

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Permit Application No. **5-05-435**

November 22, 2005

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**W4g****ADMINISTRATIVE PERMIT****APPLICANT:** City of Long Beach**PROJECT DESCRIPTION:** Establish a Venetian-style commercial recreational boating concession comprised of four gondolier-operated gondolas.**LOCATION:** Rainbow Lagoon, northeast corner of Pine Avenue and Shoreline Drive, Downtown Shoreline, City of Long Beach, Los Angeles County.**EXECUTIVE DIRECTOR'S DETERMINATION:** The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Wednesday, December 14, 2005, 10:00 a.m.
Hyatt Regency Embarcadero
5 Embarcadero Plaza
San Francisco, CA

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: Charles R. Posner
Title: Coastal Program Analyst

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 term or 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.

SPECIAL CONDITIONS: See Page Four.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. Project Description

The City of Long Beach proposes to establish a Venetian-style commercial recreational boating concession in Rainbow Lagoon, in the Downtown Shoreline area of Long Beach (Exhibit #2). The proposed concession is comprised of four gondolier-operated gondolas and would be operated by Gondola Getaway, a local company (Exhibit #4). The operator's gondoliers would take customers (four per boat) on 15-to-60 minute gondola rides around the lagoon, which is located in a public park next to the Hyatt Hotel (Exhibit #3). Prices for the gondola rides would start at five dollars per person. The proposed hours of operation are limited to noon to midnight.

Passengers would embark and disembark along the concrete bank on the western end of the lagoon where rubber boat bumpers placed temporarily along the sides of the lagoon would protect the gondolas from being damaged. No construction or permanent development is

being proposed. When not in use, the four gondolas would be moored near the middle of the lagoon at an existing mooring buoy.

Rainbow Lagoon is a 5.5-acre manmade and concrete-ringed saltwater lagoon located on filled tidelands. The lagoon is connected to the ocean (Rainbow Harbor) by a series of pipelines with a seawater circulation system comprised of water pumps, water filters, debris collectors, aerators and fountains. The City of Long Beach Department of Parks, Recreation and Marine maintains the lagoon and its seawater circulation system pursuant to a Commission-approved maintenance plan [See Coastal Development Permit 5-91-193 (City of Long Beach)]. Rainbow Lagoon is a functioning marine habitat and subtidal nursery that is utilized by several species of fish, sessile organisms and birds.

The proposed project will provide a new lower-cost visitor recreation activity in an existing public park, and it will not adversely affect the lagoon's marine habitat. The proposed project will not interfere with public access to or along the wide public walkway that encircles the lagoon. No existing uses will be displaced by the proposed activity.

B. Water Quality

The proposed work will be occurring in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for project related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

C. Recreational Marine Resources

The proposed development, as conditioned, does not interfere with public recreational use of coastal resources. The proposed development, as conditioned, protects coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development, as conditioned, is in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.

D. Public Access

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

E. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. 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 Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the

proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

F. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

1. Permit Compliance

All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Construction in the Lagoon

No construction, or placement of any materials (other than the gondolas and rubber bumpers), equipment, debris or waste is permitted in the waters of the lagoon or on its banks.

3. Concession Responsibilities (BMPs)

- a) The applicant shall provide and maintain trash and recycling containers that are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.
- b) The use of **Styrofoam** containers in or near the lagoon shall be avoided.
- c) The concession area shall be kept clean and free of trash and debris.

4. Public Access

The proposed concession shall not interfere with the public walkway that encircles Rainbow Lagoon.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing