

**CONDITIONS OF APPROVAL**  
**Vesting Tentative Tract Map (TPM18-004)**  
**3443 Long Beach Boulevard and 210 East 35<sup>th</sup> Street**  
**Application No. 1804-14**  
**January 17, 2019**

(See also conditions of approval for Site Plan Review SPR18-021.)

**Special Conditions:**

1. This approval is for a Tentative Parcel Map No. 82254 to merge ten existing lots (Assessor Parcel Number's 7141-004-19 through 20, 7141-004-27 through -31, and 7141-004-33 through -34) with a portion of the 16-foot alley that is to be vacated.
2. The Final Map is to be prepared in accordance with the approved Vesting Tentative Parcel Map and shall be filed within thirty-six (36) months from the date of approval by the Planning Commission or City Council of the Tentative Map, unless prior to expiration of the thirty-six-month period, the developer receives approval of a Time Extension request pursuant to Section 20.12.180 of the Subdivision Regulations.
3. The Final Map shall be prepared to conform to all conditions, exceptions and requirements of Title 20 (Subdivision Ordinance) of the City of Long Beach, unless specified otherwise herein.
4. All County property taxes and all outstanding special assessments shall be paid in full prior to approval of the Final Map.
5. All required off-site improvements shall be financially provided for to the satisfaction of the Director of Public Works prior to approval of the Final Map.
6. Approval of this map is contingent upon the approval of the proposed vacation of the unnamed north-south alley between 35<sup>th</sup> Street and Wardlow Road as depicted on Tentative Parcel Map No. 82254.

**Public Works Conditions**

7. The developer shall provide for the following to the satisfaction of the Director of Public Works:
  - a. The final map shall be based upon criteria established by the California Subdivision Map Act and/or Title 20 of the Long Beach Municipal Code.
  - b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.

- c. All facilities required by the Department of Public Works not in place and accepted prior to final map approval, must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to the start of any on-site/off-site demolition, excavation or construction, the Subdivider 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.) to Public Works for plan review. This is in addition to any plan check required by the Department of Development Services. Work is not allowed within the City's public right-of-way without a valid permit.
- e. The Subdivider proposes a new refuse and recycling receptacle location within the improved project site. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60, including number of receptacles, receptacle specifications, and placement for collection.
- f. The Subdivider proposes to improve the public right-of-way adjacent to the project site with new sidewalk pavement, landscaping, street trees, bicycle racks, and a bike share station. All street improvements shall be constructed or provided for per Public Works standards, per plans reviewed and approved by Public Works, and to the satisfaction of the Director of Public Works. Detailed improvements plans must be submitted for review and approval by the City's Public Works Department, prior to approval of the final map.
- g. Locust Avenue adjacent to the project site is currently under a 2-year moratorium, with less than 1 year remaining. The Subdivider shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation.

### **PUBLIC RIGHT-OF-WAY**

- h. The Subdivider shall dedicate  $\pm$  9.25 feet of right-of-way along the easterly boundary of the development site adjacent to Long Beach Boulevard, as needed to construct a 6-foot wide parkway and 10-foot wide sidewalk clear path, to the satisfaction of the Director of Public Works.
- i. The Subdivider shall dedicate and improve an additional 3 feet of right-of-way along the northerly boundary of the development site adjacent to 35<sup>th</sup> Street, to the satisfaction of the Director of Public Works.
- j. The Subdivider proposes the use of the midblock north-south alley as part of the new development. The Subdivider shall process a vacation of the north-south alley adjacent to the project site, from Wardlow Road to 35<sup>th</sup> Street. The Subdivider shall coordinate with the owners of the southerly properties adjacent

to the alley and resolve all matters of property access rights. Subject to a successful right-of-way vacation, the Subdivider shall be responsible for relocating, or retaining easements for, all public utilities within the alley to the satisfaction of the interested utility agency, City Department, and the Director of Public Works. In addition, the Subdivider shall provide for an easement access gate spanning the full width of the vacated alley, located along the southerly terminus of the north-south alley near Wardlow Road.

Note: The Subdivider proposes to improve the alley with concrete paving of various colors and finishes. Upon a successful right-of-way vacation and reservation of utility easement(s), should excavation be required on the easement area(s) granted, the Subdivider shall not require replacement in-kind of the disturbed surface; the surface shall be restored in a manner so as not to prevent the Subdivider's subsequent use of said surface.

- k. The Subdivider proposes the vacation of 2 feet of public right-of-way along the westerly boundary of the development site. The Subdivider shall process this request together with the vacation of the north-south alley adjacent to the project site. Subject to a successful right-of-way vacation, the Subdivider shall be responsible for relocating, or retaining easements for, all public utilities within the vacated area to the satisfaction of the interested utility agency, City Department, and the Director of Public Works. In addition, the Subdivider shall provide for an improved 12-foot wide public sidewalk along Locust Avenue, to the satisfaction of the Director of Public Works.
- l. The Subdivider 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 public agency or City Department with interest. All easements shall show on the final map.
- m. The Subdivider shall provide easements to the City of Long Beach for any City required facilities including signage, required slopes, refuse collection access, and any other public necessities, to the satisfaction of the public agency or City Department with interest. All easements 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. The Subdivider 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. At this stage in the entitlement

process the plans are conceptual in nature, and plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Subdivider shall dedicate additional right-of-way necessary to satisfy unfulfilled ADA requirements.

## OFF-SITE IMPROVEMENTS

- p. Subject to City approval and the improvement limits of the proposed driveways along 35<sup>th</sup> Street, the Subdivider shall provide for the relocation of the existing facilities in conflict with the new/improved points of access, to the satisfaction of the Director of Public Works. The Subdivider shall contact the interested agency or City Department to schedule the relocation work prior to submitting on-site grading plans.
- q. The Subdivider shall remove unused driveways and curb cuts, or portions thereof, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- r. The Subdivider shall demolish the existing sidewalk and curb ramps adjacent to the northeast and northwest corners of the project site, and construct new ADA compliant curb ramps to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- s. The Subdivider shall improve the dedicated area along Long Beach Boulevard, and reconstruct the sidewalk pavement and parkway to provide for a 10-foot wide sidewalk clear path and minimum 6-foot wide parkway, to the satisfaction of the Director of Public Works. The Subdivider shall improve the parkway with new ground cover and street trees per Section 21.42.050 of the Long Beach Municipal Code. Sidewalk improvements shall be constructed with Portland cement concrete.
- t. The Subdivider shall reconstruct cracked, deteriorated, or uplifted/depressed sections of curb and curb gutter adjacent to the project site along Long Beach Boulevard and Locust Avenue, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- u. The Subdivider shall improve the dedicated area along 35<sup>th</sup> Street, and reconstruct the sidewalk pavement, curb and curb gutter adjacent to the project site to provide for a 6-foot wide sidewalk clear path and 6-foot wide parkway, to the satisfaction of the Director of Public Works. The Subdivider shall improve the parkway with new ground cover and street trees per Section 21.42.050 of the Long Beach Municipal Code. Sidewalk improvements shall be constructed with Portland cement concrete.

- v. The Subdivider shall construct new sidewalk pavement along Locust Avenue adjacent to the project site, where no sidewalk pavement currently exists, and provide for a 15-foot wide public sidewalk, consistent with the sidewalk profile across the street and to the satisfaction of the Director of Public Works. Subject to a successful right-of-way vacation, the Subdivider shall provide for a 12-foot wide public sidewalk; 6-foot wide pedestrian clear path and 6-foot wide parkway. The Subdivider shall improve the parkway fronting this project with new ground cover and street trees per Section 21.42.050 of the Long Beach Municipal Code. All existing trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- w. The Subdivider and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area dedicated for public right of way.
- x. The Subdivider shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Subdivider shall consult with the Department of Public Works to review and approve.
- y. The Subdivider 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 Subdivider to the satisfaction of the Director of Public Works.
- z. The Subdivider shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- aa. All rough grading shall be completed prior to the approval of the final map, otherwise, the Subdivider shall be responsible for processing an appropriate grading bond. 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.

- bb. To the satisfaction of the Director of Public Works, the Subdivider shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
- cc. The Subdivider 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.
- dd. The Subdivider shall install new street lights along Locust Avenue with necessary lighting calculations, which shall be submitted to the Director of Public Works for review and approval prior to approval of the final map. The Subdivider shall construct, or provide for, LED luminaires, light standards and feed point(s) adjacent to the proposed subdivision, to the satisfaction of the Director of Public Works.
- ee. The Subdivider shall underground all existing overhead utility lines within the north-south alley adjacent to the project site, to the satisfaction of the affected utility company(s) and the Director of Public Works, prior to final map approval.
- ff. 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.
- gg. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. The City's Public Works Engineering Standard Plans are available online at [www.longbeach.gov/pw/resources/engineering/standard-plans](http://www.longbeach.gov/pw/resources/engineering/standard-plans). Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval.
- hh. 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.

- ii. 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 Subdivider 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](http://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

- jj. A traffic impact analysis must be prepared for this project, under the supervision and approval of a registered Traffic Engineer in the State of California (Engineer's stamp required), and submitted for review to the City Traffic Engineer prior to issuance of a building permit. Any conditions generated by the analysis shall be made a part of these conditions. Revise and resubmit the traffic impact analysis per the comments provided by the City.
- kk. At the discretion of the City Traffic Engineer, the Subdivider shall be responsible for modifying curb markings and/or installing traffic signs to prohibit parking along the southside of 35<sup>th</sup> Street, adjacent to the project site. The existing roadway width is not sufficient enough to support two-way traffic and parking, with both sides developed.
- ll. Subject to a successful vacation of the north-south alley adjacent to the project site, the Subdivider shall install a Type N red marker on the gate, wall, or barrier viewable by cars entering that driveway. All traffic signs shall be installed to the satisfaction of the City Traffic Engineer.
- mm. The Subdivider 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 deemed to create a significant impact by the project's traffic impact analysis. 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 Subdivider 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 Subdivider 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 Subdivider's project. In such cases, the Subdivider will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.

nn. New crosswalks in the vicinity of the project shall be added by the Subdivider at the discretion of the City Traffic Engineer. The Subdivider shall be responsible to upgrade all existing crosswalks, and install all new marked crosswalks, to the newest City standards.

oo. At the discretion of the City Traffic Engineer, the Subdivider shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks, or contribute a fair share fee to the City for future implementation.

pp. The proposed bicycle parking facilities and Bike Share station along Long Beach Boulevard shall be subject to review and approval by the City Traffic Engineer. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6384, to request additional information regarding Bike Share installation requirements.

qq. 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 Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.

Note: The proposed driveways and curb cuts along 35<sup>th</sup> Street shall be subject to the standards and requirement of Section 21.42.251 of the Long Beach Municipal Code, including separation between driveways and driveway locations. The easterly proposed driveway is not acceptable unless an approved turnaround such as a hammerhead is provided.

rr. The Subdivider 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.



- ss. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- tt. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- uu. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify the existing curb marking zones adjacent to the project site.
- vv. All traffic control device installations, including pavement markings within the private parking garage, shall be installed in accordance with the provisions of the California Manual On Uniform Traffic Control Devices (CA MUTCD), 2014 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

#### **LONG TERM MAINTENANCE**

- ww. The Subdivider and successors shall be responsible for the maintenance of the site drainage system, the operation and maintenance of any private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.

#### **Standard Conditions – General:**

- 8. 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).
- 9. 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.
- 10. 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).

11. 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.
12. 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.
13. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
14. 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.
15. 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.
16. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
17. Any graffiti found on site must be removed within 24 hours of its appearance.
18. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
19. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
20. 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.

## **CONDITIONS OF APPROVAL SITE PLAN REVIEW**

**3443 Long Beach Boulevard and 210 East 35<sup>th</sup> Street  
Application No. 1804-14 / SPR 18-021  
January 17, 2019**

(See also Conditions of Approval for Vesting Tentative Tract Map TPM18-004.)

### **Special Conditions:**

1. This Site Plan Review approval is for the construction of a four-story, 102,848-square foot office building and free standing parking structure.
2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, dated October 12, 2018 except:
  - i. The emergency generator shall be located within a fully enclosed room.
3. The landscaping shall be installed and maintained in accordance with the approved conceptual plans. Any landscaping which fails to thrive along shall be removed and replaced with an equivalent landscape material.
4. The applicant shall be responsible for coordinating the care and maintenance of landscaping located along the southern property line with the adjacent property owner(s) throughout the life of the project.
5. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program of the Mitigated Negative Declaration (IS/MND04-18).
6. A minimum of 246 required parking stalls 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.
7. A minimum of 54 bicycle parking spaces shall be provided for and maintained on site. The type, spacing and placement of exterior bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
8. Pursuant to 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.
9. Pursuant to section 21.45.400 (i), the project shall provide:

- i. Roofs shall be designed to be solar-ready by allowing for an additional eight (8) pounds per square foot of dead load and providing a conduit from the electrical panel to the roof;
  - ii. A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
- 10. Pursuant to LBMC Section 21.64.030, the project shall be all applicable provisions of the transportation demand management items which includes:
  - i. Transportation Information Area(s);
  - ii. Preferential carpool/vanpool parking;
  - iii. Parking design to admit vanpools;
  - iv. Bicycle parking;
  - v. Carpool/vanpool loading zones;
  - vi. Efficient pedestrian access;
  - vii. Bus stop improvements; and
  - viii. Safe bike access from street to bike parking.
- 11. The developer shall provide for the following to the satisfaction of the Director of Public Works:

General Requirements

- a. The final map shall be based upon criteria established by the California Subdivision Map Act and/or Title 20 of the Long Beach Municipal Code.
- b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All facilities required by the Department of Public Works not in place and accepted prior to final map approval, must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to the start of any on-site/off-site demolition, excavation or construction, the Subdivider 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.) to Public Works for plan review. This is in addition to any plan check required by the Department of Development Services. Work is not allowed within the City's public right-of-way without a valid permit.

- e. The Subdivider proposes a new refuse and recycling receptacle location within the improved project site. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60, including number of receptacles, receptacle specifications, and placement for collection.
- f. The Subdivider proposes to improve the public right-of-way adjacent to the project site with new sidewalk pavement, landscaping, street trees, bicycle racks, and a bike share station. All street improvements shall be constructed or provided for per Public Works standards, per plans reviewed and approved by Public Works, and to the satisfaction of the Director of Public Works. Detailed improvements plans must be submitted for review and approval by the City's Public Works Department, prior to approval of the final map.
- g. Locust Avenue adjacent to the project site is currently under a 2-year moratorium (ending on May 15, 2019), with less than 1 year remaining. The Subdivider shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation.

#### **PUBLIC RIGHT-OF-WAY**

- h. The Subdivider shall dedicate  $\pm$  9.25 feet of right-of-way along the easterly boundary of the development site adjacent to Long Beach Boulevard, as needed to construct a 6-foot wide parkway and 10-foot wide sidewalk clear path, to the satisfaction of the Director of Public Works.
- i. The Subdivider shall dedicate and improve an additional 3 feet of right-of-way along the northerly boundary of the development site adjacent to 35<sup>th</sup> Street, to the satisfaction of the Director of Public Works.
- j. The Subdivider proposes the use of the midblock north-south alley as part of the new development. The Subdivider shall process a vacation of the north-south alley adjacent to the project site, from Wardlow Road to 35<sup>th</sup> Street. The Subdivider shall coordinate with the owners of the southerly properties adjacent to the alley and resolve all matters of property access rights. Subject to a successful right-of-way vacation, the Subdivider shall be responsible for relocating, or retaining easements for, all public utilities within the alley to the satisfaction of the interested utility agency, City Department, and the Director of Public Works. In addition, the Subdivider shall provide for an easement access gate spanning the full width of the vacated alley, located along the southerly terminus of the north-south alley near Wardlow Road.

Note: The Subdivider proposes to improve the alley with decorative concrete. Upon a successful right-of-way vacation and reservation of utility easement(s), should excavation be required on the easement area(s) granted, the Subdivider shall not require replacement in-kind of the disturbed surface; the surface shall be restored in a manner so as not to prevent the Subdivider's subsequent use of said surface.

