

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
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F18a

Appeal Filed: 10/21/2013
49th Day: 12/9/2013
180th Day: N/A
Staff: C. Posner - LB
Staff Report: 10/28/2013
Hearing Date: November 15, 2013

**STAFF REPORT: APPEAL
NO SUBSTANTIAL ISSUE**

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

Applicant: Studio One Eleven (Attn: Michael Bohn)

Appellant: UNITE HERE Local 11 (Attn: Rachel Torres)

Local Government: City of Long Beach

Local Decision: Approval with Conditions

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

Project Description: Appeal of City of Long Beach Local Coastal Development Permit No. 1302-16 modifying a previously approved hotel/condominium development to allow demolition of an existing 40-room motel and construction of a four-story, 33-unit residential complex with 72 hotel rooms (instead of a four-story, 56-unit residential complex with 40 hotel rooms) and associated amenities.

Staff Recommendation: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, determine that the appeal raises **no substantial issue** with respect to the grounds on which the appeal has been filed. The local coastal development permit approves a development that is significant improvement over the previously approved and entitled development on the property, and it does not raise a substantial issue with respect to the provisions of the City of Long Beach certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. As conditioned by the City, the revised project will enhance public access by providing more publicly accessible amenities than the previously entitled project. The revised project will preserve the motel use on the project site and provide 32 more hotel rooms than currently exist (72 rooms instead of 40). Public access will also be enhanced by the provision of a beach-level café, a restaurant/bar with outdoor seating and coastal views, and bicycle rentals. The amenities proposed by the applicant (and required by the conditions of the permit), along with the applicant's dedication to the City of 6,274 square feet of sandy beach (the portion of the project site that exists seaward of the toe of the bluff) will provide public recreational opportunities as required by Section 30213 of the Coastal Act. **The motion to carry out the staff recommendation is on Page Two.**

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EXHIBITS

- Exhibit 1 – Long Beach, CA Map
- Exhibit 2 – Project Site Map – 2010 E. Ocean Boulevard, Long Beach, CA
- Exhibit 3 – Project Parcel Map – 2010 E. Ocean Boulevard, Long Beach, CA
- Exhibit 4 – Appeal by UNITE HERE Local 11 (October 21, 2013)
- Exhibit 5 – City of Long Beach Local Coastal Development Permit No. 1302-16
- Exhibit 6 – Overview of Design Revisions (Previous 2007 Entitlement vs. Current Plan)
- Exhibit 7 – Proposed Site Plan
- 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

I. MOTION AND RESOLUTION

Motion: *“I move that the Commission determine that Appeal No. A-5-LOB-13-0246 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.”*

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

Resolution: *The Commission finds that Appeal No. A-5-LOB-13-0246 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. APPELLANT’S CONTENTIONS

Unite Here Local 11 has appealed the City’s (Long Beach) approval of Local Coastal Development Permit No. 1302-16 (See Exhibits). The local coastal development permit authorizes the construction of a four-story, 33-unit residential complex with 72 hotel rooms and associated amenities (swimming pool, beach-level café and street-level restaurant) on an oceanfront parcel near downtown Long Beach (Exhibits #2&3). A two-story, forty-room motel currently occupies the project site.

The City approved the demolition of the 1940s-era motel that currently occupies the project site in 2007 pursuant to Local Coastal Development Permit No. 0604-08. Local Coastal Development Permit No. 0604-08 also authorizes the construction of a four-story, 56-unit residential complex with forty hotel rooms. The City has characterized the approval of Local Coastal Development Permit No. 1302-16 as a modification to the development proposal that is already entitled by Local Coastal Development Permit No. 0604-08 (Exhibit #5).

The appellant contends that the City-approved project does not comply with Section 30213 of the Coastal Act because it does not protect the lower-cost overnight accommodations (\$79.99 and up) that are currently provided by the forty-room Beach Plaza Hotel that occupies the project site (Exhibit #4). The appeal asserts that the City-approved 72-room “boutique” hotel may deny accessibility to the coast (because it will have higher room rates than the existing motel). The appeal also states that the City’s staff report does not address all of the impacts associated with the revised project (i.e., traffic, parking, soil analysis, greenhouse gases, water supply, water use and noise impacts). The appellant requests that the Commission grant the appeal and reconsider the accessibility of the project.

III. LOCAL GOVERNMENT ACTION

On September 6, 2007, the City of Long Beach Planning Commission conditionally approved Local Coastal Development Permit No. 0604-08 for the demolition of a forty-room motel at 2010 E. Ocean Boulevard, and the construction of a four-story, 56-unit residential complex with forty hotel rooms. The Planning Commission’s action included the approval of Tentative Tract Map No. 068942 for the condominiums, and the certification of Negative Declaration ND24-07. The Commission received no appeals of the City’s approval of the local coastal development permit.

The motel property was purchased by the current owners in 2010. On February 20, 2013, Studio One Eleven, on behalf of the property owners, applied to the City to modify the previously entitled project.

On May 2, 2013, the City of Long Beach Planning Commission conducted a public hearing on the applicant’s request to revise the entitled project. The Planning Commission conditionally approved Local Coastal Development Permit No. 1302-16. Local Coastal Development Permit No. 1302-16 approves the applicant’s requested modifications to the four-story project. The revisions approved by the City would add 32 more hotel rooms to the project (72 instead of 40), and would reduce the number of condominium units from 56 to 33 (Exhibit #5).

Local Coastal Development Permit No. 0604-08 (2007): 40 hotel rooms & 56 residential units Local Coastal Development Permit No. 1302-16 (2013): 72 hotel rooms & 33 residential units
--

The appellant appealed the Planning Commission's decision to the City Council. On July 9, 2013, the City Council denied the appeal and upheld the Planning Commission's decision to approve the local coastal development permit for the revised project.

On July 15, 2013, the Commission's South Coast District office received from the City Department of Development Services the Notice of Final Local Action for Local Coastal Development Permit No. 1302-16. The Commission's ten working-day appeal period was established on July 16, 2013. On July 29, 2013, the appeal of Unite Here Local 11 was officially filed in the Commission's South Coast District office. The appeal period ended at 5 p.m. on July 29, 2013 with no other appeals received.

On August 12, 2013, the applicant waived the 49-day rule for a Commission hearing on the appeal. The applicant returned the case to the City Department of Development Services in order to clarify in writing that the proposed project is required to provide the public amenities that were offered by the applicant to be part of the project. On October 4, 2013, the City, with the agreement of the applicant, added Special Conditions 44 through 47 to the Local Coastal Development Permit (Exhibit #5, ps.14-15). The added Special Conditions require the applicant to: 1) carry-out its proposal to dedicate to the City the sandy-beach portion of the property, 2) rent bicycles, and 3) provide for public access by operating a beach-level café and street-level restaurant.

On October 7, 2013, the Commission's South Coast District office received from the City a Revised Notice of Final Local Action for Local Coastal Development Permit No. 1302-16. The Commission's ten working-day appeal period was established on October 8, 2013. On October 21, 2013, Unite Here Local 11 re-filed the appeal in the Commission's South Coast District office [Note: The Commission's Appeal Number for the case was changed from A-5-LOB-13-0227 to A-5-LOB-13-0246]. The final appeal period ended at 5 p.m. on October 21, 2013, with no other appeals received.

The City of Long Beach Local Coastal Program (LCP) was certified on July 22, 1980. Section 30603(a)(1) of the Coastal Act identifies the proposed project site as being in an appealable area by virtue of its location. The proposed project is located on a coastal bluff between the first public road and the sea, and within three hundred feet of the beach.

IV. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff [Coastal Act Section 30603(a)].

In addition, an action taken by a local government on a coastal development permit application may be appealed to the Commission if the development constitutes a "major public works project" or a "major energy facility" [Coastal Act Section 30603(a)(5)].

Section 30603 of the Coastal Act states, in part:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a coastal development permit application may be appealed to the Commission for only the following types of developments:*
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.*
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.*

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.*

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeal of the local approval of the proposed project. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

When Commission staff recommends that no substantial issue exists with respect to the grounds stated in the appeal, the Commission will hear arguments and vote on the substantial issue question. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue. If the Commission determines that no substantial issue exists, then the local government's local coastal development permit action will be considered final. Should the Commission determine that the appeal does raise a substantial issue, the Commission will consider the permit application de novo at a future meeting. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

V. FINDINGS AND DECLARATIONS

A. Project Description

Local Coastal Development Permit No. 1302-16 authorizes the construction of a four-story hotel and condominium project on an oceanfront parcel near downtown Long Beach (Exhibit #3). The approved 45-foot high structure would mix 33 residential units with 72 hotel rooms, along with a swimming pool, 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 proposed parking garage is provided from 15th Place, the street end that extends south from Ocean Boulevard.



2010 E. Ocean Boulevard, Long Beach, CA

The project site is located on the south side of Ocean Boulevard at the terminus of Cherry Avenue, between 15th Place and Bixby Park (Exhibit #3). The project site is currently developed with a two-story, forty-room motel (Beach Plaza Hotel, <http://beachplazahotellongbeach.com>). The one-acre project site will be reduced to 0.91 acres (39,369 sq. ft.) after 6,274 square feet of sandy beach is dedicated to the City [See Special Condition 44 (Exhibit #5, p.14)].

The demolition of the 1940s-era motel that currently occupies the project site was approved in 2007 by Local Coastal Development Permit No. 0604-08. Local Coastal Development Permit No. 0604-08 also authorizes the construction of a four-story, 56-unit residential complex with forty hotel rooms. The City

has characterized the approval of Local Coastal Development Permit No. 1302-16 as a modification to the development proposal that is already entitled by Local Coastal Development Permit No. 0604-08 (Exhibit #5).

The original project was approved on September 6, 2007. The entitlements granted by the City in 2007 are still in effect [Local Coastal Development Permit No. 0604-08, City of Long Beach Tentative Tract Map No. 068942 & Negative Declaration ND24-07]. Therefore, Local Coastal Development Permit No. 1302-16 essentially replaces the City's approval of the previously entitled hotel and condominium project on the site.

B. Substantial Issue Analysis

As stated in Section IV of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program (LCP) are specific. In this case, the local coastal development permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, for the reasons stated below, Commission staff recommends a finding of no substantial issue because the locally approved development is in conformity with the certified City of Long Beach LCP and the public access policies of the Coastal Act. In addition, the motel use will be preserved on the project site, with a significant increase in the number of guest rooms (72 instead of 40); and public access to the site will be improved by a new café and restaurant that are approved as part of the revised project.

Unite Here Local 11's appeal is attached as Exhibit #4 to this staff report (See Exhibit #4). The appellant contends that the City-approved project does not comply with Section 30213 of the Coastal Act because it does not protect the lower-cost overnight accommodations (\$79.99 and up) that are currently provided by the forty-room Beach Plaza Hotel that occupies the project site. The appeal asserts that the City-approved 72-room "boutique" hotel may deny accessibility to the coast (because it will have higher room rates than the existing motel). The appeal also states that the City's staff report does not address all of the impacts associated with the revised project (i.e., traffic, parking, soil analysis, greenhouse gases, water supply, water use and noise impacts).

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

The proposed project is within Subarea 2 of the City of Long Beach Ocean Boulevard Planned Development District (PD-5). The Planned Development District (PD-5) is part of the implementing ordinances portion of the City of Long Beach certified LCP. The land use designation for the project site allows high-density residential developments of up to 54 residential units per acre. The height limit

for the subarea is 45 feet. The LCP also states that, “Existing motel use sites shall remain in motel use”. The certified LCP does not set forth any requirement to provide in-lieu fees or other mitigation for the replacement of the existing motel use with a new hotel.

