

CALIFORNIA COASTAL COMMISSION

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Appeal Filed: 10/21/2013
Denied De Novo: 4/11/2014
Staff: C. Posner - LB
Staff Report: 8/22/2014
Hearing Date: September 11, 2014



STAFF REPORT: REVISED FINDINGS

Appeal Number: A-5-LOB-13-0246

Applicant: Silversands Properties USA, Inc. (Joan F. Djang, President)

Agents: Michael Bohn (Studio One Eleven) and Mike Murchison

Appellant: UNITE HERE Local 11 (Attn: Melanie Luthern)

Project Location: 2010 E. Ocean Boulevard, City of Long Beach, Los Angeles County

Project Description: Demolition of an existing forty-room motel, excavation of the coastal bluff, and construction of a seven-level structure containing: a 72-room hotel, up to 33 residential condominium units, swimming pool, street-level restaurant, beach-level cafe and bike rental facility, and a two-level subterranean parking garage with 147 parking stalls (with vehicular access from 15th Place). The structure will not exceed a height of 45 feet above Ocean Boulevard, and the applicant proposes to dedicate for public access a 6,000 square foot (approx.) portion of the property that is on the beach seaward of the toe of the coastal bluff.

Commissioners on Prevailing Side: Bocho, Garcia, Groom, Vargas, Zimmer, and Chair Kinsey.

Staff Recommendation: Adopt the Revised Findings

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission adopt the following revised findings in support of the Commission's April 11, 2014 denial of Coastal Development Permit Application A-5-LOB-13-0246. The Commission denied the application (at the de novo appeal hearing) to demolish and replace the motel because the certified Local Coastal Program (LCP) calls for the preservation of the motel. The certified LCP states: *"The existing visitor serving facilities, especially the three motels, shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income."* The revised findings contained in this staff report support the Commission's decision made on April 11, 2014 and accurately reflect the reasons for it.

A vote by the majority of the Commissioners on the prevailing side is necessary to adopt the revised findings. **See Page Three for the Motion to adopt the Revised Findings.**

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EXHIBITS

- Exhibit 1 – Long Beach, CA Map
- Exhibit 2 – Project Location Map – 2010 E. Ocean Boulevard, Long Beach, CA
- Exhibit 3 – Project Parcel Map – 2010 E. Ocean Boulevard, Long Beach, CA
- Exhibit 4 – City Ordinance – Planned Development District (PD-5)
- Exhibit 5 – City of Long Beach Local Coastal Development Permit No. 1302-16
- Exhibit 6 – Overview of Design Revisions (Previous 2007 Entitlement vs. Current 2013 Plan)
- Exhibit 7 – Proposed Site Plan with View Corridor Overlay
- Exhibit 8 – Proposed Building Heights (45’ Maximum Height)
- Exhibit 9 – Proposed Building Section
- Exhibit 10 - Proposed North Elevation – Ocean Boulevard
- Exhibit 11 - Proposed East Elevation – Bluff Park
- Exhibit 12 - Rendering – View of Proposed Project from the Beach
- Exhibit 13 - Rendering – View of Proposed Project from Ocean Boulevard
- Exhibit 14 - Appeal by UNITE HERE Local 11 (October 21, 2013)
- Exhibit 15 - Letter of Opposition by UNITE HERE Local 11 (February 14, 2014)
- Exhibit 16 - Letter from Applicant’s Agent (March 6, 2014)
- Exhibit 17 - Letter from City of Long Beach Dept. of Development Services (March 18, 2014)
- Exhibit 18 - Letters from Interested Parties
- Exhibit 19 - Commissioner’s Ex Parte Disclosures
- Exhibit 20 - Rendering – The Hotel Bluff

I. MOTION AND RESOLUTION

Motion: *"I move that the Commission adopt the revised findings proposed by staff in support of the Commission's action on April 11, 2014 denying Coastal Development Permit Application A-5-LOB-13-0246."*

Staff recommends a **YES** vote. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the April 11, 2014 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

The six Commissioners on the prevailing side are:

Commissioners Bocho, Garcia, Groom, Vargas, Zimmer, and Chair Kinsey.

Resolution: *The Commission hereby adopts the findings set forth below for the denial of Coastal Development Permit Application A-5-LOB-13-0246 on the ground that the findings support the Commission's decision made on April 11, 2014 and accurately reflect the reasons for it.*

II. STANDARD CONDITIONS

The permit application was denied. There are no standard conditions.

III. SPECIAL CONDITIONS

The permit application was denied. There are no special conditions.

~~1. **Approved Development Permitted Uses.** The permitted uses of the development approved by Coastal Development Permit A-5-LOB-13-0246 are as follows: a 72-room hotel (as defined in the certified City of Long Beach Local Coastal Program Zoning Code Section 21.15.1380), up to 33 residential condominium units, a 1,150 square foot hotel dining room and an 800 square foot hotel lounge, a beach-level café (approximately 1,400 square feet, including patio), a bicycle rental facility, and a two-level underground parking garage with at least 147 parking stalls. The approved 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. The permittee shall undertake and maintain the development in conformance with the special conditions of the permit and the final plans approved by the Executive Director. 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-approved permit amendment unless the Executive Director determines that no permit amendment is required.~~

~~2.— **Demolition of Lower cost Overnight Accommodations — Mitigation.** Prior to the issuance of the coastal development permit, the applicant shall pay an in-lieu mitigation fee for the demolition of the 40 room lower cost motel on the project site.~~

~~A. The required total in-lieu fee of \$1,358,800 ($\$33,970 \times 40 = 1,358,800$) shall be deposited into an interest bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission: City of Long Beach, Hostelling International USA, California Coastal Conservancy, California Department of Parks and Recreation, or a similar entity. The purpose of the account shall be to establish lower cost overnight visitor accommodations, such as hostel beds, tent campsites, cabins or campground units, at appropriate locations within the coastal area of Long Beach, with priority given to a local hostel. The entire fee and accrued interest shall be used for the above stated purpose, in consultation with the Executive Director, within ten years of the fee being deposited into the account. All development funded by this account will require review and approval by the Executive Director of the Coastal Commission and a coastal development permit if in the coastal zone. If any portion of the fee remains ten years after it is deposited, it shall be donated to one or more of the State Park units or non-profit entities providing lower cost visitor amenities in a Southern California coastal zone jurisdiction or other organization acceptable to the Executive Director. Alternative mitigation may include completion of a specific project that is comparable in cost to the amount of the in-lieu fee and makes a substantial contribution to the availability of lower cost overnight visitor accommodations in Long Beach and/or the coastal area of Los Angeles County, subject to the review and written approval of the Executive Director.~~

~~B. Prior to expenditure of any funds contained in this account, the Executive Director shall review and approve, in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition, the entity accepting the in-lieu fee funds required by this condition shall enter into a memorandum of understanding (MOU) with the Commission, which shall include, but not be limited to, the following: 1) a description of how the funds will be used to create or enhance lower cost accommodations in the coastal zone; 2) a requirement that the entity accepting the funds must preserve these newly created lower cost accommodations in perpetuity; 3) the terms provided in subsection A of this condition; and 4) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal development permit for development of the lower cost accommodations required by this condition.~~

~~3.— **Beach Dedication.** Prior to issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, that demonstrates that it has complied with its proposal, as reflected in the email letter from Marlon Steiner (Studioneleven), dated September 6, 2013, to dedicate to the City of Long Beach a fee interest for lateral public access and recreational use along the beach portion of its property. The area of dedication shall consist of land on the subject property between the toe of the bluff and the mean high tide line and extends the entire width of the subject property, an area of approximately 6,000 square feet. The beach portion of the applicant's property between the toe of the bluff and the mean high tide line is generally depicted in Exhibit #3 of the Commission's Staff Report Dated March 28, 2014; however, prior to the dedication, a topographic survey prepared by a licensed surveyor shall be provided to the Executive Director to identify the location of the toe of the bluff. No development as defined in Section 30106 of the Coastal Act shall occur on the dedicated area except for the following development which shall be subject to applicable coastal development permit requirements, consistent with the use of the dedicated area as lateral public access and~~

recreational use including, but not limited to, public access signage, public benches/seating, public recreational amenities like beach volleyball courts, improved pathways and/or public multi-use paths and/or public educational signage. The limitation of development in the dedicated area shall be listed as a restriction on the property in the recorded dedication. The use of the dedicated area shall be open to the public during the same time as adjacent public beach area. The recorded document shall include legal descriptions and graphic depictions of both the applicant's entire parcel and the dedicated area. The legal description and graphic depiction of the dedicated area shall consist of a metes and bounds description conducted by a licensed surveyor. The recorded document shall also reflect that development in the dedicated area is restricted as set forth in this permit condition. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Revised Plans for Development of the Bluff Face. Prior to issuance of the coastal development permit, the applicant shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall comply with the following requirements:

A. Bluff Face Development—View Corridor. For the portion of the proposed project that extends seaward of the top of the edge of the coastal bluff, and within the view corridor depicted in Exhibit #7 of the Commission's Staff Report Dated March 28, 2014, the following provisions shall apply:

1) No portion of the structure, including roof deck railings and rooftop equipment, shall exceed the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park (52.0 feet relative to the datum as indicated on the project plans entitled "*Silversands Site Plan Review Submittal*" dated December 14, 2012);

2) Appurtenances such as furniture, landscaping, cabanas, tents, trellises, umbrellas, visual screens, and the like, shall not exceed the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park. Therefore, any decks or patios located seaward of the top of the edge of the coastal bluff shall be designed at an elevation which ensures that any such appurtenances do not extend above the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park.

B. No building or development shall extend toward the beach further than the toe of the bluff.

C. The roof elevation of the structure shall not exceed a height of 45 feet above Ocean Boulevard.

A topographic survey prepared by a licensed surveyor shall be provided to the Executive Director as part of this revised plans submittal to identify the location of the top edge of the coastal bluff, the toe of the bluff, and the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park. The permittee shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. 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 plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. ~~Geologic Safety.~~ The applicant shall demonstrate that the new development shall minimize risks to life and property, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

~~A. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and written approval of the Executive Director, a revised geotechnical report, prepared and signed by a California licensed Certified Engineering Geologist and/or Geotechnical Engineer, for the proposed development that demonstrates that the proposed project, as approved by the Commission, meets, at a minimum, all of the following criteria: exhibits that the project site has adequate bearing capacity of formational soils (including expansive or compressive soils); assures stability against coastal bluff retreat taking into account future sea level rise; assures stability against sliding by demonstrating a minimum factor of safety of 1.5 (static) and 1.1 (pseudostatic), based on a quantitative slope stability analysis that is based on the proposed site topography and soil strength parameters derived from relatively undisturbed samples collected on site; assures stability from ground shaking and secondary seismic events, including liquefaction and lateral spread, during the maximum credible earthquake (2% probability of exceedence in 50 years) at the site; assures stability with respect to tsunami inundation; and assures safety from wave up-rush during a 100-year wave event, taking into account future sea level rise. Further, the report must state that such stability can be assured for the life of the development without the construction of any bluff, hillside, or shoreline protective device. The revised geotechnical report shall specifically include, at a minimum, geotechnical analysis of the proposed excavation plan, grading plan, construction methods used on the bluff face, foundation plans, and permanent site drainage plans, using the stated criteria, above, in the analysis. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the revised geotechnical report, as approved by the Executive Director.~~

~~B. Prior to issuance of the coastal development permit, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the revised geotechnical report as approved by the Executive Director for the project site.~~

~~Any change in the proposed development approved by the Commission that the Executive Director determines is required to make the proposed project consistent with the revised geotechnical report shall require an amendment to the permit or new coastal development permit. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.~~

6. ~~On-site Parking and Transportation Demand Management.~~ At least two on-site parking spaces for each residential unit, and one space for each hotel room, shall be provided and maintained in the garage of the approved structure. At least nine (9) additional parking spaces shall be provided for guests of residents. Facilities (e.g., bike racks) for parking at least forty (40) bicycles shall also be provided on the property (this forty-space requirement is in addition to the storage space for bicycles that will be available for rent in the approved bicycle rental facility). Vehicular access to the on-site parking shall be taken only from 15th Place. The permittee shall also provide an airport shuttle service for hotel guests, a valet parking attendant at all times when

hotel room occupancy capacity exceeds fifty percent (50%), and free transit passes for all employees. Valets shall store vehicles only in the project's parking garage. The public streets shall not be used by valets to store vehicles.

- ~~7. **Encroachments.** The development approved by this coastal development permit is limited to the applicant's private property. Private use or development of the beach, park, or any public right of way is not permitted. There shall be no encroachment of private development onto or over any portion of the public beach, the public park, or the rights of way abutting the applicant's property. Prohibited encroachments include, but are not limited to: landscaping, tables, chairs and signs. No portion of the structure, including balconies, awnings and decks, shall extend seaward of the applicant's southern (beach fronting) property line.~~
- ~~8. **Construction Staging Plan.** Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Construction Staging Plan that identifies the project staging area(s) to be used during construction of the approved development. The construction staging plan shall include a site plan that depicts the limits of the construction site and staging area(s), construction corridors, and the location of fencing and temporary job trailers. The portion of the beach to be used for construction staging activities shall be limited to an area not to exceed fifty feet seaward of the toe of the bluff. The permittee shall undertake the development in conformance with the approved Construction Staging Plan. Any proposed changes to the approved Construction Staging 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.~~
- ~~9. **Protection of Water Quality – During Construction.** A. Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with demolition and construction to receiving waters. The plan shall include the following requirements:~~

 - ~~(i) No construction materials, demolition debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion. All trash generated on the construction site shall be properly disposed of at the end of each construction day.~~
 - ~~(ii) Any and all debris and excess soil or sand resulting from demolition, excavation and construction activities shall be removed from the project site within 72 hours of completion of demolition, excavation or construction. Demolition, excavation and construction debris and sediment shall be removed or contained and secured from work areas each day that demolition, excavation and construction occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition, excavation and construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed on the beach or in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.~~

- ~~(iii) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and the Pacific Ocean.~~
- ~~(iv) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.~~
- ~~(v) During demolition, excavation and construction of the proposed project, no runoff, site drainage or dewatering shall be directed from the site into any street or drain that discharges into the beach or ocean, unless such discharge specifically authorized by the California Regional Water Quality Control Board.~~
- ~~(vi) In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.~~

~~B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:~~

- ~~(i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.~~
- ~~(ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.~~
- ~~(iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.~~
- ~~(iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.~~
- ~~(v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.~~
- ~~(vi) Implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the demolition, excavation and construction operations. The BMPs shall be maintained throughout the development process.~~

~~C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices 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.~~

~~10. **Future Improvements.** This permit is only for the development described in Coastal Development Permit A 5 LOB 13 0246. Any future improvements to the development authorized by this permit, including but not limited to repair and maintenance, shall require an amendment to Coastal Development Permit A5 LOB 13 0246 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.~~

~~11. **No Future Bluff or Shoreline Protection Device.** No bluff or shoreline protective device(s) shall ever be constructed to protect any of the development approved pursuant to Coastal Development Permit A 5 LOB 13 0246.~~

~~A. By acceptance of this coastal development permit, the applicant agrees, of behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect any of the development approved pursuant to Coastal Development Permit A 5 LOB 13 0246 in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this coastal development permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.~~

~~B. By acceptance of this coastal development permit, the applicant further agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that the landowner shall remove any of the development authorized by this coastal development permit if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.~~

~~12. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this coastal development permit, the applicant, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, and any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant 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.

- ~~13. **Local Government Approval.** The proposed development is subject to the review and approval of the local government (City of Long Beach). This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Long Beach Site Plan Review Case No. 1302-16. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of Coastal Development Permit A-5-LOB-13-0246 shall prevail.~~
- ~~14. **Liability for Costs and Attorney's Fees.** By acceptance of this coastal development permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees — including A) those charged by the Office of the Attorney General, and B) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay — that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.~~
- ~~15. **Deed Restriction.** Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this coastal development permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel governed by this coastal development permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this coastal development permit shall continue to restrict the use and enjoyment of the subject property so long as either this coastal development permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.~~



Proposed “Keyhole” view from Bixby Park (*Studioneleven*)

IV. REVISED FINDINGS AND DECLARATIONS

Staff Note: The following revised findings include all of the staff’s recommended findings that were set forth in the March 28, 2014 staff report for the Commission’s April 11, 2014 de novo hearing. The portions of those findings that are being deleted are crossed-out in the following *revised findings*: ~~deleted findings~~. The supplemental findings being added in support of the Commission’s April 11, 2014 action are identified with underlined text.

A. PROJECT DESCRIPTION

The City of Long Beach approved Local Coastal Development Permit No. 1302-16 authorizing the construction of a four-story hotel and condominium project on the coastal bluff near downtown Long Beach (Exhibit #3). The City’s approval of the project was appealed to the Commission, and on November 15, 2013, the Commission found that a substantial issue exists with the City’s action to approve the local permit. As a result of the successful appeal, the coastal development permit application for the proposed project is now before the Commission as a De Novo matter.



Bixby Park and 2010 E. Ocean Boulevard, Long Beach, CA

The proposed seven-level project (four stories above Ocean Boulevard) would mix 33 residential units with 72 hotel rooms, along with a swimming pool, a beach-level café and bike rental facility, and a street-level restaurant (See Exhibits). The proposed structure does not exceed a height of 45 feet above Ocean Boulevard. On-site parking would be provided by an underground parking garage (two levels) with 147 parking spaces (1 space per hotel room, 2 spaces per condominium unit, plus nine guest spaces). Vehicular access to the proposed parking garage is provided from 15th Place, the street end that extends south from Ocean Boulevard on the west side of the project site. The applicant has also proposed to dedicate for public access the portion of the property that is on the beach seaward of the toe of the coastal bluff (Exhibit #3).

The project site is located on the south side of Ocean Boulevard at the southern terminus of Cherry Avenue, between 15th Place and Bixby Park (Exhibit #3). The one-acre project site is currently developed with a two-story, forty-room motel (Beach Plaza Hotel, <http://beachplazahotellongbeach.com>).

In 2007, the City approved the demolition of the 1940s-era motel that currently occupies the project site when it approved Local Coastal Development Permit No. 0604-08. Local Coastal Development Permit No. 0604-08 also authorized the construction of a four-story, 56-unit residential complex plus forty hotel rooms. The City has characterized the currently proposed development as a modification to the development proposal that it entitled on September 6, 2007 when it approved Local Coastal Development Permit No. 0604-08. The applicant and City both assert that the entitlements granted by the City in 2007 are still in effect (Exhibits #16&17).

The currently proposed project is considered by the City, the applicant, and staff to be an improvement over the previously entitled project (Exhibit #6). Both the 2007 project and the currently proposed project would preserve the hotel/motel use on the project site, but the current proposal would provide significantly more guest rooms than the 2007 project: 72 hotel rooms instead of 40 rooms. The number of approved private residences (condominium units) in the project would be decreased from 56 units to 33 units. The currently proposed project would also provide additional public amenities that were not included in the 2007 project: a beach-level café, bike rental facility, and a restaurant/bar with outdoor seating and coastal views. The proposed beach-level café will be directly accessible to the existing beach bike path and the proposed beach pedestrian path approved by Coastal Development Permit 5-12-320 (Exhibit #7). In addition, as part of the currently proposed project the applicant has agreed to provide mitigation (in the form of an in lieu fee) for the loss of the lower cost overnight accommodations that currently exist on the project site.

B. Certified Local Coastal Program (LCP) Policies

As a De Novo permit matter, the standard of review for the proposed development is the City of Long Beach certified LCP. Since the proposed project is located between the first public road and the sea, the proposed development must also conform with the public access and recreation policies of the Coastal Act.

The one-acre project site is on the coastal bluff situated between the public beach (to the south) and Ocean Boulevard, which the LCP identifies as a scenic corridor (Exhibit #3). Bixby Park borders the project site on the east, and 15th Place on the west. Multi-unit residential buildings occupy most of the properties located on top of the bluff in the project area, except for Bixby Park and the project site. This

densely developed residential neighborhood is about one-half mile east of downtown Long Beach (Exhibit #2).

The project site comprises the eastern edge of LCP Area A, referred to as the “Bluff Community.” Pages III-A-10 through A-13 of the certified City of Long Beach LCP sets forth the following policies for LCP Area A:

- *This plan emphasizes the development of Ocean Boulevard as a local scenic route rather than as a commuter corridor.*
- *The existing visitor serving facilities, especially the three motels, shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income.*
- *The three existing motels are to be preserved as stated in Recreation and Visitor Serving Facilities.*
- *The blocks (south of Ocean Boulevard) between Tenth Place and Cherry Avenue shall also be rezoned Planned Development allowing low-rise residential buildings (See Ordinance).*

Page III-A-12 of the certified LCP describes the implementation of the Policy Plan for LCP Area A, as follows:

“VISUAL RESOURCES AND SPECIAL COMMUNITIES

Measures for implementation of this policy plan adequately protect and enhance the visual resources of Area A, particularly those dealing with setbacks, view protection, shadow control, and development of street ends.”

The certified LCP then refers to the LCP implementing ordinances (LIP), which include the Ocean Boulevard Planned Development District (PD-5, formerly PD-1). The project site is located at the eastern edge (Subarea 2) of the Ocean Boulevard Planned Development District (PD-5), which is the ordinance referred to in the above-stated LCP policies. The Ocean Boulevard Planned Development District contains the specific use and building design standards that protect and enhance the public views from the sites situated south of Ocean Boulevard. These LIP standards include setback requirements, height limits, density limits, open space requirements, terracing requirements, and lot coverage and floor area ratio limits. The land use designation for the project site is motel use as the LCP states that, “Existing motel use sites shall remain in motel use” (Exhibit #4, p.6). The LCP also allows high-density residential developments of up to 54 residential units per acre. The height limit for the subarea is 45 feet. The implementing ordinance states that, “Any variance from those standards shall only be allowed if the following finding of fact is made: The variation will have no adverse effect on access along the shoreline including physical, visual or psychological characteristics of access.”

The proposed project is within Subarea 2 of the City of Long Beach Ocean Boulevard Planned Development District (PD-5: Exhibit #4). The Planned Development District (PD-5) is part of the implementing ordinances portion of the City of Long Beach certified LCP.

