

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



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Staff: CP-LB
Staff Report: 7/20/99
Hearing Date: August 10-13, 1999
Commission Action:

STAFF REPORT: REVISED FINDINGS FOR PERMIT AMENDMENT

APPLICATION NUMBER: A-5-LOB-98-336-A1
APPLICANT: Selleck Development Group, Inc.
AGENT: Joel Miller, Psomas and Associates
PROJECT LOCATION: 6500 E. Pacific Coast Highway, City of Long Beach,
Los Angeles County.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (A-5-LOB-98-336):

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

DESCRIPTION OF APPLICANT'S AMENDMENT REQUEST (A-5-LOB-98-336-A1):

Delete Special Condition One requiring the effective certification of City of Long Beach Local Coastal Program Amendment No. 2-98B prior to issuance of Coastal Development Permit A-5-LOB-98-336.

COMMISSION'S MARCH 9, 1999 ACTION APPROVING AMENDMENT A-5-LOB-98-336-A1:

Revise Special Condition One requiring the effective certification of an amendment to the City of Long Beach LCP that carries out the proposed changes and suggested modifications for SEADIP Subarea 29 as approved by the Commission pursuant to its action on Long Beach LCP Amendment No. 2-98B prior to commencement of construction or any development activity on the site.

COMMISSIONERS ON PREVAILING SIDE: Areias, Dettloff, Kehoe, McClain-Hill, Nava, Tuttle, Wan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on March 9, 1999 approving a permit amendment for Coastal Development Permit A-5-LOB-98-336 (Marina Shores). The revised findings reflect the Commission's approval of Coastal Development Permit A-5-LOB-98-336 with a revised Special Condition One.

I. Staff Recommendation

The staff recommends that the Commission adopt the following motion:

Motion

"I move that the Commission adopt the following revised findings in support of the Commission's approval with standard conditions of A-5-LOB-98-336-A1."

Staff recommends a **YES** vote, and the adoption of the following findings. An affirmative vote by a majority of the Commissioners present who voted on the prevailing side is needed to pass the motion (See list on p.1).

II. Special Conditions

Special Condition One is revised by this amendment. Special Condition Nos. 2 through 6 of Coastal Development Permit A-5-LOB-98-336 remain unchanged by this amendment.

1. SEADIP Subarea 29 LCP Amendment

Approval of the coastal development permit is conditioned upon the effective certification of an amendment to the City of Long Beach LCP that carries out the proposed changes and suggested modifications for SEADIP Subarea 29 as approved by the Commission pursuant to its action on Long Beach LCP Amendment NO. 2-98B. Accordingly, prior to commencement of construction or any development activity on the site, the applicant shall obtain a written statement of the Executive Director of the Coastal Commission confirming that a SEADIP Subarea 29 LCP Amendment comprising the previously endorsed revisions approved pursuant to Long Beach LCP Amendment No. 2-98B (allowance for retail and restaurant uses, height limits for architectural features, curb cut provisions, and wetland standards) has been effectively certified for SEADIP Subarea 29 in accordance with California Code of Regulations, Title 14, Section 13544.

2. Conditions Imposed by Local Government

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

3. Wetland Mitigation Project

- a) The applicant shall construct, monitor and maintain the proposed on-site wetland habitat mitigation project consistent with the standards contained in the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc.

September 14, 1998 (Exhibit #8 of 9/25/98 staff report), except as modified herein.

- b) The implementation of the site preparation and planting plan for the proposed wetland habitat mitigation project shall commence prior to or simultaneous with the construction of the proposed shopping center. The .05 acre wetland habitat mitigation area shall be fenced-off during the construction of the proposed shopping center to protect it from disturbance. Once the site preparation has commenced for the wetland habitat mitigation project, the planting of the wetland habitat mitigation site shall proceed continuously until it is completed in conformance with the approved plan.
- c) A five-year monitoring period [instead of the three-year monitoring period proposed by the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8 of 9/25/98 staff report)] shall commence upon completion of the first planting of the wetland habitat mitigation site. The applicant shall notify the Executive Director upon completion of the first planting of the wetland habitat mitigation site.
- d) Upon completion of the first year of the monitoring period, and annually thereafter, the applicant shall submit to the Executive Director a report that documents the implementation of the planting and monitoring plans and also documents the status of the habitat mitigation project in relation to the performance criteria contained in the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8 of 9/25/98 staff report).
- e) Any additional work or modifications to the habitat mitigation project which are necessary to meet the performance criteria contained in the "Conceptual Mitigation Plan for Marina Shores by Glenn Lukos Associates, Inc. September 14, 1998 (Exhibit #8 of 9/25/98 staff report) shall be submitted to the Executive Director. Any change in the approved wetland habitat mitigation project shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.
- f) The applicant shall be responsible for the ongoing maintenance of the wetland habitat mitigation project and site. The required maintenance shall include adequate irrigation, regular cleaning, re-planting, and trash pick-up.
- g) The proposed thirty-foot wide landscaped area between the proposed wetland mitigation project and the proposed project's paved areas shall be landscaped and maintained with non-invasive plant species that are native to southern

California. The list of proposed native, non-invasive plant species shall be submitted for the review and approval of the Executive Director.

4. Siltation Control

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

5. Drainage Plan

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

6. Restaurant

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

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description

The applicant has requested an amendment to delete Special Condition One of the underlying permit, approved by the Commission on October 13, 1998. Special Condition One states:

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

In requesting this amendment, the applicant asserts that: 1) Special Condition One is an inappropriate burden on the applicant because it obligates the City of Long Beach to take an action and not the applicant; 2) there is no nexus to support Special Condition One because the Commission's other conditions of approval fully mitigate all identified impacts of the proposed project; and 3) it is a hardship for the applicant to wait for the City to adopt the Commission's suggested modifications to LCP Amendment No. 2-98B as required by Special Condition One (Exhibit #5).

B. Project History

The local coastal development permit for the proposed project and the accompanying LCP Amendment Request No. 2-98B were processed concurrently and heard at the same public hearings before the City Planning Commission, the City Council, and finally the Coastal Commission (Exhibit #6). The LCP amendment was project driven and adopted at the local level in order to enable the City to make a finding that the proposed project was consistent with the LCP provisions that limit the types of commercial uses, heights of architectural features, and curb cuts along this section of Pacific Coast Highway. The site is located on the west side of Pacific Coast Highway in Subarea 29 of SEADIP (Southeast Area Development and Improvement Plan) (Exhibit #2).

On April 20, 1998, the City submitted LCP amendment request No. 2-98B for Commission certification. On June 10, 1998, the Commission extended the time period to act on the LCP amendment for a period not to exceed one year. The Commission opened and continued the public hearing on LCP Amendment No. 2-98B on August 14, 1998. Also on August 14, 1998, two Commissioners appealed the City's approval of the local coastal

development permit for the proposed project on the grounds that: 1) the local approval did not analyze or mitigate the proposed project's impacts on wetland habitat in relation to the standards of the certified LCP, and 2) the proposed project did not conform to the currently certified LCP in regards to land use, building heights and curb cut provisions.

On October 13, 1998, the Commission reopened the public hearing on LCP Amendment No. 2-98B and opened the appeal hearing for the proposed project. On that day, the Commission approved both the de novo coastal development permit for the proposed project and LCP Amendment No. 2-98B. The approval of the LCP amendment, however, was conditional upon the City accepting two suggested modifications that would: 1) insert a new wetlands protection policy into the SEADIP portion of the certified LCP, and 2) allow architectural features to exceed 35 feet only in SEADIP Subarea 29 (See Exhibit #7 for suggested modifications). The proposed wetland protection provisions were the focal point of the Commission's discussion and the principal issue of debate at the October 13, 1998 hearing.

