

CALIFORNIA COASTAL COMMISSION

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TU 196

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 Hearing Date: March 14, 2000
 Commission Action:

**STAFF REPORT: PERMIT AMENDMENT**

APPLICATION NUMBER: 5-98-156-A4

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 3, 5 & 6, City of Long Beach.

DESCRIPTION OF PROJECT 5-98-156 ORIGINALLY APPROVED ON FEBRUARY 3, 1999:

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

DESCRIPTION OF FIRST AMENDMENT 5-98-156-A1 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 5-98-156-A2 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 THIRD AMENDMENT 5-98-156-A3 APPROVED ON FEBRUARY 15, 2000:

- Part A:** Subdivide approximately 20 acres of State Tidelands into eight parcels.
Part B: Change the "Paseo" from a pedestrian-only street to a vehicular street with sidewalks.

DESCRIPTION OF CURRENT AMENDMENT 5-98-156-A4 REQUEST:

- Part A:** Revised plans for Building F resulting in less commercial floor area, a smaller public viewing deck, and a wider Aquarium Way view corridor (*See Page 16*).
Part B: Construct a public pedestrian accessway along the south side of Shoreline Drive to connect LCP Subarea 3 to LCP Subareas 5 and 6 (*See Page 20*).
Part C: Identify appropriate locations for public picnic areas (no table service) on the upper Esplanade of Rainbow Harbor (*See Page 22*).

SUMMARY OF STAFF RECOMMENDATION

The applicants are proposing three changes to the previously approved Queensway Bay commercial development. Staff recommends that the Commission approve all three of the proposed changes with the appropriate changes to the 38 existing special conditions of the permit and prior amend-

ment. Special Conditions 4, 7 and 19 of the underlying permit are revised in order to protect public views to the shoreline by increasing the width of the Aquarium Way view corridor from 60 to 90 feet, requiring the provision of a 17,749 square foot public viewing deck on the second level of Building F, and eliminating kiosks that would obstruct public views from the viewing deck. Special Condition 39 is added to protect the public's ability to access the pedestrian circulation improvements proposed by Part B of this amendment request. Finally, Special Conditions 6 and 19 of the underlying permit are revised in order to allow the proposed public picnic areas (no table service) on the upper Esplanade of Rainbow Harbor without negatively impacting public access or public views to the shoreline. The applicants are in agreement with the staff 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 the proposed amendment to Coastal Development Permit 5-98-156 pursuant to the staff recommendation."

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. Resolution to Approve a Permit Amendment

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions

The following special conditions contain revisions to the 38 previously approved special conditions of Coastal Development Permit 5-98-156 and amendments. Portions of existing special conditions deleted by this amendment are ~~crossed-out~~, and language added by this amendment is underlined. Special Conditions 4, 6, 7 and 19 are revised by permit amendment 5-98-156-A4. Special Condition 39 is the only new condition added by permit amendment 5-98-156-A4.

1. Replacement Parkland [*Condition Satisfied 11/5/99***]**

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 staff report dated 1/14/99). 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 of staff report dated 1/14/99) except that no portion of the structures or patio areas shall encroach into the view corridors identified on Exhibit #9 (of staff report dated 1/14/99). 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 staff report dated 1/14/99). 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~~ 17,749 square foot public viewing deck on the second level of the building (Building F) 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 staff report dated 1/14/99). The public viewing deck shall be available for public use, including picnics, as public parks are. Park benches and tables for picnics ~~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. Commercial uses and kiosks are prohibited within the proposed 17,749 square foot public viewing deck.

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 staff report dated 1/14/99). 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.

Public seating and tables for designated public picnic areas (restaurant table service is prohibited) may be provided on the upper portion of the Rainbow Harbor Esplanade as shown on Exhibit #9 of the staff report dated February 24, 2000. All tables placed in the areas designated on Exhibit #9 of the staff report dated February 24, 2000 shall be clearly designated for use by the general public and shall be engraved or posted with signs stating: "No Purchase Required". Areas where restaurant table service is prohibited includes (but is not limited to): Shoreline Park, Rainbow Harbor Esplanade (upper and lower portions), the Terraces at the end of Pine Avenue, the entrance to Pine Avenue Pier, and Shoreline Wharf.

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 ~~17,749~~ ~~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 staff report dated 1/14/99). 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 curblines, 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 (minimum) 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 (minimum) 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 [*Scheduled for Commission Action on March 14, 2000*]

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 of staff report dated 1/14/99).

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 (Amendment 5-98-156-A1 approved a 100-foot architectural tower);
- 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 (dated 1/14/99). In addition, no restaurant dining areas shall be placed in the view corridors identified on Exhibit #9 of this staff report (dated 1/14/99). However, seats and picnic tables (less than 42 inches in height) for the public picnic areas with no restaurant table service may be provided within view corridors only as shown on Exhibit #9 of the staff report dated February 24, 2000. 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 staff report dated 1/14/99 and located at the terminus of Pine Avenue, and c) provision of a 90-foot wide view corridor over Aquarium Way between Building F and Building G south of Shoreline Drive. 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 [*Condition Satisfied 11/5/99*]

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 [*Condition Satisfied 11/5/99*]

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 (Parking Structure) [*Condition Satisfied 2/11/2000*]

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 (Parking Structure)

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 (Parking Structure)

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 (Parking Structure)

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 (Employee Lot/LCP Subarea 3)

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 the staff report dated November 18, 1999.

33. Erosion and Siltation Control (Employee Lot/LCP Subarea 3)

Prior to the issuance of the coastal development permit amendment (5-98-156-A2), 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 (Employee Lot/LCP Subarea 3)

Prior to issuance of the coastal development permit amendment (5-98-156-A2), 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 (Employee Lot/LCP Subarea 3)

Prior to issuance of the coastal development permit amendment (5-98-156-A2), 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.

36. Revised Tentative Parcel Map

Prior to issuance of the coastal development permit amendment (5-98-156-A3), 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 (5-98-156-A3), 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.

39. Pedestrian Connection Between LCP Subarea 3 and LCP Subareas 5 & 6

The public sidewalk and stairway proposed along the south side of Shoreline Drive connecting the existing public pedestrian access systems in LCP Subarea 3 to LCP Subareas 5 and 6 shall be constructed concurrent with the commercial development approved in LCP Subarea 5. The proposed public sidewalk and stairway linking the existing public pedestrian access systems in LCP Subareas 3, 5 and 6 shall be opened to the general public prior to the date of issuance of the first certificate of occupancy within the development permitted by Coastal Development Permit 5-98-156. Public access along the proposed and existing pedestrian accessways in LCP Subareas 3, 5 and 6 shall remain open and unobstructed for use by the general public. No gate or other obstruction is permitted on any proposed or existing pedestrian accessway in LCP Subareas 3, 5 or 6.

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

(Note: The findings for Part B of the amendment request begin on page 20.)

(Note: The findings for Part C of the amendment request begin on page 22.)

