

**CALIFORNIA COASTAL COMMISSION**

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



# W23a

Filed:	9/13/16
180th Day:	3/12/17
Staff:	A. Dobson-LB
Staff Report:	2/23/17
Hearing Date:	3/8/17

## STAFF REPORT: PERMIT AMENDMENT

<b>Application No.:</b>	<b>5-14-1785-A1</b>
<b>Applicant:</b>	<b>Olson Real Estate Group, Inc. dba R. D. Olson Development</b>
<b>Agent:</b>	Sherman Stacey, Gaines & Stacey LLP
<b>Project Location:</b>	3300 Newport Boulevard & 475 32 <sup>nd</sup> Street, City of Newport Beach, (Orange County)
<b>Description of Previously Approved Project:</b>	Demolish the existing public facilities structure (former City Hall) and construct a new, four-story (up to 65 feet high), 130-room hotel with 4,453 square feet of multi-function space, 3,195 square feet of restaurant, 856 square feet of retail floor area, and 148 on-site parking spaces. Reconfigure the public street parking on 32nd Street. Grading total: 6,640 cubic yards.
<b>Description of Amendment Request:</b>	Increase the gross square footage of the hotel from 98,625 to 103,470 square feet. No change to the number of hotel rooms, height, or setbacks. Increase of square footage will be limited to the first and second floors to expand the footprints of the lobby, offices, storage, restaurant and retail spaces. No change in parking requirements.

---

## SUMMARY OF STAFF RECOMMENDATION

The proposed amendment would expand the square footage of the 130-room Lido House Hotel, which consists of guest rooms, meeting space, retail, restaurants, pool and recreation area, and a roof top bar. The hotel is currently being constructed. The expansion of square footage would enlarge the footprints of the lobby, offices, storage, restaurant and retail spaces on the first floor, and two guest suites on the second floor. A total of 4,140 square feet will be added to the first floor, and 605 square feet will be added to the second floor. Because the City of Newport Beach LCP is now certified, the standard of review is the LCP. The project site is not between the sea and the first public road. The

project amendment is not currently consistent with the square footage allowed for the site according to the LCP, but it will be if the Commission approves the associated project specific LCP amendments: LUP Amendment No. 1-16 (LCP-5-NPB-16-0039-1) and IP Amendment No. 1-17 (LCP-5-NPB-17-0010-1), which would allow for a greater density of square footage on the site.

Staff is recommending **APPROVAL** of the coastal development permit amendment, as long as the Commission first approves the associated LCP amendments. The project then can be found consistent with the Newport Beach LCP, as amended. The original permit was held to the standard of review of Chapter 3 of the Coastal Act. However, since the permit was approved by the Commission in 2015, the City of Newport Beach's Coastal Zone has been certified. Therefore, now the standard of review for the permit amendment is the certified LCP.

The increase in square footage of the hotel does not present any inconsistencies with the LCP, as amended, or the Coastal Act. The permit amendment changes Special Condition #1 of the original permit, Future Development, changing the square footage of the hotel from 98,725 to 103,470 square feet in the description of the approved project, and Special Condition #8, Deed Restriction, requiring a recordation in the event that ownership of the land transfers from the City to another entity that includes a set of these revised conditions. A final condition will need to be added to the permit through this amendment. That new condition, #9, will indicate that the permit amendment is not effective until the LCP changes have been certified by the Commission. These changes are shown in ~~striketrough~~ for deletions and **bold/underline** for additions.

As conditioned, the project can be found consistent with the LCP, and staff recommends **approval** of the permit amendment.

**TABLE OF CONTENTS**

**I. MOTION AND RESOLUTION ..... 4**

**II. SPECIAL CONDITIONS..... 4**

**III. FINDINGS AND DECLARATIONS..... 11**

    A. PROJECT LOCATION AND DESCRIPTION ..... 11

    B. CONSISTENCY WITH THE LCP ..... 12

    C. LOCAL COASTAL PROGRAM ..... 13

    D. CALIFORNIA ENVIRONMENTAL QUALITY ACT ..... 14

**EXHIBITS**

- Exhibit 1 – Area Map
- Exhibit 2 – Plans

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 5-14-1785 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in amendment 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 a Permit Amendment:

*The Commission hereby approves the Coastal Development Permit Amendment on the grounds that the development as amended and subject to the conditions specified in Section II of the staff report, will be in conformity with the City of Newport Beach certified LCP. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that will substantially lessen any significant adverse impacts of the development on the environment.*

## II. SPECIAL CONDITIONS

**Note re:** Conditions Imposed Under Original Permit. Unless specifically altered by this amendment, all standard and special conditions imposed under Coastal Development Permit 5-14-1785 remain in effect. Below is a complete list of all of the conditions that will apply to the permit, as amended. Changes to existing Special Conditions are shown in **bold underline** and ~~strike out~~. New Conditions are shown in **bold underline**. This amendment only changes Special Conditions 1 and 8. Special Condition 9 is a new condition.

This permit is granted subject to the following special conditions, as revised herein:

### 1. FUTURE DEVELOPMENT

This permit is only for the development described in Coastal Development Permit 5-14-1785 **and Permit Amendment 5-14-1785- A1**: a 130-room hotel with a maximum gross floor area of ~~98,725~~ **103,470** square feet, including meeting space, retail floor area, restaurants, and a roof top bar. 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 the coastal development permit No. 5-14-1785.

Accordingly, any future improvements to the structure authorized by this permit, including but not limited to changes in square footage or height of the hotel, conversion of common space, lobbies, or storage areas to guest rooms and vice versa, number of guest rooms, number of on-site parking spaces, and 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 5-14-1785 from the Commission or shall



require an additional coastal development permit from the Commission or from the applicable certified local government.

