

**CALIFORNIA COASTAL COMMISSION**

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July 20, 1999

**TO:** Commissioners and Interested Persons

**FROM:** Deborah Lee, Deputy Director  
Pam Emerson, Los Angeles County Area Supervisor  
Charles Posner, Coastal Program Analyst

**SUBJECT:** Major Amendment Request No. 2-99B (Marina Shores II) to the City of Long Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the August 10-13, 1999 meeting in Los Angeles).

**SUMMARY OF LCP AMENDMENT REQUEST NO. 2-99B**

The City of Long Beach Local Coastal Program (LCP) was certified by the Coastal Commission on July 22, 1980. The current proposal, which the City has submitted as Parts A and B, is the City's second major LCP amendment request for 1999. Part A of LCP amendment request No. 2-99 would amend the parking standards for Area D (Belmont Shore) of the City's coastal zone and is the subject of a separate staff report, hearing and Commission action. Part B of LCP amendment request No. 2-99 would modify the development standards for Subarea 29 of the Southeast Area Development and Improvement Plan (SEADIP). This report is for Part B only.

Part B of LCP amendment request No. 2-99, contained in City Council Resolution Nos. C-27529 and C-27530 and City Council Ordinance No. C-7625, would modify the development standards for Subarea 29 of SEADIP in order to accommodate the Marina Shores commercial project approved at 6500 E. Pacific Coast Highway (Exhibits #2&3). The Marina Shores project is a 67,930 square foot retail/commercial center approved by the Commission with conditions on October 13, 1998, and amended on March 9, 1999 [See *Appeal File No. A-5-LOB-98-336*]. One of the Commission's conditions of approval for the Marina Shores coastal development permit as amended is the certification of an LCP amendment that modifies the land use, height, and curb cut standards for Subarea 29 of SEADIP and inserts a new wetland protection policy into the LCP. This LCP amendment request proposes the new wetland protection policy and the changes to the SEADIP Subarea 29 land use, height, and curb cut standards that are necessary for the Marina Shores project to move forward consistent with the Coastal Act (See Exhibit #6).

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing, approve LCP amendment request No. 2-99B as submitted. The motions to accomplish this recommendation begin on PAGE THREE. The City agrees with the recommendation.

## **CONTENTS OF LCP AMENDMENT REQUEST**

Local Coastal Program amendment request No. 2-99B would affect both the Land Use Plan (LUP) policies and implementing ordinances (LIP) portions of the City's certified LCP that are contained in the SEADIP specific plan. The uncertified provisions and geographic areas of SEADIP would not be affected by the current proposal (Exhibit #4). The recently annexed portions of the City (Los Cerritos Wetlands) are not subject to the currently certified City of Long Beach LCP. This LCP amendment request would not affect any of these currently uncertified portions of the coastal zone.

As previously stated, the City has requested this LCP amendment in order to allow the construction of a 67,930 square foot retail/commercial project in SEADIP Subarea 29 (Exhibit #3). The proposed LCP amendment would change the land use, height, and curb cut standards for Subarea 29 of SEADIP and insert a new wetland protection policy into the LCP in order to bring the previously approved Marina Shores project into conformance with the certified LCP. Specifically, the proposed LCP amendment would: 1) add retail uses to the list of allowable uses for SEADIP Subarea 29 which currently allows only commercial office, restaurants, and commercial recreation uses; 2) allow architectural features in SEADIP Subarea 29 to exceed the 35 foot height limit by eight feet (up to 43 feet); 3) allow curb cuts on Pacific Coast Highway and Studebaker Road subject to the approval of the City Traffic Engineer and/or CALTRANS; and 4) insert a new wetland protection policy into the LCP specifically for SEADIP Subarea 29.

The proposed changes to the certified LCP are contained in City Council Resolution No. C-27529 (Exhibit #5) and City Council Ordinance No. C-7625. Resolution No. C-27530 submits the LCP amendment request for certification by the Commission. The City Planning Commission held a public hearing for the proposed LCP amendment on May 6, 1999, and the City Council held a public hearing for the proposed LCP amendment on June 1, 1999. This LCP amendment request is consistent with the submittal requirements of the Coastal Act and the regulations which govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of the California Code of Regulations).

## **STANDARD OF REVIEW**

Because the SEADIP plan contains both land use policies and implementing ordinances, this LCP amendment would affect both the LUP policies and LIP portions of the City's certified LCP. The standard of review for the proposed amendment to the Land Use Plan policies, pursuant to Section 30512 of the Coastal Act, is that the proposed amendment is in conformance with the Chapter 3 policies of the Coastal Act. The standard of review for the proposed amendment to the LCP Implementing Ordinances, pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

## **ADDITIONAL INFORMATION**

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Charles Posner in the Long Beach office at (562) 590-5071.

**I. STAFF RECOMMENDATION**

Staff recommends adoption of the following motions and resolutions:

**A. APPROVAL OF THE AMENDMENT TO THE LAND USE PLAN AS SUBMITTED**

**MOTION**

*"I move that the Commission certify amendment request No. 2-99B to the City of Long Beach Land Use Plan as submitted."*

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

**\* Resolution to certify the amendment to the Land Use Plan as submitted**

*The Commission hereby approves certification of amendment request No. 2-99B to the City of Long Beach Land Use Plan and adopts the findings stated below on the grounds that the amended Land Use Plan meets the requirements of and conforms with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act. The Land Use Plan amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) of the Coastal Act, and certification of the Land Use Plan amendment meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no feasible alternatives or mitigation measures which would substantially lessen any significant adverse impacts on the environment.*

**B. APPROVAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ACTIONS AS SUBMITTED**

**MOTION**

*"I move that the Commission reject amendment request No. 2-99B to the City of Long Beach LCP Implementing Actions as submitted."*

Staff recommends a **NO** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

**Resolution to certify the amendment to the Implementing Actions**

*The Commission hereby certifies amendment request No. 2-99B to the Implementing Actions of the City of Long Beach Local Coastal Program, for the reasons discussed below on the grounds that the amended ordinances, maps, and other implementing actions are consistent with, and adequate to carry out, the provisions of the certified Land Use Plan, as provided in Section 30513 of the Coastal Act. Approval of the Implementing Actions meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no further feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the approval of the Implementing Actions would have on the environment.*

**II. FINDINGS**

The following findings support the Commission's approval of the LCP amendment as submitted. The Commission hereby finds and declares as follows:

**A. Amendment Description and Background**

The City of Long Beach Southeast Area Development and Improvement Plan, commonly referred to as SEADIP, is a specific plan that covers the southeast portion of the City of Long Beach and Los Angeles County (Exhibit #4). This LCP amendment request, contained in City of Long Beach Resolution No. C-27529 and City Council Ordinance No. C-7625, would modify the certified LCP's land use, height, and curb cut standards for Subarea 29 of SEADIP. The LCP amendment request would also insert into the LCP a new wetland protection policy specifically for SEADIP Subarea 29. This LCP amendment request is necessary to allow the Marina Shores shopping center to go forward consistent with the Coastal Act. [See Appeal File No. A-5-LOB-98-336 (Exhibit #3)].

The SEADIP specific plan has a long history. It was originally adopted by the City of Long Beach in 1977, prior to certification of the City's LCP. In 1980, the Commission included part of the SEADIP document into the original LCP as both the implementing ordinances (LIP) and Land Use Plan (LUP) for the southeast portion of the City. However, large geographic areas covered by SEADIP were deleted from the proposed LCP when the Commission originally certified the City of Long Beach LCP in 1980. The policies and standards that apply to the uncertified LCP areas were never certified as part of the certified LCP. The geographic areas that were never incorporated into the certified LCP include the formerly unincorporated portions of Los Angeles County (Los Cerritos Wetlands) and Parcel 11b

(Exhibit #4 p.2). Other City areas covered by SEADIP are located outside of the coastal zone and therefore are also not part of the certified LCP.

Therefore, the City's SEADIP document includes both certified and uncertified standards and geographic areas. This LCP amendment request would affect only the portion of SEADIP that has been certified by the Commission and only the geographic SEADIP area that is currently covered by the certified City of Long Beach LCP (Exhibit #4). The Los Cerritos Wetlands area, which was recently annexed from Los Angeles County into the City of Long Beach, is not within the area covered by any certified LCP<sup>1</sup>. This LCP amendment would not alter the boundaries of the currently certified City of Long Beach LCP.

