

## **C-43**

November 17, 2020

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

### RECOMMENDATION:

Authorize the City Manager, or designee, to accept an easement from PPF Amli 245 West Broadway, LP, a Delaware limited partnership, the owner of the property at 245 West Broadway, for street and alley widening purposes; and execute a quitclaim deed for the City's utility easement located at the property. (District 2)

### DISCUSSION

PPF Amli 245 West Broadway, LP, is the property owner of the new mixed-use seven-story tower, consisting of 222 residential units and 1,500-square feet of ground floor commercial lease space at 245 West Broadway. For this development project, PPF Amil 245 West Broadway, LP, is requesting to quitclaim the storm drain easement that is no longer needed due to the storm drain system being relocated within the Pacific Avenue right-of-way (Attachment A). The Department of Public Works seeks City Council approval to accept the quitclaim deed.

Additionally, when a new development is proposed, the public rights-of-way adjacent to the site are reviewed for sufficiency to accommodate the new development. This review was undertaken for the development project at 245 West Broadway. To provide for sidewalks compliant with the Mobility Element of the General Plan, a four-foot wide dedication for sidewalk widening is necessary (Attachment B). The Department of Public Works seeks City Council approval to accept an easement for sidewalk widening purposes.

The necessary City departments have reviewed the proposed right-of-way quitclaim and dedication and have no objections to the actions. Because the development project complies with all applicable Downtown plan regulations, no further California Environmental Quality Act (CEQA) analysis is required, see Planning Commission Staff Report (Attachment C).

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on October 15, 2020 and by Budget Analysis Officer Julissa José-Murray on October 23, 2020.

### TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

A quitclaim processing fee in the amount of \$3,313 and a dedication processing fee in the amount of \$3,313 was deposited in the General Fund Group in the Public Works Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ  
DIRECTOR OF PUBLIC WORKS

APPROVED:




THOMAS B. MODICA  
CITY MANAGER

EL:JH:BP:jc

ATTACHMENTS: A – DEDICATION SKETCH  
B – QUITCLAIM SKETCH  
C – PLANNING COMMISSION STAFF REPORT

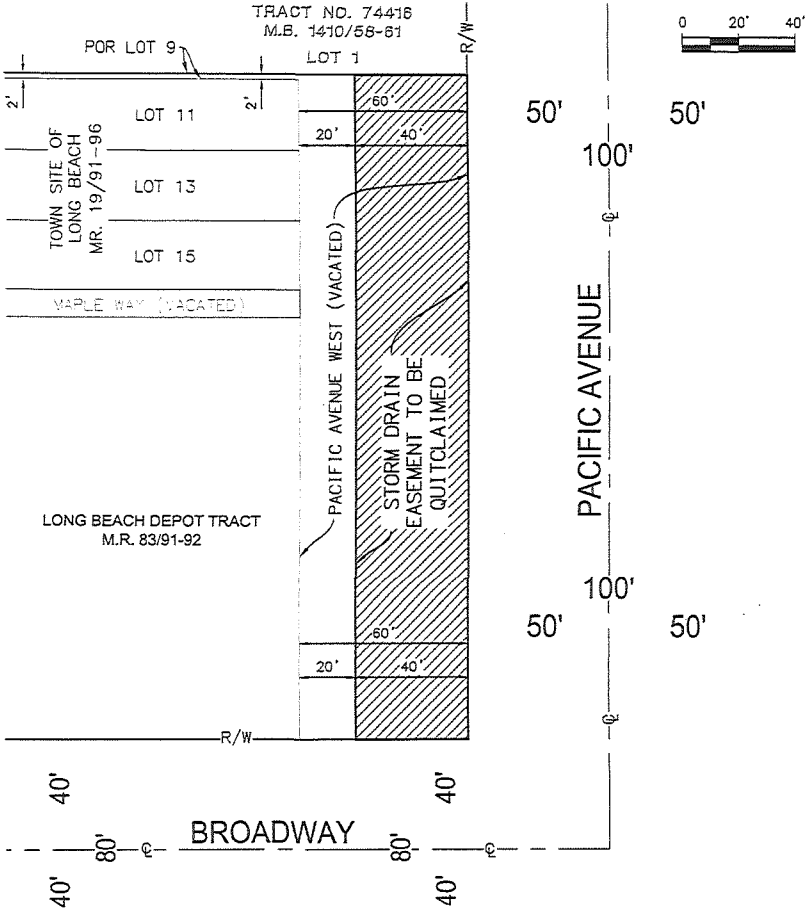
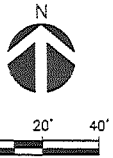
**SK 237 QC**

SKETCH SHOWING STORM DRAIN EASEMENT WITHIN THE VACATED PACIFIC AVENUE WEST, QUITCLAIM BY THE CITY OF LONG BEACH.


