

CALIFORNIA COASTAL COMMISSION

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Staff: Charles Posner - LB
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Hearing Date: March 15, 2007
Commission Action:



Th13b

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-366

APPLICANTS: City of Long Beach and Hyatt Long Beach Corporation

AGENTS: Gerald R. Miller, City Manager; Greg Ruff, Hyatt Project Manger;
and Daniel Clinger, CSA Architects

PROJECT LOCATION: 200 S. Pine Avenue, Downtown Shoreline, City of Long Beach,
Los Angeles County.

PROJECT DESCRIPTION: Demolition of a 4,000 square foot meeting room at an existing
522-room hotel, and construct a new 6,000 square foot ballroom
and 6,829 square feet of new hotel support area in same location.
Also, improve/landscape the adjacent public park area at
Rainbow Lagoon Park.

LOCAL APPROVAL: City of Long Beach Site Plan Review Committee, City of Long
Beach Planning Department, Modification of Site Plan Review,
Case No. 0605-11, 8/15/2006.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to the protection of public access to the adjacent public recreation area, landscaping, management of the parking supply, water quality and permit compliance. As conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals, and the certified City of Long Beach Local Coastal Program (LCP). The applicants agree with the recommendation. **See Page Two for the motion.**

Commission authorization is required for the proposed development because it is located on State Tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for development proposed on State Tidelands is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Coastal Development Permit P-2676 (City of Long Beach, Hyatt Hotel).
3. Coastal Development Permit 5-91-193 (City of Long Beach, Rainbow Lagoon).
4. Coastal Development Permit 5-98-156 (City of Long Beach & DDR Urban LP, Pike).
5. Coastal Development Permit 5-05-435 (City of Long Beach, Rainbow Lagoon Gondolas).
6. City of Long Beach Amended Lease Agreement with Hyatt Long Beach Corporation, January 27, 2007.
7. Parking Demand Study for the Hyatt Long Beach Hotel Ballroom Expansion Project, by Linscott, Law & Greenspan Engineers, August 21, 2006.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-06-366 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

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

II. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

Coastal Development Permit 5-06-366 permits only the development and uses expressly described and conditioned herein. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required. Any additional development, including, but not limited to: new construction, intensification of use, expansion of concession areas outside of the approved building footprint, or the lease of public areas, will require another amendment to the permit or a new coastal development permit. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

2. Public Access Plan

The permittees shall provide and maintain a stairway and an open passage for public access between Rainbow Lagoon Park and the Promenade as indicated on the "Public Access Diagram" attached as **Exhibit #6 of the 2/22/07** staff report. "Public Access" signs shall be posted and maintained at the top and bottom of the stairway. The permittees, and the managers and operators of the hotel and ballroom, shall not block or interfere with public access along this accessway at any time. The permittees, and the managers and operators of the hotel and ballroom, shall not block or interfere with public access along the public walkway that encircles Rainbow Lagoon at any time.

3. Rainbow Lagoon Park

The permittees, and the managers and operators of the hotel and ballroom, shall not block or interfere with public recreational use of Rainbow Lagoon Park, or any portion thereof, except for special temporary events that have been authorized by the Executive Director of the Coastal Commission (pursuant to Section 30610(i) of the Coastal Act and the

Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements adopted by the Commission on May 12, 1993) and the appropriate City authority. Subsequent to each authorized temporary event, the project site shall be restored to its primary use as a public park, and the permittees shall inspect the project area and ensure that no debris, trash or other materials have been left at the site.

4. Landscaping

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

5. Tree Trimming/Removal

The removal and/or trimming of trees shall not interfere with or disrupt any active birds' nests, and shall comply with the 1918 Migratory Bird Treaty Act.

6. Parking and Traffic Management Organization (PTMO)

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the operators of the approved hotel ballroom are participants in the Traffic and Parking Management Association established by the City of Long Beach pursuant to the City of Long Beach certified Local Coastal Program [see certified LCP Downtown Shoreline Planned Development Plan (PD-6): General Development and Use Standard (b)6].

7. Concession Responsibilities (BMPs)

By acceptance of this permit, the applicants agree that the project site shall be maintained in a manner that protects marine resources and water quality pursuant to the implementation of the following Best Management Practices (BMPs):

- A. No materials, trash, waste or other debris shall be placed or stored where it may be subject to wind or rain dispersion.
- B. The use of **Styrofoam** containers for food and drinks sales shall be minimized, and if feasible, completely avoided.
- C. Wash down areas shall be contained and be connected to the sanitary sewer. No runoff from wash down areas shall be directed into any drain unless specifically authorized by the California Regional Water Quality Control Board.
- D. The permittees shall provide and maintain trash and recycling containers that are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.
- E. Any and all trash and other waste material shall be removed from the site at the end of the business day and disposed of at an appropriate location.

8. Demolition/Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicants agree that the proposed project shall be conducted in a manner that protects marine resources and water quality pursuant to the implementation of the following Best Management Practices (BMPs):

- A. The Fire Department access road in Rainbow Lagoon Park shall be constructed using permeable materials (e.g., turf block or grasscrete).
- B. No construction, or placement of any materials, equipment, debris or waste is permitted in the waters of Rainbow Lagoon or within twenty feet of the water.
- C. No demolition/construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- D. Staging and storage of demolition/construction machinery and storage of debris shall occur at least fifty feet from the water's edge.
- E. Any and all debris resulting from demolition/construction activities shall be removed from the project area and properly disposed of as soon as possible.
- F. The permittees shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- G. Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to construct a new 33-foot high, 6,000 square foot ballroom and 6,829 square feet of new hotel support area onto the rear of an existing sixteen-story, 522-room hotel in the Downtown Shoreline area of Long Beach (See Exhibits). The proposed hotel addition would be built on the site of an existing 4,000 square foot hotel meeting room that will be demolished (Exhibit #3). The proposed project also includes the construction of a new permeable Fire Department access road and the installation of new landscaping in the public park area situated between the hotel and Rainbow Lagoon in Rainbow Lagoon Park (Exhibit #5). A No new structures are proposed on public parkland.

The project site, which is on public tidelands, was created in the 1960s by a dredging and hydraulic landfill operation. The hotel was originally approved by the Commission in 1978 pursuant to Coastal Development Permit Application P-78-2676 (City of Long Beach). The Hyatt Regency Long Beach Hotel opened in 1982, and its 4,000 square foot meeting room that is proposed to be demolished was constructed subsequently without a coastal development permit. The existing 522-room hotel currently has within it 8,060 square feet of restaurant and lounge area (two restaurants), and 21, 951 square feet of banquet and meeting space. The hotel's parking supply is provided in a three-level parking structure with 1,340 parking stalls.

