

## CONDITIONS OF APPROVAL

4747 Daisy Ave.  
Case No. 1406-12A  
November 10, 2015

### Special Conditions:

1. The following approvals are granted for this project:
  - a. Certification of EIR-01-15 (SCH # 2014091011).
  - b. General Plan Amendment: from LUD No. 11—Open Space and Park District, to LUD No. 3A—Townhomes District.
  - c. Zone Change: from “I” (Institutional) to “RP-13” (Residential PUD, 13 DU/ac).
  - d. Site Plan Review approval for a private residential community of 131 new single-family dwellings with a community recreation center and pool.
  - e. Planned Unit Development (PUD) approval for a new residential community of 131 single-family dwellings with an average density of 13 DU/ac or less.
  - f. Vesting Tentative Tract Map for a new land subdivision, to include individual lots for 131 new single-family dwellings, and other common area to be owned by the community/homeowners’ association.
  - g. A Development Agreement related to various off-site improvements.
2. The private streets within the development shall be named in accordance with the requirements of the Building and Safety Bureau, to the satisfaction of the Director of Development Services. If possible, street names conforming to the existing public street pattern shall be used. Alternatively, the private streets shall be named for local or regional geographic or natural features, or Southern California native plants or wildlife. The streets shall not be named for persons living or dead, nor using generic nature-related terms.
3. Prior to issuance of a grading permit, the developer shall submit a proposed haul route for all construction truck trips to the Director of Development Services and the City Engineer for review. The Director of Development Services and/or City Engineer may modify this proposed haul route as they deem necessary.
4. The developer shall abide by the haul route approved by the Director of Development Services and City Engineer, and failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits 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.

### Project Design

5. Each individual residential lot, of which 131 are approved, shall be developed with a single-family dwelling only. Secondary housing units (“granny flats”) shall be prohibited.

6. The project shall be developed in substantial compliance with the plans approved by the City Council on November 10, 2015. Each structure shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design. 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.
7. The developer shall provide a sample of all final exterior finish materials selected for construction for review by the Director of Development Services, prior to issuance of a building permit. If these materials are found to be below the standards approved in concept, the developer shall propose a different finish material and provide samples, to the satisfaction of the Director of Development Services.
8. The architectural design of all buildings shall be harmonious and complementary, and the architectural style shall not be changed between buildings or between phases of construction.
9. The developer shall provide for a pedestrian walkway connecting the perimeter gate on the western edge of the residential development with the Los Angeles River bicycle and pedestrian path, subject to approval by the County of Los Angeles. This improvement shall be completed prior to issuance of building permits for the 65<sup>th</sup> dwelling unit in the residential development. Should the County withhold approval for this improvement, this condition shall not be in effect.
10. The developer shall provide an eight-foot-tall (8'-0") CMU block wall at the project perimeter abutting the Los Angeles River and the railroad tracks on the western and southern edges of the project site. Sections of 8-foot-tall tubular steel fence shall be used instead of block wall at the termination of each access drive to provide for views outside the development. The developer shall provide a six-foot-six-inches-tall (6'-6") block wall at the project perimeter abutting the residential neighborhoods on the north and east edges of the project site, or, if approved by the Zoning Administrator, a block wall eight feet (8'-0") tall may be provided.
11. 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.
12. All forms of barbed wire and razor wire shall be prohibited on the site.
13. Enhanced exterior elevations shall be provided on units 31, 93, 98, and 104, as shown on approved plans. This is due to the fact that these units' siting exposes elevations that are not normally exposed to the common viewshed.

14. All exterior plaster (stucco) within the development shall be a sand finish, and the developer shall provide a sample of the plaster product to be used in construction prior to issuance of building permits for the first dwelling.
15. Any street lights and exterior building lights to be provided within the private development 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 residential property or structure.
16. All street lights and exterior building lights within the private development shall be Illuminating Engineering Society of North America (IESNA)-certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.

Tentative Map, Final Map, and C,C,&Rs

17. The Final Map is to be prepared in accordance with the approved Vesting 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, developer submits a written request for an extension of time, which receives approval from the Zoning Administrator.
18. 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.
19. 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.
20. All County property taxes and all outstanding special assessments shall be paid in full prior to approval of the Final Map.
21. All required off-site improvements shall be financially provided for to the satisfaction of the Director of Public Works prior to approval of the Final Map.
22. The developer shall cause to be prepared Covenants, Conditions, and Restrictions (C,C,&Rs) for this project. A copy of the C,C,&Rs are to be provided to the Director of Development Services for review and approval prior to transmittal to the California Department of Real Estate or recordation with the County Recorder.
23. The C,C,&Rs shall be executed and recorded against the title of the parcel(s) and shall contain the following provisions, which shall also be noted on the Final Map:
  - a. The subject residential project consists of one hundred and thirty one (131) individual lots for single-family dwellings;

- b. A minimum of two (2) garage parking spaces shall be permanently maintained as parking facilities for the each dwelling in the project. Parking spaces must be used solely for the parking of personal vehicles. Parking spaces may not be leased, subleased, rented, or sold, and are to be used exclusively by the residents of the same single-family dwelling on the lot where each garage is located;
- c. A minimum of forty (40) guest parking spaces shall be permanently maintained on the outside of the main circulation private road within the development. These spaces shall be reserved solely for visitors and shall not be used by residents of the development;
- d. A clear, detailed and concise written description of the common areas and facilities of the community shall be provided;
- e. The Homeowners' Association shall be responsible for the operation and maintenance of the following, and such responsibilities shall be provided for in the C,C,&Rs:
  - 1) The private sewer connection(s) to the public sewer in the public right-of-way;
  - 2) The site drainage system(s);
  - 3) The maintenance of all common areas, common landscaping, community buildings, facilities, and amenities;
  - 4) A provision for the maintenance of the exterior of each residence and the private landscaping associated with each residence;
  - 5) All private streets, sidewalks, parkways, and driveways;
  - 6) All perimeter fences, walls, and gates, and interior fences, walls, and gates;
  - 7) All adjacent public right-of-way street trees, parkways, sidewalks, and drive aprons;
  - 8) Enforcement of parking restrictions for the guest parking spaces;
  - 9) Any costs or corrections due to building or property maintenance code enforcement actions.
- f. A parking restriction plan shall be provided for the guest parking spaces for trash pickup day. Trash pickup shall be limited to one day per week to reduce the impact on guest parking.
- g. Graffiti removal shall be the responsibility of the Homeowner's Association. Graffiti shall be removed within 24 hours of its discovery. This responsibility shall include graffiti on the outside of the perimeter walls in addition to any graffiti within the development.

Operation and Maintenance

24. All residential trash receptacles shall be stored in the designated trash areas shown on approved plans. The intent of this condition is that trash receptacles shall be stored within each dwelling's garage or inside of a fenced yard area, concealed from view from the access road and neighboring dwellings.
25. 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.

Public Works Conditions

26. 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. Prior to final map approval, the Subdivider shall submit its on-site parking management plan and CC&R's for review and approval of the Director of Public Works.
- d. All required off-site improvements and facilities required by the Department of Public Works not in place and accepted prior to final map approval must be guaranteed by an instrument of credit or bond to the satisfaction of the Director of Public Works.
- 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 or import 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 developer shall diligently pursue the acquisition and dedication of the right-of-way.
- g. The Developer shall construct ADA compliant curb ramps on the northeast and southeast corners of Oregon Avenue and 48th Street with Portland cement concrete to the satisfaction of the Director of Public Works.

- h. The Subdivider shall provide easements to the City of Long Beach for any City facilities including traffic signal controls, signage, required slopes, bus stops, refuse collection access, and any other public necessities, to the satisfaction of the interested Department or agency and shall show such easements on the final map.
- i. 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**

- j. 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.
- k. The Subdivider shall remove unused driveways and replace with full-height concrete curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed per Public Works Standards with Portland Cement Concrete. 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 Traffic and Transportation Division at (562) 570-6331 to request additional information regarding driveway construction requirements.
- l. The Subdivider shall provide for new sidewalk pavement, curb and curb gutter, and parkways as needed to complete the existing sidewalks pavement and parkways along Daisy Avenue from that point where the existing sidewalk pavement ends to the entrance of the development site. New sidewalk limits shall consist of entire panel replacements or from joint line to joint line, to the satisfaction of the Director of Public Works. The Subdivider shall provide for the continuations of the sidewalk pavement, curb and curb gutters, and the parkways that terminate north of 4768 Oregon Avenue on the east and west side of Oregon Avenue to the satisfaction of the Director of Public Works.

- m. The Subdivider shall provide for new sidewalk pavement, curbs and curb gutters, and parkways as needed along both sides of Oregon Avenue from the intersection of Oregon Avenue and 48th Street to the emergency exit of the development site. New sidewalk limits shall consist of entire panel replacements or from joint line to joint line to the satisfaction of the Director of Public Works. The Subdivider shall submit plans for review and approval by Public Works to construction a dead-end cul-de-sac termination adjacent to the emergency access gate if possible, to the satisfaction of the Director of Public Works.
- n. The Subdivider shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- o. The Subdivider shall grind & overlay along the Daisy Avenue roadway adjacent to the project from the entrance of the development site to the north side of 48<sup>th</sup> Street. Improvement shall be per Public Works approved plans and to the satisfaction of the Director of Public Works.
- p. The Subdivider shall grind & overlay along the 48<sup>th</sup> Street roadway from the west side of Oregon Avenue to the east side of Pacific Avenue. Improvement shall be per Public Works approved plans and to the satisfaction of the Director of Public Works.
- q. The Subdivider shall grind & overlay along the Oregon Avenue roadway from the entrance of the development site to the north side of 48<sup>th</sup> Street to the satisfaction of the Director of Public Works.
- r. The Subdivider shall provide for the installation of truncated domes in all ADA ramps within the Pacific Avenue and 48<sup>th</sup> Street intersection, Daisy Avenue and 48<sup>th</sup> Street intersection, and Oregon Avenue and 48<sup>th</sup> Street intersection to the satisfaction of the Director of Public Works.
- s. The Subdivider shall provide for new street trees and ground cover along on Daisy Avenue and Oregon Avenue adjacent to the project site per Long Beach Municipal Code Chapter 21.42.060. The Subdivider and/or successors shall privately maintain all street trees and landscaping adjacent to the development site as required in connection with this development.
- t. The Subdivider shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning any tree removal or tree planting or landscaping work. 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 construct the required storm drain line in connection with the proposed development in accordance with approved plans. An excavation permit issued by the Department of Public Works is required for all work in the public right-of-way. Contact Russ Caveness of Construction Services for information about excavation permits at (562) 570-6530. The proposed storm drain system must be accepted for review by the County of Los Angeles Department of Public Works (call (626)-458-4921) to initiate plan review by the City. The Subdivider shall also provide said plans to the Director of Public Works for review prior to approval of the final map.
- w. Public improvements shall be constructed in accordance with Public Works Standards per approved plans. Sidewalk improvements shall be constructed with Portland Cement Concrete (PCC) to the satisfaction of the Director of Public Works. All sidewalk improvement, curb and curb gutter removal and/or current to new sidewalk tie-in limits shall consist of entire panel replacements or from joint line to joint line.
- x. The Subdivider shall provide to the Department of Public Works Civil Engineer prepared off-site improvement plans for review and approval for all off-site improvement conditioned on the development

#### **Traffic and Transportation**

- y. A traffic report must be prepared for this project, under the supervision and approved (stamped) by a registered Traffic Engineer in the State of California. In addition, any proposed physical street improvements must include a scaled drawing stamped by a registered Civil Engineer.
- z. The Subdivider shall provide for new 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 of the private streets and parking lot(s) shall be installed in accordance with the provisions of the California Manual On Uniform Traffic Control Devices (MUTCD), 2013 or current edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).



