

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

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Staff Report:	March 25, 2004
Hearing Date:	April 14-16, 2004
Commission Action:	

Item W9b**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-03-307

APPLICANTS: City of Newport Beach and CA State Parks Department

AGENT: Lloyd Dalton, P.E., City of Newport Beach

PROJECT LOCATION: Corona del Mar State Beach, Newport Beach (Orange County)

PROJECT DESCRIPTION: Replacement of public beach amenities, including demolition of existing restroom and concession facilities and construction of a new 19' 6" high, 2338 square foot lifeguard/concession/educational structure and two (2) new 15' 0" high, 1245 square foot restroom/shower structures, improvements to parking, hardscape and landscape. Construction and post-construction BMPs have been incorporated into the project description.

SUMMARY OF STAFF RECOMMENDATION:

The City of Newport Beach, in conjunction with the CA State Parks Department, propose to replace and update the beach amenities at Corona del Mar State Beach. The primary issues before the Commission are public access, hazards, and water quality.

Staff recommends that the Commission **APPROVE** the proposed projects subject to seven (7) special conditions. The special conditions require: 1) submittal of final plans showing reduced encroachment onto sandy beach, no net loss of sandy beach area and removal of shade structures; 2) timing of construction outside the peak beach use season; 3) assumption of risk; 4) no future shoreline protective device; 5) construction best management practices; 6) debris disposal site to be located outside of coastal zone; and 7) conformance with proposed water quality measures.

LOCAL APPROVALS RECEIVED: Approval in Concept from the City of Newport Beach Planning Department dated July 18, 2003 and approval from Newport Beach City Council dated July 8, 2003.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan.

EXHIBITS:

1. Vicinity and Location Maps
 2. Project Plans
 3. Aerial View of Site
 4. Revised Site Plan ("Current Proposal")
 5. Water Quality Measures, as outlined in letter prepared by MetroPointe Engineers dated December 12, 2003
 6. Photosimulations
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A. STAFF RECOMMENDATION

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

MOTION:

I move that the Commission approve CDP #5-03-307 pursuant to the staff recommendation.

Staff recommends a **YES** vote. This 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.

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, located between the first public road and the sea, 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.

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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. Submittal of Final Plans
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans to the Executive Director for review and approval. The revised plans shall show the following changes to the project:
 - (a) No net loss of sandy beach area shall occur;
 - (b) New development, including hardscape and landscaping, shall not extend more than 10 feet seaward of the existing parking lot at the southeasterly portion (downcoast) of the site, as generally depicted in the "Current Proposal" shown in Exhibit 4.
 - (c) No new shade structures shall be erected.
 - B. The permittee shall undertake development in accordance with the approval final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Timing of Construction

By acceptance of this permit, the applicants agree to minimize adverse impacts to public use of Corona del Mar State Beach resulting from construction activities approved pursuant to Coastal Development Permit 5-03-307, as required below:

- No construction shall occur during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

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- The beach and half of the parking lot shall remain open for public use year-round.

3. Assumption of Risk, Waiver of Liability and Indemnity

- A. By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from flooding, wave uprush and boulder placement and/or movement; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

4. No Future Shoreline Protective Device

- A(1). By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that no new shoreline protective device(s) or enhancement of the existing protective device shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-03-307 in the event that the development is threatened with damage or destruction from boulder placement, waves, erosion, storm conditions or other hazards in the future. By acceptance of this permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- A(2). By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the applicants shall remove

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the development authorized by this permit if any government agency has ordered that the structure is not to be utilized due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the applicants shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

- B. Prior to any conveyance of the property that is the subject of this coastal development permit, the landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (A) of this condition. The restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

5. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittees 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 or be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of construction-related materials, and to contain sediment or contaminants associated with construction activity, shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- (d) Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Construction debris and

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sediment shall be removed from construction areas as necessary 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. 6.

6. Location of Debris Disposal Site

The applicants shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. 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.

7. Conformance with the Water Quality Measures Proposed

The applicants shall carry out development in conformance with the water quality measures described in the letter dated December 12, 2003 prepared by Metro Pointe Engineers (Exhibit 5), which incorporates structural and non-structural Best Management Practices (BMPs) designed to control the pollutant load of stormwater and nuisance flow leaving the developed site. These measures include, but are not limited to, regular sweeping of the site, filter insert maintenance, facilities maintenance, training of staff and concession merchants, and provision of water quality information to beachgoers. These measures shall be carried out at frequencies sufficient to effectively minimize the accumulation of pollution which could be washed into coastal waters. As proposed, the applicant shall prohibit the distribution of foam products and shall install a grease interceptor to serve the new concession facility.

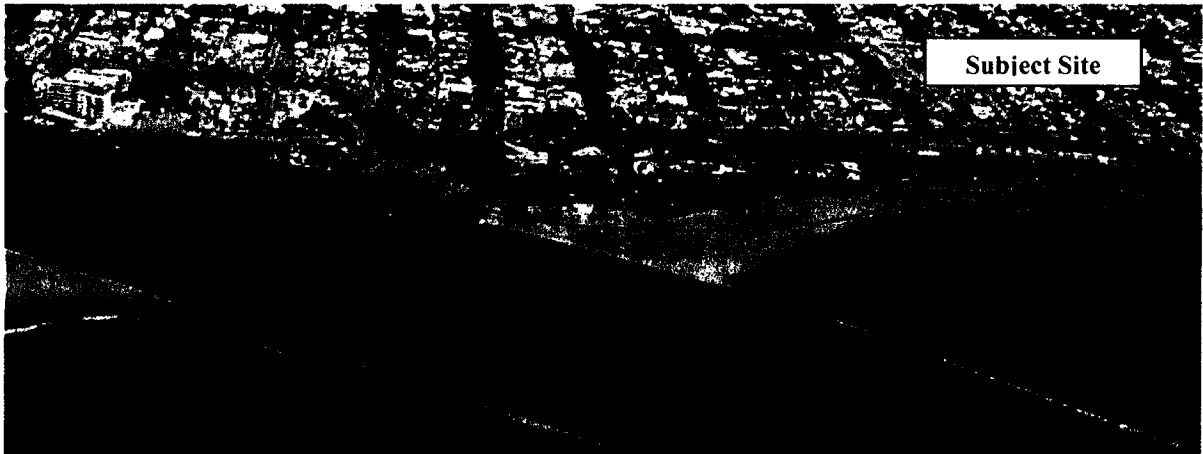
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IV. Findings and Declarations:

The Commission hereby finds and declares as follows:

A. Project Location and Description

The project involves the replacement of existing public beach amenities at Corona del Mar State Beach in Newport Beach, Orange County (Exhibit 1). Corona del Mar State Beach is located immediately downcoast of the Eastern Jetty of the Newport Channel, as shown in the photo below.



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The amenities at the subject site have been built, operated and maintained by the City of Newport Beach under agreement with the State of California, which expires in 2029. Although the proposed work will be carried out by the City, California State Parks has joined as co-applicant in the current application.

The project includes the demolition of existing restroom and concession facilities and construction of a new 19' 6" high, 2338 square foot lifeguard/concession/educational structure, two (2) new 15' 0" high, 1245 square foot restroom/shower structures, improvements to parking/circulation, hardscape and landscape (Exhibit 2). The new buildings will be sited within the currently developed portion of the site and will not extend onto sandy beach. The restroom buildings will be located at the upcoast and downcoast end of the site to adequately serve beachgoers. The new multi-purpose building will be sited in the center of the site. The parking and circulation modifications include the creation of a new parking booth, new turn around and drop off area, re-striping of the existing parking lot and reconfiguration of parking islands. Through the proposed changes, the number of parking spaces will be increased from 536 to 540. Proposed hardscape and landscaping improvements include the reconfiguration of existing "softscape" areas adjacent to the sandy beach, including grass, trees, seating walls and sidewalks. The City proposes to include additional turf grass area and modify the existing sidewalk along the seaward extent of the parking lot, referred to as the strand. The length of the existing sidewalk will not be substantially increased, though it will be widened from approximately 5'6" feet to 10 feet to accommodate pedestrian traffic. Seating walls along the strand are proposed to "allow additional non-sand relaxation while protecting the turf somewhat from

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blowing sand build-up." The seating walls will provide a number of breaks to allow access to the sandy beach. A new sidewalk will be added along the western edge of the parking lot to connect the strand to a stairway leading to Ocean Boulevard. Many of the site's existing palm trees will be relocated as part of the project. All new landscaping will consist of native and non-invasive, non-native plantings.

Construction and post-construction best management practices (BMPs) have been incorporated into the project description. As part of the proposed project, the City will install new filter inserts within the existing inlets to intercept pollutants such as trash and oils. The project also involves the installation of a grease interceptor at the concession building, the use of covered trash enclosures, and a prohibition on foam products at the time a contract is signed with a new concessionaire. Post construction BMPs include regular sweeping of the site, filter insert maintenance, facilities maintenance, training of staff and concession merchants, and provision of water quality information to beachgoers.

Construction Methods and Staging

Staging and storage areas will be designated within half of the parking lot. The other half will remain open to the public. The applicant states that no mechanized equipment will be stored on the beach or within 100 feet of coastal waters.