The proposed project is adjacent to Rainbow Lagoon (Exhibit #4). Rainbow Lagoon is a 5.5-acre manmade and concrete-ringed saltwater lagoon located on filled tidelands. The lagoon is connected to the ocean (Rainbow Harbor) by a series of pipelines with a seawater circulation system comprised of water pumps, water filters, debris collectors, aerators and fountains. The City of Long Beach Department of Parks, Recreation and Marine maintains the lagoon and its seawater circulation system pursuant to a Commission-approved maintenance plan [See Coastal Development Permit 5-91-193 (City of Long Beach)]. Rainbow Lagoon is a functioning marine habitat and subtidal nursery that is utilized by several species of fish, sessile organisms and birds.

B. Downtown Shoreline Area History

The site of the proposed development is located in the Downtown Shoreline area of Long Beach. A long history of development, commencing in the late 1800s, has dramatically altered this portion of California's coastline. The Downtown Shoreline area of Long Beach is comprised of fill that was deposited seaward of the former shoreline between 1920 and 1970. The entire area of Long Beach's downtown shoreline south of the coastal bluff was once part of the natural ocean and fronting beach. The Chapter 138 line, the boundary between the privately owned upland properties and the public tideland areas in the Downtown Shoreline area, is the former mean high tide line (Exhibit #2). The public tideland areas subject to the Long Beach Tidelands Trust Agreement are the filled areas that lie seaward of the Chapter 138 line.

The Downtown Shoreline area is where the proposed development and the following recreational facilities are located: Downtown Long Beach Marina, Marina Green Park, the Long Beach Convention and Entertainment Center, Hyatt Regency Long Beach Hotel, Rainbow Lagoon Park, Shoreline Village shopping center, Rainbow Harbor, Shoreline Park, The Pike commercial and entertainment complex, the Long Beach Aquarium of the Pacific, Catalina Landing, and the Golden Shore wetland mitigation site (Exhibit #2). Until its demolition in 1979, the famous Pike amusement park was situated on the now land-locked beach in the Downtown Shoreline area.

In the early 1920s, the original Long Beach Municipal Auditorium was constructed on the beach and on twenty acres of landfill located south of today's intersection of Ocean and Long Beach Boulevards. After the construction of the auditorium, there were problems created by storms and coastal erosion in the area. In order to protect the auditorium from these problems, a horseshoe (rainbow) shaped breakwater was constructed around it. Because of its shape it was named "Rainbow Pier", even though it was actually a breakwater with a road constructed on top of it.

In the late 1940s, the City of Long Beach began filling in the water area enclosed by the Rainbow Pier breakwater creating additional public trust lands upon which a larger, more modern auditorium was constructed. Filling of the shoreline area continued in the late 1950s and early 1960s with the Tidelands Filling Project. The Tidelands Filling Project created the existing landfill upon which Shoreline Park, Shoreline Village shopping center, the Long Beach Aquarium of the Pacific, and Catalina Landing are all located (Exhibit #2). The landfill area was used as an informal recreation area until the late 1970s when the City began to improve the area.

In 1975, the City began demolition of the original Long Beach Municipal Auditorium in order to commence redevelopment of the Downtown Shoreline area. Soon thereafter, the City obtained coastal permits and began construction of the Long Beach Convention and Entertainment Center, the Promenade, the Hyatt Regency Long Beach Hotel, and Rainbow Lagoon and Park on the former site of the Rainbow Pier. The current development proposal is also on this site.

In 1979, the Pike amusement park was officially closed and demolished. Also in 1979, the Commission approved Coastal Development Permit P-79-5253 (City of Long Beach) for the improvement of Shoreline Park and Lagoon, which was completed in 1984. Shoreline Park is currently a region serving waterfront recreation area which provides the public with many coastal related recreational activities (Exhibit #2). In 1979, the Commission also approved Coastal Development Permits P-79-5249, 5250, 5251 and 5252 (City of Long Beach) for the construction of the 1,694 slip Downtown Long Beach Marina, Marina Green Park, Shoreline Village shopping center, and the 131 slip Shoreline Village Marina (a.k.a. Pacific Terrace Harbor). These improvements, completed in the early 1980s, along with Shoreline Park continue to provide southern California area residents and visitors with many low cost coastal related recreational activities (Exhibit #2).

In 1994, the City of Long Beach adopted the Queensway Bay Development Plan to redevelop the City's waterfront and encourage tourism and coastal related recreation. The Queensway Bay Development Plan is the City's plan to create a major waterfront attraction to provide affordable recreation and entertainment for local residents and area visitors. On May 10, 1995, the Commission approved City of Long Beach LCP Amendment No. 1-95 incorporating the Queensway Bay Development Plan into the City's certified LCP. Three of the central recreational components of the plan are the Long Beach Aquarium of the Pacific [Coastal Development Permit 5-95-055 (City of Long Beach)], Rainbow Harbor [Coastal Development Permit 5-96-124 (City of Long Beach)], and a renovated Shoreline Park. The Long Beach Aquarium of the Pacific opened to the public on June 19, 1998.

In 1999, the Commission approved Coastal Development Permit 5-98-156 (City of Long Beach & DDR Urban LP) for the construction of The Pike commercial and entertainment complex in the Downtown Shoreline area. The Pike is the major commercial component of the Queensway Bay Development Plan with 508,550 square feet of commercial uses and a new hotel. The Pike opened in 2003, but some of its approved commercial components have not yet been constructed.

C. Land Use

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 development is an accessory use to a hotel situated on public tidelands. The existing hotel and the proposed ballroom are situated on land leased by the City of Long Beach. The City administers the tidelands on behalf of the State of California pursuant to a

State Tideland Grant. The State Lands Commission recognizes public overnight accommodations as being an acceptable use of public tidelands.

The existing hotel use was approved by the Commission in 1978 Commission pursuant to Coastal Development Permit Application P-78-2676 (City of Long Beach). The existing hotel is a visitor-serving use that supports public recreational opportunities in the Downtown Shoreline area by providing overnight accommodations and restaurant dining. The proposed ballroom addition will enhance recreational opportunities at the existing hotel and adjacent public park (Rainbow Lagoon Park) by providing a venue for commercial recreational activities such as parties and dances. Therefore, the proposed project, as conditioned, is consistent with Section 30221 of the Coastal Act.

The proposed project is also consistent with the land use designation for the site set forth in the City of Long Beach certified Local Coastal Program (LCP). The Long Beach Convention and Entertainment Center, the Promenade, the Hyatt Regency Long Beach Hotel, and Rainbow Lagoon and Park area all situated within LCP Subarea 8 of the Downtown Shoreline area (PD-6), the former site of the Rainbow Pier. The certified LCP includes "hotel with ballrooms, meeting rooms, restaurants..." on the list of uses permitted within LCP Subarea 8 of the Downtown Shoreline area (PD-6). Therefore, the proposed ballroom addition, situated within the existing hotel lease, complies with the land use designation for the site set forth in the certified LCP.

The Commission finds that the proposed addition of a ballroom and hotel support facilities to this highly urbanized and popular coastal destination would encourage and enhance public opportunities for coastal recreation consistent with Section 30221 of the Coastal Act, and as discussed in the following sections of this report, would not adversely affect coastal access, public recreation or the visual resources of the area.

D. Public Access and Recreation – Rainbow Lagoon Park

One of the basic goals of the Coastal Act is to maximize public access to the coast and to provide for public recreational opportunities. As stated in the previous section of this staff report, the proposed development will enhance recreational opportunities at the existing hotel and adjacent public park (Rainbow Lagoon Park) by providing a venue for commercial recreational activities such as parties and dances. The Commission, however, must ensure that the lower cost recreational opportunities currently provided by Rainbow Lagoon Park are protected, and that the proposed development provides public access for all the people across the public tidelands site.

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 30212 of the Coastal Act states, in part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

In order to provide maximum public access across the public tidelands site, the permit is conditioned to require the provision and maintenance of a public stairway and accessway to connect between the northernmost part of Rainbow Lagoon Park and the Promenade as shown on the "Public Access Diagram" attached as Exhibit #6. The applicants have proposed to build the necessary stairway as part of the project. The provision of this missing link in the Downtown Shoreline area's public access system would shorten the walking distance between downtown Long Beach and Rainbow Lagoon Park by providing a direct east-west route between the park and the Promenade. The Promenade is the major north-south pedestrian accessway that connects the downtown area to the City's shoreline. Currently, the northern portion of Rainbow Lagoon Park is effectively isolated from the remainder of the Downtown Shoreline area due to its cove-like design situated between by the sixteen-story tower of the Hyatt Hotel to the west, the Convention Center to the north, and the Long Beach Arena to the east (Exhibit #4). The new public stairs and accessway linkage will enhance substantially public access to the park and lagoon. Therefore, only as conditioned to provide and maintain this necessary pedestrian connection as a public accessway is the proposed project consistent with the public access and recreation policies of the Coastal Act.

In addition, the proposed project is conditioned to protect public access around Rainbow Lagoon and to protect public recreational opportunities in Rainbow Lagoon Park. Rainbow Lagoon is encircled by a paved public walkway. People often come to the lagoon to ride bicycles, stroll, people watch, bird watch, take photographs and relax. The special conditions of the permit prohibit the permittees, and the managers and operators of the hotel and ballroom, from blocking or interfering with the public accessways shown on the "Public Access Diagram" attached as Exhibit #6.

The proposed ballroom is located entirely on the existing hotel's lease area (Exhibit #3). The applicants, however, have acknowledged that the special events that would occur in the hotel's proposed ballroom (e.g., dances, weddings, parties, etc...) would sometimes spill out of the building and into the adjacent public park (Rainbow Lagoon Park). Party goers, like the rest of the general public, are welcomed and encouraged to stroll through the park and along the paved public walkways that encircle Rainbow Lagoon. The applicants also propose to hold special events outdoors in the park. Therefore, consistent with the aforementioned policies of the Coastal Act that protect public access and recreation, the general public's recreational use of Rainbow Lagoon Park is protected by limiting the use of the public parkland to only those special temporary events that have been authorized by the Executive Director of the Coastal Commission (pursuant to Section 30610(i) of the Coastal Act and the *Guidelines for the Exclusion of Temporary Events from Coastal Commission Permit Requirements* adopted by the Commission on May 12, 1993) and the appropriate City authority. Only as conditioned does the Commission find that the proposed project and amendment is consistent with the public access and recreation policies of the Coastal Act.

E. Scenic Resources

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

Section 30251 of the Coastal Act states in part that:

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

Section 30253(5) of the Coastal Act states:

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

In its prior actions on LCP amendments and permit applications, the Commission has considered and addressed the overall project's effects on scenic resources in Downtown Long Beach. In 1995, when the Commission first incorporated the City's Queensway Bay Development Plan into the certified LCP by approving LCP Amendment No. 1-95, it required that specific policies be included into the plan to protect the scenic resources of the Downtown Shoreline area (e.g., view corridors, building mass limits and height limits). In 1998, the Commission re-visited the certified LCP policies that limit building heights and protect specific view corridors on the project site as part of the Commission's certification of LCP Amendment No. 2-98A, which included revisions to the City's previously certified Queensway Bay Development Plan.

The currently certified Long Beach LCP contains a map (LCP Attachment A) that identifies the special view corridors that must be protected in the Downtown Shoreline area in order to provide views from the land to the water. The proposed development is not located within any of the protected view corridors, and the proposed project will not obstruct any existing views to or along the coast from publicly accessible places or otherwise adversely affect the visual resources of the coast.

As previously mentioned, the proposed project is located adjacent to the northern portion of Rainbow Lagoon Park, and the project site is effectively isolated from view due to the cove-like design created by the sixteen-story tower of the Hyatt Hotel to the west, the Convention Center to the north, and the Long Beach Arena to the east (Exhibit #4). These adjacent structures (Hyatt Hotel, Convention Center and the Long Beach Arena) are all very large structures that are much taller than the proposed 33-foot tall ballroom (Exhibit #9). Therefore, the proposed development's location next to these large structures ensures that it will not be out of scale with the existing development. Therefore, as conditioned, the proposed project is consistent with the certified Long Beach LCP and with Sections 30251 and 30253(5) of the Coastal Act.

F. Public Access/Parking

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

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed project is not providing any additional parking. The hotel will rely on its existing parking supply and shared parking resources in the vicinity to meet the demands of the proposed ballroom. Parking for the guests of the existing hotel is provided within the 1,340-stall parking structure located next to the hotel. The hotel has access to 528 of these stalls, while additional spaces are usually available when needed (contingent on permission granted by the Convention and Entertainment Center). The hotel parking is also available to the general public (Rates: Hotel Guests \$12 per 24 hrs. Public \$1 per 30 min. \$15 max.).

A parking study prepared for the project concludes that adequate parking exists in the area to meet the demand of the existing uses, as well as the proposed project (Parking Demand Study

for the Hyatt Long Beach Hotel Ballroom Expansion Project, by Linscott, Law & Greenspan Engineers, August 21, 2006). The shared parking plan relies on the Convention and Entertainment Center sharing some of its 4,830 parking stalls with the hotel. The Convention and Entertainment Center has agreed, in a letter dated August 16, 2006, to try and accommodate any overflow parking needs that may arise. The parking study concludes that on days when the hotel's rooms are fully occupied, together with full utilization of the hotel's restaurants and banquet/ballrooms, the hotel's parking demand will exceed its supply by approximately 79 spaces, as the "worst case parking scenario results in a peak parking demand of 607 spaces". This is expected to occur about ten days a year, on weekends.

The certified LCP parking standard acknowledges that there will not be enough parking in the Downtown Shoreline area to meet the parking demands during the highest (peak) use periods. Because of the extreme variation in parking demand at different times of the year and different days of the week, it would be extremely difficult to provide on-site enough parking to meet the peak parking demand in the Downtown Shoreline area. The various commercial and recreational uses in the area have different peaks and valleys in their demand for parking.

