

CALIFORNIA COASTAL COMMISSION

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W12b

ADDENDUM

DATE: March 4, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEM W12b, Coastal Development Permit APPLICATION NO. 5-21-0391 FOR THE COMMISSION MEETING ON March 9, 2022.**

This addendum is designed to achieve the following objectives. First, it updates the record by supplementing it with correspondence that the Commission received regarding the proposed project. Second, it provides responses to some of the issues raised in the recent correspondence, which Commission staff proposes the Commission incorporate into its findings. Finally, it provides some corrections to the staff report.

I. CORRESPONDENCE RECEIVED

Correspondence included in this addendum include four emails in support of the proposed project, and 12 emails from residents of the Balboa Peninsula objecting to the proposed project based on all or some of the following issues: coastal hazards, impacts to public views, traffic and circulation impacts, and use of the proposed structure for Parks & Senior Services Department activities and for rental events when not being used for the Junior Lifeguard Program. The correspondence received may be found under the correspondence tab on the March Agenda on the Coastal Commission website.

II. RESPONSES TO COMMENTS

Commission staff believes the staff report addresses the concerns raised in the objections received from the residents. Special Condition No. 4 prohibits a future shoreline protective device to protect the proposed development and requires that the structure be removed when threatened (i.e. becomes unsafe for occupancy). Special Condition No. 5 requires erosion and flood monitoring to assess the on-going safety of the proposed structure and to identify the point at which the development would need to be removed. These special conditions address the coastal hazards at the site. With regard to public views, a number of alternative locations for the proposed building were considered, and the subject location was determined to have the least adverse impacts. This is discussed in the staff report, on

page 29. The Junior Lifeguard program will not create any new adverse impacts on traffic and circulation because the program has been on-going for almost 40 years. The proposed facility will not change the current program, but rather will better serve the existing one. In addition, the proposed project includes a Traffic Management and Circulation Plan, which has been implemented in the past and will continue to be implemented to minimize adverse impacts. The other uses of the proposed building will occur largely outside the peak summer use period, when traffic and parking issues are not as critical.

In addition, the applicant (City of Newport Beach) has requested, verbatim, the following changes to the staff recommendation:

1. Special Condition #4 Shoreline Protection – Please insert the following sentence at the end of the first paragraph of the condition: **“By accepting this permit, the City does not waive any rights it may have to seek permits in the future to construct shoreline protective devices to protect adjacent existing development.”** The original condition language is clear that the waiver of future protection applies only to development approved by the permit and the City accepts this. The City seeks the added language to protect its rights to seek applicable permits for protective devices (if deemed desirable and necessary in the future) to protect existing development adjacent to the development approved by the permit.
2. Special Condition #5 Erosion and Flooding Monitoring – Please modify the timing of the initial monitoring report to be: “Monitoring report required one year after completion of the building...” The reason for this is that the improvements will not exist before the first baseline monitoring report.
3. Special Condition #7 Electric Vehicle (EV) Charging Stations – Please acknowledge that the installation of EV charging stations may result in a small reduction in the net increase the parking spaces project provides. The reduction is attributable to making one or more of the EV spaces designated for the disabled. Disable access spaces and their loading areas simply take up more area than a non-disable access space. The precise number is not known but the reduction will not result in a net loss of spaces from the current parking lot. The City will endeavor to keep the reduction as small as possible.
4. In the staff report on Page 17 Parking Lot Reconfiguration/Main Street Parking Lot – Please favorable [sic] consider a request to introduce flexibility in replacement tree species by amending the last line from “35 palm trees” to “35 palm trees or other acceptable drought tolerate and non-invasive tree appropriate to the Southern California environment.” [Commission staff note: there are 35 palm trees in the Main Street parking lot and 10 palm trees in the “A” Street lot that would be impacted by the proposed project.]

Commission staff concurs with requests two through four. Language to incorporate these requested changes is outlined below, in Section III. However, Commission staff does not concur with the request to make changes to Special Condition No. 4. Special Condition No. 4 will remain as reflected in the staff report dated 2/25/2022.

III. CORRECTIONS TO STAFF REPORT

The following changes and corrections are made to the staff report dated 2/25/2022. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

- a) Add the following language to page 2, at the end of the third paragraph:

The proposed project includes construction phasing and staging to reduce public access impacts during construction. In addition, the proposed project includes a Traffic Management and Circulation Plan to reduce traffic and circulation impacts, and promote safety while the Junior Lifeguard program is in session. The addition of a minimum of ten EV parking spaces required by **Special Condition No. 7** may result in a reduction in the increase of six additional parking spaces that would otherwise be provided by the proposed project. However, **Special Condition No. 7** requires that the net number of parking spaces, including required EV spaces, shall not be reduced to fewer than the total number of spaces currently present in both the “A” Street and Main parking lots combined.

