

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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Filed: September 8, 1997  
49th Day: October 27, 1997  
180th Day: March 7, 1998  
Staff: John T. Auyong *John*  
Staff Report: September 18, 1997  
Hearing Date: October 7-10, 1997  
Commission Action:

**STAFF REPORT: CONSENT CALENDAR**

APPLICATION NO.: 5-97-258

APPLICANT: City of Newport Beach

AGENT: Steve Luy (Public Works Department)

PROJECT LOCATION: Seaward ends of 56th, 57th, 58th, and 59th Streets,  
City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Improve street-ends including removal of existing private encroachments, and installation of paving, curbs, sidewalks, landscaping, residential driveway approaches, and two metered parking spaces providing up to six hours of parking, per street-end.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval-in-Concept 1415-97

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; Coastal development permits 5-93-114, 5-94-091, 5-95-010, and 5-96-106 (City of Newport Beach)

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the proposed project with special conditions regarding: (1) that two public metered parking spaces per street-end must be provided as proposed, and (2) that the public metered parking spaces provide long-term use (minimum of six 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. Provision of Parking Spaces. 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. The public parking meters shall provide a minimum of six (6) hours of parking time. 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 public parking spaces shall be available to the general public on a long term (minimum of six hours) metered basis.

IV. Findings and Declarations.

A. Project Description.

The applicant is proposing to improve the seaward ends of 56th, 57th, 58th, and 59th Streets in the West Newport area of the City of Newport Beach. The subject application is the fifth such application for street-end improvements in West Newport. These street-ends are located seaward of Seashore Drive (the first public road in the area) and lead directly to the beach. Currently, the street-ends are either sandy and unimproved or have a small paved area with private encroachments from the private residential lots on either side of the street-end.

Specifically, the applicant proposes to remove private encroachments, and pave the street-ends with cement, install curbs, sidewalks, driveway approaches (in those cases where garages of the abutting homes face the street-end and not Seashore Drive), and landscaping. The applicant further proposes to provide two tandem public parking spaces along one side of each street-end. The proposed project thus would provide a total of eight public parking spaces. The spaces are proposed to be metered, and a double-headed meter is proposed to be installed on a single post per street-end. The proposed public parking meters would operate from 8:00 a.m. to 6:00 p.m. and would have a six hour limit. The proposed fee is 25¢ per 15 minutes (\$1.00 per hour).

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.

The applicant is proposing to improve four street-ends which provide public vertical access to the beach in West Newport. The proposed improvements would include the provision of public parking and sidewalks. The improvements would enhance public access by increasing the supply of public parking spaces in the area by eight spaces. The installation of the sidewalks would also make it easier to traverse the street-ends to get to the beach, further enhancing public access.

The public parking spaces are proposed to be metered. The proposed meters would provide six hours of public parking time. Since beach visits typically last several hours, the six hours of parking time would accommodate most visits. However, because most beach visits are long-term, it is necessary to ensure that the six hours of parking time as proposed is the minimum, as opposed to maximum, amount of time provided. Therefore, the Commission finds that a special condition is needed to establish the proposed six hours of public parking time as the minimum amount of time allowed.

In addition, the Commission finds that, because the provision of public parking is necessary to promote public access in the area, it is necessary to impose a special condition requiring the provision of two public parking spaces per street-end, consistent with the development proposal.

Further, the special conditions being imposed were previously imposed by the Commission on the four prior permits for similar street-end improvements in West Newport. Therefore, the Commission finds that, as conditioned, the proposed development would be consistent with Section 30210 of the Coastal Act.

C. Public Views

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

One of the subject street-ends proposed to be improved currently contains significant landscaping which encroaches from adjacent residential property. This existing landscaping blocks public views down the street-end to the beach. By removing this existing landscaping and installing much less visually intrusive landscaping, the applicant would be increasing public views down the street-end. Therefore, the Commission finds that the proposed development would be consistent with Section 30251 of the Coastal Act.

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) was originally certified on May 19, 1982. On June 11, 1991, the Commission approved LUP Amendment 1-90 with suggested modifications. The Ocean Front "paper street" runs laterally along the beach in West Newport, perpendicular to the subject street-ends. The LUP amendment provided policies to establish conditions and restrictions on the nature and extent of private encroachments onto Ocean Front from private residential development on Ocean Front.

The Commission found that these private encroachments would have cumulative adverse impacts on public access and public recreation. To mitigate these impacts, the LUP amendment contains a mitigation plan requiring the payment of encroachment fees for private encroachments onto Ocean Front. The LUP amendment stipulated that the money from these fees is to be used to fund the types of street-end improvements which are proposed under the subject permit application. The street-end improvements would enhance public access by

providing parking and improved public vertical access to the beach, thereby mitigating the loss of public lateral access and recreation opportunities resulting from private encroachments onto Ocean Front.

As conditioned, the proposed development is consistent with the public access and recreation policies of Chapter Three of the Coastal Act as well as the certified LUP encroachment policies. Therefore, the Commission finds that approval of the proposed development, as conditioned, would not prejudice the City's ability to prepare a local coastal program consistent with the Chapter Three policies of the Coastal Act.

E. 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.

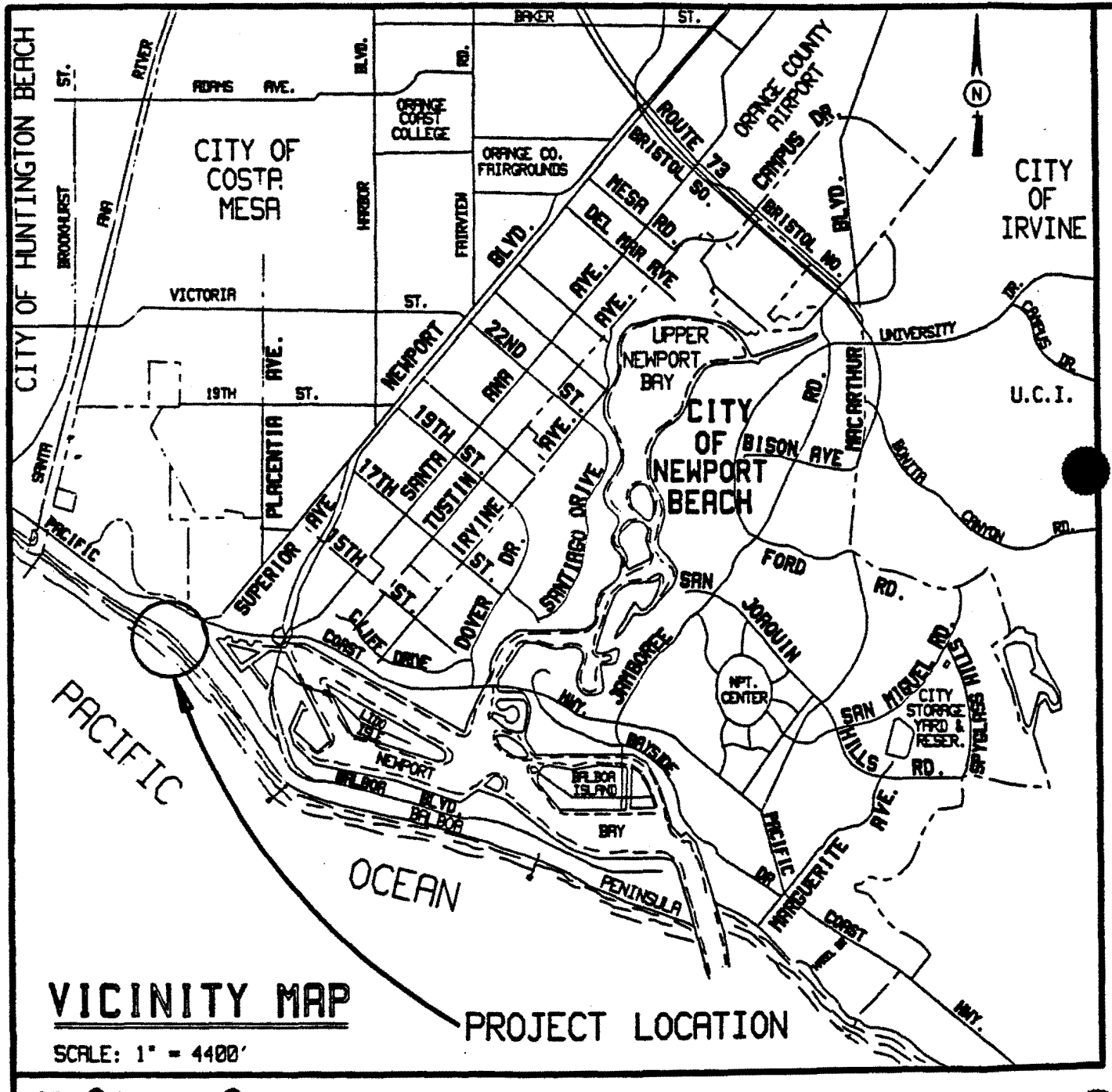
The proposed development is located in an urban area. All infrastructure necessary to serve the site exists in the area. The proposed project has been conditioned in order to be found consistent with the public access and recreation policies of Chapter Three of the Coastal Act. Mitigation measures requiring; the provision of two public parking spaces per street-end, and long-term meters, will minimize all significant 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, as conditioned, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

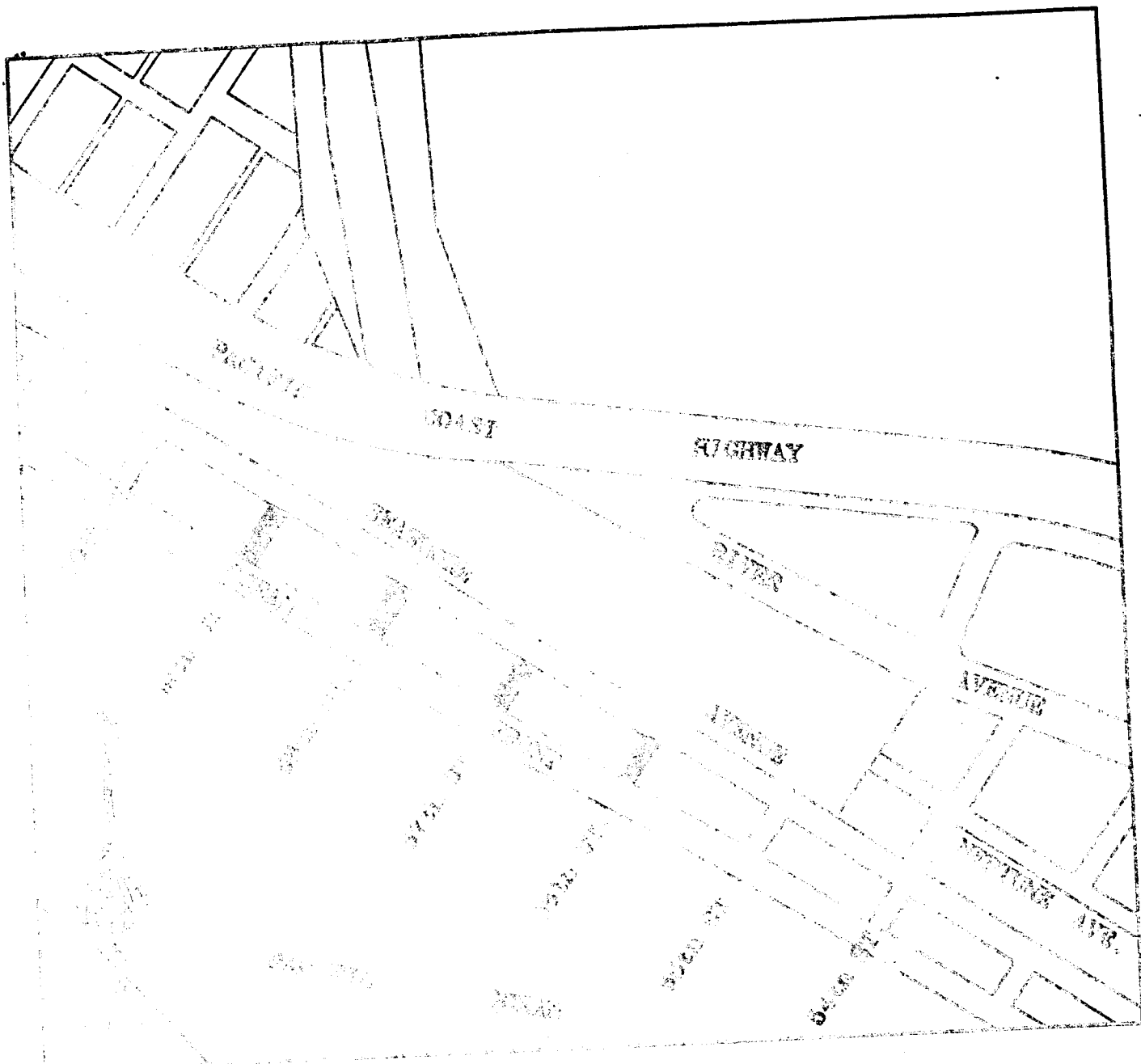
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5-97-258  
COASTAL COMMISSION

