

CALIFORNIA COASTAL COMMISSION

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



W15a

LOCAL CDP APPEAL A-5-NPB-22-0022 (Park Newport Land LTD)

July 13, 2021

EXHIBITS

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Exhibit 1 – Vicinity Map and Project Site

Exhibit 2 – Site of June 2020 Land Slide and Photos

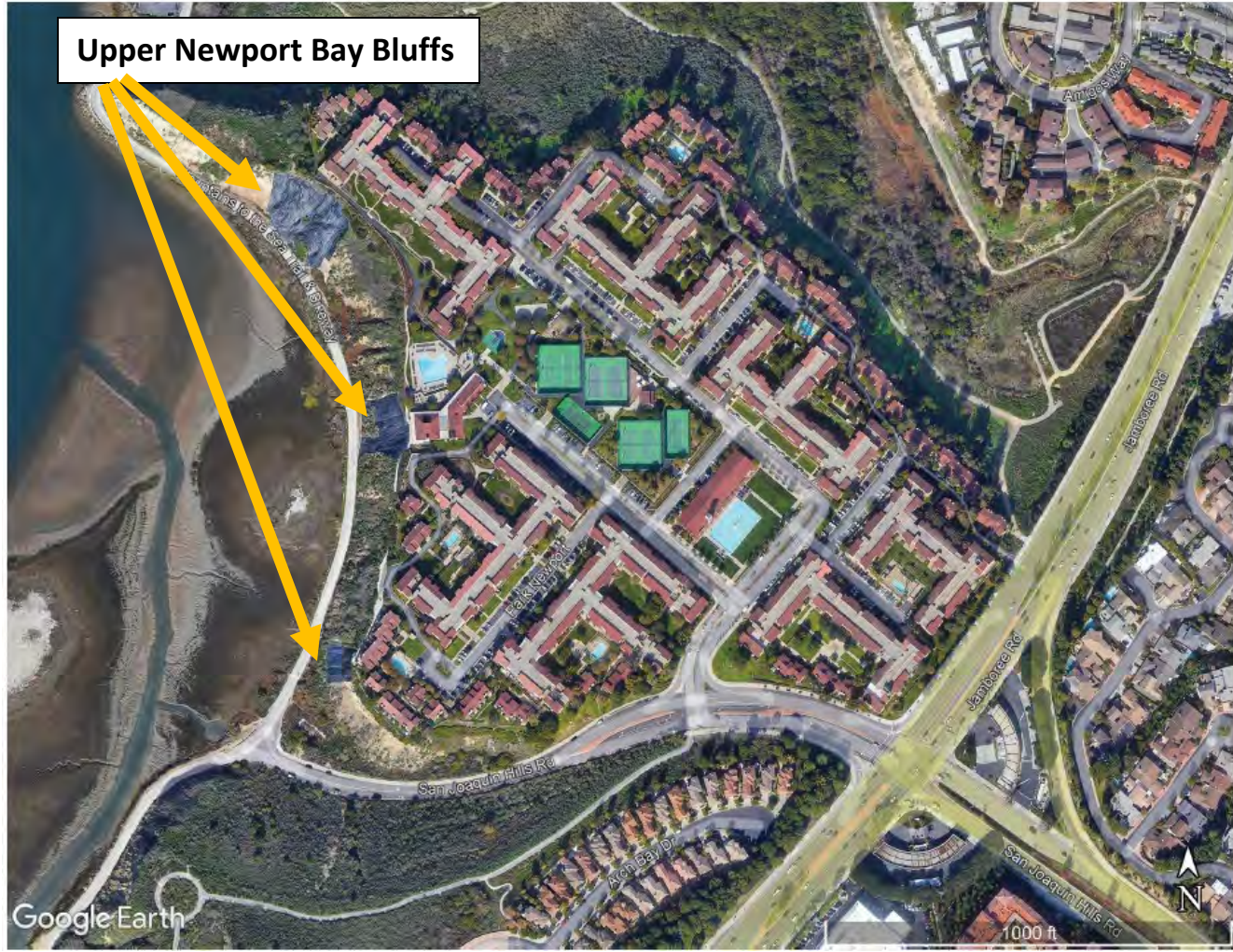
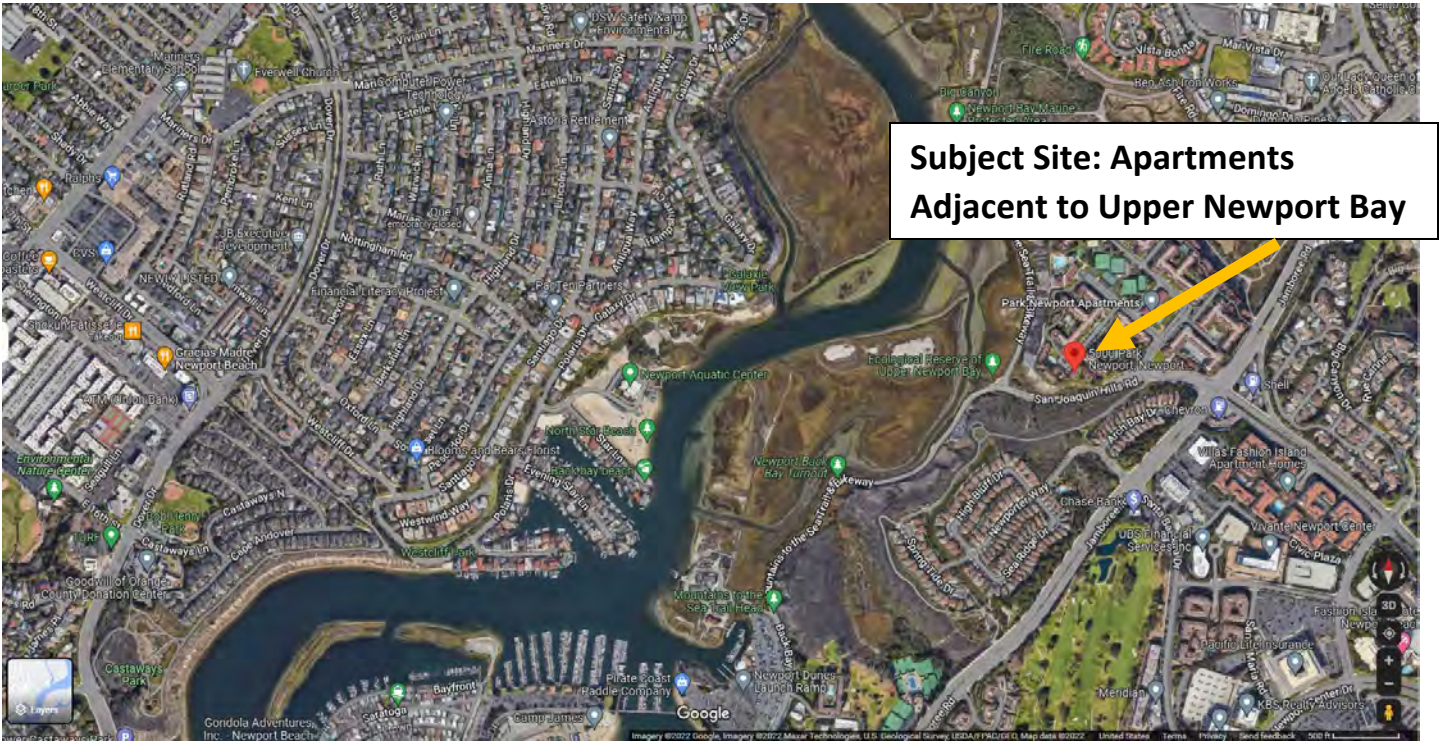
Exhibit 3 – Project Plans Approved by Emergency CDP CD2021-001 and Emergency CDP
CD2021-066

Exhibit 4 – Tarp locations during the 2020-2021 rainy season

Exhibit 5 – City Resolution for local CDP CD2021-001

Exhibit 6 – Appeal of Local CDP CD2021-001 (Follow-Up CDP to Emergency CDPs)

PROJECT SITE AND VICINITY MAP - 5000 Park Newport, Newport Beach, Orange County



June 2020 Landslide of Upper Newport Bay Bluff onto Back Bay Drive



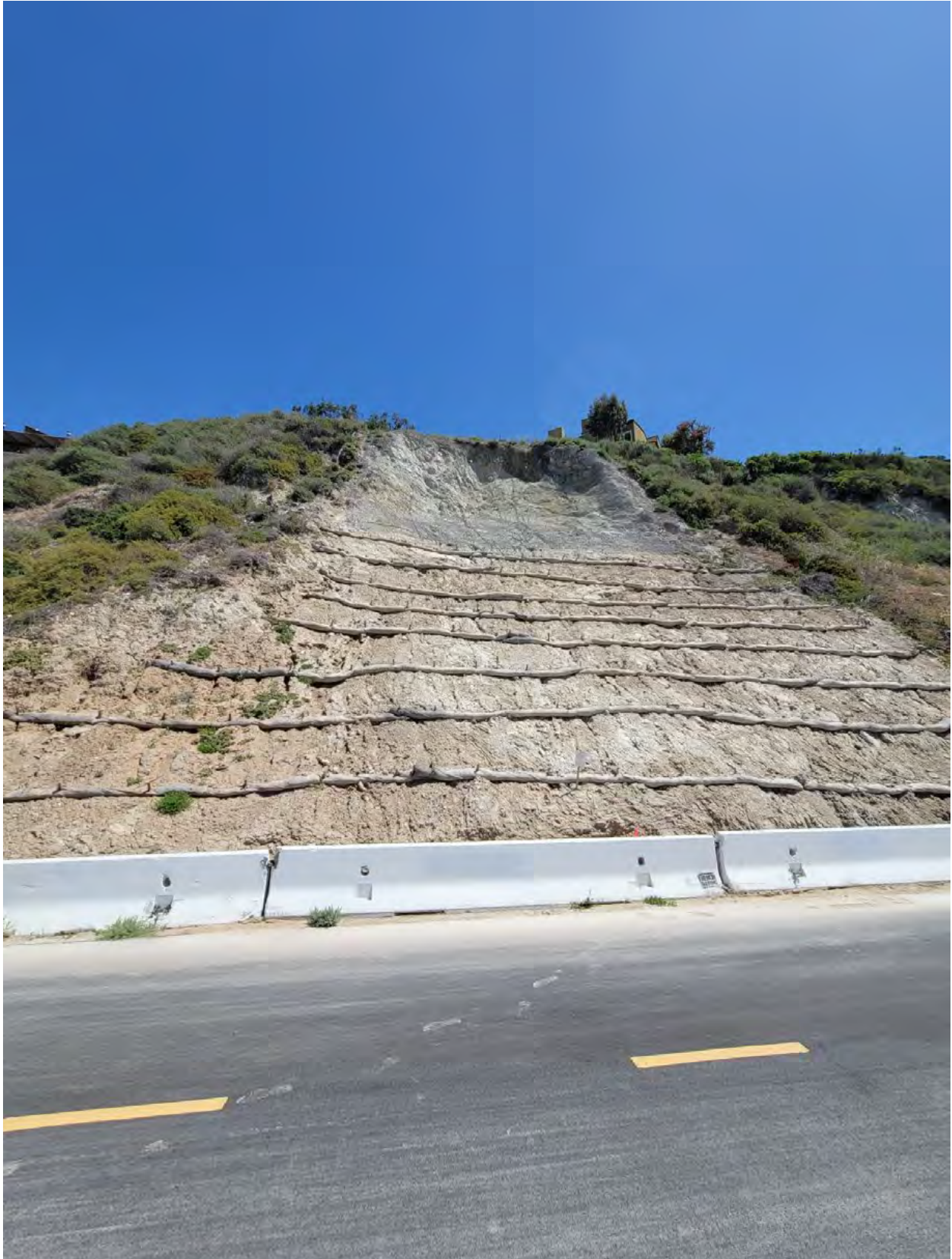
June 2020 Landslide of Upper Newport Bay Bluff onto Back Bay Drive



Work Approved by Emergency CDP CD2020-001



**Work Approved by Emergency CDP CD2020-001 –
K-rail barriers, anchored mesh, and bluff erosion control**



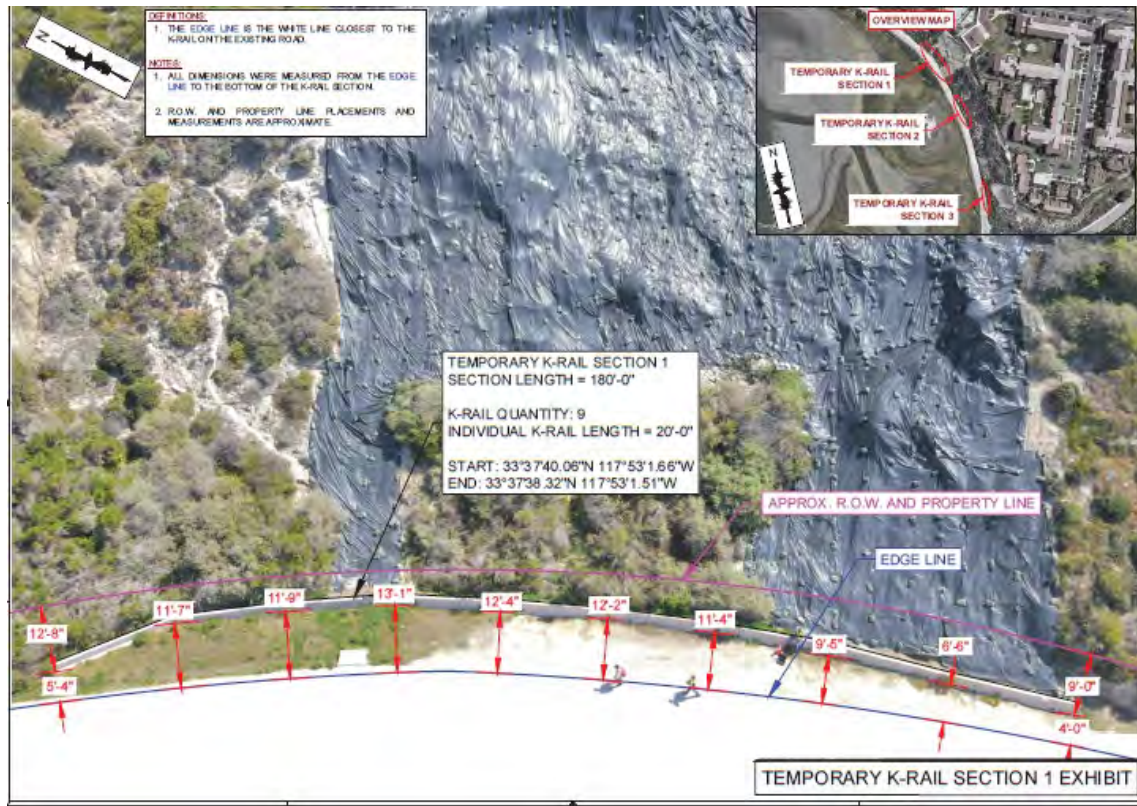
Work Approved by Emergency CDP CD2020-001



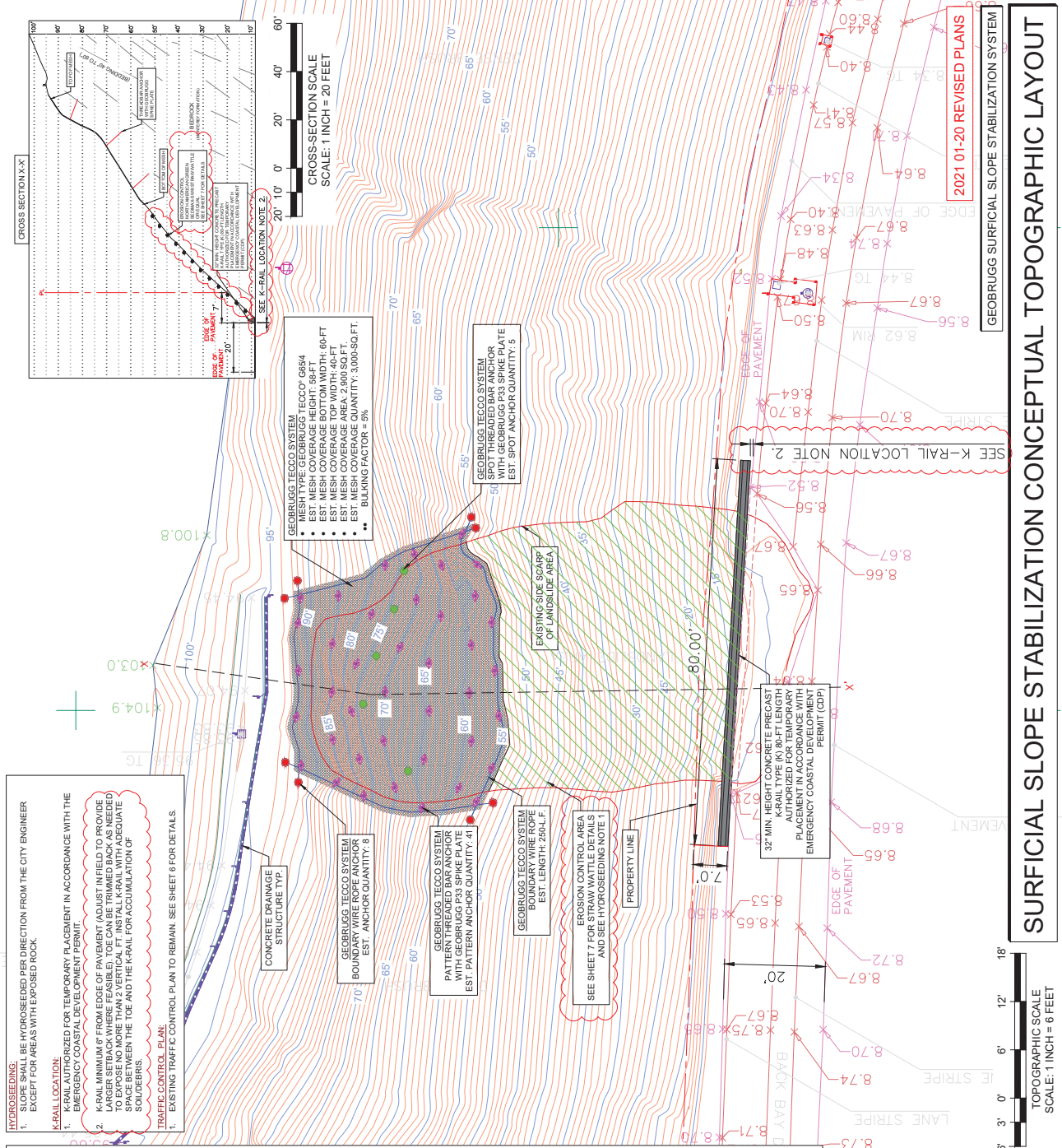
**Work Approved by Emergency CDP CD2020-066 –
plastic tarps and sandbags**



Work Approved by Emergency CDP CD2020-066 – plastic tarps and sandbags shown on K-rail exhibit



- GENERAL**
1. DETAILS SHOWN ON THE CONSTRUCTION DRAWINGS ARE TYPICAL AND SIMILAR DIMENSIONS, SCHEDULES, SPECIFIC NOTES, AND DETAILS TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
 2. DIMENSIONS SHOWN ON THE CONSTRUCTION DRAWINGS ARE BASED ON BEST AVAILABLE INFORMATION PROVIDED TO AND MAY NOT BE PRECISELY INDICATIVE OF FIELD CONDITIONS. ALL DIMENSIONS AND DETAILS SHOWN ON THE CONSTRUCTION DRAWINGS SHALL BE REVIEWED AND VERIFIED BY THE DESIGNER PRIOR TO CONSTRUCTION. THE DESIGNER SHALL BE RESPONSIBLE FOR BRINGING TO THE ATTENTION OF THE DESIGN ENGINEER IMMEDIATELY FOR CLARIFICATION.
- SITE UTILITIES**
1. THE CONTRACTOR SHALL VERIFY ALL UTILITY LINES PRIOR TO ANY VEGETATIVE CLEARING, SCALING, GRADING, EXCAVATION, OR CONSTRUCTION. CALL BEFORE YOU DIG. UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA 811: (800) 424-4133. NO STUDY OF UNDERGROUND UTILITIES HAS BEEN PERFORMED AS PART OF THESE CONSTRUCTION DRAWINGS AND PROJECT SPECIFICATIONS.
 2. DURING CONSTRUCTION THE CONTRACTOR SHALL OBSERVE AND REPORT ANY AND ALL UTILITY SERVICES THAT MAY BE IN THE EASEMENT.
 3. UNDERGROUND SERVICE ALERTS SHALL BE UPDATED NO EARLIER THAN 48-HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING FUNCTIONAL SERVICE TO ANY AND ALL UTILITIES FOUND IN THE EASEMENT. PLANNED INTERRUPTION OF SERVICE SHALL REQUIRE PERMISSION FOR THE UTILITY SERVICE PROVIDER AND THE OWNER/CUSTOMER.
 4. BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY THE CONTRACTOR SHALL REPAIR AND DAMAGE TO UTILITIES FOUND IN THE EASEMENT.
 5. ALL PRIVATE IRRIGATION SPRINKLER HEADS SHALL BE INSTALLED AND POSITIONED IN A MANNER THAT WILL NOT CAUSE IRRIGATION OVERSPRAY ONTO THE PUBLIC RIGHT-OF-WAY.
- SITE LAYOUT - GENERAL**
1. SURFICIAL SLOPE STABILIZATION SYSTEM LIMITS SHOWN ARE APPROXIMATE. ACTUAL FIELD LOCATION LIMITS SHALL BE VERIFIED IN THE FIELD BY THE DESIGN ENGINEER PRIOR TO THE START OF CONSTRUCTION.
 2. SITE LAYOUT FIELD STAKING FOR THE SURFICIAL SLOPE STABILIZATION SYSTEM SHALL BE ACCOMPLISHED USING THE CONSTRUCTION DRAWINGS AS A GUIDE. SITE LAYOUT LOCATION STAKING SHALL BE VERIFIED IN THE FIELD BY THE DESIGN ENGINEER PRIOR TO DRILLING.
 3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS AND ANCHORAGE LOCATIONS SHOWN ON THE CONSTRUCTION DRAWINGS PRIOR TO ANY VEGETATIVE CLEARING, SCALING, EXCAVATION, AND CONSTRUCTION.
 4. DISCREPANCIES BETWEEN THE CONSTRUCTION DRAWINGS AND ON-SITE FIELD CONDITIONS MAY ADJUST THE COVERAGE AREA AND DIMENSIONS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY CHANGE DUE TO SITE CONDITIONS SHALL BE APPROVED IN WRITING BY THE DESIGN ENGINEER.
 5. GEORUGG TECOCO SLOPE STABILIZATION SYSTEM LAYOUT SHOWN ON SHEET 02 IS CONCEPTUAL AND FOR REFERENCE ONLY. STAKING AND LAYOUT SHALL NOT BE COMPLETED USING THE CONCEPTUAL LAYOUT.
 6. ADDITIONAL ANCHORS MAY BE NECESSARY DEPENDING ON SLOPE CONDITIONS AFTER REMOVAL OF EXISTING VEGETATION AND/OR EXISTING CONTOUR IRREGULARITIES ON THE SLOPE FACE.
- ESTIMATED MATERIAL QUANTITIES**
1. THE GEORUGG TECOCO SLOPE STABILIZATION SYSTEM MATERIALS SHALL BE ORDERED UNTIL THE SYSTEM LOCATION SITE LAYOUT FIELD STAKING HAS BEEN COMPLETED AND APPROVED BY THE ENGINEER.
 2. FINAL GEORUGG SURFICIAL SLOPE STABILIZATION SYSTEM MATERIAL QUANTITIES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- TOPOGRAPHIC SURVEY**
1. THIS TOPOGRAPHIC SURVEY SHOWN HAS BEEN MODIFIED AND IS ONLY INTENDED FOR THE DESIGNED SURFICIAL SLOPE STABILIZATION LAYOUT AND LOCATION PURPOSES.
 2. LOCATIONS OF PROPERTY LINES ARE APPROXIMATE.
- SURFICIAL SLOPE STABILIZATION SYSTEM MATERIAL LEGEND**
- GEORUGG TECOCO SYSTEM - BOUNDARY WIRE ROPE
 - ESTIMATED BOUNDARY WIRE ROPE LENGTH: 290-L.F.
 - GEORUGG TECOCO SYSTEM - PATTERN ANCHOR WITH SPIKE PLATE
 - ESTIMATED PATTERN THREADED BAR ANCHOR QUANTITY: 41
 - GEORUGG TECOCO SYSTEM - SPOT ANCHOR WITH SPIKE PLATE
 - ESTIMATED SPOT THREADED BAR ANCHOR QUANTITY: 5
 - GEORUGG TECOCO SYSTEM - BOUNDARY WIRE ROPE ANCHOR
 - ESTIMATED WIRE ROPE ANCHOR QUANTITY: 3
- GEORUGG TECOCO SYSTEM - HIGH STRENGTH STEEL WIRE MESH
- ESTIMATED WIRE MESH COVERAGE AREA: 2,900-SQ. FT.
 - ESTIMATED WIRE MESH COVERAGE QUANTITY: 3,000-SQ. FT.
 - BULKING FACTOR = 5%



