

CALIFORNIA COASTAL COMMISSION

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TU 18d

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Hearing Date: October 13, 1998
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-97-283-A2

CO-APPLICANTS: City of Long Beach Dept. of Parks, Recreation & Marine
Shoreline Management LLC (Shoreline Yacht Club)

AGENTS: Jack Humphrey, Advance Planning Officer
Michael J. Malbon, President, Shoreline Management LLC

PROJECT LOCATION: Downtown Long Beach Marina, 450 E. Shoreline Drive,
City of Long Beach, Los Angeles County.

DESCRIPTION OF PROJECT ORIGINALLY APPROVED (5-97-283):

Construction of a 2,900 square foot City marina administration facility in the Downtown Marina parking lot, conversion of the existing 2,600 square foot marina headquarters building into a permanent facility for the Shoreline Yacht Club, and restriping of the marina mole parking lot to increase the number of parking spaces from 469 to 485.

DESCRIPTION OF CURRENT AMENDMENT REQUEST:

Add 1,500 square foot dining room and 1,900 square foot deck to previously approved yacht club, construct 8,000 square feet of replacement public park area, and install parking meters on all 38 public (non-permit) parking spaces on Mole Road.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment with revised special conditions that: 1) require the provision of the 8,000 square foot replacement public park area prior to construction of the proposed yacht club addition; 2) protect public access to the existing public observation deck, public parking, public restrooms, and the bicycle path; and 3) require adequate signage to identify the public recreational facilities. The applicants agree with the recommendation.

LOCAL APPROVALS RECEIVED:

1. City of Long Beach Site Plan Review, Case No. 9707-07, 7/21/97.
2. City of Long Beach Planning Department Approval in Concept, 4/30/98.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit P-79-5249 (Downtown Long Beach Marina).
3. Coastal Development Permit P-80-7498 (Marina Headquarters).
4. Coastal Development Permit 5-97-283 (Shoreline Yacht Club).
5. Staff Report Dated 7/21/98 for Amendment Request 5-97-283-A2 (Shoreline Yacht Club).

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.

In this case, the Executive Director has determined that the proposed amendment affects conditions required for the purpose of protecting a coastal resource and 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 California Code of Regulations 13166].

STAFF NOTE:

A Coastal Development Permit was 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.

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, an amendment to the permit for the proposed development on the grounds that the development and the amendment, 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. Special Conditions

The following special conditions replace and supercede all special conditions of Coastal Development Permit 5-97-283 (Appendix A) approved by the Commission on February 3, 1998:

1. Shoreline Yacht Club

Coastal Development Permit 5-97-283, as amended, permits the conversion of the existing 2,600 square foot marina headquarters building into a permanent facility for the Shoreline Yacht Club. Upon fulfillment of condition 1a-1d below to the satisfaction of the Executive Director, the applicants may construct a 1,500 square foot dining room addition and a new 1,900 square foot exterior deck as shown on Exhibit #5. The footprint of the existing 2,600 square foot structure shall not be expanded or enlarged, and no outdoor deck or additional floor area shall be permitted, until the following occur:

- a. The applicants shall submit two sets of City-approved plans, consistent with Exhibits #5&6 of this staff report (9/30/98), which show the proposed dining room addition and outdoor private deck addition and clearly delineate the areas designated for use by the yacht club versus the areas reserved for use by the general public. The existing public observation deck adjacent to the existing marina headquarters building shall be reserved for use by the general public and protected from private use and encroachments (including tables, overflow seating and the like) as indicated in Exhibit #6.
- b. The applicants shall provide 8,000 square feet of replacement public parkland near the end of the Mole Road in the area as generally indicated on Exhibit #3 of this

staff report (9/30/98). Prior to the commencement of construction of the replacement public park area, the applicants shall submit two sets of detailed City approved plans, for the review and approval of the Executive Director, which provide for 8,000 square feet of replacement public parkland near the end of the Mole Road in the area as generally indicated on Exhibit #3 of this staff report (9/30/98). The replacement parkland shall be created by converting existing unimproved and unlandscaped mole areas into an improved and landscaped public park area. The replacement parkland shall contain at least four public park benches and two picnic tables. Existing landscaped areas shall not count towards the 8,000 square feet of required replacement parkland.

- c. The replacement parkland shall be opened to public use prior to commencement of construction of the proposed dining room and deck addition.
- d. The parking spaces, parking meters and signs shall be installed and maintained consistent with special conditions three and five below.

The yacht club, public viewing deck, replacement parkland and public parking shall all be provided and maintained consistent with the plans approved by the Executive Director.

2. Public Park

The replacement park shall be constructed and opened to public use prior to commencement of construction of the yacht club dining room addition and outdoor private deck. The 8,000 square feet of replacement park area and the existing 4,200 square foot public observation deck that surrounds the structure located at the end of the marina mole shall be maintained and protected by the City as a public park area. Private use of the public park areas shall be limited to those events authorized by a Coastal Development Permit approved by the Commission.

3. Public Parking

Prior to construction of the new marina headquarters building, the City shall restripe the marina mole parking lot as proposed in order to increase the number of parking spaces on the mole from 469 to 485. There shall be no reduction in the number of public parking spaces in the Downtown Marina parking supply. All existing public parking spaces shall be maintained and protected.

Prior to the occupancy of the former marina headquarters building by the yacht club, the City shall provide and maintain at least 35 metered public parking spaces at the three fishing piers on the marina mole, distributed with 12 public parking spaces at two piers and 11 public parking spaces at one pier (12-12-11). In addition, the City shall provide and maintain at least three public parking spaces and two handicapped parking spaces

the parking area currently reserved as support parking for the marina headquarters building located at the very end of the marina mole road.

All public parking spaces at the fishing piers and at the end of the marina mole road shall be clearly and individually identified as public parking spaces which are available for use by the general public (i.e. no permit required). All public parking spaces shall be metered with parking meters which allow two hours of parking when the maximum amount of coins are deposited. The users of the public parking spaces shall be permitted to use the metered parking spaces for at least four hours (if the required amount of coins are added) before being required to vacate the parking space.

Automobiles with marina parking permits and yacht club members shall be prohibited from parking in the public parking spaces during the hours when the meter charge is in effect.

4. Yacht Club Parking

The yacht club or its members shall not reserve any parking spaces for the exclusive use of its members or guests. This prohibition applies to all parking spaces in the Downtown Marina area including boat owner permit parking and public parking spaces. The City shall provide no marina parking permits or other parking privileges to yacht club members except as they are already eligible as boatowners with rented slips in the Downtown Marina.

5. Signage

Prior to issuance of the Coastal Development Permit, the City shall submit a sign plan, for the review and approval of the Executive Director, that provides the following:

- a) Erection of a sign near the end of the marina mole road which clearly informs the public and identifies the area as a public park which is accessible to the general public.
- b) Replacement of the existing portable "Permit Parking - Violators will be cited" sign located at the entrance to the marina mole. The replacement sign shall clearly state that there are public parking spaces available for use by the general public without permits on the marina mole (i.e. no permit required).
- c) A signage program that clearly prohibits automobiles with marina parking permits and yacht club members from parking in the public parking spaces located on the marina mole during the hours when the meter charge is in effect.
- d) A signage program that clearly communicates to the public that all public parking spaces on the marina mole (at the fishing piers and at the end of the marina mole road) are available for use by the general public with no permit required. Each

individual public parking space shall be clearly identified as a public parking space available for use without a permit. The signs shall also clearly state that automobiles with marina parking permits and yacht club members are prohibited from using any of the public parking spaces on the marina mole during the hours when the meter charge is in effect.

The City shall implement the sign plan which is approved by the Executive Director. All signs shall be erected and maintained consistent with the sign plan approved by the Executive Director.

6. Bicycle Path

The proposed project shall not interfere with the public's use of the regional bicycle path which runs along the north side of the Downtown Marina. The proposed project shall not interfere with the public's use of the bicycle path which runs along the south edge of the marina mole in the Downtown Marina. All bicycle paths shall remain open and unobstructed both during construction and subsequent to completion of the permitted development.

7. Public Restrooms

The City shall maintain the public's ability to access and use the public restrooms which currently exist in the structure (former marina headquarters building) located at the end of the Downtown Marina mole. A large sign (no less than 2'x 4') shall be placed near the restroom entrance which clearly informs the public and identifies the facility as a public restroom.

8. No Work in Water

The development approved by Coastal Development Permit 5-97-283, as amended, does not include any work in or over coastal waters.

9. Commercial Uses

The development approved by Coastal Development Permit 5-97-283, as amended, does not include a restaurant or any commercial use in the Downtown Marina area.

10. Shuttle for Club Events

The yacht club shall provide a free shuttle system (van and/or boat) for any event that attracts more than 65 participants. The club shall transport members and guests to and from the yacht club event from a previously designated and advertised parking area that may not be located on the marina mole.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Background

On February 3, 1998, the Commission approved Coastal Development Permit 5-97-283 which included the conversion of the existing 2,600 square foot Downtown Long Beach Marina headquarters building into a permanent facility for the Shoreline Yacht Club. A proposed dining room and deck addition were not approved at that time.

The co-applicants, the City of Long Beach and Shoreline Management LLC, have now re-applied for the proposed addition to the Yacht Club. A public hearing on this amendment request was held at the Commission's August 11, 1998 meeting in Huntington Beach. That hearing was continued due to concerns about the proposed project's impacts on marina parking and public park area.

Shoreline Management LLC proposes to renovate and enlarge the existing marina headquarters building by adding a 25 foot high, 1,500 square foot dining room, and a 1,900 square foot exterior deck (Exhibit #5). The resulting yacht club will be a one-story, 25-foot high (with 43-foot cupola), 4,100 square foot structure with a private exterior deck. The remaining outdoor area surrounding the proposed yacht club, including the public observation deck, is proposed to remain open and accessible to the public (Exhibit #6). The City states that the public restroom currently located within the marina headquarters building will remain open and available for public use. The City will continue to maintain the public restroom.

The proposed yacht club addition would displace 3,400 square feet of existing public park area that exists next to the structure. In order to mitigate the park displacement, the applicants propose to develop an 8,000 square foot public park near the end of the mole (Exhibit #3). The proposed replacement park would be located on existing waterfront land that is currently unimproved and covered with gravel. A fifteen-foot wide strip of dirt and gravel situated between the mole revetment and the public sidewalk/bike path is proposed to be landscaped and irrigated to increase the area's usability by the public (Exhibit #8). The proposed replacement park would run along 535 feet of the mole. Public park benches and picnic tables would be placed in the proposed replacement park.

The Long Beach Downtown Shoreline area, where the Downtown Marina is located, is constructed entirely on former tidelands subject to the original jurisdiction of the Commission. Because the proposed project is located in the Commission's area of original jurisdiction, the required Coastal Development Permit was issued by the Commission. Therefore, the current amendment request must be acted on by 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.

B. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is located between the first public road and the sea, and within the Commission's area of original jurisdiction. Therefore, the standard of review is the Chapter 3 policies of the Coastal Act. In order to receive the Commission's approval, the proposed project must be found consistent with the following public access and recreation policies, contained in Chapter 3 of the Coastal Act, which encourage public access and recreational use of coastal areas.

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.

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.

Section 30212 of the Coastal Act states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30213 of the Coastal Act states, in part:

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

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

This amendment request proposes to displace 3,400 square feet of existing public park area for a yacht club addition. An 8,000 square foot public park is proposed to be developed near the end of the mole to mitigate the displacement of existing public park area. The proposed replacement park would be located on existing waterfront land that is currently unimproved. A fifteen-foot wide strip of irrigated landscaping is proposed to be planted along 535 feet of the mole that is currently comprised of gravel and rocks. The area to be improved, situated between the water and the public sidewalk/bike path, is underused because it lacks public amenities. The applicants propose to place several new public park benches and picnic tables in the proposed replacement park. The proposed replacement park would be constructed prior to the proposed yacht club expansion that will displace the existing public park area.

The primary issue regarding the replacement of parkland is whether the proposed replacement park is adequate mitigation for the loss of the existing park area next to the yacht club. The existing landscaped park area that is proposed to be displaced is 35 feet wide and 95 feet long. It is improved with one picnic table and several palm trees. The public use of the park is limited by its small size to passive recreational activities such as picnicking and viewing of the Queen Mary and the seascape. It is separated from the water by the public sidewalk/bike path that runs the length of the mole.

The proposed replacement park will not result in any increase in public land area, but will result in an additional 8,000 square feet of new landscaping, and new park benches and picnic tables. The displaced improved public park area on the mole would be replaced at more than a 2:1 ratio. Although the replacement park is only fifteen feet wide, there will it will provide a substantial increase in usable park area and amenities with the installation of grass, new park benches and picnic tables on the seaward side of the public sidewalk/bike path that is currently covered by gravel. The location of the proposed park improvements on the waterfront is ideal for the viewing of the Queen Mary and the seascape and will not interfere with the many fishing opportunities which currently exist on the mole.

In addition, the improvement of public parking facilities on the mole proposed as part of this project will make the area more accessible to the general public. These improvements include an increase in the number of public (non-permit) parking spaces on the mole from the 29 existing to 38. All 38 public (non-permit) parking spaces will be metered to discourage long-term use of the spaces by boaters who are out to sea for several hours or days.

Therefore, the Commission finds that the proposed replacement park adequately mitigates the displacement of existing park area because the proposed replacement park is substantially larger and contains more public amenities than the displaced park area. Additionally, the proposed project as a whole, with increased public parking and new informational signs, will be more accessible and usable by the general public than the existing park. This amendment request, as conditioned, will not negatively impact the public access and recreational opportunities that currently exist at the end of the marina mole road. As conditioned, the proposed project and permit amendment can be found consistent with the public access and recreation policies of the Coastal Act.

C. Public Access/Parking

As previously stated, one of the most 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. Because the proposed project is located on public tidelands, and not on private property, the only parking supply for the area is the public parking supply. The public parking supply around the marina currently provides parking for: boat owners with slips in the marina, beach goers, other recreational visitors to the waterfront, and patrons of the Shoreline Village shopping center.

On weekdays, especially during the winter, there are plenty of empty parking spaces available in all the parking areas that surround the Downtown Marina. These existing parking supplies include (Exhibit #3):

Marina Green Public Parking:	388 parking spaces
Marina Reserved Boat Owner Permit Parking:	832 parking spaces
Shoreline Village Shopping Center Parking:	433 parking spaces
 Marina Mole Public Parking at Fishing Piers:	 29 parking spaces
Marina Mole Reserved Boat Owner Parking:	440 parking spaces

However, on summer weekends when local residents and out of town visitors are drawn to the coast, the demand for parking increases dramatically and there is intense competition for parking supplies between the various recreational and commercial uses around the marina.

The concern over the proposed project is that the use and expansion of the yacht club will attract more vehicles than can be accommodated by the limited mole road parking supply. The public's ability to park on the mole for coastal recreation could be affected by the proposed project. In addition, the slip renters in the marina are concerned that they will not be able to park near their slips on the mole if the yacht club has events that draw large numbers of vehicles.

In regards to public access for the general public, the proposed project, as conditioned, will substantially improve the public's ability to access and use the marina mole for recreation. The improvement of public parking facilities on the mole proposed as part of this project include an increase in the number of public (non-permit) parking spaces on the mole from the 29 existing to 38 public parking spaces¹. All 38 public (non-permit) parking spaces will be metered to discourage long-term use of the spaces by boaters who are out to sea for several hours or days. A condition of approval will prohibit automobiles with marina parking permits and yacht club members from parking in the public parking spaces during the hours when the meter charge is in effect. Also, a new signage program will be implemented as part of the project to replace some of the current signs which discourage public access to the mole. Therefore, the Commission finds that the proposed project, as conditioned, adequately protects public access to the marina by providing additional and improved public parking opportunities.

In regards to the competition between the marina parking permit holders and the yacht club members, the City does not expect the parking demand of the yacht club to overburden the marina parking supply because 85 percent of the members already have slips in the marina. That means that 85 percent of the yacht club members have parking permits for the marina and are already using the marina parking supply. The yacht club applicants have pledged to honor their agreement with the City to use the parking areas near their slips and to walk to the yacht club instead of driving from one end of the marina to the marina mole. Most of the yacht club members are expected to use dinghies for transportation from their slips to the proposed yacht club. The City and the yacht club have submitted the specific parking plan and supporting data as part of the application (See Exhibit #7).

Even though there is adequate parking in the Downtown Marina parking lots to meet the overall demand for parking, there is still competition for the most desirable parking spaces. Therefore, during the times when the demand for parking is highest, there will be few parking spaces available on the marina mole. The 440 currently existing permit parking spaces on the mole may fill up, but there are 832 additional reserved permit parking spaces for boat owners

¹ Each slip renter is granted two parking permits that allow parking in any of the Downtown Marina's 1,272 reserved permit-parking spaces. The general public who do not have parking permits may not park in any of the Downtown Marina's 1,272 reserved permit-parking spaces.

in the other marina parking areas (Exhibit #3). The proposed project will not overburden the Downtown Marina parking supply with its 1,272 reserved parking spaces, but it may cause inconveniences for people who want to park on the mole. In any event, interested parties have shown that, at times, the marina mole parking supply does fill up. This will continue as long as the marina is a popular destination.

On a day-to-day basis the parking demand at the proposed yacht club will be negligible because there will not be ongoing club functions or events. However, the proposed yacht club's parking demand will rise substantially when large events are held at the club. During these peak use periods yacht club members could compete for use of the parking spaces located near the club at the end of the marina mole. For these types of events, the yacht club has agreed to direct guests to park in the 388 space Marina Green public parking lot and then shuttle the guests to the club in the Shoreline Yacht Club water taxi. As can be seen in the club's calendar of events, most of the events involve 65 or fewer members and guests with only two events exceeding 200 participants (Exhibit #7 p10).

This arrangement will not cause problems unless the club is holding an event during peak periods such as summer weekends. In order to protect public access to the public parking supply during these peak use periods, the Commission could restrict yacht club events to low use periods, such as after sundown. Yacht club events could be prohibited on summer weekends when parking demand at the marina is at its highest. However, the peak use times are probably the same times that the proposed yacht club would hold many of its social functions. The dilemma of having too many people come to the waterfront is a familiar one for the Commission after holding several hearings on the issue of temporary events. In fact, it is only the club's special events that draw large numbers of visitors to the facility.

An alternative to restricting the times of yacht club events is to require the club to implement a shuttle system for any event that attracts more than 65 participants. According to the applicant's event list, the events that involve 65 or fewer attendees are comprised primarily of yacht club members who have marina parking permits. The typical event that includes members and guests usually attract more than 65 attendees (Exhibit #7). Therefore, in order to protect the slip renters and general public's ability to access the recreational facilities on the marina mole, the approval of the permit amendment is conditioned to require the club to provide a free shuttle system (van and/or boat) for any event that attracts more than 65 participants. The club shall transport members and guests to and from the yacht club event from a previously designated and advertised parking area that may not be located on the marina mole. As conditioned to protect the parking supplies in the area from overuse and exclusive use by the yacht club and its members, all visitors to the area will have a reasonable chance of finding a parking space to access the variety of activities throughout the marina. Therefore, the Commission finds that the proposed amendment, as conditioned, will not negatively impact coastal access and is consistent with Sections 30210 and 30252 of the Coastal Act.

