

CALIFORNIA COASTAL COMMISSION

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 Hearing Date: Feb. 15-18, 2000
 Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBER: 5-98-156-A3

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

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

PROJECT LOCATION: Downtown Shoreline LCP Subareas 5 & 6, City of Long Beach.

LOCAL APPROVALS: City of Long Beach Tentative Parcel Map (PM#25804), 11/18/99.
 City of Long Beach Site Plan Review Modification, Case No. 9801-23.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON FEBRUARY 3, 1999:

Construction of a 508,550 sq. ft. commercial retail & entertainment complex on the waterfront.

DESCRIPTION OF FIRST AMENDMENT APPROVED ON NOVEMBER 2, 1999:

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

DESCRIPTION OF SECOND AMENDMENT APPROVED ON DECEMBER 9, 1999:

Part A: Construct a 375-stall surface parking lot for employees in LCP Subarea 3.
Part B: Increase the previously approved parking structure rates from \$2/hour to \$3/hour, and modify the customer parking validation program.

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-98-156-A3):

Part A: Subdivide approximately 20 acres of State Tidelands into eight parcels.
Part B: Change the proposed "Paseo" from a pedestrian-only street to a vehicular street with sidewalks and parallel parking on both sides (*See Page 12*).

SUMMARY OF STAFF RECOMMENDATION

The applicants propose, as part of the Queensway Bay project, to subdivide approximately 20 acres of State Tidelands into eight parcels for financing and lease purposes, and to change the Paseo from a pedestrian street to a vehicular street with sidewalks. Staff recommends that the Commission approve a revised parcel map that protects view corridors and public accessways, and also limits the amount of park area that would be converted to commercial uses consistent with the four-acre limit contained in the certified LCP and the underlying permit. Staff also recommends approval of the Paseo as a vehicular street with sidewalks as proposed. The special conditions of this amendment are in addition to the 35 existing special conditions of Coastal Development Permit 5-98-156 and the two prior amendments. The applicants agree with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-98-156 & amendments (Queensway Bay).
3. Coastal Development Permit 5-98-161 (Rainbow Harbor Concessions).
4. Coastal Development Permit 5-98-155 (Rainbow Harbor Vending).
5. Coastal Development Permit 5-96-268 (Long Beach Aquarium Parking Structure).
6. Coastal Development Permit 5-96-124 & amendments (Rainbow Harbor).
7. Coastal Development Permit 5-95-055 & amendments (Long Beach Aquarium).

PROCEDURAL NOTE:

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

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

In this case, the Executive Director has determined that the proposed amendment is a material change to the previously approved project. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

STAFF NOTE:

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

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION

"I move that the Commission approve Coastal Development Permit Amendment 5-98-156-A3 pursuant to the staff recommendation."

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

I. **RESOLUTION: Approval with Conditions**

*The Commission hereby **GRANTS** an amendment to the permit, subject to the conditions below, for the proposed development on the grounds that the development and the amendment will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.*

II. **Special Conditions of Amendment 5-98-156-A3**

The 35 previously approved special conditions of Coastal Development Permit 5-98-156 and amendments (Appendix A) are not changed by this amendment. The following special conditions are in addition to the special conditions of Coastal Development Permit 5-98-156 and amendments as approved by the Commission on February 3, 1999, November 2, 1999, and December 9, 1999:

36. **Revised Tentative Parcel Map**

Prior to issuance of the coastal development permit amendment, the applicants shall submit, for the review and approval of the Executive Director, a revised tentative parcel map that complies with all of the following conditions:

- a) All parcels shall be in the same general location as the parcels shown in Exhibits #5&6 of the staff report dated January 27, 2000;

- b) The total area of the proposed commercial parcels located south of Shoreline Drive (excluding the remainder public park area and one parcel comprised of a public parking lot) shall not exceed a maximum of four acres;
- c) No portion of any proposed commercial parcel located south of Shoreline Drive shall encroach into the view corridors identified on Exhibit #7 of the staff report dated January 27, 2000;
- d) No portion of any proposed commercial parcel shall encroach into the public accessways protected by special condition six of Coastal Development Permit 5-98-156;
- e) All parcels shall conform to all terms and conditions of Coastal Development Permit 5-98-156 as amended; and,
- f) The portion of the project site that is located south of Shoreline Drive, except for the four acres that comprise the proposed commercial parcels, shall remain designated as public park area.

The applicants shall record the final parcel map in accordance with the revised parcel map approved by the Executive Director pursuant to this condition. All development shall take place consistent with the revised parcel map approved by the Executive Director. All terms and conditions of Coastal Development Permit 5-98-156, as amended, shall be attached to the final recorded parcel map.

37. Permitted Uses

The development and use of each parcel created by the proposed parcel map is limited to the development and uses expressly permitted by the terms and conditions of Coastal Development Permit 5-98-156 as amended. All terms and conditions of Coastal Development Permit 5-98-156, as amended, shall be attached to the final recorded parcel map.

38. Consistency with State Tidelands Grant

Prior to issuance of the coastal development permit amendment, the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach. The applicants shall also demonstrate that the State Lands Commission has given permission for the proposed subdivision of State Tidelands and agrees that the proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

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

(Note: The findings for Part B of the amendment request begin on page 12.)

The Commission hereby finds and declares:

A. Amendment Description – Tentative Parcel Map No. 25804

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

The applicants now propose to subdivide the project site into parcels for financing and lease purposes (Exhibits #5&6). As approved by the City on November 18, 1999, Tentative Parcel Map No. 25804 proposes eight parcels (Exhibit #5). More recently, in response to staff's comments, the applicants have proposed a revised parcel map that includes the following eight parcels: a) three parcels on the portion of the project site located north of Shoreline Drive, west of Pine Avenue and south of Seaside Way (Exhibit #5); b) one parcel in Shoreline Park comprised of a public parking lot located southwest of the intersection of Shoreline Drive and Pine Avenue (Exhibits #5&6); and c) four revised commercial parcels in Shoreline Park that do not exceed the underlying permit's four-acre limit on the area of park that is permitted to be converted to commercial uses (Exhibit #6). No changes to the previously approved building plans or special conditions are proposed by Part A of this amendment request.

B. Land Use

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

Although the Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, the Long Beach certified LCP has historically

provided guidance for the implementation of Coastal Act policies in this area. In 1995 the Commission certified the Queensway Bay Development Plan as part of the City of Long Beach LCP. In certifying the Queensway Bay Plan, the Commission found that the plan as a whole provided an appropriate balance between coastal recreation uses and visitor-serving commercial uses. Since then, the Commission has utilized the certified LCP, including the Queensway Bay Development Plan, to provide specific guidance for the development of the Downtown Shoreline area. The development approved by Coastal Development Permit 5-98-156 represents the major commercial component of the Queensway Bay Development Plan that was certified by the Commission in 1995.

The proposed subdivision affects LCP Subareas 5 and 6 of the Downtown Shoreline area (Exhibit #3). The certified Long Beach LCP lists the permitted uses, access requirements, protected view corridors, and the building standards for each LCP subarea. First, the proposed subdivision must conform to the Chapter 3 policies of the Coastal Act. Secondly, the proposed subdivision must conform to the requirements of the certified LCP that are implemented through the terms and conditions of the underlying coastal development permit.

As previously stated, Part A of this amendment does not propose any change to the previously approved building plans or special conditions of the underlying permit, Coastal Development Permit 5-98-156. The parcels created by the proposed subdivision can and shall comply with the land uses, site plans, view corridors, public amenities, and public accessways that were approved and required pursuant to the Commission's approval of Coastal Development Permit 5-98-156. Minor revisions to the proposed tentative parcel map are required, however, in order to eliminate the conflicts between the proposed parcels located south of Shoreline Drive and the terms and conditions of the underlying coastal development permit. A revised tentative parcel map is necessary in order to clearly demonstrate compliance with the land uses, site plans, view corridors, public amenities, and public accessways that were approved and required pursuant to the Commission's approval of Coastal Development Permit 5-98-156.

Therefore, a special condition of approval requires the applicants to submit a revised tentative parcel map that addresses the issues that follow in this report (i.e. park displacement, view corridors, and public accessways). The special conditions of approval also require that the development and use of each parcel created by the proposed subdivision is limited to the development and uses expressly permitted by the terms and conditions of Coastal Development Permit 5-98-156 as amended. Continuing compliance with the terms and conditions of the underlying permit is necessary in order to protect public access and recreation opportunities in the Downtown Shoreline area as required by the Chapter 3 policies of the Coastal Act.

