

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

## RECORD PACKET COPY

Filed: 6/24/96  
49th Day: 8/12/96  
180th Day: 12/21/96  
Staff: CP-LB  
Staff Report: 9/5/96  
Hearing Date: Oct. 8-11, 1996  
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-94-010-A

APPLICANT: Northwestern Mutual Life

AGENT: Jonathon Glasgow

PROJECT LOCATION: 401-435 Shoreline Village Drive, City of Long Beach, Los Angeles County.

## DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Conversion of the Shoreline Village shopping center parking lot from free parking to controlled validated/fee parking, including the construction of three controlled access gates and two ticket booths.

## DESCRIPTION OF AMENDMENT REQUEST:

Change the project description to clarify that the Shoreline Village shopping center parking lot may be operated on a seasonal basis as either: 1) a free parking lot without controlled access or a validation system, or 2) a controlled parking lot operated under the provisions of Coastal Development Permit 5-94-010 which allow two hours of free parking with validations which are available to all persons.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed amendment is consistent with the Chapter 3 policies of the Coastal Act.

## SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit 5-94-010 (Northwestern Mutual Life).
2. Coastal Development Permit 5-96-010 (Northwestern Mutual Life).
3. Coastal Development Permit P-79-5152 (City of Long Beach).
4. Coastal Development Permit P-80-7497 (City of Long Beach).

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**PROCEDURAL NOTE:** Section 13166 of the California Code of Regulations provides for referral of a permit amendment request to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director determined that the proposed amendment was an immaterial change to the project description. Notice of the Executive Director's determination of immateriality was published on August 2, 1996. Subsequently, an objection to the Executive Director's determination of immateriality was received on August 13, 1996, within the ten working day period for objections (Exhibit #3). Section 13166(a)(3) of the California Code of Regulations requires that the permit amendment request be referred to the Commission if an objection is made to the Executive Director's determination of immateriality. After a public hearing on the matter, the Commission shall determine whether the proposed amendment is consistent with the requirements of the Coastal Act.

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval**

The Commission hereby grants an amendment to the permit on the grounds that the proposed development with the proposed amendment is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Special Conditions**

There are no new special conditions required by the approval of this amendment request. However, the special conditions of Coastal Development Permit 5-94-010 remain in full force and effect and are unaltered by this amendment (Exhibit #4).

### III. Findings and Declarations

The Commission hereby finds and declares:

#### A. Amendment Description

The applicant proposes to amend Coastal Development Permit 5-94-010 to modify the project description in order to clarify that the Shoreline Village shopping center parking lot may be operated on a seasonal basis as either: 1) a free parking lot without controlled access or a validation system, or 2) a controlled parking lot operated under the provisions of Coastal Development Permit 5-94-010 which allow two hours of free parking with validations which are available to all persons.

This amendment request is a clarification that will not result in any additional limits or restrictions on the public parking lot which serves the Shoreline Village shopping center. The proposed amendment will enable the applicant to operate the parking lot with either controlled access or uncontrolled access. During periods of low parking demand, the applicant states that there is no reason to implement the parking controls permitted by Coastal Development Permit 5-94-010. The special conditions of Coastal Development Permit 5-94-010 remain in force and unchanged.

Shoreline Village is a shopping center with a maritime theme located on the waterfront in the Downtown Shoreline area of the City of Long Beach (Exhibits #1&2). The shopping center, which is built on former tidelands, shares the Long Beach downtown waterfront area with the Downtown Long Beach Marina, Pacific Terrace Harbor, and Shoreline Park and Lagoon. All are located on former tidelands which are now public trust lands.

Although the nearest public beach is located one-half mile east of Shoreline Village, the entire area is a popular coastal recreation area. Visitors to the area can take advantage of the many sailing and boating opportunities, access the coastal bicycle path, go fishing, use the parks and beach, sightsee, or shop at Shoreline Village. The area is served by the Marina Green parking lots, the Downtown Marina parking lot, and the Shoreline Village parking lot. Because the Shoreline Village parking lot is located on publicly owned former tidelands, it is available for use by both the general public and Shoreline Village customers. When the Shoreline Village parking lot fills up on busy days, customers often park in the Marina Green parking lots.

