

CONDITIONS OF APPROVAL
923 and 927 Long Beach Boulevard
Application No. 2108-08 (SPR21-039)
May 19, 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 the Downtown PEIR Addendum – Downtown Plan Land Use Equivalency Program (2022) 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 May 19, 2022, consisting of:
 - i. A six-story, residential building consisting of 75-units;
 - ii. Four units shall be set aside for low-income households;
 - iii. A minimum of 2,809 square feet of common open space for building residents (1,159 square feet on the second floor and 1,650 square feet as roof deck); and 1,314 square-feet of indoor amenity space; and 333 square feet fitness room and 60 private balconies;
 - iv. Not less than 104 parking stalls (95 standard and 9 tandem) located as surface and three levels of subterranean level parking
2. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program of the Downtown Plan PEIR, 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 (APN's 7273-012-037 and 7273-012-011) addressed as 923 and 927 Long Beach Boulevard 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 94 parking stalls 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.

5. Prior to issuance of building permits, a covenant or deed restriction shall be recorded against the development for a minimum of 55 years dedicating four (4) housing units, at an affordable rent to very low-income households to the satisfaction of the Director of Development Services.
6. If initial construction activities take place during the bird nesting season (January through September), 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. 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. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.
7. 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.
8. 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.
9. 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.
10. Utilities shall be located internally to the building as feasible to mitigate noise and vibration. 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 comply with Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.

11. 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. Contact information for the Project Manager shall be posted in a visible location on site during all construction phases.
12. The developer shall have fencing and gate materials for the emergency egress approved to the satisfaction of the Director of Development Services, or designee.
13. 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.
14. 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.
15. 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,
 - 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 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.

- b. The Applicant proposes potential architectural projection encroachments into the public right-of-way that include architectural features, balconies and awnings. Construction plans shall be submitted to the Department of Public Works for all

projections over the public right-of-way to be reviewed for approval as to compliance with California Building Code Chapter 32, to the satisfaction of the Director of Public Works. 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. All proposed refuse, recycling and organics collection structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Applicant 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. 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. 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.
- e. Any proposed signage shall be located entirely on site, on private property, completely out of the public right-of-way. Any signage initially proposed in public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- f. All off-site improvements shall provide a minimum of five (5) feet clear dedicated right-of-way between any and all obstructions for pedestrian travel purposes compliant with the most recent Americans with Disabilities Act (ADA) 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).
- g. The Applicant 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.
- h. 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.**

- i. 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

- j. Applicant shall dedicate and improve an additional 5 feet of right-of-way along the north-south alleyway adjacent to the site, for alley widening purposes along the western property line boundary, relocating and/ or undergrounding all existing facilities as necessary to accommodate the alley widening. All improvements shall be constructed with Portland cement concrete. To initiate the dedication process, Applicant shall submit a Dedication application to Public Works, along with all required attachments and filing fees, which approval is subject to acceptance by the City Council.
- k. There are existing active gas and water lines within the vacated Nardo Way, traversing the site from Long Beach Blvd. to Palmer Ct., that conflict with the proposed development and shall be relocated accordingly. Applicant shall be responsible for relocating all public utilities within the vacated Nardo Way to the satisfaction of the interested utility agency, City Department, and the Director of Public Works. Applicant shall work with Long Beach Energy Resources Department and Long Beach Water Department to relocate the gas line and the water line. An approved relocation plan with each utility Department must be approved prior to the issuance of any grading/demolition permits.
- l. The submitted plans appear to illustrate habitable square footage projecting into the right-of-way, which is not allowed. Habitable square footage shall be completely within private property and shall not encroach into the public right-of-way.
- m. The submitted plans appear to illustrate installation of bicycle parking apparatus and private planters within the public right-of-way. These items are for private benefit and shall only be permitted within the right of-way subject to an Installation and Maintenance Agreement (IMA) issued by the City. The applicant must apply for and secure an IMA prior to installation of said items, and the IMA must be renewed every year following the initial installation for as long as the items remain in the right-of-way. If an IMA is not desired, the installation of the proposed items within the right-of-way shall not be included as a part of the development.

- n. Applicant 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.

OFF-SITE IMPROVEMENTS

- o. The Applicant shall reconstruct the full width of the north-south alley (Palmer Court) including the dedication area, adjacent to the western boundary of the project site from 9th Street to the east-west alley (Nardo Way) with Portland cement concrete. All utility poles along the proposed alley widening shall be relocated/undergrounded by the Developer at project expense, and to the satisfaction of the Director of Public Works.
- p. The Applicant shall reconstruct the full width of Nardo Way from Waite Ct. to the north-south alley (Palmer Ct.) adjacent to the project site with Portland cement concrete.
- q. Applicant shall remove the existing alley (vacated Nardo Way) intersection on Long Beach Boulevard along the Project's frontage and replace with full height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. All sidewalk improvements shall be constructed with Portland cement concrete.
- r. The Applicant shall, as applicable, either 1) protect existing street trees adjacent to the project frontage along Long Beach Blvd, 2) replace dead or dying street trees adjacent to the site, or 3) provide new street trees at driveway/alley intersection closures that would result in a gap in street tree spacing along Long Beach Blvd adjacent to the project site, per Section 21.42.050 of the Long Beach Municipal Code. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. At a minimum, parkway trees shall provide shade coverage, after five years of growth, of 50 percent of the total area of public right of way, along the project frontage.
- s. Applicant shall install on-site alley lighting to the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.
- t. To the satisfaction of the Director of Public Works, the Developer shall submit for approval a shoring plan, for any temporary or permanent tiebacks/soil nails that

are required to extend beneath the public rights-of-way adjacent to the project site. Tiebacks/soil nails shall be per the standards and requirement of Long Beach Municipal Code Chapter 14.08.

- u. Applicant 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.
- v. The Developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the development site along Long Beach Boulevard. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- w. Applicant proposes improvements that may impact existing under- and above-ground utilities through and adjacent to the project site, such as gas lines, street light conduits and utility poles and overhead lines, and along the perimeter streets and alleyways adjacent to the project site. The Applicant 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.
- x. 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 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 Applicant, to the satisfaction of the Director of Public Works.
- y. Applicant 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.
- z. The Developer shall install Custom Printed Flex Mesh screen(s), such as FenceScreen.com Series 311, or equivalent, fence screening along the perimeter of the development site, and provide for the printed graphic, to the satisfaction of the Director of Public Works. The Developer shall consult with Public Works prior to submitting the graphic design for printing.
- aa. Applicant 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.

- bb. Applicant shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
- cc. All work within the public right-of-way must be performed by a contractor holding a valid State of California Contractor's License and City of Long Beach Business License, sufficient to qualify the contractor to do work. The Contractor shall have on file with the City Engineer a Certificate of General Liability insurance, and endorsement evidencing minimum City of Long Beach limits of required general liability insurance.

TRAFFIC AND TRANSPORTATION

- dd. A traffic impact analysis must be prepared for this project, under the supervision and approval of a registered Traffic Engineer in the State of California (Engineer's stamp required) and submitted for review prior to issuance of a building permit. In addition, any physical street improvements must include a scaled drawing stamped by a registered Civil Engineer in the State of California. Any conditions generated by the analysis shall be made a part of these conditions.
- ee. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet in width require a variance; contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding driveway construction requirements.
- ff. Applicant shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks along Long Beach Boulevard, or contribute a fair share fee to the City for future implementation, to the satisfaction of the City Traffic Engineer; contact the Transportation Mobility Bureau, at (562) 570-6331, to request additional information regarding the most recent Bicycle Master Plan of the City of Long Beach.
- gg. The Applicant 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
- hh. The Applicant shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.

- ii. The Applicant shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- jj. The Applicant shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.

Standard Conditions – Plans, Permits, and Construction:

- 16. The applicant shall comply with all comments from the Long Beach Police, Energy Resources, Public Works, Water and Fire Departments and Building and Safety Bureau.
- 17. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
- 18. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
- 19. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
- 20. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
- 21. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
- 22. All rooftop mechanical equipment shall be fully screened from public view 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.

23. 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.
24. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
25. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
26. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
27. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
28. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
29. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
30. Site development, including landscaping, shall conform to the approved plans on file with the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
31. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services.
32. 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.

33. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.
34. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.
35. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
36. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
37. Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
38. 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.
39. 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.
40. 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).
 41. 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.
 42. 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).
 43. 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.
 44. 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.
 45. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
 46. 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.
 47. 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.
48. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
 49. Any graffiti found on site must be removed within 24 hours of its appearance.
 50. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
 51. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
 52. 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.