

CALIFORNIA COASTAL COMMISSION

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Hearing Date: February 3, 1999
Commission Action:

*SP***RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NUMBER: 5-98-156

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

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

PROJECT LOCATION: Terminus of Pine Avenue, Downtown Shoreline (LCP Subareas 5&6),
City of Long Beach

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

Lot Area	17.7 acres
Building Coverage	14.1 acres
Pavement Coverage	01.9 acres
Landscape Coverage	01.7 acres
On-site Parking	1,810 (approx.) spaces
On-street Parking	333 (approx.) new spaces
Zoning	Planned Development District PD-6
Ht above final grade	40 to 152 feet

LOCAL APPROVAL: Site Plan Review Case No. 9801-23 (4/24/98).

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission grant a Coastal Development Permit for the proposed development with special conditions. In general, the proposed development complies with the Chapter 3 policies of the Coastal and no major revisions to the project are recommended by staff. Most of the recommended special conditions carry out the development as proposed and have been accepted by the applicants. There are, however, some details of the proposed project relating specifically to scenic resources (i.e. view corridors, building heights, and three-dimensional food icons) for which staff is recommending revised plans. The applicants object to the revisions that would be required by conditions 17, 18, 19 and 20 (height limits, view corridors and signs).

Staff is recommending that the scenic resources of the Downtown Shoreline area be protected by special conditions that would require the following **portions of the proposed project be deleted**: 1) all proposed structures and restaurant patio dining areas located in the view corridors identified in the certified LCP as shown on Exhibit #9 of this report; 2) two proposed 60 foot high building extensions (blades) on Buildings G&J adjacent to Rainbow Harbor; 3) the arch and sign proposed

in the view corridor over the entrance to Pine Avenue Pier (Exhibit #16); and 4) the seven 60 foot high three-dimensional food icons proposed above Building E (Exhibit #15). The special conditions that carry out the recommended revisions are: 17 (Height Limits – LCP Subarea 6), 18 (Height Limits – LCP Subarea 5), 19 (View Corridors), and 20 (Signage). The findings that support these recommendations are on pages 39-48.

Special conditions 17 and 18 (height limits) specifically limit the portions of the proposed project that may exceed the 40 foot height limit by listing each item or structure that is permitted to be higher than 40 feet. The portions of the proposed project that may exceed the 40 foot height limit include: a 100 foot high faux roller coaster above the pedestrian bridge that crosses Shoreline Drive (Exhibit #14), a 130 foot high Ferris Wheel, the letters of the proposed "RAINBOW HARBOR" and "LONG BEACH" signs (Exhibits #17&18), a 60 foot multi-screen theatre, an 80 foot large-format cinema, a 60 foot high parking structure, a clock, a 152 foot tall spire monument (Exhibit #19), and specific building extensions, sails and flag poles (Exhibits #12&13).

Special condition one requires the City to officially designate the Queen Mary Special Events Park as parkland that replaces the four acres of Shoreline Park displaced by the proposed project. The other recommended special conditions of approval are necessary to ensure that the project is carried out as proposed. Specific conditions require the timely provision of the parking resources, public improvements and open space areas that are proposed as part of the project. Other conditions protect the existing public access and recreation opportunities in and around the project site, as well as the proposed public amenities. Such conditions are necessary because the entire project area will be leased to an operator who will manage the entire project area, including the streets, walkways, and plazas. Special conditions 10 through 16 ensure that the existing and proposed parking facilities on the project site are managed in a manner that protects public access to the existing lower-cost and free recreational opportunities in the Downtown Shoreline Area.

FOR SUBJECT

SEE PAGES

Special Conditions.....	5-12
Project Description.....	12-14
Downtown Shoreline Area History.....	14-16
Land Use.....	16-18
Public Access – Existing Conditions.....	19-20
Parkland Replacement.....	20-22
Public Open Space.....	22-24
Pedestrian Access.....	24-26
Bicycle Access.....	26-27
Parking Supply & Demand.....	27-32
Parking Management.....	32-34
Valet Parking.....	34-35
Parking Fees & Validations.....	36-37
Employee Parking.....	37-38
View Corridors.....	39-40
Building Heights.....	41-48
Signage.....	48-49
Marine Resources.....	50-52
Traffic.....	52-55
Hazards.....	55-57

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. City of Long Beach Local Coastal Program Amendment Nos. 1-95 & 2-98A.
3. Environmental Impact Report for the Queensway Bay Master Plan, 1994 (SCH 94081033).
4. Negative Declaration for Queensway Bay Commercial Development, City of Long Beach ND-5-98.
5. Coastal Development Permit 5-98-161 (Rainbow Harbor Concessions).
6. Coastal Development Permit 5-98-155 (Rainbow Harbor Vending).
7. Coastal Development Permit 5-96-268 (City of Long Beach Parking Structure).
8. Coastal Development Permit 5-96-124 & amendments (Rainbow Harbor).
9. Coastal Development Permit 5-96-071 (Shoreline Dr./Vlg. Intersection).
10. Coastal Development Permit 5-95-055 & amendment (Long Beach Aquarium).
11. Coastal Development Permit 5-95-052 & amendment (Shoreline RV Park).
12. Coastal Development Permit P-79-5252 (Pacific Terrace Harbor).
13. Coastal Development Permit P-79-5253 (Shoreline Park).
14. Geotechnical Investigation for Queensway Bay Commercial Development, by Advanced Earth Sciences, Inc., December 29, 1998.
15. Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., April 1998, & January 5, 1999 addendum.
16. Stormwater Pollution Prevention Plan for the Construction of Queensway Bay Development, by Moffatt & Nichol Engineers, November 13, 1998.
17. Traffic Impact Analysis and Parking Study Report for the Queensway Bay Plan, December 18, 1994.

STAFF NOTE:

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. 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. Commercial uses, including restaurant table service, are not permitted on the bridge.

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 (See Exhibit #2 of this report). 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). There shall be no parking spaces reserved for valet parking at any time.

14. Valet Parking

Valet parking services may be provided in the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue only after sunset, provided that self-parking is also available within the lot and there no parking spaces are reserved for valet parking within the parking lot. Valet parking is permitted within parking structures at any time, provided that self-parking is also available within the structure and no parking spaces are reserved for valet parking within the parking structures located in LCP Subareas 5 and 6. The cost of valet parking in any lot or structure in LCP Subareas 5 and 6 shall be equal or less than the cost of self-parking. The use of on-street parking spaces for valet parking is prohibited.

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); and,
- e) Flag poles on Buildings G,H&J (77 feet maximum).

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

18. Height Limits - LCP Subarea 5

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

- a) The north end of the faux roller coaster (100 foot maximum with a surface that is less than 15 percent solid or opaque) and two lantern features abutting the north end of the faux roller coaster (63 & 78 feet maximum);

- b) On Building A (40 feet): the roof of the large-format cinema (80 feet maximum), one 500 square foot parapet extension (47 feet maximum), the letters of "LONG BEACH" sign (50 feet maximum), and clock tower (60 feet);
- c) On Building B (40 feet): one 500 square foot building extension (43 feet maximum);
- d) On Building C (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (43 feet maximum) 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 (60 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).

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.

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.

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 the sign, arch and all other items 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 (except signs attached to the wall of an approved structure that exceeds 40 feet in elevation) are prohibited, unless specifically permitted by this permit or another Commission approval. No three-dimensional food icons are permitted. 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 Coastal Development Permit, the applicants agree that: (a) the site may be subject to extraordinary hazard from seismic events, liquefaction, storms, waves, floods

and erosion; and (b) the City hereby waives any future claims of liability against the Commission or its successors in interest for damage from 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach and the project developer, DDR OliverMcMillan, have submitted Coastal Development Permit application 5-98-156 in order to receive Commission approval to construct a 508,550 square foot commercial retail and entertainment complex in the Downtown Shoreline area of Long Beach (Exhibit #3). The proposed project includes a sixteen-screen movie theatre, one large-format cinema, Ferris wheel, carousel, nautical museum, numerous restaurants and retail establishments, large parking structure, and public amenities.

The proposed development represents the final phase of the Queensway Bay Plan. The Queensway Bay Plan is the City's plan to create a major waterfront attraction in the Downtown Shoreline area of Long Beach to provide affordable recreation and entertainment for local residents and area

visitors (Exhibit #2). The Queensway Bay Plan was incorporated into the certified City of Long Beach LCP in 1995. The Commission recently approved the latest update to the Queensway Bay Plan when it approved LCP Amendment No. 2-98A on August 13, 1998. The central components of the Queensway Bay Plan which have already been completed include the Long Beach Aquarium of the Pacific, the new Shoreline Park, Rainbow Harbor and Esplanade, and Pine Avenue Pier.

The development proposed by Coastal Development Permit application 5-98-156 involves two LCP Subareas: LCP Subarea 5 and LCP Subarea 6 (Exhibit #4). Both subareas are situated on State Tidelands which are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. The entire project area, including streets, walkways and plazas, will be leased to an operator who will manage the entire area (Exhibits #3&22).

Subarea 6 covers the City's central waterfront area including Shoreline Park, the Long Beach Aquarium of the Pacific, Rainbow Harbor and Esplanade, and Pine Avenue Pier (Exhibit #5). Most of the land area within LCP Subarea 6 is located seaward of the first public road. Within LCP Subarea 6, the applicants propose to develop four acres of Shoreline Park with 194,200 square feet of visitor-serving commercial uses within nine new 40-foot tall buildings (Buildings F,G,H,J,K,L,M,N&P). Five restaurant patio areas are also proposed with a total of 8,500 square feet of outdoor dining area (Exhibit #8). The nine proposed buildings are located on the north edge of Rainbow Harbor between the water and Shoreline Drive (Exhibit #12). Six of the nine proposed buildings (Buildings J,K,L,M,N&P) are clustered near the foot of the Pine Avenue Pier at the terminus of Pine Avenue. This area, which is referred to as "Pine Avenue Crescent", will be home to four major restaurants and a Nautical Heritage Museum. Also proposed within LCP Subarea 6 is a 35,000 square foot public viewing deck, 130 foot high Ferris wheel, and a 100 space public parking lot.

The four acres of Shoreline Park that would be displaced by the proposed project will be replaced on an acre-for-acre basis, as anticipated in the Queensway Bay Development Plan and required by the certified Long Beach LCP [*See Section D of this staff report for an analysis of the applicants' replacement parkland proposal*]. The City's proposed four-acre replacement park is located nearby on the South Shore portion of Queensway Bay near the HMS Queen Mary (Exhibit #3).

Subareas 5 and 6 will be connected by a pedestrian bridge that crosses over Shoreline Drive near Aquarium Way (Exhibit #13). A 100-foot tall gateway sculptural element (faux roller coaster) is proposed above the pedestrian bridge (Exhibit #14).

Subarea 5 is the landlocked "**Tidelands Parcel**" located inland of LCP Subarea 6 and Shoreline Drive (Exhibit #4). Subarea 5 is currently vacant and accommodating approximately 1,700 temporary parking spaces used for overflow parking and special events. Within LCP Subarea 5, the applicants propose to develop 13.7 acres with a new street grid and 305,850 square feet of visitor-serving commercial uses within five new 40-80 foot tall buildings (Buildings A,B,C,D&E). The proposed uses include a sixteen-screen movie theatre, a large-format cinema, and numerous restaurants and retail establishments. Three proposed restaurant patio areas comprise 3,000 square feet of the total commercial area in this subarea (Exhibit #8). The proposed development within LCP Subarea 5 also includes a 23,000 square foot public open space area with a water feature at the intersection of Pine Avenue and Shoreline Drive, a Town Square, a pedestrian street (Pine Walk), a carousel, and an elevated walkway (Exhibit #13).

The proposed parking facilities in LCP Subarea 5 involve the establishment of approximately 333 new curbside parking spaces (with meters) on Pine Avenue and the new street grid, and approximately 1,550 parking spaces within a proposed five-level parking structure located on the west side of LCP Subarea 5 (Exhibit #13).

Although the certified LCP calls for a 275-room hotel in LCP Subarea 5, the applicants have not proposed a hotel as part of this application. This application does not include any work in or over coastal waters.

B. Downtown Shoreline Area History

The site of the proposed Queensway Bay commercial/entertainment complex is located in the Downtown Shoreline area of Long Beach. A long history of development, commencing in the late 1800's, has dramatically altered this portion of California's coastline. The Downtown Shoreline area of Long Beach is comprised of fill that has been deposited seaward of the former shoreline since the 1920's. The entire area of Long Beach's downtown shoreline south of the coastal bluff was once part of the natural ocean and fronting beach. The Chapter 138 line, the boundary between the privately owned upland properties and the public tideland areas in the Downtown Shoreline area, is the former mean high tide line. The public tideland areas subject to the Long Beach Tidelands Trust Agreement are the filled areas that lie seaward of the Chapter 138 line. The Chapter 138 line runs roughly corresponds to the alignment of Seaside Way (Exhibit #4).

The Downtown Shoreline area currently contains the Downtown Long Beach Marina, Marina Green Park, the Long Beach Convention and Entertainment Center, Hyatt Regency Hotel, Rainbow Lagoon Park, Shoreline Village shopping center, Rainbow Harbor, Shoreline Park, the Long Beach Aquarium of the Pacific, Catalina Landing, and the Golden Shore wetland mitigation site (Exhibit #2). Until its demolition in 1979, the famous Pike amusement park was situated on the now land-locked beach in the Downtown Shoreline area.

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

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

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

The Commission has approved many Coastal Development Permits for the development of the area as it currently exists. In 1979, the Commission approved Coastal Development Permit P-79-5253 (City of Long Beach) for the improvement of Shoreline Park and Lagoon. The improvement of Shoreline Park was completed in 1983-84. Shoreline Park is currently a region serving waterfront recreation area which provides the public with many coastal related recreational activities. The currently proposed development will occupy a portion (four acres) of the original Shoreline Park constructed in 1983 (Exhibit #5).

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

In 1994, the City of Long Beach adopted the Queensway Bay Development Plan to redevelop the City's waterfront and encourage tourism and coastal related recreation. The Queensway Bay Development Plan is the City's plan to create a major waterfront attraction to provide affordable recreation and entertainment for local residents and area visitors. On May 10, 1995, the Commission approved City of Long Beach LCP Amendment No. 1-95 incorporating the Queensway Bay Development Plan into the City's certified LCP. Three of the central recreational components of the plan are the Long Beach Aquarium of the Pacific, Rainbow Harbor, and Shoreline Park. The currently proposed project comprises the primary commercial component of the Queensway Bay Plan.

On May 10, 1995, the Commission approved the first Coastal Development Permits for the implementation of the Queensway Bay Development Plan. Coastal Development Permit 5-95-055 (City of Long Beach) permitted the construction of the Long Beach Aquarium of the Pacific in Shoreline Park (Exhibit #2). The Long Beach Aquarium of the Pacific was completed on schedule and opened to the public on June 19, 1998.

Coastal Development Permit 5-95-052 (City of Long Beach), also approved by the Commission on May 10, 1995, permitted the construction of a recreational vehicle park in the Golden Shore area which opened to the public in 1996 (Exhibit #2).

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

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

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

This current proposal (Coastal Development Permit application 5-98-156) constitutes a significant increase (508,550 square feet) in the amount of commercial uses in the Downtown Shoreline area.

C. Land Use

The proposed development represents the major commercial component of the Queensway Bay Development Plan that was certified by the Commission in 1995 as part of the City of Long Beach LCP. In certifying the Queensway Bay Plan, the Commission found that the plan as a whole provided an appropriate balance between coastal recreation uses and visitor-serving commercial uses. On August 13, 1998, the Commission certified LCP Amendment No. 2-98A amending the Queensway Bay Plan to increase the total amount of new and existing commercial floor area in LCP Subareas 5 and 6 from 535,000 square feet to 627,000 square feet.

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 Subareas 5 and 6.

Subarea 5 is the landlocked "Tidelands Parcel" located inland of LCP Subarea 6 and Shoreline Drive (Exhibit #13). Within LCP Subarea 5, the applicants propose a new street grid and 305,850 square feet of visitor-serving commercial uses, including a sixteen-screen movie theatre, a large-format cinema, and numerous restaurants and retail establishments. The certified LUP allows only retail, restaurant, entertainment, display, educational, hotel, and coastal related or dependent office uses on the Tidelands Parcel (LCP Subarea 5). Residential uses are not permitted. The certified LCP states:

Subarea 5 Uses: Retail, office, restaurant, entertainment display, educational, recreational uses not to exceed 327,000 square feet of usable floor area in an open and inviting pedestrian environment.

The applicants' proposed 305,850 square feet of visitor-serving commercial uses in LCP Subarea 5 is allowed by the certified LCP. Although the certified LCP calls for a 275-room hotel in LCP Subarea 5, the applicants have not proposed a hotel as part of this application. The certified LCP does not include the hotel as part of the 327,000 square feet of retail, office, restaurant, entertainment display, educational, and recreational uses permitted in LCP Subarea 5. Therefore, a hotel may be included in a future application for development in LCP Subarea 5.

The certified LCP also calls for a landscaped public open space of at least 23,000 square feet at the southeast corner of LCP Subarea 5. In conformance with the certified LCP, the applicants have proposed to provide a 23,000 square foot landscaped public open space with a water feature at the southeast corner of LCP Subarea 5 (Exhibit 8). *[See Section D of this staff report for an analysis of the applicants' open space proposal].*

Subarea 6 includes Shoreline Park, Rainbow Harbor and the Shoreline Village shopping center in the City's central waterfront area (Exhibit #5). The applicants propose to convert four acres of Shoreline Park to commercial use: 194,200 square feet in nine buildings (Buildings F,G,H,J,K,L,M,N&P) and 8,500 square feet of outdoor restaurant patio area (Exhibit #8). The certified LCP limits the amount of existing and new commercial development that can be permitted in LCP Subarea 6.

Subarea 6 Uses: Retail and entertainment. Up to 300,000 square feet of new and existing visitor-serving commercial uses, including retail, restaurant, nightclub, movie, arcade and related entertainment uses may be permitted. Up to four acres of existing Shoreline Park along the north side of the water basin may be converted to such uses if the City replaces the displaced parkland on an acre-for-acre basis within or adjacent to the coastal zone. Such replacement parkland must provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation. Replacement parkland shall be developed prior to or concurrent with the commencement of the development which displaces it, and shall also be dedicated or designated in perpetuity."

The Commission has previously permitted 82,368 square feet of commercial uses (indoor and outdoor) within LCP Subarea 6 at the existing Shoreline Village shopping center, and 5,032 square feet of visitor-serving commercial uses at Pierpoint Landing at Rainbow Harbor. A total of 87,400 square feet of visitor-serving commercial uses already exist within LCP Subarea 6. The Long Beach Aquarium of the Pacific was permitted as a recreational and educational use, and it is therefore not a commercial use. The applicants propose to construct 202,700 square feet of new visitor-serving commercial uses in LCP Subarea 6. The combined floor area of the proposed project and the existing commercial development in LCP Subarea 6 is 290,100 square feet, and will not exceed the maximum amount (300,000 square feet) of commercial uses allowed by the certified LCP.

The certified also LCP states that up to four acres of Shoreline Park along the north side of the harbor may be converted to visitor-serving retail, restaurant and entertainment facilities if the displaced parkland is replaced in the coastal zone on an acre-for-acre basis with the Queen Mary Events Park. The City's proposed four-acre replacement park is located nearby on the South Shore portion of Queensway Bay near the HMS Queen Mary (Exhibit #3). The proposed commercial uses will not displace more than four acres of Shoreline Park (Exhibit #5). *[See Section D of this staff report for an analysis of the applicants' replacement parkland proposal].*

In addition, the certified LCP requires that Shoreline Park contain a minimum area of 23 acres including park, roadways, parking areas, pedestrian walkways, and the aquarium. The four acres of parkland which will be displaced by the proposed development in LCP Subarea 6 will not reduce the amount of park area below the minimum requirement of 23 acres. The 23 acres of parkland includes the aquarium, Rainbow Harbor Esplanade, and all roadways, bikeways, parking areas and sidewalks around Rainbow Harbor.

D. 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 currently proposed 508,550 square foot commercial retail and entertainment complex.

In order to conform to the public access and recreation policies of the Coastal Act, the proposed project shall not interfere with public pedestrian access through the site to the water's edge and the recreational facilities in the area. Additionally, public access shall be protected along all of the waterfront throughout the entire project, and bicycle access shall be provided throughout the proposed project. Sufficient public parking shall be available to support the public access and lower-cost public recreational opportunities in the area. [See Section E of this staff report for an analysis of the project's parking issues]. Finally, the four acres of parkland proposed to be displaced by the proposed commercial uses shall be replaced on an acre-for-acre basis as required by the certified LCP. This Coastal Development Permit, as conditioned, will ensure that the proposed project provides maximum public access and protects the existing recreational uses in the Downtown Shoreline area as required by the Coastal Act and the certified LCP.

Existing Conditions

The **Downtown Shoreline area** of Long Beach, where the proposed project is located, is a popular coastal recreation area that has historically provided the public with many different types of activities (Exhibit #2). Currently, visitors to the area can take advantage of the many sailing and boating opportunities, use the coastal bicycle path, go fishing, enjoy the parks and beach, sightsee, or shop at Shoreline Village. Many of these activities are free or lower cost visitor and recreational opportunities protected by Section 30213 of the Coastal Act.

There currently exist several **pedestrian and vehicular connections** that provide direct access through the project site to the Downtown Shoreline area. Vehicular access to the area is provided by Shoreline Drive, an easterly extension of the 710 Freeway that connects to Ocean Boulevard on the east end of Downtown Long Beach (Exhibit #3). The north-south streets of Magnolia Avenue, Chestnut Avenue and Pine Avenue provide both pedestrian access and vehicular access between the downtown area and the many recreational facilities on the coast. The Promenade South, an elevated pedestrian accessway on the west side of the Long Beach Convention Center, provides excellent public access to the Rainbow Harbor Esplanade and Shoreline Village (Exhibit #9).

The **sandy beach** nearest to Downtown Long Beach is the 1st Place Beach which is located about a half mile east of the project site (Exhibit #3). Because the 1st Place Beach is the westernmost beach in the City, it is one of the City's most popular beaches, especially with the City's westside population. A primary parking supply for the 1st Place Beach is the free public parking¹ provided by the Marina Green public parking lots. The **Marina Green** is a public park located immediately landward of the **Downtown Long Beach Marina** and the marina lessee permit parking lots (Exhibit #2). Shoreline Drive provides vehicular access to the 1st Place beach, the Marina Green, and the marina.

Shoreline Park, home of the **Long Beach Aquarium of the Pacific** and **Rainbow Harbor**, provides the public with numerous recreational opportunities, including fishing, boating, bicycling, picnicking, and sightseeing. The proposed project is located partially within Shoreline Park. Four acres of Shoreline

¹ Coastal Development Permit 5-98-042, approved by the Commission on April 7, 1998, permits the City to implement metered parking on all 388 parking spaces within the Marina Green public parking lots.

Park situated between Rainbow Harbor and Shoreline Drive are proposed to be displaced (and replaced elsewhere) as part of the proposed project. Shoreline Park is served by its own 150 space public parking lot (Exhibit #5). The five-level City-owned parking structure next to the aquarium, with its 1,471 public parking spaces, provides parking for aquarium and park visitors and the general public. **Rainbow Harbor**, adjacent to the project site, provides the public with fishing, diving, and whale watching opportunities managed by various charter operations. Public docks are also provided within the harbor. The two thousand-foot long **Rainbow Harbor Esplanade** provides a continuous public walkway around the harbor. The Rainbow Harbor Esplanade runs from Shoreline Park, in front of the Long Beach Aquarium of the Pacific, past **Pine Avenue Pier**, and on to Shoreline Wharf (Exhibit #5). The Rainbow Harbor Esplanade is the seaward boundary of the proposed project.

Shoreline Village and Shoreline Wharf are located just east of the project site (Exhibit #5). Shoreline Village, a tourist attraction and shopping center with a nautical theme, was constructed on the Long Beach waterfront in the early 1980's. Shoreline Wharf is a public open space and pedestrian connection between the east end of Rainbow Harbor Esplanade and the Shoreline Village public boardwalk. A series of public walkways interconnect along the entire Downtown Long Beach waterfront. These interconnected waterfront walkways extend all the way from the Los Angeles River on the west end of downtown to the 1st Place Beach east of downtown (Exhibit #2).

Bicycle access along the City's waterfront is provided by the regional bicycle route that also runs uninterrupted through the entire Downtown Shoreline area. The regional bicycle route connects the Los Angeles River Bicycle Path on the west side of the City to the beach bicycle path on the eastside of the Downtown Shoreline area (Exhibit #2). This bike path provides coastal access from inland Los Angeles County areas to Long Beach and southward to Orange County.

Parkland Replacement

As previously stated, four acres of Shoreline Park are proposed to be converted to commercial uses (Exhibit #5). The four acres of displaced parkland are proposed to be replaced on the South Shore of Queensway Bay near the Queen Mary (Exhibit #3). This proposal is consistent with the Queensway Bay Development Plan that was certified by the Commission as part of the City's LCP in 1995. Regarding the proposed development in LCP Subarea 6, the certified LCP states:

"Up to four acres of existing Shoreline Park along the north side of the water basin may be converted to such (visitor-serving commercial) uses if the City replaces the displaced parkland on an acre-for-acre basis within or adjacent to the coastal zone. Such replacement parkland must provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation. Replacement parkland shall be developed prior to or concurrent with the commencement of the development which displaces it, and shall also be dedicated or designated in perpetuity."

The City's proposed four acres of replacement parkland is located in the coastal zone on the South Shore of Queensway Bay near the bow of the H.M.S. Queen Mary (Exhibit #3). The new park, which opened to public use in 1998, is called the "Queen Mary Events Park" (Exhibit #6). The four-acre site was previously used as a helicopter port by Catalina Express, Inc. The waterfront park is maintained and operated by Queen's Seaport Development, Inc., the master lessee of the Queen Mary. The City's lease of the Queen Mary Events Park to Queen's Seaport Development, Inc. requires that the four acre landscaped area be maintained and operated as a public park, and that

the park not be used for commercial uses except during special events. Typical special events that would use the park are the annual music and cultural festivals that, in the past, have been held in Shoreline Park and Rainbow Lagoon Park. The City's lease limits daytime use of the park for special events to fifteen days during the period between Memorial Day and Labor Day. The park is open for public use everyday (except during special events) from 5 a.m. to 10 p.m., and is served by ten on-street parking spaces.

The certified LCP allows up to four acres of Shoreline Park to be converted to visitor-serving commercial uses only if the following four standards are met:

1. The City shall replace displaced parkland on an acre-for-acre basis within or adjacent to the coastal zone;
2. The replacement parkland must provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation;
3. The replacement parkland shall be developed prior to or concurrent with the commencement of the development which displaces it; and,
4. The replacement parkland shall be dedicated or designated in perpetuity.

The City has already created four acres of new parkland within the coastal zone to replace the parkland that would be displaced by the proposed project. The Queen Mary Events Park currently provides the public with the same recreational opportunities as the four acres of Shoreline Park that are proposed to be displaced. These recreational opportunities include passive park use, picnicking, waterfront strolling and special events. A public restroom and public parking are provided at the Queen Mary Events Park.

The replacement parkland must also be accessible to the same population through private or affordable public transportation. The Queen Mary Events Park is located on the opposite bank of the Los Angeles River Estuary (South Shore), less than a mile from the portion of the proposed project in Shoreline Park. The Queen's Way Bridge, which connects the South Shore to the Downtown Shoreline area, provides vehicular, pedestrian and bicycle access between the Queen Mary Events Park and Shoreline Park (Exhibit #2). The bicycle path on the Queen's Way Bridge connects to the bike path on the South Shore and the regional bicycle route that runs through the entire Downtown Shoreline area. Ten on-street parking spaces provide public parking for the new park. Affordable public transportation is provided by Long Beach Transit which operates shuttle buses (Passports) and water taxis between Shoreline Village, Shoreline Park, the South Shore, and Downtown Long Beach destinations. The water taxi fare is one dollar, and the Passport shuttles are free. Therefore, the existing bridge, bike paths, and public transit make the Queen Mary Events Park as accessible to the public as Shoreline Park.

The certified LCP also requires that the City dedicate or designate the replacement parkland as park in perpetuity. Because the Queen Mary Events Park is located on state-owned public trust lands, the City is unable to dedicate the replacement parkland as park in perpetuity. The certified LCP (LCP p.II-16) states:

"It has been indicated by the State Lands Commission that the dedication of public trust lands may not be possible. Therefore, the areas which are subject to the public trust and which are

noted in this LCP to be dedicated as public parks in perpetuity shall instead be designated by the City as permanent public parks or beaches. Any change in such designation by the City shall not be effective unless approved by the California Coastal Commission."

In order to protect the four acres of parkland in perpetuity, the City must designate the Queen Mary Events Park as a permanent public park. Any change in such designation by the City shall not be effective unless approved by the California Coastal Commission. A special condition of approval requires the City to submit evidence to the Executive Director that the City Council has designated the Queen Mary Events Park as a permanent public park, and that any change in the designation shall not be effective unless approved by the California Coastal Commission. Only as conditioned does the proposed project comply with the access and recreation policies of the Coastal Act.

In order to protect the remaining 23 acres of parkland and public facilities that surround Rainbow Harbor, a special condition states that the approval of Coastal Development Permit 5-98-156 is strictly limited to the uses and development described herein and shown on the final approved plans. Any additional development, including, but not limited to: new construction, intensification of use, expansion of dining areas outside of the approved building footprints, restriction of public use, and the lease of dock, esplanade or park areas will require an amendment to the permit or a new Coastal Development Permit. Only as conditioned does the proposed project comply with the access and recreation policies of the Coastal Act.

Although the applicants have submitted site plans that propose the development of four acres of Shoreline Park, the final plans for Buildings K, N and P located at Pine Avenue Crescent at the end of Pine Avenue are not yet complete (Exhibit #7). Buildings K, N and P are proposed to be restaurants with building footprints, patios, and service areas not to exceed 27,500 square feet. The building footprints, patios, and service areas must not exceed 27,500 square feet in order for the project to remain under the four-acre limit on displaced parkland.

In order to ensure that Buildings K, N & P conform to the 40 foot height limit and four acre limit on displaced parkland, the approval is conditioned to require the applicants to submit final site plans, floor plans and elevations for Buildings K, N & P. 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.

Public Open Space

The proposed development, with more than a half million square feet of commercial uses, also includes substantial public open spaces areas that provide for lower-cost or free recreational activities like walking and sightseeing. The certified LCP requires that all open space areas shall be open and accessible to the public, "as public parks would be". Furthermore, table service for restaurants is prohibited in open space areas unless specifically permitted by a coastal development permit.

Within LCP Subarea 6, the public open space areas that are protected by the certified LCP include, but are not limited to: Shoreline Park, Rainbow Harbor Esplanade, the Terraces at the end of Pine Avenue, Pine Avenue Pier, Shoreline Wharf, a proposed public viewing deck provided between Aquarium Way and the City-owned parking structure, pedestrian bridges, and all view corridors

identified on LCP Attachment A (View Corridors)(Exhibit #9). Shoreline Park, Rainbow Harbor Esplanade, Pine Avenue Pier, Shoreline Wharf, and the Terraces at the end of Pine Avenue are all located directly adjacent to the water (Exhibit #2).

In addition to protecting existing public open space areas, the certified LCP also requires the provision of specific new public open space area as part of the development of LCP Subareas 5 and 6. The proposed project has been designed to comply with the requirements of the certified LCP. For LCP Subarea 6, the certified LCP requires:

"Public access. All open space areas shall be open and accessible to the public, as public parks would be, except for the aquarium for which an admission fee is charged. All open space areas shall be designed so as to encourage public use through access and amenities such as park benches and picnic tables. Table service for restaurants shall be prohibited in open space areas unless specifically permitted by a coastal development permit. Public open space areas shall include, but are not limited to: Shoreline Park, Rainbow Harbor Esplanade, the terraces at the end of Pine Avenue, Pine Avenue Pier, Shoreline Wharf, the public viewing deck provided between Aquarium Way and the parking structure, pedestrian bridges, and all view corridors identified on Attachment A: View Corridors."

"Location and scale. Shops, restaurants and entertainment facilities shall be limited to Shoreline Village and the northern side of the Downtown (Rainbow) Harbor to provide a continuous pedestrian retail experience."

"Public viewing deck. If a view corridor/open space area at least 150 feet wide is not provided from the intersection of Shoreline Drive and Aquarium Way to Rainbow Harbor (as formerly required by the certified LCP), then a public viewing deck with a minimum of 35,000 square feet of usable public area shall be provided on the second level of the building or buildings located between the aquarium parking structure and Aquarium Way. The public viewing deck shall be designed and oriented to provide open views to Rainbow Harbor and the Queen Mary, and 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. All structures in Subarea 6 shall be designed and sited to protect the public views to Rainbow Harbor and the Queen Mary from the public viewing deck.

As allowed by the above-stated LCP policy (Public viewing deck) above, the applicants have opted to provide the required 35,000 square foot public viewing deck in lieu of the 150-foot wide view corridor/open space area (Exhibit #10). A condition of approval requires that the 35,000 square foot public viewing deck 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. 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. Table service is not regarded as an appropriate use in a public park. In addition, to ensure that all open space areas are be open and accessible to the public, as required by the LCP (except for the aquarium), the conditions of this permit also require the applicants to provide the open spaces that are required by the certified LCP, to protect public access to the open spaces, and to maintain the open spaces in the same manner as public parks

(open to the public). Only as conditioned does the proposed project comply with the access and recreation policies of the Coastal Act.

The proposed development will provide the following new public open space areas in **LCP Subarea 5**: a 23,000 square foot public open space area with a water feature at the intersection of Pine Avenue and Shoreline Drive, a town square in the center of the Tidelands Parcel, several elevated and ground level walkways, and surface level streets with sidewalks (Exhibit #13). The proposed project has been designed to comply with the following requirements of the certified LCP.

For LCP Subarea 5, the certified LCP specifically states:

"Public space. A landscaped public open space area with a water feature shall be provided at the southeast corner of Subarea 5 at the intersection of Shoreline Drive and Pine Avenue. The landscaped and water area shall occupy at least 23,000 square feet, not counting the Regional Bicycle Route, and shall be accessible to the public from the pedestrian walkways on Shoreline Drive and Pine Avenue. Public park benches shall be provided, and restaurant table service shall not be permitted in this area."

The applicants have proposed to provide the 23,000 square foot landscaped open space area as required by the certified LCP (Exhibit #13). A condition of approval requires that the proposed public open space area be constructed and opened to the public concurrent with the development of LCP Subarea 5 as permitted herein. Only as conditioned does the proposed project comply with the access and recreation policies of the Coastal Act.

The Commission's approval must include specific provisions to protect and maintain public access and recreation in the open space areas located throughout the project site, which is located entirely on public tidelands. One provision protects the open space areas from commercial encroachments, including outdoor dining areas of restaurants. The only outdoor and patio dining areas for restaurants permitted by Coastal Development Permit 5-98-156 are shown on Exhibit #8. A special condition of approval states that this approval is limited to the uses and development specifically described in the project description and related findings contained in Coastal Development Permit 5-98-156. Any expansion of dining areas or lease of dock, esplanade, or park areas will require an amendment to the permit or a new Coastal Development Permit.

Pedestrian Access

A condition of approval protects public access along the waterfront in LCP Subarea 6 by prohibiting the applicants from interfering with public access to and along the waterfront. In LCP Subarea 5, a condition of approval protects public access on the proposed streets and sidewalks on the publicly owned Tidelands Parcel. LCP Subarea 5 is situated between Downtown Long Beach and the waterfront (LCP Subarea 6). The proposed project will improve the pedestrian connections between Downtown Long Beach and the waterfront by providing a pedestrian oriented commercial development that includes a new street grid with new sidewalks and pedestrian-only walkways. The proposed improvement of the Cedar Avenue and Pacific Avenue rights-of-way will provide two new north-south connections across the Tidelands Parcel that do not currently exist (Exhibit #13). Additionally, pedestrian access is encouraged by several thousand feet of new pedestrian only walkways, including a two-level walkway that encircles the town square, and Pine Lane which connects Pine Avenue to the town square. The elevated pedestrian walkway that encircles the

town square continues as a bridge over Shoreline Drive, providing another direct pedestrian connection to the waterfront (LCP Subarea 6).

The proposed project complies with the following LCP policies for Subarea 5 that encourage pedestrian access to the shoreline:

"Pedestrian Access. Public walkways shall be provided from the extension of the walkways from Subarea 4 and shall extend to the southern end of the Subarea. Walkways shall provide pedestrian access to the shoreline via designated pedestrian crossings at Shoreline Drive and to the Convention Center entranced on Pine Avenue."

"A dedicated public sidewalk and parkway shall be provided along Pine Avenue from Ocean Boulevard to Shoreline Drive."

"Special Design Features. The entire area shall be designed in an urban waterfront atmosphere. Landscaping shall be lush and colorful. The area shall be open and inviting to the public, and shall facilitate and encourage pedestrian flow between the Downtown and the Shoreline..."

In order to protect public use of the proposed streets and sidewalks on the publicly owned Tidelands Parcel, the approval of Coastal Development Permit 5-98-156 is conditioned to require the applicants to maintain public pedestrian access to and along all streets and sidewalks constructed pursuant to the Commission's approval of Coastal Development Permit 5-98-156 for the life of the development approved herein. 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. Only as conditioned does the proposed project comply with the access and recreation policies of the Coastal Act.

A new pedestrian bridge is proposed to connect LCP Subareas 5 and 6, as required by the following LCP policy:

"Pedestrian access shall be provided from the Promenade South and from signalized pedestrian crossings of Shoreline Drive. If a view corridor/open space area at least 150 feet wide is not provided from the intersection of Shoreline Drive and Aquarium Way to Rainbow Harbor (as formerly required by the certified LCP), then a **pedestrian bridge connecting Subareas 5 and 6 shall be provided over Shoreline Drive. The bridge shall be at least 25 feet wide and be at the same level as the public viewing deck provided between Aquarium Way and the parking structure in Subarea 6. 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. To protect the views from and through the bridge, all railings and decorations on the bridge shall be limited to a height of four feet measured from the pedestrian deck, except that a gateway sculptural element which exceeds the height limit may be placed on the bridge, providing that its surface is not more than 15 percent solid or opaque."**

A special condition of approval requires that a pedestrian bridge over Shoreline Drive connecting Subareas 5 and 6 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. The bridge shall be at least 25 feet wide and be at the same elevated

level as the 35,000 square foot public viewing deck to be provided between Aquarium Way and the parking structure in Subarea 6. 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. Commercial uses, including restaurant table service, is not permitted on the bridge. Only as conditioned does the proposed project comply with the access and recreation policies of the Coastal Act.

For LCP Subarea 6, the certified LCP also states:

"Public access. All open space areas shall be open and accessible to the public, as public parks would be, except for the aquarium for which an admission fee is charged. All open space areas shall be designed so as to encourage public use through access and amenities such as park benches and picnic tables. Table service for restaurants shall be prohibited in open space areas unless specifically permitted by a coastal development permit. Public open space areas shall include, but are not limited to: Shoreline Park, Rainbow Harbor Esplanade, the terraces at the end of Pine Avenue, Pine Avenue Pier, Shoreline Wharf, the public viewing deck provided between Aquarium Way and the parking structure, pedestrian bridges, and all view corridors identified on Attachment A: View Corridors."

"A shoreline pedestrian esplanade (Rainbow Harbor Esplanade) of not less than 35 feet in width shall be maintained between all new commercial development and the waterfront. A continuous public walkway shall be provided along the water's edge throughout this subarea. Pedestrian walkways along north-south streets shall be provided from Ocean Boulevard to the waterfront."

Special conditions of approval protect public access to open spaces and along the waterfront as required by the certified LCP. 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 maintenance activities. Only as conditioned to protect public access on the existing coastal access routes and to provide adequate access through the project site to the water can the proposed project be found to be consistent with the public access and recreation policies contained in the Coastal Act.

Bicycle Access

Bicycle access along the coast shall also be protected. The proposed project must comply with the following LCP policies that encourage bicycle access to the shoreline:

"The regional bikeway from the Los Angeles River to the beach shall be maintained as a continuous bike path through the area and under Queen's Way Bridge, avoiding pedestrian and vehicular conflicts as much as possible. Recreational bike paths may be connected to the regional bikeway, including a connection across the Queen's Way Bridge to the South Shore."

"Bicycle access. A bike path shall be provided linking the regional bike path to the Downtown (Ocean Boulevard)."

The existing regional bicycle path connects the Los Angeles River Bicycle Path to the beach bicycle path, and provides coastal access to cyclists from inland areas to Long Beach and Orange County. As required by the access policies of the Coastal Act and the certified LCP, the proposed project shall not interfere with the public's use of the regional bicycle path which runs through the Downtown Shoreline area (Exhibit #2). Therefore, the bicycle path shall remain open and unobstructed in conformance with a condition of approval that prohibits the proposed project from not interfering with the public's use of the regional bicycle path as it passes through the Downtown Shoreline area. Only as conditioned to protect public access on the existing regional bicycle route is the proposed project consistent with the public access and recreation policies contained in the Coastal Act.

E. Public Access/Parking

The provision of or lack of parking can also affect the public's ability to access the coast. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

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

The certified LCP also requires the provision of adequate parking supplies to meet the parking demands of the private and public 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 facilities 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 certified LCP, in regards to the Downtown Shoreline, states:

"Public uses in the Shoreline shall contain enough parking space to introduce visitors to the activity or facility, but the total parking needs shall be satisfied through joint use of public and private parking facilities both within the coastal zone and adjacent to it."

Pursuant to the guidance provided by the certified LCP, all parking in the project area will be shared and available to the public on a first-come, first-served basis without reservation for the exclusive use of any one tenant or development. The certified LCP also encourages the shared use of the parking supplies in both the Downtown Shoreline area and the downtown area located north of the shoreline and outside of the coastal zone. In addition, the LCP states that the public transportation system, including the Blue Line light-rail, Long Beach Transit, water taxis, and free trams, are expected to reduce the demand for parking in the Downtown Shoreline area.

Existing Parking Resources

Currently, the parking supply for the Downtown Shoreline area is provided by:

- Marina Green public parking lots (388 spaces)
- Shoreline Village public parking lot (433 spaces)
- Downtown Marina permit parking (1,669 spaces)
- Marina Mole public parking spaces (29 spaces)
- Long Beach Convention Center parking lots and structure (4,830 spaces)
- Interim parking on Tidelands parcel (1,700 spaces)
- The City-owned parking structure next to the Aquarium of the Pacific (1,471 spaces)
- Shoreline Park public parking lot (150 spaces)
- Catalina Landing parking structure (1,472 spaces)
- Pierpoint Landing parking lot (95 spaces)
- California State University Headquarters (435 spaces)

In addition, the Commission has also approved 189 to 245 new on-street metered parking spaces along Shoreline Drive in LCP Subareas 6, 8 and 11 as part of Coastal Development Permit 5-98-042. These new on-street parking spaces have not yet been provided by the City.

The above above-stated parking supplies serve the existing visitor-serving commercial and recreational facilities in the Downtown Shoreline area, including: the 1st Place Beach, Shoreline Village, the Downtown Marina, Rainbow Harbor, the Convention Center, the Long Beach Aquarium of the Pacific, Shoreline Park, and Catalina Landing (Exhibit #2).

Proposed New Parking Resources

The proposed project includes 508,550 square feet of new commercial uses in LCP Subareas 5 and 6. The development proposed in LCP Subarea 5 (Tidelands Parcel) would displace approximately 1,700 interim parking spaces that are currently used only for overflow parking during special events. In addition to maintaining the existing parking resources listed above (except for interim spaces), the proposed project will provide the following new parking reservoirs:

- Attended Shoreline Park public parking lot in LCP Subarea 6 (100 spaces)
- Five-level space parking structure in LCP Subarea 5 (1,550 spaces)
- On-street metered spaces in LCP Subarea 5 (approximately 330 spaces)
- Interim parking lot in LCP Subarea 5 (25 spaces)

The proposed new parking reservoirs will serve both the existing Downtown Shoreline uses and the proposed new development. All of the proposed new parking in LCP Subareas 5 and 6 will be shared and available to the public on a first-come, first-served basis without reservation for the exclusive use of any one tenant or development.

Parking/Floor Area Ratio

One of the methods used by local governments and the Commission to ensure that new commercial development provides adequate parking is the ratio of parking spaces per square feet of commercial

floor area. The Commission's Regional Interpretive Guidelines for Los Angeles County² state that shopping centers (with a well balanced mixture of uses) should provide one parking space for each 200 square feet of gross floor area (1/200). On-street parking spaces and public beach and park spaces may not be included in a commercial project's parking supply.

In this case, for the purpose of calculating a parking ratio to compare the proposed development with other similar developments, only the parking spaces provided within two parking structures will be used to determine the parking ratio.

The two parking structures are: 1) the 1,550 space parking structure proposed to be constructed in LCP Subarea 5 as part of the project, and 2) the existing 1,471 space City-owned parking structure next to the aquarium in LCP Subarea 6. Only 846 parking spaces within the existing City-owned parking structure will be counted because the parking demand for the aquarium was determined to be 625 spaces (see Coastal Development Permit 5-95-055 for Long Beach Aquarium of the Pacific). Therefore, the proposed project, with 508,550 square feet of gross floor area, will be supported by 2,396 parking spaces in two parking structures. Using these figures, the parking ratio ($508,550/2,396$) would be one parking space for each 212 square feet of gross floor area (1/212).

The above-stated parking ratio would provide less parking than the Commission's guideline of one parking space for each 200 square feet of gross floor area (1/200) for a mixed-use shopping center. Using the guideline's ratio of one parking space for each 200 square feet of gross floor area (1/200), the proposed project would be required to provide 2,542 parking spaces ($508,550/200 = 2,542$).

The proposed project, however, is not required to provide parking at the ratio contained in the Commission's guidelines due to the unique provisions in the certified LCP that allow the parking reservoirs in the Downtown Shoreline area to be shared on a joint use basis. These shared parking resources include: 4,830 parking spaces at the convention center, over 500 new on-street metered parking spaces (previously permitted and currently proposed), and all 1,471 parking spaces in the City-owned parking structure. In addition, the parking supplies located in the office buildings north of the proposed project along Ocean Boulevard can provide several thousand additional parking spaces on weekends and holidays. A Traffic and Parking Management Association required by the certified LCP facilitates the shared use of existing parking supplies in downtown Long Beach, including the office and high-rise building parking reservoirs.

The excellent public transportation system is also expected to reduce the demand for parking within the proposed project. Public transportation is readily available to and throughout the Downtown Shoreline area. The Blue Line light-rail connects downtown Long Beach to central Los Angeles and all points in-between. Long Beach Transit provides regular bus service throughout the City and free bus service throughout downtown on the red "Passport" buses. Long Beach Transit also operates a water taxi service in Queensway Bay. The water taxi, which costs one dollar, ferries passengers between Rainbow Harbor, Shoreline Village, and the Queen Mary on the south shore (Exhibit #2). A good bicycle route system in the Downtown Shoreline area also alleviates some of the demand for parking.

² The Regional Interpretive Guidelines for Los Angeles County were adopted by the Commission on October 14, 1980 to assist local governments, the Commission and applicants in applying Coastal Act policies to permit decisions. The guidelines are guidelines only, and in no case supercede the provisions of the Coastal Act.

Certified LCP Parking Standards

As previously stated, the certified LCP does not require the proposed project to provide parking at a specific ratio. In LCP Subareas 5 and 6, where the proposed development is located, the certified LCP requires that sufficient parking be provided within the subareas to meet the *average weekday demand*, and that additional parking to meet peak weekend day and evening demand shall be provided in adjacent subareas and downtown.

