

**CONDITIONS OF APPROVAL
SITE PLAN REVIEW
525 East Broadway
Application No. 2004-05 (SPR20-009)
August 5, 2021**

Special Conditions:

1. The following approvals are granted for this project:
 - a. Approval of a Program Environmental Impact Report (EIR) Compliance Checklist (PECC 02-21) to the Downtown Plan Program EIR (SCH #2009071006).
 - b. Site Plan Review approval for the construction of an seven-story mixed-use building containing 48 dwelling units, 5,090 square feet of ground level commercial uses, and an integrated three-level, 60 stall parking garage at 525 East Broadway in the Downtown Plan (PD-30) District.

Plans and Construction

2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, and reviewed by the Site Plan Review Committee on December 7, 2020.
3. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program of the Downtown Plan PEIR and as described in the Program EIR Compliance Checklist (PECC 02-21), to the satisfaction of the Director of Development Services. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.
4. Prior to issuance of building permits, the Applicant shall provide an illustrative diagram demonstrating both vertical and horizontal offset of windows facing the five-story structure at Atlantic Plaza, 215 Atlantic Avenue, to the satisfaction of the Director of Development Services, or designee. The illustrative diagram shall explicitly call out egress and non-egress windows for reference.
5. The windows at the indoor gym shall be frosted or revised to provide the maximum feasible privacy to the adjacent five-story structure at Atlantic Plaza, 215 Atlantic Avenue.
6. The 5-foot-wide landscaped setback at the north elevation abutting Atlantic Plaza, 215 Atlantic Avenue, shall be landscaped with vegetation capable of growing vertically within the setback area.
7. The applicant shall record a Notice of Lot Merger with the Los Angeles County Registrar-Recorder's office prior to the issuance of building permits.

8. Pursuant to PD-30 Plan, all windows and doors shall be recessed at least 3-inches from the face of the finished exterior wall to achieve a sufficient depth and shadow reading. Flush finish installations, especially with stucco, are not permitted.
9. A minimum of 60 required parking stalls shall be permanently maintained and in useful operation within the building's parking garage. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
10. A minimum of 12 bicycle parking spaces shall be provided for and maintained on site. The type, spacing and placement of exterior bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
11. 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.
12. All required off-site street improvements shall be installed or provided for to the satisfaction of the Director of Public Works prior as provided in the conditions of approval below.
13. Pursuant to section 21.45.400 (c), the project shall meet the intent of LEED at the Certified level to the satisfaction of the Director of Development Services. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.
14. Pursuant to section 21.45.400 (i), the project shall provide:
 - a. Roofs shall be designed to be solar-ready subject to all applicable state and local construction codes and provide conduit from the electrical panel to the roof;
 - b. A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
15. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 - Exterior Noise Limits.
16. Prior to the issuance of a building permit for each phase of construction, the applicant shall notify all adjacent property owners and occupants in writing of when the start of grading/construction is to occur. The letter shall include a name

- and phone number of a responsible person who has the authority to resolve concerns.
17. All required on-site parking for the project buildings shall be provided and maintained upon issuance of Certificate(s) of Occupancy for the project buildings.
 18. Prior to issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site shall be closed and reconstructed to full-height curb and gutter under a permit from the Department of Public Works, to the satisfaction of the Director of Development Services.
 19. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon neighboring uses. Said modifications (if any) and approval shall be binding upon all hauling activities and construction truck trips by the developer.
 20. The developer shall abide by the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the developer's hauling practices to be remedied.
 21. Prior to the issuance of grading and building permits, the applicant shall submit a pedestrian access and protection plan to the Department of Development Services and the Department of Public Works for review and approval. The plan shall detail all pedestrian access closures and detail detours for safe navigation around the project site during construction. The approved pedestrian access and protection plan shall be maintained on-site at all times during project construction activities.
 22. All modifications to vegetation on onsite and offsite (public right-of-way) shall comply with the Migratory Bird Treaty Act (MBTA), including the completion of nesting bird surveys prior to any tree or vegetation removal:
 - a. If initial clearing activities prior to the start of construction take place during the bird nesting season (generally January through September, but variable based on seasonal and annual climatic conditions), a nesting bird survey should be performed by a qualified biologist within three days of such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site.