The certified LCP sets forth the following building standards for the project site within PD-5:
[Note: See Exhibit #4 for the entire PD-5 Ordinance.]

General Development and Use Standards (For all of PD-5)

- (a) *Use. All uses in this plan area shall be multi-family residential. Existing motel sites shall be retained in motel use.*
- (b) *Access.*
 - 1. *Vehicular access shall be limited to the north/south side street, the “Places”, whenever a development site has access to the side streets.*
 - 2. *Pedestrian access from Ocean Boulevard to the beach shall be provided along the “Places”. Each new development shall provide for improving such access at one place through the provision of for such features as new stairways, lighting, landscaping and street improvements according to an improvement plan consistent with an LCP access plan map to be developed by the Tidelands Agency and the Bureau of Parks, and approved by the Planning Commission. Such plan shall be developed and approved prior to granting of any development approval. Development responsibility for such provisions shall be at least one-half of one percent of the value of the development.*
- (c) *Building Design Standards*
 - 1. *Design character. All buildings shall be designed as to provide an interesting façade to all sides and to provide an open and inviting orientation to Ocean Boulevard. The following additional features shall also be provided:*
 - A. *The exterior of building design, style and façade shall be appropriate for the area and harmonious with surrounding buildings.*
 - B. *Any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff.*
 - 2. *Yard Areas.*
 - A. *Setbacks.*
 - (1) *Ocean Boulevard frontage –twenty feet from property line.*
 - (2) *Side streets – eight feet from side street property line.*
 - (3) *Interior property lines – ten percent of the lot width.*
 - (4) *Beach property lines – no building shall extend toward the beach further than the toe of the bluff, or where existing development has removed the toe of the bluff, no building shall extend toward the beach further than existing development on the site.*
 - B. *Projections into setbacks. Porte-cochere and balconies may project into yard areas provided: 1) they do not project into interior yard areas. 2) They do not project more than one-half of the required setback.*
- (d) *Parking. Number of spaces.*
 - A. *Two spaces for each dwelling unit. One-quarter space per dwelling unit shall be required for guest use.*

B. Hotel/Motel. One space per room (including banquet, meeting rooms, restaurants, etc.), or 0.75 per room (including banquet, meeting rooms, restaurants, etc., counted separately).

Specific Building Design Standards For Subarea 2 of PD-5]

- a) Uses. Residential; up to a density of fifty-four dwelling units per acre. Existing motel use sites shall remain in motel use.*
- b) Access. Same as general development and use standards.*
- c) Building Design.*
 - 1. Floor Area Ratio. The gross floor area of the building shall not exceed 2.5 times the area of the site. Parking area shall not be included as floor area.*
 - 2. Height. The height of the building shall not exceed 45 feet or four stories above Ocean Boulevard grade.*
 - 3. Lot Coverage. Lot coverage shall not exceed 65 percent from Ocean Boulevard grade to the sky.*
 - 4. Usable Open Space. Each unit shall have a minimum of 64 square feet of usable open space abutting the unit, accessible only from the dwelling unit.*

The proposed project conforms to the LCP height limit of four stories and 45 feet above Ocean Boulevard elevation. The 147 proposed on-site parking spaces meet the parking requirements of the certified LCP. At the beach level, consistent with the certified LCP and the existing pattern of bluff face development, the proposed structure will not extend beyond the current toe of the bluff (Exhibit #12). The applicant has proposed to dedicate the 6,000 square foot (approx.) portion of the project site that exists seaward of the toe of the bluff to the City [~~See Special Condition 44~~ (Exhibit #5, p.14)]. The following sections of the staff report address the proposed project's compliance or non-compliance with the land use (i.e., preservation of the motel use) and bluff face development restrictions set forth in the certified City of Long Beach LCP.

C. Motel Use - Lower cost 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 lower cost overnight accommodations shall be protected, encouraged, and, where feasible, provided. The applicant proposes to demolish a forty-room motel

(Beach Plaza Hotel, <http://beachplazahotellongbeach.com>) that currently occupies the project site. A new 72-room hotel is included in the proposed project.

The appellant contends that the proposed project does not comply with Section 30213 of the Coastal Act because it does not protect the lower-cost overnight accommodations (\$64.99 and up) that are currently provided by the motel that occupies the project site (Exhibits #14&15). The appeal asserts that the proposed 72-room “boutique” hotel may deny accessibility to the coast because it will have higher room rates than the existing motel. The appeal also asserts that the proposed demolition of the motel conflicts with the certified LCP policy which states that, “*Existing motel use sites shall remain in motel use*”.

The proposed hotel, which would face the beach, is not being designed or planned to provide lower cost accommodations. The applicant states that proposed hotel’s room rates will be similar to the rates charged by other hotels in the Downtown Shoreline area of the City, and the proposed project will not provide any lower cost overnight accommodations as required by Section 30213 of the Coastal Act. Therefore, as a result of the proposed demolition, the proposed project will result in the loss of existing lower cost overnight accommodations.

~~In regards to the LCP policy which states that, “*Existing motel use sites shall remain in motel use*”, staff has found the applicant’s assertions and the City’s determination convincing that it is not feasible to maintain the motel use in the existing buildings in perpetuity.~~ At some point, the existing motel buildings must be substantially remodeled and/or replaced in order to continue to be usable as overnight accommodations. The existing motel (actually four structures) is 66 years old (1947: L.A. County Assessor’s Office). Therefore, the issue becomes one of preserving the “motel use” on the project site, and whether the proposed new hotel is a land use equivalent to motel use.

Motels and hotels are defined differently, but both are commercial uses that provide the public with overnight accommodations. Other than the architectural differences (interior doors versus exterior doors and location of parking areas), the issue largely comes down to the room rates and the amenities provided by a hotel versus a motel. Hotels (especially new hotels) generally cost more to stay in than motels, but the typical hotel would also provide more amenities (e.g., dining room, lobby, bar, secure parking, concierge, etc.) than would a typical motel. The City has found that the proposed project, with the inclusion of a new hotel on the site, is consistent with the LCP requirement that the project site remain in motel use because the proposed project would continue to provide the public with overnight accommodations. ~~While this is a somewhat broad interpretation of the LCP policy, staff agrees~~ The Commission does not agree that it is reasonable to find that a hotel use is equivalent to a motel use in this case.

Therefore, the Commission finds that the proposal to demolish the existing motel and build a new hotel is inconsistent with the following policies set forth in the certified LCP:

- *The existing visitor serving facilities, especially the three motels, shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income.*
- *The three existing motels are to be preserved as stated in Recreation and Visitor Serving Facilities.*

~~when analyzing a proposed development in this context; the context being the proposed project is located in a residential area rather than a commercial area and the broader LCP issue is one of residential~~

~~land use versus commercial land use. Whether the project site is required to provide lower cost accommodations is the real question.~~

The primary LCP and Coastal Act issue is the loss of lower cost overnight accommodation that would result from the proposed demolition of the existing motel. The LCP states, “*The existing visitor serving facilities, especially the three motels, shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income*”. Approval of the application to demolish the motel would not protect this lower cost facility. Even though the changes proposed by this application would result in a project with more public access and better public amenities than the previously approved project, the Commission cannot approve the project because it would result in the demolition of the existing motel. The proposed demolition of the existing motel conflicts the policies of the certified LCP that call for the preservation of the motel and the coastal access the motel currently provides to persons of low and moderate income.

~~However, a new lower cost visitor and recreational facility can be encouraged and provided if the applicant provides funding for such a project in lieu of actually protecting the lower cost overnight accommodations that exist on the project site. In several cases the Commission has found that the payment of in lieu fees is an acceptable way to mitigate and replace lost lower cost overnight accommodations [Coastal Development Permit Nos. 5-04-291, 5-06-328, 5-A-253-80, and A-69-76, A-6-IMB-07-131, 3-07-002, 3-07-003]. Therefore, staff is recommending that the applicant mitigate the loss of the lower cost overnight accommodations that exist on the project site by paying 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.¹ 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); A-6-PSD-8-04/101 (San Diego Lane Field); A-5-RPV-2-324 (Rancho Palos Verdes Long Point); RDB-MAJ-2-08 (Redondo Beach); SBV-MAJ-2-08 (Ventura); 5-98-156-A17 (Long Beach Pike Hotel); LOB-MAJ-1-10 (Long Beach Golden Shore)]. 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.~~

It is important to protect the existing motel because it provides lower-cost overnight accommodations. The loss of existing lower cost overnight accommodations within the coastal zone is an important 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

¹ In this case, the applicant has proposed to dedicate to the City of Long Beach a portion of the project site that is on the sandy beach.

time passes. As more recycling occurs (as progress dictates), 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 lower cost 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. In Long Beach, there is a particular need for a youth hostel that would serve domestic and international travelers that arrive in Los Angeles and commonly take advantage of the light rail public transportation system to get to 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 lower cost 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 denies the proposed demolition of an existing motel that provides lower-cost overnight accommodations. ~~has imposed in lieu mitigation fees on development projects that remove existing facilities and/or propose only new high cost overnight accommodations, or change the land use to something other than overnight accommodations. By requiring such mitigation a method is provided to assure that at least some lower cost overnight accommodations will be protected and/or provided.~~

Defining Lower Cost

In a constantly changing market, it sometimes 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 lower cost 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. [Note: The most recent data available was for last winter (February 2014), when the statewide average daily room rate was \$131.85. For the Los Angeles and Long Beach area, the average daily room rate was \$139.24 for February 2014.] The data shows that the *annual* average room rate in California peaked in 2008 at \$123, and then declined in 2009 and 2010 during the economic downturn. In 2012, the statewide *annual* average room rate rebounded to the same *annual* average as 2008 (\$123). In 2013, the *annual* average room rate in California was higher than ever at \$130 as occupancy rates after four consecutive years of average rate increases.²

Using the formula, a 2008 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 2008 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 project site is unique for a hotel in the Long Beach area in that it faces a sandy public beach. According to the applicant, the 2013 motel rates ranged between \$64.99 and \$149.99 per night, depending on the room and season. The proposed project does not provide any lower-cost overnight accommodations. The applicant states that the proposed hotel's room rates would be about the same as the nightly rates of other higher-cost hotels in the Downtown Shoreline area, which generally range

² Source: 2014 Smith Travel Research, Inc.

between \$179 (standard off-peak) and \$259 (suite peak rate), significantly higher than the 2013 state average of \$130. Comparable higher-cost hotels in the Downtown Shoreline area are: Hyatt The Pike (\$249), Hilton (\$159), Hyatt Regency (\$249), Maya (\$233), Holiday Inn (\$169), Queen May (\$179), and Residence Inn (\$189).³

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 beachfront site that might otherwise be used to provide lower cost accommodations available to a wider range of the public. The proposed hotel would not provide lower cost accommodations. Therefore, the Commission denies the proposed demolition of an existing motel that provides lower-cost overnight accommodations. Therefore, staff is recommending that the applicant mitigate the loss of the 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, no mitigation is required if the existing lower cost overnight accommodation are preserved, as called for by the certified LCP. Commission staff has met with the applicant 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. The mitigation fee issue was also a subject of the November 15, 2013 Commission appeal hearing when the Commission found that a substantial issue exists with the City's approval of the proposed project. The applicant has indicated a willingness to pay an in lieu fee as a condition of the permit.

Although the preservation of existing lower cost facilities or the actual provision of replacement lower-cost accommodations in conjunction with a specific project is preferable, in past actions, 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 lower cost overnight accommodations. In this case, however, it is feasible to preserve the existing motel, as called for by the certified LCP. Recent Commission decisions for individual development projects (6-92-203-A4/KSL, A-6-ENC-07-51, Oceanside LCPA 1-07, and Redondo Beach LCPA 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 has been is being required for 25% of the high cost rooms constructed. No mitigation fee is required in this case as the Commission denies the proposed demolition of the existing motel.

~~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~~

³ Source: Booking.com: Search for reservations on Saturday, August 2, 2014 (2 adults).

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 Hostelling International USA have also supported the idea that the 2007 estimated cost per room would be applicable to the Los Angeles region as well, with inflation taken into account.

Therefore, consistent with recent past commission actions, an in-lieu fee requirement of \$30,000 per room shall apply to all the rooms (40) in the motel that will be demolished, plus an added amount to compensate for inflation since 2007 (Consumer Price Index). Staff calculated the added rate of inflation to \$30,000 since October 26, 2007, when the Hostelling International study was done. According to the U.S. Bureau of Labor Statistics CPI Inflation Calculator, \$30,000 in 2007 has the buying power of \$33,970.11 in 2014. Therefore, in today’s dollars the total in-lieu fee for the removal of forty lower cost overnight accommodations is \$1,358,800 ($\$33,970 \times 40 = 1,358,800$).

Special Condition Two requires the applicant to deposit the in-lieu mitigation fee into an interest-bearing account prior to the issuance of the permit. The in-lieu fee 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. Preferably, the funds would be used to support the establishment of lower cost overnight visitor accommodations like a hostel in the coastal area of Long Beach, or elsewhere in the Los Angeles County coastal zone. 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 in the Long Beach shoreline area. Only as conditioned can the proposed development be found to be consistent with Section 30213 of the Coastal Act.

D. Public Views – Visual Impacts

One important aspect of the proposed project is its mass and design, and the effect it would have on the public view from Bixby Park (Bixby Park Annex). Bixby Park is the City park that abuts the eastern side of the project site (Exhibit #3). Like the project site, Bixby Park sits atop the coastal bluff and extends down the face of the bluff to the public beach below. The park provides the public with sweeping shoreline views and vistas that extend from the Queen Mary and Port of Long Beach on the west, to Belmont Pier on the east (Exhibit #7). The shoreline runs east-west in Long Beach (Exhibit #2).



Bixby Park: Southwest view towards project site and existing motel and 1900 Ocean Tower (Jan. 2014).

Since the existing motel structures on the project site are set back from the edge of the top of the bluff, there exists a significant public view across the southern portion of the project site (the bluff face), where no buildings currently exist. The tops of a few trees at the toe of the bluff (on the project site) partially obstruct the view of the beach below the bluff.

The design of the proposed project would block significant views of the shoreline from Bixby Park. The proposed development would extend the building footprint 264 feet (including beach-level patios within a thirteen-foot deep building setback area) south of the inland property line that abuts Ocean Boulevard. The proposed development would be built down into the face of the coastal bluff and would project approximately sixty feet further towards the beach (and into the public view) than the existing motel structures on the site, which are set back a few feet from the top edge of the coastal bluff.



Proposed Project – Eastern elevation facing Bixby Park.

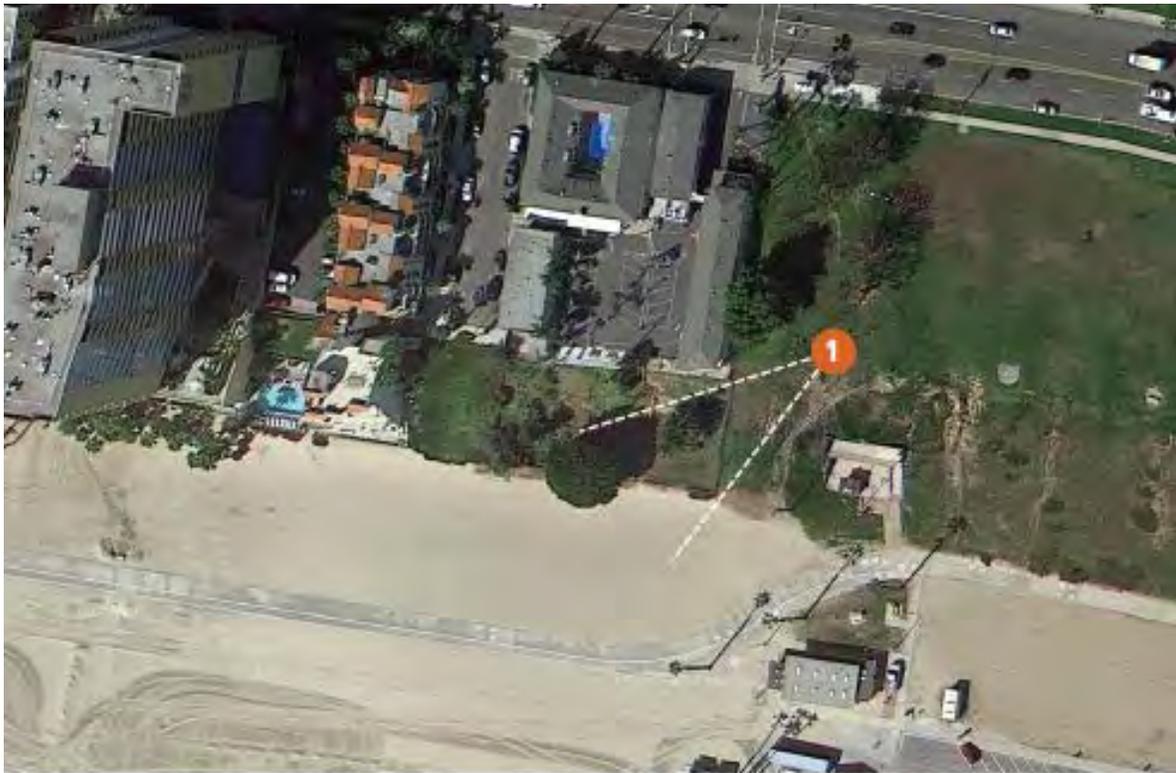
The eastern side of the proposed 45-foot high hotel faces Bixby Park. The proposed building design is essentially a four-story, 250-foot long wall along the western edge of the park. The proposed building would rise vertically seven levels above the public beach, with very little articulation or step-backs except for the stepped-back upper-most level (Exhibit #12).

The Commission has found in prior cases that the LCP's 45-foot height limit for the project site is the absolute maximum, but it is not the only building standard that can limit the height of buildings in PD-5. Special and more restrictive design standards apply to any property, or portion of property, situated south (seaward) of the top edge of the bluff (See Appeal No. A-5-LOB-04-226). These LCP standards include building setback requirements, lot coverage and floor area ratio limits, open space requirements, and terracing requirements.

The certified LCP's building standards for PD-5 require that, "*Any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff.*" In this case, about one-quarter of the proposed structure is located south (seaward) of the shoulder (i.e., top) of the bluff. If the building height were permitted to exceed the height of the bluff top it would not be able to reflect the sloping nature of the bluff as it would extend up and beyond the elevation of the top of the bluff and into the public's shoreline view from Bixby Park, significantly affecting one of the best amenities provided by this portion of the park.

The City, in its approval of the local coastal development permit, found that the proposed design of the structure was not consistent with the LCP requirement that "*any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff*". Therefore, the City imposed a condition (Special Condition No. 40) to require design modification to the south (beach-facing) elevation to better reflect the sloping nature of the bluff (Exhibit #5, p.14). The City's condition states, "*The applicant shall make design modifications to the south elevation to better reflect the sloping nature of the bluff...*". Lowering and/or setting part of the development further back towards the top edge of the bluff is necessary to preserve the public views (toward the southwest) from Bixby Park.

The Commission, on an appeal action in 2004, required a similar revision to a project in PD-5 in order to preserve a public view from the 12th Place Street end, three blocks west of the currently proposed project [Coastal Development Permit/Appeal No. A-5-LOB-LOB-04-226 (1720 Bluff Place)]. In that case, the Commission required that the top level of the proposed residential building to be deleted from the plans and limited the top of structure approved pursuant to Coastal Development Permit A-5-LOB-LOB-04-226 to an elevation of 46.9 feet in order to protect the public's shoreline view from the street end.



Building Footprints: Existing Motel (top) and Proposed Hotel (*Studioneleven*).
(Bixby Park is on the right (east) side of the photos, the 1900 Ocean Tower is on the left side.)

In this case, a similar condition would be is required in order to protect the public's significant shoreline views from the western side of Bixby Park. However, since the proposed project is denied, there is no need to require ~~Therefore, as a condition of the permit, the applicant is required to provide~~ revised plans that would preserve the public views (toward the southwest) from Bixby Park. Any ~~The~~ required revisions to the project plans would have affected only the portion of the proposed project that extends seaward of the top edge of the coastal bluff, and would carry-out the LCP requirement that "*any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff*". The LCP term, "shoulder of the bluff", is interpreted to mean the top edge of the bluff where the grade changes from a steep slope to relatively flat area of the project site. Although the location of "Top Edge of Bluff" is actually identified on the County of Los Angeles Assessor's Map attached to this staff report as Exhibit #3, an actual topographic survey would be needed to identify the exact location of the top edge of the bluff on the project site.

The significant public view that shall be protected is the existing view looking southwest from the top of the bluff on the western side of Bixby Park. The view directly west (parallel to the bluff and shoreline) is partially obstructed by a pre-coastal high-rise condominium building (approximately 200 feet high – 1900 Ocean Tower) that extends seaward onto the beach beyond the coastal bluff. The 1900 Ocean Tower obstructs about twenty degrees of the view west down the bluff. Beyond the twenty degrees of obstructed view, the vista encompasses the beach in the foreground, the shoreline, and the Downtown Marina and Queen Mary in the background. The tops of a few trees at the toe of the bluff (on the project site) partially obstruct the view of the beach below the bluff, but the beach and ocean are clearly visible.

~~The proposed project, if modified to not extend above the elevation of the top of the bluff in Bixby Park (52.0 feet), would not significantly obstruct the public view from the park. Special Condition Four requires the applicant to submit revised plans for the modified project. For the portion of the proposed project that extends seaward of the top of the bluff edge, and within the view corridor depicted in Exhibit #7, the following provisions would apply: 1) no portion of the structure, including roof deck railings and rooftop equipment, shall exceed the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park (52.0 feet relative to the datum as indicated on the project plans entitled "*Silversands Site Plan Review Submittal*" dated December 14, 2012); and 2) appurtenances such as furniture, landscaping, cabanas, tents, trellises, umbrellas, visual screens, and the like, shall not exceed the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park. Therefore, any decks or patios located seaward of the top of the edge of the coastal bluff shall be designed at an elevation which ensures that any such appurtenances do not extend above the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park. The view corridor depicted in Exhibit #7 is the public view toward the southwest from the top of the bluff on the western side of Bixby Park. It includes the area within a ninety-degree angle formed by the top edge of the coastal bluff and the extension of the applicant's eastern property line, except for the westerly twenty-degree portion of the view where the pre-coastal 1900 Ocean Tower obstructs the westerly view. As conditioned, the proposed project is consistent with the certified Long Beach LCP which protects public vistas from the park and street ends in the project area.~~

E. Public Access and Recreation

The proposed project, which is located between the first public road and the sea, must also conform with the following public access and recreation policies of the Coastal Act.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project would result in the demolition of an existing motel that provides coastal access to persons of low and moderate income. The proposed new hotel would not provide equivalent public access opportunities. Therefore, the application is denied.

