

From: [Mastrup, Sonke@FGC](mailto:Mastrup_Sonke@FGC)
To: [David Girling; FGC](mailto:David_Girling@FGC)
Cc: [Chris Miller; Miller-Henson, Melissa@FGC](mailto:Chris_Miller@FGC)
Subject: RE: Lower Castaways in Newport Beach
Date: Tuesday, March 18, 2014 8:17:10 AM
Attachments: [image001.png](#)
[image002.png](#)

David, thanks for the email. We appreciate your interest in reaching out to all potential interested parties regarding this development project. It looks like the project will be a significant addition to the local community. Unfortunately, our April agenda is already set and the schedule does not allow such an extensive presentation before the Commission. If you still desire to make the Commission aware of the project, I would suggest that you submit a written report by April 3 and speak under public forum at the April 16 meeting. By providing a written report by April 3, I can include it in their briefing binder for the meeting. Although you will only have three minutes to speak under public forum, you can reference the written material provided.

I will try and give you a call later today. You can also reach me at 916-799-0398

From: David Girling [mailto:dave@Girlingreig.com]
Sent: Monday, March 17, 2014 12:24 AM
To: FGC; Mastrup, Sonke@FGC
Cc: Chris Miller
Subject: Lower Castaways in Newport Beach

Dear Mr. Mastrup: My name is David Girling and I am a Harbor Commissioner for the City of Newport Beach. I am the Chairman for a Committee that has been charged to find the highest and best use for a parcel of land called the Lower Castaways in Newport Harbor. It lies at the southernmost border of the Upper Newport Bay Marine Protected Area ("MPA") and so some of the proposed uses are currently not allowed, specifically the water elements associated with the plan. In the past, I have been in contact with Tom Mason and most recently with Steve Wertz of DFW. Steve suggested I reach out to you.

I understand that the DFW Commissioners next meet on 4/16 in Ventura. I would welcome the opportunity to meet with you and the Commissioners to present our plans for Lower Castaways. I have attached the presentation that I gave last week to my fellow Harbor Commissioners. This week I will give the same presentation to our Tidelands Committee, and the following week I will present to our Parks Beaches and Recreation Commission. We hope to present to the Newport Beach City Council sometime in May or June for preliminary comments. I would be happy to present to your Commission on 4/16 if appropriate.

My contact information is listed below. I welcome the opportunity to speak with you directly about Lower Castaways and perhaps about the 4/16 meeting. I look forward to speaking with you. Best regards, Dave

David Girling
BRE Broker License #01852613
Coldwell Banker Previews International
(affiliated w/ Girling Real Estate Investment Group)
949-280-1212

dave@girlingreig.com
<http://www.girlingreig.com>



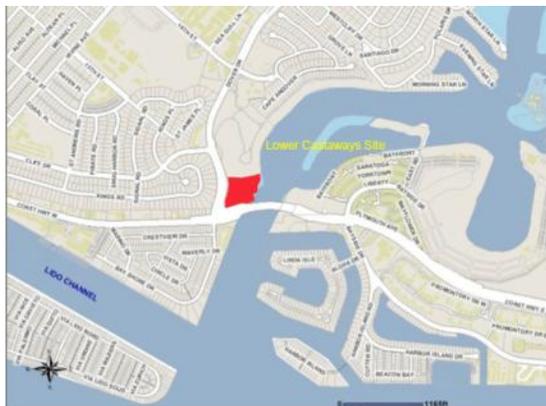
Lower Castaways – Land Use Considerations

Newport Beach Harbor Commission – Lower Castaways Development Initiative

The Newport Beach Harbor Commission refines its Goals and Objectives each year and they are presented annually to The Newport Beach City Council. One of the Commission's Goals and Responsibilities is *Ensure the Long Term Welfare of Newport Harbor*. As part of that goal, one of the objectives established in 2012 was to complete the development of recommendations for the best public use of Lower Castaways ("LC"), the last remaining undeveloped city-owned waterfront property. Additionally, we were asked to collaborate with the Parks, Beaches and Recreation Commission in developing specific recommendations for presentation to the City Council. Harbor Commissioners Dave Girling, Brad Avery, and Karen Rhyne comprised the sub-committee that were charged with developing a plan. Two members of the Parks, Beaches and Recreation Commission ("PBR") Marie Marston and Kathy Hamilton were later added to the sub-committee.

Background

In exchange for development rights in Newport Center, the Irvine Company granted the Lower Castaways parcel to the City of Newport Beach. The Grant Deed was recorded on October 17, 2008 and it includes easements and restrictions on its use.



Existing On-site Uses

Staging for dredging projects, Civic Center mock-ups, and other smaller area projects. Off-site parking for construction related projects at Mariner's Pointe (lease Agreement expires July, 2014) and Bayshores HOA (lease Agreement expires Nov 2014). California Recreation Company (division of Irvine Company) has marina maintenance & operation activities (easement expires upon 60 day written notice).

Land Use Regulations

- General Plan - Recreational and Marine Commercial (CM) – Encourages continued coastal-dependent and coastal-related uses to maintain a

marine theme and character, mutually supportive businesses, visitor-serving and recreational uses, physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay. There is a 2000 SF maximum development limit and any increase in development would require a General Plan Amendment

- Coastal Land Use Plan - Recreational and Marine Commercial (CM-A) – has the same purpose as the General Plan. The CM-A allows 0.0 to 0.3 FAR (floor area ratio) which equates to 52,717 SF maximum, but is still limited by 2,000 SF General Plan development limit. CLUP includes several policies that govern the use of the property, public access and recreation, and coastal resource protection. Future plan would need to be consistent with these policies. Shoreline Height Limitation Zone is 35 feet max.
- Deed Restrictions - Permits marine-related uses but prohibits private commercial marina. Allows for municipal or municipally-sponsored use as per General Plan. Includes park, marine educational or research facility. In Furtherance of Tideland Trust, allows for marine/harbor dependent uses, fishing, water-oriented recreation, public access, conservation, etc. Prohibits transfer, sale, exchange to private, for-profit entity for operation of commercial marina. Provides Grantor opportunity to review and comment on proposed improvements, must be maintained in safe and attractive condition and there is no transfer of the property allowed except to utilities and other government entities in operation of permitted uses.
- Zoning - currently zoned Planned Community District No. 37 (Castaways Marina). Adopted in 1992 to allow the development of a commercial marina use and is inconsistent with Deed Restriction (unless public). Zoning Compliance Options: amend PC Development Plan to allow proposed use or rezone to Commercial Recreation & Marine. City Council may exempt City facilities from zoning.
- Marine Protected Area “MPA” – Lower Castaways is in a Marine Protected Area (“MPA”) called the Upper Newport Bay State Marine Conservation Area. In applying for permit with the Coastal Commission, DFW would provide comment that LC development is in conflict w/ current law and Coastal Commission would not approve any water component development along the bulkhead as a result. Revolves around definition of “take” which is defined as damage to habitat or organisms killed. Take is allowed for existing facilities. According to prior conversations, DFW may be working on a new policy/approach to allow new structures / facilities (dock or pier).
- Other Considerations – include CEQA considerations, access issues (currently only right in & right out) and easements (30’ wide water line easement which is the primary water line across bay). Also, the water area is within the County tidelands.

Bulkhead – Anchor QEA Report

- Wall length: 300' w/ 6' wide concrete panels
- Wall is reaching or has reached the end of its usable service life
- No immediate danger of failure or collapse, but appears unstable and may be further weakened in an earthquake (some cracking), but structure is not a reliable structure for site use & development
- City should monitor on an annual basis

Timeline

- 10/5/2012 – First meeting (Karen Rhyne, Brad Avery)
- 2/14/2013 – Contacted PBR Commission
- 3/5/2013 – Spoke at PBR Commission meeting
- 3/13/2013 – Study Session, City presented
- 6/28/2013 – Met with Dave Kiff (City Manager) & PBR representatives
- 8/6/2013 – PBR commissioners appointed
- 9/6/2013 – First meeting w/ PBR as official members
- 11/5/2013 – Committee meeting – received renderings
- 3/3/2014 – Committee meeting – received revised renderings
- 3/12/14 – Harbor Commission meeting/presentation
- 3/19/14 – Tidelands Committee meeting/presentation
- 4/1/2014 – Parks, Beaches & Recreation meeting/presentation

Ideas from 3/13/2013 Study Session et al

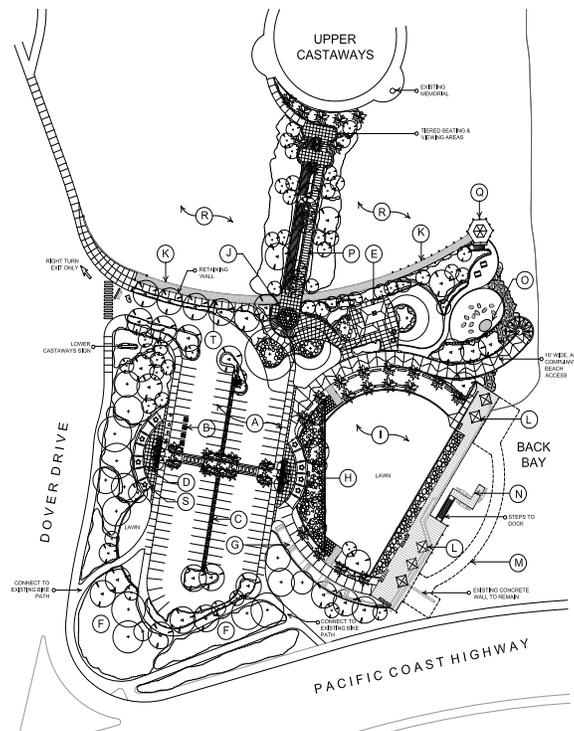
- “By water, by land, by bike”
- Restaurant on site (e.g., Castaways, Wil Wright’s, etc.)
- Connecting Upper and Lower Castaways
- Commercial use boat launch given shortage in City (could be limited to smaller craft such as kayaks & canoes) Staging area for renovation/rebuilding boats
- Rental facility for boats, bikes & SUP
- Public dock or pier
- Education and restoration center – could include growing & planting kelp & eel grass
- “Clean water camp” – staging area for volunteers to bring trash from bay
- Marine recycling center / marine waste disposal facility (County might participate)
- Commercial crane w/ boat storage facility
- Base for a water taxi operation
- Area for unloading lobster pots
- Community garden
- Regular parking, overflow parking or parking for special events in the City
- Multi-use site incorporating many of above-listed ideas
- Public restrooms
- Work with Bike Master Plan Committee
- Concessions (food trucks)

Preliminary Plan

- Currently zoned as commercial marina – **needs to be rezoned**. *City attorney confirmed that they believe the intent of the Grant Deed is to permit the City to provide municipal services and activities but to preclude the City from contracting with a commercial operator and operate a boat marina.*
- Multi-use, recreational hub incorporating biking, hiking and boating activities along with 85-90 parking spaces, public restrooms and a stairway connecting to the Upper Castaways
- Built in phases (overall approval applied for at outset)
- Minimalist approach

LOWER CASTAWAYS PARK CITY OF NEWPORT BEACH

CONCEPT



LEGEND

A	PARKING (93 TOTAL SPACES)	G	FLEXIBLE SPACE TO ACCOMMODATE COMMUNITY EVENTS (I.E. FARMERS MARKET, FOOD TRUCKS)	N	LOW FREEBOARD DOCK
B	ELECTRIC VEHICLE CHARGING STATIONS	H	LARGE LANDSCAPE BOULDERS	O	OUTDOOR STAGE WITH GRASS & INFORMAL SEATING
C	WATER QUALITY DESIGN FEATURE	I	CONTOURED OPEN LAWN	P	GRAND STAIRCASE & FITNESS STEPS
D	TRAILHEAD (BICYCLE WORK STATIONS, DRINKING FOUNTAIN, PICNIC TABLES AND BENCHES)	J	"TIDAL TOWER" FEATURE	Q	VIEW DECK AND GAZEBO
E	RESTROOM & STORAGE BUILDING	K	BOARDWALK	R	HILLSIDE RESTORATION
F	EXISTING TREES TO BE PROTECTED AND UNDERSTORY PLANTINGS TO BE RESTORED	L	CANTILEVERED DECK w/ UMBRELLA & CAFE TABLES	S	CAFE TABLE & SHADE CANOPY
		M	POSSIBLE FUTURE "OVERWATER" PIER	T	McFADDEN LANDING HISTORY WALL



STREET EDGE & PARKING

- A PARKING (93 TOTAL SPACES)
- B ELECTRIC VEHICLE CHARGING STATIONS
- C WATER QUALITY DESIGN FEATURE
- D BICYCLE WORK STATIONS, DRINKING FOUNTAIN, PICNIC TABLES AND BENCHES
- E McFADDEN LANDING HISTORY WALL
- F PARK ENTRY SIGN
- G EXISTING TREES TO BE PROTECTED AND UNDERSTORY PLANTINGS TO BE RESTORED

BIKE PATH CONNECTION TO EXISTING TRAIL



WATERFRONT & EVENT LAWN

- H RESTROOM & STORAGE BUILDING
- I SHORELINE ACCESS WALKWAY - ADA COMPLIANT
- J WATERFRONT LAWN
- K CANTILEVERED DECK WITH UMBRELLAS, TABLES & SEATING
- L GANGWAY TO LAUNCHING DOCK (LOW FREEBOARD LAUNCH)
- M SAND KAYAK LAUNCHING & RETRIEVING AREA
- N OUTDOOR STAGE WITH INFORMAL SEATING
- O POSSIBLE FUTURE "OVERWATER" PIER
- P FLEXIBLE SPACE TO ACCOMMODATE COMMUNITY EVENTS (I.E. FARMERS MARKET, FOOD TRUCKS)
- Q LARGE LANDSCAPE BOULDERS



GRAND STAIRCASE & HILLSIDE

- R ELEVATED BOARDWALK & RETAINING WALL
- S BACK BAY TOWER FEATURE
- T GRAND STAIRCASE
- U WORKOUT STEPS
- V TERRACE
- W RESTORE VEGETATION ON HILLSIDE
- X VIEW DECK & GAZEBO

LOWER CASTAWAYS PARK
CITY OF NEWPORT BEACH



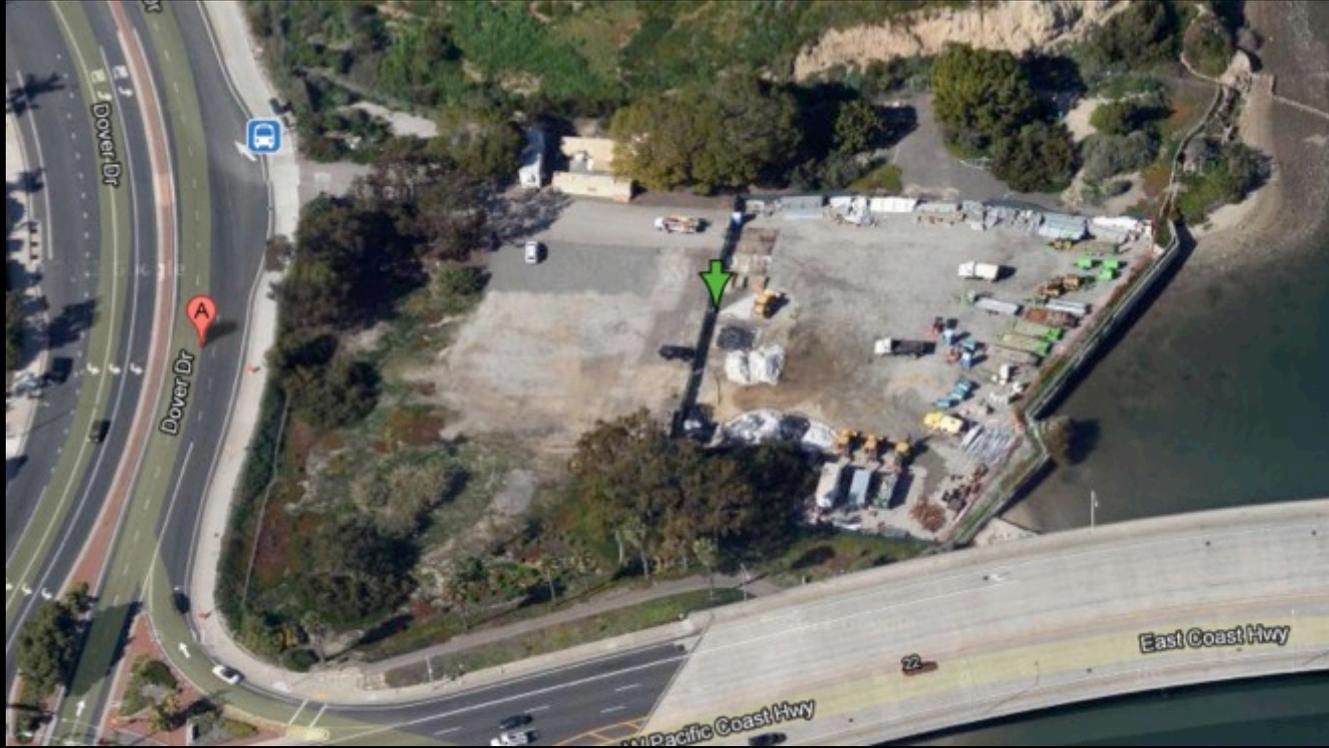
Challenges

- Coastal Commission
- MPA
- Bulkhead / Sea Wall
- Water currents
- Traffic Patterns / limitations
- Utilities
- Monitor Bayside Village Marina
- Cost - ??????

Summary

The Lower Castaways parcel presents wonderful possibilities for the residents of Newport Beach as we continue to formulate a development plan. We hope that the proposed use as a hub for hiking, biking, water access and other recreational uses will be wonderful destination point for the residents of Newport Beach and other surrounding communities. We also feel that the current plan in line with the vision and goals that the Department of Fish & Wildlife and the Coastal Commission have established for such land parcels. However, its ultimate success is contingent on the water component of the proposed plan. It is our hope that the Department of Fish and Wildlife will be able to revisit the MPA designation of Lower Castaways and adjust the boundary for the Upper Bay MPA. We understand that there currently is a process underway to do just that. Our team is available to work with DFW in the process and provide any additional details that you may need as you deliberate the MPA boundary issue.

Lower Castaways – Land Use Considerations



Tidelands Management Committee Meeting
Commissioners Avery, Girling & Rhyne
March 19, 2014



Outline – Lower Castaways



- Harbor Commission Objective
- Background (Irvine Company, Grant Deed)
- Historic Photos
- The Lower Castaways Parcel
 - City Presentation – given by Jaime Murillo on 3/13/2013 at Study Session (zoning, access, etc.)
 - MPA
- Timeline to date

Outline—Lower Castaways (cont'd)



- Anchor QEA study (bulkhead)
- Preliminary Renderings
- Challenges
- Next Steps
- Q & A

Harbor Commission Goals & Objectives



Harbor Commission Responsibility: Ensure the Long Term Welfare of Newport Harbor

Objective #2: Complete the development of recommendations for the best public use of Lower Castaways, the last remaining undeveloped city-owned waterfront property. Collaborate with the Parks, Beaches and Recreation Commission in developing specific recommendations for presentation to the City Council. [Girling, Avery, Rhyne]

Vicinity Map



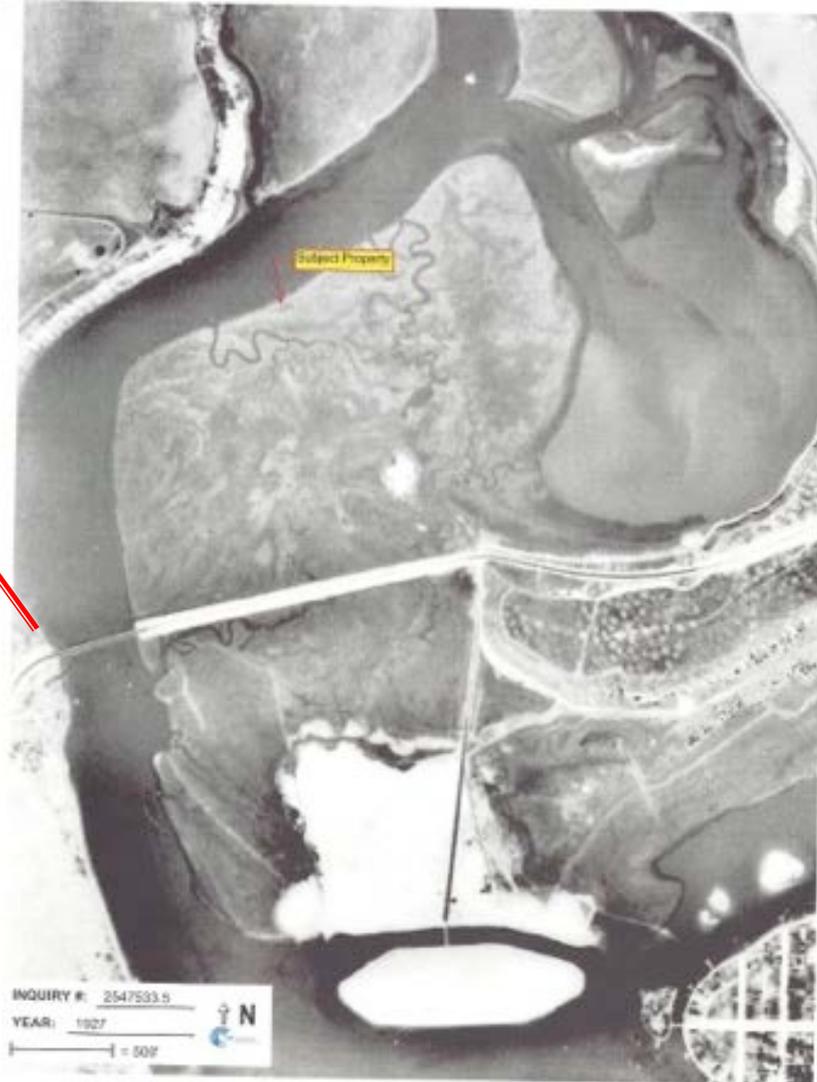
Background



- In exchange for development rights in Newport Center, the Irvine Company granted the property to the City
- Grant Deed recorded October 17, 2008
- Deed includes easements and restrictions on use
- Historical Photos

