

**CALIFORNIA COASTAL COMMISSION**

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

**RECORD PACKET COPY****Item Tu11a**

Filed: 3/13/2001  
 49th Day: 5/1/2001  
 180th Day: 9/9/2001  
 Staff: CP-LB  
 Staff Report: 3/21/2001  
 Hearing Date: April 10, 2001  
 Commission Action:


**STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-95-055-A4

**APPLICANTS:** City of Long Beach & Long Beach Aquarium of the Pacific

**AGENT:** Michael Getscher, Director of Facilities

**PROJECT LOCATION:** 100 Aquarium Way, Downtown Shoreline area, City of Long Beach.

**DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON MAY 10, 1995 (5-95-055):**

Construction of the Long Beach Aquarium of the Pacific including: 1) demolition of a 70-space recreation vehicle park; 2) demolition of the Queensway Bay Bridge ramps that connect to Shoreline Drive; 3) construction of new Queensway Bay Bridge ramps that connect to Shoreline Drive; 4) construction of new signalized intersection at Shoreline Drive and Chestnut Place; 5) construction of a new parking lot (approximately 434 spaces); 6) installation of parking meters on all parking spaces for aquarium and Shoreline Park; 7) construction of aquarium access roads and new signalized intersection at Shoreline Drive; 8) construction of new pedestrian and bicycle accessways; 9) construction of the 125,000 square foot aquarium building; 10) construction of a pipeline to convey barged ocean water to the aquarium from an existing dock at Catalina Landing; and 11) associated landscaping.

**DESCRIPTION OF PREVIOUSLY APPROVED PERMIT AMENDMENTS:**

**5-95-055-A1:** Approve a Waived Tentative Parcel Map establishing two subdivision parcels for the development of the Long Beach Aquarium of the Pacific (Exhibit #6).

**5-95-055-A2:** Erect a 16-foot bronze dolphin sculpture (three jumping dolphins) in the center of the traffic circle adjacent to the Long Beach Aquarium of the Pacific on Aquarium Way.

**5-95-055-A3:** Establish a United States Weather Bureau data collection station within the grounds of the Long Beach Aquarium of the Pacific.

**DESCRIPTION OF CURRENT AMENDMENT REQUEST:**

**5-95-055-A4:** Reconfigure existing outdoor "Kids Cove" area to include 20-foot high walk-through aviary, 6,000 square foot touchpool with 30-foot high shipwreck theme, and 13,800 square foot amphitheater and seating area.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission approve the amendment with a special condition. The applicants accept the condition. **See page three for motion** to carry out the staff recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

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

**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 amendment 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). 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 a special condition:

**MOTION:** *"I move that the Commission approve the proposed amendment to Coastal Development Permit 5-95-055 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 Condition**

Note: All special conditions of Coastal Development Permit 5-95-055 and prior amendments apply (Exhibit #7.)

**1. Aquarium Lease Parcel Boundaries**

A) This permit amendment does not authorize any development to occur outside of the boundaries of the Aquarium of the Pacific lease parcel approved by the Commission on October 11, 1995 [See Waived Parcel Map No. 9509-02/Coastal Development Permit Amendment 5-95-055-A1 (City of Long Beach)].

B) Prior to authorization of the permit amendment, the applicants shall submit survey and final project plans, for the review and approval of the Executive Director that demonstrate that all of the proposed development is situated entirely within the boundaries of the Aquarium of the Pacific lease parcel approved by the Commission on October 11, 1995 [See Waived Parcel Map No. 9509-02/Coastal Development Permit Amendment 5-95-055-A1 (City of Long Beach)].

### III. Findings and Declarations

The Commission hereby finds and declares:

#### A. Amendment Description

On May 10, 1995, the Commission approved Coastal Development Permit 5-95-055 (City of Long Beach) for the construction of the Long Beach Aquarium of the Pacific on a 5.89 acre site in Shoreline Park (Exhibit #2). The aquarium was completed on schedule and opened to the public on June 19, 1998. The aquarium is located on the western edge of Rainbow Harbor, which was also completed in the summer of 1998 (Coastal Development Permit 5-96-124). Parking for the aquarium and Rainbow Harbor is provided within a 1,471-space public parking structure situated in the northwest corner of Shoreline Park (Exhibit #2).

The applicants now propose to reconfigure the existing outdoor "Kids Cove" area on the southern portion of the aquarium site. The proposed project involves the enhancement of the outdoor area by developing a "Fossil Island" attraction. The existing outdoor "Kids Cove" area is currently improved with a small playground, amphitheater, sheltered activity area, picnic area and landscaped lawns (Exhibit #3). The existing playground, amphitheater, activity area and picnic area would all be retained within the proposed "Fossil Island" attraction, but the picnic area and activity areas would be enlarged and reconfigured, and a roof would be added over the amphitheater. The proposed project would also add a new 20-foot high walk-through aviary and a 6,000 square foot touch-pool with 30-foot high shipwreck theme (Exhibit #4).

The applicants propose to install the aviary as the first new attraction, with the other proposed improvements occurring in subsequent phases. The only new birds proposed to be exhibited at the facility would be lorikeets (*Tichoglossus haematodus*), also known as "brush tongue parrots." The species is native to Australia, but are commonly bred in California. The applicants do not propose to import lorikeets into the state. The Aquarium Director asserts that the lorikeets pose no threat to native California birds, and there are no restrictions that would limit the aquarium's display of these birds. He also states that similar exhibits with lorikeets exist in California at the San Diego Wild Animal Park, the Santa Barbara Zoo, Marine World U.S.A. in Vallejo, and the San Francisco Zoo (Exhibit #5).

#### B. Public Access and Recreation

The Long Beach Aquarium of the Pacific is situated on a 5.89-acre waterfront site within Shoreline Park. Shoreline Park and all land located south of the Chapter 138 Line is comprised of State Tidelands (Exhibit #2). These waterfront areas, which the City holds in trust for the people of California, provide the general public with public shoreline access and numerous recreational opportunities. The existing public access and recreational opportunities shall be protected.

The Coastal Act contains several policies which address the issues of public access and recreation along the coast. The proposed amendment must conform to the following Coastal Act policies:

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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

Section 30220 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

The protection of public access and recreational opportunities on State Tidelands is an issue of primary importance to the Commission. Public access issues were particularly important in the Commission's approval of the underlying permit (Coastal Development Permit 5-95-055) because the aquarium is situated in a public park located on State Tidelands.

In approving the aquarium, the Commission found that aquarium is a water-oriented recreational and educational facility which complies with Sections 30220 and 30221 of

the Coastal Act which encourage the use of waterfront land for water-oriented recreational activities. The aquarium's exhibits educate the public about the Pacific Ocean environment. The currently proposed improvements are intended to enhance the educational and recreational activities provided by the aquarium.

However, in approving Coastal Development Permit 5-95-055 and Amendment 5-95-055-A1, the Commission attached several special conditions of approval in order to ensure that the Long Beach Aquarium of the Pacific would be constructed and operated in a manner consistent with the public access and recreation policies of the Coastal Act. The Commission's conditions of approval protect public access in the open parklands that surround the aquarium, and the amount of public parkland occupied by the aquarium is limited (Exhibits # 6&7). The Commission's previous conditions of approval are not affected by this amendment request and still apply.

The currently proposed project is also consistent with the public access and recreation policies of the Coastal Act because it will not encroach into any public park area that is not currently part of the aquarium site. No additional public parkland will be used for the proposed "Fossil Island" attraction because the improvements proposed as part of the "Fossil Island" attraction are located entirely within the boundaries of the Aquarium of the Pacific lease parcel approved by the Commission on October 11, 1995 (Exhibit #6). The submitted plans indicate that all of the proposed improvements, except for the bird holding area, are located within the existing 8-foot fence that currently encloses the outdoor "Kids Cove" area (Exhibit #4). The applicants assert that the area of the proposed 1,900 square foot bird holding area, although not currently enclosed by the perimeter fence, is within the aquarium lease parcel.

In order to protect the existing public recreation opportunities provided by the public parklands not currently occupied by the aquarium, this permit amendment does not authorize any expansion of the previously approved boundaries of the Aquarium of the Pacific lease parcel. Therefore, no development is authorized outside of the lease parcel approved by the Commission on October 11, 1995 [See Waived Parcel Map No. 9509-02/Coastal Development Permit Amendment 5-95-055-A1 (Exhibit #6)].

In order to ensure that the proposed development does not exceed the boundaries of the aquarium's lease parcel, Special Condition One of the amendment requires the applicants to submit a survey and final project plans, for the review and approval of the Executive Director, which demonstrate that all of the proposed development is situated entirely within the boundaries of the Aquarium of the Pacific lease parcel approved by the Commission on October 11, 1995 [See Waived Parcel Map No. 9509-02/Coastal Development Permit Amendment 5-95-055-A1 (City of Long Beach)]. The applicants shall delete any part of the proposed project that is located outside of the previously approved lease parcel. As conditioned, the proposed project and amendment request will not adversely impact public access to the water, will not adversely impact public recreational use of a public park or beach, and will be consistent with the public access and recreation policies of the Coastal Act.

### C. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected.

The proposed project includes a 20-foot high walk-through aviary, a 23-foot high roof over the existing amphitheater, and a 30-foot high shipwreck (Exhibit #4, p.2). Except for a proposed 1,900 square foot bird holding area, all improvements proposed as part of the "Fossil Island" attraction are located entirely within the existing 8-foot fence that currently encloses the outdoor "Kids Cove" area (Exhibit #3). The proposed bird holding area is located near the rear of the aquarium, and is the improvement located furthest from the waters of Rainbow Harbor (Exhibit #4). The bird holding area would not exceed twenty feet in height.

Commission staff has photographed the site of the proposed development from the surrounding public areas and has analyzed the proposed project's potential negative impacts on the visual resources of Shoreline Park and Rainbow Harbor. The existing 60-foot high aquarium structure occupies the area immediately north of the outdoor "Kids Cove" area where the proposed improvements would occur (Exhibit #3). The second level of the aquarium provides viewing decks from which patrons may view the surrounding coastline. These public views would not be affected by the proposed improvements as the decks are as high or higher in elevation than the proposed improvements.

From the public park area situated south of the aquarium, the visible parts of the currently proposed development would not exceed the silhouette of the existing 60-foot aquarium structure and its mechanical equipment (Exhibit #4, p.2). The view across the project site from the esplanade of Rainbow Harbor (east of aquarium) is currently obstructed by lush landscaping and the 8-foot high perimeter fence. The landscaping and the perimeter fence also obstruct the view across the project site from the rear of the aquarium (west side). Therefore, the proposed project would not obstruct any views to or along the coast or otherwise adversely affect the visual resources of the coast. The proposed project is consistent with Section 30251 of the Coastal Act.

**D. Parking**

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and the availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities....

Parking for the aquarium and Rainbow Harbor is provided within a 1,471-space public parking structure situated in the northwest corner of Shoreline Park (Exhibit #2). The proposed improvements would not increase the previously planned capacity of the aquarium for which adequate parking is already provided. Therefore, the proposed development and amendment comply with Section 30252 of the Coastal Act.

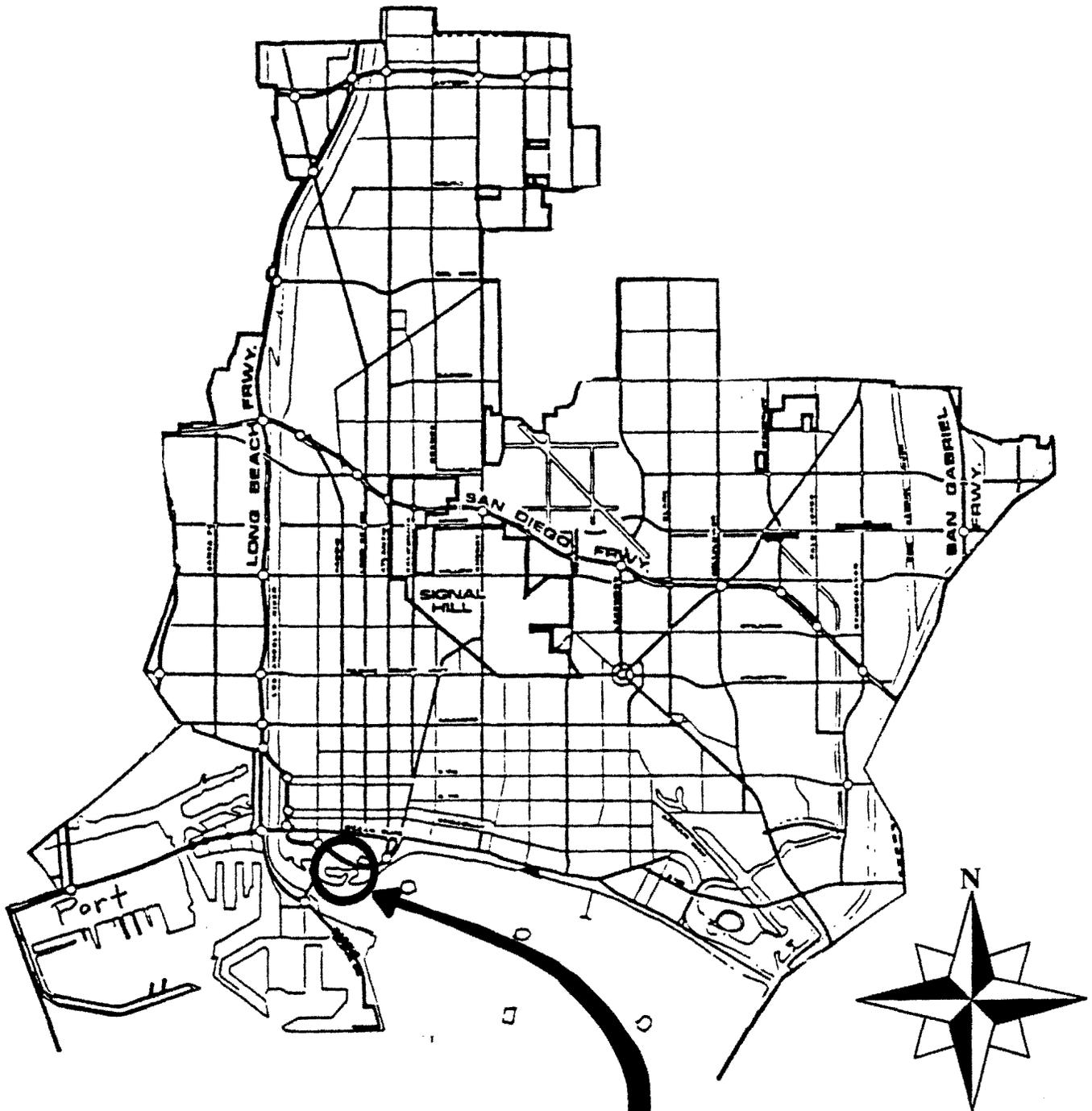
**E. California Environmental Quality Act**

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

# City of Long Beach



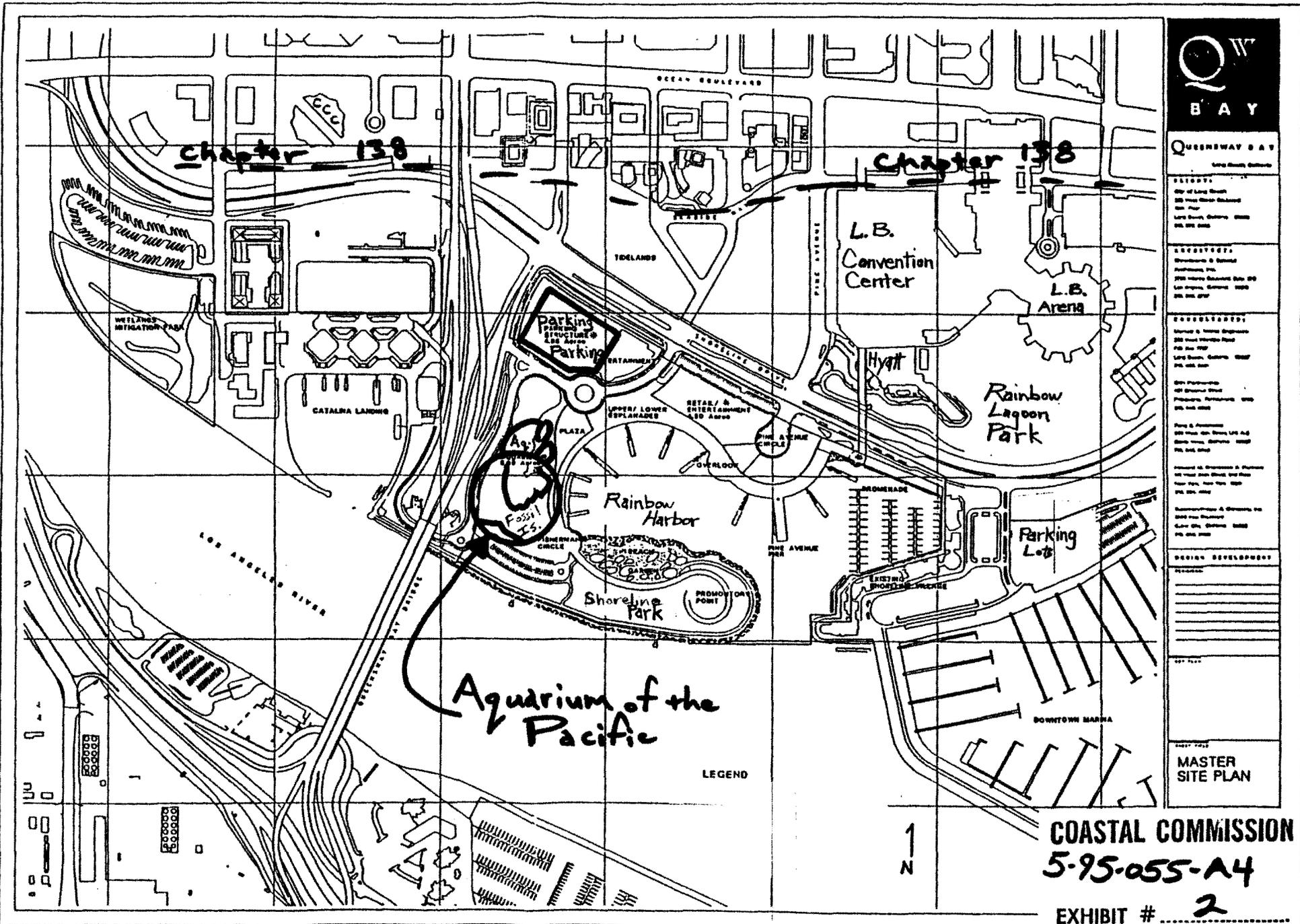
Project Site

COASTAL COMMISSION

5-95-55-A4

EXHIBIT # 1

PAGE 1 OF 1



QUEENWAY BAY

LONG BEACH, CALIFORNIA

**CLIENTS:**  
 City of Long Beach  
 200 West Ocean Boulevard  
 Long Beach, CA 90802  
 Long Beach, California 90802  
 562-595-3000

