

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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Staff: Charles Posner - LB
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Hearing Date: December 9, 2009
Commission Action:

**W18a****STAFF REPORT: PERMIT AMENDMENT****APPLICATION NUMBER:** 5-98-156-A17**CO-APPLICANTS:** City of Long Beach & DDR Urban, LP**AGENTS:** Patrick West, City Manager
Stan Hoffman, DDR Vice President Development West**PROJECT LOCATION:** 290 Bay Street, City of Long Beach, Los Angeles County.**LOCAL APPROVAL:** Site Plan Review, Long Beach Case No. 0812-04, 6/4/2009.**DESCRIPTION OF PROJECT ORIGINALLY APPROVED FEBRUARY 3, 1999 (5-98-156):**

Construction of a 508,550 sq. ft. commercial retail & entertainment complex on the waterfront. (See *Appendix A* for descriptions of previous permit amendments: A1 – A16.)

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-98-156-A17):

Construct a five-story, 125-room hotel with 14,725 square feet of ground-floor retail space.

SUMMARY OF STAFF RECOMMENDATION

This application would amend the Commission-issued coastal development permit for the commercial waterfront development known as "The Pike at Rainbow Harbor" (referred to as the Pike). This permit amendment affects the vacant lot (on filled State Tidelands) where Coastal Development Permit 5-98-156 authorized in 1999 the construction of a forty-foot tall, 22,000 square foot retail building. The currently proposed project is a five-story hotel/retail structure. [Note: The Commission's certification of City of Long Beach LCP Amendment No. 2-09 would increase the height limit on the project site from forty feet to six-stories for a hotel.] The proposed project is situated immediately south of the seven-story Avia Hotel that the Commission approved in 2006 (Permit Amendment 5-98-156-A15).

Staff is recommending that the Commission **APPROVE** the permit amendment request with conditions. The recommended conditions require that: 1) the development shall be operated as a bona fide hotel use, and 2) the applicants shall pay an in lieu fee to provide for the provision of lower-cost overnight accommodations within or in close proximity to the coastal zone. The applicants object to the in-lieu fee requirement. Although the proposed hotel would increase the supply of overnight accommodations in the Downtown Shoreline area, it does not include any lower-cost overnight accommodations as required by Section 30213 of the Coastal Act. The proposed hotel's room rates will be high in relation to other hotels in the City. Therefore, since the proposed project would use public tidelands that could otherwise be used to provide affordable accommodations available to a wider range of the public, the applicants are required to mitigate the loss of the opportunity to provide lower-cost overnight accommodations on the site by paying an in lieu fee to fund lower-cost overnight accommodations to be provided elsewhere. In addition, Special Condition Eighteen (Height Limits) is being revised to specify that the proposed 71-foot tall hotel can exceed the general forty-foot height limit for the site. **See Page Two for the motion to carry out the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program (LCP), 7/22/80.
2. City of Long Beach Local Coastal Program Amendment No. 2-09, 12/9/2009.
3. Coastal Development Permit 5-98-156 & Amendment Nos. 1-15 (Pike/Queensway Bay).
4. Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., 4/1998.
5. Parking Analysis for the Pike at Rainbow Harbor, Long Beach, CA, by Linscott, Law & Greenspan, 9/28/2009.
6. Letter from Paul Thayer, Executive Officer of State Lands Commission, to Peter Douglas, 12/28/2006.
7. Coastal Commission Staff Report for Hotel-Condominium Workshop, August 9, 2006.
8. Coastal Commission Staff Reports for LCP Amendment Nos. HNB-MAJ-2-06; A-5-RPV-2-324; RDB-MAJ-2-08 & SBV-MAJ-2-08.
9. Coastal Development Permit Nos. 5-04-291, 5-88-062, 5-84-866, 5-81-554, 5-94-172, 5-06-328, 5 A-253-80, and A-69-76, A-6-IMB-07-131, 3-07-002, 3-07-003 & A-6-PSD-8-04/101.

STAFF NOTE:

The proposed project is located on filled State Tidelands administered by the City of Long Beach. Pursuant to Section 30519 of the Coastal Act, a coastal development permit (amendment) must be obtained from the Commission because the proposed development is located on State Tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for the development within the Commission's area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve with special conditions the proposed amendment to Coastal Development Permit 5-98-156 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution to Approve a Permit Amendment

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions of Amended Permit 5-98-156

Special Conditions 42 and 43 are the new conditions imposed by this permit amendment. Special Condition Eighteen (Height Limits) of amended Coastal Development Permit 5-98-156 is revised by this permit amendment in order to reflect the approval of the proposed five-story hotel/retail structure. Please refer to Appendix B of this staff report for a complete list of the previously approved special conditions of amended Coastal Development Permit 5-98-156. The recommended additional language to Special Condition Eighteen is identified by **underlined bold text**. The Commission authorizes no other changes to the special conditions of amended Coastal Development Permit 5-98-156 other than those changes noted below.

18. Height Limits - LCP Subarea 5

All buildings, signs, structures, poles and/or building extensions in LCP Subarea 5 that exceed 40 feet in elevation are prohibited, unless specifically permitted by this condition or another Commission approval. In LCP Subarea 5, no portion of the proposed development shall exceed 40 feet in height, except for the following:

- a) The north end of the faux roller coaster (100 foot maximum with a surface that is less than 15 percent solid or opaque) and two lantern features abutting the north end of the faux roller coaster (63 & 78 feet maximum);
- b) On Building A (40 feet): one 500 square foot parapet extension (47 feet maximum), the letters of "LONG BEACH" sign (50 feet maximum), and clock tower (60 feet); The hotel at the northeast corner of Bay Street and Cedar Avenue (74 feet maximum to the rooftop pool deck, 83 feet maximum to the top of the stair towers and 90 feet maximum to the top of the elevator housing);
- c) On Building B (40 feet): one 500 square foot building extension (43 feet maximum);
- d) On Building C (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (43 feet maximum), one barrel element extension (60 feet maximum), and two 500 square foot towers (60 & 93 feet maximum);
- e) On Building D (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (78 feet maximum) with one blade (100 feet maximum) for theater identification sign, and 2,000 square foot tower (52 feet maximum);
- f) Parking structure (Amendment 5-98-156-A1 approved a 100-foot architectural tower);
- g) In the town square: one vertical monument with a footprint not to exceed 500 square feet (152 feet maximum);
- h) Flag poles (77 feet maximum);
- i) Up to seven three-dimensional food icons (70 feet maximum) within the confines of the faux roller coaster, provided that such icons do not advertise a particular store, product or service, and provided that they do not extend south of the north curb of Shoreline Drive.

j) One hotel at the southeast corner of Bay Street and Cedar Avenue: 60 feet maximum to the rooftop deck and 71 feet maximum to the top of the stair towers and elevator housings);

All heights shall be measured from the average elevation at the front top of the curblin, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

42. Permitted Use: Overnight Room Rentals (Condition of 5-98-156-A17)

The permitted use of the structure approved by Coastal Development Permit Amendment 5-98-156-A17 is a 125-room hotel (as defined in the certified City of Long Beach Local Coastal Program - Zoning Code Section 21.15.1380) with 14,725 square feet of ground-floor retail space. The approved 125-room hotel shall be operated as a bona fide hotel that provides overnight accommodations to visitors for a period of not more than thirty consecutive days. Any change in use from overnight room rentals to time shares, condominium-style hotel rooms, or month-to-month rentals is not permitted by this action and is prohibited on the project site as such uses are not recognized as legal uses of State Tidelands. Any proposed change to the approved development shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

43. Affordable Overnight Accommodations – Mitigation (Condition of 5-98-156-A17)

(a) A \$30,000 mitigation fee per room shall apply to 25% of the total number of approved hotel rooms (0.25×125). Prior to the occupancy of the approved development, the total in-lieu fee of \$937,000 ($\$30,000 \times 31.25 = \$937,500$) shall be deposited into an interest-bearing account, to be established and managed by the State Coastal Conservancy pursuant to a memorandum of understanding entered into between the Conservancy and the Executive Director. The purpose of this account shall be to provide funding grants to public agencies or non-profit organizations for the provision of lower cost overnight visitor accommodations within or in close proximity to the coastal zone, including but not limited to hostel accommodations, campground accommodations, cabins, or low cost hotel or motel accommodations.

(b) The entire fee deposited into the special account identified in subparagraph (a) together with any accrued interest shall be used for the purpose set forth in subparagraph (a), and the expenditure of any funds from this account shall be subject to review and approval by the Executive Director of the Coastal Commission. This fee shall be expended within five (5) years of the date the fee is deposited into the account, unless this time limit is extended for good cause for a period not to exceed an additional five (5) years. If the funds are not expended within this time period, the Commission and the State Conservancy shall agree on an alternative expenditure of the funds for public recreational benefits in the coastal zone.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description

On February 3, 1999, the Commission approved Coastal Development Permit 5-98-156 for the construction of a 508,550 square foot commercial retail and entertainment complex in the Downtown Shoreline area of Long Beach.¹ The approved “Queensway Bay” commercial project, now known as the “The Pike at Rainbow Harbor” (the Pike), included a multi-screen movie theater, a large-format (IMAX-style) theater, a new 2,195-stall parking structure, a Ferris wheel and carousel, and numerous restaurants, retail establishments and public amenities (Exhibit #3). The Pike, which is situated on approximately twenty acres of State Tidelands, is substantially completed and has been open to the public since November 2003.

Permit Amendment 5-98-156-A15, approved on May 10, 2006, deleted the large-format theater from the approved Pike development and authorized the construction of a seven-story, ninety-foot high, 140-room hotel (Avia Hotel) on the vacant parcel where the eighty-foot high large-format theater had been approved (Exhibit #3). The Avia Hotel opened this year.

This permit amendment request is for a second hotel in the Pike that would be constructed on the vacant lot situated immediately south of the ninety-foot tall Avia Hotel approved by Permit Amendment 5-98-156-A15 (Exhibit #3). The site was previously approved to be occupied by a forty-foot tall structure with approximately 22,000 square feet of retail space (Building E1). The currently proposed five-story, 125-room hotel includes 14,725 square feet of ground-floor retail space (Exhibit #4). It is 71 feet tall (Exhibit #5). Special Condition Eighteen (LCP Subarea 5 Height Limits) would be amended to specify that the proposed five-story hotel can exceed the area’s general forty-foot height limit. City of Long Beach LCP Amendment No. 2-09 will increase the height limit on the project site from forty feet to six-stories, if certified by the Commission (at the December 9, 2009 meeting).

The proposed five-story hotel includes the ground floor hotel lobby, 125 guest rooms, three meeting rooms (2,000 square feet) , a breakfast service room, and an exercise room. Parking for the proposed hotel will be provided within the 2,195-stall Pike parking structure, which was permitted and built to meet the parking needs of the visitor-serving commercial development approved by amended Coastal Development Permit 5-98-156.

The proposed project is situated within LCP Subarea 5 of the Downtown Shoreline Planned Development District (PD-6), about seven hundred feet inland of the waters of Rainbow Harbor. Subarea 5 is public tidelands trust property, as is most of PD-6 (Exhibit #2). The proposed project is not in a protected view corridor. The project site is bordered on three sides by public streets: Shoreline Drive, Cedar Avenue and Bay Street (Exhibit #3). An existing one-story commercial building (Pike Building E2) and the pedestrian bridge over Shoreline Drive define the eastern border of the project site (Exhibit #4). The alley on the southern side of the project site, north of the Regional Bicycle Route and Shoreline Drive, will be used as the construction staging area.

¹ See Appendix A of this staff report for a list of the previously approved permit amendments.

B. Land Use

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed development is a hotel (with ground-floor retail space) that would provide overnight accommodations to coastal visitors on filled State Tidelands. As conditioned, hotel stays would be limited to a period of not more than thirty consecutive days in order to prevent the building from being used for permanent residences. Permanent private housing is not recognized as a legal use of State Tidelands. The State Lands Commission recognizes public overnight accommodations as being an acceptable use of State Tidelands.

The proposed project is consistent with the land use designation for the site set forth in the City of Long Beach certified Local Coastal Program (LCP). Hotels and retail uses are currently permitted uses in Subarea 5. The certified LCP specifies that a total of 275 hotel rooms are allowed in Subarea 5 of PD-6. The recently completed seven-story Avia Hotel has 140 rooms, so 135 of the allowed 275 hotel rooms have not yet been built in Subarea 5. Therefore, the certified LCP allows an additional 135 hotel rooms to be built in Subarea 5. Although the proposed project is on filled State Tidelands within the Commission's area of original permit jurisdiction, the certified LCP provides guidance to the Commission in its permit decisions.

The proposed project, which includes a hotel, is a higher priority land use and a land use that is consistent with the certified Long Beach LCP. Any further change in land use, however, would need to be reviewed for conformance with the Coastal Act and the certified LCP. Therefore, Special Condition 42 (of the amended permit) states that the permitted use of the structure is a 125-room hotel with 14,725 square feet of ground-floor retail space. "Hotel" is defined in the certified City of Long Beach LCP (Zoning Code Section 21.15.1380) as follows:

21.15.1380 Hotel. "Hotel" means a commercial land use for the rental of six or more guest rooms or suites to primarily transient occupants for a period of not more than thirty consecutive days. Hotel is distinguished from motel by having the entry to the guest rooms from a common interior corridor. (Also see definition for "bed and breakfast inn", "inn", "motel" and "residential care facility".)

Special Condition 42 of the amended permit also states that any change in use (including, but not limited to, a change from overnight room rentals to time shares, condominium-style hotels, or month-to-month rentals) is not permitted by this action and any such proposal is prohibited on the project site. As previously stated, since permanent private housing including condominium units and timeshares are not recognized as a legal use of State Tidelands, a proposal for such use on State Tidelands would not be allowed. [Letter from Paul Thayer, Executive Officer of State Lands Commission, to Peter Douglas, dated December 28, 2006, including attachments.]

Therefore, as conditioned, the proposed project and permit amendment are consistent with the requirements of Section 30222 of the Coastal Act and the land use designation set forth by the

certified Long Beach LCP. The Commission finds that the proposed addition of overnight accommodations to this highly urbanized and popular coastal destination would encourage and enhance public opportunities for coastal recreation, and as conditioned and discussed in the following sections of this report, would not adversely affect coastal access or the visual resources of the area.

C. Affordable Overnight Accommodations

Section 30213 of the Coastal Act provides for the protection and provision of lower cost visitor and recreational facilities.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Visitor-serving commercial development is considered a priority use under the Coastal Act. The public access policies of the Coastal Act require that a range of affordable facilities, including overnight accommodations, be provided in new development along the coast.

The proposed hotel's room rates will be higher than most of the other hotels in the City, and the proposed project will not provide any lower cost overnight accommodations as required by Section 30213 of the Coastal Act. The proposed project is on a public tidelands site that might otherwise be used to provide more affordable accommodations available to a wider range of the public. Therefore, staff is recommending that the applicants mitigate the loss of the opportunity to provide lower-cost overnight accommodations on the site. The required mitigation is the payment of an in lieu fee into a fund that will be used to provide lower-cost overnight accommodations elsewhere in the state's coastal area.

