

## **CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CA 90802-4830  
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# Th11a

**A-5-NPB-20-0025 (215 Riverside, LLC)**

**August 13, 2020**

**Correspondence**

August 5, 2020

Client-Matter: 63060-030

**VIA EMAIL**

Chair Steve Padilla and Coastal Commissioners  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

**Re: Commission Appeal No. A-5-NPB-20-0025; Substantial Issue  
215 Riverside, Newport Beach**

Dear Chair Padilla and Commissioners:

This letter is submitted on behalf of the landowner, developer and applicant, 215 Riverside, LLC, and agent, Laidlaw Schultz, for a coastal development permit, among other permits and entitlements, to build a proposed office building and associated parking structure at 215 Riverside, Newport Beach (collectively, “Applicant”). The City of Newport Beach approved the coastal development permit (“CDP”) on May 12, 2020, after holding three Planning Commission hearings, and two City Council hearings. The City’s CDP approval was appealed on June 29, 2020.

The grounds for an appeal of a City-issued CDP are set forth in Coastal Act Section 30603. Section 30603(b)(1) provides that once a Local Coastal Program (“LCP”) has been certified, “[t]he grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.”

We wish to respond to the staff’s recommendation of substantial issue. (Staff Report: Appeal – Substantial Issue, A-5-NPB-20-0025, dated July 23, 2020 [“Substantial Issue Staff Report”].) For the reasons set forth in this letter, the appeal does not identify nor support the claim that the CDP is inconsistent with the standards and policies set forth in the City of Newport Beach’s LCP, or inconsistent with the public access policies of the Coastal Act. For these reasons, we request the Coastal Commission find *no substantial issue*.

The City’s Planning Commission and City Council staff reports and findings include extensive discussion, supported by technical studies demonstrating how the Project conforms to and is consistent with the applicable LCP policies. This Project also conforms to the public access policies of the Coastal Act by increasing the amount of parking that would be available for visitor serving uses in Newport Beach’s coastal zone.

**1. The Project is the Redevelopment of an Existing Use With More Public Access Amenities and a Smaller Footprint.**

The CDP project (“Project”) consists of the redevelopment of an existing office building and associated parking area with a smaller office building, increased number of parking spaces, greater setbacks, and reduced impacts on coastal resources. The site is designated Commercial General and zoned Commercial General Coastal Zone District in the City’s LCP. The site is currently fully developed with a 8,056 square foot (“sf”) office building and 16 parking spaces. The CDP allows for the demolition of the existing structures and replacement with a 2,744 sf office building and 40 parking spaces built on 2 levels. The proposed building only requires 11 spaces and so the project will provide 29 additional parking spaces that could be used to support other commercial and visitor-serving uses in the Mariner’s Mile area of the City, and improves the ability of the public to access the coast.

The height of the proposed structure is the same as the existing building, and in light of its smaller size, the Project will not have an adverse impact on views either from Pacific Coast Highway (PCH) or to PCH from the public open space adjacent to the Project site. View studies from the City park along Cliff Drive above the Project site were provided to the City as part of its deliberations. Those view studies show that the proposed Project will not impact the existing viewshed, but will improve the viewshed by eliminating almost 75% of the existing structure that currently is within the viewshed. Photos of the Project site from PCH demonstrate that the Project cannot even be seen from PCH. (See **Exhibit A, Site Photos of 215 Riverside.**)

The proposed Project respects and protects the existing bluff by avoiding grading into the bluff beyond the existing retaining wall which was built when the existing building was constructed in the 1960s, prior to the enactment of the Coastal Act. In fact, the proposed Project includes bluff restoration, in that it removes the retaining wall on the western edge of the Project site, that currently encroaches onto City property, re-builds it approximately 11 feet further towards the interior of the already-developed site, and revegetates that portion of the bluff.

The proposed Project does not require excavation into the bluff area as the footprint of the proposed structure will be situated within the already-developed area of the property. The proposed Project leaves the existing retaining wall on the northern edge of the Project site in place resulting in no impact to the bluff or the existing vegetation (specifically, the oak tree referenced in the appeal), and, as described above, will relocate the western retaining wall within the already developed area of the Project site.

We wish to address each of the contentions and staff’s analysis in Section D., Substantial Issue Analysis in the Substantial Issue Staff Report.

## **2. The Project and the City's Findings Demonstrate Consistency with the LCP's Wetlands Policies.**

The Substantial Issue Staff Report reviews the LCP policies that address the protection of biological resources. (Substantial Issue Staff Report at 9-10.) The Project does not impact the wetlands adjacent to the Project site, and provides increased separation and buffering from the wetlands as compared to existing conditions. In its review of the Project, the City considered the Project in light of the LCP policies regarding wetlands and approved the Project based on evidence in the record that a 100 foot buffer would not be feasible in light of the desire to preserve public access opportunities (public parking) and the proposed buffer of less than 100 feet would be feasible and protective of the wetlands habitat.

A narrow wetland area (approximately 3-6 feet wide) exists adjacent to the curb along Avon Street, a City-street from which the several properties are accessed including a BMW dealership, an existing shopping center, the U.S. Post Office branch, and the Project site. A continuous line of developed uses border the southern edge of the wetlands. The wetland area, known as the Avon Street Wetlands, begins approximately 29 feet from the western edge of the existing development on the Project site. Two pedestrian bridges that provide access from Avon Street to walking paths on the bluff slope to Cliff Drive (above the Project site) bisect the wetlands area, and the northern edge transitions to non-native vegetation. The Project will not impact the wetlands. Currently, there exists approximately 29 feet between the existing retaining wall and the edge of the wetlands. Because the existing retaining wall encroaches approximately 10 feet onto City property, the Project will remove the retaining wall, and build a replacement retaining wall along the western property line of the Project site which will be approximately 39 feet from the edge of the wetlands.

Before it approved the Project, the City (not the Applicant) retained Glenn Lukos Associates (GLA) to perform a wetlands delineation and assessment of the Avon Street Wetlands consistent with LCP Policies 4.1.1-1 and 4.1.1-2. (Memorandum from Tony Bomkamp, Glenn Lukos Associates to Gregg Ramirez and Makana Nova, City of Newport Beach, dated September 23, 2019 (GLA Report).) The GLA Report was included as Exhibit E to the City's Staff Report and provided the factual evidence in support of its findings that the Project was not inconsistent with the LCP policies regarding wetlands protection. Because of its location adjacent to the fully-developed, well-traveled Avon Street, and the two pedestrian bridges that bisect the wetlands, and the non-native species that dominate its northern edge, the GLA Report concluded that the "wetland exhibits very limited functions for wildlife, given the immediate surroundings, larger urban environment, very high "edge to habitat area" ratio, and the general low value of cattails as habitat for special-status plants and animals." The GLA Report makes similar findings for the area dominated by alkali bulrush that is closest to the Project site. (GLA Report at pages 4-5.) Because of these findings and conclusions, the LCP policies regarding the protection of ESHAs and development sited adjacent to ESHAs were not applied to the Project. (I.e., LCP Policies 4.1.1-4, 4.1.1-5, and 4.1.1-9.) As the Project would have no impact on the

wetlands and would not directly or indirectly affect the wetlands or its habitat values, there was no inconsistency with LCP Policies 4.2.1-1 and 4.2.1-2.

The GLA Report addressed LCP Policy 4.2.2-3 regarding the feasibility of providing a 100 foot buffer between the proposed Project and Avon Street Wetlands. (See discussion re Section 21.30B.040.C of the City's LCP IAP at GLA Report, pages 3-5.) The GLA Report acknowledged the buffer policy, and described the site-specific constraints: the concrete curb that formed the southern edge of the wetlands, the location of Avon Street 1-2 feet from the wetlands, the non-native vegetation on the northern edge, and the existing retaining wall 29 feet from the eastern edge of the wetlands. The GLA Report then analyzed the purposes of wetland buffers: Hydrologic, Biogeochemical (Water Quality), and Biological, and concluded that the 39 feet that would be provided by the Project would "provide more than adequate protection of the wetland, given that it is of low value and within one or two feet from Avon Street for the entire length." (GLA Report at pages 4-5.)

