

CALIFORNIA COASTAL COMMISSION
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 Staff: FSY-LB FSY
 Staff Report: March 20, 2003
 Hearing Date: April 8-11, 2003
 Commission Action:



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STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-02-348

APPLICANTS: 32nd Street Investors, Attn: John McMonigle

AGENT: C.J. Light Associates, Attn: C.J. Light

PROJECT LOCATION: 424 32nd Street, City of Newport Beach,
County of Orange

PROJECT DESCRIPTION: Construction of a new mixed use building (a total of 4,275 square feet of commercial space on the ground floor and a total of 8,005 square feet of residential space for three (3) condominiums on the 2nd and 3rd floors). No grading is proposed. A lot line merger is also part of the proposed project.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves construction of a new mixed use building. The ground floor units would provide retail and service commercial uses, while the 2nd and 3rd floor units would provide residential units. The major issues before the Commission relate to assuring adequate parking and water quality. Staff recommends the Commission **APPROVE** the proposed development with three (3) special conditions.

To assure that these issues are addressed, the Commission imposes **three (3) Special Conditions**. **Special Condition #1** requires acknowledgement that the ground floor will only be used for commercial uses and that any future improvements must be reviewed by the Coastal Commission. **Special Condition #2** requires submittal of a Parking Management Plan. **Special Condition #3** requires the applicant to submit a revised Water Quality Management Plan.

LOCAL APPROVALS RECEIVED: Approval In Concept #02116-2002 from the City of Newport Beach dated October 9, 2002, Modification Permit No. MD2002-081 (PA2002-162) from the City of Newport Beach Planning Department dated September 4, 2002, and Parcel Map No. NP2002-024 (PA2002-162) from the City of Newport Beach Planning Department dated October 2, 2002.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; *Geotechnical Investigation, Proposed Live/Work Building, 416 through 428 32nd Street, Lots 25 through 31, Block 431, Newport Beach, California* prepared by Petra dated September 11, 2002; Letter from staff to C.J. Light Associates dated November 4, 2002; Letter from the California Regional Water Quality Control Board (RWQCB) dated December 13, 2002; and Letter from Alex Villalpando dated December 18, 2002.

EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Site Plan and Floor Plans
4. Roof Plan
5. Elevations
6. Drainage Plan
7. Lot Line Plan

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following motion and resolution:

MOTION:

"I move that the Commission approve Coastal Development Permit No. 5-02-348 pursuant to the staff recommendation."

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

II. SPECIAL CONDITIONS

1. Commercial Ground Floor Unit Limitation

- A. The ground floor of the proposed building will only be occupied by allowable commercial uses including, but may not be limited to: retail sales and businesses which provide goods or services to the general public. Office uses which do not provide services directly to the public shall be prohibited on the ground floor, but may be permitted on the second level or above where the ground level is occupied by a primary use.
- B. Except as provided in Public Resources Code Section 30610 and applicable regulations, any future development as defined in PRC section 30106, including but not limited to, a change in the density or intensity of land use shall require an amendment to Permit No. 5-02-348 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

2. Parking Management Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for parking management and signage. The plan shall be prepared by a qualified professional and shall include the following:
 1. Employees shall park in the interior spaces of the tandem parking spaces. Garages shall be limited to the exclusive use of the residents of the upper units.

The project plans shall include, at a minimum, the following components: a sample of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil. Signage shall be posted that specifies allowable use of each parking space (including day and time of availability) and applicable restrictions. The signs shall be clearly visible to motorists from the frontage street or alley.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without

a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Water Quality Management Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a revised Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

1. Water Quality Goals

- (a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- (b) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site;
- (c) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs;
- (d) Runoff from all roofs and parking areas shall be collected and directed through a system structural BMPs of vegetated areas and/or gravel filter strips or other vegetated or media filter devices. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants which are non-invasive. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

2. Parking Lot

- (a) The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.
- (b) The applicant shall regularly sweep the parking lot at a minimum on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.

- (c) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;
- (d) The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.
- (e) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.
- (f) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
- (g) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

- B.** The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. LOCATION, PROJECT DESCRIPTION AND BACKGROUND

1. Project Location

The proposed project is located at 424 32nd Street in the City of Newport Beach, County of Orange (Exhibits #1-2). The site is currently a vacant lot and is within the Retail and Service Commercial (RSC) District of the Cannery Village Specific Plan Area as stated in the City's LUP. The City of Newport Beach has designated the Cannery Village area for a mixture of retail and commercial uses to provide visitor serving facilities, and general industry, to encourage marine-related industrial use. Allowable commercial uses include, but may not be limited to: retail sales and businesses which provide goods or services to the general public, hotels, motels, restaurants, commercial recreation, and senior citizen housing facilities. Professional and business offices not providing goods or services to the general public are allowed only on the second floor or above. Furthermore, residential development is allowed on the upper floors in conjunction with ground floor commercial. The Cannery Village area is located between 32nd Street and 26th Street on the Balboa Peninsula.

The project site is surrounded to the North by 32nd Street and City Hall; to the East and West, by existing commercial uses and to the South by an alley and commercial and residential structures.

2. Project Description

The proposed project will consist of construction of a new three-story mixed use building (a total of 4,275 square feet of commercial space on the ground floor and a total of 8,005 square feet of residential space for three (3) condominiums on the 2nd and 3rd floors) on a vacant lot (Exhibits #3-6). No grading is proposed. A lot line merger consisting of merging five single existing lots into a single parcel of land is also part of the proposed project (Exhibit #7). The project includes a parking area for both the commercial and residential components of the structure on the ground floor. There will be nineteen (19) tandem parking spaces for the commercial component and six (6) parking spaces for the residential component (Unit "A" will have two (2) tandem covered parking spaces and Unit "B" and "C" each will have a one (1) car garage and (1) tandem covered parking space) (Exhibit #3, page 1 of 3).

3. Prior Commission Action at Subject Site

On November 13, 2001, the Commission approved Waiver 5-01-391-W (Hanson Family Trust). Waiver 5-01-391-W allowed the demolition of an existing residence at 416 32nd Street and demolition of an existing garage at 424 32nd Street. No additional development or grading was proposed.

B. PUBLIC ACCESS, PARKING AND NEW DEVELOPMENT

Section 30212 of the Coastal Act states in relevant part states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby...

(b) For purposes of this section, "new development" does not include:

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

Section 30252 of the Coastal Act states in relevant part states:

The location and amount of new development should maintain and enhance public access to the coast by...

(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. The certified LUP was updated on January 9 1990. Since the City has an LUP and not a fully certified LCP,

the policies of the LUP are used only as guidance. The Newport Beach LUP includes policies that relate to development at the subject site. The "Commercial" section on page 45 of the Land Use Plan (LUP) describes allowable land uses within the "Retail and Service Commercial" areas as follows:

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

The "Central Newport/Lido" section beginning on page 51 states, in pertinent part:

Cannery Village.

...In order to maintain the particularly "marine" atmosphere of the area, careful consideration should be given to all proposals for new development, especially in waterfront areas."

Remaining areas are designated for a mixture of Retail and Service Commercial uses, to provide visitor-serving facilities, and General Industry, to encourage marine-related industrial uses. The portion of Cannery Village designated Retail and Service Commercial only is intended to provide for a specialty retail core.

On all commercial lots, residential uses are permitted on the second floor or above where the ground floor is occupied by another permitted use up to a total floor area ratio of 1.25.

1. Public Access

The site is a vacant lot within the protected bay (Newport Bay) and is not located between the first public road and the sea or within 300 feet of the mean high tide line of the sea. Public access is available near the project site at the corner of 32nd Street and Via Lido (Exhibit #2).

Therefore, the Commission finds that the proposed development does not pose significant adverse impacts on public access and recreation and is consistent with Section 30212 of the Coastal Act.

2. Parking and New Development

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking or alternative means of transportation. When new development does not provide adequate on-site parking and there are inadequate alternative means of reaching the area (such as public transportation), users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking and public

transportation will discourage visitors from coming to the beach and other visitor-serving activities in the coastal zone. A parking deficiency will therefore have an adverse impact on public access. Until adequate public transportation is provided, all private development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

The project site is on the Balboa Peninsula, which is a major tourist area in the City of Newport Beach. Further, the project is located in the Cannery Village Specific Plan area, which has been designated for a mixture of retail and commercial uses. The project site lies east of Newport Boulevard, which is a major arterial route for public access to the coastal opportunities located on the Balboa Peninsula, and is approximately $\frac{3}{4}$ of a mile from the ocean and approximately 600 feet from the West Lido Channel. The Cannery Village area is not typically used for parking by coastal visitors due to its distance from the sandy beach and other tourist destinations. However, on peak summer days, the public parking lot, located 2 blocks south of the project site, and on-street metered parking are used to accommodate overflow.

a. Proposed Uses and Parking Evaluation

The site is currently a vacant lot and is within the Retail and Service Commercial (RSC) District of the Cannery Village Specific Plan Area as stated in the City's LUP. The City of Newport Beach has designated the Cannery Village area for a mixture of retail and commercial uses to provide visitor serving facilities, and general industry, to encourage marine-related industrial use. Allowable commercial uses include, but may not be limited to: retail sales, offices which provide goods or services to the general public, hotels, motels, restaurants, commercial recreation, and senior citizen housing facilities. Professional and business offices not providing goods or services to the general public are allowed only on the second floor or above. Furthermore, residential development is allowed on the upper floors in conjunction with ground floor commercial.

The applicant proposes two types of land uses on-site, 1) commercial and 2) residential. The commercial component would be located on the ground and residential units would be located above. Locating the retail and service commercial development on the first floor is consistent with the Coastal Act since it places higher priority use on the more easily accessible lower floor and the lower priority use on the upper floor. The applicant is proposing nineteen (19) tandem parking spaces for the commercial component and six (6) parking spaces for the residential component (Unit "A" will have two (2) tandem covered parking spaces and Unit "B" and "C" each will have a one (1) car garage and (1) tandem covered parking space) (Exhibit #3, page 1 of 3). The following is an evaluation of the Commission's regularly used parking requirements for each proposed land use.

i. Residential

The Commission has consistently found that two parking spaces per residential unit is adequate to satisfy the parking demand generated by one individual residential unit. The three (3) proposed residential units would each have two (2) parking spaces (Unit "A" will have two (2)

tandem covered parking spaces and Unit "B" and "C" each will have a one (1) car garage and (1) tandem covered parking space).

ii. Retail and Service Commercial

The Commission typically imposes a parking standard of 1 space per each 225 square feet of gross floor area for retail and commercial service uses. The proposed retail and service commercial portion of the project is 4,275 square feet in size. Based on the standard of 1 space per 225 square feet of gross floor area for retail and service commercial uses, the parking demand totals nineteen (19) spaces.

iii. Parking Conclusion

The applicant is proposing nineteen (19) new parking spaces for the retail and service commercial component and six (6) parking spaces for the residential units. Therefore, as proposed, the parking is consistent with the Commission's regularly used parking standards.

3. Ground Floor Usage

Though the applicant is providing an adequate number of spaces based on generic uses, the applicant has not defined the specific types of businesses that will be occupying the proposed commercial component of the project. Furthermore, at this time specific commercial tenants for the proposed commercial component of the project are not known. The agent has stated that there may be three tenants, but that is not definite. Consequently, the actual number of parking spaces required could be significantly different depending on the future tenants' commercial intentions, which at this time are currently unknown. There are some retail and service commercial uses which would be in conformance with the Commission's typically imposed parking standard of 1 space per each 225 square feet of gross floor area, however, there are also a host of other uses, such as a restaurant, which would have a higher demand for parking. Therefore, this requires the Commission evaluate changes that could affect consistency with Section 30253 of the Coastal Act. To ensure compliance with the land use restrictions imposed through the certified LUP, the Commission imposes **Special Condition #1**. This condition requires that all of the proposed structures provide commercial development consistent with the allowable land uses listed in the certified LUP and the Commission's typically imposed parking standard for retail and commercial service uses, as discussed above. The ground floor of the proposed building will only be occupied by allowable commercial uses including, but may not be limited to: professional or technical offices that provide direct services to the public (i.e. accountants, architects, realtors, travel agencies, etc.) and general retail. The condition further specifies that future improvements, including change in use or intensity of use, are required to be reviewed by the Commission. For example, a change in use to a restaurant would have a higher demand for parking and thus would need to be evaluated by the Commission to make sure the change in use would be consistent with Section 30253 of the Coastal Act.

4. Tandem Parking and Signage Plan

Though the parking proposed by the applicant is numerically adequate, there is a concern regarding the feasibility of the parking arrangement. The proposed parking management system relies on tandem parking spaces for the commercial uses and residential uses, which makes ingress and egress difficult (in regards to residential parking Unit "A" will have two (2) tandem covered parking spaces and Unit "B" and "C" each will have a one (1) car garage and (1) tandem covered parking space). For example, employees and potential customers may be hesitant to pull forward to the more interior parking space for fear of getting "trapped." Potential customers then may park in public spaces instead and thus adversely impact public parking. This would be inconsistent with Section 30252 of the Coastal Act which requires that new development maintain and enhance public access to the coast by providing adequate parking.

To assure that the parking arrangement is rational and that customers of the proposed development will have adequate, usable parking available, the applicant must submit a Parking Management Plan that clearly depicts through signage the availability of, and restrictions on, customer parking.

To minimize adverse impacts to public access resulting from a lack of public parking, the Commission imposes **Special Condition #2**, which requires the submittal of a Parking Management Plan. This Plan shall include, but not limited to, 1) instruction to employees to use the parking spaces within the interior areas during normal business hours so they do not block customers and 2) signage to be placed on the exterior walls of the building (frontage street and alley) to inform customers where to park and at what times the parking restrictions are in place. The applicant may also propose to designate parking spaces for employees and customers by stenciling labels on the pavement.

5. Conclusion

Thus, only as conditioned for the applicant's to acknowledge that the ground floor will only be used for commercial uses, that any future improvements must be reviewed by the Coastal Commission and for the submittal of a Parking Management Plan, does the Commission find that the proposed development would be consistent with Section 30252 of the Coastal Act.

C. WATER QUALITY AND THE MARINE ENVIRONMENT

The protection of water quality is an important aspect of the Coastal Act. Water from the new parking lot and site will flow onto the City of Newport Beach's recently approved storm drain system and will ultimately drain to the Pacific Ocean. Recent beach closures occurring throughout Orange County, including those in Newport Beach, Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

1. Post-Construction Impacts to Water Quality

The proposed development will result in urban runoff entering the storm water system. Pollutants such as sediments or toxic substances such as grease, motor oil, heavy metals, pesticides and fertilizers are often contained within urban runoff entering the storm water system. In this case, the site drains a new parking lot, paved walkways and landscaped areas. Therefore, the primary post-construction water quality concerns associated with the proposed project include grease, motor oil, heavy metals, pesticides and fertilizer.

The proposed development would result in the discharge of storm water into the storm water conveyance system. As such, the amount of pollutants carried through the system would increase proportionally. Therefore, the project has the potential to affect the water quality of the coastal waters in Newport Beach.

The proposed retail and service commercial and residential project is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The currently proposed project drains a new 25-space parking

area, paved walkways and landscaped areas. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized. Therefore, it is necessary to impose **Special Condition #3**. The applicant has submitted a drainage plan which attempts to minimize water quality impacts raised by the project, however this drainage plan is inadequate (the drainage plan will be further discussed on the next page). Therefore, **Special Condition #3** requires that the applicant submit a revised Water Quality Management Plan. The Water Quality Management Plan shall meet water quality goals such as use of appropriate structural and non-structural BMP's designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site and that runoff from all roofs and parking areas and shall be collected and directed through a system structural BMP's and/or gravel filter strips or other vegetated or media filter devices. In addition, this Water Quality Management Plan shall incorporate measures that reduce water quality impacts resulting from the new parking lot.

2. Drainage Plan

The Coastal Act highly regards the protection of water quality. Recent beach closures occurring throughout Orange County, including those in Newport Beach, Huntington Beach and Laguna Beach, have been attributed to polluted urban runoff discharging into the ocean through outfalls. As illustrated by these beach closures, polluted runoff negatively affects both marine resources and the public's ability to access coastal resources. Water from the new parking lot and site will flow onto the City of Newport Beach's recently approved storm drain system and will ultimately drain to the Pacific Ocean

In order to minimize adverse impacts to water quality, the applicant has submitted a drainage plan (Exhibit #6) and narrative which attempts to address to minimize adverse impacts to water quality. The submitted narrative dated December 18, 2002 states: "*We are proposing to run as many roof drains as possible through planter areas in order to facilitate infiltration and reduce the amount of stormwater leaving the property. We have also added some grade planters and tried to drain the paved areas into these grade planters to allow increased percolation of runoff in to the ground.*" However, the plan submitted addressing ways to minimize adverse impacts to water quality was insufficient since it did not address ways to minimize water quality impacts raised by the new parking lot. Therefore, a revised drainage plan addressing ways to minimize water quality impacts raised by the new parking lot is necessary.

The use of invasive vegetation on site for landscaping areas could have adverse impacts on the sustainability of any existing native vegetation. Invasive plants have the potential to overcome native plants and spread quickly. Consequently, to minimize any affect on any native vegetation in the area, invasive vegetation which would supplant native species should not be used. Furthermore, any plants in the landscaping plan should be drought tolerant to minimize the use of water. To minimize any effect on any native vegetation in the area, either native or non-native drought tolerant vegetation, which would not supplant native species, should be used.

Therefore, to lessen the potential for pollutants to enter the storm drain system and to reduce water run-off at the subject site, the Commission imposes **Special Condition #3**. **Special Condition #3** requires that the applicant submit a revised Water Quality

Management Plan. The Water Quality Management Plan shall meet water quality goals such as use of appropriate structural and non-structural BMP's designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site and that runoff from all roofs and parking areas and shall be collected and directed through a system structural BMP's and/or gravel filter strips or other vegetated or media filter devices. This Water Quality Management Plan shall also incorporate measures that reduce water quality impacts resulting from the new parking lot. In addition, vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants which are non-invasive. Any proposed changes to the approved final plan shall be reported to the Executive Director.

3. Conclusion

To minimize the adverse impacts upon the marine environment, one (1) Special Condition have been imposed. **Special Condition #3** requires the applicant to submit a revised Water Quality Management Plan. Only as conditioned, the Commission finds that the proposed project is consistent with Section 30230, 30231 and 30232 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The certified LUP was updated on January 9 1990. The City currently has no certified implementation plan. Therefore, the Commission issues CDP's within the City based on the development's conformance with the Chapter 3 policies of the Coastal Act. The LUP policies may be used for guidance in evaluating a development's consistency with Chapter 3. The City's LUP that the City seeks to insure the highest quality of water in the bay and along their beaches. As conditioned, the proposed project is not expected to create substantial adverse impacts to marine resources, water quality and the marine environment and therefore attempts to insure the highest quality of water in the Bay and along the beaches. Therefore, the project, as conditioned, is not proposed to create additional adverse impact to public access.

The proposed development, as conditioned, is consistent with Chapter 3 policies of the Coastal Act and with the LUP. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096(a) of Title 14 of the California Code of 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 further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

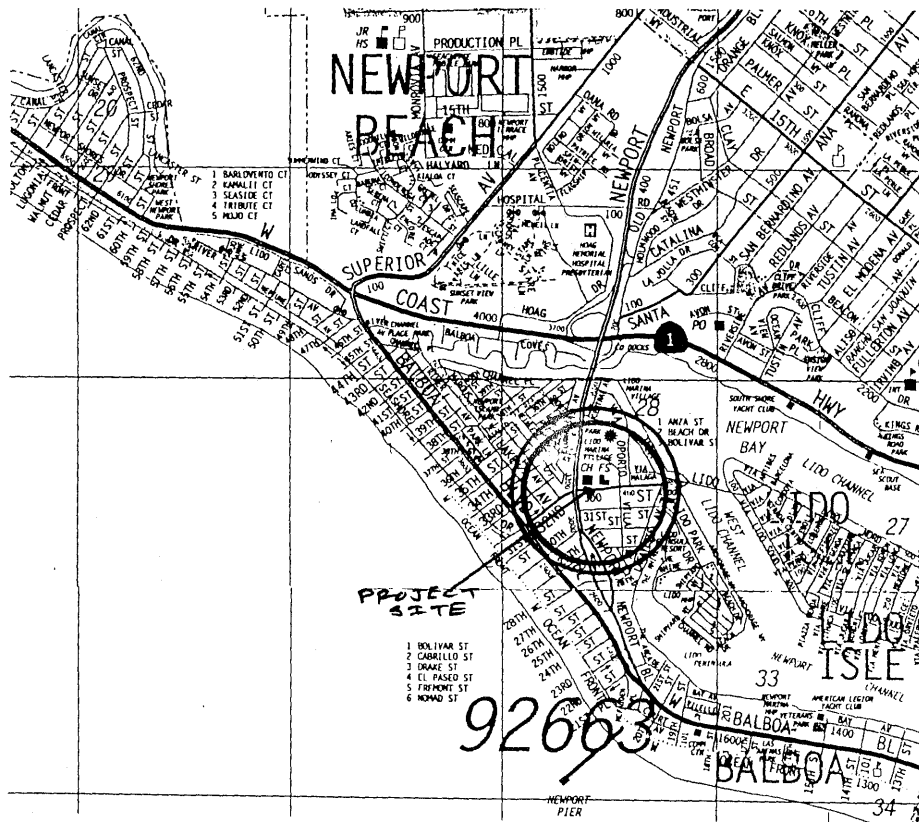
The project is located in an urbanized area. Development already exists on the subject site. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. Conditions imposed are: 1) requires acknowledgement that the ground floor will only be used for commercial uses and that any future improvements must be reviewed by the Coastal Commission; 2) requires the applicant to submit a Parking Management Plan; and 3) requires the applicant to submit a revised Water Quality Management Plan.

