


**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302  
(562) 590-5071

W5C

Filed: 11/5/97  
49th Day: 12/24/97  
180th Day: 5/4/98  
Staff: CP-LB  
Staff Report: 11/13/97  
Hearing Date: Dec. 9-12, 1997  
Commission Action:

**RECORD PACKET COM**STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-97-310

APPLICANT: The Crab Pot

AGENT: Robert Novello, H.E.G. Enterprises

PROJECT LOCATION: 215 Marina Drive, Alamitos Bay, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Remodel existing restaurant, including: 1) addition of a 2,079 sq. ft. outdoor dining area on the patio, and 2) conversion of an existing 2,028 sq. ft. storage area to a second floor banquet room. The proposed addition of 4,107 sq. ft. of dining area will result in 8,570 sq. ft. of customer service area.

Lot Area	17,825 sq. ft.
Building Coverage	6,708 sq. ft.
Pavement Coverage	10,131 sq. ft.
Landscape Coverage	986 sq. ft.
Parking Spaces	171
Zoning	PD
Plan Designation	Planned Development Zone
Ht abv fin grade	25 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with a special condition regarding the proposed restaurant's outdoor dining and service areas. The applicant agrees with the recommendation.

LOCAL APPROVALS RECEIVED:

1. City of Long Beach Site Plan Review Case No. 9002-26, 9/30/97.
2. City of Long Beach Approval in Concept, 11/5/97.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-90-500 (Chart House Restaurant).
3. Coastal Development Permit 5-92-050 (City of Long Beach).
4. Coastal Development Permit 5-92-126 (Long Moose, Inc.).
5. Coastal Development Permit 5-94-120 (Chart House Restaurant).
6. City of Long Beach Parking Study for Alamitos Bay Marina, Jan. 1992.
7. City of Long Beach Parking Study for Alamitos Bay Marina, Dec. 1992.

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STAFF NOTE:

A Coastal Development Permit is required from the Commission for the proposed development because the project site is located on state tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a Coastal Development Permit from the Commission. The Commission's standard of review for the Coastal Development Permit for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

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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 permit for the proposed development on the grounds that the development 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 Condition

### 1. Restaurant Outdoor Dining and Service Areas

The portions of the site used as outdoor dining and service areas by the restaurant and its 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 5-97-310). Those areas identified as outdoor seating areas on the final approved plans for use by the restaurant and its customers shall be separated from the adjoining public areas of the site with planters, windscreens, 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 5-97-310).

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves a remodel and expansion of an existing waterfront restaurant at Alamitos Bay Marina in southeast Long Beach (Exhibits #1-3). The existing restaurant currently contains 4,463 square feet of customer service area located on the ground floor and outdoor patio:

Existing Customer Service Area (Exhibit #3)

First Floor (bar/dining/waiting):	2,450 square feet
Second Floor (storage room):	0 square feet
Outdoor Patio (dining):	<u>2,013 square feet</u>
Total Existing:	4,463 square feet

The applicant's proposal involves expanding both the indoor and outdoor dining areas by a total of 4,107 square feet resulting in 8,570 square feet of customer service area as follows:

Proposed Customer Service Area

First Floor (bar/dining/waiting):	2,450 square feet
Second Floor (banquet room):	2,028 square feet
Outdoor Patio (dining):	<u>4,092 square feet</u>
Total Proposed:	8,570 square feet

The additional 4,107 square feet of customer service area would be gained by converting the existing second floor storage room into a 2,028 square foot banquet room, and by placing additional tables and wind screens on the outdoor patio located around the perimeter of the structure (Exhibit #4). The height and internal floor area of the existing two-story structure will not be altered.

The restaurant is situated on the waterfront at Basin One in the Alamitos Bay Marina (Exhibit #2). Recreational boat slips occupy the Basin One water area located directly in front of the restaurant. A public walkway and the marina bulkhead separate the restaurant from the waters of the marina. The outdoor dining areas proposed as part of the project will not interfere with access to and along the public walkway or the marina docks (Exhibit #4).

The restaurant is actually located within the Basin One parking lot for the Alamitos Bay Marina. According to the City, the Basin One parking lot is comprised of 128 reserved boat owner parking spaces, 290 free unreserved public parking spaces, and 13 handicap parking spaces. The Basin One parking lot surrounds the three sides of the building which do not face the water (Exhibit #4). The parking for the existing restaurant is supplied by the Alamitos Bay Marina Basin One public parking lot. The public parking lot is the only parking supply.

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There are other existing commercial uses located nearby in the Alamitos Bay Marina area. The largest commercial center is the Seaport Village shopping center located three hundred feet south of the proposed project (Exhibit #2). Seaport Village is a commercial retail and entertainment complex with a maritime theme. Seaport Village has its own 330 space public parking lot to serve its three restaurants and many retail establishments. [See Coastal Development Permits 5-92-050 (City of Long Beach) & 5-92-126 (Long Moose)].

North of the project site, between the Basin Two and Basin Three parking lots of the Alamitos Bay Marina, is the Marine Bazaar commercial center (Exhibit #2). The Marine Bazaar building is another commercial center in Alamitos Bay. It contains one restaurant, yacht sales, and other retail uses. The parking for the Marine Bazaar center is supplied by the Alamitos Bay Marina Basin Two and Basin Three public parking lots. [See Coastal Development Permit 5-92-314 (City of Long Beach)].

The proposed project, Seaport Village, the Marine Bazaar building, and the Alamitos Bay public parking lots are all located on filled tidelands which are State tidelands located within the Commission's area of retained permit jurisdiction. The City administers the State tidelands under the Tidelands Trust Agreements with the State of California. In the case of the Crab Pot restaurant, the City has leased the restaurant site to the applicants for a term of ten years.

The proposed project requires a Coastal Development Permit issued by the Coastal Commission because it is located seaward of the Chapter 138 Line which is the historic mean high tide line and the border between the City of Long Beach LCP jurisdiction and the Commission's permit jurisdiction pursuant to Section 30519 of the Coastal Act. All projects located seaward of the historic mean high tide line, on public tidelands, or on submerged lands require a Coastal Development Permit issued by the Coastal Commission. The Commission's standard of review for such projects is the Coastal Act. The LCP is advisory in nature and may provide guidance.

B. Project History

The existing structure has been used as a restaurant since it was constructed. Coastal Development Permit 5-90-500 (Chart House), approved by the Commission on July 12, 1990, states that the structure was built circa 1980. No records have been found which precede the Commission's July 1990 action on the site when the restaurant was operated by the Chart House.

Coastal Development Permit 5-90-500 (Chart House) approved the demolition of the existing building and construction of a new two-story Chart House restaurant on the site with 4,172 square feet of indoor customer service area (no outdoor dining). The Marina Basin One public parking lot was to provide the customer parking supply for the new restaurant, but the new restaurant was never built. The original building was never demolished and it is now the subject of this application.

The Chart House continued to operate the restaurant until about 1995 when it changed over to the California Broiler. The California Broiler had a brief

run until it closed in 1996. The Crab Pot now proposes to remodel, enlarge and reopen the restaurant under this permit application.

C. Public Access/Parking

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.

The proposed project is located entirely on public tidelands located seaward of the first public road. The proposed project involves the expansion of an existing restaurant on the waterfront. The primary coastal access issue of the proposed project is its parking supply. A lack of adequate parking for commercial uses near the coast can reduce the public's ability to access the coast by causing a shortage of parking spaces for coastal visitors. Therefore, the applicant must show that the proposed project has an adequate parking supply to meet the increased demand caused by the proposed restaurant expansion.

As previously stated, the parking for the existing restaurant has always been the public parking lot referred to by the City as the Alamitos Bay Marina Basin One public parking lot (Exhibit #2). Because the restaurant is located on public tidelands, and not on private property, the public parking lot is the only parking supply for restaurant customers and employees. According to the City, the Basin One parking lot is comprised of 128 reserved boat owner parking spaces, 290 free unreserved public parking spaces, and 13 handicap parking spaces. The City's lease agreement with the Crab Pot permits the

The Crab Pot Restaurant

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applicant to utilize, on a non-exclusive basis, 171 unreserved public parking spaces the marina parking lot located adjacent to the leased premises.

Under the Commission's Interpretive Guideline parking standards, 171 parking spaces is exactly the amount of parking demand that the proposed 8,570 square feet of customer service area would generate at the ratio of one parking space per each 50 square feet of customer service area ( $8,570/50=171.4$ ).

There is no question of whether there is enough parking at the site to meet the demands of the proposed restaurant expansion. There are at least 290 free unreserved public parking spaces in the immediate vicinity of the project. However, the public parking supply is shared by all the people who visit the Alamitos Bay Marina for its mix of recreational and commercial activities.

The question is: will the increased parking demand generated by the proposed project negatively impact coastal access opportunities by usurping the public parking supplies on which other uses in the marina are dependant?

To answer this question, the applicant has submitted a Parking Study for Alamitos Bay Marina, prepared by the City of Long Beach and Stevens/Garland Associates, Inc. (Dec. 1992). Although the parking study is five years old, there has not been any significant changes or development in the area which have significantly changed the pattern of parking in the area.

The study supports the City's and the applicant's conclusion that there is sufficient parking in the Basin One parking lot to supply the existing uses as well as the proposed restaurant expansion. In regards to the parking supply required by the boat owners with slips in the marina, customers of the proposed restaurant would not be able to park in the 128 reserved boat owner parking spaces in the Basin One parking lot because they are reserved for permit holders. Boat owner parking spaces are clearly identified by red paint markings. The parking study concludes that there is adequate parking for the boat owners.

The remainder of the Basin One parking lot is used by marina visitors who do not have permits for parking in the boat owner parking spaces. In the Basin One public parking lot there are 290 free unreserved public parking spaces and 13 handicap parking spaces. These 303 public parking spaces are used by customers of the existing commercial uses in the area and people visiting the marina to sightsee, stroll, or go on a boat ride. The public parking spaces are available at no charge to the user. There are no parking meters or parking fees. Free parking encourages people to use this coastal area whether they are shopping or just sightseeing.

The City parking study shows that the Basin One public parking lot was underutilized when parking counts were taken on two summer weekends in 1992. On July 11-12, 1992 and August 1-2, 1992, the use of Marina Basin One parking lot never exceeded 59% of its capacity. Based on this parking study and on the ongoing observations of the parking lot, the City concludes that there is ample parking in the Marina Basin One public parking lot to meet the demands of the existing recreational and commercial uses in the area, as well as the parking demands of the proposed project. Public access to the marina will not

be negatively impacted by the proposed project because there is adequate parking available for the existing and proposed uses.

The Commission staff, in this case, agrees with the City's conclusion that adequate parking exists in the area to protect the public's coastal access opportunities. Staff has observed that the Basin One parking lot is rarely filled to capacity. The parking lot is not used by beach visitors because the nearest beach is about one mile away in the City of Seal Beach. Many visitors do come to the marina, but there is adequate parking for them. The City parking study for the entire marina shows a parking surplus for the Marina Basin One parking lot. The surplus of parking in the Basin One parking lot will continue to provide the public a good place to park and access the coast.

Once visitors to the area find a parking place, they will be able to stroll along the water's edge throughout the marina on the existing public walkway. The proposed project does not interfere with the public's ability to walk along the water's edge on the public walkway adjacent to the restaurant (Exhibit #4).

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 restaurant and its 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.

Therefore, the Commission finds that the proposed project has a sufficient parking supply to meet the increased parking demand and protect coastal access. Therefore, the Commission finds that the proposed project will not negatively impact coastal access and is consistent with Sections 30210 and 30252 of the Coastal Act.

#### D. 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.

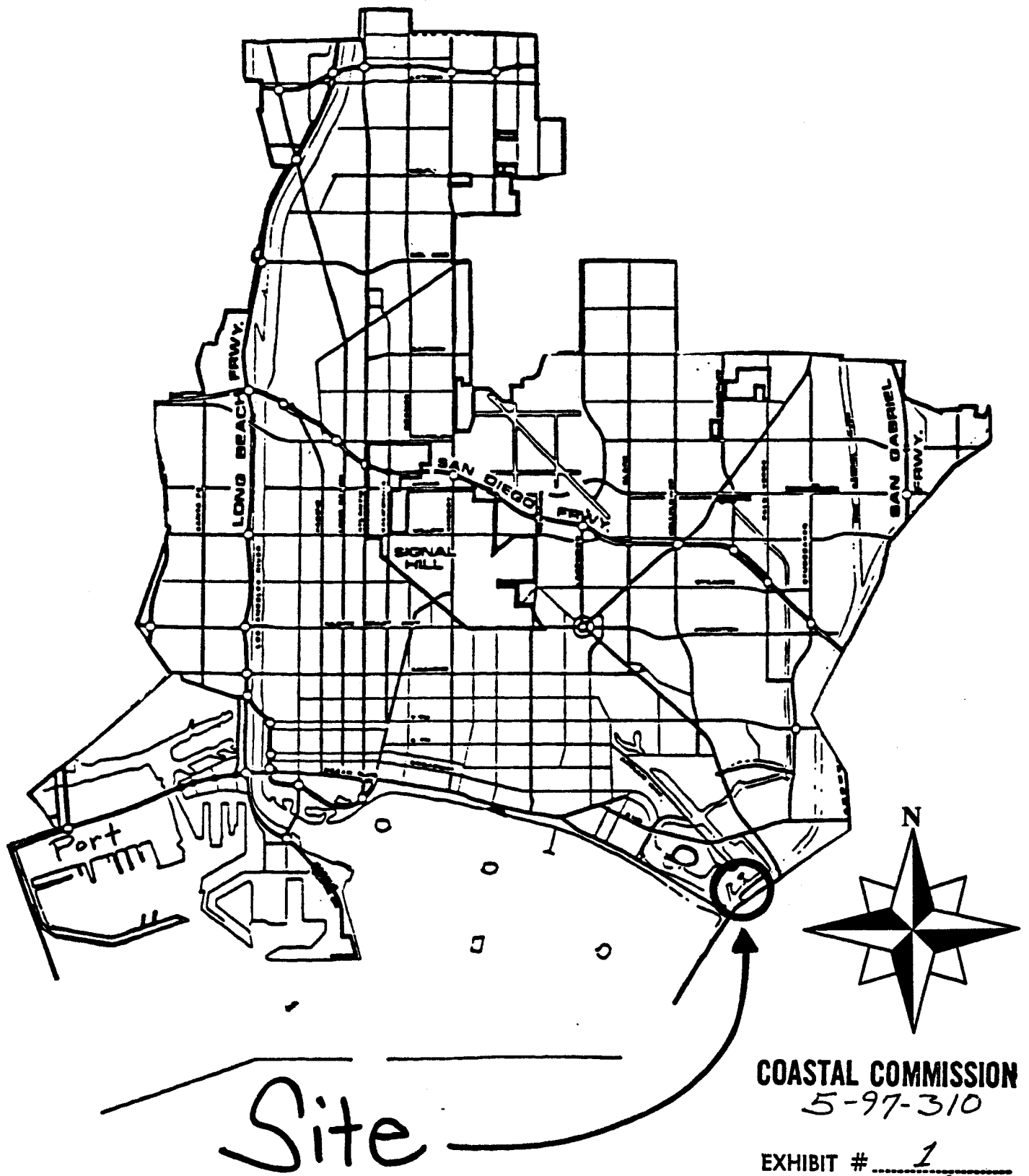
E. California Environmental Quality Act (CEQA)

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 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.

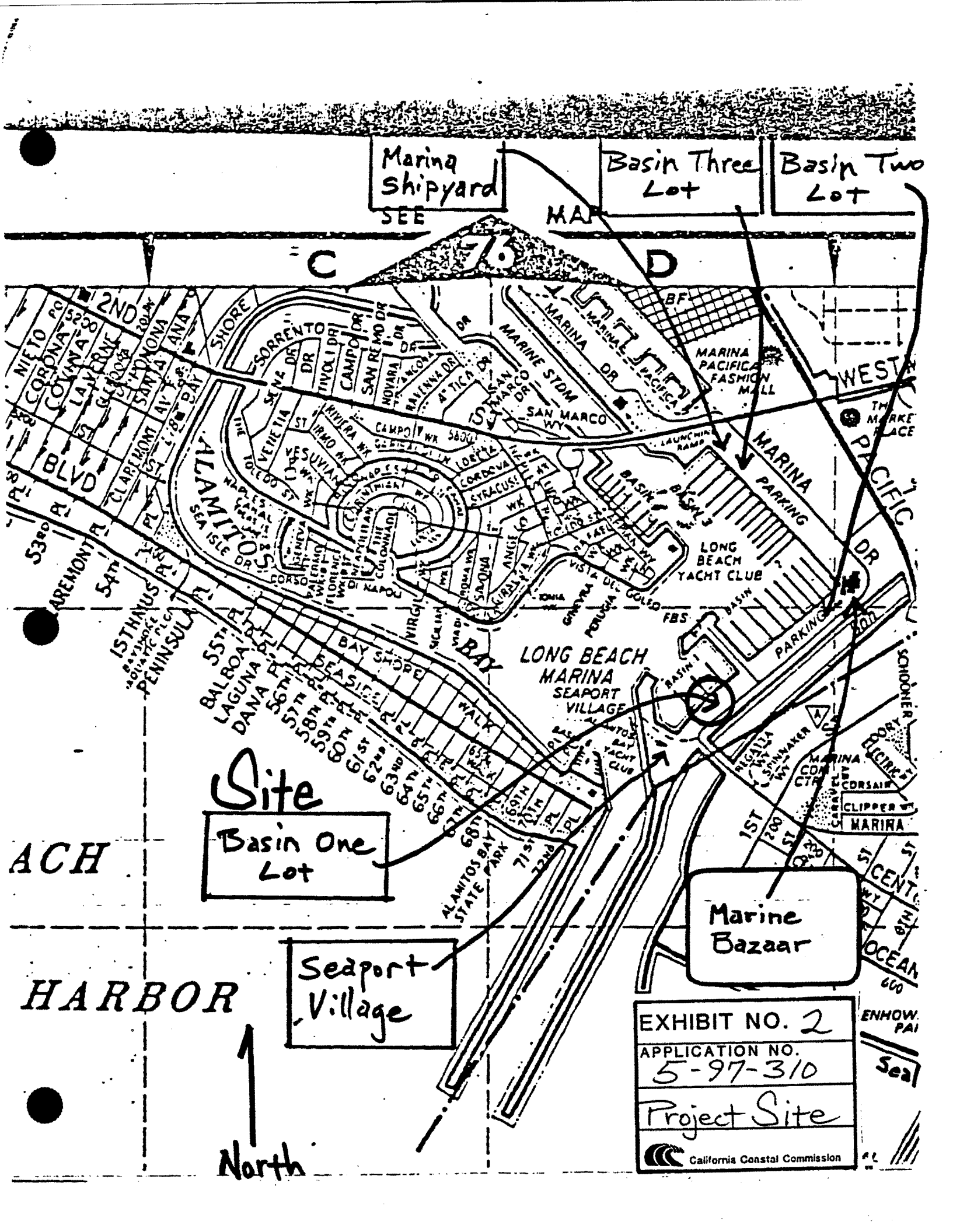
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# City of Long Beach



