

Attachment No. PC 6

Public Comments from Zoning
Administrator Meeting

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From: Jim Mosher <jimmosher@yahoo.com>
Sent: August 09, 2023 1:59 PM
To: CDD
Subject: Comments on ZA Item 7 (Aug. 10, 2023 hearing: Dawson Residence, PA2022-0315)

With regard to Item 7 on the Newport Beach Zoning Administrator's August 10, 2023, agenda (Dawson Residence, PA2022-0315), I hope the Zoning Administrator will consider the following concerns:

- * This seems like an application of sufficient complexity and staff interpretation that it should have been referred to the Planning Commission for decision.
- * Much of the analysis relies on Variance No. VA1137, approved by the Planning Commission on November 6, 1986. On a quick reading of the resolution, I am unable to find any assurance VA1137 was ever analyzed for consistency with the City's Coastal Land Use Plan or the State's Coastal Act, or that a coastal development permit was approved for any resulting project. Yet prior findings by the Coastal Commission would seem relevant.
- * I am similarly concerned about the reliance on the October 12, 1998, City Council Resolution No. 98-66 abandoning a portion of the Ocean Boulevard right-of-way and merging it with the subject property, more than doubling the lot size and buildable area. Turning former dedicated open space in a view-sensitive area into private buildable property seems of questionable compliance with the Coastal Act. Like a lot merger, this seems to me the sort of action requiring a coastal development permit, yet I find no evidence one was ever considered or granted.
- * I am also concerned about the offhanded dismissal of impacts on public views. The examples of views from Ocean Boulevard shown on handwritten page 95 appear to assume the public is confined to motorists. But I would assume for pedestrians walking south on that sidewalk toward Lookout Point, the current development allows a vista to open along the slope when looking toward the harbor waters below. I would guess that will be blocked, but I find no analysis of it.
- * I also notice the resolution acknowledges the existing home is built on a coastal bluff, and I assume the landform in the area of the 1998 right-of-way abandonment remains largely untouched. The applicant seeks substantial alteration of it. While I see the resolution claims to consider consistency with CLUP Policies 4.4.1-1 and 4.4.1-3, it appears to ignore other CLUP policies protecting natural landforms, such as 4.4.3-8 and 4.4.3-9, which specifically prohibit development on Ocean Boulevard bluff faces unless determined to be consistent with the predominant line of existing development. The proposed project clearly extends development upward into what had historically been, and continues to be, a natural bluff face.
- * Similarly, CLUP Policy 4.4.3-11, requires applications for new development on bluffs to include an analysis of slope stability. That might possibly be covered by the geotechnical reports cited in the resolution, but the assurances they included slope stability are vague at best.

Yours sincerely,

Jim Mosher

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