Timing of Construction

The proposed project will be undertaken during late 2004/early 2005, prior to the peak beach use season. During construction, half of the public amenities (parking, restrooms, and concession stand) will be closed to the public. Access to the sandy beach will remain available during construction. The City anticipates that the public facilities will be re-opened to full public use prior to the peak tourism season.

B. Public Access

Sections 30210, 30211, and 30252 of the Coastal Act address public access and recreation.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

There are also policies in the certified LUP concerning public access. Policy 4 of the City's certified LUP Public Access Section states:

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Public access in coastal areas shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

The proposed project involves the replacement of public facilities at Corona del Mar State Beach. The State Beach is a popular attraction to both residents and visitors. The site currently offers a 536 space parking lot, restrooms, showers and concessions. The same amenities will be available after project implementation, in addition to new educational facilities and an additional four parking spaces. The site also offers a sandy beach area with fire pits and sand volleyball courts. (No changes to the fire pits and volleyball courts are proposed by the current proposal.) The Commission notes that although there are other beaches for beachgoers to use within the City of Newport Beach, the demand for the use of those beaches is growing as Orange County and the neighboring counties rapidly urbanize. The demand for beach use is increasing, but the beaches are limited resources.

The applicant's initial proposal included 30,328 square feet of landscaped area, which would result in a net loss of 8,800 square feet of sandy beach. A reconfigured sidewalk and new turf area were proposed along the strand, just seaward of the existing parking lot. The new improvements would extend approximately 25' to 100' seaward of existing developed area. The replacement of sand with grass was proposed to provide users with a larger picnic area at the northwest end of the site, as well as an aesthetically pleasing barrier between the parking lot and the beach.

While the Commission acknowledges the recreational benefit of grassy areas in the coastal zone, they should not come at the expense of sandy beach--particularly in areas where the sandy beach is narrow. When hardscape and landscaping is allowed to encroach into sandy areas, the public loses a limited recreational resource that can only be provided along the shoreline. At this site, the beach is much wider at the northwest end of the site, adjacent to the jetty. The beach narrows downcoast, as shown in Exhibit 3. The initial proposal included a hardscape and landscaping improvement that encroached seaward along the entire length of the strand. Commission staff expressed concern with seaward encroachment along the narrow stretch of beach at the southeastern portion of the site. In response to staff's concerns, the applicants revised the project design. In a letter dated March 11, 2004, the City submitted an alternatives analysis and agreed to modify the project design. As described in the City's letter, the *"current proposal includes approximately 23,436 square feet of landscaped area and a zero net loss of sandy beach."* As redesigned, the landscaped area that previously encroached seaward at the point where the beach is the most narrow has been relocated to the east end of the parking lot, so that the narrowest portion of the beach will remain available for public use.

Although the revised project design reflects no loss of sandy beach, the revision is only depicted on one drawing and has not been carried over into the overall project plans. As such, the Commission imposes Special Condition 1. Special Condition 1 requires the applicants to submit a final set of project plans depicting no net loss of sandy beach area and demonstrating that new development will not encroach greater than 10 feet seaward of the existing parking lot at the southeasterly portion (downcoast) of the site, as generally depicted in Exhibit 4.

The Coastal Act requires that development not interfere with the public's right of access to the sea by providing adequate parking to serve that development. The project will require

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temporary use of the public parking area for staging and storage during construction. However, only a portion of each parking lot will be utilized and all public parking will be re-opened prior to the peak use season.

The applicant proposes to perform the proposed work in a manner that will allow the public some access to the beach during construction. As described previously, the project will take place primarily during the winter and early spring season when there are fewer visitors to the piers, which will further reduce any adverse impacts to public access. The applicant states that all work will be completed prior to Memorial Day weekend 2005 and public access will be fully restored. In order to ensure access to the beach is not hindered during the peak summer season, the Commission finds that it is necessary to impose Special Condition 2, which prohibits construction to occur during the peak use summer season that would obstruct public access to the piers, adjacent beaches, or public parking lots. Only as conditioned does the Commission find the proposed development is consistent with Sections 30211 and 30252 of the Coastal Act.

C. Visitor Serving Development

Section 30213 of the Coastal Act states in part:

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

City of Newport Beach LUP, New Development Section, Policy 12 states:

The City of Newport Beach shall protect and encourage the maintenance of lower-cost commercial visitor-serving facilities.

Public beaches constitute a lower cost visitor-serving facility. As such, any development on a public beach is subject to scrutiny as to whether the development would affect the public's recreational interest. In this case, the proposed improvements are upgrades that do not adversely impact public access or recreation. In fact, the proposed improvements will enhance the public amenities provided at Corona del Mar State Beach and provide additional parking spaces. Fees for parking are currently \$6 a day. No fee adjustment is proposed as part of the current project. The beach will remain open and available to visitors during construction and will be completed prior to the peak beach use season, as discussed in the preceding section. Therefore, the Commission finds that the proposed development is consistent with the provisions of Section 30213 of the Coastal Act.

D. Hazards

Section 30235 of the Coastal Act states, in pertinent part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

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Section 30253 of the Coastal Act states in relevant part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The proposed improvements will occur in an area located inland of a sandy beach, adjacent to the East Jetty of the Newport Harbor. The project involves work seaward of the existing parking lot. As such, portions of the project may be subject to wave uprush during high storm events. Development adjacent to the ocean is inherently risky. When asked about the potential hazard resulting from wave uprush, the applicants stated that *"there will be no risk to life at this naturally-sheltered beach"*. According to information provided by the City, the Newport Harbor jetty provides a stable barrier to sand transport.

The improvement are designed for a 50-year life, which is appropriate for public facilities of such use. Sea level adjustment will not be significant during this period of time. Shoreline changes are seasonal occurrences, with sand depletion occurring during winter storms and accretion during the summer months. According to the City, *"there has been no overall beach loss or gain over the 50+ life year life of the existing beach facilities."*

The applicants have stated that the new improvements would not necessitate protection from hazards such as flooding and/or wave attack now or in the future. The City is not proposing protection of the improvements as part of the current application. However, the applicant could propose protection of the structure in the future. As discussed below, a protective device would result in adverse effects to coastal resources.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's ability to utilize the beach. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar

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can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach, as it results in less usable sandy beach area.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. As stated previously, the beach at the subject site is considered relatively stable due to the presence of the adjacent jetty. However, conditions can change over time. The Commission notes that if a seasonally eroded beach condition occurs with greater magnitude due to the placement of a shoreline protective device, then the subject beach would also accrete at a slower rate. The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

Section 30253 (2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed beach improvements require a protective device in the future, it would be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion.

To assure that no protective device will be constructed in the future to protect the proposed improvements, the Commission imposes Special Conditions 3 and 4. Since the proposed development is taking place adjacent to the ocean in an area that is potentially subject to wave uprush, the Commission is imposing its standard waiver of liability special condition (Special Condition 3). Special Condition 4 requires that the applicant agree that no additional future shoreline protective device shall be constructed to protect the improvements. Through these two special conditions, the applicants are notified that the project site is in an area that is potentially subject to flooding which could damage the proposed improvements and that the improvements cannot be protected through a new shoreline protective device. The applicant is also notified that the Commission is not liable for such damage as a result of approving the permit for development. In addition, these conditions insure that any potential future owners of the property will be informed of the risks, the Commission's immunity from liability, and that the improvements can not be protected through a new or enhanced shoreline protective device.

As conditioned for assumption of risk and no future shoreline protective device, the Commission finds that the proposed project is consistent with Sections 30235 and 30253 of the Coastal Act.

E. Water Quality and Marine 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.

Section 30233(a) of the Coastal Act addresses fill of open coastal waters as follows:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

Construction BMPs

The proposed project involves improvements to Corona del Mar State Beach. The proposed project is located adjacent to the beach; therefore, there is the possibility that material from demolition or construction may enter coastal waters. The City has incorporated construction-related best management practices (BMPs) into the project. During construction, erosion control methods will be employed to either contain the potential runoff generated in the construction area or to divert runoff away from the disturbed area.

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Similar methods will be employed for the construction staging area. The City will require the contractor to employ BMPs regarding hazardous material handling, equipment maintenance and washing and routine inspections during the rainy season. In order to ensure implementation of the proposed construction-related BMPs and to prevent adverse impacts to water quality and marine waters from construction and demolition activities, the Commission is imposing Special Condition 5. This condition provides for the safe storage of construction materials and the disposal of demolition end-products. Special Condition 6 requires the debris disposal site to be located outside of coastal zone.

Post Construction BMPs

The project involves permanent BMPs to ensure that the project does not adversely affect water quality or marine resources. In fact, the proposed improvements are intended to improve and enhance water quality at the subject site. These BMPs are described in a letter prepared by MetroPointe Engineers dated December 12, 2003 (Exhibit 5). As stated in the letter, the overall drainage area and hydrology of the site will not be affected by the proposed improvements. The proposed improvements will not impact the amount or type of stormwater conveyed from the site. However, the City proposes to implement BMPs to filter runoff from the subject site where feasible.

The City proposes to install an "Ultra Urban filter with Smart Sponge" at the existing inlet at the western corner of the project. According to information provided by the applicant, this filter captures grease, trash, and sediment from stormwater runoff before it enters the storm drain system. Trash and sediment accumulate in the internal basket while oil and grease are captured in the filtration media. At the other two existing inlet locations, the City proposes to install a bypass inlet with a filter insert hooked-up to a leach line. The low flows will be directed to the bypass inlet. There, the filter insert will intercept pollutants such as trash and oils. The remaining runoff going to the leach line will permeate in the sand. Following the first flush, for storm peaks exceeding the capacity of the system, runoff will bypass the system and remain as surface flows.

The project also involves common BMPs, such as regular sweeping of the site, filter insert maintenance, facilities maintenance, training of staff and concession merchants, and provision of water quality information to beachgoers. As part of the current project, the applicant proposes a prohibition of foam products. As stated by the City, *"our concession contract, which will be executed with a yet-to-be-determined party prior to completion of the new facilities, will contain a provision prohibiting them from dispensing foam products."* The removal of refuse is also important to maintaining water quality and marine resources. The City will place refuse containers throughout the project site. These containers will be covered and have "flip-flop" lids to prevent storm water intrusion and bird scavenging.

Lastly, the applicant will install a grease interceptor to accommodate grease disposal from the new concession facility. Grease traps and grease interceptors serve to remove cooking grease from sewer pipes. Cooking grease adheres to the inside of sewer pipes, and the continual disposal of grease down sinks or drains may completely block the pipes. Restaurant disposal of cooking grease has been identified as one of the primary causes of sewage line breaks and spills in Southern California, but with proper source control and structural treatment best management practices, grease can be effectively removed from restaurant waste water. Grease interceptors are widely regarded as the most effective device in removing cooking grease from waste water. Installation of the interceptor will

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promote the best level of water quality protection available to address waste water grease as part of the currently proposed project.

Conclusion

Only as conditioned for 1) construction BMPs; 2) proper disposal of debris; and 3) conformance with the proposed post-construction BMPs, does the Commission find that the proposed project is consistent with Sections 30230, 30231, and 30232 of the Coastal Act.

F. Visual Impacts

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed project will occur at Corona del Mar, a highly scenic area in Newport Beach. The project involves the construction of new buildings, hardscape improvements and landscaping. As such, the project has the potential to impact views to and along the shoreline.

The project involves the construction of a new 19' 6" high, 2338 square foot lifeguard/concession/educational structure and two (2) new 15' 0" high, 1245 square foot restroom/shower structures. The project also involves the construction of a new parking booth along the entry road. These project features have the potential to impact public views to and along the shoreline. In particular, new development proposed within the center of the site (the lifeguard building, northwest restroom and parking booth) may be visible to vehicular traffic entering the public parking lot. To evaluate potential impacts, the applicants prepared photosimulations of the proposed development (Exhibit 6). As shown in the photosimulations, none of the proposed buildings are sited directly seaward of the entry drive. As stated by the applicants, "...since the axial view experienced along the entry drive to Corona del Mar State Beach is a primary public view of concern, it is important that this view remain the focal point and that it not be impacted by buildings or other structures. In order to preserve and enhance this view, we have placed the structures to the sides of the axis. In this configuration, the buildings frame the view rather than detract from it." In addition, the buildings will be earth toned, have low, flat roofs and will be oriented with the long axis parallel to the view, which helps to maintain the wide view corridor. As proposed, the new buildings will not adversely affect public views to the shoreline. Additionally, the project will reduce the number of structures currently located along the shoreline, thereby eliminating existing view obstructions.

In the applicants' initial proposal, the plans depicted new "shade structures" adjacent to the lifeguard and concession building in the center of the site. The height of the shade structures was unknown. Due to their location in the center of site, at the terminus of the entry road, the shade structures could potentially impact public views when entering the parking lot. The applicant has since revised the plans to remove the previously proposed

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Corona del Mar State Beach

shade structures. However, to ensure that the final plans accurately reflect that revision, the Commission imposes Special Condition 1. The condition prohibits the erection of any new shade structures.

As conditioned for removal of the shade structures from the plans, the Commission finds the project consistent with Section 30251 of the Coastal Act.

G. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) component of its LCP was originally certified on May 19, 1982. The City currently has no certified implementation plan. Therefore, the Commission issues CDPs 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 New Development Section, Policy 12 states that the City shall protect and encourage the maintenance of lower-cost commercial visitor-serving facilities. In addition, Policy 4 of the Public Access Section requires maximization of public access. The proposed project involves the replacement of public beach amenities. Once completed, the proposed project will enhance recreational use of the area and facilitate public access.

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

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

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access, hazard, water quality and scenic resource policies of the Coastal Act. Mitigation measures, in the form of special conditions, require 1) submittal of final plans showing reduced encroachment onto sandy beach, no net loss of sandy beach area and removal of shade structures; 2) timing of construction outside the peak beach use season; 3) assumption of risk; 4) no future shoreline protective device; 5) construction best management practices; 6) debris disposal site to be located outside of coastal zone; and 7) conformance with proposed water quality measures.

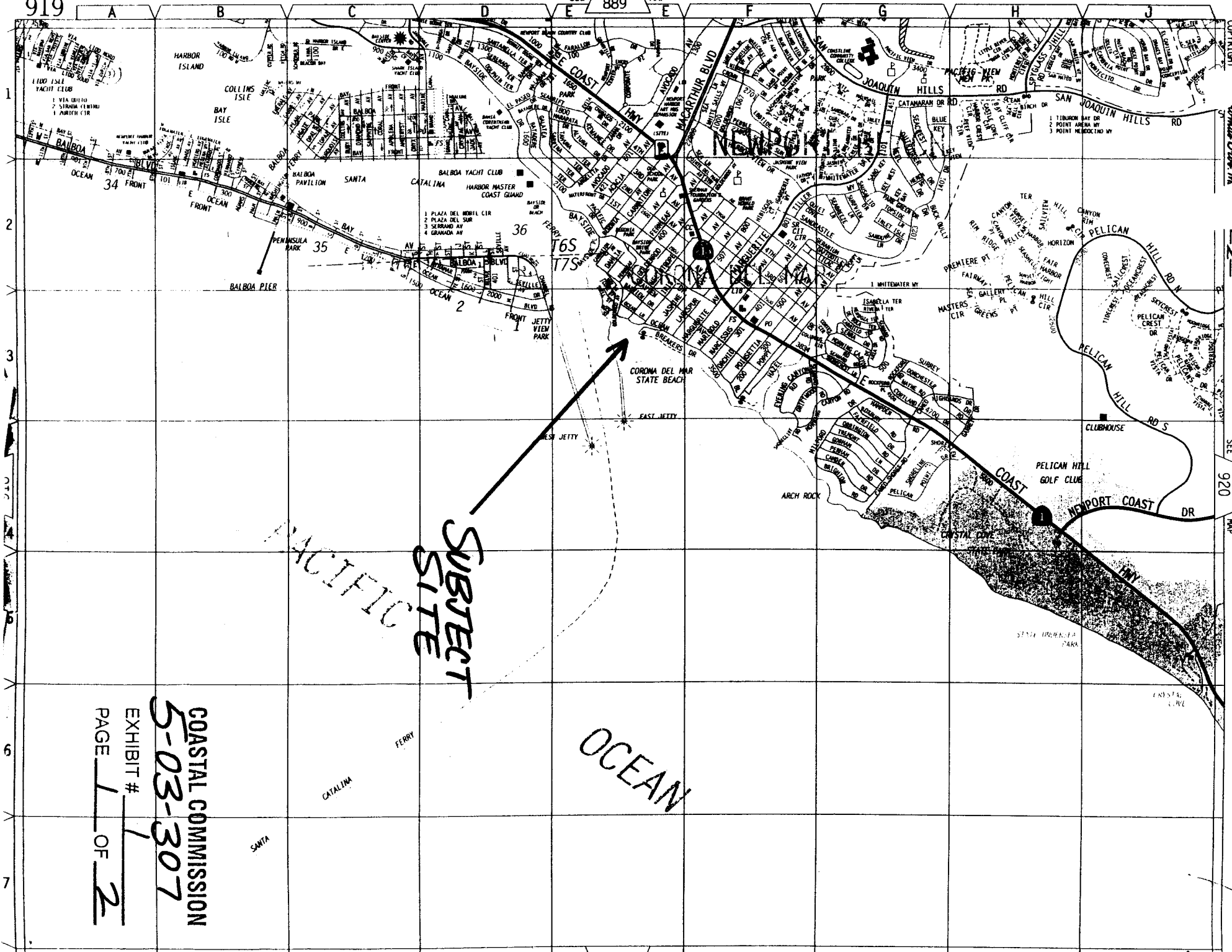
*5-03-307 (City of Newport Beach and CA State Parks)
Corona del Mar State Beach*

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

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Zemke-Cook, Inc.

SEE 920
MAP



SUBJECT SITE

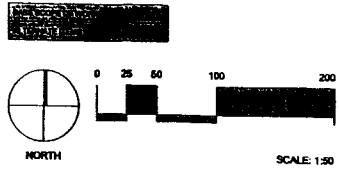
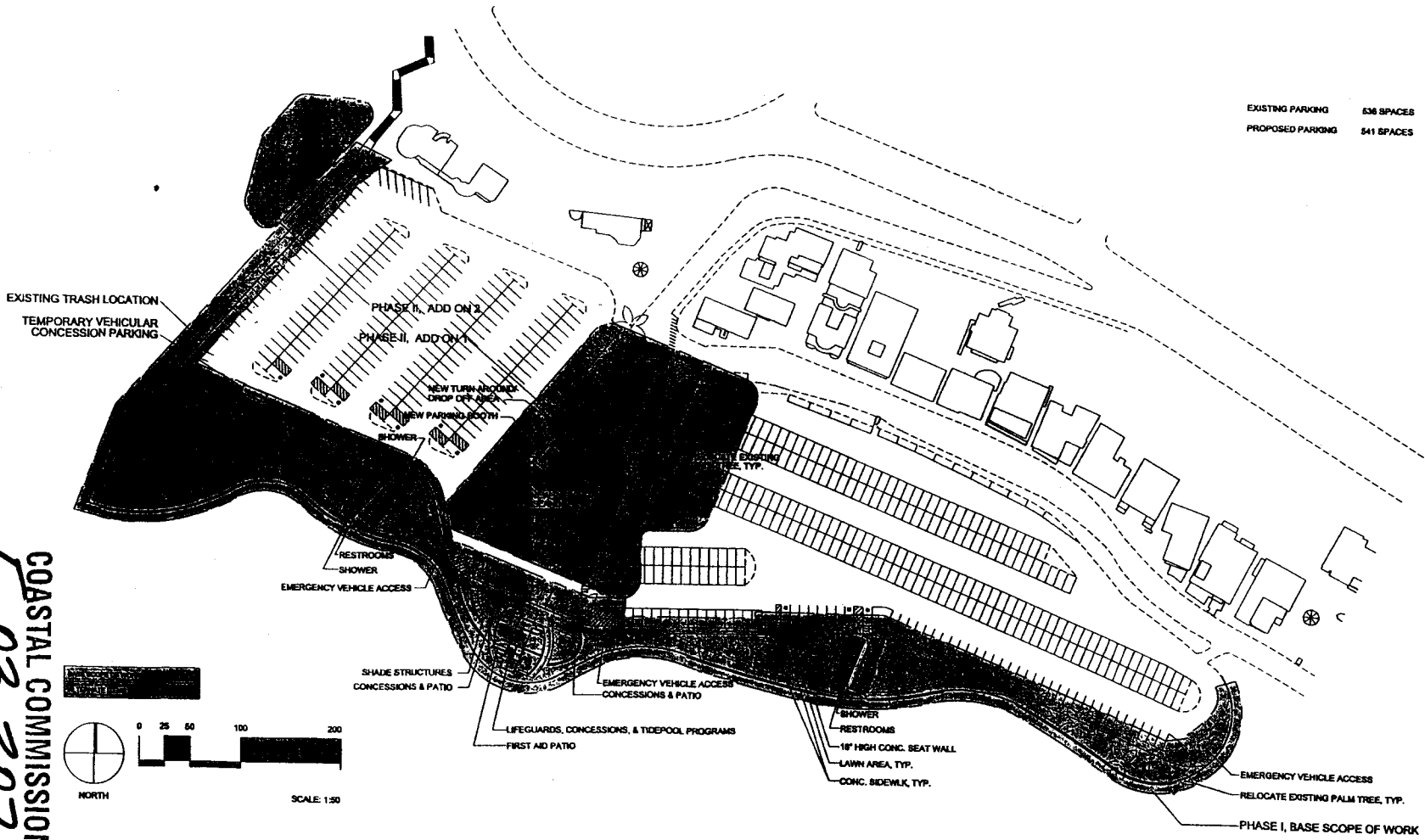
PACIFIC

OCEAN

COASTAL COMMISSION
5-03-307

EXHIBIT # 1
PAGE 1 OF 2

EXISTING PARKING 636 SPACES
PROPOSED PARKING 841 SPACES



COASTAL COMMISSION
 EXHIBIT # 5-03-307
 PAGE 1 OF 5

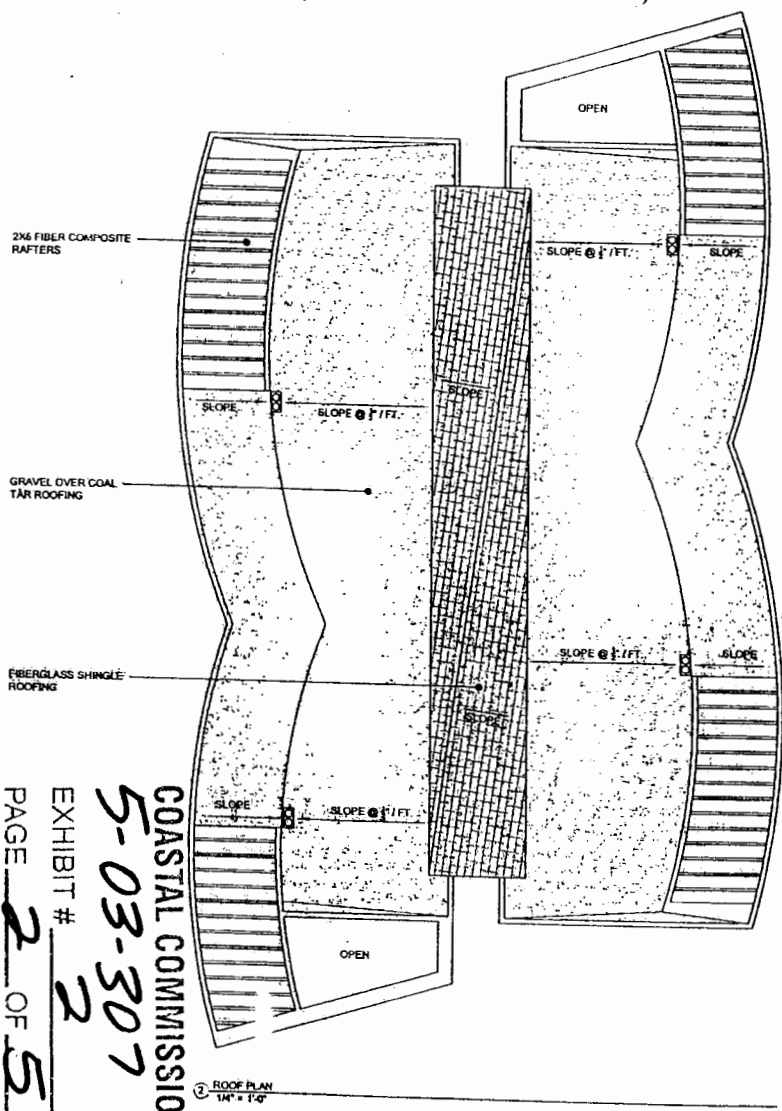
CORONA DEL MAR STATE BEACH
 BEACHGOER AMENITY IMPROVEMENTS PROJECT

SITE PLAN

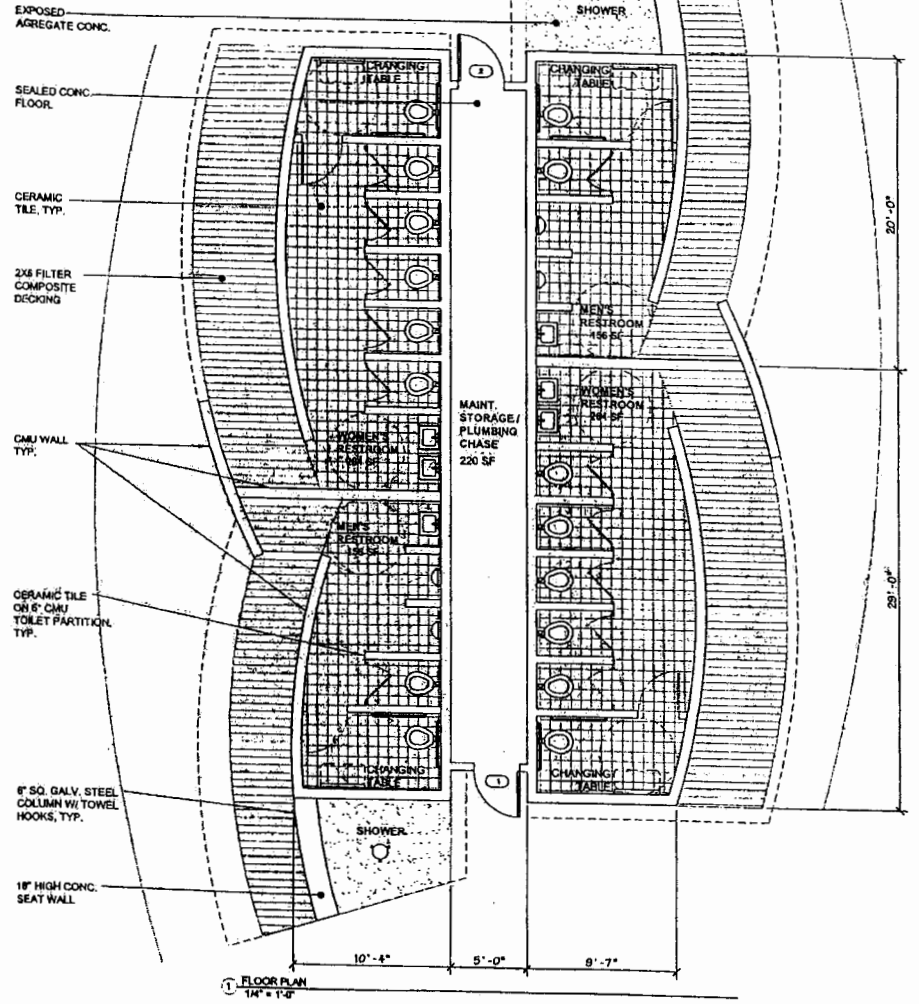
JUNE 03, 2003



ROBBINS JORGENSEN CHRISTOPHER

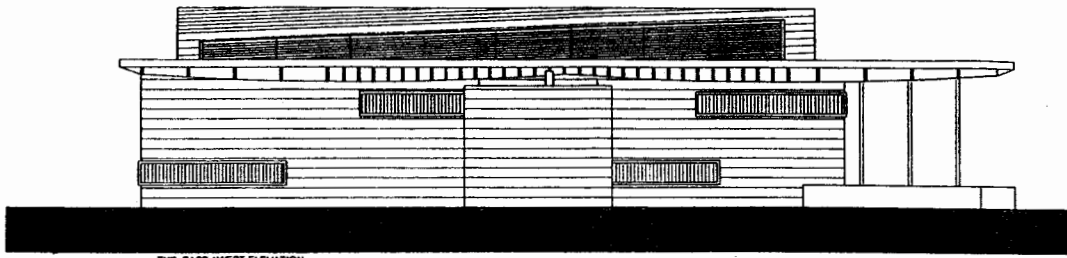


2 ROOF PLAN
1/4" = 1'-0"

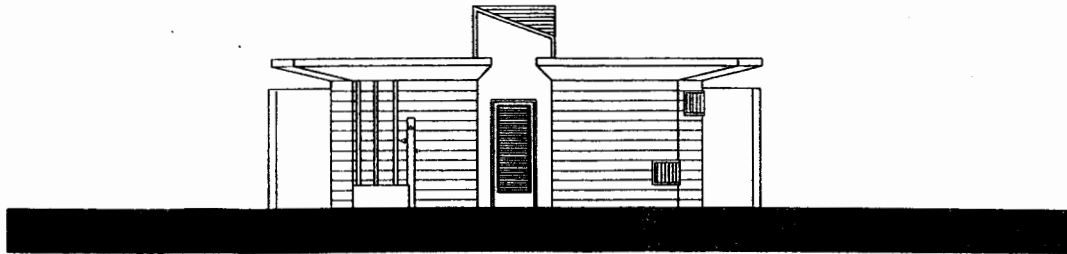


1 FLOOR PLAN
1/4" = 1'-0"

COASTAL COMMISSION
5-03-307
EXHIBIT # 2
PAGE 2 OF 5



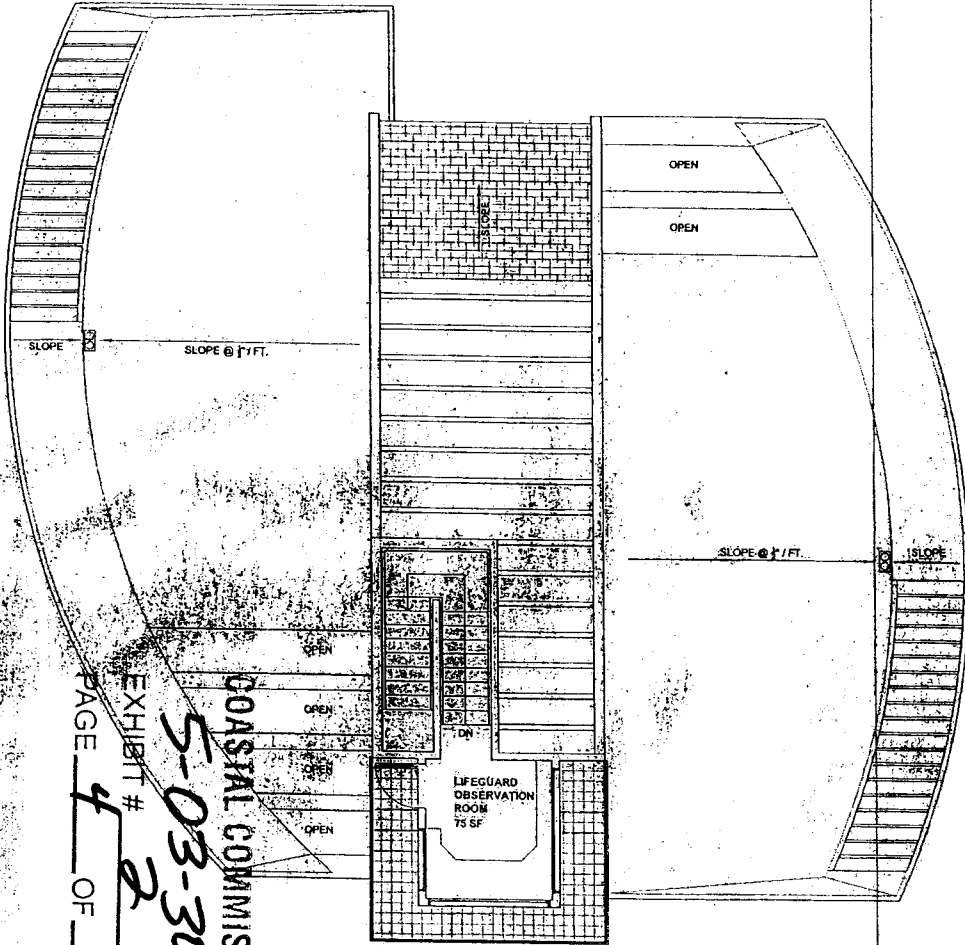
① TYP. EAST / WEST ELEVATION
1/4" = 1'-0"



② TYP. NORTH / SOUTH ELEVATION
1/4" = 1'-0"

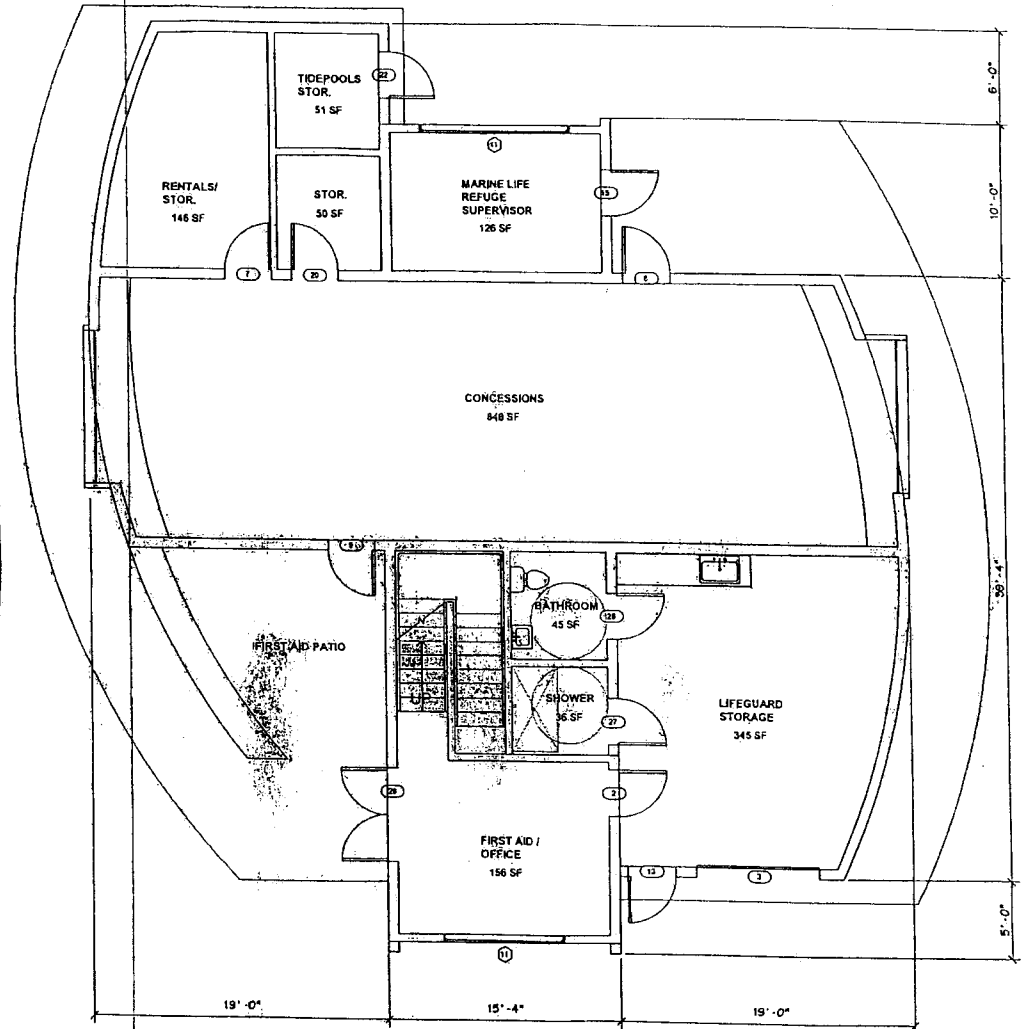
COASTAL COMMISSION
5-03-307
EXHIBIT # 2
PAGE 3 OF 5



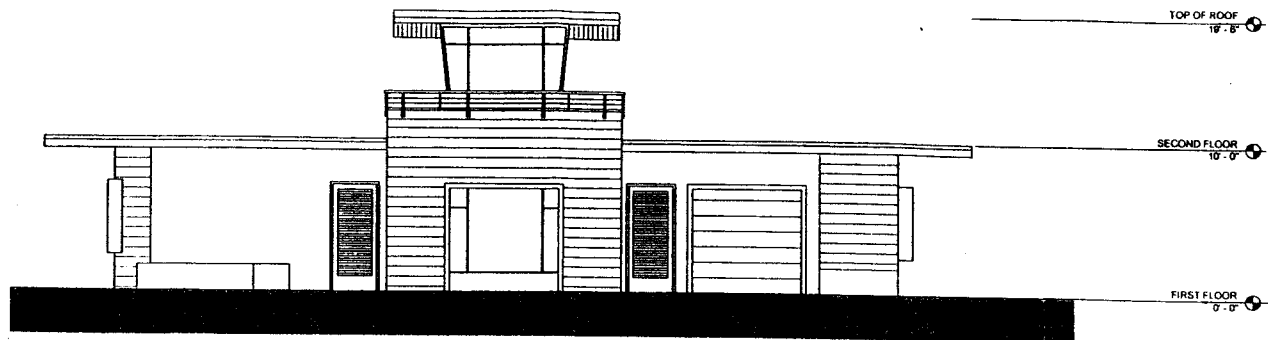


COASTAL COMMISSION
 EXHIBIT # 5-03-307
 PAGE 4 OF 5

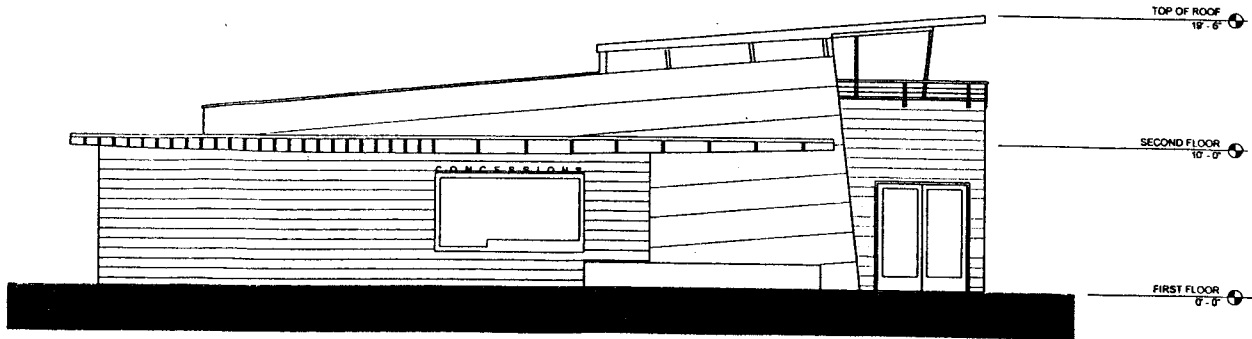
2 SECOND FLOOR PLAN
 1/4" = 1'-0"



1 FIRST FLOOR PLAN
 1/4" = 1'-0"



① SOUTH ELEVATION
1/4" = 1'-0"



② WEST ELEVATION
1/4" = 1'-0"

COASTAL COMMISSION
 EXHIBIT # 5-03-307
 PAGE 5 OF 5

CORONA DEL MAR STATE BEACH
 BEACHGOER AMENITY IMPROVEMENTS PROJECT

ELEVATIONS

A-1
 MAY 08, 2003



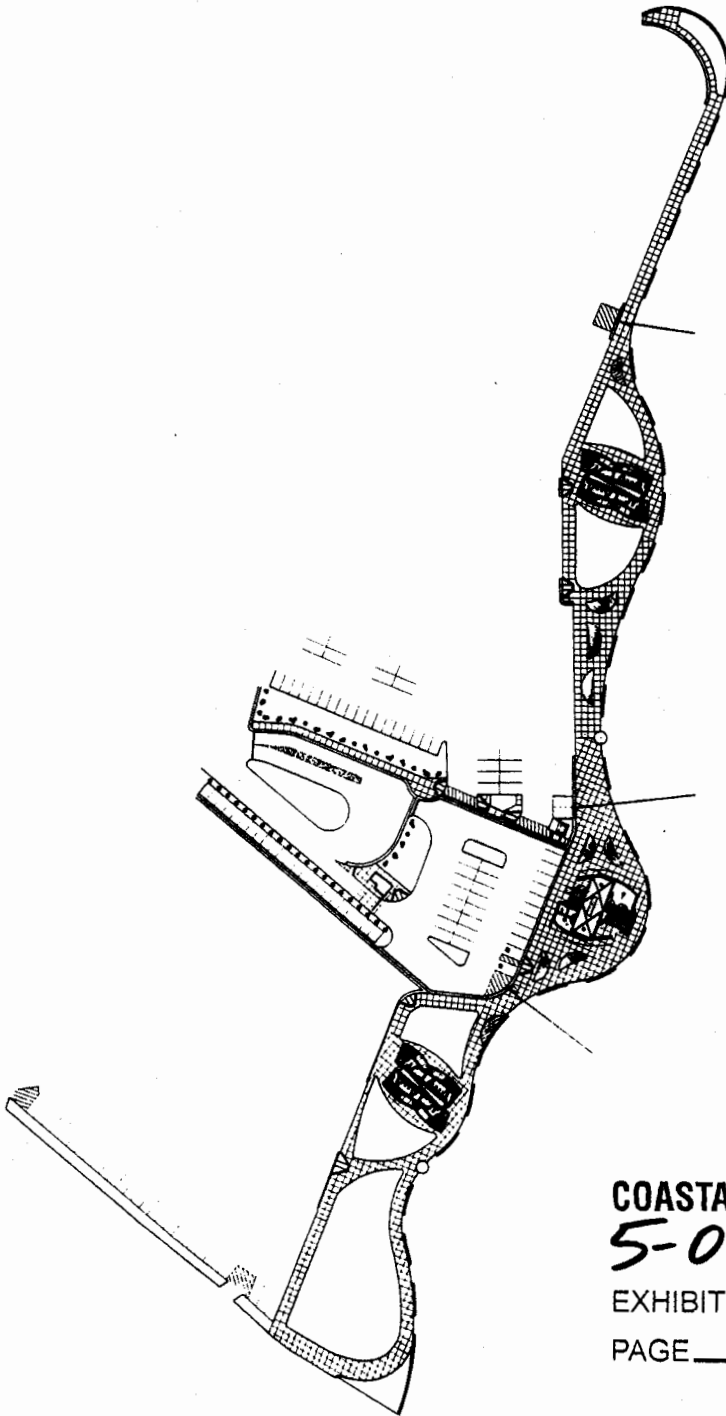
ROBBINS JORGENSEN CHRISTOPHER





TABULATIONS:

EXISTING PARKING SPACES (ACCESSIBLE SPACES=)	536
PROPOSED PARKING (ACCESSIBLE SPACES=11)	540
SURPLUS	4



3. CURRENT PROPOSAL - NO NET SAND LOSS

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 PAGE 1 OF 1



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EXHIBIT # 5

PAGE 1 OF 4

3151 Airway Avenue, Suite J-1

Costa Mesa, CA 92626

Bus: (714) 438-1095

Fax: (714) 438-1097

DBE/WBE CERTIFIED

To: Fern Calderon
RobbinsJorgensenChristopher
2800 Lafayette, Newport Beach, CA92663

From: François Zugmeyer

Job No.: 253-01-03

Date: December 12, 2003

Re: Corona del Mar State Beach
California Coastal Commission
Permit Application No.5-03-307

cc: Marie Marston

For Your Info For Review At your Request Please Reply Please Return For Your Use

Below is the response to the California Coastal Commission, Notice of Incomplete Application letter, item 4. Water Quality, dated August 27, 2003, per your request:

The Corona del Mar State Beach proposed improvements are located between a paved parking area and the beach itself. The general disposition of the site, drainage boundaries, direction of flow and location of proposed improvements are shown on "Exhibits A & B" attached.

Existing Conditions:

The drainage area to the existing curb, between the parking area and the beach, is approximately 6.5 acres. The existing drainage is accomplished mainly by surface flow to the beach. An existing concrete lined swale at the western limit of the drainage boundary was built to convey runoff mainly from off-site areas on the bluff draining to Ocean Boulevard.

The western portion of the parking lot, approximately 2.3 acres of sub-area A, drains to a curb inlet near the existing bathroom facilities. The catch basin outlets to the Newport Bay Harbor entrance through an underground pipe. The access ramp from Ocean Boulevard to the beach, entrance ticket booth and turn around area, approximately 1.5 acres of sub-area B, drains directly to the beach through the emergency access concrete driveway. The center portion of the parking area, approximately 1.3 acres of sub-area C, drains to the beach through a parkway culvert at the southwestern corner of the area. The eastern portion of the parking area, approximately 1.4 acres of sub-area D, drains to the beach through a parkway culvert at the middle of the area.

Proposed Conditions:

The overall drainage area and hydrology of the site will not be affected by the proposed improvements. As shown on Exhibit B, existing sub-areas B & C are combined into 2.8 acres of sub-area B and existing sub-area D is renamed sub-area C.

The construction of the proposed curb and sidewalk should not require relocation of the swale to the west but only parking stalls re-striping. The proposed improvements do not impact the storm runoff conveyed by this drainage facility in amount and quality.