Public Recreation

Section 30221 of the Coastal Act requires that oceanfront land suitable for recreational use shall be protected for recreational use. The proposed development, as conditioned, will provide significantly more guest rooms than the current motel and the project approved by the City in 2007: 72 hotel rooms instead of 40 rooms. The currently proposed project would also provide additional public amenities that are not currently provided at the site or proposed as part of the 2007 project: a beach-level café and bike rental facility, and a restaurant/bar with outdoor seating and coastal views. The proposed beach-level café will be directly accessible to the existing beach bike path and the proposed beach pedestrian path approved by Coastal Development Permit 5-12-320 (Exhibit #7). The applicant has also proposed to dedicate to the City of Long Beach a fee interest for public access the portion of the property that is on the beach seaward of the toe of the coastal bluff (Exhibit #3). In addition, as part of the currently proposed project the applicant has agreed to provide mitigation (in the form of an in lieu fee) for the loss of the lower cost overnight accommodations that currently exist on the project site.

Even though the changes proposed by this application would result in a project with more public access and better public amenities than the condominium/hotel project previously on the site by the City, the Commission cannot approve the project because it would result in the demolition of the existing motel which would contradict the policies of the certified LCP that call for the preservation of the existing motel.

Shoreline Access

The nearest public access stairways down the bluff face are located one block west of the project site at the 14th Place street-end, and one block east at Bixby Park. The City has not proposed to construct a public access stairway at the 15th Place street-end, a City right-of-way. However, as a condition of approval the City has required the applicant to re-grade and re-vegetate the bluff face at the 15th Place street-end right-of-way consistent with the City's "Plan for Development - Bluff Erosion and Enhancement Project" of November 2000 (Exhibit #5, p.7: Condition 19). The provision of a public stairway at the terminus of 15th Place, however, remains as a potential future improvement ~~as the City has required the applicant to contribute one half of one percent of the project's construction costs to be used for off-site beach access improvements (Exhibit #5, p.7: Condition 20).~~

~~—~~**Encroachments – Staging Plan**

~~Any private encroachment onto the public beach or into a public accessway would conflict with the requirement of Section 30211 of the Coastal Act, which states: "Development shall not interfere with the public's right of access to the sea..." Therefore, Special Condition Seven prohibits any such encroachments. In addition, the applicant is required to provide a construction staging plan (Special Condition Eight) that limits encroachments onto the public beach. Only as conditioned does the proposed development conform with the certified LCP and the public access and recreation policies of the Coastal Act.~~

On-site Parking

The proposed project must provide adequate on-site parking in order to protect the public on-street parking that supports public access to the beach. The certified LCP requires the provision of two on-site parking spaces for each residential unit and one space for each hotel room.

The proposed project includes 33 residential units, 72 hotel rooms, a beach-level café, and a street-level restaurant (See Exhibits). On-site parking would be provided by an underground parking garage (two levels) with 147 parking spaces (1 space per hotel room, 2 spaces per condominium unit, plus nine guest spaces). Vehicular access to the parking garage is from 15th Place only. The existing motel's driveway entrance off Ocean Boulevard will be removed, and the City intends to modify the Ocean Boulevard/Cherry Avenue intersection in order to improve safety and circulation.

The applicant has also proposed to implement specific mitigation measures in order to reduce adverse impacts to the surrounding public parking supply. However, no mitigation measures are necessary because the proposed project is not approved. ~~Special Condition Six states:~~

~~**On-site Parking and Transportation Demand Management.** At least two on-site parking spaces for each residential unit, and one space for each hotel room, shall be provided and maintained in the garage of the approved structure. At least nine (9) additional parking~~

~~spaces shall be provided for guests of residents. Facilities (e.g., bike racks) for parking at least forty (40) bicycles shall also be provided on the property (this forty space requirement is in addition to the storage space for bicycles that will be available for rent in the approved bicycle rental facility). Vehicular access to the on-site parking shall be taken only from 15th Place. The permittee shall also provide an airport shuttle service for hotel guests, a valet parking attendant at all times when hotel room occupancy capacity exceeds fifty percent (50%), and free transit passes for all employees. Valets shall store vehicles only in the project's parking garage. The public streets shall not be used by valets to store vehicles.~~

~~Only as conditioned does the proposed development conform certified LCP and the public access and recreation policies of the Coastal Act.~~

Building Footprint - Setbacks

In regards to the setback from the public beach, the certified LCP states:

Beach property lines – no building shall extend toward the beach further than the toe of the bluff, or where existing development has removed the toe of the bluff, no building shall extend toward the beach further than existing development on the site.

~~The applicant has not yet provided a survey of the site. Special Condition Four requires the applicant to provide a survey (prepared by a licensed surveyor) to the Executive Director in order to identify the location of the top edge of the coastal bluff, the toe of the bluff, and the elevation of the top of the edge of the coastal bluff at the west end of Bixby Park. No building or development is permitted to extend toward the beach further than the toe of the bluff (Special Condition Four). Development above the elevation of the top edge of the bluff is prohibited within the view corridor depicted on Exhibit #7.~~

~~The proposed structure is set back at least fifteen feet (ten percent of the lot width) from Bixby Park; however, low walls and patios are proposed within this side setback. The proposed structure is set back at least twenty feet from the Ocean Boulevard property line, as required by the LCP. As conditioned, the Commission finds that the proposed development conforms certified LCP and the public access and recreation policies of the Coastal Act.~~

F. Water Quality and Marine Resources

~~The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. To address these concerns, Special Condition Nine requires the applicant to provide a Construction Best Management Plan for the review and approval of the Executive Director. These BMP measures shall include details for the appropriate management of equipment and construction materials and equipment to minimize the project's adverse impact on coastal waters. As conditioned, the proposed development will protect water quality as required by the certified LCP.~~

G. Future Improvements

~~The development is located within an existing developed area and, as conditioned, would be compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development which could adversely affect public views, and public access and recreation. To assure that future development is consistent~~

~~with the certified LCP and the public access and recreation policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed (Special Condition Ten). As conditioned the development conforms with the certified LCP and the public access and recreation policies of the Coastal Act.~~

H. Geologic Safety, Future Shoreline/Bluff Protection and Assumption of Risk

The certified LCP (Page III-A-12) states: “Construction of units on the face of the bluff will require that studies be made by each developer of soil stability conditions.” Also, Page III-A-6 of the certified LCP identifies the bluffs in LCP Area A, where the project site is located, as a hazard area because “the area is subject to tsunamis” and “there exists a very great potential for liquefaction.”

~~Therefore, Special Condition Five requires that the applicant, prior to issuance of the coastal development permit, shall submit for the review and approval of the Executive Director, a geotechnical report for the approved development which addresses the construction of the proposed project. The report shall be prepared and certified by an appropriate licensed professional (i.e., civil or other appropriate engineer). The proposed development must meet a 1.5 Factor of Safety (FOS). Any substantial change in the proposed development approved by the Commission that may be required by the consultants shall require an amendment to the permit or new coastal development permit. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geotechnical report. Only as conditioned does the development conform with the provisions of the certified LCP.~~

The Commission’s standard protocol is to ensure that development, especially development on coastal bluffs, is safe. Section 30253 of the Coastal Act requires that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area. The certified LCP carries out this policy on Pages III-A-6 and III-A-12. Page III-A-6 of the certified LCP (Hazard Areas) identifies the beach and bluffs in LCP Area A, where the project site is located, as a “Seismic Response Zone” where the beach area “is subject to tsunamis” and “there exists a very great potential for liquefaction” (Exhibit A – Hazard Areas). Page III-A-12 of the certified LCP states: “Hazard Areas - Construction of units on the face of the bluff will require that studies be made by each developer of soil stability conditions.”

Therefore, the certified LCP requires that studies shall be conducted to assure that the proposed development minimizes risks to life and property. The required studies must include specific criteria for meeting certain standards for safety for development on beach and bluff. The applicant has provided a preliminary geotechnical engineering consultation for the subject site (Exhibit B: Report BG-20948 by The J. Byer Group, dated July 10, 2009). However, the 2009 consulting report does not demonstrate that the proposed development minimizes risks to life and property because the performance of the slope is not addressed, although the report does conclude that the slope is likely stable.

The Commission’s staff geologist, Dr. Mark Johnsson, has reviewed the 2009 consulting report and has recommended that a revised geotechnical report be prepared in order to demonstrate that that the proposed project, as approved by the Commission, meets the specific criteria in order to minimize risks to life and property listed in Special Condition Five (above). However, no additional studies are required in this case because the proposed project is not approved.

~~A development must meet the specific criteria set forth in the condition in order to minimize risks to life and property. Since Special Condition Five requires submittal of the revised geotechnical plan prior to issuance of this CDP, if the proposed development does not meet that criteria, then the Commission will not issue the CDP until a revised project that is consistent with the revised geotechnical report receives approval from the Commission through either an amendment to this CDP or, if legally required, a new coastal development permit. Only as conditioned does the proposed development conform with the requirements of the certified LCP.~~

As the certified LCP makes clear, development adjacent to the ocean and the edges of coastal bluffs and hillsides is inherently hazardous. Development which may require a bluff, hillside, or shoreline protective device in the future cannot be allowed due to the adverse impacts such devices have upon public access, visual resources, and shoreline processes. ~~To minimize risks to life and property and to minimize the adverse effects of development on coastal bluffs, hillsides, and shoreline processes the development has been conditioned to require adherence to the geotechnical recommendations, to prohibit the construction of protective devices (such as a retaining wall or shoreline protective device) in the future, for a drainage and runoff plan to minimize the percolation of water into the hillside or bluff, and to require that the landowner or any successor in interest assume the risk of undertaking the development. Special Condition Twelve acknowledge the applicant's agreement to assume the risks of the development and waive any claims of liability against the Commission, its officers, agents, and employees.~~

~~Special Condition Eleven prohibits the construction of future shoreline protective devices to protect the proposed development in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this coastal development permit, the applicant hereby waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235. The landowner shall remove the development if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.~~

~~In order to ensure that any prospective future owners of the property are made aware of the applicability of the conditions of this permit, the Commission imposes Special Condition Fifteen requiring that the property owner record a deed restriction against the property, referencing all of the special conditions of this permit and imposing them as covenants, conditions and restrictions on the use and enjoyment of the Property. Thus, as conditioned, this permit ensures that any prospective future owner will receive actual notice of the restrictions and/or obligations imposed on the use and enjoyment of the land in connection with the authorized development, including the risks of the development and/or hazards to which the site is subject, and the Commission's immunity from liability.~~

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.

In this case, the City of Long Beach is the lead agency for purposes of CEQA review of this project. In 2007 the City issued a CEQA Mitigated Negative Declaration (ND24-07) for the development that was previously proposed and approved on the project site pursuant to Local Coastal Development Permit No. 0604-08. In 2013, the City found that the currently proposed modified project does not result in any additional impacts that were identified in 2007.

The Commission finds that proposed project is not consistent with the City of Long Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have not been minimized and there are feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. The least adverse impacts alternative is the preservation of the existing motel on the project site as called for by the policies of the certified LCP. Therefore, the Commission finds that the proposed project is not the least environmentally damaging feasible alternative and does not comply with the applicable requirements of the Coastal Act to conform to CEQA.

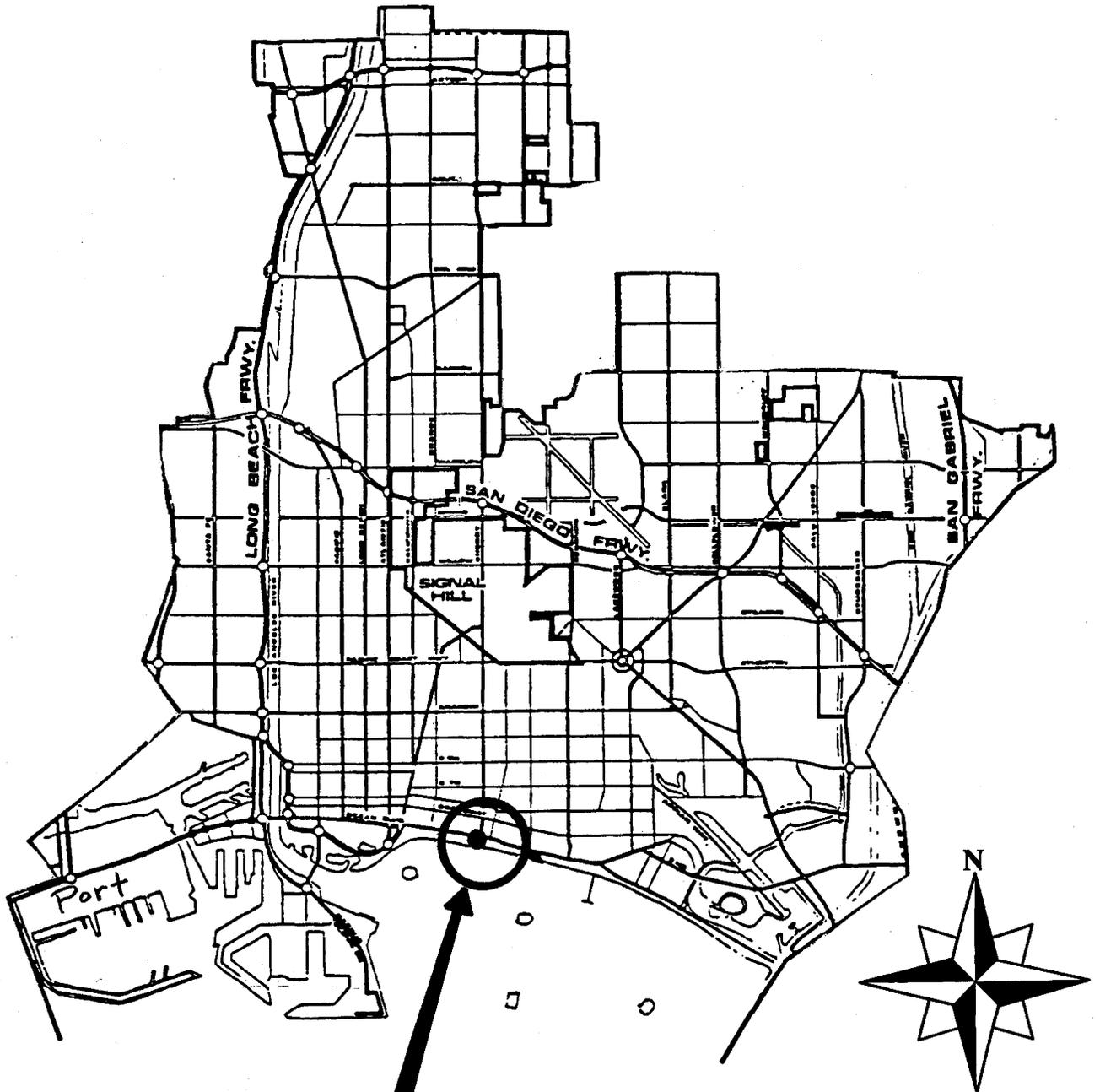
~~Specific mitigation measures are imposed in the form of special conditions of the coastal development permit. Mitigation measures, in the form of special conditions, require the applicant to: a) mitigate for the loss of lower cost overnight accommodations, b) revise the project design in order to preserve public views of the shoreline from Bixby Park, c) implement best management practices to minimize adverse impacts to water quality during construction, and d) assume the risks of the development.~~

~~The proposed project, as conditioned, has been found consistent with the City of Long Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact 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 complies with the applicable requirements of the Coastal Act to conform to CEQA.~~

Appendix A - Substantive File Documents

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
 2. City of Long Beach Ocean Boulevard Planned Development District (PD-5).
 3. Coastal Development Permit No. A-5-LOB-04-226 (1720 Bluff Place, Long Beach).
 4. Local Coastal Development Permit No. 1203-14 (Bixby Park Bluff Imp. Project, Long Beach).
 5. Local Coastal Development Permit No. 0604-08 (2010 E. Ocean Blvd., Long Beach).
 6. Local Coastal Development Permit No. 1302-16 (2010 E. Ocean Blvd., Long Beach).
 7. City of Long Beach Tentative Tract Map No. 068942.
 8. Negative Declaration ND24-07 (2010 E. Ocean Blvd., City of Long Beach).
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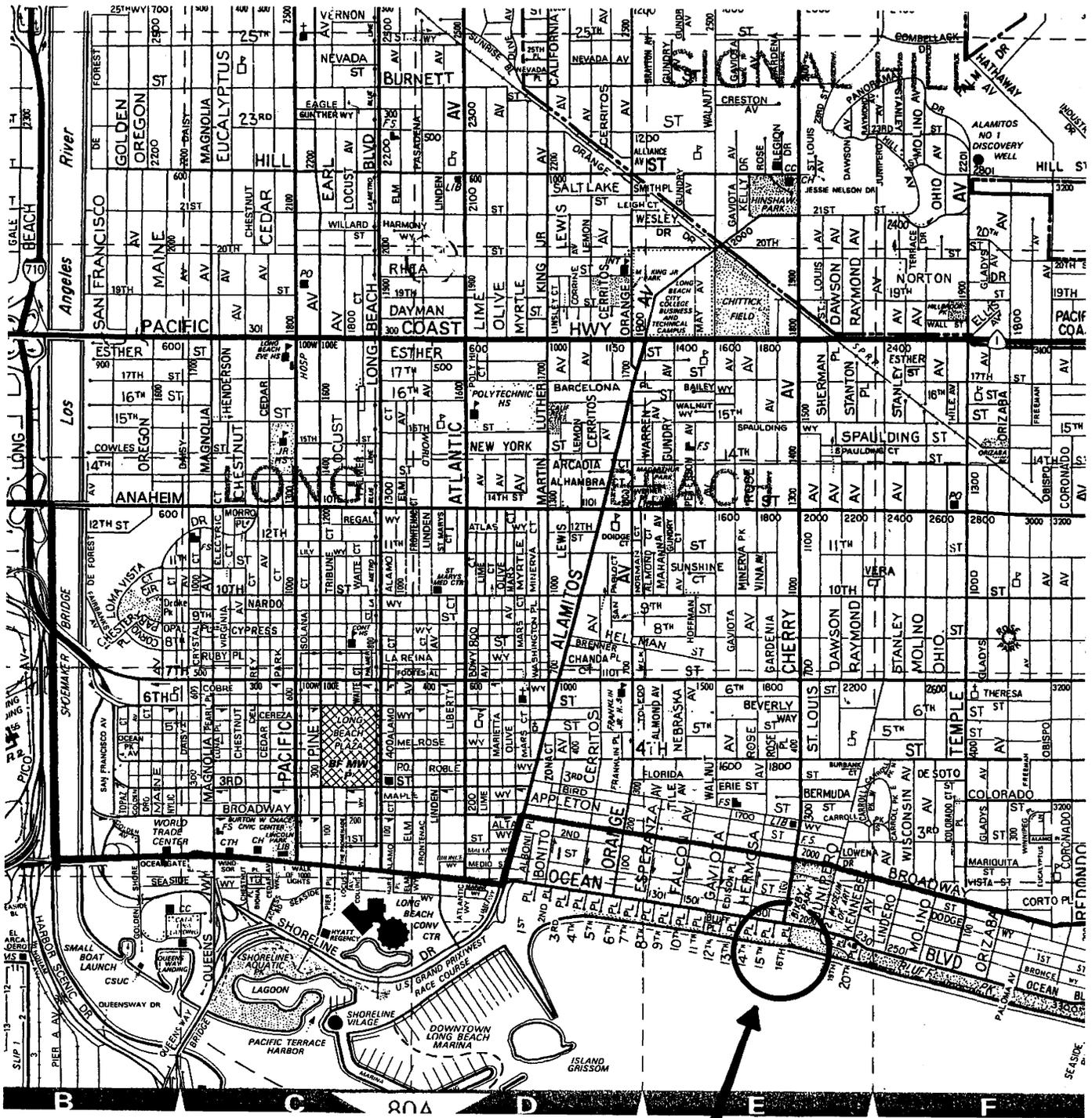
City of Long Beach



Site: 2010 E. Ocean Blvd.