**2. PARKING AND TRANSPORTATION PLANS**

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide for review and approval by the Executive Director, a transportation demand management program as follows:

- (1) The applicant shall provide and maintain a minimum of 148 parking stalls on the site to serve the approved development. Valet parking service is allowed in order to increase the number of vehicles that can be stored on the site. All available parking shall be shared among and equally available to all of the patrons, employees, and other users of the buildings, and no parking spaces shall be assigned for exclusive use, with exception of required ADA parking, including valet service.
- (2) The applicant shall actively encourage employee participation in a Ride Sharing/Carpooling program and shall offer coordination services free of charge.
- (2) A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for a minimum of 50% reimbursement to 100% of the employees of the development for public transit fare to and from work. Posters, brochures and registration materials of the program shall be available to employees at all times. Employees shall be informed of the program upon orientation and annually thereafter.
- (3) The applicant shall provide a bicycle parking area for a minimum of 30 bicycles, free of charge, on the property. All bicycle parking spaces shall be shared among and equally available to all of the patrons, employees, and other users of the buildings.
- (4) The applicant shall implement a publicity program, the contents (posters, brochures and registration materials, etc.) of which is subject to the review and approval of the Executive Director, that indicates how the future occupants of the development will be made aware of the provisions of this special condition. The publicity program shall be implemented during the first month of occupancy of the new development and annually thereafter.
- (5) The applicant shall provide shuttle service between John Wayne Airport and the project site for all guests of the hotel.
- (6) If the onsite parking lot is not free of charge, a validation program for members of the public utilizing onsite commercial uses shall be provided, offering a discounted parking rate.

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

**3. CONSTRUCTION AND DEMOLITION PLAN**

PRIOR TO THE ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, the applicant shall submit a Construction and Demolition Plan to the Executive Director for review and approval. The plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. Construction and demolition staging zones shall be limited to the minimum area required to implement that approved project, and to minimize construction encroachment on public areas. The plan shall also identify the type and location of erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following:

- 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: storm drain 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 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.
- e) Silt fences, or the equivalent, shall be installed at the perimeter of the construction site to prevent construction related runoff and/or sediment from discharging onto the nearby waterways.
- f) Equipment washing, refueling, and/or servicing shall not take place on the project site. All construction equipment shall be inspected and maintained at an offsite location to prevent leaks and spills of hazardous materials at the project site.
- g) The construction site shall maintain good construction housekeeping controls and procedures (for example, clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain, including covering exposed piles of soil and waste; dispose of all waste properly, place trash in receptacles onsite for that purpose and cover open trash cans when not in use).

- h) All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.
- i) Any required dewatering of the site due to groundwater intrusion, or percolating surface water, during construction or post-construction will require filters to be installed on all dewatering pumps and sump pumps. Such dewatering shall comply with the State of California Regional Water Quality Control Board or the Sanitary District discharge requirements.

A copy of the approved Construction and Demolition Plan shall be kept at the construction job site at all times and all persons involved with the construction shall be briefed of its content and meaning prior to the commencement of demolition/construction. The permittee shall notify Commission staff at least 3 working days in advance of commencement of the demolition and construction, and immediately upon completion of construction. The permittee shall undertake the approved development in accordance with the approved Construction and Demolition Plan. Any proposed changes to the approved plan shall not occur without a Commission amendment this coastal development permit unless the Executive Director determines that no amendment is necessary.

**4. WATER QUALITY MANAGEMENT PLAN**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.
- b) Appropriate structural and non-structural BMPs shall be designed to treat or filter the runoff from all surfaces and activities on the development site.
- c) Post-construction structural BMPs (or suites of BMPs) should be designed to treat or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- d) Runoff from all roofs and parking areas shall be collected and directed through a system structural BMPs of vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.
- e) The WQMP shall provide for the treatment of runoff from the parking surfaces using appropriate structural and non-structural BMPs. At a minimum this must include a

- filter designed specifically to minimize vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris.
- f) The applicant shall regularly sweep the parking surfaces on a weekly basis, in order to prevent dispersal of pollutants that might collect on those surfaces.
  - g) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used;
  - h) The applicant shall not spray down or wash down the parking lot or surrounding sidewalks unless the water used is directed through the sanitary sewer system or a filtered drain. No car washing shall be permitted in the parking lot.
  - i) All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15<sup>th</sup> each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season.
  - j) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner;
  - k) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.
  - l) Water from the pool and spa shall not enter any stormdrains without proper treatment.
  - m) Provide a detailed description and flows of the "Flow Through" system in the parking lot area.
  - n) Provide clarification of the Fire Station parking lot permeability.
  - o) Adequate curb cut size, number, and placement called out on the plans.
  - p) The center of the parking areas and graded areas shall be constructed to adequately drain toward infiltration zones.
  - q) Finished grade of landscaping areas should be at a lower elevation than the surrounding impermeable areas.

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

**5. GENERAL OCCUPANCY REQUIREMENT**

By acceptance of this permit, all hotel facilities shall be open to the general public, except for the pool and spa which may be restricted to hotel guests. The hotel shall be operated as a bon fide hotel. No timeshare or other fractional ownership or long-term occupancy of units is permitted without an amendment to this permit. Rooms may not be rented to any individual, family, or other related group for more than 29 consecutive days or in accordance with any local government limitations on length of hotel stay.

**6. LOWER COST OVERNIGHT ACCOMMODATIONS MITIGATION**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that a fee of \$42,120 per unit for 25% (32 units) of the total number of high cost overnight

accommodations (130 high cost hotel rooms) in the approved project, plus a 5% administrative fee, has been paid to an accepting entity as described further below, in lieu of providing lower cost overnight accommodations on site.

A. The required in-lieu mitigation fee of \$1,415,232.00 (herein ‘fee’) shall be deposited into an interest-bearing account, to be established and managed by one of the following entities approved by the Executive Director of the Coastal Commission (herein ‘ED’): the City of Newport Beach, the California Coastal Conservancy, Hostelling International USA, California Department of Parks and Recreation, or a similar ED-approved entity, in support of providing lower cost overnight visitor-serving accommodations such as RV park sites, hostel beds, tent campsites, cabins or campground units, and/or lower cost overnight accommodation opportunities in conjunction with an outdoor youth educational program (further described in subsection B of this condition), within the vicinity of Newport Beach or greater Orange County. The entire fee and accrued interest (herein ‘funds’) shall be used for the above stated purpose in consultation with the ED. All development funded by this account will require review and approval by the ED and a coastal development permit, if a permit is required. The funds shall be used in their entirety within ten years of the fee being deposited into the interest-bearing account established and managed by the accepting entity (or entities). If any portion of the funds remain in the account after ten years and the ED determines the funds should be reassigned, those funds shall be donated to an agency or non-profit entity, to be selected by the ED, providing lower cost overnight accommodations in the Southern California coastal zone to be used for the above stated purpose.

B. Subject to review and approval of the ED, the City of Newport Beach (herein ‘City’) may receive some or all of the funds if the City establishes a program to utilize the funds to provide lower cost overnight accommodation opportunities (in new or existing facilities) in conjunction with an outdoor youth educational program (herein ‘Program’), in a content and form acceptable to the ED. The Program shall provide overnight accommodations and educational and recreational opportunities for disadvantaged youth from Title I schools, as defined in the Elementary and Secondary Education Act, as amended, by providing an outdoor camp-like experience during the academic school year. The funds for the Program will provide for the expenses directly related to the overnight stays and coastal-dependent recreational opportunities such as kayaking, boating, etc. If the City receives some or all of the funds, then the additional 5% administrative fee to the mitigation funds will provide for City staff costs to manage the program annually. The Program will serve a minimum of 350 students per year, provide a minimum of 3-night stays, and will operate a minimum of 10 years from the commencement of the Program based upon an initial funding. The educational component will focus on ocean safety, coastal and marine ecology, coastal hazards, and/or other coastal-related topics and the Program will include water-oriented recreational activities such as kayaking, boating, swimming or surfing, etc. An annual report on Program accomplishments and finances, as well as any recommended changes and/or expansions to the Program, shall be transmitted to the ED for the first 10 years of the Program, or for as long as the funds last, whichever is longer. The Program may be expanded to accommodate more students, and/or more camp sites, and/or more seasons of the year, and can be extended past the initial 10 years if existing funds allow or additional funding is available. Expansion and/or other changes to the program are subject to the review and approval of the ED, or the Commission itself if the ED determines an amendment or new permit is required.

C. If the City does not enter into a memorandum of understanding (MOU) with the Coastal Commission as required in subsection D and implement the above outlined Program within 24 months of issuance of this permit 5-14-1785 all funds shall be assigned to another entity approved by the ED, in order to be used for the purposes stated in subsection A above.

D. Prior to expenditure of any funds required pursuant to this condition, the ED shall review and approve in writing, the proposed use of the funds as being consistent with the intent and purpose of this condition. In addition the entity accepting the funds required by this condition shall enter into a MOU with the Commission, which shall include, but not be limited to, the following: 1) a description of how the funds will be used to provide lower cost overnight accommodations and/or the Program identified in subsection B, above, in the coastal zone; 2) the terms provided in subsection A, and/or B, if applicable, of this condition; and 3) an agreement that the entity accepting the funds will obtain all necessary regulatory permits and approvals, including but not limited to, a coastal development permit; 4) the entity accepting the funds will commence development of the lower cost overnight accommodations and/or Program identified in subsection B, above, within 36 months of the MOU date of effectiveness. The ED may extend the above-identified deadlines, in writing, for good cause.

**7. LANDSCAPING: DROUGHT TOLERANT, NON-INVASIVE PLANTS**

By acceptance of this permit, newly landscaped areas onsite shall only consist of drought tolerant plants native to coastal Orange County and appropriate to the habitat type. Native plants shall be from local stock wherever possible. 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 (<http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf>).

**8. DEED RESTRICTION**

PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT **AMENDMENT (5-14-1785-A1)**, the landowner shall **submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit amendment** a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit **as amended**, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and Special Conditions of this **amended** permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the landowner’s entire parcel or parcels **governed by this permit amendment**. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this **amended** permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit

or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property. **The restriction shall include only a complete copy of the Notice of Intent to Issue Permit Amendment of 5-14-1785-A1 signed by the permit applicant(s), and not the “Corrected” Notice of Intent to Issue Permit of CDP 5-14-1785.**

9. **LCP CONSISTENCY**

**This CDP Amendment shall not become effective until City of Newport Beach LCP Amendments Nos. 1-16 and 1-17 have been effectively certified by the Commission.**

### **III. FINDINGS AND DECLARATIONS:**

#### **A. DESCRIPTION OF THE AMENDMENT REQUEST**

The four-acre site is located at the intersection of Newport Boulevard and 32<sup>nd</sup> St. in the Lido Village area, between Newport Bay and the Pacific Ocean, on Balboa Peninsula (**Exhibit 1**). The property is owned by the City of Newport Beach and was formerly a City Hall complex. Newport Beach City Hall was relocated to a new site in 2013 near Fashion Island. The site is designated CV-LV, Visitor serving Commercial-Lido Village. The Commission approved CDP 5-14-1785 for the construction of a four-story Lido House Hotel on the site in October 2015. The hotel is currently under construction. The development includes 98,725 square feet of 130 hotel rooms, meeting space, retail, restaurants, lounge, spa, pool and recreation area, and a roof top bar, with approximately 4,453 square feet of multi-function space, 875 square feet of retail floor area, 2,979 square feet of spa and fitness space, and indoor restaurant space totaling 3,195 square feet, which includes 452 square feet near the main lobby for sundries and a gift shop, and 431 square feet for a small coffee shop near the public sidewalk, and approximately 750 square feet of area for a rooftop bar. There is approximately 3,728 square feet of outdoor dining areas. The proposed development includes a wide, park-like setback on Newport Boulevard for a public pedestrian plaza.

The proposed permit amendment would increase the total square footage of the hotel to achieve the maximum size that would be allowed under the associated LCP amendment, 103,470 square feet. The additional 4,745 square feet would allow for enlarged footprints to the hotel lobby, hotel staff offices, storage areas, retail and restaurant space on the first floor, and two guest suites on the second floor, while reducing the square footage of the spa/fitness facilities and multi-function rooms on the first floor. The retail space would increase by 383 sq. ft., the restaurant space would increase by 554 sq. ft. (mainly outdoor dining), the spa/fitness facility would decrease by 195 sq. ft. and the multi-function room would decrease by 926 sq. ft. The submitted parking analysis indicates that the increases in retail and restaurant space would require an additional 4 parking spaces; however, the decreased spa and multi-function space square footage reduces the parking demand by 5 spaces. So in effect, there is an excess of 1 space in the parking lot as a result of the proposed increase in square footage.

The enlarged areas would expand into the courtyards and would not encroach into the approved setbacks. There is no increase in the number of guest rooms. There are 112 standard guest rooms, twelve suites, one presidential suite on the fourth floor, and five two-story family villas on the south side of the site. A 148-stall parking lot is proposed on the site. With valet-assisted parking, the parking lot can accommodate an additional 42 vehicles, on top of the 148 spaces. The increase in square footage will not have an impact on the public's ability to access coastal resources.

The approved four-story hotel will be up to 65 feet high, with architectural elements up to 60 feet. The proposed changes do not include an increase in height of the hotel, and all increases in square footage are proposed on the first and second floors. While it may be possible for the increase in square footage to have an impact on public coastal views, in this case, the only coastal views are from elevated locations inland of the project site looking over the hotel out to the ocean, and because there is not increase in height there will not be an impact on any visual or scenic resources.