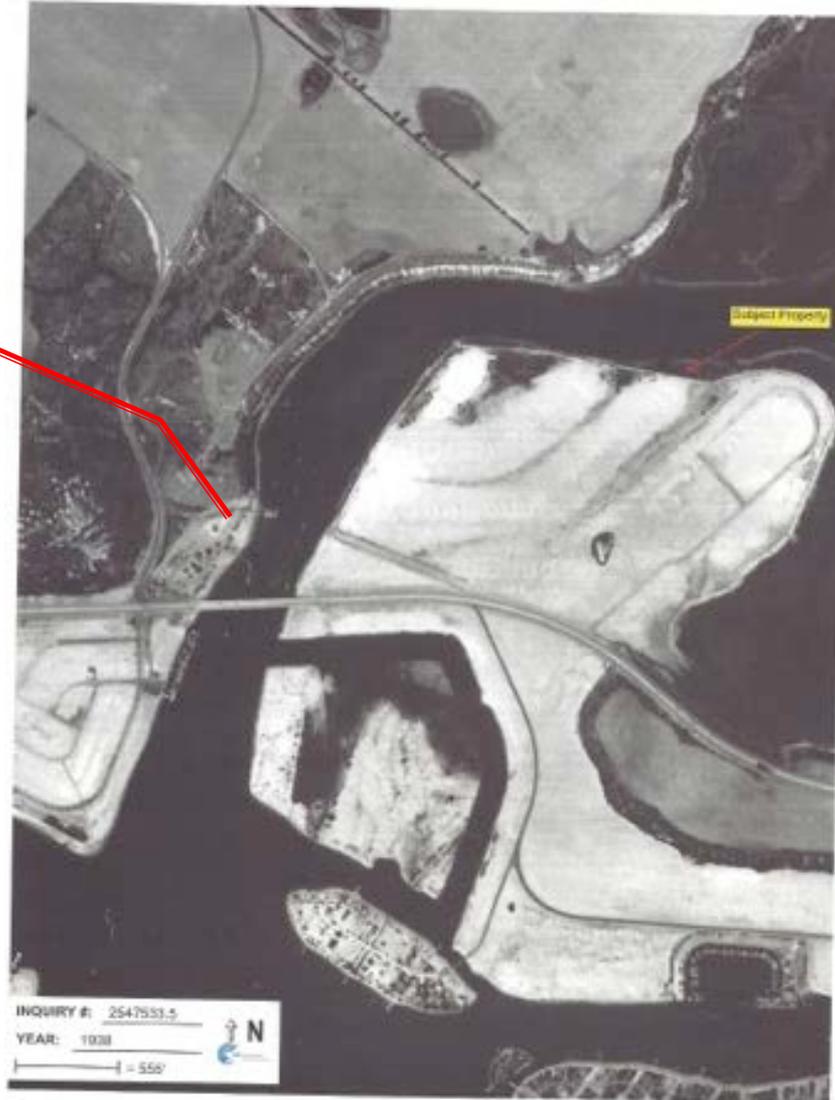
Historical Photos - 1927

Property



Historical Photos - 1938

Property



Historical Photos - 1947

Property



Historical Photos - 1953

Property



Historical Photos - 1968

Property



Historical Photos - 1977



Historical Photos - 1990

Property



Historical Photos - 1995

Property



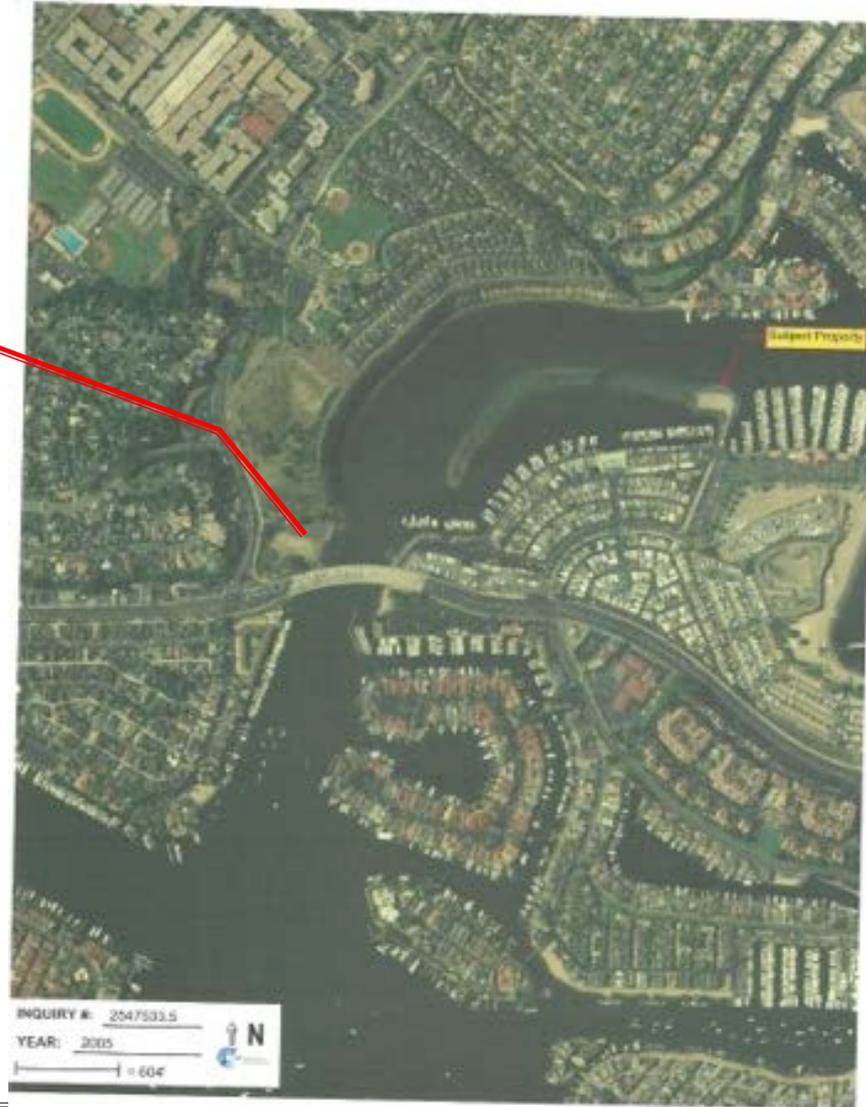
Historical Photos - 2002

Property



Historical Photos - 2005

Property



Surrounding Uses



Aerial



Existing On-Site Uses



- Staging for dredging projects, Civic Center mock-ups, and other smaller area projects
- Off-site parking for construction related projects
 - Mariner's Pointe- Lease Agreement expires July 2014
 - Bayshores HOA- Lease Agreement expires Nov 2014
- California Recreation Company Usage
 - Marina maintenance & operation activities
 - Easement expires upon 60 day written notice

Land Use Regulations



- General Plan
 - Recreational and Marine Commercial (CM)
- Coastal Land Use Plan
 - Recreational and Marine Commercial (CM-A)
- Deed Restrictions
 - Permits marine-related uses
 - Prohibits private commercial marina
- Zoning
 - Planned Community (inconsistent with deed)

General Plan: Recreational & Marine Commercial (CM)



- The CM designation is intended to provide for commercial development on or near the bay in a manner that will:
 - Encourage continued coastal-dependent and coastal-related uses
 - Maintain marine theme and character
 - Encourage mutually supportive businesses
 - Encourage visitor-serving and recreational uses
 - Encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay
- **2,000 square-foot maximum development limit** (Anomaly No. 54)
 - Increased development - GP Amendment required
 - Charter Section 423 considerations

Coastal Land Use Plan: CM-A



- Same purpose as General Plan
- CM-A allows 0.0 to 0.3 FAR
 - Equates to 52,717 SF maximum, but still limited by 2,000 SF General Plan development limit
- CLUP includes several policies that govern the use of the property, public access and recreation, and coastal resource protection.
- Future plan would need to be consistent with these policies
- Shoreline Height Limitation Zone= 35 feet max

Deed Restrictions: Covenants



1) Use of Property

- Municipal or municipally-sponsored use
- CM uses per General Plan
 - Includes park, marine educational or research facility
- In Furtherance of Tideland Trust
 - Marine/harbor dependent uses, fishing, water-oriented recreation, public access, conservation, etc.
- Prohibits transfer, sale, exchange to private, for-profit entity for operation of commercial marina

Deed Restrictions: Covenants



2) Review of Improvement Plans

- Provides Grantor opportunity to review and comment on proposed improvements

3) Maintenance and Repairs

- Maintain in safe and attractive condition

4) No Transfer of Property

- Exceptions such as utilities, other gov't entities, operation of permitted uses.

