

CALIFORNIA COASTAL COMMISSION

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 Staff: SFR-LB
 Staff Report: April 23, 1998
 Hearing Date: May 12-15, 1998
 Commission Action:

STAFF REPORT: REGULAR CALENDAR**APPLICATION NO.:** 5-98-048**APPLICANT:** La Quinta Homes**AGENT:** Mark Cernich**PROJECT LOCATION:** 2815 Newport Boulevard, City of Newport Beach,
County of Orange

PROJECT DESCRIPTION: Construction of a one story 2000 sq. ft. commercial building with eight parking spaces on an existing vacant lot. Use of the structure to be consistent with professional and business office uses which provide goods and services to the public. The merger of two lots into one lot.

Lot area:	5351 Sq. Ft.
Building Coverage:	2000 Sq. Ft.
Landscape Coverage:	471 Sq. Ft.
Parking Spaces:	8
Zoning:	SP-6

LOCAL APPROVALS RECEIVED: Approval in Concept 305-98 from the City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with two special conditions. The first requires that a specific business use be identified and the second requires a coastal development permit or amendment for future improvements. The applicant is in concurrence with the special conditions. The two major issues of this staff report are the provision of adequate

parking and conformance with the commercial uses allowed in the proposed structure as specified by the certified Land Use Plan for the City of Newport Beach.

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 construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 construction 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 of the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, 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. Revised Plans

Prior to issuance of the coastal development permit, the applicant shall submit for the review and approval of the Executive Director revised plans which identify the specific use of the approved commercial building. The project shall be constructed as approved. The revised plans shall comply with the following standards.

- a) The proposed commercial use must be in conformance with the uses allowed in the Cannery Village area as specified by the certified Land Use Plan for the City of Newport Beach.
- b) Adequate on-site parking must be provided based on the Commission's parking criteria.
- c) The floor plans shall be labeled, accurately depicting square footage and the use of all space.

2. Future Development

This coastal development permit 5-98-048 approves only the development, as expressly described and conditioned herein, to the proposed commercial building located at 2815 Newport Boulevard in the City of Newport Beach. Any future development, such as a

change in the intensity of use (including a change in the number of parking spaces or a change in the use of the structure) shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location

The proposed project is located at 2815 Newport Boulevard in the City of Newport Beach, County of Orange (Exhibit 1). The project site is approximately 600 feet from the Pacific Ocean and approximately 500 feet from Newport Harbor. The applicant proposes to construct, on an existing vacant lot, a one story 2000 sq. ft. commercial building with eight parking spaces (Exhibit 2). Use of the structure is to be consistent with professional and business office uses which provide services to the public, and which utilize a parking standard (Commission's parking guidelines) of one space for each 250 sq. ft. The merger of two lots into one lot.

B. New Development and Public Access

The City of Newport Beach attracts visitors year round due to its unique recreational opportunities, large harbor and marina facilities, and its coastal amenities, and maintains a generally strong commercial base as a result. Further, like many beach cities, Newport Beach also receives an annual influx of visitors during the summer months. That rental housing occupancy increases during the summer, as does retail commercial activity particularly in the beach areas of the City which are frequented by out of town visitors. In this case the project is located on Newport beach Boulevard which is a major coastal access route used by the public. The immediate project vicinity consequently experiences high vehicular and pedestrian traffic volumes during the summer months.

One of the strongest legislative mandates of the Coastal Access is the preservation of coastal access. Section 30211 of the Coastal Act mandates that development shall not interfere with the public's right of access to the sea. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast by providing adequate parking. When private development does not provide adequate on-site parking, users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking discourages visitors from coming to the beach and other visitor serving

activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. In this case, the project site is located on Newport Beach Boulevard, the major public arterial route along the Balboa Peninsula. Public beaches are located nearby on the seaward side of Ocean Front. All private development must, as a consequence provide adequate on-site parking to minimize adverse impacts on public access.

The Commission has consistently found that one parking space is necessary for each 250 sq. ft. of gross general office space or personal service establishment to satisfy the parking demand generated. The proposed project is 2000 sq. ft. in size. Based on the Commission's regularly imposed standard of one space for each 250 sq. ft. the parking demand totals eight spaces. The applicant proposes eight on-site parking spaces.