The primary land use issue involved with the proposed subdivision is the parceling of Shoreline Park in LCP Subarea 6 (Exhibit #6). **Subarea 6** includes Shoreline Park, Rainbow Harbor and the Shoreline Village shopping center in the City's central waterfront area (Exhibit #4). The applicants propose to create five parcels in Shoreline Park, the public

park that surrounds Rainbow Harbor south of Shoreline Drive (Exhibit #6). One of the proposed parcels in Shoreline Park would be comprised of a public parking lot located southwest of the intersection of Shoreline Drive and Pine Avenue (Exhibits #5&6). The four other parcels proposed in Shoreline Park would be commercial parcels leased for the previously permitted commercial retail uses and restaurants. A revised tentative parcel map is required in order to demonstrate compliance with the underlying permit's four-acre limit on the area of Shoreline Park that has been permitted to be converted to visitor-serving commercial uses.

The certified LCP limits the amount of area in Shoreline Park that the Queensway Bay Plan can convert to commercial uses:

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

In addition, the certified LCP requires that Shoreline Park contain a minimum area of 23 acres including park, roadways, parking areas, pedestrian walkways, and the aquarium. The 23 acres of parkland includes the aquarium, Rainbow Harbor Esplanade, and all roadways, bikeways, parking areas and sidewalks around Rainbow Harbor (Exhibit #4). The commercial uses and proposed commercial parcels are not permitted within the required 23 acres of parkland in Shoreline Park. Therefore, the portion of the project site that is located in Shoreline Park (south of Shoreline Drive), except for the four acres of commercial parcels, shall remain designated as public park area.

The Commission's approval of Coastal Development Permit 5-98-156 on February 3, 1999 permitted the applicants to convert four acres of Shoreline Park to commercial uses as called for by the above-stated LCP policy (Exhibit #4). The City's has provided four acres of replacement parkland as required by the above-stated LCP policy and Coastal Development Permit 5-98-156 on the South Shore of Queensway Bay near the HMS Queen Mary (See Queen Mary Events Park, Exhibit #3). Therefore, the proposed commercial parcels in Shoreline Park can be approved only if the total area of the four proposed commercial parcels does not exceed four acres of park area.

The applicants' proposed revised tentative parcel map for Shoreline Park indicates that no more than four acres of Shoreline Park would be occupied by the four proposed commercial parcels (Exhibit #6). The revised tentative parcel map required by special

condition 36 will enforce the four-acre limit on parkland displacement while also avoiding the view corridors and public accessways that are protected by the certified LCP. The one proposed parcel in Shoreline Park that would be comprised of a public parking lot does not count against the four-acre limit on commercial uses because it is a public parking lot in Shoreline Park, and not a commercial use¹ (Exhibits #5&6). Therefore, as conditioned to limit the location and area of the commercial parcels in Shoreline Park, the proposed subdivision would not enable commercial uses to displace more than four acres of Shoreline Park and is consistent with the certified LCP and the Commission's prior approval of Coastal Development Permit 5-98-156.

As conditioned to comply with the terms and conditions of the underlying coastal development permit, the three parcels proposed on the portion of the site located inland of Shoreline Drive in LCP Subarea 5 do not raise any potential conflicts with either the underlying permit or the proposed subdivision. **Subarea 5** is the landlocked "Tidelands Parcel" located inland of LCP Subarea 6 and Shoreline Drive (Exhibit #3). Within LCP Subarea 5, Coastal Development Permit 5-98-156 permits a new street grid and 305,850 square feet of visitor-serving commercial uses, including a sixteen-screen movie theatre, a large-format cinema, numerous restaurants and retail establishments, and a landscaped public open space of at least 23,000 square feet at the southeast corner of LCP Subarea 5. Part B of this amendment request (see page 12) proposes a minor change to the street grid in LCP Subarea 5 (Exhibit #8).

As stated above, the proposed project is located on State Tidelands that are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. Although the State Lands Commission reviewed the project originally approved by Coastal Development Permit 5-98-156 for consistency with the City's tidelands grant, the State Lands Commission has not commented on the specific development proposed by this amendment.

In order for the Commission to find that the proposed subdivision of State Tidelands is consistent with the City's Tidelands Grant, a condition of this amendment requires the applicants, prior to issuance of the amendment, to provide written documentation, including specific citation of the relevant sections of the applicable State Tidelands Grant, showing that the proposed subdivision of State Tidelands is consistent with the public trust and with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline area to the City of Long Beach. The applicants shall also demonstrate that the State Lands Commission has given permission for the proposed subdivision of State Tidelands and agrees that the proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach. Only as conditioned does the Commission find that the proposed project is consistent with the requirements of the Coastal Act.

¹ Although the proposed parking lot in Shoreline Park is not considered a commercial use, Coastal Development Permit 5-98-156 permits the applicants to use the parking lot for valet parking. See special conditions 13 & 14 of Coastal Development Permit 5-98-156 (Appendix A).

C. Public Access and Recreation

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

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30212 of the Coastal Act states, in part:

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

Section 30213 of the Coastal Act states, in part:

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

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

When the Commission originally certified the Queensway Bay Development Plan as part of the City's certified LCP in 1995, it found that the Queensway Bay Plan would provide a balanced mix of free public recreational uses and visitor-serving commercial uses. Recreational boating opportunities would be provided within the newly constructed Rainbow Harbor, by the 1,694 slip Downtown Marina, and by a new launch ramp to be built on the South Shore of Queensway Bay (Exhibit #3). The newly reconstructed Shoreline Park and Rainbow Harbor Esplanade would provide not less than 23 acres of waterfront parkland (including roads and parking areas). The Long Beach Aquarium of the Pacific would provide a recreational/educational attraction within the 23-acre Shoreline Park. Finally, the visitor-serving commercial uses would be provided at Shoreline Village and at the 508,550 square foot commercial retail and entertainment complex that the Commission approved on February 3, 1999 pursuant to its action on Coastal Development Permit 5-98-156 (City of Long Beach & DDR OliverMcMillan).

When the Commission approved Coastal Development Permit 5-98-156 for 508,550 square feet of commercial retail and entertainment uses, it found that the development would have both negative and positive effects on the public's ability to access the shoreline. In order to mitigate the project's negative impacts to coastal access, the Commission attached a number of special conditions to the permit. The special conditions of Coastal Development Permit 5-98-156 adequately protect public's ability to access the shoreline within the approved development (Appendix A). In order to ensure the continued protection of public access and recreation opportunities, a special condition of this amendment approval states that the development and use of each parcel created by the proposed parcel map is limited to the development and uses expressly permitted by the terms and conditions of Coastal Development Permit 5-98-156.

A revised tentative parcel map is necessary in order to clearly demonstrate compliance with the land uses, site plans, view corridors, public amenities, and public accessways that were approved and required pursuant to the Commission's approval of Coastal Development Permit 5-98-156. The proposed subdivision, as conditioned, would not conflict with any of the special conditions of Coastal Development Permit 5-98-156. The proposed commercial parcels are not permitted to encroach into the public waterfront accessways protected by special condition six of Coastal Development Permit 5-98-156 (Appendix A). The special conditions of Coastal Development Permit 5-98-156 also ensure that public access will be protected on: a) the landscaped public open space to be provided at the southeast corner of LCP Subarea 5 (Special Condition 5, Appendix A); b) the streets and sidewalks of the permitted development (Special Condition 8, Appendix A); c) the regional bicycle route (Special Condition 9, Appendix A); and d) all parking facilities in LCP Subareas 5 and 6 (Special Condition 13, Appendix A). A condition of approval requires that all terms and conditions of Coastal Development Permit 5-98-156, as amended, shall be attached to the final recorded parcel map.

Only as conditioned does the Commission find that the proposed subdivision will not result in any negative impacts to public access and existing recreational uses as required by the Chapter 3 policies of the Coastal Act.

D. Scenic Resources

Section 30251 of the Coastal Act states in part that:

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

As required by the Coastal Act, the visual qualities of coastal areas shall be protected by maintaining public views to and along the ocean. The certified LCP states calls for the preservation of specific views and view corridors. Attachment "A" of the certified LCP identifies the protected view corridors within the Downtown Shoreline area (Exhibit #7).

