

C-11

January 19, 2021

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to accept an easement deed for pedestrian access along the development property at Seaside Way Bridge elevation, from 207 Seaside Way Partners, LLC, owner of the property at 207 Seaside Way Street; and,

Accept Certified Mitigated Negative Declaration No. MND 02-15. (District 2)

DISCUSSION

When significant new development is proposed, the public rights-of-way adjacent to the site are reviewed for sufficiency to accommodate the new development. For the development at 207 Seaside Way, a dedication for public access easement is required along the private property frontage at the Seaside Way Pedestrian Rainbow Bridge (Bridge) elevation, to create a 15-foot wide public path along the Bridge (Attachment A). The Department of Public Works is requesting City Council authorization to accept of an easement deed to accomplish this purpose.

City staff conducted a review of affected agencies and there were no objections to the proposed easement. In conformance with the California Environmental Quality Act, certified Mitigated Negative Declaration No. MND 02-15 and a Local Coastal Development Permit were approved for this project on May 21, 2015 (Attachment B). The Department of Public Works is asking City Council authorization to accept this document.

This matter was reviewed by Deputy City Attorney Erin Weesner-McKinley on December 17, 2020 and by Budget Analysis Officer Julissa José-Murray on December 20, 2020.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical.

FISCAL IMPACT

An easement processing fee in the amount of \$2,108 was deposited in the General Fund Group in the Public Works Department. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

HONORABLE MAYOR AND CITY COUNCIL
January 19, 2021
Page 2

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



ERIC LOPEZ
DIRECTOR OF PUBLIC WORKS

APPROVED:



THOMAS B. MODICA
CITY MANAGER

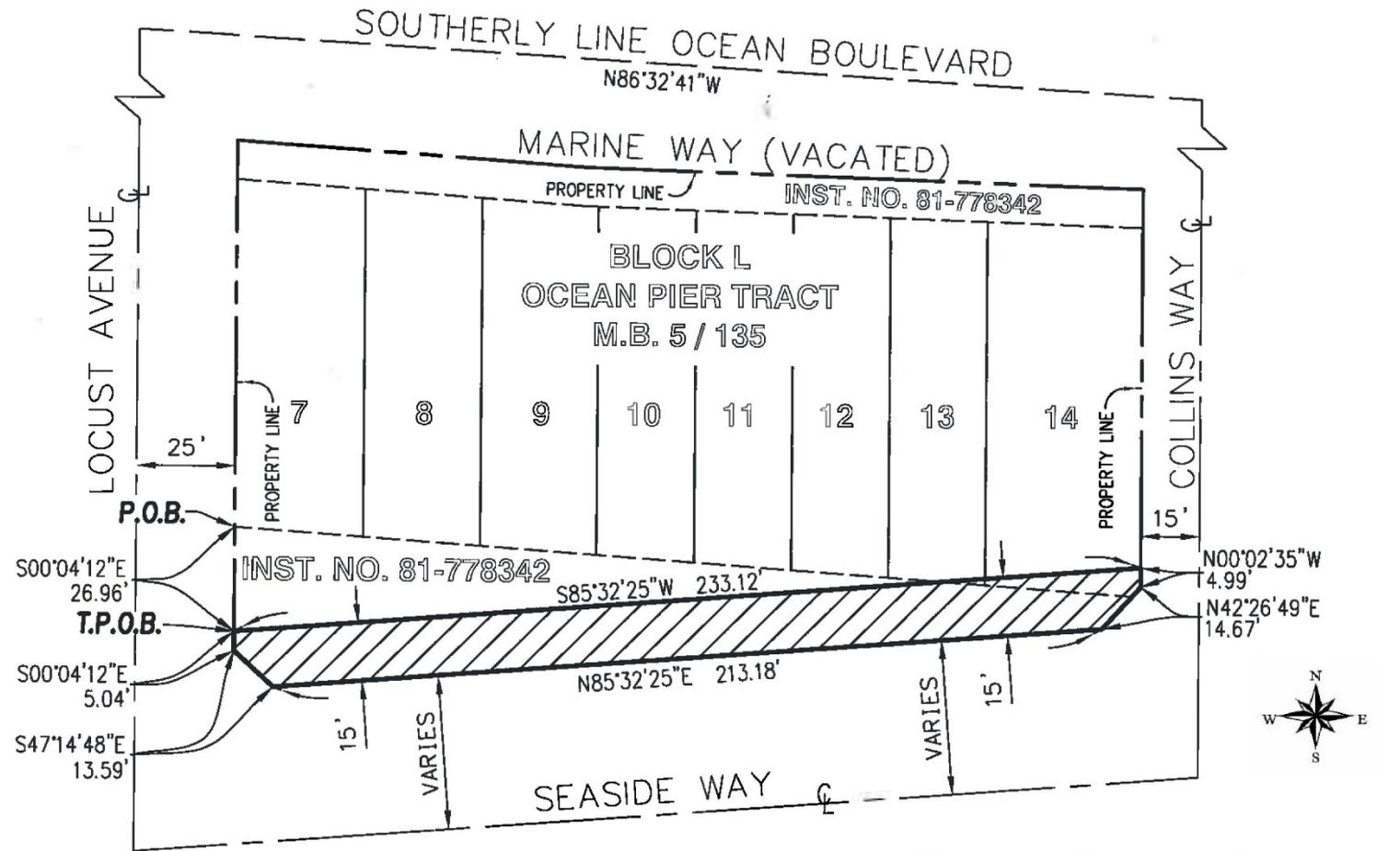
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ATTACHMENTS: A – ENGINEERING SKETCH NO. 798E
B – PLANNING COMMISSION LETTER

SKETCH NO.798E

SHEET 1 OF 2

SKETCH SHOWING A 15.00-FOOT-WIDE STRIP OF LAND WITHIN THE VACATED PARCEL RECORDED AS INSTRUMENT NO. 81-778342, WITHIN PORTIONS OF LOTS 13 AND 14 OF THE OCEAN PIER TRACT, BLOCK L, HAVING A LOWER ELEVATION LIMIT OF 31.50 FEET, TO BE GRANTED TO THE CITY OF LONG BEACH FOR PUBLIC ACCESS EASEMENT PURPOSES.



