

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
1000 Ocean Gate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



September 24, 1998

TO: Commissioners and Interested Persons

FROM: Deborah Lee, South Coast District Director
Teresa Henry, South Coast District Manager
Stephen Rynas, Orange County Area Supervisor

SUBJECT: City of Newport Beach Land Use Plan Amendment 1-98 (For public hearing and Commission action at the Commission's October 13-16, 1998 Hearing)

SUMMARY OF STAFF REPORT**DESCRIPTION OF THE SUBMITTAL**

Land Use Plan Amendment 1-98 for the City of Newport Beach consists of two parts. Part "A" will re-designate 22,500 sq. ft. of land (3312 to 3336 Via Lido) in the Lido Village area of the Balboa Peninsula from "*Retail and Service Commercial*" to "*Multi-Family Residential*" and establishes a residential allocation of twelve residential units. Part "B" will re-designate 10,000 sq. ft. of land (1800 and 1806 West Balboa Boulevard) on the Balboa Peninsula from "*Two Family Residential*" to "*Retail and Service Commercial*".

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **APPROVE** Part "A" of Land Use Plan Amendment 1-98, as submitted, and **APPROVE** Part "B" of Land Use Plan Amendment 1-98, as submitted (Exhibit 1). This Land Use Plan Amendment is related to two permit applications which are to be heard concurrently at this Commission hearing. Part "A" (Exhibit 3) of the Land Use Plan amendment applies to **5-98-183** which proposes to demolish a ten unit apartment complex at 3336 Via Lido and to re-subdivide the four existing lots into four new lots for purposes of constructing single family residences in the future. The basic issue raised by Part

Introduction

"A" of the Land Use Plan Amendment is whether or not the land use designation of the subject parcels should be retained for future commercial use or whether the legal non-conforming residential use should be legitimized.

Part "B" (Exhibit 4) of the Land Use Plan amendment applies to coastal development permit application 5-98-149 for the conversion of a duplex at 1806 West Balboa Boulevard into motel rooms. The applicant is proposing to expand an existing pre-Coastal Act, three story motel at 1800 West Balboa Boulevard which would incorporate the duplex. The major issue raised by Part "B" of the Land Use Plan Amendment is whether or not the subject parcel's land use designation should be retained for residential development or if it should be converted to a commercial land use designation.

MAJOR UNRESOLVED ISSUES

Commission staff recommends that the Commission approve Part "A" and Part "B" as submitted. Consequently there are no unresolved issues.

ADDITIONAL INFORMATION

For further information, please contact Stephen Rynas at the South Coast District Office of the Coastal Commission at: **562-590-5071**. The proposed Land Use Plan Amendment for the City of Newport Beach is available for review at the Long Beach Office of the Coastal Commission or at the Planning Department for the City of Newport Beach. The City of Newport Beach Planning Department is located at 3300 Newport Boulevard, Newport Beach, CA 92658. Patrick J. Alford is the contact person for the City's Planning Department, and he may be reached by calling **949-644-3200**.

**I. COMMISSION RESOLUTIONS ON CITY OF NEWPORT BEACH
LAND USE PLAN AMENDMENT 1-98**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation is provided just prior to each resolution.

**A. RESOLUTION #1 (Resolution to approve certification of the Newport Beach
Land Use Plan Amendment 1-98 Part "A", as submitted)**

Motion #1

*"I move that the Commission **CERTIFY** the City of Newport Beach Land Use Plan Amendment 1-98 Part "A", as submitted."*

Staff recommendation

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution #1

*The Commission hereby **CERTIFIES** the City of Newport Beach Land Use Plan Amendment 1-98 Part "B" and adopts the findings stated below on the grounds that the amendment, as submitted, will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Section 30001.5 of the Coastal Act; the Land Use Plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the Land Use Plan, as amended, will be consistent with applicable decisions of the Commission, which guide local government actions pursuant to Section 30625(c); and certification of the Land Use Plan amendment, as submitted, meets the requirements of Section 21080.5(d)(2A) of the California Environmental Quality Act, because no additional feasible mitigation measures and no additional feasible alternatives exist which would substantially lessen the significant adverse effects on the environment.*

**B. RESOLUTION #2 (Resolution to approve certification of the Newport Beach
Land Use Plan Amendment 1-98 Part "B", as submitted)**

Motion #2

*"I move that the Commission **CERTIFY** the City of Newport Beach Land Use Plan Amendment 1-98 Part "B", as submitted"*

Resolutions

Staff Recommendation

Staff recommends a **YES** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution #2

*The Commission hereby **CERTIFIES** the City of Newport Beach Land Use Plan Amendment 1-98 Part "B" and adopts the findings stated below on the grounds that the amendment, as submitted, will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic State goals specified in Section 30001.5 of the Coastal Act; the Land Use Plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the Land Use Plan, as amended, will be consistent with applicable decisions of the Commission, which guide local government actions pursuant to Section 30625(c); and certification of the Land Use Plan amendment, as submitted, meets the requirements of Section 21080.5(d)(2A) of the California Environmental Quality Act, because no additional feasible mitigation measures and no additional feasible alternatives exist which would substantially lessen the significant adverse effects on the environment.*

II. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

A. Standard of Review

The standard of review for land use plan amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, Section 30512 states: *"(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission."*

B. Procedural Requirements

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment

that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The Land Use Plan amendment has been submitted by the City of Newport Beach to take effect upon Commission action.

III. AMENDMENT REQUEST AND BACKGROUND

The Land Use Plan Amendment (Exhibits 1 & 2) under consideration consists of two parts. Part "A" will re-designate the subject properties from 3312 to 3336 Via Lido in the City of Newport Beach from "*Retail and Service Commercial*" to "*Multi-Family Residential*" and establishes a residential development allocation of twelve units (Exhibit 1). At 3336 Via Lido four single family residences would be allowed. The two remaining properties would be allowed four residential units each. These properties are located in the Via Lido portion of the Balboa Peninsula. Part "B" will re-designate the subject properties located at 1800 and 1806 West Balboa Boulevard in the City of Newport Beach from "*Two Family Residential*" to "*Retail and Service Commercial*" (Exhibit 4). These properties are also located on the Balboa Peninsula at the intersection of Balboa Boulevard and 18th street.

The proposed amendment is considered a major amendment because it does not meet the criteria for minor amendments specified in Section 13554(d) of the California Code of Regulations. Any amendment that proposes a change in land use or intensity of land use cannot be considered a minor amendment.

The City of Newport Beach Land Use Plan was certified with modifications by the California Coastal Commission on May 19, 1982. A major amendment to the Land Use Plan was approved with suggested modifications in January 1990 (Amendment 89-1) which was a comprehensive update to the 1982 Land Use Plan.

The Commission has approved two amendments to the City's Land Use Plan which involved the conversion of areas designated for retail and service commercial uses to residential. These land use re-designations occurred on inland lots of the Balboa Peninsula. On December 14, 1990 the Commission approved City of Newport Beach Land Use Plan Amendment (2-90) which resulted in the conversion of two parcels with a total of 6,630 sq. ft. at 1900 West Balboa Boulevard from "*Retail and Service Commercial*" to "*Multi-Family Residential*". On December 13, 1991 the Commission approved City of Newport Beach Land Use Plan Amendment (1-91) which resulted in the conversion of 3008, 3010, 3012 West Balboa Boulevard from "*Retail and Service Commercial*" to "*Two-Family Residential*".

IV. SUMMARY OF PUBLIC PARTICIPATION

The City of Newport Beach held three public hearings regarding the proposed land use re-designation for Part "A" (Via Lido). Two public hearings were held for the proposed land use re-designation for Part "B" (Balboa Boulevard).

Public Hearings Related to Part "A" (Via Lido)

- ♦ February 5, 1998 Planning Commission
- ♦ March 9, 1998 City Council
- ♦ April 13, 1998 City Council

Public Hearings Related to Part "B" (Balboa Boulevard).

- ♦ April 9, 1998 Planning Commission
- ♦ May 11, 1998 City Council

Those in **SUPPORT** of the proposed LCP amendment expressed the following:

Persons commenting on Part "A" support the continuation of residential development believing that residential development has been a historical use and would be economically more viable than commercial development. The persons commenting believe that there is a surplus of commercial development in Lido Village. Persons commenting on Part "B" supported the expansion of the motel.

Those in **OPPOSITION** to the proposed LCP amendment expressed the following:

The Planning Commission at the April 9, 1998 Commission hearing denied Part "A" of the Land Use Plan Amendment. The Planning Commission believed that the proposed project was inconsistent with the City's certified Land Use Plan and the Coastal Act. The Planning Commission found that the project presented a number of conflicts and inconsistencies with the Land Use Element of the General Plan, the Zoning Code, and the Subdivision Code. The Planning Commission found that the project was part of a larger commercial area and that it should remain commercial, that the site could provide coastal access, and that the proposed development would result in a loss of on-street public parking. The Planning Commission also found that the proposed single family detached dwelling unit subdivision was inappropriate for this area. The Planning Commission concluded that the

PUBLIC PARTICIPATION

existing development allowed the owners viable economic use of their properties. No one spoke or submitted letters in opposition to Part "B"

V. FINDINGS FOR APPROVAL OF THE CITY OF NEWPORT BEACH'S LAND USE PLAN AMENDMENT, PART "A"

The Commission hereby finds and declares as follows. The following pages contain the specific findings for approval of the City of Newport Beach Land Use Plan Amendment, Part "A" as submitted.

A. LAND USE RE-DESIGNATION

The proposed land use re-designation involves the conversion of land designated for *"Retail and Service Commercial"* to *"Multi-family Residential"* at 3312 through 3336 Via Lido in the City of Newport Beach. The fundamental issue raised by this land re-designation is whether the current land use *"Retail and Service Commercial"* should be retained for purposes of promoting future commercial development on the subject site or whether the existing legal non-conforming use, residential development, should be legitimized.

The subject site is located in Lido Village which is bounded by Newport Boulevard, Via Lido and Newport Bay. Though the site is designated as *"Retail and Service Commercial"*, the site currently contains residential development. The residential development consists of one ten-unit apartment building and two properties, each containing four-unit residential structures. This development also fronts Newport Bay. A total of 18 residential units occupy the subject site. The residential uses currently on the subject properties were developed in 1954. At that time, residential uses were permitted by right in the then C-1 (Light Commercial) zone. Consequently the existing development is a legal non-conforming use under the current *"Retail and Service Commercial"* designation.

The proposed land use re-designation would establish the residential development as a legal use. The land use plan as amended (Exhibit 1) would allow four dwelling units on 3336 Via Lido and eight dwelling units on the remaining parcels for a total of twelve residential units which would be a reduction in the intensity of use for the subject parcels. Coastal Development Permit application 5-98-183, to be heard at this Commission meeting, proposes to demolish the existing ten unit apartment at 3336 Via Lido, to re-subdivide the existing unequal four lots into four equally sized lots for purposes of constructing four single family residences in the future.

Section 30222 of the Coastal Act states:

PART "A" Findings

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Though the subject site fronts Newport Bay and is adjacent to visitor serving and coastal dependent commercial uses, the subject site itself has not been specifically reserved for coastal and visitor commercial uses. Permitted development in areas designated "*Retail and Service Commercial*" include retail sales, offices which provide goods or services to the general public, hotels and motels, restaurants, commercial recreation, and senior housing facilities. Some of the uses, such as hotels and motels do conform to Section 30222, others such as offices and senior housing facilities would not. Further, the existing land use designation does not require that proposed commercial uses be coastal related. Consequently, even though the current land use is "*Retail and Service Commercial*" there is no guarantee that future development, allowed by right under this land use classification, would result in development that conforms to Section 30222. This distinction is significant as the City has other areas on the waterfront which have been specifically designated as "*Recreational Marine Commercial*". The "*Recreational Marine Commercial*" designation specifically encourages the continuation of marine oriented uses and visitor services. The existing land use designation consequently would not guarantee that future development on the subject site would be a favored type of development under the Coastal Act.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Adequate commercial uses exist in the area. The subject site is located adjacent to existing visitor serving commercial development. Lido Village, a commercial development contains both visitor serving and coastal dependent businesses such as restaurants and yacht brokerage firms, is immediately to the north of the subject site. The Planning Commission, when it reviewed the proposed land use re-designation found that the subject site was part of a larger commercial development (Lido Village which is bounded by Newport Boulevard, Via Lido, and Newport Bay) and should be re-developed as visitor serving commercial development. The City Council, however, over-ruled the Planning Commission and found that there was a surplus of commercial development in the Lido Village area.

The conclusion of the City Council, that there is a surplus of commercial development is supported by a report prepared for the City of Newport Beach by

PART "A" Findings

Linda S. Congleton & Associates (*Newport Beach Retail Consultation, First Phase* July 21, 1995) which concluded that the majority of Newport is built out and that the City's on-street shopping districts are not supportable without patronage from those living outside the City limits.

In support of the foregoing statements the Congleton study notes that the residents of central Balboa support 94,000 square feet of retail space and that the area contains a total of 154,000 square feet of retail space. This leaves approximately 60,000 square feet of retail space that must be supported through the expenditures of visitors to the central Balboa Peninsula. At the public hearings, the public supported the concept of maintaining the subject area as residential as they believe that there is a surplus of commercial development. Furthermore, the current land use designation of "*Retail and Service Commercial*" allows the subject properties to be developed for general office uses which would be the same low priority uses as residential development.

The re-designation of the subject site from "*Retail and Service Commercial*" to "*Multi-Family Residential*" would be appropriate as the subject parcels have historically been used for residential development, no commercial development will be displaced, and the land use re-designation will not result in an intensification of use. Furthermore, the Balboa Peninsula Planning Study prepared by Urban Design Camp in January 1997 recommends that the Lido/Civic Center should have a mix of retail, office, residential, and government activities.

Therefore, the Commission finds that Part "A" of the proposed amendment to the Land Use Plan is consistent and in conformance with the policies of Chapter 3 policies of the Coastal Act.

B. COASTAL ACCESS

The subject site is located between the first public road and the sea. In this case the sea is Newport Harbor. Section 30212 of the Coastal Act requires that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development except in certain situations. The certified land use plan identifies the subject site as suitable for the construction of a walkway along the bulkhead which would provide lateral access. One of the stated reasons for the Planning Commission denying the Land Use Plan Amendment and the proposed subdivision was the lack of a coastal walkway as part of the development project under consideration.

The subject site is currently developed with private residential development and the public does not currently have either vertical or lateral access to the waterfront at the site. The land use of designation of "*Multi-Family Residential*" could result in a

PART "A" Findings

total of twelve residential units on the subject site which would reduce the intensity of use on the subject site. However, it would not change the existing public access situation since the public does not have access to the site.

Access to the water, both vertical and lateral, exists nearby the subject site. Coastal access opportunities exist at Lido Village, the Lido Sailing Club, and the Via Lido Bridge. All these sites are within easy walking distance of the subject parcels.

