

**SITE PLAN REVIEW
LOCAL COASTAL DEVELOPMENT PERMIT
MODIFICATION TO AN APPROVED PERMIT
CONDITIONS OF APPROVAL
6398 E. Pacific Coast Highway
Application No. 1903-16 (SPR19-008, LCDP19-003, MOD19-009)
Date: September 5, 2019**

1. The use permitted on the subject site, in addition to the other uses permitted in the Southeast Area Development and Improvement District (PD-1) shall be the construction and operation of two new commercial buildings of 7,000 square-feet and 5,000 square-feet respectively, and a 1,007 square-foot addition to an existing commercial building.
2. 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 one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. 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 Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment form 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).
4. In accordance to plans submitted and filed with Development Services, the applicant shall be required to provide 10 bicycle parking racks in the immediate vicinity of the proposed buildings.
5. The applicant shall be required to provide 17 parking stalls that are EV-ready and 4 parking stalls with EV charging stations in the immediate vicinity of the proposed buildings.
6. Separate permits shall be required for any signage proposed on the two commercial buildings.
7. Installation of any exterior news stands, pay phones or vending machines shall be prohibited.
8. The applicant shall be required to plant non-invasive tree species with a minimum size of 24" box as a part of the proposed landscaping upgrades.
9. The applicant shall be required to comply with all applicable regulations of Chapter 21.64 (Transportation Demand Management) of the Long Beach Municipal Code.
10. Prior to the issuance of a building permit, the applicant shall submit a separate set landscape plans, complying with the regulations of Chapter 21.42 of the Long Beach Municipal Code.

11. Applicant shall be advised that sea level rise could potentially cause physical hazards, such as beach erosion, flooding, and saltwater intrusion. This condition of approval serves in an advisory capacity and does not constitute a vulnerability assessment. Applicant is encouraged to include adaptive capacity in development with measures such as waterproofing, flood shields, water tight doors, moveable flood walls, partitions, and other flood proofing techniques.

Mitigation Measure Conditions

12. The project applicant shall require the construction contractor to use equipment that meets the US Environmental Protection Agency (EPA) Tier 4 emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City of Long Beach that such equipment is not available. 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.
13. 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. 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.
14. The project applicant 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 PM2.5 emissions. The City of Long Beach shall verify 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 shall 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.
15. The project applicant 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 precoated/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 during construction.
 16. Prior to issuance of a building permit, 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 Beach prior to issuance of a certificate of occupancy.
 17. Prior to issuance of building permits, 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 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 nonresidential building with 30 or more parking spaces. Installation shall be consistent with Section A5.106.5.3 (Nonresidential Voluntary Measures) of the CALGreen Code and the Long Beach Municipal Code.
 18. If construction is proposed between January 15 to September 1st, a qualified biologist must conduct a nesting bird survey(s) no more than three days prior to initiation of construction activities to document the presence or absence of nesting birds in or adjacent to the project site. The preconstruction survey(s) will focus on identifying any raptors and/or passerines nests that may be directly or indirectly affected by construction activities. Any nest permanently vacated for the season would not warrant protection pursuant to the Migratory Bird Treaty Act. If active nests are documented, the following measures are required:
 - Species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities are restricted from the area.

- A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted to the Long Beach Development Services Department prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur.
 - A final report of the findings, prepared by a qualified biologist, shall be submitted to the Long Beach Development Services Department prior to construction-related activities that have the potential to disturb any active nests during the nesting season.
19. Prior to the issuance of grading permits, and for any subsequent permit involving excavation to increased depth, the project applicant for each development or redevelopment project considered for approval pursuant to the Southeast Area Specific Plan shall provide letters to the City of Long Beach from a qualified archaeologist and paleontologist (for excavations five feet below ground surface and deeper) who meet the Secretary of the Interior's Professional Qualifications Standards. The letters shall state that the project applicant has retained these individuals, and that the archaeological consultant will be present during all grading in previously undisturbed areas and other significant ground-disturbing activities and that the paleontological consultant will be present during all grading that occurs below 5 feet from the ground surface. In the event archeological or paleontological resources are discovered during ground-disturbing activities, the professional archeological or paleontological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discoveries shall not be lifted until the archaeological and/or paleontological monitor, in coordination with the construction contractor, has evaluated discoveries to assess whether they are significant cultural resources, pursuant to the California Environmental Quality Act (CEQA). If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies. The resources shall be offered for curation or preservation to a repository with a retrievable collection system and an educational and research interest in the materials, such as the Los Angeles County Museum of Natural History or California State University, Fullerton, or other local museum or repository. If no museum or repository is willing to accept the resource, the resource shall be considered the property of the City and may be stored, disposed of, transferred, exchanged, or otherwise handled by the City at its discretion.
20. Prior to the issuance of grading permits for individual development projects within the Southeast Area Specific Plan, the project applicant/developer shall submit a Phase I Environmental Site Assessment (ESA) to the City of Long Beach Development Services Department to identify environmental conditions of the development site and determine whether contamination is present. The Phase I ESA shall be prepared by an Environmental Professional in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527.13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. If recognized environmental conditions related to soils or groundwater are identified in the Phase I ESA, the project applicant shall perform soil and soil gas sampling, as required, as a part of a Phase II ESA. If contamination is found at significant levels, the project applicant shall