Finally, the proposed project will increase the amount of protected public parking spaces in the Downtown Marina area and in doing so will increase opportunities for public access to the

coast. Special conditions on the management of the metered parking will ensure that public parking is available for coastal access. Therefore, the Commission finds that the proposed project, as conditioned, 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.

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 Chapter 3 policies of the Coastal Act.

The proposed project is located within the Subarea 11 of the Downtown Shoreline area. Subarea 11 of the Downtown Shoreline area contains Oil Island Grissom, the Downtown Marina, the Marina Green and water area (Exhibit #3).

The certified LCP standards and policies for the Downtown Shoreline area were revised in 1995 as part of the Queensway Bay Plan. The Queensway Bay Plan is the City's plan to create a major waterfront attraction on the Long Beach waterfront. The waterfront development proposed by the Queensway Bay Plan includes: the Long Beach Aquarium of the Pacific (Coastal Development Permit 5-95-055) which opened in June, 1998; Rainbow Harbor (Coastal Development Permit 5-96-124); and several hundred thousand square feet of visitor serving commercial uses which have not yet been permitted by the Commission.

The proposed amendment involves the expansion of a private yacht club. The previously permitted yacht club and the new marina headquarters building are identified in the certified Land Use Plan as permitted uses in the Downtown Marina (See Downtown Shoreline Policy Plan). The currently proposed park replacement project is also consistent with the certified LCP, specifically the LCP park dedication policy that was adopted as part of the revised LCP in 1995, which states:

No parkland which has been dedicated or designated within the coastal zone shall be committed to another use unless the City replaces such parkland on an acre-for-acre basis within or adjacent to the coastal zone with the approval of the California Coastal

Commission. Such replacement parkland must provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation. Replacement parkland shall also be dedicated or designated in perpetuity.

The City has proposed to replace the 3,400 square feet of public landscaped area at the end of the marina mole that is proposed to be included in the lease to the proposed yacht club. The parkland will be replaced at greater than a two-to-one ratio within the coastal zone and will provide similar recreational opportunities and be accessible to the same population through private or affordable public transportation. The replacement parkland will be designated in perpetuity as parkland. Therefore, the proposed project does not conflict with the certified park dedication policy contained in the City's certified LCP.

The special conditions of approval that protect the public areas at the end of the marina mole will ensure that the proposed project remains in conformance with the above stated park dedication policy of the certified LCP. Only as conditioned to protect the public areas for public access and recreation does the proposed project conform to the Chapter 3 policies of the Coastal Act and the policies of the certified 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)(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 project and amendment, only as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. All significant environmental effects have been mitigated by conditions of approval. Public access and recreation is protected by requiring the provision of the replacement park area prior to any displacement of public park area at the end of the marina mole. Special conditions of approval also protect access to public parking spaces which are a necessary component of the public access system.

As conditioned, the proposed project and 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

The following are the original special conditions of Coastal Development Permit 5-97-283 approved by the Commission on February 3, 1998:

1. Revised Plans

Prior to issuance of the Coastal Development Permit, the applicants shall submit revised plans, for the review and approval of the Executive Director, which protect the landscaped public areas and the public observation deck adjacent to the existing marina headquarters building from private encroachments. The revised plans shall eliminate the proposed dining room addition and proposed outdoor private deck from the proposed yacht club facility (former marina headquarters building). The footprint of the existing marina headquarters building shall not be expanded or enlarged, and no additional floor area shall be permitted. No permanent private uses are permitted in the areas located outside of the walls of the existing structure. The site shall be maintained consistent with the plans approved by the Executive Director.

2. Public Park

The landscaped areas and the observation deck that surround the structure located at the end of the marina mole shall be maintained and protected by the City as a public park area. The public park, approved pursuant to special condition eight of Coastal Development Permit P-79-5249 (Downtown Marina), is identified on Exhibit #11 of this staff report as all areas located outside the footprint of the marina headquarters building. Private use of the public park areas shall be limited to those events authorized by a Coastal Development Permit approved by the Commission.

3. Public Parking

Prior to construction of the new marina headquarters building, the City shall restripe the marina mole parking lot as proposed in order to increase the number of parking spaces on the mole from 469 to 485. There shall be no reduction in the number of public parking spaces in the Downtown Marina parking supply. All existing public parking spaces shall be maintained and protected.

The City shall provide and maintain at least 29 public parking spaces at the three fishing piers on the marina mole: nine or ten public parking spaces at each pier (10-10-9). In addition, the City shall provide and maintain at least nine additional public parking spaces and one handicapped parking space in the parking area located at the very end of the marina mole road which is currently reserved as support parking for the marina headquarters building. All public-parking spaces at the fishing piers and at the end of the marina mole road shall be clearly and individually identified as public parking spaces which are available for use by the general public (i.e. no permit required). Boat

owners with marina parking permits and yacht club members shall be prohibited from using the public parking spaces.

4. Yacht Club Parking

The yacht club or its members shall not reserve any parking spaces for the exclusive use of its members or guests. This prohibition applies to all parking spaces in the Downtown Marina area including boat owner permit parking and public parking spaces.

5. Signage

Prior to issuance of the Coastal Development Permit, the City shall submit a sign plan, for the review and approval of the Executive Director, that provides the following:

- a) Erection of a sign near the end of the marina mole road which clearly informs the public and identifies the area as a public park which is accessible to the general public.
- b) Replacement of the existing portable "Permit Parking - Violators will be cited" sign located at the entrance to the marina mole. The replacement sign shall clearly state that there are public parking spaces available for use by the general public without permits on the marina mole (i.e. no permit required).
- c) A signage program that clearly prohibits boat owners with marina parking permits and yacht club members from using any of the public parking spaces located on the marina mole.
- d) A signage program that clearly communicates to the public that all public parking spaces on the marina mole (at the fishing piers and at the end of the marina mole road) are available for use by the general public with no permit required. Each individual public parking space shall be clearly identified as a public parking space available for use without a permit. The signs shall also clearly state that boat owners with marina parking permits and yacht club members are prohibited from using any of the public parking spaces on the marina mole.

The City shall implement the sign plan which is approved by the Executive Director. All signs shall be erected and maintained consistent with the sign plan approved by the Executive Director.

6. Bicycle Path

The proposed project shall not interfere with the public's use of the regional bicycle path which runs along the north side of the Downtown Marina. The proposed project shall not interfere with the public's use of the bicycle path which runs along the south edge of the marina mole in the Downtown Marina. All bicycle paths shall remain open.

and unobstructed both during construction and subsequent to completion of the permitted development.

7. Public Restrooms

The City shall maintain the public's ability to access and use the public restrooms which currently exist in the structure (former marina headquarters building) located at the end of the Downtown Marina mole.

8. No Work in Water

The development approved by Coastal Development Permit 5-97-283 does not include any work in or over coastal waters.

9. Commercial Uses

The development approved by Coastal Development Permit 5-97-283 does not include a restaurant or any commercial use in the Downtown Marina area.

End/cp

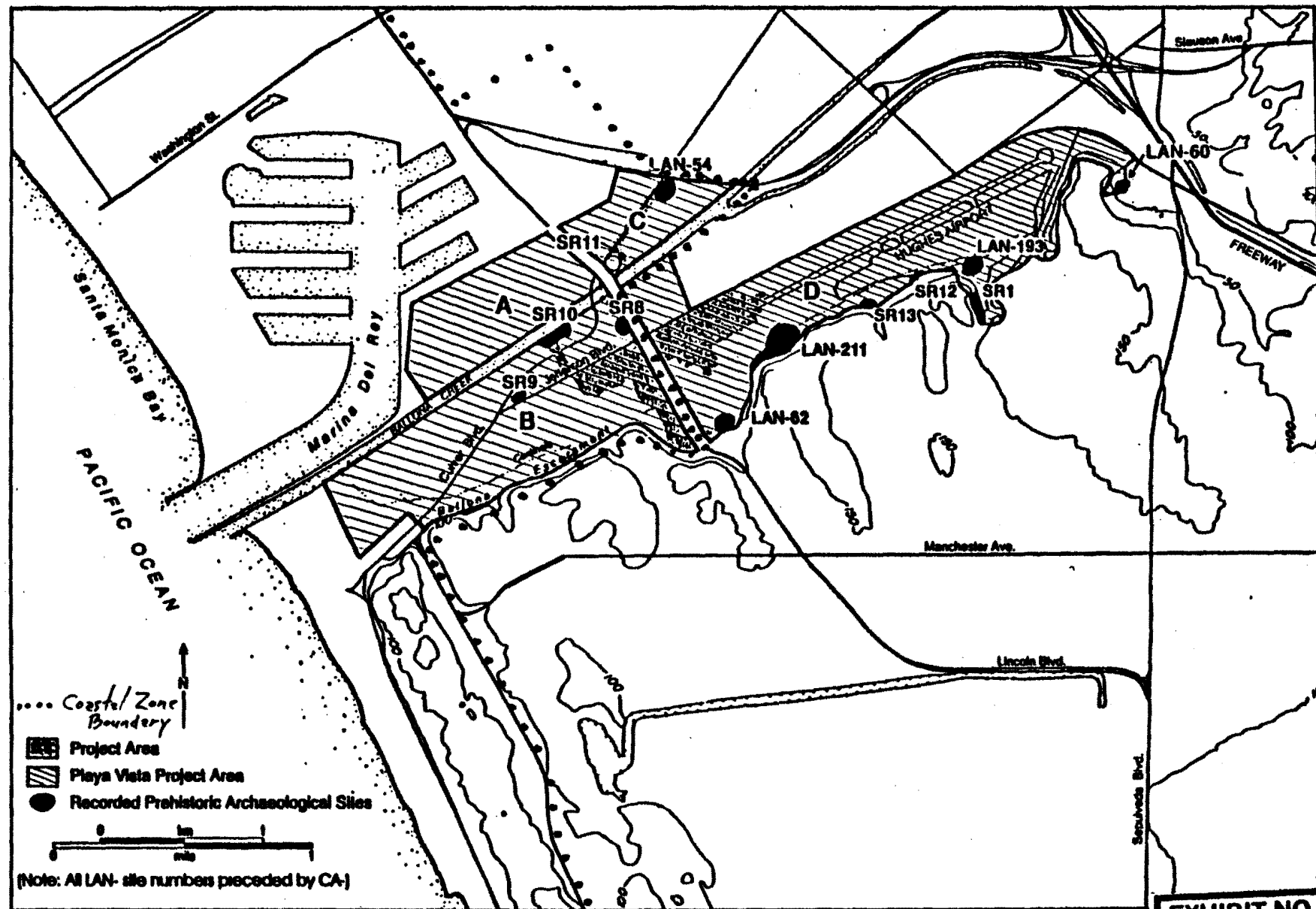


Figure 1. Playa Vista showing current project area and recorded prehistoric sites.

