

CALIFORNIA COASTAL COMMISSION

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 Staff: CP-LB
 Staff Report: 10/25/2001
 Hearing Date: November 13, 2001
 Commission Action:



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Item Tu13f**STAFF REPORT: REGULAR CALENDAR****RECORD PACKET COPY****APPLICATION NUMBER:** 5-01-275**APPLICANTS:** BANCAP Seaport Village, Inc. & City of Long Beach**AGENT:** HMR Architects, William Reseigh**PROJECT LOCATION:** 190 Marina Drive, Alamitos Bay Marina, City of Long Beach, Los Angeles County.**PROJECT DESCRIPTION:** Demolition of a two-story fire-damaged restaurant, and construction of a two-story, 19,740 square foot commercial structure containing a restaurant, retail stores and the applicant's on-site property management office.

| | |
|----------------------|---------------------------------|
| Lot Area | 8.05 acres |
| Building Coverage | 9,454 square feet |
| Pavement Coverage | 3,000 square feet (approx.) |
| Landscape Coverage | 6,000 square feet (approx.) |
| Parking Spaces | 330 in public parking lot |
| Zoning | Planned Development (PD-4) |
| Plan Designation | Commercial – Specialty Shopping |
| Ht above final grade | 30' parapet with a 38' cupola |

LOCAL APPROVALS: City of Long Beach Site Plan Review, Case No. 0105-09, 7/2/01.
City of Long Beach Ground Lease No. 24967, 10/31/96.**SUMMARY OF STAFF RECOMMENDATION**

The proposed project is located on State Tidelands situated within the Commission's area of original jurisdiction. Therefore, the applicants must obtain a coastal development permit from the Commission for the proposed development. Staff recommends that the Commission grant a permit for the proposed development with conditions relating to permit compliance, consistency with the State Tidelands Grant, the applicants' assumption of the risks of the development, and the implementation of appropriate Best Management Practices (BMPs) to prevent adverse impacts to the marine resources of Alamitos Bay and the San Gabriel River, both during demolition and construction and subsequent to completion of construction. **See page two for motion.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program.
2. Coastal Development Permit 5-92-126 (Long Moose, Inc.).
3. Coastal Development Permit 5-92-050 & amendment (Seaport Village parking lot).
4. Coastal Development Permit 5-92-314 (Marine Bazaar).
5. Coastal Development Permit 5-97-310 (Crab Pot).
6. Coastal Development Permit 5-98-481 (Alamitos Bay Landing sign).

STAFF NOTE:

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 area of original jurisdiction includes tidelands, submerged lands and public trust lands, whether filled or unfilled. The proposed project is located on filled tidelands within the Commission's area of original jurisdiction. Therefore, the proposed development must obtain a coastal development permit from the Commission. The Commission's standard of review 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 to **APPROVE** the coastal development permit with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-01-275 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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. Permit Compliance

Coastal Development Permit 5-01-275 permits the construction of a 19,740 square foot commercial structure for use as a restaurant (with a maximum of 2,245 square feet of indoor dining area, 1,580 square feet of tavern area, and 1,185 square feet of outdoor dining area), retail stores (6,435 square feet), and the applicant's 4,459 square foot on-site property management office. The permittees shall construct and maintain the proposed project consistent with the approved plans. Any proposed change in use or other deviation from the approved plans shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until the permit is amended by the Commission and issued by the Executive Director.

2. Consistency with State Tidelands Grant

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide written documentation to the Executive Director, including specific citation of the relevant sections of the applicable State Tidelands Grant, specifically demonstrating that the uses proposed in this application are consistent with the terms and conditions of the Legislature's grant of the property to the City of Long Beach. The

applicants shall also demonstrate that the State Lands Commission staff concurs and agrees that the uses proposed in this application are consistent with the terms and conditions of the Legislature's grant of the property to the City of Long Beach.

3. Protection of Marine Resources – During Demolition and Construction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit a project staging and construction plan, subject to the review and approval of the Executive Director, that includes specific staging and construction measures sufficient to prevent the unpermitted deposition, spill or discharge of any liquid or solid into the waters of Alamitos Bay or the San Gabriel River. At a minimum, the plan shall include the following provisions:

- a. The storage or stockpiling of the demolished structure, concrete, soil, silt, other organic or earthen materials, or any materials and chemicals related to the demolition and construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the San Gabriel River. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- b. No heavy machinery (except boats) will be allowed in the water at any time. Construction vehicles operating within fifty feet of the water shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the San Gabriel River. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- c. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- d. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or earlier if possible.
- e. Sandbags shall be used to prevent polluted runoff from entering stormdrains.
- f. At the end of each day's work, all grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site or entering stormdrains, and measures to control erosion must be implemented.

The permittees shall implement and carry out the project staging and construction during all demolition, construction and cleaning activities consistent with the approved by the Executive Director pursuant to this condition.

4. Protection of Marine Resources – After Construction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit plans, subject to the review and approval of the Executive Director, for the implementation of appropriate source control, treatment, and both structural and non-structural Best Management Practices (BMPs) to mitigate the volume, velocity, and pollutant load of stormwaters and nuisance flows from the development site. The BMPs shall include, but are not limited to the following:

- a. On a weekly basis, the applicants shall, sweep the parking areas and impervious surfaces to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
- b. The applicants shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
- c. Wash down areas for restaurant equipment and accessories shall be designed as follows: 1) The area should be self-contained, equipped with a grease interceptor (minimum capacity of 750 gallons), and properly connected to a sanitary sewer. 2) If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer. 3) The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

The permittees shall implement, maintain and carry out the plans for BMP's as approved by the Executive Director pursuant to this condition.

5. Assumption of Risk

A) By acceptance of this coastal development permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the permittees and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for

the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

B) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit a copy of a written agreement by the applicants, in a form and content acceptable to the Executive Director, accepting all of the above terms of subsection A of this condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicants propose to demolish a two-story fire-damaged restaurant and construct a new two-story, 19,740 square foot commercial structure (Exhibit #6). The existing 10,876 square foot structure, which would be demolished, was unsuccessfully operated by several lessees as a night-club/tavern (The Hop, Moose McGillycuddy's & La Mirage) before it was severely damaged by a fire in 1999. In 1992, the Commission approved Coastal Development Permit 5-92-126 (Long Moose, Inc.) for an expanded indoor dining area within the now-burnt building (converted from retail space) and a new 1,460 square foot outdoor patio dining area.

The proposed new building would have a different footprint and a substantially smaller tavern space (1,580 square feet) than the prior use (4,732 square feet). The footprint of the proposed structure would open a new view corridor through the site to Alamitos Bay (Exhibit #5). On the ground floor, the proposed commercial building would contain a restaurant and 2,752 square feet of retail space. The proposed restaurant includes 2,245 square feet of indoor dining area, 1,580 square feet of tavern space, and a 1,185 square foot outdoor dining patio (Exhibit #8). The second floor of the proposed structure would contain the applicant's (BANCAP) on-site property management office (4,459 square feet) and 3,683 square feet of retail space¹ (Exhibit #9).

The proposed project is located in the Alamitos Bay Landing (a.k.a. Seaport Village) shopping center, a marine-oriented commercial complex in Alamitos Bay, Southeast Long Beach (Exhibit #3). The commercial property is situated on filled tidelands within the Commission's area of original permit jurisdiction. The waters of Alamitos Bay are located only a few feet west of the proposed structure (Exhibit #6). The shopping center was built in the late 1960's and has struggled to remain economically viable for several years. In 1992, the Commission approved Coastal Development Permit 5-92-050 (City of Long Beach) permitting the expansion and modification of the public parking lot which serves the shopping center. The parking lot was expanded in 1993 for a total of 330 parking spaces.

¹ 5,021 square feet of the proposed building's 19,740 square foot area consists of the restaurant's kitchen, stairways, bathrooms and other common areas.

B. Land Use

Section 30222 of the Coastal Act requires that visitor-serving commercial uses be given priority over residential and other non-priority land uses.

Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed project is located on State tidelands rather than private lands. The City of Long Beach, however, administers the property and has leased it to private developers for commercial uses since the 1960's. Therefore, the site of the proposed commercial uses is managed as private property. Because the land is actually public property, and it is located immediately adjacent to the waters of Alamitos Bay, visitor-serving commercial uses should be given priority over residential and other non-priority land uses. The previous permitted use of the site, a restaurant, was a visitor-serving commercial use.

City of Long Beach Planned Development District PD-4, which is part of the certified City of Long Beach LCP, includes a list of principal permitted uses for Subarea One where the proposed project is located (Exhibit #11, ps.2-3). All of the uses permitted in PD-4 are visitor-serving commercial uses which, in some way, support or enhance public opportunities for coastal recreation. The certified LCP list of permitted uses for the project site includes various specialty retail uses, personal and professional services, and restaurant and entertainment uses. Residential uses, including transient residential uses like hotels and motels, are prohibited in PD-4. The certified LCP (PD-4) does not list general office use as a permitted use on the project site. The list of office uses permitted in PD-4 is very short, including only yacht broker, architect, oceanographic study and marine insurance, all of which are marine oriented uses that support public recreation opportunities in the marina.

The applicants' proposed retail and restaurant uses on the first and second floors of the proposed structure would support or enhance public opportunities for coastal recreation in the marina consistent with Section 30222 of the Coastal Act. The proposed second floor of the proposed structure, however, would contain the applicant's (BANCAP) on-site property management office. On-site property management offices are not specifically permitted or prohibited by Planned Development District PD-4, but the City has approved all of the proposed uses as being consistent with Planned Development District PD-4 (Exhibit #11).

