

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
VOICE (562) 590-5071
FAX (562) 590-5084



W15b

**A-5-NPB-21-0058 (2510 W. Coast Hwy LLC
& 2530 W. Coast Hwy Eat LLC)**

OCTOBER 12, 2021

CORRESPONDENCE

Sean Matsler (Agent).....2
Appellants.....5

From: [Matsler, Sean](#)
To: [Amitay, Shahar@Coastal](mailto:Amitay.Shahar@Coastal); [Rehm, Zach@Coastal](mailto:Rehm.Zach@Coastal)
Cc: [Mark Moshayed](#); [Schneider, Matthew](#)
Subject: Applicant Correspondence: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)
Date: Thursday, October 7, 2021 7:01:10 PM
Attachments: [Applicant Correspondence - 2510 West Coast Highway - 10-7-21.pdf](#)

Zach and Shahar,

The attached letter is submitted on behalf of the applicant in connection with appeal A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway).

Thank you,
Sean

Sean Matsler



Cox, Castle & Nicholson LLP
3121 Michelson Drive | Ste 200 | Irvine, CA 92612
direct: 949.260.4652
main: 949.260.4600 | *fax:* 949.260.4699
smatsler@coxcastle.com | [vcard](#) | [bio](#) | [website](#)

This communication is intended only for the exclusive use of the addressee and may contain information that is privileged or confidential. If you are not the addressee, or someone responsible for delivering this document to the addressee, you may not read, copy or distribute it. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please call us promptly and securely dispose of it. Thank you.



Cox, Castle & Nicholson LLP
3121 Michelson Drive, Suite 200
Irvine, California 92612-5678
P: 949.260.4600 F: 949.260.4699

Sean Matsler
949.260.4652
smatsler@coxcastle.com

October 7, 2021

VIA ELECTRONIC MAIL

Hon. Steve Padilla
Chairman
California Coastal Commission
1121 L St., Ste. 503
Sacramento, CA 95814

Re: Item W15b - October 13, 2021 Meeting Agenda Regarding an Appeal of the Project at 2510 and 2530 West Coast Highway

Chair Padilla:

This Firm represents 2510 W. Coast Hwy LLC and 2530 W. Coast Hwy Eat LLC in connection with the mixed-use project at 2510 West Coast Highway (APN 425-471-55) and 2530 West Coast Highway (APN 425-471-56) in the City of Newport Beach (Project). On July 27, 2021, the Newport Beach City Council approved a coastal development permit for the Project. On August 4, 2021, the Project was appealed to the Coastal Commission. The substantial issue determination is calendared as item W15b on the Coastal Commission's October 13, 2021 agenda. We write to offer our support for staff's recommendation that the Commission find no substantial issue in this appeal.

The appellants raise ten procedural and substantive concerns with the Project. The Commission staff responded to and refuted each concern in detail. We agree with staff's analysis, as summarized below:

1. The appellants argue that the City failed to make findings with adequate factual or legal support. The staff report explains that the City evaluated the Project against multiple regulations and policies, including provisions of the City's Local Coastal Program and Chapter 3 of the Coastal Act. This comprehensive review was conducted as required by law and ultimately supported the City's approval of the project.
2. The appellants argue that the City incorrectly determined that the Project's coastal development permit application was complete. The staff report explains that the City closely followed the LCP's procedures to determine completeness of the application. After an April 27, 2021 hearing by the City Council on the Project, the applicant substantially modified the application to address issues raised at the

hearing. The newly submitted application was again reviewed by the City for completeness and found to be complete consistent with the LCP's procedures.

3. The appellants argue that the City failed to provide adequate time for the public to review and comment on the CDP. The staff report explains the City held two Planning Commission hearings, two City Council hearings, all with appropriate noticing and supporting documentation. The applicant also privately reached out to, and met with, the appellants to understand their concerns.
4. The appellants argue that the City failed to address environmental concerns as required by the LCP. The staff report explains that the City in fact carefully and comprehensively studied environmental issues and, among other findings, found that the Project would produce no significant direct or indirect impacts to wetland or environmentally sensitive habitat area associated with the Project.
5. The appellants argue that the City's approval of the Project failed to protect the scenic and visual qualities of coastal areas. The staff report explains that the City carefully reviewed the Project against its Coastal Land Use Plan (LUP), which includes a number of policies pertaining to scenic and visual resources. In each case, the City, consistent with the LUP, determined that public views would not be impacted, including, among others, views from designated scenic highways and views of the ocean.
6. The appellants argue that the City failed to protect public safety, based mostly on grounds under the California Environmental Quality Act (CEQA). The staff report explains that the City did address such issues. For example, the City found that the dedication by the applicant to the City to widen West Coast Highway along the 12 seawardmost feet of the property will improve public safety, traffic mobility, and public access to coastal resources—not harm public safety as the applicants allege. Further, the staff report explains that CEQA is not a basis for an appeal under the Coastal Act.
7. The appellants argue that the City's approval of the Project failed to adequately protect public recreation and public access to coastal resources. First, the appellants assert that the dedication may potentially cause changes to the existing Tustin Avenue crossing. The staff report explains that such changes are speculative and not part of the Project. Second, the appellants assert that the new sidewalk proposed by the Project will deter pedestrian and bicycle use. The staff report explains that this assertion is not supported by fact, and that the widening will actually promote and support such modes of transportation.
8. The appellants argue that the City failed to analyze the effects of regulatory changes on existing and Project build-out conditions. As explained in the staff report, the

City did apply the appropriate LCP-prescribed property development standards to the Project, including those associated with the Project's density bonus.

9. The appellants argue that the City failed to consider cumulative changes and the Project's (allegedly) precedent-setting effect on coastal resources. The staff report explains that the LCP only requires an analysis of cumulative impacts to coastal resources when a project is adjacent to ESHA, wetlands, or other sensitive resources (which the Project is not). Further, the LCP only requires an analysis of cumulative impacts to visual resources with respect to property setbacks as they may affect those view corridors, such as West Coast Highway. The City determined that the Project will not adversely impact visual resources.
10. The appellants argue that the City action erred in following the LCP's rules of interpretation. Specifically, the appellants assert that the City interpreted the LCP to be of lesser significance than the Housing Accountability Act. The staff report explains that the City did in fact rely heavily on both LCP and Coastal Act policies in reviewing the Project.

As the above summary of the staff report shows, the Coastal Commission staff found over and over again that the City's analysis, evaluation, and review of the Project was thoughtful, transparent, and consistent with local and State regulations and policies. Again, we support the Coastal Commission staff's recommendation of no substantial issue, and respectfully request that the Coastal Commission find for the same.

Please feel free to contact me directly if you have any questions or if there is anything else we can do. Thank you for time and consideration.

Sincerely,



Sean Matsler
of COX, CASTLE & NICHOLSON LLP

cc: Mark Moshayedi, 2510 W. Coast Hwy LLC and 2530 W. Coast Hwy LLC
Matthew Schneider, City of Newport Beach Principal Planner

From: dave@earsi.com
To: Amitay_Shahar@Coastal; Rehm_Zach@Coastal; SouthCoast@Coastal
Cc: [Charles Klobe](mailto:Charles_Klobe); [James Carlson](mailto:James_Carlson)
Subject: RE: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)
Date: Tuesday, October 5, 2021 1:42:59 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Transmittal to Coastal Commissioners 9-25-21 final.pdf](#)

Commissioners,

I wanted thank your staff for taking time to hear and discuss our concerns surrounding the 2510 WCH Mixed-Use Project Coastal Development Permit (CDP) and its ramifications to costal resources. These communications allowed me to express my concerns and the concerns of other appellants to better focus on issues of importance to Commission. (See attached)

Unfortunately, I was not able to complete this synopsis prior to the release of the staff report.

I am happy to respond to any questions.

David J. Tanner
223 62nd Street
Newport Beach, CA 92663
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

From: Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov>
Sent: Friday, October 01, 2021 9:39 AM
To: dave@earsi.com
Subject: RE: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)

Hi Dave,

I apologize for the delayed response! I did not see your email yesterday in time to join the calls, unfortunately I was busy with some other meetings. Would you maybe be able to summarize how your discussion went?

I think at this point, we will have to write an addendum to the staff report in order to address everyone's

Newport Beach, CA 92663
949 646-8958 wk
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

From: dave@earsi.com <dave@earsi.com>

Sent: Wednesday, September 29, 2021 2:13 PM

To: 'Amitay, Shahar@Coastal' <shahar.amitay@coastal.ca.gov>

Cc: 'jfcarlson@roadrunner.com' <jfcarlson@roadrunner.com>; 'Charles Klobe' <cklobe@mac.com>; 'Rehm, Zach@Coastal' <Zach.Rehm@coastal.ca.gov>

Subject: RE: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)

Hi Shahar,

Here is the latest draft I referenced below.

We will be re-reviewing the Commission's staff report to see how our concerns can be best incorporated into the staff report to insure that our concerns are accurately integrated.

Cheers,

Dave

David J. Tanner, President
Environmental & Regulatory Specialists, Inc.
223 62nd Street
Newport Beach, CA 92663
949 646-8958 wk
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

Hi Shahar,

Here are some thoughts on the Commission's staff report, Argument #5. I'm not sure of the format used in the Staff report, but I created one below. What I discuss below is just one of several arguments we have raised affecting #5. Others include the increased density allowed by the city's incorrect interpretation allowing a single mixed-use structure and not a "free-standing" structure; another being landscape/streetscape improvements which are temporary, within the ultimate Coast Highway ROW, to be removed when Coast Highway is widened; another being the decrease in on-site parking and the impact on public parking used to access to coastal resources (including John Wayne Park & Cliff Drive Park); and the precedent setting effects on these topics.

Appellants' Argument No. 5: The City action failed to protect scenic and visual qualities of coastal areas.

Existing Condition:

Regulatory conditions: List all appropriate General Plan and LCP policies/design standards. Add the following:

The City General Plan Natural Resources Element, Visual Resources section describes "view parks" as follows. "Located throughout Newport Beach, the City's many small "view parks" are intentionally designed to take advantage of significant views. In addition, the City provides policies in the Municipal Code and Local Coastal Plan that protect public views, which is defined as views from public vantage points."

The City General Plan Recreation Element defines View Park as "View Park—View parks are smaller passive parks designed to take advantage of a significant view. They are often located on coastal bluffs to focus upon ocean or bay views. Most view parks are between one-half to three acres in size and serve the entire City. View parks are generally improved with landscaping, walkways, and benches."

Physical Conditions: Describe the existing physical conditions of the site and surrounding area.

1. The Project site is developed.
2. Describe the surrounding land uses focusing on coastal resources, John Wayne Park and Coast Highway.
3. The John Wayne Park is a designated "view park" which "serves the entire City" within the "coastal zone" occupying a "coastal bluff" adjacent to the project site on the north (inland). Because of the Park's "significant views of coastal resources", the coastal views are to be "protected" (source: General Plan Natural Resources Element, General Plan Recreation Element/LCP Policy 4.4.1-1 listed above). Views of coastal resources from John Wayne Park are impacted by existing development.
4. The language and the intent of the applicable General Plan and LCP policies and development standards are internally consistent and clear. (Do you (Coastal Commission staff) feel there is a need for clarification/interpretation? If you do, you need to explain why. The city did not see the need for interpretation.)

Project impact

Compliance with General Plan and LCP policies/design standards.

1. The city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft pursuant to Density Bonus Law, Government Code Sec. 65915 - 65918.

DRAFT

2. As a result of the increased building height, the Project will negatively impact views of coastal resources from John Wayne Park and nearby Cliff Drive Park.
3. No mitigation for the Project's impact to views of coastal resources from John Wayne Park and Cliff Drive Park is incorporated in the City CDP approval.
4. AB 2797 provides clarification between Density Bonus Law and the Coastal Act: "The Legislature's intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access."
5. The precedent set by the City's decision on this Project will apply to future mixed-use affordable housing projects within the Mariners Mile inland of Coast Highway leading to a greater adverse impact to views of coastal resources from John Wayne Park and Cliff Drive Park.
6. (My conclusion) The design of the CDP site plan does not provide harmony between Density Bonus Law and the Coastal Act "so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access".
7. Appellants do not believe the city made the appropriate Findings on April 27, 2021 (Staff Report and accompanying resolution). The views, from John Wayne Park are views the City General Plan and LCP consider "significant views" and are to be protected pursuant to LCP Land Use Plan Policy 4.4.1-1.

My Reasoning

I do not believe a project taking advantage of Density Bonus Law with a less than 1% negative impact to John Wayne Park's coastal views should be prohibited. However, I have not found any language discussing the amount of impact that can occur. Only what cannot occur and what needs to be protected. I believe the language and its intent is clear in the applicable provisions of the General Plan/LCP. Therefore, I do not believe the language in the General Plan /LCP is subject to interpretation. If a project-related view impact to coastal resources cannot be avoided, some form of mitigation should be required which achieves harmony between Density Bonus Law and the intent of the Coastal Act (a Special Condition(s)). In this case, the intent of the Coastal Act is further supplemented by the City General Plan, voted on and approved by the residents. If the residents want "view parks" which "serve the entire City" to be "protected" because of their "significant views" (***as of 2006 when the General Plan was last updated – note, in 2006 the views from John Wayne and Cliff Drive Park(s) were impacted by existing development. Therefore, the residents voted to protect the remaining views of coastal resources from view parks when they approved the 2006 General Plan update***) then the LCP which incorporated the General Plan should impose General Plan standards/intent in addition to Coastal Act standards/intent. (In theory can a General Plan/Zoning Code impose more stringent conservation standards/intent within the coastal zone than the Coastal Act? Yes, if the General Plan/Municipal Code is incorporated into the LCP which is the case here). Since the intent of the public when they approved the General Plan language is clear, the process to allow views considered "significant" from "view parks" which "serve the entire City" to be "protected" to be impacted by future developments is not through interpretation (of the intent of the public) by staff or the City Council. Any interpretation is by the public who voted to approve the General Plan. The remedy is a General Plan/LCP Amendment, which in the case of the City of Newport Beach, will be subject to a vote of the public, per city Charter.

The city determined the Project's view impacts were not significant (to avoid CEQA). There was no discussion of the need for an interpretation of any General Plan/LCP policy(s). The city felt the Project was consistent with all.

Coastal Commission Staff report analysis

You now know the shaded area in the following city statement cited in the Commission staff report is incorrect.

The Statement: “The City found that existing views to the coast from John Wayne Park and Cliff Drive Park are already impacted by development in the area, and the proposed project will not cause new adverse impacts from significant viewpoints identified in the LCP.”

Appellant’s response: The term “significant viewpoints” is not a term contained in the applicable General Plan or LCP provisions. Appellants speculate the city is referring to “views from public vantage points” contained in LCP Implementation Plan, Height Limits and Exceptions, 21.30.060(C)(3)(a). The city General Plan defines view parks and policies in the Municipal Code and Local Coastal Plan that protect public views, which is defined as views from public vantage points.

The City General Plan Natural Resources Element, Visual Resources section describes “view parks” as follows. “Located throughout Newport Beach, the City’s many small “view parks” are intentionally designed to take advantage of significant views. In addition, the City provides policies in the Municipal Code and Local Coastal Plan that protect public views, which is defined as views from public vantage points.”

The City General Plan Recreation Element defines View Park as “View Park—View parks are smaller passive parks designed to take advantage of a significant view. They are often located on coastal bluffs to focus upon ocean or bay views. Most view parks are between one-half to three acres in size and serve the entire City. View parks are generally improved with landscaping, walkways, and benches.”

The following statement in the Commission staff report a sentence later seems to contradict the above statement:

The Statement: “Based on the applicant’s simulations, views of a portion of the bay will be minimally impacted by the proposed commercial and residential development”.

Appellant’s response: The proposed commercial and residential development is the Project. The contradiction: “will not cause new adverse impacts from significant viewpoints” vs “will be minimally impacted”).

Commission staff can address the conclusion of their internal view analysis. However, using Appellant’s logic, it is not necessary to go in depth because some level of impact caused by the Applicants development is acknowledged and the city did not require mitigation (project redesign, or condition(s) of approval) to achieve harmony between Density Bonus Law and the Coastal Act.

