

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Filed: November 12, 1999
49th Day: December 31, 1999
180th Day: June 28, 2000
Staff: MG-LB *ML*
Staff Report: December 16, 1999
Hearing Date: January 11-14, 2000
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-99-379

APPLICANT: Thomas Blurock

AGENT: N/A

PROJECT LOCATION: 3000 Newport Boulevard, City of Newport Beach, County of Orange, California

PROJECT DESCRIPTION: Combine two existing lots to create one lot for development. The applicant is proposing to demolish an existing 2,217 ft.², single story, commercial garage. Also proposed is the construction of a 5,274 square foot (ft.²), 30-ft., 4-in. high, two-story, mixed-use building. The bottom floor consists of 1,800 ft.² of commercial space and 250 ft.² of office space. The second floor consists of two residential condominiums totaling of 3,224 ft.² of living space and approximately 473 ft.² of courtyards and accessory structures. A total of four (4) residential parking spaces are proposed. A 347 ft.², attached, two-car garage, and two (2) additional parking spaces are provided for the residential units. Eight (8) parking spaces are proposed for the commercial space and one parking space is proposed for the office parking. There are eight tandem spaces and one single, including four (4) covered parking spaces. No grading is proposed for the project.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with one special condition. The major issue of this staff report is the provision of adequate parking for the proposed general retail, office, and residential use of the property. The special condition contained in this staff report to address that concern requires Commission approval of all future development.

At this time the applicant is in agreement with special condition No 1.

LOCAL APPROVALS RECEIVED: Approval in Concept 681-99 from the City of Newport Beach; Lot Line Adjustment Permit No. 99-14 from the City of Newport Beach, and Modification Permit No. 4933 from the City of Newport Beach.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan. Coastal development permits 5-97-249 (Weeda), 5-98-048 (La Quinta Homes), and 5-98-177 (Finnemore).

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION

I move that the Commission approve CDP No. 5-99-379 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of majority of the Commissioners present.

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 effects 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. Future Development

The subject permit is only for the development described in coastal development permit number 5-99-379, as expressly described and conditioned herein, to the proposed commercial building located at 3000 Newport Boulevard in the City of Newport Beach. Any future additions or other development, as defined in Public Resources Code Section 30106, shall require an amendment to permit 5-99-379 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

A. Project Description and Location

The proposed project will combine two existing lots to create one commercial lot at 3000 Newport Boulevard (Exhibits 1-3). The project site is located in the Cannery Village/McFadden Square Specific Plan area of the City of Newport Beach, County

of Orange. The Cannery Village area is located between 32nd Street and 26th Street on the Balboa peninsula. It is a mixed-use area, with commercial, industrial, and residential uses. The City of Newport Beach has designated the Cannery Village area for a mixture of retail and commercial uses. The land use classification is "Retail and Service Commercial" and "Specialty Retail". In this district residential development is allowed on the second floor in conjunction with ground floor commercial usage.

The applicant is proposing to demolish an existing 2,217 ft.² commercial garage (Exhibits 3 and 4). The existing structure is a single story commercial building. There are no previous Coastal Development permits on file for this location. The existing structure has on-site parking. Although the lot is not striped, staff estimates approximately 10 existing parking spaces.

To replace the garage the applicant proposes to construct a 5,274 square foot (ft.²), 30-ft., 4-in. high, two-story, mixed-use building. The bottom floor consists of 1,800 ft.² of commercial space and 250 ft.² of office space. The second floor consists of two residential condominiums totaling of 3,224 ft.² of living space and approximately 473 ft.² of courtyards and accessory structures. A total of four (4) residential parking spaces are proposed. A 347 ft.², attached, two-car garage, and two (2) additional parking spaces are provided for the residential units. Eight (8) parking spaces are proposed for the commercial space and one parking space is proposed for the office parking. There are eight tandem spaces and one single space, including four (4) covered parking spaces. No grading is proposed for the project.

B. New Development and Public Access

The project site is on the Balboa Peninsula, which is major tourist area in the City of Newport Beach. Further, the project is located in the Cannery Village/McFadden Square Specific Plan (Specific Plan) area which has been designated for a mixture of retail and commercial uses to promote marine and visitor serving commercial types of development. Within the Specific Plan, second story residential development is permitted in conjunction with ground floor commercial uses which provide direct services to the public.

One of the strongest legislative mandates of the Coastal Act 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 new 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. The project site

is on Newport Boulevard, which is a major arterial route for public access to the coastal opportunities located on the Balboa Peninsula, and it is approximately 1320 feet from the ocean and 1200 feet from Newport Bay. 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. All private development must, as a consequence provide adequate on-site parking to minimize adverse impacts on public access.

Proposed Uses and Parking Evaluation

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. Specifically, the lot is located in the "Specialty Retail" commercial district of the Cannery Village area.

The applicant proposes two types of uses on-site. First, a commercial component, which would be located on the ground floor and would consist of the following uses: office, antique store, gift store, or art gallery (Exhibit 5), although a tenant has not yet been secured for the space. The second proposed use is for residential dwellings (two condominiums), which would be located on the second floor. Four parking spaces are proposed for the residential component, eight commercial spaces, and one office parking space are proposed for a total of 13 parking spaces.

Based on the proposed project description, the Commission's parking criteria, the Newport Beach certified Land Use Plan, and the Specific Plan, allowable commercial uses of site include, but may not be limited to: professional or technical offices which provide direct services to the public (i.e. accountants, architects realtors, travel agencies, etc.), general retail, or a furniture store. As proposed, the second story residential development is permitted in conjunction with ground floor commercial uses. Based on the Commission's parking criteria, uses that would not be permitted because they would establish a more intensive use of the site, therefore requiring additional parking, include restaurants and doctor's offices. The following is an evaluation of the Commission's parking requirements for each of the uses that may be allowed based on the Newport Beach zoning of the site.

General Office

The Commission's guidelines suggest that for general office use parking should be provided at one space for every 250 ft.² of gross floor area. The proposed general office portion of the project is 250 ft.² in size. Based on this standard of one space per 250 ft.², the parking demand totals one space. If the applicant chooses to designate the remaining portion of the bottom floor (1,800 ft.²) to office space, the additional parking demand would be seven spaces. The applicant proposes nine on-site parking spaces (four sets of tandem parking and 1 single space). As proposed

and if the applicant chooses a general office use for the entire commercial space, the development would be consistent with the Commission's parking standards.

Furniture Store

The Commission's guidelines suggest that for furniture stores and similar establishments, that handle bulky merchandise, parking should be provided at one space for every 500 ft.² of gross floor area, plus one space for every 500 ft.² of outdoor sales or display area. The proposed commercial portion of the project is 1,800 ft.² in size. Based on this standard of one space per 500 ft.², the parking demand for the proposed project totals 4 spaces for the gross interior floor area. The applicant proposes 9 on-site parking spaces for the commercial space. One space will be used as parking for the 250 ft.² office, and 8 spaces will be used as parking for the remaining commercial space. Therefore, if the applicant chooses a furniture store use for the remaining commercial space, the development would be consistent with the Commission's parking standards. An outdoor display area has not been proposed.

General Retail

The Commission's guidelines for general retail stores, such as a gift shop, antique store, or an art gallery, suggest that parking should be provided at one space for every 225 ft.² of gross floor area. The proposed commercial portion of the project is 1,800 ft.² in size. Based on the Commission's general retail standard, the parking demand totals 8 parking spaces. The applicant proposes nine on-site parking spaces for the commercial space. One space will be used as parking for the 250 ft.² office, and 8 spaces will be used as parking for the remaining commercial space. Therefore, if the applicant chooses a general retail use, the development would be consistent with the Commission's parking standards.

Residential Dwellings

The Commission's guidelines for all residential dwelling units suggest that parking should be provided at two spaces per dwelling unit. The Commission has routinely imposed this standard for residential dwellings. Based on this standard, the parking demand for residential use would be 4 spaces. The applicant proposes four parking spaces (two garaged spaces and two spaces off the alleyway), which is consistent with the Commission's parking standards.

Tandem Parking and Signage Plan

There is one additional major concern regarding the feasibility of the parking arrangement (Exhibit 4). The proposed parking arrangement provides tandem parking spaces, which makes ingress and egress difficult. For example the proposed handicapped accessible parking space will block the ability of the vehicles to exit or enter the parking space closest to the structure at Newport Boulevard. The parking spaces are also located to the rear of the proposed building off the

alley. Consequently the availability of the parking is not readily obvious to potential customers.

To assure that customers would utilize the proposed parking, the applicant has provided a signage plan for the proposed project. The front and rear of the building will be posted with signs that inform the public of parking available in the rear. To minimize adverse impacts, the parking spaces closest to the structure will be used by employees during normal business hours so they do not block customers. A sign will be placed on the rear exterior wall of the building to inform customers of the employee parking. The owner has also proposed to designate parking spaces for employees, residents and customers by stenciling labels on the pavement.

Special Conditions

To guarantee that adequate and useable parking as proposed by the applicant is consistent with Section 30252 of the Coastal Act the Commission finds it necessary to impose one special condition to require that any future development which changes the intensity of use of the site or which changes the use of the site requires an amendment to this permit or a new coastal development permit. This type of special condition is consistent with those imposed in previous permits issued in the area. The Commission imposed special condition 1 for similar developments, such as 5-97-249 (Weeda), 5-98-048 (La Quinta Homes), and 5-98-177 (Finnemore).

Thus, as conditioned to obtain Commission approval for any future improvements to the property does the Commission find that the proposed development would be consistent with the development and public access policies 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 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).

D. 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) 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 provide that any future development which changes the intensity of use of the site or which changes the use of the site requires an amendment to this permit or a new coastal development permit. The proposed development, as conditioned, 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.