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

The certified LCP also acknowledges that the public transportation system will play an important role in the public access and parking issue. Because the LCP anticipates a shortage of parking available on peak use days, the public transportation system will provide an alternative to private vehicles for accessing the area. In fact, the Traffic and Parking Management Association's use of shared parking is dependent on public transportation to move people from the various parking reservoirs to their destinations. Consequently, the certified LCP allows and encourages the use of shared parking arrangements to meet parking demands.

Therefore, the proposed project is permitted to utilize the existing parking supply to meet its parking needs. This is justified because many guests of the proposed hotel ballroom will also be staying in hotel rooms (which already have a parking supply), or they may use the public transportation system in Downtown Long Beach (Blue Line light rail and MTA buses) as a substitute to private automobile, thus reducing the overall parking demand of the project. Therefore, the Commission finds that existing parking facilities will provide the necessary amount of parking to meet the demand of the proposed project without adversely affecting coastal access.

G. Water Quality

The proposed development will be occurring near coastal waters. The proposed project includes the installation of new storm water filters and a new connection to the storm drain system. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

H. Unpermitted Development

Development has allegedly occurred on site without the required coastal development permit. The existing 4,000 square foot meeting was allegedly built without a coastal development permit. Although unpermitted development has occurred, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the coastal development permit does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

I. Local Coastal Program

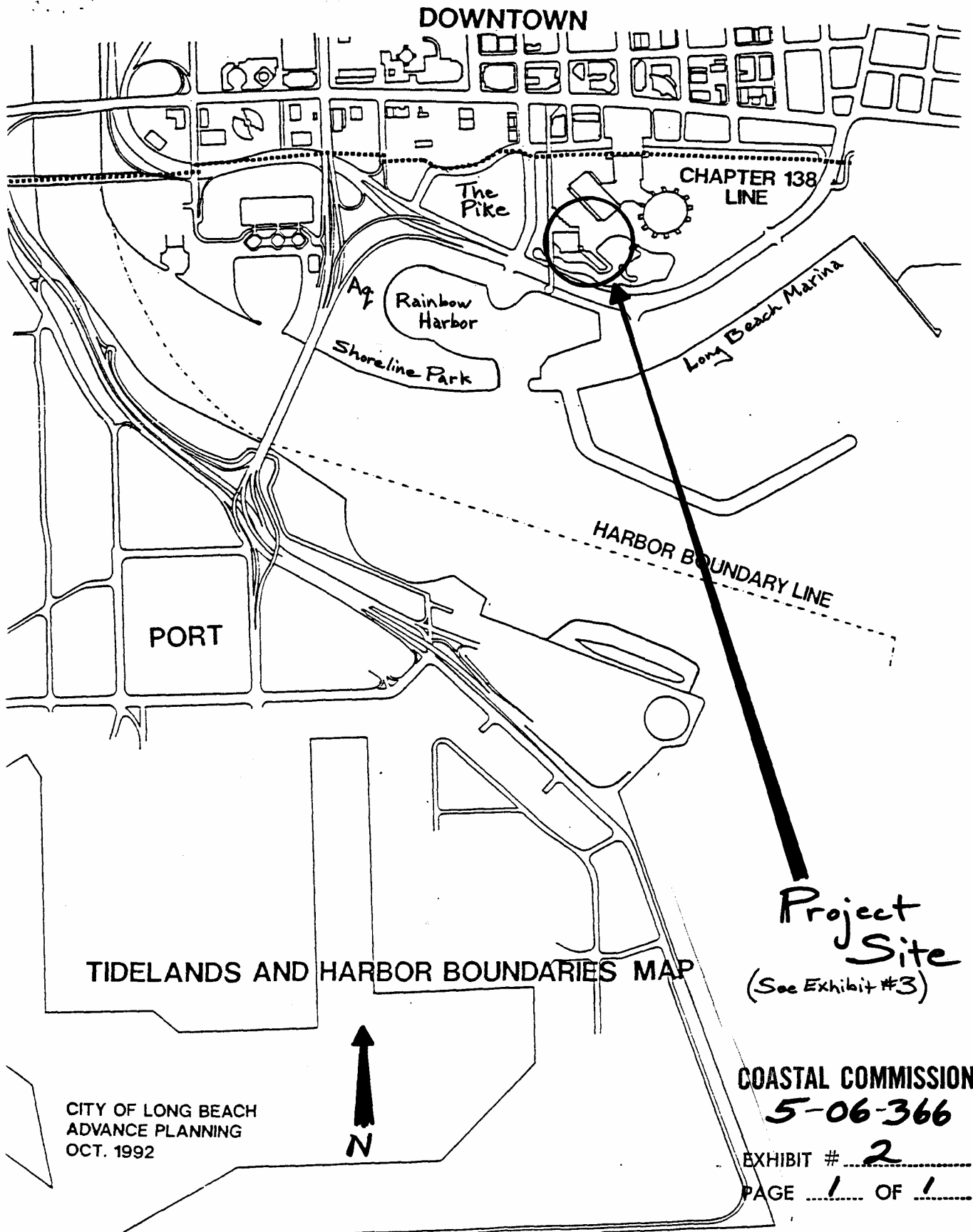
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. LCP Subarea 8, where the proposed project is located, is a public tidelands parcel located on the inland side of Shoreline Drive and east of Pine Avenue (Exhibit #3). As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

