

CALIFORNIA COASTAL COMMISSION

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W23a

March 24, 2011



TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
Charles Posner, Coastal Program Analyst

SUBJECT: Major Amendment Request No. LOB-MAJ-2-10 (2-10) to the City of Long Beach Certified Local Coastal Program (LCP). For public hearing and Commission action at the Commission's April 13, 2011 meeting in Santa Barbara.

SUMMARY OF LCP AMENDMENT REQUEST NO. 2-10

The Coastal Commission certified the City of Long Beach Local Coastal Program (LCP) on July 22, 1980. Amendment Request No. 2-10, the City's second and final LCP amendment request for 2010, would amend the Downtown Shoreline Planned Development District (PD-6) to remove the 150,000 gross square foot limit on the size of the aquarium allowed in Shoreline Park (Subarea 6). Since the PD-6 ordinance contains both the certified land use policies and the implementing ordinances for this part of the City, the LCP amendment affects both the Implementing Ordinances (LIP) and Land Use Plan (LUP) portions of the certified LCP.

The City of Long Beach Planning Commission held a public hearing for the LCP amendment on June 17, 2010. The City Council held public hearings for the LCP amendment on August 3 and August 10, 2010. The LCP amendment, contained in City Council Ordinance No. ORD-10-0024, was submitted for Coastal Commission certification with City Council Resolution No. RES-10-0086 (Exhibit #4). Amendment Request No. 2-10 was deemed officially submitted for Commission certification on October 21, 2010. On January 13, 2011, the Commission extended for one year the time limit for its review of the LCP amendment request. The City's submittal is consistent with the requirements of the Coastal Act and the regulations which govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of Title 14 of the California Code of Regulations).

SUMMARY OF STAFF RECOMMENDATION

Modifications to the LUP/LIP amendment are necessary to ensure that lower cost coastal recreation and scenic resources in Shoreline Park are protected in conformity with the requirements of the Chapter 3 policies of the Coastal Act. **See Page Five for the suggested modifications.** Staff is recommending that the Commission, after public hearing:

1. **Deny the LUP amendment request as submitted; and,**
2. **Certify, only if modified, the LUP amendment request; and,**
3. **Reject the LIP amendment request as submitted; and,**
4. **Certify, only if modified, the LIP amendment request.**

The motions to accomplish this recommendation begin on Page Three.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP).

SUBSTANTIVE FILE DOCUMENTS

1. City of Long Beach Certified Local Coastal Program (LCP), 7/22/80.
2. Permit Amendment Application 5-95-055-A11 (City of Long Beach/Aquarium of the Pacific).
3. Coastal Development Permit P-79-5253 (City of Long Beach – Shoreline Park).
4. Coastal Development Permit 5-95-055 (City of Long Beach – Aquarium of the Pacific).
5. Coastal Development Permit 5-96-124 (City of Long Beach – Rainbow Harbor & Shoreline Park).
6. Coastal Development Permit 5-96-268 (City of Long Beach – Shoreline Park/Aquarium Parking Structure).
7. Coastal Development Permit 5-98-156 (City of Long Beach & DDR - The Pike Commercial Development).

FOR ADDITIONAL INFORMATION

The LCP Amendment file is available for review at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. The staff report can be viewed on the Commission's website: www.ca.coastal.ca.gov

For additional information, contact *Charles Posner* or *Gary Timm* in the South Coast District office at (562) 590-5071.

I. STAFF RECOMMENDATION

Staff recommends adoption of the following motions and resolutions:

A. Deny the LUP Amendment Request as Submitted

MOTION I: *"I move that the Commission certify Land Use Plan Amendment No. 2-10 as submitted by the City of Long Beach."*

Staff recommends a **NO** vote. Failure of this motion will result in denial of the LUP Amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution to Deny Certification of the LUP Amendment as Submitted

The Commission hereby denies certification of Land Use Plan Amendment No. 2-10 as submitted by the City of Long Beach and adopts the findings set forth below on grounds that the amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment would not comply the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

B. Certify the LUP Amendment Request if Modified as Suggested

MOTION II: *"I move that the Commission certify Land Use Plan Amendment No. 2-10 for the City of Long Beach if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in the certification of the LUP Amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution to Certify the LUP Amendment with Suggested Modifications

The Commission hereby certifies Land Use Plan Amendment No. 2-10 for the City of Long Beach if modified as suggested and adopts the findings set forth below on grounds that the Land Use Plan Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

C. Reject the LIP Amendment Request as Submitted

MOTION III: *"I move that the Commission reject Amendment No. 2-10 to the City of Long Beach Implementing Ordinances as submitted by the City."*

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the amendment to the LCP Implementing Ordinances as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Reject the LIP Amendment as Submitted

The Commission hereby denies Amendment Request No. 2-10 to the LCP Implementing Ordinances for the City of Long Beach as submitted and adopts the findings set forth below on grounds that the Implementing Ordinances do not conform with, and are not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances would not meet the requirements of the California Environmental Quality Act because there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. Certify the LIP Amendment Request if Modified as Suggested

MOTION IV: *"I move that the Commission certify Amendment No. 2-10 to the City of Long Beach Implementing Ordinances if it is modified as suggested in this staff report."*

Staff recommends a **YES** vote. Passage of this motion will result in certification of the amendment to the LCP Implementing Ordinances with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Certify the LIP Amendment with Suggested Modifications

The Commission hereby certifies Amendment Request No. 2-10 to the LCP Implementing Ordinances for the City of Long Beach if modified as suggested and adopts the findings set forth below on grounds that the Implementing Ordinances with the suggested modifications conform with, and are adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementing Ordinances if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS TO THE LUP/LIP AMENDMENT

LCP Amendment No. 2-10 affects only Subarea 6 of the Downtown Shoreline Planned Development District (PD-6), except for the necessary corrections to the PD-6 Zoning Map (see Modification B below). No changes to Subarea 1 of PD-6 are certified by LCP Amendment No. 2-10. The proposed changes to Subarea 1 (Golden Shore Master Plan/Subarea 1a) of the Downtown Shoreline Planned Development District (PD-6) are the subject of City of Long Beach LCP Amendment No. 1-10.]

Certification of the LUP/LIP amendment is subject to the following modifications. Text proposed to be added by the City is identified by underlined text, and text proposed to be deleted by the City is crossed-out (~~deleted text~~). Text added by the suggested modification is identified by **underlined bold text**.

A. PD-6 Subarea 6 Development and Use Standards

Certification of the LUP/LIP amendment is subject to the following modification to PD-6 Subarea 6 (Shoreline Village and Shoreline Park) Uses:

- (a)4. Aquarium. An aquarium and related educational, retail, and public-serving facilities ~~of up to one hundred fifty thousand (150,000) gross square feet may be constructed in the park. The existing recreational vehicle park shall not be displaced until a new recreational vehicle park is under construction elsewhere in the Queensway Bay Project (PD-6 and PD-21). This new recreational vehicle park shall include a minimum of seventy (70) recreational vehicle spaces with associated office, convenience services and convenience retail facilities for park users.~~ **An unenclosed open space area for public recreation shall be maintained on the northern portion of the aquarium lease area, between the main aquarium building and Aquarium Way. No admission fee or other fee shall be required to access this open space area. The unenclosed open space, which shall be at least 24,000 square feet in area, shall be improved with picnic tables, benches, and non-invasive landscaping that is primarily native and drought-resistant.**

B. PD-6 Zoning Map – Attachment B

The Zoning Map (Attachment B of PD-6) shall be corrected to restore the former certified boundaries of Subareas 6, 8, 10 and 11, as shown on Exhibit #3 of the staff report dated March 24, 2011.

III. **FINDINGS**

The Commission hereby finds and declares as follows:

A. **Description of the LCP Amendment Request**

City Council Resolution No. RES-10-0086 and Ordinance No. ORD-10-0024 comprise LCP Amendment Request No. 2-10 (Exhibit Nos. 4&5). Ordinance No. ORD-10-0024 amends the LCP use and development standards for Subarea 6 of the Downtown Shoreline Planned Development District (PD-6) in order to remove the 150,000 gross square foot limit on the size of the aquarium allowed in Shoreline Park (Subarea 6). Subarea 6 is public tidelands trust property, as is most of PD-6 (Exhibit #2). As public tidelands trust property, Subarea 6 falls completely within the Commission's original permit jurisdiction.

The Aquarium of the Pacific is currently a permitted use in Subarea 6, but the aquarium with its recent expansions has reached the 150,000 square foot size limit set forth in the certified LCP. The aquarium size limit must be deleted (or raised) in order for the City to proceed with the proposed expansion of the aquarium into an adjacent open space area of Shoreline Park (Exhibit #10). Concurrently with this LCP amendment request, the City is requesting Commission approval of Coastal Development Permit Amendment Application 5-95-055-A11 for the proposed 23,330 square foot "Pacific Visions" aquarium expansion project.

The City's proposed change to the PD-6 Subarea 6 allowable uses section (Exhibit #5) is as follows:

[Note: City's new text identified by underlined text and deleted text is crossed-out]

Subarea 6 (Shoreline Village and Shoreline Park) – Uses (a):

4. Aquarium. An aquarium and related educational, retail, and public-serving facilities ~~of up to one hundred fifty thousand (150,000) gross square feet may be constructed in the park. The existing recreational vehicle park shall not be displaced until a new recreational vehicle park is under construction elsewhere in the Queensway Bay Project (PD-6 and PD-21). This new recreational vehicle park shall include a minimum of seventy (70) recreational vehicle spaces with associated office, convenience services and convenience retail facilities for park users.~~

The obsolete language relating to the relocation of the recreational vehicle park is also being deleted. In the late 1990s, the new recreational vehicle park was built in Subarea 2 of PD-6 pursuant to Coastal Development Permit 5-95-052 (City of Long Beach).

Subarea 6 of PD-6 covers the City's central waterfront area including Shoreline Park, Rainbow Harbor Esplanade, Pine Avenue Pier, and the Aquarium of the Pacific. Subarea 6 is located seaward of Shoreline Drive, the first public road inland of the sea. About ten years ago, four acres of Shoreline Park were developed with restaurants as part of the Pike commercial development (a component of the Queensway Bay Development Plan). The remaining 23 acres of Shoreline Park are developed with the aquarium (5.8 acres), public parking facilities, roadways, plazas, the harbor esplanade, and landscaped open space. The four-acre portion

of Shoreline Park that was displaced by commercial development was replaced on an acre-for-acre basis in the South Shore portion of Queensway Bay near the HMS Queen Mary (Exhibit #3). Subarea 6 is reserved for public recreation and visitor-serving commercial uses. No residential uses are allowed in Subarea 6. Since the subarea falls entirely within the Commission's permit jurisdiction, the Commission has processed all of the coastal development permits for the existing development, and all future development (including future aquarium expansions) will be subject to Commission review and approval. The certified City of Long Beach LCP, as amended, will continue to function as guidance for the Commission and as a regulatory tool for the City.

B. Deny the LUP Amendment Request as Submitted

The LCP amendment request affects the LUP portion of the certified LCP because it would amend the list of allowable land uses in Subarea 6 of PD-6 to allow a larger aquarium use in the public park. The PD-6 ordinance is also an LCP implementing ordinance, so the LCP amendment also affects the LIP portion of the certified LCP. The standard of review for the proposed amendment to the Land Use Plan (LUP), pursuant to Section 30512 and 30514 of the Coastal Act, is that the proposed LUP amendment meets the requirements of, and is in conformance with the Chapter 3 policies of the Coastal Act.

Public Access and Recreation

One of the basic goals of the Coastal Act is to maximize public access and recreational opportunities along the coast. Subarea 6 of PD-6 provides numerous recreational opportunities and activities to the public at the waterfront including boating, strolling, fishing, sightseeing and bicycling. Shoreline Park, in particular, provides lower cost public recreation opportunities. Shoreline Park was constructed on filled tidelands in 1983-84 pursuant to the Commission's 1979 approval of Coastal Development Permit P-79-5253 (City of Long Beach). The improvement of Shoreline Park was completed in 1984, but the park was substantially modified and reduced in size in 1995 with the construction of Rainbow Harbor and the Long Beach Aquarium of the Pacific (Coastal Development Permits 5-96-124 & 5-95-055). Shoreline Park is currently a region serving waterfront recreation area that provides many coastal-related recreational activities around Rainbow Harbor.

The following Chapter 3 policies protect public access and recreation:

Section 30210 of the Coastal Act. In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30220 of the Coastal Act. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 of the Coastal Act. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

As currently certified, the LCP protects public access and recreation in Subarea 6 and Shoreline Park by restricting the types of uses that can be permitted along the City's waterfront (Exhibit #5). The LCP also protects public recreation in the park by requiring the park to be not less than 23 acres in size and by limiting the size of the aquarium to 150,000 square feet. The LCP specifically allows an aquarium use in Shoreline Park because it provides the public with water-oriented recreational and educational activities (Coastal Commission findings for Coastal Development Permit 5-95-055, 5/10/1995). The Aquarium of the Pacific contains exhibits that focus on three specific regions of the Pacific Ocean: the California coastal region, north Pacific region, and the tropical south Pacific region.

The proposed elimination of the size limit for the aquarium could adversely affect public access and recreation in Shoreline Park because it removes the limit on how much public open space can be converted from free publicly available parkland to an aquarium use where admission fees are routinely charged for access. Section 30213 of the Coastal Act states that lower cost visitor and recreational facilities shall be protected. Section 30223 of the Coastal Act states that upland areas necessary to support coastal recreational uses shall be reserved for such uses.

The following Chapter 3 policy protects scenic resources:

Scenic and Visual Qualities

Section 30251 of the Coastal Act. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Development of some of Shoreline Park's open space areas as part of an aquarium expansion or other project could adversely affect existing public views of Rainbow Harbor from Aquarium Way and the aquarium access road. As required by Section 30251 of the Coastal Act, the scenic and visual qualities of the park's remaining open space should be considered and protected.

The purpose of the certified LUP, and in this case the PD-6 ordinance, is to set forth clear and concise policies for the ongoing use, maintenance and enhancement of the coastal resources in the Downtown Shoreline area. The certified LUP policies must carry out the requirements of the Chapter 3 policies of the Coastal Act. The new PD-6 text for Subarea 6 set forth in the proposed LCP amendment lacks policy language necessary to protect part of Shoreline Park's remaining public open space area for lower cost public recreation as required by the Chapter 3 policies of the Coastal Act. The proposed policy also does not protect the open space that provides public views of the harbor. Therefore, the LUP amendment request as submitted does not meet the requirements of, and is not in conformance with, the policies of Chapter 3 of the Coastal Act.

There are two other reasons why the LCP amendment cannot be certified as submitted. First, the PD-6 Zoning Map (Attachment B) attached to Ordinance No. ORD-10-0024, which is supposed to delineate the boundaries between the PD subareas, places some of the boundaries in the wrong place. The map should show that the Shoreline Village shopping center is in Subarea 6. The incorrect map attached to Ordinance No. ORD-10-0024 would inadvertently make Shoreline Village part of Subarea 11. The boundary between Subareas 8 and 10 is also drawn in an incorrect location. The other reason why the LCP amendment cannot be certified as submitted is that Ordinance No. ORD-10-0024 includes substantial changes to PD-6 Subarea 1 (Golden Shore master Plan) that are not part of this LCP amendment request (See Long Beach LCP Amendment Request No. 1-10). The next section of this report describes the modifications necessary to bring the LCP amendment into conformance with the Coastal Act requirements.

