

**CONDITIONS OF APPROVAL**  
**937 Pine Avenue**  
**Application No. 2012-20 (SPR20-045)**  
**October 20, 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 October 20, 2022, consisting of:
    - i. An eight level, 69-unit apartment building consisting of 10 studio type units; 24, 3-bedroom units; 12, 4-bedroom units and 23, 5-bedroom units.;
    - ii. A minimum of approximately 6,620-square-feet of common open space which includes, includes 3,969sf of courtyard, passive recreation area, two, 900sf fitness rooms, a 1,231sf community room and a 520sf roof deck at level 8 for building residents.
    - iii. Two and one half levels of parking incorporating a minimum of 123 parking stalls with 69 spaces located in a stacking car lift system.
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 three (3) lots addressed as 937 Pine Avenue (APN 7273-014-008), 947-957 Pine Avenue (APN 7273-014-007) and 120 West 10<sup>th</sup> Street (APN7273-014-006) 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 123 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.

5. A minimum of 14 bicycle parking/storage spaces shall be provided for and maintained on site.
6. 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.
7. 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.
8. 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.
9. 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 compliant with Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.
10. The developer shall submit to the Department of Development Services and the Department of Public 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.
11. 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.
12. The developer/owner is responsible in coordinating with Long Beach Energy Resources to ensure there is a plan in place for the relocation, or cut and cap of gas facilities. Per LB Municipal Code, any structures or obstructions are not allowed to be built above the existing gas lines deterring access to those facilities.
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. Developer shall comply with the Memorandum from the Long Beach Police Department dated September 7, 2020 entitled Crime Prevention Through Environmental Design for 937 Pine Avenue.
15. Developer shall pay attention and be cognizant of the Technical Advisory Committee comments from the Building Department dated September 11, 2020 for the subject project.
16. 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.
17. The Department of Public Works submits the following requirements for the proposed development referenced in the above subject line. The Developer must comply with all requirements noted below.

**GENERAL REQUIREMENTS**

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

Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit. The Developer shall comply with all requirements outlined within the latest version of the Public Works Development Guideline and all referenced standards at the time of application submittal.

- b. The Developer proposes architectural projection encroachments into the public right-of-way that include architectural features, signage, 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, to the satisfaction of the Director of Public Works.

- c. 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.
- d. The Developer is proposing a refuse and recycling receptacle area as part of the proposed development. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Developer and/ or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- e. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- f. 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](http://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.**
- g. 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**

- h. The Developer shall dedicate and improve an additional 2 feet of right-of-way along the north-south alley (Solana Court) adjacent to the site, for alley widening purposes resulting in an improved 18-foot wide alley along the western proposed development property line boundary, relocating and/ or undergrounding all existing facilities as necessary to accommodate the alley widening. Alley improvements shall be constructed with Portland cement concrete. A complete application along with all required items plus filing fee shall be submitted for review and processing.

- i. The Developer shall be responsible for resolving all matters of easement(s) and/or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

### **OFF-SITE IMPROVEMENTS**

- j. The Developer shall improve the alley dedication area and reconstruct the full width of the north-south alley (Solana Court) adjacent to the western proposed development property line boundary of the project site, from West 10<sup>th</sup> Street to the projection of the southern property line boundary of the subject site across Solana Court, with Portland cement concrete, to the latest City standards and to the satisfaction of the Director of Public Works.
- k. The Developer shall install alley lighting in the improved alley (Solana Court) adjacent to the project site, to the satisfaction of the Director of Public Works.
- l. The Developer shall reconstruct the alley curb intersection at West 10<sup>th</sup> Street and Solana Court to align with the new alley widening, to the satisfaction of the Director of Public Works. The Developer shall construct the alley intersections to meet full ADA compliance. Alley improvements shall be constructed with Portland cement concrete.
- m. The Developer shall check with the Long Beach Water Department at (562) 570-2300 and the Gas and Oil Department at (562) 570-2030 for scheduled main replacement work prior to submitting any improvement plans to the Department of Public Works.
- n. The Developer shall protect in place the existing trees on the Pine Avenue and West 10<sup>th</sup> Street right-of-ways adjacent to the project site, during construction of any off-site improvements within that right-of-way.
- o. The Developer shall improve the existing parkway at the intersection of 10<sup>th</sup> Street and Solana Ct. with low-water use/drought tolerant landscaping and irrigation.
- p. The Developer shall demolish the existing sidewalk and curb ramp located on the corner of Pine Avenue and West 10<sup>th</sup> Street adjacent to the project site, and construct a new ADA compliant curb ramp to the latest City standards and to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- q. The Developer shall reconstruct cracked, deteriorated, non-compliant, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the project site along Pine Avenue and West 10<sup>th</sup> Street, to the latest City

standards and to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).

- r. The Developer proposes improvements that may impact existing under- and above-ground utilities adjacent to the project site, such as a fire hydrant and street light conduits, along the perimeter streets and alleyways adjacent to the project site. The Developer shall be responsible for all design, applicable utility approval, permitting, relocation work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.
- s. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities, shall be reconstructed or replaced by the Developer, to the satisfaction of the Director of Public Works.
- t. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- u. The Developer shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to approval of the map and/or release of any building permit.
- v. The Developer shall submit a drainage plan for approval by Public Works prior to issuance of a building permit.
- w. 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 Developer 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 developer 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) 576-6600 or visit their website for complete instructions at [www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml).

### **TRAFFIC AND TRANSPORTATION**

- x. The Developer shall provide a trip generation and trip distribution analysis. Based on these studies, a traffic impact analysis may be required. Any conditions generated by the analysis shall be made a part of these conditions.
- y. The Developer shall upgrade the existing crosswalks at the intersection of Pine Avenue and West 10<sup>th</sup> Street to new continental style crosswalks, using thermoplastic materials, per the latest City standards and to the satisfaction of the City Traffic Engineer.
- z. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet require a variance; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- aa. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- bb. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- cc. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- dd. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- ee. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

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

- 18. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil, Public Works, Water and Fire Departments and Building Bureau.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.



27. 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.
28. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.

36. 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.
37. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
38. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
39. 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.
40. 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.
41. 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.
42. 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).
43. 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.

44. 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).
45. 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.
46. 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.
47. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
48. 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.
49. 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.
50. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
51. Any graffiti found on site must be removed within 24 hours of its appearance.
52. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.

53. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
54. 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.