

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

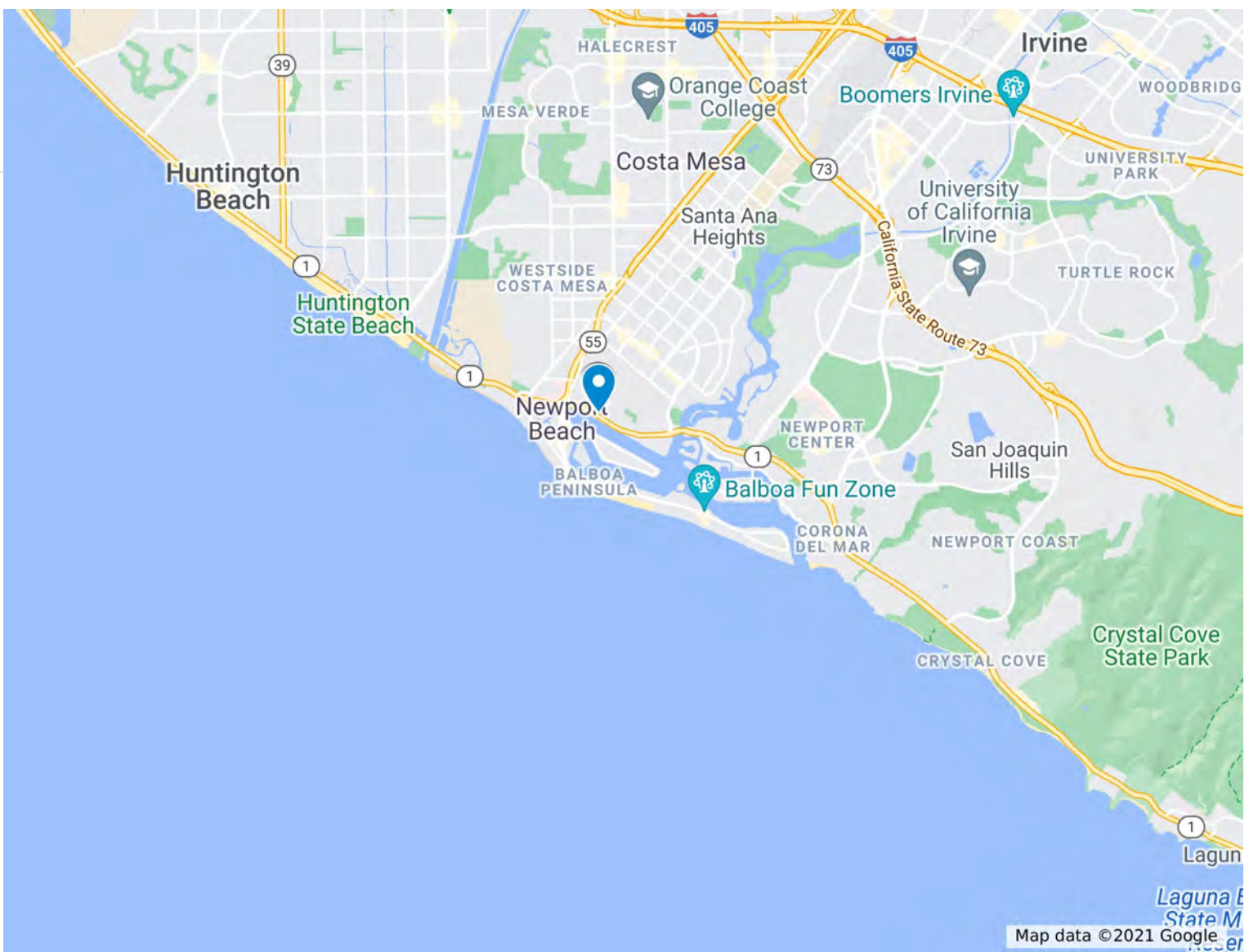
**A-5-NPB-21-0058
(2510 W. Coast Hwy LLC & 2530 W. Coast Hwy Eat LLC)**

SEPTEMBER 23, 2021

EXHIBITS

Exhibit 1 – Location Map.....	2
Exhibit 2 – Appealable Area Exhibit.....	4
Exhibit 3 – City-Approved Project Plans.....	5
Exhibit 4 – View Simulations	19
Exhibit 5 – Appeal.....	25

Exhibit 1 – Location Map



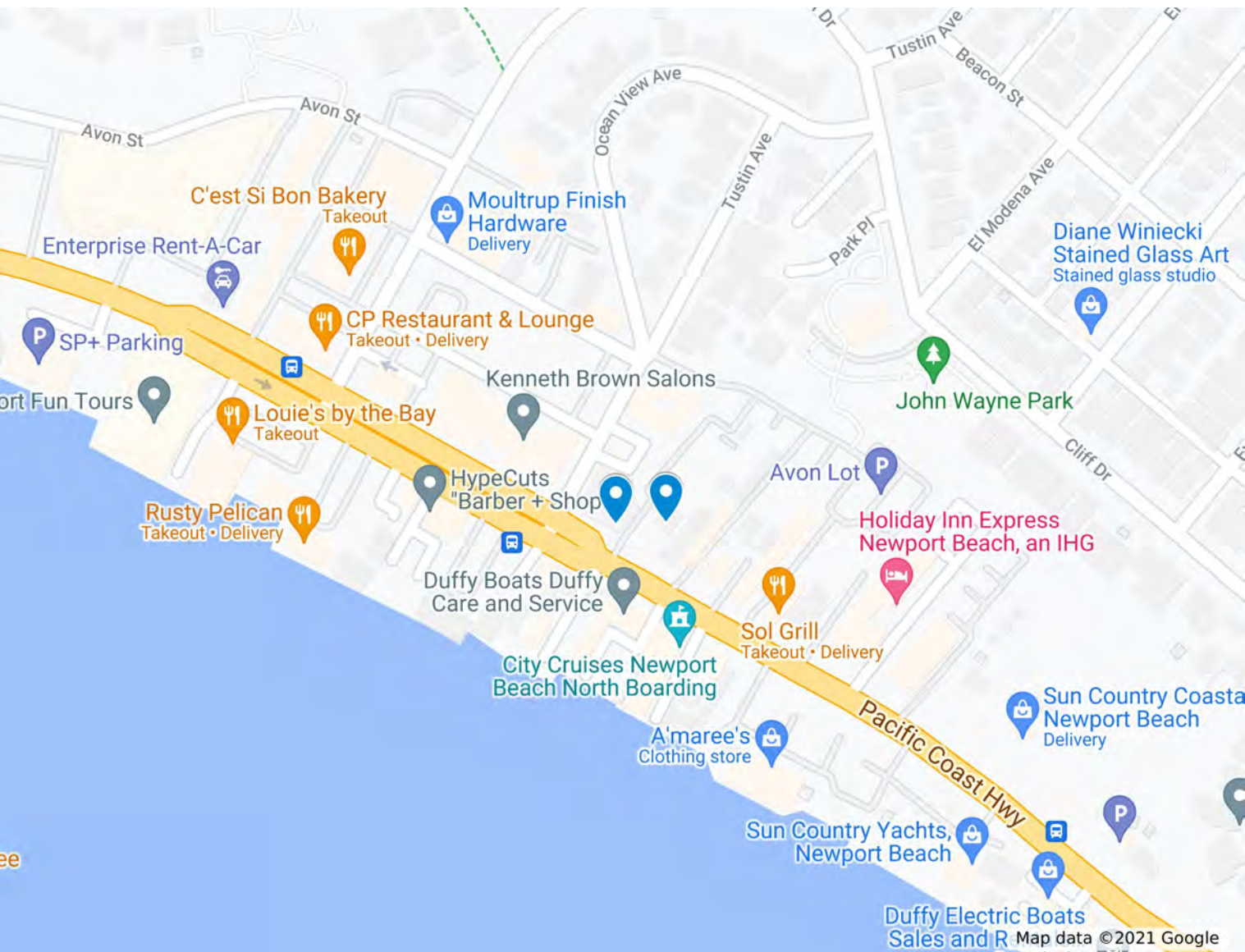
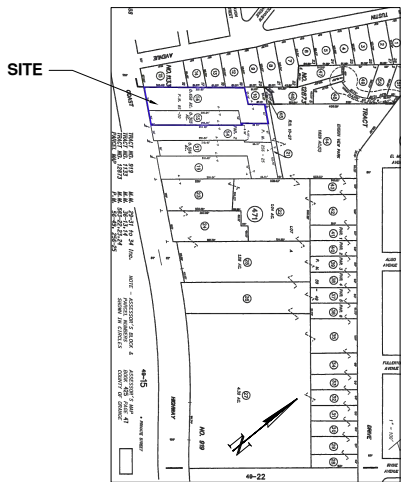
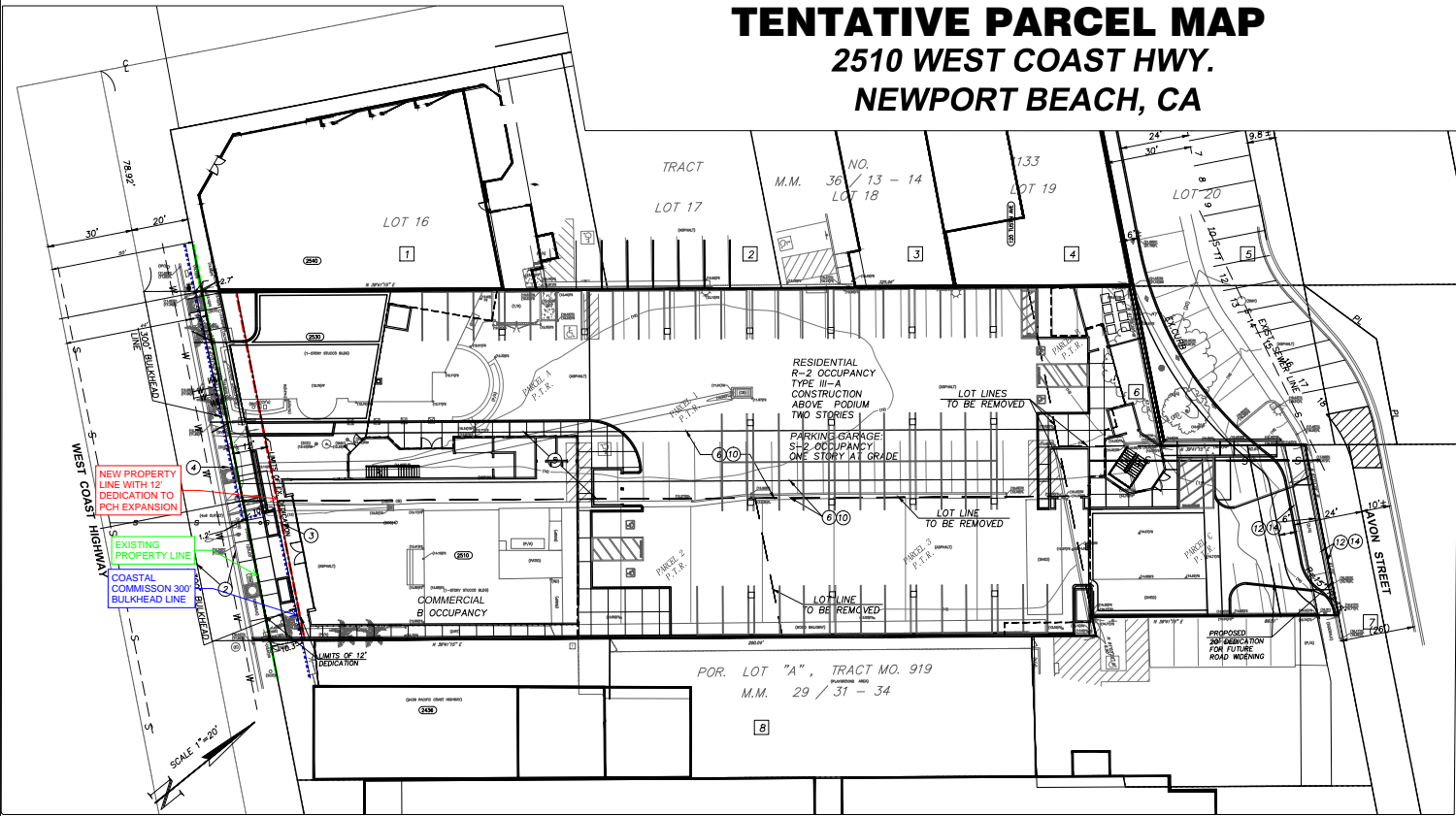


Exhibit 2 – Appealable Area Exhibit

TENTATIVE PARCEL MAP
2510 WEST COAST HWY.
NEWPORT BEACH, CA



VICINITY MAP

LEGAL DESCRIPTION
PARCEL A:
PARCELS 1, 2 AND 3, OF RESUBDIVISION NO. 512 IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A PARCEL MAP FILED IN BOOK 85, PAGES 30 AND 31 OF PARCELS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.
PARCEL B:
THAT PORTION OF LOT A OF TRACT NO. 919, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 29, PAGES 31 TO 34 INCLUSIVE OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERN LINE OF TRACT NO. 1133, SEAVIEW HEIGHTS, AS SHOWN ON MAP RECORDED IN BOOK 36, PAGES 13 AND 14 OF MISCELLANEOUS MAPS IN SAID OFFICE, WITH THE NORTHEASTERN LINE OF LOT 19 OF SAID LAST SAID TRACT; THENCE ALONG THE SOUTHEASTERN PROLONGATION OF SAID NORTHEASTERN LINE SOUTH 61° 00' 30" EAST 57.10 FEET TO A POINT IN THE SOUTHWESTERN PROLONGATION OF THE NORTHEASTERN LINE OF THAT CERTAIN LAND DESCRIBED IN DEED RECORDED IN BOOK 1386, PAGE 168 OF OFFICIAL RECORDS IN SAID OFFICE; THENCE ALONG SAID SOUTHWESTERN PROLONGATION SOUTH 39° WEST, 35.65 FEET TO THE NORTHEASTERN LINE OF THE LAND DESCRIBED IN DEED RECORDED IN BOOK 975, PAGE 381 OF OFFICIAL RECORDS IN SAID OFFICE; THENCE ALONG SAID NORTHEASTERN LINE NORTH 61° 00' 30" WEST 57.10 FEET TO SAID SOUTHEASTERN LINE; THENCE ALONG SAID SOUTHEASTERN LINE NORTH 39° 43' 30" EAST, 35.65 FEET TO THE POINT OF BEGINNING.
PARCEL C:
PARCEL T OF PARCEL MAP NO. 90-173, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 256, PAGES 20 AND 26 OF PARCELS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA.
ASSESSOR'S PARCEL NUMBER: 425-471-55 & 425-471-56

SITE ADDRESS:
2510 & 2530 WEST COAST HWY.
NEWPORT BEACH, CA 92663
A.P.N. 425-471-55 & 425-471-56

AREA SUMMARY

TOTAL AREA = 0.98 ac. GROSS

PURPOSE STATEMENT

THE PURPOSE IS TO CREATE 1 LOT FOR MIX USE DEVELOPMENT

OWNER / SUBDIVIDER:

MARK MOSHAYEDI
2510 W. COAST HWY LLC
17475 GILLETTE AVE.
IRVINE, CA 92614
P. 949-350-4019

ENGINEER:

ITF & ASSOCIATES, INC.
11278 LOS ALAMITOS BLVD., #354
LOS ALAMITOS, CA 90720
(800) 797-9483



BENCHMARK:

BENCHMARK U-1415
DESCRIBED BY OCS 2002 - FOUND 3 3/4" NOS BRONZE DISK
STAMPED "U 1415 1988", SET IN THE TOP OF A SEAWALL
MONUMENT IS LOCATED IN THE SOUTHWEST CORNER OF THE
INTERSECTION OF CENTER STREET AND THE NEWPORT CHANNEL, 25
FT. WESTERLY OF THE PROLONGATION OF THE CENTERLINE OF
CENTER STREET AND 0.3 FT. SOUTHERLY OF THE SEAWALL FACE.
MONUMENT IS SET LEVEL WITH THE SEAWALL.
ELEV. 9.120 NAVD88 (2015 LEVELS)

BASIS OF BEARING

THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE
OF WEST COAST HWY. BEING NORTH 61°03'29" WEST, PER MAP
RECORDED IN BOOK 256, PAGES 25-26 OF PARCELS MAPS,
RECORDS OF ORANGE COUNTY, CALIFORNIA.