The proposed project is consistent with the density limit and height limit set forth in the certified LCP. The proposed project also 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 6,274 square foot portion of the project site that exists seaward of the toe of the bluff will be dedicated to the City [See Special Condition 44 (Exhibit #5, p.14)]. The structure will extend to the toe of the bluff, requiring excavation of the bluff face in order to accommodate residential units and a café at beach level. The proposed building will rise vertically from the beach level for four levels, then the upper four levels would each be set back from the beach. The City found that these upper level setbacks, as proposed, were 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 Special Condition 40 to require design modification to the south (beach-facing) elevation to better reflect the sloping nature of the bluff (Exhibit #5, p.14). Setting part of the development further back from the top of the bluff will preserve public views (toward the west) from Bixby Park (Exhibit #11).

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).

The revised project approved by Local Coastal Development Permit No. 1302-16 represents a significant improvement in the proposed project as compared to the previously entitled project. As conditioned by the local coastal development permit, the revised project will enhance public access by providing more publicly accessible amenities than the previously entitled project. Even though the new hotel rooms will likely cost more than the rooms in the existing seventy-year old motel, the revised project will preserve the motel use on the project site and provide 32 more hotel rooms than currently exist (72 rooms instead of 40). In addition, the number of approved private residences (condominium units) in the project will be decreased from 56 units to 33 units. Public access will also be enhanced by the provision of a beach-level café (Special Condition 46), a restaurant/bar with outdoor seating and coastal views (Special Condition 47), and bicycle rentals (Special Condition 45). The proposed beach-level café will be directly accessible to the existing beach bike path and the new beach pedestrian path approved by Coastal Development Permit 5-12-320 (Exhibit #7). Finally, the amenities proposed by the applicant (and required by the conditions of the local coastal development permit), along with the applicant’s dedication to the City of 6,274 square feet of sandy beach (the portion of the project site that

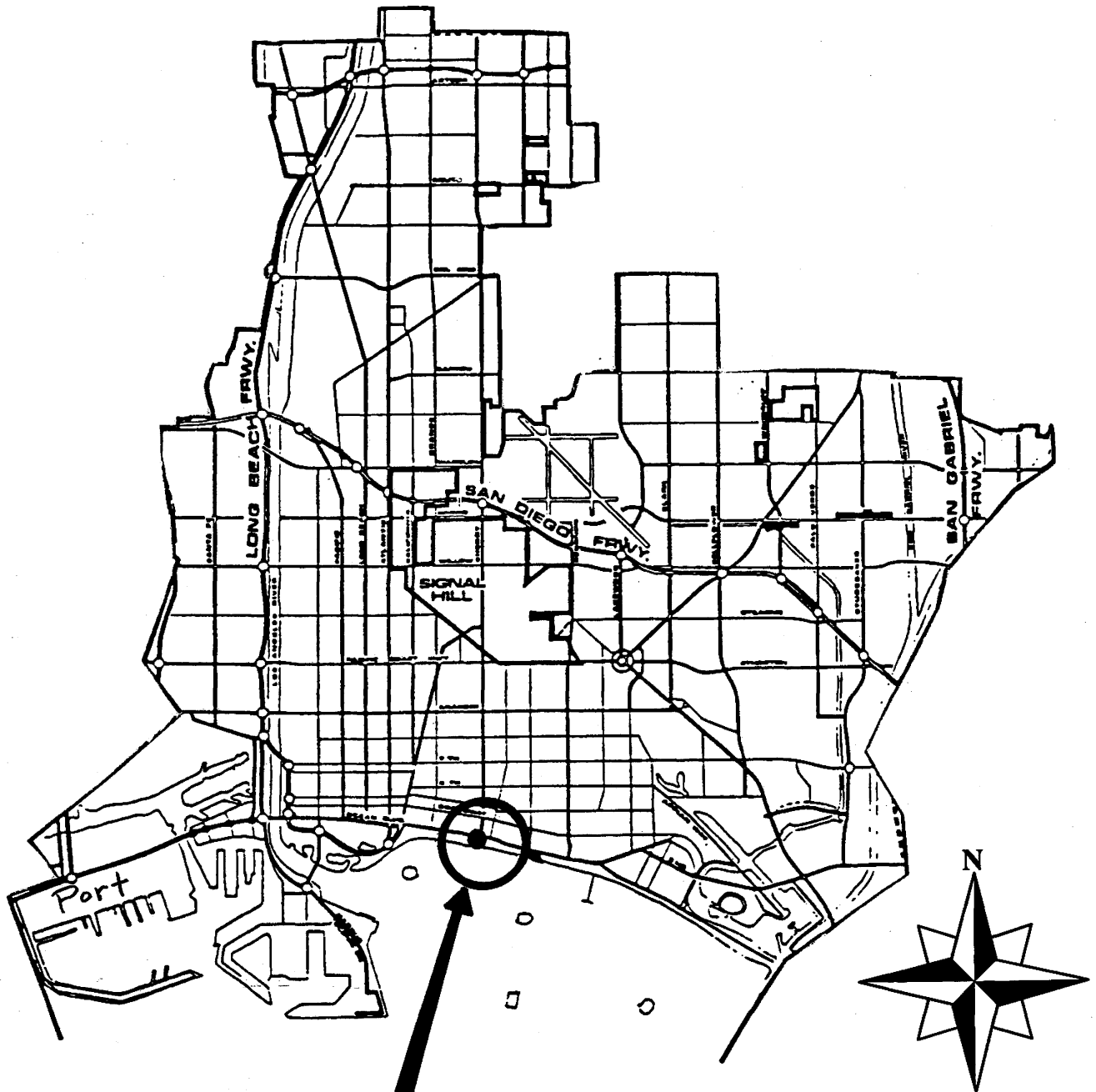
exists seaward of the toe of the bluff) will provide public recreational opportunities as required by Section 30213 of the Coastal Act.

The City-approved project, as conditioned, constitutes a significant improvement to a previously entitled development project, and it does not conflict with the policies of the certified LCP or the public access policies of the Coastal Act. The City, in the local coastal development permit findings, has provided factual and legal support for its decision (Exhibit #5, ps.2-4). Therefore, the appeal raises no “substantial” issue with respect to conformity with the certified LCP or the public access policies of the Coastal Act to a level of significance necessary to meet the substantial issue standard of Section 30625(b)(1).

