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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
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Filed: 8/8/95
49th Day: N/A
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Staff: MV-LB *mmw*
Staff Report: 11/02/95
Hearing Date: 11/14-17/95
Commission Action:



STAFF REPORT: PERMIT EXTENSION REQUEST

APPLICATION NO.: 5-93-179 E

APPLICANT: Orange County Environmental Management Agency (EMA)

AGENT: Lisa Cibellis, Planner, EMA

PROJECT LOCATION: Mesa Drive (between Irvine Avenue and Birch Street) and Birch Street (between Bristol Street and Mesa Drive), in the City of Newport Beach, and in the Santa Ana Heights area of unincorporated Orange County.

PROJECT DESCRIPTION:

Request to extend coastal development permit 5-93-179 which allowed widening and realignment (including related improvements) of Mesa Drive and Birch Street between Irvine Avenue and Bristol Street.

LOCAL APPROVALS RECEIVED:

Approval in Concept, County of Orange

SUBSTANTIVE FILE DOCUMENTS:

Coastal Development Permit No. 5-93-179; Mesa Drive Alignment Study, Supplemental Environmental Impact Report 508B.

PROCEDURAL NOTE.

The Commission's regulations provide that permit extension requests shall be reported to the Commission if:

- 1) The Executive Director determines that due to changed circumstances the proposed development may not be consistent with the Coastal Act, or
- 2) Objection is made to the Executive Director's determination of consistency with the Coastal Act.

In this case, the Executive Director determined that there were no changed circumstances which could possibly affect the consistency of the proposed development with the Coastal Act. Subsequently, the Commission received two letters which objected to the Executive Director's determination of consistency with the Coastal Act (See Exhibits C and D).

If three (3) Commissioners object to an extension request on the grounds that the proposed development may not be consistent with the Coastal Act, the application shall be set for a full hearing as though it were a new application. If three objections are not received, the permit will be extended for an additional one-year period.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission grant the extension on the grounds that there are no changed circumstances which could cause the project, as originally approved, to be inconsistent with the Chapter 3 policies of the Coastal Act.

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Description

The project as approved by the Commission includes the widening and realignment of Mesa Drive and Birch Street between Irvine Avenue and Bristol Street. The project includes sidewalks on both sides of the roadway, drainage improvements, a crib wall and driveway realignments. The existing width of Mesa Drive is approximately 40 feet, a two lane roadway. The widening would result in a road width ranging from 72 to 86 feet, and 4 lanes. The Mesa Drive and Birch Street connection currently form a T-intersection. The realignment approved under coastal development permit 5-93-179 will create a continuous curve from Birch Street to Mesa Drive, northeast of the current T-intersection. The remainder of Birch, located below the curve will be converted into a cul-de-sac.

Only a portion of the total project is within the coastal zone. Mesa Drive is the coastal zone boundary in this area. Birch Street is in the coastal zone only at the intersection with Mesa Drive. A portion of the project is located in the Santa Ana Heights area of unincorporated Orange County. Mesa Drive, where it cuts through the Newport Beach Golf Course (NBGC) is within the City of Newport Beach. Where Mesa Drive is bounded by the NBGC only to the southeast, it is in the County area. The portion of the proposed project located outside the coastal zone is located in Santa Ana Heights.

B. Grounds for Objection

The request to extend coastal development permit 5-93-179 was received on August 8, 1995. On August 31, 1995, the Executive Director determined that there were no changed circumstances which could affect the proposed development's consistency with the Coastal Act. The Executive Director's determination is consistent with the Commission's finding on August 13, 1993 which determined that that the proposed project was consistent with the Coastal Act.

Two letters of objection were received within the ten working day period in which an objection could be submitted to the Commission. On September 8, 1995 the Commission received the letters of objection from Daniel Spradlin representing the C.Z. Brockman Revocable Trust and from Woon Peng Chen (See Exhibits C and D).

The letter of objection received from Daniel Spradlin objects to the extension of the permit on the grounds that the project "is directing drainage of street runoff waters across my clients' property, causing significant erosion, degradation of the natural environment and the creation of a dangerous

condition. These conditions apparently will not be corrected by the proposed project but quite possible will be severely aggravated." In addition, Mr. Spradlin's letter objects to a possible zoning reclassification in the area north Birch Street. The letter objects to impacts which may arise as a result of the possible change of zoning including "further degradation of the environment, increased contamination of water runoff and increased noise pollution. Air quality degradation and increased traffic congestion are likely. Unless modifications of the proposed plans for improvement of the roadway are made by the County, the environment will be further degraded."