COASTAL COMMISSION
A-5-LOB-13-0246

EXHIBIT # 1
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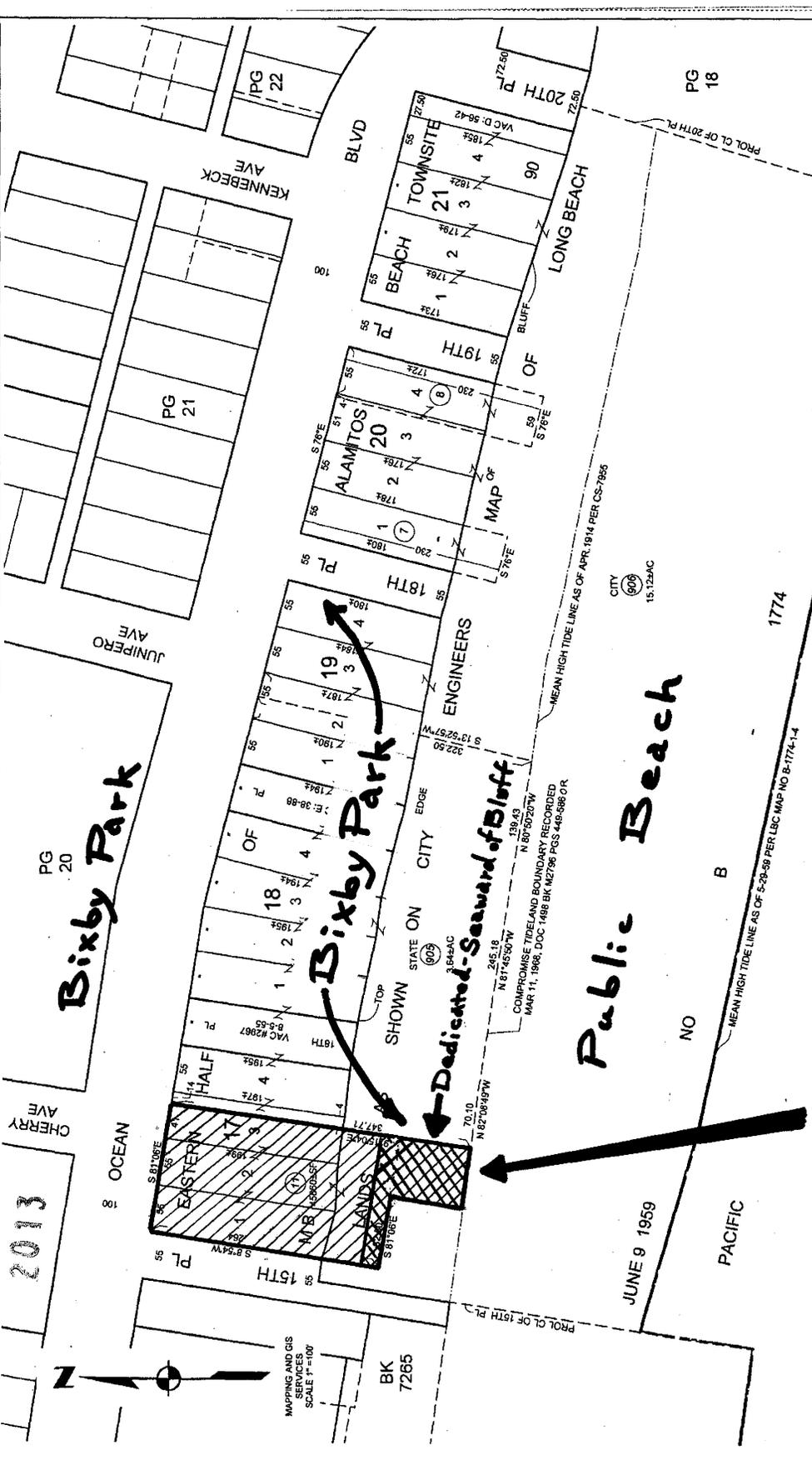
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EXHIBIT # 2

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Site: 2010 E. Ocean Blvd.

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 7-1-04 680118511 7-15-02
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 OFFICE OF THE ASSESSOR
 COUNTY OF LOS ANGELES
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Project Site
 Sand area to be Dedicated to City

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 A-57-LOB-13-0246

EXHIBIT # 3
PAGE 1 OF 1

\$2.00

OCEAN BOULEVARD PLANNED DEVELOPMENT DISTRICT (PD-5)

The intent of this Planned Development Plan is to provide a framework to guide new development in a way that is sensitive to the high level of public interest in the plan area. The plan area is land between the public beach and the first parallel public roadway, Ocean Boulevard, from Alamitos Boulevard, to Bixby Park which is designated a scenic route. The land is in private ownership and is primarily used as multi-family residences at a high density. Many of these uses are likely to be replaced by new uses. This plan is intended to cause new development to be of a similar nature, designed with sensitivity to the policies of the California Coastal Act of 1976 and the Long Beach Local Coastal Plan, and incorporating a maximum of public involvement and review of the individual projects.

A special incentive provision is provided in this Planned Development Plan to encourage lot assembly for the construction of high rise development. In this incentive higher density and greater height are provided in exchange for greater visibility of the ocean, greater on-site open space and greater contributions to access to the beach by improvements in public right-of-way.

In reviewing and approving site plans and tract maps for the development of the area, the City Planning Commission shall be guided by the goals and policies of the General Plan and the General Development and Use Standards specified herein. The Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the original standards and is consistent with the overall goals and objectives of the adopted Specific Plan.

Any variance from those standards shall only be allowed if the following finding of fact is made: The variation will have no adverse effect on access along the shoreline including physical, visual or psychological characteristics of access.

GENERAL DEVELOPEMENT AND USE STANDARDS

- (a) **Use.** All uses in this plan area shall be multi-family residential.

Existing motel sites shall be retained in motel use. The Pacific Coast Club site, if the designated cultural landmark building is maintained, may be used for hotel, retail, office or private club uses.

(b) **Access.**

1. **Vehicular.** Vehicular access shall be limited to the north/south side streets, the "Places", whenever a development site has access to the side streets. When such access is not available, access shall be from Ocean Boulevard.

2. **Pedestrian.** Pedestrian access from Ocean Boulevard to the beach shall be provided along the "Places". Each new development shall provide for improving such access at one place through the provision for such features as new stairways, lighting, landscaping and street improvements, according to an improvement plan consistent with LCP access plan map to be developed by the Tidelands Agency and the Bureau of Parks, and approved by the Planning Commission. Such plan shall be developed and approved prior to the granting of any development approval. Development responsibility for such provisions shall be at least one-half of one percent of the value of the development.

(c) **Building Design Standards.**

1. **Design character.** All buildings shall be designed so as to provide an interesting facade to all sides and to provide an open and inviting orientation to Ocean Boulevard. The following additional features shall also be provided:

- A. The exterior building design style and facade shall be appropriate for the area and harmonious with surrounding buildings.
- B. Any portion of any building south of the shoulder of the bluff shall be terraced to reflect the sloping nature of the bluff.

2. **Yard areas.**

A. **Setbacks.**

- (1) Ocean Boulevard frontage - twenty feet from property line.
- (2) Side streets - eight feet from side street property line.
- (3) Interior property lines - ten percent of the lot width.
- (4) Beach property lines - no building shall extend toward the beach further than the toe of the bluff, or where existing development has removed the toe of the bluff, no building shall extend toward the beach further than existing development on the site.

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B. Projections into setbacks. Porte-cochere and balconies may project into yard areas provided:

- (1) They do not project into interior yard areas.
- (2) They do not project more than one-half of the required setback.

(d) **Parking.**

1. Number of spaces.

A. Residential. 2.00 spaces shall be required for each dwelling unit for resident use, except elderly housing provided as affordable housing (so stipulated by Deed restriction) which shall require not less than 1.25 spaces per unit. One-quarter space per dwelling unit shall be required for guest use.

B. Hotel/Motel. One space per room (including banquet, meeting rooms, restaurants, etc.) Or 0.75 per room (including banquet, meeting rooms, restaurants, etc., counted separately).

C. Other uses. As per Zoning Regulations outside of planned development areas.

2. Size of spaces. Parking space sizes shall be as required for the applicable use under Table 41-2 of Chapter 21.41 of the Long Beach Zoning Regulations.

3. Tandem spaces. Tandem spaces may be used in hotel/motel use with valet parking arrangements and in residential use when both spaces are assigned or sold to the same dwelling unit. Guest parking may be provided in tandem with valet parking arrangements.

4. All parking shall be in garages closed to public view of vehicles inside. No parking garage other than grade access facilities shall be permitted at grade on the Ocean Boulevard frontage.

(e) **Landscaping.**

One palm tree not less than fifteen foot high as street tree for each twenty feet of street frontage; one twenty-four inch box and one fifteen gallon tree for each twenty feet of street frontage. Five five-gallon shrubs per tree. One cluster of three palm trees for each twenty feet of beach frontage. Any exposed bluff area shall be landscaped to the satisfaction of the Park Bureau of the Department of Public

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Works, including bluff areas on public property and adjacent public street rights-of-way.

(f) ***Off-site improvements required of developer.***

1. Public access. Public access shall be provided for as described under pedestrian access.
2. Landscaping. Each new building constructed shall provide street trees, bluff and beach landscaping.

SPECIFIC DEVELOPMENT AND USE STANDARDS

Subarea 1. This subarea is the area closest to downtown. It is distinguished by three existing high rise buildings, The Villa Riviera, The Pacific Coast Club, and the St. Regis (the former two being designated as cultural landmarks) and a single-family home designed by the prominent architectural team of Charles and Henry Greene.

- (a) Uses. Residential. Standard site development - up to fifty-four dwelling units per net acre; incentive development - up to one hundred twenty dwelling units per net acre.
- (b) Access. As noted in general standards
- (c) Building Design.
 1. Floor area ratio.
 - A. Standard site development. No building shall exceed in gross floor area more than two and one half times the area of its site.
 - B. Incentive development. No building shall exceed in gross floor area more than six times the area of its site.

Parking area shall not be included as floor area.
 2. Height.
 - A. Standard site development. Forty-five feet or four stories above Ocean Boulevard elevation.
 - B. Incentive development. No building shall exceed the height of the

COASTAL COMMISSION

bottom of the roof of the Villa Riviera, or sixteen stories, whichever is more restrictive.

3. Lot coverage.

- A. Standard site development. From Ocean Boulevard grade to the sky, lot coverage shall not exceed sixty-five percent of the lot area.
- B. Incentive development. From Ocean Boulevard grade to the sky, lot coverage shall not exceed thirty percent of the lot area. Planters, not more than three feet above Ocean Boulevard grade shall not be considered as lot coverage.

4. Special design features for incentive development.

- A. The development site must be not less than forty thousand square feet in net site area.
- B. Provisions shall be incorporated into the proposal for public views through the site to the ocean to the maximum extent practical by such means as, but not limited to:
 - (1) Open Ocean Boulevard story for view under the development; or
 - (2) Wide, unfenced side yards; or
 - (3) Unfenced diagonal setbacks at corner with side street (Places); or
 - (4) In addition to item (1), (2), and (3), each incentive development shall provide view corridors through the development as additional side yard width so that the total area provided in both side yards shall not be less than thirty percent of the width of the site. Instead of a typical side yard, this view corridor may be provided through a triangular area of not less than fifteen percent of the lot area, provided the base of the triangle is at the front setback line, the point of the triangle is at the rear setback line and one side of the triangle is contiguous to a side yard setback line. The view corridor and side yard setback areas shall contain no structure or plant material which blocks public views to the sea from Ocean Boulevard. However, upon a demonstration that maximum public ocean views for auto and pedestrian traffic are protected, the following uses may be

permitted: raised planters, elevated not more than three feet above Ocean Boulevard; landscaping consisting of low-growing plants and shrubs, and high-branching trees; and security fencing along the bluff top where visually open materials are used, e.g., wrought iron or chain link.

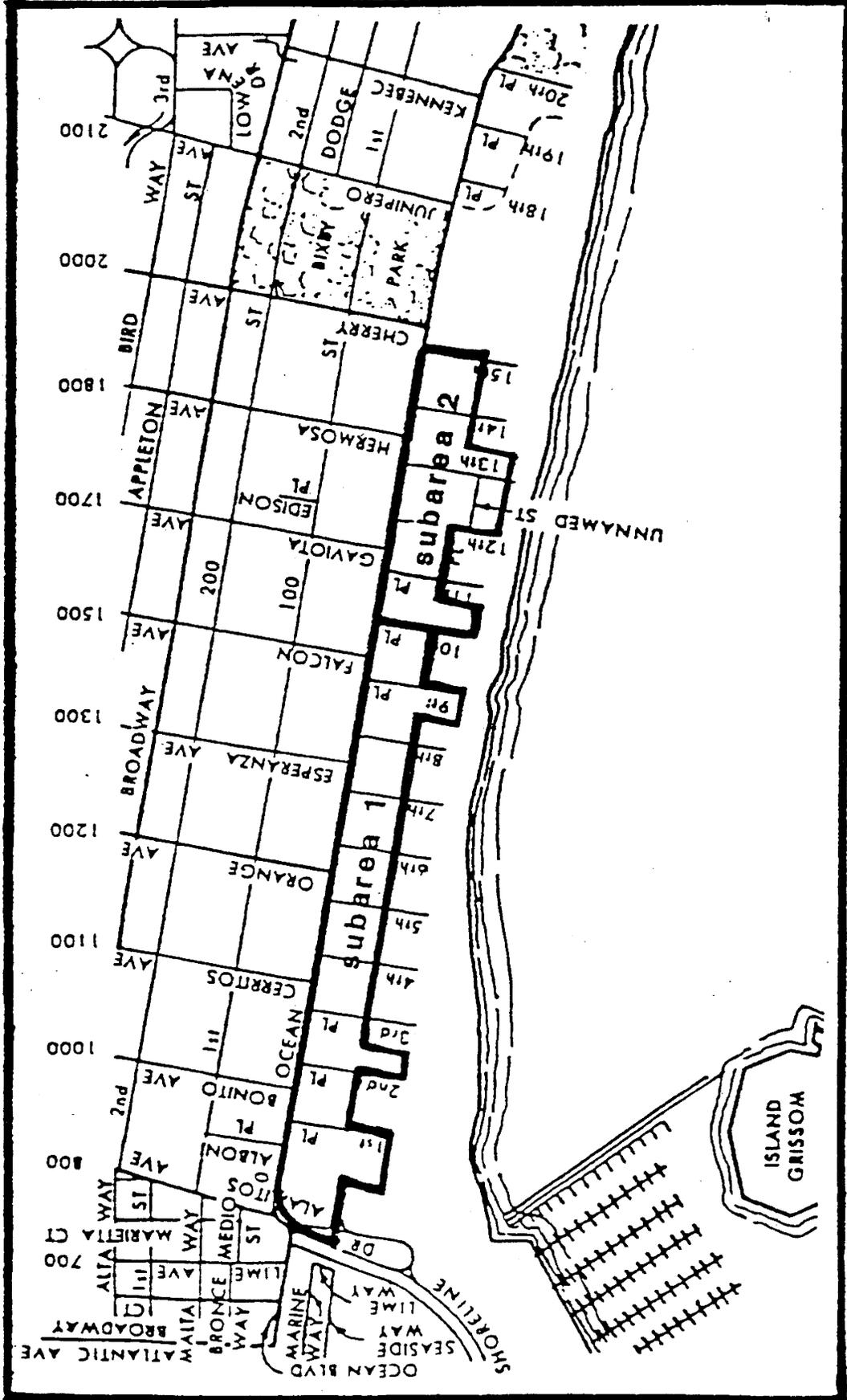
- C. The building shall be designed to minimize shadows being cast north of Ocean Boulevard. Shadows shall not be cast north of Ocean Boulevard between the hours of 11:30 A.M. to 1:30 P.M. except during three months of the year.
- D. Development on a single site shall contain no more than one high rise structure.

Subarea 2. This area is a transition area between the large scale high intensity development of the downtown and smaller, less intense development of the eastern portion of the coastal zone.

- (a) Uses. Residential; up to a density of fifty-four dwelling units per acre. Existing motel use sites shall remain in motel use.
- (b) Access. Same as general development and use standards.
- (c) Building design.
 - 1. Floor area ratio. The gross floor area of the building shall not exceed two and one-half times the area of the site. Parking area shall not be included as floor area.
 - 2. Height. The height of the building shall not exceed forty-five feet or four stories above Ocean Boulevard grade.
 - 3. Lot coverage. Lot coverage shall not exceed sixty-five percent from Ocean Boulevard grade to the sky.
 - 4. Usable open space. Each unit shall have a minimum of sixty-four square feet of usable open space abutting the unit, only accessible from the dwelling unit.

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EXHIBIT # 4
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Ocean Boulevard Planned Development



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • FAX (562)570-6068

RECEIVED
South Coast Region

OCT 7 2013

CALIFORNIA
COASTAL COMMISSION

REVISED NOTICE OF FINAL LOCAL ACTION

Application No.: 1302-16

Project Location: 2010 E. Ocean Boulevard

Applicant: Studio One Eleven
Attn: Michael Bohn
111 W. Ocean Boulevard, 20th Floor
Long Beach, CA 90802

Permit(s) Requested: Local Coastal Development Permit
Modification to an approved Site Plan Review

Project Description: A Local Coastal Development Permit and a Modification to an approved Site Plan Review to revise the project from a four-story, 56-unit residential complex with 40 hotel rooms to a four-story, 33-unit residential complex with 72 hotel rooms and associated amenities, located at 2010 E. Ocean Boulevard in the Ocean Boulevard Planned Development District (PD-5) Subarea 2.

Local action was taken by the: Planning Commission approved the request on:
May 2, 2013 (appealed to the City Council)

City Council denied the appeal and upheld the Planning Commission decision on:
July 9, 2013

Decision: Conditionally Approved

Local action is final on: October 4, 2013

This project is in the Coastal Zone and IS appealable to the Coastal Commission.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.


Derek Burnham
Planning Administrator


Jeff Winklepleck, Planner
Phone No.: (562)570-6607

District: 2

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REVISED LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

Case No. 1302-16

Date: October 4, 2013

Pursuant to Chapter 21.25, Division IX of the Long Beach Municipal Code, the City shall not approve a Local Coastal Development Permit unless positive findings are made consistent with the criteria set forth in the Local Coastal Development Permit regulations.

1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM, INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

The Local Coastal Program and land use regulations for this site is the Ocean Boulevard Planned Development Plan (PD-5) dated April 21, 1982, which provides for large-scale high intensity dense residential developments in two different subareas.

The zoning designation for this site is the Ocean Boulevard Planned Development District (PD-5) Subarea 2. This subarea is identified as a transition between the large-scale high intensity development of downtown and smaller, less intense development of the eastern portion of the coastal zone.

The proposed project conforms to the density requirements and development standards of the Planned Development Plan including height, density, setbacks, terracing and parking requirements.

The site currently contains the 40-room Beach Plaza Hotel that will be demolished prior to construction of the proposed project. The 40 hotel rooms will be re-incorporated as part of the new project as required by both PD-5 and the Local Coastal Plan. There are no existing residential units on the site. There are no existing residential units on the site. Therefore, the project is not subject to Chapter 21.60 and Chapter 21.61 of the Long Beach Municipal Code relative to relocation assistance for qualified very low and low-income households and the maintenance of and replacement of very low to moderate-income housing units in the Coastal Zone.

2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE SECOND FINDING ONLY APPLIES TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

Chapter 3 of the Coastal Act deals with the public's right to use of the beach and water resources for recreational purposes. The chapter provides the basis for

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state and local governments to require beach access dedication and to prohibit development that restricts public access to the beach and/or water resources. As required, the developer will be dedicating approximately the beach area between the toe of the slope to the mean high tide line to the City for public use.

The project, as currently proposed, will not reduce access or public views to the beach.

The proposed 72-room hotel and 33-unit residential complex will not block public access to the beach or recreational resources. Re-establishment of the hotel will help to ensure continued public coastal access and recreation opportunities.

The project, as proposed, complies with all PD-5, Subarea 2 requirements including height, parking, setbacks, floor-area ratio, lot coverage and open space. Additionally, the portion of the project south of the shoulder (upper edge) of the bluff will be terraced to reflect the sloping nature of the bluff.

Additionally, as required by the Planned Development Regulations, the developer will be contributing funds (0.5% of the value of the development) for bluff improvements for general access along the bluff area.

MODIFICATION TO SITE PLAN REVIEW FINDINGS

1. **THE DESIGN IS HARMONIOUS, CONSISTENT AND COMPLETE WITHIN ITSELF AND IS COMPATIBLE IN DESIGN, CHARACTER AND SCALE, WITH NEIGHBORING STRUCTURES AND THE COMMUNITY IN WHICH IT IS LOCATED; AND**

The proposed design of the building incorporates a consistent design theme that is compatible in design, character and scale with the neighboring structures. The materials used for the new construction, including wood siding, metal fascia and mosaic tiles are complementary to the materials used on the adjacent buildings.

2. **THE DESIGN CONFORMS TO THE "DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT", THE "DOWNTOWN DESIGN GUIDELINES", THE GENERAL PLAN, AND ANY OTHER DESIGN GUIDELINES OR SPECIFIC PLANS WHICH MAY BE APPLICABLE TO THE PROJECT.**

The project, as proposed, complies with all PD-5, Subarea 2 requirements including height, parking, setbacks, floor-area ratio, lot coverage and open space. Additionally, the portion of the project south of the shoulder (upper edge) of the bluff will be terraced to reflect the sloping nature of the bluff.

3. **THE DESIGN WILL NOT REMOVE SIGNIFICANT MATURE TREES OR STREET TREES, UNLESS NO ALTERNATIVE DESIGN IS POSSIBLE.**

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No mature trees or street trees will be removed as a result of the project.

4. THERE IS AN ESSENTIAL NEXUS BETWEEN THE PUBLIC IMPROVEMENT REQUIREMENTS ESTABLISHED BY THE ORDINANCE AND THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT; AND

The proposed improvements that include, but are not limited to, the reconstruction of sidewalks, re-configuring of the adjacent intersections, and improvement of the street-end of 15th Place in the public right-of-way do not exceed the likely impacts of the proposed project coupled with cumulative development.

5. THE PROJECT CONFORMS TO ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT).

Not applicable.

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**REVISED CONDITIONS OF APPROVAL
LOCAL COASTAL DEVELOPMENT PERMIT/MODIFICATION
TO SITE PLAN REVIEW**

**Case No. 1302-16
Date: October 4, 2013**

1. This permit and all development rights hereunder shall terminate concurrent with the expiration date from the previously approved Tentative Tract Map (TT6892) under Case No. 0604-08, unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code. The time extension request shall be submitted to the Zoning Administrator for review and approval as per Section 21.21.406 of the Zoning Regulations.
2. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
3. Violation of any of the conditions of this permit shall be cause for the issuance of an infraction, citation, prosecution, and/or revocation and termination of all rights thereunder by the City of Long Beach.
4. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Development Services Department. These conditions must be printed on all plans submitted for plan review.
5. The developer must comply with all mitigation measures of the applicable Environmental Review (ND 24-07) prior to the issuance of a Certificate of Occupancy. These mitigation measures, if applicable, must be printed on all plans submitted for plan review.
6. Approval of this development is expressly conditioned upon payment (prior to building permit issuance or prior to Certificate of Occupancy, as specified in the applicable Ordinance or Resolution for the specific fee) of impact fees, connection fees and other similar fees based upon additional facilities needed to accommodate new development at established City service levels standards, including, but not limited to, sewer capacity charges, Park Fees, and Transportation Impact Fees.

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7. The Director of Development Services is authorized to make minor modifications to the approved concept design plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
8. Site development, including landscaping, shall conform to plans approved on file in the Department of Development Services.
9. The property shall be developed and maintained in a neat, quiet and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of the exterior facades of the buildings and all landscaping surrounding the building including all public parkways.
10. All structures shall conform to Building Code requirements. Notwithstanding this review, all required permits from the Building and Safety Bureau must be secured.
11. Any graffiti found on site must be removed within 24 hours of its appearance.
12. Site preparation and construction shall be conducted in a manner which minimizes dust.
13. Prior to the release of the foundation permit, the applicant shall submit a soils analysis and shoring plan for the discretionary approval of the Superintendent of Building and Safety.
14. The applicant/developer shall be required to keep the beach area from the toe of the bluffs seaward maintained in a clean condition and open to the public. Storage of construction materials and equipment on the beach is expressly prohibited.
15. Upon completion of construction, applicant shall restore any damage to the beach to the satisfaction of the Director of Public Works.
16. Prior to the issuance of a building permit, the applicant shall formulate a plan to reduce impacts regarding construction hours, construction personnel parking and the staging of construction materials to the satisfaction of the Director of Development Services.
17. Prior to the release of any building permit, the applicant shall submit for review and approval of the Director of Development Services a landscape and irrigation plan in full compliance with Chapter 21.42 of the Long Beach Zoning Code and any landscape standards outlined in the Ocean Boulevard Planned Development Plan (PD-5).

The plan shall meet the following minimum landscape requirements:

One palm tree not less than fifteen foot high as street tree for each twenty feet of street frontage; one twenty-four inch box and one fifteen gallon tree for each twenty feet of street frontage. Five five-gallon shrubs per tree. One cluster of three (25 ft. and 30 ft.) tall palm trees for each twenty feet of beach frontage. Any exposed bluff area shall be landscaped to the satisfaction of Public Works, including bluff areas on public property and adjacent public street rights-of-way. All street trees shall contain root diverter barriers. Such landscaping shall not block views of the ocean and shall soften the scale of the building to the pedestrian and motorist.

18. The subdivider shall be required to provide for street end beautification improvements along 15th Place and improvements adjacent to Bixby Park to the satisfaction of the Director of Public Works, the Director of Development Services, and the Director of Parks, Recreation and Marine.
19. In conjunction with the street end beautification improvements, the developer shall improve the bluff slope at 15th Place according to the guidelines of the "Plan for Development – Bluff Erosion and Enhancement Project" of November 2000, to the satisfaction of the Director of Parks, Recreation and Marine. Under such guidelines, the developer shall re-grade the 15th Place right-of-way bluff to create a slope not to exceed 1.5 to 1, shall install an irrigation system or modify the existing irrigation system to contain an automatic shut-off provision in the case of a break or leak, and shall re-landscape the bluff. The re-grading shall meet the grade of the property at the property line on the west side of 15th Place. No cross-lot drainage shall be allowed from the project to the 15th Place bluff right-of-way, or from the regarded right-of-way to the property west of 15th Place.
20. The applicant shall provide for not less than one-half of one percent of the value of the construction costs for off-site improvements to beach access to the satisfaction of the Director of Parks, Recreation and Marine and the Director of Development Services.
21. The applicant shall provide for reconstruction and stabilization, if necessary, of 15th Place to the satisfaction of the Director of Public Works.
22. Prior to the issuance of any demolition permits, the applicant shall prepare a "Construction Staging and Management Plan" for review and comment by the Palacio Del Mar Homeowners Association (25 15th Place). The Plan shall be approved by the Director of Development Services or their designee. The Plan shall indicate:

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- No construction parking is permitted on the west side of 15th Place
 - Entry and exit points for construction employees
 - Parking for construction employees
 - Temporary construction office location
 - Construction equipment staging area
 - Demolition materials storage area
 - Construction materials storage area
 - Screening for the project site and all storage and staging areas (temporary fencing with opaque material)
 - Details of the Construction Staging and Management Plan shall be included on all final grading and construction plans.
23. Prior to the issuance of any building permits, the applicant shall demonstrate on the final project plans that all exterior lighting fixtures and light standards shall be shielded and shall be located and installed to prevent spillover of light onto the surrounding properties and roadways.
24. Prior to the issuance of any building permits, the applicant shall demonstrate on the final project plans that minimally reflective glass and other building materials will be incorporated on the building exteriors in order to reduce reflective glare. The use of glass with over 25 percent reflectivity shall be prohibited.
25. As required by South Coast Air Quality Management District Rule 403- Fugitive Dust, all construction activities that are capable of generating fugitive dust are required to implement dust control measures during each phase of the project development to reduce the amount of particulate matter entrained in the ambient air. The measures shall be printed on the final grading and construction plans. They include the following:
- Application of soil stabilizers to inactive construction areas.
 - Quick replacement of ground cover in disturbed areas (as applicable).
 - Watering of exposed surfaces twice daily.
 - Watering of all unpaved haul roads three times daily.
 - Covering all stock piles with tarp.
 - Reduction of vehicle speed on unpaved roads.
 - Post sign on-site limiting traffic to 15 miles per hour or less.
 - Sweep streets adjacent to the project site at the end of the day if visible soil material is carried over to adjacent roads.
 - Cover or have water applied to the exposed surface of all trucks hauling dirt, sand, soil, or other loose materials prior to leaving the site to prevent dust from impacting the surrounding areas.
26. Prior to release of the grading permit, the applicant shall prepare and submit a

Storm Master Plan to identify all storm run-off and methods of proposed discharge. The plan shall be approved by all agencies.

27. Prior to the release of any grading or building permit, the project plans shall include a narrative discussion of the rationale used for selecting or rejecting BMPs. The project architect or engineer of record, or authorized qualified designee, shall sign a statement on the plans to the effect: "As the architect/engineer of record, I have selected appropriate BMPs to effectively minimize the negative impacts of this project's construction activities on storm water quality. The project owner and contractor are aware that the selected BMPs must be installed, monitored and maintained to ensure their effectiveness. The BMPs not selected for implementation are redundant or deemed not applicable to the proposed construction activities.

28. Any person(s) associated with the proposed project shall only operate or permit the operation of any tools or equipment used for site preparation, construction or any other related building activity that produces loud or unusual noise which annoys or disturbs a reasonable person of normal sensitivity between the following hours:

Weekdays	7:00am to 7:00pm	Sundays	No work permitted
Saturdays	9:00am to 6:00pm	Holidays	No work permitted.

29. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.

30. All stucco surfaces shall have a smooth fine sand stucco finish.

31. Trash bins shall be fully enclosed at all times. If the proposed enclosure does not meet the capacity needs for the complex, an additional enclosure shall be required.

32. The Developer shall fully screen any utility meters or equipment to the satisfaction of the Director of Development Services.

33. The applicant shall comply with the following conditions to the satisfaction of the Public Works Department:

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GENERAL REQUIREMENTS

- a. Prior to the start of any on-site/off-site construction, the Developer shall submit a construction plan for pedestrian protection, street lane closures, construction staging, shoring excavations and the routing of construction vehicles (excavation hauling, concrete and other deliveries, etc.).
- b. The final map shall be based upon criteria established by the Director of Public Works.
- c. Prior to approval of the final map, the Developer shall obtain utility clearance letters for any public entity or public utility holding any interest in the subdivision as required by Section 66436(c)(1) of the Subdivision Map Act.
- d. Prior to the release of any building permit, the Developer shall submit to the Department of Public Works a Storm Drain Master Plan to identify all storm drain run-off and methods of proposed discharge to the satisfaction of the Director of Public Works.
- e. All off-site improvements not completed prior to the approval of the subdivision map shall be secured by bonds or an instrument of credit.

PUBLIC RIGHT-OF-WAY

- f. The Developer shall construct all off-site improvements needed to provide full ADA accessibility compliance within the adjacent public right-of-way to the satisfaction of the Director of Public Works. If a dedication of additional right-of-way is necessary to satisfy ADA requirements, the right-of-way dedication way shall be provided.
- g. Demolition and reconstruction of curb and gutter, driveways, sidewalks, wheelchair ramps, and roadway, removal and relocation of utilities, traffic signal modifications and installations, traffic striping and signing, street tree removals and plantings in the public right-of-way, shall be performed under Public Works street improvement permit. Permits to perform work within the public right-of-way must be obtained from the Public Works counter, 10th Floor of City Hall, 333 West Ocean Boulevard, telephone (562) 570-6784.
- h. All work within the public rights-of-way shall be performed by a contractor holding a valid State of California contractor's license and City of Long Beach Business License sufficient to qualify the contractor to do the work. The contractor shall have on file with the City Engineer Certification of General Liability Insurance and an endorsement evidencing minimum limits of required general liability insurance.
- i. Easements shall be provided to the City of Long Beach for proposed public utility facilities, as needed, to the satisfaction of the concerned City Department or public agency and shown on the map.
- j. Unless approved by the Director of Public Works, easements shall not be granted to third parties within areas proposed to be granted, dedicated, or offered for dedication to the City of Long Beach for public streets, alleys, utility or other public purposes until after the final map is filed with the County Recorder. If easements are granted after the date of tentative map approval and prior to final map

recording, a notice of subordination must be executed by the third-party easement holder prior to the filing of the final map.

ENGINEERING BUREAU

- k. The Developer shall improve the parkway on the two streets fronting this project with drought-tolerant accent shrubbery and permeable groundcover such as decomposed granite as described in Section 21.42.060 of the Municipal Code.
- l. The Developer shall provide for street trees with root barriers and irrigation on 15th Place, adjacent to the project site. The Developer and/or successors shall privately maintain all street trees, landscaping and sprinkler systems required in connection with this project.
- m. The Developer shall contact the Street Tree Division of the Department of Public Works, at (562) 570-2770, prior to beginning the tree planting, landscaping, and irrigation system work on 15th Place. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- n. The Developer shall be responsible for the maintenance of the off-site improvements during construction of the on-site improvements. All off-site improvements found damaged as a result of construction activities shall be reconstructed or replaced by the Developer to the satisfaction of the Director of Public Works.
- o. The Developer shall remove unused driveways and replace with full-height curb, curb gutter and sidewalk to the satisfaction of the Director of Public Works. Sidewalk improvements shall be constructed with Portland cement concrete.
- p. The Developer shall provide for the resetting to grade of existing manholes, pullboxes, and meters in conjunction with the required off-site improvements to the satisfaction of the Director of Public Works.
- q. The Developer shall repair the cracked and uplifted section of sidewalk pavement adjacent to the east side of 15th Place and along the sidewalk at the south end of 15th Street. Sidewalk improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works. All sidewalk removal limits shall consist of entire panel replacements (from joint line to joint line).
- r. The Developer shall construct the curb and gutter along the southeast end of 15th Place as needed for a complete and continuous curb and gutter. Improvements shall be constructed with Portland cement concrete to the satisfaction of the Director of Public Works.
- s. Prior to approving an engineering plan, all projects greater than 1 acre in size must demonstrate coverage under the State Construction General NPDES Permit. To meet this requirement, the applicant must submit a copy of the letter from the State Water Resource Control Board acknowledging receipt of the Notice of Intent (NOI) and a certification from the developer or engineer that a Storm Water Pollution Prevention Plan (SWPPP) has been prepared. Should you have any questions regarding the State Construction General NPDES Permit or wish to obtain an application, please call the State Regional Board Office at (213) 266-7500 or visit their website for complete instructions at

www.waterboards.ca.gov/stormwtr/construction.html Left-click on the Construction General Permit 99-08-DWQ link.

- t. Public improvements shall be constructed in accordance with approved plans. Detailed off-site improvement plans shall be submitted to the Department of Public Works for review and approval.

TRAFFIC & TRANSPORTATION BUREAU

- u. The size and configuration of all proposed driveways serving the project site shall be subject to review and approval of the City Traffic Engineer. Driveways greater than 28 feet requires a variance; contact the Traffic and Transportation Bureau at (562) 570-6331 to request additional information regarding driveway construction requirements.
- v. In lieu of a traffic impact study, developer shall upgrade the traffic signal equipment at the intersection of Ocean Boulevard and Cherry Avenue to improve the phasing separation between vehicular and pedestrian traffic. These traffic signal improvements shall be constructed to the satisfaction of the City Traffic Engineer.
- w. The Developer shall explore with the City Traffic Engineer the option of expanding traffic control functions of the Ocean Boulevard and Cherry Avenue intersections to include 15th Place. Contact Dave Roseman, City Traffic Engineer, at (562) 570-6331, to arrange a meeting to discuss this option. If it is determined that these traffic improvements are feasible, the Developer shall include this work with the traffic signal upgrade to the satisfaction of the City Traffic Engineer.
- x. If a new intersection design is required by the City Traffic Engineer, the Crosswalks and Curb ramp configurations on the Ocean Boulevard, Cherry Avenue and 15th Place adjacent to the project site shall be revised and/or constructed to conform to the new intersection design to the satisfaction of the Director of Public Works.
- y. The Developer shall salvage and reinstall all traffic signs that require temporary removal to accommodate new construction within the public right-of-way. All traffic signs shall be reinstalled to the satisfaction of the City Traffic Engineer.
- z. The Developer shall replace all traffic signs and mounting poles damaged or misplaced as result of construction activities to the satisfaction of the City Traffic Engineer.
- aa. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
- bb. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the current Manual On Uniform Traffic Control Devices (MUTCD), (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
- cc. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, for approval to construct the proposed loading zone on 15th Place, or to modify the existing curb marking adjacent to the project site.

LONG-TERM MAINTENANCE

- dd. The Developer and successors shall be responsible for the maintenance of the site drainage system and for the operation and maintenance of the private sewer connection to the public sewer in the abutting public right-of-way, and for the maintenance of the sidewalk, parkway, street trees and other landscaping, including irrigation, within and along the adjacent public right-of-way. Such responsibilities shall be enumerated and specified in the project "Conditions, Covenants and Restrictions", and a recorded copy of said document shall be provided to the Director of Public Works.
34. The C, C & R's shall be executed and recorded against the title of the parcel and shall contain the following provisions (provisions shall also be noted on the final map):
- a. The subject residential project consists of thirty-three (33) residential units; and
 - b. A minimum of seventy-five (75) parking spaces will be permanently maintained as parking facilities for the residential portion of the project. The spaces shall be permanently assigned to a specific unit and labeled thusly or assigned as guest parking and labeled thusly. Parking spaces must be used solely for the parking of personal vehicles. Parking spaces may not be leased, subleased, sold or given to others not a resident(s) of the condominium unit within the development. These statements shall also be noted on the final map; and
 - c. The common areas and facilities for the condominium shall be clearly described including a parking assignment plan; and
 - d. The Homeowner's Association shall be responsible for the operation and maintenance of the private sewer connection to the public sewer in the public right-of-way, the site drainage system, the maintenance of the common areas and facilities, the exterior of the building, the abutting street trees, parkways and any costs or corrections due to building or property maintenance code enforcement actions. Such responsibilities shall be provided for in the C, C & R's; and
 - e. Graffiti removal shall be the responsibility of the Homeowners Association and shall be removed within 24 hours; and
 - f. A clear, detailed and concise written description of the common areas and facilities of the condominium shall be provided. This information shall be included on the final map.
 - g. Individual homeowners shall be jointly liable and responsible for any costs of corrections due to building or property maintenance code enforcement actions.
35. Separate permits are required for signs, fences, retaining walls, trash enclosures, flagpoles, pole-mounted yard lighting foundations and planters.

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36. Site development, including landscaping, shall conform to the approved plans on file in the Department of Development Services. At least one set of approved plans containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps shall be maintained at the job site, at all times for reference purposes during construction and final inspection.
37. The Applicant and/or successors is encouraged to utilize and incorporate energy conserving equipment, lighting and related features with the project to the greatest extent possible.
38. Applicant shall file a separate plan check submittal to the Long Beach Fire Department for their review and approval prior to the issuance of a building permit.
39. Prior to the issuance of a building permit, the applicant shall submit architectural, landscaping and lighting drawings for the review and approval of the Police Department for their determination of compliance with Police Department security recommendations.
40. The applicant shall make design modifications to the south elevation to better reflect the sloping nature of the bluff, to the satisfaction of the Director of Development Services.
41. The applicant shall submit a valet parking plan, prior to the issuance of a Certificate of Occupancy, to manage project parking on the property to the satisfaction of the Director of Development Services and the City Traffic Engineer.
42. Hotel deliveries and drop-offs shall occur either in a designated loading/unloading space on 15th Place or within the parking garage to the satisfaction of the Director of Development Services and the City Traffic Engineer.
43. Delivery trucks serving the project shall be limited to a maximum 30 feet in length.
44. Pursuant to the adopted Local Coastal Plan requirements and Subdivision Map Act requirements, the applicant shall dedicate the beach portion of said property between the toe of the bluff and the mean high tide line, as shown on the approved plans.

Applicant Requested Conditions:

45. Bicycle rentals will be made available on site to hotel guests and, potentially, the public. The long term feasibility of maintaining the bike rental facility will be contingent on its economic viability. If the bike rentals are not viable, the owner will

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notify the City of Long Beach 30 days in advance of closing the facility in order for the City to determine if other feasible options may be available.

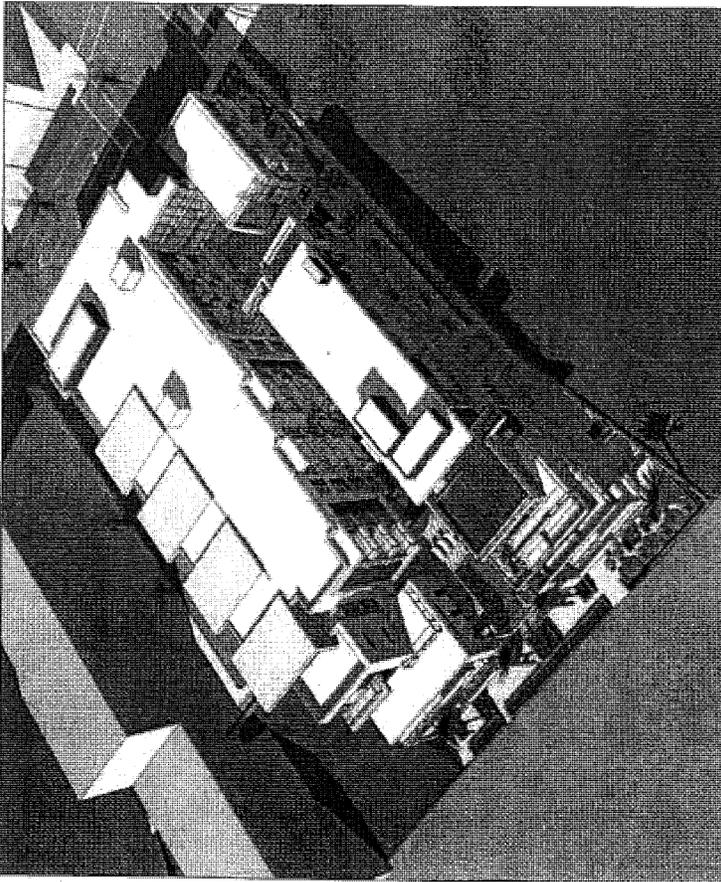
- 46. The owner will provide a public café at beach level fronting the ocean. This is contingent on the owner being able to gain desired approvals from all applicable local and state agencies such as the City of Long Beach and California Department of Alcoholic Beverage Control.
- 47. A hotel branded restaurant and bar lounge with outdoor seating that provides views of the coast will be provided. This is contingent on the owner being able to gain desired approvals from all applicable local and state agencies such as the City of Long Beach and California Department of Alcoholic Beverage Control.

