

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 9/6/2006
49th Day: 10/25/2006
180th Day: 3/5/2007
Staff: Charles Posner - LB
Staff Report: 10/26/2006
Hearing Date: November 16, 2006
Commission Action:



Th4a

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-06-087

APPLICANT: City of Long Beach

AGENT: Mark Sandoval, Marine Bureau Manager

PROJECT LOCATION: 6500 Marina Drive (Basin Three public parking lot at Alamitos Bay Marina), City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Operate a weekly Farmers' Market and Arts and Crafts Fair (on Sundays only) including installation and removal of temporary facilities for vending.

LOCAL APPROVAL: Approval in Concept, City of Long Beach Planning Department

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Coastal Development Permit 5-97-292 (City of Long Beach, Farmers' Market).
3. Coastal Development Permit Amendment 5-97-292-A1 (Long Beach Farmers' Market).

SUMMARY OF STAFF RECOMMENDATION

The project site is on State Tidelands administered by the City of Long Beach, and within the Commission's original permit jurisdiction. Staff is recommending that the Commission grant a coastal development permit for the proposed weekly Farmers' Market and Arts and Crafts Fair with special conditions relating to protection of public parking, public access and water quality. The applicant agrees with the recommendation. **See Page Two for the motion.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions 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 5-06-087 approves the operation of a weekly Farmers' Market and Arts and Crafts Fair (on Sundays only) including installation and removal of temporary facilities for vending. The weekly event and 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. Public Parking

No public parking shall be reserved for the exclusive use of customers of the weekly Farmers' Market and Arts and Crafts Fair. The vending areas for the weekly Farmers' Market and Arts and Crafts Fair approved by Coastal Development Permit 5-06-087 may occupy up to 114 public parking spaces within the Alamitos Bay Marina Basin Three public parking lot (only on Sundays). All public parking spaces within the Alamitos Bay Marina public parking lots which are not occupied by the vending areas shall be available for the use of the general public on a first-come, first-served basis (except for boat owner reserved parking stalls and handicapped parking spaces). The weekly Farmers' Market and Arts and Crafts Fair shall not reserve, or have exclusive use of, any public parking spaces other than those permitted to be occupied by the approved vending areas.

3. Public Access To and Along the Waterway

The approved weekly Farmers' Market and Arts and Crafts Fair shall not interfere with use of the public sidewalks or interfere with public access along the shoreline in the project area.

4. Operation Responsibilities and Debris Removal

- A. No materials, trash, waste or other debris shall be placed or stored where it may be subject to wind or rain dispersion.
- B. The use of **Styrofoam** containers for food and drinks sales shall be minimized, and if feasible, completely avoided.
- C. Wash down areas shall be contained and be connected to the sanitary sewer. No runoff from wash down areas shall be directed into any drain unless specifically authorized by the California Regional Water Quality Control Board.
- D. The permittee shall provide trash and recycling containers. Any and all trash and other waste material shall be removed from the site at the end of the business day and disposed of at an appropriate location.
- E. At the end of the business day (Sunday), the project site shall be restored to its primary use as a public parking lot, and the permittee shall inspect the project area and ensure that no debris, trash or other materials have been left at the site.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to operate a weekly Farmers' Market and Arts and Crafts Fair in the Basin Three public parking lot at Alamitos Bay Marina in southeast Long Beach (Exhibit #3). The proposed Farmers' Market and Arts and Crafts Fair would occur once each week on Sunday. Set-up of vending booths would commence at 7am Sunday morning, and all vendors and their equipment would be removed on Sunday afternoon. The vending area is comprised of vendors' booths, tents and trucks, and portable public toilets. The vending area for the Farmers' Market would occupy 74 public parking spaces, and the Arts and Crafts Fair would occupy 40 spaces, for a total temporary displacement of 114 public parking spaces within the Alamitos Bay Marina Basin Three public parking lot. The City has located the proposed Farmers' Market and Arts and Crafts Fair in the Basin Three parking lot in order to avoid parking conflicts with the existing established commercial uses situated at Basins One and Two (e.g., restaurants, the Marina Bazaar and Seaport Village shopping Center).

The vendors are permitted by the City to sell fresh fruits and vegetables, eggs, cut flowers, decorative plants, seafood, honey, baked goods, artwork and other handmade items. Customers of the proposed Farmers' Market and Arts and Crafts Fair would park in the marina's public parking spaces. No permanent improvements are proposed. There is no charge to customers to access the market or the public parking spaces.

The Sunday Farmers' Market has been operating since 1997 under the terms of amended Coastal Development Permit 5-97-292 (City of Long Beach). The current application has been submitted for two reasons: 1) the term of the approval for the Farmers' Market, set forth by amended Coastal Development Permit 5-97-292, expired in April 2002; and 2) the proposed Arts and Crafts Fair is a new component of the Sunday event that would increase the number of public parking spaces being occupied by vendors in the marina parking lot (from 60 to 114). The project site (Basin Three public parking lot) is filled tidelands located seaward of the first public road, and is within the original permit jurisdiction of the Commission.

The primary issue raised by the proposed project is the temporary displacement of part of the public parking supply (114 spaces) that supports public access to the waterfront. The Basin Three public parking lot currently provides parking for boat owners with slips in the marina, recreational visitors to the waterfront, and patrons of the Marine Bazaar and Joe's Crab Shack restaurant (Exhibit #3). The public parking supply is also the only parking available for use by the customers and vendors of the proposed weekly Farmers' Market and Arts and Crafts Fair. Beach visitors do not use the Marina Basin Three public parking lot because the nearest beach is about one mile away in the City of Seal Beach.

Commission records show that there are 902 parking spaces in the Basin Three parking lot: 870 free unreserved public parking spaces, 10 reserved boat owner parking spaces, 14 loading spaces, and 8 handicap parking spaces. The Basin One and Two parking lots, located south of Basin Three parking lot, contain more than 600 additional unreserved public parking spaces (Exhibit #3). The Basin Three public parking lot is the least used of the three public parking lots at Basins One, Two and Three.

The public access policies of the Coastal Act require that the marina's public parking supply be protected in order to ensure that the public is able to visit waterfront and that boaters can access the water. Up to 114 public parking spaces would be displaced by the proposed project (vendors' booths, tents and portable public toilets), and it is estimated that the customers of the proposed Farmers' Market and Arts and Crafts Fair would not generate a demand of more than one hundred parking spaces at any one time.

The City has studied the marina parking lot use while the Farmers' Market has been operating since 1997 and does not anticipate any new problems with the currently proposed temporary use of part of the marina parking lot each Sunday. Since the Farmers' Market was established in 1997, the Basin Three public parking lot has not been observed to be filled to capacity on a Sunday. The City's parking counts and on the ongoing observations of the parking supply indicate that there is ample parking in the Marina Basin Three public parking lot to meet the demands of the existing recreational and commercial uses in the area, as well as the parking demands of the proposed project (on Sundays). Therefore, public access to the waterfront will not be negatively impacted by the proposed project because there is adequate parking available for the existing and proposed uses on Sunday mornings, even during the summer.

Therefore, as conditioned, the proposed project will have no negative effects on coastal access or other coastal resources. The proposed project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act.

B. Public Access & Recreation

The public currently has access along the shoreline at the project site. The proposed project will not interfere with public access along the shoreline. 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.

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.

C. Water Quality

The proposed development will be occurring near coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of materials to minimize the potential of pollutants to enter coastal waters and for the use of on-going best management practices. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

D. Development

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area, has been designed to assure structural integrity, and will avoid cumulative adverse impacts on public access. Therefore, the Commission finds that the development, as conditioned, conforms with Sections 30250, 30251, 30252, 30253 and the public access provisions of the Coastal Act.