As previously stated, this LCP amendment request would modify the use, height, and curb cut standards for Subarea 29 of SEADIP where the Commission recently approved Coastal Development Permit A-5-LOB-98-336 on appeal for the 67,930 square foot Marina Shores shopping center project (Exhibit #3). This LCP amendment request would also insert a new wetland protection policy into the LCP that would apply specifically to SEADIP Subarea 29.

**SEADIP Subarea 29** is located within the geographic area covered by the City of Long Beach certified LCP on the seaward side of Pacific Coast Highway (State Route 1) near the boundary between the cities of Seal Beach and Long Beach (Exhibit #2). Subarea 29 is located inland of Marina Drive, the first public road inland from the sea and the primary access road to the Alamitos Bay Marina. Subarea 29 is comprised of only two parcels which are separated by Studebaker Road. The southernmost parcel is developed with an office building on the west bank of the San Gabriel River. The northern parcel in SEADIP Subarea 29 is the site of the Marina Shores project. The waters of Alamitos Bay are approximately 350 feet west of the site of Marina Shores project. The site of the proposed development is currently vacant and surrounded by a chain-link fence.

The **Marina Shores project** has a long history that includes a local coastal development permit approval, a Commissioner appeal, a Commission approved coastal development permit, and two separate LCP amendment requests (LCP Amendment request Nos. 2-98B & 2-99B). On March 17, 1998, the Long Beach City Council determined that the project site contained no wetlands and approved Local Coastal Development Permit No. 9702-18 and an accompanying LCP amendment (LCP Amendment request No. 2-98B) for the Marina Shores shopping center. Because the project site is located outside of the Commission's mapped appealable area, the local permit action was not noticed as appealable to the Commission. The Commission's mapped appealable area ends at Marina Drive, the first public road inland from the sea.

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<sup>1</sup> In 1984 the Commission approved an LCP for the Los Cerritos Wetlands with suggested modifications, but the LCP never received final certification. The Commission's approval of the Los Cerritos Wetlands LCP with suggested modifications has since lapsed.

However, at a public hearing on August 13, 1998 the Commission determined that Local Coastal Development Permit No. 9702-18 was appealable under Section 30603(a)(2) due to the fact that a small wetland occupies the eastern portion of the project site (Exhibit #3). The Commission then established an appeal period which commenced on August 13, 1998. On August 14, 1998, Commissioners Sara Wan and Shirley Dettloff appealed the City's approval of Local Coastal Development Permit No. 9702-18 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 [See *Appeal File No. A-5-LOB-98-336*]. Also on August 14, 1998, the Commission opened and continued the public hearing on LCP Amendment request No. 2-98B.

On October 13, 1998, the Commission reopened the public hearing for LCP Amendment request No. 2-98B, and opened the appeal hearing for the Marina Shores project [See *Appeal File No. A-5-LOB-98-336*]. On that day, the Commission approved both the de novo coastal development permit for the proposed project and LCP Amendment request 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 policy into the LCP to regulate development in or near wetland, and 2) allow architectural features to exceed 35 feet only in SEADIP Subarea 29. The suggested wetland protection provisions were the principal issue of debate and the focal point of the Commission's discussion at the October 13, 1998 hearing.

The Commission's October 13, 1998 approval of Coastal Development Permit A-5-LOB-98-336 for the Marina Shores project was conditional upon the City accepting the Commission's suggested modifications for the effective certification of LCP Amendment request No. 2-98B. The effective certification of LCP Amendment request No. 2-98B would assure consistency between the approved coastal development permit and the certified LCP.

Special condition one of Coastal Development Permit A-5-LOB-98-336 stated<sup>2</sup>:

"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."

The Commission's approval with suggested modifications of **LCP Amendment request No. 2-98B** included the changes to the LCP land use, height limit, curb cut, and wetland protection provisions that are necessary to bring the certified LCP into conformance with

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<sup>2</sup> Special condition one of Coastal Development Permit A-5-LOB-98-336 was revised on March 9, 1999 by Coastal Development Permit Amendment A-5-LOB-98-336-A1 (See below).

the Marina Shores project approval. Although the Commission approved a coastal development permit for the Marina Shores project, the proposed project could not conform to a certified LCP consistent with the Coastal Act until the changes included in LCP Amendment No. 2-98B were effectively certified to be inserted into the certified LCP. 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 above).

The Commission's suggested modifications to LCP Amendment No. 2-98B needed to be accepted by the City within six months of the Commission's October 13, 1998 action in order for LCP Amendment request No. 2-98B to become effectively certified. The City Council, however, declined to accept the suggested modifications required for the effective certification of LCP Amendment No. 2-98B because of their concerns over the unknown effects of the suggested policy that would regulate development in or near wetlands located within the certified portion of SEADIP.

In response to the City's declination of the Commission's modifications that were necessary for certification of LCP Amendment request No. 2-98B, the applicant for the Marina Shores project requested **Coastal Development Permit Amendment A-5-LOB-98-336-A1** for relief from special condition one of the permit. As originally approved, special condition one required the effective certification of LCP Amendment request No. 2-98B prior to issuance of Coastal Development Permit A-5-LOB-98-336. On March 9, 1999, the Commission approved a revision to special condition one that, prior to commencement of any development, would require effective certification of an LCP amendment applicable only to Subarea 29 of SEADIP where the Marina Shores project is located.

Special condition one of Coastal Development Permit A-5-LOB-98-336 now states:

"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.

The amended special condition is essentially the same as the original special condition in that it requires the LCP to be effectively certified with the changes to the land use, height limit, curb cut, and wetland provisions that are necessary to bring both the Marina Shores project and the certified LCP into conformance with the Coastal Act. The difference is that

instead of requiring that LCP Amendment request No. 2-98B be certified prior to issuance of the coastal development permit, the amended special condition would require the LCP amendment to be certified, prior to commencement of construction, with changes applicable only to Subarea 29 of SEADIP. The Commission found that the amended special condition, if fulfilled, would satisfy the Coastal Act requirements for both the certified LCP and the coastal development permit for the Marina Shores project.

The Long Beach City Attorney City had previously stated, in a letter dated May 28, 1998, that the City would be amicable to submitting a new LCP amendment request specifically for Subarea 29 of SEADIP that would carry out the changes to the LCP land use, height limit, curb cut, and wetland provisions necessary for the approval of the Marina Shores project.

The City has now submitted **LCP Amendment request No. 2-99B** with the required changes to the LCP land use, height limit, curb cut, and wetland provisions for Subarea 29 of SEADIP. This LCP amendment request, contained in City of Long Beach Resolution No. C-27529 and City Council Ordinance No. C-7625, would insert a new wetland protection policy into the LCP specifically for SEADIP Subarea 29, and would modify the certified LCP's land use, height, and curb cut standards for Subarea 29 of SEADIP as follows (new language is underlined):

**WETLAND PROTECTION POLICY:** See Exhibit #6.

#### **PERMITTED USES**

LCP Amendment request No. 2-99B would add commercial retail to list of commercial uses already permitted in Subarea 29 and delete the limit on restaurants:

Use: Commercial office, restaurants, commercial recreation and commercial retail uses. ~~Restaurant uses shall be permitted only south of Studebaker Road.~~

#### **BUILDING HEIGHT**

LCP Amendment request No. 2-99B would modify the Subarea 29 height limit to allow architectural features to exceed the 35 foot height limit:

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

#### **CURB CUTS**

LCP Amendment request No. 2-99B would allow curb cuts in Subarea 29 as follows:



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

**B. Analysis**

The land use plan (LUP) portion of the certified LCP contains policies that regulate land use and development within the certified area of the Long Beach coastal zone. The implementation ordinances (LIP) portion of the certified LCP carries out the provisions of the LUP. As previously stated, an amendment to the LUP must conform to Chapter 3 policies of the Coastal Act, and an amendment to the LIP must conform to the certified LUP and be adequate to carry out the provisions of the LUP in order to be certified by the Commission.

