

CALIFORNIA COASTAL COMMISSION

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49th Day: October 9, 2006
180th Day: February 17, 2007
Staff: Fernie Sy-LB
Staff Report: January 25, 2007
Hearing Date: February 14-16, 2007
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-06-255

APPLICANTS: Harpreet Singh & Gurlal Singh

AGENT: Michael Blakemore Architecture, Attn: Michael Blakemore

PROJECT LOCATION: 510 East Balboa Boulevard, City of Newport Beach (Orange County)

PROJECT DESCRIPTION: Demolition of an existing one-story commercial building and construction of a new 5,150 square foot, two-story mixed use building consisting of a residential unit above a ground level commercial use. The building will be approximately 28-feet above grade and will provide of a total of thirteen (13) parking spaces. Hardscape and landscape work is also proposed. No grading is proposed.

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves the demolition and construction of a new mixed use building. The major issues before the Commission relate to adequate parking and water quality. Staff is recommending **APPROVAL** of the proposed project subject to **FIVE (5) SPECIAL CONDITIONS** requiring: **1)** additional approvals for any future development; **2)** submittal of a Parking Management and Signage Plan; **3)** construction-phase best management practices; **4)** submittal of a Final Drainage and Run-Off Control Plan; and **5)** submittal of a Revised Landscape Plan.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan and has not exercised the options provided in 30600(b) or 30600.5 to issue its own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

LOCAL APPROVALS RECEIVED: Approval-in-Concept (No. 1067-2006) from the City of Newport Beach Planning Department dated June 21, 2006.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; Letter from Commission staff to Michael Blakemore dated August 2, 2006; and Letter from Michael Blakemore to Commission staff dated August 18, 2006.

LIST OF EXHIBITS

1. Vicinity Maps
2. Site Plan
3. Floor Plans
4. Elevations

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-06-255 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

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. FUTURE DEVELOPMENT

This permit is only for the development described in Coastal Development Permit No. 5-06-255. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-06-255. Accordingly, any future improvements to the mixed use building authorized by this permit, including repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-255 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. PARKING MANAGEMENT AND SIGNAGE PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, two (2) full sized copies of a Parking Management and Signage Plan. The plan shall be prepared by a qualified professional and shall include the following:

- (1) Provisions, such as but not limited to, instructions/training and signage to ensure that a) employees of the commercial use park in the interior spaces of the two (2) sets of tandem parking spaces that are designated for the commercial use; b) patrons of the commercial use are allowed to park behind the employees; c) one (1) set of the tandem parking spaces will be limited to the exclusive use of the residents of the upper residential unit.

The project plans shall include, at a minimum, the following components: a sample of each sign and/or stencil and a site plan depicting the location of each sign and/or stencil. Signage shall be posted that specifies allowable use of each parking space (including day and time of availability) and applicable restrictions. The signs shall be clearly visible to motorists from the frontage street and alley.

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

3. CONSTRUCTION BEST MANAGEMENT PRACTICES

A. The permittees shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) 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;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicants shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicants shall develop and implement spill prevention and control measures;
- (3) The applicants shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicants shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

4. FINAL DRAINAGE AND RUN-OFF CONTROL PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittees shall submit for the review and approval of the Executive Director, two (2) full sized copies of a Final Drainage and Run-off Control Plan for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The final plan shall be in substantial conformance with the Drainage and Run-Off Control Plan received August 21, 2006. In addition, the plan shall be in substantial conformance with the following requirements:

- (1) The plan shall incorporate appropriate Best Management Practices (BMPs) into the development, designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site.
- (2) Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- (3) Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized through the use of low-maintenance landscaping and efficient irrigation technology or systems.
- (4) Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
- (5) All structural and/or treatment control BMPs shall be designed, installed, and maintained for the life of the project in accordance with well-recognized and accepted design principles and guidelines, such as those contained in the California Stormwater Quality Association Best Management Practice Manuals.

B. The permittees shall undertake development in accordance with the approved 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 required.

5. REVISED LANDSCAPE PLAN

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit, for the review and approval of the Executive Director, two (2) full sized copies of a Revised Landscape Plan that demonstrate the following:

- (1) The plan shall demonstrate that:

- (a) All landscaping shall consist of native and/or non-native drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn't meet the above requirements shall be removed.
 - (b) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (c) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (2) The plan shall include, at a minimum, the following components:
- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.
- B.** The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan 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.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

1. Project Location

The project site is located at 510 East Balboa Boulevard in the City of Newport Beach, Orange County (Exhibit #1). The project site is 8,400 square feet in size and the City of Newport Beach Land Use Plan (LUP) designates use of the site for General Commercial with restrictions on use of the lower floor for visitor serving commercial purposes and an allowance for use of upper floors for residential use, and the proposed project adheres to this designation. To the north of the project site is an alley and other commercial buildings. To the east of the project site is Palm Street. To the south of the site is East Balboa Boulevard. To the west of the site are an alley and other commercial development. The subject site is located approximately 300-feet inland of the beach located toward the south and about 350-feet inland of the bay located toward the north.

2. Project Description

The proposed project consists of demolition of an existing 2,000 square foot one-story commercial building (market) that is approximately 30 years old and construction of a new 5,150 square foot, two-story mixed use building consisting of a residential unit (2,617 square feet) above a ground level commercial use (market) (2,533 square feet) (Exhibits #2-4). In addition, there will be a total of 421 square feet of 2nd floor terraces and a 375 square foot 3rd floor terrace. The building will be approximately 28-feet above grade and will provide a total of thirteen (13) parking spaces. Six (6) of the thirteen parking spaces are in a tandem configuration (i.e. three (3) sets having two (2) tandem spaces apiece). Two of the three tandem sets is designated for the commercial development and one of the tandem sets of parking spaces is for the residence. Hardscape and landscape work is also proposed. Three (3) of the parking spaces are covered and ten (10) of the parking spaces are uncovered. No grading is proposed.

B. PUBLIC ACCESS

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

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

(2) adequate access exists nearby...

Section 30222 of the Coastal Act 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 of the Coastal Act states, in relevant part:

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

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

One of the strongest legislative mandates of the Coastal Act is the preservation of coastal access. Section 30252 of the Coastal Act requires that new development maintain and enhance public access to the coast by providing adequate parking or alternative means of transportation. When new development does not provide adequate on-site parking and there are inadequate alternative means of reaching the area (such as public transportation), users of that development are forced to occupy public parking that could be used by visitors to the coast. A lack of public parking and public transportation will discourage visitors from coming to the beach and other visitor-serving activities in the coastal zone. A parking deficiency will therefore have an adverse impact on public access. Until adequate public transportation is provided, all private development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

The City of Newport Beach attracts visitors year round due to its unique recreational opportunities, large harbor and marina facilities, and its coastal amenities. Like many beach communities, Newport Beach receives an annual influx of visitors during the summer. The project site and its immediate vicinity are characterized by mixed commercial recreational and residential uses in the area known as "Balboa Village". This area is a popular destination point for the public to come and enjoy the visitor and recreational facilities because it is sited near the Balboa Pier, Peninsula Park, and "Oceanfront," which serves as a major pedestrian path for the public in this area. Surrounding uses include retail and service commercial uses, restaurants, residential developments and to a large extent visitor and recreational facilities. The City of Newport Beach Land Use Plan (LUP) designates use of the project site for General Commercial with restrictions on use of the lower floor for visitor serving commercial purposes and an allowance for use of upper floors for residential use, and the proposed project adheres to this designation. The proposed project would be consistent with the LUP and the surrounding uses since it is proposing a "market" on the ground level (currently, a one-story market exists on site). The "market" provides an opportunity for visitors to purchase items that will help them enjoy the visitor and recreational facilities located in the area. Residential units are not allowed on the ground floor since they are not a visitor serving commercial use, but the LUP does allow them above commercial uses, such as the proposed project. Locating the commercial development on the first floor is consistent with the LUP and Coastal Act since it places higher priority use on the more easily accessible lower floor and the lower priority use on the upper floor. The project site also lies along Balboa Boulevard, which is a major arterial route for public access to the coastal opportunities located on the Balboa Peninsula.

Due to its location (approximately 300-feet inland of the beach and about 350-feet inland of the bay), the project site is ideally suited to support visitors to the beach, bay and the coastal community. The immediate project vicinity consequently experiences high traffic volumes during the summer months. A lack of public parking discourages visitors from coming to the beach and other visitor-serving activities in the coastal zone. The lack of parking would therefore have an adverse impact on public access. All development must, as a consequence, provide adequate on-site parking to minimize adverse impacts on public access.

The applicants propose two types of land uses on-site, 1) commercial and 2) residential. The commercial component would be located on the ground floor and the residential unit would be located above. A total of thirteen (13) parking spaces will be provided on site (11 parking spaces for the commercial use and 2 parking spaces for the residential use). The proposed parking is consistent with the parking standards/requirements in the certified Land Use Plan (LUP), which requires 1 parking space per 225 square feet of commercial space and 2 parking spaces per residential unit. Thus, with the proposed project, there is no significant potential for adverse impacts to public beach access as a result of any parking deficiency. However, to assure that

future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **SPECIAL CONDITION NO. 1**, which is a future improvements special condition.

Though the parking proposed by the applicants is numerically adequate, there is a concern regarding the feasibility of the parking arrangement. The proposed parking management system, besides relying on normal parking stalls, also relies on some tandem parking spaces for the commercial uses and residential uses, which makes ingress and egress difficult. For example, employees and potential customers may be hesitant to pull forward to the more interior parking space for fear of getting “trapped” by someone parking behind them in the other 'tandem' parking stall. Potential customers would then park in off-site public spaces instead and thus adversely impact public parking.

To assure that the parking arrangement is rational and that customers of the proposed development will have adequate, usable parking available, the applicants must submit a Parking Management and Signage Plan. To minimize adverse impacts to public access resulting from a lack of public parking, the Commission imposes **SPECIAL CONDITION NO. 2**, which requires the submittal of a Parking Management and Signage Plan. This Plan shall include, but not limited to, 1) instruction to employees to use the parking spaces within the interior areas during normal business hours so they do not block customers, 2) instruction to patrons of the commercial use that they are allowed to park behind the employees and 3) signage to be placed on the exterior walls of the building and/or on posts (frontage street and alley) to inform customers where to park and the times the parking is available. In addition to the exterior wall/post signs, the applicants may also propose to designate parking spaces for employees and customers by stenciling labels on the pavement.

CONCLUSION

To minimize the adverse impacts upon the public access, **TWO (2) SPECIAL CONDITION** has been imposed. **SPECIAL CONDITION NO. 1** requires additional approvals for any future development identifies construction-phase best management practices. **SPECIAL CONDITION NO. 2** requires submittal of a Parking Management and Signage Plan. Only as conditioned does the Commission finds that the proposed project is consistent with Sections 30212, 30222, and 30252 of the Coastal Act.

C. WATER QUALITY AND THE MARINE ENVIRONMENT

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.

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

1. Construction Impacts to Water Quality

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **SPECIAL CONDITION NO. 3** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. This condition requires the applicants to remove any and all debris resulting from construction activities within 24 hours of completion of the project. In addition, all construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

2. Post-Construction Impacts to Water Quality

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

associated with the proposed project include grease, motor oil, heavy metals, trash, pesticides and fertilizer.

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

The proposed project is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality. The currently proposed project drains a new parking lot, paved walkways, landscaped areas and a new building. As such, appropriate measures must be taken to assure that adverse affects on water quality are minimized. In order to deal with these post construction water quality impacts, the applicants have submitted a Drainage and Run-Off Control Plan received August 21, 2006. Currently, the site is 100% impermeable surfaces with sheet drainage to the City storm drain system. In the proposed project, the applicants intend to utilize infiltration chambers onsite with permeable paving materials in the parking and drive areas. All site drainage will be directed to area drains which in turn are connected to the infiltration chambers. In the event that naturally occurring rain water overwhelms the system, overflow pipes are located in adjacent planters. In addition, the access points to parking areas will utilize a roll curb to assist in containing water onsite and filtering it through the infiltration chambers. While these measures to deal with post construction water quality are acceptable, additional measures are necessary, such as minimization of irrigation and the use of fertilizers and other landscaping chemicals through the use of low-maintenance landscaping and efficient irrigation technology or systems and that trash, recycling and other waste containers, as necessary, shall be provided on site. Therefore, the Commission imposes **SPECIAL CONDITION NO. 4**, which requires the applicants to submit a Final Drainage and Run-Off Control Plan.

The applicants have stated that landscaping is proposed and plans have been submitted. The placement of any vegetation that is considered to be invasive which could supplant native vegetation should not be allowed. Invasive plants have the potential to overcome native plants and spread quickly. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org) in their publications. Furthermore, any plants in the landscape plan should only be drought tolerant to minimize the use of water (and preferably native to coastal Orange County). The term drought tolerant is equivalent to the terms 'low water use' and 'ultra low water use' as defined and used by "A Guide to Estimating Irrigation Water Needs of Landscape Plantings in California" prepared by University of California Cooperative Extension and the California Department of Water Resources dated August 2000 available at <http://www.owue.water.ca.gov/landscape/pubs/pubs.cfm>.

Commission staff has reviewed the submitted Landscaping Plan and determined that non-drought tolerant plants have been found: *Cycas Revoluta* (*Sago Palm*) and *Hemerocallis* "*Lee Bea*" *Orange Crush* ("*Lee Bea*" *Orange Crush Daylily*). Therefore, the Commission

imposes **SPECIAL CONDITION NO. 5**, which requires the applicants to submit a Revised Landscaping Plan, which consists of native and/or non-native drought tolerant non-invasive plants.

CONCLUSION

To minimize the adverse impacts upon the marine environment, **THREE (3) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 3** identifies construction-phase best management practices. **SPECIAL CONDITION NO. 4** requires the applicants to submit a Final Drainage and Run-Off Control Plan. **SPECIAL CONDITION NO. 5**, requires the applicants to submit a revised Landscape Plan, which only consists of native and/or non-native drought tolerant non-invasive plants. Only as conditioned does the Commission find that the proposed project is consistent with Section 30230, 30231 and 30232 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

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

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. Since the City only has an LUP, the policies of the LUP are used only as guidance. The Newport Beach LUP includes the following policies, among others, that relate to development at the subject site:

Visitor-Serving and Recreational Development, Policy 2.3.1-3 states,

On land designated for visitor-serving and/or recreational uses, give priority to visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over other commercial uses, except for agriculture and coastal-dependent industry.

Visitor-Serving and Recreational Development, Policy 2.3.1-7 states,

Prohibit the following non-priority commercial uses on the ground floor of commercial properties within the primary visitor-serving areas of McFadden Square (PSA 3) and Balboa Village (PSA 4), and along Marine Avenue (PSA 7):

- A. *Daycare*
- B. *Residential Care*
- C. *Building Materials and Services*
- D. *Funeral and Internment Services*
- E. *Laboratories*
- F. *Health/Fitness Clubs*
- G. *Research and Development*

- H. SRO Residential Hotels
- I. Industry
- J. Mining and Processing
- K. Clubs and Lodges
- L. Government Offices
- M. Religious Assembly
- N. Major Utilities
- O. Animal Hospitals
- P. Maintenance and Repair Services
- Q. Offices, Business and Professional (not serving visitors)
- R. Vehicle Sales
- S. Vehicle Storage

Parking, Policy 2.9.3-3 states,

Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations in the Zoning Code as of October 13, 2005.

Public Access and Recreation, Policy 3.1.1-1 states,

Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal parks, and trails.

Water Quality, Policy 4.3.2-14 states,

Whenever possible, divert runoff through planted areas or sumps that recharge the groundwater dry wells and use the natural filtration properties of the earth to prevent the transport of harmful materials directly into receiving waters.

