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**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 4/17/98  
49th Day: 6/5/98  
180th Day: 10/14/98  
Staff: CP-LB  
Staff Report: 5/13/98  
Hearing Date: June 9-12, 1998  
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-98-155

APPLICANT: City of Long Beach

AGENTS: Robert J. Paternoster, Director, Queensway Bay Project  
Jack Humphrey, Advance Planning Officer

PROJECT LOCATION: Rainbow Harbor, Downtown Shoreline, City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Establishment of twenty vending sites along the Rainbow Harbor Esplanade for use by City-licensed portable vending carts.

Building Coverage	0 sq. ft.
Parking Spaces	1,621
Zoning	PD-6
Plan Designation	Planned Development District 6
Ht abv fin grade	7 feet (pushcarts)

STAFF RECOMMENDATION:

Staff recommends approval of the Coastal Development Permit with no special conditions.

LOCAL APPROVAL: City of Long Beach Approval in Concept, 4/17/98.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-95-055 (Long Beach Aquarium).
3. Coastal Development Permit 5-96-124 (Rainbow Harbor/Shoreline Park).
4. Coastal Development Permit 5-96-268 (Parking Structure).

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**STAFF NOTE:**

A Coastal Development Permit is required from the Commission for the proposed development because the site of the proposed development 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 resolutions:

**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, is in conformance 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, 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. Findings and Declarations

The Commission hereby finds and declares:

#### A. Project Description

The City of Long Beach has submitted Coastal Development Permit application 5-98-155 in order to receive Commission approval to establish twenty vending sites along the Rainbow Harbor Esplanade for use by City-licensed portable vending carts (See Exhibits). Rainbow Harbor and the Rainbow Harbor Esplanade are located on the waterfront at the foot of Pine Avenue in the Downtown Shoreline area of Long Beach (Exhibit #2). The Commission approved Coastal Development Permit 5-96-124 for the construction of the harbor on September 12, 1996.

Rainbow Harbor, with its two thousand foot long public esplanade, is in the final stages of completion (Exhibit #2). The Long Beach Aquarium of the Pacific, located on the west side of the harbor, is completed and is scheduled to open to the public on June 20, 1998. The City proposes to utilize a portable vending cart concessionaire in order to provide food and retail services to the thousands of visitors expected to visit the new harbor and aquarium this summer.

Eventually, the City plans to develop the waterfront with permanent restaurants and retail businesses [See Coastal Development Permit application 5-98-156 (City of Long Beach)]. Until the planned commercial buildings are built around the esplanade, the proposed vending operation will provide the public with the opportunity to purchase food and souvenirs. The proposed pushcarts, however, may remain on the esplanade as a permanent commercial component of the harbor even after the commercial structures are completed. Each pushcart will be stationed at one of the 53 electric and telephone outlets built into the esplanade (Exhibit #3). No more than twenty pushcarts will operate at the same time.

## B. Project Background

The proposed project is part of the City's Queensway Bay Plan. The Queensway Bay Plan is the City's plan to create a major waterfront attraction in the Downtown Shoreline area of Long Beach to provide affordable recreation and entertainment for local residents and area visitors. The central component of the plan is Rainbow Harbor (formerly referred to as Queensway Bay Harbor) with public piers encircled by a public esplanade, a world-class aquarium, a shopping and entertainment center with a maritime theme, and a public park (Exhibit #2). The Queensway Bay Plan was incorporated into the certified city of Long Beach Local Coastal Program (LCP) when the Commission approved LCP Amendment No. 1-95 on May 10, 1995.

The Queensway Bay Plan is being constructed in phases. The first phase, already completed, is the Long Beach Aquarium of the Pacific [See Coastal Development Permit 5-95-055 (City of Long Beach)]. The second phase, nearly completed also, is the construction of Rainbow Harbor and the reconstruction of Shoreline Park (Exhibit #2). Future phases, not included in this application, involve the provision and construction of privately financed commercial enterprises in and around Rainbow Harbor [See Coastal Development Permit applications 5-98-156 & 5-98-161 (City of Long Beach)].

The harbor, esplanade, aquarium and park are all situated on state tidelands which are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. Because the sites are located on state tidelands, it is 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. No Local Coastal Development Permit is required from the City. The Commission's standard of review for the proposed project is the Chapter 3 policies of the Coastal Act. The certified LCP is advisory in nature and may provide guidance.

