



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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June 17, 2010

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

## RECOMMENDATION:

Approve Site Plan Review for construction of a 23,330-square-foot addition to the Aquarium of the Pacific; approve a Conditional Use Permit for an electronic message center sign consisting of 11,520 square feet of digital illuminated display tiles to be used as an architectural feature on the façade of the new addition; recommend that City Council approve an amendment to the Downtown Shoreline Planned Development District (PD-6) to eliminate the size restriction on an aquarium; recommend that City Council approve an amendment to the Local Coastal Program incorporating the requested changes to PD-6; and certify Negative Declaration 01-10, for the proposed project at 100 Aquarium Way. (District 2)

APPLICANT: Barbara Long for the Aquarium of the Pacific  
320 Golden Shore, Suite 150  
Long Beach, CA 90802  
(Application No. 0910-06)

## DISCUSSION

The Aquarium of the Pacific (Aquarium) proposes to construct a 23,330-square-foot addition (14 percent floor area increase) to an existing 166,447-square-foot aquarium facility, consisting of a new wing with a "media-based chamber," an expanded retail store, and a new front entrance. The Aquarium lot size is 276,371 square feet (6.34 acres). The project will be designed and built to the USGBC's LEED Gold standards with "add-alternate" design plans to bring the project to Platinum status if funding is available.

The primary feature will be a two-story, 65-foot tall wing, titled Pacific Visions, that will contain a new changing exhibit gallery and an immersive theater as well as guest services for ticketing and membership. The exterior of the Aquarium will also provide a new, unique programming option in the form of an LED wall sign for increasing the visibility of the Aquarium along the waterfront and enhancing the architecture of the proposed addition. The project also includes a new entrance façade, more lobby space, and a 1,700-square-foot expansion of the existing 4,000-square-foot retail gift shop. The project is fully funded by support from philanthropic contributions and competitive government grants, and will be phased to accommodate cash flow and minimize impacts to the Aquarium's operation. The Aquarium grounds will retain an open space of approximately 24,000 square feet (of the current approximately 36,000) in the front lawn area,

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including a picnic area, a fountain with an educational mural about the local watersheds' flora and fauna, bicycle racks, and a drought-tolerant garden.

Data provided to the Aquarium by Economic Research Associates (ERA) estimated that the expansion will increase the Aquarium's annual attendance by 42,000 (less than 3 percent). Proposed project analysis conducted by students from UCLA's Anderson School of Management estimated that the Aquarium has a market potential of 2.0 million annual visitors, which is below the original annual attendance estimates for the Aquarium facility.

Currently, the Downtown Shoreline Planned Development District (PD-6) specifies an arbitrary floor area limit of 150,000 square feet for an aquarium. This project would exceed the specified floor area limit. Staff can find no justification in the PD-6 document for this size limit, nor in the certified Local Coastal Program (LCP) for which PD-6 is an implementing ordinance. Environmental studies have shown that an aquarium larger than 150,000 square feet can be accommodated with no significant environmental impacts, and the total size of the proposed expansion plus existing aquarium still would be smaller than the project originally approved under the Queensway Bay Master EIR. Staff therefore requests that the Planning Commission recommend that City Council amend PD-6 by striking the size constraint on the Aquarium.

If PD-6 were amended as recommended, it would also necessitate an amendment to the certified LCP, since PD-6 is one of its implementing ordinances. This would require an application by the City for an LCP Amendment to the California Coastal Commission. Staff therefore also requests that the Commission recommend City Council adopt this amendment to the LCP.

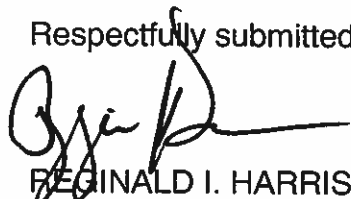
**PUBLIC HEARING NOTICE**

Public hearing notices were distributed on June 1, 2010, as required by the Long Beach Municipal Code. Staff has received no comments or inquiries on the project or environmental review process at the time of preparation of this report.

