compliance Checklist prepared for the project, as follows:

a. Air Quality

- 1) **Mitigation Measure AQ-1:** Applicants for new development projects within the Midtown Specific Plan area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (EPA)-Certified emissions standards. All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 emission standards. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Long Beach Building Official or their designee. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.
- 2) **Mitigation Measure AQ-2:** Applicants for new development projects within the Midtown Specific Plan area shall require the construction contractor to prepare a dust control plan and implement the following measures during ground-disturbing activities in addition to the existing requirements for fugitive dust control under South Coast Air

Quality Management District (SCAQMD) Rule 403 to further reduce PM₁₀ and PM_{2.5} emissions. The City of Long Beach Building Official or their designee shall verify compliance that these measures have been implemented during normal construction site inspections.

- Following all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering.
 - During all construction activities, the construction contractor shall sweep streets with SCAQMD Rule 1186–compliant, PM₁₀–efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
 - During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and tarp materials with a fabric cover or other cover that achieves the same amount of protection.
 - During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
 - During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour.
- 3) **Mitigation Measure AQ-3:** Applicants for new development projects within the Midtown Specific Plan area shall require the construction contractor to use coatings and solvents with a volatile organic compound (VOC) content lower than required under South Coast Air Quality Management District Rule 1113 (i.e., super compliant paints). The construction contractor shall also use pre-coated/natural-colored building materials, where feasible. Use of low-VOC paints and spray method shall be included as a note on architectural building plans and verified by the City of Long Beach Building Official or their designee during construction.
- 4) **Mitigation Measure AQ-4:** Prior to issuance of a building permit for new development projects within the Midtown Specific Plan area, the property owner/developer shall show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star appliances. Installation of Energy Star appliances shall be verified by the City of Long Building and Safety Bureau prior to issuance of a certificate of occupancy.

- 5) **Mitigation Measure AQ-5:** Prior to issuance of building permits for residential development projects within the Midtown Specific Plan area, the property owner/developer shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Long Beach Building and Safety Bureau prior to issuance of a certificate of occupancy.
 - For multifamily dwellings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) of the CALGreen Code.
 - Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code.
- 6) **Mitigation Measure AQ-6:** Prior to issuance of building permits for non-residential development projects within the Midtown Specific Plan area, the property owner/developer shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Long Beach Building and Safety Bureau prior to issuance of a certificate of occupancy.
 - For buildings with more than ten tenant-occupants, changing/shower facilities shall be provided as specified in Section A5.106.4.3 (Nonresidential Voluntary Measures) of the CALGreen Code.
 - Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the CALGreen Code.
 - Facilities shall be installed to support future electric vehicle charging at each non-residential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the CALGreen Code.
- 7) **Mitigation Measure AQ-7:** Prior to issuance of building permits for development projects within the Midtown Specific Plan area that include sensitive uses (e.g., residential, day care centers), within the distances identified by the California Air Resources Board's (CARB) Air Quality and Land Use Handbook, the property owner/developer shall submit a health risk assessment (HRA) to the City of Long Beach Planning Bureau. The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District (SCAQMD). If the HRA shows that the incremental cancer risk exceeds one in one hundred thousand (1.0E-

05) or the appropriate non-cancer hazard index exceeds 1.0, the following is required prior to issuance of building permits:

- The HRA shall identify the level of high-efficiency Minimum Efficiency Reporting Value (MERV) filter required to reduce indoor air concentrations of pollutants to achieve the cancer and/or non-cancer threshold.
- Installation of high efficiency MERV filters in the intake of residential ventilation systems consistent with the recommendations of the HRA, shall be shown on plans. Heating, air conditioning, and ventilation (HVAC) systems shall be installed with a fan unit designed to force air through the MERV filter.
- To ensure long-term maintenance and replacement of the MERV filters in the individual units, the property owner/developer shall record a covenant on the property that requires ongoing implementation of the actions below. The form of the covenant shall be approved by the Long Beach City Attorney's Office prior to recordation.
 - The property owner/developer shall provide notification to all future tenants or owners of the potential health risk for affected units and the increased risk of exposure to diesel particulates when windows are open.
 - For rental units, the property owner/developer shall maintain and replace MERV filters in accordance with the manufacture's recommendations.
 - For ownership units, the Homeowner's Association shall incorporate requirements for long-term maintenance in the Covenant Conditions and Restrictions and inform homeowners of their responsibility to maintain the MERV filter in accordance with the manufacturer's recommendations.

b. Hazardous Materials

- 1) **Mitigation Measure HAZ-1:** Prior to the issuance of demolition permits for any buildings or structures that would be demolished in conjunction with individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant shall conduct the following inspections and assessments for all buildings and structures onsite and shall provide the City of Long Beach Development Services Department with a copy of the report of each investigation or assessment.
 - The project applicant shall retain a California Certified Asbestos Consultant (CAC) to perform abatement project

planning, monitoring (including air monitoring), oversight, and reporting of all asbestos-containing materials (ACM) encountered. The abatement, containment, and disposal of all ACM shall be conducted in accordance with the South Coast Air Quality Management District's Rule 1403 and California Code of Regulation Title 8, Section 1529 (Asbestos).

- The project applicant shall retain a licensed or certified lead inspector/assessor to conduct the abatement, containment, and disposal of all lead waste encountered. The contracted lead inspector/assessor shall be certified by the California Department of Public Health (CDPH). All lead abatement shall be performed by a CDPH-certified lead supervisor or a CDPH-certified worker under the direct supervision of a lead supervisor certified by CDPH. The abatement, containment, and disposal of all lead waste encountered shall be conducted in accordance with the US Occupational Safety and Health Administration Rule 29, CFR Part 1926, and California Code of Regulation, Title 8, Section 1532.1 (Lead).
- Evidence of the contracted professionals attained by the project applicant shall be provided to the City of Long Beach Development Services Department. Additionally, contractors performing ACM and lead waste removal shall provide evidence of abatement activities to the City of Long Beach Building and Safety Bureau.

- 2) **Mitigation Measure HAZ-2:** Prior to the issuance of grading permits for individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant shall submit a Phase I Environmental Site Assessment (ESA) to identify environmental conditions of the development site and determine whether contamination is present. The Phase I ESA shall be prepared by a Registered Professional Engineer and in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527.05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. If recognized environmental conditions related to soils are identified in the Phase I ESA, the project applicant shall perform soil sampling as a part of a Phase II ESA. If contamination is found at significant levels, the project applicant shall remediate all contaminated soils in accordance with state and local agency requirements (California Department of Toxic Substances Control, Regional Water Quality Control Board, Long Beach Fire Department, etc.). All contaminated soils and/or material encountered shall be disposed of at a regulated site and in accordance with applicable laws and regulations prior to the completion of grading. Prior to the issuance of building permits, a report documenting the completion, results, and any follow-up

remediation on the recommendations, if any, shall be provided to the City of Long Beach Development Services Department evidencing that all site remediation activities have been completed.

c. Hydrology and Water Quality

- 1) **Mitigation Measure HYD-1:** Prior to the issuance of grading or building permits for any development or redevelopment projects pursuant to the Midtown Specific Plan, the City of Long Beach shall ensure that the following drainage improvements are fully funded for and implemented:
 - Any development or redevelopment project that would impact existing storm drain facilities within the Midtown Specific Plan area (public and private) that is less than 24-inches in size shall fully fund upsizing of such facilities to a minimum 24-inch pipe size or greater dependent upon the location and size of the development or redevelopment project. The increase in pipe size will serve to reduce localized flooding.
 - Any development or redevelopment project that would impact the two segments of City of Long Beach’s storm drains in Willow Street for which improvements were recommended by the 2005 Master Plan of Drainage Update shall fully fund upsizing of those storm drain segments to 36 inches or other final size as prescribed by City of Long Beach Public Works Department.
- 2) **Mitigation Measure HYD-2:** Prior to the issuance of grading or building permits for any development or redevelopment projects pursuant to the Midtown Specific Plan, project applicants/developers of such projects shall prepare a site-specific hydrology and hydraulic study of the onsite and immediate offsite storm drain systems to determine capacity and integrity of the existing systems. The hydrology and hydraulic study shall be submitted to City of Long Beach Public Works Department for review and approval.
- 3) **Mitigation Measure HYD-3:** The project applicant/developer of each development or redevelopment project that would be accommodated by the Midtown Specific Plan shall request the “allowable discharge rate” – which limits peak flow discharges as compared to existing conditions based on regional flood control constraints – from the Los Angeles County Department of Public Works, and shall comply with such discharge rate. Compliance with the “allowable discharge rate” shall be demonstrated in the hydrology and hydraulic study to be completed pursuant to Mitigation Measure HYD-2.
- 4) **Mitigation Measure HYD-4:** The project applicant/developer, architect, and construction contractor for each development or redevelopment project that would be accommodated by the Midtown Specific Plan shall incorporate low-impact development (LID) best

management practices (BMPs) within the respective project, providing for water quality treatment and runoff reduction and/or detention in accordance with local stormwater permit requirements.

