

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
301 E. Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

**W20a****ADDENDUM**

June 8, 2021

TO: Coastal Commissioners and Interested parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W20a APPLICATION NO. 5-07-370-A2 (ORANGE COUNTY PARKS DEPARTMENT) FOR THE COMMISSION MEETING OF WEDNESDAY, JUNE 9, 2021**

I. CHANGES TO STAFF REPORT

Commission staff recommends changes to the staff report dated May 28, 2021, to make the following clarifications and correct minor typographical errors. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strike-out~~.

- a. On Page 9 of the staff report, the last sentence of Special Condition 14a shall be modified as follows:**
 - a. The parking spaces will be located at on either side near the entrance of the parking lot.
- b. On Page 10 of the staff report, the last paragraph of Special Condition 16 shall be modified as follows:**

Once the Access Program has been approved by the Executive Director, the applicant shall provide evidence that the Program is being carried out to the Executive Director within 90 days of approval of the plan. Should one of the Outrigger Canoe Clubs vacate the site for any reason and there is not another canoe club to take their place, the requirements of this Special Condition shall be inapplicable to that canoe club, and the corresponding number of free days offered to the public shall be adjusted accordingly.
- c. On Page 10 of the staff report, Special Condition 16d shall be modified as follows:**

d. The County shall submit a monitoring report to the Executive Director every two years, beginning two years from the date the permit amendment is issued, that contains the following information: 1) the number of individuals that participated in the free outrigger canoe lessons, 2) socioeconomic and demographic information of participants, including gender, age, ethnicity, zip code, and income range to evaluate effectiveness of targeted outreach program, 3) the dates on which the free outrigger canoe days were held, 4) photographs of individuals participating in the lessons, and 5) a list of community groups, stakeholders, and locations where outreach was conducted, and 6) ongoing evidence that the promotional plan required by Special Condition 17b is being carried out.

d. **On Page 23 of the staff report, the last sentence of the last paragraph shall be modified as follows:**

Moreover, Special Condition 16 further expands existing access to the canoe clubs by requiring a minimum 24 days per year (an average of two days a month) of free instruction marketed to environmental justice communities through a robust Promotional Plan, as required by Special Condition 17.

e. **On Page 24 of the staff report, the third paragraph shall be modified as follows:**

The applicant also seeks after-the-fact approval to relocate 42 10 public vehicle parking spaces from the location approved by Coastal Development Permit 5-94-255, which was closest to the OCSHP facility, to an immediately adjacent area closer to the entrance of the parking lot (**Exhibit 2**).

f. **On Page 27 of the staff report, the second full paragraph shall be modified as follows:**

To that end, in developing this application it was the goal of Commission staff and the County to help facilitate and expand the low-cost recreational opportunities at the site such as visiting the sandy pocket beach to swim and sunbathe, participation in traditional Polynesian outrigger canoe lessons free of charge for a minimum of 24 days a year ~~on a bi-monthly basis~~, the ability to store a kayak or stand-up paddleboard over a weekend on a storage rack at the beach for the weekend, and to market these opportunities to disadvantaged communities who might not otherwise know about the OCSHP facility and beach and it's recreational amenities.

II. CORRESPONDENCE RECEIVED FROM THE PUBLIC

Since the publication of the staff report on May 28, 2021, Commission staff has received several comments from the public in support of Commission staff's recommendation, and several comments from members of the public who continue to be opposed to the project with regard to 1) the reconfiguration, location and amount of public parking; 2) changes to public access through the facilities; 3) the proposed alternative ADA concrete pathway; and 4) the lack of proposed mitigation for the proposed installation of the ADA concrete pathway on the public sandy beach. Furthermore, several members of the public are requesting that a new ADA boat lift be installed on the Visitor/Emergency Dock as a part of this coastal development permit amendment.

