STATE OF CALIFORNIA - THE RESOURCES AGENCT

CALIFORNIA COASTAL COMMISSION

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Staff: CP-LB
Staff Report: 7/21/98
Hearing Date: August 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 FIRST AMENDMENT REQUEST REJECTED BY STAFF (5-97-283-A1):

Improve public park area and add 1,500 square foot dining room and 1,900 square foot private deck to the yacht club building.

DESCRIPTION OF CURRENT AMENDMENT REQUEST (5-97-283-A2):

Amend conditions of Coastal Development Permit 5-97-283 to allow the expansion of the previously approved yacht club into a 4,000 square foot public park area if the City provides a proposed 8,000 square feet of linear landscaping as replacement park area near the end of the marina mole. Secondly, 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 to require the provision of new landscaped public park area along the edge of the marina mole to replace the public area that will be displaced by the proposed yacht club expansion. The special conditions protect the existing public observation deck, public parking, signage, public restrooms, and the bicycle path. The applicants agree with the recommendation.

LOCAL APPROVALS RECEIVED:

- 1. City of Long Beach Site Plan Review, Case No. 9707-07, 7/21/97.
- 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).

<u>PROCEDURAL NOTE</u>: 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, the applicants may construct a dining room addition and new exterior deck on top of no more than 4,000 square feet of existing public landscaped area 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 to the satisfaction of the Executive Director:

- a. The applicants shall submit two sets of City-approved plans, consistent with Exhibits #5&6 of this staff report (7/20/98), 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 encroachments as indicated in Exhibit #6.
- b. Up to 4,000 square feet of existing public landscaped areas that are displaced by the proposed yacht club expansion shall be replaced at a 2:1 ratio with new public landscaped areas in a linear landscaped strip in the area as generally indicated on Exhibit #3 of this staff report (7/20/98). 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 in a linear strip near the end of the Mole Road in the area as generally indicated on Exhibit \$3 of this staff report (7/20/98). 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 six public park benches or picnic tables. Existing landscaped areas shall not count towards the 8,000 square feet of required replacement parkland.

- c. The replacement parkland shall be constructed and opened to public use prior to commencement of construction of the proposed dining room addition and proposed outdoor private deck addition.
- d. The yacht club, public viewing deck, and replacement parkland 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 in 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.

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 for the conversion of the existing 2,600 square foot Downtown Long Beach Marina headquarters building into a permanent facility for the Shoreline Yacht Club. The City of Long Beach and Shoreline Management LLC are co-applicants for the project. Coastal Development Permit 5-97-283 also permits the construction of a new 2,900 square foot City marina administration facility in the Downtown Marina parking lot, and restriping of the marina mole parking lot to increase the number of parking spaces from 469 to 485.

Originally, the co-applicants also requested Commission approval to expand the proposed yacht club building by adding a 1,500 square foot dining room and

a 1,900 square foot private deck to the former marina headquarters building (Exhibit #5). The Commission, however, conditioned Coastal Development Permit 5-97-283 to prohibit any expansion of the permitted yacht club facility into the public landscaped area and public observation deck that surround the former marina headquarters building located at the end of the marina mole (See Appendix A). Thus, the proposed yacht club expansion was denied and the Commission required the City to maintain and protect the public landscaped area and public observation deck as a public park. The public park area was originally approved pursuant to special condition eight of Coastal Development Permit P-79-5249 (Downtown Marina), and is identified on Exhibit #4 of this staff report as all areas located outside the footprint of the existing marina headquarters building (Exhibit #4,p.2).

Approval of the proposal contained in the current amendment request would allow the yacht club to proceed with its expansion plans if the City provides a proposed replacement park area at a two-to-one ratio in the form of a linear landscaped strip in the same general area at the end of the mole road (Exhibit #3). Approximately 4,000 square feet of existing public landscaped area would be converted to private yacht club use in exchange for the City's provision of 8,000 square feet of new landscaped public area on the marina mole that is currently occupied by dirt, rubble and rip-rap. At least six new park benches or picnic tables are also proposed.

The co-applicants had proposed a similar park replacement project in amendment request 5-97-283-A1. The previous amendment request, however, was rejected by staff. One of the reasons that the first amendment request was rejected was that the proposal would relocate most of the public park facilities away from the end of the marina mole where the yacht club is permitted. Staff believes that the replacement park area should be provided in the vicinity of the yacht club where the existing public landscaped area is proposed to be displaced by the yacht club expansion.

The currently proposed amendment will provide 8,000 square feet of linear landscaping as replacement park area near the end of the marina mole where the yacht club is permitted (Exhibit #3). Parking meters will be installed on all 38 public (non-permit) parking spaces on Mole Road in order to prevent long-term parking and to protect the public parking facilities that are not reserved for marina parking permit holders (slip renters/boat owners). With the Commission's approval of a revised set of special conditions, the co-applicants will be permitted to expand the yacht club as proposed, and the public will be provided with more usable landscaped park area at the end of the marina mole.

