

**CALIFORNIA COASTAL COMMISSION**

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Staff: Charles Posner - LB  
Staff Report: 2/22/2007  
Hearing Date: March 15, 2007  
Commission Action:



# Th14b

## **STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-99-187-A1

**APPLICANTS:** City of Long Beach and La Palapa del Mar Restaurant

**AGENTS:** Dennis Eschen, Long Beach Dept. of Parks, Recreation & Marine  
Phil Knowlton & Mary Claire de la Haye, La Palapa del Mar

**PROJECT LOCATION:** 4020 Olympic Plaza, Belmont Plaza Olympic Pool, City of Long Beach, Los Angeles County.

**LOCAL APPROVAL:** City of Long Beach Planning Commission, Administrative Use Permit and Modification, Case Nos. 9902-07 & 0408-13, 4/21/2005.

### **DESCRIPTION OF PROJECT ORIGINALLY APPROVED JULY 13, 1999 (5-99-187):**

Remodel an existing beachfront restaurant with a total of 2,980 square feet of customer service area.

### **DESCRIPTION OF CURRENT AMENDMENT REQUEST:**

Remove three 400 square foot planters from the Belmont Olympic Pool public plaza area, install new landscaping and public benches, and expand the outdoor patio dining area of an existing beach-front restaurant by approximately 1,100 square feet (58 seats).

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission grant a permit amendment for the proposed development with special conditions to protect public access to the beach, visual resources, water quality, and public beach parking. As conditioned, the permit amendment request is consistent with the Chapter 3 policies of the Coastal Act, previous Commission approvals, and the certified City of Long Beach Local Coastal Program (LCP). The applicants agree with the recommendation. **See Page Two for the motion.**

Commission authorization is required for the proposed development because it is located on State Tidelands (on the beach) within the Commission's area of original jurisdiction. In addition, Special Condition Three of Coastal Development Permit 5-99-187 requires that any future improvement or restaurant expansion must obtain a permit amendment or new coastal development permit from the Commission. The Commission's standard of review for development proposed on State Tidelands is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach Certified Local Coastal Program, 7/22/80.
2. Coastal Development Permit 5-91-800 (Ragazzi Restaurant).
3. Coastal Development Permit 5-99-187 (La Palapa del Mar Restaurant).
4. Coastal Development Permit 5-97-291 (Belmont Pier Renovation).
5. Coastal Development Permits 5-91-821 & 5-96-200 (Belmont Brewing Co.).

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

**MOTION:** *"I move that the Commission approve with special conditions the proposed amendment to Coastal Development Permit 5-99-187 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**I. Resolution to Approve a Permit Amendment**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, 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. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. Special Conditions

### 1. New Outdoor Dining Patio

Coastal Development Permit Amendment 5-99-187-A1 permits a new outdoor dining area on a 28'x 39' portion of the plaza situated on the western side of the existing restaurant as shown on **Exhibit #4 of the 2/22/07** staff report. The approved outdoor patio dining area may be partially enclosed using public benches, potted plants and 42-inch high movable poles and cloth ribbon. No permanent wall or enclosure is permitted. No roof, tent or other overhead development is permitted, except for one parasol/umbrella at each table. A public walkway at least ten feet in width shall be maintained for public access between the existing restaurant structure and the outdoor patio dining area approved pursuant to this permit amendment.

### 2. Public Access on Boardwalk

The permittees and the managers, operators and customers of the restaurant shall not block or interfere with public access to and along the Belmont Plaza Pool Boardwalk at any time. The Belmont Plaza Pool Boardwalk is the outdoor cement walkway that exists along the western and southern sides of the Belmont Plaza Olympic Pool complex. A clear passage for public access, at least 14.5-feet in width, shall be maintained on the boardwalk between the southern edge of the restaurant's outdoor dining patio area and the stairway that comprises the outer edge of the boardwalk. A clear passage for public access, at least 19.5-feet in width, shall be maintained on the boardwalk between the western edge of the restaurant's outdoor dining patio area and the stairway that comprises the outer edge of the boardwalk. There shall be no encroachment onto or over any portion of the protected boardwalk area by the permittees and the managers, operators or customers of the restaurant. Prohibited encroachments include, but are not limited to: signs, tables, chairs, displays, merchandise racks, and roof overhangs (palapa). Public access along the boardwalk shall remain open and unobstructed both during construction and subsequent to completion of the permitted development. Public benches along three sides of the restaurants outdoor dining area shall be provided as shown on **Exhibit #4 of the 2/22/07** staff report.

### 3. Public Parking

All parking within the Belmont Pier, public beach and Olympic Pool public parking lots shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within these public parking lots by any person or group other than the general public (handicapped spaces excluded). There shall be no parking spaces reserved for valet parking at any time.

