

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

RECORD PACKET COPY

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Commission Action:

**Item Th11a****STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NUMBER:** 5-98-156-A6**APPLICANTS:** City of Long Beach & DDR Urban, LP**AGENTS:** Reginald Harrison, Assistant City Manager
Craig Trottier, DDR Development Director**PROJECT LOCATION:** 310 S. Pine Avenue & 100-300 W. Shoreline Drive (Downtown Shoreline LCP Subarea 6/Rainbow Harbor), City of Long Beach, Los Angeles County.**DESCRIPTION OF PROJECT ORIGINALLY APPROVED FEBRUARY 3, 1999 (5-98-156):**

Construction of a 508,550 sq. ft. commercial retail & entertainment complex on the waterfront. (See Page Two for descriptions of the previous permit amendments: A1 - A5.)

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-98-156-A6):

Revise the building footprints, floor plans and elevations for the restaurant and retail development previously approved south of Shoreline Drive in LCP Subarea 6, between Aquarium Way and the Pine Avenue View Corridor (Rainbow Harbor).

SUMMARY OF STAFF RECOMMENDATION

The revised plans conform to all of the limitations and parameters that the Commission and City have previously imposed on the proposed development, including the forty-foot height limit, the four-acre maximum for displacement of parkland, the 202,700 square foot maximum for commercial uses in the portion of the project located south of Shoreline Drive, and the restrictions on development within the protected view corridors. The proposed development and amendment will have no negative effects on visual resources or coastal access, and is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and the certified Long Beach LCP. Therefore, staff is recommending that the Commission grant the amendment request with special conditions to prevent adverse impacts to water quality and marine resources, and to require submittal of final plans for the portion of the development that is still in the conceptual design phase (Buildings G1, G2, H1, H2 and M). The applicants agree with the recommendation. See **Page Three for the motion** to carry out the staff recommendation.

DESCRIPTIONS OF FIVE PREVIOUS PERMIT AMENDMENTS:

FIRST AMENDMENT (5-98-156-A1), APPROVED NOVEMBER 2, 1999:

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

SECOND AMENDMENT (5-98-156-A2), APPROVED 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.

THIRD AMENDMENT (5-98-156-A3), APPROVED 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.

FOURTH AMENDMENT (5-98-156-A4), APPROVED 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.

FIFTH AMENDMENT (5-98-156-A5), APPROVED JANUARY 11, 2001:

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.

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: Pursuant to Section 30519 of the Coastal Act, a coastal development permit (amendment) must be obtained from the Commission because the proposed development is located within the Commission's area of original jurisdiction. The proposed project is located on State Tidelands administered by the City of Long Beach. The Commission's standard of review for the development within the Commission's area of original jurisdiction 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 Condition Two is revised by Permit Amendment 5-98-156-A6, and Special Condition 40 is added. 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 Condition Two are shown with ~~crossed-out~~ text for recommended deletions, and underlined text for recommended additional language (See Page Twelve for revised Special Condition Two without edits). The Commission authorizes no other changes to the special conditions other than those noted below.

2. Final Plans: LCP Subarea 6 Buildings ~~K, N & P~~ at Pine Avenue Crescent

Prior to the commencement of construction of proposed Buildings G1, G2, H1, H2 and M, ~~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.~~ Buildings J, K, N and P are approved as shown on Exhibits #5-8 of the staff report dated 12/19/02. The plans for ~~the Buildings K, N & P~~ G1, G2, H1, H2 and M, and all commercial development in LCP Subarea 6 (~~Buildings F, G1, G2, H1, H2, J, K, M, N and 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 4/14/99) except that~~ comply with all of the following conditions:

- a) No portion of the structures or patio areas shall encroach into the view corridors identified on Exhibit #95 (of staff report dated 4/14/99 12/19/02).
- b) No portion of the structures shall exceed 40 feet in height measured from the nearest curb, except as authorized by Special Condition 17 of Coastal Development Permit 5-98-156 as amended.
- c) All proposed commercial development (including all building area, indoor and outdoor service areas, patios and loading areas) shall be located entirely within the boundaries of Parcels 1-4 (Parcel Map No. 25804) as approved by the Commission pursuant to Permit Amendment 5-98-156-A3.
- d) The total amount of commercial floor area (including restaurant patios) in the portion of the project located south of Shoreline Drive shall not exceed 202,700 square feet.
- e) The plans shall conform to all terms and conditions of Coastal Development Permit 5-98-156 as amended.

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported 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. No changes to the approved

~~plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. 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.~~

40. Protection of Water Quality – Project Design & Post Construction

PRIOR TO ISSUANCE OF THE PERMIT AMENDMENT, the applicants shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction portion of the site subject to Permit Amendment 5-98-156-A6, prepared by a licensed water quality professional. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The WQMP shall be in substantial conformance with the following requirements:

A. Water Quality Goals.

- (i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site.
- (ii) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (iii) Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

B. Restaurants

- (i) Each restaurant shall have a wash down area for restaurant equipment and accessories which shall be designed as follows: a) Designate equipment-cleaning areas indoors, and install berms to direct all runoff to the sewer system; or, if equipment cleaning areas are to be located outdoors, all wash-down areas shall be routed to the sanitary sewer system and shall not contribute to polluted runoff or nuisance flows; b) Prohibit the cleaning of equipment in any area where water may flow to a street, gutter, creek, or storm

drains; and, c) Minimize to the maximum extent practicable the amount of wash water used.

- (ii) The above restriction on restaurants shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

C. Education and Training

- (i) Provide annual training of employees on chemical management and proper methods of handling and disposal of waste. Make sure all employees understand the on-site BMPs and their maintenance requirements.
- (ii) Provide informational signs around the establishment for customers and employees about water quality and the BMPs used on-site.
- (iii) Label/stencil outdoor drains to indicate whether they flow to an on-site treatment device, a storm drain, or the sanitary sewer as appropriate.

D. Landscaping. Minimize to the maximum extent practicable the use of pesticides and fertilizers.

E. Monitoring and Maintenance

- (i) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15th each year; 2) during each month between October 15th and April 15th of each year and, 3) at least twice during the dry season (between April 16 and October 14 of every year).
- (ii) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (iii) It is the applicants' responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification and to ensure maximum pollutant removal efficiencies.

The permittees shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan shall be reported 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. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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 for the construction of a 508,550 square foot commercial retail and entertainment complex in the Downtown Shoreline area of Long Beach.¹ The approved "Queensway Bay" commercial 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-stall 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 building footprints, floor plans and elevations for the restaurant and retail development previously approved on four acres of former parkland situated south of Shoreline Drive in LCP Subarea 6 (Exhibits #4&5). A permit amendment is required because the building's designs and footprints have changed substantially from the conceptual designs that the Commission approved in 1999 (Exhibit #4). The final designs for Buildings J, K, N and P are included in this amendment for final approval (Exhibits #5-8). The applicants have not yet developed or submitted final revised plans for the Buildings G1, G2, H1, H2 and M, but they are requesting Commission approval for the conceptual plan attached as Exhibit #5.