FLOOD ZONE

ZONE X, OUTSIDE THE 500 YEAR FLOOD BOUNDARIES
FLOOD MAP NO. 06059CD381K, EFFECTIVE DATE 03/21/2019

ZONING

MU-MM (MIXED-USE MARINER'S MILE)

NOTES:
-NO EXISTING WATERCOURSES ON SITE
-SITE IS NOT SUBJECTED TO OVERFLOW OR INUNDATION
-NP LANDS AND PARKS TO BE DEDICATED FOR PUBLIC USE

ADJACENT OWNERS

APN	ADDRESS	OWNER
425-471-15	2542 W. COAST HWY.	DMP POH-NEWPORT LLC
425-471-14	116 TUSTIN AVE.	DMP POH-NEWPORT LLC
425-471-13	120 TUSTIN AVE.	DMP POH-NEWPORT LLC
425-471-12	124 TUSTIN AVE.	DMP POH-NEWPORT LLC
425-471-09	NOT AVAILABLE	CITY OF NEWPORT BEACH
425-471-10	NOT AVAILABLE	CITY OF NEWPORT BEACH
425-471-21	NOT AVAILABLE	CITY OF NEWPORT BEACH
425-471-54	2500 W. COAST HWY.	HUMPHRIES TOWN, JET TR HUMPHRIES FAMILY TR

THESE EASEMENTS TO BE
DULY CLAIMED AS PART OF
THIS MAP

- EXISTING EASEMENTS**
- EASEMENT(S) FOR STATE HIGHWAY PURPOSES AND RIGHTS INCIDENTAL THERETO, GRANTED TO THE STATE OF CALIFORNIA PER DOCUMENT RECORDED IN BOOK 12, PAGE 311, PAGE 170 AND A RESOLUTION OF ABANDONMENT AS RECORDED JUNE 27, 1935 IN BOOK 761, PAGE 281 OF OFFICIAL RECORDS. (PLOTTED)
 - RETAILS AS SHOWN ON THE MAP RECORDED IN BOOK 85, PAGE 30 OF PARCELS MAPS, WHICH AMONG OTHER THINGS RECIPIES PROPOSED FUTURE RIGHT OF WAY LINE, NOT DEDICATED AS STATED IN RETAIL ON, AND SHOWN ON SAID PARCELS MAP. (PLOTTED)
 - THE OWNERSHIP OF SAID LAND, BEING WEST COAST HIGHWAY, DOES NOT INCLUDE RIGHTS OF VEHICULAR ACCESS TO THE STREET OR HIGHWAY. HEREINAFTER MENTIONED, EXCEPT AT SPECIFIED POINTS, SAID RIGHTS HAVE BEEN RELINQUISHED BY THE DEDICATION PROVIDED SHOWN ON THE MAP RECORDED IN BOOK 85, PAGE 30 OF PARCELS MAPS. (PLOTTED)
 - EASEMENT FOR INGRESS, EGRESS, DRAINAGE AND RIGHTS INCIDENTAL THERETO, AS DEDICATED ON OR AS OFFERED FOR DEDICATION THE MAP RECORDED IN BOOK 85, PAGE 30 OF PARCELS MAPS. (PLOTTED)
 - EASEMENT FOR PRIVATE SEWER, WATER AND RIGHTS INCIDENTAL THERETO, AS DEDICATED ON OR AS OFFERED FOR DEDICATION ON THE MAP RECORDED IN BOOK 85, PAGE 30 OF PARCELS MAPS. (PLOTTED)
 - EASEMENT FOR INGRESS, EGRESS, SEWER, WATER AND RIGHTS INCIDENTAL THERETO AS GRANTED IN A DOCUMENT RECORDED AUGUST 30, 1989 AS INSTRUMENT NO. 89-460814 OF OFFICIAL RECORDS. (PLOTTED)
 - MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED AGREEMENT REGARDING OFFER OF DEDICATION AND GRANT OF ACCESS EASEMENT RECORDED OCTOBER 9, 1990 AS INSTRUMENT NO. 90-537748 OF OFFICIAL RECORDS. (PLOTTED)
 - MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED EASEMENT AGREEMENT RECORDED OCTOBER 22, 1991 AS INSTRUMENT NO. 91-574861 OF OFFICIAL RECORDS. (PLOTTED)

Exhibit 3 – City-Approved Project Plans

PROJECT DATA

ASSESSOR PARCEL NUMBER	425-471-55 & 425-471-56												
PROJECT ADDRESS	2510 & 2530 WEST COAST HIGHWAY NEWPORT BEACH, CA 92663												
APPLICABLE CODES	CITY OF NEWPORT BEACH ZONING ORDINANCE												
GENERAL PLAN LAND USE	MU-H1 MIXED USE HORIZONTAL												
ZONING DISTRICT	MU-MM MIXED-USE MARINER'S MILE FIRST 100' FROM COAST HWY CAN ONLY BE NON-RESIDENTIAL NON-RESIDENTIAL USES REQUIRED ON GROUND FLOOR, MIN. DEPTH OF 25' AT STREET FRONTAGE (20.18.130.C)												
TYPE OF CONSTRUCTION	PARKING GARAGE - I-A OFFICE BUILDING - V-8 RESIDENTIAL BUILDING - III-A SPRINKLERED, NFPA-13												
OCCUPANCY CLASSIFICATION	R-2 RESIDENTIAL UNITS B OFFICE SPACE S-2 GARAGE												
LOT AREA	42,821 SF (0.983 ACRES)												
F.A.R.	<table><tr><th></th><th>REQ'D</th><th>PROVIDED</th></tr><tr><td>NON-RESIDENTIAL</td><td>MIN. 0.25 (42,821 X 0.25 = 10,705 SF) MAX. 0.5 (42,821 X 0.5 = 21,410 SF)</td><td>5,096 SF (11.9%)</td></tr><tr><td>RESIDENTIAL</td><td>MAX. 1.0 (42,821 SF)</td><td>34,746 (81.1%)</td></tr><tr><td>TOTAL</td><td></td><td>39,842 SF</td></tr></table>		REQ'D	PROVIDED	NON-RESIDENTIAL	MIN. 0.25 (42,821 X 0.25 = 10,705 SF) MAX. 0.5 (42,821 X 0.5 = 21,410 SF)	5,096 SF (11.9%)	RESIDENTIAL	MAX. 1.0 (42,821 SF)	34,746 (81.1%)	TOTAL		39,842 SF
	REQ'D	PROVIDED											
NON-RESIDENTIAL	MIN. 0.25 (42,821 X 0.25 = 10,705 SF) MAX. 0.5 (42,821 X 0.5 = 21,410 SF)	5,096 SF (11.9%)											
RESIDENTIAL	MAX. 1.0 (42,821 SF)	34,746 (81.1%)											
TOTAL		39,842 SF											
BUILDING HEIGHT	RESIDENTIAL: 26' FLAT ROOF <3/12 PITCH; 35' W/ APPROVAL OF DISCRETIONARY APPLICATION COMMERCIAL: 31' SLOPED ROOF <3/12 PITCH; 40' W/ APPROVAL OF DISCRETIONARY APPLICATION												
RECREATIONAL AMENITIES	REQUIRED: 2,700 SF (75 SF PER DWELLING UNIT) PROVIDED: 3,897 SF												
TRASH	16-25 D.U. = 48 SF TRASH + 48 SF RECYCLING = 96 SF 26-50 D.U. = 96 SF TRASH + 96 SF RECYCLING = 192 SF 5-10K SF NON-RESIDENTIAL = 24 SF TRASH + 24 SF RECYCLING = 48 SF 10-25K SF NON-RESIDENTIAL = 48 SF TRASH + 48 SF RECYCLING = 96 SF												
GRADING CUT/FILL	300 CU. YD. CUT 610 CU. YD. FILL +/- 310 CU. YD. IMPORT												

DEVELOPMENT PARAMETERS

ZONING	MU-MM MIXED-USE MARINER'S MILE
TOTAL SITE AREA	0.98 ACRES (42,821 SF)
MAXIMUM BUILDING HEIGHT	26' FLAT ROOF; 35' W/ APPROVAL OF DISCRETIONARY APPLICATION
TOTAL NUMBER OF UNITS	36
NUMBER OF MARKET-RATE UNITS	33
NUMBER OF VERY LOW INCOME UNITS	3

BUILDING AREAS - NON-RESIDENTIAL	
OFFICE SPACE	4,986 SF
RESTROOMS	110 SF
TOTAL	5,096 SF

BUILDING AREAS - RESIDENTIAL			
UNIT	COUNT	SF/UNIT	SUBTOTAL
STUDIO	8	484	3,872 SF
ONE BEDROOM	22	658	14,476 SF
TWO BEDROOM	6	878	5,268 SF
COMMON AREAS, SUPPORT & CIRCULATION			11,130 SF
TOTAL GROSS AREA			34,746 SF

LANDSCAPED AREAS	
GROUND FLOOR	1,370 SF
SECOND FLOOR DECK	2,715 SF
TOTAL	4,085 SF

OUTDOOR RECREATION AREAS	
SECOND FLOOR DECK	3,897 SF
TOTAL	3,897 SF

PARKING SUMMARY

RESIDENTIAL - REQUIRED			
PER CITY OF NEWPORT BEACH MUNICIPAL CODE SECTION 20.40.040			
UNIT	COUNT	RATIO	REQ'D PKG
STUDIO	7	1	7
STUDIO - AFFORDABLE	1	1	1
ONE BEDROOM	20	1	20
ONE BEDROOM - AFFORDABLE	2	1	2
TWO BEDROOM	6	1.5	9
TWO BEDROOM - AFFORDABLE	0	0	0
TOTAL	36		39

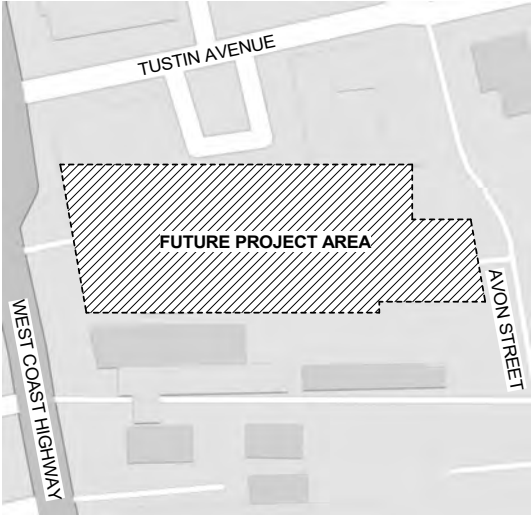
COMMERCIAL - REQUIRED		
PER CITY OF NEWPORT BEACH MUNICIPAL CODE, SECTION 20.40.040 - STANDARD OFFICE USE REQUIREMENTS		
NET FLOOR AREA	RATIO	REQ'D PKG
5,096 SF	1 PER 250 SF	21

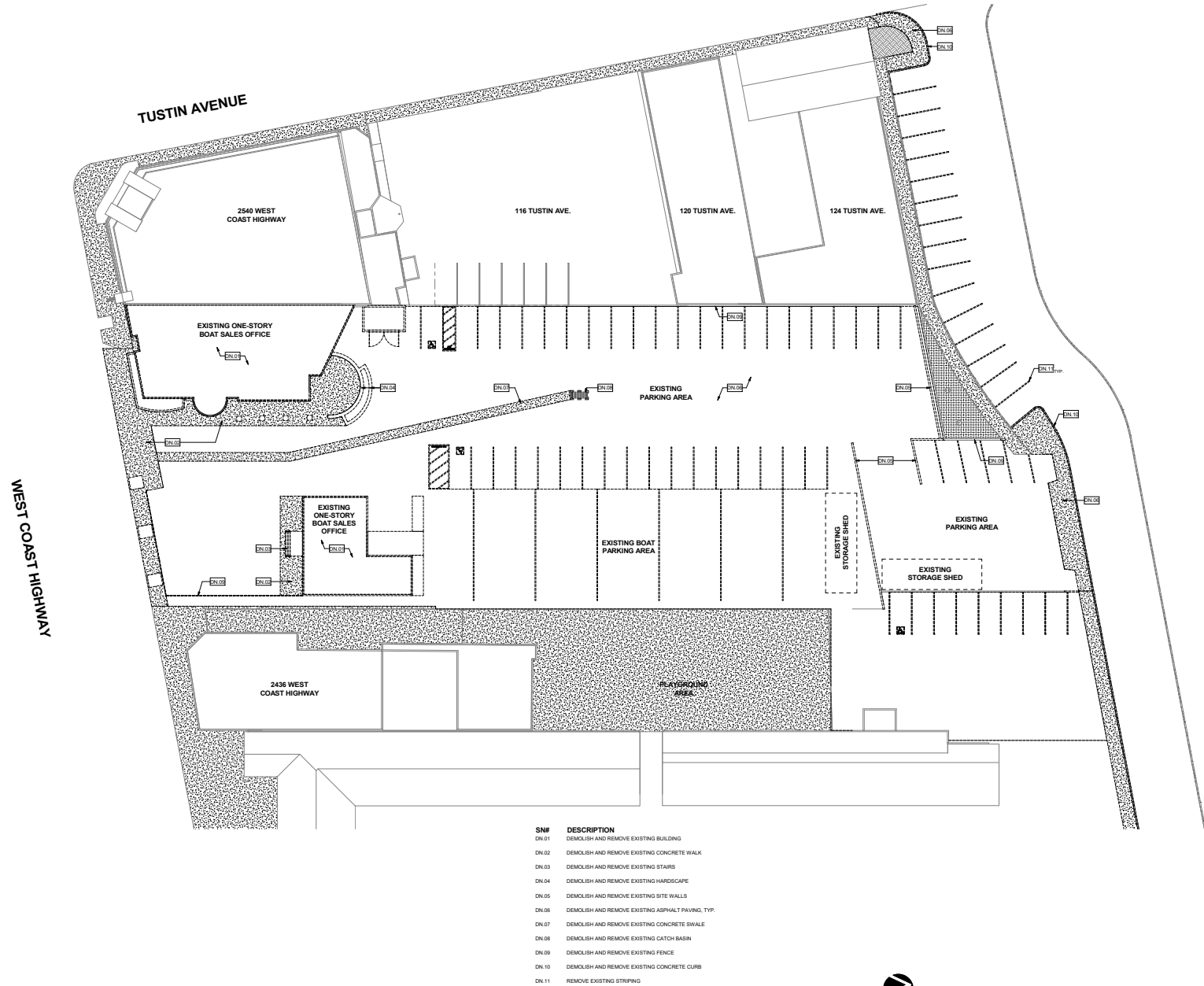
OVERALL TOTAL REQUIRED				
	STALL TYPE			TOTAL
	VAN A.P. (9'X18')	STANDARD A.P. (9'X18')	STANDARD (8.5'X17')	
TOTAL	2	2	56	60

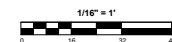
OVERALL TOTAL PROVIDED				
	STALL TYPE			TOTAL
	VAN A.P. (9'X18')	STANDARD A.P. (9'X18')	STANDARD (8.5'X17')	
TOTAL	2	2	61	65

SHEET INDEX

SHEET #	SHEET NAME
GENERAL	
CS-1	COVER SHEET
G-1	PROJECT SUMMARY
ARCHITECTURAL	
A-0.1	SITE DEMOLITION PLAN
A-0.2	SITE PLAN
A-1-1A	LEVEL 1 COMMERCIAL FLOOR PLAN
A-1.1B	LEVEL 1 RESIDENTIAL FLOOR PLAN
A-1.2	LEVEL 2 FLOOR PLAN
A-1.3	LEVEL 3 FLOOR PLAN
A-2.1	TYPICAL UNIT PLANS
A-4.1	EXTERIOR ELEVATIONS
A-5.1	BUILDING SECTIONS
A-5.1	IMAGERY STUDIES KEY MAP
A-5.2	IMAGERY STUDIES
A-5.3	IMAGERY STUDIES
A-5.4	IMAGERY STUDIES
A-5.5	IMAGERY STUDIES
A-5.6	IMAGERY STUDIES
A-7.1	AVON STREET IMPROVEMENT
A-7.2	MATERIALS
A-7.3	RENDERED ELEVATIONS
CIVIL	
C-1	TITLE SHEET, GRADING NOTES, ETC.
C-2	PRECISE DRAINAGE PLAN
C-3	EROSION CONTROL PLAN & SOILS REPORT RECOMMENDATIONS
C-4	TOPOGRAPHIC SURVEY
C-5	PRELIMINARY UTILITY PLAN
C-6	GRADE ESTABLISHMENT PLAN
C-7	CONSTRUCTION POLLUTION PREVENTION PLAN
LANDSCAPE	
L-1	LANDSCAPE IMAGERY
L-2	LANDSCAPE SCHEMATIC PLAN
L-3	GROUND LEVEL LANDSCAPE PLAN
L-4	LEVEL 2 LANDSCAPE PLAN
L-5	LANDSCAPE NOTES AND PLANT PALETTE





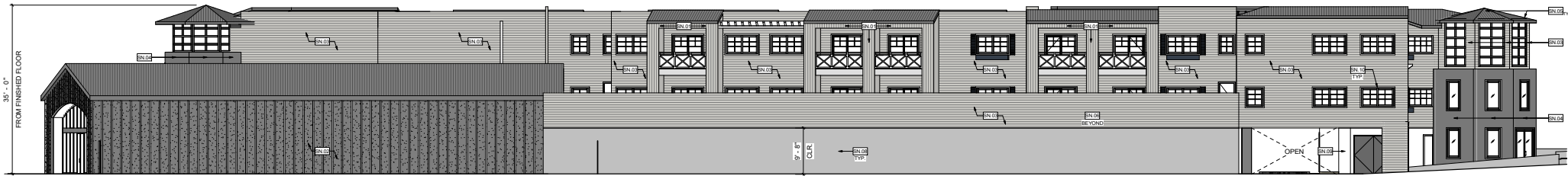







$$1/4" = 1'-0"$$
 $1,4^* = 1^* - 0$ 

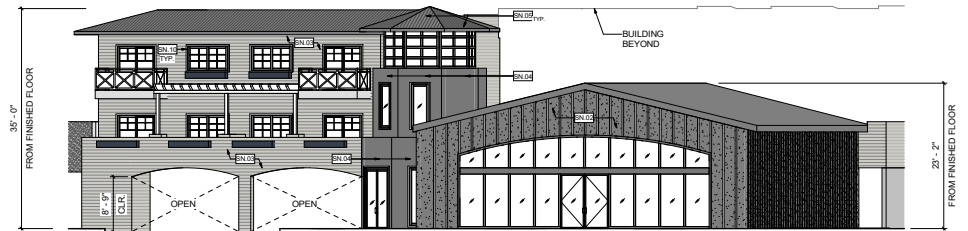
1/4" = 1'-0"



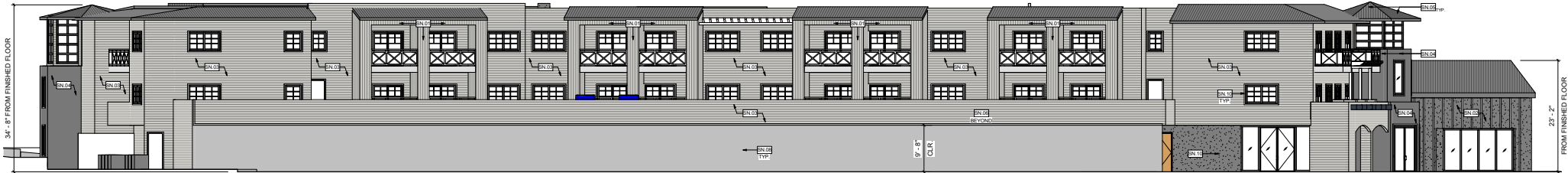
1
EAST ELEVATION
1" = 1'-0"