The applicant (BANCAP) has stated in writing that the proposed office space is "specifically designated for the property management offices for Alamitos Bay Landing." Therefore, the proposed project does not include any general office uses or leasable office space that would be inconsistent with the certified LCP list of permitted uses in PD-4. The proposed property management offices would support the shopping center's existing and proposed visitor-serving commercial uses. The proposed property management office use is a use that is normally associated with the commercial uses permitted on the site, much like each restaurant and

retail use would have its own office for administration of the business. Therefore, the proposed on-site property management office on the second floor of the proposed structure does not conflict with the Chapter 3 policies of the Coastal Act or the certified LCP.

Any change of use, however, to another office use may not be consistent with the Chapter 3 policies of the Coastal Act and the certified LCP. Therefore, Special Condition One of the coastal development permit states that the approval is only for a commercial structure for use as a restaurant (with a maximum of 2,245 square feet of indoor dining area, 1,580 square feet of tavern area, and 1,185 square feet of outdoor dining area), retail stores (6,435 square feet), and the applicant's 4,459 square foot on-site property management office. This means that the proposed office space is not permitted to be leased, but is permitted to be used only by the applicant (BANCAP) as the property management offices for Alamitos Bay Landing. Any proposed change in use or other deviation from the approved plans shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. As conditioned, the proposed project will be maintained as a visitor-serving commercial use consistent with Section 30222 of the Coastal Act.

A question remains, however, whether the proposed property management office is consistent with the terms and conditions of the Legislature's grant of the State Tidelands property to the City of Long Beach. The State Tidelands Grant limits the use of tidelands to uses that further the Public Trust. Visitor-serving commercial uses that currently exist in the Alamitos Landing shopping center, such as retail uses and restaurants, are consistent with the terms and conditions of the Legislature's grant of the State Tidelands. Other uses like office and residential uses may not be consistent with the terms and conditions of the Legislature's grant of the State Tidelands.

In order to ensure that the proposed project, including all of the proposed uses, is consistent with applicable State Tidelands Grant, Special Condition Two requires the applicants to provide written documentation to the Executive Director demonstrating that the uses proposed in this application are consistent with the terms and conditions of the Legislature's grant of the property to the City of Long Beach. The applicants shall also demonstrate that the State Lands Commission staff concurs and agrees that the uses proposed in this application are consistent with the terms and conditions of the Legislature's grant of the property to the City of Long Beach. As conditioned, the proposed project is consistent with the Chapter 3 policies of the Coastal Act and the certified LCP

C. Public Access/Parking

One of the basic goals of the Coastal Act is to maximize public access to the coast. One of the methods commonly used to maximize public access to the coast is to ensure that there is enough parking available for visitors of the coast.

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 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 parking supply for the proposed project is the 330 space public parking lot that serves the Alamitos Bay Landing (a.k.a. Seaport Village) shopping center (Exhibit #4). Using the parking standards contained in the certified City of Long Beach LCP (PD-4), the applicants have designed the proposed project to balance the parking demand of the proposed new uses with the parking demand of the prior permitted uses, thereby ensuring that the proposed project would not increase the demand for parking at the shopping center.

The applicants acknowledge that the current parking supply for the shopping center cannot accommodate any increase in parking demand. A 1992 parking study by the City of Long Beach and Stevens/Garland Associates, Inc. (Dec. 1992). showed that the Seaport Village shopping center had a parking deficit of 153 spaces [See Coastal Development Permits 5-92-050 (City of Long Beach) & 5-92-126 (Long Moose)]. The 1992 parking study, however, also showed that there was a large surplus of parking available in the Alamitos Bay Basin One parking lot, which is located immediately north of the shopping center (Exhibit #2). Although the parking study is nine years old, there has not been any significant changes or development in the area which have significantly changed the pattern of parking in the area.

In any case, based on the parking standards that have been certified for use in Subarea One of Planned Development District PD-4, where the proposed project is located, the proposed project would not increase the parking demand of the shopping center (Exhibit #11, ps.1-2). Planned Development District PD-4, which is part of the certified LCP, requires parking at the following rates for the following uses:

| <u>Use</u> | <u>Parking per 1,000 sq. ft. of gross floor area</u> |
|---------------------------|--|
| Retail | 4.0 |
| Restaurant (Dining Areas) | 10.0 |
| Taverns | 20.0 |
| Dance Floor | 25.0 |

For patio dining, the City uses a parking standard of five spaces per 1,000 square feet of patio dining, which is half the rate required for indoor dining areas. The rate of five spaces per 1,000 square feet of patio dining is included in the commercial parking requirement table of certified LIP (Table 41-1C).

The applicants assert, and the City Planning Department has concurred, that the prior permitted uses in the 10,876 square foot fire-damaged building generate a parking demand of

107.5 parking spaces (Exhibit #5). The applicants' estimated parking demand figure of 107.5 spaces is consistent with the findings (data contained in the staff report) adopted by the Commission when it approved Coastal Development Permit 5-92-126 (Long Moose) in 1992. The Commission's prior action on the site, Coastal Development Permit 5-92-126, documented and approved 2,476 square feet of indoor dining area, 4,732 square feet of tavern area, and a 1,460 square foot outdoor patio dining area on the project site.

By eliminating the dance floor (13.5 spaces) and substantially reducing the amount of tavern area (1,580 square feet instead of 4,732 square feet), the applicants have managed to design a much larger structure (than the previous building) with a slightly reduced parking demand. The proposed 19,740 square foot structure, with its mix of retail, office, tavern and restaurant uses, would generate a parking demand of 103.7 parking spaces (Exhibit #5). Therefore, the proposed project will not generate any additional demands for parking in the Alamitos Bay Marina parking supplies, and will not negatively affect the public's ability to find a parking space in order to access the shoreline. Any change, however, in the balance of uses on the site could increase the demand for parking and cause an increase in the competition for the limited number of parking spaces in the marina. An increase in parking demand could have a negative effect on public access to the shoreline.

Special Condition One of the coastal development permit states that the approval is only for a commercial structure for use as a restaurant (with a maximum of 2,245 square feet of indoor dining area, 1,580 square feet of tavern area, and 1,185 square feet of outdoor dining area), retail stores (6,435 square feet), and the applicant's 4,459 square foot on-site property management office. Any proposed change in use or other deviation from the approved plans shall be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

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

D. Public Access along the Shoreline

The waters of Alamitos Bay are located only a few feet west of the proposed structure (Exhibit #6). The certified City of Long Beach LCP protects the public's right to access the shoreline along Alamitos Bay where the proposed project is located. Planned Development District PD-4, which is part of the certified LCP, specifically requires that:

"Pedestrian access shall be maintained along the water's edge of the marina and at marina channels at all locations where it exists at the time of adoption of this plan."
[See Exhibit #11, p.1].

The Coastal Act also protects the public's right to access the shoreline. 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 consistent with the certified LCP shoreline access requirement, Section 30210 of the Coastal Act, and Section 30212 of the Coastal Act which states, in part, that "public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...". A public sidewalk already exists along the water's edge, between the project site and the waters of Alamitos Bay (Exhibit #7). The proposed project would not inhibit or interfere with the public's continued use of the existing sidewalk. Therefore, the proposed project, as conditioned to conform to the approved plans, is consistent with the public access policies of the Coastal Act and the certified LCP.

E. Protection of Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located immediately adjacent to the coastal waters of Alamitos Bay and near the San Gabriel River Estuary (Exhibit #3). The standard of review for the proposed development is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

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.

The proposed project poses a potential source of pollution due to contaminated runoff from the demolition and construction site, from the parking area, and from the proposed restaurant use. Runoff from the site would enter the City's stormdrain system and would ultimately be discharged into the marine environment. In addition, grease from the proposed restaurant could contribute to sewer blockages. Sewer blockages have resulted in sewer spills which have reached and polluted the marine environment.

To mitigate potential impacts to marine resources caused by polluted runoff leaving the site, Special Conditions Three and Four require the applicants to incorporate best management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site.

Special Condition Three requires the implementation of BMPs to prevent adverse impacts to the marine resources of Alamitos Bay and the San Gabriel River during demolition and construction of the proposed project. The BMPs shall include, but are not limited to the following:

- a. The storage or stockpiling of the demolished structure, concrete, soil, silt, other organic or earthen materials, or any materials and chemicals related to the demolition and construction shall not occur where such materials/chemicals could pass into the waters of Alamitos Bay or the San Gabriel River. Any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible.
- b. No heavy machinery (except boats) will be allowed in the water at any time. Construction vehicles operating within fifty feet of the water shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Alamitos Bay or the San Gabriel River. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- c. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all stormdrains, open ditches and surface waters.
- d. All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or earlier if possible.
- e. Sandbags shall be used to prevent polluted runoff from entering stormdrains.
- f. At the end of each day's work, all grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site or entering stormdrains, and measures to control erosion must be implemented.