On February 3, 1999, when the Commission first approved Coastal Development Permit 5-98-156 for the Queensway Bay commercial project, the project included 305,850 square feet of visitor-serving commercial uses within LCP Subarea 5 (north of Shoreline Drive), and 202,700 square feet (including dining patios) of visitor-serving commercial uses within LCP Subarea 6 (south of Shoreline Drive) along the northern edge of Rainbow Harbor (Exhibit #3). The commercial development approved in LCP Subarea 6 was permitted to displace up to four acres of Shoreline Park. The four acres of displaced parkland were not officially delineated until the Commission approved Permit Amendment 5-98-156-A3 on February 15, 2000. The four acres of Shoreline Park that has been displaced by the approved project were replaced by the City on an acre-for-acre basis on the South Shore of Queensway Bay near the HMS Queen Mary (Exhibit #2).

At the time of the original approval in 1999, the applicants had conceptual plans for all of the development proposed within LCP Subarea 6 (south of Shoreline Drive), except for Buildings K, N and P proposed to be built at Pine Avenue Crescent, the southern terminus of Pine Avenue (Exhibit #4). Buildings F, G, H, J and M were conceptually designed and proposed to occupy 146,740 square feet (3.37 acres) of former parkland in LCP Subarea 6. That left only 27,500 square feet (of the four-acre maximum of converted parkland) available for Buildings K, N and P. In order to limit the total amount of displaced parkland to the maximum of four acres (as allowed by the certified LCP), and to protect the established view corridors, the Commission imposed Special Condition Two as a condition of the original 1999 permit approval.

¹ See Page Two of this staff report for a list of the five previously approved permit amendments.

Special Condition Two states:

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 this staff report. No portion of the structures shall exceed 40 feet in height measured from the nearest curb. The final plans shall be in substantial conformance with the conceptual plans submitted with this application (See Exhibit #7 of 1/14/1999 staff report). Any deviation from the conceptual plans shall be submitted to the Executive Director to determine if the proposed changes shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

When the Commission approved Coastal Development Permit 5-98-156 in 1999, it imposed the 27,500 square foot limit for Buildings K, N and P in order to ensure that the approved commercial development would not displace more than four acres of Shoreline Park. The Long Beach certified Local Coastal Program (LCP) allows a maximum of four acres of Shoreline Park to be converted to commercial uses (only if it is replaced in kind). The 27,500 square feet of commercial uses permitted for Buildings K, N and P, along with the other commercial development originally permitted in Shoreline Park (Buildings F, G, H, J & M), would have displaced exactly four acres of parkland.

On February 15, 2000, the Commission approved an amendment to Coastal Development Permit 5-98-156 (Amendment 5-98-156-A3) which allowed the City to subdivide the project site into eight parcels for leasing purposes. Four of the eight parcels (Parcels 1-4) occupy exactly four acres of parkland in Shoreline Park (LCP Subarea 6), as follows:

Parcel 1:	0.64 acres
Parcel 2:	0.30 acres
Parcel 3:	1.66 acres
Parcel 4:	1.40 acres
Total	4.00 acres

While the approval of Permit Amendment 5-98-156-A3 resulted in a slightly different footprint (from the commercial development originally approved in 1999) for the four acres of commercial development approved in Shoreline Park, the four-acre limit did not change, nor did the square feet limits on Buildings K, N and P as stated in Special Condition Two.

Now, the applicants are requesting Commission approval for revisions to the plans for the commercial buildings that were previously approved on four acres of former parkland situated south of Shoreline Drive in LCP Subarea 6 (Exhibits #4&5). All of the currently proposed

commercial development is situated within the four parcels of former parkland in LCP Subarea 6 that the Commission authorized in its approval of Permit Amendment 5-98-156-A3. The four-acre limit on displaced parkland would not be exceeded by the proposed amendment, and all of the proposed commercial development is located outside of the protected view corridors. Proposed Buildings F, G, H and J have been reduced in size (from the conceptual designs approved in 1999), which would allow Buildings K, N and P to be larger than originally anticipated without exceeding the four-acre limit on displaced parkland (Exhibits #4&5). The proposed buildings also comply with the forty-foot height limit established for LCP Subarea 6 by Special Condition 17 of Coastal Development Permit 5-98-156 (Exhibits #6-8).

The changes proposed by this amendment request are consistent with all of the limitations and parameters that the Commission and City have previously imposed on the proposed development, including the forty-foot height limit, the four-acre maximum for displacement of parkland, the 202,700 square foot maximum² for commercial uses in the portion of the project located south of Shoreline Drive, and the restrictions on development within the protected view corridors. The proposed development and amendment will have no negative effects on visual resources or coastal access, and is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals and the certified Long Beach LCP.

The proposed changes, however, require that Special Condition Two be revised to reflect the fact that the four acres of displaced parkland was officially delineated within the four commercial parcels created in LCP Subarea 6 by Permit Amendment 5-98-156-A3 (Exhibit #5). Thus, the limitation on the sizes of Buildings K, N and P is replaced with a requirement that all of the proposed buildings in LCP Subarea 6 comply with the parameters and limitations the Commission has previously imposed on the proposed development, including the forty-foot height limit, the four-acre maximum for displacement of parkland, the 202,700 square foot maximum for commercial uses in the portion of the project located south of Shoreline Drive, and the restrictions on development within the protected view corridors. The change to Special Condition Two is also necessary to reflect the approval of the final plans, per this amendment, for Buildings J, K, N and P (Exhibits #6-8). The applicants have not yet developed or submitted for approval the final revised plans for the Buildings G1, G2, H1, H2 and M.

Therefore, Special Condition Two is revised to require the applicants to submit final plans for each of these buildings (Buildings G1, G2, H1, H2 and M) prior to the commencement of construction of each individual building. The plans for each building shall conform to the parameters and conditions established by the underlying permit and prior amendments, as listed in revised Special Condition Two. Revised Special Condition Two states:

2. Final Plans: LCP Subarea 6

Prior to the commencement of construction of proposed Buildings G1, G2, H1, H2 and M, the applicants shall submit for the review and approval of the Executive Director, final site plans, floor plans and elevations. Buildings J, K, N and P are approved as shown on Exhibits #5-8 of the staff report dated 12/19/02. The plans for Buildings G1, G2, H1, H2 and M, and all commercial development in LCP Subarea 6

² The project's 202,700 square foot limit on commercial uses located south of Shoreline Drive is based on the original approval of Coastal Development Permit 5-98-156, and is below the certified LCP's 300,000 square foot limit on commercial uses in LCP Subarea 6. A total of 87,400 square feet of commercial uses already exist in LCP Subarea 6.

(Buildings F, G1, G2, H1, H2, J, K, M, N and P), shall comply with all of the following conditions:

- a. No portion of the structures or patio areas shall encroach into the view corridors identified on Exhibit #5 (of staff report dated 12/19/02).
- b. No portion of the structures shall exceed 40 feet in height measured from the nearest curb, except as authorized by Special Condition 17 of Coastal Development Permit 5-98-156 as amended.
- c. All proposed commercial development (including all building area, indoor and outdoor service areas, patios and loading areas) shall be located entirely within the boundaries of Parcels 1-4 (Parcel Map No. 25804) as approved by the Commission pursuant to Permit Amendment 5-98-156-A3.
- d. The total amount of commercial floor area (including restaurant patios) in the portion of the project located south of Shoreline Drive shall not exceed 202,700 square feet.
- e. The plans shall conform to all terms and conditions of Coastal Development Permit 5-98-156 as amended.

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported 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. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

As conditioned, the revised plans for the previously approved commercial development in the four acres of displaced parkland in LCP Subarea 6 will conform to the Chapter 3 Policies of the Coastal Act, the certified LCP, and the underlying permit as amended.

B. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. Public Recreation

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Marine Resources and Water Quality

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. To address these concerns, the development, as proposed and as conditioned, incorporates design features to minimize the infiltration of water and the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. Environmentally Sensitive habitat Areas (ESHA)

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

F. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, and the public access provisions of the Coastal Act.

G. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

H. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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 A5, and includes the recommended revisions to Special Condition 2 which would result from the adoption of the staff recommendation to approve permit amendment 5-98-156-A6.

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).

Old 2. **Final Plans: Buildings K, N & P at Pine Avenue Crescent (Revised by 5-98-156-A6 see below)**

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.

New2. **Final Plans: LCP Subarea 6 (Per Commission Approval of 5-98-156-A6, 1/9/03)**

Prior to the commencement of construction of proposed Buildings G1, G2, H1, H2 and M, the applicants shall submit for the review and approval of the Executive Director, final site plans, floor plans and elevations. Buildings J, K, N and P are approved as shown on Exhibits #5-8 of the staff report dated 12/19/02. The plans for Buildings G1, G2, H1, H2 and M, and all commercial development in LCP Subarea 6 (Buildings F, G1, G2, H1, H2, J, K, M, N and P), shall comply with all of the following conditions:

- a. No portion of the structures or patio areas shall encroach into the view corridors identified on Exhibit #5 (of staff report dated 12/19/02).
- b. No portion of the structures shall exceed 40 feet in height measured from the nearest curb, except as authorized by Special Condition 17 of Coastal Development Permit 5-98-156 as amended.
- c. All proposed commercial development (including all building area, indoor and outdoor service areas, patios and loading areas) shall be located entirely within the

boundaries of Parcels 1-4 (Parcel Map No. 25804) as approved by the Commission pursuant to Permit Amendment 5-98-156-A3.

- d. The total amount of commercial floor area (including restaurant patios) in the portion of the project located south of Shoreline Drive shall not exceed 202,700 square feet.
- e. The plans shall conform to all terms and conditions of Coastal Development Permit 5-98-156 as amended.

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported 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. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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 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 curbline, 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

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 curbline, 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

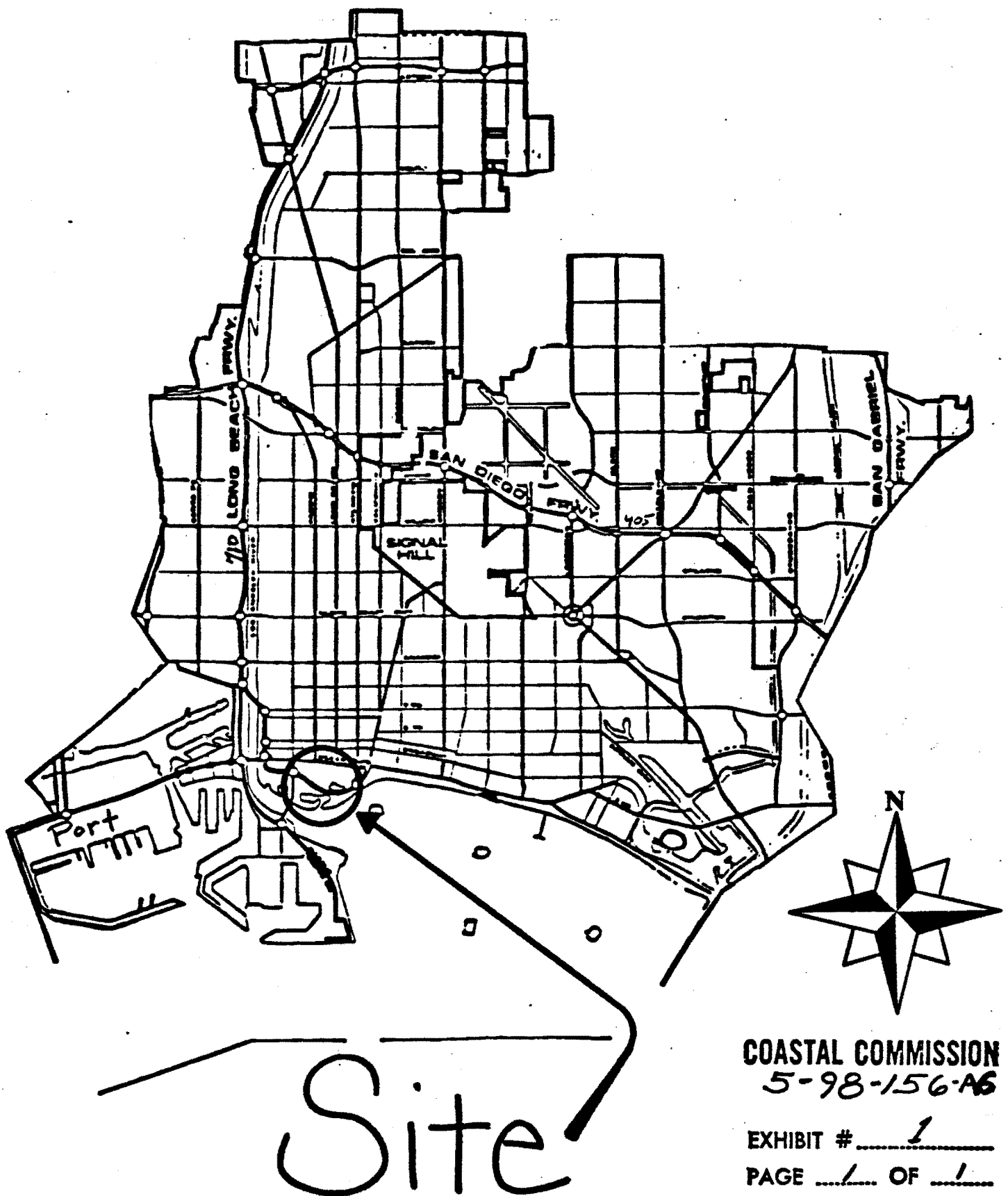
relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the proposed subdivision of State Tidelands is consistent with the terms and conditions of the Legislature's grant of this portion of the Downtown Shoreline to the City of Long Beach. The applicants shall also 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.