J. California Environmental Quality Act (CEQA)

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

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

feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



TIDELANDS AND HARBOR BOUNDARIES MAP

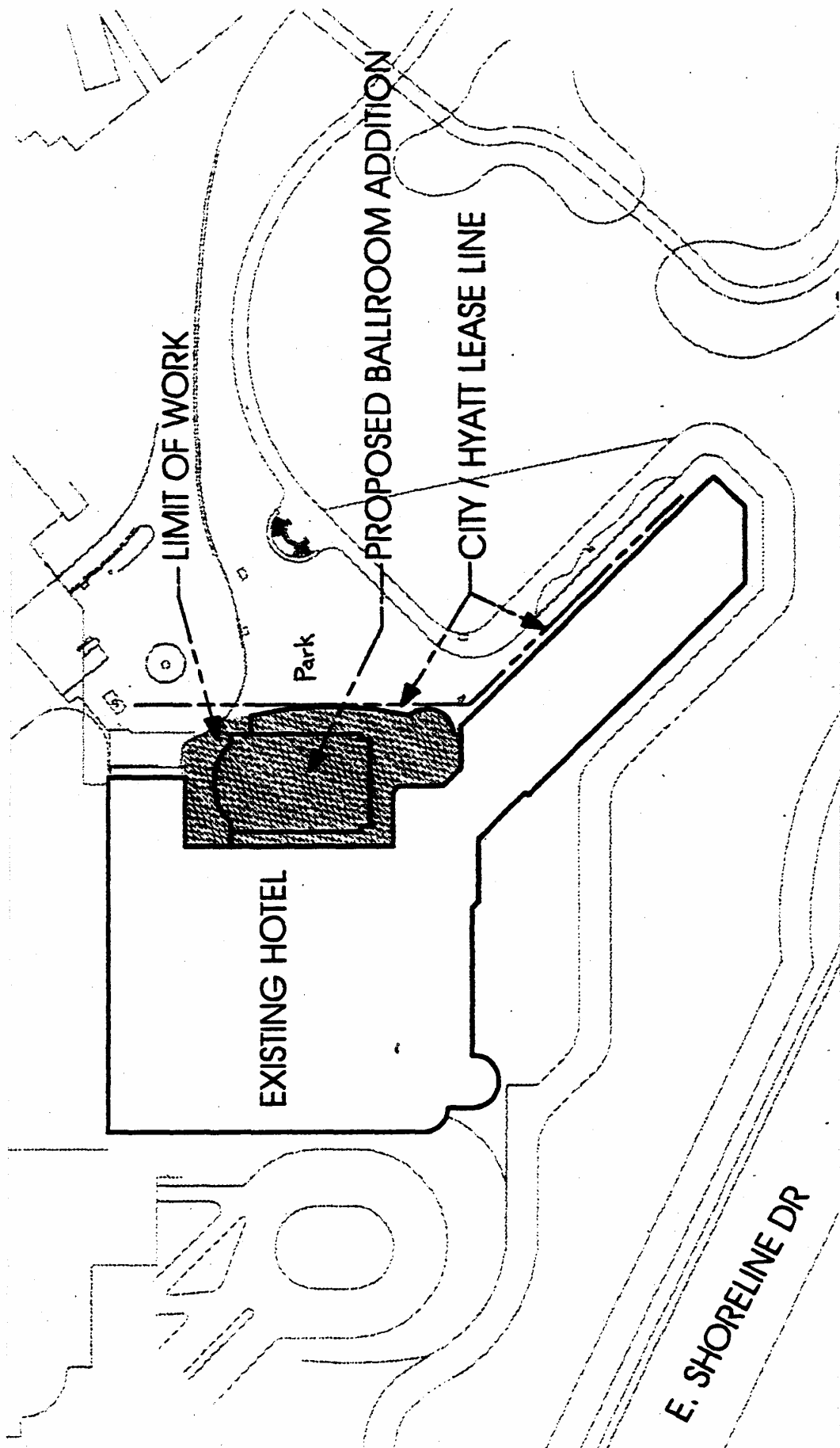
Project Site
(See Exhibit #3)

CITY OF LONG BEACH
ADVANCE PLANNING
OCT. 1992

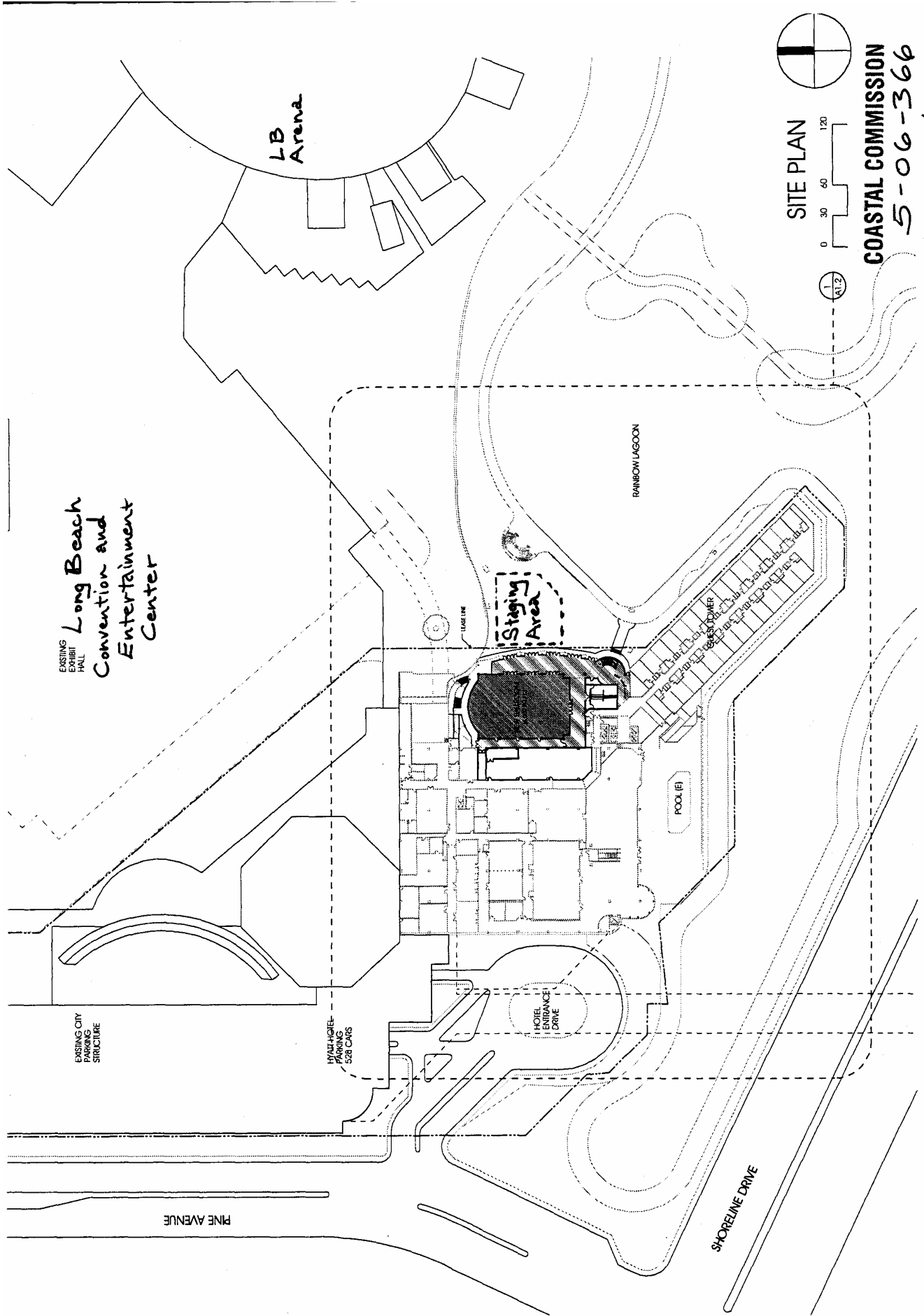


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EXHIBIT # 3
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EXISTING CASINO HALL
**Long Beach
 Convention and
 Entertainment
 Center**