2
NORTH ELEVATION
1" = 1'-0"

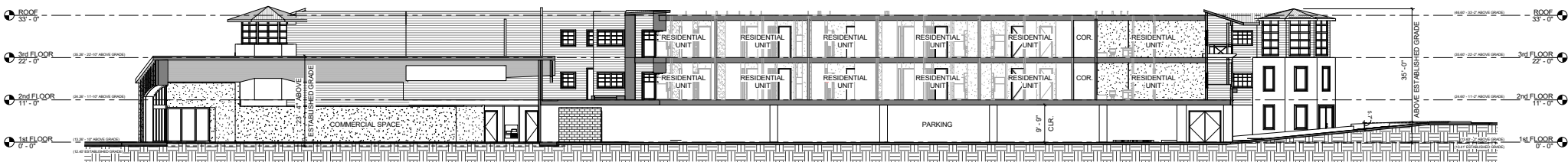
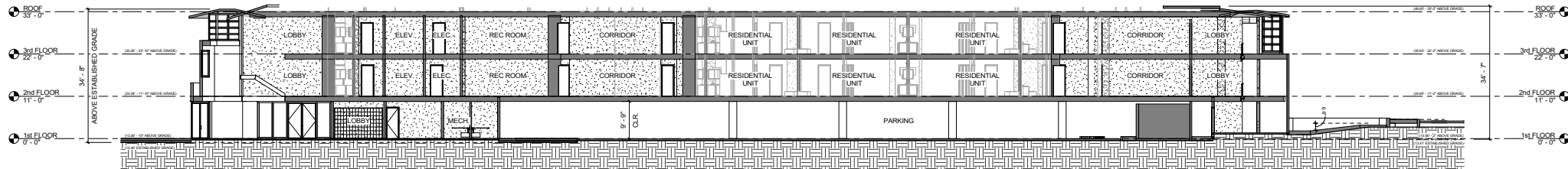
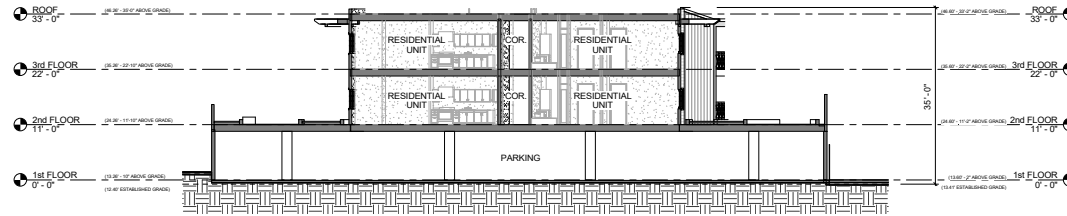


3
SOUTH ELEVATION
1" = 1'-0"



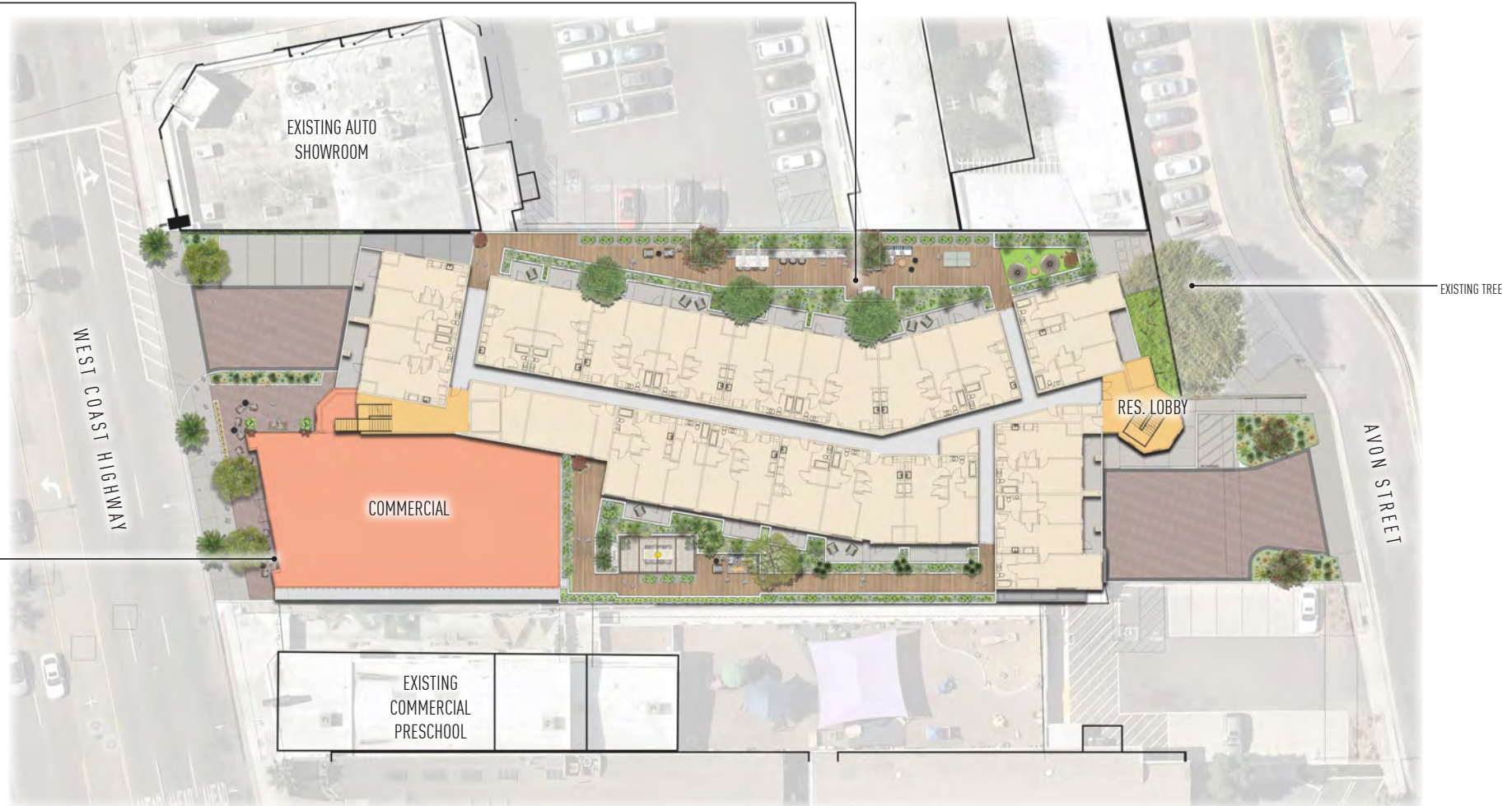
4
WEST ELEVATION
1" = 1'-0"

SN#	DESCRIPTION
SN01	VERTICAL SIDING - WHITE
SN02	VERTICAL BOARD AND BATTEN SIDING - WHITE
SN03	HORIZONTAL SIDING - WHITE
SN04	HORIZONTAL SIDING - GRAY
SN05	STANDING SEAM ROOF - ANODIZED BRONZE
SN06	WOOD PLANK PEDESTAL PAVING TILE
SN08	POUR-IN-PLACE CONCRETE
SN09	PLASTER CEMENT - WHITE
SN10	PLASTER CEMENT FOAM TRIM - WHITE



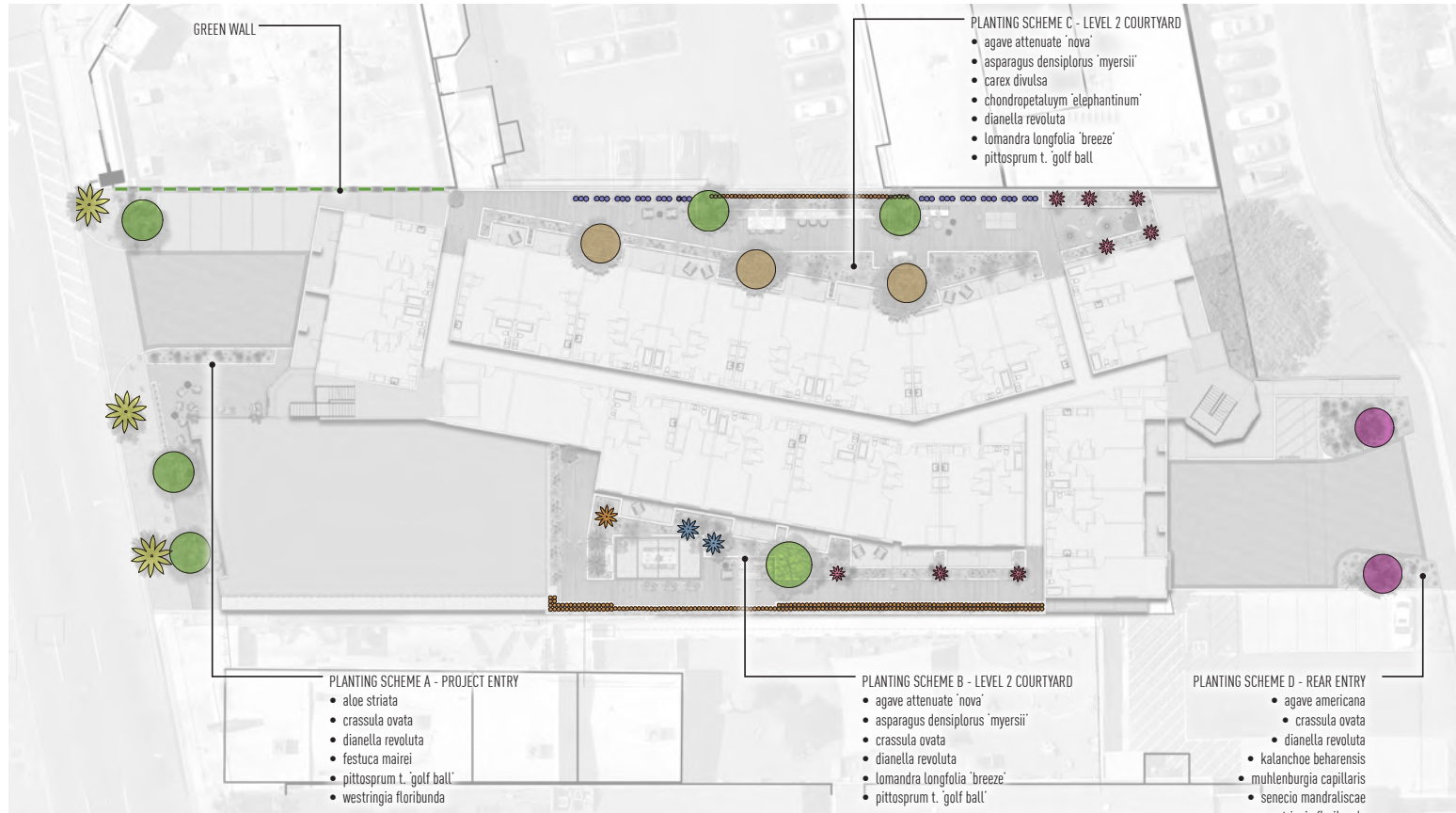
LEVEL 2 COURTYARDS
• see sheet L-4

GROUND LEVEL
• see sheet L-3









LANDSCAPE MAINTENANCE NOTE:
ALL LANDSCAPING TO BE MAINTAINED BY PROPERTY MANAGEMENT COMPANY.

LIMITED USE AREA (Line of Sight) NOTE:
ALL TREE BRANCHES TO BE TRIMMED TO 8 FEET ABOVE TRUNK CANOPY.
ALL SHRUBS WITHIN LIMITED USE AREA TO BE MAINTAINED AT 5' HIGH MAXIMUM.

LANDSCAPE DOCUMENTATION NOTE:
• A LANDSCAPE DOCUMENTATION PACKAGE BY THE PROJECT APPLICANT IS REQUIRED TO BE SUBMITTED TO THE CITY OF NEWPORT BEACH PURSUANT TO SECTION 2.1 OF THE WATER EFFICIENT LANDSCAPE STANDARDS.
• LANDSCAPE AREA EXCEEDS 2,500 SF AND IS SUBJECT TO N.E.M.C. 14.17 "WATER EFFICIENT LANDSCAPE GUIDANCE".
• LANDSCAPE PLANS AND WATER USE CALCULATIONS PREPARED BY A PROFESSIONAL LICENSED LANDSCAPE ARCHITECT IN THE STATE OF CALIFORNIA.

WATER EFFICIENT LANDSCAPING NOTE:
THE FOLLOWING MEASURES WILL BE INCORPORATED INTO THE PROJECT TO CONSERVE WATER:
1. THE IRRIGATION SYSTEM SHALL MEET THE REQUIREMENTS OF THE CITY OF NEWPORT BEACH LANDSCAPE GUIDELINES FOR WATER EFFICIENT LANDSCAPES.
2. THE ESTIMATED APPLIED WATER USE ALLOWED FOR THE LANDSCAPE AREA SHALL NOT EXCEED THE MWA CALCULATION.

CITY OF NEWPORT BEACH NOTES:
1. ROOF GARDENS AND LANDSCAPED ROOFS SHALL COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CFC.
2. STREETScape PER THE MARINERS' MILE REVITALIZATION MASTER PLAN

PROPOSED PLANT PALETTE:				
ALL PLANTS ARE CALIFORNIA-NATIVE AND WUCOLS MEDIALOW WATER CONSUMPTIVE (REGION 3 - SOUTH COASTAL) VARIETIES FOR THEIR PROPOSED GROWING CONDITIONS. THESE PLANTS ARE WATER CONSERVING AND USED FOR THEIR DEEP ROOT SYSTEMS WHICH STABILIZES SOIL AND MINIMIZES EROSION IMPACTS.				
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	
TREES:				
ARJUTUS S. MARINA	HYBRID STRAWBERRY	24' BOX	MEDIUM	
ARCHONTOPHOREA CUNNINGHAMIANA	KING PALM	14' BOX	MEDIUM	
ARCHONTOPHOREA CUNNINGHAMIANA	KING PALM	14' BOX	MEDIUM	
MAGNOLIA G. LITTLE GEM	MAGNOLIA (Lily Shrub)	24' BOX	MEDIUM	
OLEA SWAN HILL	FRUITLESS OLIVE	14' BOX	MEDIUM	
DRACAENA DRACO	DRAGON TREE	30' BOX	LOW	
STREET TREES at West Coast Highway:				
WASHINGTONIA FILIBUSTA	WASHINGTONIA	12' BTR	LOW	
HEDGE:				
FOCUS MICROCARPA MEDIA GREEN GEM	GREEN GEM FIC	12' BTR	MEDIUM	
PRUNUS CAROLINIANA 'MORIS'	BRIGHT 'N TREM' CAROLINA LAUREL	24' BOX	MEDIUM	
BOTANICAL NAME	COMMON NAME	SIZE	WUCOLS	
SHRUBS:				
IRRIGATION HYDROZONE 1: LOW WATER CONSERVING PLANTING AREA:				
ECHYVERIA GLAUCA	BENS & CHICKS	1 GAL	LOW	
ECHYVERIA PEACOCK	PEACOCK ECHYVERIA	1 GAL	LOW	
AEONIUM ARBOREUM SCHWABZOFF	AEONIUM	1 GAL	LOW	
AGAVE AMERICANA	CENTURY PLANT	1 GAL	LOW	
ALOE STRIATA	CORAL ALOE	1 GAL	LOW	
DACTYLOCTENIUM Aegyptium	DESBERT SPONG	15 GAL	LOW	
RESPIRATORIA PARVIFLORA	RED YUCCA	1 GAL	VERY LOW	
HYETEROMELIS ARBUTIFOLIA	TOTON	15 GAL	LOW	
KALANCHOE BEHARENSIS	FEET PLANT	15 GAL	LOW	
MULLENBURGIA CAPILLARIS	PINK MEHLY	1 GAL	LOW	
SENECIO MANDRALISCAE	SENECIO	1 GAL	LOW	
WESTRINGIA FLORIBUNDA	COAST ROSEMARY	1 GAL	LOW	
IRRIGATION HYDROZONE 2: MEDIUM / LOW TRANSITION PLANTING AREAS:				
AEONIUM 'VIRIDUM' 'SALAD BOWL'	AEONIUM	1 GAL	LOW	
ALOE BARSNE	TREE ALOE	24' BOX	LOW	
ALOE STRIATA	CORAL ALOE	1 GAL	LOW	
ARJUTUS COMPACTUS	DWARF STRAWBERRY	1 GAL	LOW	
BOUGAINVILLEA ROSEANA	SIBIR BOUGAINVILLEA	1 GAL	LOW	
CALLISTEMON LITTLE JOHN	DWARF CALLISTEMON	1 GAL	LOW	
CAREX DIVULSA	BENEFIT SEDGE	1 GAL	MEDIUM	
CHONDROPETALUM ELEPHANTINUM	LARGE CAPE BUSH	1 GAL	LOW	
DIANELLA REVOLUTA	LITTLE REV	1 GAL	LOW	
DRACAENA DRACO	DRAGON TREE	24' BOX	LOW	
FESTUCA MAHRI	ATLAS FESCUE	1 GAL	LOW	
FESTUCA OVATA GLAUCA	BLUE FESCUE	1 GAL	LOW	
LOMANDRA LONGIFOLIA 'BREEZE'	SPRY REARDO	1 GAL	MEDIUM	
ROSEMARINUS PROSTRATUS	DWARF ROSEMARY	1 GAL	LOW	
SAVIA CLEVELANDI	SAVIA BLUE SAGE	1 GAL	LOW	
TEUCORIUM CHAMADRYOS	GERMANOER	1 GAL	LOW	
IRRIGATION HYDROZONE 3: MEDIUM / LOW ENHANCED SHRUBS:				
AGAVE ATTENUATA 'NOVA'	FOXTAIL AGAVE	15 GAL	LOW	
ALUCYNE RUEGLII	BLUE HIBISCUS	15 GAL	LOW	
ASPARAGUS DENSIPLOUS MYRSII	MYER ASPARAGUS	15 GAL	LOW	
BOUGAINVILLEA LA JOLLA	BOUGAINVILLEA	1 GAL	MEDIUM	
CAREX M. HORIZONTALIS	NATAL PLUM	15 GAL	MEDIUM	
CRASSULA OVATA	JADE PLANT	15 GAL	LOW	
FURCRAEA FORTIDA MEDIOPICTA	HAIRY HEMP	15 GAL	LOW	
PRODRUM HYBRIDS	NEW ZEALAND FLAX	15 GAL	LOW	
PITTIOSPORUM C. COMPACTUM	PITTIOSPORUM	15 GAL	MEDIUM	
PITTIOSPORUM T. GOLF BALL	GOLF BALL KORIUM	15 GAL	MEDIUM	
PRUNUS LAETIFOLIA SPP. LYONH	CATALPA CHERRY	24' BOX	VERY LOW	

