

## Exhibit I

### CONDITIONS OF APPROVAL

201 – 245 W. Pacific Coast Highway and 1827 Pacific Avenue  
Application No. 1810-26 (ZCHG18-006, ZCA 18-008, SPR18-054, LMG 18-032)  
November 5, 2020

1. Project approvals consist of a Site Plan Review and two Lot Mergers in conjunction with the construction of two, five story buildings, as one, mixed-use development project which consists of 138-market-rate residential units and 24,911 square feet of commercial area, and 258 (238 standards and 20 tandem) parking stalls on adjacent development sites in the Midtown Specific Plan (MTSP). The five lots that comprise the Pacific Avenue development site and the four lots that comprise the Cedar Avenue development site will be consolidated by the Lot Mergers.
2. Site Plan Review approval is subject to the approval of the Zone Change and Zoning Code Amendment.
3. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced, or a time extension is granted, based on a written request submitted to and approved by the Zoning Administrator prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
4. 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).

#### **Special Conditions:**

5. All work shall be carried out in substantial conformance with the activities shown on plans received by the Department of Development Services, Planning Bureau, dated March 26, 2018, and approved by the Planning Commission on June 21, 2018.
6. The applicant shall revise the development plans to illustrate all window frames will feature dark colored frames/trim rather than white colored frames/trims subject to satisfaction of the Director of Development Services.
7. The applicant shall revise the development plans to illustrate all windows be of a high quality and afford a shadow line and depth subject to the satisfaction of the Director of Development Services. To achieve shadow line and depth, the applicant shall include a detail (i.e., cross sections) in the development plans

illustrating a four (4) inch recess for all windows upon submittal into Building Plan Check.

8. A minimum of 225 parking stalls shall be permanently maintained and in useful operation within the buildings' parking garage. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
9. A minimum of 73 bicycle parking spaces shall be provided for and maintained on site. The type, spacing and placement of bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services. Each of the project's bicycle storage rooms shall include a bicycle air pump and tools for tenant use. Bicycle storage rooms shall not be repurposed or converted into another function without prior Planning Bureau authorization.
10. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program (MMRP) of the Midtown Specific Plan Program EIR and Addendum to the MTSP EIR of the subject proposal's Planning Commission Staff Report dated November 5, 2020.
11. The applicant and/or developer shall submit a draft covenant of easement for review and approval to the satisfaction of the Director of Development Services and the City Attorney. Such covenant shall include language to grant shared, reciprocal access to all project parking areas, common open space areas, tenant amenity areas, and project interiors to all residential tenants, guests and vehicles. The covenant shall provide regulations for the maintenance of all project areas. The covenant shall be recorded/executed prior to the issuance of Certificate of Occupancy for either building.
12. The applicant shall complete the recordation of the Certificate of Compliance Notice of Lot Merger and proof of new deed prior to issuance of any project building permit beyond demolition and site grading.
13. In compliance with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program (MMRP) of the Midtown Specific Plan Program EIR and Addendum to the MTSP EIR, the applicant shall submit Phase One reports for all parcels prior to issuance of building permits.
14. The applicant shall ensure the proposed conceptual mezzanine design shall meet the Long Beach Building code related to mezzanine floor area limitation of max 50% of the room or space (in type I construction, fire sprinkler NFPA13, emergency/alarm communication) as specified in Building Code Section CBC 505.2.1(2) to the satisfaction of the Building Official.

15. Final Certificate of Occupancy for the development project shall be withheld until all inspection and approvals for both building's parking areas, common open space areas, tenant amenity areas, and the pedestrian bridge linking the two buildings have been granted.
16. The applicant shall obtain approval of a Master Sign Program for the development project prior to installation of signage subject to satisfaction of the Director of Development Services.
17. All 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 subject to the satisfaction of the Director of Development Services.
18. All truck loading and unloading operations shall comply with all noise limitations provided in Long Beach Municipal Code Section 8.80. subject to the satisfaction of the Director of Development Services.
19. The applicant shall demonstrate compliance with LBMC Section 8.61 Shopping Carts, which requires all shopping cart owners to operate and maintain an on-site cart containment program subject to satisfaction of the Director of Development Services.
20. One or several central satellite television/data receiver dish(es) shall be located on the roof of the buildings or in another utility area so that a separate satellite receiver dish is not needed for each residential and community space.
21. On-site landscaping shall be subject to LBMC Section 21.42.035 – Special Requirements for Water Efficient Landscaping. 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.
22. The Department of Development Services and the Long Beach Police Department shall have the authority to review the site for security problems and said departments shall have the power to require additional security measures including, but not limited to, security guards, fencing, and additional security lighting if problems develop at the site.
23. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code. Use of the 2<sup>nd</sup> floor common open

space areas and the private balconies and semi-private open space areas shall be restricted to the hours of 6:00 a.m. – 12:00 a.m. (midnight).

24. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Bureaus. These conditions must be printed on the site plan or a subsequent reference page.

The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval, if such modifications shall not significantly change/alter the approved design/project. Any major modifications to the approved project shall be reviewed and approved by the Planning Commission.

25. Site development, including landscaping, shall conform to the approved plans on file in Long Beach Development Services. At least one set of approved plans containing Planning, Historic Preservation, Building, Fire, and, if applicable, Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
26. Adequately-sized trash rooms shall be designed and provided for this project as per LBMC Section 21.45.167. The designated trash rooms shall be placed in inconspicuous locations on the development site, provide for easy access, and contain a collection area for recyclable materials.
27. 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. Such devices shall be properly screened with landscaping or other screening methods approved by the Director of Development Services.
28. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.
29. Any graffiti found onsite must be removed within 24 hours of its appearance.

**Standard Conditions:**

30. 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.
31. This approval is required to comply with the 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).
32. 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.
33. 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. Saturdays: 9:00 a.m. to 6:00 p.m.; and
  - c. Sundays: Not permitted

**PUBLIC WORKS CONDITIONS OF APPROVAL**

**GENERAL REQUIREMENTS**

34. Prior to the start of any on-site/off-site demolition, excavation or construction, the Developer shall submit a construction plan for pedestrian protection, construction area perimeter fencing with custom printed screen(s), street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.). All applicable plans and drawings shall be reviewed and approved by the Department of Public Works. Work, including hauling soils or other debris, is not allowed within the right-of-way without a valid Public Works permit.
35. The Developer shall submit a Traffic Control Plan prepared by a registered Civil or Traffic Engineer in the State of California, with wet seal and signature, for review and approval by the Department of Public Works.

36. Pacific Coast Highway is a State highway under the jurisdiction of the California Department of Transportation (Caltrans). A street improvement permit from Caltrans will be required for all work within the Pacific Coast Highway right-of-way. Contact the Caltrans Permit Office, at (213) 897-3631, to request additional information regarding the Caltrans permitting process. The Developer is responsible for coordination with the applicable entity and approvals from such.
37. The Developer shall construct all off-site improvements needed to provide full Americans with Disabilities Act (ADA) accessibility compliance within the adjacent public right-of-way. At this stage in the entitlement process the plans are conceptual in nature, and plan check is required for in-depth review of ADA compliancy. As determined during the plan check process, the Developer shall dedicate and improve additional right-of-way necessary to satisfy unfulfilled ADA requirements.
38. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. 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). Prior to issuance of a building permit, detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and submitted to Public Works for review and approval. This is in addition to any plan check required by the Department of Development Services.
39. 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**

40. The Developer proposes an enclosure for refuse and recycling receptacles within the development, adjacent to the north-south alley. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60, including number of receptacles and receptacle specifications. The Developer and/or successors shall be responsible for the cleanliness of the alleyway adjacent to the development.
41. The Developer proposes encroachments into the public right-of-way that include architectural features, awnings, dwelling spaces, landscaping and pedestrian bridges. All encroachments shall comply with California Building Code Chapter 32 or be eliminated. No dwelling spaces, or common areas including the projections as stated above, shall encroach within the public roadway, alleyway,

court, or ways, except for bridges or tunnels of acceptable heights/depths, as reviewed and approved by the Director of Public Works, to link private parcels bisected by a public roadway.

42. The Developer proposes the construction of pedestrian bridges encroaching into the public right-of-way along the unnamed north-south alley, connecting the two proposed buildings. At a minimum, a 17-foot vertical clearance shall be maintained from the surface of the alley to the lowest part of any bridge. The Developer's site plan also shows the installation of decorative pavers within Cedar Avenue and the north-south alley, and decorative pavers, planter pots and benches along Pacific Coast Highway. The Developer shall process an Installation and Maintenance Agreement for the pedestrian bridges, decorative pavers, planter pots and benches. A complete application along with all required items shall be submitted for review and processing.
43. The Developer shall dedicate and improve additional right-of-way for alley widening purposes along the north-south alley, including 2 feet on both sides of the centerline and as needed to achieve a 20-foot wide public alleyway. The Developer shall improve the full width of the alley right-of-way adjacent to the development site, relocating all existing facilities as necessary to accommodate the alley widening.
44. The Developer's site plan proposes construction within the vicinity of existing easements, underground/above ground utility lines, monitoring wells, franchise pipelines and gas lines. The Developer is responsible for all design, applicable utility approval, permitting, relocation work, and commissioning as required by the interested agency and shall work with each utility directly.