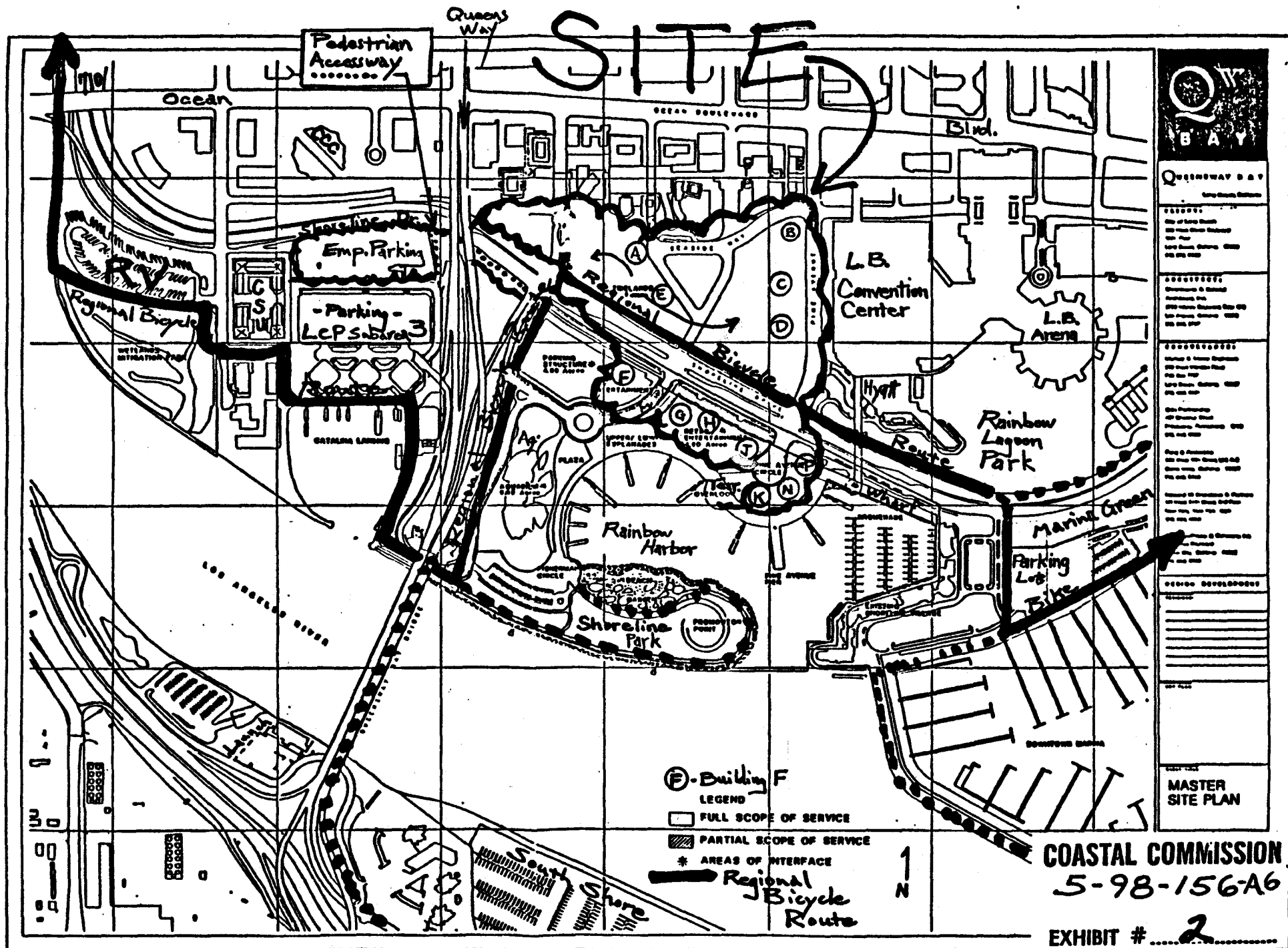
End/cp

City of Long Beach

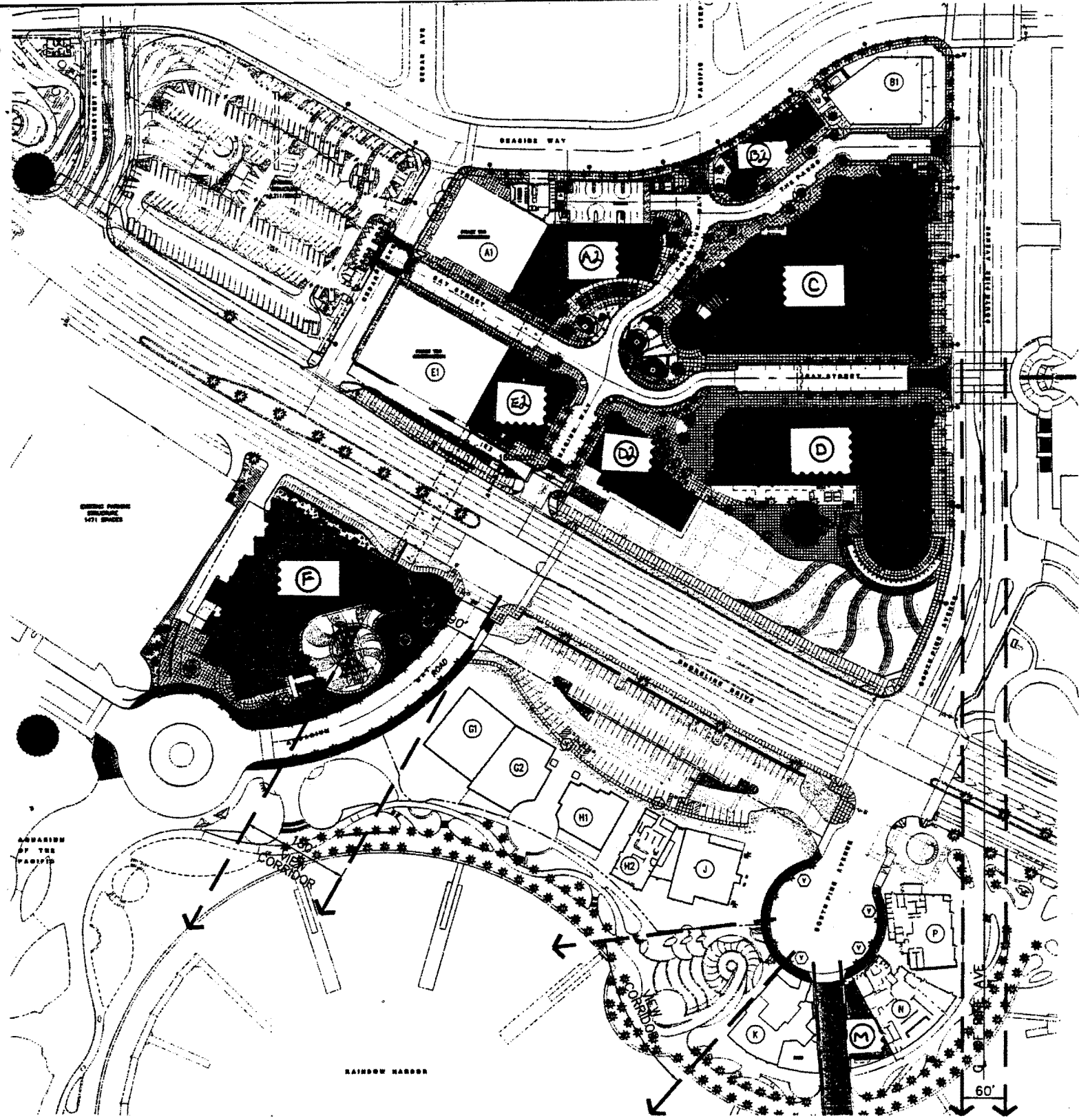


COASTAL COMMISSION
5-98-156-A6

EXHIBIT # 1
PAGE 1 OF 1



Downtown Shoreline Area



THE PIKE - Long Beach, California
CONCEPTUAL LEASE PLAN

Developers Diversified Realty Corporation
F+A ARCHITECTS

Composite S
Level One
With View C

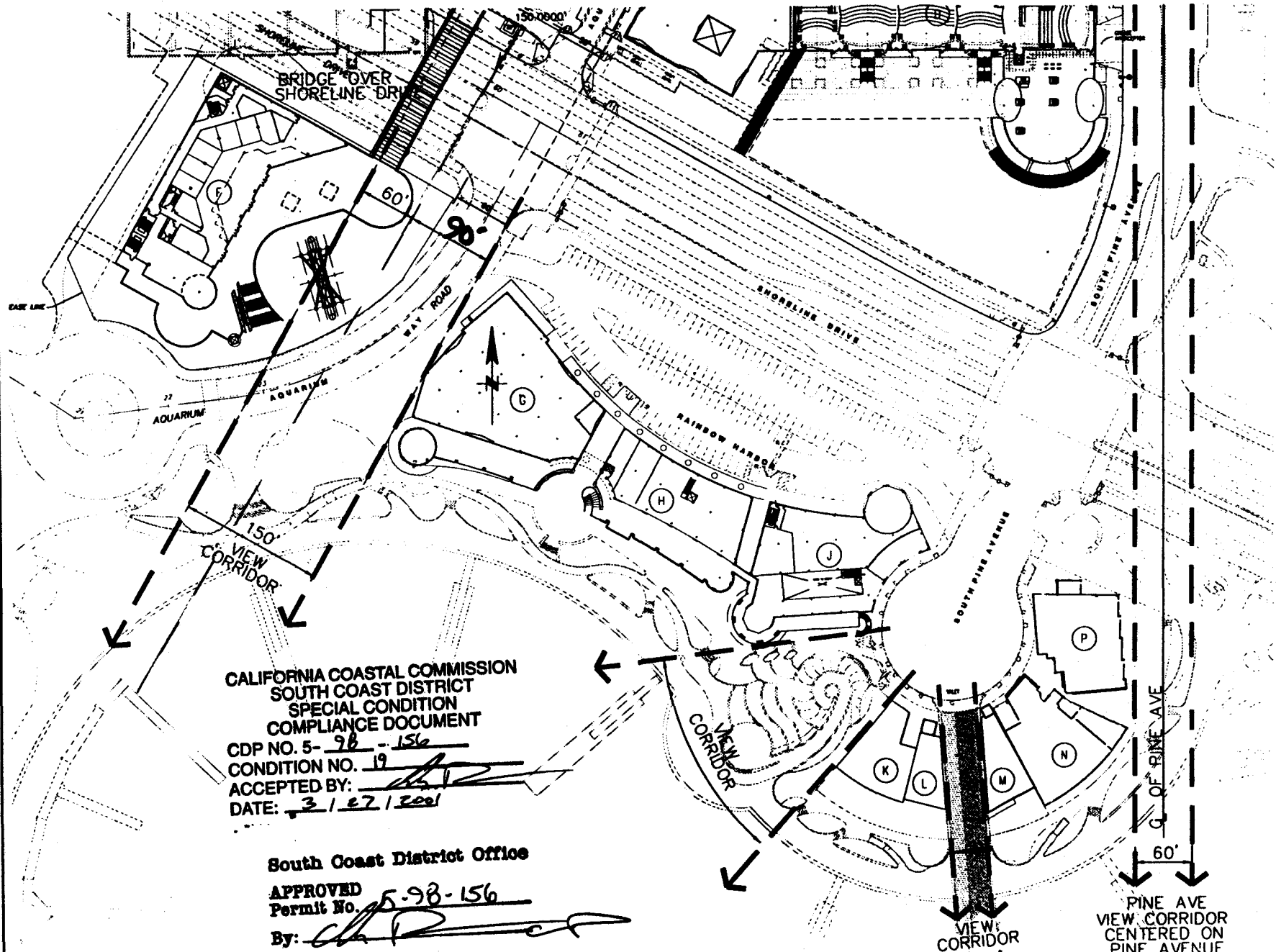
PARCEL NUMBER	BUILDINGS	PROPOSED BUILDING AREA, APPROX. (AC)	PARCEL AREA (AC)
1	M, N & P	0.60	0.64
2	K	0.27	0.30
3	G1, G2, H1, H2 & J	1.60	1.80
4	F	1.15	1.48
TOTAL	-	3.62	4.00

Site
Plan
(2002)

COASTAL COMMISSION
5-98-156-A6

EXHIBIT # 3
PAGE 1 OF 1

Previous Approval- South of Shoreline Drive (April 2001)



CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT
SPECIAL CONDITION
COMPLIANCE DOCUMENT
CDP NO. 5- 98-156
CONDITION NO. 19
ACCEPTED BY: [Signature]
DATE: 3/27/2001

South Coast District Office
APPROVED
Permit No. 5-98-156
By: [Signature]
EFFECTIVE APR 26 2001
Date: _____

EXHIBIT # 4
PAGE 1 OF 1

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Q

Q

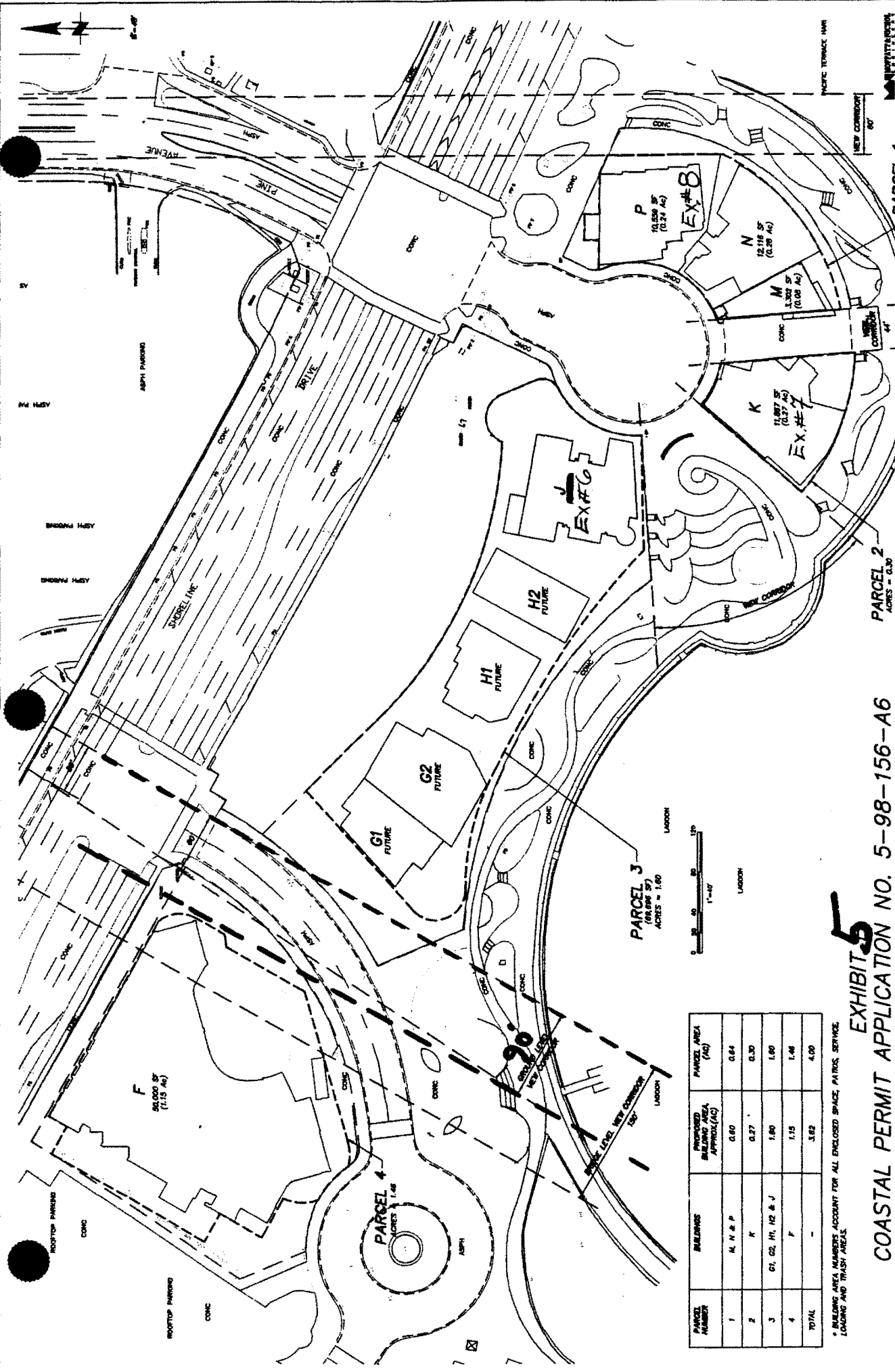
Q

Q

Q

Spec. Cond. #19
VIEW CORRIDOR
WATERFRONT
LEVEL TWO

A009.1



PARCEL NUMBER	BUILDINGS	PROPOSED BUILDING AREA (SQ. FT.)	PARCEL AREA (AC)
1	M, N & P	0.80	0.84
2	K	0.27	0.30
3	G1, G2, H1, H2 & J	1.80	1.80
4	F	1.15	1.15
TOTAL	-	3.82	4.00

* BUILDING AREA, NUMBER ACCOUNT FOR ALL ENCLOSED SPACE, PATIOS, SERVICE, LOADING AND TRASH AREAS.

EXHIBIT 5

COASTAL PERMIT APPLICATION NO. 5-98-156-A6

COASTAL COMMISSION

Current Proposal (Jan. 2003)
South of Shoreline Drive

5-98-156-A6

EXHIBIT # 5
PAGE 1 OF 1

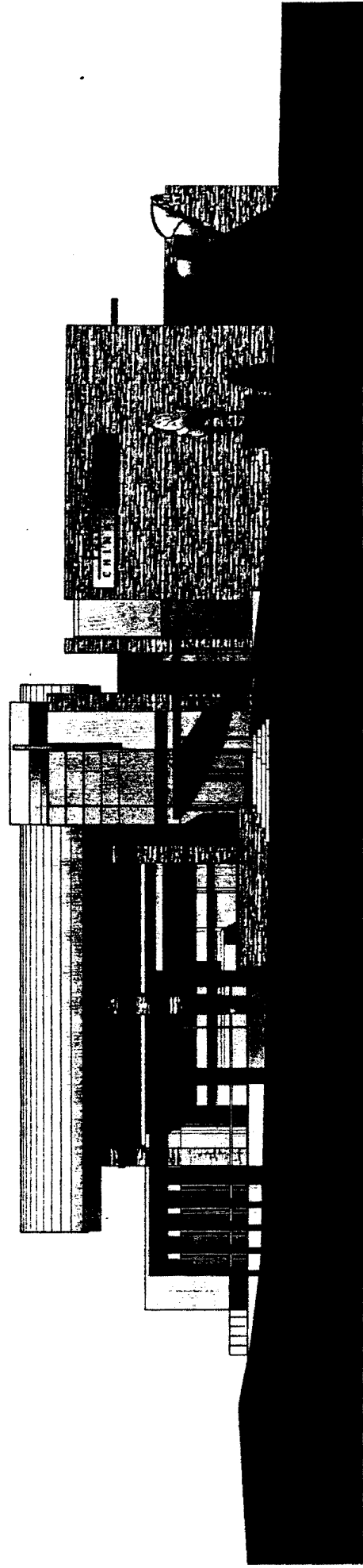
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11/00 - 7-00	24
24 0 17	

COASTAL COMMISSION

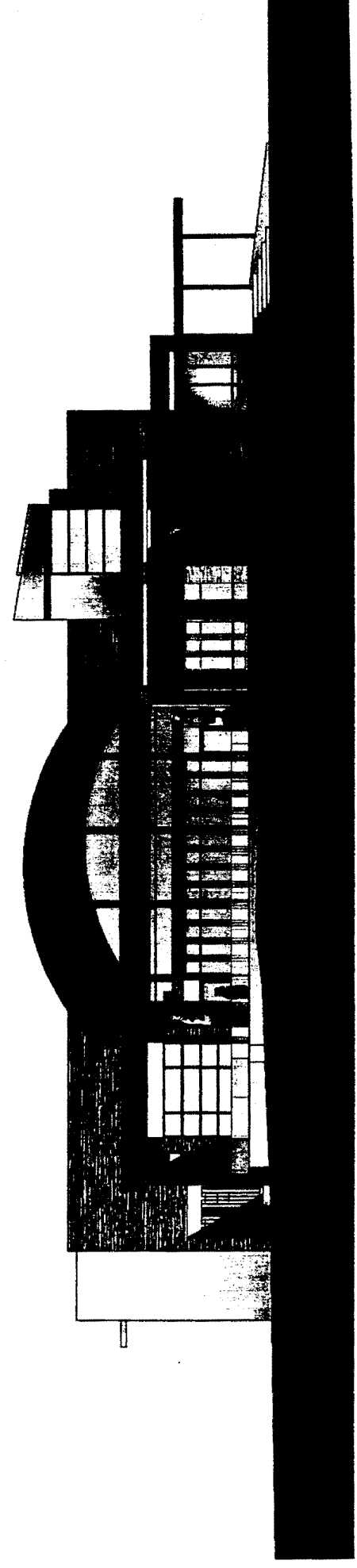
EXHIBIT # 6
PAGE 1 OF 2

— 40' MAX



EAST ELEVATION

— 40' MAX



SOUTH ELEVATION
COASTAL COMMISSION
5-98-136-A6
EXHIBIT # 6
PAGE 2 OF 2

P.F. CHANG'S CHINA BISTRO

AREAS

LOCAL DESCRIPTION
PARCEL #1 AND ADJACENT
PARCEL #2

BUILDING AREA: 1,000 SQ. FT.
PAVED: 1,000 SQ. FT.
TOTAL AREA: 2,000 SQ. FT.

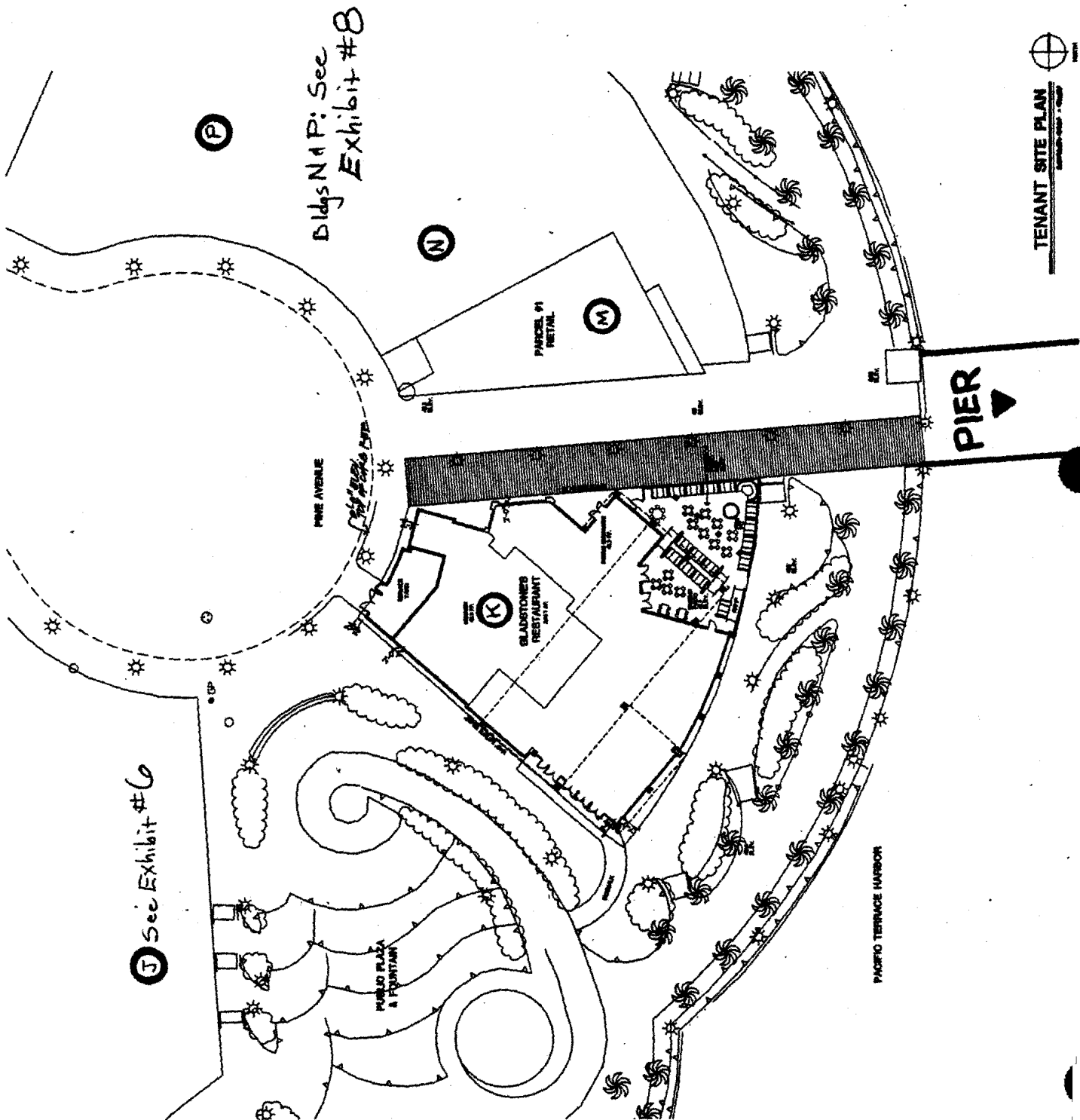
CITY OF LONG BEACH
DEPARTMENT OF PLANNING AND BUILDING
APPROVAL IN CONCEPT
These plans have received approval in concept only
the South Coast Regional Commission, pursuant to Section
13210, Public Resources Code.
Date: 8-2-02

COASTAL COMMISSION
5-98-156-A6

EXHIBIT # 7

PAGE 1 OF 3

TENANT SITE PLAN
SCALE: 1" = 100'



RENTON
FEBRUARY 1944



॥

[illegible]

SUPERVISOR
 THE NIKKO RANGER
 REAR.
 OR PLAN 18 1/2 ft x
 10 ft.



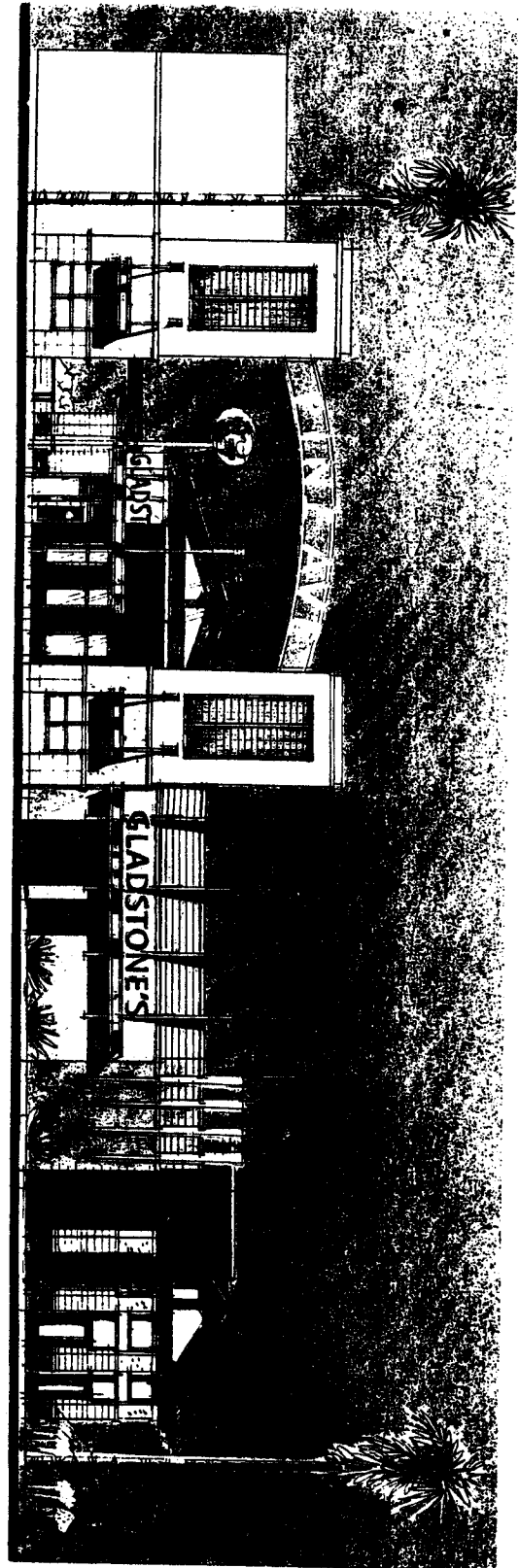
PAGE 2

APPROVAL IN CONCEPT

These plans have received approval in concept only by the city of Long Beach as required for application to the South Coast Regional Commission, pursuant to Section 13210, Public Resources Code.

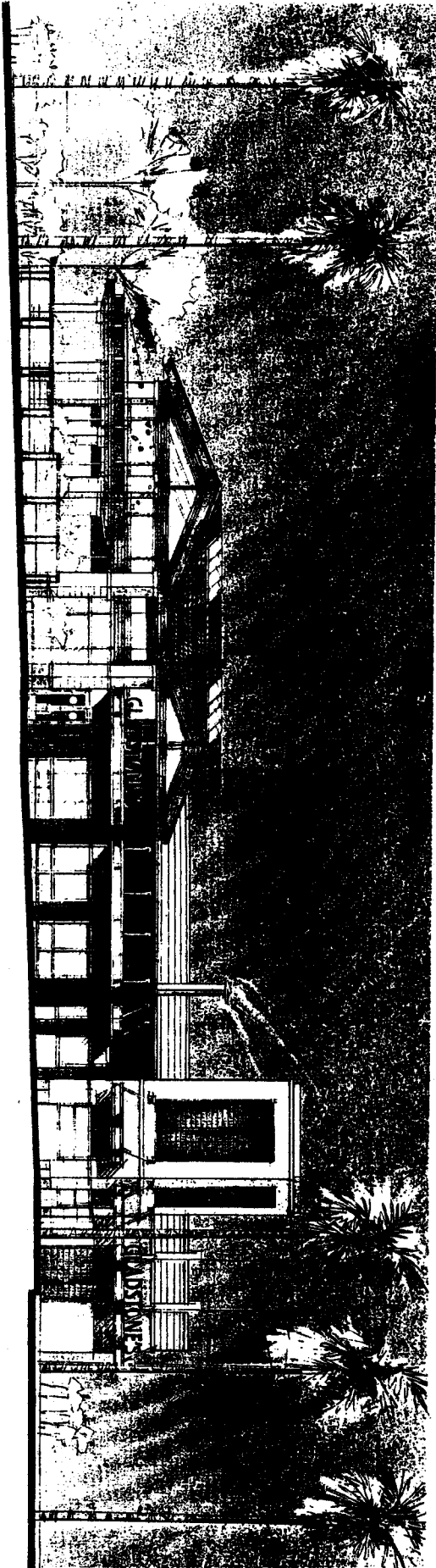
Date: 12/2/01 By: *[Signature]*

NORTH ELEVATION



40' max.

EAST ELEVATION



GLADSTONE'S

COASTAL COMMISSION

5-98-156-AC

EXHIBIT #

7

PAGE 3 OF 3



ARCHITECT TRONIX
1000 S. W. 10th Ave., Suite 100
Miami, FL 33135
Tel: 305.375.1000
Fax: 305.375.1001

GUAYMAS

GUAYMAS - QUEENSWAY BAY
SEC OF SHORELINE DRIVE & PINE STREET
LONG BEACH, CALIFORNIA
REFERENCE SITE PLAN

A1.1
DATE: 4/26/01
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

SHORELINE DRIVE

COASTAL COMMISSION
COAST DISTRICT
SPECIAL CONDITION
PERMIT NO. 5-98-156
CDD/NO. 98-156
CONTRACT NO. 2712011
APPROVED: [Signature]
By: [Signature]
EFFECTIVE APR 26 2001

EXHIBIT # **8**

PAGE **1** OF **2**

CUL-DE-SAC / PINE AVENUE

SITE PLAN NOTES

1. ALL EXISTING UTILITIES ARE TO BE MAINTAINED AND PROTECTED. ANY NEW UTILITIES TO BE INSTALLED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, UTILITIES DEPARTMENT SPECIFICATIONS.
2. ALL EXISTING TREES TO BE MAINTAINED AND PROTECTED. ANY NEW TREES TO BE PLANTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, LANDSCAPE ARCHITECT SPECIFICATIONS.
3. ALL EXISTING STRUCTURES TO BE MAINTAINED AND PROTECTED. ANY NEW STRUCTURES TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, BUILDING DEPARTMENT SPECIFICATIONS.
4. ALL EXISTING DRIVEWAYS TO BE MAINTAINED AND PROTECTED. ANY NEW DRIVEWAYS TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, PUBLIC WORKS DEPARTMENT SPECIFICATIONS.
5. ALL EXISTING FENCES TO BE MAINTAINED AND PROTECTED. ANY NEW FENCES TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, PUBLIC WORKS DEPARTMENT SPECIFICATIONS.
6. ALL EXISTING SIGNAGE TO BE MAINTAINED AND PROTECTED. ANY NEW SIGNAGE TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, PUBLIC WORKS DEPARTMENT SPECIFICATIONS.
7. ALL EXISTING LANDSCAPING TO BE MAINTAINED AND PROTECTED. ANY NEW LANDSCAPING TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, LANDSCAPE ARCHITECT SPECIFICATIONS.
8. ALL EXISTING UTILITIES ARE TO BE MAINTAINED AND PROTECTED. ANY NEW UTILITIES TO BE INSTALLED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, UTILITIES DEPARTMENT SPECIFICATIONS.
9. ALL EXISTING TREES TO BE MAINTAINED AND PROTECTED. ANY NEW TREES TO BE PLANTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, LANDSCAPE ARCHITECT SPECIFICATIONS.
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11. ALL EXISTING DRIVEWAYS TO BE MAINTAINED AND PROTECTED. ANY NEW DRIVEWAYS TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, PUBLIC WORKS DEPARTMENT SPECIFICATIONS.
12. ALL EXISTING FENCES TO BE MAINTAINED AND PROTECTED. ANY NEW FENCES TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, PUBLIC WORKS DEPARTMENT SPECIFICATIONS.
13. ALL EXISTING SIGNAGE TO BE MAINTAINED AND PROTECTED. ANY NEW SIGNAGE TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, PUBLIC WORKS DEPARTMENT SPECIFICATIONS.
14. ALL EXISTING LANDSCAPING TO BE MAINTAINED AND PROTECTED. ANY NEW LANDSCAPING TO BE CONSTRUCTED SHALL BE IN ACCORDANCE WITH THE CITY OF LONG BEACH, CALIFORNIA, LANDSCAPE ARCHITECT SPECIFICATIONS.

SUMMARY

LEGEND	1. EXISTING	2. NEW	3. TO BE REMOVED
1. EXISTING	2. NEW	3. TO BE REMOVED	4. TO BE MAINTAINED
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97. TO BE MAINTAINED	98. TO BE MAINTAINED	99. TO BE MAINTAINED	100. TO BE MAINTAINED

(K)

See Exhibit #7

Pier

(M)

Parcel 1
PND AREA 11,528 SQ. FT.
GUAYMAS

(P)

Parcel 2
PND AREA 11,000 SQ. FT.
PREGO

(N)

View No. 1
View No. 2
View No. 3
View No. 4
View No. 5
View No. 6
View No. 7
View No. 8
View No. 9
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View No. 97
View No. 98
View No. 99
View No. 100

North

Approved Buildings N&P (April 2001)

QUEENSWAY BAY
PACIFIC OCEAN

