

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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**F12a**

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original staff report

**ADDENDUM**

November 7, 2014

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: Permit Amendment No. 5-98-156-A16 (The Pike at Rainbow Harbor, Long Beach).

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**Revised Special Condition and Added Findings**

Note: The revisions to the staff report dated October 23, 2014 are shown below. Text to be deleted is shown in ~~striketrough~~; text to be added appears in underline.

Commission staff recommends the following change to Special Condition 14 (Valet Parking) on page 7 of the staff report:

Valet or assisted parking services may be provided within the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and South Pine Avenue (surface lot) as follows:

- (i) Monday through Friday only after 5 p.m.;
- (ii) Saturdays and Sundays ~~between~~ after 10 a.m. and midnight; and
- (iii) Special events and holidays all-day.

Commission staff recommends the following changes to the findings under Project Location & Description on page 11 of the staff report:

As noted in the table above, the co-permittees describe current valet parking service as operating until midnight. In practice, valet service no longer accepts vehicles after midnight, but remains open until all vehicles are claimed from valet – sometimes past midnight. The co-permittees propose to extend the hours valet parking is available within the Surface Lot by one hour on weekdays, starting valet service at 5:00pm instead of 6:00pm. The co-permittees also propose to reserve 13 parking stalls in the northwest corner of the lot for valet use on weekdays (Exhibit #2.2). These 13 stalls would be marked with signs indicating that they are reserved for valet only. The co-permittees also propose that up to an additional 22 parking stalls in the Surface Lot be available for valet parking if needed between the hours of 8:00am and 11:00am and after 2:00pm on weekdays to store vehicles dropped off at the Pine Circle valet stand. These would not be specific stalls designated as valet-only, but would simply provide valet management with the option to use up to 22 more stalls in the Surface Lot if needed.

Commission staff recommends the following changes to the findings under Public Access and Recreation at the bottom of page 16 of the staff report:

The conditions of this permit impose limits on valet parking services in order to protect the public's ability to self-park in the Surface Lot. The valet parking drop-off stand may operate within the Surface Lot on weekday evenings beginning at 5:00pm and ~~all day~~ Saturdays and Sundays from 10:00am to midnight. The pick-up kiosk and waiting area may operate within the Surface Lot during all hours of operation of the Pine Circle valet drop-off stand and until all vehicles within valet possession are returned. In addition, a total of 13 parking stalls may be reserved at all times for exclusive use by valet and valet may exercise the option to use an additional 22 stalls between 2:00pm and 5:00pm on weekdays. This will protect most of the parking within the Surface Lot for self-parking during daytime weekday hours. In addition, instead of closing the Surface Lot to self-parking during weekday evening hours and weekends as the lot is currently operated, the co-permittees will be required to allow self-parking in 26 stalls (stalls numbered 1-15 and 61-71) and in the 12 short-term waterfront parking stalls at all times charged at the self-parking rate (see Exhibit #2.2 for stalls to be available for public parking at all times). This will ensure protection of at least some self-parking within the Surface Lot during weekends when public use of the park is highest. Finally, to mitigate the negative effect that the automated barrier gates and payment machines may have on users of Shoreline Park, the co-permittees may not charge for self-parking between the hours of 1:00am and 10:00am. This restriction will protect existing free parking in the Surface Lot when the neighboring restaurants are not operating and encourage use of the shoreline in the early morning hours.

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# F12a

Filed:	10/16/14
180th Day:	04/14/14
Staff:	E.Prahler-LB
Staff Report:	10/23/14
Hearing Date:	11/14/14

## STAFF REPORT: PERMIT AMENDMENT

<b>Application No.:</b>	<b>5-98-156-A16</b>
<b>Co-Permittees:</b>	<b>City of Long Beach &amp; DDR Urban, LP</b>
<b>Agents:</b>	Dongell Lawrence Finney, LLP (Tal Finney and Courtney Ross-Tait)
<b>Location:</b>	95 S. Pine Avenue (The Pike at Rainbow Harbor), Downtown Shoreline, City of Long Beach, Los Angeles County
<b>Description of Amendment:</b>	Continuation and expansion of valet parking operations, installation of valet parking amenities and other parking-related physical improvements, and update to parking fees and validation program.
<b>Description of Project Originally Approved February 3, 1999:</b>	Construction of a 508,550 sq. ft. commercial retail and entertainment complex on the waterfront. See Appendix B for descriptions of previous permit amendments: A1-A19.
<b>Staff Recommendation:</b>	Approve with conditions

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## SUMMARY OF STAFF RECOMMENDATION

This application would amend the Commission-issued coastal development permit for the commercial waterfront development known as "The Pike at Rainbow Harbor" (referred to as "The Pike"). This permit amendment request involves changes to parking management within the development, including the continuation and expansion of valet parking services, installation of valet parking amenities and other parking-related physical improvements, and an update to the parking rates and validation program.

The co-permittees' proposal raises Coastal Act issues related to scenic resources and public access. As proposed, one valet stand to be located at the terminus of South Pine Avenue would adversely impact significant views of the harbor within a protected view corridor and in violation of Special Condition 19 of the underlying permit. Special Condition 44 addresses this issue by requiring the co-permittees to submit revised, final site plans showing that the valet stand has either been moved out of the view corridor or has been redesigned to comply with Special Condition 19's height restrictions. Another valet kiosk and waiting area located adjacent to Building J would be located at the inland edge of a protected view corridor. The impact on views of these valet parking amenities will be insignificant because of their location at the very edge of the view corridor. Therefore, Special Condition 19 would be revised to exclude these amenities from the height restrictions applicable to view corridors.

The proposed locations and hours of valet operations, installation of automated barrier gates and payment machines in the Surface Lot, and parking rate and validation program changes raise public access issues. The Surface Lot (located seaward of Shoreline Drive) is designated as parkland and serves as a parking reservoir for visitors to both The Pike's commercial tenants and Shoreline Park. The co-permittees propose to continue to close the Surface Lot to self-parking (other than 12 short-term parking stalls) during weekday evening hours, all day weekends and during special events and holidays, requiring all visitors (including recreational visitors to Shoreline Park) to pay the proposed higher valet parking fee to park in the Surface Lot. They also propose to reserve up to 35 stalls for exclusive use by valet during weekday daytime hours, limiting the number of stalls available for self-parking. In addition, the installation of automated barrier gates and payment machines at the entrances and exits of the Surface Lot would enable the co-permittees to charge for parking within the Surface Lot 24 hours a day, including during hours that the commercial tenants at The Pike are not in operation and when shoreline users may be accessing Shoreline Park. The revisions to Special Condition 14 are designed to protect self-parking within the Surface Lot at all times to ensure the availability and affordability of shoreline access. The co-permittees' proposed updated rate structure and validation program is designed to increase the amount of free parking available and lower the overall cost of long term parking, making it more affordable to access the shoreline in this area. The proposed permit amendment would also recognize valet parking as a premium service and allow the co-permittees to charge an additional fee for valet parking. Special Condition 13 would be revised to remove a requirement that valet parking cost the same or less than self-parking.

Staff is recommending **approval** of the proposed coastal development permit amendment with revisions to Special Conditions 13, 14, and 19 and the addition of Special Condition 44. Staff recommends revisions to Special Condition 13 (Public Parking) to remove the requirement that valet parking cost the same as self-parking, and prohibit charging for parking in the Surface Lot between 1:00am and 10:00am. Staff recommends revisions to Special Condition 14 (Valet Parking) to limit the hours of operation of valet, allow the reservation of some parking stalls within the Surface Lot for valet use, and protect self-parking within the Surface Lot. Finally, staff recommends revision of Special Condition 19 (View Corridors) to allow installation of a valet kiosk and waiting area within a view corridor. In addition, staff recommends that the Commission impose Special Condition 44, which would require the co-permittees to submit revised site plans showing that the valet stand proposed to be located within Pine Circle adjacent to Building K has been relocated outside of the view corridor or has been redesigned to a maximum of 42 inches in height in

compliance with Special Condition 19 and to submit plans showing the location of all signs within the Surface Lot and how rates, hours and parking rules will be described on all signage.

**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.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

The proposed project is a material change from that previously approved. In addition, Special Condition 14 of the underlying permit requires that the co-permittees submit a permit amendment request to the Commission for the continued use of valet or assisted parking services beyond the original three-year term. Therefore, pursuant to Section 13166 of the Commission's regulations, the Executive Director is referring this application to the Commission.

The project site falls entirely within the Commission's original jurisdiction. A portion of the proposed project is located on filled State Tidelands administered by the City of Long Beach. The permit amendment must be obtained from the Commission because the Commission issued the underlying coastal development permit. 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 Local Coastal Program (LCP) is advisory in nature and may provide guidance.

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## APPENDICES

Appendix A – Substantive File Documents

Appendix B – Previous Permit Amendments<sup>1</sup>

Appendix C – Previously Imposed Special Conditions

## EXHIBITS

Exhibit 1 – Vicinity Maps

Exhibit 2 – Site Plans

Exhibit 3 – Proposed Parking Rates and Validation Program

Exhibit 4 – View Corridors

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<sup>1</sup> Full permit amendment files available at the South Coast Commission office in Long Beach.

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 5-98-156 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*The Commission hereby approves a 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 development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

The following is adopted as part of the Commission's resolution:

This coastal development permit amendment would change Special Condition 13, Special Condition 14, and Special Condition 19 and impose Special Condition 44, as detailed below. Proposed changes are presented with eliminated words ~~struck through~~ and new words underlined. Unless specifically changed by this amendment, all standard and special conditions attached to Coastal Development Permit No. 5-98-156 and/or amendments thereto shall remain in effect (See Appendix C).

A. **Change Special Condition 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 (as described in Condition 14) may be set aside in order to provide the general public and hotel guests 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.~~

Parking fees, as authorized by a Commission action, may be charged for parking, except that parking shall be free between the hours of 1 a.m. and 10 a.m. in the surface parking lot located within Shoreline Park at the southwest corner of Shoreline Drive and South Pine Avenue.

B. **Change Special Condition 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 65 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.



Valet or assisted parking services may be provided within the public parking lot located in Shoreline Park at the southwest corner of Shoreline Drive and South Pine Avenue (surface lot) only as follows:

- (i) Monday through Friday only after 5 p.m.;
- (ii) Saturdays and Sundays between 10 a.m. and midnight; and
- (iii) Special events and holidays all-day.

In addition, and as depicted on Exhibit #2.2 in the staff report for Amendment No. 16 dated 10/23/14, the reservation and use of specific parking stalls in the surface lot shall be managed as follows:

- (i) thirteen (13) stalls in the northwest corner of the surface lot may be set aside for valet parking at all times;
- (ii) between the hours of 2 p.m. and 5 p.m. Monday through Friday, the valet will have the option to use up to an additional twenty-two (22) stalls within the surface lot;
- (iii) twenty-six (26) parking stalls shall be clearly marked as available for self-parking at all times and the use of these stalls for valet parking is prohibited; and
- (iv) twelve (12) waterfront, short-term parking stalls shall be available for self-parking at all times and the use of these stalls for valet parking is prohibited.

Any change in the approved valet parking program described in the application and approval of Amendment No. 16 may require a coastal development permit amendment. The co-permittees shall submit any proposed change in the valet or assisted parking program 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. No changes to the approved valet parking program shall occur without a Commission-approved permit amendment unless the Executive Director determines that no permit amendment is required.

~~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.~~

**C. Change Special Condition 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, and the valet kiosk and waiting area outside of Building J identified on Exhibit #4.2 of the staff report for Amendment No. 16 dated 10/23/14), 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.