C. Certify the LUP Amendment Request with Suggested Modifications

In order to be certified by the Commission, the LUP amendment must meet the requirements of, and be in conformance with the Chapter 3 policies of the Coastal Act. The Coastal Act contains policies that protect public access, recreation, and visual resources at public recreation areas like Shoreline Park. Pursuant to Section 30512 and 30514 of the Coastal Act, the proposed LUP amendment must have clear and concise policy language that carries out the requirements of the relevant Chapter 3 policies of the Coastal Act.

The 150,000 square foot limit on the size of the aquarium in Shoreline Park can be eliminated, but only if public access, lower cost public recreation, and visual resources are protected as required by Chapter 3 of the Coastal Act. The City's current plan to expand the main aquarium building into open park area on the north side of the aquarium has been designed to protect a portion of the park's open space for lower cost public recreation and to preserve public views across the site (See Permit Amendment Application 5-95-055-A11). As proposed, 24,000 square feet (of 36,000 square feet of existing open space area) of public open space area would be preserved on the northern portion of the aquarium lease area, between the main aquarium building and Aquarium Way (Exhibit #10). The City has demonstrated that there is

sufficient space for the proposed 23,330 square foot “Pacific Visions” aquarium expansion project in Shoreline Park as well as a significantly-sized public open space area for lower cost public recreation.

The preservation of a public open space area on the northern portion of the aquarium lease area, between the main aquarium building and Aquarium Way, is important for several reasons. First, this landscaped open space area (currently 36,000 square feet in area) is one of the most heavily used areas of the park as it is the location for school and youth groups to congregate outdoors before and after their visits to the aquarium. The area is also used for picnicking and for special events. Also, since the area is the only remaining lawn area in the 23-acre Shoreline Park outside of the lighthouse peninsula portion of the park, it provides an area for children to play. Finally, the public views across the open space provide a visual connection from the roads (Aquarium Way and the aquarium access road) to the water’s edge (Rainbow Harbor). Therefore, the proposed elimination of the aquarium’s size limit must include provisions to protect a portion of the remaining public open space area for lower cost public recreation and for public views of the coast.

In order to adequately carry out Section 30251 and the public access and recreation policies of the Coastal Act, the Downtown Shoreline Planned Development District (PD-6) shall be modified to include the following policy language for Subarea 6:

An unenclosed open space area for public recreation shall be maintained on the northern portion of the aquarium lease area, between the main aquarium building and Aquarium Way. No admission fee or other fee shall be required to access this open space area. The unenclosed open space, which shall be at least 24,000 square feet in area, shall be improved with picnic tables, benches, and non-invasive landscaping that is primarily native and drought-resistant.

In addition, the Zoning Map (Attachment B of PD-6) shall be corrected to restore the former certified boundaries of Subareas 6, 8, 10 and 11, as shown on Exhibit #3 of the staff report dated March 24, 2011 (Exhibit #3).

It is also noted that the certification of LCP amendment No. 2-10, if modified as suggested, affects only Subarea 6 of the Downtown Shoreline Planned Development District (PD-6), except for the necessary corrections to Attachment B (the Zoning Map). No changes to Subarea 1 of PD-6 are certified by LCP Amendment No. 2-10. The proposed changes to Subarea 1 (Golden Shore Master Plan/Subarea 1a) of the Downtown Shoreline Planned Development District (PD-6) are the subject of City of Long Beach LCP Amendment No. 1-10.

These suggested modifications will protect public access, recreational opportunities, and visual resources in Shoreline Park as required by Chapter 3 of the Coastal Act. If modified as suggested, the proposed elimination of the 150,000 square foot limit on the size of the aquarium, along with the addition of the new language that would allow educational, retail, and public-serving facilities related to the aquarium to be located in Shoreline Park, the LUP amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

D. Certify the LIP Amendment Request with the Suggested Modifications

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP). The PD-6 ordinance contains both the certified land use policies and the implementing ordinances for this part of the City. In fact, the PD-6 ordinance in its entirety is considered an implementing ordinance for the certified LCP. Therefore, any change to the PD-6 ordinance constitutes an LIP amendment, and oftentimes also an LUP amendment (as in this case).

The LIP amendment can be certified only if it is modified as suggested in Section II of this staff report. Because the amendment request constitutes both an LUP and LIP amendment, the suggested modifications are the same for both the LUP and LIP amendment. If modified as suggested, the LIP amendment will conform with, and be adequate to carry out, the provisions of the certified LUP, as modified.

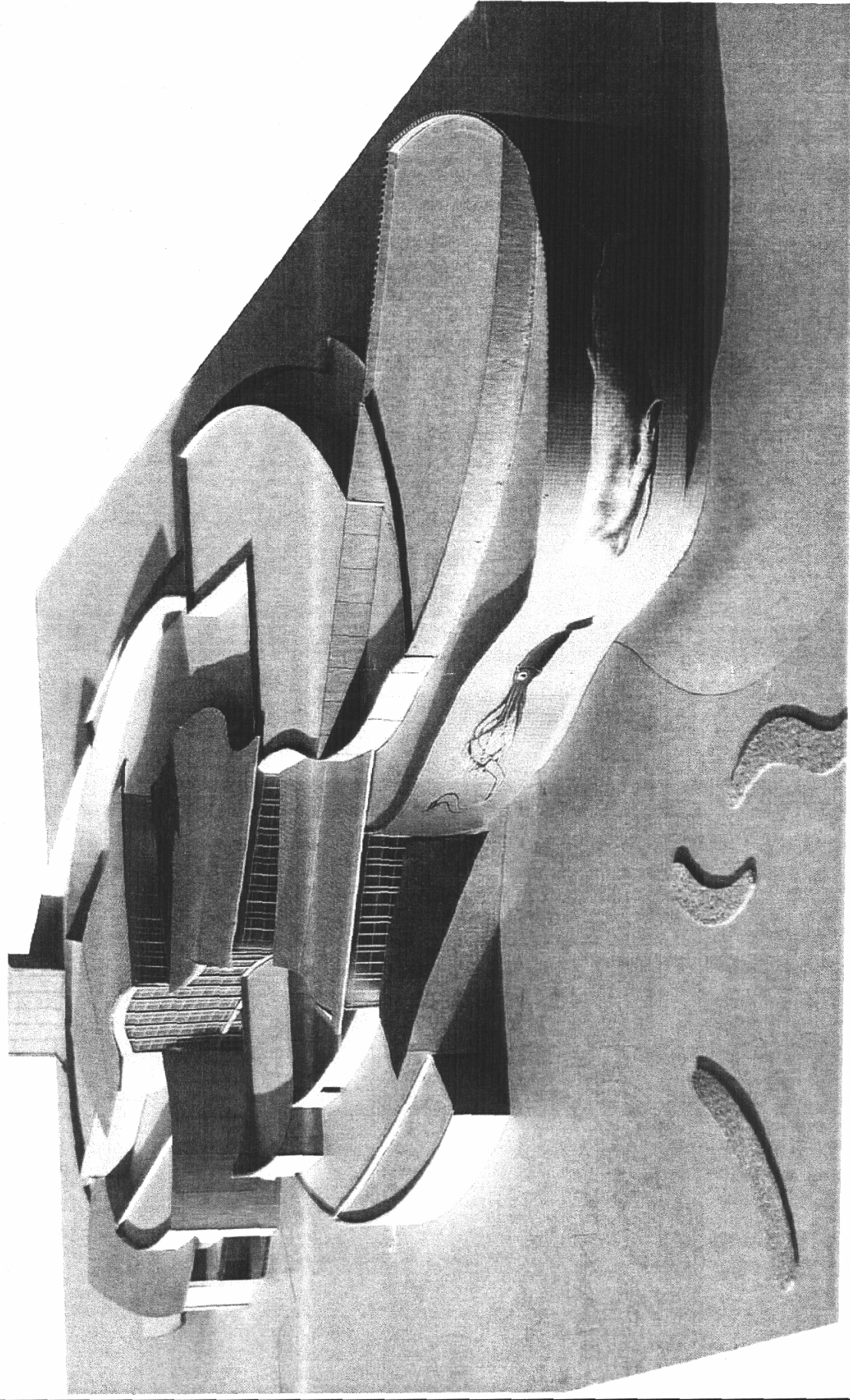
E. California Environmental Quality Act (CEQA)

The City of Long Beach is the lead agency for the purposes of California Environmental Quality Act review of the proposed aquarium expansion project and the associated LCP amendment. On June 17, 2010, the City of Long Beach Planning Commission certified Mitigated Negative Declaration No. 01-10 for the aquarium "Pacific Visions" expansion project, which is the 23,330 square foot aquarium addition that is directly related to this LCP amendment. The certified Mitigated Negative Declaration concludes that the project would not create any new significant impacts or increase the severity of any impacts identified in previous CEQA documents (e.g., the Queensway Bay Master Plan EIR).

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission's regulatory program require that a proposal not be approved or adopted:

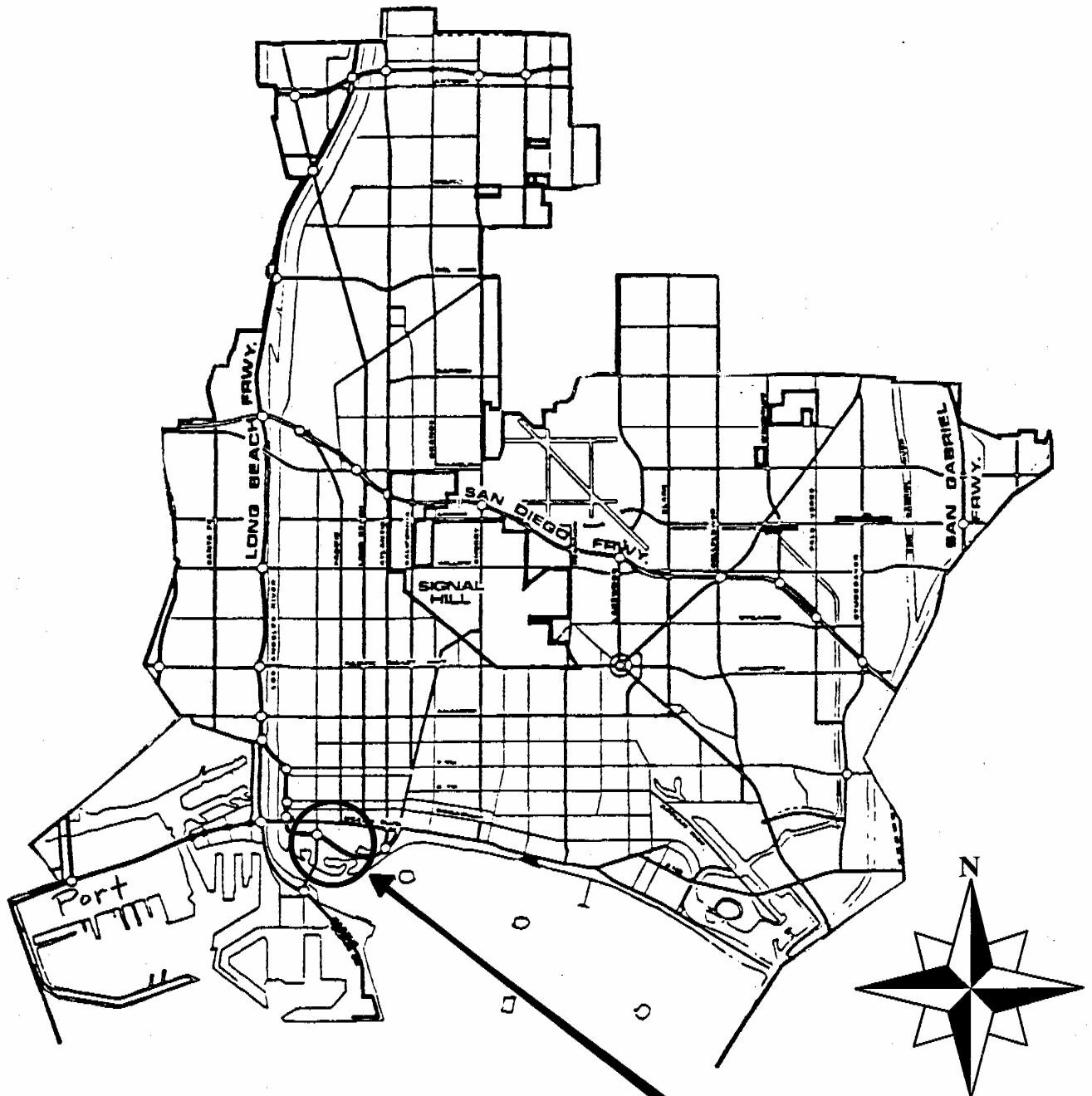
...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that, for the reasons discussed in this report, the proposed LCP amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the LCP if modified as suggested complies with the California Environmental Quality Act because: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, and 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts which the LCP Amendment may have on the environment. The Commission finds that the proposed LCP amendment if modified as suggested will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.



Aquarium of the Pacific
Front Addition

City of Long Beach

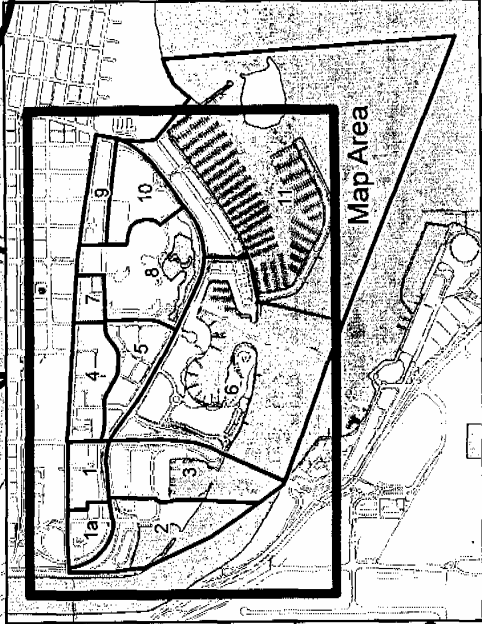
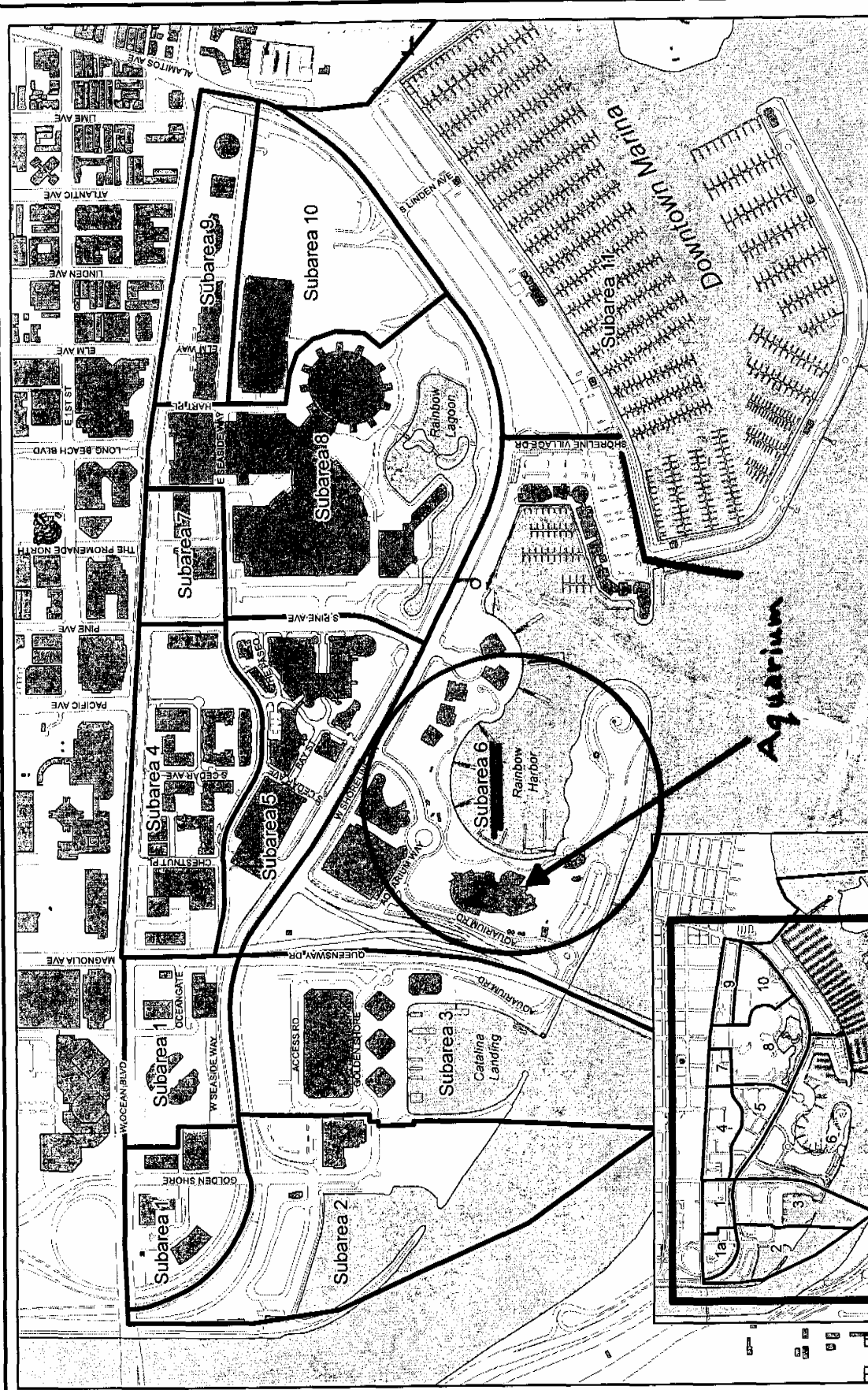


PD-6

COASTAL COMMISSION
LCP 2-10

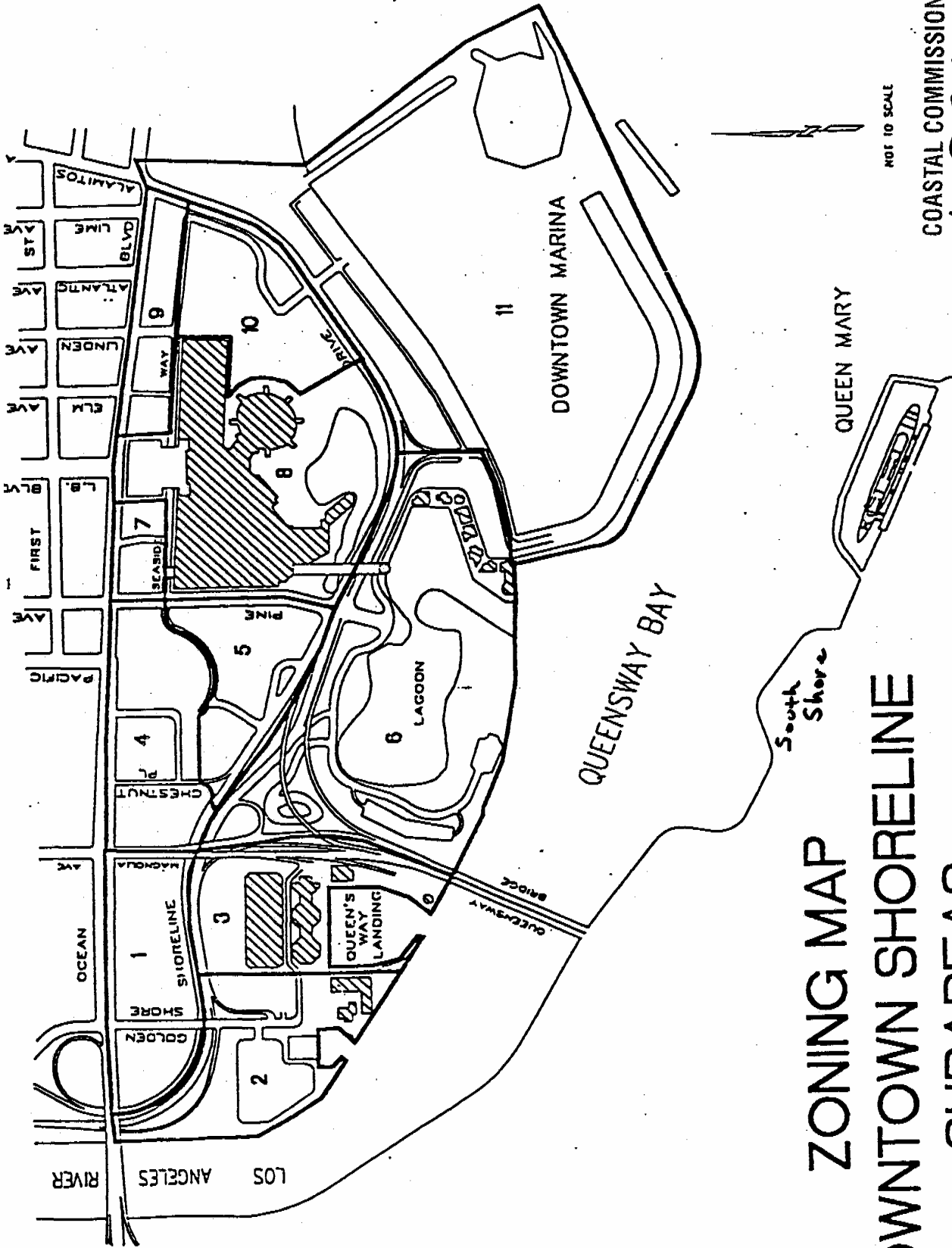
EXHIBIT # 1

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LCP 2-10
Downtown Shoreline
Planned Development District
(PD-6)





COASTAL COMMISSION
 LCP 2-10
 EXHIBIT # 3
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ZONING MAP DOWNTOWN SHORELINE SUBAREAS

Planned Development Ordinance: PD-6

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

RESOLUTION NO. RES-10-0086

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH ADOPTING, AFTER PUBLIC HEARING, AMENDMENTS TO THE LOCAL COASTAL PROGRAM ELEMENT OF THE GENERAL PLAN OF THE CITY OF LONG BEACH; AND AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT CERTIFIED COPIES OF THIS RESOLUTION AND THE ORDINANCE AMENDING THE DOWNTOWN SHORELINE PLANNED DEVELOPMENT DISTRICT (PD-6) TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL AND CERTIFICATION

The City Council of the City of Long Beach resolves as follows:

Section 1. The City Council does hereby find, determine and declare:

A. The City Council of the City of Long Beach has adopted, pursuant to Section 65300, et seq., of the California Government Code, a Local Coastal Program (LCP) as an Element of the City's General Plan.

B. The City Council desires to amend the Local Coastal Program (LCP) of the General Plan by amending PD-6 as it relates to the development standards in Subarea 6, Section (a).4 regarding the Aquarium of the Pacific "Pacific Visions" Expansion.

C. On June 17, 2010, the Planning Commission held a public hearing on a proposed amendment to the Local Coastal Program. At that hearing, the Planning Commission gave full consideration to all pertinent facts, information, proposals, environmental documentation and recommendations respecting proposed amendments

1 to the Local Coastal Program as it relates to the Aquarium of the Pacific "Pacific Visions"
2 Expansion, and to the views expressed at the public hearing, and afforded full opportunity
3 for public input and participation.

4 D. Negative Declaration (ND-01-10) was prepared and certified by the
5 Planning Commission in accordance with the Guidelines for Implementation of the
6 California Environmental Quality Act (CEQA).

7 E. Following receipt and consideration of all appropriate environmental
8 documentation, full hearings and deliberation, the Planning Commission recommended
9 approval of the amendment to the Local Coastal Program as set forth herein and further
10 directed that said recommendation be forwarded to the City Council for its review and
11 consideration.

12 F. On August 10, 2010, the City Council conducted a duly noticed
13 public hearing at which time it gave full consideration to all pertinent facts, information,
14 proposals, environmental documentation and recommendations respecting all parts of
15 the proposed amendments to the Local Coastal Program, and the views expressed at the
16 public hearing and afforded full opportunity for public input and participation.

17 G. On August 10, 2010, following receipt of all appropriate
18 environmental documentation, full hearings and deliberation, the City Council concurred
19 with the recommendation of the Planning Commission and approved and adopted the
20 environmental documentation and the amendment to the Local Coastal Program by
21 amending the Downtown Shoreline Planned Development District (PD-6).

22 Section 2. The Director of Development Services is hereby authorized to
23 submit a certified copy of this Resolution and a certified copy of Ordinance No.
24 ORD-10- 0024 amending the zoning regulations of the City of Long Beach together
25 with appropriate supporting materials, to the California Coastal Commission for
26 certification and approval by the Coastal Commission as amendments to the City's Local
27 Coastal Program and the implementing ordinances thereof in accordance with the
28 provisions of the Public Resources Code.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 Section 3. This resolution shall take effect immediately upon its adoption
2 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

3 I hereby certify that the foregoing resolution was adopted by the City Council of the
4 City of Long Beach at its meeting of August 10, 2010, by the following vote:

5 Ayes: Councilmembers: Garcia, Lowenthal, DeLong,
6 Schipske, Andrews, Johnson,
7 Gabelich, Neal.

8
9 Noes: Councilmembers: None.

10
11 Absent: Councilmembers: O'Donnell.

12
13
14 Larry Hemen
15 City Clerk

16
17
18
19
20 CERTIFIED AS A TRUE AND CORRECT COPY

21 Larry Hemen
22 CITY CLERK OF THE CITY OF LONG BEACH
23 8/25/10
24
25
26
27
28

- 1 (e) Parking. Parking shall be provided within the subarea sufficient to
2 meet the average weekday demand. Additional parking to meet
3 peak weekend day and evening demand shall be provided in
4 adjacent subareas and Downtown. All parking shall be on a shared
5 or joint use basis; it shall be available to the public on a first-come,
6 first-served basis without reservation for the exclusive use of any one
7 tenant or development.

8
9 SUBAREA 6

10 This subarea contains Shoreline Village and Shoreline Park.

- 11 (a) Uses. This subarea may be developed into an active, visitor-serving urban
12 waterfront, including the following uses:

- 13 1. Downtown Harbor. The Shoreline Lagoon may be reconfigured into
14 a commercial harbor, dredged to a depth of less than twenty feet
15 (20'), and edged with a bulkhead and rip-rap. To the extent that this
16 harbor will remove the existing low intertidal habitat area, this habitat
17 area must be replaced in kind elsewhere, at a minimum one-to-one
18 ratio, within the Queensway Bay Project (PD-6 and PD-21) area prior
19 to or concurrent with construction of the harbor. This harbor may
20 contain dockage for up to fifty (50) commercial boats (e.g., dinner
21 cruises, whale watch, dive boats and fishing charters), historic ships,
22 visiting tall ships, water taxis, and public day-use transient docks.

23
24 The existing one hundred thirty-one (131) slips may be replaced by
25 construction of the Downtown Harbor expansion. Any marina slips
26 which are used for recreational boating and which are displaced by
27 the Downtown Harbor expansion shall be replaced with slips which
28 provide equivalent recreational boating opportunities.

2. Retail and entertainment. Up to three hundred thousand (300,000) square feet of new and existing visitor-serving commercial uses, including retail, restaurant, nightclub, movie, arcade and related entertainment uses may be permitted. Up to four (4) acres of existing Shoreline Park along the north side of the water basin may be converted to such uses if the City replaces the displaced parkland on an acre-for-acre basis within or adjacent to the coastal zone. Such replacement parkland must provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation. Replacement parkland shall be developed prior to or concurrent with the commencement of the development which displaces it, and shall also be dedicated or designated in perpetuity.
3. Park. Park area of not less than twenty-three (23) acres, including park, roadways, parking areas, pedestrian walkways, and a major aquarium. The park shall include a children's play area, picnic areas and a public restroom. The existing fishing piers shall remain. All areas not covered with structure, roadway or walkway shall be landscaped.
4. Aquarium. An aquarium and related educational, retail, and public-serving facilities may be constructed in the park.

(b) Access.

1. Vehicular. Vehicular access to Shoreline Village and park shall be limited to the existing Shoreline Village entrance and the intersection of Shoreline Drive and Pine Avenue. New intersections with Shoreline Drive may be constructed at Chestnut Place and the Aquarium access road. There shall be a minimum of paved roadway surface within the subarea, except that a new two-lane roadway may

1 be constructed from the new Shoreline Drive intersection to connect
2 under the Queen's Way Bridge to the Catalina Landing Area
3 (Subarea 3). Limited vehicular access may be provided along the
4 south side of Shoreline Drive with the approval of the City Traffic
5 Engineer. Vehicular access to the peninsula shall not be allowed
6 east of the existing park access road and parking lot.

- 7 2. Pedestrian. Pedestrian access shall be provided from the
8 Promenade South and from signalized pedestrian crossings of
9 Shoreline Drive. If a view corridor/open space area at least one
10 hundred fifty feet (150') wide is not provided from the intersection of
11 Shoreline Drive and Aquarium Way to Rainbow Harbor (as formerly
12 required by the certified LCP), then a pedestrian bridge connecting
13 Subareas 5 and 6 shall be provided over Shoreline Drive. The
14 bridge shall be at least twenty-five feet (25') wide and be at the same
15 level as the public viewing deck provided between Aquarium Way
16 and the parking structure in Subarea 6. The bridge shall be
17 designed to provide open views to Rainbow Harbor and the Queen
18 Mary which open up as one crosses the bridge from the north to the
19 south. To protect the views from and through the bridge, all railings
20 and solid structural features on the bridge shall be limited to a height
21 of four feet (4') measured from the pedestrian deck, except that a
22 gateway sculptural element which exceeds the height limit may be
23 placed on the bridge, providing that its surface is not more than 15
24 percent (15%) solid or opaque.

25
26 A shoreline pedestrian esplanade (Rainbow Harbor Esplanade) of
27 not less than thirty-five feet (35') in width shall be maintained
28 between all new commercial development and the waterfront. A

continuous public walkway shall be provided along the water's edge throughout this subarea. Pedestrian walkways along north-south streets shall be provided from Ocean Boulevard to the waterfront.

3. Bicycle. The regional bikeway from the Los Angeles River to the beach shall be maintained as a continuous bikepath through the area and under the Queen's Way Bridge, avoiding pedestrian and vehicular conflicts as much as possible. Recreational bike paths may be connected to the regional bikeway, including a connection across the Queen's Way Bridge to the South Shore.
4. Boat. Public day-use transient docks shall be provided for boater access to the uses in the Downtown Shoreline. Affordable water taxis shall be encouraged from Shoreline Park to the new park areas at the South Shore.
5. Transit. Affordable ground transportation shall be provided from Shoreline Park to the new park areas at the South Shore.
6. Public Access. All open space areas shall be open and accessible to the public, as public parks are, except for the aquarium for which an admission fee is charged. All open space areas shall be designed so as to encourage public use through access and amenities such as park benches and picnic tables. Table service for restaurants shall be prohibited in open space areas unless specifically permitted by a coastal development permit. Public open space areas shall include, but are not limited to: Shoreline Park, Rainbow Harbor Esplanade, the terraces at the end of Pine Avenue, Pine Avenue Pier, Shoreline Wharf, the public viewing deck provided between Aquarium Way and the parking structure, pedestrian bridges, and all view corridors identified on Attachment A: View

Corridors.

(c) Building Design.

1. Location and scale. Shops, restaurants and entertainment facilities shall be limited to Shoreline Village and the northern side of the Downtown (Rainbow) Harbor to provide a continuous pedestrian retail experience. No new buildings or structures over 42 inches (42") in height, other than required safety features, structures required to meet ADA access standards where there is no alternative locations, mobile vending carts, lighting features and low-scale official directional signs, shall be permitted in the four hundred ten-foot-long (410') (measured from the Promenade South to Shoreline Village) view corridor/public open space area located between Shoreline Wharf and Shoreline Drive (see Attachment A: View Corridors).

The development shall be punctuated by plazas and outdoor eating areas. Long continuous walls without windows and doors shall be avoided along the pedestrian esplanade. Pedestrian scale shall be maintained through frequently interrupted and articulated facades and through change of material and/or color.

2. Height. Structures shall not exceed two (2) stories or forty feet (40') in height, except that this height may be exceeded by special architectural or sculptural features on each side of the harbor entrance channel, by the aquarium, by the new parking structure which shall not exceed fifty-five feet (55') in height, and by one (1) amusement ride which shall not exceed one hundred thirty feet (130') in height that is in character with the existing Rainbow Harbor development and does not negatively affect public views to and

1 along the shoreline. A parking deck may be constructed above all
2 or a portion of the existing Shoreline Village parking lot, provided that
3 the structure is no higher than eighteen feet (18") above existing
4 grade.

5
6 Throughout Subarea 6, architectural features may be permitted to
7 extend above these height limits if they do not contain any usable
8 interior space and do not significantly add to the mass of a structure
9 or negatively affect public views.

- 10 3. Setback. New buildings along Shoreline Drive west of Pine Avenue
11 shall be set back seventy-five feet (75') from Shoreline Drive to
12 accommodate temporary bleacher seating for the Grand Prix auto
13 race, except in areas where bleachers are not to be placed.
- 14 4. Special design features. Structures shall be designed and located
15 along Shoreline Drive so as to provide interesting facades through
16 the use of construction details and articulated building walls. In order
17 to comply with the Coastal Act requirement pertaining to visual
18 access from the first public street to the water edge, view corridors
19 from Shoreline Drive shall be provided between structures, and a
20 view corridor shall be provided along Pine Avenue from Ocean
21 Boulevard to the water edge, as shown on the attached diagram "A"
22 incorporated herein by this reference. The facade of the parking
23 structure shall be treated with landscaping and supplemental design
24 elements so as to soften its visual impact on Shoreline Drive.
- 25 5. Public Viewing Deck. If a view corridor/open space area at least one
26 hundred fifty feet (150') wide is not provided from the intersection of
27 Shoreline Drive and Aquarium Way to Rainbow Harbor (as formerly
28 required by the certified LCP), then a public viewing deck with a

1 minimum of thirty-five thousand (35,000) square feet of usable public
2 area shall be provided on the second level of the building or
3 buildings located between the aquarium parking structure and
4 Aquarium Way. The public viewing deck shall be designed and
5 oriented to provide open views to Rainbow Harbor and the Queen
6 Mary, and shall be available for public use, including picnics, as
7 public parks are. Park benches and tables for eating shall be
8 provided for general public use on the viewing deck. Take-out and
9 walk-up food services are encouraged behind the viewing deck, but
10 restaurant table service is prohibited. All structures in Subarea 6
11 shall be designed and sited to protect the public views to Rainbow
12 Harbor and the Queen Mary from the public viewing deck.

13 6. View Corridors. The one hundred fifty-foot-wide (150') view corridor
14 that the LCP formerly required at the intersection of Shoreline Drive
15 and Aquarium Way may be substituted if all three (3) of the following
16 alternative view corridor/public open space areas are provided:

- 17 A. A sixty-foot-wide (60') view corridor at the intersection of
18 Shoreline Drive and Aquarium Way,
19 B. A pedestrian bridge over Shoreline Drive at Aquarium Way as
20 required by Section (b)2 above, and
21 C. A thirty-five thousand (35,000) square foot public viewing
22 deck, as required by Section (c)5 above, on the second level
23 of the structure(s) located between Aquarium Way and the
24 aquarium parking structure. Refer to Attachment A: View
25 Corridors.

26 No structures over 42 inches (42") in height, other than required
27 safety features, structures required to meet ADA access standards
28 where there is no alternative location for such structures outside of

