

Th 18c

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071



Filed: 2/20/96
49th Day: 4/9/96
180th Day: 8/18/96
Staff: CP-LB *CP*
Staff Report: 2/22/96
Hearing Date: March 14, 1996
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-96-010

APPLICANT: Northwestern Mutual Life

AGENT: Jonathan Glasgow

PROJECT LOCATION: 401 & 407 Shoreline Village Drive, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Remodel of existing restaurant space for two new restaurants and alterations to existing public boardwalk in the Shoreline Village shopping center.

Parking Spaces	409
Zoning	PD
Plan Designation	Planned Development
Ht abv fin grade	33.5 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions regarding outdoor dining areas and public seating.

LOCAL APPROVALS:

1. City of Long Beach Site Plan Review Case No. 9601-01A (SSPR), 1/24/96.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit P-79-5152 (City of Long Beach).
2. Coastal Development Permit P-80-7497 (City of Long Beach).
3. Coastal Development Permit 5-91-708 (Shoreline Village Associates).
4. Coastal Development Permit 5-94-010 (Shoreline Village Associates).

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a Coastal Permit for the proposed development on the grounds that the development, as conditioned, will be 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. 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 this permit is reported to the Commission. 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. Compliance All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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

1. Restaurant Outdoor Dining and Service Areas

The portions of the site used as outdoor dining and service areas by the restaurants and their customers shall be strictly limited to those areas identified as outdoor seating areas on the final approved plans (as shown on Exhibit #4 attached to the staff report for Coastal Development Permit 5-96-010). Those areas identified as outdoor seating areas on the final approved plans for use by the restaurants and their customers shall be separated from the adjoining public areas of the site with planters, low fences and/or railings as shown on the final approved plans. The public areas and the outdoor seating areas shall be maintained by the applicant consistent with the final approved plans (as shown on Exhibit #4 attached to the staff report for Coastal Development Permit 5-96-010).

2. Outdoor Public Seating

The applicant shall provide and maintain the proposed 44 seat outdoor public seating area for use by the general public as shown on the final approved plans (as shown on Exhibit #4 attached to the staff report for Coastal Development Permit 5-96-010). The proposed 44 seat outdoor public seating area is for use by the general public and shall not be enclosed or separated from the adjoining public areas of the site.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

The applicant proposes to open two new restaurants (The Yardhouse Restaurant and Oink's Diner) within existing restaurant space in the Shoreline Village shopping center (See Exhibits). The proposed project includes 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 (Exhibit #3). Development proposed by the applicant as part of this project includes:

Interior remodel of existing restaurant space within two existing commercial structures for the establishment of two new restaurants: The Yardhouse Restaurant and Oink's Diner (Exhibit #3).

Consolidation of existing outdoor dining/service areas for exclusive use by the two new restaurants (Exhibit #4). The restaurants' outdoor dining/service areas are proposed to be enclosed and separated from the adjoining public areas with planters, fences, and railings.

Addition of a 1,016 square foot keg storage room to the existing restaurant being converted to The Yardhouse Restaurant (Exhibit #3).

Demolition of an existing 400 square foot walk-up restaurant (Chong's) and its 300 square foot dining area (Exhibit #3).

Repair and extend the cantilevered public boardwalk by four feet for a length of about sixty feet to match the existing boardwalk and allow a wider public access way (Exhibit #3).

Construction of a new North Entrance including new signs, ramp, directory and 35 foot high lighting element/tower (Exhibit #3).

Removal of 42 existing public seats mounted along the boardwalk railing.

Provide and maintain a new 44 seat outdoor public seating area near the carousel for use by the general public (Exhibit #4).

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 shares the Long Beach downtown waterfront area with the Downtown Long Beach Marina, Pacific Terrace Harbor, and Shoreline Aquatic Park. All are located on public trust lands. Although the closest public beach is located one-half mile east of the subject site, 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 Long Beach Downtown Shoreline area, which is located entirely on former tidelands subject to the original jurisdiction of the Commission, was developed in the late 1970's and early 1980's under Coastal Permits approved by the Commission in 1979. 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 area, and 18,000 square feet of other commercial uses. The project was to provide 252 parking places.

The Shoreline Village project was amended under Coastal Development Permit P-80-7497 in 1980. The revised project, which was approved by the Commission, increased the commercial area from 35,500 square feet of commercial space to 51,000 square feet. Restaurant use in the center was limited to less than half of the commercial space. The parking supply was increased to 409 parking spaces in the adjacent parking lot (Exhibit #2).

