

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904- 5200
 FAX (415) 904- 5400



LCP Update Guide

Section 7. Scenic and Visual Resources

Review the principal Coastal Act policies concerning scenic and visual resources at Sections 30250, 30251 and 30253.

These statutes can be found at:
<http://www.coastal.ca.gov/coa/taact.pdf>

Protection of the scenic resources of the coastal zone is a central part of local coastal programs. Section 30251 of the Coastal Act requires in part that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. In most coastal areas, the scenic qualities of the coast have long been cherished by residents and visitors alike. Depending on site and surrounding area characteristics, scenic resources can include rocky promontories and headlands, rocky shorelines, sandy beaches, coastal bluffs, coastal lagoons and marshlands, rural farmlands and pasturelands, and open or forested slopes, hillsides, ridgelines and mountain tops, as well as more urbanized harbors, marinas and waterfront areas. Cultural features set in scenic areas and other historic or natural points of interest visible from public viewing areas or scenic corridors may also be considered scenic resources.

While certified local coastal plans were crafted to protect significant public views to and along the shoreline, the subsequent incremental approval of individual developments and variances, including minor additions and maintenance activities, may have resulted, over time, in the cumulative degradation of public views and scenic resources. It is therefore important that LCP updates reassess the critical views and scenic landscapes to be protected and refine measures necessary to ensure their protection.

What should an updated Scenic and Visual Resources component include?

- Identification of public scenic view corridors and viewsheds;
- Identification of highly scenic coastal areas;
- Identification of special communities and neighborhoods;
- Descriptions of any development encroachments on public views and scenic areas;
- Descriptions of scenic and visual characteristics to be protected;
- Coastal view and visual quality protection policies;
- Land use and zoning designations commensurate with protection of scenic and visual qualities;
- Measures to ensure that new development will not block views that should be preserved;

- ❑ Measures to ensure that new development shall be visually compatible with existing natural features and the character of surrounding areas;
- ❑ Measures to preserve the special values and character of the community;
- ❑ Historic preservation measures;
- ❑ Regulations to ensure that signs and billboards will not degrade significant coastal views;
- ❑ Lighting restrictions;
- ❑ Measures to restore and enhance scenic and visual qualities of the site and/or shoreline;
- ❑ Considerations for the Design Review process;
- ❑ Grading regulations to minimize alterations of natural landforms;
- ❑ Measures to permanently protect significant views and views required to stay unobstructed (e.g., open space or conservation easements);
- ❑ Development and design standards for highway and roadway corridors through scenic areas or areas of special character. (e.g. bridge rail/guard rail designs and landscaping standards that preserve views and the character of scenic or rural areas).

Where can I read some examples of updated scenic policies?

Examples of some updated Scenic Resource provisions are included in the following documents:

- ❑ **City of Malibu Land Use Plan**, Chapter 6—Scenic And Visual Resources, at: <http://qcode.us/codes/malibu-coastal/>
- ❑ **City of Malibu Local Implementation Plan**, Chapter 6 --Scenic, Visual, and Hillside Resource Protection Ordinance, at: <http://qcode.us/codes/malibu-coastal/>
- ❑ **San Luis Obispo County Local Coastal Program Major Amendment No. 2-04 (Part 3) Title 23 Coastal Zone Land Use Ordinance Amendment**, at: <http://documents.coastal.ca.gov/reports/2008/7/Th16b-7-2008.pdf>
- ❑ **County of San Mateo LCP Amendment No. SMC-MAJ-1-04-A (Midcoast Residential Design Standards)**, at: <http://documents.coastal.ca.gov/reports/2009/12/Th18b-12-2009.pdf>

What are some issues to address in an LCP update of scenic resource policies?

An LCP update should identify views that need protection and then ensure that policies and ordinances adequately provide the level of protection warranted. In some places a specific focus on special communities that are popular visitor destination points may be warranted. In order to apply policies and ordinances, an update can ensure that visual representations take advantage of new techniques while remaining accurate (e.g., visual simulations with computer-aided graphics, designed to show views from public viewpoints, and constructed at proper scale). An update can also incorporate the latest advances in addressing visual impacts from particular sources – e.g., lights, telecommunication facilities, signs and billboards. Finally, an update can review how landscape screening policies have worked and make any necessary adjustments.

◆ **Protected View Identification**

In order to adequately apply Coastal Act policies, local governments should identify public viewsheds and view corridors and their characteristics to be protected. LCPs may identify the public viewshed by vantage point (e.g., as what can be seen from major public use areas, scenic roads and highways and public recreation areas, such as parks, trails, and beaches), by what is seen (e.g., beaches, open water views, forests, hillsides, and historic buildings) or by a combination of these approaches. For an example of viewshed identifications, see:

- **Carmel Area Land Use Plan**, Section 2.2 Visual Resources, at: http://www.co.monterey.ca.us/planning/docs/plans/Carmel_Area_LUP_complete.PDF

In the following policies, the term “viewshed” or “public viewshed” refers to the composite area visible from major public use areas including 17-Mile Drive views of Pescadero Canyon, Scenic Road, Highway 1 and Point Lobos Reserve as shown on Map A.

An LCP update can ensure that vantage points are specifically identified. For example, from which roads do views need protection? An update can also ensure that no significant vantage points or scenic areas have been missed. For example, if your jurisdiction has a new trail, roadway or park, then views from these locations may need to be added to the list of public viewing points. Similarly, buildings that are now recognized as having historic significance or shoreline views that have opened up through permitted demolitions or tree cutting can be added to the list of visual attractions. You may wish to identify some locations where visual restoration should occur, such as rehabilitating unsightly facilities or creating open view corridors as redevelopment occurs.

Correspondingly, these updated policies could indicate not only locations where views should be protected, but also the visual qualities to be protected. For some views, such as blue water views, keeping them unobstructed might be the goal. For example, Monterey County has designated the Big Sur coast as a critical viewshed that warrants the highest level of scenic preservation. See:

- **Big Sur Coast Land Use Plan**, p. 14, at:
http://www.co.monterey.ca.us/planning/docs/plans/Big_Sur_LUP_complete.PDF

Critical Viewshed (defined as) everything within sight of Highway 1 and major public viewing areas including turnouts, beaches and [a number of] specific locations [identified in the LCP]. .

Big Sur Critical Viewshed policies also require, among other things, that “...all new parcels must contain building sites outside the critical viewshed; ...clustering of structures, sensitive site design, design control, transfer of development credits, and other techniques designed to allow development on such parcels outside the critical viewshed...; replacement of structures shall... encourage resiting or redesign in order to conform to the Key policy... [the key policy...] prohibits all future public or private development visible from Highway 1 and major public viewing areas (the critical viewshed), and conditions all new development in areas not visible from Highway 1 or major public viewing areas on the siting and development criteria of [other viewshed policies]...”

In other cases, appropriate viewshed protection could entail limiting the amount of human-made encroachment. For more urbanized public viewsheds, the parameters of the development (e.g., size, design, materials) can be specified. An example of an LCP amendment establishing view corridors between buildings is:

- **City of Malibu LCP Amendment No. MAJ-1-07 (Broad Beach)**, at:
<http://documents.coastal.ca.gov/reports/2009/1/W14a-1-2009.pdf>

Once an LCP update determines what views and scenic qualities are to be protected, development standards and how they are applied (e.g., through design review and variances) can be reviewed and, if necessary revised, to correspond to the policy objectives.

◆ **Special Communities and Community Character**

During the initial certification process, some LCPs identified popular destination points as special communities (see sidebar). Updates to LCPs provide a local government the opportunity to reexamine and adjust the boundaries of the scenic and special areas that warrant protection. Measures used to protect special communities already identified can also be strengthened during an update.

Section 30253 (e)
requires that new development... shall, where appropriate, protect special communities and neighborhoods that because of their unique characteristics, are popular visitor destination points for recreational uses.

LCP updates also offer an opportunity to define and designate additional special communities, which because of their unique characteristics are popular visitor-destination points for recreational uses (consistent with Coastal Act 30253(e)). The update process may include examining whether any of your local neighborhoods include a variety of characteristics that gives them a special character which in turn makes them popular visitor destinations. Depending on those characteristics, your LCP can include a series of policies designed to protect and preserve the special character of the area, such as residential design standards, height limits, landscape treatments, as well as street and public facility design standards.

One example of policies designed to protect special communities and community character is the City of Carmel-by-the-Sea LCP, which includes a comprehensive set of policies and ordinances designed to protect the special historic character of Carmel.

- ❑ **Carmel-by-the Sea General Plan/Coastal Land Use Plan**, Land Use and Community Character element, at:
http://ci.carmel.ca.us/tasks/sites/carmel/assets/File/general_plan/Land_Use.pdf
- ❑ **Carmel-by-the-Sea Implementation Plan**, Title 17 Zoning, at:
<http://www.codepublishing.com/CA/carmel.html>.

The Carmel example includes a number of policies designed to maintain city's community character, which is exhibited through many of its smaller cottages and its informal streetscape, and which is a draw for many visitors. Carmel's policies require, among other directives:

- assuring priority land uses, including a mix of commercial uses, that are compatible with the needs of visitors and the character of the area as a residential village;
- limiting the location of new commercial activity to present commercial and multi-family districts and protecting the established patterns of land use throughout the city while providing for a high-quality pedestrian oriented environment;
- adopting standards for development that retain the scale and character of the City including requiring design review for new homes and additions;
- requiring that new development on each site is compatible and sensitive to the surrounding natural features and built environment of the site and of surrounding areas and contributes to neighborhood character.
- allowing land uses that are compatible with local resources and the natural resources and scenic quality of the area, including preserving significant areas of vegetation and open space;

Other examples of a Special Community include the Town of Mendocino, in Mendocino County. The Mendocino County LCP designates the Town of Mendocino as a special community and significant coastal resource as defined by Coastal Act Section 30251. The Mendocino Town Plan (Chapter 4.13 of the Mendocino Coastal Element) recognizes Mendocino as a historic residential community with limited commercial services, and calls for the preservation of the town's character, while still allowing for orderly growth. In Mendocino, the special character is identified as a composite of historic value, natural setting, attractive community appearance, and unusual blend of cultural, educational and commercial facilities.

For a description of the Mendocino Town Plan, its planning process, issues, and policies, see:

- ❑ **Mendocino County LCP**, Land Use Section, Coastal Element, Chapter 4.13 – Mendocino Town Plan, at:
http://www.co.mendocino.ca.us/planning/pdf/Chapter_4.13MTP.pdf
- ❑ **Mendocino County LCP – Mendocino Town Zoning Code**, (Division III of Title 20), at:
<http://www.co.mendocino.ca.us/planning/zoning/mendocino/index.htm>

◆ Visual Assessments

LCPs should include requirements for permit applicants to use up-to-date techniques for identifying critical viewsheds and for assessing the visual impacts of any proposed development. An LCP update could strengthen requirements in the coastal permit process for documenting existing views, such as requirements for staking the location, height and extents of proposed structures to assess potential visual encroachment and requirements for detailing any proposed screening through the use of vegetation or building materials.

For an example of staking and flagging requirements, see:

- ❑ **Monterey County Staking and Flagging Criteria** (2009), at:
http://www.co.monterey.ca.us/planning/docs/forms/RESBOS_09-360_Staking_and_Flagging_Criteria_072109.pdf

◆ Night Lighting

In rural coastal areas where the night sky is generally dark except for the light of distant stars, bright lights that shine over the ocean, on ridgelines, open hillsides, or along rural roads can intrude into the dark sky, contributing to light pollution which can detract from the scenic character of an area. Tall, overhead lights along coastal pathways can intrude into the viewshed and cause visual clutter in areas that may have previously offered undisturbed views of the coast. In sensitive habitat areas, bright lighting can also cause

adverse impacts to sensitive species if light is allowed to “leak” beyond the intended area or path. Bright lights used for residences and other structures located in rural landscapes can sometimes be seen from great distances if not directed downward and shielded to light only the intended area around the house. New and/or bright lights in previously undeveloped areas visible from the roadway can also create a distraction for motorists and the general public in the area.

Local governments should consider updating their Scenic Resource policies to protect night skies as part of protecting scenic and visual qualities of the coastal area. This can include such policies as prohibiting night lighting of certain development or requiring that if any night-time lighting is proposed, a lighting plan must be submitted along with demonstration of lights to be used onsite, so that an evaluation can be made that night lighting will not have significant visual impacts. For example, the City of Malibu LCP contains the following provisions to address lighting in environmentally sensitive overlay areas and in scenic, visual and hillside resource areas, respectively:

- **City of Malibu Local Implementation Plan**, at:
<http://www.coastal.ca.gov/ventura/malibu-lip-final.pdf>.

Section 4.6.2: Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and directed away from ESHA to minimize impacts on wildlife. Night lighting for sports courts, sports fields, or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA shall be prohibited.

Section 6.5.G ...Night lighting for sports courts, sports fields, or other private recreational facilities in scenic areas designated for residential use shall be prohibited.

Malibu LCP sections 4.6.2 and 6.5.G both identify that permitted lighting must conform to certain standards that require, for example:

1. *The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Planning Manager.*
2. *Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.*

3. *The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.*
4. *A light, not to exceed 60 watts or the equivalent, at the entrance to the (identify non-residential accessory structures).*
5. *No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities, and no lighting for aesthetic purposes is allowed.*
6. *Prior to issuance of Coastal Development Permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions.*

While these two Malibu lighting policies were both amended to add provisions allowing night lighting for public sports activities at the Malibu High School (located outside of ESHA), the LCP amendment (MAL-MAJ-1-11-A) approved by the Commission restricts night lighting of sports fields to the main sports field of public high schools in the institutional zone (i.e., only Malibu High School) as a conditional use, and restricts night lighting after 7:30 p.m. PST, except for a maximum of 18 days in a 12-month period when lights at the main sports field can be used up to 10:30 p.m. PST. The Malibu LCP also requires that field lighting must be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible. The LCP also requires that if night lighting is to be used during bird migration periods, an avian bird monitoring plan must be developed and implemented to determine if any significant adverse impacts to migratory and resident bird species result from the night time use of field lights.

To see more on the City of Malibu LCP Amendment for night lighting at Malibu High School, go to:

- **City of Malibu LCP Amendment MAL-MAJ-1-11 Part A**, at: <http://documents.coastal.ca.gov/reports/2011/10/W13a-10-2011.pdf>

The coastal permit amendment for Malibu High School is:

- **Coastal Development Permit Amendment 4-99-276-A4 (Malibu Unified School District)**, at: <http://documents.coastal.ca.gov/reports/2011/10/W17a-10-2011.pdf>

Another resource for guidance on night lighting ordinances can be found at:

- **International Dark Skies Association, Model Lighting Ordinance**, at: <http://www.darksky.org/outdoorlighting/mlo>

◆ **Telecommunications Facilities**

Telecommunications facilities, including cell towers and electrical supports, have become more common as the cellular industry has grown. Cell towers, which can reach heights of as much as 75 feet or more, can have significant visual impacts, especially in rural areas where tall buildings are not common place. Because many LCPs were originally written before cellular phones were in common use, some may still not include any policies to deal with this new type of development. There are both legal and policy considerations in addressing these in an LCP update. By virtue of the Federal Telecommunications Act of 1996 (FTA), the Coastal Commission and local governments are currently prohibited from regulating telecommunications facilities on the basis of the environmental effects of radio frequency emissions. The Commission may, however, regulate other aspects of telecommunication facilities to address effects of such facilities (e.g., siting and design to avoid visual impacts, particularly such impacts as they relate to more rural and undeveloped areas.) Local governments should research Federal law to ensure that its LCP provisions are consistent with applicable requirements related to siting of telecommunications facilities.

In most cases, significant visual impacts may be avoided if new cell towers or cellular equipment are co-located on or adjacent to existing structures (e.g., on top of large buildings, or attached to other industrial or energy towers). Where this may not be possible, the visual impact of cell towers might be reduced by using a constructed disguise, such as a palm or pine tree design, compatible with the surrounding development or natural character.

Examples of LCPs that have been updated with specific cell tower provisions include:

- **Monterey County Coastal Implementation Plan**, at: <http://www.co.monterey.ca.us/planning/docs/ordinances/Title20/20.64.310.htm>
- **Santa Cruz County Code**, Section 13.10.660--Regulations for the siting, design, and construction of wireless communication facilities, at: <http://ordlink.com/codes/santacruzco/index.htm>.

Other useful references include:

- National League of Cities and APA, **Siting Cellular Towers**, (1997), availability information, at: http://www2.nlc.org/nlc_org/site/inside_nlc/catalog2/showdetl.cfm?ID=98
- B. Blake Levitt, ed., **Cell Towers** (2000) New Century Publishing.

◆ Signs and Billboards

Roadside signs and billboards can create visual clutter, especially outside of urban areas. Local governments should review applicable state and federal laws, such as California Business and Professions Code Section 5412, before updating LUP policies related to signs and billboards. It is likely that new signs and billboards may be prohibited but there are limits on how existing signs and billboards may be treated.

For examples of policies related to signage, see for example:

- **City of Encinitas LCP Amendment ENC-MAJ-2-08**, at:
<http://documents.coastal.ca.gov/reports/2009/9/W38d-9-2009.pdf>
<http://documents.coastal.ca.gov/reports/2010/5/Th14a-5-2010.pdf>

These policies prohibit new billboards and allow non-commercial message substitution on existing legal signs without requiring additional approval or permits. They also require that City-authorized relocation of any existing legal billboard be located outside of the coastal zone.

◆ Landscape Screening

Since many of the LCPs were certified, the long term impact of landscaping and maintenance on scenic views has emerged as an issue of concern. LCPs often relied on landscape planting to mitigate scenic impacts of development. However, over time, the Commission has dealt with issues related to landscape screening that actually end up adversely impacting scenic views and in some cases public access (i.e., grows wider or taller than expected because of species selection or lack of maintenance). To address this, local governments could consider policies that ensure that impacts to scenic resources are avoided principally through site selection and design alternatives, such as reducing height and bulk of structures, instead of relying mainly on landscape screening. Where landscape screening is appropriate, provisions could be updated to protect public access and scenic views over the long term, such as:

- Requiring approval of landscaping plans that use only low growing species that will not obscure or block public views;
- Requiring that existing landscaping be maintained so as to not block any public views as vegetation matures while at the same time avoiding impacts to any existing environmentally sensitive habitat;
- Require that landscape plans be designed, planted and maintained to serve this purpose over the life of the development;
- Require periodic re-evaluation of how well the landscape design is working out, and to allow for revisions if changes are needed to fully comply with any screening requirements that have been applied to protect the scenic and visual resources of the area.

A source to consult is:

- Wendelyn Martz, **Preparing a Landscaping Ordinance** (1990), availability information, at:
<http://www.planning.org/apastore/Search/Default.aspx?p=2360>