The changes to the conditions reflect the increase in square footage (Special Condition 1) and an update to the deed restriction condition based on the revised conditions of the permit amendment (Special Condition 8), and one new condition is added to ensure that the amendment is not effective until the Commission effectively certifies the associated LCP amendment requests, as the permit amendment cannot be approved/issued unless it is found to be consistent with the LCP.

## **B. CONSISTENCY WITH THE LCP**

### *Zoning- Chapter 21.20, Commercial Zoning Districts*

The hotel site is within the CV-LV zoning district, Visitor Serving Commercial-Lido Village, and is consistent with the allowed uses for that zoning district, listed in Table 21.20-1 which include visitor-serving retail, hotels and motels and accessory uses, along with other allowed uses with priority given to visitor-serving commercial recreational facilities. The approved hotel project is consistent with this zoning, and the permit amendment and increase in hotel square footage is also consistent with the zoning (upon certification of LCP amendment No. 1-17).

### *Setbacks*

The development standards for CV-LV, listed in Table 21.20-2, list the setbacks from Newport Blvd and 32<sup>nd</sup> Street, which the approved hotel project is consistent with, and the increase in square footage will not encroach into the setback space. The enlarged areas expand into the hotel courtyards and exterior areas that do not reduce the setbacks.

### *Floor Area Maximum*

Table 21.20-2 also lists the maximum floor area ratio for CV-LV as identified on the Coastal Zoning Map, which currently lists the maximum square footage of the land use category as 98,725 sq. ft. The permit amendment is not consistent with the current LCP. The associated LCP amendments, as modified, would increase the maximum square footage of the land use category (not including the fire station) to 103,470 sq. ft. Once certified, the permit amendment will be consistent with the maximum Floor Area Ratio for CV-LV of the LCP.

Special Condition 9 will ensure that the permit amendment is not effective until the LCP changes have been certified by the Commission.

Table 21.20-2 also lists the maximum height for the CV-LV category, noting that height exceptions are in section 21.30.060 (see below).

### *Height- 21.30.060, Height Limits and Exceptions*

The hotel is consistent with height exceptions listed in that section and will not change due to the proposed increase in square footage.



*Parking- Chapter 21.40, Off-Street Parking*

Off-Street Parking is required, and is required to be onsite. The hotel will be developed with a 148 space onsite surface parking lot. Table 21.40-1 lists the number of space required per use according to square footage. Hotel and Accessory uses are required to have the number of parking spaces determined by the Coastal Development Permit. In this case, the coastal development permit (5-14-1785) determined that the number of spaces proposed (148 space) was sufficient for the hotel and associated uses. The 4,745 square foot increase will not change the parking demand, as explained in the Findings above.

Section 21.40.045 of the IP requires bicycle parking for non-residential development for developments with a gross floor area of 10,000 sq. ft. or more. The hotel total square footage of 103,470 sq. ft. meets this threshold. The number of bicycle spaces require must equal 5% of the total number of off-street parking spaces, or a minimum of 7 spaces in this case. The bicycle parking spaces must meet the design, location, and signage requirements of the section. The plans on file indicate that the hotel development will have a total of 30 bicycle parking spaces, well in excess of the number required according to the LCP, as required by Special Condition 2 of the original permit.

*Water Quality- Chapter 21.35, Water Quality Control*

The chapter requires that the development adhere to a construction phase plan and a post-development plan to protect water quality. The conditions imposed by the Commission on the permit for the hotel development included water quality conditions to ensure that the project addresses water quality and protects the coastal waters of the nearby ocean and the bay. The increase in square footage does not change any of the water quality measures, construction phase or post construction water quality plans. Therefore, the development is still consistent with the Water Quality requirements of the LCP.

*Visitor Accommodations- 21.48.025, Visitor Accommodations*

The Commission approved hotel is consistent with the requirements of this section. The increase in square footage will not change the number of guest suites, the overnight rental rates, or the in-lieu fee elements already required pursuant to the Special Conditions of the permit 5-14-1785. The increase in square footage of the hotel will not change the development's consistency with this section of the LCP.

*Public Access- 21.30A.030, Protection or Provision of Public Access Required*

The LCP states that existing public access shall be protected and maximization of existing public access is required. The hotel development is close to both Newport Bay and the Pacific Ocean, but the development is not in a location to impede access to either. The hotel development will not impact the public's ability to access tidelands. The hotel increase in square footage has the potential to negatively impact the public on-street parking and impeding automobile access to the coast if the development does not provide sufficient off-site parking. However, as explained above, the increase in square footage does not change the parking demand, and a sufficient number of parking spaces will be provided onsite in the 148 space lot to serve the development and the proposed increase in the development space.

**C. LOCAL COASTAL PROGRAM**

Section 30604 (a) of the Coastal Act states:

*Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development 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 (commencing with Section 30200).*

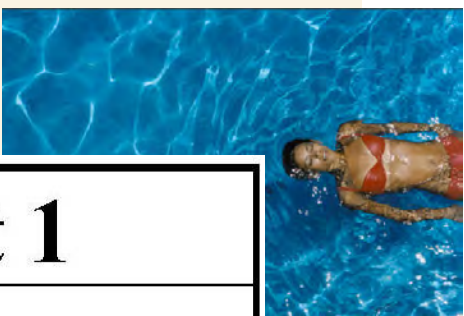
An LCP for the City of Newport Beach was effectively certified on January 13, 2017, so this section does not apply. As conditioned, the proposed development is consistent with the Certified Local Coastal Program.

**D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the Commission's 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 feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

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.





# Exhibit 1

Page <sup>1</sup> of 2



California Coastal  
Commission

New



7/19/2016 9:27:48 AM  
The original size of this drawing is 30"x42"  
Copyright © 2011 WATG. All rights reserved.



