

CALIFORNIA COASTAL COMMISSION

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Filed: 8/14/98
 49th Day: 10/2/98
 180th Day: 2/10/99
 Staff: CP-LB
 Staff Report: 9/25/98
 Hearing Date: October 13, 1998
 Commission Action:



STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE AND DE NOVO HEARING

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LOB-98-336

APPLICANT: Selleck Development Group, Inc.

AGENT: Joel Miller, Psomas and Associates

PROJECT LOCATION: 6500 E. Pacific Coast Highway, City of Long Beach,
 Los Angeles County.

PROJECT DESCRIPTION: Construction of a 67,930 square foot retail commercial
 development with 340 on-site parking spaces.

APPELLANTS: Coastal Commissioners Sara Wan and Shirley Dettloff

SUMMARY OF STAFF RECOMMENDATION

The staff recommends (**motion on page 6**) that the Commission, after public hearing, determine that **a substantial issue exists** with respect to the grounds on which the appeal has been filed for the following reasons: The project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to allowable uses and building heights, and does not analyze or mitigate the project's impacts on wetland habitat area that currently occupies the site.

Staff further recommends (**resolution on page 12**) that the Commission, after a public **de novo** hearing, **approve the proposed development with conditions** that require mitigation of the project's impacts on wetland habitat through implementation of an on-site replacement project, compliance with effective certification of Long Beach LCP Amendment No. 2-98B, and control of stormwater runoff from the site both during construction and after completion.

SUBSTANTIVE FILE DOCUMENTS:

1. Local Coastal Development Permit No. 9702-18 (Marina Shores).
2. City of Long Beach Certified Local Coastal Program.
3. City of Long Beach Local Coastal Program Amendment No. 2-98B.
4. Environmental Impact Report (EIR 25-97) "Marina Shores", SCH#97081068.
5. Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998.

STAFF NOTE:

This staff report and recommendation is written with the assumption that the Commission would approve **City of Long Beach LCP Amendment No. 2-98B** with the suggested modifications that would add the necessary wetland protection provisions into the certified LCP.

I. APPELLANTS' CONTENTIONS

City of Long Beach Local Coastal Development Permit No. 9702-18 was approved with conditions for the construction of a 67,930 square foot commercial development with 340 on-site parking spaces (Exhibit #5). The project site is a vacant six acre parcel situated on the seaward side of Pacific Coast Highway in southeast Long Beach (Exhibit #2). The City's approval of the proposed project was appealed by two Coastal Commissioners on August 14, 1998. The Commissioners' appeal contends that:

- The local coastal development permit does not analyze or mitigate the proposed project's impacts on wetland habitat in relation to the standards of the certified LCP.
- The proposed project does not conform to the open space, setback, curb cut, and height restrictions contained in the certified LCP.
- The certified LCP does not list retail uses as an allowable use on the project site.
- The local coastal development permit does not adequately address the parking and traffic impacts of the project in relation to the standards of the certified LCP.
- The local coastal development permit does not adequately address the project's impacts on scenic resources in relation to the standards of the certified LCP.

II. LOCAL GOVERNMENT ACTION

On February 28, 1997, Selleck Development Group, Inc. submitted an application to the City of Long Beach to construct a nautical themed commercial retail center anchored by a Hughes Supermarket and a freestanding full-service restaurant (Exhibits #3&4). The proposed shopping center project, referred to as "Marina Shores", is located on the seaward side of Pacific Coast Highway in southeast Long Beach (Exhibit #2). The project site falls within Subarea 29 of the City's Southeast Area Development and Improvement Plan (SEADIP).

The City of Long Beach processed Local Coastal Development Permit No. 9702-18 concurrently with a project-driven LCP amendment for the proposed project [*See LCP Amendment No. 2-98B*]. The proposed LCP amendment would change the land use, height, and curb cut standards for Subarea 29 of SEADIP in order to accommodate the proposed project. Specifically, the LCP amendment would: 1) add retail uses to the list of allowable uses for SEADIP Subarea 29 which currently allows only commercial office, restaurants, and commercial recreation uses; 2) allow architectural features to exceed the 35 foot height limit by eight feet (up to 43 feet); and 3) allow curb cuts on Pacific Coast Highway and Studebaker Road subject to the approval of the City Traffic Engineer and/or CALTRANS.

The City Site Plan Review Committee granted preliminary approval of the project on March 19, 1997. Subsequently, the proposed project and the proposed LCP amendment were the subject of public hearings before both the City Planning Commission and the City Council. The City Planning Commission held three public hearings for the proposed project on June 5, 1997, June 19, 1997, and January 15, 1998. The City Council held two public hearings for the proposed project July 15, 1997 and March 17, 1998. Finally, on March 17, 1998, the City Council granted the final City approval of Local Coastal Development Permit No. 9702-18, the associated LCP amendment, and a standards variance for the proposed project (Exhibit #5).

In addition, the City prepared Environmental Impact Report EIR 25-97 (SCH#97081068) in order to address the cumulative impacts of future development and the proposed project in southeast Long Beach. The EIR was certified by the Planning Commission on January 15, 1998.

The City's Notice of Final Action for Local Coastal Development Permit No. 9702-18 was received in the Commission's Long Beach office on April 3, 1998 (Exhibit #5). The Long Beach City Council had determined that the project site contained no wetlands. Because the project site is located outside of the Commission's mapped appealable area, the local permit action was **not** noticed by the City as being appealable to the Commission. The Commission's mapped appealable area extends inland to Marina Drive, the first public road inland from the sea. The project site is located on the inland side of Marina Drive (Exhibit #2). Because the Commission had not received notice of final action on appealable development, no appeal period was established.

At its August 13, 1998 public hearing on Long Beach LCP Amendment No. 2-98B, however, the Commission learned that Local Coastal Development Permit No. 9702-18 is appealable under Section 30603(a)(2) of the Coastal Act due to the fact that a wetland occupies a portion of the project site. Thus, at its meeting of August 13, 1998, the Commission effectively received the notice of final local notice of appealable development, and the Commission's ten working-day appeal period was established. On August 14, 1998, Coastal Commissioners Sara Wan and Shirley Dettloff appealed Local Coastal Development Permit No. 9702-18.

Pursuant to Section 30621 of the Coastal Act, a hearing on a local coastal development permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. The applicant, Dan Selleck, waived the 49 day requirement and requested that the hearing be scheduled for the Commission's October 1998 meeting in Oceanside instead of the September 1998 meeting in Eureka.

At this point, the Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands, or the Commission may find that a substantial issue exists between the action of the local government and either the certified LCP or the public access policies of the Coastal Act. If the Commission finds substantial issue, then the proposed project will be heard as a **de novo permit** request. Section 13321 specifies that de novo actions will be heard according to the procedures that apply to other coastal development permits, as outlined in Section 13114 of the California Code of Regulations.

III. APPEAL PROCEDURES

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Pursuant to Section 30603 of the Coastal Act, developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, mean high tide line, or the top of the seaward face of a coastal bluff. Any development that is located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, or stream may also be appealed to the Commission. Furthermore, developments approved by counties may be appealed if they are not designated "principal permitted use" under the certified Local Coastal Program. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. [Coastal Act Section 30603(a)].

Section 30603(a) of the Coastal Act identifies which types of development are appealable:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a Coastal Development Permit application may be appealed to the Commission for only the following types of developments:

- (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is greatest.
- (2) Developments approved by the local government not included within paragraph (1) of this subdivision that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The City of Long Beach Local Coastal Program was certified in July 22, 1980. The City approval of the proposed project is appealable because it is located within one hundred feet of a wetland. In fact, a wetland exists on the site of the proposed development and will be directly affected by the City-approved project.

The grounds for appeals in the subject area are listed in **Section 30603(b)(1) of the Coastal Act**:

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

The action currently before the Commission is to find whether there is a "**substantial issue**" or "**no substantial issue**" regarding the local approval of the proposed project. Section 30625(b)(2) of the Coastal Act requires a regular (**de novo**) hearing of the appealed project unless the Commission determines that "no substantial issue" exists with respect to the grounds for appeal [Section 30603(b)].

If Commission staff recommends a finding of "**substantial issue**", and there is no motion from the Commission to find "no substantial issue", the substantial issue question will be considered moot, and the Commission will **proceed to the de novo public hearing** on the merits of the project. On the other hand, if the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at this stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. The Commission will then vote on the "substantial issue" matter. It takes a majority of Commissioners present to find that no substantial issue is raised by the local approval of the project.

If a majority of the Commission votes that "**no substantial issue**" exists with respect to the approval of the project by the local government, then the action of the local government stands and is final. If the Commission votes that a "**substantial issue**" does exist, then the

Commission will proceed to the **de novo public hearing** on the merits of the project and the locally approved Coastal Development Permit is not effective.

Pursuant to Section 30604(b) of the Coastal Act, a de novo public hearing on the merits of the project must utilize the certified Local Coastal Program as the standard of review. Sections 13110-13120 of the California Code of Regulations further explain the appeal hearing process.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that **a substantial issue exists** with respect to the conformity of the project with the policies of the City of Long Beach certified Local Coastal Program, pursuant to Public Resources Code Section 30625.

MOTION. Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-LOB-98-336 raises NO substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The approved project involves the development of a vacant six acre parcel with a highway oriented shopping center with a nautical theme (Exhibits #3&4). The site is in southeast Long Beach, one block inland of the Alamitos Bay Marina, at the northwest corner of Pacific Coast Highway and Studebaker Road (Exhibit #2). Vehicular access is proposed from both Pacific Coast Highway and Marina Drive.

The approved "Marina Shores" shopping center is comprised of two large retail structures and a freestanding restaurant to be constructed around a common parking area with 340 parking spaces (Exhibit #3). The rooflines of the three proposed commercial structures vary from 24 to 34 feet in height, with architectural towers extending up to 43 feet above grade (Exhibit #4). The City-approval permits approximately 61,000 square feet of retail floor area and one 6,600 square foot restaurant. A seven-foot wide dedication of the applicant's property is provided

along the Pacific Coast Highway frontage as a condition of the City's approval in order to provide additional right-of-way for the construction of a combined sidewalk and bicycle path.

The project site falls within Subarea 29 of SEADIP (Southeast Area Development and Improvement Plan), a specific plan that covers the southeast portion of the City of Long Beach. SEADIP Subarea 29 is located within the geographic area included within the City of Long Beach certified LCP. The parcel situated immediately south of the project site on Pacific Coast Highway, also within SEADIP Subarea 29, is developed with an office building. The Seaport Marina Hotel occupies the parcel to the north of the project. The closest beach is located about a mile west of the site in the City of Seal Beach (Exhibit #2).

VI. SUBSTANTIAL ISSUE ANALYSIS

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

In this case, staff is recommending that the Commission determine that a **substantial issue exists** with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to allowable uses and building heights, and does not analyze or mitigate the project's impacts on the wetland habitat area that currently occupies the site.

A. Allowable Uses

A substantial issue exists with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to allowable uses on the project site. The approved project, located north of Studebaker Road, includes 61,000 square feet of retail commercial uses and a 6,550 square foot restaurant. The certified LCP states that the following commercial uses may be permitted in SEADIP Subarea 29 where the project is located:

SUBAREA 29

Use: Commercial office, restaurants and commercial recreation.

Restaurant uses shall be permitted only south of Studebaker Road.

The City-approved permit allows retail uses and a restaurant north of Studebaker Road. The certified LCP does not permit retail uses in Subarea 29, or restaurants north of Studebaker Road

as approved by the City permit. Therefore, a substantial issue exists with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to allowable uses on the project site.

B. Building Height

A substantial issue also exists with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to building heights. The rooflines of the City-approved commercial structures vary from 24 to 34 feet in height, with architectural towers extending up to 43 feet above grade (Exhibit #4). The certified LCP states that maximum height of non-residential buildings shall be 35 feet. The certified LCP standard states:

The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein.

The City-approved permit allows portions of the structures to exceed the 35-foot height limit, up to 43 feet. Therefore, a substantial issue exists with the City-approved permit on the grounds that the project, as approved by the City of Long Beach, is not consistent with the certified LCP standards relating to building height.

C. Wetlands

The most controversial issue addressed by the City during the local hearings for Local Coastal Development Permit No. 9702-18 was the issue of project impacts on wetland habitat. The City did address the question of whether or not any wetlands exist on the site of the proposed 67,930 square foot retail/commercial shopping center approved by Local Coastal Development Permit No. 9702-18 (Exhibits #3&4). Ultimately, the City determined that no wetlands exist on the site. Because the City found that no wetlands exist, it did not take the next step to review the project for compliance with any certified wetland policies that may or may not be contained in the certified LCP. If the City approval stands, the wetlands on the site will be eliminated by the construction of the proposed project. The City permit does not require any avoidance or mitigation for impacts to the wetlands.

On August 13, 1998, the Coastal Commission determined that **wetlands do exist** on the project site. At the heart of the wetland question is whether the vegetation and ponding of water on the project site since it was graded in 1993 qualifies as a wetland that is protected by the Coastal Act. The project applicant and the City of Long Beach found that wetland vegetation and water ponding occur on the site, but that the water and the vegetation does not qualify as a wetland.

According to the applicant's consultants, the site supported wetlands until 1928 when the site and surrounding areas were filled (Exhibit #5). Chevron operated a fuel refinery on the entire

site from 1928 to the mid 1970's. The refinery was then demolished. In 1993, the soils on the site were excavated and remediated in order to remove contaminants that were discharged from the refinery. The site was recontoured to its existing topography and a catch basin was graded at the southeast corner of the site which allows water to pond. There are no records of any coastal development permits ever issued by the City or Commission for the remediation or development of the site prior to 1998.

Currently, the site has a depression at the southeast corner that collects drainage from the site and surrounding areas. During the past several winters the site has contained a pond that has attracted several bird species to the site. The EIR for the project lists observed bird species as: American Kestrel, Rock Dove, House Finch, European Starling, Western Gull, American Crow, Ring-billed Gull, Great Blue Heron, and Mallard Duck. The size of the pond varies in response to the levels of rainfall and evaporation during each season. In the past, Commission staff has observed pumps at the site pumping water out of the pond and into the storm drain.

As part of the EIR process, the applicant's consultant conducted its own wetlands determination and submitted it to the City (Exhibit #5). The consultant, Glenn Lukos Associates, reports that the site is partially inundated during the rainy season and that the site supports scattered native hydrophytes (wetland plants) including saltgrass (*Distichlis spicata*), alkali heath (*Frankenia salina*), heliotrope (*Heliotropum curassivicum*), pickle weed (*Salicornia virginica*), and alkali bulrush (*Scirpus maritimus*). The site also supports a population of southern tarplant (*Hemizonia parryi* var. *australis*).