According to the State Water Quality Control Board, construction temporary and post construction permanent Best Management Practices (BMP's) will be implemented for this project.

MEMORANDUM

Temporary BMP's:

The construction documents will include an erosion control plan specifying location of sand bags or silt fences to either contain the potential runoff generated in the construction area or divert runoff away from the disturbed area. Similar methods will be used for the construction staging area. The proposed improvements will take place over an area exceeding 3 acres and a Storm Water Pollution Prevention Plan (SWPPP) will be prepared and included in the construction bid package. The SWPPP will include requirements related to hazardous material handling, equipment maintenance and washing, routine inspection check lists for the rainy season.

Permanent BMP's:






The City of Newport Beach has been implementing the installation of catch basins filter inserts. The Ultra-Urban[®] Filter with Smart Sponge[®], developed and manufactured by AbTech Industries, has been used for effective filtration, efficient application, and moderate maintenance. The Ultra-Urban[®] Filter captures oil, grease, trash, and sediment from stormwater runoff before it enters the storm drain system. Trash and sediment accumulate in the internal basket while oil and grease are captured in the filtration media.

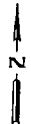
This insert is proposed for the existing inlet at the western corner of the project. Inlets and storm drain are not available at the two other locations. At these two locations, it is proposed to install a bypass inlet with a filter insert hooked-up to a leach line which length and size will be determined during design. The low flows will be directed to the bypass inlet. There, the filter insert will intercept pollutants such as trash and oils. The beach sand will provide good permeable material for the remainder runoff going to the leach line. Following the "first flush", for storm peaks exceeding the capacity of the system, runoff will bypass the system and remain as surface flow.

Other common BMP's will be used. These BMP's include regular sweeping of the site, filter inserts maintenance, facilities maintenance, training of staff, training of concessions merchants and providing water quality information to beach goers. Concessions, bathrooms and life guard building will be hooked-up to the existing sewer system serving the area.

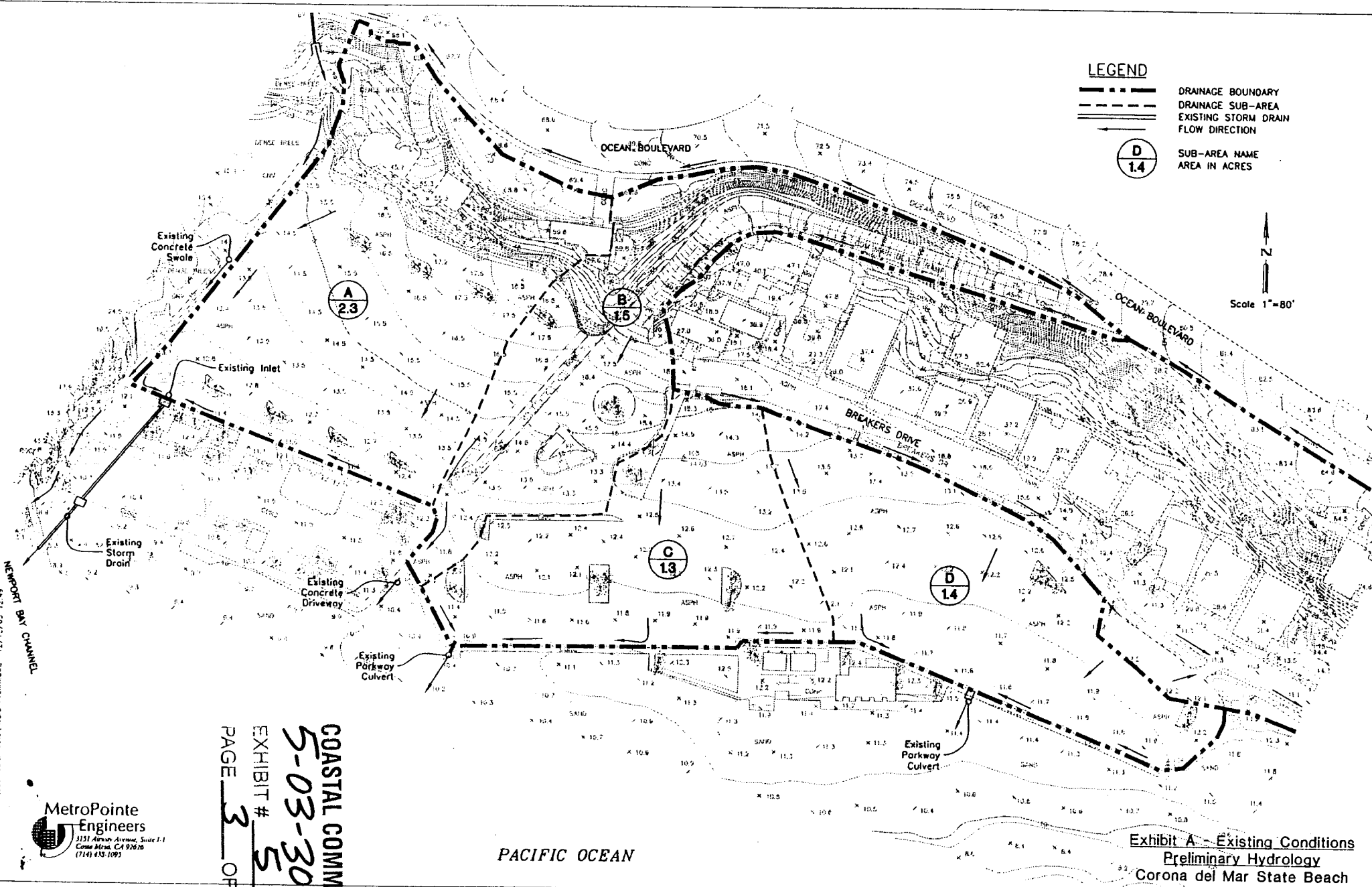
COASTAL COMMISSION
5-03-307
EXHIBIT # 5
PAGE 2 OF 4

LEGEND

-  DRAINAGE BOUNDARY
-  DRAINAGE SUB-AREA
-  EXISTING STORM DRAIN
-  FLOW DIRECTION
-  SUB-AREA NAME
AREA IN ACRES



Scale 1"=80'



COASTAL COMMISSION
EXHIBIT # 5
PAGE 3 OF 4
5-03-307

MetroPoint
Engineers
3151 Arroyo Avenue, Suite 1-1
Corona del Mar, CA 92626
(714) 418-1095

Exhibit A - Existing Conditions
Preliminary Hydrology
Corona del Mar State Beach

\\sps01\01\03\Coastlines\Mapa_Prelim.dwg 12/12/03 12:49
NEWPORT BAY CHANNEL

LEGEND

- DRAINAGE BOUNDARY
- - - DRAINAGE SUB-AREA
- EXISTING STORM DRAIN
- FLOW DIRECTION
- (D) SUB-AREA NAME
- 1.4 AREA IN ACRES

Scale 1"=80'

