

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

Filed: 11/6/96  
49th Day: 12/25/96  
180th Day: 5/5/97  
Staff: MV-LB  
Staff Report: 11/21/96  
Hearing Date: 12/10-13/96  
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-227

APPLICANT: City of Newport Beach Public Works Department

AGENT: Fong W. Tse, Assistant Civil Engineer,  
Newport Beach Public Works DepartmentPROJECT LOCATION: Approximately 400 feet north of West Coast Highway, just  
east of Superior Avenue, Newport Beach, Orange County

## PROJECT DESCRIPTION:

Park improvements in the 0.8 acre area dedicated to the City as part of the Hoag Hospital/City of Newport Beach Development Agreement. Improvements include landscaping, concrete walk, bollards, benches, water fountains, waste containers, and irrigation and drainage improvements designed to maximize bluff stability.

## LOCAL APPROVALS RECEIVED:

City of Newport Beach Approval in Concept No. 1665-96

## SUBSTANTIVE FILE DOCUMENTS:

Development Agreement Between the City of Newport Beach and Hoag Memorial Hospital Presbyterian (approved by the Coastal Commission 2/15/94)

Newport Beach certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed park improvements project with one special condition which requires that the park improvements be completed within 3 years from the date the City accepted the offer to dedicate the land for the park from Hoag Hospital, as required by the previously approved development agreement.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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 on which the Commission voted on the application. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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. Deadline for Completion of Park Improvements

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a written statement in which the applicant (City of Newport Beach) agrees to complete the park improvements within 3 years of the date the City accepted the offer to dedicate the land as required by the approved Development Agreement between the City of Newport Beach and Hoag Memorial Hospital Presbyterian.

The park improvements shall occur consistent with the written statement and the approved Development Agreement.

### IV. Findings and Declarations.

The Commission finds and declares as follows:

#### A. Project Description

The applicant proposes park improvements in the 0.8 acre area dedicated to the City as part of the Hoag Hospital/City of Newport Beach Development Agreement. Improvements include landscaping, concrete walk, bollards, benches, water fountains, and waste containers. Also proposed are drainage and irrigation systems. The site is adjacent to a public bicycle path.

The Development Agreement between Hoag Memorial Hospital Presbyterian (Hoag Hospital) and the City of Newport Beach approved by the Commission on February 15, 1994 required Hoag Hospital to dedicate the subject site to the City. Park improvements were to be completed by the City within 3 years of acceptance of the offer to dedicate the land to the City. The park improvement project is proposed pursuant to these development agreement requirements.

Pursuant to the approved development agreement, as a special condition of this permit, the applicant shall agree in writing to complete the park improvements within 3 years of the date the City accepted the offer to dedicate the land.

#### B. Hazard

Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

Environmental documents prepared for the Hoag Hospital Master Plan indicate that excessive water exists within the bluff which causes water to seep out along the bluff face. Introduction of landscaping which requires irrigation has the potential to increase the presence of water within the bluff which may adversely effect slope stability. However, for the reasons described below, the proposed project is expected to reduce the amount of water introduced into

the bluff. Consequently, adverse impacts to bluff stability are not expected as a result of the proposed project.

The proposed project includes a soil moisture-sensing irrigation system which will abort all irrigation when there is already sufficient ground moisture to maintain plant growth. In addition, a new below grade drainage network is proposed which will intercept excess surface water and drain runoff into an existing storm drain along the concrete bike path northerly of the project. Finally, as part of a separate project, Hoag Hospital is currently constructing a runoff collection drain that will eliminate most of the stormwater runoff from the bluff.

The drainage and irrigation systems proposed with the project will minimize risk to bluff stability. Therefore, the Commission finds that the proposed development is consistent with Section 30253 of the Coastal Act which requires hazards to be minimized.

#### C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that a coastal development permit shall be issued only if the proposed development would not prejudice the ability of the local government having jurisdiction to prepare a local coastal program (LCP) which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

The Newport Beach LUP was certified on May 19, 1982. The proposed development is consistent with the certified Land Use Plan land use designation for the site. The proposed development is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City of Newport Beach to prepare a local coastal program consistent with the Chapter 3 policies of the Coastal Act.

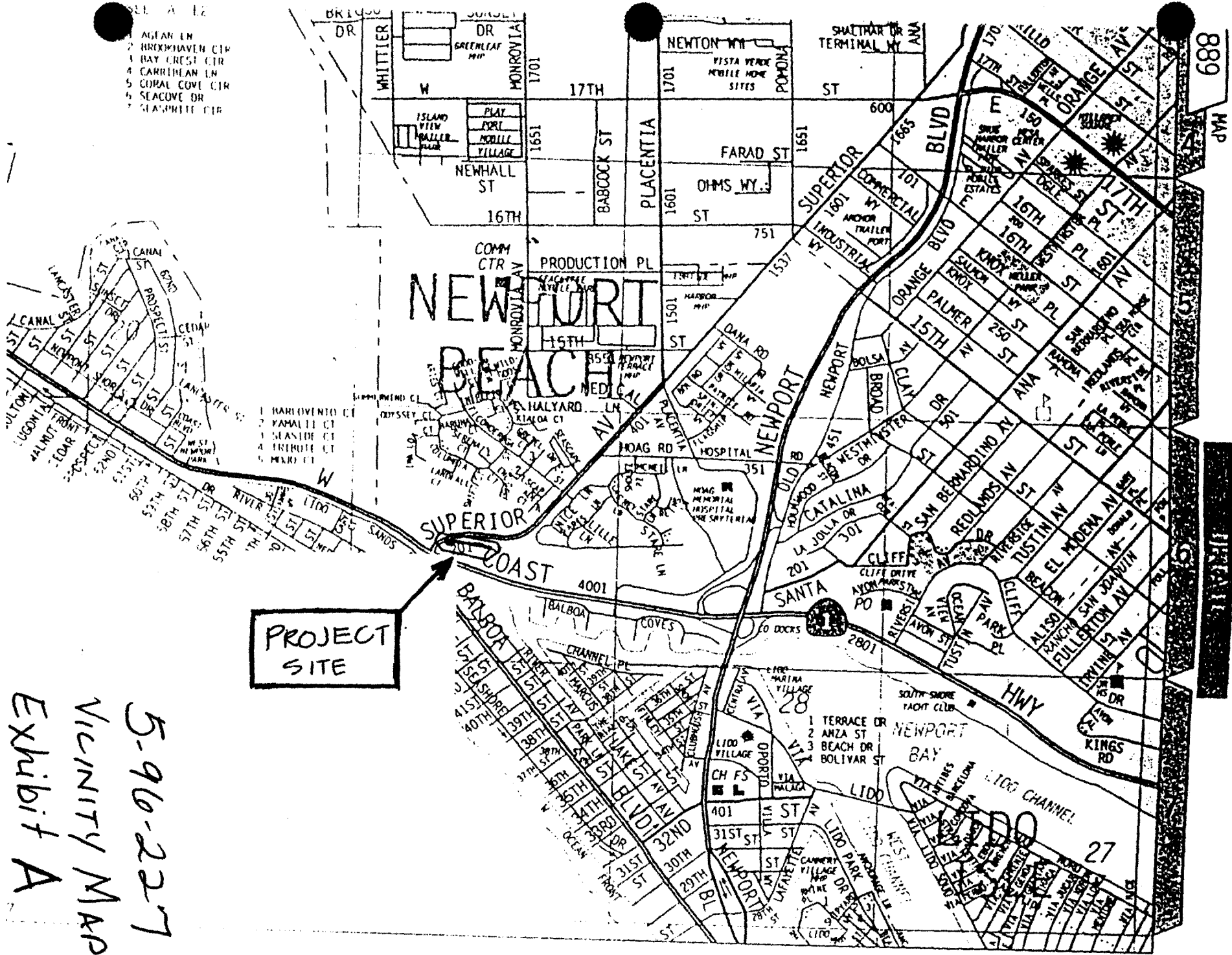
#### D. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

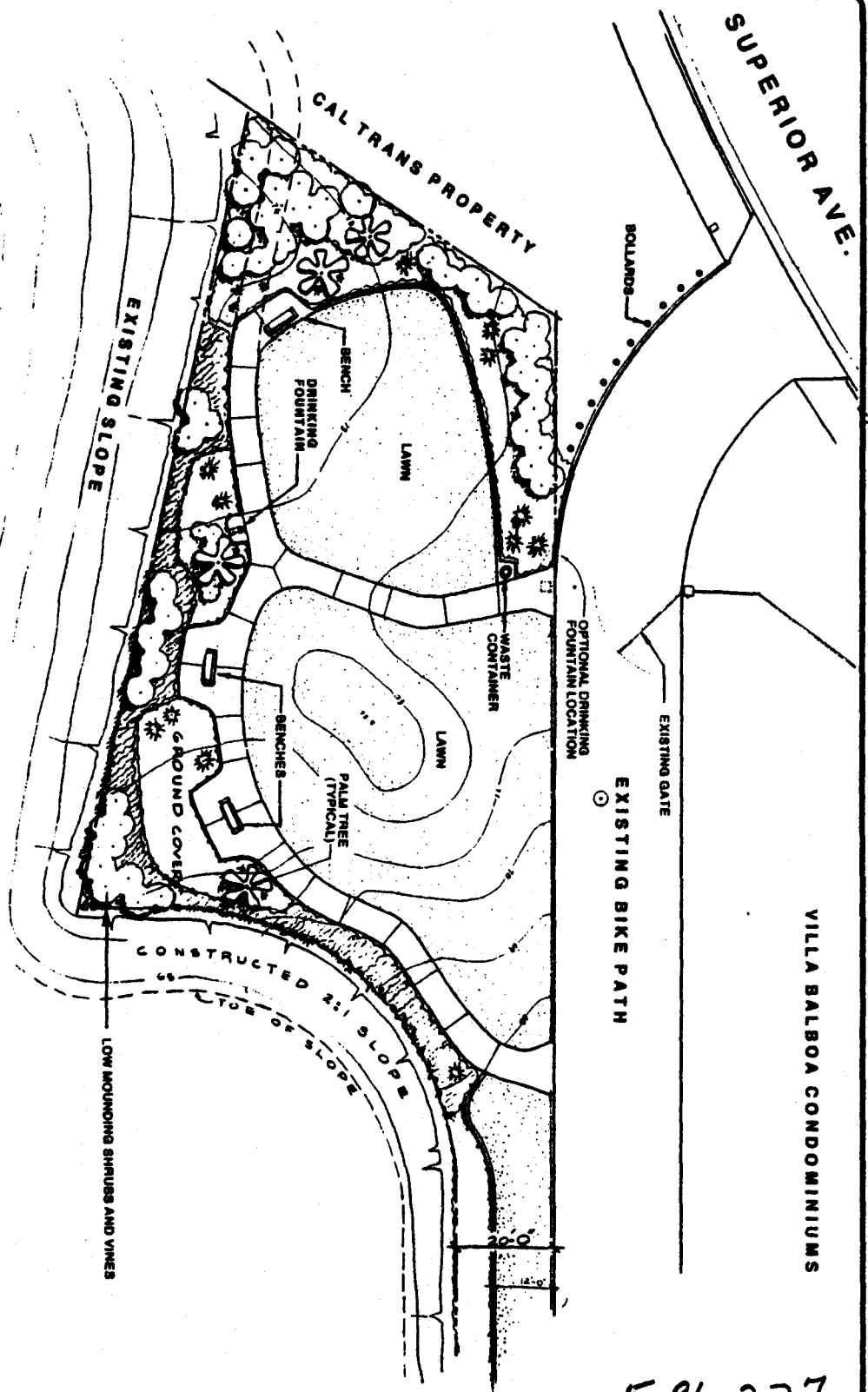
The project as proposed is consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures contained in the proposed project, including drainage and irrigation plans which limit introduction of water into the bluff, will minimize all adverse impacts. As submitted, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project as submitted can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SEE A 12

- 1 AGATE LN
- 2 BROADWAY CIR
- 3 BAY CREST CIR
- 4 CARRIEAN LN
- 5 CORAL COVE CIR
- 6 SEACOVE DR
- 7 SEASIDE CIR



5-96-227  
VICINITY MAP  
Exhibit A



VILLA BALBOA CONDOMINIUMS

5-96-227  
SITE PLAN  
Exhibit B



OF -  
SHEET NO.

PRELIMINARY  
LANDSCAPE  
PLAN

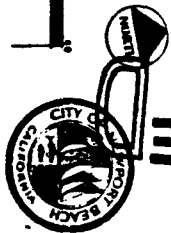
HOAG LINEAR PARK  
CITY OF NEWPORT BEACH



PEDERSEN & ASSOC.

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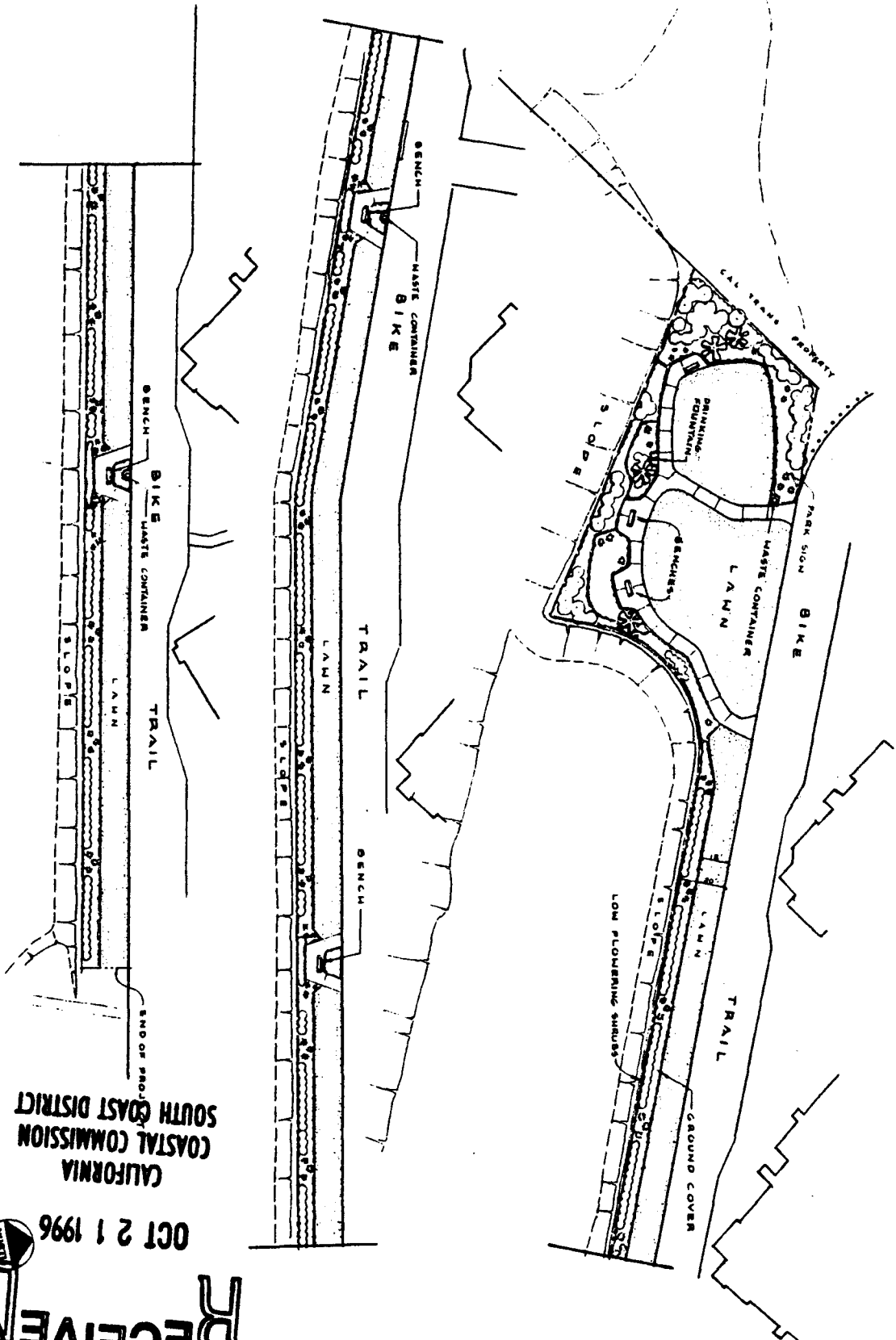
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SOUTH COAST DISTRICT

OCT 21 1996



5-96-227  
SITE PLAN  
Exhibit  
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OF -

DATE  
BY  
CHECKED  
APPROVED

PRELIMINARY  
LANDSCAPE  
PLAN

HOAG LINEAR PARK  
CITY OF NEWPORT BEACH



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LANDSCAPE ARCHITECTURE  
**PEDERSEN & ASSOC.**