The existing marina headquarters structure is a one-story, 21 foot high (with 43 foot cupola), 2,600 square foot marina headquarters building located at the end of the marina mole (Exhibit #4). The City of Long Beach Department of Parks, Recreation and Marine currently occupies the structure as the headquarters for the administration of the Downtown Marina. The marina headquarters building contains a public restroom and is encircled by a small public park and observation deck (Exhibit #4).

Under the terms of Coastal Development Permit 5-97-283 the City is permitted to vacate its current marina headquarters building and lease the building to

Shoreline Management LLC so that it can be converted into a private facility for the exclusive use of the Shoreline Yacht Club and its members. According to the co-applicants, the Shoreline Yacht Club was founded as a social organization in 1983 when the marina first opened. Membership to the yacht club is open to all boat owners who lease space in the marina. Approximately 85 percent of the club membership are occupants in the marina. Since 1985, the yacht club's facilities have been located in the Shoreline Village shopping center located adjacent to the Downtown Marina (Exhibit #3).

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.

Coastal Development Permit 5-97-283 also permitted the construction of a new marina headquarters building to replace the vacated one after it is converted to a yacht club. The proposed new 21 foot high, 2,900 square foot marina administration facility will be located in the parking lot of the Downtown Marina (Exhibit #3). The marina mole parking lot will be restriped to create sixteen new parking spaces and increase the number of parking spaces on the marina mole from 469 to 485 in order to offset the parking spaces that will be lost as a result of the proposed new administration building.

Commission records show that the Downtown Long Beach Marina was permitted in 1979 by Coastal Development Permit P-79-5249 (City of Long Beach). Coastal Development Permit P-79-5249, approved on June 11, 1979, allowed the City of Long Beach to construct a 1,694 slip recreational marina and marina headquarters in the Downtown Shoreline area (Exhibit #3). The approved marina headquarters building was located at the end of the marina mole and was encircled by a small public park. The current marina headquarters building, the subject of this application, is located on the site of the originally approved headquarters building.

On February 2, 1981 the Commission approved Coastal Development Permit P-80-7498 which revised the design and size, but not the location, of the marina headquarters building. The revised design enlarged the structure to contain a public restroom to serve the public park at the end of the mole. The approved marina headquarters building, the one that currently exists at the end of the marina mole, was constructed as approved (Exhibit #4). The public park amenities which surround the marina headquarters building were also provided as approved by Coastal Development Permit P-80-7498.

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.

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. This amendment request, as currently proposed and conditioned, will not negatively impact the public access and recreational opportunities that currently exist at the end of the marina mole road where the proposed yacht club is located. All negative impacts of the proposed development will be mitigated through continuing compliance with the recommended special conditions of approval. As conditioned, the proposed project and permit amendment can be found consistent with the public access and recreation policies of the Coastal Act.

The current amendment request involves the proposed expansion of the previously approved yacht club use into a 4,000 square foot landscaped area that is protected by previous Commission actions as a public park area. The proposed project involves the addition of a 1,500 square foot dining room and a 1,900 square foot exterior deck to the existing structure (Exhibit #5). The footprint of the proposed dining room and proposed private deck addition covers an area that is currently landscaped and identified as a public park facility to meet special condition eight of Coastal Development Permit P-79-5249 which permitted the Downtown Marina. Special condition eight of Coastal Development Permit P-79-5249 (Downtown Marina) states:

8. That public park facilities around the Harbor Masters building shall be provided subject to the Executive Director's approval.

In a letter dated May 4, 1981, the City submitted its plans to carry out the requirement of special condition eight for the public park facilities around the Harbor Masters (marina headquarters) building. The plans, which were approved as submitted, show 6,000 square feet of landscaped area, a 4,200 square foot public observation deck, benches, and bicycle parking. The current marina headquarters building and surrounding park area conform to the approved plans (Exhibit #4).

The currently proposed dining room and deck addition would be part of the Shoreline Yacht Club's private lease area, thus denying public use of the landscaped area that was identified, and has been used, as a public park since the marina headquarters building was approved in 1981 pursuant to Coastal Development Permit P-80-7498 (Marina Headquarters). Coastal Development Permit P-80-7498, approved on February 2, 1981, allowed a larger marina headquarters building than the one originally approved by Coastal Development Permit P-79-5249 (Downtown Marina). However, the special conditions of Coastal Development Permit P-79-5249 (Downtown Marina), including special condition eight, were not affected by the revised project approved by Coastal Development Permit P-80-7498 (Marina Headquarters).

While the previously approved change of use within the existing structure will not affect public access or displace any recreational opportunities, the co-applicants' proposal to expand the footprint of the structure into the surrounding park area could reduce the amount of existing public park area at the marina.

Section 30213 of the Coastal Act, a public access policy, requires that the plaza's lower cost visitor and recreational facilities shall be protected and encouraged. Section 30213 of the Coastal Act states:

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

The co-applicants have proposed to replace the 4,000 square feet of landscaped public area with a new 8,000 square foot area of landscaping in a linear strip near the yacht club facility. Under this proposal, the City would replace all displaced public park area at a two-to-one ratio in the immediate vicinity (Exhibit #3). The 8,000 square feet of replacement park area will be created by installing new irrigation devices and landscaping on top of the rock revetment that protects the marina mole. The co-applicants propose to replace 8,000 square feet of area currently comprised of dirt, rubble and rip rap with new turf. No currently landscaped area would count towards the 8,000 square feet of replacement park area. The development approved by Coastal Development Permit 5-97-283, as amended, does not include any work in or over coastal waters.

