

**CALIFORNIA COASTAL COMMISSION**

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# F15d

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180th Day:	12/14/2013
Staff:	J. Del Arroz-LB
Staff Report:	10/24/2013
Hearing Date:	11/15/2013

## STAFF REPORT: CONSENT CALENDAR

<b>Application No.:</b>	<b>5-13-0417</b>
<b>Applicant:</b>	<b>City of Newport Beach</b>
<b>Location:</b>	1100 Superior Avenue, Newport Beach, Orange County (APNs 423-011-27, 424-041-13, 424-041-09)
<b>Project Description:</b>	Installation of a new concrete walkway, bench, trash receptacle, landscaping, irrigation system, and 290 cubic yards of cut and fill.
<b>Staff Recommendation:</b>	Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION:

The proposed project is the installation of park improvements and landscaping to an existing vacant lot located near Pacific Coast Highway, Hoag Memorial Hospital, and Sunset Ridge Park, in the City of Newport Beach, Orange County. The proposed project would enhance the public's ability to access the subject site and the existing, adjacent blufftop view trail above the lower campus of Hoag Memorial Hospital.

Therefore, staff is recommending **approval** of the proposed coastal development permit with **Three (3)** special conditions. The special conditions would: **1)** require conformance with submitted landscaping plans; **2)** require conformance with construction Best Management Practices; and **3)** notifies the applicant that future development on the site could require a Coastal Development Permit.

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### APPENDICES

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Exhibit 1 - Vicinity Map

Exhibit 2 – Site Plan

## I. MOTION AND RESOLUTION

### Motion:

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

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

### Resolution:

*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:

This permit is granted subject to the following 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 on which the Commission voted on the application. 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 of 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:

This permit is granted subject to the following special conditions:

1. **Landscaping Plans.** The applicant shall conform to the landscaping plan received on 10/23/2013 showing vegetated landscaped areas consisting of native plants or non-native drought tolerant plants, which are non-invasive. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), 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. All plants shall be low water use plants as identified by California Department of Water Resources (See:<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>). Existing vegetation that does not conform to the above requirements shall be removed.
2. **Construction Best Management Practices**
  - A. The permittee 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 applicant 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 applicant shall develop and implement spill prevention and control measures;
  - (3) The applicant 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 applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.
3. **Future Improvements Restriction.** This permit is only for the development described in Coastal Development Permit No. 5-13-0417. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. 5-13-0417 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

## IV. FINDINGS AND DECLARATIONS:

### A. PROJECT LOCATION & DESCRIPTION

The proposed project is located on a 18,000 square foot vacant lot at 1100 Superior Avenue, in the City of Newport Beach, Orange County. Sunset View Park is a blufftop view park which consists of a concrete walkway approximately 25 feet wide and 0.3 miles long on the bluff just to the north of Pacific Coast Highway and the lower campus of Hoag Memorial Hospital. The proposed project is located to the south of Sunset View Park's existing concrete walkway, and to the north of an existing cogeneration facility associated with Hoag Memorial Hospital (Exhibit 1). The site, which is currently used by the public for scenic views, has a land use designation of Parks and Recreation in the City's certified Land Use Plan.

The proposed project includes the installation of a new concrete sidewalk which runs up the slope of Superior Avenue to the existing blufftop concrete walkway, new landscaping and irrigation, and a new bench and trashcan (Exhibit 2). Grading for the project consists of 290 cubic yards of import, and 290 cubic yards of export.

Landscaping for the project site consists of non-invasive, drought-tolerant landscaping, which has been designed to blend in with the existing drought-tolerant non-invasive landscaping located along the rest of Sunset View Park, which was installed pursuant to CDP 5-08-221. The site currently consists of primarily ornamental and ruderal vegetation. An approximate 20'x20' area of Disturbed Menzie's goldenbush scrub, a type of California sagebrush scrub, is located at the southern edge of the project site. The City has proposed to avoid impacts to this native vegetation. Special Condition 1 would require the applicant to conform with the submitted plans.

The proposed project has the potential to result in erosion or other impacts which could result in impacts to water quality. To ensure that the proposed project does not result in impacts associated with polluted runoff, the Commission imposes Special Condition 2, requiring conformance with construction best management practices.

The proposed project would improve the public's ability to access the site and the scenic coastal views that the site provides. Future improvements to the site could result in impacts to the public's ability to access the area. Therefore, the Commission imposes Special Condition 3, notifying the applicant that future development on the site may require an amendment to this coastal development permit or a new coastal development permit.

## **B. PUBLIC ACCESS**

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast and nearby recreational facilities. Therefore, as proposed the development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

## **C. WATER QUALITY**

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

## **D. PARK AND HABITAT AREAS**

As conditioned, the development will not result in significant degradation of adjacent habitat, recreation areas, or parks and is compatible with the continuance of those habitat, recreation, or park areas. Therefore, the Commission finds that the project, as conditioned, conforms with Section 30240(b) of the Coastal Act.

## **E. LOCAL COASTAL PROGRAM (LCP)**

Section 30604 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 permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with the Chapter 3 policies of the Coastal Act.