As conditioned, no feasible alternatives or further feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging alternative and is consistent with CEQA and the policies of the Coastal Act.

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EXHIBIT # 1
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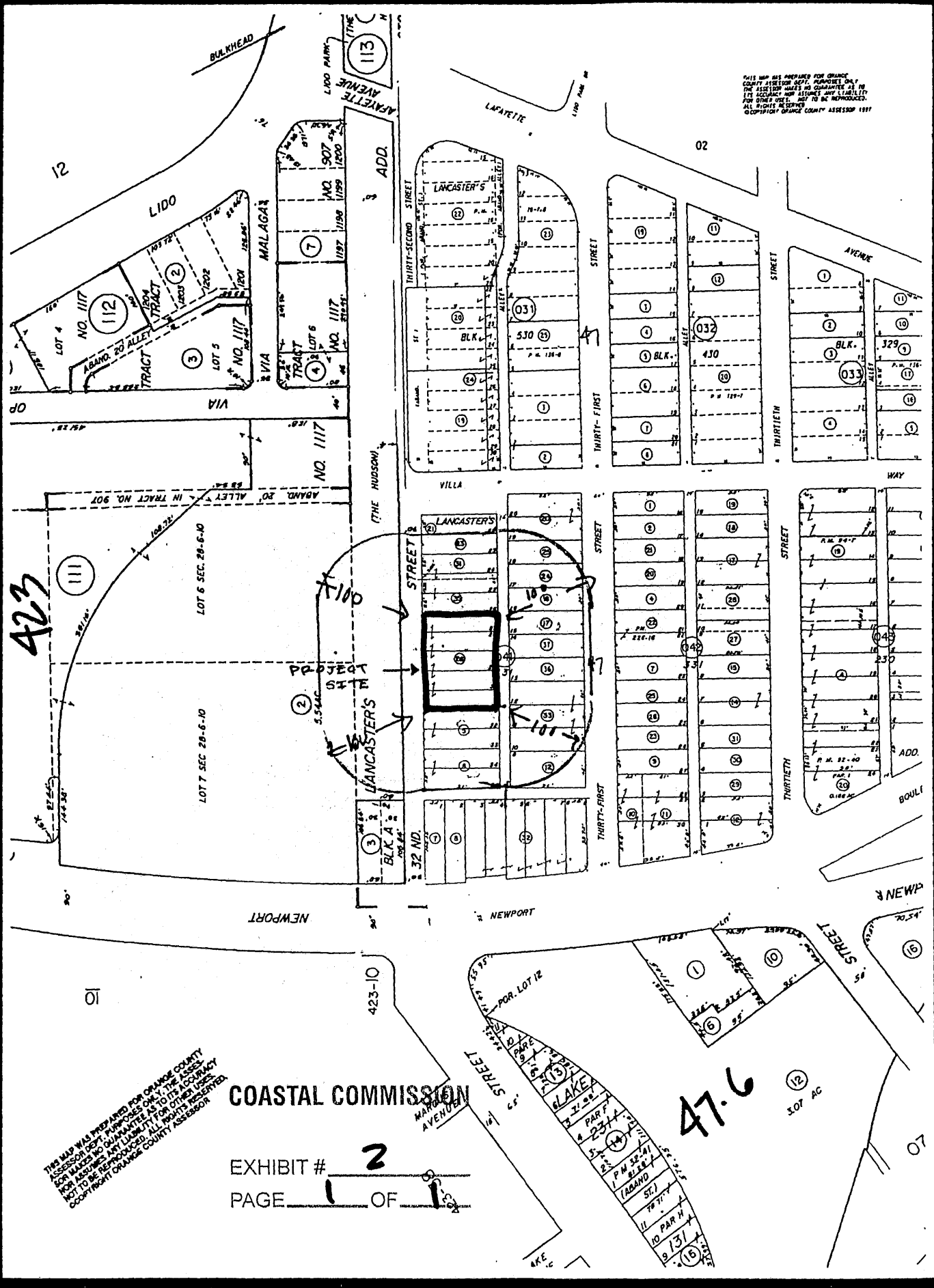
32nd Street Live / Work Building

424 32nd Street • Cannery Village • Newport Beach • California

Vicinity Map

Thomas Guide Pg. 888

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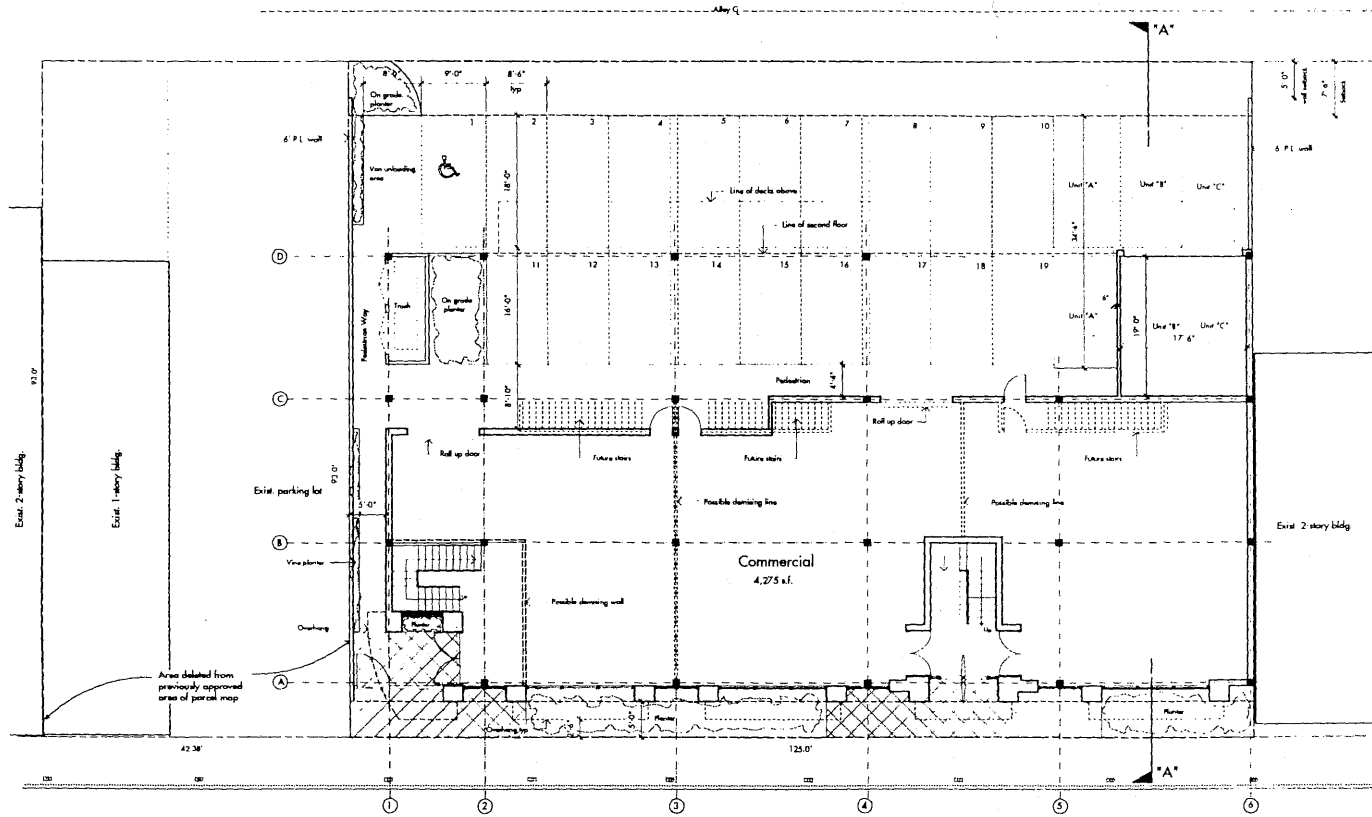


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COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

Ownership Map



First Floor
Commercial = 4,275 s.f.

Square Footages	Max. allowed	Proposed
Site Area = 11,625 s.f.		
F.A.R. mixed use = 1.25		
First Commercial (F.A.R. = .50) (1 parking stall per 225 s.f.)	5,812.5 s.f. (19 stalls x 225 s.f. = 4,275 s.f.)	4,275 s.f.
Second Habitable (F.A.R. = .75)	8,718.75 s.f.	Second Floor 6,175 s.f. Mezzanine Level 1,830 s.f. 8,005 s.f.
Building Bulk	16,600 s.f.	16,400 s.f.

COASTAL COMMISSION

EXHIBIT # **3**
PAGE **1** OF **3**

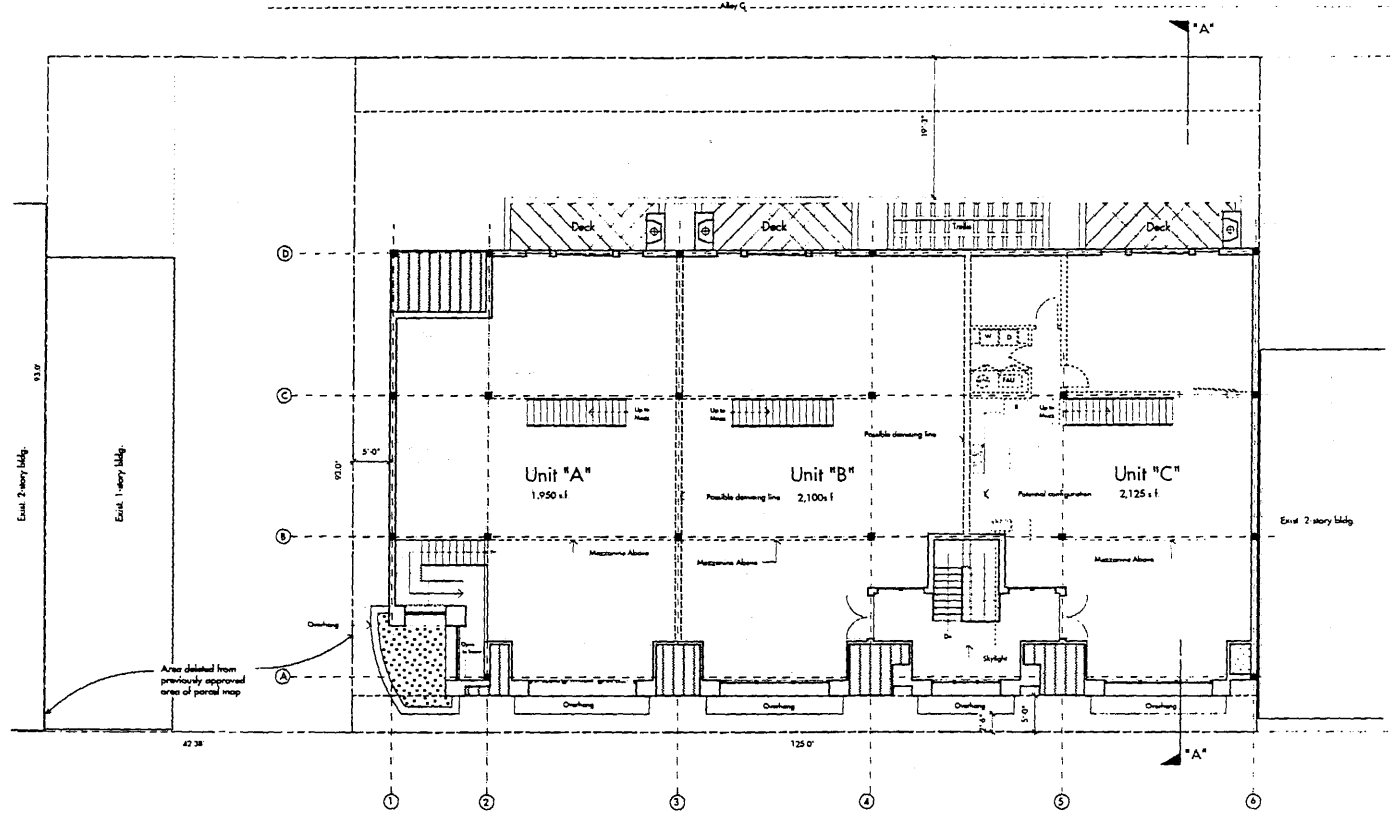


32nd Street Live / Work Building

424 32nd Street • Cannery Village • Newport Beach • California

Site / Floor Plans

Revised Nov. 4, 2002 Scale 1/8" = 1' 0"

