

**CALIFORNIA COASTAL COMMISSION**

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

Filed: December 3, 2003  
49th Day: January 21, 2004  
180th Day: May 31, 2004  
Staff: FSY-LB FSY  
Staff Report: January 29, 2004  
Hearing Date: February 18-20, 2004  
Commission Action:

**W 4f****RECORD PACKET COPY****STAFF REPORT: CONSENT CALENDAR**

**APPLICATION NUMBER:** 5-03-502

**APPLICANTS:** City of Newport Beach, Department of Public Works,  
Attn: Robert Stein

**PROJECT LOCATION:** McFadden Place Parking Lot (21<sup>st</sup> Street/Balboa  
Boulevard), City of Newport Beach, County of Orange

**PROJECT DESCRIPTION:** Reconfigure the existing parking lot; hardscape work;  
widen 21<sup>st</sup> Street to provide two-way traffic between  
Balboa Boulevard and Court Street; and remove a street  
median on Balboa Boulevard to provide a left turn lane  
from Balboa Boulevard to 21<sup>st</sup> Street.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending **APPROVAL** of the proposed project with **Four (4) Special Conditions** which require: **1)** use of construction best management practices (BMP's); **2)** the debris disposal site to be located outside of the Coastal Zone; **3)** conformance with the submitted drainage and run-off control plan; and **4)** timing of construction. The major issues associated with this development are public access and water quality.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Planning Department Approval-In-Concept (No. 2666-2003) dated October 7, 2003.

**SUBSTANTIVE FILE DOCUMENTS:** Letter from City of Newport Beach Public Works Department to Commission staff dated October 8, 2003; Letter from Commission staff to City of Newport Beach Public Works Department dated November 12, 2003; and Letter from City of Newport Beach Public Works Department to Commission staff dated December 3, 2003.

**LIST OF EXHIBITS:**

1. Location Maps
  2. Existing Site Conditions
  3. Site Plan
  4. Project Plan
  5. Drainage Plan
  6. Landscape Plan
- 

**I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL**

**STAFF RECOMMENDATION:**

**MOTION:** I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

**STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

**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 further 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.

### III. SPECIAL CONDITIONS:

#### 1. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- A. No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
- B. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- C. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and a pre-construction meeting to review procedural and BMP guidelines;
- D. Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed at a debris disposal site outside the coastal zone, pursuant to Special Condition No. 2.

#### 2. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

3. **Drainage and Polluted Runoff Control Plan**

The applicant shall conform with the drainage and run-off control plans received on December 3, 2003 showing surface runoff from all impervious areas directed to catch basins with filtration inserts and trash racks. Vegetated landscaped areas shall only consist of native plants or non-native drought tolerant plants, which are non-invasive. The applicant shall maintain the functionality of the approved drainage and runoff control plan throughout the life of the approved development. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. **Timing of Construction**

Construction activities shall not take place for the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

## **IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. PROJECT LOCATION AND DESCRIPTION**

The project area (McFadden Place Parking Lot, 21<sup>st</sup> Street and Balboa Boulevard) is located along the Balboa Peninsula in the City of Newport Beach. More specifically, the project will occur near the Newport Pier (Exhibits #1-2). The McFadden Place Parking Lot (approximately 20,700 square feet) provides parking for visitors and customers to the Newport Pier and the surrounding commercial uses. The Balboa Peninsula is an area consisting of many uses such as residential, commercial, visitor-oriented and neighborhood retail and service use areas, and low cost visitor and recreational facilities. The project site is near the Newport Pier, which serves as popular destination points for the public to come and enjoy the low cost visitor and recreational facilities since it is easily accessible for those people going to the beach and are adjacent to Oceanfront, which serves as a major pedestrian path for the public along the peninsula. The project is being proposed to improve circulation and parking of the area.

Surrounding development consists mainly of commercial and residential uses. Balboa Boulevard is located to the north. The Newport Pier and commercial and residential development exists to the south. Commercial and residential development exists to the east and west.