The Commission hereby finds and declares:

A. Amendment Description – Revised Building F

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 revise Building F which has been approved at the southwest corner of the intersection of Shoreline Drive and Aquarium Way (Exhibits #2&5). The proposed revision to Building F would reduce the area of the building's footprint and reduce the area of the required second-level public viewing deck from 35,000 square feet to 17,749 square feet. The proposed reduction in the footprint of Building F would also widen the required Aquarium Way view corridor (between Building F and Building G south of Shoreline Drive) from the previously approved 60-foot width to a 90-foot wide view corridor (Exhibit #5).

The applicants assert that the proposed widening of the Aquarium Way view corridor would result in an enlarged public open space between Buildings F and G. The widened view corridor and enlarged space between Building F and G are proposed to offset the reduction in the area of the required public viewing deck on the second level of Building F from 35,000 square feet to 17,749 square feet. The linear length of the railing on the public viewing deck on the second level of Building F would be proposed to be reduced from approximately 517 feet to 452 feet. Therefore, it

is primarily the depth of the public viewing deck that is proposed to be reduced, and not the length of the public viewing deck (Exhibit #5).

The height of the proposed revised Building F would conform to the 40-foot height limit, except for the previously approved sails and sail columns which may extend to a maximum height of 60 feet, and the previously approved flag poles which may extend to a maximum height of 75 feet [See Special Condition 17]. The previously approved Ferris Wheel would be relocated to ground level from its previously approved location on the second level of Building F. The proposed Ferris Wheel would conform to its 130-foot height limit and would not be located within the proposed 90-foot wide Aquarium Way view corridor (Exhibit #5).

The previously proposed pedestrian bridge over Shoreline Drive linking Building F to LCP Subarea 5 on the inland side of Shoreline Drive would be provided by the applicants as previously approved [See Special Condition 7].

It must be noted that the proposal to reduce the footprint of Building F would also accommodate the applicants' plan to make minor lot line adjustments to the commercial parcels in Shoreline Park that were approved by the Commission on February 15, 2000 as part of amendment 5-98-156-A3. The applicants are preparing a future permit amendment request to reduce size of the parcel upon which Building F is proposed, and to adjust the lot lines on the other three previously approved commercial parcels that have been approved within Shoreline Park (seaward of Shoreline Drive). According to the applicants, the anticipated minor lot line adjustments would conform entirely to the requirements of Special Condition 36 of Coastal Development Permit 5-98-156 which states:

- 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.

In any case, the applicants' proposed lot line adjustments would be submitted as part of a future permit amendment subsequent to the Commission's action on this permit amendment request. The revised plans proposed as part of this amendment request (5-98-156-A4) do not conflict with the

parcel map that the Commission approved on February 15, 2000 as part of amendment 5-98-156-A3.¹

B. Public Viewing Deck & Aquarium Way View Corridor

When the Commission approved Coastal Development Permit 5-98-156 on February 3, 1999, the approved development included a 35,000 square foot public viewing deck on the second level of Building F. The public viewing deck was required in order to mitigate the project's negative impacts to public views from Shoreline Drive caused by the construction of commercial structures on former parklands. In order to provide public open space and public views to the water between the approved structures, a 60-foot wide view corridor/open space was required to be maintained at the intersection of Shoreline Drive and Aquarium Way (between Buildings F and G). This view corridor/open space area, referred to as the Aquarium Way view corridor, was approved to be 60 feet wide in lieu of the LCP required 150-foot wide view corridor because the proposed project included the additional public view mitigation measures including the provision of a 35,000 square foot public viewing deck on the second level of Building F and a pedestrian bridge over Shoreline Drive.

The Commission's approval of the 60-foot wide view corridor, along with the public viewing deck and pedestrian bridge, was based on the Commission's approval of Long Beach LCP Amendment No. 2-98A on August 13, 1998. When the Commission approved LCP Amendment No. 2-98A, it found that the 150-foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way could be reduced in width to 60 feet only if an equivalent or better public view resource would be provided. The Commission found that an equivalent public view resource to the 150 foot wide view corridor would be provided by all three of the following: 1) a 60-foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way, 2) a pedestrian bridge over Shoreline Drive at Aquarium Way, and 3) a 35,000 square foot public viewing deck on the second level of Building F.

In its approval of Coastal Development Permit 5-98-156, the Commission found that the public viewing deck, when combined with the public views provided from the proposed pedestrian bridge over Shoreline Drive, would replace the lost public views that would result from the smaller 60-foot wide view corridor at the intersection of Shoreline Drive and Aquarium Way. In fact, the proposed elevated view deck and pedestrian bridge would provide more expansive and uninterrupted views of Rainbow Harbor and the Queen Mary than a ground level view corridor by itself. Of course, the viewing deck was required to be available for public use, as public parks are, in order to provide public views [See Special Condition 4].

The applicants now propose a smaller footprint for Building F and a resulting reduction in the size of the required second-level public viewing deck from 35,000 square feet to 17,749 square feet. The proposed reduction in the footprint of Building F would also widen the required Aquarium Way view

¹ Amendment 5-98-156-A3 approved a subdivision with the following eight parcels: a) three parcels on the portion of the project site located north (inland) of Shoreline Drive; b) one parcel in Shoreline Park comprised of a public parking lot; and c) four commercial parcels in Shoreline Park that do not exceed the four-acre limit on the area of park that is permitted to be converted to commercial uses (Exhibit #4).

corridor (between Building F and Building G south of Shoreline Drive) from the previously approved 60-foot width to a 90-foot wide view corridor (Exhibit #5).

The Commission finds that the proposed widening of the Aquarium Way view corridor from 60 feet to 90 feet would result in improved public views from Shoreline Drive due to the proposed 33 percent increase in the width of the view corridor. In addition, the additional width of the view corridor, where commercial uses and most structures over 42 inches are prohibited, would substantially increase the area of public open space between Buildings F and G. The required pedestrian bridge over Shoreline Drive is not proposed to be revised, and therefore would still provide the same expansive and uninterrupted views of Rainbow Harbor and the Queen Mary as anticipated in the original approval of Coastal Development Permit 5-98-156.

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected, and that development be sited and designed to protect views to and along the ocean and scenic coastal areas. Before approved the proposed revision to Building F, the Commission must consider whether the proposed reduction in the size of the public viewing deck on the second level of Building F from 35,000 to 17,749 square feet will reduce the effectiveness of the previously required measures that mitigate the project's negative impacts to public views.

The Commission finds that the quality of the public views provided from the currently proposed 17,749 square foot public viewing deck with its 452 feet of linear railing length will be equivalent to the quality of the public views that would have been provided from the previously proposed 35,000 square foot public viewing deck with its 517 feet of linear railing length. It is primarily the depth of the public viewing deck that is proposed to be reduced, and not the length of the public viewing deck (Exhibit #5). Therefore, while the public space on the second level of Building F would be reduced from 35,000 square feet to 17,749 square feet, the quality of the public views from the currently proposed public viewing deck will be identical. Both the proposed and the previously approved public viewing deck would provide the same expansive and uninterrupted views of Rainbow Harbor and the Queen Mary. The proposed reduction in public space on the second level of Building F would be compensated for by the 33 percent increase in the width of the Aquarium Way view corridor and the accompanying increase in ground level space.