For the foregoing reasons, the proposed land use designation will not adversely impact the public's ability to access the water as public access through the subject site does not currently exist. Therefore, the Commission finds that the land use re-designation is consistent and in conformance with the public access and recreation policies of the Coastal Act.

VI. FINDINGS FOR APPROVAL OF THE CITY'S LAND USE PLAN AMENDMENT, PART "B"

The Commission hereby finds and declares as follows. The following pages contain the specific findings for approval of the City of Newport Beach Land Use Plan Amendment, Part "B" as submitted.

A. LAND USE RE-DESIGNATION

Part "B" of the Land Use Plan Amendment 1-98 proposes a land use re-designation at 1800 and 1806 West Balboa Boulevard from *"Two-Family Residential"* to *"Retail and Service Commercial"*. The underlying reason for this request is to expand an existing 21 unit motel at 1800 West Balboa Boulevard by converting an existing duplex at 1806 West Balboa Boulevard into motel rooms. The major issue raised by Part "B" of the Land Use Plan Amendment is whether or not the subject parcel's land use designation should be retained for residential development or if it should be converted to a commercial land use designation.

The existing motel was approved by the City in 1961. The motel is a legal nonconforming use since it is commercial development located where the land use is designated *"Two-Family Residential"*. The proposed Land Use Plan amendment would bring the Land Use designation into consistency for the site's use as a motel.

Section 30222 of the Coastal Act states :

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over

PART "B" Findings

private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The conversion of land designated for residential purposes into a commercial use is a preferred use under Section 30222 of the Coastal Act. The subject site is located 1) one block north the Balboa Peninsula beach, 2) half a block south of Newport Harbor, 3) two blocks east of the Newport municipal pier, a popular visitor serving destination, and 4) near McFadden Place which is also a visitor serving commercial area.

In approving the re-designation of the land use, the City found that use of the site for commercial purposes would compliment the Balboa Peninsula Revitalization effort. In 1997, two planning studies on the Balboa Peninsula were completed: *Project 2000* which was drafted by the Balboa Peninsula Planning Advisor Committee and the Balboa Peninsula Planning Study which was drafted by a consultant retained by the City. Although not formally adopted by the City, the City Council has approved a number of programs based on these studies. Furthermore, a report prepared for the City of Newport Beach by Linda S. Congleton & Associates (*Newport Beach Retail Consultation, First Phase* July 21, 1995) concluded that the majority of Newport is built out and that the City's on-street shopping districts are not supportable without patronage from those living outside the City limits. This report goes on to state that overnight visitors play a critical role in maintaining the viability of beach areas as they tend to spend more per shopping trip. The Balboa Peninsula, as a whole, is hampered by a lack of hotel and motel facilities for attracting overnight visitors to the coast.

In support of the foregoing statements the Congleton study notes that the residents of central Balboa support 94,000 square feet of retail space and that the area contains a total of 154,000 square feet of retail space. This leaves approximately 60,000 square feet of retail space that must be supported through the expenditures of visitors to the Balboa Peninsula. Therefore, the Commission finds that Part "B" of the proposed amendment to the Land Use Plan is consistent and in conformance with the Chapter 3 policies of the Coastal Act, as submitted.

VII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP) or local coastal program

CEQA Consistency

amendment. Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program amendment submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the local coastal program does conform with the provisions of CEQA.

The Land Use Plan amendment as submitted is consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The Commission finds that the City of Newport Beach Land Use Plan Amendment 1-98, will not result in significant unmitigated adverse environmental impacts under the meaning of the CEQA. Further, future individual projects would require coastal development permits, issued by the Coastal Commission. Throughout the coastal zone, specific impacts associated with individual development projects are assessed through the CEQA environmental review process and the permitting process for obtaining coastal development permits. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts which have not been explored.

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CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
PLANNING DEPARTMENT

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July 2, 1998

Mr. Chuck Damm
Regional Director
South Coast Area Office
California Coastal Commission
200 OceanGate, 10th Floor, Ste. 1000
Long Beach, CA 90802-4302

CALIFORNIA
COASTAL COMMISSION

Subject: Local Coastal Program Amendments

Dear Mr. Damm:

EXHIBIT No. 1
Application Number: Newport Beach LUP
Submission Letter
 California Coastal Commission

The City of Newport Beach hereby submits a set of local coastal program (LCP) amendments for Coastal Commission review and approval. This submittal consists of the City's LCP Amendments Numbers 48 and 50.

The LCP Amendments

LCP #48 3312 to 3336 Via Lido. Redesignated the subject properties from *Retail and Service Commercial* to *Multi-Family Residential* and establishes residential development allocations. [GPA 97-3 (A)]

LCP #50 Bay Shores Inn. Redesignated the subject property from *Two Family Residential* to *Retail and Service Commercial*. [GPA 98-1 (A)]

Public Participation

Copies of the public notice distribution lists used for the City's public hearings, along with a list of persons submitting written or oral comments at the public hearings are provided as Attachment #5.

