

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: November 6, 2001

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA01-0079 for Coastal Development Permit

PROPOSAL: The subject project is a Coastal Development Permit within the Newport Coast Planning Community/Local Coastal Program that proposes to permit the following: 1) an adjustment of the boundary between Planning Area (PA) 3B and PA 14 to affect an equivalent exchange of approximately 5 acres between the two areas; 2) a technical refinement and update to the LCP/PC Statistical Table to reflect refinements in the Estimated Dwelling Units/Accommodations and acreages stemming from final development plans in PAs 1C, 2A, 2C, 3B, 5, 13C and 14; and; 3) to permit all grading, street and infrastructure construction for proposed Vesting Tentative Tract Map No.16269, (a proposed 11 lot single-family residential subdivision in adjusted PA 3B) as well as subsequent residential dwelling construction.

LOCATION: Planning Areas 3B and 14 are generally located on the inland side of Pacific Coast Highway, between Crystal Cove State Park and Crystal Heights Drive. Fifth Supervisorial District

APPLICANT: Irvine Community Development

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA01-0079 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The Newport Coast Planned Community (NCPC) contains 9,493 acres of unincorporated land in the coastal foothills of Orange County. The Newport Coast PC also has a certified Local Coastal Program (LCP). The County is the permitting authority for development within the PC/LCP. The Newport Coast PC is bordered on the north by the City of Newport Beach, on the west by the Pacific Ocean, on the south by the City of Laguna Beach, and on the east by Newport Ridge Planned Community. The project area, Planning Areas 3B and 14 are generally located on the inland side of Pacific Coast Highway, between Crystal Cove State Park and the Pelican Hill Golf Club (see Exhibit 1.2, in the Coastal Development

Permit Submittal Package for project location information). Private Open Space Planning Area 12B, and Development Area 3A-1 lies to the north. Planning Area 17 (Crystal Cove State Park) is located immediately adjacent to the south and east. The El Morro Elementary School is also located in close proximity to the site (approximately 0.25 mile to the south in PA 12F).

The entire site is vacant and disturbed and has had some level of mass grading. Portions of the site were used to stockpile materials from adjacent grading operations, however those materials are currently being removed, pursuant to approved grading permits. The Crystal Cove Promenade shopping center (PA98-0101) is currently under construction in the westerly portion of PA 14.

The subject project is for a Coastal Development Permit that proposes to permit the following:

- Adjustment of the boundary between PA 3B and PA 14 to affect an equivalent exchange of approximately 5 acres between the two areas;
- Serve as a basis for approval by Orange County Subdivision Committee of Vesting Tentative Tract Map No. 16269, and;
- Permit all grading, street and infrastructure construction depicted on the exhibits and on VTTM 16269, as well as subsequent landscape and residential dwelling unit construction.
- A technical refinement and update to the PC/LCP Statistical Table to reflect refinements in the Estimated Dwelling Units/Accommodations and acreages stemming from this permit and other final development plans (Tentative Tract Maps, Changed Plans, etc.) in Planning Areas 1C, 2A, 2C, 3B, 5, 13C and 14;

The primary reason for this Coastal Development Permit is to facilitate the transfer of the 5.0 acres between Planning Area 3B and 14 as a result of actions taken by the California Coastal Commission (issued Coastal Commission Coastal Development Permit No. A-5-IRC-99-301). This August 2000 action and subsequent permit amendment in March 2001, resulted in the creation of a large storm-water detention basin feature within Planning Area 14 that is a necessary and essential component of the overall water quality program within Phase IV of the Newport Coast LCP. This water quality program was proposed by the applicant to respond to California Coastal Commission concerns regarding drainage and run-off within Phase IV. Both the Coastal Commission and the County of Orange have approved plans for its full implementation. The previous County approvals affecting Planning Areas 3B and 14 (Coastal Development Permit Nos. PA97-0133 and PA98-0049) that were affected by the Coastal Commission actions were later amended by Changed Plan Nos. CP00-0044 and CP01-0021 to reflect the Coastal Commissions actions.

The size and location of the detention basin in PA 14 effectively eliminated any potential use of the balance of the site for its intended use as overnight visitor/tourist accommodations. A maximum of 250 visitor rooms are permitted in PA 14. Retail commercial uses area also permitted in this planning area but the allotted maximum square foot of retail commercial uses permitted were approved for use in the Crystal Cove Promenade shopping center. The location of the detention basin has effectively isolated the 5.0-acre parcel from PA 14 and is logical that this area be added to PA 3B and used for residential purposes.

SURROUNDING LAND USE: (See Exhibit 4 for location map)

Direction	Planning Area	Land Use Designation	Existing Land Use
Project Site	3B	Medium Density Residential	Site partially developed with residential uses
	14	Tourist Commercial	Partially under development with Crystal Cove Retail Center
North	12B	Recreation	Vacant private open space
	4B	Medium Density Residential	Vacant, residential uses approved
South	17	Crystal Cove State Park	Open space
East	17	Crystal Cove State Park	Open space
West	3A	Medium Density Residential	Site partially developed with residential uses

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site, all residents within 100 feet of the site and the Coastal Commission. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to eight County Divisions and the City of Newport Beach. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The City of Newport Beach did not comment on the proposal.

CEQA COMPLIANCE:

The proposed project is covered by Final EIR 568, previously certified on May 5, 1998, and Addendum PA010079 (Exhibit 2). Prior to project approval, this EIR and Addendum must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The proposal is divided into three segments. Segment 1 is the transfer of 5 acres between PA 3B and PA 14. Segment 2 is an eleven-lot subdivision (VTTM 16269) and all associated construction activities. Segment 3 is a revision to the Newport Coast Statistical Table to reflect this proposal and other revisions

approved to date. All segments are directly related to the Coastal Commission actions through Coastal Development Permit No. A-5-IRC-99-301 previously discussed.

Segment 1 – Transfer of 5 acres

The Newport Coast LCP Second Amendment (current amendment) allows the adjustment of boundaries and acreages between planning areas provided that:

The acreages in the Statistical Table on the PC Development Map may vary without requiring an amendment to the LCP Land Use Plan provided that the variation is consistent with the total acreage and boundaries of the Development and Open Space shown on the Planned Community (PC) Statistical Summary and does not result in development occurring within the proposed Irvine Coast Regional Park Dedication areas. (Page II-11.1 of the Newport Coast PC)

The proposed adjustment would adjust the boundary between PA 3B and PA 14 by 5.0 acres as a result of the placement of a required detention basin (see Exhibit 2.1 and 2.1.A of the applicants submittal package). The detention basin location could not be anticipated at the time of the original approval of the PC. Subsequent refinements of the plan which result in minor adjustments to PA boundaries was the reason for including the language quoted above in the PC zoning text. The following table describes the minor adjustments to PA 3B and 14.

Table 1 – Proposed Acreage Adjustment

Planning Area	Current Acreage	Transfer Area	Proposed Acreage
3B	150.7	Area 1 – 5.0 ac. to PA 14	150.7
14	27.7	Area 2 – 5.0 ac. to PA 3B	27.7

PA 14, originally 30.0 acres, was adjusted to its current 27.7 acres in area by PA970133 (Master Coastal Development Permit 6th Amendment) in May 1998. Subsequently, PA98-0101 was approved to permit the (current) construction of the Crystal Cove Promenade Shopping Center on the westerly 11.5 acres of PA 14. At the time of that approval, the remaining 16.2 acres of PA 14 was anticipated, and approved for, development of up to 250 Tourist Commercial units.

While the addition of the detention basin will be beneficial for both the developments within the Newport Coast and for the protection of adjacent coastal resources, due to its size, location and capacity (49 acre-feet), the addition of the basin has rendered the final increment of what had been PA 14 an infeasible development site for the original tourist commercial uses. The boundary adjustment would permit the remaining undeveloped area to be developed as 11 single-family home sites consistent with the balance of PA 3B.

Segment 2 – VTTM 16269

The proposed development of the subject site is as depicted on exhibits within this permit and as shown in the submittal package by Exhibits 2.3-Development Plan and 2.4-VTTM 16269. The exhibit shows this as Transfer Area #1 that will be developed with 11 single-family lots of a size and configuration consistent with other previously approved development elsewhere in PA 3B. These homes will take access through the gated entry on Reef Point Drive and a newly proposed loop street, as well as an access drive, labeled respectively as “A” and “B” Drive on VTTM 16269. Per the requirements of the Orange County Fire Authority, a standard hammerhead turn around will be provided at the terminus of “B” Drive. Lot “A” will serve as a landscaped island.