d. **Noise**

- 1) **Mitigation Measure N-1:** Prior to issuance of demolition, grading and/or building permits for development projects accommodated by the Midtown Specific Plan, a note shall be provided on development plans indicating that ongoing during grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:
 - Construction activity is limited to the daytime hours between 7 AM to 7 PM on Monday through Friday and 9 AM to 6PM on Saturday, as prescribed in the City's Municipal Code. Construction is prohibited on Sundays.
 - All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers.
 - Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
 - Stockpiling is located as far as feasible from nearby noise-sensitive receptors.
 - Construction traffic shall be limited to the haul routes established by the City of Long Beach.
- 2) **Mitigation Measure N-2:** Prior to issuance of a building permit for any development project requiring pile driving or blasting during construction, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inches/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative uses such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used.
- 3) **Mitigation Measure N-3:** Prior to the issuance of building permits for development projects accommodated by the Midtown Specific Plan, if proposed vibration-sensitive land uses are located within 200 feet of any railroad line, the property owner/developer shall retain an acoustical engineer to conduct an acoustic analysis that includes a vibration analysis for potential impacts from vibration generated by operation of the rail line. Mixed-use buildings shall be designed to eliminate vibration amplifications due to resonances of floors, walls, and ceilings. The detailed acoustical analysis shall be submitted to

the City of Long Beach Development Services Department prior to issuance of building permits and shall demonstrate that the vibration levels would be below 65, 72, or 75 VdB (velocity decibels), which are the Federal Transit Administration's rail-focused groundborne vibration criteria for Category 1, 2, and 3 land uses, respectively. Category 1 uses are buildings where vibration would interfere with interior operations; Category 2 uses are residences and buildings where people normally sleep; and Category 3 uses are institutional land uses with primarily daytime use.

- 4) **Mitigation Measure N-4:** Prior to issuance of a building permit for projects involving the development of new industrial uses within 200 feet of any existing residential use or Development District 3 of the Midtown Specific Plan, the property owner/developer shall retain an acoustical engineer to conduct an acoustic analysis that includes a vibration analysis for potential impacts from vibration generated by industrial activities. The detailed acoustical analysis shall be submitted to the City of Long Beach Development Services Department and shall demonstrate that the vibration levels to any nearby residential use would be below 78 VdB during the daytime (7 AM to 10 PM) and 72 VdB during the nighttime (10 PM to 7 AM), which are the Federal Transit Administration's daytime and nighttime criteria to regulate general vibration impacts at affected residential uses.
- 5) **Mitigation Measure N-5:** Prior to issuance of a building permit for residential development projects accommodated by the Midtown Specific Plan, the project applicant/developer shall submit a final acoustical report prepared to the satisfaction of the City of Long Beach Development Services Department. The report shall demonstrate that the residential development will be sound-attenuated against present and projected noise levels, including roadway, railway, aircraft, helicopter, and stationary sources (e.g., industrial, commercial, etc.) to meet City interior standards. Specifically, the report shall demonstrate that the proposed residential design will result in compliance with the 45 dBA CNEL interior noise levels, as required by the California Building Code and California Noise Insulation Standards (Title 24 and 25 of the California Code of Regulations). The project applicant/developer shall submit the final acoustical report to the City of Long Beach Development Services Department for review and approval. Upon approval by the City, the project's acoustical design features shall be incorporated into construction of the proposed development project.

e. Transportation/Traffic

- 1) **Mitigation Measure TRAF-1:** As part of the subsequent environmental review for development projects that would be accommodated by the Midtown Specific Plan, a site-specific traffic

study shall be prepared by the project applicant/developer to evaluate the project's potential traffic and transportation impacts and to identify specific improvements, as deemed necessary, to provide safe and efficient onsite circulation and access to the Midtown Specific Plan area.

- 2) **Mitigation Measure TRAF-2:** Prior to issuance of occupancy permits for development projects that would be accommodated by the Midtown Specific Plan, project applicants/developers shall make fair-share payments to the City of Long Beach toward construction of the traffic improvements listed below. The following traffic improvements and facilities are necessary to mitigate impacts of the Midtown Specific Plan and shall be included in the fee mechanism(s) to be determined by the City of Long Beach:

Existing (2014) With Project Improvements

- Atlantic Avenue and Spring Street: Improve the northbound approach by modifying the shared through-right lane to an exclusive through lane and an addition of an exclusive right-turn lane. The intersection is currently built out to capacity and would require right-of-way acquisition by the City of Long Beach.

Cumulative Year (2035) With Project Improvements

- Long Beach Boulevard and Spring Street: Improve the northbound approach by modifying the shared through-right lane to an exclusive through lane and an addition of an exclusive right-turn lane. Given the 74-foot cross section of Long Beach Boulevard, this improvement could be completed with restriping of the approach.
- Pacific Avenue and Willow Street: Improve the northbound approach by modifying the shared through-right lane to an exclusive through lane and an addition of an exclusive right-turn lane. Given the 74-foot cross section of Long Beach Boulevard, this improvement could be completed with restriping of the approach.
- Atlantic Avenue and Willow Street: Improve the northbound approach by modifying the shared through-right lane to an exclusive through lane and an addition of an exclusive right-turn lane. Given the 50-foot cross section of Atlantic Avenue, this improvement could be completed with restriping of the approach.
- Atlantic Avenue and Spring Street: Improve the southbound approach by modifying the shared through-right lane to an exclusive through lane and an addition of an exclusive right-turn lane. Implementation of this improvement also requires

improving the southbound approach by modifying the shared through-right lane to an exclusive through lane and an addition of an exclusive right-turn lane. The intersection is currently built out to capacity and would require right-of-way acquisition by the City of Long Beach.

- Atlantic Avenue and 27th Street: Construct a traffic signal at the intersection.

f. Utilities and Service Systems

- 1) **Mitigation Measure USS-1:** Prior to the issuance of grading permits for individual development projects that would occur within the Midtown Specific Plan area and in lieu of implementing the sewer line replacement and upsizing improvements outlined in the Infrastructure Technical Report for Hydrology, Sewer, Water, and Water Quality prepared by Fuscoe Engineering (dated July 1, 2015), the project applicant/developer shall submit a site-specific sewer flow monitoring study to provide a more detailed analysis of the true sewer flow depths over time to determine if the potential for surcharge conditions would occur due to project development. The sewer flow monitoring study may indicate that there is sufficient capacity for the sewer lines identified in the Infrastructure Technical Report, as well indicate that they are above the design criteria (>0.75 d/D); and thereby, conclude that the replacement and upsizing improvements are not necessary. The sewer flow monitoring study shall be submitted to the City of Long Beach Development Services Department for review and approval.
- 2) **Mitigation Measure USS-2:** Prior to the issuance of grading permits for individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant/developer shall provide evidence to the City of Long Beach Development Services Department that that the development project has been reviewed by the County Sanitation Districts of Los Angeles County (Sanitation Districts) and that a “Will Serve” letter has been issued by the Sanitation Districts. The “Will Serve” letter process is necessary in order to determine whether or not sufficient trunk sewer capacity exists to serve each development project and if the Sanitation Districts facilities will be affected by the development project.

Standard Conditions – Plans, Permits, and Construction:

18. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.

19. 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.
20. 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.
21. 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.
22. 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.
23. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
24. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
25. 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.
26. 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.
27. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
28. 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.

29. 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.
30. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
31. 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.
32. For projects consisting of new buildings, parking lots, or landscaped area, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to the issuance of a building permit. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50% of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50% or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Development Services.
33. 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.
34. 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.
35. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.

36. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
37. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
38. 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.
39. 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:

40. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
41. 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).
42. 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.
43. 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).

44. 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.
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. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
47. 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.
48. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
49. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
50. Any graffiti found on site must be removed within 24 hours of its appearance.
51. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
52. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
53. 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.