### **Storm Water**

ee. Prior to approving 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 public rights-of-way adjacent to the development site. 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.

### EIR Mitigation Measures

27. The developer shall provide for compliance with the following mitigation measures, as set forth in EIR 01-15:

#### **a. Air Quality**

- 1) **Mitigation Measure AQ-1(a): Construction Equipment Restrictions.** During demolition, the contractor shall limit the use of excavators to one. During grading, the contractor shall limit use of excavators to two operating no more than seven hours per day. During any phase of construction, the contractor shall limit the operation of scrapers to two operating seven hours per day, and shall not allow the operation of cranes on-site.
- 2) **Mitigation Measure AQ-1(b): Additional Construction Mitigation Measures.**
  - i. All off-road diesel-powered construction equipment greater than 50 horsepower (hp) shall meet the Tier 4 emission standards. In addition, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by the California Air Resources Board (CARB). Any emissions control device used by the contractor

shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.

- ii. Alternatively, the Lead Agency could rely on the Green Construction Policy used by LA County Metro or the ports of Los Angeles/Long Beach. These policies include provisions to 'step down' from Tier 4 equipment to Tier 3 or Tier 2 if specified criteria are met.
- iii. The Lead Agency shall require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export) and if the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall require use of trucks that meet EPA 2007 model year NOx emissions requirements.
- iv. A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.

**b. Biology**

- 1) **Mitigation Measure BIO-1(a): Preconstruction Bat Surveys.** Prior to any building demolition, brush clearing, tree clearing, or grading activities associated with the project, a qualified biologist shall complete a preconstruction survey to determine the presence or absence of any maternity roosting of special-status bats. If special-status bats are present, demolition and/or clearing within 100 feet of an active maternity roost shall be delayed until after the roosting season (April 15 through August 31).
- 2) **Mitigation Measure BIO-1(b): Raptor and Nesting Bird Protection.** To avoid disturbance of nesting and special status birds including raptorial species protected by the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (January 1 through September 1).

If construction must begin within the breeding season, then a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal. The nesting bird pre-construction survey shall be conducted within the disturbance footprint and a 500-foot buffer as allowable without trespassing on private lands outside the project site. The survey shall be conducted by a biologist familiar with the identification of raptors and special status species known to occur in Los Angeles County using typical methods.

If nests are found, a buffer ranging in size from 25 to 500 feet (25 feet for urban-adapted species such as Anna's hummingbird and California towhee and up to 500 feet for certain raptors) depending upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest.

**c. Cultural Resources**

- 1) **Mitigation Measure CR-1(a): Archaeological Resource Construction Monitoring.** At the commencement of any ground-disturbing construction activities, including grading, surface excavation, and placement of imported fill, within the project site, an orientation meeting shall be conducted by an archaeologist for construction workers associated with ground-disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

A qualified archaeologist shall be present during, and monitor, all earth moving activities within native soil. In the event that unearthed prehistoric or archaeological cultural resources, historic artifacts, or human remains are encountered during project construction, all work in the vicinity of the find shall be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (e.g., curation, preservation in place, etc.) in accordance with Public Resources Code 21083.2, if necessary, is implemented. Additionally, if such cultural resource remains are encountered, Mitigation Measure CR-1(b) shall take effect.

- 2) **Mitigation Measure CR-1(b): Unanticipated Discovery of Cultural Remains.** If cultural resource remains are encountered during construction or land modification activities, work shall stop and the City shall be notified at once to assess the nature, extent, and potential significance of any cultural remains. The applicant shall implement a subsurface testing program (known as a Phase II site evaluation according to Cultural Resource Management best use practices) to determine the resource boundaries, assess the integrity of the resource, and evaluate the site's significance through a study of its features and artifacts. If the Phase II site evaluation concludes the site is significant, a Phase III data recovery excavation program may be implemented to exhaust the data potential of the site, if the site cannot be avoided.