Zoning: Planned Community



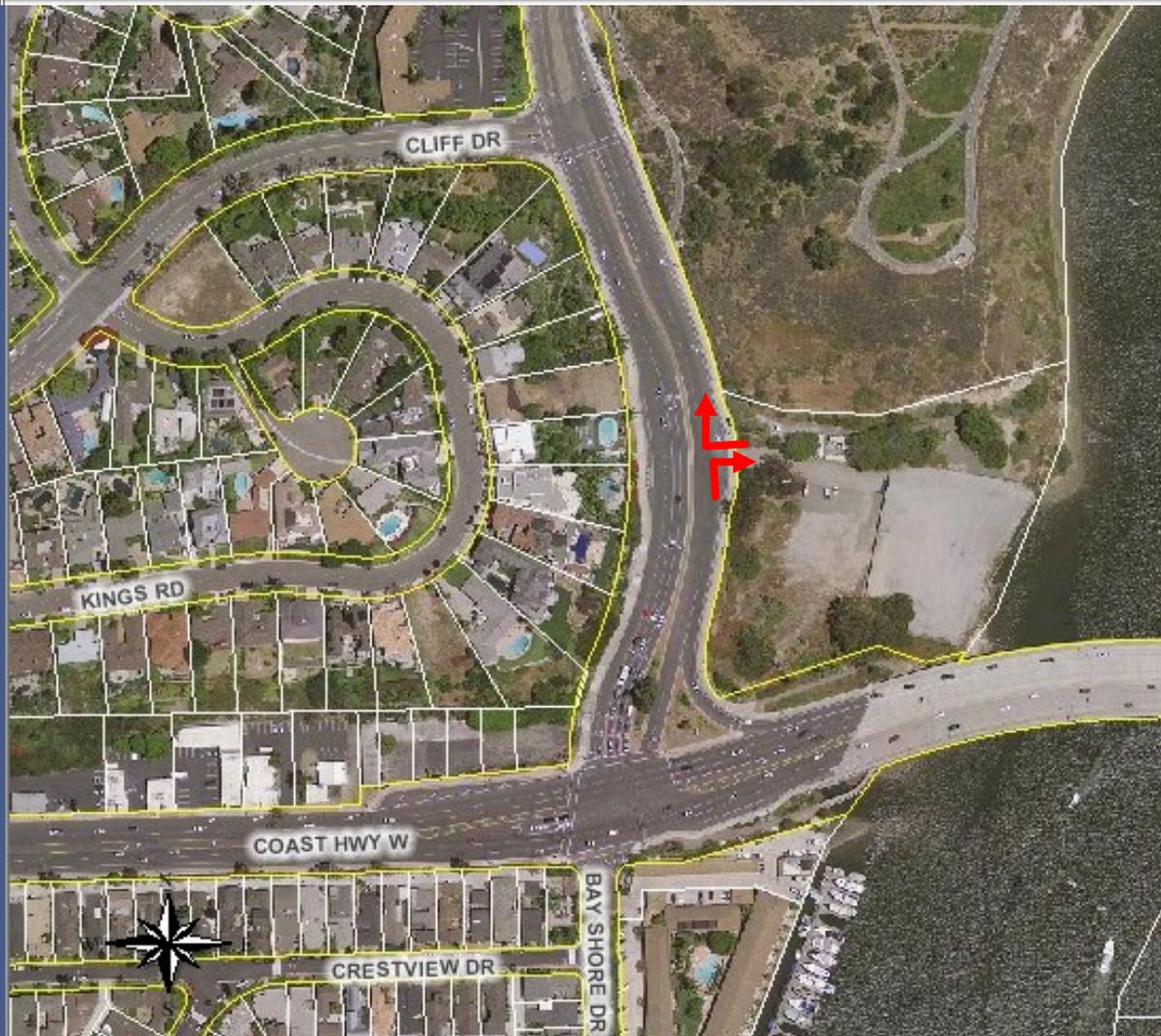
- **Currently zoned Planned Community District No. 37 (Castaways Marina)**
 - Adopted in 1992 to allow the development of a commercial marina use
 - One allowed use- commercial marina
 - Inconsistent with Deed Restriction (unless public)
- **Zoning Compliance Options:**
 - Amend PC Development Plan to allow proposed use
 - Rezone to Commercial Recreation & Marine
 - City Council may exempt City facilities from zoning

CEQA Considerations



- California Environmental Quality Act
- Exemptions, Mitigated Negative Declaration, or Environmental Impact Report
- Analyze and disclose potential impacts
 - Aesthetics, Bio, Air, Water, Land Use, Traffic, Utilities, Noise, Cultural, Public Services, Recreation, Housing
 - Avoid or mitigate impacts where feasible

Access Considerations



Existing Driveway

- Right turn in
- Right turn out

Future Driveway Location

- Current location or shift north

Considerations

- U-turn at Cliff Drive to access Coast Highway
- No U-turn permitted at SB Dover at Coast Hwy.
- Merge lane on Dover Dr. occurs in front of driveway

Easements



- 30' Wide Water Line Easement
- Primary water line across bay

Marine Protected Area "MPA"

- Lower Castaways is in a Marine Protected Area ("MPA") called the Upper Newport Bay State Marine Conservation Area
- In applying for permit w/ the Coastal Commission, DFW would provide comment that LC development is in conflict w/ current law and CC would not approve

Marine Protected Area “MPA” (cont’d)

- Revolves around definition of “take” which is defined as damage to habitat or organisms killed.
- Take is allowed for existing facilities. DFW is working on a new policy/approach to include new structures / facilities (dock or pier)

Anchor QEA Report – 8/12/13

- Wall length: 300' w/ 6' wide concrete panels
- Wall is reaching or has reached the end of its usable service life
- No immediate danger of failure or collapse, but appears unstable and may be further weakened in an EQ (some cracking), but structure is not a reliable structure for site use & development
- City should monitor on an annual basis
- General order of magnitude cost for a simple sheet pile wall installed would range from \$500,000 to \$1,000,000 (in front of old one)

Timeline



- 10/5/2012 – First meeting (Karen Rhyne, Brad Avery)
- 2/14/2013 – Contacted PBR Commission
- 3/5/2013 – Spoke at PBR Commission meeting
- 3/13/2013 – Study Session, City presented
- 6/28/2013 – Met with Dave Kiff & PBR representatives
- 8/6/2013 – PBR commissioners appointed
- 9/6/2013 – First meeting w/ PBR as official members
- 11/5/2013 – Committee meeting – received renderings
- 3/3/2014 – Committee meeting – received revised renderings
- 3/12/14 – Harbor Commission meeting

Ideas from Study Session et al

- By water, by land, by bike”
- Restaurant on site (e.g., Castaways, Wil Wright’s, etc.)
- Connecting Upper and Lower Castaways
- Commercial use boat launch given shortage in City (could be limited to smaller craft such as kayaks & canoes) Staging area for renovation/rebuilding boats
- Rental facility for boats, bikes & SUP
- Public dock or pier
- Education and restoration center – could include growing & planting kelp & eel grass
- “Clean water camp” – staging area for volunteers to bring trash from bay
- Marine recycling center / marine waste disposal facility (County might participate)
- Commercial crane w/ boat storage facility