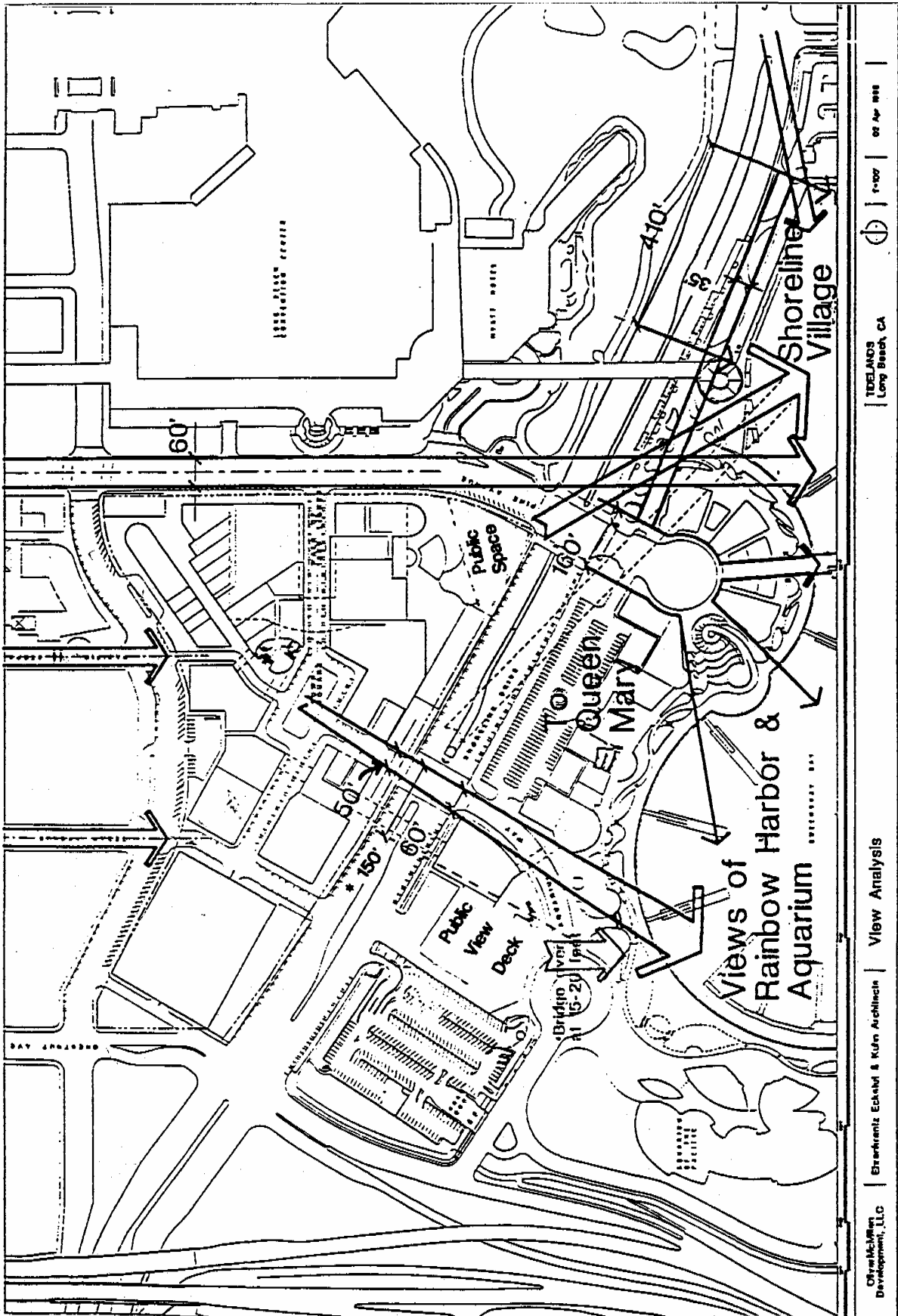
the view corridors, mobile vending carts, lighting features and low-scale official directional signs, shall be placed in the view corridors identified on Attachment A: View Corridors.

- (d) Parking. Parking shall be provided within the Subarea and within Subarea 11 sufficient to meet the average weekday demand. Additional parking to meet peak weekend day and evening demand shall be provided in subareas to the north and in Downtown. All parking shall be on a shared or joint use basis; it shall be available to the public on a first-come, first-served basis without reservation for the exclusive use of any one tenant or development. A parking garage of up to fifteen hundred (1500) spaces may be included within the development on not more than four acres of existing Shoreline Park adjacent to the aquarium and retail/entertainment uses. An additional six hundred (600) parking spaces may be added to Shoreline Village by building a deck or small parking structure over all or a portion of the existing parking lots.
- (e) Landscaping. Unpaved surfaces shall be landscaped in a waterfront resort theme. Plant material shall be lush and colorful abutting the pedestrian esplanade; trees, lawn and/or other ground covers shall be provided within the open park area. Plant material shall be utilized which is tolerant to the special waterfront soil and climate conditions.

SUBAREA 7

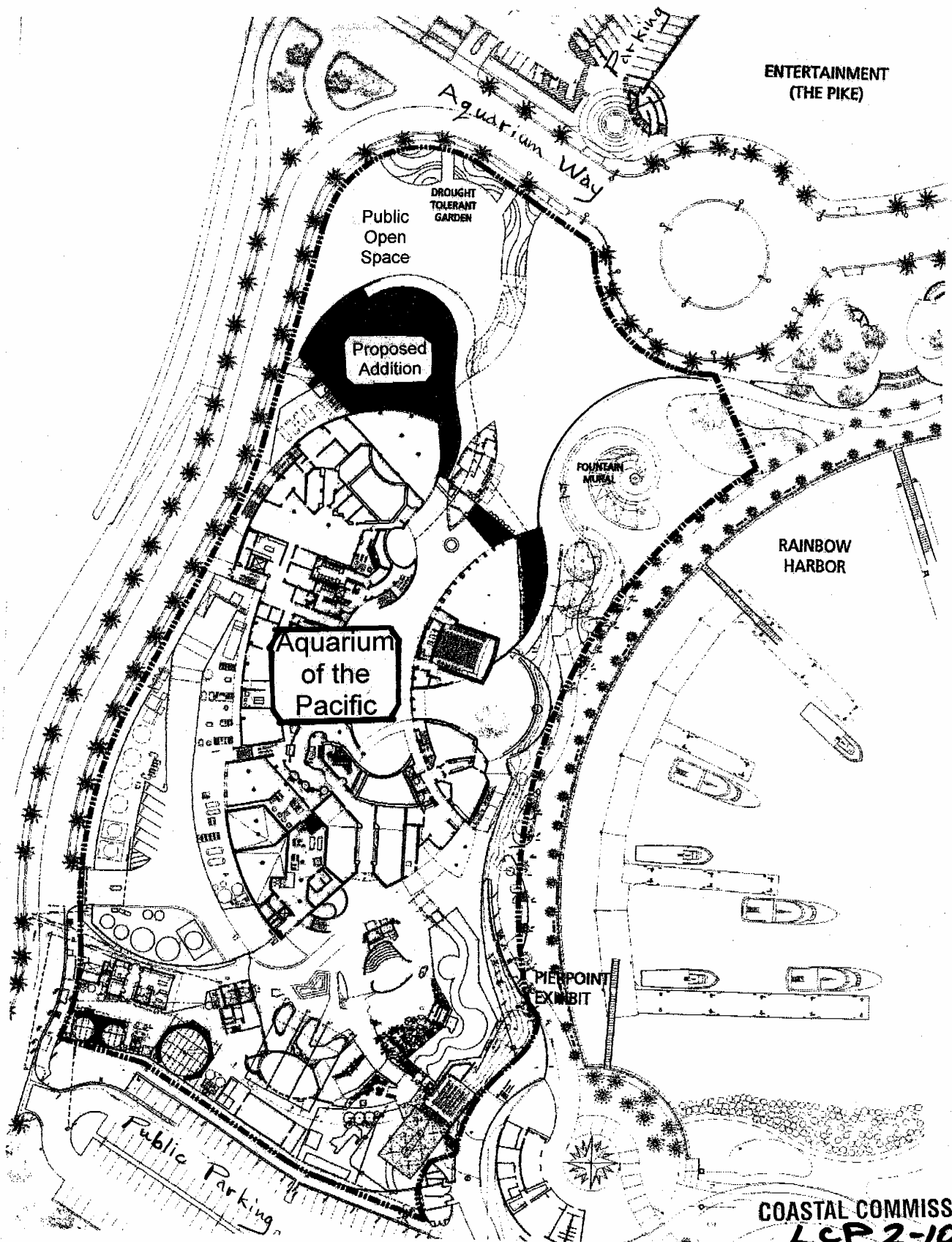
This subarea currently contains an office building and the Breakers Hotel (designated by the City as a cultural landmark).

- (a) Uses. Residential, hotel, and office with hotel or residential uses occupying not less than one-third of the land area of this subarea. Retail, personal



PD 6 Attachment "A" - View Corridors

*150' wide view corridor or 60' corridor, and 25' wide pedestrian bridge, and 35,000 sq. ft. public viewing deck.



Site Plan



COASTAL COMMISSION
LCP 2-10

EXHIBIT # 10
PAGE 1 OF 1