**D. Impose Special Condition 44. Final Parking Management Plan:**

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT 5-98-156-A16, the co-permittees shall submit, for the review and approval of the Executive Director, a final parking management plan describing and showing the location and height of all structures approved by this permit amendment and approved by Coastal Development Permit 5-98-156, as previously amended, including, but not limited to:

- a) The valet stand located at the terminus of South Pine Avenue showing that the valet stand has either been moved out of the view corridor or has been redesigned to comply with Special Condition 19's height restrictions;
- b) The valet stand and waiting areas located adjacent to Building J;
- c) The valet stand located within the Surface Lot;
- d) All signs located within the Surface Lot, including the content of all signs describing the parking rules and rates within the lot; and
- e) Method for identifying the stalls reserved for self-parking in the Surface Lot (e.g., colored pavement and signs), and accompanying signage to inform the public of the opportunity to self-park in the Surface Lot as required by Special Condition 14.

The final parking management plan shall be in substantial conformance with the development and management plan approved pursuant to Coastal Development Permit No. 5-98-156, as amended and as specifically described in the staff report dated 10/23/14. The co-permittees shall undertake and maintain the development in conformance with the special conditions of

the permit and the final plans approved by the Executive Director. 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-approved permit amendment unless the Executive Director determines that no permit amendment is required.

## **IV. FINDINGS AND DECLARATIONS:**

### **A. PROJECT LOCATION & 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.<sup>2</sup> The approved “Queensway Bay” commercial project, now known as “The Pike at Rainbow Harbor” (the “Pike”), included a multi-screen movie theater, a large-format (IMAX-style) theater, a new 2,195-stall parking structure, a Ferris wheel and carousel, and numerous restaurants, retail establishments and public amenities (Exhibits #1.1 and 1.1). The Pike has been open to the public since November 2003. The permit has been amended 16 times since 1999 (See Appendix B).

The Pike at Rainbow Harbor is situated on approximately 20 acres of fill (formerly the ocean) which was entirely designated as State Tidelands until 2011 when the City of Long Beach and the State Lands Commission completed a land swap to remove the State Tidelands designation and associated land use restrictions from approximately 10 acres of land in LCP Subarea 5 of the Downtown Shoreline Planned Development District (PD-6). This permit amendment request involves two LCP Subareas: LCP Subarea 5 and LCP Subarea 6 (Exhibit #1.3). Subarea 6 covers the City’s central waterfront area including Shoreline Park, the Long Beach Aquarium of the Pacific, Rainbow Harbor and Esplanade, and Pine Avenue Pier (Exhibit #1.3). Most of the land area within LCP Subarea 6 is located seaward of the first public road. Subarea 5 is a landlocked former “Tidelands Parcel” located inland of LCP Subarea 6 and Shoreline Drive (Exhibit #1.3). Subarea 5 includes a cinema, more restaurants, entertainment, the Hyatt The Pike Long Beach, and a 2,211-stall parking garage (the Pike Parking Structure). The co-permittees’ proposed changes to the current valet parking operations, physical improvements, and changes to parking rates and validation program affect parking management within both LCP Subareas.

#### **1. Continue and Expand Valet Parking**

When the Commission approved Coastal Development Permit No. 5-98-156 in 1999, it authorized the use of limited valet parking in order to increase the capacity of certain parking reservoirs. However, Special Condition 14 of the underlying permit limited the term of the valet parking authorization to three years and requires that the co-permittees submit a permit amendment request to the Commission for the continued use of valet or assisted parking services.

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<sup>2</sup> See Appendix B of this staff report for a list of the previously approved permit amendments.

Valet parking service is currently available in three locations: the Laugh Factory (Building D on South Pine Avenue), in Pine Circle (terminus of South Pine Avenue, adjacent to Building K), and within the Surface Lot (parking lot in Shoreline Park at the southwest corner of Shoreline Drive and South Pine Avenue). The co-permittees propose to continue offering valet service in these three locations and add valet parking service at two other locations—Hyatt The Pike Long Beach (Building A1 on Bay Street) and within the Pike Parking Structure (at the intersection of Cedar Avenue and Shoreline Drive). They also propose to extend the hours that valet parking service is offered within the Surface Lot. The current and proposed days and hours of operation of valet parking services are summarized in the table below.

<b>Location</b>	<b>Current Days and Hours of Operation</b>	<b>Proposed Days and Hours of Operation</b>
Laugh Factory	5 days per week (Wednesday, Thursday, Friday, Saturday, and Sunday): 7:00pm – 12:00am	Same as Current
Pike Parking Structure	N/a	Weekdays: 5:00pm – 12:00am  Weekends: 12:00pm – 12:00am
Hyatt The Pike Long Beach	N/a	24 hours a day, 7 days per week
Surface Lot	Weekdays: 6:00pm – 10:00pm  Weekends: 10:00am – 12:00am	Weekdays: 5:00pm – 10:00pm  Weekends: 10:00am – 12:00am
Pine Circle	7 days per week: 10:00am – 12:00am	Same as Current

The Pike Parking Structure is located at the northeast corner of Cedar Avenue and Shoreline Drive (Exhibit #2.1) and provides the majority of the public parking available at The Pike. Of the 2,211<sup>3</sup> parking stalls in The Pike Parking Structure, 294 stalls on the first floor are currently reserved for valet parking. As currently operated, all vehicles dropped off with valet at the Laugh Factory are stored within The Pike Parking Structure. Vehicles dropped off at the Pine Circle valet on weekdays before 6:00pm, and any overflow from the Pine Circle and Surface Lot valet locations during other valet hours are also stored in The Pike Parking Structure. The co-permittees also propose to store all

<sup>3</sup> Several exhibits DDR provided show 2,211 stalls in this structure. In their written response dated August 22, 2014, however they refer to the Pike Structure has having a total of 2,186 parking stalls.

vehicles dropped off at the new Pike Parking Structure and Hyatt valet locations within The Pike Parking Structure.

There are 126 parking stalls in the Surface Lot. This parking lot is on parkland administered by the City of Long Beach and serves both visitors to Shoreline Park and The Pike restaurants located between the shoreline and the Surface Lot (Exhibit #2.1). The entire Surface Lot is currently available for self-parking before 6:00pm on weekdays. After 6:00pm weekdays and between 10:00am and 12:00am on weekends, a valet stand is open in the Surface Lot and that parking lot is primarily used for valet car storage (the only stalls available for self-parking during these hours are 12 waterfront, short-term parking stalls). Currently, no parking stalls within the Surface Lot are reserved for valet use on weekdays before 6:00pm.

As noted in the table above, the co-permittees propose to extend the hours valet parking is available within the Surface Lot by one hour on weekdays, starting valet service at 5:00pm instead of 6:00pm. The co-permittees also propose to reserve 13 parking stalls in the northwest corner of the lot for valet use on weekdays (Exhibit #2.2). These 13 stalls would be marked with signs indicating that they are reserved for valet only. The co-permittees also propose that up to an additional 22 parking stalls in the Surface Lot be available for valet parking if needed between the hours of 8:00am and 11:00am and after 2:00pm on weekdays to store vehicles dropped off at the Pine Circle valet stand. These would not be specific stalls designated as valet-only, but would simply provide valet management with the option to use up to 22 more stalls in the Surface Lot if needed.

## **2. Construct Physical Improvements**

The co-permittees also propose to construct several physical improvements to improve parking and valet services at The Pike. Within the Surface Lot, the co-permittees propose to widen the entrances and exits at South Pine Avenue and Aquarium Way to install automated barrier gates and pay stations, install a pay station in front of Building H2, remove one parking stall and a planter in the middle of the lot to install a valet drop-off stand with cover, and remove four parking stalls to create an inbound-only slip ramp from Shoreline Drive into the Surface Lot with a barrier gate for valet use. They also propose to construct a valet kiosk and waiting area with covers and benches located between Building J and the South Pine Avenue entrance to the Surface Lot. Finally, they propose to install a valet drop-off stand with cover at Pine Circle adjacent to Building K. The covers for the valet kiosk, stands and waiting areas are approximately 12 feet tall. See Exhibits #2.3, 2.4, and 4.1 for physical improvements to the Surface Lot and in Pine Circle.

Proposed physical improvements to The Pike Parking Structure include converting an existing exit lane from the Pike Structure onto Chestnut Place into an inbound only lane and constructing an outbound only slip ramp onto Cedar Avenue from the Pike Parking Structure.

On the one-way unnamed access road that runs parallel to Shoreline Drive between Aquarium Way and Cedar Avenue, the co-permittees propose to install two automated barrier gates, signs restricting access to valet only during valet hours, and a pedestrian barrier parallel to and along the sidewalk near the corner of Aquarium Way.

### 3. Update Parking Rates and Validation Program

The co-permittees propose to update the previously approved parking rates for The Pike Parking Structure and the Surface Lot to increase the amount of free parking, lower the maximum parking fee, and charge a premium for valet parking service. They also propose to modify the customer parking validation program (Exhibit #3.1). The Executive Director has determined that the proposed changes require an amendment to the permit because the proposed changes affect the rates previously approved by the Commission and have the potential to negatively impact coastal access by restricting access to the shoreline parking supply.

The Commission's approval of Coastal Development Permit 5-98-156 included basic parking rates (i.e., non-validated) and reduced parking rates for customers granted parking validations by The Pike commercial tenants. The parking rates and validation program applicable at The Pike Parking Structure were last updated by the Commission's approval of Coastal Development Permit Amendment Request No. 5-98-156-A2 in December 1999. The parking rates at The Pike Parking Structure are summarized in the table below as previously approved and as proposed by the co-permittees in this permit amendment request:

<b><u>The Pike Parking Structure</u></b>	<b>Previously Approved Parking Rates</b>	<b>Proposed Parking Rates</b>
Basic Rate (no validation)  Hotel Guest Self-Parking (no in/out privileges)	\$ 1.50 per half hour \$24.00 maximum	Free First 30 minutes \$ 3.00 30 minutes – 1.5 hours \$ 6.00 1.5 – 2.5 hours \$ 9.00 2.5 – 4 hours \$12.00 4 – 5 hours \$15.00 5 – 8 hours \$16.00 8 – 24 hours  Valet parking: add \$5.00 premium to rates listed above.
Retail/Restaurant Validation	Free First 1.5 hours \$ 2.00 1.5 – 3 hours \$ 3.00 3 – 4 hours  \$ 3.00 per hour after the first 4 hours up to the maximum  \$24.00 maximum	Free.....First 2 hours \$ 3.00 2 – 3 hours \$ 6.00 3 – 4 hours \$ 9.00 4 – 5 hours \$12.00 5 – 6 hours \$15.00 6 – 8 hours \$16.00 8 – 24 hours  Valet parking: add \$5.00 premium to rates listed above.
Cinema/IMAX Validation	Free First 3 hours \$ 3.00 3 – 4 hours  \$ 3.00 per hour after the first 4 hours up to the maximum	Free.....First 3.5 hours \$ 6.00 3.5 – 4 hours \$ 9.00 4 – 5 hours \$12.00 5 – 6 hours \$15.00 6 – 8 hours

	\$24.00 maximum	\$16.00 8 – 24 hours  Valet parking: add \$5.00 premium to rates listed above.
Hotel Guest Valet (with in/out privileges)	n/a	\$21.00 per night, from 2pm until 12pm check-out
Special Event	\$ 7.00 per day	\$8.00 - \$20.00 per day, to be determined by the City Manager
Aquarium Validation	\$ 6.00 per day	\$8.00 for the first 24 hours, then the basic rate thereafter
Pier Point Landing / Boat Operator	\$ 8.00 per day	\$8.00 until 3am, then becomes overnight rate of \$16.00 until 12pm. A new \$8.00 rate applies from 12pm until 3am.
Lost Ticket	\$24.00	\$24.00

Special Condition 13 of Coastal Development Permit 5-98-156 states that “[f]ees for any valet or assisted parking shall be the same as for self-parking.” Valet parking in The Pike Parking Structure currently costs \$6.00 for the first two hours and then \$1.50 per half hour thereafter. Under the co-permittees’ proposal, valet parking would be deemed a premium service and an additional \$5.00 fee would be charged on top of the applicable self-parking rate (basic rate, retail/restaurant validation, or cinema/IMAX validation). Patrons of the Laugh Factory who use valet parking service would pay the valet retail/restaurant validation rate. Hotel guests using valet parking service would pay a flat \$21.00 per day (the proposed maximum rate + \$5.00 valet premium) with in/out privileges.