Special Condition Four requires the implementation of BMPs to prevent adverse impacts to the marine resources of Alamitos Bay and the San Gabriel River subsequent to completion of construction. The BMPs shall include, but are not limited to the following:

- a. On a weekly basis, the applicants shall, sweep the parking areas and impervious surfaces to remove sediment, debris, and vehicular residues. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
- b. The applicants shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease, and other pollutants in runoff.
- c. Wash down areas for restaurant equipment and accessories shall be designed as follows: 1) The area should be self-contained, equipped with a grease interceptor (minimum capacity of 750 gallons), and properly connected to a sanitary sewer. 2) If the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer. 3) The grease interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

Kitchen grease from restaurants has been identified as a major cause of sewer blockages which have resulted in sewer spills which have reached and polluted the marine environment (Orange County Grand Jury, Reported by Los Angeles Times, 9/6/2001). The required grease interceptor would substantially reduce the amount of kitchen grease that would normally be washed down the kitchen's drains into the sewer system. Once in the sewer system, the grease can coagulate and stick to the pipes, thus causing blockages in the sewer pipes.

The required 750-gallon grease interceptor, which measures about ten feet long, five feet wide and five feet deep, would be installed in the ground during construction of the proposed new restaurant building. The required grease interceptor costs about \$50,000. Waste water would be drained from the kitchen sinks and wash down areas of the proposed restaurant and then filtered through two or three chambers of the interceptor where the grease would float to the top. Contractors can be hired to regularly pump the system clean by stretching vacuum hoses through manhole covers. The restaurant's wastewater, with the grease filtered out, would then be discharged into the sewer system. Installation of the required grease interceptor would mitigate the proposed restaurant's impacts to the sewer system by reducing the potential of sewer spills in the Alamitos Bay area. Only as conditioned is the proposed project consistent with Sections 30230 and 30231 of the Coastal Act.

As conditioned, the proposed project is consistent with past Commission action with regards to water quality requirements and will minimize water quality impacts. The Commission, therefore, finds that, as conditioned, the development will be consistent with Section 30230 and 30231 of the Coastal Act.

F. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected.

The proposed project would replace an existing two-story building with a new two-story building in the same location. The footprint of the new structure is different than the former building (Exhibit #6). The footprint of the proposed structure would open a new view corridor through the site to Alamitos Bay (Exhibit #5). The public accessways that surround the project site provide public views of the marina and Alamitos Bay (Exhibit #6). These public accessways will not be affected by the proposed project.

The roof parapet of the new building is thirty feet in height above the existing grade, five feet below the 35-foot height limit (Exhibit #10). The proposed cupola, which extends to 38 feet in height, is an architectural projection. Similar architectural projection have been permitted by the City and the Commission to exceed the height limit in the marina area as long they do not negatively effect public views or visual resources [(See Coastal Development Permit A-5-LOB-98-336 (Marina Shores)]. The proposed 38-foot high cupola will not have a negative impact on public views or visual resources.

The proposed project also includes an outdoor dining area surrounded by a five-foot high wind break (Exhibits #8&10). The proposed dining patio and its windbreak would partially obscure a thirty-foot length of public view along a 300-foot long shoreline area. The 300-foot wide shoreline area is currently obstructed only by palms and a utility cage (Exhibit #2: shoreline from project site to Berth #1).

The proposed project, however, will result in an overall enhancement in the visual quality of the area. The visual quality will be enhanced through the replacement of a dilapidated and damaged structure with a new building, while providing a new view thirty-foot wide corridor through the site. The provision of the new view corridor would mitigate the blocking of the small part (about 30') of the public's view across the site of the proposed dining patio and its windbreak. In addition, the proposed dining patio and its windbreak would not totally block the view because it would be constructed with see-through materials in order to allow diners to view the Bay while eating, and it would not exceed five feet in height. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

G. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Developments located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion. The proposed project is located on filled tidelands on the shore of Alamitos Bay and is susceptible to these natural hazards. No development near the water can be guaranteed to be safe from hazard.

The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the permittees understand and assume the potential hazards associated with development in or near the water.

Therefore, by acceptance of this coastal development permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the permittees and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (iv).

Only as conditioned is the proposed project is consistent with Section 30253 of the Coastal Act.

H. Local Coastal Program

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 proposed project is situated on filled tidelands within the Commission's area of original permit jurisdiction. Therefore, a coastal development permit must be obtained from the Commission. The Commission's standard of review 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. The City of Long Beach LCP was certified by the Commission on July 22, 1980.

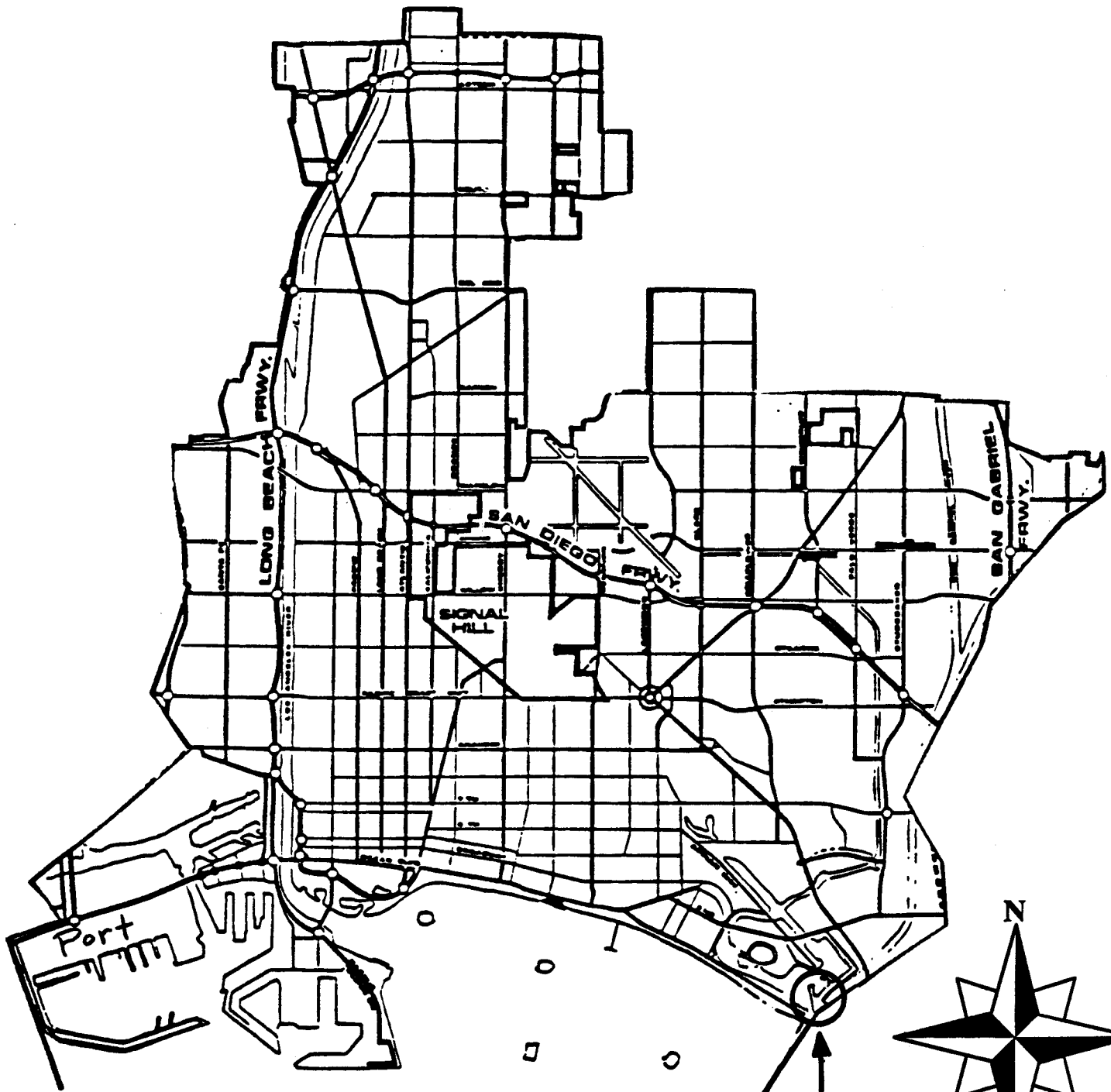
The LCP includes standards (Planned Development District PD-4) which address development in the Alamitos Bay Marina (Exhibit #11). These standards include the previously mentioned parking standards, public access protections and building height limit. The proposed project, as conditioned, complies with the policies of the LCP and the Coastal Act.