COASTAL COMMISSION  
5-97-310

EXHIBIT # 1  
PAGE 1 OF 1



Marina  
Shipyard

Basin Three  
Lot

Basin Two  
Lot

Site

Basin One  
Lot

Seaport  
Village

Marine  
Bazaar

EXHIBIT NO. 2

APPLICATION NO.

5-97-310

Project Site



California Coastal Commission

North

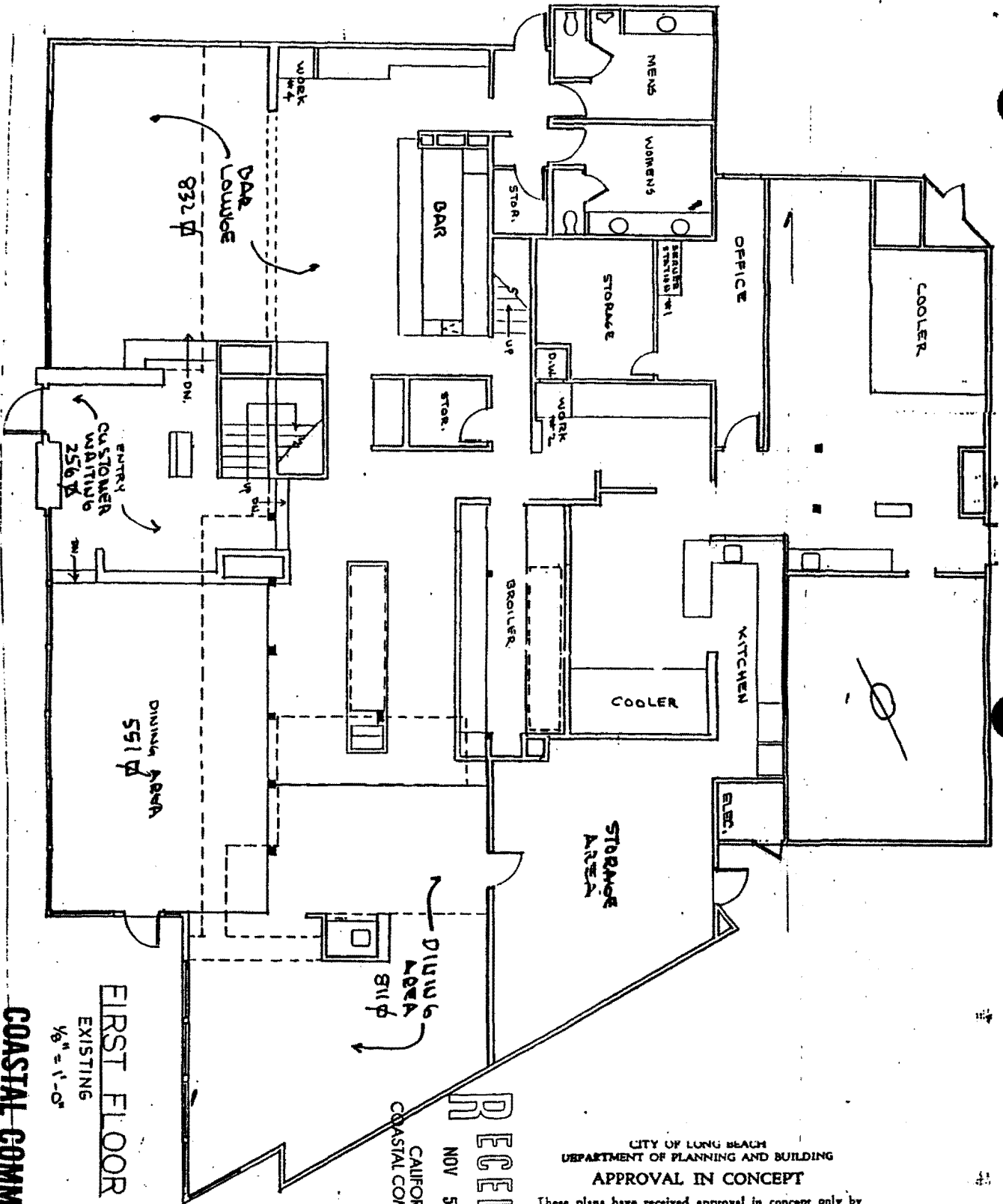


# Existing Indoor Dining & Bar Areas

EXHIBIT # 3  
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COASTAL COMMISSION

FIRST FLOOR  
EXISTING  
1/8" = 1'-0"



RECEIVED  
NOV 5 1997  
CALIFORNIA  
COASTAL COMMISSION

CITY OF LONG BEACH  
DEPARTMENT OF PLANNING AND BUILDING  
APPROVAL IN CONCEPT

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

Date: 11/5/97 By: *[Signature]*

*the crab*

THE CRAB POT RESTAURANT  
215 MARINA DRIVE  
LONG BEACH, CALIFORNIA 90806  
(562) - 430-0272

DATE:	11/97
SCALE:	UNITS
DRG. NO.:	371
1.2	CRAB POT
SHEET	6





# CITY OF LONG BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

333 W. Ocean, Third Floor • Long Beach, CA 90802 • (562) 570-6782 FAX (562) 570-6215

Property Services Bureau

September 30, 1997

California Coastal Commission  
South Coast District  
200 Oceangate, 10th Floor  
Long Beach, CA 90802

Attention: Charles Posner

RECEIVED  
OCT 1 1997

CALIFORNIA  
COASTAL COMMISSION

5-97-210

RE: CrabPot Restaurant - 215 Marina Drive, City of Long Beach

Dear Mr. Posner:

The City of Long Beach wishes to express its support of the pending Coastal Commission Permit application to allow outdoor and second floor banquet dining at the CrabPot Restaurant. The Long Beach City Council unanimously approved a new lease for this development at its July 6, 1997 meeting (see attached). Approval of the CrabPot's request for the addition of these dining amenities will allow for enhanced public access to the general area and will vastly improve this visitor serving facility in a developed tidelands area. These