 DENOTES EASEMENT AREA  
9,480 SQ.FT.

**ABBREVIATION LEGEND**  
M.B. MAP BOOK  
M.R. MISCELLANEOUS RECORDS

TRACT NO. 74416  
M.B. 1410/58-61

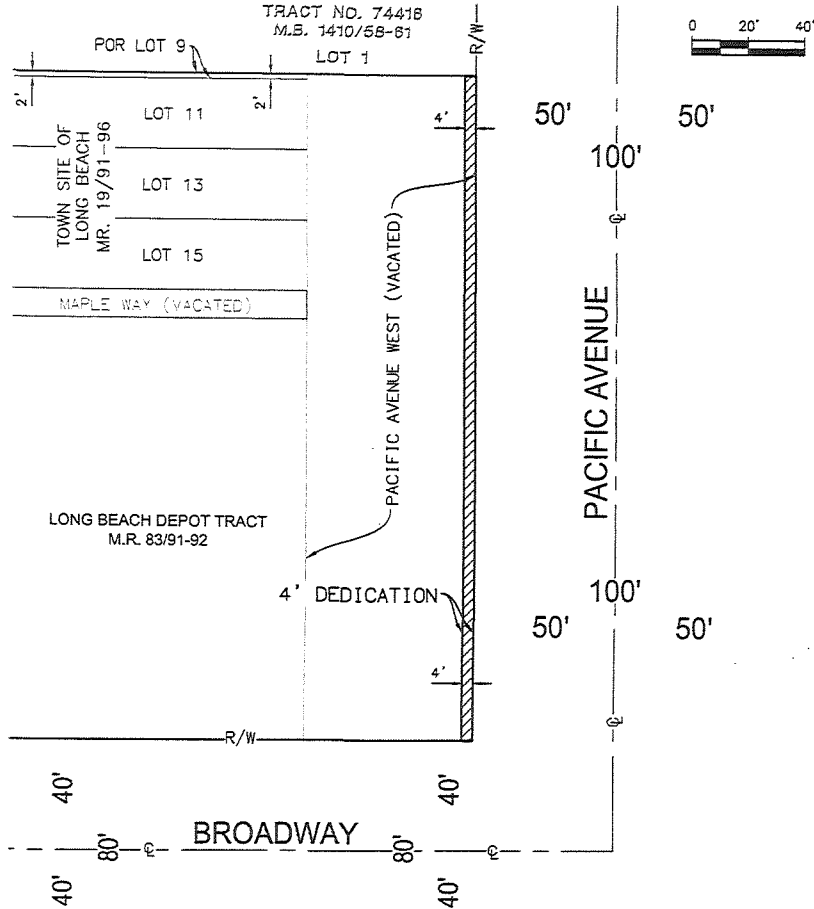


**ENGINEERING BUREAU  
CITY OF LONG BEACH, CALIFORNIA  
ATTACHMENT A**

 DENOTES DEDICATION AREA  
948 SQ.FT.

**ABBREVIATION LEGEND**  
M.B. MAP BOOK  
M.R. MISCELLANEOUS RECORDS

TRACT NO. 74418  
M.B. 1410/58-81



### SK 2125

SKETCH SHOWING A PORTION OF THE VACATED PACIFIC AVENUE WEST, DEEDED TO THE CITY OF LONG BEACH FOR SIDEWALK WIDENING PURPOSES.

**ENGINEERING BUREAU  
CITY OF LONG BEACH, CALIFORNIA  
ATTACHMENT B**



AGENDA ITEM 4

# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-6194 FAX (562) 570-6068

October 17, 2013

CHAIR AND PLANNING COMMISSIONERS  
City of Long Beach  
California

**RECOMMENDATION:**

Approve a Site Plan Review and a Tentative Tract Map request to allow construction of a seven-story mixed-use development consisting of 222 residential units, 8,500 square feet of commercial lease space, and 289 parking stalls in a three-level garage at 245 West Broadway in the PD-30 (Downtown Plan) zoning district. (District 2)

**APPLICANT:** Broadway Property Company, LLC  
c/o Michael Bohn and Marlon Steiner for Studio One Eleven  
111 W. Ocean Boulevard, 20<sup>th</sup> Floor  
Long Beach, CA 90802  
(Application No. 1302-12)

**DISCUSSION**

The project site consists of a single, 74,892-square-foot parcel that sits on the north side of West Broadway between Cedar (west) and Pacific (east) Avenues (Exhibit A – Location Map). Surrounding land uses consist of a City-owned parking lot to the north, Lincoln Park and the Long Beach Civic Center across Broadway to the south, the mixed-use Pine Square development across Pacific Avenue to the east, and the First Congregational Church and a restaurant pad across Cedar Avenue to the west. The site is currently improved with a four-story commercial office building formerly occupied by the State of California that has sat largely vacant since at least 1999. The project scope includes demolition of this building and all on-site improvements.

The project would improve the site with a seven-story building housing 222 residential units, 8,500 square feet of ground floor commercial lease space, and 289 parking stalls located within a three-level (subterranean, ground floor, and mezzanine levels) parking garage (Exhibit B – Plans). The building's tallest element, a tower located adjacent to the Broadway-Pacific intersection, would stand 109 feet above street level; the remainder of the building would range between 79–83 feet. Lobbies and pedestrian-oriented leasing spaces would line the Broadway and Pacific Avenue frontages, and ingress/egress to the parking garage would be taken from points off Cedar and Pacific Avenues. The project's loading area would be accessed off Pacific Avenue at the northeast corner of the site.

The unit mix consists of four townhomes (1,102 square feet each), 10 lofts (802-838 square feet), 26 studios (575 – 841 square feet), 142 one-bedroom units (750 – 1,145 square feet), and 40 two-bedroom units (1,050 – 2,011 square feet). The two-story townhome units would be located on the Cedar Avenue frontage, and the two-story loft units would be located on the building's north facade. Remaining unit types are spread over floors 3–7. Residential amenities include a ground floor fitness center (Pacific Avenue frontage), a large third floor courtyard, and fourth floor pool and community room areas. Private open space comes in the form of enclosed patio areas (ground floor and third floor courtyard-facing units) and balconies.

Beneath both the project site and the abutting City-owned parking lot parcel lays an 84-inch Los Angeles County Flood Control District storm drain. The presence of the storm drain results in a 40-foot "no build" easement that runs north-south, parallel to Pacific Avenue, over both sites. In order to comply with the Downtown Plan's streetwall requirements, vacation of the easement, via storm drain relocation into the Pacific Avenue and 3<sup>rd</sup> Street rights-of-way, is required. The developer acknowledges this requirement and has added the storm drain relocation to the scope of work (Exhibit C – Tentative Map).

The project features a clean, contemporary design that has evolved considerably through the Site Plan Review process. Project modifications, the result of several collaborative meetings between staff and the project architects, feedback from the Site Plan Review Committee, and ideas shared by a design review consultant, have made a positive contribution to overall project design. From the earliest project reviews two main areas for project improvement were identified: maximization of building height and improved pedestrian-orientation along the street frontages.

#### Building Height

The project site is located within the Downtown's Height Incentive Area, which represents the core of Downtown. Buildings in this area are permitted with heights up to 500 feet. The Site Plan Review Committee was willing to allow a shorter building at this location on the condition that its tallest element, the tower above the Broadway – Pacific Avenue intersection, is enhanced. Staff and the project architects have met on a number of occasions to discuss ways to accentuate the tower and establish it as the building's clear focal point. Ideas incorporated thus far have included a reduction in tower width, the inclusion of a colored band to emphasize tower verticality, and the incorporation of reflective glass as a screening material for rooftop equipment. Staff proposes a condition of approval that allows for continued discussion of tower design, post-Planning Commission action, with further design changes subject to Site Plan Review Committee approval.

#### Pedestrian-Orientation

The Downtown Plan requires a zero setback on the project site's three street frontages. Further, pedestrian-oriented ground floor uses are required on the Broadway and Pacific Avenue frontages. A number of steps to promote pedestrian interaction have been made

subsequent to initial project submittal, including a reduction in building setbacks along the street frontages, removal of mechanical and equipment rooms from the Pacific and Cedar Avenue street frontages, enhancement of lobby areas, and the expansion of the outdoor dining area adjacent to the cafe use.

Staff supports these and other changes that have been made to enhance the project. The end result is a high-quality, context-sensitive development that will bring long-term stability to a blighted Downtown site (Exhibit D – Findings & Conditions).