This LCP amendment request would affect both the LUP and LIP portions of the certified LCP that are contained in the certified portion of the SEADIP specific plan. The permitted use, building height, and curb cut standards are proposed to be amended for Subarea 29 of SEADIP in order to accommodate a City-approved 67,930 square foot retail/commercial shopping center (Exhibit #3). This LCP amendment request also proposes a new wetland protection policy for SEADIP Subarea 29 (Exhibit #6, p.2). The following is an analysis of the existing certified SEADIP policies and development standards and the modifications proposed by the City.

**1. Wetlands**

The most controversial issue addressed by the City during the local hearings for the Marina Shores project (Local Coastal Development Permit No. 9702-18) and the associated LCP amendment requests was the issue of project impacts on wetland habitat. The City did address the question of whether or not any wetlands exist on the site of the proposed shopping center, but made a determination that no wetlands exist on the site.

However, at its August 13, 1998 meeting, the Coastal Commission determined that **wetlands do exist** on the Marina Shores project site. On August 14, 1998, two Commissioners appealed the local approval of the Marina Shores project [*See Appeal File No. A-5-LOB-98-336*]. During the analysis of the appeal, Commission staff determined that the Long Beach LCP does not currently contain any certified wetland policies that would apply to the project site in SEADIP Subarea 29. This LCP amendment request would rectify the absence of such a policy by inserting a new wetland protection policy into the certified LCP that would apply to Subarea 29 of SEADIP (Exhibit #6, p.2).

In order to conform to the Chapter 3 policies of the Coastal Act, the proposed wetland protection policy must contain provisions to maintain and enhance marine resources.

**Section 30230 of the Coastal Act States:**

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

**Section 30231 of the Coastal Act States:**

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

The proposed wetland protection policy does contain provisions to maintain and enhance marine resources consistent with the Chapter 3 policies of the Coastal Act. In fact, the proposed wetland protection policy contains the provisions of Section 30233 of the Coastal Act that protect wetlands by: 1) limiting diking, filling, or dredging of open coastal waters, wetlands and estuaries to eight specific uses; 2) limiting such activities to projects where there is no feasible less environmentally damaging alternative; and 3) requiring mitigation measures to minimize adverse environmental effects.

**Section 30233 of the Coastal Act States:**

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
  - (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
  - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

The currently proposed wetland protection policy, which was one of the Commission's suggested modifications in the approval of City of Long Beach LCP Amendment Request No. 2-98B, was actually designed by Commission staff using Section 30233 of the Coastal Act as the basis for the policy. The proposed wetland protection policy also contains: 1) the Coastal Act definition of "wetland"; 2) a requirement for development projects to obtain a wetland determination from the U.S. Fish and Wildlife Service and/or California Department of Fish and Game; 3) a requirement for mitigation of project impacts through habitat replacement, restoration and enhancement in order to ensure that there will be no net loss of wetland acreage or habitat area; and 4) a requirement for buffers between development and wetland habitat areas.

Although the currently proposed LCP policy would apply only to Subarea 29 of SEADIP, the wetland protection policy proposed by LCP Amendment request No. 2-99B is applicable to the area governed LCP Amendment Request No. 2-98B and is consistent with the Commission's prior suggested policy language and Sections 30230, 30231 and 30233 of the Coastal Act.

## **2. Permitted Uses**

The proposed LCP amendment would add commercial retail uses to the current list of commercial uses that may be permitted in Subarea 29 of SEADIP (Exhibit #6, p.1). 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. In addition, restaurant uses are currently only permitted south of Studebaker Road in Subarea 29. The proposed LCP amendment would allow retail uses and would delete the restaurant restriction to also allow restaurants on the north side of Studebaker Road in Subarea 29. The Marina Shores project is located on the north side of Studebaker Road in Subarea 29 (Exhibit #3).

The certified LUP also calls for the development of the Alamitos Bay Marina area with a mixture of uses that will draw more people to the shoreline. There are no specific LUP policies that would discourage retail or other visitor-serving commercial uses in SEADIP Subarea 29 as long as the specific use complies with the other LUP policies including the

currently proposed wetlands protection policy. Subarea 29 is located approximately 350 feet from the waters of the Alamitos Bay Marina, and across the street from the one of the marina's public parking lots. The proposed addition of commercial retail uses to the currently certified list of permitted uses for Subarea 29 of SEADIP is consistent with subsection (2) of Section 30252 of the Coastal Act.

**Section 30252 of the Coastal Act states:**

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The proposed LCP amendment will allow the development of Subarea 29 with the restaurants and retail uses approved as part of the Marina Shores project (Exhibit #3). Denial of the proposed LCP amendment would maintain the currently certified list of permitted uses which allows the construction of commercial offices and/or commercial recreation uses. Office uses are less likely to attract visitors to this coastal area than would restaurant and retail uses. Increased pedestrian use in the area will promote the shoreline amenities of the City and support increased public access to the coast.

The proposed LCP amendment is consistent with the policies of the Coastal Act and certified LUP to increase public access by allowing additional commercial uses that will attract more pedestrians and visitors to the area. Therefore, the proposed amendment to the list of permitted uses in Subarea 29 of SEADIP is consistent with Section 30252 of the Coastal Act and conforms to, and can carry out the provisions of the certified LUP.

**3. Building Height**

The proposed LCP amendment would modify the height limits for Subarea 29 of SEADIP by allowing architectural features such as tower elements to exceed the 35-foot height limit for non-residential development. Such architectural elements would be permitted to be a maximum of 43 feet, eight feet over the currently certified height limit.

Although the certified LUP does not identify any specific public views in Subarea 29, public views to and along the coast are protected by Section 30251 of the Coastal Act.

**Section 30251 of the Coastal Act states:**

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, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Consistent with Section 30251 of the Coastal Act, building heights must be addressed whenever visual resources are discussed. Excessively high structures can negatively impact the character of an area as well as public views. Tall buildings may be appropriate in high-density urban areas, such as the core of downtown Long Beach, but they are not appropriate in most other areas where scenic resources are considered important. A 35-foot high building is generally not considered an excessively high building, nor is a 35-foot high roofline with a 43-foot high architectural element. Many of the beachfront homes along Southern California beaches have 30 or 35-foot high roof elevations with roof access structures that extend ten feet above the roof.

In SEADIP Subarea 29, 43 foot high architectural elements over 35 foot high rooflines will not significantly impair public views to the coast. The 35-foot high buildings may block views from Pacific Coast Highway toward Alamitos Bay Marina, but the architectural elements will not. An additional eight feet over the 35-foot height limit will not block any more public view area than would a 35-foot high building.

Therefore, the Commission finds that the proposed LCP amendment increasing the height limit for architectural elements in SEADIP Subarea 29 is consistent with Section 30251 of the Coastal Act and conforms to and can carry out the provisions of the certified LUP.

**4. Curb Cuts**

The certified LCP currently 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 roads provide vehicular access to the coast from the inland areas.

In the currently certified SEADIP 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.

This LCP amendment request includes two changes to the LCP curb cut provisions. The first change would add the phrase, "or unless specifically permitted by Subarea regulations provided herein" to the above-stated curb cut provision that applies to all subareas. The second change would insert a specific curb cut standard for Subarea 29 applicable only to the streets that exist in and adjacent to SEADIP Subarea 29 (Pacific Coast Highway, Studebaker Road and Marina Drive). The proposed curb cut standard for SEADIP Subarea 29 reads as follows:

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

The proposed revision is a minor change because both the currently certified standard and the proposed revised standard allow curb cuts on the main traffic arteries in the SEADIP area. The issue is not a public parking issue because there are no public parking spaces along Pacific Coast Highway in southeast Long Beach. The curb cut issue is a traffic and circulation issue. Curb cuts should be minimized in order to maximize the flow of traffic on these busy streets. Caltrans and the City Traffic Engineer are the experts in traffic and roadway design. Therefore, it is Caltrans and the City Traffic Engineer that can best determine whether inadequate access exists from local streets in new developments. In the SEADIP area, it is not likely that any curb cuts could affect public parking for beach access because there are very few, if any, on-street parking spaces and the closest beach is located over a mile away in the City of Seal Beach.

The certified LUP does not address the issue of curb cuts. The proposed amendment to the curb cut standard does not conflict with any certified LUP policies. Therefore, the proposed amendment to the curb cut standard of SEADIP conforms to, and can carry out the provisions of the certified LUP, consistent with Chapter 3 of the Coastal Act.

