

CALIFORNIA COASTAL COMMISSION

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January 19, 2012

**W20a****TO:** Commissioners and Interested Persons**FROM:** John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
Charles Posner, Coastal Program Analyst**RE:** Minor Amendment Request No. 1-11 (LOB-MIN-1-11) to the City of Long Beach LCP, for Commission Action at its February 8, 2012 meeting in Santa Cruz.**Local Coastal Program Amendment No. 1-11 (Minor)**

The City of Long Beach is requesting that the Commission certify an amendment to the City of Long Beach certified Local Coastal Program (LCP). The LCP amendment would remove the Tidelands Trust land use restrictions from the portion of Subarea 5 of the Downtown Shoreline Planned Development District (PD-6) that was subject to the Queensway Bay Exchange Agreement executed between the City and the State Lands Commission in 2011. The LCP amendment request affects both the Implementing Ordinances (LIP) and Land Use Plan (LUP) portions of the certified LCP.

Local Coastal Program Amendment Request No. 1-11, submitted with City Council Resolution No. RES-11-0085 and City Council Ordinance No. ORD-11-0017, does not propose any rezoning or land use changes. The Long Beach City Council held public hearings for the LCP amendment on June 21, 2011 and August 9, 2011. The City Council adopted Ordinance No. ORD-11-0017 on August 16, 2011, and on December 6, 2011 submitted it to the Commission's South Coastal District office for certification.

ANALYSIS

The Executive Director has determined that City of Long Beach LCP Amendment No. 1-11 is a minor LCP amendment. The LCP amendment has been determined to be a "minor" LCP amendment because the proposed changes to the text for Subarea 5 of the Downtown Shoreline Planned Development District (PD-6) would clarify the City's development regulations, and would not change the kind, location, intensity or density of any uses. The proposed changes to the certified LCP are attached as Exhibit #3.

The proposed LCP amendment includes the deletion of text that refers to Subarea 5 of PD-6 as "public tidelands trust property" to reflect the agreement between the State and the City in which the two entities exchanged ownership of certain parcels in the coastal zone. The City gained ownership of the land (filled tidelands) in Subarea 5 in exchange for granting the State Lands Commission ownership over City parkland at Bixby Park, Marine Stadium and Colorado Lagoon. The land exchange was executed pursuant to Public Resources Code Section 6307 in order to resolve a lawsuit filed in 2001 (*California Earth Corps v. City of Long Beach, California State Lands Commission and the Developers Diversified Realty Corporation, as a*

Real Party in Interest, Sacramento Superior Court No. 01SC01556). The land exchange is meant to settle a legal dispute over which types of commercial uses were legally allowed in Subarea 5 of PD-6; specifically, whether the cinema, bookstore and arcade built as part of the Pike commercial and entertainment center in 2003 are uses that are consistent with the land use restrictions imposed on tidelands trust property.

The California State Lands Commission authorized the Queensway Bay Exchange Agreement at its June 23, 2011 public meeting. The land exchange agreement was signed by the City Manager and the Executive Officer of the State Lands Commission on July 1st and 8th, 2011, respectively. As a result of the land exchange, the State's tidelands trust land use restrictions will no longer apply in that portion of Subarea 5 that the City now owns (Exhibit #2). The Subarea 5 land use limitations set forth in certified LCP, however, will still apply. The uses allowed by the certified LCP are: retail, restaurant, entertainment display, educational, recreational, and hotel (Exhibit #3).

The proposed changes will clarify the City's development regulations and allow Subarea 5 to be developed with the types of uses currently allowed by the certified LCP. The proposed changes will not result in any change in the kind, location, intensity, or density of uses allowed in PD-6.

Procedures

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of the California Code of Regulations, the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed LCP amendment will become effective after report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

City of Long Beach

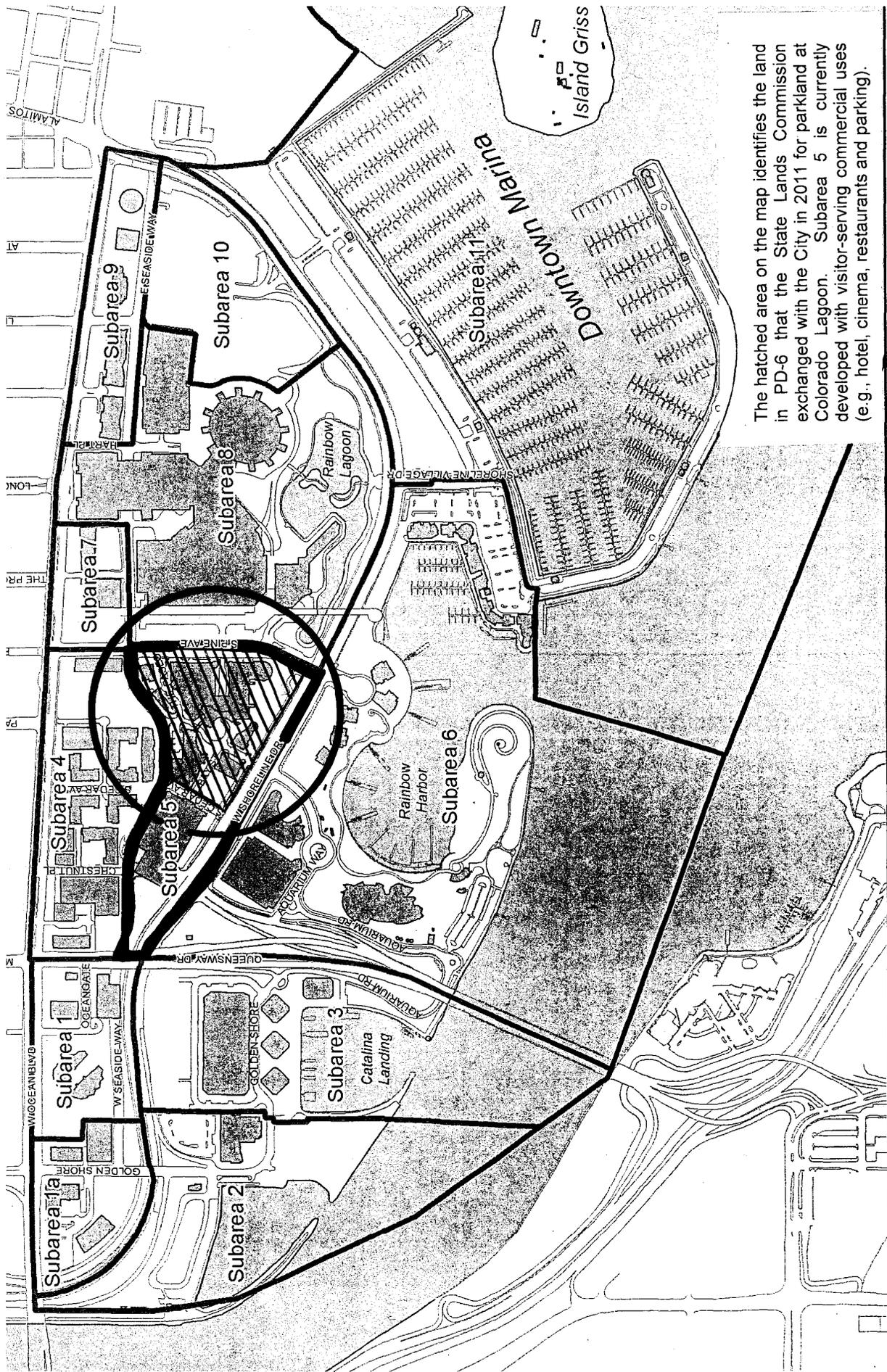


PD-6

COASTAL COMMISSION
LBLCPI-11

EXHIBIT # 1

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The hatched area on the map identifies the land in PD-6 that the State Lands Commission exchanged with the City in 2011 for parkland at Colorado Lagoon. Subarea 5 is currently developed with visitor-serving commercial uses (e.g., hotel, cinema, restaurants and parking).

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LB LCP 1-11

EXHIBIT # 2
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**Downtown Shoreline
 Planned Development District
 (PD-6)**

SUBAREA 5

~~This subarea is public tidelands trust property.~~

(a) Uses.

1. Retail, office, restaurant, entertainment display, educational, and recreational uses not to exceed three hundred twenty-seven thousand (327,000) square feet of usable floor area in an open and inviting pedestrian environment.
2. Hotel uses containing not more than two hundred seventy-five (275) rooms. Restaurant lounge and retail facilities, primarily for hotel tenants, may be located in the hotel.
3. ~~Any office uses must be approved by the Executive Director of the State Lands Commission as coastally related or dependent and related to maritime commerce, marine transport, trade conducted via ocean-going vessels, marine shipping and fisheries.~~

(b) Access.

1. Vehicular. Vehicular access shall be from Seaside Way, from a new road between Shoreline Drive and Seaside Way and from Pine Avenue.
2. Pedestrian access. Public walkways shall be provided from the extension of the walkways from Subarea 4 and shall extend to the southern end of the Subarea. Walkways shall provide pedestrian access to the shoreline via designated pedestrian crossings at Shoreline Drive and to the Convention Center entrance on Pine Avenue.