

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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RECORD PACKET COPY

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Staff: RMR/LB **RMR**
Staff Report: 10-15-97
Hearing Date: November 4-7, 1997
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-249

APPLICANT: Kevin Weeda

AGENT: None

PROJECT LOCATION: 411 & 413 30th Street, Newport Beach, Orange County

PROJECT DESCRIPTION: Combine two parcels into one and construct a 2,787 square foot office building with 12 parking spaces on a vacant site. No grading is proposed. The ground floor will include an architect's office, landscape architect's office, bathrooms and a conference room. The second floor will contain two offices and an administrative room.

Lot area:	5,580 sq. ft.
Building coverage:	2,800 sq. ft.
Pavement coverage:	2,780 sq. ft.
Landscape coverage:	NA
Parking spaces:	12
Zoning:	SP6-SR
Plan designation:	Retail & Service Commercial
Project density:	
Ht abv fin grade:	26 feet front, 31 feet rear

LOCAL APPROVALS RECEIVED: Approval in concept from the planning department of the City of Newport Beach

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan, Coastal Development Permits 5-83-142 (Bulajich), 5-85-845 (Gilsand Co.), 5-94-244 (Leeper), 5-94-170 (Emett)

SUMMARY OF UNRESOLVED ISSUES:

There are no known unresolved issues. Staff has informed the applicant of the special conditions which are recommended and the applicant does not object to the imposition of these special conditions.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed development with special conditions regarding parking signage and employee use of tandem parking spaces and future improvements.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, 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. Employee Parking Signage

Prior to the issuance of the Coastal Development Permit the applicant shall submit, for the review and approval of the Executive Director, a parking signage plan which includes the location and content of employee parking signs. The signs shall be located at each of the two tandem parking spaces and shall indicate that the two tandem parking spaces are reserved for employee parking. The remaining single parking spaces shall be reserved for public parking and shall be clearly labelled as "Visitor Parking". Signage shall be installed and maintained consistent with the approved signage plan.

2. Future Improvement

The coastal development permit is only for the commercial uses specified in the "Project Description" (see page 1). Any change in use shall require the review of the Executive Director in order to determine if a coastal development permit or amendment to this coastal development permit would be required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Location

The proposed development consists of the combination of two parcels and the construction of a 2,787 square foot office building with 12 parking spaces (two sets of tandem spaces, seven single parking spaces and one handicapped parking space). No grading is proposed. The ground floor will include an architect's office, landscape architect's office, bathrooms and a conference room. The second floor will contain two offices and an administrative room.

The proposed development is located in the City of Newport Beach at the corner of Newport Boulevard and 31st Street on the Balboa Peninsula. The subject site is located on the Balboa Peninsula in an area that is historically popular with the beach-going public, the Cannery Village area. In addition to wide, sandy beach areas, the Balboa Peninsula contains many restaurants and visitor serving retail areas, such as the municipal piers.

The Cannery Village area is located between 32nd Street and 26nd Street on the Balboa Peninsula. It is a mixed use area, with commercial, industrial and residential uses. Development in this area is regulated locally by the Cannery Village/McFadden Square Specific Plan Area. The land use designation for the Cannery Village/McFadden Square Specific Plan Area is "Retail and Service Commercial".

There are two previous permits approved by the Commission for development at this location. The first permit, 5-83-142 (Bulajich), involved the demolition of a commercial building and the construction of a 3-story structure with seven (7) office condominiums, two (2) residential condominiums and 14 parking spaces. The existing development was demolished but the new development was not constructed. The second permit, 5-85-845 (Gilsand Co.) involved the construction of a mixed-use building including six (6) commercial condominium units and two (2) residential units. The site is currently vacant. Neither permit included any special conditions.

B. New Development

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30252(4) of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The land use designation for the site is "Retail and Service Commercial", which is defined as follows:

Areas with this designation are to be predominantly retail in character, also accommodating some service office uses. It is the intent of this designation to provide contiguity of shopping and mutually supportive businesses. Uses allowed include retail sales, offices which provide goods or services to the general public, hotels and motels, restaurants, commercial recreation, and senior citizen housing facilities. Office uses which do not provide services directly to the public shall be prohibited on the ground level, but may be permitted on the second level or above where the ground level is occupied by a primary use. (emphasis added)

The applicants are proposing a two-story building. The ground floor will contain offices for an architect and landscape architect, bathrooms, a conference room and storage area. The second floor will contain two offices and an administration room. The ground floor uses conform with the allowable uses listed under the retail and service commercial category, i.e., "offices which provide goods or services to the general public." The uses proposed for the second floor conform with the land use designation, as long as first floor uses provide services directly to the public. Therefore, the proposed development conforms with the allowable uses in the retail and service commercial land use category of the certified LUP. The proposed development is also consistent with other Commission actions in the Cannery Village area.

