

December 16, 2011

Via Hand Delivery

Teresa Henry
Karl Schwing
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

**RE: Sunset Ridge Park Project – 4850 West Coast Highway, Newport Beach, CA
(City of Newport Beach)**

Dear Ms. Henry and Mr. Schwing:

On behalf of the City of Newport Beach, we submit to the California Coastal Commission for consideration the enclosed Coastal Development Permit (CDP) application for the proposed Sunset Ridge Park (SRP) project. Located at the northwest corner of Superior Avenue and West Coast Highway, this project proposal will provide a public park with active and passive uses in the western portion of Newport Beach, which is currently lacking in such a community and regional resource. This project application differs from the previous SRP CDP application (5-10-168) in that no off-site development is proposed.

This proposal for a public park includes: (1) active recreational amenities in the form of a playground and picnic area, a youth baseball field, and two youth soccer fields; (2) passive recreational amenities in the form of a memorial garden, pedestrian paths, and an overlook area with a shade structure and seating; (3) a 1,300 s.f., one-story restroom and storage facility, with maximum height of 20 ft.; (4) a landscaping/planting plan. No on-site parking is proposed. Park visitors are invited to utilize an existing City-owned public parking lot providing 64 spaces located at the northeast corner of the intersection of Superior Avenue and West Coast Highway. Emergency and maintenance access to the property is via an existing gravel road off of West Coast Highway through what has been labeled as the "Southeast Polygons" – no improvements to this road are required or proposed.

On July 12, 2006, the California Coastal Commission approved and certified a Land Use Plan Amendment (LUPA – "NPB-MAJ-1-06 Part B") proposal by the City of Newport Beach for the rezoning of the subject property from Medium Density Residential (RM-B) to Open Space (OS). The original RM-B zoning would have permitted residential density ranges from 10.1 to 15 units per gross acre. The rezoning to OS was noted as proposed by the City with the intent "to provide areas for a range of public and private uses to meet the recreation needs of the community and to protect, maintain, and enhance the



PROVIDERS OF LAND USE PLANNING
FOR A BETTER COMMUNITY

SCHMITZ & ASSOCIATES, INC.

HEADQUARTERS - MALIBU OFFICE
29350 PACIFIC COAST HWY., SUITE 12
MALIBU, CA 90265

TEL: 310.589.0773 FAX: 310.589.0353

EMAIL: INFO@SCHMITZANDASSOCIATES.NET

REGIONAL - CONEJO VALLEY OFFICE
5234 CHESEBRO ROAD, SUITE 200
AGOURA HILLS, CA 91301

TEL: 818.338.3636 FAX: 818.338.3423

WEBSITE: WWW.SCHMITZANDASSOCIATES.COM

community's natural resources." Specifically, it was made clear to the Coastal Commission that the purpose of this rezoning proposal was **"to acquire the property from Caltrans and eventually develop it as an active recreation and view park"** (CCC Staff Report for NPB-MAJ-1-06 Part B, pg. 7) (emphasis added). Coastal Commission staff specifically made the following findings in support of their recommendation of approval of the City's proposal:

- *"The site is designated as a 'public view point' in the certified LUP. This is a prime site for increased public recreational and viewing opportunities."*
- *"The proposed amendment changes the land use designation of the subject site from Medium Density Residential, a low priority use in the Coastal Zone, to Open Space, a higher priority use. **The development of a low-cost, visitor-serving recreational amenity is consistent with Section 30213 of the Coastal Act.**" (emphasis added)*
- *"[T]he site is currently undeveloped and covered with ruderal grasses and a mix of native and non-native shrubs."*

- CCC Staff Report for NPB-MAJ-1-06 Part B, pg. 7

The subject property was subsequently acquired by the City from the State of California (Caltrans) in late 2006. Prior to this acquisition, the subject property was owned by the State of California for several decades (since 1960s). In the 1950s, Caltrans proposed the Pacific Coast Freeway to upgrade the existing West Coast Highway to freeway standards; thus, the subject property was acquired by the State in anticipation of this Freeway construction. With the abandonment of this Freeway project in the early 1970s, in 1976 Caltrans identified the property as excess right-of-way and proposed to dispose of the property. In the interim, however, Caltrans maintained the property by annually mowing/clearing the subject property for fuel modification/weed abatement purposes. In late 2006, the City of Newport Beach purchased the subject property from Caltrans. Included as terms of the property sale from the State, the grant deed specified that the property must be used as an active park, and the State retained a 197,720 s.f. scenic easement located along the southerly property line abutting West Coast Highway, within which the placement of permanent structures and pavement is prohibited.