#### B. Project History

Most of the Long Beach Downtown Shoreline area was developed in the late 1970's and early 1980's under Coastal Development Permits approved by the Commission in 1979. The Downtown Shoreline area of Long Beach currently contains the Downtown Long Beach Marina, Marina Green Park, the Long Beach Convention and Entertainment Center, Hyatt Regency Hotel, Rainbow Lagoon Park, Shoreline Village shopping center, Shoreline Park and Lagoon, the Long Beach Aquarium of the Pacific, and Catalina Landing (Exhibit #1,p.2). Until its demolition in 1979, the famous Pike amusement park was situated on the now

land-locked beach in the Downtown Shoreline area.

The Downtown Shoreline area of Long Beach is comprised primarily of state-owned public tidelands which are administered by the City of Long Beach under a Tidelands Trust Agreement with the State of California. The Chapter 138 line, the boundary between the privately owned upland properties and the public tideland areas in the Downtown Shoreline area, is the former mean high tide line. The public tideland areas subject to the Long Beach Tidelands Trust Agreement are the filled areas which lie seaward of the Chapter 138 line. The Chapter 138 line runs roughly corresponds to the alignment of Seaside Way (Exhibit #1,p.2).

Originally, the Shoreline Village shopping center was approved by the Commission on June 11, 1979 in Coastal Development Permit P-79-5251. Coastal Development Permit P-79-5251 approved three restaurants with a total of 17,500 square feet of gross floor area, and 18,000 square feet of other commercial uses. That project included the provision of 252 parking places to serve the approved commercial uses.

However, the Shoreline Village project was revised in 1980. The revised project, which was approved by the Commission in Coastal Development Permit P-80-7497, increased the commercial area from 35,500 square feet of commercial space to 51,000 square feet. Coastal Development Permit P-80-7497 limits restaurant uses in the shopping center to less than half of the total permitted commercial space. The parking supply was increased to 409 parking spaces in the adjacent parking lot which is the subject of this permit (Exhibit #2).

On May 12, 1994, the Commission approved Coastal Development Permit 5-94-010 allowing the conversion of the Shoreline Village public parking lot from free parking to controlled validated/fee parking. The approved project included the closure of one of the four existing entrances, the construction of controlled access gates at the remaining three entrances, the construction of two 7.5 foot high ticket booths, and a validation/fee program which allows two hours of free public parking with a validation. Validations are given by the tenants of the shopping center, and no purchase is required in order to receive a validation. The approved parking fees are as follows:

First two hours	Free with validation
Without validation	\$2.00 for first two hours
Next one hour	\$1.00
Each 30 minutes thereafter	\$1.00
Maximum	\$8.00

Coastal Development Permit 5-94-010 was issued on June 21, 1995.

The most recent Commission action in Shoreline Village was the March 14, 1996 approval of Coastal Development Permit 5-96-010 for remodeling of existing restaurant space for two new restaurants (The Yardhouse Restaurant and Oink's Diner). The approved project included the remodel of existing restaurant space within two existing commercial structures and the construction of various improvements in the adjoining public boardwalk areas of the Shoreline Village shopping center.

### C. Public Access and Recreation

The primary Coastal Act issue is the proposed amendment's impact on the public's ability to access the coast. A basic goal of the Coastal Act is to protect and maximize public access to the coast. One of the methods commonly used to maximize public access to the coast is to ensure that there is enough parking available for visitors of the coast. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act states, in part:

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

The proposed amendment involves the operation of the Shoreline Village shopping center parking lot as either a free public parking lot without controlled access, or as a controlled validated/fee public parking lot. Coastal Development Permit 5-94-010 already approves the operation of the parking lot as a controlled validated/fee public parking lot consistent with the special conditions of approval (Exhibit #4). The proposed seasonal operation of the parking lot as a free public parking lot without controlled access is how the parking lot was operated from 1980 to 1995. Presently, the Shoreline Village parking lot is being operated as a free public parking lot without controlled access.