In order to ensure that the proposed revision to Building F does not reduce the effectiveness of the previously required measures that mitigate the project's negative impacts to public views, it is necessary for the Commission to make revisions to Special Conditions 4, 7 and 19 of the underlying permit. Special Condition 4 which requires that the public viewing deck be constructed and opened to the public at the same time as the rest of Building F, must be revised in order to reflect the reduced size of the required public viewing deck from 35,000 square feet to 17,749 square feet. In addition, in order to minimize obstructions to public views from the viewing deck, Special Condition 4 is also revised to prohibit commercial uses and kiosks within the currently proposed 17,749 square foot public viewing deck. Only as conditioned is the amendment request consistent with the view protection policies of the Coastal Act.

Special Condition 7, which requires the provision of a 25-foot wide pedestrian bride over Shoreline Drive between Building F and LCP Subarea 5, must also be revised to reflect the reduced size of the required public viewing deck from 35,000 square feet to 17,749 square feet. Special Condition 19, which protects the view corridors through the project site from encroachments, is revised in order to require the provision of the currently proposed 90-foot wide view corridor over

Aquarium Way between Building F and Building G south of Shoreline Drive. Only as conditioned is the amendment request consistent with the view protection policies of the Coastal Act.

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

(Note: The findings for Part A of the amendment request begin on page 16.)

(Note: The findings for Part C of the amendment request begin on page 22.)

The Commission hereby finds and declares:

A. Amendment Description – Pedestrian Link Between LCP Subareas 3, 5 & 6

The applicants propose to construct a public sidewalk and stairway to connect the previously approved employee parking lot in Downtown Shoreline LCP Subarea 3 to the previously approved commercial uses in LCP Subareas 5 and 6 (Exhibit #8). Downtown Shoreline LCP Subareas 5 and 6 are already interconnected by the existing pedestrian access system (sidewalks and Esplanades). The proposed six-foot wide pedestrian accessway would extend westward from the existing public sidewalks located at the intersection of Shoreline Drive and Chestnut Place to an existing public sidewalk located on the west side of Queens Way, an elevated City street and bridge that connects Downtown Long Beach to the South Shore of Queensway Bay (Exhibit #2).

Queens Way, because it is elevated, currently prevents all east-west pedestrian travel between the northern portion of LCP Subarea 3 and LCP Subareas 5 and 6. The proposed sidewalk would breach the Queens Way barrier by passing under the portion of the Queens Way bridge that passes over Shoreline Drive. The proposed sidewalk would run along the south shoulder of Shoreline Drive, and under the overpass, for approximately five hundred feet (Exhibit #8). The proposed stairway would ascend approximately fifteen feet from Shoreline Drive to the existing sidewalk and the previously approved employee parking lot located in LCP Subarea 3. Although the proposed employee parking lot would be enclosed with a security fence and key card gate, the proposed pedestrian accessway would be unobstructed and open to the general public in order to complete the pedestrian circulation system in this part of the Downtown Shoreline area. No gates are permitted to be placed over the proposed sidewalk and stairway.

B. 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.

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 #2). 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). East-west and north-south pedestrian accessways are protected within the certified LCP in order to provide public access between all of the land uses proposed in the Downtown Shoreline area.

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 the public's ability to access the shoreline within the approved development by prohibiting encroachments into the public pedestrian accessways, including the Esplanades that provide public access along the water's edge and all of the public sidewalks in the project area [See Special Conditions 6, 7, 8 & 9].

The proposed public sidewalk and stairway that would connect the existing pedestrian access system in Downtown Shoreline LCP Subareas 5 and 6 to LCP Subareas 3 would improve the existing situation. Currently, the northern portion of LCP Subarea 3 is effectively isolated from the remainder of the Downtown Shoreline due to Queens Way acting as a north-south barrier to east-west foot travel. The lack of a sidewalk along the south side of Shoreline Drive currently has a negative effect on east-west pedestrian access through the Downtown Shoreline area. Only two east-west pedestrian accessways through the Queens Way barrier currently exist: the Esplanade along the water's edge, and the other is on Seaside Way located about two thousand feet inland of the water's edge (Exhibit #2).

Therefore, the Commission finds that the proposed project would benefit public access and recreation by completing a missing link in the pedestrian circulation system in the Downtown Shoreline area. In order to ensure the continued protection of public access and recreation opportunities, Special Condition 39 of this amendment approval states that the proposed public

sidewalk and stairway proposed along the south side of Shoreline Drive shall be constructed concurrent with the commercial development approved in LCP Subarea 5, and that it shall be opened to the general public prior to the date of issuance of the first certificate of occupancy within the development permitted by Coastal Development Permit 5-98-156. Public access along the proposed and existing pedestrian accessways in LCP Subareas 3, 5 and 6 shall remain open and unobstructed for use by the general public. No gate or other obstruction is permitted on any proposed or existing pedestrian accessway in LCP Subarea 3, 5 or 6. Only as conditioned does the Commission find that the proposed project and amendment is consistent with the public access and recreation policies of the Coastal Act.

V. Findings and Declarations for Part C of the Amendment Request

(Note: The findings for Part A of the amendment request begin on page 16.)

(Note: The findings for Part B of the amendment request begin on page 20.)

The Commission hereby finds and declares:

A. Amendment Description – Public Eating Areas on Rainbow Harbor Esplanade

The applicants have requested Commission approval to place picnic tables and chairs along specified sections of the upper Esplanade of Rainbow Harbor (Exhibit #9). As proposed, the picnic tables and chairs would be available for use by the general public consistent with the public park designation of the entire Rainbow Harbor Esplanade. No restaurant table service is proposed on the Rainbow Harbor Esplanade.

Exhibit 8 of the staff report dated January 14, 1999 (for the Commission's original approval of Coastal Development Permit 5-98-156) identifies the specific areas where restaurant patio dining has been approved by the Commission. Restaurant table service in the project area located south of Shoreline Drive is confined within the four acres of commercial parcels permitted by Coastal Development Permit 5-98-156 and amendments (Exhibit #4). No restaurant table service is permitted on the Rainbow Harbor Esplanade.

B. Public Access and Recreation

The proposed project must conform to the Coastal Act policies that protect and encourage public access and recreation along the coast. These Coastal Act policies are implemented through the special conditions of Coastal Development Permit 5-98-156 which protect the public's ability to access the shoreline within the approved development by prohibiting encroachments into the public pedestrian accessways, including the Esplanades that provide public access along the water's edge and all of the public sidewalks in the project area [See Special Conditions 6, 7, 8 & 9].

In order to ensure the continued protection of public access and recreation opportunities, it is necessary for the Commission to make a revision to Special Condition 6 of the underlying permit.

