

**CALIFORNIA COASTAL COMMISSION**

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 Hearing Date: November 2, 1999  
 Commission Action:



*CP*

**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-98-156-A1

**APPLICANTS:** City of Long Beach & DDR OliverMcMillan Development, LP

**AGENTS:** Robert Paternoster, Director Queensway Bay  
 Tony Pauker, Senior Project Manager

**PROJECT LOCATION:** 500 W. Seaside Way, Downtown Shoreline, City of Long Beach

**LOCAL APPROVAL:** City of Long Beach Site Plan Review Case No. 9907-19, 9/27/99.

**DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON FEBRUARY 3, 1999:**

Construction of a 508,550 square foot commercial retail and entertainment complex on the waterfront.

**DESCRIPTION OF AMENDMENT REQUEST:**

Modify the previously approved 70-foot high parking structure to expand the building footprint over Chestnut Place and to increase the number of parking stalls from 1,550 to approximately 2,195.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-98-156 (Queensway Bay).
3. Coastal Development Permit 5-96-268 (Long Beach Parking Structure).

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve the proposed amendment with special conditions to: a) protect water quality, b) maintain existing public pedestrian access along Chestnut Place, and c) to provide a rooftop treatment and landscaping plan. The special conditions of this amendment are in addition to the 27 special conditions of Coastal Development Permit 5-98-156. The applicants agree with the recommendation.

**PROCEDURAL NOTE:** The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved project. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [4 California Code of Regulations 13166].

**STAFF NOTE:** The proposed project is located entirely on publicly owned State Tidelands that are administered by the City of Long Beach. A coastal development permit is required from the Commission for the proposed development because the site of the proposed development is located on State Tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's standard of review for the development proposed on State Tidelands is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP, which includes the Queensway Bay Development Plan, is advisory in nature and may provide guidance.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

I. **Approval with Conditions**

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development and the amendment, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Special Conditions**

The 27 original special conditions of Coastal Development Permit 5-98-156 (Appendix A) are not changed by this amendment. The following special conditions are in addition to the special conditions of Coastal Development Permit 5-98-156 as approved by the Commission on February 3, 1999:

**28. Pedestrian and Bicycle Access**

Prior to issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, revised plans that provide a minimum six-foot wide sidewalk for public pedestrian access through the proposed parking structure on the west side of the Chestnut Place right-of-way. In addition, the applicants shall provide and maintain the bicycle path proposed along the north and west sides of the proposed parking structure that would connect the existing Chestnut Place bike path to the existing Regional Bicycle Route on the south side of the proposed parking structure (north side of Shoreline Drive). The applicants shall not interfere with public use of the existing Regional Bicycle Route that runs along the north side of Shoreline Drive, the Chestnut Place sidewalk required by this condition, or the proposed bicycle path connecting the Chestnut Place bike path to the Regional Bicycle Route. The development shall be maintained consistent with the plans approved by the Executive Director.

**29. Landscaping and Treatment of Roof**

Prior to issuance of the coastal development permit, the applicants shall submit for the review and approval of the Executive Director, a rooftop treatment plan for the proposed parking structure that provides landscaping and surface treatment to soften the visual impact of the parking structure's roof on nearby high-rise buildings. The roof surface shall be treated with material that reflects less light than standard gray concrete. Landscaping shall be provided on the roof to the extent that a minimum of twenty percent (20%) of the total roof area will be covered or shaded within three years of the issuance of the certificate of occupancy for the proposed parking structure. The approved rooftop landscaping shall be installed prior to the issuance of the certificate of occupancy for the proposed parking structure. The development shall be maintained consistent with the plans approved by the Executive Director.

**30. Erosion and Siltation Control**

Prior to the issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan that incorporates structural and non-structural Best Management Practices (BMPs) to control erosion from the construction site and prevent silt from

the construction site from entering the storm drain during construction of the proposed parking structure. The approved erosion control and siltation 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.

**31. Drainage Plan**

Prior to issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed parking structure that incorporates structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking structure site, b) control the velocity at which the runoff enters the storm water drain, and c) reduce the amount of pollutants contained in the runoff leaving the parking structure site prior to entering the storm drain system. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director. In addition, any lease or operating agreement that involves the proposed parking structure shall explicitly incorporate the provisions of the drainage plan approved by the Executive Director.

**III. Findings and Declarations**

The Commission hereby finds and declares:

**A. Amendment Description**

On February 3, 1999, the Commission approved Coastal Development Permit 5-98-156 (City of Long Beach & DDR OliverMcMillan) for the construction of a 508,550 square foot commercial retail and entertainment complex in the Downtown Shoreline area of Long Beach (Exhibit #2). The previously approved project includes a sixteen-screen movie theatre, one large-format cinema, Ferris wheel, carousel, nautical museum, numerous restaurants and retail establishments, large parking structure, and public amenities.

The applicants now propose to amend Coastal Development Permit 5-98-156 in order to modify the design of the previously approved parking structure that would serve as the primary parking reservoir for the approved commercial retail and entertainment complex.

The modified parking structure design would expand the building footprint over Chestnut Place and increase the number of parking stalls from 1,550 to approximately 2,195 (See Exhibits). The roof of the currently proposed parking structure is below the 70-foot height limit for the structure. The modified design, however, includes an architectural tower that reaches approximately one hundred feet above flood plain level (Exhibit #5). The proposed elevator housings would also extend above the 70-foot height limit.

The project site is comprised of two vacant parcels, bisected by Chestnut Place, on the inland side of Shoreline Drive (Exhibit #3). The proposed parking structure would be located across the street (Shoreline Drive) from the recently constructed five-level, 1,471 space parking structure that provides public parking for Rainbow Harbor and the Long Beach Aquarium of the Pacific (See Coastal Development Permit 5-96-268). The primary vehicular access to the proposed parking structure would be provided by Shoreline Drive, the main thoroughfare of the Downtown Shoreline area. Public vehicular access will be maintained through the proposed structure on the Chestnut Place right-of-way (Exhibit #3).

The project site is situated on state tidelands which are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. Because the site is located on state tidelands, it is within the Commission's area of original jurisdiction pursuant to Section 30519 of the Coastal Act. Any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. No local coastal development permit is required from the City. The Commission's standard of review for the proposed project is the Chapter 3 policies of the Coastal Act. The certified LCP is advisory in nature and may provide guidance.

#### **B. Downtown Shoreline Area History**

The site of the Commission-approved Queensway Bay commercial/entertainment complex is located in the Downtown Shoreline area of Long Beach. A long history of development, commencing in the late 1800's, has dramatically altered this portion of California's coastline. The Downtown Shoreline area of Long Beach is comprised of fill that has been deposited seaward of the former shoreline since the 1920's. The entire area of Long Beach's downtown shoreline south of the coastal bluff was once part of the natural ocean and fronting beach. The Chapter 138 line, the boundary between the privately owned upland properties and the public tideland areas in the Downtown Shoreline area, is the former mean high tide line. The public tideland areas subject to the Long Beach Tidelands Trust Agreement are the filled areas that lie seaward of the Chapter 138 line. The Chapter 138 line runs roughly corresponds to the alignment of Seaside Way (Exhibit #2).

The Downtown Shoreline area currently contains the Downtown Long Beach Marina, Marina Green Park, the Long Beach Convention and Entertainment Center, Hyatt Regency Hotel, Rainbow Lagoon Park, Shoreline Village shopping center, Rainbow Harbor, Shoreline Park, the Long Beach Aquarium of the Pacific, Catalina Landing, and the Golden Shore

wetland mitigation site (Exhibit #2). Until its demolition in 1979, the famous Pike amusement park was situated on the now land-locked beach in the Downtown Shoreline area.

In the early 1920's, the original Long Beach Municipal Auditorium was constructed on the beach and on twenty acres of landfill located south of today's intersection of Ocean and Long Beach Boulevards. After the construction of the auditorium, the development began to experience problems caused by storms and coastal erosion. In order to protect the auditorium from these problems, a horseshoe (rainbow) shaped breakwater was constructed around it. Because of its shape it was named "Rainbow Pier", even though it was actually a breakwater with a road constructed on top of it.

In the late 1940's, the City of Long Beach began filling in the water area enclosed by the Rainbow Pier breakwater creating additional public trust lands upon which a larger, more modern auditorium was constructed. Filling of the shoreline area continued in the late 1950's and early 1960's with the Tidelands Filling Project. The Tidelands Filling Project created the existing landfill upon which Shoreline Park, Shoreline Village shopping center, the Long Beach Aquarium of the Pacific, and Catalina Landing are all located (Exhibit #2). The landfill area was used as an informal recreation area until the late 1970's when the City began to improve the area.

In 1975, the City began demolition of the original Long Beach Municipal Auditorium in order to begin construction of the Long Beach Convention and Entertainment Center, the Hyatt Regency Hotel, and Rainbow Lagoon and Park on the former site of the Rainbow Pier. In 1979, the Pike amusement park was officially closed and demolished.

The Commission has approved many Coastal Development Permits for the development of the area as it currently exists. In 1979, the Commission approved Coastal Development Permit P-79-5253 (City of Long Beach) for the improvement of Shoreline Park and Lagoon. The improvement of Shoreline Park was completed in 1983-84. Shoreline Park is currently a region serving waterfront recreation area which provides the public with many coastal related recreational activities.

In 1979, the Commission also approved Coastal Development Permits P-79-5249, 5250, 5251 and 5252 (City of Long Beach) for the construction of the 1,694 slip Downtown Long Beach Marina, Marina Green Park, Shoreline Village shopping center, and the 131 slip Shoreline Village Marina (a.k.a. Pacific Terrace Harbor). These improvements, completed in the early 1980's, along with Shoreline Park continue to provide southern California area residents and visitors with many low cost coastal related recreational activities (Exhibit #2).

In 1994, the City of Long Beach adopted the Queensway Bay Development Plan to redevelop the City's waterfront and encourage tourism and coastal related recreation. The Queensway Bay Development Plan is the City's plan to create a major waterfront attraction to provide affordable recreation and entertainment for local residents and area

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visitors. On May 10, 1995, the Commission approved City of Long Beach LCP Amendment No. 1-95 incorporating the Queensway Bay Development Plan into the City's certified LCP. Three of the central recreational components of the plan are the Long Beach Aquarium of the Pacific, Rainbow Harbor, and Shoreline Park. A 508,550 square foot commercial retail and entertainment complex comprises the primary commercial component of the Queensway Bay Plan.

On May 10, 1995, the Commission approved the first coastal development permits for the implementation of the Queensway Bay Development Plan. Coastal Development Permit 5-95-055 (City of Long Beach) permitted the construction of the Long Beach Aquarium of the Pacific in Shoreline Park (Exhibit #2). The Long Beach Aquarium of the Pacific was completed on schedule and opened to the public on June 19, 1998. Coastal Development Permit 5-95-052 (City of Long Beach), also approved by the Commission on May 10, 1995, permitted the construction of a recreational vehicle park in the Golden Shore area which opened to the public in 1996 (Exhibit #2).