The parking rates at the Surface Lot are summarized in the table below as previously approved and as proposed by the co-permittees in this permit amendment request:

<b><u>Surface Lot</u></b>	<b>Previously Approved Parking Rates</b>	<b>Proposed Parking Rates</b>
Basic Rate (no validation)	\$ 2.00 per hour \$12.00 maximum	Free First 25 minutes \$ 5.00 25 minutes – 2 hours \$ 7.00 2 – 3 hours \$ 9.00 3 – 3.5 hours \$11.00 3.5 – 4 hours \$13.00 4 – 4.5 hours \$15.00 4.5 – 5 hours \$17.00 5 – 5.5 hours \$19.00 5.5 – 6 hours \$21.00 6 – 24 hours  Valet parking: add \$5.00 premium to rates listed above.
Any Pike Tenant Validation	Free First 1 hour \$ 2.00 per hour thereafter	Free First 25 minutes \$ 1.00 25 minutes – 1 hour

		\$ 3.00 1 – 2 hours \$ 5.00 2 – 3 hours \$ 9.00 3 – 3.5 hours \$11.00 3.5 – 4 hours \$13.00 4 – 4.5 hours \$15.00 4.5 – 5 hours \$17.00 5 – 5.5 hours \$19.00 5.5 – 6 hours \$21.00 6 – 24 hours  Valet parking: add \$5.00 premium to rates listed above.
Special Event	n/a	\$8.00 - \$20.00 per day, to be determined by the City Manager
Lost Ticket	\$12.00	\$26.00

Like in the Pike Parking Structure, valet at the Surface Lot currently costs \$6.00 for the first 2 hours and then \$1.50 per half hour thereafter. Under the co-permittees' proposal for rates at the Surface Lot, a \$5.00 premium will be added on top of the basic or validation self-parking rate for valet parking.

## B. PUBLIC ACCESS AND RECREATION

Coastal Act section 30210 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.*

Coastal Act section 30213 states in part:

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

Coastal Act section 30252 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 or providing substitute means of serving the development with public transportation.*

The primary Coastal Act issue raised by this permit amendment request is the relationship between public access opportunities and the management of the various public parking facilities that exist in the Downtown Shoreline area of Long Beach. The Downtown Shoreline area provides a wide range of uses that attract large numbers of visitors and employees, many of whom arrive by automobile. Many of the area's attractions are coastal related such as the beach, marinas, coastal parks, the



Aquarium of the Pacific, Rainbow Harbor, and the Shoreline Village boardwalk. The Downtown Shoreline area is also well served by public transportation, including the Blue Line light-rail and water taxis operated by Long Beach Transit. Free buses transport people around the entire downtown area, including Rainbow Harbor and the Aquarium. Well-established bicycle routes along the shoreline connect Rainbow Harbor to Orange County and Downtown Los Angeles bicycle routes.

All of the parking structures and parking lots in the Long Beach Downtown Shoreline area are located on public tidelands and are open to the general public on a shared-use basis. Special Condition 13 of Coastal Development Permit 5-98-156 ensures that all parking within LCP Subareas 5 and 6, including the Pike Parking Structure and the Surface Lot, is reserved for the use of the general public on a first-come, first-serve basis (See Appendix B).

Each distinct use in the Downtown Shoreline area has its own primary parking reservoir. The City and the Commission have worked together to determine the appropriate parking rates and management schemes for each facility so that various users are encouraged (by rates, time limits and validation programs) to use the appropriate parking reservoir for each use in order to protect access to the lower cost visitor and recreational facilities in the Downtown Shoreline area. The recreational opportunities available in the Downtown Shoreline area include picknicking, sightseeing, walking, bicycling, fishing, boating, and going to the beach. These types of activities do not qualify for any discounted parking rates that are available to customers with validations. The parking reservoirs that support recreational uses include the Queensway Bay (Aquarium) parking structure located in Shoreline Park, the Marina Green public parking lots, the 126-stall Surface Lot in Shoreline Park (the subject of this amendment request), and on-street parking (Exhibit #1.3). All of these parking reservoirs that support shoreline recreational uses, except for the Surface Lot and the Queensway Bay parking structure in Shoreline Park, are metered in order to discourage long-term parking by convention center visitors and employees of the area's commercial uses. The parking meters, which require the purchase of additional time every 90 to 120 minutes, discourage long-term storage of vehicles in these shoreline parking areas.

The cumulative effects of people's decisions on where to park can have a direct impact on the general public's ability to access the coast by private automobile. The Commission, through a series of coastal development permit actions, has regulated the management of the various parking reservoirs in the Downtown Shoreline area in order to protect parking supplies that support the many coastal recreation activities in the area.

### **1. Valet Parking Services and Physical Improvements**

The co-permittees have provided data that show that the existing valet parking service at The Pike creates additional parking for customers through the use of stacked parking, enabling more people to enjoy the entertainment complex during peak hours. The availability and efficiency of parking has been identified by the co-permittees as a factor affecting whether customers return. The proposed expansion of valet parking services and construction of physical improvements within the Surface Lot, the Pike Parking Structure, and along the unnamed access road are intended to improve parking management, reduce valet parking wait times, and continue to direct customers of The Pike to parking reservoirs built for the complex as opposed to parking areas needed for recreational uses of the shoreline. Continuation and expansion of valet parking service within LCP Subarea 5 (at the

Laugh Factory, the Hyatt The Pike Long Beach, and within the Pike Parking Structure) and physical improvements to the Pike Parking Structure and along the unnamed access road will not have a negative impact on public access to the shoreline because they will continue to encourage customers to use the Pike Parking Structure and valet parking options within LCP Subarea 5.

One of the more significant parking issues addressed during the original approval of Coastal Development Permit 5-98-156 on February 3, 1999 was the management of the 126-stall Surface Lot built as part of the project in Shoreline Park at the southwest corner of Shoreline Drive and South Pine Avenue. The Surface Lot is located near the water within Shoreline Park and was intended to support public access to the shoreline park. The Commission approved the co-permittees' request to allow valet parking in the Shoreline Park Surface Lot, but imposed Special Condition 14 limiting the hours and terms of valet parking services that the co-permittees can provide in the public park in order to protect the public's ability to self-park during daytime hours when demand for parking by park visitors is highest.

The co-permittees' proposal to extend valet parking services within the lot by one hour on weekdays, construct valet waiting areas and stands, install automated barrier gates and pay machines, and reserve up to 35 parking stalls within the Surface Lot on weekdays before 5:00pm for valet use are designed to improve customer wait times and increase the number of vehicles that can be parked in the lot during peak hours. However, the co-permittees' proposal would also limit the availability of self-parking within this parking reservoir for non-customer recreational use. Installation of the valet stand and automated barrier gates at the entrances and exits of the Surface Lot will result in the loss of 5 parking stalls, reducing the total number of parking stalls to 121. In addition, reserving up to 35 stalls for valet use during weekday daytime hours and reducing by one hour on weekdays the time that self-parking is available in the lot will further constrain the available parking supply for self-parking. Finally, the proposed installation of automated barrier gates arms at Surface Lot entrances and exits will allow the co-permittees to charge for parking 24 hours per day – a change from current practice where there is no a parking attendant on duty overnight and in the early morning hours and parking is free.

The conditions of this permit impose limits on valet parking services in order to protect the public's ability to self-park in the Surface Lot. Valet parking may operate within the Surface Lot on weekday evenings beginning at 5:00pm and all day Saturdays and Sundays. In addition, a total of 13 parking stalls may be reserved at all times for exclusive use by valet and valet may exercise the option to use an additional 22 stalls between 2:00pm and 5:00pm on weekdays. This will protect most of the parking within the Surface Lot for self-parking during daytime weekday hours. In addition, instead of closing the Surface Lot to self-parking during weekday evening hours and weekends as the lot is currently operated, the co-permittees will be required to allow self-parking in 26 stalls (stalls numbered 1-15 and 61-71) and in the 12 short-term waterfront parking stalls at all times charged at the self-parking rate (see Exhibit #2.2 for stalls to be available for public parking at all times). This will ensure protection of at least some self-parking within the Surface Lot during weekends when public use of the park is highest. Finally, to mitigate the negative effect that the automated barrier gates and payment machines may have on users of Shoreline Park, the co-permittees may not charge for self-parking between the hours of 1:00am and 10:00am. This restriction will protect existing free parking in the Surface Lot when the neighboring restaurants are not operating and encourage use of the shoreline in the early morning hours.

## 2. Parking Rates and Validation Program

The intent of the Commission's previously approved parking rates and validation programs has been to direct Downtown Shoreline area visitors to the appropriate parking reservoirs that support each use in order to protect the public parking availability that is necessary to support public access to the coast. Visitors to the Downtown Shoreline area have the following choices of parking facilities (Exhibit #1.3). The list includes the Commission-approved parking rates:

<b>Downtown Shoreline Use</b>	<b>Parking Reservoir (No. of spaces)</b>	<b>Rate</b>
A. Beach & General Recreation	Marina Green Park Lots (388)	\$3/hour (meters) No maximum
B. Shoreline Village Commercial	Shoreline Village Lot (433)	\$1 for 2 hrs w/ validation, or \$4/hour \$8 max
C. Downtown Marina (Boaters)	Marine Permit Parking (1,669)	Permit only
D. Convention Center	Convention Center Lots (4,830)	\$10 flat rate
E. Rainbow Harbor, Aquarium & Shoreline Park	City-owned Structure (1,471)	\$0 for 1.5 hrs w/ validation, or \$5.50/hour \$15 maximum
E. Shoreline Park	Shoreline Park Lot (150)	\$3/hour (meters) No maximum
E. Shoreline Park	Surface Lot at Shoreline Drive and South Pine Avenue (126)	\$2/hour \$12 maximum
F. Catalina Landing	Parking Structure (1,472)	\$4/hour \$14 maximum
G. Pierpoint Landing Fishers	Surface Parking Lot (95)	Permit Only
H. California State University	Chancellors' Lots (435)	Permit Only
I. Pike Commercial	Pike Parking Structure (2,211)	\$0 for 1.5 hrs w/ validation, or \$3/hour \$24 maximum
J. All uses – Pike	On-street Parking (143)	\$2/hour (meters) No maximum

### a) The Pike Parking Structure

The parking rates and validation program at the Pike Parking Structure have not increased since December 1999 and are inconsistent with the rates being charged at the nearby Queensway Bay Parking Structure serving the Aquarium and Rainbow Harbor (rates last updated in 2010). This update would increase the amount of free parking available from no free parking to 30 minutes free without validation and from 1.5 or 3 hours free to 2 or 3.5 hours free with retail/restaurant or

cinema validation, respectively. This amendment request would also decrease the price for all day parking from \$24.00 to \$16.00 regardless of validation. In fact, even without validation, parking for up to 5 hours at the Pike Parking Structure under the new rate structure will be cheaper than the \$3.00 per hour metered rate at the Shoreline Park and Marina Green Park parking lots. The new rates and validation system will continue to draw customers of The Pike, but also make The Pike Parking Structure more affordable for non-customers.