I. California Environmental Quality Act (CEQA)

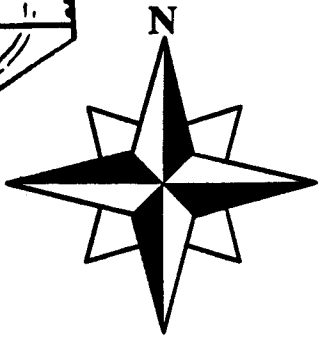
Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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 has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, 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 to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

City of Long Beach

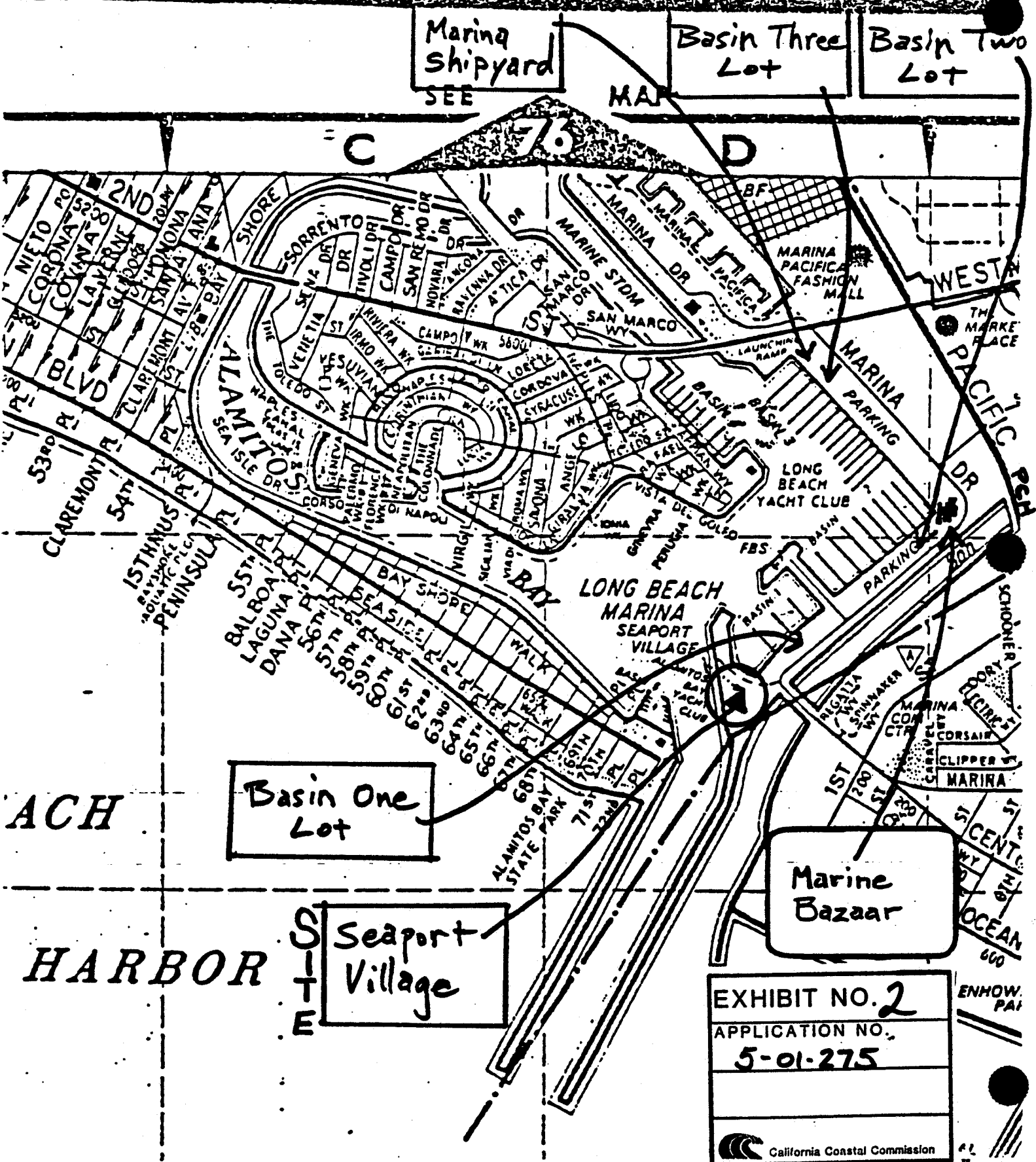


Seaport Village



COASTAL COMMISSION
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EXHIBIT # 1
PAGE 1 OF 1



Marina Shipyard
SEE

Basin Three Lot

Basin Two Lot

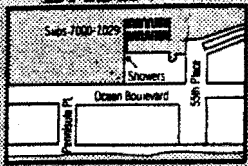
Basin One Lot

Marine Bazaar

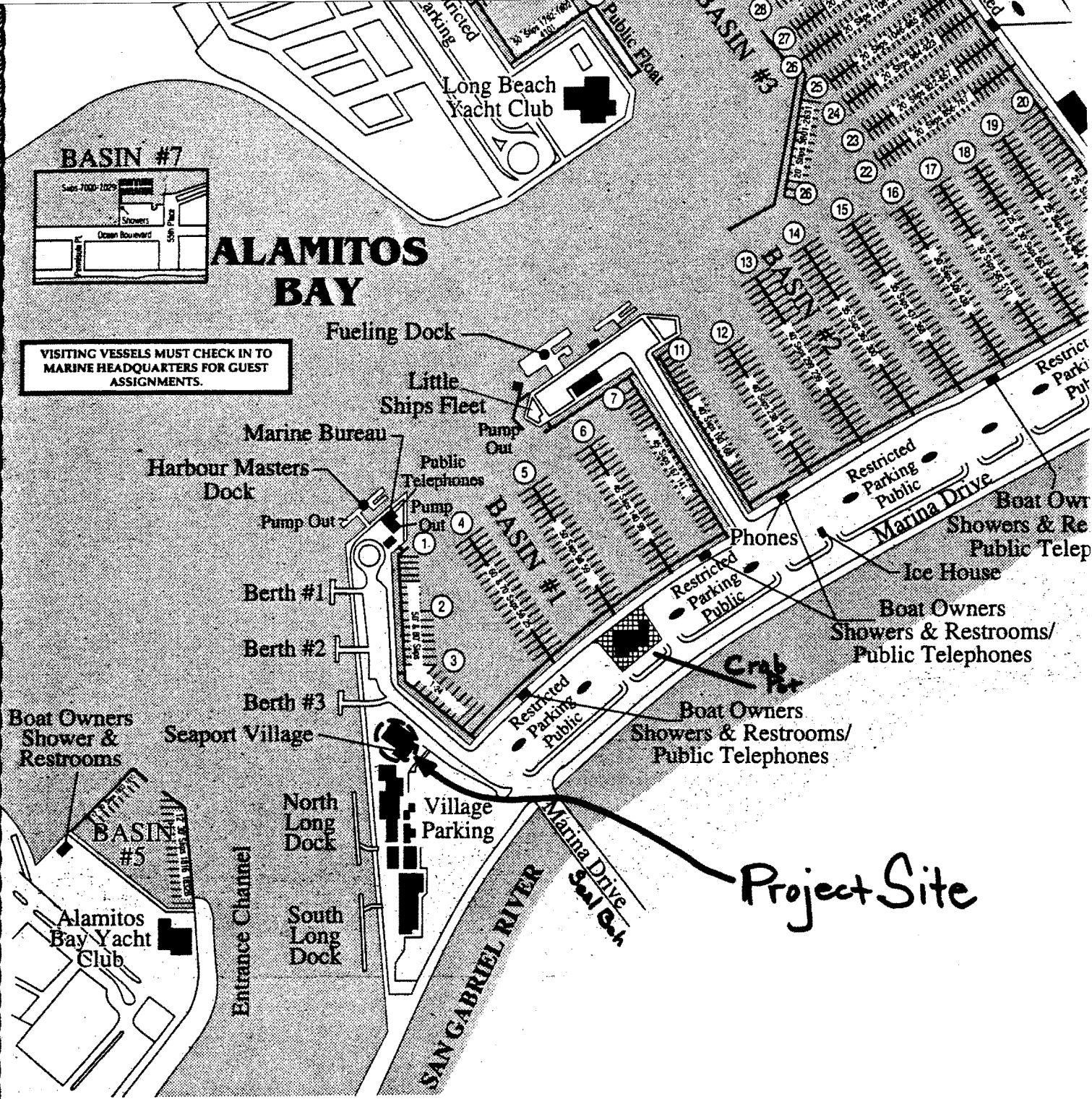
Seaport Village

EXHIBIT NO. 2
APPLICATION NO.
5-01-275

ALAMITOS BAY



VISITING VESSELS MUST CHECK IN TO MARINE HEADQUARTERS FOR GUEST ASSIGNMENTS.



FACILITIES

- 1,975 Slips
- Dock Boxes
- Dinghy Storage
- 24 Hour Security
- Parking
- Boat Owners Showers & Restrooms
- Fuel Dock
- Pump Out Stations
- Ice
- Slips 16' - 124'
- Mail Boxes For Live Aboards



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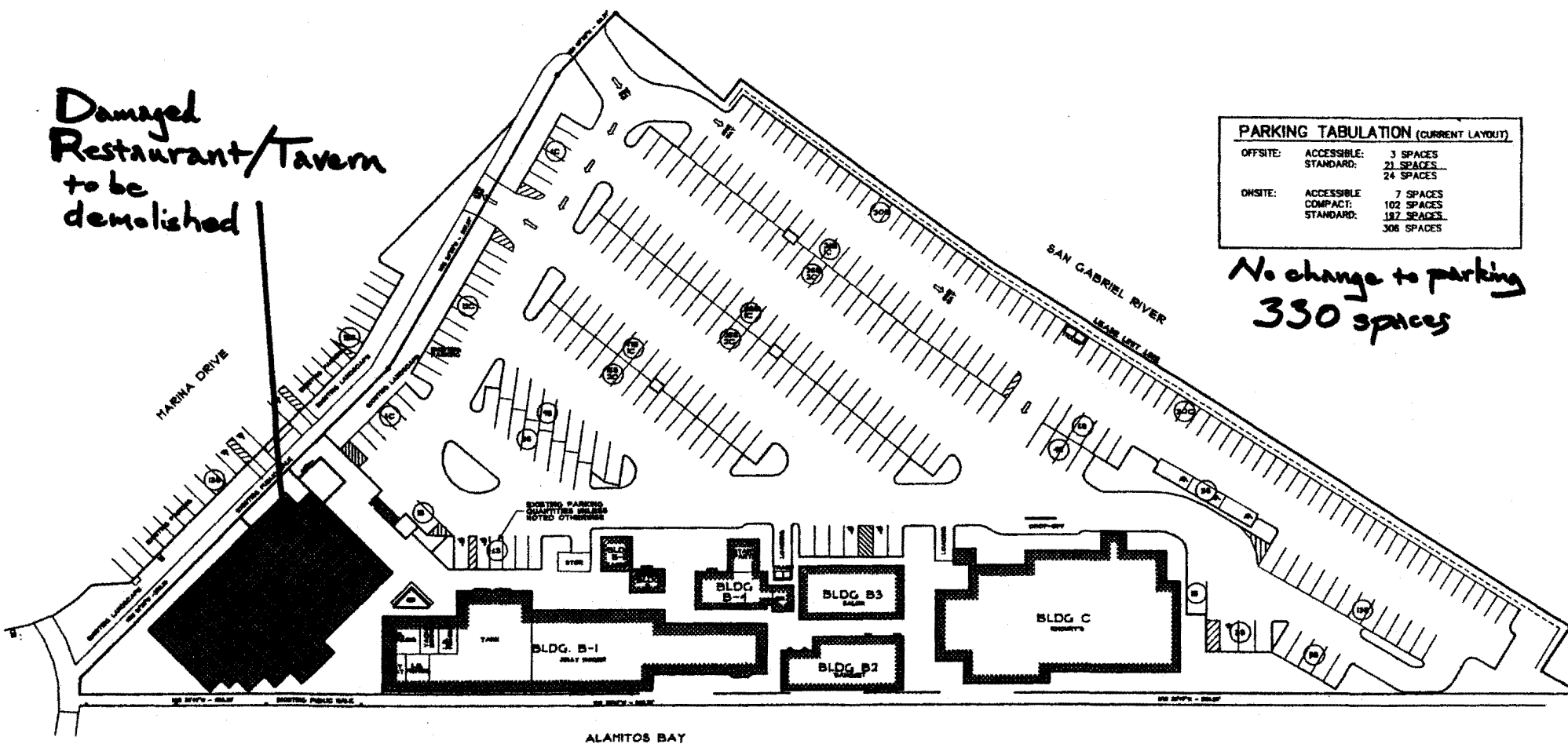
EXHIBIT # 3

PAGE 1 OF 1

Damaged
Restaurant/Tavern
to be
demolished

| PARKING TABULATION (CURRENT LAYOUT) | | |
|-------------------------------------|-------------|------------|
| OFFSITE: | ACCESSIBLE: | 3 SPACES |
| | STANDARD: | 21 SPACES |
| | | 24 SPACES |
| ONSITE: | ACCESSIBLE: | 7 SPACES |
| | COMPACT: | 102 SPACES |
| | STANDARD: | 187 SPACES |
| | | 306 SPACES |

No change to parking
330 spaces



CURRENT SITE PLAN

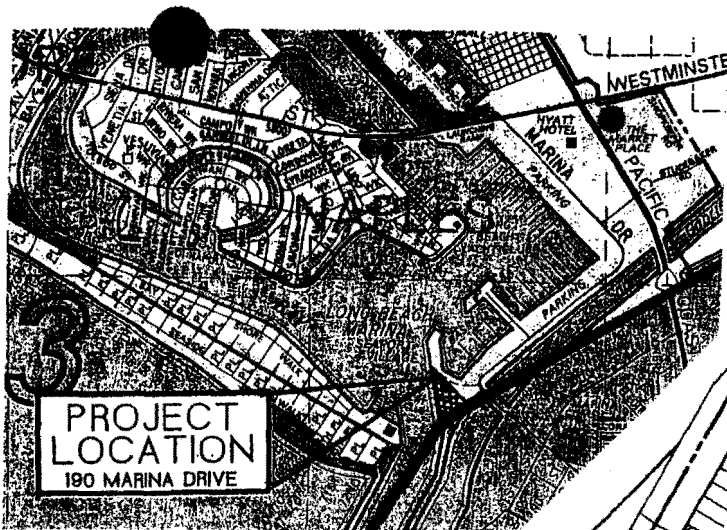


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5-01-275

EXHIBIT # 4

PAGE 1 OF 1



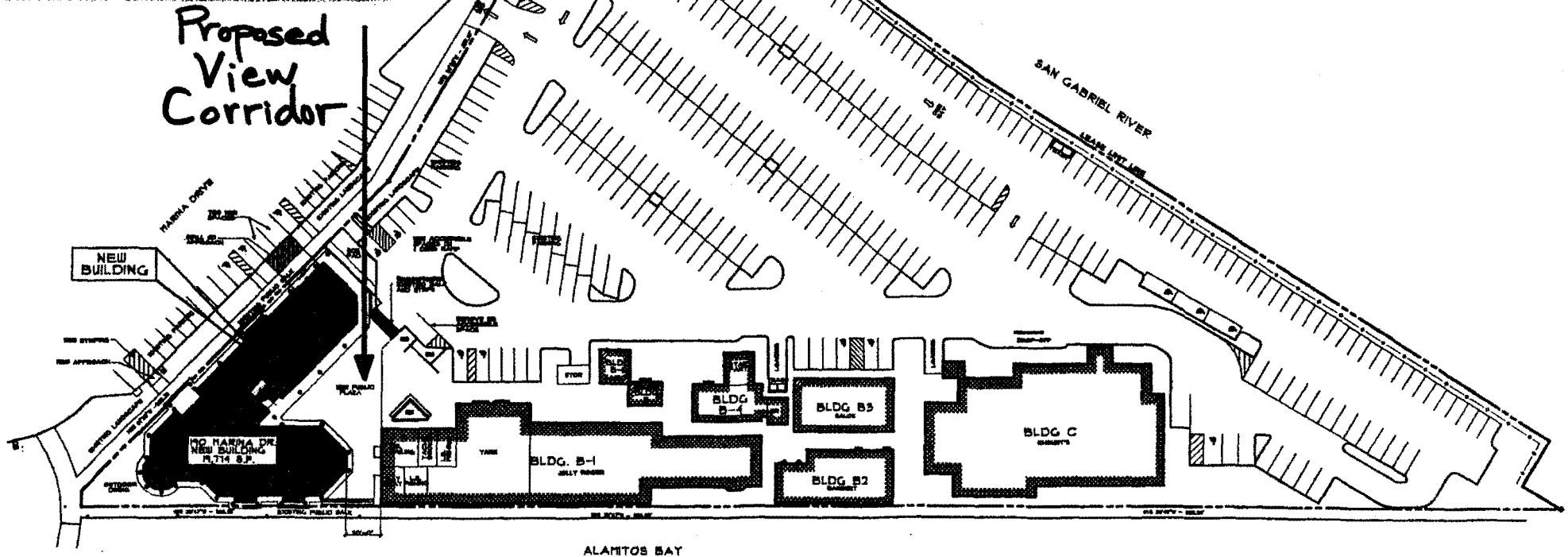
7-25-01

PARKING REQUIRED FOR EXISTING FIRE-DAMAGED RESTAURANT:

| | | | |
|---------------------------------|---------------------------------|-------------|---------------------|
| La Mirage: | 10,876 s.f. | | |
| Dining: | 1,200 s.f. @ 10 cars/1000 s.f.= | 12.0 spaces | |
| Patio Dining: | 1,200 s.f. @ 5 cars/1000 s.f.= | 6.0 spaces | |
| Pool Billiards: | 200 s.f. @ 5 cars/1000 s.f.= | 1.0 spaces | |
| | Plus an additional 2 spaces= | 2.0 spaces | |
| Tavern: | 3,500 s.f. @ 20 cars/1000 s.f.= | 70.0 spaces | |
| Dance Floor: | 540 s.f. @ 25 cars/1000 s.f.= | 13.5 spaces | |
| Office (2 nd floor): | 740 s.f. @ 4 cars/1000 s.f.= | 3.0 spaces | |
| | Total: | | 107.5 spaces |

**PARKING REQUIRED WITH PROPOSED MIXED-USE BUILDING
NEW MIXED-USE BUILDING AT 190 MARINA DRIVE: 19,774 s.f.**

| | | | |
|------------------------|---------------------------------|-------------|---------------------|
| Restaurant: | | | |
| Dining: | 2,245 s.f. @ 10 cars/1000 s.f.= | 22.5 spaces | |
| Patio Dining: | 1,185 s.f. @ 5 cars/1000 s.f.= | 5.9 spaces | |
| Tavern: | 1,580 s.f. @ 20 cars/1000 s.f.= | 31.6 spaces | |
| | Total: | 60 | |
| Property Mgmt. Office: | 4,459 s.f. @ 4 cars/1000 s.f.= | 17.9 | |
| Retail/Commercial: | 6,435 s.f. @ 4 cars/1000 s.f.= | 25.8 | |
| | | | 103.7 spaces |