The proposed replacement park area at the end of the mole will provide the public with the same benefits and same types of uses that are currently provided by the 4,000 square foot landscaped area that will be displaced by the proposed yacht club expansion. The end of the marina mole is a public recreational facility which the public uses without having to pay a fee for admission. Even though there is a lack of general public parking near the end of the mole, the area does receive regular use by the general public. Oceanfront lands and free public recreational facilities are protected as by Section 30221 as lower cost facilities. People often use the marina mole to stroll, rollerblade, skate, view sunsets, people watch, and take photographs. Many people also pass through or near the area while biking, walking, running or skating on the beach bicycle path, or while on their way to fish off of the marina mole fishing piers (Exhibit #3). The public deck located at the end of the marina mole currently provides the public with an excellent viewing area for an unobstructed view of the Downtown Marina, the Queen Mary, the port, and the rest of the seascape. The proposed replacement park area will increase the usable public area at the end of the mole and enhance the existing recreational opportunities in the area by providing additional benches and tables. The replacement park area will also provide spectacular viewing areas looking south towards the Queen Mary. Both the existing 4,000 square foot landscaped park and the proposed replacement park area can be accessed by the marina mole road, the marina mole bicycle and walking path, or by boat.

The co-applicants also agree to maintain the 4,200 square foot public observation deck and benches located next to the yacht club building as a public area (Exhibit #6). The existing public restroom in the structure would also be maintained by the City as a public restroom as part of the proposed project.

The proposed amendment will not result in any negative impacts to public access and recreation if special conditions of approval are applied to the permit in order to ensure that: 1) the installation of the proposed

replacement park area is feasible from both an engineering and economic standpoint; 2) the replacement park area is provided and maintained as proposed by the co-applicants; and 3) the public maintains continuous access to the new public park area, the existing public observation deck, public restrooms, and the public parking facilities necessary to support public use of the area.

In order to ensure that the installation of the proposed replacement park area is feasible from both an engineering and economic standpoint, and that the replacement park area is provided and maintained as proposed by the co-applicants, the special conditions of Coastal Development Permit 5-97-283 are amended to require the construction and provision of the 8,000 square foot replacement park area prior to the proposed yacht club expansion that will displace the existing 8,000 square feet of public park area. Unless the new park area is provided first, there is no absolute guarantee that the replacement park area can be feasibly constructed on top of the rock revetment as proposed by the co-applicants.

The replacement parkland shall be constructed and opened to public use prior to commencement of construction of the proposed dining room addition and proposed outdoor private deck addition. The yacht club, public viewing deck, and replacement parkland shall all be provided and maintained consistent with the plans approved by the Executive Director. Only as conditioned can the proposed project be found to conform to the public access and recreation policies of the Coastal Act.

The proposed park replacement plan also carries out the policy of the certified Local Coastal Program (LCP) which protects public park area within the City's coastal zone. The certified LCP Park Dedication Policy 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.

In order to protect the public's ability to access and use the lower cost recreation area at the end of the marina mole where the proposed project is located, the approval of the permit amendment is also conditioned to protect the public areas from additional encroachments. 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. Private use of the public park areas shall be limited to those events authorized by a Coastal Development Permit approved by the Commission. Finally, the City shall place signs 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. Only as conditioned does the proposed project and amendment conform to 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 current parking situation in the Downtown Shoreline area, where the proposed project is located, has been well documented in recent Commission actions [See Coastal Development Permits 5-94-010 (Shoreline Village), 5-94-127 (Marina Parking), 5-95-055 (Aquarium of the Pacific), 5-96-124 (Rainbow Harbor), 5-96-274-A (Shoreline Village), 5-98-042 (parking meters)]. 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 parking supplies include (Exhibit #3):

Marina Green Public Parking:

Marina Reserved Boat Owner Permit Parking:

Shoreline Village Shopping Center Parking:

Marina Mole Public Parking at Fishing Piers:

388 parking spaces

1,272 parking spaces

433 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.

Competition for parking is so intense that the Shoreline Village shopping center has installed a pay parking attendant system to discourage non-shoppers from using the Shoreline Village parking lot [See Coastal Development Permit 5-94-010 (Shoreline Village) & amendments], and the 1,272 space boat owners' parking supply is reserved for permit holders. General recreational visitors to the area must compete with the overflow boat owners and overflow shoppers for use of the 388 public parking spaces in the Marina Green parking area or the 29 public spaces on the marina mole near the fishing piers (Exhibit #3). There is a parking deficiency in the Downtown Marina area during peak use periods.

This amendment request includes a minor revision to the parking layout on the marina mole and installation of parking meters on all 38 public (non-permit) parking spaces required on Mole Road by Coastal Development Permit 5-97-283. The City proposes to provide and maintain 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 will also provide and maintain at least three public parking spaces and two handicapped parking spaces in the parking area currently reserved as support parking for the former marina headquarters building located at the very end of the marina mole road (Exhibit #4).