Exhibit 4 – View Simulations

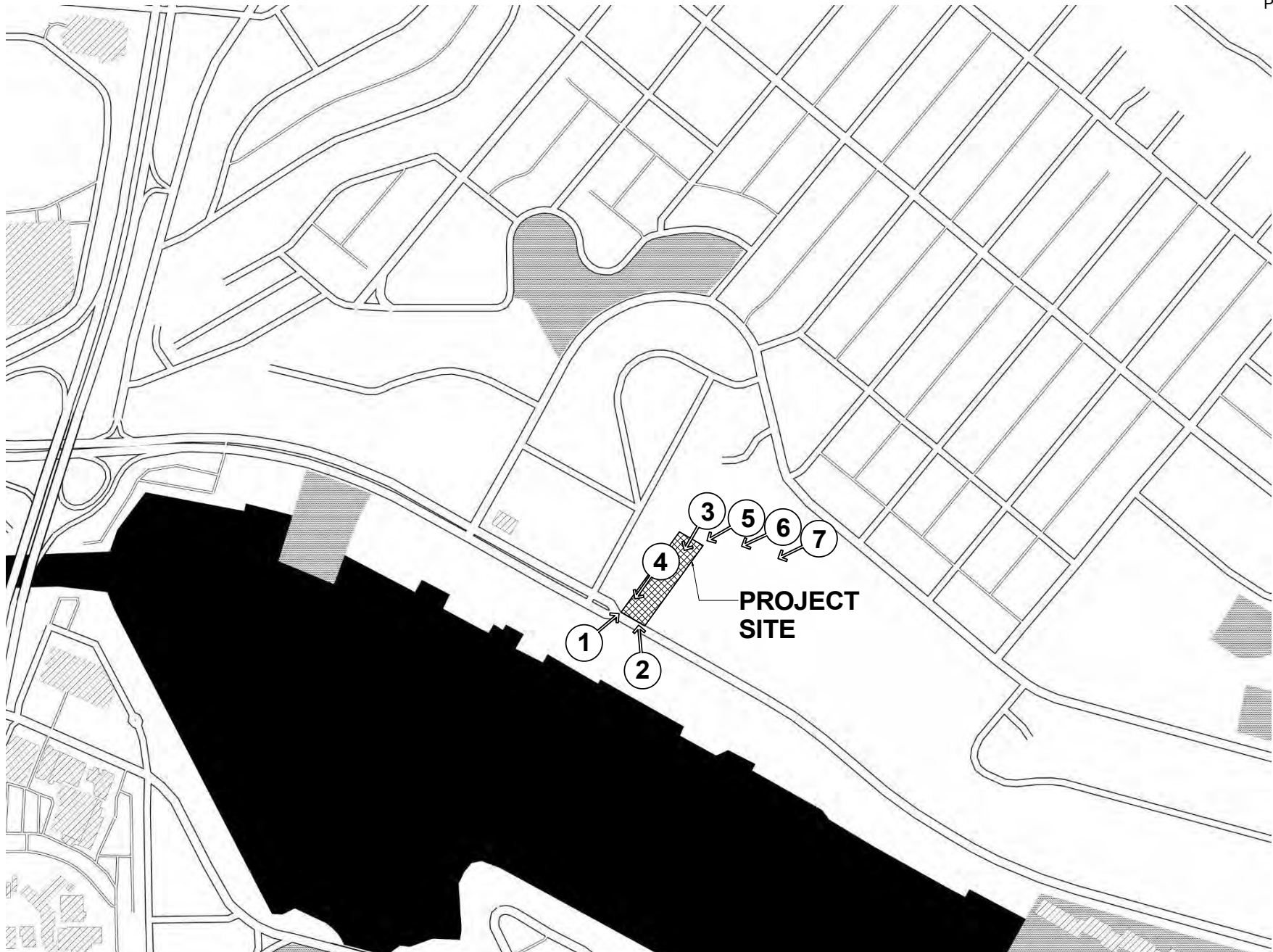




IMAGE #1 - SEE KEY MAP



IMAGE #2 - SEE KEY MAP



IMAGE #3 - SEE KEY MAP



IMAGE #4 - SEE KEY MAP



Existing Condition



Previous Project



Proposed Project



Project Outline



Existing Condition



Previous Project



Proposed Project



Project Outline



Existing Condition



Previous Project



Proposed Project



Project Outline

CALIFORNIA COASTAL COMMISSION

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



APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: South Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review [the appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is SouthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>.

Appeal of local CDP decision
Page 2

1. Appellant information¹

Name: Coalition to Preserve Mariners Mile

Mailing address: c/o FitzGerald Yap Kreditor LLP 2 Park Plaza Irvine CA

Phone number: 949-788-8900

Email address: drosenthal@fylaw.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☒ Other

Describe: The Coalition to Preserve Mariners Mile participated at all levels
of City review. In addition, many members of the Coalition
participated on their own behalf and on behalf of the Coalition
throughout the City's review process.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The Coalition to Preserve Mariner's Mile exhausted all LCP CDP
appeal processes by objecting to project approval at all levels of City
review and commenting on multiple inconsistencies with the LCP.

¹ If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: City of Newport Beach

Local government approval body: City Council

Local government CDP application number: CD2019-062

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: July 27, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 2510 West Coast Highway, Newport Beach CA

See Attachment A for Project Description

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s):	<u>2510 West Coast Hwy LLC</u>
	<u>2510 West Coast Hwy Eat LLC</u>
Applicant Address:	<u>2510 and 2530 West Coast Highway</u>

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See Attachments B and C setting forth grounds for appeal.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

**Appeal of local CDP decision
Page 5**

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name James F. Carlson, Chair, Coalition to Preserve Mariners Mile

James F. Carlson

Signature

Date of Signature August 18, 2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name James F. Carlson, Chair, Coalition to Protect Mariners Mile

CDP Application or Appeal Number CD2019-062

Lead Representative

Name Deborah M. Rosenthal, FAICP
Title Attorney
Street Address FitzGerald Yap Kreditor LLP, 2 Park Plaza, Suite 850
City Irvine
State, Zip CA 92614
Email Address drosenthal@fyklaw.com
Daytime Phone 714-608-9424 (c) or 949-788-8900 (o)

Your Signature 

Date of Signature 8.18.2021

Additional Representatives (as necessary)

Name David J. Tanner
Title President Environmental & Regulatory Specialists, Inc.
Street Address. 223 62nd Street
City Newport Beach
State, Zip CA 92663
Email Address dave@earsi.com
Daytime Phone (949) 646-8958; (949) 233-0895

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature 

Date of Signature 8.18.2021

ATTACHMENT A

PROJECT DESCRIPTION

The Project consists of 36 residential rental units in a single 3-story podium structure (2 floors residential plus parking) with a maximum height of 35 feet plus a 5,096 square-foot office building on a single lot. The multi-family rental building is set back slightly from West Coast Highway (WCH), with primary access from Avon Alley, a city-owned driveway that provides public parking for John Wayne Park, a heavily used recreational facility with blue water views within the Coastal Zone. Alternative access to the apartment building is from WCH through a two-way driveway, which also serves the proposed office building. No tenants for the office building have been identified. The City's conditions of approval do not address the financial relationship between the apartment and office buildings proposed for construction on the same lot, with the same owner.

The entirety of the Project is located within the Coastal Zone, immediately adjacent to prominent coastal bluffs north of West Coast Highway and within the viewshed of John Wayne Park, which is also within the Coastal Zone. Although the entire Project is within the Coastal Zone, only 10 to 12 feet of Project frontage along West Coast Highway is subject to the Coastal Commission's 300' geographical appeal jurisdiction, while the remainder is located within the City of Newport Beach's delegated authority. The Project consists of CDP No. CD2019-062; Tentative Parcel Map (TM) AH2021-011 and Site Development Permit (SDP) NP2020-003.

All three approvals affect land within the Commission's direct appeal jurisdiction, as well as land within the City of Newport Beach's delegated jurisdiction. Parcel Map NP-2020-013 merges five existing parcels into a single parcel for the purpose of maximizing residential density under the City's Local Coastal Plan (LCP) rules for calculating units. Existing lot lines within the geographical limits of the Coastal Commission's appeal jurisdiction are eliminated by the TM so as to increase the number of units that would otherwise be authorized within the City's delegated coastal jurisdiction. An existing utility easement from WCH through the 10' frontage area to the property must be vacated for the Project to be constructed. Without vacation of the easement and merger of the existing lots, including multiple lots within the Commission's direct appeal jurisdiction, the Project would not qualify for the proposed residential density within the Coastal Zone. The CDP and TM also authorize a two-way driveway discharging residential and office traffic onto WCH, as well as dedication of land for the future widening of WCH within the Commission's direct appeal jurisdiction. Although the Project proposes interim landscaping within the dedication area along WCH, acceptance of the dedication will eliminate pedestrian walkways serving coastal visitors and the office setback along Project frontage. No traffic studies have been performed to evaluate potential impacts to WCH, as a major arterial, or other streets within the Coastal Zone.

In addition, the Project proposes to dedicate land along Avon Alley, a city-owned driveway at the rear of the Project currently used for access to and parking for John Wayne Park. The proposed Avon dedication is intended to widen the rear Project access by removing existing public parking for coastal visitors and Park users. The City expects the current public parking spaces along Avon Alley can be replaced by increased usage of an existing public parking lot, but no additional public parking or coastal-serving amenities are proposed in connection with the Project. The Project will increase traffic on West Coast

Highway by an unknown amount because no traffic studies were prepared and reduce coastal access by allowing removal of public parking on Avon Alley.

As authorized by the City, the Project was awarded “incentives” to (a) increase height limits; (b) reduce the required setback for residential structures from WCH; and (c) halve the amount of commercial development required under the LCP, from more than 11,000 square feet to 5,096 square feet of generic office use. The City’s certified Local Coastal Plan (LCP) contemplated extensive and vibrant commercial development along both sides of WCH with associated residential uses located at the rear of individual parcels to create a “walk to work” environment. In contrast, the Project proposes a 36-unit residential development occupying the majority of the Coastal Zone site, with a small office building in a front corner of the same lot. The applicant has not identified any proposed tenants for the office building or any local demand for office space along WCH. Due to Subdivision Map Act restrictions, the owner of the apartment complex cannot sell or long-term lease the office building to a different user without a future lot split.

The Project exceeds LCP height standards by constructing two floors of apartments above at-grade parking structure in a 35-foot-high structure. Contrary to the intent of the LCP height limit, the 3-story apartment building impinges on blue water views from John Wayne Park and introduces a large monolithic structure into current views of smaller buildings along WCH from the Park. From street level, off-site views of the Project will consist of a small office building, minimal landscaping, front and back driveways and parked cars seen through parking structure pillars. Although subterranean parking to protect blue water views from John Wayne Park is technically feasible, the applicant has argued that lowering the parking lot is financially infeasible, without providing any financial documentation.

The proposed Project replaces an existing auto sales office fronting on WCH with substantial open space and views. The City’s certified Local Coastal Plan (LCP) contemplates horizontal mixed use of the Project site with active commercial uses along WCH to serve both coastal visitors and residents. The LCP further prioritizes marine-related uses over all other uses to enhance the area’s history as “Mariners’ Mile.” The LCP proposes an active marine-related environment along West Coast Highway that preserves the historic character of the area.

In summary, the City’s certified LCP contemplates active commercial uses along West Coast Highway, with multi-family residential development appropriately situated behind primary commercial development visible from the street. The LCP requires protection of blue water views, encourages usage of existing recreational facilities by tourists and residents, and contemplates development consistent with the history of “Mariners’ Mile.” The proposed Project complies with none of these goals.

ATTACHMENT B

GROUND FOR APPEAL

The Coastal Act establishes at least two grounds for appeal applicable in this case.

1. As explained in the Executive Director's jurisdictional determination letter of July 30, 2021, the Coastal Commission has direct appeal jurisdiction under Public Resources Code Section 30603(a) of at least the front 10 feet of the Project along West Coast Highway. In this case, the front ten feet of the Project is essential to the entire development; without approval of coastal "development" within the front ten feet, the Project could not occur.

Specifically, the front ten feet of the Project contain portions of several legal parcels that are being eliminated to create a single lot through the CDP and TM. As authorized by the CDP, the front ten feet will be part of a single parcel containing both a multi-family residential structure and a small office building, which must remain under common ownership to comply with the Subdivision Map Act. The CDP and TM establish driveway access to and from WCH within the front ten feet of the property that serve an unknown amount of traffic from the apartment and office buildings. They also requires vacation of an existing utility easement. The Commission has direct appeal jurisdiction over the lot lines eliminated by the TM, the proposed driveway access to new residential and office uses, the easement vacation and the dedication of frontage for the widening of West Coast Highway, including their impacts on future development within the Coastal Zone.

2. The Coastal Commission also has direct appeal jurisdiction under Public Resources Code (P.R.C.) Section 30603(c) of development within sensitive coastal resource areas. P.R.C. Section 30116 defines "sensitive coastal areas" as including "(b) areas possessing significant recreation value;" "(c) highly scenic areas;" "(e) special communities and neighborhoods which are significant visitor destination areas;" and "(g) areas where divisions of land could substantially impair or restrict coastal access."

In this case, John Wayne Park is located within the Coastal Zone. It is heavily used by both residents of Newport Beach and visitors. In fact, it is widely advertised as providing iconic blue water views of the harbor and bay. The proposed Project will not only impinge on water views from John Wayne Park, but it includes a requirement that the developer widen Avon Alley to create a larger driveway for the rear of the Project. Avon Alley currently provides public parking for users of John Wayne Park that will necessarily be eliminated when the Alley is widened. The Project also proposes to take advantage of parking reductions available to multi-family housing with at least ten percent affordable units; by providing substantially less than a normal number of parking spaces (and essentially no guest parking, the Project will compete for use of parking currently reserved for John Wayne Park.

The proposed Project meets the definition of development within a sensitive coastal resource area because it will eliminate existing visitor-serving public parking along Avon Alley and reduce the amount of parking available to users of John Wayne Park due to the Project's lack of adequate

parking for residents and their visitors. Of course, the Project will also adversely affect use of John Wayne Park under subsections (b), (c) and (e) because it will impinge on blue water views and introduce a monolithic residential structure that exceeds existing height limits within the Park viewshed. In addition, as described above, the TM creates a single private lot with a private apartment complex and small office building on a single parcel. The TM establishes a private driveway for the apartment building, private access to the office building, and an offer of dedication for future widening West Coast Highway, all within the Commission's direct appeal jurisdiction, plus two non-visitor-serving buildings in a highly visible part of the Coastal Zone. For the purposes of jurisdiction under PRC 30603(g), the TM eliminates any potential for public coastal access to or from the property and ensures its wholly private use in perpetuity.

For both of these reasons, the Project is subject to the Commission's direct appeal jurisdiction under Section 30603 of the Coastal Act.

THE APPEAL RAISES SUBSTANTIAL ISSUES

This appeal raises substantial issues under California Code of Regulations Section 13115. Specifically, the approved CDP fails to comply with the City's certified LCP and the Coastal Act for at least the following reasons.

- (1) The City failed to make findings with adequate factual or legal support. By way of example, the City found the Project would have no traffic impacts on WCH or other coastal streets even though it refused to conduct a traffic study or to fully investigate accidents reported by area residents. The City found the Project would not have a significant impact on blue water views from John Wayne Park, either individually or cumulatively, because the majority of the panoramic views from John Wayne Park would remain and the losses caused by the Project would therefore be small. Yet, the City refused to require erection of story poles to establish building impacts on blue water views from John Wayne Park, relying instead on computer simulations submitted by the applicant that were not peer reviewed.

The City failed and refused to make findings concerning the viability of the small office building along the WCH frontage and refused to require the applicant to commit to future operation of the office building at a prime location within Mariners' Mile as a condition of residential approval. As a result, the City allowed construction of a general office building on the same lot and under the same ownership as the apartment building with no provision for future maintenance or operations. The City erroneously concluded it "had no choice" but to approve the Project as submitted under the Housing Affordability Act (HAA), even though the cited sections of the Act did not apply to the Project. The City failed to require the applicant to demonstrate that any of the allowed "incentives" were financially necessary, or even useful, for the provision of three units of affordable housing. The City simply allowed the applicant to propose a 35-foot high three-story podium apartment building within the coastal viewsheds of WCH from the south and John Wayne Park from the north without requiring any demonstration of necessity as required under the HHA. The City set a precedent by failing to harmonize the Coastal Act with the HAA, as required by rules of statutory interpretation. The City failed to consider coastal access or the potential for visitor-

serving uses when it approved wholly private use of a prime site along West Coast Highway within the Coastal Zone.

- (2) The City authorized development whose extent and scope exceeded that contemplated in its certified LCP, and effectively reduced coastal access by impinging on blue water views, abandoning any pretense of providing visitor-serving uses on WCH, adding traffic to WCH, eliminating public parking on Avon Alley, and forcing coastal visitors to compete for public parking spaces with Project residents and their guests. The proposed Project offers no benefits to coastal users, visitors, or existing residents of the Coastal Zone.
- (3) The coastal resources impacted by the Project are very significant, as acknowledged by the City's certified Local Coastal Plan. The City regularly advertises the iconic blue water views from John Wayne Park as an attraction to tourists and a benefit to residents. Existing parking along Avon Alley and within an adjacent public parking lot facilitate use of John Wayne Park by visitors and residents. John Wayne Park is heavily used as a coastal amenity because of its accessibility, adequate parking, and 180-degree views. The Project will adversely affect all of these attractions.

In addition, frontage on West Coast Highway is a limited resource, which should be devoted to the visitor-serving commercial uses contemplated by the City's LCP, not a driveway with views of at-grade parked cars and a small office building. The proposed office has no identified user, generic architecture, and is legally dependent on the financial success of the adjacent apartment building because it is located on the same lot and can neither be sold nor leased for the long term under the Subdivision Map Act. The Project proposes no marine or coastal uses and is not accessible from the coast, even though it is within the Coastal Zone. Finally, the Project will increase traffic on WCH by an unknown but arguably significant amount, in excess of the 300 trips usually required by the City to prepare a traffic study.

- (4) The Project is the first of multiple future developments waiting in the wings, many owned by the same developer. Approval of excess height and density of this coastal Project under the Housing Accountability Act will set a precedent for all future development within the City's Coastal Zone. At least one project within the Coastal Zone on the seaward side of WCH has already been withdrawn for a higher density redesign under the purported auspices of the Housing Accountability Act. While the Coastal Commission is obligated to consider coastal access for lower-income residents, the Coastal Act does not mandate approval of every project claiming additional density when it offers no public benefits particular to the Coastal Zone. The City failed to consider the cumulative impacts of multiple projects in the planning stages because they had not been formally submitted, but the Coastal Commission is empowered to consider the precedential effect of approving a wholly private apartment complex and office building on a prime site in the Coastal Zone, in violation of the certified LCP.
- (5) West Coast Highway is designated as a scenic highway by the City of Newport Beach. It is a primary arterial linking San Diego to northern California with prime views along state and local

highways. The subject stretch of Newport Beach is known as “Mariners Mile” because of its historic connection with the Newport Beach harbor and marine uses supporting the bay and marina. For residents and tourists who wish to enjoy the iconic postcard-perfect views of Highway 1, West Coast Highway in Newport Beach is an essential part of the experience. The entirety of Highway is of regional and potentially stateside significance.

For all of the above reasons, the appeal raises substantial issues of regional or statewide significance that justify substantive review by the Commission.

THE PROJECT IS INCONSISTENT WITH THE LCP AND THE COASTAL ACT

The Coalition to Protect Mariners’ Mile will be prepared to submit additional argument and documentation at hearing before the Coastal Commission. However, the following summarizes some of the numerous inconsistencies between the Project and the certified LCP and Coastal Act.

In summary, the Project impinges on coastal views, exceeds existing height limits, reduces access by residents and visitors to a significant recreational amenity, fails to enable coastal access, reduces public parking intended to facilitate coastal access, fails to provide visitor or resident-serving facilities, utilizes a prime location within the Coastal Zone for non-visitor-serving purposes, financially ties a non-coastal-dependent apartment complex with a small office building despite no operational relationship, supports widening of West Coast Highway without any provisions for pedestrian access, provides no public amenities, brings lower income tenants to an area without adequate public transportation, and proposes construction of the type of apartment building that could be built on virtually any lot in Orange County, with or without coastal views. The Project not only impinges on existing coastal views, it offers no benefits to the public, no enhancement of the coast, no new opportunities for coastal use, and no contribution to the long-planned vibrancy of Mariners Mile.

The Project site is designated at “MU-H1” or “mixed use – horizontal.” The City’s General Plan/LCP contemplates marine-related and highway-oriented general commercial uses. Policy LU 6.19.4 calls for the site to “[a]ccommodate a mix of visitor- and local-serving retail commercial, residential and public uses. The Coast Highway frontage shall be limited to nonresidential uses. On inland parcels, generally between Riverside Avenue and Tustin Avenue, priority should be placed on accommodating uses that serve upland residential neighborhoods such as grocery stores, specialty retail, small service office, restaurants, coffee shops, and similar uses.” The Project contains no visitor or local-serving uses of the type described in this policy. Approximately half of the WCH frontage is devoted to a two-way driveway at grade level under a fully visible residential apartment building granted height and setback concessions to bring it closer to WCH, higher than typically allowed, with only half the non-residential square footage required under the General Plan. Landscaping on WCH consists of three trees.

The site was developed for marine sales. Policy LU 6.19.3 calls for the City to “[p]rotect and encourage facilities that serve marine-related business and industries unless present and foreseeable future demand for such facilities is already adequately provided for in the area. Encourage coastal-dependent industrial uses to locate or expand within existing sites and allow reasonable long-term growth.” The Project will replace a marine-related use with non-coastal-dependent uses. The cumulative impact of planned residential development along Mariners’ Mile is to squeeze marine-related businesses and industries out

of the area and to introduce uses that conflict with marine and coastal-dependent uses. This policy and the access provisions of the Coastal Act require that development decisions consider the long-term viability and future of coastal-dependent and visitor-serving uses within the Coastal Zone. The Project is not consistent with a marine-related future for Mariners Mile.

Attached hereto and incorporated herein as Attachment C is a memorandum detailing concerns about the CDP for the 2510 Pacific Coast Highway Mixed-Use Development prepared by David Tanner on behalf of the Coalition and for the information of the commission and staff.

ATTACHMENT C

TANNER ANALYSIS OF CDP CD2019-062 IN SUPPORT OF COALITION APPEAL

August 18, 2021

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.GO

Subject: Appeal City of Newport Beach Coastal Development Permit No. CD2019-062

M E M O

Chairman Padilla,

Pursuant to Section 30603 of the Coastal Act, I support the Appeal filed on behalf of Protect Mariners Mile. I wish to provide my comments for Commission Consideration.

I submitted written comments to the city and provided oral testimony to the City Council and Planning Commission at public hearings. Copies of written comments and oral testimony are contained on the City of Newport Beach website: <https://ecms.newportbeachca.gov/Web/0/doc/2725425/Page1.aspx>

1. Local CDP decision being appealed

City of Newport Beach Coastal Development Permit No. CD2019-062

Location

The project is located at 2510 West Pacific Coast Highway, Newport Beach, California

Project Description

City of Newport Beach Coastal Development Permit (CDP) No. CD2019-062 will replace an existing auto sales office with a 39,842 square-foot mixed-use development consisting of 36 residential units and a 5,096-square-foot office. The residential component will consist of 8 studio units, 22 one-bedroom units and 6 two-bedroom units. Three of the units will be set aside for workforce housing and made affordable to very low-income households under State density bonus law. The maximum height of the structure is 35 feet (3 stories).

In order to make the project feasible the Project required approval of a Parcel Map (NB2020-013) to merge 5 parcels into a single parcel covering the entire property including frontage along West Coast Highway within the Commission's direct appeal jurisdiction, as well as a site development plan. The Parcel Map includes a condition to dedicate land for the future widening of WCH and conditioned the project to require public improvements, including the reconstruction of sidewalks, curbs, and gutters on West Coast Highway and Avon Street/alley as necessary. The Parcel Map included a condition to dedicate land for the future widening of WCH and another condition requiring the existing north/south water and sewer easement extending through the entire property to be vacated.

Public Controversy

This Project has generated significant public controversy. The main areas of public controversy center around the widening of West Coast Highway, the project's visual impact to high value coastal resources, traffic and circulation impacts, and public safety.

2. Local Coastal Program Certification

In January 2017, the City of Newport Beach LCP was effectively certified. The City's LCP is comprised of a Land Use Plan (LUP) and an Implementation Plan (IP). There is one area of deferred certification in the City (Banning Ranch). The standard of review for development within the City's permit jurisdiction is the City's certified LCP.

3. Executive Director Determination for 2510 West Coast Highway, Newport Beach July 30, 2021

Consistent with LCP (Implementation Plan) Section 21.50.050(B)(3), the Executive Director's determination is that part of the City-approved development is within the appealable area identified in the LCP because it is within 300 feet of the mean high tide line.

"[T]he development that is appealable includes the parcel map and the dedication of a 12-foot section of land to the City of Newport Beach¹, and any construction of structures in approximately the seawardmost 10 feet of the property"

4. Relationship of the Project to the Appealable Area

The project is being developed as a whole and as such cannot be developed if a portion of the project is removed, particularly the seawardmost 10-feet of the property subject to the Executive Director's Determination.

- A. As explained in the Executive Director's jurisdictional determination letter of July 30, 2021, the Coastal Commission has direct appeal jurisdiction under Public Resources Code Section 30603(a) of at least the front 10 to 12 feet of the Project along West Coast Highway. In this case, the front ten feet of the Project is essential to the entire development; without approval of coastal "development" within the front ten feet, the Project could not occur.

Specifically, the front ten feet of the Project contain portions of five legal parcels that are being eliminated to create a single lot through the CDP and TM. As authorized by the CDP, the front ten feet will be part of a single parcel containing both a multi-family residential structure and a small office building, which must remain under common ownership to comply with the Subdivision Map Act. The CDP and TM establish driveway access to and from WCH within the front ten feet of the property that serve an unknown amount of traffic from the apartment and office buildings. The Parcel Map includes a condition to dedicate land for the future widening of WCH and conditioned the project to require public improvements, including the reconstruction of sidewalks, curbs, and gutters on West Coast Highway and Avon Street/alley as necessary. The Parcel Map includes a condition to dedicate land for the future widening of WCH and another condition requiring the existing north/south water and sewer easement extending through the entire property to be vacated. The Commission has direct appeal jurisdiction over the lot lines eliminated by the TM, the proposed driveway access to new residential and office uses, and

¹ Reference to Coastal Act Section 30106

the dedication of frontage for the widening of West Coast Highway, including their impacts on future development within the Coastal Zone.

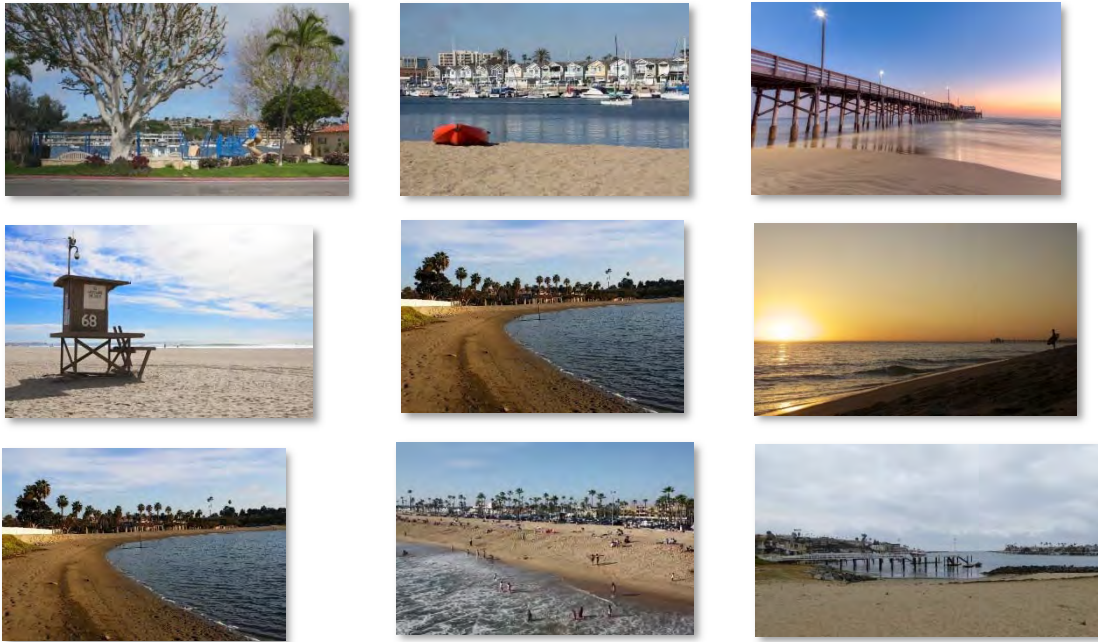
- B. The Coastal Commission also has direct appeal jurisdiction under Public Resources Code (P.R.C.) Section 30603(c) of development within sensitive coastal resource areas. P.R.C. Section 30116 defines “sensitive coastal areas” as including “(b) areas possessing significant recreation value;” “(c) highly scenic areas;” “(e) special communities and neighborhoods which are significant visitor destination areas;” and “(g) areas where divisions of land could substantially impair or restrict coastal access.”

In this case, John Wayne Park ² (adjacent to the project site) is located within the Coastal Zone. It is heavily used by both residents of Newport Beach and visitors. In fact, it is widely advertised as providing iconic blue water views of the harbor and bay. appeal under both subsections (b) and (c). The proposed Project will not only impinge on water views from John Wayne Park, but it includes a requirement that the developer widen Avon Alley to create a larger driveway for the rear of the Project. Avon Alley currently provides public parking for users of John Wayne Park that will necessarily be eliminated when the Alley is widened. The Project also proposes to take advantage of parking reductions available to multi-family housing with at least ten percent affordable units; by providing substantially less than a normal number of parking spaces (and essentially no guest parking, the Project will compete for use of parking currently reserved for John Wayne Park.

The proposed Project meets the definition of development within a sensitive coastal resource area because it will eliminate existing visitor-serving public parking along Avon Alley and reduce the amount of parking available to users of John Wayne Park due to the Project’s lack of adequate parking for residents and their visitors. Of course, the Project will also adversely affect use of John Wayne Park under subsections (b), (c) and (e) because it will impinge on blue water views and introduce a monolithic residential structure that exceeds existing height limits within the Park viewshed. In addition, as described above, the TM creates a single private lot with a private apartment complex and small office building on a single parcel. The TM establishes a private driveway for the apartment building, private access to the office building, and an offer of dedication for future widening West Coast Highway, all within the Commission’s direct appeal jurisdiction, plus two non-visitor-serving buildings in a highly visible part of the Coastal Zone. For the purposes of jurisdiction under PRC 30603(g), the TM eliminates any potential for public coastal access to or from the property and ensures its wholly private use in perpetuity.

The project is also located within a special community and neighborhood which is a significant visitor destination area, known as “Mariners Mile”. The Mariners Mile is the stretch of Pacific Coast Highway between Dover Drive and Newport Boulevard in Newport Beach. It is accessible to the many yachts and sailboats moored on the north shore of Newport Bay. In this neighborhood are found shops that cater to the “rich and famous,” including exotic car showrooms for Maserati and McLaren. Lots of great restaurants can be found on the water side of PCH. Nearby beaches include: Lido Isle – Genoa West Beach (0.3 miles away, SSE), North Star Beach (0.6 miles away, N), Marina Park (0.7 miles away, S), Newport Municipal Beach (0.8 miles away, SSW), Balboa Pier Beach (0.9 miles away, SSW), Newport Harbor Patrol Beach (0.9 miles away, E), Balboa Peninsula Beach (1.0 miles away, S), West Newport Beach (1.2 miles away, W), Newport Dunes Resort Beach (1.5 miles away, E). Photos of these coastal resources are provided below.

² YouTube video showing John Wayne Park <https://youtu.be/Xuhrx5P4BO0>



The City of City of Newport Beach states: The City of Newport Beach is located in the coastal center of Orange County, with Los Angeles County to the north and San Diego County to the south. It has an estimated permanent population of 86,738 but during the summer months, the population grows to more than 100,000 with 20,000 to 100,000 tourists daily. The City of Newport Beach promotes itself as “one of Southern California’s most picturesque, dynamic and popular beach communities. Located in the center of coastal Orange County, Newport Beach is known for its vast recreational opportunities and outstanding shopping, dining and lodging. The city surrounds Newport Bay and more than 9,000 boats of all types are docked within the 21-square-mile harbor area. The bay and the city’s eight miles of ocean beach offer outstanding fishing, swimming, surfing and aquatic activities.” Recreational Activities - Newport Beach attracts visitors with its harbor, beaches, restaurants, and shopping. It is a residential and recreational seaside community willing and eager to share its natural resources with visitors without diminishing these irreplaceable assets in order to share them. It has outdoor recreation space for active local and tourist populations that highlight the City’s environmental assets as well as indoor facilities for recreation and socializing. Coastal facilities include pedestrian and aquatic opportunities.

The City General Plan Land Use Element Table LU-1 list CV as one of the desirable land uses for the project site. CV is defined by the Land Use Element as “The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach.”

Newport Beach is special community, a neighborhood which is a significant visitor destination area. Mariners Mile is the center of this special coastal neighborhood.



This segment of West Coast Highway is an important coastal access route used by pedestrians and cyclists to access coastal resources including the John Wayne and Cliff Drive parks, the World-renowned Balboa Bay Club and Resort, Newport Sea Base³, public beaches and many other coastal resources.

The project site is near the center of the Mariners Mile adjacent to Pacific Coast Highway, the primary highway in the State for the public to access coastal resources.

For these reasons, the Project is subject to the Commission's direct appeal jurisdiction under Section 30603 of the Coastal Act.

5. Notice of Final Action

The Commission received a Notice of Final Action (NOFA) for City of Newport Beach CDP No. CD2019-062 on August 4, 2021.

6. Grounds for this Appeal

The City's approval of CDP does not comply with the City's certified Local Coastal Program (LCP). The City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. More specifically, the appeal raises the following substantial issues with the City-approved development:

Substantial Issues:

- 1) The City determined as complete an incomplete CDP application.
- 2) The City failed to provide adequate time for the public to review and comment on the Coastal Development Permit.
- 3) The City failed to adequately address LCP environmental concerns.
- 4) The City action failed to adequately protect views of coastal resources from high value strategically placed public vantage points.
- 5) The City action failed to adequately protect public safety.
- 6) The City action failed to adequately protect public access to coastal resources.