The conclusion of Glenn Lukos and Associates, which is included in the certified EIR for the project, is that the site does not qualify as a wetland under the jurisdiction of the U.S. Army Corps of Engineers or the California Department of Fish and Game. Based on the consultants report, the City Council found that no wetland exists on the site and approved Local Coastal Development Permit No. 9702-18 for the construction of a shopping center on the site (Exhibits #3&4). Because the City found that no wetland exists on the site, Local Coastal Development Permit No. 9702-18 does not require the implementation of any wetland avoidance or mitigation measures, and the local coastal development permit was not noticed by the City as being appealable to the Commission.

The California Department of Fish and Game, however, was not consulted until after the City had already approved Local Coastal Development Permit No. 9702-18. Subsequent to the City's April 20, 1998 submittal of this LCP amendment request, both the applicant and Commission staff requested that the California Department of Fish and Game issue an opinion on the matter (Exhibit #6). In June 1998, after visiting the project site, a California Department of Fish and Game staff member estimated that approximately .02 acres of "potential" wetland habitat exists on the site in the form of scattered native hydrophytes (wetland plants) including saltgrass (*Distichlis spicata*), alkali heath (*Frankenia salina*), heliotrope (*Heliotropum curassivicum*), pickle weed (*Salicornia virginica*), and alkali bulrush (*Scirpus maritimus*). However, because of the wetland's small size, low biological productivity, location, and recent

history, the California Department of Fish and Game is reticent to issue a determination that an "actual" wetland exists on the site. It has been referred to only as a "potential wetland".

Although there is no definition of "potential wetland", the Coastal Commission's definition of a wetland is clear. The Coastal Commission relies on Section 30121 of the Coastal Act when making a wetland determination.

Section 30121 of the Coastal Act states:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

This is the definition upon which the Commission relies to identify "wetlands." The definition refers to lands "...which may be covered periodically or permanently with shallow water..." However, due to highly variable environmental conditions along the length of the California coast, wetlands may include a variety of different types of habitat area. For this reason, some wetlands may not be readily identifiable by simple means. The Commission's Statewide Interpretive Guidelines provide guidance for the sometimes difficult decision whether a site is a wetland. The Commission's Statewide Interpretive Guidelines state that the Commission also relies on the presence of hydrophytes and/or presence of hydric soils to make a wetlands determination. The presence of any one of the three conditions (water, hydrophytes or hydric soils) can result in a determination that a wetland is present. The California Department of Fish and Game typically provides the Commission with the expertise required in such a determination.

Moreover, Section 13577(b) of the Commission's regulations specifically identifies the criteria for determining the precise boundary of a wetland for purposes of appeal under Section 30603 of the Coastal Act. Section 13577(b) states that:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or support the growth of hydrophytes, and shall include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

In this case, the Commission determined at the August 13, 1998 opening of the public hearing for Long Beach LCP Amendment No. 2-98B that, according to the Commission's definition of wetlands, a wetland **does exist** on the site of the proposed development in SEADIP Subarea 29. The Commission's finding that a wetland exists on the site is based on the evidence provided by the applicant and City, and quantified by the California Department of Fish and Game, that both

water ponding and hydrophytes have been documented on the project site (See Exhibit #5 p.2). There is no dispute over the evidence that both water and hydrophytes have been found on the site. The only dispute is over the conclusion of whether the site contains a wetland.

The Commission resolves the dispute over the significance which should be attached the presence of water and hydrophytes on site consistent with the definition of wetland contained in Section 30121 of the Coastal Act and Section 13577(b) stated above. Consistent with those provisions, given the undisputed existence of hydrophytes, the Commission finds that **wetlands do exist** on the project site.

Pursuant to Section 30603 of the Coastal Act and Section 13577 of the California Code of Regulations, all areas within one hundred feet of a wetland are included within the Commission's appeal jurisdiction. Therefore, the existence of a wetland on the project site makes the local coastal development permit appealable to the Commission, even though the site may not have contained a wetland when the appeal jurisdiction map was certified in 1980 as part of the LCP certification process.

One basis for the appeal is that the City-approved permit does not analyze the proposed project's impacts on the wetland in relation to certified wetland standards. The City did not analyze the impacts on the wetlands because it had determined that no wetlands exist on the site. Therefore, staff recommends that the Commission find that a substantial issue exists with the approval of Local Coastal Development Permit No. 9702-18 on the grounds that it allows development in wetlands without requiring any type of avoidance or mitigation measures.

D. Other Issues

A substantial issue also exists with the City-approved permit on the grounds that the local coastal development permit does not adequately address the issues of scenic resources, parking, and traffic impacts in relation to the standards of the certified LCP. The EIR for the project does address in depth the issues of scenic resources, parking, and traffic impacts. The City-approved local coastal development permit does not address those issues.

STAFF RECOMMENDATION ON THE DE NOVO HEARING

STAFF NOTE:

The adoption of the staff recommendation for insertion of a wetland policy into the certified LCP as part of LCP Amendment No. 2-98B will rectify the missing wetland provisions in the LCP. The Commission will not act on Appeal No. A-5-LOB-98-336 (Marina Shores) until it takes action on LCP Amendment No. 2-98B. The Commission will then review the proposed shopping center project under the standards and policies of the LCP as amended, including the new provisions that relate to development in or near wetlands. The Commission's de novo permit approval will be conditioned on the newly amended LCP as modified becoming effectively certified.

Staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of the City of Long Beach Local Coastal Program if modified according to the Commission's action on LCP Amendment No. 2-98B, that the development will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any

deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Compliance with Effective Certification of LCP Amendment No. 2-98B

Approval of the coastal development permit is conditioned upon the effective certification of Long Beach LCP Amendment No. 2-98B. Accordingly, prior to issuance of the coastal development permit, the applicant shall obtain a written statement of the Executive Director of the Coastal Commission confirming that LCP Amendment No. 2-98B has been effectively certified in accordance with California Code of Regulations, Title 14, Section 13544.

2. Conditions Imposed by Local Government

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

3. Wetland Mitigation Project

- a) The applicant shall construct, monitor and maintain the proposed on-site wetland habitat mitigation project consistent with the standards contained in the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8), except as modified herein.
- b) The implementation of the site preparation and planting plan for the proposed wetland habitat mitigation project shall commence prior to or simultaneous with the construction of the proposed shopping center. The .05 acre wetland habitat

mitigation area shall be fenced-off during the construction of the proposed shopping center to protect it from disturbance. Once the site preparation has commenced for the wetland habitat mitigation project, the planting of the wetland habitat mitigation site shall proceed continuously until it is completed in conformance with the approved plan.

- c) The three-year monitoring period proposed by the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8) shall commence upon completion of the first planting of the wetland habitat mitigation site. The applicant shall notify the Executive Director upon completion of the first planting of the wetland habitat mitigation site.
- d) Upon completion of the first year of the monitoring period, and annually thereafter, the applicant shall submit to the Executive Director a report that documents the implementation of the planting and monitoring plans and also documents the status of the habitat mitigation project in relation to the performance criteria contained in the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8).
- e) Any additional work or modifications to the habitat mitigation project which are necessary to meet the performance criteria contained in the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8) shall be submitted to the Executive Director. Any change in the approved wetland habitat mitigation project shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.
- f) The applicant shall be responsible for the ongoing maintenance of the wetland habitat mitigation project and site. The required maintenance shall include adequate irrigation, regular cleaning, re-planting, and trash pick-up.

4. **Siltation Control**

Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan which controls erosion from the construction site, and prevents silt from the construction site from entering the storm drain during construction of the proposed shopping center and wetland habitat mitigation project. The plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers. The approved plan shall be implemented during construction of the proposed project.

5. Drainage Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed shopping center and its parking areas that incorporates best management practices (BMP's) for reducing the volume of runoff and pollutants which leave the project site and enter the storm drain system. The drainage plan shall incorporate the following: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters, and provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis.

6. Restaurant

Prior to construction of the restaurant proposed at the southeast corner of the project site, the applicant shall submit plans for the review and approval of the Executive Director. The restaurant plans shall conform with the site plan approved by this coastal development permit and shall not exceed 35 feet in height or contain more than 6,550 square feet in gross floor area. A drive-through restaurant is not permitted by this permit. Any modifications to the proposed restaurant shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS FOR DE NOVO HEARING

The Commission finds and declares as follows:

A. Revised De Novo Project Description

The applicant proposes to construct a nautical themed commercial retail center on a vacant six acre parcel located on the seaward side of Pacific Coast Highway in southeast Long Beach (Exhibit #2). The proposed "Marina Shores" project has been slightly revised since the City reviewed and approved the proposal in 1997 and early 1998. Consequently, the Commission will be considering a revised project description in the de novo portion of the appeal hearing.

The proposed shopping center is still comprised of two large retail structures and a freestanding restaurant to be constructed around a common parking area (Exhibit #9). The locations of the three proposed structures have not changed, but the total floor area has been reduced from 67,930 to 67,505 square feet. The number of proposed on-site parking spaces has been increased from 340 to 350 parking spaces. The rooflines of the three proposed commercial

structures vary from 24 to 34 feet in height, with architectural towers extending up to 43 feet above grade (Exhibit #4). Although the proposal no longer includes a Hughes supermarket, a food market is still anticipated to occupy the largest commercial unit.

The proposed project includes a seven-foot wide dedication of land along the site's Pacific Coast Highway frontage. The dedication will widen the highway right-of-way for the addition of a 13-foot wide combined sidewalk and bicycle path that will connect to the existing sidewalks on either side of the site. The construction of the sidewalk/bike path along Pacific Coast Highway would result in the filling of .02 acres (8,712 sq.ft.) of wetland habitat.

The most significant revision to the proposed project is the applicant's proposal to mitigate the project's impacts on the wetlands that occupy the site. The applicant has submitted a mitigation plan that would replace at a 2:1 ratio the .02 acres of wetland habitat that would be filled for the public sidewalk/bike path. The mitigation plan involves the preservation of approximately .01 acre of wetland on the site, and the installation of .04 acres of new wetland plants to replace the .02 acres of filled wetlands. The .04 acres of created wetland plant area, when planted around the preserved .01 acre, adds up to a .05 acre "wetland garden" (Exhibit #8). The proposed wetland native plant garden would be situated on the site between the Pacific Coast Highway sidewalk/bike path and a thirty foot wide landscaped buffer (Exhibit #9).

B. Wetland Habitat

As previously stated, a small wetland occupies the eastern portion of the project site (Exhibit #9). According to the applicant's consultants, the site supported wetlands until 1928 when the site and surrounding areas were filled (Exhibit #6). Chevron operated a fuel refinery on the entire site from 1928 to the mid 1970's. The refinery was then demolished. In 1993, the soils on the site were excavated and remediated in order to remove contaminants that were discharged from the refinery. The site was recontoured to its existing topography and a catch basin was graded at the southeast corner of the site which allows water to pond. There are no records of any coastal development permits ever issued by the City or Commission for the remediation or development of the site prior to 1998.

Currently, the site has a depression that collects drainage from the site and surrounding areas. During the past several winters the site has contained a pond that has attracted several bird species to the site. The EIR for the project lists observed bird species as: American Kestrel, Rock Dove, House Finch, European Starling, Western Gull, American Crow, Ring-billed Gull, Great Blue Heron, and Mallard Duck. The size of the pond varies in response to the levels of rainfall and evaporation during each season. In the past, Commission staff has observed pumps at the site pumping water out of the pond and into the storm drain.

As part of the EIR process, the applicant's consultant conducted its own wetlands determination and submitted it to the City. The consultant, Glenn Lukos Associates, reports that the site is partially inundated during the rainy season and that the site supports scattered native

hydrophytes (wetland plants) including saltgrass (*Distichlis spicata*), alkali heath (*Frankenia salina*), heliotrope (*Heliotropum curassivicum*), pickle weed (*Salicornia virginica*), and alkali bulrush (*Scirpus maritimus*). The site also supports a population of southern tarplant (*Hemizonia parryi* var. *australis*) (Exhibit #6).

In June 1998, after visiting the project site, a California Department of Fish and Game staff member estimated that approximately .02 acres of "potential" wetland habitat exists on the site in the form of scattered native hydrophytes (wetland plants) including saltgrass (*Distichlis spicata*), alkali heath (*Frankenia salina*), heliotrope (*Heliotropum curassivicum*), pickle weed (*Salicornia virginica*), and alkali bulrush (*Scirpus maritimus*). However, because of the wetland's small size, low biological productivity, location, and recent history, the California Department of Fish and Game is reticent to issue a determination that an "actual" wetland exists on the site, so it has been referred to as a "potential wetland" (Exhibit #7). Since June 1998, the wetland vegetation has grown and now covers approximately .03 acres.

However, the Coastal Commission's definition of a wetland is clear. The Coastal Commission relies on Section 30121 of the Coastal Act when determining what is a wetland. Section 30121 of the Coastal Act states:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

This is the definition upon which the Commission relies to identify "wetlands." The definition refers to lands "...which may be covered periodically or permanently with shallow water..." However, due to highly variable environmental conditions along the length of the California coast, wetlands may include a variety of different types of habitat area. For this reason, some wetlands may not be readily identifiable by simple means. The Commission's Statewide Interpretive Guidelines provide guidance for the sometimes difficult decision whether a site is a wetland. The Commission's Statewide Interpretive Guidelines state that the Commission also relies on the presence of hydrophytes and/or presence of hydric soils to make a wetlands determination. The presence of **any one of the three conditions** (water, hydrophytes or hydric soils) can result in a determination that a wetland is present.

Moreover, Section 13577(b) of the Commission's regulations specifically identifies the criteria for determining the precise boundary of a wetland for purposes of appeal under Section 30603 of the Coastal Act. **Section 13577(b)** states that:

Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or support the growth of hydrophytes, and shall include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of

surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.

In this case, the Commission determined at the August 13, 1998 opening of the public hearing for Long Beach LCP Amendment No. 2-98B that, according to the Commission's definition of wetlands, **a wetland does exist** on the site of the proposed development in SEADIP Subarea 29. The Commission's finding that a wetland exists on the site is based on the evidence provided by the applicant and City, and quantified by the California Department of Fish and Game, that both water ponding and hydrophytes have been documented on the project site (See Exhibit #5 p.2). There is no dispute over the evidence that both water and hydrophytes have been found on the site. The only dispute is over the conclusion of whether the site contains a wetland.

The Commission resolves the dispute over the significance which should be attached the presence of water and hydrophytes on site consistent with the definition of wetland contained in Section 30121 of the Coastal Act and Section 13577(b) stated above. Consistent with those provisions, given the undisputed existence of hydrophytes, the Commission finds that **wetlands do exist** on the project site.

The wetland habitat area is situated on the site adjacent to the right-of-way of Pacific Coast Highway. This portion of the site is proposed to be dedicated as part of the highway right-of-way for the construction of a 13-foot wide combined public sidewalk and bicycle path. The construction of the sidewalk/bike path along Pacific Coast Highway will result in the filling of .02 acres (8,712 sq.ft.) of the wetland habitat.

The LCP, as amended by LCP Amendment No. 2-98B, allows filling of wetlands only if there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and for only the eight uses listed in Section 30233 of the Coastal Act:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource dependent activities.

Section 30233(a) of the Coastal Act prohibits the Commission from authorizing wetland fill unless it is one of the eight allowable uses. In the case, the proposed fill would result from the construction of a public sidewalk/bike path. In order to determine if the fill is an incidental public service allowable under Section 30233(a)(5) of the Coastal Act, the Commission must determine that the proposed fill is both incidental and for a public service purpose.

In this case, the proposed public sidewalk/bike path is incidental to an existing public service that is necessary because there is currently a gap in the public sidewalk where the project site fronts Pacific Coast Highway. The public sidewalk on the west side of Pacific Coast Highway now dead-ends at both ends of the project site. The proposed project includes the construction of a public sidewalk required by the City in order to provide an uninterrupted pedestrian accessway along the west side of Pacific Coast Highway. The sidewalk is proposed to be thirteen feet wide because the City plans to route a bicycle path on the sidewalk. The proposed bike route will eventually run along the west side of Pacific Coast Highway from the existing Second Street bike route to the San Gabriel River Bike path. The San Gabriel Bike path also provides access to Seal Beach.

The existing sidewalk fronting the properties adjacent to the proposed project will also be widened from the current ten-foot width to thirteen feet when the properties recycle. The future bike route connecting the Second Street Bike Path to the San Gabriel River Bike path passes only three parcels including the project site. The largest parcel is the Marina Hotel parcel located next to the project site. The City expects that parcel to be redeveloped in the near future. Therefore, the provision of the proposed thirteen-foot wide public sidewalk/bike path is a necessary public access component of the Pacific Coast Highway coastal transportation corridor.

Therefore, the Commission finds that the construction of the proposed public sidewalk/bike path is allowable fill that can be permitted to impact the wetlands on the project site if there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Because the proposed fill is a necessary public access link in an existing access corridor, there is no feasible less environmentally damaging alternative.

The applicant has proposed to mitigate the loss of wetlands by replacing the .02 acres of fill in the wetlands by adding .04 acres of new wetland habitat to the .01 acre of wetland habitat that will be preserved on the site. The proposed mitigation plan would replace the .02 acres of wetland habitat that would be filled for the public sidewalk/bike path at a 2:1 ratio. The proposed 2:1 ratio is acceptable in this case because of the wetland's small size, low biological productivity, location, and recent history. The mitigation plan involves the preservation of approximately .01 acre of wetland on the site, and the installation of .04 acres of new wetland plants to replace the .02 acres of filled wetlands. The .04 acres of created wetland plant area, when planted around the preserved .01 acre, adds up to a .05 acre "wetland garden" (Exhibit #8). The proposed wetland native plant garden is situated on the site between the proposed Pacific Coast Highway sidewalk/bike path and a thirty foot wide landscaped buffer (Exhibit #9).

The proposed mitigation plan would avoid filling .01 acre of wetland, replace .02 acres of filled wetlands on the site at a 2:1 ratio, and be monitored for three years to ensure that the new wetland mitigation area becomes established. A special condition of approval requires the applicant to carry out the proposed wetland mitigation project in a timely manner, and consistent with the proposed mitigation plan (Exhibit #8). The wetland mitigation area is buffered from the highway by the proposed thirteen-foot wide sidewalk, and buffered from the project parking area by a thirty-foot wide landscaped area.

The recommended special conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. As conditioned above, the Commission finds that the proposed project is consistent with the LCP, as amended by LCP Amendment No. 2-98B. Therefore, as conditioned, the proposed project is the least environmentally damaging alternative.

C. Scenic Resources and Building Height

The scenic resources of coastal areas shall be considered and protected. The proposed project will change the visual qualities of the project area by placing three structures and a parking lot on a parcel that is currently vacant. The proposed project, however, has been designed in a manner that will protect and improve the visual qualities of the area. The site is currently fenced-off with a chain-link fence and overgrown with untended vegetation comprised predominantly of ruderal species typically associated with human disturbance (Exhibit #6).

In order to protect the scenic resources of coastal areas, the certified LCP contains building height limits, open space requirements, and a specific requirement to protect views to water areas. The applicable certified LCP standards for the site, contained in the SEADIP specific plan, state:

- A.4. A minimum of thirty percent of the site shall be developed and maintained as usable open space....

A.5. (As modified by LCP Amendment No. 2-98B) The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein. **In Subarea 29**, architectural features such as tower elements may be approved up to a height of 43 feet through the Site Plan Review process.

A.9. All development shall be designed and constructed to be in harmony with the character and quality of surrounding development....

A.12. Public views to water areas and public open spaces shall be maintained and enhanced to the maximum extent possible....

A.13. Adequate landscaping and required irrigation shall be provided to create a park-like setting for the entire area. A landscaped parkway shall be provided along all developments fronting Pacific Coast Highway....

The LCP requires that the proposed project improve and protect the visual qualities of this coastal areas by providing park like landscaping, attractive building designs, and by maintaining views to the Alamos Bay Marina through the project site.

Lush landscaping and attractive building facades are proposed around all four sides of the proposed project (Exhibit #4). The parking lot landscaping plan includes landscaped islands, trees and shrubs. Twenty-foot wide setbacks are provided along all three street frontages. The revised project plan provides over 70,000 square feet of open space (28%) which is almost the required thirty- percent. The City granted the applicant an exception to the thirty- percent open space requirement. In this case, the minor exception to the open space requirement will not result in adverse impacts to coastal resources.

As part of the site plan review process, the City analyzed the views that exist across the site from Pacific Coast Highway to the waters of Alamos Bay (Exhibit #10). Based on this analysis, the three proposed buildings were sited to maintain public views through the site from Pacific Coast Highway to the waters of Alamos Bay (Exhibit #10). Three view corridors are provided across the site to Alamos Bay.

The architectural design of the proposed project includes varied rooflines and towers that convey a nautical theme that is in character with the Alamos Bay Marina (Exhibit #4). The rooflines of the three proposed commercial structures vary from 24 to 34 feet in height, with architectural towers extending up to 43 feet above grade (Exhibit #4). Only the proposed architectural towers exceed the height limit of the currently certified LCP. The proposed towers reach 43 feet but do not block views to the water or negatively affect scenic resources.

Therefore, the proposed project protects public views through the site to the ocean and will improve the visual quality of the site itself by providing attractive buildings and park like landscaping to replace the current vacant lot look. As proposed and conditioned by the City's site plan review process, the proposed project conforms to the scenic resource provisions contained in the certified LCP, with the exception of the proposed architectural towers which exceed the height limit but do not negatively affect scenic resources.

The proposed architectural towers may be permitted to exceed the height limit under the provisions contained in Long Beach LCP Amendment Request No. 2-98B. Long Beach LCP Amendment Request No. 2-98B would modify the LCP to allow architectural features to exceed the 35-foot height limit in non-residential developments:

A.5. (As modified by LCP Amendment No. 2-98B) The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein. **In Subarea 29**, architectural features such as tower elements may be approved up to a height of 43 feet through the Site Plan Review process.

Therefore, the Commission finds that the proposed project is consistent with the policies of the LCP as amended.

D. Retail Uses

The certified LCP does not currently list **retail uses or restaurants** as allowable uses on the project site. Long Beach LCP Amendment No. 2-98B would, however, add commercial retail uses and restaurants to the current list of commercial uses that may be permitted on the project site which is in Subarea 29 of SEADIP. The certified LUP designates SEADIP Subarea 29 as a "mixed use" land use district. The currently certified LCP list of permitted uses in Subarea 29 allows commercial uses, but only **commercial office, restaurant and commercial recreation uses**. Restaurant uses are currently permitted only south of Studebaker Road in Subarea 29. The proposed LCP amendment would allow retail uses and would delete the restaurant restriction to also allow restaurants on the north side of Studebaker Road in Subarea 29. The proposed project is located on the north side of Studebaker Road in Subarea 29.

The certified LUP calls for the development of the Alamitos Bay Marina area with a mixture of uses that will draw more people to the shoreline. There are no specific LUP policies that would discourage retail or other visitor-serving commercial uses on the project site which is located approximately 350 feet from the waters of the Alamitos Bay Marina, and across the street from the one of the marina's public parking lot (Exhibit #2). The proposed retail project and restaurant is consistent with the LUP's intent to attract more people to the coast. Long Beach LCP Amendment No. 2-98B would allow the development of the site with the restaurant and retail uses proposed as part of the Marina Shore shopping center. Therefore, the Commission finds the proposed uses consistent with the policies of the LCP as amended.

However, because the applicant has not yet proposed the final design for the proposed restaurant, the approval is conditioned to require the applicant shall submit final plans for the review and approval of the Executive Director. The restaurant plans shall conform with the site plan approved by this coastal development permit and shall not exceed 35 feet in height or contain more than 6,550 square feet in gross floor area. A drive-through restaurant is not permitted by this permit. Any modifications to the proposed restaurant shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

E. Parking

The proposed project includes 67,505 square feet of commercial uses comprised primarily of retail uses and food services. The number of proposed on-site parking spaces has been increased from 340 to 350 parking spaces. The proposed parking ratio is 5.18 parking spaces per 1,000 square feet of floor area (1 space/193 sq. ft.). Therefore, the proposed parking supply exceeds the certified LCP's 5/1000 parking ratio required for shopping centers. The Commission's Regional Guidelines for Los Angeles County (1980) also require a 5/1000 parking ratio for shopping centers. Therefore, the Commission finds that the proposed project is consistent with the policies of the certified LCP.

F. Traffic

The certified LCP contains the following transportation and access policies:

1. Increase reliance on public transit.
2. Decrease reliance on automobiles.
3. Provide slightly more parking.
4. Increase pedestrian and bicycle access opportunities.

In addition, the applicable certified LCP standard for the site, contained in the SEADIP specific plan, states:

A.18. Developers shall improve and dedicate to the City certain streets, recreation areas and other public facilities necessary to support the proposed private development....

The EIR for the proposed project states that the proposed project will generate additional vehicle trips. According to the EIR, the proposed project will generate 396 peak PM and 206 peak AM vehicle trips with a total of 4,250 daily trips. The anticipated traffic has the potential to impact five intersections. These five intersections were analyzed for project impacts in

association with existing traffic levels and projected year 2000 background traffic increases (Exhibit #11). The traffic study concludes that the proposed project will impact two intersections: Pacific Coast Highway at Westminster/Second Street and Pacific Coast Highway at Studebaker Road (Exhibit #11). The intersection of Pacific Coast Highway at Westminster/Second Street is currently at Level of Service (LOS) F without the projected increase. The LOS at the intersection of Pacific Coast Highway at Studebaker Road, directly adjacent to the project site, will decline from LOS D to LOS F if improvements are not undertaken as required by the City.

In order to mitigate the anticipated impacts to traffic, the City attached conditions to other local approvals which would require the applicant to dedicate land to widen the Pacific Coast Highway right-of-way and improve the right-of-way with a 100 foot south-bound deceleration/right-turn pocket, a 100 foot north-bound left turn pocket, and a sidewalk/bike path (Exhibit #9). Additionally, the applicant is required to participate in the costs associated with the improvement of the two impacted intersections. Thus, as proposed to the Commission, the project would mitigate the significant adverse impacts which have been identified, consistent with the certified LCP.

It must be noted that the proposed project does not include the construction or extension of any new or existing roads. The EIR, in its analysis of traffic impacts, did not assume the future extension of Studebaker Road through the Los Cerritos Wetlands because of the uncertainty of such an extension. The City has clearly stated that the proposed project is not dependent on the extension of Studebaker Road, and the extension is definitely not part of this project.

G. Public Access and Recreation

The proposed project will not negatively impact public access or recreational opportunities. The project site is surrounded by existing development. The proposed project is located inland of the first public road and will not block physical access to the coast. The proposed public sidewalks and bike paths proposed around the perimeter of the site will improve public access to the coast for pedestrians and bicyclists (Exhibit #9). A certified LCP policy states: increase pedestrian and bicycle access opportunities.

The Alamitos Bay Marina is the closest recreational facility to the proposed project. The proposed project will not affect the marina's parking supply because adequate parking is provided on the project site. In fact, the proposed project will support the recreational activities of the marina by providing retail uses for marina visitors. The closest beach to the proposed project is located about one mile away in the City of Seal Beach. The proposed project will not affect access to the beach. Therefore, the Commission finds that the proposed project is consistent with the policies of the certified LCP.

H. Local Coastal Program

The de novo public hearing on the merits of the project uses the certified Local Coastal Program as the standard of review. The City of Long Beach Local Coastal Program (LCP) was certified by the Commission on July 22, 1980. The proposed project is located in SEADIP Subarea 29 which is included in the certified LCP.

As previously stated, the proposed project is in compliance with the certified LCP if the LCP is amended as recommended by LCP Amendment No. 2-98B. In order to ensure that the proposed project complies with the provisions of the LCP, as amended by LCP Amendment No. 2-98B, the applicant shall obtain a written statement of the Executive Director of the Coastal Commission confirming that LCP Amendment No. 2-98B has been effectively certified in accordance with California Code of Regulations, Title 14, Section 13544. This evidence shall be provided prior to issuance of the coastal development permit.

I. Water Quality

The site is located within four hundred feet of the waters of the San Gabriel River Estuary and the waters of Alamitos Bay. Runoff from the site will be directed into the existing storm drain system that directs the runoff into the waters of the Bay and River. In order to minimize negative impacts on the marine environment that may result from runoff during the construction of the proposed project, the permit is conditioned to require the applicant to develop and submit for approval of the Executive Director an erosion control and siltation prevention plan which controls erosion from the construction site, and prevents silt from entering the storm drain system and ultimately coastal waters during the construction of the proposed project. The plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers and shall be implemented during construction of the proposed project.

