

CALIFORNIA COASTAL COMMISSION
 SOUTH COAST AREA
 245 W. BROADWAY, STE. 380
 P.O. BOX 1450
 LONG BEACH, CA 90802-4416
 (310) 590-5071

Filed: 5/21/96
 49th Day: 7/9/96
 180th Day: 11/17/96
 Staff: MV-LB
 Staff Report: 6/7/96
 Hearing Date: 7/9-12/96
 Commission Action:



RECORD PACKET COPY

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-96-106

APPLICANT: City of Newport Beach, Public Works Department

AGENT: Stephen Luy

PROJECT LOCATION: Ends of 51st, 52nd, 53rd, 54th, and 55th Streets adjacent to unimproved Oceanfront right-of-way, Newport Beach, Orange County.

PROJECT DESCRIPTION:

Construction of street end improvements consisting of a new surface, curb, sidewalk, driveway approaches, and landscaping. Two public metered parking spaces will also be constructed at each street end.

LOCAL APPROVALS RECEIVED:

Approval in Concept No. 450-96, City of Newport Beach Planning Department

SUBSTANTIVE FILE DOCUMENTS:

Coastal Development Permit Nos. 5-93-114 (Newport Beach); 5-94-091 (Newport Beach); 5-95-010 (Newport Beach); City of Newport Beach certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION: Staff is recommending approval of the proposed project with two special conditions: 1) requiring that the public metered spaces must be provided as proposed, and 2) that the public metered spaces provide long term use (minimum 6 hours).

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 this permit is reported to the Commission. 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. Development Assurance

The applicant shall construct a minimum of two long term metered public parking spaces per street end in conformance with the approved plans.

2. Long Term Meters

- a) Prior to issuance of the coastal development permit the applicant shall submit, for the review and approval of the Executive Director, a signed agreement that each of the parking spaces shall be available to the general public on a long term (minimum of 6 hours) metered basis.
- b) The public parking meters shall provide a minimum of 6 hours parking time, consistent with the signed agreement.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background

On June 11, 1991, the Commission approved Amendment 1-90 to the City of Newport Beach certified Land Use Plan. The amendment provided a policy to establish conditions and restrictions on the nature and extent of private improvements which may be installed over public rights-of-way on the ocean side of beach-front residences within specific areas of the Balboa Peninsula of Newport Beach. As part of this agreement, the property owners whose development encroached onto the public right-of-way were required to pay fees. Those fees were to be used, in part, to fund street end improvements in the subject area.

The proposed project is the fourth application for street end improvements. The first three applications were approved as coastal development permits 5-93-114, 5-94-091, and 5-95-010 and incorporate the street ends at 37th and 38th Streets, and 40th Street through 53rd Streets.

Under the current application the City is proposing to construct street end improvements on 51st through 55th Street. These improvements consist of the installation of curbs, sidewalks, driveway approaches, landscaping, resurfacing of the road and placement of two parking spaces at each street end. The unimproved street end rights-of-way will be cleared of existing debris, plant materials and privately owned encroachments. Native sand will then be excavated as needed and concrete curbs and gutters, sidewalks, pavement, and parking meters will be constructed at each street end.

B. Public Access and Recreation

Section 30210 of the Coastal Act requires maximum access to the sea. In approving the City of Newport Beach's LUP Amendment 1-90, the Commission found that the existing encroachments created negative impacts to public access and required mitigation. The Commission at the time also found that "improved street ends and improved handicapped facilities are appropriate mitigation for the beach-front encroachments."

The proposed street end improvements will enhance recreational opportunities through improved public access to the beach by providing sidewalks and parking spaces where none currently exist. Two public metered parking spaces per street end are proposed. The parking spaces and parking meters are shown on the project plans. A Negative Declaration was prepared for the project. The project goals stated in the Negative Declaration include:

Provide paved and signed parking areas for at least 2 vehicles, plus emergency vehicle beach access, at each street end. The construction of these street ends will satisfy a 1991 agreement between the City of Newport Beach and the California Coastal Commission to mitigate any impact on beach access resulting from private encroachments on and over public right-of-way on the ocean side of beach front private property.

Resolution 91-80 of the City Council amending the LUP and establishing the policy for ocean front encroachments states in the mitigation plan:

- (1) The reconstruction shall provide a minimum of two parking spaces per street and shall proceed in substantial conformance with the standard drawing, attached as Exhibit A.

The certified LUP includes policies on oceanfront encroachments. Policy 5(A)(3) on page 36b states:

West Newport streetend parking spaces shall be metered in the same manner as the West Newport Park in order to encourage public use of the spaces.

