

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NUMBER: 5-98-156-A2

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

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

PROJECT LOCATION: 147 Queen's Way (parking lot) and Downtown Shoreline LCP Subarea 5 (parking management), City of Long Beach.

LOCAL APPROVALS: City of Long Beach Site Plan Review Case No. 9909-22, 10/1/99.
 City Council Resolution No. C-27612, 11/9/99.

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 FIRST AMENDMENT APPROVED ON NOVEMBER 2, 1999:

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.

DESCRIPTION OF CURRENT AMENDMENT REQUEST:

Part A: Construct a 375-stall surface parking lot for employees in LCP Subarea 3.

Part B: Increase the previously approved parking structure rates from \$2/hour to \$3/hour, and modify the customer parking validation program (See page 14).

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the amendment for the proposed employee parking lot with special conditions that require devices to improve water quality, and approve the proposed parking rates and validation program with no change to the existing special conditions that protect coastal access. The special conditions of this amendment are in addition to the 31 existing special conditions of Coastal Development Permit 5-98-156. The applicants agree with the recommendation. See Page 3 for motion.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-98-156 & amendment (Queensway Bay).
3. Coastal Development Permit 5-94-010 & amendments (Shoreline Village Parking).
4. Coastal Development Permit 5-95-275 (Long Beach Parks Dept. Maintenance Yard).
5. Coastal Development Permit 5-96-268 (Long Beach Aquarium Parking Structure).
6. Coastal Development Permit 5-98-042 (Marina Green/Shoreline Dr. Parking Meters).
7. Coastal Development Permit 5-98-154 & amendment (Aquarium Way Parking Lot).

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. [14 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 to **APPROVE** the permit amendment request with special conditions:

MOTION

"I move that the Commission approve Coastal Development Permit Amendment 5-98-156-A2 pursuant to the staff recommendation."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. RESOLUTION: 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 31 original special conditions of Coastal Development Permit 5-98-156 and amendment (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 and amendment as approved by the Commission on February 3, 1999 and November 2, 1999:

32. Parking Lot Landscaping Plan

The applicants shall maintain and protect the mature trees as indicated on the proposed project plans, and provide and maintain the landscaping as indicated on the proposed project plans. The proposed project plans are attached as page two of Exhibit #4 of this staff report dated November 18, 1999.

33. Erosion and Siltation Control

Prior to the issuance of the coastal development permit amendment, 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 parking lot construction site and prevent silt from the construction site from entering the storm drain during construction of the proposed parking lot. 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.

34. Parking Lot Drainage Plan

Prior to issuance of the coastal development permit amendment, the applicants shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed parking lot that incorporates structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking lot 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 lot site prior to entering the storm drain system. The drainage plan shall meet the standard of containing on the parking lot site 0.75 inches of precipitation within a 24-hour period. 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 at least once a year between September 15 and October 15, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittees 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 lot shall explicitly incorporate the provisions of the drainage plan approved by the Executive Director.

35. Consistency with State Tidelands Grant

Prior to issuance of the coastal development permit amendment, 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 employee parking lot 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.

III. Findings and Declarations for Part A of the Amendment Request

(Note: The findings for Part B of the amendment request begin on page 14.)

The Commission hereby finds and declares:

A. Amendment Description –Employee Parking Lot (Part A)

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 "Queensway Bay" 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. Special condition 16 of Coastal Development Permit 5-98-156 requires the applicants to develop an employee parking program that includes a parking reservoir with at least 375 parking spaces to serve the employees of the approved commercial development (See Appendix A).

As part of the required employee parking program, the applicants propose to amend Coastal Development Permit 5-98-156 to include into the project the construction of a new 375-stall surface parking lot for employees of the approved project. The proposed employee parking lot would be constructed on a vacant three acre lot situated between Shoreline Drive and the existing three-level Catalina Landing parking structure in LCP Subarea 3 of the Downtown Shoreline area (Exhibit #2). The Catalina Landing¹ waterfront is located approximately five hundred feet south of the proposed parking lot.

The project site is an unpaved dirt lot that has recently been used for equipment storage and as a construction staging area for several construction projects. The proposed project includes the demolition of an existing maintenance building, removal of several mature trees, paving of the lot, landscaping, replacement of the six-foot high chain-link perimeter fence, and installation of security lights and controlled entry gates (Exhibit #4). The applicants propose to save 63 existing trees and to plant 32 new trees for total of 95 trees. Approximately 18 mature trees will be removed from the site. The City's Department of Parks and Recreation maintenance yard (Coastal Development Permit 5-95-275) located on the northern edge of the project site (south side of Shoreline Drive) will remain in its current location (Exhibit #4).

The proposed parking lot would provide 375 reserved parking spaces for employees of the Queensway Bay commercial project approved by Coastal Development Permit 5-98-156. The proposed parking lot will not be accessible to the general public. Employers will issue

¹ Catalina Landing, constructed in 1982 under Coastal Development Permit 5-81-379 (Catalina Landing), is a small harbor surrounded by a public esplanade and four five-story office buildings.

tokens or pass cards to allow employee access into and out of the proposed parking lot. The applicants will submit the entire employee parking program for Commission review and approval at a later date in order to comply with special condition 16 of Coastal Development Permit 5-98-156.

B. Land Use

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.

Although the Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Long Beach certified LCP has historically provided guidance for the implementation of Coastal Act policies. The certified LCP and the Queensway Bay Development Plan provide specific guidance for the development of LCP Subarea 3 where the proposed parking lot is located (Exhibit #3).

Subarea 3 is the Catalina Landing subarea. Catalina Landing is a small harbor surrounded by a public esplanade, four office buildings, and a 1,440 space parking structure (Exhibit #2). The proposed parking lot is located inland of the Catalina Landing parking structure on the northern most portion of LCP Subarea 3. The project site, which is currently used for storage of equipment and construction materials, is landlocked and not located next to the shoreline.

The certified Long Beach LCP contains a Downtown Shoreline Policy Plan that lists the permitted uses for each subarea. The permitted uses for the Catalina Landing subarea are: Catalina Cruise Terminal, office buildings, parking, Tidelands Trust uses, and water-oriented recreational facilities. The certified LCP lists parking as a permitted use in LCP Subarea 3. Therefore, the proposed parking lot is a permitted use.