When the Commission approved Coastal Development Permit 5-98-156 for 508,550 square feet of commercial retail and entertainment uses, it found that the view corridors identified by Attachment "A" of the certified LCP must be protected from encroachments that would block the protected views of Shoreline Park, Rainbow Harbor and the Queen Mary (Exhibit #7). Special condition 19 of Coastal Development Permit 5-98-156 requires the development to respect the view corridors identified by Attachment "A" of the certified LCP (Appendix A). No dining areas or structures over 42 inches in height (other than required safety features, structures required to meet ADA access standards where there is no alternative location for such structures outside of the view corridors, mobile vending carts, lighting features and low-scale official directional signs) shall be placed in the view corridors identified by Attachment "A" of the certified LCP (Appendix A).

The proposed subdivision can and shall comply with all special conditions of Coastal Development Permit 5-98-156 including special condition 19. The four proposed commercial parcels located south of Shoreline Drive (between the first road and the sea) are not permitted to encroach into the required view corridors because special condition 19 of Coastal Development Permit 5-98-156 prohibits dining areas and almost all commercial structures over 42 inches in height. Approval of a commercial parcel within a view corridor would violate the intent of special condition 19 of Coastal Development Permit 5-98-156 (Appendix A). Therefore, a revised parcel map shall be submitted that demonstrates that no portion of the four proposed commercial parcels located south of Shoreline Drive encroach into the view corridors protected by special condition 19 of Coastal Development Permit 5-98-156 (Exhibit #7).

Only as conditioned does the Commission find that the proposed subdivision will not result in any negative impacts to the scenic and visual qualities of the project area as required by Section 30251 of the Coastal Act.

E. California Environmental Quality Act (CEQA)

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

The proposed project and amendment, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. As conditioned, there are no feasible mitigation measures or alternatives available that would lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

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

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

The Commission hereby finds and declares:

A. Amendment Description – The Paseo

On February 3, 1999, the Commission approved Coastal Development Permit 5-98-156 for the construction of a 508,550 square foot commercial retail and entertainment complex in the Downtown Shoreline area of Long Beach (Exhibit #2). Within LCP Subarea 5, Coastal Development Permit 5-98-156 permits a new street grid and 305,850 square feet of visitor-serving commercial uses, including a sixteen-screen movie theatre, a large-format cinema, numerous restaurants and retail establishments, and a landscaped public open space of at least 23,000 square feet at the southeast corner of LCP Subarea 5. Part B of this amendment request proposes a minor change to the street grid in LCP Subarea 5.

The applicants propose to change the "Paseo" from a pedestrian-only street to a vehicular street with sidewalks and parallel parking on both sides of the street (Exhibits #8&9). Approximately ten new on-street parking spaces would be provided.

B. Public Access and Recreation

The proposed Paseo was approved as pedestrian-only street in the Commission's original approval of Coastal Development Permit 5-98-156. The applicants originally proposed the Paseo as a pedestrian-only street. The construction of the proposed Paseo as a vehicular street with sidewalks on both sides of the street will not have any negative impacts to coastal access or recreation. Therefore, the Commission finds that the proposed amendment adequately protects public access to coastal facilities and will also ensure the provision of a viable parking supply for customers of the commercial development approved by Coastal Development Permit 5-98-156. As already conditioned by the special conditions of Coastal Development Permit 5-98-156 (Appendix A), the proposed development with the proposed amendment will not negatively affect the public's ability to access the Downtown Shoreline area and the coast, and is consistent with the public access and recreation policies of the Coastal Act.

C. California Environmental Quality Act (CEQA)

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

The proposed project and amendment, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. As conditioned, there are no feasible mitigation measures or alternatives available that would lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A

The following are the original special conditions of Coastal Development Permit 5-98-156 and amendments as approved by the Commission on February 3, 1999, November 2, 1999, and December 9, 1999:

1. Replacement Parkland

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

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

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

3. Future Uses and Improvements

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

4. Public Viewing Deck

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

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

5. Public Open Space and Water Feature

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

6. Public Access

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

7. Pedestrian Bridge over Shoreline Drive

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

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

8. Streets and Sidewalks

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

9. Regional Bicycle Route

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

10. New Parking

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

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

11. Traffic and Parking Management Association

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

12. Lease to Private Operators

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

13. Public Parking

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

14. Valet Parking

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

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

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

15. Parking Fees and Validations

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

16. Employee Parking Program

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

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

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

17. Height Limits - LCP Subarea 6

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

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

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

18. Height Limits - LCP Subarea 5

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

- a) The north end of the faux roller coaster (100 foot maximum with a surface that is less than 15 percent solid or opaque) and two lantern features abutting the north end of the faux roller coaster (63 & 78 feet maximum);
- b) On Building A (40 feet): the roof of the large-format cinema (80 feet maximum), one 500 square foot parapet extension (47 feet maximum), the letters of "LONG BEACH" sign (50 feet maximum), and clock tower (60 feet);
- c) On Building B (40 feet): one 500 square foot building extension (43 feet maximum);
- d) On Building C (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (43 feet maximum), one barrel element extension (60 feet maximum), and two 500 square foot towers (60 & 93 feet maximum);

e) On Building D (40 feet): the roof of the multi-screen theater (60 feet maximum), one barrel element extension (78 feet maximum) with one blade (100 feet maximum) for theatre identification sign, and 2,000 square foot tower (52 feet maximum);

f) Parking structure (70 feet maximum);

g) In the town square: one vertical monument with a footprint not to exceed 500 square feet (152 feet maximum); and,

h) Flag poles (77 feet maximum).

i) Up to seven three-dimensional food icons (70 feet maximum) within the confines of the faux roller coaster, provided that such icons do not advertise a particular store, product or service, and provided that they do not extend south of the north curb of Shoreline Drive.

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

19. View Corridors

No structures over 42 inches in height, other than required safety features, structures required to meet ADA access standards where there is no alternative location for such structures outside of the view corridors, mobile vending carts, lighting features and low-scale official directional signs, shall be placed in the view corridors identified on Exhibit #9 of this staff report. In addition, no restaurant dining areas shall be placed in the view corridors identified on Exhibit #9 of this staff report. An arch which contains the lettering "PIER, PINE AVENUE" shall be permitted at the entrance to the Pine Avenue Pier, provided that the bottom edge of the arch is at least twelve feet above the pier so as to not intrude into the protected pedestrian view corridor along the pier to the water.

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

20. Signage

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

program, subject to the review and approval of the Commission, for all proposed signs that are not attached to the wall of an approved structure, or specifically approved by this action.

21. Final Plans: Parking Structure

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

22. Conformance with the Requirements of the Resource Agencies

The applicants shall comply with all permit requirements and mitigation measures of the State Water Resources Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

23. Drainage Plans for Parking Lot

Prior to issuance of the Coastal Development Permit, the applicants shall submit a drainage plan, for the review and approval of the Executive Director, for the proposed parking lot in Shoreline Park at the southwest corner of Shoreline Drive and Pine Avenue. The drainage plan shall incorporate best management practices (BMP's) that will reduce the volume of runoff and amount of pollutants which leave the parking lot and enter the storm drain system. The drainage plan shall incorporate the following: catch basins to collect trash, trash racks or bars to filter runoff, grease and oil separators, and provisions for periodic cleaning of the paved parking surfaces and catch basins. The drainage plan may include other measures as well. The applicants shall implement the approved drainage plan on an ongoing and permanent basis consistent with the drainage plan approved by the Executive Director.

24. Assumption of Risk

By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury

and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

25. Consistency with State Tidelands Grant

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

26. City Acceptance of Conditions

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

27. Foundation Design

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

28. Pedestrian and Bicycle Access

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

29. Landscaping and Treatment of Roof

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

30. Erosion and Siltation Control

Prior to the issuance of the coastal development permit, the applicants shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan that incorporates structural and non-structural Best Management Practices (BMPs) to control erosion from the construction site and prevent silt from the construction site from entering the storm drain during construction of the proposed parking structure. The approved erosion control and siltation plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and shall be implemented during construction.

31. Drainage Plan

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

32. Parking Lot Landscaping Plan

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

33. Erosion and Siltation Control

Prior to the issuance of the coastal development permit amendment, the applicants shall submit, for the review and approval of the Executive Director, an erosion control and siltation prevention plan that incorporates structural and non-structural Best Management Practices (BMPs) to control erosion from the parking lot construction site and prevent silt from the construction site from entering the storm drain during construction of the proposed parking lot. The approved erosion control and siltation plan shall conform to the standards of the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers, and shall be implemented during construction.