The Statement: “The City has argued that the architectural and aesthetic design of the project might even be considered an enhancement of the view over the current condition, where large expanses of surface parking predominate.”

Appellant’s response: Wrong, the parking lot does not impact coastal views. The Project does. The Project’s light and glare impact is a separate issue not adequately addressed by the City.

The Statement: “However, the City has found that the site is consistent with the surrounding urban uses, including commercial uses south, east and west of the site and single-family residential uses north of the site.”

Appellant’s response: Apartments, let alone apartments at 26.7 du/ acre are not consistent with any surrounding developed land use. The Project site’s mixed-use zoning permitting apartments is consistent with zoning to the east and west inland of Coast Highway. Because of the property’s

DRAFT

development constraints, (commercial frontage, free-standing mixed-use building in the rear of the commercial building, and the requirement to dedicate ROW for the future widening of Coast Highway) the Housing Element, Housing Sites Inventory lists the “realistic unit capacity” of the site at 15 du, not 26 du. This is what the voters approved when they voted to approve the Housing Element in 2013. However, the Housing Element did disclose and therefore, the public was aware density bonuses were not considered in the Housing Element, Housing Sites Inventory. Therefore, 15 units plus a density bonus were anticipated for the project site in 2013 when the Housing Element was last updated.

Recent housing laws have dramatically changed the incentives for affordable housing. These housing laws including the Density Bonus Law and the Housing Accountability Act will have a significant impact on affordable housing developments within the coastal zone. Therefore, the Commission needs to closely monitor projects, such as this Project for its precedent setting effects because the density is much greater than evaluated when the city 2006 General Plan, 2013 General Plan Housing Element and LCP were approved which will result in environmental problems to coastal resources and conflicts with the Coastal Act. AB 2797 provides clarification between Density Bonus Law and the Coastal Act: “The Legislature’s intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.”

The Statement: “Therefore, impacted public views of the coast are already present and the proposed project would only impact those already affected views and would minimally impact public coastal views from the park”

Appellant’s response: The project is located in a developed area. Re-development of the Project site in the manner proposed by the Project will result in visual impacts to views considered “significant” from “view parks” which “serve the entire City” and designated to be “protected”.

The Statement: “Specifically, within the appealable area, pedestrians looking seaward towards Newport Bay will not see any changes to visual resources at all.”

Appellant’s response: As worded is simply not true. True from Coast Highway! Given the Commission analysis is addressing the whole of the project, is this statement needed?

Commission staff might consider adding a new argument or incorporating this argument into one of the other arguments (perhaps Argument #1 or 8).

Appellants’ Argument No. 11: The City action failed to result in a development that harmonized Density Bonus Law with the Coastal Act so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access

FYI – for the past 1.5 years the city has been in the process of a city General Plan Update to incorporate the city’s RHNA allocation. Given that the anticipated growth will be well beyond what was considered by the existing 2006 General Plan and 2013 Housing Element and their environmental documents, among other topics, the residents will ask the city to address continued protection of the city’s significant views from its view parks in the General Plan Update and its EIR. However, just because the resident’s ask for a topic to be addressed, does not guarantee it will be addressed!

Based on the City Charter the General Plan/Housing Element Update will be subject to a vote of the public. It is my opinion the public will not vote to approve any General Plan Amendment that results in the loss

DRAFT

of views considered significant from view parks of city-wide importance designated to be protected, especially views of coastal resources.

From: dave@earsi.com
To: Amitay_Shahar@Coastal; Rehm_Zach@Coastal; SouthCoast@Coastal
Subject: RE: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)
Date: Thursday, October 7, 2021 3:59:04 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Shahar,

When we spoke earlier today, I mentioned some of the view simulations the Commission have been provided by Protect Mariners Mile (James Carlson) taken from the John Wayne Park, simulate the view impact from the developed condition of the proposed Newport Village Mixed Use Project. The Newport Village Mixed Use Project is a 9.4 acre project located approximately 1,000 feet east (down the coast) from the 2510 WCH Mixed Use Project on both sides of Pacific Coast Highway. The Newport Village Mixed Use Project is within the coastal zone and is well within the viewshed of the John Wayne Park. The City has required this project to prepare an Environmental Impact Report. One of the topics is Aesthetics/Visual Resources.

The Newport Village Mixed Use Project is described on the City of Newport Beach Website: <https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/newport-village-mixed-use-project>



Source: City of Newport Beach

Below is a link to a video taken following the erection of Story Poles by the Newport Village Project Applicant to help identify that Project's visual impacts to coastal resources.

Newport Village Mixed Use project Story Pole Video. <https://vimeo.com/273053844>

These Story Poles were used as one of the databases along with project plans and architectural

drawings by Protect Mariners Mile to prepare their view simulations which were provided to the Commission. Story poles are erected by a licensed surveyors. The poles are an accurate representation of location and height.

The Protect Mariners Mile View Simulations from John Wayne Park showing the proposed Newport Village Project were provided to the Commission to give the Commission a sense of the cumulative visual impact to coastal resources resulting from the 2510 WCH Mixed Use Project approval. Both the 2510 WCH Mixed Use project and the Newport Village Mixed Use Project propose affordable housing, both have requested a maximum building height of 35 feet, both are entitled to a 35% density bonus and both will result in significant visual impacts to coastal resources.

I hope this video and explanation help the Commission better understand the magnitude of the potential cumulative visual impacts to coastal resources that could occur along the Mariners Mile as a result of the precedent set by the 2510 WCH Mixed Use Project and why the appellants believe this represents a substantial issue.

Thank you,

David J. Tanner
223 62nd Street
Newport Beach, CA 92663
949 646-8958 home
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

From: dave@earsi.com <dave@earsi.com>
Sent: Thursday, October 07, 2021 10:59 AM
To: 'Amitay, Shahar@Coastal' <shahar.amitay@coastal.ca.gov>
Subject: RE: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)

Hi Shahar,

Good to talk with you this morning. You may be receiving additional comments from

residents/appellants today. However, I am not aware of any specific comments you will be receiving.

The Commission received my comments on 10-5-21 in pdf format. Attached are my 10-5-21 comments in M.S. Word format along with the Project Site Plan in a separate pdf file for your use. I corrected a few grammar/typos errors in the M. S. Word file.

We talked about Story Poles, I told you about PCHPOLES. Here is their website:

<https://pchpoles.com/>

It would have been nice if Story Poles were erected for the 2510 WCH Project. Just imagine if you could have seen Story Poles when you conducted your site visit. You would have a much clearer understanding of the project's view impacts to coastal resources. Requiring Story Poles was within the Planning Director's authority to require as part of the CDP application. The Planning Director chose not to require Story Poles and relied on the Applicant supplied visual analysis which has been challenged. The City could have had the Applicant's visual analysis independently verified, but chose not to. The residents asked to city to require story poles. The residents even offered to pay, but the Applicant refused access onto the property.

Feel free to call me anytime. My cell is best. 949 233-0895.

Cheers,

Dave

David J. Tanner, President
Environmental & Regulatory Specialists, Inc.
223 62nd Street
Newport Beach, CA 92663
949 646-8958 wk
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

Mr. Steve Padilla, Chair
Members of the California Coastal Commission
California Coastal Commission
South Coast District Office
301 E. Ocean Blvd., Suite 300
Long Beach, Ca 90802
(562) 590-5071
SOUTHCOAST@COASTAL.CA.GOV

Subject: A-5-NPB-21-0058 (2510 West Coast Highway & 2530 West Coast Highway)

Chairman Padilla,

We wanted to thank your staff for taking time to hear and discuss our concerns surrounding the 2510 WCH Mixed-Use Project Coastal Development Permit (CDP) and its ramifications to coastal resources. These communications allowed me to express my concerns and the concerns of other appellants to better focus on issues of importance to Commission. Unfortunately, I was not able to complete this synopsis prior to the release of the staff report.

We invite the Coastal Commission to visit the site to experience firsthand the concerns we have expressed. One or more of our team will be glad to meet the Commission at an appropriate location such as the John Wayne Park occupying a coastal bluff adjacent to the Project site on the north. It would be a wonderful place to meet and conduct your hearing. It would be hard not to fall in love with the location and the parks views which makes the Mariners Mile such a special place.

After talking with Commission staff, we have described a number of our key concerns below in terms of the Project's conflicts with key city General Plan, Local Coastal Program (LCP) Land Use Plan policies, Implementation Plan standards, the relationship between the California Coastal Act of 1976 (Coastal Act), Density Bonus Law ¹ and AB 2797 ² in a way we believe is more meaningful for staff and the Commission's consideration³.

- 1. The City's action fails to protect significant public views of coastal resources, views the public voted to protect;**
- 2. The City's action fails to implement LCP design standards;**
- 3. The City's action results in a loss of available public parking used to access coastal resources;**
- 4. The City's action set a precedent for other projects to follow – small developments, minimum affordable housing, Density Bonus Law permitted increase in building heights and decreased on-site parking requirements. These factors combined result in no traffic analysis, no CEQA analysis and no mitigation for environmental impacts to coastal resources; and**

¹ Density Bonuses and Other Incentives found in California Government Code Sections 65915 – 65918.

² Assembly Bill No. 2797 - An act to amend Section 65915 of the Government Code, relating to housing. This bill requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976. This bill also declares the intent of the Legislature in this regard.

³ **Highlights** added throughout

5. The City's action clearly prioritizes state housing laws over the state Coastal Act in violation of AB 2797.

Appellants' Argument No 1. The City's action fails to protect significant public views of coastal resources, views the public voted to protect.

Regulatory Conditions

City General Plan

The last comprehensive General Plan Update was voted on and approved by the voters in 2006.

City General Plan Natural Resources Element, Visual Resources section describes "view parks" as follows. "Located throughout Newport Beach, the City's many small "view parks" are intentionally designed to take advantage of significant views. In addition, the City provides policies in the Municipal Code and Local Coastal Plan that protect public views, which is defined as views from public vantage points." ⁴

City General Plan Recreation Element defines View Park as "View Park — View parks are smaller passive parks designed to take advantage of a significant view. They are often located on coastal bluffs to focus upon ocean or bay views. Most view parks are between one-half to three acres in size and serve the entire City. View parks are generally improved with landscaping, walkways, and benches." ⁵

Local Coastal Program

Coastal Land Use Plan, Coastal Views, Policy 4.4.1-1 states:

Protect 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.

Coastal Land Use Plan, Coastal Views, Policy 4.4.1-2 states:

Design and site new development, including landscaping, so as to minimize impacts to public coastal views.

Implementation Plan, Coastal Development Permit

21.30.060 Height Limits and Exceptions.

⁴ Newport Beach General Plan, Natural Resources Element (page 10-17). Highlight added https://www.newportbeachca.gov/PLN/General_Plan/11_Ch10_NaturalResources_web.pdf

⁵ Newport Beach General Plan, Recreation Element (page 8-4). Highlight added https://www.newportbeachca.gov/PLN/General_Plan/09_Ch8_Recreation_web.pdf

C(3) “Required Findings. The review authority may approve a coastal development permit to allow an increase in the height of a structure above the base height **limit only after first making all of the following findings** in addition to the findings required in Section 21.52.015(F):

- a. The project is sited and **designed to protect public views to and along the ocean and scenic coastal areas; and”.....**

21.52.015(F), states in relevant part,

F. Findings and Decision. The Review authority may approve or conditionally approve a coastal development application, only after first finding that the proposed development:

1. **Conforms to all applicable sections of the certified Local Coastal Program;**

The intent of the Local Coastal Program is further supplemented by the City General Plan, voted on and approved by the residents. The residents voted to approve “view parks” which “serve the entire City” to be “protected” because of their “significant views”. Note that in 2006 views from John Wayne Park and Cliff Drive Park were impacted by existing commercial development. Therefore, the residents voted to protect the remaining views of coastal resources from “view parks” when they approved the 2006 General Plan update.

Density Bonus Law: Density Bonuses and Other Incentives found in California Government Code Sections 65915 – 65918. Pursuant to Density Bonus Law, the city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft.

Assembly Bill No. 2797: An act to amend Section 65915 of the Government Code, relating to housing. This bill requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976. This bill also declares the intent of the Legislature in this regard.

Physical Site Conditions: The Project site is 100% disturbed. Prior land uses include a car rental yard, a boat storage yard and a restaurant. The site is currently vacant.

Surrounding Land Use: The Project site lies within an area known as the Mariners Mile (generally described as the area located between Harbor Blvd. on the north, Dover Dr. on the south, the coastal bluff on the north and Newport Harbor on the south). The Project site is bordered by commercial uses on the east and west.

The Project site is bordered on the south (ocean side) by Pacific Coast Highway. Further south are commercial uses bordering the Newport Harbor. Newport Harbor is located approximately 300 feet south of the Project site.

The Project site is bordered on the north (inland) by Avon Drive which provides access to a parking lot to the east. Adjacent to Avon Drive to the north is John Wayne Park. John Wayne Park is a designated “view park” which “serves the entire City” within the “coastal zone” occupying a “coastal bluff”. Because of the Park’s “significant views of coastal resources”, the coastal views are to be “protected” (source: General Plan Natural Resources Element, General Plan Recreation Element, LCP Land Use Plan Policy 4.4.1-1 and Implementation Plan Section 21.52.015(F)(a) listed above).

John Wayne Park is a popular year-round view park located within the coastal zone on a coastal bluff offering spectacular views of the ocean, Newport Harbor, sunsets and is used by the public to view events, including the night time Newport Beach Christmas Boat Parade. 2021 will be the 113th Annual Christmas Boat Parade. This event draws over a million people annually, including television and radio coverage. ⁶

Views of coastal resources from John Wayne Park are impacted by existing development along the Mariners Mile. Views of coastal resources from John Wayne Park are not impacted by existing Project site development.

SUBSTANTIAL ISSUE ANALYSIS

Compliance with Regulatory Conditions

- I. Density Bonus Law, Government Code Sec. 65915 – 65918: The city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft. pursuant to Density Bonus Law.

As a result of the increased building height (26 ft. to 35 ft.), the Project will negatively impact the significant views of coastal resources from John Wayne Park, and nearby Cliff Drive Park southerly toward Newport Harbor and other coastal resources. Each Park is a designated “view park” and each Park is located within the coastal zone. View parks are parks so designated because of their significant views from public vantage points which serve the entire city whose views are to be protected by the City General Plan and LCP Policy 4.4.1-1.

In the case of this Project, these views of coastal resources are lost for 11% affordable housing, equal to 3 very low-income rental units with rent restrictions for 55 years! After 55 years the rent restrictions are removed, but the views don’t return. The Coastal Act states protecting coastal resources is a paramount concern because those resources are of vital and enduring interest.

- II. AB 2797: AB 2797 provides clarification between Density Bonus Law and the Coastal Act: “The Legislature’s intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.”

While the Project provides affordable housing, the Project fails to mitigation for the Project’s impact to significant views of coastal resources from John Wayne Park and Cliff Drive Park in the City Coastal Development Permit approval.

Conclusion

Appellants do not believe the city made the appropriate Findings on July 27, 2021 (Staff Report and accompanying Resolution). The views, from John Wayne Park are views the City General Plan and LCP consider “significant views” and are to be “protected” pursuant to LCP Land Use Plan Policy 4.4.1-1 and Implementation Plan CDP Sections 21.30.060(C)(3) and 21.52.015(F)(1). This language is not subjective as city staff contends.

The City relied upon an inaccurate visual analysis provided by the Project applicant. While the city had the authority to do so, the city failed to conduct an independent visual analysis or require the Project applicant to erect “story poles”, a common requirement by local governments allowing independent evaluation of a

⁶ City of Newport Beach 113th Annual Christmas Boat Parade (<https://www.christmasboatparade.com>)

project's visual impact from all angles. The Project applicant supplied visual analysis was challenged during the CDP public hearing process. No acknowledgement or mitigation for the Project's impact to views of coastal resources from John Wayne Park and Cliff Drive Park is incorporated in the City Coastal Development Permit approval. No discussion of the requirement of AB 2797 is contained in the public record or City Findings on April 27, 2021.

Therefore, the appellants' contention that the proposed project failed to protect scenic and visual coastal resources in the design of the Coastal Development Permit consistent with the City's certified LCP, Density Bonus Law in a manner meeting the State Legislature's intent of AB 2797 raises a substantial issue.

Appellants' Argument No 2. The City's action fails to implement LCP design standards

Regulatory Conditions

City General Plan

The last comprehensive General Plan Update was voted on and approved by the voters in 2006. The last General Plan Housing Element Update was voted on and approved by the voters in 20013.

Local Coastal Program

Coastal Land Use Plan

The Coastal Land Use Plan designates the Property as MU-H (Mixed-Use Horizontal).

"The MU-H category is intended to provide for the development of areas for a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multifamily residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses."

Policies

2.1.4 Mariners' Mile

"The vitality of the Mariners' Mile Corridor will be enhanced by establishing a series of distinct retail, mixed-use, and visitor serving centers" "Parcels on the inland side of Coast Highway, generally between Riverside Avenue and the southerly projection of Irvine Avenue, would evolve as a pedestrian-oriented mixed-use "village" containing retail businesses, offices, services, and housing. Sidewalks would be improved with landscape and other amenities to foster pedestrian activity. Inland properties directly fronting onto Coast Highway and those to the east and west of the village would provide for retail, marine-related, and office uses. Streetscape amenities are proposed for the length of Mariners' Mile to improve its appearance and identity."

2.1.4-1. "For properties located on the inland side of Coast Highway in the Mariners' Mile Corridor that are designated as MU-H, (a) the Coast Highway frontages shall be developed for marine-related and highway oriented general commercial uses in accordance with CM and CG categories; and (b) portions of properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate

residential with retail uses on the ground floor in accordance with the CN, RM, CV, or MU-V categories respectively.”

Coastal Land Use Plan, Coastal Views, Policy 4.4.1-1 states in relevant part,

Protect 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.

Coastal Land Use Plan, Coastal Views, Policy 4.4.1-2 states in relevant part,

Design and site new development, including landscaping, so as to **minimize impacts to public coastal views**.

Implementation Plan Coastal Development Permit

21.30.060 Height Limits and Exceptions.

C(3) “Required Findings. The review authority may approve a coastal development permit to allow an increase in the height of a structure above the base height **limit only after first making all of the following findings** in addition to the findings required in Section 21.52.015(F):

- a. The project is sited and **designed to protect public views to and along the ocean and scenic coastal areas; and”**

21.52.015(F), states in relevant part,

F. Findings and Decision. The Review authority may approve or conditionally approve a coastal development application, only after first finding that the proposed development:

1. **Conforms to all applicable sections of the certified Local Coastal Program;**

Density Bonus Law: Density Bonuses and Other Incentives found in California Government Code Sections 65915 – 65918. Pursuant to Density Bonus Law, the city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft.

Assembly Bill No. 2797: An act to amend Section 65915 of the Government Code, relating to housing. This bill requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976. This bill also declares the intent of the Legislature in this regard.

SUBSTANTIAL ISSUE ANALYSIS

Compliance with Regulatory Conditions

- I. **Protect public views to and along the ocean and scenic coastal areas:** The Project site is located on the inland side of Coast Highway between Avon Avenue and the southerly projection of Irvine Avenue. The Project site directly fronts on Coast Highway. General Plan/LCP Land Use Plan, Land Use Category MU-H (Mixed-Use Horizontal) clearly allows mixed-use buildings that integrate residential with retail uses

on the ground floor and buildings that vertically integrate residential with commercial uses. LCP Implementation Plan TABLE 21.22-3 (Development Standards for Vertical and Horizontal Mixed-Use Zoning Districts) limits the maximum Height “26 ft. with flat roof, less than 3/12 roof pitch”. The language in LCP Implementation Plan, Section 21.30.060 is clear. The city may approve a coastal development permit to allow an increase in the height of a structure above the base height limit only after first making all “Required Findings per Section 21.52.015(F)”. Required Finding 21.52.015(F)(a) is not met. The Project is not “designed to protect public views to and along the ocean and scenic coastal areas”.

Density Bonus Law, Government Code Sec. 65915 – 65918: The city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft. pursuant to Density Bonus Law.

As a result of the increased building height (26 ft. to 35 ft.), the Project will negatively impact the significant views of coastal resources from John Wayne Park, and nearby Cliff Drive Park southerly toward Newport Harbor and other coastal resources. Each Park is a designated “view park” and each Park is located within the coastal zone. View parks are parks so designated because of their significant views from public vantage points which serve the entire city whose views are to be protected by the City General Plan and LCP Policy 4.4.1-1.

AB 2797: AB 2797 provides clarification between Density Bonus Law and the Coastal Act: “The Legislature’s intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.”

While the Project provides affordable housing, the Project design fails to mitigation for the Project’s impact to significant views of coastal resources from John Wayne Park and Cliff Drive Park in the City Coastal Development Permit approval.

- II. The Project is inconsistent with the following General Plan/LCP Land Use Plan Policies addressing horizontal development, commercial frontage on West Coast Highway (WCH) and Sidewalk Improvements.
 - a) Horizontal Development: LCP Land Use Plan, Land Use Category MU-H (Mixed-Use Horizontal) clearly limits the maximum height to 26 feet without the approval of a CDP. In order to approve the CDP, Section 21.30.060 is clear. The City must find that the Project complies with Section 21.30.060(C)(3)(a) “The project is sited and designed to protect public views to and along the ocean and scenic coastal areas:”

The Project is not designed to protect “public views to and along the ocean and scenic coastal areas”.

Density Bonus Law, Government Code Sec. 65915 – 65918: The city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft. pursuant to Density Bonus Law.

As a result of the increased building height (26 ft. to 35 ft.), the Project design as approved will negatively impact the significant views of coastal resources from John Wayne Park, and nearby Cliff Drive Park southerly toward Newport Harbor and other coastal resources. Each Park is a designated “view park” and each Park is located within the coastal zone. View parks are parks so designated

because of their significant views from public vantage points which serve the entire city whose views are to be protected by the City General Plan and LCP Policy 4.4.1-1.

AB 2797: AB 2797 provides clarification between Density Bonus Law and the Coastal Act: “The Legislature’s intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.”

While the Project provides affordable housing, the Project design fails to mitigation for the Project’s impact to significant views of coastal resources from John Wayne Park and Cliff Drive Park in the City CDP approval.

- b) Commercial Frontage on West Coast Highway: The Project design proposes to construct one (1) irregularly shaped mixed-use structure which contains commercial/office and residential uses. The structure has a rectangular protrusion to the south (adjacent to WCH) designated for undisclosed commercial/office use. The remainder (majority) of the structure is designated as residential/apartment use. The building is a rectangular commercial use attached to a much larger rectangular residential use by a common entrance allowing the building to meet the definition of a mixed-use structure.

LCP Land Use Plan, Land Use Category MU-H (Mixed-Use Horizontal) Policy 2.1.4-1 language is clear. The Project is not designed with highway oriented general commercial uses along the Coast Highway frontages. Only approximately half of the Project’s Coast Highway frontage commercial/office use. The remaining frontage is residential/apartment use. Residential/commercial/office use fronting on Coast Highway is not permitted by LCP Policy 2.1.4-1.

The Project is not designed with portions of properties to the rear of the commercial frontage developed for “**free-standing**” buildings in accordance with the CN, RM, CV, or MU-V categories as required by Policy 2.1.4-1. The portion of the mixed-use structure in the rear of the commercial use is not a “**free-standing structure**”.

If the Project is designed with highway oriented general commercial uses along the Coast Highway frontage and the residential portion of the mixed-use structure was a “free-standing” building as required by Policy 2.1.4-1, the increased commercial CN, RM, CV, or MU-V use and residential setback combined with the land needed for landscaped sidewalk improvements would cause a reduction in residential area. This is why the General Plan Housing Element, Housing Sites Inventory ⁷ designated a “Realistic Unit Capacity (du)” of 15 for the Project site.⁸ It is these design requirements that lead to the Housing Element citing the “Realistic Unit Capacity” of 232 dwelling units for the future buildout of the Mariners Mile opposed to the maximum permitted number of dwelling units permitted for the Mariners Mile by zoning, 368 dwelling units.

The language in the General Plan Housing Element is clear. This language is identical to Local Coastal Program Land Use Plan Policy 2.1.4-1(a) and (b). This is what the residents approved when they voted and approved the General Plan in 2006 and the 2013 Housing Element Update. This type of

⁷ City of Newport Beach General Plan, 2013 Housing Element, Appendix H4 Housing Sites Analysis and Inventory, Housing Sites Inventory, Area 2 - Mariners Mile (pages 5-183 to 5-199).
https://www.newportbeachca.gov/PLN/General_Plan/06_Ch5_Housing_web.pdf#page=191

⁸ See City of Newport Beach General Plan, 2013 Housing Element, Housing Sites Inventory, Area 2 - Mariners Mile, Site 17 (pages 5-187 to 5-188)

development is consistent with all development on the inland side of Coast Highway within the Mariners Mile. If the vision of the public was to allow a single mixed-use commercial/residential structure to be built on the property, the General Plan Housing Element would have so stated. The Housing Element does not, because it is not the vision of the public. When the city's Local Coastal Program was subsequently approved by the Commission, the Local Coastal Program incorporated the city's General Plan along with the environmental impacts and mitigation measures associated with the buildout of the General Plan/Local Coastal Program. If a developer, the public and/or decision makers want to amend the language in the General Plan and Local Coastal Program, a General Plan Amendment/Local Coastal Program Amendment is required to do so.

- c) Sidewalk Improvements: General Plan Policy and LCP Land Use Policy 2.1.4 states: "Sidewalks would be improved with landscape and other amenities to foster pedestrian activity. Inland properties directly fronting onto Coast Highway and those to the east and west of the village would provide for retail, marine-related, and office uses. Streetscape amenities are proposed for the length of Mariners' Mile to improve its appearance and identity."

The Project does not propose sidewalks to be improved with landscape and other amenities. Project plans show the dedication of land for the future widening of Coast Highway (see Attachment A, Site Plan⁹). The Project design shows landscaping and other streetscape amenities to be constructed within the right-of-way of the land dedicated by the Project to the city for the future widening of Coast Highway. When Coast Highway is widened in accordance with the General Plan/Local Coastal Program, these streetscape amenities will be removed leaving a three (3) foot sidewalk with no landscaping or streetscape amenities to foster pedestrian activity. There is no setback from the Project's commercial use adjacent to Coast Highway to improve with landscaping and other amenities to foster pedestrian activity, let alone a wider sidewalk. The Project is inconsistent with LCP Land Use Policy 2.1.4.

On November 11, 2006, the City's comprehensive General Plan Update was placed on the ballot (Measure V) as required by city Charter Section 423 and approved by the voters. If the vision of the public was to allow sidewalks not to be improved and to instead have the land dedicated by redevelopment of properties within the ultimate right-of-way temporarily improved with landscape and other streetscape amenities along the Mariners' Mile to improve its appearance and identity, the General Plan and Local Coastal Program would have said so. They do not, because temporary improvements within the right-of-way of Coast Highway are not the vision of the public. Temporary improvements are not permitted in the General Plan or LCP. If a developer, the public and/or decision makers want to amend the language in the General Plan and Local Coastal Program, a General Plan Amendment/LCP Amendment is required to do so.

Conclusion

Appellants do not believe the city made the appropriate Findings on July 27, 2021 (Staff Report and accompanying Resolution). The views, from John Wayne Park are views the City General Plan and LCP consider

⁹ Attachment A, Site Plan. To aid in interpreting the Site Plan and its ultimate setback from West Coast highway, sidewalk with and landscaping, refer to the red dashed line (- - -) for the ultimate "12' 0" Dedication" line. Note the City improvements fronting Coast Highway that are temporary and will be removed with the widening of Coast Highway. Note the temporary Project improvements that will be removed when and if the widening of Avon Drive occurs. This "20' Dedication" of land was voluntarily offered by the Project applicant. The city accepted the dedication even though the city has no plan to widen Avon Drive. This is valuable land that could have been used for housing.

“significant views” and are to be “protected” pursuant to LCP Land Use Plan Policy 4.4.1-1 and Implementation Plan CDP Sections 21.30.060(C)(3) and 21.52.015(F)(1).

The city deemed the Project planning applications complete without the required analysis of General Plan and LCP consistency which would have discussed the Project’s compliance with the Density Bonus Law, AB 2797 and SB 167, The Housing Accountability Act.¹⁰ The City erred in its review of project plans for compliance with required development standards. The City relied upon an inaccurate visual analysis provided by the Project applicant to conclude the project would have “no” or “minimal” visual impacts to coastal resources. The city failed to conduct its own independent visual analysis prior to deeming the application complete. The Project applicant supplied visual analysis was challenged during the CDP public hearing process. Based on the inaccurate visual analysis, no acknowledgement or mitigation for the Project’s impact to views of coastal resources from John Wayne Park and Cliff Drive Park is incorporated in the City CDP approval. No discussion of the requirement of AB 2797 is contained in the public record or City Findings on July 27, 2021.

While the Project provides affordable housing, the Project design fails to mitigation for the Project’s impact to significant views of coastal resources from John Wayne Park and Cliff Drive Park. Per AB 2797, the Project Coastal Development Permit design fails to harmonize Density Bonus Law with the Coastal Act so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access

LCP Land Use Plan, Land Use Policy 2.1.4-1 is clear. The Project is not designed with 100% highway oriented general commercial uses along the Coast Highway frontage. Residential/commercial/office use fronting on Coast Highway is not permitted.

The Project’s commercial/retail uses are not specified. There is no Condition(s) of Approval or Monitoring Program to insure only approved uses are permitted for the life of the project. Particularly, uses that will not generate additional traffic/parking impacts than allowed by the LCP/Density Bonus Law.

LCP Land Use Plan, Land Use Policy 2.1.4-1 is clear. The Project is not designed with a free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor in accordance with the CN, RM, CV, or MU-V categories respectively in back of the commercial frontage building(s).

LCP Land Use Policy 2.1.4 Mariners’ Mile is clear, the Project is not designed with sidewalks improved with landscape and other amenities to foster pedestrian activity. What is proposed are temporary improvements within the ultimate right-of-way of Coast Highway which will be removed when Coast Highway is widened per the General Plan/LCP.

Therefore, the appellants’ contention that the City failed to protect Land Use Policy 2.1.4 (items 1 & 2 below) in the approved design of the Coastal Development Permit consistent with the City’s certified LCP, Density Bonus Law in a manner meeting the State Legislature’s intent of AB 2797 raises a substantial issue.

- 1) The city failed to implement LCP design standards by failing to protect scenic and visual coastal resources consistent with the City’s certified LCP in the design of the Coastal Development Permit;
- 2) The city failed to maintain horizontal development standards needed to protect significant visual impacts to coastal resources in the design of the Coastal Development Permit;

¹⁰ SB 167, The Housing Accountability Act: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB167

The appellants' contention that the City failed to Implement the requirements of LCP Policies 2.1.4 and 2.1.4-1 (items 3 & 4 below) in the approved design of the Coastal Development Permit raises a substantial issue.

- 3) The city failed to require the Coastal Development project design to place commercial frontage along the entire Coast Highway frontage; and
- 4) The city failed to require with sidewalks improved with landscape and other amenities to foster pedestrian activity.

Appellants' Argument No 3. The City's action results in a loss of available public parking used to access coastal resources

Regulatory Conditions

Local Coastal Program

Coastal Land Use Plan

Policy

2.1.4 Mariners' Mile

"The vitality of the Mariners' Mile Corridor will be enhanced by establishing a series of distinct retail, mixed-use, and visitor serving centers".... "Parcels on the inland side of Coast Highway, generally between Riverside Avenue and the southerly projection of Irvine Avenue, would evolve as a pedestrian-oriented mixed-use "village" containing retail businesses, offices, services, and housing. Sidewalks would be improved with landscape and other amenities to foster pedestrian activity. Inland properties directly fronting onto Coast Highway and those to the east and west of the village would provide for retail, marine-related, and office uses. Streetscape amenities are proposed for the length of Mariners' Mile to improve its appearance and identity."

Policies

2.1.4-5. "Development shall be designed and planned to achieve high levels of architectural quality and compatibility among on-site and off-site uses. Adequate pedestrian, non-automobile and vehicular circulation and parking shall be provided."

Density Bonus Law: Density Bonuses and Other Incentives found in California Government Code Sections 65915 – 65918. Pursuant to Density Bonus Law, the city granted a development standards waiver request to permit a decrease in on-site parking for the provision of affordable housing. The city granted parking requirements in accordance with Government Code Section 65915(p). Studio and one-bedroom units are required to provide one on-site parking space per unit and two-bedroom units are required to provide two on-site parking spaces per unit.

Assembly Bill No. 2797: An act to amend Section 65915 of the Government Code, relating to housing. This bill requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner

that is consistent with that law and the California Coastal Act of 1976. This bill also declares the intent of the Legislature in this regard.

SUBSTANTIAL ISSUE ANALYSIS

Compliance with Regulatory Conditions

Public parking is already limited within the Mariners Mile. Public Parking within the Mariners Mile provides public access to nearby coastal resources including the John Wayne Park. The Local Coastal Program contains Policy 2.1.4-5 which requires that “Development shall be designed and planned to achieve high levels of architectural quality and compatibility among on-site and off-site uses. Adequate pedestrian, non-automobile and vehicular circulation and parking shall be provided.”

Based on Density Bonus Law (Government Code 65915(p)) the developer requested and was granted as part of the Project Coastal Development Permit approval of a reduction in on-site parking spaces.

The reality is that the reduction in tenant and guest parking provided the Project by Government Code 65915(p) will be insufficient to accommodate the Project’s demand identified by the Institute of Traffic Engineers standards relied upon by the city General Plan and LCP. Parking spaces normally required for a non-affordable apartment project of a similar size and unknit mix is approximately 1.5 - 2 on-site spaces per dwelling unit (du) depending on the size of the unit. The reality is Project tenants and their guests will use nearby off-site public parking spaces. Off-site public parking spaces are used by the public to access coastal resources. There is no mitigation proposed for the loss of public parking spaces and its impact on public access to coastal resources resulting from the incentives allotted the Project by Density Bonus Law.

In the case of this Project, the reduction of on-site parking spaces for the Project’s 36 residential units is considered adequate by Density Bonus Law for 11% affordable housing, equal to 3 very low-income rental units with rent restrictions for 55 years! After 55 years the rent restrictions are removed, but the Project reliance on off-site parking will not cease. The Coastal Act states protecting coastal resources is a paramount concern because those resources are of vital and enduring interest.

Conclusion

Appellants do not believe the city made the appropriate Findings on April 27, 2021 (Staff Report and accompanying Resolution). While the reduction in parking is permitted by Density Bonus Law, the reality is that the reduction in tenant and guest parking provided the Project will be insufficient to accommodate the Project’s demand and result in the loss of public parking spaces for access to coastal resources.

Therefore, the appellants’ contention that the proposed Project failed to provide adequate on-site parking in the design of the Coastal Development Permit consistent with the City’s certified LCP, Density Bonus Law in a manner meeting the State Legislature’s intent of AB 2797 raises a substantial issue.

Appellants’ Argument No 4. The City’s action set a precedent for other projects to follow – small developments, minimum affordable housing, Density Bonus Law permitted increase in building heights and decreased on-site parking requirements. These factors combined result in no traffic analysis, no CEQA analysis and no mitigation for environmental impacts to coastal resources

Regulatory Conditions

This section incorporates General Plan and Local Coastal Program policies and standards incorporated in Appellant's arguments 1-3 above.

Density Bonus Law: Density Bonuses and Other Incentives found in California Government Code Sections 65915 – 65918. The Project proposed 11% affordable housing was entitled to a 35% density bonus over the maximum permitted zoning density (26.7 du/ac) pursuant to Density Bonus Law. Pursuant to Density Bonus Law the city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft. and a decrease in on-site vehicular parking.

Assembly Bill No. 2797: An act to amend Section 65915 of the Government Code, relating to housing. This bill requires that any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976. This bill also declares the intent of the Legislature in this regard.

SUBSTANTIAL ISSUE ANALYSIS

Compliance with Regulatory Conditions

Based on the precedent set by the City Council approval of this Project, future affordable housing projects within the Mariners Mile will be subject to the same Density Bonus Law housing incentives received by this Project. Projects that propose 11% affordable housing will be entitled to a 35% density bonus over the maximum permitted zoning density (26.7 du/ac) pursuant to Density Bonus Law. Project's that propose 11% affordable housing pursuant to Density Bonus Law will be granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft. and a decrease in on-site vehicular parking.

An increased in maximum building height (26 ft. to 35 ft.), on properties inland of Coast Highway will negatively impact the significant views of coastal resources from John Wayne Park, and nearby Cliff Drive Park southerly toward Newport Harbor and other coastal resources. Each Park is a designated "view park" and each Park is located within the coastal zone. View parks are parks so designated because of their significant views from public vantage points which serve the entire city whose views are to be protected by the City General Plan and LCP Policy 4.4.1-1. The protection of significant public views of coastal resources, are views the public voted to protect when they voted and approved the General Plan. While projects will provide affordable housing, project will fail to mitigation for the project's impact to significant views of coastal resources from John Wayne Park and Cliff Drive Park per AB 2797 in the City CDP approval.

Based on the precedent set by the City Council approval of this Project, future affordable housing projects located on the inland side of Coast Highway within the Mariners Mile, will be subject to the same interpretation of horizontal development, commercial frontage on Coast Highway, and streetscape improvements received by the proposed Project. A project's commercial/retail uses will not be required to be specified. There will be no condition(s) of approval or monitoring program(s) to insure only approved uses are permitted for the life of future project. Particularly, uses that will not generate additional traffic/parking impacts than allowed by the LCP/Density Bonus Law.

The precedent set by the proposed project will allow for affordable housing projects to increase the maximum development height impacting public view parks, allow only a partial commercial frontage of a mixed-use

project fronting on Coast Highway, allow portions of properties to the rear of the commercial frontage not to be developed for “free-standing” buildings in accordance with the CN, RM, CV, or MU-V categories in back of the commercial frontage building(s) required by Policy 2.1.4-1, and project not designed with sidewalks improved with landscape and other amenities to foster pedestrian activity required by LCP Land Use Plan, Land Use Policy 2.1.4-1. Future projects will be allowed with temporary landscape and other amenities to foster pedestrian activity within the ultimate ROW of Coast Highway which will be removed when Coast Highway is widened per the General Plan.

Based on the precedent set by the City Council approval of this Project, future affordable housing projects located on the inland side of Coast Highway within the Mariners Mile, will be subject to the same reduction in on-site parking standards permitted by Density Bonus Law (Government Code 65915(p)) received by the proposed Project. The City’s action results in a loss of available public parking used to access coastal resources. Future affordable housing projects will continue to deplete the available already short supply of public parking to the point where it will be practicably impossible for the public to find an available public parking space within the Mariners Mile. The reduction in availability of public parking will adversely impact public access to coastal resources. There is no mitigation proposed for the loss of public parking spaces and its impact on public access to coastal resources resulting from Density Bonus Law.

Conclusion

The Housing Element states: “Based on the residential capacities calculated within the Sites Inventory Analysis, approximately 232 new residential units could realistically be developed in Mariner’s Mile as new and replacement housing.”¹¹ The Housing Element excludes density bonus from the Housing Element text citing California Government Code Section 65915(f)(5).

Based on current Density Bonus Law; the city decision to allow future projects to construct a single mixed-use structure opposed to separate commercial and mixed-use structure, combined with the precedent it sets have increased the General Plan 2013-2021 Housing Element, Housing Sites Inventory/LCP Land Use Plan development potential within the Mariners Mile by 35- 50%. These plans do not accommodate Density Bonus Law and Other Incentives found in California Government Code Sections 65915 – 65918. The Housing Sites Inventory/LCP Land Use Plan fails to consider the effect on coastal resources from Density Bonus Law development concessions, incentives, reductions of development standards and parking ratios entitled to qualified affordable housing projects. The total Housing sites Inventory “potential unit capacity” within Area 2 – Mariners Mile will increase from **368 du** to **497-552 du** (35% density bonus = 497du. 50% density bonus = 552 du).

As previously cited, the Housing Element states “Based on the residential capacities calculated within the Sites Inventory Analysis, approximately **232** new residential units could realistically be developed in Mariner’s Mile as new and replacement housing.” Therefore, based on the “realistic unit capacity” cited in the General Plan Housing Element/LCP Land Use Plan, the General Plan/LCP underestimates the development potential within the Mariners Mile by **114-138%**. The total Housing sites Inventory “realistic unit capacity” within Area 2 – Mariners Mile will increase from **232 du** to **497-552 du**. Government Code Section 65583.2(b)(5) requires a general description of existing or planned water, sewer, and other dry utilities supply, including the availability and access to distribution facilities. The 2013 General Plan Housing Element, Housing Sites Inventory considered the adequacy of Infrastructure capacity within all sites based on the “realistic unit capacity” 232

¹¹ General Plan Housing Element, Mariners Mile (page 5-48).

units.¹² Traffic impacts were considered in the 2006 Comprehensive General Plan Update Environmental Impact Report based on future growth of 278 mixed-use apartment units within the Mariners Mile.¹³

Buildout of the General Plan and LCP Land Use Plan, incorporating Density Bonus Law will have a much greater adverse environmental impact on coastal resources than calculated when the General Plan/LCP was adopted. The city 2013 Housing Element, Housing Sites Inventory identifies sites on a parcel-by-parcel basis, city-wide. Within the Mariners Mile, inland of West Coast Highway, the overwhelming majority of sites like the Project site are small, all zoned MU-MM and as a result, can be developed with affordable housing without a traffic study and all like the Project have the potential to qualify for a CEQA Class 32 Exemption. Continued development in accordance with Density Bonus Law will result in environmental problems to coastal resources and conflict with the Coastal Act. There is no mitigation proposed for the environmental problems to coastal resources resulting from the increase residential development permitted by Density Bonus Law.

The Court concluded in *Kalnel Gardens, LLC v. City of Los Angeles* that Government Code (§ 65915, subd. (m)) is a clear expression of legislative intent that the Density Bonus Act is subordinate to the Coastal Act.

AB 2797 clarified that density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act. The incorporation of density bonus, concessions, incentives, reductions of development standards, and parking ratios the Project is entitled to under Density Bonus Law has not been incorporated into the CDP in a manner that is consistent with that law and the Coastal Act as the legislature intended in the passage of AB 2797.

Therefore, the appellants' contention that the City's action approving the Project sets a precedent for other future projects to follow (small developments, minimum affordable housing, Density Bonus Law permitted increase in building heights and decreased on-site parking requirements) which combined, will result in no traffic analysis, no CEQA analysis and no mitigation for environmental impacts to coastal resources raises a substantial issue.

Appellants' Argument No 5. The City's action clearly prioritizes state housing laws over the state Coastal Act in violation of AB 2797.

Regulatory Conditions

This section incorporates General Plan and Local Coastal Program policies and standards incorporated in Appellant's arguments 1-3 above.

Density Bonus Law: Density Bonuses and Other Incentives found in California Government Code Sections 65915 – 65918. The Project proposed 11% affordable housing was entitled to a 35% density bonus over the maximum permitted zoning density (26.7 du/ac) pursuant to Density Bonus Law. Pursuant to Density Bonus Law the city granted a development standards waiver request to permit an increase in maximum building height from a maximum of 26 ft. to 35 ft. and a decrease in on-site vehicular parking.

Assembly Bill No. 2797: An act to amend Section 65915 of the Government Code, relating to housing. This bill requires that any density bonus, concessions, incentives, waivers or reductions of development standards,

¹² City of Newport Beach General Plan, 2013 Housing Element, Appendix H4 Housing Sites Analysis and Inventory (pages 5-172 to 5-174)

¹³ General Plan Environmental Impact Report (July 25,2006), Appendix D – Traffic Study (Table 3-11, page 3-21)

and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act of 1976. This bill also declares the intent of the Legislature in this regard.

SUBSTANTIAL ISSUE ANALYSIS

Compliance with Regulatory Conditions

Based on the precedent set by the City Council approval of this Project, it is reasonably foreseeable the combination of the loss of public views of coastal resources, the reduction of available public parking used to access coastal resources, the transition from a primarily commercial mixed-use area to a primarily residential mixed-use area with a decreased commercial FAR, a decrease in residential setback from WCH and the construction of a minimum three (3) foot wide sidewalk lacking landscaped sidewalk improvements in lieu of temporary landscape improvements within the ultimate right-of-way of Coast Highway will result in a decrease in public's ability to access coastal resources and thereby reduce the desire for the public to visit the Mariners Mile to enjoy its coastal resources.

The City's actions clearly prioritize housing laws over the Coastal Act. The public record of City Council public hearing is clear. The City Council feared litigation based on conditions imposed by SB 167, The Housing Accountability Act. The developer and city staff cited Density Bonus Law, "Government Code 65915(e)(1) which provides that a city or county may not apply any development standard (including height limits) that will have the effect of physically precluding the construction of a density bonus project at the density permitted under the density bonus statute."

The public record is clear, the City Council felt they had no choice but to grant the Density Bonus Law requested development incentives and reduction in development standards or face litigation; the city incorrectly interpreted the General Plan and LCP to allow a single mixed-use building to be constructed on the property; that a "free standing" building was not required in back of the commercial/retail use required along the Coast Highway frontage; that sidewalks improved with landscaping along the Project's Coast Highway frontage were not required; and the Project's coastal view impacts to John Wayne Park to be minimal.

The result of the city actions is a prioritization of state housing laws over the state Coastal Act without regard for AB 2797.

A fundamental purpose of the Coastal Act is to ensure that state policies prevail over local government concerns. The city approved CDP is not consistent with and nor does it attempt to be harmonious with the California Coastal Act, let alone resolve these conflicts in a manner which on balance is the most protective of significant coastal resources. The Coastal Act's states the coastal zone "is a distinct and valuable natural resource of vital and enduring interest to all the people"; that permanent protection of the state's natural and scenic resources is of paramount concern.

The Court in *Kalnel Gardens, LLC v. City of Los Angeles* concluded "We therefore hold that section 65915 is subordinate to the Coastal Act and that a project that violates the Coastal Act as the result of a density bonus may be denied on that basis." AB 2797 clarified that density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which an applicant is entitled under the Density Bonus Law be permitted in a manner that is consistent with that law and the California Coastal Act. The incorporation of density bonus, concessions, incentives, reductions of development standards, and parking ratios the Project is entitled to under Density Bonus Law has not been incorporated into the CDP in a manner that is consistent with that law and the Coastal Act as the legislature intended in the passage of AB 2797. The

Legislature's intent is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.

Conclusion

The appellants seek a solution to allow the developer to re-develop the property consistent with the city General Plan, LCP and State Density Bonus Law. The Appellants believe Project conflicts between Density Bonus Law and the Coastal Act can be resolved in a manner which is harmonious and on balance is the most protective of significant coastal resources. Project conflicts can be resolved either through addition of Special Conditions; through the on-going City LCP Amendment which could allow/require a density transfer or payment of an in-lieu affordable housing fee to a less impactful site thereby minimizing and protecting coastal resources; or through the on-going City General Plan Housing Element Update initiated following the State Regional Housing Needs Assessment; or a combination thereof.

The appellants' assert the development incentives and reduction in development standards granted by the city to this Project and the precedent it sets for re-development of MU-MM zoned lands within the Mariners Mile inland of West Coast Highway, clearly prioritize Density Bonus Law and local government priorities over the Coastal Act. The Legislature's intent in AB 2797 is that the two statutes be harmonized so as to achieve the goal of increasing the supply of affordable housing in the coastal zone while also protecting coastal resources and coastal access.

The appellants' assert the Project is inconsistent with a number of key General Plan/LCP Policies which result in adverse impacts to coastal resources. The Appellants further believe the density bonus units, incentives and reduction in development standards have been integrated into the project design in a manner that results in environmental problems to coastal resources and conflict with the Coastal Act (not the fact that the project is receiving a density bonus, concessions, incentives, reductions of development standards, and parking ratios).

Therefore, the appellants' contention that the City's action approving the Project clearly prioritizes state housing laws over the state Coastal Act in violation of AB 2797 and sets a precedent for other future projects to follow (small developments, minimum affordable housing, Density Bonus Law permitted increase in building heights and decreased on-site parking requirements) which combined, will result in no traffic analysis, no CEQA analysis and no mitigation for environmental impacts to coastal resources raises a substantial issue.