## C. Public Access and Recreation

One of the basic goals of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies which address the issues of public access and recreation along the coast. The proposed project must conform to the following Coastal Act policies:

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 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.

The above stated policies of the Coastal Act require that developments near the coast provide maximum public access, lower-cost recreational opportunities, and water-oriented recreational activities. The Commission, in its certification of the Queensway Bay Plan into the certified LCP, found that Rainbow Harbor and the proposed commercial uses around the harbor are in conformance with the Chapter 3 policies of the Coastal Act because the harbor would attract the public to the coast for recreational activities.

The proposed commercial pushcarts will support the recreational activities provided by the new harbor. The proposed project will also support the recreational and educational activities provided by the new aquarium. Therefore, the Commission finds that the proposed project is consistent with the public access and recreation policies of the Coastal Act.

D. Public Access/Parking

The provision of or lack of parking can also affect the public's ability to access 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 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....

The certified LCP also requires the provision of adequate parking supplies to meet the parking demands of the development in the Downtown Shoreline area. Because all of the Downtown Shoreline area is located on public tidelands, the certified LCP parking policies encourage the use of shared parking and joint use parking arrangements to meet the total parking demands of the public and private visitor-serving and recreational facilities in the area. In addition, the certified LCP includes a provision to encourage the shared use of the parking supply in downtown Long Beach north of the Downtown Shoreline area and outside the coastal zone. The LCP also states that the public transportation

system, including the Blue Line light-rail, Long Beach Transit, and free trams, are expected to reduce the demand for parking in the Downtown Shoreline area.

Public parking for Rainbow Harbor, the Long Beach Aquarium of the Pacific, and Shoreline Park are provided in two parking facilities located on the western edge of the harbor. A five-level parking structure provides 1,471 public parking spaces for visitors to the area [See Coastal Development Permit 5-96-268 (City of Long Beach)]. Shoreline Park has its own 150 space public parking lot to serve park visitors. Together, these two parking facilities provide 1,621 public parking spaces. The City will soon provide about two hundred additional on-street public parking spaces along Shoreline Drive [See Coastal Development Permit 5-98-042 (City of Long Beach)].

The City also provides free public transportation throughout the downtown area, including stops at the aquarium and the Queen Mary, in its red Passport buses operated by Long Beach Transit.

In its prior permit approvals, the Commission has determined that the currently provided 1,621 public parking spaces, in conjunction with public transportation, are more than adequate to serve the needs of the aquarium and Shoreline Park.

The proposed pushcarts will support the recreational activities provided in and around the harbor, and are not expected to be an attraction themselves. Therefore, the proposed establishment of twenty vending sites will not increase the parking demand in the area. No additional parking spaces are required as a condition of this permit. The Commission finds that the project, as proposed, is consistent with Section 30252 of the Coastal Act.

Any additional commercial uses which are proposed at Rainbow Harbor must address the additional parking demands which may be generated in the context of the Commission's parking requirements and the certified LCP. Such commercial uses will include restaurants, retail stores, dinner cruises, whale watching, dive boats, and fishing charters. Adequate parking strategies must be implemented in order to protect the public's ability to access this coastal area for recreational purposes.

#### E. Local Coastal Program

The City of Long Beach Local Coastal Program was certified by the Commission on July 22, 1980. Because the project is located seaward of the former mean high tide line on state tidelands in an area of original jurisdiction retained by the Commission, 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.

In any case, the certified LCP provides guidance for development of the proposed project site. The certified LCP includes the Queensway Bay Plan which includes Rainbow Harbor, the public esplanade, and the aquarium. The certified LCP also contains specific policies which address the implementation of the Queensway Bay Plan.

The proposed project is consistent with the specific development policies contained the certified LCP which address the implementation of the Queensway Bay Plan.

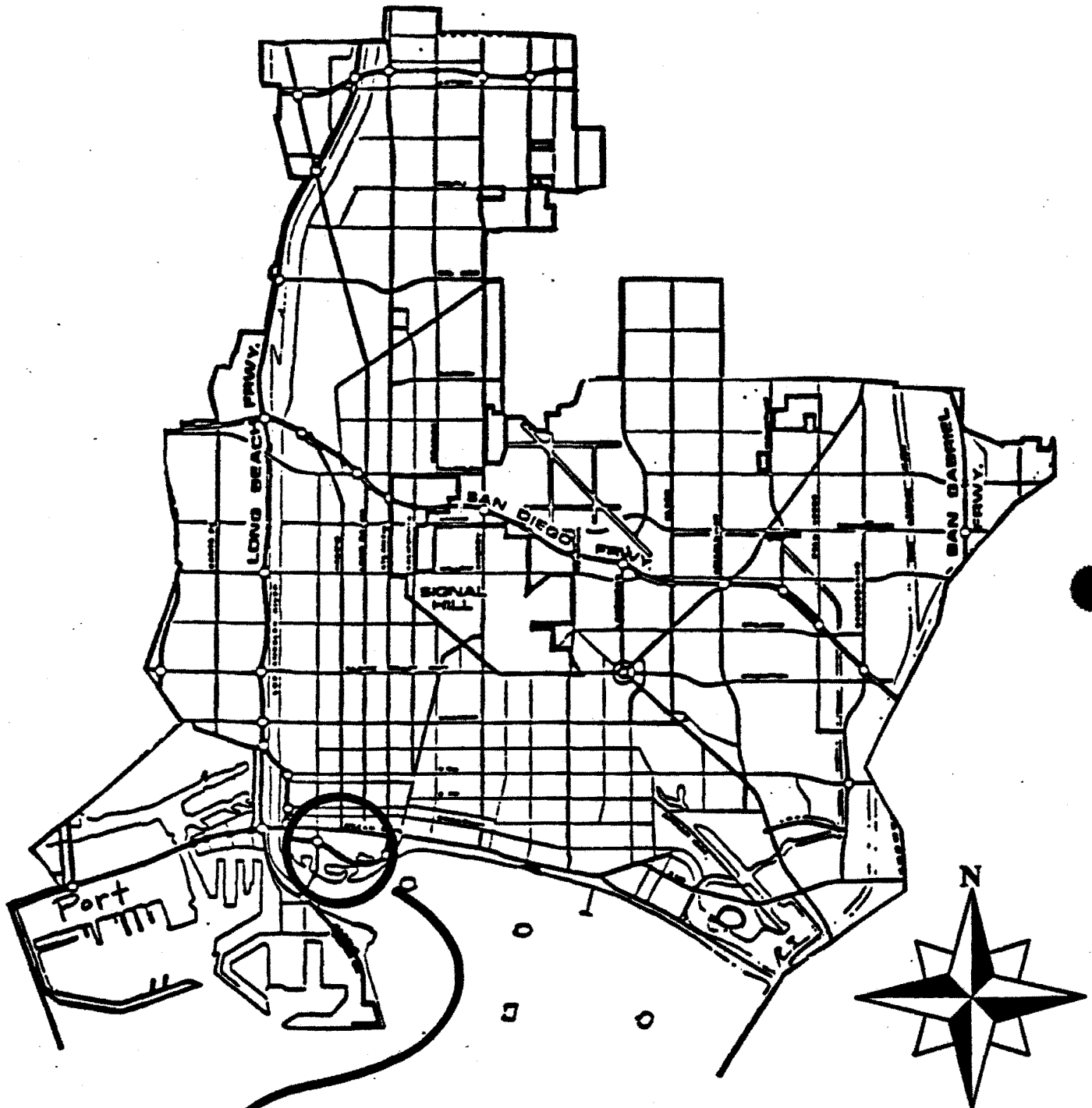
F. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 has been found to be consistent with the Chapter 3 policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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# City of Long Beach



Site

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5-98-155

EXHIBIT # 1  
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**QUEENSWAY BAY**  
Long Beach, California

**CREDIT:**  
City of Long Beach  
300 West Ocean Boulevard  
Long Beach, CA 90802  
Tel: 562-595-3000

**ARCHITECT:**  
Hatch Mott MacDonald  
Architects, Inc.  
1900 Wilshire Boulevard, Suite 1900  
Los Angeles, California 90057  
Tel: 213-387-2700