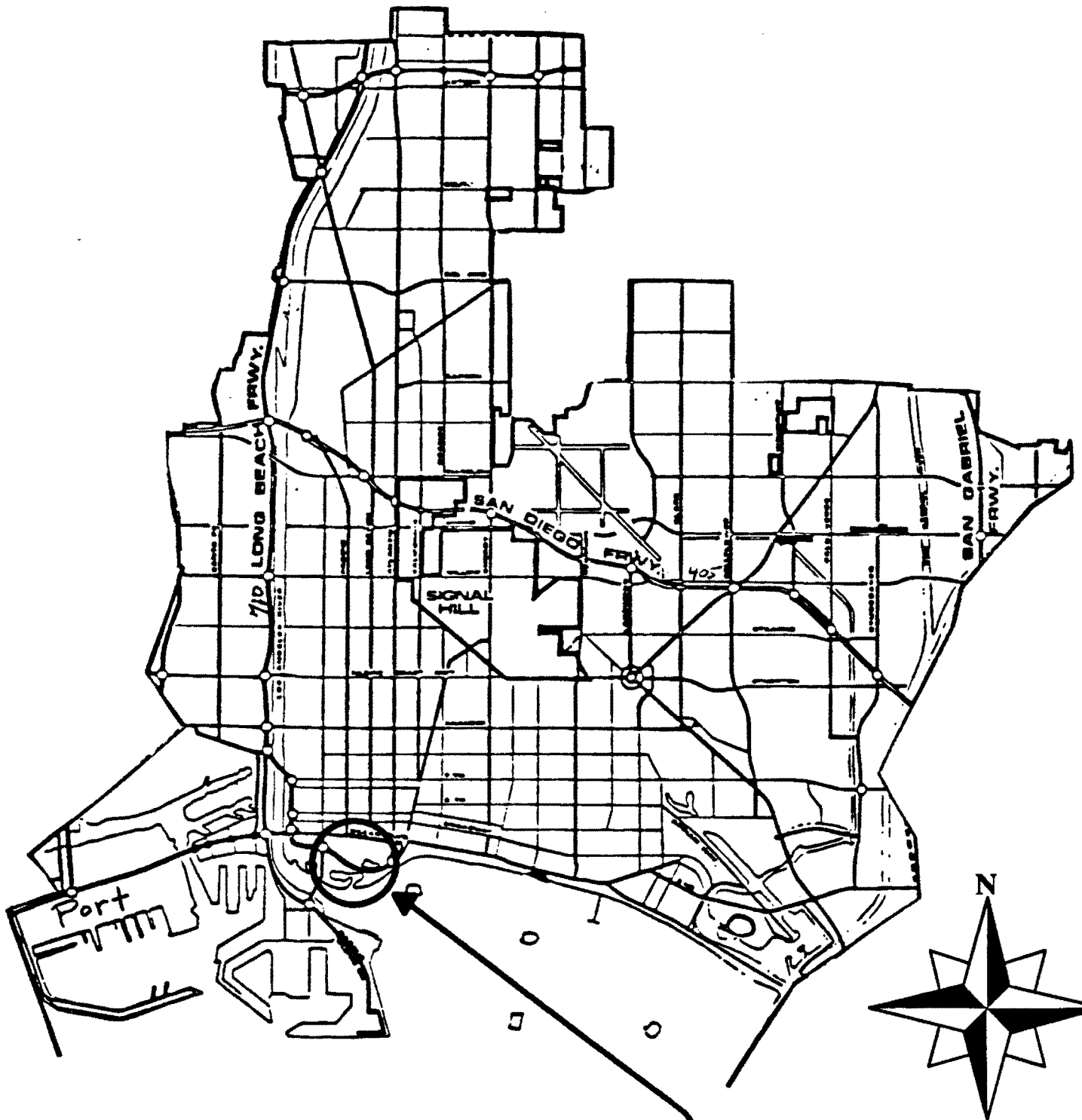
34. Parking Lot Drainage Plan

Prior to issuance of the coastal development permit amendment, the applicants shall submit, for the review and approval of the Executive Director, a drainage plan for the proposed parking lot that incorporates structural and non-structural Best Management Practices (BMPs) to: a) reduce the volume of runoff leaving the parking lot site, b) control the velocity at which the runoff enters the storm water drain, and c) reduce the amount of pollutants contained in the runoff leaving the parking lot site prior to entering the storm drain system. The drainage plan shall meet the standard of containing on the parking lot site 0.75 inches of precipitation within a 24-hour period. The drainage plan shall incorporate, but not be limited to, the following suggested BMPs: landscaped buffers, catch basins to collect litter, trash racks or bars to filter runoff, grease and oil separators or filters which will aid in the removal of dissolved contaminants, provisions for regular scheduled cleaning of paved parking lot surfaces and catch basins at least once a year between September 15 and October 15, and maintenance of structural and non-structural BMPs as necessary. The drainage plan may include other measures as well. The permittees shall implement the approved drainage plan on an ongoing and permanent basis in a manner consistent with the drainage plan approved by the Executive Director. In addition, any lease or operating agreement that involves the proposed parking lot shall explicitly incorporate the provisions of the drainage plan approved by the Executive Director.

35. Consistency with State Tidelands Grant

Prior to issuance of the coastal development permit amendment, the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed employee parking lot is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

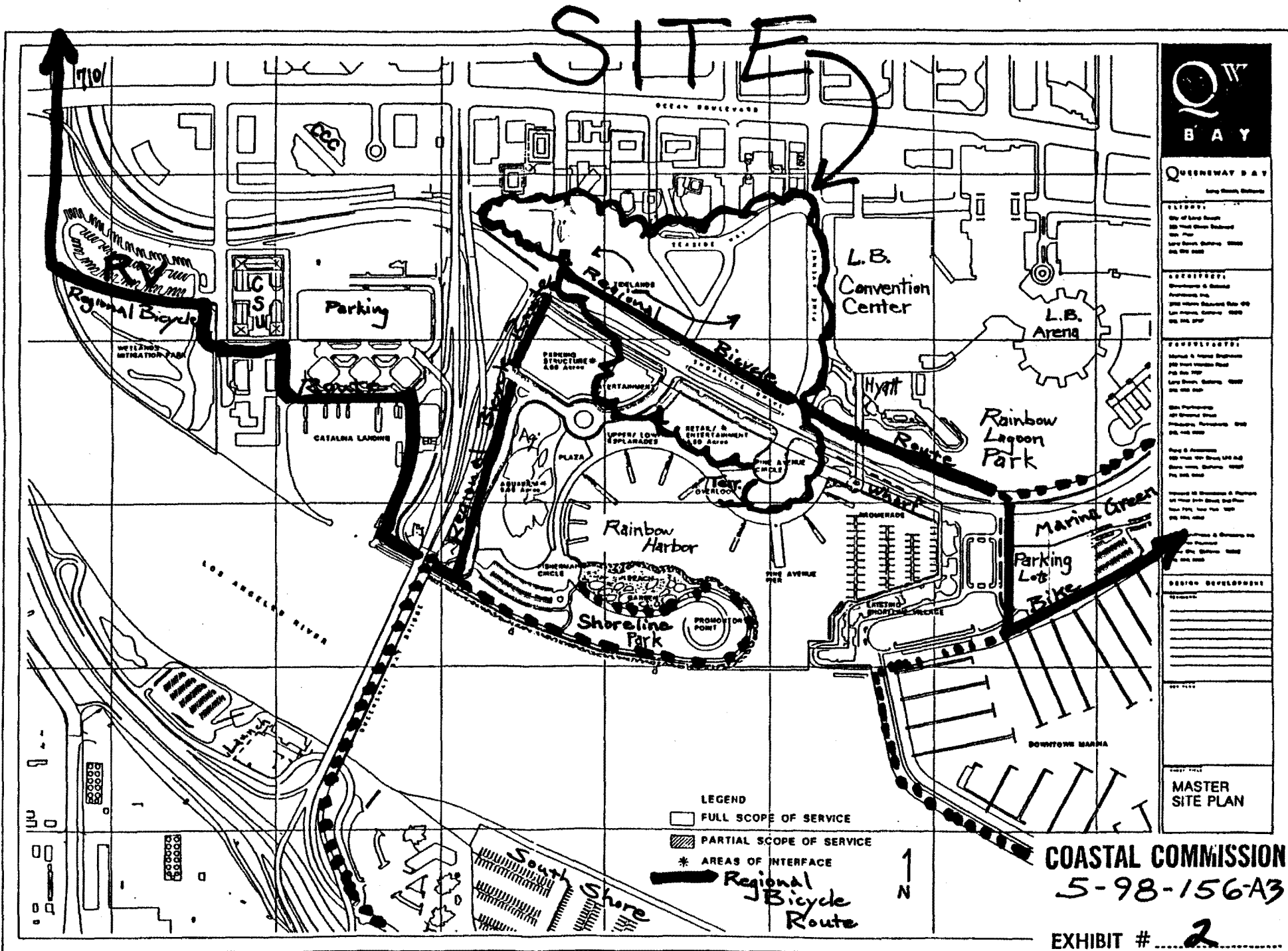
City of Long Beach



Site

COASTAL COMMISSION
5-98-156-A3

EXHIBIT # 1
PAGE 1 OF 1



QUEENWAY BAY

Long Beach, California

CLIENT:
 City of Long Beach
 200 West Ocean Boulevard
 Long Beach, California 90802
 Tel: 562-592-2000