LEGEND



EASEMENT
AREA +/-3397 SQ. FT.

POB

POINT OF
BEGINNING

TPOB

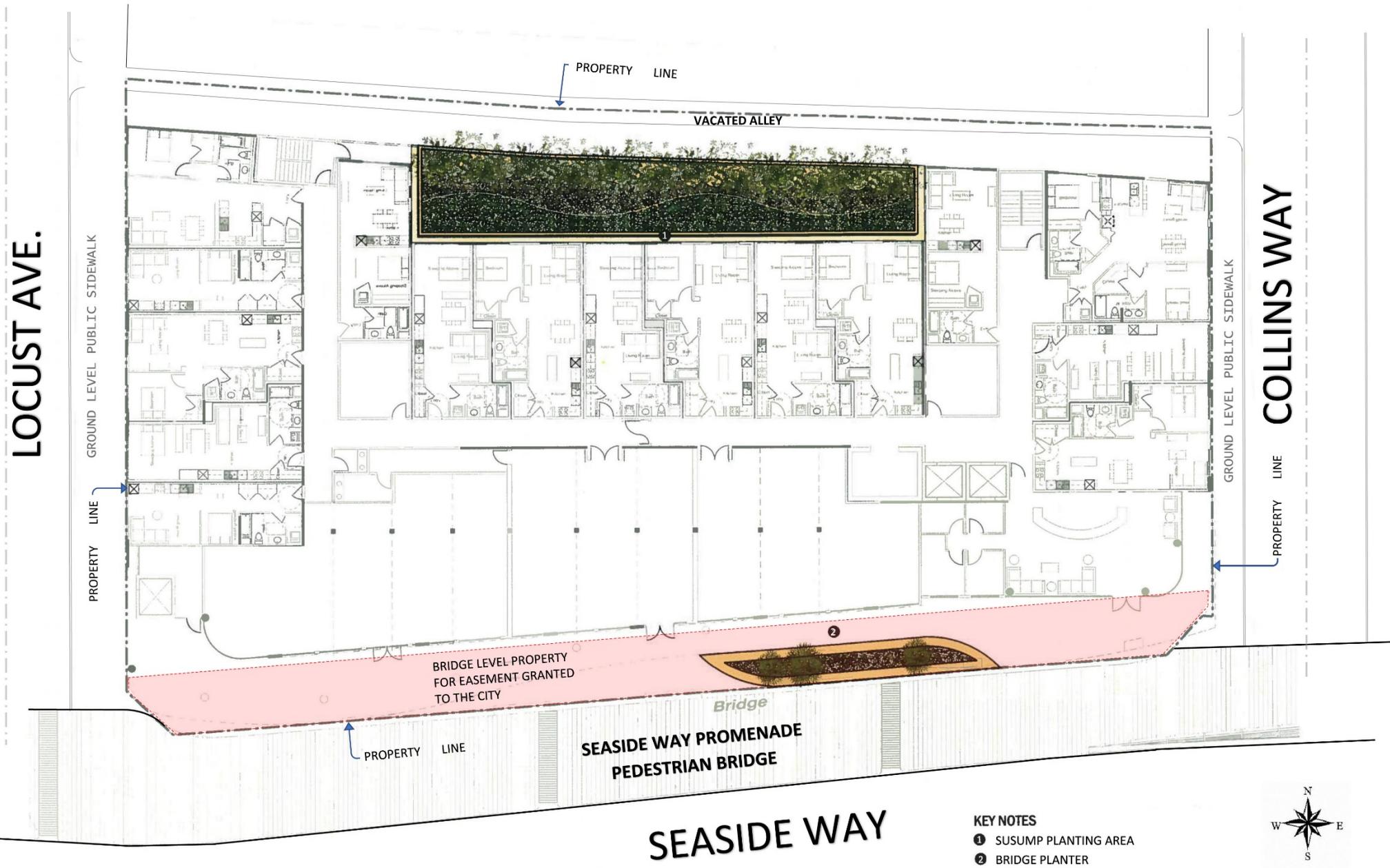
TRUE POINT OF
BEGINNING

BASIS OF BEARINGS

THE BEARING OF N86°32'41"W
ALONG THE SOUTHERLY LINE
OF OCEAN BOULEVARD AS
SHOWN ON PARCEL MAP NO.
14039, P.M.B. 161/3-5
WAS USED AS THE BASIS
OF THE BEARINGS.



ENGINEERING BUREAU
CITY OF LONG BEACH, CALIFORNIA
ATTACHMENT A
PAGE 1 OF 2



- KEY NOTES
- 1 SUSUMP PLANTING AREA
 - 2 BRIDGE PLANTER



AGENDA ITEM No. **2**



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

May 21, 2015

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Certify Mitigated Negative Declaration (MND 02-15) in accordance with Section 15204 of the CEQA Guidelines; approve a Lot Merger to combine four separate lots into one parcel of approximately 29,180 square feet (0.67 acres); and approve a Local Coastal Development Permit and Site Plan Review for the construction of a 113-unit, five-story apartment complex over a two-level parking garage located at 207 Seaside Way in the Downtown Shoreline Planned Development District (PD-6). (District 2)

APPLICANT: Ensemble Investments
c/o John Waldron
115 Pine Avenue, Suite 425
Long Beach, CA 90802
(Application No. 1312-04)

DISCUSSION

The project site is located on the north side of Seaside Way, between Locust Avenue and Collins Way, situated directly behind the historic Breakers Hotel building, which fronts Ocean Boulevard (Exhibit A – Location Map). It is located within Subarea 7 of the Downtown Shoreline Planned Development District (PD-6).