### 4. Concession Responsibilities – Water Quality (BMPs)

- a. The permittees 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 shall be avoided.
- c. The concession area shall be kept clean and free of trash and debris.

### 5. Landscaping

No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council (formerly the California Exotic Pest Plant Council), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

### 6. Future Uses and Improvements

This approval is limited to the uses and development specifically permitted by Coastal Development Permit Amendment 5-99-187-A1. All development must occur in strict compliance with the proposal as set forth in the application, 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. Any additional development, including, but not limited to: new construction, intensification of use, expansion of dining areas outside of the approved building and patio footprints, or the lease of public areas, will require another amendment to the permit or a new coastal development permit.

## III. Findings and Declarations

The Commission hereby finds and declares:

### A. Amendment Description

On July 13, 1999, the Commission approved Coastal Development Permit 5-99-187 for the remodel of an existing beachfront restaurant concession (La Palapa del Mar) within the City-owned Belmont Plaza Olympic Pool complex in Long Beach (See Exhibits). Coastal Development Permit 5-99-187 permitted the reconfiguration of the existing restaurant's dining, patio and lounge areas, the construction of a new thirty-foot high thatched roof (palapa), and the continued operation of the beachfront concession with the 2,980 square feet of customer service area (2,500 square feet of indoor customer service area and 480 square feet of patio dining) that had been previously permitted by Coastal Development Permit 5-91-800 (Ragazzi Restaurant). The parking supply for the restaurant is provided by the public parking lots that serve the Belmont Pier, public beach and Olympic Pool (Exhibit #2).

The development proposed by this permit amendment includes: 1) the removal of three 400 square foot (20' x 20') above-ground planters from the Belmont Olympic Pool public plaza area, 2) installation of new landscaping and public benches, and 3) expansion of the restaurant's outdoor patio dining area by 58 seats (1,092 square feet). The City would remove the three large planters from the plaza and install 800 square feet of new ornamental landscaping in place of the two northernmost planters (Exhibit #3).

In place of the third planter (the one closest to the existing restaurant), the applicants propose to establish a new 28'x 39' outdoor patio dining area in order to meet the existing restaurant's

demand for outdoor (roofless) dining. The existing beachfront restaurant currently has only 480 square feet of outdoor dining which is situated along its southern ocean-facing edge. The new outdoor dining area is proposed to be partially enclosed using public benches, potted plants and 42-inch high movable poles and cloth ribbon (Exhibit #4). Public access will be maintained on all four sides of the proposed outdoor dining area, and public benches will be installed along three sides of the proposed outdoor dining area as shown on **Exhibit #4 of the 2/22/07** staff report. No sandy beach area is proposed to be paved or otherwise displaced.

## **B. Project History**

The existing restaurant comprises the southwest corner of the Belmont Plaza Olympic Pool complex (Exhibit #3). The Belmont Plaza Olympic Pool complex which is situated on a sandy beach just east of the Belmont Pier in the Belmont Shore neighborhood of Long Beach (Exhibit #2). The Olympic Pool complex, Belmont Pier, the beach, and the public parking lots are all situated on State tidelands which are administered by the City of Long Beach under the Long Beach Tidelands Trust Agreement. This coastal area is a popular visitor destination.

The Belmont Plaza Olympic Pool complex, which predates the Coastal Act, is an indoor facility designed and utilized for Olympic-class and college swimming and diving events. The complex is surrounded by a boardwalk and public open space that includes a park, bike paths, two public parking lots, and the public beach (Exhibit #3). The City leases the concession area in the southwest corner of the Belmont Plaza Olympic Pool complex to the restaurant operators. The existing restaurant (La Palapa del Mar) is the only food concession permitted within the Olympic Pool complex.

Commission records show that there have been only two coastal development permit actions for development within the Belmont Plaza Olympic Pool complex. On January 15, 1992, the Commission approved Coastal Development Permit 5-91-800 (Ragazzi Restaurant) for the conversion and expansion of a take-out food concession built in 1968 to a sit-down dining restaurant with 2,980 square feet of customer service area (2,500 square feet of indoor customer service area and 480 square feet of patio dining). On July 13, 1999, the Commission approved Coastal Development Permit 5-99-187 for a substantial remodel of the beachfront restaurant when it was changed to La Palapa del Mar.

## **C. Land Use**

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...

The existing restaurant use was approved by the Commission in 1992 when it approved Coastal Development Permit 5-91-800 (Ragazzi Restaurant). The existing restaurant use and the currently proposed outdoor restaurant dining area is a land use that provides public recreational opportunities at the beach. Beach goers can buy food and refreshments at the

restaurant and enjoy the view from the proposed outdoor dining patio. The restaurant, situated in a public building, provides a restroom that is accessible to the public.