Locating the commercial development on the first floor is consistent with Policies 2.3.1-3 and 2.3.1-7 since it places higher priority (visitor serving commercial) use on the more easily accessible lower floor and the lower priority use on the upper floor. The parking for the proposed project is consistent with the parking standards/requirements in the certified Land Use Plan, thus the project is consistent with Policy 2.9.3-3. By being consistent with the parking standards of the LUP and conditioning the project for a future improvements special condition submittal of a Parking Management and Signage Plan, the project is consistent with Policy 3.1.1-1. By conditioning the project for submittal of a Final Drainage and Run-Off Control Plan, the project is consistent with Policy 4.3.2-14. The proposed development, as conditioned, 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.

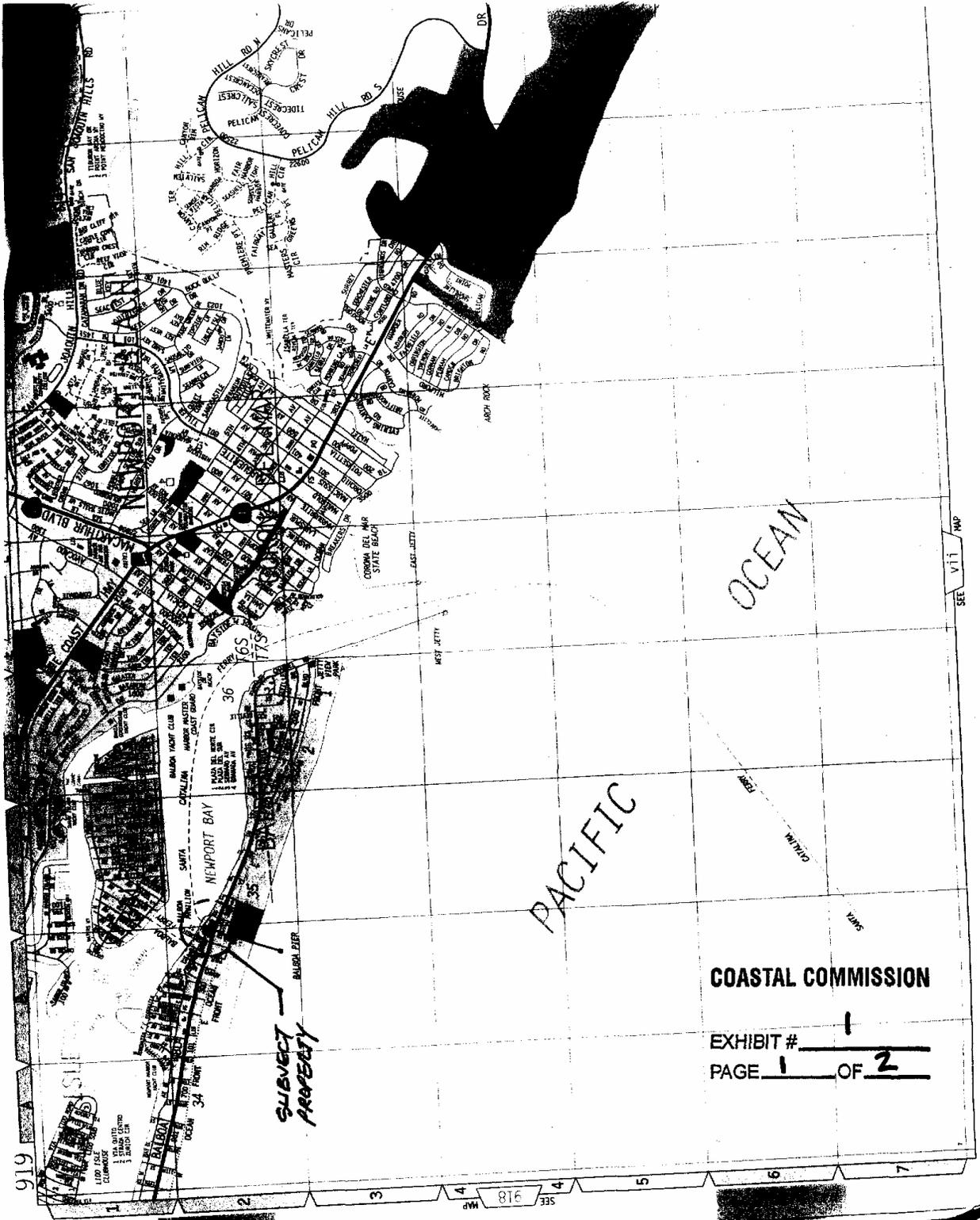
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or further feasible

mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the water quality, access and geology policies of Chapter 3 of the Coastal Act. Mitigation measures include special conditions requiring additional approvals for any future development, submittal of a Parking Management and Signage Plan, construction-phase best management practices, submittal of a Final Drainage and Run-Off Control Plan; and submittal of a Revised Landscape Plan.

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.



COASTAL COMMISSION

EXHIBIT # 1
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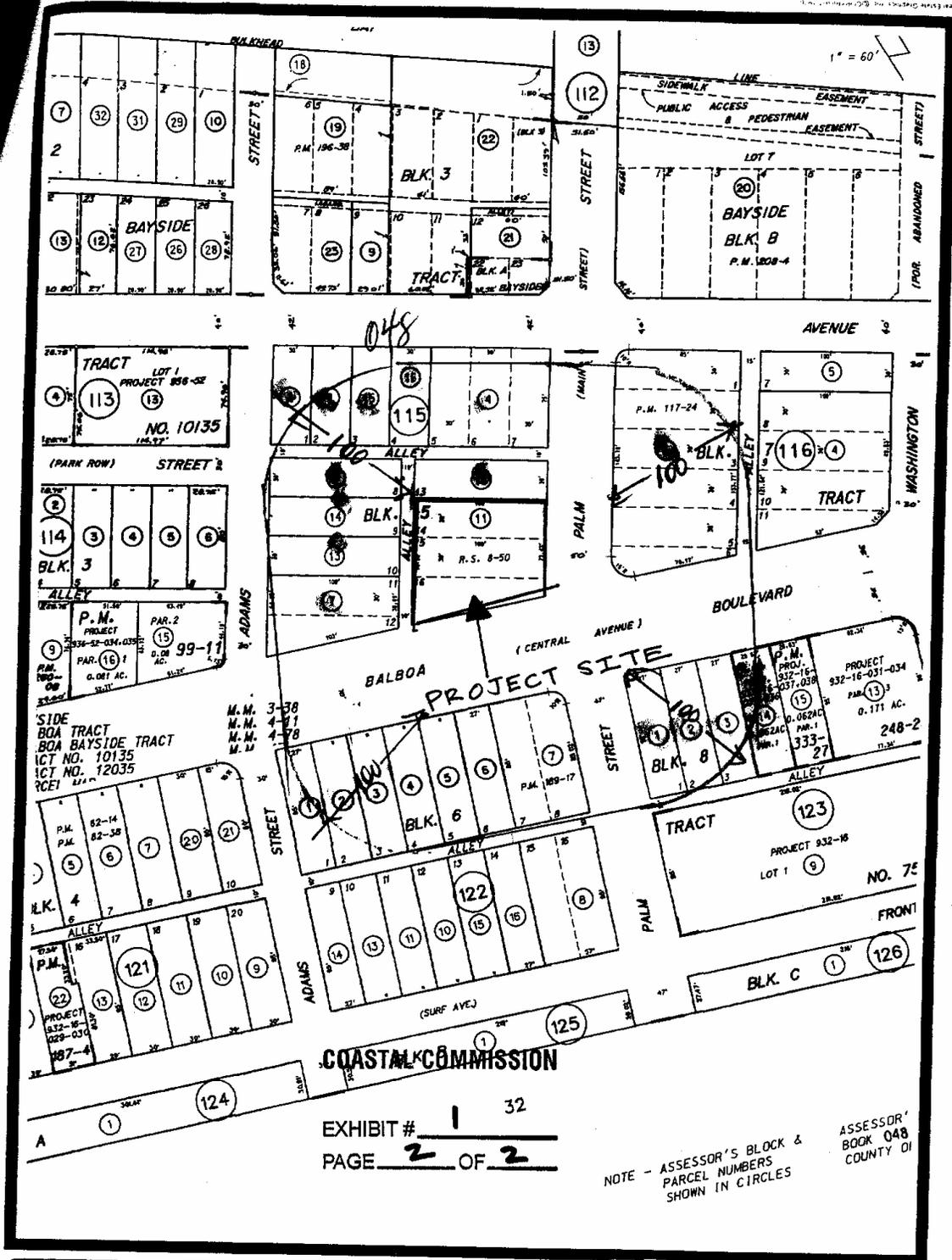