However, because the second floor uses are dependent upon the uses allowed for the first floor, the Commission finds that the applicant shall consult with the Executive Director concerning any change in use of the first floor offices to determine if a coastal development permit or a coastal development permit amendment is required. Only as conditioned does the Commission find that the proposed development conforms with Section 30250 of the Coastal Act.

The subject site is not located between the nearest public road and the shoreline, but the proposed construction of a commercial building does constitute new development. The proposed development is therefore not an exempt class of development and would be required to provide adequate parking to support its parking demand.

As was stated previously, the development is situated in a highly scenic, visitor-serving tourist area of Newport Beach. Therefore, an essential element of the proposed development to the Commission is the provision of adequate parking. When development does not provide adequate parking, users of that development are forced to occupy parking spaces which should be available to the public at large. This results in competition for parking spaces between users of private development and visitors to the coastal zone. An inadequate supply of public parking can lead to traffic congestion and create a disincentive to visit the area. Consequently it is important that all new development provide adequate parking to minimize adverse impacts on public access to and use of the coast.

The Commission has developed parking standards which it has consistently applied to provide a method to calculate parking demand to "maintain and enhance public access to the coast" as provided for in Section 30252 of the Coastal Act. The Commission has consistently used a parking standard for office uses which require one parking space for every 250 square feet of gross floor area. This standard would apply to the proposed development.

The applicant is proposing to supply a total of 12 parking spaces, two sets of tandem parking spaces, seven single parking spaces and a handicapped space. Three single parking spaces and the one handicapped parking space front on 30th Street. The two sets of tandem parking spaces and four single spaces are located on the alley at the rear of the building. The Commission parking standards require that 12 parking spaces be provided.

In order to maximize the availability of parking for visitors to the commercial building the Commission finds that the two sets of tandem parking spaces are to be utilized for employee parking and that the remaining eight spaces be reserved for public use. Having the tandem parking spaces located in the rear off the alley maximizes the availability of the parking spaces in the front off 30th Street for public use.

The Commission also requires that the applicant be conditioned to place signs which would distinguish public parking from employee parking in order to ensure that employee parking does not conflict with the ability of clients utilizing the building services to park on-site.

Only as conditioned does the Commission find that the proposed development conforms with the parking requirements of the South Coast Guidelines and Section 30250 and 30252(4) 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 (LCP) which conforms with the Chapter Three policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was originally certified by the Commission in 1982. The proposed development would be located in the Cannery Village area on a site designated for Retail and Service Commercial (RSC) uses. The proposed architect's office and landscape architect's office are consistent with the RSC designation. The proposed development has been conditioned to conform with the new development policies of Chapter Three of the Coastal Act. Therefore, the proposed development would not prejudice the ability of the City of Newport Beach to prepare an LCP consistent with the Chapter Three policies of the Coastal Act.

D. 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 proposed project has been conditioned in order to be found consistent with the new development policies of the Coastal Act. Mitigation measures; including a special condition regarding signage and use of on-site parking and future improvements; 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.