PD-6 is bounded on the north by Ocean Boulevard, on the south by the Los Angeles River and Pacific Ocean, on the east by Alamitos Avenue, and on the west also by the Los Angeles River. The intent of PD-6 is to maintain an area exhibiting the following: a mixture of public and private uses of a variety of land use types; public access to coastal resources and through and around uses; emphasis on uses of a recreational nature; strong land interactions and connections with downtown; an urban park-like setting with passive recreational areas; and the highest quality of development.

Subarea 7, which currently includes an office building and the Breakers Hotel (a designated historic landmark), allows residential uses to encompass not less than one-third of the land of this subarea (along with hotel uses). The site currently consists of four separate parcels and is currently used as a public parking lot with approximately 72 parking spaces.

CHAIR AND PLANNING COMMISSIONERS

May 21, 2015

Page 2 of 5

The proposed project consists of a Lot Merger to combine the four parcels into one 29,180-square-foot parcel (0.67 acres) and a Local Coastal Development Permit and Site Plan Review to construct a new five-story, 113-unit apartment complex over a two-level parking garage with 144 parking spaces. The total building area proposed for this project is 102,103 square feet. (Exhibit B – Plans & Photos).

New development within PD-6 must be consistent with the Downtown Shoreline standards and the Local Coastal Program. It must address items such as appropriate building design, transportation demand and parking management, building height, pedestrian orientation, proper glazing, and landscaping. Based on the location and orientation of the subject site, the applicant has proposed a design that offers architectural variety, respects existing buildings in the immediate area, creates synergy with the forthcoming pedestrian bridge (as required in PD-6), and takes advantage of available views of the ocean.

The elevation along Seaside Way has been given the greatest level of attention as it represents the largest visual frontage from the public right-of-way, including a future pedestrian bridge. Design features on the Seaside Way elevation include: a curvilinear frontage to create visual interest and support a theme of wave movement fronting the water; a variety of different balconies with varied shapes that provide depth; the use of different pop-outs and recesses, high quality material such as glass rails, metal lattice, and roof canopies; and the incorporation of complementary colors. Incorporated into each elevation are materials, colors, and spaces that are compatible with the neighboring buildings.

The applicant is proposing 113 apartment units, which will be distinguished into 11 different floor plan layouts. The floor plans include 53 studio units, 33 one-bedroom units and 27 two-bedroom units with balconies to satisfy open space requirements. Although citywide standards require multifamily residential development to provide private open space for each unit, PD-6 does not have specific requirements for open space. Therefore, the Staff Site Plan Review Committee is able to make a determination on the appropriate open space requirements relative to the project. Staff has determined for this project that the citywide standard for overall open space is appropriate, and that private open space does not need to be provided for each unit.

The applicant proposes to provide 6,000 square feet of balcony area for private open space, with 75 of the 113 units having balconies. The areas counted as common recreational space include an interior club/exercise area available to tenants (3,000 square feet), a roof deck (3,309 square feet) and the pedestrian area (4,939 square feet) connected to the future bridge. Therefore, the total amount of open or recreational space included is 17,248 square feet. Other areas of the overall project include a 1,963-square-foot café, a 1,221-square-foot lobby/leasing area, a media room, a mailroom and storage area, and a 2,058-square-foot landscaped area adjacent to the alley just north of the subject site.

The project consists of a two-level parking garage that is accessible from Locust Avenue. The two-level parking garage will be located at the grade of Seaside Way and is situated below the proposed podium in which the apartment units sit, at the level of Ocean Boulevard. The PD-6 Ordinance requires a parking ratio of two spaces per unit, plus one

CHAIR AND PLANNING COMMISSIONERS

May 21, 2015

Page 3 of 5

space per every six units for guest parking, regardless of number of bedrooms. Based on PD-6 calculations, the total number of parking spaces that would be required is 192. However, Subarea 7 stipulates the allowance of a parking study that demonstrates that the project will provide adequate parking, in lieu of the stringent PD-6 requirement of two spaces per unit.

The applicant has submitted a parking study to provide justification for a total parking count of 176 spaces (Exhibit C – Parking Study). Furthermore, staff's determination of the appropriate amount of parking is consistent with the submitted parking study. Staff has determined that the citywide parking standards for multifamily residential is more appropriate than the PD-6 standard (with the exception of guest parking). Therefore, the parking breakdown by unit type is as follows: 1 space required for studio units, 1.5 spaces required for one-bedroom units, and 2 spaces required for units with two bedrooms or more (a total of 176 spaces). As pointed out within the parking study, this parking calculation is further justified by the project's proximity to pedestrian connections, public transit and bicycle facilities. The applicant is proposing to have 144 on-site parking spaces and 32 off-site spaces. Regarding off-site parking, staff has included a Condition of Approval requiring that the applicant provide written confirmation of availability of said spaces, prior to the issuance of any building permit for the project (Exhibit D – Findings & Conditions). The availability of the 32 off-site spaces will be subject to annual review to ensure continued compliance is met.