On September 12, 1996, the Commission approved Coastal Development Permit 5-96-124 (City of Long Beach) for the construction of Rainbow Harbor in Shoreline Lagoon. As part of the approved project, the shallow water habitat that was displaced by the construction of Rainbow Harbor was replaced in the Golden Shore wetland mitigation area located on the west end of the Downtown Shoreline area next to the recreational vehicle park (Exhibit #2). Shoreline Park was also reconstructed as part of the Rainbow Harbor project approved by Coastal Development Permit 5-96-124. Rainbow Harbor and the newly reconstructed Shoreline Park opened to the public in the summer of 1998.

Coastal Development Permit 5-96-268 (City of Long Beach), approved by the Commission on February 6, 1997, permitted the construction of the City-owned public parking structure that is located next to the Aquarium of the Pacific and Rainbow Harbor in LCP Subarea 6 (Exhibit #2). The five-level, 1,471 space parking structure opened for public use in 1998. The currently proposed parking structure is situated on the inland side of Shoreline Drive across from the existing City-owned parking structure.

In June of 1998, the Commission approved Coastal Development Permits 5-98-155 and 5-98-161 (City of Long Beach). Coastal Development Permit 5-98-155 (City of Long Beach) permits the City to establish twenty vending sites on the Rainbow Harbor Esplanade for use by City-licensed portable vending carts. Coastal Development Permit 5-98-161 (City of Long Beach) allows forty commercial vessels to operate on-the-water concessions in Rainbow Harbor. The proposed Rainbow Harbor concessions include fishing and diving charters, dinner and party cruises, a Catalina Island ferry service, and research and educational activities.

On February 3, 1999, the Commission approved Coastal Development Permit 5-98-156 (City of Long Beach & DDR OliverMcMillan) for the construction of a 508,550 square foot commercial retail and entertainment complex that comprises the primary commercial

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component of the Queensway Bay Plan. A preliminary design of the currently proposed parking structure was approved as part of Coastal Development Permit 5-98-156. This permit amendment request proposes a modified and enlarged design of the previously approved parking structure that will serve the approved commercial uses (See Exhibits).

The development approved by Coastal Development Permit 5-98-156 in February of 1999 involves two LCP Subareas: LCP Subarea 5 and LCP Subarea 6. Both subareas are situated on State Tidelands administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. The entire project area, including streets, walkways and plazas, will be leased to an operator who will manage the entire area. Subareas 5 and 6 will be connected by a pedestrian bridge that crosses over Shoreline Drive.

Subarea 6 covers the City's central waterfront area including Shoreline Park, the Long Beach Aquarium of the Pacific, Rainbow Harbor and Esplanade, and Pine Avenue Pier (Exhibit #2). Most of the land area within LCP Subarea 6 is located seaward of the first public road. Within LCP Subarea 6, the applicants have received Commission approval to develop four acres of Shoreline Park with 194,200 square feet of visitor-serving commercial uses on the north edge of Rainbow Harbor between the water and Shoreline Drive (Exhibit #2). Also approved within LCP Subarea 6 is a 35,000 square foot public viewing deck, 130-foot high Ferris wheel, and a 100-space public parking lot.

The four acres of Shoreline Park that would be displaced by the approved commercial uses have been replaced on an acre-for-acre basis as required by the certified Long Beach LCP. The City's four-acre replacement park is located on the South Shore portion of Queensway Bay near the HMS Queen Mary.

Subarea 5 is the landlocked "Tidelands Parcel" located inland of LCP Subarea 6 and Shoreline Drive (Exhibit #2). Subarea 5 is currently vacant and accommodating approximately 1,700 temporary parking spaces used for overflow parking and special events. Within LCP Subarea 5, the applicants received Commission approval to develop 13.7 acres with a new street grid and 305,850 square feet of visitor-serving commercial uses. The approved project includes a sixteen-screen movie theatre, a large-format cinema, and numerous restaurants and retail establishments. The development approved within LCP Subarea 5 also includes a 23,000 square foot public open space area with a water feature at the intersection of Pine Avenue and Shoreline Drive, a Town Square, a pedestrian street (Pine Walk), a carousel, and an elevated walkway. The currently proposed parking structure is situated in LCP Subarea 5, with a portion of it extending into the adjacent LCP Subarea 4.



**C. Public Access and Recreation**

The provision or lack of adequate parking can also have an impact on the public's ability to access the coast. Adequate parking facilities are necessary in order to assure continued public access to the popular recreational area in which the proposed project is located. The methods used to manage parking facilities (i.e. parking rates and validation systems) can also impact public access opportunities. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation....

The proposed amendment to modify a previously approved parking structure will not generate a parking demand of its own. The proposed parking structure is being built to provide additional parking to help meet the demands of the commercial development approved by Coastal Development Permit 5-98-156. The Commission's approval of Coastal Development Permit 5-98-156 included a 70-foot high parking structure with approximately 1,550 parking spaces. The proposed modified parking structure will contain approximately 2,195 parking spaces. The increase in the number of parking spaces will be achieved by enlarging the building footprint of the proposed parking structure to extend over Chestnut Place onto the adjacent parcel in LCP Subarea 4 (Exhibit #3).

**Management of Parking**

In its approval of Coastal Development Permit 5-98-156, the Commission found that it is important that the operation and management of the parking reservoirs in the Downtown Shoreline area do not preclude the general public from parking and accessing the various coastal recreation opportunities in the Downtown Shoreline area. A parking management program was approved as part of Coastal Development Permit 5-98-156 that established parameters for parking rates, a parking validation program, a valet parking program, and an employee parking program. The previously approved parking rates are two dollars per hour with a reduced rate for customers who obtain a parking validation. The parking management program approved as part of Coastal Development Permit 5-98-156 is contained in the special conditions of that permit. The original 27 special conditions of Coastal Development Permit 5-98-156 apply to the development approved by this amendment.

The special conditions of Coastal Development Permit 5-98-156 that relate to the management of the parking structure include the following (See Appendix A):

11. Traffic and Parking Management Association

The applicants and all designated operators and managers of the parking facilities approved herein shall participate in the Traffic and Parking Management Association established pursuant to the City of Long Beach certified Local Coastal Program [see certified LCP Downtown Shoreline Planned Development Plan (PD-6): General Development and Use Standard (b)6]. The City shall include the parking resources approved by this permit in the total parking resources addressed by the Traffic and Parking Management Association.

13. Public Parking

All parking within LCP Subareas 5 and 6 shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the approved structure by any person or group other than the general public (handicapped spaces excluded). A portion of the public parking spaces in the parking structures and the surface parking lot located at the southwest corner of Shoreline Drive and Pine Avenue may set aside in order to provide the general public with valet or assisted parking on a first-come, first-served basis. Fees for any valet or assisted parking shall be the same as for self-parking.

14. Valet Parking

In order to increase the capacity of parking facilities and provide service to the public, valet or assisted parking services may be provided within parking structures in LCP Subareas 5 and 6 and in the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue, provided that: (i) such valet or assisted parking is available to the general public on a first-come, first-served basis, (ii) the cost of valet or assisted parking shall be equal or less than the cost of self-parking in the facilities, (iii) valet or assisted parking services in the surface lot located at the southwest corner of Shoreline Drive and Pine Avenue may be provided only after 6 p.m. on weekdays and all day Saturdays and Sundays; and (iv) at any given day and time, no more parking spaces shall be set aside for valet or assisted parking than experience demonstrates will be required to meet public demand. The use of on-street parking spaces for valet parking is prohibited.

The use of valet or assisted parking services shall be subject to Commission review and endorsement. Three years subsequent to the date of issuance of the first certificate of occupancy within the permitted development, should valet

or assisted parking services be utilized in either LCP Subarea 5 or 6, the applicants shall submit an amendment request to the Commission for the continued use of valet or assisted parking services. As part of the amendment request, the applicants shall provide the following information for both subareas: number of parking spaces used for self-parking as compared to number of parking spaces used for valet/assisted parking (including time and day of use); number of additional parking spaces "created" by the utilization of valet/assisted parking as compared to the base number of (striped) parking spaces established. All information shall be documented on a monthly basis. Failure to comply with this provision will result in the termination of the authorization to utilize valet or assisted parking services in LCP Subareas 5 and 6.

15. Parking Fees and Validations

Any change in the approved parking rates or parking validation system described in the application and approval of Coastal Development Permit 5-98-156 may require a coastal development permit amendment. The applicants shall submit any proposed change in the parking fees or change in the parking validation system to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

16. Employee Parking Program

Prior to issuance of the Coastal Development Permit, the applicants shall submit an employee parking program, subject to the review and approval of the Commission in a permit compliance or permit amendment hearing, which meets the following criteria:

- a) The plan identifies employee parking reservoir(s) of at least 375 spaces that will be available to all employees of the commercial development permitted by Coastal Development Permit 5-98-156 while they are working; and,
- b) None of the 375 employee parking spaces shall be located in the public parking areas located in LCP Subareas 5 and 6; and,
- c) None of the 375 parking spaces are more than 2,000 feet from the project site unless: (i) they are located within 200 feet of an existing free public transit (Passport) stop, and (ii) the schedules and frequency of the shuttles and choice of routes will not significantly increase commute times such that employees will have an incentive to park in public lots to avoid being late for work; and,
- d) The plan insures that the employee parking is provided to employees at a cost that does not exceed the cost of parking in nearby public parking lots

(such as the metered on-street spaces and parking within the Marina Green and Shoreline Park parking areas), and,

e) The plan identifies the signs, notices and other measures that will inform all employees of the commercial developments approved herein of the employee parking program.

The requirement that all the parking spaces are public spaces, reserved for the use of the general public, and available for use on a first-come, first-served basis is based upon the requirements of the Queensway Bay Plan and the certified LCP. The LCP requires that the parking supplies in LCP Subareas 5 and 6 of the Downtown Shoreline, all of which are located on public tidelands, shall be available for use by the general public on a first-come, first-served basis. No parking may be reserved for the exclusive use of any tenant or development. These certified LCP parking policies enhance the public's ability to access the Downtown Shoreline area to use both the lower cost recreational facilities and the visitor-serving commercial uses.

#### **Pedestrian and Bicycle Access**

The proposed modified parking structure that extends over Chestnut Place will negatively affect an existing pedestrian and bicycle access route that connects the downtown area to the Rainbow Harbor shoreline area. The existing improved Chestnut Place right-of-way contains lanes for two-way vehicular traffic, a five-foot wide sidewalk, and a Class 2 bicycle route. Chestnut Place currently provides a direct link between Ocean Boulevard and Shoreline Drive for automobiles, pedestrians, and bicyclists.

The proposed parking structure plan includes a vehicular passage through the proposed parking structure on the Chestnut Place right-of-way, but does not include a sidewalk for pedestrians (Exhibit #3). A bicycle route is proposed to bypass the structure around its north and east sides to connect the existing Chestnut Place bike path to the Regional Bicycle Route that currently passes along the south side of the project site next to Shoreline Drive (Exhibit #3).

Section 30211 of the Coastal Act states:

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

The certified LCP states:

A minimum ten-foot sidewalk including parkway shall be provided as a dedicated public right-of-way along Chestnut Place.

The certified LCP also calls for strong north-south pedestrian links between the downtown area and the shoreline area, and specifically calls for the maintenance of the existing pedestrian accessway on Chestnut Place. The Coastal Act states that development shall not interfere with access to the sea. The sidewalk on Chestnut Place is vital to pedestrian access to the shoreline because it is currently the only through north-south pedestrian accessway from downtown (on ground level) that exists west of Pine Avenue, and Chestnut Place is the westernmost and last pedestrian and bicycle street-level crossing of Shoreline Drive (Exhibit #6).

Therefore, in order to protect the public's ability access the coast, the applicants shall submit revised plans that provide a continuous public sidewalk along Chestnut Place. The certified LCP calls for a ten-foot wide sidewalk along Chestnut Place including a parkway. The passage of Chestnut Place through the proposed parking structure, however, would make it difficult to landscape because the structure would block the direct sunlight. In addition, the width of the proposed Chestnut Place passage through the parking structure is limited by support columns and vehicular lanes. Therefore, the Commission will not require the provision of a parkway along Chestnut Place where the proposed parking structure would cover it and block out the sunlight. The applicants are required, however, to provide and maintain a minimum six-foot wide sidewalk for public pedestrian access through the proposed parking structure on the west side of the Chestnut Place right-of-way.

In addition, the applicants shall provide the proposed bicycle route along the north and west sides of the proposed structure, and shall not interfere with the existing Regional Bicycle Route along the Shoreline Drive frontage. Only as conditioned can the proposed amendment be found to be consistent with the public access policies of the Coastal Act.

Finally, the proposed project will increase the amount of public parking in the Downtown Shoreline area and in doing so will increase opportunities for public access to the coast. Therefore, the Commission finds that the proposed project, as conditioned, will not negatively affect the public's ability to access the Downtown Shoreline area and the coast, and is consistent with the public access and recreation policies of the Coastal Act.

#### **D. Scenic Resources**

Section 30251 of the Coastal Act states in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas...be visually compatible with the character of surrounding areas...

As required by the Coastal Act, the visual qualities of coastal areas shall be protected by maintaining public views to and along the ocean. Although the proposed project may

adversely affect some private views from adjacent office towers, it will not significantly affect the public's view to or along the ocean. The proposed parking structure is located inland of Shoreline Drive and Aquarium Way, the first public roads inland from the sea.

The certified LCP states calls for the preservation of view corridors from Ocean Boulevard and Victory Park to Shoreline Village, Shoreline Park and the Queen Mary. Attachment "A" of the certified LCP identifies protected view corridors within the Downtown Shoreline area (Exhibit #6). The public views of the coast from Ocean Boulevard and Victory Park, and the view corridors protected by the certified LCP, will not be negatively impacted by the proposed project. The proposed parking structure is not located in a view corridor identified by the certified LCP.

The proposed modified parking structure, while more massive than the previously approved parking structure, will not adversely affect public views to or along the coast. The applicants have submitted a view analysis using photographs of existing development with the outlines of the proposed structure imposed over the photographs. The view analysis shows that the existing development that is located seaward of the project site effectively blocks public views to the shoreline. In particular, the existing five-level City parking structure located on the seaward side of Shoreline Drive at Chestnut Place blocks all public views to the shoreline from Chestnut Place.

Special condition 21 of Coastal Development Permit 5-98-156 requires that the design of the proposed parking structure include architectural treatment to mitigate its massive bulk, including attractively designed facades, treatments that break up the unrelieved plane of the structure's surface, and special architectural and landscaping features. The proposed project contains features designed to lessen the visual impact of the parking structure. Architectural towers help to break-up the long walls of the proposed structure, and landscaping (Mexican palm, pines and shade trees) is proposed to partially screen all sides of the proposed structure. The applicants have not submitted a rooftop treatment plan to soften the visual impact on the nearby high-rise buildings.

The certified LCP states:

All rooftops visible from the Ocean Center Building, Sumitomo Bank Building, Blackstone Hotel Apartments or Sovereign Apartments shall be attractively treated.

The rooftop of the proposed structure would be visible from the Sumitomo Bank Building, Blackstone Hotel Apartments and Sovereign Apartments. Therefore, the applicants shall be required to submit a rooftop treatment plan for the proposed structure that provides landscaping and surface treatment to soften the visual impact from the nearby high-rise buildings. The roof surface shall be treated with material that reflects less light than standard gray concrete. Landscaping shall be provided on the roof to the extent that a minimum of twenty percent (20%) of the total roof area will be covered or shaded within three years of the issuance of the certificate of occupancy for the proposed parking

structure. The approved rooftop landscaping shall be installed prior to the issuance of the certificate of occupancy for the proposed parking structure. Live landscaping on the roof level shall not be subject to a height limit. Only as conditioned can the proposed amendment be found to be consistent with the visual resource policies of the Coastal Act.

### Height Limit

The Commission has always addressed building heights whenever visual resources are discussed in Long Beach. Excessively high structures can negatively impact the character of an area as well as public views. In several past actions, however, the Commission has found that tall buildings, if sited correctly, may be appropriate in high-density urban areas like downtown Long Beach. The project approved by Coastal Development Permit 5-98-156 includes structures that range from 40 to 152 feet above the flood plain elevation (13.8' MLLW). The previously approved parking structure has a height limit of 70 feet above the flood plain elevation.

The roof and bulk of the currently proposed structure is at or below 70 feet above the flood plain elevation. An architectural extension, however, extends to approximately 100 feet above the flood plain elevation. Elevator housings are proposed to extend to approximately 90 feet above the flood plain elevation (Exhibit #5).

In general, the City of Long Beach certified LCP calls for a pattern of development in the Downtown Shoreline area that allows only shorter buildings (40 feet) in the area closest to the water (LCP Subarea 6), medium buildings (40-80 feet) on the Tidelands Parcel located inland of the first public road (LCP Subarea 5), and high-rise buildings (up to 600 feet) located farther inland along Ocean Boulevard (LCP Subarea 4). Because the existing development located inland of the Tidelands Parcel (LCP Subarea 5) is comprised primarily of high-rise type buildings that line Ocean Boulevard in downtown Long Beach, the 40 to 100-foot tall structures approved on the Tidelands Parcel would create a step pattern from downtown to the water, where 40-foot tall buildings have been approved. This pattern of development would protect more of the air space near the coast from high-rise development, and therefore, allow for bigger and better vistas across the Tidelands Parcel from the elevated viewpoints on Ocean Boulevard and the Promenade South.

Many of the existing buildings in the Downtown Shoreline area have heights equivalent to the structure proposed in this application. In fact, in LCP Subareas 3 and 6, the Commission has recently approved several buildings with heights of 50 to 100 feet. These recently constructed structures include the City-owned parking structure next to the aquarium (55 feet with 70 to 91-foot tall architectural extensions), the Long Beach Aquarium of the Pacific (62 feet), and the California State University Headquarters building (99.5 feet).

In addition, many existing and proposed structures on the south side of Ocean Boulevard far exceed the 70 to 100-foot tall structure proposed by this application. For example, in

1992, the Commission approved LCP Amendment No. 1-92 and Coastal Development Permit 5-91-845 for a 425-foot tall mixed-use structure on the northeast corner of Pine Avenue and Seaside Way, directly adjacent to the northeast corner of the currently proposed project. In 1989, the Commission certified LCP Amendment No. 1-89 allowing buildings up to 600 feet tall on the Pike property in LCP Subarea 4, across Seaside Way from the currently proposed project. Many existing buildings along Ocean Boulevard are 200 to 300 feet tall or taller. Therefore, the 70 to 100-foot tall structure proposed by this amendment is not out of character with the height of adjacent development, and will not be precedent setting in the City's coastal zone.

In prior Commission approvals for development near the project area, projects like the aquarium and the City-owned parking structure have complied with the certified LCP policies in order to protect public views to the water and to enhance the visual qualities of the Downtown Shoreline area of Long Beach. The certified LCP contains specific standards for each LCP subarea that limit building sites, masses and heights in order to protect the visual resources of the Downtown Shoreline area. The currently proposed project must comply with the policies of the certified LCP that carry out Section 30251 of the Coastal Act.

The certified LCP states that the parking structure proposed on this site has a height limit of 70 feet above the flood plain elevation (13.8' MLLW). The certified LCP, however, allows architectural features to exceed the 70-foot height limit "if they do not contain any usable interior space and do not significantly add to the mass of the structure or negatively affect public views".

The proposed 100-foot tower is an architectural feature designed to enhance the visual effect of the proposed structure and does not contain any usable interior space or significantly add to the mass of the structure. The proposed elevator housings also do not contain any usable interior space or significantly add to the mass of the structure. Therefore, the design of the proposed structure can be found to be consistent with the height limits of the certified LCP and the visual resource policies of the Coastal Act.

Therefore, the Commission finds that the proposed project is consistent with the character of the area, will not adversely affect the visual quality of the area, and is consistent with Section 30251 of the Coastal Act.

#### **E. Marine Resources**

Because of its location, the proposed project could affect sensitive habitat areas and water quality in the nearby coastal waters of Queensway Bay (Exhibit #2). The Coastal Act contains policies which address development in or near coastal waters by requiring the protection of biological productivity, public recreation and marine resources. The proposed project must conform to the following Chapter 3 policies of the Coastal Act.



Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project could negatively affect the marine habitat and water quality in the adjacent coastal waters. The protection of these habitat areas, as required by the Coastal Act, is necessary for the support of many species of marine life which inhabit the immediate area. In 1994, MBC Applied Environmental Sciences prepared a Marine Biological Baseline Study for Queensway Bay. The baseline study, which is included in the EIR for the Queensway Bay Master Plan, documents the existing biology of Shoreline Lagoon and the adjacent areas. According to the baseline study, the area contains low-density populations of topsmelt, diamond turbot, arrow goby, jack-knife clams, bay ghost shrimps, and other clam and fish species. Many bird species have been observed in the area, including the State and Federally listed endangered California brown pelican, California least tern, American peregrine falcon, and even a pair of osprey.

The proposed project involves the construction a seven-level parking structure. Although the proposed project is located near the waterfront, no work is proposed in the water. Special measures must be taken, however, in order to ensure that the construction of the proposed project, as well as the project itself, do not negatively impact marine resources. The impacts to marine resources include the introduction of polluted drainage and siltation into Queensway Bay.

The Coastal Act requires that mitigation measures be provided to ensure that the proposed project is the least environmentally damaging alternative. Sections 30230 of the Coastal Act requires special protection shall be given to marine resources. Section 30231 requires

that water quality be protected and enhanced in order to maintain the biological productivity of all coastal waters. Pursuant to these requirements of the Coastal Act, the permit is conditioned to require that special protection be provided to protect water quality and sensitive coastal resources during the construction of the proposed project and thereafter.

In order to minimize impacts on the marine environment caused by the proposed grading and construction, 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 project site, and prevents silt from the site from entering coastal waters during 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 from the commencement of construction until the entire project is completed. Only as conditioned is the proposed project is consistent with the marine resource policies of the Coastal Act.

The Coastal Act requirements to protect the biological productivity and quality of coastal waters do not end after the proposed project is constructed. The proposed development must also be maintained in a manner that sustains water quality and the adjacent marine habitat areas. To this end, runoff from the site should be filtered so that polluted runoff from the parking areas does not negatively impact water quality and the adjacent marine habitat areas. Runoff from parking areas usually contains grease, gasoline and oil residue, particles of brake linings and trash. These pollutants, if directed into coastal waters, will negatively impact marine habitats and recreational activities by lowering water quality.

In this case, runoff from the site will be directed to the City's storm drains. The City's storm drains drain directly into the Los Angeles River and Queensway Bay. The runoff from the storm drains is not treated and contributes to lower water quality in Queensway Bay. In order to filter out some of the pollutants which accumulate on the site, catch basins and drains designed to improve the quality of runoff which leaves the site should be installed in the proposed parking structure. The use of best management practices in constructing and maintaining the project and its drains will reduce the amount of pollutants which leave the site and enter coastal waters.

Therefore, in order to ensure that the biological productivity, marine resources, and recreational activities in the area are protected, and that the water remains suitable for marine habitats, a special condition of approval requires the applicant to develop and submit a drainage plan, for the review and approval of the Executive Director. The drainage plan for the proposed parking structure shall incorporate structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking structure site, b) control the velocity at which the runoff enters the storm water drain, and c) reduce the amount of pollutants contained in the runoff leaving the parking structure site prior to entering the storm drain system. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or

filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittee shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director. In addition, any lease or operating agreement that involves the proposed parking structure shall explicitly incorporate the provisions of the drainage plan approved by the Executive Director. Only as conditioned is the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

**F. Hazards**

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Special conditions 24 and 27 of Coastal Development Permit 5-98-156, which already apply to the proposed project, address the issue of hazards and foundation design. Special conditions 24 and 27 state:

**24. Assumption of Risk**

By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**27. Foundation Design**

Prior to the commencement of development, the applicants shall submit for review and approval by the Executive Director, final foundation plans for the proposed development (Buildings A,B,C,D,E,F,G,H,J,K,L,M,N,P and the parking structure) that have been reviewed and approved for structural soundness and safety by a qualified engineer. The submitted plans must be in substantial

conformance with the plans approved by the Commission. Any changes in the structure design approved by the Commission which may be required by the engineer shall be submitted to the Executive Director to determine whether an amendment to the permit is required. The proposed development shall be constructed in a manner consistent with the final approved plans.

As conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

**G. Local Coastal Program**

The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980. Because the project is located seaward of the former mean high tide line on state tidelands in an area of original jurisdiction retained by the Commission, the LCP is advisory in nature and may provide guidance. The standard of review for this project is the Chapter 3 policies of the Coastal Act.

In any case, the certified LCP provides guidance for development in the Downtown Shoreline area and specifically for the proposed project site. The site is identified in the certified LCP as the site of a parking structure to serve the public parking needs of the area. Therefore, the proposed parking structure is a permitted use on the site.

The certified LCP also limits the height of the proposed project. As approved in LCP Amendment 1-99, the proposed parking structure may be up to 70 feet tall (except for its architectural features). The height of the proposed structure, except for its architectural features, is below the 70-foot height limit (Exhibit #5). Therefore, the proposed project, as conditioned, is consistent with the development policies contained the certified LCP.

**H. State Lands**

The proposed project is located on State Tidelands which are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. State lands are generally restricted to public serving uses. The proposed project is a public serving use in the sense that it is visitor-serving. The State Lands Commission reviewed the project approved by Coastal Development Permit 5-98-156 for consistency with the City's tidelands grant as part of the EIR for the Queensway Bay Development Plan. The State Lands Commission has not commented on the specific development proposed by this application.

In order for the Commission to find that the proposed use of State Lands is consistent with the City's Tidelands Grant, the Commission requires that the City document that the proposed project is consistent with all tideland grant requirements imposed on the

City with respect to this portion of the Downtown Shoreline area. Special Condition 25 of Coastal Development Permit 5-98-156 (Appendix A) requires the City to provide written documentation, including specific citation of the relevant sections of the applicable State Tidelands Grant, showing that the proposed project in its entirety is consistent with the public trust and with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline area to the City of Long Beach. Only as conditioned does the Commission find that the proposed project is consistent with the requirements of the Coastal Act.

I. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, 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 project and amendment, 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 and permit amendment will not have significant environmental effects for which feasible mitigation measures 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

**Appendix A**

The following are the original special conditions of Coastal Development Permit 5-98-156 as approved by the Commission on February 3, 1999:

1. **Replacement Parkland**

Prior to issuance of the Coastal Development Permit, the City shall submit for the review and approval of the Executive Director, a resolution adopted by the City Council designating the Queen Mary Events Park as a permanent public park of not less than four-acres in area, and served by a minimum of ten parking spaces on the adjacent public roadway (See Exhibit #6 of this report). The resolution shall also state that any change in the designation of the four-acre Queen Mary Events Park as a permanent public park shall not be effective unless approved by the California Coastal Commission. The City shall be responsible for ensuring that the Queen Mary Events Park is maintained and operated as a public park available for use by the general public everyday from 5 a.m. to 10 p.m. (except during special events).

2. **Final Plans: Buildings K, N & P at Pine Avenue Crescent**

Prior to issuance of the Coastal Development Permit, the applicants shall submit for the review and approval of the Executive Director, final site plans, floor plans and elevations for the three restaurant buildings (Buildings K, N & P) proposed at Pine Avenue Crescent. The plans for the Buildings K, N & P shall not occupy more than 27,500 square feet of total area (including all building area, indoor and outdoor service areas, patios and loading areas), and shall conform to the site plan approved herein (Exhibit #7) except that no portion of the structures or patio areas shall encroach into the view corridors identified on Exhibit #9 of this staff report. No portion of the structures shall exceed 40 feet in height measured from the nearest curb. The final plans shall be in substantial conformance with the conceptual plans submitted with this application (See Exhibit #7 of this report). Any deviation from the conceptual plans shall be submitted to the Executive Director to determine if the proposed changes shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. **Future Uses and Improvements**

This approval is limited to the uses and development specifically described in the project description, approved plans and related findings contained in Coastal Development Permit 5-98-156. Any additional development, including, but not limited to: new construction; intensification of use; expansion of dining areas outside of the approved building and patio footprints; and the lease of dock, esplanade or park areas, will require an amendment to the permit or a new Coastal Development Permit.

4. **Public Viewing Deck**

The proposed 35,000 square foot public viewing deck on the second level of the building proposed to be built between the City-owned parking structure and Aquarium Way shall be constructed and opened to the public concurrent with the development that occurs within the

150 foot wide view corridor/open space area at the intersection of Shoreline Drive and Aquarium Way (See Exhibit #9 of this report). The public viewing deck shall be available for public use, including picnics, as public parks are. Park benches and tables for eating shall be provided for general public use on the viewing deck. Take-out and walk-up food services are encouraged behind the viewing deck, but restaurant table service is prohibited.

5. Public Open Space and Water Feature

The proposed landscaped public open space area with a water feature located at the northwest corner of Pine Avenue and Shoreline Drive shall be constructed and opened to the public concurrent with the permitted development that occurs in LCP Subarea 5 (See Exhibit #13 of this report). The landscaped and water area shall occupy at least 23,000 square feet, not counting the paved area of the Regional Bicycle Route, and shall be available for public use as public parks are. Pedestrian access to the public open space area shall be provided from the sidewalks on Shoreline Drive and Pine Avenue. Public park benches shall be provided, and restaurant table service shall not be permitted in this area.

6. Public Access

The City and its agents shall provide and maintain unobstructed public access to and along the waterfront at all times. Unrestricted means that the general public may pass and re-pass without having to pay an admission fee, present a ticket, accept conditions of passage, or request permission to pass. The waterfront, where unrestricted public access shall be protected, includes (but is not limited to): Shoreline Park, Rainbow Harbor Esplanade, the Terraces at the end of Pine Avenue, the entrance to Pine Avenue Pier, and Shoreline Wharf. Unrestricted pedestrian public access shall also be provided on the Promenade South which connects Ocean Boulevard to the Shoreline Wharf area. Public access along the waterfront shall remain open and unobstructed both during construction and subsequent to completion of the permitted development. In extreme circumstances, public access may be interrupted subject to those temporary safety limitations necessitated by unsafe conditions resulting from waves, extreme weather or required construction and maintenance activities.

7. Pedestrian Bridge over Shoreline Drive

The proposed pedestrian bridge over Shoreline Drive connecting Subareas 5 and 6 shall be constructed and opened to the general public concurrent with the development that occurs within the 150 foot wide view corridor/open space area at the intersection of Shoreline Drive and Aquarium Way. The bridge shall be at least 25 feet wide and be at the same elevation as the proposed 35,000 square foot public viewing deck to be provided between Aquarium Way and the City-owned parking structure in LCP Subarea 6 (See Exhibit #10 of this report). The bridge shall be designed to provide open views to Rainbow Harbor and the Queen Mary which open up as one crosses the bridge from the north to the south. All railings, signs and decorations on the bridge shall be limited to a maximum height of four feet measured from the pedestrian deck, except that a 100 foot high gateway sculptural element may be placed on the bridge, providing that its surface is not more than 15 percent solid or opaque. Seven large food icons not to exceed 70 feet are permitted within the gateway sculptural element provided that they do not extend south of the north curb of Shoreline Drive. Commercial uses, including restaurant table service, are not permitted on the bridge.

All heights shall be measured from the average elevation at the front top of the curblin, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

8. Streets and Sidewalks

The City and its agents shall provide and maintain unobstructed public pedestrian access to and along all streets, sidewalks, plazas and public open space areas constructed pursuant to the Commission's approval of Coastal Development Permit 5-98-156 for the life of the development approved herein. Unrestricted means that the general public may pass and repass without having to pay an admission fee, present a ticket, accept conditions of passage, or request permission to pass. Public access may only be interrupted for special events with a duration of 48 hours or less, or by special events permitted by a subsequent Coastal Development Permit. Public access may also be interrupted subject to those temporary safety limitations necessitated by unsafe conditions resulting from waves, extreme weather or required maintenance activities.

9. Regional Bicycle Route

The proposed project shall not interfere with the public's use of the regional bicycle path as it passes through the Downtown Shoreline area. In order to maintain the existing bicycle and pedestrian connection between the Los Angeles River bicycle path and the beach bicycle path east of the Downtown Marina, the City and its agents shall maintain unobstructed public pedestrian and bicycle access to and along the regional bicycle route where it passes through the project site. The regional bicycle path shall remain open and unobstructed both during construction and subsequent to completion of the permitted development. If construction of the permitted development necessitates a temporary detour of the bicycle route, the applicants shall submit a temporary detour plan, for the review and approval of the Executive Director. The temporary detour plan shall maintain a safe bicycle and pedestrian connection between the Los Angeles River bicycle path and the beach bicycle path east of the Downtown Marina. The City shall provide adequate signage to identify any temporary detour route approved by the Executive Director. A temporary detour route approved by the Executive Director shall be constructed and opened for public use prior to the closing of any portion of the existing regional bicycle route.

10. New Parking

The applicants shall construct and open for public use the following proposed parking facilities prior to or concurrent with the development that is approved by Coastal Development Permit 5-98-156: 1) the 1,550 space parking structure in LCP Subarea 5; 2) the on-street parking spaces on Pine Avenue, Seaside Way, and on the new street grid to be developed within LCP Subarea 5 (approximately 333 parking spaces); 3) the on-street parking spaces on Shoreline Drive approved by Coastal Development Permit 5-98-042 (189-245 parking spaces); and 4) the 100 space public parking lot proposed on the south side of Shoreline Drive in Shoreline Park (LCP Subarea 6). In addition, within ninety days of the establishment of the proposed parking spaces listed in this condition, the City shall submit final plans, for the review of the Executive Director, which show the exact number and location of all parking spaces (on-street, surface lot & structure) provided pursuant to this condition. The final plans shall be in



substantial conformance with the conceptual plans submitted with this application. Any deviation from the conceptual plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

11. Traffic and Parking Management Association

The applicants and all designated operators and managers of the parking facilities approved herein shall participate in the Traffic and Parking Management Association established pursuant to the City of Long Beach certified Local Coastal Program [see certified LCP Downtown Shoreline Planned Development Plan (PD-6): General Development and Use Standard (b)6]. The City shall include the parking resources approved by this permit in the total parking resources addressed by the Traffic and Parking Management Association.

12. Lease to Private Operators

The lease of any development or land area subject to Coastal Development Permit 5-98-156 shall explicitly incorporate provisions for public use, public access, employee parking, parking fees and management practices consistent with all conditions contained herein. All findings and conditions of approval adopted by the Commission pursuant to its approval of Coastal Development Permit 5-98-156 shall be attached as an exhibit to all leases of property, development or land area within the project.

13. Public Parking

All parking within LCP Subareas 5 and 6 shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the approved structure by any person or group other than the general public (handicapped spaces excluded). A portion of the public parking spaces in the parking structures and the surface parking lot located at the southwest corner of Shoreline Drive and Pine Avenue may set aside in order to provide the general public with valet or assisted parking on a first-come, first-served basis. Fees for any valet or assisted parking shall be the same as for self-parking.

14. Valet Parking

In order to increase the capacity of parking facilities and provide service to the public, valet or assisted parking services may be provided within parking structures in LCP Subareas 5 and 6 and in the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue, provided that: (i) such valet or assisted parking is available to the general public on a first-come, first-served basis, (ii) the cost of valet or assisted parking shall be equal or less than the cost of self-parking in the facilities, (iii) valet or assisted parking services in the surface lot located at the southwest corner of Shoreline Drive and Pine Avenue may be provided only after 6 p.m. on weekdays and all day Saturdays and Sundays; and (iv) at any given day and time, no more parking spaces shall be set aside for valet or assisted parking than experience demonstrates will be required to meet public demand. The use of on-street parking spaces for valet parking is prohibited.

The use of valet or assisted parking services shall be subject to Commission review and endorsement. Three years subsequent to the date of issuance of the first certificate of occupancy within the permitted development, should valet or assisted parking services be utilized in either LCP Subarea 5 or 6, the applicants shall submit an amendment request to the Commission for the continued use of valet or assisted parking services. As part of the amendment request, the applicants shall provide the following information for both subareas: number of parking spaces used for self-parking as compared to number of parking spaces used for valet/assisted parking (including time and day of use); number of additional parking spaces "created" by the utilization of valet/assisted parking as compared to the base number of (striped) parking spaces established. All information shall be documented on a monthly basis. Failure to comply with this provision will result in the termination of the authorization to utilize valet or assisted parking services in LCP Subareas 5 and 6.

15. Parking Fees and Validations

Any change in the approved parking rates or parking validation system described in the application and approval of Coastal Development Permit 5-98-156 may require a coastal development permit amendment. The applicants shall submit any proposed change in the parking fees or change in the parking validation system to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

16. Employee Parking Program

Prior to issuance of the Coastal Development Permit, the applicants shall submit an employee parking program, subject to the review and approval of the Commission in a permit compliance or permit amendment hearing, which meets the following criteria:

- a) The plan identifies employee parking reservoir(s) of at least 375 spaces that will be available to all employees of the commercial development permitted by Coastal Development Permit 5-98-156 while they are working; and,
- b) None of the 375 employee parking spaces shall be located in the public parking areas located in LCP Subareas 5 and 6; and,
- c) None of the 375 parking spaces are more than 2,000 feet from the project site unless: (i) they are located within 200 feet of an existing free public transit (Passport) stop, and (ii) the schedules and frequency of the shuttles and choice of routes will not significantly increase commute times such that employees will have an incentive to park in public lots to avoid being late for work; and,
- d) The plan insures that the employee parking is provided to employees at a cost that does not exceed the cost of parking in nearby public parking lots (such as the metered on-street spaces and parking within the Marina Green and Shoreline Park parking areas), and,
- e) The plan identifies the signs, notices and other measures that will inform all employees of the commercial developments approved herein of the employee parking program.

The applicants shall implement the employee parking program as approved by the Commission.

17. Height Limits - LCP Subarea 6

All buildings, signs, structures, poles and/or building extensions in LCP Subarea 6 that exceed 40 feet in elevation are prohibited unless specifically permitted by this condition or another Commission approval. In LCP Subarea 6, no portion of the proposed development shall exceed 40 feet in height, except for the following:

- a) The south end of the faux roller coaster (100 feet maximum with a surface that is less than 15 percent solid or opaque);
- b) Sails, sail columns and flag poles on Building F (sails and sail columns 60 feet maximum, flag poles 75 feet maximum);
- c) Ferris wheel (130 feet maximum);
- d) The letters of "RAINBOW HARBOR" sign (50 feet maximum);
- e) Flag poles on Buildings G,H&J (77 feet maximum), and,
- f) Three vertical blade architectural elements on Buildings G & J, provided they do not exceed 60 feet in height, 8 feet in width and 5 feet in thickness, provided that no signage occurs above 40 feet in height, and provided that they do not project into any protected view corridor shown on LCP Attachment A (Exhibit #9).

All heights shall be measured from the average elevation at the front top of the curblin, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

18. Height Limits - LCP Subarea 5

All buildings, signs, structures, poles and/or building extensions in LCP Subarea 5 that exceed 40 feet in elevation are prohibited, unless specifically permitted by this condition or another Commission approval. In LCP Subarea 5, no portion of the proposed development shall exceed 40 feet in height, except for the following:

- a) The north end of the faux roller coaster (100 foot maximum with a surface that is less than 15 percent solid or opaque) and two lantern features abutting the north end of the faux roller coaster (63 & 78 feet maximum);
- b) On Building A (40 feet): the roof of the large-format cinema (80 feet maximum), one 500 square foot parapet extension (47 feet maximum), the letters of "LONG BEACH" sign (50 feet maximum), and clock tower (60 feet);
- c) On Building B (40 feet): one 500 square foot building extension (43 feet maximum);

- d) On Building C (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (43 feet maximum), one barrel element extension (60 feet maximum), and two 500 square foot towers (60 & 93 feet maximum);
- e) On Building D (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (78 feet maximum) with one blade (100 feet maximum) for theatre identification sign, and 2,000 square foot tower (52 feet maximum);
- f) Parking structure (70 feet maximum);
- g) In the town square: one vertical monument with a footprint not to exceed 500 square feet (152 feet maximum); and,
- h) Flag poles (77 feet maximum).
- i) Up to seven three-dimensional food icons (70 feet maximum) within the confines of the faux roller coaster, provided that such icons do not advertise a particular store, product or service, and provided that they do not extend south of the north curb of Shoreline Drive.

All heights shall be measured from the average elevation at the front top of the curblines, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

19. View Corridors

No structures over 42 inches in height, other than required safety features, structures required to meet ADA access standards where there is no alternative location for such structures outside of the view corridors, mobile vending carts, lighting features and low-scale official directional signs, shall be placed in the view corridors identified on Exhibit #9 of this staff report. In addition, no restaurant dining areas shall be placed in the view corridors identified on Exhibit #9 of this staff report.

An arch which contains the lettering "PIER, PINE AVENUE" shall be permitted at the entrance to the Pine Avenue Pier, provided that the bottom edge of the arch is at least twelve feet above the pier so as to not intrude into the protected pedestrian view corridor along the pier to the water.

Prior to issuance of the Coastal Development Permit, the applicants shall submit revised plans that comply with the view corridor protections of this condition. The revised plans shall be subject to the review and approval of the Executive Director, and shall include the following revisions: a) removal of all items (other than the PINE AVENUE PIER arch) that exceed 42 inches in height from the Pine Avenue Pier view corridor; and b) removal of the restaurant dining patios attached to Buildings J and K that encroach into the Terraces view corridor identified on Exhibit #9 of this staff report and located at the terminus of Pine Avenue. The development shall conform to the revised plans approved by the Executive Director.

20. Signage

All roof signs, freestanding signs, three-dimensional icons, and signs above 40 feet in elevation are prohibited, unless specifically permitted by this permit or another Commission approval. Exceptions: i) Signs attached to the wall of an approved structure that exceeds 40 feet in elevation, and ii) up to seven three-dimensional food icons within the confines of the faux roller coaster, provided that such icons do not exceed 70 feet in height above the flood plain elevation, do not advertise a particular store, product or service, and do not extend south of the north curb of Shoreline Drive. The applicants shall submit a comprehensive sign program, subject to the review and approval of the Commission, for all proposed signs that are not attached to the wall of an approved structure, or specifically approved by this action.

21. Final Plans: Parking Structure

Prior to issuance of the Coastal Development Permit, the applicants shall submit project plans, for the review and approval of the Executive Director, for the parking structure proposed in LCP Subarea 5 on the north side of Shoreline Drive between Cedar Avenue and Chestnut Avenue. The plans for the proposed parking structure shall include features designed to lessen the visual impact of the parking structure, including attractively designed facades, treatments that break up the unrelieved plane of the structure's surface, and special architectural and landscaping features. In addition, the applicants shall submit a drainage plan for the proposed parking structure that incorporates best management practices (BMP's) that will reduce the volume of runoff and amount of pollutants which leave the parking structure site and enter the storm drain system. The drainage plan shall incorporate the following: catch basins to collect trash, trash racks or bars to filter runoff, grease and oil separators, and provisions for periodic cleaning of the paved parking surfaces and catch basins. The drainage plan may include other measures as well. The applicants shall implement the approved drainage plan on an ongoing and permanent basis. The parking structure shall be constructed and maintained in a manner consistent with the plans approved by the Executive Director.

22. Conformance with the Requirements of the Resource Agencies

The applicants shall comply with all permit requirements and mitigation measures of the State Water Resources Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies 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.

23. Drainage Plans for Parking Lot

Prior to issuance of the Coastal Development Permit, the applicants shall submit a drainage plan, for the review and approval of the Executive Director, for the proposed parking lot in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue. The drainage plan shall incorporate best management practices (BMP's) that will reduce the volume of runoff and amount of pollutants which leave the parking lot and enter the storm drain system. The drainage plan shall incorporate the following: catch basins to collect trash, trash racks or bars

to filter runoff, grease and oil separators, and provisions for periodic cleaning of the paved parking surfaces and catch basins. The drainage plan may include other measures as well. The applicants shall implement the approved drainage plan on an ongoing and permanent basis consistent with the drainage plan approved by the Executive Director.

24. Assumption of Risk

By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

25. Consistency with State Tidelands Grant

Prior to issuance of the Coastal Development Permit, the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed project in its entirety is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

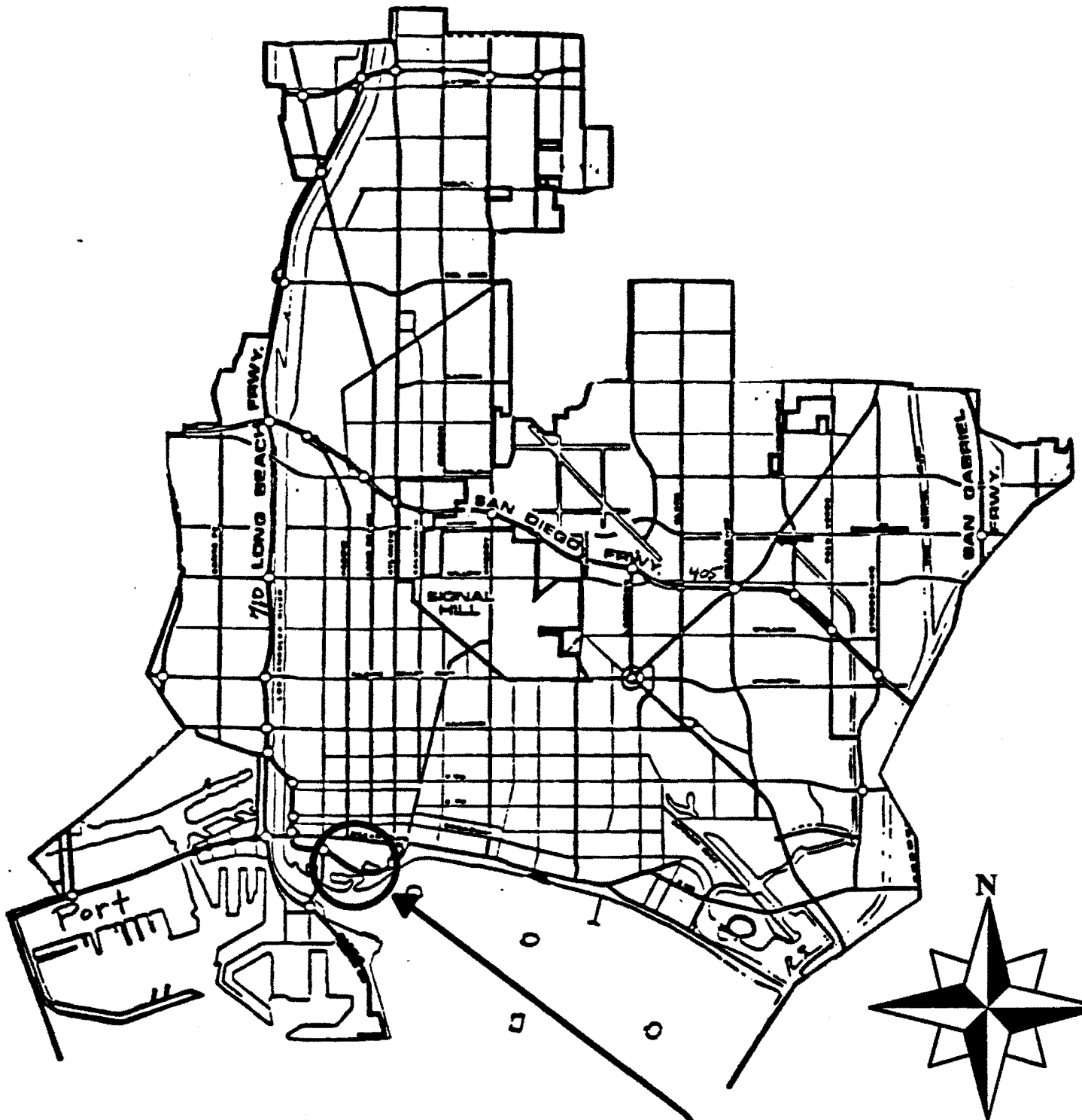
26. City Acceptance of Conditions

Prior to the issuance of the Coastal Development Permit, the City Council shall adopt and submit a resolution, subject to the review and approval of the Executive Director, agreeing to abide by all terms and conditions of Coastal Development Permit 5-98-156. The City and its agents shall abide by all terms and conditions of Coastal Development Permit 5-98-156.

27. Foundation Design

Prior to the commencement of development, the applicants shall submit for review and approval by the Executive Director, final foundation plans for the proposed development (Buildings A,B,C,D,E,F,G,H,J,K,L,M,N,P and the parking structure) that have been reviewed and approved for structural soundness and safety by a qualified engineer. The submitted plans must be in substantial conformance with the plans approved by the Commission. Any changes in the structure design approved by the Commission which may be required by the engineer shall be submitted to the Executive Director to determine whether an amendment to the permit is required. The proposed development shall be constructed in a manner consistent with the final approved plans.

# City of Long Beach



Site

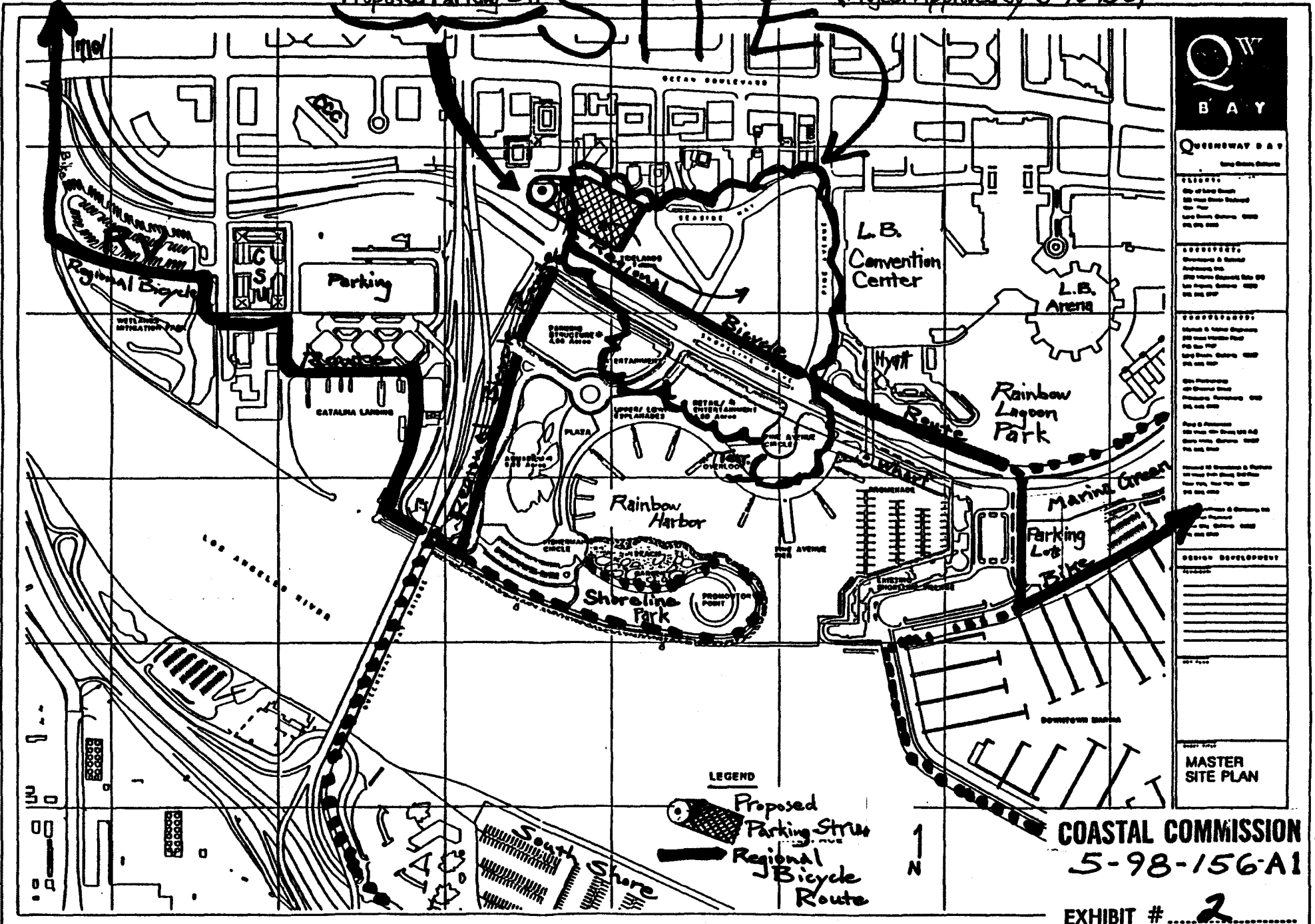
COASTAL COMMISSION

5-98-156-A1



EXHIBIT # 1

PAGE 1 OF 1

Proposed Parking Str. **SITE** (Project Approved by 5-98-156)



<b>Q BAY</b>	
<b>QUEENSWAY BAY</b>	
<small>Long Beach, California</small>	
<b>CLIENT:</b>	City of Long Beach 200 West Ocean Boulevard Long Beach, California 90802 Tel: 562-595-2000
<b>ARCHITECT:</b>	Architecture & Planning Architects, Inc. 200 West Ocean Boulevard, Suite 200 Long Beach, California 90802 Tel: 562-595-2000
<b>ENGINEER:</b>	Michael A. Keller Engineers 200 West Ocean Boulevard Long Beach, California 90802 Tel: 562-595-2000
<b>ENVIRONMENTAL:</b>	City Environmental 200 West Ocean Boulevard Long Beach, California 90802 Tel: 562-595-2000
<b>PLANNING &amp; DESIGN:</b>	City Planning 200 West Ocean Boulevard Long Beach, California 90802 Tel: 562-595-2000
<b>DESIGN DEVELOPMENT:</b>	Architect
<b>MASTER SITE PLAN</b>	

**LEGEND**  
 Proposed Parking Str.  
 Regional Bicycle Route

**COASTAL COMMISSION**  
 5-98-156-A1

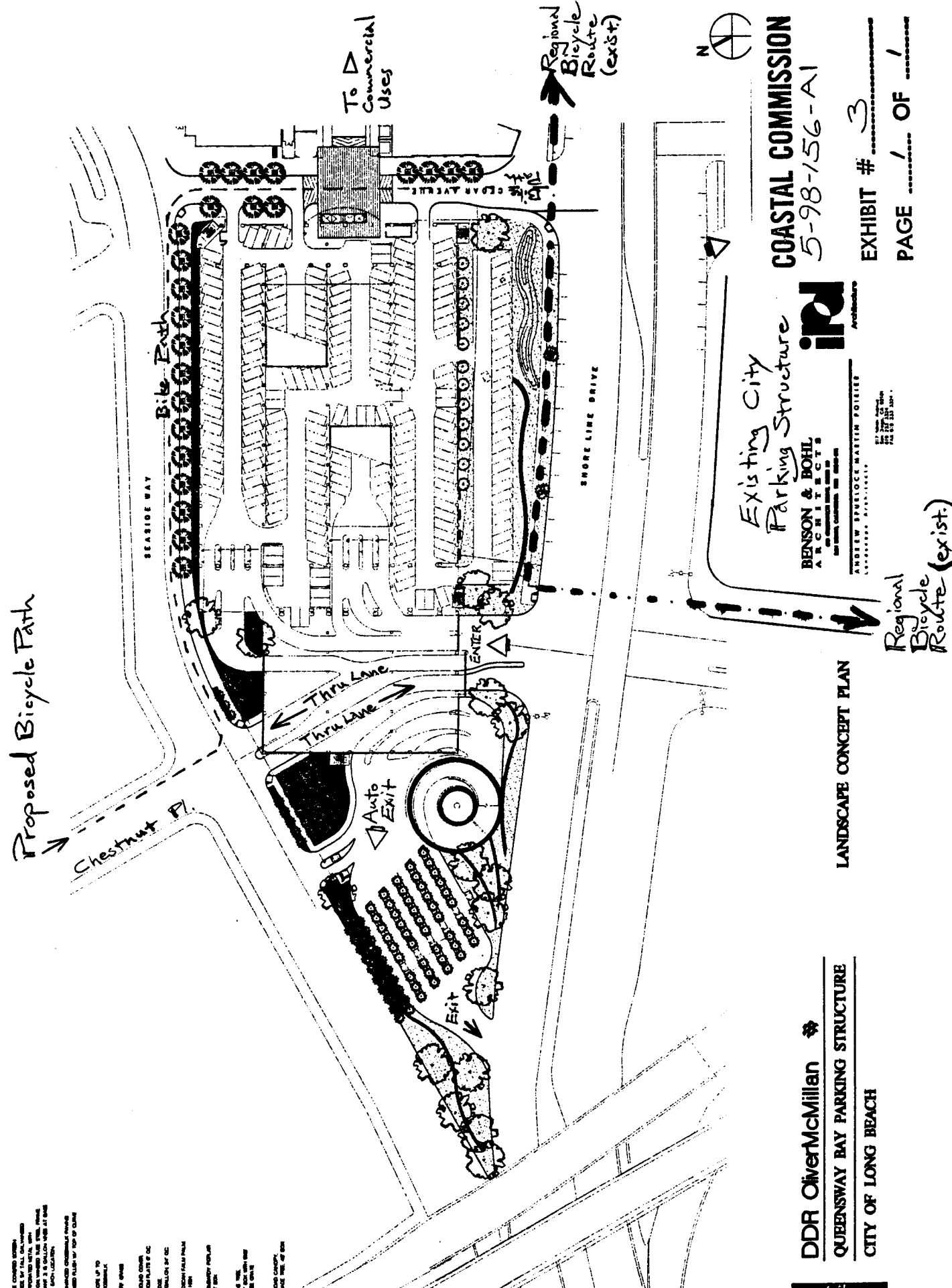
EXHIBIT # 2  
 PAGE 1 / 1

**Downtown Shoreline Area**



**LEGEND**

- 1. 1/4" COVERED WOODEN DECKING
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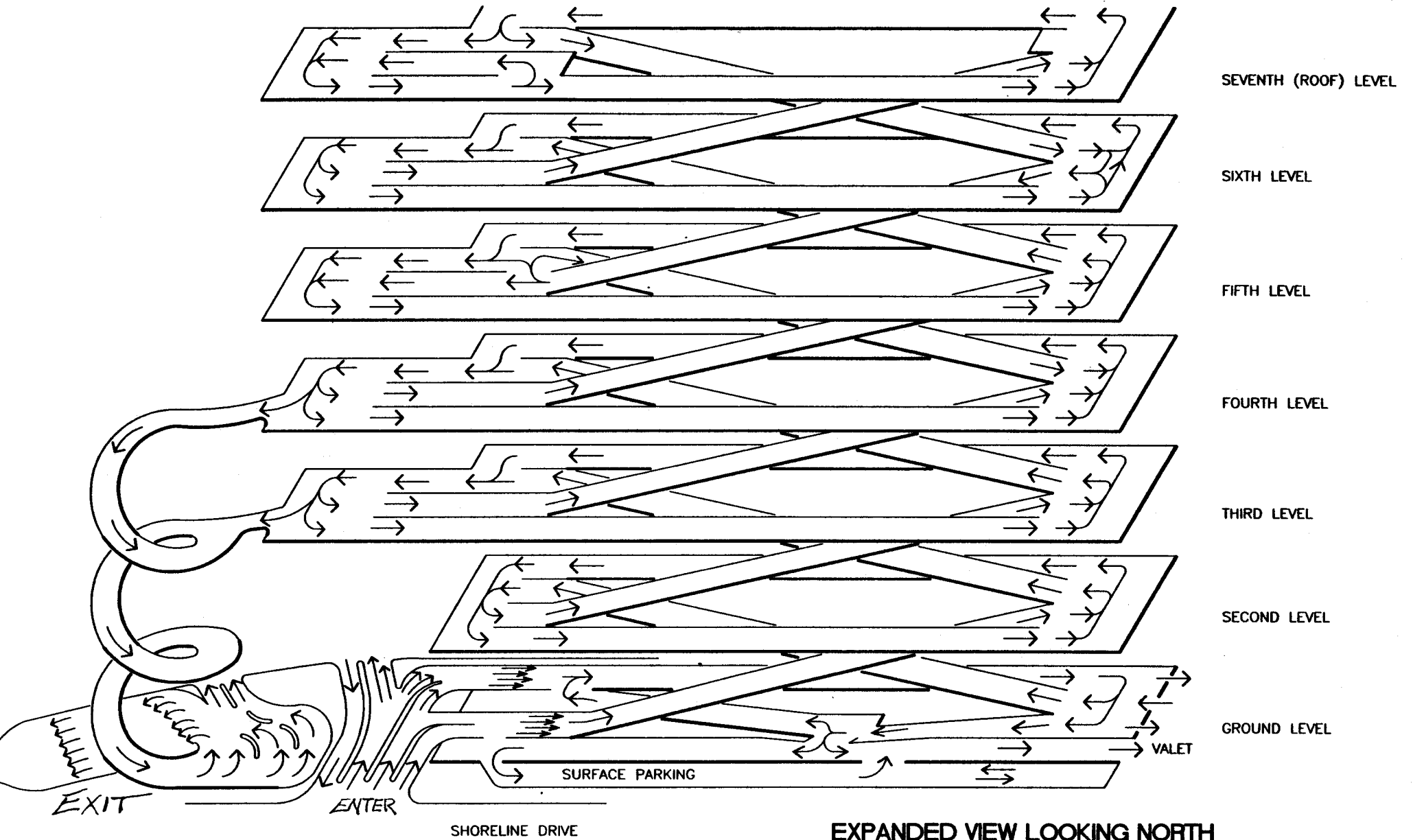
DDR OliverMcMillan  
 QUEENSWAY BAY PARKING STRUCTURE  
 CITY OF LONG BEACH

Existing City  
 Parking Structure  
 Benson & Bohil  
 ARCHITECTS  
 ANDREW SPRECKLE MARTIN POTTER  
 ARCHITECTS

COASTAL COMMISSION  
 5-98-156-A1

EXHIBIT # 3  
 PAGE 1 OF 1

Regional  
 Bicycle  
 Route (exist.)



EXPANDED VIEW LOOKING NORTH



**DDR OliverMcMillan**  
**QUEENSWAY BAY PARKING STRUCTURE**  
 CITY OF LONG BEACH

**BENSON & BOHL**  
 ARCHITECTS  
 400 WEST 10TH STREET, SUITE 200  
 ANAHEIM, CALIFORNIA 92801  
 ANDREW SPINLODE MARTIN POWERS  
 LICENSED ARCHITECTS

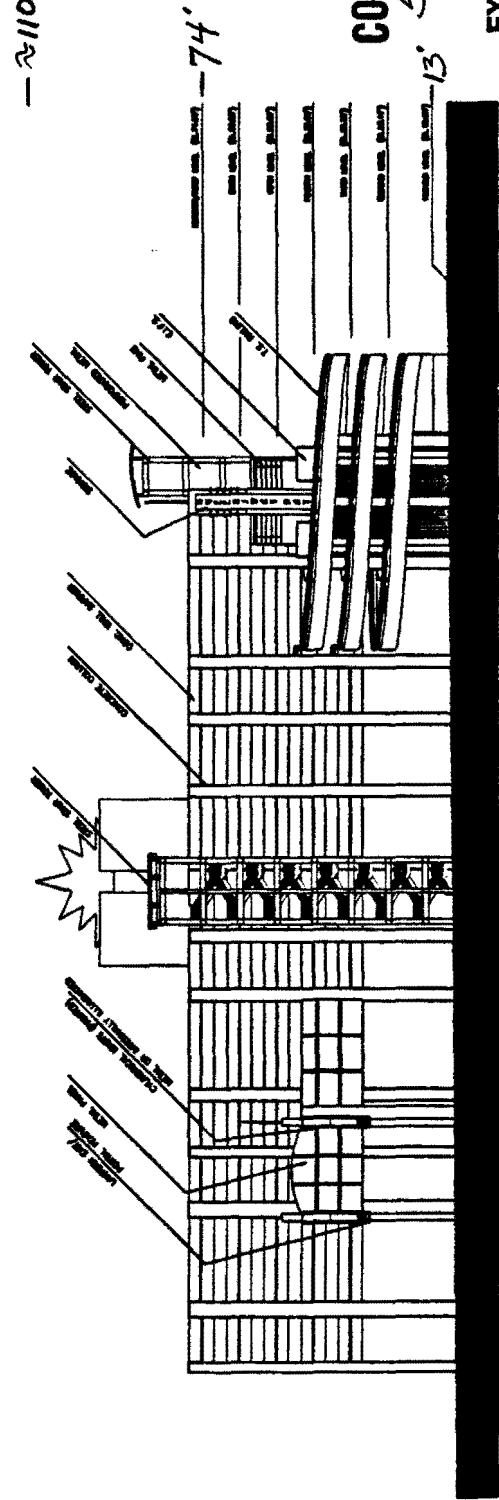
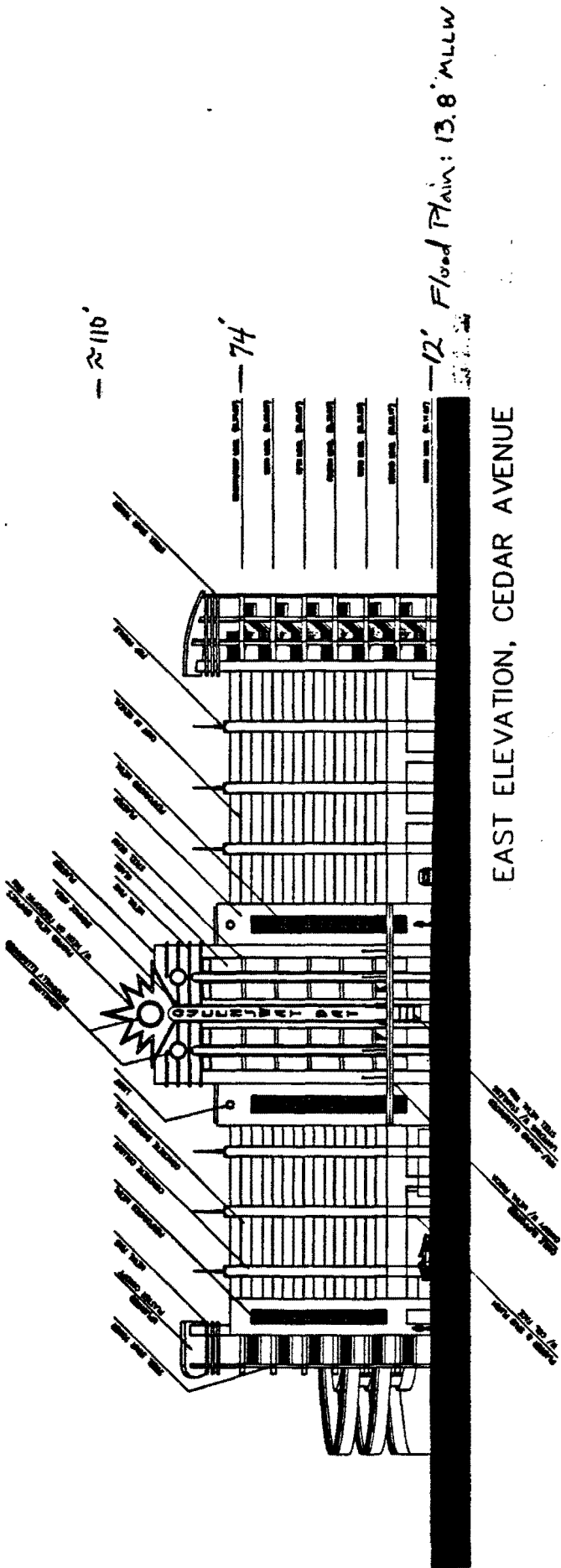


**COASTAL COMMISSION**

5-98-156-A1

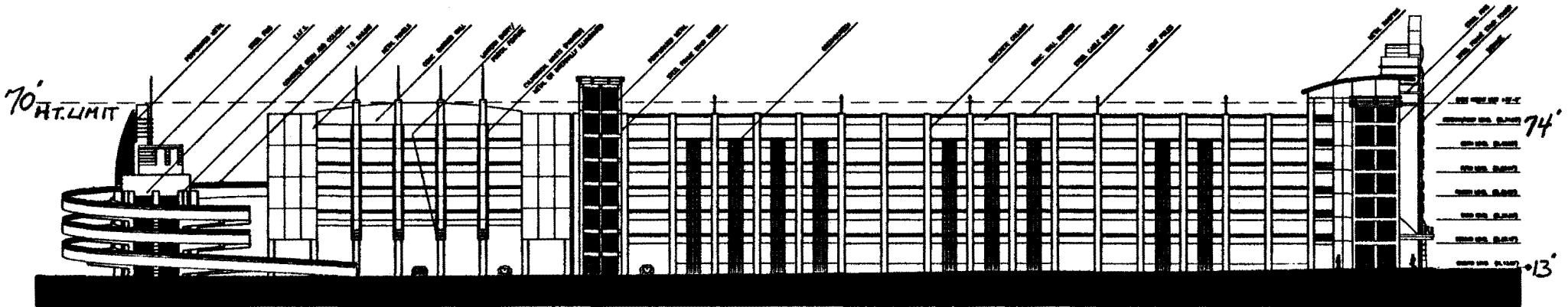
EXHIBIT # 4

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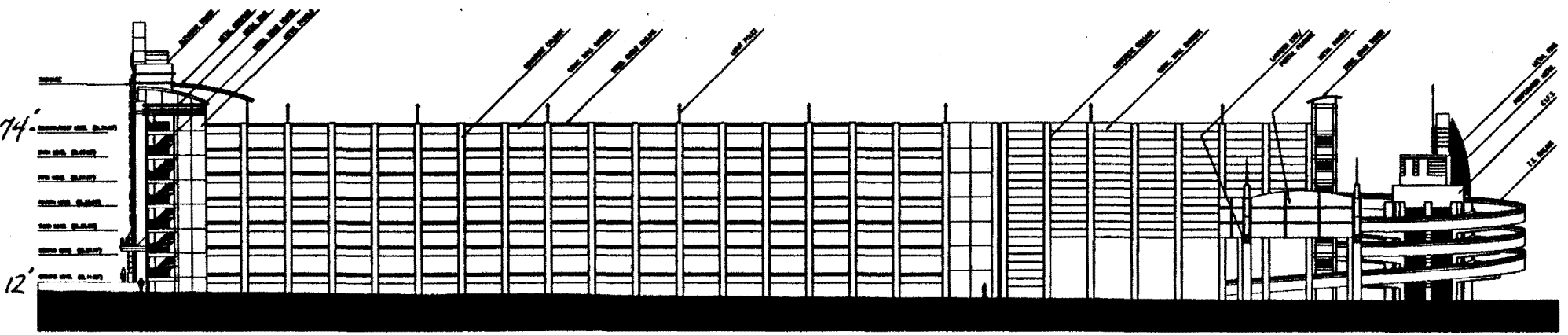
COASTAL COMMISSION  
5-98-156-A1

EXHIBIT # 5  
PAGE 1 OF 2



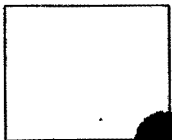
↑ Chestnut Pl. A  
ENTER

SOUTH ELEVATION, SHORELINE DRIVE



NORTH ELEVATION, SEASIDE WAY  
COASTAL COMMISSION

5-98-156-A1

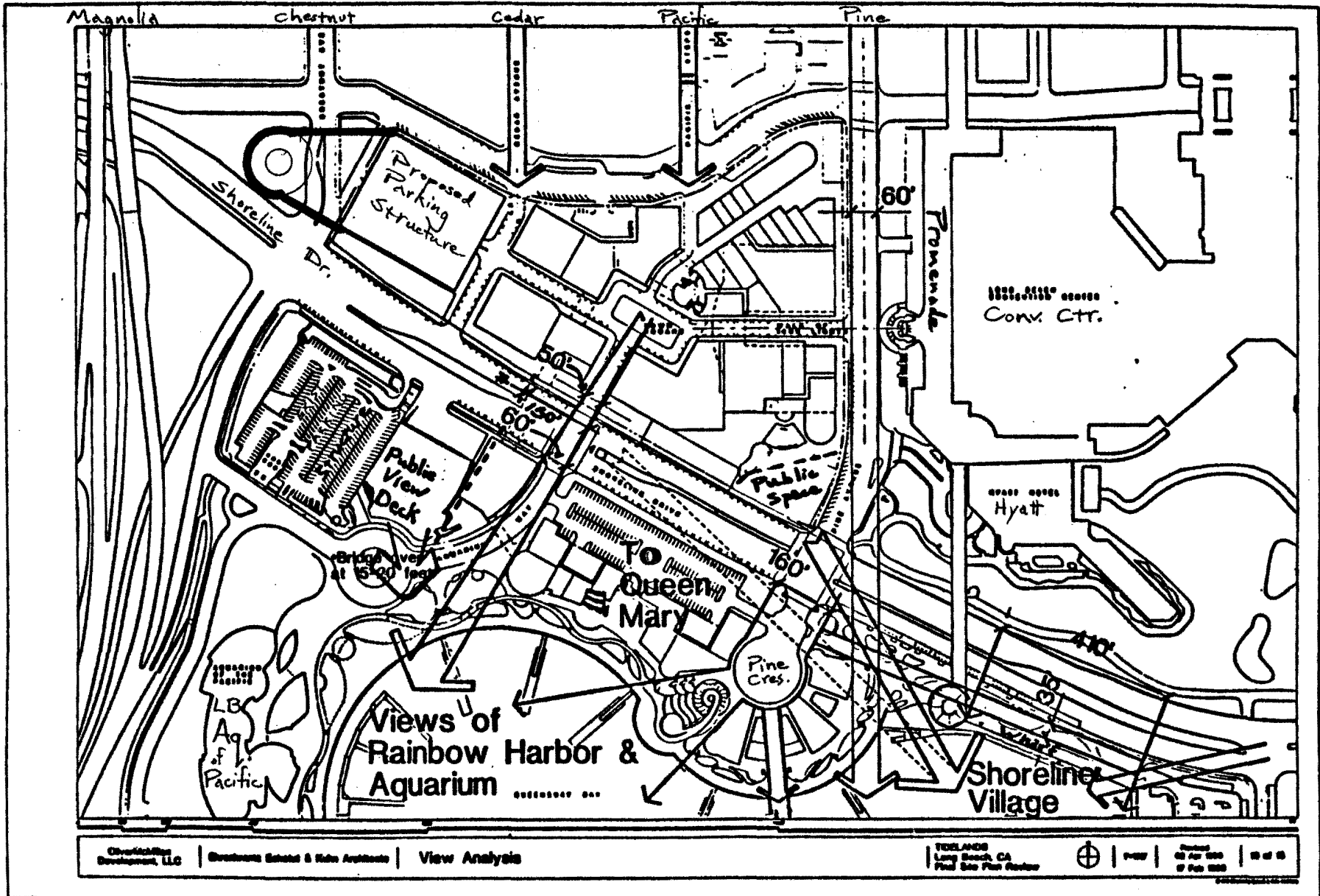


DDR OliverMcMillan ✪  
QUEENSWAY BAY PARKING STRUCTURE  
CITY OF LONG BEACH

BENSON & BOHL  
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400 WEST 10TH STREET  
LOS ANGELES, CALIF. 90015  
ANDREW SPURLOCK MARTIN POIRIER  
ASSOCIATE ARCHITECTS  
BBP



EXHIBIT # 5  
PAGE 2 2



# PDG Attachment "A" View Corridors

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

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EXHIBIT # 6  
PAGE 1 OF 1