The responsibility to protect the biological productivity and quality of coastal waters does not end after the proposed project is constructed. The permit is conditioned to require the applicant to develop and submit for approval of the Executive Director a drainage plan for the proposed shopping center and its parking areas that incorporates best management practices (BMP's) for reducing the volume of runoff and pollutants which leave the project site and enter the storm drain system. The drainage plan shall incorporate the following: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters, and provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis. As conditioned, the Commission finds that the proposed drainage for the project will comply with the certified LCP policy contained in SEADIP Section A.17.e (Storm Drainage).

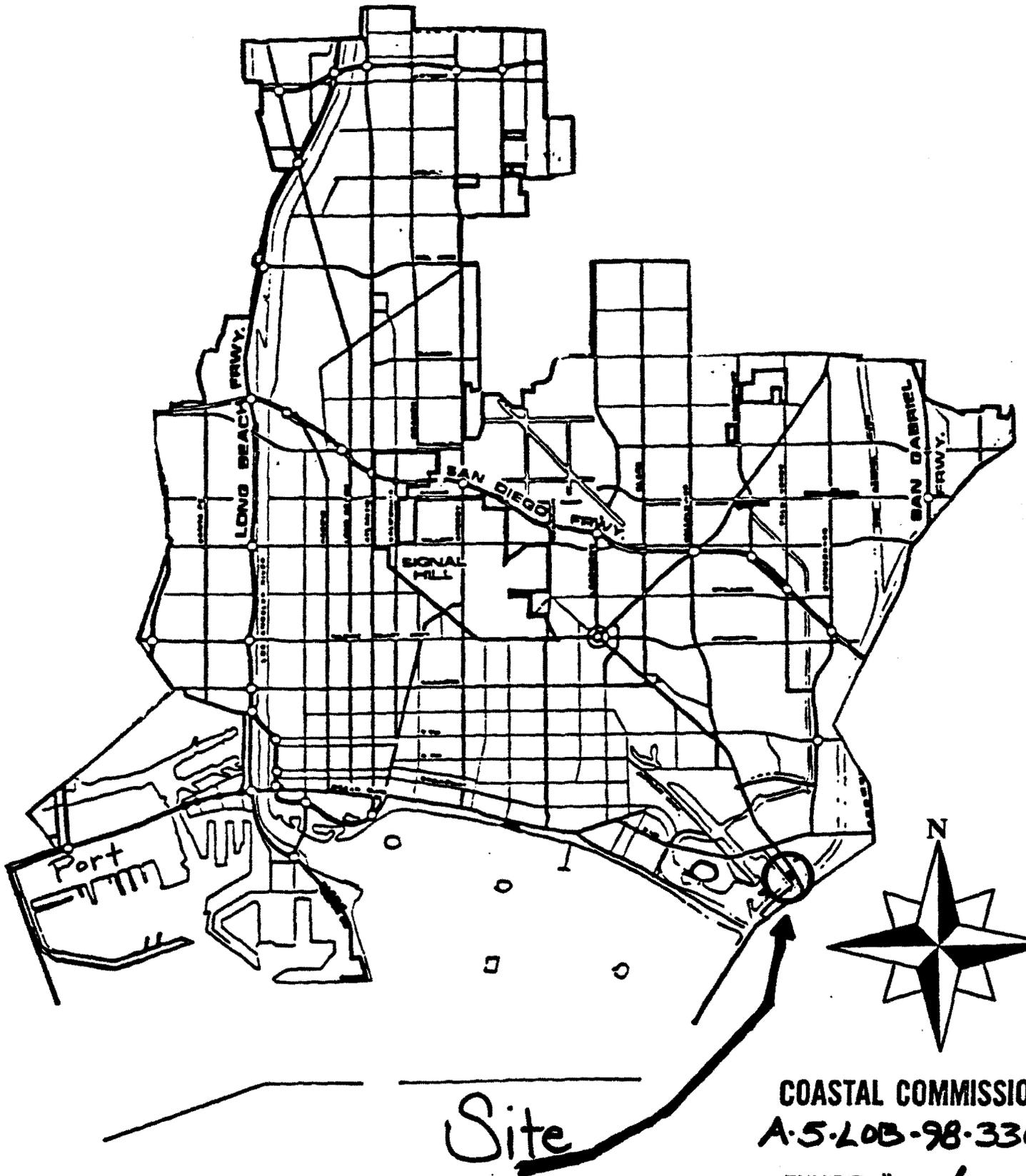
J. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit to be supported by a finding showing the proposed development, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved 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 proposed development, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. As conditioned, the proposed project will not have significant environmental effects for which feasible mitigation measures or alternatives have not been employed consistent with CEQA. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

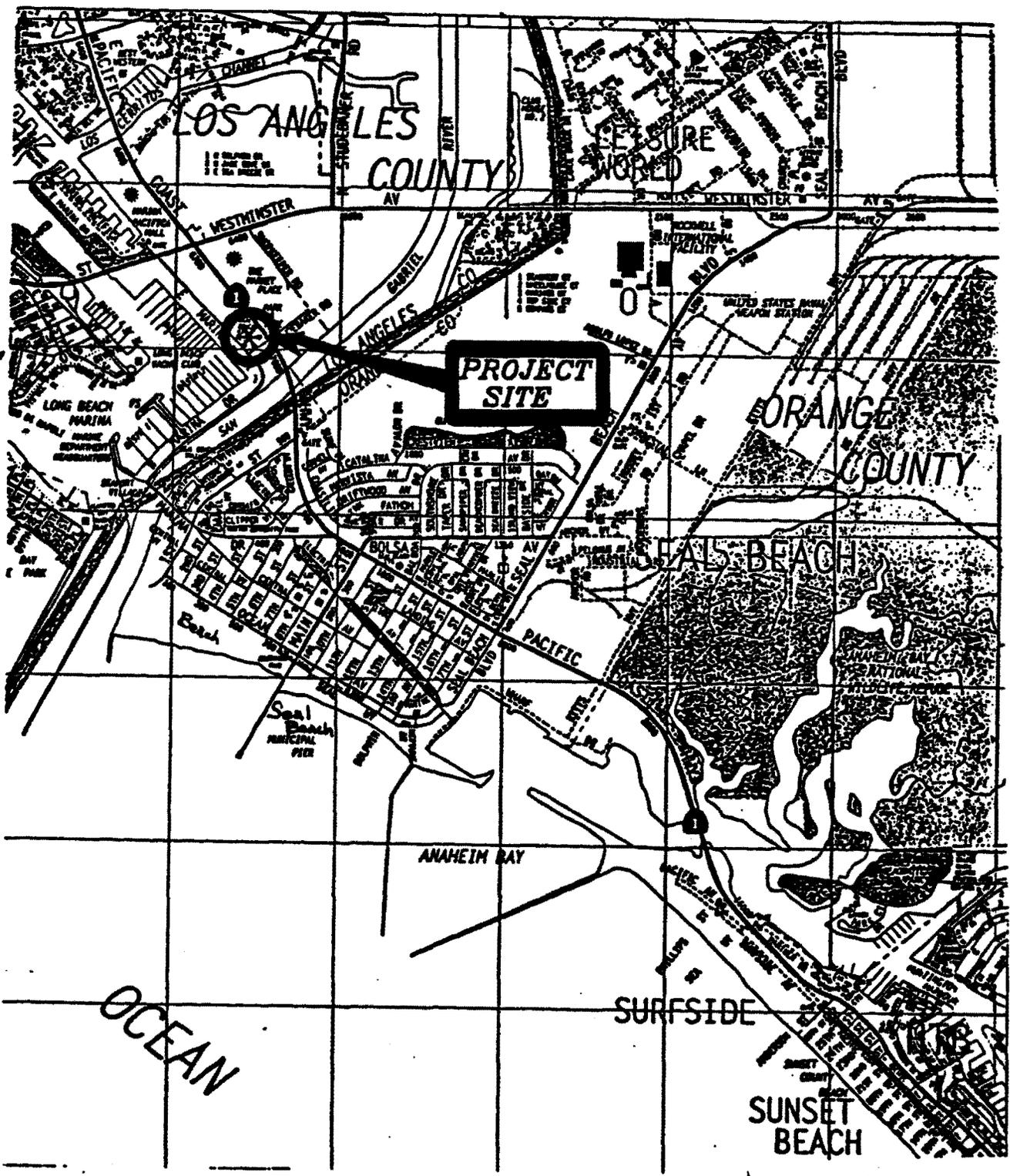
City of Long Beach



COASTAL COMMISSION
A-5-203-98-336

EXHIBIT # 1

PAGE 1 OF 1



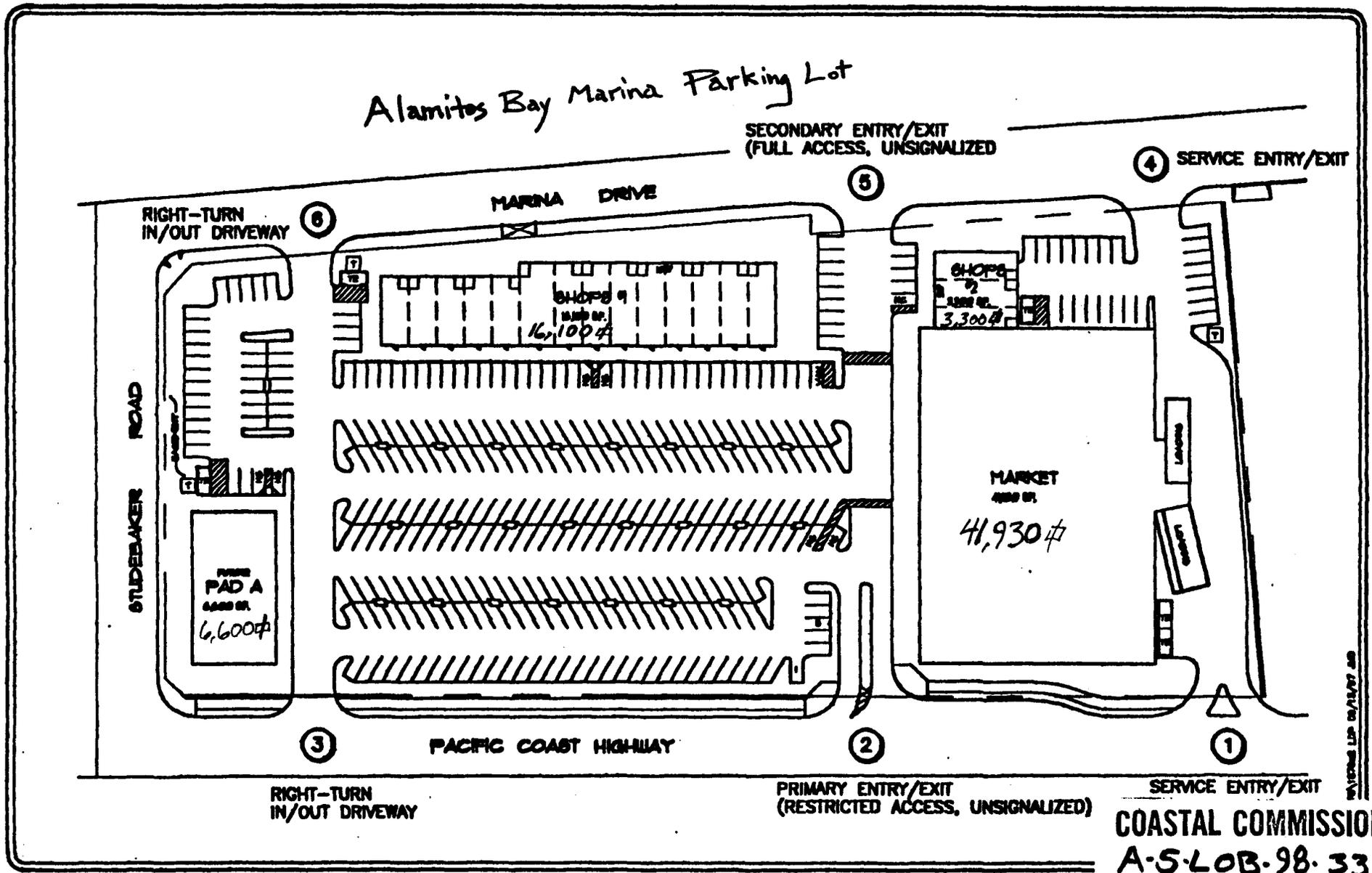
 NO SCALE
**LINSCOTT
 LAW &
 GREENSPAN
 ENGINEERS**

COASTAL COMMISSION
A-5-LOS-98-336

EXHIBIT # 2
 PAGE 1 OF 1

VICINITY MAP
PCH @ STUDEBAKER MARKET CENTER, LONG BEACH

Alamitos Bay Marina Parking Lot



COASTAL COMMISSION
A-5-LOB-98-336

EXHIBIT # 3
PAGE 1 OF 1

SOURCE: NADEL ARCHITECTS, INC.

KEY

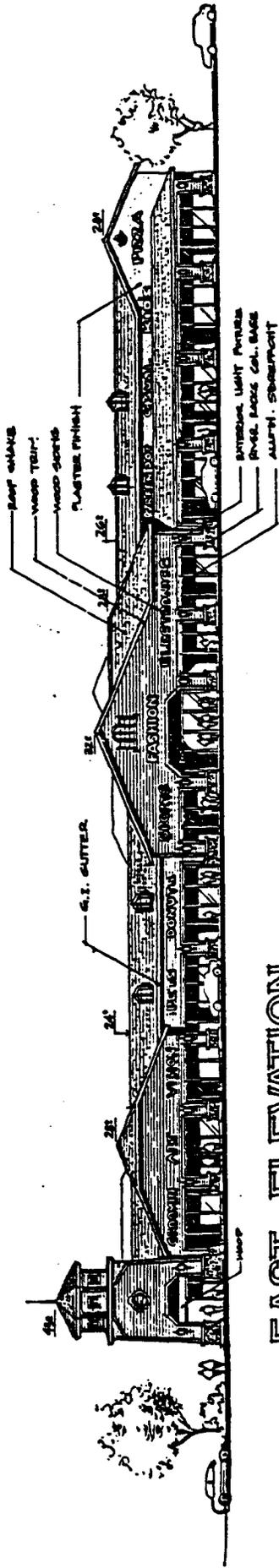
① - PROJECT DRIVEWAY

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GREENSPAN
ENGINEERS

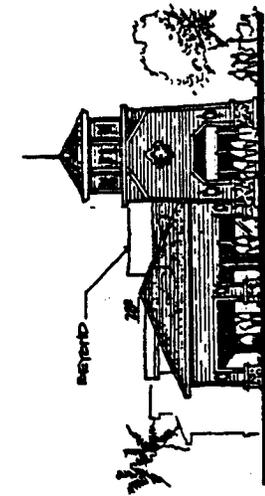
Conceptual

PROPOSED SITE PLAN

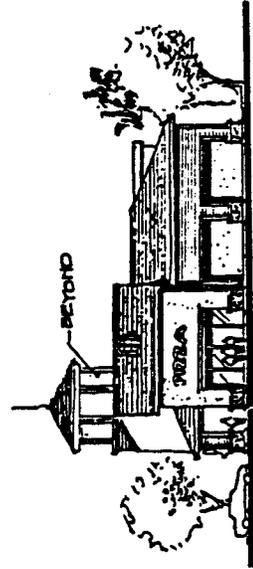
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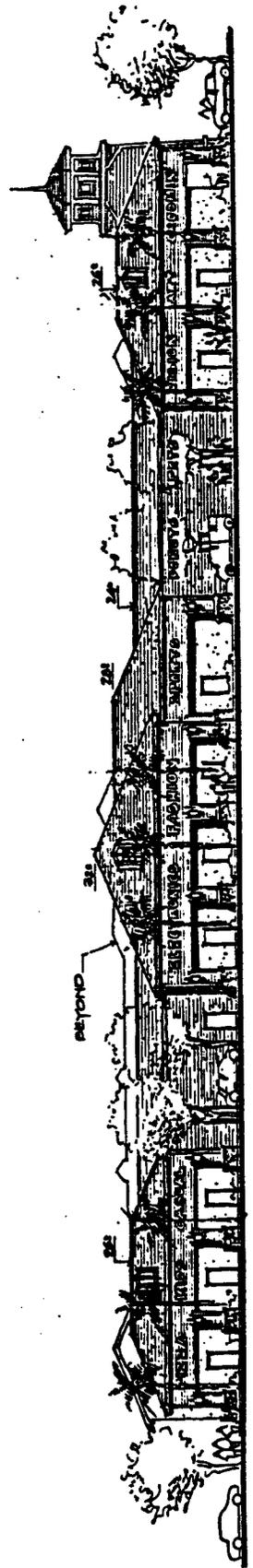
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

5-LOB-98-063



CITY OF LONG BEACH

DEPARTMENT OF DEPARTMENT OF PLANNING & BUILDING

Long Beach, CA 90802 (562) 570-6607 FAX (562) 570-6068

ZONING DIVISION

RECEIVED
APR 3 1998

NOTICE OF FINAL ACTION

CALIFORNIA
COASTAL COMMISSION

Case No. 9702-18

Project Location: 6500 E. Pacific Coast Highway

Applicant: Mr. Joel Miller, Psomas and Associates

Applicant Address: 3420 Ocean Park Avenue, Suite #1040
Santa Monica, CA 90405

Permits Requested:

Local Coastal Program (General Plan) Amendment/Southeast Area Development and Improvement Plan PD-1 (SEADIP) Amendment/Local Coastal Development Permit/Site Plan Review/Standards Variance

Project Description:

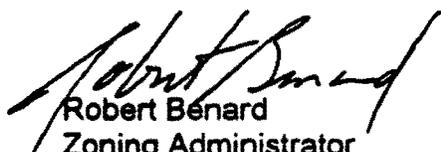
A new 67,930 sq. ft. commercial development with 340 on-site parking spaces with code exceptions to allow 23% open space (instead of not less than 30%) and a 15 ft. setback for a portion of a building along Marina Drive (instead of not less than 20 ft.)

Action was taken by the: City Council on:
March 17, 1998

Decision: Conditionally Approved

Action is final: March 17, 1998

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.


 Robert Benard
 Zoning Administrator
 Attachments


 Harold Simkias, Senior Planner
 Project Planner Phone No. 570-6607
 Council District: 3

COASTAL COMMISSION
A-S-LOB-98-3

EXHIBIT # 5
PAGE 1 OF 8

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

**Case No. 9702-18
March 17, 1998**

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 PLAN.

A positive finding can be made on this item.

The Local Coastal Program (LCP) deals with development in this area by referring to subarea 29 of the Southeast Development and Improvement Plan (SEADIP). An amendment to the LCP and SEADIP is part of the application. Once the amendments are adopted, conformity will be achieved.

2. FOR THE DEVELOPMENT SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE: THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT.

This development is not seaward of the nearest public highway to the shoreline.

COASTAL COMMISSION

EXHIBIT # 5

PAGE 2 OF 8

Site Plan Review/Coastal Permit/Standards Variance

CONDITIONS OF APPROVAL

Case No. 9702-18

Date: March 17, 1998

1. The use permitted hereby on the site, in addition to uses permitted in the Southeast Area Development and Improvement Plan PD-1 (SEADIP) shall be a 67,930 sq. ft. commercial development with 340 on-site parking spaces with a code exceptions to allow a 15 ft. setback for a portion of a building along Marina Drive (instead of not less than 20 ft.) and 28% open space (instead of not less than 30%).
2. This permit and all rights hereunder shall terminate within one year of the effective date of the Site Plan Review/Coastal Permit/Standards Variance unless construction or the use has commenced or a written time extension is granted, based on a written request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This approval shall be invalid if the owner(s) and applicant(s) have not returned a written acknowledgment of their acceptance of the conditions of approval on forms supplied by the Planning Department. This acknowledgment must be submitted within one month from the date of this approval.
4. Violation of any of the conditions of this Site Plan Review/Coastal Permit/Standards Variance shall be cause for the issuance of an infraction, citation, prosecution, and/or revocation and termination of all rights thereunder by the City of Long Beach.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use and development of said property as set forth by this together with all conditions which are a part thereof. The specific requirements must be recorded with all title conveyance documents at time of closing escrow if the same use is to be continued.
6. This approval is required to comply with these Conditions of Approval as long as this use is on this site. As such the site shall allow periodic re-inspection to verify compliance. When such inspection is carried out, the property owner or the responsible party of the property shall reimburse the city for the cost according to the special building inspection established by City Council.
7. All operational conditions of these permits shall be posted in a location visible to the public, in such a manner as to be readable when the use is open for business.
8. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Planning and Building Department. These conditions must be printed on the site plan or a subsequent reference page.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 8

9. 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.
10. The Director of Planning and Building is authorized to make minor modifications to the approved concept design plans or any of the conditions without benefit of an additional public hearing before the Planning Commission if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions and if no detrimental effects to neighboring properties are caused by said modifications.
11. Prior to the release of the building permit, the applicant shall submit complete landscape and irrigation plans for the discretionary approval of the Director of Planning and Building. The applicant must install street trees (with tree well grates) capable of achieving a significant canopy to the installation specifications of the Street Tree Division of the Bureau of Public Service. The applicant shall install root guards for all street trees, to the specifications of the Director of Public Works.
12. Site development, including landscaping, shall conform to plans approved and on file in the Department of Planning and Building.
13. Where feasible, landscaped areas should be planted with drought tolerant plant materials. These plant types should contribute to the aesthetic value of the building as a whole.
14. All landscaped areas must 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. Periodic re-inspections will be conducted by city officials to verify that all sprinkler system are working appropriately. The property owner shall reimburse the city for the cost according to the special building inspections specifications established by City Council.
15. All landscaped areas must be maintained in a neat, and healthy condition, including public parkways and street trees. Any plant materials that happen to die must be replaced. Furthermore, 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.

COASTAL COMMISSION

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16. The operator of the use shall prevent loitering in all parking and landscaping areas serving the use during and after hours of operation. The operator must clean the parking and landscaping areas of trash debris on a daily basis. Failure to do so shall be grounds for permit revocation. If loitering problems develop, the Director of Planning and Building may require additional preventive measures such as but not limited to, additional lighting or private security guards.
17. All parking and common areas shall be provided with appropriate security lighting with light and glare shields so as to avoid any light intrusion onto adjacent or abutting residential uses.
18. All rooftop mechanical equipment must be screened from any public view. Said screening must be architecturally compatible with the building in terms of materials, textures, and colors. If the screening is not designed specifically into the building, a rooftop mechanical equipment plan must be submitted showing screening and must be approved by the Director of Planning and Building.
19. All structures shall conform to Building Code requirements. Notwithstanding these permits, all required permits from the Building and Safety Bureau must be secured.
20. All commercial projects must submit a planned sign program for review and approval of the Director of Planning and Building prior to the issuance of a building permit.
21. The operator of the use shall provide security measures to the satisfaction of the Chief of Police.
22. Any graffiti found on site must be removed within 24 hours of its discovery.
23. Site preparation and construction activities shall be conducted in a manner which minimizes dust.
24. Demolition, site preparation, and construction activities are limited to the hours between 7:30 a.m. and 6:00 p.m., except for the pouring of concrete, which may occur as needed.
25. Any off-site improvements found damaged shall be replaced to the satisfaction of the Director of Public Works.
26. All unused curb cuts must be replaced with full height curb, gutter, and sidewalk. Any proposed curb cuts shall be constructed to the specifications of the Director of Public Works.
27. All required utility easements shall be provided for to the satisfaction of the concerned department or agency.

COASTAL COMMISSION

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PAGE 5 OF 8

- * 28. The applicant/developer shall provide the following right-of-way vacations, dedications, and off-site improvements to the satisfaction of the Director of Public Works:
- a. Dedicate 7 ft. along Pacific Coast Highway;
 - b. Provide a combined bike path/sidewalk on Pacific Coast Highway. The combined sidewalk/bike path shall be 13 ft. in width, with the 5 ft. sidewalk located between Pacific Coast Highway and the 8 ft. bike path;
 - c. Restripe Pacific Coast Highway at the main driveway (driveway #2) to provide a minimum 100 ft. northbound left-turn pocket, with a 90 ft. transition, in the painted center median;
 - d. Widen Pacific Coast Highway at the main driveway (driveway #2) to provide a separate southbound 100 ft. right-turn pocket with a 60 ft. transition and restrict outbound traffic to right hand turns only;
 - e. Provide a grading/drainage plan;
 - f. Provide sidewalk with the approved paving material on Pacific Coast Highway, Studebaker Road, and Marina Drive;
 - g. Provide street lights on the street frontage perimeter of the entire site as necessary;
 - h. Provide for compliance to Area Traffic Improvement Measures listed in the Mitigation Monitoring Program for improvements to the intersections of Pacific coast Highway at Westminster-2nd Street, N. Studebaker Road at Westminster Avenue, Pacific Coast Highway at Studebaker Road, and Pacific Coast Highway at Main Street-Bolsa Avenue; and
 - i. Restripping and median modifications on Studebaker Road and Marina Drive shall be provided as access improvements.
29. The applicant/developer shall provide a water flow plan and appropriate fire hydrants to the satisfaction of the Fire Department.
30. The applicant/developer shall provide the following design elements/improvements to the satisfaction of the Director of Planning and Building;
- a. Design and construct a separate drain to the street for wash down water in and around all trash enclosure. No wash down drainage water shall be allowed to flow over the sidewalks into the street. All trash enclosures shall have a stucco finish and painted to match the color of adjacent structures;

COASTAL COMMISSION

- b. Provide for compliance with the Transportation Demand Management Ordinance requirements including, but not limited to, provisions for a transportation information area, preferential carpool/vanpool parking areas, and bicycle parking areas on-site;
 - c. Sign area shall not exceed the size specified by the sign code (freestanding signs are currently oversize);
 - d. Provide a fence along the north property line;
 - e. Exposed roof drains shall be prohibited on the exterior facade of all buildings;
 - f. Landscape the 2 ft. overhang area for all parking areas facing a landscape planter;
 - g. Provide compliance with the landscape standards of the code relative to the number of trees and shrubs while selecting a species that is sensitive in maintaining the view corridors toward the marina on the west side of the development. Trees may be clustered as required. The landscape plan shall utilize grass berms and a strong palm tree theme on the perimeter of the site. All existing palms shall be used in the landscape plan. Shrubs shall be required against structures. Several tall palms shall be required in the walkway in front of the market building;
 - h. A formal landscaped entry with a landscaped median shall be provided at the main driveway. The parking south of the entry shall be eliminated to provide additional open space and landscaping. A lawn berm and an upright palm tree theme shall be emphasized. Care shall be taken to not obstruct sight lines for traffic safety;
 - i. Relocate and/or design the freestanding signs so they will not obstruct view corridors;
 - j. A park like setting shall be created with the landscape plan. A minimum of 28% open space shall be provided;
 - k. Transformers shall not be allowed in the 20 ft. required setback along the street frontage; and
 - l. Provide an additional roof line on the north elevation of the market to improve the design as viewed from Pacific Coast Highway.
31. The applicant/developer/operator shall be required to provide information on the presence of methane gas, and if applicable, provide a method of removal and/or detection of the gas to the satisfaction of the Director of Planning and Building.

COASTAL COMMISSION

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32. The applicant/developer/operator shall be required to provide compliance to the Mitigation Monitoring Program of EIR 25-97 to the satisfaction of the Director of Planning and Building.

COASTAL COMMISSION

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GLENN LUKOS ASSOCIATES

Regulatory Services



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CALIFORNIA
COASTAL COMMISSION

April 30, 1998

Leslie MacNair
California Department of Fish and Game
Marine Resources Division
330 Golden Shore, Suite 50
Long Beach, California 90802

Subject: Wetland Determination for Marina Shores Property Located at 6655 Marina Drive, Long Beach, California

Dear Ms. MacNair:

Glenn Lukos Associates (GLA) has evaluated the above-mentioned site [Exhibits 1 and 2] to evaluate the potential presence of U.S. Army Corps of Engineers (Corps) jurisdiction pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. GLA has also evaluated the site to determine the site's jurisdictional status pursuant to the California Coastal Act.

At the direction of Coastal Commission Staff, GLA is seeking concurrence from CDFG that the site does not support jurisdictional wetlands, as defined by the California Coastal Act. If, after reviewing this report, you would like to visit the site, such arrangements could be made to accommodate your busy schedule; however, we hope that this report provides sufficient information for you in making your wetland determination, as requested by the Coastal Commission staff. Coastal Commission staff has requested that the comments be submitted by Thursday May 7, 1998.

Project Location

The Marina Shores Site in Long Beach, Los Angeles County [Exhibit 1], comprises approximately 6 acres and contains no blue-line drainages (as depicted on the U.S. Geological Survey (USGS) topographic map Los Alamitos, California [dated 1964 and photorevised in 1981]) [Exhibit 2]. The site is completely surrounded by development and is bounded by Marina Drive, Studebaker Road, Pacific Coast Highway, and an existing resort Hotel.

Site History

The site supported wetlands until early in 1928 when the site and surrounding lands were covered by approximately six feet of fill, converting wetlands to upland. This activity was conducted prior

COASTAL COMMISSION

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Leslie MacNair
California Department of Fish and Game
April 30, 1998
Page 2

to passage of the California Coastal Act (or the Clean Water Act), and as such was an unregulated, legal activity.

Chevron Oil constructed a facility for refining natural gas on the site which operated from 1928 to the mid 1970's at which point the activity was discontinued. Operation of the natural gas refinery resulted in the discharge of various soil contaminants, mostly hydrocarbons, into the soil (which was actually fill from the previous legal conversion of wetland to upland) on the site. It was subsequently determined that remediation of the soil was necessary. Remediation was conducted by Levine-Fricke in 1993 which included removing soil over approximately two-thirds of the site to a depth of about 12 feet (the depth of the water table), cleaning the soil, replacing the soil, and finally mixing and compacting the soil. Finally, the site was recontoured, and at the request of the City of Long Beach and Caltrans, the site was graded to its current topography which is depressional [Exhibit 3, Photographs A and B]. The depressional topography was created as a temporary measure, intended to prevent sediments and excessive runoff from exiting the site onto the abutting public streets. Upon final buildout of the site, the exposed soils would be covered and adjacent stormdrains would be improved to handle runoff from the site.

Current Conditions on the Site

Currently, the site supports a predominance of ruderal species typically associated with human disturbance [Exhibit 3, Photographs A and B]. The majority of the site is dominated by non-native herbaceous species that include slender-leaved iceplant (*Mesembryanthemum nodiflorum*), sickle grass (*Parapholis incurva*), five-hook bassia (*Bassia hyssopifolia*), bur clover (*Medicago polymorpha*), and rabbitsfoot grass (*Polypogon monspeliensis*). In addition to the predominance of non-native ruderal species, the site supports scattered native hydrophytes in very limited numbers including saltgrass (*Distichlis spicata*), alkali heath (*Frankenia salina*), heliotrope (*Heliotropum curassivicum*), pickleweed (*Salicornia virginica*), and alkali bulrush (*Scirpus maritimus*). In addition, the corner of the site adjacent to the corner of Studebaker Road and Pacific Coast Highway supports a population of southern tarplant (*Hemizonia parryi* var. *australis*).¹

Wetland Determination

Because of the temporary depressional topography on the site (created intentionally following remediation), portions of the site pond water for a few weeks to a few months, depending on the rainfall regime, thereby providing sufficient water to support the limited amount of native and

¹ The southern tarplant was identified during biological surveys conducted for the environmental impact report (EIR), recently prepared (and certified) for the project, and will be subject to mitigation as conditioned in the EIR.

COASTAL COMMISSION

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Leslie MacNair
California Department of Fish and Game
April 30, 1998
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non-native wetland vegetation. However, because the area that exhibits seasonal ponding is clearly artificial and temporary, created as a final remediation measure (and necessary only until the stormdrains are improved) GLA has determined that the site does not support jurisdictional wetlands as defined by the California Coastal Act due to the artificial and temporary nature of the hydrology on the site.

On April 28, 1998 a meeting was held at the Coastal Commission Offices in Long Beach. At that meeting, Coastal Commission staff Pam Emerson and Chuck Posner indicated that the Coastal Commission would look to CDFG to provide a wetland determination for the site. It is our desire, as well as the desire of Coastal Commission Staff, to obtain such a determination as soon as possible as it appears that the project will be considered for approval by the Commission in June. They directed us to coordinate directly with you and to provide the background information contained in this letter. If you believe that the information contained in this letter is sufficient to allow you to make such a determination please FAX the response to Pam Emerson and Chuck Posner directly at (562) 590-5084.

If you have any questions please of if there is anything that I can do to help to expedite your response regarding these matters please contact me at (949) 837-0404.

Sincerely,

GLENN LUKOS ASSOCIATES

Tony Bomkamp
Regulatory Specialist

cc: Pam Emerson
Chuck Posner
Joel Miller
Dan Selleck

S:0269-1a.dfg

COASTAL COMMISSION

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PAGE 3 OF 3

76
SELLECK DEVELOPMENT GROUP, INC.

August 10, 1998

Ron Rempel
Regional Manager, Region 5
California Department of Fish and Game
330 Golden Shore, Suite 50
Long Beach, California 90802

RE: Proposed Wetland Mitigation for Impacts to 0.02 Acre of "Potential" Wetland Habitat Associated with the Marina Shore Project Site, Long Beach, California

Dear Mr. Rempel:

Thank you for taking time from your busy schedule to review the Marina Shores project. Because of your help, we believe that the issues regarding potential wetlands on the site, can now be resolved in a manner that will benefit all parties.

As you know, the site was occupied by a natural gas refinery for nearly 50 years. Remediation of the site to remove contamination in the form of light hydrocarbons, included excavation of approximately 3/4 of the site to groundwater (see enclosed photo's). At the request of CalTrans, the site was graded to its current depressed topography to mitigate flooding at the intersection during heavy rains until such time as the property was developed. Since 1993, when the remediation was completed and the site was re-contoured, portions of the site pond water following heavy rainfall. According to the recently issued Coastal Commission Staff Report (July 23, 1998), CDFG has identified 0.02 acre of "potential" wetlands on the site. Page 9, paragraph 4 of the Coastal Commission Staff Report states:

In telephone conversations with Commission staff, the California Department of Fish and Game estimates that approximately 0.02 acres of potential wetland habitat exists on the site. However, because of the potential wetland's very small size, low biological productivity, location, and recent history, the California department of Fish and Game is reticent to issue a determination that a wetland exists on the site.

We are willing to accept the Department's recommended mitigation for 0.02 acre of potential wetland habitat occurring on the site. Our consultant, Glenn Lukos associates (GLA) also agrees that

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805/495-5400; Fax 805/495-5300; email sellednc@aol.com

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this is a reasonable mitigation due to the limited occurrence of hydrophytic vegetation on the site and they also concur that the site exhibits very low biological value. We also acknowledge the sensitive nature of all wetlands areas that occur within the coastal zone and have directed GLA to determine appropriate mitigation measures for impacts to 0.02 acres of non-tidal seasonal wetlands.

GLA has recommended payment of a fee, in lieu of performing onsite or offsite mitigation. The fee would fund ongoing restoration and monitoring of restoration related to southern California coastal wetlands. The following have been identified as locations of ongoing restoration and monitoring which would benefit from payment on the in lieu fees. Selection of approximately location is subject to the final approval of Department of Fish and Game.

1. Pacific Estuarine Research Laboratory at San Diego State University.
2. U.S. Fish and Wildlife Service/Seal Beach Naval Weapons Station.
3. California Department of Fish and Game/Upper Newport Bay Ecological Reserve.
4. California Department of Fish and Game/Bolsa Chica Ecological Reserve.

It is our understanding that restoration of coastal wetlands, including post-restoration monitoring, costs between \$50,000 and \$80,000 per acre. Based upon the "potential" impacts associated with the Marina Shore project, which the department has determined to be 0.02 acres, we are proposing to mitigate at a ratio of 5:1 (typically required by the Coastal Commission):

- ◆ 0.02 acre, multiplied by 5, equals 0.1 acre of compensatory mitigation required.
- ◆ \$80,000 per acre multiplied by 0.1 acre, equals \$8,000 in lieu fee.

GLA is currently coordinating with the above mentioned entities to determine which would be most appropriate for receiving the in lieu fee. We are expecting to make this decision by the end of this week and would appreciate any guidance that you can provide in making our decision.

Sincerely,
Selleck Development Group Inc.

By: Donald F. Selleck
Donald F. Selleck, President

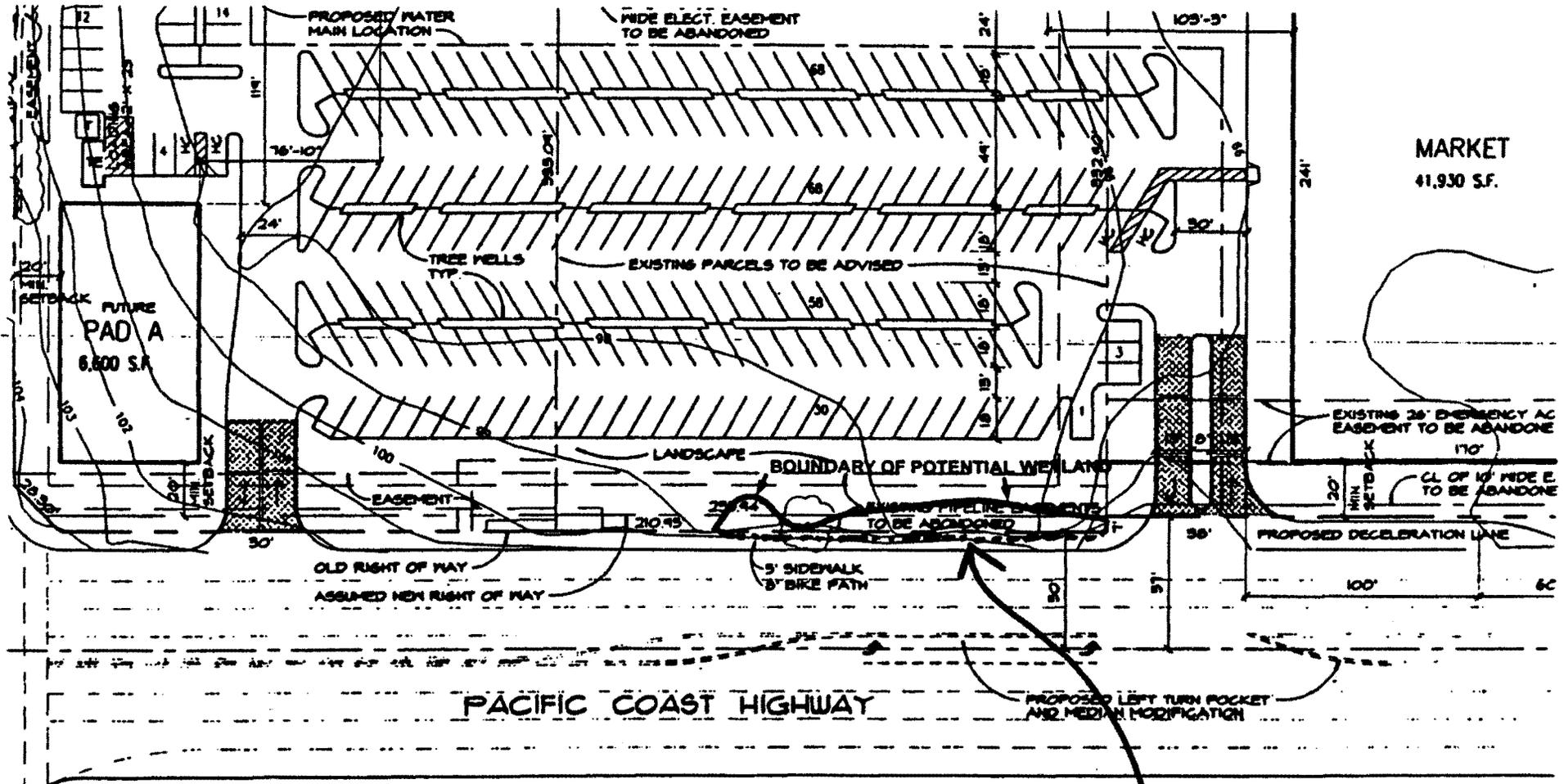
ACCEPTED & AGREED TO IN PRINCIPLE THIS 10 DAY OF August, 1998.

California Department of Fish and Game

By: Ron Rempel
Ron Rempel, Regional Manager

COASTAL COMMISSION

EXHIBIT # 7
PAGE 2 OF 3



MARKET
41,930 S.F.

**WETLAND
VEGETATION**
≈ 9-13,000 sqft.

OPEN SPACE
OVERALL SITE AREA LESS 1'-0" WIDE DEDICATION
AT P.C.H. = 1251,709 S.F. (NET SITE AREA)
+10315 S.F. (OPEN SPACE) = +20% (OPEN SPACE)
INCREASE FROM ORIGINAL 24% OPEN SPACE PREVIOUSLY ISSUED

COASTAL COMMISSION

EXHIBIT # 7
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**CONCEPTUAL MITIGATION PLAN
FOR IMPACTS TO AREAS WITHIN THE JURISDICTION OF**

**THE CALIFORNIA COASTAL COMMISSION
PURSUANT TO THE CALIFORNIA COASTAL ACT**

**MARINA SHORES
LONG BEACH, CALIFORNIA**

September 14, 1998

Prepared for:

**Selleck Development Group, Inc.
2660 Townsgate Road, Suite 250
Westlake Village, California 91361
Contact: Dan Selleck
Telephone: (805) 495-5400**

Prepared by:

**Glenn Lukos Associates, Inc.
23441 South Pointe Drive, Suite 150
Laguna Hills, California 92653
Contact: Tony Bomkamp
Telephone: (949) 837-0404**

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**CALIFORNIA
COASTAL COMMISSION**
EXHIBIT # **8**
PAGE **1** OF **11**

I. INTRODUCTION

The Marina Shores Project at Long Beach, Los Angeles County [Exhibit 1], comprises approximately six acres and contains no blue-line drainages (as depicted on the U.S. Geological Survey (USGS) topographic map Los Alamitos, California [dated 1964 and photorevised in 1981]) [Exhibit 2]. The site is bounded by Pacific Coast Highway, Studebaker Road, Marina Drive, and an existing hotel.

The site supported wetlands until early in 1928 when the site and surrounding lands were covered by approximately six feet of fill, converting wetlands to upland. This activity was conducted prior to passage of the California Coastal Act and the federal Clean Water Act and as such was an unregulated (and therefore legal) activity.

Chevron Oil constructed a facility for refining natural gas on the site which operated from 1928 to the mid 1970's at which point the facility was removed. Operation of the natural gas refinery resulted in the discharge of various soil contaminants, mostly hydrocarbons, into the soil (which was actually fill from the previous legal conversion of wetland to upland) on the site. It was subsequently determined that remediation of the soil was necessary. Remediation was conducted by Levine-Fricke in 1993 which included removing soil over approximately two-thirds of the site to a depth of about 12 feet (the depth of the water table), cleaning the soil, replacing the soil, and mixing and compacting the soil. Finally, the site was recontoured, and at the request of Caltrans the site was graded to its current topography.

II. POTENTIAL WETLANDS

Although the site supports a predominance of species typically associated with disturbed or ruderal habitats, a limited number of species, associated with coastal wetlands were identified on the site including saltgrass (*Distichlis spicata*), alkali bulrush (*Scirpus maritimus*), alkali heath (*Frankenia salina*), pickleweed (*Salicornia virginica*), and saltmarsh heliotrope (*Heliotropum curassivicum*). In addition to the limited native wetland species, non-native opportunistic species often associated with disturbed wetlands were noted including rabbitsfoot grass (*Polypogon monspeliensis*) and five-hook bassia (*Bassia hyssopifolia*). For most of the site, the wetland species do not account for a predominance of the vegetation; rather, upland species such as small-flowered iceplant (*Mesembryanthemum nodiflorum*) predominate.

The presence of wetland vegetation on the Marina Shores site was noted in the Environmental Impact Report prepared for the project. Because of the presence of wetland vegetation on the site along with limited ponding, due to the current grade of the site, the California Coastal Commission (CCC) requested that California Department of Fish and Game (CDFG) visit the site to determine, if present, the extent of wetlands subject to the jurisdiction of the CCC.

COASTAL COMMISSION

EXHIBIT # 8
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A. CDFG Determination

In June of 1998 CDFG conducted a site visit and determined that the site supported approximately 0.02 acre of "potential wetlands" which, because of the small size, low biological productivity, location, and recent history, CDFG was reticent to issue a determination that a wetland exists on the site. The area in question is located immediately adjacent to Pacific Coast Highway (PCH), along the boundary of the site [see Exhibit 3] where splash from PCH provides sufficient water to support a narrow strip of wetland vegetation consisting primarily of saltgrass (*Distichlis spicata*), rabbitsfoot grass (*Polypogon monspeliensis*) along with a few scattered individuals of alkali bulrush (*Scirpus maritimus*) and slender aster (*Aster subulatus ligulatus*).

B. GLA Determination

On September 1, 1998, a regulatory specialist from GLA visited the site to determine impacts to the potential wetlands that would result from dedication of a 13-foot-wide easement to the City of Long Beach for construction of a sidewalk and bikepath. GLA identified approximately 0.03 acre of saltgrass area, on the site, of which 0.02 acre would be affected by construction of the sidewalk and bikepath with an additional 0.01 acre to be preserved on-site within a project landscape area [Exhibits 3 and 4 depict the boundary of the saltgrass in relation to the 13-foot-wide easement].¹

III. IMPACTS

As noted above, dedication of a 13-foot-wide easement to the City of Long Beach for construction of a sidewalk and bikepath, would result in removal of approximately 0.02 acre of potential wetland, dominated by saltgrass, rabbitsfoot grass, alkali bulrush, and slender aster. As noted by CDFG, the potential wetland is very small, isolated by development on all sides, and is supported by artificial hydrology due to splash and runoff from PCH. Because it is surrounded by development and removed from the possibility of restored hydrology (tidal influence or groundwater), the site is not capable of supporting wetlands that exhibit even marginal wetland functions.

IV. PROPOSED MITIGATION

In order to compensate for impacts to approximately 0.02-acre of potential wetlands, dominated by saltgrass, rabbitsfoot grass, alkali bulrush, and slender aster, the applicant has proposed two alternative programs: One program proposes payment of an In-lieu fee to the Pacific Estuarine

¹ The increase in potential area from 0.02 acre, as determined by CDFG, to 0.03 acre, as identified by GLA is likely due to growth of the vegetation. Saltgrass produces rhizomes that continue spreading, particularly during the peak of the growing season, which occurs in July and August.

Research Laboratory for saltmarsh restoration monitoring and other would consist of on-site mitigation covering 0.04 acre (2:1 mitigation ratio).²

A. In-Lieu Fee to Pacific Estuarine Research Laboratory

The applicant has contacted the Pacific Estuarine Research Laboratory (PERL) and has offered to donate \$8,000 for ongoing saltmarsh restoration monitoring. Appendix A is a letter from PERL that sets forth the need for such funds. Because of the minimal size, isolated character, and low quality of potential wetland habitat on the Marina Shores site it seems apparant that mitigation for the project, at an off-site location, would be appropriate and from a strictly biological viewpoint it would be preferred. If it is determined that on-site mitigation is preferred by the Coastal Commission, an on-site mitigation program, as detailed below, would be implemented.

B. On-Site Mitigation Program

If determined appropriate by the Coastal Commission, on-site mitigation will be performed adjacent to the area where saltgrass will be preserved in a landscape area [Exhibit 4]. The mitigation site will consist of native plantings comprised of hydrophytes found on the site as well as those typically found in the vicinity of the site. The mitigation plantings will be comprised of alkali meadow vegetation with and overstory of wetland shrubs. Table 1 provides a summary of the plants to be included in the mitigation plantings.

**TABLE 1
PLANT PALETTE FOR MARINA SHORES
"POTENTIAL" WETLAND MITIGATION**

Species	Alkali Meadow		
Salt Grass (<i>Distichlis spicata</i>)	liners	3-feet on center	2,000 plants
Alkali Heath (<i>Frankenia salina</i>)	liners	3-feet on center	2,000 plants
Saltmarsh Heliotrope (<i>Heliotropum curassivicum</i>)	liners	3-feet on center	2,000 plants
Riparian Scrub			
Emory's Baccharis (<i>Baccharis emoryi</i>)	1 gallon	15-feet on center	90 plants
Sandbar Willow (<i>Salix exigua</i>)	1-gallon	15-feet on center	90 plants
Coast Golden Bush (<i>Isocoma menziesii</i>)	1-gallon	15-feet on center	90 plants

² It is common for the CCC to require mitigation ratios of 3:1 and 4:1 for impacts to high quality wetland habitats; however, because of the small size, isolated character, low species diversity, and artificial hydrology the applicant is proposing 2:1 mitigation.

A. Schedule

Creation of the mitigation site will be conducted concurrently with installation of landscaping to be performed on other portions of the site. Installation of 0.04 acre alkali meadow and riparian scrub will be implemented during the same period that other landscaping for the project is installed.

B. Site Preparation

Preparation of Planting Areas

Site preparation shall consist of controlling exotic plants, removing trash and debris, preparing planting holes, and doing any other work necessary to make the area ready for planting

Soil Testing

Prior to planting, soil analysis shall be conducted to determine the fertility and suitability of the surface soils. The sample shall be a composite of at least six samples from the top six to eight inches of soil. Each sample will be tested for organic matter content; N, P, and K; pH, EC, soil texture (i.e., silt, clay, sand); with recommendations from the soil lab for amendments, leaching, and maintenance fertilization.

Soil Amendments

The addition of soil amendments will be based on the results of the soil analysis and on the recommendation of the restoration specialist.

C. Planting Plan

Two habitat types will be incorporated into the plantings on the site:: alkali meadow and riparian scrub. The mitigation site will be planted with container stock similar wetland habitats within the immediate area.

Plant Palette

The proposed revegetation planting palette for the habitat types are designated above. These plant palettes define plant species, spacing, percent composition, and total quantity of plants required [Table 1 above].

Sources

It is preferred that the source of all propagules and seed used at the site be from the vicinity of the site. Where feasible, collection of all propagules and seed shall take place as many as 9-12 months before the expected plant installation date. If it is not possible to collect all plant species on-site, the remainder of propagules and seed required will be from wild sources from within Los Angeles County or nearby portions of Orange County. Where local collection is not possible, the nursery or seed collection contractor will coordinate with the habitat restoration specialist to consider alternate plans.

COASTAL COMMISSION

Container Plants

One-gallon container stock shall be utilized for all trees and shrubs. All plant materials will be inspected by the restoration specialist and approved as health, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected.

Contract Growing

The contract growing of all container stock shall be by an experienced native plant nursery located in the same climate zone as the mitigation site. An additional 10 percent of the total number of container plants shall be grown as replacement stock. Substitution of plant material at the time of planting depends solely upon the discretion of the restoration specialist.

Flagging of Plant Locations

Container stock will be laid out in a natural configuration within planting areas, randomly spaced, in naturally clumped patterns. Prior to plant installation, individual planting locations in the field will be flagged with 21-inch flag stakes by the restoration specialist. The flags will be color coded as to species. A list of species with their appropriate color code will be provided to the installation contractor by the restoration specialist prior to plant installation.

Replacement Planting

All plants terminally diseased or dead, as determined by the restoration specialist will be replaced by the installation contractor within two weeks for 120 days after installation, and thereafter will be replaced by the maintenance contractor on an annual basis, as determined by the restoration specialist. Unless substitutions are approved by the restoration specialist, the replacement plants will be of the same species, spacing and size as specified for plants being replaced. Any replacement tree or shrub stock which cannot be grown from cuttings shall be obtained from a native plant nursery.

Pruning

There will be no pruning of plant materials unless specified by the restoration specialist.

Staking

There will be no staking of trees unless specified by the restoration specialist.

Planting Methods for Container Stock

All container plants will be planted in a hole at least twice the diameter of the container and twice the depth. Container stock will be thoroughly watered the day before planting. The container will be upended into the palm of the hand to avoid damage to the root structure and placed in the planting hole. The top of the root ball will be set one inch above finish grade. The planting hole will be backfilled with native soil.

D. Irrigation Plan

The existing strip of salt grass is currently less than 15-foot-wide and hydrologically is supported by splash and runoff from PCH. The hydrology that supports the wetland vegetation is largely artificial with the exception of direct precipitation. Upon buildout of the site, it will be necessary

to provide irrigation in order to maintain the species on the site. Irrigation will be adjusted, as determined by the project biologist based upon monitoring information. The landscape contractor shall be responsible for the design of the irrigation system pursuant to the guidelines within the Specifications.

E. Buffer Zone

The area of potential wetland, identified on the site currently begins immediately adjacent to the curb for PCH extending onto the property for about 15 feet [Exhibit 3]. In order to minimize potential indirect impacts to the 0.04-acre wetland creation area, a buffer zone will be maintained around the wetland area to the maximum extent possible [Exhibit 4]. The east side of the wetland will be separated from PCH by 13 feet of sidewalk and bikepath. The south side will be buffered by approximately 100 feet of landscaped area. The western boundary of the wetland will be separated from developed areas by approximately 18 feet landscaped area and an additional 200 feet of parking lot. The northern boundary of the wetland will be separated from development by approximately 40 feet of landscaping.

V. MAINTENANCE DURING MONITORING PERIOD

A. Maintenance Activities

Two methods will be employed to monitor this habitat creation and enhancement project: maintenance monitoring and technical monitoring. Maintenance monitoring is essential in order to rectify problems before they jeopardize the project's success. Technical monitoring is used to evaluate the success of the mitigation effort and to generate data for future mitigation programs.

The purpose of this program is to ensure the success of the mitigation planting. Maintenance will occur over the three-year life of the project. The habitat restoration specialist will monitor all aspects of the habitat creation in an effort to detect any problems at an early state. Potential problems could arise from irrigation failure, erosion, vandalism, competition from weeds, and unacceptable levels of disease and predation.

Damage to plants, irrigation systems, and other facilities occurring as a result of unusual weather or vandalism will be repaired as directed by the restoration specialist.

These maintenance guidelines are specifically tailored for native plant establishment. The restoration specialist will meet with key members of the landscape maintenance crew in order to identify proper maintenance procedures. The maintenance personnel will be fully informed regarding the habitat creation/enhancement program so they understand the goals of the effort and the maintenance requirements. All maintenance personnel will be supervised by a professional with experience and knowledge in native plant habitat creation/enhancement maintenance.

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General Maintenance

The following tasks will be performed by the contractor as general maintenance duties:

- Plant Inspection
- Irrigation
- Irrigation System Inspection
- Trash and Debris Removal
- Weed Control
- Other Pest Control
- Plant Replacement
- Fertilization
- Pruning
- Staking

Plant Inspection

The restoration specialist shall be on-site daily during plant installation. After initial planting, the landscape contractor or the restoration specialist will check the revegetation areas weekly for the first month, every other week for the next two months, and monthly through the 12th month. Thereafter, the plants shall be inspected on a quarterly basis.

Irrigation

The landscape contractor shall be responsible for applying sufficient water to establish and maintain all plantings that are under irrigation in the revegetation areas.

Irrigation System Inspection

The landscape contractor will be responsible for the regular maintenance and repair of all aspects of the irrigation system. Poorly functioning or non-functioning parts shall be replaced immediately so as to not endanger the plantings.

General system checks shall be conducted a minimum of weekly for the first month after installation to assure system is functioning correctly and seed coverage is adequate. Thereafter, the system shall be checked monthly, except during periods when the irrigation system is not in operation as recommended by the restoration specialist.

Trash and Debris Removal

The revegetation areas will be kept free of trash and debris during the monitoring period. Care will be taken so that trash removal activities minimize or avoid impacts to plantings in the revegetation areas. Inorganic debris that is generated on the site will be removed during routine maintenance visits. Weed debris shall be removed from the project area and disposed of as permitted by law.

Weed Control

Weed eradication will be conducted as necessary to minimize competition that could prevent the establishment of native species. The crucial period for weed control is the first two years of

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project establishment. As weeds become evident, they should be removed by hand or controlled with an appropriate herbicide as determined by a license Pest Control Advisor. Weed control shall occur weekly during the first six months following installation and at a lesser rate thereafter as determined by the extent of the weed problem. The restoration specialist will determine the need for weeding and will contact the landscape contractor for any required work. Maintenance personnel will be trained to distinguish weed species from native vegetation.

Plant Replacement

Any replanting necessary to improve sparsely covered areas or replanting to replace dead or dying container stock will be conducted following the same procedures described in the original contractor specifications. The project monitor must be consulted to determine the proper container stock, site preparation, and timing. Any replacement plant which cannot be grown from cuttings shall be obtained from a native plant nursery. Prior to planting the contractor shall provide to the habitat restoration specialist a list of all materials which must be obtained from other than on-site sources. Any replacement planting which is required shall be done following the first wetting rains during the period from October 1 and March 1.

Fertilization

If nutrient deficiencies are observed during maintenance and monitoring, applications of slow-release pellet fertilizer may be specified by the restoration specialist to speed initial growth or as a remedial measure. These applications shall occur at the onset of the rainy season following the manufacturer's recommendations. Fertilizer will not be applied other than under the direction of the restoration specialist.

Staking

Staking of trees is to be avoided unless determined necessary by the restoration specialist. All stakes shall be removed before the completion of the three-year monitoring period, or earlier as determined by the restoration specialist. All stakes shall be removed from the revegetation areas by the contractor and disposed of legally.

VI. MONITORING PLAN

A. Performance Criteria

All shrub and tree plantings shall have a minimum of 80 percent survival, by species, at the end of the first year and 100 percent survival, by species for years two and three, and shall attain 75 percent cover after three years. If the survival and cover requirements have not been met, the contractor is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for three years after planting.

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B. Monitoring Methods

Monitoring will assess the attainment of annual and final success criteria and identify the need to implement contingency measures in the event of failure. Botanical monitoring methods include field sampling techniques which are based upon the California Native Plant Society field sampling protocol.³ Please refer to *A Manual of California Vegetation* for further details on this sampling method.

Botanical Monitoring

Botanical monitoring will be conducted concurrently with horticultural monitoring. Monitoring shall be conducted between June 1 and September 1 of each year. Botanical monitoring will be performed by a qualified habitat restoration specialist or horticulturist with appropriate credentials and experience in native habitat restoration. Continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments.

Sampling Techniques

The sampling method is based on a 15-meter long point-transect centered in a 15-meter by two-meter plot. At each 0.5-meter interval along the transect (beginning at the 0 mark and ending at 15-meter), a point is projected vertically into the vegetation. Each species intercepted by a point is recorded, providing a tally of hits for each species in the herbaceous, shrub, and tree canopies. Percent cover for each species, according to vegetation layer (herb, shrub, and tree) can be calculated from these data. A list of all additional species within the plot is made subsequently.

Photo-Documentation

Permanent stations for photo-documentation will be established in each habitat type. Photos shall be taken each monitoring period from the same vantage point and in the same direction each year, and shall reflect material discussed in the monitoring report. When percent cover estimates are made of herbaceous vegetation, photographs should be taken of sampling quadrats.

Final Success Criteria Resolution

If the project meets all success criteria at the end of the three-year monitoring period, the mitigation will be considered a success. Should the CCC determine, at the end of this three year period, that survival rates, percent cover, growth, areal coverage of riparian habitat, etc. were not achieved within the mitigation areas the landowner will devise a restoration plan, for review and approval by the CCC, which will assure the mitigation requirements of this agreement will be met.

³ Sawyer, John O. And Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society.

C. Annual Reports

At the end of each of the three monitoring period growing seasons, an annual report will be prepared for submittal to the CCC. These reports will assess both attainment of yearly target criteria and progress toward final success criteria. These reports will include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year
- a copy of the CCC permit and any attachments including Special Conditions and subsequent Letters of Modification
- an analysis of all qualitative monitoring data
- copies of all monitoring photographs
- maps identifying monitoring areas, transects, planting zones, etc. as appropriate.

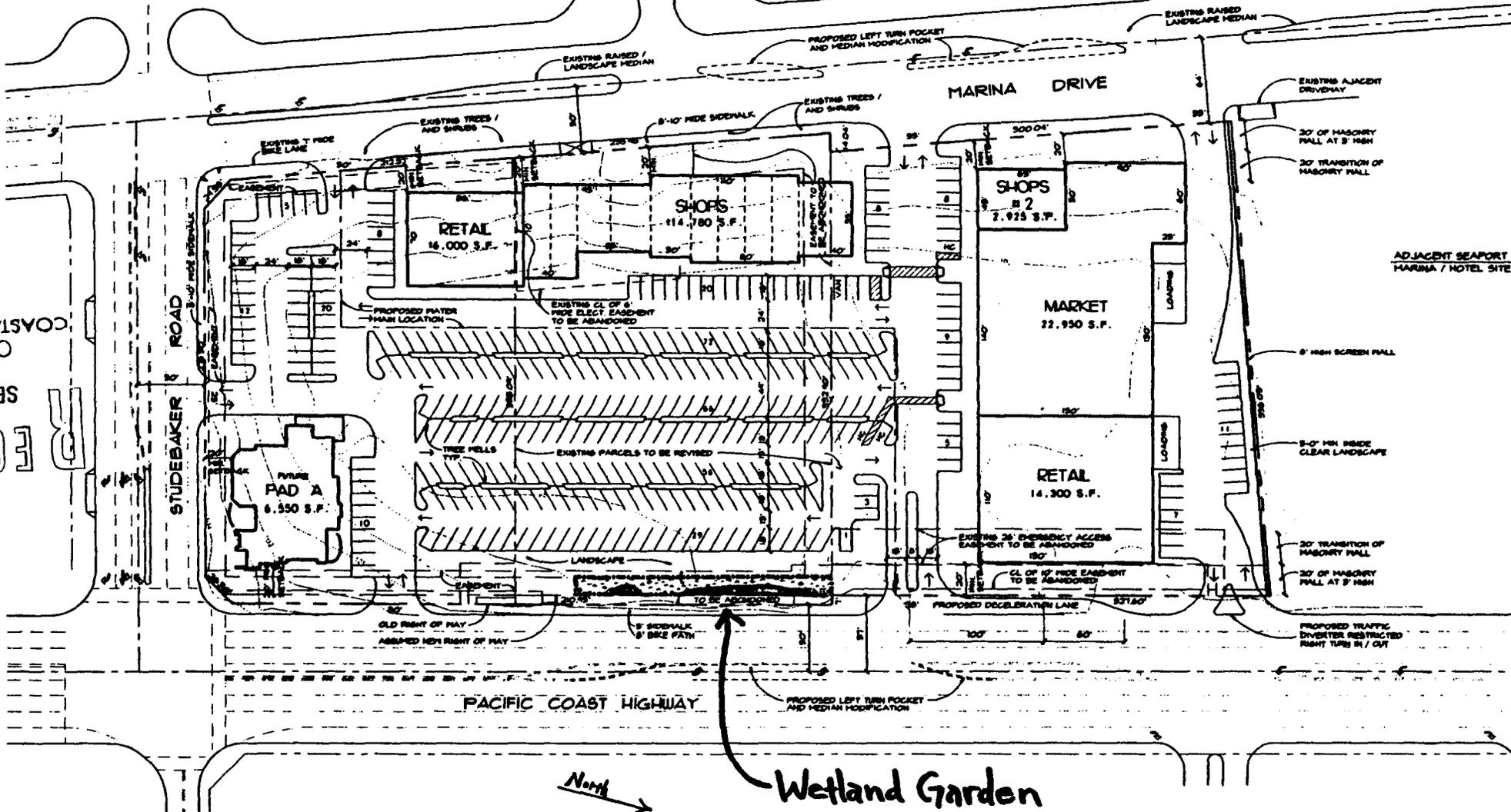
D. Notification of Completion

When the initial monitoring period is complete, and if the landowner believes final success criteria have been met, the landowner will notify the CCC when submitting the annual report that documents this completion.

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MARINA SHORES
Mitigation for "Potential" Wetland

LEGEND
 0.04 Acre Mitigation Area
 0.01 Acre of Preserved Salt Grass

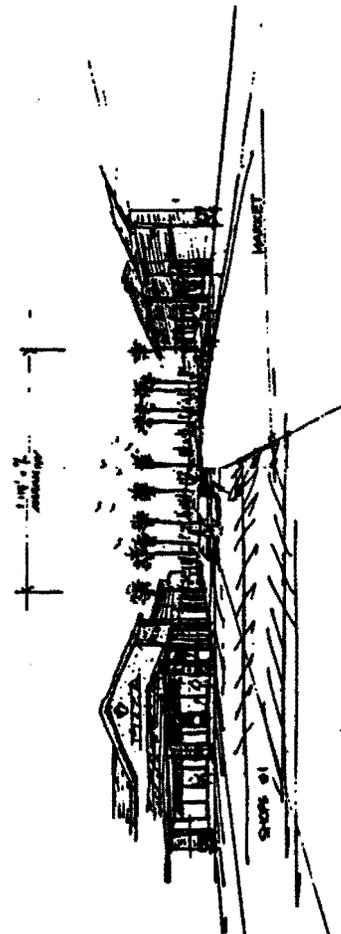
OPEN SPACE
 OVERALL SITE AREA LESS 1'-0" WIDE DEDICATION
 AT P.C.H. = 1251,104 S.F. (NET SITE AREA)
 +70,515 S.F. (OPEN SPACE) = +126 (OPEN SPACE)
 INCREASE FROM ORIGINAL 24% OPEN SPACE PREVIOUSLY ISSUED

GLENN LUKOS ASSOCIATES
 EXHIBIT 3

Summary
 Land: ±5.88 acres ± 254,845 s.f.
 Building: 67,505 s.f.
 Land / Building Ratio: 2.77 / 1
 Parking Provided: 360 stalls
 Parking Ratio: 5.18 / 1000

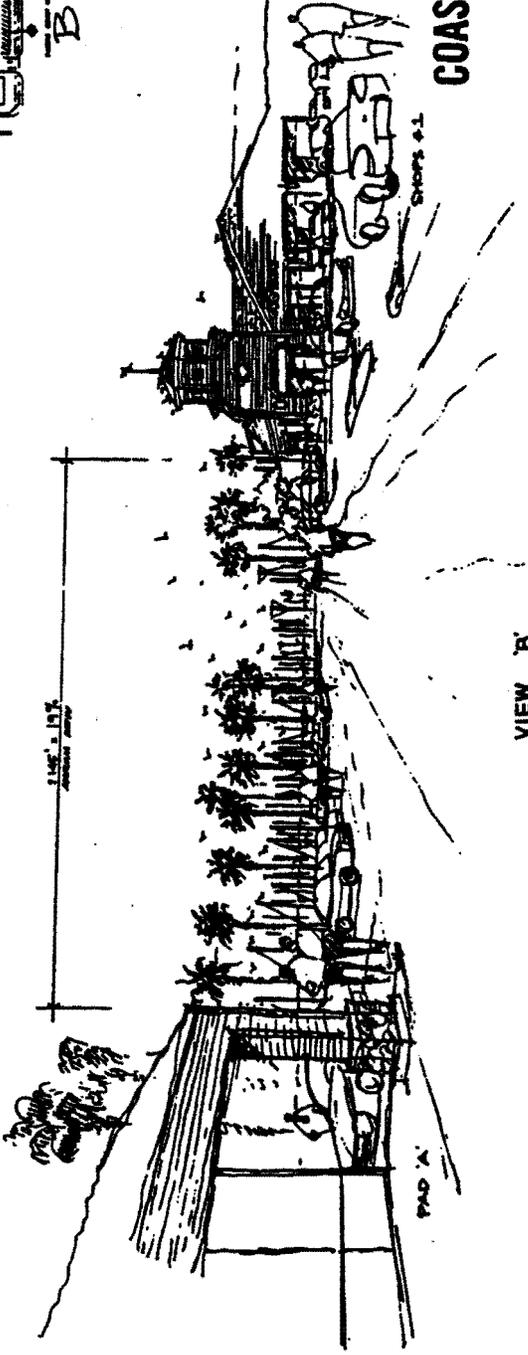
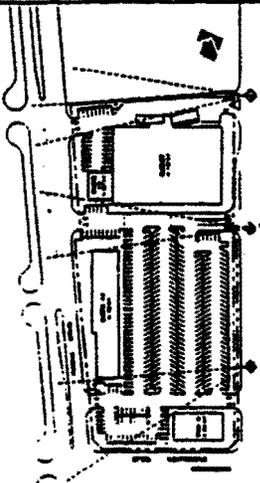
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Revised Site Plan with proposed on-site mitigation



VIEW 'A'

BAY



VIEW 'B'

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EXHIBIT # 10
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TABLE VI-8

1997 EXISTING PEAK HOUR LEVELS OF SERVICE
PCH @ Studebaker Market Center, Long Beach

KEY INTERSECTION	TIME PERIOD	CONTROL TYPE	ICU	LOS
Pacific Coast Highway @ Westminster Ave-2nd St.	AM	8Ø Traffic	0.945	E
	PM	Signal	1.021	F
N. Studebaker Road @ Westminster Avenue	AM	4Ø Traffic	1.062	F
	PM	Signal	0.720	C
Pacific Coast Highway @ Studebaker Road	AM	5Ø Traffic	0.721	C
	PM	Signal	0.901	D
E. Marina Drive @ Studebaker Road	AM	All-Way Stop	0.406	A
	PM	Control	0.498	A
Pacific Coast Highway @ Main Street/Bolsa Avenue	AM	8Ø Traffic	0.892	D
	PM	Signal	0.835	D

Bold ICU/LOS values indicate adverse service levels based on City LOS standards.

TABLE VI-7

LEVEL OF SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS
PCH @ Studebaker Market Center, Long Beach

Level of Service (LOS)	Intersection Capacity Utilization Value (V/C)	Level of Service Description
A	0.00 - 0.60	Free Flow
B	0.61 - 0.70	Rural Design
C	0.71 - 0.80	Urban Design
D	0.81 - 0.90	Maximum Urban Design
E	0.91 - 1.00	Capacity
F	≥ 1.01	Forced Flow

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TABLE: VI-11

**2000 PEAK HOUR INTERSECTION CAPACITY ANALYSIS
ICU/LOS SUMMARY
PCH @ Studebaker Market Center, Long Beach**

Key Intersections	Time	(1) 1997 Existing Traffic Conditions		(2) Year 2000 Background Traffic ¹¹		(3) Year 2000 Plus Project Traffic		(4) Project Impact/ Significance		(5) Future Conditions w/ Improvements ¹²	
		ICU	LOS	ICU	LOS	ICU	LOS	ICU Inc.	Y/N	ICU	LOS
Pacific Coast Hwy @ Westminster-2nd St	AM	0.945	E	1.008	F	1.017	F	0.009	N	0.882	D
	PM	1.021	F	1.115	F	1.137	F	0.022	Y	1.028	F
N. Studebaker Rd @ Westminster Avenue	AM	1.062	F	1.124	F	1.128	F	0.004	N	1.000	E
	PM	0.720	C	0.769	C	0.776	C	0.007	N	0.707	C
Pacific Coast Hwy @ Studebaker Road	AM	0.721	C	0.895	D	0.918	E	0.023	Y	0.868	D
	PM	0.901	D	1.069	F	1.107	F	0.038	Y	0.828	D
E. Marina Drive @ Studebaker Road	AM	0.406	A	0.434	A	0.448	A	0.014	N	—	—
	PM	0.498	A	0.536	A	0.564	A	0.028	N	—	—
Pacific Coast Hwy @ Main St-Bolsa Ave	AM	0.892	D	0.964	E	0.976	E	0.012	N	0.715	C
	PM	0.835	D	0.905	E	0.920	E	0.015	N	0.715	C
Number of Intersections Impacted by the PCH @ Studebaker Market Center:									2 of 5 Intersections		

Bold ICU/LOS values indicate adverse service levels based on City LOS standards.

¹¹ Represents forecast operating conditions with the addition of ambient traffic (calculated @ 1.67% per year) and cumulative traffic, as generated by Seal Beach and Long Beach development projects.
¹² Improvements recommended are required to mitigate the future non-project (ambient/cumulative) traffic and/or project traffic.

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