- k. The Subdivider proposes the vacation of 2 feet of public right-of-way along the westerly boundary of the development site. The Subdivider shall process this request together with the vacation of the north-south alley adjacent to the project site. Subject to a successful right-of-way vacation, the Subdivider shall be responsible for relocating, or retaining easements for, all public utilities within the vacated area to the satisfaction of the interested utility agency, City Department, and the Director of Public Works. In addition, the Subdivider shall provide for an improved 12-foot wide public sidewalk along Locust Avenue, to the satisfaction of the Director of Public Works.
- l. The Subdivider 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 public agency or City Department with interest. All easements shall show on the final map.
- m. The Subdivider shall provide easements to the City of Long Beach for any City required facilities including signage, required slopes, refuse collection access, and any other public necessities, to the satisfaction of the public agency or City Department with interest. All easements 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. The Subdivider 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. At this stage in the entitlement process the plans are conceptual in nature, and plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Subdivider shall dedicate additional right-of-way necessary to satisfy unfulfilled ADA requirements.

## **OFF-SITE IMPROVEMENTS**

- p. Subject to City approval and the improvement limits of the proposed driveways along 35<sup>th</sup> Street, the Subdivider shall provide for the relocation of the existing facilities in conflict with the new/improved points of access, to the satisfaction of the Director of Public Works. The Subdivider shall contact the interested agency or City Department to schedule the relocation work prior to submitting on-site grading plans.
- q. The Subdivider shall remove unused driveways and curb cuts, or portions thereof, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- r. The Subdivider shall demolish the existing sidewalk and curb ramps adjacent to the northeast and northwest corners of the project site, and construct new ADA compliant curb ramps to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- s. The Subdivider shall improve the dedicated area along Long Beach Boulevard, and reconstruct the sidewalk pavement and parkway to provide for a 10-foot wide sidewalk clear path and minimum 6-foot wide parkway, to the satisfaction of the Director of Public Works. The Subdivider shall improve the parkway with new ground cover and street trees per Section 21.42.050 of the Long Beach Municipal Code. Sidewalk improvements shall be constructed with Portland cement concrete.
- t. The Subdivider shall reconstruct cracked, deteriorated, or uplifted/depressed sections of curb and curb gutter adjacent to the project site along Long Beach Boulevard and Locust Avenue, to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- u. The Subdivider shall improve the dedicated area along 35<sup>th</sup> Street, and reconstruct the sidewalk pavement, curb and curb gutter adjacent to the project site to provide for a 6-foot wide sidewalk clear path and 6-foot wide parkway, to the satisfaction of the Director of Public Works. The Subdivider shall improve the parkway with new ground cover and street trees per Section 21.42.050 of the Long Beach Municipal Code. Sidewalk improvements shall be constructed with Portland cement concrete.
- v. The Subdivider shall construct new sidewalk pavement along Locust Avenue adjacent to the project site, where no sidewalk pavement currently exists, and provide for a 15-foot wide public sidewalk, consistent with the sidewalk profile across the street and to the satisfaction of the Director of Public Works. Subject to a successful right-of-way vacation, the Subdivider shall provide for a 12-foot wide public sidewalk; 6-foot wide



pedestrian clear path and 6-foot wide parkway. The Subdivider shall improve the parkway fronting this project with new ground cover and street trees per Section 21.42.050 of the Long Beach Municipal Code. All existing trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.

- w. The Subdivider and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50% of the total area dedicated for public right of way.
- x. The Subdivider shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Subdivider shall consult with the Department of Public Works to review and approve.
- y. The Subdivider 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 Subdivider to the satisfaction of the Director of Public Works.
- z. The Subdivider shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- aa. All rough grading shall be completed prior to the approval of the final map, otherwise, the Subdivider shall be responsible for processing an appropriate grading bond. 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.
- bb. To the satisfaction of the Director of Public Works, the Subdivider shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.