B. Public Shoreline Access

One of the basic goals of the Coastal Act is to 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 Coastal Act also requires that development itself does not interfere with the public's right to access the coast.

Section 30210 of the Coastal Act states:

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

In addition, Section 30211 of the Coastal Act states:

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

The proposed project is located entirely on public tidelands located seaward of the first public road. The proposed project involves improvements to a public boardwalk and shopping center in order to open two new restaurants within existing restaurant space.

In regards to parking demand, the proposed project will not create a significant increase in parking demand in the shopping center. The proposed two new restaurants, The Yardhouse Restaurant and Oink's Diner, do not represent an increase in the intensity of use of the site; they are replacing four previously existing restaurants and a night club. The restaurant service areas are not being significantly increased over what has previously existed at the site. Therefore, the proposed project will not have a significant impact on coastal access parking and coastal access will not be reduced.

However, there is a concern as to the possible impacts which would result if the dining/service areas are enlarged over what is currently proposed. Therefore, the approval of the permit is conditioned to limit the portions of the site used as outdoor dining and service areas by the restaurants and their customers to those areas identified as outdoor seating areas on the final approved plans and Exhibit #4. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

The proposal to remove public seating from the boardwalk railings would result in reduced public access if the public seating is not replaced elsewhere at the site. The applicant has proposed to replace the removed public seating with a new 44 seat public seating area near the carrousel (Exhibit #4). In order to ensure that the public seating is replaced as proposed so that no reduction in public access occurs, the approval is conditioned to require the applicant to provide and maintain the proposed 44 seat outdoor public seating area for use by the general public as shown on the final approved plans. In addition, the proposed 44 seat outdoor public seating area shall not be enclosed or separated from the adjoining public areas of the site.

The proposed project will improve public access along the public boardwalk by removing a small walk-up restaurant from the boardwalk and widening the cantilevered boardwalk by four feet (Exhibit #3). The proposed removal of seating from the boardwalk and the proposed separation of the restaurants' outdoor dining/service areas from the adjoining public areas will also improve public access by improving circulation along the waterfront. No barriers or obstacles are permitted to impede public use of the boardwalk.

Therefore, as conditioned, the proposed project will not impede access to the coast or negatively impact coastal access parking, and is consistent with the public access policies of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

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.

As conditioned, the proposed project is consistent with the policies of the LCP. Approval of the project cannot prejudice the local government's ability to prepare a certifiable LCP because the City of Long Beach LCP was certified in 1980.

D. California Environmental Quality Act (CEQA)

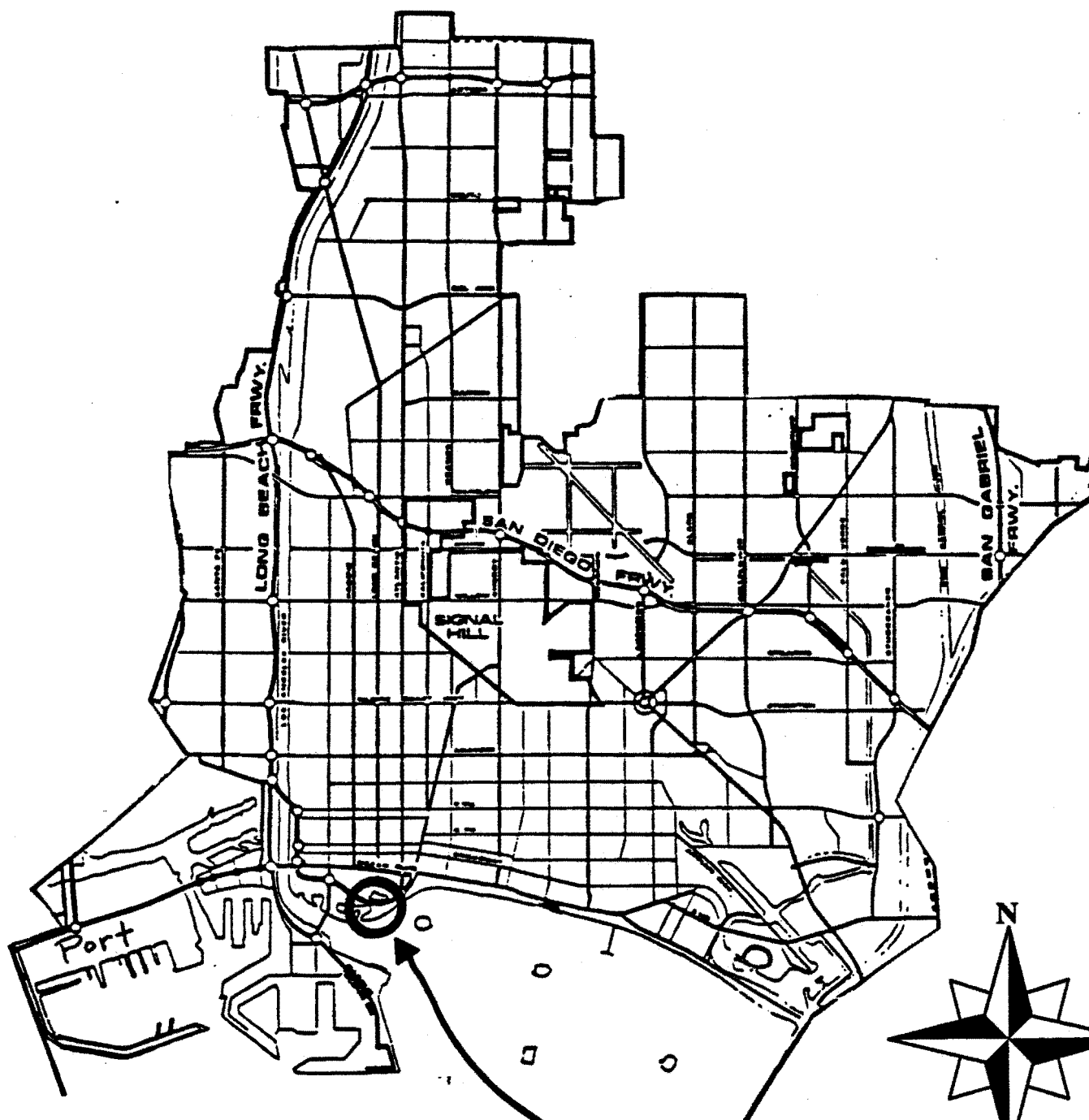
Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 project, 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 project 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.

E. Violation

The Coastal Commission staff is reviewing the development on, and operation of, the subject site and its parking lot for compliance with the requirements of Coastal Development Permit P-79-5152 (City of Long Beach), Coastal Development Permit P-80-7497 (City of Long Beach), and Coastal Development Permit 5-94-010. 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.