The Local Coastal Program and PD-6 Subarea 7 set forth the requirement for a continuous east/west pedestrian walk at Ocean Boulevard level. This is to be provided by all new construction located between Ocean Boulevard and Seaside Way. Furthermore, within Subarea 7, this pedestrian walk is to connect to the north/south Promenade. On November 24, 2014, the City of Long Beach Public Works Department was granted a Local Coastal Development Permit for the construction of a pedestrian bridge directly adjacent to the subject site (Exhibit E – Bridge Plan). As required by PD-6, the bridge will connect the platform of the existing Salvation Army building to the platform of the Long Beach Terrace Theatre. The apartment complex has been designed to create a seamless connection to the pedestrian bridge and the applicant has taken the initiative to oversee the development of the public bridge. A Condition of Approval has also been incorporated to set a requirement for the applicant's financial obligation to the bridge project, as required under PD-6.

The applicant is requesting approval of a Lot Merger to combine four separate parcels into a single parcel of 29,180 square feet. Currently, the four individual parcels are used as one consolidated public parking lot. A Lot Merger may be approved by the Zoning Administrator or the Planning Commission when positive findings can be made in reference to existing site conditions and parcel characteristics. Positive Findings can be made and are attached under Exhibit D.

The applicant has worked closely with staff to address certain aspects of the project including parking, open space, exterior design, and vehicular circulation. Some of the key design elements incorporated into each elevation include different levels of articulation and fenestration, asymmetrical frontages, high quality materials, and the appropriate use of color. The scale and scope of the project respects neighboring properties and the

surrounding area.

Conditions of Approval have been incorporated that will ensure that all of the requirements of PD-6 are met. The proposed project will enhance the overall quality of the area, provide a synergistic link to the future pedestrian bridge, and add to the quality of residential living in the downtown and shoreline area. Staff recommends the Planning Commission certify Mitigated Negative Declaration No. 02-15 (previously distributed to the Planning Commission in cd format), approve a Lot Merger to combine four separate lots into one parcel of approximately 29,180 square feet (0.67 acres) and approve a Local Coastal Development Permit and Site Plan Review for the construction of a 113-unit, five-story apartment complex over a two-level parking garage, all subject to Conditions of Approval.

PUBLIC HEARING NOTICE

Public hearing notices were distributed on May 5, 2015, as required by the Long Beach Municipal Code. No responses have been received as of the date of preparation of this report.

ENVIRONMENTAL REVIEW

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Mitigated Negative Declaration was prepared for the proposed project. The thirty-day public review period for this MND started on March 18, 2015, and ended on April 16, 2015. The Notice of Intent (NOI) was filed with the Los Angeles County Clerk on March 17, 2015, mailed out to various local and State agencies on March 18, 2015, and published in the Press Telegram on March 19, 2015. The MND determined that with the recommended mitigation measures for Aesthetics, Air Quality, Cultural Resources, Geology, and Noise the proposed project would not result in any significant adverse environmental impacts.

Only one comment letter was received during the MND public comment period. This comment letter, from the County Sanitation Districts of Los Angeles County dated April 9, 2015, provided general information on sewage service and estimated the average wastewater flow generated by this project. No CEQA or MND analysis issues were raised in this letter. The State Clearinghouse sent a letter dated April 17, 2015, reporting that no State agencies submitted comments on this MND to the Clearinghouse and acknowledging that the City has complied with the State Clearinghouse CEQA review requirements (Exhibit F – MND Comment Letters).

The preparation and public availability of this MND have been done in compliance with the provisions of CEQA and the CEQA Guidelines, and staff therefore recommends the Planning Commission adopt MND 02-15.

CHAIR AND PLANNING COMMISSIONERS
May 21, 2015
Page 5 of 5

Respectfully submitted,



JEFF WINKLEPLECK
CURRENT PLANNING OFFICER



LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:JW:CJ

P:\Planning\PC Staff Reports (Pending)\2015-5-21\Staff Report – 207 Seaside Way – 1312-04

- Exhibits:
- A. Location Map
 - B. Plans & Photos
 - C. Parking Study
 - D-1. Site Plan Review Findings
 - D-2. Local Coastal Development Permit Findings
 - D-3. Lot Merger Findings
 - D-4. Conditions of Approval
 - E. Bridge Plan
 - F. MND Comment Letter

SITE PLAN REVIEW FINDINGS

App. No. 1312-04

Date: May 21, 2015

Pursuant to Chapter 21.25, Division V of the Long Beach Municipal Code, the Site Plan Review Committee or City Planning Commission shall not approve a Site Plan Review unless positive findings are made consistent with the criteria set fourth in the Site Plan Review regulations.

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

Positive Finding: The proposed project consists of a new 5-story apartment complex over a 2-level parking garage with 144 parking spaces. The project site has three street frontages, Seaside Way to the south, Collins Way to the east and Locust Avenue to the west. The historic Breakers Building is located directly to the north.

The project design includes colors, style and façade articulations that are complementary, provide variety and provide a contemporary architectural style that is compatible with the existing buildings in the surrounding area. The project site is directly south of the historic Breakers Hotel building. The Seaside Way south elevation exhibits different offsets, pop outs and recessions, as well as curved facades to add visual interest to the building. The rooftop incorporates varying heights through parapet walls, architectural elements, and elevator and stairway enclosures.

The project offers amenities such as a 3,309-square-foot rooftop deck, a 1,963-square-foot café, a 1,221-square-foot lobby/leasing area, a media room, a mailroom and storage area, and a 2,058-square-foot landscaped area adjacent to the alley just north of the subject site. The overall design is compatible with surrounding structures and the community.

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;**

Positive Finding: The codified design guidelines applicable to a development on the project site are contained within the Downtown Shoreline Planned Development District (PD-6) Ordinance. Although sub area 7 doesn't have any particular design guidelines applicable to the project, the PD-6 Ordinance has design standards that apply to all PD-6 properties.

The proposed building generally conforms with the district-wide Building Design Standards, which include preservation of view corridors between buildings (although at this location there are no required view corridors); appropriate building scale, height, and massing (the mid-rise nature of the building is consistent with the majority of new development in PD-6 and much lower than the adjacent Breakers Hotel directly to the north of the subject site), rooftops treated for views from higher buildings (the rooftop features a roof deck, and all rooftop mechanical equipment will be screened); and bird-safe building policies (use of limited-reflection glass and compliance with PD-6 lighting design standards have been specifically conditioned to mitigate against potential bird strikes).

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

Positive Finding: The project site currently consists of a .67-acre paved parking lot at Seaside Way grade, which is approximately 20 feet lower than Ocean Boulevard grade. It is located directly to the south of the historic Breakers Building. Although the project will result in the removal of 3 mature on-site trees, the Department of Public Works has conditioned the requirement for the installation of new street trees in the public right-of-way adjacent to the project site.

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

Positive Finding: The public improvement requirements established in Chapter 21.47 of the Zoning Regulations and identified by the Department of Public Works in project comments dated June 25, 2015, include, but are not limited to, the following: repair of the cracked, uplifted, and deteriorated sections of sidewalk adjacent to the project site, the addition of street trees with irrigation along Seaside Way, sidewalk dedications along Collins Way, and ADA compliance within the adjacent public right-of-way. The essential nexus between these required public improvements and the likely project impacts exists because of the size and scale of the project (a new mid-rise, high-density residential building). The project necessitates these public improvements to ensure that this private property development does not adversely impact other public and private facilities and services. Required public improvements will be included in the project's conditions of approval.

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

The proposed project contains less than 25,000 square feet of new, nonresidential development and is therefore not subject to the Transportation Demand Management Ordinance requirements. The project also is not subject to an Environmental Impact Report. However, Mitigated Negative Declaration 02-15 was prepared for the project, and within the document potential project-related traffic and transit-related impacts were analyzed. The analysis found that the project would not result in significant impacts to local intersections in the project area. The project's anticipated contribution to area intersection levels of service would not exceed the City's identified significance threshold and thus no off-site mitigation is required. The analysis also concluded that with the anticipated low number of transit trips generated by the project, and the availability of nearby transit options, the existing public transit system would not be significantly impacted by the proposed project.

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

App. No. 1312-04
Date: May 21, 2015

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 project includes construction of 5-story, 113-unit apartment development over a 2-level parking garage with 144 on-site parking spaces, which complies with the development standards of the Downtown Shoreline Planned Development District, sub area 7 (PD-6). The site is currently used as a public parking lot and no low or moderate-income housing will be removed as a result of this project.

The proposed project conforms to the goals and policies of the certified Local Coastal Program. The certified LCP includes the following provisions, objectives and policies relevant to the proposed project:

Transportation Policies:

- *Increase reliance on public transit*
- *Decrease reliance on automobiles*
- *Increase pedestrian and bicycle access opportunities*

The proposed apartment complex will be compatible with the surrounding neighborhood as it will add another residential development in close proximity to public transit. The project will be required to provide 23 bicycle racks and bicycle storage areas within the proposed parking garage. The project is also adjacent to a bike route on Seaside Way and is within a quarter mile of the Metro Blue Line station on First Street.

General Housing Policy:

- *Maintain the present number of very low, low and moderate income housing units within the Coastal Zone.*

The site is currently developed as a surface parking lot. The proposed project will not displace any existing housing but will increase the housing stock and provide housing within a job center.

Downtown Shoreline Community Plan:

- *The primary street access to developments between Ocean Boulevard and Seaside Way will be from Seaside and the side streets.*
- *Office and residential buildings constructed south of Ocean Boulevard shall be designed to contain all required parking on the site in a structure.*
- *Highrise residential buildings shall be permitted in this area, south and east of the Blackstone Hotel, and south and east of the General Telephone Company building.*
- *Approximately, 1,500 dwelling units shall be permitted in the Pike area.*

The project will improve the site with a 5-story, 113-unit apartment building over a 2-level parking garage of 144 parking spaces. Although access into the parking garage is not provided directly from Seaside Way, the city traffic engineer has approved the alternative location with access provided from Locust Avenue. PD-6 generally requires that all parking be located on-site. However, within sub area 7, a detailed parking study can be submitted to justify an allowance of fewer parking spaces than what is generally required by code. A parking study was prepared for this project. The parking study has demonstrated that the parking demand for this project is less than what is required by code, due to the proximity to transit and bus routes.

2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS SECOND FINDING APPLIES ONLY 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 the use of beach and water resources for recreational purposes. The chapter provides the basis for State and local governments to require beach access dedication and to prohibit development, which restricts public access to the beach and/or water resources.

A positive finding can be made for this item.

The proposed 5-story apartment building over 2-level parking garage will be of similar scale to the surrounding buildings within PD-6. The historic Breakers Building is located directly north of the project site and is 15 stories. The proposed apartment building is 7 stories from Seaside Way grade level and will not obstruct any designated view corridors. Existing sidewalks on Ocean Boulevard, Locust Avenue, Collins Way and Seaside Way provide pedestrian access around the site. The project will be developed in conjunction with a future public pedestrian bridge, which will provide another access route onto the project site.

LOT MERGER FINDINGS

App. No. 1312-04
Date: May 21, 2015

Pursuant to Section 20.228.030 of the Long Beach Municipal Code (Title 20, Subdivision Ordinance), Lot Mergers shall be required if the Zoning Administrator, at a public hearing, makes any of the following findings:

1. **ANY ONE OF SUCH CONTIGUOUS PARCELS OR UNITS HELD BY THE SAME OWNER DOES NOT CONFORM TO THE MINIMUM SIZE STANDARDS AS REQUIRED BY THE ZONING REGULATIONS, AND AT LEAST ONE OF SUCH CONTIGUOUS PARCELS IS NOT DEVELOPED WITH A SEPARATE BUILDING FOR WHICH A PERMIT HAS BEEN ISSUED BY THE CITY; OR**

The project site is located within the Downtown Shoreline Planned Development District (PD-6). PD-6 does not have a minimum lot size requirement. The site consists of four contiguous parcels with the following sizes: 13,392 sq. ft.; 6,904 sq. ft.; 4,017 sq. ft.; and 4,604 sq. ft., respectively. This Lot Merger would create one lot of 29,180 sq. ft. in area. Neither of these contiguous parcels is developed with a building for which a permit has been issued by the City. The four parcels are currently used as a public parking lot.

2. **A SINGLE PROJECT IS DEVELOPED ON CONTIGUOUS LOTS IN SUCH A MANNER THAT ONE OR MORE OF THESE RECORDED LOTS COULD BE SOLD SEPARATELY FROM THIS PROJECT BUT WILL RESULT IN REDUCTION OF REQUIRED PARKING, SETBACKS, OPEN SPACES, OR VIOLATION OF OTHER DEVELOPMENT STANDARDS AS SPECIFIED IN THE CURRENT ZONING REGULATIONS.**

A single project is proposed for the four contiguous lots. If this project were developed and either of these parcels were then sold separately, such a sale would create substantial problems with the site plan as proposed. The proposed apartment complex encompasses the entire perimeter of the lots to be merged and would result in the violation of zoning regulations such as parking, if the recorded lots are sold separately.

**SITE PLAN REVIEW
LOCAL COASTAL DEVELOPMENT PERMIT
LOT MERGER
CONDITIONS OF APPROVAL**

**207 Seaside Way
Application No. 1312-04
Date: May 21, 2015**

Special Conditions:

1. This approval allows for the construction of a five-story, 113-unit apartment complex over a two-level parking garage, and for the merger of four parcels, (APNs 7278-007-041, 7278-007-042, 7278-007-043 and 7278-007-044) legally described as follows:
 - LOTS 7 THROUGH 14, INCLUSIVE, IN BLOCK "L" OF OCEAN PIER TRACT, IN THE CITY OF LONG BEACH, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5, PAGE 135 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER, TOGETHER WITH THOSE PORTIONS OF MARINE WAY AND SEASIDE WAY, AS VACATED PER INSTRUMENT NO. 81-778342, OFFICIAL RECORDS OF SAID COUNTY.

Site development shall conform to plans dated 4/10/2014 and submitted to the Department of Development Services.

2. The proposed development shall comply with the requirements of the Downtown Shoreline Planned Development District (PD-6) Ordinance, MND No. 02-15 and the Conditions of Approval listed herein.
3. Prior to the issuance of any building permits for this project, the applicant shall be required to submit written documentation (by affidavit or notarization) from the owner of a property within a ¼ mile radius of the subject site, acknowledging and confirming a long-term lease of no less than five (5) years, with at least one five (5) year option, for 32 off-site parking spaces, to be used by tenants of the subject property, to the satisfaction of the Director of Development Services. Furthermore, the applicant shall include a site plan/parking plan of the 32 off-site parking spaces as part of the plan check submittal package. The 32 off-site parking spaces shall not be required by the Long Beach Municipal Code for any use on the property on which the parking spaces are located, but shall instead be surplus to such requirements. The applicant shall submit written documentation to planning staff on an annual basis showing that the required off-site parking continues to be available to tenants of this property.
4. The developer shall construct an onsite pedestrian promenade that runs the length of the property's Seaside Way frontage between Locust Avenue and Collins Way. This promenade shall be contiguous to and continuously accessible to the proposed public pedestrian bridge that will span the length of the project site and the developer shall dedicate a 15-foot easement for public access purposed at the location of the on-site pedestrian promenade. Construction of the on-site

promenade shall be coordinated with and to the satisfaction of the Public Works Department and Development Services Department pursuant to detailed plans submitted by the developer.

5. In accordance with provisions of PD-6, the developer shall contribute to the cost of a proposed 20' wide public pedestrian bridge that will be constructed south of and contiguous to the project site between Locust Avenue to the west and Collins Way to the east to provide a pathway between the Promenade and the Performing Arts Plaza. The developer shall be required to comply with this provision as follows:
- a) Contribute the cost of bridge overpass at Locust Avenue and a proportionate share of the cost of the 5-foot length to comply with the 20-foot width required for new development in PD-6.
 - b) The developer's financial participation for the Locust Avenue overpass shall be limited to the cost of design and construction of the concrete structure and supports, standard guardrails, and standard lighting fixtures, and shall not include architectural embellishments such as the proposed architectural screen, enhanced finishes, custom formwork, and any additional bridge width that exceeds 20 feet.
 - c) The cost of the developer's financial obligations for the bridge shall be determined at the time of building permit issuance for the project.
 - d) The amount of the developer's financial share of the bridge costs, as specified above, shall be subject to approval by the Director of Development Services.

In the event the City does not proceed with construction of the bridge, the developer shall be required to provide an "alternate design" in accordance with the PD-6 requirement for a pedestrian connection as follows:

- a) The alternative design shall connect the on-site pedestrian promenade with an overpass at Ocean Boulevard grade for Locust Avenue, which design shall be subject to approval by the Site Plan Review Committee; and a Coastal Development Permit, if necessary.
- b) The developer's financial contribution for the cost of the "alternative design" shall be determined and satisfied prior to the issuance of building permits for the project.
- c) The applicant shall construct an additional 5 feet in width to be contiguous with the 15-foot-wide on-site pedestrian promenade to comply with the required 20-foot-wide pedestrian path and connection of PD-6.

6. The applicant or successor in interest shall conduct and report to the City a parking utilization study, using commonly accepted good engineering and planning practices, within three years of the issuance of the building's Certificate of Occupancy.
7. The Department of Public Works submits the following requirements for the proposed development at 207 Seaside Way.

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. That portion of the proposed pedestrian bridges that crosses above Locust Avenue South and Collins Way will require an easement. An Installation and Maintenance Agreement shall be provided for maintenance of the pedestrian walkway, or the matter can be addressed in the project CC&R's to the satisfaction of the Director of Public Works.

PUBLIC RIGHT-OF-WAY

- c. The Developer shall dedicate and improve 10 feet for sidewalk and future street widening purposes along Collins Way adjacent to the project site, resulting in a 17.5-foot-wide public walk. When the street is widened by 7.5 feet, the remaining sidewalk right-of-way will be 10 feet. Sidewalk improvements shall be constructed to the satisfaction of the Director of Public Works.
- d. 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.

ENGINEERING BUREAU

- e. 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.

- f. 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.
- g. No structures shall be construction over the existing utility easement within the vacated Marine Way alley.
- h. 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.
- i. The Developer shall provide for tree wells, new street trees with root barriers and irrigation along South Locust Avenue and Collins Way 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.
- j. 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. The Street Tree Division will assist with the size, type and manner in which the street trees are to be installed.
- k. The Developer shall repair the cracked and uplifted section of sidewalk pavement adjacent to the project site. 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).
- l. 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

- m. 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.
- n. 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.

- o. 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.
 - p. The Developer shall repaint all traffic markings obliterated or defaced by construction activities to the satisfaction of the City Traffic Engineer.
 - q. All traffic control device installations, including pavement markings within the private parking lot, shall be installed in accordance with the provisions of the Manual On Uniform Traffic Control Devices (MUTCD), 2012 or current edition (i.e., white parking stalls, stop signs, entry treatment signage, handicapped signage, etc.).
 - r. The Developer shall contact the Traffic & Transportation Bureau, at (562) 570-6331, to modify the existing curb marking zones, adjacent to the site.
8. This project shall meet the intent of LEED at a certified level as required by the Long Beach Municipal Code to the satisfaction of the Director of Development Services. Prior to issuance of a building permit, the applicant shall submit proof of registration with USGBC and a password allowing staff access to said registration, or provide proof by a third party as meeting the intent of LEED at the level required by Chapter 21.45.400.
9. The applicant shall comply with the Low Impact Development (LID) requirements.
10. In accordance with Section 21.45.400 of the Long Beach Municipal Code, a minimum of 23 bicycle racks shall be provided within the parking structure on-site. Prior to the issuance of a building permit, all bicycle parking shall be indicated on plans submitted for plan check. The bicycle storage room within the parking garage shall have restricted access exclusive to people parking bicycles inside the secure designated area.
11. The applicant shall provide 17,248 square feet of combined private and common open space (including 4,939 square feet of public pedestrian area directly adjacent to the future bridge) with a minimum dimension of four feet to the satisfaction of the Director of Development Services.
12. Prior to the issuance of a building permit, the applicant shall be required to submit a color elevation showing an alternative option to the orange color originally submitted at Site Plan Review, to the satisfaction of the Director of Development Services.
13. All utilities shall be underground as required by Section 21.31.275.
14. The applicant shall comply with all comments from the Long Beach Police, Gas & Oil, Public Works, Water, Fire and Building Departments.

15. An EV charging station shall be provided within the parking garage. The location of the charging station shall be indicated on plans submitted for plan check, prior to the issuance of a building permit.
16. The project shall comply with all standards in PD-6 including participation in the Traffic and Parking Management Association, submittal of a Traffic Parking Management Plan, a share in the cost of street improvements to the satisfaction of the Public Works Department, and compliance with the Master Site Plan for PD-6.

Standard Conditions:

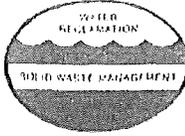
17. Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval, to the satisfaction of the Director of Development Services.
18. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or a subsequent reference page.
19. 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 or the Planning Commission. No substantial changes shall be made without prior written approval of the Site Plan Review Committee or the Planning Commission.
20. 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, these devices shall be screened by landscaping or another screening method approved by the Director of Development Services.
21. The Director of Development Services is authorized to approve minor modifications to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change or alter the approved project. Any major modifications shall be reviewed by the Zoning Administrator, Site Plan Review Committee, or Planning Commission, respectively.
22. All rooftop mechanical equipment shall be fully screened from public view in compliance with the Section 21.31.265 of the Zoning Code and PD-6 standards for rooftop screening. 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 screening plan must be submitted for approval by the Director of Development Services prior to the issuance of a building permit.

23. Upon plan approval and prior to issuance of a building permit, the applicant shall submit a reduced-size set of final construction plans for the project file.
24. A permit from the Department of Public Works shall be required for any work to be performed in or over the public right-of-way.
25. Any off-site improvements found to be damaged as a result of construction activities related to this project shall be replaced to the satisfaction of the Director of Public Works.
26. Separate building permits are required for fences, retaining walls, flagpoles, and pole mounted yard lighting foundations.
27. 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.
28. 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.
29. Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City Engineer that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.
30. 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.
31. 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.

32. 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 Public Works. Approved root guards shall be provided for all street trees. Turf shall be limited to less than 50 percent of the total landscaped area. The turf shall not be composed of bluegrass, fescue, rye, or other grasses with high water needs. 50 percent 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 Director of Development Services.
33. All landscaped areas shall comply with the State of California's model landscape ordinance. Landscaped areas shall be planted with drought tolerant plant materials and 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.
34. 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.
35. 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.
36. All outdoor fountains or water features shall utilize water recycling or re-circulation systems. The plans submitted for review shall specifically identify such systems.
37. Energy conserving equipment, lighting, and construction features shall be utilized in this project.
38. 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.

39. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
- Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - Saturday: 9:00 a.m. - 6:00 p.m.; and
 - Sundays: not allowed
40. This permit and all development rights hereunder shall terminate one year from the effective date final action date of this permit 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.
41. 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).
42. 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.
43. 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).
44. 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.
45. 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.

46. No publicly accessible telephones shall be maintained on the exterior of the premises. Any existing publicly accessible telephones shall be removed.
47. 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.
48. Exterior security bars and roll-up doors applied to windows and pedestrian building entrances shall be prohibited.
49. Any graffiti found on site must be removed within 24 hours of its appearance.
50. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
51. Exterior utilities such as the Fire Department Connection, backflow device and transformers shall be fully screened by landscaping to the satisfaction of the Director of Development Services.
52. Prior to issuance of any Grading or Building Permit, the Project Applicant shall demonstrate to the satisfaction of the City Engineer that construction noise reduction methods shall be used where feasible. These reduction methods include shutting off idling equipment, installing temporary acoustic barriers around stationary construction noise sources, maximizing the distance between construction equipment staging areas and occupied residential areas, and electric air compressors and similar power tools.
53. As a condition of any City approval, the applicant shall defend, indemnify, and hold harmless City and its agents, officers, and employees from any claim, action, or proceeding against City or its agents, officers, and employees to attack, set aside, void, or annul the approval of City concerning the processing of the proposal/entitlement or any action relating to, or arising out of, such approval. At the discretion of the City and with the approval of the City Attorney, a deposit of funds by the applicant may be required in an amount sufficient to cover the anticipated litigation costs.



COUNTY SANITATION DISTRICTS
OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON HYDE
Chief Engineer and General Manager

April 9, 2015

Ref File No.: 3265435

Mr. Craig Chalfant, Planner
Development Services Department
City of Long Beach
333 West Ocean Boulevard, 5th Floor
Long Beach, CA 90802

Dear Mr. Chalfant:

207 Seaside Way Project

The County Sanitation Districts of Los Angeles County (Districts) received a Notice of Intent to Adopt a Mitigated Negative Declaration for the subject project on March 18, 2015. The proposed development is located within the jurisdictional boundaries of District No. 3. We offer the following comments regarding sewerage service:

1. The wastewater flow originating from the proposed project will discharge to a local sewer line, which is not maintained by the Districts, for conveyance to the Districts' De Forest Avenue Trunk Sewer, located in Broadway west of Golden Avenue. This 36-inch diameter trunk sewer has a design capacity of 39.4 million gallons per day (mgd) and conveyed a peak flow of 5.6 mgd when last measured in 2012.
2. The wastewater generated by the proposed project will be treated at the Joint Water Pollution Control Plant (JWPCP) located in 24501 South Figueroa Street in the City of Carson, as indicated in the initial study for the subject project. The plant provides both primary and secondary treatment and occupies approximately 420 acres to the east of the Harbor (110) Freeway. The JWPCP has a design capacity of 400 mgd and currently processes an average flow of 263.4 mgd. After the treated wastewater is disinfected with sodium hypochlorite, it is sent to the Pacific Ocean through networks of outfalls that extend 1 ½ miles off the Palos Verdes Peninsula to a depth of 200 feet.
3. Almost six mgd of the recycled water from the Long Beach Water Reclamation Plant is used at over 60 sites.
4. The expected average wastewater flow from the proposed project, a 113-unit multi-family apartment complex, is 17,628 gallons per day. For a copy of the Districts' average wastewater generation factors, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and click on the [Table 1, Loadings for Each Class of Land Use](#) link.

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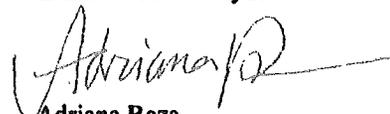
5. The Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater attributable to a particular parcel or operation already connected. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the Sewerage System to accommodate the proposed project. Payment of a connection fee will be required before a permit to connect to the sewer is issued. For more information and a copy of the Connection Fee Information Sheet, go to www.lacsd.org, Wastewater & Sewer Systems, click on Will Serve Program, and search for the appropriate link. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at extension 2727.

6. In order for the Districts to conform to the requirements of the Federal Clean Air Act (CAA), the design capacities of the Districts' wastewater treatment facilities are based on the regional growth forecast adopted by the Southern California Association of Governments (SCAG). Specific policies included in the development of the SCAG regional growth forecast are incorporated into clean air plans, which are prepared by the South Coast and Antelope Valley Air Quality Management Districts in order to improve air quality in the South Coast and Mojave Desert Air Basins as mandated by the CCA. All expansions of Districts' facilities must be sized and service phased in a manner that will be consistent with the SCAG regional growth forecast for the counties of Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial. The available capacity of the Districts' treatment facilities will, therefore, be limited to levels associated with the approved growth identified by SCAG. As such, this letter does not constitute a guarantee of wastewater service, but is to advise you that the Districts intend to provide this service up to the levels that are legally permitted and to inform you of the currently existing capacity and any proposed expansion of the Districts' facilities.

If you have any questions, please contact the undersigned at (562) 908-4288, extension 2717.

Very truly yours,

Grace Robinson Hyde



Adriana Raza
Customer Service Specialist
Facilities Planning Department

AR:ar

cc: M. Sullivan
J. Ganz

City of Long Beach
RECEIVED

APR 14 2015



Planning Bureau