END

Appendix A Project Site Plan

To aid in interpreting the Site Plan and its ultimate setback from West Coast highway, sidewalk with and landscaping, refer to the red dashed line (- - -) for the ultimate “12’ 0” Dedication” line.

Note the City improvements fronting Coast Highway that are temporary and will be removed with the widening of Coast Highway.

Note the temporary Project improvements that will be removed when and if the widening of Avon Drive occurs. This “20’ Dedication” of land was voluntarily offered by the Project applicant. The city accepted the dedication even though the city has no plan to widen Avon Drive. This is valuable land that could have been used for housing.

Here are the key takeaway points we want to leave with Coastal Commission staff following the 9-23-21 Zoom meeting.

1. The Project is inconsistent with 2 LCP Land Use Plan policies horizontal development and commercial frontage on West Coast Highway (WCH). The City granted a development standards waiver request to permit an increase in maximum building height from 26 ft. to 35 ft. The approved plans show only approximately half of the WCH building frontage is a commercial structure.
2. The General Plan Housing Element, Housing Sites Inventory/LCP Land Use Plan underestimate the development potential within the Mariners Mile by 35- 50%. The plans fail to accommodate density bonus law found in California Government Code Sections 65915 – 65918. Buildout of the General Plan and LCP Land Use Plan will have a much greater environmental impact than evaluated when the General Plan/LCP was adopted. The Housing Element, Housing Sites Inventory Identifies sites on a parcel by parcel basis city-wide. Within the Mariners Mile inland of West Coast Highway the overwhelming majority of sites like the Project site are small, all zoned MU-MM and as a result can be developed with affordable housing without a traffic study and have the potential to qualify for a CEQA Class 32 Exemption like the Project.
3. The Project's view simulations prepared by the developer and relied upon by the City in its decision making significantly underestimate the Project's impact on existing views from John Wayne Park to coastal resources. The view simulations the City relied upon only consider the Project's impact from locations in the upper portion of John Wayne Park. Considering the Project's view impact to the park as a whole, as the Appellants show in their view simulations results in a much greater and clearly significant impact.

The John Wayne Park is a designated coastal "View Park" by the City General Plan/LCP. The City General Plan Recreation Element defines View Park as "View Park—View parks are smaller passive parks designed to take advantage of a significant view. They are often located on coastal bluffs to focus upon ocean or bay views. Most view parks are between one-half to three acres in size and serve the entire City. View parks are generally improved with landscaping, walkways, and benches." John Wayne Park is a popular year-round view park offering spectacular views of Newport Harbor, sunsets and is used for events, including the night time Newport Beach Christmas Boat Parade. 2021 will be the 113th Annual Christmas Boat Parade. This event draws over a million people annually, including television and radio coverage. (<https://www.christmasboatparade.com/>)

The City granted the project a development standards waiver request to permit a 35 ft. maximum building height because the applicant stated "without this waiver, the project will not be able to accommodate the additional units permitted by the Zoning Code and Government Code Sec. 65915." This height increase will result in view impacts from John Wayne Park to Newport Harbor. The Density Bonus Act (§ 65915) states: "This section does not supersede or in any way alter or lessen the effect or application of the [Coastal Act]." (§ 65915, subd. (m).) The Court in the case of Kalnel Gardens, LLC v. City of Los Angeles

https://scholar.google.com/scholar_case?case=4789269369772701432&q=Kalnel+Gardens,+LLC+v.+City+of+Los+Angeles&hl=en&as_sdt=2006&as_vis=1) concluded this language is a clear expression of legislative intent that the Density Bonus Act is subordinate to the Coastal Act.

The City Council approval of the Project and the precedent it sets for re-develop consistent with housing law, will result in additional incremental visual impacts to coastal resources. These visual impacts will be caused by the mass and height of the structure and their night-time light from windows including windows on the Project elevator shaft, and especially windows facing inland toward John Wayne Park. These incremental impacts will be individually significant and cumulatively significant. In the case of John Wayne Park, Newport Harbor views will be significantly blocked by Project development and totally blocked by future residential redevelopment projects containing affordable housing. Once these views are gone, they are gone. Who benefits? Who gets these coastal views that are taken away from the general public? Those that can afford the ocean facing market-rate units with views, not the low income, not the general public. In the case of this Project, these views of coastal resources are lost for 11% affordable housing, equal to 3 very low income rental units with rent restrictions for 55 years! After 55 years the rent restrictions are removed, but the views don't return. The Coastal Act states protecting coastal resources is a paramount concern because those resources are of vital and enduring interest.

4. Public parking is already limited within the Mariners Mile. Public Parking within the Mariners Mile provides public access to coastal resources. Based on the precedent set by the City Council approval of this Project, future affordable housing projects within the Mariners Mile will receive on-site parking reductions pursuant to Government Code Sec. 65195(p) which will continue to deplete the available supply of public parking to the point where public parking will be non-existent within the Mariners Mile, adversely impacting public access to coastal resources. The Court concluded in *Kalnel Gardens, LLC v. City of Los Angeles* that Government Code (§ 65915, subd. (m)) is a clear expression of legislative intent that the Density Bonus Act is subordinate to the Coastal Act.
5. The City Council granted development Incentives to the project which changed the property from a primarily commercial mixed-use assemblage of lots to a primarily residential mixed-use lot (the result of a City approved Project Development Incentives pursuant to Government Code 65915(d)(1) resulting in the reduction in commercial FAR from 26% to 11% and the decrease in the 100' residential setback from West Coast Highway). The precedent set by this Project will impact the re-development of the MU-MM zoned land within the Mariners Mile inland of West Coast Highway. Other similar sized residential projects proposing 11% affordable housing will be able to obtain a 35% density bonus, a reduction in FAR from 26% to 11% and a reduction in the 100' residential setback from WCH, transitioning the Mariners Mile from a primarily commercial mixed-use area to a primarily residential mixed-use area. The change in the Mariners Mile from a primarily commercial mixed-use to a primarily residential mixed use will reduce the tourist serving potential of the Mariners Mile. The Court found in *Kalnel Gardens, LLC v. City of Los Angeles* "The Coastal Act (Pub. Resources Code, § 30000 et seq.) is a comprehensive scheme to govern land use planning for the state's entire

coastal zone. As part of its enactment the Legislature made several findings: that the coastal zone "is a distinct and valuable natural resource of vital and enduring interest to all the people"; that permanent protection of the state's natural and scenic resources is of paramount concern; that "it is necessary to protect the ecological balance of the coastal zone"; and that "existing developed uses, and future developments that are carefully planned and developed consistent with the policies of [the Coastal Act], are essential to the economic and social well-being of the people of this state..." (Pub. Resources Code, § 30001, subds. (a), (c) & (d).)". Furthermore, the Court concluded Government Code (§ 65915, subd. (m) is a clear expression of legislative intent that the Density Bonus Act is subordinate to the Coastal Act.

6. Based on the precedent set by the City Council approval of this Project, it is reasonably foreseeable the combination of the loss of public views of coastal resources, the loss of public parking used to access coastal resources, the transition from a primarily commercial mixed-use area to a primarily residential mixed-use area will result in a decrease in public access to coastal resources and decrease the FAR of commercial uses, which combined will reduce the desire for tourists to visit the Mariners Mile and enjoy its coastal resources.

The City's actions prioritize housing laws over the Coastal Act. The City Council hearing public record is clear, the City Council feared litigation based on conditions imposed by the Housing Accountability Act when considering when and how to act on the Project Coastal Development Permit. A fundamental purpose of the Coastal Act is to ensure that state policies prevail over local government concerns. The City approved CDP is not consistent with and nor does it attempt to be harmonious with the California Coastal Act, let alone resolve these conflicts in a manner which on balance is the most protective of significant coastal resources. The Coastal Act's states the coastal zone "is a distinct and valuable natural resource of vital and enduring interest to all the people"; that permanent protection of the state's natural and scenic resources is of paramount concern. The Court in *Kalnel Gardens, LLC v. City of Los Angeles* concluded "We therefore hold that section 65915 is subordinate to the Coastal Act and that a project that violates the Coastal Act as the result of a density bonus may be denied on that basis."

Pursuant to the decision in *Kalnel Gardens, LLC v. City of Los Angeles*, the Appellants believe the development incentives and reduction in development standards granted by the City to this Project and the precedent it sets for re-development of MU-MM zoned lands within the Mariners Mile inland of West Coast Highway, prioritize local government priorities over the Coastal Act and in so doing, will result in environmental problems to coastal resources and conflict with the Coastal Act, and as such, the CDP Appeal has merit and is entitled to a de novo hearing before the Coastal Commission.

The Appellants seek a solution to allow the Site to re-develop consistent with the LCP. The appellants believe Project conflicts can be resolved in a manner which on balance is the most protective of significant coastal resources. Project conflicts can be resolved either through a project re-design; through the on-going City LCP Amendment which could allow/require a density transfer or payment of an in-lieu affordable housing fee to a less impactful site minimizing and protecting coastal resources; the on-going City General Plan Amendment Updating the Housing Element and

other elements impacted by the State Regional Housing Needs Assessment; or a combination thereof.

Please let us know if there are any additional questions we can answer or any additional information we can provide.

Thank you,
Dave

David J. Tanner, President
Environmental & Regulatory Specialists, Inc.
223 62nd Street
Newport Beach, CA 92663
949 646-8958 wk
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

From: dave@earsi.com <dave@earsi.com>
Sent: Wednesday, September 22, 2021 12:18 PM
To: 'Amitay, Shahar@Coastal' <shahar.amitay@coastal.ca.gov>
Cc: James Carlson (jfcarlson@roadrunner.com) <jfcarlson@roadrunner.com>; Charles Klobe (cklobe@me.com) <cklobe@me.com>; Zach Rehm, Coastal Commission <Zach.Rehm@coastal.ca.gov>
Subject: RE: 2510 West Coast Highway

Hi Shahar,

I forgot the attachment!

Attached is a file containing the following Information we would like to discuss/reference at today's Zoom meeting.

This information contain new detailed information not previously considered supporting the topics raised in the CDP appeal.

1. Excerpts from Attachment A - City Resolution 2021-70
2. City General Plan Housing Element, Housing Sites Inventory

3. City General Plan Housing Element, Housing Sites Inventory, Area – 2 Mariners Mile - 2011 vs 2021
4. Mariners Mile Residential Development Potential MU-MM Zoned Property + 35% Density Bonus, Inland-side of WCH
5. 2510 W. Coast Highway Affordable Housing Implementation Plan (Attachment B - Resolution 2021-70)

I would appreciate it if you would circulate this information to those that will be attending the meeting and/or reviewing the merits of the CDP Appeal.

Thank you,
Dave

David J. Tanner, President
Environmental & Regulatory Specialists, Inc.
223 62nd Street
Newport Beach, CA 92663
949 646-8958 wk
949 233-0895 cell

Notice of Confidentiality:

This e-mail and any attachments thereto, is intended only for use by the address(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me by e-mail by replying to this message and permanently delete the original and any copy of any email and any printout thereof.

From: Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov>
Sent: Tuesday, September 21, 2021 1:23 PM
To: dave@earsi.com; drosenthal@fyklaw.com; jfcarlson@roadrunner.com; Charles Klobe <cklobe@mac.com>
Subject: RE: 2510 West Coast Highway

Would you all like to meet at 2:00PM tomorrow? Would you be available?

Thanks,
Shahar

From: Charles Klobe <cklobe@mac.com>
Sent: Tuesday, September 21, 2021 9:17 AM
To: Amitay, Shahar@Coastal <shahar.amitay@coastal.ca.gov>

From: [Jim Carlson](#)
To: Amitay.Shahar@Coastal
Cc: [Dave Tanner](#); "[Charles Klobe](#)"
Subject: FW: 2510 W. Coast Hwy. View Sims History
Date: Monday, October 4, 2021 1:57:30 PM

Shahar,

Attached are additional comments for your review.

I have included these explanations to correspond with the Visual simulations the Coalition to Protect Mariners Mile has submitted to Coastal commission in a separate e-mail.

The City's Action fails to protect significant public views of coastal resources. Views the public voted to protect.

Visual history:

- **Initial view simulation requested by City staff did not accurately show the entire proposed project.**
- **City staff accepted the partial not accurate view simulation and submitted it their staff report that was approved by the City of Newport Beach Planning Commission.**
- **The Coalition to Protect Mariners Mile asked the Mayor to Appeal the planning Commission approval to the Newport Beach City Council.**
- **The Coalition on April 13, 2012 made a 100 slide / four person presentation to the city Council at the 1st appeal meeting. Including the original project view simulations created by the Coalition to protect Mariners Mile to encourage the City Council to continue and not approve the project as submitted. The Coalition and the City requested that the applicate erect story poles to accurately show the view impacts from the different vantage points at John Wayne park.. The applicate refused to erect story poles and did give any explanation!**
- **The project was continued by the City Council. During that time, the applicant chose to redesigned the project. The city did not require the applicant to re-design the project. The staff report recommended approval of the project of the project based upon the original design.**
- **The City Council approved the redesigned project under the threat of a law suit by the applicant.**
- **The Coalition to Protect Mariners Mile prepared the latest view simulations for the Coastal Commissions reviews after the Commission accepted the Appeal.**
- **We have also included the story pole view simulations that the Coalition to Protect Mariners Mile prepared for the additional project that was submitted to the city of**

Newport Beach prior to the submittal of the 2510 W. Coast Hwy. project by the same developer. This project has been withdrawn from the EIR process and according to the developer will be re-designed to include low income housing. The 2510 W. Coast Hwy. project is already setting a precedent for the future of the development of the other small parcels that can be combined and will impact the public views from John Wayne Park and the other parks and visual vantage points that exist along the remaining portions of Mariners Mile.

Thanks for your time in reviewing this project.
Please feel free to contact me if you have any questions.

Jim,

James F. Carlson, AIA
President of the Coalition to Protect Mariners Mile

James F. Carlson AIA

JF Carlson Architects, Inc.
2300 Cliff Drive
Newport Beach, Ca. 92663

Tele: 949-645-3051
Fax: 949-645-3048

From: [Jim Carlson](#)
To: Amitay.Shahar@Coastal
Subject: FW: File(s) received from costamesa.publishing@e-arc.com
Date: Monday, October 4, 2021 2:00:54 PM

Shahar,

Attached are the additional visual view simulations to assist in your review of the 2510 W. Coast Hwy. project.

Thanks,

Jim,

James F. Carlson, AIA
President of the Coalition to Protect Mariners Mile

James F. Carlson AIA

JF Carlson Architects, Inc.

2300 Cliff Drive
Newport Beach, Ca. 92663

Tele: 949-645-3051

Fax: 949-645-4851

From: sendfiles@e-arc.com <sendfiles@e-arc.com>

Sent: Monday, October 4, 2021 12:35 PM

To: jfcarlson@roadrunner.com

Subject: File(s) received from costamesa.publishing@e-arc.com



costamesa.publishing@e-arc.com sent you file(s) on October 4th 2021. The files will be available for download till October 14th 2021.

Hi Jim. Your scan to PDF files for job 2510 W.

Coast Hwy is ready for download. Your work order number is: F2588298. Thank you, Cynthia D. ARC

[Download file](#)

© 2016 ARC Document Solutions | [Support email: appsupport@e-arc.com](mailto:appsupport@e-arc.com) | Support phone:1855-879-2721

Appeal #: A-5-NPB 21-0058

Coastal Commission View Analysis Submittal

2510 W. Coast Highway Project

Local Govt. Permit #: CD2019-062



2510 W. Coast Hwy. Re-Designed Project View Simulations:



2510 W. Coast Hwy. Re-Designed Project View Simulations:

Revised project view simulations were prepared by the Coalition to Protect Mariner Mile after the City Council Approved the Project. They were not shown to city staff.

They were sent to the California Coastal Commission Staff after the Coastal Commission accepted the appeal.



Newport Village Story Pole View Loss Simulations:

The Newport Village project was submitted by the Same developer prior to the 2510 W. Coast Hwy. Application.





Professional Architectural Analysis

2510 (PA2019-249) View Simulations

The applicant's view simulation left off a portion of the building!!!



EE KEY MAP - VIEW FROM NEWPORT THEATRE ARTS CENTER W/ SIMULATION

Appeal #: A-5-NPB 21-0058

Coastal Commission View Analysis Submittal

2510 W. Coast Highway Project

Local Govt. Permit #: CD2019-062



- SEE KEY MAP - VIEW FROM NEWPORT THEATRE ARTS CENTER W/ SIMULATION

2510 W. Coast Hwy. Original city of Newport Beach Planning Commission's original View and only View simulation submitted by applicant and accepted by the city staff.

Appeal #: A-5-NPB 21-0058

Coastal Commission View Analysis Submittal

2510 W. Coast Highway Project

Local Govt. Permit #: CD2019-062



2510 W. Coast Hwy. Initial Project View Simulations:

Project view simulations prepared by the Coalition to Protect Mariners Mile and presented to the of Newport Beach City Council after the mayor appealed the Planning Commission's Decision to approve the project.

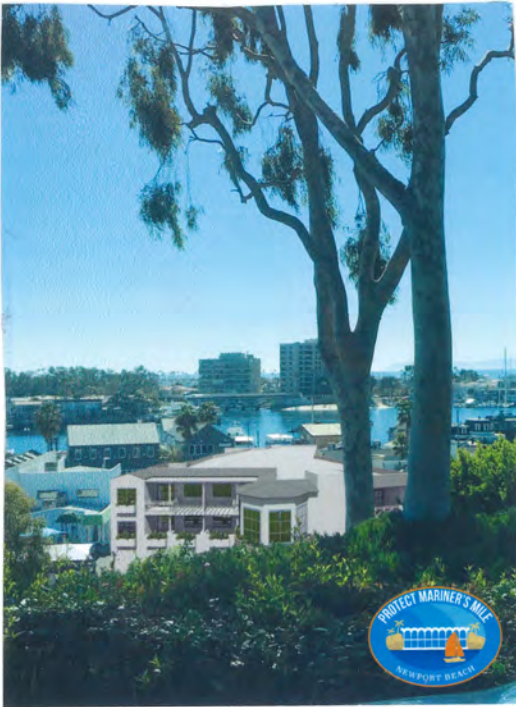
These were prepared because the city staff had not required the applicant to prepare accurate view simulations that represented the potential view loss from the John Wayne View Park.

Appeal #: A-5-NPB 21-0058

Coastal Commission View Analysis Submittal

2510 W. Coast Highway Project

Local Govt. Permit #: CD2019-062



2510 W. Coast Hwy. Re-Designed Project View Simulations:

Revised project view simulations were prepared by the Coalition to Protect Mariner Mile after the City Council Approved the Project. They were not shown to city staff.

They were sent to the California Coastal Commission Staff after the Coastal Commission accepted the appeal.

Newport Village Story Pole View Loss Simulations:

The Newport Village project was submitted by the Same developer prior to the 2510 W. Coast Hwy. Application.

The application was accepted by the city and was in the EIR preparation process since Jan. 1, 2021.

The developer erected story poles at the request of The Coalition to Protect Mariners Mile and not the City of Newport Beach. The simulations were prepared by the Coalition to Protect Mariner Mile to show the potential view impacts and loss of Harbor views from John Wayne Park.

According to the Applicants recent zoom meeting to the concerned residents and the Coalition to Protect Mariners Mile, the Developer is withdrawing this application and is redesigning the project to include Low-income housing and will seek to acquire the height and density bonus associated with this action. Thus, making the 2510 W. Coast Hwy. a precedent setting Coastal Commission decision.



Newport Village Story Pole View Loss Simulations:

The Newport Village project was submitted by the Same developer prior to the 2510 W. Coast Hwy. Application.

The application was accepted by the city and was in the EIR preparation process since Jan. 1, 2021.

The developer erected story poles at the request of The Coalition to Protect Mariners Mile and not the City of Newport Beach. The simulations were prepared by the Coalition to Protect Mariner Mile to show the potential view impacts and loss of Harbor views from John Wayne Park.

According to the Applicants recent zoom meeting to the concerned residents and the Coalition to Protect Mariners Mile, the Developer is withdrawing this application and is redesigning the project to include Low-income housing and will seek to acquire the height and density bonus associated with this action. Thus, making the 2510 W. Coast Hwy. a precedent setting Coastal Commission decision.



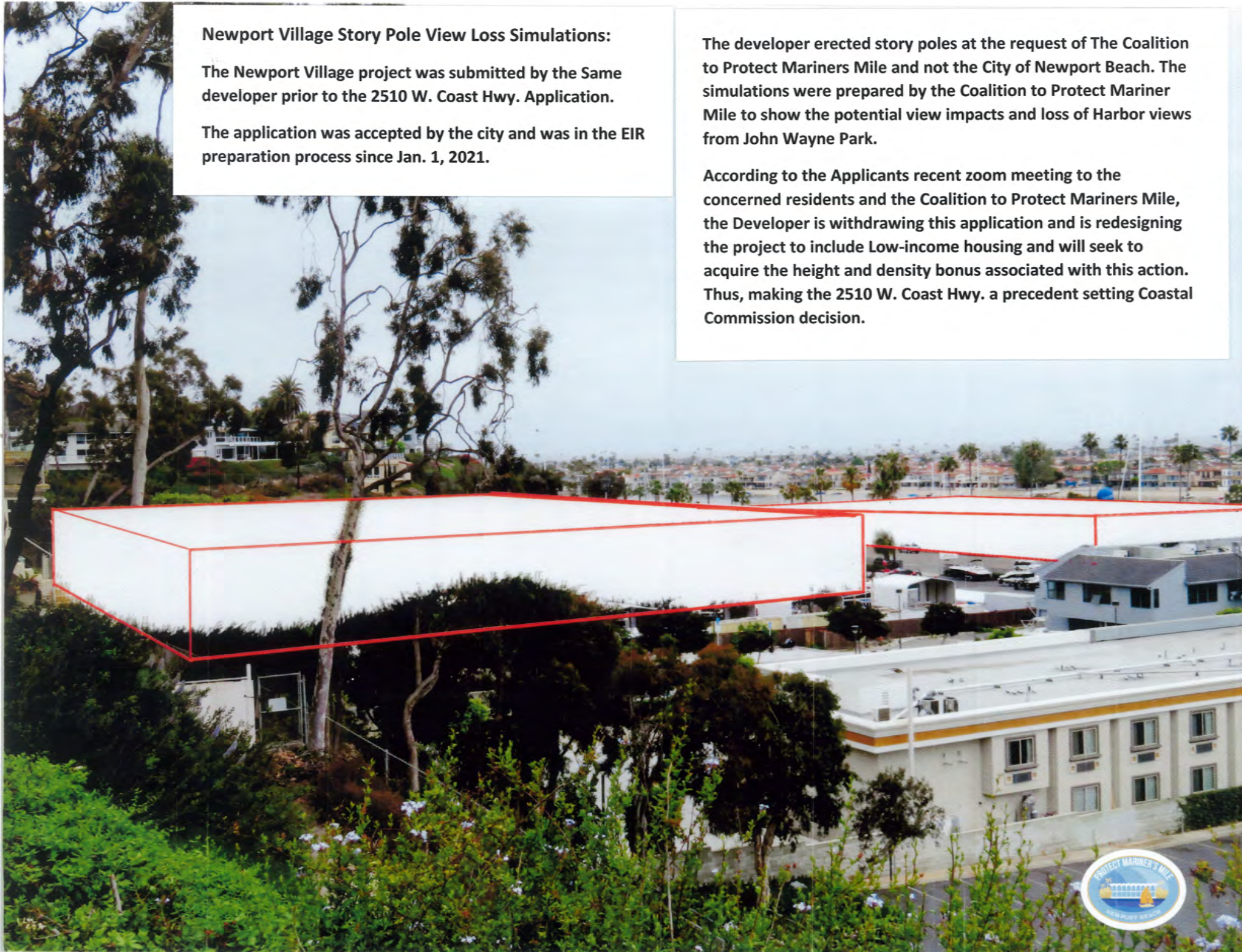
Newport Village Story Pole View Loss Simulations:

The Newport Village project was submitted by the Same developer prior to the 2510 W. Coast Hwy. Application.

The application was accepted by the city and was in the EIR preparation process since Jan. 1, 2021.

The developer erected story poles at the request of The Coalition to Protect Mariners Mile and not the City of Newport Beach. The simulations were prepared by the Coalition to Protect Mariner Mile to show the potential view impacts and loss of Harbor views from John Wayne Park.

According to the Applicants recent zoom meeting to the concerned residents and the Coalition to Protect Mariners Mile, the Developer is withdrawing this application and is redesigning the project to include Low-income housing and will seek to acquire the height and density bonus associated with this action. Thus, making the 2510 W. Coast Hwy. a precedent setting Coastal Commission decision.



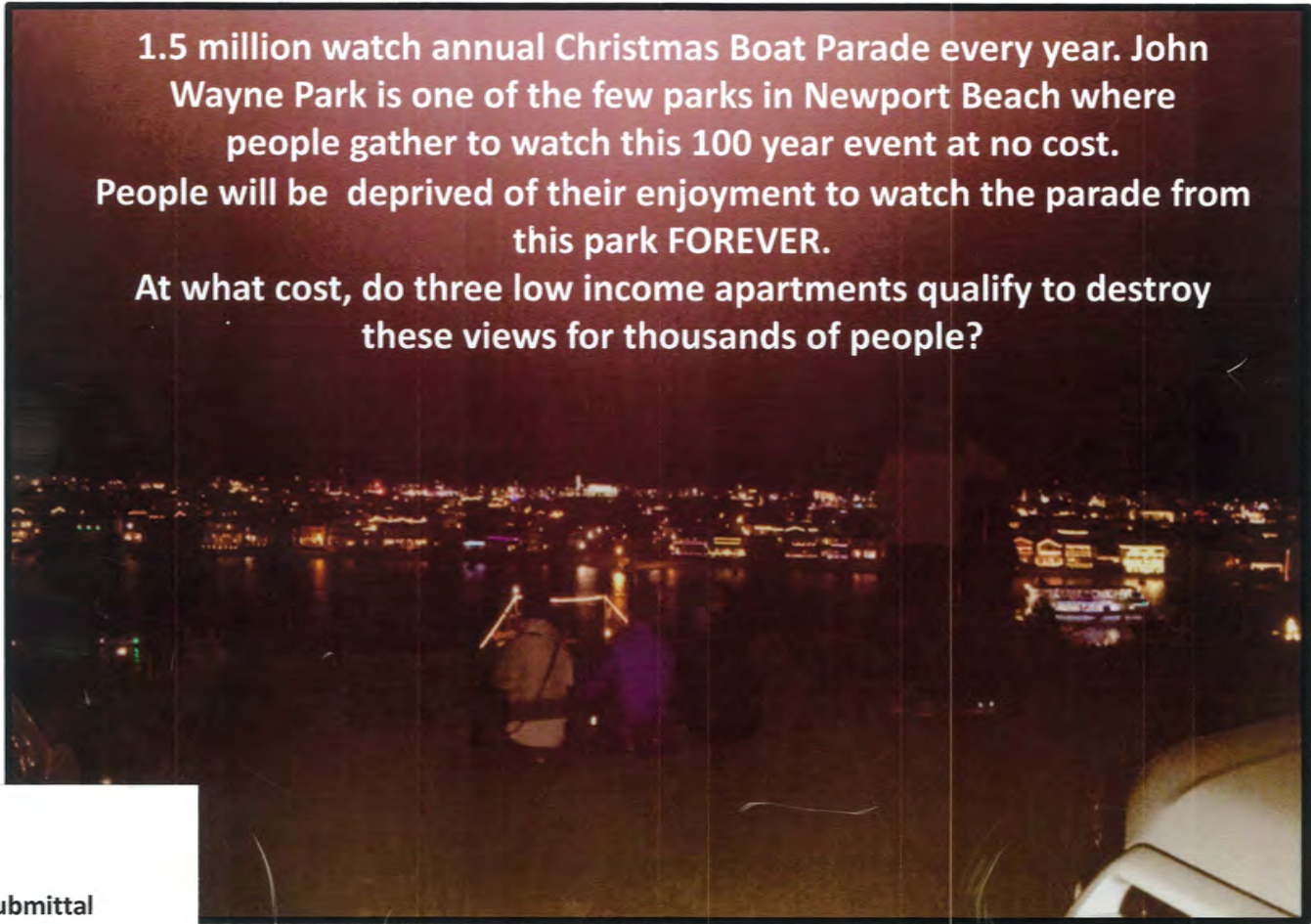
2510 W. Coast Hwy. project view simulations prepared by the Coalition to Protect Mariners Mile and presented to the of Newport Beach City Council after the mayor appealed the Planning Commission's Decision to approve the project.



John Wayne Park

Environmental Justice affirms the sacredness of Mother Earth, **ecological** unity and the interdependence of all species, and the right to be free from **ecological** destruction.

1.5 million watch annual Christmas Boat Parade every year. John Wayne Park is one of the few parks in Newport Beach where people gather to watch this 100 year event at no cost. People will be deprived of their enjoyment to watch the parade from this park FOREVER.
At what cost, do three low income apartments qualify to destroy these views for thousands of people?



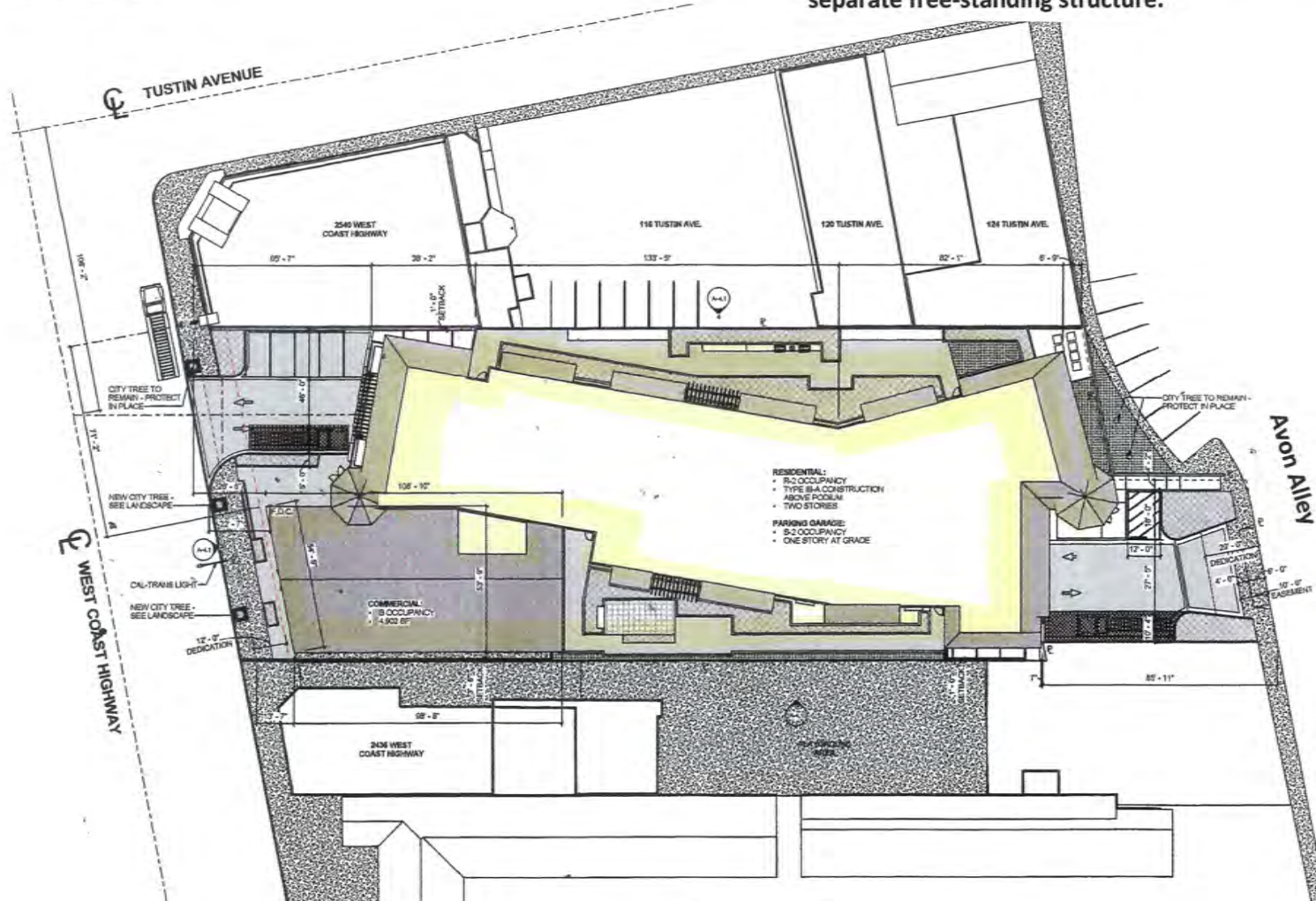
Appeal #: A-5-NPB 21-0058

Coastal Commission View Analysis Submittal

2510 W. Coast Highway Project

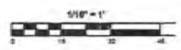
Local Govt. Permit #: CD2019-062

This conflicts with the requirements of the City of Newport Beach's General Plan which requires the Commercial building to a separate free-standing structure.



SITE PLAN LEGEND

- F.H. (H) FIRE HYDRANT LOCATION VERIFY LOCATION WITH CIVIL DRAWINGS
- PROPERTY LINE, VERIFY LOCATION WITH CIVIL DRAWINGS
- [Hatched Box] AREA DESIGNATED FOR FIRE ENGINE & EMERGENCY VEHICLES
- [Dotted Box] CONCRETE WALK



From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hammonds.Rebecca@Coastal
Subject: FW: Public Comment on October 2021 Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)
Date: Thursday, October 7, 2021 10:00:17 AM

-----Original Message-----

From: Peggy Palmer [<mailto:pypalmer@icloud.com>]
Sent: Wednesday, October 06, 2021 8:48 PM
To: SouthCoast@Coastal
Subject: Public Comment on October 2021 Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Honorable Coastal Commissioners,

Thank you for your continued protection of our coastline, it's important. It is important especially after this disastrous oil spill.

We value that there are protection laws of our beautiful gem in place for a reason, we understand that is why the California Coastal Commission exists. We appreciate and honor your efforts for generations to come to protect and preserve our Coastlines.

Recently, we drove from San Diego through to Coast Highway into Newport Beach, we are fortunate that no one was on the beach and that "mother nature" took its course. The beach looked peaceful and deserving of a break, (a sigh of relief), though under unfortunate circumstances did this happen.

At this time the 2510 W. Coast Highway project, Should consider the bills that Cottie-Norris has suggested to reduce and eliminate and infiltration to protect our coastline.

What is of interest, is the the sewer pipe line has been has been "plugged" at the proximity of PCH and Bayside for more than a month. No one is talking or speaking of this complication which is concerning.

In closing, I am attaching this video for your consideration because what you are considering to approve is a "damaging hemorrhage" of Mariners Mile and the last bastion of our gem in Newport Beach.

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Mariners Mile Development Story Poles on Vimeo
Date: Thursday, October 7, 2021 10:26:26 AM

-----Original Message-----

From: Peggy Palmer [<mailto:pypalmer@icloud.com>]
Sent: Wednesday, October 06, 2021 9:19 PM
To: SouthCoast@Coastal
Subject: Mariners Mile Development Story Poles on Vimeo

PLEASE WATCH THIS VIDEO...

If this one parcel of a project proceeds, will be inhibiting 114 years of a park from a public view or/ and a preservation park.....

Together, we need to PROTECT AND preserve the publics right to a view.

I find it interesting that No one has discussed this project and it's multiple / multiple advent of buildings and lack of amenities and parking with its detrimental demand with regard to the surrounding community.

We asked for story polls they were denied.
We asked for a traffic study, it was denied.
We asked for What the project would mean for the community and that was denied.

Please, we are requesting a reprieve, in order to review this project.

Enclosing the 2510 W. PCH project is part of a huge master plan that has not been disclosed to the city, to the public, nor to you.

We are asking for a transparency.

Watch this video:
<https://vimeo.com/273053844>

In closing, we are requesting that this plan is postponed until transparency is provided to the tax paying citizens and residents of Newport Beach.

Peggy V. Palmer
Newport Beach, CA
949-887-2471

From: [SANDRA L AYRES](#)
To: [SouthCoast@Coastal](#); [Amitay, Shahr@Coastal](#); [Rehm, Zach@Coastal](#)
Subject: Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)
Date: Thursday, October 7, 2021 12:34:33 PM

Weds, 10/2021 Agenda Item 15b

To: Coastal Commission

RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you, Sandra Ayres

From: stefanie.kristiansen
To: Amitay.Shahar@Coastal; Rehm.Zach@Coastal; SouthCoast@Coastal
Subject: John Wayne Park
Date: Thursday, October 7, 2021 12:56:36 PM

To Whom It May Concern:

I am writing to express my concern about the project at 2510 PCH and the impact it will have on the neighborhood. I have spent many afternoons enjoying a snack or my lunch at the John Wayne Park and worry that this project will obstruct the beautiful view of the Newport Harbor from the park. That view is the main draw of the park. Mariner's Mile does not need more large buildings that obstruct the views of the bay - this area is supposed to be a 'village', there is nothing village-like about multi-story, big buildings. As for residences proposed, how much parking is proposed? It is already a heavily trafficked area - this will only make it more so. Especially with more cars driving through the Newport Heights area to get to their PCH residence. I sincerely hope you will take the issue of 'quality of life' into consideration when you make any decisions regarding this project. If it is going to be called a village it certainly should look and feel like one. Thanks for listening.

--

Stefanie Kristiansen - lifelong Newport Beach Resident

From: [Gary Ranes](#)
To: Amitay.Shahar@Coastal
Subject: John Wayne Park
Date: Thursday, October 7, 2021 3:15:56 PM

John Wayne is the most important gathering area for locals and visitors alike on Cliff Ave. People come to exercise, meet and relax within one of most inspirational spots in Newport Beach. Newcomers are surprised and delighted when they first discover the views and ambiance “They had no idea such a place existed”
Please preserve unchanged John Wayne Park. It is everyone's rare gem.

Gary Ranes
Resident

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME Richard Weiss Richard Weiss

EMAIL DR WEISS @ DR WEISS . com

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME

Portia Weiss Portia Weiss

EMAIL

portia.weiss@gmail.com

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Appeal No. A-5-NPB-21-0058
Date: Thursday, October 7, 2021 1:02:54 PM

From: Norm Beres [mailto:norm.beres@gmail.com]
Sent: Thursday, October 07, 2021 12:58 PM
To: SouthCoast@Coastal; Amitay_Shahar@Coastal; Rehm_Zach@Coastal
Cc: Norm Beres
Subject: Appeal No. A-5-NPB-21-0058

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a homeowner in Newport Beach and living adjacent to John Wayne Park, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project requires your action.

As development along Newport Bay has occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small areas of our view corridor. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to this important view from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset.

Annually thousands of people from our local area flock to the 100 year old Newport Beach Holiday Boat Parade and John Wayne Park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane. Thank you for your understanding and your continued support to protect our coastal environment and public views.

Respectfully,

NAME Norman Beres
EMAIL norm.beres@gmail.com

From: SouthCoast@Coastal
To: Amitay_Sahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: John Wayne park
Date: Thursday, October 7, 2021 1:35:12 PM

-----Original Message-----

From: Kim's Phone [<mailto:kbeaudette5@gmail.com>]
Sent: Thursday, October 07, 2021 1:30 PM
To: SouthCoast@Coastal
Subject: John Wayne park

We do not believe with the construction that would take place and ruin the views of John Wayne Park. We have lived in this community for 34 years and it would ruin our sense of community.

Kim Beaudette

Resident of club Haven for 34 years

Sent from my iPhone

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: John Wayne park
Date: Thursday, October 7, 2021 4:55:37 PM
Attachments: [Letter to Coastal.docx](#)

From: harrybarton@me.com [mailto:harrybarton@me.com]
Sent: Thursday, October 07, 2021 4:54 PM
To: SouthCoast@Coastal
Subject: John Wayne park

Harry Barton
HarryBarton@me.com
949.290.9596 M
949.200.9636 H

434 Santa Ana Avenue
Newport Beach, CA. 92663

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME ___Harry
BartonBarton_____

EMAIL
 ___harrybarton@me.com_____

From: [John Carlos Rowe](#)
To: [Amitay.Shahar@Coastal](#); [Rehm.Zach@Coastal](#); [SouthCoast@Coastal](#)
Subject: John Wayne Park and the Quality of Life in Newport Beach
Date: Thursday, October 7, 2021 2:18:40 PM

Dear Members of the Coastal Commission: I have lived in Newport Beach since 1945 and now live in the West Cliff area, where John Wayne Park is located. In my 76 years, I have watched the area change, including the addition of this small park overlooking Newport Harbor. The park is not only one of the few in our area, it is also one that is frequented by friends, neighbors, tourists, and strangers, all of whom enjoy the extraordinary views of the Harbor, the Pacific, and Santa Catalina Island. Such public views are very difficult to find in our built-out and up environment. People relax, picnic, bring their dogs and other pets, and in many other respects enjoy a very small portion of this paradise. Those of us who have lived in this area for a long time take pride in the popularity of this park and pass the word to others who don't know it is even there. The loss of John Wayne Park would be a great loss to our community in Newport Beach. Views of the ocean have long been considered sublime, ways to connect with larger powers, feel a sense of divinity in Nature, and renew our spirits.

John Wayne Park connects us with our heritage as a beach community with its special place in the natural world. Please allow people from everywhere to enjoy it now and well into the future.

Thank you for your consideration,

John Carlos Rowe
700 Kings Rd.
Newport Beach, CA 92663

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2150 PCH Development
Date: Thursday, October 7, 2021 2:22:40 PM
Attachments: [image003.png](#)
[image004.png](#)

From: Ogburn, John [mailto:John.Ogburn@colliers.com]
Sent: Thursday, October 07, 2021 1:40 PM
To: SouthCoast@Coastal
Subject: 2150 PCH Development

We are adamantly opposed to this development. It will negatively impact our community on numerous levels and in numerous ways. Please do not approve this project in any way.

Regards, John O.

John J. Ogburn
Senior Vice President
Investor Services | USA
Dir +1 949 724 5584 | Mob +1 949 887 8484
Main +1 949 724 5500 | Fax +1 949 724 5684
John.Ogburn@colliers.com | [Click to Download V-Card](#) |



Colliers International
3 Park Plaza | Suite 1200 | Irvine, CA 92614 | USA
www.colliers.com



View the current issue of [Knowledge Leader](#).

From: [Jim Glover](#)
To: [SouthCoast@Coastal](#); [Amitay,Shahar@Coastal](#); [Rehm, Zach@Coastal](#)
Subject: Appeal No. A-5-NPB-21-0058
Date: Thursday, October 7, 2021 2:24:14 PM
Attachments: [Coastal Commission Appeal A-5-NPB-21-0058 scan 10-07-21Scan.pdf](#)

Dear Coastal Commissioners

Please review the attached petitions related to your review of Appeal No. A-5-NPB-0058 (2510 W. Coast Hwy LLC)

Your consideration of these petitions is greatly appreciated.

Respectfully Yours,
James T. Glover
Kathleen E. Glover
318 Signal Road
Newport Beach, CA 92663

--

IMPORTANT NOTICE

This e-mail is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and is legally privileged. The contents of this email and any attachments to it may contain privileged and confidential information. This information is only for the viewing or use of the intended recipient. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of, or the taking of any action in reliance upon, the information contained in this e-mail, or any of the attachments to this e-mail, is strictly prohibited and that this e-mail and all of the attachments to this e-mail, if any, must be immediately returned to the sender or destroyed and, in either case, this e-mail and all attachments to this e-mail must be immediately deleted from your computer without making any copies hereof. If you have received this e-mail in error, please notify the sender by e-mail immediately.

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME

Kathleen E. Glover

EMAIL

keg51@hotmail.com

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you

NAME

James T. Glover

EMAIL

jam.t.glover@gmail.com

From: [Bruce & Kathe Choate](#)
To: [SouthCoast@Coastal](#)
Cc: [Amitay.Shahar@Coastal](#); [Rehm.Zach@Coastal](#)
Subject: Agenda Item Wednesday 15b- Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)
Date: Thursday, October 7, 2021 2:24:59 PM
Attachments: [Emailing Image \(439\).jpg.msg](#)

October 7th, 2021

Dear Coastal Commission Members and Staff,

Kindly see the attached letter.

Thank you,

Kathe Choate

choateoncliff@gmail.com

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

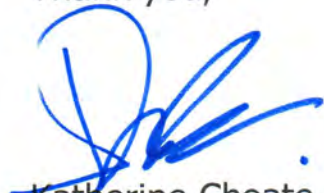
As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,



Katherine Choate
choateoncliff@gmail.com

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2510 PCH - Newport Beach
Date: Thursday, October 7, 2021 3:16:32 PM

-----Original Message-----

From: Dan Boyd [<mailto:dboyd3@me.com>]
Sent: Thursday, October 07, 2021 3:07 PM
To: SouthCoast@Coastal
Subject: 2510 PCH - Newport Beach

Absolutely opposed to the impacts to our bay views and impacts to the community and community events such as our annual boat parade.

The City felt no regards to view impacts with their approval of this project!

No environmental review was completed and clearly felt view impacts were not significant and for this reason we rely on the CC to protect our natural resources within the Coastal areas.

With minimal changes to the design and heights we implore the CC to send this project back to the City Council for additional consideration

Thank You

Dan Boyd

Dan Boyd

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Mariners Mile NewportBeach
Date: Thursday, October 7, 2021 3:17:44 PM

-----Original Message-----

From: Bill Dunlap [<mailto:bill@wedunlap.com>]
Sent: Thursday, October 07, 2021 3:10 PM
To: SouthCoast@Coastal
Subject: Mariners Mile NewportBeach

To whom it may concern,

The import of John Wayne Park is paramount! This park captures some of the best views of both the bay and ocean. During the Covid lockdown the park became a outdoor refuge for many in Newport to escape the indoors. Please preserve this little as it is, thank you.

Bill Dunlap
Snug Harbor Co.
www.snugharborcompany.com
P.O. Box 1654 Newport Beach, CA 92659
(949) 874-4402

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Mariners Mile
Date: Thursday, October 7, 2021 4:52:14 PM

-----Original Message-----

From: charlene murphy [<mailto:murphy.charlene@gmail.com>]
Sent: Thursday, October 07, 2021 4:23 PM
To: SouthCoast@Coastal
Cc: Patrick Gormley
Subject: Mariners Mile

We are writing to express our concern and opposition to the planed development of mariner's mile. We urge you to take the right steps to prevent the negative impact this development will have on our neighborhoods

Rick and Charlene Murphy
Bayshores

Sent from my iPhone

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Mariners Mile
Date: Thursday, October 7, 2021 3:18:08 PM

-----Original Message-----

From: James & Nancy Turner [mailto:noturner@gmail.com]
Sent: Thursday, October 07, 2021 3:12 PM
To: SouthCoast@Coastal
Subject: Mariners Mile

Dear Costal Commision,

Newport beach is becoming way to crowded..Our Greedy Businessmen continue to threaten us with using our town, and our neighborhoods to satisfy their need to

make money...They will ruin the feeling of our town in no time... PLEASE>>>>>>do not let them continue to build these disasters in our neighborhood.

WE have kept and made our town to be very popular— DO NOT RUIN our town with your greedy desires.. Go build out in Riverside?????Nancy and James Turner

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)
Date: Thursday, October 7, 2021 4:52:34 PM

From: Siobhan Robinson [mailto:robiland@gmail.com]
Sent: Thursday, October 07, 2021 4:45 PM
To: SouthCoast@Coastal
Subject: Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

To: California Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners,

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to **all** residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As the development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park, which is located just above the proposed development along Cliff Drive in Newport Beach.

As a thirty-eight-year resident that lives near the park, I ask you to hold the line on the public access to the important views from John Wayne Park. This Park is used every day by residents such as myself and visitors enjoying their lunch/dinner, group picnics, or families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100-year-old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be viewed and enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME: Siobhan and Jed Robinson

EMAIL: robiland@gmail.com

-- Regards,
Siobhan Robinson

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0054 (2530 W
Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA
accessible to all residents.