# LIDO HOUSE HOTEL

ADDED AREAS | JULY 19, 2016

CITY OF NEWPORT BEACH  
APPROVAL IN CONCEPT NO. AIC 2016.057  
This project conforms to all applicable planning regulations  
and policies in effect on this date.  
These plans are not to be used for construction purposes. No  
building permit will be issued until approval is received from the  
California Coastal Commission.  
PLANNING DIVISION  
By [Signature] Date: 8/1/2016

RECEIVED BY  
COMMUNITY  
AUG 05 2016  
DEVELOPMENT  
CITY OF NEWPORT BEACH

WATG

strategy planning architecture landscape interiors

Irvine | CA | 949 574 8500 watg.com

**R.D. OLSON**  
DEVELOPMENT

client | consultant



stamp | approval

key plan

no. date issue  
issues | revisions

**LIDO HOUSE HOTEL**

3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663

project logo

**COVER SHEET**

sheet title

project no. 134024 date 04/28/16

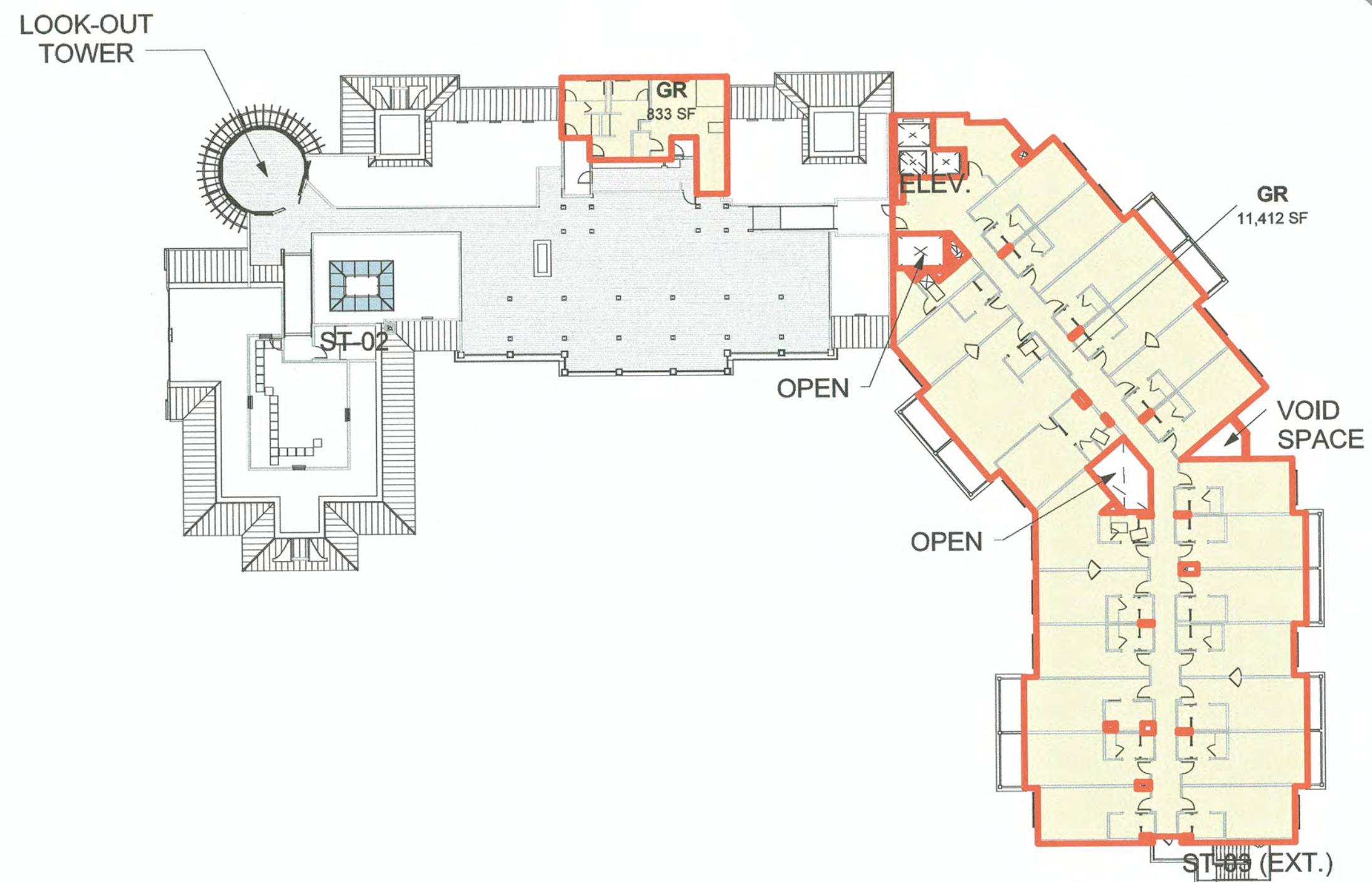
checked by: Checker

drawn by: Author

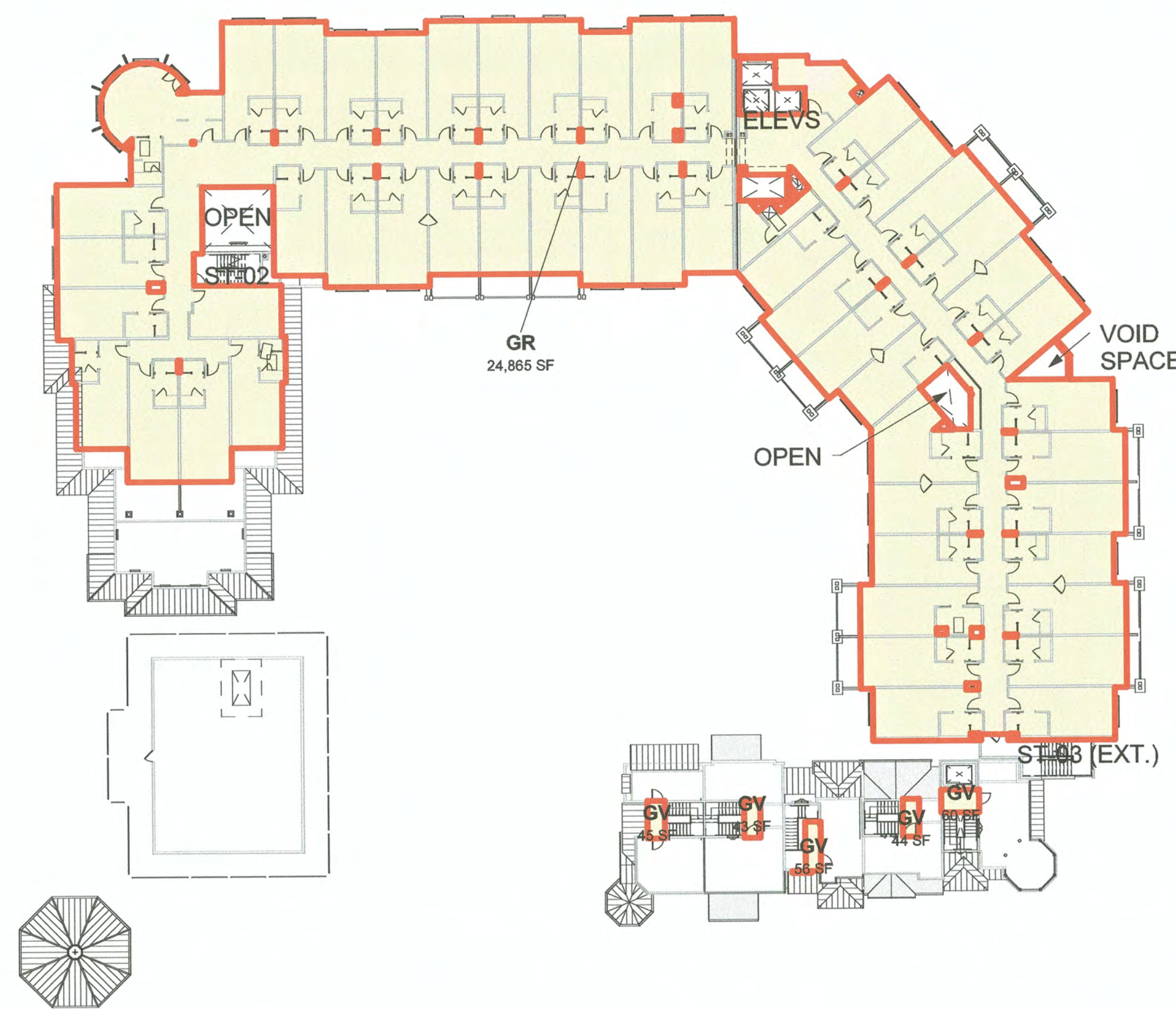
component

ADDED AREAS - PROGRESS PRINT | JULY 19, 2016, NOT FOR CONSTRUCTION

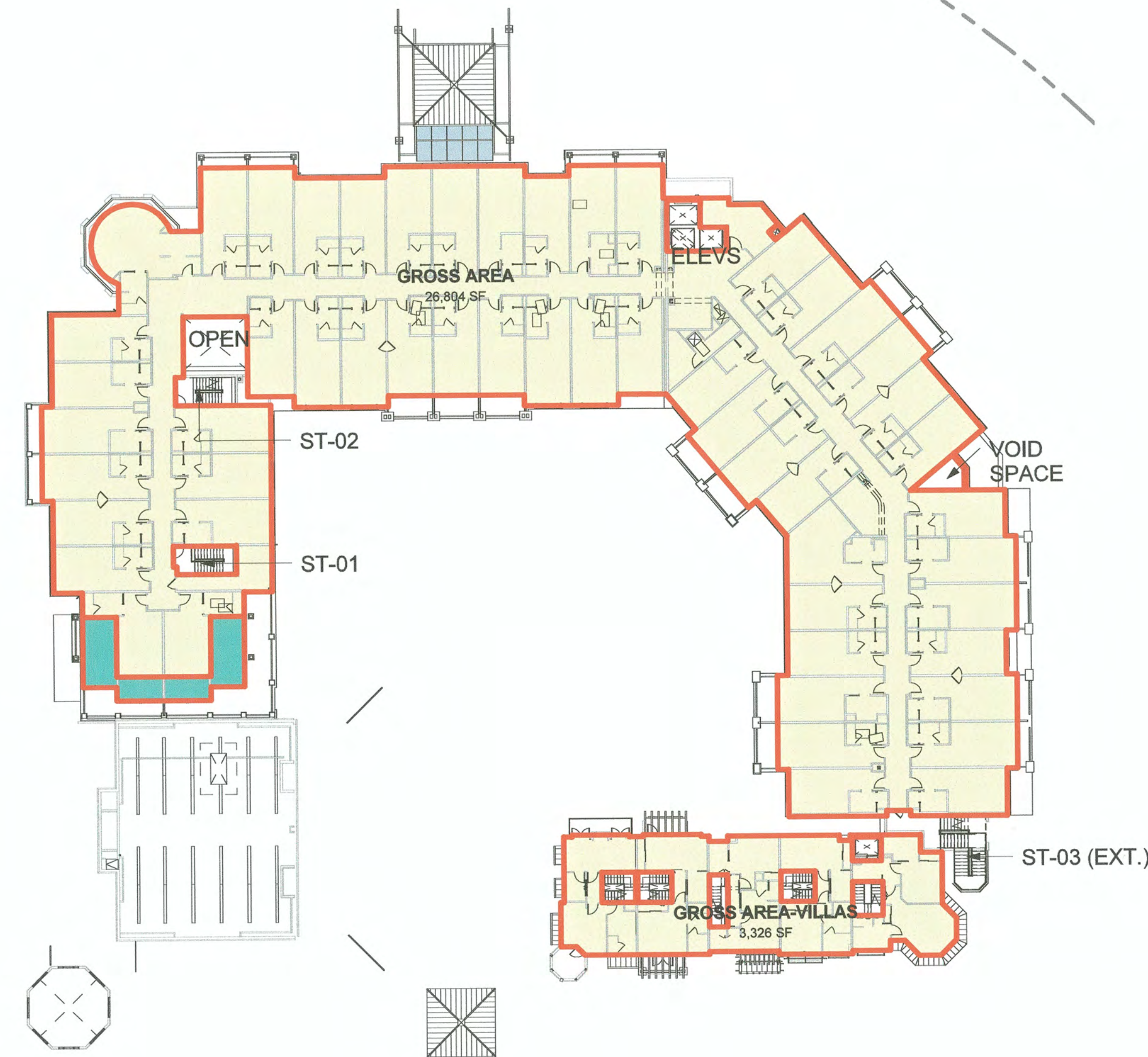




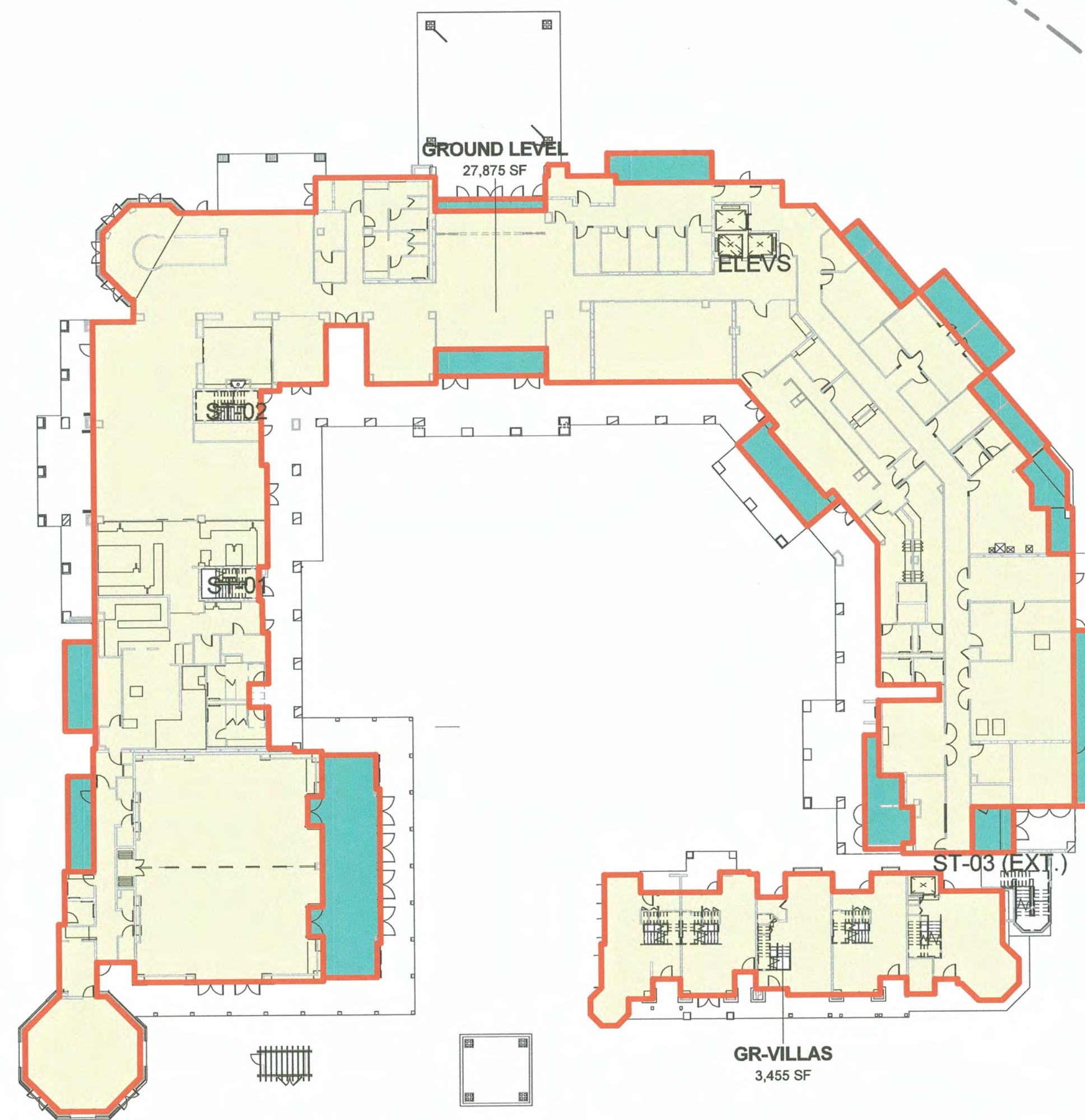
**4 GROSS BUILDING AREA PLANS - LEVEL 4**  
1" = 30'-0"



**3 GROSS BUILDING AREA PLANS - LEVEL 3**  
1" = 30'-0"



**2 GROSS BUILDING AREA PLANS - LEVEL 2**  
1" = 30'-0"



**1 GROSS BUILDING AREA PLANS - LEVEL 1**  
1" = 30'-0"

## KEYNOTES / LEGENDS

GROSS BUILDING AREAS	
NAME	AREA

LEVEL 1	
ADDED AREA	3,887 SF
GR-VILLAS	3,455 SF
GROUND LEVEL	27,875 SF
	35,218 SF

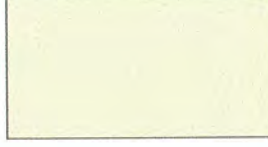

LEVEL 2	
ADDED AREA	604 SF
GROSS AREA	26,804 SF
GROSS AREA-VILLAS	3,326 SF
	30,734 SF

LEVEL 3	
GR	24,865 SF
GV	248 SF
	25,113 SF

LEVEL 4	
GR	12,245 SF
	12,245 SF
	103,309 SF

MAX ALLOWED: 103,470 SF

### GROSS AREA LEGEND

	GROSS AREA (ORIGINAL)
	GROSS AREA - ADDED AREA

### GROSS FLOOR AREA DEFINITION PER ZONING CHAPTER 20.70

#### NONRESIDENTIAL STRUCTURES.

A. FOR NONRESIDENTIAL STRUCTURES, THE FOLLOWING AREAS SHALL BE INCLUDED IN CALCULATIONS OF GROSS FLOOR AREA:

- THE SURROUNDING EXTERIOR WALLS; AND
- ANY INTERIOR FINISHED PORTION OF A STRUCTURE THAT IS ACCESSIBLE AND THAT MEASURES MORE THAN FOUR FEET FROM FINISHED FLOOR TO CEILING.

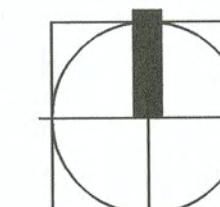
- B. THE FOLLOWING AREAS SHALL BE EXCLUDED:
- STAIRWELLS AND ELEVATOR SHAFTS ABOVE THE FIRST LEVEL;
  - OUTDOOR DINING AREAS ASSOCIATED WITH AN EATING AND DRINKING ESTABLISHMENT, AND
  - PARKING STRUCTURES ASSOCIATED WITH AN ALLOWED USE WITHIN THE SAME DEVELOPMENT.

#### PER PLANNING DEPARTMENT OF NEWPORT BEACH:

THE WALL IS INCLUDED WITH EXTERIOR SHEATHING BUT EXTERIOR ARCHITECTURAL FEATURES LIKE BRICK OR STONE ACCENTS ARE NOT. THE BEST THING TO DO IS PLAN FOR A 1-INCH SHEATHING SECTION BEYOND THE FRAMING. IT MIGHT BE HARD TO PLAN FOR LESS. IF HAVE DEEP RECESSES FOR WINDOWS OR DOORS, CAN USE TH EXTERIOR OF THE WINDOW / DOOR FRAME, BUT TH PLANNING DEPARTMENT WOULD WANT TO SEE THE DETAILS.