**CONSULTANTS:**  
Edward A. Hines Engineers  
200 West Broadway Road  
P.O. Box 1700  
Long Beach, California 90801  
Tel: 562-595-1000

Site Preparation  
400 Ocean Blvd.  
Pico Park, Long Beach, CA 90801  
Tel: 562-595-1000

Paul & Associates  
300 West 10th Street, LPH-402  
Long Beach, California 90801  
Tel: 562-595-1000

Edward H. Swannick & Partners  
141 West 14th Street, 10th Floor  
New York, New York 10011  
Tel: 212-368-4000

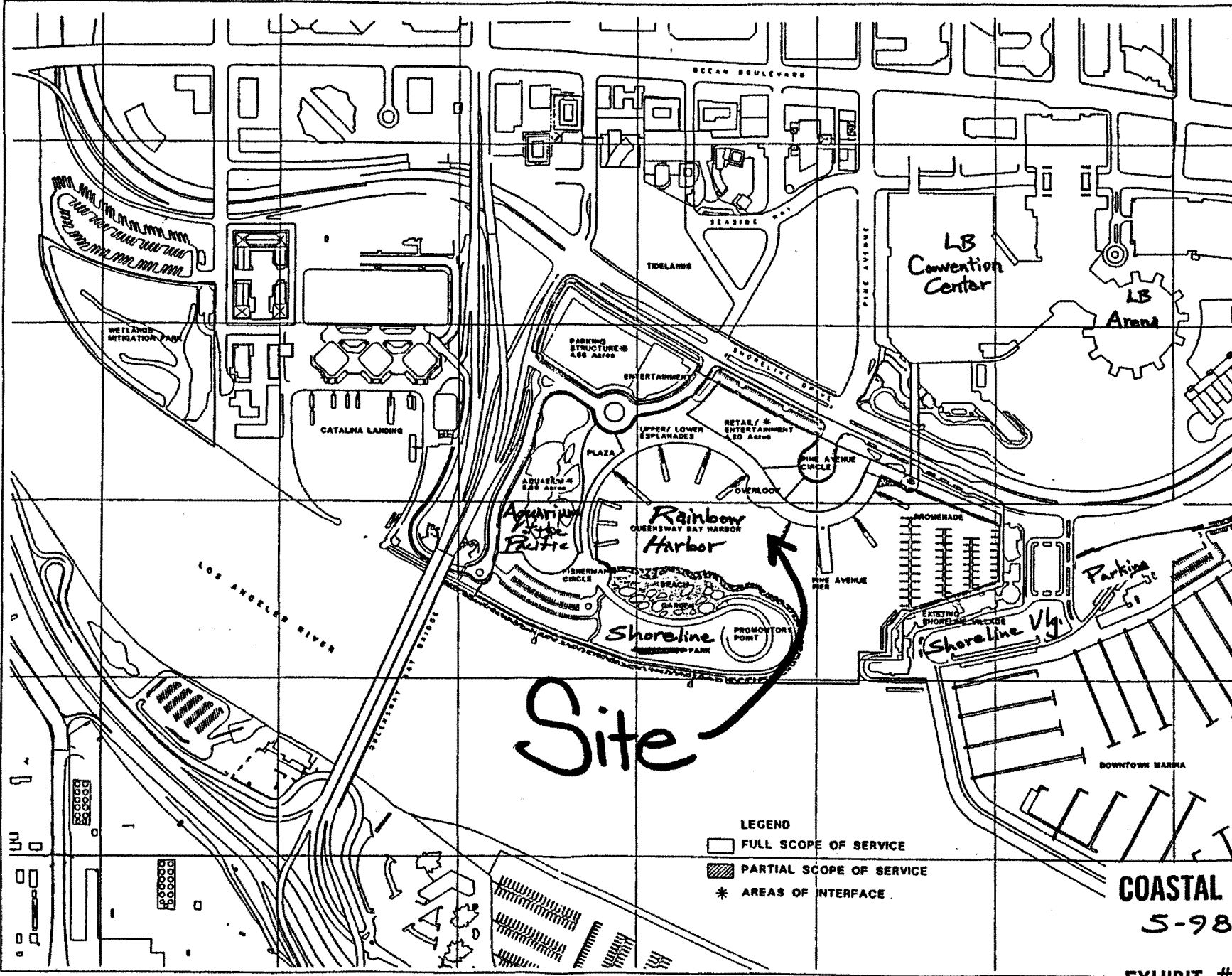
Surveyors/Engineers & Architects, Inc.  
2000 Pico Boulevard  
Santa Cruz, California 95060  
Tel: 408-299-2000