The proposed rates are consistent with the rates being charged in other areas. For example, the rate for self-parking with validation from the Aquarium will be increased from \$6.00 per 24 hours to \$8.00 for 24 hours, bringing it in line with the validation rate currently charged at the Queensway Bay Parking Structure for Aquarium patrons. In addition, the rate for self-parking with validation from Pier Point Landing/Boat Operators will increase from \$6.00 per day to \$8.00 (until 3am, then becomes an overnight rate of \$16.00 until 12pm) to bring that rate in line with the \$8.00 per day currently charged at the Queensway Bay Parking Structure and the proposed 24 hour maximum rate of \$16.00 for all parkers in the Pike Parking Structure. The proposed \$16.00 all-day parking fee is close to the cost of visiting the beach at Bolsa Chica State Beach, located 10 miles south of Downtown Long Beach. Bolsa Chica State Beach charges a flat \$15.00 entrance fee per vehicle. The price charged for special events and holidays at The Pike Parking Structure would be increased from \$7.00 per day to between \$8.00 and \$20.00 per day (to be determined by the City Manager). The cost of all-day parking for special events in the City ranges—for example, parking for the 2014 Jazz Festival recently cost \$10.00, while parking in City lots for the Grand Prix in 2015 is advertised to cost \$17.00.

Under the co-permittees' proposal, valet parking at the Laugh Factory and within The Pike Parking Structure will be charged a \$5.00 premium on top of the basic, retail/restaurant, or cinema validation parking rate. Although this will increase the cost of using valet parking, it is unlikely to deter customers from visiting The Pike as they may always choose to self-park at lower rates within The Pike Parking Structure. Hotel guests may also choose to self-park for the daily maximum rate of \$16.00 without in-and-out privileges or may valet park at the hotel for \$21.00 per night with in-and-out privileges (the \$16.00 daily maximum + \$5.00 valet premium).

The proposed update to parking fees and the validation program applicable to the Pike Parking Structure will not have a negative impact on public access to the shoreline because it will encourage customers to use the commercial parking structure instead of paying the \$3.00 per hour rate for on-street metered parking and the Shoreline Park and Marina Green Park parking lots.

#### b) Shoreline Park Surface Lot

As discussed above, the Surface Lot was originally intended to support public access to Shoreline Park. The current Commission-approved parking rate for the Surface Lot is \$2.00 per hour with a maximum of \$12.00 and the cost for valet assisted parking in the Surface Lot is not permitted to exceed the cost of self-parking. When originally approved, the \$2.00 per hour rate at the Surface Lot was consistent with the Commission-approved rates for on-street parking and the other public parking lots that support coastal access in Shoreline Park and the Marina Green Park. Rates for metered parking at the Shoreline Park and Marina Green Park parking lots have since increased to \$3.00 per hour with no maximum fee.

This amendment request would increase the amount of free parking available in the Surface Lot during current operating hours from no free parking to 25 minutes free without validation and decrease the amount of free parking available from 1 hour to 25 minutes free with validation. For visits up to 3 hours, the increase in rate is only \$1.00 per hour over the current rate. Beyond 3 hours, however, the difference between the current \$2.00 per hour rate and the proposed rate increases significantly. The proposed daily maximum rate would also increase from \$12.00 per day to \$21.00 per day regardless of validation. This is designed to discourage use of the Surface Lot for long-term parking, increasing vehicle turnover to make parking stalls available more often within the smaller lot. As discussed previously, the installation of automated barrier gates and pay machines at the Surface Lot entrances and exits will enable the co-permittees to charge for parking 24 hours per day. As currently operated, there is no parking attendant on duty overnight and in the early morning hours (from approximately 1:00am to 10:00am). The co-permittees report that they are unaware of any use of the parking lot by recreational visitors, but agree that the possibility exists that members of the public are using the parking lot free of charge during hours that The Pike commercial tenants are not open. As proposed by the co-permittees, parking fees would be enforced at all times, removing an existing supply of free parking that may be used by non-customers and supporting public access to lower-cost or no-cost shoreline recreational opportunities.

Although the proposal will result in an increase in Surface Lot parking rates, the proposed rates will still be similar to the \$3.00 per hour metered fee at the Shoreline Park and Marina Green Park parking lots. In fact, without validation parking at the Surface Lot for up to 5 hours will continue to be cheaper than the \$3.00 per hour metered rate available elsewhere. At 5 hours, the cost is the same (\$15.00) in the Surface Lot and at metered \$3.00 per hour parking lots. It is only beyond 5 hours that parking in the Surface Lot with no validation becomes more expensive than parking available at the Shoreline Park and Marina Green Park parking lots. As a result, the proposed parking rates alone should not deter non-customers from using the Surface Lot to access the coast.

Like in The Pike Parking Structure, the co-permittees propose to increase rates for valet parking by adding a \$5.00 premium to the applicable parking rate (i.e., \$5.00 + the basic or validation parking rate). As a result, someone who uses valet to park their car for 20 minutes, with or without validation, would pay \$5.00 (first 25 minutes is free under the new rate structure + \$5.00 valet premium). Valet parking for 6 hours or longer would cost \$26.00 regardless of validation (\$21.00 daily maximum + \$5.00 valet premium). Although this will increase the cost of using valet parking, it is unlikely to deter customers from visiting The Pike as they may always choose to self-park at lower rates within the Pike Parking Structure. In addition, as conditioned, a limited supply of self-parking will be available at the self-parking rate within the Surface Lot at all times.

The new parking rates combined with additional hours of valet service and installation of the automated barrier gates and payment machines in the Surface Lot may together, however, deter non-customers from entering the Surface Lot. The conditions imposed on this permit amendment address this concern by limiting the hours of operation of valet and the number of stalls that may be used by valet, reserving 26 regular stalls and 12 waterfront, short-term parking stalls for self-parking at all times, and prohibiting a fee for parking between the hours of 1:00am and 10:00am. Finally, prior to issuance of the permit, the co-permittees must also submit plans for signage in the Surface Lot including location of signs and how they will describe the hours and rates applicable to parking within the lot.

As conditioned, the proposed rates and validation program at the Surface Lot will continue to draw customers of The Pike for short-term parking, while still providing affordable public parking for access to lower-cost and no-cost recreational opportunities provided by Shoreline Park. In conclusion, the Commission finds that the proposed amendment, only as conditioned, adequately protects public access to coastal recreation opportunities, will not negatively affect the public's ability to access the Downtown Shoreline area and the coast, and is consistent with the public access and recreation policies of the Coastal Act.

## **C. SCENIC RESOURCES**

The certified Long Beach LCP and Section 30251 of the Coastal Act require that the scenic and visual qualities of the project area be considered and protected as a resource of public importance. Section 30253 of the Coastal Act protects popular visitor destinations like the Downtown Shoreline where the parking amendments are proposed.

Coastal Act section 30251 states in part that:

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

Coastal Act section 30253(e) states in part that:

*New development shall do all of the following: (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

In its prior actions on LCP amendments, Coastal Development Permit 5-98-156 and permit amendments for the Pike project, the Commission has considered and addressed the project's effects on scenic resources in Downtown Long Beach. In 1995, when the Commission first incorporated the City's Queensway Bay Development Plan (which includes the Pike development) into the certified LCP by approving LCP Amendment No. 1-95, it required that specific policies be included in the plan to protect the scenic resources of the Downtown Shoreline area (e.g., view corridors, building mass limits and height limits). In 1998, the Commission re-visited the certified LCP policies that limit building heights and protect specific view corridors on the project site as part of the Commission's certification of LCP Amendment No. 2-98A, which included revisions to the City's previously certified Queensway Bay Development Plan.

The currently certified Long Beach LCP contains a map (LCP Attachment A) that identifies the special view corridors in LCP Subareas 5 and 6 that must be protected in order to provide views from the land to the water (Exhibit #4.1). The protected view corridors in LCP Subareas 5 and 6 include: a 410-foot long view corridor/open space area on Shoreline Wharf, a 160-foot wide view corridor at the intersection of Shoreline Drive and Pine Avenue extending to Pine Circle and the air space above the Terraces at the terminus of Pine Avenue and the Pine Avenue Pier corridor, the sixty-foot wide Pine Avenue view corridor and its extension to the water, a sixty-foot wide view

corridor extending southeast from the intersection of Pine Avenue and Shoreline Drive, and a sixty-foot wide view corridor at the intersection of Aquarium Way and Shoreline Drive.

The only physical improvements proposed to be located within existing view corridors are the valet kiosk and one of two waiting areas on South Pine Avenue in front of Building J and the proposed valet stand at the terminus of South Pine Avenue in Pine Circle adjacent to Building K (Exhibit #4.2). The valet kiosk and waiting area on South Pine Avenue are located at the inland edge of the one hundred sixty-foot wide Shoreline Drive/Pine Avenue view corridor and will not block any significant public views of the water. Special Condition 19 is revised by this permit amendment in order to reflect the Commission's approval of the proposed valet kiosk and waiting area. The valet stand on Pine Circle, however, is located squarely within the view corridor and as proposed will adversely impact significant public views of the water. The co-permittees must either relocate that valet stand outside of the view corridor or redesign it to lower the overall height to a maximum of 42 inches consistent with Special Condition 19. New Special Condition 44 requires the co-permittees to submit revised, final site plans showing the location and height of this valet stand prior to issuance of the permit.

#### **D. LOCAL COASTAL PROGRAM (LCP)**

The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980, and numerous LCP amendments have been processed since that date. Because the project is located seaward of the former mean high tide line, the LCP is advisory in nature and may provide guidance. The Commission's standard of review for this amendment is the Chapter 3 policies of the Coastal Act. The proposed amendment, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and the certified LCP.

The certified LCP requires the provision of adequate parking supplies to meet the parking demands of the development in the Downtown Shoreline area. Because all of the Downtown Shoreline area is located on public tidelands, the certified LCP parking policies encourage the use of shared parking and joint use parking arrangements to meet the total parking demands of the public and private visitor-serving and recreational facilities in the area. The LCP also encourages the shared use of the parking supply in downtown Long Beach north of the Downtown Shoreline area and outside the coastal zone. The LCP states that the public transportation system, including the Blue Line light-rail, Long Beach Transit, and free trams, are expected to reduce the demand for parking in the Downtown Shoreline area.

The LCP also requires that the parking supplies on public tidelands in LCP subareas 5 and 6 shall be available for use by the general public on a first-come, first-serve basis. No parking may be reserved for the exclusive use of any tenant or development. These parking policies enhance the public's ability to access both the lower cost recreational facilities and the visitor-serving commercial uses in the Downtown Shoreline area.

## **E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 Title 14 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 amendment, 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, the proposed permit amendment will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA. Therefore, the Commission finds that the project is consistent with the requirements of the Coastal Act to conform to CEQA.



## **Appendix A – Substantive File Documents**

1. City of Long Beach Certified Local Coastal Program (LCP), 7/22/80.
2. Coastal Development Permit No. 5-98-156 & Amendment Nos. 1-15 (Pike/Queensway Bay).
3. Coastal Development Permit No. 5-96-268 & Amendment Nos. 1-3 (Queensway Bay Parking Structure).

## **Appendix B – Previous Permit Amendments**

### **FIRST AMENDMENT (5-98-156-A1), APPROVED NOV. 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 DEC. 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 (90 feet).
- 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.

SIXTH AMENDMENT (5-98-156-A6), APPROVED JANUARY 10, 2003:

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).

SEVENTH AMENDMENT (5-98-156-A7), APPROVED JULY 16, 2003:

Revise building footprints, floor plans and elevations for the commercial development previously approved north of Shoreline Drive in LCP Subarea 5, and delete the escalator and pedestrian connection between the Aquarium parking structure and Building F, located south of Shoreline Drive in LCP Subarea 6.

EIGHTH AMENDMENT (5-98-156-A8), APPROVED OCTOBER 7, 2003:

Comprehensive sign program, including fifteen freestanding directory signs, three freestanding “The Pike” identification signs, one building mounted “The Pike” identification sign, and a flagpole at the base of Pine Avenue Pier on Building K parcel.

NINTH AMENDMENT (5-98-156-A9), APPROVED DEC. 11, 2003:

Relocate the previously approved Ferris wheel amusement ride to an open space area near the northwest corner of Shoreline Drive and Pine Avenue.

TENTH AMENDMENT (5-98-156-A10), APPROVED JANUARY 15, 2004:

Delete the previously approved nautical museum (Building M) at the foot of Pine Avenue Pier, and incorporate the site into the adjacent restaurant use (Building N).

ELEVENTH AMENDMENT (5-98-156-A11), APPROVED MARCH 16, 2005:

Install 24 Retail Merchandising Units (RMUs) in 24 specific sidewalk and plaza locations north of Shoreline Drive (LCP Subarea 5), within the previously approved Pike at Rainbow Harbor retail and entertainment complex.

TWELFTH AMENDMENT (5-98-156-A12), NOT APPROVED (RETURNED INCOMPLETE):

Amend the Employee Parking Program required by Special Condition Sixteen.

THIRTEENTH AMENDMENT (5-98-156-A13), APPROVED MAY 11, 2005:

South of Shoreline Drive, re-subdivide four acres designated for commercial land use (Parcel Nos. 1-4 of Map No. 25804) into Parcel Nos. 1-9 of Map No. 61999. The proposed subdivision slightly reconfigures, and further divides, four existing lots into nine lots totaling four acres.

FOURTEENTH AMENDMENT (5-98-156-A14), APPROVED NOV. 18, 2005:

Install three automatic teller machines (ATMs) within the previously approved Pike at Rainbow Harbor retail and entertainment complex.

FIFTEENTH AMENDMENT (5-98-156-A15), APPROVED MAY 10, 2006:

Construct a ninety-foot high, 140-room hotel on a vacant parcel where the underlying permit approved an eighty-foot high large-format movie theater.

SIXTEENTH AMENDMENT (5-98-156-A16), SCHEDULED FOR NOV. 14, 2014 HEARING:

Continuation and expansion of valet parking operations, installation of valet parking amenities and other parking-related physical improvements, and update to parking fees and validation program.

SEVENTEENTH AMENDMENT (5-98-156-A17), APPROVED DEC. 9, 2009:

Construct a five-story, 125-room hotel with 14,725 square feet of ground-floor retail space.

EIGHTEENTH AMENDMENT (5-98-156-A18), SCHEDULED FOR NOV. 14, 2014 HEARING:

Redevelopment of The Pike at Rainbow Harbor commercial retail and entertainment complex into a retail store outlet center, including exterior façade changes, addition of 1,785 sq. ft. to Building B2 and 2,500 sq. ft. to Building D, enlargement of the central plaza, placement of bollards for temporary closure of portions of Bay Street, The Paseo, and Aquarium Way to vehicular traffic, new bike repair station, and landscaping improvements. Includes the expansion of Building G1 outdoor dining patio expansion, and construction of a pedestrian bridge over Cedar Avenue to connect Pike Parking Structure level three and Building E level two.

NINETEENTH AMENDMENT (5-98-156-A19), APPROVED OCTOBER 15, 2014:

Construction of approximately 40,310 square feet of new commercial space, connected to existing 9,950 square foot commercial space at Building E location, resulting in an approximately 50,260 square foot, 45-foot 8-inch high, two-story commercial building.

## **Appendix C – Previously Imposed Special Conditions**

Appendix C includes all special conditions that apply to this development as approved by the Commission in its original action 5-98-156 and all subsequent amendments to the permit through Amendment No. 19, but does not include special conditions the Commission may impose in its pending actions on Amendment Nos. 16 and 18. Typographical errors have been corrected for consistency and references to specific amendments are noted in *[brackets]*.

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

Prior to issuance of the coastal development permit, the City shall submit for the review and approval of the Executive Director, a resolution adopted by the City Council designating the Queen Mary Events Park as a permanent public park of not less than four-acres in area, and served by a minimum of ten parking spaces on the adjacent public roadway (See Exhibit #6 of staff report dated 1/14/99). The resolution shall also state that any change in the designation of the four-acre Queen Mary Events Park as a permanent public park shall not be effective unless approved by the California Coastal Commission. The City shall be responsible for ensuring that the Queen Mary Events Park is maintained and operated as a public park available for use by the general public everyday from 5 a.m. to 10 p.m. (except during special events).

**2. Final Plans: LCP Subarea 6.** *[As Revised by Commission Approval of 5-98-156-A10]*

Prior to the commencement of construction of proposed Buildings G1, G2, H1 and H2, the applicants shall submit for the review and approval of the Executive Director, final site plans, floor plans and elevations. Buildings J, K and P are approved as shown on Exhibits #5-8 of the staff report dated 12/19/02. Building N is approved as shown on Exhibits #5&6 of the staff report dated 12/17/03. The plans for Buildings G1, G2, H1 and H2, and all commercial development in LCP Subarea 6 (Buildings F, G1, G2, H1, H2, J, K, 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 curblin, or from the officially mapped flood hazard level of 13.8 feet above mean lower low water (MLLW), whichever is higher.

**8. Streets and Sidewalks.**

The City and its agents shall provide and maintain unobstructed public pedestrian access to and along all streets, sidewalks, plazas and public open space areas constructed pursuant to the

Commission's approval of Coastal Development Permit 5-98-156 for the life of the development approved herein. Unrestricted means that the general public may pass and repass without having to pay an admission fee, present a ticket, accept conditions of passage, or request permission to pass. Public access may only be interrupted for special events with a duration of 48 hours or less, or by special events permitted by a subsequent coastal development permit. Public access may also be interrupted subject to those temporary safety limitations necessitated by unsafe conditions resulting from waves, extreme weather or required maintenance activities.

**9. Regional Bicycle Route.**

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

**10. New Parking.**

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 3/14/00]*

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.** *[As Revised by Commission Approval of 5-98-156-A15]*

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 curbline, 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.** *[As Revised by Commission Approval of A19]*

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): one 500 square foot parapet extension (47 feet maximum), the letters of "LONG BEACH" sign (50 feet maximum), and clock tower (60 feet); The hotel at the northeast corner of Bay Street and Cedar Avenue (74 feet maximum to the rooftop pool deck, 83 feet maximum to the top of the stair towers and 90 feet maximum to the top of the elevator housing);
- 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 theater identification sign, and 2,000 square foot tower (52 feet maximum);
- g) Parking structure (Amendment 5-98-156-A1 approved a 100-foot architectural tower);
- h) In the town square: one vertical monument with a footprint not to exceed 500 square feet (152 feet maximum);
- i) Flag poles (77 feet maximum);
- j) 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; and
- k) On Building E at the southeast corner of Bay Street and Cedar Avenue (46 feet maximum).

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.**

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 9/14/00]**

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 2/11/00]*

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 7/6/00]*

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 3/13/00]*

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 8/12/00]*

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 5/5/00]*

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.

**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 15<sup>th</sup> each year; 2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> 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.

**41. Permitted Use: Overnight Room Rentals.**

The permitted use of the structure approved by Coastal Development Permit Amendment 5-98-156-A15 is a 140-room hotel (as defined in the certified City of Long Beach Local Coastal Program - Zoning Code Section 21.15.1380). The approved structure shall be operated as a bona fide hotel that provides overnight accommodations to visitors for a period of not more than thirty consecutive days. Any change in the number of units or change in use (including, but not limited to, a change from overnight room rentals to time shares or month-to-month rentals) is not permitted by this action and 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.

**42. Permitted Use: Overnight Room Rentals.**

The permitted use of the structure approved by Coastal Development Permit Amendment 5-98-156-A17 is a 125-room hotel (as defined in the certified City of Long Beach Local Coastal Program - Zoning Code Section 21.15.1380) with 14,725 square feet of ground-floor retail space. The approved 125-room hotel shall be operated as a bona fide hotel that provides overnight accommodations to visitors for a period of not more than thirty consecutive days. Any change in use from overnight room rentals to time shares, condominium-style hotel rooms, or month-to-month rentals is not permitted by this action and is prohibited on the project site as such uses are not recognized as legal uses of State Tidelands. Any proposed change to the approved development 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.

**43. Affordable Overnight Accommodations – Mitigation.**

(a) A \$30,000 mitigation fee per room shall apply to 25% of the total number of approved hotel rooms ( $0.25 \times 125$ ). Prior to the commencement of construction of the approved development, the total in-lieu fee of \$937,000 ( $\$30,000 \times 31.25 = \$937,500$ ) shall be deposited into an interest-bearing account, to be established and managed by the State Coastal Conservancy pursuant to a memorandum of understanding entered into between the Conservancy and the Executive Director. The purpose of this account shall be to provide funding grants to public agencies or non-profit organizations for the provision of lower cost overnight visitor accommodations within or in close proximity to the coastal zone, including but not limited to hostel accommodations, campground accommodations, cabins, or low cost hotel or motel accommodations.

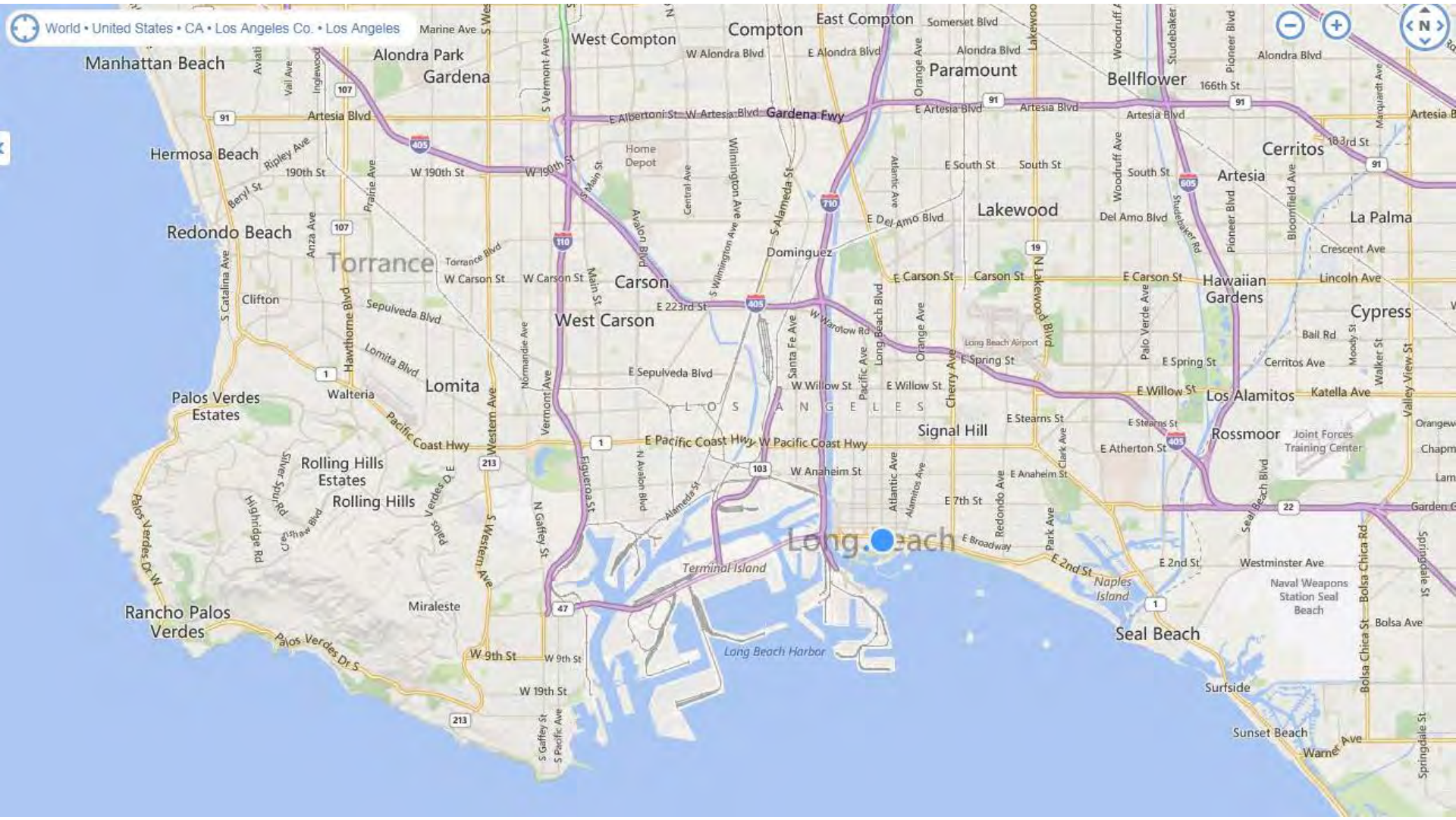
(b) The entire fee deposited into the special account identified in subparagraph (a) together with any accrued interest shall be used for the purpose set forth in subparagraph (a), and the expenditure of any funds from this account shall be subject to review and approval by the Executive Director of the Coastal Commission. This fee shall be expended within five (5) years of the date the fee is deposited into the account, unless this time limit is extended for good cause for a period not to exceed an additional five (5) years. If the funds are not expended within this time period, the Commission and the State Conservancy shall agree on an alternative expenditure of the funds for public recreational benefits in the coastal zone.

# Exhibit 1.1

Application No:  
5-98-156-A16



California Coastal  
Commission



# Exhibit 1.2

Application No:  
5-98-156-A16



California Coastal  
Commission





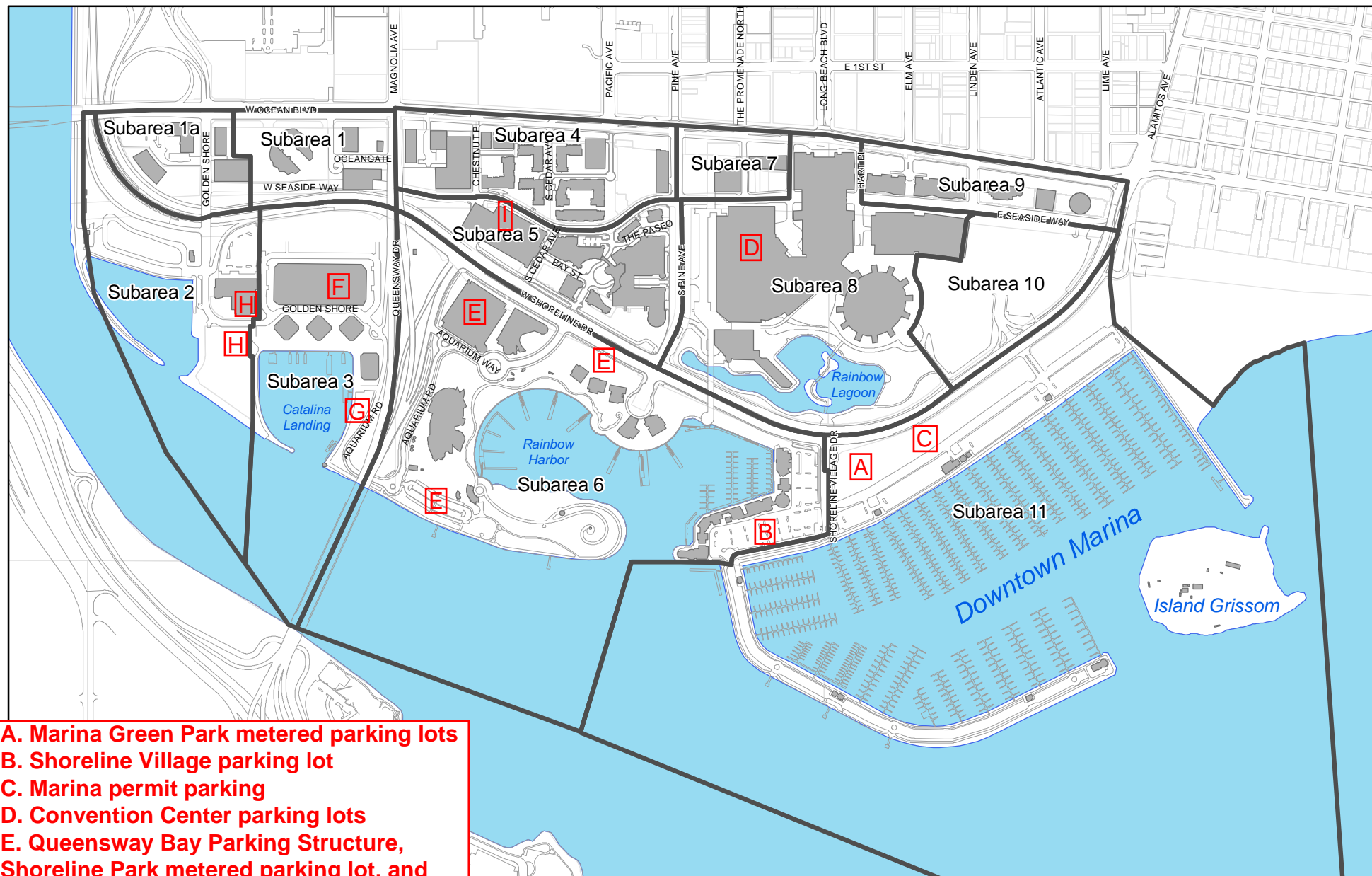


# Exhibit 1.3

Application No:  
5-98-156-A16



California Coastal  
Commission



- A. Marina Green Park metered parking lots**
- B. Shoreline Village parking lot**
- C. Marina permit parking**
- D. Convention Center parking lots**
- E. Queensway Bay Parking Structure, Shoreline Park metered parking lot, and Surface Lot**
- F. Catalina Landing parking structure**
- G. Pierpoint Landing parking lot**
- H. CSU Chancellors' parking lots**
- I. Pike Parking Structure**

## Downtown Shoreline Planned Development District (PD-6)

Updated March 2011

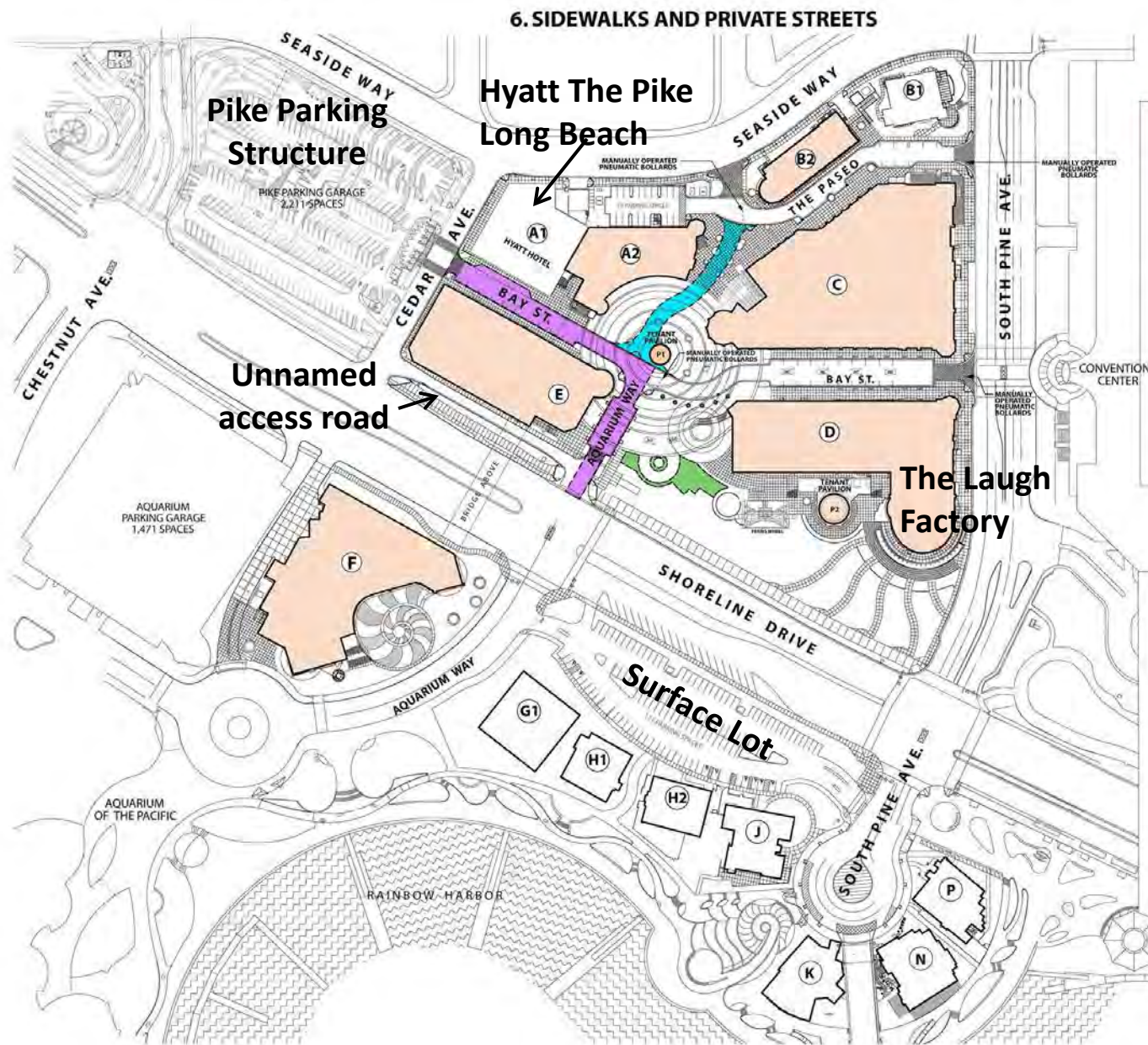


# Exhibit 2.1

Application No:  
5-98-156-A16



California Coastal  
Commission



# Exhibit 2.2

Application No:  
5-98-156-A16



California Coastal  
Commission





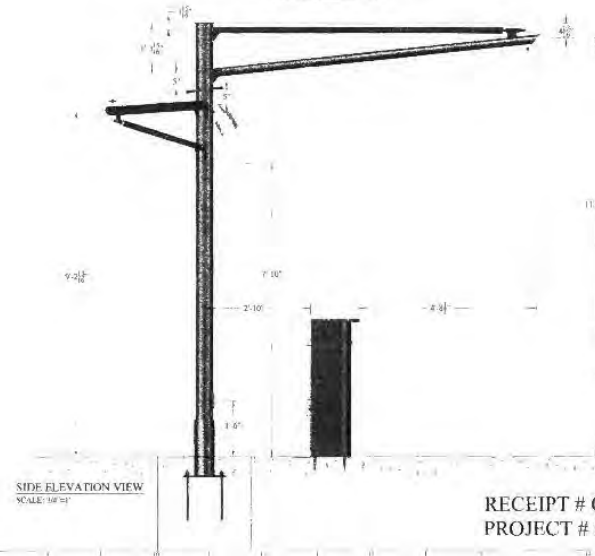
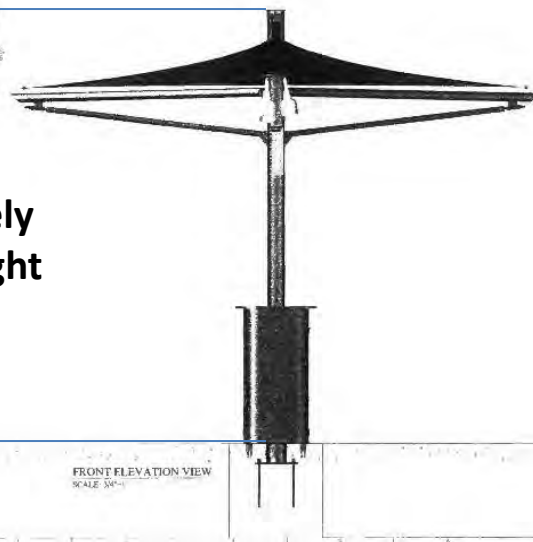
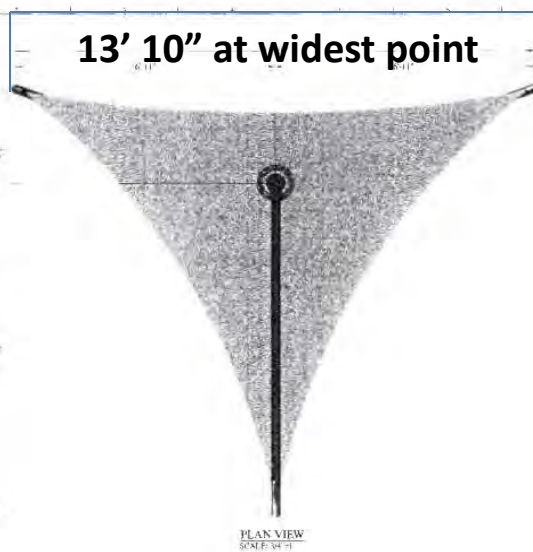
# Exhibit 2.3

Application No:  
5-98-156-A16



California Coastal  
Commission

## Proposed Valet Stand



**Approximately  
11' 7" in height**

RECEIPT # OF 0449873  
PROJECT # OF P0553560



**HIDE INDUSTRIES, INC.**  
10115 PRIMA AVENUE  
CLARKSTON, CA 94018  
PHONE: (415) 802-8075  
FAX: (415) 802-2222  
www.hide-structures.com

**TENSION Structures.com**

PAINTING / STAINING



**THE PIKE AT RAINBOW HARBOR**  
**340 SOUTH PINE AVENUE**  
**LONG BEACH, CA 90802**

SYMBOL: 022020

DATE	DRAWN BY	CHECKED BY	DATE
	AD	AD	
	10/11/00	10/11/00	
	2/28/01	2/28/01	
	2/28/01	2/28/01	

DESCRIPTION: ENGINEER COMMENTS: PROJECT / FACILITY AS: CITY PERMIT CORRECTIONS TO DWG NUMBER:

DATE: 10/18/2010

DATE: 04/18/01

DESIGNED BY: B-4533

DRAWN BY: 300

DATE: 04/18/01



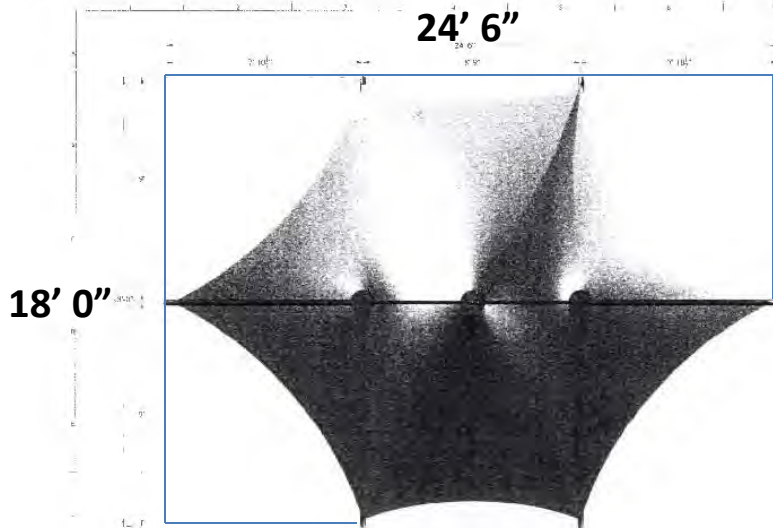
# Exhibit 2.4

Application No:  
5-98-156-A16



California Coastal  
Commission

# Proposed Valet Waiting Area



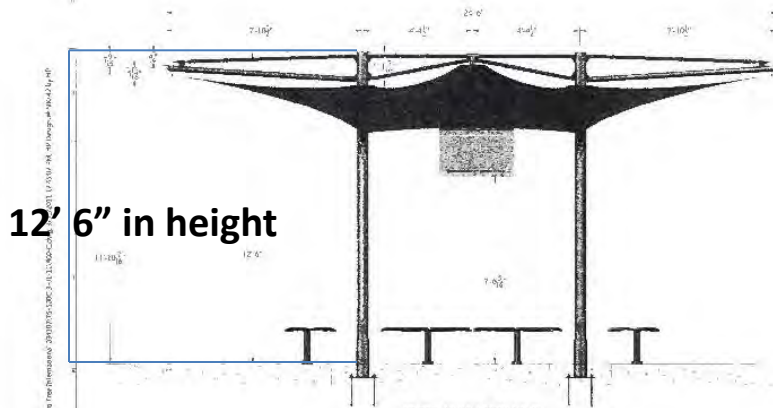
PLAN VIEW  
SCALE: 1/8" = 1'-0"



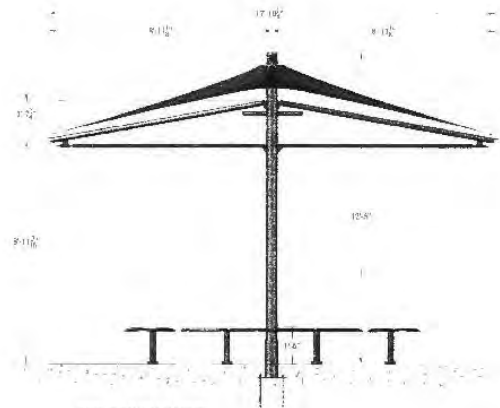
ISOMETRIC VIEW  
(WAITING AREA)



ELEVATION VIEW



FRONT ELEVATION VIEW  
SCALE: 1/8" = 1'-0"



SIDE ELEVATION VIEW  
SCALE: 1/8" = 1'-0"

**EIDE**  
EIDE INDUSTRIES, INC.  
14000 PULMA AVENUE  
CERRITOS, CA 90310  
PHONE (562) 408-1111  
FAX (562) 408-2211  
WWW.EIDEINDUSTRIES.COM

**TENSION Structures.com**  
USING TENSION STAMP



THE PIKE AT RAINBOW HARBOR  
340 SOUTH PINE AVENUE  
LONG BEACH, CA 90802

REV.	DESCRIPTION	DATE	DESIGNED BY	DRAWN BY	CHECKED BY	DATE
1	PROJECT / REVISION	10/11/11	DAE	DAE	DAE	10/11/11
2	CITY PERMIT CORRECTIONS TO DRAWING	10/11/11	DAE	DAE	DAE	10/11/11
3	PROJECT / REVISION	10/11/11	DAE	DAE	DAE	10/11/11
4	CITY PERMIT CORRECTIONS TO DRAWING	10/11/11	DAE	DAE	DAE	10/11/11
5	PROJECT / REVISION	10/11/11	DAE	DAE	DAE	10/11/11
6	CITY PERMIT CORRECTIONS TO DRAWING	10/11/11	DAE	DAE	DAE	10/11/11
7	PROJECT / REVISION	10/11/11	DAE	DAE	DAE	10/11/11
8	CITY PERMIT CORRECTIONS TO DRAWING	10/11/11	DAE	DAE	DAE	10/11/11
9	PROJECT / REVISION	10/11/11	DAE	DAE	DAE	10/11/11
10	CITY PERMIT CORRECTIONS TO DRAWING	10/11/11	DAE	DAE	DAE	10/11/11

RECEIPT # OF 0449873  
PROJECT # OF P0553560

B-4533  
400

# Exhibit 3.1

Application No:  
5-98-156-A16



California Coastal  
Commission

## Proposed Parking Rates and Validation Program

<b>The Pike Parking Structure Proposed Parking Rates and Validation Program</b>	
Basic Rate (No Validation)	Free first 30 minutes \$ 3.00 first 90 minutes \$ 6.00 90 minutes – 2.5 hours \$ 9.00 2.5 – 4 hours \$12.00 4 – 5 hours \$15.00 5 – 8 hours \$16.00 8 – 24 hours
Valet w/ No Validation (Basic Rate + \$5.00 valet premium)	\$ 5.00 first 30 minutes \$ 8.00 first 90 minutes \$11.00 90 minutes – 2.5 hours \$14.00 2.5 – 4 hours \$17.00 4 – 5 hours \$20.00 5 – 8 hours \$21.00 8 to 24 hours
Retail/Restaurant Validation	Free.....First 2 hours \$ 3.00 2 – 3 hours \$ 6.00 3 – 4 hours \$ 9.00 4 – 5 hours \$12.00 5 – 6 hours \$15.00 6 – 8 hours \$16.00 8 – 24 hours
Valet w/ Retail/Restaurant Validation (Retail/Restaurant Validation Rate + \$5.00 valet premium)  (Includes the Laugh Factory)	\$ 5.00 First 2 hours \$ 8.00 2 – 3 hours \$11.00 3 – 4 hours \$14.00 4 – 5 hours \$17.00 5 – 6 hours \$20.00 6 – 8 hours \$21.00 8 – 24 hours
Cinema/IMAX Validation	Free.....First 3.5 hours \$ 6.00 3.5 – 4 hours \$ 9.00 4 – 5 hours \$12.00 5 – 6 hours \$15.00 6 – 8 hours \$16.00 8 – 24 hours
Valet w/ Cinema/IMAX Validation (Cinema/IMAX Validation Rate + \$5.00 valet premium)	\$ 5.00 First 3.5 hours \$11.00 3.5 – 4 hours \$14.00 4 – 5 hours \$17.00 5 – 6 hours \$20.00 6 – 8 hours \$21.00 8 – 24 hours

Hotel Guest Self-Park (no in/out privileges) (same as Basic Rate)	Free first 30 minutes \$ 3.00 first 90 minutes \$ 6.00 90 minutes – 2.5 hours \$ 9.00 2.5 – 4 hours \$12.00 4 – 5 hours \$15.00 5 – 8 hours \$16.00 8 – 24 hours
Hotel Guest Valet (includes in/out privileges)	\$21.00 per night, from 2pm until 12pm check-out
Special Event	\$8.00 - \$20.00 per day, to be determined by the City Manager
Aquarium Validation	\$8.00 for the first 24 hours, then the Basic Rate thereafter
Pier Point Landing / Boat Operator Validation	\$8.00 until 3am, then becomes overnight rate of \$16.00 until 12pm. A new \$8.00 rate applies from 12pm until 3am.
Lost Ticket	\$24.00

<b>Surface Lot (southwest corner of Shoreline Drive and S. Pine Avenue) Proposed Parking Rates and Validation Program</b>	
Basic Rate (No Validation)	Free First 25 minutes \$ 5.00 25 minutes – 2 hours \$ 7.00 2 – 3 hours \$ 9.00 3 – 3.5 hours \$11.00 3.5 – 4 hours \$13.00 4 – 4.5 hours \$15.00 4.5 – 5 hours \$17.00 5 – 5.5 hours \$19.00 5.5 – 6 hours \$21.00 6 – 24 hours
Valet w/ No Validation (Basic Rate + \$5.00 valet premium)	\$ 5.00 First 25 minutes \$10.00 25 minutes – 2 hours \$12.00 2 – 3 hours \$14.00 3 – 3.5 hours \$16.00 3.5 – 4 hours \$18.00 4 – 4.5 hours \$20.00 4.5 – 5 hours \$22.00 5 – 5.5 hours

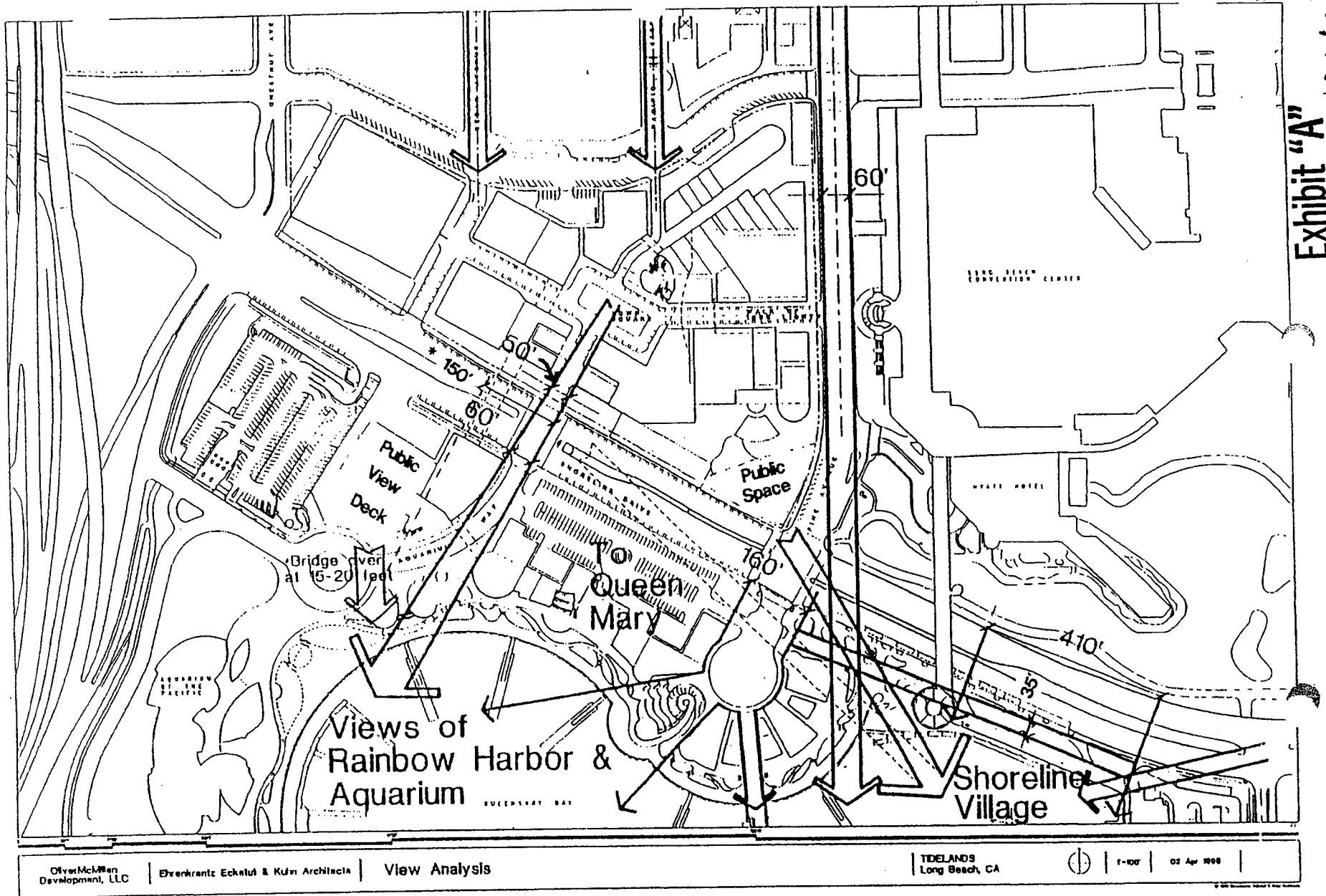
	\$24.00 5.5 – 6 hours \$26.00 6 – 24 hours
Any Pike Tenant Validation	Free First 25 minutes \$ 1.00 25 minutes – 1 hour \$ 3.00 1 – 2 hours \$ 5.00 2 – 3 hours \$ 9.00 3 – 3.5 hours \$11.00 3.5 – 4 hours \$13.00 4 – 4.5 hours \$15.00 4.5 – 5 hours \$17.00 5 – 5.5 hours \$19.00 5.5 – 6 hours \$21.00 6 – 24 hours
Valet w/ Any Pike Tenant Validation (Any Pike Tenant Validation Rate + \$5.00 valet premium)	\$ 5.00 First 25 minutes \$ 6.00 25 minutes – 1 hour \$ 8.00 1 – 2 hours \$10.00 2 – 3 hours \$14.00 3 – 3.5 hours \$16.00 3.5 – 4 hours \$18.00 4 – 4.5 hours \$20.00 4.5 – 5 hours \$22.00 5 – 5.5 hours \$24.00 5.5 – 6 hours \$26.00 6 – 24 hours
Special Event	\$8.00 - \$20.00 per day, to be determined by the City Manager
Lost Ticket	\$26.00

# Exhibit 4.1

Application No:  
5-98-156-A16



California Coastal  
Commission



## PD 6 Attachment "A" - View Corridors

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



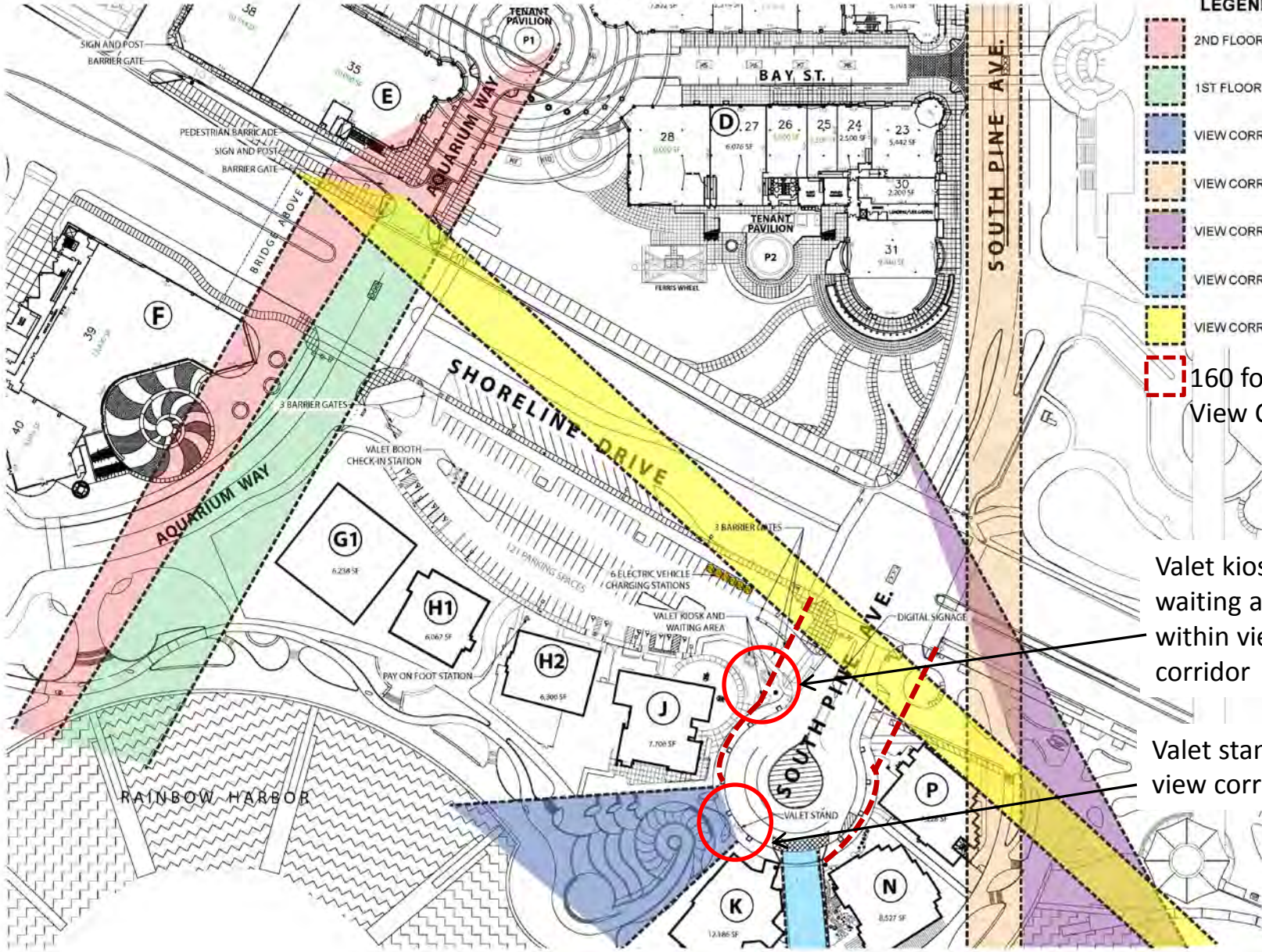
# Exhibit 4.2

Application No:  
5-98-156-A16



California Coastal  
Commission

## 2. PHYSICAL IMPROVEMENT



### LEGEND:

- 2ND FLOOR VIEW CORRIDOR
- 1ST FLOOR VIEW CORRIDOR
- VIEW CORRIDOR
- VIEW CORRIDOR
- VIEW CORRIDOR
- VIEW CORRIDOR
- VIEW CORRIDOR

160 foot wide View Corridor

Valet kiosk and waiting area within view corridor

Valet stand within view corridor