improvements will also draw more of the general public to the water's edge to enjoy the public's fully accessible view of the recreational marina which will not be impacted by this development. The proposed configuration of the outdoor dining will also allow for full, complete and continuous public access in and around the CrabPot's lease area including maintaining a public walkway nearest to the water's edge and around the entire premises.

In addition, the lease provides provisions for adequate parking (171 spaces) to accommodate any increases in public usage which are also in compliance with the City's Zoning codes. Commitment of parking in this area will continue on a nonexclusive basis, furthermore, the City has also agreed not to commit this parking to other additional uses throughout the lease term. This parking arrangement was granted in consideration of other uses surrounding the restaurant and we believe will be compatible and complementary with the overall operations of the area.

The operators of the CrabPot Restaurant, H.E.G. Enterprises, have an excellent reputation for operating family oriented waterfront restaurants at several locations along the west coast of the United States and this project represents an excellent opportunity for the City and the restaurant operator to better serve the public.

Again we wish to express our support for the CrabPot's pending application for these dining improvements to enhance the public's overall utilization of this area. Please contact Vince Abe of my staff at (562) 570-6122 if you have any questions in this matter or need any additional information in this regard.

Sincerely,

Vincent Coughlin  
Property Services Bureau Manager

attachments

c: Ralph S. Cryder, Director, Parks, Recreation and Marine

VLA: via  
403. via

COASTAL COMMISSION  
5-97-310

EXHIBIT # 5

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