Appendix A - Substantive File Documents

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
 2. Local Coastal Development Permit No. 0604-08 (2010 E. Ocean Blvd., Long Beach).
 3. Local Coastal Development Permit No. 1302-16 (2010 E. Ocean Blvd., Long Beach).
 4. City of Long Beach Tentative Tract Map No. 068942.
 5. 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-L0B-13-0246

EXHIBIT # 1

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EXHIBIT # 2
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Site: 2010 E. Ocean Blvd.

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STATE OF CALIFORNIA - THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

CALIFORNIA COASTAL COMMISSION

OCT 21 2013

SOUTH COAST DISTRICT OFFICE
100 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
PHONE (562) 590-5071 FAX (562) 591-5084

CALIFORNIA
COASTAL COMMISSION



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: UNITE HERE Local 11, Attn: Rachel Torres

Mailing Address: 464 South Lucas Avenue, Suite 201

City: Los Angeles

Zip Code: CA

Phone: 213-481-8530

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Long Beach

2. Brief description of development being appealed:

Four-story, 33-unit residential complex with 72 hotel rooms and associated amenities

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2010 East Ocean Boulevard, Long Beach, CA

4. Description of decision being appealed (check one.):

- ☒ Approval; no special conditions
☐ Approval with special conditions:
☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO.

A. S. L. O. B. 13. 0246

DATE FILED

10-21-13

DISTRICT

So. Coast (5)

COASTAL COMMISSION

EXHIBIT #

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OF

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APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

SECTION IV. Reasons Supporting This Appeal

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

EXHIBIT # 4
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CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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

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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

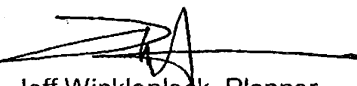
Local action is final on: October 4, 2013

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

COASTAL COMMISSION
A-5-L0B-13-0246

EXHIBIT # 5
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Exhibit B

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

COASTAL COMMISSION

EXHIBIT # 5
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Findings
Case No. 1302-16
10/03/13

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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Findings
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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.

Conditions of Approval

Case No. 1302-16

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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 Palácio 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:

COASTAL COMMISSION

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.

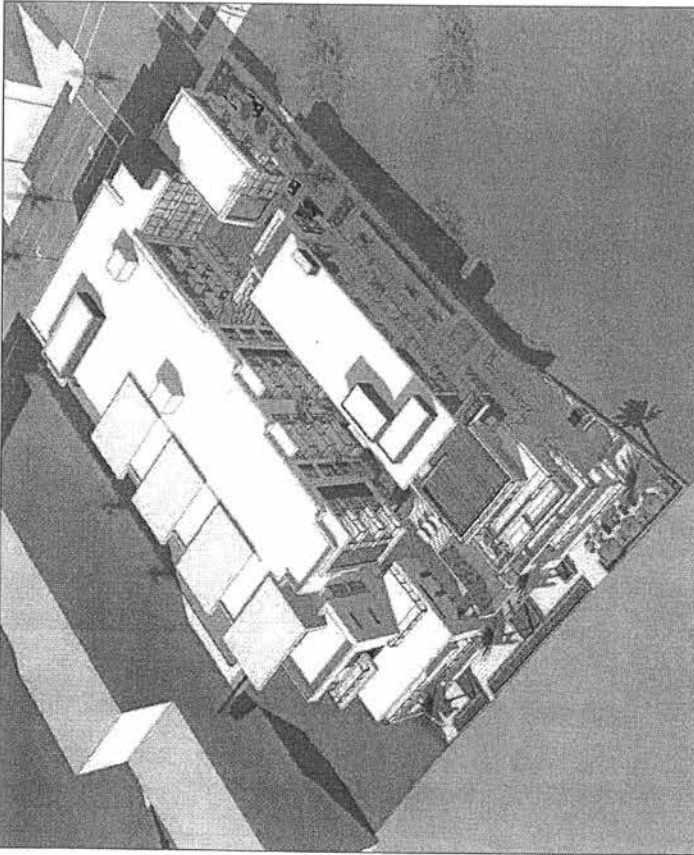
A hotel branded restaurant and bar lounge with outdoor seating that provides views of the coast will be provided. This is contingent on the owner being able to gain desired approvals from all applicable local and state agencies such as the City of Long Beach and California Department of Alcoholic Beverage Control.

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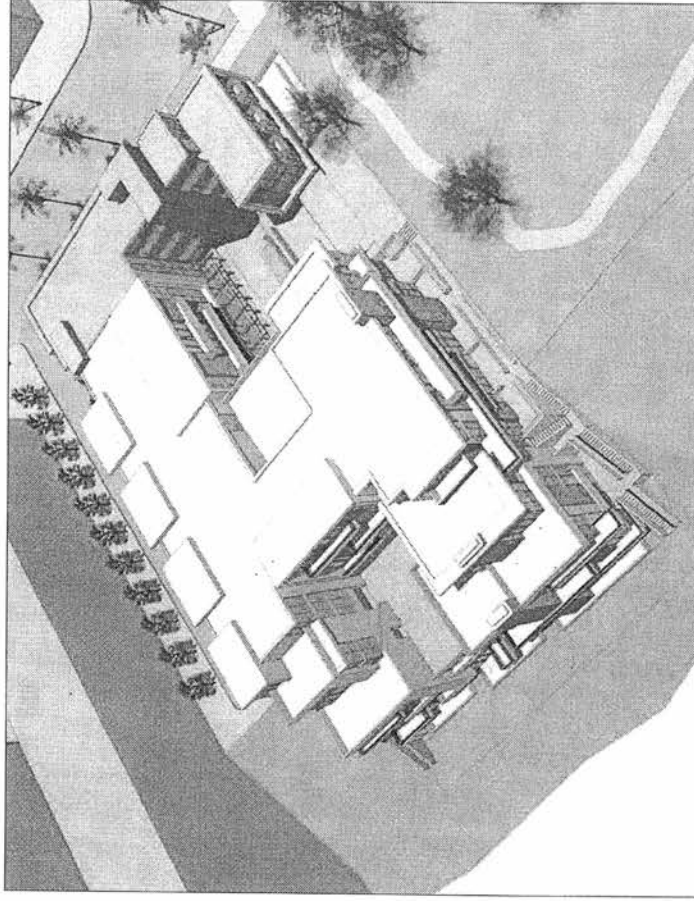


