

CALIFORNIA COASTAL COMMISSION

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



W18a

**LCP-5-NPB-23-0019-1, PART C
(CITY OF NEWPORT BEACH)**

JULY 23, 2024

EXHIBITS

Exhibit 1 – Resolution No. 2023-12..... 2

Exhibit 2 – Vicinity Map 18

Exhibit 3 – Commission Staff Comment Letter dated October 19, 2022 20

Exhibit 4 – Survey of Lower-Cost, Visitor-Serving Facilities 22

Exhibit 5 – Prior Parking Lot Applications..... 23

Exhibit 6 – CoSMoS Sea Level Rise Figures 25

Exhibit 1 – Resolution No. 2023-12

RESOLUTION NO. 2023-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AUTHORIZING SUBMITTAL OF LOCAL COASTAL PROGRAM AMENDMENT NO. LC2020-005 TO THE CALIFORNIA COASTAL COMMISSION AMENDING THE COASTAL LAND USE PLAN AND TITLE 21 OF THE NEWPORT BEACH MUNICIPAL CODE LAND USE AND ZONING DESIGNATION FROM COMMERCIAL NEIGHBORHOOD (CN) TO TWO UNIT RESIDENTIAL (RT-E) AND SETBACK MAP S-2B TO REMOVE A FRONT SETBACK FOR THE PROPERTY LOCATED AT 3014 BALBOA BOULEVARD (PA2020-060)

WHEREAS, Section 200 of the City of Newport Beach (“City”) Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, as set forth in Section 30500 of the California Public Resources Code, the California Coastal Act requires each county and city to prepare a local coastal program (“LCP”) for that portion of the coastal zone within its jurisdiction;

WHEREAS, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan (“CLUP”), as amended from time to time;

WHEREAS, the California Coastal Commission effectively certified the City’s Local Coastal Program Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) (“Title 21”) to the Newport Beach Municipal Code (“NBMC”) whereby the City assumed coastal development permit-issuing authority as of January 30, 2017;

WHEREAS, an application was filed by Gallo of Corona Del Mar, Inc. (“Applicant”), with respect to property located at 3014 Balboa Boulevard, and legally described in Exhibit “A,” which is attached hereto and incorporated herein by reference (“Property”);

WHEREAS, the Applicant proposes to replace an existing eating and drinking establishment and to construct a new residential structure with two condominiums totaling approximately 3,564 square feet, including a two-car garage and two-car carport (“Project”);

WHEREAS, the following legislative approvals are required for the Project:

- General Plan Amendment (“GPA”) – An amendment to the General Plan Land Use Element changing the land use category from Neighborhood Commercial (CN) to Two Unit Residential (RT);
- Code Amendment (“CA”) – An amendment to Title 20 (Planning and Zoning) (“Title 20”) of the NBMC changing the zoning district from Commercial Neighborhood (CN) to Two-Unit Residential (R-2) and removing a front setback designation abutting the side property line on Setback Map S-2B;
- Local Coastal Program Amendment (“LCPA”) – An amendment to the CLUP changing the coastal land use category from Neighborhood Commercial (CN) to Two Unit Residential (RT-E) (30.0 – 39.9 DU/AC), Title 21 of the NBMC changing the coastal zoning district from Commercial Neighborhood (CN) to Two-Unit Residential (R-2), and Setback Map S-2B to remove a front setback designation abutting the side property line;

WHEREAS, the Property is categorized Neighborhood Commercial (CN) by the General Plan Land Use Element and located within the Neighborhood Commercial (CN) Zoning District;

WHEREAS, the Property is located within the coastal zone with a CLUP category of Neighborhood Commercial (CN) - (0.0 to 0.30 FAR) and Coastal Zone District designation of Commercial Neighborhood (CN);

WHEREAS, the Planning Commission held a public hearing on January 5, 2023, in the City Council Chambers, located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (“Ralph M. Brown Act”), and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the conclusion of the hearing, the Planning Commission adopted Resolution No. PC2023-003 by a unanimous vote (5 ayes) recommending approval of the Project to the City Council;

WHEREAS, pursuant to Section 13515 of the California Code of Regulations Title 14, Division 5.5, Chapter 8 ("Section 13515"), drafts of the LCP Amendments were made available and a Notice of Availability was distributed on November 17, 2022, at least six weeks prior to the anticipated final action date; and

WHEREAS, the City Council held a duly noticed public hearing on February 14, 2023, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the public hearing was provided in accordance with the Ralph M. Brown Act, Section 13515 and Chapter 21.62 (Public Hearings) of the NBMC. Evidence both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council does hereby authorize City staff to submit Local Coastal Program Amendment No. LC2020-005 to the California Coastal Commission to amend the Property's Coastal Land Use Plan designation from Commercial Neighborhood (CN) to Two Unit Residential (RT-E) (30.0 – 39.9 DU/AC), coastal zoning district designation from Commercial Neighborhood (CN) to Two-Unit Residential (R-2), and Setback Map S-2B to remove the front setback as depicted in Exhibits "B," "C," and "D," respectively, and supported by the findings set forth in Exhibit "E," which are attached hereto and incorporated herein by reference.

Section 2: Local Coastal Program Amendment No. LC2020-005 shall not become effective until approval by the California Coastal Commission and adoption, including any modifications suggested by the California Coastal Commission, by resolution and/or ordinance of the City Council of the City of Newport Beach.

Section 3: The LCP, including LCP Amendment No. LC2020-005, will be carried out fully in conformity with the California Coastal Act.

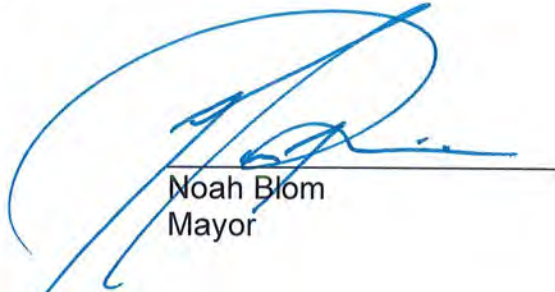
Section 4: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: The City Council finds the Project is categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"). Section 15302 applies to a duplex or similar multi-family residential structure totaling no more than four dwelling units. In this case, the Project, which consists of demolition of a restaurant and construction of a new residential structure with two condominiums totaling approximately 3,564 square feet, meets the criteria in Section 15303. Additionally, the exceptions to this categorical exemption under Section 15300.2 of the CEQA Guidelines are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

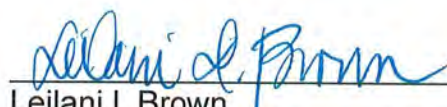
Section 7: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 14th day of February, 2023.

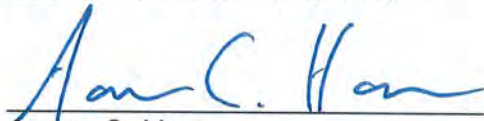


Noah Blom
Mayor

ATTEST:


Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE


Aaron C. Harp
City Attorney

Attachment(s): Exhibit A – Legal Description
 Exhibit B – Coastal Land Use Plan Map Amendment
 Exhibit C – Coastal Zoning District Map Amendment
 Exhibit D – Setback Map S-2B Amendment
 Exhibit E – Findings in Support of LCP Amendment No. LC2020-

005

EXHIBIT "A"

LEGAL DESCRIPTION

THE SOUTHEASTERLY 40 FEET OF THAT CERTAIN PROPERTY SITUATED IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, THE NORTHWESTERLY LINE OF SAID SOUTHEASTERLY 40 FEET BEING PARALLEL TO AND 50 FEET FROM THE SOUTHEASTERLY LINE OF LOT 1 IN BLOCK 130 OF THE LAKE TRACT, AS PER MAP RECORDED IN BOOK 4, PAGE 13, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 IN BLOCK 130 OF LAKE TRACT, WITH THE NORTHEASTERLY LINE OF THE SOUTHEASTERLY 25 FEET OF SAID LOT 1, THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID SOUTHWESTERLY 25 FEET TO AN INTERSECTION WITH A LINE NORTHEASTERLY OF, PARALLEL TO, AND 10 FEET DISTANT, MEASURED AT RIGHT ANGLES FROM THE SOUTHEASTERLY LINE OF SAID LOT 1, THENCE NORTHEASTERLY ALONG SAID LINE TO THE NORTHERLY LINE OF SAID LOT 1, THENCE CONTINUING NORTHEASTERLY ALONG THE PROLONGATION OF SAID LINE 58 FEET, MORE OR LESS, TO A POINT 30 FEET DISTANT, MEASURED SOUTHWESTERLY AT RIGHT ANGLES FROM THE CENTER LINE OF THE PRESENT MOST SOUTHERLY WYE TRACK OF THE SOUTHERN PACIFIC RAILROAD, THENCE 75' 07' 30' WEST ALONG THE LINE PARALLEL TO AND 30 FEET DISTANT SOUTHWESTERLY FROM THE CENTER LINE OF SAID WYE TRACT 201.60 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHEASTERLY EXTENSION OF THE NORTHEASTERLY LINE OF BAY AVENUE (NOW COAST BOULEVARD), AS SHOWN ON SAID MAP OF LAKE TRACT, THENCE SOUTH 52' 46' 30' WEST 15.35 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF THE PRESENT LOCATED CEMENT SIDEWALK, THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID SIDEWALK 164.80 FEET TO THE POINT OF BEGINNING.