**ENVIRONMENTAL REVIEW**

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Mitigated Negative Declaration (MND) was prepared for the proposed project (Exhibit D – MND 01-10 on compact disc). Planning Commission certification of this MND is required if the Commission wishes to approve the entitlements as staff recommends. The proposed addition still would be below the threshold of significance previously analyzed in the Queensway Bay Master EIR and subsequent Negative Declaration and Mitigated Negative Declaration.

Respectfully submitted,



REGINALD I. HARRISON  
INTERIM DIRECTOR OF DEVELOPMENT SERVICES

RH:DB:SK

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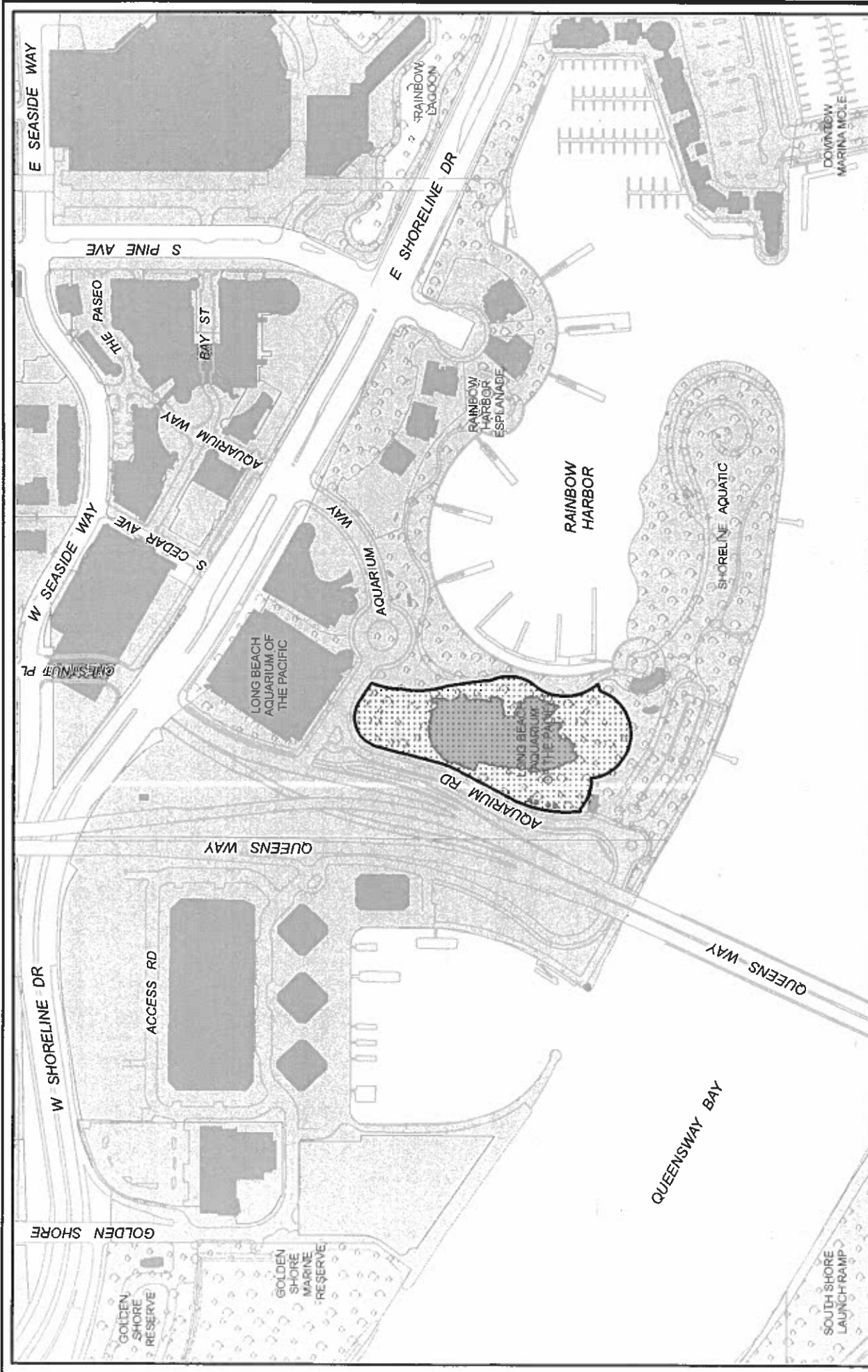
**Attachments**

**Exhibit A – Location map**

**Exhibit B – Plans and photos**

**Exhibit C – Findings and Conditions of Approval**

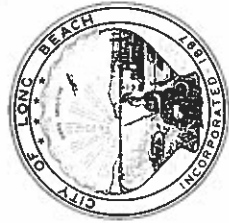
**Exhibit D – MND 01-10 on CD**



# Exhibit A



**Subject Property:**  
 100 Aquarium Way  
 Application No. 0910-06  
 Council District 2  
 Zoning Code : PD-6 (SubArea6)



**FINDINGS**  
**100 Aquarium Way**  
**Application No. 0910-06**  
**June 17, 2010**

**Site Plan Review**

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the site plan review committee or the planning commission shall not approve a site plan review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

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

The design of the proposed aquarium addition is harmonious, consistent and complete within itself. The proposed building is designed in a contemporary architectural style, with the style of the addition complementing and expanding upon the architectural concept of the existing aquarium building and façade. The Aquarium of the Pacific management has retained the service of the same architectural firm responsible for the design of the original aquarium building and previous additions to it; enabling a greater consistency with the original design concept. A majority of the exterior treatment is an exterior plaster system, with aluminum window walls and accents, and zinc roofing material. The project also consists of 11,520 sq. ft. of digital LED tiles to be applied to the façade of the addition. This will function as a unique architectural feature, used to project both a sign for the aquarium and images of marine life and aquarium exhibits. The project is compatible in design, character, and scale with neighboring structures and the community in which it is located—the quality of this project's design meets or exceeds that of any other building in the Pike development.

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

The project meets the design requirements established by the Downtown Shoreline Planned Development District ordinance, PD-6 (which is a specific plan for the Downtown Shoreline area), except that it exceeds the 150,000 square-foot limit on aquarium floor area; however, the applicant and City are seeking to strike this limit from PD-6 as part of this application. The design standards of PD-6 establish guidelines for building siting to preserve view corridors both between buildings and of the shoreline, and require that development in the

Downtown Shoreline area contributes to perception of the site as a comprehensible, cohesive, and integrated entity. The proposed project meets these standards. The project is not located within any other specific plan, or the R-3 or R-4 zone. The General Plan offers no specifications for development in Land Use District No. 7 and refers instead to the Planned Development District assumed to be adopted for each area designated LUD No. 7.

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

The development site is on an existing grass lawn at the Aquarium and will not result in the removal of significant mature trees. Several smaller trees may be removed. No street trees will be lost as a result of this project.

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

No public improvements are required. Improvements to the surrounding streets were made in conjunction with the master plan for the Queensway Bay development.

(continued)

**5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT), WHICH REQUIREMENTS ARE SUMMARIZED IN TABLE 25 1 AS FOLLOWS:**

**Table 25-1  
 Transportation Demand Management Ordinance Requirements**

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation information area	*	*	*
Preferential carpool/vanpool parking		*	*
Parking designed to admit vanpools		*	*
Bicycle parking		*	*
Carpool/vanpool loading zones			*
Efficient pedestrian access			*
Bus stop improvements			*
Safe bike access from street to bike parking			*
Transit review	For all residential and nonresidential projects subject to EIR		

The proposed project is under 25,000 square feet and will be exempt from TDM requirements.

**Conditional Use Permit**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code, a Conditional Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;**

The project site is located in Land Use District #7—Mixed Use District. LUD #7 is established to provide a careful blending of land uses in a more intense city core in order to save time and energy in transportation and communications. The land Use Element also specifies that LUD #7 is intended for multi-purpose activity centers, such as the Queensway Bay area where the project is located. The General Plan does not specify any standards for electronic message center signs, but since the sign will be in support of the operation of the Aquarium of the Pacific and will contribute to creation of a vibrant, multipurpose activity center in Downtown Long Beach, staff finds that it is consistent with LUD #7's intent and will carry out the General Plan. The project site is located in the Downtown Shoreline Planned Development District (PD-6), which is the specific plan that applies to the site and takes the place of the Zoning Regulations. Approval of an electronic message center sign is consistent with the requirements of PD-6. The site is located in the Coastal Zone, in the California Coastal Commission's original permit jurisdiction. The proposed project is consistent with the Local Coastal Program (LCP) and specifically with the requirements for the LCP's Downtown Shoreline area. All necessary approvals from the Coastal Commission will be sought.

**2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY, GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND**

The proposed use will not be detrimental to the surrounding community. The proposed electronic message center sign consists of 11,520 square feet of digital LED display tiles that will cover a large portion of the exterior façade of the new addition. The sign will be used primarily as an architectural feature to display images of marine life and the Aquarium logo, and will serve to enhance the architecture of the new addition. It will not be used for advertising purposes, unlike the typical use of an electronic message center sign. Conditions of approval will restrict the use of the sign from any off-site advertising and from any use by Aquarium sponsors or patrons. The project site is distant from any residential or other sensitive land use that could be disturbed by such a large sign or the potential light and glare it could create. Conditions of approval also will require mitigation of any light and glare issues that could potentially arise.

**3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR THE USE ENUMERATED IN CHAPTER 21.52.**

**Section 21.52.229 states that, in addition to the required findings for a conditional use permit (section 21.25.206), positive findings shall also be made for the following:**

- A. The proposed design of the electronic message center sign is complete and consistent within itself and is compatible in design with the architectural theme or character of the existing or proposed development it will serve and the community in which it will be located.**

The design of the electronic message center sign is complete and consistent within itself. It consists of 11,520 square feet of digital LED tiles and will be an integral part of the façade of the addition to the Aquarium building. The sign will be used to display images of marine life and Aquarium exhibits as well as the Aquarium logo. It is compatible both with the existing architecture of the Aquarium and the surrounding Pike area.

- B. The establishment of the proposed electronic message center sign will not adversely affect the character, livability, or quality of life of the residential community it will be adjacent to or located in.**

The sign is not adjacent to or located in a residential community. The nearest residences are the Camden apartments approximately 1,100 feet north of the project site, and are screened from it by several intervening structures. The hours of operation of the sign will be limited by conditions of approval from 8:00 am to 11:00 pm daily.

**Zoning Amendment**

Pursuant to Section 21.25.106 of the Long Beach Municipal Code, in all cases, the Planning Commission and the City Council shall be required to make the following findings of fact before rezoning a parcel. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 1. THE PROPOSED CHANGE WILL NOT ADVERSELY AFFECT THE CHARACTER, LIVABILITY OR APPROPRIATE DEVELOPMENT OF THE SURROUNDING AREA; AND**

The parcel that makes up the project site currently is located in the Downtown Shoreline Planned Development District (PD-6), Subarea 6. This zoning amendment is not a rezoning of a parcel, but a modification to the development standards for Subarea 6. The zoning amendment would strike the 150,000-square foot size limit on the gross floor area of an aquarium. The

original size limit is seemingly arbitrary, and may have been selected out of convenience during the preparation of the original Queensway Bay Master Plan and environmental studies. Elimination of this size limit would not allow for unbridled expansion of the Aquarium, since any new projects, including this one, would still be subject to environmental review and design review. The environmental report prepared for this project, Mitigated Negative Declaration 01-10, found that this project would not generate any impacts beyond the scope of those originally considered acceptable by the authors of PD-6. Additionally, a recent parking study by the Department of Public Works found more than adequate parking capacity at the Pike and Aquarium parking for the proposed expansion and potential increase in attendance. The zoning amendment will not adversely affect the character, livability, or appropriate development of the surrounding area as all the standards of PD-6 will continue to apply, minus the 150,000-square foot size limit on an aquarium.

**2. THE PROPOSED CHANGE IS CONSISTENT WITH THE GOALS, OBJECTIVES AND PROVISIONS OF THE GENERAL PLAN.**

The subject site currently has a General Plan Land Use District designation of No. 7, Mixed Uses. This LUD has the relatively wide objective of enabling a large, vital activity center, and it encompasses the entire downtown area. The zoning amendment to PD-6 to remove the 150,000-square foot limit on the size of an aquarium will not alter the conformity of PD-6 to the stated goals and objectives of LUD No. 7.

**3. IF THE PROPOSED CHANGE IS A REZONING OF AN EXISTING MOBILE HOME PARK, THAT THE REQUIREMENTS OF SECTION 21.25.109 HAVE BEEN OR WILL BE FULLY MET.**

The proposed change is not a rezoning of an existing mobile home park.

**CONDITIONS OF APPROVAL**  
**100 Aquarium Way**  
**Application No. 0910-06**  
**June 17, 2010**

**Special Conditions:**

1. This Site Plan Review approval is for construction of a 23,330-square foot addition to the Aquarium of the Pacific located at 100 Aquarium Way in PD-6, subarea 6.
2. The use permitted on the subject site through the subject Conditional Use Permit, in addition to the other uses permitted in PD-6, subarea 6, shall be an electronic message center sign consisting of 11,520 square feet of digital LED tiles or panels to be mounted on the façade of the addition to the Aquarium.
3. Upon approval by the City of Long Beach of all necessary municipal entitlements for this project, the developer shall obtain all necessary permits and entitlements from the California Coastal Commission and the California State Lands Commission, as appropriate, prior to submittal of a Building Permit Application with the City of Long Beach.
4. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
5. Prior to issuance of a permit for the electronic message center sign, the developer shall submit a detailed catalogue or design sample of the proposed digital LED tiles to the Director of Development Services for review and approval.
6. As required by Section 21.52.229(B), the following conditions shall apply to the electronic message center sign:
  - a. The electronic message center sign shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.
  - b. The electronic message center display shall have no illumination which is in continuous motion or which appears to be in continuous motion.
  - c. The display message will not change at a rate faster than one message every four (4) seconds.
  - d. The interval between messages will not be less than one second.
  - e. The intensity of illumination will not change.
  - f. All messages shall be limited to on site advertising of goods or services or noncommercial messages (i.e., time and temperature).
  - g. All electric signs shall conform to the electrical code of the city.
7. In addition to the requirements of Section 21.52.229(B), the following conditions also shall apply specifically to the electronic message center sign:

- a. The main purpose and use of the sign shall be architectural in nature, rather than as a means for advertising. Images displayed on the sign shall serve to enhance the architecture of the Aquarium.
  - b. Hours of operation of the sign shall be limited from 8:00 am to 11:00 pm.
  - c. Display of full-motion video is prohibited.
  - d. Images displayed on the sign shall be limited to images of marine life and Aquarium exhibits, the Aquarium of the Pacific logo, dates, times, and locations of special events or promotions at the Aquarium, and the communication of special messages about the operation or status of the Aquarium.
  - e. The sign shall not be used for any form of advertising by the Aquarium's sponsors or patrons. Identification of sponsors or patrons on the sign shall be prohibited.
  - f. The sign shall not be used for advertising by the owners, operators, or tenants of the Pike at Rainbow Harbor or any other surrounding businesses.
  - g. All off-site advertisements shall be strictly prohibited.
8. If the electronic message center sign is not constructed, or if it is to be constructed later than the addition to the Aquarium, the developer shall submit new plans showing the proposed treatment of the exterior façade where the electronic message center sign would have been located, if canceled, or is planned to be located in the future, if delayed. The proposed façade treatment shall be reviewed by the Site Plan Review Committee, which shall have full design review authority over this change to the plans.
9. The developer shall allow the City of Long Beach access to the Aquarium of the Pacific's U.S. Green Building Council (USGBC) registration account, or third-party-equivalent verifier, in order to show proof of registration of this project with the USGBC or equivalent verifier. Such access shall be provided to the satisfaction of the Director of Development Services prior to issuance of a building permit.

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

10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
19. 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.
20. 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.
21. 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.
22. 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, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.

23. 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. 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.
24. 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.
25. 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.
26. 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.
27. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
28. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
29. 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.

30. 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.
31. 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:**

32. This permit and all development rights hereunder shall terminate one 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 one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
33. 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).
34. 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.
35. 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).
36. 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.

37. 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.
38. 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.
39. 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.
40. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
41. Any graffiti found on site must be removed within 24 hours of its appearance.
42. 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.
43. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
44. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
45. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.