



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

June 4, 2009

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Approve Site Plan Review for development at 290 Bay Street; recommend that City Council approve an amendment to the Downtown Shoreline Planned Development District (PD-6); recommend that City Council approve an amendment to the Local Coastal Program incorporating the requested changes to PD-6; and certify Environmental Impact Report Addendum EIR 01-09, for the proposed project at 290 Bay Street. (District 2)

APPLICANT: Chris Gebert for Lodgeworks, L.P.
229 W. Sycamore Ave.
El Segundo, CA 90245
(Application No. 0812-04)

DISCUSSION

Lodgeworks, L.P. proposes to build a new five-story, 103,485-square-foot commercial building, consisting of a hotel and ground floor retail space, on a 22,026-square-foot development pad at 290 Bay Street in the Pike development (Exhibit A – Location Map). The hotel will have 125 guest rooms located on floors two through five, with a ground floor lobby, restaurant, and bar area (Exhibit B – Plans and Photos). The hotel project includes a variety of secondary amenities such as meeting rooms, an exercise room, boardrooms, pedestrian access from the adjacent bridge via a small second-floor lobby, and an outdoor bar, patio, and fire pit area located in an inner courtyard. On the ground floor, 14,725 square feet are reserved for retail space; the site owner, Developers Diversified Realty (DDR), has stated their intent to fill this retail space with a major anchor tenant rather than divide the space into smaller suites. Loading, refuse, and utility access to the project will be located on the private alley on the hotel's south elevation facing Shoreline Drive. This utility area will be screened from Shoreline Drive by a tall hedge in the landscaping median between the alley and Shoreline Drive.

The proposed building is designed in a contemporary architectural style, with a ground floor that is distinct from the upper four floors. A majority of the exterior treatment is cement plaster stucco with a "Santa Barbara" smooth finish. A significant amount of other materials are used for accenting; these include five metal types, both bare and colored, and three colored cement fiberboard siding types. At the time of this report, the colors selected for the exterior are a palette of neutral gray, white, and yellow as base colors, with architectural elements accented in bold

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blue, green, and orange. The building is required to meet the LEED Certified level of energy-efficient design standards.

This project requires three entitlements, as follows: (1) A Site Plan Review entitlement; (2) An amendment to the Downtown Shoreline Planned Development District (PD-6) to allow a second hotel, to allow this hotel a maximum height of six stories, and to allow this hotel to exceed the current 65 percent site coverage limitation; and (3) An amendment to the Local Coastal Program (LCP) since PD-6 is an integral part of the LCP. Staff recommends approval of the requested entitlements (Exhibit C – Findings and Conditions of Approval).

PUBLIC HEARING NOTICE

Public hearing notices were distributed on May 19, 2009, as required by the Long Beach Municipal Code. Staff has received several inquiries as to the project and environmental review process but no statements in support or opposition.

ENVIRONMENTAL REVIEW

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, an addendum to the latest Environmental Impact Report for the Pike development (EIR 14-04) was prepared for the proposed project (Exhibit D – EIR Addendum 01-09 on CD). Planning Commission certification of this EIR Addendum is required if the Commission wishes to approve the entitlements as staff recommends.

Respectfully submitted,



CRAIG BECK
DIRECTOR OF DEVELOPMENT SERVICES

CB:DB:SK

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|-------------|---|
| Attachments | Exhibit A – Location map |
| | Exhibit B – Plans and photos |
| | Exhibit C – Findings and Conditions of Approval |
| | Exhibit D – EIR Addendum 01-09 on CD |

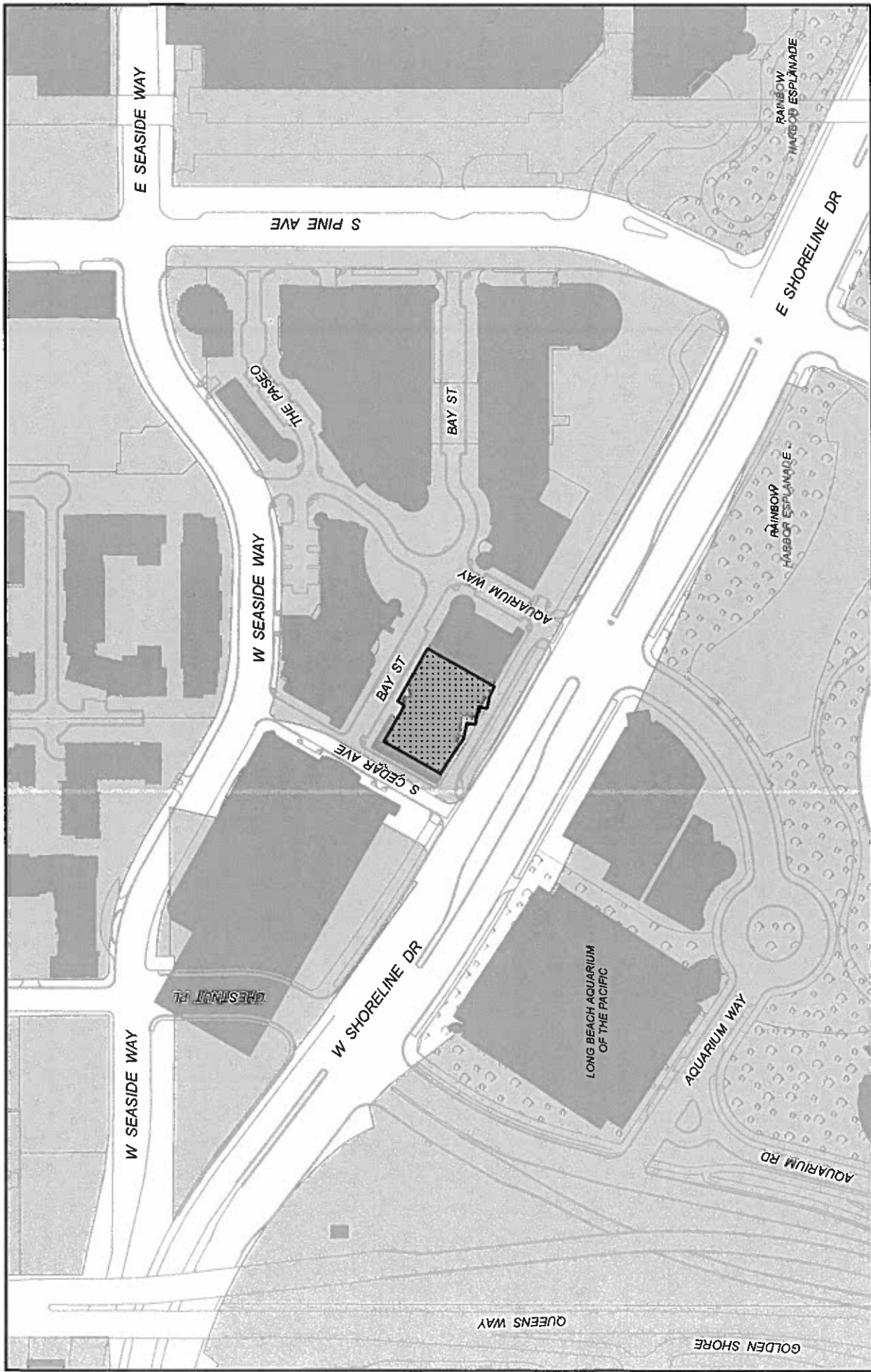


Exhibit A



Subject Property:
 290 Bay St
 Application No. 0812-04
 Council District 2
 Zoning Code : PD-6 (SubArea5)



FINDINGS
290 Bay St.
Application No. 0812-04
June 4, 2009

Site Plan Review

Pursuant to Section 21.25.506 of the Long Beach Municipal Code, the site plan review committee or the planning commission shall not approve a site plan review unless the following findings are made. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