- b. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by the qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.
 - c. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.
- 23. The project shall be developed in substantial conformance with the plans presented to the Site Plan Review on December 7, 2020. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
 - a. Glazing selections and quality
 - b. Screening areas at above-grade parking areas
 - c. Exterior wall panels at ground floor
 - d. Curtain wall at stairs
 - e. Ground-floor canopies
 - f. Ground-floor storefront window systems, and
 - g. All materials and finish selections specifically identified on plans, or equal or better to the satisfaction of the Director of Development Services.
 - h. Landscaping, including planting of the five-foot buffer required under Condition of Approval No. 6, above.
- 24. The applicant shall submit an application for a Sign Program for all project site buildings. No permanent on-site signs requiring a sign permit shall be installed prior to approval of a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas.
- 25. Minor changes to these approved plans, in keeping with the intent and spirit of the project approvals, may be approved at the discretion of the Director of Development Services. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the developer shall be required to submit an application for a Modification of Approved Permit.
- 26. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of

Development Services, prior to issuance of a building permit for new construction. If these materials are found to be below the standards approved in concept, the developer shall remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Director of Development Services.

27. All groundcover and shrubs shall be drought-tolerant and low-water requirement species. The project landscaping shall comply with the Water Efficient Landscaping standards of Chapter 21.42 of the Zoning Regulations.
28. Landscape plans shall be submitted as a separate, but concurrent plan check.
29. Pursuant to Section 21.42.050 of the City Municipal Code, one (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length. Street trees shall be consistent with the street tree standards and designated species outlined in the Downtown Plan (PD-30). The landscaped parkway shall be located in coordination with the location of on-street parking.
 - a. Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of the Municipal Code.
30. All forms of barbed wire and razor wire shall be prohibited on the site.
31. Any street lights, pedestrian lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
32. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the PD-30 ordinance.
33. During construction, in order to avoid archaeological resources, human remains, and paleontological resources plans containing specific details and logistics for carrying out the Program EIR mitigation measures will be prepared. The plans shall cover archaeological resources/human remains and paleontological resources, and would include: the professional qualification standards for archaeological and paleontological staff (following the Secretary of the Interior

and Society for Vertebrate Paleontology, as applicable); communication protocols; a description and maps noting the locations/depths of where monitoring is required based on sensitivity and construction plans; training for construction personnel; the process for modifying monitoring frequency (reducing or discontinuing); protocols to follow in the event of a discovery, including work stoppage and notification procedures; an outline for significance evaluations of discovered resources; protocols for sampling, recovery, treatment, and analysis of resources; and reporting and curation requirements.

34. Cultural tribal monitoring with the local culturally affiliated tribe will still be required during construction. The project applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the culturally affiliated tribe and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
35. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

Use and Operation

36. All refuse collection shall take place at the alley, with all trash receptacles being moved internally within the project site to the alley for collection. Refuse collection and the movement of trash receptacles on East Broadway or Atlantic Avenue shall be prohibited. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
37. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.

Police Department Conditions

38. The applicant shall provide for all CPTED (crime prevention through environmental design) recommendations issued for the project by the Long Beach Police Department, in the memo dated April 22, 2020, attached to these

conditions of approval and by this reference made a part hereof.

Building and Safety Conditions

39. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on May 1, 2020.

Water Department Conditions

40. The applicant shall comply with all comments from the Water Department dated on August 12, 2020.

Energy Resources Department Conditions

41. The applicant shall comply with all comments from the Long Beach Energy Resources (LBER) Department dated on April 22, 2020.
42. The Developer/Owner is responsible in coordinating with LBER to make sure there is a plan in place for the relocation, or cut and cap of gas facilities.
43. The Developer shall review and obtain approval for proposed meter(s) locations with LBER inspector.
44. The Developer shall provide gas loads for proposed development and to confirm that the new meter(s) locations meet all LBER requirements.

Public Works Conditions

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

GENERAL REQUIREMENTS

- a. Prior to the start of ANY demolition, excavation, or construction, the Developer shall,
 - i. Submit a construction plan for pedestrian protection, construction staging, scaffolding and excavations, and
 - ii. Submit a traffic control plan with street lane closures and routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.) prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, and
 - iii. Submit a plan for construction area and/or site perimeter fencing with custom printed screen(s),
 - iv. All for review and approval by the Department of Public Works and installed in accordance with the latest version of the Public Works Development Guideline.

Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit. The Developer 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.

- b. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- c. The Developer is proposing a refuse and recycling receptacle area as part of the proposed development. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Developer and/ or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- d. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- e. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to the Public Works counter at the Permit Center on the 2nd Floor of City Hall (411 W. Ocean Blvd., Long Beach, CA 90802), for review and approval. The City's Public Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. This is in addition to, and separate from, any plan check required by the Department of Development Services, Building & Safety Bureau.
- 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 to the Department of Public Works.

PUBLIC RIGHT-OF-WAY

- g. Developer 's site plan shows balcony and the pool deck common area projecting into the ROW. All building projection encroachments into the public right of way shall comply with Long Beach Municipal Code Chapter 14.48.
- h. Developer shall be responsible for resolving all matters of easement(s) and/ or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

- i. Backflow preventer must be installed on private property and a Grant of Easement to the City must be applied for and processed.

OFF-SITE IMPROVEMENTS

- j. Broadway is currently subject to a street pavement cut moratorium ending in April 2024. The Developer shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block and the Developer shall adhere to this requirement.
- k. The Developer shall reconstruct the full width of the north-south alley (Liberty Ct) adjacent to and along the western boundary of the development site, with Portland cement concrete, to the latest City standards and to the satisfaction of the Director of Public Works.
- l. The Developer shall reconstruct the full width of the east-west alley (East Maple Way) adjacent to the northern boundary of the development site, from the northwest corner of the site to Atlantic Avenue, with Portland cement concrete, to the latest City standards and to the satisfaction of the Director of Public Works.
- m. The Developer shall provide for or install alley lighting in the improved alleys adjacent to the project site, to the satisfaction of the Director of Public Works.
- n. The Developer shall check with the Long Beach Water Department at (562) 570-2300 and the Gas and Oil Department at (562) 570-2030 for scheduled main replacement work prior to submitting any improvement plans to the Department of Public Works.
- o. The Developer proposes improvements that may impact existing under- and above-ground utilities adjacent to the project site, such as fire hydrants, street lights and conduits, along the perimeter streets and alleyways adjacent to the project site. The Developer shall be responsible for all design, applicable utility approval, permitting, relocation work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.
- p. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities, shall be reconstructed or replaced by the Developer, to the satisfaction of the Director of Public Works.

- q. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- r. The Developer shall submit a 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 approval of the map and/or release of any building permit.
- s. The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.

TRAFFIC AND TRANSPORTATION

- t. The Developer shall provide a trip generation and trip distribution analysis. Based on these studies, a traffic impact analysis may be required. Any conditions generated by the analysis shall be made a part of these conditions.
- u. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- v. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- w. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- x. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- y. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

Standard Conditions – Plans, Permits, and Construction:

- 46. 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.

47. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
48. The plans submitted for plan review shall 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.
49. Prior to the issuance of a building permit, the applicant shall 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.
50. 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.
51. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall 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 shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
52. 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.
53. 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.
54. 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.
55. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
56. 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.

57. 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.
58. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.
59. 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.
60. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to the issuance of a building permit. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent 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.
61. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
62. 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.

63. 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.
64. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
65. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
66. 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.
67. 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:

68. This permit and all development rights hereunder shall terminate three 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 three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
69. 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 shall 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).

70. 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.
71. 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).
72. 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 shall be recorded with all title conveyance documents at time of closing escrow.
73. 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.
74. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
75. 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.
76. 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 shall 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.
77. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
78. Any graffiti found on site shall be removed within 24 hours of its appearance.
79. All required utility easements shall be provided to the satisfaction of the

concerned department, agency, or utility company.

80. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
81. 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.