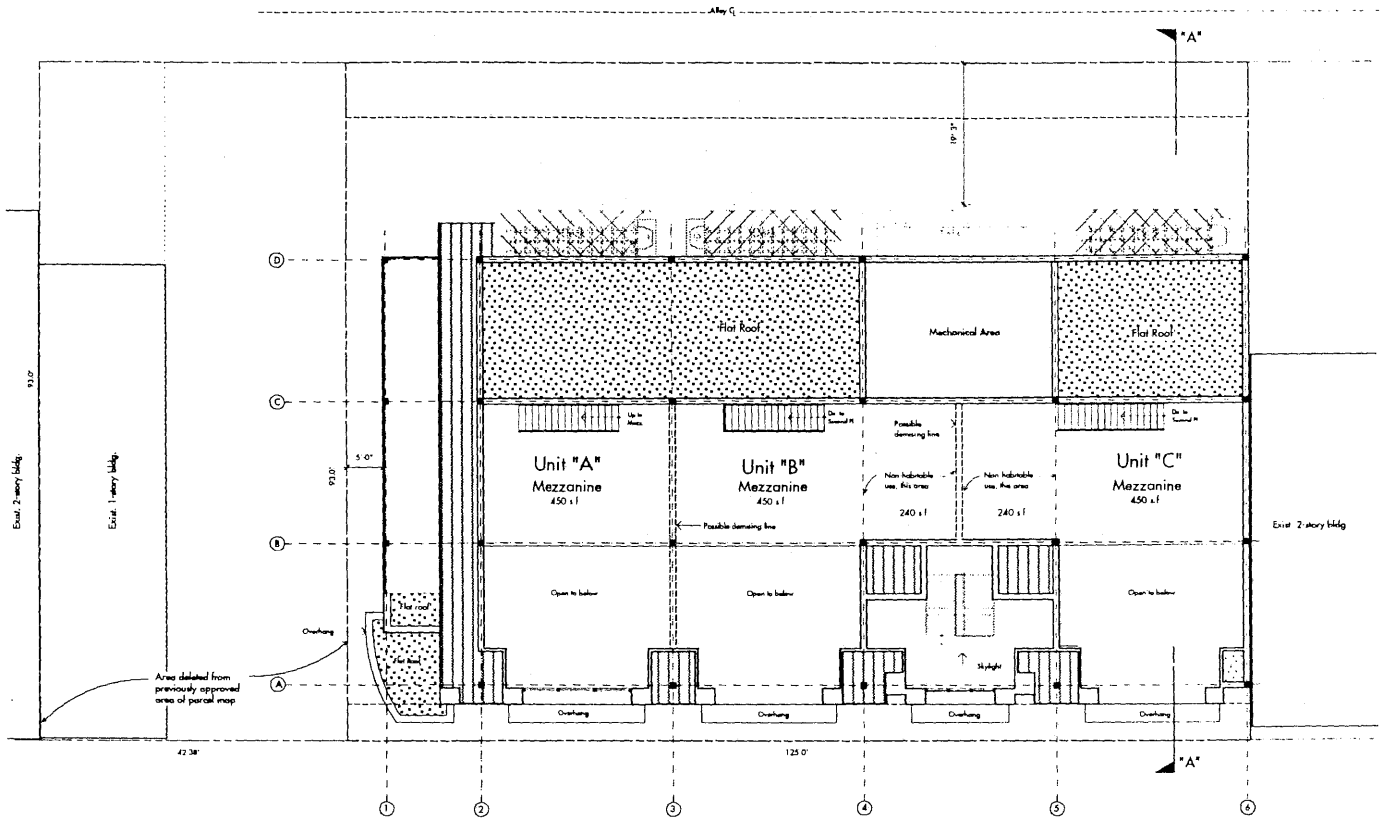


Second Floor
Total Habitable = 6,175 s.f.

COASTAL COMMISSION

EXHIBIT # **3**
PAGE **2** OF **3**





Mezzanine Level

Mezzanine = 1,350 s.f.
 Non-habitable = 480 s.f.
 1,830 s.f.

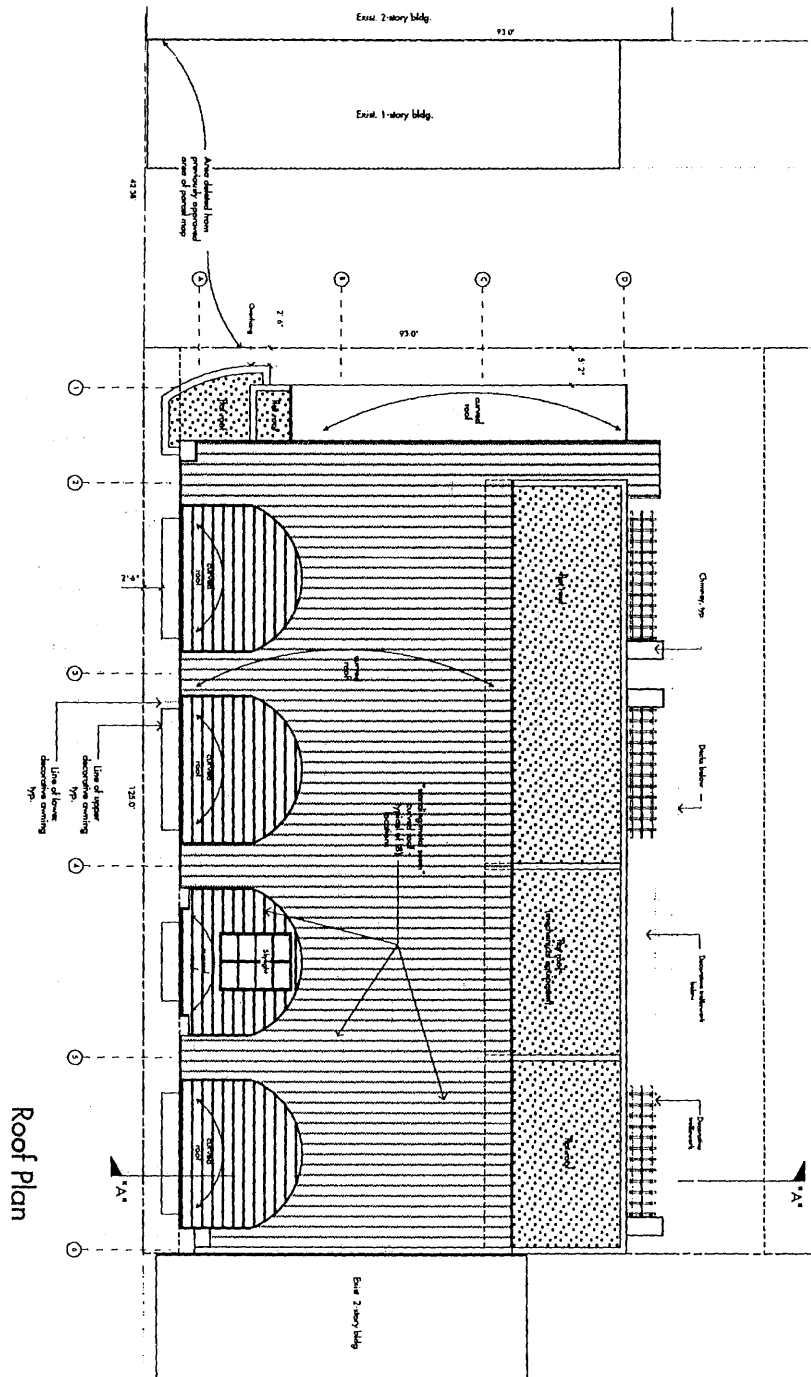
COASTAL COMMISSION

EXHIBIT # 3
 PAGE 3 OF 3





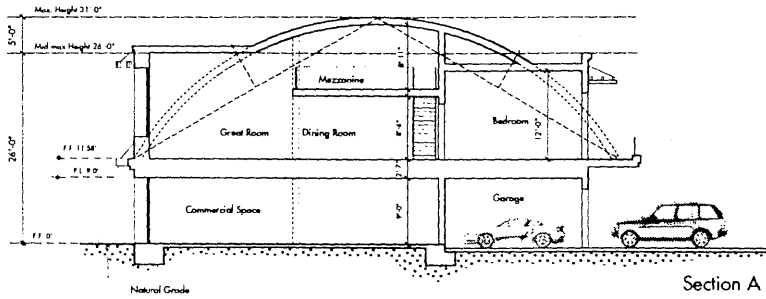
32nd Street Live / Work Building
 424 32nd Street • Cannery Village • Newport Beach • California