#### **D. Public Access/Parking**

The proposed project is located in the Belmont Shore neighborhood of Long Beach (Exhibit #2). An important coastal planning issue for the Belmont Shore area is the provision of adequate parking facilities to assure continued public access to this popular coastal area. A wide variety of visitor-serving uses exist near the Belmont Pier. Many people are attracted to the area for beach recreation, riding bikes, fishing at the pier, whale watching tours, sightseeing, eating at restaurants, and swimming events at the Belmont Plaza Olympic Pool. The people who drive to this coastal area must park their vehicles in the public parking lots and on the public streets.

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 of the Coastal Act states:

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

The parking supply for the existing restaurant is provided primarily by the two public parking lots located to the west and east of the Olympic Pool complex (Exhibit #2). These two public parking lots, which have 263 and 392 metered parking spaces respectively, serve the pier, beach and Olympic Pool complex. Additional parking is provided on the public streets.

The applicant does not propose to alter the existing parking arrangement which has been approved for the existing restaurant use by both the City and the Commission. In its 1992 approval of Coastal Development Permit 5-91-800 (Ragazzi Restaurant), the Commission found that the beachfront restaurant could be permitted with public parking as the sole parking supply. The currently proposed project is the only expansion of the dining area that has been proposed since the restaurant use was originally approved by the Commission in 1992, and the City has approved it with no additional parking being provided.

The proposed project will add 1,092 square feet of patio dining area to the 2,980 square feet of customer service area that was previously permitted by Coastal Development Permit 5-91-800 (Ragazzi Restaurant), for a total of 4,072 square feet of customer service area. The applicants

are not proposing to provide any additional parking for the proposed 1,092 square foot enlargement of the restaurant's dining area.

Under the Commission's Interpretive Guidelines for Los Angeles County, the parking requirements for a new restaurant with 4,072 square feet of customer service area would be 81 spaces. The Commission's Interpretive Guidelines state that there should be one parking place provided for each fifty square feet of restaurant service area. The existing restaurant, however, is already permitted to have 2,980 square feet of customer service area without providing any parking.

As previously stated, the applicants are not proposing to provide any additional parking for the proposed 1,092 square foot enlargement of the restaurant's dining area. In this case, however, the existing public parking supply can accommodate the demands of the proposed restaurant expansion (one space per fifty feet = 22 spaces) without significantly affecting the adjacent coastal access parking in the area because the public parking supply is very large and seldom fills to capacity, even during summer weekend days.<sup>1</sup> In addition, the expanded restaurant will have little impact on coastal access parking because its peak business hours are in the evenings, later than the peak beach use hours which are during the day. The restaurant's hours of operation are: 3:30 p.m. to 11 p.m. Monday-Thursday, 11:30 a.m. to midnight Saturday, and 11:30 a.m. to 11 p.m. Sunday.

The applicants assert also that many customers are local residents who walk or ride bicycles to the restaurant. The beach bicycle path runs past the project site as it connects the downtown area to the Alamitos Bay area. A bicycle rack is provided. Long Beach Transit provides public transportation in the City and has a bus stop near Belmont Pier. In the event that the parking lots near the Belmont Plaza Olympic Pool ever fill to capacity, there are also several other public beach parking lots located east of the project in the Belmont Shore area that provide additional coastal access parking (e.g., the La Verne Avenue Public Beach Parking Lot and the 54th Place Public Beach Parking Lot).

Therefore, the Commission finds that the proposed 1,092 square foot enlargement of the restaurant's dining area can occur without adversely affecting coastal access or recreation because adequate parking facilities already exist and alternate means of transportation are available to the site. However, in order to ensure that future improvements or intensifications do not take place without Commission review and approval, the permit is conditioned to require that any future improvements to the facility will require another permit amendment or a new coastal development permit. Any future permit action can analyze the parking demand and supply in the area at that time. Also, Special Condition Three prohibits the reservation of any of the public parking spaces by any users other than the general public (i.e., all spaces shall be available for use on a first-come, first-served basis). Customers of the restaurant are part of the general public that may use the public parking supply. This condition is necessary to protect public access to coastal recreation opportunities, including those provided by the beach and Belmont Pier. Only as conditioned is the proposed project consistent with the coastal access policies of the Coastal Act.

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<sup>1</sup> The applicants have provided parking lot counts for the weekends of June 23-25, 2006, July 1-2, 2006, and July 7-9, 2006 that indicate that the Belmont Pier parking lot was not filled to capacity.

**E. Public Access on the Boardwalk**

The proposed project must not inhibit the public's ability to access and use the Belmont Plaza Pool Boardwalk. The Coastal Act requires that development does not interfere with the public's right to access the coast.

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.

The Belmont Plaza Pool Boardwalk is the outdoor cement walkway that is attached to all sides of the Belmont Plaza Olympic Pool complex (Exhibit #3). Several public benches are provided on the boardwalk near the existing restaurant. People often come to the boardwalk to access the beach, view sunsets, people watch, photograph and relax. In particular, the boardwalk on the southern side of the Olympic Pool complex provides an excellent view of the beach, Belmont Pier, Santa Catalina Island, the Orange County coast, and the rest of the seascape. Many people also pass by the restaurant and pool while biking, walking, running or skating on the beach bicycle path, or while on their way to fish off of Belmont Pier.

The proposed project, as conditioned to protect public accessways, will not interfere with access to the shoreline. Special Conditions One and Two of amended Coastal Development Permit 5-99-187 protect public access along the boardwalk. In order to ensure that public access and use of the boardwalk is protected from restaurant encroachments, the permit is conditioned to require the maintenance of a clear passage for public access between the existing restaurant and the proposed new outdoor dining patio, and between the restaurant's outdoor dining patio areas and the stairways that comprise the outer edge of the boardwalk. Also, additional public benches will be provided around the perimeter of the proposed outdoor dining area, as shown on Exhibit #4. These new public benches will replace the public seating being lost when the three planters are removed from the plaza. As conditioned, the proposed project will have no negative impact on public use and access to the boardwalk and the adjoining public areas. However, future encroachments into the public areas by the restaurant may create negative impacts on public access. Therefore, in order to prevent unmitigated loss of public access opportunities, the project is conditioned to require that any future improvements will require a new coastal development permit or a permit amendment. Only as conditioned is the proposed project consistent with Section 30211 of the Coastal Act.

**F. Public Recreation**

As conditioned, the proposed development and permit amendment will not interfere with public recreational use of coastal resources. The proposed project will provide and support visitor-serving recreational opportunities in the Belmont Pier area and thus improve coastal access opportunities for visitors. The development and permit amendment protect coastal areas suited for recreational activities. Therefore, the Commission finds that the proposed development and permit amendment are in conformity with Sections 30210 through 30214 and Sections 30220 through 30223 of the Coastal Act regarding the promotion of public recreational opportunities.



## **G. Scenic Resources**

The certified Long Beach LCP and Section 30251 of the Coastal Act require that the scenic and visual qualities of the project area be considered and protected as a resource of public importance. Section 30253 of the Coastal Act protects popular visitor destinations like the Belmont Shore area where the project is proposed.

Section 30251 of the Coastal Act states in part that:

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...be visually compatible with the character of surrounding areas...

Section 30253(5) of the Coastal Act states:

New development shall: (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The proposed project includes the replacement of three large planters with new landscaping, public benches, and a new outdoor patio dining area (Exhibit #3). The new landscaping proposed in place of the two northernmost planters will improve the visual quality of the area. The tables and chairs for the proposed outdoor dining area (in place of the planter closest to the water) will not obstruct any existing views because they have a low profile and the views across the proposed dining area are already affected by the large planters (to be removed). In order to ensure that views from the Belmont Plaza Pool Boardwalk are not blocked by a large tent or other structure, Special Condition One states that, "no roof, tent or other overhead development is permitted, except for one parasol/umbrella at each table".

As conditioned, the proposed project will not obstruct any existing views to or along the coast from publicly accessible places or otherwise adversely affect the visual resources of the coast. The development's location next to the Belmont Plaza Olympic Pool complex ensures that it will not be out of scale with the existing development (Exhibit #5). The Olympic Pool building is nearly forty feet tall and already blocks the view inland from the beach and boardwalk. Therefore, as conditioned, the proposed project consistent with Section 30251 of the Coastal Act.

## **H. Water Quality**

The proposed development is near the shoreline where there is a potential for trash and polluted runoff from the project site to enter 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 a special condition requiring the appropriate storage and handling of trash 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.

**I. Local Coastal Program**

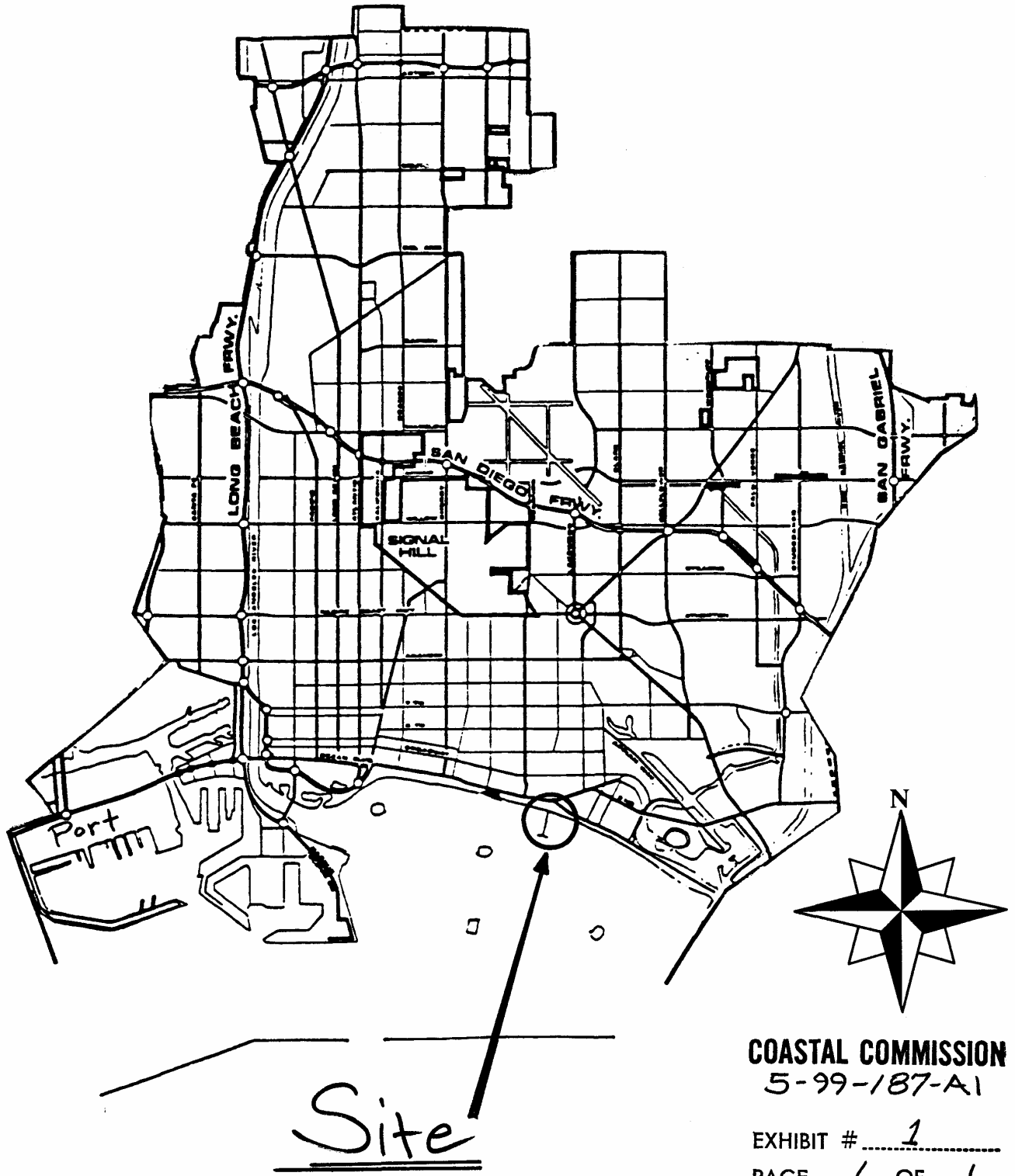
The City of Long Beach Local Coastal Program (LCP) was certified by the Commission on July 22, 1980. Because the project is located seaward of the former mean high tide line, the LCP is advisory in nature and may provide guidance. The standard of review for this project is the Coastal Act. Section III-C of the certified LCP sets forth the policies that protect public access and visual resources in the Belmont Plaza and Belmont Pier area. The certified LCP states that the 392 space parking lot which serves the Olympic Pool complex rarely fills to capacity. The proposed project, as conditioned, is consistent with the policies of the certified LCP.

**J. California Environmental Quality Act (CEQA)**

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a 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.

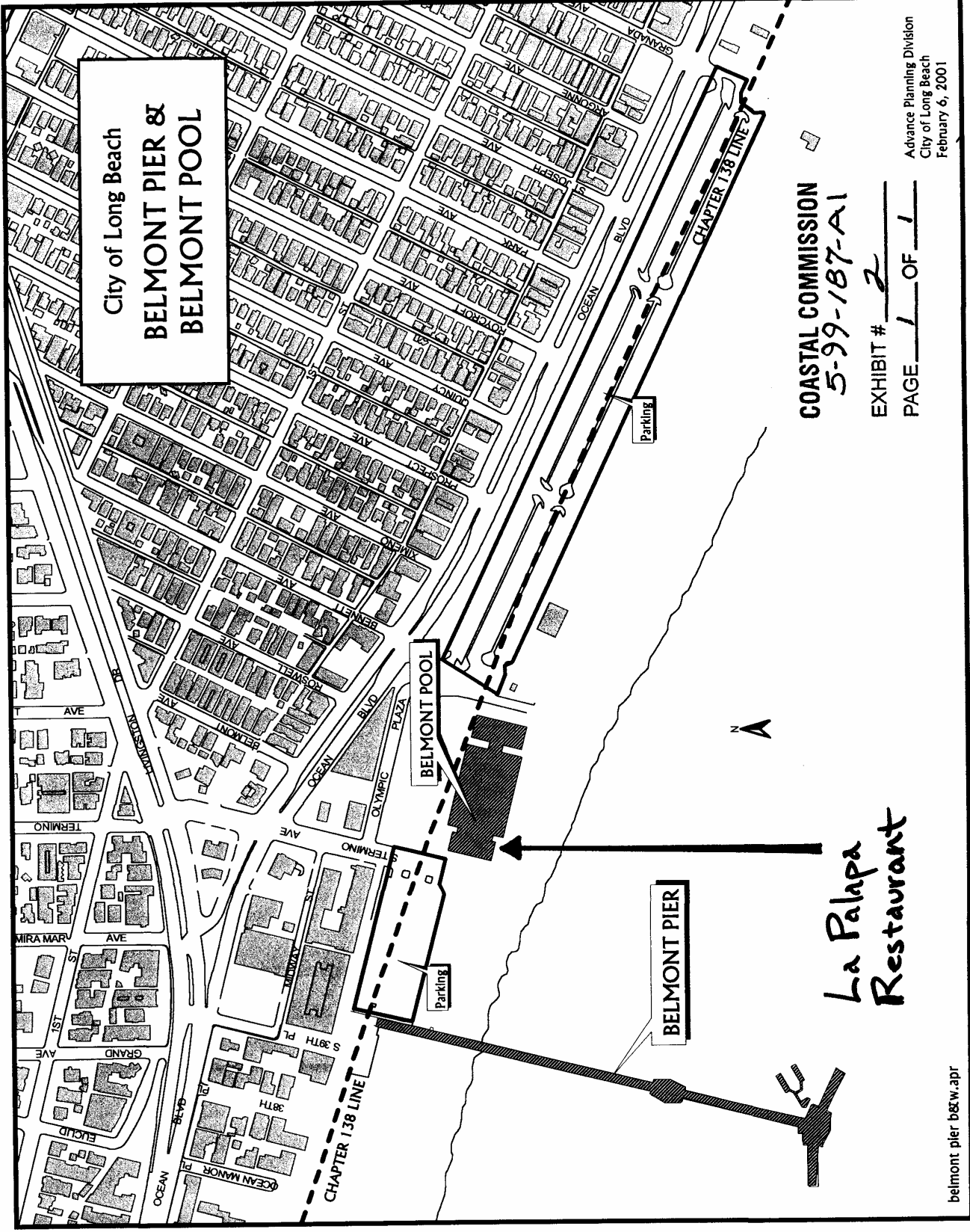
The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the 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



**COASTAL COMMISSION**  
5-99-187-A1

EXHIBIT # 1  
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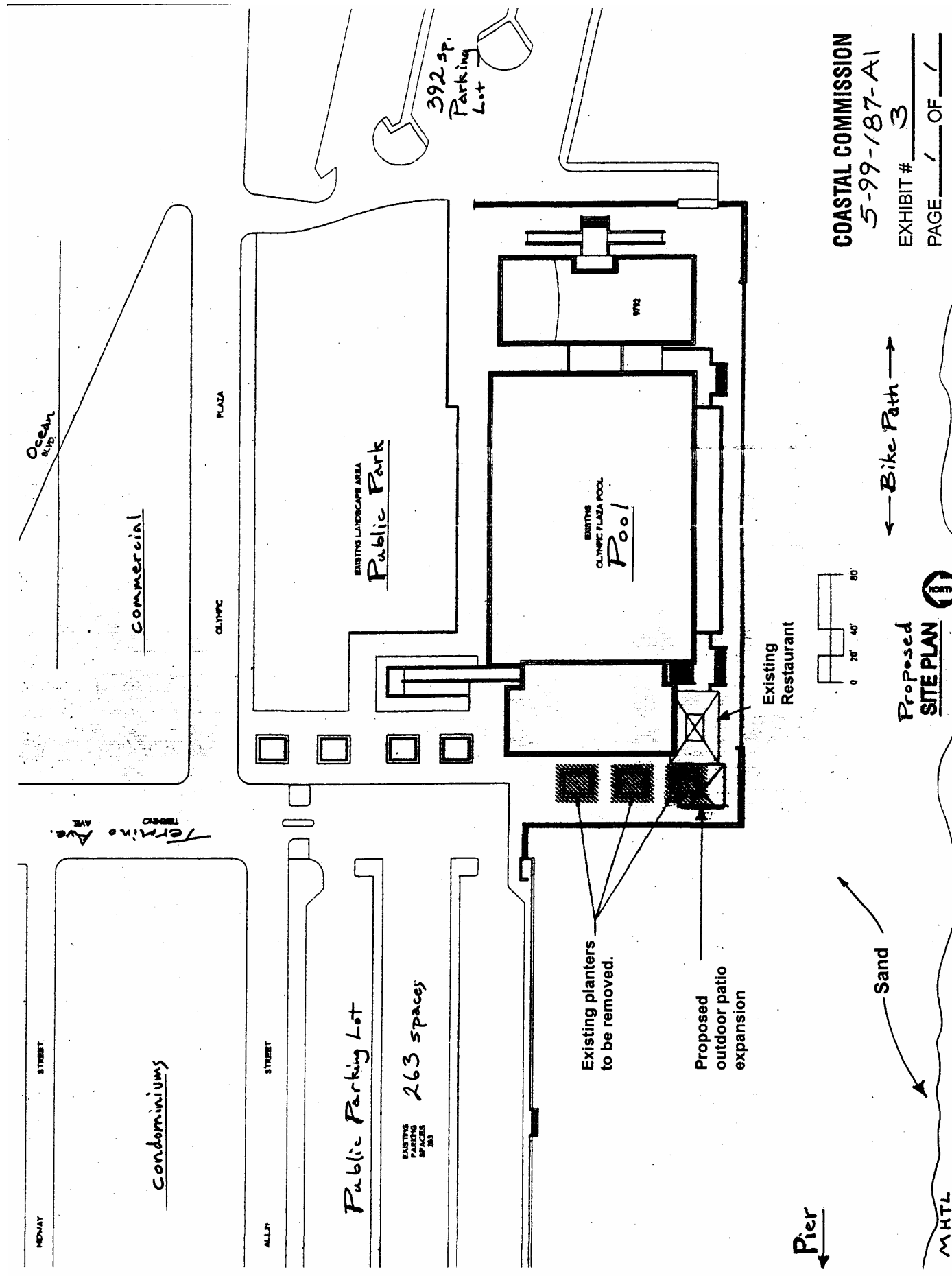
City of Long Beach  
**BELMONT PIER &  
BELMONT POOL**

**COASTAL COMMISSION**  
**5-99-187-A1**

EXHIBIT # 2  
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*La Palapa  
Restaurant*

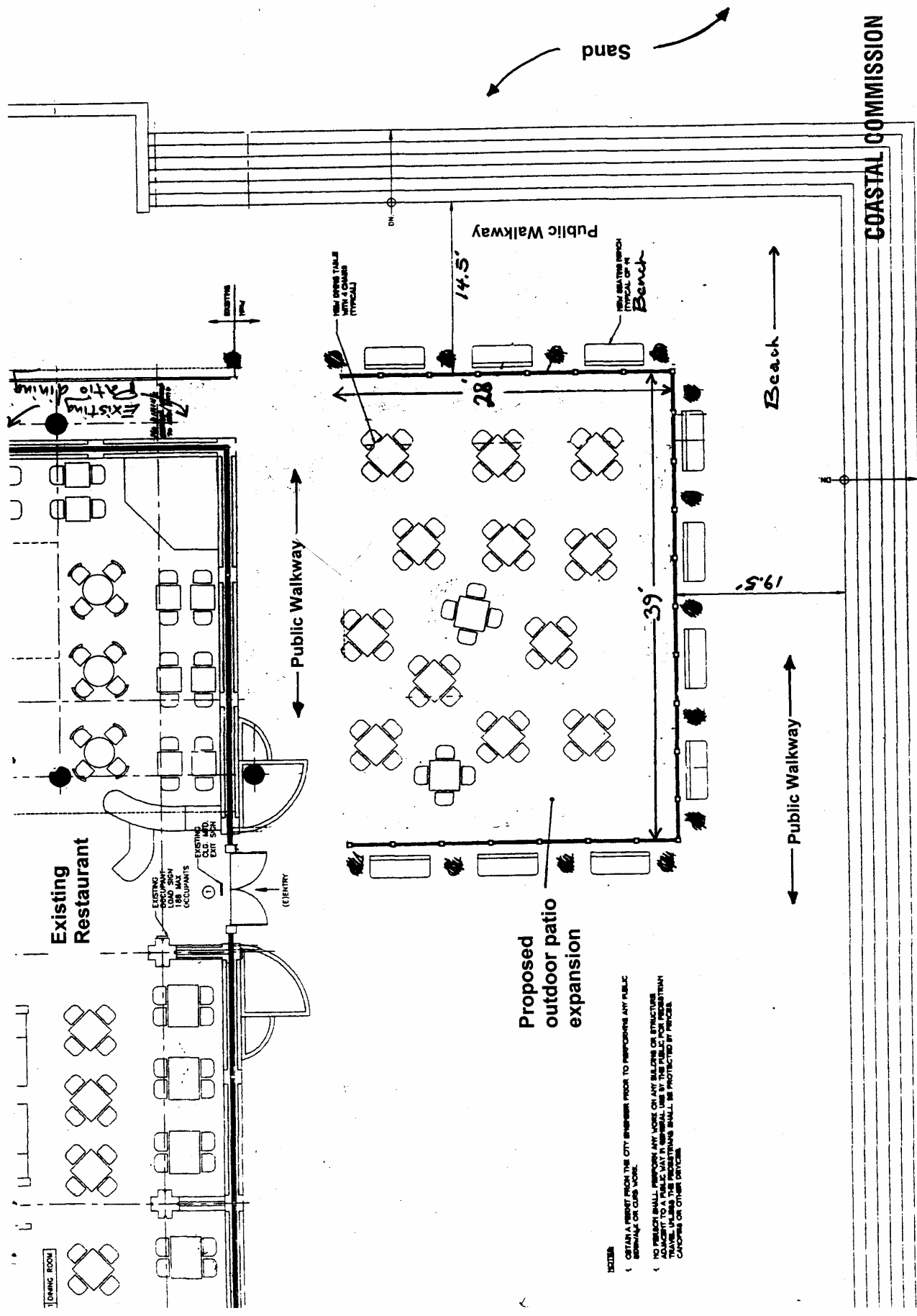
Advance Planning Division  
City of Long Beach  
February 6, 2001



Proposed  
**SITE PLAN**

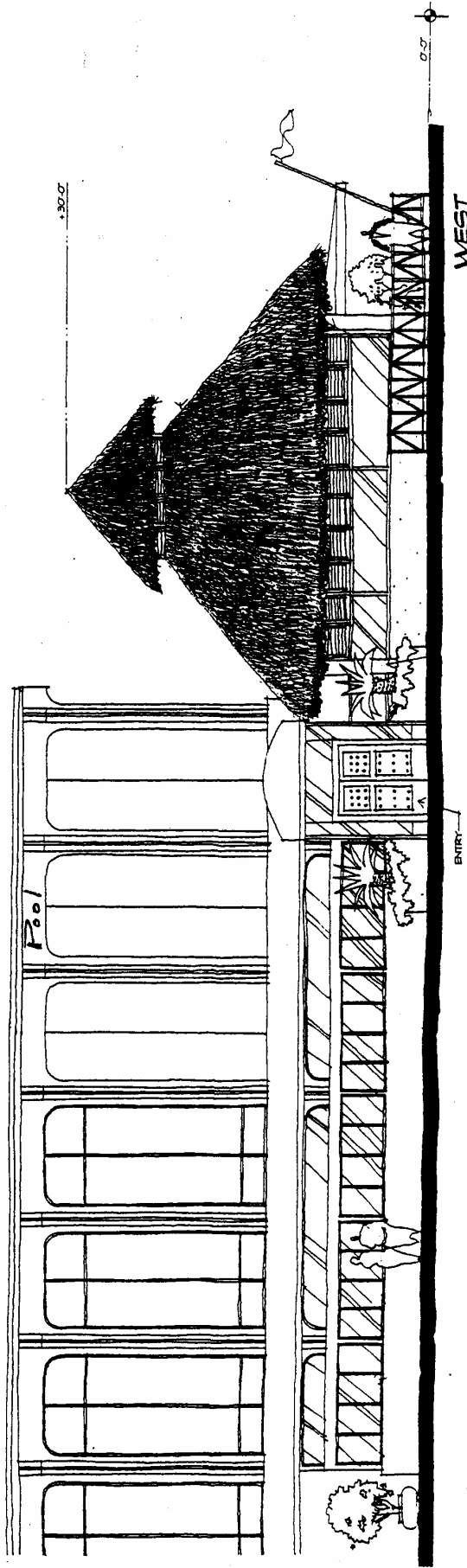


MHTL



**Proposed outdoor patio expansion**

- NOTES
1. OBTAIN A PERMIT FROM THE CITY ENGINEER PRIOR TO PERFORMING ANY PUBLIC WORKING OR CONSTRUCTION.
  2. NO PERSON SHALL PERFORM ANY WORK ON ANY BUILDING OR STRUCTURE ADJACENT TO A PUBLIC WAY UNLESS ALL NECESSARY PROTECTIVE CURBS OR OTHER DEVICES ARE IN PLACE.



LA PALAPA RESTAURANT & BAR  
4020 OLYMPIC PLAZA  
LONG BEACH, CA

WEST

EXTERIOR ELEVATIONS

Beach →

West Elevation

COASTAL COMMISSION  
5-99-187-A1

EXHIBIT # 5

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