#### **C. California Environmental Quality Act (CEQA)**

Pursuant to the California Environmental Quality Act (CEQA) and the Coastal Commission's regulations [see California Code of Regulations, Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this Local Coastal Program Amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section of the Public Resources Code requires that the Commission not approve or adopt an LCP:

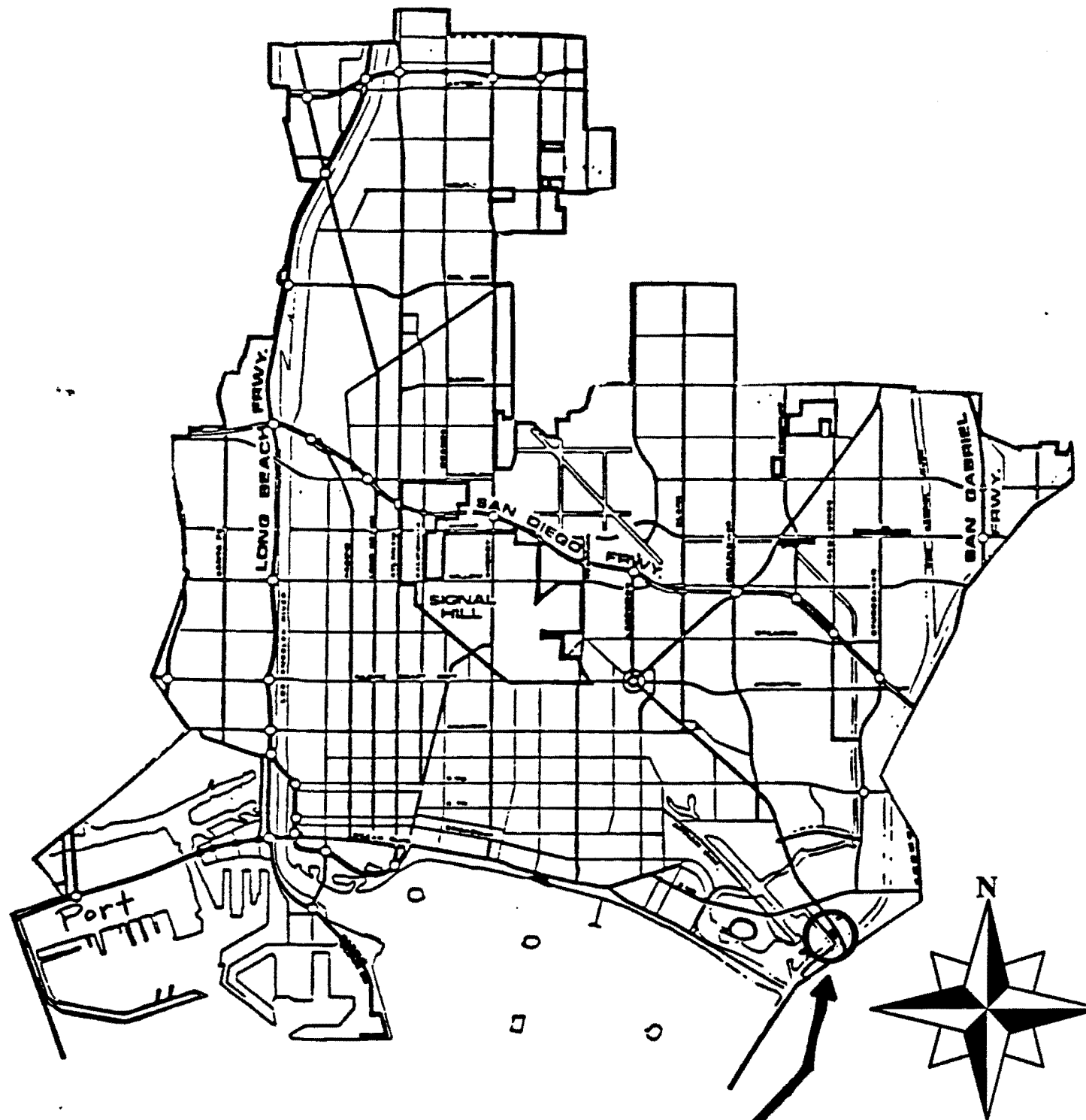
...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

CP/END



# City of Long Beach

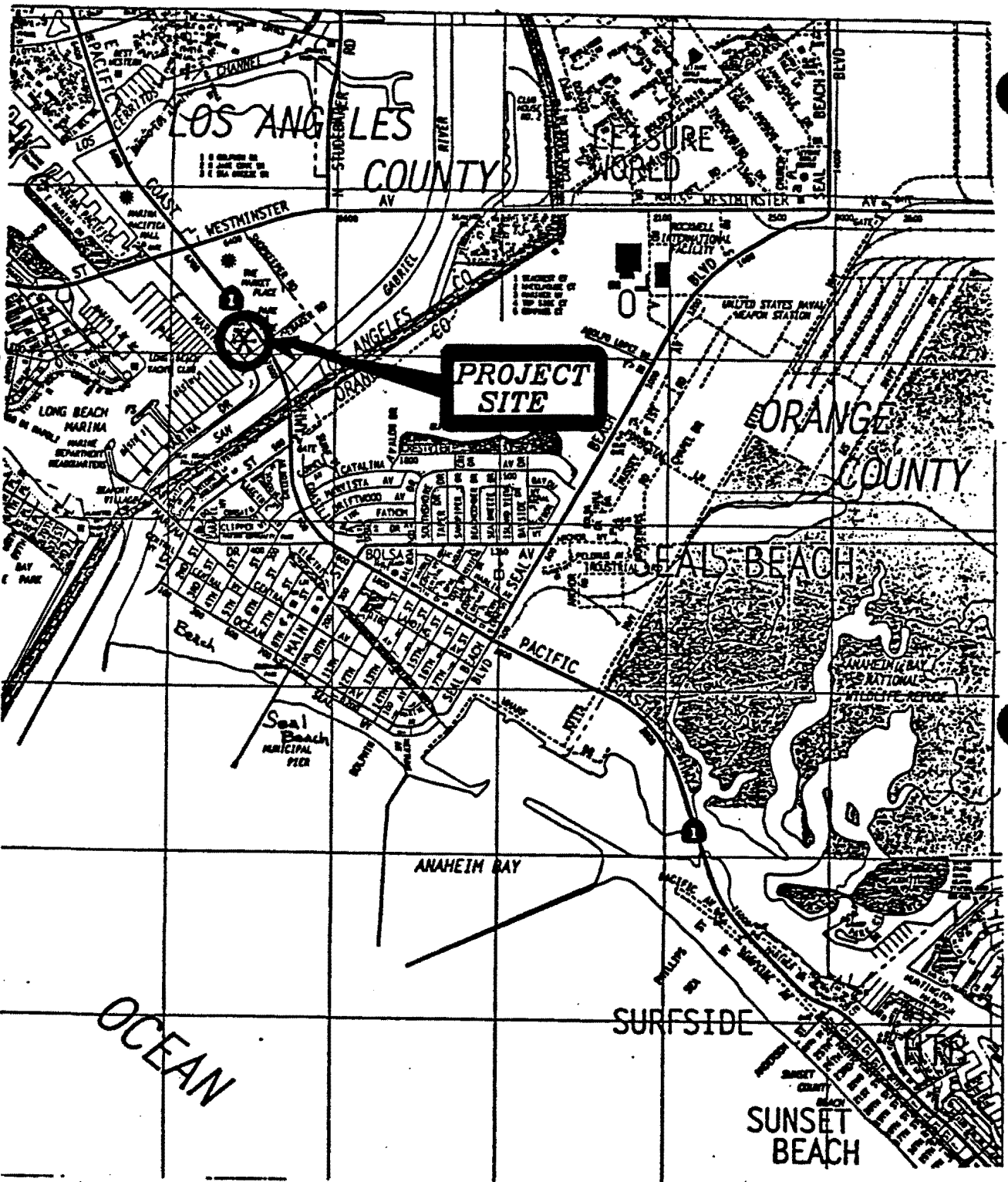


"Marina Shores"  
SEADIP Subarea 29 Site

COASTAL COMMISSION  
LCP 2-99B

EXHIBIT # 1

PAGE 1 OF 1



 NO SCALE  
 LUNSCOTT  
 LAW &  
 GREENSPAN  
 ENGINEERS

"Marina Shores"  
 SEADIP Subarea 29

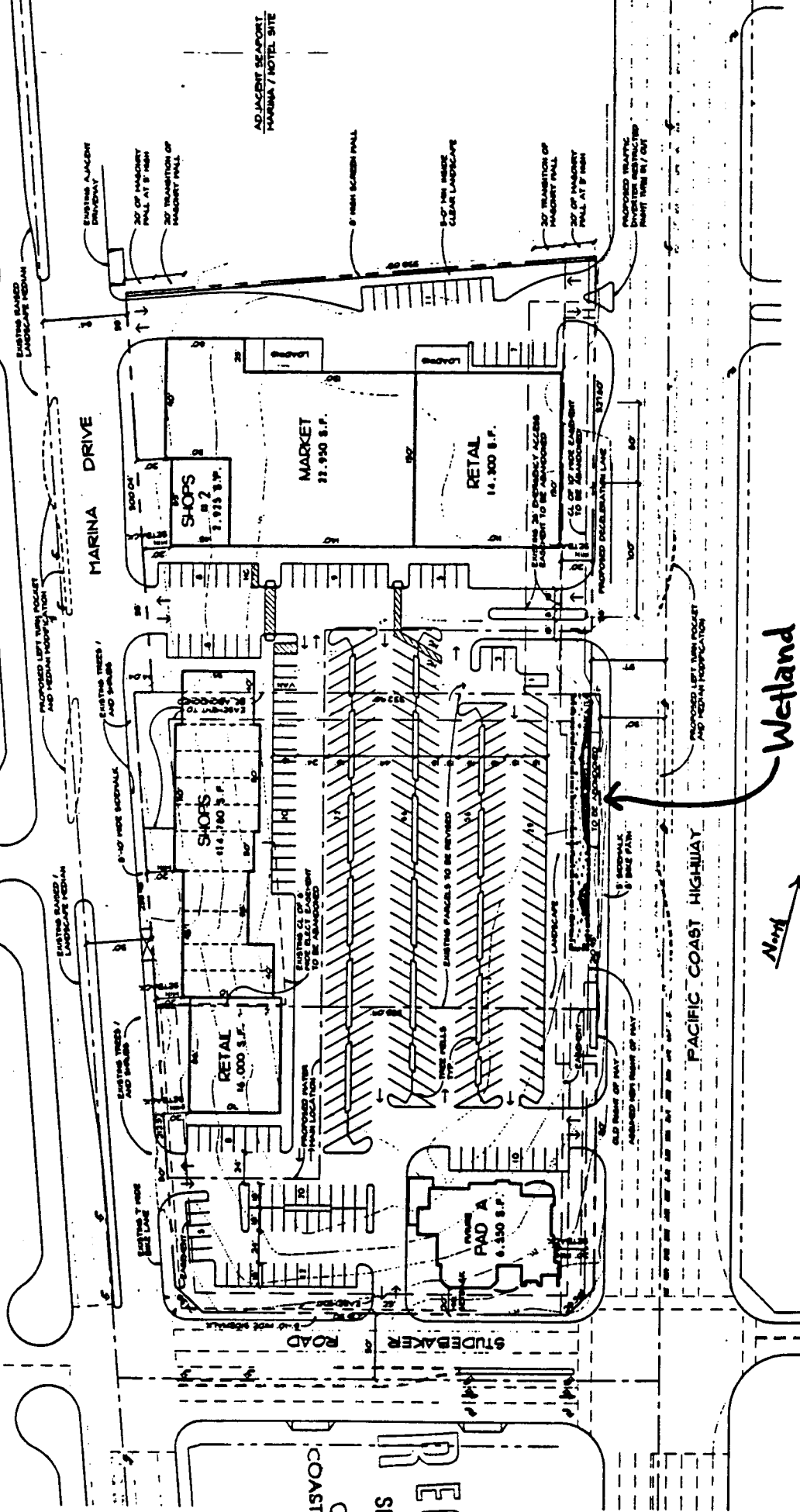
COASTAL COMMISSION  
 LCP 2-99B

EXHIBIT # 2  
 PAGE 1 OF 1

VICINITY MAP

PCH @ STUDEBAKER MARKET CENTER, LONG BEACH

# "Marina Shores"



Summary	
Land: ±5.88 acres	± 254,845 s.f.
Building:	67,505 s.f.
Land / Building Ratio:	2.77 / 1
Parking Provided:	380 stalls
Parking Ratio:	8.18 / 1000

OPEN SPACE  
OVERALL SITE AREA LESS 11'-0" WIDE DEDICATION AT P.C.H. = 1,711,917 S.F. (NET SITE AREA) = 10,315 S.F. (OPEN SPACE) = 12.0% (OPEN SPACE)  
INCREASE FROM ORIGINAL 2415 OPEN SPACE PREVIOUSLY ISSUED



**MARINA SHORES**  
 Mitigation for "Potential" Wetland

**COASTAL COMMISSION**  
**LCP 2-99B**

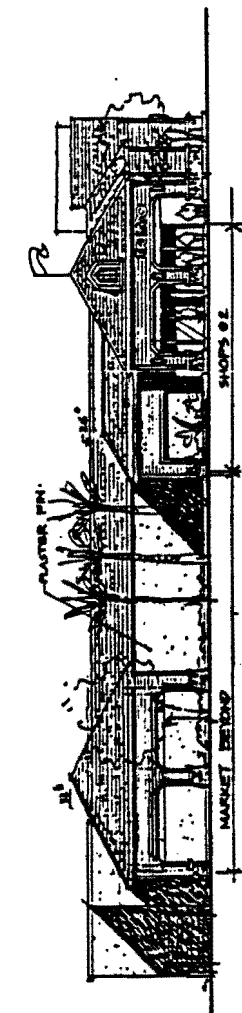
EXHIBIT # **3**  
PAGE **1** OF **2**

Revised Site Plan with proposed on-site mitigation  
Approved 10/13/98 by Commission: A-5-L-0-R-9A-336

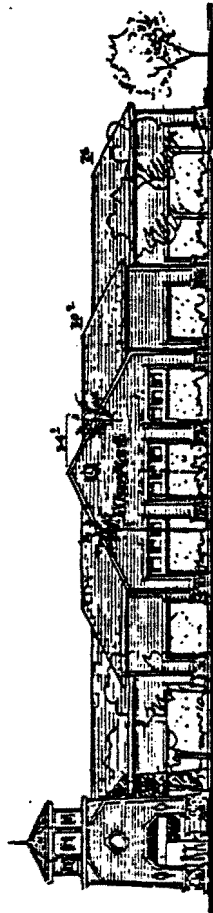
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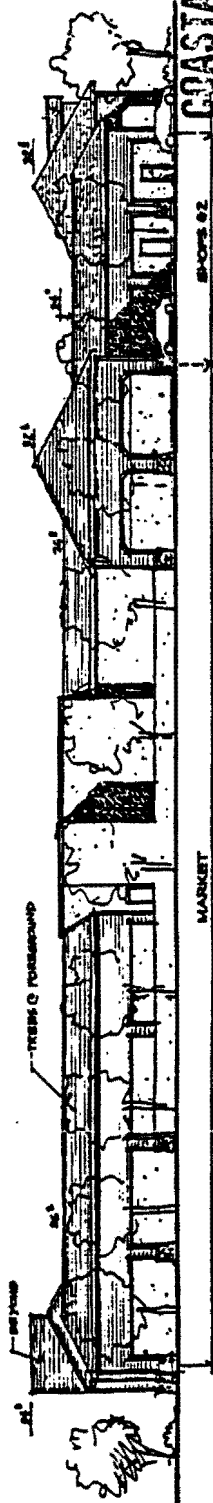
# SOUTH ELEVATION



