

**CONDITIONS OF APPROVAL
SITE PLAN REVIEW
636 Locust Avenue
Application No. 2004-11 (SPR20-009)
September 16, 2021**

Special Conditions:

1. The following approvals are granted for this project:
 - a. Approval of an Environmental Impact Report Addendum (EIRA 06-20) to the Downtown Plan Program EIR (SCH #2009071006).
 - b. Site Plan Review approval for the construction of a seven-story, mixed-use, building containing 108 dwelling units, 1,188 square feet of ground level commercial uses, and an integrated four-level, 135 stall parking garage at 636 Locust Avenue in the Downtown Plan (PD-30) District.

Plans and Construction

2. All work shall be carried out in accordance with the activities shown on plans received by the Department of Development Services, Planning Bureau, and reviewed by the Planning Commission on September 2, 2021.
3. The applicant shall comply with the Mitigation Measures specified in the Mitigation Monitoring and Reporting Program of the Downtown Plan PEIR, to the satisfaction of the Director of Development Services. These mitigation measures are attached to these conditions of approval and by this reference made a part hereof.
4. Pursuant to PD-30 Plan, all windows and doors shall be recessed at least 3-inches from the face of the finished exterior wall to achieve a sufficient depth and shadow reading. Flush finish installations, especially with stucco, are not permitted.
5. A minimum of 135 required parking stalls shall be permanently maintained and in useful operation within the building's parking garage. The number of Electric Vehicle (EV) charging stations and spaces shall meet California Green Building Standards Code Chapter 5 Section 5.106.5.3 requirements.
6. Thirty-two bicycle parking spaces, or the number of spaces as required by PD-30 development standards, shall be provided for and maintained on site. The type, spacing and placement of exterior bicycle racks shall follow the guidelines of the Bicycle Master Plan to the satisfaction of the Director of Development Services.
7. 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.

8. All required off-site street improvements shall be installed or provided for, to the satisfaction of the Director of Public Works, as provided in the conditions of approval below, prior to the issuance of Certificate of Occupancy.
9. 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.
10. Pursuant to section 21.45.400 (i), the project shall provide:
 - a. Roofs shall be designed to be solar-ready subject to all applicable state and local construction codes and provide conduit from the electrical panel to the roof;
 - b. A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.
11. 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.
12. Prior to the issuance of a building permit for each phase of construction, 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.
13. All required on-site parking for the project buildings shall be provided and maintained upon issuance of Certificate(s) of Occupancy for the project buildings.
14. 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.
15. 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.

16. 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.
17. 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.
18. All modifications to vegetation on onsite and offsite (public right-of-way) shall comply with the Migratory Bird Treaty Act (MBTA), including the completion of nesting bird surveys prior to any tree or vegetation removal:
 - a. If initial clearing activities prior to the start of construction take place during the bird nesting season (generally January through September, but variable based on seasonal and annual climatic conditions), a nesting bird survey should be performed by a qualified biologist within three days of such activities to determine the presence/absence, location, and status of any active nests on-site or within 100 feet of the site. The findings of the survey should be summarized in a report to be submitted to the City of Long Beach prior to undertaking construction activities at the site.
 - b. If nesting birds are found on-site, a construction buffer of 500 feet for nesting raptors or threatened or endangered species and 100 feet of all other nesting birds should be implemented around the active nests and demarcated with fencing or flagging. Nests should be monitored at a minimum of once per week by the qualified biologist until it has been determined that the nest is no longer being used by either the young or adults. No ground disturbance should occur within this buffer until the qualified biologist confirms that the breeding/nesting is completed and all the young have fledged. If project activities must occur within the buffer, they should be conducted at the discretion of the qualified biologist.
 - c. If no nesting birds are observed during pre-construction surveys, no further actions would be necessary.
19. The project shall be developed in substantial conformance with the plans dated August 3, 2021 and presented to the Planning Commission on September 2, 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.
20. The applicant shall submit an application for a Sign Program or individual sign permit

if less than two signs. No permanent on-site signs shall be installed prior to approval of a sign permit or a Sign Program. The Sign Program shall include signage for all vehicular access and loading areas.

