

LOCAL COASTAL DEVELOPMENT PERMIT FINDINGS

**6400 East Pacific Coast Highway
Application No. 1906-12 (LCDP19-013)
September 19, 2019**

Pursuant to Section 21.25.904 of the Zoning Ordinance, a Local Coastal Development Permit shall not be approved unless the following findings, in addition to any findings applicable under Chapter 21.52 (Conditional Uses) are made. These findings and staff analysis are presented for consideration, adoption, and incorporation into the record of proceedings.

A. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

Affirmative Finding:

The Project is located in the Southeast Area Development and Improvement Plan (SEADIP) Community Plan area of the City's Local Coastal Program (LCP), and is comprised of a shopping center ("2nd & PCH") that is currently under construction. The SEADIP Planned Development Ordinance was adopted by reference as an integral part of this LCP. The existing construction for the 2nd and PCH project conforms to the SEADIP general development standards, and to the land use and development standards for the Project site SEADIP subarea (Subarea 17); therefore, the Project conforms to the SEADIP Community Plan provisions of the LCP.

The addition of two interior facing (Signs E2 and E3) electronic message center signs on previously-approved buildings will not impact any requirements relating to low and moderate-income housing because there are no vacant or occupied residential dwelling units on the Project site. Since the Project would not construct any new housing units, a positive Finding can be made regarding the replacement of low- and moderate-income housing

Negative Finding:

The exterior signs (Signs E1 and E4) will not impact any requirements relating to low and moderate-income housing but will create a negative impact on the sensitive uses in the area, such as the existing habitat located to the northeast of the site, which is also intended for future wetland restoration.

And as such, positive findings could not be made for signs E1 and E4.

B. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THIS

SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

The project site is separated from Alamitos Bay Marina by Marina Drive, a public street, and is not located seaward of the nearest public highway to the shoreline. The adjacent marina is fully improved with sea walls and boat slips accessible to boat owners and their guests only; no public shoreline access is available at this marina. Currently, the project is under construction and will include a commercial shopping center, which would provide visitor-serving commercial retail, restaurant, and personal service (fitness/health club) uses to the public.

**CONDITIONAL USE PERMIT
FINDINGS
6400 East Pacific Coast Highway
Application No. 1906-12 (CUP19-026)
September 19, 2019**

Pursuant to Section 21.25.206 of the Long Beach Municipal Code (LBMC), a Conditional Use Permit (CUP) can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings along with staff analysis are presented below for consideration, adoption and incorporation into the record of proceedings:

The proposed project consists of four (4) wall mounted Electronic Message Center signs (EMCs) at a retail commercial development project (2nd & PCH) that was approved in 2017 and is currently under construction. Two of the four EMC signs are wall mounted signs that are located on the exterior of the Whole Foods market façade and face the right-of-way (Sign E1 and Sign E4). The other two electronic message center signs are also mounted to the exterior building façade but are inward facing (Sign E2 and Sign E3). Sign E2 is located on the building C parking entrance, and will display on-site retailers, announce projects and events, and provide wayfinding for customer convenience. Lastly, Sign E3 is courtyard-facing on building E, and will communicate branding for on-site retailers, announce projects and community events, supplement as wayfinding, and will provide entertainment amenities for guests such as movie showings. On September 5, 2019 Planning Commission was able to make affirmative findings for interior signs (Signs E2 and E3) and could not make affirmative findings for the exterior signs (Signs E1 and E4) for the reasons detailed below.

1. THE APPROVAL IS CONSISTENT WITH AND CARRIES OUT THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLANS SUCH AS THE LOCAL COASTAL PROGRAM AND ALL ZONING REGULATIONS OF THE APPLICABLE DISTRICT;

Affirmative finding:

Signs E2 and E3 are consistent with the General Plan Mixed Use District (LUD#7), the land use and development standards for the South East Area Development and Improvement Plan (SEADIP) (PD-1) zone (subarea 17), and the SEADIP Community Plan provisions of the Local Coastal Program (LCP). While there are no specific signage regulations within the General Plan, SEADIP, or the LCP that the signs would be subject to, the signs themselves are consistent with the zoning code regulations that apply to EMCs (LBMC 21.44.800). Therefore, the Conditional Use Permit (CUP) for signs E2 and E3 is consistent with the commercial nature of subarea 17 of SEADIP, LUD#7 and LCP.

Negative Finding:

In contrast, the exterior signs (Signs E1 and E4) were found to be inconsistent, creating a negative impact to the sensitive uses in the area. Sensitive uses include the existing habitat located to the northeast of the site, which is also intended for future wetland restoration. Additionally, the signs pose a visual distraction and a hazard to drivers.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE; AND

Affirmative Finding:

In accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, a Categorical Exemption (CE 19-181) was prepared for this project. The proposed signage will be established within a previously-approved commercial shopping center. The interior facing signs would not be visible from the public right-of-way and would not be visible to motorists or bicyclists traveling in the vicinity of the project site, rather the signs face internal courtyards and the main street at 2nd & PCH. As such, the interior facing electronic message center signs (Signs E2 and E3) were found to not be detrimental to the surrounding community including public health, safety or general welfare, environmental quality or quality of life. To further ensure that the interior facing signs will not be detrimental to the surrounding community, the signs have been conditioned to limit the brightness and speed of the messages.

Negative Finding:

The exterior signs, Signs E1 (378 SF) and E4 (80 SF), would be visible from the public right-of-way and specifically, would be visible along East 2nd Street and Pacific Coast Highway. Pacific Coast Highway is a heavily-trafficked regional corridor, and the Planning Commission found the exterior signs to be distracting to motorists and bicyclists and consequently, unsafe and detrimental to the surrounding community.

And as such, positive findings could not be made for Signs E1 and E4.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS FOR SPECIFIC CONDITIONAL USES, AS LISTED IN CHAPTER 21.52

The Planning Commission is unable to make affirmative findings to approve the placement of Signs E1 and E4 as detailed above. Therefore, the following additional special conditions for Electronic Message Centers signs (LBMC Section 21.25.206) are applicable only to Signs E2 and E3.

A. The proposed design of the electronic message center sign is complete and consistent within itself and is compatible in design with the architectural theme or character of the existing or proposed development it will serve and the community in which it will be located.

The proposed design of the interior electronic message center signs detailed above (Sign E2 and Sign E3) is complete and consistent within itself, as well as compatible with the scale of the architecture and the themes and overall character of the shopping center. The signs were designed to fit within the building in a manner that creates compatibility with the building façade.

B. The establishment of the proposed electronic message center sign will not adversely affect the character, livability, or quality of life of any residential community it will be adjacent to or located in.

The establishment of the proposed electronic message center signs will not adversely affect the character, livability, or quality of life of any residential community because there are no residential units adjacent to the site.

C. The electronic message center sign shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or freeway.

Conditions of approval five (5) to twelve (12) require the applicant to operate the interior signage in a manner that will not be harmful to those operating a vehicle. Conditions include adherence to all applicable zoning standards, restriction on the speed of message display, and a prohibition of off-site advertising.

D. The applicant has demonstrated that the proposed electronic message display surface is factory-certified as capable of complying with the brightness standards in Section 21.44.850.

The applicant has provided specification sheets from the manufacture, which demonstrate that the proposed electronic message display surface is factory-certified and capable of complying with the brightness standards.

4. THE RELATED DEVELOPMENT APPROVAL, IF APPLICABLE, IS CONSISTENT WITH THE GREEN BUILDING STANDARDS FOR PUBLIC AND PRIVATE DEVELOPMENT, AS LISTED IN SECTION 21.45.400.

Section 21.45.400 specifies types of projects that require compliance with green building standards. The proposed use is not one of the types of projects that require compliance to Section 21.45.400, and therefore, this section of the Municipal Code would not be applicable to the proposed use.