³ "The Newport Sea Base is a youth-based boating and marine education center located on Newport Harbor. Youth, ages 6 to 18, can participate in programs ranging from sailing, rowing, paddling, fishing, motor boating, marine science, wood working, composite materials, and more!"

- 7) The City action failed to adequately protect public recreation within the coastal zone.
- 8) The City action failed to analyze the effects of regulatory changes on existing and project build-out conditions.
- 9) The City action failed to identify the General Plan build-out condition.
- 10) The City action failed to consider cumulative change and their effect on coastal resources.
- 11) The City failed to consider the precedent setting effect their decision would have on coastal resources.
- 12) The City action errored in following the LCP Rules of interpretation.

1) The City determined as complete an incomplete CDP application.

LCP Section 21.52.015, CDP application states in part:

It is the responsibility of the applicant to provide evidence in support of the findings required by subsection (F) of this LCP Section 21.52.015 (Findings and Decision).

Subsection (F) Findings and Decision in part:

The review authority may approve or conditionally approve a coastal development permit application, only after first finding that the proposed development:

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

Analysis – Following the determination by the City that the CDP application was complete the public asked the City for the analysis demonstrating the project conforms to all applicable sections of the certified Local Coastal Program. This information has not been provided. The City has not provide this information to the public because it does not exist. In response to the public requests for information, the City referred the public to the draft Resolution attached to the staff report. The analysis in the Resolution is incomplete and fails to demonstrate at the level required by the LCP that the project conforms to all applicable sections of the certified LCP as required by Section 21.52.015.

Without this information the City does not have adequate factual and/or legal support for the Council's decision that the project is consistent or inconsistent with the relevant provisions of the certified Local Coastal Program. This information is a requirement for reaching the Findings required for approval of a Coastal Development Permit.

The appellants request the Commission find substantial issue with this appeal because the City did not provide adequate facts at the level required by the LCP for the public to provide meaningful comment in its public notice or public records at the time, let alone for the City to support the required Findings for approval of the CDP.

2) The City failed to provide adequate time for the public to review and comment on the Coastal Development Permit.

Analysis - While public notice time periods met minimum statutory requirements, the material contained in the staff report, its attachments and public records failed to provide the General Plan/LCP consistency analysis required by the CDP application at the level required by the LCP, leaving the public an inadequate period of time and insufficient information to provide meaningful comment on the Coastal Development Permit.

The public submitted comments to the Planning Commission, City staff and City Clerk requesting the missing information. The Planning Commission approved the project without providing this information to the public. The City Council appealed the Planning Commission action. The public attempted to remedy the deficiency by requesting the City prepare or otherwise provide evidence in support of the Findings required by subsection (F) of LCP Section 21.52.015 meeting the requirements of the LCP. No such information was provided. Therefore, the public notice time period for the City Council appeal of the project also left the public an inadequate period of time and insufficient information to provide meaningful comment on the Coastal Development Permit.

The appellants request the Commission find substantial issue with this appeal because the City did provide adequate facts at the level required by the LCP in its public notice or public records in time for the public to provide meaningful comment, let alone for the City to support the required Findings for approval of the CDP.

3) The City failed to adequately address LCP environmental concerns.

Analysis – The City determined the project to be exempt from the California Environmental Quality Act and did not require any environmental analysis to satisfy the concerns of the Coastal Act/LCP. Had the City prepared environmental analysis for the project, the City would not have been able to make the Findings required for the CDP. The project will result in adverse environmental impacts to coastal resources both individually and cumulatively.

These environmental impacts include:

- Adverse impacts to views of high value coastal resources from high value strategically placed public vantage points
- Adverse impacts to public safety from increased traffic on local roadways
- Adverse impacts to public access to coastal resources
- Adverse impacts to public recreation within the coastal zone
- Adverse impacts to all of the above from the effects of regulatory changes on existing + project + build-out conditions
- Adverse impacts from its failure to identify the existing General Plan build-out condition
- Adverse impacts from its failure to consider cumulative change and their effect on coastal resources
- Adverse effect from the precedent setting nature of the decision on coastal resources

The City's failure to consider these adverse environmental impacts on coastal resources resulted in approval of a project that will result a significant loss of high value coastal views, significantly constrain existing pedestrian and bicyclist routes resulting in a decrease in public safety, adverse impacts to public recreation and public access to coastal resources.

As a result of the City's failure to consider the significant changes in circumstances that have occurred since the General Plan and Municipal Code/LCP were last updated, the project will further exacerbate the significant adverse impacts they will cause. Changes in circumstances with or without the project will result in the significant loss of high value coastal views, significant adverse impacts to the roads in the project vicinity resulting in significant adverse impacts to pedestrian and bicyclist safety and coastal access.

The cumulative development potential within the Mariners Mile corridor was also not assessed. Had the cumulative development potential been evaluated with the project, the City would have concluded cumulative + project development will result in the significant loss of high valued coastal views in the project

vicinity, significant adverse impacts to the roads in the project vicinity resulting in significant adverse impacts to pedestrian and bicyclist safety and coastal access.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP.

4) The City action failed to adequately protect views of coastal resources from high value strategically placed public vantage points.

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.

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

Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.

Coastal Land Use Plan, Coastal Views, Policy 4.4.1-6 states in relevant:

Protect public coastal views from the following roadway segments:

- Coast Highway from Newport Boulevard to Marino Drive.
- Coast Highway/Newport Bay Bridge

Implementation Plan, Height Limits and Exceptions, 21.30.060, states in relevant part,

...

C. Increase in Height Limit.

...

2. Height Limit Areas. The height limit areas shall be as follows:

c. Nonresidential, Shoreline Height Limit Area. In this height limit area the base height limit for nonresidential and mixed-use structures with flat roofs is twenty-six (26) feet and the base height limit for structures with sloped roofs is thirty-one (31) feet. The height of a structure may be increased up to a maximum of thirty-five (35) feet with a flat roof or forty (40) feet with a sloped roof through the approval of a coastal development permit application as provided above. The shoreline height limit shall apply to all nonresidential coastal zoning districts and mixed-use coastal zoning districts within the boundaries of the Shoreline Height Limit Area shown on the High Rise and Shoreline Height Limit Areas Map (See Map H-1 in Part 8 (Maps) of this Implementation Plan).

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
- b. The project is sited and designed to minimize visual impacts and be visually compatible with the character of surrounding areas

City General Plan Land Use Element

Policy LU 1.6 Public Views

Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.

City General Plan Resources Element states in relevant part:

Visual resources are an important component of the quality of life of any geographic area. The City of Newport Beach is located in a unique and dynamic physical setting and enjoys views of the rolling green hills of Crystal Cove State Park to the east, and spectacular ocean views to the southwest, including those of the open waters of the ocean and bay, sandy beaches, rocky shores, wetlands, canyons, and coastal bluffs.

The City has historically been sensitive to the need to protect and provide access to these scenic resources and has developed a system of public parks, piers, trails, and viewing areas. The City's development standards, including bulk and height limits in the area around the bay, have helped preserve scenic views and regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach. 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.

Policies

NR 20.1 Enhancement of Significant Resources

Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3. (Imp 2.1)

NR 20.2 New Development Requirements

Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate. (Imp 20.3)

NR 20.3 Public Views states in relevant:

Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future:

- Coast Highway/Newport Boulevard Bridge and Interchange
- Coast Highway from Newport Boulevard to Marino Drive (Bayshores)

Analysis – The City General Plan and LCP policies require protection of public views to and along the ocean, bay, harbor and to coastal bluffs and other scenic coastal areas. The City General Plan states visual resources are an important component of the quality of life and that areas of Newport Beach have spectacular ocean views including those of the bay and coastal bluffs. Furthermore, the City General Plan states “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.”

LCP-IP Policy 4.4.1-1 is intended to insure the protection of public coastal views from Coast Highway from Newport Boulevard to Marino Drive and Coast Highway/Newport Bay Bridge. In addition, LCP-IP section 21.30.060 Height Limits and Exceptions, requires the following Findings prior to the approval of a CDP:

- a. The project is sited and designed to protect public views to and along the ocean and scenic coastal areas; and
- b. The project is sited and designed to minimize visual impacts and be visually compatible with the character of surrounding areas; and

While the City made these Findings and the City acknowledged the project’s height variance will result in impacts to views of coastal resources from public parks (John Wayne Park and Cliff Drive Park). There is disagreement among experts over the magnitude of visual impacts from the project. In addition to the view simulations provided by the project applicant, view simulations were prepared at the public’s expense showing a significantly greater view impact to coastal views from public parks. The public requested erection of story poles, a tried-and-true method for the general public and experts to assess the visual impacts of a proposed project. While the City had the authority to require story poles, the City chose to deny this request. Had the City done so, the City would not have been able to make the Findings required for the CDP.

The project’s view impacts to John Wayne Park will results in the conversion of high valued, strategically place public views of Newport Harbor to private views. The City failed to consider the project’s conversion of high valued, strategically place public views to private views. Had the City done so, the City would not have been able to make the Findings required for the CDP. The City failed to make findings with adequate factual or legal support.

The project has windows facing John Wayne Park. The project will generate night time light and glare inland toward John Wayne Park. John Wayne Park is used by the public at night as a passive park, simply to enjoy the spectacular harbor views. During the winter months the sun sets earlier. One of the peak evening use periods of John Wayne Park is during the buildup to Christmas and the New Year’s holidays. The Park is absolutely full in the evening with the public observing the Christmas decorations and the World-renowned Newport Beach Boat Parade which occurs at night. The City failed to consider the project’s light and glare impact to public views. Had the City done so, the City would not have been able to make the Findings required for the CDP. The City failed to make findings with adequate factual or legal support. Had the City considered the project’s light and glare impact the City would have realized the project would significantly impact high valued, strategically placed views protected by the Coastal Act/LCP.

The City failed to consider the views impacts from Newport harbor inland to coastal public parks atop coastal bluffs (John Wayne Park and Cliff Drive Park). Had the City done so, the City would not have been able to make the Findings required for the CDP. The City failed to make findings with adequate factual or legal support. Had the City considered the view impact from the water inland to these parks, the City would have realized that these are important views protected by the Coastal Act. Many visitors buy tickets on sight seeing tour boats to see the City's coastal resources from this perspective. The project will incrementally impact views to these high valued coastal resources.

The City failed to consider changes in circumstances that have occurred since the General Plan and Municipal Code/LCP were last updated. Had the City had this information, the City would not have been able to make the Findings required for the CDP. These changes in circumstances with or without the project will result in significant adverse impacts to high valued coastal resources in the project vicinity.

The City failed to consider the project + cumulative development impact on visual resources. Had the City had this information, the City would not have been able to make the Findings required for the CDP. Project + cumulative development will result in significant adverse impacts to high valued coastal resources in the project vicinity.

The City failed to consider the precedent-setting impact of their decision. The City approval of the CDP set a precedent for future mixed-use residential projects in the project vicinity and potentially for other coastal jurisdictions within the state. The precedent set by the CDP approval was the City's decision to prioritize state housing laws over the state Coastal Act, without attempting to harmonize them.

The City could have and should have referred any LCP interpretation of this magnitude to the Commission for input or a determination. Especially, a determination involving significant adverse impacts to high priority coastal resources which will be precedent-setting, having profound local, and the potential for regional and statewide implications. Once these coastal views are gone, they are gone forever, whether they be incremental impacts or total view obstructions, these views once gone will be lost for future generations.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. The appellants are appealing the interpretations made by the City to the Commission in compliance with Chapter 21.64.

5) The City action failed to adequately protect public safety

Analysis – The City received public comments and testimony about the significant adverse impact the project would have on roadways in the project vicinity. Specific concerns were how the project would impact and be impacted by West Coast Highway (WCH), how the project would impact local streets, and how the project would impact pedestrian and bicycle safety. The public asked for a clarification on the ultimate General Plan Circulation Element buildout condition for WCH. The ultimate buildout condition of WCH has long been an area of public concern and controversy, especially the segment within the Mariners Mile corridor where the project is located. The public wants a narrower more pedestrian-friendly and safer WCH. Caltrans and the OCTA want to expand WCH to accommodate a significantly larger traffic volume. The City General Plan is unclear and appears to try to accommodate both sides.

The public expressed the need for preparation of a CEQA document to address the project's potential impacts on public safety and for a traffic study to be prepared. The City determined the project was exempt from

CEQA and did not require the preparation of a traffic study. Had the City had this or equivalent environmental information, the City would not have been able to make the findings required for the CDP.

The public testimony included a detailed description of the condition of the existing roads and how the existing roads were narrow, with on-street public parking, some without sidewalks and heavily used by pedestrians and bicyclists. A significant concern was how the project would impact a non-standard intersection adjacent to the project where the majority of project-generated traffic would flow.

The City failed to consider changes in circumstances that have occurred since the General Plan and Municipal Code/LCP were last updated (the impact of new housing laws and the City's RHNA allocation). Had the City had this information, the City would not have been able to make the findings required for the CDP. These changes in circumstances with or without the project will result in significant adverse impacts to the circulation system in the project vicinity and significantly impact pedestrian and bicyclist safety.

The City failed to consider the project + cumulative development impact on public safety. Had the City had this information, the City would not have been able to make the findings required for the CDP. Project + cumulative development will result in significant adverse impacts to the circulation system in the project vicinity and significantly impact pedestrian and bicyclist public safety.

The City failed to consider the precedent setting impact their decision. The City approval of the CDP set a precedent for future mixed-use residential projects in the project vicinity and potentially for other coastal jurisdictions within the state. The precedent set by the CDP approval was the City decision to prioritize state housing laws over the state Coastal Act policies for protection of public safety.

Specifically:

The City analyzed the project only based on the existing physical condition and if the project was consistent with the General Plan Circulation Element.

The City failed to identify the significant adverse traffic, circulation and public safety impacts from the General Plan buildout condition which includes the removal of the traffic/pedestrian signal at Tustin Avenue and WCH; and how the City will control future left-turn movements in and out of the many driveways including the project site fronting onto WCH along the Mariners Mile corridor. The risks to public safety in making these turn movements as traffic volumes increase will only worsen in the future.

The City failed to analyze the impact future changes will have on the existing "mixed use village" concept. These changes will impact local businesses, residences, public recreational and tourism. The City approval sets a precedent for future infill and re-development within the Mariners Mile corridor and to a larger extent, a precedent for other similarly sited beach communities to follow. For example, had the City chosen to prepare a CEQA document and traffic analysis as the public requested (and identified the General Plan buildout condition in that analysis), the City would have determined the future condition without the project will adversely impact pedestrians' and cyclists' safety by significantly increasing vehicular traffic volumes on WCH and the other local streets in the area. The General Plan Circulation Element shows the widening of WCH within the Mariners Mile corridor. The Circulation Element prioritizes thru-traffic moving east-west along WCH within Mariners Mile. Measures are planned to increase the capacity of WCH, reduce the number of traffic stops, and increase the amount of green signal time at intersections. Additional pressure will be put on the limited number of local streets within the Mariners Mile corridor by motorists seeking relief from wait times during peak hour periods, and when accidents, emergencies and public works repairs temporarily slow

or block traffic flow. Add to this the cumulative residential growth potential and the result is a significant adverse impact to public health and safety.

Local streets along the Mariners Mile corridor include the sub-standard intersection of Avon Street, Tustin Avenue, Ocean View Avenue and the Avon Alley/driveway, a project primary ingress and egress point located adjacent to the northern boundary of the project site. These streets are local streets and a driveway. Ocean View and Tustin Avenue north of Avon Street are narrow sloping streets lined with older single-family homes, constructed decades ago without sidewalks and with on-street parking. Parking often utilized by the public to access coastal resources. These streets are heavily used by pedestrians and bicyclists destined for locations on the ocean side of WCH. Many are young children. Residents in this village have had no alternative but to walk on the streets since the neighborhood was constructed decades ago. These are highly valued streets to the public. There are no alternative streets, existing or planned! The General Plan buildout condition will put more pressure on motorists wanting to find alternatives to WCH during congested peak hour(s) periods, impacting pedestrian and bicyclist safety. The project combined with cumulative projects and changes in conditions caused by new housing laws will exacerbate these public safety impacts. Further exacerbating the risk to the public is the high accident rate along WCH in this area and the growing use of electrified bicycles, skate boards and other motorized means of transport which will result in increased speeds.

The existing General Plan Land Use Element mixed-use village concept combined with residential density bonuses permitted with affordable housing and the cumulative development potential will greatly increase the population of the area. The Circulation Element roadway dedication required for new developments fronting on WCH will allow for the future widening and increase in capacity of WCH. As the widening of WCH within the Mariners Mile occurs, the width of public sidewalks will be reduced to 3-feet in front of the project site. Compounding the problem, the project has a 0-foot front (WCH) setback.

The combination of increased traffic, increased residential density and increased tourism from regional growth will redefine the existing mixed-use village concept.

The existing mixed-use village concept for the inland side of WCH is dominated by one- to two-story single-family detached residential homes with sloping roofs, pedestrians walking on the roadways and cars parked 24/7 on public streets. There is a shortage of public parking in the area. Public parking is used by local businesses which are under-parked as a result of their demand. Under the existing mixed use concept, businesses are separated from residential uses and are either local commercial, retail serving or tourist commercial uses. Pedestrian and vehicular traffic generally travels in a north/south direction to get to WCH where they then travel in an east/west direction.

Given the State housing shortage, and historic real estate values, the future mixed-use village concept for the inland side of WCH will prioritize residential land use, maximizing density, constructing higher density 2-3 story multi-family residential structures with smaller unit sizes. Projects will likely have the minimum number of affordable housing units required to qualify for a density bonus and development incentives. Buildings will be constructed having primarily flat roofs. Sloped roofs will be used on building facades as seen from key vantage points such as WCH to address planning concerns. There are no underutilized roadways to accommodate the additional traffic generated by the General Plan buildout and future development. Increased traffic on local streets will mean there will be higher risks associated with pedestrians and bicyclists using these streets. This is a significant adverse change to the mixed-use village concept envisioned for the Mariners Mile by the public, especially given the cumulative development potential for the Mariners Mile.