21. 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.
22. 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.
23. 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.
24. Landscape plans shall be submitted as a separate, but concurrent plan check.
25. 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). 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.
26. All forms of barbed wire and razor wire shall be prohibited on the site.
27. 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.

28. 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.
29. 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.
30. 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.
31. Pile-driving as a means of construction is explicitly prohibited during all phases of construction.

Use and Operation

32. All refuse collection shall take place at the alley, with all trash receptacles being moved internally within the project site to the alley for collection. Trash receptacles shall be collected and serviced with the frequency needed to avoid an unsightly and undesirable buildup of refuse at each trash receptacle.

33. 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.

Police Department Conditions

34. 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 May 3, 2020, attached to these conditions of approval and by this reference made a part hereof.

Building and Safety Conditions

35. The applicant shall comply with all comments from the Long Beach Building and Safety Bureau dated on May 28, 2020.

Water Department Conditions

36. The applicant shall comply with all comments from the Water Department dated on May 27, 2020.

Energy Resources Department Conditions

37. The applicant shall comply with all comments from the Long Beach Energy Resources (LBER) Department dated on May 20, 2020.
38. The developer is to review and get approval for proposed meter(s) locations and gas service line routing with LBER.
39. The Developer shall provide gas loads for proposed development and to confirm that the new meter(s) locations meet all LBER requirements.
40. Developer/owner is responsible in coordinating with LBER to make sure there is a plan in place for the relocation of gas facilities. Per LB Municipal Code, any structures or obstructions are not allowed to be built above the existing gas lines deterring access to those facilities. Furthermore, the builder should be aware of the cost and schedule impacts up front associated with the relocation work for this development project.

Public Works Conditions

41. 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 proposes architectural projection encroachments into the public right-of-way that include architectural features, signage, balconies and awnings. Construction plans shall be submitted to the Department of Public Works for all projections over the public right-of-way to be reviewed for approval, to the satisfaction of the Director of Public Works.
- c. Doors and/or gates shall not swing or project into the public right-of-way. All door openings swinging into public rights-of-way shall be eliminated, to the satisfaction of the Director of Public Works.
- d. The Developer is proposing a refuse and recycling receptacle area as part of the proposed development. All proposed refuse and recycling structures and receptacles must be placed entirely on private property, outside of the public right-of-way. The Developer and/ or successors shall be responsible for the cleanliness of the sidewalk/roadway adjacent to the refuse and recycling area and the overall development.
- e. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way, to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, as determined during the plan check process, the right-of-way dedication way shall be provided.
- f. Public improvements shall be constructed in accordance with Public Works construction standards, and per plans reviewed and approved by the Department of Public Works. Detailed off-site improvement plans shall be prepared by a licensed Civil Engineer, stamped, signed and **submitted to the Public Works counter at the Permit Center on the 2nd Floor of City Hall (411 W. Ocean Blvd., Long Beach, CA 90802)**, for review and approval. The City's Public

Works Engineering Standard Plans are available online at www.longbeach.gov/pw/resources/engineering/standard-plans. **This is in addition to, and separate from, any plan check required by the Department of Development Services, Building & Safety Bureau.**

- g. All conditions of approval, including cover letter signed by the Planning Officer and Case Planner, must be printed verbatim on all plans submitted for plan review to the Department of Public Works.

PUBLIC RIGHT-OF-WAY

- h. The Developer shall dedicate and improve an additional 2 feet of right-of-way along the north-south alley (N. Waite Court) adjacent to the site, for alley widening purposes resulting in an improved 20-foot wide alley along the eastern proposed development property line boundary, relocating and/ or undergrounding all existing facilities as necessary to accommodate the alley widening. Alley improvements shall be constructed with Portland cement concrete. A complete application along with all required items plus filing fee shall be submitted for review and processing.
- i. The Developer shall be responsible for resolving all matters of easement(s) and/ or utilities encroachment to the satisfaction of the interested agency, City Department, and the Director of Public Works.

