

## CALIFORNIA COASTAL COMMISSION

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071



December 31, 2015

City of Newport Beach  
Planning Department  
Attn: Jaime Murillo, Senior Planner  
100 Civic Center Drive  
P.O. Box 1768  
Newport Beach, CA 92658

**Re: City of Newport Beach Coastal Land Use Plan (CLUP) Amendment No. 2-14 (LCP-5-NPB-14-0820-2).**

Dear Mr. Murillo:

You are hereby notified that the California Coastal Commission, at its December 10, 2015 meeting in Monterey, approved City of Newport Beach Coastal Land Use Plan (CLUP) Amendment No. 2-14 with suggested modifications. Coastal Land Use Plan (CLUP) Amendment No. 2-14 was submitted pursuant to City Council Resolution No. 2014-12. Coastal Land Use Plan (CLUP) Amendment No. 2-14 incorporates changes to the certified LUP to accommodate a future, mixed-use project known as Back Bay Landing and would change the land-use designation of a 6.97-acre portion of the 31-acre property located at 300 East Coast Highway from Recreational and Marine Commercial (CM-B) to Mixed-Use Water Related (MU-W).

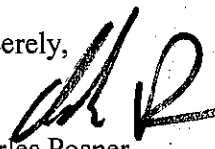
The Commission approved the CLUP Amendment with suggested modifications. Thus, the Amendment will become final once: 1) the City of Newport Beach City Council adopts the Commission's suggested modifications, 2) the City of Newport Beach City Council forwards the adopted suggested modifications to the Commission by Resolution, and, 3) the Executive Director certifies that the City has complied with the Commission's December 10, 2015 action. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six (6) months of the Commission's action.

Pursuant to the Commission's action on December 10, 2015, certification of City of Newport Beach Coastal Land Use Plan (CLUP) Amendment No. 2-14 is subject to the attached Suggested Modifications (Attachment "A").

Please note that, in addition to the suggested modifications to the CLUP Policies, changes to the CLUP Map 1, Coastal Access Map 3-1 and the Bikeways and Trails: Map 2 will need to be made to be consistent with the suggested modifications.

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please call Fernie Sy or myself at (562) 590-5071 if you have any questions regarding the modifications required for effective Certification of City of Newport Beach Coastal Land Use Plan (CLUP) Amendment No. 2-14

Sincerely,

  
Charles Posner  
Supervisor of Planning

Attachment: Attachment "A" Suggested Modifications

Certification of City of Newport Beach Coastal Land Use Plan (CLUP) Amendment No. 2-14 is subject to the following modifications.

Text added by the suggested modification is ***bold, italicized and underlined***, and text suggested to be deleted is ~~struck through~~. Only those subsections of the LUP for which modifications are being suggested are shown below.

### **2.1.9 Back Bay Landing**

Located at 300 East Coast Highway at the northwesterly corner of the intersection of East Coast Highway and Bayside Drive, the Back Bay Landing site is an approximately 7-acre ***privately-owned*** site adjacent to the Upper Newport Bay. The site is the landside portion of Parcel 3 of Parcel Map 93-111 and is currently improved with existing structures and paved areas utilized for outdoor storage space of RVs and small boats, parking and restrooms facilities for the Bayside Marina, a kayak rental and launch facility, parking and access to Pearson's Port ***seafood market*** and marine service equipment storage under the Coast Highway Bridge.