SURFICIAL SLOPE STABILIZATION CONCEPTUAL TOPOGRAPHIC LAYOUT

TOPOGRAPHIC SCALE
SCALE: 1 INCH = 6 FEET

2021 01-20 REVISED PLANS



KANE
GeoTech, Inc.
Geotechnical Consultants
Headquarters Office
1441 Koppelan Blvd., Suite 115
Huntington Beach, California 92648
(949) 468-8893

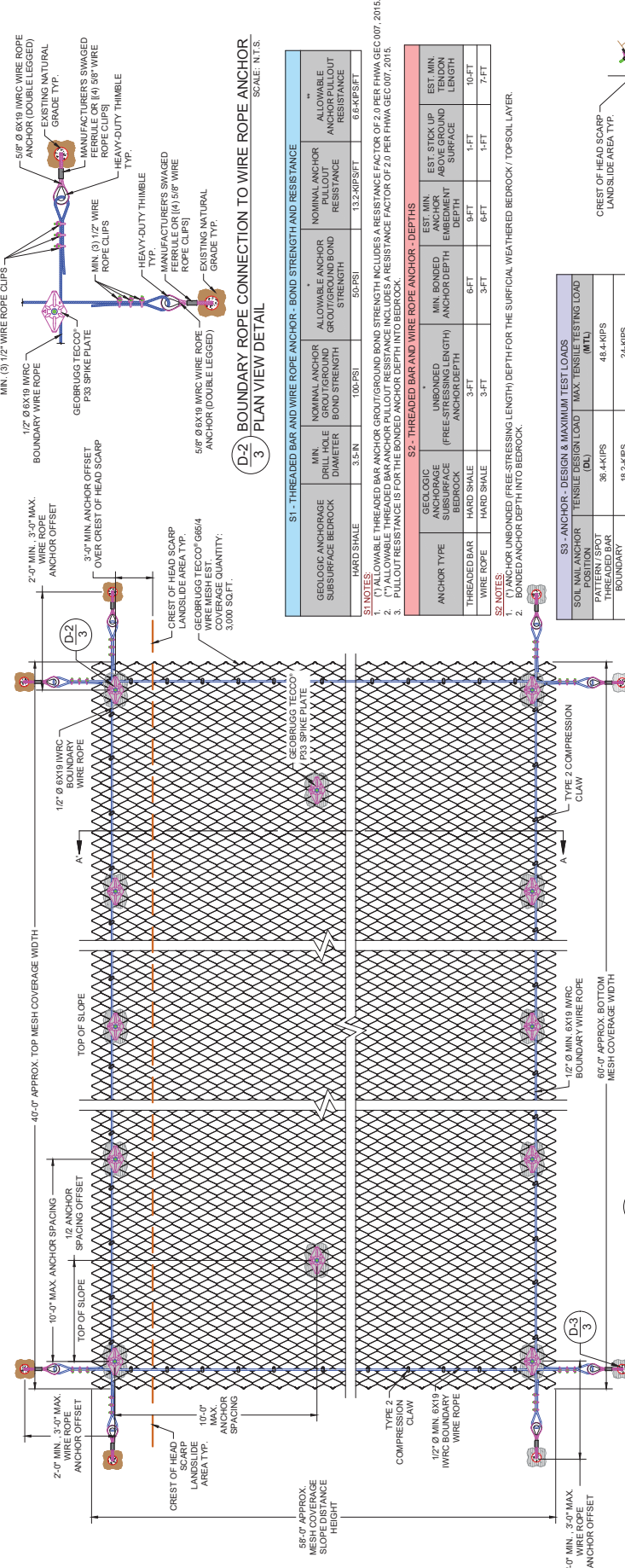
Stockton Office
7400 Stockton Blvd., Suite 100
Stockton, CA 95219
(209) 472-1822

Los Angeles Office
6080 Wilshire Blvd., Suite 600
Los Angeles, CA 90048
(323) 331-9222

San Diego Office
1441 Koppelan Blvd., Suite 115
Huntington Beach, California 92648
(949) 468-8893



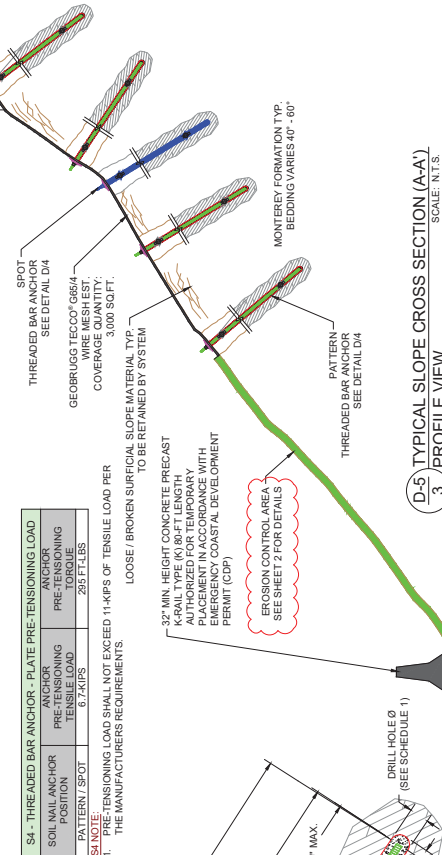
SCALE: 1" = 6'-0"	DRAWN BY: B/JF
DATE: 2020-08-20	DESIGNED BY: W/K
CHECKED BY: W/K	KANE PROJECT NO: KST20-43



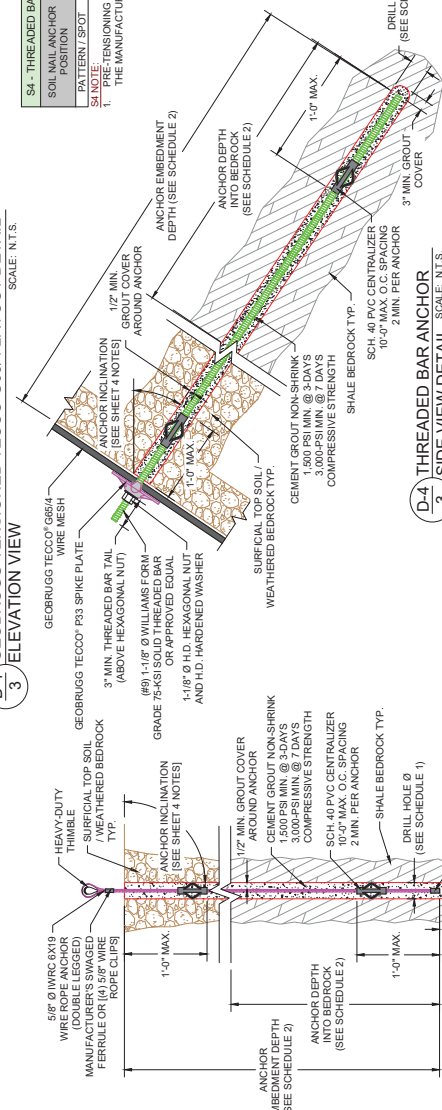
S1 - THREADED BAR AND WIRE ROPE ANCHOR - BOND STRENGTH AND RESISTANCE									
GEOLOGIC ANCHORAGE SURFACE BEDROCK	DRILL HOLE DIAMETER	NOMINAL ANCHOR GROUT/ROUND BOND STRENGTH	ALLOWABLE ANCHOR GROUT/ROUND BOND STRENGTH	NOMINAL ANCHOR PULLOUT RESISTANCE	ALLOWABLE ANCHOR PULLOUT RESISTANCE				
100-PSI	3.5-IN	50-PSI	13.2-KIPS/FT	68-KIPS/FT					
S1 NOTES: (1) ALLOWABLE THREADED BAR ANCHOR GROUT/ROUND BOND STRENGTH INCLUDES A RESISTANCE FACTOR OF 2.0 PER FHWA GEC 007, 2015. (2) ALLOWABLE THREADED BAR ANCHOR PULLOUT RESISTANCE INCLUDES A RESISTANCE FACTOR OF 2.0 PER FHWA GEC 007, 2015. (3) PULLOUT RESISTANCE IS FOR THE BONDED ANCHOR DEPTH INTO BEDROCK.									
S2 - THREADED BAR AND WIRE ROPE ANCHOR - DEPTHS									
GEOLOGIC ANCHORAGE SURFACE BEDROCK	ANCHOR DEPTH (FEET)	UNBONDED ANCHOR DEPTH (FEET)	MIN. BONDED ANCHOR DEPTH (FEET)	EST. MIN. ANCHOR ELEMENT DEPTH	EST. STICK UP ABOVE GROUND SURFACE	EST. MIN. TENSION LENGTH			
THREADED BAR	3-FT	3-FT	6-FT	9-FT	1-FT	10-FT			
WIRE ROPE	3-FT	3-FT	3-FT	6-FT	1-FT	7-FT			

S3 - ANCHOR - DESIGN & MAXIMUM TEST LOADS		
SOIL NAIL ANCHOR POSITION	TENSILE DESIGN LOAD (DL)	MAX. TENSILE TESTING LOAD (MTL)
PATTERN / SPOT THREADED BAR	36.4-KIPS	48.4-KIPS
BOUNDARY WIRE ROPE	18.2-KIPS	24-KIPS

D-1
3



D-5 TYPICAL SLOPE CROSS SECTION (A-A')
3 PROFILE VIEW SCALE: N.T.S.



D-4 **THREADED BAR ANCHOR**
2 SIDE VIEW DETAIL SCALE: 1" = 4'-0"

DRILL HOLE Ø
(SEE SCHEDULE 1)

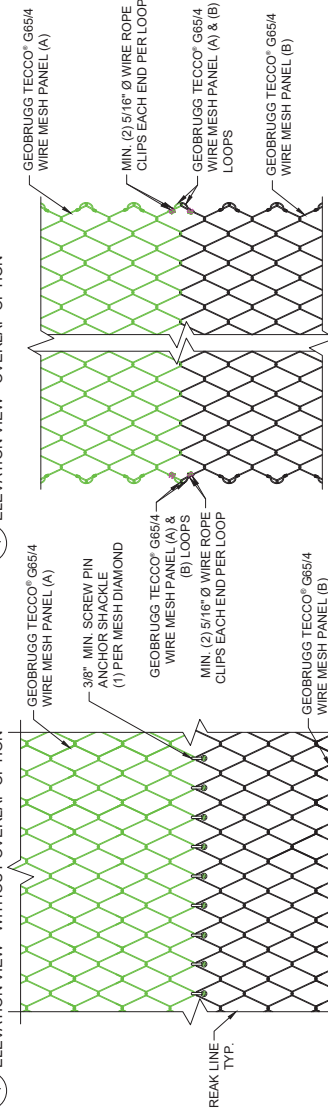
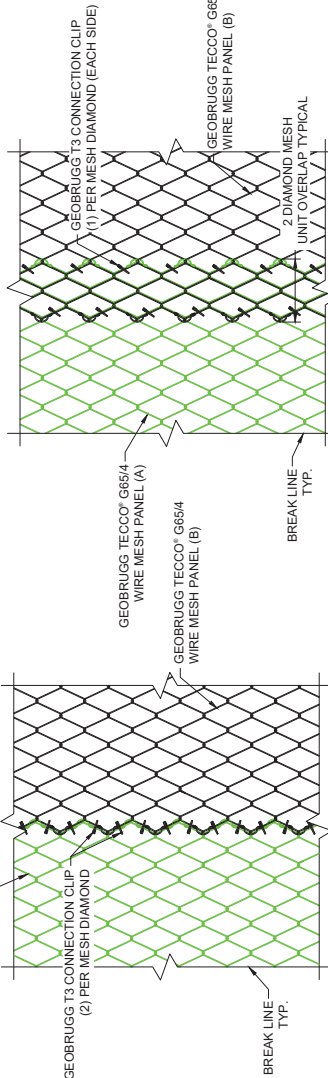
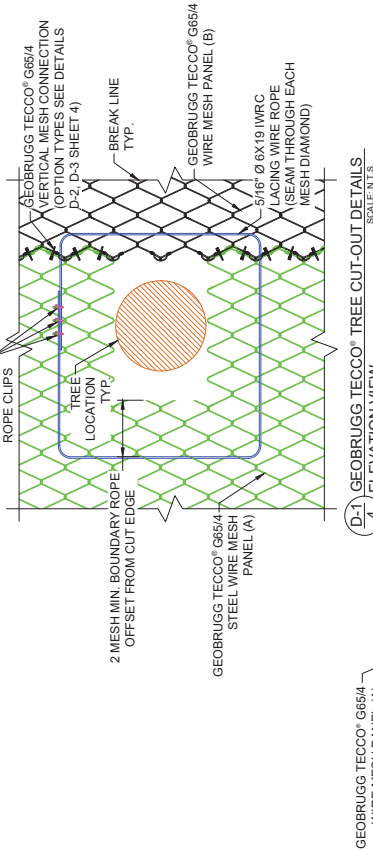
1'-0" MAX.

GEOBRUGG TECCO® G65/4 SURFICIAL SLOPE STABILIZATION SYSTEM DETAILS

2021 01-20 REVISED PLANS

GEOBRUGG TECCO® G65/4 TENSIONED WIRE MESH SYSTEM

2021 01-20 REVISED PLANS



GEOBRUGG TECCO WIRE MESH CONNECTION DETAILS AND NOTES

GEOBRUGG TECCO® G65/4 TENSIONED WIRE MESH SYSTEM

D-4 GEORUGG TECCO® HORIZONTAL END PANEL CONNECTION DETAIL

4. FOR VERIFICATION TESTING THE CONTRACTOR HAS THE OPTION OF TESTING WIRE ROPE OR THREADED BAR TENDONS. THE TECHNICAL STRENGTH PROPERTIES OF THE TENDONS SHALL BE PROVIDED TO THE DESIGN ENGINEER

2. BOUNDARY WIRE ROPE SHALL BE CONNECTED TO THE WIRE MESH USING TYPE 2 COMPRESSION CLAWS OR APPROVED EQUAL. COMPRESSION CLAWS SHALL BE INSTALLED:
 - 2.1. TOP AND BOTTOM BOUNDARY ROPES - EVERY THIRD MESH

PRIOR TO TESTING.

2.2. SIDE BOUNDARY ROPES - EVERY SECOND INDIVIDUAL MESH

5. VERIFICATION ANCHORS SHALL BE TESTED BY PERFORMANCE TESTING AS

23. BOUNDARY WIRE ROPE TERMINATION ENDS SHALL EACH INCLUDE (3) 1/2-IN MIN. WIRE ROPE CLIPS.

PROVIDED IN THE PROJECT SPECIFICATIONS. VERIFICATION ANCHORS CAN BE

LOADED TO PULLOUT FAILURE AT THE DISCRETION OF THE DESIGN ENGINEER.

WIREMESH - TREE CUT-OUT

MESH SEAMING SHALL BE CONNECTED USING METHOD SHOWN ON DETAIL SHEET

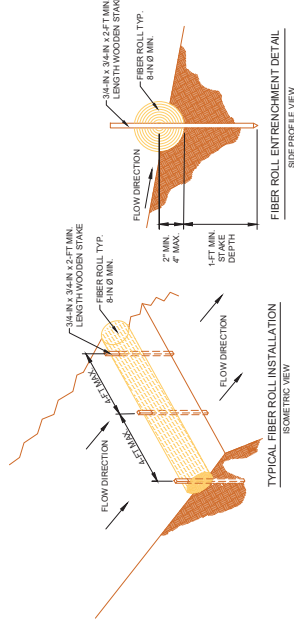
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SILT FENCES

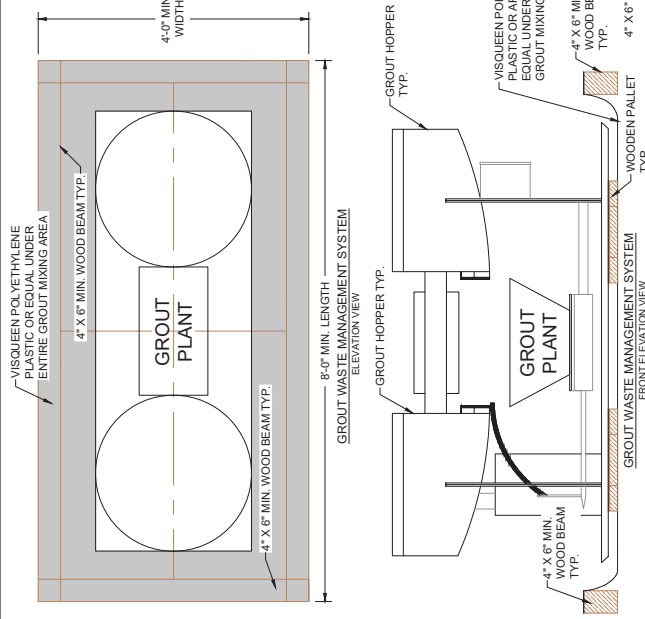
1. SILT FENCES SHALL BE TEMPORARY AND INSTALLED PRIOR TO ANY GRADING / EXCAVATION WORK IN THE SLOPE STABILIZATION SITE AREA. SILT FENCES SHALL BE PLACED AT THE TOP OF SLOPE AND THE SLOPE TOE IN BEHIND THE FIBER ROLLS. LOCATIONS OF THE SILT FENCES SHALL BE DETERMINED IN THE FIELD DURING THE SITE LAYOUT AND APPROVED BY THE DESIGN ENGINEER.
2. TEMPORARY SILT FENCE(S) SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REMOVED AFTER SITE STABILIZATION AND FINAL INSPECTION.
3. MAINTAIN SILT FENCE ADEQUATE HOLDING CAPACITY FOR SEDIMENT CONTROL. SEDIMENT SHALL BE REMOVED WHEN ACCUMULATION REACHES A MAXIMUM OF 75% OF THE HEIGHT.
4. SUPPORT POSTS FOR THE SILT FENCE SHALL BE MINIMUM 1-1/4" N x 1-1/4" N x 4-FT LENGTH WOODEN STAKES OR EQUIVALENT. WOODEN POSTS SHALL BE HICKORY OR OAK WOOD TYPE.
5. POST SPACING SHALL BE A MAXIMUM OF 8-FT FOR WOVEN FABRIC AND 3-FT FOR NON-WOVEN FABRIC.
6. PRIOR TO INSTALLATION OF THE GEOTEXTILE FABRIC, THE SLOPE SURFACE AT THE FENCE LOCATIONS SHALL BE EXCAVATED WITH THE FABRIC PLACED A MINIMUM OF 6-IN. THEN BACKFILLED WITH EXISTING SOIL TO THE GROUND SURFACE.
7. THE GEOTEXTILE FABRIC SHALL BE ATTACHED DIRECTLY TO THE UPSLOPE SIDE OF WOODEN POSTS WITH A MINIMUM OF (4) 1/2-IN STAPLES PER STAKE.

FIBER ROLLS

1. **FIBER ROLLS** SHALL BE TEMPORARY AND INSTALLED PRIOR TO ANY GRADING / EXCAVATION WORK IN THE SLOPE STABILIZATION SITE AREA. FIBER ROLLS SHALL BE PLACED AT THE TOP OF SLOPE AND THE SLOPE TOE IN FRONT OF THE SILT FENCES. LOCATIONS OF THE FIBER ROLLS SHALL BE DETERMINED IN THE FIELD DURING THE SITE LAYOUT AND APPROVED BY THE DESIGN ENGINEER.
2. FIBER ROLLS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REMOVED AFTER SITE STABILIZATION AND FINAL INSPECTION.
3. MAINTAIN FIBER ROLL ADEQUATE HOLDING CAPACITY FOR SEDIMENT CONTROL. SEDIMENT SHALL BE REMOVED WHEN ACCUMULATION REACHES A MAXIMUM OF 75% OF THE HEIGHT.
4. FIBER ROLLS SHALL BE PREFABRICATED ROLLS. ROLLS SHALL BE MINIMUM 8-IN. DIAMETER. WOODEN STAKES SHALL BE MINIMUM NOMINAL 3/4-IN X 3/4-IN X 2 FT LENGTH.
5. FIBER ROLLS SHALL BE ENTRENCHED INTO THE SLOPE SURFACE A MINIMUM OF 2-IN AND MAXIMUM OF 4-IN. WOODEN STAKES SHALL BE DRIVEN INTO THE FIBER ROLLS A MINIMUM OF 1-FT AT A SPACING OF 4FT.



FIBER ROLL DETAILS

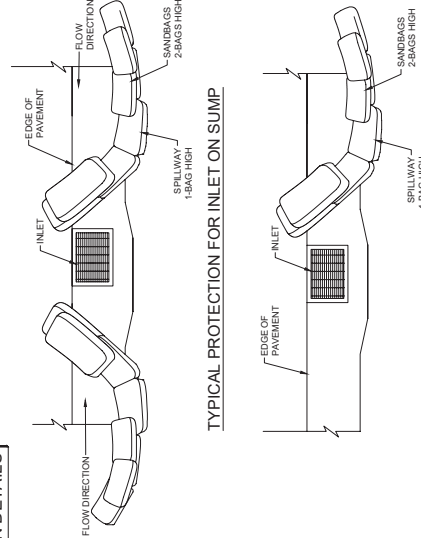


GROUT WASTE MANAGEMENT DETAILS

- GROUND WASTE MANAGEMENT**
1. PRIOR TO GROUT MIXING, THE CONTRACTOR SHALL COMMENCEMENT THE WASTE REMOVAL AND CLEANUP OF THE EXISTING WASTE AND MATERIALS MIXING PLANT TO PREVENT SPILLS AND SEEPAGE INTO THE GROUND SURFACE BELOW.
 2. THE CONTRACTOR SHALL PROVIDE A WASTE MANAGEMENT AREA SIMILAR TO THE TYPICAL DETAILS SHOWN. ACTUAL SETTING MAY VARY DEPENDING ON SIZE AND LOCATION OF MIXING EQUIPMENT.
 3. AFTER GROUTING PLACEMENT, THE WASTE AREA SHALL BE REMOVED BY THE CONTRACTOR.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY SPILLS OR SEEPAGE AND BE PROPERLY CLEANED UP PRIOR TO ADDITIONAL WORK BEING COMMENCED.

STORM DRAIN INLET PROTECTION DETAILS

1. STORM DRAIN INLET PROTECTION SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REMOVED AFTER SITE STABILIZATION AND FINAL INSPECTION.
2. STORM DRAIN INLET PROTECTION AREAS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND REMOVED AFTER SITE STABILIZATION AND FINAL INSPECTION.
3. LOCATIONS OF STORM DRAIN INLET PROTECTION AREAS SHALL BE IDENTIFIED IN THE FIELD DURING THE SITE LAYOUT.
4. IF SEDIMENT ACCUMULATION OCCURS, SEDIMENT SHALL BE REMOVED WHEN ACCUMULATION REACHES A MAXIMUM OF 1/3 OF THE HEIGHT.
5. GRAVEL OR SAND SHALL BE USED IN BAGS.
6. BAGS SHALL BE PLACED AS SHOWN IN THE DETAILS OF THE DESIGNATED STORM DRAIN AREA.
7. IF SILT OR CLAY SOIL PARTICLES ARE PRESENT, FILTER FABRIC SHALL BE USED TO LINE THE BAGS.



CONSTRUCTION SITE BMP TYPICAL DETAILS

2021 01-20 REVISED PLANS

SHEET 5 OF 7	DRAWN BY:	BJF
	DESIGNED BY:	WFK
	CHECKED BY:	WFK



Park Newport Apartments Back Bay Drive Surficial Slope Stabilization and Rockfall Mitigation Newport Beach, California	PREPARED AT THE REQUEST OF Hetherington Engineering, Inc. 5365 Avenida Encinas, Suite A Carlsbad, California 92008
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EXISTING TRAFFIC CONTROL PLAN TO REMAIN.

CONSTRUCTION NOTES

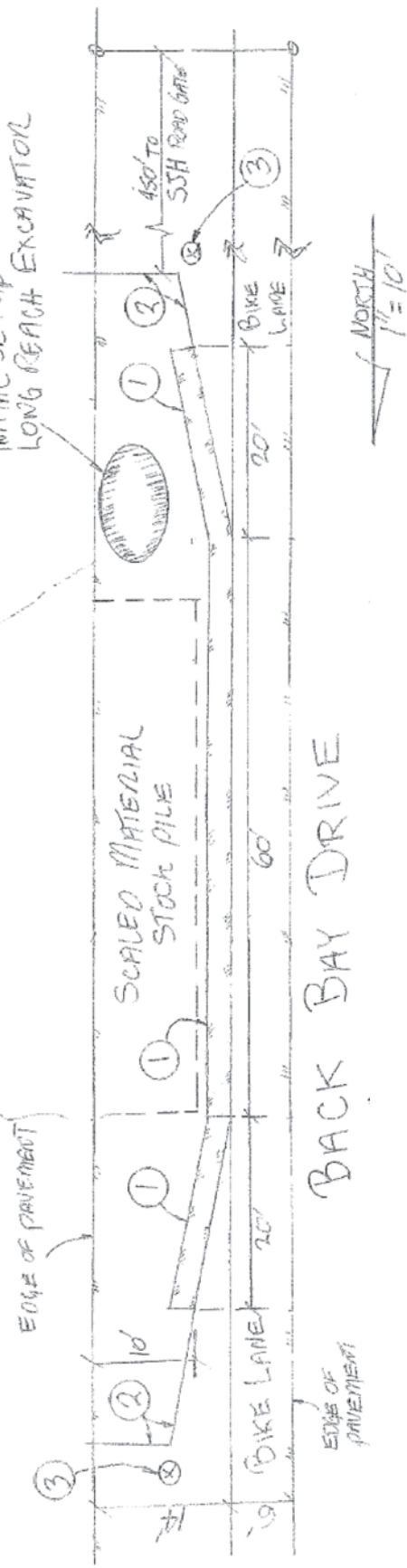
- ① MINIMUM 42" K-RAIL w/ 6' CHAINLINK FENCE
- ② 6' HIGH CHAINLINK FENCE
- ③ FLAGMAN

SLIDE AREA

NOTES:

- 1. PEDESTRIAN ACCESS SHALL BE CONTROLLED USING A FLAGMAN.
- 2. A flagman will escort each truck entering and existing the site from SJH Road.
- 3. The work site shall be entirely fenced in at the end of work each day.
- 4. No noisy construction shall occur before 7 AM. Work on weekends is only permitted with written authorization by City Inspector.

INITIAL SETUP FOR LONG REACH EXCAVATION



TRAFFIC CONTROL PLAN

2021 01-20 REVISED PLANS

REVISIONS	KANE Geotechnical Consultants Geo Tech, Inc. 1441 Kipling Blvd., Suite 115 Hawthorne, CA 90249 (310) 448-8888	Stockton Office 7400 Shreveport Dr., Suite 600 Stockton, CA 95219 (209) 472-1822	Los Angeles Office 6080 Center Dr., Suite 600 Los Angeles, CA 90045 (323) 331-9222	Hendeville Office 1441 Kipling Blvd., Suite 115 Hawthorne, CA 90249 (310) 448-8888	Hetherington Engineering, Inc. 5365 Avenida Encinas, Suite A Carlsbad, California 92008	DRAWN BY: BJF	DATE: 2021 01-06	CHECKED BY: WFK	KANE PROJECT NO: KGT20-43	SCALE: N.T.S.

SHEET
6
OF
7

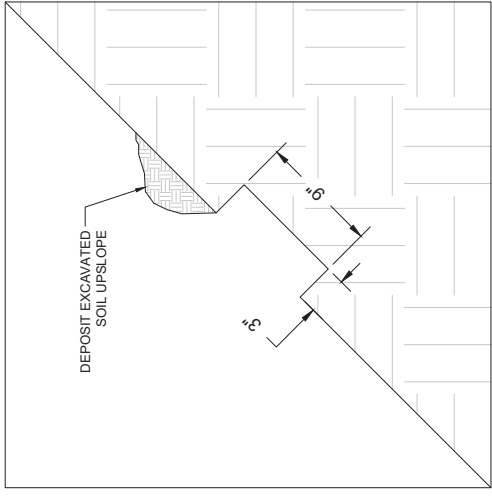
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REVISIONS

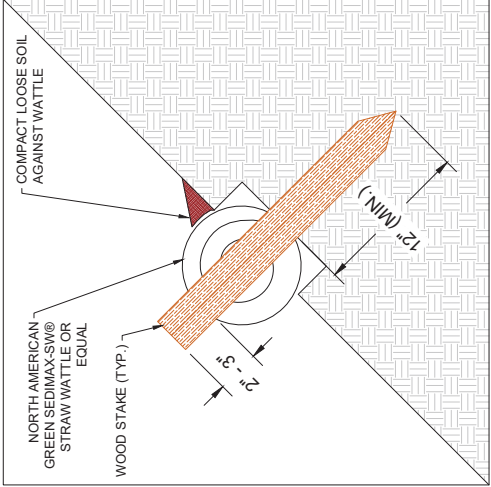
2021 01-20: Added Sheet 7.
Park Newport Apartments Back Bay Drive
Newport Beach, California
Hehrington Engineering, Inc.
5365 Avenida Encinas, Suite A
Carlsbad, California 92008

Geotechnical Consultants
Geo Tech, Inc.
KANE
Headquarters Office
1441 Koppelman Blvd., Suite 1115
Henderson, NV 89014
(702) 468-8993
Los Angeles Office
6080 Century Blvd., Suite 600
Los Angeles, CA 90045
(323) 331-9222
Stockton Office
7400 Shreveport Dr., Suite 6
Stockton, CA 95219
(209) 472-1822

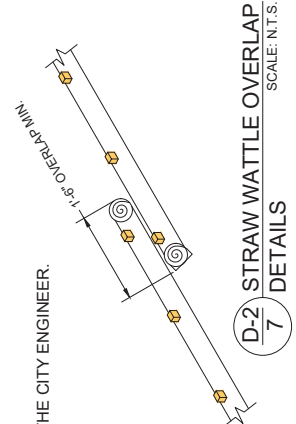
SCALE: N.T.S.
DRAWN BY:
B.J.F.
DESIGNED BY:
W.F.K.
CHECKED BY:
W.F.K.
KANE PROJECT NO.:
KGT20-43
DATE: 2021 01-06
SHEET
7
OF 7



