

**CONDITIONS OF APPROVAL**  
**810 Pine Avenue**  
**Application No. 1904-22 (SPR19-010, CUP19-013)**  
**February 17, 2022**

**Special Conditions:**

1. The following approvals are granted for this project:
  - a. Finding the project consistent within the scope of the project previously analyzed as part of the Downtown Plan Program Environmental Impact Report (State Clearinghouse No. 2009071006) and warrants no further environmental review pursuant to CEQA Guidelines Section 15162;
  - b. This Site Plan Review approval for the project as depicted on the plans submitted to the Department of Development Services and presented to the Planning Commission on February 17, 2022, consisting of:
    - i. A ten-story, 78-room senior assisted living facility consisting of 60 single occupancy rooms and 18 shared rooms (special group residence);
    - ii. A minimum of approximately 14,124-square-feet of indoor amenity space and 8,933-square-feet of outdoor common space for building residents;
    - iii. Two levels of parking incorporating a minimum of 86 parking stalls with 57 spaces located in a stacking car lift system.
  - c. Conditional Use Permit approval for the project described above, in accordance with LBMC 21.52.271.
2. 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 staff report Exhibit E – Downtown Plan PEIR Analysis, to the satisfaction of the Director of Development Services, or designee.
3. The applicant shall submit an application for lot merger of the two lots addressed as 810 Pine Avenue (APN 727-301-6009) and (APN 727-301-6021) prior to, or concurrently with building plan check. Recordation of lot merger shall be completed prior to the issuance of a building permit.
4. Not less than 86 parking stalls (52 standard spaces, 34 compact spaces) or the minimum number required by Municipal Code 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 or exceed

- California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements. A Parking Attendant shall be available during weekday business hours (8:00 am – 5:00 pm), and during weekday and weekend residential care facility visiting hours to assist visitors with utilizing the stack parking lift system.
5. In accordance with the 2001 recorded Joint Use Parking and Maintenance Agreement for the properties located at 117 E. 8<sup>th</sup> Street, 125 E. 8<sup>th</sup> Street and 810 Pine Avenue, the applicant shall submit an Amended Joint Use Parking and Maintenance Agreement for said properties to be reviewed and approved by the Director of Development Services, or designee, and recorded, prior to the issuance of any building permit.
  6. In compliance with Chapter 21.64 Transportation Demand Trip Reduction Measures, the Project shall incorporate applicable measures, such as providing employees with transportation information and providing employee bicycle parking. A minimum of 16 bicycle parking/storage spaces shall be provided for and maintained on site.
  7. A Continuation of Use as a Senior Assisted Living Facility (Special Group Residence) shall be required through a deed restriction to the satisfaction of the Director of Development Services, or designee.
  8. 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 multiple separate systems are not needed.
  9. 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, or designee. 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.
  10. 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.
  11. Utilities shall be located internally to the building as feasible to mitigate noise and vibration. The existing emergency generator, servicing the Regency Palms and located in the surface parking lot, will be relocated to the interior of the new building to be known as the Regency Palms II. Roof top mechanical equipment shall be screened to minimize exterior noise. Any testing of equipment shall occur during regular business hours (Mon.-Fri; between the hours of 8 am to 5 pm). All equipment shall compliant with Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.

12. The developer shall apply with the Department of Public Works for a loading zone on Pine Avenue to serve as the primary pick up/drop off for facility residents and for service deliveries. Any street trees to be removed must be replaced as feasible, or an in-lieu fee paid as determined by the Department of Public Works. Tribune Court shall only be used as a secondary loading zone, and access to Tribune Court shall not be blocked.
13. The developer shall coordinate with the Homeowner's Association and affected first floor condominium owners of 833 Pine Avenue to design reasonable landscaping or other improvements to mitigate privacy concerns. The design of these improvements shall be submitted to the Planning Bureau prior to the issuance of a building permit. Installation of these improvements shall be completed prior to the issuance of a Certificate of Occupancy.
14. Coordination of trash pick-up with adjacent residential buildings (838 Pine and Temple Lofts) is highly encouraged. Developer shall consult with the Home Owners' Associations of the adjacent buildings to facilitate a coordinated pick-up agreeable to all parties.
15. The developer shall submit to the Department of Development Services and the Department of Public Works a detailed construction staging plan for review and approval, to the satisfaction of the Director of Development Services and Public Works, prior to the issuance of a building permit. The developer shall consult with the North Pine Neighborhood Association to gain input and provide information regarding construction planning, scheduling and staging. Contact information for the Project Manager shall be posted in a visible location on site during all construction phases.
16. The developer shall have fencing and gate materials for the emergency egress located on the south side of the Project site approved to the satisfaction of the Director of Development Services, or designee.
17. Developer to provide gas loads for proposed development and to confirm the new meter(s) locations meet all Long Beach Energy Resources Department (LBER) requirements.
18. All required off-site street improvements shall be installed or provided for to the satisfaction of the Director of Public Works prior to issuance of a building permit.
19. The **Department of Public Works** submits the following requirements for the proposed development referenced in the above subject line. The applicant must comply with all the following requirements:

#### **GENERAL REQUIREMENTS**

- a. Prior to the start of any demolition, excavation, or construction, the applicant shall

submit all applicable plans and drawings for review and approval by the Department of Public Works (e.g. plans for pedestrian protection, construction area perimeter fencing, grading, street lane closures, construction staging, traffic control, utilities, shoring, excavations, etc.). This is in addition to any plan check required by the Department of Development Services. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit.

- b. Prior to ANY demolition, excavation, or construction, site perimeter fencing with custom-printed screen(s) shall be submitted to Public Works, approved, and installed in accordance with the latest version of the Public Works Development Guideline.
- c. The applicant shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.
- d. The applicant shall comply with all standards and guidelines in effect at the time of application submittal. The City's Public Works Engineering Standard Plans are available online at [www.longbeach.gov/pw/resources/engineering/standard-plans](http://www.longbeach.gov/pw/resources/engineering/standard-plans).
- e. The applicant shall construct all off-site improvements needed to provide full Americans with Disabilities Act (ADA) accessibility compliance within the public right-of-way adjacent to the project site. At this stage in the entitlement process the plans are conceptual in nature, and Public Works plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the applicant shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
- f. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review.

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

- g. The applicant is required to process a 2-foot wide dedication of right-of-way for alley widening purposes along the north-south alley (Tribune Court). A complete application along with all required items shall be submitted for review and processing.

Note: The submitted plans do not show the dedication of right-of-way on all levels of the proposed building plan. The applicant shall revise the plan set to show the new right-of-way line on all levels of the development.

- h. All dedicated areas shall be improved by the applicant to the most current City

standards.

- i. The applicant is required to process an Installation and Maintenance Agreement for the proposed enhanced paving along Pine Avenue. A complete application along with all required items shall be submitted for review and processing.
- j. The submitted plans show proposed encroachments into the public right-of-way that include architectural features and doors. All encroachments shall comply with California Building Code Chapter 32 or be eliminated. No encroachments of dwelling spaces, or common areas including the projections as stated above, shall encroach within the public roadway, alleyway, court, or ways, except as allowed for within Chapter 32.

### **CIVIL IMPROVEMENTS**

- k. Pine Avenue is currently under a 5-year moratorium with less than 2 years remaining (ending on January 15, 2021). Any work within a street under moratorium requires a complete grind and overlay from block to block.
- l. The full width of Tribune Court adjacent to the project site shall be reconstructed with Portland cement concrete. All obstructions, including utility poles, along the proposed alley widening shall be relocated or undergrounded by the applicant to accommodate the improvements.
- m. The applicant shall provide street lighting to sufficiently illuminate Tribune Court.
- n. The applicant shall demolish any cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement adjacent to the project site, and construct new hardscape per the most current City standards. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
- o. The applicant shall construct new Portland cement concrete curb and gutter adjacent to the project site, per the most current City standards. The curb and gutter shall be constructed so as to address the water ponding issue on Pine Avenue.
- p. The applicant proposes improvements that may impact an existing utility easement and underground/ above ground utilities adjacent to the project site. The applicant is responsible for all design, applicable utility approval, permitting, relocation work, and commissioning as required by the interested agency and shall work with each utility directly.
- q. The applicant shall be responsible for the maintenance, repair and replacement of

off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced.

- r. The applicant shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements.
- s. The applicant shall submit a shoring plan for any temporary or permanent tiebacks/soil nails that are required to extend beneath the public right-of-way adjacent to the project site, for review and approval by the Director of Public Works. Tiebacks/soil nails shall be installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
- t. The applicant shall submit a precise grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to issuance of a building permit.

#### **TRAFFIC AND TRANSPORTATION**

- u. The applicant shall provide a trip generation and distribution analysis for the proposed development. Based on these studies, a traffic impact analysis may be required. Any conditions generated by a traffic impact analysis shall be made a part of these conditions.
- v. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- w. The applicant shall protect or replace/repaint all traffic signage, markings and colored curb within the public right-of-way adjacent to the project site.
- x. The applicant shall contact the Transportation Mobility Bureau to repaint/modify any existing, missing or faded curb marking zones adjacent to the project site.
- y. All traffic control device installations, including pavement markings within the private parking garage, shall be installed in accordance with the current edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).
- z. The applicant shall submit a Traffic Control Plan prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, for review

and approval by the Department of Public Works.

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

20. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil, Public Works, Water and Fire Departments and Building Bureau.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. All rooftop mechanical equipment shall be fully screened from public view and views from taller, adjacent rooftops. 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.

27. Upon plan approval and prior to issuance of a building permit, the applicant shall submit an 11"x17" size set of final construction plans for the project file.
28. 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.
29. 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.
30. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. All landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.

37. 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.
38. 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.
39. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
40. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
41. 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.
42. 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.
43. This permit and all development rights hereunder shall terminate two year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
44. 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).
45. 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.
  46. 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).
  47. 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.
  48. 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.
  49. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
  50. 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.
  51. The property owner shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash and debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Development Services may require additional preventative measures such as but not limited to, additional lighting or private security guards.

52. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
53. Any graffiti found on site must be removed within 24 hours of its appearance.
54. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
55. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
56. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless the City and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul the approval of the City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover any anticipated litigation costs and staff time required as a result of litigation activity.