Special Condition 6 requires the City and its agents to provide and maintain unobstructed public access to and along the waterfront at all times, including (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. The revision to Special Condition 6 would allow the proposed placement of picnic tables and chairs along specified sections of the upper Esplanade of Rainbow Harbor for use by the general public consistent with the public park designation of the entire Rainbow Harbor Esplanade. The revised condition requires that all tables that are permitted to be placed in the areas designated on Exhibit #9 of the staff report dated February 24, 2000 shall be clearly designated for use by the general public and shall be engraved or posted with signs stating: "No Purchase Required". Areas where restaurant table service is prohibited includes (but is not limited to): Shoreline Park, Rainbow Harbor Esplanade (upper and lower portions), the Terraces at the end of Pine Avenue, the entrance to Pine Avenue Pier, and Shoreline Wharf. Additionally, Special Condition 19 is revised to clarify that the picnic tables and chairs proposed for the general public in the areas identified on Exhibit #9 are permitted to encroach into the edges of the protected view corridors if the tables and chairs are less than 42 inches in height. Only as conditioned does the Commission find that the proposed project and amendment is consistent with the public access and recreation policies of the Coastal Act.

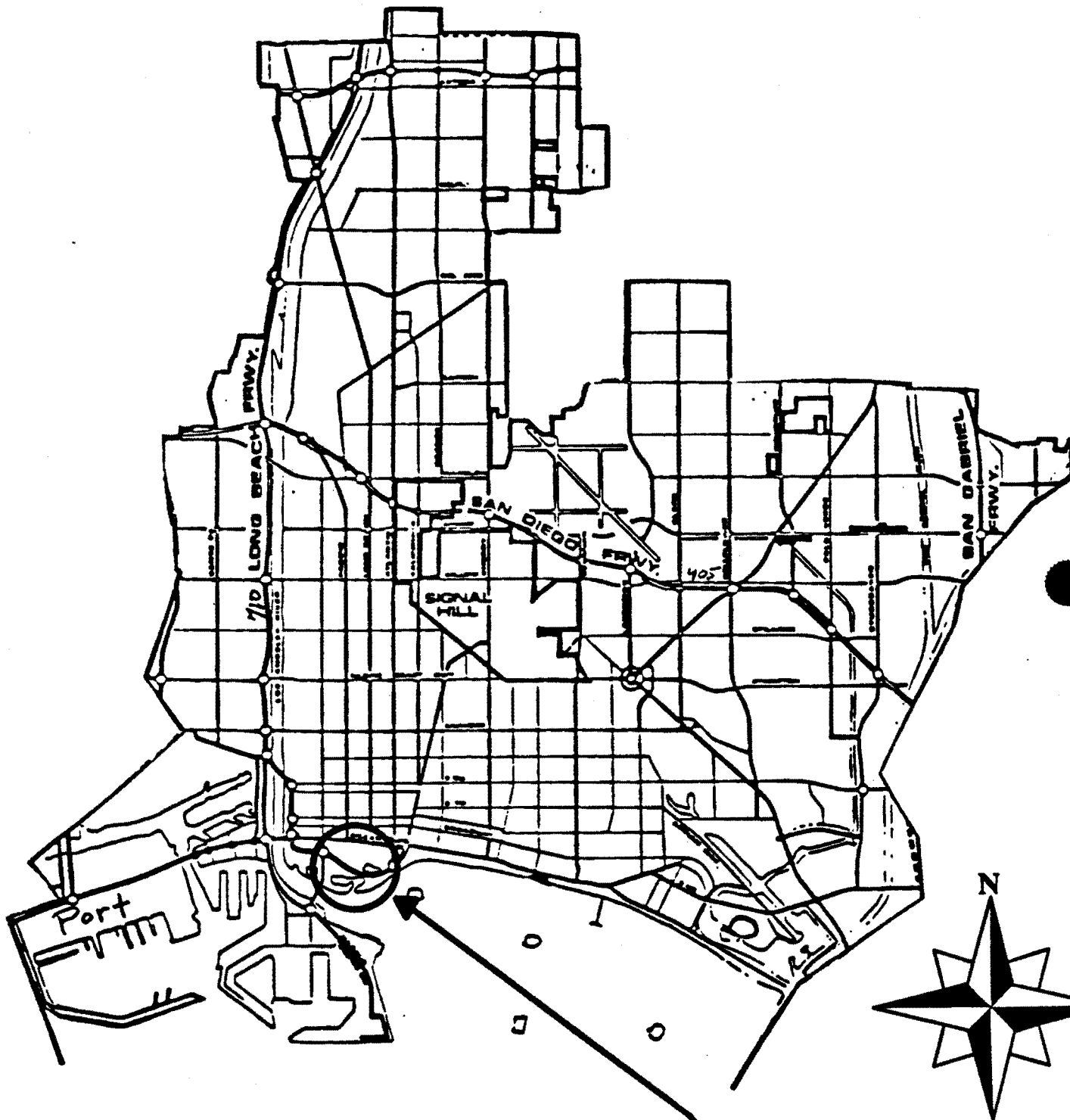
VI. CEQA Finding for Parts A, B & C of the Amendment Request

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.