CDP No. 1302-16 Proposed Design (2013)

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:

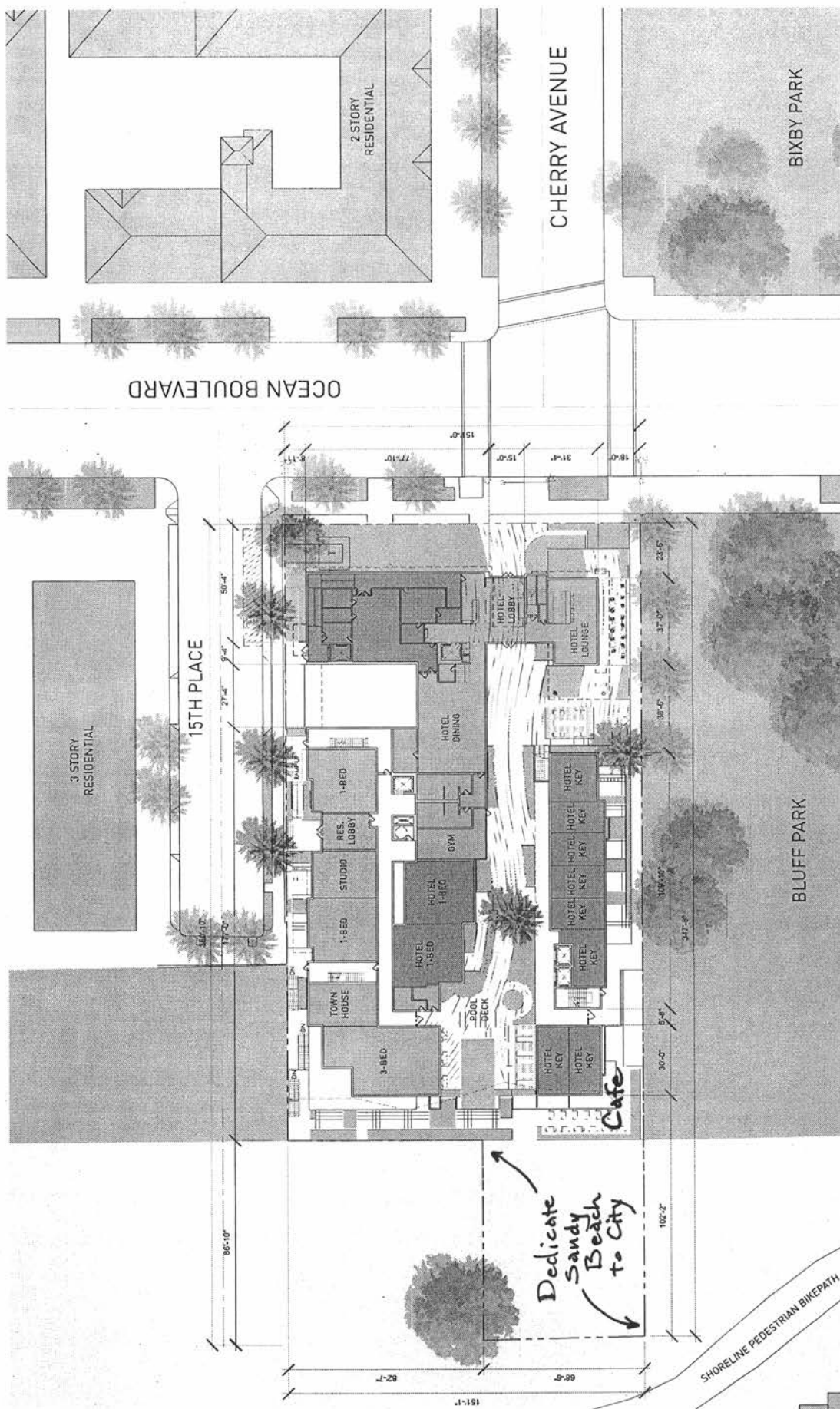
- Additional hotel keys and operation area (including lobby/lounge, service and storage)
- Reduce residential program while retaining flexibility for market conditions
- Redistribute community open space area and program
- Creation of north-south circulation and view corridor directly connecting two 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)

