

Date: March 10, 2022

To: Thomas B. Modica, City Manager *T.M.*

From: Charles Parkin, City Attorney *CP*

Brent Dennis, Director of Parks, Recreation and Marine *BD*

For: Mayor and Members of the City Council

Subject: **Boathouse Lane Hours**

On November 17, 2020, the City Council (Council) requested that the City Manager work with the City Attorney (CA) to prepare and present an Ordinance to the City Council amending Section 10.30.080 of the Long Beach Municipal Code (LBMC) - "Special Regulations-Prohibition Against Overnight Parking in Designated Lots," to permit the closing of the Boathouse Lane parking lot from one hour after sunset until 8:00 a.m. daily, instead of the current LBMC prescribed hours of closure from 10:00 p.m. to 8:00 a.m. daily (Attachment A).

Boathouse Lane provides access to Pete Archer Rowing Center, Jack Dunster Marine Reserve, Long Beach Dry Boat Storage Facility, and various greenbelts and their respective parking lots along the east shoreline of Marine Stadium. During the height of the COVID-19 "Stay at Home" Orders, this area became a local youth gathering place, partly because other, more traditional youth gathering venues were no longer available for use. During this time, Long Beach Police Department (LBPD) statistics showed an increase in calls for service associated with activities such as reckless driving, underage drinking, drug use, and other nuisance activities. Prior to November 17, 2020, several community meetings were held to gather stakeholder input regarding the implications of potentially changing the 10:00 p.m. closing hours to an earlier time, such as 8:00 p.m.

The California Coastal Commission (CCC) submitted a letter to Council on November 17, 2020, indicating that Coastal Development Permit (CDP) 5-93-232, issued in 1993, sets the hours for most coastal parking lots in the City of Long Beach (City). Per the CDP, the Boathouse Lane Lot was subject to closure from one hour after sunset to 8:00 a.m. However, when Council amended the provisions of Section 10.80.080 related to Boathouse Lane in 1994, Council chose to adopt a lot closing time of 10:00 p.m., contrary to the closing time established by the CDP. A thorough search of the 1994 Council record did not reveal Council's rationale for choosing to adopt longer operating hours for Boathouse Lane than was actually required or called for by the CDP. The CCC letter described above also stated that the CDP does not authorize the closure of a public street (Attachment B). A letter discussing the City's position was forwarded to CCC on December 31, 2020 (Attachment C).

After discussing the proposed amendment to the LBMC with CCC staff and reviewing 1993-1994 documents which led to the CDP between the City and the CCC, we have concluded that CCC staff clearly would not support a change in the current Boathouse Lane operating hours; and that any change in the operating hours, or any type of gate closure beyond that which currently exists, would require a CDP Amendment which likewise would not receive CCC staff support. Furthermore, any additional nighttime closure of Boathouse Lane is unlikely to be

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approved by the CCC, as in their view it would affect coastal access and access to coastal amenities such as bayfront viewing and walking areas, as well as access to the Rowing Center, the Dunster Marine Reserve, and other coastal amenities.

Now that the "Stay at Home" orders have been rescinded, more recent LBPD calls-for-service data indicate that the nuisance activity existent on or near Boathouse Lane has been significantly reduced from the levels experienced during the 2020 COVID-19 time period. This is likely due, in part, to the availability of other venues for gathering; and the regular and consistent "district car checks" that have been performed by the LBPD since it became aware of nuisance activity occurring during the period of the "Stay at Home" orders. In short, increased focus on the Boathouse Lane area by the LBPD has helped to greatly decrease nuisance activity; and has likewise provided an avenue for quicker response time if and when a community member complaint regarding nuisance activity is received.

Amendment of the LBMC at this time to impose an 8:00 p.m. (or earlier) closure time (rather than the current 10:00 p.m. closure time) is not warranted because Coastal Commission staff has made clear that such a change would not receive support because of the implications for further curtailing coastal access. Continued policing of this area, as necessary, is the best course of action to continue to curtail any nuisance related activities.

If you have any questions, please contact City Attorney Charles Parkin at (562) 570-2295 or Marine Bureau Manager Elvira Hallinan at (562) 570-3215.