**PUBLIC HEARING NOTICE**

Public hearing notices were distributed on October 2, 2013, as required by the Long Beach Municipal Code. Additionally, three public hearing notices have been posted at the project site. Staff has received no comments or inquiries on the item as of the writing of this report.

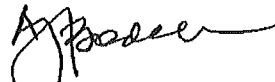
**ENVIRONMENTAL REVIEW**

Adoption of the Downtown Plan coincided with certification of a Program Environmental Impact Report (EIR). Because the subject project complies with all applicable Downtown Plan regulations, no further California Environmental Quality Act (CEQA) analysis is required.

Respectfully submitted,



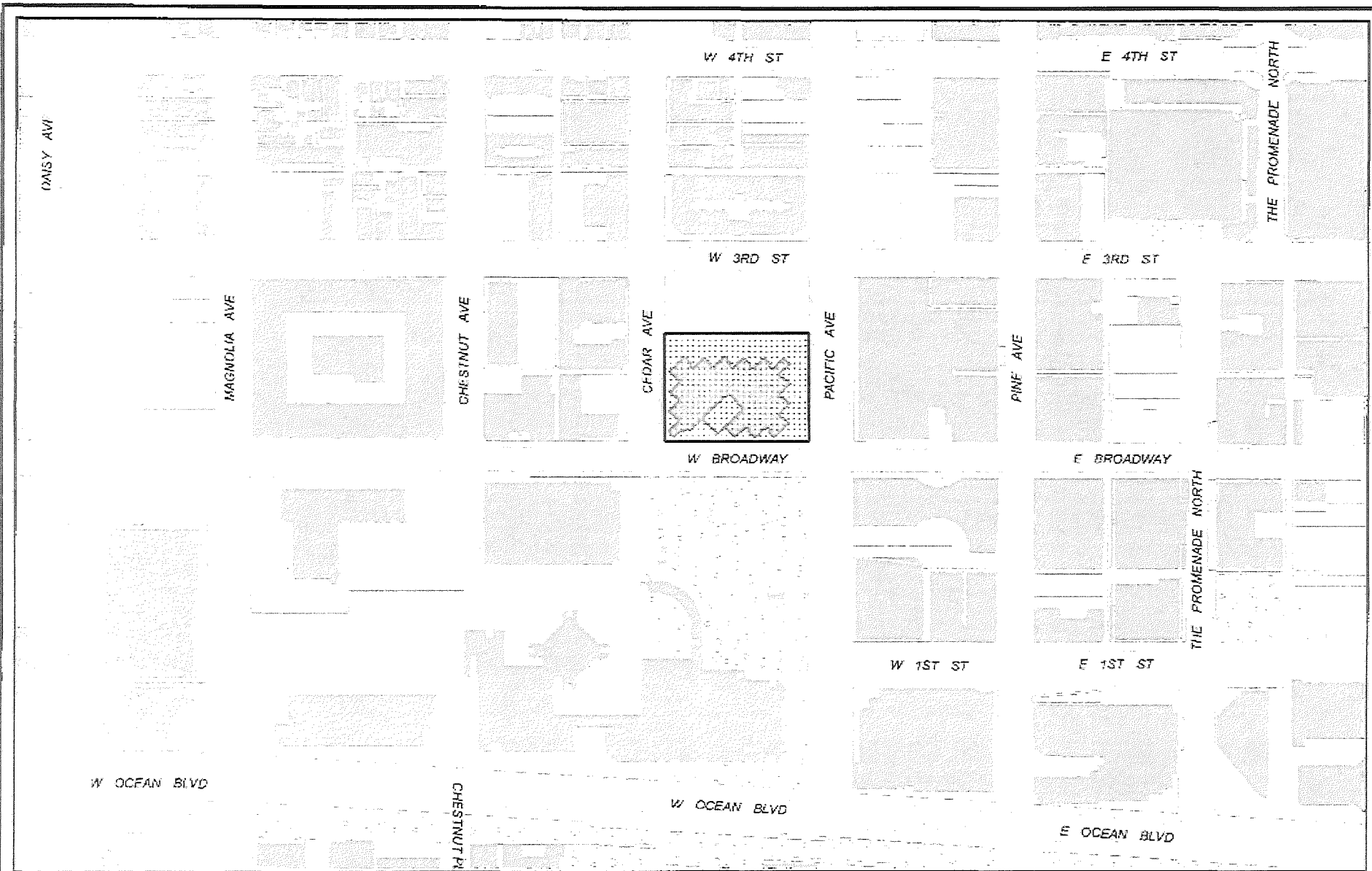
DEREK BURNHAM  
PLANNING ADMINISTRATOR



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

AB:DB:mh/sk  
P:\Planning\PC Staff Reports (Pending)\2013\2013-10-17\245 W. Broadway