**DESIGN DEVELOPMENT**

DATE: \_\_\_\_\_

SCALE: \_\_\_\_\_

**MASTER SITE PLAN**

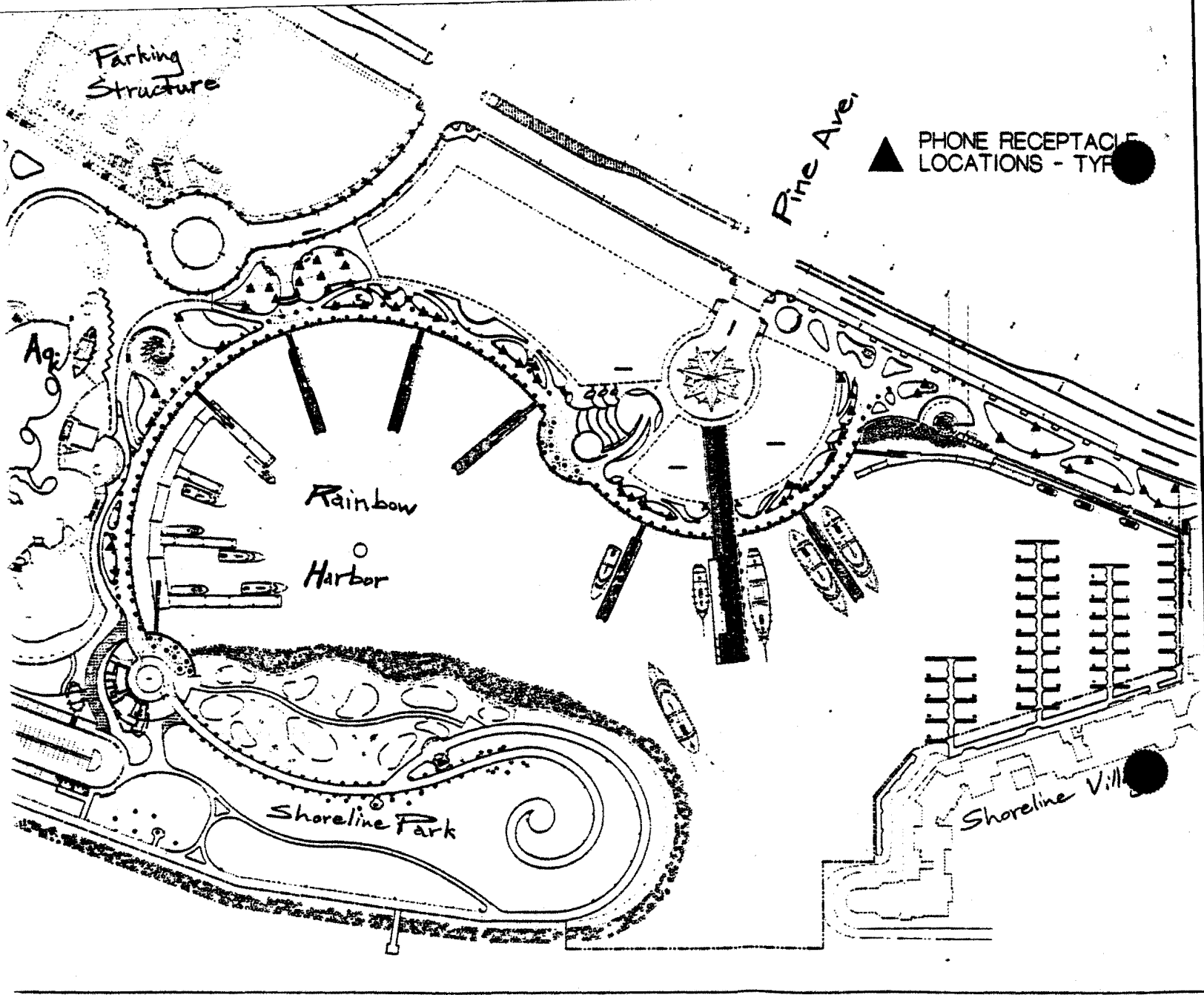


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EXHIBIT # 2

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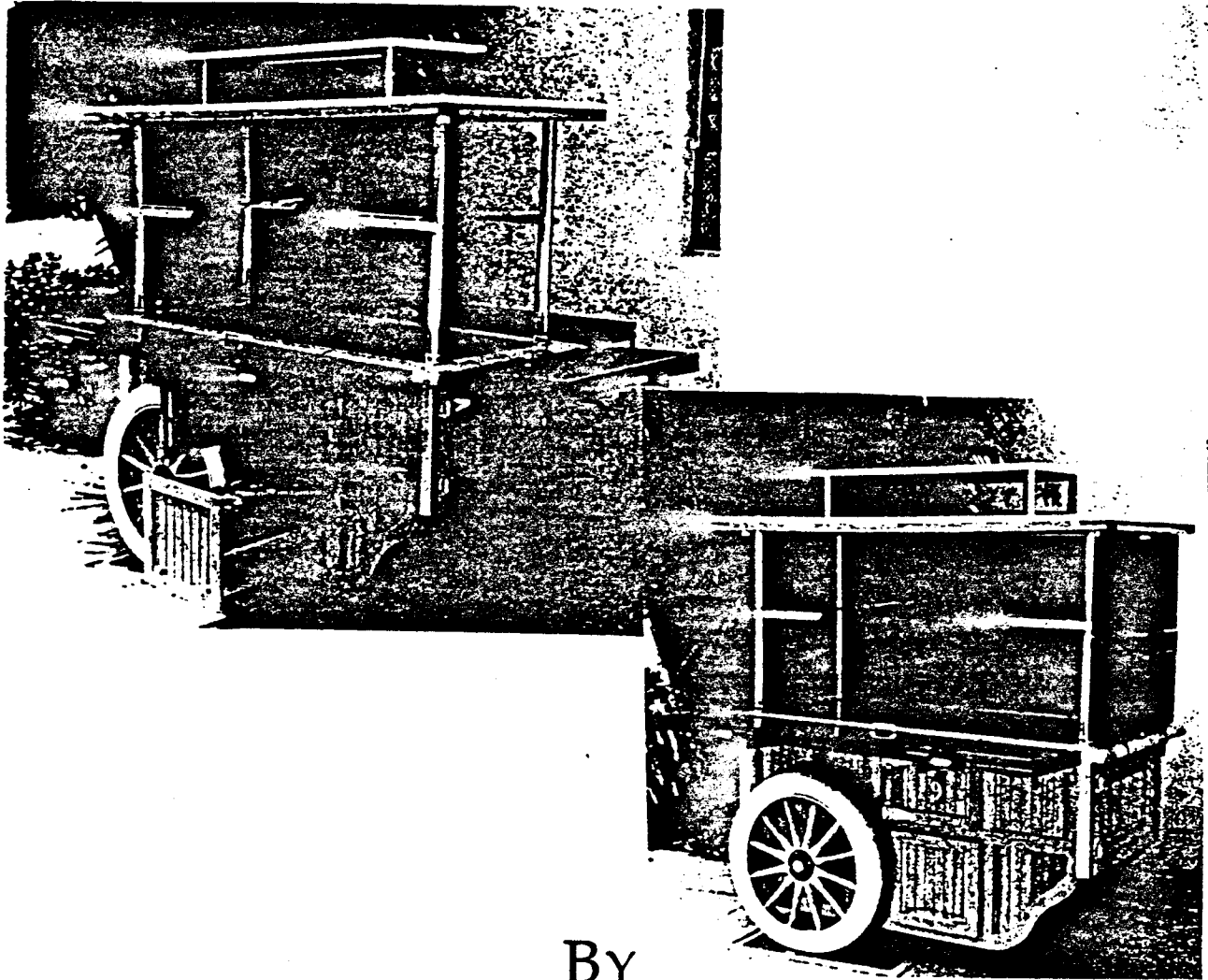
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EXHIBIT # 3  
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# QUEENSWAY BAY PROJECT PROPOSAL



BY  
PROMENADE SERVICES  
APRIL 1, 1998

RECEIVED  
APR 17 1998

CALIFORNIA  
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5-98-155

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EXHIBIT # 4  
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# PROMENADE SERVICES

506 7TH STREET, SANTA MONICA, CA 90402  
310 393 5878 FAX 310 458 9254

April 1, 1998

Robert J. Paternoster, Director  
Queensway Bay Project  
City of Long Beach  
333 West Ocean Boulevard  
Long Beach, CA 90802

5-98-155  
**RECEIVED**  
APR 17 1998  
CALIFORNIA  
COASTAL COMMISSION

Dear Mr. Paternoster:

We want to thank you for providing us the opportunity to submit our proposal to create and manage a vending cart program for your "Queensway Bay Project". We'd like to take this opportunity to acquaint you with the genesis of Promenade Services and where we are today:

Who we are...

We began in 1979 as Foley Woodworks, manufacturing superior quality pushcarts throughout the United States. We've provided our pushcarts to clients such as Disneyland, Knots Berry Farm and pioneered high end retail carts with clients such as the Hahn Company in San Diego. We've continued this business and now have our pushcarts and kiosks in malls, amusement parks and casinos worldwide.

We started Promenade Services in 1988 as an adjunct to Foley Woodworks. Promenade Services was created to provide the management necessary for operating successful retail sites for pushcarts. We have been in the management business for 12 years, we started and currently operate the successful "3rd Street Promenade" in Santa Monica.

Promenade Services is founded on the belief that pushcarts can be an excellent opportunity for the entrepreneur and an opportunity as well for the established businesses to receive new exposure and marketing data.

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Promenade Services is well know for its' ability to integrate pushcarts into outdoor settings. It's a skill to start from nothing create a business where there was none to begin with. We can do this, and we did in Santa Monica.

Promenade Services can work with your City Planning Committee, local business owners and new cart operators to provide the best mix of products and food, the best organizational structure and guidelines that work for everyone. The management services we provide consist of the following:

Our support staff for management services will consist of Kristi Hough, who has been with us as assistant cart manager for 2 years at the "3rd Street Promenade". In addition, Peggy Lindquist, also presently employed with Promenade Services would serve as our food service manager. Peggy has a great deal of experience in the food services industry, with her most recent food management operations being that of Knots Berry Farm.

Their responsibilities are as follows:

- Create guidelines for the pushcart vendors
- Maintain strict adherence to vendor guidelines
- Maintain strict adherence to vendor product regulations
- Maintenance of pushcarts
- Collection of rents and city percentages
- Collection of weekly sales report and receipts
- Storage
- Daily presence to walk around area and support cart operators
- Contracts, new cart rentals, and distribution of applications to interested parties
- Maintaining a directory listing of each cart, cart location and products for sale
- Coordinating monthly meetings with cart operators and city management

Our ability to begin and operate the vending cart program for your city in the short time frame available is quite manageable for us. We not only provide the staffing but with our cart production facility in Vernon, California, we have carts readily available to begin operation.

After reviewing the plans and support data for the "Queensway Bay Project", our estimate for the number of carts to begin business mid-June would be 15-20. I believe that in food service alone we can expect to successfully operate 6 to 10 food carts. Pushcarts operators that we would recommend to begin the program would include:

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**From our seasoned roster of successful cart operators**

**California Sunglasses  
Heads Up (Hats)  
Shanghai Ship Builders (model boats)  
Sunny Key Tags (license plates, ID tags, Key chains, all personalized)  
Got Feet? (Novelty socks for men, women and children)  
Just Watches**

**Food:**

**Espresso/coffee  
Checkers Hot Dogs  
Tamales  
DiDios Italian Ice  
Kettle Korn  
Churro/Pretzel  
Tropical Ice**

**We want to thank you for allowing us the opportunity to submit this proposal for the "Queensway Bay Project". We understand that we aren't the sole management company petitioning for this opportunity, but we believe we are unique in our qualifications to create and manage the vending cart program for your city. We're dedicated to our projects and we understand that we must be fluid in creating a vending cart program that is based on the needs of your project while at the same time creating an environment that supports, attracts and maintains highly successful and seasoned pushcart vendors.**

**Kindest regards**

**Penny Dale  
Director**

**encl.**

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