EXHIBIT # A  
PAGE 1 OF 2



5-97-258



## LOCATION MAP

CLAYTON COMMUNITY

5-97-258

EXHIBIT # A

PAGE 2 OF 2

5-97-258  
 COASTAL COMMISSION  
 Plans  
 EXHIBIT # **B**  
 PAGE **1** OF **4**

(17) = proposed double-headed meter location

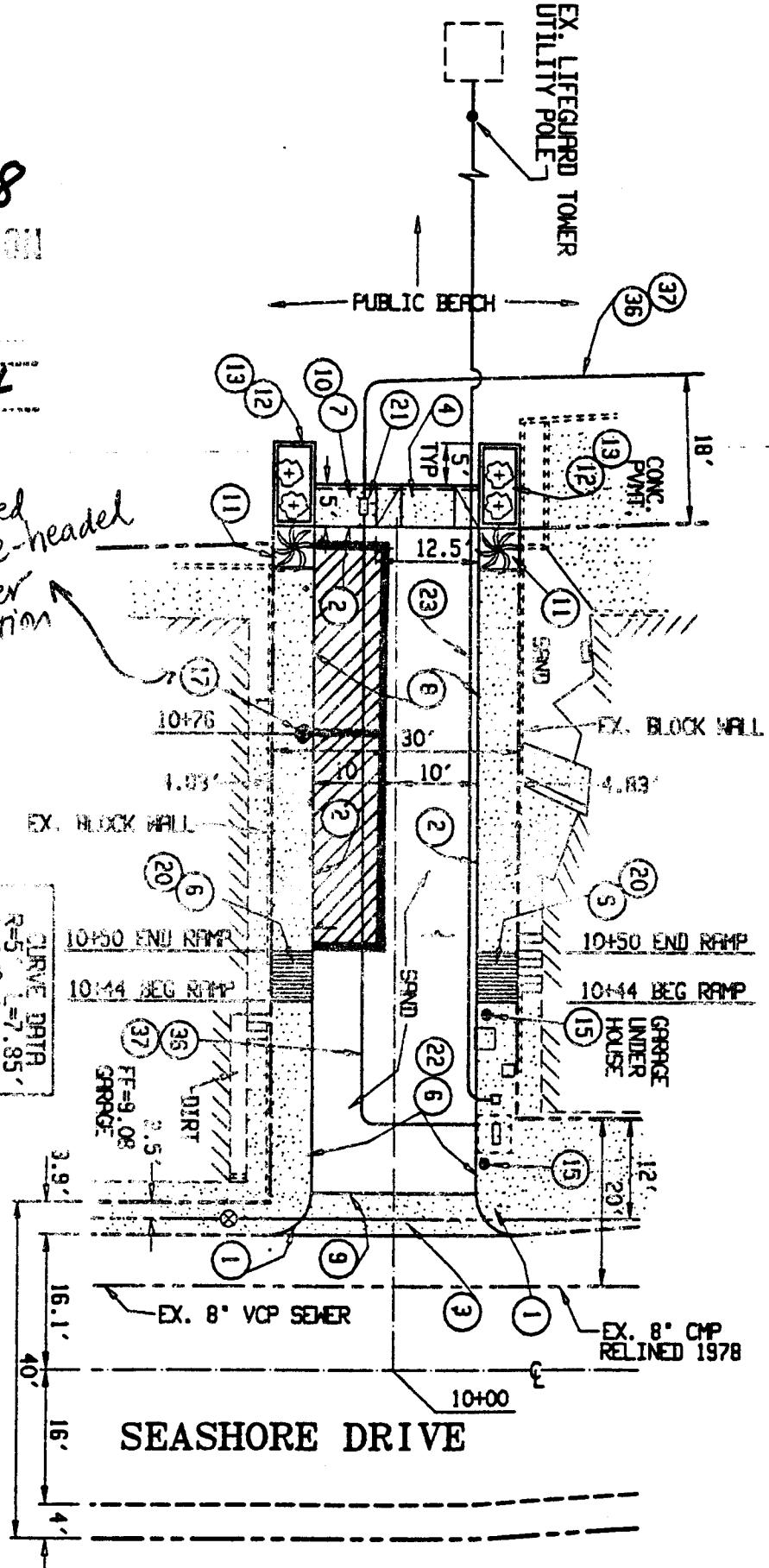
56th STREET

CURVE DATA  
 $R=5'$   