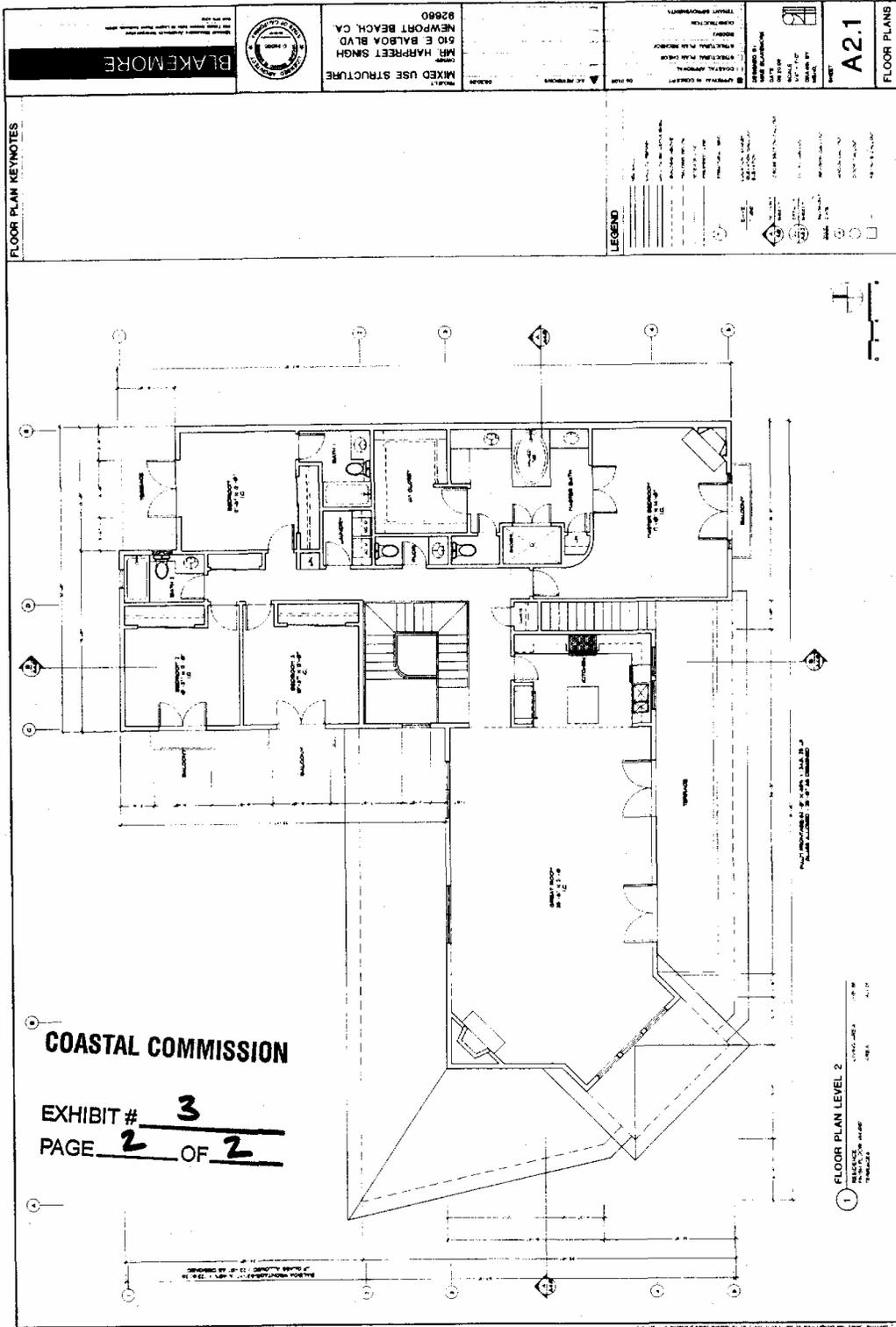
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NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