Approval of this Coastal Development Permit allows construction of the 11 homes proposed and other aspects of development. All wet and dry utilities, drainage and other infrastructure necessary to serve these 11 lots will be consistent with and an extension of such from the balance of PA 3B. Landscaping treatments and wall/fencing plans will also be an extension of those concepts approved for PA 3B. Grading of lots will be as shown, and represents only a minor refinement of earlier grading schemes reflected on previously approved Coastal Development Permits and tract maps. The homes on the 11 lots will conform to the applicable site development standards for PA 3. A model homes sales complex is not proposed for this site. Fuel modification treatments will be consistent with those approved in the MCDP 6th and 7th Amendment as required by the Orange County Fire Authority. Detention Basin #6 in PA 14 is being graded and constructed concurrently with other approved development activities on the site.

Segment 3 – Revision to the Newport Coast Statistical Table

The Newport Coast LCP Second Amendment permits the adjustment of dwelling units in the Statistical Table (see exhibit 2.2 in the submittal package), which states:

All revisions to the PC Development Plan and Statistical Table shall be consistent with the LCP Land Use Plan and the PC Zoning Map and Statistical Summary. The acreages listed in the Statistical Table for individual planning areas on the PC Development Map may be adjusted up to 10% without requiring an amendment to the LCP Land Use Plan. No revision shall be approved by this procedure which would have the effect of changing the land use category or the development/open space boundaries shown on the PC Zoning Map and/or the LCP Land Use Plan.” (Page II-11.5)

The adjustments proposed with this Coastal Development Permit consist of refinements intended to reflect more accurate final development figures based upon project and permit approvals since the last update of the Table, as well as those proposed with this application. Refinements to the “Estimated Dwelling Units/Accommodations” are as shown in Table 2 as follows:

Table 2 – Technical Refinement to Statistical Table

Planning Area	Current Estimated Dwelling Units/ Accommodations*	Proposed Estimated Dwelling Units/ Accommodations	Justification
1C	173	171	PA01-0079
2A	212	202	PA01-0079
2C	567	517	CP01-0038
3B	248	296	CP01-0039/PA01-0079
5	156	170	CP01-0038/PA01-0079
13C	450*	700	PA01-0079
14	250*	0	PA01-0079

Of the proposed refinements, two are the result of previously approved adjustments through Changed Plans (as indicated), and others stem from the subject application. These allocations place estimated dwelling units where there is development potential. Specifically, the subject application would add 11 units (through VTTM 16269) plus 17 additional units reallocated from other Planning Areas to PA 3B. The revised estimated dwelling units remains well under the maximum number of 465 dwelling units established by the LCP. This application would also remove the projected 250 Tourist Commercial units from PA 14, as the site is physically incapable of accommodating a casitas development. The removal of 250 casitas units from PA 14 does not affect the LCP’s overall policy regarding the establishment of a minimum of 350 hotel or non-individually-owned over-night accommodations since those hotel units can be accommodated in other vacant Tourist Commercial Planning Areas of 13C, 13D and 13E.

CONCLUSION:

Because of the actions taken by the California Coastal Commission resulting in the addition of a large detention basin in the undeveloped portion of Planning Area 14, the land use anticipated on this site is no longer viable. The revision to the Newport Coast PC/LCP proposed by the applicant does not alter the maximum number of residential units, visitor accommodation units or commercial square footage permitted in the Newport Coast PC. The transfer of the 5 acres between Planning Areas 3B and 14 is permitted under the development policies of the PC. The addition of 11 single-family residential units through VTTM 16269 is a logical extension to residential uses previously approved in Planning Area 3B. A revision to the Statistical Table is permitted through this Coastal Development Permit as established by the Master Coastal Development Permit. The Statistical Table was intended to be used as a method of tracking changes throughout the Newport Coast as final developments were approved. It is a given that the Statistical Table will be revised again in the future as the Newport Coast nears build-out. Staff is of the opinion that this Coastal Development Permit is consistent with past approvals affecting the project sites and is consistent with current Newport Coast PC/LCP guidelines and policies. Staff supports the proposal and makes a recommendation for approval as follows.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA01-0079 for Coastal Development Permit subject to the attached findings and conditions of approval.

Respectfully submitted

George Britton, Manager
Current Planning Services

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Environmental Documentation
2. Coastal Development Permit Submittal Package, including proposed boundary adjustment, revised Statistical Table, and VTTM 16269 for 11 single-family dwelling lots.

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Department.

In addition, this project is within the Coastal Zone and is not an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.