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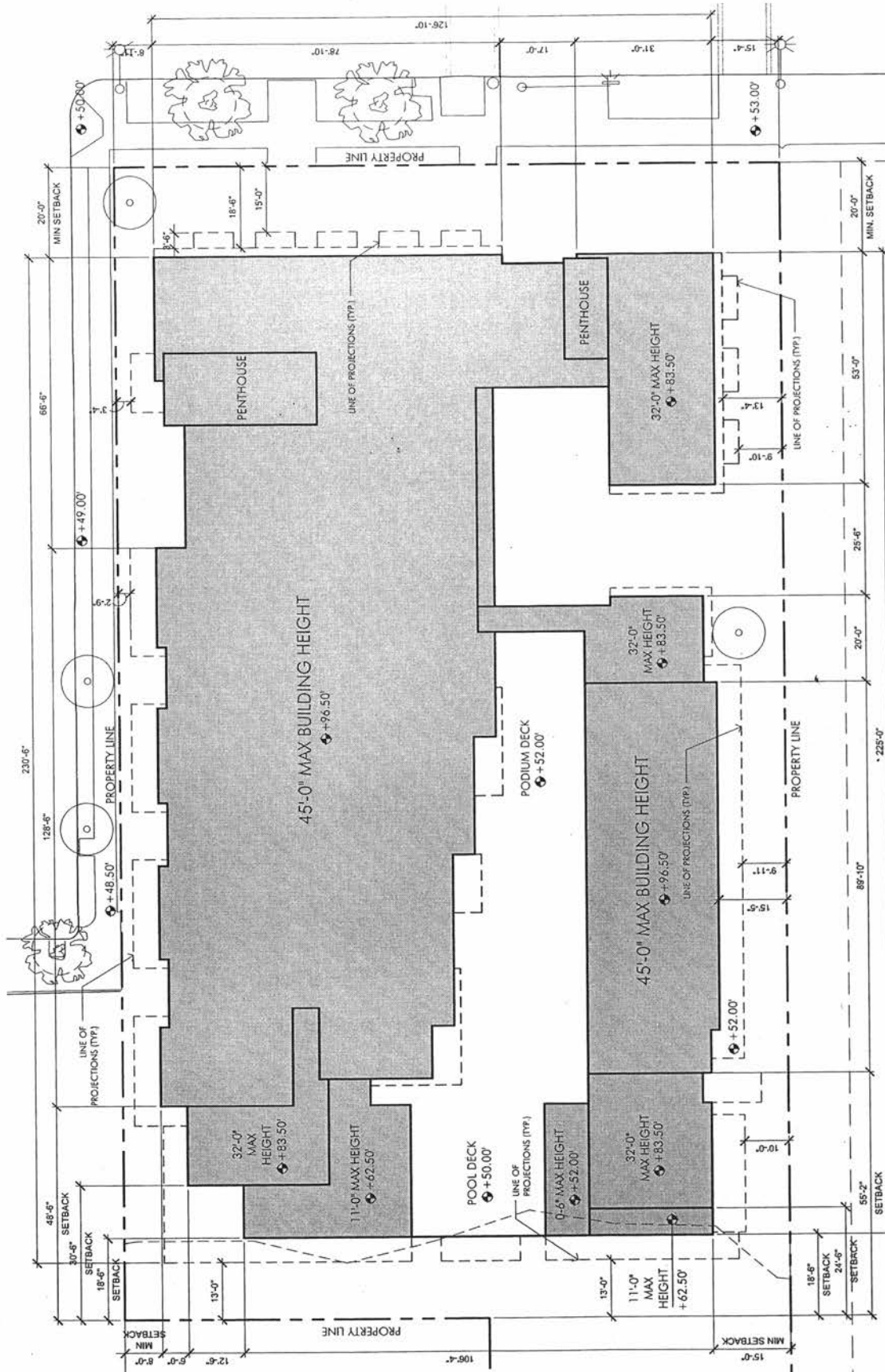
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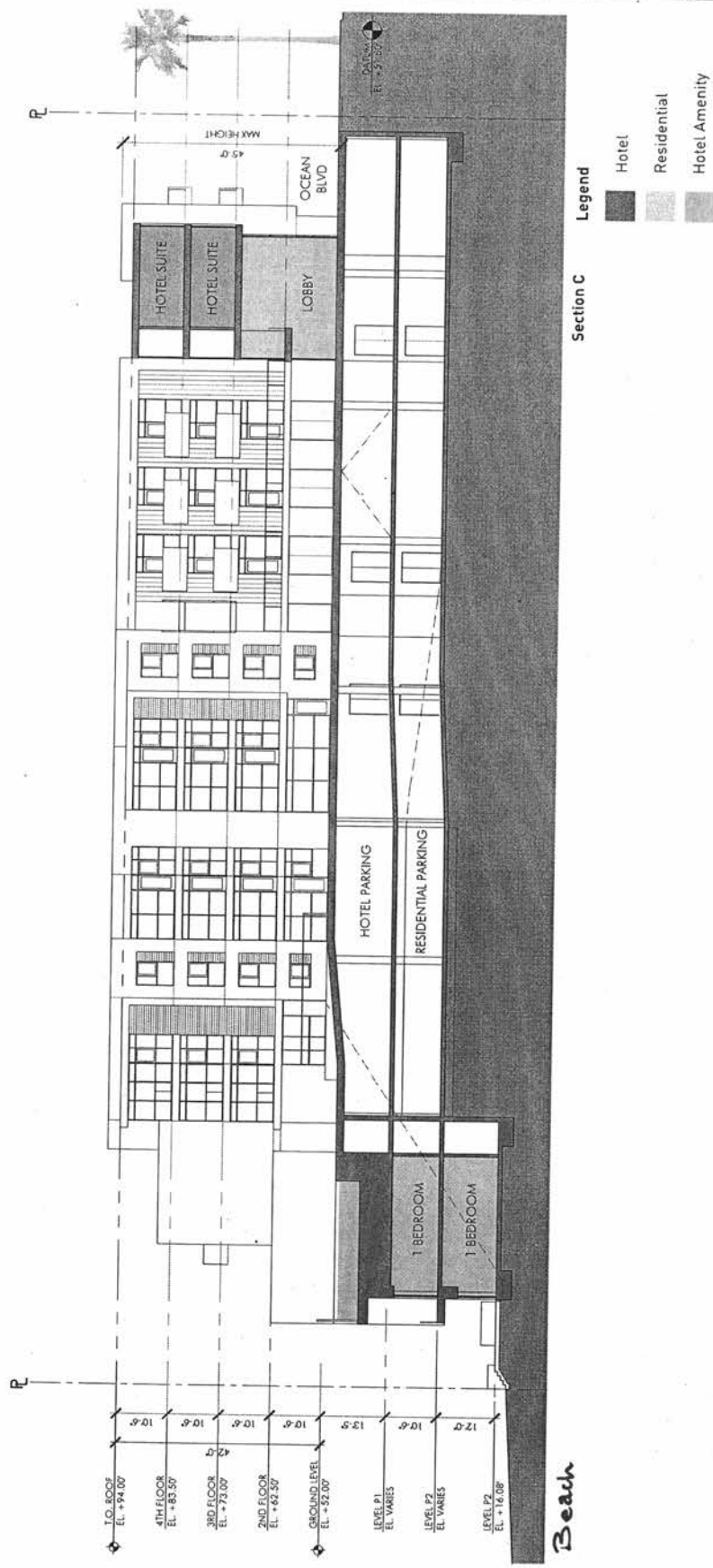