- |             |                                   |
|-------------|-----------------------------------|
| Attachments | Exhibit A – Location Map          |
|             | Exhibit B – Plans                 |
|             | Exhibit C – Tentative Map         |
|             | Exhibit D – Findings & Conditions |



**Subject Property:**  
 245 W Broadway  
 Application No. 1309-14  
 Council District 1  
 Zoning Code : PD-30

**Exhibit A**





**SITE PLAN REVIEW FINDINGS**

**245 W. Broadway  
Application No. 1302-12  
October 17, 2013**

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.

The findings from the Zoning Regulations, which must be answered, are presented in bold. Staff's answer to each finding, describing how the project does (positive finding) or does not (negative finding) comply, is below.

- 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;**

Positive Finding: The proposed building consists of a seven-story mixed-use structure, composed of 222 residential units, and approximately 8,500 square feet of ground-floor commercial retail space. Parking is provided in a subterranean level, an at-grade level, and a mezzanine level. The project site faces Lincoln Park across Broadway to the south; to the east it faces the Pine Square/Pacific Court eight-story apartment building across Pacific Avenue; to the west it faces a one-story restaurant and the historic First Congregational Church across Cedar Avenue; and to the north directly abuts another lot that currently is developed as surface parking, and is envisioned to be a separate future development site.

The project has gone through a significant design evolution through several rounds of Site Plan Review, and has arrived at a design that is harmonious, consistent and complete within itself. The design makes use of visually interesting, complementary construction materials, colors, and finishes. These include stained cementitious lap siding, metal and cement board fasciae, cement plaster, metal screens, precision CMU block, and clear anodized aluminum window systems. The project architect also has paid special attention to the project's relationship to its surroundings, and the project is compatible in design, character, and scale with neighboring structures and the community in which it is located. The project's higher faces are oriented to the east and south, toward the taller building across Pacific Avenue and the open space of Lincoln Park, with a tower element on the corner of Pacific and Broadway. The west elevation makes use of architectural cuing that is thematically reflective of and complementary to the historic church building across Cedar. The project's north face has been designed to be compatible with a potential future mixed-use residential mid-rise that will be located in close proximity on the abutting development parcel.

- 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;**

Positive Finding: The applicable design guidelines are contained within the Downtown Planned Development District Ordinance (PD-30), the "Downtown Plan," adopted January 2012. Section 4 of this document deals with design standards and guidelines, with standards being mandatory and guidelines being suggestive. The project conforms to the "Overall Standards for New Buildings" mandatory design standards enumerated on page 60 of the Downtown Plan. Additional standards are detailed for block structure, massing, streetwall design and the design of setbacks, and pedestrian-oriented uses. The project generally conforms to these standards, and the project architect has addressed the requirements of the Downtown Plan.

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

Positive Finding: The project likely will result in removal of four mature *ficus*-type street trees on Broadway. This would come as a result of required sidewalk reconstruction, as well as a requirement for installation of new street trees compliant with PD-30 on the project's three street frontages. Other mature trees located on the project site will be removed also, as their locations interfere with the proposed new building and site plan. All trees in question, while mature, are not significant in the sense that they have a specific value to the city or the community that could not be fulfilled by their replacement with new street trees and on-site trees and landscaping. Additionally, the project will result in the installation of 17 to 18 new street trees in the public right-of-way: six on Pacific Avenue, seven on Broadway, and four or five on Cedar Avenue. This compares positively to the four trees currently in place on Broadway, and none on Cedar or Pacific Avenues.

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

Positive Finding: The public improvement requirements established by this Ordinance (in Chapter 21.47) will require the developer to provide for the following, as specified in Table 47-1: sidewalk dedication on Pacific Avenue, reconstructed sidewalk, curb, and gutter adjacent to the project site, and reconstruction of Cedar Avenue from Broadway to 3<sup>rd</sup> Street. The essential nexus between these required improvements and the likely project impacts exists

because of the size and scale of the project (complete site demolition, with 222 new residential units and approximately 8,500 square feet of new retail space, in a new seven-story mid-rise building). The project necessitates these public improvements to ensure that this private property development does not adversely impact other public and private facilities and services. Likely impacts include increased automobile usage of the streets surrounding and driveways and curb aprons into the site, as well as increased pedestrian usage of the sidewalks adjacent to the site.

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		

Not Applicable: The proposed project is under 25,000 square feet of new non-residential development and will be exempt from TDM requirements.

## TENTATIVE TRACT MAP FINDINGS

245 W. Broadway  
Application No. 1302-12  
October 17, 2013

Pursuant to Section 20.12.100 of the Long Beach Municipal Code, the Planning Commission shall approve a tentative map if the map complies with state and local regulations and if all of the following findings are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings.

The findings from the Zoning Regulations, which must be answered, are presented in bold. Staff's answer to each finding, describing how the project does (positive finding) or does not (negative finding) comply, is below.

**A. THE PROPOSED MAP IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

Positive Finding: The proposed map consists of a condominium map on an existing parcel where the subdivider plans to construct a seven-story mixed-use building, composed of 222 residential units, and approximately 8,500 square feet of ground-floor commercial retail space. The map is consistent with the applicable General Plan Land Use District No. 7—Mixed Use District. No specific plan applies to this site.

**B. THE DESIGN OR IMPROVEMENT OF THE PROPOSED SUBDIVISION IS CONSISTENT WITH APPLICABLE GENERAL AND SPECIFIC PLANS;**

Positive Finding: The design and improvements of the proposed subdivision are consistent with the applicable General Plan Land Use District No. 7—Mixed Use District, as in Finding A. No specific plan applies to this site.

**C. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE OF DEVELOPMENT;**

Positive Finding: The site is physically suitable for the type of development proposed. All development will take place on an existing 74,974-square-foot parcel, and the proposed map will subdivide the airspace for condominium purposes. The lot will be cleared of all existing improvements, and the new structure will be constructed from the ground up.

**D. THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT;**

Positive Finding: The site is physically suitable for the proposed density of development. The project site is a 74,974-square-foot parcel (1.72 acres). The 222 residential units and 8,500 square feet of commercial space can be adequately accommodated in the proposed seven-story building, producing 84 percent lot coverage. On-site open space will be provided as required by the PD-30 zoning document.

**E. THE DESIGN OF THE SUBDIVISION OR THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLE INJURY TO FISH AND WILDLIFE OR THEIR HABITAT;**

Positive Finding: The project site is located on a fully-developed parcel in the downtown center of a highly urbanized area. No substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitats is foreseen. Potential environmental impacts were analyzed under the Downtown Plan Program EIR.

**F. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENT IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS; AND**

Positive Finding: The design of the subdivision and the type of improvement is not likely to cause serious public health or safety problems. The proposed uses are residential and retail/personal-service-commercial, the same or similar as surrounding established uses.

**G. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.**

Positive Finding: All necessary public easements will be provided, as required by conditions of approval, to the satisfaction of the Director of Public Works. Another condition of approval requires relocation of an 84-inch diameter public storm drain from beneath the project site into the adjacent public right-of-way in order to remove this public facility from private property.

## **CONDITIONS OF APPROVAL**

**245 W. Broadway**

**Application No. 1302-12**

**October 17, 2013**

### **Special Conditions:**

1. This Site Plan Review approval is for the construction of a new mixed-use residential-commercial building consisting of 222 dwelling units and approximately 8,500 square feet of ground-floor commercial space. This approval also includes a Tentative Map for subdivision of the airspace into condominiums.
2. After approval of this subject permit by the Planning Commission, the developer shall continue to work with Planning Bureau staff to refine the design treatment of the building's tower element. Post-Planning Commission-action changes to the treatment materials or design shall require review and approval by the Site Plan Review Committee prior to building permit issuance.
3. The developer shall provide for new street trees in the public right-of-way adjacent to the project site on Pacific Avenue, Broadway, and Cedar Avenue. The street trees shall be of the species specified by the PD-30 ordinance for each street. One tree shall be provided for each 25 feet of site frontage or portion thereof and trees shall be spaced no more than 25 feet on center. Tree wells shall be a minimum of 4 feet by 4 feet in dimension and shall be larger where feasible. Tree grates shall be of a high-quality design to the satisfaction of the Director of Development Services and the Director of Public Works. All street tree work shall be performed under a permit issued by the Department of Public Works.
4. The developer shall provide for the relocation of the Los Angeles County Flood Control District storm drain, currently located below the eastern portion of the project site, into the Pacific Avenue right-of-way. The developer also shall provide for relocation into the Pacific Avenue right-of-way for the portion of the storm drain located below the lot abutting the project site to the north. Relocation of the storm drain beneath the project site and lot to the north shall be carried out as one work, and shall not be phased, staged, or delayed between the portion under the project site and that under the lot abutting to the north.
5. Relocation of the storm drain shall be substantially accomplished prior to commencement of construction of the building that is the subject of this permit, at the discretion of the Director of Development Services.

6. No Certificate of Occupancy shall be issued for the project until the storm drain relocation has been completed to the satisfaction of the Director of Development Services, the Director of Public Works, and all other involved or affected agencies and utilities, including but not limited to the Los Angeles County Flood Control District, the Los Angeles County Metropolitan Transportation Authority ("Metro"), the Long Beach Gas & Oil Department, and Southern California Edison, and all relevant and necessary permits for the storm drain and associated or appurtenant work have received final inspections and approvals.
7. If, at any time, relocation of the storm drain is found by the developer not to be feasible for any reason, or if the developer is not able to secure any pertinent permit or other permission from any involved or affected agency or utility such that relocation of the storm drain, as required by these conditions of approval, cannot be completed, then the developer shall be required to submit a new application for Site Plan Review to the Planning Commission for a redesigned project.
8. The developer shall submit an application for a sign program for the project prior to approval of a Certificate of Occupancy.
9. One or several central satellite television/data receiver dish(es) shall be located on the roof of the building or in another utility area, so that a separate satellite receiver dish is not needed for each residential and commercial unit. Placement of individual receiver dishes serving only one unit shall be prohibited if they are in any way visible from the exterior of the building or from another unit in the building.
10. The Final Map is to be prepared in accordance with the approved Tentative Tract Map and shall be filed within thirty-six (36) months from the date of approval by the Planning Commission of the Tentative Map, unless prior to expiration of the thirty-six month period, the Planning Bureau receives a written request from the subdivider for an extension of time, which receives approval from the Zoning Officer.
11. 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.
12. Prior to approval of the Final Map, the subdivider shall deposit sufficient funds with the City to cover the cost of processing the Final Map through the Department of Public Works. Furthermore, the subdivider shall pay the Planning processing fees for the Final Map.
13. All County property taxes and all outstanding special assessments shall be paid in full prior to approval of the Final Map.

14. All required off-site street improvements shall be financially provided for to the satisfaction of the Director of Public Works prior to approval of the Final Map or issuance of a building permit, whichever occurs first.
15. The applicant shall cause to be prepared C,C,&Rs for this project. A copy of the C,C,&Rs are to be provided to the Director of Development Services for approval prior to transmittal to the California Department of Real Estate or recordation with the County Recorder. The C,C,&Rs shall be executed and recorded against the title of the parcel and shall contain the following provisions, which shall also be noted on the Final Map:
  - a. The subject condominium project consists of two hundred twenty-two (222) residential units.
  - b. A minimum of two hundred twenty-two (222) residential garage parking spaces, fifty-six (56) guest parking spaces, and eleven (11) other parking spaces shall be maintained on-site. Residential spaces shall be permanently assigned to a specific unit and labeled thusly. Guest parking also shall be labeled thusly. Parking spaces must be used solely for the parking of personal vehicles. The 222 residential parking spaces and 56 guest spaces may not be leased, subleased, sold, given, or otherwise transferred to other parties that are not resident(s) of the residential condominium.
  - c. A clear, detailed and concise written description of the common areas and facilities of the condominiums shall be provided, including a parking assignment plan.
  - d. Graffiti removal shall be the responsibility of the Homeowner's Association. Graffiti shall be removed within 24 hours of its discovery.
16. 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 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 required 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 Bonds to the satisfaction of the Director of Public Works.



- d. 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.
- e. Prior to the start of any on-site/off-site construction, the Subdivider shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).

Public Right-of-way

- f. 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. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
- g. The Subdivider shall dedicate and improve 4 feet for sidewalk purposes along Pacific Avenue adjacent to the project site resulting in a 12-foot wide public walkway. Sidewalk improvements shall be constructed to the satisfaction of the Director of Public Works.
- h. The Subdivider shall reconstruct curb, curb gutters, and the entire width of sidewalk pavement adjacent to the site along Broadway, Pacific Avenue and Cedar Avenue. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- i. The Subdivider proposes to relocate a portion of the Los Angeles County storm drain system within the development site at 245 Broadway. Prior to issuance of any permit, the following shall be satisfied:
  - 1) Pacific Avenue is under a 5-year moratorium with 2 years remaining. The Subdivider shall provide written approval from the City to relocate the storm drain into the Pacific Avenue right-of-way.
  - 2) If relocation is approved, it shall be the Subdivider's sole burden and responsibility to restore and/or improve the public rights-of-way to the satisfaction of the Director of Public Works. The Subdivider shall also provide for the relocation of the Storm drain section within the City parking lot north of the development site.
  - 3) The storm drain system shall be constructed in accordance with approved plans. An excavation permit issued by the Department of Public Works is required for all excavations within public rights-of-way. Contact Russ Caveness of Construction Services, for information about excavation permits, at (562) 570-6530.

