

CALIFORNIA COASTAL COMMISSION

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

**Item Th 6d**

December 18, 2003

TO: Commissioners and Interested Persons

FROM: Deborah Lee, South Coast District Director
Teresa Henry, South Coast District Manager
Anne Blemker, Coastal Program Analyst

SUBJECT: City of Newport Beach Local Coastal Program Amendment 1-03
(Parts B & C)

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

Parts B and C of the Land Use Plan (LUP) amendment consist of a request by the City of Newport Beach to allow 1) a change in land use designation at 1514 W. Balboa Boulevard from Government, Education and Institutional Facilities to Two Family Residential (Part B) and 2) a change in land use designation at 129 Agate Avenue from Retail Service Commercial to Two Family Residential (Part C). (Part A of the amendment was approved separately November 2003.) The proposed land use redesignations would allow the construction of duplexes on the existing lots at both sites. The lot at 1514 W. Balboa Boulevard is currently vacant and the three lots at 129 Agate Avenue are currently developed with a privately owned and operated paved parking lot.

The major issues raised by this amendment request are adequate provision of visitor-serving commercial development and public access.

SUMMARY OF STAFF RECOMMENDATION

Commission staff recommends that the Commission **APPROVE** Part B of the proposed City of Newport Beach Local Coastal Program Amendment 1-03 as submitted and **DENY** Part C of the proposed amendment. The motions to accomplish this are found on Page 3.

ANTICIPATED AREAS OF CONTROVERSY

There are no outstanding issues or areas of controversy associated with Part B of the proposed LUP amendment. However, the City and the landowner of 129 Agate Avenue object to the staff recommendation for Part C.

ADDITIONAL INFORMATION

For further information, please contact **Anne Blemker** at the South Coast District Office of the Coastal Commission at (562) 590-5071. The proposed amendment to the Land Use Plan (LUP) of the City of Newport Beach Local Coastal Program (LCP) is available for review at the Long Beach Office of the Coastal Commission or at the City of Newport Beach Planning Department. The City of Newport Beach Planning Department is located at 3300 Newport Boulevard in Newport Beach. **James Campbell** is the contact person for the City's Planning Division, and he may be reached by calling (949) 644-3210.

EXHIBITS

1. City Council Resolution No. 2000-74 for 1514 W. Balboa Blvd.
2. City Council Resolution No. 2000-80 for 1514 W. Balboa Blvd.
3. City Council Resolution No. 2003-23 for 129 Agate Ave.
4. Vicinity Map for 1514 W. Balboa Blvd.
5. Land Use Map for 1514 W. Balboa Blvd.
6. Vicinity Map for 129 Agate Avenue
7. Land Use Map for 129 Agate Avenue

**I. COMMISSION RESOLUTION ON CITY OF NEWPORT BEACH
LOCAL COASTAL PROGRAM AMENDMENT 1-03**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings.

Motion for Part B

*"I move that the Commission **CERTIFY** the City of Newport Beach Land Use Plan Amendment NPB MAJ 1-03 Part B as submitted."*

Staff Recommendation for Part B

Staff recommends a **YES** vote. Passage of this motion will result in certification of Part B of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

Resolution for Part B

The Commission hereby **CERTIFIES** the City of Newport Beach Land Use Plan Amendment 1-03 Part B as submitted and adopts the findings stated below on the grounds that the amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment 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 amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that could substantially lessen any significant adverse impacts on the environment that may result from certification of the land use plan.

Motion for Part C

*"I move that the Commission **CERTIFY** the City of Newport Beach Land Use Plan Amendment NPB MAJ 1-03 Part C as submitted."*

Staff Recommendation

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolutions and findings. The motion to certify as submitted passes only upon affirmative vote of a majority of the appointed Commissioners.

Resolution

Resolution

The Commission hereby **DENIES** the City of Newport Beach Land Use Plan Amendment 1-03 Part C as submitted and adopts the findings stated below on the grounds that the amendment will not meet the requirements of and is not in conformity with the policies of Chapter 3 of the California Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act as there are feasible mitigation measures and alternatives that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

II. PROCEDURAL PROCESS (LEGAL STANDARD FOR REVIEW)

A. *Standard of Review*

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

B. *Procedural Requirements*

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the local coastal program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City of Newport Beach's submittal indicates that this LCP amendment will take effect upon Commission certification.

III. BACKGROUND

The Land Use Plan (LUP) for the City of Newport Beach was effectively certified on May 19, 1982, and subsequently amended multiple times.

The current LUP amendment request was submitted by the City of Newport Beach on June 13, 2003 to the South Coast District. Additional information was requested by Coastal Commission staff on June 27, 2003. City staff submitted the information on September 8, 2003. On October 2, 2003, Coastal Commission staff notified the City that the amendment request was complete. Part A of the amendment request was approved by the Commission on November 5, 2003. The Commission at the same hearing approved a one-year (1) time extension on Parts B and C of this amendment. Parts B and C are now being submitted for Commission action.

IV. SUMMARY OF PUBLIC PARTICIPATION

Part B (1514 W. Balboa Blvd.)

The City of Newport Beach initially approved the Land Use Plan amendment request affecting 1514 W. Balboa Boulevard through a City Council public hearing on August 8, 2000. However, the resolution was deficient and a subsequent resolution was approved on September 26, 2000. City Council Resolution No. 2000-74 approved General Plan Amendment No. 99-2 (c) and Local Coastal Plan Amendment 55 (Exhibit 1). City Council Resolution No. 2000-80 approved Local Coastal Plan Amendment 55 and authorized submission to the Coastal Commission (Exhibit 2). Prior to approving the LUP amendment request, the City Council held public hearings on September 26, 2000 and August 8, 2000 and the Planning Commission held a public hearing on July 6, 2000.

The applicant commented at the City Council hearing. A neighbor commented at the Planning Commission hearing regarding the proposed 5' front yard setback. One letter of opposition was received from the owner of the apartment complex next door. The letter expresses concerns that the 5' setback would reduce light and create privacy issues. (The setback issue is not currently before the Commission. A subsequent CDP application must be submitted prior to development of the subject site.)

Part C (129 Agate Avenue)

The City of Newport Beach approved the Land Use Plan amendment request through a City Council public hearing on April 22, 2003. City Council Resolution No. 2003-23 approved General Plan Amendment No. 2002-003 and Local Coastal Plan Amendment 2003-001 (Exhibit 3). Prior to approving the LUP amendment request, the City Council held a public hearing on April 22, 2003 and the Planning Commission held a public hearing on April 3, 2003.