OFF-SITE IMPROVEMENTS

- j. Locust Avenue is currently subject to a street pavement cut moratorium ending in June 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.
- k. The Developer shall improve the alley dedication area and reconstruct the full width of the north-south alley (N. Waite Court) adjacent to the eastern proposed development property line boundary of the project site, from the southeastern corner of the project site to 7th Street, with Portland cement concrete, to the latest City standards and to the satisfaction of the Director of Public Works.
- l. The Developer shall provide for or install alley lighting in the improved alley (N. Waite Court) adjacent to the project site, to the satisfaction of the Director of Public Works.
- m. The Developer shall reconstruct the alley curb intersection at 7th Street and N.

Waite Court to align with the new alley widening, to the satisfaction of the Director of Public Works. The Developer shall construct the alley intersections to meet full ADA compliance. Alley improvements shall be constructed with Portland cement concrete.

- n. The Developer shall check with the Long Beach Water Department at (562) 570-2300 and the Gas and Oil Department at (562) 570-2030 for scheduled main replacement work prior to submitting any improvement plans to the Department of Public Works.
- o. As shown on the submitted plans, the Developer shall provide for tree wells, new street trees with root barriers and irrigation along 7th Street and Locust Avenue, adjacent to the project site. The Developer and/or successors shall water and maintain all street trees, landscaping and sprinkler systems required in connection with this project. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and any irrigation system work. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed. 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. The Developer shall remove unused driveways and curb cuts, along 7th Street and Locust Avenue, and replace with full-height curb, curb gutter and sidewalk to the latest City standards and to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- q. The Developer proposes improvements that may impact existing under- and above-ground utilities adjacent to the project site, such as street light and conduits, along the perimeter streets and alleyways adjacent to the project site. The Developer shall be responsible for all design, applicable utility approval, permitting, relocation work, easements relocation and commissioning as required by the interested agency and shall work with each utility directly.
- r. The Developer shall be responsible for the maintenance, repair and replacement of off-site improvements abutting the project boundary during construction of the on-site improvements, until final inspection of the on-site improvements by the City. All off-site improvements adjacent to the development site, and/or along the truck delivery route found damaged as a result of construction activities, shall be reconstructed or replaced by the Developer, to the satisfaction of the Director of Public Works.
- s. The Developer shall provide for the resetting to grade of existing manholes, pull boxes, and meters in conjunction with the required off-site improvements, to the satisfaction of the Director of Public Works.
- t. The Developer shall submit a grading plan with hydrology and hydraulic calculations showing building elevations and drainage pattern and slopes, for

review and approval by the Director of Planning and Building Services and the Director of Public Works, prior to approval of the map and/or release of any building permit.

- u. The Developer shall submit a drainage plan for approval by 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.

TRAFFIC AND TRANSPORTATION

- w. The Developer shall upgrade the traffic signal controller to the most current City of Long Beach standard, a McCain 2070 controller, at the intersection of Locust Avenue and 7th Street.
- x. The Developer shall upgrade the existing crosswalks at the intersection of 7th Street and Locust Avenue to new continental style crosswalks, using thermoplastic materials, per the latest City standards and to the satisfaction of the City Traffic Engineer.
- y. The Developer shall salvage, protect and reinstall all parking meters on 7th Street and Locust Avenue that require temporary removal to accommodate new construction within the public right-of-way. All parking meters shall be reinstalled to the satisfaction of the City Traffic Engineer. At the discretion of the Director of Public Works, the Developer may be required to replace the current parking meters with the newest upgraded City standard type.
- z. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- 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 repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.

- cc. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify any existing curb marking zones adjacent to the project site.
- dd. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e. white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).