

W9n

72

CALIFORNIA COASTAL COMMISSION

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

Filed: 4/20/98
49th Day: 6/8/98
180th Day: 10/17/98
Staff: CP-LB
Staff Report: 5/18/98
Hearing Date: June 9-12, 1998
Commission Action:



RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-161

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 on-the-water commercial concessions to
be provided by approximately forty vessels operating out
of Rainbow Harbor.

Building Coverage	0 sq. ft.
Parking Spaces	1,471
Zoning	PD-6
Plan Designation	Planned Development District 6
Ht abv fin grade	0 feet

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the Coastal Development Permit with conditions regarding public boat docks, public parking, public access, leases to private operators, and assumption of risk. The special conditions are necessary to assure that the proposed project does not negatively impact other recreational opportunities in the area. The City agrees with the recommendation.

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).

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.

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. Special Conditions

1. Public Boat Docks

Prior to the issuance of the Coastal Development Permit, the City shall submit a plan which identifies at least 200 linear feet of docking area within Rainbow Harbor which is reserved for short-term public docking as required by Coastal Development Permit 5-96-124. The public docking area shall not be leased or reserved by any individual, business or organization. The vessels which provide the commercial uses permitted by this permit (Coastal Development Permit 5-98-161) shall not be permitted to use the public docking areas. All public docking areas shall be identified with signage which clearly communicates the availability, cost and time limits of the public docking facilities.

2. Public Parking

All parking spaces within the Shoreline Park parking lot shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no reserved parking spaces or exclusive use of parking spaces within the Shoreline Park public parking lot by any person or group other than the general public (handicapped spaces excluded).

3. Temporary Trailer

A 440 square foot trailer may be placed in the Shoreline Park public parking lot on a temporary basis for the administration of fishing and diving boat expeditions operating at Pierpoint Landing in Rainbow Harbor. The trailer must be removed from the Downtown Shoreline area prior to September 15, 1998. The Executive Director may grant an extension to the September 15, 1998 deadline for good cause.

4. Shoreline Park and Rainbow Esplanade

The commercial uses and associated activities permitted by this permit (Coastal Development Permit 5-98-161) shall not interfere with public use or access to Shoreline Park and the Rainbow Esplanade. The park and esplanade areas shall be kept free of any barriers which could impede public access through the area, or impede public use of the area.

5. Leases to Private Operators

The lease of any dock area in Rainbow Harbor to private operators shall explicitly incorporate the terms and conditions of Coastal Development Permits 5-96-124 and 5-98-161. Such leases shall incorporate provisions for use, public access and public recreation consistent with all terms and conditions contained in Coastal Development Permits 5-96-124 and 5-98-161.

6. Assumption of Risk

By acceptance of this Coastal Development Permit, the City agrees that: (a) the site may be subject to extraordinary hazard from storms, waves, floods, and earthquake induced liquefaction; and (b) the City hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach has submitted Coastal Development Permit application 5-98-161 in order to receive Commission approval to establish on-the-water commercial concessions in the newly constructed tourist harbor called "Rainbow Harbor" (Exhibit #4). 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 #3). The primary parking supply for Rainbow Harbor is the newly constructed 1,471 space Rainbow Harbor parking structure located next to the aquarium (Exhibit #2).

The Commission approved Coastal Development Permit 5-96-124 for the construction of Rainbow Harbor on September 12, 1996. Special condition six of Coastal Development Permit 5-96-124 requires that the lease of docks areas in Rainbow Harbor for commercial uses be reviewed by the Commission in the form of a permit or permit amendment. Special condition six states:

Future Uses and Improvements

This approval is limited to the uses and development specifically described in the project description and related findings contained in Coastal Development Permit 5-96-124. Any additional development, including intensification of use such as the lease of docks areas, esplanade areas, park areas, or the commercial use of docks by party boats or cruise ships, will require an amendment to the permit or a new Coastal Development Permit.

The proposed on-the-water commercial concessions will be provided by approximately forty vessels which will dock at Rainbow Harbor (Exhibit #4).

Rainbow Harbor contains approximately 1,200 feet of rentable dock space for charter fishing and dive vessels (Pierpoint Landing), and approximately 1,800 feet of rentable dock space for additional commercial vessels (Exhibit #3).

In addition to fishing and diving charters, the vessels will provide harbor cruises, dinner cruises, whale watching cruises, corporate charters, research and educational activities, beds and breakfast, and water taxi and shuttle services. Rainbow Harbor will also contain public docks pursuant to a condition of Coastal Development Permit 5-96-124 that requires the City to provide and maintain a minimum of 200 linear feet of dock for short-term public docking.

There is no fueling station located within Rainbow Harbor, and none is proposed. Vessels will fuel at existing fuel stations at the Ports of Long Beach and Los Angeles. The sewage pump-out system has been installed in Rainbow Harbor along with the docks and Pine Avenue Pier permitted by Coastal Development Permit 5-96-124 (Rainbow Harbor). The waste is pumped directly from vessels moored at the docks into the City sewage system via the Pump-a-Head marine sewage disposal system described in Exhibit #5 of this report (Exhibit #5).

The proposed project involves the placement of only one on-land structure. As part of the proposed project, the applicant proposes to place a 440 square foot trailer in the Shoreline Park public parking lot on a temporary basis until September 15, 1998. The trailer will provide for the temporary administration of the proposed fishing and diving boat expeditions which will operate at Pierpoint Landing in Rainbow Harbor. A permanent Pierpoint Landing building, approved by Coastal Development Permit Amendment 5-96-124-A2, is being constructed on the esplanade south of the aquarium building (Exhibit #3).

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 project, already completed, is the Long Beach Aquarium of the Pacific [See Coastal Development Permit 5-95-055 (City of Long Beach)]. The second phase of the plan, nearly completed also, is the construction of Rainbow Harbor and the reconstruction of Shoreline Park (Exhibit #2) [See Coastal Development Permit 5-96-124 (City of Long Beach)]. A newly constructed 1,471 space parking structure provides public parking for Rainbow Harbor [See Coastal Development Permit 5-96-268 (City of Long Beach)]. The current proposal will provide the

public with on-the-water recreational boating activities on vessels docking at Rainbow Harbor.

The next major phase of the Queensway Bay Plan, not included in this application, involves the construction of privately financed commercial enterprises on the esplanade which surrounds Rainbow Harbor [See Coastal Development Permit application 5-98-156 (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.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

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 the proposed harbor, with its emphasis on recreational boating opportunities, is in conformance with the Chapter 3 policies of the Coastal Act. This Coastal Development Permit, as conditioned, will ensure that the proposed project provides maximum public access, lower-cost recreational opportunities, and water-oriented recreational activities as called for in the Queensway Bay Plan and the certified LCP and required by the Coastal Act.

The proposed project will improve the public's ability to access the sea by providing recreational activities, such as fishing and diving, in the new harbor. Section 30224 of the Coastal Act specifically calls for increased recreational boating use of coastal waters and additional berthing space in new harbors. The proposed project carries out the Section 30224 policy which encourages recreational boating activities.

The proposed commercial uses will increase the public's options for interfacing with the coastal environment. However, careful review and consideration must be given in order to ensure that the proposed project does not unnecessarily impact the other public recreational uses provided within the Downtown Shoreline area. The recommended special conditions of approval will ensure that the City will protect and maintain the public recreational facilities that are already in the area consistent with the certified LCP and the Chapter 3 policies of the Coastal Act.

In order to protect the public recreational uses provided within the Downtown Shoreline area from unnecessary impacts that could result from the proposed project, the permit is conditioned to protect the following lower-cost public recreational uses:

- A. The public docking areas in Rainbow Harbor required by Coastal Development Permit 5-96-124.
- B. The public parking spaces in the Shoreline Park parking lot which are reserved for the general public on a first-come, first-served basis.
- C. Public use and access to Shoreline Park and the Rainbow Esplanade.

First, a condition of this permit approval states that commercial vessels may not be permitted to use the public docks in Rainbow Harbor. The limited

public dock areas shall be protected for use by the general public who visit the harbor by boat. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

A second condition of approval states that there shall be no reserved parking spaces or exclusive use of any parking spaces within the Shoreline Park public parking lot by any person or group other than the general public (handicapped spaces excluded). Although all of the parking spaces around Rainbow Harbor are available for use by the general public, the 150 space Shoreline Park parking lot is designed and permitted by Coastal Development Permit 5-96-124 to serve the lower-cost recreational activities provided by the park. The Shoreline Park parking spaces will primarily serve park users such as picnickers and land-based fishermen who need better access to their vehicles while using the park.

The primary parking supply for the proposed commercial concessions is the 1,471 space Rainbow Harbor parking structure located next to the aquarium. The 1,471 space parking structure will better serve long-term parkers like aquarium visitors and people who are out at sea on the proposed commercial vessels (Exhibit #2). Visitors to the aquarium and harbor will be directed by signs into the parking structure as they arrive at the harbor.

Because there may be a shortage of available parking spaces in the area during peak park use periods, public access to the coast may be reduced by the competition for parking spaces between the many uses in the area. Therefore, it is important that the proposed project's parking demands do not reduce the public's ability to access the coast in this area. Measures must be taken to assure that the public parking spaces in the Shoreline Park public parking lot are not monopolized by long-term parkers at the expense of persons who wish to use the park.

Aquarium visitors and people out at sea will use parking spaces primarily for storage of their vehicles while they are gone for two to twelve hours. Park users need the parking spaces near the park's picnic tables, fishing piers and children's play areas in order to have easy access to their food and recreational equipment. There also should be a higher turnover of parking space users in the park in order to make direct access to the park available to the greatest number of people.

In fact, in order to prevent long-term parkers from leaving their vehicles in the Shoreline Park public parking lot, Coastal Development Permit 5-96-124 requires that any parking meters in the Shoreline Park public parking lot allow only ninety minutes of parking when the maximum amount of coins are deposited, even though four hours of parking is allowed before the space must be vacated. The condition gives priority to those using Shoreline Park over aquarium visitors and other long-term parkers. Park visitors are able to deposit the required amount of coins in the parking meters every ninety minutes because they will be near their vehicles. The time limits on the Shoreline Park parking meters will encourage long-term parkers to use the 1,471 space parking structure where the maximum parking fee is six dollars.

The special condition which prohibits reserved parking spaces in Shoreline Park is necessary to protect the public's ability to use the 150 space public

parking lot and visit this coastal park. Only as conditioned does the Commission find that the proposed project is consistent with the coastal access and recreation policies of the Coastal Act.

Finally, the temporary trailer must be removed from the Downtown Shoreline area prior to September 15, 1998, and the lease of any docks in Rainbow Harbor to private operators shall explicitly incorporate the terms and conditions of Coastal Development Permits 5-96-124 and 5-98-161. Such leases shall incorporate provisions for use, public access and public recreation consistent with all terms and conditions contained herein.

The proposed commercial vessels will provide recreational activities at the new harbor for the public to enjoy. Therefore, the Commission finds that the proposed project, as conditioned, 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:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.

As previously stated, the primary parking supply for the proposed commercial concessions is the newly constructed 1,471 space Rainbow Harbor parking structure located next to the aquarium (Exhibit #2). Pursuant to the requirements of Section 30252, the City must ensure that the proposed project maintains and enhances public access to the coast by providing adequate parking facilities and transit service.

The certified LCP 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. As discussed in the previous section (Public Access and Recreation) of this report, Shoreline Park has its own 150 space public parking lot to serve park visitors. The five-level parking structure located next to Rainbow Harbor provides 1,471 public parking spaces to serve all visitors to the area [See Coastal Development Permit 5-96-268 (City of Long Beach)]. The public parking supply will be increased when the City adds about two hundred on-street public parking spaces along Shoreline Drive [See Coastal Development Permit 5-98-042 (City of Long Beach)].

Transit service also provides public transportation to Rainbow Harbor. The City currently provides free public transportation throughout the downtown area on the red "Passport" buses operated by Long Beach Transit. The Passport buses (formerly called Runabouts) have stops at Shoreline Village, the aquarium, and the Queen Mary. In addition, a charter bus and taxi transportation node is planned near Pine Avenue Pier for pick-up and drop-off of tour groups and individual visitors (Exhibit #3). The City also plans to use public water taxis to provide low-cost water transportation within Rainbow Harbor and to the Queen Mary.

The Rainbow Harbor parking supply and public transportation services are adequate to serve the needs of the proposed on-the-water commercial concessions as required by Section 30252 of the Coastal Act and the certified LCP. The proposed harbor concessions are highly seasonal activities with the busy season falling between Memorial Day and Labor Day (May through September). The summer tourist season corresponds with the peak fishing and diving seasons. Therefore, the peak demand for parking at Rainbow Harbor will occur during the summer months.

The City estimates that the peak parking demand for the proposed commercial activities will require the use of 275 parking spaces (Exhibit #4). Even though the proposed commercial operations, provided by up to forty vessels, are expected to attract 1,000 to 1,500 persons to the harbor on a normal day, these visitors would not all need a parking space at the same time. For example, most of the day-long fishing and diving charters would return to the harbor before the dinner cruises and party boats depart for the evening. Additionally, many of the commercial operators will provide customer transportation to the vessels in buses, thus reducing the demand for public parking spaces.

In the permit approval for the Long Beach Aquarium of the Pacific, the Commission determined that the aquarium would generate a parking demand of

approximately 625 parking spaces (Coastal Development Permit 5-95-055). The aquarium's estimated parking demand was calculated using the parking generation formula of ten parking spaces per 1,000 square feet of net public area. The aquarium's primary public parking supply is provided by the 1,471 space Rainbow Harbor parking structure, the same parking structure proposed to provide parking for the currently proposed commercial uses in the harbor.

The 1,471 space Rainbow Harbor parking structure will provide adequate parking to serve the anticipated parking demands of both the aquarium and the proposed on-the-water concessions at Rainbow Harbor as required by Section 30252 of the Coastal Act and the certified LCP. The public parking supply, in conjunction with the City's public transportation services, will maintain and enhance the public's ability to access this popular urban waterfront.

The parking demands of additional commercial development around Rainbow Harbor, however, will be analyzed for impacts to the limited parking supply and public access. Additional parking supplies may be required as new uses increase the parking demands of the Downtown Shoreline area. 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.