The certified LCP parking standard acknowledges that there will not be enough parking in the Downtown Shoreline area to meet the parking demands during the highest (peak) use periods when the entire Queensway Bay Plan is built as proposed. Because of the extreme variation in parking demand at different times of the year and different days of the week, it would be extremely difficult to provide on-site enough parking to meet the peak parking demand in the Downtown Shoreline area. The various commercial and recreational uses in the area have different peaks and valleys in their demand for parking.

The Convention Center (LCP Subarea 8), with its 4,830 space parking supply, is the most extreme example of this variation in parking demand. The Conventions Center uses all of its parking only during large events, most of which are on weekdays. The Aquarium of the Pacific is another example. The peak parking demand for the aquarium is on weekends and holidays. The waterfront recreational uses also peak on weekends during the day. These uses, along with the other visitor-serving uses at the shoreline, have different parking demands that vary on a daily and seasonal basis. Such variation in parking demands among multiple uses, all of which are located on public tidelands, lends itself to a shared parking program that allows the joint-use of the many parking facilities located throughout the Downtown Shoreline and in the downtown high-rises. The shared parking program is managed by the Traffic and Parking Management Association as required by the certified LCP (see below).

The City states that, regardless of the inability to meet the demand for parking during peak use periods, most visitors will still be able to access the area's recreation and visitor-serving facilities. In fact, the success of the Queensway Bay Development Plan depends on the ability of the City to attract the public to its waterfront. Therefore, the provision of adequate public access is vital to the success of the project.

The certified LCP also acknowledges that the public transportation system will play an important role in the public access and parking issue. Because there will be a shortage of parking available in LCP Subareas 5 and 6 on peak use days, the public transportation system will provide an alternative to private vehicles for accessing the area. In fact, the Traffic and Parking Management Association's use of shared parking is dependent on public transportation to move people from the various parking reservoirs to their destinations.

Consequently, the certified LCP requires that LCP Subareas 5 and 6 contain only the minimum amount of parking necessary to meet the average weekday demand. The additional parking supplies that are necessary to meet the peak parking demands of the LCP Subareas 5 and 6 will be provided within the adjacent LCP subareas and in downtown Long Beach.

For LCP Subarea 5 (Tidelands Parcel), the certified LCP parking standard states:

"Parking shall be provided within the subarea sufficient to meet the average weekday demand. Additional parking to meet peak weekend day and evening demand shall be provided in adjacent subareas and Downtown."

In LCP Subarea 5, the applicants propose to construct 305,850 square feet of commercial uses. The parking supply in this subarea will be provided by a proposed 1,550 space parking structure and by approximately 333 metered on-street parking spaces proposed on Pine Avenue and the new street grid to be developed within the subarea (Exhibit #13). Therefore, LCP Subarea 5 will contain approximately 1,883 parking spaces, all of which will be available to the general public on a first-come, first-served basis.

The applicants did not calculate the average weekday demand for the development proposed in LCP Subarea 5 (Tidelands Parcel). Instead, they calculated the peak weekday demand for the development proposed in LCP Subarea 5. The peak weekday demand for the development proposed in LCP Subarea 5 during the peak month has been calculated to be 1,313 parking spaces, well below the proposed parking supply of 1,883 parking spaces on the Tidelands Parcel (LCP Subarea 5). The applicants' parking calculations were provided by KAKU Associates, Inc. using the methods and data contained in the Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., April, 1998

For LCP Subarea 6, the certified LCP states:

"Parking shall be provided within the subarea and within Subarea 11 sufficient to meet the average weekday demand. Additional parking to meet peak weekend day and evening demand shall be provided in subareas to the north and in Downtown."

In LCP Subarea 6, the applicants propose to construct 202,700 square feet of commercial uses next to Rainbow Harbor (Exhibit #12). The existing uses in LCP Subarea 6 include the Long Beach Aquarium of the Pacific, Shoreline Park, Rainbow Harbor, Pierpoint Landing, and the Shoreline Village shopping center.

The existing parking facilities in LCP Subarea 6 include:

- City-owned parking structure next to the aquarium (1,471 spaces)
- Shoreline Village public parking lot (433 spaces)
- Shoreline Park public parking lot (150 spaces)

The existing parking facilities in LCP Subarea 11 include:

- Marina Green public parking lots (388 spaces)
- Downtown Marina permit parking (1,669 spaces)
- Marina Mole public parking spaces (29 spaces).

In addition, the Commission has also approved approximately 189 to 245 new on-street metered parking spaces along Shoreline Drive in LCP Subareas 6, 8 and 11 as part of Coastal Development Permit 5-98-042. These new on-street parking spaces have not yet been provided by the City. The proposed project also includes a new 100 space public parking lot in Shoreline Park at the southwest corner of Pine Avenue and Shoreline Drive (Exhibit #12).

The total amount of existing, permitted, and proposed parking in LCP Subareas 6 and 11 is approximately 2,800 parking spaces, not including the 1,669 permit-only spaces in the Downtown Marina (LCP Subarea 11). Permit-only or reserved parking spaces are not included in the sum total because they are not accessible to the general public who visits the area. The 2,800 (approx.) existing, permitted, and proposed parking spaces include only those spaces that will be available to the general public on a first-come, first-served basis.

Again, the applicants did not calculate the average weekday demand for the development proposed in LCP Subarea 6. Instead, they calculated the peak weekday demand for the existing development (Shoreline Park, aquarium & Shoreline Village) and the proposed development in LCP Subarea 6. The peak weekday demand for the existing and proposed development in LCP Subarea 6 during the peak month has been calculated to be 2,003 parking spaces, well below the existing and proposed parking supply of 2,800 (approx.) in LCP Subareas 6 and 11. The applicants' parking calculations were provided by KAKU Associates, Inc. using the methods and data contained in the Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., April, 1998.

As stated above, the certified LCP requires that sufficient parking shall be provided within LCP Subareas 5, 6 and 11 to meet the average weekday demand of the existing and proposed uses in LCP Subareas 5 and 6. The average weekday demand is the minimum amount of parking that must be provided within LCP Subareas 5 and 6 (and Subarea 11). The additional parking facilities that will be necessary to meet peak weekend day and evening demand must be provided in the surrounding area through the Traffic and Parking Management Association.

The Commission finds that existing and proposed parking facilities will provide the necessary amount of parking to meet the average weekday demand of both the existing and proposed recreational and visitor-serving commercial uses in LCP Subareas 5 and 6. In order to ensure that all new parking facilities are provided as proposed, a special condition of approval requires that the applicants construct and open for public use the following proposed parking facilities prior to or concurrent with the development that is approved by this permit in LCP Subareas 5 and 6: 1) the 1,550 space parking structure in LCP Subarea 5; 2) the metered on-street parking spaces on Pine Avenue and the new street grid to be developed within the Subarea 5 (approximately 333 parking spaces); 3) the metered 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 located at the southwest intersection of Pine Avenue and Shoreline Drive in Shoreline Park (LCP Subarea 6).

In addition, within ninety days of the establishment of the proposed parking spaces, the applicants shall submit final plans, for the review of the Executive Director, which show the exact number and location of all parking spaces provided pursuant to this action. The final plans shall be in substantial conformance with the conceptual plans submitted with this application. Any deviation from the proposed conceptual plans shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary. Only if conditioned to provide the parking facilities as proposed does the proposed project conform to Section 30252 of the Coastal Act.

Parking Management

As stated above, the certified LCP allows shared and joint-use parking arrangements in the Downtown Shoreline area only in conjunction with a comprehensive parking plan that will assure continued public access to the popular recreational area around Queensway Bay. The primary

method of providing parking for the various types of visitors to the Downtown Shoreline area will be the shared use of the existing parking supplies in downtown Long Beach, including the parking reservoirs of the existing office and high-rise buildings. The LCP encourages joint use parking arrangements in order to meet the total parking demands of the public and private visitor-serving and recreational facilities proposed in the Downtown Shoreline area.

The shared parking program outlined in the certified LCP is dependent on the efficient management of the many parking resources in the downtown area. In addition, the management of the parking facilities must ensure that the recreational visitors have the same access to parking facilities as the visitors to the proposed commercial uses. In order to carry out the planned shared parking arrangements, the certified LCP requires the City to form a Traffic and Parking Management Association to plan and monitor the joint use of the area's public and private parking facilities. The LCP requires that the Traffic and Parking Management Association be formed prior to commencement of development of LCP Subarea 5 (Tidelands site) and the commercial uses proposed on the north side of Rainbow Harbor west of Pine Avenue (LCP Subarea 6).

In regards to the entire Downtown Shoreline Area, the certified LCP states:

"All parking designed and/or constructed for a specific use shall be made available to the general public and to other uses on a shared basis whenever parking spaces are not use by the specific use. The Traffic and Parking Management Association shall coordinate availability and use of such spaces."

"A Traffic and Parking Management Association shall be created to monitor traffic generation and parking demand in the Planned Development Area, and to implement specific parking management strategies and transportation demand management programs as needed. The goal of the traffic and parking management program shall be to provide adequate parking to support the development in a cost-effective manner, and to provide public access to the coast while providing some discouragement for use of private automobiles over transit alternatives. The goal of the transportation demand management shall be to minimize the negative impacts of project-related trips on local streets and intersections and upon the regional freeway network; it shall consider measures such as providing no free on-site parking for employees and providing employees with free transit passes. All development within the project area shall be required to participate in the Association when it is formed. The Association shall be formed prior to commencement of development of LCP Subarea 5 or of the retail/entertainment complex in Subarea 6 west of Pine Avenue."

The above stated LCP policy anticipates the problems which could arise as a result of uncoordinated management of the Downtown Shoreline area's many parking facilities, all of which are located on public tidelands. Therefore, the required Traffic and Parking Management Association is charged with the implementation of specific parking management strategies and transportation demand management programs in order to provide adequate parking in a cost-effective manner while protecting public access to the coast. The certified LCP requires that the Traffic and Parking Management Association be formed prior to the commencement of the development proposed by this application. In fact, the City has already formed the required Traffic and Parking Management Association and held its first official meeting on July 23, 1998. The joint use of existing parking reservoirs is already a fact of life in downtown Long Beach.

In order to ensure that the applicants and all designated operators and managers of the parking facilities participate in the Traffic and Parking Management Association, a special condition of approval requires such participation. The parking resources approved by this permit are to be included in the total parking resources managed by the Traffic and Parking Management Association. In addition, in order to inform any future private operators of the parking facilities of the special conditions and limitations of this Commission action, the applicants are required to incorporate the terms and conditions of Coastal Development Permit 5-98-156 into the lease of any area or development that is subject to Coastal Development Permit 5-98-156. Such leases shall incorporate provisions for public use, public access, employee parking, parking fees and management practices consistent with all terms and conditions contained herein. Only as conditioned does the Commission find that the proposed project is consistent with the coastal access and recreation policies of the Coastal Act.

Public Parking

In LCP Subareas 5 and 6, the certified LCP requires that all the parking spaces are public spaces which shall be reserved for the use of the general public, and shall be available for use on a first-come, first-served basis. No parking spaces may be reserved for the exclusive use of any tenant or development (except for handicapped parking spaces). The certified LCP parking policies enhance the public's ability to access the Downtown Shoreline area to use both the lower cost recreational facilities and the visitor-serving commercial uses. After all, all of the parking spaces and visitor-serving commercial uses are located on public tidelands.

In order to ensure that the applicants and the Traffic and Parking Management Association operate the proposed parking facilities consistent with the public access policies of the Coastal Act and the certified LCP, a special condition requires that 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). There shall be no parking spaces reserved for valet parking at any time. The requirement that all parking is public parking applies to all parking within LCP Subarea 5 and 6, including, but not limited to, all parking in parking structures, parking lots, and on-street parking. Only as conditioned is the proposed project consistent with the Chapter 3 policies of the Coastal Act.

Valet Parking

As part of the proposed project, the applicants have proposed to provide valet parking services for Downtown Shoreline area visitors. One proposed valet parking drop-off area would be located at Pine Avenue Crescent at the terminus of Pine Avenue (Exhibit #12). Other valet parking drop-off locations would likely be provided in LCP Subarea 5 (Tidelands Parcel). One of the applicants' proposed parking reservoirs for valet parking would be the 100 space public parking lot proposed in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue (Exhibit #12). The existing Convention Center parking structure located on the east side of Pine Avenue may also be used as a valet parking reservoir (Exhibit #13).

The provision of valet parking services by themselves would not negatively affect public access if the services were available to the general public. However, if the operation of the valet parking services includes the reservation of blocks of parking, and if the cost for valet parking is more

expensive than self-parking, valet parking would impede the public's ability to use the public parking supplies in the Downtown Shoreline area. Higher fees for valet parking and the tradition of tipping valets will discourage self-parking in the public parking lots, especially by people who visit the area for lower-cost recreational uses. The presence of valets themselves could discourage the use of the public parking lots by many visitors. Many people prefer to self-park in order to avoid the cost, waiting and entrusting their vehicle to strangers. Valet parking services and self-parking in the public parking lots may be able to co-exist, but only if adequate limits are in place to protect the public's ability to self-park in the public parking areas.

One way to protect the public's ability to use the public parking lots is to prohibit the valet parking services from reserving parking spaces for valet parking in LCP Subareas 5 and 6. The certified LCP requires equal access to all parking spaces in these two subareas, and does not allow any parking spaces to be reserved for any group other than the general public and handicapped persons. The use of on-street parking spaces for valet parking is prohibited in order to protect the short-term parking supply that will support public access to the lower-cost recreational activities in the area.

The conditions of this permit impose limits on valet parking services in order to protect the public's ability to self-park in the public parking areas. Valet parking may be permitted in the 100 space public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue, but only after sunset when the demand for parking by park visitors has subsided. Daytime use of this parking lot is reserved for self-parking by the general public because it is located in a public park near the water. After sunset, this parking lot may be used by valet parking services, provided that self-parking is also available within the lot and there no parking spaces are reserved for valet parking. If the valets were to reserve parking spaces in this public parking lot, they would possibly reserve the all 100 parking spaces for the exclusive use of valets. The exclusive use of this public parking lot by any group other than the general public is prohibited. The cost of valet parking in the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue shall be equal or less than the cost of self-parking.

Within the parking structures located in LCP Subareas 5 and 6, valet parking is permitted at any time, provided that self-parking is also available within the structure and no parking spaces reserved for valet parking. Valet parking is permitted at any time in the parking structures to encourage the use of these multi-level parking facilities by the customers of the proposed development. The surface level parking on the public streets and public parking lots is the primary parking supply for the visitors to the lower cost and free recreational activities provided at the shoreline. The cost of valet parking in the parking structures in LCP Subareas 5 and 6 shall be equal or less than the cost of self-parking to encourage more use of the structures. Only as conditioned to prohibit the reservation of public parking spaces in LCP Subareas 5 and 6 is the proposed project consistent with the public access policies of the Coastal Act.

If the valet parking services require a reserved parking reservoir, then the public parking policies of the certified LCP require that it be located outside of LCP Subareas 5 and 6. In LCP Subarea 8, directly across Pine Avenue from the proposed multi-screen theatre (Building C&D), is the entrance to the existing Convention Center parking structure (Exhibit #13). There is no provision in the certified LCP that would prohibit the use of a reserved valet parking reservoir in LCP Subarea 8. The Pine Avenue entrance to the Convention Center parking structure is located a half-block north of the proposed valet parking drop-off area located at Pine Avenue Crescent at the terminus of Pine Avenue (Exhibit #13). Because the Convention Center parking structure is located farther inland

from the shoreline, it is less likely to be used by the visitors to the lower cost and free recreational activities provided at the shoreline.

Parking Fees and Validations

In order to manage the public's use of the proposed parking facilities, the applicants have proposed a parking fee and validation system. All parking in the project area would be subject to the proposed parking fee system. The proposed on-street parking spaces will be metered, and a parking fee will be assessed for parking in the proposed parking structure and in the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue (Exhibit #12). The metered on-street parking spaces will cost 50 cents for each fifteen minutes (2\$/hr.) or less. The proposed rate for parking in the proposed parking structure and 100 space surface parking lot in Shoreline Park is one dollar for each thirty minutes (2\$/hr.), up to a maximum of twelve dollars.

The applicant's proposed validation system will offer reduced rates for parking in the proposed parking structure and 100 space surface parking lot in Shoreline Park. The proposed fee and validation system approved by this permit may not be used in the existing 150 space Shoreline Park parking lot located on the south side of Rainbow Harbor, which is outside of the project area. As proposed, participating merchants in the proposed development would issue parking validations to customers. The parking validations would allow one hour of free parking, and reduced rates for additional time. The parking validation system would not be applicable to any metered parking spaces. The reduced parking rates, with a validation, are as follows:

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

The Commission, in past actions, has found that the cost of parking has effects on the public's ability to access the coast. Section 30213 of the Coastal Act requires the protection of lower cost visitor and recreational facilities. The lower cost visitor and recreational facilities in the Downtown Shoreline area include the strolling, bicycling, fishing and sightseeing opportunities in Shoreline Park and the Rainbow Harbor Esplanade. All of the parking facilities in LCP Subareas 5 and 6, especially the proposed on-street spaces and the 100 space surface lot in Shoreline Park, are necessary to support these types of lower cost visitor and recreational activities. In order to protect public access to these low cost coastal recreational opportunities, the parking supplies in the area must be available and affordable to the general public.

The parking rates proposed by the applicants are two dollars per hour in both the metered parking spaces and in the attended parking areas (structure and 100 space Shoreline Park parking lot). Parking validations would reduce the cost of parking in the attended parking areas. Although these rates may be too expensive to many of the areas economically disadvantaged citizens, the proposed rates are consistent with the parking rates previously approved by the Commission in 1997 and 1998 for the Downtown Shoreline area.

With the Commission's approval of the following coastal development permits, the parking rates in the Downtown Shoreline area of Long Beach have been standardized at one dollar per half-hour (2\$/hr.). Coastal Development Permit 5-98-268 (City of Long Beach) approved the rate of two dollars per hour (without validation) in the City-owned parking structure next to the Aquarium of the Pacific. Coastal Development Permit 5-98-042 (City of Long Beach) also approved the rate of two dollars per hour for the parking meters proposed in the Marina Green public parking lots and along Shoreline Drive. Coastal Development Permit Amendment 5-94-010-A2 (Shoreline Village) approved the rate of two dollars per hour (without validation) in the Shoreline Village surface parking lot. The proposed parking rates are also within the range or less than the prices commonly charged at other Los Angeles County and Orange County waterfront areas.

The standardization of parking rates in the Downtown Shoreline area will eliminate the adverse traffic impacts of persons driving around and searching for a lower parking rate. For those persons unable to afford the proposed cost of parking in the Downtown Shoreline area, there is free and lower cost parking is available in downtown Long Beach about one-half mile north of the Downtown Shoreline area. Free public transportation to and throughout the Downtown Shoreline is also available on the red Passport shuttles operated by Long Beach Transit.

The proposed parking rates may be consistent with prior Commission approvals, however, any increase above the proposed rates could have a negative affect on coastal access. Therefore, in order to allow the Commission to review any such impacts on coastal access in the future, the permit is conditioned to require that any increase in the approved parking fees be submitted to the Executive Director to determine whether an amendment to this permit is necessary. Only as conditioned is the proposed amendment consistent with the public access and recreation policies of the Coastal Act.

Employee Parking

Another impact on the parking supplies that could negatively affect the public's ability to access the area's lower cost recreational opportunities is employee parking. If employees of the proposed commercial uses occupy the parking supplies that support area's lower-cost recreational uses, then coastal access opportunities will be reduced for persons who come to the waterfront for coastal recreation.

Without specific provisions for employee parking, it is possible that employees will park in the Marina Green or Shoreline Park parking spaces which have been protected to support for public access and coastal recreation. Employees usually park for the length of their shift which last from six to nine hours a day. Long-term use of the public parking spaces in the public parks or on the streets will reduce the number of spaces available for persons coming to the waterfront for coastal recreation. Therefore, employees of the proposed commercial uses should be encouraged to use a parking supply designated specifically for employees. The employee parking area shall not be located within the parking supplies that are necessary to support coastal recreation.

The parking analysis for the proposed project projects a peak employee parking demand of 375 parking spaces (KAKU Associates, April 1998). The project employee parking demand is in addition to the employee parking demand of the Aquarium of the Pacific (125 spaces) and Shoreline Village (150 spaces). The aquarium and Shoreline Village have both submitted employee parking programs for Commission approval in compliance with special conditions of Coastal Development Permits 5-96-274-A (Shoreline Village) and 5-96-268 (City of Long Beach Parking Structure).

The applicants have already identified two potential parking areas outside of LCP Subareas 5 and 6 that could be used for employee parking. One possible employee parking area is a vacant piece of land in LCP Subarea 4 situated between Shoreline Drive, Chestnut Avenue, Seaside Way and Queens Way (Exhibit #4). This vacant parcel has historically been used for overflow parking, most recently by the employees of the Aquarium of the Pacific. The other possible employee parking area is a vacant piece of land located behind (north) the existing Catalina Landing parking structure in LCP Subarea 3 (Exhibit #4). The site in LCP Subarea 3 is currently used as a City maintenance and storage area. Neither of these possible employee parking sites has been improved as a parking lot. The necessary paving, landscaping and designation for employee parking would require the Commission's approval of a coastal development permit or amendment. The City may apply for the paving, landscaping and designation of either site as an employee parking lot as an amendment to this permit or a separate coastal development permit.

In order to prevent the use of recreation-serving parking areas from being occupied for by employees of the commercial establishments, the applicants shall provide an area or areas for employee parking that are not located in or near public parks or on public streets. Although it is difficult to prevent the employees from parking in the metered on-street parking spaces or in the parking structures, there are ways to encourage the employees of the proposed commercial uses to use the parking areas designated for them. Therefore, as required by prior Commission actions in the Downtown Shoreline area, the applicants must designate specific employee parking reservoirs and develop an employee program to encourage the use of the employee parking reservoirs. The applicants' proposed parking program, and proposed improvements necessary to provide such parking, shall be submitted for Commission review and approval prior to the issuance of this permit.

A condition of this permit requires the applicants to submit an employee parking program, subject to the review and approval of the Commission, which: a) identifies an employee parking reservoir 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 parking spaces shall be 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 lots), 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. Only as conditioned does the Commission find that the proposed project is consistent with the coastal access and recreation policies of the Coastal Act.

F. Scenic Resources

The proposed project, which involves the construction of several very large buildings, amusement rides and landmarks, will dramatically alter the way the Downtown Shoreline is viewed from within and from the surrounding areas. Most of the project area is currently vacant and covered with pavement or landscaping. The proposed development will replace the vacant parking lots and park areas with structures that reach 40 to 152 feet above the flood plain elevation. The Coastal

Act requires that the scenic and visual qualities of the project area be considered and protected as a resource of public importance.

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...

The Commission has already addressed the proposed project's impacts on scenic resources in two prior actions (See City of Long Beach LCP Amendment Nos. 1-95 & 2-98A). In 1995, when the Commission incorporated the Queensway Bay Development Plan into the certified LCP by approving LCP Amendment No. 1-95, it carefully reviewed the visual impacts of the proposed development and required that specific policies be included into the plan to protect the scenic resources of the Downtown Shoreline area. The Commission's certification of LCP Amendment No. 1-95 included specific LCP policies that protect special view corridors and limit building mass and heights in order to protect the visual resources of the Downtown Shoreline area.

The certified LCP policies that limit building heights and protect specific view corridors on the project site were reviewed and updated in August of 1998 as part of the Commission's certification of LCP Amendment No. 2-98A. A revised view corridor map (LCP Attachment A) was certified by the Commission as part of LCP Amendment No. 2-98A (Exhibit #9).

View Corridors

Public views to and along the coast are very important visual resources which are protected by policies of the certified LCP and the Coastal Act. The certified LCP contains a map (LCP Attachment A) that identifies the special view corridors in LCP Subareas 5 and 6 that must be protected in order to provide views from the land to the water (Exhibit #9). The protected view corridors in LCP Subareas 5 and 6 include: a 410 foot long view corridor/open space area on Shoreline Wharf, the air space above the Terraces at the terminus of Pine Avenue, the Pine Avenue Pier corridor, the 60 foot wide Pine Avenue view corridor and its extension to the water, a 60 foot wide view corridor extending southeast from the intersection of Pine Avenue and Shoreline Drive, and a 150 foot (or 60 foot) wide view corridor at the intersection of Aquarium Way and Shoreline Drive (Exhibit #9).