The applicant and two speakers in support of the project made comments at the public hearings. No written correspondence was received.

V. FINDINGS FOR APPROVAL OF THE CITY OF NEWPORT BEACH'S LAND USE PLAN AMENDMENT PART B AS SUBMITTED AND FINDINGS FOR DENIAL OF PART C

The Commission hereby finds and declares as follows: Pages 7-8 contain the specific findings for approval of the City of Newport Beach Land Use Plan Amendment NPB MAJ 1-03 Part B as submitted. Pages 8-10 contain the specific findings for denial of NPB MAJ 1-03 Part C.

Findings

PART B (W. 1514 Balboa Boulevard)

Site Description and Zone Designation

The proposed land use redesignation will affect only one lot—1514 W. Balboa Boulevard in the City of Newport Beach, Orange County. The site is located on an inland lot along the Balboa Peninsula (Exhibit 4). The subject lot is 2,936 square feet, which is considered legally non-conforming since it was subdivided prior to August 2, 1943. The site is currently designated Government, Education and Institutional Facilities (GEIF) in the City's Certified Land Use Plan, as depicted in Exhibit 5. The site is currently vacant. The property was formerly owned by Southern California Edison and was intended to be used in conjunction with an existing electrical sub-station facility next door. Southern California Edison determined the subject property to be unnecessary for future operation and/or expansion of their facility and sold the property. The City now requests to change the land use to residential so that a new owner may develop the property with a duplex. Surrounding development consists of multi-family residential to the east with a commercial complex beyond; an SCE substation and public park to the west; a parking lot to the north; and a mix of residential and commercial across Balboa Boulevard to the south. The site fronts on Balboa Boulevard, the major thoroughfare through Balboa Peninsula.

Coastal Act Policies

As stated previously, the Coastal Act is the standard of review in the current analysis. The Coastal Act encourages the provision of lower cost visitor and recreational facilities and provides that development should maintain and enhance public access to the coast. As explained below, the proposed LUP amendment is in conformity with all applicable sections of the Coastal Act, including the following:

Section 30222 states:

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

Section 30252 states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by... (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

Proposed Change in Land Use Designation

The proposed amendment (NPB MAJ 1-03, Part B) involves a request to change the land use designation from Government Institutional to Two-Family Residential at an

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individual lot at 1514 Balboa Boulevard. No other properties are subject to the proposed land use change.

The site is currently vacant and is surrounded by a mix of development types, including public facilities, residential and commercial development. The subject site, which fronts on Balboa Boulevard, is comparably sized to other residentially designated lots in the subject area. The proposed R-2 designation would allow the construction of two units on the subject lot. This density is consistent with the density allowed in the surrounding area. As such, redesignation of this site as two-family residential is consistent with the pattern of development and character of the neighborhood.

The proposed change will not affect priority visitor-serving development. The site is currently designated Governmental, Educational and Institutional Facilities, which would allow the development of public facilities. However, a utility company sold the site to a private owner with no intent to develop the property as a public recreational facility. As such, the site may be developed with any type of governmental use, including those that do not serve the general public. Therefore, the proposed amendment, as submitted, will not have an adverse effect on the priority "*visitor serving commercial recreational facilities*" to be provided under Section 30222 of the Coastal Act.

The City found the size and location of the property would preclude development with GEIF uses, as most require a substantial amount of on-site parking. The site will, however, be able to accommodate a duplex with adequate parking to serve the proposed development. In addition, residents of the new duplex will be able to patronize the nearby commercial developments on foot, thereby minimizing the use of coastal access roads. As such, the proposed amendment, as submitted, will be in conformance with and adequate to carry out Section 30252 of the Coastal Act.

PART C (129 Agate Avenue)

Site Description and Zone Designation

The proposed land use redesignation will affect only one property—129 Agate Avenue in the City of Newport Beach, Orange County. The site is located on an inland property located at the corner of Agate Avenue and Park Avenue on Balboa Island (Exhibit 6). The subject property consists of three lots, totaling 7,650 square feet. The site is currently designated Retail and Service Commercial (RSC) in the City's Certified Land Use Plan, as depicted in Exhibit 7. The site is developed with a paved commercial parking lot. Surrounding development consists of residential to the north and west, and commercial to the east and south. The applicant proposes to subdivide the property into two lots and develop each lot with a duplex.

Coastal Act Policies

As stated previously, the Coastal Act is the standard of review in the current analysis. The Coastal Act encourages the provision of lower cost visitor and recreational facilities and prioritizes visitor-serving commercial development over residential development. The proposed LUP amendment is not in conformity with the public access and

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recreation policies of the Coastal Act relating to the provision of visitor serving development. Applicable provisions of the Coastal Act include the following:

Section 30213 states, in pertinent part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222 states:

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

Section 30252 states, in pertinent part:

The location and amount of new development should maintain and enhance public access to the coast by . . . (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads . . . (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

Proposed Change in Land Use Designation

The proposed amendment (NPB MAJ 1-03, Part C) involves a request to change the land use designation from Retail Service Commercial to Two-Family Residential at three existing lots at 129 Agate Avenue. No other properties are subject to the proposed land use change.

The subject site is located at the corner of Agate Avenue and Park Avenue. The site is currently developed with a private commercial parking lot and is surrounded by a mix of residential and commercial development. The site fronts on Agate Avenue, a commercially designated street leading to the Balboa Island Ferry Landing. A variety of legally non-conforming and pre-coastal development exists between Park Avenue and the terminus of Agate Avenue, including small-scale commercial uses, residential uses and a small City boat yard at the seaward extent of the street. The opposite corner is developed with a commercial use, the Park Avenue Café. All properties that front along Agate (except the City boat yard) are designated Retail Service Commercial.

The proposed change will have an adverse affect on priority visitor-serving development. Although the City's Retail Service Commercial designation does not restrict commercial uses to those that are solely tourist/visitor-serving in nature, it does restrict residential development. Pursuant to the certified LUP, "*Residential development on the second floor is permitted in conjunction with ground floor commercial up to a total floor area ratio of 1.25.*" Residential development is the lowest

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priority use within the Coastal Zone. The site may be developed with any type of commercial use, including those that are neighborhood serving and/or community serving. The City indicates that the loss of commercially designated land at this location will not have an adverse affect on visitor-serving commercial or recreational activities. According to the amendment request, *"the Council found there was a surplus of commercial land on Agate Avenue that the economy has never supported adequately."* Nonetheless, economic factors change over time. The site is located in a highly visible, well-traveled location and could potentially support commercial development in the future, as it is also currently developed with a commercial use. If the site were to be redesignated for residential development now, opportunity for future commercial use would be lost.