 $\Delta=90^\circ 02' 00''$   
 $L=5'$

Key: Next 4 pages



Area of proposed parking spaces





5-97-258

COASTAL COMMISSION

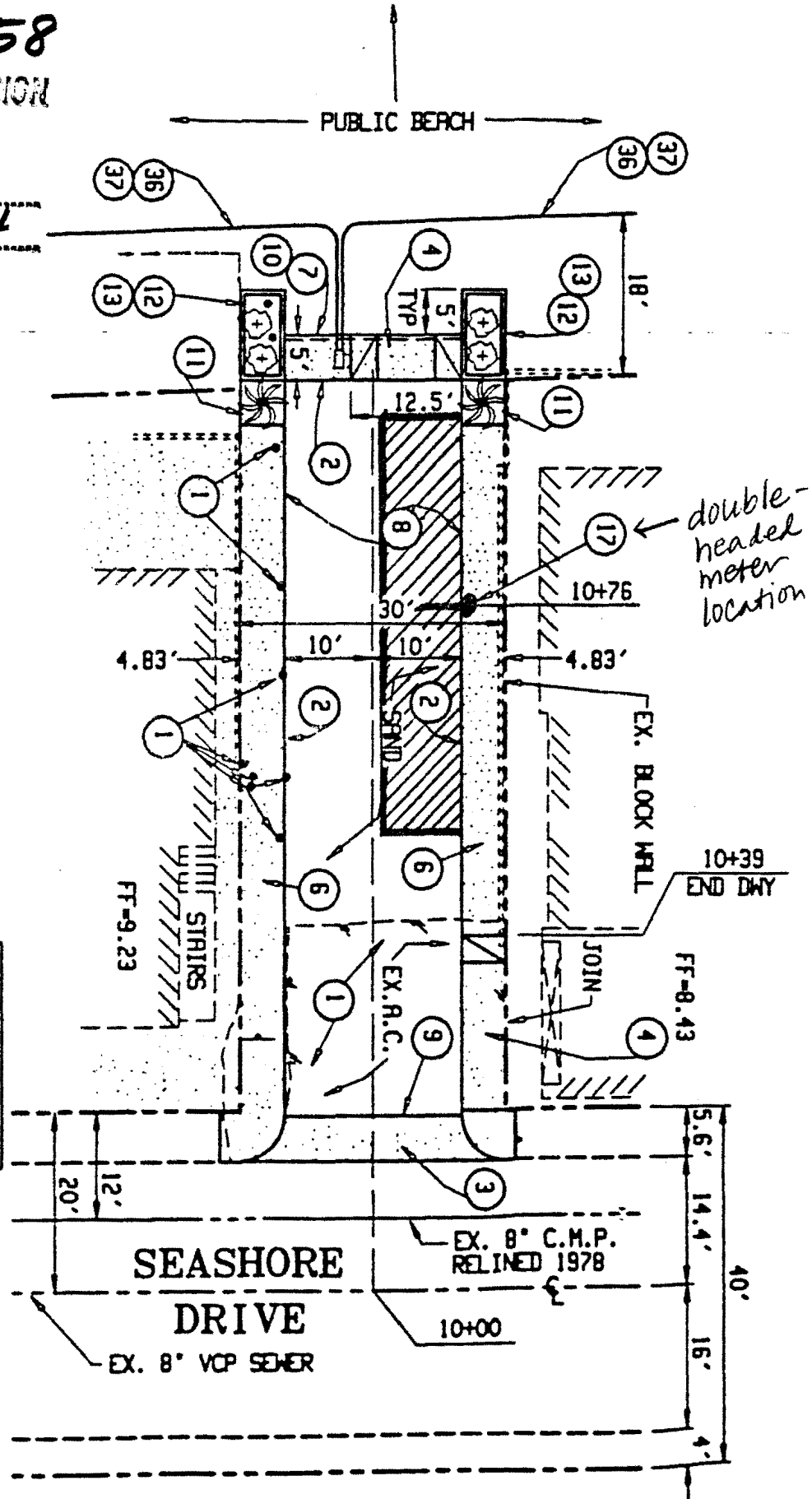
Plans

EXHIBIT # **B**

PAGE **2** OF **4**

57th STREET

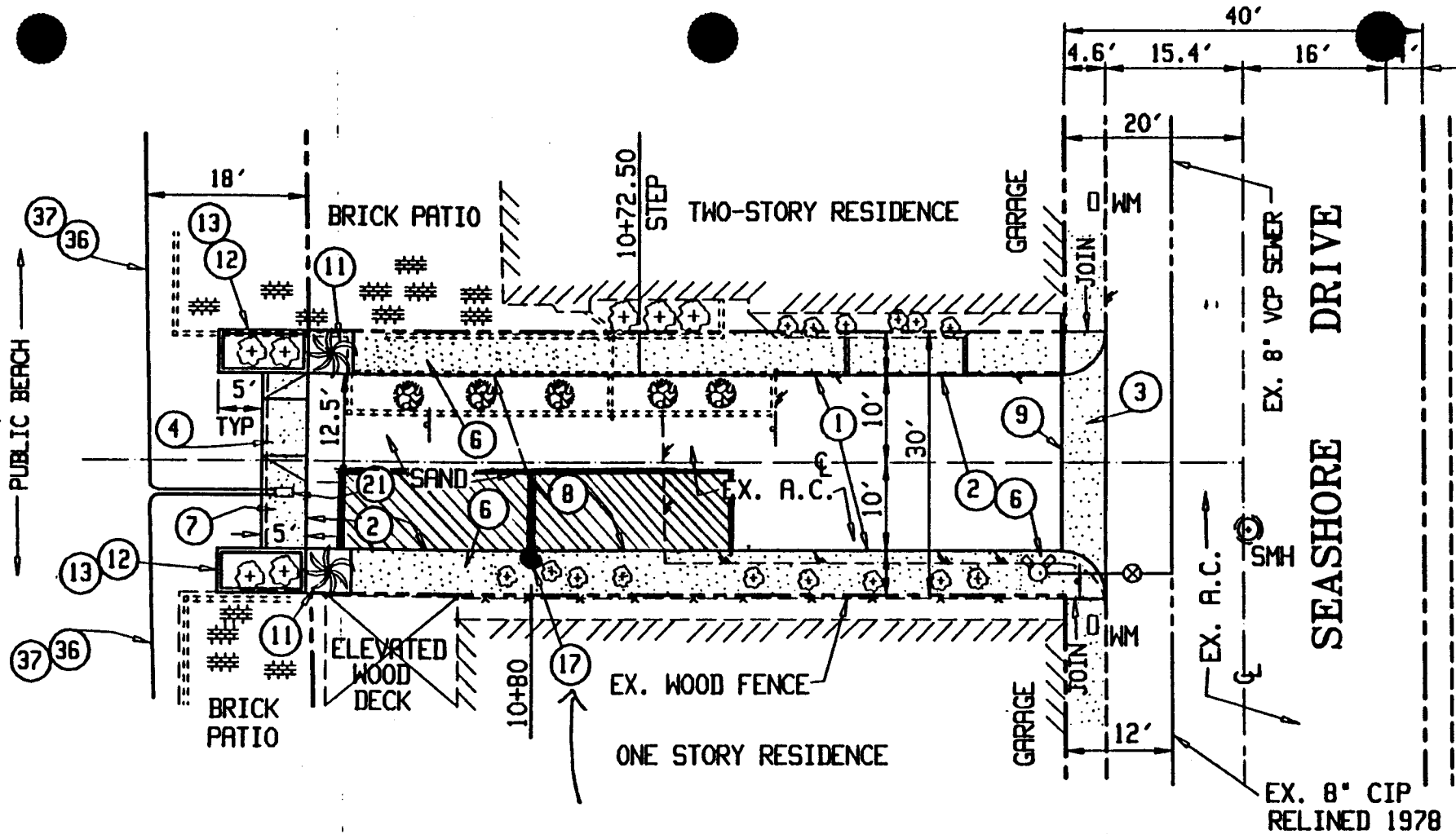
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R=5', L=7.85'  
Δ=90° 00' 00"  
T=5'



5-97-258  
COASTAL COMMISSION  
Plans  
EXHIBIT # B  
PAGE 3 OF 4

double-headed  
parking  
meter  
location

58th STREET



CURVE DATA  
R=5' L=7.85'  
 $\Delta=90^\circ 00' 00''$   
T=5'

5-97-258

COASTAL COMMISSION

Plans

EXHIBIT # B

PAGE 4 OF 4

59th STREET

CURVE DATA  
R=5' L=7.85'  
Δ=98°00'00"  
T=5'