The Shoreline Village parking lot is located on public property seaward of the first public road in the Commission's area of original jurisdiction. The Shoreline Village shopping center and parking lot is located in a popular coastal recreation area where visitors can take advantage of sailing and boating opportunities, the coastal bicycle path, fishing opportunities, the parks and beach, or shopping and sightseeing at Shoreline Village. In its approval of Coastal Development Permit 5-94-010, the Commission found that it is important that the operation of the Shoreline Village parking lot does not preclude the general public from parking and accessing the many varied coastal recreation opportunities in the area.

Several parking lots in the area provide parking for the area's visitors and employees. The Shoreline Village parking lot provides the primary parking supply for the customers and employees of Shoreline Village shopping center (Exhibit #2). This lot is physically separated from the parking areas located directly east of it by a wrought iron fence and Shoreline Village Drive. The parking areas to the east of Shoreline Village provide free parking in the Marina Green parking lots for recreational visitors (i.e. the general public), and reserved parking spaces for the Downtown Marina permit holders (boat owners). The Marina Green parking lots are also used for overflow parking by customers of the shopping center.

The Coastal Act requires the protection of the high priority recreational uses

and visitor serving commercial uses that exist in this popular coastal area. Because of the many coastal access and recreation opportunities in the area, there are conflicts between recreational visitors and shoppers as they vie for parking on busy days. Notwithstanding the fact that many people who visit the for recreational activities also shop or sightsee at the shopping center, it is important that the proposed amendment does not encourage shoppers to park in the Marina Green and boaters' parking areas.

Charging fees for parking in the shopping center's parking lot could have the effect of directing shoppers to the free parking in the adjacent recreational use parking lots. This could impact coastal access opportunities by reducing the amount of parking available for recreationists. The possibility that shoppers could be directed to the free parking in the recreational use parking lots in order to avoid paying for parking is mitigated by the validation program which allows visitors of the shopping center to avoid paying for parking less than two hours by obtaining a validation if the Shoreline Village parking lot is operating as a controlled access lot.

If the Shoreline Village parking lot is operating as an uncontrolled access lot, as would be the applicant's option under this amendment, there would be no reason for Shoreline Village customers to use the parking lots provided for the recreationists. Therefore, the proposed amendment will have no impact on the public's ability to access the coast.

The Commission has previously found that the special conditions of Coastal Development Permit 5-94-010 adequately mitigate the controlled parking lot operation's impacts on coastal access. The operation as an uncontrolled free parking lot during periods of low parking demand will likewise have no impact on coastal access. The subject parking lot will provide at least two hours of free parking for visitors under either option.

Therefore, the amendment granting the applicant the option to operate the Shoreline Village shopping center public parking lot as either a free parking lot without controlled access, or as a controlled parking lot operated under the provisions of Coastal Development Permit 5-94-010, is consistent with the public access and recreation policies of the Coastal Act.

#### D. Local Coastal Program

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

#### E. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of 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)(i) 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 impact which the activity may have on the environment.

The proposed amendment is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval of the permit. The proposed 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 amendment is consistent with the requirements of the Coastal Act to conform to CEQA.

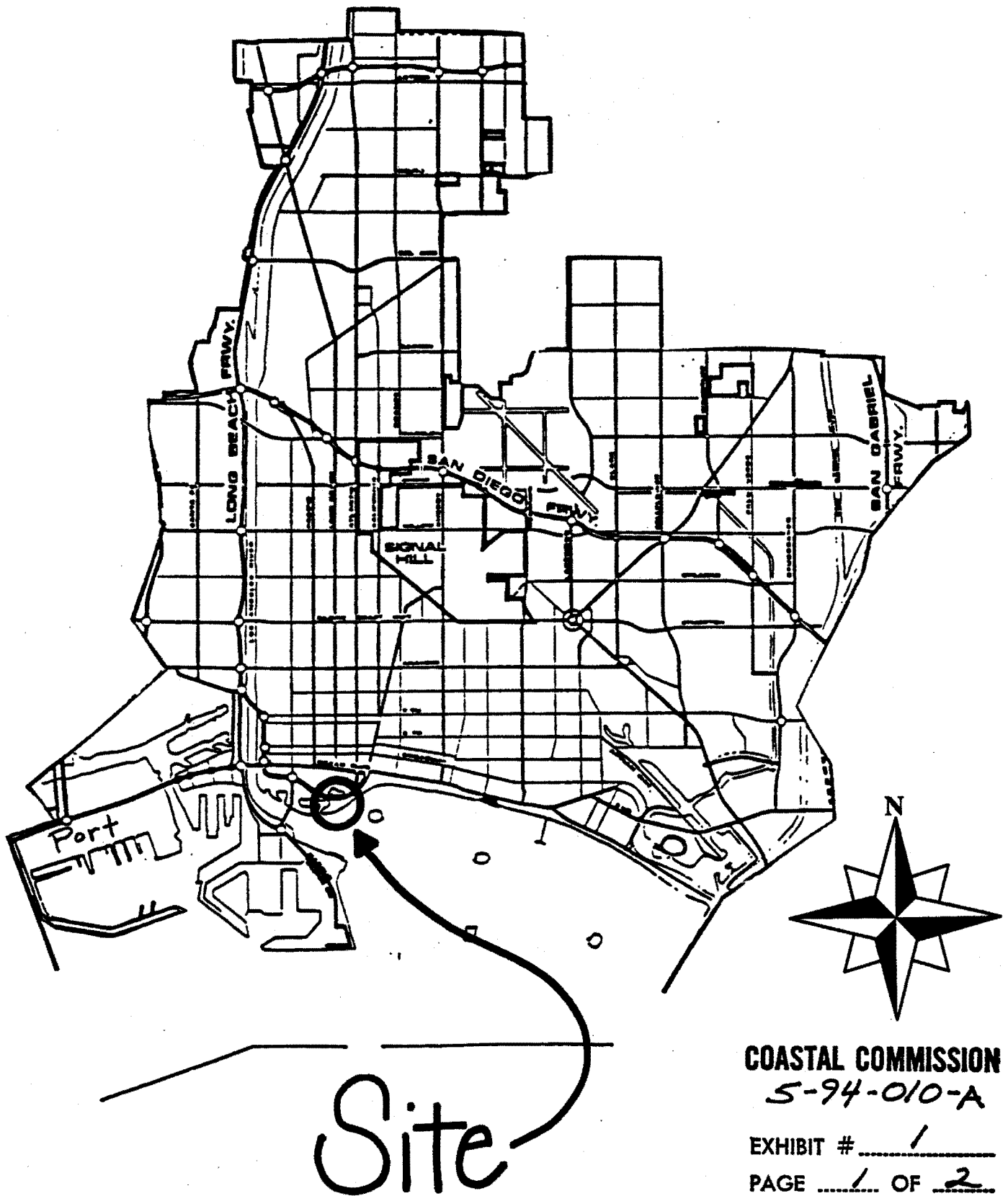
F. Violation

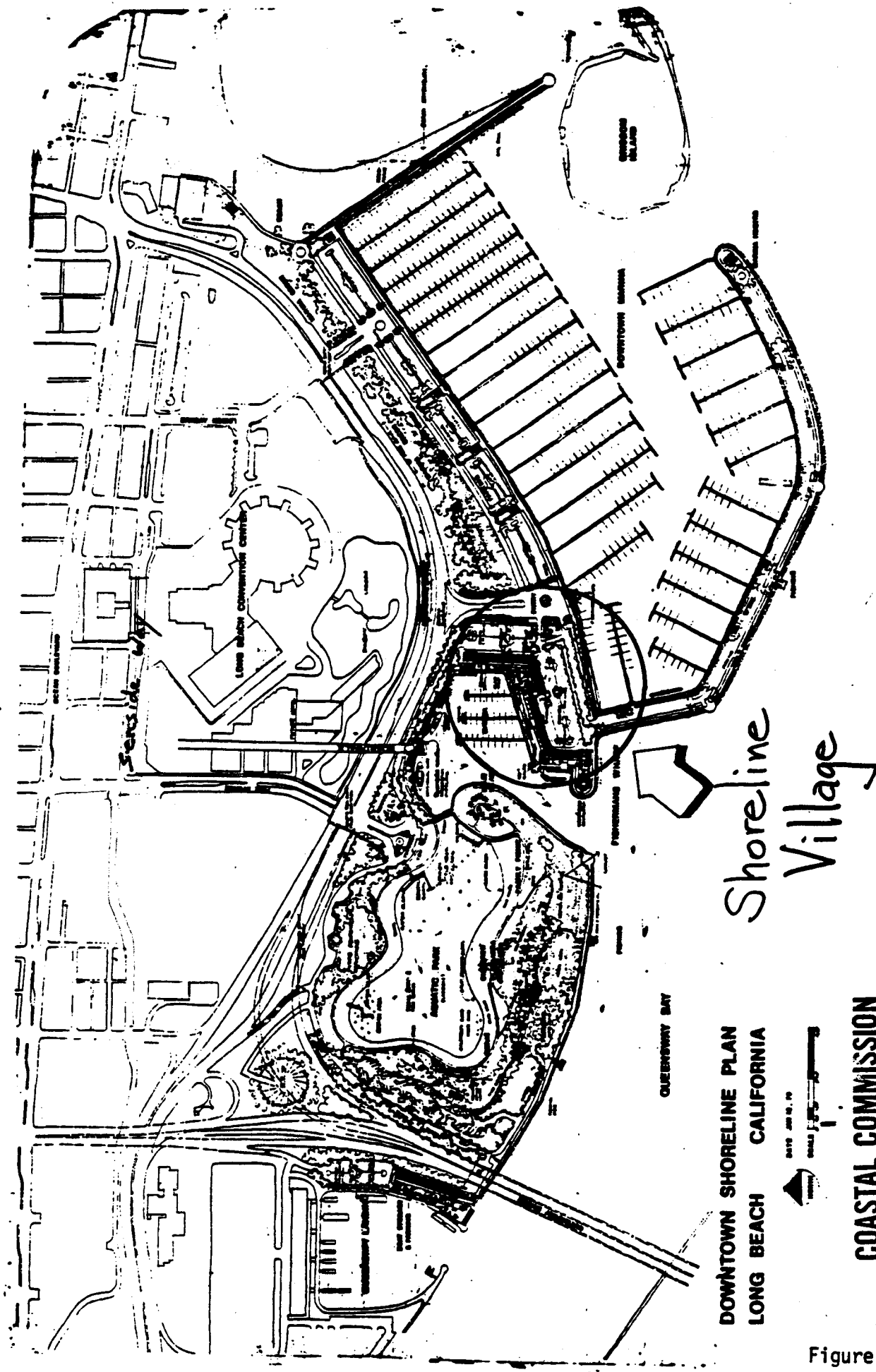
Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred. The Commission will act on this application without prejudice.

The Coastal Commission staff is reviewing the Shoreline Village development for compliance with the requirements of Coastal Development Permits P-79-5152 and P-80-7497 (City of Long Beach).

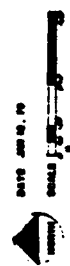
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# City of Long Beach





DOWNTOWN SHORELINE PLAN  
LONG BEACH CALIFORNIA



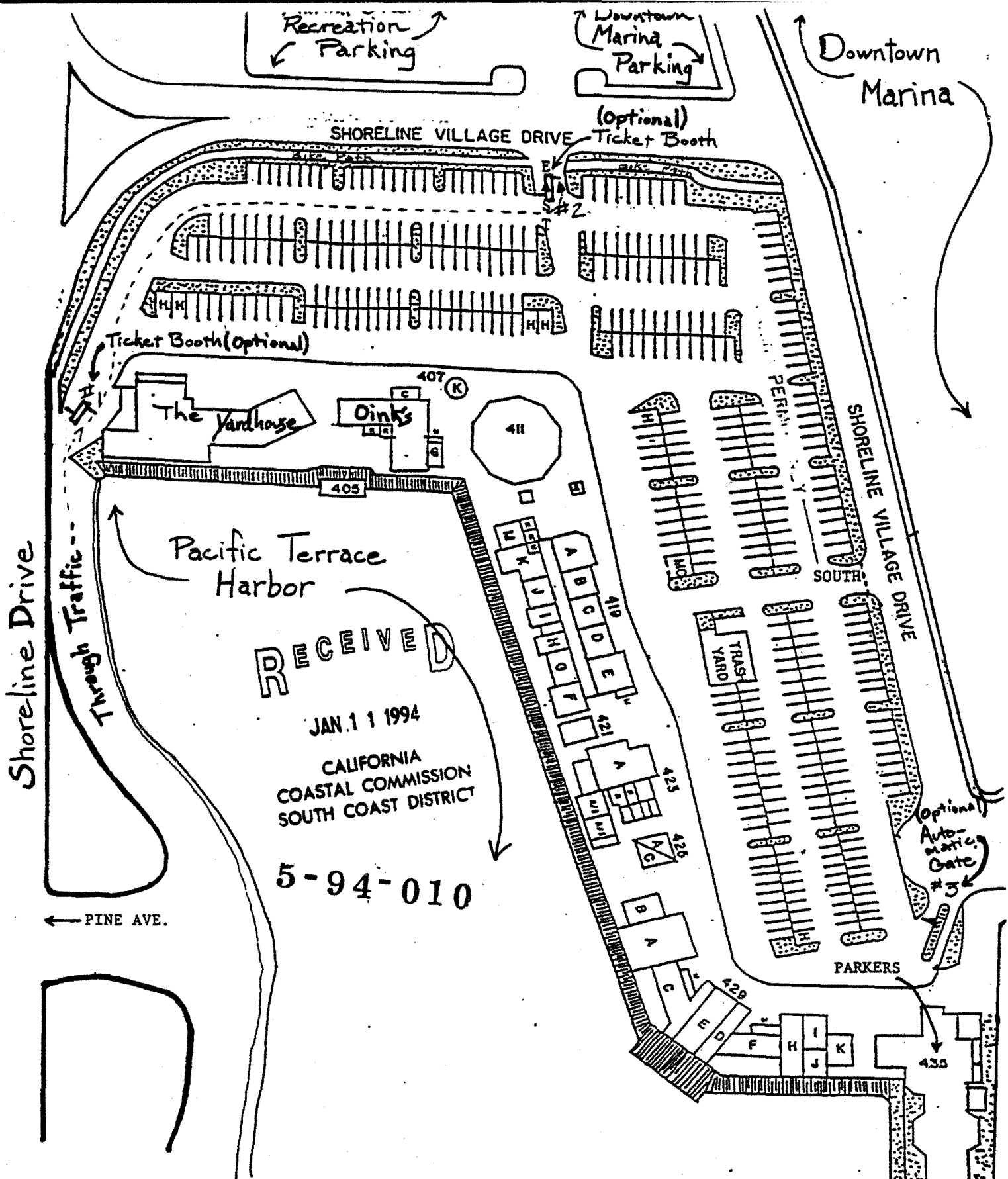
COASTAL COMMISSION

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EXHIBIT # 1

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Figure 1



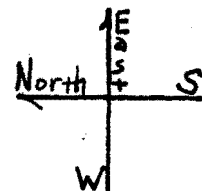
COASTAL COMMISSION

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EXHIBIT # 2

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Shoreline Village



# SELECT RESTAURANTS, INC.

Corporate Circle • 30050 Chagrin Boulevard • Cleveland, Ohio 44124 • Phone (216) 464-6606 • Fax (216) 464-8565

**FRANK PALUMBO**  
Vice President Real Estate

**VIA FACSIMILE TRANSMISSION - 310-590-5084  
U.S. MAIL, AND FEDERAL EXPRESS**

**August 12, 1996**

**Mr. Peter Douglas  
Executive Director  
California Coastal Commission  
245 West Broadway, Ste 380  
P.O. Box 1430  
Long Beach, CA 90802-4410**

**RE: Notice of Proposed Permit Amendment  
Permit No. 5-94-010  
Shoreline Village, Long Beach, California**

**Dear Mr. Douglas:**

**Select Restaurants, Inc. is a California Corporation which owns and operates the Parkers' Lighthouse that is the major merchant business dependent upon the parking controls permitted by Coastal Development Permit 5-94-010.**

**We are very concerned over the "lot full" conditions which are prevalent during our prime business hours. As you know, two new bars/restaurants have been proposed for Shoreline Village by the permit holder, Northwestern Mutual Life.**

**At the moment, we have insufficient information to understand the impact of the proposed permit amendment. Accordingly, we must object to the proposed amendment. In order to evaluate the full effect of the proposed amendment, would you please provide the undersigned with the following materials:**

- 1. Copy of Permit No. 5-94-010.**
- 2. Copy of the Application of Northwestern Mutual Life for the amendment.**
- 3. Copy of the Coastal Act.**
- 4. Copy of the guidelines promulgated by the Commission which apply to operation under the Permit.**

**COASTAL COMMISSION**

**5-94-010-A**

**EXHIBIT # 3**

**PAGE 1 OF 2**

MR. PETER DOUGLAS  
PAGE 2

If there are any charges for the copies, please advise the undersigned.

Sincerely,

SELECT RESTAURANTS, INC.



Frank R. Palumbo  
Vice President Real Estate

FRP:rs

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EXHIBIT # 3

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Special Conditions of Coastal Development Permit 5-94-010

These special conditions remain in full force and effect and are unaltered by amendment 5-94-010-A.

1. Parking Lot Plans

Prior to issuance of the Coastal Development Permit, the applicant shall submit two sets of parking lot plans, subject to the review and approval of the Executive Director. The plans shall identify a minimum of 409 parking spaces in the Shoreline Village shopping center parking lot. The 409 parking spaces shall be provided in the parking lot within 180 days of the issuance of the Coastal Development Permit. The parking lot shall be maintained consistent with the plans approved by of the Executive Director.

2. Validations

Free parking ticket validations which allow for two hours of free parking shall be available without purchase to any person from any tenant of the Shoreline Village shopping center.

3. Traffic Circulation

All vehicles shall be permitted to pass through the Shoreline Village shopping center parking lot for free without obtaining a validation.

4. Signage

Prior to issuance of the Coastal Development Permit, the applicant shall submit a signage plan, subject to the review and approval of the Executive Director. The signage plan shall provide sign designs and shall identify specific locations of signs at each entrance of the parking lot and within the parking lot which clearly announce the following:

- a. The availability of free parking ticket validations from any tenant of the Shoreline Village shopping center without purchase which allow for two hours of free parking.
- b. The ability of all vehicles to pass through the Shoreline Village shopping center parking lot for free without obtaining a validation.
- c. The approved parking fee rates.

The signs shall be posted in the parking lot prior to, or concurrent with, the implementation of the approved validated/fee parking program. The signs shall be maintained consistent with the signage plan approved by of the Executive Director.

5. Parking Fees

Any increase in the approved parking fees will require an amendment to the Coastal Development Permit.

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EXHIBIT # 4

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