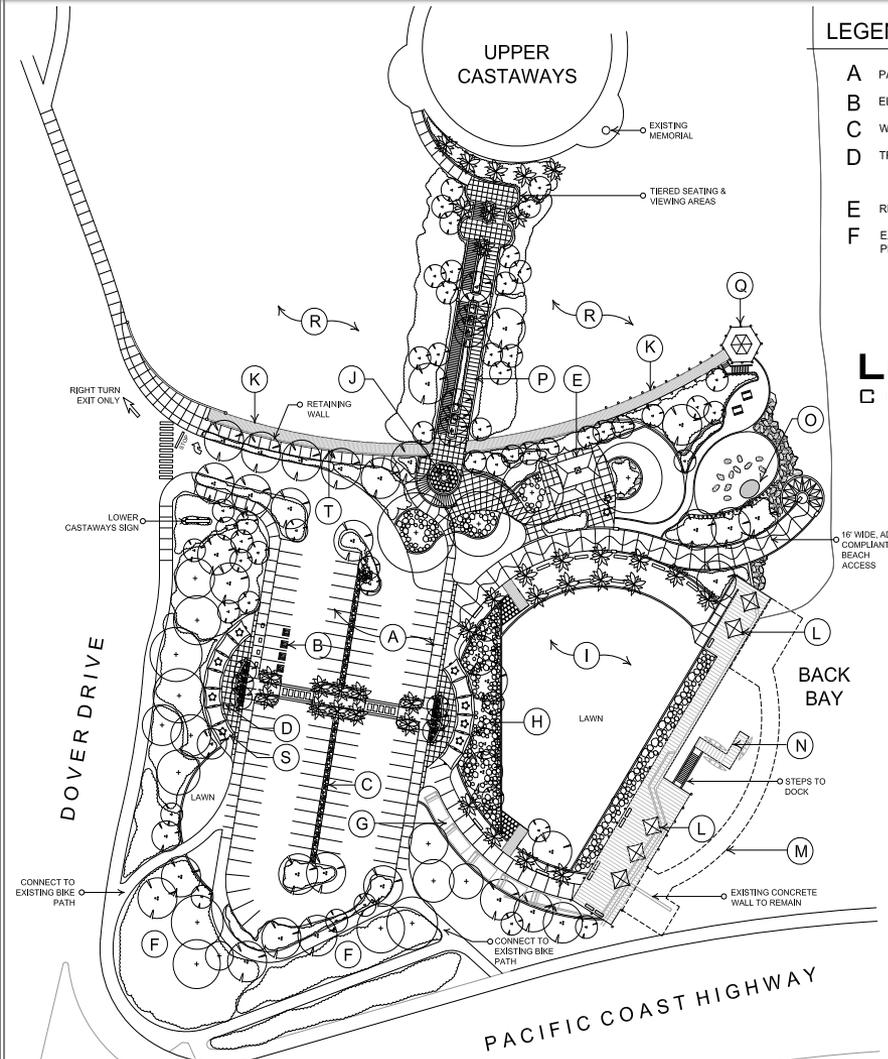
Ideas from Study Session et al (cont'd)

- Base for a water taxi operation
- Area for unloading lobster pots
- Community garden
- Regular parking, overflow parking or parking for special events in the City
- Multi-use site incorporating many of above-listed ideas
- Public restrooms
- Work with Bike Master Plan Committee
- Concessions (food trucks)

Preliminary Plan

- Currently zoned as commercial marina – **needs to be rezoned**. *City attorney confirmed that they believe the intent of the Grant Deed is to permit the City to provide municipal services and activities but to preclude the City from contracting with a commercial operator and operate a boat marina.*
- Multi-use, recreational hub incorporating biking, hiking and boating activities along with 85-90 parking spaces, public restrooms and a stairway connecting to the Upper Castaways
- Built in phases (overall approval applied for at outset)
- Minimalist approach

Preliminary Renderings



LEGEND

- | | | |
|--|--|--|
| A PARKING (93 TOTAL SPACES) | G FLEXIBLE SPACE TO ACCOMMODATE COMMUNITY EVENTS (I.E. FARMERS MARKET, FOOD TRUCKS) | N LOW FREEBOARD DOCK |
| B ELECTRIC VEHICLE CHARGING STATIONS | H LARGE LANDSCAPE BOULDERS | O OUTDOOR STAGE WITH GRASS & INFORMAL SEATING |
| C WATER QUALITY DESIGN FEATURE | I CONTOURED OPEN LAWN | P GRAND STAIRCASE & FITNESS STEPS |
| D TRAILHEAD (BICYCLE WORK STATIONS, DRINKING FOUNTAIN, PICNIC TABLES AND BENCHES) | J "TIDAL TOWER" FEATURE | Q VIEW DECK AND GAZEBO |
| E RESTROOM & STORAGE BUILDING | K BOARDWALK | R HILLSIDE RESTORATION |
| F EXISTING TREES TO BE PROTECTED AND UNDERSTORY PLANTINGS TO BE RESTORED | L CANTILEVERED DECK w/ UMBRELLA & CAFE TABLES | S CAFE TABLE & SHADE CANOPY |
| | M POSSIBLE FUTURE "OVERWATER" PIER | T McFADDEN LANDING HISTORY WALL |