The applicant, however, has not yet identified a specific use for the building since a tenant for the building has not been recruited. Further, the project is located in the Cannery Village area of Newport Beach which has supplementary stipulations concerning the types of commercial and business uses allowed. Based on the project description, the Commission's parking criteria, and the certified Land Use Plan; allowable commercial uses of the site would include, but not be limited, to the following: real estate office, lawyers office, accounting firm, or a dry cleaners. Uses not permitted, because they would establish a more intensive use of the site and would therefor require additional parking would include: retail stores, banks, and doctor offices.

For the reasons described below, the Commission finds it necessary to impose two special conditions. The first special condition requires that the applicant identify a specific commercial use consistent with the Commission's parking guidelines and with the certified Land Use Plan. The second special condition mandates that any future change in the intensity of use of the site or a change in use of the site will require an amendment to this permit or a new coastal development permit. These special conditions will assure that the proposed development plus any future development will be consistent with the Commission's parking standards and the commercial uses specified in the certified Land Use Plan.

First, a defined commercial use for the proposed building has not been specified. Though the project description classifies the project as providing a professional use which provides goods and services to the public this terminology is imprecise within the context of matching the proposed use with the available on-site parking. To assure that public access to coastal activities is not adversely affected by proposed development through inadequate on-site parking the Commission has established parking guidelines

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to define the quantity of on-site parking required for a wide variety of proposed developments. Different commercial uses have different parking standards. For example, banks, laundromats, and doctors offices provide goods and services to the public. However, these potential uses attract a large number of people, many of whom have to wait on site, which results in a higher parking demand. For instance, should the structure be used as a doctors office, the parking criteria, based on the Commission's regularly imposed standard, would be one space for each 150 sq. ft. which would result in the requirement for fourteen parking spaces. Consequently, the site would be deficient by six parking spaces if it were used as a doctor's office and the project would have an adverse impact on the public's ability to access the coast.

Acceptable professional uses which provide goods and services to the public include: a real estate office, a lawyers office, an accounting firm, or a dry cleaner. These types of businesses do not attract a large number of clients who would be waiting for service and consequently requires a parking demand of one space for each 250 sq. ft. Based on these types of businesses, the proposed development has adequate parking and would not adversely affect the publics ability to access the coast.

Second, the project site is in the Cannery Village area of the City of Newport Beach. The land use designation for the project site is "Retail and Service Commercial". The certified Land Use Plan principally limits proposed development in this area to a mixture of retail and service commercial to promote visitor serving types of development. Professional and business office uses, however, are allowed when they provide "goods and services" to the public. Additionally, professional and business use even if they do not provide "goods and services" to the public may be allowed when located on the second floor or above. However, beyond this general guidance the certified land use plan does not provide specific examples of qualifying professional and business office use falling under this category. Section 20.63.040 of the City's Municipal Code cites the following types of business uses as complying with the "Retail and Service Commercial" land use classification: retail sales, accounting firms, architectural firms, banks, barber shops, bookstores, real estate offices, travel agencies, art studios, interior decorating studios, photographic studios, copy services, and handicraft studios. Based on the preceding paragraph above, acceptable business uses from the City's Municipal Code would be those which have a parking demand (based on the Commission's criteria) of one space per 250 sq. ft. One example would be an architectural firm.

Third, the proposed structure once built could easily be converted, through interior modification, to a similar yet more intense commercial use. As stated

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earlier banks or doctors offices constitute more intensive commercial use and consequently require a higher parking demand based on the Commission's parking standards than is currently being provided. For example, if the building were to be used as a bank nine parking spaces would have to be provided based on the Commission's standard of one parking space for each 225 sq. ft. Under this scenario the project would be deficient by one parking space.

To assure that the proposed development plus any proposed future development is consistent with the parking demand and the certified Land Use Plan, the Commission must impose two special conditions. The first special condition shall require that the applicant submit revised plans specifying a specific business use which complies with the Commission's parking requirements and which would be consistent with the uses allowed by the certified Land Use Plan. The second special condition shall require that any future development which changes the intensity of the use of the site or which changes the use of site be required to obtain either an amendment to this permit or a new coastal development permit to assure that the parking supply is adequate for the proposed development and that the proposed use is consistent with the certified Land Use Plan. Thus, as conditioned the Commission finds that the proposed development would be consistent with the development and public access policies of the Coastal Act.