**ARCHITECTS:**  
 Structures & Spatial  
 Architects, Inc.  
 200 West Ocean Boulevard, Suite 200  
 Long Beach, California 90802  
 562-595-3000

**ENGINEERS:**  
 Structural & Marine Engineers  
 1000 West Ocean Boulevard  
 Long Beach, CA 90802  
 Long Beach, California 90802  
 562-595-3000

**LANDSCAPE ARCHITECTS:**  
 1000 West Ocean Boulevard  
 Long Beach, California 90802  
 562-595-3000

**PLANNING & ANALYSIS:**  
 1000 West Ocean Boulevard, Suite 200  
 Long Beach, California 90802  
 562-595-3000

**DESIGN DEVELOPMENT:**  
 1000 West Ocean Boulevard, Suite 200  
 Long Beach, California 90802  
 562-595-3000

**CONSTRUCTION:**  
 1000 West Ocean Boulevard, Suite 200  
 Long Beach, California 90802  
 562-595-3000

**OPERATIONS:**  
 1000 West Ocean Boulevard, Suite 200  
 Long Beach, California 90802  
 562-595-3000

**MAINTENANCE:**  
 1000 West Ocean Boulevard, Suite 200  
 Long Beach, California 90802  
 562-595-3000

**MASTER SITE PLAN**

COASTAL COMMISSION  
 5-95-055-A4

EXHIBIT # 2  
 PAGE 1 OF 1

# Existing Aquarium Plan

Area of Proposed Fossil Island

(See Exhibit #4)

Kid's Cove Area (existing)

8' fence (existing)

North

Rainbow Harbor

Entrance Lobby

COASTAL COMMISSION

There is a note on the right side of the plan, partially obscured, with the date 3/12/20.

Fossil Island - Long Beach Aquarium of the Pacific

Long Beach, California

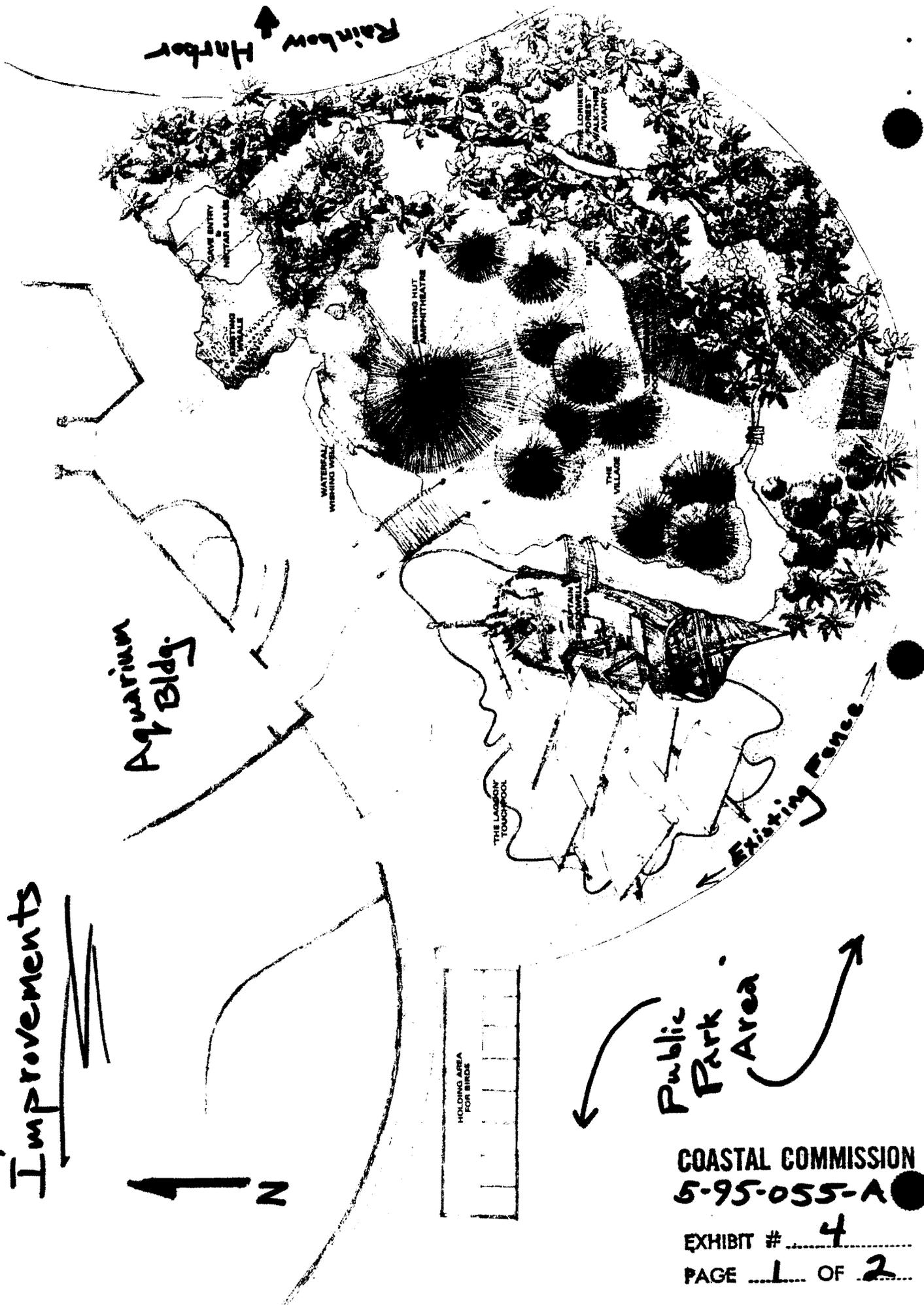
EXHIBIT # 3

PAGE 1 OF 1

22 FEBRUARY 2001

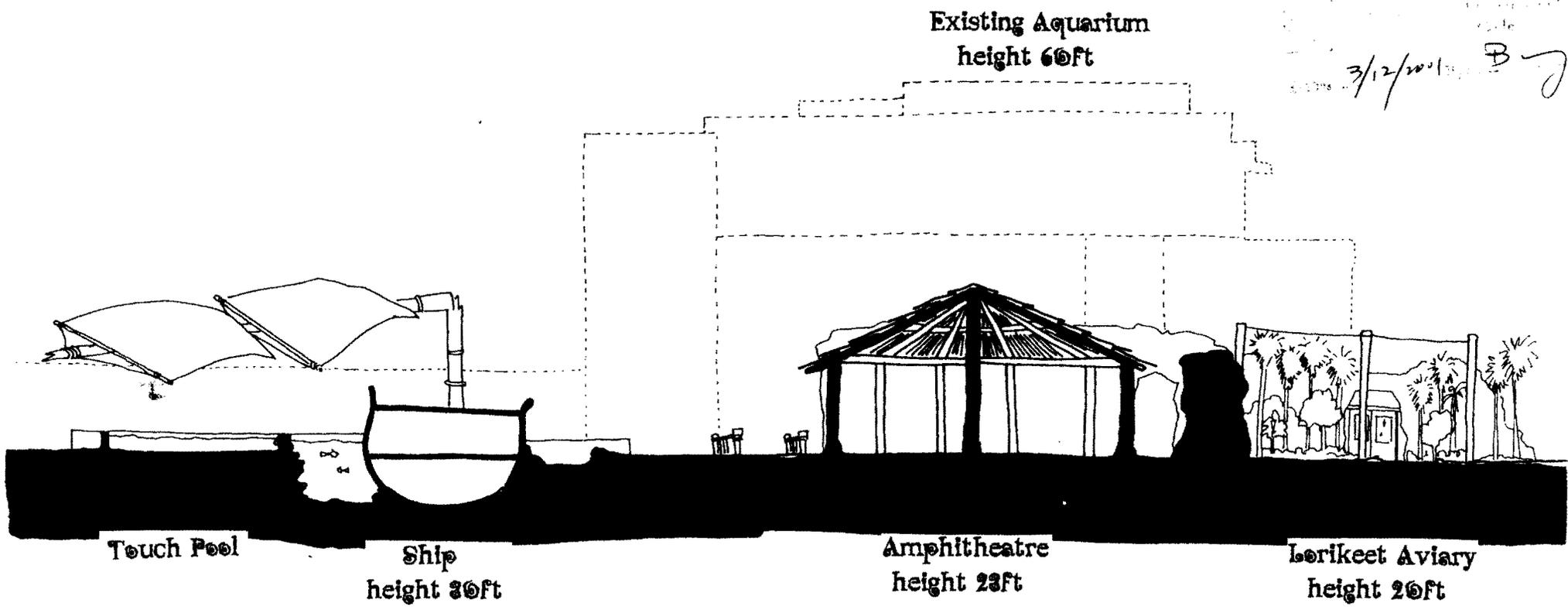
# Proposed "Fossil Island"

## Improvements



COASTAL COMMISSION  
5-95-055-A

EXHIBIT # 4  
PAGE 1 OF 2



Section  
not to scale

COASTAL COMMISSION  
5-95-055-A4  
EXHIBIT # 4  
PAGE 2 OF 2



AQUARIUM  
OF THE PACIFIC

RECEIVED  
South Coast Region

MAR 19 2001

CALIFORNIA  
COASTAL COMMISSION

Information regarding lorikeets to be displayed at the Aquarium of the Pacific.

The lorikeets that the Aquarium of the Pacific intends to display in our new 6,000 square foot aviary belong to a group of birds known as "brush tongue parrots".

The species *Trichoglossus haematodus* or rainbow lorikeet as they are commonly known, is comprised of about 20 subspecies or varieties. They are all endemic to coastal lowlands of northern and eastern Australia and islands off those coasts. Measuring about 10 inches in length, these small birds exhibit dazzling color combinations, ranging from brilliant blues and greens to exquisite reds, yellows and deep purples. When seen in full sunlight, these beautifully colored lorikeets almost radiate an iridescent glow – a bright contrast to the thick, dark trees of their natural habitat.

All of the lorikeets in our display will be captive bred and obtained from local breeders. Since they are not imported, and are commonly bred in California and other parts of the US for displays of this type and the pet trade, there are no unusual regulations governing their care and maintenance.

Lorikeets have a current running history of existence within the state of California. Their occurrence has been long established within the zoological industry as well as with private pet owners.

At this time, similar exhibits with lorikeets can be found at the San Diego Wild Animal Park, the Santa Barbara Zoo, Marine World Africa USA in Vallejo, Ca. and the San Francisco Zoo. They are also currently displayed at numerous other zoological institutions and aquariums throughout the US and the world.

These type of exhibits have proven to be enormously popular with guests. By offering a small cup of fruit nectar to the birds, guests will be provided with a unique opportunity to interact with these remarkably beautiful birds on a very personal basis.

As with all our exhibits, the Aquarium of the Pacific intends to stress a strong educational and conservation theme in the aviary. Although they are very common in the zoological and pet world, at least 13 of the 20 subspecies of lorikeets are considered endangered or vulnerable to extinction in the wild. The Aquarium of the Pacific intends to make a strong statement in support of ongoing conservation efforts in the bird's natural habitat.

Perry Hampton  
Director of Husbandry  
Aquarium of the Pacific  
100 Aquarium Way  
Long Beach, Ca.  
90802

COASTAL COMMISSION  
5-95-055-A

EXHIBIT # 5

PAGE 1 OF 1

5-95-055-A1 (10/11/95)

SHEET 1 OF 1 SHEET

# WAIVED PARCEL MAP NO. 9509-02

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

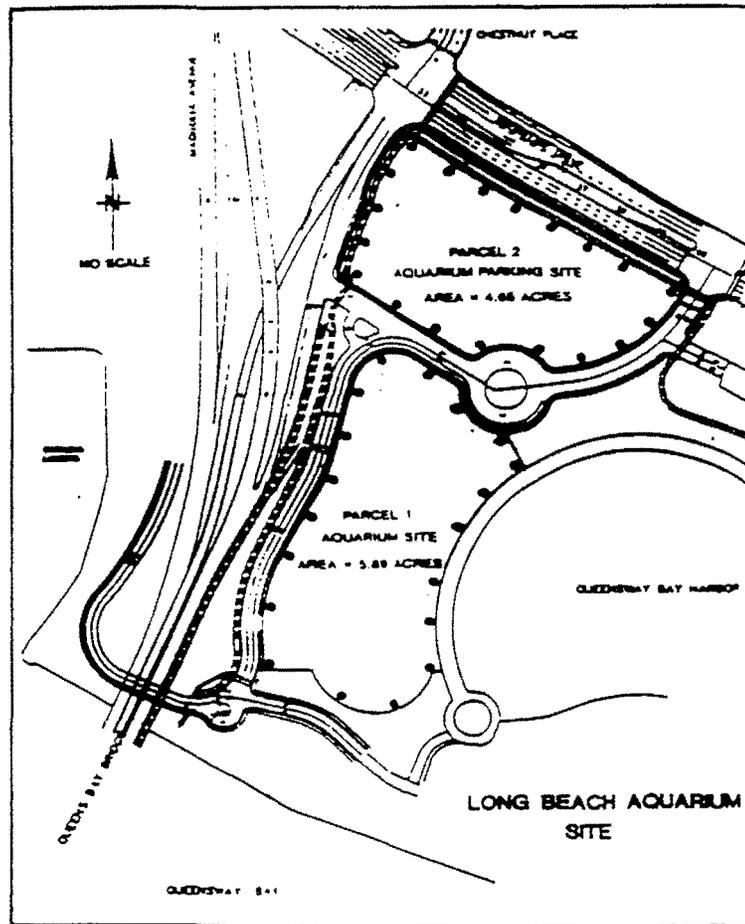
BEING A SUBDIVISION OF THAT PORTION OF THE ARTIFICIALLY CREATED LAND WITHIN THE TIDELANDS AND SUBMERGED LANDS  
CONVEYED TO THE CITY OF LONG BEACH BY THE STATE OF CALIFORNIA UNDER AN ACT OF MAY 1, 1911,  
CHAPTER 676, PAGE 1304, AS AMENDED, LYING IN SAID CITY, COUNTY OF LOS ANGELES, SAID STATE.

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

RECORD OWNER  
CITY OF LONG BEACH

SUBDIVIDER  
ROBERT J. PATERNOSTER  
QUEENSWAY BAY PROJECT MANAGER

LEGEND  
..... PARCEL BOUNDARY



COASTAL COMMISSION

5-95-055-A4

EXHIBIT # 6

PAGE 1 OF 1

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PLAT BEING TYPED

## SPECIAL CONDITIONS OF COASTAL DEVELOPMENT PERMIT 5-95-055

### 1. Parking

Prior to issuance of the Coastal Development Permit, the applicant shall agree in writing to provide and maintain a minimum of 625 public parking spaces to meet the increased parking demand generated by the proposed project. The 625 public parking spaces shall be provided in the proposed parking lot located immediately north of the aquarium and in the existing parking lot located on the north side of Shoreline Drive adjacent the aquarium. All parking shall be available for use prior to the opening of the aquarium. The required 625 parking spaces are public parking spaces and shall be reserved for the exclusive use of the general public. All parking shall be available for use on a first-come, first-served basis by aquarium visitors and the general public.

### 2. Parking Meters

Any parking meters installed on public parking spaces in Shoreline Park shall allow ninety minutes of parking when the maximum amount of coins are deposited. In addition, the users of such public parking spaces shall be permitted to use the metered parking spaces for at least four hours (if the required amount of coins are added) before being required to vacate the parking space.

### 3. Shoreline Park Access

Public access to Shoreline Park peninsula and Shoreline Lagoon shall not be restricted by the proposed project. Pursuant to this requirement, a minimum five-foot wide unrestricted public pedestrian walkway shall be provided and maintained between Shoreline Lagoon and the proposed aquarium, and direct pedestrian access shall be provided and maintained from Ocean Boulevard to Shoreline Park peninsula. Bicycle and pedestrian access shall be provided and maintained through Shoreline Park during the entire construction phase. In addition, prior to the closure and demolition of the existing Shoreline Park peninsula access road, the new Shoreline Park peninsula access road from the Catalina Landing area must be open and available for public vehicular use.

### 4. Recreational Vehicle Park

Prior to the closure and demolition of the existing seventy-space recreational vehicle park, construction of a new Commission-approved recreational vehicle park in the downtown shoreline area must commence.

### 5. Public Outreach Program

Prior to issuance of the coastal development permit, the applicant shall submit a public outreach program for the review and approval of the Executive Director.

**COASTAL COMMISSION**

EXHIBIT # 7

PAGE 1 OF 3

The public outreach program shall include an active program to promote the educational aspects of the aquarium and reach out to all economic segments of the community. The public outreach program shall contain provisions which ensure that economically disadvantaged persons are not denied the opportunity to visit the proposed aquarium. The outreach program shall be implemented as approved by the Executive Director. The applicant shall provide an annual report to the Coastal Commission each July which documents the how the public outreach program is being conducted at the aquarium.

6. Marine Resources

Approval of Coastal Development Permit 5-95-055 does not permit any dredging, filling, or other activity in Shoreline Lagoon or other coastal waters. Pursuant to this limitation, no construction or heavy machinery is permitted below the 6 foot above MLLW contour line.

7. Siltation Control

Prior to commencement of development, the applicant shall submit an erosion control and siltation prevention plan, for the review and approval of the Executive Director, which reduces erosion and prevents siltation of Shoreline Lagoon during the construction of the proposed project. The approved plan shall be implemented during construction of the proposed project.

8. Consistency with State Tidelands Grant

Prior to issuance of the Coastal Development Permit, the applicant 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 use 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.

9. Aquarium Foundation Design

Prior to the commencement of development, the applicant shall submit, for review and approval by the Executive Director, final plans for the proposed aquarium which 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 and must contain the foundation design recommendations contained in the Geotechnical Investigation Report for the Long Beach Aquarium of the Pacific prepared by EARTH TECH. Any changes in the aquarium 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 aquarium shall be constructed in a manner consistent with the final approved plans.

10. Lease to Private Operators

The lease of any development approved by Coastal Development Permit 5-95-055 to private operators shall explicitly incorporate provisions for use, public access and public recreation consistent with all conditions contained herein.

**SPECIAL CONDITIONS OF PERMIT AMENDMENT 5-95-055-A1**

1. Permitted Uses

The use of the two parcels is limited to the uses expressly permitted by Coastal Development Permit 5-95-055 (City of Long Beach), specifically public access, public recreation, public parking, and the Long Beach Aquarium of the Pacific.

2. Public Access

The ability of the public to access and use the areas within the two parcels shall not be restricted, except that fees may be charged for admission into the aquarium structure and for use of the public parking facilities. Public access to the esplanade and plaza areas in front of and adjacent to the aquarium structure shall be free and unrestricted.

3. Parcels

The two parcels are created for leasehold interests only and may not be sold or otherwise alienated from the state tidelands.

4. Parking

All parking spaces on the two parcels are public parking spaces and shall be reserved for the exclusive use of the general public. All parking shall be available for use on a first-come, first-served basis by aquarium visitors and the general public.

**COASTAL COMMISSION**

**5-95-055-A1**

EXHIBIT # 7

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