The letter received from Woon Peng Chen objects to the widening project for the following reasons: 1) the potential use of the widened and realigned roadway by through traffic rather than just local traffic; 2) the widening and realignment will create chaos locally as drivers will have to consider whether to stay on Irvine Avenue or change to Mesa Drive; 3) the County should spend money on mass transit rather than expand existing roadways.

C. Issue Analysis

The criteria stated in the California Code of Regulations for extending a coastal development permit is the determination of whether there are any changed circumstances which would affect the consistency of the proposed development with the Coastal Act. In this case, neither objector has specified any changed circumstances that could affect the consistency of the proposed development with the Coastal Act.

Drainage

The objector has not stated that there are any changed circumstances affecting the project's drainage. In fact, the proposed project will improve drainage by installing curbs and gutters where none currently exists. The installation of curbs and gutters will direct drainage into the storm drain system rather than allowing it to flow freely. The objector states that the property where drainage corrections are needed is 2100 Mesa Drive. The County's project engineer has stated that the road project does not extend to 2100 Mesa Drive and no change will occur to the existing conditions at that site.

In any case the objector has not indicated any circumstances affecting drainage that have changed since the project was originally approved by the Commission that affect the project's consistency with the Coastal Act.

Zoning Re-Classification

The objector's letter also states: "It is our understanding that the zoning classification in the area north of Birch has been recently modified by the County following the issuance of the original permit to allow the use of property in the project area for uses other than 'professional.'" The objector has not stated that the rezoning has in fact occurred. The area referred to is outside the coastal zone and not subject to Commission approval of the zone change. At the time the project was originally evaluated for consistency with the Coastal Act, the Commission found:

The proposed road widening is necessary to accommodate increased traffic demand in the area resulting from anticipated and existing regional growth. The proposed project is identified in the Santa Ana Heights Specific Plan and is not considered growth inducing. Additionally, the proposed project will result in enhanced access to the Newport Beach coastal zone area, in that it will aid in relieving existing and future traffic congestion in the area.

It is not clear from the objection letter how the possible zone change is relevant to the road widening project. Possibly the objector's concern is increased traffic demand. However, no evidence has been submitted to indicate that the road widening project will not be able to accommodate the traffic demand generated by the possible zone change. In any case, a 4 lane road will better accommodate an increase in traffic than a two lane road.

The possibility that the County has rezoned an area outside the coastal zone is not a changed circumstance that affects the project's consistency with Coastal Act.

Streets Designed for Local Traffic

The objection letter states that the streets are designed mainly for local traffic, that residents need to get in and out along those streets, and that non-local traffic should use Irvine Avenue. As Mesa Drive and Birch Street currently exist, it may be accurate that the streets are not designed for through traffic. However, the intent of the project is to expand the capacity of the streets to accommodate increased use. This objection does not constitute a changed circumstance as the Commission was aware at the time it acted on the original permit that the road widening project would increase the road width from two to four lanes, increasing the potential capacity. This objection does not identify any changed circumstance that affects the project's consistency with the Coastal Act.

The Widening Will Create Chaos Locally

The objection letter states that as drivers reach the junction of Irvine Avenue and Mesa Drive, they will consider whether to stay on Irvine Avenue or change to Mesa Drive and that this will create chaos. Typically, however, drivers choose a route prior to arriving at a certain intersection. An intersection already exists at Irvine Avenue and Mesa Drive. Drivers already need to choose which road to follow. Although with the road widening and realignment the Mesa Drive option may increase in popularity, it is unlikely that this will create chaos.

This objection does not constitute a changed circumstance as the Commission was aware at the time it acted on the original permit that the road widening project connected to Irvine Avenue. This objection does not identify any changed circumstance that affects the project's consistency with the Coastal Act.

Money Should be Spent on Public Transportation Rather than Road Widening

The letter of objection states: "Rather than spending money building more roads and encroaching on limited land resource in a city with mature road infrastructure, the city should try its efforts on mass transit so that the street will not be jammed with cars which adversely affect the coastal environment with noise and pollution."

Whether the County chooses to spend the money on road widening or mass transit is not for the Commission to dictate. The Commission must consider whether the project proposed is consistent with the Coastal Act. In evaluating the project originally, the Commission considered whether the road widening would have any adverse impacts inconsistent with the Coastal Act. The Commission found that the road widening was consistent with the Coastal Act and specifically that it would enhance public access to the Newport Beach coastal zone area by easing traffic congestion.

This objection does not constitute a changed circumstance because the County's choice of spending the money on mass transit rather than the road widening project was an option for the County at the time the Commission originally acted on the permit. This objection does not identify any changed circumstance that affects the project's consistency with the Coastal Act.

Conclusion

Staff has reviewed the applicant's extension request and the letters of objection and has determined that there are no changed circumstances which would affect the project's consistency with Chapter 3 of the Coastal Act. Therefore, staff recommends that the Commission grant the extension request on the grounds that there are no changed circumstances which could cause the project, as originally approved, to be inconsistent with the Chapter 3 policies of the Coastal Act.



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MAY 21 1993

MESA DRIVE

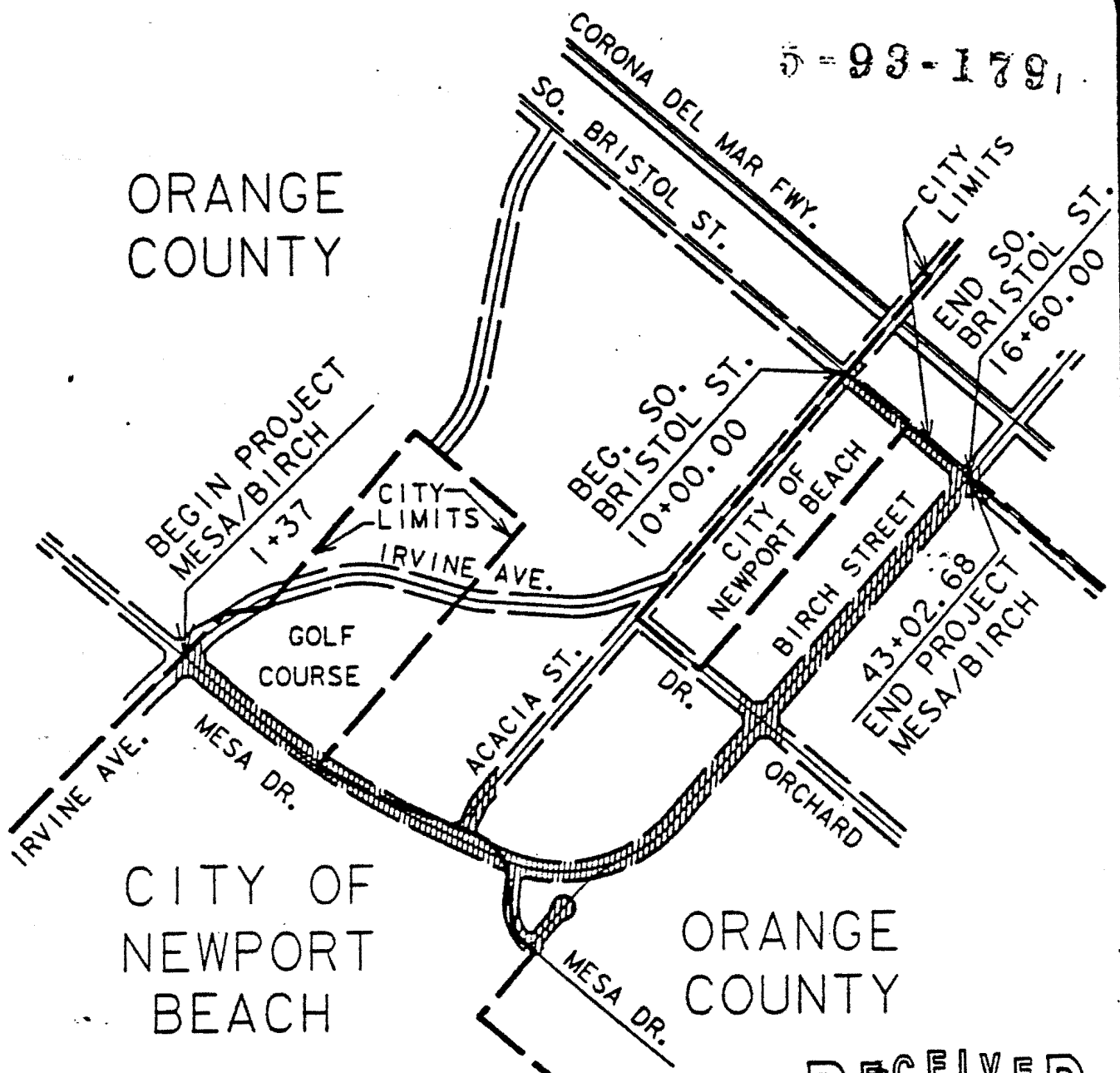
Mesa Drive/Birch Street
Alignment Project
Vicinity Map

EXHIBIT NO. A
APPLICATION NO.
5-93-179E
Vicinity Map
California Coastal Commission

5-93-179E

5-93-179

ORANGE COUNTY



CITY OF NEWPORT BEACH

ORANGE COUNTY

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MAY 21 1993

CALIFORNIA COASTAL COMMISSION SOUTH COAST DISTRICT



LOCATION MAP
N. T. S

EXHIBIT NO. B
APPLICATION NO. 5-93-179E
SITE PLAN

Mesa Drive/Birch Street Alignment Project

LAW OFFICES OF
ROURKE, WOODRUFF & SPRADLIN
A PROFESSIONAL CORPORATION
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WRITER'S DIRECT DIAL NUMBER

RECEIVED

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September 7, 1995 SEP 8 1995

BY OVERNIGHT MAIL

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

CALIFORNIA COASTAL COMMISSION
Attn: Meg Vaughn
Coastal Program Analyst
Suite 380
245 W. Broadway
Long Beach, CA 90802-4416

Re: EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT
NUMBER 5-93-179
PERMITTEE: ORANGE COUNTY ENVIRONMENTAL
MANAGEMENT
PERMIT ISSUED: AUGUST 13, 1993

Dear Ms. Vaughn:

My client, the C.Z. Brockman Revocable Trust, is the owner of certain undeveloped property consisting of approximately 2.37 acres in size, located at 2100 Mesa Drive in an unincorporated area of Orange County known as "Santa Ana Heights". This property is directly adjacent to the proposed widening and realignment of Mesa Drive and Birch Street between Irvine Avenue and Bristol and which is the subject of Permit 5-93-179. Since the issuance of the original permit, it has come to the attention of my client that the County of Orange, in contravention of its obligations under California law, is directing drainage of street runoff waters across my clients' property, causing significant erosion, degradation of the natural environment and the creation of a dangerous condition. These conditions apparently will not be corrected by the proposed project but quite possibly will be severely aggravated.

In addition, it is our understanding that the zoning classification in the area north of Birch has been recently modified by the County following the issuance of the original permit to allow the use of property in the project area for uses other than "professional". We believe that these modifications may permit the operation of car washes, restaurants and

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Letter of Objection

EXHIBIT C


CALIFORNIA COASTAL COMMISSION
September 7, 1995
Page 2

other light industrial uses which potentially will result in a further degradation of the environment, increased contamination of water runoff and increased noise pollution. Air quality degradation and increased traffic congestion are likely. Unless modifications of the proposed plans for improvement of the roadway are made by the County, the environment will be further degraded.

We do not believe that all of these facts were known at the time of the issuance of the original permit and that a further hearing on this matter is essential to prevent further degradation of the environment.

I trust that we will hear from you shortly.

Cordially,



DANIEL K. SPRADLIN

cc: Orange County Environmental Management Agency
Carla Brockman

RECEIVED

SEP 8 1995

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

Dear Mr. Douglas and Ms. Vaughn:

I am writing you in response to the notice sent by you with regard to the widening and realignment of Basa Drive and Birch Street between Irvine Ave. and Bristol St. I oppose granting the permit extension based on the following reasons:

1. These streets are designed mainly for local traffics. The residents need to get in and out of the local neighborhood using these streets. The employees need the streets to get to their companies along the streets. The streets are not designed for the thru traffic to get to the industrial parks to the east of Newport freeway. Non-local traffics should use Irvine Ave instead.
2. The widening and realignment will create chaos locally. Whenever the car drivers reach the junction on Irvine Ave and Mesa Drive, they would consider whether to stay on Irvine Ave or change to Mesa Drive in order to save a few seconds of time.
3. Rather than spending money building more roads and encroaching on limited land resource in a city with mature road infrastructure, the city should try its efforts on mass transit so that the street will not be jammed with cars which adversely affect the coastal environment with noise and pollution.

If it is possible, please do not grant any extension to the permit to widening and realignment of Mesa Drive and Birch Street. Thank you for your considerations.

Truly Yours


Woon Peng Chen
9-1-1995

Letter of Objection

5-93-179E
EXHIBIT D