**Proposed
SITE PLAN**

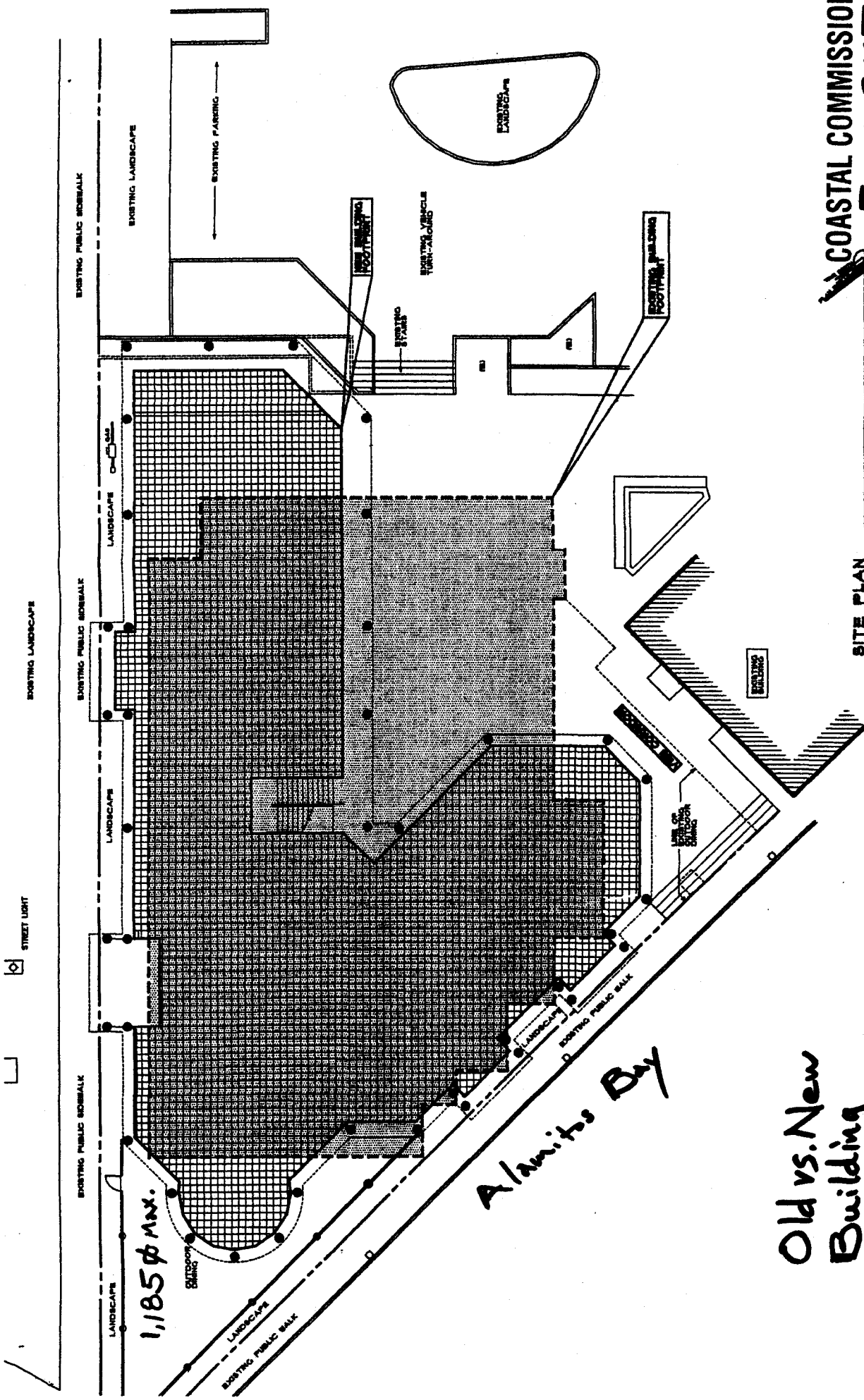


COASTAL COMMISSION

5-01-275

EXHIBIT # 5

PAGE 1 OF 1

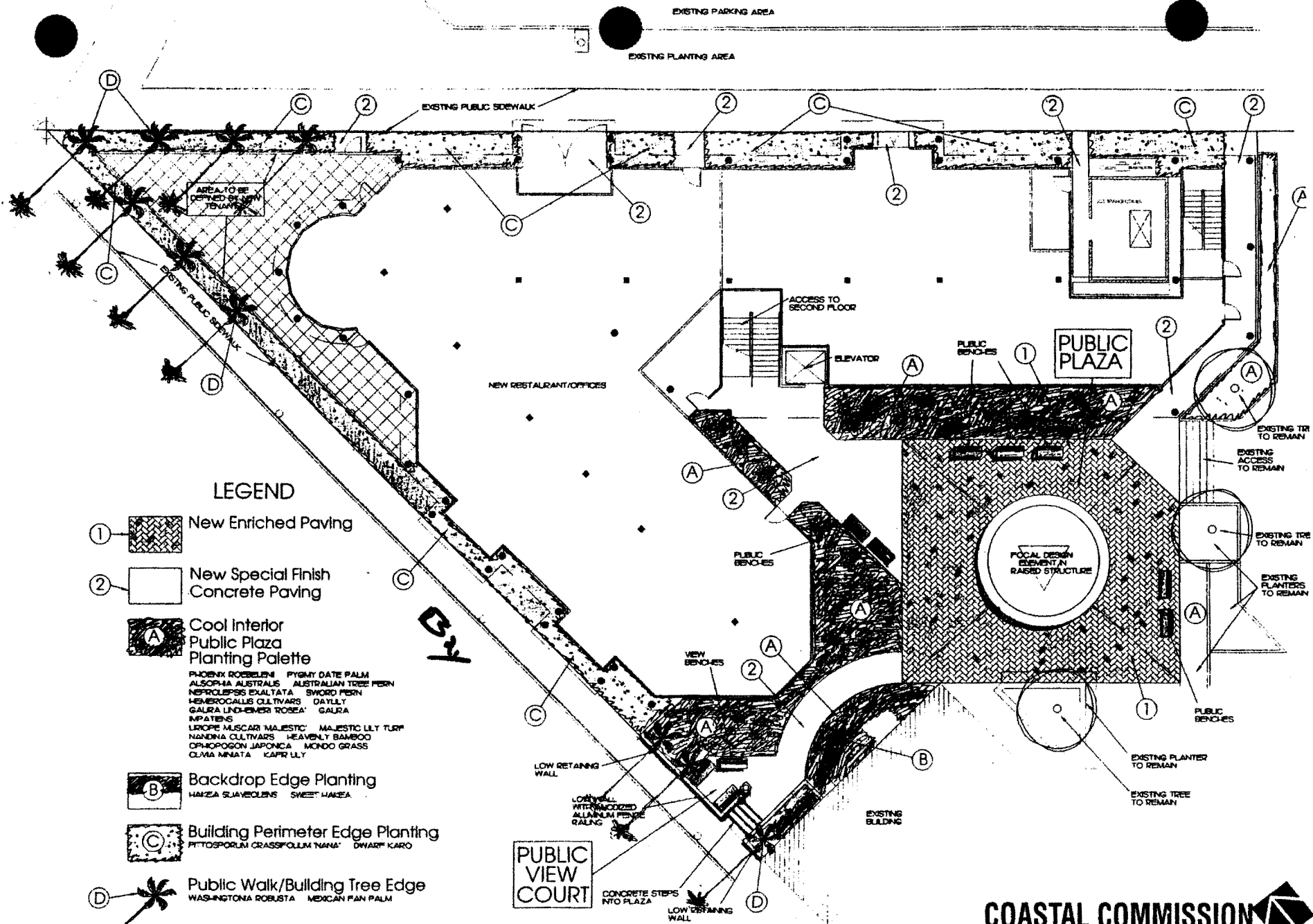


COASTAL COMMISSION
5-01-275

EXHIBIT # 6
PAGE 1 OF 1

SITE PLAN
SCALE

Old vs. New
Building
Footprints



LEGEND

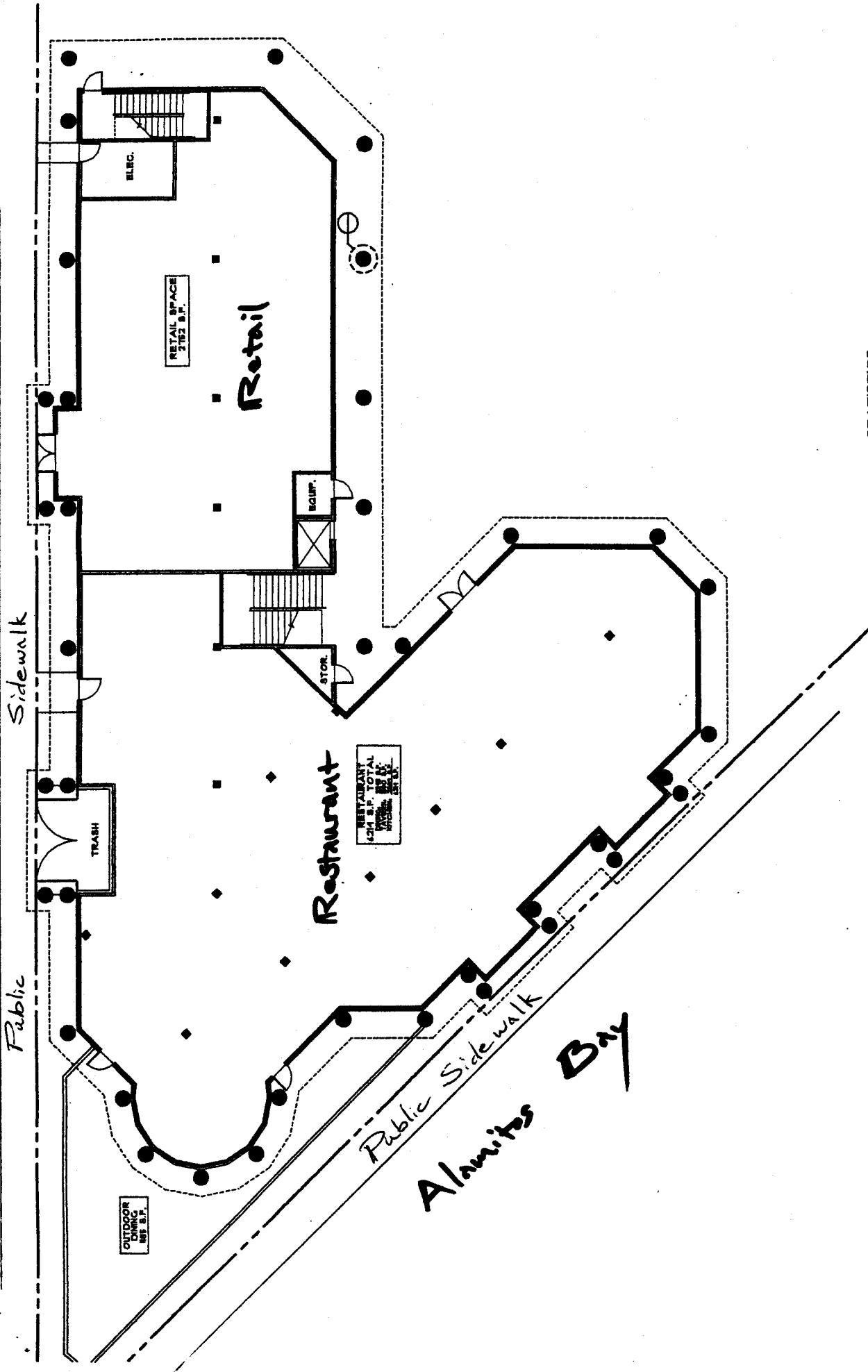
- ① New Enriched Paving
- ② New Special Finish Concrete Paving
- Cool Interior Public Plaza Planting Palette
 PHOENIX ROSEBUD PYGMY DATE PALM
 ALSCOPHA AUSTRALIS AUSTRALIAN TREE FERN
 NEMROPSIS EXALTATA SWORD FERN
 HEMEROCALLIS CULTIVARS DAY LILY
 GALURIA LINDLENER ROSEA GALURIA
 IMPATIENS
 LIRIOPE MUSCAR MAJESTIC MAJESTIC LILY TURF
