

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

Filed: 10-23-98
49th Day: 12-11-98
180th Day: 04-21-99
Staff: RMR/LB RMR
Staff Report: 12-11-98
Hearing Date: Jan. 12-15, 1999
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: **5-98-429**

APPLICANT: Armstrong Garden Centers

AGENT: Timothy White

PROJECT LOCATION: 1500 E. Coast Highway, Newport Beach, Orange County

PROJECT DESCRIPTION: Demolition of an existing plant nursery and construction of a new plant nursery with 27,134 sq. ft. of service area including a 4,800 square foot building. 49 parking spaces are provided.

Lot Area: 48,486 sq. ft.
Building Coverage: 4,800 sq. ft.
Pavement Coverage: sq. ft.
Landscape Coverage: sq. ft.
Parking Spaces: 49
Zoning: Planned Community
Land Use Designation: Retail & Service Commercial
Ht above final grade: 30

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed development with no special conditions.

ISSUES OF CONTROVERSY:

There is a discrepancy between the guidelines of the Commission and the City of Newport Beach concerning the number of parking spaces provided. The existing nursery parking is 34 spaces. The city parking guidelines require the applicant to provide 37 parking spaces. The Coastal Commission parking guidelines require the applicant to provide 55 parking spaces. The applicant is providing a total of 49 parking spaces. Thus, by Commission

standards the project is deficient 6 parking spaces. However, the project exceeds the previous parking number by 16 spaces and the local standards by 12 parking spaces. In addition, the site is located on the inland side of Pacific Coast Highway at least one-half mile from the coast. No parking is allowed on Pacific Coast Highway near the project and the project poses no adverse impacts to beach parking. Finally, there were no objections at local hearing concerning the provision of parking, only concerns that the amount of parking might have adverse visual impacts.

This application contains no special conditions. It is agendized on the regular calendar in the eventuality that Commissioners may have some concerns regarding this application and parking. Staff will recommend that the Commission move this item to the Consent Calendar.

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, Planning Commission Minutes of October 8, 1998, Staff Report to the Planning Commission dated October 8, 1998

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

None

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

The applicant is proposing to demolish an existing plant nursery containing outdoor display area and a 1,600 square foot building and an 800 square foot building (2,400 square feet total) located at 1,500 E. Coast Highway (see Exhibit 3). The applicant is proposing to construct a new plant nursery with 27,134 sq. ft. of service area including a 4,800 square foot building (see Exhibit 2). 49 parking spaces are provided. The proposal includes outdoor display and sales of trees, plants, flowers and related landscape and garden accessories.

The project site is developed with an existing commercial plant nursery located on the inland side of Pacific Coast Highway between MacArthur Blvd. and Jamboree Rd. (see Exhibit 1). No parking is allowed on either side of Pacific Coast Highway at the project location, therefore, the only source of parking for the nursery is the on-site parking lot. The site is bordered to the north by the Newport Beach County Club golf course. To the east are the

Villa Point residential condominiums. To the south across the highway is the Irvine Terrace Residential community. To the west is the parking lot for the country club.

The site is not located on a coastal bluff, the beach or a bay front lot. The project site is at least one-half mile from the beach. Ingress and egress to and from the site is available from the west-bound lane of Coast Highway.

The size of the lot remains the same, however, the applicants will reconfigure the existing layout of the nursery [see Exhibits 2 (proposed) and 3 (existing)].

B. Parking

Section 30250.

- (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.
- (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.
- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. (emphasis added)

The proposed development consists of the demolition of an existing commercial garden nursery facility with 34 parking spaces and the construction of a new commercial garden

nursery facility with 49 parking spaces. The lot size remains the same. The interior building space square footage is doubled from 2,400 square feet to 4,800 square feet. The existing nursery has 28,400 square feet of service area and the proposed nursery has 27,134 square feet, including a 4,800 square foot enclosed building.

The proposed development is located on the northern or inland side of E. Coast Highway between MacArthur Blvd. and Jamboree Road. Adjacent development consists of the Newport Beach Country Club and residential development. There is residential development across E. Coast Highway. There is no other commercial or retail development adjacent to the development site. The land use designation for the site in the certified LUP is Retail/Service Commercial. A nursery is an allowable use under this land use designation.

The development is not located between the sea and the first public road. There is residential development situated between E. Coast Highway and the ocean, which is approximately one-half mile away. No parking is permitted along E. Coast Highway at the project site. Any visitor to the nursery must park on-site.