LB
 Arena

Staging
 Area

RAINBOW LAGOON

POOL (E)
 HOTEL ENTRANCE DRIVE
 HOTEL PARKING 528 CARS

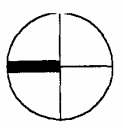
EXISTING CITY
 PARKING
 STRUCTURE

HOTEL
 PARKING
 528 CARS

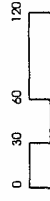
HOTEL
 ENTRANCE
 DRIVE

PINE AVENUE

SHORELINE DRIVE



SITE PLAN



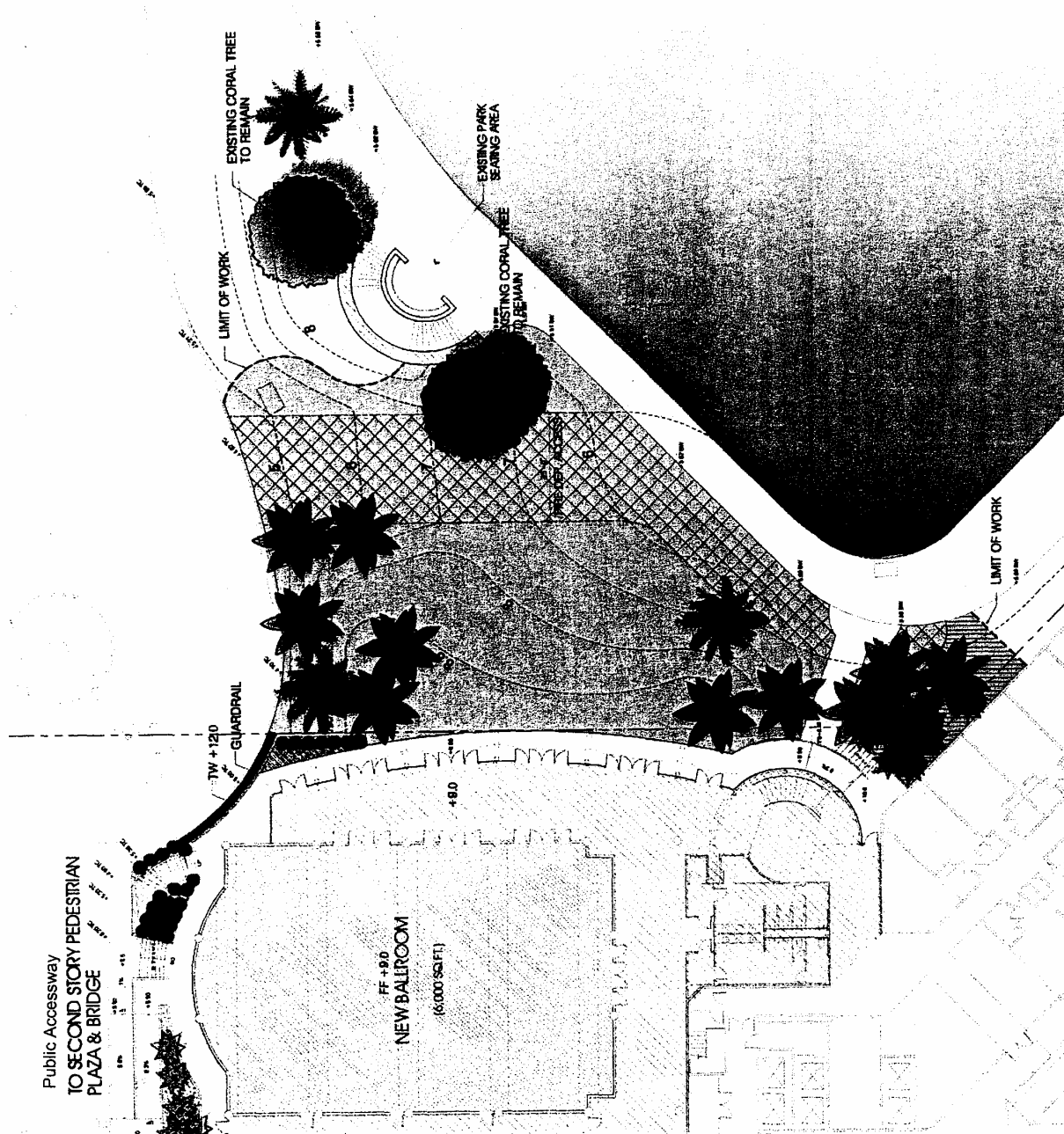
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EXHIBIT # 4

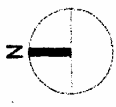
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Public Accessway
TO SECOND STORY PEDESTRIAN
PLAZA & BRIDGE