The next phase of the Queensway Bay Plan, which is not part of this application, involves the construction of more than half a million square feet of privately financed commercial enterprises on the esplanade which surrounds Rainbow Harbor [See Coastal Development Permit application 5-98-156 (City of Long Beach)]. The proposed on-land commercial uses at Rainbow Harbor must address their parking demands in the context of the Commission's parking requirements and the certified LCP. Adequate parking strategies must be implemented in order to protect the public's ability to access this coastal area for recreational purposes.

Finally, the proposed on-the-water commercial concessions project does have an adequate parking supply within the existing 1,471 space Rainbow Harbor parking structure. The public parking supply, in conjunction with the City's public transportation services, will maintain and enhance the public's ability to access Rainbow Harbor and Shoreline Park. The public parking lot in Shoreline Park, as conditioned herein, may not be reserved for use by any commercial activity. Additional commercial development around Rainbow Harbor will be required to provide an adequate parking strategy in order to protect the public's ability to access the area for recreational purposes. Additional parking supplies may be required to meet the needs of commercial development proposed by future permit applications. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30252 of the Coastal Act.

E. Marine Resources

The proposed project is located in the coastal waters of Rainbow Harbor, part of the Pacific Ocean. The Coastal Act contains policies which address development in or near coastal waters by requiring the protection of

biological productivity, public recreation and marine resources. The proposed project must conform to the following Chapter 3 policies of the Coastal Act.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Sections 30230 and 30231 of the Coastal Act require that marine resources be maintained in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. The proposed project will not have any negative effects on marine resources. All waste from the vessels in Rainbow Harbor will be directed into the City sewer system using a state-of-the-art sewage disposal system (Exhibit #5). No waste or refuse is permitted to enter the waters of Rainbow Harbor. Therefore, the proposed project is consistent with the marine resource policies of the Coastal Act.

F. Hazards

The Commission has routinely placed "assumption of risk" conditions on Coastal Development Permits for projects in areas of waves, storms, erosion and/or flood hazards. The Commission has previously placed an "assumption of risk" condition on the Coastal Development Permit for the construction of Rainbow Harbor (Coastal Development Permit 5-96-124 (City of Long Beach)). Coastal Development Permits 5-91-695, 5-94-102 and 5-95-283 (City of Long Beach) also contain an "assumption of risk" condition.

The proposed project is in a potentially hazardous area subject to storms, waves, floods and even earthquake induced liquefaction. Therefore, because Rainbow Harbor may be subject to extraordinary natural hazards, the Commission requires the City to waive any future claims of liability against the Commission or its successors in interest for damage from such hazards.

G. 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.

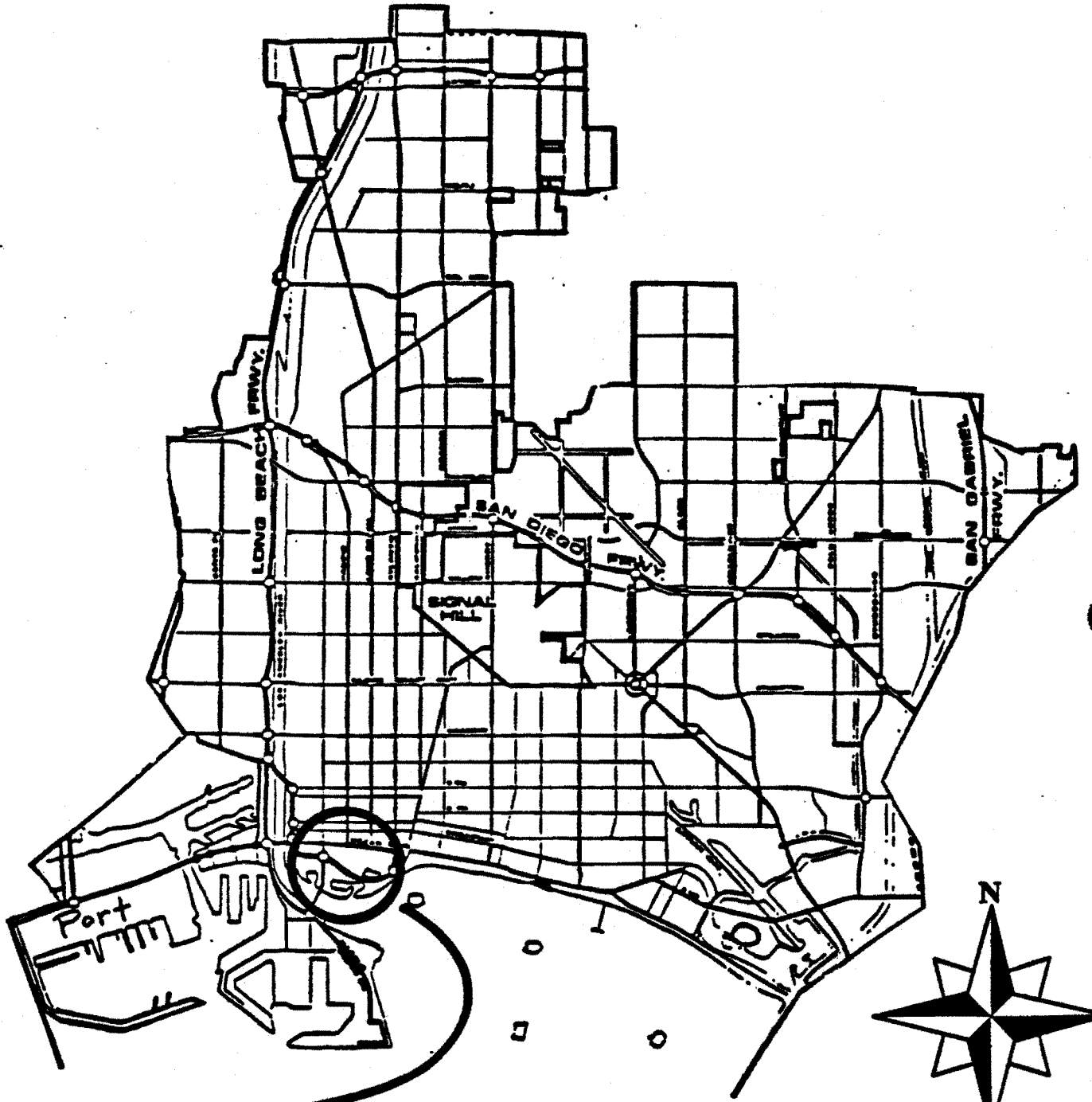
The certified LCP calls for commercial on-the-water recreational boating activities to be provided to the public at Rainbow Harbor. The LCP states that the parking supply for Rainbow Harbor visitors is the Rainbow Harbor parking structure and the shared parking facilities located throughout the Downtown Shoreline area. Therefore, the proposed project is consistent with the specific development policies contained the certified LCP which address the implementation of the Queensway Bay Plan.

H. 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, as conditioned, has been found to be consistent with the Chapter 3 policies of the Coastal Act. Special conditions protect public access to the recreational activities which exist at the City of Long Beach waterfront. There are no feasible alternatives or additional 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, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

City of Long Beach



Site

COASTAL COMMISSION

5-98-161

EXHIBIT # 1

PAGE 1 OF 1



QUEENSWAY BAY
Long Beach, California

CLIENT:
City of Long Beach
200 West Ocean Boulevard
Long Beach, California 90802
310.532.1000

ARCHITECT:
Greenbaum & Rosekind
Architects, Inc.
200 West Ocean Blvd., 9th Fl.
Los Angeles, California 90059
310.551.1000

CONSULTANTS:
Michael A. Hines Engineers
200 West Ocean Blvd.
P.O. Box 1000
Long Beach, California 90802
310.532.1000

Site Planning
400 West Ocean Blvd.
Long Beach, California 90802
310.532.1000

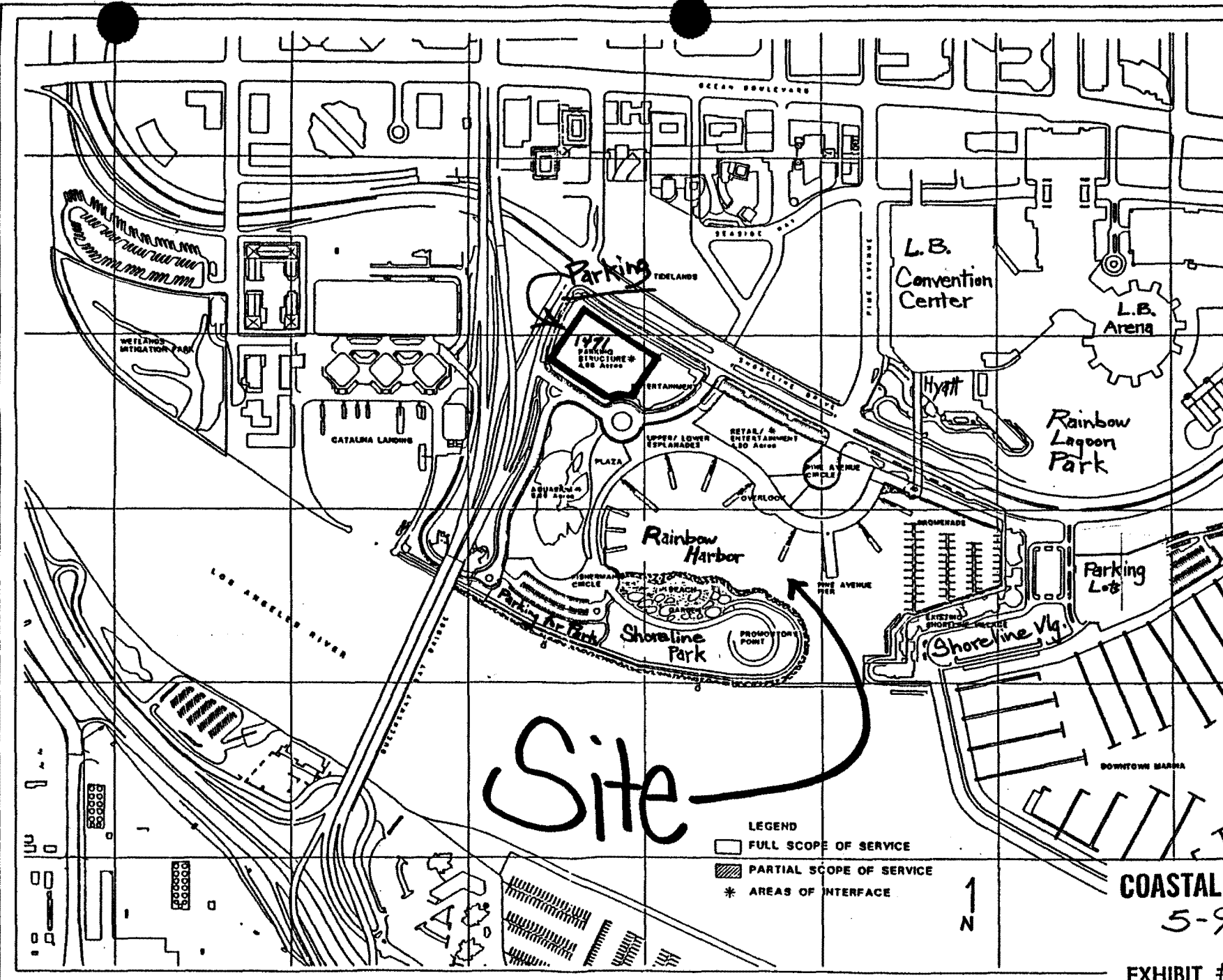
Paul A. Anderson
200 West Ocean Blvd., 9th Fl.
Long Beach, California 90802
310.532.1000

Michael W. Greenbaum & Partners
200 West Ocean Blvd., 9th Fl.
Long Beach, California 90802
310.532.1000

Architecture & Planning, Inc.
200 West Ocean Blvd.
Long Beach, California 90802
310.532.1000

DESIGN DEVELOPMENT
1999-2000

MASTER SITE PLAN

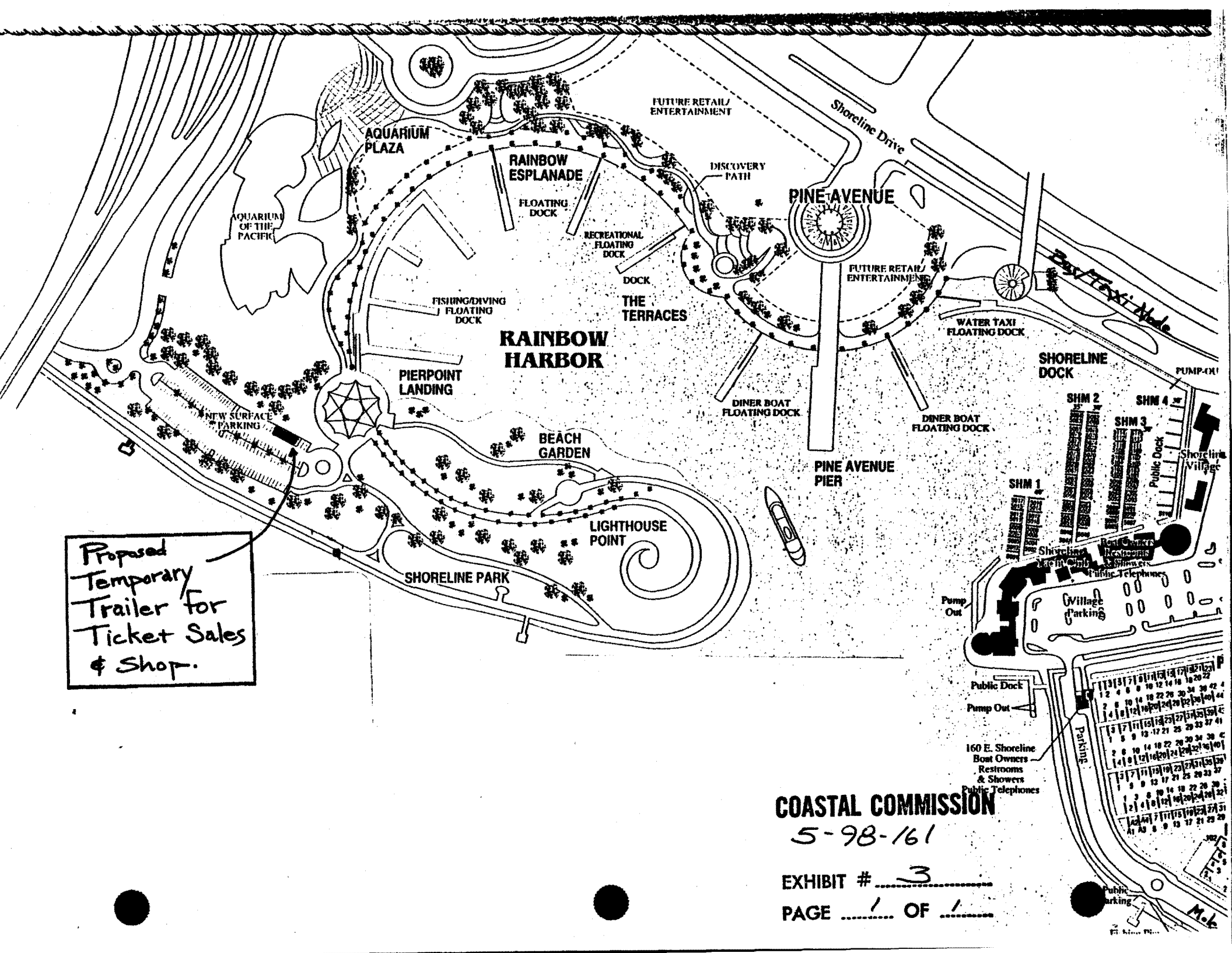


COASTAL COMMISSION

5-98-161

EXHIBIT # 2

PAGE 1 OF 1



Proposed
Temporary
Trailer for
Ticket Sales
& Shop.

COASTAL COMMISSION

5-98-161

EXHIBIT # 3

PAGE 1 OF 1

M-6

RAINBOW HARBOR COASTAL DEVELOPMENT PERMIT

2. This proposal is to allow commercial vessel activity to use the floating docks and fixed pier in the Rainbow Harbor. There is currently about 1,200 feet of rentable dock space in Pierpoint Landing, which is dedicated to charter fishing and dive vessels, 400 feet of fixed pier, half of which is reserved for the Nautical Heritage Society, 1,800 feet of dock for miscellaneous commercial vessels, and 100 feet of dock designated for a water taxi service.

The length of vessels that would be programmed in the Rainbow Harbor range from twenty-five feet to two hundred feet. The type of commercial activity that will be programmed in the Rainbow Harbor includes harbor cruises, dinner cruises, corporate charters, research and educational activities, vessel taxi and shuttle service, and bed-and-breakfast rental vessels. The capacity of these vessels range from six to five hundred. There is no established hours of operation for these vessels; they could be active all hours of the day and night, depending on the type of activity.

The City of Long Beach, Marine Bureau, estimates that approximately 40 vessels would be renting space in and running a commercial operation from the Rainbow Harbor at any point in time (see attached example of Vessel Assignment). However, the hours of operation for the various types of activities are such that the vessel activity