- 4) Prior to the approval of the final map, storm drain system plans must be reviewed, approved and accepted for operation and maintenance by the County of Los Angeles Department of Public Works (contact Timothy Chen at (626) 458-4921 to initiate plans review). The Subdivider shall also provide said plans to the Director of Public Works to assure the City that the County has reviewed and approved the storm drain system.
- 5) Work within 10 feet of the metro rail requires a permit from the Los Angeles County Metropolitan Transportation Authority. The Subdivider shall contact the Los Angeles County Metropolitan Transportation Authority, Rail Operations Control for information and requirements to obtain a "Track Allocation/Work Permit". Contact Jose Serrano at (323) 563-5068 ([serranoj@metro.net](mailto:serranoj@metro.net)) prior to the storm drain construction.
- 6) The Subdivider shall reconstruction the entire width of Pacific Avenue, from Broadway to 3<sup>rd</sup> Street, to the satisfaction of the Director of Public Works.
- 7) The Subdivider shall provide for the quitclaim of easement for the relocated storm drain to the satisfaction of the Director of Public Works.
- j. The Subdivider shall provide easements to the City of Long Beach for proposed public utility facilities to the satisfaction of the concerned City Department or public agency.
- k. All drainage improvements shall be completed prior to approval of the final map. Improvements not in place and accepted prior to the approval of the map must be guaranteed by a Instrument of Credit or Bonds to the satisfaction of the Director of Public Works.
- l. 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 filing.

#### Off-site Improvements

- m. The Subdivider shall reconstruct the entire width of Cedar Avenue from Broadway to 3<sup>rd</sup> Street to the satisfaction of the Director of Public Works.

- n. 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. Any such off-site improvements found damaged by the construction of the on-site improvements shall be repaired or replaced by the Subdivider to the satisfaction of the Director of Public Works.
- o. The Subdivider shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet require a variance; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- p. 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 the work. 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.
- q. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, roadway and alley pavements, removal and relocation of utilities, traffic striping and signing, street trees removals and plantings in the public right-of-way shall be performed under Public Works permit. Permits must be obtained from the Public Works Records counter, City Hall, 333 West Ocean Boulevard, (562) 570-6342.
- r. The Subdivider shall provide for the resetting to grade existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- s. The Subdivider shall provide for tree wells, new street trees with root barriers and irrigation on Pacific Avenue adjacent to the project site. The Subdivider and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- t. 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 irrigation system work on Pacific Avenue. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.

- u. All rough grading shall be completed prior to the approval of the final map. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected to the satisfaction of the Director of Public Works prior to approval of the final map approval.
- v. 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 approval.
- w. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

#### Traffic & Transportation

- x. The Subdivider shall upgrade the traffic signal equipment at the intersection of Broadway and Cedar Avenue to the satisfaction of the City Traffic Engineer.
- y. The Subdivider shall contact Long Beach Transit prior to performing any work adjacent to the bus stop on Pacific Avenue for bus stop rerouting requirements.
- z. 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.
- aa. 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.
- bb. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- cc. The Subdivider shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the project site.
- dd. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2012 edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

ee. Prior to approval of 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) 266-7500 or visit their website for complete instructions at [www.waterboards.ca.gov/stormwtr/construction.html](http://www.waterboards.ca.gov/stormwtr/construction.html). Left-click on the Construction General Permit 99-08-DWQ link.

#### Long-term Maintenance

ff. The Subdivider and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public rights-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:**

17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
27. 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.
28. 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.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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.
34. 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.
35. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
36. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
37. 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.

38. 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.
39. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

**Standard Conditions – General:**

40. This permit and all development rights hereunder shall terminate 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.
41. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).
42. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
43. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
44. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.



45. Approval of this development project is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
46. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
47. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
48. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.
49. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
50. Any graffiti found on site must be removed within 24 hours of its appearance.
51. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
52. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
53. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.