APN: 047-071-02

Exhibit "B"
Coastal Land Use Plan Map Amendment

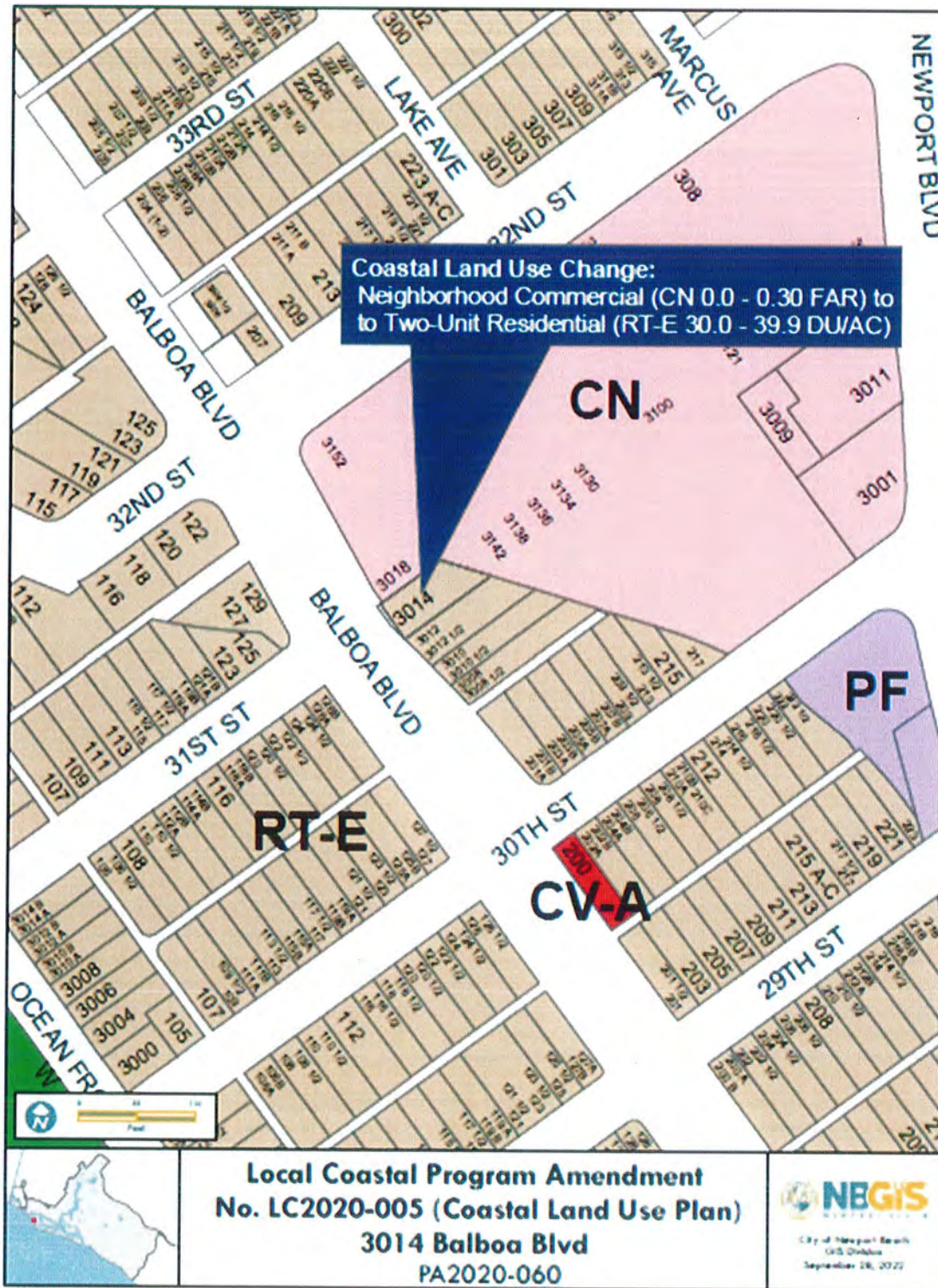


Exhibit "C"
Coastal Zoning District Map Amendment

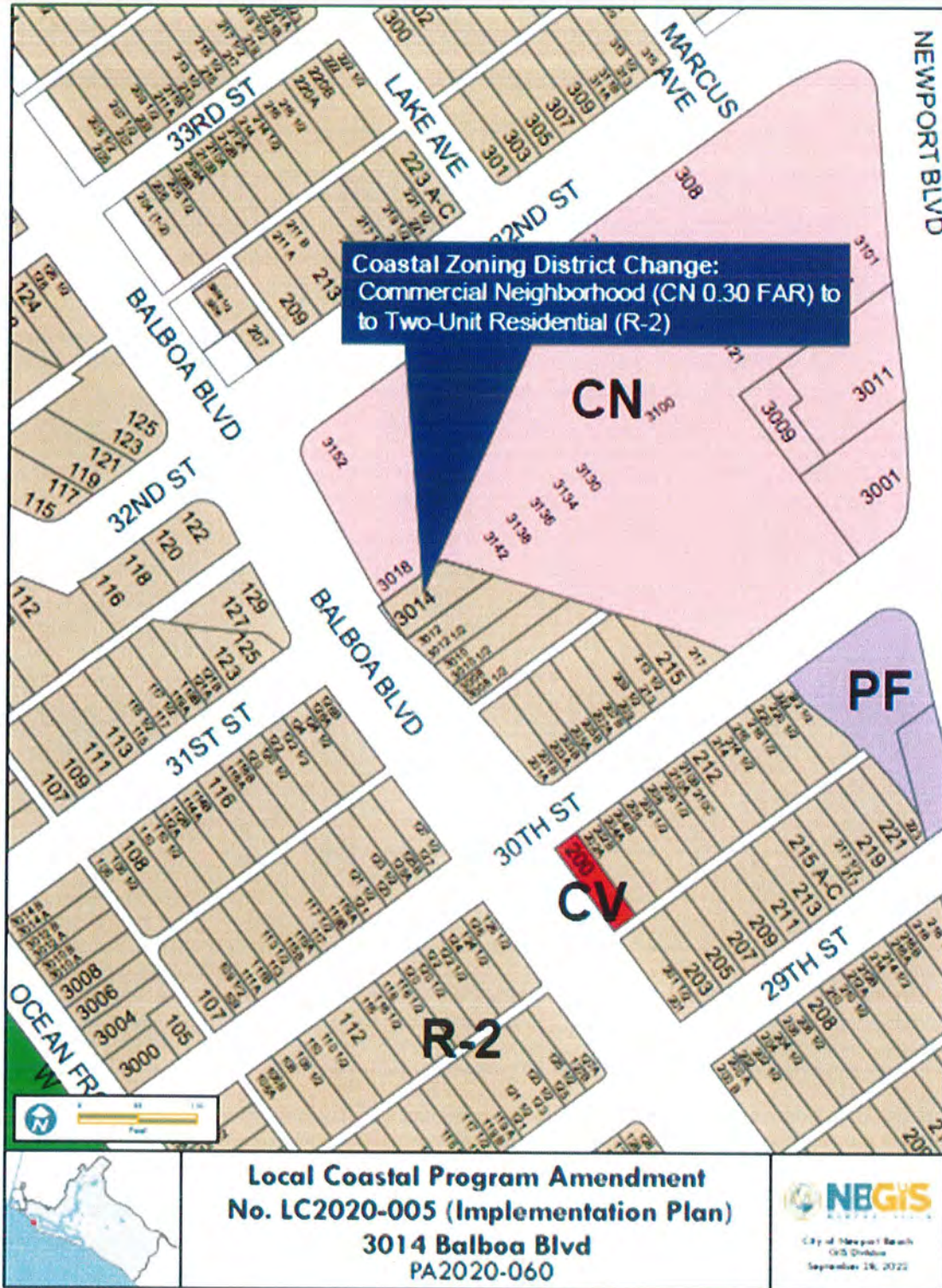


Exhibit "D"
Setback Map S-2B Amendment



Exhibit “E”
Findings in Support of LCP Amendment No. LC2020-005

A. Local Coastal Program Amendment No. LC2020-005 is consistent with applicable land use policies of the CLUP as provided below:

1. ***Coastal Land Use Element Policy 2.2.5-1:*** *Legal nonconforming structures shall be brought into conformity in an equitable, reasonable, and timely manner as rebuilding occurs. Limited renovations that improve the physical quality and character of the buildings may be allowed. Rebuilding after catastrophic damage or destruction due to a natural event, an act of public enemy, or accident may be allowed in limited circumstances that do not conflict with other policies and of the Coastal Land Use Plan.*

The existing building was constructed in 1902 and is considered a legal, nonconforming development due to insufficient parking and the lack of an accessibility ramp. The Property, which is 3,466 square feet in area, is relatively small and unable to accommodate a reasonably sized commercial building with the required parking to support it. As a CN-zoned property, the maximum floor area ratio (FAR) is 0.30, which allows for a 1,040-square-foot commercial building. A commercial use, such as a visitor-serving retail store, in a building of this size would typically require five parking spaces (one space required per 250 square feet of gross floor area). A new commercial building, along with the required parking and compliance with accessibility requirements would not be suitable on the property due to size restraints. A two-unit residential condominium that complies with all applicable development standards, including parking, is an appropriate replacement for the existing nonconforming restaurant.

2. ***Coastal Land Use Element Policy 2.3.1-5:*** *Protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The Project does not change the unique characteristics of the Balboa Peninsula, nor does it deter visitors to the nearby beach. The project alleviates the nonconforming parking of the existing restaurant, which causes public parking to be occupied by patrons of the restaurant. Since the condominiums provide required parking, the supply of street parking will be better utilized for visitors to the beach.

3. **Coastal Land Use Element Policy 2.3.1-6:** *Where feasible, reserve upland areas necessary to support coastal recreational uses for such uses;*
4. **Coastal Land Use Element Policy 2.4.1-2:** *When appropriate, accommodate coastal-related developments within reasonable proximity to the coastal-dependent uses they support;*
5. **Coastal Land Use Element Policy 2.4.1-3:** *Discourage re-use of properties that result in the reduction of coastal-dependent commercial uses. Allow the re-use of properties that assure coastal-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project; and*
6. **Coastal Land Use Element Policy 2.4.1-4:** *Design and site new development to avoid impacts to existing coastal-dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.*

The Property is located approximately 450 feet from the beach. Although it is within the general vicinity of the beach, it is not an ideal location for coastal recreational uses (examples include passenger/sightseeing boats, boat rentals and sales, boat/ship repair and maintenance, etc.). The Property is abutting three residential properties to the south and is similar in size and shape to the residential lots. The Project does not result in the reduction of coastal-dependent commercial uses since the existing use is a restaurant.