- cc. The Subdivider 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.
- dd. The Subdivider shall install new street lights along Locust Avenue with necessary lighting calculations, which shall be submitted to the Director of Public Works for review and approval prior to approval of the final map. The Subdivider shall construct, or provide for, LED luminaires, light standards and feed point(s) adjacent to the proposed subdivision, to the satisfaction of the Director of Public Works.
- ee. The Subdivider shall underground all existing overhead utility lines within the north-south alley adjacent to the project site, to the satisfaction of the affected utility company(s) and the Director of Public Works, prior to final map approval.
- ff. 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.
- gg. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. The City's Public Works Engineering Standard Plans are available online at [www.longbeach.gov/pw/resources/engineering/standard-plans](http://www.longbeach.gov/pw/resources/engineering/standard-plans). Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval.
- hh. 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.
- ii. 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 Subdivider 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](http://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**

- jj. A traffic impact analysis must be prepared for this project, under the supervision and approval of a registered Traffic Engineer in the State of California (Engineer's stamp required), and submitted for review to the City Traffic Engineer prior to issuance of a building permit. Any conditions generated by the analysis shall be made a part of these conditions. Revise and resubmit the traffic impact analysis per the comments provided by the City.
- kk. At the discretion of the City Traffic Engineer, the Subdivider shall be responsible for modifying curb markings and/or installing traffic signs to prohibit parking along the southside of 35<sup>th</sup> Street, adjacent to the project site. The existing roadway width is not sufficient enough to support two-way traffic and parking, with both sides developed.
- ll. Subject to a successful vacation of the north-south alley adjacent to the project site, the Subdivider shall install a Type N red marker on the gate, wall, or barrier viewable by cars entering that driveway. All traffic signs shall be installed to the satisfaction of the City Traffic Engineer.
- mm. The Subdivider 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 deemed to create a significant impact by the project's traffic impact analysis. 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 Subdivider 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 Subdivider 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 Subdivider's project. In such cases, the Subdivider will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.
  - nn. New crosswalks in the vicinity of the project shall be added by the Subdivider at the discretion of the City Traffic Engineer. The Subdivider shall be responsible to upgrade all existing crosswalks, and install all new marked crosswalks, to the newest City standards.
  - oo. At the discretion of the City Traffic Engineer, the Subdivider shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks, or contribute a fair share fee to the City for future implementation.
  - pp. The proposed bicycle parking facilities and Bike Share station along Long Beach Boulevard shall be subject to review and approval by the City Traffic Engineer. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6384, to request additional information regarding Bike Share installation requirements.
  - qq. 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 Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- Note: The proposed driveways and curb cuts along 35<sup>th</sup> Street shall be subject to the standards and requirement of Section 21.42.251 of the Long Beach Municipal Code, including separation between driveways and driveway locations. The easterly proposed driveway is not acceptable unless an approved turnaround such as a hammerhead is provided.
- rr. The Subdivider 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.
  - ss. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic

Engineer.

- tt. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- uu. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify the existing curb marking zones adjacent to the project site.
- vv. All traffic control device installations, including pavement markings within the private parking garage, shall be installed in accordance with the provisions of the California Manual On Uniform Traffic Control Devices (CA MUTCD), 2014 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

### **LONG TERM MAINTENANCE**

- ww. The Subdivider and successors shall be responsible for the maintenance of the site drainage system, the operation and maintenance of any private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.

### **Standard Conditions – Plans, Permits, and Construction:**

- 12. The applicant shall comply with all comments from the Long Beach Police, Energy Resources, Public Works, Water, and Fire Departments and Building Bureau.
- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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.

17. 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.
18. 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.
19. Upon plan approval and prior to issuance of a building permit, the applicant shall submit an 11"x17" size set of final construction plans to the Planning Bureau.
20. 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.
21. 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.
22. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
23. 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.
24. 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.
25. 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.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
32. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
33. 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.
34. 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.
35. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - i. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;

- ii. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - iii. Sundays: not allowed
36. This permit and all development rights hereunder shall terminate two year 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.
37. 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).
38. 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.
39. 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).
40. 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.
41. 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.
42. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.



43. 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.
44. The property owner 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.
45. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
46. Any graffiti found on site must be removed within 24 hours of its appearance.
47. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
48. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
49. 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.