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Site Plan

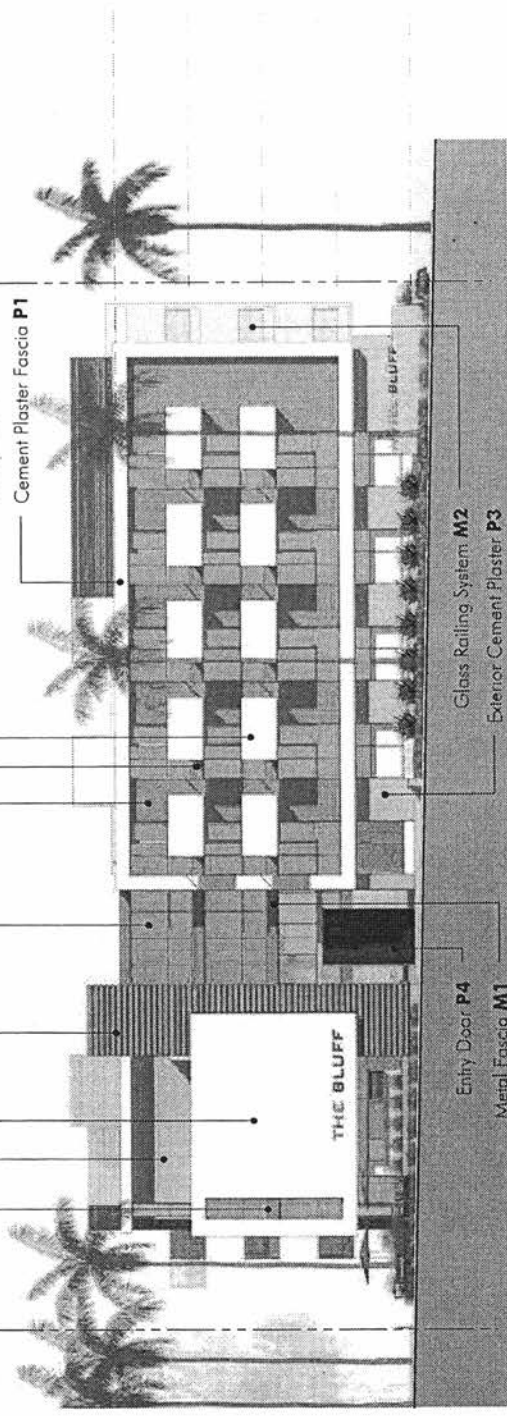
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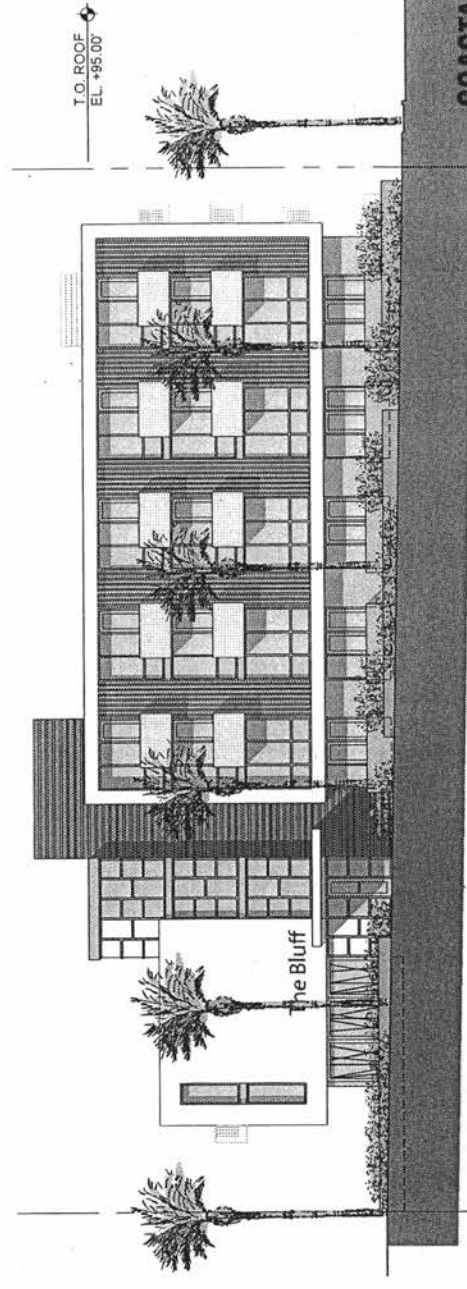


Section

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**



Proposed

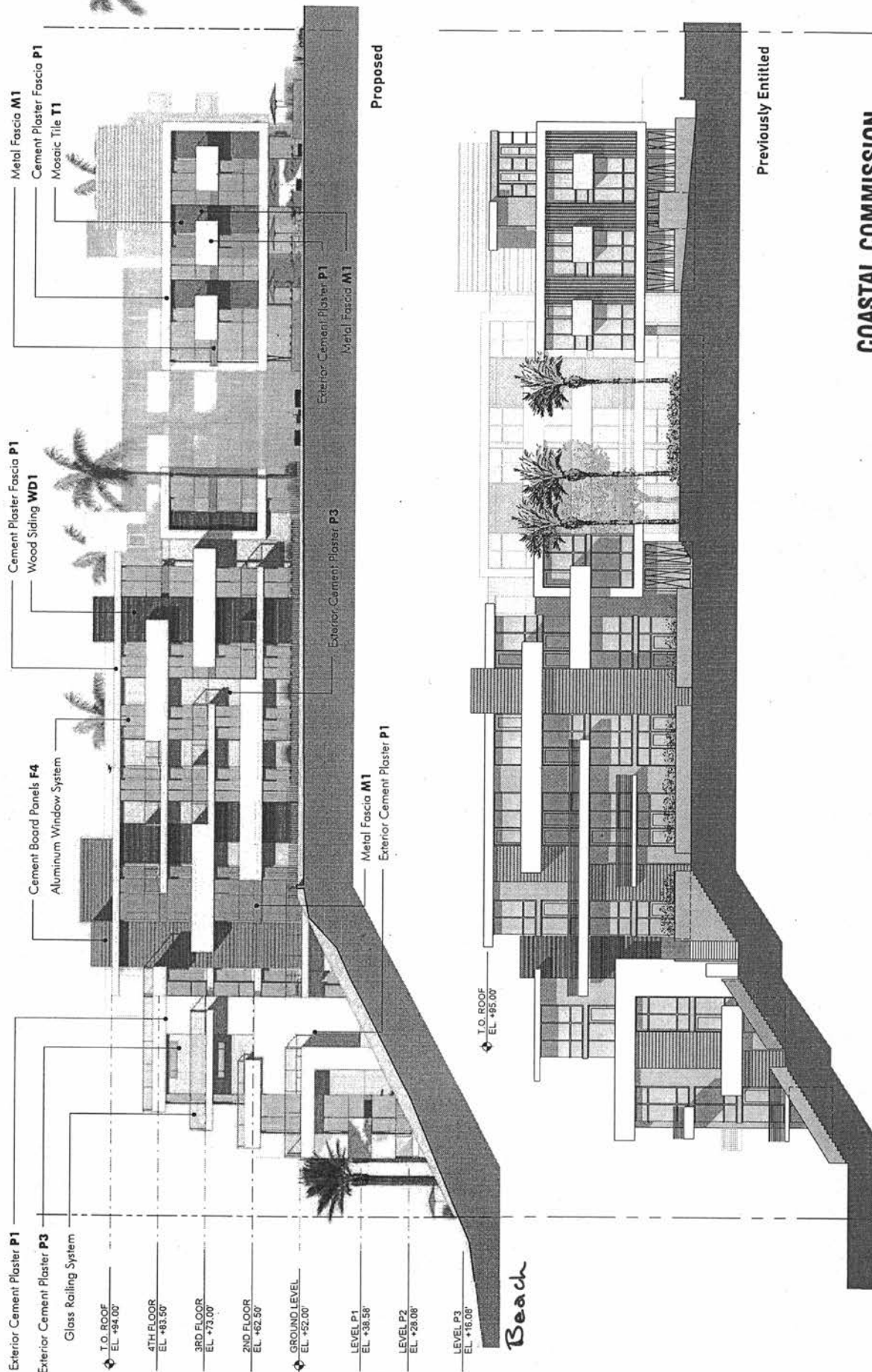


Previously Entitled

Ocean Blvd. Elevation

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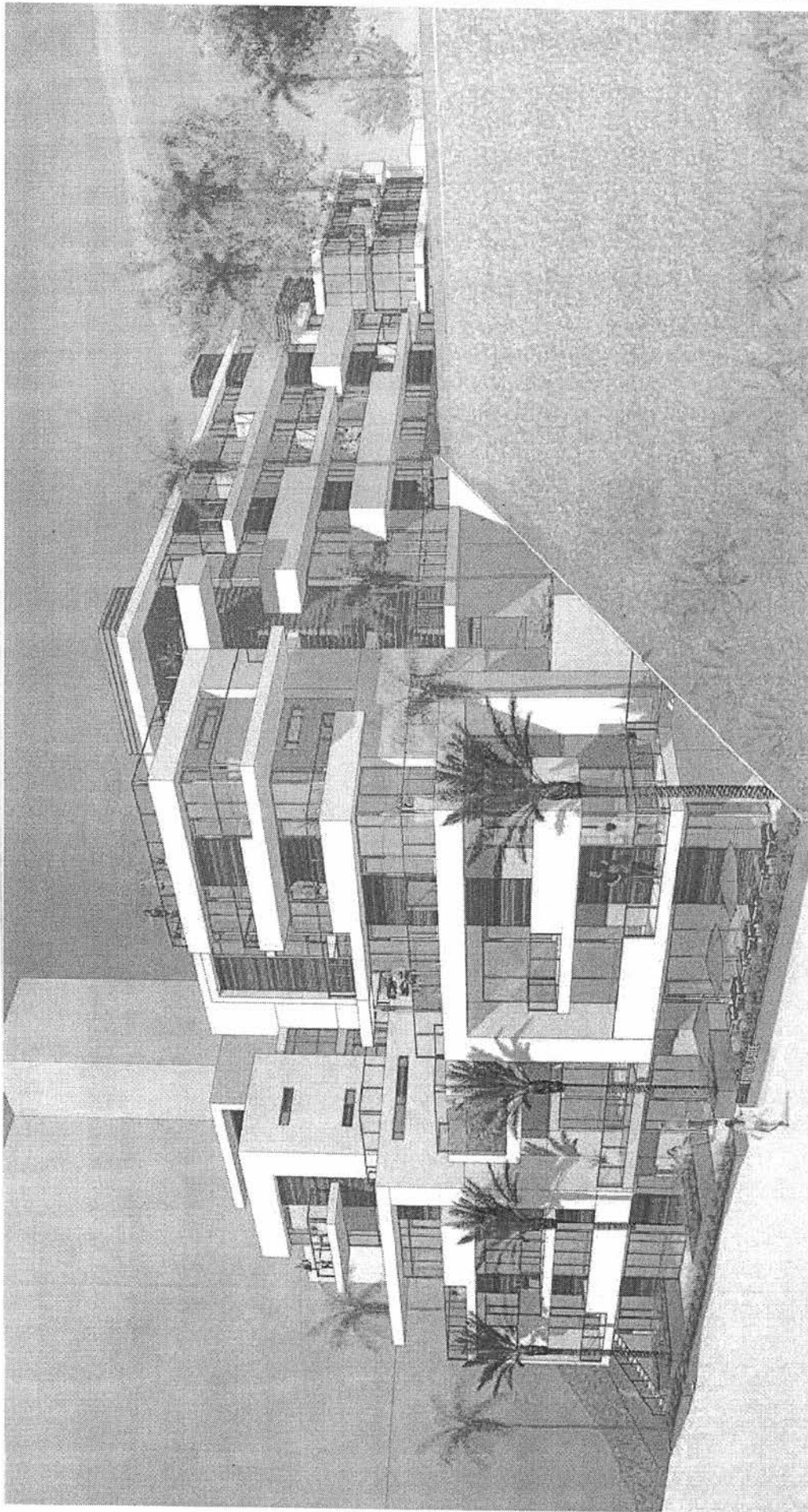
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East Elevation - Bluff Park

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View towards Blu

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View from Beach