

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV



F6

Prepared May 02, 2019 (for the May 10, 2019 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Orange County for May 2019**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the South Coast District Office are being reported to the Commission on May 10, 2019. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on May 10th.

With respect to the May 10th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on May 10, 2019 (see attached)

Immaterial Extensions

- 5-82-291-A5-E2, Ritz Carlton Laguna Niguel Hotel Remodel Permit Extension (Dana Point)
- 5-16-0298-E1, Enrico & Patricia Arvielo, Demo/new construction, Newport Beach, (Orange County)

Correspondence to Emergency Permit Waiver Request

- G-5-19-0004-W, 20612 Laguna Canyon Rd., Laguna Beach, (Orange County)
- G-5-19-0006-W, Near Bluebird Park, Temporary Pipe Installation, Laguna Beach, (Orange County)

Objections to Executive Director's Determination

- Extension of Coastal Development Permit 5-15-0087 (Irvine Company), Newport Beach, (Orange County)

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NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

April 26, 2019

Notice is hereby given that SHC Laguna Niguel I, LLC has applied for a second one year extension of 5-82-291-A5 granted by the California Coastal Commission on May 13, 2015 for:

Remodel and expand the existing Ritz Carlton Laguna Niguel hotel by adding a 36,071 sq. ft. meeting and event space; relocating a segment of the existing vertical public access pathway to the bluff and beach; landscape and hardscape work and installing water quality management devices.

At: 33533 Ritz Carlton Drive, Dana Point, Orange County (APN: 672-171-03)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Amrita Spencer
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIFORNIA 90802-4416
PH (562) 590-5071 FAX (562) 590-5084
WWW.COASTAL.CA.GOV

(5-16-0298-E1)

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that **Enrico & Patricia Arvielo** has applied for a one year extension of **Coastal Development Permit No. 5-16-0298** granted by the California Coastal Commission on **May 12, 2017** for development consisting of:

Demolition of an existing duplex and construction of a new three-story, 6,366 square foot, duplex with a basement and a subterranean 498 square foot, four-car garage on a bluff face lot.

at: 3100 Breakers Dr., Newport Beach (Orange County) (APN: 052-120-57)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

John Ainsworth
Executive Director

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4830
(562) 590-5071



May 2, 2019

Gregory Pfost
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

**Subject: Emergency Permit Waiver Request for 20612 Laguna Canyon Road, Laguna Beach
Orange County (Application No. G-5-19-0004-W)**

Dear Gregory Pfost:

This letter is in response to a request by the City of Laguna Beach to waive emergency permit requirements for flood control channel repairs located at 20612 Laguna Canyon Road, Laguna Beach. The emergency repairs, as indicated in a report to Commission staff, includes: 1) placement of erosion control fabric on the eroded channel; 2) use of an excavator to remove failed rip rap from the channel bottom and replacement of failed rip rap along the channel sides; and 3) installation of approximately 75 tons of additional rip rap within eroded areas to replace the failed slope protection.

In order for the Commission to grant a waiver of emergency permit requirements, the Commission must make the finding that the proposed emergency activities are consistent with Section 30611 of the Coastal Act. Coastal Act Section 30611 states:

When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

In order for an action undertaken by a person or public agency to be consistent with Section 30611, the person/entity must demonstrate that the requested action is required to protect life and public property from imminent danger, or to restore/repair/maintain public works utilities/services destroyed, damaged, or interrupted by a natural disaster or serious accident. In this case, localized flooding from a strong storm system damaged existing rip rap slope protection along the flood control channel. The resulting erosion left a public access sidewalk and an asphalt parking lot (both classified as "property") in imminent danger of slope failure and collapse. These conditions required the City to take immediate action to stabilize the slopes adjacent to the channel to protect the aforementioned properties from imminent collapse.

Second, Section 30611 requires that an action may be waived from an emergency permit if the person/agency notifies the Coastal Commission Executive Director of the required work and location of work within three days of the disaster or discovery of the danger, whichever occurs first. The disaster (i.e. the winter storm) occurred on February 14, 2019; according to the submitted cover letter for the emergency permit waiver request, however, the resulting damage (the erosion) was not discovered until February 15, 2019. Under Section 30611, the City should have notified the Commission's Executive Director of the proposed emergency work by no later than February 18, 2019. However, the first notification of the event did not occur until February 25, 2019, 10 days after the discovery of the danger.

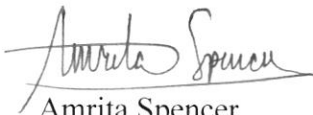
Finally, Section 30611 does not authorize emergency permit waivers for the permanent erection of structures valued at more than \$25,000. The scope of work undertaken by the City included placement of an erosion control fabric (an easily removable material) to prevent further erosion, as well as the removal and replacement of failed rip rap. These actions do not constitute permanent development under the guidelines of Section 30611.

Although the City has demonstrated that the repair activities are necessary to protect life and property, and that the proposed repair activities are temporary in nature, the City failed to notify the Commission of the repair activities within the required three day timeframe. For this reason, the Commission cannot approve this emergency permit waiver request. The City must therefore apply for a coastal development permit (CDP) in order to authorize the aforementioned repair activities. Alternatively, the City may include the flood channel rip rap repair activities to the flood channel repair project that is currently before the Coastal Commission on appeal.

If there is evidence to demonstrate that notification of the emergency and proposed emergency repair activities was submitted to the Commission within three days of the disaster event, additional materials to the Commission's South Coast District Office. Commission staff can review the information and could potentially revisit the determination based on the additional information that is submitted.

If there are any additional questions, please contact Amrita Spencer at (562) 590-5071 or at amrita.spencer@coastal.ca.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Amrita Spencer", with a stylized flourish at the end.

Amrita Spencer
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4830
(562) 590-5071



May 2, 2019

Gregory Pfost
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651

Subject: Emergency Permit Waiver Request for a Temporary Pipe Installation near Bluebird Park, Laguna Beach, Orange County (Application No. G-5-19-0006-W)

Dear Gregory Pfost:

This letter is in response to a request by the City of Laguna Beach to waive emergency permit requirements for the installation of a temporary above-ground PVC pipe located within the Santa Cruz Street unimproved public right-of-way in Laguna Beach. As indicated in a letter to Commission staff, the scope of work includes the installation of a temporary, 12-in. diameter PVC pipe in order to temporarily modify drainage conditions of the hillside adjacent to Bluebird Park. The pipe would extend approximately 40 linear ft., and would be raised approximately 6 in. above grade using one-in. diameter pipe trussing that would be placed approximately three ft. into the ground.

In order for the Commission to grant a waiver of emergency permit requirements, the Commission must make the finding that the proposed emergency activities are consistent with Section 30611 of the Coastal Act. Coastal Act Section 30611 states:

When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than twenty-five thousand dollars (\$25,000).

In order for an action undertaken by a person or public agency to be consistent with Section 30611, the person/entity must demonstrate that the requested action is required to protect life and public property from imminent danger, or to restore/repair/maintain public works utilities/services destroyed, damaged, or interrupted by a natural disaster or serious accident. In this case, water flow from a strong storm system caused erosion along a hillside located adjacent to a public park. The City was required to take immediate action to improve drainage along the slope adjacent to Bluebird Park to protect the park from damage.

Second, Section 30611 requires that an action may be waived from an emergency permit if the person/agency notifies the Coastal Commission Executive Director of the required work and

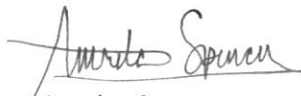
location of work within three days of the disaster or discovery of the danger, whichever occurs first. According to the submitted cover letter for the emergency permit waiver request, the disaster (i.e. the winter storm) occurred in February of 2019; however, the Commission was not notified of the disaster and of the emergency actions taken until April 22, 2019. Under Section 30611, the City should have notified the Commission's Executive Director of the proposed emergency work within three days of the occurrence of the disaster. In this case, the first notification of the event occurred more than two months after the storm event.

Finally, Section 30611 does not authorize emergency permit waivers for the permanent erection of structures valued at more than \$25,000. The City's letter states that the scope of work includes installation of a temporary raised PVC drainage pipe and metal pipe trussing system that is intended to stay in place for one year (during which time the City will apply for a Coastal Development Permit for a permanent drainage solution). Furthermore, the project is not expected to cost more than \$15,000. These actions do not constitute permanent development under the guidelines of Section 30611.

Although the City has demonstrated that the repair activities are necessary to protect life and property, and that the proposed repair activities are temporary in nature, the City failed to notify the Commission of the repair activities within the required three day timeframe. For this reason, the Commission cannot approve this emergency permit waiver request. The City must therefore apply for a coastal development permit (CDP) in order to authorize the aforementioned repair activities.

If there are any additional questions, please contact Amrita Spencer at (562) 590-5071 or at amrita.spencer@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Amrita Spencer", with a horizontal line drawn underneath the name.

Amrita Spencer
Coastal Program Analyst

cc: File

CALIFORNIA COASTAL COMMISSION

South Coast District Office
301 E. Ocean Blvd., Suite #300
Long Beach, CA 90802
(562) 590-5071



April 26, 2019

OBJECTIONS TO EXECUTIVE DIRECTOR'S DETERMINATION

To: Commissioners and Interested Parties

From: Karl Schwing, Deputy Director
Amber Dobson, Orange County Supervisor
Liliana Roman, Coastal Program Analyst

Re: **Extension of Coastal Development Permit 5-15-0087 (Irvine Company), Newport Beach, Orange County.**

On January 31, 2019, the Irvine Company (applicant) submitted a request to extend Coastal Development Permit 5-15-008 for an additional one-year period. This is the project's first extension request. Coastal Development Permit 5-15-0087, originally approved by the Commission on February 9, 2017 for both landside and waterside development. On the waterside, 9,900 cubic yards dredging, private marina expansion, and new public dock; removal of a riprap slope and replacement with a new riprap slope landward. On the landward side, demolition of surface parking area and building, construction of a single story, 14,252 square foot restaurant, grading, hardscape and landscape improvements, surface parking lot reconfiguration, new public restroom, and a dedicated public walkway from E. Coast Highway to the new public dock system at 201 Coast Hwy., Newport Beach, CA.

On March 27, 2019, the Coastal Commission's South Coast District Office in Long Beach issued notices of the Executive Director's determination that there are no changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified Local Coastal Program (LCP). As required by Section 13169(b) of Title 14 of the California Code of Regulations, the Executive Director reported this determination to the Commission at its April 11, 2019 meeting. Within the ten working-day period (March 27, 2019 – April 11, 2019), during which time any person may object to the Executive Director's determination, the South Coast District Office received four letters from 1) Linda Isle Community Association Board of Directors, 2) Margo and Bill O'Connor, 3) Kurt Toney, and Kristen Heitman objecting to the proposed project. Correspondence received is included as Exhibit 1.

The letters received do not object to the Executive Director's determination that there are no changed circumstances that affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act, instead object to an increase in light, noise, and vehicle and boat traffic impacts associated with the project. The objectors provided copies of comment letters in opposition to the project which were previously submitted to staff and the Commission at the time of the Commission's February 9, 2017 action at a public hearing granting approval of the project. Objections raised were

related to adequate parking for proposed uses, project generated traffic, restaurant/bar hours of operation, loss of views for residents of Linda Isle, adversely affect public water safety due to an increase in boat traffic conflicts due to increase number of marina slips. Additionally, objectors indicate that the channel that separates their homes on Linda Isle is narrow and therefore, raise concerns over potential damage to their properties, Linda Isle seawalls and underground utilities due to construction grading and pile driving activities. These issues were addressed at the public hearing and in the Commission's findings to approve the project on January 9, 2015. The proposed project has not changed in the previous two years.

Section 13169(c) of Title 14 of the California Code of Regulations states in part that in order to deny an extension request objections must identify changed circumstances that may affect the consistency of the development with the Coastal Act or the certified LCP. The Executive Director has concluded that the objection letters do not identify any changed circumstances that may affect the proposed development's consistency with the Chapter 3 policies of the Coastal Act or the certified LCP. As required by Section 13169(c) of Title 14 of the California Code of Regulations, the Executive Director is reporting this conclusion to the Commission along with a copy of the objection letters. If three Commissioners object to the extension on the grounds that there may be circumstances that affect consistency with the Coastal Act or the certified LCP, the Executive Director shall schedule the extension for a public hearing in accordance with Section 13169(d) of Title 14 of the California Code of Regulations. If three Commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit. In this case, the approval of the extension request will extend the expiration date of Coastal Development Permit 5-15-0087 to February 9, 2020, one year from the previous date of expiration.

CALIFORNIA COASTAL COMMISSION

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301 East Ocean Blvd. Suite 300
Long Beach, CA
PHONE: (562) 590-5071
WEB: WWW.COASTAL.CA.GOV



5-15-0087-E1

EXHIBITS

Table of Contents

Exhibit 1 – Public Correspondence



April 4, 2019

California Coast Commission
South Coast District Office
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802

RECEIVED
South Coast Region
APR - 8 2019
CALIFORNIA
COASTAL COMMISSION

RE: Coastal Development Permit No. 5-15-0087

Dear Members of the California Coastal Commission,

On behalf of the residents of Linda Isle, a Community which sits on the bay just adjacent to the proposed Irvine Company's Coastal Development, the Linda Community Association Board of Directors would once again like to go on record and restate our concerns regarding this project.

Enclosed please see our previous letter sent regarding this matter dated September 6, 2016.

Our concerns remain strongly the same and we encourage you to consider these stated concerns as you make your decision regarding the Irvine Company's current request of their Coast Develop Permit.

Thank you,

The Linda Isle Community Association Board of Directors

Enclosure

Proudly Managed By
Keystone Pacific Property Management, LLC

16775 Von Karman #100
Irvine, CA 92606
(949) 833-2600

30021 Tomas Road #160
Rancho Santa Margarita, CA 92688
(949) 833-2600

41593 Winchester Road #113
Temecula, CA 92590
(951) 491-6866

3155-D Sedona Court
Ontario, CA 91764
(909) 297-2550

lindaislehoa.com



September 6, 2016

Coastal Commission
200 Oceangate 10th floor
Long Beach, CA 90802

Attn: Mr. Fernie Sy

Re: Case # 5-15-00087

Location: 201 E. Coast Highway, Newport Beach, CA 92660

The Irvine Co. is seeking Coastal Commission approval for its plan to add 33 more docks to the Balboa Marina and also a 9,000+ sq. ft. restaurant/nightclub with live entertainment, outdoor dining, and operating nightly until TWO a.m.

The Linda Isle Homeowner's Association is concerned that Linda Isle residents and the general public will be adversely affected by this project.

Areas of concern are:

- A) 33 new docks are proposed to be constructed, partially over public land, which will eliminate views for the public and many residents of Linda Isle, and affect safe navigation near and under the Dover bridge.
- B) Parking is totally inadequate for the combined restaurant, proposed docks, and existing restaurants.
- C) The general public will suffer due to the increased traffic on Dover Bridge and Coast Highway.
- D) Operating the restaurant past 11 PM until 2 AM will attract the "bar crowd" which will have a detrimental effect on highway safety.

We hope that the Coastal Commission will take into consideration all the arguments that were submitted and presented by Jackson, DeMarco, Tidus and Peckenpaugh at the 10/25/2014, 12/17/2015 and 2/9/2016 Newport Beach City meetings as well as all the letters written by Linda Isle residents.

The attorney's arguments and resident letters were submitted to your office and are in your files.

Respectfully,

Linda Isle Community Association Board of Directors

Professionally Managed by:

Keystone Pacific Property Management, Inc.

16775 Von Karman Avenue, Suite 100 · Irvine, CA 92606-4960 · Tel (949) 833-2600 · Fax (949) 833-0919

www.keystonepacific.com

From: **Margo O'Connor** moconn949@gmail.com
Subject:
Date: April 4, 2019 at 1:15 PM
To:

RECEIVED
South Coast Region

APR 08 2019

CALIFORNIA
COASTAL COMMISSION

April 4, 2019

RE: Extension Request For Coastal Development Permit by the Irvine Company

Dear Members of the California Coastal Commission:

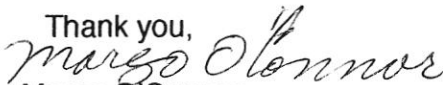
I live directly across from this proposed development and am very concerned about the detrimental effects that it will have on the General Public, my neighbors and myself. For several years I have expressed these concerns in various letters and emails to the Newport Beach Planning Commission and City Council and have also voiced my concerns at their meetings. I also attended and spoke at two California Coastal Commission meetings.

The attached letters explain the reasons I did not support this project.

Over the years, the increases in the population, street traffic, and boat traffic of the City of Newport Beach and its harbor have made this proposed project even more likely to adversely affect our community as describe herein.

I hope you will consider these concerns when deciding on extending the Irvine Company's request for an extension of their permit.

Thank you,



Margo O'Connor

90 Linda Isle

Newport Beach, CA 92660

June 2, 2016

California Coastal Commission
200 Oceangate 10th floor
Long Beach, CA 90802
ATT: Mr. Fernie Sy

RECEIVED
South Coast Region

APR 08 2019

CALIFORNIA
COASTAL COMMISSION

Re: Case # 5-15-0087
location: 201 E. Coast Highway, Newport Beach

Dear Mr. Fernie Sy:

On Wednesday, May 11, 2016, I spoke before the Coastal Commission that was meeting in Newport Beach. During my 3 minutes, I asked the Commissioners and Staff to please visit this iconic location whose character will be totally changed by the Balboa Marina West project. I pointed out that the view of Newport Beach Harbor as one drives over the Dover Bridge is, in fact, the only open view of the water from the time one leaves Huntington Beach and drives on Coast Highway all the way through Newport Beach and Corona del Mar. That view is very brief but beautiful. Also, the parking lot south of the Bridge, nearest the harbor, is where the public can enjoy the view (as families often do, especially on weekends).

Eight years ago, The Irvine Co. reconfigured the Basin Marina so that there were fewer but larger new docks that could accommodate luxury yachts (i.e. much higher rent docks). The marina is full. Now they wish to add 24 more private docks for yachts up to 80+ feet. The project will include 12 public slips. However, they are removing 4 public docks that were part of the reconfiguration eight years ago. Thus, in reality, they are only adding 8 new public docks and in return want 24 more high rent docks which will change the views of the harbor from the Dover Bridge, Coast Highway and parking lot.

Many boats enter the Back Bay under the Dover Bridge. Besides the boaters that live in the Back Bay communities, there are the many boaters that use the only Boat Launch Ramp in Newport Beach, located in the Back Bay. In addition, the California Coastal Commission has already approved a new Dry Dock Boat Storage facility (140 boats) as part of the Back Bay Landing project. As of now there is room for all boats and also the paddle boarders and kayakers who rent their equipment on the Back Bay side of the Bridge. The paddle boarders and kayakers can hug the eastern shore and then keep to the side channels of the harbor, if they wish. Imagine 24 more large, luxury boats docked west of the Marina, and you will see that all the boat traffic under the Dover Bridge must necessarily move westward. Kayakers and paddle boarders will need to do that also, mingling with the large boats that make their way under the Bridge. Irvine Co. does not own the water for the Marine side part of this project but they say they "control" it via lease. Does that give them the right to change the present Coastal views or make the navigation in this critical area less safe??

In addition to the docks, the Irvine Co. will build a 14,000+ sq. ft. restaurant/ nightclub (the largest in Newport Beach) with live entertainment and operating nightly until 2 a.m.. This is not a family dining establishment. If you stand at the rail and look at the harbor, that is exactly where this huge building will be located and the view that you

can enjoy today and that has been enjoyed for decades will only be available in the future to patrons of the restaurant/nightclub that Irvine Co. plans to build there.

Furthermore, the Coastal Commission approved, as part of the BackBay Landing project, a 12' Public Walkway that extends under the Dover Bridge. If there is a connection to this property (as considered "potential" by City Staff), that 12' walkway would become 8'. Also, as soon as it reaches Irvine Co. property, the walkway would turn back toward the Coast Highway, affording no further Harbor Views. Harbor Views from Irvine Co. property are reserved only for restaurant/nightclub patrons.

In conclusion, I am hoping that the California Coastal Commission's mission to conserve California's coast for the enjoyment of Everyone will supersede Irvine Co's desire for more high rent docks for luxury yachts and a very large, expensive restaurant/nightclub on the shore of the Marina.

Respectfully,

Margo O'Connor
90 Linda Isle
Newport Beach, CA 92660
moconn949@gmail.com

California Coastal Commission
200 OceanGate 10th floor
Long Beach, CA 90802
Attn. Mr. Fernie Sy
Re: Balboa Marina West Case# 5-15-0087

January 23, 2017

RECEIVED
South Coast Region

APR 08 2019

CALIFORNIA
COASTAL COMMISSION

Dear Mr. Sy:

I want to address several items that have not been addressed prior to the City of Newport Beach giving approval to T.I.C. for their "restaurant" project.

Our attorneys have pointed out the obvious CEQA violations that exist. I would like to point out some other issues that were overlooked by the City. The Irvine Co. states that the project is on the site where a restaurant existed for many years. However, the structure that included a small restaurant was Offshore and not directly across from residences. It was reached by a walk to a floating dock that included construction that resembled an old Paddle Wheel Boat but was a fixed structure. There was nothing

on land (except the small yacht brokerage which will be the site of the new restroom building).

I am a resident of Linda Isle. There are a myriad of fears created by the T.I.C. project being across from our quiet residential island. However, I wish to address the issues that concern the General Public as well as our own neighborhood:

Environmental & Safety Issues:

Linda Isle has a sewer system that is below sea level. Seismic events from Pile Driving and Compaction create a potential pollution problem for the entire Newport Harbor. No effort was made to examine or monitor Linda Isle.

The other issue that deeply concerns me is the potential damage from construction - from compacting, pile driving, and other producers of tremors. Linda Isle has its utilities underground in a tunnel that runs around the island about 100 feet from the sea walls. Problems with our sea walls would result in damage to our electricity and ultimately our sewage system.

Our sewer system is below sea level and sewage is pumped out with electric pumps. No tests or simulations were done on Linda Isle. The last time T.I.C. did pile driving there was significant structural damage to Mama Gina's (that caused it to be torn down). Our attorney pointed out that this lack of oversight is also a CEQA violation.

The other safety issue that I am concerned with is how much of the area below the existing Dover Bridge will be blocked by the new Large Boat docks and by the entrance/exit of those Large Boats in/out of the docks. Adding that to the present simultaneous activity of Kayaks, Paddle Boards, and Small Craft as well as all the larger Boats, entering and exiting the Back Bay could potentially result in catastrophic accidents.

In closing, I feel there is an opportunity for the California Coastal Commission to encourage a beautiful multi-use pathway around the Marina for the enjoyment of the General Public.

Instead of a twelve-foot multi-use Public path (as exists for the BackBay Landing Project), any connecting walkway in this project would be 8-10' and require a 90 degree turn and follow along the bushes in the rear of the parking lot by Coast Highway. If there were a 12 foot pathway that continued around the shoreline of the T.I.C. property, it could meet with the planned larger and improved Newport Beach bicycle path or it could cross P.C.H. and join the beautiful bicycle and foot pathways that go for miles. This would allow the General Public (and not just Restaurant patrons/owners of the luxury boats) access to enjoy the beautiful views from this very special iconic location. All this could be achieved by just having the Restaurant/Nightclub be set back a few feet.

Also, I would encourage a full Environmental Report, which should have been done initially on this project.

Respectfully,

Bill O'Connor

Kristen Heitman
Coastal Commission Letter
Apr 2, 2019 at 4:13:35 PM
Michael Heitman

Permit # 5-15-0087

Hello,

I have received this letter and am very concerned over the proposed development. The channel that separates our homes from this proposed development is not wide enough for any sound or light barrier to residents. The current size of the marina is already a noise issue, additional boats docking and traveling in this narrow channel will only increase concerns. The headlights and volume of traffic in the parking lot is another major problem. The traffic congestion at PCH and Bayside has proved to be deadly to pedestrians and bicyclists. As a homeowner and citizen, I object to this proposal and would like it to be on the record.

Sincerely,

Kristen Heitman

96 Linda Isle

Newport Beach CA 92660

RECEIVED
South Coast Region

APR 05 2019

CALIFORNIA
COASTAL COMMISSION

RECEIVED
South Coast Region

To: California Coastal Commission
South Coast District Office
301 E. Ocean Blvd. Suite 300
Long Beach, California 90802

APR 10 2019

CALIFORNIA
COASTAL COMMISSION

Regarding: proposed development

Dear Sir or Madam:

As a resident of 91 Linda Isle, Newport Beach, CA92660, I write this letter to define and amplify resident concerns for the looming project under consideration across the water from our residences.

Chief among our numerous concerns is the environmental impact that will predictably be caused by adding a large commercial late-night facility adjacent to an established residential neighborhood.

- 1 **Noise:** of restaurant customers from nine to five and late into the wee hours. Also because of the "event" aspect of the project, celebrations such as weddings and large family and corporate events tend to have disproportionately high alcohol consumption where folks are louder and generally much less considerate of their neighbors. Also, sound efficiently travels over water, placing the development facing residences squarely in the path of booming dance club music, and late into the night.
- 2 **Car Traffic:** likely there will be a large volume of cars parking, starting and revving their engines. Unless mitigated, today's ultra-bright automobile lights will be shining directly into the living rooms of residents. Distracted and intoxicated drivers will be pouring onto the Coast Highway, an already dense traffic corridor.
- 3 **Boat Traffic:** a casual observer spending a few minutes on any Saturday is witness to all manner of blue water boats, sail boats, fishing boats, rowers, SUP paddlers, paddlers with dogs, anglers on inner tubes, the list goes on...When this Island was designed/engineered, most of these uses had not been invented or contemplated. It's only by divine providence, and most capable law enforcement, that more boating/swimming/paddling accidents with larger boats, don't occur. We are rapidly approaching an unsustainable traffic density that temps fate and puts public and boater safety at risk. How much is too much? Our view is that we certainly do not need 33 more boat slips in this high traffic location.
- 4 **City tax revenue:** Experts believe that the impact of this inappropriate commercial expansion will LOWER PROPERTY VALUES and therefore lower much needed city tax revenue.

Accordingly, we ask you to reconsider the approval of this large and inappropriately located project for the betterment of the community and all residents therein.

Sincerely,

Kurt Toney (resident/for Shelley Sterling)