The proposed project will provide two public metered parking spaces. However, the project as proposed does not state whether the meters will allow long term parking. A typical beach visit lasts a number of hours. To effectively enhance public access opportunities in the area, consistent with the ocean front encroachment agreement as reflected in the LUP and consistent with Section 30210 of the Coastal Act, the meters must provide long term parking opportunities. Under coastal development permit 5-94-091, the City indicated that the long term meters would be six hour meters. The Commission approved 5-94-091 with six hour meters. Six hours will provide adequate time for a typical beach visit. Therefore as a condition of approval the applicant shall submit, for the review and approval of the Executive Director, a signed agreement stating that each of the parking spaces shall be available to the general public on a long term (minimum six hours) metered basis.

In addition, to assure that the long term metered parking spaces remain a part of the project, as a special condition of approval, the applicant is specifically required to construct the public metered parking spaces. As conditioned, the project will promote public beach access and will be consistent with the agreement between the City and the Commission as incorporated into the City's certified Land Use Plan. Therefore, as conditioned, the Commission finds that the project conforms with the access and recreation policies of Section 30210 of the Coastal Act.

C. 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 which conforms with the Chapter 3 policies of the Coastal Act.

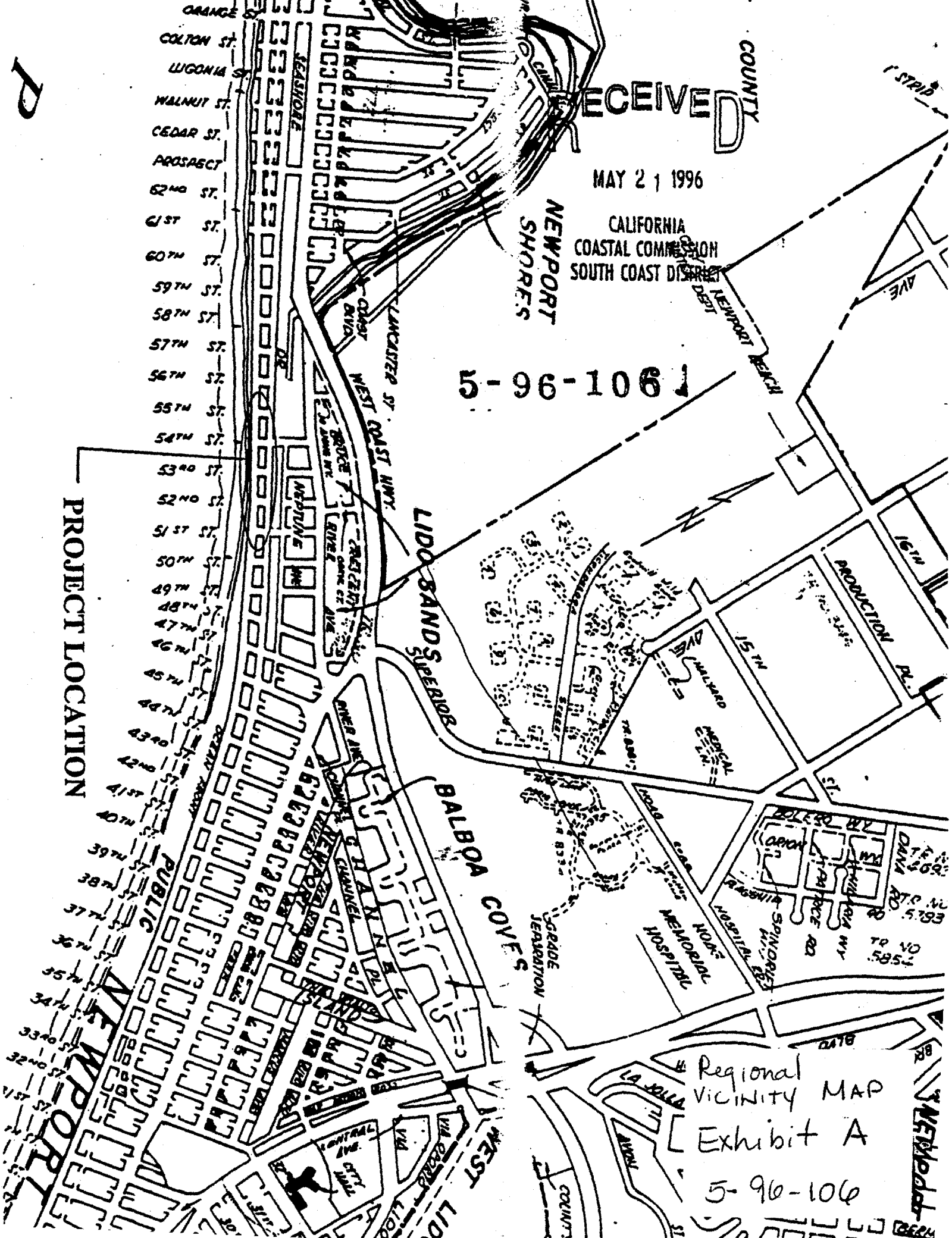
The Newport Beach Land Use Plan was certified on May 19, 1982. The proposed project is required in the certified Land Use Plan and will promote public access. Therefore, as conditioned, the proposed development will not prejudice the City's ability to prepare a Local Coastal Program Implementation Plan for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