- b) Add the following language to page 17, in the first full paragraph:

As proposed, the “A” Street parking lot immediately adjacent to the proposed Junior Lifeguard Building and the Main Street parking lot on the upcoast side of the Balboa Pier will be reconfigured, resulting in a net gain of six parking spaces within the public beach parking lots. However, the addition of a minimum of ten EV parking spaces required by **Special Condition No. 7**, may result in a reduction in the increase of six additional parking spaces that would result from the project. The Commission recognizes this. However, **Special Condition No. 7** requires that the net number of parking spaces, including required EV spaces, shall not be reduced to fewer than the total number of spaces currently present in both the “A” Street and Main parking lots combined. The Junior Lifeguard program does not require a significant use of parking spaces, because most participants are dropped off and picked-up, or bike or walk to the facility. (With an upper age limit of 15, none of the junior lifeguards are legally able to drive.) In addition, as noted, the site is served by OCTA. More specifically, the two proposed parking lot reconfigurations include (the parking lot names are derived from the streets that lead to each lots’ entrance).

- c) Add the following language to page 23 of the staff report, at the end of the second paragraph:

The applicant may also propose to provide in excess of five EV ready and five EV capable parking spaces if it is feasible, upon submittal of the final plans. The applicant has indicated that the addition of a minimum of ten EV parking spaces may result in a reduction in the six additional parking spaces that would otherwise have resulted from the project as proposed. The Commission recognizes this. However, **Special Condition No. 7** requires that the net number of parking spaces, including required EV spaces, shall not be reduced to fewer than the total number of spaces currently present in both the “A” Street and Main parking lots combined.

- d) Add the following language to page 25 of the staff report, in the second full paragraph:

Special Condition No. 1 requires the applicant to carry out the plan as proposed and conditioned, which will assure that the proposed increase in public parking spaces will be provided to the extent feasible in conjunction with the required EV parking, that construction phasing and staging will minimize adverse impacts to public access and recreation in that the construction footprint will be minimized and

the duration of construction will be limited to the least necessary, and that no construction activities will occur during the peak summer use period. **Special Condition No. 7** requires the applicant to install a minimum of five electric vehicle ready parking spaces and a minimum of five electric vehicle capable parking spaces within the “A” Street and/or Main Street parking lots. **Special Condition No. 7** also requires that the total number of parking spaces provided in the “A” Street and Main Street parking lots combined not be reduced by the proposed project. **Special Condition No. 8** requires that public educational and recreational program use of the Junior Lifeguard building shall have priority over any private events.

- e) Add the following language to page 17, at the end of the second complete paragraph:

“A” Street parking lot – 43 of the existing parking spaces within the “A” Street parking lot will be reconfigured, replaced with 19 parking spaces, a net loss of 24 parking spaces. Two of the new parking spaces will be ADA accessible, where currently there are no accessible spaces. The proposed Junior Lifeguard building will be placed within the existing “A” Street parking lot at the seaward, downcoast corner. The reconfiguration of the “A” Street lot will be accomplished by converting an area of existing grass at the interior of the parking lot to new parking spaces by paving and striping the expanded area, re-paving and re-striping the area within the existing parking lot, removing and re-locating curbs and landscaping, relocating two picnic tables, and removing ten palm trees, and planting ten palm trees. As described in the paragraph below, and in Special Condition No. 6, if no nesting birds are discovered in the surrounding trees, other acceptable drought tolerant, non-invasive trees may be used.

- f) Add the following language to page 17, at the end of the third complete paragraph: The reconfiguration of the Main Street parking lot will be accomplished by removing existing curbs and landscaping, constructing new curbs and landscaping, re-paving and re-striping the area within the existing parking lot, re-aligning drive aisles, removing and replacing 35 palm trees. If no nesting birds are discovered in the surrounding trees pursuant to the nesting bird survey required by **Special Condition No. 6**, the palm trees may be replaced with palm trees or with other acceptable drought tolerant and non-invasive trees appropriate to the Southern California environment.

- g) Add the following language to page 28, after the first partial paragraph, before the section sub-headed Night Lighting:

The applicant has proposed to re-locate and/or replace palm trees at the site with palm trees. However, if no nesting birds are discovered in the surrounding trees pursuant to the nesting bird survey required by **Special Condition No. 6**, the palm trees may be replaced with palm trees or other acceptable drought tolerant and non-invasive trees appropriate to the Southern California environment.

- h) Add new subsection A.3 to Special Condition No. 7 Electric Vehicle (EV) Charging Stations (on page 9 of the staff report):

7. Electric Vehicle (EV) Charging Stations

- A.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of final plans for the “A” Street parking lot and for the Main Street parking lot. The parking lot plans shall identify the location and type of electric vehicle charging spaces described below.
1. A minimum of five electric vehicle ready parking spaces (with the ability to charge a minimum of five electric vehicles on site at the same time), and;
 2. A minimum of five additional electric vehicle capable spaces (installation of “raceway” – the enclosed conduit that forms the physical pathway for electrical wiring to protect it from damage, and adequate panel capacity to accommodate future installation of a dedicated branch circuit and charging station);
 3. In no case shall the number of parking spaces be reduced below the current number of parking spaces within the “A” Street and Main Street parking lots combined.
- i) Correct Special Condition No. 5.B on page 6 of the staff report, as follows:

B. Monitoring Requirement. Within one year of completion of construction of the development described in~~issuance of~~ CDP 5-21-0391 and within 90 days of any major flooding or erosion event thereafter for the life of the Building, the permittee shall submit a monitoring report containing the following, at a minimum: