

**CONDITIONS OF APPROVAL**  
**Modification to an Approved Permit**  
**131 West 3<sup>rd</sup> Street**  
**Application No. 2010-32 (MOD20-008)**  
**April 1, 2021**

**Special Conditions:**

1. The following approvals are granted for this project:
  - a. Finding the Revised Project consistent with the previously approved EIR Addendum (EIRA-02-19) to the Downtown Plan Program EIR (SCH # 2009071006).
  - b. Site Plan Review approval for the project as depicted on plans submitted to the Department of Development Services, consisting of:
    - 1) One mid-rise building consisting of 271 residential units (rather than 345 units) in one mixed-use building, 8 stories in height with 2 levels of subterranean parking and 2 levels of at-grade/above grade parking (rather than in 2 buildings: one mixed-use tower [23 stories in height with above grade and subterranean parking] and one mid-rise mixed-use building [8 stories in height with above grade and subterranean parking]). The mixed-use building includes 11,912 square feet of retail space (12,981 square feet including outdoor patio), 352 parking spaces (unique) (395 spaces including tandem), and 59 bicycle parking spaces (rather than 14,481 square feet of retail space, 563 parking spaces, and 128 bicycle parking spaces).
    - 2) A public paseo area at the area of the vacated Roble Way that includes linear concrete pavers, wood bench seating, decorative wood paving (along serpentine bench), raised powder coated aluminum planters, raised wood planters (wood to match architecture), decorative overhead lighting that continues from Pacific Avenue to the improved pedestrian crosswalk at Pine Avenue, artful rope lights as a centerpiece of the Paseo and trash receptacles.
    - 3) 11,912 square feet of retail space (12,981 square feet including outdoor patio) at the ground floor level.
  - c. A revised Vesting Tentative Tract Map to create one master ground lot and six (6) airspace lots.

Plans and Construction

2. The applicant shall provide for “bird-safe” glazing on all buildings as follows:

- a. Fritting, permanent stencils, frosted, nonreflective or angled glass, exterior screens, decorative latticework or grills, physical grids placed on the exterior of glazing, or UV patterns visible to birds shall be used to reduce the amount of untreated glass or glazing to less than thirty-five percent (35%) of the building facade.
  - b. Where applicable, vertical elements within the treatment pattern should be at least one-quarter inch (1/4") wide at a maximum spacing of four inches (4") and horizontal elements should be at least one-eighth inch (1/8") wide at a maximum spacing of two inches (2").
  - c. No glazing shall have a "Reflectivity Out" coefficient exceeding thirty percent (30%). That is, the fraction of radiant energy that is reflected from glass or glazed surfaces shall not exceed thirty percent (30%).
  - d. The building owners and operators shall participate in "Lights Out for Birds" programs or similar initiatives by turning off lighting at night, particularly during bird migration periods.
3. Prior to the issuance of a building permit, the applicant shall notify all adjacent property owners and occupants in writing of when the start of grading/construction is to occur. The letter shall include a name and phone number of a responsible person who has the authority to resolve concerns.
4. Prior to the issuance of building permits, the applicant shall prepare a supplemental traffic and circulation studies to facilitate a discussion of a pedestrian scramble crosswalk at Pacific Avenue and West 4th Street. The study shall include analysis of signal timing and Metro rail transit travel times to determine how the scramble may be incorporated. The applicant shall submit these required studies to the Planning Bureau for review and consideration to the Department of Public Works and Metro staff. If it is determined that the scramble crosswalk is appropriate. The applicant shall either install or pay its fair share of the improvements prior to issuance of a Certificate of Occupancy.
5. The full width of the proposed public pedestrian paseo shall be constructed prior to the issuance of Certificate(s) of Occupancy for the project.
6. All required on-site parking for the project buildings shall be provided and maintained upon issuance of a Certificate of Occupancy for the project building.
7. Pursuant to section 21.45.400 (c), the project shall meet the intent of LEED at the Certified level to the satisfaction of the Director of Development Services. Prior to issuance of any project-related building permits, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.
8. Pursuant to Section 21.45.400 (i), the applicant shall design and provide for "solar-ready" building rooftops and "solar-ready" infrastructure on flat-roof buildings, for possible future installation of solar panels.

9. Pursuant to section 21.45.400 (i), a designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
10. 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.
11. The applicant shall comply with all comments from the Los Angeles County Metropolitan Transportation Authority (Metro) in a letter dated December 4, 2020. These conditions include, but are not limited to the following:
  - a. Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro A Line (Blue) or the structural and systems integrity of Metro's light rail infrastructure. Not later than one month before Project construction, the Applicant shall contact Metro to schedule a pre-construction meeting with all Project construction personnel and Metro Real Estate, Construction Management, and Construction Safety staff. During Project construction, the Applicant shall:
    - 1) Work in close coordination with Metro to ensure that track structural integrity are not compromised by construction activities or permanent build conditions;
    - 2) Construct a protection barrier to prevent objects, material, or debris from falling onto the ROW;
    - 3) Notify Metro of any changes to demolition and construction activities that may impact the use of the ROW;
    - 4) Permit Metro staff to monitor demolition and/or construction activities to ascertain any impact to the A Line (Blue) ROW.
  - b. OCS Protection: The Applicant shall take all necessary measures to protect the OCS from damage due to Project activities during and after construction, pursuant to applicable California Department of Industrial Relations regulations (Cal. Code of Regulations, Title 8). The Applicant shall post proper signage for equipment working around the OCS wires.
  - c. Setback: Any building protrusions facing the ROW (e.g. balconies, awnings and other appurtenances), as well as landscaping shall be set back at least ten (10) feet from the OCS wires and support structures in compliance with Metro requirements.
  - d. Sidewalk OCS Support: During Project construction, the Applicant shall take precautions to protect in place all poles and underground

infrastructure, and maintain access for Metro personnel to service them at all times.

- e. The applicant shall concurrently submit grading, shoring, and construction plans with engineering calculations, including any crane placement and radius, to the City of Long Beach Department of Development Services and to the Los Angeles County Metropolitan Transportation Authority (Metro) to evaluate potential impacts to the Metro Blue Line infrastructure in relationship to the Project. The Applicant shall demonstrate Metro's approval on the final set of plans and calculations prior to City of Long Beach building permit issuance.
  - f. The Developer's site plan proposes that the City vacate a 9-foot wide portion of public right-of-way previously dedicated for street widening purposes along Pacific Avenue. If the Developer intends to pursue a vacation, the Developer is responsible for providing a design which complies with all Long Beach Transit, Los Angeles County Metropolitan Transportation Authority (Metro), and City standards. At a minimum, the Developer shall provide two 12-foot wide northbound travel lanes, a bus stop location with ADA compliant sidewalk clearance, and a 5-foot wide buffer zone abutting the existing Metro Blue Line. Street improvements shall be made per plans reviewed and approved to the satisfaction of the Director of Public Works. In addition, the Developer shall process a vacation of right-of-way sufficient to provide these minimum design requirements along Pacific Avenue. The extent of the vacation is subject to review and approval of the interested agency, City Department and the Director of Public Works. The Developer shall submit a complete application to the City's Public Works Department prior to issuance of a building permit.
  - g. The project is located in the vicinity of existing facilities within the jurisdiction of, and therefore under the purview of, Long Beach Transit and Metro. The Developer is responsible for coordination with the applicable entity(s) and approvals from such. Note: The Developer shall coordinate with the applicable entity(s) for review and approval of the proposed modifications to Pacific Avenue.
12. The applicant shall concurrently submit grading, shoring, and construction plans with engineering calculations, including any crane placement and radius, to the City of Long Beach Department of Development Services and to the Los Angeles County Metropolitan Transportation Authority (Metro) to evaluate potential impacts to the Metro Blue Line infrastructure in relationship to the Project. The Applicant shall demonstrate Metro's approval on the final set of plans and calculations prior to City of Long Beach building permit issuance.

13. Prior to the issuance of a certificate of occupancy for any building on the project site, the developer shall record a public access surface easement for a two-foot (2') width of the north-south named alley (Solana Court), to the satisfaction of the Director of Development Services. This easement shall be required to be publicly accessible 24 hours a day, 7 days a week.
14. The Final Map shall be recorded with the County of Los Angeles prior to the issuance of a building permit for the project (excluding demolition and grading permits). The Final Map shall note all details to the satisfaction of the Department of Development Services and the Department of Public Works, including, but not limited to:
  - a. All dimensions of ground and airspace lots.
  - b. Vertical guidelines to show alignment between the different airspace levels.
  - c. Dedication, easement, and vacation areas on the 3D airspace view.
15. Prior to the issuance of a certificate of occupancy for the proposed building on the project site, the developer shall record a public access surface easement for the vacated named alley (Roble Way) at the full width of the proposed pedestrian paseo, to the satisfaction of the Director of Development Services. This easement shall be required to be publicly accessible 24 hours a day, 7 days a week. The amenity is required to be maintained open and available for public access in accordance with PD-30 development standards for paseos.
16. The public paseo shall be developed in substantial conformance with the plans presented to the Planning Commission on April 1, 2021. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
  - a. Linear concrete pavers onsite and offsite that continue to Pine Avenue
  - b. Wood bench seating
  - c. Decorative wood paving (along serpentine bench)
  - d. Raised powder coated aluminum planters
  - e. Raised wood planters (wood to match architecture)
  - f. Decorative overhead lighting that continues from Pacific Avenue to the improved pedestrian crosswalk at Pine Avenue
  - g. Artful rope lights as a centerpiece of the Paseo
  - h. Reflective metal panels on the "connector" building element that spans the paseo to reflect the lighting and serve as a "beacon" to invite passerby to explore the space.
  - i. Trash receptacles

17. 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.
18. 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.
19. Prior to the issuance of grading and building permits, the applicant shall submit a pedestrian access and protection plan to the Department of Development Services and the Department of Public Works for review and approval. The plan shall detail all pedestrian access closures and detail detours for safe navigation around the project site during construction. The approved pedestrian access and protection plan shall be maintained on-site at all times during project construction activities.
20. The project shall be developed in substantial conformance with the plans presented to the Planning Commission on April 1, 2021. Each project component shall be designed and constructed as depicted on these plans, maintaining the same architectural style, quality of materials, and consistency of design, including, but not limited to, the following items:
  - a. Glazing selections and quality,
  - b. Architectural design and features,
  - c. Ground-floor storefront window systems, and
  - d. All materials and finish selections specifically identified on plans, or amended herein, and the virtual materials sample board provided with the project file application, or equal or better to the satisfaction of the Director of Development Services.
21. The proposed ground floor elevations shall not include cement plaster. Acceptable materials include architectural concrete or precast concrete panels, stone, curtain wall and heavy gage metal panel, and brick. All ground floor areas shall include either architectural concrete, painted concrete, or high-quality materials in compliance with the PD-30 design standards.
  - a. Prior to the issuance of building permits, the Applicant shall provide a sample of all materials and finish selections specifically identified on plans, or amended herein, and the virtual materials sample board provided with

the project file application, or equal or better to the satisfaction of the Director of Development Services.

22. All proposed greenscreens depicted on plans shall be maintained in a live, healthy, and attractive condition. These areas shall not be replaced with artificial planting wall.
23. The proposed dog amenity areas at the interior of the site shall be maintained in a neat and orderly condition.
  - a. The property management office or representative shall inspect and clean all outdoor dog amenity areas daily and properly dispose of associated dog waste on a daily basis. Areas shall be washed with an odor neutralizing wash.
  - b. A sign shall be installed at the turf area that requires dog owners to pick up after their pet. The sign plan shall be submitted to the Planning Bureau prior to the issuance of a Certificate of Occupancy.
  - c. A sign shall be installed at the dog amenity area that requires each dog to be under the control of an adult person responsible for the dog. The sign plan shall be submitted to the Planning Bureau prior to the issuance of a Certificate of Occupancy.
  - d. The turf area and pavement shall be improved with materials substantially impervious to moisture and able to be easily cleaned and sanitized. All proposed flooring shall be properly sealed. Floor drains shall be installed throughout the dog amenity area to ensure that the space can easily be sprayed down.
  - e. A water spigot/hose shall be installed in the dog amenity area to ensure proper sanitation methods can be adhered to.
  - f. Noise levels emanating from the dog amenity areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.
    - 1) In the event that substantiated complaints of noise in excess of the Noise Ordinance, the applicant would be required to work with the City to implement and document measures to monitor noise levels at adjacent residential uses, including but not limited to an annual noise monitoring study, amending operating hours, repositioning/redirection speakers, noise baffling construction methods, or implementing new technology to attenuate noise.
24. If the dog amenity area is not constructed, this area shall remain an open-air amenity area for the proposed development, subject to review and approval by the Director of Development Services.
25. No signage is approved as part of this application. The proposed vertical address on the proposed north elevation shall be removed and replaced with cement board as an integrated accent material to the overall design.

26. The applicant shall submit an application for a Sign Program for all project site building. No permanent on-site signs requiring a sign permit shall be installed prior to approval of a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas.
27. The Sign Program for the site shall include wayfinding signage consistent with City design standards for public space. This wayfinding signage shall clearly indicate that Roble Way is public amenity area.
28. Minor changes to these approved plans, in keeping with the intent and spirit of the project approvals, may be approved at the discretion of the Director of Development Services. For any major changes, including changes to building/architectural materials, on-site improvements, site plan or layout, landscaping, or other significant items (including deviations from any of these conditions of approval), the developer shall be required to submit an application for a Modification of Approved Permit (Planning Commission approval).
29. The applicant shall provide a copy of the Covenants, Conditions, and Restrictions (CCRs) to the Department of Development Services for review and approval prior to recordation of the Final Tract Map with the County of Los Angeles Clerk Recorder.
30. The CCRs shall include a stipulation that the bike kitchen at the ground floor of the north mid-rise building shall be maintained in perpetuity for the residential uses onsite. The CCRs shall note that the location of the bike kitchen in Airspace Lot 1 shall not constitute this area as for retail use.
31. The CCRs shall include a stipulation and floor plans noting the separation of parking areas for residential, guest, and retail uses.
32. All thirty-four (34) units under the size of 600 square feet shall have the following amenities subject to review and approval by the Director of Development Services or designee:
  - a. Open floor plans to enhance daylight, views, and livability;
  - b. Private washer and dryer, and
  - c. Outdoor deck
  - d. Closet organizers (installed and maintained in each of the units under 600 square feet in size)
33. 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 in concept, 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.



34. The architectural design of all buildings shall be harmonious and complementary, and in conformance with the design requirements and guidelines of the PD-30 Ordinance. The architectural style and materials shall not be changed; except as provided by these conditions of approval.
35. The developer shall install decorative pavers, subject to review and approval by the Department of Public Works, in the full width of the alley paseo (Roble Way), as shown on plans submitted to the Planning Commission.
36. 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.
37. Landscape plans shall be submitted as a separate, but concurrent plan check.
38. Pursuant to Section 21.42.050 of the City Municipal Code, one (1) large canopy street tree, of not less than twenty-four inch (24") box size, shall be provided for each twenty-five feet (25') of property line length. Street trees shall be consistent with the street tree standards and designated species outlined in the Downtown Plan (PD-30). Enhanced landscaped parkway areas should extend beyond the tree wells as shown on conceptual landscape plans. The landscaped parkway shall be located in coordination with the location of on-street parking.
  - a. Street trees shall be spaced from driveways, light standards, intersections, utility poles and street furniture and shall be located only in the prescribed width of parkway as provided in Chapter 14.28 of the Municipal Code.
39. All forms of barbed wire and razor wire shall be prohibited on the site.
40. 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.
41. The developer shall provide for the construction of trash receptacle areas of sufficient number and size to meet all reasonably foreseeable refuse needs of the project. All trash receptacle areas shall be located and constructed in accordance with Section 21.45.167 of the Zoning Regulations and the applicable standards of the PD-30 ordinance. The trash receptacles shall be constructed in conjunction with each applicable phase of the project.

42. Prior to the issuance of building permits and commencement of construction activities, the applicant or construction contractor shall notify adjacent and adjoining property owners/occupants of the initiation of construction activities. The notification shall include the days and hours of construction and contact information for potential complaints.
43. During construction, in order to avoid archaeological resources, human remains, and paleontological resources plans containing specific details and logistics for carrying out the Program EIR mitigation measures will be prepared. The plans shall cover archaeological resources/human remains and paleontological resources, and would include: the professional qualification standards for archaeological and paleontological staff (following the Secretary of the Interior and Society for Vertebrate Paleontology, as applicable); communication protocols; a description and maps noting the locations/depths of where monitoring is required based on sensitivity and construction plans; training for construction personnel; the process for modifying monitoring frequency (reducing or discontinuing); protocols to follow in the event of a discovery, including work stoppage and notification procedures; an outline for significance evaluations of discovered resources; protocols for sampling, recovery, treatment, and analysis of resources; and reporting and curation requirements.
44. Cultural tribal monitoring with the local culturally affiliated tribe will still be required during construction. The project applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the culturally affiliated tribe and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.
45. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

#### Use and Operation

46. Noise levels emanating from the project's common open space areas shall not exceed applicable noise standards specified in Long Beach Municipal Code Section 8.80.150 – Exterior Noise Limits.

47. Each individual residential dwelling unit shall be assigned at least one permanent parking stall. Priority shall be given to two- and three-bedroom units for assignment of additional parking stalls.
48. Each pair of residential tandem parking spaces shall be assigned to one dwelling unit only. Use of tandem parking spaces for non-residential or guest parking shall be prohibited, except for valet parking operations.
49. The developer shall obtain approvals from the Department of Public Works to install white-painted curb (passenger loading zone) and yellow-painted curb (loading zone) adjacent to the project site on West 4<sup>th</sup> Street in the lengths necessary to accommodate the reasonably-anticipated passenger loading and loading demands of the project.
50. All refuse collection shall take place at the alley (Solana Court), with all trash receptacles being moved internally within the project site to the alley for collection. Refuse collection and the movement of trash receptacles on West 3<sup>rd</sup> Street, Pacific Avenue, and West 4<sup>th</sup> Street shall be prohibited. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.
51. The applicant shall inform all tenants of restrictions regarding loading activities by means of incorporating said language into leasing agreements.
52. All exterior on-site newsstands and racks (including free publications, classifieds, etc.), vending machines, donation bins, and publicly-accessible telephones shall be prohibited, and any existing ones shall be removed.
53. One or several central satellite television/data receiver dish(es) shall be located on the roof of the building or in another utility area so that a separate satellite receiver dish is not needed for each residential and commercial unit.

#### Building and Safety Conditions

54. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on December 22, 2020.

#### Fire Department Conditions

55. 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 December 7, 2020.

#### Water Department Conditions

56. The applicant shall comply with all comments from the Long Beach Water Department dated on December 4, 2020.

### Energy Resources Department Conditions

57. The applicant shall comply with all comments from the Long Beach Energy Resources Department issued for the previous application (App. No. 1807-11) or revised as applicable.

### Public Works Conditions

58. The applicant shall comply with all comments from the Long Beach Department of Public Works dated on March 16, 2021. The developer shall provide for the following to the satisfaction of the Director of Public Works:

### **GENERAL REQUIREMENTS**

- a. The final map shall be based upon criteria established by the California Subdivision Map Act and/or Title 20 of the Long Beach Municipal Code.
- b. Prior to final map approval, the Subdivider shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by the Subdivision Map Act.
- c. All off-site and/ or public improvements and facilities required by the Department of Public Works not in place and accepted prior to final map approval, must be guaranteed by instrument of credit or bond to the satisfaction of the Director of Public Works.
- d. Prior to final map approval, the Subdivider shall submit its on-site parking management plan and project Conditions, Covenants and Restrictions (CC&R's) for review and approval of the Director of Public Works.
- e. The Subdivider and successors shall be responsible for the maintenance of the site drainage system, and for the operation and maintenance of any private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project CC&R's, and a recorded copy of said document shall be provided to the Director of Public Works.
- f. No cross-lot drainage will be permitted. Existing cross-lot drainage problems shall be corrected prior to approval of the final map, or a private drainage easement recorded on the map, to the satisfaction of the Director of Public Works.

- g. Subdivider proposes subterranean and architectural projection encroachments into the public right-of-way that include underground parking garages, architectural features, balconies, and awnings. Construction plans shall be submitted to the Department of Public Works for all projections beneath/over the public right-of-way, to be reviewed for approval as to compliance with Long Beach Municipal Code, Title 14, Chapter 14.48, to the satisfaction of the Director of Public Works. All encroachments shall comply with the applicable code(s) or be eliminated.

Note: The Subdivider's site plan shows various projection encroachments into the public rights-of-way adjacent to the project site, both aerial and subterranean. Once dedicated to the City of Long Beach, a dedication line becomes the new property line. The encroachment of balconies and architectural features 8 feet or more above the established grade of the public right-of-way shall be a 1-inch projection for every 1-inch vertical rise, to a maximum of 4-foot projection at a 12-foot height.

- h. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- i. The Subdivider proposes new refuse and recycling receptacle locations adjacent to the improved Solana Court alley. All refuse and recycling receptacles shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 8.60, including receptacle specifications and collection services. The Subdivider and/or successors shall ensure that all receptacles are placed for collection on-site, outside of the improved alley right-of-way, and be responsible for the cleanliness of the paved alley adjacent to the project site.
- j. The Subdivider proposes to improve portions of public right-of-way with decorative pavers to which an Installation and Maintenance Agreement is required. The Subdivider shall apply for an Installation and Maintenance Agreement from the City's Public Works Department for the maintenance of the pavers within the public right-of-way, prior to issuance of a building permit. All street improvements shall be constructed per Public Works Standards, per plans reviewed and approved by Public Works, and to the satisfaction of the Director of Public Works.
- k. Prior to the start of ANY demolition, excavation, or construction, the Subdivider 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 Subdivider 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.

- I. The Subdivider 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.
- m. 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.**
- n. 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**

- o. The Subdivider shall dedicate corner cut-offs and reconstruct the sidewalk/curb ramps as needed to provide minimum ADA clearance at the corners of Pacific Avenue, at West 3<sup>rd</sup> Street and West 4<sup>th</sup> Street, adjacent to the project site. A complete application along with all required items shall be submitted for review and processing or they can be processed on the Final Map
- p. The Subdivider shall be responsible for the relocation and/or undergrounding of utility lines, right-of-way dedications, quitclaim of easements, and/or new utility easements required in connection with this development; as structures cannot be built within an easement or dedicated area. Approved plans for relocation/undergrounding shall be submitted to Public Works along with the on-site grading plans.
- q. All outdoor dining areas within the public right-of-way shall be subject to the standards and requirement of Long Beach Municipal Code Chapter 14.14 and

parklet standards. Separate approval is required prior to private use of the public right-of-way. The Subdivider shall contact the Department of Public Works, at (562) 570-6996, to request a Public Walkways Occupancy Permit application and initiate review.

- r. Subdivider shall be responsible for resolving all matters of easement(s) and/ or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.
- s. Subdivider shall provide easements to the City of Long Beach for any City required facilities including traffic signal controls, signage, required slopes, bus stops, refuse collection access, and any other public utilities and/ or necessities, to the satisfaction of the public agency or City Department with interest. All easements shall show on the final map.
- t. 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.

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

- u. The Subdivider proposes improvements that may impact existing underground/ above ground utilities adjacent to the project site. The Subdivider 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.
- v. Along Pacific Avenue adjacent to the project site, the Subdivider shall be responsible for modifying the roadway section to the satisfaction of the Director of Public Works. Modifications shall apply to, but may not be limited to, the following: sidewalk pavement, curb, curb gutter, landscaping, curb ramps, existing public facilities, roadway pavement, traffic signal equipment, traffic striping and signage.
- w. The Subdivider shall widen Solana Court 4 feet west of centerline with additional Portland cement concrete. The Subdivider shall reconstruct the full width of Solana Court adjacent to the development site, undergrounding and/or relocating existing utility poles to accommodate the alley widening. All obstructions within the proposed alley widening shall be relocated by the Subdivider at project expense, and to the satisfaction of the Director of Public Works.
- x. The Subdivider shall reconstruct the Solana Court alley intersections and curb returns, at West 3<sup>rd</sup> Street and West 4<sup>th</sup> Street, to align with the proposed alley

widening. Alley improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.

- y. The Subdivider shall provide for public street lamps or install on-site alley lighting to the improved alley adjacent to the project site, to the satisfaction of the Director of Public Works.
- z. The Subdivider 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 prior to submitting alley improvement plans to the Department of Public Works.
- aa. Subdivider shall demolish and replace the alley intersection at Pacific Avenue and Roble Way with full-height curb, curb gutter and sidewalk pavement. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- bb. The Subdivider shall remove unused driveways and curb cuts, 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.
- cc. The Subdivider shall demolish the existing sidewalk pavement and curb ramps located on the corners of Pacific Avenue, at West 3<sup>rd</sup> Street and West 4<sup>th</sup> Street, adjacent to the project site, and construct new ADA compliant sidewalk pavement and curb ramps to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- dd. The Subdivider shall reconstruct cracked, deteriorated, or uplifted/depressed sections of sidewalk pavement, curb and curb gutter adjacent to the development site, 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).
- ee. The Subdivider shall provide for new tree wells and street trees with root barriers adjacent to the project site, 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 Subdivider and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Subdivider 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.



- ff. Prior to ANY demolition, excavation, or construction the Subdivider 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 Subdivider shall consult with the Department of Public Works to review and approve.
- gg. The Subdivider 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 Subdivider to the satisfaction of the Director of Public Works.
- hh. The Subdivider shall provide for the resetting to grade of manholes, pull boxes, meters, and other existing facilities in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- ii. The Subdivider shall provide for the relocation of the street light conduit, beneath the southwest corner of the project site, to be outside of the proposed building footprint. The Subdivider shall contact City Light and Power to schedule the relocation work prior to submitting on-site grading plans, to the satisfaction of the Director of Public Works. Approved plans for relocation shall be submitted to Public Works along with the on-site grading plans.
- jj. To the satisfaction of the Director of Public Works, the Subdivider 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.
- kk. The Subdivider 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.
- ll. The project is located in the vicinity of existing facilities within the jurisdiction of, and therefore under the purview of, Long Beach Transit and Metro. The Subdivider is responsible for coordination with the applicable entity(s) and approvals from such.

Note: The Subdivider shall coordinate with the applicable entity(s) for review and approval of the proposed modifications to Pacific Avenue.

- mm. 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 Subdivider 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**

- nn. 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 to the City Traffic Engineer prior to issuance of a building permit. The Subdivider shall submit a scoping letter to the City prior to proceeding with the traffic impact analysis. 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.

Note: The Subdivider shall submit a detailed drawing (including a cross-section and applicable dimensions) and preliminary striping plan for Public Works review and approval of the proposed modifications to Pacific Avenue.

- oo. The Subdivider shall be responsible to improve certain traffic signal related equipment to current California Manual on Uniform Traffic Control Devices (CA MUTCD) and/or City of Long Beach Standards, at the intersections of Pacific Avenue/West 4<sup>th</sup> Street and Pacific Avenue/West 3<sup>rd</sup> Street directly impacted by the development. The traffic signal related equipment requiring improvement shall also be within the signalized intersection(s) deemed to be significantly impacted by the Subdivider's project, 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:
- v. All Traffic Signal indications shall be updated to 12-inch Light-Emitting Diode (LED) units.
  - vi. 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.
  - vii. All pedestrian indications shall be upgraded to LED Countdown Modules within all pedestrian crossings.
  - viii. All pedestrian push buttons shall be upgraded to the most current City Standard.

- ix. All signalized intersections will require the installation of Emergency Vehicle Pre-Emption (EVPE) equipment. The equipment and installation must be completed per the most current City Standard.
  - x. Because of the fact that so many City of Long Beach traffic signals operate and share coordinated signal timing plans, the Subdivider shall install a GPS Module at all traffic signals that are directly impacted by their project. The GPS Modules create accurate time-based communications between nearby traffic signals.
  - xi. The Subdivider may be asked to update the traffic signal controller located in the traffic signal cabinet. The existing traffic signal controller may not have the capability to handle the complexities of new traffic patterns that are directly related to the Subdivider's project. In such cases, the Subdivider will be asked to install a new traffic signal controller based on the most current City Standard, McCain 2070 Controllers.
- pp. New crosswalks in the vicinity of the project shall be added by the Subdivider at the intersections of Pacific Avenue/West 4<sup>th</sup> Street and Pacific Avenue/West 3<sup>rd</sup> Street, to the satisfaction of the City Traffic Engineer. The Subdivider shall be responsible to upgrade all existing crosswalks, and install all new thermoplastic continental crosswalks, to the newest City standards.
- qq. The Subdivider's proposed site plan shows two locations identified as 'LOADING'; one at each building, both along Solana Court near the intersection with Roble Way. These areas are limited to use by vehicles no larger than a "Van" and shall only be accessed by reversing into them. The Subdivider agrees to install signs indicating these limited uses and maneuvers. The Subdivider agrees to install convex mirrors attached to the building or other non-public property, to assist and increase the driver's visibility of Roble Way, when exiting these areas.
- rr. The Subdivider shall be responsible to implement the most recent Bicycle Master Plan of the City at its frontage blocks, along with protection, removal and/or replacement of existing bicycle racks/ installation of new bicycle racks, or contribute a fair share fee to the City for future implementation to the satisfaction of the City Traffic Engineer.
- Note: The locations of the proposed bicycle racks along Pacific Avenue shall not be in conflict with the nearby bus stop loading zone or restrict ADA pedestrian access to the bus stop.
- ss. The Subdivider shall be responsible for the installation of a Bike Share Station adjacent to the project site, to the satisfaction of the City Traffic Engineer. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6384, to request additional information regarding Bike Share requirements.
- tt. There is a high volume Long Beach Transit bus stop on Pacific Avenue adjacent to the development site. The Subdivider shall incorporate enhancements to

improve the bus stop into this project. The Subdivider shall collaborate with Long Beach Transit and the City's Public Works Department to take advantage of this opportunity.

Note: The Subdivider's site plan shows the relocation of the bus stop approximately 9 feet west of its current location per the approved vacation of right-of-way. The relocation of the bus stop on Pacific Avenue shall be reviewed and approved by Long Beach Transit and the Department of Public Works. Subject to approval, the Subdivider shall be responsible for providing all necessary improvements for the relocation of the bus stop.

- uu. The Subdivider 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 Avenue. Contact the Manager of Service Development Planning, Shirley Hsiao, at (562) 591-8753.
- vv. 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.
- ww. The Subdivider shall be responsible for providing new metered parking facilities, curb marking and striping adjacent to the full-height sidewalk, curb and curb gutter along West 3<sup>rd</sup> Street. All traffic improvements shall be installed to the satisfaction of the City Traffic Engineer.
- xx. The Subdivider's site plan shows a proposed rideshare loading zone along West 4<sup>th</sup> Street near the northwest corner of the project site. This loading zone is not acceptable at this location. Public Works recommends that the loading zone be located further east along West 4<sup>th</sup> Street, adjacent to the Solana Court alley intersection. Parking tees shall be modified to accommodate and enlarge the proposed loading zone so that it is equal to two parking spaces in size and shall serve as both a Commercial Loading and Unloading Zone and rideshare loading zone. The curb shall be painted yellow at this location and the Subdivider shall install signage noting this area as a LOADING and UNLOADING ZONE ONLY FROM 7 AM TO 6 PM, except SUNDAYS AND HOLIDAYS, PER THE LONG BEACH MUNICIPAL CODE.
- yy. The Subdivider 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.

- zz. The Subdivider shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- aaa. The Subdivider shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- bbb. The Subdivider shall contact the Transportation Mobility Bureau, at (562) 570-6331, to modify any existing curb marking zones and/or install new colored curb adjacent to the project site.
- ccc. All traffic control device installations, including pavement markings within the private parking garages and along the proposed speed table, shall be installed in accordance with the provisions of the current edition of the CA MUTCD (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).

#### Downtown Plan PEIR and EIR Addendum Mitigation Measures

- 59. The developer shall provide for compliance all mitigation measures of the Downtown Plan Program EIR (PEIR) that apply to this project. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.

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

- 60. 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.
- 61. 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.
- 62. 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.

63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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.
69. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
70. 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.
71. 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.
72. 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.

73. 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.
74. 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.
75. 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.
76. 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.
77. 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.
78. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
79. Energy conserving equipment, lighting, and construction features shall be utilized in this project.

80. 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.
81. 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:**

82. 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 three-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
83. 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).
84. 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.
85. 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).
86. 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.



87. 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.
88. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
89. 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.
90. 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.
91. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
92. Any graffiti found on site shall be removed within 24 hours of its appearance.
93. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
94. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
95. 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.