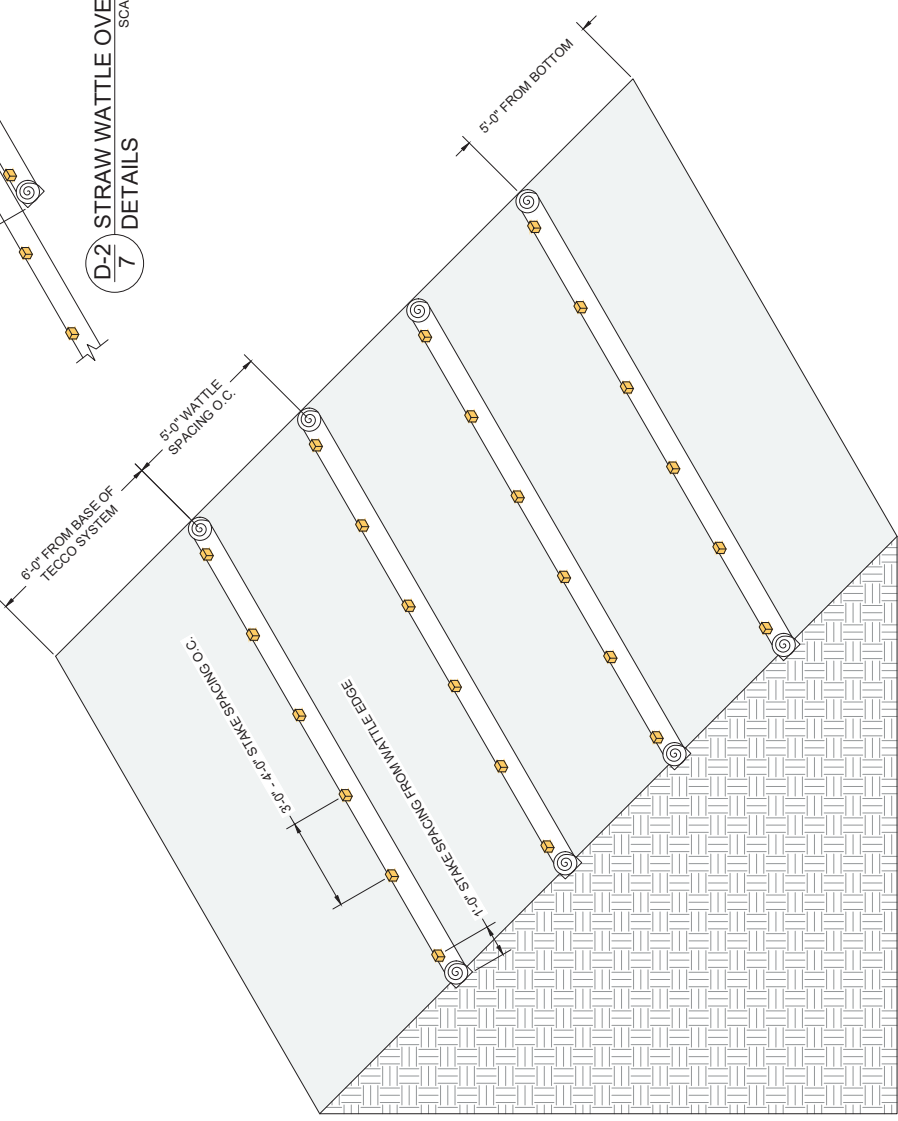
D-3 STRAW WATTLE TRENCHING
7 DETAILS
SCALE: N.T.S.



D-4 STRAW WATTLE STAKING DETAILS
7
SCALE: N.T.S.



D-2 STRAW WATTLE OVERLAP
7 DETAILS
SCALE: N.T.S.



D-1 STRAW WATTLE EROSION CONTROL
7 TYPICAL DETAILS
SCALE: N.T.S.

NOTES:
1. DETAILS ARE TYPICAL AND EROSION CONTROL WATTLES SHALL BE FIELD FIT AS REQUIRED BY THE CITY ENGINEER.

STRAW WATTLE EROSION CONTROL TYPICAL DETAILS

2021 01-20 REVISED PLANS

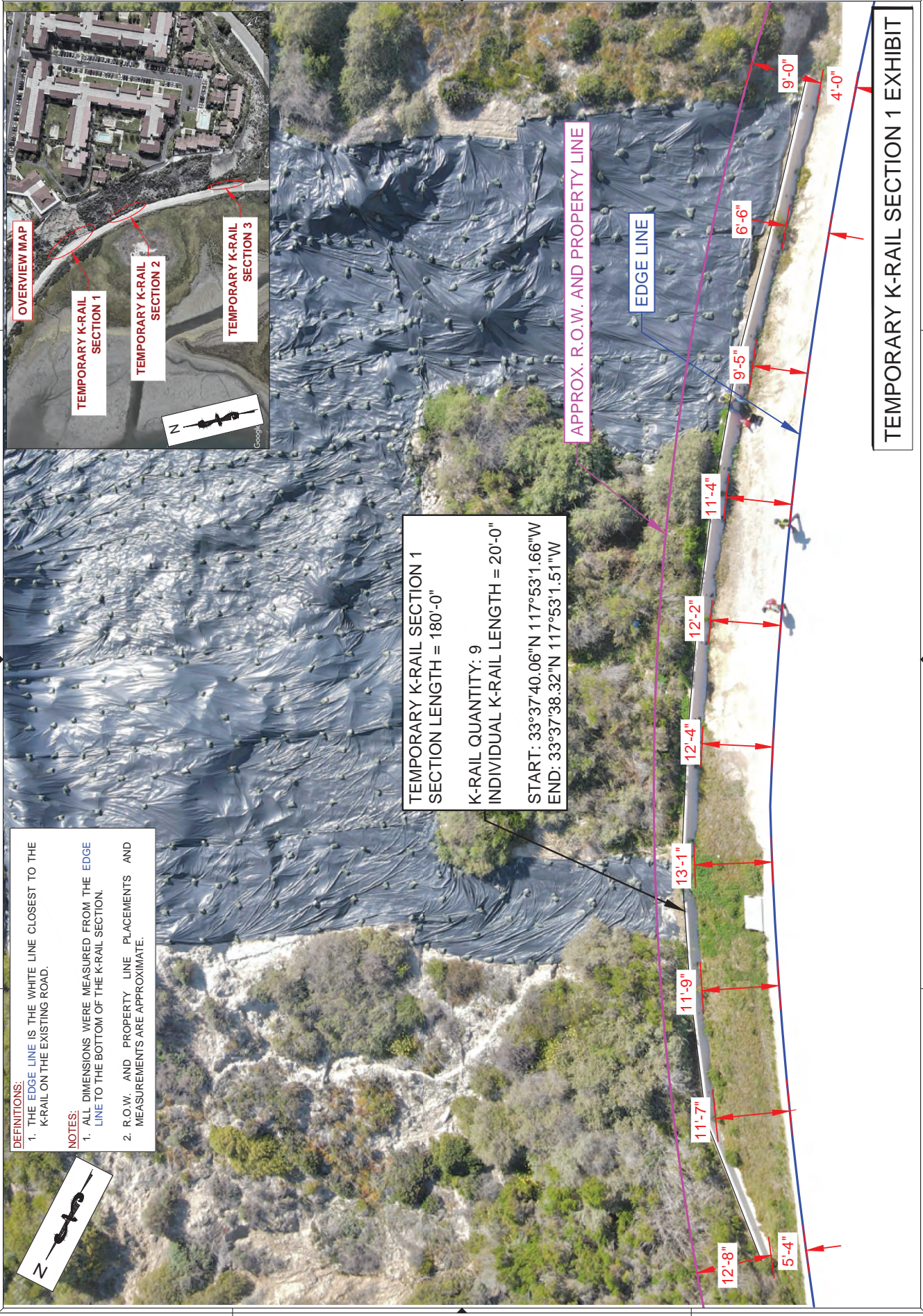
REVISIONS	K-Rail Locations Back Bay Drive Newport Beach, California	PREPARED AT THE REQUEST OF	 GeoTech, Inc. Geotechnical Consultants	Headquarters Office 1441 Koppelan Blvd., Suite 1115 Hawthorne, CA 90240 (800) 466-9993	Los Angeles Office 6000 Century Blvd., Suite 600 Los Angeles, CA 90008 (323) 331-9222	Stockton Office 7400 Shattuck Dr., Suite 600 Berkeley, CA 94705 (925) 472-1822	DRAWN BY:	SCALE: 1" = 50'-0"
							BUF / GRD	
							DESIGNED BY:	DATE: 2022 04-13
							CHECKED BY:	KANE PROJECT NO:
SHEET 1 OF 4								



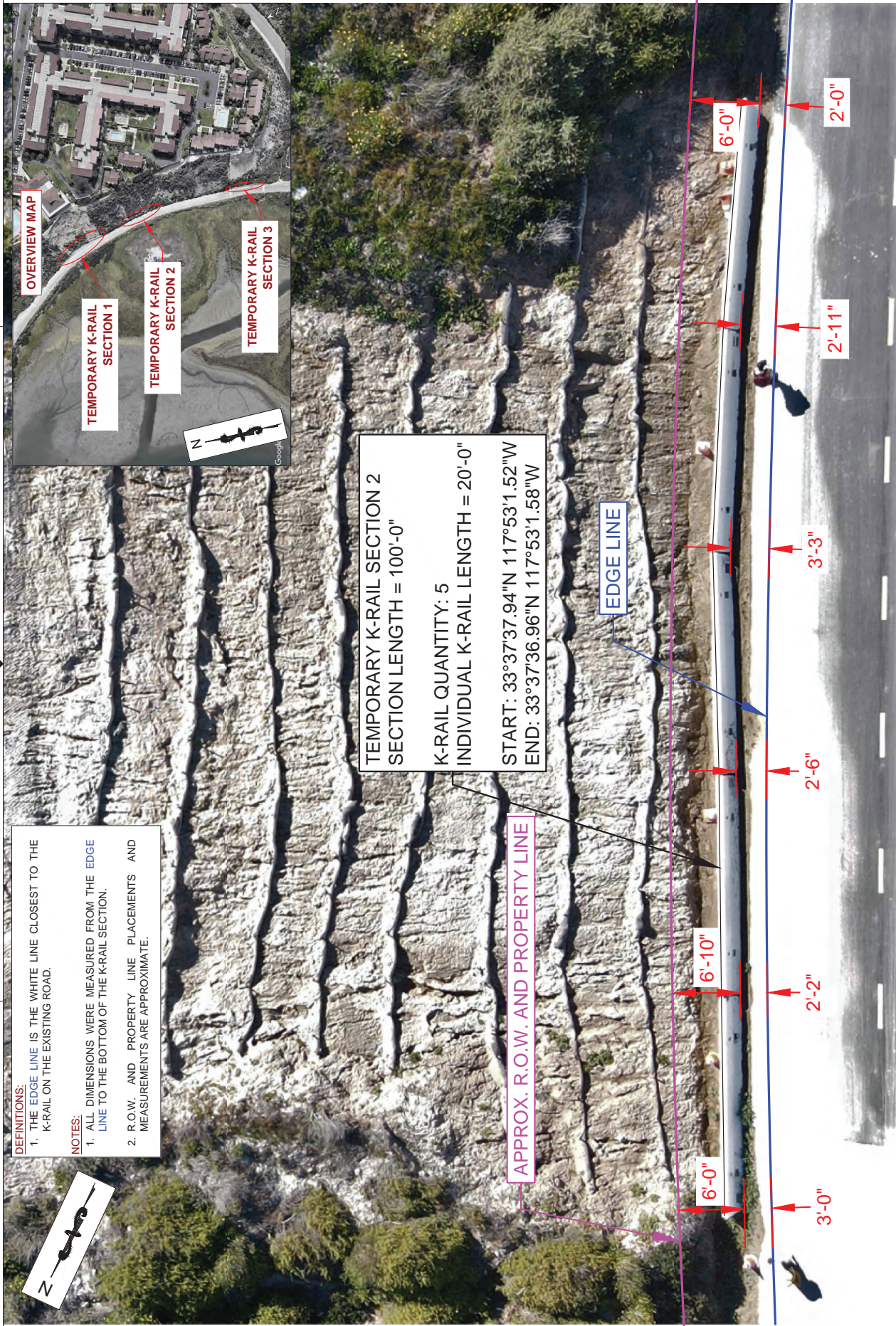
TEMPORARY K-RAIL EXHIBIT

NOTE: R.O.W. LINE AND PROPERTY LINE PLACEMENTS ARE ESTIMATED AND ARE FOR REFERENCE ONLY.

REVISIONS	KANE GeoTech, Inc. Geotechnical Engineering Consultants Head Office 1441 Koppel Blvd., Suite 115 Huntington Beach, CA 92648 (949) 468-9993	STATION OFFICE 6800 Shattuck Dr., Suite 600 Berkeley, CA 94705 (925) 331-9222	LOS ANGELES OFFICE 6800 Shattuck Dr., Suite 600 Berkeley, CA 94705 (925) 331-9222	SAN FRANCISCO OFFICE 1441 Koppel Blvd., Suite 115 Huntington Beach, CA 92648 (949) 468-9993	SAN JOSE OFFICE 1441 Koppel Blvd., Suite 115 Huntington Beach, CA 92648 (949) 468-9993	SHEET 2 OF 4	DRAWN BY: GRD	SCALE: N.T.S.
						DESIGNED BY:	CHECKED BY:	KANE PROJECT NO:



REVISIONS	K-Rail Locations Newport Beach, California		Geotechnical Consultants	Honolulu Office 1441 Kapiolani Blvd., Suite 1115 Honolulu, HI 96814 (808) 466-9993	Los Angeles Office 6080 Century Blvd., Suite 500 Los Angeles, CA 90045 (323) 331-9222	Stockton Office 7400 Shattuck Dr., Suite 6 Stockton, CA 95219 (209) 472-1822	DRAWN BY: GRD	SCALE: N.T.S.	SHEET 3 OF 4	CHECKED BY:	DATE: 2022 04-13	KANE PROJECT NO:	DESIGNED BY:	PREPARED AT THE REQUEST OF



DEFINITIONS:
1. THE **EDGE LINE** IS THE WHITE LINE CLOSEST TO THE K-RAIL ON THE EXISTING ROAD.

NOTES:
1. ALL DIMENSIONS WERE MEASURED FROM THE **EDGE LINE** TO THE BOTTOM OF THE K-RAIL SECTION.
2. R.O.W. AND PROPERTY LINE PLACEMENTS AND MEASUREMENTS ARE APPROXIMATE.

TEMPORARY K-RAIL SECTION 2
SECTION LENGTH = 100'-0"

K-RAIL QUANTITY: 5
INDIVIDUAL K-RAIL LENGTH = 20'-0"

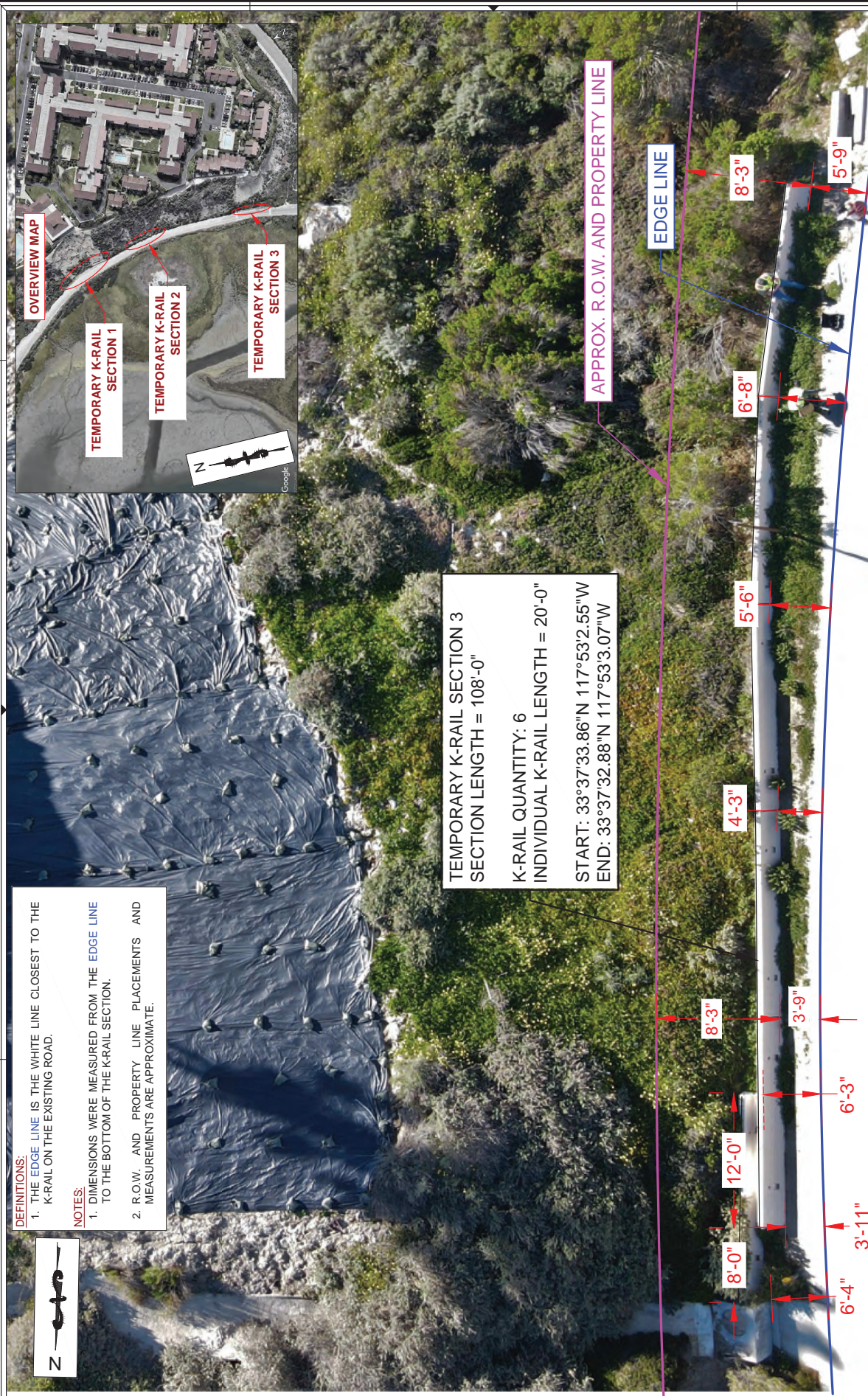
START: 33°37'37.94"N 117°53'1.52"W
END: 33°37'36.96"N 117°53'1.58"W

APPROX. R.O.W. AND PROPERTY LINE

EDGE LINE

TEMPORARY K-RAIL SECTION 2 EXHIBIT

REVISIONS	KANE GeoTech, Inc. Geotechnical Engineering Consultants Los Angeles Office 6080 Century Blvd., Suite 600 Van Nuys, CA 91411 (818) 466-9993 Honolulu Office 1441 Kapiolani Blvd., Suite 1115 Honolulu, HI 96814 (808) 472-1822 Stockton Office 7400 Shreveport Dr., Suite 6 Stockton, CA 95219 (209) 472-1822	K-Rail Locations Newport Beach, California PREPARED AT THE REQUEST OF	DRAWN BY: GRD DESIGNED BY: CHECKED BY:	SCALE: N.T.S.	DATE: 2022 04-13	KANE PROJECT NO:



TEMPORARY K-RAIL SECTION 3 EXHIBIT

DEFINITIONS:
1. THE EDGE LINE IS THE WHITE LINE CLOSEST TO THE K-RAIL ON THE EXISTING ROAD.

NOTES:
1. DIMENSIONS WERE MEASURED FROM THE EDGE LINE TO THE BOTTOM OF THE K-RAIL SECTION.
2. R.O.W. AND PROPERTY LINE PLACEMENTS AND MEASUREMENTS ARE APPROXIMATE.



TEMPORARY K-RAIL SECTION 3
SECTION LENGTH = 108'-0"
K-RAIL QUANTITY: 6
INDIVIDUAL K-RAIL LENGTH = 20'-0"
START: 33°37'33.86"N 117°53'2.55"W
END: 33°37'32.88"N 117°53'3.07"W

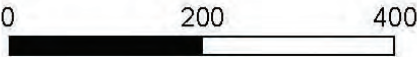



EXPLANATION

- | | | | | | |
|--|--|--|---|--|--|
| | BORING BY LEROY GRANDALL & ASSOCIATES (1996) | | APPROXIMATE LOCATION OF EXISTING PILES, TIMBERWOOD LAGOON
RETAINING WALL, PILES 10 FEET INTO BEDROCK (1979) | | APPROXIMATE LOCATION OF POSSIBLE SOLDIER PILE WALL,
EXTENDING CLUBHOUSE PALES SOUTH ABOVE JUNE 2021 LANDSLIDE
AVULSION |
| | BORING BY LEROY GRANDALL & ASSOCIATES (1979) | | APPROXIMATE LOCATION OF EXISTING PILES, CLUBHOUSE SOLDIER PILE WALL,
23 PILES, 18 INCH DIAMETER, 1-1/2 FEET ON CENTER, 60 FEET DEEP (1996) | | APPROXIMATE LOCATION OF POSSIBLE SOLDIER PILE WALL,
AVULSION |
| | GEOLOGIC CONTACT | | APPROXIMATE LOCATION OF EXISTING PILES, SOLDIER PILE WALL, 6 PILES,
46 INCH DIAMETER, 1-1/2 FEET ON CENTER, 50 FEET DEEP (1996) | | SURFICIAL FAILURES / EROSION |







0 200 400
Feet

Disclaimer:
Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

4/20/2021

RESOLUTION NO. PC2022-007

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT NO. CD2021-001 TO ALLOW FOR LANDSLIDE/ROCK FALL MITIGATION AND TO WAIVE CITY COUNCIL POLICY L-6 TO RETAIN EXISTING IMPROVEMENTS WITHIN THE BACK BAY DRIVE PUBLIC RIGHT-OF-WAY LOCATED AT 5000 PARK NEWPORT DRIVE (PA2021-099)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Park Newport Land LTD, a California limited partnership ("Owner"), with respect to property located at 5000 Park Newport Drive, Newport Beach, California, and legally described as Parcel 1 of Lot Line Adjustment No 94-01 recorded as Document # 94-0092253 in the office of the County Recorder of Orange County ("Property"), requesting approval of an encroachment permit.
2. A landslide occurred at the subject Property on June 26, 2020, that has resulted in the temporary closure of Back Bay Drive to vehicular traffic.
3. The Property owners retained Hetherington Engineering, Inc. a professionally licensed Engineering and Geology firm ("Hetherington") to assess the risk of further slope failure and assist with remediating the landslide area. On January 6, 2021, Hetherington issued a geotechnical opinion letter that concluded there is an imminent risk of future rockfalls at the subject site due to a steeply inclined scarp along the upper portion of subject landslide area. The letter further opined that the installation of anchored rockfall mesh at the head of the scarp of the landslide area and installing a K-rail barrier along the toe of the slope should be installed as soon as possible.
4. On January 20, 2021, the Owner submitted an emergency coastal development permit request to install anchored rockfall mesh at the head of the scarp of the landslide area and to install a K-rail barrier along the toe of the slope consistent with the recommendation of Hetherington. Emergency coastal development permit CD2021-001 was subsequently approved by the Community Development Director on January 22, 2021.
5. On October 21, 2021, Hetherington issued a geotechnical opinion letter that concluded there was an imminent risk of future landslides during significant rain events and recommended the immediate installation of temporary tarps along selected portions of the property during the 2021-2022 rainy season.
6. On October 21, 2021, the Owner submitted an emergency coastal development permit request to install temporary tarps along selected portions of the property during the 2021-2022 rainy season consistent with the recommendation of Hetherington. Emergency

coastal development permit CD2021-066 was subsequently approved by the Community Development Director on October 26 ,2021.

7. Consistent with the conditions of approval of emergency coastal development permit CD2021-001 and CD2021-066, the Owner submitted a coastal development permit request on April 22, 2021, to authorize the work completed under the two emergency coastal development permits as well as future landslide mitigation consisting of the installation of soldier piles to protect two existing principle structures.
8. The Owner requests a waiver to retain existing non-compliant improvements consisting of three (3) sections of temporary k-rail within the Back Bay Drive public right-of-way that encroach up to twelve (12)-feet 8-inches into the 40-foot wide public right-of-way at the Property ("Project"). The Back Bay Drive parkway within the public right-of-way varies in width from approximately eight (8)-feet to fifteen (15)-feet from edge of pavement to the property line. City Council Policy L-6 ("Policy") prohibits the proposed structures are limited to a one 1-foot projection into the right-of-way or less than 36-inches in height.
9. The requested approvals are not specifically provided for within City Council Policy L-6 (Encroachment in Public Rights-of-Way) ("City Council Policy L-6"). Thus, the Project is prohibited under Section A (Private encroachments that are prohibited without a waiver and approval) of said policy. Due to this prohibition, the requested encroachment may only be approved upon the waiver of City Council Policy L-6 and approval of the encroachment permit by the Planning Commission.
10. The property is designated by the General Plan Land Use Element as RM (Multiple Residential) and is located in the Planned Community 7-Park Newport Zoning District.
11. The Property is located in the coastal zone. The Coastal Land Use Plan designation is RM-D (Multiple Unit Residential) - (20.0 -29.9 DU/AC) and it is located within the Planned Community 7-Park Newport Coastal Zone District.
12. A public meeting was held on April 21, 2022, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the public hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and City Council Policy L-6. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15269 (c) (the activity is necessary to prevent or mitigate an emergency) and Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3. Section 15269 allows specific actions necessary to prevent or mitigate an emergency. The Project is necessary to mitigate and reduce the immediate risks associated with rock, soil, or other debris from falling on to Back Bay Drive during a potential rain event. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of these exemptions.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015 (Coastal Development Permits, Findings and Decision) of the Newport Beach Municipal Code ("NBMC"), the following findings and facts in support of such findings are set forth:

Finding:

- A. *Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. Local Coastal Program Implementation Plan Section 21.52.025 (Emergency Coastal Development Permits) of the NBMC, allows for the issuance of emergency coastal development permits where, "[I]n the event of a verified emergency, temporary permits to proceed with remedial measures may be authorized by the Director until such time as a full coastal development permit shall be filed."
 - b. Based upon the January 6, 2021, and October 21, 2021, geotechnical opinion letters issued by Hetherington which both concluded there is an imminent risk of future landslides without immediate mitigation, the Community Development Director verified that an emergency existed and authorized immediate action via emergency coastal development permit CD2021-001 and CD2021-066 to prevent/mitigate loss or damage to life, health, property and essential public services.
 - c. Local Coastal Program Implementation Plan Section 21.30.030(C)(3)(ii) – (Protective Structures) allows construction of protective structures when designed to mitigate adverse impacts on local shoreline sand supply and existing structures that are: *"Threatened by natural hazards, provided that the protective structures*

are limited to the minimum required to protect the existing structure and located on private land, not State lands.”

- d. The Park Newport Apartments on the Property were constructed in 1969 which predates the Coastal Act of 1976 and are considered existing structures located on private land.
 - e. Based upon a history of six(6) recorded landslides on the Project site dating back to 1978 and existing slope conditions which are described by, Hetherington as “grossly and surficially unstable from an engineering geologic and geotechnical engineering perspective” two (2) existing residential structures (Building 4 & Unit 4830) are threatened by natural hazards (landslide) and require further mitigation in the form of soldier pile installation and the use of temporary tarping of select locations along the slope during rainy season.
- 2. The Property is located in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (“CBC”) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved prior to the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC prior to building permit issuance.
 - 3. The Project site is located adjacent to and immediately east of Back Bay Drive, which is a designated public view road in the Coastal Land Use Plan and offers public views of Upper Newport Bay. Site evaluation revealed that the proposed landslide/rockfall mitigation improvements will not affect the existing views afforded from Back Bay Drive as the Project improvements are located landward of Upper Newport Bay. In addition, tarping of the slope has been limited through conditions of approval to only allow minimum times of the year when heavy rains are likely to occur and pose the greatest risk of landslide/slope failure. Therefore, the Project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts to public views.

Finding:

- B. *Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

- 1. The Project site is not located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30.040 requires that the provision of public access bear a reasonable relationship between the requirement and the Project’s impact and be proportional to the impact. In this case, the Project mitigates future landslide risk and protects Back Bay Drive which serves as a popular public recreation amenity through its

use as a cycling, walking and jogging route. Therefore, the Project does not involve a change in land use, density or intensity that will result in increased demand on public access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.

In accordance with City Council Policy L-6 (Encroachments in the Public Rights-of-Way), the following findings and facts in support of such findings are set forth:

Finding:

C. The existing private improvements will not be a detriment to the health, safety and welfare of the public.

Facts in Support of Finding:

4. The Project does not hinder the present or future use of the public right-of-way, including sidewalks, and there are no existing City utilities located within the encroachment area.
5. The Back Bay Drive parkway within the public right-of-way varies in width from approximately eight (8) feet to 15 feet wide of the overall 40 foot right-of-way width. The requested encroachments project up to twelve (12)-feet 8-inches into the parkway.
6. The Project does not diminish the rights of the public along the Back Bay Drive right-of-way. There are no sidewalks along Back Bay Drive adjacent to the Project and the City does not currently have plans to install sidewalks.
7. The Back Bay Drive parkway generally slopes upward toward private property. The top of slope is approximately 86 feet above the road surface of Back Bay Drive.
8. Approval would require the Owner to enter into an Encroachment Agreement to allow the existing improvements as requested, and any liability associated with the existing private improvements would be transferred to the Owner. Additionally, if the need for public improvements should arise in the future, Owner shall agree to remove all encroachments at no cost to the City.

Finding:

D. The individual circumstances applicable to this application and the existing encroachment are consistent with the public interest.

Facts in Support of Finding:

1. The temporary K-rail is necessary to minimize slope debris onto the roadway to maintain access along Back Bay Drive. The temporary K-rail along Section 2 was installed in 2021 as part of Coastal Development Permit CD2021-001 for emergency slope repair and future slope stabilization measures. It is unclear when Section 1 and Section 3 were installed.

2. The maximum height of proposed structures in the right-of-way will not exceed 36 inches in height above the adjacent pavement surface. Public views along the Back Bay Drive will remain unobstructed.
3. There are no existing City utilities within the encroachment area.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby determines this Project is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 and Section 15303 under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby waives City Council Policy L-6 and, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. The Planning Commission of the City of Newport Beach hereby approves Coastal Development Permit No. CD2021-001, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
4. This action shall become final and effective fourteen (14) days following the date this Resolution is adopted unless within such time an appeal or call for review is filed with the City Clerk in accordance with City Council Policy L-6 and Title 21 Local Coastal Program (LCP) Implementation Plan, of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 21st DAY OF APRIL, 2022

AYES: Ellmore, Klaustermeier, Kleiman, Koetting, Lowrey, Rosene and Weigand

NOES: None

ABSTAIN: None

ABSENT: None

BY: _____
Lee Lowrey, Chairman

BY: _____
Curtis Ellmore, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

PLANNING DEPARTMENT

1. The Project shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval.
2. This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way. Any improvements located on tidelands, submerged lands, and/or lands that may be subject to the public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (Coastal Commission). Prior to the issuance of building permits, the Owner shall provide a copy of said coastal development permit or CDP waiver or documentation from the Coastal Commission that subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the Coastal Commission.
3. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
4. The Owner is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds pursuant to MBTA:
 - A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

5. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented prior to and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
6. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
7. Debris from demolition shall be removed from work areas each day and removed from the Project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
8. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
9. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
10. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
11. The Owner shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Coastal Development Permit.
12. This Coastal Development Permit may be modified or revoked by the Planning Commission if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
13. *Prior to issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
14. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code ("NBMC"), which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday.
15. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the

NBMC. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

16. Prior to the issuance of building permit, the owner shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
17. Tarps shall be black in color with similar colored material used for the sandbags that secure the tarps. The use of bright contrasting colors such as orange or yellow shall be prohibited.
18. Temporary tarping shall be limited to the months of October to the end of April to coincide with Southern California's rainy season
19. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
20. This Coastal Development Permit No. CD2021-001 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC unless an extension is otherwise granted.
21. Protective devices authorized under Coastal Development Permit No. CD2021-001 shall be removed when the existing structures requiring protection are redeveloped, or no longer present, whichever comes first.
22. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
23. The Owner shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Encroachment Permit and any associated Encroachment Agreements.

PUBLIC WORKS DEPARTMENT

24. The owner shall obtain an "After the Fact" Encroachment Permit to allow three (3) sections of k-rail that encroach up to twelve (12) feet 8-inches into the Back Bay Drive

public right-of-way with a waiver of City Council Policy L-6, Section A "Private Encroachments that are Prohibited Without a Waiver and Approval".

25. The Owner shall enter into an Encroachment Agreement within one (1) calendar year upon receipt of approval, otherwise this approval shall automatically expire.
26. This Encroachment Permit allows three (3) sections of K-rail that encroach up to twelve (12) feet 8-inches into the Back Bay Drive public right-of-way with a waiver of City Council Policy L-6, Section A of "Private Encroachments that are Prohibited Without a Waiver and Approval".
27. Crash cushions shall be installed at the beginning of each K-rail section. Design shall be reviewed and approved by Public Works prior to installation.
28. The Owner shall immediately remove any slope debris from the roadway surface.
29. A minimum of monthly removal of debris behind and around the K-rail.
30. If the need for public improvements arises in the future, Owners shall remove all encroachments at no cost to the City.
31. To the fullest extent permitted by law, Owner shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of, but not limited to, and Coastal Development Permit CD2021-001 and associated Encroachments into the Public Right of Way. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Owner, City, and/or the parties initiating or bringing such proceeding. The Owner shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Owner shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

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: A-5-NPB-22-0022Date Filed: May 11, 2022Appellant Name(s): Juliette & Todd Worthe**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 South 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 3

2. Local CDP decision being appealed²

Local government name: Orange County

Local government approval body: _____

Local government CDP application number: CD2021-001

Local government CDP decision: ☒ CDP approval ☐ CDP denial³

Date of local government CDP decision: April 21, 2022

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

Describe: Park Newport Apartment complex in Newport Beach is allowed to put plastic horrific tarps on our beautiful coast line.

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.

We own a home directly across from this apartment building. The tarps are large and imposing. We can see these tarps from every room in our house. We don't even entertain from October to May every year. They do not respect the neighbors. They do not follow the rules. They do not take the tarps down when the permit expires. It is ruining one of the most beautiful cliff sides in Newport Beach. It destroys our rights to quiet enjoyment.

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 Juliette Worthe

Signature _____

Date of Signature 05-11-2022

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.

Additional Representatives (as necessary)

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 _____

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

Your Signature _____

Date of Signature _____