 NANDINA CULTIVARS HEAVENLY BAMBOO
 OPHIOPOGON JAPONICA MONDO GRASS
 CLIVIA MINATA KAFFIR LILY
- Backdrop Edge Planting
 HANZA SLAVEOLBIS SHEET HAKEA
- Building Perimeter Edge Planting
 PITTOSPORUM CRASSIFOLIUM 'NANA' DWARF KARO
- Public Walk/Building Tree Edge
 WASHINGTONIA ROBUSTA MEXICAN FAN PALM

Proposed Site Plan

COASTAL COMMISSION
 5-01-275

EXHIBIT # 7
 PAGE 1 OF 1



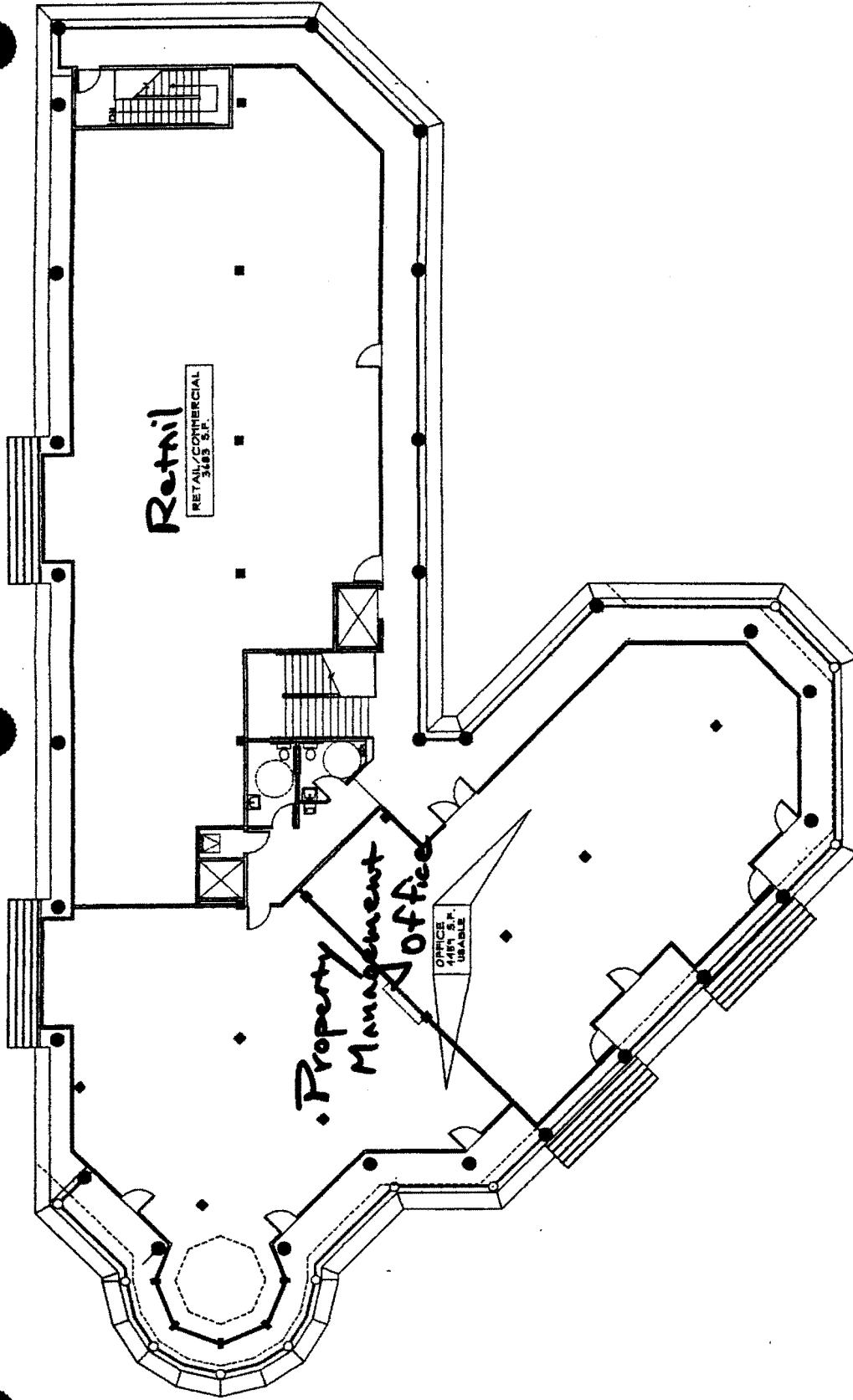


STATISTICS:
 LEASABLE AREA 4204 S.F.
 RESTAURANT 1424 S.F.
 COMMON AREAS 2180 S.F.

FIRST LEVEL FLOOR PLAN

COASTAL COMMISSION
 5-01075

EXHIBIT # 8



Retail
 RETAIL/COMMERCIAL
 3465 S.F.