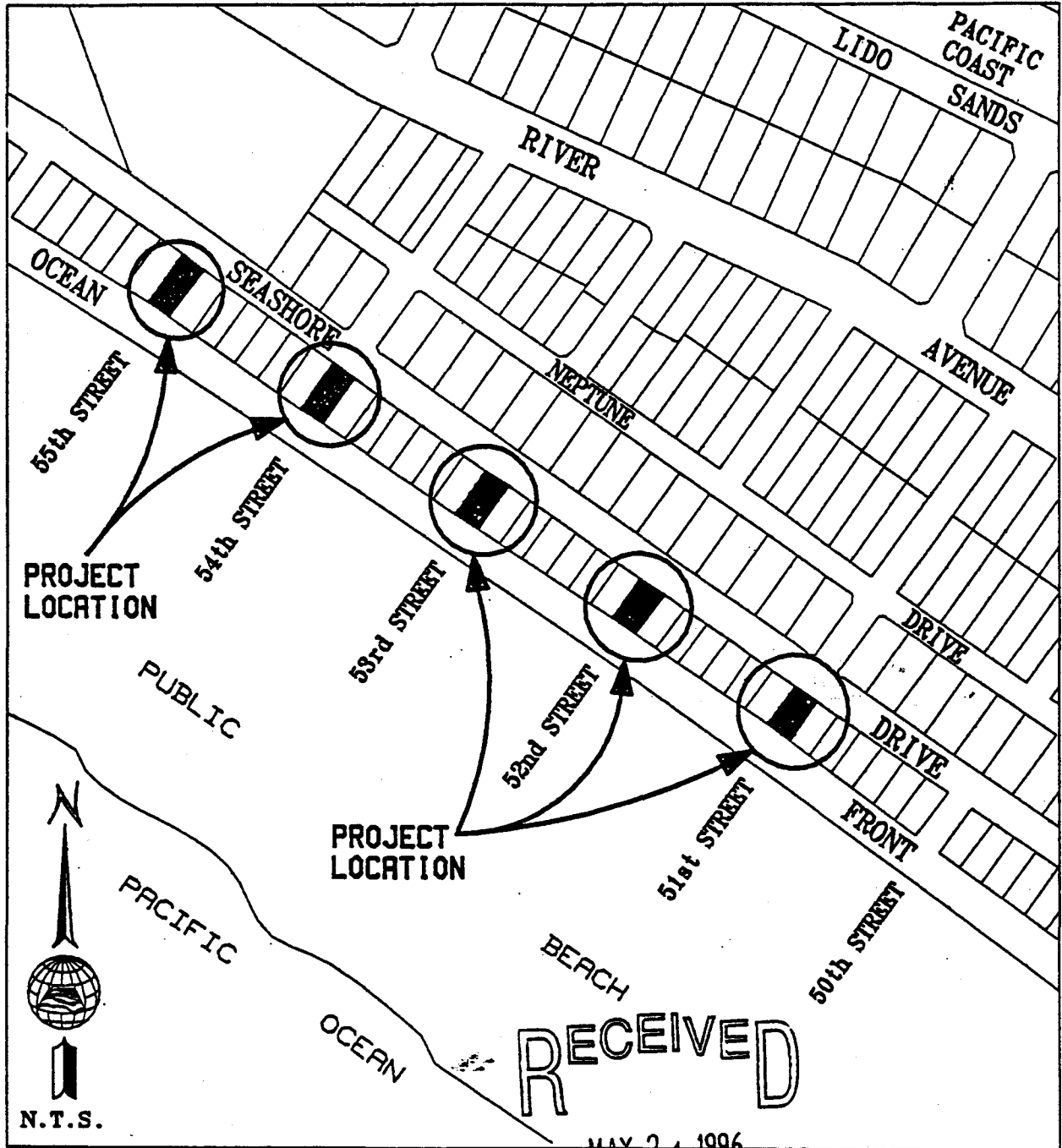
D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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)(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 is located between the sea and the first public road. The project consists of street end improvements, including provision of public parking spaces. The project will facilitate public access by providing public sidewalks and parking spaces. This development will not result in adverse impacts to native vegetation or coastal resources. The Commission has included special conditions requiring assurance of development of the public metered parking spaces and a signed agreement to provide long term parking at the metered spaces. The proposed project as conditioned is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act.

P





5-96-1061

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

C-3081

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

DRAWN BY: M.LY DATE: 2/15/96

APPROVED

Stephen Luy
STEPHEN LUY
PROJECT ENGINEER

**OCEAN FRONT STREET END IMPROVEMENTS
FROM 51ST STREET TO 55TH STREET**

LOCATION MAP 5-96-106

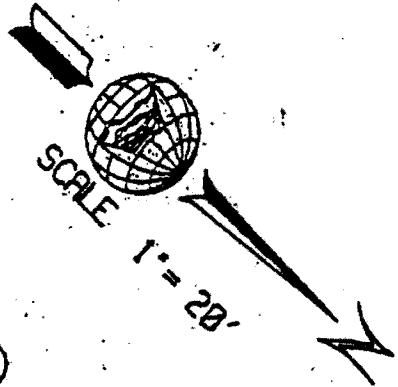
Exhibit B

RECEIVED

MAY 21 1996

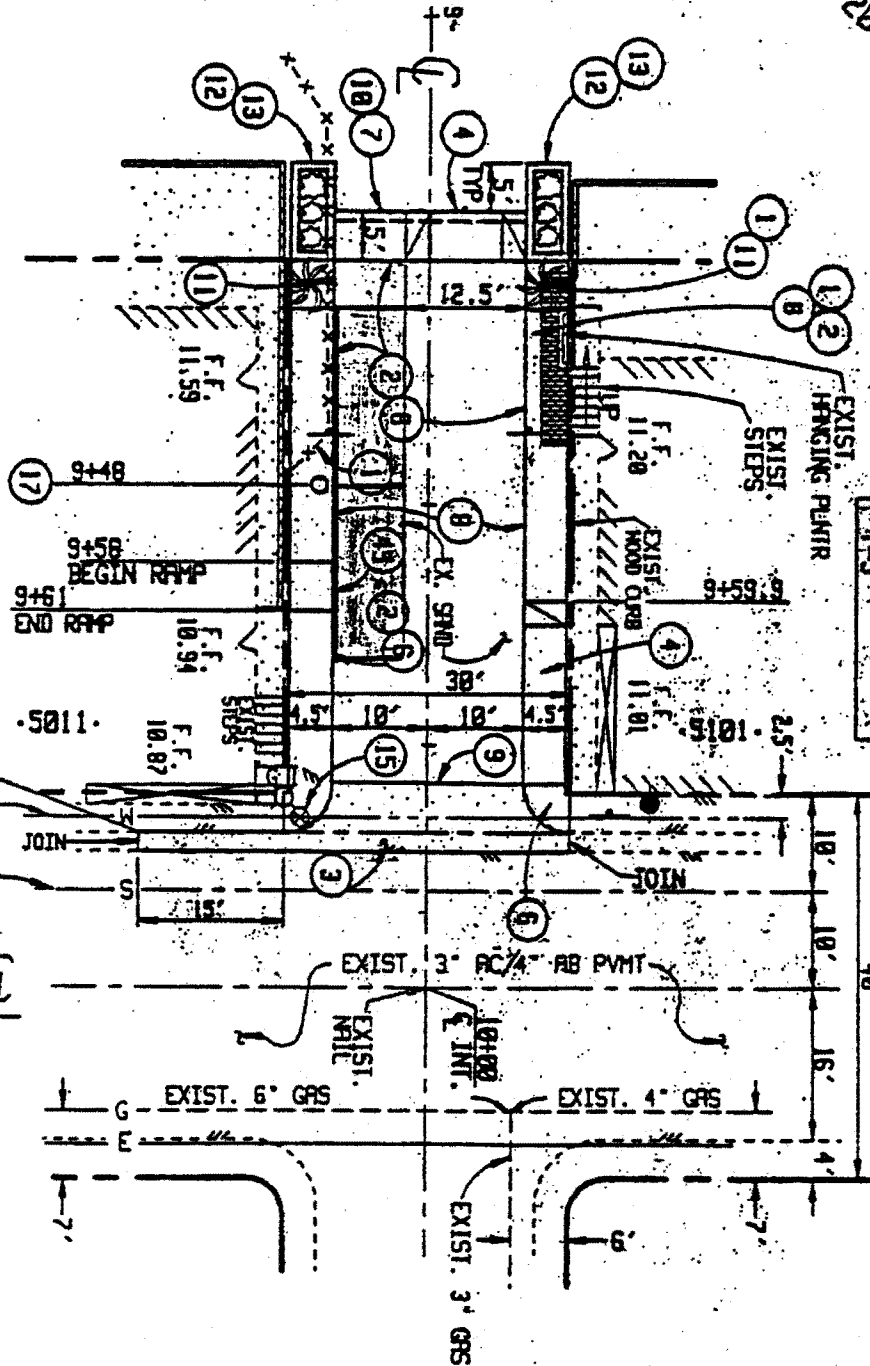
CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

PUBLIC BEACH
(SAND)



OCEAN FRONT

51st STREET



CURVE DATA
R=5', L=7.85'
Δ=90° 00' 00"
T=5'

CURVE DATA
R=5', L=7.85'
Δ=90° 00' 00"
T=5'

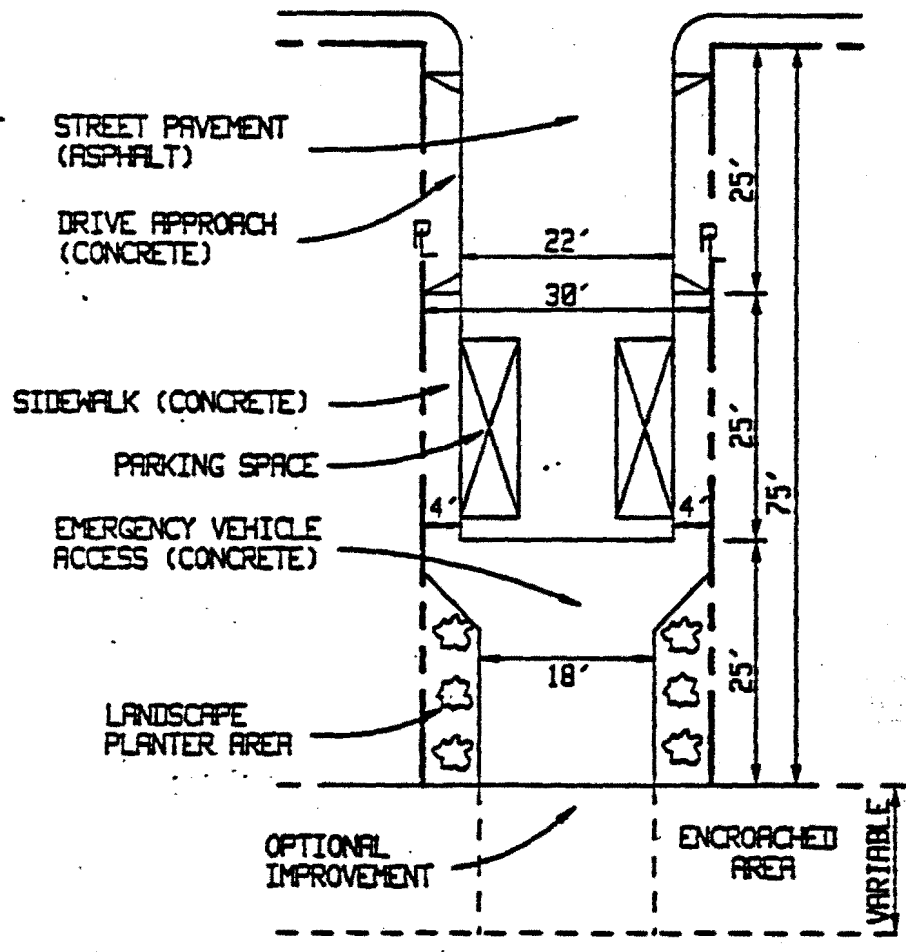
SERSHORE DR.

EXHIBIT C
SITE PLAN
5-96-104

METERED PARKING LOCATIONS

5-96-104

SEASHORE DRIVE



PUBLIC BEACH AREA

48 LOCATIONS VARY FROM 55' TO 90'
14 LOCATIONS @ 75'

SCALE: 1"=20'
90-1

CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

APPROVED

Model Street End
"Exhibit A"

DIRECTOR OF PUBLIC WORKS
R.E. NO. 12806

TYPICAL 75 FEET
STREET ENDS (DRAFT)

DESIGNED	JW	CHECKED	JW
DRAWN	FT	DATE	1/29/91

5-96-106

T. L. Site Plan Approved