ATTACHMENTS

A – NOVEMBER 17, 2020 BOATHOUSE LANE HOURS ITEM R-62

B – NOVEMBER 17, 2020 CA COASTAL COMMISSION LETTER TO THE CITY COUNCIL

C – DECEMBER 31, 2020 CITY ATTORNEY LETTER TO THE CA COASTAL COMMISSION

CC: DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
APRIL WALKER, ADMINISTRATIVE DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #[21-0651](#))
DEPARTMENT HEADS
ELVIRA HALLINAN, MANAGER, MARINE BUREAU



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R-62

Date: November 17, 2020

To: Honorable Mayor and Members of the City Council
Councilwoman Suzie Price, Third District
Councilwoman Mary Zendejas, First District
Councilwoman Jeannine Pearce, Second District

From: Vice Mayor Dee Andrews, Sixth District

Subject: Boathouse Lane Hours

RECOMMENDATION

Request the City Manager to work with the City Attorney to prepare and present to the City Council an Ordinance amending Section 10.30.080 of the Long Beach Municipal Code to permit the closing of the Boathouse Lane parking lot from one hour after sunset until 8:00 A.M. daily, instead of the current hours of closing from 10:00 P.M. to 8:00 A.M. daily.

DISCUSSION

Boathouse Lane operates as an access road to the Long Beach Rowing Center parking lot and leads to a dead end. This small roadway runs parallel to the Spinnaker Bay residential neighborhood and is a growing source of public safety concern for the City and nearby residents. These concerns are due to the operational hours currently allowing vehicular access until 10:00 P.M. nightly, far beyond what is consistent with other coastal areas in the City, including Marine Stadium, which are posted as closing "one hour after dusk". The current 10:00 P.M. closure was adopted by the City Council in 1994, despite a Coastal Commission agreement allowing for the closure of Boathouse Lane to be consistent with Marine Stadium, which is located immediately across the water. It is unknown why this roadway was treated differently at that time, but the situation needs to be remedied to reflect consistency in light of the current usage of the area.

Specifically, due to the late-night vehicular access there are frequent issues of nuisance and illicit activities, as well as reckless driving and exhibitions of speed. The use of this access point to congregate in the Long Beach Rowing Center's parking lot after hours, and engage in underage drinking, drug use, racing, reckless driving, and other nuisance and dangerous activities is a significant resident



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frustration leading to increased calls for service to the Long Beach Police Department with reports of corroborated public safety concerns. Most recently, several incidents of felony conduct were reported in the area and subsequent investigations of the incidents have supported the public safety concerns that have been reported.

Boathouse Lane is an isolated area making police response and enforcement difficult. It includes minimal public lighting, and has no beach access. The closure of vehicular access, consistent with access hours for other nearby coastal access parking lots, would address these ongoing community impacts while not impacting public access to the area and the nearby Dunster Ecological Reserve (a passive space with no vehicular access) because of an existing pedestrian walkway and bike lane, and the limited evening hours of operation for the Rowing Center.

In response to documented and continued calls for service to our Police Department to address nuisance and dangerous activities occurring on Boathouse Lane as a consequence of these inconsistent hours of operation, bringing this location into alignment with other similar parking lots should be implemented.

This matter was reviewed by Budget Manager Grace H. Yoon on November 6, 2020.

FISCAL IMPACT

This recommendation requests the City Manager to work with the City Attorney to prepare and present to City Council an Ordinance amending the Long Beach Municipal Code to permit the closing of the Boathouse Lane parking lot from one hour after sunset until 8:00 A.M daily. Implementing this recommendation is anticipated to result in a minimal impact to staff hours beyond normal budgeted scope of duties and a minimal impact on existing City Council priorities.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CALIFORNIA 90802-4416
PH (562) 590-5071 FAX (562)590-5084
WWW.COASTAL.CA.GOV



November 17, 2020

Honorable Long Beach City Council
411 West Ocean Blvd, 11th Floor
Long Beach, California 90802

SENT VIA ELECTRONIC MAIL

Subject: Boathouse Lane Lot – CCC staff comments

Dear Councilmembers,

Coastal Commission staff have reviewed the item on tonight's Council agenda related to the Boathouse Lane Lot. We offer the following comments and context.

Coastal Development Permit 5-93-232, as amended by 5-93-232-A1 pursuant to a settlement agreement, sets the hours for many (but not all) coastal parking lots in Long Beach. Page 16 of the attached permit and amendment references the "Boathouse Lane Lot" as subject to closure from 1 hour after sunset to 8am. We understand that the City has historically maintained longer open hours (shorter closure hours) for the parking lot nearest to the boathouse and another parking lot along Boathouse Lane further to the north, and is now considering reverting back to the authorized hours.

It is important to note that the coastal development permit does not authorize closure of the public street (Boathouse Lane), which provides access to the boathouse, Jack Dunster Marine Preserve, and the shoreline and waters of Marine Stadium. Coastal Commission staff are not aware of specific Commission-authorized or City-enforced closure hours for these facilities, so it is important they maintain accessible for pick-up and drop-off of people and boats even if the Boathouse Lane Lot is closed.

Coastal Commission staff therefore recommends that the Council action focus on the closure of the parking lot, rather than the public street. This could be accomplished with signage and gates for the parking lot, rather than at the entrance to the public street.

We appreciate the ongoing collaboration with the City of Long Beach on public access and recreational facilities and the City's commitment to serving its residents and coastal visitors. Please do not hesitate to contact us for any clarifications or to provide additional information.

Sincerely,

Zach Rehm

Zach Rehm
District Supervisor

cc: Christopher Koontz, Deputy Director, Long Beach Dept. of Development Services
Joshua Hickman, Project Management Officer, Long Beach Dept. of Public Works
Steve Hudson, Deputy Director for LA County, California Coastal Commission



CHARLES PARKIN
City Attorney

MICHAEL J. MAIS
Assistant City Attorney

OFFICE OF THE CITY ATTORNEY

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December 31, 2020

VIA ELECTRONIC MAIL TO: Zach.Rehm@coastal.ca.gov

Zach Rehm, District Supervisor
California Coastal Commission
South Central Coast Area
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802

RE: Boathouse Lane

Dear Mr. Rehm:

Thank you for your letter of November 17, 2020, providing Coastal Commission "staff comments" regarding a City Council Agenda Item of the same date related to Boathouse Lane.

The City agrees with your assessment that Coastal Development Permit 5-93-232, as amended by Coastal Development Permit 5-93-232-A1, allows the City to close the Boathouse Lane parking areas between the hours of one (1) hour after sunset to 8:00 a.m. daily. As you mentioned, these hours derive from a settlement agreement between the Coastal Commission and the City over litigation concerning the operational hours of a number of coastal parking lots in Long Beach, including the lots accessed via Boathouse Lane.

However, the City does not share the assessment that Boathouse Lane is a "public street" which cannot be closed in order to regulate access to the adjacent parking areas. Boathouse Lane has never functioned as a "public street," and has never been dedicated for such purpose or use. It is in fact nothing more than a parking lot drive aisle that has historically been locked (since its construction) at night to prevent unauthorized use of the parking areas. It is very similar to the Marine Stadium parking lot drive aisle, which has also historically been locked at night in order to prevent unauthorized vehicle use during the hours of closure.

While the City does gate and lock Boathouse Lane during closure hours (the gate is located south of the dry boat storage area) in order to prevent vehicle ingress or egress, it is important to note that pedestrian or bicycle access to such areas as Jack Dunster Marine Preserve and the

Boathouse are provided 24 hours a day thru two separate access points. These points are on City property located immediately adjacent (west) of the access gate; and also thru the pedestrian path that passes thru the adjacent Spinnaker Bay residential development in an east-west direction, south of the City gate which is locked each evening. This type of access is very similar to the 24-hour pedestrian and bicycle access that is provided by the City to the Marine Stadium parking areas.

It is the City's intent to officially lengthen the number of hours per day that vehicles may access the Boathouse Lane drive aisle by extending the morning opening hours from 8:00 a.m. to 5:00 a.m. daily. While still maintaining the 24-hour pedestrian and bicycle access described above. For continuity, the drive aisle gate would close each evening at 8:00 p.m., which in most cases during the year is well after "one hour after sunset."

The City has never tried to prevent, or in any way restrict, pedestrian or bicycle access to its coastal lots, including those lots and the areas (as described above) adjacent to Boathouse Lane. However, because of public safety concerns, the relative remoteness of the Boathouse Lane area, and the lack of City personnel (including public safety officers) in this area during the nighttime hours, it is critical for the City to continue its historical practice of prohibiting vehicles to traverse the Boathouse Lane drive aisle during lot closure periods.

During this past Spring and Summer, the City has received numerous citizen complaints of illegal criminal activities in the Boathouse Lane parking areas including reckless driving, exhibitions of speed, underage drinking, drug use, vehicle racing, as well as other nuisance (e.g., excessive noise) and dangerous activities. Most of this illegal and nuisance activity has occurred after 8:00 p.m. and well after "one hour after sunset." It is precisely this type of night-time illegal activity that is prompting the City to propose formally extending the Boathouse Lane morning access by three (3) additional hours and to formalize the closing hour to 8:00 p.m. each evening.

If you should have any questions, regarding this matter, please feel free to contact me.

Very truly yours,

CHARLES PARKIN, City Attorney

By: */S/ Michael J. Mais*
MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

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cc: Via Email:

Suzie Price, Councilmember, 3rd District

Charles Parkin, City Attorney

Tom Modica, City Manager

Christopher Koontz, Deputy Director, Development Services

Joshua Hickman, Project Management Officer, Public Works

Steve Hudson, Deputy Director for LA County, California Coastal Commission

(Steve.Hudson@coastal.ca.gov)