The proposed project consists of the following: 1) reconfiguration of the existing McFadden Place Parking Lot; 2) widening of 21<sup>st</sup> Street to provide two-way traffic between Balboa Boulevard and Court Street; 3) removing the street median on Balboa Boulevard to provide a left turn lane from Balboa Boulevard to 21<sup>st</sup> Street; 4) removing existing improvements such as concrete curb and gutter, asphalt pavement and landscaping and 5) construction of new concrete curbs, sidewalk, access ramps, asphalt pavement, irrigation and landscaping (Exhibit #3-6). A number of existing Ficus trees and India Hawthorn will be removed and the new landscaping will consist of Queen Palms, Bougainvillea, India Hawthorn and wood mulch (Exhibit #6). Less than 5 cubic yards of grading for construction of asphalt pavement is proposed. The McFadden Place Parking Lot has a

total of 135 metered parking stalls, of which 101 will be affected by the project (Exhibit #2 & #4). The proposed project will maintain the 101-metered stalls. The parking lot will be slurry sealed prior to being re-striped, but no change in the number of metered stalls is proposed. In addition, no changes are proposed to the length of parking time these meters offer or the cost of use of these meters.

The proposed project will take place during the non-summer season and will be completed in two phases taking approximately six (6) weeks. Phase 1 will consist of: 1) widening of 21<sup>st</sup> Street between Court Street and McFadden Place and 2) modification of the parking lot, paving, curbs, medians, landscaping, etc. and will approximately take four (4) weeks. During this time construction equipment will be stored in a portion of the parking lot. The parking lot will be closed during the work hours and for two (2) of the four (4) weeks. During the other two (2) weeks of construction, the work will allow public use of the parking lot each weekday evening. Throughout the weekends for all four (4) weeks, construction will be scheduled so that the parking lot will be available for public use. Temporary signage will be installed to direct the public to existing adjacent parking areas (westerly side of the McFadden lot, in the Newport Pier Parking Lot, and the Newport/Balboa Parking Lot between 23<sup>rd</sup> Street and 26<sup>th</sup> Street), which the City states are not fully utilized during the non-summer season and can absorb any loss of parking from the construction activities. Phase 2 will consist of: 1) construction of the curb return and paving at 21<sup>st</sup> Street and Balboa Boulevard, 2) construction of the left turn lane on Balboa Boulevard and 3) modification of the storm drain facilities and will approximately take two (2) weeks. During this time construction equipment will not be stored in the parking lot and the entire reconfigured parking lot will be open and available for the public.

In regards to water quality, the proposed project will not modify the existing drainage patterns, but will require the relocation and reconstruction of a catch basin on Balboa Boulevard (Exhibit #5). All other existing catch basins will be protected in place. However, new filters and trash collectors will be installed in these existing catch basins, which will catch oily material and debris (Exhibit #5).