Lower Cost Facilities Shall Be Protected, Encouraged, and Provided

Historically, the Commission has approved new hotel developments along the coastline because they are visitor-serving facilities. These hotels, however, are often exclusive because of their high room rates, particularly in recent years. Typically, the Commission has secured public amenities when approving these hotels (e.g., public accessways, public parking, and open space dedications) to address the Coastal Act priorities for public access and visitor support facilities. The Commission has also required mitigation for the use of land that would have been available for lower cost and visitor serving facilities (e.g. NPB-MAJ-1-06A). The expectation of the Commission, based upon several recent decisions, is that developers of sites suitable for overnight accommodations will provide facilities which serve the public with a range of incomes [HNB-MAJ-2-06-(Huntington Beach-Timeshares); San Diego Unified Port District Port District A-6-PSD-8-04/101 (Lane Field); A-5-RPV-2-324 (Long Point); RDB-MAJ-2-08 (Redondo Beach); SBV-MAJ-2-08 (Ventura)]. If the development cannot provide for a range of affordability on-site, the Commission has required off-site mitigation, such as payment

of an in-lieu mitigation fee, to fund construction of lower cost overnight accommodations such as youth hostels and campgrounds.

The loss of affordable overnight accommodations within the coastal zone has become an emerging issue for the Commission. Generally, the few remaining low to moderately priced hotel and motel accommodations in the coastal zone tend to be older structures that become less economically viable as time passes. As more recycling occurs, the stock of low cost overnight accommodations tends to be reduced, since it is generally not economically feasible to replace these structures with accommodations that will maintain the same low rates. As a result, the Commission sees more proposals for higher-cost accommodations, including limited-use overnight accommodations. If this development trend continues, the stock of affordable overnight accommodations will eventually be depleted.

In light of these trends in the market place and along the coast, the Commission is faced with the responsibility to protect and to provide lower-cost overnight accommodations as required by Section 30213 of the Coastal Act. Research conducted as part of the Commission's 2006 workshop on hotel-condominiums showed that only 7.9% of the overnight accommodations in nine popular coastal counties were considered lower-cost [Coastal Commission Hotel-Condominium Workshop, August 9, 2006]. Although statewide demand for lower-cost accommodations in the coastal zone is difficult to quantify, there is no question that camping and hostel opportunities are in high demand in coastal areas, and that there is an on-going need to provide more lower-cost opportunities along California's coast. For example, the Santa Monica hostel occupancy rate was 96% in 2005, with the hostel being full more than half of the year, and the California Department of State Parks estimates that demand for camping increased 13% between 2000 and 2005 with nine of the ten most popular State Park campgrounds being on the coast.

Lodging opportunities for more budget-conscious visitors to the coast are increasingly limited. As the trend to demolish or convert low-cost hotels/motels continues, and only new first class luxury hotels are being built, persons of low and moderate incomes will make up fewer of the guests staying overnight in the coastal zone. Without low-cost lodging facilities, a large segment of the population will be excluded from overnight stays at the coast. By forcing this economic group to lodge elsewhere (or to stay at home), there will be an adverse impact on the public's ability to access the beach and coastal recreational areas. Therefore, by protecting and providing low-cost lodging for the price-sensitive visitor, a larger segment of the population will have the opportunity to visit the coast. Access to coastal recreational facilities, such as the beaches, harbor, piers, and other coastal points of interest, is enhanced when affordable overnight lodging facilities exist to serve a broad segment of the population.

In order to protect and provide for lower-cost visitor-serving facilities, the Commission has imposed in-lieu mitigation fees on development projects that propose only high cost overnight accommodations. By doing so, a method is provided to assure that some lower-cost overnight accommodations will be protected and/or provided.

Defining Lower Cost

In a constantly changing market, it can be difficult to define what price point constitutes low cost and high cost accommodations for a given area. In its previous actions, the Commission has addressed what are appropriate terms for defining low cost and high cost hotels [Coastal

Development Permit Nos. 5-04-291, 5-88-062, 5-84-866, 5-81-554, 5-94-172, 5-06-328, 5 A-253-80, and A-69-76, A-6-IMB-07-131, 3-07-002, 3-07-003]. More recent Commission actions have utilized a formula that can be used to determine low and high cost overnight accommodations for a specific part of the coast [SBV-MAJ-2-08]. The formula is based on California hotel and motel accommodations (single room, up to double occupancy), and does not incorporate hostels, RV parks, campgrounds or other alternative accommodations into the equation, as these facilities do not provide the same level of accommodation as hotels and motels. Hostels, RV parks and campgrounds are inherently lower cost, and are the type of facilities that a mitigation fee for the loss of affordable over-night accommodations would support.

The formula compares the average daily rate of lower cost hotels in a specific coastal zone area (e.g., city or bay) with the average daily rates of hotels and motels across the entire State of California. Under this formula, low-cost is defined as the average room rate for all hotels within a specific area that have a room rate less than the statewide average room rate.

To determine the statewide average daily room rate, Commission staff surveyed average daily room rates for all hotels in California. Statewide average daily room rates are collected monthly by Smith Travel Research, and are available on the California Travel and Tourism Commission's website: <http://www.visitcalifornia.com>, under the heading "California Lodging Reports." Smith Travel Research data is widely used by public and private organizations. To be most meaningful, peak season (summer) rates were utilized for the formula. To ensure that the lower cost hotels and motels surveyed meet an acceptable level of quality, including safety and cleanliness, only AAA rated properties were included in the survey. According to the AAA website, "to apply for (AAA) evaluation, properties must first meet 27 essential requirements based on member expectations – cleanliness, comfort, security and safety." AAA assigns hotels ratings of one through five diamonds.

The statewide average daily room rate in California in 2008 for the months of July and August was \$133.00.

Using the formula, a recent study for the City of Ventura defined low cost accommodations as those charging less than \$104.50 per night, or approximately 25% below the statewide average daily room rate of \$133.00 [SBV-MAJ-2-08]. In Ventura, high cost accommodations are defined as those hotels with daily room rates 25% higher than the statewide average which equates to \$166.00. Rates then between \$104.50 and \$166.00 would be considered moderately priced for the City of Ventura. A similar study for Long Beach has not been conducted.

The Proposed Hotel

In this case, the proposed project does not provide any lower-cost overnight accommodations. The applicants have provided the proposed hotel's room rates and the rates of several other higher-cost hotels in the downtown area (Exhibit #7). According to the applicants, the proposed hotel's average nightly rates are expected to range between \$159 (standard off-peak) and \$219 (suite peak rate), significantly higher than the state average of \$133. The proposed hotel's nightly rates are also higher than the average rates of the other comparable higher-cost hotels in the downtown area, such as Avia (\$155), Hilton (\$141), Hyatt (144), newly renovated Maya (\$155), Renaissance (\$155), and Westin (\$147).

The Avia Hotel and the Hyatt are the only other hotels located on public tidelands in the Downtown Shoreline area. Although Long Beach (downtown and inland) has a substantial supply of lower-cost motels, there are no overnight accommodations in the Downtown Shoreline area that would be considered affordable or lower-cost. In addition, these lower cost motels are located outside of the coastal zone and could be replaced by higher cost hotels or motels or other uses in the future. The proposed project is on a public tidelands site that might otherwise be used to provide affordable accommodations available to a wider range of the public. Therefore, staff is recommending that the applicants mitigate the loss of the opportunity to provide lower-cost overnight accommodations on the site by paying an in lieu fee to provide for lower-cost overnight accommodations elsewhere.

Mitigation Requirement

The Commission has found in past actions that the loss of existing, low cost hotel units should, under most circumstances, be mitigated at a 1:1 ratio lost to new units provided. However, even when there has been no loss of existing low cost units in association with proposed new overnight accommodation developments, if no low cost units are proposed, the Commission has typically required mitigation to ensure a range of accommodations are made available to visitors. When high cost overnight visitor accommodations are located on the coast, they occupy area that would otherwise be available for lower cost visitor and recreational facilities. Thus, the expectation of the Commission is that developers of sites suitable for overnight accommodations will provide facilities which serve people with a range of incomes. If the development cannot provide for a range of affordability on-site, then off-site mitigation has been required in past commission actions [HNB-MAJ-2-06 (Huntington Beach-Timeshares), San Diego Unified Port District Port District A-6-PSD-8-04/101(Lane Field), A-5-RPV-2-324 (Long Point), RDB-MAJ-2-08 (Redondo Beach) & SBV-MAJ-2-08 (Ventura)].

Commission staff has met with the applicants and advised them that the Commission has given the direction that mitigation fees or other mitigation options are necessary to protect and provide low cost visitor serving overnight accommodations. Commission staff informed the applicants that a specific mitigating project, such as a new youth hostel, could be an acceptable way to mitigate the loss of the project site for low cost overnight accommodations. The applicants indicated a willingness to consider the idea of providing a youth hostel in downtown Long Beach, but such a proposal would take some time to plan and finance. There currently is no plan to provide any low cost visitor serving overnight accommodations in the Long Beach coastal area, however.

Although the actual provision of lower-cost accommodations in conjunction with a specific project is preferable, in past action, the Commission has also found that when this approach is not feasible, then the requirement of in-lieu fees to provide new lower-cost opportunities constitutes adequate mitigation for the loss or reduction of affordable overnight accommodations. Recent Commission decisions for individual development projects (6-92-203-A4/KSL, A-6-ENC-07-51, Oceanside LPCA 1-07, and Redondo Beach LPCA 2-08) have required the payment of an in-lieu fee of \$30,000 paid for each required replacement room as a part of the mitigation package. For high cost overnight visitor accommodations where low cost alternatives are not included onsite, a mitigation fee of \$30,000 per room is being required for 25% of the high cost rooms constructed.

The \$30,000 per room in-lieu fee amount was established based on figures provided by Hostelling International in a letter dated October 26, 2007. The figures provided are based on two models for a 100-bed, 15,000 square foot hostel facility in the coastal zone, and utilize experience from the existing 153-bed Hostel International San Diego Downtown Hostel. Both models include construction costs for the rehabilitation of an existing structure and factor in both “hard” and “soft” construction and start up costs, but do not include costs associated with ongoing operations. “Hard” costs include, among other things, the costs of purchasing the building and land and construction costs. “Soft” costs include closing costs, architectural and engineering contracts, construction management, permitting fees, legal fees, furniture and other equipment costs.

Based on these figures, the total cost per bed ranged from \$18,300 for a leased facility to \$44,989 for a facility on purchased land. This model is not based on an actual project, and therefore the actual cost of the land/building could vary significantly, and therefore the higher cost scenario could represent an inflated estimate. In order to take this into account, the Commission finds that a cost per bed located between the two model results is most supportable and conservative. More recent conversations with representatives from the American Youth Hostel have also supported the idea that this estimate for a per room cost are applicable to the Los Angeles region as well.

Therefore, consistent with recent past commission actions, an in-lieu fee requirement of \$30,000 per room shall apply to 25% of the total number of approved hotel rooms (0.25×125). The total in-lieu fee of \$937,000 ($\$30,000 \times 31.25 = \$937,500$) shall be deposited into an interest-bearing account prior to the occupancy of the approved development. The in-lieu fee fund, to be managed by the State Coastal Conservancy, shall be used to provide funding grants to public agencies or non-profit organizations for the provision of lower cost overnight visitor accommodations within or in close proximity to the coastal zone, including but not limited to hostel accommodations, campground accommodations, cabins, or low cost hotel or motel accommodations.

The in lieu fee is necessary to mitigate adverse impacts to public recreation caused by the loss of opportunities to provide for lower-cost overnight accommodations on public tidelands in the Downtown Shoreline area. As conditioned, the proposed development is consistent with Section 30213 of the Coastal Act.

D. Scenic Resources

The certified City of Long Beach LCP and Section 30251 of the Coastal Act require that the scenic and visual qualities of the project area be considered and protected as a resource of public importance. Section 30253 of the Coastal Act protects popular visitor destinations like the Downtown Shoreline area where the proposed project is located.

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...be visually compatible with the character of surrounding areas...

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed project involves the construction of a five-story, 71-foot high structure in downtown Long Beach, where large buildings are common. In its prior actions on LCP amendments, Coastal Development Permit 5-98-156, and permit amendments for the Pike project, the Commission has considered and addressed the Pike development's effects on scenic resources in downtown Long Beach. In 1995, when the Commission first incorporated the City's Queensway Bay Development Plan (which includes the Pike development) into the certified LCP by approving LCP Amendment No. 1-95, it required that specific policies be included into the plan to protect the scenic resources of the Downtown Shoreline area (e.g., view corridors, building mass limits and height limits). In 1998, the Commission re-visited the certified LCP policies that limit building heights and protect specific view corridors on the project site as part of the Commission's certification of LCP Amendment No. 2-98A, which included revisions to the City's previously certified Queensway Bay Development Plan.

The currently certified Long Beach LCP contains a map (LCP Attachment A) that identifies the special view corridors in LCP Subareas 5 and 6 that must be protected in order to provide views from the land to the water. The protected view corridors in LCP Subareas 5 and 6 include: a 410-foot long view corridor/open space area on Shoreline Wharf, the air space above the Terraces at the terminus of Pine Avenue, the Pine Avenue Pier corridor, the sixty-foot wide Pine Avenue view corridor and its extension to the water, a sixty-foot wide view corridor extending southeast from the intersection of Pine Avenue and Shoreline Drive, and a sixty-foot wide view corridor at the intersection of Aquarium Way and Shoreline Drive.

The currently proposed project is situated on the inland extent of the Downtown Shoreline area and State Tidelands, about seven hundred feet inland of Rainbow Harbor and west of the protected view corridors (Exhibit #3). The proposed project is not located within any of the protected view corridors.

The Commission has always addressed building heights whenever visual resources are discussed. Large and excessively tall structures can negatively impact the character of an area as well as public views. In several past actions, however, the Commission has found that tall buildings, if sited correctly, may be appropriate in high-density urban areas like downtown Long Beach. The previously approved Pike development includes structures that range from thirty to 152 feet above the flood plain elevation (See Appendix B - Special Conditions Seventeen and Eighteen of amended Coastal Development Permit 5-98-156).

In general, the certified City of Long Beach LCP calls for a pattern of development in the Downtown Shoreline area that allows only shorter buildings (40 feet) in the area closest to the water (LCP Subarea 6), medium buildings (40-80 feet) on the Tidelands Parcel located inland of the first public road (LCP Subarea 5 – site of the proposed project), and high-rise buildings (up to 600 feet) located farther inland along Ocean Boulevard (LCP Subarea 4). This pattern of development creates a stepped pattern from downtown to the water, with high-rise buildings along Ocean Boulevard in LCP Subarea 4 and low-scale structures next to the water in LCP Subarea 6. In LCP Subarea 5 medium-rise buildings provide a visual transition between the high-rise development and the smaller buildings surrounding Rainbow Harbor (Exhibit #2).