ARCHITECT:
 Perini & Perini
 Architects, Inc.
 200 West Ocean Boulevard
 Long Beach, California 90802
 Tel: 562-592-2000

GENERAL CONTRACTOR:
 MWH & Associates
 200 West Ocean Boulevard
 Long Beach, California 90802
 Tel: 562-592-2000

LANDSCAPE ARCHITECT:
 Perini & Perini
 Architects, Inc.
 200 West Ocean Boulevard
 Long Beach, California 90802
 Tel: 562-592-2000

ENGINEER:
 Perini & Perini
 Engineers, Inc.
 200 West Ocean Boulevard
 Long Beach, California 90802
 Tel: 562-592-2000

DESIGN DEVELOPMENT:
 Perini & Perini
 Architects, Inc.

DATE:
 11/11/03

SCALE:
 1" = 100'

PROJECT NO.:
 03-001

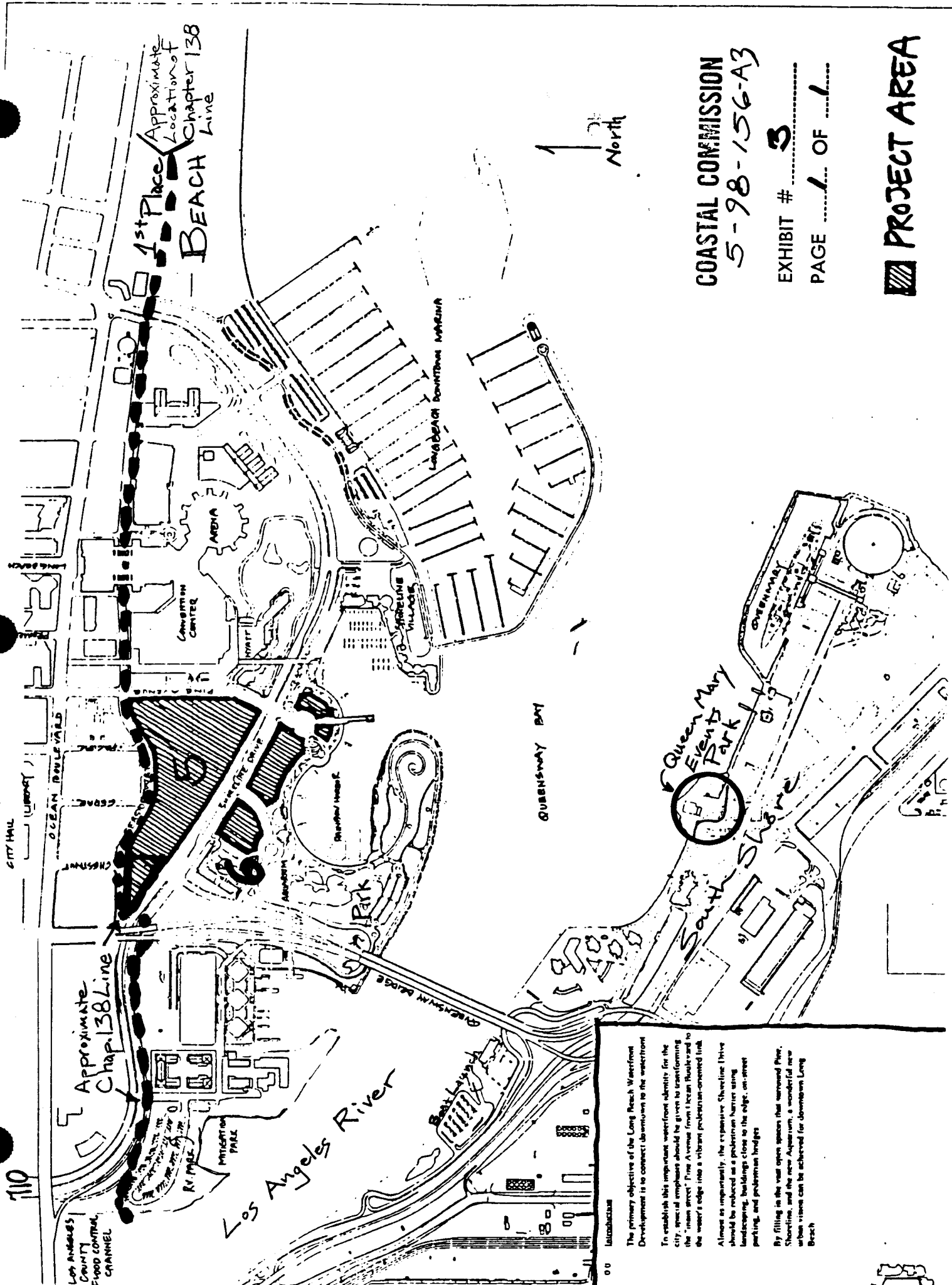
MASTER SITE PLAN

COASTAL COMMISSION
 5-98-156-A3

EXHIBIT # 2

PAGE 1 of 1

Downtown Shoreline Area



COASTAL COMMISSION

5-98-156-A3

EXHIBIT # 3

PAGE 1 OF 1

PROJECT AREA

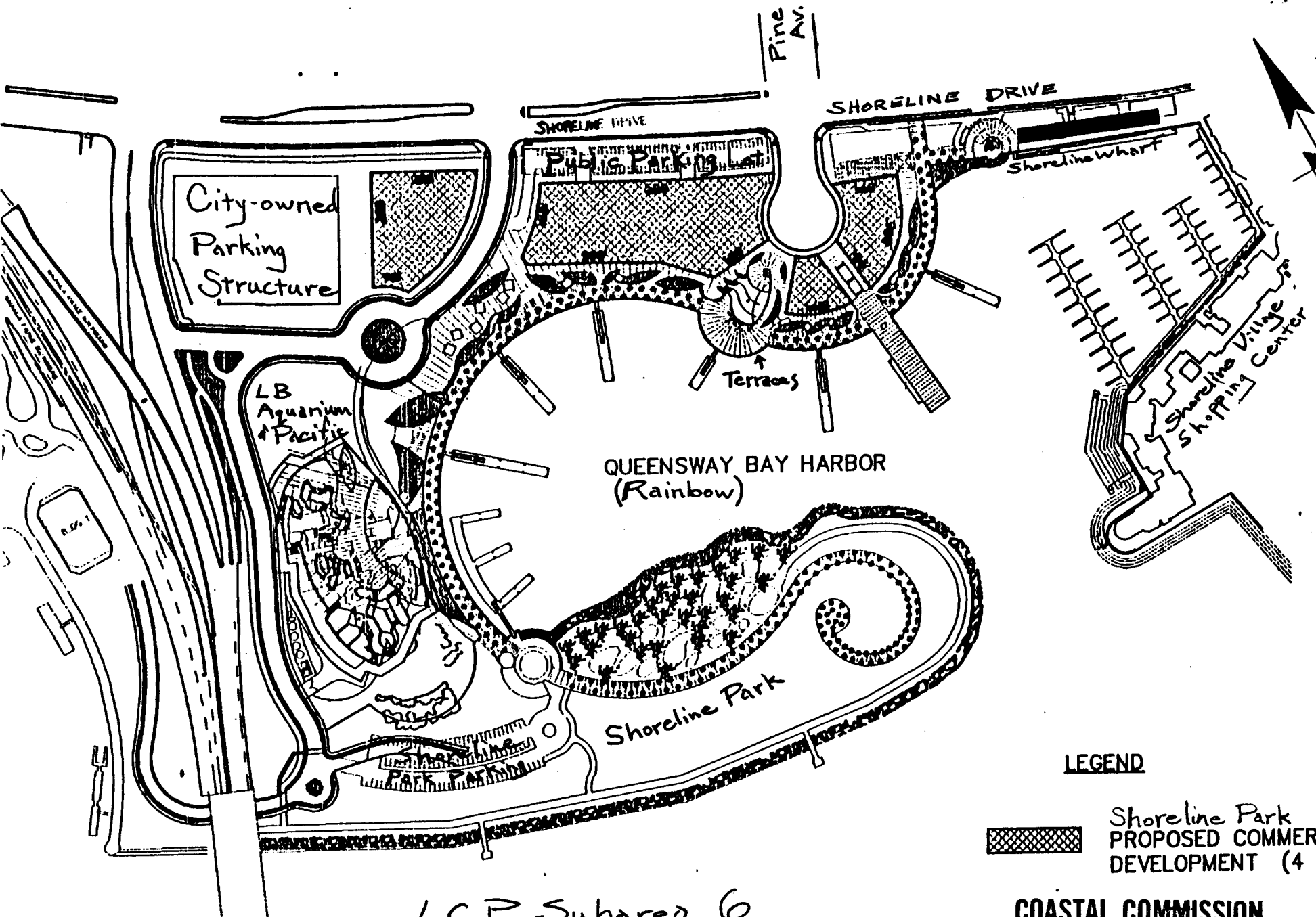
00 Introduction

The primary objective of the Long Beach Waterfront Development is to connect downtown to the waterfront.

To establish this important waterfront identity for the city, special emphasis should be given to transforming the "main street" Pine Avenue from Ocean Boulevard to the water's edge into a vibrant pedestrian-oriented link.


Alone as importantly, the expensive Shoreline Drive should be reduced as a pedestrian barrier using landscaping, buildings close to the edge, on-street parking, and pedestrian bridges.

By filling in the vast open spaces that surround Pine, Shoreline, and the new Aquarium, a wonderful new urban vision can be achieved for downtown Long Beach.



LCP Subarea 6
 ■■■ ESPLANADE

LEGEND

 Shoreline Park
 PROPOSED COMMERCIAL
 DEVELOPMENT (4 ACRES)

COASTAL COMMISSION
 5-98-156-A3

EXHIBIT # 4
 PAGE 1 OF 1

TENTATIVE PARCEL MAP No 25804

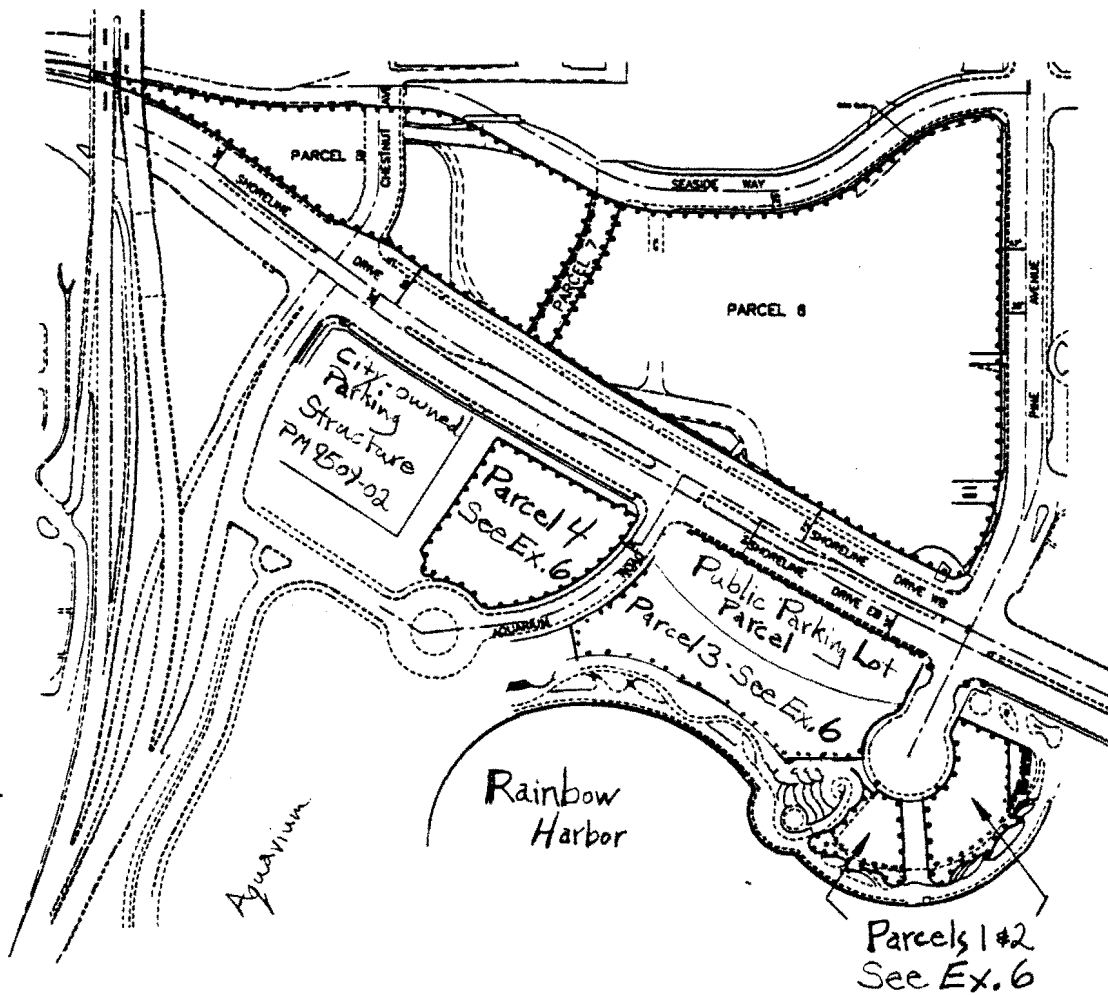
IN THE CITY OF LONG BEACH,
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

BEING A SUBDIVISION OF THAT PORTION OF THE ARTIFICIALLY CREATED LAND
WITHIN THE TIDELANDS AND SUBMERGED LANDS CONVEYED TO
THE CITY OF LONG BEACH BY THE STATE OF CALIFORNIA
UNDER AN ACT OF MAY 1, 1911, CHAPTER 676, PAGE 1304, AS AMENDED,
LYING IN SAID CITY, COUNTY OF LOS ANGELES, IN SAID STATE.

PREPARED BY
ENGINEERING BUREAU
DEPARTMENT OF PUBLIC WORKS
CITY OF LONG BEACH

RECORD OWNER
CITY OF LONG BEACH

SUBDIVIDER
ROBERT J. PATERNOSTER
DIRECTOR OF QUEENSWAY BAY PROJECT



LEGEND

..... PARCEL BOUNDARY

DIVISION OF LAND FOR
PURPOSE OF LEASE ONLY

COASTAL COMMISSION

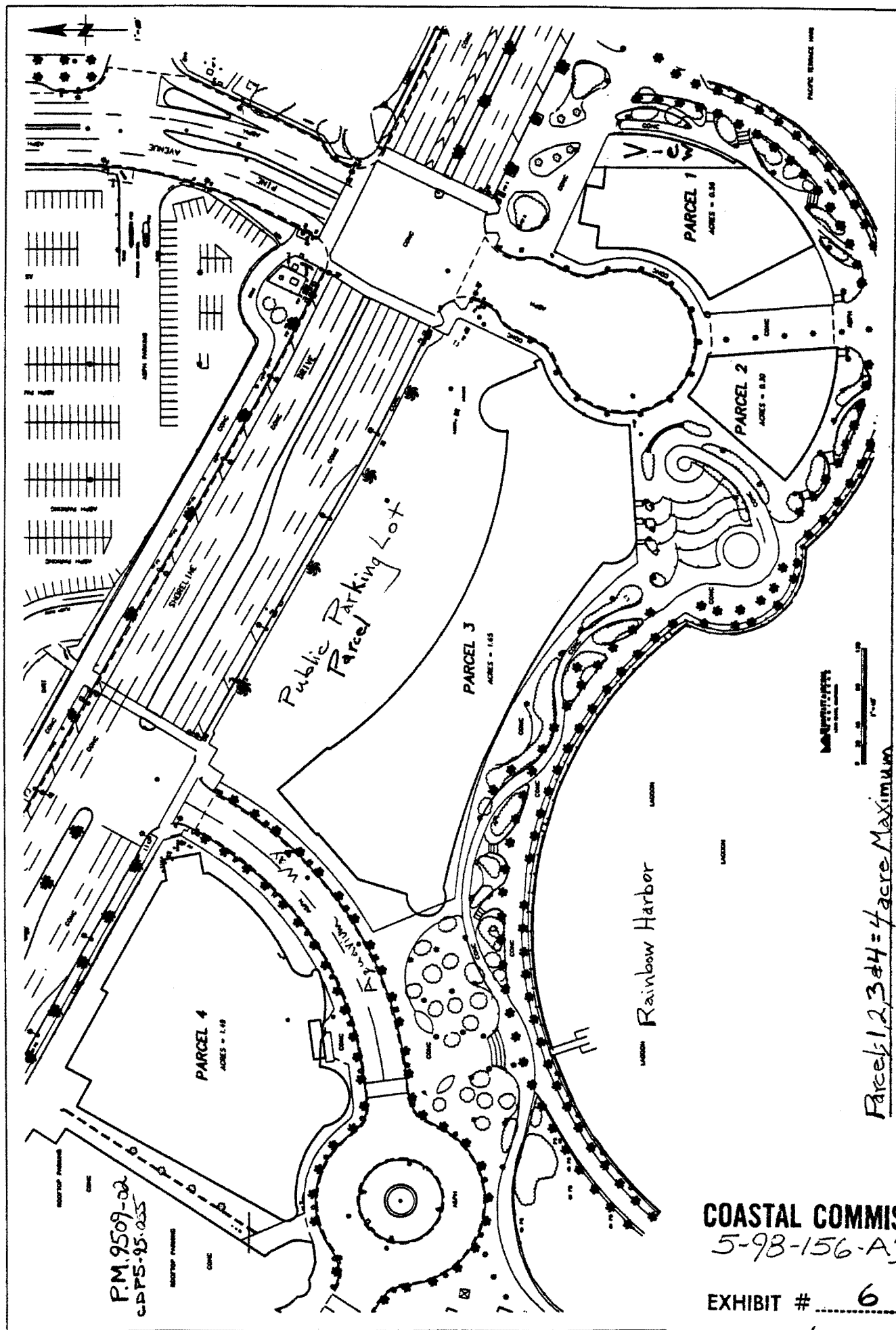
5-98-156-A3

EXHIBIT # 5

PAGE 1 OF 1

Parcels 1,2,3+4 = 4 acre Maximum (See Exhibit 6)

(Revised) Tentative Parcel Map No. 25804. See Exhibit 5.