E. 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 project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. The proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

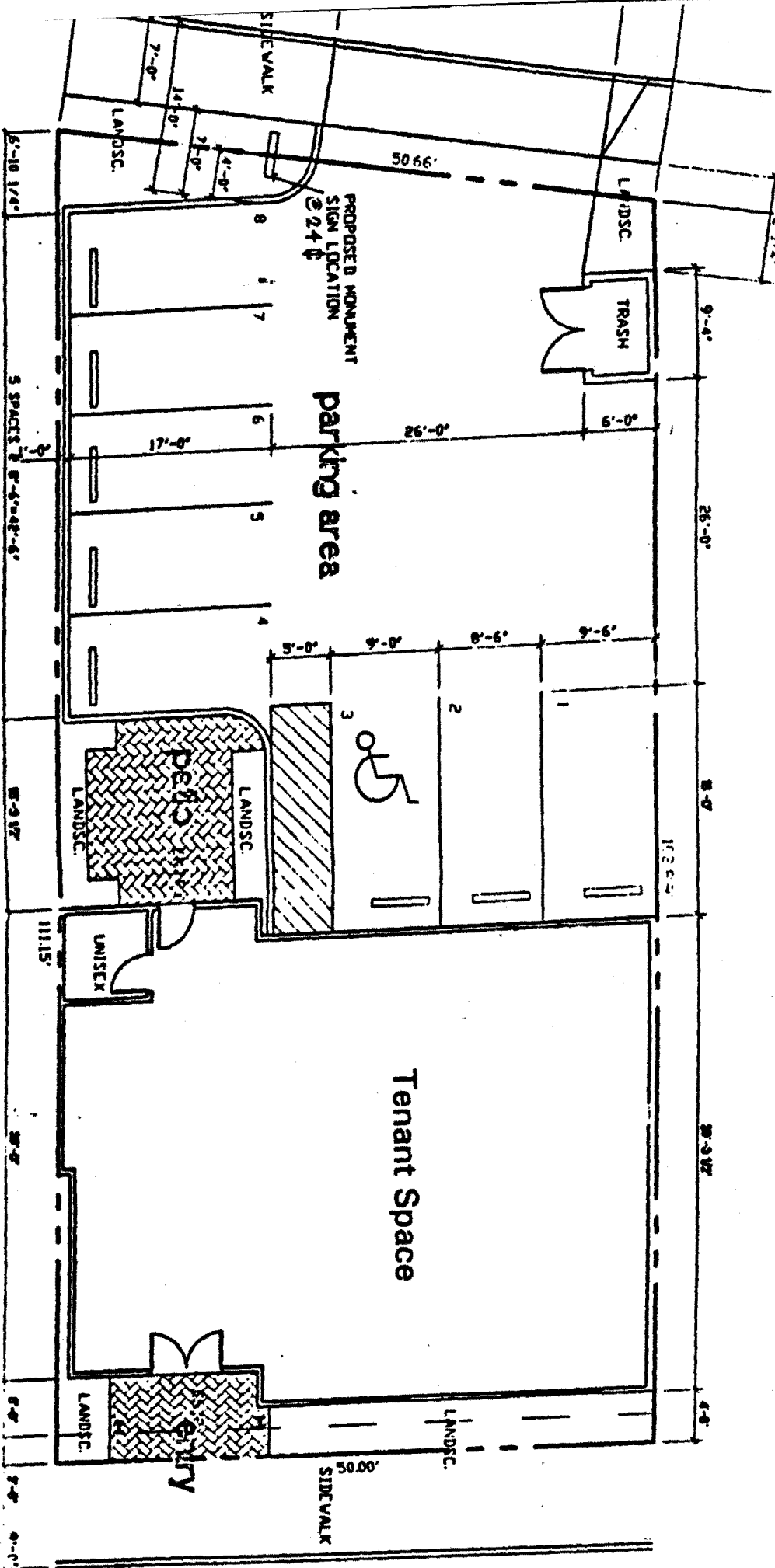
F. California Environmental Quality Act

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)(A)

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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 effect which the activity may have on the environment.

The project is located in an existing urbanized area. The proposed development has been conditioned to assure that the project will not have a significant adverse impact on coastal access and has been conditioned to specify a specific business use and for a future improvements special condition. The proposed development is consistent with the Chapter 3 policies of the Coastal Act. The project as proposed 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.



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EXHIBIT No. 2
Application Number: 5-98-048
Site Plan
California Coastal Commission

NEWPORT BLVD.