7. **Coastal Land Use Element Policy 2.3.1-7:** *Give priority to visitor-serving and recreational uses in the mixed-use areas of the Balboa Peninsula, and Balboa Island.*

There are numerous visitor-serving uses on the Balboa Peninsula. The Property is relatively small and is more suitable for the proposed residential development. Additionally, although the existing use is not for recreational use, there are many recreational uses in other areas of Balboa Peninsula, including recreational equipment rental stores at 2001 West Balboa Boulevard, 601 East Balboa Boulevard, 2233 West Balboa Boulevard, 2000 West Balboa Boulevard, etc. Visitor-serving and recreational uses are a continuing priority in the surrounding area.

8. **Coastal Land Use Element Policy 2.7-1:** *Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.*

The Project includes two residential condominiums, which is consistent with the allowed density on the adjacent residential lots located to the south. The Project also complies with development standards typical for a two-unit residential development, including setbacks, floor area, and height limits.

9. **Coastal Land Use Element Policy 2.9.3-1:** *Site and design new development to avoid use of parking configurations or parking management programs that are difficult to maintain and enforce.*

The Project includes a compliant garage and carport configuration for each unit. This parking configuration is typical for two-unit residential developments throughout the City. The parking is directly accessed by a curb cut from Balboa Boulevard.

10. **Coastal Land Use Element Policy 2.9.3-2:** *Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access;*

11. **Coastal Land Use Element Policy 2.9.3-3:** *Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations of the Zoning Code in effect as of October 13, 2005; and*

12. **Coastal Land Use Element Policy 2.9.3-5:** *Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.*

Title 21 of the NBMC requires two parking spaces per residential unit (one in a garage and one covered or in a garage). The Project provides one space in a garage and one covered parking space for a total of two spaces per unit. The parking spaces are accessible from Newport Boulevard and are dimensioned to comply with Title 20's minimum parking standards.

- B. The following facts support the amendment to the coastal land use and coastal zoning district from Commercial Neighborhood (CN) to Two Unit Residential (RT-E) and Two-Unit Residential (R-2) respectively:
1. The Property was previously zoned for residential use. Prior to the current restaurant development, the Property was developed with an approximately 750-square-foot single-family residence that was constructed in 1902. On November 10, 1986, the City Council approved General Plan Amendment 86-2 (C), Local Coastal Program Amendment No. 10, and Cannery Village Specific Area Plan Amendment No. 639, which changed the land use and zoning designations of the Property from "Two-Family Residential" to "Retail and Service Commercial." Subsequently, the former residence was improved and converted to the existing commercial use.
 2. The Project, which consists of two residential condominiums, is compatible with the surrounding neighborhood. The Property is located adjacent to residential properties which are prevalent on Balboa Peninsula. The three properties to the east, which are located within the same block as the Property, are zoned Two-Unit Residential (R-2). Additionally, Two-Unit Residential (R-2) properties are located on the eastern side of Balboa Boulevard between 30th Street and 28th Street, as well as on the western side of Balboa Boulevard from 54th Street to 27th Street.
 3. Although the Project would replace a lower-cost visitor-serving restaurant with two residential condominiums, there are numerous lower-cost restaurants located nearby. For example, the adjacent shopping center at 3100 Newport Boulevard includes Gina's Pizza, Chihuahua Cerveza, and Chipotle Mexican Grill. Additionally, nearby restaurants include Mama D's at 3012 Newport Boulevard, Sessions Sandwiches at 2823 Newport Boulevard, Avila's El Ranchito at 2800 Newport Boulevard, Laventina's Pizza at 2819 Newport Boulevard, Ho Sum Bistro at 3112 Newport Boulevard, Hook and Anchor at 3305 Newport Boulevard Suite A, Chicken Bun Bun at 3305 Newport Boulevard Suite E, Newport Fresh Sushi at 3305 Newport Boulevard Suite F, Crew Coffee at 3300 Newport Boulevard, Pavilion's Grocery Store at 3100 Balboa Boulevard, and Malarky's Irish Pub at 3011 Newport Boulevard. The Project's replacement of the existing restaurant will not change the character of Balboa Peninsula as a mixed-use area with commercial and residential uses.
 4. The Property is one of five lots categorized as Commercial Neighborhood (CN) by Title 21 located on 32nd Street between Balboa and Newport Boulevards. Collectively, these Commercial Neighborhood (CN) properties total 189,562 square feet. The Property is 3,466 square feet and represents 1.8 percent of the total lot area

of these Commercial Neighborhood (CN) properties. Additionally, Commercial Neighborhood (CN) properties are located on the corner of Bayside Drive and Jamboree Road and on the corner of West Coast Highway and Balboa Boulevard.

5. When considering the Project with previously certified LCPA's, the result is an increase of land zoned for visitor serving uses. The following are amendments which have resulted in the increase in commercial uses in the Coastal Zone:
 - a. *LCP No. 50 - 1800 and 1806 West Balboa Boulevard (0.23 acres)*: Amendment to change the Two-Unit Residential (R-2) coastal zoning designation to Retail Service and Commercial (RSC). The property is currently developed with a visitor-serving hotel.
 - b. *LC2012-001 – 475 32nd Street (4.17 acres)*: Amendment to change the Public Facilities (PF) coastal zoning designation to Visitor-Serving Commercial (CV-LV). The property is currently developed with a large visitor serving hotel (Lido House Hotel).

The following amendments have resulted in the loss of commercial uses and the increase in residential uses in the Coastal Zone:

- a. *LC2002-001 – 205 Orange Street (0.06 acres)*: Amendment to change the RSC coastal zoning designation to R-2. The property is currently developed with a residential duplex.
- b. *LC2003-001 – 129, 131, and 133 Agate Avenue (0.18 acres)*: Amendment to change the RSC designation to R-2. The properties are currently developed as residential.
- c. *LC2009-001 – 2000, 2006, 2008, 2012, 2016 East Balboa Boulevard (0.62 acres)*: Amendment to change the Parks and Recreation (PR) coastal zoning designation to Single-Unit Residential (R-1). The properties are currently developed as a private tennis club.
- d. *LC2013-001 – 3303 Via Lido (0.4 acres)*: Amendment to change the Private Institutions (PI) coastal zoning designation to Multiple Residential (RM). The property is now currently developed with residential condominiums (Lido Villas).

These previous LCPAs result in a conversion of 4.4 acres to visitor-serving commercial uses and a conversion of 1.26 acres to residential uses. There is not a cumulative effect of loss of visitor-serving commercial uses within the Coastal Zone.

- C. The amendment to Setback Map S-2B of Title 21 removes a front setback along the side property line, as shown in Exhibit "D," which would result in a three-foot side setback that is typical for residential development in the surrounding residential lots. This would allow for fences, walls, or other accessory structures to a maximum height of six feet in the side setback area, where the maximum height of accessory structures in a front setback is 42 inches.

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF NEWPORT BEACH

}
}
} ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2023-12 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 14th day of February, 2023; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Noah Noah Blom, Mayor Pro Tem Will O'Neill, Council Member Brad Avery, Council Member Robyn Grant, Council Member Lauren Kleiman, Council Member Joe Stapleton, Council Member Erik Weigand

NAYS: None

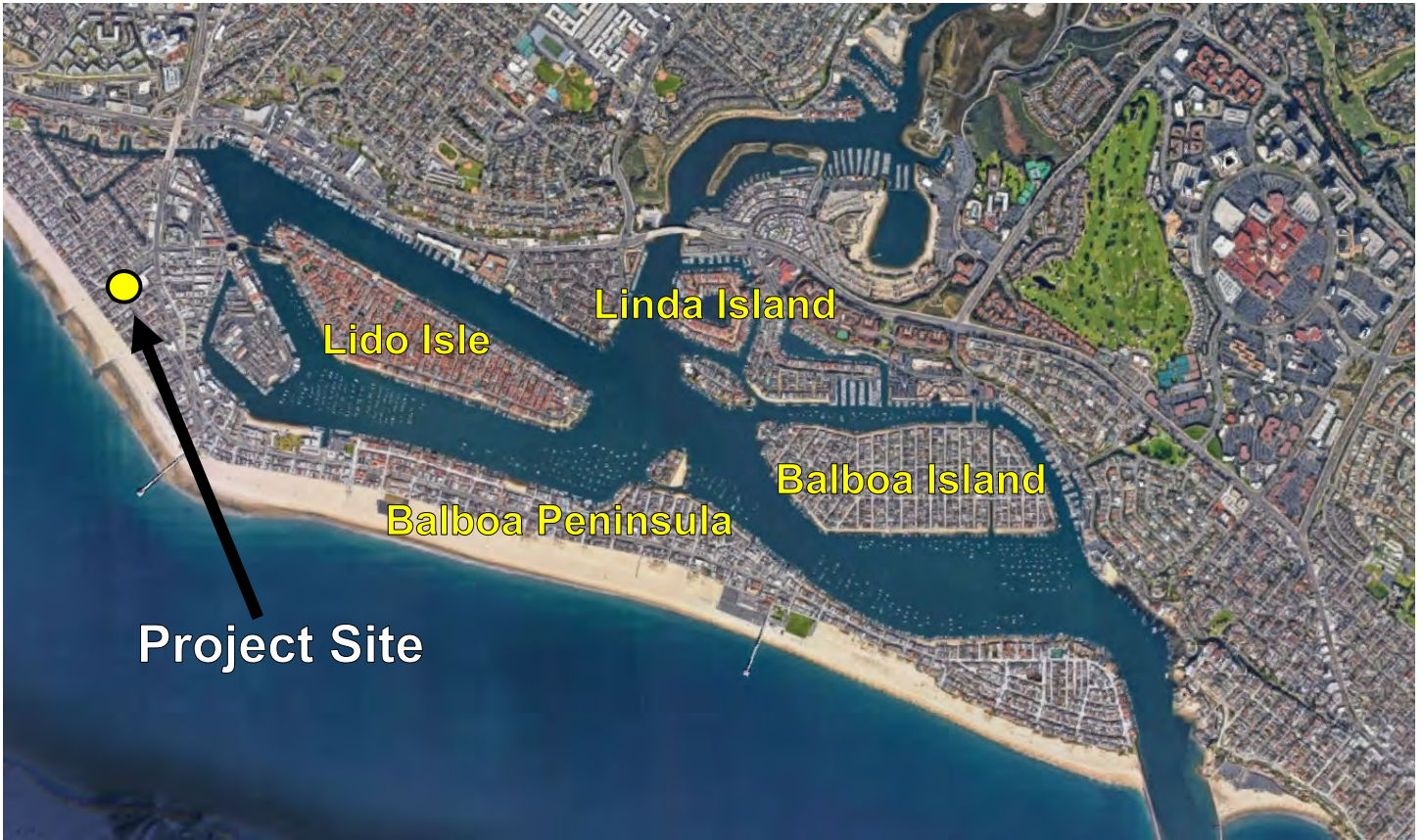
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 15th day of February, 2023.



Leilani I. Brown
City Clerk
Newport Beach, California



Exhibit 2 – Vicinity Map





Adjacent Mall

Project Site

Entrance

Balboa Boulevard



CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



Date: October 19, 2022

To: The Honorable Newport Beach City Council

Re: Draft Local Coastal Program Amendment to Revise Land Use Designation and Zoning Revision for 3014 Balboa Boulevard

Thank you for the opportunity to review the draft amendment to the City of Newport Beach certified Local Coastal Program (LCP) for the Hanna Residences. The draft amendment would revise the Land Use Plan (LUP) and Implementation Plan (IP) to allow residential uses, rather than commercial uses, at 3014 Balboa Boulevard. The project site is in the coastal zone of the City of Newport Beach.

The following comments address the draft LCP amendment and proposed project's consistency with Chapter 3 policies of the California Coastal Act of 1976. The comments contained herein represent preliminary review by Coastal Commission staff; the comments should not be construed as representing the opinion of the Coastal Commission itself. As described below, the proposed LCP amendment and project raise issues relating to public access and recreation.

The subject site (3014 Balboa Boulevard) is currently designated 'Neighborhood Commercial' in the City's certified LUP and zoned 'Commercial Neighborhood' in the certified IP. The designation allows retail and commercial uses developed in "distinct centers oriented to primarily serve the needs of... residential uses in the immediate area." The draft amendment would revise the land use designation and zoning for the subject site to 'Two Unit Residential', which allows solely residential use. The hearing notice indicates that the amendment is necessary to approve demolition of the existing restaurant and construction of two condominium units onsite.

The existing lot is developed with a casual eatery and located one block from the public beach. The restaurant is adjacent to a strip mall which forms one of the distinct Neighborhood Commercial centers referenced in the certified LUP, as well as one of the select areas with lower-cost visitor-serving amenities. Despite its popularity as a visitor destination¹, Balboa Peninsula is characterized primarily by residential and mixed-use designations in the certified LUP. Only four parcels in the Balboa Peninsula are designated Neighborhood Commercial.

Chapter 3 of the Coastal Act requires maximized public access (Section 30210), prioritization of visitor-serving accommodations (Section 30222), and protection of lower-cost visitor facilities where feasible (Section 30213). The proposed LCP amendment and associated project would facilitate the elimination of an existing, affordable visitor-serving

¹ Ref. <https://www.visitnewportbeach.com/vacations/cannery-village/>

use for construction of residential development, which raises potential inconsistencies with the aforementioned Coastal Act policies.

Furthermore, the subject draft amendment is preceded by four LCP amendments re-designating existing public uses for private residential development: LUP Amendment Nos. 1-98 for 1800—1806 Balboa Boulevard; 1-03-A for 205 Orange Street; 1-03-B for 1514 Balboa Boulevard; and 1-03-C for 129 Agate Avenue. All re-zoned sites were located within one block of the public beach. For consistency with Coastal Act Section 30105.5, the City must consider the incremental effects of the subject LCP amendment concurrent with past and probable future projects. The subject amendment raises questions of a cumulative effect on affordable visitor amenities.

Commission staff therefore suggests the City deny the subject request and analyze alternative uses for the project site that adhere to the current LUP designation and maintain consistency with public access, recreation, and environmental justice policies of the Coastal Act and/or identify an offset that would address the loss of the site as a visitor serving amenity.

Thank you for the opportunity to comment on the draft LCP amendment for the Hana Residences Project. Commission staff request notification of any future activity associated with this project or related projects. As stated above, the comments provided herein are preliminary in nature and additional comments may be appropriate when an LCP amendment request or coastal development permit application is submitted. If the City wishes to continue this discussion, please contact chloe.seifert@coastal.ca.gov and Commission staff can schedule a meeting.

Sincerely,



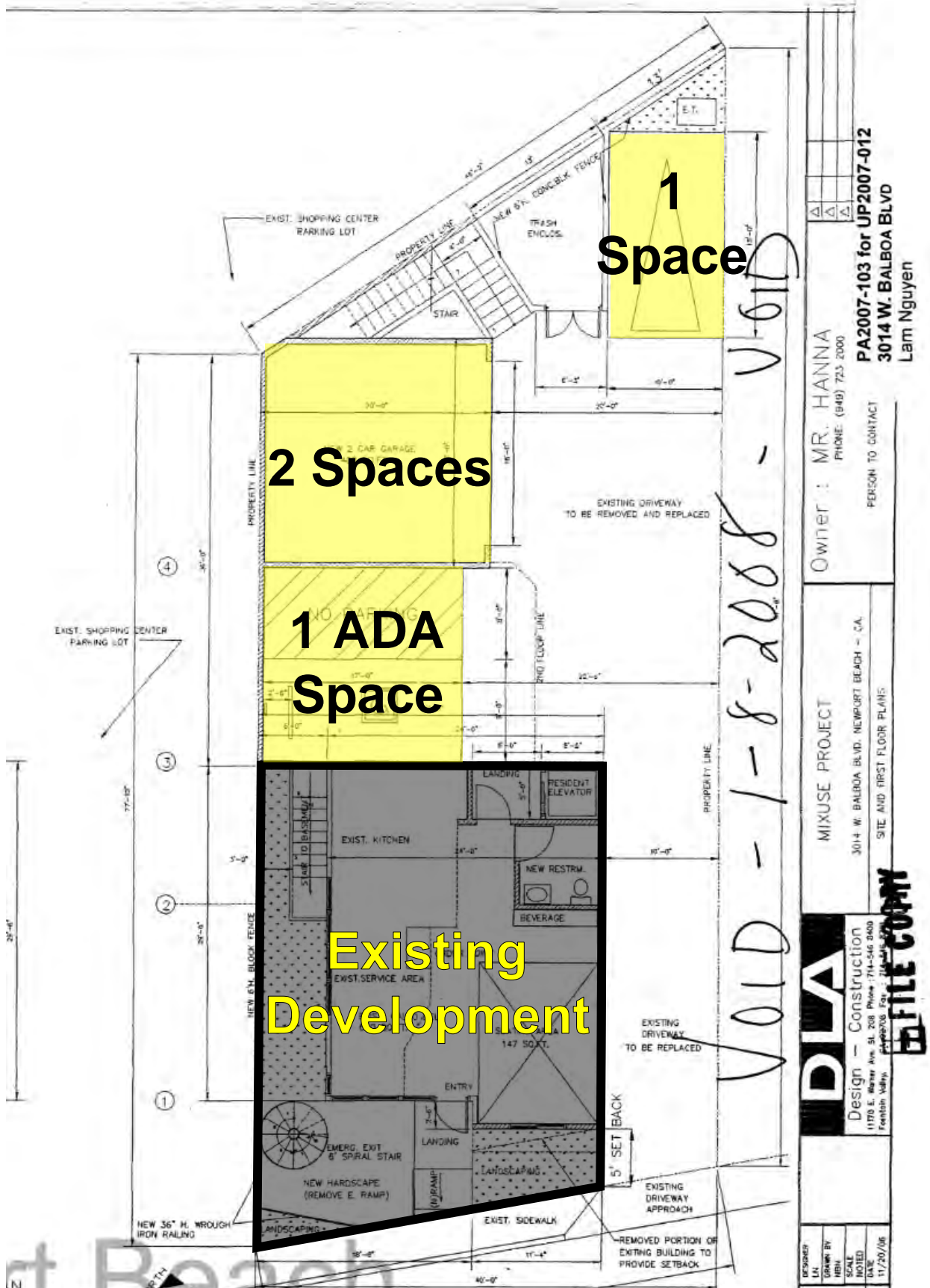
Chloe Seifert
Coastal Program Analyst II
South Coast District

Exhibit 4 – Survey of Lower-Cost, Visitor-Serving Facilities

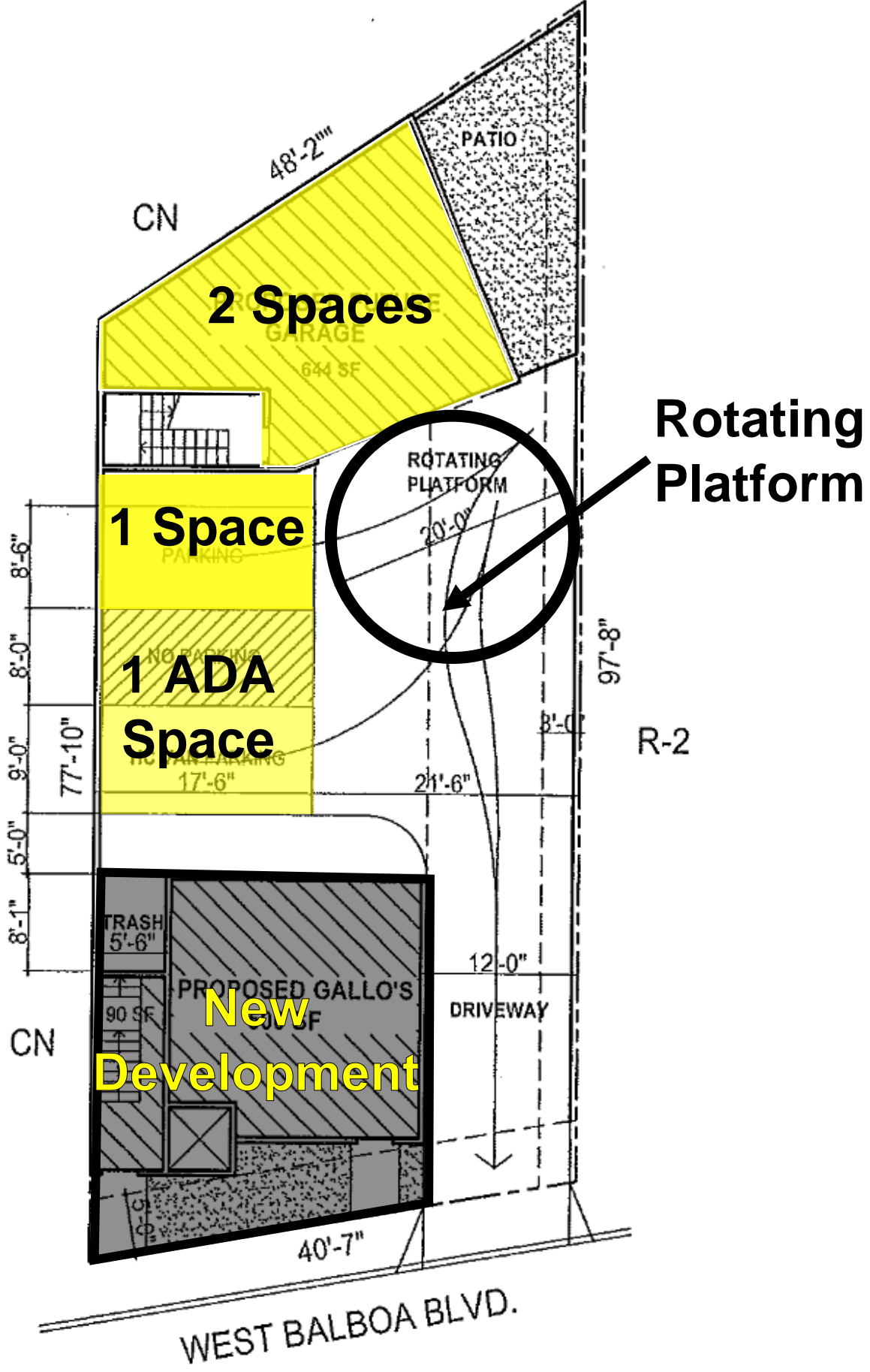


Map Legend	
A	Gina's Pizza
B	Chihuahua Cerveza
C	Chipotle Mexican Grill
D	Mama D's
E	Session's Sandwiches
F	Laventina's Pizza
G	El Ranchito
H	Ho Sum Bistro
I	Hook and Anchor
J	Chicken Bun Bun
K	Newport Fresh Sushi
L	Crew Coffee
M	Pavilions Grocery Store
N	Malarky's Irish Pub

Exhibit 5 – Prior Parking Lot Applications

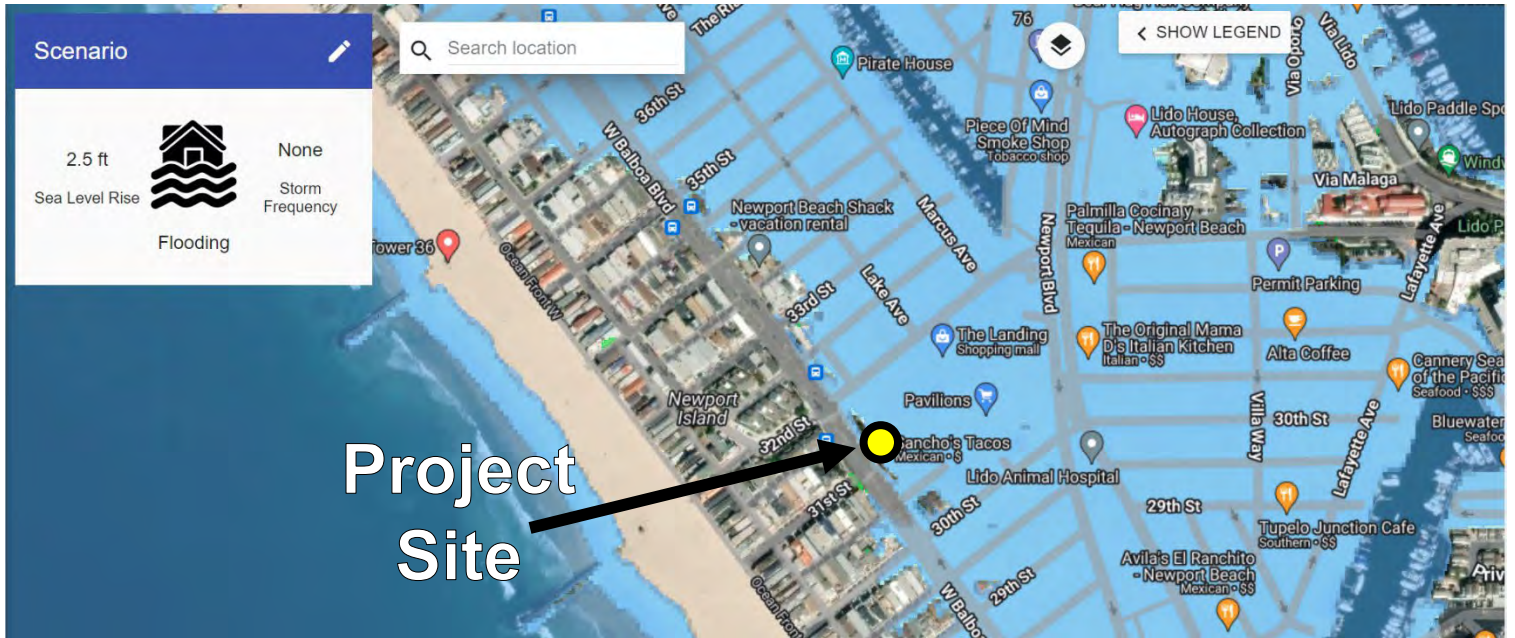


Property-owner's plans for 4 parking spaces submitted and withdrawn in 2007.