The proposed project is in LCP Subarea 5; landward of Shoreline Drive, the first public road inland of Rainbow Harbor (Exhibit #3).

The proposed five-story structure is similar in scale to the surrounding development in Subarea 5. The seven-level, one hundred foot tall Pike parking structure is the tallest building in Subarea 5, while several taller buildings exist in the downtown area immediately north of Subarea 5. A sixty-to-ninety foot high (above street level) apartment complex occupies the land north of the project site on the inland side of Seaside Way. The Avia Hotel at 285 Bay Street is ninety feet tall. The other buildings in the Pike development range between thirty and seventy feet in height (not including architectural extensions).

Many other existing buildings in the Downtown Shoreline area have heights equivalent to the hotel proposed in this application. In fact, in LCP Subareas 3 and 6, the Commission has approved buildings with heights above sixty feet. These buildings include the Long Beach Aquarium of the Pacific (62 feet), the City-owned parking structure next to the Aquarium of the Pacific (55 feet with 70-91 foot high architectural extensions), and the California State University Headquarters building (99.5 feet). In addition, many existing and proposed structures on the south side of Ocean Boulevard far exceed the 71-foot high structure proposed by this application. For example, in 1992, the Commission approved LCP Amendment No. 1-92 and Coastal Development Permit 5-91-845 for a 425-foot high mixed-use structure on the northeast corner of Pine Avenue and Seaside Way. In 1989, the Commission certified LCP Amendment No. 1-89 allowing buildings up to six hundred feet tall in LCP Subarea 4, across Seaside Way from the currently proposed project. Many existing buildings along Ocean Boulevard extend two hundred feet or higher into the sky. Therefore, the 71-foot high hotel proposed by this application is not out of character with the height of adjacent development, and will not be precedent setting in the City's coastal zone.

The proposed structure will not block any significant public views of the water. The amendment request and the proposed development would not: a) obstruct views to or along the coast from publicly accessible places; b) adversely impact public access to and use of the water; c) adversely impact public recreational use of a public park or beach; or d) otherwise adversely affect recreation, access or the visual resources of the coast. Special Condition Eighteen is revised by this permit amendment in order to reflect the Commission's approval of the proposed 71-foot hotel. Therefore, as conditioned, the permit amendment request is consistent with the certified Long Beach LCP and Sections 30251 and 30253(5) of the Coastal Act.

E. Public Access/Parking

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. In order to conform to the requirements of the Coastal Act, the proposed project is required to provide adequate parking facilities or provide substitute means of serving the development with public transportation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other

areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed project is a 125-room hotel with 14,725 square feet of ground-floor retail space. Parking for the previously approved Pike development and the proposed project is provided within the 2,195-stall Pike parking structure approved by amended Coastal Development Permit 5-98-156. The Pike parking structure is located next to the proposed hotel (Exhibit #3). Hotel guests will be charged \$16 per day to self-park in the parking structure and \$20 per day for valet parking.

The proposed project will not increase the amount of development that has previously been planned for the Pike. The proposed hotel and retail use is a visitor-serving development already contemplated and planned for in the Pike and Downtown Shoreline area of Long Beach. The certified LCP specifies that a total of 275 hotel rooms and up to 327,000 square feet of retail and restaurant uses are allowed in Subarea 5. The recently completed seven-story Avia Hotel has 140 rooms, so 135 of the allowed 275 hotel rooms have not yet been built in Subarea 5. Subarea 5 is currently developed with approximately 278,000 square feet of retail and restaurant uses. Therefore, the proposed addition of 125 hotel rooms and 14,725 square feet of retail area to Subarea 5 would not exceed the as amount of development that has previously been planned for the Pike, and it would not overburden the parking supply that has been provided meet the parking demands of the Pike.

Certified LCP Parking Standards

As stated in the Commission's approval of Coastal Development Permit 5-98-156, the certified City of Long Beach LCP does not require the proposed project to provide parking at a specific ratio. In LCP Subarea 5, where the proposed project is located, the certified LCP parking states:

"Parking shall be provided within the subarea sufficient to meet the average weekday demand. Additional parking to meet peak weekend day and evening demand shall be provided in adjacent subareas and downtown."

The certified LCP parking standard anticipates that there will not be enough parking in the Downtown Shoreline area to meet the parking demands during the highest (peak) use periods when the entire Queensway Bay Plan is built as proposed. Because of the extreme variation in parking demand at different times of the year and different days of the week, it would be extremely difficult to provide enough on-site parking to meet the peak parking demand in the Downtown Shoreline area. The various commercial and recreational uses in the area have different peaks and valleys in their demand for parking. Therefore, sharing of the entire downtown parking supply is utilized when demand for parking peaks.

The Convention Center (LCP Subarea 8), with its 4,830 space parking supply, is the most extreme example of this variation in parking demand. The Convention Center uses all of its parking only during large events, most of which are on weekdays. The Long Beach Aquarium of the Pacific is another example. The peak parking demand for the aquarium occurs on weekends and holidays. The waterfront recreational uses also peak on weekends during the day. These uses, along with the other visitor-serving uses at the shoreline, have different parking demands that vary on a daily and seasonal basis. Such variation in parking demands among multiple uses, all of which are located on public tidelands, lends itself to a shared parking program that allows the joint-use of the many parking facilities located throughout the Downtown Shoreline and in the downtown high-rises. The shared parking program is managed by the Traffic and Parking Management Association as required by the certified LCP. Special Condition Eleven of Coastal Development Permit 5-98-156 requires the applicants to participate in the Traffic and Parking Management Association (See Appendix B).

The certified LCP also acknowledges that the public transportation system will play an important role in the public access and parking issue. Because the LCP anticipates a shortage of parking available in LCP Subareas 5 and 6 on peak use days, the public transportation system will provide an alternative to private vehicles for accessing the area. In fact, the Traffic and Parking Management Association's use of shared parking is dependent on public transportation to move people from the various parking reservoirs to their destinations. Consequently, the certified LCP requires that LCP Subareas 5 and 6 contain only the minimum amount of parking necessary to meet the average weekday demand. The additional parking supplies that are necessary to meet the peak parking demands of the LCP Subareas 5 and 6 will be provided within the adjacent LCP subareas and in downtown Long Beach.

In its approval of Coastal Development Permit 5-98-156, the Commission found that the Pike development conformed to the LCP parking standard when it approved the portion of the development located in LCP Subarea 5, including the previously approved retail space (approximately 22,000 square feet) that would be replaced by the proposed project with the approval of this permit amendment. The parking supply for LCP Subarea 5 includes the 2,195-stall Pike parking structure and approximately 333 metered on-street parking spaces. Therefore, LCP Subarea 5 contains approximately 2,528 parking spaces, all of which are available to the general public on a first-come, first-served basis. During the week, most of these parking spaces sit vacant and unused. Only during special events, when demand for parking peaks, do all these parking spaces in LCP Subarea 5 become occupied.

The applicants' parking calculations for the Pike development were provided 1998 by KAKU Associates, Inc. using the methods and data contained in the Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., April 1998. The applicants calculated the peak weekday demand for the development proposed in LCP Subarea 5 instead of the average weekday demand. The peak weekday demand for the development approved in LCP Subarea 5 during the peak month was calculated to be 1,313 parking spaces, well below the proposed parking supply of 2,528 parking spaces on the Tidelands Parcel (LCP Subarea 5). The applicants' parking calculations include previously approved development in LCP Subarea 5 that has not been constructed, like the previously proposed theater with 480-seats (on the Avia Hotel site) and approximately 22,000 square feet of retail space on the site of the currently proposed project.

The estimated parking demand for the proposed project, as calculated under the City's zoning code, is 167 spaces for the hotel (125 spaces for the guest rooms, 40 spaces for the 2,000 square feet of meeting area, plus two loading/unloading spaces) and 59 spaces for the 14,725 square feet of retail area. The estimated parking demand for the previously approved retail space on the project site (22,000 square feet) that is being replaced by the proposed project is 88 spaces. The resulting estimated increase in parking demand on the project site is 79 spaces, well below the estimated peak weekday surplus in the parking structure. Therefore, there is a sufficient supply of parking in LCP Subarea 5 to meet the average and peak weekday demands for the Pike development, including the proposed project.

The applicants have also provided a current parking study for the project area (Subareas 5 and 6) in order to confirm that there is an adequate parking supply to meet the demands of the existing development and the proposed project. The Parking Analysis for the Pike at Rainbow Harbor, Long Beach, CA, by Linscott, Law & Greenspan (September 28, 2009) concludes that, with the addition of the proposed project, there will be a surplus of approximately one thousand parking spaces in the Downtown Shoreline area when demand peaks at 9 p.m. on the average summer weekday, and approximately four hundred extra spaces in the area when demand peaks at 9 p.m. on the average summer weekend day. As previously mentioned, however, virtually all of the parking in the Downtown Shoreline area may be occupied during the large special events that occur from time to time.

Therefore, since the underlying coastal development permit anticipated that the Pike parking structure would provide for the parking needs of the Pike commercial development, and a sufficient parking supply is currently available within Subarea 5 and the surrounding area to meet the parking demands on an average summer weekend day, the proposed project is permitted to utilize the Pike parking structure to meet its parking needs in compliance with the existing conditions of Coastal Development Permit 5-98-156 (Appendix B). Furthermore, guests of the proposed hotel may use the public transportation system in downtown Long Beach (Blue Line light rail and MTA buses) as a substitute to private automobile, thus reducing the overall parking demand of the project. Therefore, the Commission finds that existing parking facilities will provide the necessary amount of parking to meet the average weekday demand of both the existing and currently proposed visitor-serving commercial uses in LCP Subarea 5.

Special Condition Thirteen of amended Coastal Development Permit 5-98-156 states that all parking within LCP Subareas 5 and 6 shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis, and that there shall be no exclusive use of parking spaces or reserved parking spaces within the parking structure by any person or group other than the general public (handicapped spaces excluded). Only as conditioned is the proposed project and amendment consistent with the public access and recreation policies of the Coastal Act.

F. Public Access

The proposed project will not interfere with access to the shoreline or access along the existing public sidewalks within the Pike development. Special Condition Eight of amended Coastal Development Permit 5-98-156 protects public access along the streets and sidewalks within the Pike development (See Appendix B). As conditioned by the underlying permit, the proposed development and permit amendment will not have any new adverse impact on public

access to the coast or to nearby recreational facilities. Thus, the proposed development and permit amendment as conditioned conform with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

G. Public Recreation

The proposed development and permit amendment will not interfere with public recreational use of coastal resources. As conditioned, the proposed project would provide additional affordable visitor-serving overnight accommodations in the area and thus improve coastal access opportunities for visitors. As conditioned, the development and permit amendment protect coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development and permit amendment as conditioned are in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

H. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980, and numerous LCP amendments have been processed since that date.

LCP Subarea 5, where the proposed project is located, is the Tidelands parcel located on the inland side of Shoreline Drive and west of Pine Avenue (Exhibit #3). The certified LCP contains specific standards for LCP Subarea 5 that limit building heights and protect open space areas and view corridors in order to protect the scenic resources of the Downtown Shoreline area. The certified Long Beach LCP calls for up to 275 hotel rooms to be built in LCP Subarea 5. Currently, there is one 140-room hotel in LCP Subarea 5. Proposed City of Long Beach LCP Amendment No. 2-09 will increase the height limit on the project site from forty feet to six-stories, if certified by the Commission.

In regards to Subarea 5 of PD-6 (Tidelands), the certified LUP (LCP pg. III-DS-18 – Table 1: Downtown Shoreline Policy Plan) lists the permitted uses as:

Tidelands (Subarea 5) Permitted Uses: Recreation; Retail; Restaurant; Entertainment and Educational Uses; Public Access; Hotel; Coastally-Related Offices; Parking.

The certified LUP for PD-6 Subarea 5 (See LCP pg. III-DS-29) also states that:

“It is public Tidelands Trust property and uses permitted therein are to be consistent with the Tidelands agreement. Development of the Tidelands site will be reflective and supportive of the uses of the immediately adjacent sites: the waterfront retail and entertainment uses of the Downtown (Rainbow) Harbor to the south, the Convention and Entertainment Center to the east, and the downtown commercial core to the north. Permitted uses include recreation, retail, restaurant, entertainment, display, educational, hotel and coastally related or dependent offices. Residential uses are not permitted.”

The LCP general site coverage limit for Subarea 5 is 65 percent (65%). The proposed project would exceed the limit, but the LCP (if amended pursuant to LCP Amendment No. 2-09) would allow site coverage to exceed the 65 percent limit if the project furthers the goals of the LCP. Since most of Subarea 5 has already been developed under the 65 percent site coverage limit, and the subarea has no sensitive habitat to be protected, the proposed project's site coverage will not have a significant effect on coastal resources. The proposed project, as conditioned, will further the goals of the LCP by providing for visitor-serving uses on tidelands.

As conditioned, the proposed development and permit amendment are consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area, if amended pursuant to LCP Amendment No. 2-09.

I. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed hotel project and LCP amendment. On June 4, 2009, the City of Long Beach Planning Commission certified an Environmental Impact Report (EIR) Addendum (No. 01-09) for the proposed project (Hotel Sierra Project). The certified EIR addendum concludes that the project would not create any new significant impacts or increase the severity of any impacts identified in previous CEQA documents.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Previous Amendments

DESCRIPTIONS OF PREVIOUS PERMIT AMENDMENTS

(See Appendix B for the list of all special conditions.)

FIRST AMENDMENT (5-98-156-A1), APPROVED NOVEMBER 2, 1999:

Modify previously approved 70-foot high parking structure to expand the building footprint over Chestnut Place and increase number of parking stalls from 1,550 to 2,195 (approx).

SECOND AMENDMENT (5-98-156-A2), APPROVED DECEMBER 9, 1999:

Part A: Construct a 375-stall surface parking lot for employees in LCP Subarea 3.

Part B: Increase the previously approved parking structure rates from \$2/hour to \$3/hour, and modify the customer parking validation program.

THIRD AMENDMENT (5-98-156-A3), APPROVED FEBRUARY 15, 2000:

Part A: Subdivide approximately 20 acres of State Tidelands into eight parcels.

Part B: Change the “Paseo” from a pedestrian-only street to a vehicular street with sidewalks.

FOURTH AMENDMENT (5-98-156-A4), APPROVED MARCH 14, 2000:

Part A: Revised plans for Building F resulting in less commercial floor area, a smaller public viewing deck, and a wider Aquarium Way view corridor (90 feet).

Part B: Construct a public pedestrian accessway along the south side of Shoreline Drive to connect LCP Subarea 3 to LCP Subareas 5 and 6.

Part C: Identify appropriate locations for public picnic areas (no table service) on the upper Esplanade of Rainbow Harbor.

FIFTH AMENDMENT (5-98-156-A5), APPROVED JANUARY 11, 2001:

Revise the conditions of approval in order to allow the phased construction and opening of the development approved in LCP Subarea 6 (between Rainbow Harbor and Shoreline Drive) prior to the construction of the portion of the project located inland of Shoreline Drive (LCP Subarea 5) and in LCP Subarea 3.

SIXTH AMENDMENT (5-98-156-A6), APPROVED JANUARY 10, 2003:

Revise the building footprints, floor plans and elevations for the restaurant and retail development previously approved south of Shoreline Drive in LCP Subarea 6, between Aquarium Way and the Pine Avenue View Corridor (Rainbow Harbor).

SEVENTH AMENDMENT (5-98-156-A7), APPROVED JULY 16, 2003:

Revise building footprints, floor plans and elevations for the commercial development previously approved north of Shoreline Drive in LCP Subarea 5, and delete the escalator and pedestrian connection between the Aquarium parking structure and Building F, located south of Shoreline Drive in LCP Subarea 6.

Appendix A – Previous Amendments

EIGHTH AMENDMENT (5-98-156-A8), APPROVED OCTOBER 7, 2003:

Comprehensive sign program, including fifteen freestanding directory signs, three freestanding “The Pike” identification signs, one building mounted “The Pike” identification sign, and a flagpole at the base of Pine Avenue Pier on Building K parcel.

NINTH AMENDMENT (5-98-156-A9), APPROVED DECEMBER 11, 2003:

Relocate the previously approved Ferris wheel amusement ride to an open space area near the northwest corner of Shoreline Drive and Pine Avenue.

TENTH AMENDMENT (5-98-156-A10), APPROVED JANUARY 15, 2004:

Delete the previously approved nautical museum (Building M) at the foot of Pine Avenue Pier, and incorporate the site into the adjacent restaurant use (Building N).

ELEVENTH AMENDMENT (5-98-156-A11), APPROVED MARCH 16, 2005:

Install 24 Retail Merchandising Units (RMUs) in 24 specific sidewalk and plaza locations north of Shoreline Drive (LCP Subarea 5), within the previously approved Pike at Rainbow Harbor retail and entertainment complex.

TWELFTH AMENDMENT (5-98-156-A12), NOT APPROVED (RETURNED INCOMPLETE):

Amend the Employee Parking Program required by Special Condition Sixteen.

THIRTEENTH AMENDMENT (5-98-156-A13), APPROVED MAY 11, 2005:

South of Shoreline Drive, re-subdivide four acres designated for commercial land use (Parcel Nos. 1-4 of Map No. 25804) into Parcel Nos. 1-9 of Map No. 61999. The proposed subdivision slightly reconfigures, and further divides, four existing lots into nine lots totaling four acres.

FOURTEENTH AMENDMENT (5-98-156-A14), APPROVED NOVEMBER 18, 2005:

Install three automatic teller machines (ATMs) within the previously approved Pike at Rainbow Harbor retail and entertainment complex.

FIFTEENTH AMENDMENT (5-98-156-A15), APPROVED MAY 10, 2006:

Construct a ninety-foot high, 140-room hotel on a vacant parcel where the underlying permit approved an eighty-foot high large-format movie theater.

SIXTEENTH AMENDMENT (5-98-156-A16): INCOMPLETE (Valet Parking Program).

APPENDIX B - SPECIAL CONDITIONS

The following list of special conditions contains the forty-one previously imposed special conditions of Coastal Development Permit 5-98-156 and amendments A1 through A15. The following special conditions continue to be in full force and effect.

1. Replacement Parkland [***Condition Satisfied 11/5/99***]

Prior to issuance of the coastal development permit, the City shall submit for the review and approval of the Executive Director, a resolution adopted by the City Council designating the Queen Mary Events Park as a permanent public park of not less than four-acres in area, and served by a minimum of ten parking spaces on the adjacent public roadway (See Exhibit #6 of staff report dated 1/14/99). The resolution shall also state that any change in the designation of the four-acre Queen Mary Events Park as a permanent public park shall not be effective unless approved by the California Coastal Commission. The City shall be responsible for ensuring that the Queen Mary Events Park is maintained and operated as a public park available for use by the general public everyday from 5 a.m. to 10 p.m. (except during special events).

2. Final Plans: LCP Subarea 6 [***As Revised by Commission Approval of 5-98-156-A10***]

Prior to the commencement of construction of proposed Buildings G1, G2, H1 and H2, the applicants shall submit for the review and approval of the Executive Director, final site plans, floor plans and elevations. Buildings J, K and P are approved as shown on Exhibits #5-8 of the staff report dated 12/19/02. Building N is approved as shown on Exhibits #5&6 of the staff report dated 12/17/03. The plans for Buildings G1, G2, H1 and H2, and all commercial development in LCP Subarea 6 (Buildings F, G1, G2, H1, H2, J, K, N and P), shall comply with all of the following conditions:

- a. No portion of the structures or patio areas shall encroach into the view corridors identified on Exhibit #5 (of staff report dated 12/19/02).
- b. No portion of the structures shall exceed 40 feet in height measured from the nearest curb, except as authorized by Special Condition 17 of Coastal Development Permit 5-98-156 as amended.
- c. All proposed commercial development (including all building area, indoor and outdoor service areas, patios and loading areas) shall be located entirely within the boundaries of Parcels 1-4 (Parcel Map No. 25804) as approved by the Commission pursuant to Permit Amendment 5-98-156-A3.
- d. The total amount of commercial floor area (including restaurant patios) in the portion of the project located south of Shoreline Drive shall not exceed 202,700 square feet.
- e. The plans shall conform to all terms and conditions of Coastal Development Permit 5-98-156 as amended.

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Future Uses and Improvements

This approval is limited to the uses and development specifically described in the project description, approved plans and related findings contained in Coastal Development Permit 5-98-156. Any additional development, including, but not limited to: new construction; intensification of use; expansion of dining areas outside of the approved building and patio footprints; and the lease of dock, esplanade or park areas, will require an amendment to the permit or a new coastal development permit.

4. Public Viewing Deck

The proposed 17,749 square foot public viewing deck on the second level of the building (Building F) proposed to be built between the City-owned parking structure and Aquarium Way shall be constructed and opened to the public concurrent with the development that occurs within the 150-foot wide view corridor/open space area at the intersection of Shoreline Drive and Aquarium Way (See Exhibit #9 of staff report dated 1/14/99). The public viewing deck shall be available for public use, including picnics, as public parks are. Park benches and tables for picnics shall be provided for general public use on the viewing deck. Take-out and walk-up food services are encouraged behind the viewing deck, but restaurant table service is prohibited. Commercial uses and kiosks are prohibited within the proposed 17,749 square foot public viewing deck. Signs, at least two square feet in area, shall be posted in at least three conspicuous ground level locations near the Building F stairways and elevators that inform and direct the public to the public viewing deck.

5. Public Open Space and Water Feature

The proposed landscaped public open space area with a water feature located at the northwest corner of Pine Avenue and Shoreline Drive shall be constructed and opened to the public concurrent with the permitted development that occurs in LCP Subarea 5 (See Exhibit #13 of staff report dated 1/14/99). The landscaped and water area shall occupy at least 23,000 square feet, not counting the paved area of the Regional Bicycle Route, and shall be available for public use as public parks are. Pedestrian access to the public open space area shall be provided from the sidewalks on Shoreline Drive and Pine Avenue. Public park benches shall be provided, and restaurant table service shall not be permitted in this area.

6. Public Access

The City and its agents shall provide and maintain unobstructed public access to and along the waterfront at all times. Unrestricted means that the general public may pass and repass without having to pay an admission fee, present a ticket, accept conditions of passage, or request permission to pass. The waterfront, where unrestricted public access shall be protected, includes (but is not limited to): Shoreline Park, Rainbow Harbor Esplanade, the Terraces at the end of Pine Avenue, the entrance to Pine Avenue Pier, and Shoreline Wharf. Unrestricted pedestrian public access shall also be provided on the Promenade South which connects Ocean Boulevard to the Shoreline Wharf area. Public access along the waterfront shall remain open and unobstructed both during construction and subsequent to completion of the permitted development. In extreme circumstances, public access may be interrupted subject to those temporary safety limitations necessitated by unsafe conditions resulting from waves, extreme weather or required construction and maintenance activities.

Public seating and tables for designated public picnic areas (restaurant table service is prohibited) may be provided on the upper portion of the Rainbow Harbor Esplanade as shown on Exhibit #9 of the staff report dated February 24, 2000. All tables placed in the areas designated on Exhibit #9 of the staff report dated February 24, 2000 shall be clearly designated for use by the general

public and shall be engraved or posted with signs stating: “No Purchase Required”. Areas where restaurant table service is prohibited includes (but is not limited to): Shoreline Park, Rainbow Harbor Esplanade (upper and lower portions), the Terraces at the end of Pine Avenue, the entrance to Pine Avenue Pier, and Shoreline Wharf.

7. Pedestrian Bridge over Shoreline Drive

The proposed pedestrian bridge over Shoreline Drive connecting Subareas 5 and 6 shall be constructed and opened to the general public concurrent with the development that occurs within LCP Subarea 5. The bridge shall be at least 25 feet wide and be at the same elevation as the proposed 17,749 square foot public viewing deck to be provided between Aquarium Way and the City-owned parking structure in LCP Subarea 6 (See Exhibit #10 of staff report dated 1/14/99). The bridge shall be designed to provide open views to Rainbow Harbor and the Queen Mary which open up as one crosses the bridge from the north to the south. All railings, signs and decorations on the bridge shall be limited to a maximum height of four feet measured from the pedestrian deck, except that a 100-foot high gateway sculptural element may be placed on the bridge, providing that its surface is not more than 15 percent solid or opaque. Seven large food icons not to exceed 70 feet are permitted within the gateway sculptural element provided that they do not extend south of the north curb of Shoreline Drive. Commercial uses, including restaurant table service, are not permitted on the bridge. All heights shall be measured from the average elevation at the front top of the curbline, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

8. Streets and Sidewalks

The City and its agents shall provide and maintain unobstructed public pedestrian access to and along all streets, sidewalks, plazas and public open space areas constructed pursuant to the Commission’s approval of Coastal Development Permit 5-98-156 for the life of the development approved herein. Unrestricted means that the general public may pass and repass without having to pay an admission fee, present a ticket, accept conditions of passage, or request permission to pass. Public access may only be interrupted for special events with a duration of 48 hours or less, or by special events permitted by a subsequent coastal development permit. Public access may also be interrupted subject to those temporary safety limitations necessitated by unsafe conditions resulting from waves, extreme weather or required maintenance activities.

9. Regional Bicycle Route

The proposed project shall not interfere with the public’s use of the regional bicycle path as it passes through the Downtown Shoreline area. In order to maintain the existing bicycle and pedestrian connection between the Los Angeles River bicycle path and the beach bicycle path east of the Downtown Marina, the City and its agents shall maintain unobstructed public pedestrian and bicycle access to and along the regional bicycle route where it passes through the project site. The regional bicycle path shall remain open and unobstructed both during construction and subsequent to completion of the permitted development. If construction of the permitted development necessitates a temporary detour of the bicycle route, the applicants shall submit a temporary detour plan, for the review and approval of the Executive Director. The temporary detour plan shall maintain a safe bicycle and pedestrian connection between the Los Angeles River bicycle path and the beach bicycle path east of the Downtown Marina. The City shall provide adequate signage to identify any temporary detour route approved by the Executive Director. A temporary detour route approved by the Executive Director shall be constructed and opened for public use prior to the closing of any portion of the existing regional bicycle route.

10. New Parking

In order to permit the phased construction and opening of the development approved in LCP Subarea 6 (between Rainbow Harbor and Shoreline Drive) prior to the construction of the parking facilities located in LCP Subarea 5 (inland of Shoreline Drive), the applicants shall construct and open for public use the following parking facilities in LCP Subarea 6 as follows:

- a) Up to 114,200 square feet of commercial development may be constructed and opened in LCP Subarea 6 utilizing the 571 unallocated parking spaces within the existing 1,471 space City-owned parking structure as the primary parking supply;
- b) Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 6 exceeding the 114,200 square foot threshold, the applicants shall open for public use the on-street parking spaces on Shoreline Drive in LCP Subareas 6 and 11 (approximately 189-245 spaces) and the 100-150 space public parking lot located in Shoreline Park at the southwest intersection of Pine Avenue and Shoreline Drive.

Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 5 authorized by amended Coastal Development Permit 5-98-156, the applicants shall open for public use the 2,195 space parking structure in LCP Subarea 5 and the approximately 333 on-street parking spaces on Pine Avenue, Seaside Way, and on the new street grid to be developed within LCP Subarea 5.

In addition, within ninety days of the establishment of the proposed parking spaces listed in this condition, the City shall submit final plans, for the review of the Executive Director, which show the exact number and location of all parking spaces (on-street, surface lot & structure) provided pursuant to this condition. The final plans shall be in substantial conformance with the conceptual plans submitted with this application. Any deviation from the conceptual plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

11. Traffic and Parking Management Association

The applicants and all designated operators and managers of the parking facilities approved herein shall participate in the Traffic and Parking Management Association established pursuant to the City of Long Beach certified Local Coastal Program [see certified LCP Downtown Shoreline Planned Development Plan (PD-6): General Development and Use Standard (b)6]. The City shall include the parking resources approved by this permit in the total parking resources addressed by the Traffic and Parking Management Association.

12. Lease to Private Operators

The lease of any development or land area subject to Coastal Development Permit 5-98-156 shall explicitly incorporate provisions for public use, public access, employee parking, parking fees and management practices consistent with all conditions contained herein. All findings and conditions of approval adopted by the Commission pursuant to its approval of Coastal Development Permit 5-98-156 shall be attached as an exhibit to all leases of property, development or land area within the project.

13. Public Parking

All parking within LCP Subareas 5 and 6 shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the approved structure by any person or group other than the general public (handicapped spaces excluded). A portion of the public parking

spaces in the parking structures and the surface parking lot located at the southwest corner of Shoreline Drive and Pine Avenue may set aside in order to provide the general public with valet or assisted parking on a first-come, first-served basis. Fees for any valet or assisted parking shall be the same as for self-parking.

14. Valet Parking

In order to increase the capacity of parking facilities and provide service to the public, valet or assisted parking services may be provided within parking structures in LCP Subareas 5 and 6 and in the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue, provided that: (i) such valet or assisted parking is available to the general public on a first-come, first-served basis, (ii) the cost of valet or assisted parking shall be equal or less than the cost of self-parking in the facilities, (iii) valet or assisted parking services in the surface lot located at the southwest corner of Shoreline Drive and Pine Avenue may be provided only after 6 p.m. on weekdays and all day Saturdays and Sundays; and (iv) at any given day and time, no more parking spaces shall be set aside for valet or assisted parking than experience demonstrates will be required to meet public demand. The use of on-street parking spaces for valet parking is prohibited.

The use of valet or assisted parking services shall be subject to Commission review and endorsement. Three years subsequent to the date of issuance of the first certificate of occupancy within the permitted development, should valet or assisted parking services be utilized in either LCP Subarea 5 or 6, the applicants shall submit an amendment request to the Commission for the continued use of valet or assisted parking services. As part of the amendment request, the applicants shall provide the following information for both subareas: number of parking spaces used for self-parking as compared to number of parking spaces used for valet/assisted parking (including time and day of use); number of additional parking spaces “created” by the utilization of valet/assisted parking as compared to the base number of (striped) parking spaces established. All information shall be documented on a monthly basis. Failure to comply with this provision will result in the termination of the authorization to utilize valet or assisted parking services in LCP Subareas 5 and 6.

15. Parking Fees and Validations

Any change in the approved parking rates or parking validation system described in the application and approval of Coastal Development Permit 5-98-156 may require a coastal development permit amendment. The applicants shall submit any proposed change in the parking fees or change in the parking validation system to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

16. Employee Parking Program [***Program Approved by Commission on March 14, 2000***]

Prior to issuance of the coastal development permit, the applicants shall submit an employee parking program, subject to the review and approval of the Commission in a permit compliance or permit amendment hearing, which meets the following criteria:

- a) The plan identifies employee parking reservoir(s) of at least 375 spaces that will be available to all employees of the commercial development permitted by Coastal Development Permit 5-98-156 while they are working; and,
- b) None of the 375 employee parking spaces shall be located in the public parking areas located in LCP Subareas 5 and 6; except that LCP Subarea 5 may be used on an interim basis to provide employee parking for development approved in LCP Subarea 6 pursuant to

amended Coastal Development Permit 5-98-156 until such time as it is displaced. The Employee Parking Program approved by the Commission on March 14, 2000 (or as amended by a subsequent Commission action) shall be implemented prior to the displacement of any required employee parking spaces in LCP Subarea 5; and,

c) None of the 375 parking spaces are more than 2,000 feet from the project site unless: (i) they are located within 200 feet of an existing free public transit (Passport) stop, and (ii) the schedules and frequency of the shuttles and choice of routes will not significantly increase commute times such that employees will have an incentive to park in public lots to avoid being late for work; and,

d) The plan insures that the employee parking is provided to employees at a cost that does not exceed the cost of parking in nearby public parking lots (such as the metered on-street spaces and parking within the Marina Green and Shoreline Park parking areas), and,

e) The plan identifies the signs, notices and other measures that will inform all employees of the commercial developments approved herein of the employee parking program.

The applicants shall implement the employee parking program as approved by the Commission.

17. Height Limits - LCP Subarea 6

All buildings, signs, structures, poles and/or building extensions in LCP Subarea 6 that exceed 40 feet in elevation are prohibited unless specifically permitted by this condition or another Commission approval. In LCP Subarea 6, no portion of the proposed development shall exceed 40 feet in height, except for the following:

a) The south end of the faux roller coaster (100 feet maximum with a surface that is less than 15 percent solid or opaque);

b) Sails, sail columns and flag poles on Building F (sails and sail columns 60 feet maximum, flag poles 75 feet maximum);

c) Ferris wheel (130 feet maximum);

d) The letters of "RAINBOW HARBOR" sign (50 feet maximum);

e) Flag poles on Buildings G,H & J (77 feet maximum), and,

f) Three vertical blade architectural elements on Buildings G & J, provided they do not exceed 60 feet in height, 8 feet in width and 5 feet in thickness, provided that no signage occurs above 40 feet in height, and provided that they do not project into any protected view corridor shown on LCP Attachment A (Exhibit #9 of staff report dated 1/14/99).

All heights shall be measured from the average elevation at the front top of the curblin, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

18. Height Limits - LCP Subarea 5 [As Revised by Commission Approval of 5-98-156-A15]

All buildings, signs, structures, poles and/or building extensions in LCP Subarea 5 that exceed 40 feet in elevation are prohibited, unless specifically permitted by this condition or another Commission approval. In LCP Subarea 5, no portion of the proposed development shall exceed 40 feet in height, except for the following:

- a) The north end of the faux roller coaster (100 foot maximum with a surface that is less than 15 percent solid or opaque) and two lantern features abutting the north end of the faux roller coaster (63 & 78 feet maximum);
- b) On Building A (40 feet): one 500 square foot parapet extension (47 feet maximum), the letters of “LONG BEACH” sign (50 feet maximum), and clock tower (60 feet); The hotel at the northeast corner of Bay Street and Cedar Avenue (74 feet maximum to the rooftop pool deck, 83 feet maximum to the top of the stair towers and 90 feet maximum to the top of the elevator housing);
- c) On Building B (40 feet): one 500 square foot building extension (43 feet maximum);
- d) On Building C (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (43 feet maximum), one barrel element extension (60 feet maximum), and two 500 square foot towers (60 & 93 feet maximum);
- e) On Building D (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (78 feet maximum) with one blade (100 feet maximum) for theater identification sign, and 2,000 square foot tower (52 feet maximum);
- f) Parking structure (Amendment 5-98-156-A1 approved a 100-foot architectural tower);
- g) In the town square: one vertical monument with a footprint not to exceed 500 square feet (152 feet maximum); and,
- h) Flag poles (77 feet maximum).
- i) Up to seven three-dimensional food icons (70 feet maximum) within the confines of the faux roller coaster, provided that such icons do not advertise a particular store, product or service, and provided that they do not extend south of the north curb of Shoreline Drive.

All heights shall be measured from the average elevation at the front top of the curbline, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

19. View Corridors

No structures over 42 inches in height, other than required safety features, structures required to meet ADA access standards where there is no alternative location for such structures outside of the view corridors, mobile vending carts, lighting features and low-scale official directional signs, shall be placed in the view corridors identified on Exhibit #9 of this staff report (dated 1/14/99). In addition, no restaurant dining areas shall be placed in the view corridors identified on Exhibit #9 of this staff report (dated 1/14/99). However, seats and picnic tables (less than 42 inches in height) for the public picnic areas with no restaurant table service may be provided within view corridors only as shown on Exhibit #9 of the staff report dated February 24, 2000. An arch which contains the lettering “PIER, PINE AVENUE” shall be permitted at the entrance to the Pine Avenue Pier, provided that the bottom edge of the arch is at least twelve feet above the pier so as to not intrude into the protected pedestrian view corridor along the pier to the water.

Prior to issuance of the coastal development permit, the applicants shall submit revised plans that comply with the view corridor protections of this condition. The revised plans shall be subject to the review and approval of the Executive Director, and shall include the following revisions: a) removal of all items (other than the PINE AVENUE PIER arch) that exceed 42 inches in height

from the Pine Avenue Pier view corridor; b) removal of the restaurant dining patios attached to Buildings J and K that encroach into the Terraces view corridor identified on Exhibit #9 of staff report dated 1/14/99 and located at the terminus of Pine Avenue, and c) provision of a 90-foot wide view corridor over Aquarium Way between Building F and Building G south of Shoreline Drive. The development shall conform to the revised plans approved by the Executive Director.

20. Signage

All roof signs, freestanding signs, three-dimensional icons, and signs above 40 feet in elevation are prohibited, unless specifically permitted by this permit or another Commission approval. Exceptions: i) Signs attached to the wall of an approved structure that exceeds 40 feet in elevation, and ii) up to seven three-dimensional food icons within the confines of the faux roller coaster, provided that such icons do not exceed 70 feet in height above the flood plain elevation, do not advertise a particular store, product or service, and do not extend south of the north curb of Shoreline Drive. The applicants shall submit a comprehensive sign program, subject to the review and approval of the Commission, for all proposed signs that are not attached to the wall of an approved structure, or specifically approved by this action.

21. Final Plans: Parking Structure [**Condition Satisfied**]

Prior to issuance of the coastal development permit, the applicants shall submit project plans, for the review and approval of the Executive Director, for the parking structure proposed in LCP Subarea 5 on the north side of Shoreline Drive between Cedar Avenue and Chestnut Avenue. The plans for the proposed parking structure shall include features designed to lessen the visual impact of the parking structure, including attractively designed facades, treatments that break up the unrelieved plane of the structure's surface, and special architectural and landscaping features. In addition, the applicants shall submit a drainage plan for the proposed parking structure that incorporates best management practices (BMPs) that will reduce the volume of runoff and amount of pollutants which leave the parking structure site and enter the storm drain system. The drainage plan shall incorporate the following: catch basins to collect trash, trash racks or bars to filter runoff, grease and oil separators, and provisions for periodic cleaning of the paved parking surfaces and catch basins. The drainage plan may include other measures as well. The applicants shall implement the approved drainage plan on an ongoing and permanent basis. The parking structure shall be constructed and maintained in a manner consistent with the plans approved by the Executive Director.

22. Conformance with the Requirements of the Resource Agencies

The applicants shall comply with all permit requirements and mitigation measures of the State Water Resources Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

23. Drainage Plans for Parking Lot [**Condition Satisfied 9/14/2000**]

Prior to issuance of the coastal development permit, the applicants shall submit a drainage plan, for the review and approval of the Executive Director, for the proposed parking lot in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue. The drainage plan shall incorporate best management practices (BMPs) that will reduce the volume of runoff and amount of pollutants which leave the parking lot and enter the storm drain system. The drainage plan shall incorporate the following: catch basins to collect trash, trash racks or bars to filter runoff,

grease and oil separators, and provisions for periodic cleaning of the paved parking surfaces and catch basins. The drainage plan may include other measures as well. The applicants shall implement the approved drainage plan on an ongoing and permanent basis consistent with the drainage plan approved by the Executive Director.

24. Assumption of Risk

By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

25. Consistency with State Tidelands Grant [**Condition Satisfied 11/5/99**]

Prior to issuance of the coastal development permit, the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed project in its entirety is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

26. City Acceptance of Conditions [**Condition Satisfied 11/5/99**]

Prior to the issuance of the coastal development permit, the City Council shall adopt and submit a resolution, subject to the review and approval of the Executive Director, agreeing to abide by all terms and conditions of Coastal Development Permit 5-98-156. The City and its agents shall abide by all terms and conditions of Coastal Development Permit 5-98-156.

27. Foundation Design

Prior to the commencement of development, the applicants shall submit for review and approval by the Executive Director, final foundation plans for the proposed development (Buildings A,B,C,D,E,F,G,H,J,K,L,M,N,P and the parking structure) that have been reviewed and approved for structural soundness and safety by a qualified engineer. The submitted plans must be in substantial conformance with the plans approved by the Commission. Any changes in the structure design approved by the Commission which may be required by the engineer shall be submitted to the Executive Director to determine whether an amendment to the permit is required. The proposed development shall be constructed in a manner consistent with the final approved plans.

28. Pedestrian and Bicycle Access (Parking Structure) [**Condition Satisfied 2/11/2000**]

Prior to issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, revised plans that provide a minimum six-foot wide sidewalk for public pedestrian access through the proposed parking structure on the west side of the Chestnut Place right-of-way. In addition, the applicants shall provide and maintain the bicycle path proposed along the north and east sides of the proposed parking structure that would connect the existing Chestnut Place bike path to the existing Regional Bicycle Route on the south side of the proposed parking structure (north side of Shoreline Drive). The applicants shall not

interfere with public use of the existing Regional Bicycle Route that runs along the north side of Shoreline Drive, the Chestnut Place sidewalk required by this condition, or the proposed bicycle path connecting the Chestnut Place bike path to the Regional Bicycle Route. The development shall be maintained consistent with the plans approved by the Executive Director.

29. Landscaping and Treatment of Roof (Parking Structure) [**Condition Satisfied 7/6/2000**]

Prior to issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, a rooftop treatment plan for the proposed parking structure that provides landscaping and surface treatment to soften the visual impact of the parking structure's roof on nearby high-rise buildings. The roof surface shall be treated with material that reflects less light than standard gray concrete. Landscaping shall be provided on the roof to the extent that a minimum of twenty percent (20%) of the total roof area will be covered or shaded within three years of the issuance of the certificate of occupancy for the proposed parking structure. The approved rooftop landscaping shall be installed prior to the issuance of the certificate of occupancy for the proposed parking structure. The development shall be maintained consistent with the plans approved by the Executive Director.

30. Erosion and Siltation Control (Parking Structure) [**Condition Satisfied 3/13/2000**]

Prior to the issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan that incorporates structural and non-structural Best Management Practices (BMPs) to control erosion from the construction site and prevent silt from the construction site from entering the storm drain during construction of the proposed parking structure. The approved erosion control and siltation plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and shall be implemented during construction.

31. Drainage Plan (Parking Structure) [**Condition Satisfied 2/26/2000**]

Prior to issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed parking structure that incorporates structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking structure site, b) control the velocity at which the runoff enters the storm water drain, and c) reduce the amount of pollutants contained in the runoff leaving the parking structure site prior to entering the storm drain system. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director. In addition, any lease or operating agreement that involves the proposed parking structure shall explicitly incorporate the provisions of the drainage plan approved by the Executive Director.

32. Parking Lot Landscaping Plan (Employee Lot/LCP Subarea 3)

The applicants shall maintain and protect the mature trees as indicated on the proposed project plans, and provide and maintain the landscaping as indicated on the proposed project plans. The proposed project plans are attached as page two of Exhibit #4 of the staff report dated November 18, 1999.

33. Erosion and Siltation Control (Employee Lot/LCP Subarea 3) [**Condition Satisfied 3/13/2000**]

Prior to the issuance of the coastal development permit amendment (5-98-156-A2), the applicants shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan that incorporates structural and non-structural Best Management Practices (BMPs) to control erosion from the parking lot construction site and prevent silt from the construction site from entering the storm drain during construction of the proposed parking lot. The approved erosion control and siltation plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and shall be implemented during construction.

34. Parking Lot Drainage Plan (Employee Lot/LCP Subarea 3)

Prior to issuance of the coastal development permit amendment (5-98-156-A2), the applicants shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed parking lot that incorporates structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking lot site, b) control the velocity at which the runoff enters the storm water drain, and c) reduce the amount of pollutants contained in the runoff leaving the parking lot site prior to entering the storm drain system. The drainage plan shall meet the standard of containing on the parking lot site 0.75 inches of precipitation within a 24-hour period. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins at least once a year between September 15 and October 15, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittees shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director. In addition, any lease or operating agreement that involves the proposed parking lot shall explicitly incorporate the provisions of the drainage plan approved by the Executive Director.

35. Consistency with State Tidelands Grant (Employee Lot Subarea 3) [**Condition Satisfied 5/5/00**]

Prior to issuance of the coastal development permit amendment (5-98-156-A2), the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed employee parking lot is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

36. Revised Tentative Parcel Map [**Condition Satisfied 8/12/2000**]

Prior to issuance of the coastal development permit amendment (5-98-156-A3), the applicants shall submit, for the review and approval of the Executive Director, a revised tentative parcel map that complies with all of the following conditions:

- a) All parcels shall be in the same general location as the parcels shown in Exhibits #5&6 of the staff report dated January 27, 2000;
- b) The total area of the proposed commercial parcels located south of Shoreline Drive (excluding the remainder public park area and one parcel comprised of a public parking lot) shall not exceed a maximum of four acres;
- c) No portion of any proposed commercial parcel located south of Shoreline Drive shall encroach into the view corridors identified on Exhibit #7 of the staff report dated January 27, 2000;

- d) No portion of any proposed commercial parcel shall encroach into the public accessways protected by special condition six of Coastal Development Permit 5-98-156;
- e) All parcels shall conform to all terms and conditions of Coastal Development Permit 5-98-156 as amended; and,
- f) The portion of the project site that is located south of Shoreline Drive, except for the four acres that comprise the proposed commercial parcels, shall remain designated as public park area.

The applicants shall record the final parcel map in accordance with the revised parcel map approved by the Executive Director pursuant to this condition. All development shall take place consistent with the revised parcel map approved by the Executive Director. All terms and conditions of Coastal Development Permit 5-98-156, as amended, shall be attached to the final recorded parcel map.

37. Permitted Uses

The development and use of each parcel created by the proposed parcel map is limited to the development and uses expressly permitted by the terms and conditions of Coastal Development Permit 5-98-156 as amended. All terms and conditions of Coastal Development Permit 5-98-156, as amended, shall be attached to the final recorded parcel map.

38. Consistency with State Tidelands Grant [**Condition Satisfied 5/5/2000**]

Prior to issuance of the coastal development permit amendment (5-98-156-A3), the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach. The applicants shall also demonstrate that the State Lands Commission has given permission for the proposed subdivision of State Tidelands and agrees that the proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

39. Pedestrian Connection Between LCP Subarea 3 and LCP Subareas 5 & 6

The public sidewalk and stairway proposed along the south side of Shoreline Drive connecting the existing public pedestrian access systems in LCP Subarea 3 to LCP Subareas 5 and 6 shall be constructed concurrent with the commercial development approved in LCP Subarea 5. The proposed public sidewalk and stairway linking the existing public pedestrian access systems in LCP Subareas 3, 5 and 6 shall be opened to the general public prior to the date of issuance of the first certificate of occupancy within the development permitted by Coastal Development Permit 5-98-156. Public access along the proposed and existing pedestrian accessways in LCP Subareas 3, 5 and 6 shall remain open and unobstructed for use by the general public. No gate or other obstruction is permitted on any proposed or existing pedestrian accessway in LCP Subareas 3, 5 or 6.

40. Protection of Water Quality – Project Design & Post Construction [**5-98-156-A6**]

PRIOR TO ISSUANCE OF THE PERMIT AMENDMENT, the applicants shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the

post-construction portion of the site subject to Permit Amendment 5-98-156-A6, prepared by a licensed water quality professional. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The WQMP shall be in substantial conformance with the following requirements:

A. Water Quality Goals.

- (i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- (ii) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (iii) Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Restaurants

- (i) Each restaurant shall have a wash down area for restaurant equipment and accessories which shall be designed as follows: a) Designate equipment-cleaning areas indoors, and install berms to direct all runoff to the sewer system; or, if equipment cleaning areas are to be located outdoors, all wash-down areas shall be routed to the sanitary sewer system and shall not contribute to polluted runoff or nuisance flows; b) Prohibit the cleaning of equipment in any area where water may flow to a street, gutter, creek, or storm drains; and, c) Minimize to the maximum extent practicable the amount of wash water used.
- (ii) The above restriction on restaurants shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

C. Education and Training

- (i) Provide annual training of employees on chemical management and proper methods of handling and disposal of waste. Make sure all employees understand the on-site BMPs and their maintenance requirements.
- (ii) Provide informational signs around the establishment for customers and employees about water quality and the BMPs used on-site.
- (iii) Label/stencil outdoor drains to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer as appropriate.

D. Landscaping. Minimize to the maximum extent practicable the use of pesticides and fertilizers.

E. Monitoring and Maintenance

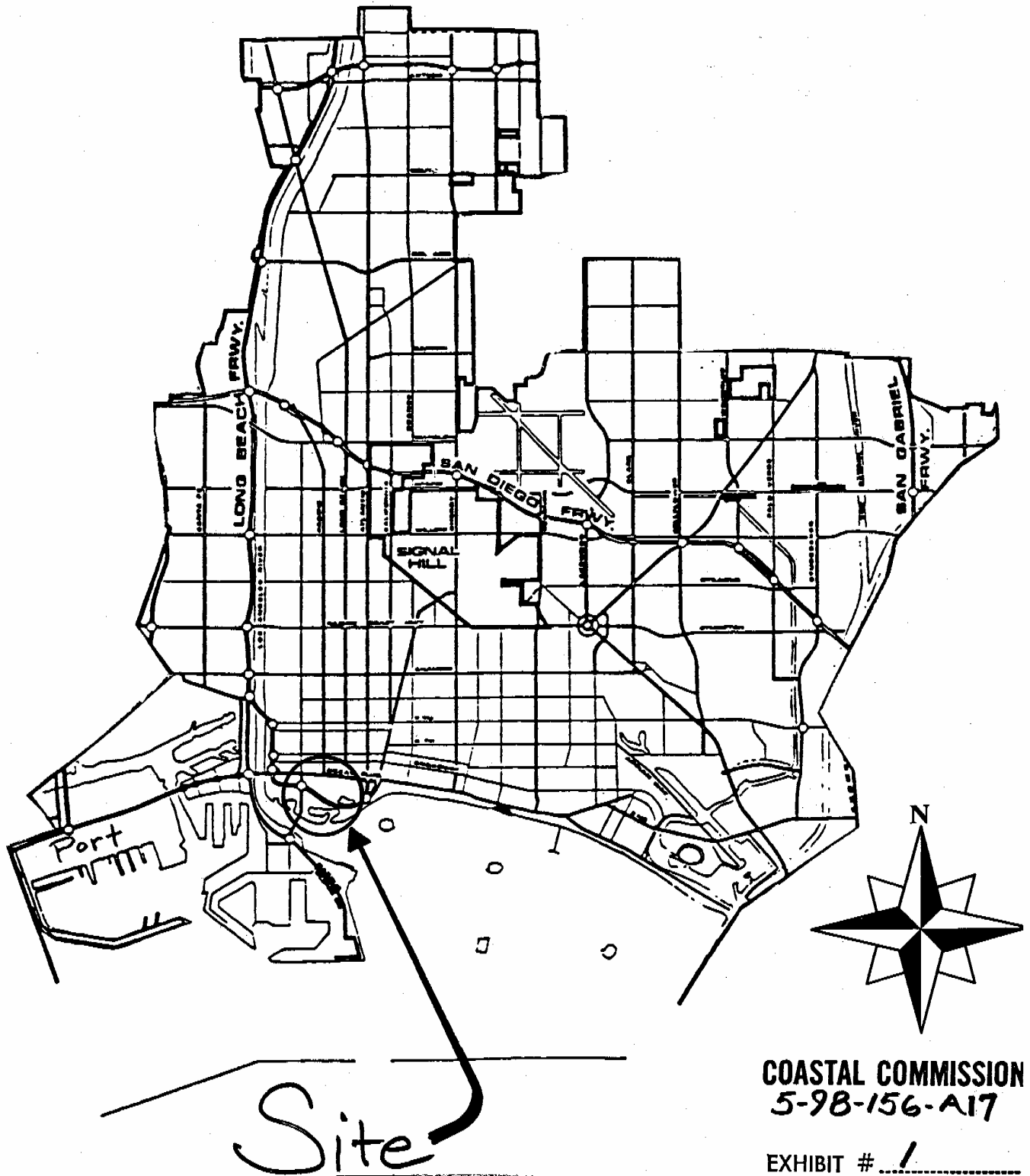
- (i) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15th each year; 2) during each month between October 15th and April 15th of each year and, 3) at least twice during the dry season (between April 16 and October 14 of every year).
- (ii) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (iii) It is the applicants' responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.

The permittees shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

41. Permitted Use: Overnight Room Rentals [5-98-156-A15]

The permitted use of the structure approved by Coastal Development Permit Amendment 5-98-156-A15 is a 140-room hotel (as defined in the certified City of Long Beach Local Coastal Program - Zoning Code Section 21.15.1380). The approved structure shall be operated as a bona fide hotel that provides overnight accommodations to visitors for a period of not more than thirty consecutive days. Any change in the number of units or change in use (including, but not limited to, a change from overnight room rentals to time shares or month-to-month rentals) is not permitted by this action and shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

City of Long Beach

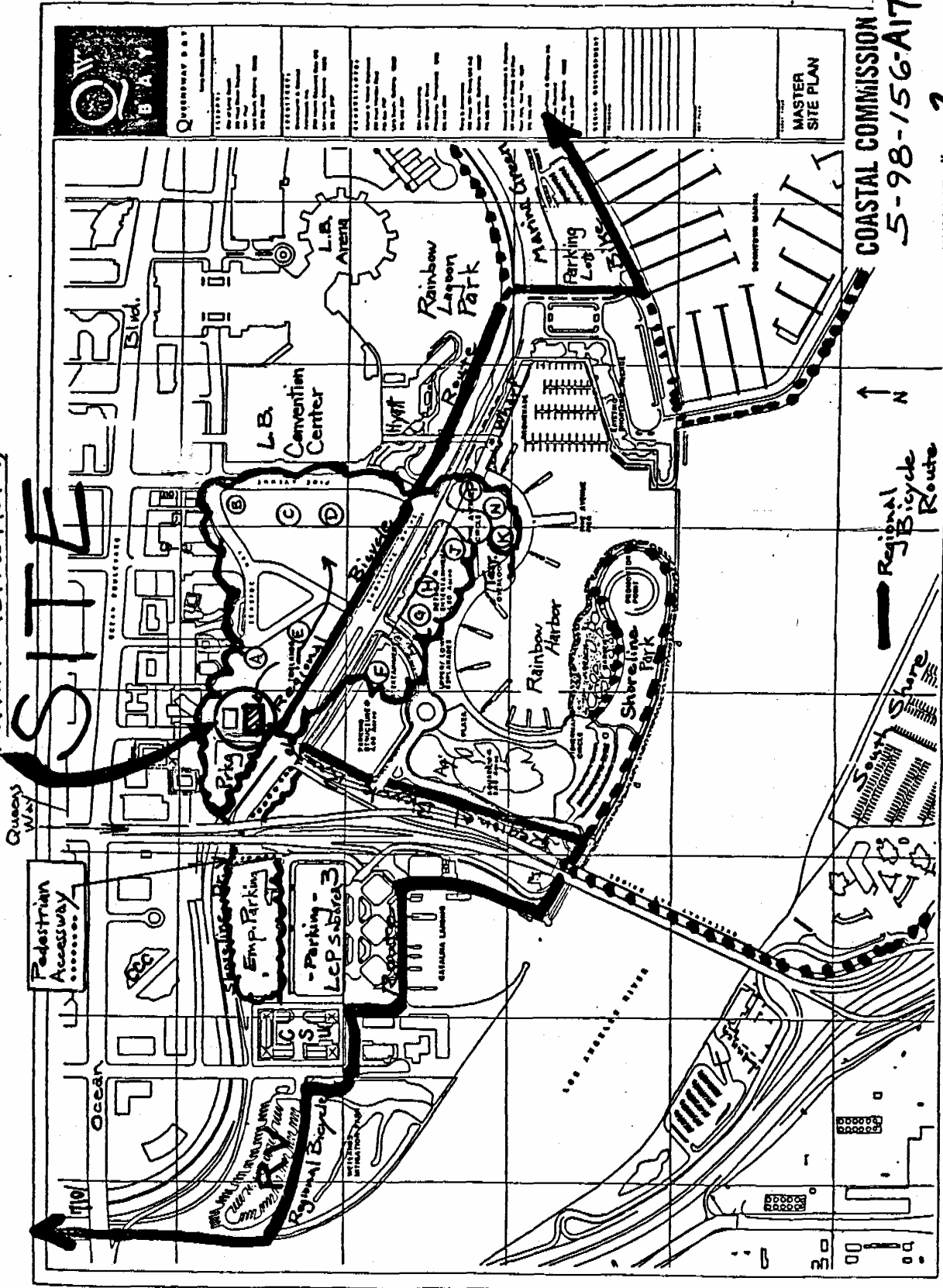


COASTAL COMMISSION
5-98-156-A17

EXHIBIT # 1
PAGE 1 OF 1

Avia & Sierra Hotels

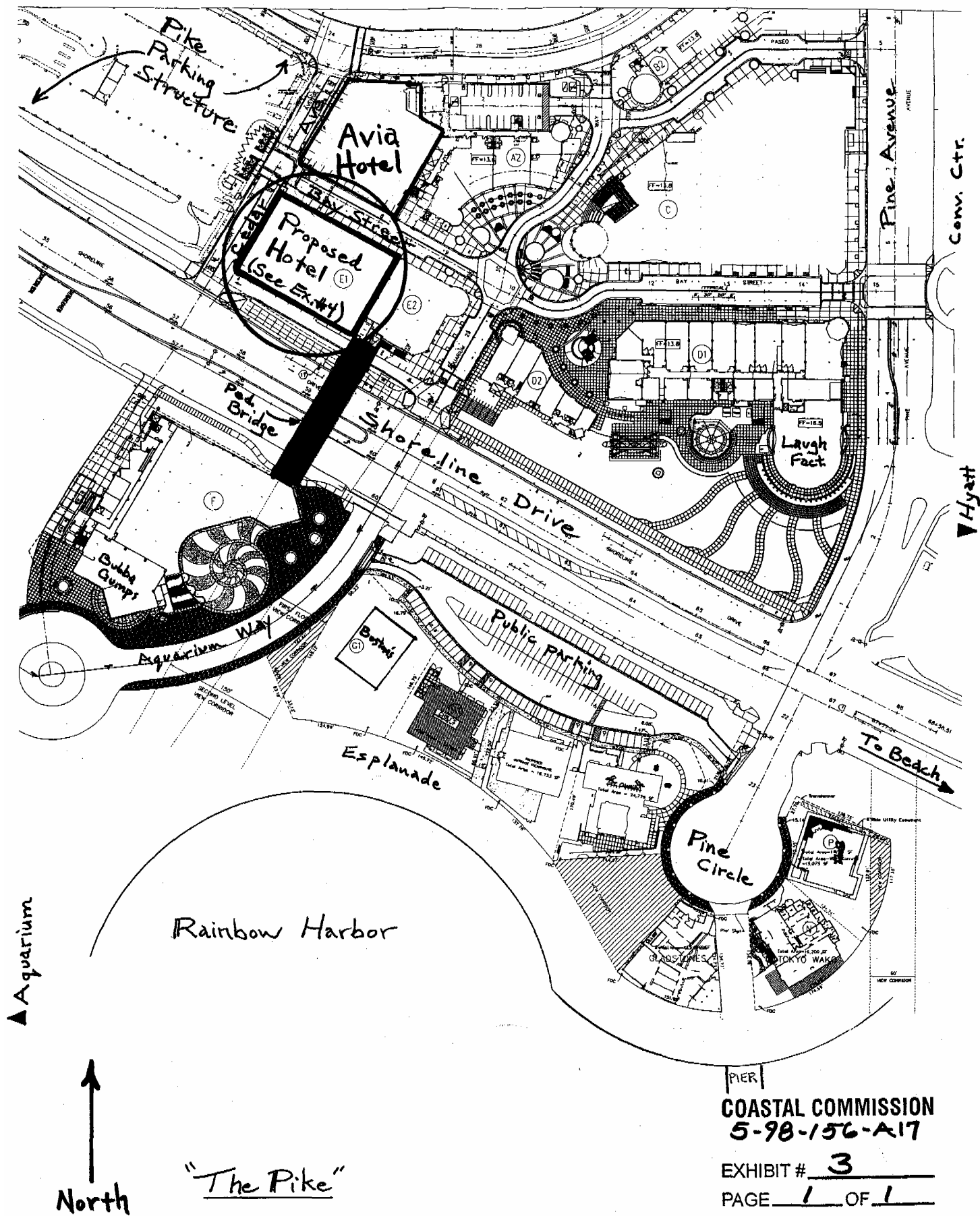
SITE



COASTAL COMMISSION
5-98-156-A17

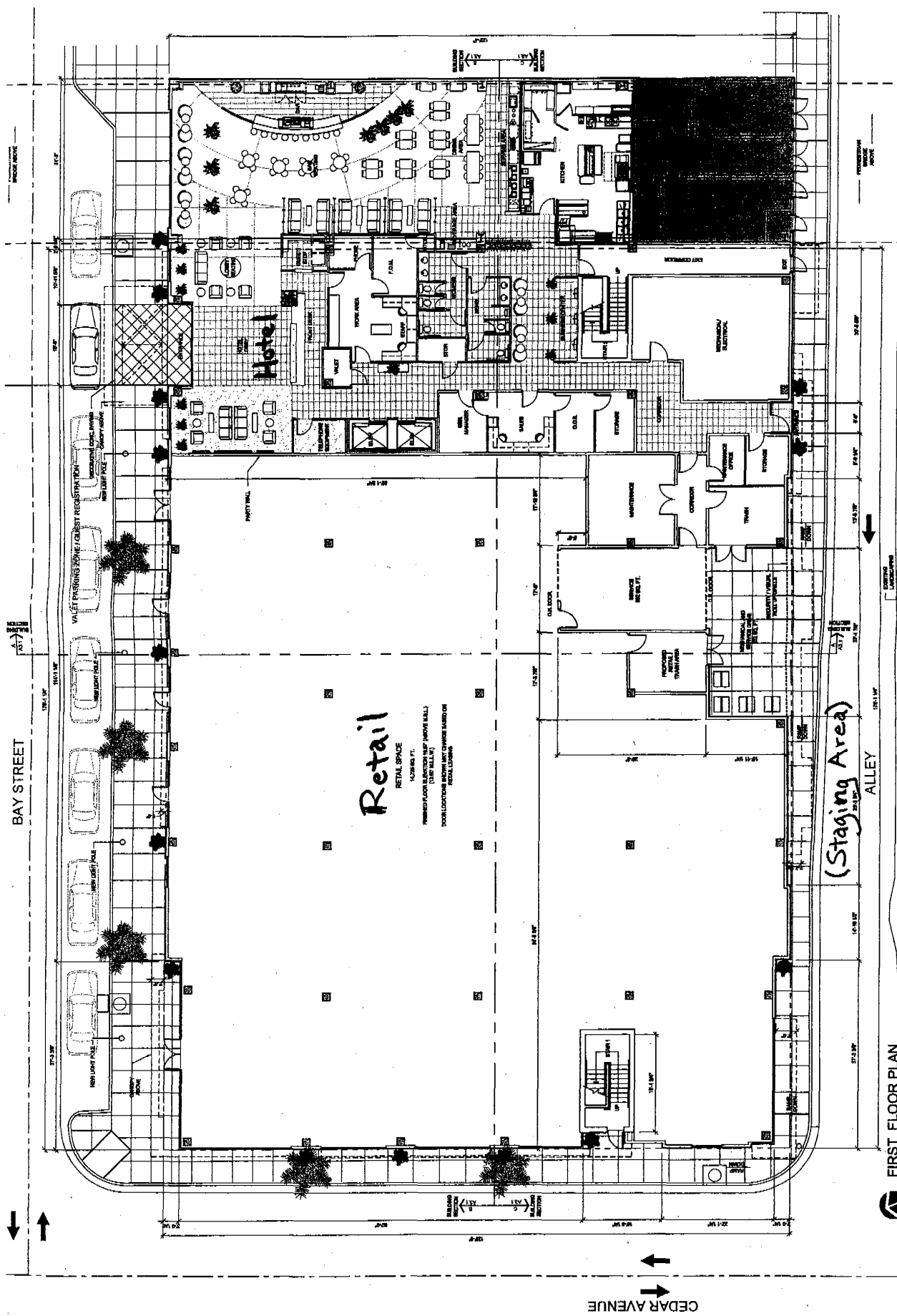
EXHIBIT # 2
PAGE 1 OF 1

Downtown Shoreline Area



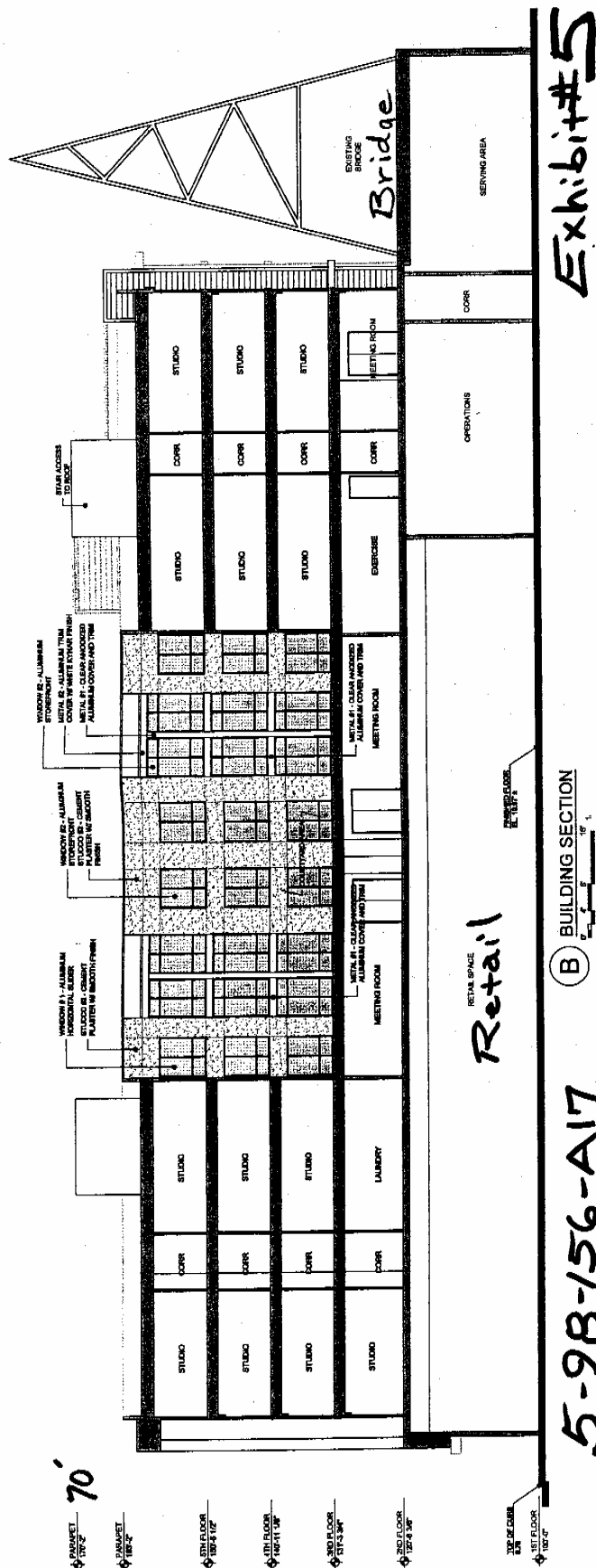
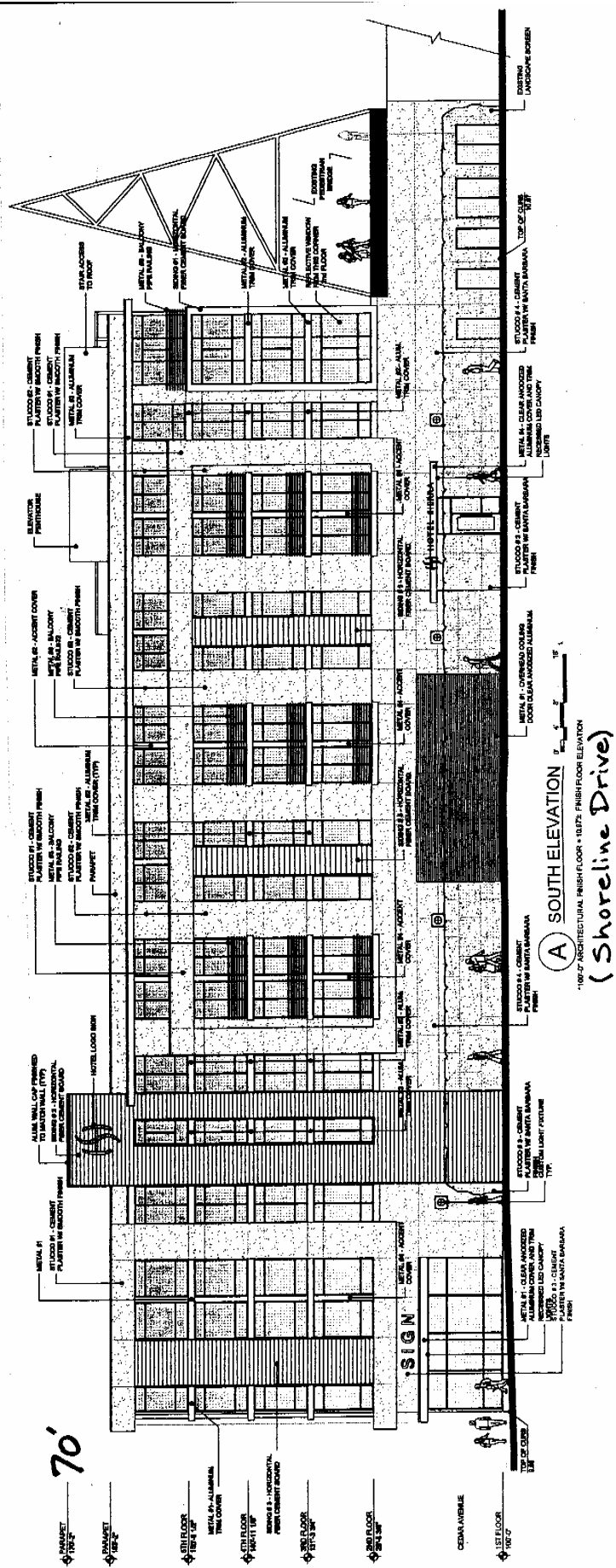
COASTAL COMMISSION
5-98-156-A17

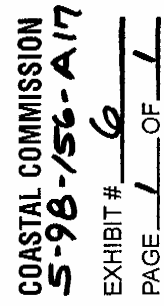
EXHIBIT # 3
PAGE 1 OF 1



Site Plan-5-98-156-A17

Exhibit #4







CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/CURRENT PLANNING DIVISION

October 7, 2009

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South Coast Region

OCT 8 2009

CALIFORNIA
COASTAL COMMISSION

Charles Posner
Coastal Program Analyst
California Coastal Commission, South Coast Office
200 Oceangate, Suite 1000
Long Beach, CA 90802

Re: Coastal Development Permit Amendment Request No. 5-98-156-A17 (Pike Hotel II)

Dear Mr. Posner:

Please let this letter serve as a response to the requests for additional information made in your letter dated September 10, 2009. Our responses are itemized as they were in your original letter:

- 1) The proposed project will be a hotel as defined in Section 21.15.1380 of the Long Beach Municipal Code. The project will have 6 or more guest rooms, will offer occupancy of not more than 30 days, and will have entry to the guest rooms from a common interior corridor. The developer, Lodgeworks L.P., has not declared any intentions to sell the hotel rooms as condominiums, time shares, or other forms of individual private ownership.
- 2) The developer, Lodgeworks L.P., has provided the following information on room rental rates for the proposed hotel:

<u>Room Type</u>	<u>Peak Rates</u>	<u>Off-Peak Rates</u>
Standard King Room	\$189	\$159
Studio Suite	\$219	\$189

- 3) The developer, Lodgeworks L.P., has provided the following information on "best available rates" for room rental for other hotels in the City:

<u>Hotel Name</u>	<u>BAR: Week Ending 8/23/09</u>	<u>BAR: Week Ending 8/30/09</u>	<u>BAR: Week Ending 9/06/09</u>	<u>Average</u>
AVIA Long Beach	\$196.14	139.14	\$128.50	\$154.59
Hilton Long Beach	\$153.43	\$136.28	\$132.71	\$140.81
Hyatt Regency Long Beach	\$182.00	\$131.28	\$119.14	\$144.14

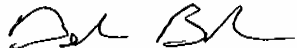
STAL COMMISSION
5-98-156-A17

EXHIBIT # 7
PAGE 1 OF 2

Hotel Maya	\$157.57	\$129.14	\$156.14	\$147.62
Renaissance Long Beach	\$189.14	\$140.57	\$136.28	\$155.33
Westin Long Beach	\$149.28	\$127.71	\$164.86	\$147.28

- 4) PD-6, Subarea 5 allows a total of 275 hotel rooms. The Avia Hotel, recently completed, has 140 rooms. The proposed Hotel Sierra would have 125 rooms. This makes for a total of 265 rooms. Subarea 5 also allows a total of 327,000 square feet of retail, restaurant, and entertainment. These uses currently total approximately 278,000 within Subarea 5. The proposed retail component of this project would be approximately 15,000 square feet, leaving approximately 34,000 square feet yet to be developed.
- 5) Parking for the project will be provided in the Pike parking structure located across Cedar Avenue from the project site. Parking in this structure was anticipated and planned for this type of project when the parking structure was built, and Developers Diversified Realty (DDR) will manage the hotel's use of the parking spaces. A parking analysis for The Pike at Rainbow Harbor, conducted by Linscott, Law & Greenspan (LLG), is enclosed. This study demonstrates that a major surplus of parking spaces exists at the Pike during peak demand periods, even with the demand for the proposed project included.