#### **OFF-SITE IMPROVEMENTS**

45. Pacific Avenue adjacent to the project site is currently under a 5-year moratorium (ending on June 1, 2021), with over 2 years remaining. The Developer shall provide written approval from the City to implement any street improvements prior to the end of the existing moratorium, in the form of a discretionary permit for excavation. Any work within a street under moratorium requires a complete grind and overlay from block to block.
46. Decorative paving along Pacific Coast Highway and Cedar Avenue is not permitted to be installed. The Developer shall construct the full width of the driveway curb approaches with Portland cement concrete.
47. Decorative paving along the north-south alley is not permitted to be installed. The Developer shall reconstruct the full width of the alley adjacent to the development site with Portland cement concrete. All utility poles along the alley

widening shall be undergrounded by the Developer at project expense.

48. The Developer shall reconstruct the alley intersection and curb returns at Pacific Coast Highway to align with the new alley widening. The Developer shall relocate all existing facilities in the vicinity of the alley intersection to accommodate reconstruction.
49. The Developer shall provide for public street lamps or install on-site alley lighting to the improved north-south alley, to sufficiently illuminate the alleyway.
50. The Developer shall contact the appropriate City Department or agency of interest of existing facilities within the north-south alley, prior to submitting alley improvement plans to the Department of Public Works. The Developer shall check with the Long Beach Water Department, at (562) 570-2300, and the Energy Resources Department, at (562) 570-2000, for scheduled main replacement work.
51. All unused driveways and curb cuts shall be removed and replaced with full-height curb, gutter and sidewalk. There are existing driveways along the perimeter of the development site that will not be utilized based on conceptual design and shall be demolished and replaced.
52. The Developer shall demolish the existing sidewalk and curb ramp located at the corner of Cedar Avenue and Pacific Coast Highway adjacent to the project site and construct new hardscape per the most current City standard. All hardscape shall be constructed with Portland cement concrete.
53. The Developer shall reconstruct the curb, gutter and sidewalk along Pacific Coast Highway adjacent to the project site, resulting in an improved 13-foot wide public sidewalk. All hardscape shall be constructed with Portland cement concrete. The Developer shall also reconstruct sections of the Pacific Coast Highway roadbed adjacent to the project site that are cracked, deteriorated, or uplifted/depressed, to the satisfaction of Caltrans and the Director of Public Works.
54. The Developer shall reconstruct the sidewalk along Cedar Avenue adjacent to the project site, and all cracked, deteriorated, or uplifted/depressed sections of curb and gutter. All hardscape shall be constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).
55. The Developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of curb, gutter and sidewalk adjacent to the project site along Pacific Avenue. All hardscape shall be constructed with Portland cement concrete. All



removal limits shall consist of entire panel replacements (from joint line to joint line).

56. In coordination with the City's Public Works department the Developer shall provide tree wells, new street trees with root barriers and irrigation along Pacific Coast Highway, adjacent to the project site. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems along Pacific Coast Highway as required in connection with this project. An Installation and Maintenance Agreement (IMA) shall be executed prior to issuance of Certificate of Occupancy for the development project to require the developer and/or successors to install and maintain all landscaping installed along Pacific Coast Highway. 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% of the total area dedicated for public right of way
57. The Developer shall provide for new tree wells and street trees with root barriers and irrigation along the perimeter of the project site, along Pacific Avenue and Cedar Avenue, per Section 21.42.050 of the Long Beach Municipal Code. Street trees requiring removal shall be relocated or replaced to the satisfaction of the Director of Public Works. 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.
58. Prior to ANY demolition, excavation or construction the Developer shall install Custom Printed Flex Mesh screen(s) along the perimeter of the development site, such as FenceScreen.com Series 311, or equivalent, fence screening, and provide for the printed graphic to the satisfaction of the Director of Public Works. The graphics shall depict positive images of the City or other artistic concepts. Prior to submitting the graphic design for printing, the Developer shall consult with the Department of Public Works to review and approve.
59. 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.

60. The Developer shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements.
61. 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 installed, maintained and removed per the standards and requirement of Long Beach Municipal Code Chapter 14.08.
62. 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 issuance of a building permit.
63. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the 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). Left-click on the Construction General Permit Order 2009-0009-DWQ link.

## **TRAFFIC AND TRANSPORTATION**

64. 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.
65. The Developer shall improve traffic signal related equipment to current California Manual on Uniform Traffic Control Devices (CA MUTCD) and/or Caltrans and City of Long Beach standards. The traffic signal related equipment shall be within signalized intersections that are directly or significantly impacted

by the Developer's project (e.g. the intersection of Pacific Coast Highway and Pacific Avenue/Cedar Avenue), based on the results of the traffic impact analysis. If not existing, the traffic signal related equipment shall include, but may not be limited to, the following:

- a. All traffic signal indications shall be updated to 12-inch LED units.
  - b. Vehicular detection shall be installed on all approaches to the signalized intersection. This may include presence, mid or advance detection per City direction. Options will include standard Type E loops or video detection.
  - c. All pedestrian indications shall be upgraded to LED countdown modules within all pedestrian crossings.
  - d. All pedestrian push buttons shall be upgraded to the most current City standard.
  - e. New Emergency Vehicle Pre-Emption (EVPE) equipment shall be installed at the signalized intersection. The equipment and installation must be completed per the most current City standard. A GPS Module shall be installed at the signalized intersection per the most current City standard.
  - f. The Developer may be asked to update the traffic signal controller. The existing traffic signal controller may not have the capability to handle the complexities of new traffic patterns that are directly related to the Developer's project. In such cases, the Developer shall install a new traffic signal controller based on the most current City standard.
63. New continental style crosswalks in the vicinity of the project site shall be added by the Developer to the satisfaction of the City Traffic Engineer. The Developer shall be responsible to upgrade all existing crosswalks, and install all new thermoplastic continental crosswalks, to the newest City standards.
64. The Developer shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks or contribute a fair share fee to the City for future implementation.
65. The Developer shall be responsible to replace the existing decorative bicycle racks along Pacific Coast Highway and provide new bicycle parking and related facilities to the satisfaction of the City Traffic Engineer.
66. There an existing bus stop located on Pacific Coast Highway, east of the north-south alley, adjacent to the development site. The Developer shall incorporate enhancements to improve the bus stop into this project. The Developer shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity. The Developer is responsible for coordination with Public Works, and the applicable entity and approvals from such for all

design, applicable utility work, permitting, and relocation work.

67. The Developer shall contact Long Beach Transit prior to the commencement of work to coordinate design and construction issues, and to ensure that construction does not interfere with transit bus operations at the existing bus stop on Pacific Coast Highway. Contact Shirley Hsiao, Manager of Service Development Planning, at (562) 591-8753.
68. 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.

Note: The Developer is proposing to construct a driveway with a vehicular gate along Pacific Avenue near the property's northern boundary. The Developer shall provide 40 feet of stacking distance from the proposed gate to the projection of the curb face. Driveways located on adjoining properties shall be separated by a minimum 20 feet of full-height curb per Long Beach Municipal Code Section 21.42.251. However, backing a vehicle into a driveway from a main arterial is not acceptable. Public Works recommends the Developer install a curb loading zone in lieu of the proposed driveway along Pacific Avenue.

69. The Developer shall submit an on-site traffic circulation study to analyze utilization of the driveways servicing the development, to the satisfaction of the City Traffic Engineer.
70. 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.
71. The Developer shall replace all existing traffic signs that are damaged or misplaced. The Developer shall also be responsible to replace all traffic signs and mounting poles damaged or misplaced as a result of construction activities.
72. The Developer shall repaint all traffic striping and markings adjacent to the project site. The Developer shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
73. All traffic control device installations, including pavement markings within the private parking garages, shall be installed in accordance with the current edition of the CA MUTCD (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

## **ENERGY RESOURCES**

74. If in the future, the developer intends to individually meter the residential units, LBER will required a secure a location for the meter headers during architectural design phase. The developer/owner shall be responsible for coordinating with LBER to make sure there is a plan in place for any future relocation of gas facilities.
75. The developer shall contact LBER in advance to coordinate, plan, discuss fees and cost and to schedule impacts of installing a meter room for the project. LBER reserves the right to postpone or suspend natural gas service until all LBER requirements have been met.
76. The developer shall provide all gas loads for proposed development to the satisfaction of the LBER Department.