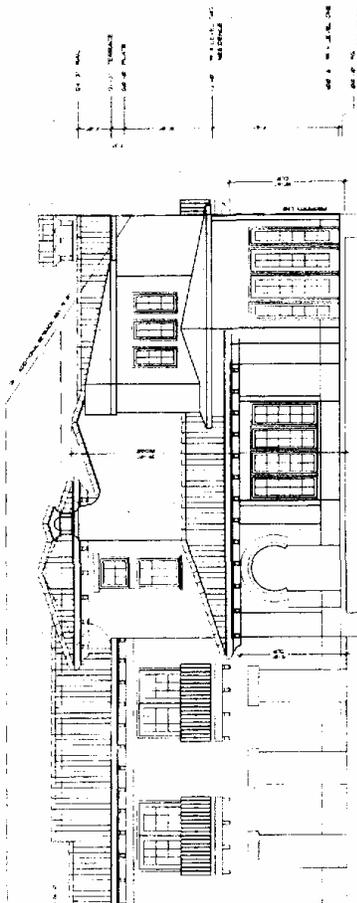
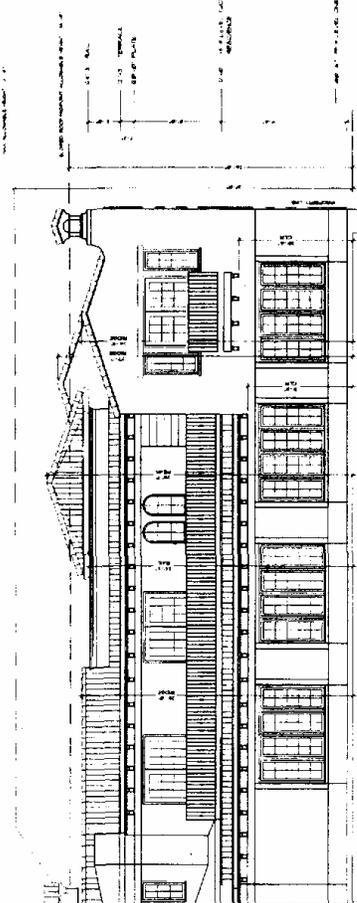
ASSESSOR'S BOOK 048 COUNTY OF

Ownership Map

SUSAN W. CASE, INC.
 917 GLENNEYRE ST #7
 LAGUNA BEACH CA 92651



<p>BLAKEMORE</p>		<p>MIXED USE STRUCTURE MR. HARPREET SINGH 510 E BALBOA BLVD NEWPORT BEACH, CA 92660</p>	<p>DATE: 05/06/2015 SCALE: AS SHOWN PROJECT: 5-06-255</p>	<p>APPROVAL IN CONCRETE CONCRETE APPROVAL STRUCTURAL APPROVAL ELECTRICAL APPROVAL MECHANICAL APPROVAL PLUMBING APPROVAL FIRE APPROVAL ENVIRONMENTAL APPROVAL ARCHITECTURAL APPROVAL</p>	<p>A3.0 ELEVATIONS</p>
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 <p>WEST ELEVATION ①</p>	 <p>SOUTH ELEVATION ②</p>
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COASTAL COMMISSION
EXHIBIT # 4
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MATERIAL LEGEND

- BRICK: BRICK
- CONCRETE: CONCRETE
- GLASS: GLASS
- WOOD: WOOD
- ROOFING: ROOFING
- PAINT: PAINT
- IRON: IRON
- STEEL: STEEL
- ALUMINUM: ALUMINUM
- COPPER: COPPER
- ZINC: ZINC
- LEAD: LEAD
- OTHER: OTHER