LOWER CASTAWAYS PARK CITY OF NEWPORT BEACH

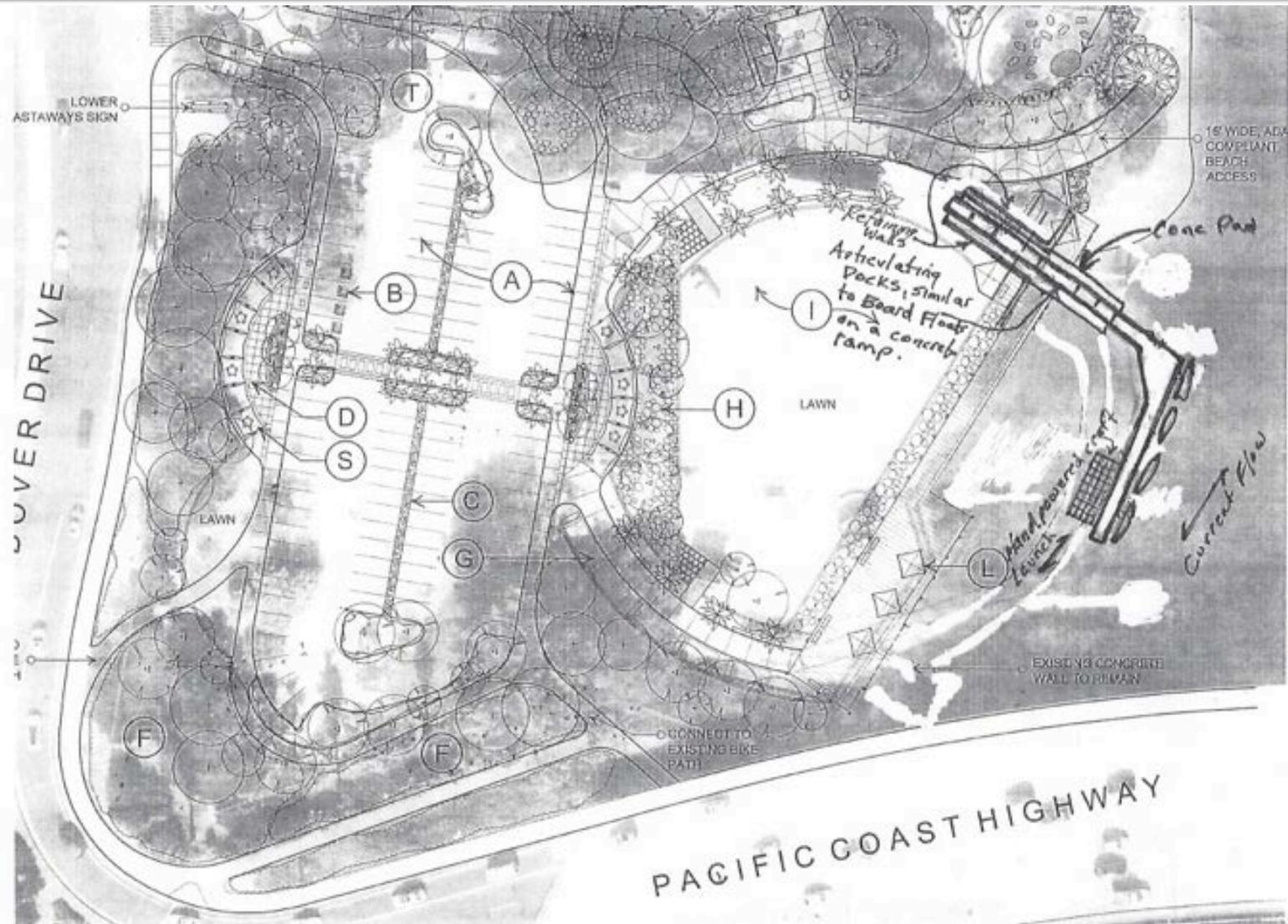
CONCEPT



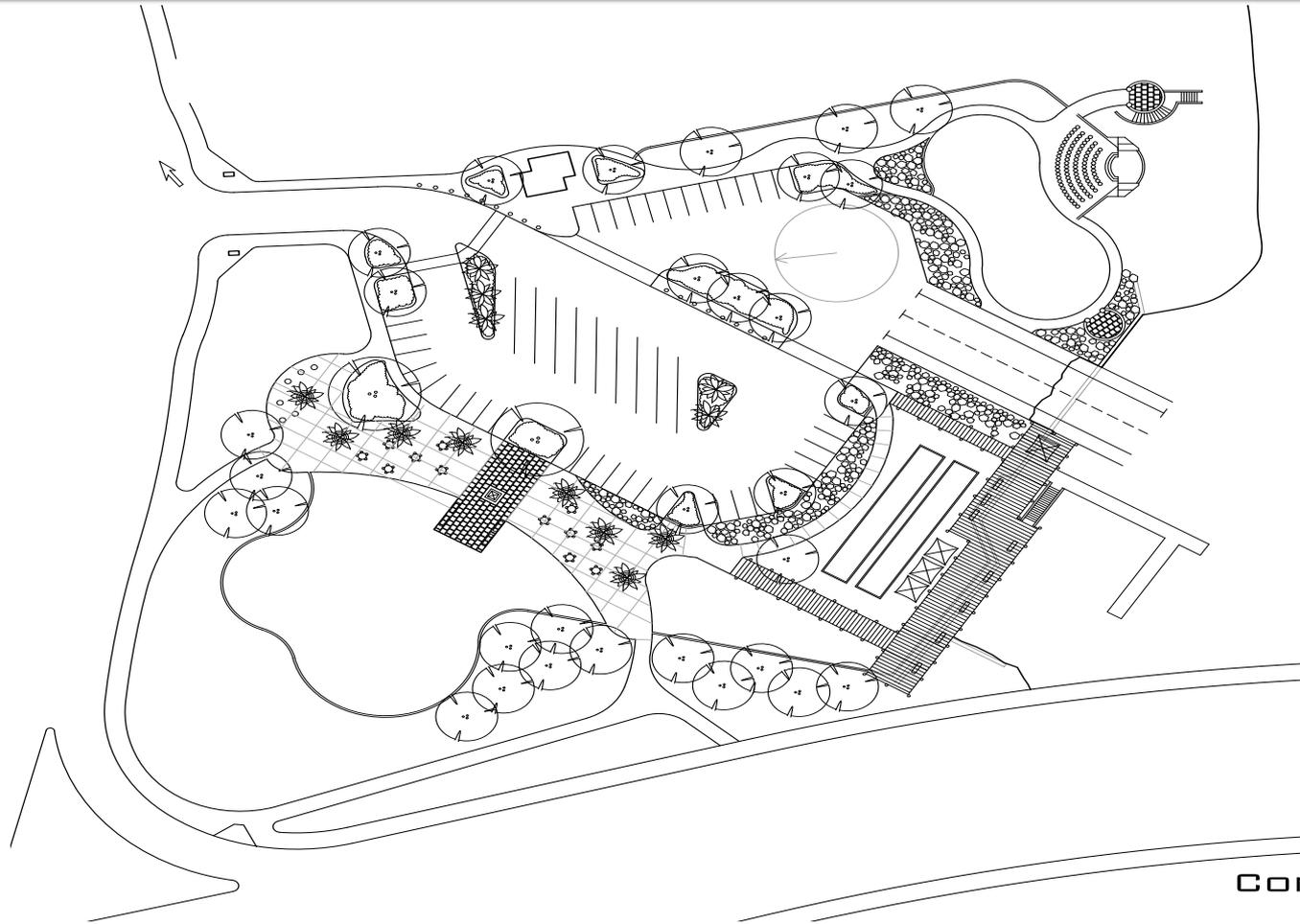
Preliminary Renderings



Preliminary Renderings – L-shaped dock



Preliminary Renderings - launch



CONCEPT B

Preliminary Renderings



Preliminary Renderings



Preliminary Renderings



Preliminary Renderings



Preliminary Renderings



Challenges



- Coastal Commission
- MPA
- Bulkhead / Sea Wall
- Water currents
- Traffic Patterns / limitations
- Utilities
- Monitor Bayside Village Marina
- Cost - ??????

Harbor Commission / Community Feedback on March 12, 2014

- Consider property as a revenue-producing asset.
- Consider property for commercial marine uses. Has this been fully vetted?
- Irvine Company influence on final plan?
- MPA concerns with DFW. Ventura meeting on April 16.

Next Steps

- Tidelands Committee Presentation – 3/19/2014
- Parks, Beaches & Recreation Commission Presentation – 4/1/2014
- Outreach (Dave Kiff, City Council members, press, etc.)

Q & A

Q & A



For more information contact:

Chris Miller
949-644-3043
cmiller@newportbeachca.gov
www.newportbeachca.gov