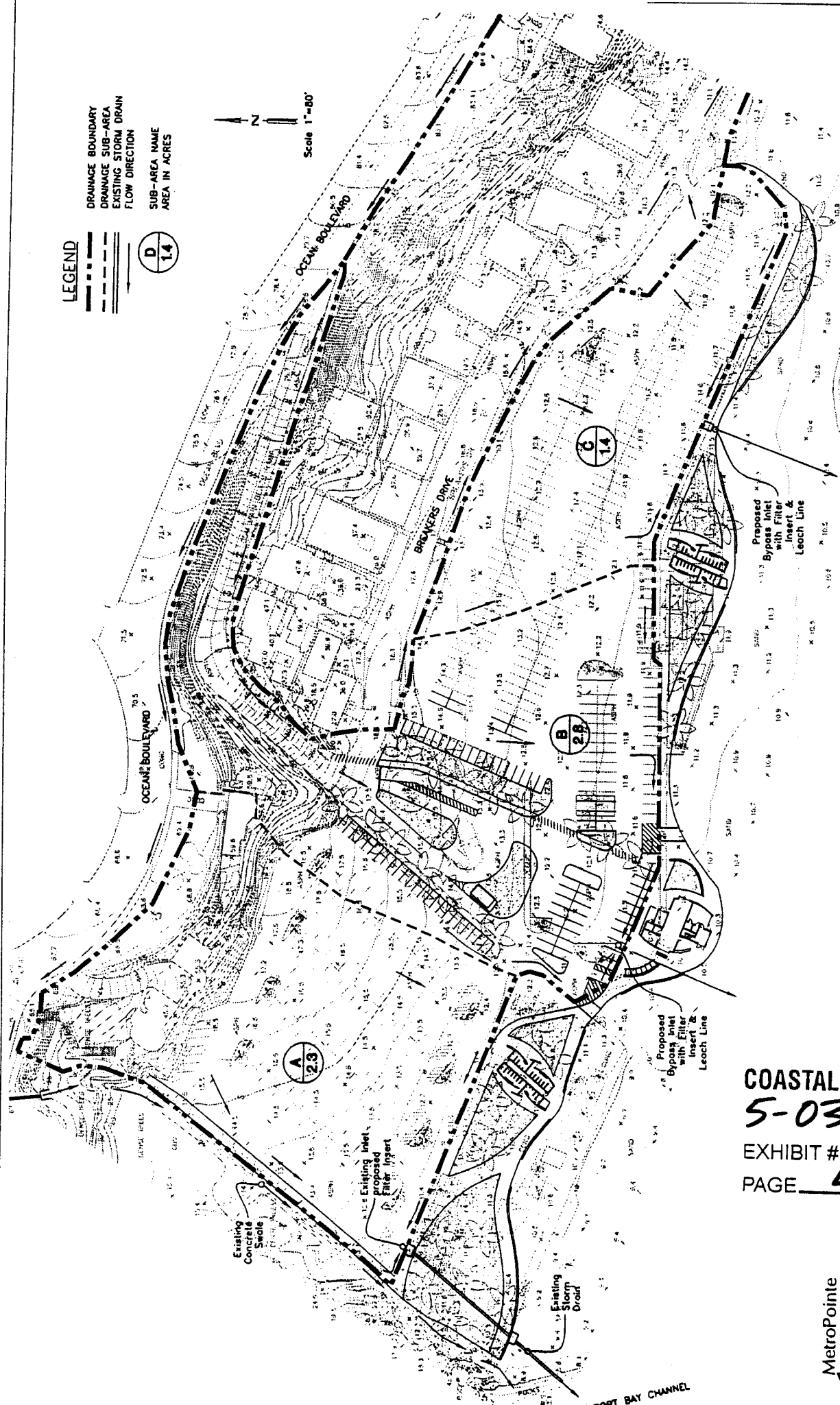


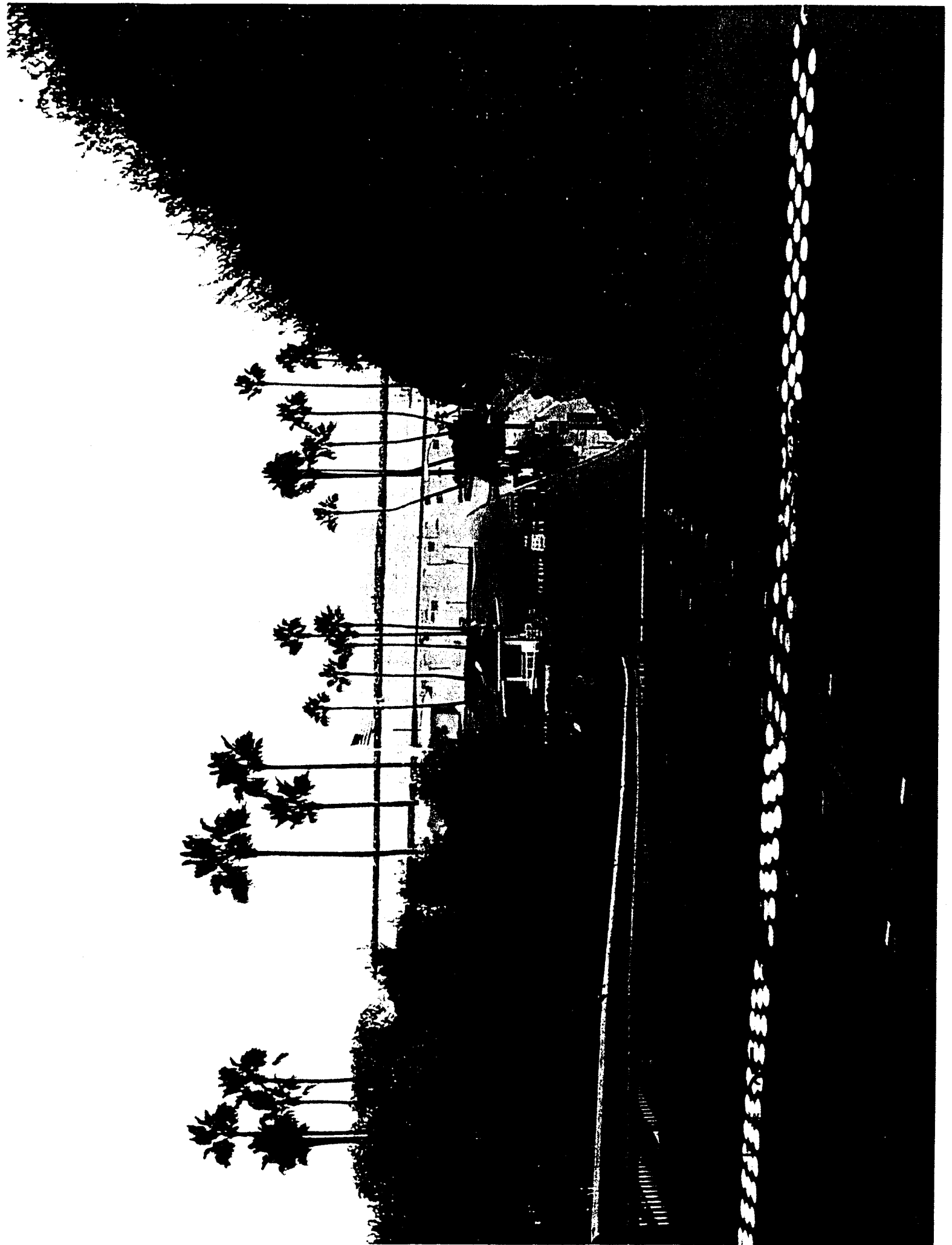
Exhibit B - Proposed Conditions
 Preliminary Hydrology
 Corona del Mar State Beach

PACIFIC OCEAN

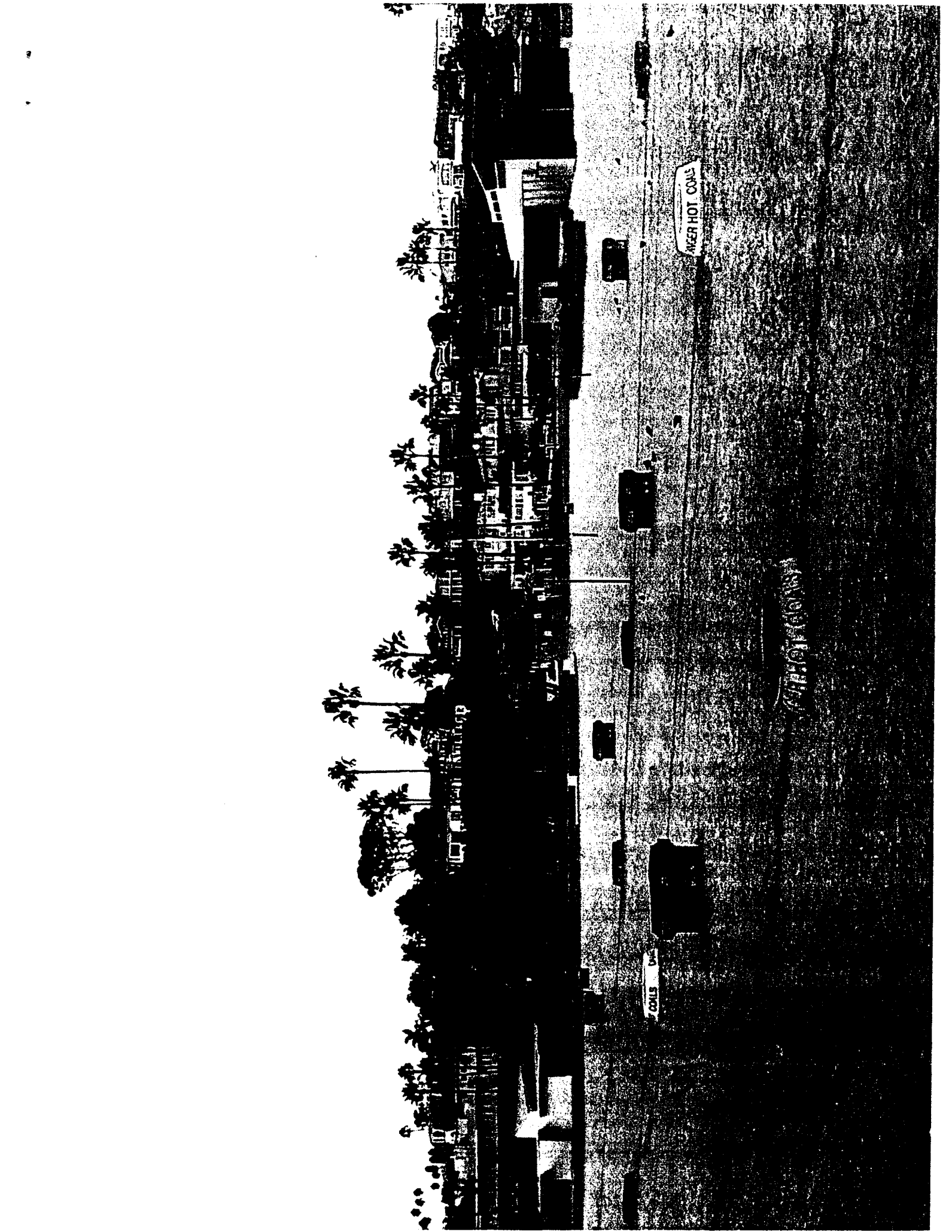
COASTAL COMMISSION
 5-03-307
 EXHIBIT # 5
 PAGE 4 OF 4

MetroPointe
 Engineers
 1111
 Corona del Mar, CA 92626
 (714) 438-1091

NEWPORT BAY CHANNEL







AFER HOT COAS

COAS D-C

AFER HOT COAS