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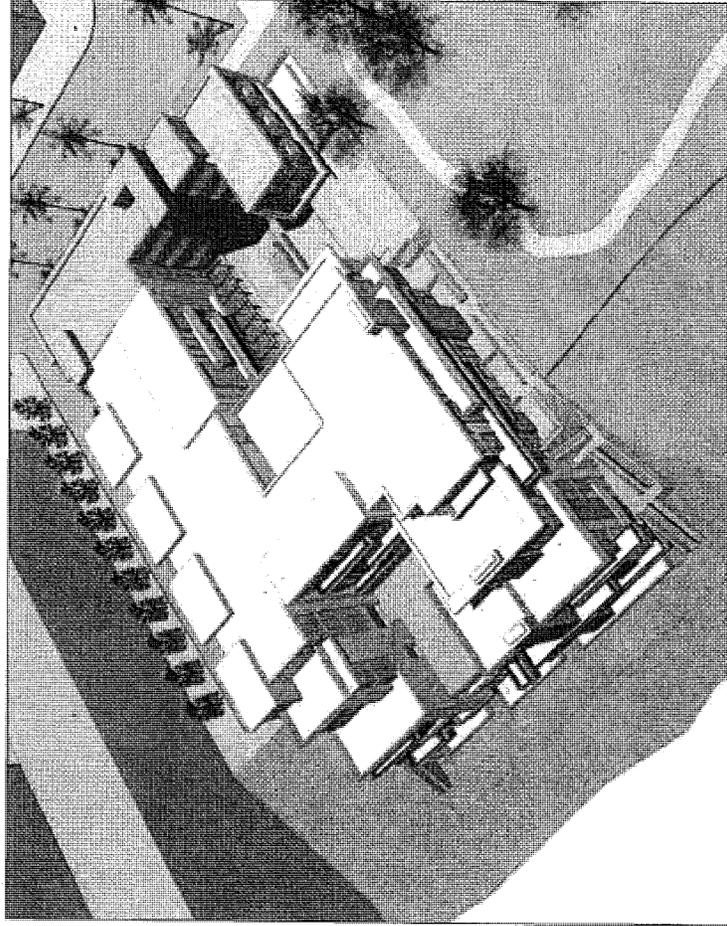


CDP No. 1302-16 Proposed Design (2013)

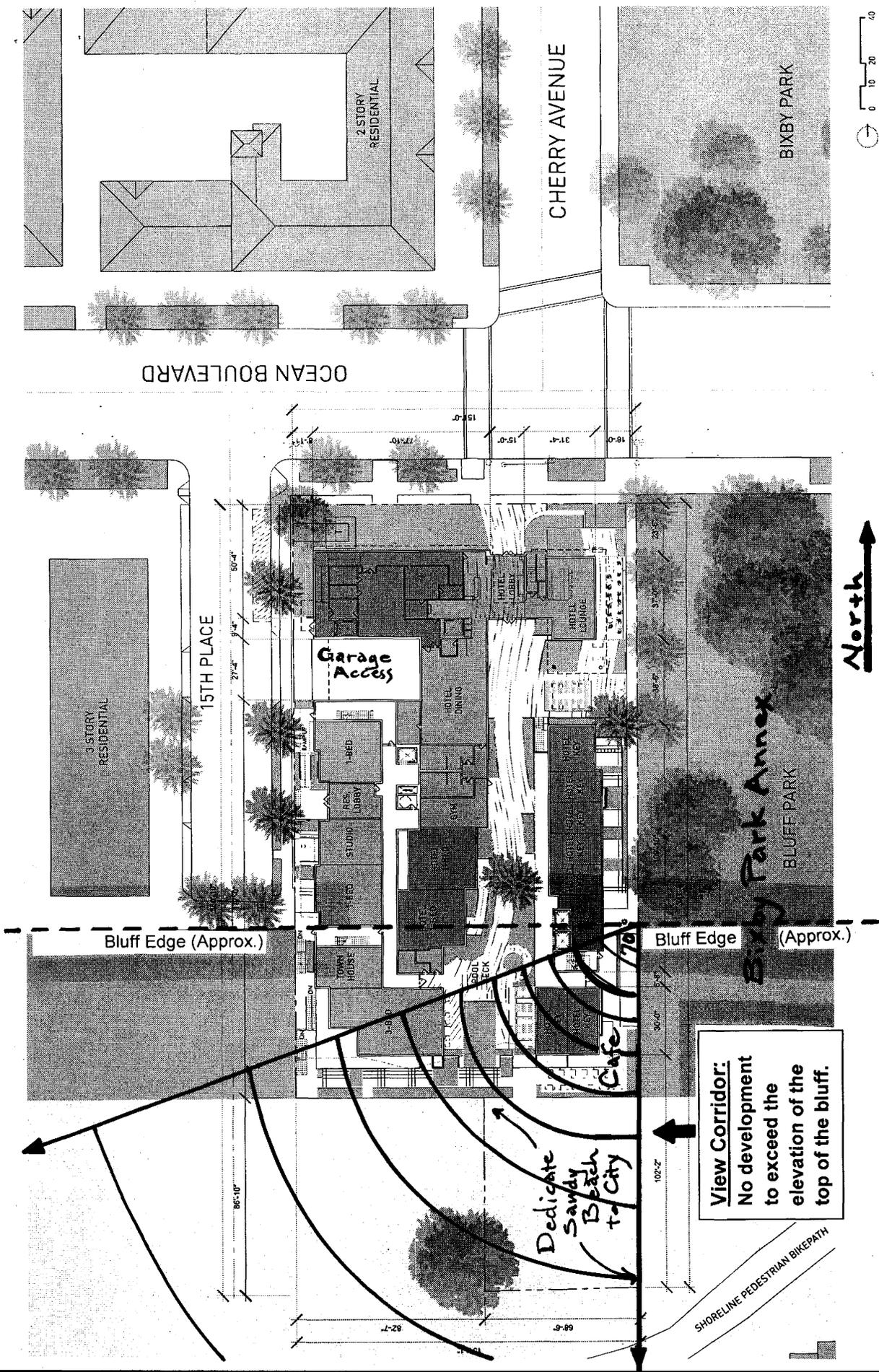
OVERVIEW OF DESIGN REVISIONS

The intention of the Ocean + Cherry 11.21.11 design is to retain the overall aesthetic and massing from the entitled project while altering the program to improve hotel operation and enhance visitor/resident experience within the development. The Ocean Boulevard and 15th Place elevations will remain intact while the Ocean and Park elevations will be altered proportionally to respond to program and open space reallocation. The overview of design revisions are as follows:

- Additional hotel keys and operation area (including lobby/lounge, service and storage)
- Reduce residential program while retaining flexibility for market conditions
- Redistribute community open space area and program
- Creation of north-south circulation and view corridor directly connecting two courtyards
- Use of tandem stalls reduces the parking garage from three to two levels below grade
- Extension of subterranean garage under parkside and Ocean Boulevard (new) setbacks



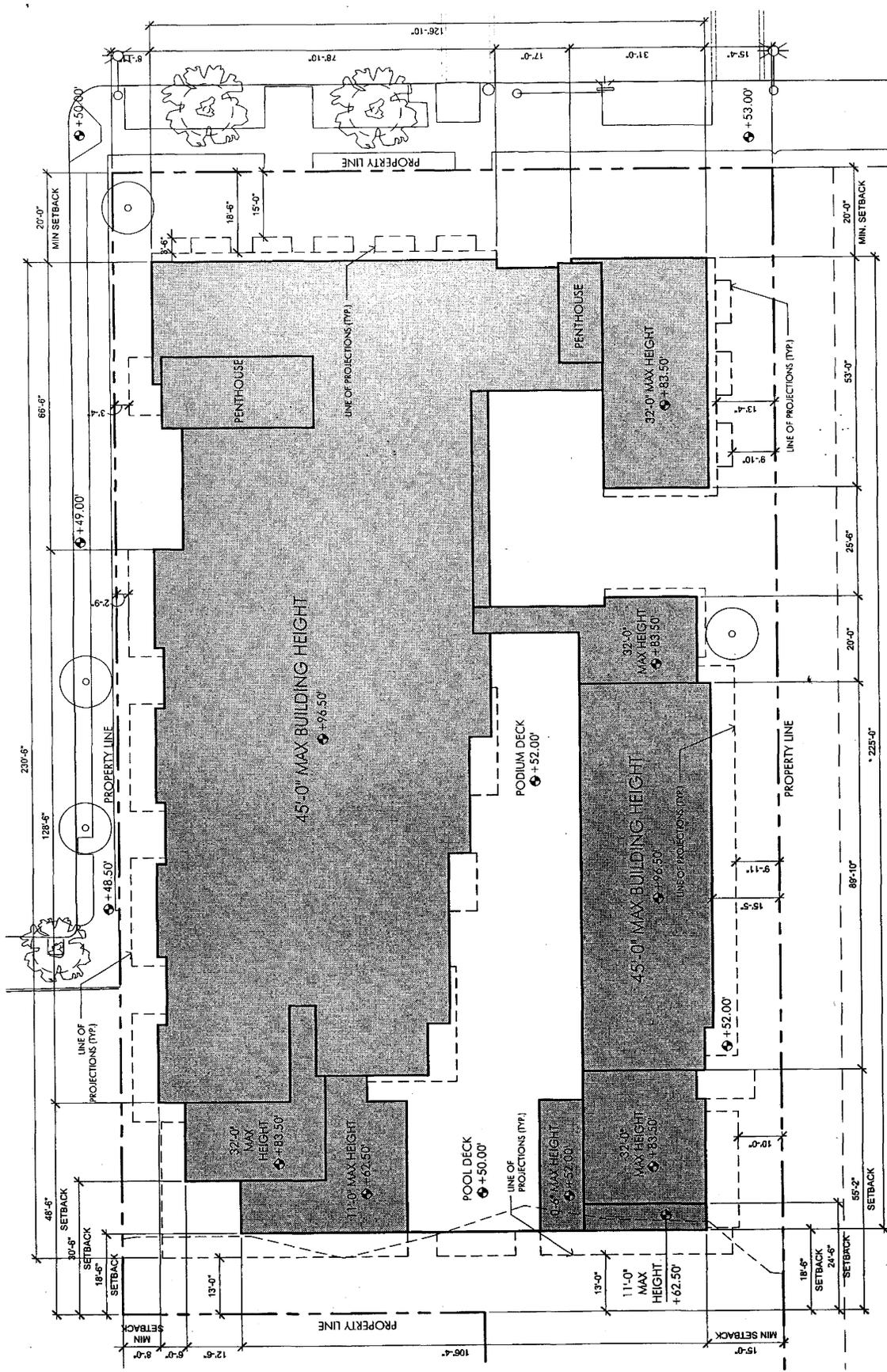
CDP No. 0604-08 Entitled Design (2007)

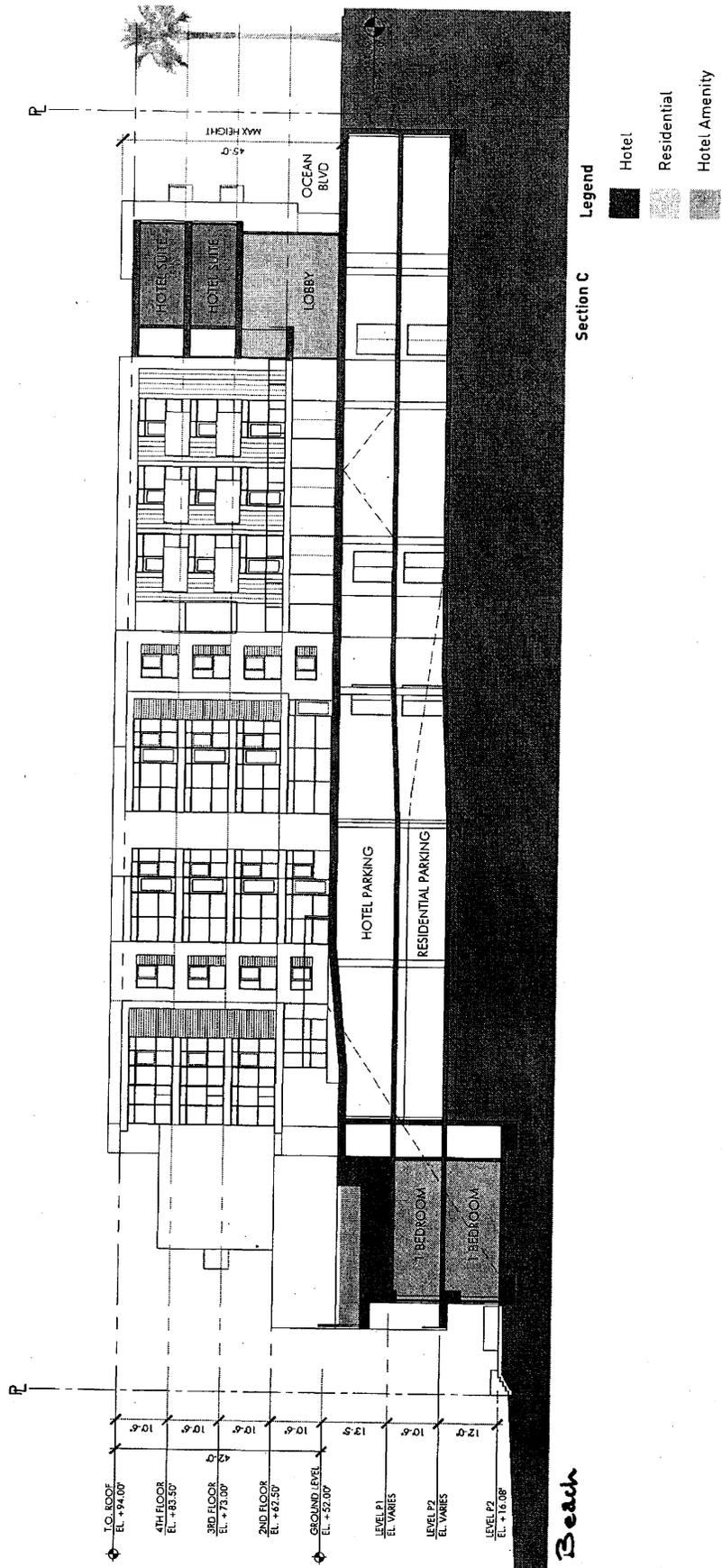


North

Site Plan

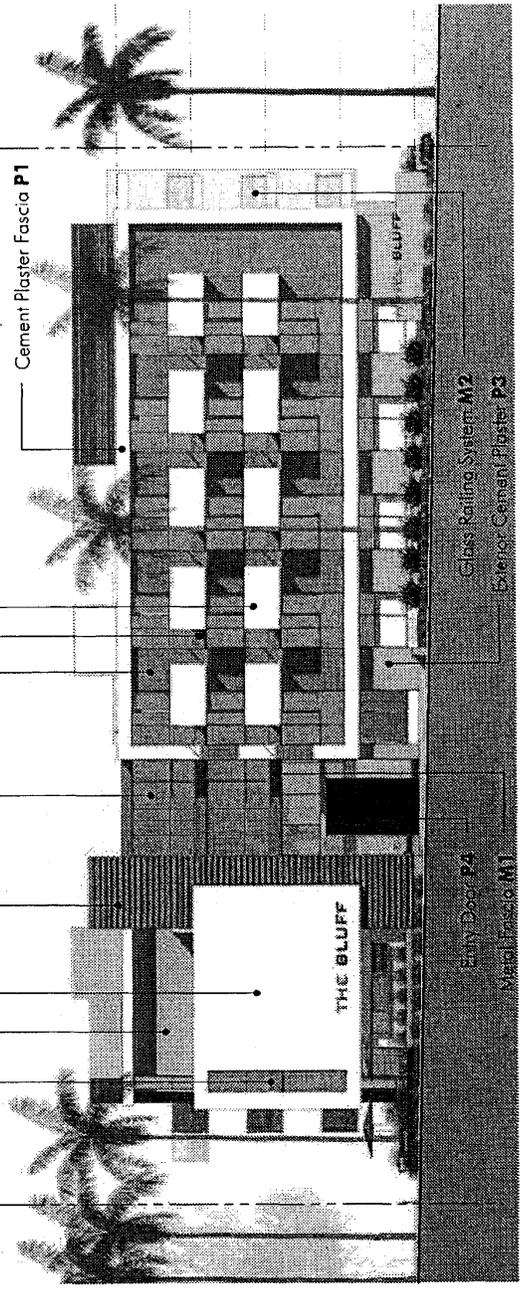
View Corridor:
 No development
 to exceed the
 elevation of the
 top of the bluff.





Section

Cement Board Panels F4
 Exterior Cement Plaster P1
 Exterior Cement Plaster P3
 Metal Fascia M1
 Aluminum Window System
 Mosaic Tile T1
 Metal Fascia M1
 Exterior Cement Plaster P1
 Cement Plaster Fascia P1

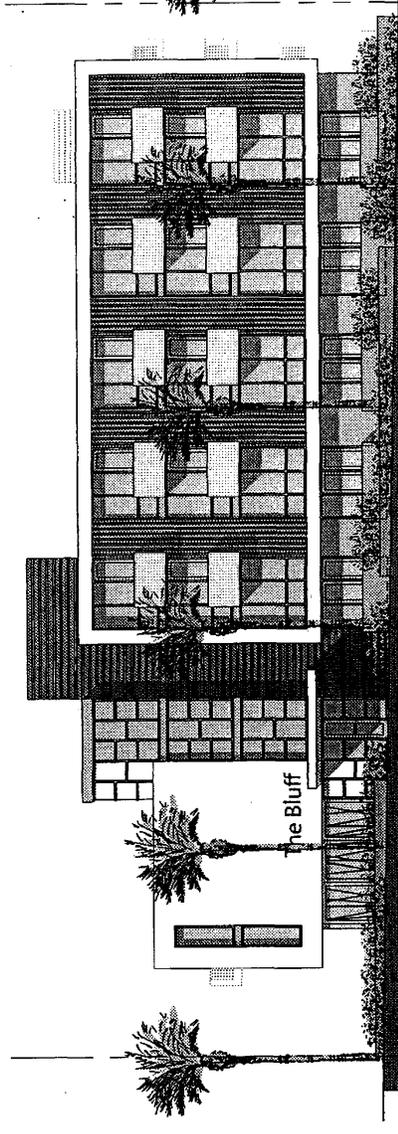


Glass Railing System M2
 Exterior Cement Plaster P3

Entry Door P4
 Metal Fascia M1

Proposed

I.O. ROOF
 EL. +95.00



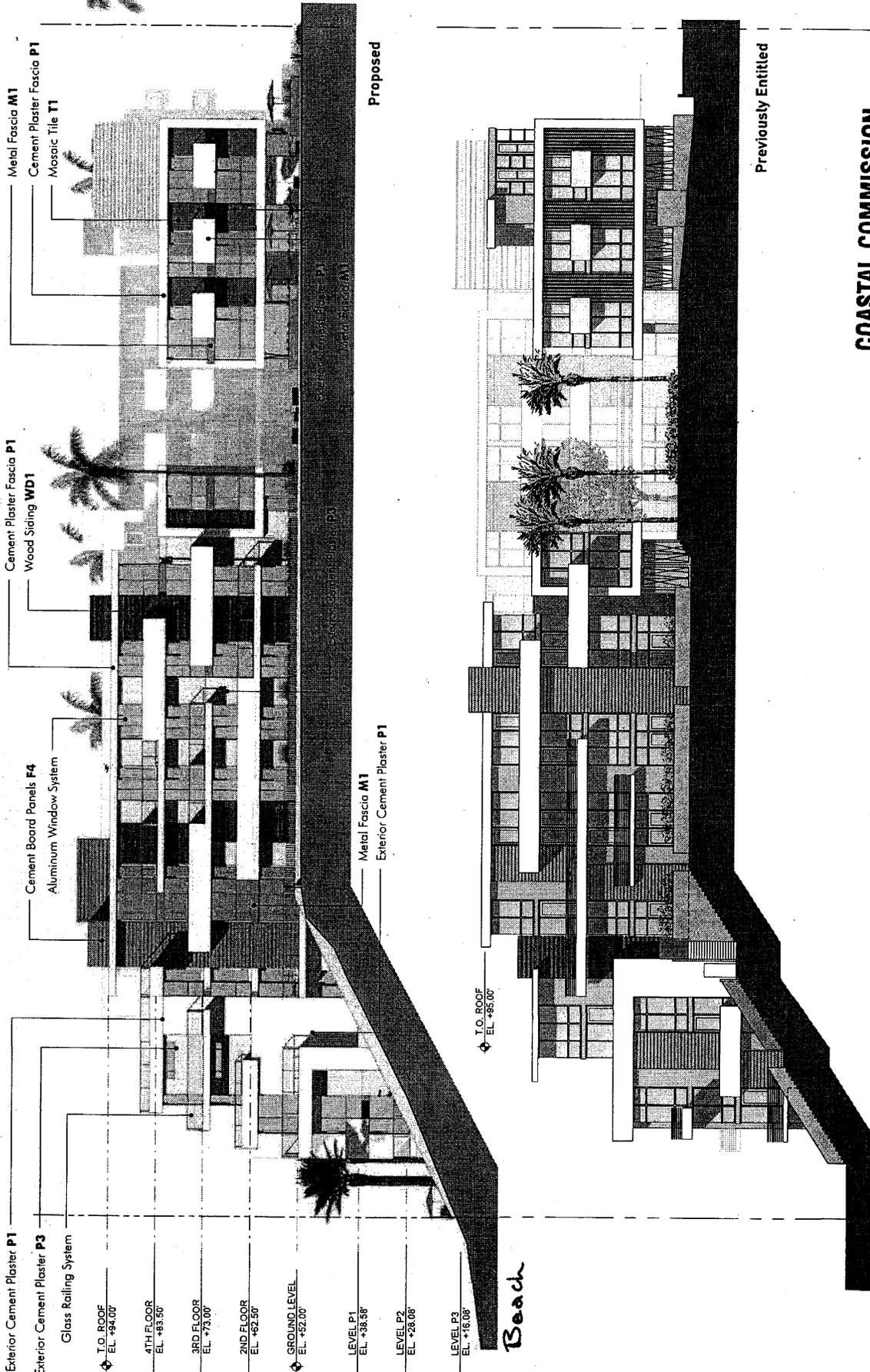
Previously Entitled

Ocean Blvd. Elevation

COASTAL COMMISSION
 A-5-LOB-13-0246

EXHIBIT # 10

PAGE 7 OF 7



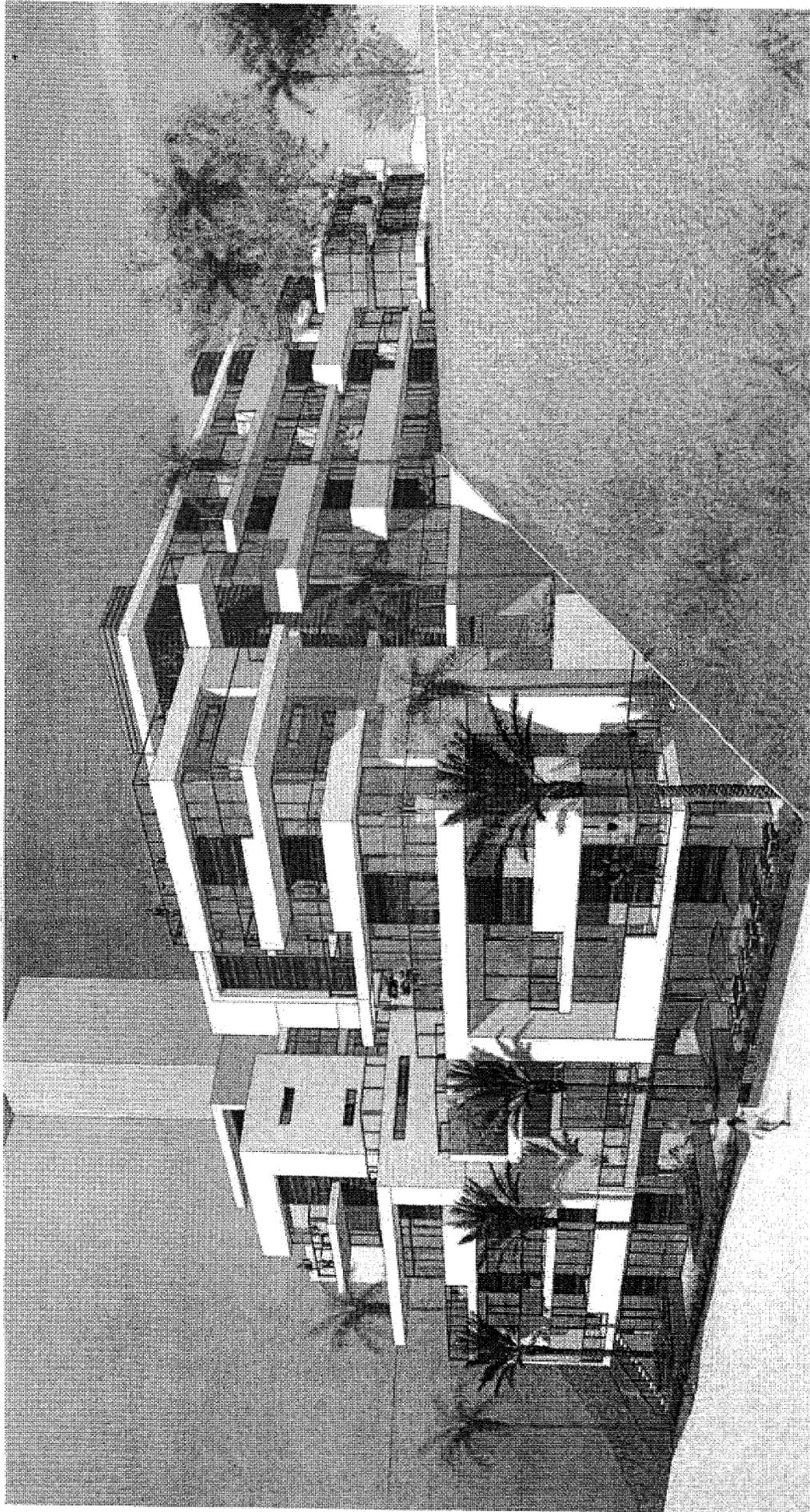
COASTAL COMMISSION
 A-S-LoB-13-0246

EXHIBIT # 11
 PAGE 1 OF 1

East Elevation - Bluff Park

Previously Entitled

Proposed

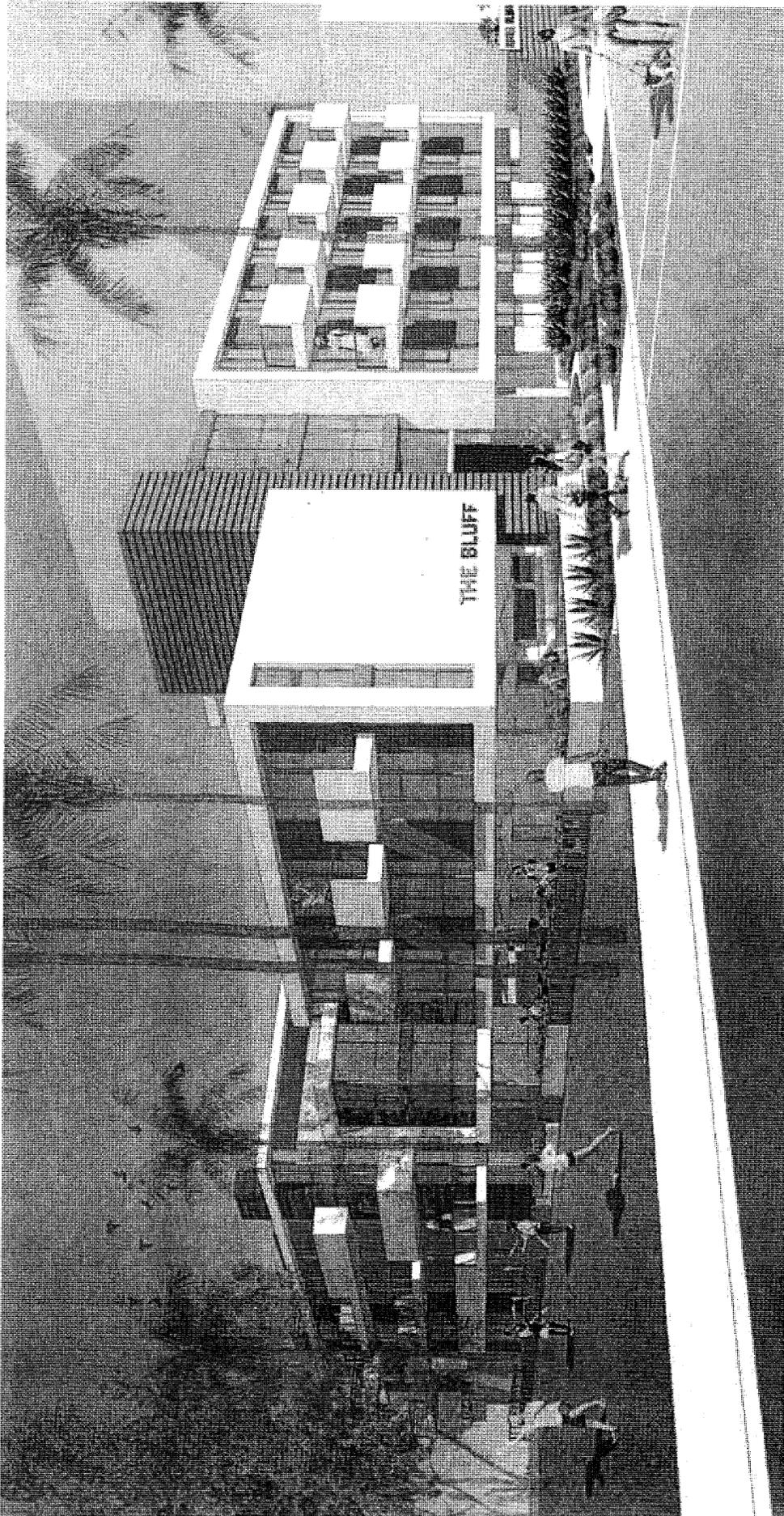


View towards Blu

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A-S-LoB-13-0276

EXHIBIT # 12
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View from Beach



Ocean Boulevard + Cherry /

COASTAL COMMISSION

A-5-LOB-13-0246

EXHIBIT # 13

PAGE 1 OF 1

Unite Here Local 11 Oct. 21, 2013

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION IV. Reasons Supporting This Appeal A-5-LOB-13-0246

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

We do not support this approval as it is different from a "modification" of the approved Site Plan Review. It is a demolition and complete new build of a 72 room hotel. This raises new concerns regarding the impacts of soil analysis, greenhouse gases, and water supply assessment. This new hotel will include new food and beverage operations, which means increased vehicle traffic and parking requirements, plus more smoke and waste generally and much more water use, and outdoor nighttime noise from the outdoor lounge area - none of which a motel involves. These concerns were not addressed in the staff report.

Upon review of the new the Site Plan, the project is described as a "boutique" hotel, not as the current motel on site. The current motel provides lower-cost overnight accommodations, which is in conformance with the Coastal Act. The price point of the "boutique" hotel is not described nor the developer's plans to address such concerns. This type of hotel raises California Coastal Act concerns, as it may deny accessibility to the coast. Planning staff responded that this is not part of the Local Coastal Development Permit, but this is not the case. The LCDP must be in conformance with the Coastal Act. Article II, Section 30213 of the Coastal Act regarding public access states the following:

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.

(Amended by: Ch. 1191, Stats. 1979; Ch. 1087, Stats. 1980; Ch. 1007, Stats. 1981; Ch. 285, Stats. 1991.)

The city of Long Beach, a coastal city, is quickly becoming too expensive for working families to enjoy. Therefore, it is our recommendation that the California Coastal Commission reconsider the accessibility of this project.

COASTAL COMMISSION

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PAGE 1 OF 1

FEB 18 2014

To: California Coastal Commission and Staff

Re: Coastal Development Permit No. 1302-16; Commission Appeal Number: A-5-LOB-13-0246

Date: 2/14/2014

Unite Here Local 11

CALIFORNIA COASTAL COMMISSION

A-5-LOB-13-0246

Permit Background

In 2007, the City of Long Beach approved the demolition of the 1940s-era motel that currently occupies the site by issuing Local Coastal Development Permit No. 0604-08. Local Coastal Development Permit 0604-08 authorizes the construction of a four-story, 56-unit residential complex with forty hotel rooms. In 2010, the project site was purchased by the Applicant who applied for a modification to the previously entitled project. On May 2, 2013, the Planning Commission conditionally approved the modification by issuing Local Coastal Development Permit No. 1302-16. Local Coastal Development Permit No. 1302-16 modifies the previously approved hotel/ condominium development to allow the construction of a four-story, 33-unit residential complex with 72 hotel rooms.

UNITE HERE Local 11 appealed the approval of Local Coastal Development Permit No. 1302-16 to Long Beach City Council. The Long Beach City Council affirmed the Planning Commission's decision. Subsequently, UNITE HERE Local 11 appealed Council's decision to the California Coastal Commission on the grounds that (1) the modification approval did not adequately take the impact of the project into consideration, and (2) that the approval undermined the City's duty under Article II, §30213 of the Coastal Act to protect lower cost visitor accommodations. Commission Appeal Number: A-5-LOB-13-0246. On November 18, 2013, the Coastal Commission found a substantial issue, and continued the de novo hearing for a later date.

It should be noted at the outset that the motel slated for demolition is inaptly named the Beach Plaza Hotel. The City of Long Beach Zoning Regulations define a hotel as "having the entry to the guestrooms from a common interior corridor. Long Beach Municipal Code §21.15.1380. A motel, on the other hand, is "distinguished from a hotel by having entry individually and independently from outside the building or buildings." §21.15.1800. The existing building—with doors that open to the outside of the building—is a motel; however, the proposed project is a hotel as it has guest doors opening into a common corridor.

The Coastal Commission should not grant this coastal development permit as it violates the Local Coastal Program.

The proposed hotel project is inconsistent with the Long Beach Local Coastal Program ("LCP") and all Long Beach Regulations and Ordinances incorporated therein, and is not consistent with the intent of the Specific Plan:

- 1) The proposed project demolishes an existing motel-use and replaces it with a boutique hotel—this is prohibited in The Bluff Community (Area A) Plan and, specifically, by the Ocean Boulevard Planned Development Plan (subarea 2). LCP at III-A-10 and III-A-16.
- 2) The Bluff Community Plan intends to preserve the multi-family residential use of the neighborhood in part by preserving existing motels, and only allowing a hotel with

COASTAL COMMISSION

A-5-LOB-13-0246

EXHIBIT # 15

PAGE 1 OF 7

amenities—and therefore a higher neighborhood impact—at a location much closer to downtown. LCP at III-A-16.

- 3) The Bluff Community Plan expressly preserves its three existing motels to protect access to the coast for people of low and moderate incomes. LCP III-A-10. This project will significantly impact access to the coast for low and moderate income persons; a finding of fact to the contrary would ignore the reality of coastal development that allows the replacement of motels with luxury or boutique hotels. LCP at III-A-16.

For these reasons, the Coastal Commission should deny the Applicant's Coastal Development Permit No. 1302-16; however, if the Commission approves the permit, then the in-lieu fees should be set at an amount of money that represents actual costs associated with replacing the existing affordable accommodations.

I. The proposed project demolishes an existing motel-use and replaces it with a boutique hotel—this is prohibited in The Bluff Community (Area A) Plan and the Ocean Boulevard Planned Development Plan (subarea 2).

The Coastal Commission should not approve a hotel project that is inconsistent with the Local Coastal Program.¹ The proposed hotel project is governed by the development standards expressed in The Bluff Community (Area A) Plan and the Ocean Boulevard Planned Development Plan (subarea 2). Both the community and specific plans intend to protect the primarily residential nature of the neighborhood and access to the coast for person of low and moderate income. The plans do this, in part, by preserving existing motel-uses and allowing a hotel-use only at the site of the Pacific Coast Club. LCP at III-A-1; Long Beach Mun. Code Chapter 21.37.

The Bluff Community (Area A) Plan is an area bounded by Alamitos Avenue on the west by Cherry Avenue on the east, and from Broadway south to the water line. LCP at III-A-1. The Bluff Community (Area A) Plan states that “[t]he existing visitor serving facilities, *especially the three motels* shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income.” LCP III-A-10 (emphasis added).

The Ocean Boulevard Planned Development District² area is land between the public beach and the first parallel public roadway, Ocean Boulevard, from Alamitos Boulevard, to Bixby Park. LCP III-A-16. The Ocean Boulevard Planned Development Plan's General Development and Use Standards expressly provide that “[a]ll uses in this plan area shall be multi-family residential. Existing motel sites shall be retained in motel use. The Pacific Coast Club site, if the designated cultural landmark building is maintained, may be used for hotel, retail, office or private club use.” LCP at III-A-17.

The existing motel is located in the Bluff Community Plan and the Ocean Boulevard Planned Development Plan areas. It was built from 1947-1955,³ and so is one of the three motels explicitly protected in that area at the time that the 1980 Local Coastal Program was adopted. The existing motel site is not the Pacific Coast Club—the one location at which the Specific Plan allows a hotel.

¹ Long Beach Local Coastal Program.

² Ocean Boulevard Planned Development District.

³ Los Angeles County Tax Assessor Records.

COASTAL COMMISSION

EXHIBIT # 15
PAGE 2 OF 7

Like the Long Beach Municipal Code, the Ocean Boulevard Planned Development Plan is intentional in its use of the words of "motel" and "hotel." The use of the word "hotel" with regards to the Pacific Coast Club demonstrates that the drafters of the LCP understood the difference between the two types of overnight accommodations. In fact, there are 26 Planned Development Districts in the City of Long Beach.⁴ All of them are intentional in their use of the words "hotel" and "motel." One planned development district allows the use of bed and breakfasts,⁵ two planned development districts allow only motel-use,⁶ and all of the others that allow overnight accommodations reference "hotels" or "hotels and motels" together.⁷

Ocean Boulevard Planned Development District and the Belmont Pier Planned Development District are the two districts that expressly limit language to motels. The Ocean Boulevard Planned Development Plan explicitly preserves the three existing motels, and the Belmont Pier Planned Development District limits overnight accommodations to a "motel not to exceed the area of existing motel." LCP III-C-23. For that reason, it is not surprising that there are currently no hotels inside either of those planned development districts. These planned development districts are uniquely suited to contemplate access to coastal resources in their intended uses. Not only are these coastal planned development districts, but they also act as book-ends to Bluff Park. Bluff Park is a public resource and a neighborhood amenity, but not a tourist attraction. Currently, the park itself is protected by the low-impact uses of its adjacent planned development districts, and access to the park is protected by providing low cost overnight accommodations. The approval of full scale hotels in the adjacent neighborhoods threatens the local residents' enjoyment of the park, but also adds unforeseen stressors to the park's environment and preservation.

The Coastal Commission has a duty to follow local coastal programs. Since the Local Coastal Program explicitly preserves the existing motel, the Commission should not approve the coastal development permit for this project.

II. The Bluff Community Plan intends to preserve the multi-family residential use of the neighborhood in part by preserving existing motels, and allowing a hotel with higher amenities—and therefore a higher neighborhood impact—at a location much closer to downtown.

The preference for motels over hotels in both the Bluff Community (Area A) Plan and the Ocean Boulevard Planned Development Plan is due to the neighborhood's multi-family residential use. LCP III-A-16 ("All uses in this plan area shall be multi-family residential"). Hotels have other amenities like restaurants and bars—with more staff, more traffic, and greater parking needs. A hotel-use interferes with the residential purpose of the neighborhood.

The proposed hotel project has two restaurants and a bar on-site. The proposed hotel is also likely to host events that the neighborhood previously did not have to accommodate. All of these additions to the site will have a higher volume of people out in the neighborhood at later hours with more noise, traffic, and

⁴ Long Beach Zoning Ordinances.

⁵ PD-10.

⁶ PD-2, PD-5 (*n.b.* PD-5 is the Ocean Boulevard Planned Development Plan currently, but it is PD-1 in the 1980 Local Coastal Program—only the district numbering has changed, the language is the same).

⁷ PD-1, PD-4, PD-6, PD-7, PD-9, PD-12, PD-15, PD-17, PD-18, PD-21, PD-25, PD-27, PD-29, PD-30, PD-32.

COASTAL COMMISSION

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less parking. In fact, over 700 Long Beach residents signed a petition opposing the proposed hotel project based on parking concerns alone. An October 2013 parking study conducted by Orosz Engineering Group echoed the concerns of the residents, estimating that the proposed hotel project was under parked by 36 spaces.⁸

The only hotel allowed in the specific plan, the Pacific Coast Club, is located in subarea 1 of the Specific Plan. Subarea 1 is characterized by being close to downtown. The Pacific Coast Club, in fact, is only 1/5 of a mile—or about a three minute walk—from the multi-use downtown area. The proposed project site, on the other hand, is in subarea 2 of the Specific Plan, is more than a mile from the multi-use downtown area, and is tucked into a multi-family residential neighborhood.

In sum, the construction of a hotel at this site is inconsistent with the intent of the original standards and is inconsistent with the overall goals and objectives of the adopted Specific Plan. The proposed project will usurp an existing, protected motel site to build a hotel in a location not intended for a hotel-use—thereby infringing on the residential nature of the neighborhood.

III. The loss of affordable overnight accommodations will significantly impact access to the coast for low and moderate income persons--this contravenes the intent of the LCP, and so a variance is not appropriate.

The Coastal Commission should not approve a coastal development permit that contravenes the Local Coastal Program by destroying a motel site explicitly preserved for the purpose of coastal access. The Local Coastal Program expressly preserves the existing motel as it “provide[s] for coastal access and enjoyment by persons of low and moderate income.” LCP at III-A-10. Moreover, since the demolition of this motel and the loss of affordable accommodations contravenes the intent of the Local Coastal Program a variance is not appropriate: “[t]he Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the original standards and is consistent with the overall goals and objectives of the adopted Specific Plan.” LCP at III-A-16. The intent is explicit: “[t]he existing visitor serving facilities, *especially the three motels* shall be preserved as they provide for coastal access and enjoyment by persons of low and moderate income.” LCP at III-A-10 (emphasis added). Since the intent is explicit, a variance that allows for the demolition of a motel and the construction of a hotel is not appropriate.

A variance can only be granted if the Commission makes a finding of fact that “the variation will have no adverse effect on access along the shorelines including physical, visual, or psychological characteristics of access.” LCP at III-A-16. A finding of fact that this project will have no adverse effect on access would ignore the reality of how boutique and luxury hotel development along the coast has already impacted access for persons of low and moderate income.

The Coastal Commission should consider the case of Santa Monica—a city that today offers little overnight accommodations that a person of low or moderate income can afford. The lack of affordable accommodations in Santa Monica today can be attributed, in part, to the loss of motels that started more than twenty years ago.⁹ Boutique and luxury hotels have slowly replaced affordable accommodations in

⁸ Orosz Engineering Group, Inc. Parking Assessment- Silversand Project; 2013 E. Ocean Boulevard, Long Beach, Ca, October 31, 2013 (Attached).

⁹ Staff Report: Application Number 5-09-040, May 18, 2009.

COASTAL COMMISSION

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Santa Monica. A 2009 Coastal Commission staff report for Coastal Development Permit No. 5-09-040 found that since 1986 there had been a loss of around five separate low-cost overnight facilities in the city—a total of 363 rooms.¹⁰ During that same time period, Santa Monica saw five hotels constructed or refurbished into first class hotels. At the time of the staff report, the room rates for those five hotels were around \$300 and up per night. Id.

Like Santa Monica, Long Beach is a city rich with coastal resources. Unlike Santa Monica, the wave of upscale hotel development has not yet diminished access to the coast for people of low and moderate incomes. The demolition of this existing motel immediately infringes on access to the Coast; however, it also sets a precedent likely to cause much more adverse impact on access in the future. The pretense that in-lieu fees have protected access to overnight accommodations along the coast for working people ignores what happens in reality. In this instance, the Coastal Commission has the opportunity to protect access to the Long Beach coast by following the intent of the specific plan of this area to preserve existing motels.

This in mind, UNITE HERE Local 11 asks that the Coastal Commission deny the Applicant's request for a permit.

IV. The Coastal Commission should not approve Coastal Development Permit No. 1302-16, but if it does, then the in-lieu fees should be set at an amount of money that represents the actual cost of constructing a new motel.

At the time that a 2010 Coastal Commission Report on the status of in-lieu fee mitigation for impacts to lower cost overnight accommodations was put out, the State of California had only collected around \$16 million dollars of in-lieu fees since 1977.¹¹ This amount of money is far too low considering the cost of land and construction in the Coastal Zone. This in mind, the Coastal Commission should recommend an in-lieu fee based on the actual costs of replacing the existing motel.

For example, Reed Construction Data estimates that it would cost \$8,108,000 (\$165.48/sq. ft.) to build a 2-3 story wood frame motel in Long Beach in 2013. Estimates are derived from a building model that assumes basic components, using union labor for a 49,000 square foot building, and does not include land.¹² The motel slated for demolition has a total square footage of 22,329.¹³ If estimated construction costs are at \$165.48 per square foot, then the rough cost of replacing the motel is \$3,695,002.

The Coastal Commission should recommend an in-lieu fee amount that is based on the cost per square foot of replacing the existing motel. UNITE HERE Local 11 recommends that the in-lieu fee be set at no lower than \$3 million.

V. Conclusion

The preservation of coastal access is one of the foremost goals of the California Coastal Act. In this instance, the Coastal Commission has the concrete opportunity to preserve access for people of low and

¹⁰ Id. at 10.

¹¹ Status Report on In-Lieu Fee Mitigation for Impacts to Lower Coast Overnight Accommodations.

¹² Reed Construction Data--Long Beach Motel Estimate.

¹³ Los Angeles County Tax Assessor.

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moderate income—not only at this place and time—but moving forward in all of Long Beach. The Coastal Commission has a duty to enforce the provisions of the Long Beach Local Coastal Program. The LCP preserves the existing motel site, and since the demolition of this motel contravenes the intent of the Specific Plan a variance is not appropriate. If the Coastal Commission decides to grant a variance, then it should preserve access to the coast by implementing an in-lieu fee that can realistically contribute to financing new affordable accommodations.

The members of UNITE HERE Local 11 respectfully request that the Coastal Commission deny the application for Coastal Development Permit No. 1302-16 so that the Long Beach coastline remains accessible to people of low and moderate incomes.