The City's Staff Report also discussed Coastal Land Use Policy 4.2.2.3 and Section 21.30B.040 of the Municipal Code and cited the LCP policies requiring a 100 foot buffer between development and wetlands unless certain findings were made. The Staff Report described the site conditions, the erosion control plan to protect the adjacent property and wetlands from erosion and the discharge of pollutants during construction, the revegetation of the area with native plants, and that because the biologist concluded no significant impacts to wetland and Environmentally Sensitive Habitat Areas associated with redevelopment of the Project site, "the 39 foot buffer was sufficient for the long term maintenance and health of the wetland resource." The Staff Report then concluded by stating that "This analysis has been updated within the findings for the draft resolution for approval... and the [CEQA] Class 32 Exemption Determination ...." These findings were made in connection with the Planning Commission's approval of the CDP. (Planning Commission Staff Report, October 17, 2019, at pages 4-5.) These findings were included in Exhibit A to City Council Resolution No. 2020-33 approving the CDP.

At the Planning Commission and City Council hearings, the project architect, Scott Laidlaw, also explained the location of the driveway off of Avon Street and the retaining wall on the western edge of the Project site in relationship to the wetlands. The City requested that the driveway into the parking area remain in its current location in order to maximize and retain street parking along Avon Street. (Ironically, appellant David Tanner in his comments to the City Council advocated removing the Project's second driveway off of Riverside Avenue and making access from Avon Street the sole vehicular entry to the Project site which would render a 100 foot separation from the wetlands physically infeasible.)

### **3. The Project Does Not Impact Views or Natural Landforms.**

#### **a. Visual Resources**

LUP Policy 4.4.1-1 requires that the City “[p]rotect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.” LUP Policy 4.4.1-2 requires that the City “[d]esign and site new development, including landscaping, so as to minimize impacts to public coastal views.”

The Substantial Issue Staff Report states that the proposed Project has the potential to adversely impact the visual qualities of the adjacent coastal bluff and public park by grading a lower pad and constructing a two-story structure at the property line adjacent to the natural slope of the bluff, and that portions of the bluff would be obscured by the Project site and new retaining walls. Although the Substantial Issue Staff Report acknowledges that a view analysis was performed from the adjacent public park, it fails to mention that the view analysis concluded that the Project would have a beneficial impact on views to the water and would in fact avoid – not just minimize – impacts to public coastal views. The Project site is currently occupied by a two-story office building that is 28 feet in height and occupies the majority of the property. Public views from the public park area above the Project site looking towards Newport Harbor currently have a viewshed that is occupied by the existing building’s roof and rooftop equipment. The proposed Project greatly reduces the footprint of the building and eliminates unsightly views of the rooftop equipment and replaces it with a heavily landscaped trellis covering over the upper level of parking which is at an elevation less than the existing building and existing surface parking lot. In short, the public views are improved by a reduced building footprint and a landscaped trellis at an elevation lower than the existing development.

The Substantial Issue Staff Report expresses concern of views from Pacific Coast Highway (PCH) to the Project site and the bluff behind it. The Project site is located a block from PCH. Between the Project site and PCH are parking lots and existing urban development, including a bank, a restaurant, commercial and retail uses, and a former post office building now being converted to retail uses. The proposed building is located behind the former post office building. Although the existing building and proposed Project are located at the base of a coastal bluff, the Substantial Issue Staff Report fails to disclose that directly behind and above the proposed Project are four large private residences built on the bluff face that dominate the views from PCH. There are no unobstructed views of natural coastal bluffs behind the Project site from PCH. The views of the vegetated bluff area to the west of the Project site will remain unchanged. The new retaining wall being constructed as part of the Project will not be visible from PCH as it is lower in elevation than the existing wall and obstructed by existing development. (See **Exhibit A, Site Photos of 215 Riverside,**)

Because public views would either remain the same or be improved as a result of the Project, there was no need to conduct a visual analysis from PCH.

**b. Landform Alteration**

LUP Policy 4.4.1-3 states: “Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.” The CDP approved redevelopment of an existing site located at the base of a bluff. The proposed Project will not impact significant natural landforms as all construction and new development is limited to already-developed areas. There is an existing retaining wall on the northern end of the Project site that will remain in place. The Project will be constructed in front of that existing retaining wall and will not impact that portion of the bluff. In furtherance of Policy 4.4.1-3, the proposed Project minimizes landform alterations by constructing subterranean parking that is lower than the existing surface lot within the confines of an already-developed site.

The only aspect of the Project that affects the bluff is on the western edge of the site where the Project intends to *restore* the natural landform and *revegetate* the area with native vegetation. Currently, the western edge of the site has a retaining wall that encroaches on to City property. The Project proposes to remove that retaining wall, remove the encroachment from the City property, and revegetate the area with native landscaping. Although the City could have – consistent with LUP Policy 4.4.1-3 -- avoided alterations to the bluff by requiring the Project to not touch the existing retaining wall, it would have resulted in a continuing encroachment of private development on public open space property. The Project helps the City to reclaim the public property and enhance the native vegetation on the bluff face. The Project is more protective of coastal resources, and furthers the objective of LUP Policy 4.4.1-3 than retaining the status quo and not permitting work along this portion of the bluff.

**4. The City Conducted Extensive CEQA Analysis in Support of its Decision; CEQA Compliance is Not a Grounds for Appeal.**

Coastal Act Section 30603(b)(1) provides that once a Local Coastal Program (“LCP”) has been certified, “[t]he grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.” The adequacy of the City’s compliance with the California Environmental Quality Act (CEQA) which forms the remainder of the issues on appeal is not a grounds for appeal.

Extensive CEQA analysis was prepared by the City and the applicant to address the allegations raised during the City entitlement process that the Project was piecemealed and that use of the infill categorical exemption was not in compliance with CEQA. We refer the Coastal Commission to the staff reports prepared by the City for the Planning Commission hearings of

August 22, October 17, 2019, and the City Council hearings of April 14, April 28 and May 12, 2020.

## 5. Conclusion.

The Project applicant could have chosen to rehabilitate, re-tenant and re-occupy the existing 1960s era building without providing any of the landscaping enhancements, view and aesthetic enhancements, increased setbacks from the wetlands, and increased parking to support visitor serving uses and public access. Instead, the proposed Project greatly improves upon existing conditions by:

- Increasing the setback and buffering from the wetlands as compared to existing condition
- Removing the existing retaining wall that encroaches on public open space, and revegetating the area to enhance the natural landform with native vegetation
- Limiting new development to already-developed areas and reducing the overall footprint of development
- Minimizing the profile of the proposed Project as compared to the existing structures by reducing the size of the office building and lowering the height of the parking to enhance public views
- Increasing public access opportunities by preserving the Avon Street parking spaces and providing additional parking that could be made available to visitor serving uses in the very popular Mariners Mile area of Newport Beach

For these reasons, we urge the Coastal Commission to reject the staff recommendation and find that the appeal raises *no substantial issue with the City's LCP policies*.

Very truly yours,

*Susan K. Hori*

Susan K. Hori

Attachment: Exhibit A





Chair Steve Padilla and Coastal Commissioners  
August 5, 2020  
Page 8

cc: Karl Schwing  
Zach Rehm  
Amrita Spenser  
Seimone Jurjis  
Aaron Harp, Esq.  
Scott Laidlaw  
Kaitlin Crowley

**EXHIBIT A**

**SITE PHOTOS OF 215 RIVERSIDE**

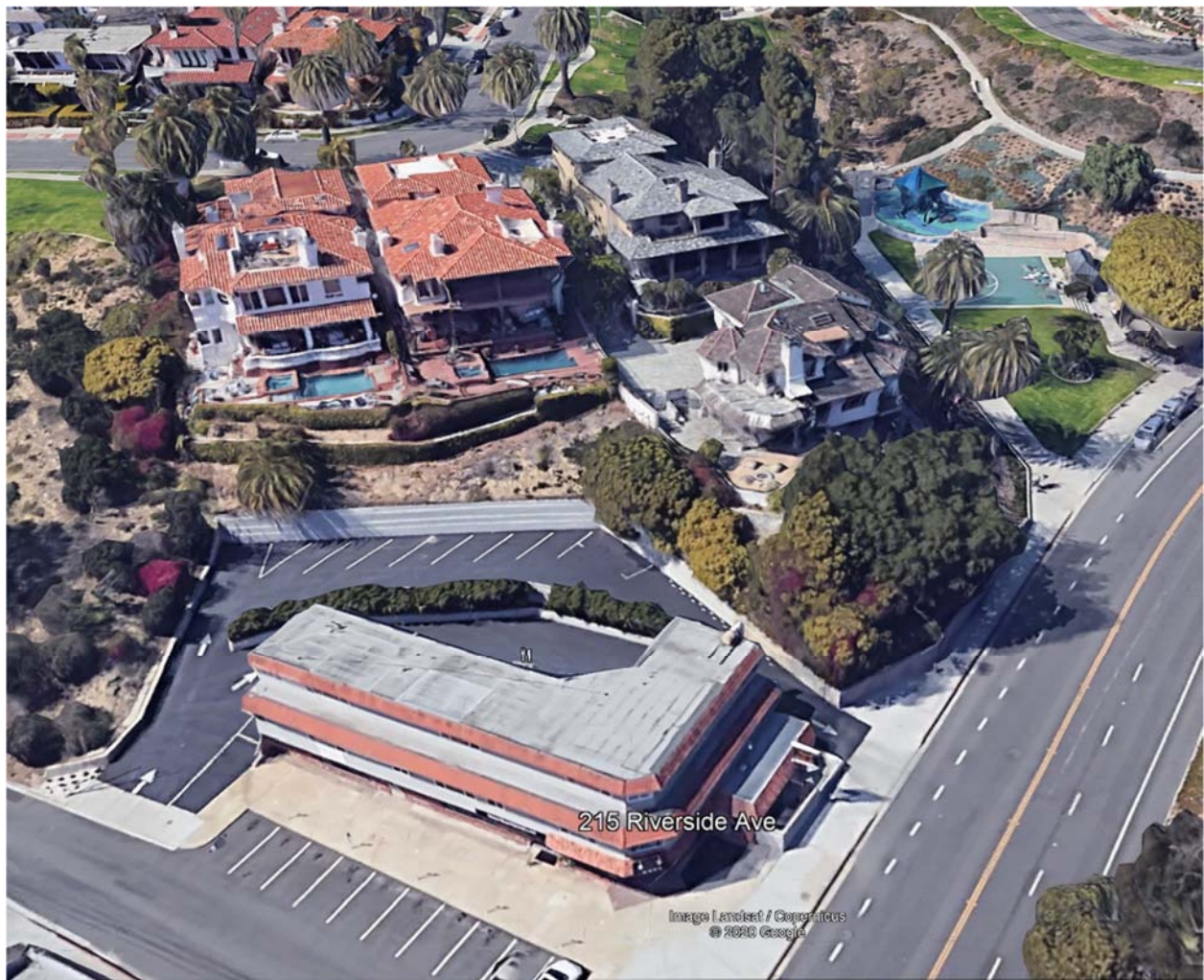


Photo of the existing office building at 215 Riverside (the L-shaped building on the corner) and the four residences built on the bluff above the 215 Riverside project site. The 215 Riverside project will be built in front of the retaining wall adjacent to the residences.



Photo from the intersection of Pacific Coast Highway and Riverside Avenue looking towards 215 Riverside. From Pacific Coast Highway, the view of the bluff area is dominated by the residences built behind and above the 215 Riverside building. The 215 Riverside building is not visible as it is behind the existing commercial development.



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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Newport Beach, California 92660

949 644-3200  
[newportbeachca.gov/communitydevelopment](http://newportbeachca.gov/communitydevelopment)

Honorable Chair Steve Padilla and Coastal Commissioners  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, CA 94105

Re: August 13, 2020, Item Th11a - Appeal Substantial Issue  
Appeal No. A-5-NPB-20-0025; 215 Riverside, Newport Beach

Dear Chair Padilla and Members of the Commission:

On May 12, 2020, the City Council of Newport Beach approved a coastal development permit (CDP) for a 2-story, 2,744 square feet office building and associated parking lot that would replace an existing, partially vacant, office building and parking lot. The City Council's decision to approve the project followed an appeal of the Project's approval by the City's Planning Commission on October 17, 2019. The Planning Commission held three hearings on the Project (August 22, 2019, September 19, 2019, and October 17, 2019) and the City Council held two hearings (April 28, 2020, and May 12, 2020) on the project. In rendering its decision to approve the CDP, both the Planning Commission and City Council reviewed the project to determine its consistency with its Local Coastal Program (LCP) and made consistency findings addressing the LCP policies that are cited in the Coastal Commission Staff Report.

The City's resolution of approval, findings, staff report and technical studies support its decision to approve the CDP and does not raise a substantial issue of conformity with its LCP. The City urges the Coastal Commission to consider the full record of studies, analysis, and findings that were before the City Council when it made its decision. The full record demonstrates that the CDP approval fully considered the LCP policies cited by staff and made findings supported by substantial evidence in support of its decision.

**The City Public Hearing Process and Record of Proceedings**

In support of its substantial issue recommendation, the Staff Report cites two Substantive File Documents: the 215 Riverside Avenue, Newport Beach: Delineation and Evaluation of Wetland within Avon Street Right-of-Way West of Subject Property, dated September 19, 2019, prepared by Glenn Lukos Associates; and the City of Newport Beach Local Coastal Program, certified January 30, 2017. For the record, the City hired Glenn Lukos Associates not the applicant.



### **The Staff Report Does Not Reflect the Evidence Before the Planning Commission**

The only City document attached to the Staff Report is City Council Resolution 2020-033 adopted by the Council on May 12, 2020. The Staff Report does not take into consideration the extensive analysis that was prepared by City staff in reviewing the 215 Riverside Project, and cites as the basis for finding substantial issue that the City failed to make the appropriate findings with respect to its Local Coastal Program. We believe that the Staff's recommendation to find substantial issue was based on a review of only a portion of the documents that comprise the record that was before the City Council. We would like to put into context the items that were presented to the City, and specifically the City Council why, if the full record were examined, substantial evidence supports the City's findings regarding compliance with LCP Policy 4.2.2-3.

The City Council's review of the 215 Riverside Project was based upon an appeal of the Planning Commission approval of the project. If not appealed, the Planning Commission action would have been final. Therefore, because the Planning Commission was acting as a decision-making body, not simply providing a recommendation to the Council, the evidence in support of the City's decision was in the record before the Planning Commission. The Staff Report does not reflect review and consideration of all of the evidence and technical studies that were reviewed by the Planning Commission and formed basis, i.e., the substantial evidence, in support of its decision to approve the project.

### **The City Council Appeal**

The Planning Commission approval was appealed to the City Council by four individuals all of whom lived immediately adjacent to the project site ("Planning Commission Appeal"). Of those four individuals who exhausted their administrative remedies, only two have joined in this appeal to the Coastal Commission: Ernest Castro and Jack Staub. When the appeal was heard by the City Council, the Council was focused on examining the issues on appeal as they were articulated in the Planning Commission Appeal. Neither inconsistency with the wetlands policies nor protection of coastal bluffs were identified as the basis for the appeal. Although the Council reviews the project *de novo*, its focus was to address the concerns raised by the appellants. The City conducted a full analysis of the wetlands during the Planning Commission process and findings were made by the Planning Commission regarding the appropriateness of the wetlands buffer. We direct the Coastal Commission to the substantial evidence and findings made by the Planning Commission regarding the Project's consistency with the LCP wetland policies.

Bluff development was not raised until the next to the last City Council hearing, and the Council's decision was supported by evidence presented to the Council that the project footprint was limited to the existing developed area and that development would not go beyond the existing retaining walls and therefore not

affect the bluffs beyond existing structures. Moreover, because the project construction activities were limited to the already-developed area between the northern and eastern retaining walls, no landform modifications of the bluff or impacts to the Avon Street wetlands would result. Concern regarding impacts to an off-site oak tree were also not raised until the next to the last City Council hearing in April. At the May City Council hearing where the CDP was approved, City staff had previously consulted with the City's arborist who indicated that the project would not affect the tree or the tree's root zone. The Council considered evidence in the form of testimony from the project architect, Scott Laidlaw, that there was no evidence that the root zone of the oak tree extended beyond the retaining wall on the north side of the project site, and since that retaining wall would not be removed or affected by the project, and all development would be set back from that existing retaining wall, the project would not impact the oak tree or its root zone.

### **Clarification of the Record**

The City of Newport Beach would like to reiterate and clarify the record in response to Staff Report regarding visual resources, landform alteration, and development in proximity to wetlands.

#### **1) Public Views from Coast Highway**

Views from West Coast Highway are addressed in Fact No. 5 to Finding B in City Council Resolution 2020-33. While, West Coast Highway is acknowledged as a view corridor, local knowledge of the area did not necessitate a detailed analysis of views from West Coast Highway. Refer to the attached photo exhibits taken from the only location the existing development is visible from West Coast Highway. The photos demonstrate that this site is hardly visible from West Coast Highway and the only feature that is visible is a portion of the existing building. The developed coastal bluff behind is not really discernable at a distance. Further, the proposed building will not exceed the height of existing development on the property and is not visible above existing development along Riverside Avenue. The City's analysis for Planning Commission and City Council was thus focused on views from the Cliff Drive Park out toward the harbor, where the site is more visible.

#### **2) Landform Alteration**

Coastal Land Use Policy 4.4.1-3 states: "Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons." The CDP approved redevelopment of an existing developed site located at the base of an altered and developed bluff. The project will not impact significant natural landforms as all construction is limited to already-developed areas. An existing retaining wall on the northern end of the Project site will remain in place and the project will be constructed in front of that existing retaining wall. The remnant portion of the bluff north of the existing wall will not

be impacted. The project minimizes landform alteration by constructing subterranean parking in the location of the existing surface parking lot within the existing developed footprint of the site.

The project will alter the bluff despite CLUP Policy 4.4.1-3 by the removal of a retaining wall and a portion of a driveway on the western edge of the site that encroach on the City's abutting park property. The project will restore the natural landform in that area and it will be revegetated with native vegetation. The project restoration effort will benefit the public park, provide a larger buffer to the wetland and enhance the visual quality of the coast. The City choose to require the removal of the encroachments and restoration of the area even though CLUP Policy 4.4.1-3 would suggest leaving these improvements in place to avoid alteration of the bluff. The continued encroachment of private development on public park property must be eliminated and the area restored. The project will allow the City to reclaim public property while enhancing the bluff and native vegetation. The project is more protective of coastal resources and furthers the objective of CLUP Policy 4.4.1-3 than the existing development.

### **3) Development within 100 feet of a Wetland**

The Coastal Commission staff report suggests the City did not properly consider the project's potential impact to wetlands. The record is clear that the City hired a qualified consulting firm, Glenn Lukos Associates, to perform an impact assessment. The report considered the impact of the project and the adequacy of the increased buffer the development provided. Coastal Land Use Policies allow for a reduced buffer when the wetland is adequately protected and that is what Glenn Lukos biologists concluded. With this conclusion, there is no reason for the biologist to speculate if a larger 100-foot buffer would be more protective when such a buffer would render roughly ½ the site unbuildable.

A discussion of CLUP Policy 4.2.2.3 and LCP Section 21.30B.040 are analyzed on Page A-6 of the Class 32 exemption incorporated into the City Council resolution. This discussion states, "Existing site wall and driveway encroachments over the property line would be removed and increase the buffer distance from 29 feet to 39 feet from the wetland...There would be no significant impacts to wetland ESHA associated with the Project. For these reasons, the Project site has no value as habitat for endangered, rare, or threatened species. Given the urban character of the surrounding area, no significant impacts to biological resources would occur."

The City approved CDP findings rely upon and reference the wetland technical memorandum prepared by Glenn Lukos Associates, which indicates that a reduced wetland buffer is appropriate for this site and will still protect biological resources consistent with the LCP. The conclusion statement on Page 5 of the wetland technical memorandum states, "The proposed development has no



potential to affect the wetland hydrology, biogeochemical (water quality) functions and would not affect potential habitat functions. Thus, the proposed development has no potential to adversely affect the Avon Street Wetland.”

### ***Conclusion***

The project promotes public access to the coast by creating parking that will be available to visitor-serving uses in the Mariner’s Mile area. The project does not impact a public view from Coast Highway. The project minimizes alteration of the bluff and restores a portion of the site and abutting public park enhancing the visual quality of the coast. The project provides a larger and adequate buffer to a small wetland as determined by qualified biologists. The complete record shows City carefully considered all aspects of the project at five (5) noticed public hearings at both the Planning Commission and City Council. Evidence is in the record to support the City’s decision to approve the CDP.

For the reasons enumerated above, the City respectfully urges the Coastal Commission to find no substantial issue with the appeal.

Sincerely,



Jim Campbell

Deputy Community Development Director

**Photo exhibits toward the project site taken from West Coast Highway**



**Public Comment on August 2020 Agenda Item Thursday 11a - Appeal No. A-5-NPB-20-0025 (215 Riverside Drive, LLC, Newport Beach)**

Jim Mosher <jimmosher@yahoo.com>

Fri 8/7/2020 3:50 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

I support staff's recommendation of a finding of substantial issue.

-- Jim Mosher