City of Long Beach



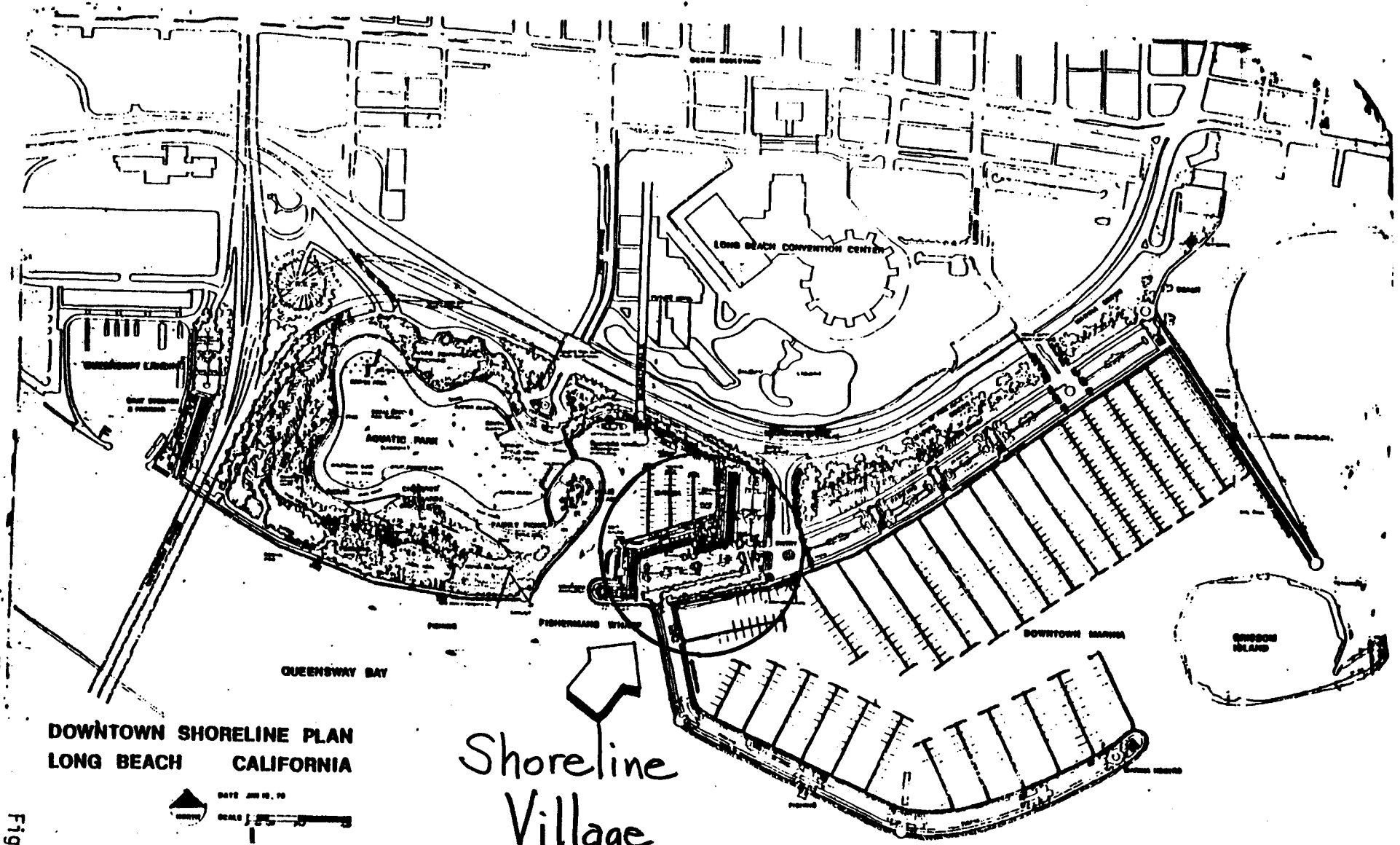
Site

COASTAL COMMISSION

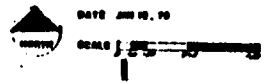
5-96-010

EXHIBIT # 1

PAGE 1 OF 2



DOWNTOWN SHORELINE PLAN
LONG BEACH CALIFORNIA



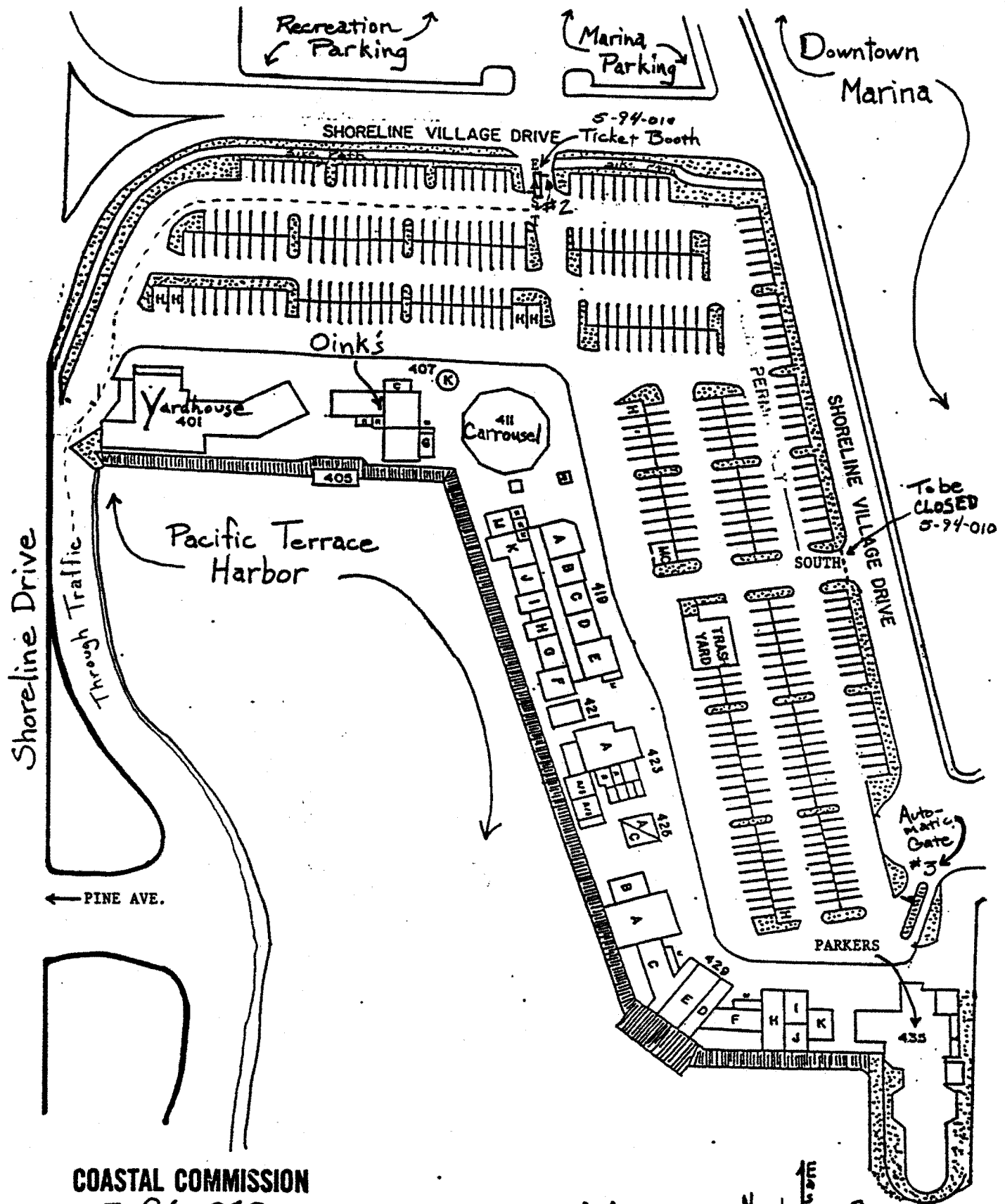
COASTAL COMMISSION

5-96-010

EXHIBIT # 1

PAGE 2 OF 2

Figure 1



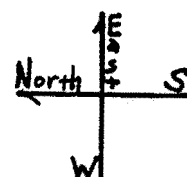
COASTAL COMMISSION

5-96-010

EXHIBIT # 2

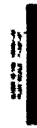
PAGE 1 OF 1

Shoreline Village





NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46	NO. 47	NO. 48	NO. 49	NO. 50	NO. 51	NO. 52	NO. 53	NO. 54	NO. 55	NO. 56	NO. 57	NO. 58	NO. 59	NO. 60	NO. 61	NO. 62	NO. 63	NO. 64	NO. 65	NO. 66	NO. 67	NO. 68	NO. 69	NO. 70	NO. 71	NO. 72	NO. 73	NO. 74	NO. 75	NO. 76	NO. 77	NO. 78	NO. 79	NO. 80	NO. 81	NO. 82	NO. 83	NO. 84	NO. 85	NO. 86	NO. 87	NO. 88	NO. 89	NO. 90	NO. 91	NO. 92	NO. 93	NO. 94	NO. 95	NO. 96	NO. 97	NO. 98	NO. 99	NO. 100
-------	-------	-------	-------	-------	-------	-------	-------	-------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	--------	---------