EXHIBIT NO. 1

Application Number

5-98-164

Vicinity Map 1

Playa Vista Planning
California Coastal Commission

local coastal program

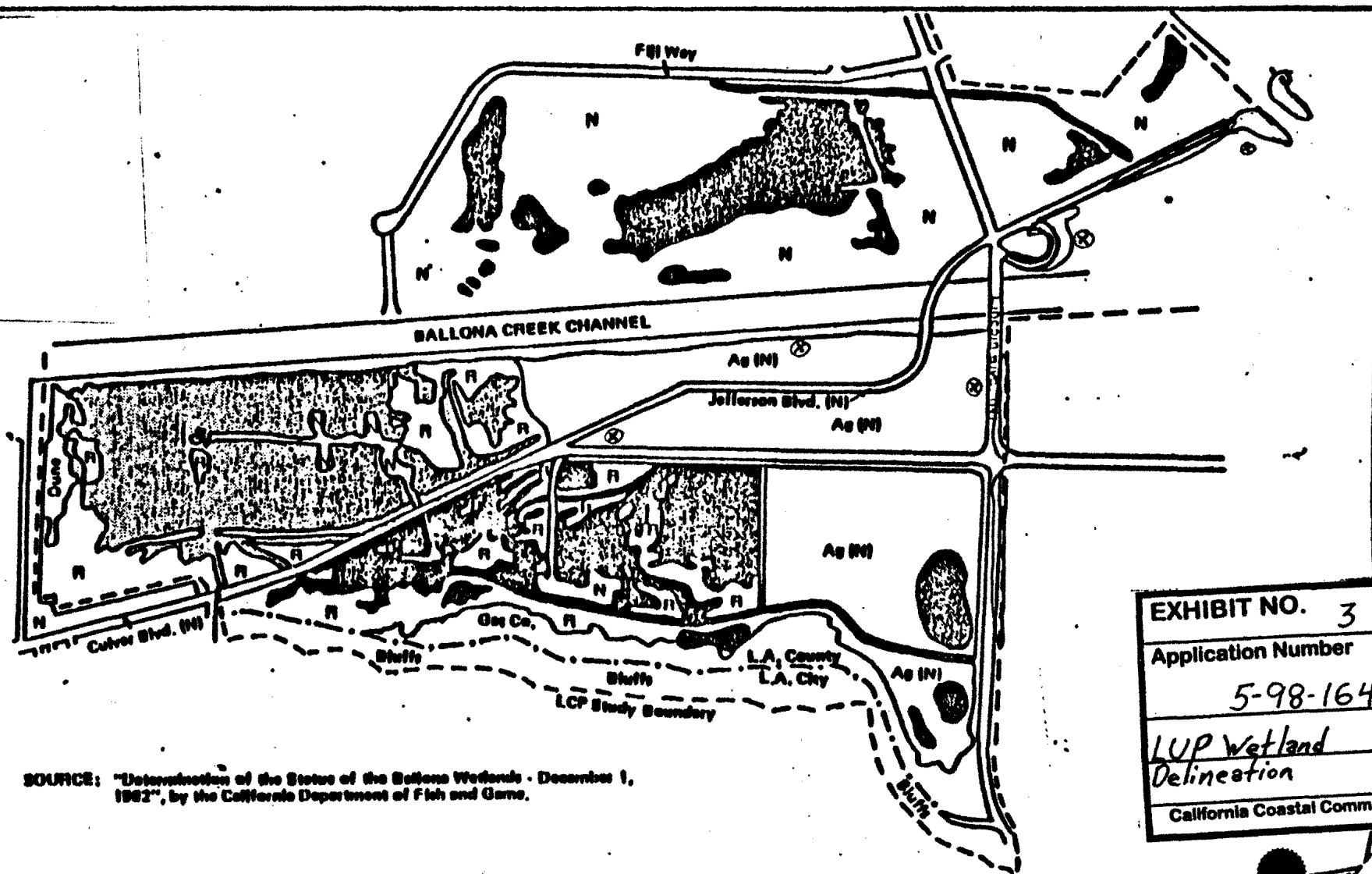
marina del rey/ballona

map 14

PRESENT STATUS OF THE BALLONA REGION



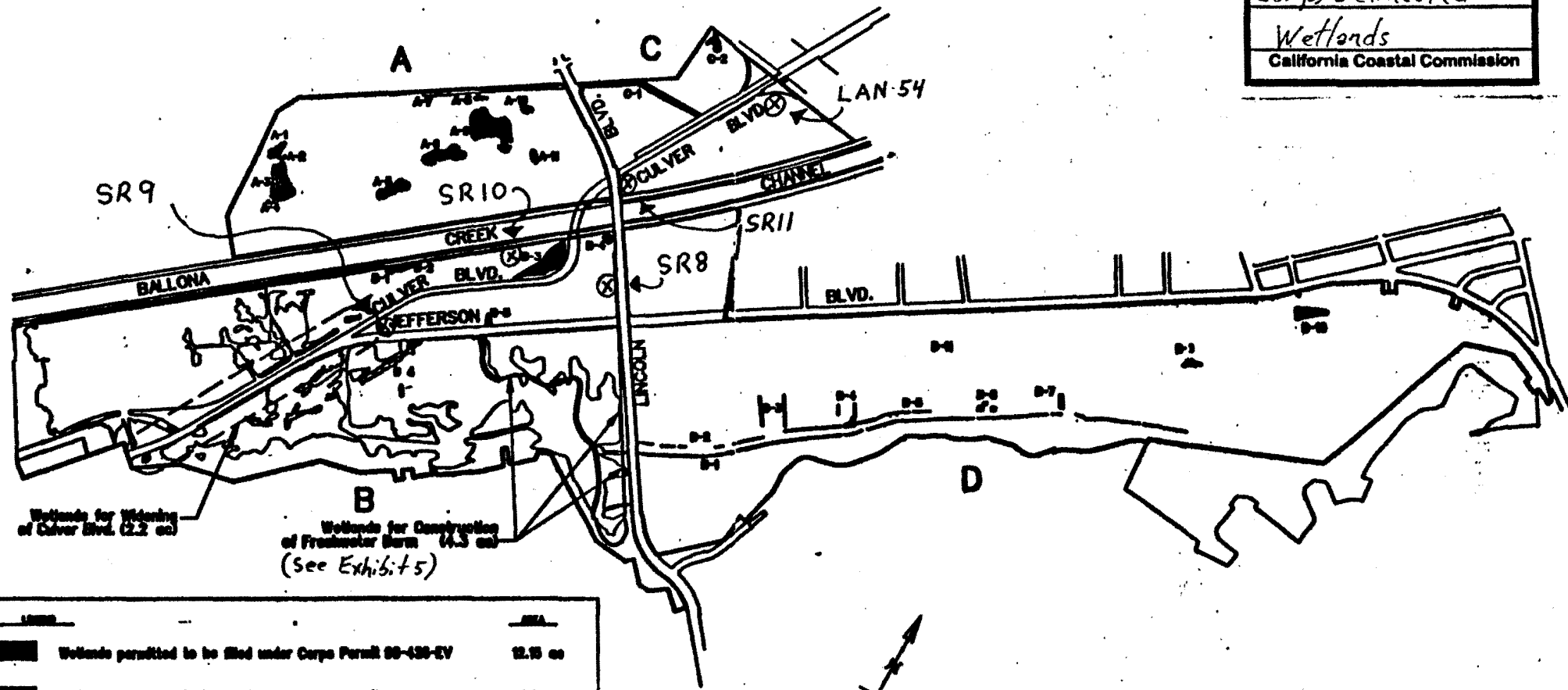
- | | | |
|----------------------|--|------------------------------------|
| Non-degraded wetland | Possibly restorable former wetland | Former wetlands Agricultural Field |
| Degraded wetland | Former wetland not possibly restorable | Environmentally sensitive upland |



SOURCE: "Determination of the Status of the Ballona Wetlands - December 1, 1982", by the California Department of Fish and Game.