In the City's approval of the LUP amendment request, City staff found that the size of the subject site presents difficulties for commercial development due to the required number of parking spaces, particularly if each of the three existing lots were developed separately. The City determined the site would be better able to accommodate residential uses with adequate parking to serve the proposed development. However, the three lots are currently owned by an individual owner, which presents the opportunity for a lot merger. New commercial development could then be developed on a single 7,650 square foot lot, rather than three smaller lots. Alternatively, the three small lots could be merged and then re-divided into two larger lots. In fact, the owner has recently received approval from the City for such a merger and redivision. Consequently, there is an opportunity to provide adequate parking without changing the land use designation.

Development of the site would eliminate the existing paved parking lot. Although the parking lot is not owned or operated by the City, the parking is currently available for public use. Undoubtedly, members of the public using the Balboa Island Ferry park in this parking lot. Use of the subject site as a commercial parking facility provides a viable commercial use of the property and is consistent with the current RSC land use designation. According to the City Zoning Code, the RSC district allows commercial parking facilities subject to a use permit issued by the Planning Director. Retention of the parking lot use would also be consistent with Section 30254 (4) of the Coastal Act, which encourages *"providing adequate parking facilities."* The Commission acknowledges that the property owner is in no way obligated to retain the parking lot use of the site. However, under the current land use designation, the site can only be developed with uses allowed under the RSC designation. As stated in the certified LUP, *"[a]reas with this designation are to be predominantly retail in character, also accommodating some service office uses."* Commercial development of the site could serve potential visitors to the coast. The corner location is conducive to commercial development and consistent with the adjacent commercial restaurant use and the nearby commercial development on Agate Avenue. Residential development at the subject site would serve no purpose to members of the visiting public and would potentially establish a precedent for residential conversions along Agate Avenue.

Findings

The proposed land use conversion proposed as Part C of the City's amendment request is inconsistent with Section 30213 of the Coastal Act, which requires visitor and recreational facilities be "*protected, encouraged, and, where feasible, provided.*" The proposed amendment will also have an adverse effect on the priority "*visitor serving commercial recreational facilities*" to be provided under Section 30222 of the Coastal Act. Lastly, the proposed amendment is inconsistent with Section 30252 of the Coastal Act, which requires the "*location and amount of new development should maintain and enhance public access to the coast by... (2) providing commercial facilities within or adjoining residential development.*" Therefore, Part C of the amendment must be denied.

VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with a local coastal program (LCP). Instead, the CEQA responsibilities are assigned to the Coastal Commission. Additionally, the Commission's Local Coastal Program review and approval procedures have been found by the Resources Agency to be functionally equivalent to the environmental review process. Thus, under Section 21080.5 of CEQA, the Commission is relieved of the responsibility to prepare an environmental impact report for each local coastal program submitted for Commission review and approval. Nevertheless, the Commission is required when approving a local coastal program to find that the local coastal program does conform to the provisions of CEQA and to base the certification on a specific factual finding supporting the conclusion that the proposal "*meets the requirements of [CEQA] Section 21080.5(d)(2)(i) . . .*, which requires that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." 14 C.C.R. §§ 13555(b), 13542(a), and 13540(f).

The amendment involves 1) a change in land use designation at 1514 W. Balboa Boulevard from Government, Education and Institutional Facilities to Two Family Residential (Part B) and 2) a change in land use designation at 129 Agate Avenue from Retail Service Commercial to Two Family Residential (Part C). As proposed, the change in land use associated with Part B of the amendment will be consistent with existing development and the character of the surrounding neighborhood and is consistent with all applicable provisions of the Coastal Act. However, the change in land use proposed in Part C is inconsistent with the public access and recreation policies of the Coastal Act and must be denied.

The Commission finds that approval of Part B of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. In addition, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for significant adverse environmental impacts which have not been explored.

CEQA Consistency

The Commission finds that approval of Part C of the Land Use Plan amendment will result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. In addition, the Commission finds that there are feasible alternatives under the meaning of CEQA, including the no project alternative, which would reduce the potential for significant adverse environmental impacts which have not been explored.

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RESOLUTION NO. 2000- 74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING GENERAL PLAN AMENDMENT NO. 99-2(C) AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN AND LOCAL COASTAL PROGRAM AMENDMENT NO. 55 AMENDING THE LAND USE PLAN TO REDESIGNATE THE PROPERTY LOCATED AT 1514 WEST BALBOA BOULEVARD FROM GOVERNMENT, EDUCATION AND INSTITUTIONAL FACILITIES (GEIF) TO TWO FAMILY RESIDENTIAL (R-2)

WHEREAS, as part of the development and implementation of the Newport Beach General Plan, the Land Use Element has been prepared; and

WHEREAS, the Land Use Element sets forth objectives, supporting policies and limitations for development in the City of Newport Beach; and

WHEREAS, the Land Use Element designates the general distribution and general location and extent of the uses of land and building intensities in a number of ways, including residential land use categories and population projections, commercial floor area limitations and the floor area ratio ordinances; and,

WHEREAS, the Coastal Act of 1976 requires the City of Newport Beach to prepare a Local Coastal Program; and,

WHEREAS, as part of the development and implementation of the Coastal Act, a Local Coastal Program has been prepared; and

WHEREAS, the Local Coastal Program Land Use Plan sets forth the objectives and supporting policies which serve as a guide for future development in the coastal areas of the City of Newport Beach; and,

WHEREAS, the City's General plan dictates that the City shall provide for sufficient diversity of land uses so that schools, employment, recreation areas, public facilities, churches and neighborhood shopping centers are in close proximity to each resident of the community. The proposed project consists of redesignating a former SCE parcel that is no longer required for utility use. The implementation of the proposed project would provide for two additional residences without resulting in an incompatibility with other land uses due to similar land uses in the area. Additionally, the proposed project would not impede the City's efforts to provide schools, employment, recreation areas, public facilities, churches, and neighborhood shopping

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EXHIBIT # 1

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centers in close proximity to each resident of the community. Therefore, the proposed project is consistent with this policy.