End/cp

City of Long Beach



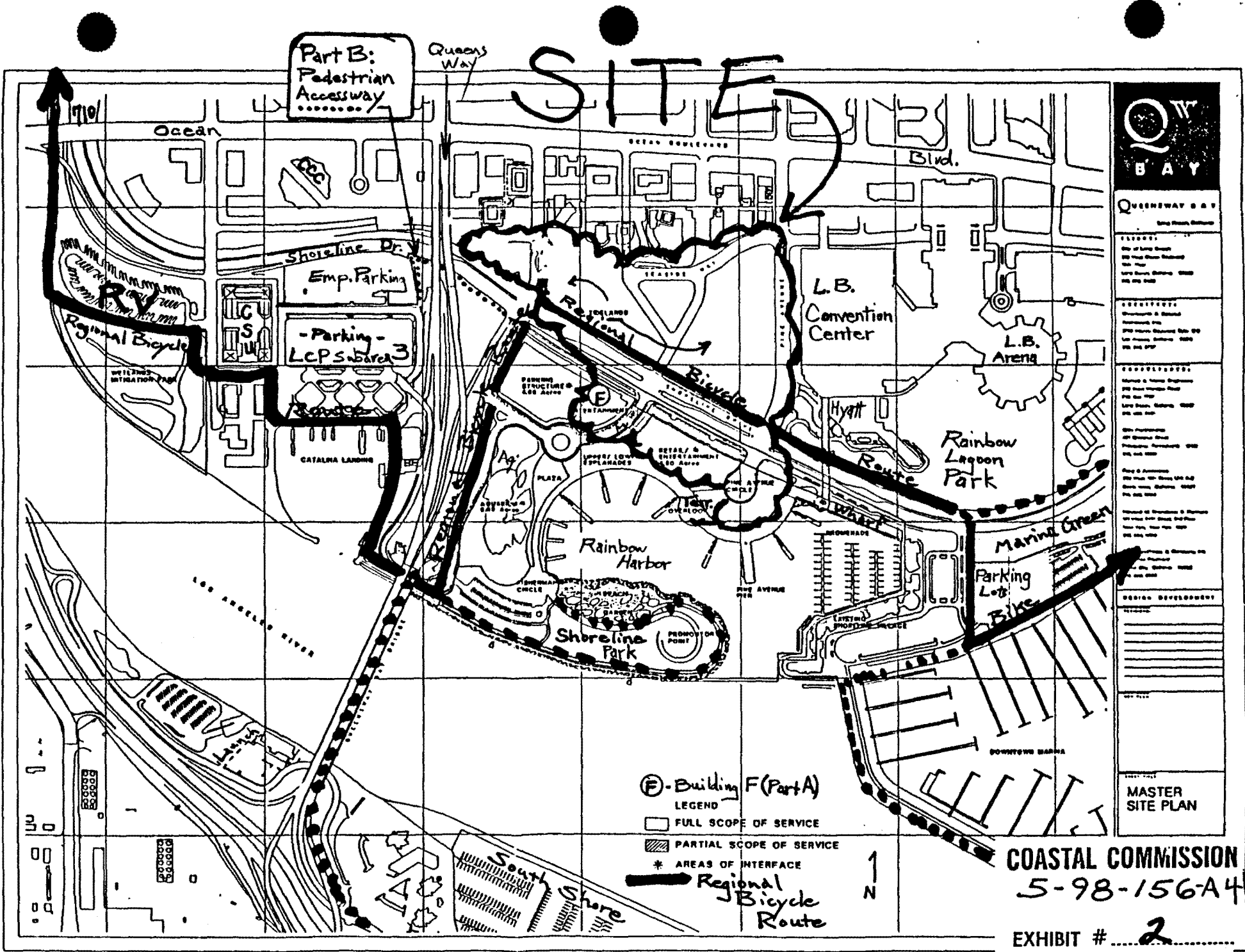
Site

COASTAL COMMISSION

5-98-1564

EXHIBIT # 1

PAGE 1 OF 1



Part B:
Pedestrian
Accessway
.....

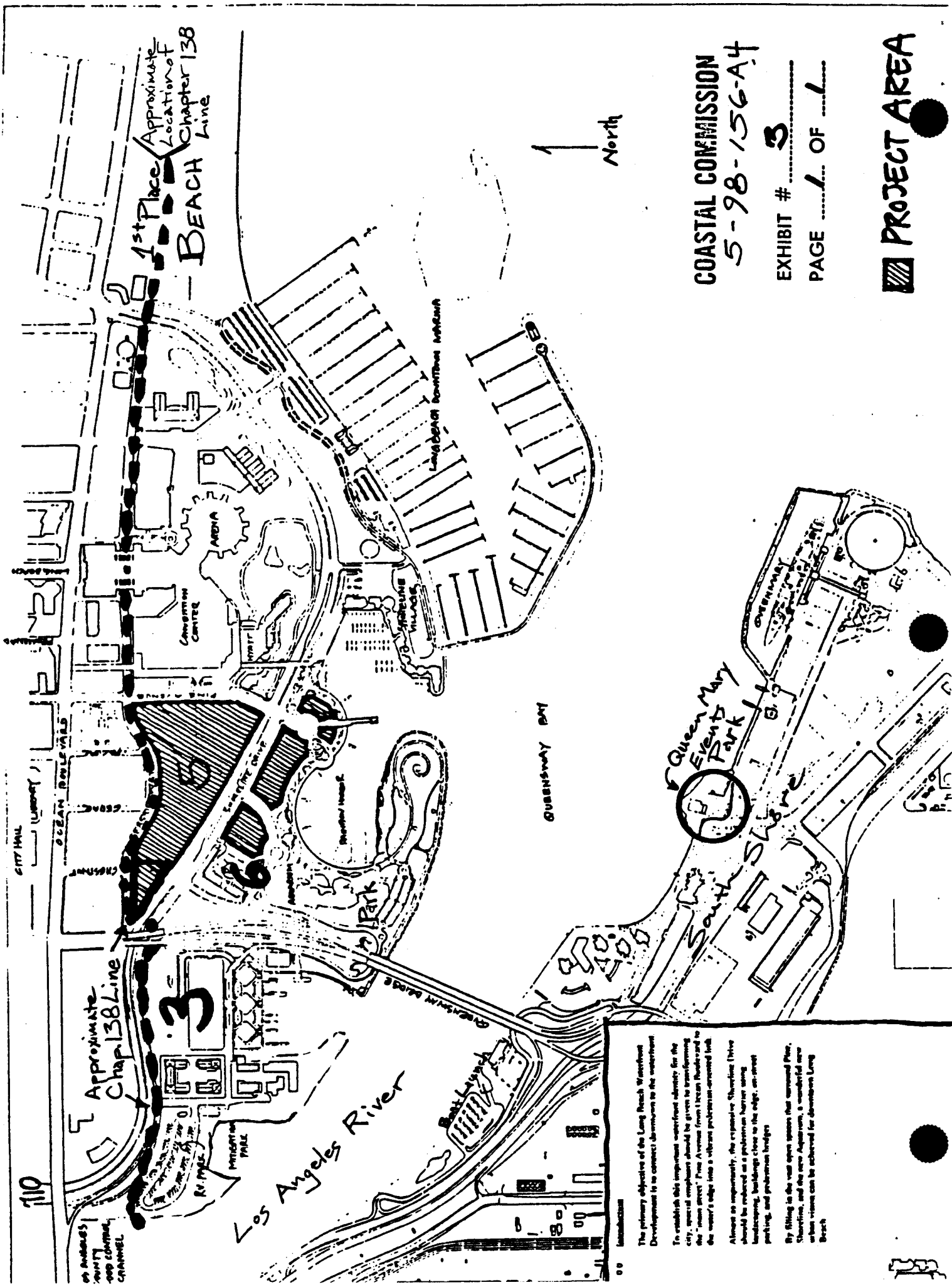
SITE

QW BAY	
QUEENWAY BAY	
<small>Long Beach, California</small>	
PROPERTY:	City of Long Beach 100 West Ocean Boulevard Long Beach, CA 90802 Tel: (562) 593-1000
DESIGNERS:	UrbanDesign & Research 100 West Ocean Boulevard, Suite 100 Long Beach, California 90802 Tel: (562) 593-1000
CONSULTANTS:	James A. Jones Engineers 200 West Ocean Blvd. Long Beach, CA 90802 Tel: (562) 593-1000
DATE:	Final Site Plan, 08/14/04 08/14/04
PROJECT:	100 West Ocean Blvd. Long Beach 100 West Ocean Blvd. Long Beach 100 West Ocean Blvd. Long Beach 100 West Ocean Blvd. Long Beach
REGIONAL DEVELOPMENT	
MASTER SITE PLAN	

ⓔ - Building F (Part A)
 LEGEND
 □ FULL SCOPE OF SERVICE
 ▨ PARTIAL SCOPE OF SERVICE
 * AREAS OF INTERFACE
 → Regional Bicycle Route