The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. At the October 2009 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 proposed development is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Commission finds that the proposed development would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

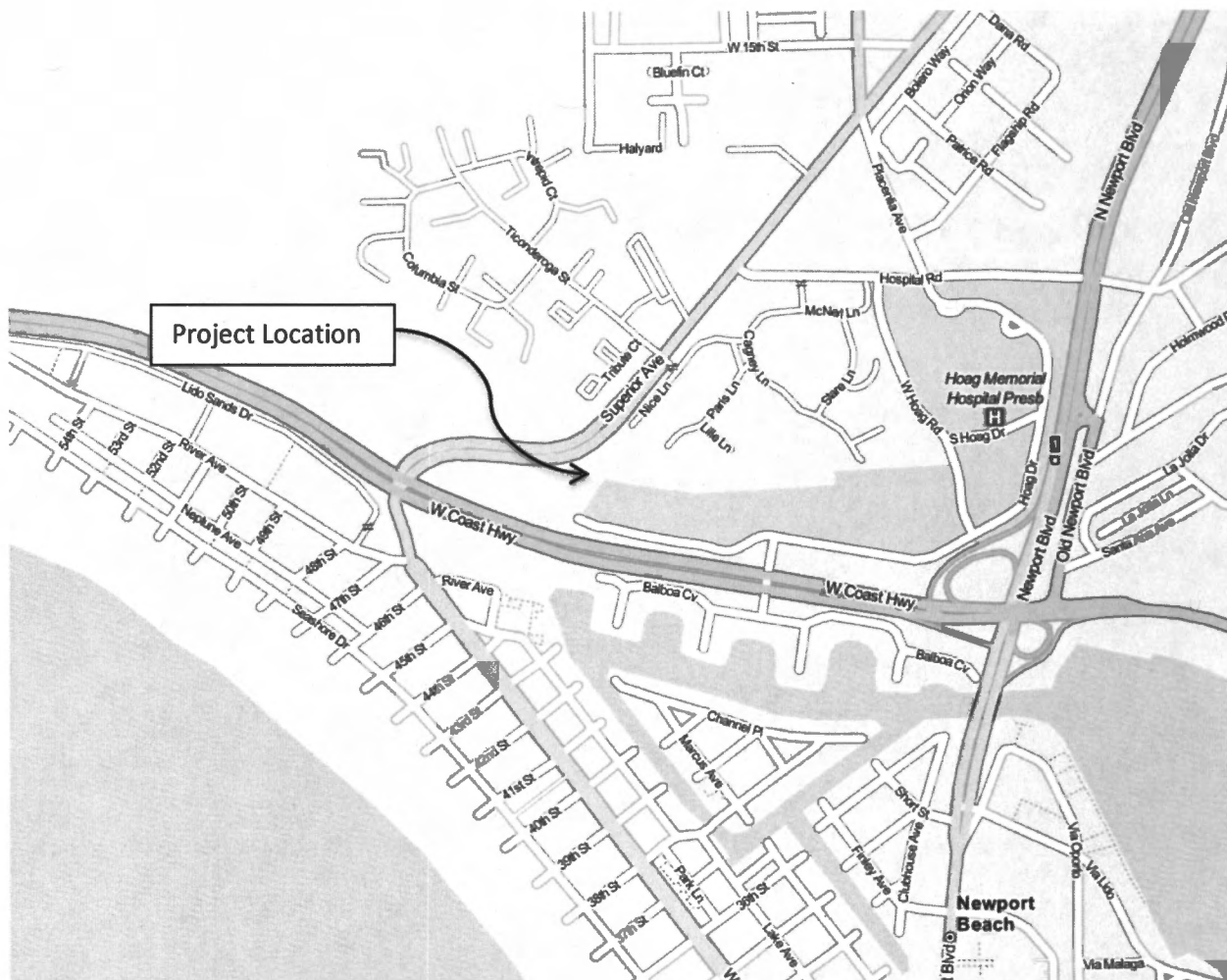
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the 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.

#### **Appendix A - Substantive File Documents**

- City of Newport Beach Approval In Concept dated 5/21/2013

**City of Newport Beach**

## Sunset View Park



### Vicinity Map

(Map Source: Mapquest)

**5-18-417**

**RECEIVED**  
South Coast Region

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EXHIBIT # 1  
PAGE 1 OF 1



Existing Concrete  
Drainage Channel

SUPERIOR AVE.

Fire Access Road

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EXHIBIT # 2  
PAGE 1 OF 1

Existing Residential  
Area

L.O.W.

L.O.W.

L.O.W.

Property Line

Concrete Slope w/  
Existing Fence  
(Protect In Place)

Existing Building

## Planting Concept Plan

Sunset View Park  
Concept Design  
Newport Beach, California

Prepared for:  
City of Newport Beach  
23 October 2013

### LEGEND

T Turf Area

M Myoporum parvifolium 'Pink'  
Pink Australian Rose

M Mimulus aurantiacus  
Sally Monkey Flower

O Osteospermum fruticosum  
Trailing African Daisy

P Phormium tenax 'Dazzler'  
New Zealand Flax

R Existing Rosmarinus officinalis  
Rosemary

EPTDESIGN

