



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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Long Beach, CA 90802

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November 2, 2017

CHAIR AND PLANNING COMMISSIONERSCity of Long Beach
California**RECOMMENDATION:**

Adopt Mitigated Negative Declaration ND-09-17 and approve a Site Plan Review (SPR17-067) for construction of an approximately 6,480-square-foot building addition to the east of the existing community center at Houghton Park, located at 6301 Myrtle Avenue in the Park (P) zone. (District 9)

APPLICANT: Tony Resendez
City of Long Beach
Capital Projects Coordinator, Public Works
333 West Ocean Boulevard
Long Beach, CA 90802
(Application No. 1708-13)

DISCUSSION

The project site is located in Houghton Park at 6301 Myrtle Avenue, on the north side of East Harding Street and between Myrtle Avenue and Atlantic Avenue (Exhibit A – Location Map). The project site includes the existing 20,876-square-foot Houghton Park Community Center and restroom building with an associated parking lot. The existing community center includes exercise rooms, a day care, a kitchen, storage rooms, restrooms, office space, a recording studio, and a media room. The existing parking lot has 113 spaces and takes access from Myrtle Avenue. The proposed community center is, and will continue to be, operated by the City of Long Beach Parks, Recreation and Marine Department.

The area surrounding the project site consists of institutional, residential, and commercial uses. Existing land uses include Jordan High School to the north, multi-family residences to the west across Atlantic, and single-family residences to the south and east, across East Harding Street and Myrtle Avenue, respectively. Commercial shops and restaurants are located south of East Harding Street at its intersection with Atlantic Avenue, southwest of the park. The proposed community center (nonregional, City staffed) is a permitted use within a Park (P) zone and is consistent with the City's General Plan Land Use District of Open Space/Parks (LUD 11) which allows for the opportunity to expand existing open space facilities intended to serve the general public. All new structures within the Park (P) zone require Site Plan Review approval from the Planning Commission prior project commencement. The role of the Planning

Commission is to review any park project for consistency with the General Plan, zoning and Site Plan Review standards (see Exhibit C – Findings), whereas the role of the Department of Parks and Recreation is to review the design, staffing, programming and overall recreational suitability of the proposed improvements.

The applicant is requesting approval of a Site Plan Review to construct an approximately 6,480-square-foot building to the east of the existing community center, which would connect via a breezeway. The existing building consists of three parts: the first built in the 1930s, the second added in the 1950s to the north of the 1930s building, and the third extended the 1950s building to the west (built in the 1980s). The project will be phased in three components. The first phase will be the new building. The second phase will involve a partial renovation of the existing 1950s building and also the demolition of 4,340 square feet of the 1980s wing to the west and 869 square feet of the 1959 wing to the east.

The project will also include demolition of the 677-square-foot restroom building south of the 1930s building. Approximately 5,886 square feet of total building area will be demolished, and the proposed project will increase the total building area by approximately 594 square feet. The third phase will involve reconfiguration and expansion of the existing parking lot, and modification to an existing picnic area south of the parking lot, increasing parking from 113 spaces to 140 spaces. The project includes a goal of achieving Leadership in Energy and Environmental Design (LEED) Silver in the proposed building.

The proposed project will create a courtyard that spans between the new building and the 1930s building, and will include six trees planted within the space. This courtyard will be enclosed by a decorative fence on the south end so that it can be programmable space for use by the public as part of the community center. The new building will house two large multipurpose rooms that can be further divided into two rooms each by a retractable wall. A set of restrooms that open to a small reception area will be centrally located in the proposed building. The reception area will be accessed via the courtyard or a shaded gallery that will line the western edge of the proposed building. The project will also include a pair of unisex restrooms that open to the east that park visitors can directly access without entering the building. The project will locate a bus drop-off area adjacent to the proposed building with bicycle parking and concrete seating areas.

The exterior improvements will include construction of the new building and partial renovation of the existing 1950s building. The proposed project will not change the height of the community center buildings and will expand total building area by 594 square feet. As conditioned, the project will meet all of the City's development standards including building setbacks, parking, and landscaping.

In accordance with the California Environmental Quality Act, an initial study and environmental review was prepared for this project to further evaluate land use compatibility of the project with its surroundings. Specifically, the park patrons are considered potential sensitive receptors, particularly during construction activities in the park with demolition activities that could potentially involve hazardous materials such as

asbestos and/or lead based paint. In addition to the park patrons at the site, other proximity uses of potential concern include noise impacts to adjacent sensitive noise receptors at Jordan High School north of the project site. Mitigation measures required for the project have been incorporated as conditions of approval to address the impacts on biological resources, hazardous materials, construction noise, and tribal cultural resources, as further described in the environmental review portion below.

Because the project complies with the General Plan, Zoning Ordinance, and other applicable regulations, staff is able to make positive findings for the Site Plan Review. Staff has also included conditions of approval to ensure that the objectives of consistent, high-quality design for this project will be met, and the interests of the City will be protected (Exhibit C – Findings & Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on October 17, 2017, in accordance with the requirements of Chapter 21.21 of the Long Beach Municipal Code. At the time of writing of this report, staff has received no public inquiries on this project.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, a Mitigated Negative Declaration (MND) has been prepared for the project. The MND provides four mitigation measures related to biological resources, hazardous materials, noise, and tribal cultural resources. The measures specifically relate to nesting birds, asbestos and lead based paint, construction noise mitigation, and Native American monitoring.

Chapter 532, Statutes of 2014 (i.e., Assembly Bill [AB] 52), requires that Lead Agencies evaluate a project's potential to impact "tribal cultural resources." In compliance with AB 52, consultation letters were sent out to six tribal councils in August 2017 based on a list provided by the Native American Heritage Commission. Copies of the letters have been included as Appendix E to the MND (Exhibit D- ND 09-17). Response letters were received from Andrew Salas of the Gabrieleno Band of Mission Indians – Kizh Nation, and John Tommy Rosas of the Tongva Ancestral Territorial Tribal Nation.

The letter from Mr. Rosas states that his primary interest is the anticipated depth of excavation and requests a copy of the excavation plan. After additional correspondence with Mr. Rosas, no follow-up consultation has been requested from Mr. Rosas to date. Mr. Salas requested consultation under AB 52, which the City completed on September 20, 2017. Mr. Salas states that the project site lies within the ancestral territories of the Kizh Gabrieleno, and requests that a certified Native American monitor from that group be present during all ground disturbing activities. As noted in Mitigation Measure TCR-1 (Exhibit D - ND 09-17 & Exhibit E - Mitigation Monitoring and Reporting Program), the City has agreed to allow Native American monitoring during ground-disturbing activities. With implementation of Mitigation Measure TCR-1, potential impacts related to unknown buried tribal cultural resources will be reduced below a level of significance.

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The MND was circulated for a 30-day public review period between September 27, 2017 and October 27, 2017 (Exhibit D- ND-09-17 & Exhibit E- Mitigation Monitoring and Reporting Program). During the circulation of the Draft Initial Study and MND, no written correspondence has been received as of October 24, 2017.

The MND determined that the project, in compliance with all recommended mitigation measures, would not result in any significant adverse environmental impacts. The preparation and public availability of the MND have been carried out in compliance with the provisions of CEQA and the CEQA Guidelines. Staff therefore recommends the Planning Commission adopt ND 09-17 and approve Site Plan Review for a proposed approximately 6,480-square-foot building addition to the east of the existing community center and associated improvements at Houghton Park, located at 6301 Myrtle Avenue within the Park (P) zone.

Respectfully submitted,



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

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Attachments: Exhibit A – Location Map
 Exhibit B – Plans
 Exhibit C – Findings & Conditions of Approval
 Exhibit D – Mitigated Negative Declaration ND-09-17
 Exhibit E – Mitigation Monitoring and Reporting Program

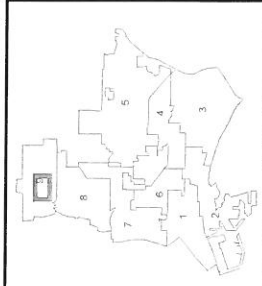
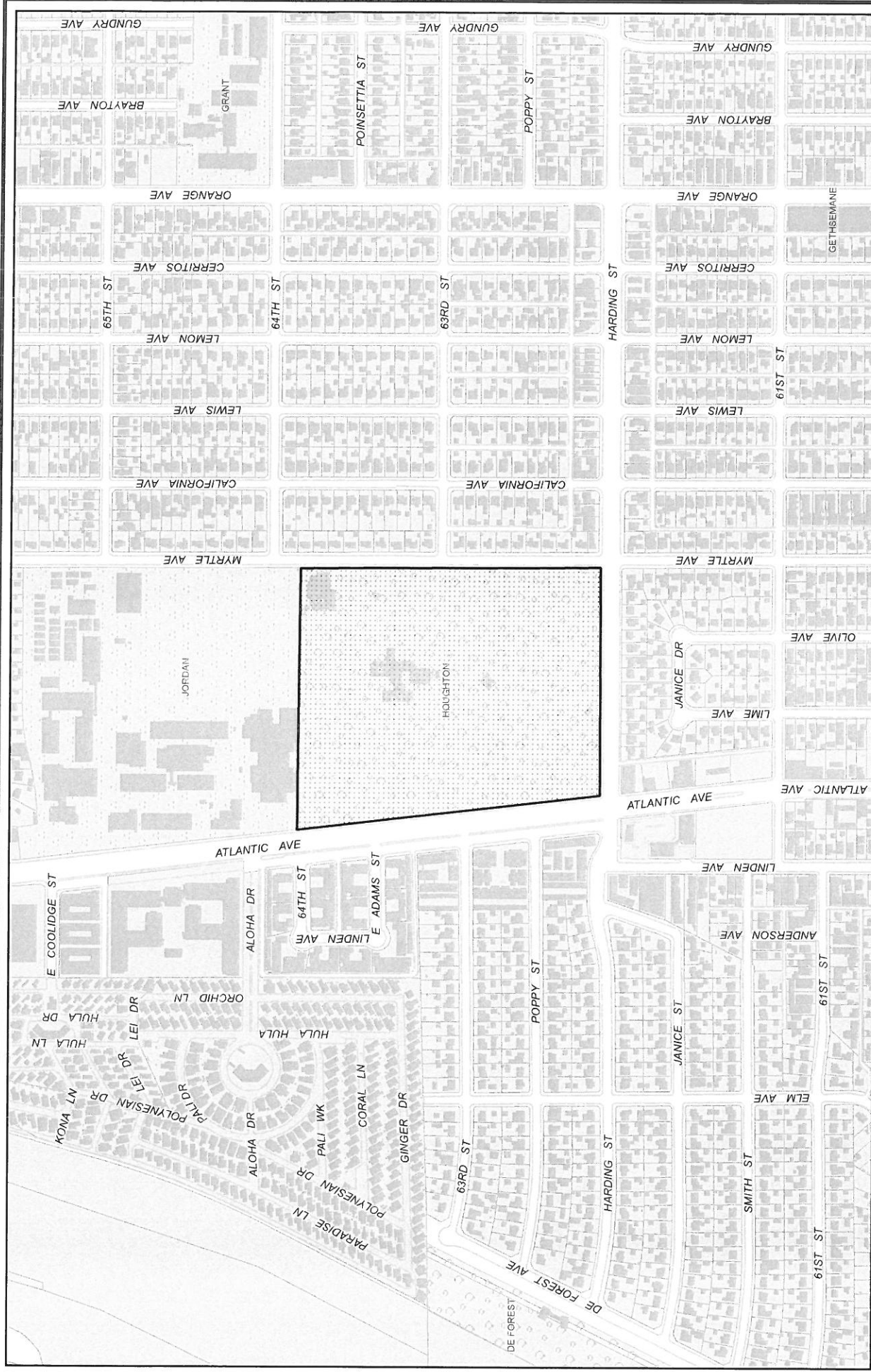


Exhibit A



Subject Property:
6301 Myrtle Ave
Application No. 1708-13
Council District 9
Zoning Code : P



**SITE PLAN REVIEW FINDINGS
6301 Myrtle Avenue (Houghton Park)
Application No. 1708-13 (SPR17-067)
November 2, 2017**

Pursuant to Section 21.25.506 of the Zoning Ordinance, the Planning Commission shall not approve a Site Plan Review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. THE DESIGN IS HARMONIOUS, CONSISTENT, AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER, AND SCALE WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED;

The proposed project is the construction of an approximately 6,480-square-foot community center building at Houghton Park within the Park (P) Zone. The proposed project will also include partial renovation of the existing 1950s building, demolition of 4,340 square feet of the 1980s wing to the west and 869 square feet of the 1959 wing to the east, demolition of the 677-square-foot restroom building south of the 1930s building, reconfiguration and expansion of the existing parking lot, and a modification to an existing picnic area south of the existing parking lot. Under existing conditions, the project site is a public park with an existing community center.