in the Harbor, as well as corresponding vehicle parking activity, is spread throughout the day. A private parking consultant, Kaku and Associates, estimated that parking demand for the Rainbow Harbor vessel activities would be about 275 vehicles. This is an accurate estimate given the fact that the Harbor activities that would create the heaviest customer demand (such as dinner cruises and harbor cruises) involve customers that are either staying in local hotels or arrive to the location via charter buses. The Marine Bureau estimates that approximately 1,000 to 1,500 individuals will utilize these vessels during a normal day once the Harbor is fully occupied. However, as indicated above, this activity will be spread over as many as 18 to 20 operating hours, and a large portion of the customer base will be conventioners staying in downtown hotels and charters arriving by bus.

COASTAL COMMISSION

5-98-161

EXHIBIT # 4

PAGE 1 OF 2

EXAMPLE OF VESSEL ASSIGNMENT

PIERPOINT LANDING:

- *Tornado* - 75 foot fishing vessel owned by Long Beach Anglers
- *South Cal* - 60 foot fishing vessel owned by Long Beach Anglers
- *El Dorado* - 85 foot fishing vessel owned by Long Beach Anglers
- *Aztec* - 65 foot fishing vessel owned by Long Beach Anglers
- *Victory* - 75 foot fishing vessel owned by Long Beach Anglers
- *Phantom* - 40 foot fishing vessel owned by Long Beach Anglers
- *Tide Change* - 60 foot fishing vessel owned by Long Beach Anglers
- *Tonnage* - 36 foot fishing vessel owned by Long Beach Anglers
- *Freedom* - 85 foot fishing vessel owned by Dunster Fishing
- *Atlantis* - 65 foot dive vessel owned by Atlantis Charters
- *Bottom Scratcher* - 63 foot dive vessel associated with Long Beach Anglers
- *Sand Dollar* - 65 foot dive vessel associated with Long Beach Anglers

RECEIVED
APR 20 1998
CALIFORNIA
COASTAL COMMISSION

COMMERCIAL DOCKS:

- *Star Pilot* - 141 foot schooner, owned by Schooner Pilot Trust, to be used in conjunction with the Aquarium of the Pacific
- Southern California Marine Institute vessel (65 to 75 feet) is seeking free dock space on this dock, to provide research in conjunction with the Aquarium of the Pacific
- Unnamed - 145 foot sail vessel to be used for charter excursions for schools and related institutions
- Unnamed - Two 30 foot hover vessels to be used for harbor rides
- Island Navigation transportation service to Catalina Island (two to four vessels)
- Unnamed - 145 foot power vessel, owned by Hornblower, to be used for dinner ~~cruises~~ harbor cruises and charters
- Unnamed - 65 foot multi-hulled power vessel, owned by Atlantis Charters, to be used for dinner cruises, harbor cruises and charters
- *Sail Catalina* - 65 foot multi-hulled sail vessel, owned by Jack Haley, to be used for dinner cruises, harbor cruises and charters
- Unnamed - 90 foot power vessel, owned by Spirit Cruises, to be used for dinner ~~cruises~~ harbor cruises and charters
- Unnamed - 90 foot sail vessel, owned by Spirit Cruises, to be used for dinner cruises, harbor cruises and charters

PINE AVENUE PIER:

Californian - 140 foot sail vessel to be used for educational and promotional cruises

COASTAL COMMISSION

5-98-161

EXHIBIT # 4

PAGE 2 OF 2

KECO PUMP-A-HEAD SYSTEM

The marine sewage disposal system incorporated into the design of the Queensway Bay Downtown Harbor Project is a vacuum based system instead of a traditional "on dock pump-a-head system." "On dock pump-a-head systems" consist of a pump being physically located out on the floating dock which is used to remove the sewage from a boat and then in turn pump it off the dock to an appropriate sewer line. This type of system requires pumps to be located at various locations on a dock and in turn on each dock of a facility. Such systems require substantially more maintenance than the type of system used on the Queensway Bay Downtown Harbor Project.

The system used in the Queensway Bay Downtown Harbor Project is a vacuum based system. In particular, the system to be installed is manufactured by Keco, Incorporated located in San Diego, California. This system has one centrally located vacuum pumping system which in turn serves all floating docks of the project. The system is located in a vault on the project site and is piped by a single main PVC line around the entire harbor which in turn has individual lines to each floating dock. On each dock are located cabinets in which a hose is stored for use in emptying a given boat's bilge. When the hose is connected to a boat's bilge and the pushbutton pressed the system empties the bilge by vacuum. When the bilge is emptied, the hose is simply removed and replaced into its cabinet. Sewage collected by the system is stored in one of the systems two tanks. When a given tank becomes filled it is discharged into a sanitary sewer. This system has many advantages, namely; one central mechanical facility for maintenance, no mechanical equipment on floating docks which could fail and/or require maintenance over or near the water and ease of operation by respective users. There are 21 locations to connect to the system on 10 floating docks and the Pine Avenue Pier at the Queensway Bay Downtown Harbor Project.

DETAILED SYSTEM DESCRIPTION

The vacuum collection system consists of two hydro-pneumatic tanks, a specially designed vacuum/pressure pump and motor mounted on a support plate above the tanks. This equipment develops an alternating fill and evacuation cycles in the tanks. The system is located in an underground vault on the project site.

The system operates when vacuum and pressure are developed in opposite tanks. Initially when the system is activated, vacuum is developed on Tank #1 and pressure is developing on Tank #2. Once Tank #1 reaches a full level, the monitoring system provides a signal to the motor to causing it to reverse. Pressure will then develop on the full tank (Tank #1), forcing the liquid to be discharged to the mainline sewer, and a vacuum will develop on Tank #2 continuing to draw waste into that tank. When Tank #2 fills, again the monitoring system signals the motor to reverse, discharging Tank #2 while Tank #1 fills.

The motor and pump rotational direction is controlled by a Variable Frequency Drive, used to avoid inrush current surges normally associated with reversing the motor direction. The acceleration and deceleration of the motor and the pump are controlled (ramped up and down) by

COASTAL COMMISSION

5-98-161

EXHIBIT # 5

PAGE 1 OF 2

this Variable Frequency Drive. The direction of the pump is reversed to alternately form vacuum on one side of the pump and pressure on the other. Changing the direction of the pump's rotation allows the system to fill one tank while the other tank is being discharged.

The collection system maintains a predetermined vacuum level within the influent lines. When the vacuum level decreases, as the system is used, the motor and pump are energized through a high/low vacuum switch located in the control panel. Once the vacuum level regains it's preset level, the motor and pump will turn off and the system awaits it's next drop in vacuum to activation.

Vessels access the system via remote centers located throughout the project. Each of these centers includes a panel mounted vacuum gauge to indicate the system is ready for use. The remote centers are activated with a pushbutton control that initiates an adjustable timer mounted within the center to open the electric actuated ball valve. The timer counts down, and closes the valve at the end of the time cycle. The pump will continue to produce vacuum on the influent lines until the preset high level of vacuum is reached.

DJDTEXT

RECEIVED
MAY 15 1998

CALIFORNIA
COASTAL COMMISSION

EXHIBIT # 5

PAGE 2 OF 2