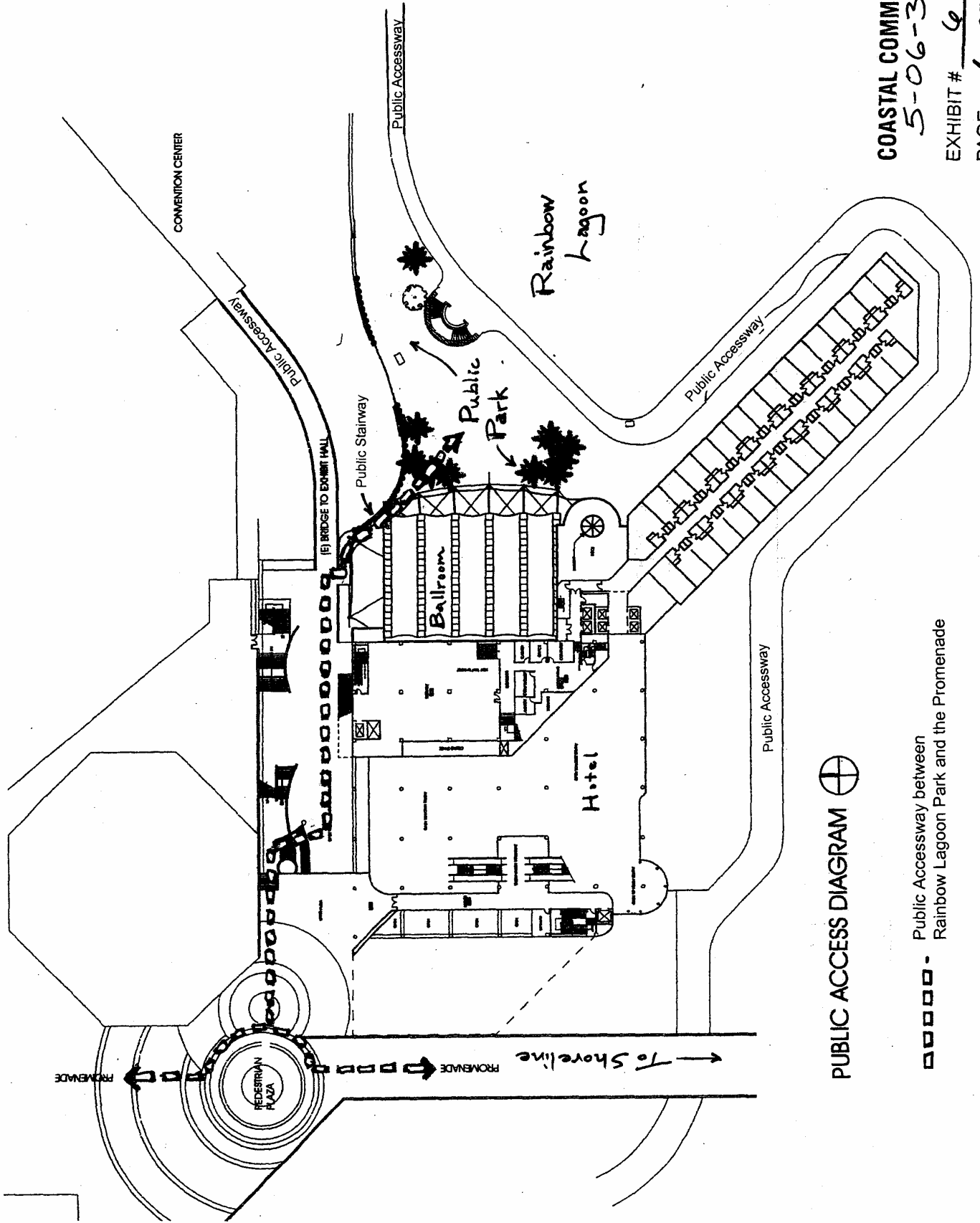


- PLANTING LEGEND**
- TREE
 - EXISTING PALM RELOCATED FROM HOTEL SITE
 - EXISTING PALM TO BE SAVED
 - CYATHEA COOPERI AUSTRALIAN TREE FERN
 - BAMBUSA MULTIPLEX 'ALPHONSE KARR' ALPHONSE KARR BAMBOO
 - SHRUB & GROUND COVER
 - DIETES BICOLOR FORTNIGHT LILY
 - ASPARAGUS 'SPRENGER' SPRENGER ASPARAGUS
 - TRACHELOSPERMUM JASMINOIDES STAR JASMINE
 - PARTHENOCISSUS TRICUSPIDATA BOSTON IVY
 - LIRIOPE SPICATA CREEPING LILY TURF
 - TURF BLOCK
 - MARATHON 2

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PAGE 1 OF 1

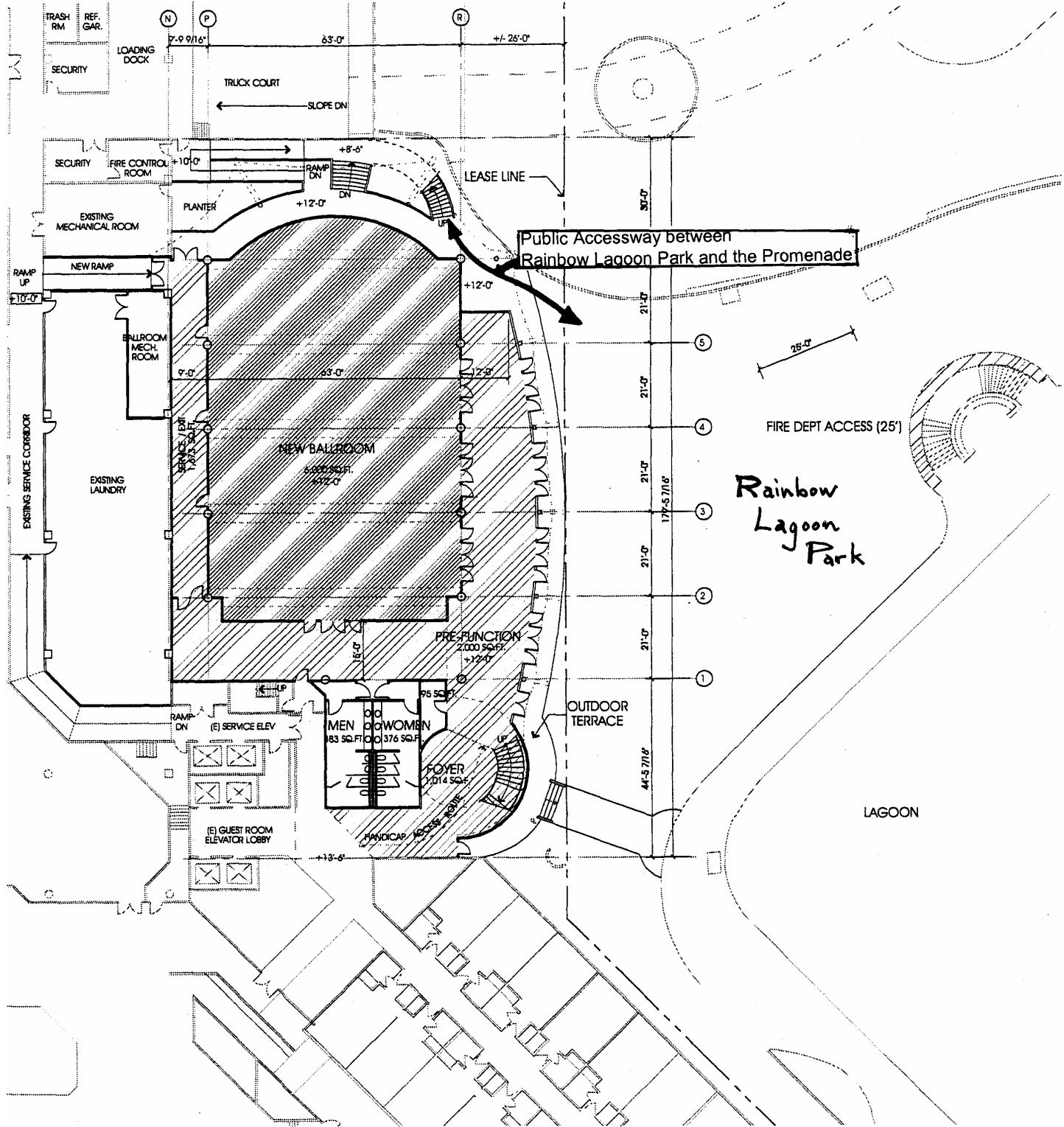


PRELIMINARY LANDSCAPE PLAN



PUBLIC ACCESS DIAGRAM ⊕

- □ □ □ - Public Accessway between
- Rainbow Lagoon Park and the Promenade



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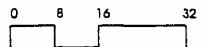
5-06-366

