

CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

Agenda Item 5
October 18, 2007

TO: PLANNING COMMISSION

FROM: Planning Department
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SUBJECT: Coastal Land Use Plan Amendment No. 2007-003 (PA 2007-196)

ISSUE

Should the Coastal Land Use Plan be amended to provide clear policy related to development on coastal bluffs on Pacific Drive, Carnation Avenue and Ocean Boulevard?

RECOMMENDATION

Adopt the attached resolution recommending approval of Coastal Land Use Plan Amendment No. 2007-003 to the City Council.

DISCUSSION

The Coastal Land Use Plan (CLUP) contains policies that regulate potential development of coastal bluffs. Development on the face of a coastal bluff is prohibited except within Corona del Mar on Pacific Drive, Carnation Avenue and Ocean Boulevard. The recent consideration of the AEIRE project (PA 2005-196) highlighted shortcomings in existing policy language, and pursuant to City Council direction, staff has prepared the subject amendment for consideration.

Existing policy provides:

- 4.4.1-1. *Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.*
- 4.4.1-2. *Design and site new development, including landscaping, so as to minimize impacts to public coastal views.*

- 4.4.1-3 *Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.*
- 4.4.3-8. *Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.*
- 4.4.3-9. *Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.*
- 4.4.3-12. *Employ site design and construction techniques to minimize alteration of coastal bluffs to the maximum extent feasible, such as:*
- A. *Siting new development on the flattest area of the site, except when an alternative location is more protective of coastal resources.*
 - B. *Utilizing existing driveways and building pads to the maximum extent feasible.*
 - C. *Clustering building sites.*
 - D. *Shared use of driveways.*
 - E. *Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design.*
 - F. *Utilizing special foundations, such as stepped, split level, or cantilever designs.*
 - G. *Detaching parts of the development, such as a garage from a dwelling unit.*
 - H. *Requiring any altered slopes to blend into the natural contours of the site.*

The issue with the policies is in one possible interpretation that Policies 4.4.3-8 and 4.4.3-9 establish the predominant line of existing development as a “build to” line that once identified, would preempt application of other resource protection policies such as the need to minimize alteration of the bluff. The draft amendment would modify Policy 4.4.3-8 and Policy 4.4.3-9 to clarify the relative roles of each of the policies. In conjunction with these changes, a new policy is recommended to indicate that the predominant line of existing development is not the only factor in determining the extent of possible development on coastal bluffs. All resource protection policies would be factors to consider in determining the extent of development and the predominant line of existing development would not be the prevailing factor. Lastly, the proposed amendment includes a minor change to the definition of “predominant line of development” by simply

renaming it the “predominant line of existing development.” The proposed amendment is as follows:

“4.4.3-8. Prohibit private development on coastal bluff faces, except those along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar. Require all new development to be sited within the predominant line of existing development. Establish a predominant line of existing development for both principal structures and accessory improvements.”

4.4.3-9. Permit public improvements providing public access, protecting coastal resources, or providing for public safety on coastal bluff faces only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.

4.4.3-19. In all cases where the predominant line of existing development is used to establish a development limit, it shall not be the only criteria used for this purpose. All coastal land use policies shall be considered in determining the appropriate extent of new development and size of new structures.

Predominant Line of Existing Development: The most common or representative distance from a specified group of structures to a specified point or line (e.g. topographic line or geographic feature). For example, the predominant line of existing development for a block of homes on a coastal bluff (a specified group of structures) could be determined by calculating the median distance (a representative distance) these structures are from the bluff edge (a specified line).”

The purpose of the resource protection policies contained within the CLUP are to implement Section 30251 of the Coastal Act, which states:

“The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.”

Staff believes that the proposed amendment is consistent with this provision of the Coastal Act and that the amendment is necessary to avoid unintended results inconsistent with this provision of law.

Environmental Review

The proposed action is not defined as a project under the California Environmental Quality Act (CEQA) because it involves general policy and procedure-making activities not associated with a project or a physical change in the environment (Section 15378 of the CEQA Guidelines).

Public Notice

A notice of availability of this proposed amendment was provided pursuant to Section 13515(c) of the California Code of Regulations. The notice was mailed to interested parties, agencies and property owners who own property on Pacific Drive, Carnation Avenue and Ocean Boulevard. A notice of this public hearing was also mailed to these parties and it was published in the *Daily Pilot* a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:

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EXHIBITS

1. Draft resolution
2. Notice of Availability