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SITE

OCEAN

PACIFIC

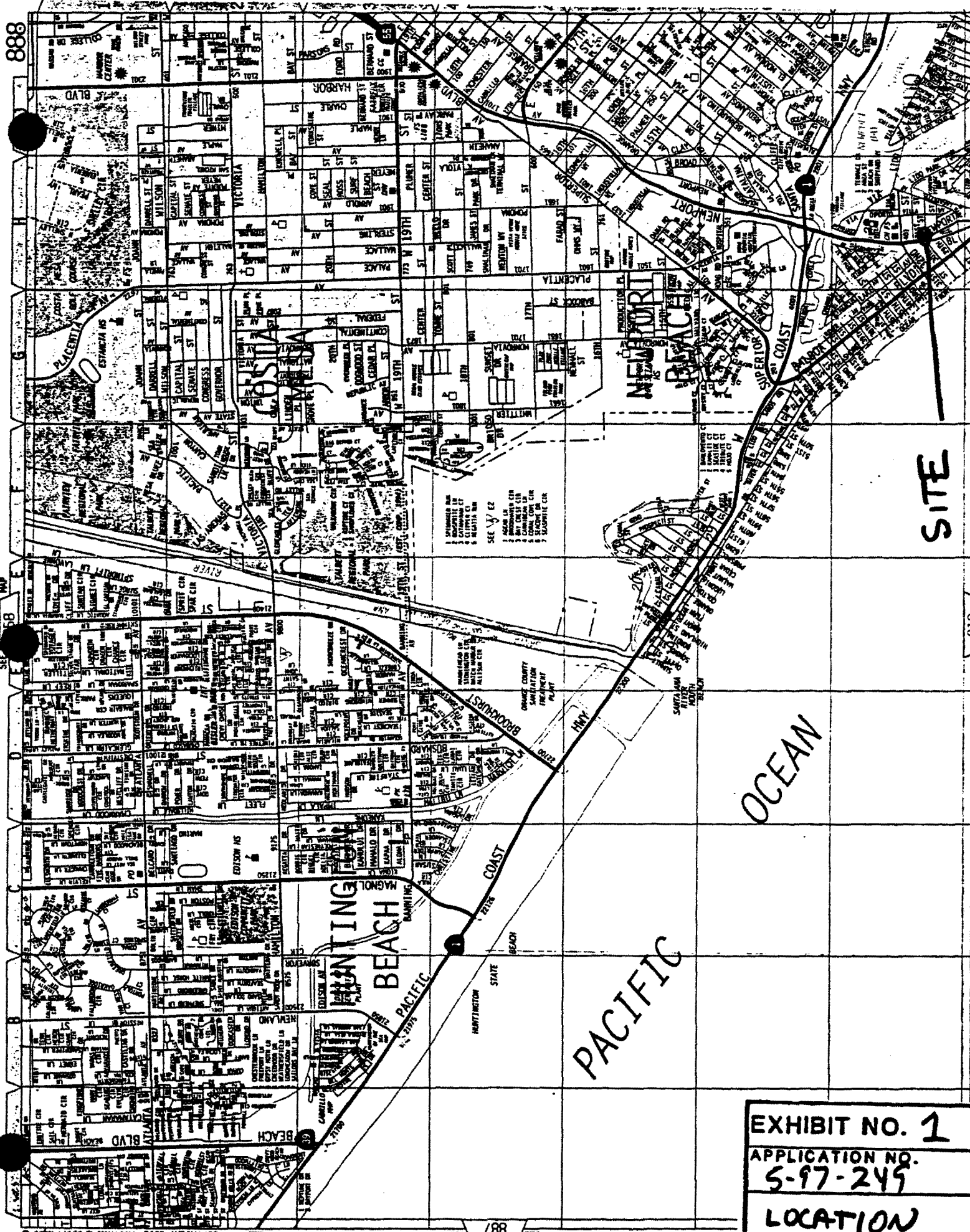
EXHIBIT NO. 1

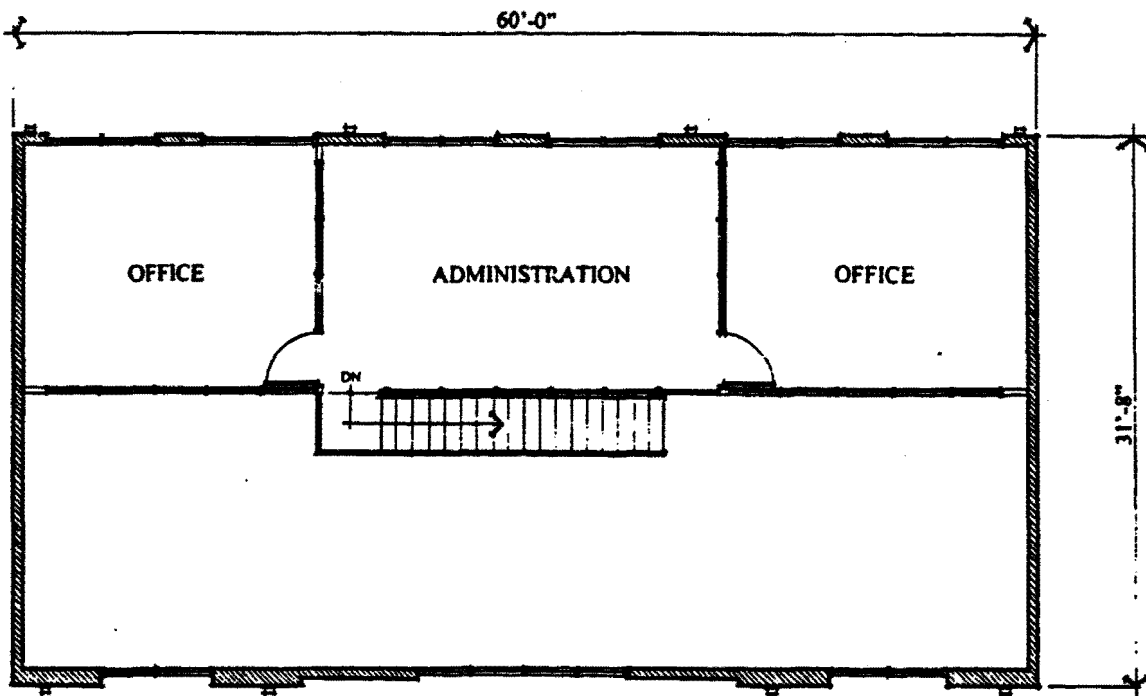
APPLICATION NO.
5-97-249

LOCATION



California Coastal Commission