Coastal Act Conformance

LCP #48 (3312-3336 Via Lido). The project site consists of three (3) properties. 3312-3318 Via Lido contains 4,425 square feet of land area and is currently developed with a single four-unit multi-family residential structure. 3322-3328 Via Lido contains 7,470 square feet of land area and is currently developed with two (2) two-unit multi-family residential structures. 3336 Via Lido contains 11,250 square feet of land area and is developed with a single ten (10) unit multi-family residential structure with one (1) ground floor commercial office and service space fronting on Via Lido. The amendment changed the land use designation of the property from *Retail and Service Commercial* to *Multi-Family Residential*.

Mr. Chuck Damm
July 2, 1998
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Analysis: This amendment involves a change to the LCP text and land use map involving changes in the land use designation and floor area and dwelling unit yields. Coastal Act policies relate to land use, coastal access, vessel docking, and on-street parking.

Land Use

The Coastal Act requires that property suitable for visitor-serving and commercial recreational uses be given priority over residential uses. Waterfront land in particular is to be protected for recreational uses. However, the subject properties are currently developed with residential uses and are not economically viable as commercial properties and are better suited for residential land uses.

Coastal Access

The Coastal Act requires public access to and along the coast. However, both vertical and lateral access is provided on the commercial properties immediately north and south of the subject properties. Therefore, additional access need not be provided on the subject properties.

Vessel Docking

The Coastal Act requires boating facilities to be maintained and expanded. There are commercial marinas with docking facilities for approximately twenty-five (25) vessels abutting the project site in the West Lido Channel. Under City policy, the change in land use could ultimately result in a reduction in the number of available slips and limit their use to residents of the upland property. However, because these are private marinas and not public marinas, this is not considered to be significant.

Parking

The driveways needed to serve the proposed four (4) single family detached dwelling units would eliminate four (4) on-street parking spaces located along the frontage of the 3336 Via Lido property. The loss of these on-street parking spaces will reduce the amount of public parking available for coastal area visitors and the patrons of the adjacent commercial developments. However, given the number on on-street and off-street parking spaces in the area, this is not considered to be significant.

LCP #50 (Bayshores Inn). The project site consists of two (2) properties at 1800 and 1806 West Balboa Boulevard. 1800 West Balboa Boulevard contains 7,500 square feet of land area and is currently developed with a 21-room motel. 1806 West Balboa Boulevard contains 2,500 square feet of land area and is currently developed with a two-unit multi-family residential structure. The amendment changed the land use designation of both properties from *Two-Family Residential* to *Retail and Service Commercial*. The amendment would allow the existing motel to expand by converting the two-unit residential structure into five (5) new motel rooms.

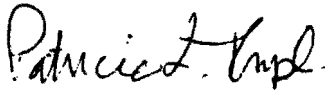
Mr. Chuck Damm
July 2, 1998
Page 3

Analysis: This amendment involves a change to the LCP text and land use map involving changes in the land use designation and development unit yields. The major coastal policy issue relates to off-street parking. The existing hotel currently provides thirteen (13) off-street parking spaces and the proposed expansion would provide an additional three (3) spaces for a total of sixteen (16) spaces. City of Newport Beach off-street parking standards require a total of twenty-six (26) off-street parking spaces for the proposed twenty-six (26) motel rooms. Therefore, the applicant requested a waiver of ten (10) spaces.

The waiver was approved because it was found that the off-street parking requirement for the motel was less than the City standard and because there is a municipal parking lot located directly across the street from the project site. There was a concern that the use of the municipal parking lot by the project will result in less parking available to other visitors to the Coastal Zone. However, it was found that the municipal parking lot would be used in late afternoons and evenings when use by beach users would be at a minimum.

If you have any questions or need additional information, please contact me at (714) 644-3235.

Sincerely,


Patricia L. Temple
Planning Director

Attachments:

1. Revised Local Coastal Program Land Use Plan texts.
2. City Council resolutions.
3. City Council minutes.
4. City Council staff reports.
5. List of commentators.
6. Public notice distribution list.

REVISED LOCAL COASTAL PROGRAM LAND USE PLAN TEXTS

LCP #48 (3312 to 3336 Via Lido)

5. *Lido Village Commercial.* This area is bounded by Newport Boulevard, Via Lido and Newport Bay. The area is designated for Recreation and Marine Commercial and Retail and Service Commercial uses. The allowed floor area ratio is 0.5/0.75. It is proposed that the waterfront walkway be extended in conjunction with any new development in this area [LCP No. 48].
6. *Lido Village Residential.* This Multi-Family Residential area is located on the north side of the 3300 block of Via Lido. The western 125 feet of this area is allocated 4 dwelling units which shall be developed as single family detached dwelling units. The remaining portion of this area is allocated 8 dwelling units which represents the existing development [LCP No. 48].

LCP #50 (Bayshores Inn)

Mid-Peninsula

1. *Marinapark.* This site is located on the bay front between 18th Street and 15th Street. It is designated for Recreational and Environmental Open Space, and is proposed to be ultimately used for aquatic facilities, expanded beach, and community facilities such as the existing American Legion. The existing mobile home park use will be allowed to continue until the end of the existing lease. At that time the City will make the decision as to whether the lease should be further extended, or the property converted to public use. The City shall maintain and improve, where practical, public access to the site bayward of the Marinapark mobile homes.
2. *18th Street.* This commercial area is located on the northwest corner of the intersection of West Balboa Boulevard and 18th Street. The area is designated for Retail and Service Commercial land use and is allowed 26 hotel/motel rooms [LCP No. 50].
23. *15th Street.* This commercial area is located on the westerly side of 15th Street. The area is designated for Retail and Service Commercial use and is allowed a maximum floor area of 0.5/1.0 FAR. Separate residential uses are prohibited. Residential development is permitted on the second floor in conjunction with ground floor commercial up to a total floor area ratio of 1.25. One dwelling unit is allowed for each 2,375 sq.ft. of buildable lot area, with a minimum of one unit allowed per lot.

34. *West Bay Residential.* The residential parts of the this area are designated for Single Family Detached, Two Family Residential and Multi-Family Residential land use. One unit is allowed on each lot of the original subdivisions, with no subdivisions allowed which will result in additional dwelling units allowed. Two Family Residential areas require 2,000 sq.ft. buildable lot area for duplex development, up to a maximum of two units per lot. Subdivisions which will result in additional dwelling units are not allowed. Multi-Family Residential areas require 1,200 sq.ft. of buildable lot area for each dwelling unit. This area is allocated 779-771 dwelling units [LCP No. 50].
45. *Institutional Uses.* Within the westerly portion of the Balboa Peninsula, there are four sites which are designated for Governmental, Educational and Institutional Facilities. These are the Southern California Edison utility sub-station, Newport Beach Elementary School, and two churches. A total maximum development of 50,000 sq.ft. is permitted for the utility sub-station and school.




CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
PLANNING DEPARTMENT

July 31, 1998

Ms. Teresa Henry
District Director
South Coast Area Office
California Coastal Commission
200 Oceangate, 10th Floor, Suite 1000
Long Beach, CA 90802-4302

EXHIBIT No. 2
Application Number: Newport Beach LUP
Submittal Resolutions
 California Coastal Commission

Subject: Local Coastal Program Amendments

Dear Ms. Henry:

As requested in your letter of July 9, 1998, the City of Newport Beach is submitting the following additional information for Local Coastal Program Land Use Plan Amendments LCP #48 and LCP #50.

- **Resolutions of Submittal.** Resolution No. 98-54 (LCP #48) and Resolution No. 98-55 (LCP #50) adopted by the City Council of the City of Newport Beach on July 27, 1998. Each of the new resolutions include: 1) findings that the amendment is consistent with the Coastal Act; 2) that the amendment will be implemented in a manner fully in conformity with the Coastal Act; 3) direction to staff to submit the amendment to the Coastal Commission for approval; and 4) a statement that the amendment will only become effective upon the approval by the Coastal Commission.
- **Public Notices.** Copies of the mailed and published notices of the Planning Commission and City Council public hearings.
- **Availability of Materials.** Public notices for LCP #48 were mailed out on January 23, 1998, six (6) weeks prior to the City Council's first hearing on the amendment. Public notices for LCP #50 were mailed out on March 27, 1998, six (6) weeks prior to the City Council's hearing on the amendment.
- **Public Comments.** All public comments received by the City of Newport Beach on the subject amendments were included as attachments to the Planning Commission and City Council staff reports.
- **Land Use Consistency.** Findings as to how the subject amendments are consistent with Coastal Act have been incorporated into Resolution No. 98-54 (LCP #48) and Resolution No. 98-55 (LCP #50).

3300 Newport Boulevard, Newport Beach

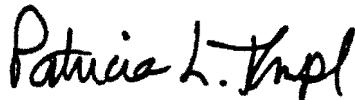
Ms. Teresa Henry

July 31, 1998

Page 2

I hope that the attached information provides you with all of the information needed to complete the submittal. If you have any questions or need additional information, please contact me at (714) 644-3228.

Sincerely,

A handwritten signature in cursive script that reads "Patricia L. Temple". The signature is written in dark ink and is positioned above the printed name and title.

Patricia L. Temple
Planning Director

RESOLUTION NO. 98-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM LAND USE PLAN AND SUBMISSION TO THE CALIFORNIA COASTAL COMMISSION [LCP NO. 48]

WHEREAS, an application has been filed proposing the redesignation of the property located at 3312 to 3336 Via Lido from Retail and Service Commercial to Multi-Family Residential; and

WHEREAS, on February 5, 1998, Planning Commission of the City of Newport Beach held a public hearing regarding Local Coastal Program Amendment 48; and

WHEREAS, on March 9, 1998 and April 13, 1998, the City Council of the City of Newport Beach held public hearings regarding Local Coastal Program Amendment 48; and

WHEREAS, the public was duly noticed of the public hearings; and

WHEREAS, pursuant to the California Environmental Quality Act, it has been determined that the proposed amendment is categorically exempt under Class 5, minor alterations in land use limitations; and

WHEREAS the City Council of the City of Newport Beach Commission finds that the project is consistent with the with the Local Coastal Program Land Use Plan and the California Coastal Act as described below.