EXHIBIT NO. 3
Application Number
5-98-164
LUP Wetland Delineation
California Coastal Commission

EXHIBIT NO. 4
Application Number 5-98-164
Corps Delineated Wetlands
California Coastal Commission

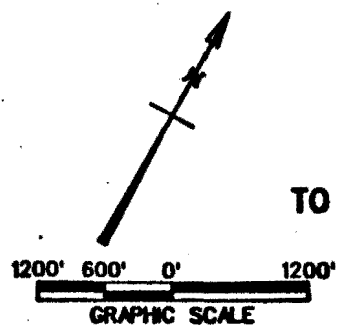


Wetlands for Widening of Culver Blvd. (2.2 ac)

Wetlands for Construction of Freshwater Basin (4.3 ac)
(See Exhibits 5)

Legend	Area
Wetlands permitted to be filled under Corps Permit 99-430-EV	12.55 ac
Wetlands proposed to be filled under future permits. Permit 99-426-EV has identified the 51.1 acres of the Freshwater Wetlands System and 8.3 acres of restored Saltwater Wetlands as providing mitigation for anticipated loss of 12.23 acres of freshwater and mixed wetlands.	12.23 ac
Other existing federal delineated wetlands.	

⊗ Archaeological Sites



MAP OF WETLANDS PERMITTED TO BE FILLED BY CORPS PERMIT TO CREATE THE FRESHWATER WETLAND SYSTEM AND THE MIXED USED DEVELOPMENT IN AREAS A,B,C, AND D

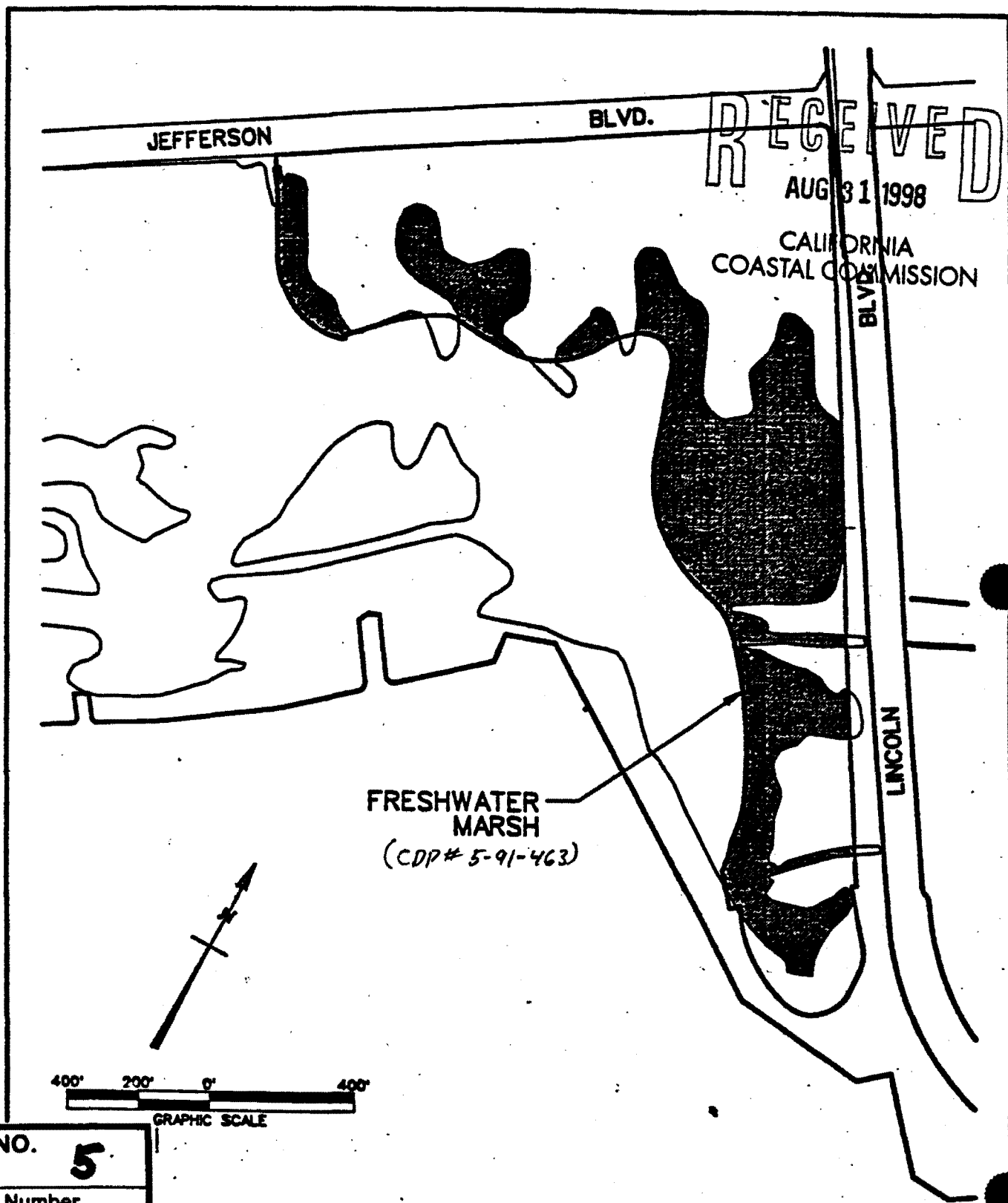


EXHIBIT NO.

5

Application Number

5-98-164

Freshwater Marsh
and Corp Wetlands

California Coastal Commission

JURISDICTIONAL WETLANDS WITHIN
CONSTRUCTION AREA OF
FRESHWATER MARSH

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, California

RECEIVED
DEC 24 1991
CALIFORNIA
COASTAL COMMISSION

EXHIBIT NO. 6
APPLICATION NO. 5-98-164
CONDITION COMPLIANCE
DFG'S WETLAND MEMO
from #5-91-463
California Coastal Commission

From : Department of Fish and Game

Subject: Ballona Wetlands Acreage Determination Contained in the Department of Fish and Game's September 12, 1991 Memorandum to the Fish and Game Commission

The Department has provided the Coastal Commission with information regarding the extent and condition of wetland and other environmentally sensitive habitat areas within the Playa Vista Land Use Planning area for the past ten years. Our determinations in this regard were used by the Coastal Commission in certifying the Playa Vista Land Use Plan.

It seems that the primary, present, controversy is limited to the extent of wetland acreage north of the Ballona Creek Channel. It is important to recognize that this controversy existed at the time we prepared our September 12, 1991 memorandum to the Commission regarding approximately 52-acre "Freshwater Marsh/Open-Water Wetland-Riparian Area Project". This project was before the Commission at that time (Application Number 5-91-463). We provided the Commission with a map indicating the extent of pickleweed-dominated saltmarsh and other vegetative communities on the large fill area north of Ballona Creek Channel. Department personnel ground-truthed the accuracy of the vegetation map prior to its transmittal to the Commission, and we found it to be highly accurate. We also provided the Commission with a table indicating precisely quantified acreage for each of 28 distinct, independently-measured subareas of the pickleweed-dominated saltmarsh wetland type on the fill area. This totaled 19.95 acres which we rounded off to 20 acres for the purposes of discussion in the text of our 7-page memorandum.