Several commenters also stated that any change to public access at this site must be addressed via an amendment to Newport Beach's Local Coastal Program rather than an amendment to the site-specific CDP. These commenters relied on a statement from the Commission's Public Information Officer, Noaki Schwartz, but seemingly took her statement out of context, eliminating reference to the first sentence quoted below:

'The Log reached out to the California Coastal Commission to ask what happens if a developer were to make changes to an LCP without gaining approval from the Coastal Commission in advance. "Basically any changes (to public access) being proposed would require a local coastal program amendment that we would have to analyze, especially any changes that would impact public access."

This comment is irrelevant to the development proposed here. No developer is attempting to make changes to an LCP.

Commission staff's approach to the staff recommendation for this CDP application has been to ensure the public's right to access the public beach and docks consistent with the LCP and Chapter 3 of the Coastal Act, while also facilitating the various public agencies' need to maintain the safety and security of their facilities and employees. Commission staff is recommending approval of this parking reconfiguration as proposed by the applicant because it allows the public parking to be separated from the agencies' employee parking such that the public parking area is near the public entrance to Bayside Drive Beach, and the employee parking is to be located nearest to their places of business to load/unload equipment necessary for their jobs. Moreover, the proposed parking reconfiguration only requires the public to travel approximately 40 feet farther from the farthest parking stall. Furthermore, the 12 designated public parking stalls will be in the same location as the weekend parking that is proposed to be formalized, and it is logical to have all of the public parking concentrated in one centralized location given the site constraints.

With regard to the amount of public parking spaces, several members of the public contend that since public parking in this location is limited, the Commission should require the County to increase public parking at the facility from 11 to 21 spaces because it is "a more appropriate public parking ratio." The underlying permit that relates to parking at this facility, Coastal Development Permit 5-94-255, required the designation of 10 public

parking spaces. The applicant is proposing 12 public parking spaces (11 standard and one ADA stall) and is also proposing to formalize the use of 8 additional spaces for the public's use on weekends. Thus, the applicant is proposing more parking than was required by CDP 5-94-255. Furthermore, it is worth noting that in addition to providing public beach parking, this parking lot serves approximately five public agencies (including the U.S. Coast Guard, Orange County Sheriff's Harbor Patrol, and City Lifeguards) with at least 100 personnel (although not all at the same time) who require parking spaces when they work and train out of the harbor and are required to serve this location due to its proximity to the open ocean. Thus, according to the OCSHP, all parking spaces allocated for the public agencies are utilized. Please see **Attachment A** for the Orange County Sheriff's response to Commission staff's inquiry regarding the number of agencies' employees who utilize this lot.

Several comments question the validity of the applicant's contention that public safety and security issues within the facilities rise to the level of requiring the closure of the maintenance yard area and the official use dock area to members of the public. As addressed more fully in the staff report and as observed by Commission staff during site visits, the maintenance yard, which is comprised of workshops housing heavy equipment and power tools, paints, and chemicals, is not safe for members of the public to utilize as a public accessway to the beach and other public amenities. As noted in the footnote of page 19 of the staff report, the OCSHP declined to make the 2017 Threat Assessment and Mitigation Report public because it revealed potential security vulnerabilities within the OCHSP and US Coast Guard facilities.

One commenter stated that the Commission has previously required evidence of purported threats to public safety when it considers limiting public access in the name of public safety. Here, the existing ADA-compliant walkway is not being removed, but merely rerouted, and the reconfiguration is designed to ensure safer public access. Thus, public access is not being limited by moving the ADA accessway.

Staff's recommendation would eliminate the public's access to the existing paved informal path of travel through the maintenance yard facilities for the important safety reasons indicated above, which is why Commission staff is recommending approval of the concrete path alongside the Lifeguard Headquarters to connect with the existing ADA compliant showers, drinking fountain, restroom, and public docks. Surfrider Foundation has requested that to mitigate for the loss of sandy beach from the construction of the ADA accessible concrete path, the Commission should require a managed retreat or living shoreline project nearby. While Commission staff also grappled with approving a permanent structure on the sandy beach in light of the Commission's approved sea level rise policy guidance, Commission staff is not recommending mitigation for this improvement to public access in this circumstance.