There are 34 parking spaces at the current facility. The City of Newport Beach parking guidelines require a total of 37 spaces.

City Parking Requirements (37 spaces):

1 space per 1,000 sq. ft. of total lot area for the first 10,000 sq. ft.	(10 spaces)
1 space per 5,000 sq. ft. thereafter (38,486/5,000)	(8 spaces)
1 space per 250 sq. ft. floor area (4,800/250)	(19 spaces)

Coastal Commission Parking Requirement (59 spaces):

5 spaces	(5 spaces)
1 space per 500 sq. ft. of outdoor sales, display or service area	(54 spaces)
(27,143/500 = 54 spaces)	

Not all of the proposed nursery contains useable service, display or sales area. The guidelines do not specify calculating parking demand utilizing gross square footage, therefore, space which is not used for service, display or sales area is not included in the square footage for which parking spaces can be required. There is a five foot side yard setback which totals 900 square feet. The area along the back fence is equal to 550 sq. ft. In addition, there is 550 sq. ft. of space inside the proposed 4,800 sq. ft. building which is for bathrooms and office space. This equals 2,000 square feet or the equivalent of four parking spaces under the Commission guidelines. If these four parking spaces are subtracted from the total of 59 parking spaces, this leaves a total of 55 parking spaces or a deficit of six parking spaces under the Commission guidelines.

One of the strongest legislative mandates of the Coastal Commission is 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 new development does not provide adequate 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 instance, the development does not interfere, compete or adversely impact the public's right of access to the sea in any way. There is no public parking allowed on E. Coast Highway. The beach is at least one-half mile away, separated by E. Coast Highway and residential development. There is no other retail or commercial facilities which the development can adversely impact.

There are factors which allow some flexibility in the Commission parking guidelines for this development. First, the development is located on the inland side of E. Coast Highway in an area developed with residential and recreation (golf course) uses, there are no competing commercial or retail uses in the project vicinity. Second, no parking is allowed on E. Coast Highway. Therefore, patrons must utilize the nursery parking lot and will not interfere with street parking. Third, the site is at least one-half mile from the beach so there is no competition for beach parking. Fourth, the proposed parking for the same use exceeds existing parking by 16 spaces and the City's required parking by 12 spaces. Fifth, the proposed parking exceeds the previous nursery parking by 16 spaces (49 to 34). Sixth, the City adopted findings that parking on-site is adequate. Lastly, City planners informed staff that the City's parking standards were updated in 1997, that the previous 34 parking spaces were adequate and that there have been no previous complaints or problems with parking at this location with 16 fewer spaces. In addition, parking was not raised as an issue at the City of Newport Beach Planning Commission hearing.

For these reasons the Commission finds that the proposed development will not have adverse impacts on beach parking, that the site does provide adequate parking and the proposed development will not have cumulative or individual adverse impacts on coastal resources and is consistent with Sections 30250 and 30252 of the Coastal Act.

C. Land Use Plan

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal 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 Chapter 3 policies of the Coastal Act.

The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. The proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of 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).

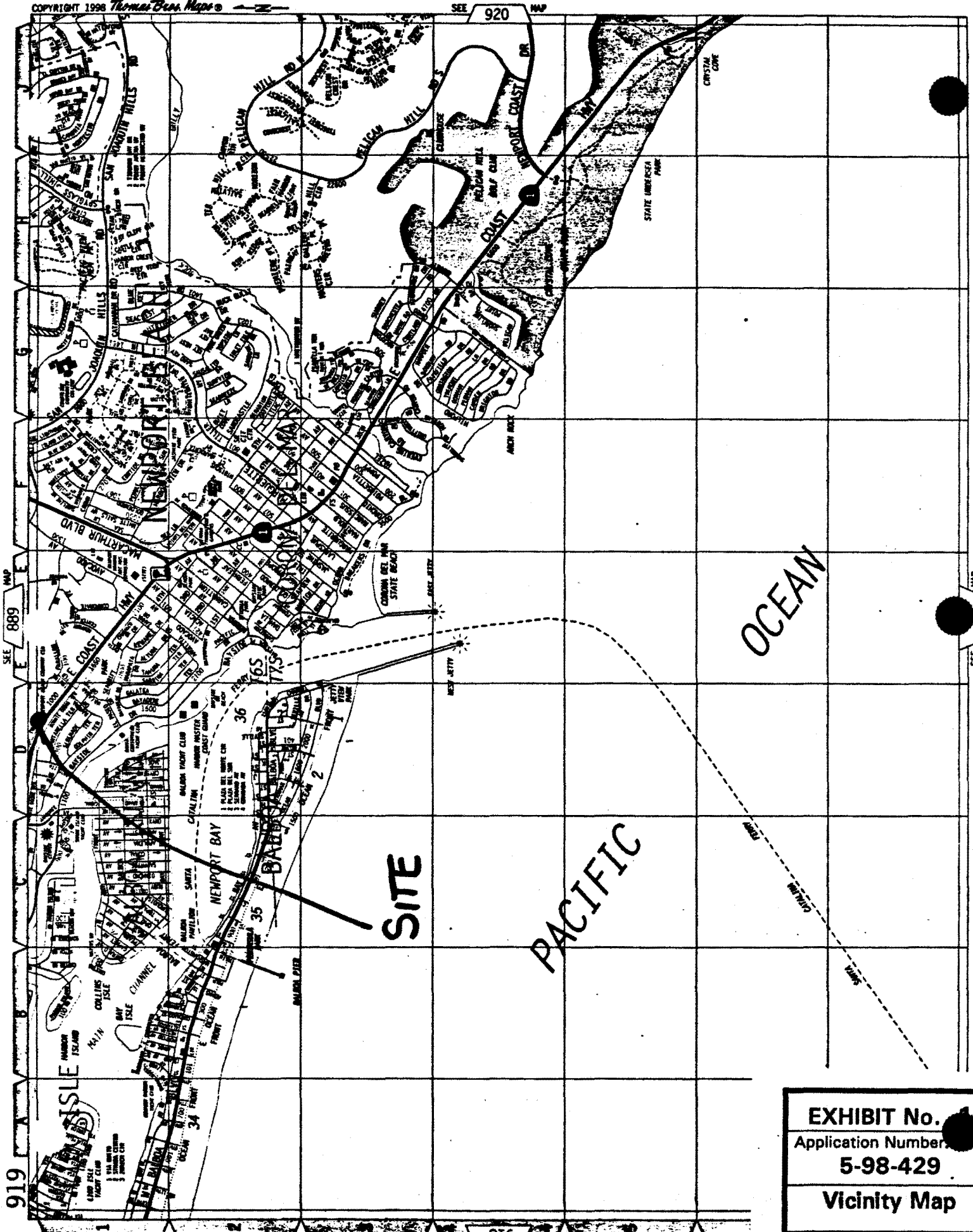
D. Consistency with the California Environmental Quality Act (CEQA).

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 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) 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 proposed project has been found consistent with the new development policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.


H:\staff reports\5-98-429.doc



OCEAN

SITE

PACIFIC

EXHIBIT No.
Application Number
5-98-429
Vicinity Map
 California Coastal Commission

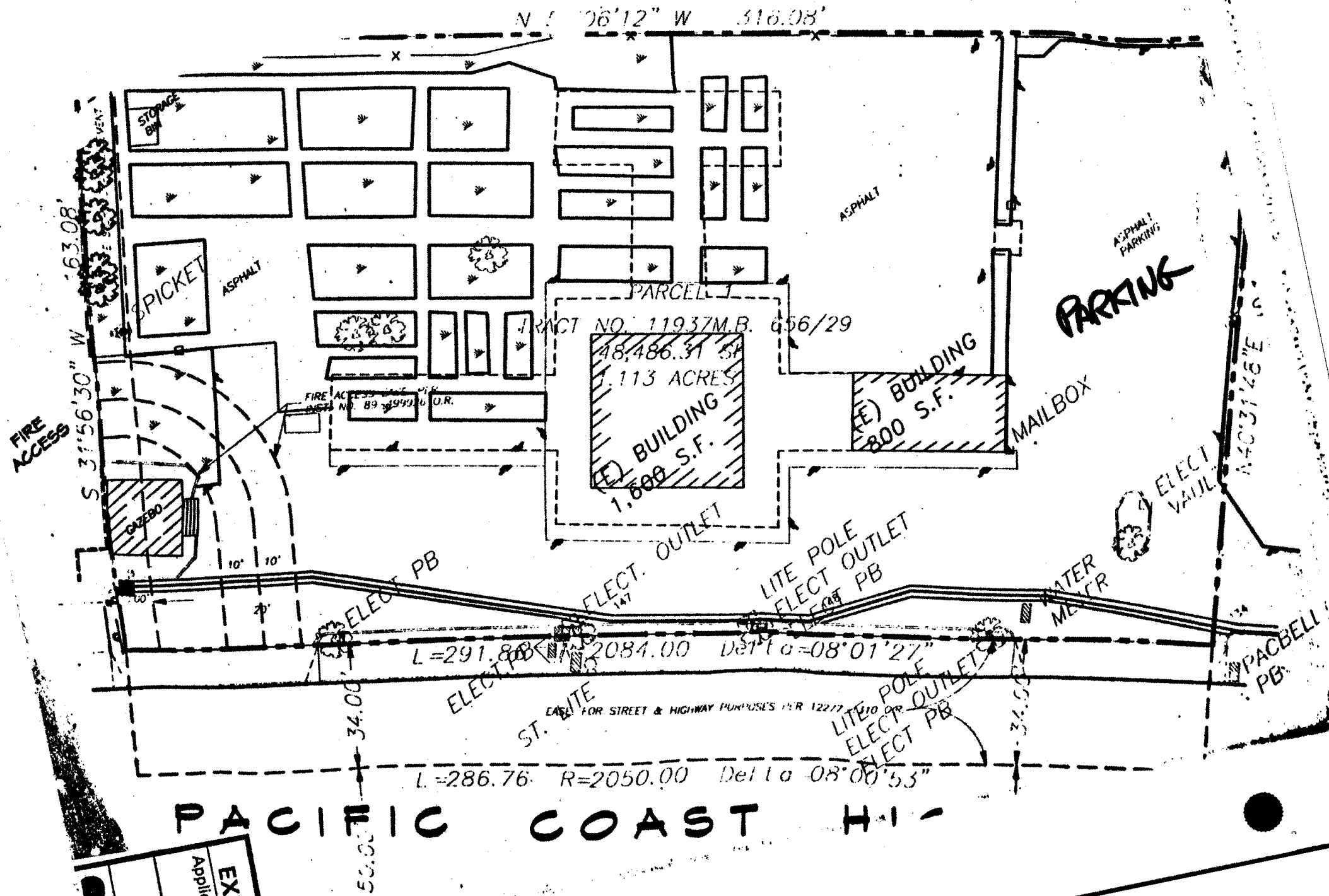


EXHIBIT N Application Number 5-98-4 Existing	California
	50.00
	34.00



SITE

EXHIBIT No. 4

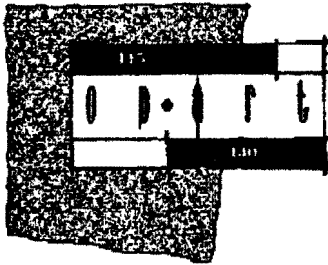
Application Number:

5-98-429

Land Use Plan



California Coastal
Commission



f a x

DATE: December 4, 1998 TIME: 3:38 PM
TO: Robin Maloney-Rames PHONE: 562/590-5071
CA Coastal Commission FAX: 562/590-5084
FROM: Timothy F. White PHONE: 909/466-4369
OP-ART FAX: 909/466-4379
RE: (Application #5-98-429) Parking req. per City of Newport Beach
CC: File

Number of pages including cover sheet: 2

Message

Robin,

Here's the parking requirements for the city of Newport Beach.

Lot size: 1.113 acres/48,486.31 sq.ft.

Building Size: 4800 sq.ft.

Outdoor Sales area (including building): 27,143 sq.ft.

Newport Beach parking requirement: 1 per 1000sf. Of lot area for first 10,000sf. (10 spaces); 1 per 5000sf. thereafter ($38486/5000=8$ spaces), plus 1 per 250sf. floor area ($4800/250=19$) - TOTAL 37 spaces

Coastal Commission parking requirement: 5 spaces plus 1 per 500sf. of outdoor sales area ($27143-4800/500=44$) - TOTAL 49 spaces

Please call with any questions or comments.

Thank you,

TIM

DESIGN

AWARENESS

LEADERSHIP

VISION

CRAFTSMANSHIP

OP-ART 7803 emery pl., rancho cucam

EXHIBIT No. 5
Application Number: 5-98-429
Site Specs
California Coastal Commission