In addition to the two suggested modifications, the Commission's action on LCP amendment No. 2-98B approved the City's project driven changes to the following LCP provisions that limit the types of commercial uses, heights of architectural features, and curb cut approvals that affect the project site¹:

BUILDING HEIGHT

The City proposed to modify Item 5 of "Provisions Applying To All Areas" to allow architectural features to exceed the 35 foot height limit in non-residential developments:

5. *The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein. In non-residential development In Subarea 29, architectural features such as tower elements may be approved up to a height of 43 feet through the Site Plan Review process.*

CURB CUTS

The City proposed to revise Item 14 of "Provisions Applying To All Areas":

14. *(To be deleted and replaced). ~~No additional curb cuts shall be permitted on Pacific Coast Highway, Westminster Avenue, Studebaker Road, or Seventh Street, unless it can be shown that inadequate access exists from local streets.~~*

¹ *The currently certified LCP provisions are in italic type, the City's proposed LCP modifications are underlined, and the Commission's suggested modification is in bold type.*

~~This restriction shall not preclude the provision of emergency access from these streets as may be required by the City.~~

14. (Proposed). Curb cuts shall be permitted on Pacific Coast Highway, Westminster Avenue, Studebaker Road and Seventh Street subject to the approval of the City Traffic Engineer and/or CALTRANS, where appropriate.

PERMITTED USES

The City proposed to add commercial retail to the list of commercial uses already permitted in Subarea 29 and to delete the limitation on restaurants:

SUBAREA 29

Use: Commercial office, restaurants, commercial recreation and commercial retail uses.

Delete: ~~Restaurant uses shall be permitted only south of Studebaker Road.~~

Although the Commission approved a coastal development permit for the proposed project, the proposed project would not fully conform to the certified LCP until an LCP amendment became effectively certified with the above-stated changes. Local Coastal Program Amendment No. 2-98B contained the changes that specifically allow the proposed retail and restaurant uses and the architectural features that exceed the otherwise allowable 35 foot height limit. The Commission's approval of LCP Amendment No. 2-98B also included the suggested modification that would insert a new policy into the LCP to regulate development in or near wetlands.

In order to assure that wetland policies were incorporated into the City's LCP and to ensure consistency between the approved coastal development permit and the certified LCP, the Commission found that the approval of the coastal development permit was conditional upon the effective certification of Long Beach LCP Amendment No. 2-98B. As a result, the Commission required that LCP Amendment No. 2-98B be effectively certified prior to issuance of Coastal Development Permit A-5-LOB-98-336 (Special Condition One).

In order for LCP Amendment No. 2-98B to become effectively certified as required by Special Condition One, the City had to have accepted the Commission's suggested modifications within six months of the Commission's October 13, 1998 action. The City Council, however, declined to accept the suggested modifications required for the effective certification of LCP Amendment No. 2-98B. The City's stated reason for declining to accept the Commission's suggested wetland protection policy for the entire certified portion of SEADIP is that the effects of such a policy are not known. The City has already proposed and accepted the changes to the LCP that would allow the proposed retail and restaurant uses and architectural features, but these changes remain uncertified because of

the City's reluctance to accept the suggested modification for LCP Amendment No. 2-98B that addresses development in and near wetlands.

Instead, the City has opted for an alternative approach to the LCP consistency issue by separating the project site (SEADIP Subarea 29) from the rest of the certified SEADIP area. On June 17, 1999, the City submitted a new LCP amendment request (LCP Amendment Request No. 2-99B) that would allow the proposed retail and restaurant uses and architectural features, and also insert the Commission's suggested wetland protection policy into the certified LCP for SEADIP Subarea 29 only. City of Long Beach LCP Amendment Request No. 2-99B, if certified by the Commission, would carry out the proposed changes and suggested modifications for SEADIP Subarea 29 as approved by the Commission pursuant to its action on Long Beach LCP Amendment No. 2-98B. The suggested wetland protection policy, however, would apply only to SEADIP Subarea 29 instead of all of the certified SEADIP subareas.

Although the City is currently not prepared to accept the Commission's suggested wetlands protection policy for the entire certified portion of SEADIP at this time, the City has indicated its willingness to work with the Commission on a new LCP policy that would regulate development in or near wetlands that are located within the remaining certified portion of SEADIP (Exhibit #6). The City staff has proposed to provide the Commission with an inventory of wetland areas believed to exist within the certified portion of the SEADIP Specific Plan area and work towards the development of suitable alternative language for the protection of such wetlands. The process of identifying the wetland areas and developing a new LCP policy for wetlands will require environmental review and is expected to take several months.