Vehicular traffic will be further congested and re-routed by the future removal of the traffic signal at Tustin Avenue and WCH. The removal of the signal is designed to increase the capacity and traffic flow along WCH.

With the increased traffic projected for WCH the City is planning to separate pedestrians and bicyclists from WCH through the use of bridges. A pedestrian and bicycle bridge across WCH is planned at Riverside Avenue. The bridges will not only increase traffic flow but will provide a safer means for pedestrians and bicyclists crossing the widened WCH. Pedestrian and bicycle bridges are proposed for other locations along WCH. A bridge across WCH was recently constructed east of the site to accommodate pedestrian traffic from a parking structure to a sailing club. And the City is working on detailed plans for a bridge across WCH at Superior Avenue to the west of the project site.

At the time the mixed-use concept was added to the General Plan for the Mariners Mile, residential uses were intended as a secondary use providing walk to work housing to support the commercial uses which would dominate the WCH frontage as a means to reduce vehicle ADT and greenhouse gas emissions. General Plan policies were in compliance with the Coastal Act/LCP policies based on the Housing Element's Appendix H4 a city-wide Housing Sites Analysis and Inventory which contained anticipated residential densities for the Mariners Mile given the land use constraints at the time. It now turns out this 77-page city-wide inventory at the individual parcel level was only advisory, prepared to inform the Southern California Association of Governments (SCAG) the City could easily accommodate the 5th cycle RHNA allocation of 5-dwellings units. Given the impact of new housing laws and affordable housing incentives, consistency between the General Plan Land Use and Circulation Elements policies which intensifies in-fill residential density and roadway infrastructure are in conflict with the Coastal Act/LCP policies to protect and enhance where feasible coastal resources, public access and safety. This growing conflict over high density urban infill vs. a calmer residential mixed-use village became apparent to the public during the Mariners Mile specific plan development process and is why the public believes the specific plan process for the Mariners Mile was terminated by the City. During this timeframe the public passed a City Charter amendment (Green light) requiring a vote of the public on projects over a certain size. The enactment of new housing laws has only exacerbated this divide.

The potential for a natural disaster such as a wildland/urban fire exists. Disaster of this nature have required large-scale emergency evacuations on short-notice. The ability of the City to conduct a large-scale emergency evacuation on short-notice today is questionable and un-tested. In light of the future intensification of urban infill density, increased traffic volume projected for WCH, potential for Public Safety Power Shutoffs and availability of adequate numbers of emergency service personnel on short-notice is unknown and untested.

For these and other reasons discussed throughout this appeal, the future widening of WCH is a major point of public controversy. The public expects adequate circulation and also does not want WCH widened or its capacity increased.

The public believes the City's prioritization of its General Plan Land Use and Circulation Element policies combined with new housing laws over the LCP Land Use Plan and Implementation Plan policies is incorrect and further believes an LCP-prioritized alternative mixed-use design which prioritized public health, safety and public views of coastal resources is required by law over additional traffic, reduced public safety and loss of public views of coastal resources resulting from housing law prioritization.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. The appellants are appealing the interpretations made by the City to the Commission in compliance with Chapter 21.64.

6) The City action failed to adequately protect public access to coastal resources

Analysis – The City received public comments and testimony about the significant adverse impact the project would have on roadways in the project vicinity. Specific concerns were how the project would impact and be impacted by WCH, how the project would impact local streets used by the public to access coastal resources, and how the project would impact pedestrian and bicycle safety. The public asked for a clarification on the ultimate General Plan Circulation Element buildout condition for WCH. The ultimate buildout condition of WCH has long been an area of public concern and controversy, especially the segment within the Mariners Mile corridor where the project is located. The public wants a narrower more pedestrian-friendly and safer WCH. Caltrans and the OCTA want to expand WCH to accommodate a significantly larger traffic volume. The City General Plan is unclear and appears to try to accommodate both sides.

The public expressed the need for preparation of a CEQA document and for a traffic study to be prepared to address the project's potential impacts to the public's access to coastal resources. The City determined the project was exempt from CEQA and did not require the preparation of a traffic study. Had the City had this information or equivalent environmental information, the City would not have been able to make the findings required for the CDP.

The public testimony included a detailed description of the condition of the existing roads and how the existing roads were narrow, with on-street public parking, some without sidewalks and heavily used by pedestrians, including school children, and bicyclists for access to coastal resources. A significant concern was how the project would impact a non-standard intersection adjacent to the project where the majority of project generated traffic would flow, as well as the trail leading to Tustin Avenue/coastal resources from the adjacent John Wayne Park.

The City failed to consider changes in circumstances that have occurred since the General Plan and Municipal Code/LCP were last updated (the impact of new housing laws and the City's RHNA allocation). Had the City had this information, the City would not have been able to make the findings required for the CDP. These changes in circumstances with or without the project will result in significant adverse impacts to the circulation system in the project vicinity significantly impacting pedestrian and bicyclist safety and the public's access to coastal resources.

The City failed to consider the project + cumulative development impact on public access to coastal resources. Had the City had this information, the City would not have been able to make the findings required for the CDP. Project + cumulative development will result in significant adverse impacts to the circulation system in the project vicinity significantly impacting pedestrian and bicyclist safety and the public's access to coastal resources.

The City failed to consider the precedent setting impact their decision. The City approval of the CDP set a precedent for future mixed-use residential projects in the project vicinity and potentially for other coastal jurisdictions within the state. The precedent set by the CDP approval was the City's decision to prioritize state housing laws over the state Coastal Act policies for protection of public access to coastal resources, without trying to harmonize the laws.

Specifically:

The City failed to consider General Plan buildout conditions with cumulative conditions with the changes in circumstances (new housing laws) when they approved the project. As a result, the project along with cumulative development will result is a significant reduction of public access to coastal resources. As

discussed in item #5 above, ultimately WCH will be wider with additional travel lanes to accommodate the significantly higher traffic volume currently projected from General Plan at buildout. The two existing at-grade pedestrians and bicyclist crossings of WCH will be removed. Pedestrians and bicyclists will be separated from vehicular traffic by construction of a pedestrian bridge at Riverside Avenue for their safety and to increase the carrying capacity of WCH. The future loss of important coastal access routes (Tustin Avenue crossing) and the at-grade crosswalk across WCH at Riverside Avenue are extremely important to the community. There are no replacement access routes. The concept of widening WCH along the Mariners Mile corridor is problematic. There are many driveways to existing businesses fronting on WCH that have right- and left-turn traffic movements in and out. As the traffic volume increases on WCH the risks to the safety of motorists wishing to use those turn movement increases, as does the risk to the safety of pedestrians and bicyclists who use the sidewalks bisected by the many driveways. Drivers will look to alternate safer routes to reach their destinations during congested periods. The problem is there are few choices within the Mariners Mile corridor. All are highly valued and already impacted. Add to this the intensification of land use allowed by State Accessory Dwelling Unit laws within the coastal zone and its potential impact public parking within the coastal zone; the interpretation by the City Director to allow the conversion of hotel rooms, a visitor serving commercial use to luxury condominiums and the potential adverse impact that could have to coastal resources.

The resulting intensification of land use will prioritize residential use over local serving commercial/retail use. New tourist uses will be minimized because of its high parking requirements, cost of construction of parking structures, height restrictions and view considerations. The added traffic along the Mariners Mile corridor and intensified land use will dissuade pedestrian and bicycle use. There is little likelihood of public parking structures being constructed within the Mariners Mile corridor. Ultimately, the width of the WCH sidewalk will be reduced to 3 feet with a 0-foot front building setback along the project frontage, which is less than half of the normal sidewalk width for WCH. Combined these project design features will further dissuade pedestrian and bicycle use.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. The appellants are appealing the interpretations made by the City to the Commission in compliance with Chapter 21.64.

7) The City action failed to adequately protect public recreation within the coastal zone

Analysis – The City’s failure to analyze the effects of regulatory changes on existing and project build-out conditions failed to provide the City with information that was required in order to make the Findings required for the CDP.

The City received public comments and testimony about the significant adverse impact the project would have on the use of public parks and roadways in the project vicinity. Specific concerns were how project building height would impact high value views of coastal resources from public parks. A second concern was how project generated traffic would impact the local circulation routes serving those parks. These local streets provide access to and from the parks and other coastal resources. The public expressed concern and uncertainty over the impact from the ultimate widening of WCH and how that project would ultimately impact local streets used by the public to access the impacted parks and coastal resources. Particular emphasis was placed on pedestrian and bicycle safety. The public expressed the need for clarification on the ultimate General Plan Circulation Element buildout condition for WCH. The ultimate buildout condition of WCH has long been an area of public concern and controversy, especially the segment within the Mariners Mile corridor where the project is located. The public wants a narrower more pedestrian friendly and safer WCH. Caltrans

and the OCTA want to expand WCH to accommodate a significantly larger traffic volume. The City General Plan is unclear and appears to try to accommodate both sides.

The public expressed the need for preparation of a CEQA document to address the project's potential impacts to public recreation within the coastal zone and for a traffic study. The City determined the project was exempt from CEQA and did not require the preparation of a traffic study. Had the City had this or equivalent environmental information, the City would not have been able to make the findings required for the CDP.

The public testimony included a detailed description of the condition of the existing roads and how the existing roads were narrow, with on-street public parking, some without sidewalks and heavily used by pedestrians and bicyclists for access to and from the impacted public parks and coastal resources. A significant concern was how the project would impact a non-standard intersection adjacent to the project where the majority of project generated traffic would flow, as well as the trail leading to Tustin Avenue/coastal resources from the adjacent John Wayne Park.

The City failed to consider changes in circumstances that have occurred since the General Plan and Municipal Code/LCP were last updated (the impact of new housing laws and the City's RHNA allocation). Had the City had this information, the City would not have been able to make the findings required for the CDP. These changes in circumstances with or without the project will result in significant adverse impacts to the circulation system in the project vicinity, significantly impacting pedestrian and bicyclist safety and the public's use of public parks impacted by the project for recreation and access to coastal resources.

The City failed to consider the project + cumulative development impact on public recreation. Had the City had this information, the City would not have been able to make the findings required for the CDP. Project + cumulative development will result in significant adverse impacts to the circulation system in the project vicinity significantly impacting pedestrian and bicyclist safety, the public's access to coastal resources and the use of impacted public parks for recreation.

The City failed to consider the precedent-setting impact their decision. The City's approval of the CDP set a precedent for future mixed-use residential projects in the project vicinity and potentially for other coastal jurisdictions within the state. The precedent set by the CDP approval was the City's decision to prioritize state housing laws over the state Coastal Act policies for protection of public recreation within the coastal zone, without trying to harmonize the laws.

Specifically:

This project combined with potential cumulative development will significantly impact the high valued strategically-placed public recreational uses in the area including John Wayne Park. John Wayne Park is used for public gatherings including public viewing of sunsets, boat parades. The Park includes an access path via the park's stairway to other coastal resources. Some of the access paths are already heavily congested and a hazard for pedestrians and bicyclists. Mariners Mile has very few public recreational areas. The ones that exist are highly valued and strategically placed to maximize their value to the public. Not only will the project adversely impact public views of the harbor from John Wayne Park, but the General Plan buildout condition without the project, will significantly increase traffic and re-route traffic from Tustin Avenue following the removal of the traffic signal at Tustin Avenue and WCH. Traffic will be rerouted from Tustin Avenue to Avon Street to Riverside Avenue or from Tustin Avenue to Ocean View Avenue to Cliff Drive. The ultimate removal of the signal at Tustin Avenue will impact the already heavily used local streets relied upon by pedestrian and bicyclists for primary access to coastal resources. The result will be less people using these streets to access public recreational areas due to increased safety hazards.

Riverside Avenue/Cliff Drive provides primary access to Cliff Drive Park. The Park is located one block west of the project. The project will adversely impact the view of coastal resources from Cliff Drive Park. Similar to John Wayne Park, Cliff drive park is used by the public for its spectacular harbor views. General Plan buildout without the project will adversely impact the availability of already scarce public parking to access the park, which will dissuade public use of the park. General Plan buildout will adversely impact pedestrian and cyclists use of Riverside Avenue and Tustin Avenue currently the primary access routes in the area used to access coastal resources. The additional housing units generated by RHNA and the cumulative effect of these RHNA units from area-wide growth on the City's circulation will be significant and adverse. The City does not know the magnitude of impact at this time because it did not analyze the impact. The project combined with cumulative projects will significantly increase the demand on existing public recreation within the coastal zone and add to the significant adverse impact to public access caused by urban infill.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP.

8) The City action failed to analyze the effects of regulatory changes on existing and project build-out conditions.

Analysis – The City failure to analyze the effects of regulatory changes on existing and project build-out conditions failed to provide the City with information that was required in order to make the Findings required for the CDP.

Over 60 housing stimulus laws have been enacted by the State of California since 2017. The State has declared a housing shortage emergency and identified a critical need for affordably priced housing. The State has determined additional housing must be provided. The State has passed laws concentrating new housing developments in urban infill areas and is requiring all local governments to do their fair share to meet the projected housing demand. The City has received its 6th cycle Regional Housing Needs Assessment (RHNA) of 4,845 units, 40% of which must be affordably priced. For background the 5th cycle RHNA was 5 units. These changes in circumstances are not accounted for in the City General Plan or LCP. The City is in the process of updating its General Plan to reflect these changes. The City's draft Housing Element projects its maximum exposure is 9,819 dwelling units assuming an average of 48% affordability from all new developments. As of this time, the City has submitted a draft Housing Element Update to the State HCD for review and comment. The City is working on a Circulation Element Update to address the changes in the Housing Element and beginning the General Plan Update CEQA process. The City does not know the individual or cumulative short- or long-term significant adverse effects from these changes in circumstances on the environment, to the public's health, safety and general welfare, or the significant adverse impacts these laws will have on coastal resources, locally or regionally. As a result, the City has not begun the formulation of project alternatives. The City has chosen not to submit its draft Housing Update and Circulation Element Update to the Commission for its review and comment at this time.

The City does know with certainty accessory dwelling units and junior accessory dwelling units can be constructed ministerially. The City is estimating that its maximum exposure from its RHNA allocation is approximately 9,819 dwelling units. The City does know this maximum exposure does not include development incentives, including density bonus units, on-site parking reductions, and modifications to design standards (building height) allowed by affordable housing laws. The City does know the coastal areas including the Mariners Mile and project site have long been a priority for luxury residential builders who have wanted to construct high-density developments which would result in significant adverse impacts to coastal resources. The City's current Housing Element identifies anticipated development levels on a parcel-by-parcel

basis by, among other problems, privatizing currently public views. There is no requirement for inclusionary housing. The existing Housing Element site inventory (Appendix H4) states the subject property is anticipated to yield 16 dwelling units. A density that could be developed consistent with the policies and implementation standards of the General Plan and Municipal Code/LCP even with a density bonus. However, the new housing laws enacted after the last General Plan/LCP update more than double the allowable residential density (with the approved parcel map), placing housing policies in conflict with the Coastal Act.

Prior to taking action on the project, the City failed to analyze the significant adverse effects on coastal resources from changes in circumstances. It is known that changes in circumstances will significantly increase local, regional and statewide populations. Newport Beach is and will continue to be, a tourist destination who's population according to the 2010 census more than doubles in the summer months. It is known these changes in circumstances will result in significant adverse impacts to the region's traffic and circulation network including roadways in the vicinity of the project. These changes in circumstances will place significant additional pressure on coastal view parks increasing the importance of these parks and the need to protect their value to the public for future generations. It is known that real estate values within Newport Beach's coastal zone are extremely high and the cost of eminent domain to expropriate private property for public use will be extremely expensive and likely beyond the sole ability of the City.

Had the City had this information, the City would not have been able to make the findings required for the CDP.

The City could and should have referred any interpretation on the effect of the changes in circumstances discussed above on the LCP to the Commission for input or a determination prior to acting on the project. Especially a determination involving significant adverse impact to high priority coastal resources when the decision will be precedent-setting, having profound local, regional and statewide implications.

The City's action approving a project with only 11% affordable housing (calculated at the base land use density of 26 du, excluding density bonus units) or only 8% based on total units, does not provide sufficient public benefit to offset the project's significant adverse impacts to high value coastal resources and public safety. The City should have required a higher percentage of affordable housing to offset the projects impacts to high quality coastal resources and public safety.

The City could have and should have referred the decision on the percentage and type of affordable housing to the Commission for input or a determination prior to acting on the project. Especially, a determination involving significant adverse impact to high priority coastal resources when the decision will be precedent-setting, having profound local, regional and statewide implications.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. The appellants are also appealing the interpretations made by the City to the Commission in compliance with Chapter 21.64.

9) The City action failed to evaluate the General Plan build-out condition

Analysis – The City failure to analyze the General Plan build-out condition failed to provide the City with information that was required in order to make the Findings required for the CDP.

The City General Plan Circulation Element identifies West Coast Highway (WCH) as a major arterial roadway. The public has asked the City for clarification of the General Plan buildout condition for WCH along Mariners

Mile and west Newport. In particular, the public asked for the ultimate condition of WCH at Tustin Avenue and Riverside Avenue, and if a pedestrian bridge across WCH will be constructed at the intersection of WCH and Riverside Avenue. The City did not respond.

What is known is the City approval did require the dedication of 12-feet of the property's frontage along WCH for the future widening of WCH. This dedication reduced the project's developable area concentrating the mixed-use (commercial and residential density) project on a smaller developable area. The project included an affordable housing component (3-units) allowing the applicant to request an increase in maximum building height. The increase in building height resulted in impacts to high valued public views of Newport harbor from public parks. Furthermore, the ultimate reduction in sidewalk width along the project's WCH frontage to 3feet with a 0-foot front building setback will restrict public access and dissuade pedestrian and bicycle usage. The project also offered to dedicate additional right-of-way to expand the Avon Alley/driveway adjacent to the north side of the project. This offer of dedication will assist the City in expanding the Avon Alley/driveway to accommodate future cumulative development (the Newport Village Mixed-Used project). The project applicant is believed to have a financial/ownership interest in the Newport Village Mixed-Use Development project.