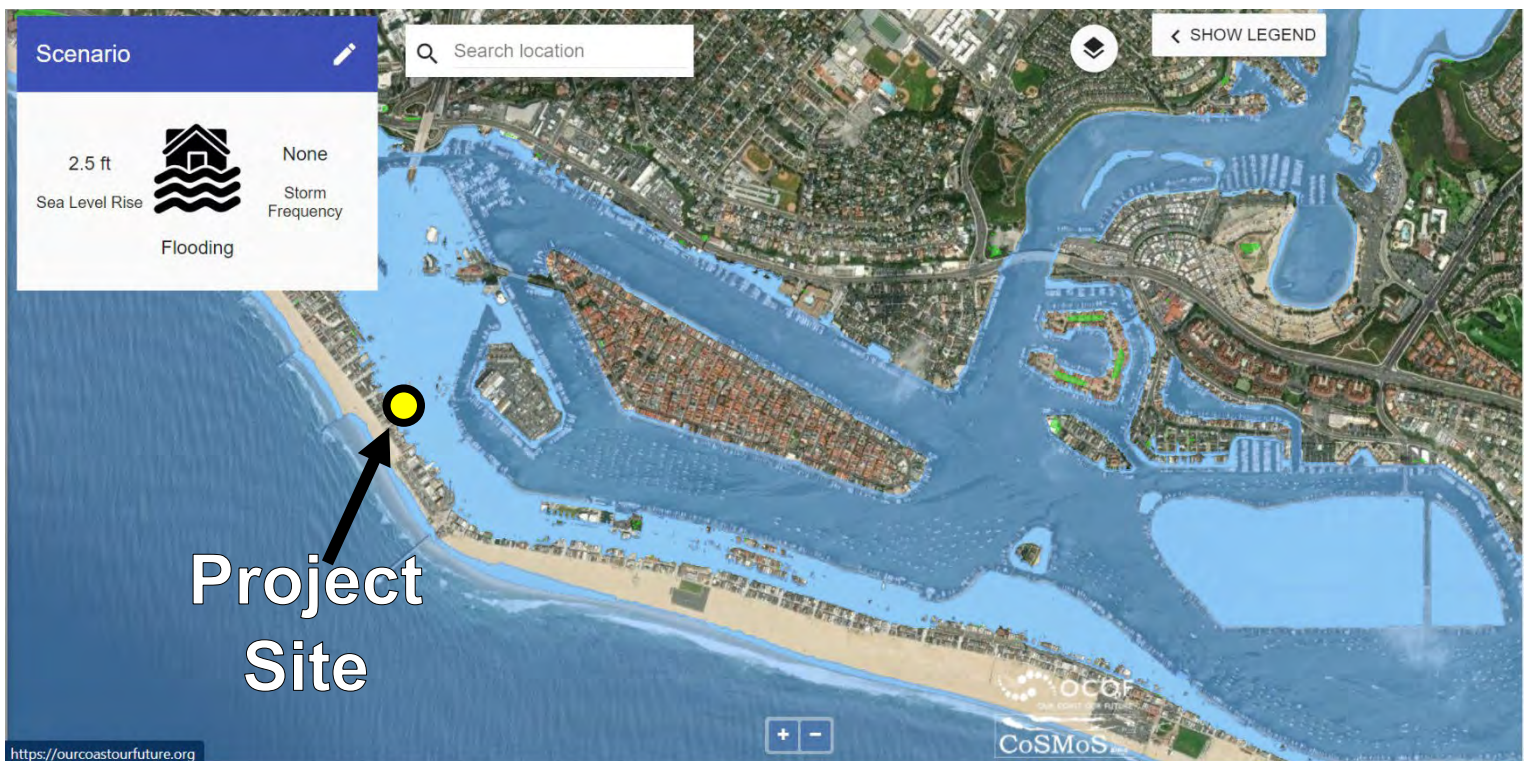


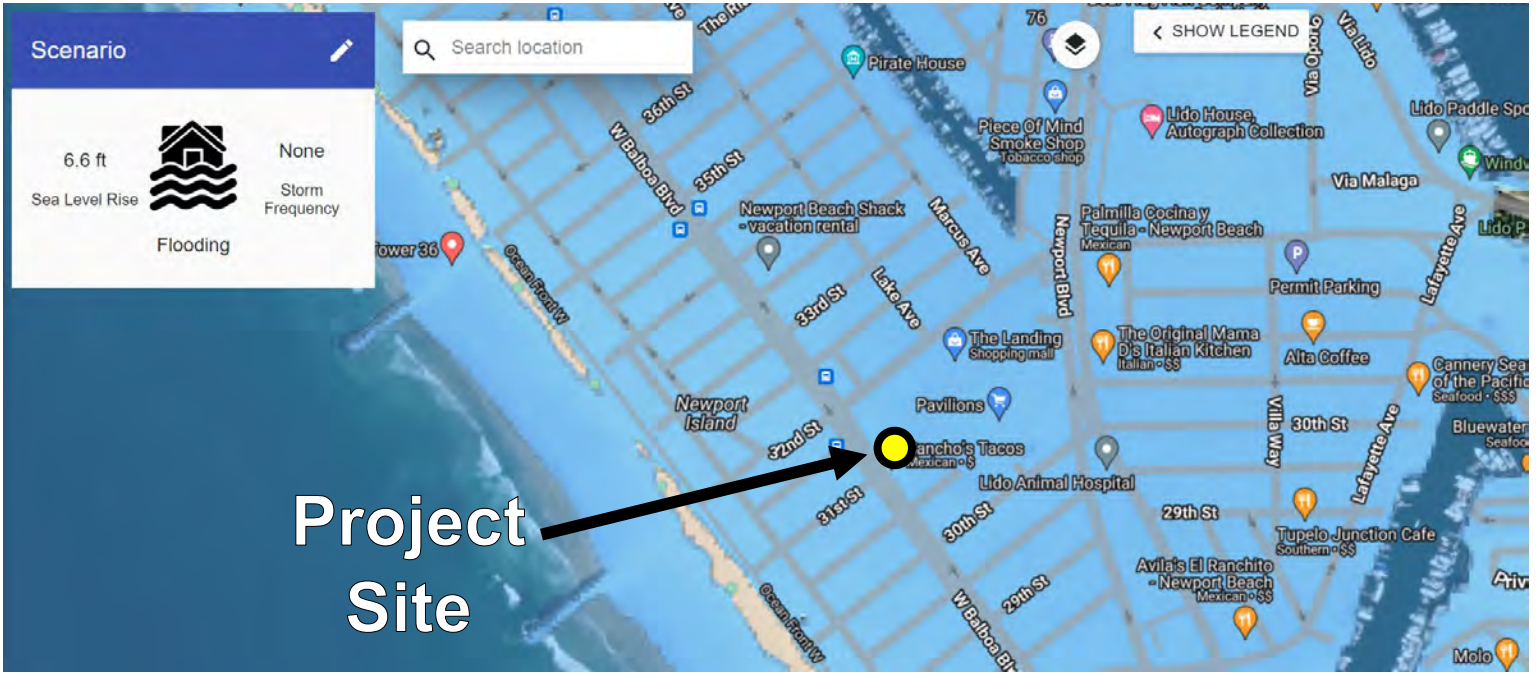
Property-owner's plans for 4 parking spaces submitted and withdrawn in 2010.

Exhibit 6 – CoSMoS Sea Level Rise Figures



CoSMoS screenshots showing the project site (above) and the entire Newport Beach coastal zone (below) with 2.5 ft. of sea level rise and no storm event





CoSMoS screenshots showing the project site (above) and the entire Newport Beach coastal zone (below) with 6.6 ft. of sea level rise and no storm event.