WHEREAS, the City's General plan dictates that the City shall insure redevelopment of older or underutilized properties, and to preserve the value of property, the floor area limits specified in the Land Use Element allow for some modest growth. To insure that traffic does not exceed the level of service desired by the City, variable floor area limits shall be established based upon the trip generation characteristics of land uses. The implementation of the proposed project will result in a modest intensification of residential usage of the project site by a maximum of two units, which is within the projected capacity and levels of service of the circulation system. Therefore, the proposed project is consistent with this policy.

WHEREAS, the City's General plan dictates that commercial, recreation or destination visitor serving facilities in and around the harbor shall be controlled and regulated to minimize traffic congestion and parking shortages, to ensure access to the water for residents and visitors, as well as maintain the high quality of life and the unique and beautiful residential areas that border the harbor. The proposed project does not affect access to the water due to its location. Development of the site is required to comply with the applicable City standards, including the R-2 zoning district standards for parking, height and setbacks. Therefore, the proposed project is consistent with this policy.

WHEREAS, the City's General plan dictates that the siting of new buildings and structures shall be controlled and regulated to insure, to the extent practical, the preservation of public views, the preservation of unique natural resources, and to minimize the alteration of natural land forms along bluffs and cliffs. The project site does not contain unique natural resources or natural landforms and development of the proposed project would not have a substantial adverse effect on a scenic vista. Development of the site is required to comply with the applicable City standards, including the R-2 Zoning District standards. Therefore, the proposed project is consistent with this policy.

WHEREAS, the City's General plan dictates that provisions shall be made for the encouragement or development of suitable and adequate sites for commercial marine related facilities so as to continue the City's historical and maritime atmosphere, and the charm and character such businesses have traditionally provided the City. The site is not designated for marine related facilities and therefore, the proposed project is consistent with this policy.

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WHEREAS, the City's General Plan dictates that the City shall develop and maintain suitable and adequate standards for landscaping, sign control, site and building design, parking and undergrounding of utilities and other development standards to insure that the beauty and charm of existing residential neighborhoods is maintained, that commercial and office projects are aesthetically pleasing and compatible with surrounding land uses and that the appearance of, and activities conducted within, industrial developments are also compatible with surrounding land uses and consistent with the public health, safety and welfare. Development of the site is required to comply with the applicable City standards, including the R-2 Zoning District standards and therefore, the proposed project is consistent with this policy.

WHEREAS, in conjunction with the consideration of the subject amendment to the Land Use Element of the General Plan and the Local Coastal Program Land Use Plan, the proposed project has been determined to be Categorically Exempt under the Class 3 (New Construction or Conversion of Small Structures) requirements of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines; and,

WHEREAS, pursuant to Section 20.94, the Planning Commission has held a duly noticed public hearing on July 6, 2000 to consider General Plan Amendment No. 99-2 (C) and Local Coastal Program Amendment No. 55 to redesignate the subject property located at 1514 West Balboa Boulevard, legal description being Lot 8, Block 115 of Tract 234, from "Government, Educational and Institutional Facilities" (GEIF) use to "Two Family Residential" use, and adoption of Amendment No. 904 to Title 20 of the Newport Beach Municipal Code, amending Districting Map No. 9 rezoning the subject property from PC to the R-2 District and recommended approval to the City Council; and,

WHEREAS, pursuant to Section 20.94, the City Council has held a duly noticed public hearing on August 8, 2000 to consider General Plan Amendment No. 99-2 (C) and Local Coastal Program Land Use Plan Amendment No. 55.

NOW THEREFORE the City Council of the City of Newport Beach does hereby resolve as follows:

Section 1: The amendment is consistent with the intent of the General Plan and the Local Coastal Plan.

Section 2: The City Council hereby redesignates the subject property located at 1514 West Balboa Boulevard, legal description being Lot 8, Block 115 of Tract 234, from

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"Government, Educational and Institutional Facilities" (GEIF) use to "Two Family Residential" use as depicted on Exhibit #1, attached hereto and incorporated herein.

This resolution shall take effect immediately upon adoption. Passed and adopted by the City Council of Newport Beach at a regular meeting held on the 8th day of August 2000 by the following vote to wit:

AYES, COUNCIL MEMBERS Glover, Ridgeway,
O'Neil, Noyes

NOES, COUNCIL MEMBERS _____

ABSENT COUNCIL MEMBERS Thomson,
Adams, Debay

MAYOR



ATTEST:

LaVonne M. Ninkles
CITY CLERK



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EXHIBIT NO. 1

The proposed changes the General Plan Land Use Element Local Coastal Program Land Use Plan, will read as follows:

West Bay Residential:

The residential parts of this area are designated for Single Family Detached, Two Family Residential and Multi-Family Residential land use. One unit is allowed on each lot of the original subdivisions, with no subdivisions allowed which will result in additional dwelling units allowed. Two Family Residential areas require 2,000 sq. ft. buildable lot area for duplex development, up to a maximum of two units per lot. Subdivisions which will result in additional dwelling units are not allowed. Multi-Family Residential areas require 1,200 sq. ft. of buildable lot area for each dwelling unit. This area is allocated ~~771~~ 773 dwelling units. [GPA 99-2 (C), LCP 55]

The table within the General Plan and Local Coastal Program Land Use Plan, that applies to Statistical Area D1 shall be amended to read as follows:

ESTIMATED GROWTH FOR STATISTICAL AREA D1						
	Existing 1/1/87	Residential (in du's)		Commercial (in sq.ft.)		
		Gen. Plan Projection	Projected Growth	Existing 1/1/87	Gen. Plan Projection	Projected Growth
1. Marinapark	58	-0-	(58)	7,000	10,000	3,000
2. 18 th Street	2	-0-	(2)	9,500	12,750	3,250
3. 15th Street	11	16	5	5,750	15,000	9,250
4. West Bay Residential	672	771 773	99 101	-0-	-0-	-0-
5. GEIF	-0-	-0-	-0-	47,107	50,000	2,893
TOTAL	743	787 789	417 416	69,357	87,750	18,393
Population	1,471	1,559 1,562	88 88			

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STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LAVONNE M. HARKLESS, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2000-74 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 8th day of August, 2000, and that the same was so passed and adopted by the following vote, to wit:

- Ayes: Glover, Ridgeway, O'Neil, Mayor Noyes
- Noes: None
- Absent: Thomson, Adams, Debay
- Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 9th day of August, 2000.

Lavonne M. Harkless
City Clerk
Newport Beach, California



EX. 1
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RESOLUTION NO. 2000-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM LAND USE PLAN AND SUBMISSION TO THE CALIFORNIA COASTAL COMMISSION [LCP NO. 55]

WHEREAS, An application has been filed proposing the redesignation of the property located at 1514 Balboa Boulevard from Governmental, Educational, Institutional and Facilitates (GEIF) to Two Family Residential (R-2); and,

WHEREAS, On July 6, 2000, 1998, the Planning Commission of the City of Newport Beach held a public hearing on Local Coastal Program Amendment (LCPA) LCP No. 55 and recommended approval; and

WHEREAS, On August 8, 2000, the City Council of the City of Newport Beach held a public hearing on Local Coastal Program Amendment No. 55 and approved the request; and

WHEREAS, The public was duly noticed of the public hearings in accordance with the Newport Beach Municipal Code and State Law; and,

WHEREAS, Pursuant to the California Environmental Quality Act, it has been determined that the proposed amendment is categorically exempt under a Class 3 Exemption, New Construction; and

WHEREAS, The City Council of the City of Newport Beach finds that the project is consistent with the Local Coastal Program Land Use Plan and the California Coastal Act as follows:

Section 1. That the public and affected agencies have had ample opportunity to participate in the LCPA process. The required public notification was provided for this application in accordance with City and State law.

Section 2. That all policies, objectives, and standards of the LCPA conform to the requirements of the Coastal Act, including that the land use plan as amended is in conformance with and adequate to carry out the Chapter Three policies of the Coastal Act. The redesignation of the vacant subject property is consistent with Chapter Three, in that non-residential uses are not suitable for this site, given its small size and its location adjacent to the SCE substation. The site does not abut the water. The site is insufficient in size to provide adequate off-street parking for non-residential uses. The site has R-2 residential development to the south and across the street. The redesignation of the subject site to R-2 would be compatible and consistent with the surrounding uses and development in the area.

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 4

Section 3. That Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the type, locations, and intensity of land and water uses. The site contains no coastal resources or hazards. The project will not interfere with the public's right of access to coastal resources as the site does not abut the Pacific Ocean, Newport Bay or other coastal resource. The site will not reasonably serve a public access function as there is vertical public access to Newport Bay provided just south of the site on 15th Street and additional access through the subject property is not needed. The resignation of the site to R-2 will not interfere with the marinas, docking facilities or boating facilities in the area, since any new development must comply with the required on site parking standards setbacks, height and other related City regulations. Non-residential uses are not suitable for this site, given its small size and its location adjacent to the SCE substation. The site is insufficient in size to provide adequate off-street parking for non-residential uses; therefore the R-2 designation is the most appropriate use and intensity for the subject site.

Section 4. That the level and pattern of development proposed is reflected in the Land Use Plan, Zoning Code, and Zoning Map. The site has R-2 residential development to the south and across the street. The R-2 designation allows a maximum density of a duplex on the site. All new development must comply with the required on-site parking standards setbacks, height and other related City regulations.

Section 5. That a procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. The Local Coastal Plan Land Use Plan amendment shall be implemented in a manner fully in conformity with the Coastal Act, including proper notification. All new development will be subject to R-2 regulations of the City.

Section 6. That zoning measures are in place (prior to or concurrent with the LCPA), which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City has rezoned the site to R-2 concurrent with the General Plan and LCPA applications to be consistent.

Section 7. The City's certified Land Use Plan, including this amendment shall be implemented in a manner fully in conformity with the Coastal Act.

Section 8. The Planning Director is hereby directed to submit Local Coastal Program Amendment No. 55 to the California Coastal Commission for review and approval.

Section 9. The change of the land use designation of the subject property located at 1514 Balboa Boulevard from Governmental, Educational, Institutional and Facilities (GEIF) to Two Family Residential (R-2); shall only become effective upon the approval of Local Coastal Program Amendment No. 55 by the California Coastal Commission.

Section 10. Pursuant to Section 13518 of the California Code of Regulations this Land Use Plan amendment shall take effect automatically upon Coastal Commission action unless the Coastal Commission proposes suggested modifications. In the event that the

EX. 2
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Coastal Commission proposes revisions, this Land Use Plan amendment shall not take effect until the City Council adopts the Commission modifications and all the requirements of Section 13544 of the California Code of Regulations are met.

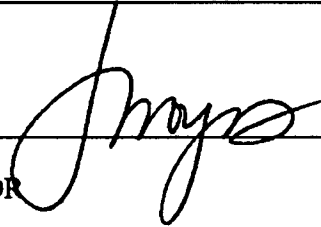
This resolution was adopted at a regular meeting of the City Council of the City of Newport Beach held on September 26, 2000, by the following vote, to wit:

AYES, COUNCIL MEMBERS Thomson, Glover,
Adams, Debay, Ridgeway, O'Neil, Mayor Noyes

NOES, COUNCIL MEMBERS None

ABSENT COUNCIL MEMBERS None

MAYOR



ATTEST:

Lalonne M. Harkless

CITY CLERK



EX. 2
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STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LAVONNE M. HARKLESS, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2000-80 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 26th day of September, 2000, and that the same was so passed and adopted by the following vote, to wit:

Ayes: Thomson, Glover, Adams, Ridgeway, Debay, O'Neil, Mayor Noyes

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 27th day of September, 2000.

Lavonne M. Harkless
City Clerk
Newport Beach, California



(Seal)

EX. 2
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RESOLUTION NO. 2003- 23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING GENERAL PLAN AMENDMENT NO. 2002-003, LOCAL COASTAL PLAN AMENDMENT NO. 2003-001, AND NEWPORT PARCEL MAP NO. 2002-031 FOR PROPERTY IDENTIFIED AS 129 AGATE AVENUE (PA2002-244)

Section 1. An application was filed by John Curci, property owner, with respect to property located at 129 Agate Avenue and legally described as Balboa Island Resubdivision, Section 1, Block 7, Lots 17, 18, 19, requesting to change the General Plan Land Use designation from Retail & Service Commercial to Two-Family Residential, change the Local Coastal Plan designation from Retail & Service Commercial to Two-Family Residential, and approve Newport Parcel Map No. 2002-031.

Section 2. A public hearing was held on April 3, 2003 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the aforesaid meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented to and considered by the Planning Commission. At the conclusion of said hearing, the Planning Commission adopted Resolution No. 1593 that recommends that the City Council approve General Plan Amendment No. 2002-003, Local Coastal Plan No. 2003-001 and Newport Parcel Map No. 2002-031.

Section 3. A public hearing was held on April 22, 2003 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the aforesaid meeting was given in accordance with the Municipal Code. Evidence, both written and oral, was presented to and considered by the City Council meeting.

Section 4. The City Council finds as follows:

1. The City's General Plan requires the City provide for sufficient diversity of land uses so that schools, employment, recreation areas, public facilities, churches and neighborhood shopping centers are in close proximity to each resident of the community. The proposed amendment will reduce the size of the Agate Avenue commercial area that serves the residents of the area but does not eliminate the entire commercial district. Additionally, the nearby Marine Avenue commercial area provides Balboa Island residents, visitors and workers with access to a variety of commercial and retail establishments.
2. The City's General Plan requires the City insure redevelopment of older or underutilized properties and preserve the value of property by **COASTAL COMMISSION** modest growth, while maintaining acceptable levels of traffic service. The current General Plan designation allows three residential units in addition to commercial

uses on the subject property. The proposed Two Family designation and parcel map would permit a maximum of four dwelling units (two on each lot). Although the amendment will allocate one additional residential unit beyond the three permitted with mixed-use developments, trip generation rates for residential uses are lower than those for general retail, commercial and mixed uses.

3. The City's General Plan indicates that the City shall maintain suitable and adequate standards for landscaping, sign control, site and building design, parking and undergrounding of utilities to ensure that the quality and character of residential neighborhoods are maintained and that commercial and office projects are aesthetically pleasing and compatible with surrounding land uses. Residential development on the property will be subject to the R-1.5 development regulations identical to surrounding residential properties, which will ensure compatibility with the surrounding neighborhood.
4. The General Plan and Zoning Code amendments will maintain the consistency between the General Plan and Zoning Code land use designations and further, will require development of the site to comply with the applicable City standards as outlined in the Zoning Code, for building height, setbacks, and required parking with the exception that a six (6) foot front yard setback shall apply to the subject property.
5. For subdivisions lying partly or wholly within the Coastal Zone, that the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter Three of the Coastal Act. The proposed subdivision is within the boundaries of the Coastal Zone. Although the City of Newport Beach does not have a certified Local Coastal Program, the project is consistent with the City's Local Coastal Program Land Use Plan. The subject property is not adjacent to the ocean or bay, therefore, additional coastal access easements are not required. Recreation policies of the Coastal Act require that sites suitable for water-oriented recreational activities that cannot be provided at inland locations must be protected. These policies prioritize water-oriented recreational activities over other land uses and encourage aquaculture and water-oriented recreational support facilities. The subject property is not suitable for water-oriented recreational activities due to its size and location.
6. Coastal Act policies concerning specific coastal resources, hazard areas, coastal access concerns, and land use priorities have been applied to determine the type, locations, and intensity of land and water uses. The site contains no coastal resources or hazards. The project will not interfere with the public's right of access to coastal resources as the site does not abut the Pacific Ocean, Newport Bay or other coastal resource. The site will not reasonably serve a public access function and additional access through the subject property is not needed. The redesignation of the site to Two Family Residential will not interfere with the marinas, docking facilities or boating facilities in the area, since any new

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development must comply with the required on site parking standards setbacks, height and other related City regulations; therefore the Two Family Residential designation is a appropriate use and intensity for the subject site.

7. A procedure has been established to ensure adequate notice of interested persons and agencies of impending development proposed after certification of the LCPA. The Local Coastal Plan Land Use Plan amendment shall be implemented in a manner fully in conformity with the Coastal Act, including proper notification. All new development will be subject to R-1.5 regulations of the City except for the required front setback which shall be six (6) feet.
8. Zoning measures are in place (prior to or concurrent with the proposed amendment), which are in conformance with and adequate to carry out the coastal policies of the Land Use Plan. The City has rezoned the site to R-1.5 Two-Family Residential (Restricted) concurrently with the General Plan and Local Coastal Program Land Use Plan amendments to be consistent.
9. City's certified Land Use Plan, including this amendment shall be implemented in a manner fully in conformity with the Coastal Act.
10. The change of the land use designation of the subject property located at 129 Agate Avenue from Retail & Service Commercial to Two Family Residential; shall only become effective upon the approval of Local Coastal Program Amendment No. 2003-001 by the California Coastal Commission.
11. Pursuant to Section 13518 of the California Code of Regulations this Land Use Plan amendment shall take effect automatically upon Coastal Commission action unless the Coastal Commission proposes suggested modifications. In the event that the Coastal Commission proposes revisions, this Land Use Plan amendment shall not take effect until the City Council adopts the Commission modifications and all the requirements of Section 13544 of the California Code of Regulations are met.
12. The proposed subdivision is consistent with the proposed General Plan Amendment and the R-1.5 Zoning District. Additionally, proposed parcel map is consistent with the Newport Beach Subdivision Code (Title 19).
13. The subject property is a flat lot. Balboa Island has been identified as a location prone to liquefaction in the event of a major earthquake, however, proper engineering required by current building codes can mitigate the potential affects of liquefaction. Additionally, Balboa Island has been identified as being within a 100-year flood zone. A 100-year flood zone designation indicates that the chance of a 100-year flood event is 1% per year. To mitigate against potential flood damage, standard city policy requires that all new habitable space have a minimum finished floor elevation of 6.27 Mean Sea Level (MSL) based on the NGVD29 datum. No other physical constraints to construction are known. The

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subject property consists of three lots created by the original Balboa Island subdivision. The proposed subdivision will create two lots that are consistent with the size and orientation of surrounding properties. Each lot would permit the construction of a maximum of two dwelling units. Existing development regulations allow mixed-use development on the subject property with three dwelling units permitted. The net increase of one dwelling unit does not significantly alter the residential density of Balboa Island. Due to these factors, the site is suitable for the type and density of development proposed.

14. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. The property is a disturbed site currently developed with a parking lot located in a developed area and, the property is void of measurable wildlife habitat. The project qualifies for an exemption from the requirements of the California Environmental Quality Act (CEQA) under Section 15303 (Class 3). Future development will be required to adhere to standard city requirements for water quality, which require that Best Management Practices (BMP's) be used during construction and incorporated into the design of the development to ensure water quality standards are met.
15. The proposed subdivision consists of two residential parcels. The design of the subdivision is consistent with the surrounding subdivision pattern. No evidence is known to exist that would indicate that the existing or proposed subdivision pattern has generated any serious public health problems.
16. No public access easements exist or are proposed for the subject property and therefore, the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
17. The property is not located within the boundaries of a specific plan, planned community nor subject to a Williamson Act contract.
18. Title 24 of the Uniform Building Code requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The Newport Beach Building Department enforces Title 24 compliance through the plan check and field inspection processes therefore, energy efficiency requirements have been satisfied.
19. The proposed subdivision in conjunction with the proposed General Plan Amendment may result in the creation of 2-4 residential units where no residential uses presently exist. Public services and infrastructure are available to serve the proposed development. Additionally, all applicable improvements required by Section 19.28 of the Subdivision Code are to be satisfied by the developer. With the increase in residential units, the project assists the City in meeting housing needs.

EX. 3
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20. Waste discharge into the existing sewer system will be consistent with retail and residential use of the property, which will not violate Regional Water Quality Control Board (RWQCB) requirements. Additionally the developer will be required to install sewer clean-outs for all dwelling units.
21. The proposed subdivision design is consistent with Section 19.24.130 of the Municipal Code and a deviation from the minimum lot size is acceptable for the following reasons; the proposed map design creates two larger lots out of the three existing legal lots. Although larger than the majority of lots on Balboa Island, the size of the proposed lots is not out of scale for the neighborhood. The orientation of the proposed lots is consistent with the pattern of the surrounding subdivision. The creation of two residential parcels out of three commercial lots will not cause the circulation network to exceed the carrying capacity beyond that accounted for in the existing General Plan as there will be a net reduction of potential traffic due to the change in land use. The proposed parcel map will not alter the location of existing public sidewalks. There is no evidence to suggest that the proposed design will be detrimental to the surrounding neighborhood or to public safety, health and welfare.
22. The proposed project has been determined to be Categorical Exempt under the Class 3 (Residential construction in an urbanized area), Class 5 (Minor Alterations in Land Use Limitations) and Class 15 (Minor Land Divisions) requirements of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines.

Section 4. Based on the aforementioned findings, the City Council hereby approves General Plan Amendment No. 2002-003 as depicted in Attachment No. 1, Local Coastal Plan Amendment No. 2003-001 as depicted in Attachment No. 2 and Newport Parcel Map No. 2002-031 subject to the Conditions of Approval set forth in Attachment No. 3. The Planning Director is hereby directed to submit Local Coastal Program Amendment No. 2003-001 to the California Coastal Commission for review and approval.

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ATTACHMENT NO. 1

All provisions of the Land Use Element of the General Plan remain unchanged except for the following chart:

Balboa Island Area (Statistical Division E)

ESTIMATED GROWTH FOR STATISTICAL AREAS E1, E2 & E3						
	Residential (in du's)			Commercial (in sq.ft.)		
	Existing 1/1/87	Gen. Plan Projection	Projected Growth	Existing 1/1/87	Gen. Plan Projection	Projected Growth
1. Balboa Island	2,160	2,708	2,712	548	552	0
2. Marine Avenue	37	62		25	92,478	101,275
3. Agate Avenue	31	31		0	26,350	46,464
TOTAL	2,228	2,805		573	577	118,828
Population	4,411	5,546	1,135			
				447,736	143,911	28,908
						25,083

EX. 3
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ATTACHMENT NO. 2

All provisions of the Local Coastal Program Land Use Plan remain unchanged except for the following paragraph on Page 57 of the Balboa Island Area section of the Land Use Plan:

Balboa Island Area

3. *Agate Avenue.* The Retail and Service Commercial area on Agate Avenue is allowed a maximum floor area ratio of 0.50/1.0. Separate residential uses are prohibited. Residential development on the second floor is permitted in conjunction with ground floor commercial up to a total floor area ratio of 1.25. One dwelling unit is allowed for each 2,000 sq.ft. of buildable lot area, with a minimum of one dwelling unit allowed per lot. Automobile and general storage is also permitted in the Agate Avenue commercial area. The property located on the northwesterly corner of Park Avenue and Agate Avenue (498 Park Avenue and 203 Agate Avenue) is reclassified to Two Family Residential. [LCP Amendment No. 25] The property located on the southwesterly corner of Park Avenue and Agate Avenue (Balboa Island Resubdivision, Section 1, Block 7, Lots 17, 18, 19,) is reclassified to Two Family Residential. [LCP Amendment No. 2003-001].

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ATTACHMENT NO. 3

CONDITIONS OF APPROVAL NEWPORT PARCEL MAP NO. 2002-031

1. A parcel map shall be recorded. The parcel map shall be prepared on the California coordinate system (NAD83) and that prior to recordation of the parcel map, the surveyor/engineer preparing the map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
2. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set On Each Lot Corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of construction project.
3. All improvements shall be constructed as required by Ordinance and the Public Works Department.
4. That arrangements be made with the Public Works Department in order to guarantee satisfactory completion of the public improvements, if it is desired to record a parcel map or obtain a building permit prior to completion of the public improvements.
5. Each new parcel shall be served with an individual water service and sewer lateral connection to the public water and sewer systems unless otherwise approved by the Public Works Department and the Building Department.
6. A ten-foot radius corner cutoff at the corner of Park and Agate Avenues shall be dedicated to the public.
7. County Sanitation District fees shall be paid prior to issuance of any building permits.
8. That full parkway width sidewalk be reconstructed along the Park and Agate Avenue frontages under an encroachment permit issued by the Public Works Department. This work shall include removal of the existing driveway approach along Agate Avenue and replacement with standard curb and sidewalk as well as reconstructing the access ramp in the curb return at the intersection of park and Agate Avenues.

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9. All vehicular access to the property shall be from the adjacent alley unless otherwise approved by the City Council.
10. Public Works Department plan check and inspection fees shall be paid.
11. Overhead utilities serving the site be undergrounded to the nearest appropriate pole in accordance with Section 19.24.140 of the Municipal Code unless it is determined by the City Engineer that such undergrounding is unreasonable or impractical.
12. Coastal Commission approval shall be obtained prior to the recordation of the parcel map.
13. Prior to recordation of the parcel map, park dedication fees for two (2) dwelling unit(s) shall be paid in accordance with Chapter 19.52 of the Newport Beach Municipal Code.
14. This parcel map shall expire if the map has not been recorded within 3 years of the date of approval, unless an extension is granted by the Planning Director in accordance with the provisions of Section 19.16 of the Newport Beach Municipal Code.