GRANTEES USE OF SAID EASEMENT AREA SHALL BE LIMITED TO THOSE "PERMITTED" USES UNDER GRANTEE'S ZONING DESIGNATION OPEN SPACE - ACTIVE AS DEFINED UNDER TITLE 20 OF GRANTEES ZONING CODE AS IT EXISTED ON OCTOBER 12, 2006. ADDITIONALLY THE GRANTEE IS PROHIBITED FROM PLACING PERMANENT STRUCTURES OR PAVEMENT WITHIN THE EASEMENT AREA, AND NO PARKING OF MOTORIZED VEHICLES SHALL BE PERMITTED WITHIN THE EASEMENT AREA.

As noted above, the Coastal Commission approved in 2006 the rezoning of the subject property to Open Space for an anticipated active and passive park. At that time, the Commission accurately concluded that the contemplated park use was supported by the Coastal Act resource protection and visitor-serving policies.

Indeed, the current Sunset Ridge Park project proposal advances the following Coastal Act policies:

30212.5. Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Sunset Ridge Park will provide free visitor/public recreational park facilities. As noted above, this proposed public park is much-needed in the deficient West Newport Beach community. Furthermore, the proposed youth athletic fields will serve to fill a shortage for such facilities in the face of the high use demand of residents in this region. Accordingly, Policies 30212.5 and 30213 are advanced by this project proposal.

30253. New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.
- (d) Minimize energy consumption and vehicle miles traveled.
- (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Project landform alteration has been minimized to the maximum extent feasible. In furtherance of this goal to minimize landform alteration, no off-site development and no on-site access improvements are proposed; instead, an existing City-owned parking lot located across Superior Avenue will be utilized by Park users. Use of this parking lot for the proposed Park has been assessed by City Traffic Engineer Tony Brine and determined to be feasible and to have no impacts to the levels of service at the subject intersection. Mr. Brine's enclosed report dated December 7, 2011 provides recommendations and noted steps the City is already undertaking to ensure safe vehicular turns and safe pedestrian travel from the parking lot to the Park site.

Emergency and maintenance vehicles which require access to the Park property will utilize an existing, gravel road off of West Coast Highway as indicated on the site plan.

This latter project aspect was supported by staff during its consideration of previously submitted and withdrawn CDP Application No. 5-10-168.

construction of an access road. Existing gravel roads on the NBR parcel, or new gravel roads on the City parcel may be able to serve maintenance vehicles for the park, and avoid the construction of a new paved access road. A park with

- Page 20, CDP 5-10-168 Supplemental Staff Report

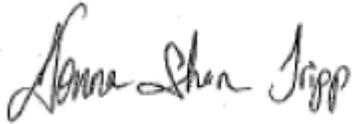
The park location would serve a current deficiency in the Western Newport Beach community thereby minimizing energy consumption and vehicle miles traveled by park users; and further enhance Newport Beach's reputation as a popular visitor destination with public/visitor-serving recreational resources. Accordingly, Policy 30253 is advanced by this project proposal.

In support of this application for a Coastal Development Permit application, please find enclosed the following materials:

- Coastal Development Permit Application Form - Including
 - *Appendix A* – Declaration of Campaign Contributions
 - *Appendix B* - Local Agency Review Form
 - *Appendix C* - List of neighboring property owners and occupants and other interested parties.
- Two full-size sets of project plans.
 - Site and Grading Plan with Topography
 - Site and Grading Plan with Aerial Photo
 - Existing Vegetation Plan with Topography
 - Existing Vegetation Plan with Aerial Photo
 - Landscape Planting Plan
- Copy of Reduced (8.5 x 11") Set of Project Plans
- Earthwork Exhibit (8.5 x 11")
- Proof of Applicant's Interest in Property
- Vicinity Map
- Assessor's Parcel Map showing proposed development site and all adjacent properties within 100 ft. of property boundary
- Envelopes addressed to neighboring property owners and occupants and other interested parties.
- November 22, 2011 correspondence from City Manager Dave Kiff to Sherilyn Sarb (copy not included, previously submitted)
- Copy of correspondence from City Traffic Engineer Tony Brine dated December 7, 2011.
- Alternative Analysis with Power Point Exhibits
- A digital copy on disc of the Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program.
- A digital copy on disc of application submittal items (excluding EIR which is on above-referenced separate disc).

Should you have any questions, please do not hesitate to contact us at (818)338-3636.
Thank you for your thoughtful consideration of this application.

Sincerely,
SCHMITZ & ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Donna Tripp".

Donna Tripp
Regional Manager

CC: Dave Webb, Deputy Director of Public Works, City of Newport Beach
Andy Tran, Senior City Engineer, City of Newport Beach