The site would accommodate the development of an integrated, mixed-use waterfront project consisting of coastal dependent and coastal related visitor-serving commercial and recreational uses allowed in the current CLUP CM-A and CM-B designation, while allowing for ~~limited freestanding multifamily residential and mixed-use structures with residential uses above the ground floor.~~ Residential development would be contingent upon the ~~concurrent~~ development of the above-referenced marine-related and visitor-serving commercial and recreational facilities ***on the ground floor, including a boat storage facility.*** ~~including the enclosed dry stack boat storage facility, and completion of a new public bayfront promenade connecting with Bayside Drive and Newport Dunes/County trails.~~ ***The public bayfront promenade shall be continuous along the waterfront and connect the sidewalks along East Coast Highway at one end (west, to and along the shoreline of Back Bay Landing, then continuing along a waterfront accessway that is adjacent to the mobile home development located on Parcel 2 of Parcel Map 93-111) and then to the bike and waterfront pedestrian access at the Newport Dunes recreation area at the other end (east). Bike lanes and pedestrian access will be provided along Bayside Drive from the intersection of Bayside Drive/East Coast Highway intersection running northerly to the terminus of Bayside Drive at the Newport Dunes recreation area as shown on Coastal Access Map 3-1 and Bikeways and Trails: Map 2. These public bike and pedestrian improvements shall occur prior to or concurrent with any new development at Back Bay Landing.***

#### **Policy 2.1.9-1**

The Back Bay Landing site shall be developed as a unified site with ***coastal-dependent, coastal-related, and visitor-serving development as priority uses, with residential uses allowed above the ground floor only*** ~~marine-related and visitor-serving commercial and recreational uses.~~ ~~Limited freestanding multifamily residential and mixed-use structures with residential uses above the ground floor are allowed as integrated uses as described below.~~

The Mixed Use Horizontal – MU-H category is applicable to the project(s) site; permitted uses include those allowed under the CM, CV, RM, and MU-V categories; however, a minimum of 50 percent of the permitted building square footage shall be devoted to nonresidential uses;

*The Mixed-Use Water Related – MU-W category is applicable to the project(s) site; it is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses and visitor-serving uses, as well as allow for the development of mixed-use structures with residential uses above the ground floor. Freestanding residential uses shall be prohibited. Overnight accommodations (e.g. hotels, motels, hostels) are allowed. Limited Use Overnight Visitor Accommodations (e.g. time shares, fractionals, condominium-hotels) may be permitted in lieu of allowable residential development provided the use is above the ground floor. A minimum floor area to land area ratio of 0.25 and a maximum of 0.5 shall be used for non-residential uses. The amount of residential floor area shall not exceed the amount of non-residential floor area (commercial plus boat storage).*

The site shall be limited to a maximum floor area to land area ratio as established in General Plan Land Use Element Anomaly Cap No. 80. A minimum of 50 percent of the residential units shall be developed in mixed-use buildings with nonresidential use on the ground floor.

*The boat storage, public promenade and public plazas, shall, as priority uses, be sited adjacent to the bayfront, with the public launch area and boat storage on the western/northwestern bayfront edge of the site, adjacent to the existing Pearson's Port seafood market. A seafood market is planned to be preserved as a priority visitor-serving/coastal-related commercial use.*

*A public coastal access proposal shall be submitted with any coastal development permit application for Parcel 3 (Back Bay Landing) which Development shall incorporate amenities that assure access for the coastal-visitors public, including the development of a public pedestrian promenade along the bayfront (as described in Policy 2.1.9-2); bikeways with connections to existing regional trails and paths; an enclosed dry stack boat storage facility; a public launch area for non-trailerred, non-motorized watercraft; public access parking; marina parking; public restrooms; and public plazas and open spaces that provide public views, view corridors, and new coastal view opportunities.*

*Bayside Drive shall be improved on both sides with a new Class 2 (on-street) bike lane up to Bayside Way and a new Class 3 (shared-use) bikeway east of Bayside Way. A Class 1 (off-street) bikeway and pedestrian trail will also be provided on the east side of Bayside Drive originating at the Bayside Drive/East Coast Highway intersection and running northerly to the terminus of Bayside Drive at the Newport Dunes recreation area to accommodate both cyclists and pedestrians. This improvement shall serve as an enhanced link between the new public bayfront promenade and the existing City and County trail systems and the Newport Dunes recreation area.*

The site shall be developed as a unified site to prevent fragmentation and to assure each use's viability, quality, and compatibility with adjoining uses. Development shall be designed and planned to achieve a high level of architectural quality with pedestrian, non-automobile and vehicular circulation and adequate parking provided.

**Policy 2.1.9-2**

**A public bayfront pedestrian promenade shall be continuous along the waterfront and connect the sidewalks along East Coast Highway at one end (west), to and along the shoreline of Back Bay Landing, then continuing along a waterfront accessway that is adjacent to the mobile home development located on Parcel 2 of Parcel Map 93-111 and then connecting to the waterfront pedestrian access at the Newport Dunes recreation area at the other end (east). These public access improvements shall be provided and made available for public use concurrent with the development of the Back Bay Landing site. Restrictions on the hours of public access, if any, and landscape improvements shall only be established if they are approved as part of a coastal development permit for development of Back Bay Landing.**

**Policy 2.1.9-3**

**As a condition of approval on any coastal development permit issued for development of the Back Bay Landing site, the applicant/landowner shall record a public easement, or an Offer to Dedicate (OTD) a public access easement, across the entire width and length of the public accessways described in Policy 2.9.1-2, including over the marina accessway adjacent to the mobile home development and also across the private beach/submerged fee owned land located on Parcel 3 of Parcel Map 93-111, and across any portion of Parcel 2 underlying the private beach or marina access way necessary to provide sufficient width to complete a continuous, connected, bayfront walkway.**

**Policy 2.1.9-4**

**A site-specific hazards assessment of the potential for erosion, flooding and/or damage from natural forces including, but not limited to, tidal action, waves, storm surge, or seiches, prepared by a licensed civil engineer with expertise in coastal processes, shall be submitted as part of any coastal development permit application for Parcel 3 (Back Bay Landing). The conditions that shall be considered in a hazards analysis are: a seasonally eroded beach/shoreline combined with long-term (75 years) erosion; high tide conditions, combined with long-term (75 year) projections for sea level rise using the best available science; storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event.**

**Policy 2.1.9-5**

**Require any coastal development permit application for Parcel 3 (Back Bay Landing) to develop and implement a shoreline management plan for the development and shoreline areas subject to tidal action, flooding, wave hazards and erosion. The shoreline management plan shall incorporate measures to adapt to sea level rise over time and provide for the long term protection and provision of public improvements, coastal access, public opportunities for coastal recreation, and coastal resources including beach and shoreline habitat.**

## **2.1.910 Coastal Land Use Plan Map**

The Coastal Land Use Plan Map depicts the land use category for each property and is intended to provide a graphic representation of policies relating to the location, type, density, and intensity of all land uses in the coastal zone.

**Policy 2.1.910-1.** Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.

## **4.4.2 Bulk and Height Limitation**

### **Policy 4.4.2-1**

*Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 43, except for Marina Park and the following sites:*

- A. Marina Park...[no change to existing language]
- B. Former City Hall Complex...[no change to existing language]
- ~~C. Baek Bay Landing at East Coast Highway/Bayside Drive: A single, up to 65-foot tall coastal public view tower, that will be ADA compliant and publicly accessible, to provide new coastal and Upper Newport Bay view opportunities where existing views are impacted by the East Coast Highway Bridge, other existing structures and topography.~~

**2. Except for the area seaward of the mobile home park described further below, amending Figure 2.1.7-1 of the Coastal Land Use Plan to change the designation of the existing 6.028-acre portion of the project site designated as Recreational and Marine Commercial (CM-B) to Mixed-Use Horizontal (MU-H) *Mixed-Use Water Related (MU-W)* and the 0.304-acre lot line adjustment area designated as Multiple Unit Residential (RM-C) to MU-HW. *The land use designation over the strip of land seaward of the mobile home development shall remain Recreation and Marine Commercial (CM-B) as it is currently designated.***

**\*Changes to the Coastal Land Use Map 1, Coastal Access Map 3-1 and the Bikeways and Trails: Map 2 will need to be made to be consistent with the above suggested modifications.**