The Circulation Element shows that ultimately the existing signal at Tustin Avenue and WCH being removed and a pedestrian and bicycle bridge being constructed over WCH at Riverside Avenue eliminating these highly valued coastal access routes. Both circulation projects are designed to allow adjustment of traffic signal phasing by eliminating pedestrian wait times and increase signal green times on WCH, increasing the capacity of this segment of WCH.

The public has long wanted a focused plan (specific plan) for Mariners Mile. The plan would further define the intent of the General Plan and LCP "mixed use village" designation and coastal resource protection policies. The City initiated this planning process and then terminated the planning process prior to adoption.

The City's failure to identify the General Plan buildout condition and decision to analyze the project based on the existing physical condition failed to provide the City with information that was required in order to make the Findings required for the CDP. Had the City evaluated the General Plan Buildout condition the City would have learned the following:

That significant adverse traffic, circulation and public safety impacts will occur from future changes, including the removal of the signal at Tustin Avenue; how the City will control future left-turn movements in and out of the many driveways including the project site fronting onto WCH along the Mariners Mile corridor.

That significant adverse impacts to the "mixed use village" concept, to the businesses, adjacent residences and public recreational areas from General Plan Buildout will occur as well as from development of the project. For example, had the City chosen to prepare a traffic analysis as the public requested and identified the General Plan buildout condition in that analysis, the City would have determined the future condition without the project will adversely impact traffic and circulation, causing traffic to utilize the adjacent non-standard intersection of Avon Street, Tustin Avenue, Ocean View Avenue and the Avon Alley/driveway. These streets are local streets, Ocean View and Tustin Avenue north of Avon Street are narrow sloping streets lined with older single-family homes, constructed decades ago without sidewalks and with on-street parking. Parking often utilized by the public to access coastal resources. These streets are heavily used by pedestrians and bicyclists destined for locations on the ocean side of WCH, including many young children. Residents in this village have had no alternative but to walk on the streets since the neighborhood was constructed decades ago. The existing streets are highly valued coastal access routes by the public. The General Plan buildout condition will put more pressure on motorists wanting to find alternatives to WCH during congested peak

hour periods, further impacting pedestrian and bicyclist safety. The project combined with cumulative projects and changes in conditions caused by new housing laws will exacerbate this public safety impact. Further exacerbating the risk to the public is the high accident rate along WCH in this area.

The existing General Plan land Use Element mixed-use village concept density combined with residential density bonuses permitted with affordable housing developments will greatly increase the population of the Mariners Mile. The Circulation Element buildout condition will greatly increase the capacity of WCH. The width of the public sidewalk adjacent to the project site will be reduced to 3feet, with no building setback. The added urban intensity will redefine the existing mixed-use village concept within the Mariners Mile.

The existing mixed-use village concept is dominated by one- to two-story single-family detached residences with sloping roofs. Future mixed-use village residential components will be 2-3 story multi-family residential structures with primarily flat roofs employing sloped roofs on building facades as seen from key vantage points such as WCH. This is a significant adverse change given the cumulative development potential for the Mariners Mile.

Traffic will be further congested and re-routed by the removal of the signal at Tustin Avenue and WCH. The General Plan policies were in compliance with the Coastal Act/LCP policies based on the Housing Element's Appendix H4 which contained a site inventory and identified the anticipated residential densities for the Mariners Mile given the land use constraints. It now turns out Appendix H4 was only advisory to inform SCAG the City could easily accommodate the 5th cycle RHNA allocation of 5-dwelling units. Given the impact of new housing laws and affordable housing incentives, compliance between the General Plan Land Use and Circulation Elements policies are in conflict with the Coastal Act/LCP policies to protect and enhance where feasible coastal resources, public access and safety. This growing conflict became apparent to the public during the Mariners Mile specific plan process which occurred prior to the enactment of new housing laws. This conflict is why the public believes the specific plan process for the Mariners Mile was terminated by the City. The public believes the City had insufficient information in the record to make the required Findings which resulted in the prioritization of its General Plan Land Use and Circulation Element policies combined with new housing laws over the LCP Land Use and Implementation Plan policies is wrong. The appellants argue the facts require an LCP prioritized alternative mixed-use design which prioritized public health, safety and public views of coastal resources over additional traffic, reduced public safety and loss of public views of coastal resources.

Had the City had this information, the City would not have been able to make the findings required for the CDP.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP.

10) The City action failed to consider cumulative changes and their effect on coastal resources

Analysis – The City failure to analyze cumulative conditions failed to provide the City with information that was required in order to make the Findings required for the CDP. The City analysis did not consider the potential significant adverse impact from cumulative development and cumulative impact from changes in circumstances on the proposed project and coastal resources.

One proposed development of particular concern is the Newport Village Mixed Use Project, a mixed-use development encompassing approximately 9.4 acres on the north and south sides of West Coast Highway in the Mariner's Mile corridor, approximately 1-hundred yards east of the project site.

The Newport Village Mixed Use project includes:

- 14 residential condominium units on the South Parcel
- 108 apartment units on the North Parcel
- 128,640 square feet of nonresidential floor area (including 96,905 square feet of existing and new office, 19,820 square feet of boat/vehicle sales, and 11,915 square feet of existing and new retail/food service)
- A new publicly accessible waterfront promenade
- 827 surface, structured, and subterranean parking spaces
- Existing bulkheads would be reinforced and capped along the waterfront
- The marina design would add headwalk sections, a new gangway, and reduce the total slips by five from 68 slips to 63 slips

The maximum height of buildings on the north parcel is 26 feet for a flat roof and 31 feet for a pitched roofline measured from established grade. The maximum height of buildings on the south parcel is 35 feet for a flat roof measured from established grade. The existing structures at 2241 West Coast Highway and 2244 West Coast Highway would remain while other structures will be demolished and existing uses will be discontinued or relocated with project implementation.



Conceptual Site Plan



In addition to the Newport Village Mixed Use Project the City failed to consider the effect of other pending project applications and project that have been approved and not yet constructed. In addition to failing to consider the cumulative adverse impacts from City development projects, the City failed to consider State housing stimulus laws; the State RHNA assessment; and Southern California Edison Company's 2018 announcement for potential Public Safety Power Shutoffs during wildfires. Combined the cumulative effects of these changed conditions will result in significant adverse cumulative impacts to the General Plan; City Municipal Code/LCP; and the inability of the City infrastructure to function as designed, resulting in a significant adverse impact to the quality of life, health and safety of residents of Newport Beach.

One example being California Edison Company's announcement to the City of Newport Beach of the potential for Public Safety Power Shutoffs during wildfires affecting all or a portion of Newport Beach. As the world saw in the 2018, the Woolsey Fire which began as a wildland fire and quickly spread to an urban fire in part due to strong Santa Ana winds impacted urban structure and infrastructure in the County of Los Angeles and City of Santa Monica. The Woolsey Fire resulted in a breakdown of the region's existing Mutual Aide Agreements which establish the terms under which assistance is provided between two or more jurisdictions within a state and between states. The Woolsey Fire resulted in the inability of the local emergency responders and infrastructure to accommodate the needed large-scale emergency evacuation on short-notice. Add to this a Public Safety Power Shutoff and the City would have no power to run its circulation network (traffic signals) or the staff required to conduct a large-scale emergency evacuation (house-to-house, business-to-business searches) on short-notice. Let alone emergency personnel to supplement the circulation system's needs.

It is obvious the cumulative impacts and change in circumstances have had significant impacts on the City General Plan and Municipal Code/LCP. The City is updating its General Plan and preparing an Environmental Impact Report to address the potentially significant adverse environmental effects of the General Plan Update. The General Plan update will require an LCP update. The City is just beginning the CEQA process. Potential significant adverse effects are not known at this time. Alternatives have not been formulated. The City's failure to consider the cumulative effects on coastal resources as part of the project will put the public at higher risk from increased traffic; higher risk in the event of a natural emergency; increase the incremental adverse effects from the loss of high valued coastal views; and impact the viability of local and tourist serving retail uses within the Mariners Mile corridor. Not to mention the regional impact to the jobs-housing balance from implementation of the current RHNA allocations, particularly within built-out communities such as Newport Beach.

Had the City had this information, the City would not have been able to make the findings required for the CDP.

The appellants request the Commission find substantial issue with this appeal concern because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP.

11) The City failed to consider the precedent setting effect their decision would have on coastal resources.

Analysis – As discussed previously the City did not consider the cumulative effect when considering the project; the City failed to identify the General Plan build-out condition; the City failed to analyze the effects of regulatory changes on existing and project build-out conditions; the City did not discuss the precedent-setting effects their decision could have on coastal resources locally, regionally or state wide; and the City, incorrectly concluded the Housing Accountability Act took priority over the Coastal Act.

All other development projects within the coastal zone including the other major pending development project in the Mariners Mile (the Newport Village Mixed Use Project) will be subject to the same Director's interpretations as this project. Should other coastal cities face similar development proposals and circumstances and rely on the City of Newport Beach's interpretations of its LCP for their LCPs interpretations, the City's decision could be of regional and potentially of statewide significance. The significant adverse impact to city-wide high valued coastal resources (example coastal views) has the potential to be cumulatively significant.

The City could and should have referred any interpretation of their LCP regarding the pending CDP decision to the Commission for input or a determination prior to acting on the project. Especially a determination involving significant adverse impact to high priority coastal resources when the decision will be precedent setting, having profound local, regional and statewide implications.

The appellants request the Commission find substantial issue with this appeal because the City did not have adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. The appellants are also appealing the interpretations made by the City to the Commission in compliance with Chapter 21.64.

12) The City action errored in following the LCP Rules of interpretation.

LCP-IP Chapter 21.10 PURPOSE AND APPLICABILITY OF THE IMPLEMENTATION PLAN

21.10.020 Purpose.

The purposes of the Implementation Plan are to:

- A. Implement the policies of the Coastal Land Use Plan and the California Coastal Act of 1976;
- B. Protect, maintain, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources;

LCP-IP 21.12.020. Rules of Interpretation

- A. Authority. The Director has the authority to interpret the meaning of provisions of this Implementation Plan, including maps, and to apply and/or enforce the Implementation Plan. The Director may also refer any interpretation to the Commission for input or a determination. An interpretation made by the Director may be appealed or called for review to the Commission in compliance with Chapter 21.64 (Appeals and Calls for Review).
- B. Language. When used in this Implementation Plan, the words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory, but is strongly recommended, and “may” is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the common meaning of the word indicates otherwise. The words “includes” and “including” shall mean “including, but not limited to.”

Analysis – The purpose of the Implementation Plan is to implement the policies of the Coastal Land Use Plan and the California Coastal Act of 1976. One such policy is to protect the coastal zone environment and its natural and artificial resources. This is a mandatory policy, an objective standard. The City interpreted this and other LCP policies as subjective in its interpretation of the Housing Accountability Act (HAA) requirement to analyze a project’s compliance with objective standards applicable to the project. In wrongly interpreting mandatory LCP policies as subjective, the City incorrectly prioritized the goals and policies of the HAA over the Coastal Act.

The City could have and should have referred any interpretation to the Commission for input or a determination. Especially, a determination involving adverse impact to high priority coastal resources which will be precedent setting, having profound local, regional and statewide implications.

The appellants request the Commission find substantial issue with this appeal concern because the City wrongly based its determination that the project complied with the Housing Accountability Act on its interpretation of the intent of LCP policies. Had the City not done so, the City would not have had adequate facts at the level required by the LCP to support the required Findings for approval of the CDP. The appellants are appealing the interpretations made by the City to the Commission in compliance with Chapter 21.64.

- END -

ATTACHMENTS

1. Signed Appellant Certification form

Appeal of local CDP decision
Page 5

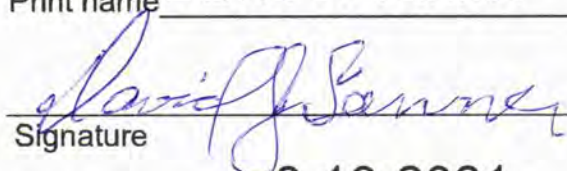
5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name David J. Tanner

Signature _____
Date of Signature 8-18-2021

7. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

ATTACHMENT D
CERTIFICATION FORMS SUPPORTING COALITION APPEAL
INTERESTED PARTIES

ADDITIONAL APPELLANTS

NAME

EMAIL

Anne Adams	annymac17@gmail.com
Gordon Adams	gavca.adams@icloud.com
Sandra Ayres	ssayres@mac.com
Tom Baker	tomlubaker@hotmail.com
George Barfield	NBarfield@VillaRealEstate.com
Nancy Barfield	NBarfield@VillaRealEstate.com
Harry Barton	
Norman Beres	norm.beres@gmail.com
Colleen Beres	norm.beres@gmail.com
Jim Carlson	jfcarlson@roadrunner.com
Astrid Carlson	jfcarlson@roadrunner.com
Val Carson	valcarson@yahoo.com
Kathe Choate	choateoncliff@gmail.com
Bruce Choate	choateoncliff@gmail.com
Daniel Clark	portiaweiss@gmail.com
William Dunlap	bill@wedunlap.com
Judy Elmore	elmorej@elmoretoyota.com
Kathi Glover	jim.t.glover@gmail.com
Jim Glover	jim.t.glover@gmail.com
Patrick Gormley	pfg1941@gmail.com
Charles Klobe	cklobe@icloud.com
Sue Leal	sue@specceramics.com
Lynn Lorenz	lynnierlo@icloud.com
Edward Lyon	val-lyon@sbcglobal.net
Barbara Lyon	val-lyon@sbcglobal.net
Peggy Palmer	pvpalmer@icloud.com
Siobhan Robinson	robiland@gmail.com
Jed Robinson	robiland@gmail.com
Kathy Shaw	kathyashaw5@gmail.com
Tony Shaw	tony@seasiderealtyandinvestments.com
Susan Skinner	susanskinner949@gmail.com
David J. Tanner	dave@earsi.com
Nancy Turner	noturner@gmail.com
Teri Watson	ttaw50@aol.com
Judy Weightman	judyweightman@yahoo.com
Portia Weiss	portiaweiss@gmail.com
Richard Weiss	portiaweiss@gmail.com

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

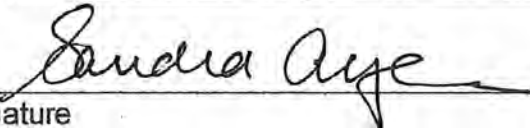
☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Sandra Ayres

Print name _____


Signature _____

8/4/2021

Date of Signature _____

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Thomas Baker

Signature Thomas Baker

Date of Signature August 10, 2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name George Barfield

Signature [Handwritten Signature]

Date of Signature 8/17/21

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Nancy Barfield

Nancy Barfield
Signature

Date of Signature 8/17/2024

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

§ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name

HARRY BARTON

Signature

H. Barton

Date of Signature

8-14-2021

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name NORMAN A. BELES

Signature 

Date of Signature 8/13/2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

† If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

† If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

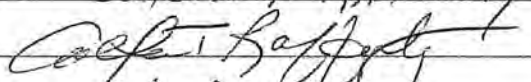
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Colleen T Rafferty

Signature 

Date of Signature 8/13/2021

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

* If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

* If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Astrid Carlson


Signature

Date of Signature 8-9-2021

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name James F. Carlson

Signature 

Date of Signature 8-8-2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Valerie Carson

Valerie Carson
Signature

Date of Signature Aug. 15, 2021

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Daniel O. Clark

Daniel O. Clark
Signature

Date of Signature 8-14-2021

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

5 If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

6 If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

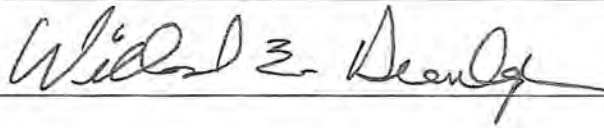
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Willard E. Dunlap



Signature

Date of Signature 8-12-2021

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

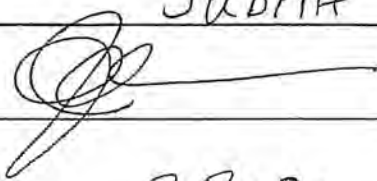
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name JUDITH ELMORE

Signature 

Date of Signature 8-9-21

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Charles Klobe


Signature

Date of Signature 8/8/21

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

§ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name

SUSAN F LEAL

Signature

SF Leal

Date of Signature

8/9/21

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

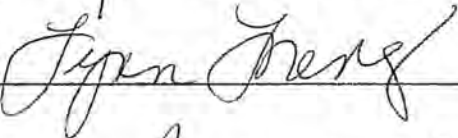
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Lynn Lorenz

Signature 

Date of Signature August 10, 2021

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons


On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Kathleen Shaw


Signature

Date of Signature 8/7/21

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name ANTONY SHAW

Signature 

Date of Signature 8/7/21

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

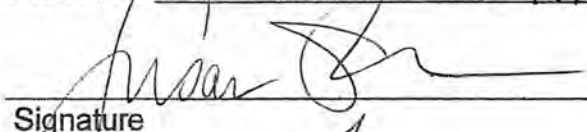
On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Susan Skinner

Signature 

Date of Signature 8/12/21

7. Representative authorizations

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

^s If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

^s If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Nancy Turner

Nancy Turner
Signature

Date of Signature Aug 9, 2021

7. Representative authorization^s

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

^s If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

^s If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Teri Watson

Signature Teri Watson

Date of Signature 14 Aug '21

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁶ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Portia Weiss

Portia Weiss
Signature

Date of Signature 13 August 2021

7. Representative authorization⁶

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Richard Weiss

Richard Weiss
Signature

Date of Signature 8/14/21

7. Representative authorization

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.