COASTAL COMMISSION
 5-98-156-A4
 EXHIBIT # 2
 PAGE 1 OF 1

Downtown Shoreline Area



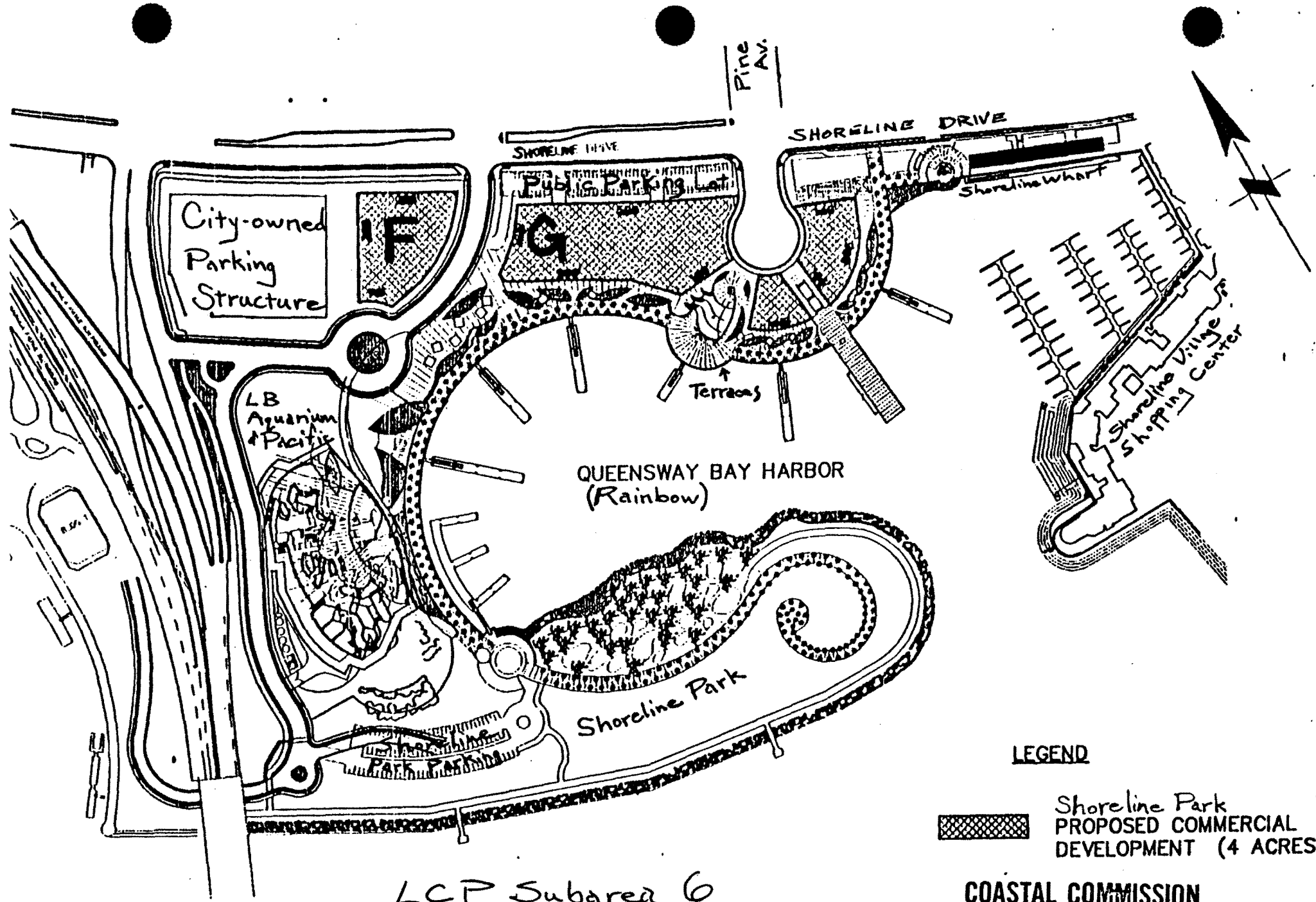
COASTAL COMMISSION
5-98-156-A4

EXHIBIT # 3

PAGE 1 OF 1


PROJECT AREA

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 re-orienting the "main street" from Avenue from Lincoln Boulevard to the water's edge into a vibrant pedestrian-oriented link. Above all, importantly, the extensive Shoreline Drive should be enhanced as a pedestrian harbor with landscaping, buildings close to the edge, on-street parking, and pedestrian bridges. By filling in the vast open spaces that surrounded Pier, Shattuck, and the new Aquarium, a world-class urban urban views can be achieved for downtown Long Beach.