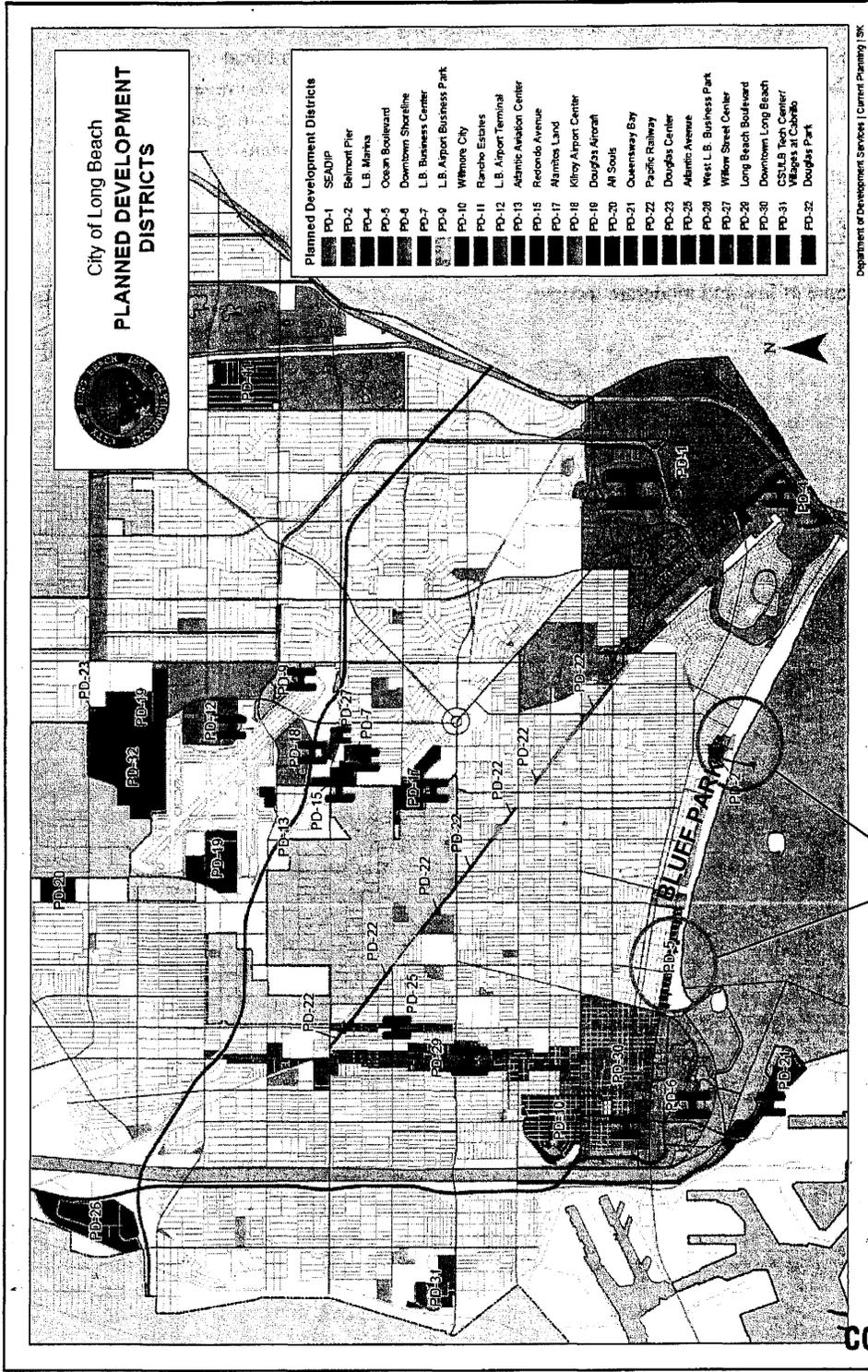
ATTACHED:

Long Beach Planned Development Districts Map

COASTAL COMMISSION

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PAGE 6 OF 7

City of Long Beach Planned Development Districts modified to show districts allowing hotels vs. the two that are limited to motel-use.



H Planned development districts that allow hotels

**Map altered by UNITE HERE Local 11 to show hotel and motel districts.

COASTAL COMMISSION

MAR 10 2014

March 6, 2014

CALIFORNIA
COASTAL COMMISSION

Commission Chair, Commissioners, and Coastal Staff,

Studio 111, as the applicant for the previous owner West Millennium Homes, submitted and received entitlement approval for a 40 room hotel with 56 condominium units (LB Case No. 0604-08). We have retained those entitlements with the City of Long Beach and have the ability to submit and pull construction permits any time prior to October 11, 2014. We are able to pay for an extension beyond this date as well.

Since that time, a new owner Silversands Properties USA, has acquired the site and have improved the project. As many of you know, the improved project was shared with the Coastal Commission. Several commissioners commented back in the November meeting that this design was superior, being greener and providing more public amenities. The current application was supposed to be heard at the March hearing. (Application No. A-5-LOB-12-0246 ; LB Case No. 1302-16; 72 hotel rooms and 33 residential condos) From our understanding, this has since been pulled from the agenda by Coastal staff. (See attachment: E-mail chain from Chuck Posner).

We responded to staff's position with an offer that was never addressed by staff prior to the issuance of the coastal agenda for March 12-14th, therefore we have no way of knowing if the commission would have been interested in our offer.

Our offer was three-fold:

1. Keep the March hearing date and we would agree to 38 out of 40 rooms that would fall under the "current" in lieu fee - which is \$30K a key based on 2007 fees plus inflation.
- or -
2. Move the hearing date to April in Santa Barbara and we would continue to argue our position on the amount of rooms that would be impacted by an in-lieu fee using coastal staff's previous formulas.
- or -
3. If staff would not agree to 1 or 2; then we would pull our application and revert back to the original entitlements, thus no in-lieu fees paid to the Coastal Commission and resulting in an inferior project for all involved.

We would think that based on previous comments back in November by this Commission that you would be interested in the current proposal with in-lieu fees however, to be clear, if the hearing date is moved beyond April that will not be an option. After the meeting in November we were assured that in lieu fees could be resolved within a month or two-yet to date we do

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www.studio-111.com info@studio-111.com

COASTAL COMMISSION
A-5-LOB-13-0246

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not know what they are. We have met with staff on several occasions since the November hearing and we have addressed their concerns, so we are ready to move forward either way. I am hoping that today you address staff with your concerns regarding potentially losing in-lieu fees and a terrific project.

In Summary, your decision in not whether a development on this property will take place but, as one Commissioner stated at the previous hearing, whether a better community serving development is permitted. Otherwise, the Owners will proceed with the originally approved and entitled project.

Thank you,



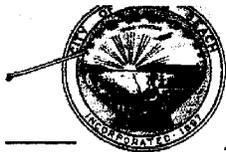
Michael Bohn
Principal, AIA
Studio One Eleven

CC: Edward and Joan Dang – Owner Representative
Michael Muchinson – Consultant

Attachment: E-mail Chain from Chuck Posner

COASTAL COMMISSION

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PAGE 2 OF 2



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 4th Floor Long Beach, CA 90802 Phone: 570.5237 Fax: 570.6205

March 18, 2014

California Coastal Commission
200 Oceangate, Tenth Floor
Long Beach, CA 90802

RECEIVED
South Coast Region
MAR 21 2014
CALIFORNIA
COASTAL COMMISSION

Re: Application No. A-5-LOB-12-0246; LB Case No. 1302-16; 72 hotel rooms and 33 residential condos (2010 E. Ocean Boulevard)

Dear Commission Chair, Commissioners and Coastal Staff:

This letter confirms the active entitlements for the property at 2010 E. Ocean Boulevard (Application 5-LOB-07-155, LB Case No. 0604-08) and conveys the City's consideration on hotel versus motel operations.

The approved entitlements include a Local Coastal Development Permit, Site Plan Review and Tentative Tract Map for a 56-unit condominium complex with 40 hotel rooms. Following is the chronology of the approval status for the project:

- Planning Commission approval of entitlements – **September 17, 2007**
- Effective date (after Coastal Commission appeal period) – **October 11, 2007**
- Initial expiration date per the conditions (36 months) – **October 11, 2010**
- AB 333 (2009) – State of California grants automatic 24-month time extension to active subdivision maps – **October 11, 2012**
- AB 208 (2011) – State of California grants an additional 24-month time extension to active subdivision maps – **October 11, 2014**
- AB 116 (2013) – State of California grants an additional 24-month time extension to active subdivision maps – **October 11, 2016**

The City of Long Beach carries forward all entitlements concurrent with the time extensions for the subdivision map. Also, in addition to the above listed time extensions granted by the State, the applicant may request up to three additional one-year time extensions for the project through the City of Long Beach.

The applicant has a vested right in the approved entitlements. If requested by the applicant, the City would be required to issue building permits for the entitled 56-unit condominium complex with 40 hotel room project after the required plan check process confirmed that all applicable conditions of approval were met.

COASTAL COMMISSION
A-5-LOB-13-0246

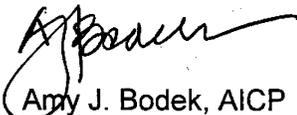
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2010 E. Ocean Blvd.
March 18, 2014
Page 2 of 2

In 2007, the City reviewed the then proposed project and its consistency with the Local Coastal Program (LCP) and the Ocean Boulevard Planned Development District (PD-5) including the statement which indicates "existing motel use sites shall remain in motel use."

At that time, the City determined that the proposed hotel was, essentially, synonymous with the motel definition as it met the intent of the LCP and would continue to provide an equivalent visitor-serving use. In addition, as a land use, the City preferred the hotel model with controlled interior access to the rooms which would help reduce the potential for negative impacts (noise, etc.) to adjacent properties in comparison to the motel model with direct, exterior access to the rooms. The determination of hotel versus motel was confirmed when the project received no appeals at either the local or Coastal Commission level.

Respectfully,



Amy J. Bodek, AICP
Director of Development Services

AJB:JW
P:\ExOfc\Correspondence\2014\3.18.14 2010 Ocean Blvd Coastal Commission.doc

CC: Patrick H. West, City Manager
Suzanne Frick, Assistant City Manager
Jeff Winklepleck, Acting Planning Administrator
Michael J. Mais, Assistant City Attorney
Edward Djang, Owner
Studio One Eleven c/o Michael Bohn, Applicant

COASTAL COMMISSION

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PAGE 2 OF 2

File Copy

Assembly California Legislature

BONNIE LOWENTHAL
ASSEMBLYMEMBER, SEVENTIETH DISTRICT



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WEB SITE
www.asm.ca.gov/lowenthal

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SELECT COMMITTEE ON PORTS, CHAIR
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MANAGEMENT, VICE CHAIR
ACCOUNTABILITY AND ADMINISTRATIVE
REVIEW
ENVIRONMENTAL SAFETY & TOXIC
MATERIALS
HEALTH
JOINT LEGISLATIVE AUDIT
LEGISLATIVE ETHICS

CHAIR, LEGISLATIVE WOMEN'S CAUCUS

MENTAL HEALTH OVERSIGHT AND
ACCOUNTABILITY COMMISSION

November 12, 2013

California Coastal Commission
Attn: Charles Lester, Executive Director
45 Fremont St., Suite 2000
San Francisco CA 94105-2219

RECEIVED
South Coast Region

NOV 12 2013

CALIFORNIA
COASTAL COMMISSION

RE: Item F18A: 2010 E Ocean Boulevard Hotel Project Appeal

Dear Mr. Lester and Commissioners:

I am writing to you regarding a boutique hotel and condo project modification that was recently approved by the Long Beach City Council and is now being appealed to the California Coastal Commission based on coastal accessibility issues. This project was modified to include nearly double the number of hotel rooms and decrease the number of residential units. That in itself would not be problematic were it not for the fact that it is sited in an already densely populated coastal neighborhood with scarce parking. This neighborhood consists of many single family and multi-family residences that were built without adequate or, sometimes, any onsite parking.

The hotel project is proposed to be a boutique hotel, is located right on the beach, and now contains amenities which will increase the probability of it becoming a destination in itself, hosting wedding, parties and events without adequate guest parking. Guests will find it very difficult, if not impossible to find parking off-site, and without adequate on-site parking, this could result in decreased accessibility to the coast.

I urge you to send this project back to the City Council for further development of a parking needs impact study and reconsideration of the project.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Lowenthal".

BONNIE LOWENTHAL
Assemblymember, 70th District

COASTAL COMMISSION

EXHIBIT # 18

PAGE 1 OF 4



DR. SUJA LOWENTHAL
COUNCILMEMBER
CITY OF LONG BEACH

Second Council District
333 West Ocean Boulevard
Long Beach, CA 90802
(562) 570-6684

November 13, 2013

RECEIVED
South Coast Region

NOV 19 2013

Dr. Robert Garcia, Commissioner
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

CALIFORNIA
COASTAL COMMISSION

Dear Commissioner Garcia:

I respectfully request that item 18a (Appeal No. A-5-LOB-13-0246 (Studio One Eleven, Long Beach) be continued to a future Commission meeting in order to allow the project developer and owner additional time to discuss mutually acceptable solutions with the appellant.

As you know, the City of Long Beach Planning Commission conditionally approved the demolition of the existing forty-room motel at 2010 E. Ocean Boulevard, and the construction of a four-story, 56-unit residential complex with forty hotel rooms in 2007. In May, 2013, the owners requested and received conditional approval to modify their Local Coastal Development Permit, adding 32 more hotel rooms to the project and reducing the number of condominium units from 56 to 33.

The appellant contends that the project does not comply with Section 30213 of the Coastal Act because it does not protect the lower-cost overnight accommodations, denies accessibility to the coast and does not address all of the impacts associated with the revised project such as traffic, parking and noise impacts among others.

As the elected representative in whose district this project resides, I would appreciate the Commission's support for continuation of this item in hopes that the two parties can reach an agreement that benefits residents, businesses and visitors.

Please do not hesitate to contact me, should you or your colleagues have any additional questions or concerns.

Warmly,

Dr. Suja Lowenthal DPD
Councilmember, District 2
City of Long Beach

COASTAL COMMISSION

EXHIBIT # 18
PAGE 2 OF 4



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NOV 19 2013

CALIFORNIA
COASTAL COMMISSION
NATURAL RESOURCES DEFENSE COUNCIL

November 14, 2013

Via USPS Priority Mail

RECEIVED

The Honorable Members of the California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

NOV 18 2013

CALIFORNIA
COASTAL COMMISSION

Re: Opposition to Item 18a on Agenda for November 15, 2013
Appeal no. A-5-LOB-13-0246, Studio One Eleven, Long Beach

Dear Coastal Commissioners:

On behalf of the Natural Resources Defense Council and our members and activists, I am writing to ask you to grant the appeal filed in this matter by UniteHere Local 11 so that your staff can perform the analysis necessary to ensure compliance with Pub.Res.Code Sec. 30213, which provides in part that: "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided."

I understand that there is a substantial question about whether the hotel rooms in the proposed project will be more expensive than the rooms in the current Beach Plaza Motel, leading to a loss of lower-cost facilities for people who want to stay near the beach. Your staff appears to have conceded the cost issue, writing that "...[T]he new hotel rooms will likely cost more than the rooms in the existing seventy-year old motel . . ." [Staff Report at page 8] But staff failed to connect the dots by focusing on whether the motel "use" will be protected and neglecting to analyze issues of affordability and use by people wishing to stay or vacation near the beach.

Evidence has been provided to you by UniteHere Local 11 showing that, in fact, affordability will be reduced for motel stays near the beach in Long Beach if the proposed project is approved. In my view, staff needs to take this and other evidence under consideration to determine whether the project complies with Section 30213. Because staff has not done so, I urge you to grant UniteHere Local 11's appeal based on the current record.

Thank you for your consideration of this letter.

Yours truly,

David Pettit
Senior Attorney
Natural Resources Defense Council

COASTAL COMMISSION

EXHIBIT # 18
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Nov. 14. 2013 5:49PM

NOV 18 2013

No. 0120 P. 1

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COASTAL COMMISSION

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NOV 15 2013

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Charles Lester, Executive Director
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

RE: Item F18A: 2010 East Ocean Boulevard Hotel Project Appeal

Please find the attached petition totaling 377 Signatures asking the coastal commission to return the above item to the Long Beach City Council.

The Bluff Project is a 72 hotel room 33 condo, and restaurant project is missing up to 50 parking spaces! The project is being developed on Ocean and Cherry, an area already rich with activity. This includes one of the largest farmer's markets in Long Beach; Yoga on the bluff that gets upwards of 75-100 participants per daily session, an active neighborhood association and small business corridor.

The coast will be inaccessible to tourists based both on cost of rooms and the lack of parking. The Coast and the community's neighborhood park will become even more inaccessible.

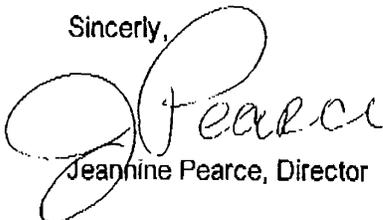
Send this project back to city council so they can require the developers to include more parking.

This lack of parking is a question of access, since plainly the coast is harder to access if parking is unavailable. Coastal Commissioners' goal is to provide access to the coast; this is why you need to send this back to Long Beach City Council.

To find the online petition please see:

<https://www.change.org/petitions/california-coastal-commission-send-the-long-beach-bluff-hotel-project-back-to-city-hall>

Sincerely,



Jeannine Pearce, Director

Long Beach Coalition for Good Jobs and a Healthy Community

cc: Robert Garcia

COASTAL COMMISSION

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PAGE 4 OF 4

DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project:

2010 East Ocean Boulevard, Long Beach, CA; Four-story, 33-unit residential complex with 72 hotel rooms and associated amenities

Date and time of receipt of communication:

December 6, 2013

Location of communication:

Phone

Type of communication:

Teleconference

Person(s) in attendance at time of communication:

Rachel Torres, UNITE HERE

Person(s) receiving communication:

Mark Vargas

Detailed substantive description of the content of communication:

(Attach a copy of the complete text of any written material received.)

Rachel expressed her appreciation for the Commission's vote on the item at the past meeting. She also expressed frustration with not being able to have direct communications with the Applicant.

Date: December 12, 2013

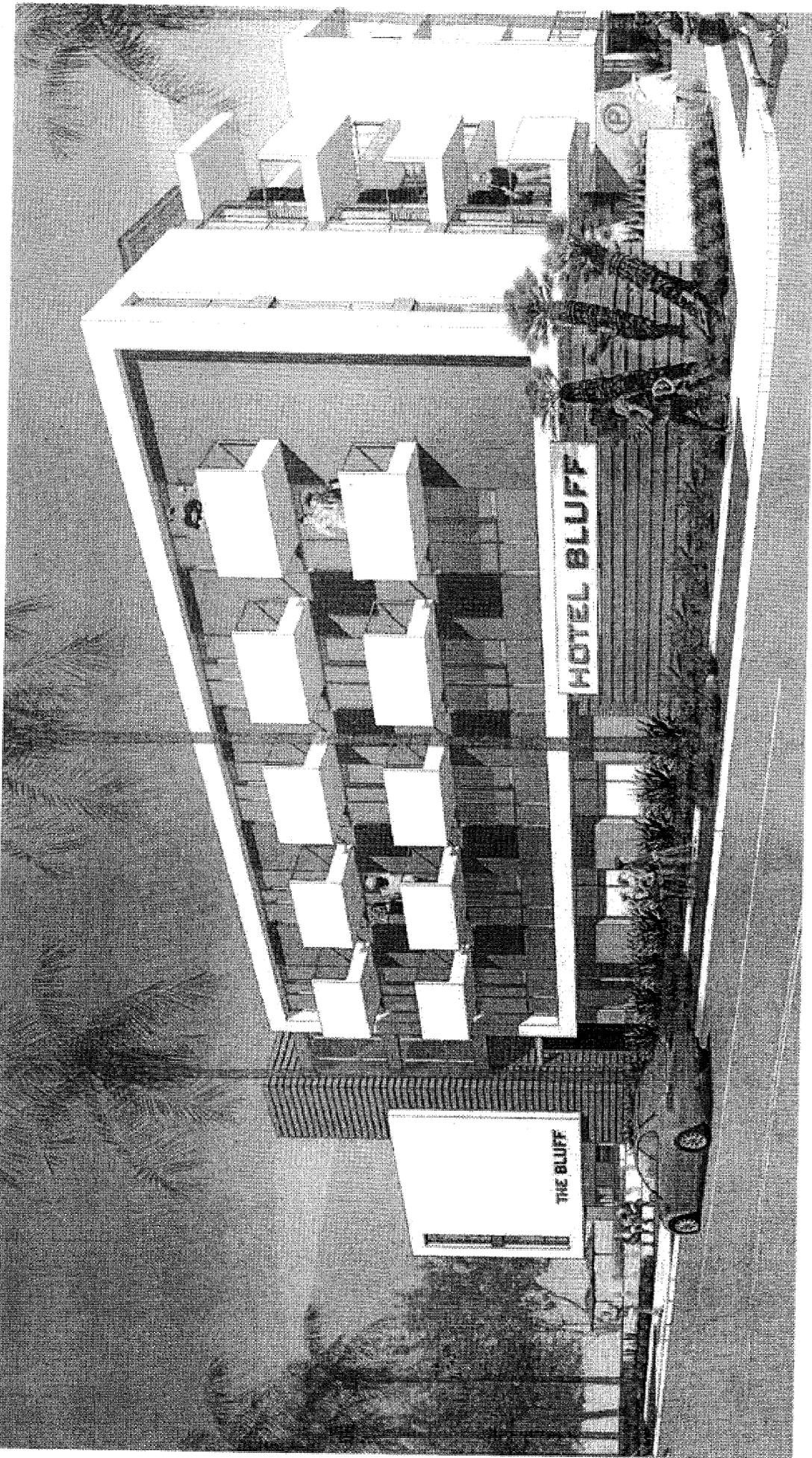
Signature of Commissioner:



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South Coast Region
DEC 30 2013
CALIFORNIA
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 19
PAGE 1 OF 1



Ocean Boulevard + 15th

THE BLUFF

COASTAL COMMISSION
A.S.-L.O.B.-13-0246

EXHIBIT # 20
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