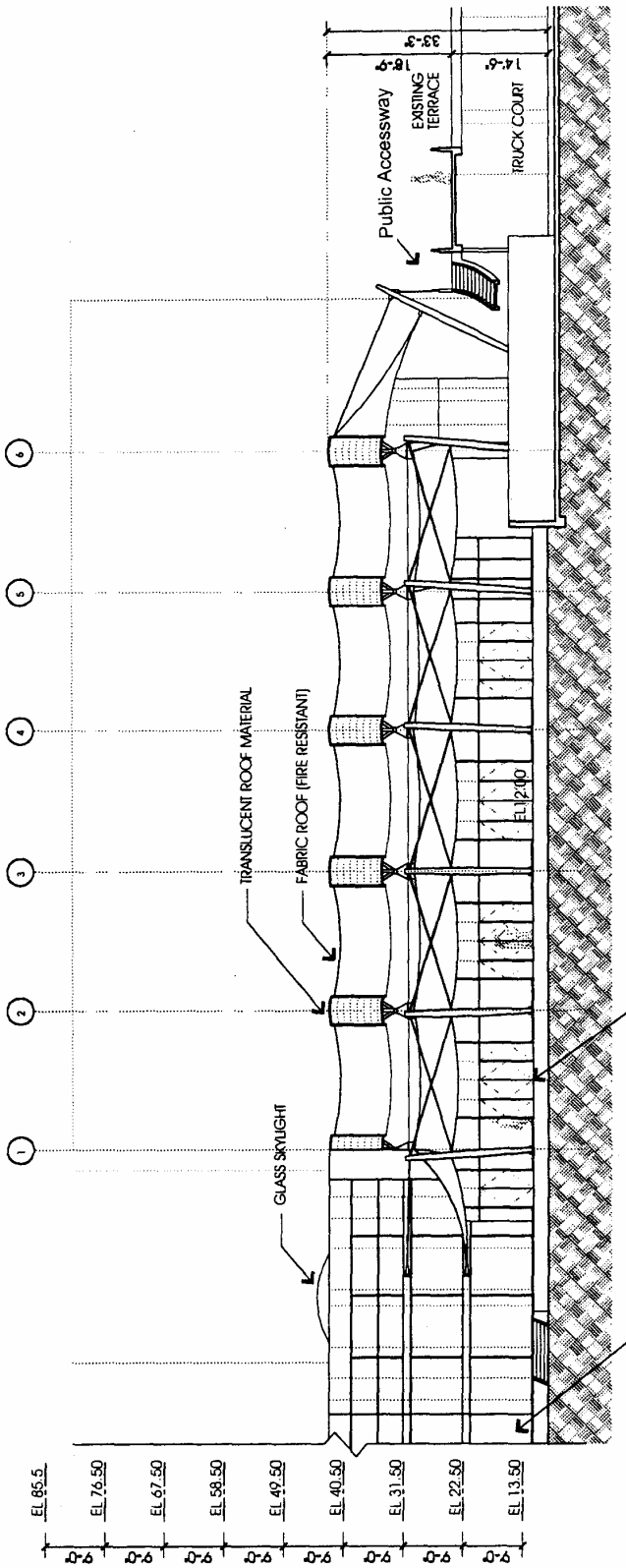
EXHIBIT # 7

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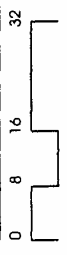


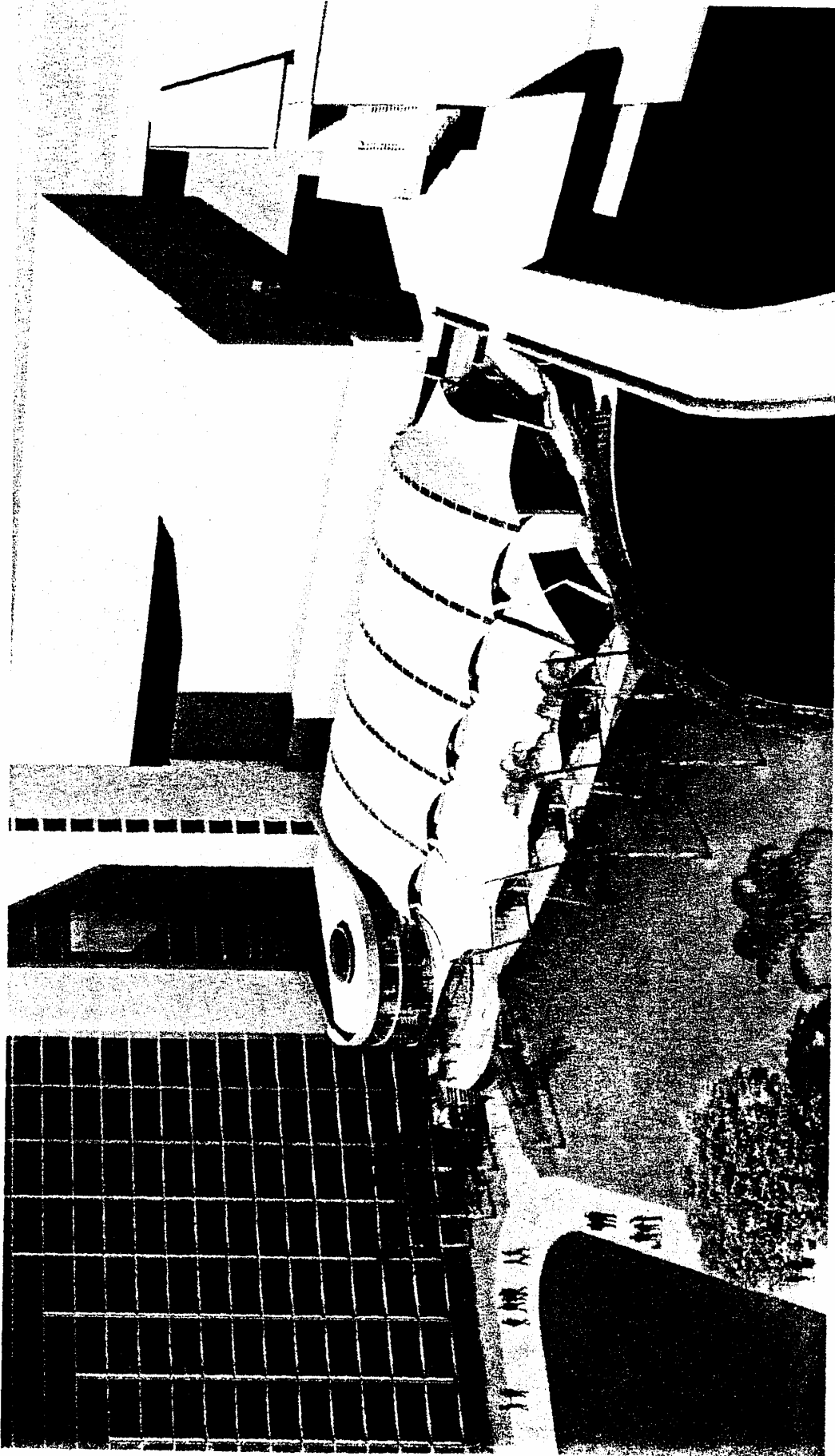
GROUND FLOOR PLAN





EAST ELEVATION





COASTAL COMMISSION

5-06-366

EXHIBIT # 9

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