In addition, one of the best public views to the water from Downtown Long Beach is viewed from the Promenade South. The Promenade South is elevated about thirty feet above Pine Avenue at the same elevation as Ocean Boulevard. Ocean Boulevard runs along the top of the forty-foot high coastal seabuff. The Downtown Shoreline area lies below the coastal bluff on filled tidelands that were once part of the sea. The public areas on the coastal bluff and elevated Promenade South naturally provide excellent views to Rainbow Harbor, Shoreline Village and the Queen Mary. These views will be maintained by the protected view corridors over Pine Avenue, the Pine Avenue Pier, Shoreline Wharf, and the Terraces at the terminus of Pine Avenue (Exhibit #10).

The view corridors identified in the certified LCP are the minimum amount of space between the proposed buildings that provide views to Rainbow Harbor from Shoreline Drive, Pine Avenue and the proposed town square on the Tidelands Parcel. Therefore, the proposed project must respect

and maintain all view corridors identified on LCP Attachment A (Exhibit #9). The certified LCP states:

"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 Attachment A: View Corridors."]

While the footprints of the buildings proposed as part of this application comply with the requirements of the certified LCP in regards to the protected view corridors, certain accessory structures do not (Exhibit #10). The proposed project includes an arch and sign over the entrance to Pine Avenue Pier (Exhibit #16). The Pine Avenue Pier is identified by the certified LCP as a protected view corridor. Also, the proposed restaurant patio areas attached to Buildings J and K encroach into the Terraces view corridor at the terminus of Pine Avenue (Exhibit #7). The proposed arch and sign over the entrance to Pine Avenue Pier would significantly interfere with the Pine Avenue Pier view corridor that is protected by the above-stated LCP policy. Restaurant patio areas are also not compatible with the protected view corridors because the tables, umbrellas, and dining activities would interfere with public views through the protected view corridor. Therefore, a condition of approval requires the submittal of revised plans that delete all items that exceed 42 inches in height from the Pine Avenue Pier view corridor, and all restaurant patio areas located outside of the Terraces view corridor.

Special condition 19 is necessary to maintain and protect the view corridors identified in the certified LCP. The condition states that 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. Only as conditioned does the proposed project comply with Section 30251 of the Coastal Act.

Public Viewing Deck

In LCP Subarea 6, the applicants propose to provide a 35,000 square foot public viewing deck in lieu of the view corridor/open space area at least 150 feet wide at the intersection of Shoreline Drive and Aquarium Way (Exhibit #10). A pedestrian bridge over Shoreline Drive, and a 60-foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way are also proposed.

On August 13, 1998, when the Commission approved LCP Amendment No. 2-98A, it found that the 150 foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way could be reduced in width to 60 feet only if an equivalent or better public view resource would be provided. The Commission found that an equivalent public view resource to the 150 foot wide view corridor would be provided by all three of the following: 1) a 60 foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way, 2) a pedestrian bridge over Shoreline Drive at Aquarium Way, and 3) a 35,000 square foot public viewing deck on the second level of the structure located between Aquarium Way and the City-owned parking structure next to the aquarium (Exhibit #9).

The public viewing deck, when combined with the views provided from a pedestrian bridge over Shoreline Drive, would replace the lost public views that would result from the smaller 60-foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way. In fact, the proposed elevated view deck and pedestrian bridge would provide more expansive and uninterrupted views of Rainbow Harbor and the Queen Mary than a ground level view corridor by itself. Of course, the viewing deck must be available for public use, as public parks are, in order to provide public views.

Special conditions of approval require the applicants to construct and open to the public the pedestrian bridge and 35,000 square foot public viewing deck 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 public viewing deck and bridge shall be designed and oriented to provide open views to Rainbow Harbor and the Queen Mary, and 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. The bridge shall be at least 25 feet wide and be at the same elevated level as the public viewing deck. 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 (faux roller coaster), providing that its surface is not more than 15 percent solid or opaque. Commercial uses, including restaurant table service, are not permitted on the bridge. As conditioned to provide a public viewing deck and pedestrian bridge, and to protect the view corridors identified in the certified LCP, the proposed development consistent with the requirements of Section 30251 of the Coastal Act to protect the scenic and visual qualities of coastal areas. Building heights, however, must also be limited in order to protect the scenic and visual qualities of coastal areas.

Building Heights in the Downtown Shoreline Area

The Commission has always addressed building heights whenever visual resources are discussed. Excessively high structures can negatively impact the character of an area as well as public views. In several past actions, however, the Commission has found that tall buildings, if sited correctly, may be appropriate in high-density urban areas like downtown Long Beach. The proposed project includes structures that range from 40 to 152 feet above the flood plain elevation.

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

Many of the existing buildings in the Downtown Shoreline area have heights equivalent to those proposed in this application. In fact, in LCP Subareas 3 and 6, the Commission has recently

approved several buildings with heights of 50 to 100 feet. These recently approved and constructed structures include the City-owned parking structure next to the aquarium (55 feet with 70-91 foot tall architectural extensions), the Long Beach Aquarium of the Pacific (62 feet), and the California State University Headquarters building (99.5 feet).

In addition, many existing and proposed structures on the south side of Ocean Boulevard far exceed the 40 to 152 foot tall structures proposed by this application. For example, in 1992, the Commission approved LCP Amendment No. 1-92 and Coastal Development Permit 5-91-845 for a 425-foot tall mixed-use structure on the northeast corner of Pine Avenue and Seaside Way, directly adjacent to the northeast corner of the currently proposed project. In 1989, the Commission certified LCP Amendment No. 1-89 allowing buildings up to 600 feet tall on the Pike property in LCP Subarea 4, across Seaside Way from the currently proposed project (Exhibit #4). Many existing buildings along Ocean Boulevard are 200 to 300 feet tall or taller. Therefore, the 40 to 152 foot tall structures proposed by this application are not out of character with the height of adjacent development, and will not be precedent-setting in the City's coastal zone.

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

LCP Standards for Subarea 6

LCP Subarea 6, located on the seaward side of Shoreline Drive, contains Rainbow Harbor, Shoreline Park, the Aquarium of the Pacific, and the Shoreline Village shopping center (Exhibit #4). Most of LCP Subarea 6 is located between the first road and the sea. The protection of public access and public views to and along the shoreline are of primary importance in this subarea.

The certified LCP states that the commercial development proposed in LCP Subarea 6 should be two stories or less and limited to the northern side of Rainbow Harbor. The view corridors, public viewing areas, and open space areas identified on LCP Attachment A must also be provided and protected (Exhibit #9). The LCP requires that all new buildings higher than two stories should be located inland of Shoreline Drive in LCP Subareas 4 & 5 and closer to the existing downtown high-rise buildings. Shoreline Drive is the first public road inland from Rainbow Harbor.

The relevant LCP standards that protect visual resources in LCP Subarea 6 state:

"Location and scale. Shops, restaurants and entertainment facilities shall be limited to Shoreline Village and the northern side of the Downtown (Rainbow) Harbor... The development shall be punctuated by plazas and outdoor eating areas. Long continuous walls without windows and doors shall be avoided along the pedestrian esplanade. Pedestrian scale shall be maintained through frequently interrupted and articulated facades and through change of material and/or color."

"Height. Structures shall not exceed two-stories or 40 feet in height, except that this height may be exceeded by special architectural or sculptural features on each side of the harbor

entrance channel, by the aquarium, by the new parking structure which shall not exceed 55 feet in height, and by one amusement ride which shall not exceed 100 feet in height that is in character with the existing Rainbow Harbor development and does not negatively affect public views to and along the shoreline."

"Public viewing deck. If a view corridor/open space area at least 150 feet wide is not provided from the intersection of Shoreline Drive and Aquarium Way to Rainbow Harbor (as formerly required by the certified LCP), then a public viewing deck with a minimum of 35,000 square feet of usable public area shall be provided on the second level of the building or buildings located between the aquarium parking structure and Aquarium Way. The public viewing deck shall be designed and oriented to provide open views to Rainbow Harbor and the Queen Mary, and 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. All structures in Subarea 6 shall be designed and sited to protect the public views to Rainbow Harbor and the Queen Mary from the public viewing deck."

"View Corridors. The 150 foot wide view corridor that the LCP formerly required at the intersection of Shoreline Drive and Aquarium Way may be substituted if all three of the following alternative view corridor/public open space areas are provided: a) a 60 foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way, b) a pedestrian bridge over Shoreline Drive at Aquarium Way as required by Section (b)2 above, and c) a 35,000 square foot public viewing deck, as required by Section (c)5 above, on the second level of the structure(s) located between Aquarium Way and the aquarium parking structure. Refer to Attachment A: View Corridors."

"If a view corridor/open space area at least 150 feet wide is not provided from the intersection of Shoreline Drive and Aquarium Way to Rainbow Harbor (as formerly required by the certified LCP), then a pedestrian bridge connecting Subareas 5 and 6 shall be provided over Shoreline Drive. The bridge shall be at least 25 feet wide and be at the same level as the public viewing deck provided between Aquarium Way and the parking structure in Subarea 6. 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. To protect the views from and through the bridge, all railings and decorations on the bridge shall be limited to a height of four feet measured from the pedestrian deck, except that a gateway sculptural element which exceeds the height limit may be placed on the bridge, providing that its surface is not more than 15 percent solid or opaque."

The proposed project complies with most, but not all, of the above-stated LCP standards. The proposed project does limit the proposed commercial uses to the northern side of Rainbow Harbor, and it is punctuated by plazas and outdoor eating areas. Pedestrian scale is maintained in LCP Subarea 6 through frequently interrupted and articulated facades. The LCP height limit, however, has not been strictly adhered to in the applicants' proposal.

Building Heights in LCP Subarea 6

For LCP Subarea 6, the certified LCP states that structures shall not exceed two-stories or 40 feet in height. The only exceptions to this height limit are: special architectural or sculptural features

on each side of the harbor entrance channel, the aquarium, the existing City-owned parking structure, a 100 foot tall amusement ride, and a gateway sculptural element with a surface that is less than 15 percent solid or opaque. [See *Measurement of Height Section below for certified LCP process for measuring height*].

Several portions of the proposed project exceed the LCP height limit of 40 feet in LCP Subarea 6. As allowed by the certified LCP, the applicants have proposed a 100-foot tall gateway sculptural element. The proposed gateway sculptural element is designed to appear as a roller coaster trestle on the bridge over Shoreline Drive that connects LCP Subarea 6 (Rainbow Harbor) to the Tidelands Parcel (Exhibit #14). The trestle-like design has a surface that is less than 15 percent solid so that it will not completely block the view of the sky beyond it.

The applicants also propose to place a permanent Ferris wheel at the south end of the faux roller coaster and pedestrian bridge over Shoreline Drive (Exhibit #12). The certified LCP states that the 40-foot height limit may be exceeded by "a 100 foot tall amusement ride". The proposed Ferris wheel, however, is approximately 130 feet tall. Therefore, the proposed Ferris wheel does not comply with the LCP height limit requirements.

The portions of the proposed development in LCP Subarea 6 that exceed the LCP height limit of 40 feet are: a) the south end of the faux roller coaster (100 feet); b) sails, sail columns and flag poles on Building F (sails and sail columns 60 feet & flag poles 75 feet); c) Ferris wheel (approx. 130 feet); d) letters of "RAINBOW HARBOR" on Buildings G,H&J (50 feet); e) flag poles on Buildings G,H&J (77 feet); and f) two vertical blade architectural elements on Buildings G & J (60 feet). No usable space is proposed to exceed the height limits for LCP Subarea 6 (Exhibit #12).

The proposed sails and sail columns on Building F, the 130 foot Ferris wheel, and the 50 foot high "RAINBOW HARBOR" sign (Exhibit #17) and flag poles are in character with the existing Rainbow Harbor development and will not negatively affect public views to and along the shoreline. Public views to and along the shoreline will not be negatively affected because all of these items are located on top of buildings that already block ground level views and they are also located outside of the protected view corridors shown on LCP Attachment A (Exhibit #9). Furthermore, none of these items include building mass or usable space. Although these items will be in the viewshed, they will not completely block the view of the sky as would a solid structure. The sails, flags and letters of the "RAINBOW HARBOR" sign will not occupy a significant amount of area over the 40-foot height limit contained in the certified LCP. Therefore, these items may exceed the 40-foot height limit contained in the certified LCP.

The two proposed 60-foot high vertical blades, however, will negatively affect public views to and along the shoreline because they do significantly add to the mass of the structure and will block a significant portion of the view when viewed from the side. A blade is a rectangular or triangular building extension that is longer than it is wide. The proposed blades are 10 to 50 feet wide and extend 20 feet above the tops of Buildings J and G (Exhibit #12). Building G and the proposed blade attached to it are located on the eastern edge of the Aquarium Way view corridor. The two proposed vertical blades will negatively affect public views, and therefore, are not permitted and shall be deleted from the project plans.

In order to limit the amount and type of development that may exceed the 40 foot height limit in LCP Subarea 6, a special condition of approval limits the exceptions to the following: a) the south end of the faux roller coaster (100 foot 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) "RAINBOW HARBOR" sign with letters not to exceed 50 feet; and e) flag poles on Buildings G,H&J (77 foot maximum). Only as conditioned does the proposed project conform to Section 30251 of the Coastal Act.

LCP Standards for Subarea 5

LCP Subarea 5 is the Tidelands parcel located on the inland side of Shoreline Drive and west of Pine Avenue (Exhibit #4). The certified LCP contains specific standards for LCP Subarea 5 that limit building heights and protect open space areas and view corridors in order to protect the scenic resources of the Downtown Shoreline area.

The relevant LCP standards that protect visual resources in LCP Subarea 5 state:

"Site Locations. Buildings shall be sited so as to provide staggered locations near Seaside Way, near Shoreline Drive, and near Pine Avenue. Buildings shall be sited so as to minimize view blockage from the overlooks and from buildings in Subareas 4 and 5. The relationship of buildings and open space areas shall be such as to create an interesting pedestrian scale environment at grade. The location and height of structures shall be such as to enhance the required view corridors from Ocean Boulevard through Subarea 4 toward the water. Structures shall be designed so as to minimize view blockage to the water from buildings in Subareas 4 and 5. Building facades and rooftops which are visible from view corridors, buildings in Subarea 4, the Convention Center and Promenade South shall be attractively treated to enhance these views. Along Pine Avenue, active pedestrian-oriented uses shall be required on the ground floor with storefront access from Pine Avenue."

"Height. Three stories not to exceed 40 feet, except for the following permitted heights: a) 60 feet for one multi-screen theater with a building footprint not to exceed 82,500 square feet may be located between the extended rights-of-way of Pine Avenue and Pacific Avenue; b) 60 feet for one parking structure located west of the extended right-of-way of Cedar Avenue; c) 80 feet for one large-format cinema with a building footprint not to exceed 15,000 square feet may be located between the extended rights-of-way of Cedar Avenue and Pacific Avenue; d) twelve stories for one hotel located between the extended rights-of-way of Cedar Avenue and Pacific Avenue; e) 100 feet for one vertical monument with a footprint not to exceed 500 square feet above the 40 foot elevation; and f) 100 feet for one amusement ride."

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

"Site Coverage: Not more than 65 percent."

"Special Design Features. The entire area shall be designed in an urban waterfront atmosphere. Landscaping shall be lush and colorful. The area shall be open and inviting to the public, and shall facilitate and encourage pedestrian flow between the Downtown and the Shoreline. The facades of all buildings fronting on streets, especially Pine Avenue, shall be articulated with storefronts, display windows, special architectural and landscape treatment.

If buildings back onto Shoreline Drive, they shall present an attractive facade through articulation and special architectural and landscape features."

"A landscaped public open space area with a water feature shall be provided at the southeast corner of Subarea 5 at the intersection of Shoreline Drive and Pine Avenue. The landscaped and water area shall occupy at least 23,000 square feet, not counting the Regional Bicycle Route, and shall be accessible to the public from the pedestrian walkways on Shoreline Drive and Pine Avenue. Public park benches shall be provided, and restaurant table service shall not be permitted in this area."

The proposed project complies with all of the above-stated LCP standards, with the exception of some portions of the development that exceed the height limit. The proposed project is designed with an urban waterfront type that is open and inviting to the public. Pedestrian flow between the downtown and the shoreline is facilitated and encouraged by the new street grid, the Pine Lane walk street, and the elevated pedestrian bridge. The facades of the proposed buildings have storefronts, display windows, and special architectural treatment (Exhibits #18-20). Pine Avenue will have storefronts and active pedestrian-oriented uses on the ground floor as required by the certified LCP. In addition, the proposed building locations and heights are staggered to minimize view blockage from adjacent buildings, Ocean Boulevard and Promenade South. On the ground level, the relationship of the proposed buildings and open space areas such as the town square, Pine Walk and public amphitheater will create an interesting pedestrian scale environment as required by the certified LCP.

Building Heights in LCP Subarea 5

As is case in LCP Subarea 6, some portions of the proposed development in LCP Subarea 5 exceed the LCP height limits. For LCP Subarea 5, the certified LCP states that structures shall not exceed three or 40 feet in height, unless they are specifically permitted by the LCP to be built higher. The LCP specifically permits the following structures to exceed 40 feet in height³: a) multi-screen theater (60 feet); b) parking structure (60 feet); c) large-format cinema (80 feet); d) 12 story hotel; e) vertical monument (100 feet); and f) amusement ride (100 feet). The LCP also allows architectural features throughout LCP Subarea 5 to extend above these height limits if they do not contain any usable interior space and do not significantly add to the mass of a structure or negatively affect public views.

The proposed faux roller coaster, multi-screen theatre (Buildings C & D: 60 feet), parking structure (60 feet), large-format cinema (Building A: 80 feet) and amusement ride (carousel with 70 foot roof) comply with the LCP height limits (Exhibit #13). A hotel is not proposed at this time.

The LCP permits a 100-foot tall vertical monument. The applicants propose a vertical monument (tower spire) that is 152 feet high (Exhibit #19). Several other portions of the proposed project exceed the LCP height limit of 40 feet. Some of these items qualify as architectural features because they do not contain any usable interior space and do not significantly add to the mass of a structure or negatively affect public views. Some do not qualify as architectural features because they do significantly add to the mass of a structure or negatively affect public view.

³ See Measurement of Height Section below for certified LCP process for measuring height.

Those items in LCP Subarea 5 that do qualify as architectural features: a) two lantern features on north end of the faux roller coaster (63 & 78 feet); b) on Building A, one 500 square foot parapet extension (47 feet maximum), the letters of "LONG BEACH" sign (50 feet maximum, Exhibit #18), and clock tower (60 feet); c) on Building B, one 43 foot extension; d) on Building C, one 43 foot extension and two towers (60 & 93 feet); and e) on Building D, one tower (78 feet) with one blade (100 feet), and one 52 foot extension. No usable space is proposed to exceed the height limits for LCP Subarea 5. [See Exhibit #13].

The items in LCP Subarea 5 that do qualify as architectural features are in character with the existing Rainbow Harbor development and will not negatively affect public views to and along the shoreline. Public views to and along the shoreline will not be negatively affected because all of these items are located on top of buildings that already block ground level views and they are also located outside of the protected view corridors shown on LCP Attachment A (Exhibit #9). Furthermore, none of these items include any usable space or significant building mass. Therefore, these items may exceed the LCP height limits contained in the certified LCP. The proposed 152 foot tall vertical monument in the town square may also exceed the LCP height limit because it is so narrow (tapered and less than 500 square feet in base area) as to not block any views (Exhibit #19).

Some items in LCP Subarea 5, however, will negatively affect public views because they significantly add to the mass of the structure. The top 20 feet of the proposed 60 foot round structure in the town square (next to the proposed 152 foot tall vertical monument) significantly adds to the mass of the proposed structure over the 40 foot height limit. Seven proposed 50 to 70 foot high three-dimensional food icons (ice cream cone, cup, pretzel, hot dog, donut, fries and soda) are attached to the roof of Building E and protrude 20 feet above the roof into the sky. The seven proposed three-dimensional food icons are obtrusive and appear out of character with the rest of the more tasteful development (Exhibits #14&15). Therefore, the top 20 feet of the proposed 60-foot round structure in the town square, and the seven proposed three-dimensional food icons are not permitted and shall be deleted from the project plans.

In order to limit the amount and type of development that may exceed the LCP height limits in LCP Subarea 6, a special condition of approval allows only the following exceptions to the height limit:

- 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) 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** (60 feet maximum);
- g) **In the town square:** one vertical monument (152 feet maximum); and,
- h) **Flag poles** (77 feet maximum).

Only as conditioned does the proposed project conform to Section 30251 of the Coastal Act.

Public open space area

Also in LCP Subarea 5, the applicants propose to provide a landscaped public open space area with a water feature at the southeast corner of the intersection of Shoreline Drive and Pine Avenue as required by the certified LCP (Exhibit #13). On August 13, 1998, when the Commission approved LCP Amendment No. 2-98A, it found that the approved increase in the site coverage limit from 50 to 65 percent, and a substantial increase in allowable commercial floor area, would be mitigated by the provision of a public open space area. As a result, the proposed LCP amendment was approved and the LCP was modified to include a landscaped public open space area with a water feature at the southeast corner of Subarea 5 near the intersection of Shoreline Drive and Pine Avenue.

A condition of approval requires the applicants to provide the proposed landscaped public open space area and open it for public use concurrent with the permitted development that occurs in LCP Subarea 5. The landscaped and water area shall occupy at least 23,000 square feet and shall be accessible to the public from the pedestrian walkways on Shoreline Drive and Pine Avenue. As conditioned, the provision of the proposed open public space, in conjunction with the existing public open space at the intersection of Shoreline Drive and Pine Avenue, will provide open public space and views of water features between Subareas 5, 6 and 8 at all four corners of this intersection. Only as conditioned is the proposed project consistent with the scenic resource policies of the Coastal Act.

Signage

The placement of signs can negatively impact the visual resources of the Downtown Shoreline area, especially signs that extend above the tops of buildings. Therefore, all roof signs, freestanding signs, three-dimensional food icons, and signs above 40 feet in elevation (except signs attached to the wall of an approved structure that exceeds 40 feet in elevation) are prohibited, unless specifically permitted by this permit or another Commission approval. No freestanding billboards or three-dimensional food icons are permitted in any location.

The signs that are specifically permitted by this permit include the letters of the "RAINBOW HARBOR" sign on Buildings G, H and K (not to exceed the 50 foot elevation; Exhibit #17), and the letters of the "LONG BEACH" sign on Building A above the town square (not to exceed the 50 foot elevation; Exhibit #18). A theatre identification sign is permitted on the 100-foot high blade proposed to be attached to the Pine Avenue façade of Building D (Exhibit #20). Wall signs may be

attached to all buildings permitted by this action, provided that no portion of such a sign extends beyond or above the solid portion of the permitted building.

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 are not specifically approved by this action.

Parking Structure in LCP Subarea 5

The proposed project involves the construction of a 60-foot high, five-level parking structure located north of Shoreline Drive between Cedar Avenue and Chestnut Avenue (Exhibit #13). The proposed parking facility will provide the primary parking reservoir for the proposed development. It is proposed to contain at least 1,550 parking spaces. All of the proposed parking spaces within the structure would be available for public use on a first-come, first-served basis.

The certified LCP requires that the proposed project contain features designed to lessen the visual impact of the parking structure. Specifically, the facade of the proposed parking structure must present an attractive facade through articulation and special architectural and landscape features. The existing City-owned parking structure, located directly across Shoreline Drive from the proposed parking structure, has articulated facades and architectural features that disguise the typical parking-structure look of such structures. In addition, the City has installed significant amounts of landscaping, including tall eucalyptus trees, in order to lessen the visual impact of the existing City-owned parking structure.

The applicants must provide a similar type of design for the currently proposed parking structures in order to lessen the visual impact of the project. The design of the proposed parking structure is important because this structure, along with the existing City-owned parking structure located on the south side of Shoreline Drive, will be the first major structures seen by visitors who arrive in the Downtown Shoreline area via the 710 Freeway (Exhibit #13).

The applicants have not yet submitted the plans for the design of the proposed parking structure. Therefore, prior to the issuance of the permit, the applicants shall submit plans for the proposed parking structure that include features designed to lessen the visual impact of the parking structure, including attractively designed and articulated facades and special architectural and landscape features. Only as conditioned is the proposed project consistent with the scenic resource policies of the Coastal Act.

Measurement of Height

The Commission's height limits for the proposed project are clearly stated in the special conditions of approval of this permit. These height limits must be accompanied by an identified base elevation from which structures are to be measured. For the purposes of this coastal development permit, the Commission will use the height measurement criteria contained in the City's zoning ordinance. The City's zoning ordinance comprises the implementing ordinances (LIP) of the certified LCP.

The LIP portion of the certified LCP states that "height of building" means the vertical distance above grade to the top of the parapet or coping of a flat roofed building (Section 21.15.1330).

On a slope roofed building, the height of a building is the vertical distance above grade to the midpoint height of the highest sloped roof (Exhibit #11).

"Grade" is defined as "the average elevation at the front top of curblin", except in flood hazard areas (Section 21.15.1190). In flood hazard areas, "grade" means the elevation at flood hazard level or the average elevation at the front top of curblin, whichever is higher.

According to the City, FEMA has defined the flood hazard levels as part of the National Flood Insurance Program. In the Downtown Shoreline area, the flood hazard level has been officially mapped at 11.0 feet above 0.0 mean sea level (MSL) using the National Geodetic Vertical Datum of 1929. Mean sea level (MSL) is 2.8 feet higher than mean lower low water (MLLW).

The applicants have used the mean lower low water (MLLW) elevation as the project's zero reference datum elevation. As stated above, mean lower low water (MLLW) is 2.8 feet below mean sea level (MSL). Therefore, because the flood hazard level is 11.0 feet above mean sea level (MSL), and mean sea level (MSL) is 2.8 feet above mean lower low water (MLLW), the officially mapped flood hazard level is 13.8 feet above mean lower low water (MLLW) elevation.

Therefore, the Commission finds that the grade level for the proposed development is the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), or the average elevation at the front top of curblin, whichever is higher. Throughout the proposed project, the average curb height ranges from 13 to 16.2 feet above mean lower low water (MLLW). Therefore, the flood hazard level of 13.8 feet (MLLW) exceeds the lowest curb by less than one foot. The highest observed tide is 7.54 feet above mean lower low water (MLLW).

G. Marine Resources

Because of its location on the waterfront, the proposed project could affect the water quality and sensitive habitat areas in the adjacent coastal waters of the Los Angeles River Estuary (a.k.a. Queensway Bay). The Coastal Act contains policies which address development in or near coastal waters by requiring the protection of biological productivity, public recreation and marine resources. The proposed project must conform to the following Chapter 3 policies of the Coastal Act.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through,

among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The runoff from 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 Development Plan, documents the biology of Shoreline Lagoon (now Rainbow Harbor) and the adjacent marine 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, and American peregrine falcon. Ospreys have also been observed in the Downtown Shoreline area.

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

The Coastal Act requires that mitigation measures be provided to ensure that the proposed project is the least environmentally damaging alternative. 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 is conditioned to require that special protection be provided to protect water quality and sensitive coastal resources during the construction of the proposed project and thereafter.

In order to minimize impacts on the marine environment caused by the proposed grading and construction, the applicants have developed and submitted a Stormwater Pollution Prevention Plan for the Construction of Queensway Bay Development (by Moffatt & Nichol Engineers, November 13, 1998). The Stormwater Pollution Prevention Plan was developed in order to comply with the State's General Construction Activity Storm Water Permit, part of the National Pollutant Discharge Elimination System (NPDES) program under the Clean Water Act. The State Water Resources Control Board regulates and permits the proposed project's discharges into the storm drains during the construction phase through the approval of a Stormwater Pollution Prevention Plan. Therefore, the applicants shall comply with the Stormwater Pollution Prevention Plan approved The State Water Resources Control Board.

In order to ensure that the applicants protect water quality and sensitive coastal resources during the construction of the proposed project, the permit is conditioned to require that the applicants 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. 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 proposed parking areas should be filtered so that polluted runoff from the parking areas does not negatively impact water quality and the adjacent marine habitat areas. Runoff from parking areas usually contains grease, gasoline and oil residue, particles of brake linings and trash. These pollutants, if directed into coastal waters, will negatively impact marine habitats and recreational activities by lowering water quality.

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

Therefore, in order to ensure that the biological productivity, marine resources, and recreational activities in the area are protected, and that the water remains suitable for marine habitats, a special condition of approval requires the applicant to develop and submit a parking lot and parking structure drainage plan, for the review and approval of the Executive Director, which incorporates best management practices that will reduce the amount of pollutants which enter the storm drain system from the site. 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 applicant shall implement the approved drainage plan on an ongoing and permanent basis. Only as conditioned is the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

H. Traffic

Public access to the coast can also be reduced if new development generates sufficient traffic to inhibit the public's ability to use the transportation routes to the beach. Alteration of the existing transportation routes can also affect the public's ability to access the coast.

The transportation route that provides primary vehicular access to Shoreline Park and the other coastal recreational facilities in the Downtown Shoreline area is Shoreline Drive, a major coastal access route. Shoreline Drive is a direct extension of the 710 freeway (Exhibit #2). Since 1995, the City has prepared for the increase in traffic generated by the proposed development by installing three new signalized intersections on Shoreline Drive to improve circulation at: Chestnut Place, Aquarium Way, and at Shoreline Village Drive. There are now five signalized intersections

along the one-mile length of Shoreline Drive. Pine Avenue and Chestnut Place provide direct vehicular access from Downtown Long Beach to Shoreline Drive through the Tidelands Parcel (Exhibit #13). The proposed project does not include any additional alterations to Shoreline Drive.

The proposed development, 508,550 square feet of new commercial uses, will increase the amount traffic on Shoreline Drive and other City streets. The Coastal Act issue is whether the additional traffic will inhibit the public's ability to access the public recreational facilities which currently exist in the area. The applicants' traffic projections demonstrate that, although the proposed development will generate a significant amount of additional traffic, it will not significantly reduce the public's ability to access the many coastal recreational facilities in the Downtown Shoreline area.

In 1995, the City found that there would be a significant amount of additional traffic in the City by the year 2010 under the City's Master Plan, but that the build-out of the Queensway Bay Plan would not significantly impact the traffic system by itself if adequate mitigation measures are developed. The City's findings are contained in the Project Traffic Generation Forecast prepared by Linscott, Law & Greenspan as part of the Traffic Impact Analysis and Parking Study Report for the Queensway Bay Plan (12/18/94). The report's methods are based on research conducted by Travers and Associates. The 1995 EIR for the Queensway Bay Master Plan contains the analysis (Exhibit #21).

The currently proposed project includes less development than was anticipated by the 1995 EIR for the Queensway Bay Master Plan. The City processed Mitigated Negative Declaration ND-5-98 as part of LCP Amendment 2-98A to allow the currently proposed commercial uses in the Downtown Shoreline area. The Mitigated Negative Declaration states that: "The additional traffic generated by the proposal is not likely to be significant and will be less than that generated by the Final EIR, since, the Master Plan has been scaled down." The City has submitted preliminary data that support the finding of the 1998 Mitigated Negative Declaration. The data, summarized by Pat Gibson of Kaku Associates, show that there will be a reduction in traffic from the projections contained in the 1995 EIR.

The 1994 Project Traffic Generation Forecast, upon which the findings of the 1995 EIR are based, estimated that the existing and proposed development included in the Queensway Bay Plan will generate approximately 40,130 average daily trips at build out (Exhibit #21). Approximately 12,000 average daily trips can be attributed to existing development included in the Queensway Bay Plan analysis. Therefore, the number of average daily trips in the area will more than triple (28,000 increase) if all the development proposed by the 1995 Queensway Bay Plan is built.

Most of the traffic generated by the Queensway Bay development will occur during the Saturday PM peak hour. The greatest generators of new traffic in the Downtown Shoreline area are anticipated to be the currently proposed commercial uses in LCP Subareas 5 and 6. The majority of the trips generated by the Queensway Bay Plan development will occur on Shoreline Drive. Every major intersection in the Downtown Shoreline area will be affected by the additional traffic.

To determine the Queensway Bay Plan's impacts on the City's transportation system, the Project Traffic Generation Forecast analyzed the existing Level of Service (LOS) for 33 of the City's major intersections that would be affected by the proposed project (Exhibit #21). Thirteen of the 33 intersections are located in the coastal zone. The City then calculated the LOS for the 33 intersections at the year 2010, with and without the additional traffic generation by the

development proposed in the Queensway Bay Plan, to determine the significance of the traffic generated by the project. The City has established Level of Service (LOS) D conditions as the minimum acceptable LOS for intersections.

The weekday PM peak hour has the highest traffic volumes in the study area. As such, the City's analysis of traffic impacts on intersection LOS is limited to the weekday PM peak hour traffic only. By focusing on the single most busy hour, the lesser project impacts during other hours are also addressed. It was determined that only one intersection in the coastal zone currently has an unacceptable LOS at the weekday PM peak hour. The intersection of Shoreline Drive and Ocean Boulevard already operates at an unacceptable LOS (Level E). All other intersections in the Downtown Shoreline were operating at an acceptable LOS at the peak hour.

When the Project Traffic Generation Forecast analyzed the LOS at build out of the Queensway Bay Plan development when added to the Master Plan's estimated levels of traffic in the year 2010, it was discovered that there will unacceptable LOS (Level E or F) during the weekday PM peak hour at the following five major intersections in or adjacent to the Downtown Shoreline area: 1) Golden Shore @ Ocean Boulevard, 2) Magnolia @ Ocean Boulevard, 3) Pine Avenue @ Ocean Boulevard, 4) Queensway-Chestnut @ Shoreline Drive, and 5) Aquarium-Pacific @ Shoreline Drive. However, the three intersections of Golden Shore & Ocean Boulevard, Magnolia & Ocean Boulevard, and Pine Avenue & Ocean Boulevard were determined to have unacceptable LOS in the year 2010 even without the additional traffic generated by the Queensway Bay project.

In order to mitigate the estimated increase in traffic volume generated by the proposed Queensway Bay development, the EIR for the Queensway Bay Master Plan proposed several major improvements to the transportation system. The proposed improvements, many of which would occur outside of the coastal zone, include parking prohibition on streets, roadway widenings, intersection grade separators, new ramps, and at-grade intersection improvements. The proposed improvements to Shoreline Drive have already been implemented.

According to the traffic impact analysis, the proposed traffic improvements will obtain an acceptable LOS at only two of the five intersections: Queensway-Chestnut @ Shoreline Drive and Aquarium-Pacific @ Shoreline Drive. The unacceptable LOS at the three other intersections at Golden Shore @ Ocean Boulevard, Magnolia @ Ocean Boulevard, and Pine Avenue @ Ocean Boulevard cannot be mitigated to acceptable LOS according to the traffic impact analysis. However, as previously stated, those three intersections were determined to have unacceptable LOS in the year 2010 even without the additional traffic generated by the Queensway Bay project. At most of the intersections the proposed traffic mitigation will maintain LOS within a few percentage points of what the LOS would be without the proposed project.

Therefore, although the proposed development will generate additional traffic impacts, some of the increased traffic impacts can be mitigated by the improvements to the transportation system called for in the EIR, and such increase in traffic is only a small fraction of the total estimated traffic increase by the year 2010. The proposed project by itself will not overburden the transportation system to the extent that the public's ability to access the coast is negatively impacted. Based on this information, the determination of the EIR was that the mitigated increase in traffic caused by the proposed project is not significant considering the benefits of the project.

The certified LCP contains policies to ensure that new development is consistent with the public access requirements of the Coastal Act. The certified LUP coastal access policies states: "the

automobile is not emphasized in this LCP as an increasingly important means of access to coastal resources". In fact, the certified LCP contains policies which were promulgated to discourage auto travel through the coastal zone as a way to preserve existing neighborhoods (LCP p. II-3). The certified LUP contains specific policies which prevent the elimination of street parking to create additional traffic lanes and which prohibit the widening of Ocean Boulevard to increase traffic capacity. The use of public transit for coastal access is emphasized in the certified LCP.

The certified LCP also addresses the traffic generation issue by requiring the formation of the Traffic and Parking Management Association prior to commencement of development of LCP Subarea 5 (Tidelands Parcel) and the commercial uses around Rainbow Harbor west of Pine Avenue. The Traffic and Parking Management Association will monitor traffic generation in the downtown area and implement transportation demand management programs as needed. The Traffic and Parking Management Association will address the traffic issues and the effects of traffic on access to the area. The conditions of this permit require the applicants to participate in the Traffic and Parking Management Association that has already been 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].

In addition, the City has encouraged the use of carpools, taxis, and public transportation to the Downtown Shoreline area through by establishing a multi-modal transportation center at the Shoreline Wharf area located immediately east of Pine Avenue along the south side of Shoreline Drive. Buses, taxis and private automobiles are able to use this area for dropping off or picking up visitors to the Downtown Shoreline area. Water taxis are already providing additional transportation options between Shoreline Village, Rainbow Harbor and the Queen Mary.

I. Hazards

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

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

As documented in the preceding sections of this report, the proposed project is located on filled tidelands. Filled tidelands have been identified as areas especially susceptible to liquefaction caused by earthquakes. Therefore, because the project site may be especially susceptible to liquefaction caused by an earthquake, the proposed project is in a site of high geologic risk.

Section 30253 of the Coastal Act requires that the City assure the stability and structural integrity of the proposed project.

The applicants have submitted a Geotechnical Investigation Report for the proposed project prepared by Advanced Earth Sciences, Inc. The report documents the site's subsurface conditions, provides geotechnical parameters, and makes recommendations for the design and construction of the proposed project.

The report states that the project site is underlain by hydraulic fill and native sand and clay deposits down to 60 feet below MLLW. The report's seismic hazard analysis stated that two active earthquake fault zones lie within four miles of the site: the Newport-Inglewood fault zone and the Palos Verde fault zone. Both of these faults are capable of generating large earthquakes. The reports conclude that the site is susceptible to liquefaction during earthquakes. The consequences of liquefaction of the site include ground subsidence and lateral spreading and deformation of the site towards the bulkhead wall of Rainbow Harbor and low-lying areas.

In order to mitigate the liquefaction potential of the site, the preliminary foundation recommendation report prepared by Advanced Earth Sciences, Inc. recommends that: Buildings A,C,D,E,F,G,H,J and the parking structure be constructed on pile foundations, Building B may be supported on spread footings, and Buildings K,L,M,N and P may be constructed using shallow mat foundations.

The Vibro-replacement technique used for the aquarium foundation and Rainbow Harbor project is not recommended in part due to the concern of possible damage to existing development around Rainbow Lagoon. The Vibro-replacement technique involves the installation of a grid of stiff permeable stone columns to varied depths to stabilize the site. The installation of the stone columns involves large ground vibrations that could damage the new infrastructure of Rainbow Harbor and Esplanade. The previously installed grid of stiff permeable stone columns used for the aquarium and Rainbow Harbor project, however, should have increased the stability of the waterfront area and decreased the potential for massive liquefaction-induced ground subsidence.

Section 30253 of the Coastal Act requires projects to be designed in a structurally safe and sound manner. The plans submitted in the application do not include a foundation system design and have not been reviewed and approved by a qualified engineer. There is no assurance that the proposed parking structure project has been designed in structurally safe and sound manner.

Therefore, the permit is conditioned to require the applicant to submit final plans which 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 and must contain foundation design recommendations by a qualified engineer. Any changes in the project 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. As conditioned, the Commission finds that the proposed project is consistent with Section 30253 of the Coastal Act.

Finally, for projects in areas which may be subject to extraordinary hazard from seismic events, storms, waves, erosion or floods, the Commission places "assumption of risk" conditions on Coastal Development Permit approvals. The Commission has previously placed "assumption of risk" conditions on Coastal Development Permits 5-91-695, 5-94-102, 5-95-283 and 5-96-124

(City of Long Beach) when it approved a permits for projects in potentially hazardous areas such as the Downtown Shoreline filled tidelands. Therefore, because the site may be subject to extraordinary hazard from seismic events, liquefaction, storms, waves, erosion and floods, the Commission requires the City to waive any future claims of liability against the Commission or its successors in interest for damage from such hazards. As conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

J. State Lands

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

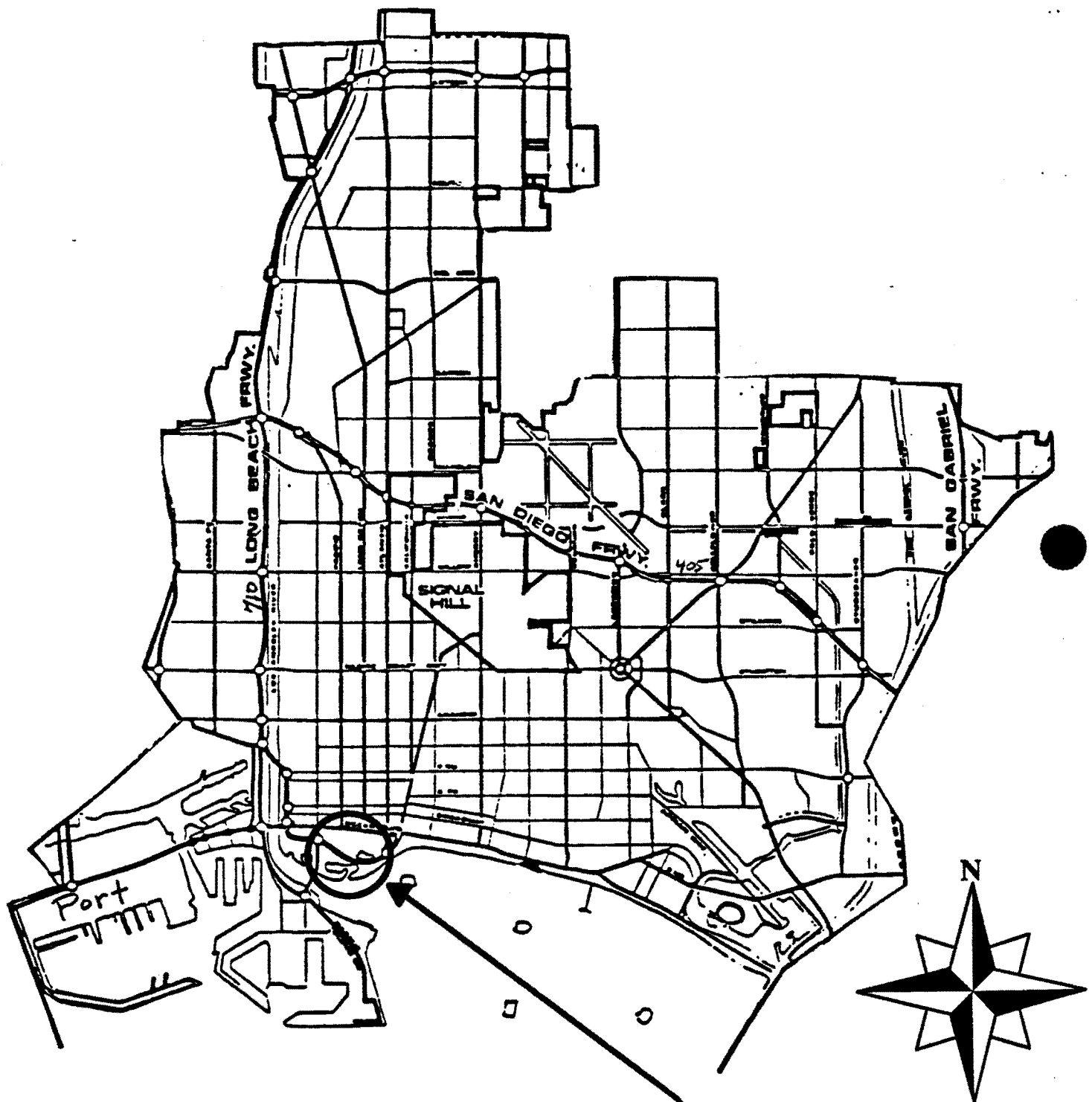
In order for the Commission to find that the proposed use of State Lands is consistent with the City's Tidelands Grant, the Commission requires that the City document that the proposed project is consistent with all tideland grant requirements imposed on the City with respect to this portion of the Downtown Shoreline area. As a condition of approval, the City is required to provide written documentation, including specific citation of the relevant sections of the applicable State Tidelands Grant, showing that the proposed project in its entirety is consistent with the public trust and with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline area to the City of Long Beach. Only as conditioned does the Commission find that the proposed project is consistent with the requirements of the Coastal Act.

K. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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, as conditioned, has been found to be consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been mitigated by conditions of approval and there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment. The City of Long Beach certified the Environmental Impact Report for the Queensway Bay Master Plan (SCH 94081033) and Negative Declaration ND-5-98 for the development proposed in this application. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform CEQA.

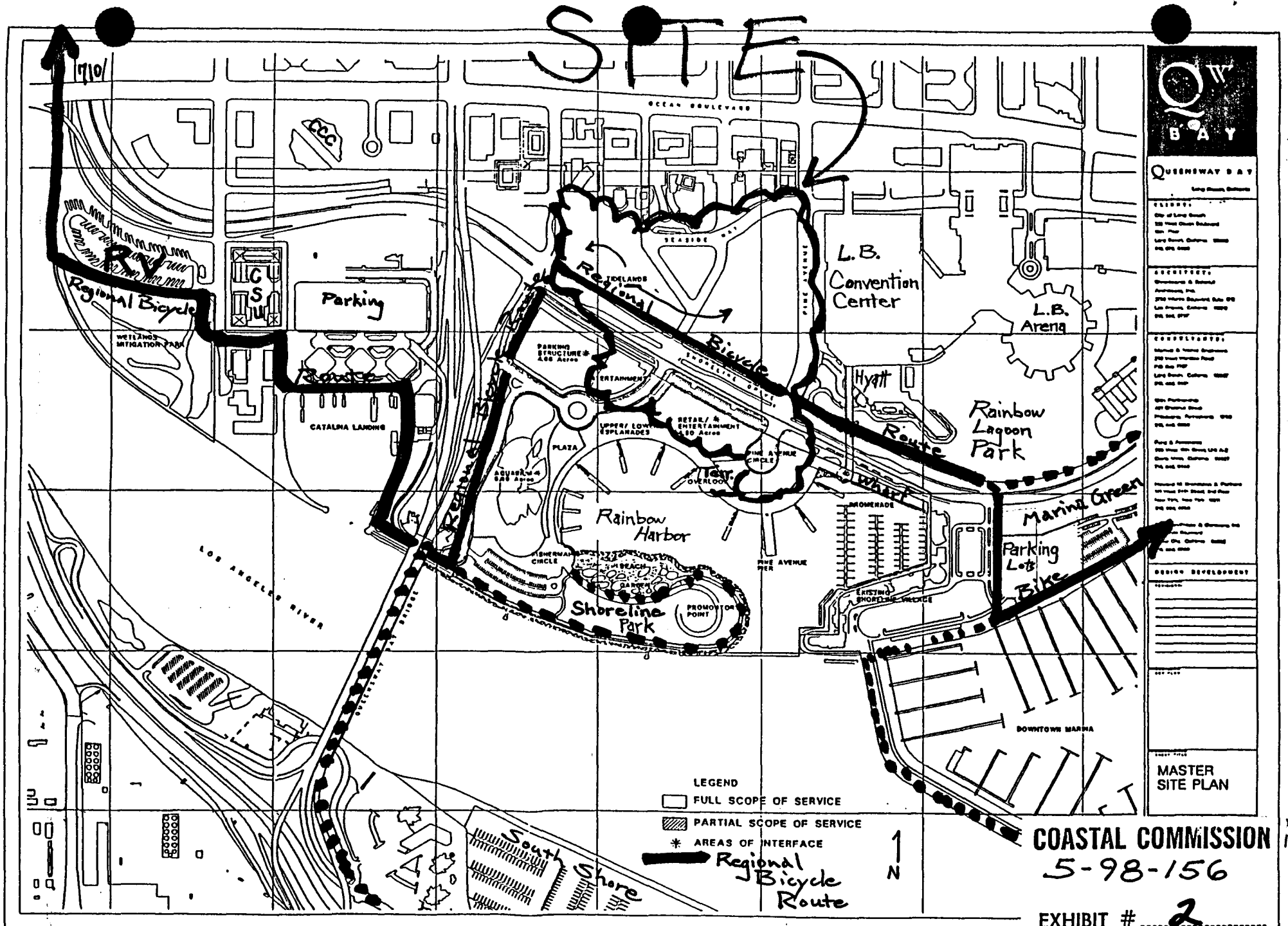
City of Long Beach



COASTAL COMMISSION
5-98-156

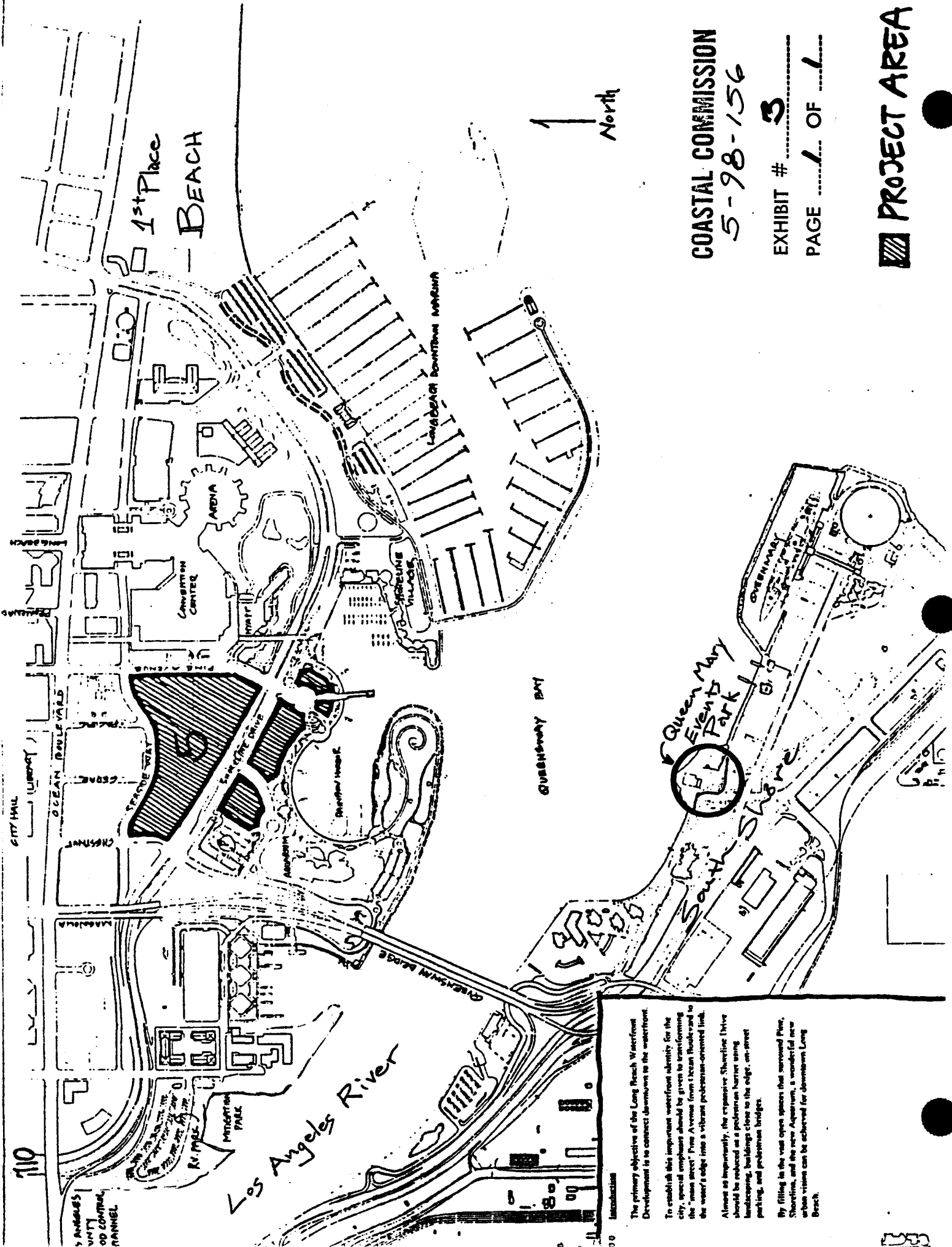
EXHIBIT # 1

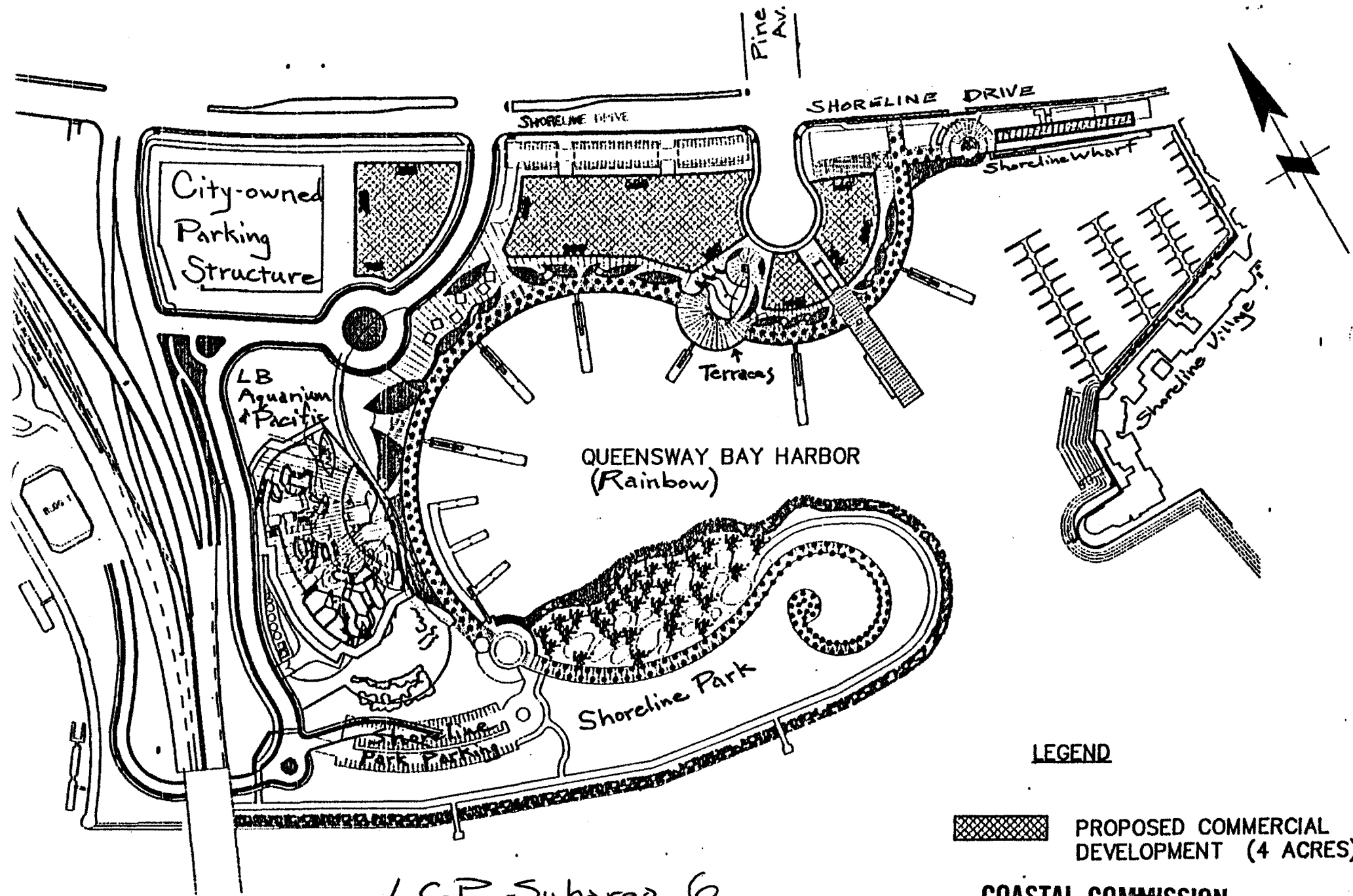
PAGE 1 OF 1



Downtown Shoreline Area

QUEENWAY BAY Long Beach, California	
CLIENTS City of Long Beach 100 West Ocean Boulevard Long Beach, California 90802 Tel: 562-595-1000	
ARCHITECTS Hatch & Associates Architects, Inc. 100 West Ocean Boulevard, Suite 100 Long Beach, California 90802 Tel: 562-595-1000	
ENGINEERS Hatch & Associates Engineers, Inc. 100 West Ocean Boulevard, Suite 100 Long Beach, California 90802 Tel: 562-595-1000	
PLANNERS Hatch & Associates Planners, Inc. 100 West Ocean Boulevard, Suite 100 Long Beach, California 90802 Tel: 562-595-1000	
DESIGN DEVELOPMENT Hatch & Associates Design Development 100 West Ocean Boulevard, Suite 100 Long Beach, California 90802 Tel: 562-595-1000	
MASTER SITE PLAN	





LCP Subarea 6
ESPLANADE

LEGEND



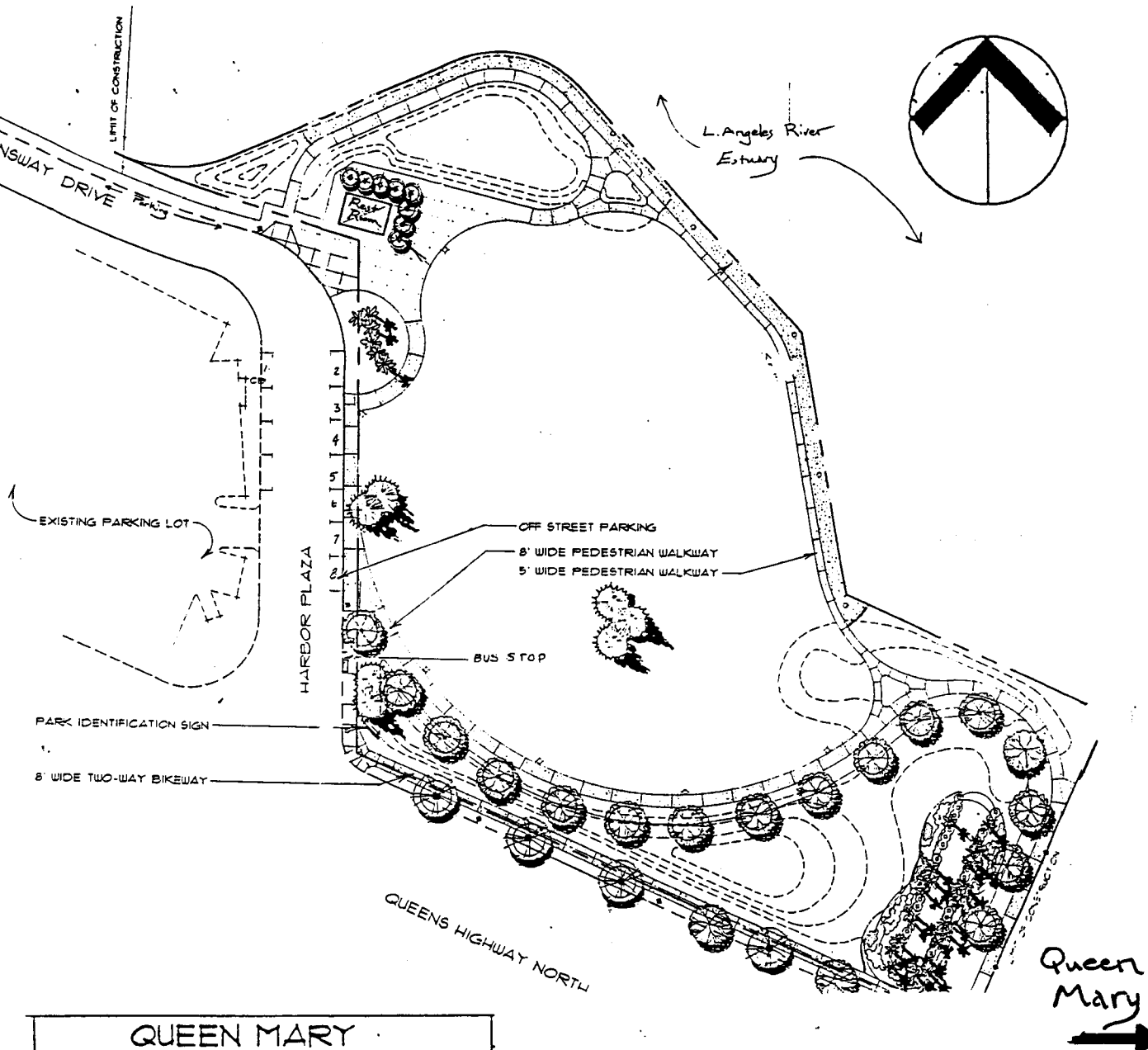
PROPOSED COMMERCIAL
DEVELOPMENT (4 ACRES)

COASTAL COMMISSION
5-98-156

EXHIBIT # 5

PAGE 1 OF 1

Los Angeles River



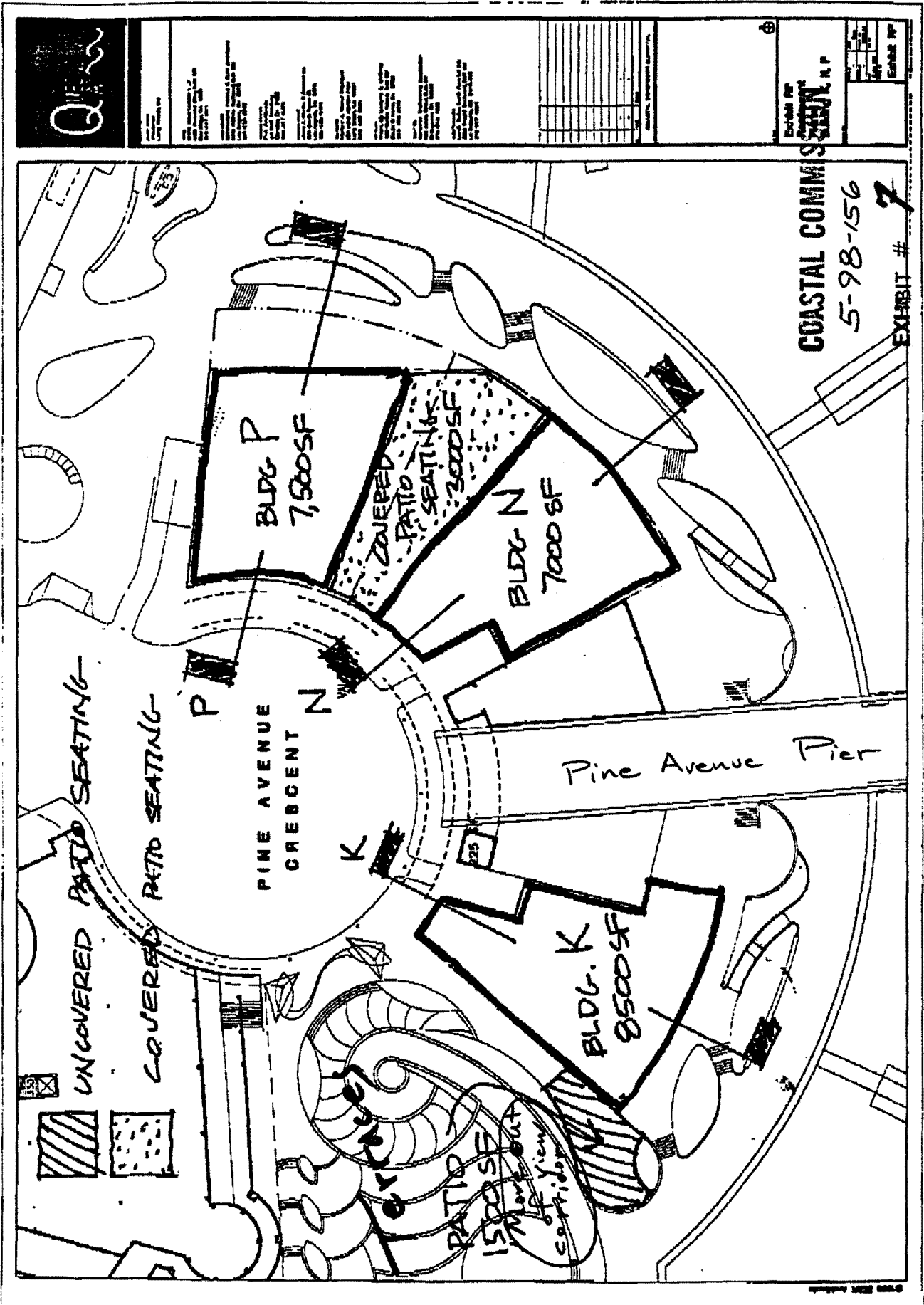
QUEEN MARY SPECIAL EVENTS PARK AS BUILT PLANS

RMS FOUNDATION, INC./ THE QUEEN MARY
1126 QUEENS HIGHWAY
LONG BEACH, CA 90802

4 ACRES
Restroom
10 parking spaces

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5-98-156

EXHIBIT # 6
PAGE 1 OF 1



COASTAL COMMUNITY

5-98-156

EXHIBIT # 7

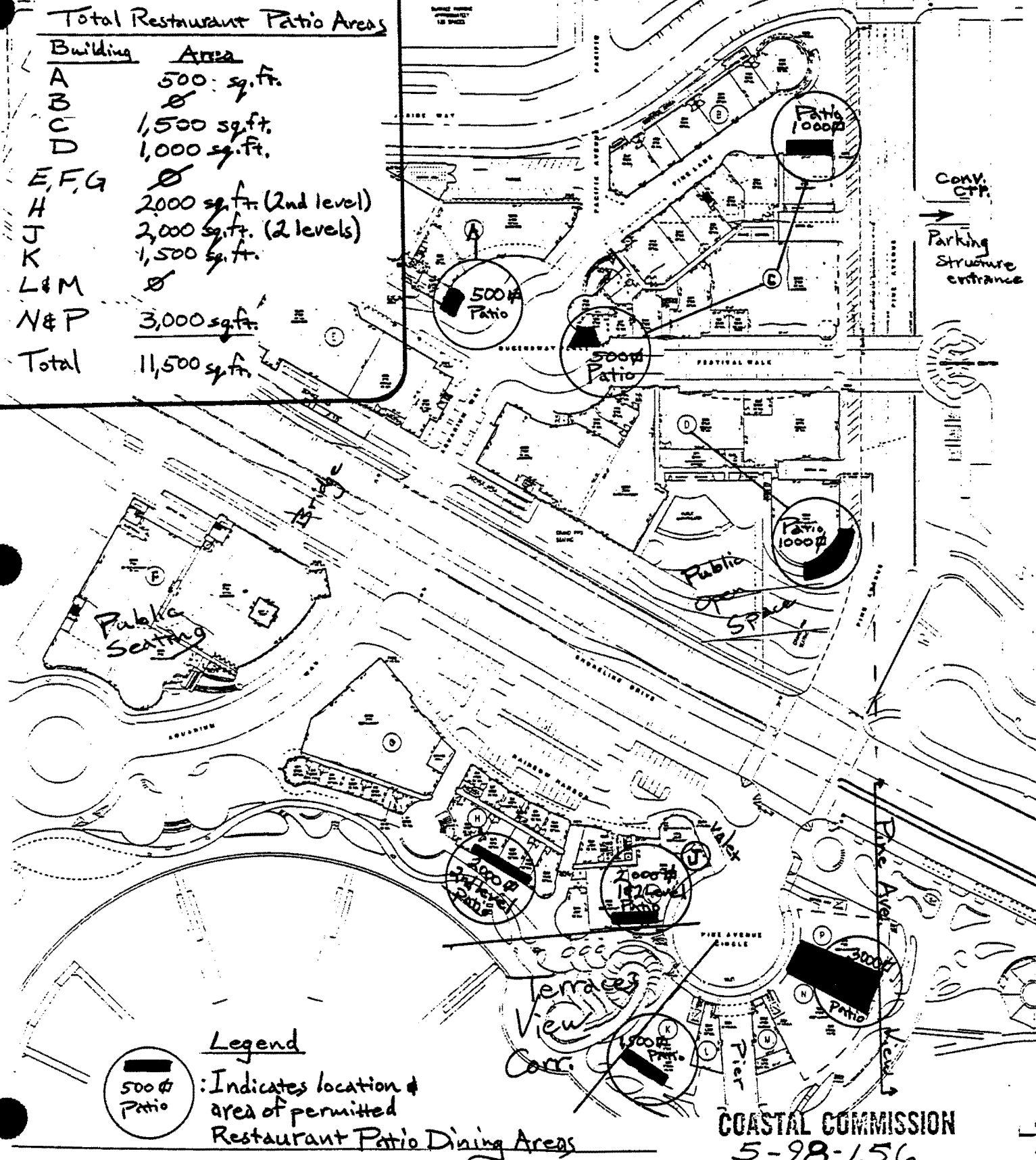
PAGE 1 OF 1

PATIO DINING

~~5-98-156~~

Total Restaurant Patio Areas

<u>Building</u>	<u>Area</u>
A	500 sq. ft.
B	0
C	1,500 sq. ft.
D	1,000 sq. ft.
E, F, G	0
H	2,000 sq. ft. (2nd level)
J	2,000 sq. ft. (2 levels)
K	1,500 sq. ft.
L & M	0
N & P	3,000 sq. ft.
Total	11,500 sq. ft.



Long Beach, California
EASE PLAN

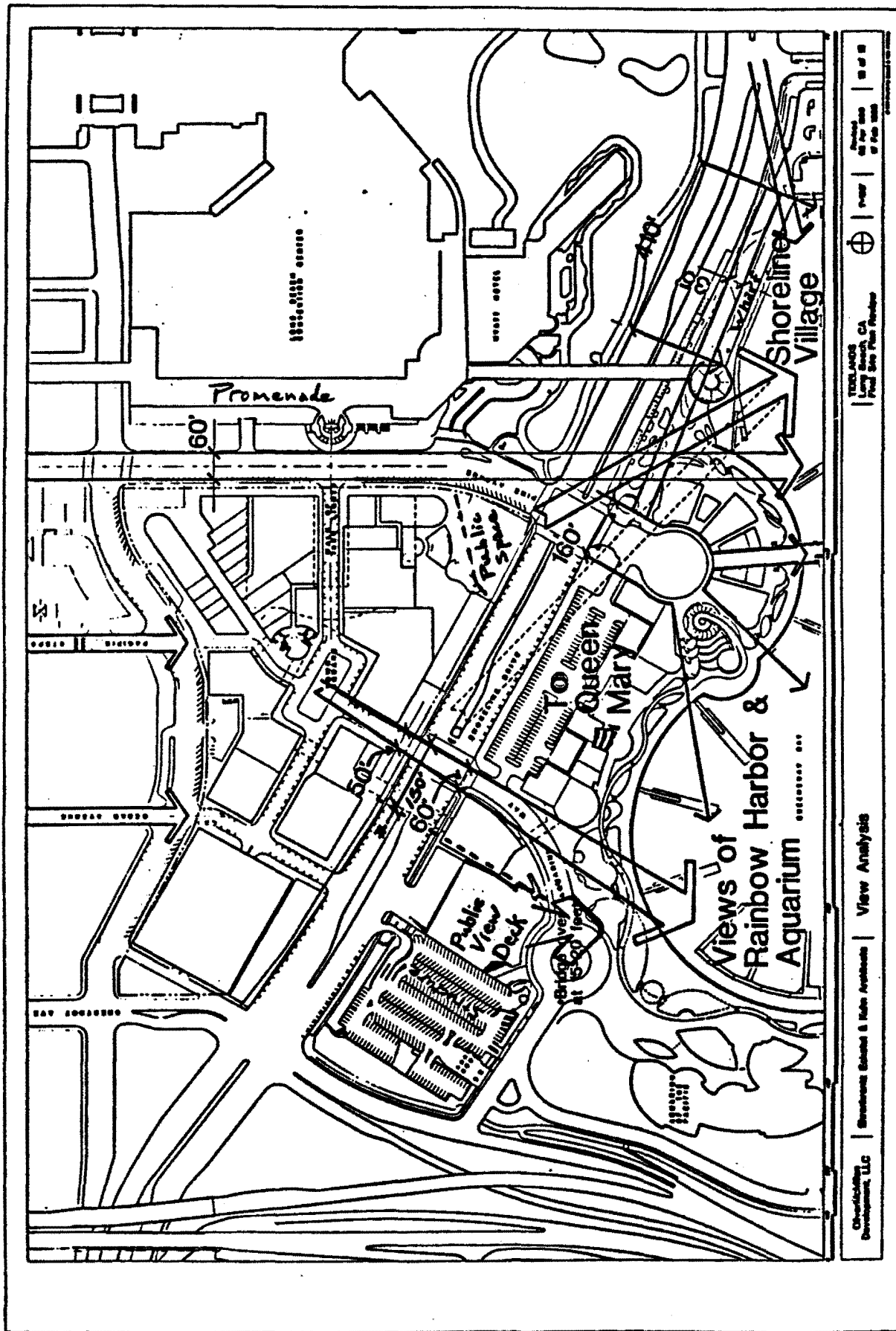
DDR OliverMcMilan

PA ARCHITECTS / Ehrenkrantz Eckstut & Kuhn Architects

COASTAL COMMISSION
5-98-156

EXHIBIT # 8

PAGE 1 OF 1



COASTAL COMMISSION

5-98-156

PD6 Attachment "A" View Corridors

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

EXHIBIT # 9

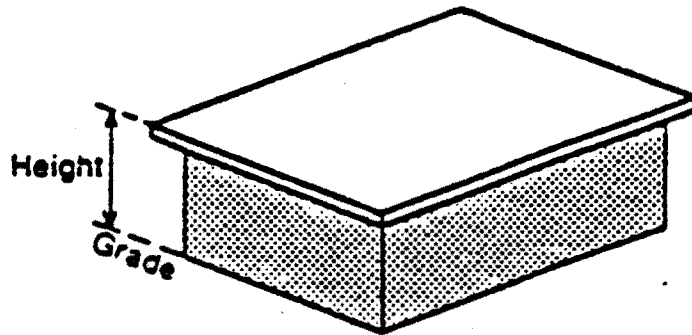
PAGE 1 OF 1

Figure 15-5

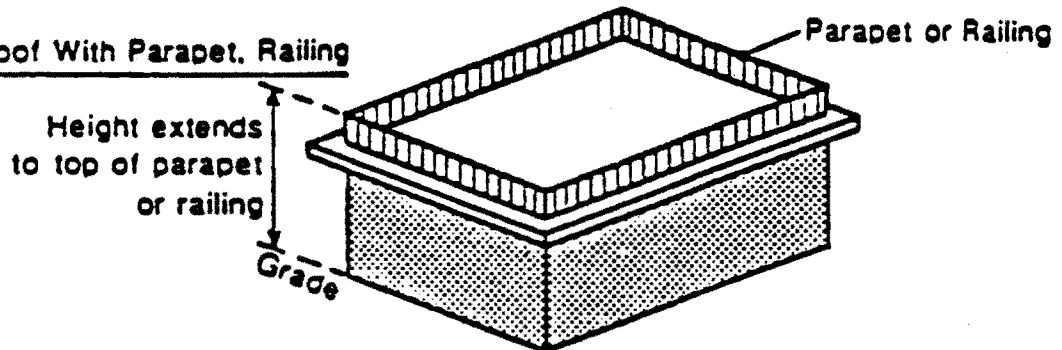
Height of Building

Section 21.80.1650(A)

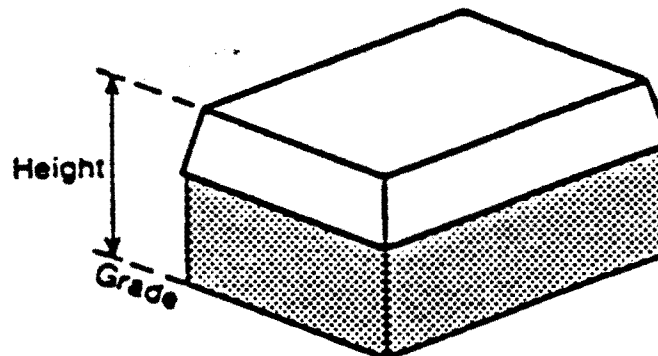
Flat Roof



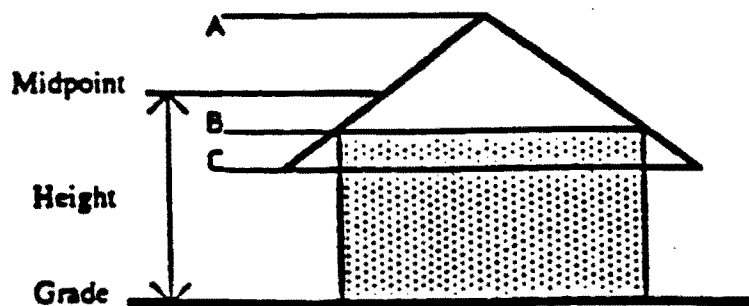
Flat Roof With Parapet, Railing



Mansard Roof



Sloped Roof



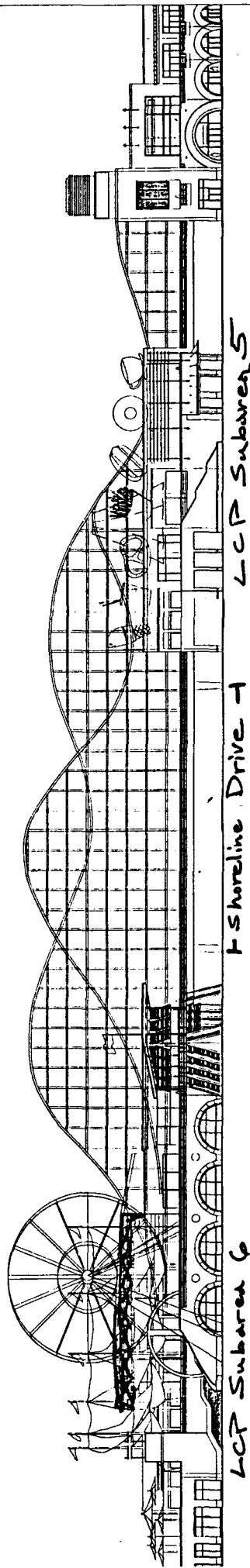
If the distance between A, B is greater than the distance between B, C this then meets the definition of a sloped roof.

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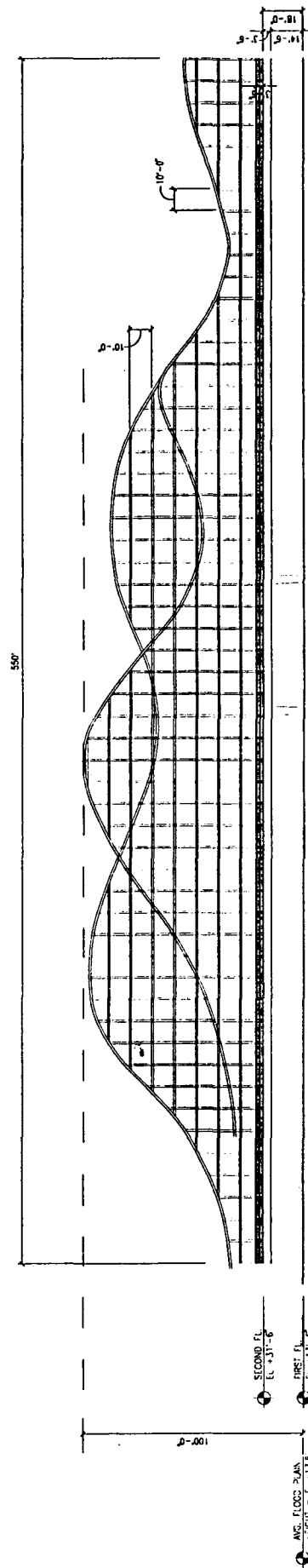
5-98-156

EXHIBIT # 11

PAGE 1 OF 1 (Long Beach 4-92)



1 East Elevation **F** **E**



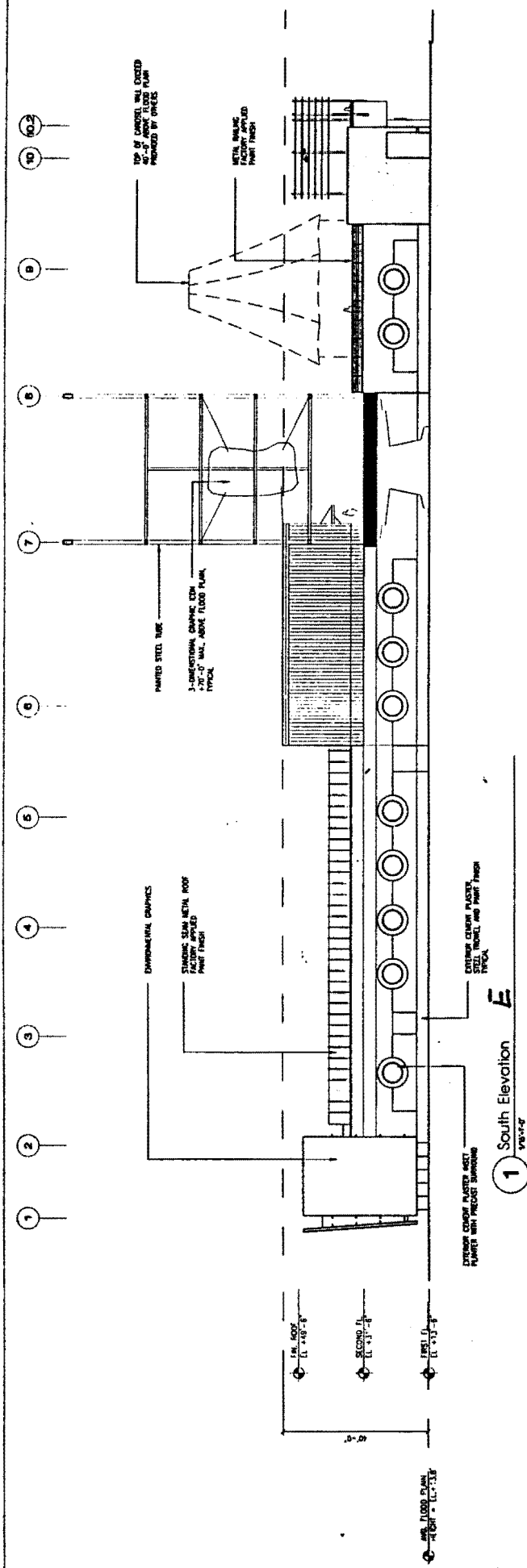
1 East Elevation
177-1-0

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5-98-156

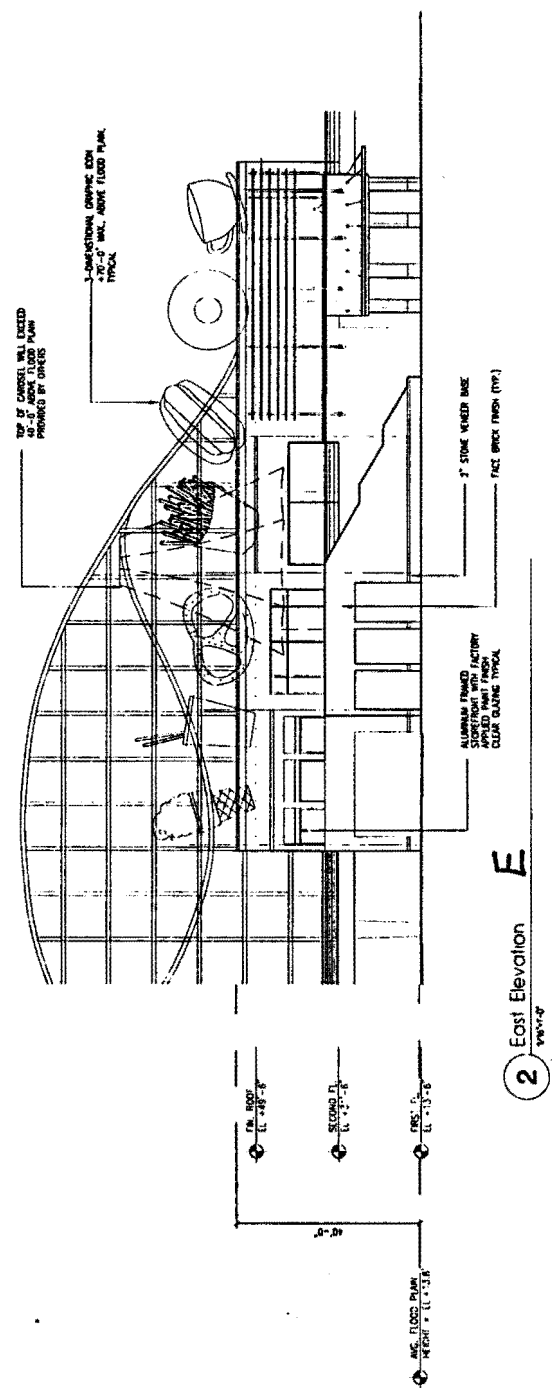
EXHIBIT # 14

PAGE 1 OF 2



1 South Elevation
1/8" = 1'-0"

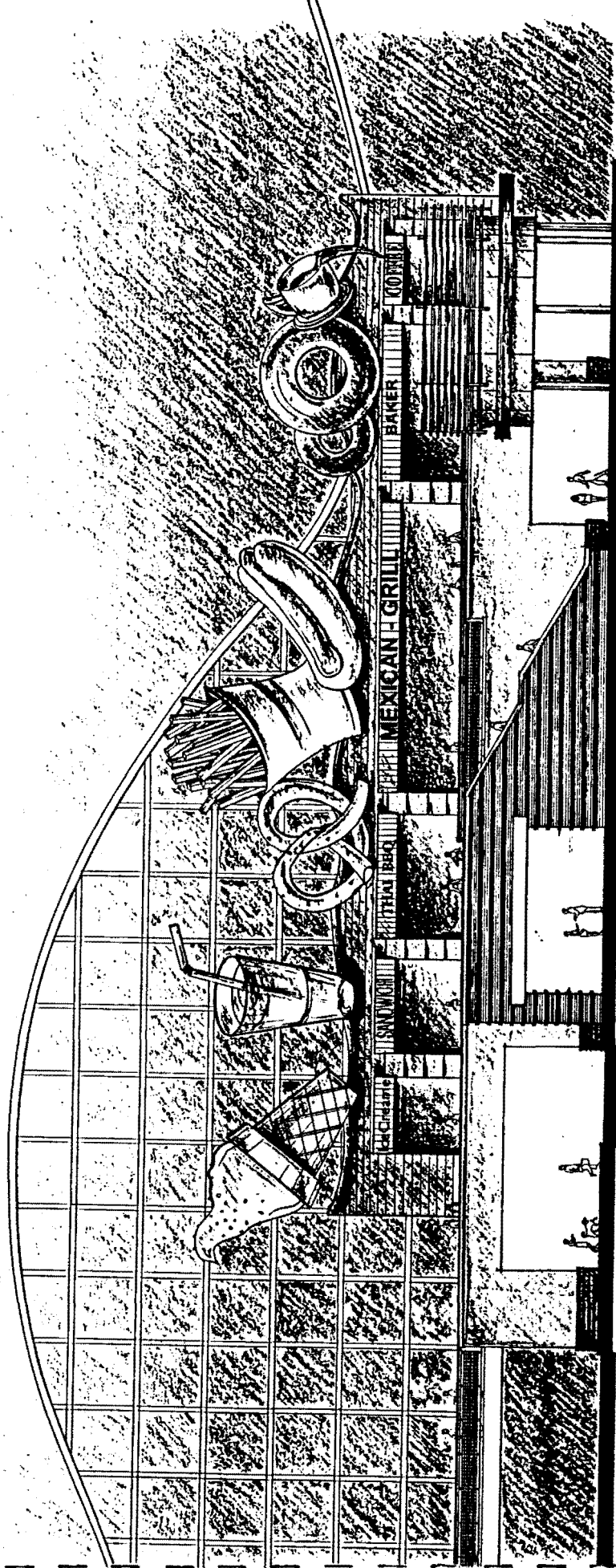
A
B
C
D
E
F



2 East Elevation
1/8" = 1'-0"

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5-98-156

EXHIBIT # 14
PAGE 2 OF 2



TOWN SQUARE WEST
 Queensway Bay
 Long Beach, CA
 DOR Observations
 Brenneman, Schmitt & Miller Architects
 P + A Architects

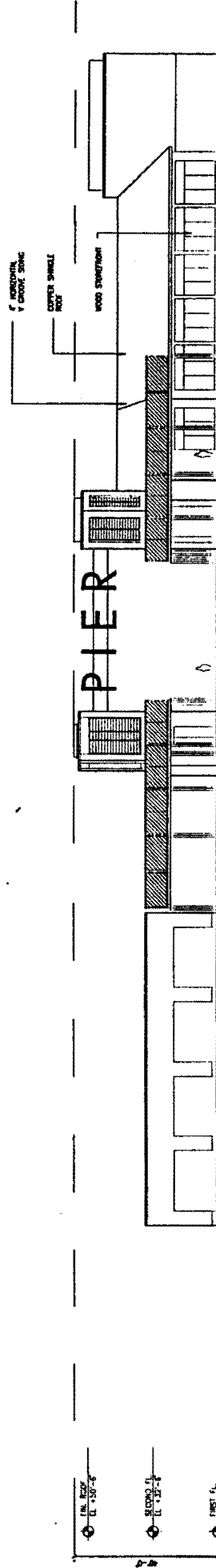
E

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5-98-156

EXHIBIT # 15

PAGE 101



1 North Elevation
V28-1-2

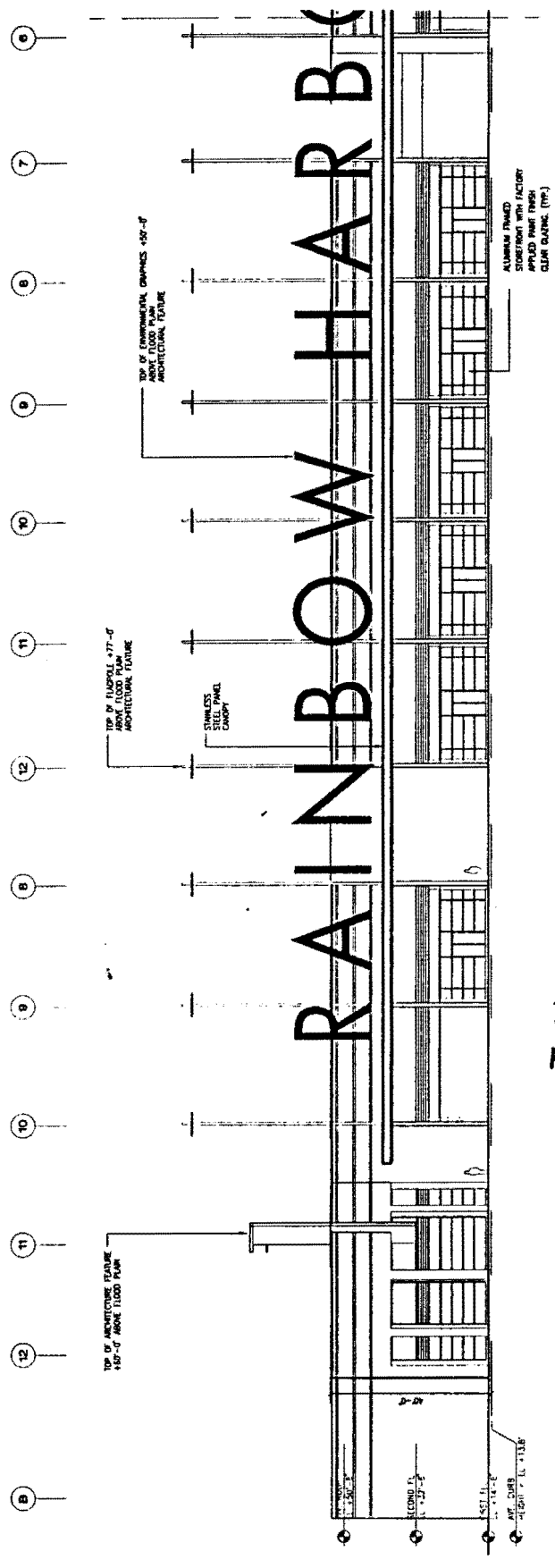
L 4 M

COASTAL COMMISSION

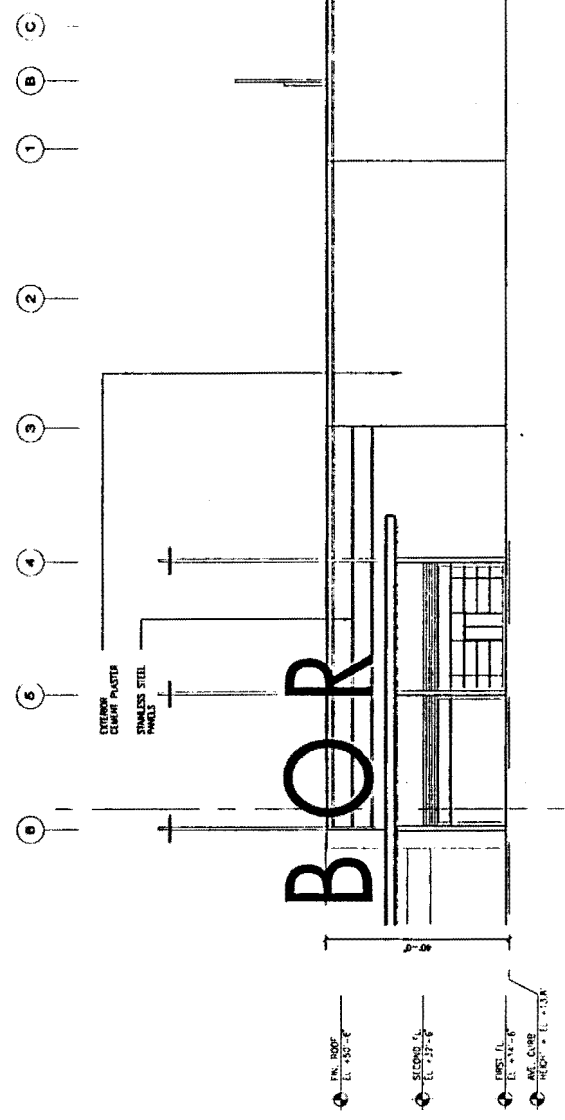
5-98-156

EXHIBIT # 16

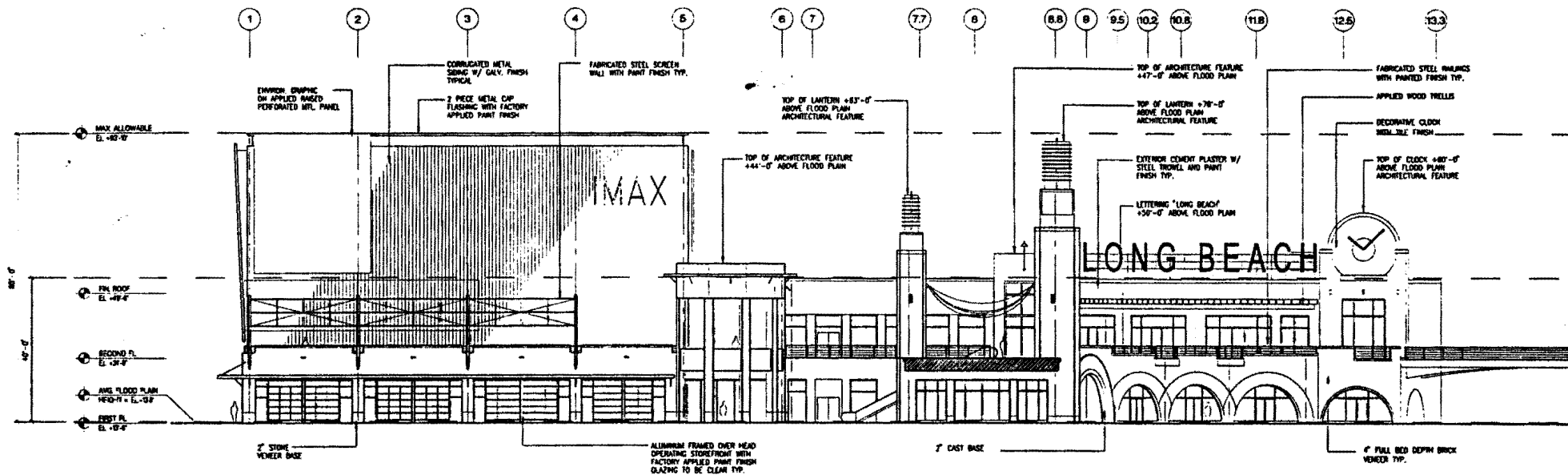
PAGE 1 OF 1



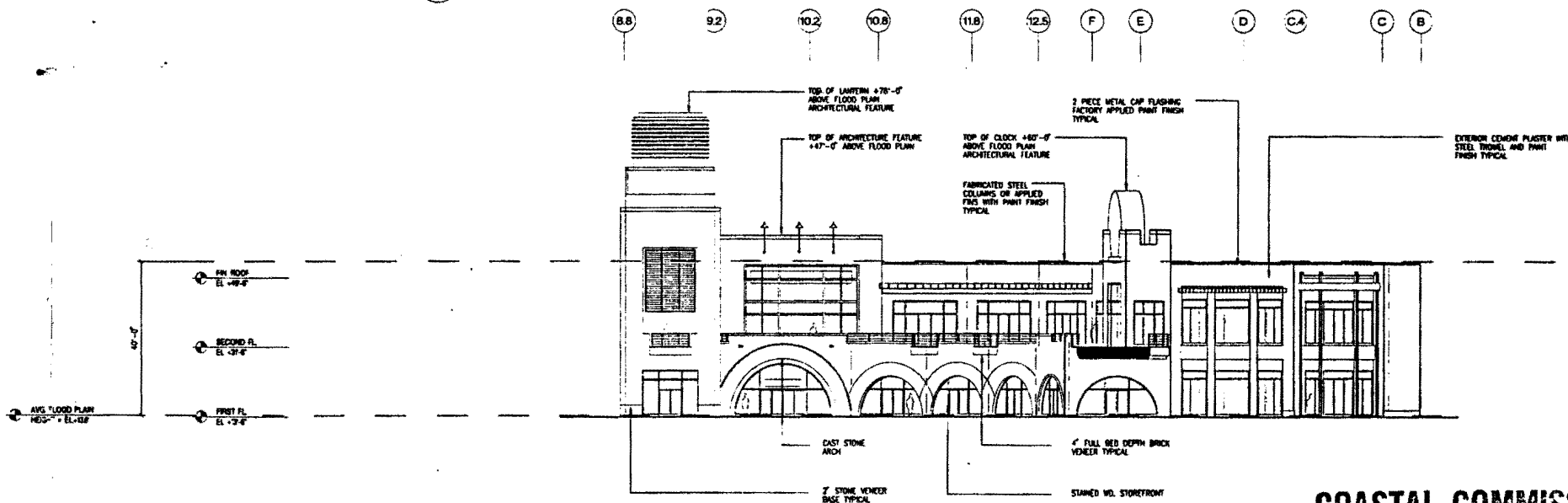
1 North Elevation J, H
V27-4-2



2 North Elevation G
V27-4-2



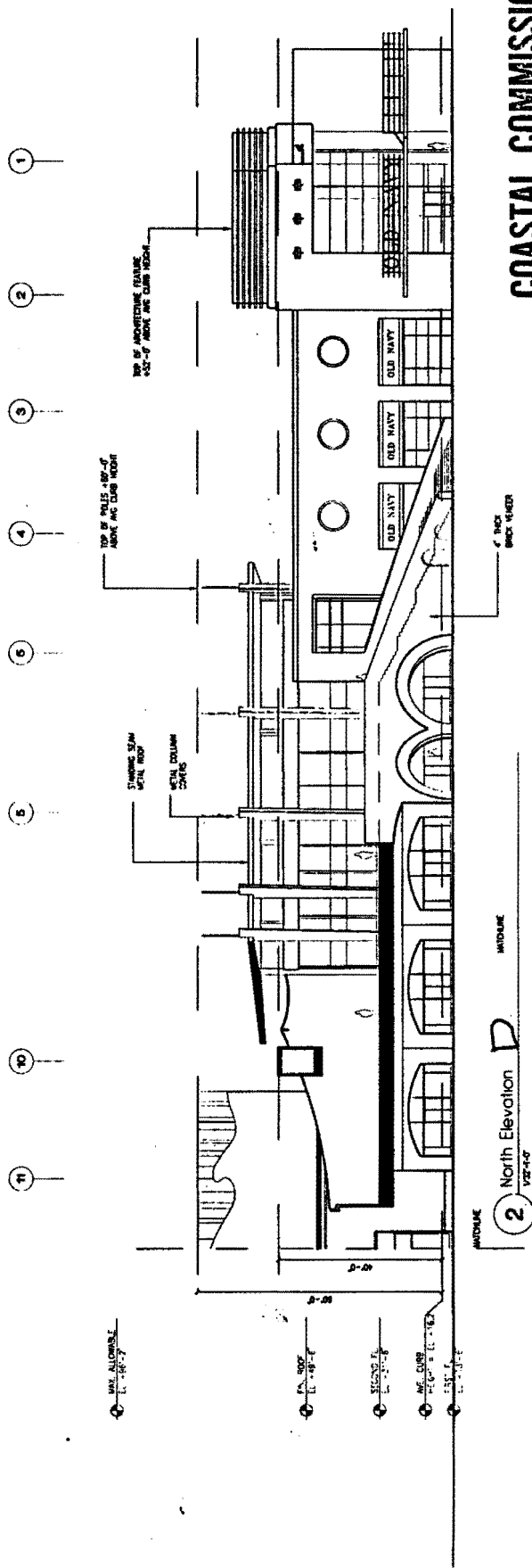
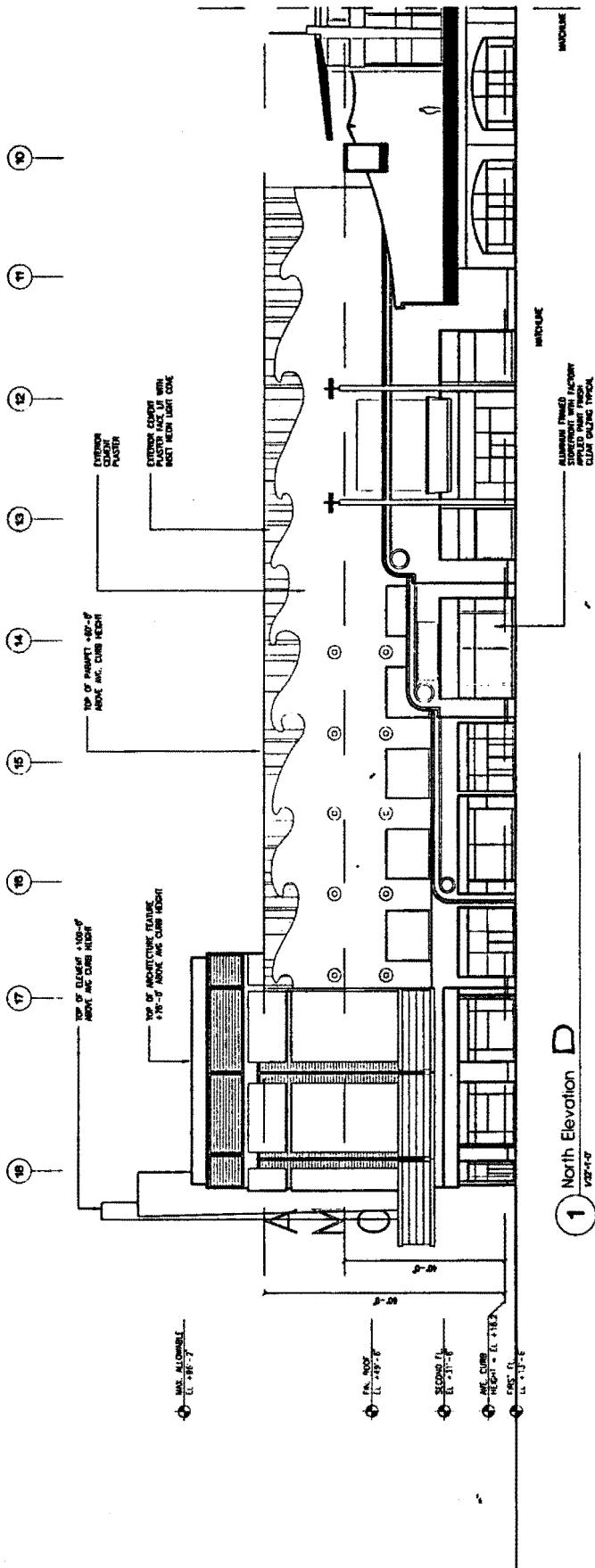
1 South Elevation A
VSP-4-0



2 East Elevation A
VSP-4-0

COASTAL COMMISSION
5-98-156

EXHIBIT # 18
PAGE 101



COASTAL COMMISSION
5-98-156

EXHIBIT # 20
PAGE 1

Table 6.7-3

PROJECT TRAFFIC GENERATION FORECAST Queensway Bay Plan

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily	Weekend P.M. Peak Hour			Weekend Evening Peak Hour		
	In	Out	Total	In	Out	Total		In	Out	Total	In	Out	Total
Tidlands													
T1 Hotel (300 rooms)	108	72	180	107	91	198	2,320	78	62	140	131	103	234
T2 Hotel (150 rooms)	46	29	75	55	47	102	1,130	46	35	81	76	59	135
Retail (140,000 SF)	57	34	91	194	194	388	4,130	263	450	713	34	51	85
Office (95,000 SF)	165	18	183	31	31	179	1,350	5	23	28	0	0	0
North Shore													
N1 RV Park (5.74 Acres)	18	18	36	36	36	72	430	36	36	72	40	40	80
Park (6.69 Acres)	3	3	6	6	6	12	130	6	6	12	6	6	12
N2 Office (250,000 SF)	346	43	389	62	303	365	2,800	10	60	70	0	0	0
Office (120,000 SF)	195	25	220	35	176	211	1,610	5	29	34	0	0	0
Office-existing (95,000 SF)	165	18	183	31	148	179	1,350	5	23	28	0	0	0
Federal Court (existing)	152	17	169	29	137	166	1,240	5	21	26	0	0	0
N3 Office-existing (340,000 SF)	440	54	494	78	380	458	3,540	10	82	92	0	0	0
Catalina Express	50	5	55	50	38	88	880	54	54	108	54	54	108
Catalina Cruises	158	5	163	219	158	377	1,500	219	219	438	0	0	0
Downtown Harbor													
H1 Passive Park (8 acres)	4	4	8	8	8	16	50	8	8	16	8	88	96
H3 Entertainment (125,000 SF)	68	4	72	422	181	603	7,600	393	278	671	462	409	871
H4 Museum (16,000 SF)	0	0	0	8	7	15	210	19	25	44	28	22	50
Retail (59,000 SF)	24	14	38	81	82	163	1,740	111	190	301	15	12	36
H5 Aquarium (150,000 SF)	0	0	0	0	55	55	1,730	5	91	96	0	0	0
H7 Retail-existing (100,000 SF)	41	24	65	139	139	278	2,950	188	322	510	25	36	61
Dinner Cruises and Other	0	0	0	194	51	245	870	219	61	280	5	163	168
South Shore													
S2 Boat Launch (2 ramps)	5	0	5	10	5	15	150	5	20	25	0	0	0
S6 Marina (478 slips)	13	25	38	54	36	90	1,420	72	57	129	25	13	38
S8 Events Park (11.0 Acres)	0	0	0	10	90	10	1,000	150	235	385	0	0	0
Total Project Trips	2,058	412	2,470	1,859	2,516	4,375	40,130	1,912	2,387	4,299	909	1,065	1,974
Net Project Trips	1,260	299	1,559	1,582	1,712	3,294	31,050	1,704	1,939	3,643	884	1,029	1,913

Figures shown in **Bold Italics** represent the trip generation potential of the existing development within the Queensway Bay Plan that is to remain.

Linscott, Law & Greenspan, Engineers

COASTAL COMMISSION

5-98-156

EXHIBIT # 21

PAGE 1 of 4

TABLE 5

PM PEAK HOUR INTERSECTION CAPACITY ANALYSIS SUMMARY
Queensway Bay Plan

Key Intersections	(1) Existing Traffic		(2) 2010 Background Traffic		(3) 2010 Background with Planned/Other Improvements		(4) Plus Queensway Project Traffic		(5) Project Impact/ Significance		(6) Future Conditions with Project Mitigation Improvements	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	ICU Inc.	Y/N	ICU	LOS
1) Magnolia Avenue @ 7th Street	0.43	A	0.92	E	0.77	C	0.79	C	0.02	N	—	—
2) Pacific Avenue @ 7th Street	0.46	A	0.75	C	0.65	B	0.66	B	0.01	N	—	—
3) Pine Avenue @ 7th Street	0.64	B	0.70	B	0.59	A	0.59	A	0.00	N	—	—
4) Long Beach Boulevard @ 7th Street	0.58	A	0.86	D	0.79	C	0.79	C	0.00	N	—	—
5) Alamitos Boulevard @ 7th Street ¹	0.84	D	1.63	F	1.07	F	1.18	F	0.11	Y	1.07	F
6) Redondo Avenue @ 7th Street ¹	0.99	E	1.61	F	1.25	F	1.38	F	0.13	Y	1.38	F
7) Magnolia Avenue @ 6th Street	0.64	B	1.18	F	1.05	F	1.07	F	0.02	Y	NF ²	—
8) Pacific Avenue @ 6th Street	0.62	B	1.01	F	0.90	D	0.90	D	0.00	N	—	—
9) Pine Avenue @ 6th Street	0.65	B	0.97	E	0.83	D	0.84	D	0.01	N	—	—
10) Long Beach Boulevard @ 6th Street	0.63	B	1.15	F	1.04	F	1.04	F	0.00	N	—	—
11) Magnolia Avenue @ 3rd Street	0.40	A	0.87	D	0.79	C	0.84	D	0.05	N	—	—

Note: ICU = Intersection Capacity Utilization
 LOS = Level of Service
BOLD VALUES = unacceptable operating conditions based on City of Long Beach LOS criteria.

¹ Key Intersection is part of the LA County CMP network.

² NF = Any further mitigation at this intersection is not feasible due to constraints caused by existing development.

COASTAL COMMISSION
 5-98-156

EXHIBIT # 21
 PAGE 2 OF 4

TABLE 5 (continued)

PM PEAK HOUR INTERSECTION CAPACITY ANALYSIS SUMMARY
Queensway Bay Plan

Key Intersections	(1) Existing Traffic		(2) 2010 Background Traffic		(3) 2010 Background with Planned/Other Improvements		(4) Plus Queensway Project Traffic		(5) Project Impact/ Significance		(6) Future Conditions with Project Mitigation Improvements	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	ICU Inc.	Y/N	ICU	LOS
12) Pacific Avenue @ 3rd Street	0.36	A	0.64	B	0.58	A	0.58	A	0.00	N	—	—
13) Pine Avenue @ 3rd Street	0.35	A	0.46	A	0.42	A	0.44	A	0.02	N	—	—
14) Long Beach Boulevard @ 3rd Street	0.47	A	0.72	C	0.72	C	0.73	C	0.01	N	—	—
15) Alamitos Boulevard @ 3rd Street	0.66	B	1.05	F	0.77	D	0.83	D	0.06	N	—	—
16) Magnolia Avenue @ Broadway	0.49	A	0.98	E	0.95	E	0.98	E	0.03	Y	NF ²	—
17) Pacific Avenue @ Broadway	0.60	A	0.92	E	0.78	C	0.78	C	0.00	N	—	—
18) Pine Avenue @ Broadway	0.71	C	0.94	E	0.81	D	0.86	D	0.05	N	—	—
19) Long Beach Boulevard @ Broadway	0.66	B	1.03	F	0.93	E	0.93	E	0.00	N	—	—
20) Alamitos Boulevard @ Broadway	0.94	E	1.27	F	0.97	E	1.16	F	0.19	Y	1.02	F
21) Golden Shore @ Ocean Boulevard	0.74	C	0.97	E*	0.85	D	1.29	F	0.44	Y	1.01	F
22) Magnolia Avenue @ Ocean Boulevard	0.68	B	1.10	F*	0.96	E	0.99	E	0.03	Y	NF ²	—

Note: ICU = Intersection Capacity Utilization
 LOS = Level of Service
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² NF = Any further mitigation at this intersection is not feasible due to constraints caused by existing development.

COASTAL COMMISSION

5-98-156

EXHIBIT # 21

PAGE 3 OF 11

Linscott, Law & Greenspan, Engineers

In
Coastal
Zone

32

TABLE 5 (continued)
PM PEAK HOUR INTERSECTION CAPACITY ANALYSIS SUMMARY
Queensway Bay Plan

Key Intersections	(1) Existing Traffic		(2) 2010 Background Traffic		(3) 2010 Background with Planned/Other Improvements		(4) Plus Queueing Project Traffic		(5) Project Impact Significance		(6) Future Condition with Project Mitigation Improvements	
	ICU	LOS	ICU	LOS	ICU	LOS	ICU	LOS	ICU Inc.	Y/N	ICU	LOS
23) Pacific Avenue @ Ocean Boulevard	0.78	C	0.89	D	0.71	C	0.73	C	0.02	N	—	—
24) Pine Avenue @ Ocean Boulevard	0.70	B	1.24	F	0.89	D	1.01	F	0.12	Y	NF ²	—
25) Long Beach @ Ocean Boulevard	0.51	A	0.84	D	0.70	B	0.77	C	0.07	N	—	—
26) Alamitos Shoreline @ Ocean Blvd ¹	0.95	E	1.22	F	0.85	D	0.90	D	0.05	N	—	—
27) Rodondo Avenue @ Ocean Boulevard	0.79	C	0.91	E	0.67	B	0.69	B	0.02	N	—	—
28) Pine Avenue @ Seaside Way	0.22	A	0.50	A	—	—	0.58	A	0.06	N	—	—
29) Pine Avenue @ Shoreline Drive	0.59	A	0.67	B	—	—	0.79	C	0.12	N	—	—
30) Linden Avenue @ Shoreline Drive	0.48	A	0.63	B	—	—	0.77	C	0.14	N	—	—
31) Queensway-Chestnut @ Shoreline	—	—	0.73	C	—	—	0.90	E	0.22	Y	0.87	D
32) Aquarium-Pacific @ Shoreline Drive	—	—	0.57	A	—	—	0.95	E	0.38	Y	0.76	C
33) Shoreline Village @ Shoreline Drive	—	—	0.59	A	—	—	0.76	C	0.17	N	—	—

Note: ICU = Intersection Capacity Utilization
LOS = Level of Service
BOLD VALUES = unacceptable operating conditions based on City of Long Beach LOS criteria.

¹ Key Intersection is part of the LA County CMP network.

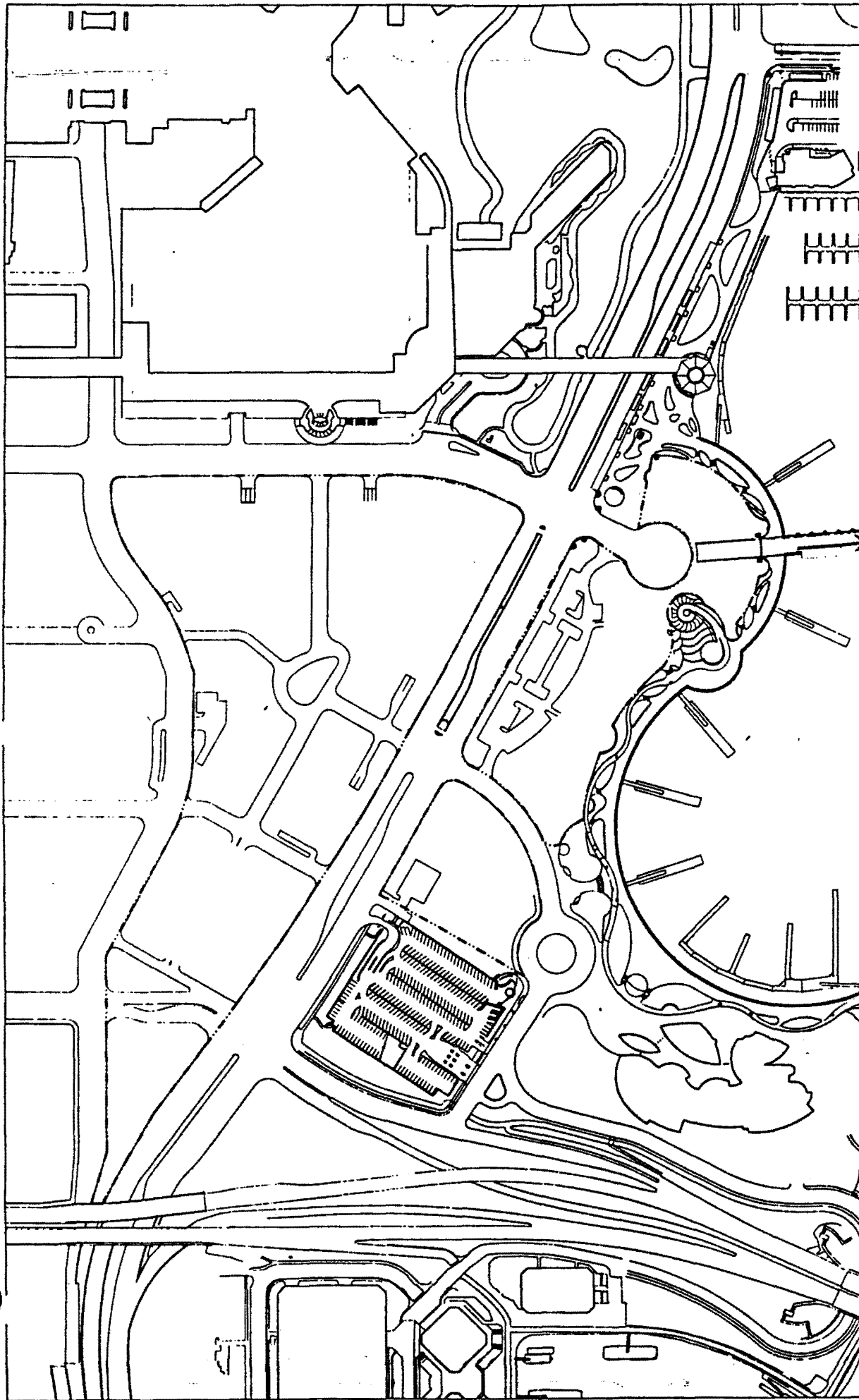
² NF = Any further mitigation at this intersection is not feasible due to constraints caused by existing development.

COASTAL COMMISSION

5-98-156

EXHIBIT # 21

PAGE 4 OF 4



COASTAL COMMISSION

5-98-156

EXHIBIT #

22

PAGE

1 OF 1

Lease Line Plan



Tidelands

Long Beach, CA

Shelton & Malm Architects

Shelton & Malm
Development, LLC

Exhibit B
Page 2