#### **B. PUBLIC ACCESS**

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

#### **C. WATER QUALITY**

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health

**D. LOCAL COASTAL PROGRAM**

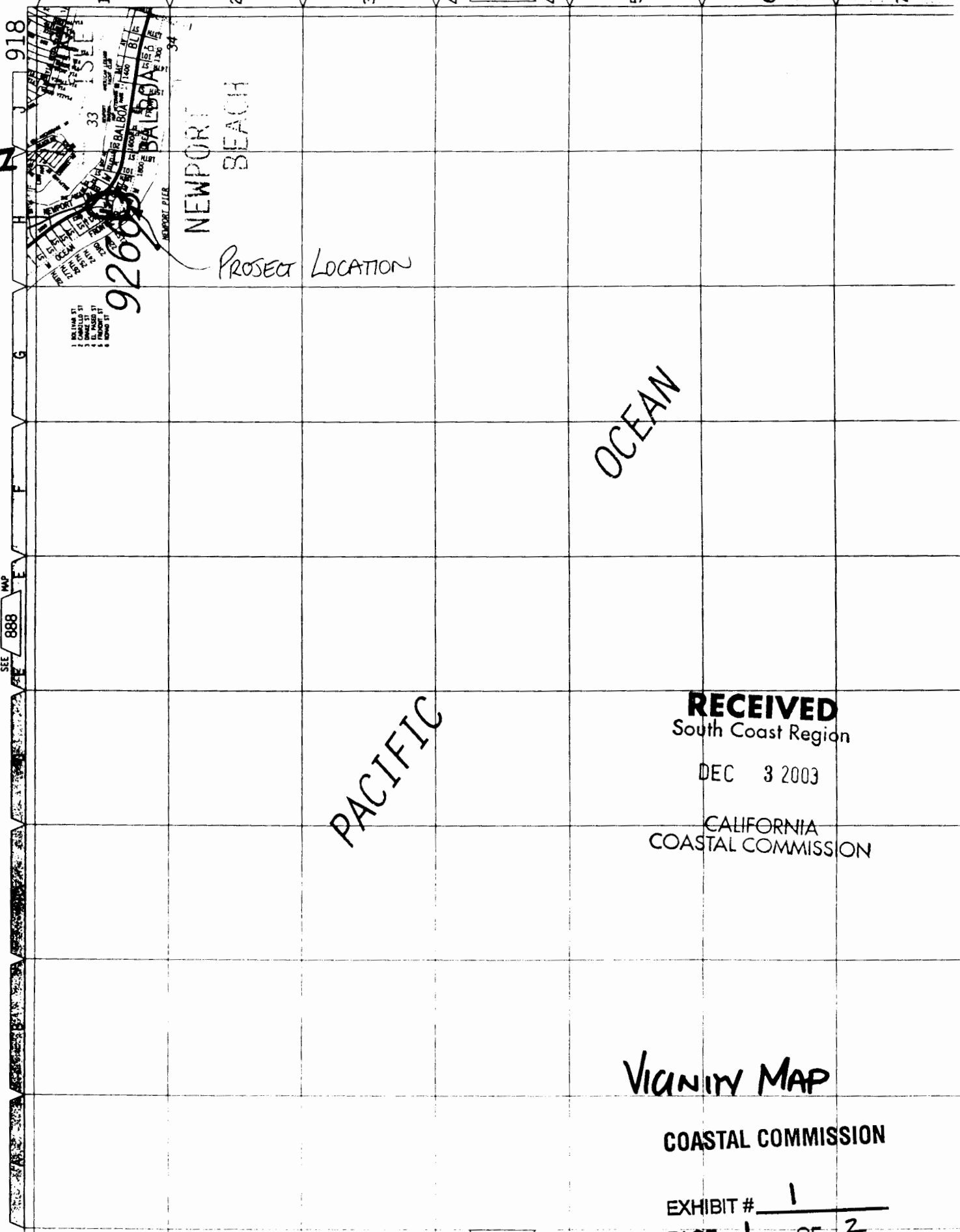
The LUP for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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SEE 888 MAP



