

**SITE PLAN REVIEW  
CONDITIONS OF APPROVAL  
200 E. 14<sup>TH</sup> STREET  
Application No. 2001-21 (SPR20-001)  
September 23, 2020**

**Special Conditions:**

1. The use permitted on the subject site, in addition to the other uses permitted in the Midtown Specific Plan (SP-1) Area, shall be 36-unit residential townhome development spread among four buildings located at 200 E. 14<sup>th</sup> Street. The project shall consist of two (2) very-low-income units (5.5%), twenty (20) low-income units (55.5%), and fourteen (14) market rate units (38.8%) and include three zoning code concessions as follows:
  - A reduction in ground-floor height from the required 18'-0" to 9'-9";
  - A reduction in the street-frontage setback from 6'-0" to 3'-0" and;
  - A waiver of privacy standards for residential developments.

The conditions of approval set forth herein are for the Site Plan Review application (SPR20-001) approved at the Site Plan Review meeting of September 23, 2020. Although the project consists of 36 condominium units, this approval does not cover the recordation of the proposed Tentative Tract Map (TTM20-001) which requires Planning Commission approval. Prior to the issuance of any building permits, Planning Commission approval of the Tentative Tract Map for condominiums is required.

2. The project shall be developed in accordance with the plans submitted, filed, and approved under Application No. 2001-21. Prior to the issuance of any building permits, construction plans submitted for plan check shall match plans approved by the Site Plan Review Committee. Any proposed deviation in plans approved by the Site Plan Review Committee shall require the approval of a Modification to an Approved Permit, prior to any building permit issuance.
3. Prior to issuance of a Certificate of Occupancy, the applicant shall obtain LEED Certified-level green building certification for the project building, or equivalent verification that LEED Certified criteria are met, as required by Section 21.45.400 of the Zoning Regulations.
4. The applicant shall provide for the construction of a CMU block wall of 8'-0" with a 6' x 6' corner cutoff along the perimeter of the open space area located in the southeastern portion of the project site, to discourage the encroachment of squatters. The Director of Development Services may modify the specifics of this condition of approval as construction and field conditions necessitate, provided that the intent of this condition of approval is met.
5. Prior to issuance of a Certificate of Occupancy, any unused curb cuts adjacent to the project site shall be closed and reconstructed to full-height curb and gutter

under a permit from the Department of Public Works, to the satisfaction of the Director of Development Services.

6. Prior to issuance of a grading or demolition permit (whichever occurs first), the developer shall submit a proposed haul route/trucking route for all construction truck trips for review by the Director of Development Services and the City Engineer. The Director of Development Services and/or City Engineer may modify this proposed haul route/trucking route prior to its approval, as they deem necessary to protect the public safety and welfare, and to prevent negative impacts upon neighboring uses. Said modifications (if any) and approval shall be binding upon all hauling activities and construction truck trips by the developer.
7. The developer shall abide by the haul route/trucking route approved by the Director of Development Services and City Engineer. Failure to do so shall cause the City to issue a stop work order and withhold issuance of further construction permits, inspections, or certificates of occupancy, until such time as the Director of Development Services and City Engineer determine the developer's hauling practices to be remedied.
8. The developer shall provide a sample of all final exterior finish and architectural materials and colors selected for construction for review by the Director of Development Services, prior to issuance of a building permit for new construction. If these materials are found to be below the standards approved, the developer shall remedy the deficiency by revising plans to include exterior finish and architectural materials and colors to the satisfaction of the Director of Development Services.
9. All groundcover and shrubs shall be drought-tolerant and low-water requirement species. The project landscaping shall comply with the Water Efficient Landscaping standards of Chapter 21.42 of the Zoning Regulations.
10. The applicant shall submit a separate landscape plan for plan check concurrent with the building permit submittal. The landscape plans shall be approved prior to building permit issuance.
11. Prior to the issuance of building permits, the applicant shall provide up-lighting for all perimeter trees and light standards with light shields within all open space areas, to the satisfaction of the Director of Development Services.
12. The applicant shall provide for all CPTED (crime prevention through environmental design) recommendations issued for the project by the Long Beach Police Department, in the memo dated February 11, 2020, attached to these conditions of approval and by this reference made a part hereof.

13. Any street lights, pedestrian lights, parking lot lights, and other exterior lights to be provided within the development or adjacent public rights-of-way shall be subject to review by the Director of Development Services prior to issuance of building and electrical permits. All lights shall be adequately shielded so as to prevent the intrusion of light and glare upon any adjacent property or structure, in compliance with the appropriate backlight/uplight/glare (BUG) rating requirements of the Illuminating Engineering Society of North America (IESNA) equivalent to the previous standard for certified full-cutoff fixtures, or meeting IESNA specifications for full-cutoff fixtures.
14. Prior to occupancy of any affordable housing unit, the developer shall record a restrictive covenant on each or all of the affordable housing units restricting said units to occupancy by tenants who meet the income qualifications and/or other standards established for the occupancy of affordable housing units by applicable City ordinances and/or State law, to the satisfaction of the Director of Development Services.
15. Prior to the issuance of any building permits, the Developer shall file and record Covenants, Conditions & Restrictions (CC&Rs) with the Los Angeles County Recorder's Office for the establishment and inclusion of twenty-two (22) affordable dwelling units in the proposed project. The CC&Rs shall be reviewed and approved to the satisfaction of the Director of Development Services, the City's Housing & Neighborhood Services Bureau, and the City Attorney's Office for compliance with California State Law for Housing Density Bonuses (AB-2501).
16. The Developer shall be responsible for paying an annual affordable housing unit monitoring fee, subject to annual increases, for the complete 55-year term of the affordable units, in accordance with the recorded CC&Rs, State Law, and the City's Housing & Neighborhood Services Bureau. The annual monitoring fee shall be paid by the Developer and any future property owner(s) if property ownership is transferred during the 55-year term of the affordable units.
17. All trash receptacles shall be collected and serviced with sufficient frequency to avoid unsightly and undesirable buildup of refuse at each trash receptacle.
18. If, in the judgment of the Director of Development Services, criminal or nuisance behaviors become a problem at the project site to the detriment of neighboring businesses, residents, or land uses, the Director of Development Services or Chief of Police may require the property owner to provide for on-site security services or other measures as necessary to remedy the problem.

#### Public Works Conditions

19. The developer shall provide for the following to the satisfaction of the Director of Public Works:

### **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 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.
- c. 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.**
- d. 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**

- e. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until the final map filing with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map recordation, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map.
- f. Per the submitted site plan, the Developer proposes construction within the vicinity of existing utility poles and overhead lines along East 14<sup>th</sup> Street, adjacent to the proposed project's site. The Developer shall be responsible for undergrounding the overhead lines and resolving all matters of easement and/ or utility lines encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

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

- g. 14<sup>th</sup> Street is currently subject to a street pavement cut moratorium ending in December 2021. 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 and the Developer shall adhere to this requirement.
- h. Locust Avenue is currently subject to a street pavement cut moratorium ending in July 2022. 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 and the Developer shall adhere to this requirement.
- i. The Developer shall reconstruct the full width of the east-west alley adjacent to the southern property line boundary of the project site from Locust Ave to the north-south alley (Palmer Ct) adjacent to the eastern property line boundary of the project site, with Portland cement concrete, to the satisfaction of the Director of Public Works.
- j. The Developer shall reconstruct the full width of the north-south alley (Palmer Ct) adjacent to the eastern property line boundary of the project site from East 14<sup>th</sup> Street to the east-west alley adjacent to the southern property line boundary of the project site, with Portland cement concrete, to the satisfaction of the Director of Public Works.
- k. 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 alley improvement plans to the Department of Public Works.

- I. The Developer shall remove all unused driveways and curb cuts, or portions thereof along East 14<sup>th</sup> Street and Locust Avenue, and replace with full-height curb, curb gutter and sidewalk pavement to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- m. The Developer shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the project site along East 14<sup>th</sup> Street and Locust Avenue, 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).
- n. As shown on the submitted site plan, the Developer shall provide for a 5-foot-wide parkway along the sidewalk on East 14<sup>th</sup> Street, along the project's entire frontage on that right-of-way, complete with new tree wells, street trees with root barriers, ground cover and irrigation system, per Section 21.42.050 of the Long Beach Municipal Code. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work on Temple Avenue. 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.
- o. As illustrated on the submitted architectural plans, the Developer shall provide for an 8-foot-wide parkway along the sidewalk on Locust Avenue, along the project's entire frontage on that right-of-way, complete with new tree wells, street trees with root barriers, ground cover and irrigation system, per Section 21.42.050 of the Long Beach Municipal Code. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work on Temple Avenue. 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.
- p. All off-site improvements shall provide a minimum of 5 feet clear dedicated right-of-way between any and all obstructions for pedestrian travel purposes compliant with the most recent ADA standards. All hardscape shall be

constructed with Portland cement concrete. All removal limits shall consist of entire panel replacements (from joint line to joint line).

- q. The Developer shall provide for or install alley lighting in the improved alleyways adjacent to the project site, to the satisfaction of the Director of Public Works.
- r. The Developer proposes improvements that may impact and/ or conflict with existing above ground or underground utilities adjacent to and/ or within the project site, such as street lights along Locust Ave, and existing utility poles and overhead lines along East 14<sup>th</sup> Street. The Developer is responsible for all design, applicable utility approval, permitting, relocation and/ or undergrounding work, removal if abandoned in place, and/ or replacement or repair of any damaged utilities and commissioning as required by the interested agency and shall work with each utility directly, and to the satisfaction of the Director of Public Works.
- 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 found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the most current City standards and to satisfaction of the Director of Public Works.
- t. 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.
- u. The Developer shall submit a precise 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.
- v. 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). Left-click on the Construction General Permit Order 2009-0009-DWQ link.

- w. All work within the public right-of-way must be performed by a contractor holding a valid State of California Contractor's License and City of Long Beach Business License, sufficient to qualify the contractor to do work. The Contractor shall have on file with the City Engineer a Certificate of General Liability insurance, and endorsement evidencing minimum City of Long Beach limits of required general liability insurance.
- x. 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.

### **TRAFFIC AND TRANSPORTATION**

- y. The Developer may be required to upgrade all existing crosswalks in the vicinity of the project to thermoplastic continental crosswalks per City Standard Plans.
- z. The size, configuration and location 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.
- aa. 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.
- bb. The Developer shall protect or replace/repaint all traffic signage, markings and colored curb within the public right-of-way adjacent to the project site.
- cc. All traffic control device installations, including pavement markings within the private parking area, shall be installed in accordance with the current edition of the California Manual on Uniform Traffic Control Devices (CA MUTCD).

### **Mitigation Measures**

- 20. Applicants for new development projects within the Midtown Specific Plan area shall require the construction contractor to use equipment that meets the United States Environmental Protection Agency (EPA)-Certified emissions standards. All off-road diesel-powered construction equipment greater than 50 horsepower shall meet the Tier 4 emission standards. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be



achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by the California Air Resources Board's regulations. Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 4 or higher emissions standards for construction equipment over 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the construction site for verification by the City of Long Beach Building Official or their designee. The construction equipment list shall state the makes, models, and numbers of construction equipment onsite. Equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board's Rule 2449.

21. Applicants for new development projects within the Midtown Specific Plan area shall require the construction contractor to prepare a dust control plan and implement the following measures during ground-disturbing activities in addition to the existing requirements for fugitive dust control under South Coast Air Quality Management District (SCAQMD) Rule 403 to further reduce PM<sub>10</sub> and PM<sub>2.5</sub> emissions. The City of Long Beach Building Official or their designee shall verify compliance that these measures have been implemented during normal construction site inspections.
- Following all grading activities, the construction contractor shall reestablish ground cover on the construction site through seeding and watering.
  - During all construction activities, the construction contractor shall sweep streets with SCAQMD Rule 1186-compliant, PM<sub>10</sub>-efficient vacuum units on a daily basis if silt is carried over to adjacent public thoroughfares or occurs as a result of hauling.
  - During all construction activities, the construction contractor shall maintain a minimum 24-inch freeboard on trucks hauling dirt, sand, soil, or other loose materials and tarp materials with a fabric cover or other cover that achieves the same amount of protection.
  - During all construction activities, the construction contractor shall water exposed ground surfaces and disturbed areas a minimum of every three hours on the construction site and a minimum of three times per day.
  - During all construction activities, the construction contractor shall limit onsite vehicle speeds on unpaved roads to no more than 15 miles per hour.

22. Applicants for new development projects within the Midtown Specific Plan area shall require the construction contractor to use coatings and solvents with a volatile organic compound (VOC) content lower than required under South Coast Air Quality Management District Rule 1113 (i.e., super compliant paints). The construction contractor shall also use pre-coated/natural-colored building materials, where feasible. Use of low-VOC paints and spray method shall be included as a note on architectural building plans and verified by the City of Long Beach Building Official or their designee during construction.
23. Prior to issuance of a building permit for new development projects within the Midtown Specific Plan area, the property owner/developer shall show on the building plans that all major appliances (dishwashers, refrigerators, clothes washers, and dryers) to be provided/installed are Energy Star appliances. Installation of Energy Star appliances shall be verified by the City of Long Beach Building and Safety Bureau prior to issuance of a certificate of occupancy.
24. Prior to issuance of building permits for residential development projects within the Midtown Specific Plan area, the property owner/developer shall indicate on the building plans that the following features have been incorporated into the design of the building(s). Proper installation of these features shall be verified by the City of Long Beach Building and Safety Bureau prior to issuance of a certificate of occupancy.
  - For multifamily dwellings, electric vehicle charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) of the CALGreen Code.
  - Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code.
25. Prior to issuance of building permits for development projects within the Midtown Specific Plan area that include sensitive uses (e.g., residential, day care centers), within the distances identified by the California Air Resources Board's (CARB) Air Quality and Land Use Handbook, the property owner/developer shall submit a health risk assessment (HRA) to the City of Long Beach Planning Bureau. The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District (SCAQMD).

If the HRA shows that the incremental cancer risk exceeds one in one hundred thousand (1.0E-05) or the appropriate non-cancer hazard index exceeds 1.0, the following is required prior to issuance of building permits:

- The HRA shall identify the level of high-efficiency Minimum Efficiency Reporting Value (MERV) filter required to reduce indoor air concentrations of pollutants to achieve the cancer and/or non-cancer threshold.

- Installation of high efficiency MERV filters in the intake of residential ventilation systems consistent with the recommendations of the HRA, shall be shown on plans. Heating, air conditioning, and ventilation (HVAC) systems shall be installed with a fan unit designed to force air through the MERV filter.
  - To ensure long-term maintenance and replacement of the MERV filters in the individual units, the property owner/developer shall record a covenant on the property that requires ongoing implementation of the actions below. The form of the covenant shall be approved by the Long Beach City Attorney's Office prior to recordation.
    - The property owner/developer shall provide notification to all future tenants or owners of the potential health risk for affected units and the increased risk of exposure to diesel particulates when windows are open.
    - For rental units, the property owner/developer shall maintain and replace MERV filters in accordance with the manufacture's recommendations.
    - For ownership units, the Homeowner's Association shall incorporate requirements for long-term maintenance in the Covenant Conditions and Restrictions and inform homeowners of their responsibility to maintain the MERV filter in accordance with the manufacturer's recommendations.
26. Prior to the issuance of grading permits for individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant shall submit a Phase I Environmental Site Assessment (ESA) to identify environmental conditions of the development site and determine whether contamination is present. The Phase I ESA shall be prepared by a Registered Professional Engineer and in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527.05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. If recognized environmental conditions related to soils are identified in the Phase I ESA, the project applicant shall perform soil sampling as a part of a Phase II ESA. If contamination is found at significant levels, the project applicant shall remediate all contaminated soils in accordance with state and local agency requirements (California Department of Toxic Substances Control, Regional Water Quality Control Board, Long Beach Fire Department, etc.). All contaminated soils and/or material encountered shall be disposed of at a regulated site and in accordance with applicable laws and regulations prior to the completion of grading. Prior to the issuance of building permits, a report documenting the completion, results, and any follow-up remediation on the recommendations, if any, shall be provided to the City of Long Beach Development Services Department evidencing that all site remediation activities have been completed.
27. Prior to the issuance of grading or building permits for any development or redevelopment projects pursuant to the Midtown Specific Plan, the City of Long Beach shall ensure that the following drainage improvements are fully funded for and implemented:

- Any development or redevelopment project that would impact existing storm drain facilities within the Midtown Specific Plan area (public and private) that is less than 24-inches in size shall fully fund upsizing of such facilities to a minimum 24-inch pipe size or greater dependent upon the location and size of the development or redevelopment project. The increase in pipe size will serve to reduce localized flooding.
- Any development or redevelopment project that would impact the two segments of City of Long Beach's storm drains in Willow Street for which improvements were recommended by the 2005 Master Plan of Drainage Update shall fully fund upsizing of those storm drain segments to 36 inches or other final size as prescribed by City of Long Beach Public Works Department.<sup>[PD1]</sup>

28. Prior to the issuance of grading or building permits for any development or redevelopment projects pursuant to the Midtown Specific Plan, project applicants/developers of such projects shall prepare a site-specific hydrology and hydraulic study of the onsite and immediate offsite storm drain systems to determine capacity and integrity of the existing systems. The hydrology and hydraulic study shall be submitted to City of Long Beach Public Works Department for review and approval.
29. The project applicant/developer of each development or redevelopment project that would be accommodated by the Midtown Specific Plan shall request the “allowable discharge rate” – which limits peak flow discharges as compared to existing conditions based on regional flood control constraints – from the Los Angeles County Department of Public Works, and shall comply with such discharge rate. Compliance with the “allowable discharge rate” shall be demonstrated in the hydrology and hydraulic study to be completed pursuant to Mitigation Measure HYD-2.
30. The project applicant/developer, architect, and construction contractor for each development or redevelopment project that would be accommodated by the Midtown Specific Plan shall incorporate low-impact development (LID) best management practices (BMPs) within the respective project, providing for water quality treatment and runoff reduction and/or detention in accordance with local stormwater permit requirements.
31. Prior to issuance of a building permit for residential development projects accommodated by the Midtown Specific Plan, the project applicant/developer shall submit a final acoustical report prepared to the satisfaction of the City of Long Beach Development Services Department. The report shall demonstrate that the residential development will be sound-attenuated against present and projected noise levels, including roadway, railway, aircraft, helicopter, and stationary sources (e.g., industrial, commercial, etc.) to meet City interior standards. Specifically, the report shall demonstrate that the proposed residential design will result in compliance with the 45 dBA CNEL interior noise levels, as required by the California Building Code and California Noise Insulation Standards (Title 24 and 25 of the California Code of Regulations). The project applicant/developer shall submit the final acoustical report to the City of Long Beach Development Services Department for review and approval. Upon approval by the City, the project’s acoustical design features shall be incorporated into construction of the proposed development project.
32. Prior to issuance of a building permit for any development project requiring pile driving or blasting during construction, the project applicant/developer shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. The maximum levels shall not exceed 0.2 inches/second, which is the level that can cause architectural damage for typical residential construction. If maximum levels would exceed these thresholds, alternative uses such static rollers, non-explosive blasting, and drilling piles as opposed to pile driving shall be used.

33. Prior to the issuance of building permits for development projects accommodated by the Midtown Specific Plan, if proposed vibration-sensitive land uses are located within 200 feet of any railroad line, the property owner/developer shall retain an acoustical engineer to conduct an acoustic analysis that includes a vibration analysis for potential impacts from vibration generated by operation of the rail line. Residential buildings shall be designed to eliminate vibration amplifications due to resonances of floors, walls, and ceilings. The detailed acoustical analysis shall be submitted to the City of Long Beach Development Services Department prior to issuance of building permits and shall demonstrate that the vibration levels would be below 65, 72, or 75 VdB (velocity decibels), which are the Federal Transit Administration's rail-focused groundborne vibration criteria for Category 1, 2, and 3 land uses, respectively.
34. Category 1 uses are buildings where vibration would interfere with interior operations; Category 2 uses are residences and buildings where people normally sleep; and Category 3 uses are institutional land uses with primarily daytime use.
35. Prior to issuance of a building permit for projects involving the development of new industrial uses within 200 feet of any existing residential use or Development District 3 of the Midtown Specific Plan, the property owner/developer shall retain an acoustical engineer to conduct an acoustic analysis that includes a vibration analysis for potential impacts from vibration generated by industrial activities. The detailed acoustical analysis shall be submitted to the City of Long Beach Development Services Department and shall demonstrate that the vibration levels to any nearby residential use would be below 78 VdB during the daytime (7 AM to 10 PM) and 72 VdB during the nighttime (10 PM to 7 AM), which are the Federal Transit Administration's daytime and nighttime criteria to regulate general vibration impacts at affected residential uses.
36. Prior to issuance of demolition, grading and/or building permits for development projects accommodated by the Midtown Specific Plan, a note shall be provided on development plans indicating that ongoing during grading, demolition, and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:
  - Construction activity is limited to the daytime hours between 7 AM to 7 PM on Monday through Friday and 9 AM to 6PM on Saturday, as prescribed in the City's Municipal Code. Construction is prohibited on Sundays.
  - All internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers.
  - Stationary equipment such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
  - Stockpiling is located as far as feasible from nearby noise-sensitive receptors.

- Construction traffic shall be limited to the haul routes established by the City of Long Beach.
37. As part of the subsequent environmental review for development projects that would be accommodated by the Midtown Specific Plan, a site-specific traffic study shall be prepared by the project applicant/developer to evaluate the project's potential traffic and transportation impacts and to identify specific improvements, as deemed necessary, to provide safe and efficient onsite circulation and access to the Midtown Specific Plan area.
  38. Prior to issuance of occupancy permits for development projects that would be accommodated by the Midtown Specific Plan, project applicants/developers shall make fair-share payments to the City of Long Beach toward construction of the traffic improvements listed within the Midtown Plan Program EIR.
  39. Prior to the issuance of grading permits for individual development projects that would occur within the Midtown Specific Plan area and in lieu of implementing the sewer line replacement and upsizing improvements outlined in the Infrastructure Technical Report for Hydrology, Sewer, Water, and Water Quality prepared by Fuscoe Engineering (dated July 1, 2015), the project applicant/developer shall submit a site-specific sewer flow monitoring study to provide a more detailed analysis of the true sewer flow depths over time to determine if the potential for surcharge conditions would occur due to project development. The sewer flow monitoring study may indicate that there is sufficient capacity for the sewer lines identified in the Infrastructure Technical Report, as well indicate that they are above the design criteria ( $>0.75$  d/D); and thereby, conclude that the replacement and upsizing improvements are not necessary. The sewer flow monitoring study shall be submitted to the City of Long Beach Development Services Department for review and approval.
  40. Prior to the issuance of grading permits for individual development projects that would be accommodated by the Midtown Specific Plan, the project applicant/developer shall provide evidence to the City of Long Beach Development Services Department that that the development project has been reviewed by the County Sanitation Districts of Los Angeles County (Sanitation Districts) and that a "Will Serve" letter has been issued by the Sanitation Districts. The "Will Serve" letter process is necessary in order to determine whether or not sufficient trunk sewer capacity exists to serve each development project and if the Sanitation Districts facilities will be affected by the development project.

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

41. 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.

42. All conditions of approval shall be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions shall be printed on the site plan or a subsequent reference page.
43. The plans submitted for plan review shall 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.
44. Prior to the issuance of a building permit, the applicant shall 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.
45. 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.
46. All rooftop mechanical equipment shall be fully screened from public view. Said screening shall 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 shall be submitted for approval by the Director of Development Services prior to the issuance of a building permit.
47. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
48. 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.
49. 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.
50. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
51. The applicant shall file a separate landscaping plan check submittal to the Department of Development Services for review and approval prior to issuance of a building permit.



52. 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.
53. 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.
54. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau shall be secured.
55. 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.
56. For projects consisting of new buildings, parking lots, or landscaped area, the applicant shall submit complete landscape and irrigation plans for the approval of the Director of Development Services prior to the issuance of a building permit. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Director of Development Services.
57. For new construction, all landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
58. 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.

59. 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.
60. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
61. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
62. 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.
63. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
  - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
  - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
  - c. Sundays: not allowed

**Standard Conditions – General:**

64. This permit and all development rights hereunder shall terminate three years 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.
65. 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 shall 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).
66. 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.

67. 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).
68. 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 shall be recorded with all title conveyance documents at time of closing escrow.
69. 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.
70. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
71. 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.
72. The operator of the approved use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator shall 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.
73. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
74. Any graffiti found on site shall be removed within 24 hours of its appearance.
75. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
76. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.

77. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.