One commenter argued that although this approach preserves public access, it would "eliminate much of the beach itself by installing a cement walkway." Staff disagrees with this assessment. The area where the walkway is proposed to be located is generally already utilized as a path of travel from the parking lot to the restrooms, showers, and

docks. It is not a section of the beach that is utilized by sunbathers or other types of recreation.

Finally, several members of the public have requested that an ADA accessible boat lift be installed on the Visitor/Emergency Dock as a part of this coastal development permit. Although such an amenity would be a further benefit to public access, the commenters have not pointed to any policies in the Coastal Act or the LCP that would require it, and nothing about the current proposal is inconsistent with the standard of review due to the lack of such an amenity. To date, the County has indicated that while it is actively looking to install a lift on a dock in this location, it had no specifications on what construction would be required (if any) to retrofit the existing Visitor/Emergency Dock prior to publication of the staff report, so it was not included in the project description for this CDP.

In sum, contrary to the assertions of some of the commenters, Commission staff does not believe that the current proposal, as conditioned, would impose any significant new limitations on public access or diminish the nature or extent of public access that the original permit was designed to promote.

Re: Public Comment on June 2021 Agenda Item Wednesday 20a - Permit No. 5-07-370-A2 (Orange County Parks, Newport Beach)

Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>

Tue 6/8/2021 11:18 AM

To: Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>

From: Brodeur, Susan <Susan.Brodeur@ocparks.com>

Sent: Friday, June 4, 2021 5:31 PM

To: Revell, Mandy@Coastal <Mandy.Revell@coastal.ca.gov>

Cc: Sanchez, Jordan@Coastal <Jordan.Sanchez@coastal.ca.gov>; April Winecki <April@wineckiconsul ng.com>

Subject: RE: Public Comment on June 2021 Agenda Item Wednesday 20a - Permit No. 5-07-370-A2 (Orange County Parks, Newport Beach)

Mandy, Jordan,

This is the response I received from the Sheriff:

The Newport Beach Harbor Patrol facility is the headquarters and dispatch center for all three Orange County Harbors. There are 16 Deputy Sheriffs, 5 Sergeants, 1 Captain, 4 Dispatchers, 5 Extra Help personnel, 6 Marine Mechanics, 1 Shop Supervisor, 12 Dive Team members, 10 reservists, 10 explorers, all assigned out of our Newport Office.

We also have 24 other Harbor Patrol Deputies and 2 Sergeants that work out of our Dana Point and Sunset-Huntington Beach Harbors, but all are mandated to routinely train and work out of Newport Beach Harbor on busier days and weekends.

There other additional personnel that require parking spaces when they work and train out of the harbor. 20 members of the Sheriff's SWAT team and 10 Bomb Squad members routinely train in Newport Beach.

Outside agencies regularly need space to fulfill missions. The US Coast Guard has 12 crew members, for their vessel the Narwhal. They hold Maritime Certification Classes at our facility for up to 20 students at a time.

We partner with U.S. Customs and Border Patrol to do interdiction work. CBP personnel need places to park their vehicles when we run those weekly missions.

The State Parks and City of Newport Beach Lifeguard boats are stored at this facility because of the proximity to the open ocean. That means during their season 8 lifeguards require spots to park their cars so they can assist beach goers, swimmers, and surfers.

During the summer months we also work with the Newport Beach Fire and Police Departments on a daily basis to provide coordinated emergency service and response to all types of incidents whether they are natural, mechanical, or adversarial.

These are the majority of people that require parking availability at our facility. Obviously they are not all there at the exact same time, but often times there is overlap in different personnel and parking is very difficult to all the extremely important services that are provided to the public. Any further loss of parking is over burdensome on the first responders listed above.

If a beach goer has any difficulty finding available parking they are afforded the opportunity to drive around or just wait for an opening. We are required to be at work by a certain time and leave by a certain time and therefore require available parking. Any additional first responders, OCSD Deputies, NBPD and fire departments may be forced to double park and create a dangerous situation where additional first responders and ambulances will not be able to enter the parking lot.

California Coastal Commission
CDP 5-07-370-A2
Attachment A