Sincerely,



Derek Burnham
Current Planning Officer

DB:SK

COASTAL COMMISSION

5-98-156-A17

EXHIBIT # 7

PAGE 2 OF 2



Long Beach Coalition for Good Jobs & a Healthy Community

www.goodjobslongbeach.org | 562-396-GJLB (4552)

November 5, 2009

California Coastal Commission
Attn: Peter M. Douglas, Executive Director
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Fax: (415) 904-5400

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South Coast Region

NOV 13 2009

CALIFORNIA
COASTAL COMMISSION

RECEIVED

NOV 10 2009

CALIFORNIA
COASTAL COMMISSION

RE: Major Amendment Request No. LOB-MAJ-2-09 to the City of Long Beach Certified Local Coastal Program and Modification Permit of 5-98-156, City of Long Beach

Dear Mr. Douglas,

On November 5, 2009, the California Coastal Commission was scheduled to review the Local Coastal Plan Amendment regarding Subarea 5 which incorporates the Pike at Rainbow Harbor. The developer of Hotel Sierra and the City of Long Beach is requesting that: 1) a new (second) hotel in Subarea 5 may be six stories in height instead of having to conform to the three-story/forty-foot height limit, and 2) the site coverage requirements for Subarea 5 may be waived under circumstances.

As members of the coalition, we attended the hearing with the interest of speaking on this issue. There is still a pending lawsuit regarding the unlawful reliance on an environmental impact report and addendum. The California Environmental Quality Act requires that every EIR identify and analyze the significant adverse environmental impacts of a proposed project, giving due consideration to both short-term and long-term impacts, providing decision-makers with enough information to enable them to make an informed decision with full knowledge of the likely consequences of their actions, and providing members of the public with enough information to participate meaningfully in the project-approval and environmental-review process.

Under CEQA, developers may only use an addendum to a previously certified EIR to make minor corrections to that report. In other words, the new development must be considered so insignificant to the larger project- the Pike- that no study is needed. However, this project is substantially different from the project that was the subject of the previously certified EIR. Additionally, there is information that was unknown and unknowable when the previous report was certified. Therefore, the developers violated CEQA when they certified the EIR Addendum for the project.

We also were prepared to give public testimony regarding the second approval the developer seeks on this project. On December 9-11, 2009, in San Francisco, the developer will seek a coastal permit modification approval to build the Hotel Sierra. Typically, projects are heard in the general vicinity in which the project is located. Since this project is proposed for Long Beach, the meeting should be located in Southern California. Given that the January hearing will take place in Southern California (either LA or Orange County), it seems very reasonable to move the vote to this month. In October, California Coastal Commission staff received a one year's extension to review the project, so

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PAGE 1 OF 3

there is no administrative reason to hear it in December except for the developer's desire to move the project through the process as fast possible.

Additionally, there are other impacts regarding the hotel that deserve community attention. Staff has determined that the rental rates for the proposed hotel are above affordability. This violates the Coastal Act, which requires affordable accommodations be protected and encouraged. In other cases, developers propose in lieu fees to invest in low-cost accommodations off site. However, the developer has not proposed any fees. This disregard for the Coastal Commission's precedents deserves the community's attention and public comment.

Furthermore, we ask that you carefully address the significant parking issues that were not addressed in the addendum or the additional parking analysis and contradict the goals of the Coastal Act in terms of accessibility.

Since no traffic study was originally performed on this project, independent experts, the Orosz Engineer Group, reviewed the EIR Addendum and found some key issues. First, the addendum uses data for the October - March time frame. But in a beach-summer oriented tourist area such as the Pike, the parking garage data should be provided for a full year. Right now it appears that approximately 285 spaces would be available during the peak month. At this current time, the garage is 90% full during peak times which is the design maximum. The developer made no mention that guests of this hotel would be relying on surrounding parking areas, but repeatedly stated that parking would be provided with the existing Pike structure.

Coastal Commission staff asked for further parking analysis to be done to address these issues. The developer provided a new analysis that stated that although guests would be expected to park in the Pike, there would additional parking at the Rainbow Lot, Catalina lot, the Aquarium, and even on-street parking. In effect, guests may have to use this on-street parking which is metered. The numbers became inflated so as to suggest a huge surplus which is unrealistic and disingenuous.

The parking analysis does not include Convention Center events, such as the recent Women's Conference, which attracted an estimated 25,000 people. Because of this large number, the Convention Center parking structures were filled beyond capacity. Visitors were moved to the Pike parking structure.

The parking analysis should be revised to include data on the intensity of past and proposed convention uses, which includes the number of conferences, peak number of people at these events, the parking demand for events, and parking issues that are raised from these events.

However, Commissioner Lowenthal, acting on behalf of the City of Long Beach, made the request to hear both items together in San Francisco against the Staff's recommendations to hear them separately. She met privately with the developer and lobbyist of the project behind closed doors, and did not allow public testimony.

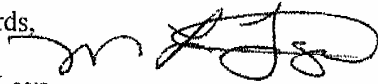
The California Coastal Commission should continue the public hearing on the proposed LCP and permit for this project to a meeting in Southern California on the grounds that the information has been provided regarding the parking and that the Project is inconsistent with the public access policies of Chapter 3 of the Coastal Act.

COASTAL COMMISSION
5-98-156-A17

EXHIBIT # 8
PAGE 2 OF 3

Thank you for your consideration in this matter.

Best regards,



Maria L. Loya
Long Beach Coalition for Good Jobs and a Healthy Community Representative

CC:

Bonnie Neely
Board of Supervisors
825 Fifth Street, Room 111
Eureka, CA 95501

Mayor Larry Clark
City of Rancho Palos Verdes
City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

COASTAL COMMISSION
5-98-156-A17

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PAGE 3 OF 3

BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 858-495-9082
Facsimile: 858-495-9138

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1582.00

October 29, 2009

Peter M. Douglas, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RECEIVED
South Coast Region

NOV 3 - 2009

Re: 290 Bay Street, Long Beach, California CALIFORNIA
COASTAL COMMISSION

Dear Mr. Douglas:

On behalf of the Long Beach Coalition for Good Jobs and a Healthy Community, I am writing to express my client's concerns regarding the proposal by Lodgeworks, L.P., to build the 125-room Hotel Sierra at 290 Bay Street in Long Beach, California.

Last June, the Long Beach Planning Commission relied on an addendum to an environmental impact report (EIR) for a project different from the Hotel Sierra. At the hearing, members of the community raised significant concerns about Long Beach's reliance on the addendum and requested a proper EIR for the Hotel Sierra. As you know, addenda are only appropriate when there are minor, technical revisions to the underlying EIR and do not involve consideration of alternatives. Meanwhile, the Hotel Sierra raises concerns about traffic and air quality because this would be the second hotel seeking to waive the 65-percent site-coverage limit. Despite these concerns, the Planning Commission recommended approval of the project.

Additionally, the California Coastal Commission, in fulfilling its responsibility to "protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations," must carefully monitor that our coast remains accessible to all visitors. Specifically, Public Resources Code Section 30212.5 states that wherever "appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area." One such accessibility concern is the price that the Hotel Sierra will charge its guests. My client believes that the rates will not be affordable. Unaffordability is an barrier to public access.

In this regard, my client also has concerns about accessibility and the limitations on accessibility due to the project's parking demands. Unfortunately, Long Beach did not perform an adequate traffic/parking study for the Hotel Sierra. A private engineer reviewed the project and found significant issues. For instance, the data provided in the addendum

Be Good to the Earth: Reduce, Reuse, Recycle



COASTAL COMMISSION
5-98-156-A17

EXHIBIT # 9
PAGE 1 OF 4

Peter M. Douglas, Executive Director
California Coastal Commission

October 29, 2009
Page 2

looked at traffic levels from October through March, but the demand for coastal resources in places like Long Beach is high throughout the year and may even be higher during late spring and summer. Long Beach did not consider the demand for coastal access and the potential traffic and parking conflicts during the spring and summer. (A copy of the engineer's report is enclosed with this letter.)

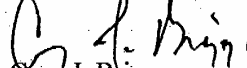
The public has not yet seen any actual data for parking demand at Hotel Sierra. In reviewing the project, the Commission's staff has recommended that the developer and Long Beach provide a parking plan and parking-demand analysis. The recommendation confirms the community's concern about the lack of a sufficient analysis by Long Beach.

Lastly, you should know that my client has filed suit over the sufficiency of Long Beach's environmental analysis. The Commission is scheduled to consider Long Beach's amendment to its local coastal plan on November 5, 2009, and to consider the Hotel Sierra itself at the December 9-11, 2009 meeting in San Francisco. Given the tremendous public interest in this matter, my client requests that the Commission delay consideration of both matters until its January 2010 hearing in Southern California. (If the Commission needs any information about the lawsuit, please do not hesitate to let me know.)

Thank you for your consideration in this matter.

Sincerely,

BRIGGS LAW CORPORATION


Cory J. Briggs

Enclosure

Be Good to the Earth: Reduce, Reuse, Recycle



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5-98-156-A17

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PAGE 2 OF 4

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NOV 3 - 2009

CALIFORNIA
COASTAL COMMISSION



OEG Ref: 09-70109

July 13, 2009

Mayor Bob Foster
City of Long Beach
333 West Ocean Boulevard, 14th Floor
Long Beach, California 90802

Fax: (562) 570-6538

Subject: EIR Addendum (EIR-01-09) Comments, Hotel Sierra Project

Honorable Mayor and City Council Members:

Orosz Engineering Group, Inc. (OEG) has been asked by Davis, Cowell & Bowe, LLP (Andrew Kahn) to review the subject document from a traffic and transportation engineering viewpoint. The following letter summarizes our findings.

The traffic and land use information presented in the EIR Addendum is generally complete. However, there are three areas that are not complete and do not present a true and complete picture of the potential environmental impacts that may occur with the implementation of the proposed project. These three areas include:

Parking

Parking in the Pike Garage. The data for the October - March time frame is good information, but in a beach/summer oriented tourist area the parking garage data should be provided for a full year. It appears to be available but not shown in the EIR addendum. Right now it appears that approximately 285 spaces would be available during the peak month. Right now, the parking garage is about 90% full during peak times (an industry design maximum). Relying on the surrounding parking areas for additional parking is unrealistic and unknown. There is no occupancy data for those other parking areas provided in the document. They could be operating at 100% full leaving no room for error in the parking garage for this project. To provide a clear and complete environmental setting, the year round parking occupancy values for the Pike Garage and surrounding parking areas should be provided. With the project parking demand, the proposed project parking demands on the surrounding areas can be evaluated completely.

Project Parking Demands. There is no exact information regarding the actual parking demand for the Hotel Sierra. The available parking in the garage may or may not be adequate. (See previous comment.) Hotels of this type could generate a peak parking demand of 1-1.5 spaces per room or 125-200 parking spaces. The retail space proposed for the project may add additional demands for parking. With only a maximum of 285 parking spaces potentially available (based on the data provided, this number may be

1627 Calzada Avenue . Santa Ynez . CA . 93460 . 805-688-7814 . oeg@quixnet.net

COASTAL COMMISSION

5-98-156-A17

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Mayor Bob Foster
July 13, 2009
Page 2

significantly less when summer data is provided), the parking garage may be completely full and fail to operate efficiently.

Land Use

Total Available Square Footage. Within the Pike area, the City Council has approved a total square footage is 525,000. The existing approved uses totals 418,221 SF. There is no total with the Hotel Sierra. There is a discussion of the total number of hotel rooms available within the Pike Area (275 rooms) and that with the proposed project, that number is within the approved values. However, the total square footage is not presented completely.

Summary

Based on this review, there are three issues where clear complete information has not been clearly documented and presented to the decision makers to provide them with the potential environmental impacts associated with the proposed project. These issues are necessary items to be addressed prior to the project moving forward.

Should you have any questions, feel free to contact us. OEG, Inc. thanks you for the opportunity to meet your needs on this exciting project.

Sincerely,

Stephen A. Orosz

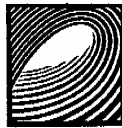
Stephen A. Orosz, P.E.
Orosz Engineering Group, Inc.

cc. Andrew Kahn, Davis Cowell & Bowe, LLP
Craig Chalfant, Planner, City of Long Beach

COASTAL COMMISSION

1627 Calzada Avenue . Santa Ynez . CA . 93460 . 805-688-7814 . oeg@quixnet.net

EXHIBIT # 9
PAGE 4 OF 4



**Surfrider
Foundation.
Long Beach Chapter**

RECEIVED
South Coast Region
OCT 27 2009
CALIFORNIA
COASTAL COMMISSION

October 20, 2009

California Coastal Commission
Attn: Peter M. Douglas, Executive Director
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
Fax: (415) 904-5400

RE: 290 Bay Street, Long Beach, CA

Dear Mr. Douglas:

As members of the Surfrider Foundation Long Beach Chapter, we recognize the importance of balancing ecological integrity with beach access. Surfrider Foundation recognizes the unique ecological, recreational and economic value of the world's coastal resources. We support strong beach preservation and protection efforts when securing or augmenting low-impact beach access opportunities. As a grassroots environmental organization, Surfrider Foundation works toward both the preservation and enjoyment of our precious coastal resources.

As we study reconfiguring the Long Beach Breakwater and making Long Beach's ocean more accessible and sustainable for our community, we have very serious concerns regarding the proposed 125-room Lodgeworks Hotel Sierra project located at 290 Bay Street, Long Beach. On June 4, 2009, the Planning Commission reviewed the Environmental Impact Report (EIR) Addendum for the proposed Hotel Sierra project. At this hearing, members of the community went on the record to address significant concerns regarding the EIR Addendum and the need for a full EIR. This project is inconsistent with the current PD-6 ordinance and the approved Local Coastal Program through the Coastal Act, as it is currently proposed. As the addendum states, Subarea 5 specifically allows only one hotel to exceed three stories and 40 feet in height. Instead, this project seeks to add another hotel that exceeds these limits. Therefore it violates the California Environmental Quality Act and should be addressed prior to approval.

Since no environmental study was performed to measure specific cumulative impacts of soil analysis, greenhouse gases, and water supply assessment, we cannot know whether this project is sustainable for our local coastline. Therefore, an environmental impact report must be prepared for this project.

Thank you for your courtesy in this matter.

Best regards,

Emiko K. Innes
Chair of the Long Beach Chapter
Surfrider Foundation

COASTAL COMMISSION
5-98-156-A17

P.O. BOX 14627, Long Beach, CA 90853 (562) 438-8089
www.lbsurfrider.org longbeach@lbsurfrider.org

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