SHORELINE VILLAGE
4811 SHORELINE VILLAGE DRIVE
LONG BEACH, CA 90802

COASTAL COMMISSION
5-96-010

EXHIBIT # 3

PAGE 1 OF 1

NEW SHORELINE VILLAGE SIGNAGE
VISIBLE FROM EASTBOUND SHORELINE DRIVE
REMOVE SELECTED TREES IN MEDIAN
AND PORTION OF FENCE AS REQUIRED
FOR BALANCED VISIBILITY
COORDINATE WITH LONG BEACH PUBLIC WORKS

NEW SHORELINE VILLAGE SIGNAGE ON LOW WALL
VISIBLE FROM EASTBOUND SHORELINE DRIVE

NEW RAMP WITH LOW PLANTER WALLS

NEW ENTRY ELEMENT TOWER WITH LIGHTING

STEPS TO HIGHER LEVEL SHORELINE BOARDWALK

NEW PERGOLENT ENTRY ELEMENT AT
MAIN RESTAURANT ENTRANCE FROM BOARDWALK

EXISTING BOARDWALK BALCONY

EXISTING RAMP TO UPPER LEVEL

NEW BOARDWALK EXTENSION
TO MATCH EXISTING

NEW RAISED EXTERIOR DECK
CONSTRUCTED FOR NEW RESTAURANT USE

CANTILEVERED BOARDWALK BALCONY AT
PREVIOUS CHINA'S RESTAURANT LOCATION
(CHINA'S TO BE DEMOLISHED, APPROX. 400 SF)

EXTERIOR TABLE AREA
DEDICATED TO NEW RESTAURANT USE

DEMO

EXISTING BUILDING

NEW ENTRY TOWER WITH
UPLIGHT (BY ALFANO)
(NATURAL THEME)

NEW BACKLIT ENTRY
SIGNAGE

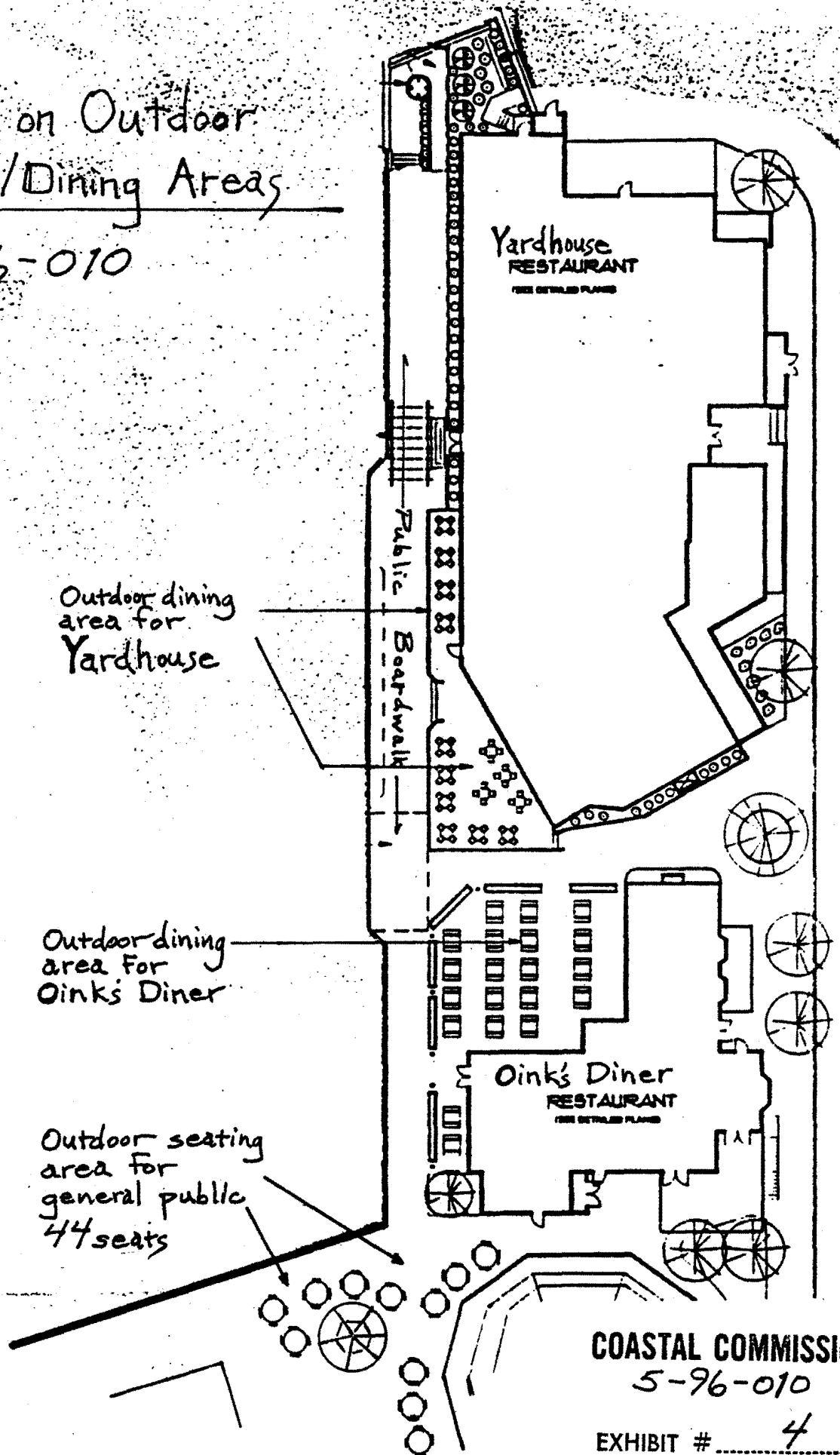
ELEVATION LOOKING TOWARD NEW NORTH ENTRY ELEMENTS

SHORELINE VILLAGE SITE PLAN

PROPOSED NORTH ENTRANCE AND NEW RESTAURANT MODIFICATIONS

Limits on Outdoor
Seating/Dining Areas

5-96-010



COASTAL COMMISSION
5-96-010

EXHIBIT # 4
PAGE 1 OF 1