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**VICINITY MAP**

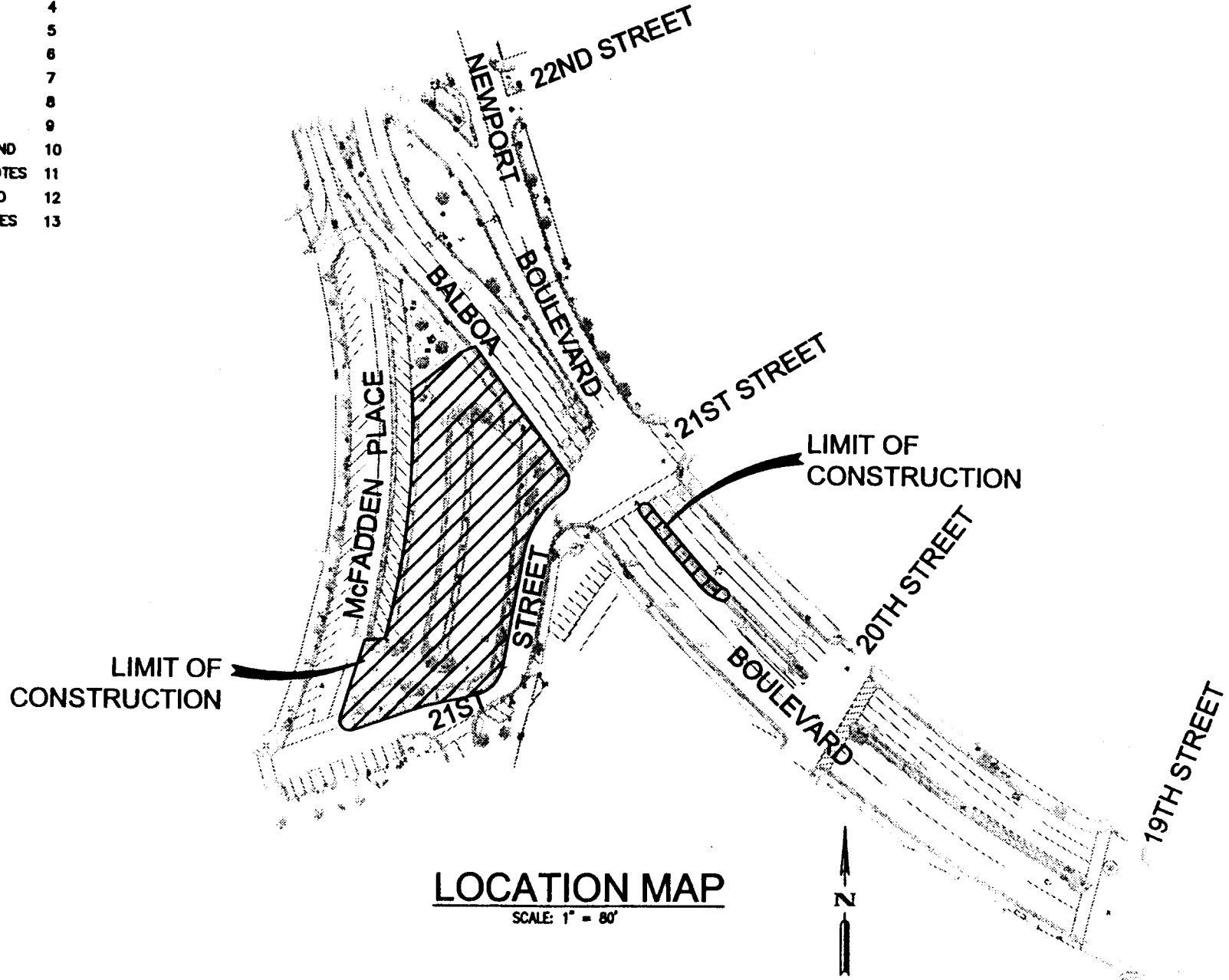
**COASTAL COMMISSION**

EXHIBIT # 1  
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TITLE SHEET	1
PROJECT CONTROL	2
DEMOLITION PLAN	3
LAYOUT	4
CONSTRUCTION DETAILS	5
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TRAFFIC SIGNAL	8
STRIPING PLAN	9
IRRIGATION PLAN & LEGEND	10
IRRIGATION DETAILS & NOTES	11