The proposed project is harmonious, consistent, and complete within itself. The development will provide a new community center and expanded parking area at an existing park. The Project is of a compatible height and is setback within the center of the park.

The proposed project features a contemporary design. The elevations incorporate variations in the roofline and a change of materials including high density stratified wood board, insulated glass, insulated polycarbonate façade system, and smooth troweled cement plaster.

The design makes use of visually interesting construction materials, colors, and finishes. The building's contemporary design is punctuated by clean and simple lines that create interest while avoiding a busy appearance. The glass windows on the first floor provide visual interest for pedestrians. The building's asymmetrical roofs create architectural interest while also allowing natural lighting within the building.

B. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES, OR THE GENERAL PLAN;

The General Plan offers no design specifications for development in Land Use District 11 (LUD 11) –Open Space/Parks.

The proposed project will be consistent with all development standards for the Park (P) District as provided in the Long Beach Municipal Code. Site Plan Review is required pursuant to Chapter 21.25, Specific Procedures, of the Long Beach Municipal Code to ensure that the building proposed will be consistent with the serenity, setting and open space character of the park in which it is located. Consistent with these requirements, the proposed community center is designed to blend with the open and landscaped surroundings. In addition, all mechanical appurtenances shall be screened from public view.

C. THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE IS POSSIBLE;

The project site is improved as a public park with existing trees throughout the over 20-acre Houghton Park. The project will remove approximately 35 trees adjacent to the community center and within the existing picnic area. Removal of 35 trees by the project will not substantially affect the visual character of the Park. The project will also not affect street trees along Myrtle Avenue, which are protected under the City's Tree Maintenance Policy. The Mitigated Negative Declaration (MND) prepared for the proposed project includes a Historical Resources Tree Study. As a result of this study, the MND includes recommended condition of approval CUL-1, which will require the replacement of 10 trees with similar species capable of reaching the same canopy size, as those determined to be of historic age in the Historical Resources Tree Study. Compliance with this condition of approval will replace significant mature trees that will be removed as part of the proposed project.

D. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THIS ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT;

As the Project Applicant, the City will be required to comply with all public improvement requirements including exterior lighting, landscaping, fencing, maintenance, and video surveillance required by the City of Long Beach Police Department to apply to this project. The increase in park patrons generated by the new community center necessitates these public improvements.

E. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT); AND

The project contains less than 25,000 square feet of new, non-residential development and thus will be exempt from Transportation Demand Management requirements.

F. THE APPROVAL IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.

The provisions of Section 21.45.400 apply to the proposed project due to the City's funding of the project's new construction and rehabilitation of the existing community center. The project includes a goal of achieving Leadership in Energy and Environmental Design (LEED) Silver certified level in the proposed building. As conditioned, the proposed project will be required to comply with the additional green building requirements in Section 21.45.400 – canopy tree shade coverage over forty percent (40%) of the new designated parking area or reflective paving areas, solar-ready rooftops, and designated recyclable materials collection areas in all project trash collection area. The provision of bicycle parking is not required pursuant to Section 21.45.400 because the project does not include residential, commercial, retail, or industrial building areas. Compliance with the conditions of approval will ensure that the proposed project is consistent with Section 21.45.400 of the Long Beach Municipal Code.

CONDITIONS OF APPROVAL
6301 Myrtle Avenue (Houghton Park)
Application No. 1708-13
November 2, 2017

Special Conditions:

1. This Site Plan Review approval is for the construction of an approximately 6,480-square-foot (sf) building addition to the east of the existing community center at Houghton Park located at 6301 Myrtle Avenue. The proposed project will also include partial renovation of the existing 1950s building, demolition of 4,340 square feet of the 1980s wing to the west and 869 square feet of the 1959 wing to the east, demolition of the 677-square-foot restroom building south of the 1930s building, reconfiguration and expansion of the existing parking lot, and a modification to an existing picnic area south of the existing parking lot.

The project will be phased in three components. The first phase will be the new building. The second phase will involve a partial renovation of the existing 1950s building and also the demolition of 4,340 square feet of the 1980s wing to the west and 869 square feet of the 1959 wing to the east.

The project will also include demolition of the 677-square-foot restroom building south of the 1930s building. Approximately 5,886 square feet of total building area will be demolished, and the proposed project will increase the total building area by approximately 594 square feet. The third phase will involve reconfiguration and expansion of the existing parking lot, and modification to an existing picnic area south of the parking lot, increasing parking from 113 spaces to 140 spaces.

2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, dated August 10, 2017.
3. There are 113 existing parking stalls. A minimum of 113 parking stalls shall be permanently maintained and in useful operation within the Houghton Park parking lot. The third phase will involve reconfiguration and expansion of the existing parking lot, and modification to an existing picnic area south of the parking lot, increasing parking from 113 spaces to 140 spaces. After the third phase of the project is complete, a minimum of 140 parking stalls shall be permanently maintained and in useful operation within the Houghton Park parking lot.
4. 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.
5. Pursuant to section 21.45.400 (c), the project shall meet the intent of LEED at the Certified level to the satisfaction of the Director of Development Services. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration,

or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.

6. The applicant shall comply with the Mitigation Measures and Recommended Condition specified in the Mitigation Monitoring Plan of the Mitigated Negative Declaration (MND) prepared for the project to the satisfaction of the Director of Development Services prior to issuance of a building permit.
7. The landscape and hardscape plan for the expanded parking lot should be consistent with the existing parking lot. Decorative sidewalk pavement stamping is prohibited.
8. The applicant shall submit an application for a sign program for the project prior to the approval of a Certificate of Occupancy.
9. All required green building requirements in Section 21.45.400- canopy tree shade coverage over forty percent (40%) of the new designated parking area, bicycle parking, solar-ready rooftops, and designated recyclable materials collection areas in all project trash collection areas shall be installed or provided to the satisfaction of the Director of Development Services prior to issuance of a building permit.

The following development standards shall apply to the project pursuant to Section 21.45.400:

- Canopy trees shall provide shade coverage, after five (5) years of growth, of forty percent (40%) of the total new area dedicated to parking stalls and associated vehicular circulation, or paving materials with a solar reflectance index of at least twenty-nine (29) shall be used on a minimum of fifty percent (50%) of paving surfaces dedicated to parking stalls and associated vehicular circulation;
- Roofs shall be designed to be solar-ready by allowing for an additional eight (8) pounds per square foot of dead load and providing a conduit from the electrical panel to the roof; and
- A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.

The developer shall provide for the following to the satisfaction of the General Superintendent of Development Services for the Building and Safety Bureau:

10. The increase in allowable building area permitted by Chapter 5 of the CBC shall not be allowed unless or until the owner of the required yard file with the City an agreement binding such owner, heirs, and assignees, to set aside the required yard as an unobstructed space having no improvements. Such agreement shall be

recorded with the County Recorder's office. Such an agreement is subject to the review and approval of the Building and Safety Bureau. Refer to *Information Bulletin BU-007 Preparing Covenant and Agreement and Covenant and Agreement Maintenance of Oversized Building* for additional information. Both documents can be obtained at the following webpage:

<http://www.lbds.info/forms/default.asp#affidavit>

http://www.lbds.info/home_page/information_bulletins_by_bu.asp

11. The proposed project may be limited to the type and amount of unprotected openings (e.g., doors, windows, etc.) that are allowed in the exterior walls where the fire separation distance is less than 30 feet to the property line. Openings may be limited to a % of the exterior wall (e.g., 10%, 15%, 25%, 45% and 75%) and/or required to be protected in the exterior walls where the fire separation distance is between 5 feet and 30 feet from the property line. Openings are generally not permitted in the exterior wall where the fire separation distance is less than 5 feet from the property line. Please refer to the CBC Section 705.8 and Table 705.8 for additional information.

Standard Conditions – Plans, Permits, and Construction:

12. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil, Public Works, Water and Fire Departments and Building Bureau.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. Separate building permits are required for fences, retaining walls, flagpoles, and pole-mounted yard lighting foundations.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

29. 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.
30. 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.
31. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
32. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
33. 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.
34. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
35. 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
36. 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.

37. 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).
38. 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.
39. 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).
40. 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.
41. 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.
42. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
43. 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.
44. 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.

45. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
46. Any graffiti found on site must be removed within 24 hours of its appearance.
47. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
48. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
49. 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.