We also mapped 17.66 acres of patchy pickleweed distributed within what was characterized as an upland vegetative association (page 2 of our September 1991 memorandum). Most of this 17.66 acres was dominated by pickleweed prior to the onset of the present drought cycle. Consequently, we found it likely that a portion of these 17.66 acres would again be dominated by pickleweed given a return of normal rainfall.

Lastly, we determined that portions of the 4.78 acres of saltflat were wetlands by virtue of periodic inundation which we

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December 20, 1991
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observed several years ago but that was at the time of the field inspection of Area A, prior to transmittal of our September 12, 1991 memorandum, these saltflats did not function as wetlands.

Using the observation discussed in the presiding two paragraphs, and applying the wetland definition contained in the document entitled "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin, et al., 1979), we informed the Commission that not less than 20 acres of the Area A presently functioned as wetland by virtue of dominance by obligate hydrophytic vegetation even after five years of drought. Since our past wetland determinations on Area A included the acknowledgement of the presence of 2.5 acres of saltflat which functioned as wetland by virtue of periodic inundation we found it probable, and continue to find it probable, that 2.5 acres of saltflat would again function as wetland given a return of normal rainfall. We formerly identified 37.5 acres of wetland in Area A, and we continue to believe that, under normal rainfall conditions, 37.5 acres would again function as wetland. These 37.5 acres of wetland may be generally characterized as being composed of the 20 acres of existing pickleweed-dominated saltmarsh, 2.5 acres of saltflat, and 15 acres of recovered saltmarsh from the existing 17.66 acres of patchy pickleweed community. We reiterate for clarity that only the 20 acres of pickleweed-dominated saltmarsh presently functions as wetland.

We do not agree with the opinion which holds that the pickleweed-dominated flats are simply an indication of the saline nature of the original dredge spoils. In point of fact, there are several plant species in Area A which are very tolerant of saline soil conditions. Among these are salt grass (Distichlis spicata) and Atriplex spp. Further, Salicornia grows quite well in nonsaline soils. The patterns of vegetative dominance in Area A are based upon essentially two factors, soil salinity and substrate saturation. Where we have both saline soils and low-elevation (and therefore increased degree of substrate saturation) we find that competitive advantage is conferred upon pickleweed. In areas with low soil salinities at higher elevation (and therefore relatively little soil saturation) typical ruderal species predominate. In areas of similar elevation, and elevated soil salinities, we find Atriplex and Baccharis. In areas where soil saturation levels are especially high and the substrate is subject to inundation and/or has been highly compacted through time, we have saltflats which typically are too salty for pickleweed and at times may be too wet, too long to support pickleweed. Lastly there are areas, essentially the 17.66 acres of patchy pickleweed designated on the map we appended to our September 12, 1991 memorandum, where salinities and saturation are in a state of flux and in which after 5 years

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of drought pickleweed is being out-competed by upland indicator species.

Additionally, we do not necessarily agree that substrate salinities in Area A are markedly different now than they were a decade ago. One has only to observe the pickleweed-dominated flats at Bolsa Chica, which have been isolated from tidal influence for 70 years, to see that maintenance of substrate salinity in an essentially closed system is definitely both possible and fairly frequently encountered in southern California.

In summary, we found that 20 acres of Area A functioned as wetland in September 1991, and that we saw little reason to assume that less than 37.5 acres of wetland would exist in Area A given normal rainfall. This continues to be our position.

It is important to realize that the Commission and the Department have used the Cowardin wetland definition for wetland identification purposes in the Commission's land use decisions since 1978 (when the 1979 document was still an operational draft); that the Commission allied the wetland definition contained in the Coastal Act with the U.S. Fish and Wildlife Service's (USFWS) wetland definition (i.e., Cowardin, 1979) in the Commission's Interpretive Guidelines (1982); and that the Commission very clearly indicates in these Interpretive Guidelines that the USFWS definition is to be used for wetland identification in the Coastal Zone. The USFWS definition identifies areas which are at least seasonally dominated by hydrophytes as wetlands. In Area A, 20 acres are dominated by Salicornia virginia, an obligate hydrophyte with a wetland occurrence probability in excess of 99 percent after five years of drought. The areas in which Salicornia virginia continues to dominate are usually at a somewhat lower elevation than the patchy pickleweed and other areas which do not presently function as wetlands. The reason that pickleweed continues to dominate the lower elevations is that these lower areas are wetter longer than the areas at higher elevations. Areas which are wet enough, long enough to support dominance by hydrophytic vegetation are wetlands per the USFWS definition. Any fair application of the Cowardin (USFWS) wetland definition to Area A will reveal the presence of not less than 20 acres of pickleweed-dominated saltmarsh, which is clearly a wetland type.

In Area B we are on record as having agreed with the Corps of Engineers identification of 170.56 acres of wetland. During the evolution of the now certified Playa Vista Land Use Plan, we predicted that, were it not for the then ongoing agricultural operation, wetlands in Area B would expand. These agricultural

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activities ceased for approximately three years prior to the Corps' wetland determination, and, as we predicted, the wetlands did expand into the area which was formerly used for the production of barley and lima beans. Further, wetlands expanded in the triangular area south of Centinella Creek and immediately adjacent to Lincoln Boulevard presumably in response to increased run-off from recently developed areas located on the bluffs. We were instrumental in the ultimate designation of 170.56 acres of wetland by the Corps in Area B and we support that figure as accurate. In Area C, we identified 2.5 acres of wetland in our previous determination, and we continue to believe this to be an accurate assessment. In area D, outside the Coastal zone, east of Lincoln Boulevard and south of Ballona Creek Channel, we have not independently determined wetland acreage. However, we have examined the Corps' delineation, briefly inspected Area D, and find the Corps' identification of 3.47 acres of wetland in Area D to be accurate.

For these reasons we find that 196.53 acres of wetland presently exist within the overall planning area, and we find that 214.03 acres would likely exist given a return of normal precipitation.

Should you have questions regarding this memorandum, please contact Mr. Bob Radovich, Wetland Coordinator, Environmental Services Division, Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814, telephone (916) 653-9757.

Howard A. Sarasohn for
Pete Bontadelli
Director

cc: Mr. William Shafroth
Resources Agency