- 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;**

The design of the proposed hotel building is harmonious, consistent and complete within itself. The proposed building is designed in a contemporary architectural style, with a ground floor that is distinct from the upper four floors. A majority of the exterior treatment is cement plaster stucco with a "Santa Barbara" smooth finish. A significant amount of other materials are used for accenting; these include five metal types, both bare and colored, and three colored cement fiberboard siding types. At the time of this report, the colors selected for the exterior are a pallet of neutral gray, white, and yellow as base colors, with architectural elements accented in bold blue, green, and orange. The project is compatible in design, character, and scale with neighboring structures and the community in which it is located—the quality of this project's design meets or exceeds that of any other building in the Pike development.

- 2. THE DESIGN CONFORMS TO ANY APPLICABLE SPECIAL DESIGN GUIDELINES ADOPTED BY THE PLANNING COMMISSION OR SPECIFIC PLAN REQUIREMENTS, SUCH AS THE DESIGN GUIDELINES FOR R-3 AND R-4 MULTI-FAMILY DEVELOPMENT, THE DOWNTOWN DESIGN GUIDELINES, PD GUIDELINES OR THE GENERAL PLAN;**

The project meets the design requirements established by PD-6 for the Downtown Shoreline area. These design standards establish guidelines for building siting to preserve views both between buildings and of the shoreline, and require that development in the Downtown Shoreline area contributes to perception of the site as a comprehensible, cohesive, and integrated entity. The proposed project meets these standards. The project is not located within another specific plan, or the R-3 or R-4 zone. The General Plan offers no specifications for development in Land Use District No. 7 and refers instead to the Planned Development District assumed to be adopted for each area designated LUD No. 7.

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

The development site is a graded dirt lot; no trees are on the site. The site is not adjoined by public right-of-way on any side and no city street trees are present.

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

The streets, sidewalks, and alley bounding the subject site are private property and no public improvements are required. Improvements to the surrounding streets were made in conjunction with the master plan for the Pike development.

5. THE PROJECT CONFORMS WITH ALL REQUIREMENTS SET FORTH IN CHAPTER 21.64 (TRANSPORTATION DEMAND MANAGEMENT), WHICH REQUIREMENTS ARE SUMMARIZED IN TABLE 25 1 AS FOLLOWS:

**Table 25-1
 Transportation Demand Management Ordinance Requirements**

TDM Requirements	New Nonresidential Development		
	25,000+ Square Feet	50,000+ Square Feet	100,000+ Square Feet
Transportation information area	*	*	*
Preferential carpool/vanpool parking		*	*
Parking designed to admit vanpools		*	*
Bicycle parking		*	*
Carpool/vanpool loading zones			*
Efficient pedestrian access			*
Bus stop improvements			*
Safe bike access from street to bike parking			*
Transit review	For all residential and nonresidential projects subject to EIR		

The proposed project is over 100,000 square feet and will conform to all requirements set forth in Chapter 21.64. Each item has either been designed into the project or will be implemented as a condition of approval.

Zoning Amendment

Pursuant to Section 21.25.106 of the Long Beach Municipal Code, in all cases, the Planning Commission and the City Council shall be required to make the following findings of fact before rezoning a parcel. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE PROPOSED CHANGE WILL NOT ADVERSELY AFFECT THE CHARACTER, LIVABILITY OR APPROPRIATE DEVELOPMENT OF THE SURROUNDING AREA; AND

The parcel that makes up the project site currently is located in the Downtown Shoreline Planned Development District (PD-6), Subarea 5. This zoning amendment is not technically a rezoning but a modification to the development standards for Subarea 5. The zoning amendment would modify the development standards to allow a second hotel in Subarea 5, and set a maximum height limit of six stories for this hotel. The amendment also would allow the Site Plan Review Committee or Planning Commission to waive the 65% site coverage limit if the finding was made that such a waiver would further the stated goals of PD-6. Given that one 12-story hotel, a 70-foot tall parking garage, and an 80-foot tall large-format cinema all are allowed by right in this subarea, it logically follows that amending this subarea's restrictions to allow a hotel with a maximum height of six stories (in addition to the allowed 12-story hotel) would not generate any impacts beyond the scope of those originally considered acceptable by the authors of PD-6.

2. THE PROPOSED CHANGE IS CONSISTENT WITH THE GOALS, OBJECTIVES AND PROVISIONS OF THE GENERAL PLAN.

The subject site currently has a General Plan Land Use District designation of No. 7, Mixed Uses. This LUD has the relatively wide objective of enabling a large, vital activity center, and it encompasses the entire downtown area. The zoning amendment to PD-6 will not alter the conformity of PD-6 to the stated goals and objectives of LUD No. 7.

3. IF THE PROPOSED CHANGE IS A REZONING OF AN EXISTING MOBILE HOME PARK, THAT THE REQUIREMENTS OF SECTION 21.25.109 HAVE BEEN OR WILL BE FULLY MET.

The proposed change is not a rezoning of an existing mobile home park.

CONDITIONS OF APPROVAL

290 Bay St.

Application No. 0812-04

June 4, 2009

1. This Site Plan Review approval is for the construction of a new 5-story, 125-room hotel, with approximately 15,000 square feet of ground floor retail area, on a 22,028-square foot development pad located at 290 Bay Street in the Downtown Shoreline Planned Development District (PD-6), Subarea 5.
2. This permit and all development rights hereunder shall terminate one year from the effective date of this permit unless construction is commenced or a time extension is granted, based on a written request submitted to and approved by the Zoning Administrator prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. 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).

Special Conditions:

4. Upon approval by the City of Long Beach of all necessary municipal entitlements for this project, the developer shall obtain all necessary permits and entitlements from the California Coastal Commission and the California State Lands Commission, as appropriate, prior to submittal of a Building Permit Application with the City of Long Beach.
5. The project shall attain "LEED Certified" status through registration with the U.S. Green Building Council, or attain an equivalency to be verified by an independent third party.
6. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
7. The developer shall provide landscaping screening in the median between Shoreline Drive and the service alley immediately south of the project site, to the satisfaction of the Director of Development Services, with the purpose of screening the service area from Shoreline Drive.

8. The developer shall comply with all safety and security suggestions, to the satisfaction of the Director of Development Services, as specified in the project-specific memorandum issued by the Long Beach Police Department on March 4, 2009.

Standard Conditions:

9. 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.
10. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
11. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
12. This approval is required to comply with these conditions of approval as long as the use is on the subject site. As such, the site shall allow periodic re-inspections, at the discretion of city officials, to verify compliance. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council (Sec. 21.25.412, 21.25.212).
13. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
14. The plans submitted for plan review must explicitly call out and describe all materials, textures, accents, colors, window, door, planter, and paving details that were approved by the Site Plan Review Committee and/or the Planning Commission. No substantial changes shall be made without prior written approval of the Zoning Administrator and/or the Planning Commission.
15. The Director of Development Services is authorized to make minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.

16. All landscaped areas must be maintained in a neat and healthy condition. Any dying or dead plants materials must be replaced with the minimum size and height plant(s) required by Chapter 21.42 (Landscaping) of the Zoning Regulations. At the discretion of City officials, a yearly inspection shall be conducted to verify that all irrigation systems are working properly and that the landscaping is in good healthy condition. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by the City Council.
17. Prior to the issuance of a building permit, the applicant must submit complete landscape and irrigation plans for the approval of the Director of Development Services. The landscaping plan shall include drought tolerant street trees to be installed consistent with the specifications of the Street Tree Division of the Department of Pubic Works. Approved root guards shall be provided for all street trees.
18. Where feasible, all landscaped areas shall be planted with drought tolerant plant materials. All landscaped areas shall be provided with water conserving automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk.
19. Low-flow fixtures shall be used for all lavatory faucets, kitchen faucets, showerheads, toilets, and urinals. Toilets may be either low-flow or dual flush. Maximum flow rates for each fixture type shall be as follows: lavatory faucet – 2.75 GPM, kitchen faucet – 2.20 GPM, showerhead – 2.00 GPM, toilet – 1.3 GPF, dual flush toilet – 0.8/1.6 GPF, urinal – 1.0 GPF. Plans submitted for review shall specifically identify such fixtures and flow rates.
20. For commercial food service facilities, low-flow pre-rinse sprayers with average flow rates of no more than 2.0 GPM shall be used. Flow rates shall be specified on plans.
21. Prior to issuance of a building permit, the developer shall submit a landscaping plan to the Planning Bureau for review. Turf shall be limited to less than 50% of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50% or more of the planted area (as measured in square feet of landscape) shall be comprised of drought-tolerant plants, to the satisfaction of the Zoning Administrator.
22. All landscaping irrigation systems shall use high efficiency sprinkler nozzles. The models used and flow rates shall be specified on the landscaping plan. For residential-type or small-scale sprinkler systems, sprinkler head flow rates shall not exceed 1.00 GPM and shall be of the rotating type. Where feasible, drip irrigation shall be used instead. If an in-ground irrigation system is to be installed, such system shall be controlled by an automatic self-adjusting weather-based irrigation controller.

23. Permeable pavement shall be utilized where feasible, to the satisfaction of the Director of Development Services. Public right-of-way improvements shall be exempt from this requirement. If the feasibility of using permeable pavement is uncertain, it shall be the developer's responsibility to demonstrate that a given application of permeable pavement is not feasible, to the satisfaction of the Director of Development Services.
24. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
25. Site development, including landscaping, shall conform to the approved plans on file with 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.
26. 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 exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).
27. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
28. Any graffiti found on site must be removed within 24 hours of its appearance.
29. Prior to the issuance of a building permit, the applicant must depict all utility apparatus, such as, but not limited to, backflow devices and Edison transformers, on both the site plan and the landscape plan. These devices shall not be located in any front, side, or rear yard area that is adjacent to a public street. Furthermore, this equipment shall be properly screened by landscaping or any other screening method approved by the Director of Development Services.
30. All rooftop mechanical equipment shall be fully screened from public view. Said screening must be architecturally compatible with the building in terms of theme, materials, colors and textures. If the screening is not specifically designed into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Development Services prior to the issuance of a building permit.

31. All parking areas serving the site shall provide appropriate security lighting pursuant to Section 21.41.259. All exterior lighting shall be operated by a photocell that activates the lighting when it senses darkness. Such lighting shall be adequately shielded to prevent intrusion of light and glare upon neighboring properties. The Chief of Police may require other security measures to be provided.
32. Energy conserving equipment, lighting, and construction features shall be utilized on the building.
33. The applicant shall file a separate plan check submittal to the Long Beach Fire Department for review and approval prior to the issuance of a building permit.
34. 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. For more information, contact Scott Minikus at (562) 570-7282.
35. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
36. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
37. Approval of this development project 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 level standards, including, but not limited to, sewer capacity charges, Park Fees and Transportation Impact Fees.
38. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed

39. Grading and construction activities shall conform to Rule 403 of the South Coast Air Quality Management District and shall include the following:
 - a. Use water trucks and hoses to wet exposed and graded areas at least twice daily with complete coverage on all active areas and periodic wash-downs of public streets in the vicinity of all entrances and exits to the project site. Increase frequency of watering to three or more times per day whenever winds exceed 15 miles per hour, and cease grading activities during period of winds greater than 30 miles per hour.
 - b. Water all material being excavated and stockpiled.
 - c. Water all grading and cover materials being transported.
 - d. Properly maintain all grading and construction equipment propulsion systems to avoid excess emissions.
 - e. Schedule truck trips to avoid peak hours (7-9 a.m. and 4-6 p.m., weekdays).
 - f. Discontinue construction during Stage 2 smog alerts (ozone greater than or equal to 0.35 ppm.)
40. All trash and refuse containers shall be fully screened from public view to the satisfaction of the Director of Development Services.
41. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
42. 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.