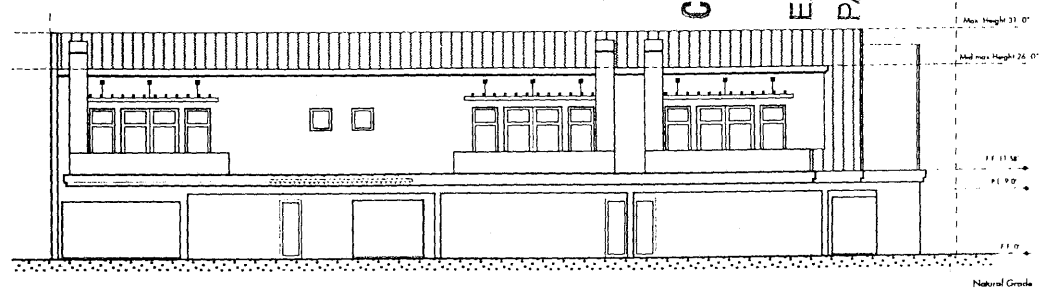
Roof Plan

COASTAL COMMISSION

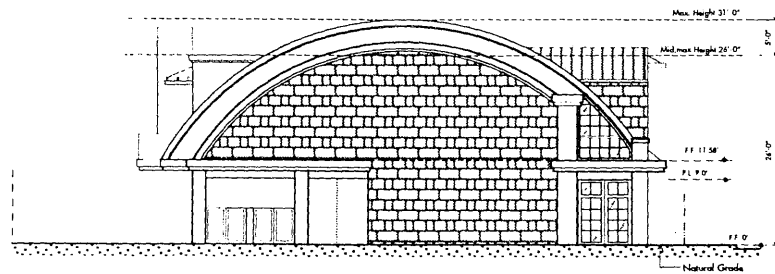
EXHIBIT # 4
 PAGE 1 OF 1



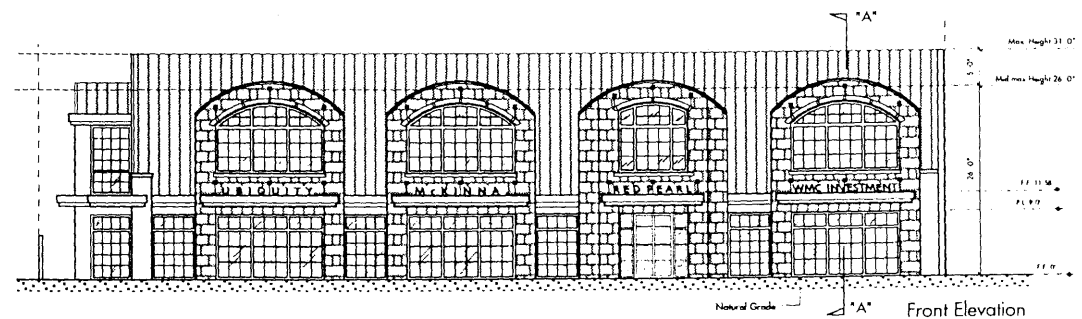
Section A



Rear Elevation



Left Elevation



Front Elevation

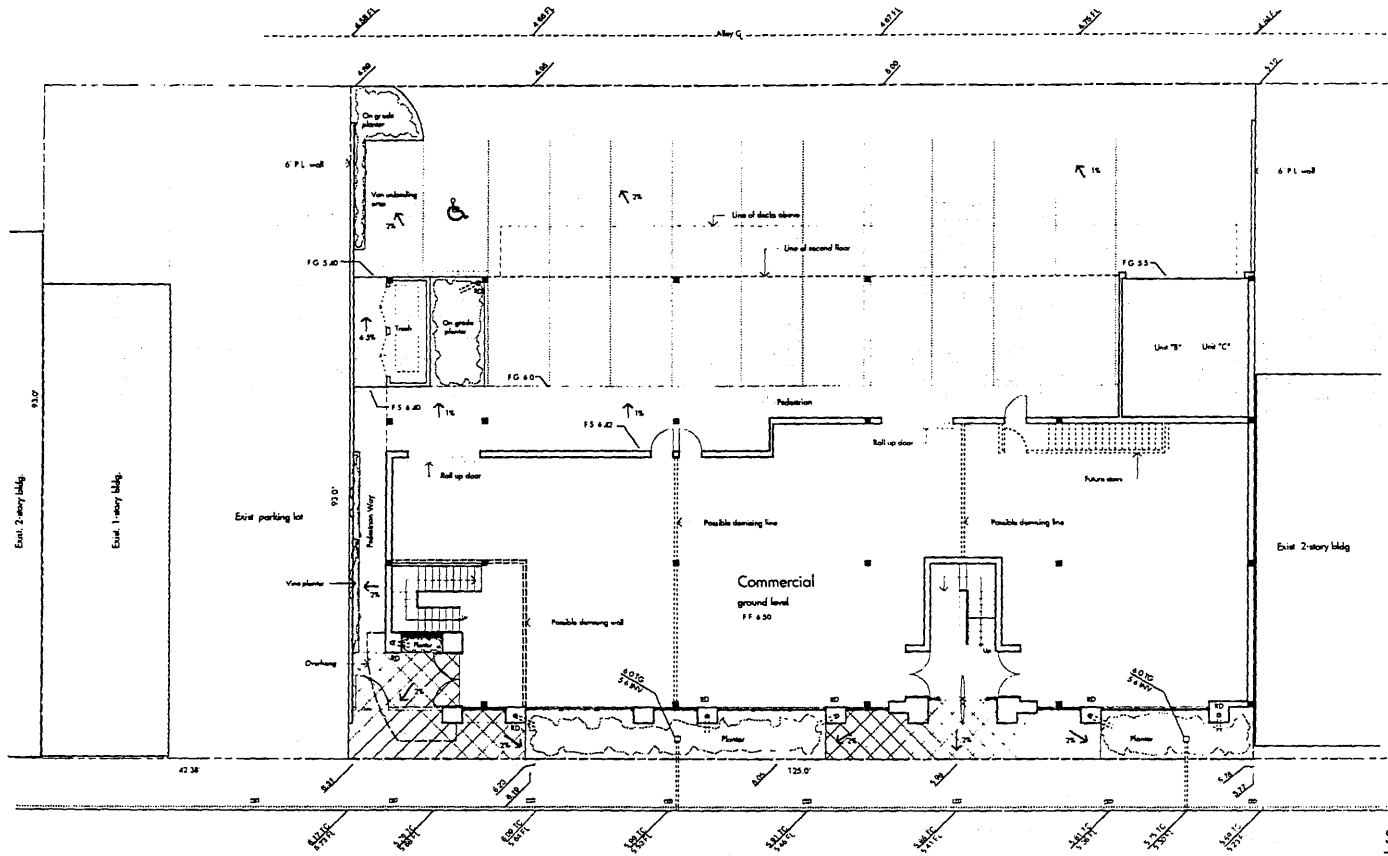


32nd Street Live / Work Building

424 32nd Street • Cannery Village • Newport Beach • California

Elevation / Section

Revised November 4, 2002 Scale 1/8" = 1' 0"



COASTAL COMMISSION

EXHIBIT # **6**
PAGE **1** OF **1**

Symbols:
 □ Overflow drain - opened to gutter
 ○ 10 Roll door and curb

Plan Notes:
 1. Roll doors to be drained into gutters, whenever possible.
 2. Plans to drain roofwater, overflow drains to be installed in case of overloading.

32nd Street Live / Work Building
 424 32nd Street • Cannery Village • Newport Beach • California



Drainage Plan

Revised Dec. 4, 2002 Scale 1/8" = 1' 0"

T E N T A T I V E PARCEL MAP NO. 2002-199

IN THE CITY OF NEWPORT BEACH, COUNTY
OF ORANGE, STATE OF CALIFORNIA.

BEING A SUBDIVISION OF LOTS 27, 28, 29, 30, AND 31, ALL OF BLOCK 431
OF LANCASTER'S ADDITION TO THE CITY OF NEWPORT BEACH, PER MAP
RECORDED IN BOOK 5, PAGE 14 OF MISCELLANEOUS MAPS, RECORDS OF
SAID ORANGE COUNTY.

PETE J. DUCA
R.C.E. 24668

1 PARCEL
0.267 ACRES

DUCA-McCOY, INC.
CIVIL ENGINEERS

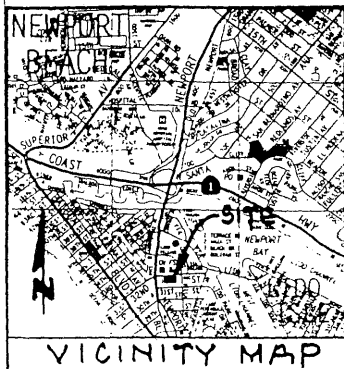
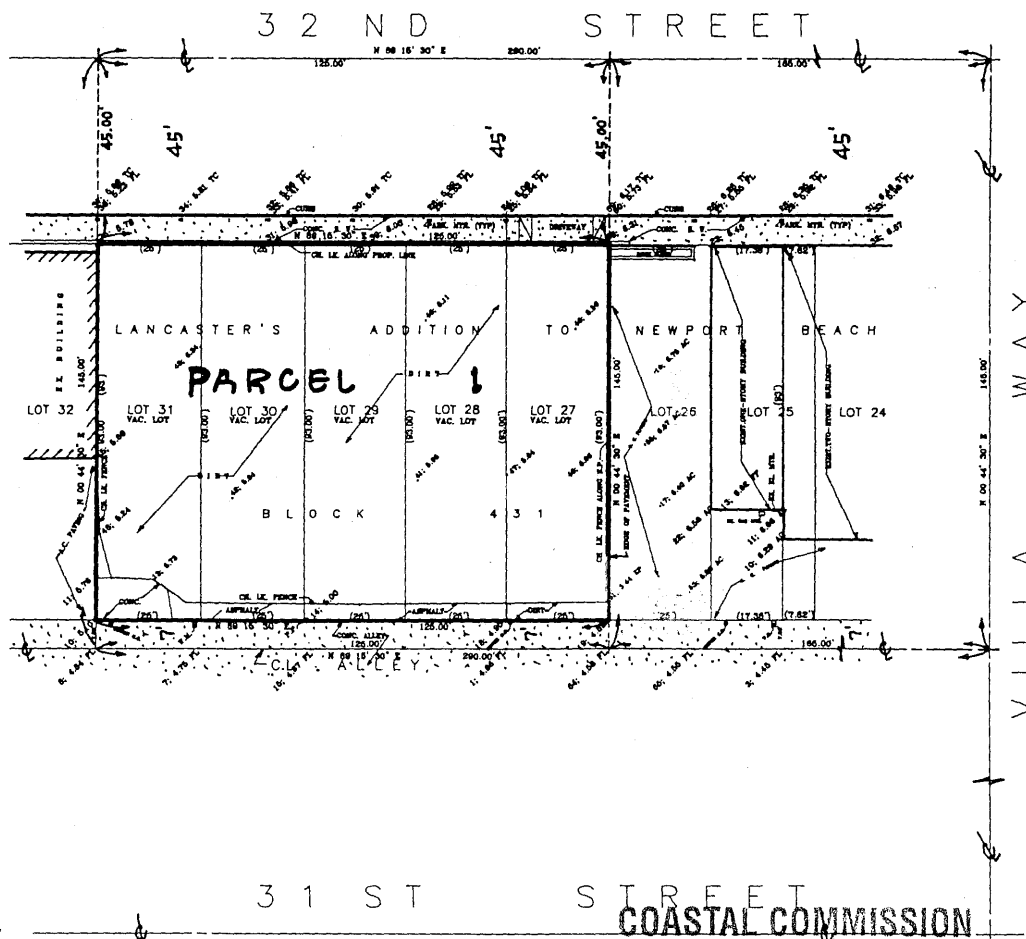


EXHIBIT # 7
PAGE 1 OF 1

PROPERTY OWNER :
32nd STREET INVESTORS, L.L.P.
424 32nd STREET
NEWPORT BEACH, CA 92559
(949) 640-3604

ENGINEER :
DUCA-McCOY
3840 E. COAST HIGHWAY
CORONA DEL MAR, CA 92625
(949) 675-4487

Pete J. Duca
PETE J. DUCA R.C.E. 24668



UTILITIES :	SOUTHERN CALIF. GAS. CO.	SOUTHERN CALIF. EDISON. CO.	PACIFIC TELEPHONE CO.
SEWER AND WATER :	P.O. BOX 3334	P.O. BOX 3307	2911 DAIMLER
CITY OF NEWPORT BEACH	ANAHEIM, CA.	SANTA ANA, CA.	SANTA ANA, CA.
3300 NEWPORT BLVD.	(714) 835-0221	(714) 835-5200	(714) 546-2842
NEWPORT BEACH, CA 92663			
(949) 644-3011			