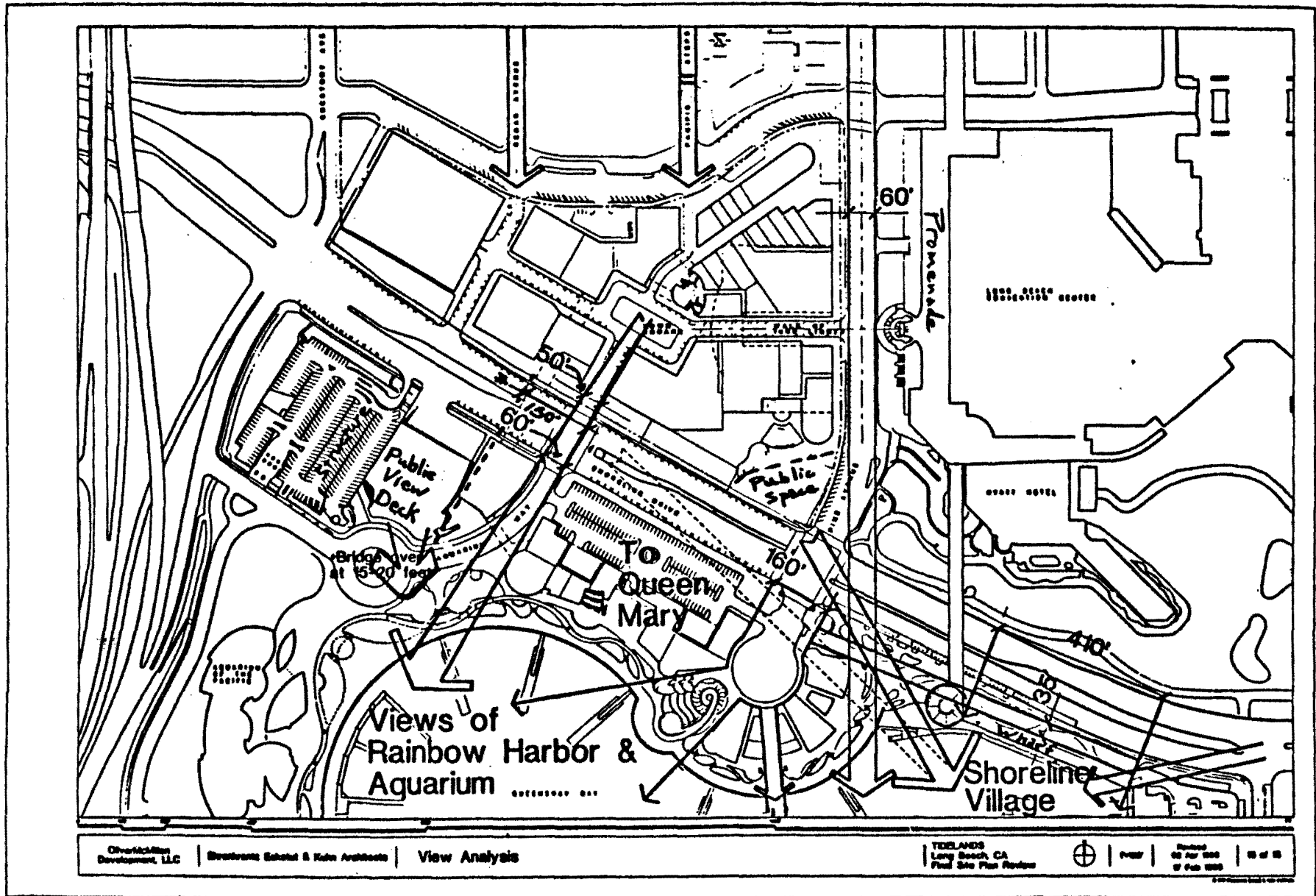


P.M. 9509-02
C.P.S. 95-055

Parcel 1, 2, 3 & 4 = 4 acre Maximum

COASTAL COMMISSION
5-98-156-A3

EXHIBIT # 6
PAGE 1 OF 1

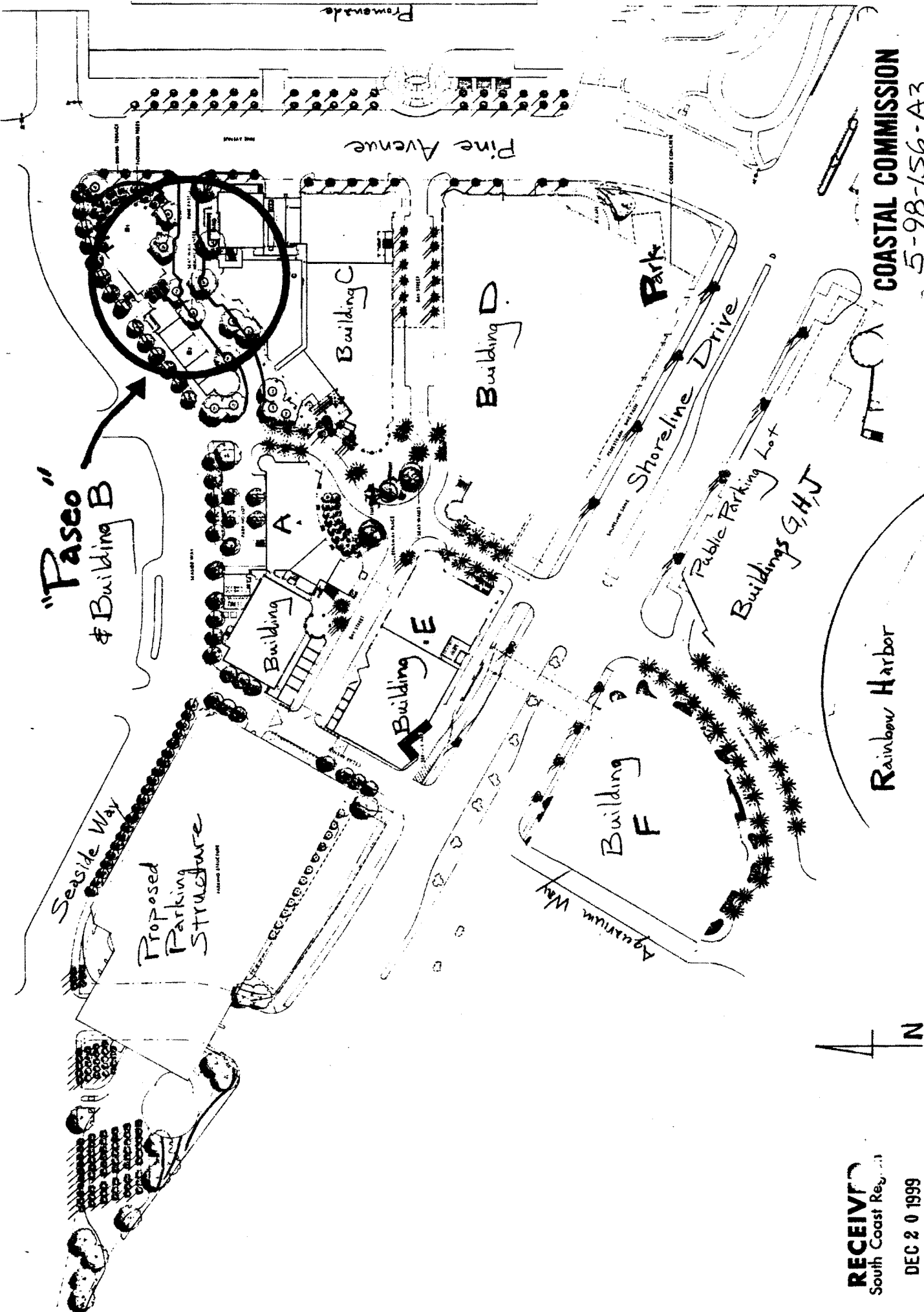


LCP/PDG Attachment "A" View Corridors

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

COASTAL COMMISSION
5-98-156-A3

EXHIBIT # 7
PAGE 1 OF 1



"Paseo"
Building B

COASTAL COMMISSION
5-98-156-A3

EXHIBIT # 8
PAGE 1 OF 1

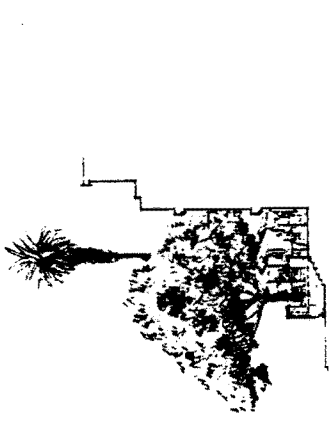
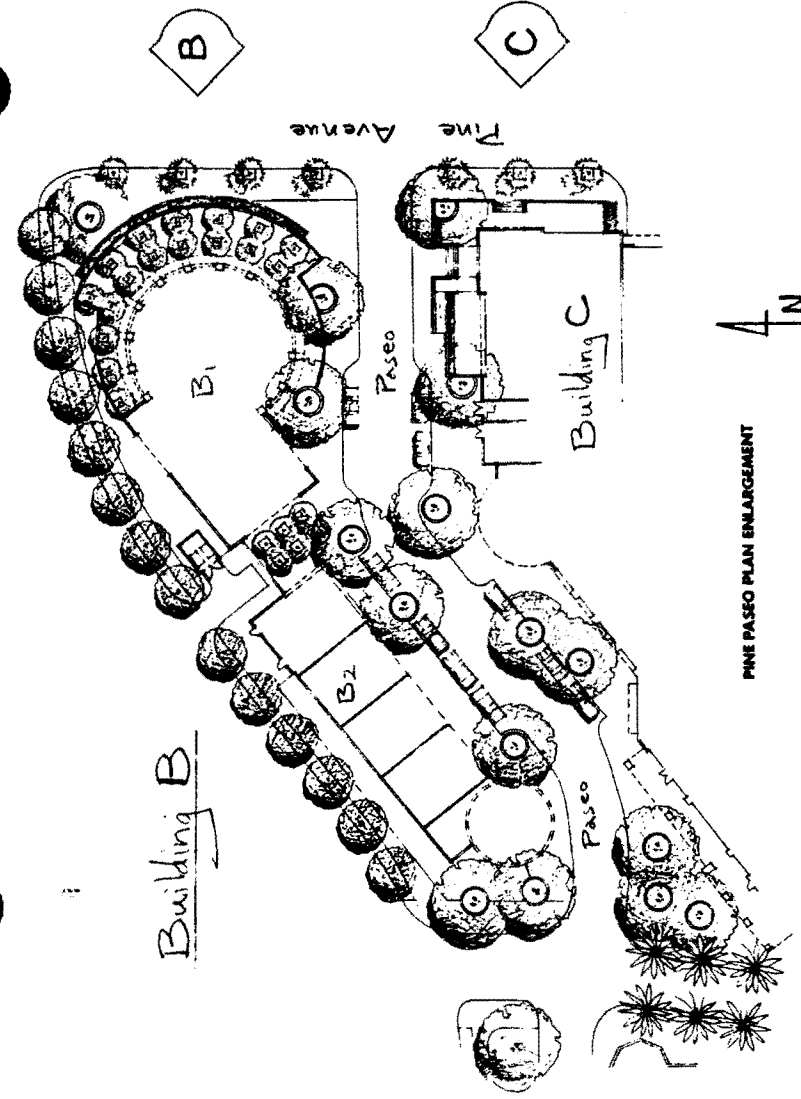
QUEENSWAY BAY PHASE 1
GROUND LEVEL SITE PLAN

Rainbow Harbor

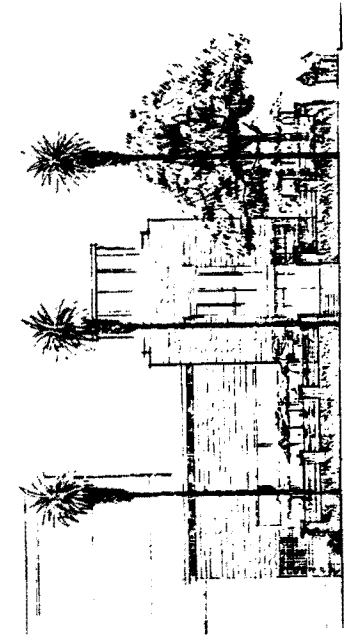
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South Coast Region

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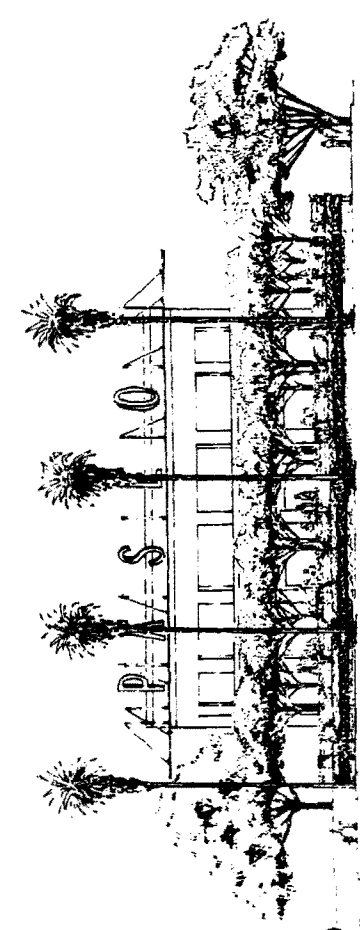
CALIFORNIA
COASTAL COMMISSION



SECTION THROUGH PATIO-BUILDING C



BUILDING C ELEVATION-LOOKING WEST



BUILDING B ELEVATION-LOOKING WEST

COASTAL COMMISSION
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EXHIBIT # 9
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QUEENSWAY BAY PHASE I
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