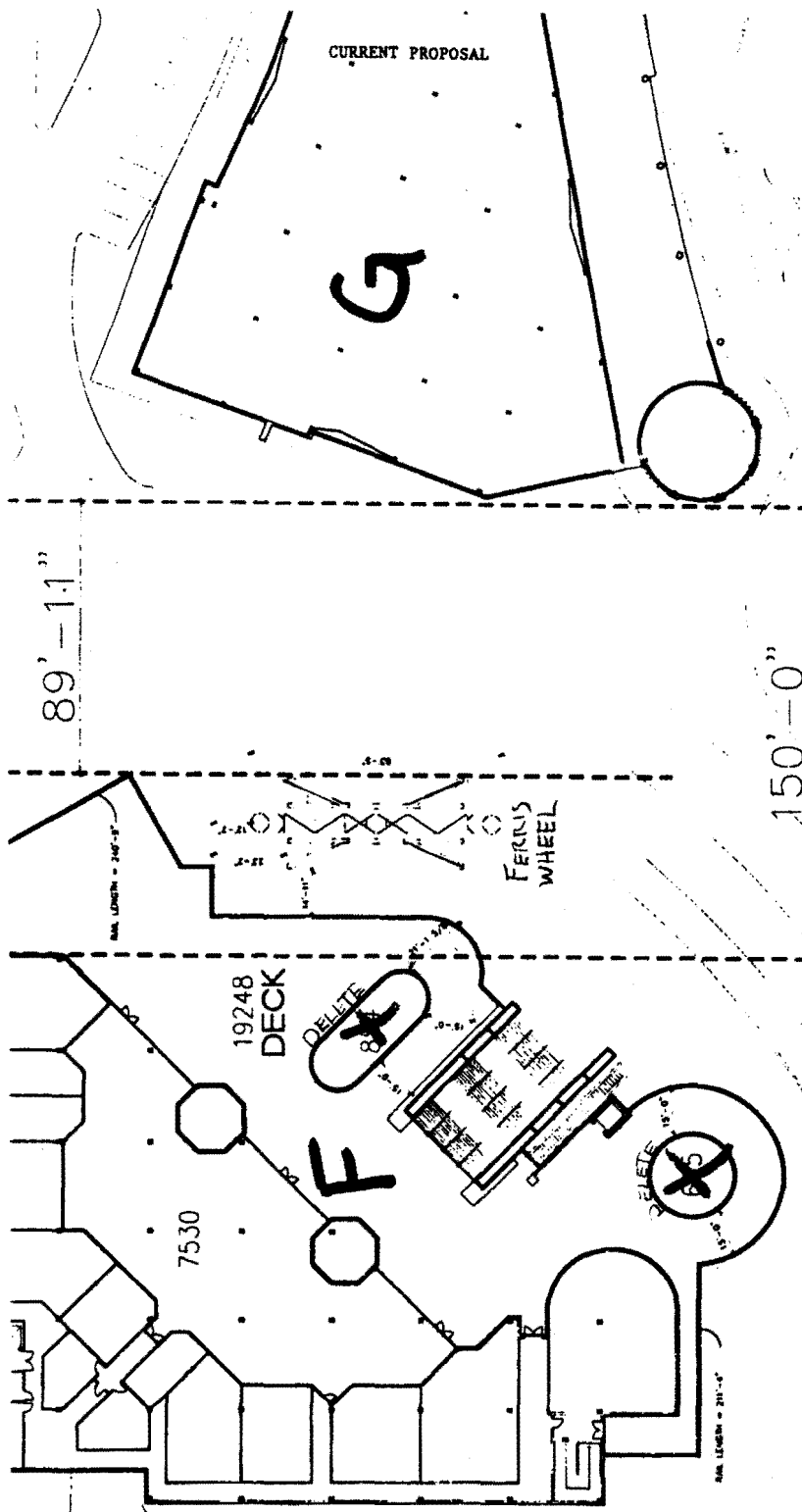
LCP Subarea 6
 ■■■ ESPLANADE

LEGEND

 Shoreline Park
 PROPOSED COMMERCIAL
 DEVELOPMENT (4 ACRES)

COASTAL COMMISSION
 5-98-156-A4

EXHIBIT # 4
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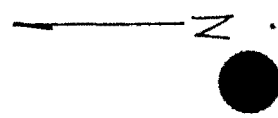
89'-11"

150'-0"

TOTAL RAIL LENGTH = 452'-1"
 TOTAL DECK AREA = 17749 SF
 (EXCLUDING SF OF BARS)

*Aquarium Way
 View Corridor*

*Rainbow
 Harbor*

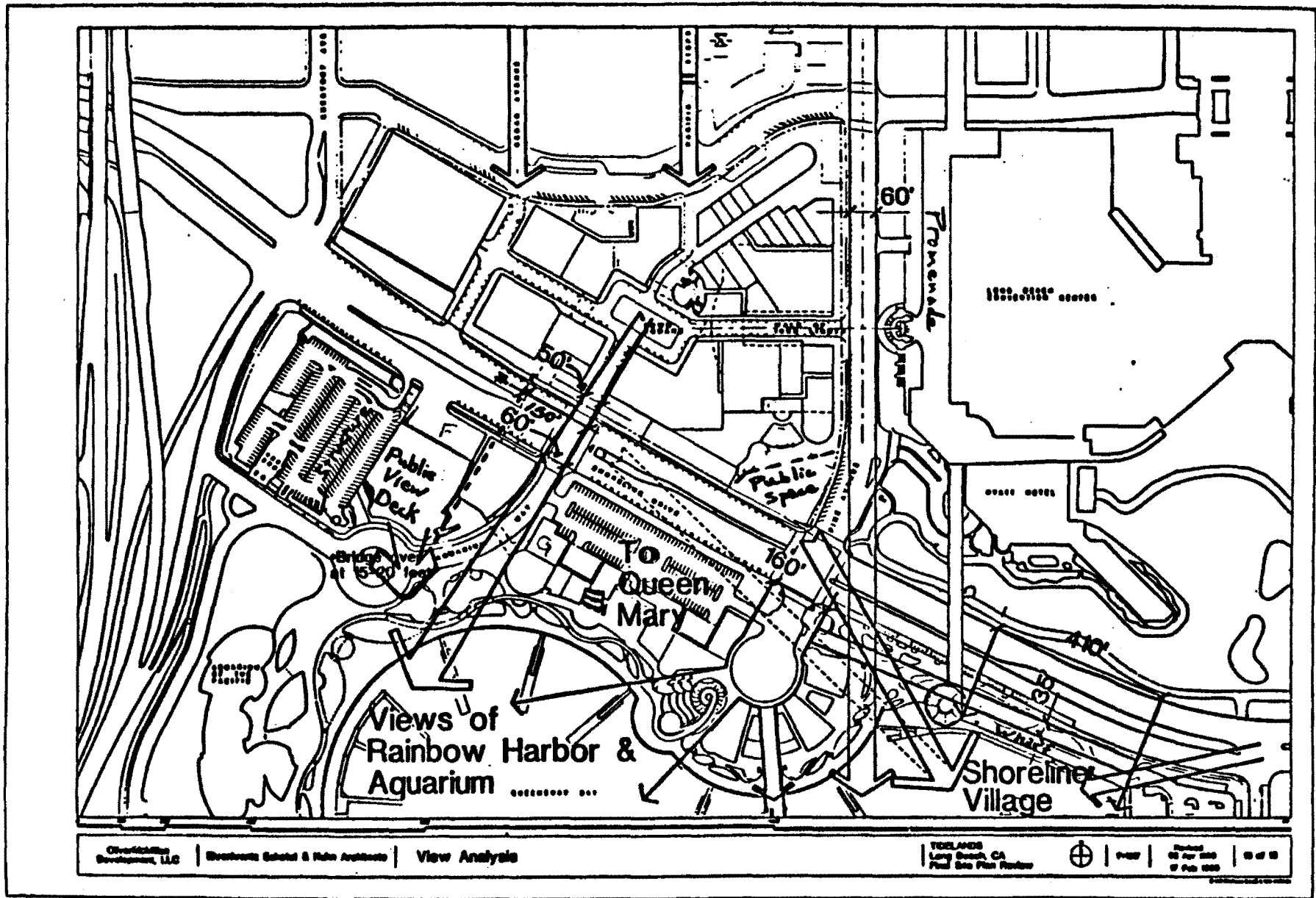


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LCP/PDG Attachment "A" View Corridors

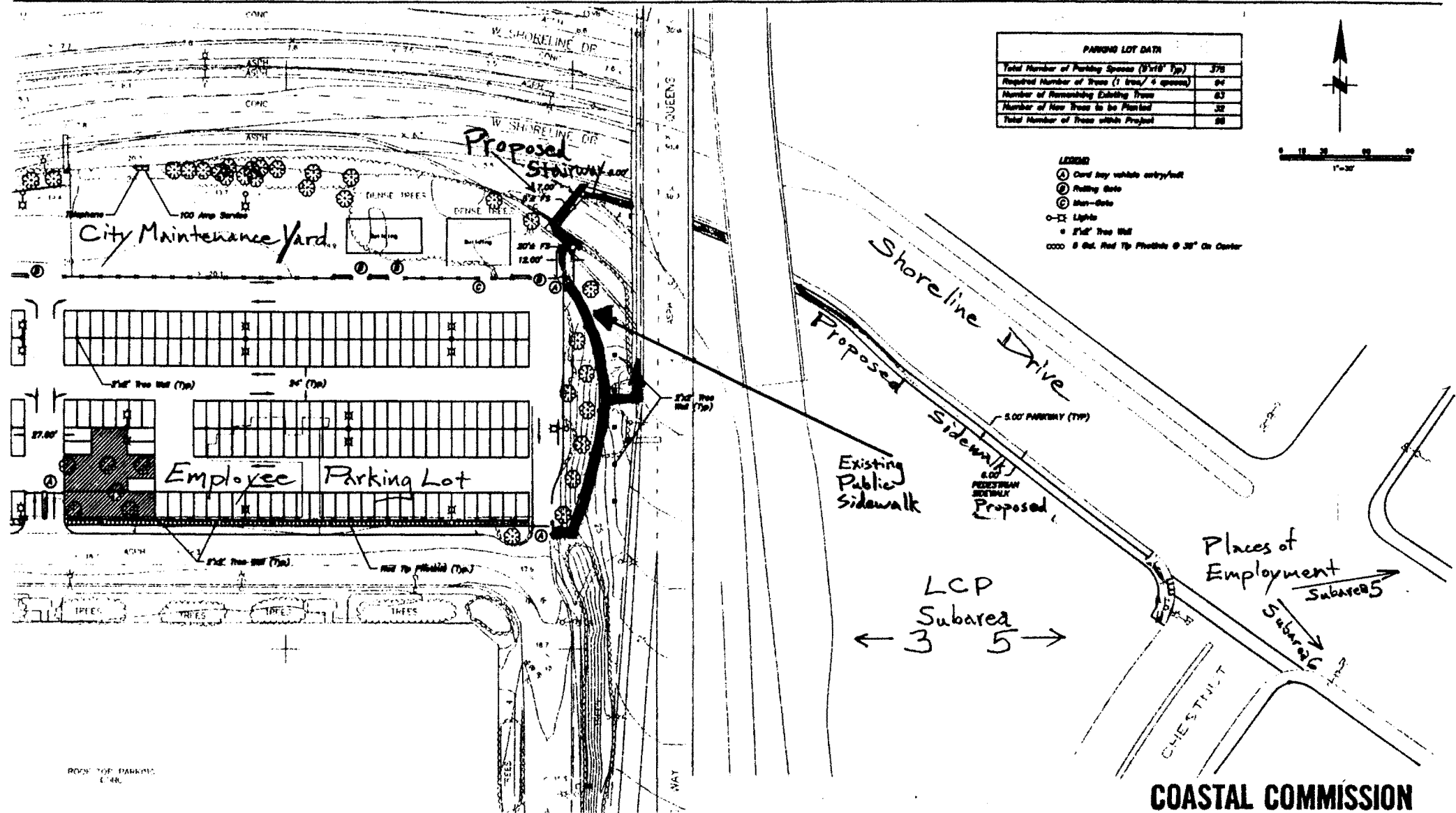
150' wide view corridor or 60' corridor, and 25' wide pedestrian bridge, and 35,000 sq. ft. public viewing deck.

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Part B: Stairway & Sidewalk to connect existing pedestrian access system in LCP Subarea 3 to existing pedestrian access system in LCP Subarea 5.
See Exhibit # 2 also.



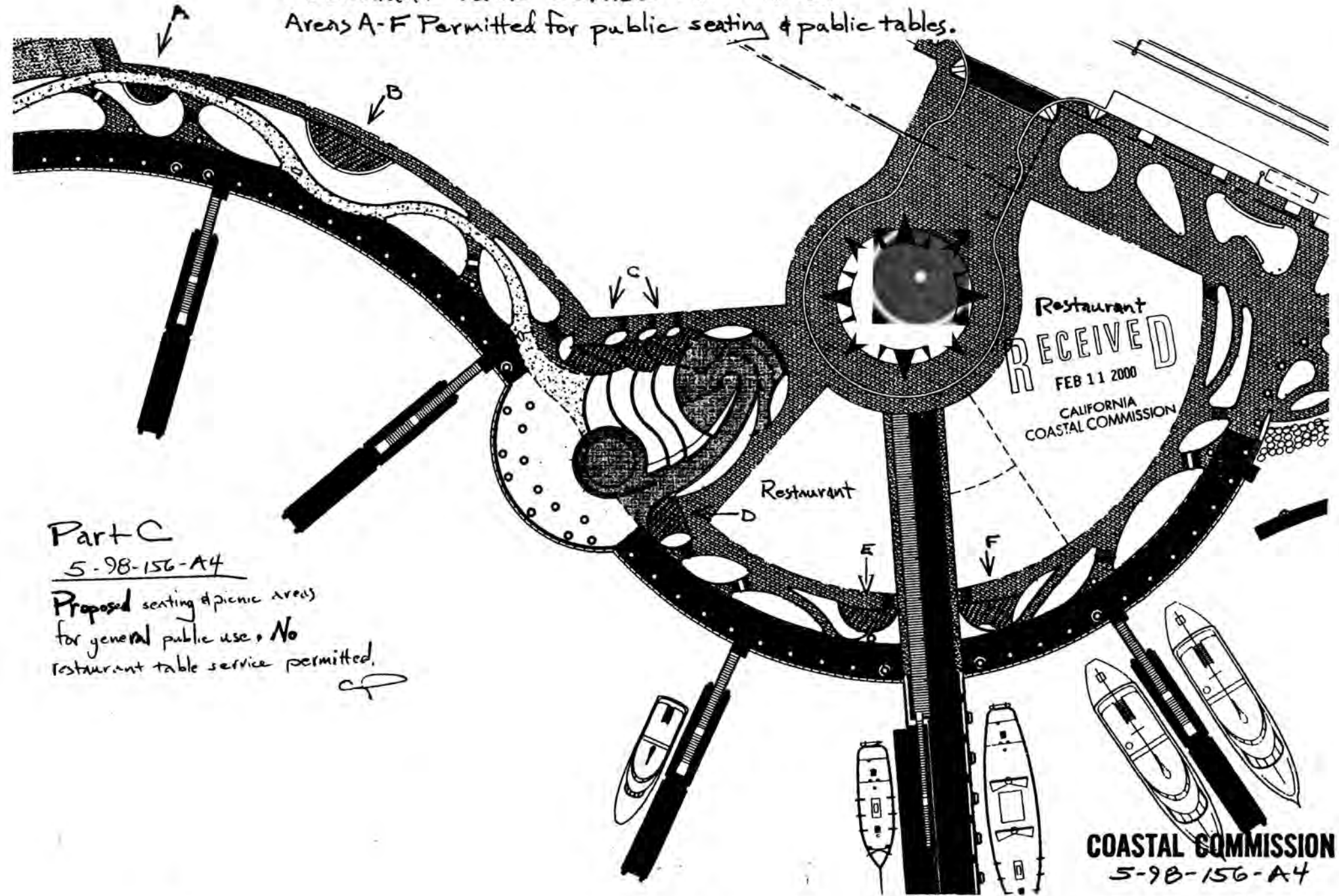
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EXHIBIT # 8

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Restaurant Table Service Prohibited.
Areas A-F Permitted for public seating & public tables.



Part C

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Proposed seating & picnic areas
for general public use. No
restaurant table service permitted.

cf

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EXHIBIT # 9

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