CITY OF NEWPORT BEACH  
APPROVAL IN CONCEPT NO. *AIC 2015-057*  
This project conforms to all applicable planning regulations and policies in effect on this date.  
These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission.  
PLANNING DIVISION  
By *[Signature]* Date: *8/1/16*

## GENERAL NOTE: BUILDING AREAS FOR ENTITLEMENT & PLANNING REQUIREMENTS



0 7.5 15 30 60 FT  
SCALE 1"= 30'-0" U.N.O.

# WATG

strategy planning architecture landscape interiors

irvine | CA | 949 574 8500 watg.com

## R.D. OLSON DEVELOPMENT

client | consultant



stamp | approval

key plan

no. date issue  
issues | revisions

### LIDO HOUSE HOTEL

3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663

project logo

GROSS BUILDING AREAS -  
ENTITLEMENT & PLANNING  
sheet title

project no. 134024 date 04/28/16

checked by: Checker  
drawn by: Author  
component

sheet no.

# A0-08



7/19/2016 9:30:09 AM  
The original size of this drawing is 36"x42"  
Copyright © 2011 WATG. All rights reserved.

1 OVERALL FLOOR PLAN - LEVEL 1  
1/16" = 1'-0"

SEE SHEET  
A2-14 FOR  
SECTOR 4

SEE SHEET  
A2-13 FOR  
SECTOR 3

SEE SHEET  
A2-15 FOR  
SECTOR 5

SEE SHEET  
A2-11 FOR  
SECTOR 1

SEE SHEET  
A2-12 FOR  
SECTOR 2

BIKE PARKING EXHIBIT:  
2/15/17

BIKE SPACES PROVIDED:  
(18) COVERED SPACES  
(12) UNCOVERED SPACES  
(2) BIKE LOCKER SPACES  
(32) TOTAL SPACES PROVIDED

(18) covered  
bike spaces

(1) bike locker  
for (2) bikes.  
per Green Code

(12) uncovered  
bike spaces

KEYNOTES / LEGENDS

- ACCESSIBLE ROUTES OF TRAVEL TO PUBLIC RIGHT OF WAY. 5% MAX SLOPE IN DIRECTION OF TRAVEL AND 2% MAX. CROSS SLOPE.  
SEE CIVIL DRAWINGS FOR GRADING
- INDICATES ROOM COMPATIBLE WITH ADA MOBILITY REQUIREMENTS
- INDICATES ROOM COMPATIBLE WITH ADA COMMUNICATION REQUIREMENTS
- EL-X-X- INDICATES TOP OF SLAB ELEVATION / T.O. SHEATHING @ WOOD ROOF
- 1 HR RATED FIRE BARRIER
- 1 HR RATED FIRE PARTITION
- 2 HR RATED FIRE BARRIER
- 2 HR FIRE WALL
- 3 HR FIRE WALL
- 1 HR RATED EXTERIOR WALL
- SOUND RATED CONSTRUCTION

UNIT SUMMARY

Room Name	Abbreviation	Count
LEVEL 1		
C1	C-1	1
C2	C-2	1
C3	C-3	1
C4	C-4	1
COTTAGE 5	C-5	1
		5

LEVEL 2		
KING	K	18
KING - LOCK-OFF	K-C	1
KING - HEARING	K-H	6
KING	K-SP	3
KING ADA	K-SP-A	1
DOUBLE QUEEN	QQ	12
DOUBLE QUEEN - ADA	QQ-A	1
DOUBLE QUEEN - HEARING	QQ-H	1
DOUBLE QUEEN WITH TUB	QQ-TUB	5
KING	K-SP2	1
KING	K-SP2	1
SUITE - ADA	K-ST-A	1
SUITE	EX-ST	1
		54

LEVEL 3		
KING	K	15
KING - LOCK-OFF	K-C	5
KING - HEARING	K-H	3
KING	K-SP	1
KING	K-SP	1
KING - ADA	K-SP-A	1
KING - LOCK-OFF	K-SP-C	1
KING	K-SP3	2
DOUBLE QUEEN	QQ	12
DOUBLE QUEEN - ADA	QQ-A	1
DOUBLE QUEEN - HEARING	QQ-H	2
DOUBLE QUEEN WITH TUB	QQ-TUB	4
SUITE - HEARING	K-ST-H	1
SUITE	EX-ST	1
		50

LEVEL 4		
KING	K	5
KING	K	1
KING - LOCK-OFF	K-C	3
KING - HEARING	K-H	1
KING - HEARING - LOCK-OFF	K-C-H	1
KING	K-SP	1
KING - ADA	K-SP-A	1
DOUBLE QUEEN	QQ	2
DOUBLE QUEEN	QQ	1
DOUBLE QUEEN WITH TUB	QQ-TUB	1
DOUBLE QUEEN - HEARING	QQ-H	1
DOUBLE QUEEN WITH TUB	QQ-TUB	1
SUITE	K-ST	1
SUITE	PR-ST	1
		21

130

6/16/16

LIDO HOUSE HOTEL  
ADDED PROPOSED AREAS - LEVEL 1

LEGEND:

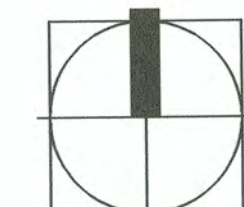
- INDICATES EXISTING HOTEL
- INDICATES PROPOSED AREA

SUMMARY TABLE: \*

EXISTING HOTEL 98,725 SF  
PROPOSED ADDED AREA 4,745 SF  
(4,140 SF @ L1 + 605 SF @ L2)  
TOTAL PROPOSED HOTEL 103,470 SF

\*NO CHANGE TO REQUIRED PARKING OR GUESTROOM COUNT

CITY OF NEWPORT BEACH  
APPROVAL IN CONCEPT NO. A12006057  
This project conforms to all applicable planning regulations and policies in effect on this date.  
These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission.  
PLANNING DIVISION  
By: JWC Date: 8/1/16



SCALE 1/16" = 1'-0"

0' 8' 16' 32'

WATG

strategy planning architecture landscape interiors

irvine | CA | 949 574 8500

watg.com

R.D. OLSON  
DEVELOPMENT

client | consultant



stamp | approval

key plan

no. date issue  
issues | revisions

LIDO HOUSE HOTEL

3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663

project logo

OVERALL FLOOR PLAN -  
LEVEL 1

sheet title

project no. 134024

date 05/02/16

Exhibit 2

component

A1-01

sheet no.