

**CALIFORNIA COASTAL COMMISSION**

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Commission Action:



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**Item Th9a****STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-98-156-A5

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

**AGENT:** Robert Paternoster, Director Queensway Bay

**PROJECT LOCATION:** Downtown Shoreline LCP Subareas 3, 5 & 6, City of Long Beach.

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

Construction of a 508,550 sq. ft. commercial retail & entertainment complex on the waterfront. (See page two for description of previous Commission-approved permit amendments A1 to A4.)

**DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-98-156-A5):**

Revise the conditions of approval in order to allow the phased construction and opening of the development approved in LCP Subarea 6 (between Rainbow Harbor and Shoreline Drive) prior to the construction of the portion of the project located inland of Shoreline Drive (LCP Subarea 5) and in LCP Subarea 3.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve modifications to Special Conditions 4, 7, 10 and 16 in order to allow the phased construction of the previously approved project as proposed by the applicants. See **page three for motion** to carry out the staff recommendation. Commission approval of the permit amendment with the revised conditions would permit the applicants to carry out the previously approved development in phases as follows:

- 1) Up to 114,200 square feet of the restaurants and shops approved within LCP Subarea 6 may be constructed and opened utilizing 571 unallocated parking spaces within the existing 1,471 space City-owned parking structure as the primary parking supply.
- 2) Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 6 exceeding the 114,200 square foot threshold, the applicants shall open for public use the on-street parking spaces on Shoreline Drive and the public parking lot proposed to be located at the southwest intersection of Pine Avenue and Shoreline Drive.
- 3) Prior to displacement of the proposed interim employee parking area in LCP Subarea 5, the applicants shall provide employee parking consistent with the Commission-approved Employee Parking Program required by Special Condition 16.
- 4) Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 5, the applicants shall open for public use the 2,195 space parking structure and the approximately 333 on-street parking spaces proposed in LCP Subarea 5.

**PRIOR COMMISSION-APPROVED PERMIT AMENDMENTS 5-98-156-A1, A2, A3 & A4:**

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**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 FOURTH AMENDMENT (5-98-156-A4), APPROVED ON MARCH 14, 2000:**

**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.

**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.

**Part C:** Identify appropriate locations for public picnic areas (no table service) on the upper Esplanade of Rainbow Harbor.

**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. The Chapter 138 Line is the inland boundary of the State Tidelands area (Exhibit #2, p.2). 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

Special Conditions 4, 7, 10 and 16 are revised by permit amendment 5-98-156-A5. Please refer to Appendix A of this staff report for a complete list of the 39 previously approved special conditions of Coastal Development Permit 5-98-156 and amendments. The recommended revisions to Special Conditions 4, 7, 10 and 16 are shown with ~~crossed-out~~ text for recommended deletions, and underlined text for recommended additional language. The Commission authorizes no other changes to the special conditions other than those noted below.

### 4. Public Viewing Deck

The proposed 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 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. Signs, at least two square feet in area, shall be posted in at least three conspicuous ground level locations near the Building F stairways and elevators that inform and direct the public to the public viewing deck.

### 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~~ LCP Subarea 5. The bridge shall be at least 25 feet wide and be at the same elevation as the proposed 17,749 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 curblin, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

### 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 order to permit the phased construction and opening of the development approved in LCP Subarea 6 (between Rainbow Harbor and Shoreline Drive) prior to the construction of the parking facilities located in LCP Subarea 5 (inland of Shoreline Drive), the applicants shall construct and open for public use the following parking facilities in LCP Subarea 6 as follows:

- a) Up to 114,200 square feet of commercial development may be constructed and opened in LCP Subarea 6 utilizing the 571 unallocated parking spaces within the existing 1,471 space City-owned parking structure as the primary parking supply;
- b) Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 6 exceeding the 114,200 square foot threshold, the applicants shall open for public use the on-street parking spaces on Shoreline Drive in LCP Subareas 6 and 11 (approximately 189-245 spaces) and the 100-150 space public parking lot located in Shoreline Park at the southwest intersection of Pine Avenue and Shoreline Drive.

Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 5 authorized by amended Coastal Development Permit 5-98-156, the applicants shall open for public use the 2,195 space parking structure in LCP Subarea 5 and the approximately 333 on-street parking spaces on Pine Avenue, Seaside Way, and on the new street grid to be developed within LCP Subarea 5.

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.

16. Employee Parking Program [Program Approved by Commission 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; except that LCP Subarea 5 may be used on an interim basis to provide employee parking for development approved in LCP Subarea 6 pursuant to

amended Coastal Development Permit 5-98-156 until such time as the parking supply is displaced. The Employee Parking Program approved by the Commission on March 14, 2000 (or as amended by a subsequent Commission action) shall be implemented prior to the displacement of any required employee parking spaces in LCP Subarea 5; 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.

### **III. Findings and Declarations**

The Commission hereby finds and declares:

#### **A. Amendment Description**

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.<sup>1</sup> The approved "Queensway Bay" project includes a sixteen-screen movie theatre, one large-format cinema, Ferris wheel, carousel, nautical museum, numerous restaurants and retail establishments, a new 2,195 space parking structure, and public amenities. The project site is situated on approximately twenty acres of State Tidelands (Exhibit #2).

The applicants now propose to revise the conditions of approval in order to allow the phased construction and opening of the development approved in LCP Subarea 6 (between Rainbow Harbor and Shoreline Drive) prior to the construction of the portion of the project located inland of Shoreline Drive (LCP Subarea 5) and in LCP Subarea 3. The applicants' proposed phased construction and opening of the approved development cannot occur without a revision to Special Condition 10 which requires that all of the approved project's parking facilities, including a new 2,195 space parking structure, be opened for public use prior to or concurrent with the opening of the entire project. Revisions to Special Conditions 7 and 16 would also be necessary in order to carry out the phased construction of the approved project as proposed by the applicants. [See Appendix A for special conditions of Coastal Development Permit 5-98-156 as amended.]

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<sup>1</sup> See page two of this staff report for a list of the four previously approved permit amendments to Coastal Development Permit 5-98-156.

### Phase One – LCP Subarea 6

The applicants' amendment request proposes that the first phase of construction involve only the approved development situated within LCP Subarea 6. Subarea 6 covers the City's central waterfront area including Shoreline Park, the Long Beach Aquarium of the Pacific, Rainbow Harbor and Esplanade, and Pine Avenue Pier (Exhibit #3). Most of the land area within LCP Subarea 6 is located seaward of the first public road. The development approved in LCP Subarea 6 includes the development of four acres of Shoreline Park<sup>2</sup> with 194,200 square feet (gross floor area) of visitor-serving commercial uses within nine 40-foot tall buildings situated along the northern edge of Rainbow Harbor between the water and Shoreline Drive (Exhibit #4). Six of the nine approved buildings are clustered near the foot of the Pine Avenue Pier at the terminus of Pine Avenue, which is referred to as "Pine Avenue Crescent." Also approved within LCP Subarea 6 are a 17,749 square foot elevated public viewing deck, a 130-foot tall Ferris wheel, and a 100-150 space public parking lot.

The parking supply for the proposed first phase of construction would be provided within the City's existing 1,471 space parking structure (E1: Exhibit #5) located next to the approved development, and a previously approved 100-150 space public parking lot (E3: Exhibit #5), also located in LCP Subarea 6. New curbside parking along Shoreline Drive would also be provided. The applicants expect to complete a portion or all of the approved development within LCP Subarea 6 prior to development commencing in LCP Subarea 5.

### Phase Two - LCP Subareas 5 and 3

The proposed second phase of construction involves the construction of the approved development in LCP Subarea 5. Subarea 5 is the landlocked "Tidelands Parcel" located inland of LCP Subarea 6 and Shoreline Drive (Exhibit #2). Subarea 5 is currently vacant and accommodates approximately 1,700 temporary parking spaces used for overflow convention center parking and special events. Within LCP Subarea 5, Coastal Development Permit 5-98-156 authorizes the development of 13.7 acres with a new street grid and 305,850 square feet of visitor-serving commercial uses within five new 40-80 foot tall buildings. The uses approved within LCP Subarea 5 include a sixteen-screen movie theatre, a large-format cinema, and numerous restaurants and retail establishments. The approved development within LCP Subarea 5 also includes a 23,000 square foot public open space area with a water feature at the intersection of Pine Avenue and Shoreline Drive, a Town Square, a carousel, and an elevated pedestrian walkway.

The parking supply for the development authorized within LCP Subarea 5 includes approximately 333 new curbside parking spaces (with meters) that would be established on Pine Avenue and on the new street grid, and 2,195 parking spaces within the approved parking structure (J: Exhibit #5) proposed to be constructed on the western end of LCP Subarea 5. The proposed second phase of construction would also include the construction of the approved 375 space employee parking lot in LCP Subarea 3 (Exhibit #2). Special Condition 16 requires the provision of at least 375 parking spaces for employees of the approved development (Appendix A).

As approved by Coastal Development Permit 5-98-156, LCP Subareas 5 and 6 will be connected by a pedestrian bridge that crosses over Shoreline Drive near Aquarium Way. The applicants propose

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<sup>2</sup> The four acres of Shoreline Park that would be displaced by the approved project have been replaced on an acre-for-acre basis on the South Shore of Queensway Bay near the HMS Queen Mary (Exhibit #2).

to construct the pedestrian bridge as part of the proposed second phase of construction in LCP Subarea 5. Special Condition 7, which currently requires that the pedestrian bridge be built when development in LCP Subarea 6 occupies the view corridor over Aquarium Way, would have to be revised in order to delay the bridge construction to the proposed second phase.

## **B. Parking**

The proposed project and amendment must conform with the public access and recreation policies of the Coastal Act. The project previously approved by Coastal Development Permit 5-98-156 and amendments has been found to be in conformance with the public access and recreation policies of the Coastal Act. The special conditions of approval of the coastal development permit and amendments ensure that the approved development will be carried out in a manner consistent with the Coastal Act.

Special Condition 10 of Coastal Development Permit 5-98-156, which requires that all of the approved project's parking facilities be open for public use prior to or concurrent with the rest of the development, is the condition that currently prevents the applicants from constructing and opening the approved development in phases as is now being proposed. The current amendment request would revise Special Condition 10 in order to allow the applicants to construct and open the development already approved in LCP Subarea 6 without having to construct the parking facilities approved and required in LCP Subareas 5 and 3.

The amendment request to permit the phased construction of the approved project is not inconsistent with the Commission's original approval of Coastal Development Permit 5-98-156 as it relates to the project's parking supply because the project's parking calculations and analysis have been conducted separately for the development approved within each LCP Subarea, as called for by the certified Long Beach LCP. While the applicants are proposing to phase the provision of the required parking facilities with the phased construction of the approved development, all of the previously approved and required parking facilities would ultimately be opened for public use with the rest of the approved development. There is no request to reduce the total amount of parking that has already been approved and required as part of the approved project.

### **Certified LCP Parking Standards**

As stated in the Commission's approval of Coastal Development Permit 5-98-156, the certified Long Beach LCP does not require the proposed project to provide parking at a specific ratio. In LCP Subareas 5 and 6, where the proposed development is located, the certified LCP requires that sufficient parking be provided within the subareas to meet the *average weekday demand*, and that additional parking to meet peak weekend day and evening demand shall be provided in adjacent subareas and downtown.

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



The Convention Center (LCP Subarea 8), with its 4,830 space parking supply, is the most extreme example of this variation in parking demand. The Conventions Center uses all of its parking only during large events, most of which are on weekdays. The Long Beach Aquarium of the Pacific is another example. The peak parking demand for the aquarium occurs on weekends and holidays. The waterfront recreational uses also peak on weekends during the day. These uses, along with the other visitor-serving uses at the shoreline, have different parking demands that vary on a daily and seasonal basis. Such variation in parking demands among multiple uses, all of which are located on public tidelands, lends itself to a shared parking program that allows the joint-use of the many parking facilities located throughout the Downtown Shoreline and in the downtown high-rises. The shared parking program is managed by the Traffic and Parking Management Association as required by the certified LCP. Special Condition 11 of Coastal Development Permit 5-98-156 requires the applicants to participate in the Traffic and Parking Management Association (See Appendix A).

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

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

In its approval of Coastal Development Permit 5-98-156, the Commission found that the approved project conformed to the following LCP parking standard when it approved the portion of the development located in LCP Subarea 6.

For **LCP Subarea 6**, the certified LCP states:

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

In LCP Subarea 6, Coastal Development Permit 5-98-156 authorizes the construction of 202,700 square feet of commercial uses (194,200 square feet gross floor area plus 8,500 square feet of patio dining) between Shoreline Drive and the northern side of Rainbow Harbor (Exhibit #3). The existing uses in LCP Subarea 6 include the Long Beach Aquarium of the Pacific, Shoreline Park, Rainbow Harbor, Pierpoint Landing, and the Shoreline Village shopping center.

The existing parking facilities located in LCP Subarea 6 include:

- City-owned parking structure next to the aquarium - 1,471 spaces (E1: Exhibit #5)
- Shoreline Village public parking lot - 433 spaces (B: Exhibit #5)
- Shoreline Park public parking lot - 150 spaces (E2: Exhibit #5)

The existing parking facilities in LCP Subarea 11 include:

Marina Green public parking lots - 388 spaces (A: Exhibit #5)

Downtown Marina permit parking - 1,669 spaces (C1: Exhibit #5)

Marina Mole public parking spaces - 29 spaces (C2: Exhibit #5)

The primary parking supply for the development approved by Coastal Development Permit 5-98-156 in LCP Subarea 6 would be the existing 1,471 space City-owned parking structure (E1: Exhibit #5). In addition, the Commission has also approved approximately 189 to 245 new on-street metered parking spaces along Shoreline Drive in LCP Subareas 6, 8 and 11 as part of Coastal Development Permit 5-98-042. These new on-street parking spaces have not yet been provided by the City. The proposed project also includes a new 100-150 space public parking lot in Shoreline Park at the southwest corner of Pine Avenue and Shoreline Drive (Exhibit #3 & E3: Exhibit #5).

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

The applicants did not calculate the *average weekday demand* for LCP Subareas 6 and 11, as required by the LCP. Instead, they calculated the *peak weekday demand* for the existing development (Shoreline Park, aquarium & Shoreline Village) and the development proposed by Coastal Development Permit 5-98-156 within LCP Subarea 6. The peak weekday demand is a higher standard than the average weekday demand. The peak weekday demand for the existing and proposed development in LCP Subarea 6 during the peak month has been calculated to be 2,003 parking spaces, well below the existing and proposed parking supply of 2,800 (approx.) in LCP Subareas 6 and 11. The applicants' parking calculations were provided by KAKU Associates, Inc. using the methods and data contained in the Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., April, 1998.

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

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

In LCP Subarea 5, the applicants received Commission approval to construct 305,850 square feet of commercial uses. The parking supply for LCP Subarea 5 includes a new 2,195 space parking structure and approximately 333 metered on-street parking spaces proposed on Pine Avenue and the new street grid approved within the subarea. Therefore, LCP Subarea 5 would contain approximately 2,528 parking spaces, all of which will be available to the general public on a first-come, first-served basis.

The applicants did not calculate the *average weekday demand* for the development proposed in LCP Subarea 5 (Tidelands Parcel). Instead, they calculated the *peak weekday demand* for the development proposed in LCP Subarea 5. The peak weekday demand for the development proposed in LCP Subarea 5 during the peak month has been calculated to be 1,313 parking spaces,

well below the proposed parking supply of 2,528 parking spaces on the Tidelands Parcel (LCP Subarea 5). The applicants' parking calculations were provided by KAKU Associates, Inc. using the methods and data contained in the Queensway Bay Traffic and Parking Management Program, by KAKU Associates, Inc., April, 1998

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

The parking analysis for the approved project, which was conducted separately for each LCP subarea (Subareas 5 and 6), determined that the existing and proposed parking would provide more parking than the average weekday demand as required by the LCP. In fact, the existing and proposed parking would provide more parking than the peak weekend day demand for both existing and proposed development in both LCP Subarea 5 and LCP Subarea 6. Therefore, the Commission finds that existing and proposed parking facilities will provide the necessary amount of parking to meet the average weekday demand of both the existing and proposed recreational and visitor-serving commercial uses in LCP Subareas 5 and 6.

#### **Phased Provision of Parking Facilities**

In order to ensure that all new parking facilities would be provided as proposed by the applicants, Special Condition 10 of Coastal Development Permit 5-98-156 requires that the applicants construct and open for public use the following proposed parking facilities prior to or concurrent with the development that is approved within LCP Subareas 5 and 6:

- 1) 2,195 space (formerly approved with 1,550 spaces) parking structure in LCP Subarea 5;
- 2) Approximately 333 metered on-street parking spaces on Pine Avenue and the new street grid to be developed within LCP Subarea 5;
- 3) Approximately 189-245 metered on-street parking spaces along Shoreline Drive in LCP Subareas 6 and 11; and,
- 4) A 100-150 space public parking lot located at the southwest intersection of Pine Avenue and Shoreline Drive in Shoreline Park (LCP Subarea 6).

All of the above-listed parking facilities are required by Special Condition 13 of Coastal Development Permit 5-98-156 to be available to the general public on a first-come, first-served basis (See Appendix A).

In order to facilitate the currently proposed phased construction of the approved project and its parking facilities, Special Condition 10 of Coastal Development Permit 5-98-156 shall be revised to include a specific timing requirement for the applicants to provide each required parking facility during the construction of the approved project.

The primary parking supply for the development approved by Coastal Development Permit 5-98-156 in LCP Subarea 6 is the existing 1,471 space City-owned parking structure (Exhibit #3). The Long Beach Aquarium of the Pacific, which uses the City-owned parking structure for its primary parking supply, has a calculated demand for 625 of the 1,471 parking spaces within the City's parking structure [Coastal Development Permit 5-95-055 (LB Aquarium)]. The on-the-water commercial boating concessions in Rainbow Harbor also utilize the City-owned parking structure for their primary parking supply. The existing and future on-the-water commercial boating concessions have an anticipated demand for 275 of the 1,471 parking spaces within the parking structure [Coastal Development Permit 5-98-161 (Rainbow Harbor Concessions)]. Therefore, there remain 571 unallocated parking spaces within the City-owned parking structure in LCP Subarea 6.

The 571 currently unallocated parking spaces in the City parking structure represent a parking surplus that the applicants may utilize to supply up to 114,200 square feet of the commercial development permitted within LCP Subarea 6 by Coastal Development Permit 5-98-156 (ratio of one parking space per 200 square feet of gross commercial floor area).

Therefore, Special Condition 10 of Coastal Development Permit 5-98-156 shall be revised to allow up to 114,200 square feet of approved commercial development in LCP Subarea 6 without providing any additional parking facilities. Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 6 exceeding the 114,200 square foot threshold, the applicants shall be required to open for public use the new parking facilities in LCP Subareas 6 and 11 as required by Coastal Development Permit 5-98-156. The required parking facilities in LCP Subareas 6 and 11 are:

- 1) Approximately 189-245 metered on-street parking spaces along Shoreline Drive in LCP Subareas 6 and 11; and,
- 2) A 100-150 space public parking lot located in LCP Subarea 6 at the southwest intersection of Pine Avenue and Shoreline Drive in Shoreline Park (E3: Exhibit #5).

The new parking facilities required in LCP Subareas 6 and 11 shall be open and available for public use prior to the City's issuance of the first Certificate of Occupancy for development exceeding the 114,200 square foot threshold. Only as conditioned is the proposed project and amendment consistent with the public access and recreation policies of the Coastal Act.

For the development approved in LCP Subarea 5, Special Condition 10 of Coastal Development Permit 5-98-156 shall be revised to require that all required parking facilities in LCP Subarea 5 be open for public use prior to or concurrent with the commercial development authorized in LCP Subarea 5. The required parking facilities in LCP Subarea 5 are:

- 1) 2,195 space (formerly approved with 1,550 spaces) parking structure in LCP Subarea 5; and,
- 2) Approximately 333 metered on-street parking spaces on Pine Avenue and the new street grid to be developed within LCP Subarea 5.

The parking facilities required in LCP Subarea 5 shall be open and available for public use prior to the City's issuance of the first Certificate of Occupancy for development in LCP Subarea 5

authorized by Coastal Development Permit 5-98-156. Only as conditioned is the proposed project and amendment consistent with the public access and recreation policies of the Coastal Act.

### **Employee Parking**

Special Condition 16 of Coastal Development Permit 5-98-156, which requires the applicants to submit an employee parking program for Commission approval, currently requires the applicants to provide an employee parking reservoir of 375 parking spaces within 2000 feet of the project site. The condition also prohibits the required 375 parking spaces from being located within LCP Subareas 5 or 6 where the commercial development and public parking facilities have been approved. On March 14, 2000, the Commission approved the applicants' proposed Employee Parking Program including the provision of a new 375 space employee parking lot in LCP Subarea 3 (Exhibit #2).

The applicants are requesting that Special Condition 16, and the Employee Parking Program approved by the Commission on March 14, 2000, be revised in order to allow an interim employee parking area to be located in LCP Subarea 5 until Subarea 5 is improved with the development approved by Coastal Development Permit 5-98-156. The proposed interim employee parking area in LCP Subarea 5 would be located within the existing 1,700 space parking lot situated directly across Shoreline Drive from the commercial development approved in LCP Subarea 6. The proposed interim parking area in LCP Subarea 5 would not displace any allocated parking spaces in the parking lot and would provide parking for the employees of the commercial development approved in LCP Subarea 6. The applicants propose to abide by all other current provisions of Special Condition 16, including the provision that ensures that the employees' parking costs do not exceed the cost of parking in the nearby public parking facilities (i.e. metered on-street spaces, Marina Green and Shoreline Park parking lots).

The proposed interim employee parking area in LCP Subarea 5 will not have a negative effect on coastal access or public recreation because LCP Subarea 5 currently has a 1,700 parking space surplus. This parking surplus will remain until the existing parking area in LCP Subarea 5 is displaced by development or by other parking needs. Therefore, Special Condition 16 shall be revised to allow the proposed interim employee parking area in LCP Subarea 5, but shall include the requirement that prior to the displacement of the interim employee parking area in LCP Subarea 5 for any reason, the applicants are required to use the previously approved 375 space employee parking lot in LCP Subarea 3 consistent with the Commission-approved Employee Parking Program required by Special Condition 16. Only as conditioned is the proposed project and amendment consistent with the public access and recreation policies of the Coastal Act.

### **C. Pedestrian Bridge over Shoreline Drive**

When the Commission approved Coastal Development Permit 5-98-156 on February 3, 1999, the development approved within LCP Subarea 6 included a 35,000 square foot public viewing deck on the second level of Building F (Exhibit #3). The public viewing deck would provide expansive views of the Aquarium of the Pacific, Rainbow Harbor, Shoreline Park and the Downtown Skyline. The viewing deck is required to be available for public use, as public parks are, in order to provide public views (See Appendix A, Special Condition 4).

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 four acres of parkland. 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 also required to be maintained at the intersection of Shoreline Drive and Aquarium Way, between Buildings F and G (Exhibit #4). 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 the 35,000 square foot public viewing deck on the second level of Building F and a pedestrian bridge over Shoreline Drive.

On March 14, 2000, the Commission approved the fourth amendment (A4) to Coastal Development Permit 5-98-156 reducing the area of the public viewing deck on the second level of Building F from 35,000 square feet to 17,749 square feet. The amendment also widened to 90 feet the previously required 60-foot wide view corridor/open space area at the intersection of Shoreline Drive and Aquarium Way (between Buildings F and G). The provision of a proposed pedestrian bridge over Shoreline Drive, connecting LCP Subareas 5 and 6, was also part of the approved project's public view mitigation measures.

The provision of the proposed pedestrian bridge is required by Special Condition 7 of Coastal Development Permit 5-98-156. Special Condition 7 currently requires the applicants to provide the pedestrian bridge over Shoreline Drive as part of the project's public view mitigation measures at the same time as the approved development occurs in the Aquarium Way view corridor/open space area in LCP Subarea 6.

The applicants are requesting a change to Special Condition 7 as part of the proposed phased construction plan. The requested change would delay the construction of the required pedestrian bridge until the approved development occurs in LCP Subarea 5. Without the requested change, the applicants would be required to construct a bridge that connects to a vacant LCP Subarea 5.

The requested change to Special Condition 7 would not have a negative effect on coastal resources because the bridge would be provided when it is needed to connect the approved development in LCP Subarea 6 to the approved development in LCP Subarea 5. The bridge will be necessary for coastal access and public views when development of LCP Subarea 5 occurs during the second phase of the approved project. Until the development within LCP Subarea 5 occurs, a bridge over Shoreline Drive would not connect to anything and would change the visual character of the area.

The negative impacts to public views caused by the construction of Building F in LCP Subarea 6 will be mitigated by the provision of the required 90-foot wide view corridor/open space over Aquarium Way, the provision of the 17,749 square foot public viewing deck on the second level of Building F, and ultimately the provision of the pedestrian bridge over Shoreline Drive. With the delayed provision of the bridge connecting to the second level of Building F, however, there will be one less public accessway leading to the 17,749 square foot public viewing deck for an undetermined length of time. The lack of the bridge will change the situation of the public viewing deck from being a central intersection in the Downtown Shoreline pedestrian circulation system to an independent viewing platform accessible only by stairway or elevator from the ground level of Building F.

Therefore, in order to clearly inform the public of the public view deck on Building F, Special Condition 4 shall be amended to require the provision of at least three signs on the ground level that inform and direct the public to the 17,749 square foot public viewing deck on Building F. Only as conditioned can the proposed project and amendment be found in conformance with the Chapter 3 policies of the Coastal Act.

Only with the additional language added to Special Condition 4 to require the provision of signage to direct the public to the public viewing deck can the Commission can approve the requested change to Special Condition 7 to delay the provision of the pedestrian bridge over Shoreline Drive until the approved development occurs in LCP Subarea 5 inland of Shoreline Drive.

#### **D. State Lands**

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. The Chapter 138 Line is the inland boundary of the State Tidelands area (Exhibit #2, p.2).

Special Conditions 25 and 38 of Coastal Development Permit 5-98-156 (as amended) require the applicants to demonstrate that the proposed project, including the subdivision of State Tidelands, is consistent with the State Tideland Grants applicable to the project site. The correspondence relevant to the applicants' satisfaction of Special Conditions 25 and 38 is attached as Exhibit 6 of this staff report.

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. The Commission has determined that the development approved by Coastal Development Permit 5-98-156 (as amended) is consistent with the Chapter 3 policies of the Coastal Act.

#### **E. California Environmental Quality Act**

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

## APPENDIX A - SPECIAL CONDITIONS

The following list of special conditions contains the 39 previously approved special conditions of Coastal Development Permit 5-98-156 and amendments A1 through A4, and includes the recommended revisions to Special Conditions 4, 7, 10 and 16 which would result from the adoption of the staff recommendation to approve permit amendment 5-98-156-A5. The recommended revisions to Special Conditions 4, 7, 10 and 16 are shown with ~~crossed-out~~ text for recommended deletions, and underlined text for recommended additional language.

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 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 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. Signs, at least two square feet in area, shall be posted in at least three conspicuous ground level locations near the Building F stairways and elevators that inform and direct the public to the 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~~ LCP Subarea 5. The bridge shall be at least 25 feet wide and be at the same elevation as the proposed 17,749 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 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 (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 order to permit the phased construction and opening of the development approved in LCP Subarea 6 (between Rainbow Harbor and Shoreline Drive) prior to the construction of the parking facilities located in LCP Subarea 5 (inland of Shoreline Drive), the applicants shall construct and open for public use the following parking facilities in LCP Subarea 6 as follows:

- a) Up to 114,200 square feet of commercial development may be constructed and opened in LCP Subarea 6 utilizing the 571 unallocated parking spaces within the existing 1,471 space City-owned parking structure as the primary parking supply;
- b) Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 6 exceeding the 114,200 square foot threshold, the applicants shall open for public use the on-street parking spaces on Shoreline Drive in LCP Subareas 6 and 11 (approximately 189-245 spaces) and the 100-150 space public parking lot located in Shoreline Park at the southwest intersection of Pine Avenue and Shoreline Drive.

Prior to the City's issuance of the first certificate of occupancy for development in LCP Subarea 5 authorized by amended Coastal Development Permit 5-98-156, the applicants shall open for public use the 2,195 space parking structure in LCP Subarea 5 and the approximately 333 on-street parking spaces on Pine Avenue, Seaside Way, and on the new street grid to be developed within LCP Subarea 5.

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 [*Program Approved by Commission 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; except that LCP Subarea 5 may be used on an interim basis to provide employee parking for development approved in LCP Subarea 6 pursuant to amended Coastal Development Permit 5-98-156 until such time as it is displaced. The Employee Parking Program approved by the Commission on March 14, 2000 (or as amended by a subsequent Commission action) shall be implemented prior to the displacement of any required employee parking spaces in LCP Subarea 5; 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; 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 [*Condition Satisfied*]

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 [*Condition Satisfied 9/14/2000*]

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) [*Condition Satisfied 7/6/2000*]

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) [*Condition Satisfied 3/13/2000*]

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) [*Condition Satisfied 2/26/2000*]

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) [Condition Satisfied 3/13/2000]

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 Subarea 3)[Condition Satisfied 5/5/00]

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 [*Condition Satisfied 8/12/2000*]

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 [*Condition Satisfied 5/5/2000*]

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

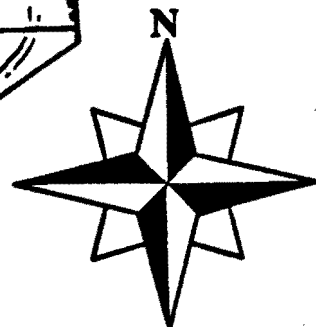
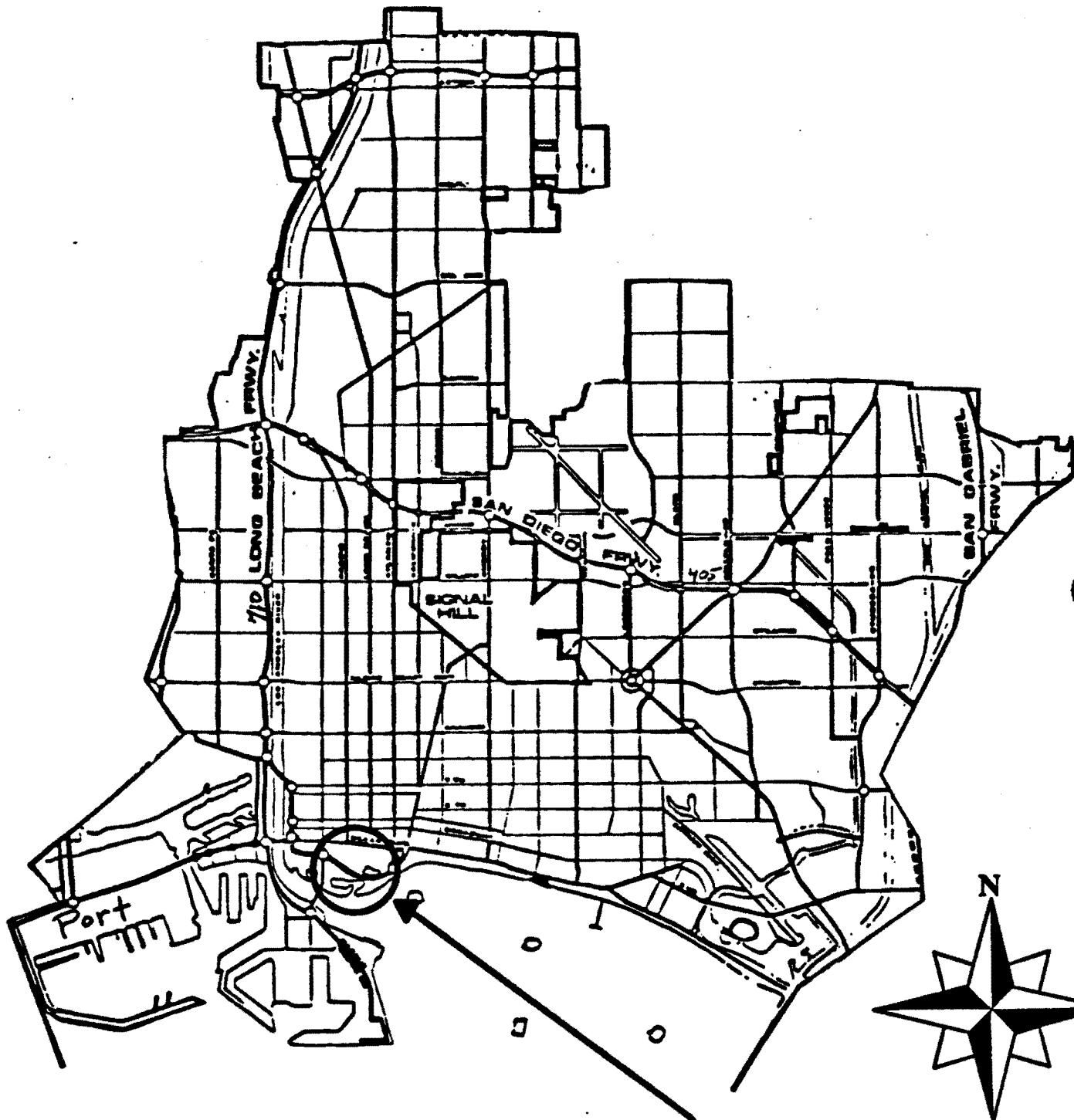
proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach.

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.

End/cp

# City of Long Beach

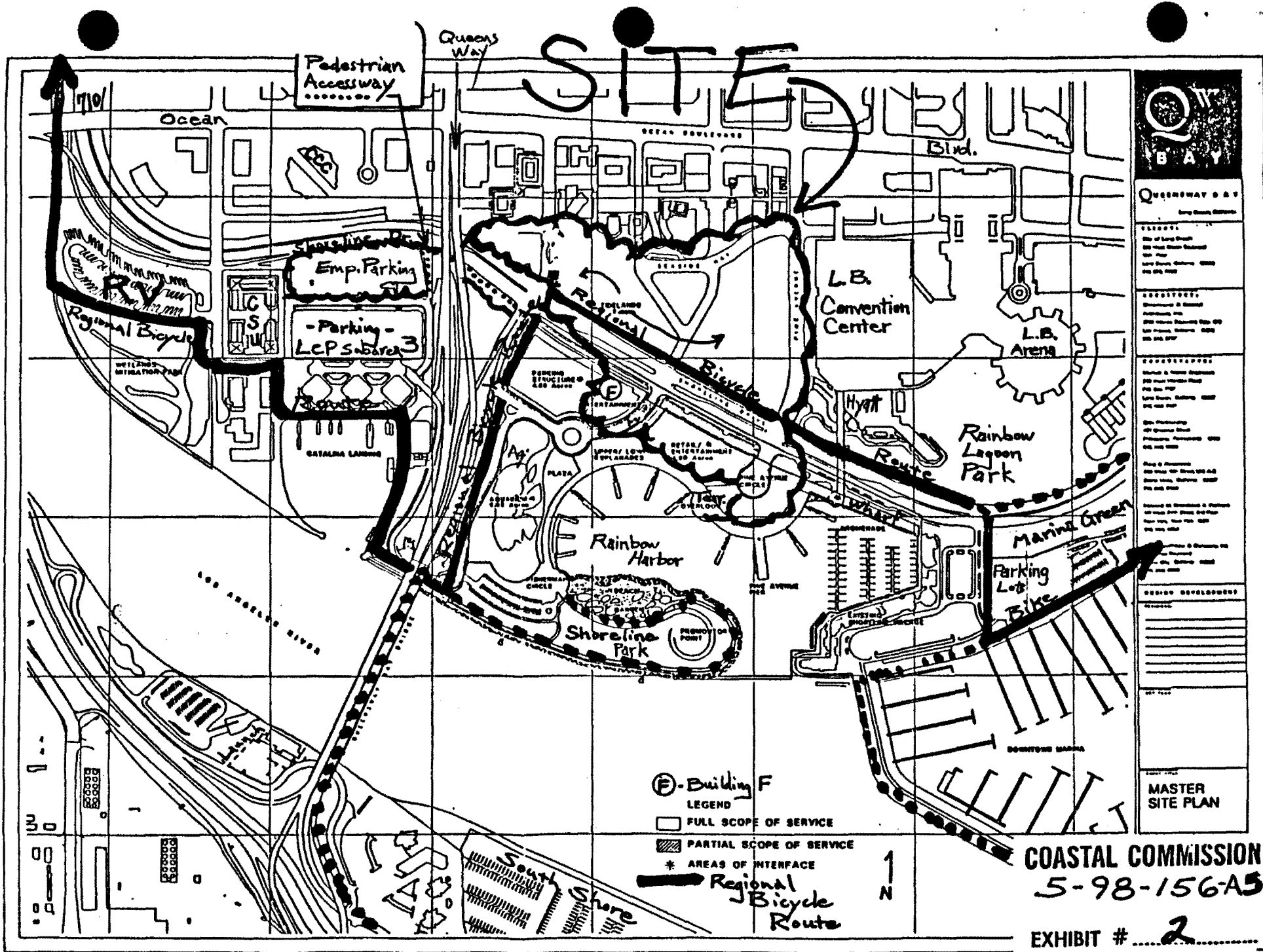


COASTAL COMMISSION  
5-98-156-AE

EXHIBIT # 1

PAGE 1 OF 1

Site

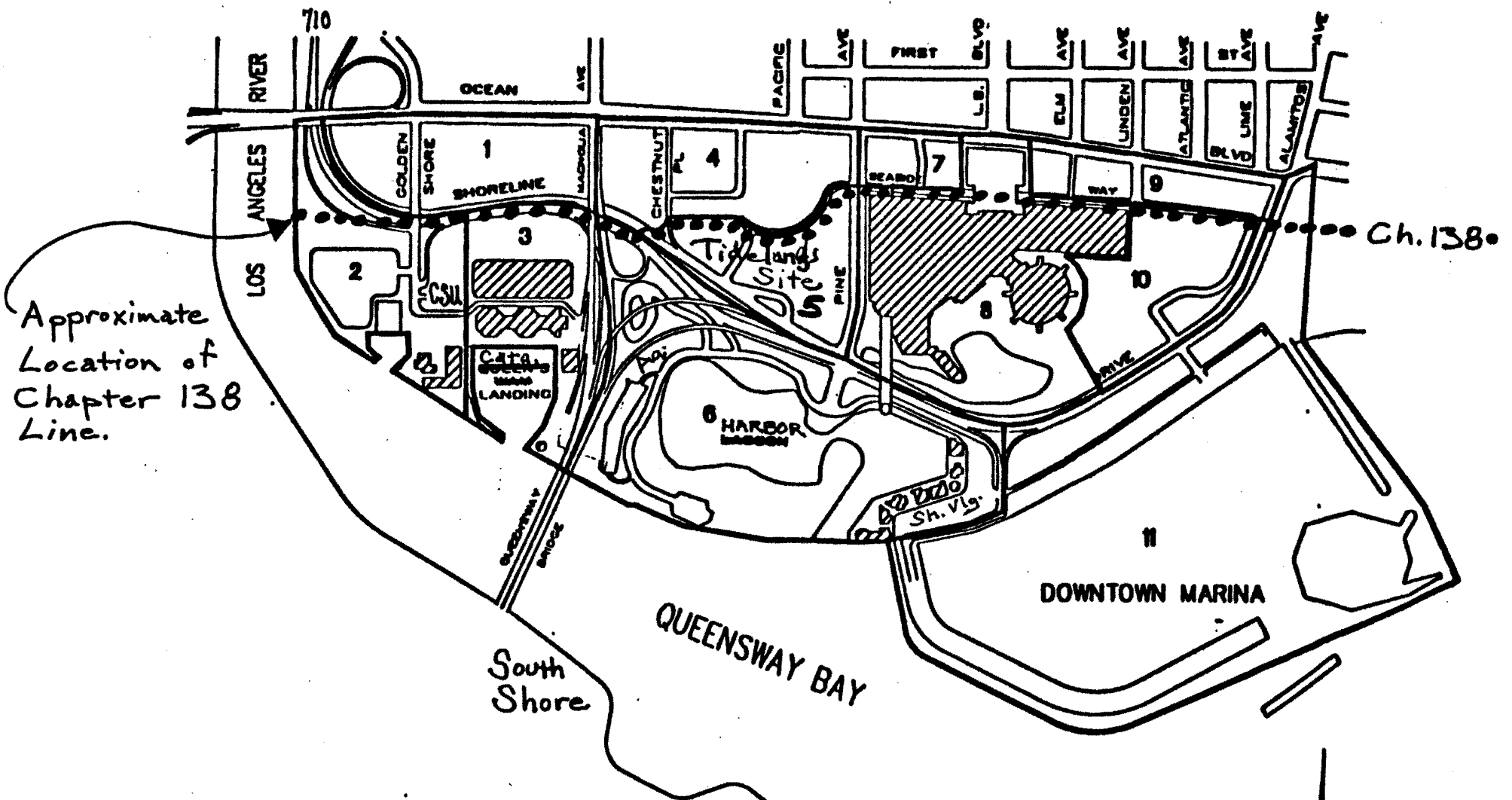


<b>Q BAY</b>	
<b>QUEENSWAY &amp; BAY</b>	
<small>Long Beach, California</small>	
<b>GENERAL</b>	
Site of Land Grant	10000 sq. ft.
Site of Public Building	10000 sq. ft.
Site of Public Office	10000 sq. ft.
Site of Public Office	10000 sq. ft.
<b>STRUCTURE</b>	
Structure A	10000 sq. ft.
Structure B	10000 sq. ft.
Structure C	10000 sq. ft.
Structure D	10000 sq. ft.
Structure E	10000 sq. ft.
Structure F	10000 sq. ft.
<b>STRUCTURE FOOT</b>	
Structure A	10000 sq. ft.
Structure B	10000 sq. ft.
Structure C	10000 sq. ft.
Structure D	10000 sq. ft.
Structure E	10000 sq. ft.
Structure F	10000 sq. ft.
<b>Site &amp; Property</b>	
Site of Public Office	10000 sq. ft.
Site of Public Office	10000 sq. ft.
Site of Public Office	10000 sq. ft.
Site of Public Office	10000 sq. ft.
Site of Public Office	10000 sq. ft.
<b>RECORD DEVELOPMENT</b>	
Record A	10000 sq. ft.
Record B	10000 sq. ft.
Record C	10000 sq. ft.
Record D	10000 sq. ft.
Record E	10000 sq. ft.
Record F	10000 sq. ft.
<b>MASTER SITE PLAN</b>	

Downtown Shoreline Area

COASTAL COMMISSION  
5-98-156-A5

EXHIBIT # 2  
PAGE 1 OF 2



Approximate  
Location of  
Chapter 138  
Line.

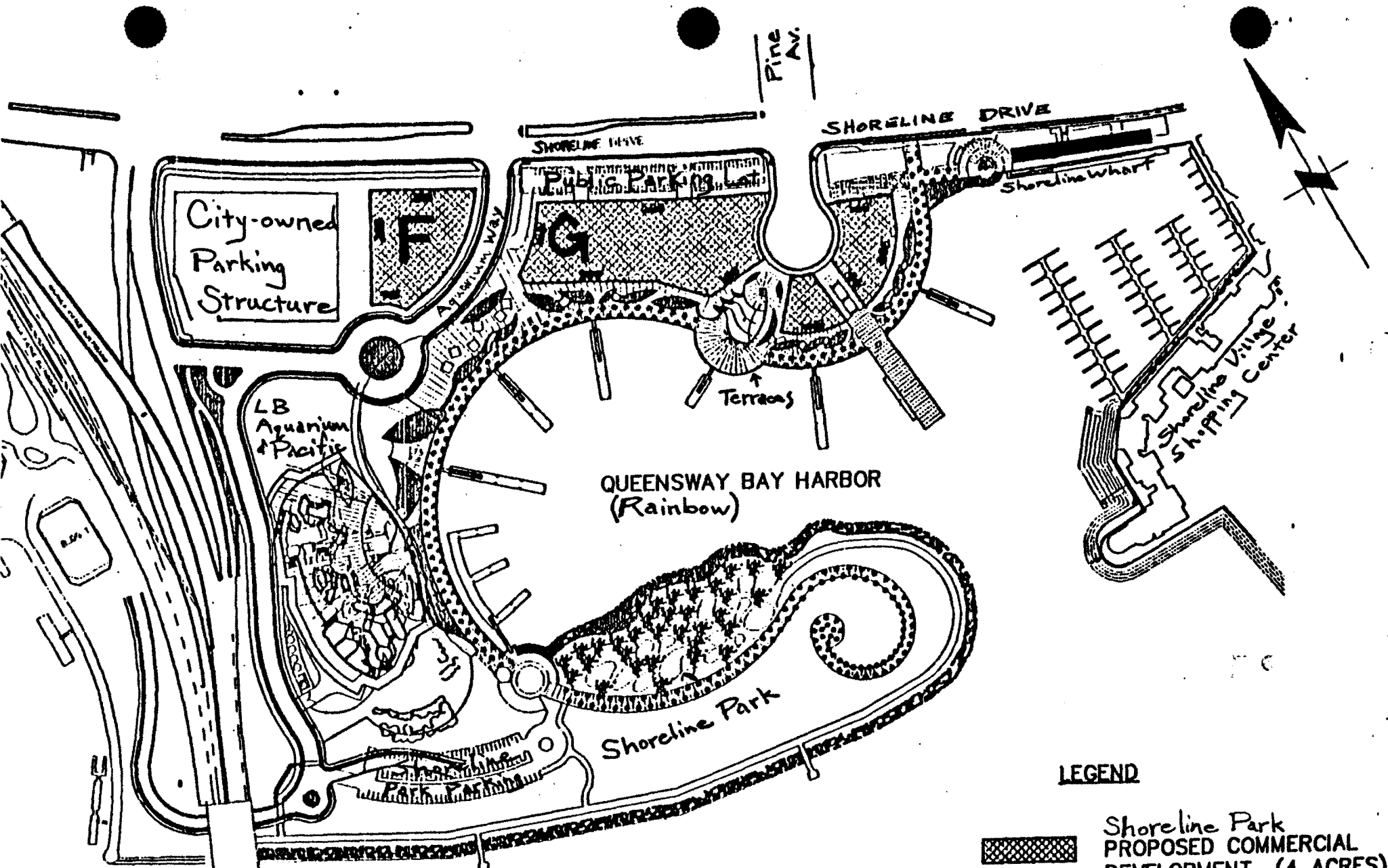
**ZONING MAP  
DOWNTOWN SHORELINE  
LCP SUBAREAS**

Planned Development Ordinance: PD-6

COASTAL COMMISSION  
5-98-156-A5


EXHIBIT # 2  
PAGE 2 OF 2





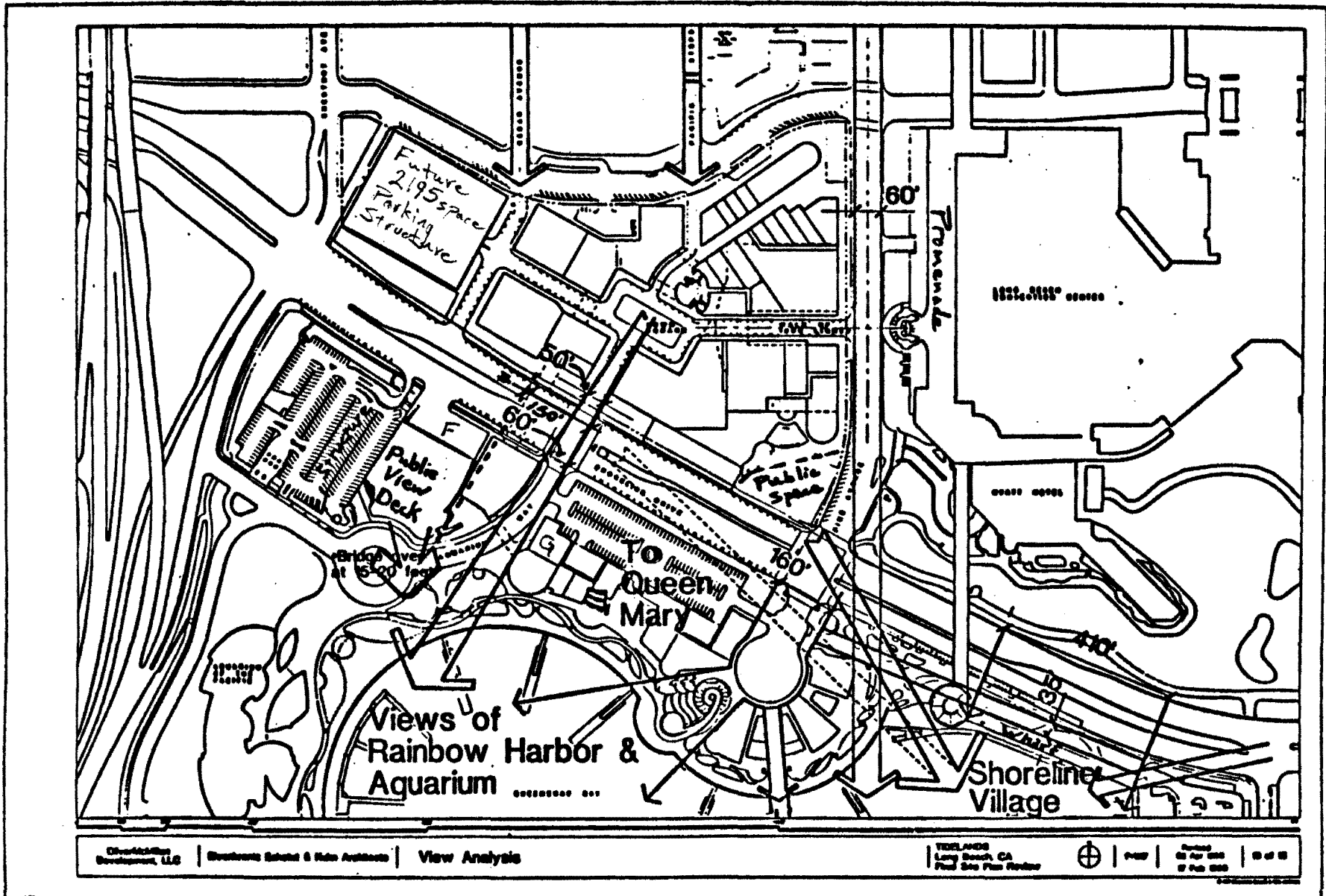
LCP Subarea 6  
 ■■■ ESPLANADE

**LEGEND**

 Shoreline Park  
 PROPOSED COMMERCIAL  
 DEVELOPMENT (4 ACRES)

**COASTAL COMMISSION**  
 5-98-156-A5

EXHIBIT # ..... 3 .....  
 PAGE ..... 1 ..... OF ..... 1 .....



# LCP/PDG Attachment "A" View Corridors

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

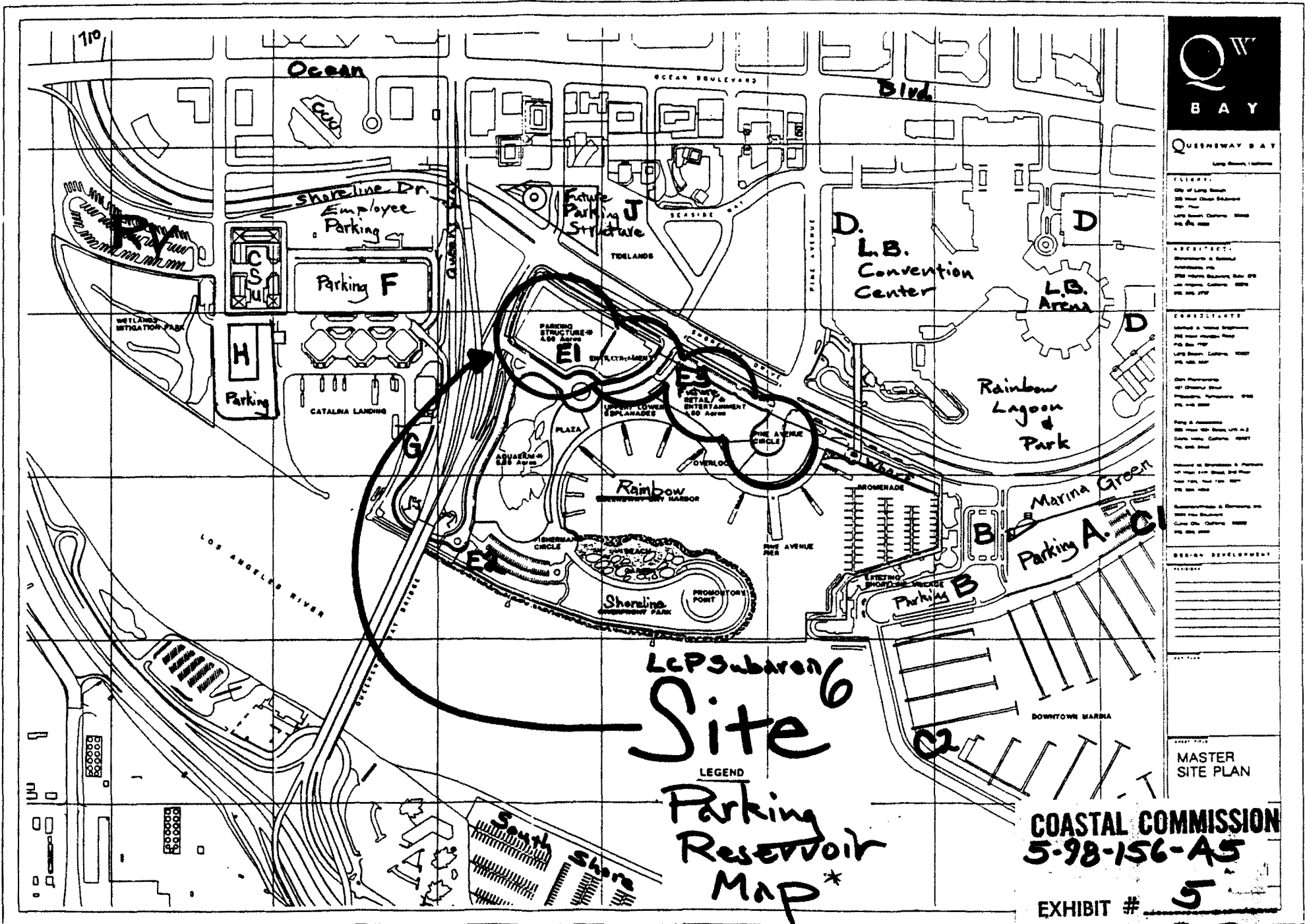
COASTAL COMMISSION  
5-98-156-A5

EXHIBIT # 4  
PAGE 1 of 1

## DOWNTOWN SHORELINE PARKING RESERVOIRS

All of the parking in the Long Beach Downtown Shoreline area is located on public tidelands and is open to the general public on a shared-use basis. Each distinct use in the Downtown Shoreline area, however, has its own primary parking reservoir. Visitors to the Downtown Shoreline area have the following choices of parking facilities (See attached map) and the following Commission approved parking rates:

<u>Downtown Shoreline Use</u>	<u>Parking Reservoir (No. of spaces)</u>	<u>Rate</u>
A. Beach & General Recreation	Marina Green Park Lots (388)	\$2/hour (meters) or free No maximum
B. Shoreline Village Commercial	Shoreline Village Lot (433)	\$0 w/validation, or \$2-4/hour \$8 maximum
C. Downtown Marina (Boaters)	Marina Permit Parking (1,669)	Permit only
D. Convention Center	Convention Center Lots (4,830)	\$7 Flat rate
E1. Rainbow Harbor, Shoreline Park, Aquarium & LCP Subarea 6 Commercial	City-owned Structure (1,471)	\$0 w/validation, or \$3/hour \$12 maximum
E2. Shoreline Park	Shoreline Park Lot (150)	\$2/hour (meters) No maximum
E3. Shoreline Park & LCP Subarea 6 Commercial	Future Lot on Shoreline Dr. (100-150 spaces)	\$2/hour \$12 maximum
F. Catalina Landing	Parking Structure (1,472)	\$8 Flat rate
G. Pierpoint Landing Fishers	Future Parking Lot (95)	Permit only
H. California State University	Chancellors' Lots (435)	N/A
J. Queensway Bay Commercial (LCP Subarea 5)	Future Parking Structure (2,195)	\$0 w/validation, or \$3/hour \$24 maximum
K. All Uses	Future On-street Parking (330)	\$2/hour (meters) No maximum



QUESTWAY BAY  
Long Beach, California

**CLIENT:**  
City of Long Beach  
200 West Ocean Boulevard  
Long Beach, California 90802  
Tel: 562-595-2000

**ARCHITECT:**  
Brennan & Brennan  
Architects, Inc.  
200 West Ocean Boulevard, Suite 200  
Long Beach, California 90802  
Tel: 562-595-2000

**CONSULTANTS:**  
Marshall & Marshall Engineers  
200 West Ocean Boulevard, Suite 200  
Long Beach, California 90802  
Tel: 562-595-2000

**Site Preparation:**  
M. J. Greenway, Inc.  
10000 West Imperial Avenue, Suite 100  
Long Beach, California 90804  
Tel: 562-595-2000

**Engineering & Construction:**  
M. J. Greenway, Inc.  
10000 West Imperial Avenue, Suite 100  
Long Beach, California 90804  
Tel: 562-595-2000

**Construction & Demolition:**  
M. J. Greenway, Inc.  
10000 West Imperial Avenue, Suite 100  
Long Beach, California 90804  
Tel: 562-595-2000

**DESIGN DEVELOPMENT:**  
M. J. Greenway, Inc.  
10000 West Imperial Avenue, Suite 100  
Long Beach, California 90804  
Tel: 562-595-2000

**MASTER SITE PLAN:**  
M. J. Greenway, Inc.  
10000 West Imperial Avenue, Suite 100  
Long Beach, California 90804  
Tel: 562-595-2000

LCP Subarea 6  
**Site**

LEGEND  
**Parking Reservoir Map\***

**COASTAL COMMISSION**  
**5-98-156-A5**

EXHIBIT # **5**

PAGE **2**

\* Letters A-K correspond with list of parking facilities on p. of Exs.

CALIFORNIA STATE LANDS COMMISSION  
100 Howe Avenue, Suite 100 South  
Sacramento, CA 95825-8202

PAUL D. THAYER, Executive Officer



April 19, 2000

LEGAL DIVISION  
Phone: (916) 574-1847  
FAX: (916) 574-1855  
E-mail: ludlowr@slc.ca.gov

RECEIVED  
South Coast Region

MAY - 5 2000

CALIFORNIA  
COASTAL COMMISSION

James N. McCabe,  
Deputy City Attorney  
City of Long Beach  
333 W. Ocean Blvd., 11<sup>th</sup> Floor  
Long Beach, CA 90802-4664

Re: Subdivision of approximately 18.6 acres of granted tide and submerged lands into seven parcels for leasing purposes only in order to facilitate construction of the Queensway Bay project.

Dear Mr. McCabe:

The staff of the State lands Commission, in consultation with the Attorney General's office, has reviewed the proposal by the City of Long Beach to subdivide approximately 18.6 acres of filled granted tide and submerged lands, into seven parcels pursuant to the Subdivision Map Act as depicted on Parcel map No. 25804. This subdivision is being undertaken in order to facilitate the construction and leasing of certain improvements on these lands pursuant to Coastal Development Permit 5-98-156 as amended.

Although unusual, a subdivision of these tide and submerged lands is not inconsistent with the terms and conditions of the legislative grants under which they are held by the City so long as the subdivision is for leasing purposes only and will not result in their alienation from the trust. Based upon review of the tentative subdivision map, bond documents, lease agreements, and other related material, it appears that this proposed subdivision is in fact for leasing purposes only and does not create the potential for alienation of any of the subdivided parcels.

Sincerely,

Assistant Chief Counsel

cc Paul Thayer, Executive Officer  
Dennis Eagan, Deputy Attorney General  
Robert Pasternoster, City of Long Beach

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST DISTRICT  
SPECIAL CONDITION  
COMPLIANCE DOCUMENT

CDP NO. 5- 98 - 156

CONDITION NO. 38

ACCEPTED BY: [Signature]

DATE: 5/5/2000

EXHIBIT # 6

PAGE 1 OF 6



OFFICE OF THE CITY ATTORNEY  
Long Beach, California

ROBERT E. SHANNON  
City Attorney

HEATHER A. MAHOOD  
Assistant City Attorney

PRINCIPAL DEPUTIES

Barbara D. de Jong  
Richard L. Landes  
Michael J. Mais  
Daniel S. Murphy

DEPUTIES

William A. Reidler  
Richard A. Alesso  
Alan D. Bennett  
Everett L. Glenn  
Donna F. Gwin  
Robert T. Hight  
Dominic T. Holzhaus  
Richard P. Lopez  
Lisa Peskay Malmsten  
Belinda R. Mayes  
James N. McCabe  
Susan C. Oakley  
J. Charles Parkin  
Michael M. Peters  
Carol A. Shaw

RECEIVED  
OCT 29 1999

CALIFORNIA  
COASTAL COMMISSION

October 27, 1999

Coastal Commission  
South Coast District  
200 Oceangate  
Long Beach, CA 90802

Re: Permit #5-98-156 Queensway Bay Commercial Retail  
and Entertainment Complex

Gentlemen:

I have examined relevant restrictions on the uses to which the City of Long Beach may put tidelands. I find that the lease that the City of Long Beach has executed (but is not yet in effect) with DDR Oliver McMillan LP, including the restrictions included in that lease as to use by that tenant is a use that is consistent with, and not forbidden by, the various grants by the State to the City. These include Statutes 1911, Chapter 675; Statutes 1925, Chapter 102; Statutes 1935, Chapter 158; and Statutes 1959, Chapter 1560. There have been subsequent enlargements of the uses allowed in the mentioned statutes but no relevant diminutions and the mentioned statutes clearly allow the intended use.

I have consulted with the Executive Director of the State Lands Commission, on this matter and he concurred in my conclusion.

I trust that the foregoing is satisfactory to your needs.

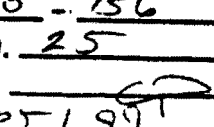
Very truly yours,

ROBERT E. SHANNON, City Attorney

By   
James N. McCabe, Deputy

JNM:pw

CALIFORNIA COASTAL COMMISSION  
SOUTH COAST DISTRICT  
SPECIAL CONDITION  
COMPLIANCE DOCUMENT

CDP NO. 5- 98-156  
CONDITION NO. 25  
ACCEPTED BY:   
DATE: 11/05/99

COASTAL COMMISSION

**STATE LANDS COMMISSION**

J. McCARTHY, Lieutenant Governor  
 Y DAVIS, Controller  
 RUSSELL S. GOULD, Director of Finance

EXECUTIVE OFFICE  
 1807 - 13th Street  
 Sacramento, CA 95814-7187

ROBERT C. HIGHT  
 Executive Officer

October 6, 1994

File Ref.: G 05-03  
 W 22581  
 SCH 94081033

Gerhardt H. Felgemaker  
 City Planning Commission  
 City of Long Beach  
 333 W. Ocean Blvd., 4th Floor  
 Long Beach CA 90802

**RECEIVED**  
**OCT 10 1994**  
 Planning and Building Dept.  
 Community Planning

Dear Mr. Felgemaker:

**SUBJECT:** Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Queensway Bay Master Plan

Staff of the State Lands Commission (SLC) has reviewed the subject NOP. Under the California Environmental Quality Act (CEQA), the City is the Lead Agency and the SLC is a Responsible and/or Trustee Agency for any and all projects which could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses.

The SLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable rivers, sloughs, lakes, etc. The SLC has certain residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and §6306). All tide and submerged lands, granted or ungranted, as well as navigable rivers, sloughs, etc., are impressed with the Common Law Public Trust.

The Public Trust is a sovereign public property right held by the State or its delegated trustee for the benefit of all the people. This right limits the uses of these lands to waterborne commerce, navigation, fisheries, open space, recreation, or other recognized Public Trust purposes.

The project area involves sovereign lands which have been legislatively granted to the City of Long Beach pursuant to Chapter 676, Statutes of 1911. The SLC has commented on previous development proposal plans for this area in the past and has reviewed proposed leases pursuant to its authority under P.R.C. §6701, et seq. For example, the SLC reviewed and approved, with various conditions, the following leases in the subject area between the City and its lessees:

EXHIBIT # 6  
 PAGE 3 OF 6

Gerhardt H. Felgemaker  
October 6, 1994  
Page Two

July 6, 1972	Feinberg Development	(W 20351)
January 26 1973	M. J. Brock	(W 20490)
January 24, 1980	Golden Shores	(W 22335)
April 7, 1981	Cohen/Crocker/Pacific Assoc.	(W 22889)
November 17, 1980	Wrather Corp/Queen Mary	(W 22581)
January 26, 1981	"	
March 23, 1982	"	
October 8, 1982	"	
December 22, 1982	"	
December 17, 1981	Crowley/Catalina Landing	(W 22855)
February 9, 1982	Specialty Villages	(W 22898)

The City, as Trustee of these sovereign lands, must ensure that the specific uses proposed in the plan are consistent with the provisions of the granting statute and the Public Trust. Commercial/Office use, unless trust related would not be consistent with the trust under which these lands are held. The City should clarify that any proposed commercial space will, in fact, be occupied by trust related tenants. (See attached letter dated January 28, 1986.)

Thank you for the opportunity to comment. If you have any questions, please contact Curtis L. Fossum, Senior Staff Counsel, Southern California Region, at (916) 323-8489. We look forward to review of the Draft EIR.

Sincerely,



MARY GRIGGS  
Environmental Services  
Division of Environmental  
Planning and Management

cc: OPR  
Curtis L. Fossum

COASTAL COMMISSION

EXHIBIT # 6  
PAGE 4 OF 6



## STATE LANDS COMMISSION

M. J. CORY, Controller  
 L. J. McCARTHY, Lieutenant Governor  
 JESSE R. HUFF, Director of Finance

EXECUTIVE OFFICE  
 1807 - 13th Street  
 Sacramento, California 95814  
 CLAIRE T. DEDRICK  
 Executive Officer

File Ref.: W 22581  
W 30025

January 28, 1986

Mr. Leland R. Hill  
 Director of Port Planning  
 The Port of Long Beach  
 P.O. Box 570  
 Long Beach, CA 90801

Dear Mr. Hill:

The staff of the State Lands Commission has reviewed the January 8, 1986, Notice of Preparation (NOP) for the Environmental Impact Report (EIR) the Port of Long Beach intends to prepare for Wrather Port Properties, Ltd.'s Queen's Bay Redevelopment.

The plat enclosed with the NOP (illustrative plan, November 8, 1985), shows development on parcel 5 of the "Option Area." It was our understanding that any development on the Option Area would require: a) approval of an overall plan of development by the landlord; and, b) participation of the State Lands Commission as co-Lead Agency for the preparation of environmental documents. Please clarify for us whether any of the development subject to this NOP extends onto the "Option Area."

The plan proposes 900,000 square feet of office buildings. Inasmuch as general office space is a use inconsistent with the tidelands trust, the report should document the need for the office by maritime or "qualified tenants." This is a requirement of the lease between the City and Wrather and should be discussed in the EIR. This is especially important considering the need to put maritime or "qualified tenants" in both the City's shoreline park hotel and office development (800,000 square feet offices) and the downtown World Trade Center (1,000,000 + square feet office space).

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We look forward to hearing from you. If you have any questions regarding these matters, please contact Mr. Daniel Gorfain at (916) 322-7829 or Mr. Gary Horn at (916) 322-7807.

Sincerely,

DWIGHT E. SANDERS, Chief  
Division of Research  
and Planning

cc: Claire T. Dedrick  
James F. Trout  
Robert C. Hight  
bcc: Daniel Gorfain  
Gary Horn

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