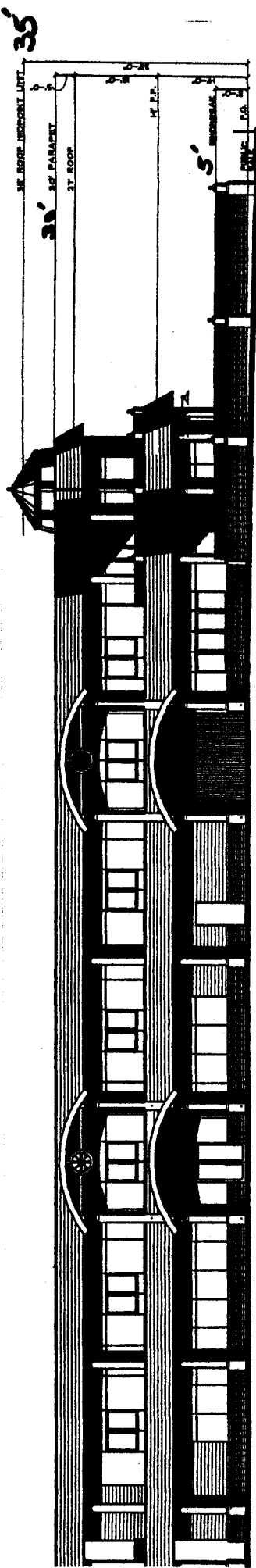
Property Management Office

OFFICE
 447 S.F.
 USABLE

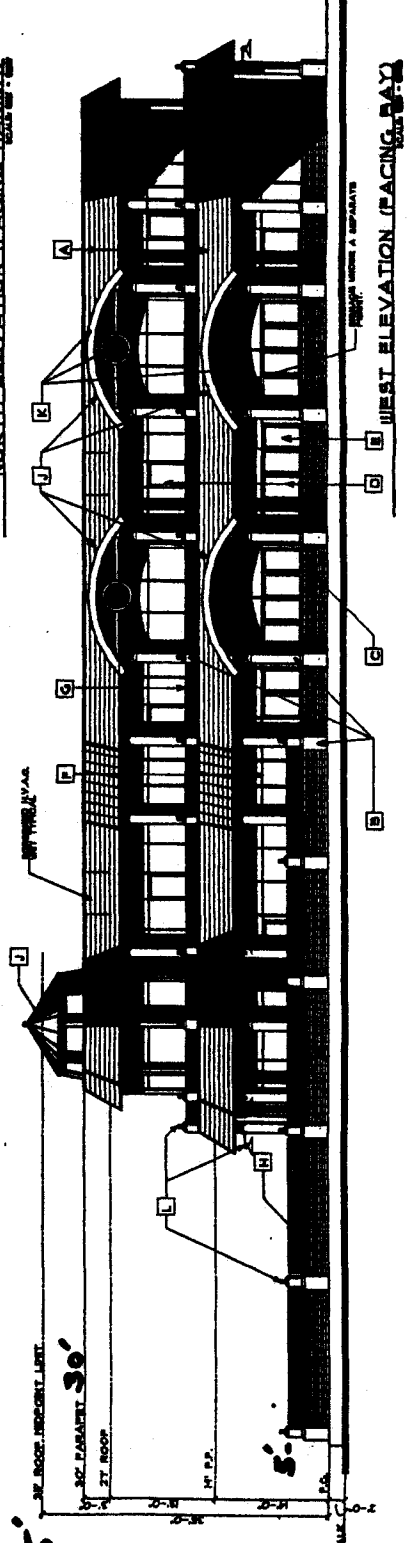
STATISTICS
 OFFICE SPACE: 4483 S.F.
 LEASABLE SPACE: 3483 S.F.
 DECK/BALCONY: 1133 S.F.
 COMMON AREA: 1022 S.F.

SECOND LEVEL FLOOR PLAN
COASTAL COMMISSION
5-01-275

EXHIBIT # **9**



NORTH ELEVATION (FACING MARINA)



WEST ELEVATION (FACING MARINA)

FINISH LEGEND

| | |
|---|---|
| A | WOOD SHIP-LAP, "HARDPLANK" T, PARTED TO 84" |
| B | CONCRETE COLUMN, SANDBLASTED |
| C | BRICK VENEER, "BIRDCOTT" GREY |
| D | GLASS, "PPG SOLARSHIELD" |
| E | OPERABLE WINDOWS, CABINET, "POSSIDCOAT" TRAIL |
| F | STEEL POST AND RAILS, "POSSIDCOAT" TRAIL AT 1ST FLOOR |
| G | CLEAR ANODIZED ALUMINUM, "PPG ASSEMBLY" GLASS |
| H | GUARDRAIL, CLEAR GLASS |
| I | BRICKWORK, STANBROOK BRICK, "ATAS, TRAIL STY" |
| J | METAL ROOF, STANDING SEAM, "ATAS, TRAIL STY" |
| K | PARTED STEEL, TO 100% TRAIL, INDUSTRIAL SPEC. |
| L | LIGHT POLYURETHANE, "PPG POSSIDCOAT WHITE" |

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EXHIBIT # 10
PAGE 1 OF 1

PLANNED DEVELOPMENT FOR LONG BEACH MARINA (PD-4)

The intent of the Planned Development Plan is to provide a set of land use regulations for the Long Beach Marina. This is a unique area and facility. Such factors make the established Zoning Regulations inappropriate in this location. The area is also of sufficient interest to the surrounding community, including all the abutting areas in the SEADIP Planned Development Plan to warrant public review of each development proposal.

In reviewing and approving site plans and tract maps for the development of the area, the City Planning Commission shall be guided by the goals and policies of the General Plan and the General Development and Use Standards specified herein. The Commission shall not permit variance from those standards unless it finds that such variance meets the intent of the original standards and is consistent with the overall goals and objectives of the adopted Local Coastal Plan.

Any variance from those standards shall only be allowed if the following finding of fact is made:

- o The variation will have no adverse affect on access along the shoreline including physical, visual or psychological characteristics of access.

GENERAL DEVELOPMENT AND USE STANDARDS

- a. **Uses.** To be described in development and use standards for individual subareas.
- b. **Access.**
 - (1) Vehicular access to all parking facilities shall be from Marina Drive.
 - (2) Pedestrian access shall be maintained along the water's edge of the marina and at marina channels at all locations where it exists at the time of adoption of this plan.
- c. **Building Design.**
 - (1) Style. All new buildings shall be appropriately designed so as to be consistent with a coastal oriented design motif.
 - (2) Height. No building shall exceed thirty-five feet in height.
- d. **Parking.**
 - (1) Commercial:

| <u>New Construction Use</u> | <u>Parking per 1,000 square feet of Gross Floor Area</u> |
|-----------------------------|--|
| Retail | 4.0 |
| Restaurants (Dining Areas) | 10.0 |

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EXHIBIT # 11
PAGE 1 OF 4

Taverns (Including Tavern Areas in Restaurants) 20.0

Dance Hall, Entertainment Lounge Areas, Restaurant Lobby Areas 25.0

- (2) New use of existing commercial buildings. All new uses shall be required to provide the same parking as new construction; however, each new use shall be credited with the parking that is required of the existing uses.
 - (3) Marina Parking. Not less than 0.75 parking spaces per boat slip shall be maintained for non-commercial use boat slips and not less than one space for each three seats of passenger capacity for commercial boat uses operating as excursions, fishing trips, cruises, and harbor or bay tours.
 - (4) Joint Use. Joint use of parking spaces is to be encouraged.
- e. **Landscaping.** Prior to approval of any new construction, landscaping plans for the new construction designed to harmonize with the existing landscaping shall be provided for review and approval.

SPECIFIC DEVELOPMENT AND USE STANDARDS

Subarea 1.

This area is the southeasterly portion of the City and is known as Seaport Village. This area extends southward from Marina Drive where it becomes an east/west roadway and bridges the San Gabriel River. This subarea is intended to maintain the existing speciality shopping area.

a. **Use.**

(1) **Principal Uses. Commercial:**

A. **Retail Sales**

- (1) Bakery, donuts, pastries.
- (2) Book store.
- (3) Cards, gifts, novelties and stationery.
- (4) Clothing store.
- (5) Florist, plant shop.
- (6) Chandlery.
- (7) Gourmet foods.
- (8) Fish market.
- (9) Delicatessen.
- (10) Photographic equipment and supplies, telescopes and the like.
- (11) Art gallery.
- (12) Coin or stamp shop.
- (13) Jewelry store.
- (14) Bicycle shop.
- (15) Sport goods store, fishing equipment.

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- (16) Hobby shop.
- (17) Tobacconist.
- (18) Toy store.
- (19) Candy store, ice cream, yogurt

B. Personal Services

- 1) Uses accessory to retail sales.
- 2) Post Office box rental.
- 3) Day care.

C. Professional Services

- 1) Yacht broker.
- 2) Architect.
- 3) Artist studio.
- 4) Oceanographic study office.
- 5) Marine insurance.

D. Financial Services

- 1) Automatic teller machine.

E. Restaurants and Taverns

- 1) Restaurants without drive-up windows.
- 2) All taverns.

F. Entertainment Services

- 1) Restaurants or taverns with dancing.
- 2) Boat rental.
- 3) Boat cruises, charters or excursions.
- 4) Restaurants or taverns with live entertainers, including dinner theater.

(2) **Conditional Uses.** Hall rentals, subject to findings required for approval of Conditional Use Permits in Title 21 of the Long Beach Municipal Code.

(3) **Accessory Uses.** Dancing and entertainment cafe uses shall be permitted as accessory to restaurant and tavern uses.

(4) **Prohibited Uses:** Transient residential use (including hotels, motels and boatels).

(5) **Interim Uses.** All other retail sales uses other than those permitted as principal uses under Subsection (a)1.A, all other personal services uses other than those permitted as principal uses under Subsection (a)1.B, all other professional services uses other than those permitted as principal uses under Subsection (a)1.C and all other financial services uses

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EXHIBIT # 11
PAGE 3 OF 4

other than that permitted under Subsection (a)1.D, may be permitted as Interim Uses provided that the following standards and criteria are met:

- A. The lease space has been vacant for 180 days or more and the lessee has made a reasonable effort to lease the property to primary permitted uses;
 - B. In order to ensure that the primary permitted uses maintain long term accessibility in the center, the term of the lease may not exceed five years;
 - C. Not more than twenty-five percent (25%) of the net leasable area of the Seaport Village Center may be leased for secondary permitted uses at any given time;
- (6) **Access.** Same as General Standards.
 - (7) **Building Design.** Same as General Standards.
 - (8) **Parking.** Same as General Standards.
 - (9) **Landscaping.** Same as General Standards.

Subarea 2.

This area is the area that is backed up to Long Beach Marina and is located seaward of Marina Drive to the water's edge from the northern edge of the J. H. Davies Bridge. This subarea is intended to preserve the necessary support facilities for the Marina.

a. Uses.

- (1) **Primary Use. Marina parking.**
- (2) **Other Marina supporting permitted principal uses:**
 - (a) Yacht brokerage.
 - (b) Boat rentals.
 - (c) Boat repairs.
 - (d) Chandleries.
 - (e) Sports equipment (sales and/or rental).
 - (f) Not more than five restaurants.
 - (g) Oil drilling in boat yard abutting J. H. Davies Bridge.
- (3) **Accessory Uses.** Dancing and entertainment cafe uses as accessory uses for restaurants.
- (4) **Prohibited Uses:**
 - (a) Hotels, motels, boatels, or any other form of transient housing.
 - (b) Fast food restaurants.

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EXHIBIT # 11
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