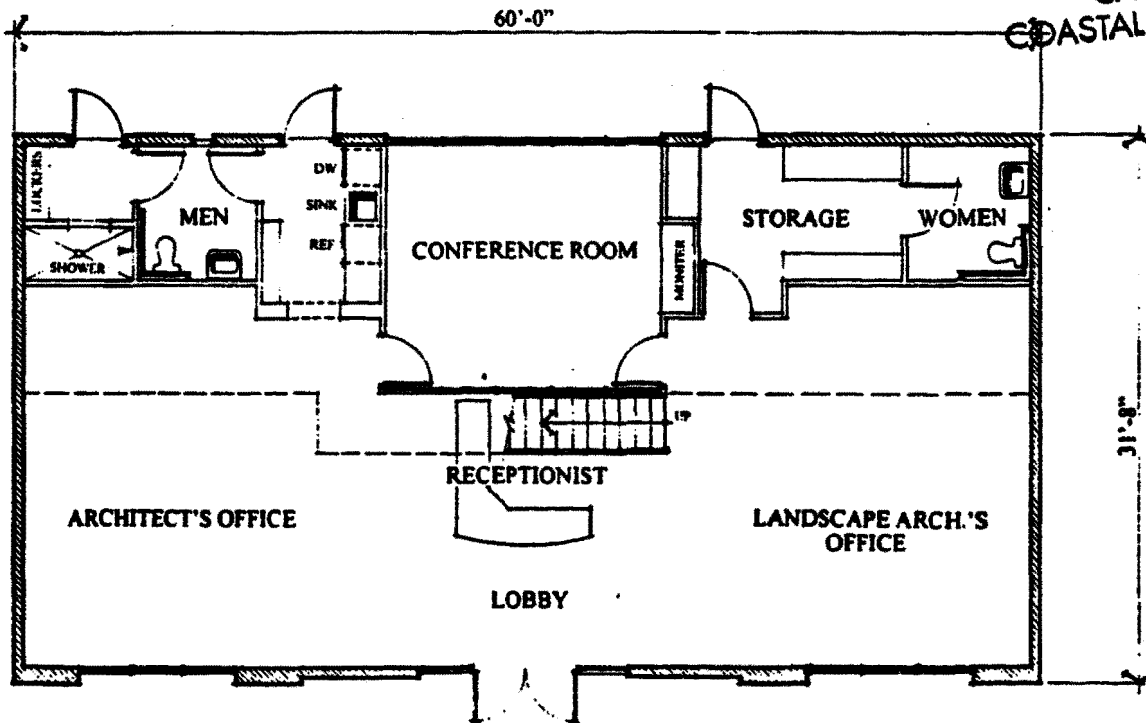




SECOND FLOOR

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FIRST FLOOR

EXHIBIT NO. 2
APPLICATION NO. S-97-249
SITE PLAN
California Coastal Commission

411 30th STREET, N.B.

C.W.I. DEVELOPMENT