PLANTING PLAN & LEGEND	12
PLANTING DETAILS & NOTES	13

APPROVED: \_\_\_\_\_  
 CITY ENGINEER R.C.E. NO. 24967

DATE: \_\_\_\_\_



**LOCATION MAP**

SCALE: 1" = 80'

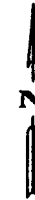


EXHIBIT # \_\_\_\_\_  
 PAGE 2 OF 2

COASTAL COMMISSION

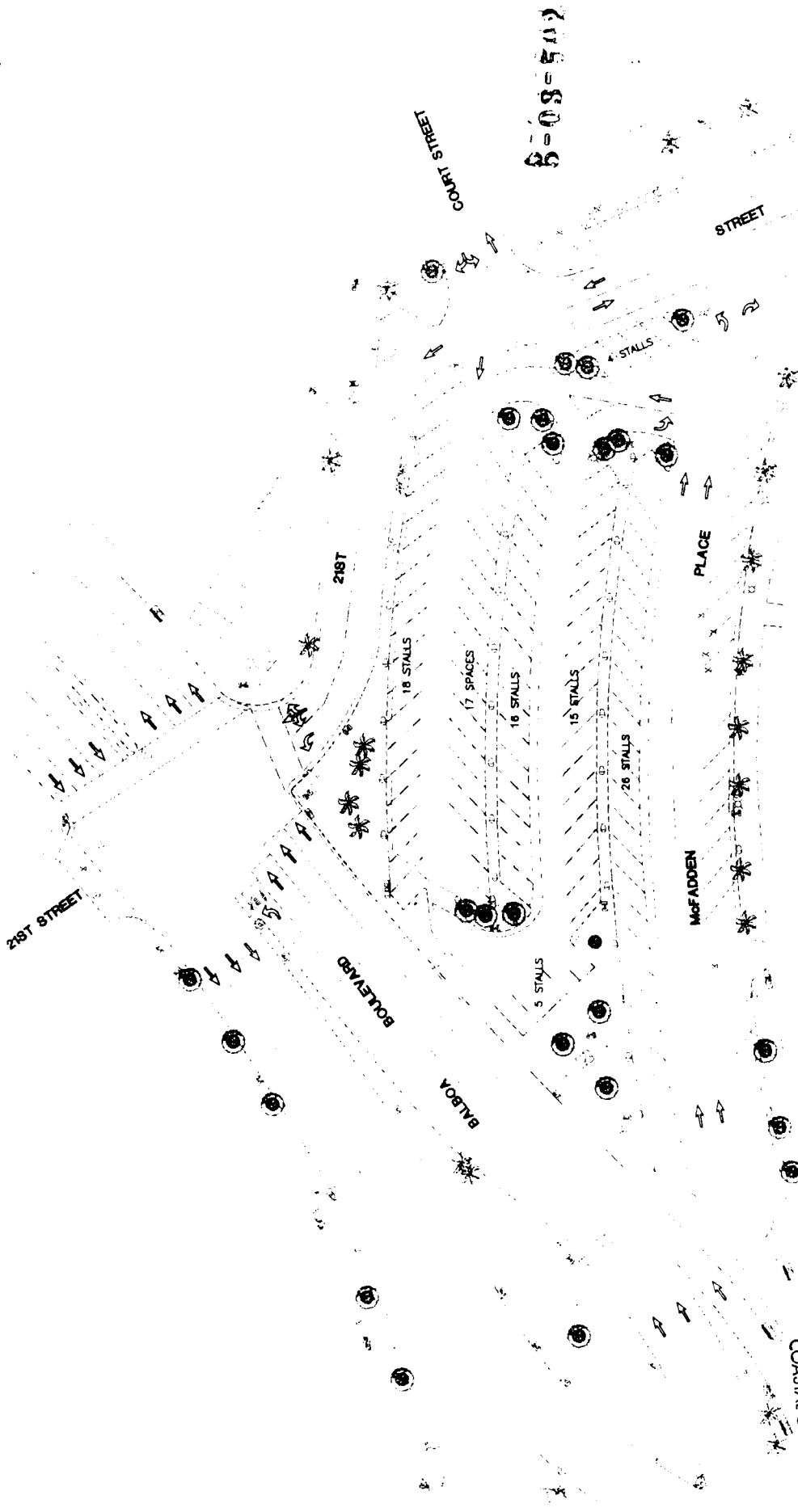
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DAY	NIGHT
(800)-624-8153	1(800)-824-8153
(800)-611-1911	1(800)-611-1911
611	811