C. Analysis of Permit Amendment Request

Although the Commission approved a coastal development permit for the proposed project, the proposed project would not fully conform to the certified LCP until an LCP amendment becomes certified with changes that specifically allow: 1) the proposed retail and restaurant uses on the project site, 2) the proposed project's wetland impacts and proposed mitigation plan, 3) the proposed curb-cuts, and 4) the architectural features that exceed the otherwise allowable 35 foot height limit. In order to carry out the Coastal Act's requirement for consistency between the approved coastal development permit and the certified LCP, the Commission found that the approval of the coastal development permit was conditional upon the effective certification of an LCP amendment that carried out the four above-stated changes. As a result, the Commission required that LCP Amendment No. 2-98B be effectively certified prior to issuance of the coastal development permit (See Special Condition One). Therefore, Special Condition One cannot be deleted as requested by the applicant because the Coastal Act requires that the coastal development permit for the proposed project must conform to a certified LCP that is consistent with the Coastal Act.

The timing of the issuance of the coastal development permit and the specific LCP amendment that carries out the required changes can be changed without altering the intent of Special Condition One. Therefore, Special Condition One is revised to allow the issuance of the coastal development permit prior to the certification of the required LCP amendment, but development cannot commence until the necessary LCP amendment is certified by the Commission. In addition, Commission certification of a new LCP amendment that carries out the four above-stated modifications for SEADIP Subarea 29 would satisfy the Coastal Act requirement for consistency between the approved coastal development permit and a certified LCP that is consistent with the Coastal Act. Therefore, Special Condition One is revised as follows:

SEADIP Subarea 29 LCP Amendment

Approval of the coastal development permit is conditioned upon the effective certification of an amendment to the City of Long Beach LCP that carries out the proposed changes and suggested modifications for SEADIP Subarea 29 as approved by the Commission pursuant to its action on Long Beach LCP Amendment No. 2-98B. Accordingly, prior to commencement of construction or any development activity on the site, the applicant shall obtain a written statement of the Executive Director of the Coastal Commission confirming that a SEADIP Subarea 29 LCP Amendment comprising the previously endorsed revisions approved pursuant to Long Beach LCP Amendment No. 2-98B (allowance for retail and restaurant uses, height limits for architectural features, curb cut provisions, and wetland standards) has been effectively certified for SEADIP Subarea 29 in accordance with California Code of Regulations, Title 14, Section 13544.

D. Wetlands Impacts/Mitigation

In regards to the 0.03 acres of wetlands on the site, the authorized impacts and the mitigation proposed by the applicant and required by the conditions of the coastal development permit meet or exceed the mitigation measures required by either the currently certified LCP or the modifications suggested by the Commission's approval of LCP Amendment No. 2-98B.

The applicant proposes to construct a commercial retail center on a vacant six-acre parcel located on the seaward side of Pacific Coast Highway in southeast Long Beach (Exhibit #2). The proposed project includes a seven-foot wide dedication of land along the site's Pacific Coast Highway frontage. The dedication will widen the highway right-of-way for the addition of a 13-foot wide combined sidewalk and bicycle path that will connect to the existing sidewalks on either side of the site. The construction of the sidewalk/bike path along Pacific Coast Highway would result in the filling of 0.02 acres (871.2 sq.ft.) of wetland habitat.

The applicant has submitted a mitigation plan that would replace at a 2:1 ratio the 0.02 acres of wetland habitat that would be filled for the public sidewalk/bike path. The mitigation plan involves the preservation of approximately .01 acre of wetland on the site, and the installation of 0.04 acres of new wetland plants to replace the 0.02 acres of filled wetlands. The 0.04 acres of created wetland plant area, when planted around the preserved 0.01 acre, adds up to a 0.05 acre wetland mitigation area. The proposed wetland native plant area would be situated on the site between the Pacific Coast Highway sidewalk/bike path and a thirty foot wide landscaped buffer (Exhibit #3).

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

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource dependent activities.

In this case, the proposed fill would result from the construction of a public sidewalk/bike path required by the City in order to provide an uninterrupted pedestrian accessway along the west side of Pacific Coast Highway. The public sidewalk/bike path is incidental to an existing public service purpose because it will fill a gap in an existing public sidewalk where the project site fronts Pacific Coast Highway. The public sidewalk on the west side of Pacific Coast Highway now dead-ends at both ends of the project site. The provision of the proposed thirteen-foot wide public sidewalk/bike path where the project site fronts Pacific Coast Highway will complete a necessary public access component of the Pacific Coast Highway coastal transportation corridor. Therefore, the proposed fill is for an incidental public service purpose allowable under Section 30233(a)(5) of the Coastal Act.

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

As previously stated, the applicant has proposed to mitigate the loss of wetlands by replacing the 0.02 acres of fill in the wetlands by adding 0.04 acres of new wetland habitat to the 0.01 acre of wetland habitat that will be preserved on the site. The proposed mitigation plan would replace the 0.02 acres of wetland habitat that would be filled for the public sidewalk/bike path at a 2:1 ratio. The Commission found in its approval of the underlying permit that the proposed 2:1 ratio is acceptable in this case because of the wetland's small size, low biological productivity, location, and recent history.

The proposed mitigation plan would avoid filling 0.01 acre of wetland, replace 0.02 acres of filled wetlands on the site at a 2:1 ratio, and be monitored for five years to ensure that the new wetland mitigation area becomes established. A special condition of approval requires the applicant to carry out the proposed wetland mitigation project in a timely manner, and consistent with the proposed mitigation plan. The wetland mitigation area is buffered from the highway by the proposed thirteen-foot wide sidewalk, and buffered from the project parking area by a thirty-foot wide landscaped area.

As part of the coastal development permit, the Commission approved special conditions that adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. As conditioned, the proposed development with the proposed amendment will conform to the certified LCP and appropriately address and mitigate all wetland impacts.

E. Land Use/Allowance for Retail and Restaurant Uses

The currently certified LCP does not list retail uses or restaurants as allowable uses on the project site. The certified LUP designates SEADIP Subarea 29 as a "mixed use" land use district. The currently certified LCP list of permitted uses in Subarea 29 allows commercial uses, but only commercial office, restaurant and commercial recreation uses. Restaurant uses are currently permitted only south of Studebaker Road in Subarea 29. Both the City's previous LCP amendment request submittal (Long Beach LCP Amendment No. 2-98B) and current LCP amendment request submittal (Long Beach LCP Amendment No. 2-99B) include the changes that would add commercial retail uses and restaurants to the current list of commercial uses that may be permitted on the project site which is in Subarea 29 of SEADIP. As conditioned, the proposed development with the proposed amendment will conform to the certified LCP.

F. Building Heights/Architectural Features

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

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

A.5. The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein.

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

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

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

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

Lush landscaping and attractive building facades are proposed around all four sides of the proposed project (Exhibit #4). The parking lot landscaping plan includes landscaped islands, trees and shrubs. Twenty-foot wide setbacks are provided along all three street frontages. The revised project plan provides over 70,000 square feet of open space. The three proposed buildings were sited to maintain public views through the site from Pacific Coast Highway to the waters of Alamitos Bay. Three view corridors are provided across the site to Alamitos Bay.

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

Therefore, the proposed project protects public views through the site to the ocean and will improve the visual quality of the site itself by providing attractive buildings and park like landscaping to replace the current vacant lot look. As conditioned, the proposed development with the proposed amendment will conform to the certified LCP.

G. Curb Cuts

The currently certified LCP allows curb cuts on Pacific Coast Highway, Westminster Avenue, Studebaker Road and Seventh Street only if it can be shown that inadequate access exists from the local streets in a development. Pacific Coast Highway, Westminster Avenue, Studebaker Road and Seventh Street are the main traffic arteries in the SEADIP area. These road provide vehicular access to the coast from the inland areas.

In the currently certified SEADIP specific plan's provisions that apply to all subareas, Item 14 (Curb Cuts) states:

14. No additional curb cuts shall be permitted on Pacific Coast Highway, Westminster Avenue, Studebaker Road, or Seventh Street, unless it can be shown that inadequate access exists from local streets. This restriction shall not preclude the provision of emergency access from these streets as may be required by the City.

A City-proposed LCP amendment, if certified, would replace the currently certified curb cut standard for SEADIP Subarea 29 with the following revised standard proposed by the City:

Curb cuts shall be permitted on Pacific Coast Highway, Westminster Avenue, Studebaker Road and Seventh Street subject to the approval of the City Traffic Engineer and/or CALTRANS, where appropriate.

The proposed revision to the LCP curb cut provision is a minor change because both the currently certified provision and the proposed LCP amendment would allow curb cuts on the main traffic arteries in the SEADIP area. Therefore, the proposed development with the proposed amendment will conform to the certified LCP.

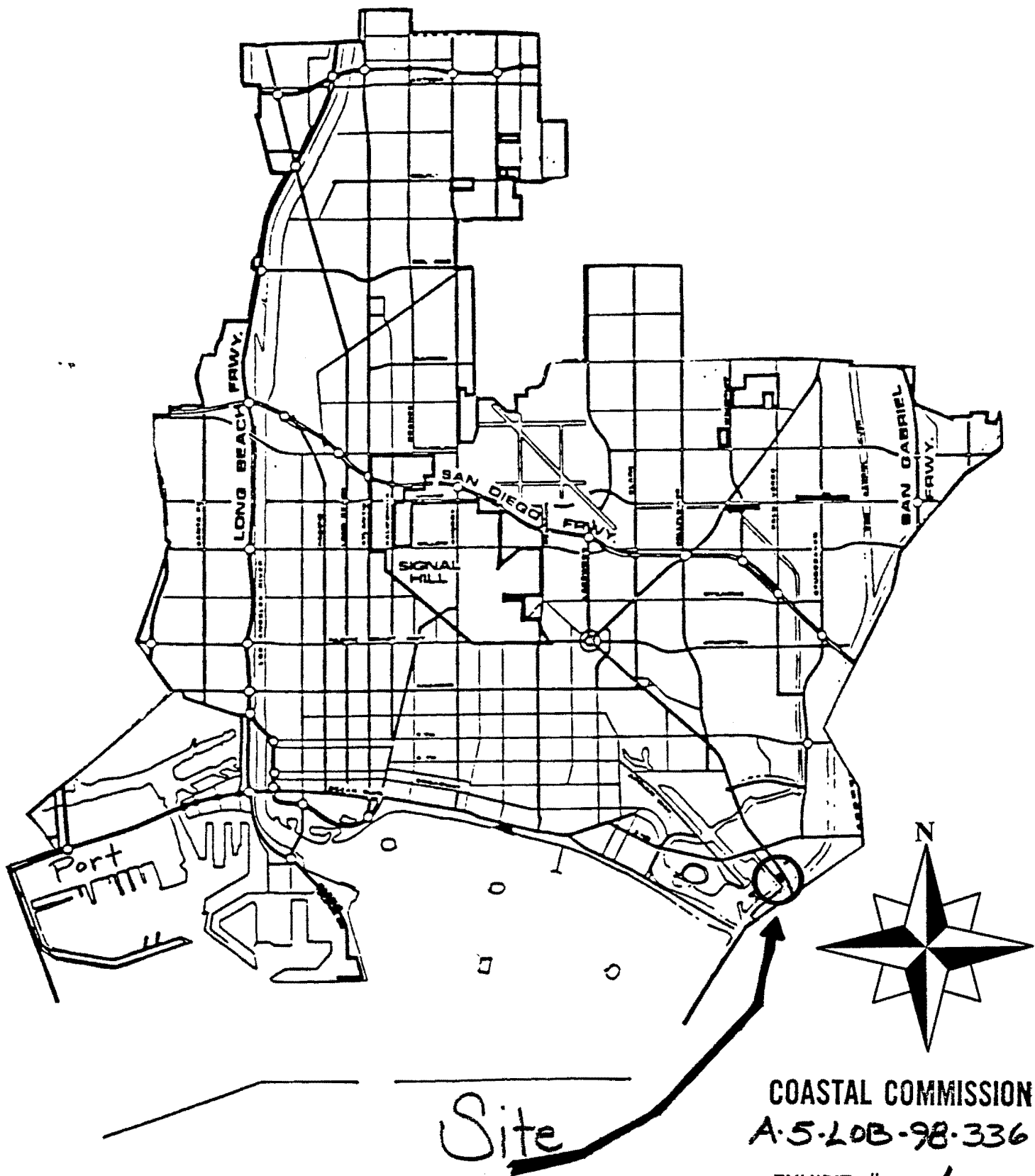
H. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit amendment to be supported by a finding showing the proposed development and amendment, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development and amendment, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. As conditioned, the proposed project and amendment will not have significant environmental effects for which feasible mitigation measures or alternatives have not been employed consistent with CEQA. Therefore, the Commission finds that the project as amended is consistent with the requirements of the Coastal Act to conform to CEQA.

End/cp

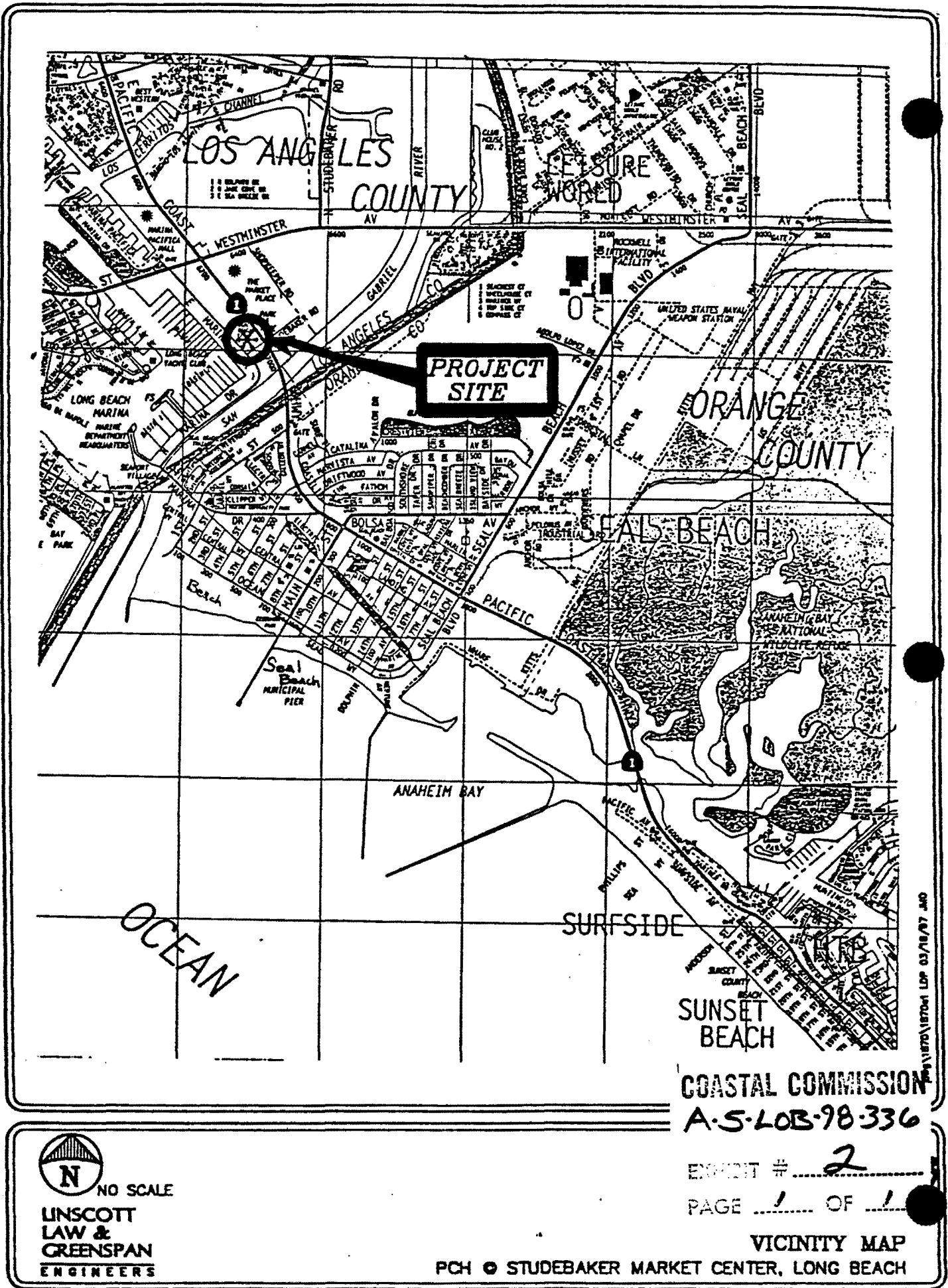
City of Long Beach



COASTAL COMMISSION
A-5-20B-98-336

EXHIBIT # 1

PAGE 1 OF 1



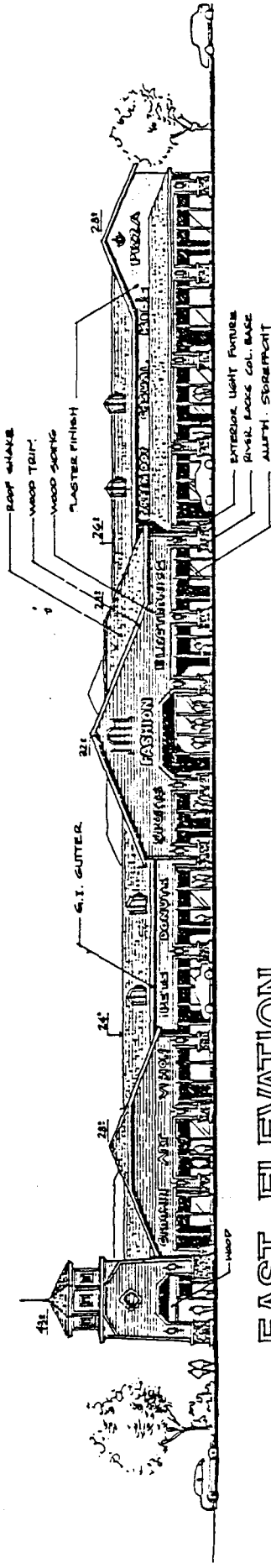
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 LAW &
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COASTAL COMMISSION
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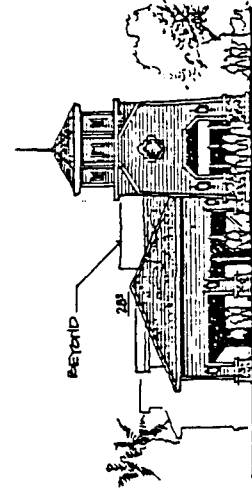
EXHIBIT # 2
 PAGE 1 OF 1

VICINITY MAP

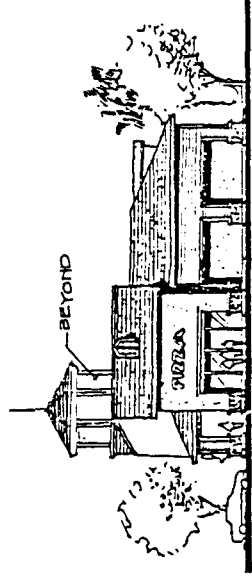
PCH @ STUDEBAKER MARKET CENTER, LONG BEACH



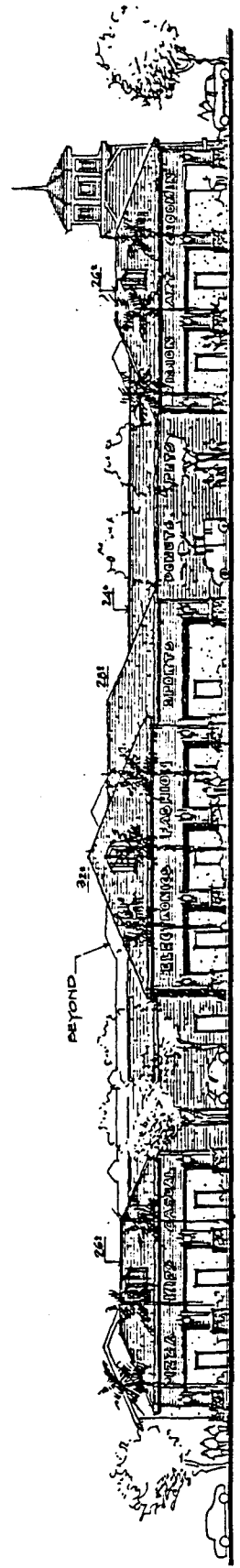
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