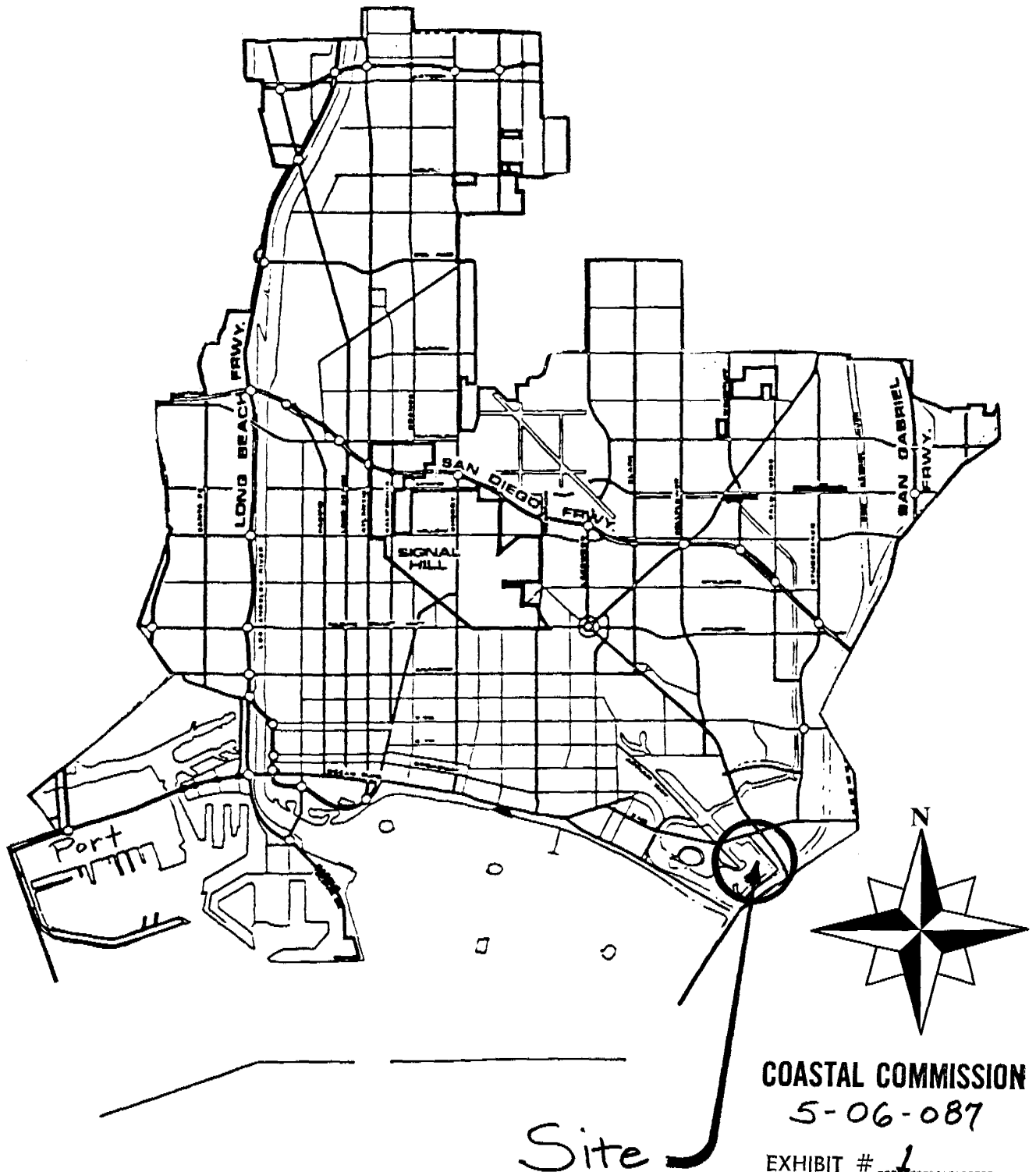
E. Local Coastal Program

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.

City of Long Beach

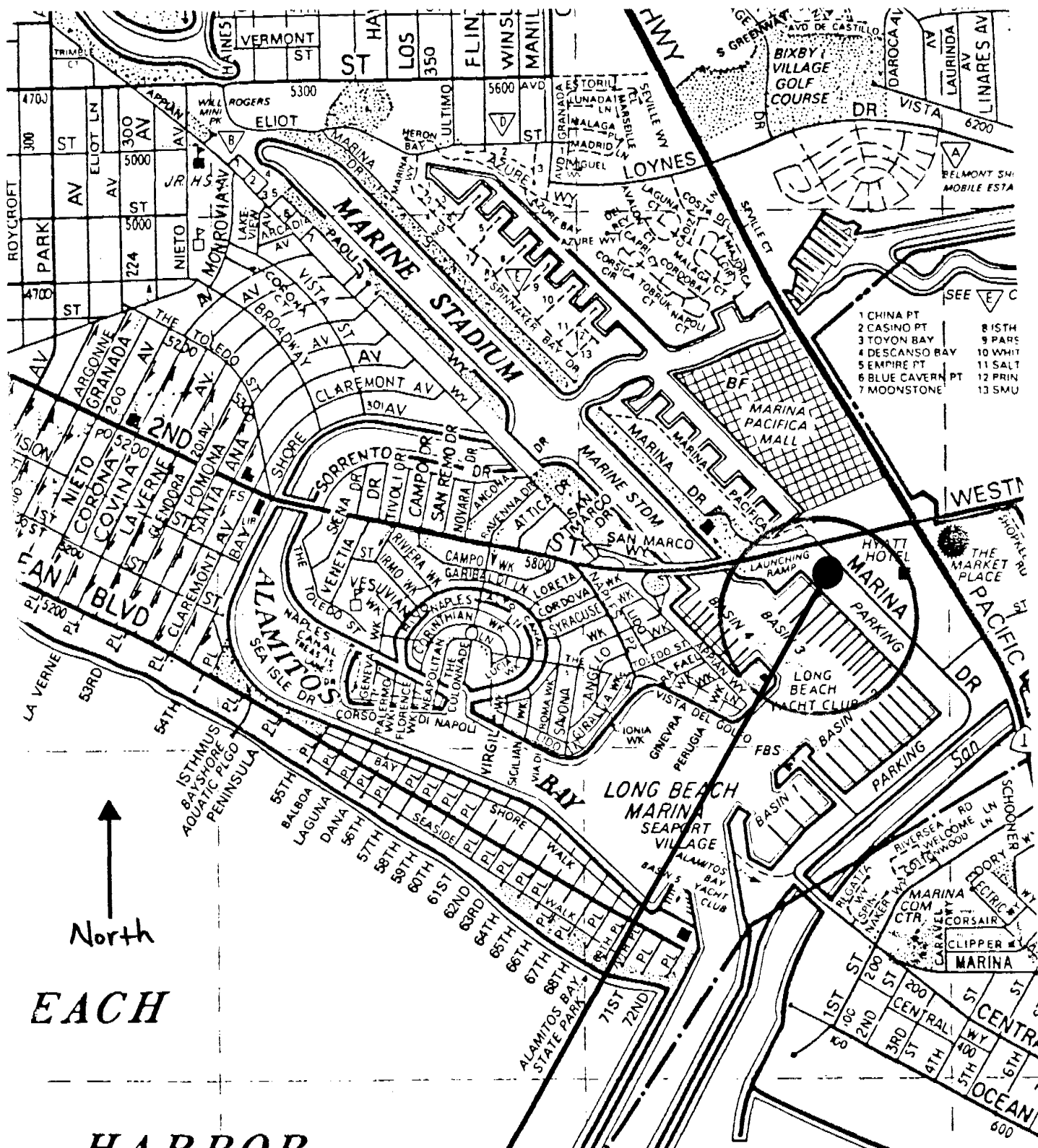


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EXHIBIT # 1

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North
EACH

HARBOR

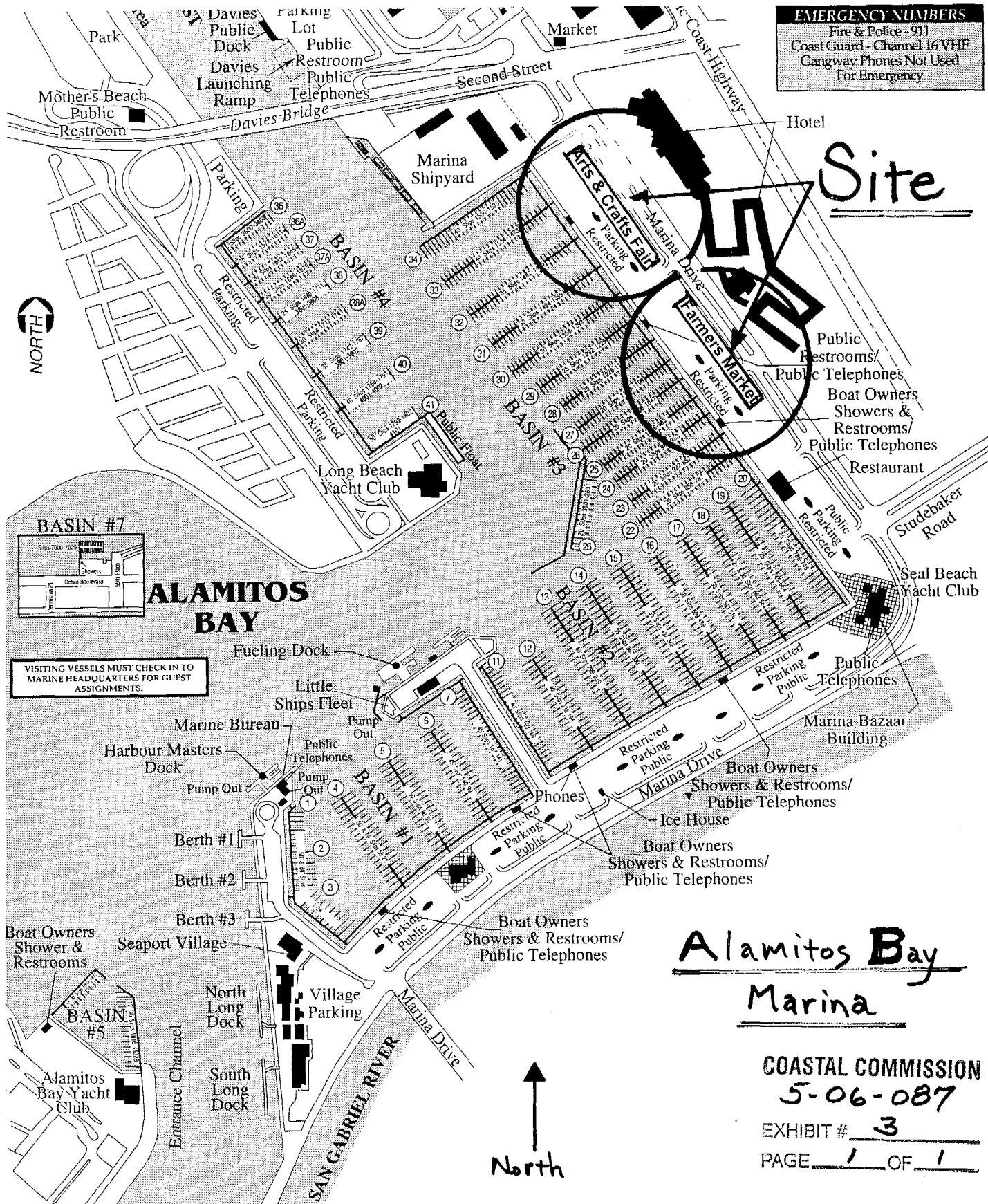
Site:
Basin 3 Parking Lot

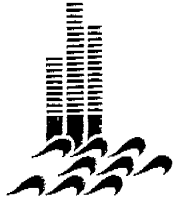
COASTAL COMMISSION

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EXHIBIT # 2

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CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION AND MARINE

MARINE BUREAU

Long Beach Shoreline Marina
450 East Shoreline Drive, LB, CA 90802
(562) 570-4950 FAX: (562) 570-1799

Alamitos Bay Marina
205 Marina Drive, LB, CA 90803
(562) 570-3215 FAX: (562) 570-3247

Rainbow Harbor/Marina
200B Aquarium Way, LB, CA 9080
(562) 570-8636 FAX: (562) 570-86

November 17, 2005

Members of the Marine Advisory Commission

SUBJECT: REQUEST TO SUPPORT A SUNDAY ARTS AND CRAFTS MARKET IN
THE ALAMITOS BAY MARINA PARKING LOT

Discussion

The South Coast Ecumenical Council has operated a Farmer's Market in the public parking lot adjacent to the Alamitos Bay Marina for the past five years. Despite initial opposition, it has become the most popular farmer's market in the City, and has experienced no problems that have not been corrected immediately.

Recently, we were approached by Conte Productions, a company specializing in producing arts and craft markets, to permit space for a Saturday Arts and Crafts Market in the same space occupied by the Sunday Farmer's Market. In a meeting with Conte, Mark Sandoval notified the Company that a Saturday market was out of the question, as it would adversely impact parking for the marina tenants on a second weekend day.

As a result, Conte requested space adjacent to the Farmer's Market. In a subsequent meeting with all parties, it was decided that the furthest northwest section of the public lot would accommodate the Market, and would pose minimal impact to the marina tenants and to the existing Farmer's Market (see attached map). This location involves only 40 parking spaces, and would therefore be of little impact to the parking needs of the area.

If approved, the permit would include a 30-day termination clause by either party, with no reason needed, and would include a payment to the Marina Fund of $\frac{1}{2}$ of 1% of gross sales.

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EXHIBIT # 4

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Recommended Action

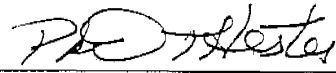
It is recommended that the Marine Advisory Commission support a permit for a Sunday Arts and Crafts Market, in the northwest corner of the public parking lot adjacent to the Alamilos Bay Marina, providing that the permit be terminated using the 30-day termination clause if it becomes a problem to the marina tenants.

Respectfully submitted,

Concurred by,



Mark A. Sandoval
Manager, Marine Bureau



Phil T. Hester
Director, Parks, Recreation
and Marine

MS:vc
ATTACHMENT

COASTAL COMMISSION
5-06-087

EXHIBIT # 4
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