PREPARED BY:	DESIGNED					APPROVAL RECOMMENDED	APPROVAL REC
<b>MetroPointe</b> Engineers							
	CHECKED						





8-08-512

101 EXISTING PARKING STALLS  
 → = TRAVEL DIRECTION

C-3654

REVISIONS		DATE	BY	DESCRIPTION
DESIGNED				
CHECKED				
DRAWN				

PREPARED BY: **Metropointe Engineers**  
 11000 Wilshire Blvd., Suite 1000  
 Los Angeles, CA 90024  
 (310) 441-1111



DIAL TOLL FREE  
 1-800-227-2600  
 AT LEAST TWO DAYS  
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EXHIBIT # 2  
 PAGE 1 OF 1

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**SITE LAYOUT**  
 21st ST/BALBOA BLVD  
 MCFADDEN PARKING LOT  
 CITY OF NEWPORT BEACH  
 PUBLIC WORKS DEPARTMENT

C-1000

DATE BY  
 CHECKED BY  
 APPROVED BY

DATE  
 DATE  
 DATE

PROJECT NO.  
 SHEET NO.



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EXHIBIT # 3  
PAGE 1 OF 1

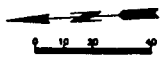
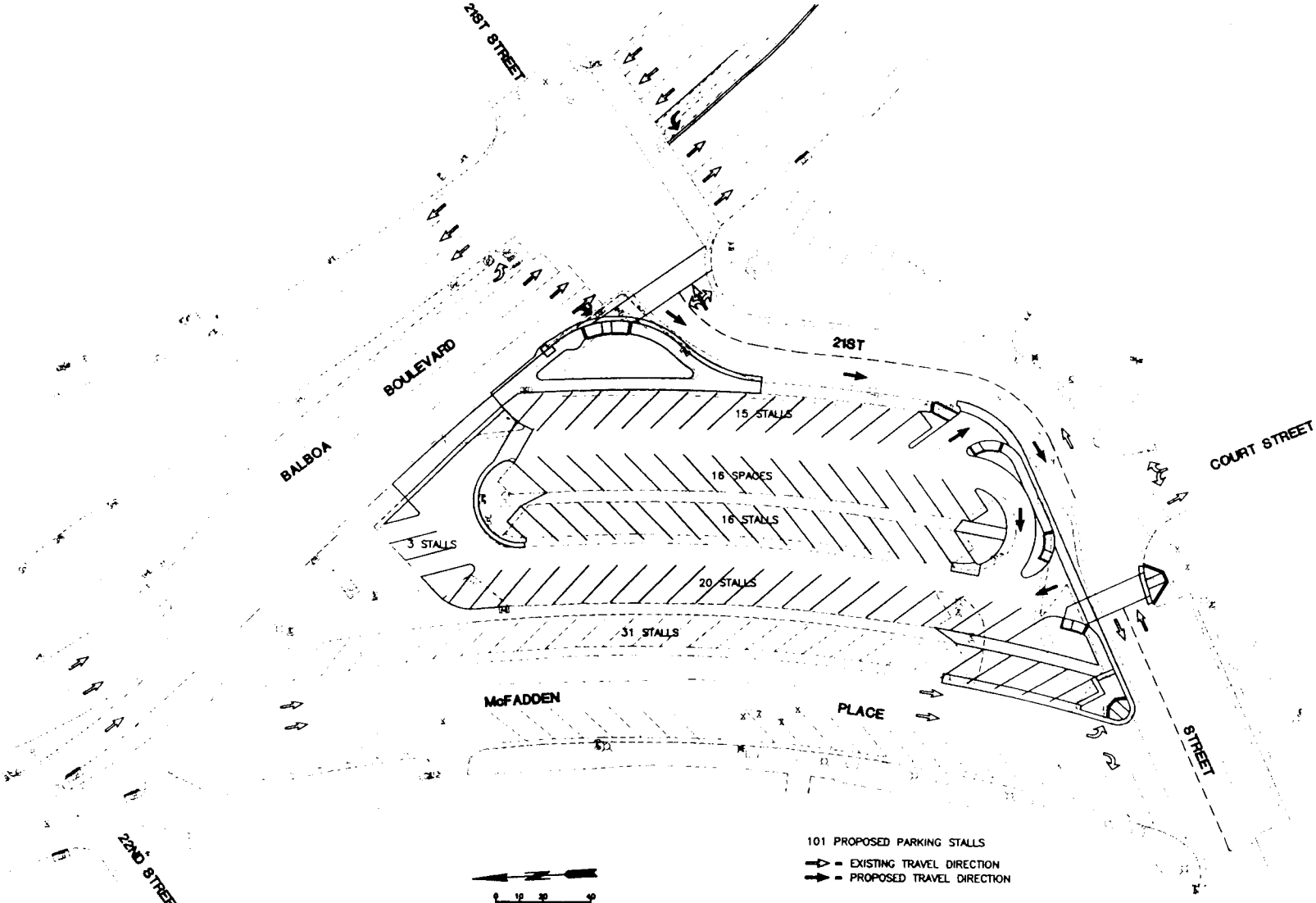
2ND STREET

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Prepared by  
**MetroPoints Engineers**  
 2111 Avenue of the Stars, Suite 111  
 Costa Mesa, CA 92626  
 (714) 441-3881

DESIGNED			
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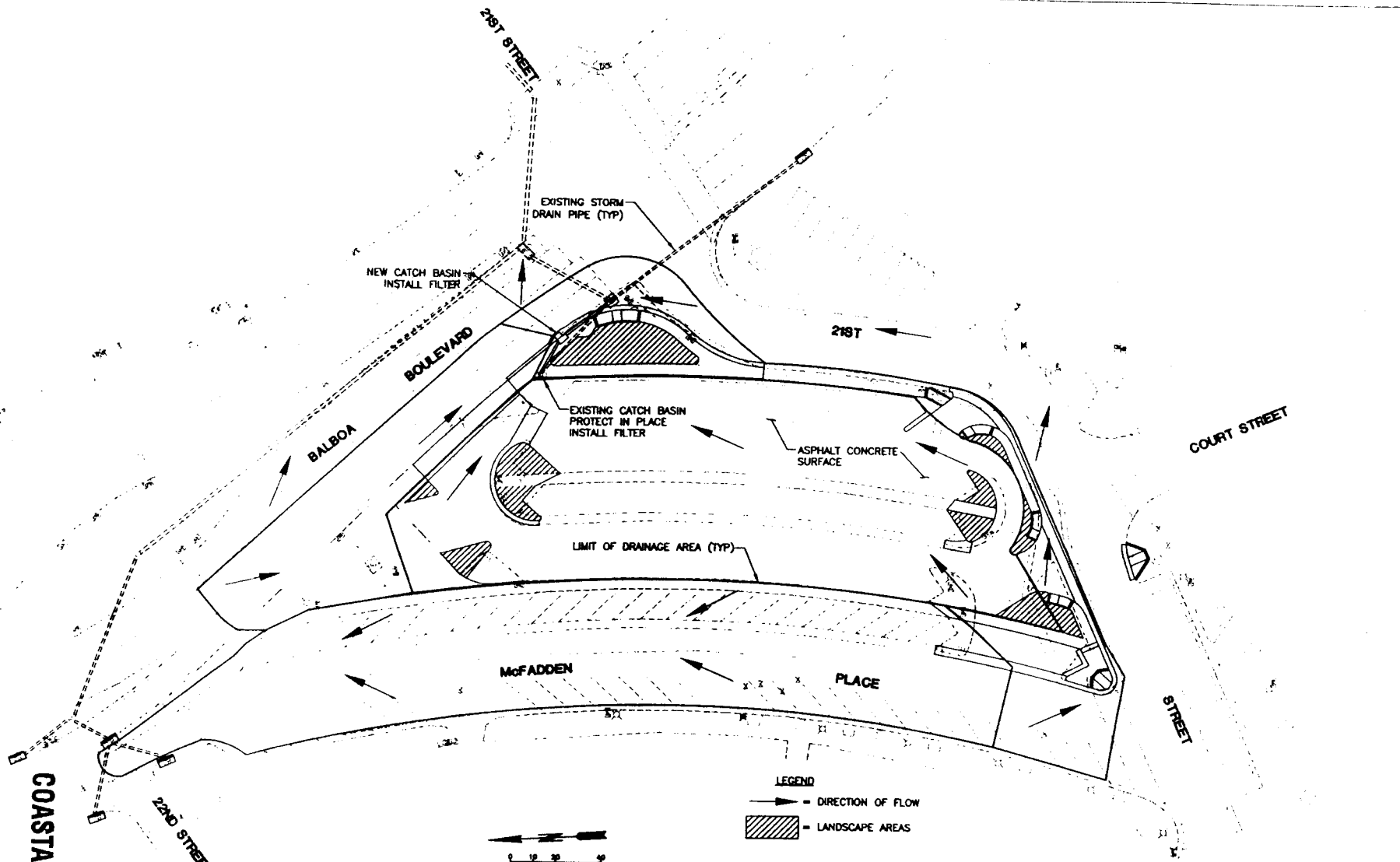
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**PROPOSED CONDITIONS**  
 21st STREET/BALBOA BOULEVARD  
 McFADDEN PARKING LOT  
 CITY OF NEWPORT BEACH | R-XXXX-X

COASTAL COMMISSION

EXHIBIT # 5

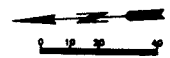
PAGE 1 OF 1



LEGEND

→ = DIRECTION OF FLOW

▨ = LANDSCAPE AREAS



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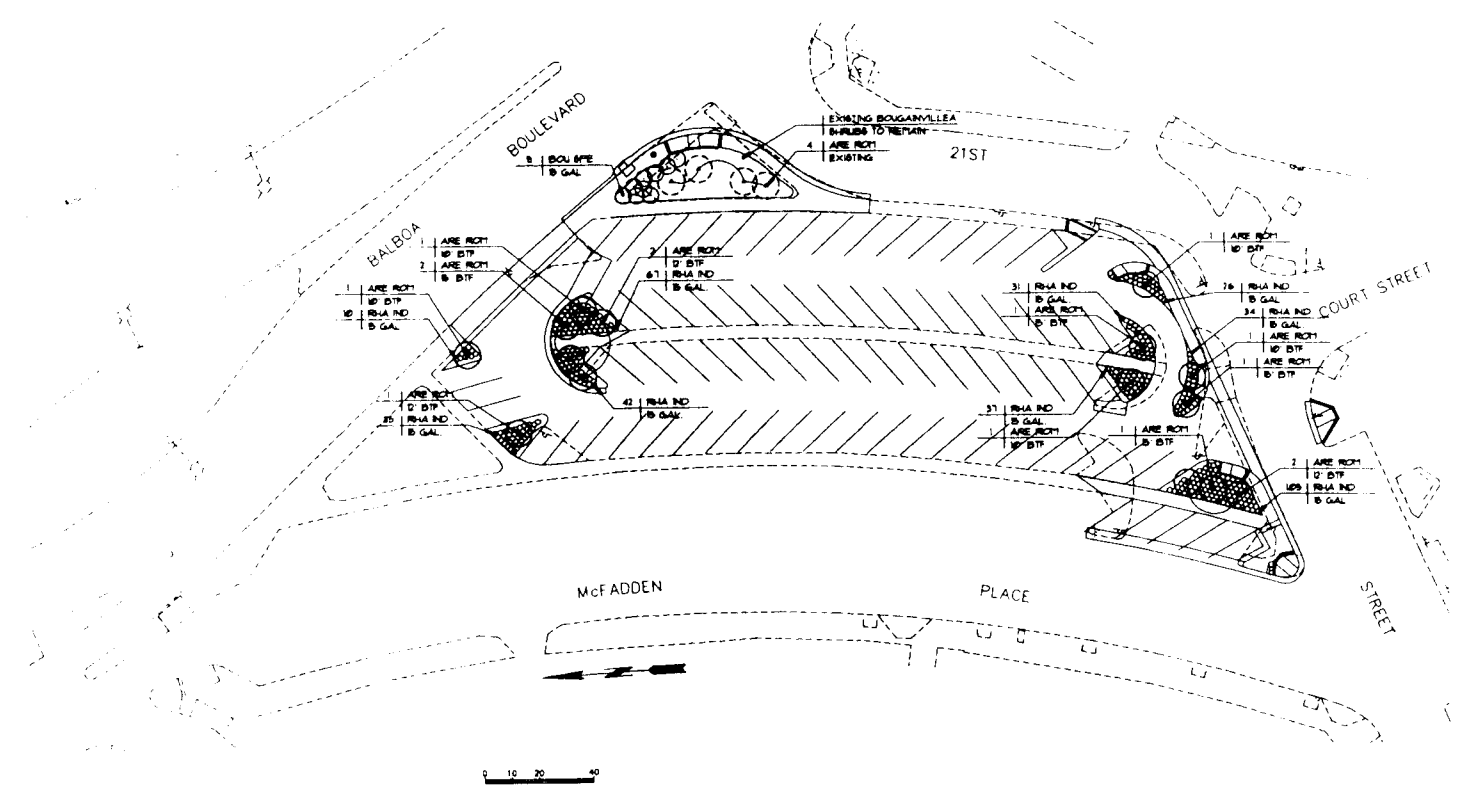
DESIGNED BY  
**MetroPointe Engineers**  
 1555 Orange Avenue, Suite 41  
 Costa Mesa, CA 92626  
 (714) 441-1100

DESIGNED	CHECKED	DRAWN	DATE	DATE	BY	DESCRIPTION

C-3654

**DRAINAGE PLAN**  
 21st STREET/BALBOA BOULEVARD  
 McFADDEN PARKING LOT  
 CITY OF NEWPORT BEACH R-XXXX-X

PLANTING LEGEND				
ADDRESS	BOTANICAL NAME	COMMON NAME	SIZE	
TREES	ARE ROT	ARE CASTLE	QUEEN PALM	SEE PLAN FOR SIZE
BURLES	BOU SFE	BOUGANVILLEA	BOUGANVILLEA	5 GAL
	ARE ROT	ROMANOFFIANUM	MATCH EXISTING VARIETY	5 GAL
	RHA NO	RHAPHIDOLEPIS INDICA	INDIA HAWTHORN	5 GAL
		PLUM CLOUD		
GROUNDCOVERS				
	WOOD MULCH	NOT SHOWN	2" THICK LAYER 11" TINS WALK ON	
			INSTALL IN ALL PLANTER BEDS UNDER ALL BURLES	
			SEPARATOR FABRIC BETWEEN MULCH AND FINISH GRADE	
			TYPICAL	
NOTES				
1. REFER TO SHEET 12 FOR PLANTING DETAILS AND NOTES.				



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 EXHIBIT # 6  
 PAGE 1 OF 1



PREPARED BY:	DESIGNED:				
	JR				
CHECKED:	TM				
DRAWN:					
JR					
DATE:	DATE:	BY:	DESCRIPTION:		
11/13/03			REVISIONS:		

C-XXXX  
 PLANTING PLAN AND LEGEND  
 21st STREET/BALBOA BOULEVARD  
 MCFADDEN PARKING LOT  
 CITY OF NEWPORT BEACH R-XXXX-X  
 PUBLIC WORKS DEPARTMENT SHEET 1 OF 1

90% SUBMITTAL