# WEST ELEVATION



# EAST ELEVATION



# NORTH ELEVATION

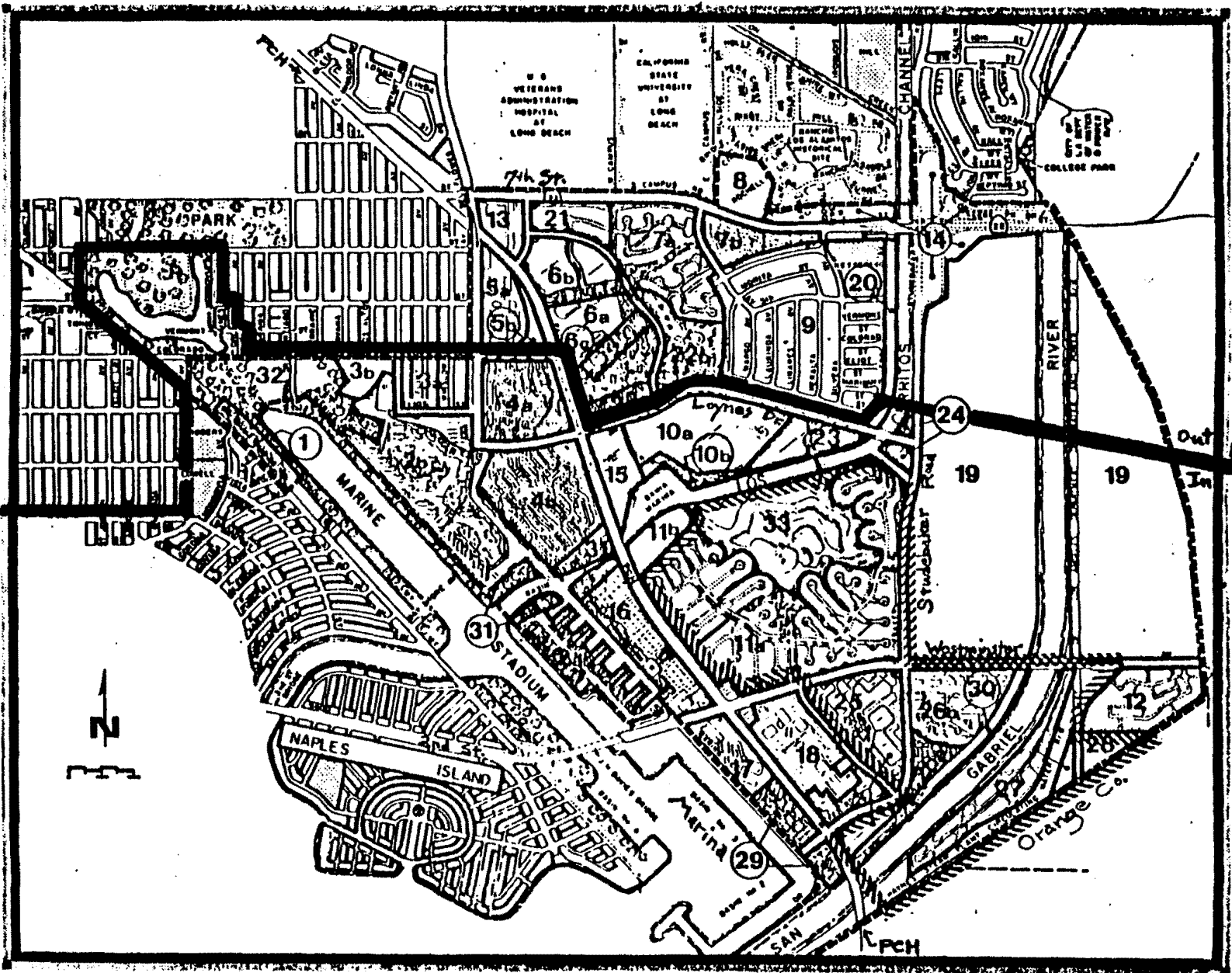


COASTAL COMMISSION  
LCP-299B

"Marina Shores"

**EXHIBIT**

Coastal Zone Limit



○ SEADIP PLAN SUBAREAS

SEADIP

SPECIFIC

PLAN

COASTAL COMMISSION  
LCP 2-99E

Boundary Lines:

— Coastal Zone

--- SEADIP

Properties Omitted from LCP

EXHIBIT #

4

PAGE

1

OF

2

# -SEADIP-

SUMMARY OF LAND USES

SEADIP Area	Owner/Developer/Project	Approximate Gross Acreage	Proposed Use	Dwelling Units	DU Density Per Acre
1	San Gabriel River Improvement Co.-	4	Residential	38	9.5
2	Southern Pacific Land Company	84	Residential	453	8.4
3 (b)	Marina Pacifica (Phase 1B)	5	Residential	33	6.6
4 (a)	Bank of America--ELM Oil	21	Residential	126	6.0
4 (b)	Chazen: Pacific Highlands	48	Residential	198	4.1
6 (a)	Reo: Costa del Sol	4	Residential	10	2.5
6 (b)	CalTrans*	11	Residential	198	18.0
6 (c)	Bixby: Pathways Related	6	Residential		
7 (a)	Bixby: Pathways Extension (Apts.)	8	Residential		
21	Bixby	8	Residential		
22 (b)	Bixby: Self Course*	24	Commercial Recreation	500	5.6
7 (b)	S & S Construction	9	Residential	45	5.0
8	S & S Construction	8	Residential	125	15.6
10 (b)	Lansdale	3	Residential	35	11.7
11 (a)	Bixby	91	Residential	764	8.4
11 (b)	Reo	6	Residential	50	8.4
14	CalTrans*	6	Residential	18	3.0
22 (a)	San Gabriel River Improvement Co.	10	Residential	48	8.0
26 (a)	Bryant	10	Residential	95	9.5
27	Bryant	20	Residential	190	9.5
33	Bixby*	55	Marsh and Trails	-	-
PROPOSED RESIDENTIAL AREA SUBTOTALS		450		2,926	6.50
25	Bixby	49	Business Park		
26 (b)	Bryant	28	Business Park		
25	San Gabriel River Improvement Co.	9	Non-retail Commercial		
PROPOSED BUSINESS-COMMERCIAL AREA SUBTOTALS		86	Office-Restaurants		
5 (b)	CalTrans*	4	Landscaped Open Space		
14	CalTrans*	36	Landscaped Open Space		
20	City of Long Beach	2	Landscaped Open Space		
22 (b)	Bixby*	24	Commercial Recreation		
23	Bixby	8	Active/Passive Park		
24	Bixby	2	Stream Side Park		
28	Orange County	2	Retention Basin		
30	Bryant	3	Stream Side Park		
31	City of Long Beach	6	Stream Side Park		
32	City of Long Beach	35	Passive/Active Park		
33	Bixby*	55	Marsh and Trails		
OPEN SPACE-PARK AREA SUBTOTALS		180			
2 (a)	Marina Pacifica 1A	26	(Residential)	570	21.9
3 (a)	Colorado Street	10	(Residential)	115	11.5
5 (a)	Stoneybrook	13	(Residential)	570	43.8
6 (a)	Pathways	17	(Residential)	370	21.8
9	College Park Estates	76	(Residential)	406	5.3
10 (a)	Belmont Shore Mobile Home Estates	32	(Residential)	335	10.5
12	Island Village	19	(Residential)	190	10.0
EXISTING RESIDENTIAL AREA SUBTOTALS		193		2,566	13.24
13	Bixby Village Plaza	7	(Shopping Center)		
15	Golden Sails	9	(Hotel-Restaurant)		
16	Marina Pacifica Village	26	(Shopping Center)		
17	Edgewater Hyatt House	22	(Hotel)		
18	The Market Place	21	(Shopping Center)		
19	Los Angeles City--	285	(Power Generation)		
EXISTING COMMERCIAL-INDUSTRIAL AREA SUBTOTALS		370			
	City of Long Beach	32			
	Flood Channels	167			
	Streets	112			
MISCELLANEOUS PUBLIC SUBTOTALS		311			
GRAND TOTALS--RESIDENTIAL LAND		643		5,462	8.52

\*Counted in two categories.

Note: At the local adoption hearings on this LCP the Los Angeles County portions of SEADIP were deleted from the LCP until the extent of the wetlands can be determined by State agencies. Parcels deleted are 33, 11a, 25, 26a, 26b, 27, 28, and 30. At the State Commission hearings, parcel 11b was also deleted from this submittal.