As stated above, the proposed project is located on State Tidelands which are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. Although the State Lands Commission reviewed the project originally approved by Coastal Development Permit 5-98-156 for consistency with the City's tidelands grant, 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. A condition of this amendment

requires the City to provide written documentation, including specific citation of the relevant sections of the applicable State Tidelands Grant, showing that the proposed employee parking lot 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.

C. Public Access and Recreation

One of the basic goals of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act contains several policies which encourage and protect public access and recreation along the coast. The proposed project must conform to the following Coastal Act policies:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act 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.

Section 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

When the Commission originally certified the Queensway Bay Development Plan as part of the City's certified LCP in 1995, it found that the Queensway Bay Plan would provide a balanced mix of free public recreational uses and visitor-serving commercial uses. Recreational boating opportunities would be provided within the newly constructed Rainbow Harbor, by the 1,694 slip Downtown Marina, and by a new launch ramp to be built on the South Shore. The newly reconstructed Shoreline Park and Rainbow Harbor Esplanade would provide not less than 23 acres of waterfront parkland (including roads and parking areas). The Long Beach Aquarium of the Pacific would provide a recreational/educational attraction within the 23 acre Shoreline Park. Finally, the visitor-serving commercial uses would be provided at Shoreline Village and by the 508,550 square foot commercial retail and entertainment complex that was recently approved by Coastal Development Permit 5-98-156 (City of Long Beach & DDR OliverMcMillan).

When the Commission approved Coastal Development Permit 5-98-156 for 508,550 square feet of commercial retail and entertainment uses, it found that the development would have both negative and positive effects on the public's ability to access the shoreline. In order to mitigate the project's negative impacts to coastal access, the Commission attached a number of special conditions to the permit. One of the identified impacts for which a special condition was imposed was the impact that employees would have on the public parking supply in the shoreline area. In order to mitigate the impact of employee parking demands, special condition 16 of Coastal Development Permit 5-98-156 requires the applicants to develop an employee parking program that includes an employee parking reservoir with at least 375 parking spaces to serve the employees of the approved commercial development. Special condition 16 states:

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.

This amendment request does not include the applicants' required employee parking program, and therefore does not constitute a permit compliance action by the Commission. The amendment does propose the construction of the required 375-space employee parking reservoir that is required by part a) of special condition 16 stated above. The location of the proposed employee parking lot in LCP Subarea 3 is consistent with the siting parameters of special condition 16. The proposed provision of 375 parking spaces will also provide an adequate employee parking supply for the Queensway Bay commercial development in order to mitigate the previously identified impacts to coastal access. No existing parking facilities will be displaced by the proposed project.

The construction of the proposed parking lot on the inland portion of LCP Subarea 3 will not negatively impact the public's ability to access the coast. Pedestrian and bicycle access along the shoreline in LCP Subarea 3 is currently provided by the Catalina Landing Esplanade which is located about five hundred feet south of the project site (Exhibit #2). Therefore, lateral access along the shoreline will not be affected by the proposed project. Pedestrian access across the project site will not be affected because there currently exists no paths, sidewalks or trails through the fenced-off vacant site. An existing six-foot wide (east-west) sidewalk that comprises the southern edge of the project site will be maintained in its current location (Exhibit #4).

Pedestrian and bicycle access through the site from inland areas is not feasible due to the fact that Shoreline Drive and its 15-foot high retaining wall along the northern edge of the site effectively bar any north-south access across the site (Exhibit #4). The existing public sidewalks located on both the east and west sides of LCP Subarea will continue to provide direct pedestrian access to the shoreline from inland areas. Finally, the proposed project will have no affect on the regional bicycle route that connects inland Los Angeles County areas to the beach bike path (Exhibit #2).

Therefore, the Commission finds that the proposed parking lot and Part A of the permit amendment will not result in any negative impacts to public access and existing recreational uses as required by the Chapter 3 policies of the Coastal Act.

D. 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). Queensway Bay is an estuary where the Los Angeles River meets the Pacific Ocean. The Coastal Act contains policies that require development in or near coastal waters to protect 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 Osprey (*Pandion haliaetus*), a fish-eating bird of prey.

The proposed project involves the construction a surface parking lot on a vacant dirt lot located about five hundred feet from 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, and the proposed use of the site, 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. Section 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 amendment is conditioned to require that special protection be provided to protect water quality and sensitive coastal resources from negative impacts caused by runoff from paved parking lot into the storm drains which drain into the waters of Queensway Bay.

In order to minimize impacts on the marine environment caused by the proposed project, the permit amendment is conditioned to require the applicants to develop and submit for approval of the Executive Director a drainage plan which incorporates best management practices (BMP's) for parking lots that will reduce the volume of runoff and amount of pollutants which leave the site and enter the storm drain system.

One BMP recommended for the design and construction of surface parking lots near water bodies is the provision of landscaped buffer areas between the paved surfaces and the water. The landscaped buffers serve as natural filters of runoff and reduce the amount of runoff and pollutants that enter the adjacent water body. The proposed project provides landscaped areas on all four side of the project site (Exhibit #4). Existing landscaped buffers with mature trees are proposed to be maintained along the east, west and north sides of the project site, while a new four-foot wide parkway is proposed to be landscaped along the southern edge of the project site (Exhibit #4, p.2). A special condition of approval requires the applicants to implement the proposed landscaping plan as proposed in Exhibit #4, page two of this report.

In order to minimize impacts on the marine environment caused during the construction of the proposed parking lot, the permit amendment is conditioned to require the applicants 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 lot 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 drains of the proposed parking lot. 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 habitat, a special condition of approval requires the applicants to develop and submit a drainage plan, for the review and approval of the Executive Director. The drainage plan for the proposed parking lot shall incorporate structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking lot 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 lot 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 permittees 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 lot 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.

E. 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. The proposed parking lot is located immediately inland of the three-level Catalina Landing parking structure and five hundred feet from the water (Exhibit #2). Therefore, the proposed parking lot will not adversely affect the public's view to or along the ocean. The visual quality of the area will be improved by the removal of the construction debris from the site, and through the implementation of the proposed landscaping plan which will provide additional greenery to the area. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

F. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of a 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.

IV. Findings and Declarations for Part B of the Amendment Request

(Note: The findings for Part A of the amendment request begin on page 5.)