Coastal Access

The proposed project will not interfere with the public's right of access. Adequate vertical and lateral access is provided on the commercial properties immediately north and south of the subject properties and additional access is not necessary.

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

ss.

I, LAVONNE M. HARKLESS, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 98-55, was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 27th day of July, 1998, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Thomson, Debay, O'Neil, Hedges, Glover, Noyes, Mayor Edwards

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 28th day of July, 1998.

(Seal)



Lavonne M. Harkless
City Clerk of the City of
Newport Beach, California

RESOLUTION NO. 98-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWPORT BEACH APPROVING AN AMENDMENT TO THE
LOCAL COASTAL PROGRAM LAND USE PLAN AND
SUBMISSION TO THE CALIFORNIA COASTAL COMMISSION
[LCP NO. 50]**

**WHEREAS, an application has been filed proposing the redesignation of the property located
at 1800 to 1806 West Balboa Boulevard from Two Family Residential to Retail and Service
Commercial; and**

**WHEREAS, on April 9, 1998, the Planning Commission of the City of Newport Beach held
a public hearing regarding Local Coastal Program Amendment 50; and**

**WHEREAS, on May 11, 1998, the City Council of the City of Newport Beach held a public
hearing regarding Local Coastal Program Amendment 50; and**

WHEREAS, the public was duly noticed of the public hearings; and

**WHEREAS, pursuant to the California Environmental Quality Act, it has been determined
that the proposed amendment is categorically exempt under Class 1, existing facilities; and**

**WHEREAS the City Council of the City of Newport Beach Commission finds that the
project is consistent with the with the Local Coastal Program Land Use Plan and the California
Coastal Act. The proposed amendment would establish land use policies that both maintain and
allow the expansion of a visitor-serving use. This is consistent with Local Coastal Program Land
Use Plan and Coastal Act policies that call for land use designations to be used to maintain and
expand visitor-serving and recreational uses in the Coastal Zone.**

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

ss.

I, LAVONNE M. HARKLESS, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 98-54, was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 27th day of July, 1998, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Thomson, Debay, O'Neil, Hedges, Glover, Noyes, Mayor Edwards

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 28th day of July, 1998.


Lavonne M. Harkless
City Clerk of the City of
Newport Beach, California

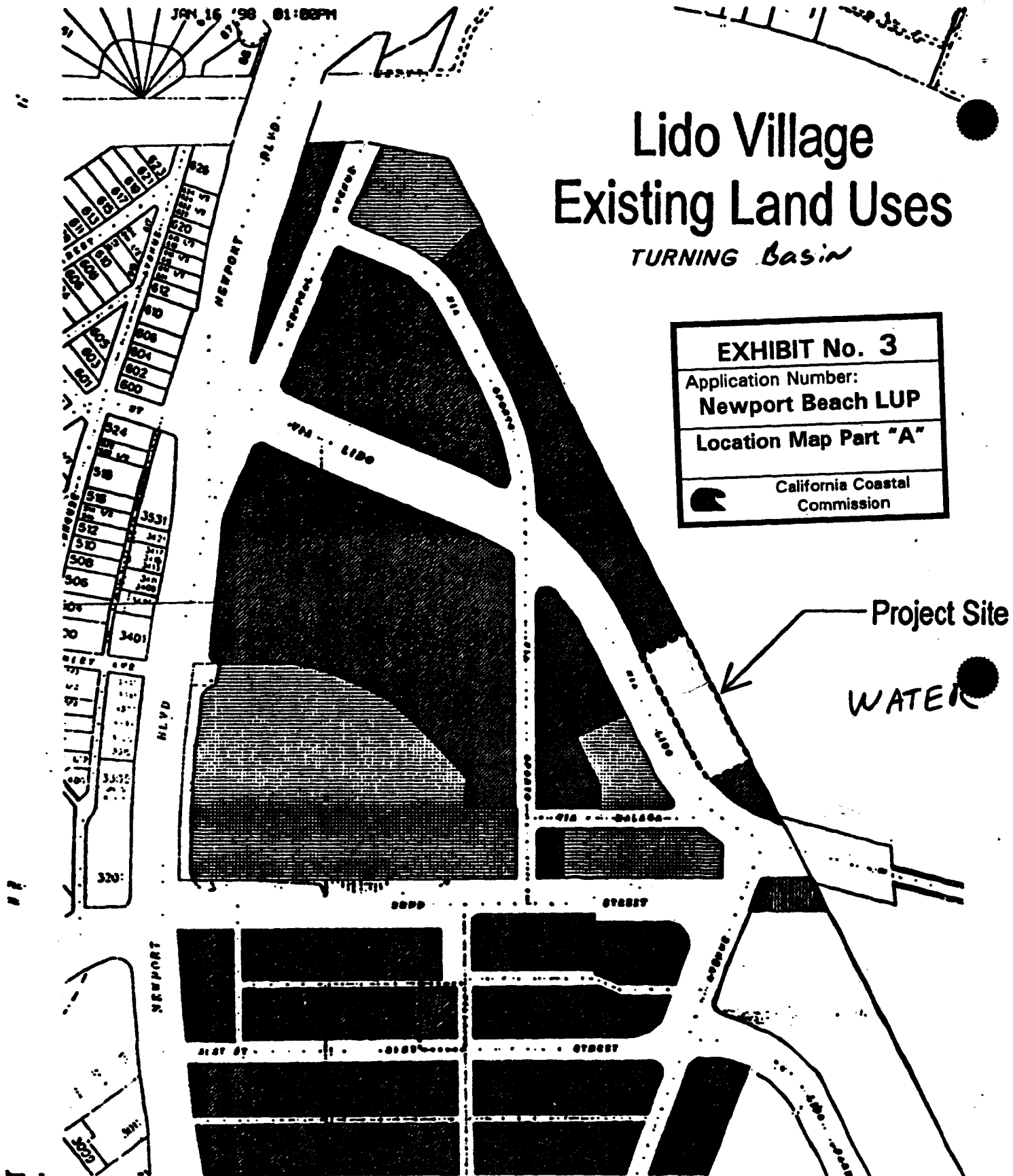


JAN 16 '98 01:00PM

Lido Village Existing Land Uses

TURNING Basin

EXHIBIT No. 3
Application Number: Newport Beach LUP
Location Map Part "A"
 California Coastal Commission



 Commercial  Residential  Institutional  Open Space

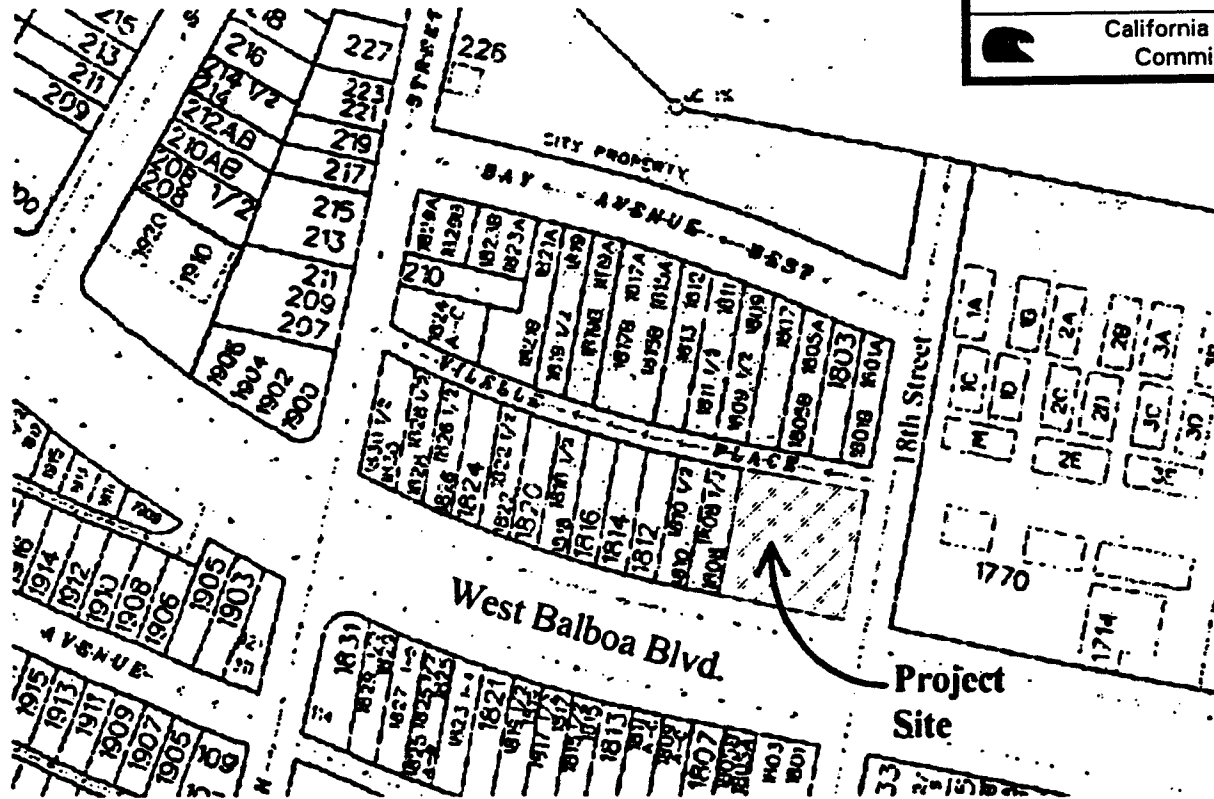
VICINITY MAP

EXHIBIT No. 4

Application Number:
Newport Beach LUP

Location Map Part "B"

California Coastal
Commission



GPA 98-1 (A)/LCP No. 50/Amendment 871/Use Permit 3629

Subject Property and Surrounding Land Uses

Current Land Use: Commercial (motel) and residential (duplex).

To the north: Vilelle Place, with two-family residential beyond.

To the south: West Balboa Boulevard, with two-family residential beyond.

To the east: 18th Street, with parking and residential uses (Marinapark MHP) beyond.

To the west: Two family residential.