COASTAL COMMISSION

EXHIBIT # 4

PAGE 2 OF 2

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RESOLUTION NO. C- 27529

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF LONG BEACH ADOPTING, AFTER PUBLIC  
HEARING, AMENDMENTS TO THE LOCAL COASTAL  
PROGRAM RELATING TO SECTION A, "PROVISIONS  
APPLYING TO ALL AREAS" AND SUBAREA 29 OF THE  
SOUTHEAST AREA DEVELOPMENT AND IMPROVEMENT  
PLAN (SEADIP)(PD-1)

The City Council of the City of Long Beach resolves as follows:

Section 1. The City Council finds, determines and declares:

A. Pursuant to the California Coastal Act of 1976, the City Council  
approved the Local Coastal Program for the City of Long Beach on April 29, 1980; and

B. The California Coastal Commission certified the Long Beach  
Local Coastal Program on July 22, 1980; and

C. The California Coastal Act, at Public Resources Code Section  
30514, provides a procedure for amending local coastal programs; and

D. Following duly noticed public hearings on May 6, 1999, the  
Planning Commission of the City of Long Beach reviewed certain proposed Amendments  
to the Local Coastal Program, and approved and recommended that the City Council adopt  
such Amendments to the Local Coastal Program, as described in this Resolution; and

E. That on June 1, 1999, after due consideration of appropriate  
environmental documents, and after public hearing duly noticed and conducted, the City  
Council considered and approved a revision to the Local Coastal Program relating to  
Section A, "Provisions Applying to All Areas" and Subarea 29 of the Southeast Area  
Development and Improvement Plan (SEADIP) (PD-1); and

F. These Amendments to the Local Coastal Program are intended

EXHIBIT # 5  
PAGE 1 OF 8

1 to be carried out in a manner fully in conformity with the California Coastal Act; and

2 G. These Amendments to the Local Coastal Program shall be  
3 effective upon certification and approval by the California Coastal Commission.  
4

5 Sec. 2. The City Council hereby amends the Local Coastal Program, Section  
6 A, "Provisions Applying to All Areas", paragraph 5, to read as follows:

7 5. The maximum height of buildings shall be 30 feet for residential  
8 and 35 feet for nonresidential uses, unless otherwise provided herein.  
9

10 Sec. 3. The City Council hereby amends the Local Coastal Program,  
11 Section A, "Provisions Applying to All Areas", paragraph 14, to read as follows:

12 14. No additional curb cuts shall be permitted on Pacific Coast  
13 Highway, Westminster Avenue, Studebaker Road, or Seventh Street, unless  
14 it can be shown that inadequate access exists from local streets or unless  
15 specifically permitted by Subarea regulations provided herein. This  
16 restriction shall not preclude the provision of emergency access from these  
17 streets as may be required by the City.  
18

19 Sec. 4. The City Council hereby amends the Local Coastal Program,  
20 Subarea 29 to read as follows:

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

23 b. All improved building sites shall have a minimum  
24 landscaped coverage of 15 percent and shall be provided with an irrigation  
25 system. Boundary landscaping shall be provided on all interior property  
26 lines. Parking areas shall be landscaped with a minimum of one tree per  
27 each five parking stalls.

28 c. No more than 5,000 square feet of floor area shall be used

COASTAL COMMISSION



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1 for medical/dental offices.

2 d. The developer shall construct a widening of Pacific Coast  
3 Highway in accordance with a plan prepared by the Director of Public Works  
4 which calls for a six lane, divided highway with sidewalks and bike trail, and  
5 dedicate the same to the City.

6 e. The developer shall dedicate and improve necessary land  
7 along the San Gabriel River bank to provide a pedestrian walk, bicycle trail  
8 and related landscaping, such development to continue one-half of the  
9 distance under the Pacific Coast Highway bridge to join with similar facilities  
10 in Area 25. Also, the developer shall continue Studebaker extension  
11 bikeway from Pacific Coast Highway to Marina Drive.

12 f. The maximum height of buildings shall be 30 feet for  
13 residential and 35 feet for non-residential uses, unless otherwise provided  
14 herein. Architectural features, such as tower elements, may be approved up  
15 to a height of 43 feet through the site plan review.

16 g. Curb cuts shall be permitted on Pacific Coast Highway,  
17 Studebaker Road, and Marina Drive subject to the approval of the City Traffic  
18 Engineer and/or CALTRANS, where appropriate.

19 h. Development in or near wetlands. The City shall preserve  
20 and protect wetlands within Subarea 29. "Wetlands" shall be defined as any  
21 area which may be covered periodically or permanently with shallow water,  
22 including, but not limited to, saltwater marshes, freshwater marshes, open  
23 or closed brackish water marshes, swamps, mudflats and fens. In addition,  
24 "wetlands" shall also be defined as specified in the Commissions Statewide  
25 Interpretive Guidelines and Section 13577(b) of the California Code of  
26 Regulations. As part of any discretionary review or the required  
27 environmental analysis associated with a development proposal in Subarea  
28 29, the applicant shall provide evidence from a qualified biologist whether or

1 not wetlands exist on the site of the proposed development. If any wetlands  
2 are identified on the site, the applicant shall be required to obtain  
3 confirmation of the wetlands delineation from the U.S. Fish & Wildlife Service  
4 and/or the State Department of Fish & Game, and the applicant shall solicit  
5 the resource agencies' recommendation on the appropriateness of the  
6 proposed development, the permissibility of the development impacts, and  
7 any required mitigation.

8 All proposed development must conform to the following:

9 Within Subarea 29, the diking, filling, or dredging of open coastal  
10 waters, wetlands, estuaries, and lakes shall be permitted in accordance with  
11 other applicable provisions of this division where there is no feasible less  
12 environmentally damaging alternative and where feasible mitigation  
13 measures have been provided to minimize adverse environmental effects,  
14 and shall be limited to the following (1-8):

15 1. New or expanded port, energy and coastal-dependent industrial  
16 facilities, including commercial fishing facilities.

17 2. Maintaining existing, or restoring previously dredged depths in  
18 existing navigational channels, turning basins, vessel berthing and mooring  
19 areas, and boat launching ramps.

20 3. In wetland areas only, entrance channels for new or expanded  
21 boating facilities, and in degraded wetlands identified by the Department of  
22 Fish and Game pursuant to subdivision (b) of Section 30411 of the Coastal  
23 Act, for boating facilities if, in conjunction with such boating facilities, a  
24 substantial portion of the degraded wetland is restored and maintained as a  
25 biologically productive wetland. The size of the wetland area used for  
26 boating facilities, including berthing space, turning basins, necessary  
27 navigation channels, and any necessary support service facilities, shall not  
28 exceed 25 percent of the degraded wetland.

COASTAL COMMISSION

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1 4. In open coastal waters, other than wetlands, including streams,  
2 estuaries, and lakes, new or expanded boating facilities and the placement  
3 of structural pilings for public recreational piers that provide public access  
4 and recreational opportunities.

5 5. Incidental public service purposes, including but not limited to,  
6 burying cables and pipes or inspection of piers and maintenance of existing  
7 intake and outfall lines.

8 6. Mineral extraction, including sand for restoring beaches, except in  
9 environmentally sensitive areas.

10 7. Restoration purposes.

11 8. Nature study, aquiculture, or similar resource dependent activities.

12 Where it has been determined that there is no feasible less  
13 environmentally-damaging alternative and the proposed impacts are one of  
14 the eight allowable uses specified above, the diking, filling or dredging of  
15 open coastal waters, wetlands, estuaries and lakes shall be mitigated to  
16 minimize adverse environmental effects through habitat replacement,  
17 restoration and enhancement activities. There shall be no net loss of  
18 wetland acreage or habitat value as a result of land use or development  
19 activities. Mitigation ratios may vary depending on the specific site  
20 conditions; location of habitat areas; the amount of impacts, the nature,  
21 quality and uniqueness of the affected habitat, resource agency consultation,  
22 precedential coastal development permit decisions, and other factors.  
23 However, typical mitigation ratios are 3:1 for riparian areas and 4:1 for  
24 saltmarsh habitats. Specifically, when wetland impacts are unavoidable,  
25 replacement of the lost wetland shall be required through the creation of new  
26 wetlands at a ratio to be determined by the appropriate regulation agencies  
27 but in any case at a ratio of greater than one acre provided for each acre  
28 impacted so as to ensure no net loss of wetland acreage. Replacement of

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1 wetlands on-site or adjacent, within the same wetlands system and in-kind  
2 mitigation shall be given preference over other mitigation options.

3 Development located adjacent to wetland habitat areas shall not  
4 adversely impact the wetlands. A 100 foot buffer shall be provided between  
5 development and wetland habitats and a 50 foot buffer shall be provided  
6 between development and riparian areas unless, in consultation with the  
7 U.S. Fish & Wildlife Service and/or the State Department of Fish & Game, it  
8 is determined that a reduced buffer is sufficient. Uses and development  
9 within buffer areas shall be limited to minor passive recreational uses or  
10 other improvements deemed necessary to protect the habitat and shall be  
11 located in the portion of the buffer area furthest from the wetland. All  
12 identified wetlands and buffers shall be permanently conserved or protected  
13 through the application of an open space easement or other suitable device.

14 Dredging and spoils disposal shall be planned and carried out to avoid  
15 significant disruption to marine and wildlife habitats and water circulation.  
16 Dredge soils suitable for beach replenishment should be transported for such  
17 purposes to appropriate beaches or into suitable long shore current systems.

18 In addition to the other provisions of this section, diking, filling or  
19 dredging in existing estuaries and wetlands shall maintain or enhance the  
20 functional capacity of the wetland or estuary. Any alteration of coastal  
21 wetlands identified by the Department of Fish & Game, including but not  
22 limited to the 19 Coastal Wetlands identified in its report entitled "Acquisition  
23 Priorities for the Coastal Wetlands of California", shall be limited to very  
24 minor incidental public facilities, restorative measures, nature study,  
25 commercial fishing facilities in Bodega Bay, and development in already  
26 developed parts of south San Diego Bay, if otherwise in accordance with this  
27 division.

COASTAL COMMISSION

28 Erosion control and flood control facilities constructed on water

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1 courses can impede the movement of sediment and nutrients which would  
2 otherwise be carried by storm runoff into coastal waters. To facilitate the  
3 continued delivery of these sediments to the littoral zone, whenever feasible,  
4 the material removed from these facilities may be placed at appropriate  
5 points on the shoreline in accordance with other applicable provisions of this  
6 division, where feasible mitigation measures have been provided to minimize  
7 adverse environmental effects. Aspects that shall be considered before  
8 issuing a Coastal Development Permit for such purposes are the method of  
9 placement, time of year of placement and sensitivity of the placement area.

10  
11 Sec. 5. The Director of Planning and Building is hereby directed to submit  
12 a certified copy of this resolution, together with appropriate supporting materials, to the  
13 California Coastal Commission for certification pursuant to the California Coastal Act.

14  
15 Sec. 6. This resolution shall take effect immediately upon its adoption by the  
16 City Council, and the City Clerk shall certify to the vote adopting this resolution.

17 //

18 //

19  
20  
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28  
COASTAL COMMISSION

Robert E. Shannon  
City Attorney of Long Beach  
333 West Ocean Boulevard  
Long Beach, California 90802-4664  
Telephone (562) 570-2200

I hereby certify that the foregoing resolution was adopted by the City Council  
of the City of Long Beach at its meeting of June 1, 1999, by the  
following vote:

Ayes: Councilmembers: Oropeza, Baker, Colonna, Roosevelt,  
Kell, Topsy-Elvord, Grabinski,  
Kellogg, Shultz.

Noes: Councilmembers: None.

Absent: Councilmembers: None.

  
City Clerk

MJM:kjm

5/26/99; 99-01800

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COASTAL COMMISSION

EXHIBIT # 5  
PAGE 8 OF 8

## EXHIBIT B

### AMENDMENTS TO PD-1 SEADIP

NOTE: New text is indicated in bold type and deleted text is shown with strikethrough.

#### A. PROVISIONS APPLYING TO ALL AREAS

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 **or unless specifically permitted by Subarea regulations provided herein.** This restriction shall not preclude the provision of emergency access from these streets as may be required by the City.

#### C. SPECIFIC DEVELOPMENT AND USE STANDARDS

##### Area 29

- a. Use: commercial office, restaurants, commercial recreation **and commercial retail uses.**
- b. All improved building sites shall have a minimum landscape coverage of 15 percent and shall be provided with an irrigation system. Boundary landscaping shall be provided on all interior property lines. Parking areas shall be landscaped with a minimum of one tree per each five parking stalls.
- ~~— Restaurant uses shall be permitted only south of Studebaker Road.~~
- c. No more than 5,000 square feet of floor area shall be used for medical/dental offices.
- d. The developer shall construct a widening of Pacific Coast Highway in accordance with a plan prepared by the Director of Public Works which calls for a six lane, divided highway with sidewalks and bike trail, and dedicate the same to the City.
- e. The developer shall dedicate and improve necessary land along the San Gabriel River bank to provide a pedestrian walk, bicycle trail and related landscaping, such development to continue one-half of the distance under the Pacific Coast Highway bridge to join with similar facilities in Area 25. Also, the developer shall continue Studebaker extension bikeway from Pacific Coast Highway to Marina Drive.
- f. **The maximum height of buildings shall be 30 feet for residential and 35 feet for non-residential uses, unless otherwise provided herein. Architectural features, such as tower elements, may be approved up to a height of 43 feet through the site plan review.**

COASTAL COMMISSION

LCR 2.99B

EXHIBIT # 6

PAGE 1 OF 4

- g. Curb cuts shall be permitted on Pacific Coast Highway, Studebaker Road, and Marina Drive subject to the approval of the City Traffic Engineer and/or CALTRANS, where appropriate.
- h. Development in or Near Wetlands. The City shall preserve and protect wetlands within Subarea 29. "Wetlands" shall be defined as any area which may be covered periodically or permanently with shallow water, including but not limited to, saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. In addition, "wetlands" shall also be defined as specified in the Commission's Statewide Interpretive Guidelines and Section 13577(b) of the California Code of Regulations. As part of any discretionary review or the required environmental analysis associated with a development proposal in Subarea 29, the applicant shall provide evidence from a qualified biologist whether or not wetlands exist on the site of the proposed development. If any wetlands are identified on the site the applicant shall be required to obtain confirmation of the wetlands delineation from the U.S. Fish and Wildlife Service and/or the State Department of Fish and Game, and the applicant shall solicit the resource agencies' recommendation on the appropriateness of the proposed development, the permissibility of the development impacts, and any required mitigation.

All proposed development must conform to the following:

- Within Subarea 29, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following (1-8):
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 degraded wetlands, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411 of the Coastal Act, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland;



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

- Where it has been determined that there is no feasible less environmentally-damaging alternative and the proposed impacts are one of the eight allowable uses specified above, the diking, filling or dredging of open coastal waters, wetlands, estuaries and lakes shall be mitigated to minimize adverse environmental effects through habitat replacement, restoration and enhancement activities. There shall be no net loss of wetland acreage or habitat value as a result of land use or development activities. Mitigation ratios may vary depending on the specific site conditions; location of habitat areas; the amount of impacts; the nature, quality and uniqueness of the affected habitat; resource agency consultation; precedential coastal development permit decisions; and other factors. However, typical mitigation ratios are 3:1 for riparian areas and 4:1 for saltmarsh habitats. Specifically, when wetland impacts are unavoidable, replacement of the lost wetland shall be required through the creation of new wetlands at a ratio determined by the appropriate regulatory agencies but in any case at a ratio of greater than one acre provided for each acre impacted so as to ensure no net loss of wetland acreage. Replacement of wetlands on-site or adjacent within the same wetlands system and in-kind mitigation shall be given preference over other mitigation options.

- Development located adjacent to wetland habitat areas shall not adversely impact the wetlands. A 100 foot buffer shall be provided between development and wetland habitats and a 50 foot buffer shall be provided between development and riparian areas unless, in consultation with the U.S. Fish and Wildlife Service and/or the State Department of Fish and Game, it is determined that a reduced buffer is sufficient. Uses and development within buffer areas shall be limited to minor passive recreational uses or other improvements deemed necessary to protect the habitat and shall be located in the portion of the buffer area furthest from the wetland. All identified wetlands and buffers shall be permanently conserved or protected through the application of an open space easement or other suitable device.

- Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

- In addition to the other provisions of this section, diking, filling or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including but not limited to the 19 coastal wetlands identified in its report entitled "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

- Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a Coastal Development Permit for such purposes are the method of placement, time of year of placement and sensitivity of the placement area.

COASTAL COMMISSION