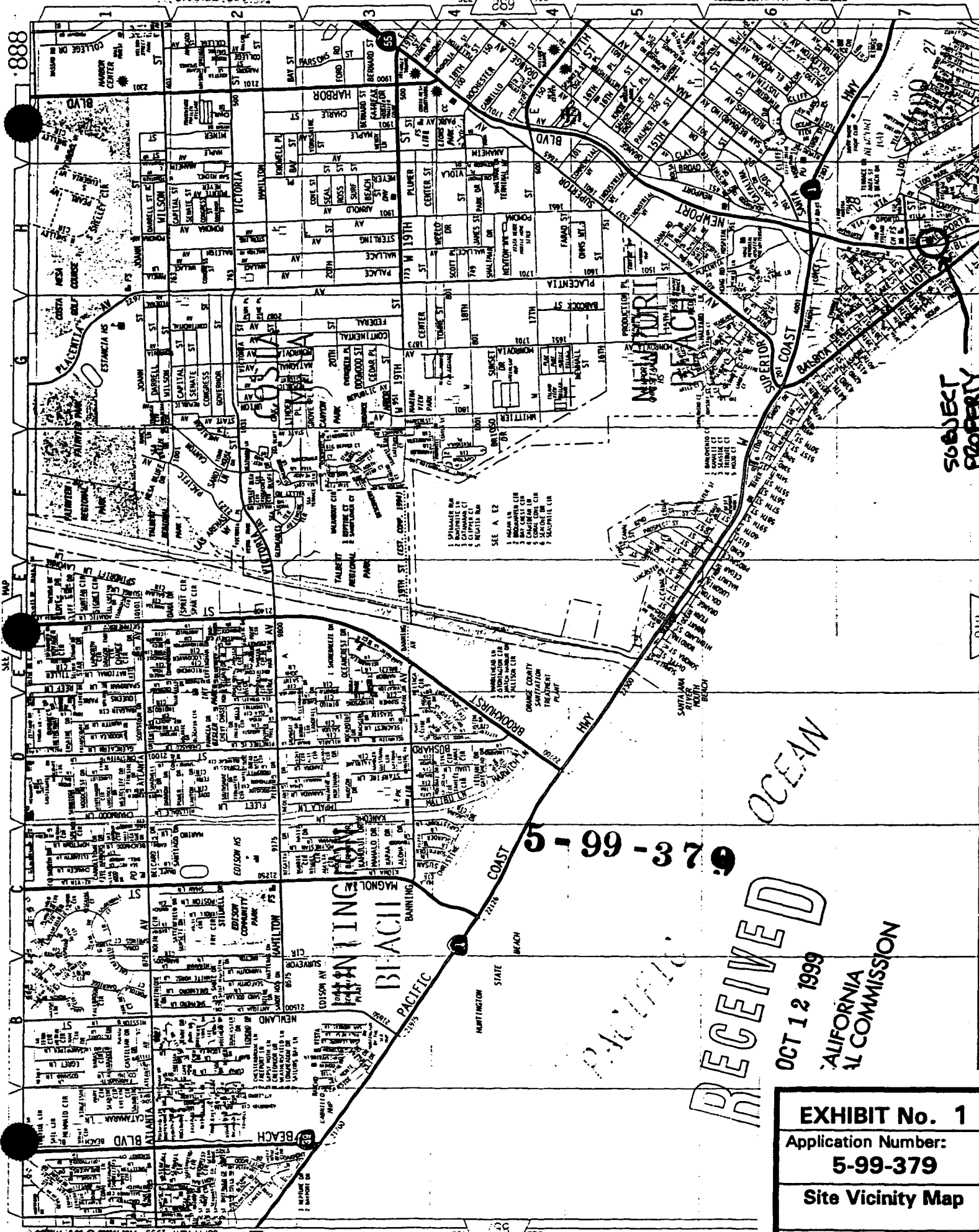


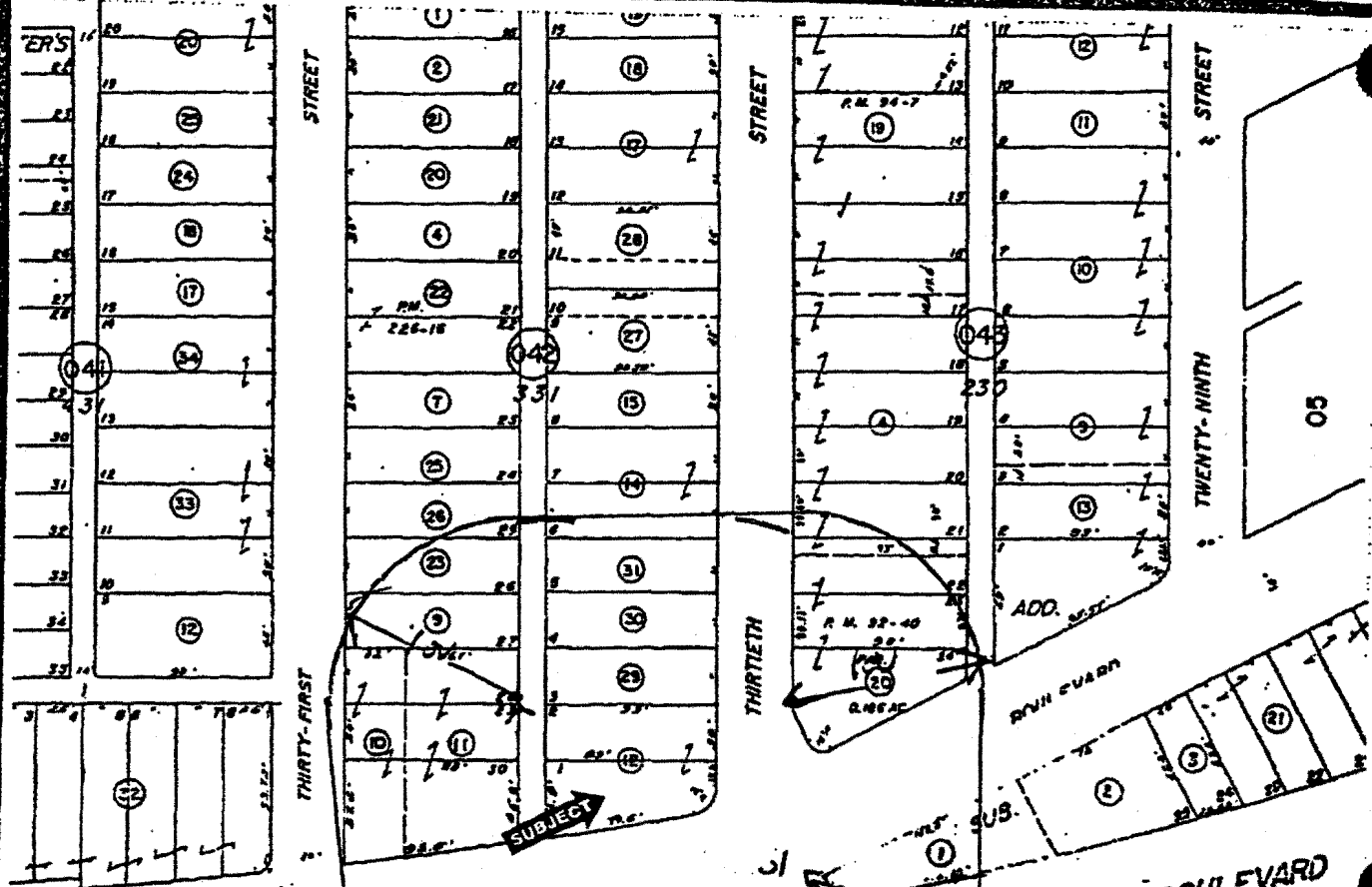
EXHIBIT No. 1

Application Number:

5-99-379

Site Vicinity Map

California Coastal Commission



NEWPORT

NEWPORT BOULEVARD

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 COASTAL COMMISSION

5-99-379

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LAKE AVE.

Ownership Map

EXHIBIT No. 2
Application Number
5-99-379
Assessors Parcel
Map
California Coastal Commission

EXHIBIT B

LOT LINE ADJUSTMENT N.B.L.L.A.

(MAP)

OWNER	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
Thomas H. Blurock	47-042-12 (Lots 1&2)	Parcel 1

Note: This exhibit is prepared from record data as shown on the map of Lancaster's Addition to Newport Beach per M.M.5/14

Prepared by:
BACK BAY SURVEYING & MAPPING
2338 Tustin Avenue
Newport Beach, CA 92660-3438
949) 631-1825

Douglas O. Foster
Douglas O. Foster PLS
Exp. 9/30/99

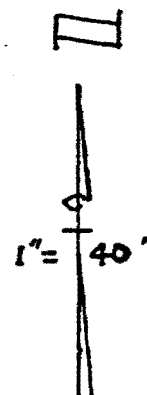
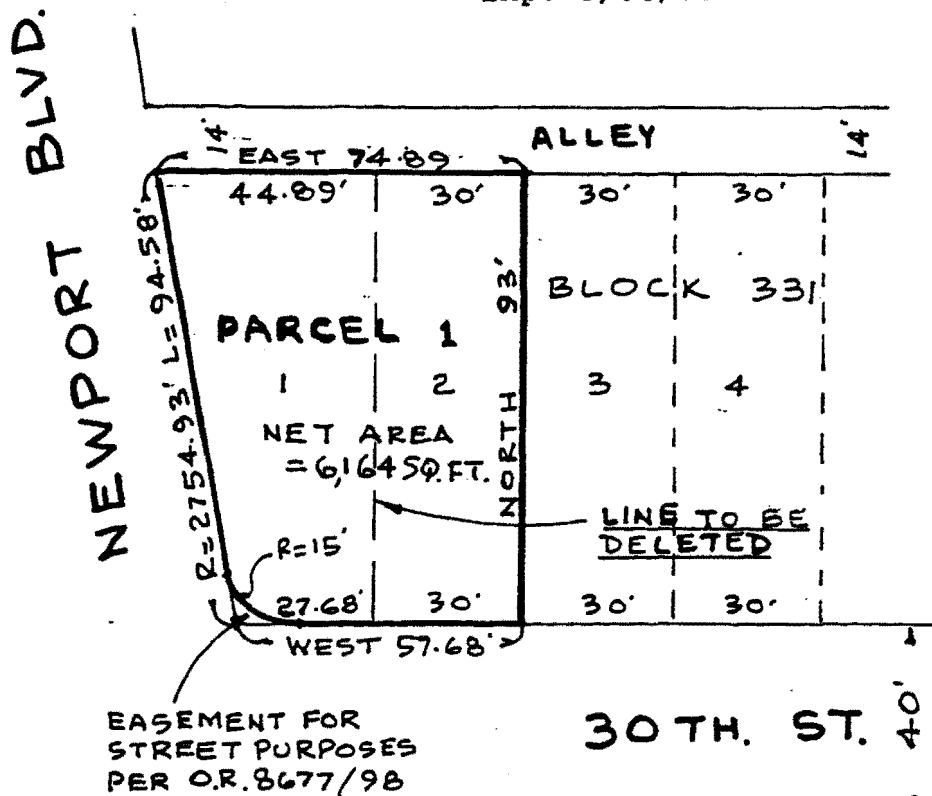
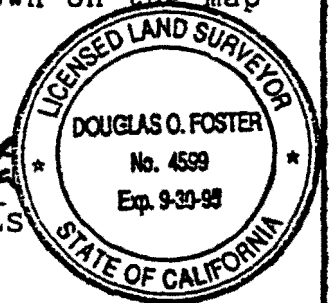


EXHIBIT No. 3
 Application Number:
5-99-379
 Lot Line Adjustment
 Maps
 California Coastal
 Commission

SITE PLAN

LOT LINE ADJUSTMENT NB.L.L.A.

OWNER	EXISTING PARCELS AP NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
Thomas H. Blurock	47-042-12 (Lots 1&2)	Parcel 1

Douglas O. Foster
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 Exp. 9/30/99

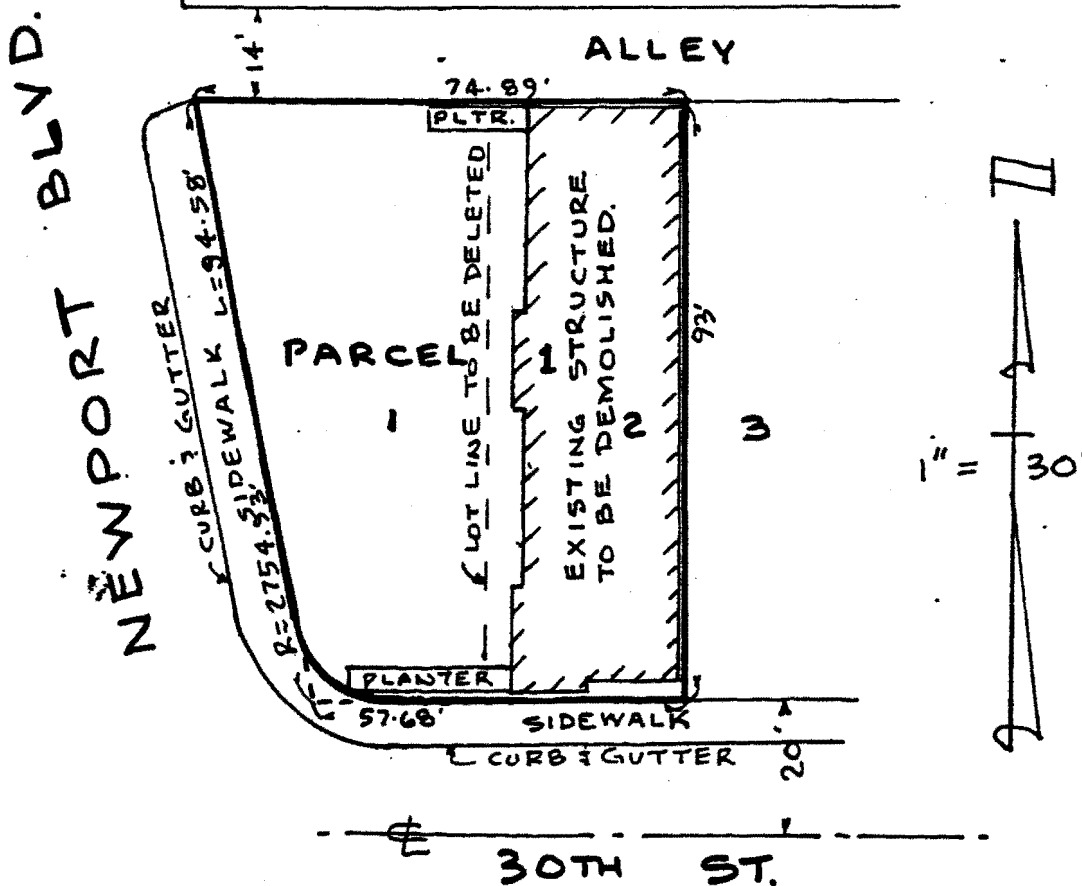
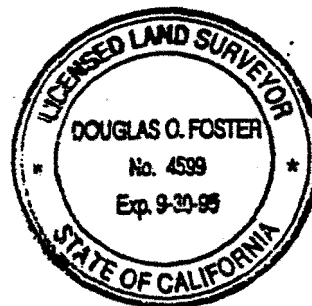
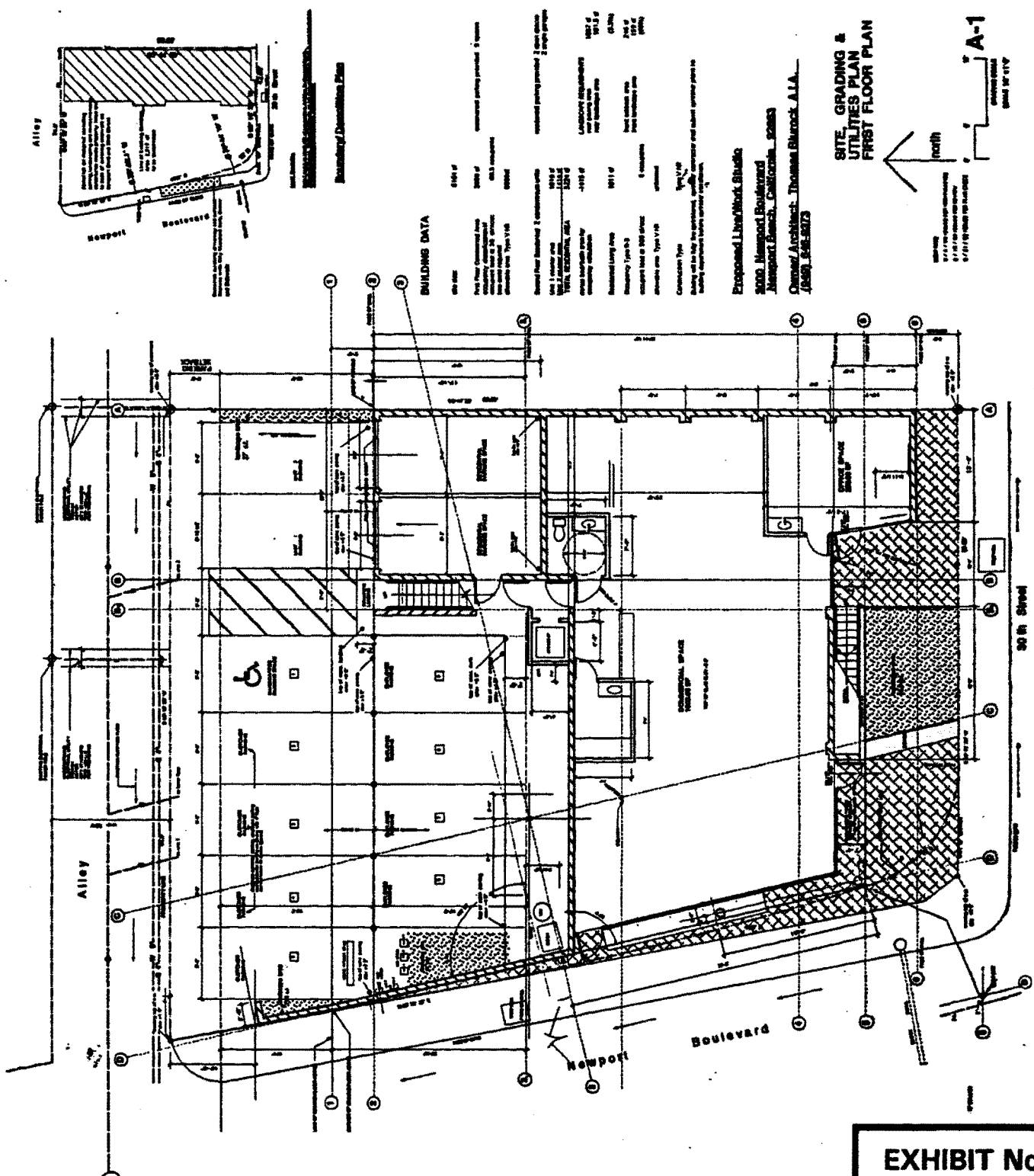


EXHIBIT No. 3
 Application Number
5-99-379
 Lot Line Adjustment
 Maps
 California Coastal
 Commission



BUILDING DATA

Site Area	6,000 sq ft
Net Area Occupied by Building	1,000 sq ft
Net Area of Parking	1,000 sq ft
Net Area of Driveway	1,000 sq ft
Net Area of Walkway	1,000 sq ft
Net Area of Landscaping	1,000 sq ft
Net Area of Other	1,000 sq ft
Net Area of Total	6,000 sq ft
Net Area of Building	1,000 sq ft
Net Area of Parking	1,000 sq ft
Net Area of Driveway	1,000 sq ft
Net Area of Walkway	1,000 sq ft
Net Area of Landscaping	1,000 sq ft
Net Area of Other	1,000 sq ft
Net Area of Total	6,000 sq ft

Proposed Living/Work Studio
 2000 Newport Boulevard
 Newport Beach, California 92660
 Owner/Architect: Thomas Barrick, AIA
 (949) 444-1073

SITE, GRADING & UTILITIES PLAN FIRST FLOOR PLAN

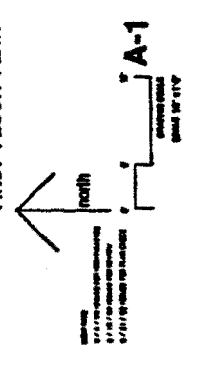


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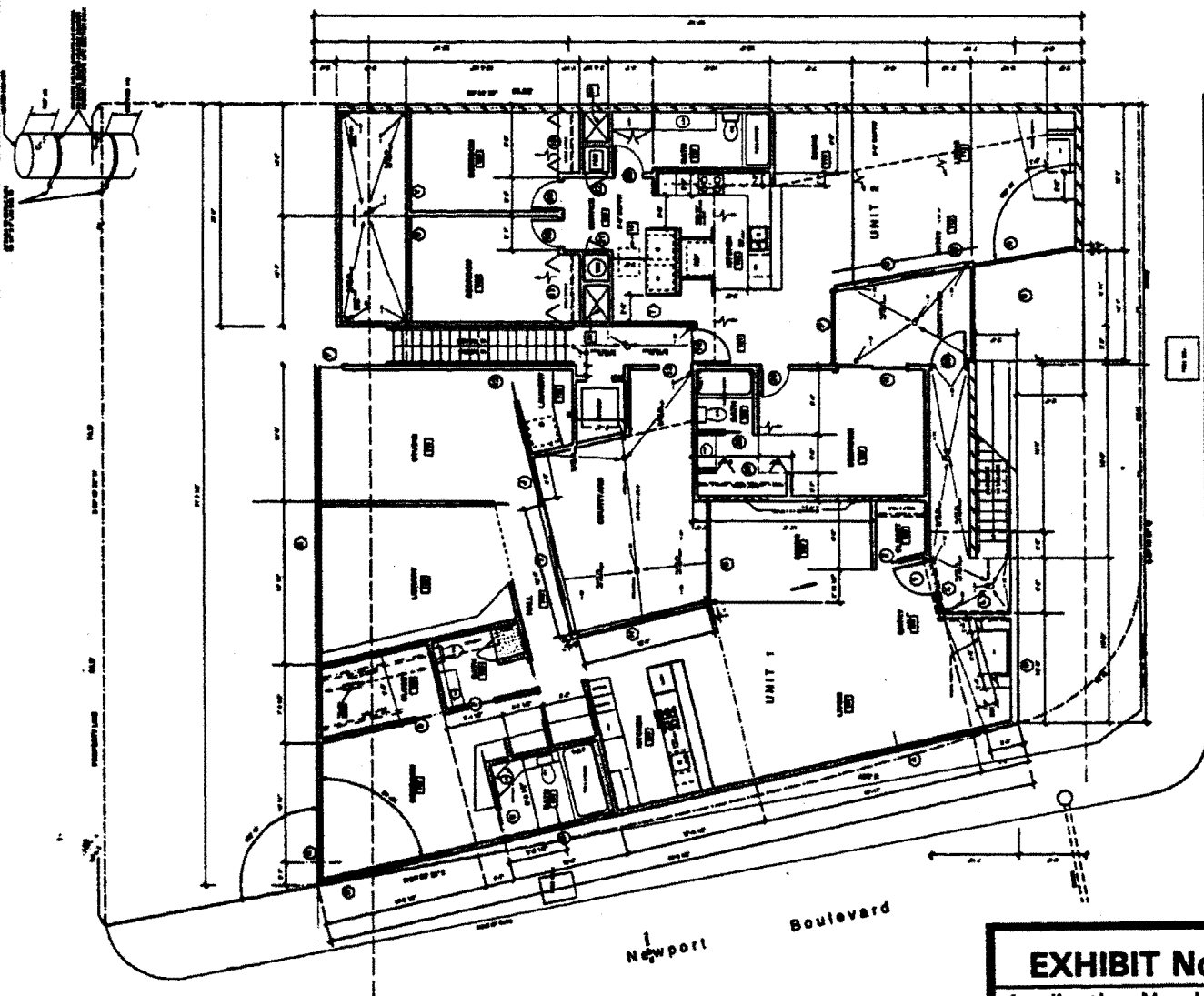
Application Number:
5-99-379