The issue before you regarding the 2530 W. Coast Hwy project needs your action.
As development along the Newport Bay occurred, the City of Newport Beach has
repeatedly told the citizens that the views through the corridors would be
protected. Unfortunately, the City is now stating that it is acceptable to take away
just small bits. The 2530 W. Coast Highway will permanently eradicate priceless
public views forever from the John Wayne Park that is located along Cliff Drive in
Newport Beach.

We ask you to hold the line on the public access to the important views from John
Wayne Park. This park is used every day by residents and visitors enjoying their
lunch and families in the evening watching the sunset. Thousands of folks from
the entire region flock to the more than 100 year old Newport Beach Holiday Boat
Parade and this park is one of the last destinations along the harbor where it can
be enjoyed by the public.

Please do not allow the 2530 W. Coast Hwy Project to destroy this protected view
plane.

Thank you.

NAME JANIE GORRISLY
EMAIL JANIE.GORRISLY@PPAL.COM

To: Coastal Commission
Re: Agenda Item Wednesday 15th - Appeal No. A-5-NPB-21-0054 (2100 W
Coast Hwy LLC)

Dear Coastal Commissioners:

As a citizen of California, I appreciate your efforts to keep the coastline of CA
accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action.
As development along the Newport Bay occurred, the City of Newport Beach has
repeatedly told the citizens that the views through the corridors would be
protected. Unfortunately, the City is now stating that it is acceptable to take away
just small bits. The 2510 W. Coast Highway will permanently eradicate priceless
public views forever from the John Wayne Park that is located along Cliff Drive in
Newport Beach.

We ask you to hold the line on the public access to the important views from John
Wayne Park. This park is used every day by residents and visitors enjoying their
lunch and families in the evening watching the sunset. Thousands of folks from
the entire region flock to the more than 100 year old Newport Beach Holiday Boat
Parade and this park is one of the last destinations along the harbor where it can
be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view
plane.

Thank you,

NAME PATRICK GORALEY

EMAIL PE@TRIP.GORALEY.COM

From: [Paula Castanon](#)
To: Amitay.Shahar@Coastal
Subject: Please consider the citizens' concerns about Mariners mild in Newport Beach
Date: Thursday, October 7, 2021 4:34:27 PM

The coastal commission is our last hope of protecting the beauty of the California coast. The public's views are being damaged by the first of several projects begun at 2410 Pacific coast highway. Please consider the ramifications of this project and help the citizens maintain views from public areas. Our parks will only view roof tips without your help

Most sincerely

Paula Castanon

From: SouthCoast@Coastal
To: Amitay.Shahar@Coastal
Cc: Hammonds.Rebecca@Coastal
Subject: FW: public comments. re. 2510 W Coast Highway, Newport Beach, CA
Date: Thursday, October 7, 2021 4:50:24 PM
Attachments: [CCC_POC_10_07_2021.pdf](#)

From: Krista Nicholds [mailto:knicholds@preserveoc.org]
Sent: Thursday, October 07, 2021 3:35 PM
To: SouthCoast@Coastal
Cc: Peggy Palmer
Subject: public comments. re. 2510 W Coast Highway, Newport Beach, CA

Dear CCC,

Please find attached our comments for the public record regarding the development at 2510 W. Coast Highway in Newport Beach scheduled for the October 13, 2021 hearing.

Sincerely,

Krista Nicholds
Executive Director

--

Preserve Orange County
206 W 4th Street
Santa Ana, California 92701
www.preserveorangecounty.org

For events and advocacy updates, follow us on [Facebook](#).
For more in-depth information, read [Tracts](#).

[Preserve Orange County](#)
206 W Fourth Street
Santa Ana, California 92701



California Coastal Commission
c/o South Coast District Office
301 E. Ocean Boulevard, Suite 300
Long Beach, California 90802

By email: southcoast@coastal.ca.gov

RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Commissioners,

We are a historic preservation advocacy group based in Santa Ana, CA, concerned with the conservation of Orange County's historic built environment. Our scope includes the landscapes and view corridors of our coastal neighborhoods.

With reference to the project known as 2510 W. Coast Highway, we agree with the arguments put forth by the grass-roots, local resident group, Protect Mariner's Mile. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the residents that the views of the bay from the bluff-top communities would be protected. Unfortunately, the City is now accepting a steady chipping away of those views. The 2510 W. Coast Highway development will permanently eradicate priceless public views from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view corridor.

Sincerely,

A handwritten signature in black ink that reads "Krista Nicholds". The signature is written in a cursive, flowing style.

Krista Nicholds, MA, MHC
Executive Director

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2510 Pacific Coast Highway Project: I oppose!
Date: Thursday, October 7, 2021 4:51:03 PM

-----Original Message-----

From: Susan On Gmail [<mailto:sscuse@gmail.com>]
Sent: Thursday, October 07, 2021 3:52 PM
To: SouthCoast@Coastal
Subject: 2510 Pacific Coast Highway Project: I oppose!

Sent from my iPad
Please note my new email address:
sscuse@gmail.com

Signed: Susan Cuse, owner, 2400 West Coast Highway

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)
Date: Thursday, October 7, 2021 4:51:29 PM

From: gail mooers [mailto:gailmooers@hotmail.com]
Sent: Thursday, October 07, 2021 3:58 PM
To: SouthCoast@Coastal
Subject: RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

To: Coastal Commission

RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

Gail Mooers
949-375-0819

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2510 Project Mariners Mile, Newport Beach
Date: Thursday, October 7, 2021 4:52:02 PM

From: Jeanne Fobes [mailto:jeannefobes@gmail.com]
Sent: Thursday, October 07, 2021 4:17 PM
To: SouthCoast@Coastal
Subject: 2510 Project Mariners Mile, Newport Beach

To the Coastal Commission:

Please hear the voices of the residents of Newport Heights, those of us who live near Cliff Drive and derive such joy from walking to John Wayne Park, sitting on the benches there and rejoicing in the view of the bay and the ocean----our little piece of heaven!
The thought of an apartment building and show room being in our sight line, cutting off much of our lovely view is heart-breaking!!! And....we are greatly concerned also about the increase in traffic and the parking problems. I can imagine the dangers of kids riding their bikes to school from this new apartment building, up Tustin to Cliff Drive, then to Ensign or Harbor High or Newport Elementary!! And the parking problems!! But...the most heart-breaking result would be the loss of our view!! Please reject this project!!!! We don't deserve this!!! Thank you.

Newport Heights

Jeanne, Steve and Gerard Fobes, 50-year residents of

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2510 W. Coast Hwy. Letter
Date: Thursday, October 7, 2021 4:52:25 PM
Attachments: [Astrid_2021-10-07_160917.pdf](#)

From: Astrid Carlson [mailto:acarlson2300@gmail.com]
Sent: Thursday, October 07, 2021 4:25 PM
To: SouthCoast@Coastal
Subject: Fwd: 2510 W. Coast Hwy. Letter

Dear Coastal Commissioners,

Please see my letter that is attached; this is so very important!

I appreciate your service in protecting a beautiful California coastline.

Thank you,
Astrid Carlson
2300 Cliff Drive
Newport Beach CA 92663

To: Coastal Commission

RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME Astrid Carlson

EMAIL acarlson2300@gmail.com

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC) - 2510 West Coast Highway Project
Date: Thursday, October 7, 2021 3:22:36 PM
Attachments: [Screen Shot 2021-10-07 at 3.16.27 PM.png](#)
[Screen Shot 2021-10-07 at 3.18.17 PM.png](#)
[Screen Shot 2021-10-07 at 3.09.37 PM.png](#)
[Screen Shot 2021-10-07 at 3.10.50 PM.png](#)
[Screen Shot 2021-10-07 at 3.10.03 PM.png](#)

From: Michael Palmer [mailto:mcpalmer@me.com]
Sent: Thursday, October 07, 2021 3:21 PM
To: SouthCoast@Coastal
Subject: Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC) - 2510 West Coast Highway Project

Dear Honorable Coastal Commission,

I am requesting that you hear the 2510 W. Project and request that the City of Newport Beach demand of the developers, Mark and Manouch Moshayedi to illustrate the the complexity of both the 2510 Project and the Newport Village Projects TOGETHER.

We must evaluate both of these projects to study their cumulative impacts on the environment, traffic and view planes. The projects as they stand now, will completely eradicate priceless views forever.

Furthermore, Newport Harbor is an protected eligible scenic corridor, the applicant should be required to provide the Community with the transparency it seeks.

The 2510 Project in its current state is flawed.

There are significant impacts from a safety concern to the view planes being destroyed.

We thank you for your time and consideration.

Michael Palmer

This is not your typical intersection...



Schools in the Area of PCH

1. Nobis Preschool – 15th Street
2. Bright Horizons Preschool – PCH
3. OCC Sailing School – PCH
4. Boy Scout Sea Base – PCH
5. David Grant – Collegiate Rowing School - PCH
6. Newport Sea Base School – PCH
7. Maritime Training School – PCH
8. Environmental Nature Preschool – Dover Drive
9. Junior Guards 1,500 Children
10. Camp James – The Dunes

In addition to...

Newport Heights Elementary
Horace Ensign
Newport Harbor



John Wayne Park is a Destination Park

Delineation of the Park includes the parking lot and the lower slopes



John Wayne Park...Is one of the most unique parks in the City and one of the very few areas for people to watch the 113 Year Christmas Event at "No Cost".



John Wayne Park – A Family Park



From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2510 project pacific coast highway Newport Beach
Date: Thursday, October 7, 2021 4:59:15 PM

-----Original Message-----

From: Paula Castanon [<mailto:paula@drcastanon.com>]
Sent: Thursday, October 07, 2021 4:55 PM
To: SouthCoast@Coastal
Subject: 2510 project pacific coast highway Newport Beach

When I want to see the harbor I walk to John Wayne park however the project referenced above will destroy that view forever. I cannot see the view from any other place. The view is breathtaking but the projects below will take away from the public what should be rightfully the public's view corridors.

Please help us so we don't become Malibu or Waikiki beach
Sincerely

Paula Castanon

From: SouthCoast@Coastal
To: Amitay_Shahar@Coastal
Cc: Hammonds_Rebecca@Coastal
Subject: FW: 2510 PCH project
Date: Thursday, October 7, 2021 5:59:03 PM

-----Original Message-----

From: Elaine Linhoff [<mailto:elinhoff555@gmail.com>]
Sent: Thursday, October 07, 2021 5:34 PM
To: SouthCoast@Coastal
Subject: 2510 PCH project

Allowing the extra heights, density, problematic ingress and egress, and insufficient parking for only 3 affordable units does not make sense. This development should not be considered by itself—it should be included in an overall plan for Mariners Mile. That is the only way the cumulative effect of the traffic increase could be taken into account.

Elaine Linhoff
1760 E.Ocean Blvd.
Newport Beach CA 92661

From: [TOMLU BAKER](#)
To: Amitay.Shahar@Coastal; Rehm.Zach@Coastal
Cc: [TOMLU BAKER](#)
Subject: Fwd: 2510 PCH Development
Date: Friday, October 8, 2021 12:10:37 AM

Sent from my iPad

Begin forwarded message:

From: TOMLU BAKER <tomlubaker@hotmail.com>
Date: October 7, 2021 at 10:35:32 PM PDT
To: SouthCoast@coastal.ca.gov
Cc: TOMLU BAKER <tomlubaker@hotmail.com>
Subject: Fwd: 2510 PCH Development

Dear Coastal Commissioners,
The July 27th email below details some of the many concerns with the 2510 PCH Development. The detrimental piecemeal development of Mariner's Mile (containing 2510 PCH) will result in the significant permanent loss of the public views of the Bay Water and the Bluffs from the Parks, scenic PCH, the navigable Lido Water and the Lido Bridge. These public views should be protected so that visitors, tourists, mariners and residents continue to enjoy this rare Newport Beach visual coastal gem.

Sincerely,
Tom Baker
Newport Beach

Begin forwarded message:

From: TOMLU BAKER <tomlubaker@hotmail.com>
Date: July 27, 2021 at 12:52:36 AM PDT
To: citycouncil@newportbeachca.gov
Cc: TOMLU BAKER <tomlubaker@hotmail.com>
Subject: 2510 PCH Development

Mayor Brad Avery and Council
Members,

The new facility, the Professional Mariner Training Center, reflects a maritime theme and has been well coordinated with the residential communities and the boating community (including Mariners). To their credit, the City and OCC planned the development in an open and transparent environment.

Consequently a significant positive and compatible asset has been added to Mariner's Mile.

In contrast the 2510 PCH development continues to be rushed :

- 1) with minimum open residential involvement with the City,
- 2) under an obsolete General Plan,
- 3) while the Housing Element Update is still in work,
- 4) without a City issued policy on stopping the expansion of PCH (the residents strongly oppose the expansion),
- 5) without an issued policy on a method is track the cumulative loss of public view of the Bluffs and the Bay Water from the Parks, scenic PCH, the navigable Lido Bay Water and the Lido Bridge,
- 6) without a traffic Study,
- 7) without a supporting infrastructure and safety plan.

The Development of Mariner's Mile has been fragmented by Projects such as 215 Riverside Ave, the Associated Memorandum of Agreement for Parking Spaces in a nearby parking lot, the Caltrans PCH/Old Newport Boulevard Effort and the 100 block Riverside Garden Mall (containing the Post Office).

These Projects have been worked separately 'in a vacuum' and failed to address the development of Mariner's Mile as a village of

compatible and harmonious elements to be enjoyed by visitors, tourists, mariners and residents.

The 2510 PCH Development should not be permitted to continue the fragmentation of the Mariner's Mile Village.

Consequently it is premature to approve the 2510 PCH Development. The City Council should not permit the detrimental piecemeal development of Mariner's Mile which will result in the permanent loss of the potential charm of Mariner's Mile and a significant reduction of the public views of the Bay Water and Bluffs.

Please delay the 2510 PCH Development until significant residential involvement with the City has been scheduled and protect Mariner's Mile so that it can be developed so that visitors, tourists, mariners and residents continue to enjoy this rare Newport Beach visual coastal gem.

Sincerely,

Tom Baker

Newport Heights

From: [Leslie Brennan](#)
To: Amitay.Shahar@Coastal
Subject: John Wayne park
Date: Friday, October 8, 2021 7:55:19 AM

Please do not allow our use of JW Park on Cliff Dr to be taken away. I walk there daily. I view parades and air show from there. It got me through Covid by allowing an open space to ease my stress. I live in the NP Heights neighborhood. This park is part of why I live here.

Thank you,

Leslie

From: [Vicki Ronaldson](#)
To: [SouthCoast@Coastal](#); [Amitay, Shahr@Coastal](#); [Rehm, Zach@Coastal](#)
Subject: john wayne park
Date: Friday, October 8, 2021 8:32:48 AM

Thank you for protecting our coast!
Plz see our letters attached.
vicki

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME

VICKI RONALDSON

EMAIL

V.RONALDSON@GMAIL.COM

To: Coastal Commission
RE: Agenda Item Wednesday 15b - Appeal No. A-5-NPB-21-0058 (2510 W. Coast Hwy LLC)

Dear Coastal Commissioners

As a citizen of California, I appreciate your efforts to keep the coastline of CA accessible to all residents.

The issue before you regarding the 2510 W. Coast Hwy project needs your action. As development along the Newport Bay occurred, the City of Newport Beach has repeatedly told the citizens that the views through the corridors would be protected. Unfortunately, the City is now stating that it is acceptable to take away just small bits. The 2510 W. Coast Highway will permanently eradicate priceless public views forever from the John Wayne Park that is located along Cliff Drive in Newport Beach.

We ask you to hold the line on the public access to the important views from John Wayne Park. This park is used every day by residents and visitors enjoying their lunch and families in the evening watching the sunset. Thousands of folks from the entire region flock to the more than 100 year old Newport Beach Holiday Boat Parade and this park is one of the last destinations along the harbor where it can be enjoyed by the public.

Please do not allow the 2510 W. Coast Hwy Project to destroy this protected view plane.

Thank you,

NAME

DON RONALDSON

EMAIL

sallybeardog@gmail.com