If the site is determined to be significant, the applicant may choose to cap the resource area using culturally sterile and chemically neutral fill material and shall include open space accommodations and interpretive displays for the site to ensure its protection from development. A qualified archaeologist shall be retained to monitor the placement of fill upon the site and to make open space and interpretive recommendations. If a significant site will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed to record and remove significant cultural materials that could otherwise be tampered with. If the site is determined insignificant, no capping and or further archaeological investigation shall be required. The results and recommendations of the Phase II study shall determine the need for construction monitoring.

- 3) **Mitigation Measure CR-2(a): Paleontological Resource Construction Monitoring.** Ground-disturbing activity in areas of low paleontological sensitivity (Holocene alluvial sediments) that does not exceed three feet in depth shall not require paleontological monitoring. Monitoring of excavations exceeding three feet in depth shall be monitored by a qualified paleontologist to determine if potentially fossil bearing units are present at ground disturbing depths. If no fossils are observed during the first 50 percent of excavations exceeding three feet in depth, or if the qualified paleontologist can determine that excavations are not disturbing Pleistocene or Pliocene aged sediments, then paleontological monitoring shall be reduced to weekly spot-checking under the discretion of the qualified paleontologist.
- 4) **Mitigation Measure CR-2(b): Fossil Salvage.** If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover all fossils. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

**d. Geology & Soils**

- 1) **Mitigation Measure GEO-2(a): Placement of Compacted Fill.** The existing fill and near surface alluvial soils in all the proposed structural areas shall be over excavated to a depth of four feet below the existing grade or two feet below the bottoms of the proposed structural footings, whichever is deeper, and shall be replaced with properly compacted fill.
- 2) **Mitigation Measure GEO-2(b): Building Foundations.** All building foundation systems shall be properly designed and constructed using either a post-tensioned or strengthened conventional concrete foundation, as determined by the City of Long Beach Building Official.

e. **Land Use.** See Mitigation Measures AQ-1(a), AQ-1(b), BIO-1(a), BIO-1(b), and N-5.

**f. Noise and Vibration**

- 1) **Mitigation Measure N-5: Windows and Sliding Glass Doors.** All first floor and second floor windows and sliding glass doors facing Interstate 710 shall utilize a minimum STC rating of 28. All first floor and second floor windows and sliding glass doors facing the adjacent railroad track shall utilize a minimum STC rating of 30. All other windows and sliding glass doors on the project site shall utilize a minimum STC rating of 25.

**g. Utility & Service Systems**

- 1) **Mitigation Measure U-2: Wastewater Infrastructure.** Prior to issuance of grading or building permits, the applicant shall submit a sewer study performed by an experienced civil engineer, including a hydraulic analysis, for review and approval by the LBWD. If the study determines that the existing sewer mains are over capacity and would be unable to accommodate the additional wastewater generated by the proposed project, then the project applicant shall pay to upgrade the existing sewer mains to sufficient design and capacity to accommodate the proposed project, prior to the issuance of building or grading permits. Replacement sewer lines shall be installed in the same locations as existing sewer lines in order to ensure that only temporary disturbance of existing rights-of-way would occur and that installation of these replacement sewer lines would not result in new areas of disturbance unless otherwise approved by LBWD. The sewer upgrades must be designed and implemented consistent with the information and conclusions in the approved sewer study.

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

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.

38. 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.
39. 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.
40. 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.
41. 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.
42. For projects consisting of new buildings, parking lots, or landscaped area, the applicant must 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% 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.
43. 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.
44. 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.

45. 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.
46. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
47. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
48. 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.
49. 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:**

50. 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).
51. 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.
52. 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).



53. 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.
54. 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.
55. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
56. 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.
57. 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.
58. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
59. Any graffiti found on site must be removed within 24 hours of its appearance.
60. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
61. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
62. 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.