remediate all contaminated soils with the oversight and 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.

21. If soil is encountered during Project area development that is suspected of being impacted by hazardous materials, work at the subject construction activity area shall be halted, and the suspect site conditions shall be evaluated by a qualified environmental professional. The results of the evaluation shall be submitted to the Department of Toxic Substances Control (DTSC), or the Los Angeles Regional Water Quality Control Board (RWQCB) or other applicable oversight agency, as appropriate, and the necessary response/remedial measures shall be implemented—as directed by DTSC, RWQCB, or other applicable oversight agency—until all specified requirements of the oversight agencies are satisfied and a no further action status is attained.
22. Prior to issuance of demolition, grading, and/or building permits for development projects accommodated by the Southeast Area 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 6 PM 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.
23. Prior to issuance of a building permit for any development project requiring pile driving or blasting, 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 inch/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative methods such static rollers, nonexplosive blasting, and drilling piles as opposed to pile driving shall be used.
24. Prior to issuance of a Certificate of Occupancy, the applicants/developers shall make fair-share payments to the City of Long Beach toward construction of the traffic improvements listed with the Southeast Area Specific Plan Program Environmental Impact Report (SEASP PEIR), to the satisfaction of the Director of Public Works.

25. The applicant shall be required to comply with the following standards, to the satisfaction of the Director of Public Works:

GENERAL REQUIREMENTS

- a. Prior to the start of any demolition, excavation, or construction, the applicant shall submit all applicable plans and drawings for review and approval by the Department of Public Works (e.g. plans for pedestrian protection, construction area perimeter fencing, grading, street lane closures, construction staging, traffic control, utilities, shoring, excavations, etc.). This is in addition to any plan check required by the Department of Development Services. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit.
- b. Prior to ANY demolition, excavation, or construction, site perimeter fencing with custom-printed screen(s) shall be submitted to Public Works, approved, and installed in accordance with the latest version of the Public Works Development Guideline.
- c. The applicant shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.
- d. The applicant shall comply with all standards and guidelines in effect at the time of application submittal. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans.
- e. The applicant shall construct all off-site improvements needed to provide full Americans with Disabilities Act (ADA) accessibility compliance within the public right-of-way adjacent to the project site. At this stage in the entitlement process the plans are conceptual in nature, and Public Works plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the applicant shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
- f. 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.

RIGHT-OF-WAY

- g. The applicant is required to process a 4-foot wide dedication for bus stop purposes resulting in an improved 12-foot wide sidewalk right-of-way along Pacific Coast Highway, within the vicinity of the existing bus stop. A complete application along with all required items shall be submitted for review and processing.
- h. All dedicated areas shall be improved by the applicant to the most current City standards.
- i. The applicant proposes improvements that may impact existing easements within the project site. The applicant is responsible for resolving all matters of easement encroachment as required by the interested agency or utility and shall work with each party directly.

CIVIL IMPROVEMENTS

- j. The applicant shall improve the dedicated area and widen the existing sidewalk within the vicinity of the bus stop along Pacific Coast Highway, constructing new hardscape per the most current Long Beach Transit and City standards. All hardscape shall be constructed with Portland cement concrete.
- k. There are existing non-ADA compliant curb ramps located adjacent to the project site along Pacific Coast Highway. The applicant shall demolish the existing curb ramps and construct new hardscape per the most current ADA requirements, and California Department of Transportation (Caltrans) and City standards. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- l. The applicant proposes improvements that may impact existing underground/ above ground utilities adjacent to the project site. The applicant is responsible for all design, applicable utility approval, permitting, relocation work, and commissioning as required by the interested agency and shall work with each utility directly.
- m. The applicant 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 found damaged as a result of construction activities shall be reconstructed or replaced.
- n. The project is located within the jurisdiction of, and therefore under the purview of, Caltrans, Long Beach Transit, and the Sanitation Districts of Los Angeles County. The applicant is responsible for coordination with the applicable entity(s) and approvals from such.
- o. The applicant shall submit a precise grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.

TRAFFIC AND TRANSPORTATION

- p. It appears this development will generate more than 100 vehicle trips per day and therefore requires a Traffic Impact Analysis (TIA) be prepared by a registered Traffic Engineer in the State of California (Engineer's stamp required). A scoping letter shall be submitted to Public Works prior to proceeding with the TIA. Any conditions generated by the TIA shall be made a part of these conditions.
- q. The applicant shall improve the traffic signal equipment located at the intersection of Pacific Coast Highway and Marina Pacifica Mall to current California Manual on Uniform Traffic Control Devices (CA MUTCD) and/or Caltrans and City of Long Beach standards. This includes the following:
 - i. All traffic signal indications shall be updated to 12-inch Light-Emitting Diode (LED) units.
 - ii. Vehicular detection shall be installed on all approaches to the signalized intersection.
 - iii. All pedestrian indications shall be upgraded to LED countdown modules.
 - iv. All pedestrian push buttons shall be upgraded to the most current City standard.

- v. New Emergency Vehicle Pre-Emption (EVPE) equipment shall be installed on all approaches to the signalized intersection.
- vi. A new GPS module shall be installed per the most current City standard.
- vii. A new traffic signal controller shall be installed per the most current City standard.
- r. The applicant shall upgrade all existing crosswalks adjacent to the project site to thermoplastic continental crosswalks and install all new crosswalks per the most current City standard.
- s. The applicant shall install a minimum 5-foot wide Class II Bikeway adjacent to the project site along Pacific Coast Highway or contribute a fair share fee to the City for future implementation. If an additional dedication of right-of-way is needed to accommodate required bikeway improvements, the dedication shall be provided.
- t. There is an existing bus stop located on Pacific Coast Highway, southeast of the Marina Pacifica Mall intersection, adjacent to the project site. The bus stop shall be improved with new amenities (e.g. enhanced 12-foot wide sidewalk, bus shelter with presidio seating, etc.) to the satisfaction of Long Beach Transit and the Director of Public Works. The applicant is responsible for coordination with Public Works, and the applicable entity and approvals from such for all design, applicable utility work, permitting, and relocation work.
- u. The applicant shall protect or replace/repaint all traffic signage, markings and colored curb within the public right-of-way adjacent to the project site.
- v. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the current edition of the CA MUTCD.

Standard Conditions

- 26. The operator shall provide exterior video security cameras of all entries and exits into the building and full camera coverage of all public rights-of-way and private parking areas provided by the business. Cameras must record in color with output of at least four hundred eighty (480) lines resolution. Recordings shall be retained for no less than (30) days on an IP-configurable Digital Video Recorder (DVR) or digital storage setup with a public IP address. The surveillance system username and password shall be provided to the Long Beach Police Department.
- 27. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
- 28. The operator of the approved use shall prevent loitering along the sidewalk area including landscaping areas serving the use during and after hours of operation. The operator shall clean the sidewalk areas of trash and debris on a daily basis.
- 29. The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking (if any) or other actions.
- 30. No exterior activity such as trash disposal, disposal of bottles or noise generating trash, deliveries, or other maintenance activity generating noise audible from the exterior of the

building shall occur during the hours of 11:00 PM to 7:00 AM daily. In addition there shall be no outdoor cleaning of the property with pressurized or mechanical equipment during the hours of 9:00 PM to 7:00 AM daily. Trash containers shall be secured with locks.

31. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
32. Applicant shall defend, indemnify, and hold harmless, the City and its boards, commissions, agents, officers, and employees (collectively "City") from any claims, actions, or proceedings (individually referenced as "Claim" and collectively referred to as "Claims") filed against the City to attack, set aside, void, or annul the approval of the subject CUP or related entitlements, or any Claims brought against the City due to acts or omissions in any way connected to the Applicant's project. City shall promptly notify the Applicant of any Claim and shall cooperate in the defense of the Claim. Applicant shall be responsible to pay any and all costs of defending any claims brought against the City including any and all costs, including attorney's fees, incurred by the City in defense of the Claim or Claims.
33. Any graffiti found on site must be removed within 24 hours of its appearance.
34. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions