

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

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LONG BEACH, CA 90802-4416

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Filed: January 18, 1996
49th Day: March 7, 1996
180th Day: July 16, 1996
Staff: John T. Auyong
Staff Report: February 23, 1996
Hearing Date: March 12-15, 1996
Commission Action:

**STAFF REPORT: CONSENT CALENDAR****APPLICATION NO.:** 5-95-265**APPLICANT:** City of Newport Beach**AGENT:** Public Works Department**PROJECT LOCATION:** On the public beach seaward of the 12th Street and Island Avenue street-ends, City of Newport Beach, County of Orange

PROJECT DESCRIPTION: At the 12th Street street-end, removal of an existing 5'x240' concrete beach access walk which extends out onto the beach and the construction of new 20'x310' replacement sloped-side asphalt beach access walk. At the Island Avenue street-end, removal of an existing 5'x60' concrete beach access walk which extends out onto the beach and the construction of new 20'x330' replacement sloped-side asphalt beach access walk.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept 1900-95**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan**Summary of Staff Recommendation:**

Staff is recommending approval of the project with special conditions regarding timing of construction, stockpiling of materials/equipment, and limitations on the construction areas.

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 located between the nearest public roadway and the shoreline, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, including the public access and recreation policies of Chapter 3, 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.

2. Timing of Construction

Construction activities shall not take place during the summer season between the Memorial Day and Labor Day holiday weekends inclusive.

IV. Findings and Declarations.

A. Project Description

The applicant is proposing to remove existing concrete beach access walks and replace them with new asphalt beach access walks. The existing access walk at the 12th Street street-end is 5 feet wide and 240 feet long. The proposed replacement asphalt walk at 12th Street would be 20 feet wide and 310 feet long. The existing access walk at the Island Avenue street-end is 5 feet wide and 60 feet long. The proposed replacement asphalt walk at Island Avenue would be 20 feet wide, and 330 feet long.

The replacement walks would be 3 inch thick asphalt concrete over 6 inch thick asphalt treated bases. The sides of the proposed walks would sloped down into the side, to allow them to be crossed by beach maintenance, lifeguard, and other vehicles.

Both proposed replacement access walks would have a 32 foot diameter cul-de-sac type turnaround at their seaward edges. A 5 foot long, 36" high galvanized steel pipe bike rack would be in the center of each turnaround. The bike racks would be secured to 12"x12" pre-cast concrete footings, sunk 18 inches below the top of the walk, by surface mounted stainless steel hardware.

B. Public Access/Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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 existing access walks which extend out over the beach towards the water's edge currently provide vertical access from the 12th Street and Island Avenue street-ends. The access walks connect to the existing concrete boardwalk located at the inland extent of the beach. The boardwalk provides lateral access along the central portion of Balboa Peninsula.

Since construction activities would be limited to twenty working days, the chances for a spill are less than for longer-term construction activities. In addition, construction would be limited to a narrow area immediately surrounding the locations of the two new access walks, reducing the chance of widespread contamination. Therefore, the Commission finds the proposed development to be consistent with Section 30231 of the Coastal Act regarding water quality.

D. Local Coastal Program

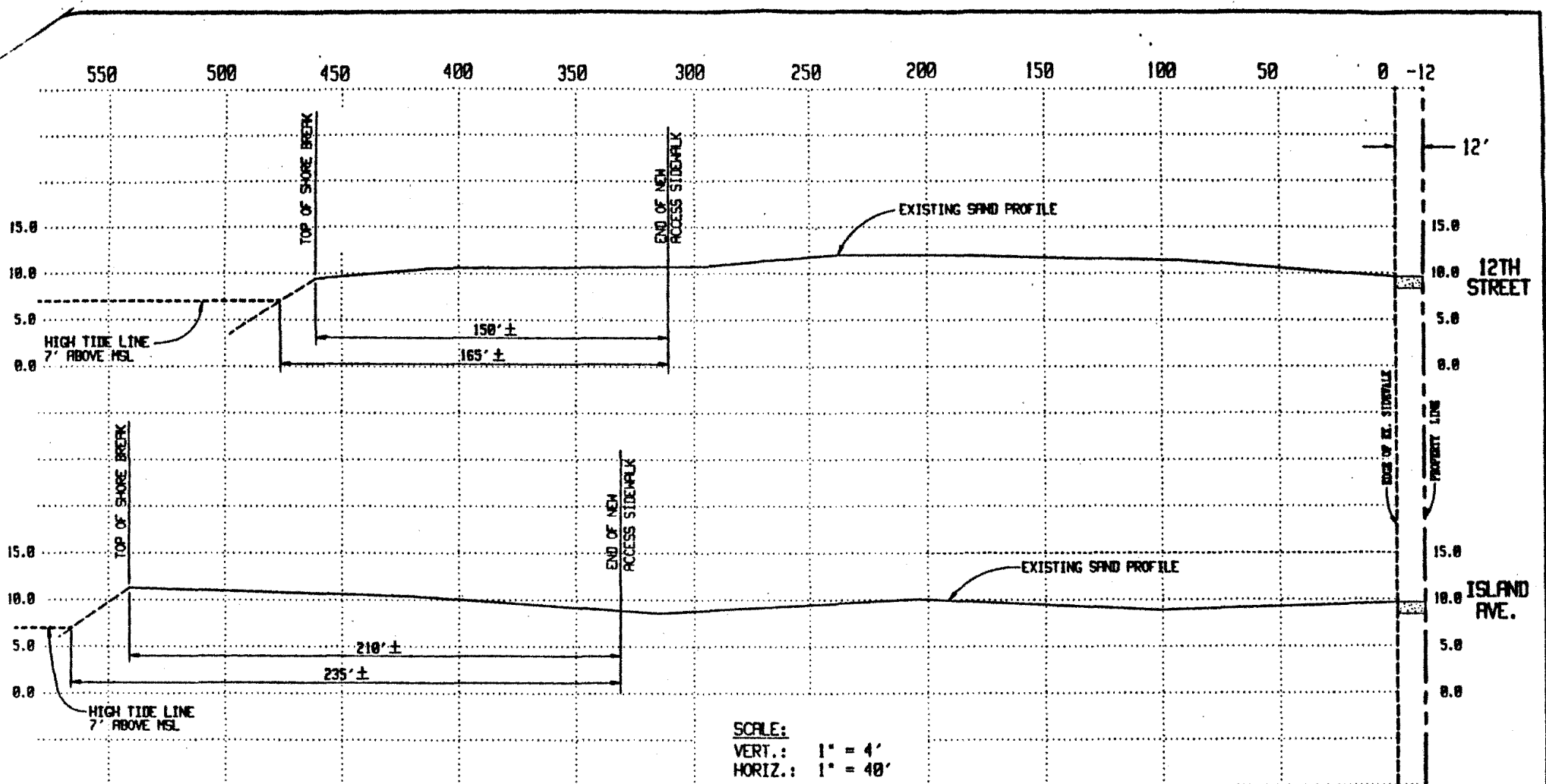
Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan ("LUP") portion of the LCP was certified in 1982. The proposed project has been conditioned to conform to the Chapter Three policies regarding water quality, public access and recreation policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City of Laguna Beach to prepare an LCP which is in conformity with the Chapter 3 policies of the Coastal Act for the subject area of deferred certification.

E. Consistency with the California Environmental Quality Act (CEQA).

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 subject site is in an urban zone. Development already exists on the subject site. Infrastructure necessary to service the subject site exists in the immediate area. The proposed project has been conditioned in order to be found consistent with the water quality, public access and recreation policies of the Coastal Act. Mitigation measures for limits on the construction area, timing of construction, stockpiling of materials, plans to prevent and mitigate spillage of toxic materials during construction, and mitigation for future contamination, will minimize all adverse impacts. As conditioned, 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.



COASTAL COMMISSION
CROSS-SECTION/BEACH PROFILE

EXHIBIT # B
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BEACH PROFILE AT	
12TH ST., AND ISLAND AVE.	
CITY OF NEWPORT BEACH	EXHIBIT
PUBLIC WORKS DEPARTMENT	Jan 17, 1996



CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT
P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3311

JAN 18 1996

January 17, 1996

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5-95-265
COASTAL COMMISSION
CITY LETTER

SUBJECT: Coastal Development Permit Application 5-95-265

EXHIBIT # D

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Dear Mr. Auyong:

As discussed during our telephone conversation of 1/16/96, the following is the additional information requested by your office's December 22, 1995 Request For Information correspondence..

- Item #1: The proposed beach access walks will not be constructed past the mean high tide line. Attached herewith are supporting beach sand profiles generated from our Surveyors' field notes that were compiled in 1995.
- Item #2: The existing sand dunes will not be disturbed and will be protected in place as-is. Please see attached revised plan showing new access walk location.
- * **Item #3:** The contractor will be required to protect the construction sites in the following manner:
"The Contractor shall take all responsible means to prevent the contamination of beach sand and water adjacent to the project sites. The beach shall be kept clean of construction debris and trash which are the result of the Contractor's operations. Prior to construction, the Contractor shall provide the City with an adequate hazardous materials spills contingency plan and demonstrate a satisfactory method of preventing asphalt, fuel, or oil from being discharged into the ocean during construction. Beach sand that is contaminated as a result of the Contractor's operations shall be removed, disposed of, and replenished with clean sand in accordance with Federal, State, and Municipal laws and codes by the Contractor at his/her expense."
- * **Item #4:** The City will require the contractor to complete all construction work within twenty (20) consecutive work days after project Award. It is the City's desire to complete all of the work prior to Spring Break '96 so as to minimize the inconvenience that may be caused to the public.