Site Plan

California Coastal
 Commission

KEY TO PLAYS NOTED

SECRET



KEY TO PLAY NOTES

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Newport

Boulevard

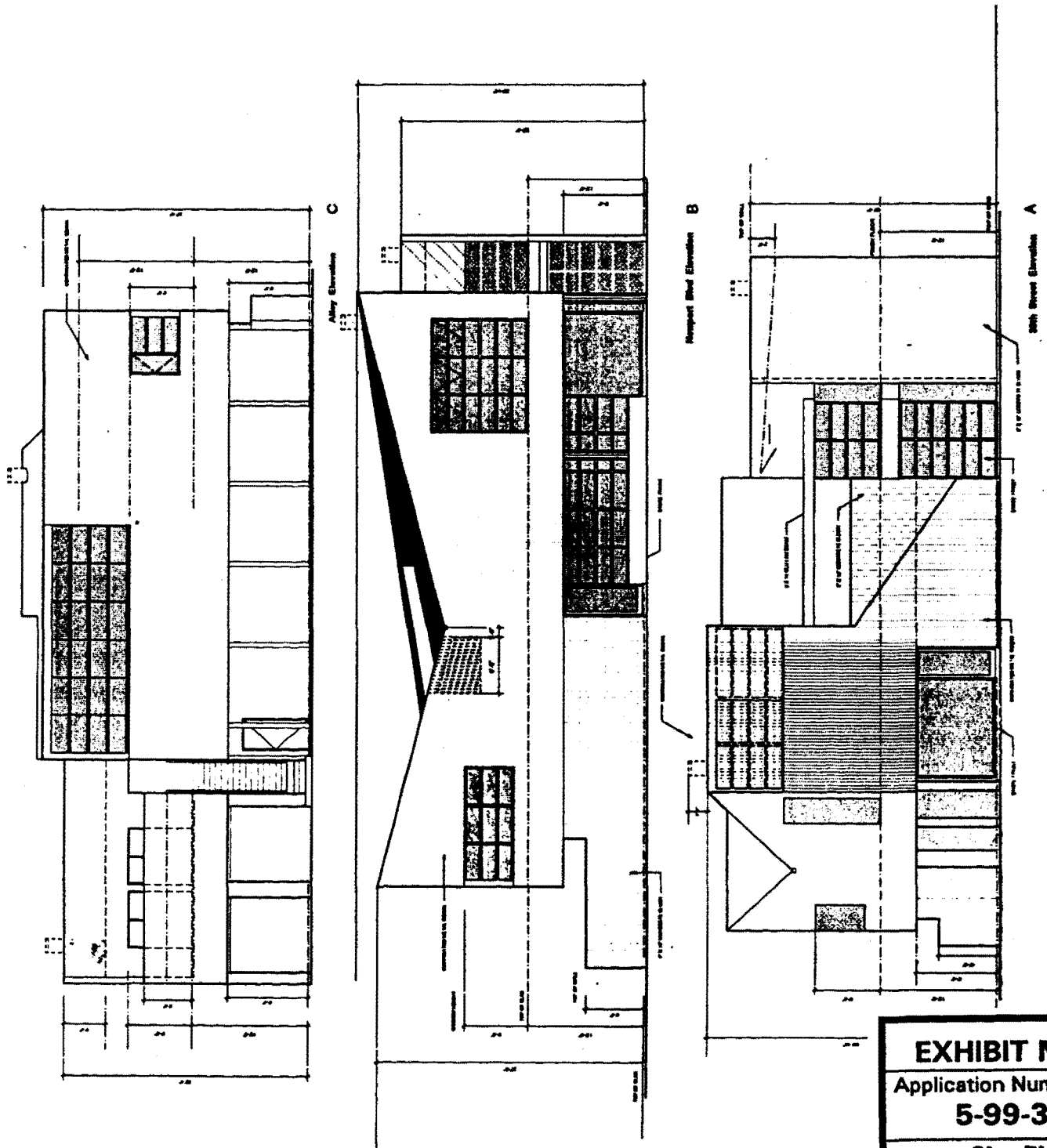
EXHIBIT No. 4
Application Number
5-99-379
Site Plan


**California Coastal
Commission**

SECOND FLOOR PLAN

20th Street

A-2



November 12, 1999

To: Maile Suger Gee
California Coastal Commission
P.O. Box 1450
Long Beach, California 90802


From: Thomas Blurock
Applicant



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CALIFORNIA
COASTAL COMMISSION

EXHIBIT No. 5
Application Number: 5-99-379
Applicant's Comments
 California Coastal Commission

Re: Comments on file number 5-99-379

The following will constitute responses to your comments of 11/5/99 on my application for a mixed use project in Newport Beach.

Comment 12

The project requires no environmental work plans, reports or action plans.

Comment 16

Reduced plans and elevations enclosed

Comment 17

There are no available photos of the existing site. The demolition of the existing one storey building is on the submitted plans approved in concept by the city.

Application Form- comment 3

Completion attached

Staff Comments

It is intended that the use of the commercial space be either office or a low intensity retail use such as an antique store, gift stores, art gallery or similar use. It is proposed that the uses be consistent with those on 30th and 31st Street. The parking is quite adequate for this type of retail use and is consistent with City of Newport Beach zoning code. The project is adequately parked on -site for these uses. The parking situation is further improved by several factors: there is an abundance of on-street short term metered parking, there is a nearby city parking lot with short term metered parking and the low intensity office, retail and office uses in the immediate vicinity have low parking demand and for the most part are similarly parked on-site and much of the retail forms a community where pedestrian activity increases the efficiency of existing parking.

Thank you for your help thus far in the application process. I have a project here which I have intended to be in compliance with the area and the intent of local and state planning policy. I appreciate your consideration.

November 12, 1999

To: Maile Suger Gee
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Re: Revisions to file number 5-99-379

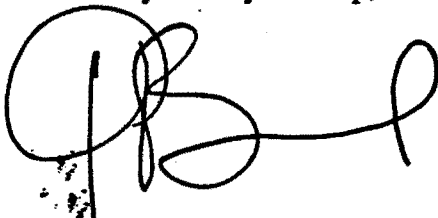
As we discussed, I will propose the following changes to my application in response to staff comments.

1. Place a sign near the main entry door of the commercial space, visible from the street to read "PARKING IN REAR"
2. Place a sign on rear wall of tandem parking area to read "COVERED PARKING FOR EMPLOYEES ONLY"
3. Reduce the area of the commercial space to conform with coastal commission standards.
Revised areas are as follows:

Office Space	250 sf	1 required parking space
Commercial/Retail Space	1800 sf	8 required parking space
TOTAL	2050 sf	9 required parking spaces

9 parking spaces are provided

Thank you for your help,



Thomas Blurock
applicant

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