Currently, there are 29 existing public parking spaces located on the marina mole next to the three fishing piers. The City's proposal will improve public access to the marina mole area by providing nine additional public parking spaces on the marina mole road. As proposed by the City, and already required by Coastal Development Permit 5-97-283, there will be 38 public parking spaces located on the marina mole road.

Parking meters will be installed on all 38 public (non-permit) parking spaces on Mole Road in order to prevent long-term parking and to protect the public parking facilities that are not reserved for marina parking permit holders (slip renters/boat owners). Currently, there is not sufficient identification on the 29 existing public parking spaces and many automobiles are being ticketed. The proposed parking meters will clearly differentiate the public parking spaces from the permit-only boat owner reserved parking spaces. Additionally, the time limits which come with parking meters will discourage people from leaving their vehicles parked for long periods of time in the unrestricted parking spaces while they go out on boats. The public parking spaces are primarily used by people who fish nearby at the three fishing piers on the marina mole. The fishing people will be able to feed the parking meters at regular intervals because they typically remain close to their vehicles.

On April 7, 1998, the Commission approved Coastal Development Permit 5-98-042 for the installation of metered parking on 388 existing public parking spaces in the Marina Green parking lots located adjacent to the Downtown Marina (Exhibit #3). The metered parking proposal is part of the City's overall plan to implement a consistent parking management plan in the Downtown Shoreline area. The Downtown Shoreline area is currently undergoing a renaissance with

the establishment of several new developments that will attract large numbers of people to the coast. The new developments include the Long Beach Aquarium of the Pacific, Rainbow Harbor, and the newly reconstructed Shoreline Park. Established uses in the area, like the Downtown Marina, the beach, Shoreline Village shopping center, and the Long Beach Convention Center, already attract large numbers of people to the area. Without the proposed meters on the marina mole public parking spaces, those spaces will soon be the only uncontrolled parking spaces in the area. Any free parking in a land of pay parking will soon be occupied by long-term (all day and/or all night) parkers at the expense of people looking for the short-term (3-6 hours) parking necessary to support the recreational activities near the water.

Several parking reservoirs currently provide parking for the existing uses and will soon accommodate the additional demands of the new uses in the area. Shoreline Park and the 1st Place Beach each have their own metered parking lots for park and beach visitors. The Commission approved the parking meters in Shoreline Park as part of Coastal Development Permit 5-96-124 for the construction of Rainbow Harbor and the reconstruction of Shoreline Park. The Downtown Long Beach Marina has a parking reservoir of over 1,200 parking spaces which are available only to marina permit holders (boaters). The Long Beach Convention Center and the Hyatt Hotel have their own large parking reservoirs which charge a maximum of six to seven dollars for long-term (less than one day) parking (Exhibit #2).

The Downtown Shoreline area now has a brand new five-level, 1,471 space parking structure to serve the parking needs of Rainbow Harbor, Shoreline Park, the Long Beach Aquarium of the Pacific, and other Downtown Shoreline area attractions proposed and approved under the Queensway Bay Plan. The new parking structure charges six dollars for long-term (less than one day) parking.

The Shoreline Village shopping center includes a 433 space public parking lot located just west of the Marina Green public parking lots. Users of the Shoreline Village parking lot must make a purchase to receive a parking validation, or they must pay a parking fee of up to six dollars.

Free public parking at the coast is very rare in Los Angeles and Orange Counties. Most City, County and State beaches in Southern California now charge by the hour for parking (various rates) or they charge a flat rate of approximately five to seven dollars for a day use parking permit.

The City is attempting to bring about a more balanced use of the various parking reservoirs in the Downtown Shoreline through the management of the parking fees. The implementation of a consistent parking fee system, along with time controls to separate long-term parkers from short-term parkers, will lead to a more efficient use of the parking supply during the periods of high demand which are expected in the near future.

The issue of parking rates for visitors is an important issue to address for their effect on public access to the coast. Past experience in the Downtown Shoreline area (see Coastal Development Permit 5-94-010 and amendments) has shown that discrepancies between parking rates in adjacent parking facilities can lead to competition for parking spaces between the visitors to the various

attractions in the area. People will often drive around looking for the best parking deal when such discrepancies are known to exist. In the Downtown Shoreline area one can find a wide range of parking rates, from free to six dollars a day.

Competition for the free and lower cost parking spaces can result in the reduction of public access opportunities whenever the parking supply for one area or facility is filled-up, especially if it is filled-up with people visiting an entirely different facility of area. In order to protect and improve the public's ability to access this popular waterfront, it is important to have a coordinated parking management program for the Downtown Shoreline area.

The fees for parking can negatively impact the public's ability to access the coast. Excessively high parking fees for coastal visitors will discourage lower-cost recreational uses in the area. On the marina mole, the City proposes to charge the same rate approved by the Commission for the Marina Green parking lots and on Shoreline Drive: one dollar for each thirty minutes of time purchased. Based on the Commission's prior actions in Long Beach, two dollars per hour is not an excessively high parking rate.

Controls on time limits for parking may be used to separate the short-term parkers from the long-term parkers, and to protect public parking for recreational visitors near the beach or park that they are visiting. The unrestricted public parking on the marina mole should serve the lower-cost recreational users of the park and waterfront area. Specific parking reservoirs are provided for other uses in the area like the boat owners in the marina and the Shoreline Village shopping center. Special measures can be taken to encourage the users of these activities to use the specific parking supplies provided for those uses, while leaving the public parking available for fishers and park visitors. Such measures, which the Commission has previously required in the Shoreline Park and Marina Green public parking lots, will help to preserve public parking for coastal access.

The proposed project includes the installation of parking meters on the 38 marina mole public parking spaces that will not be reserved for use by marina parking permit holders. Measures must be taken to assure that the proposed metered parking spaces on the marina mole road are not monopolized by marina parking permit holders at the expense of persons who wish to use the park and fishing piers. Marina parking permit holders have 1,272 of their own reserved parking spaces at the marina. There will be only 38 public parking spaces available on the marina mole road for use by persons who do not have marina parking permits.

Therefore, in order to ensure that the proposed project does reduce the public's ability to access the marina mole, approval of the permit amendment is conditioned to require that the parking meters shall not allow persons to park their vehicles for more than two hours without returning to purchase additional time. However, the users of the public parking spaces on the marina mole shall be permitted to use the metered parking spaces for at least four hours (if they keep paying the required fee for each two hour interval) before being required to vacate the parking space. Therefore, public parking space users must return to their vehicles and purchase additional time at two hour intervals. Parking for longer than four hours may also be permitted.

The above stated condition is very similar to a condition that the Commission imposed on Coastal Development Permits 5-95-055, 5-96-124 and 5-98-042 for parking meters in the Shoreline Park and Marina Green public parking lots in order to keep aquarium visitors from using parking spaces in the park while they are inside the aquarium. The Shoreline Park condition limited the maximum time that could be purchased to ninety minutes at a time, with a minimum of four hours parking allowed before being required to vacate a parking space.

Furthermore, 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. 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. As conditioned, the approval of this permit amendment will protect public access opportunities to the marina mole and the coast. 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 proposed project will increase the amount of protected public parking spaces in the Downtown Shoreline 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.

Parking Demand of Yacht Club

The parking demand that will be generated by the proposed yacht club expansion is difficult to estimate. The City does not expect the parking demand of the yacht club to overburden the marina parking supply because about 85 percent of the members already have slips in the marina. The boat owners with slips in the marina are granted marina parking permits which allow them to park in the 1,272 reserved boat owners parking spaces located in the lots that surround the marina. Therefore, about 85 percent of the yacht club members are already using the marina parking supply and do not need additional parking spaces when they attend functions at the yacht club. Most of the yacht club members are expected to use dinghys for transportation from their slips to the proposed yacht club. Although the end of the marina mole is the most isolated part of the marina, it is within walking distance of all slips (one mile maximum).

Because most of the people who will attend the proposed yacht club functions are boat owners who are already permitted to park in the marina parking lot reserved for them, and because there is just nowhere to provide an additional parking supply, the applicants have not proposed to provide any additional parking spaces to serve the proposed yacht club expansion.

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 will compete for use of the parking spaces located near the club at the end of the marina mole. Since most of the marina mole spaces will already be occupied by the slip renters in the marina, the visitors to the club will have no choice but to park on the opposite side of the marina or in the Marina Green public parking spaces (Exhibit #3).

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.

An alternative to restricting the times of yacht club events is to prohibit the use of the public parking spaces in the marina area. The yacht club members, most of which have permits to park in the 1,272 reserved boat owner parking spaces that surround the marina, shall not reserve any parking spaces and shall be prohibited from using any of the metered public parking spaces located on the marina mole during the hours that the meter charge is in effect.

Therefore, in order to protect the public's ability to access the recreational facilities on the marina mole, the approval of the permit amendment is conditioned to prohibit the yacht club and its members from reserving 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. In addition, boat owners with marina parking permits and yacht club members shall be prohibited from using any of the public parking spaces located on the marina mole during the hours that the meter charge is in effect. A sign program shall be developed and implemented to clearly inform the public and the yacht club members and guests of the parking requirements. Only as conditioned is the proposed project consistent with the public access policies of the Coastal Act.

As conditioned to protect the public parking supplies in the area from overuse and exclusive use by the yacht club and its members, all visitors to the area will be able to find a parking space on a first-come, first-served basis, and will be able 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.

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 approximately 4,000 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 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 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.

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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

Appendix A

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

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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

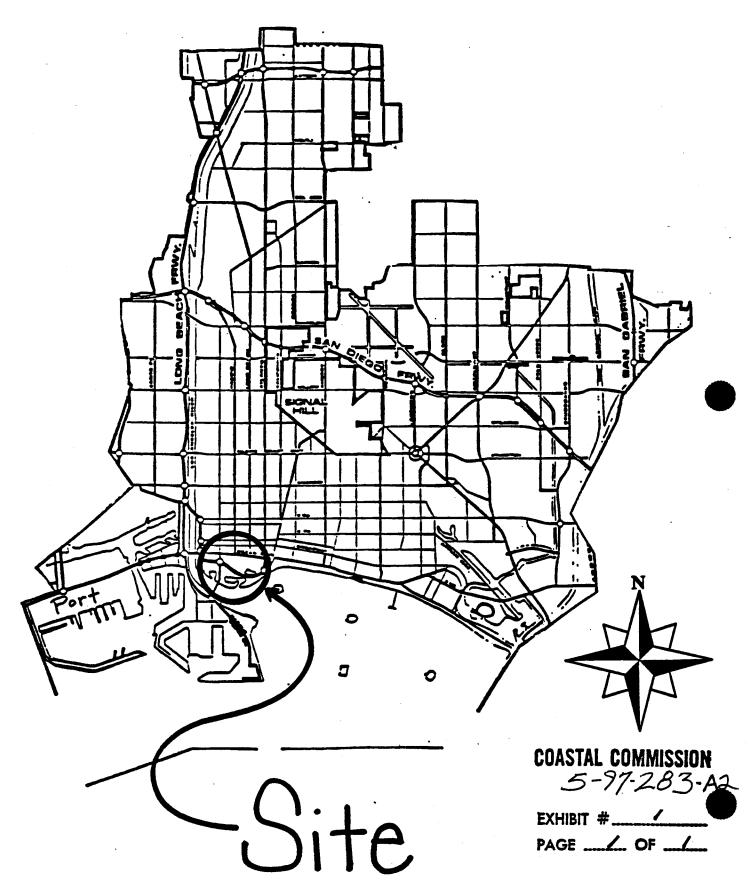
The development approved by Coastal Development Permit 5-97-283 does not include any work in or over coastal waters.

9. Commercial Uses

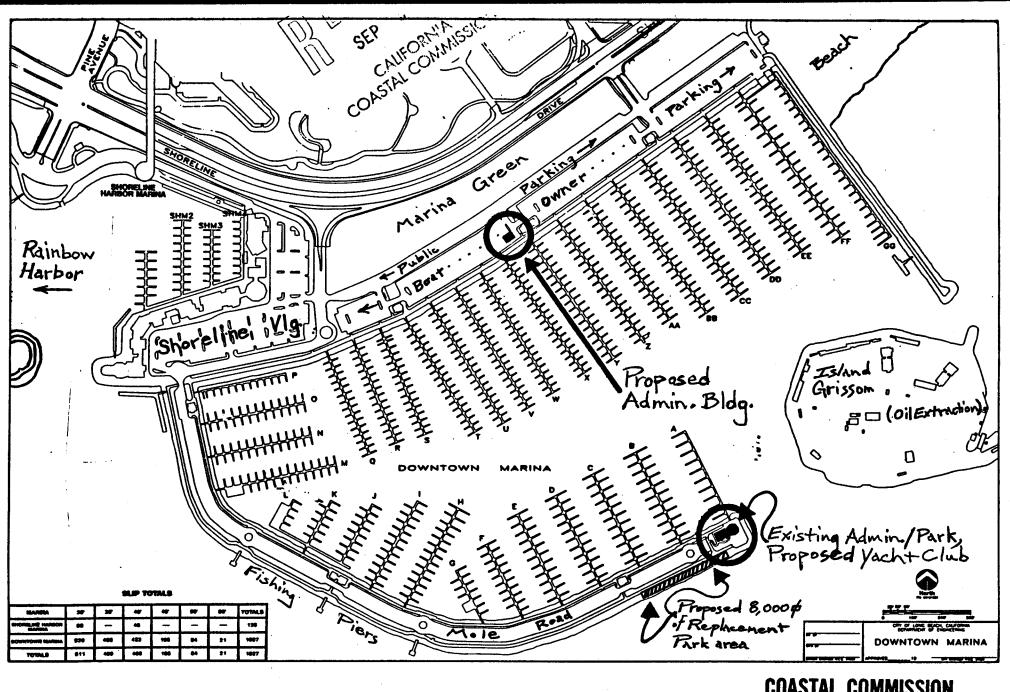
The development approved by Coastal Development Permit 5-97-283 does not include a restaurant or any commercial use in the Downtown Marina area.