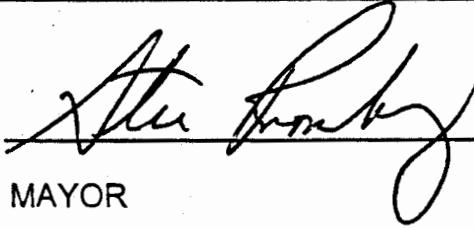
EX. 3
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This resolution shall take effect immediately upon adoption. Passed and adopted by the City Council of Newport Beach at a regular meeting held on the 22nd day of April, 2003 by the following vote to wit:

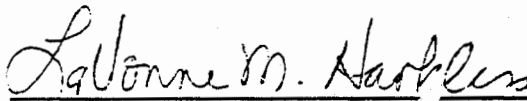
AYES, COUNCIL MEMBERS Heffernan, Proctor, Ridgeway, Adams, Webb, Nichols,
Mayor Bromberg

NOES, COUNCIL MEMBERS None

ABSENT, COUNCIL MEMBERS None


MAYOR

ATTEST:


CITY CLERK



Ex. 3
10/11

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, LaVonne M. Harkless, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2003-23 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 22nd day of April, 2003, and that the same was so passed and adopted by the following vote, to wit:

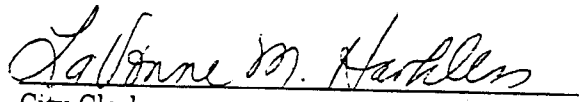
Ayes: Heffernan, Proctor, Ridgeway, Adams, Webb, Nichols, Mayor Bromberg

Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 23rd day of April, 2003.



City Clerk
Newport Beach, California

(Seal)



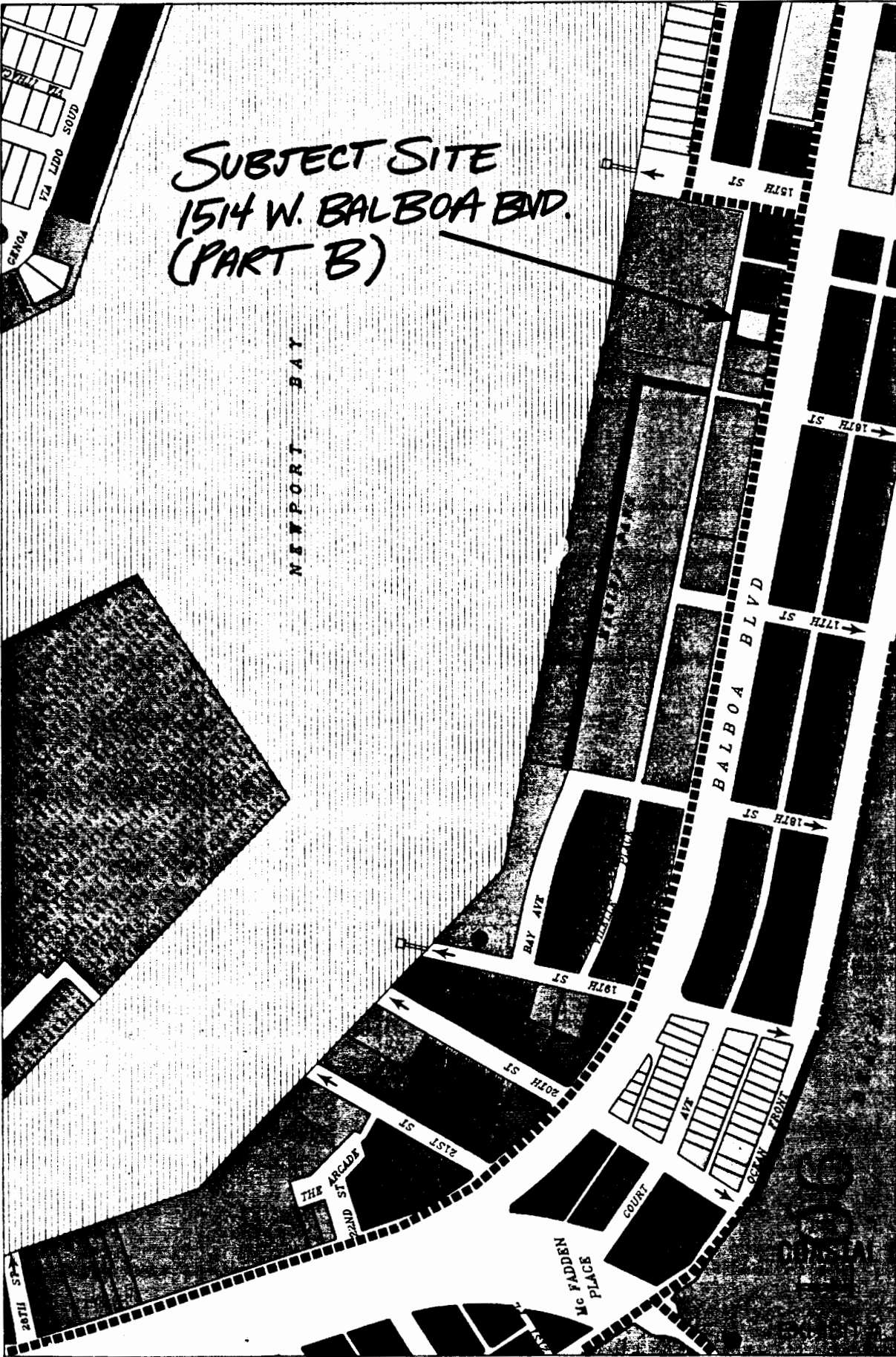
EX. 3
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COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 1

SUBJECT SITE
1514 W. BALBOA BLVD.
(PART B)



NEWPORT BAY

CITY PLANNING COMMISSION

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COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1

Subject Property
129 Agate Ave.

129 Agate Ave

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 1

Ferry Crossing

LEGEND 0 40 80 160 Feet

- Residential
 - Two Family Residential
- Commercial
 - Retail & Service Commercial
 - Institutional/Open Space
 - Government, Educational, & Institutional Facilities