The Commission hereby finds and declares:

A. Amendment Description – Parking Management (Part B)

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 "Queensway Bay" 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. Special condition 15 of Coastal Development Permit 5-98-156 requires the applicants to submit any proposed change in the parking fees or parking validation system to the Executive Director in order to determine whether an amendment to the permit is required (See Appendix A).

The applicants now propose to increase the previously approved parking rates for the 2,195 space parking structure from two dollars per hour (\$2/hour) to three dollars per hour (\$3/hour), and to modify the customer parking validation program (Exhibit #5). The Executive Director has determined that the proposed changes require an amendment to the permit because they have the potential to negatively impact coastal access by restricting access to the shoreline parking supply.

Previously Approved Parking Rates

The Commission's approval of Coastal Development Permit 5-98-156 included the following non-validated parking rates for the following public parking reservoirs located within the project site:

On-street metered (330 spaces):	\$2/hour or less
Shoreline Park 100 space lot:	\$2/hour with a \$12 maximum
Parking Structure (2,195 spaces):	\$2/hour with a \$12 maximum

Currently Proposed Parking Rates

The applicants' proposed changes to the previously approved visitor parking rates for non-validated visitors are as follows:

On-street metered (330 spaces):	No change
Shoreline Park 100 space lot:	No change
Parking Structure (2,195 spaces):	\$3/hour with a \$24 maximum

The proposed \$24 maximum parking fee is the charge for a lost ticket. A flat rate of seven dollars (\$7) is proposed for all non-street parking in the project area during special events (Exhibit # 5).

The applicants also propose to charge a three dollar per hour non-validated rate in the existing City-owned parking structure located next to the Long Beach Aquarium of the Pacific. The 1,471 space City-owned parking structure serves the aquarium, Shoreline Park, and the Rainbow Harbor concessions. The parking rates and parking management program for the City-owned parking structure, however, were approved by the Commission pursuant to Coastal Development Permit 5-96-268 (City of Long Beach). Therefore, any change to the parking rates for the City-owned parking structure would be the subject of a permit amendment to Coastal Development Permit 5-96-268. Aquarium visitors are currently charged two dollars per hour (\$2/hour) with a six-dollar maximum to park in the City-owned parking structure, and others are charged a non-validated rate of two dollars per hour (\$2/hour) with a seven-dollar maximum.

Previously Approved Parking Validation Program

The Commission's approval of Coastal Development Permit 5-98-156 also included the following reduced parking rates for customers that are granted parking validations by commercial tenants. The amount of the minimum purchase requirement for a customer parking validation was not established in the original permit.

On-street metered spaces:	Not subject to validation program
Shoreline Park 100 space lot and the 2,195 space Parking Structure:	1 hour free parking with validation 1 to 3 hours: \$2 with validation 3 to 4 hours: \$3 with validation 4 to 4.5 hours: \$5 with validation 4.5 to 5 hours: \$6 with validation 5 to 6 hours: \$8 with validation 6 to 7 hours: \$10 with validation Maximum: \$12 with validation

Currently Proposed Parking Validation Program

The applicants also propose to modify the previously approved customer parking validation program. The applicants currently plan to require a minimum five-dollar purchase to obtain a customer parking validation, but they may increase the minimum purchase requirement up to as much as twelve dollars. This permit amendment proposes a two-tiered customer validation program follows:

For validated retail customers (excluding cinema patrons):

0 to 90 minutes:	Free with validation
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90 minutes to 3 hours: \$2 with validation
3 to 4 hours: \$3 with validation
Beyond 4 hours: \$3 per additional hour with validation (\$24 max.)

For validated cinema and IMAX patrons:

0 to 3 hours: \$Free with validation
3 to 4 hours: \$3 with validation
Beyond 4 hours: \$3 per additional hour with validation (\$24 max.)

The proposed \$24 maximum parking fee in the parking structure is the charge for a lost ticket. The currently approved \$12 maximum for the Shoreline Park lot is not changed.

B. Public Access and Recreation

Section 30210 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

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 primary Coastal Act issue addressed in this report is the relationship between public access opportunities and the management of the various public parking facilities that exist in the Downtown Shoreline area of Long Beach. The Downtown Shoreline area provides a wide range of uses that attract large numbers of visitors and employees, most of whom arrive by automobile. Many of the area's attractions are coastal related such as the beach, marinas, coastal parks, the Long Beach Aquarium of the Pacific, and Shoreline Village (Exhibit #2).

All the parking in the Downtown Shoreline area is located on public tidelands, and is therefore open to the general public. Each distinct use in the Downtown Shoreline area, however, has its own primary parking reservoir. When the visitors arrive in their vehicles, they have the following choices of parking facilities with Commission-approved parking rates:

<u>Downtown Shoreline Use</u>	<u>Parking Reservoir (No. of spaces)</u>	<u>Rate</u>
Beach & General Recreation	Marina Green Park Lots (388)	\$2/hour
Shoreline Village Commercial	Shoreline Village Lot (433)	\$8 max.
Downtown Marina (Boaters)	Marina Permit Parking (1,669)	Permit only
Convention Center	Convention Center Lots (4,830)	\$7 Flat
Rainbow Harbor & Aquarium	City-owned Structure (1,471)	\$7 max.
Shoreline Park	Shoreline Park Lot (150) Future Park Lot (100)	\$2/hour \$2/hour
Catalina Landing	Parking Structure (1,472)	N/A
Pierpoint Landing Fishers	Future Parking Lot (95)	Permit only
California State University	Chancellors' Lots (435)	N/A
Queensway Bay Commercial	Future Parking Structure (2,195) Future On-street Parking (330)	To be determined \$2/hour

The cumulative effects of people's decisions on where to park can have a direct effect on the general public's ability to access the coast by private automobile. The Commission, through a series of coastal development permit actions, has been regulating the management of the various parking reservoirs in the Downtown Shoreline area in order to protect the parking supplies that support the many coastal recreation activities in the area. The intent of the Commission approved parking rates and validation programs has been to direct Downtown Shoreline area visitors to the appropriate parking reservoirs that support each use in order to protect the public parking that is dedicated to support coastal recreation.

Management of Parking Resources

The Commission has approved consistent parking rate structures and validation programs for many of the above-stated parking reservoirs in order to encourage the various user groups to park in the appropriate parking areas. The Commission approved parking management techniques, which are being implemented by the Long Beach Parking and

Traffic Management Organization (PTMO), protect public access and recreation opportunities by preserving a portion of the waterfront parking supplies for beach visitors and recreationists. Visitors to the many commercial uses in the area are encouraged by validation programs to use the appropriate commercial parking reservoirs. In addition, the consistent parking rates approved and endorsed by the Commission help to reduce traffic congestion by discouraging people from driving around while looking for a lower-cost parking space.

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 (\$2/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 subject to the special conditions of Coastal Development Permit 5-98-156 (Appendix A).

The special conditions of Coastal Development Permit 5-98-156 that relate to the management of the parking facilities located within the project area include the following:

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 (100 space) 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&6.

15. Parking Fees and Validations: (See Appendix A).

16. Employee Parking Program (See Appendix A).

All 31 of the previously approved special conditions of Coastal Development Permit 5-98-156 and first amendment (5-98-156-A1) apply in their entirety to this amendment.

Shoreline Park

One of the more significant parking issues addressed during the original approval of Coastal Development Permit 5-98-156 on February 3, 1999 was the management of a 100-space surface parking lot proposed to be built as part of the project in Shoreline Park west of the terminus of Pine Avenue (Exhibit #2). The proposed 100-space parking lot is located near the water within Shoreline Park and will support public access to the shoreline

park. The Commission approved the applicants' request to allow valet parking in the proposed Shoreline Park lot, but special condition 14 above limits the times and terms of valet parking services that the applicants can provide in the public park. The Commission-approved parking rate for the 100-space public parking lot is two dollars per hour (\$2/hour) with a maximum of twelve dollars (\$12 max.). The cost for valet assisted parking in Shoreline Park is not permitted to exceed the cost of self-parking in the park's parking lots. The two dollars per hour (\$2/hour) rate for the Shoreline Park parking lot is consistent with the Commission-approved rates for on-street parking and the other public parking lots that currently support coastal access in Shoreline Park and the Marina Green Park (Exhibit #2).

This amendment request does not include any proposed changes to the Commission's previously approved parking rates and management program for the future 100-space parking lot proposed in Shoreline Park. Commission staff would look very closely at any proposed fee increase for public parking in Shoreline Park in order to ensure that the public parking supply is protected for public access to lower-cost and no-cost recreational opportunities provided by Shoreline Park. The proposed 24 dollar (\$24) maximum that the applicants have proposed for the commercial project's parking structure would be too high for a public park on the waterfront (i.e. Shoreline Park) because it would not encourage public access. Furthermore, commercial parking validations should not be required in order to obtain an acceptable parking rate to park in a public park.

Commercial Parking Structure

On the other hand, parking validation systems are a proven method for luring customers into the appropriate parking reservoirs. In this case, the proposed 2,195-space parking structure approved as part of Coastal Development Permit 5-98-156 will be the primary parking reservoir for the approved 508,550 square foot Queensway Bay commercial project. The proposed customer parking validation program, even with a five-to-twelve-dollar minimum purchase requirement, will encourage customers to use the 2,195-space parking structure instead of paying the two-dollar per hour (\$2/hour) rate for on-street metered parking and the existing Shoreline Park and Marina Green parking lots. The proposed customer parking validation program would grant customers free parking for up to three hours, and four hours of parking for only three dollars (Exhibit #5). Therefore, the proposed modifications to the customer parking validation program will encourage customers to use the proposed parking structure while leaving the coastal access support parking (i.e. metered on-street spaces and public park spaces) available for recreational visitors to the shoreline.

The approval of the a five-to-twelve dollar minimum purchase requirement for a parking validation is consistent with the Commission's October 15, 1999 approval of Coastal Development Permit amendment 5-94-010-A4 for a twelve dollar minimum purchase requirement for a parking validation in the Shoreline Village public parking lot. The Shoreline Village public parking lot located less than one mile east of the Queensway Bay commercial project (Exhibit #2).

The proposed parking rate increase for the 2,195 space parking structure from two dollars per hour (\$2/hour) to three dollars per hour (\$3/hour), and the proposed doubling of the maximum daily rate from twelve dollars (\$12) to 24 dollars will not negatively impact the public's ability to access the coast as long as the applicants offer free and discounted parking through the proposed validation program. Customers with parking validations will pay the discounted rates or nothing for parking in the project's parking structure. Persons without validations would pay fifty-percent (50%) more per hour (\$3/hour) to park in the structure than the in the parking reservoirs (\$2/hour) that are designated for public recreation (i.e. metered on-street spaces and public park spaces). Therefore, most non-customers would use metered the public parking lots and on-street parking spaces while they visit Shoreline Park and Rainbow Harbor, and most customers would obtain a validation and use the structure.

Therefore, the Commission finds that the proposed amendment adequately protects public access to coastal facilities and will also ensure the provision of a viable parking supply for customers of the commercial development approved by Coastal Development Permit 5-98-156. As already conditioned by the special conditions of Coastal Development Permit 5-98-156 (Appendix A), the proposed amendment 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.

C. 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, the LCP is advisory in nature and may provide guidance. The standard of review for this amendment is the Chapter 3 policies of the Coastal Act. The proposed amendment is consistent with the Chapter 3 policies of the Coastal Act and the certified LCP.

The certified LCP requires the provision of adequate parking supplies to meet the parking demands of the development in the Downtown Shoreline area. Because all of the Downtown Shoreline area is located on public tidelands, the certified LCP parking policies encourage the use of shared parking and joint use parking arrangements to meet the total parking demands of the public and private visitor-serving and recreational facilities in the area.

The LCP also encourages the shared use of the parking supply in downtown Long Beach north of the Downtown Shoreline area and outside the coastal zone. The LCP states that the public transportation system, including the Blue Line light-rail, Long Beach Transit, and free trams, are expected to reduce the demand for parking in the Downtown Shoreline area. The LCP requires the City to form a traffic and parking management association to plan and carryout the joint use of public and private parking facilities to serve the Downtown Shoreline area. The Long Beach Parking and Traffic management Organization

(PTMO) has been established as required by the LCP. The applicants are required to participate in the PTMO by special condition 11 of Coastal Development Permit 5-98-156.

The LCP also requires that the parking supplies on public tidelands in LCP subareas 5 and 6 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 parking policies enhance the public's ability to access both the lower cost recreational facilities and the visitor-serving commercial uses in the Downtown Shoreline area.

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of a 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 and amended on November 2, 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 repass 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 curbline, 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.

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 east 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.

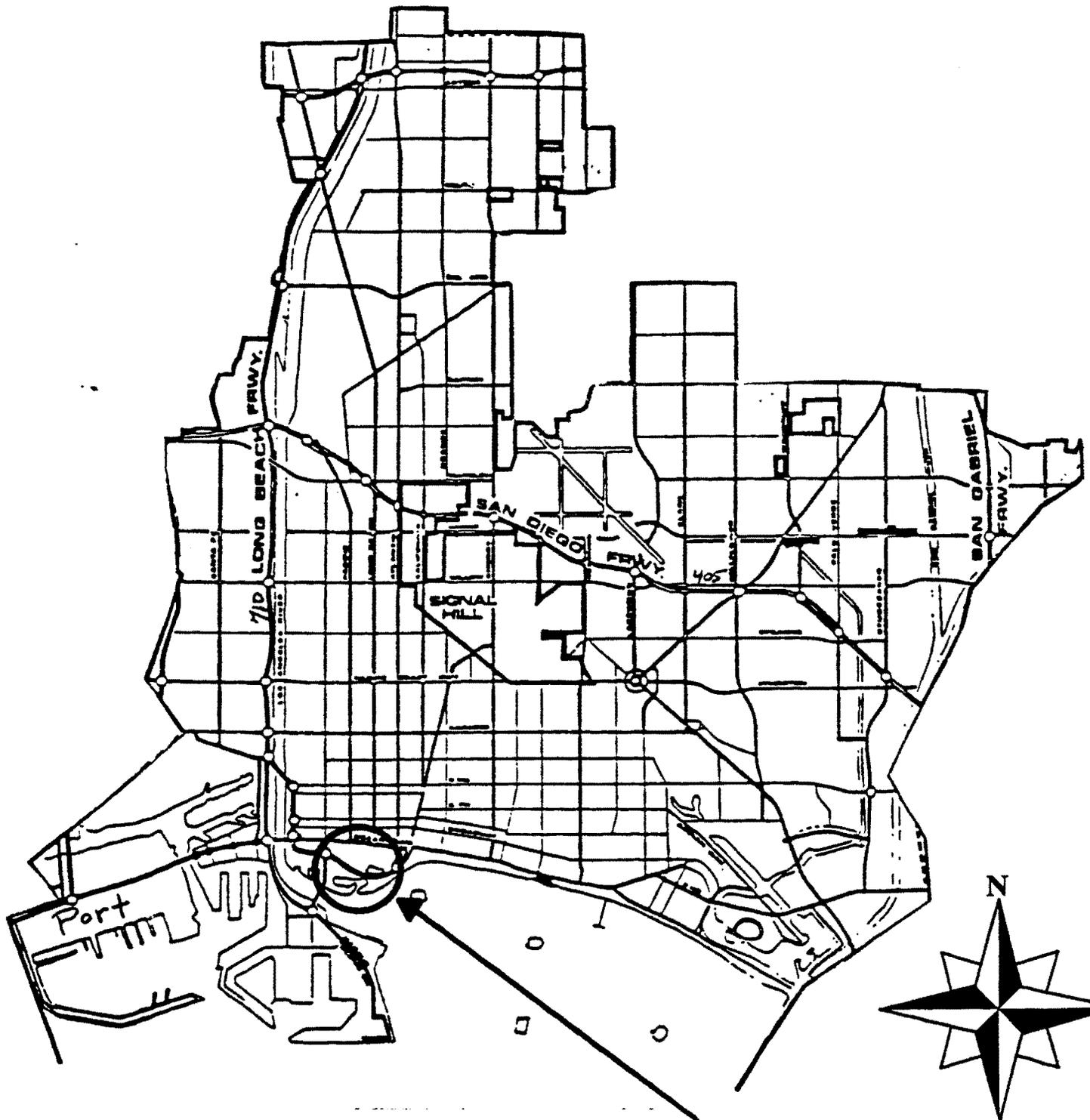
30. Erosion and Siltation Control

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.

City of Long Beach



Site

COASTAL COMMISSION
5-98-156-A2

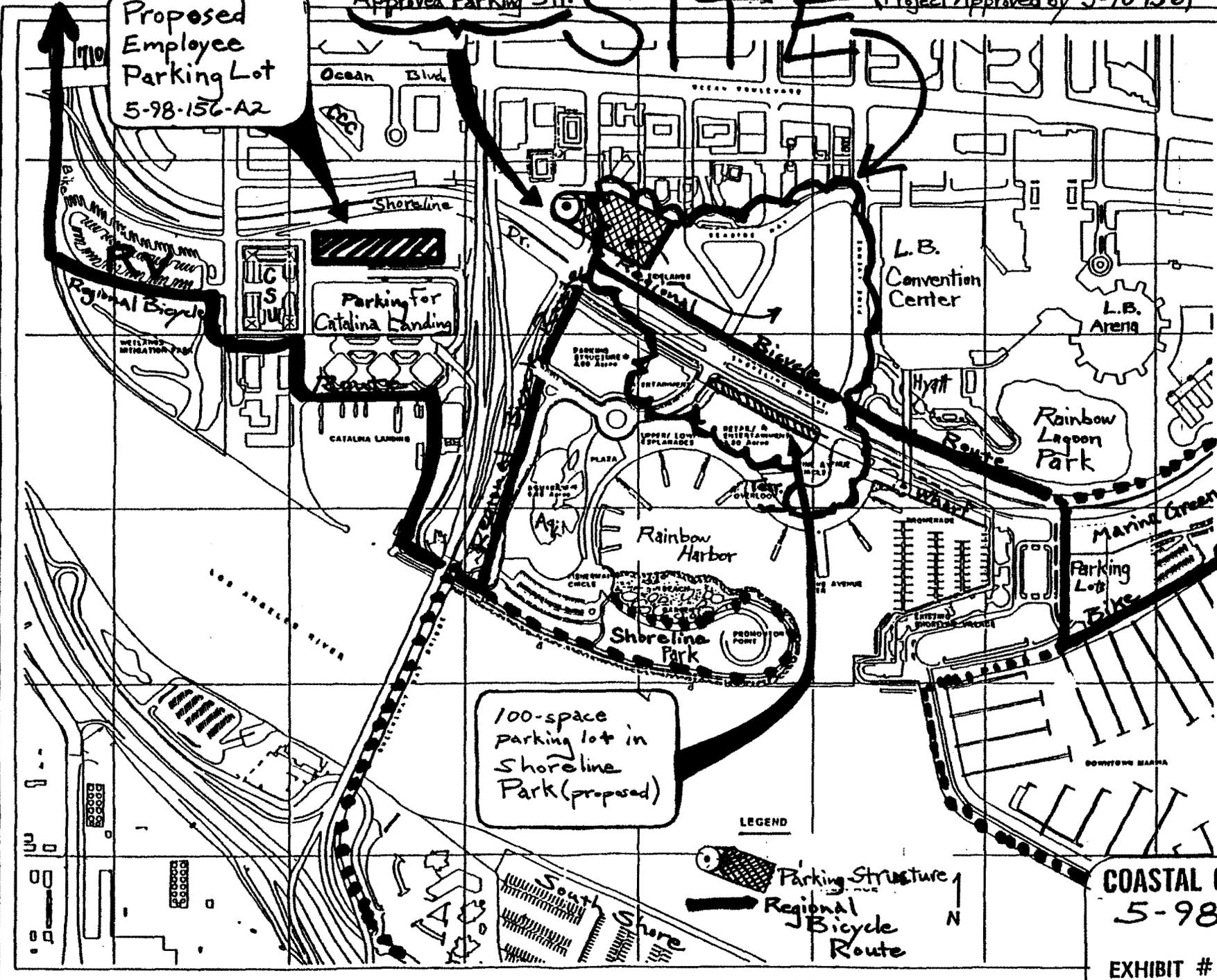
EXHIBIT # 1
PAGE 1 OF 1

5-98-156-A1
Approved Parking Str.

(Project Approved by 5-98-156)

SITE

Proposed
Employee
Parking Lot
5-98-156-A2



QUEENSWAY BAY
Long Beach Marina

LEGEND
Site of Long Beach
Site of Queen's Bay
Site of Long Beach
Site of Long Beach

PROPOSALS
Development & Design
Architectural
Site Plan
Site Plan

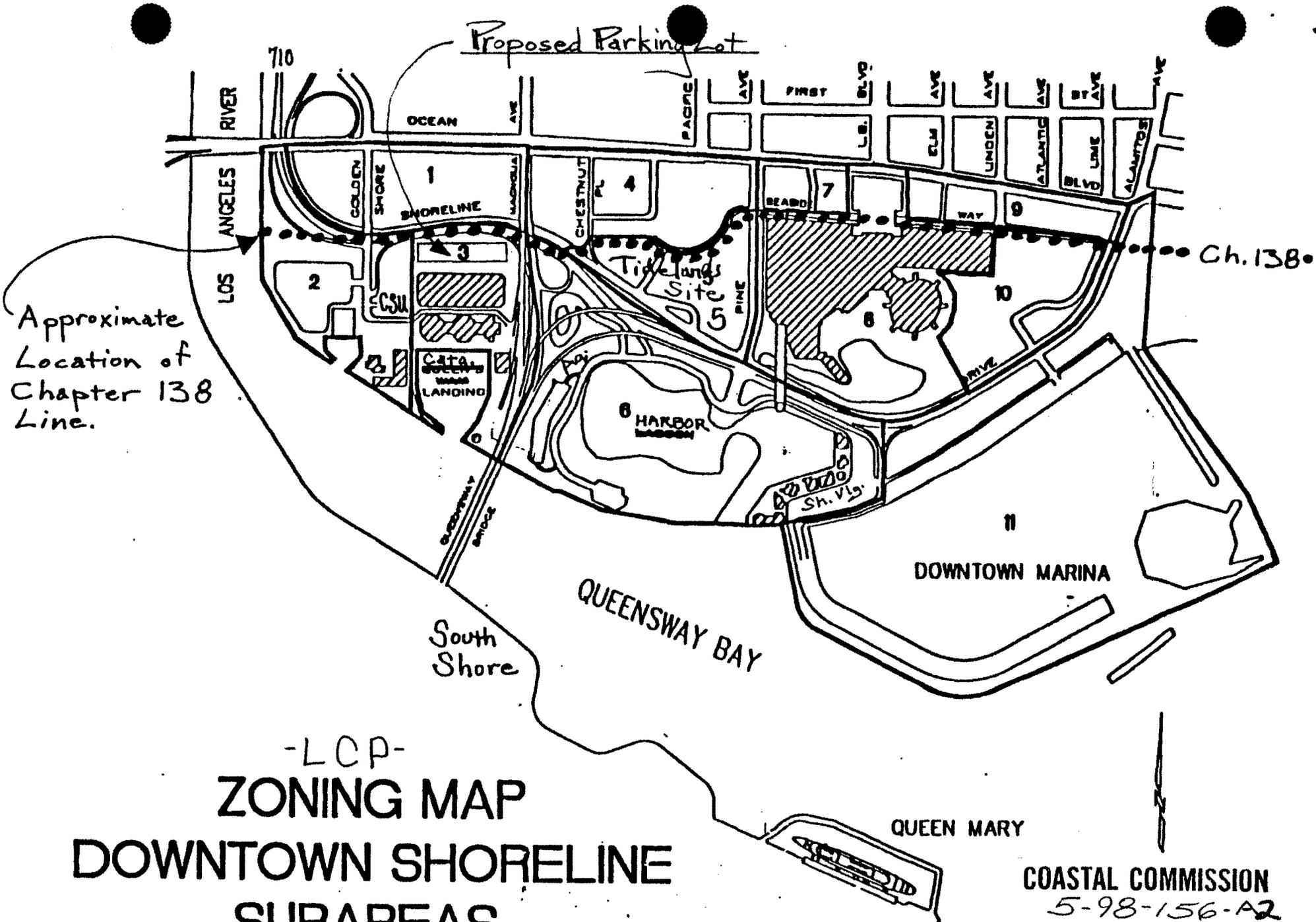
PROPOSALS
Site Plan
Site Plan
Site Plan

COASTAL COMMISSION
5-98-156-A2

EXHIBIT # 2

PAGE 1 OF 1

Downtown Shoreline Area

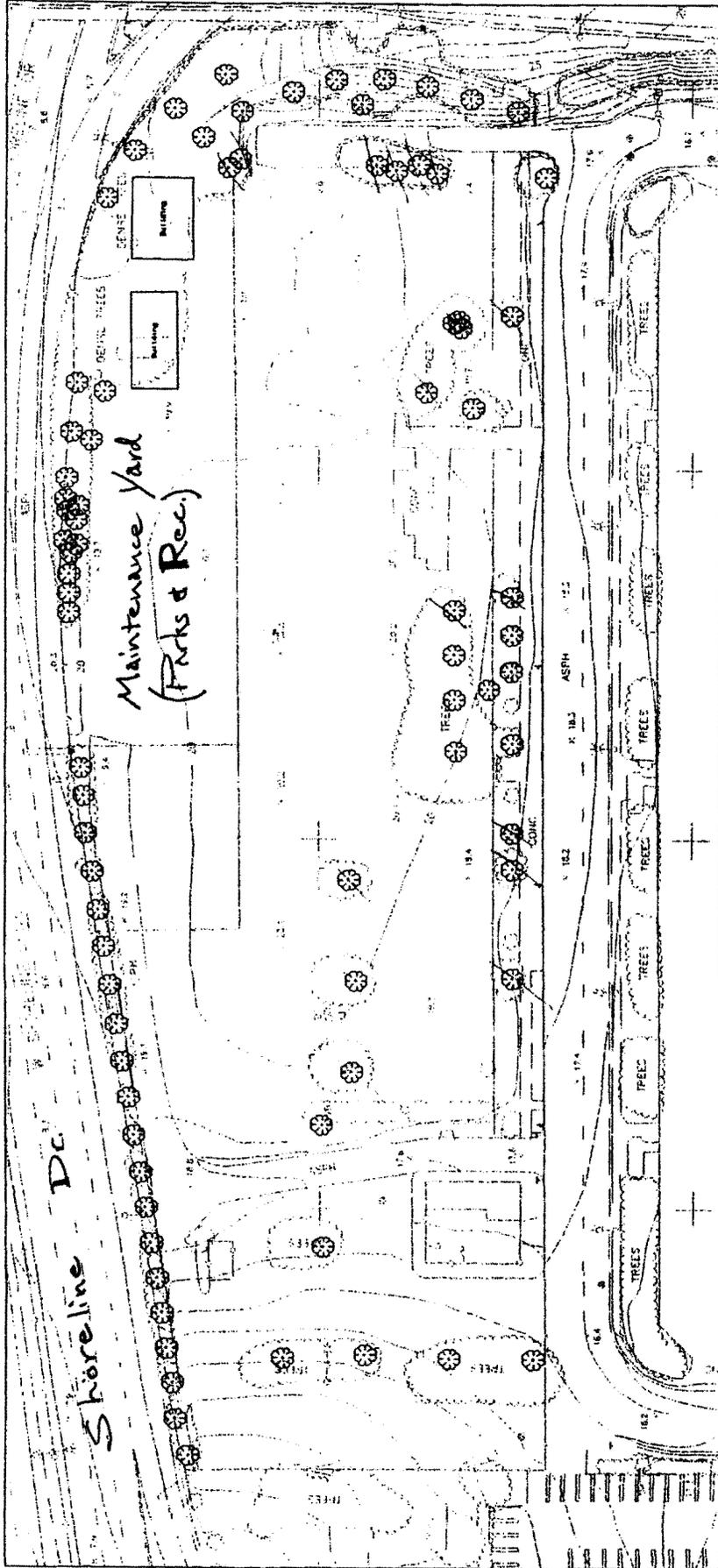


Approximate
Location of
Chapter 138
Line.

-LCP-
ZONING MAP
DOWNTOWN SHORELINE
SUBAREAS
 Planned Development Ordinance: PD-6

COASTAL COMMISSION
 5-98-156-A2
 EXHIBIT # 3
 PAGE 1 OF 1

Existing Site of Proposed Parking Lot



MOFFATT & NICHOL ENGINEERS		QUEENSWAY BAY EMPLOYEE PARKING LOT EXISTING CONDITIONS		1'-3/8" 10-5-98
DATE: 11/10/00	BY: [Signature]	PROJECT NO: 4337	SHEET NO: 1	1
			LONG BEACH, CALIFORNIA	2

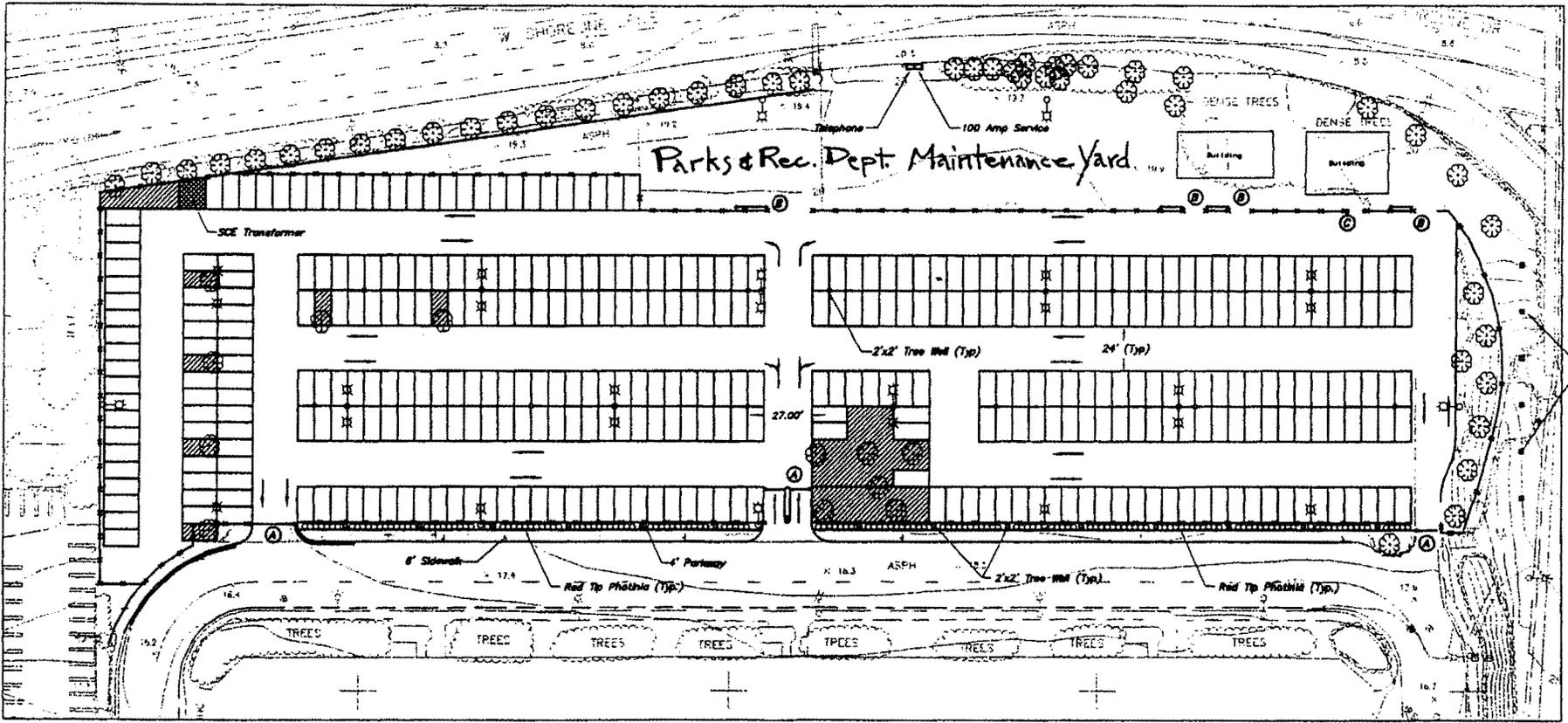
EXHIBIT # 4

PAGE 1



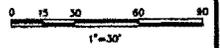
Proposed Parking Lot

PARKING LOT DATA	
Total Number of Parking Spaces (8'x18' Typ)	375
Required Number of Trees (1 tree/4 spaces)	94
Number of Remaining Existing Trees	63
Number of New Trees to be Planted	31
Total Number of Trees within Project	94



CALIFORNIA COASTAL COMMUNITY
 OCT 13 1999
 REVISION

- LEGEND**
- Ⓐ Card lay vehicle entry/exit
 - Ⓑ Rolling Gate
 - Ⓒ Man-Gate
 - Ⓓ Lights
 - 2'x2' Tree Well
 - S. Sid. Road Top Phosphate @ 36" On Center



MOFFATT & NICHOL ENGINEERS

DESIGNED BY: LJ	CHECKED BY: LJ/DD
DRAWN BY: CS	DATE: 10/13/99

QUEENSWAY BAY
 EMPLOYEE PARKING LOT LAYOUT
 Long Beach California

1"=30'	10-5-99
4327	2
2	2

DDR
OliverMcMillan
RECEIVED
OCT 12 1999
CALIFORNIA
COASTAL COMMISSION

October 8, 1999

Chuck Posner
CALIFORNIA COASTAL COMMISSION
200 OCEANGATE, 10th FLOOR
LONG BEACH, CA 90802-4416

RE: CATALINA LANDING PARKING LOT AND VALIDATED PARKING RATES

As we discussed with you, we anticipate bringing the Catalina Landing lot in front of the Coastal Commission in December. As the proposed validated parking rates have changed since our original submittal, we also want to bring the revised rates before the Commission in December.

For this December hearing I have included the following:

1) **Catalina Lot:** Enclosed are plans for the Catalina lot and a summary of the lease terms by the City Council on October 5, 1999. If you need additional information on the Catalina lot, please call me.

2) **Validation Rates:** The current proposed validation rates are as follows:

Unvalidated Patrons:	\$3/Hour
Special Events including Convention, Aquarium, etc.:	\$7 flat rate
Validated Retail Patrons (Excluding Cinema Patrons):	
0-90 Min.	Free
90 Min.-3 Hours	\$2 flat rate for up to 3 hours
3-4 Hours	\$3 flat rate for up to 4 hours
Beyond 4 Hours	\$3 per additional hour
Validated Cinema and IMAX Patrons:	
0-3 Hours	Free
3-4 Hours	\$3 flat rate for up to 4 hours
Beyond 4 Hours	\$3 per additional hour
Grand Prix Parking	To be determined

Previously, our initial application contemplated the following parking rates with validation:

Up to 1 hour:	Free
1 to 3 hours:	\$2
3 to 4 hours:	\$3
4 to 4.5 hours:	\$5
4.5 to 5 hours:	\$6
5 to 6 hours:	\$8
6 to 7 hours:	\$10
Maximum	\$12

After you review the enclosed materials let me know if you need additional information.

Sincerely,

DDR OLIVERMcMILLAN LP


Tony Pauker
Vice President

cc: Bob Paternoster

COASTAL COMMISSION
5-98-156-A2

EXHIBIT # 5
PAGE 1 OF 1

All the parking in the Downtown Shoreline area is located on public tidelands, and is therefore open to the general public. Each distinct use in the Downtown Shoreline area, however, has its own primary parking reservoir. When the visitors arrive in their vehicles, they have the following choices of parking facilities with Commission-approved parking rates (See also Exhibit #6):

<u>Downtown Shoreline Use</u>	<u>Parking Reservoir (No. of spaces)</u>	<u>Rate</u>
Beach & General Recreation	Marina Green Park Lots (388)	\$2/hour
Shoreline Village Commercial	Shoreline Village Lot (433)	\$8 max.
Downtown Marina (Boaters)	Marina Permit Parking (1,669)	Permit only
Convention Center	Convention Center Lots (4,830)	\$7 Flat
Rainbow Harbor & Aquarium	City-owned Structure (1,471)	\$7 max.
Shoreline Park	Shoreline Park Lot (150) Future Park Lot (100)	\$2/hour \$2/hour
Catalina Landing	Parking Structure (1,472)	N/A
Pierpoint Landing Fishers	Future Parking Lot (95)	Permit only
California State University	Chancellors' Lots (435)	N/A
Queensway Bay Commercial	Future Parking Structure (2,195) Future On-street Parking (330)	To be determined \$2/hour

COASTAL COMMISSION

5-98-156

EXHIBIT # 6

PAGE 1 OF 1