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City of Long Beach



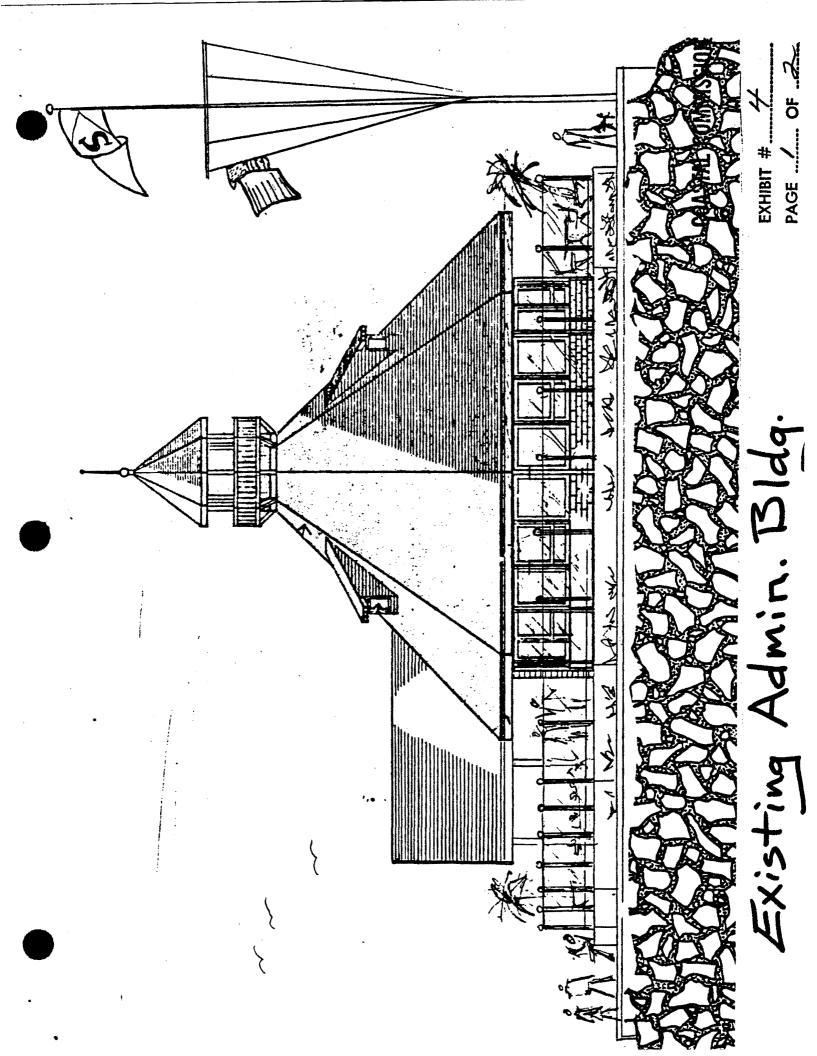


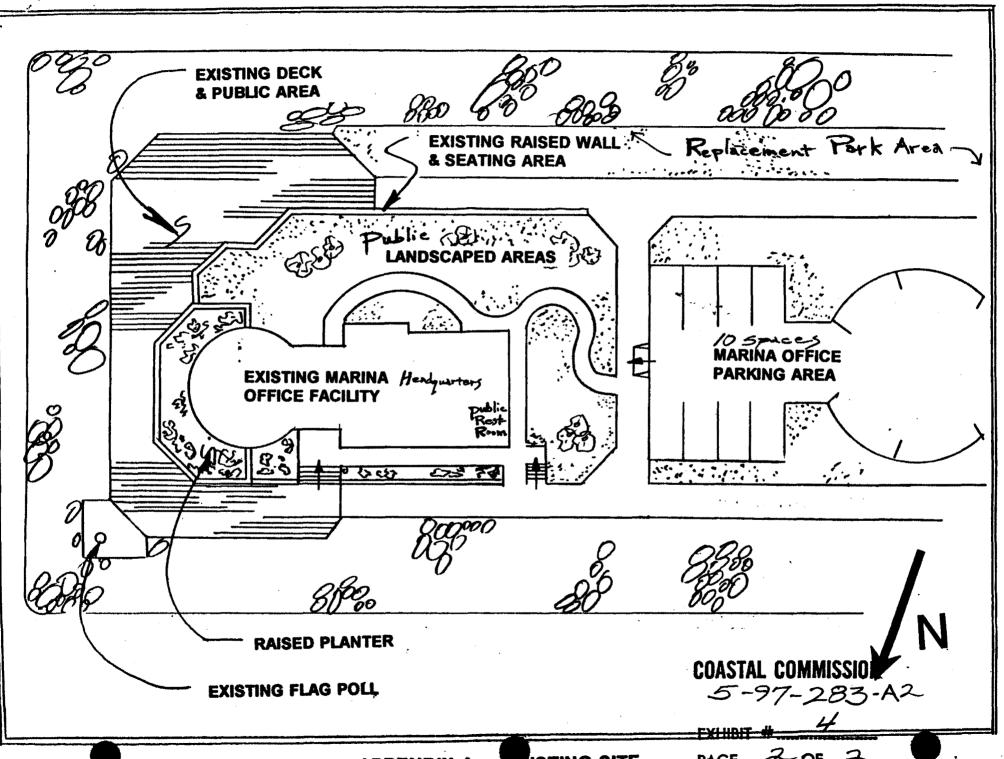


COASTAL COMMISSION

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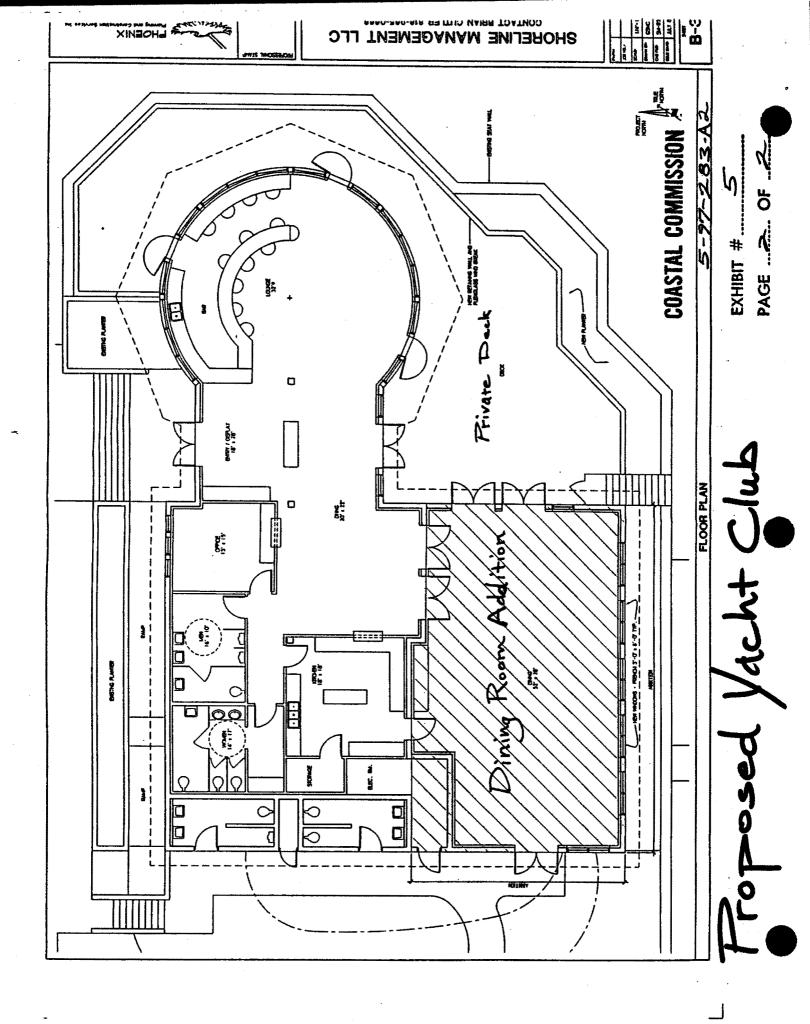


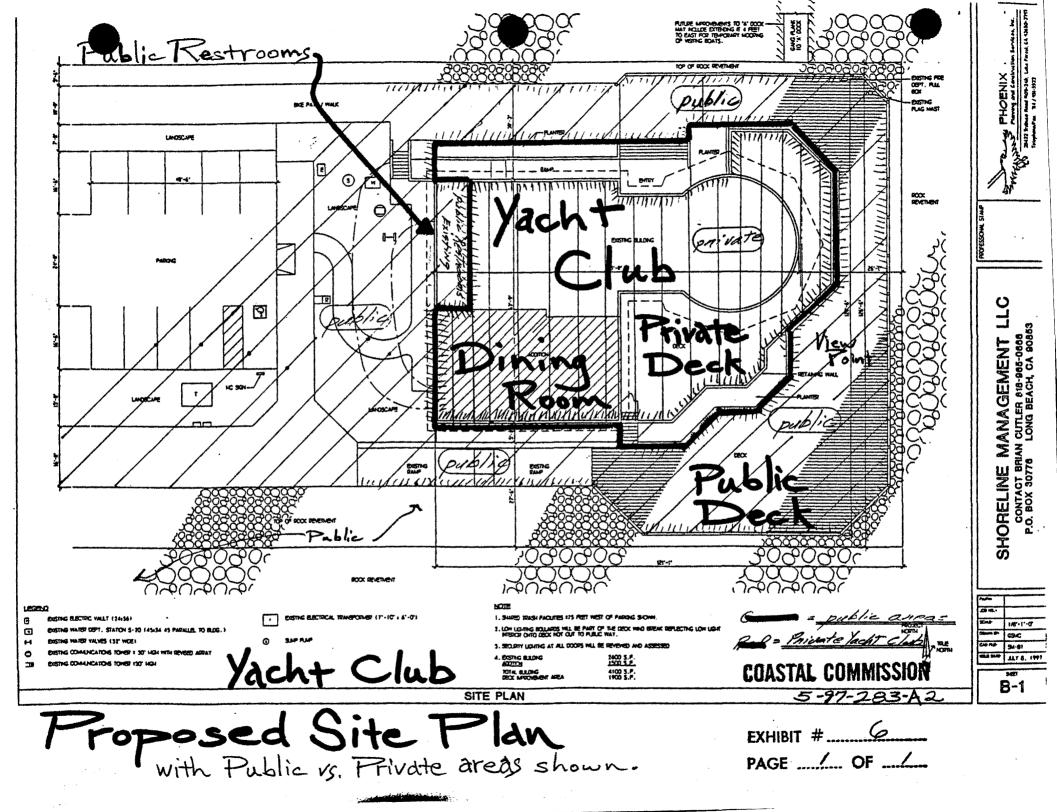


APPENDIX A. - TRISTING SITE

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CONTACT BRIAN CUTLER 818-965-0668 P.O. BOX 30776 LONG BEACH, CA 90863 CONTRACTOR CONC. 8-5 PHOENIX SHORELINE MANAGEMENT LLC POPESSOUND STA 5-97-283.A2 COASTAL COMMISSION Poposed Yacht Club (with addition) SOUTH ELEVATION NEW ROOF TO IMPOURDED NEW ILCOX YALL TO MATCH ENSTRE





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