RESOLUTION NO. PC2021-005


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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by the City of Newport Beach (“Applicant”) with respect to property located at the northeast corner of Superior Avenue and West Coast Highway, Assessor’s Parcel Numbers (APNs) 424-041-13, 424-041-11, 424-041-12, 424-042-02, 424-042-03, and 424-041-09 (“Property’), requesting approval of a coastal development permit.

2. The Applicant seeks a coastal development permit to allow the demolition of the existing surface parking lot and the construction of a new 130-space surface parking lot, with pedestrian/bicycle concrete bridge over Superior Avenue (“Project”). The proposed bridge includes a staircase from the bridge down to the corner of Superior Avenue and West Coast Highway, and open space improvements to upper Sunset View Park. The Project would include earthwork, grading, retaining walls, and landscaping improvements. The Project includes retaining walls that exceed the 8-foot maximum height permitted by Newport Beach Municipal Code (“NBMC”) Title 21 (Local Coastal Program Implementation Plan). As such, the Project includes a request for relief from the Title 21 development standard, pursuant to Section 21.52.090 (Coastal Development Review Procedures – Relief from Implementation Plan Development Standards) of the NBMC.

3. The Project site is partially located on Sunset Ridge Park, which was constructed with the authorization of a coastal development permit from the California Coastal Commission, and will therefore require a separate coastal development permit for the portions of the project site outside the City’s permit authority. This coastal development permit is intended to cover the portions of the project within the City’s permit authority as designated in the Local Coastal Program Implementation Plan (Title 21 of the Newport Beach Municipal Code).
4. Except where the bridge crosses Superior Avenue, the Property is located within the PR (Parks and Recreation) Zoning District and the General Plan Land Use Element category is PR (Parks and Recreation).

5. The Property is located within the coastal zone. Except where the bridge crosses Superior Avenue, the Coastal Land Use Plan category is PR (Parks and Recreation) and the Coastal Zoning District is PR (Parks and Recreation).

6. A public hearing was held online on December 10, 2020, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.


8. On January 4, 2021, Mr. David Tanner filed an appeal of the Zoning Administrator’s decision citing that the project does not conform to the standards of the Local Coastal Program, that the project does not conform to the public access policies of the Coastal Act, and that the environmental review for the project is inadequate.

9. A de novo telephonic public hearing was held on February 18, 2021 in the Council Chambers located at 100 Civic Center Drive, Newport Beach, due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 et seq. (“Ralph M. Brown Act”) and Chapters 20.62 and 21.62 (Public Hearings) of the Newport Beach Municipal Code. The Planning Commission continued the item to a date certain, March 4, 2021, at the conclusion of the public hearing.

10. A de novo telephonic public hearing was held on March 4, 2021 in the Council Chambers located at 100 Civic Center Drive, Newport Beach, due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 et seq. (“Ralph M. Brown Act”) and Chapters 20.62 and 21.62 (Public Hearings) of the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. On November 19, 2019, the City Council adopted Resolution No. 2019-102 adopting Mitigated Negative Declaration No. ND2019-002 for the Superior Avenue Pedestrian/Bicycle Bridge and Parking Lot Project, approving a Mitigation Monitoring and Reporting Program (“MMRP”) that was prepared in compliance with the California
Environmental Quality Act (“CEQA”) set forth in the California Public Resources Code Section 21000 et seq. and its implementing State regulations set forth in the California Code of Regulations Title 14, Division 6, Chapter 3 (“CEQA Guidelines”) and City Council Policy K-3. The project reviewed under the Mitigated Negative Declaration (MND) included a new pedestrian/bicycle steel truss or concrete cast-in-place bridge approximately 260 feet long and 14 feet wide that crosses Superior Avenue, a new larger parking lot with approximately 128 parking spaces, a staircase from the bridge down to the corner of Superior Avenue and West Coast Highway, extension of upper Sunset View Park (open space, earthwork, grading, and retaining walls, landscape and irrigation improvements), and other amenities including a drop-off area, bicycle fix-it station, and a drinking water fountain. The project also proposed a possible extension of an access road through the parking lot to connect to the Hoag Memorial Hospital property (“Original Project”).

2. The Project proposes minor changes to the 2019 Project, including an updated bridge design. The new bridge design is a single span concrete arch bridge that is approximately 200 feet long and 18 feet wide. The bridge will not require any mid-span piles to support the bridge. Due to the differences between the Original Project and the proposed Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project, an addendum to the MND was prepared pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and 15164 (Addendum to an EIR or Negative Declaration) of the State CEQA Guidelines. The City retained Chambers Group to prepare the addendum because they prepared the MND for the Original Project. The MND addendum also considers cumulative projects including the potential future project to widen West Coast Highway and construct a second bridge. The MND addendum does not identify any component of the project that would result in a “potentially significant impact” on the environment per CEQA guidelines.

3. The addendum to the MND, including the MMRP, is hereby recommended for adoption by the Planning Commission. The addendum to the MND and all materials, which constitute the record upon which this decision is based, are on file with the Planning Division, City Hall, 100 Civic Center Drive, Newport Beach, California.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015(F) (Coastal Development Permits – Findings and Decision) of the 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 neighborhood is developed with a variety of uses, including residential uses to the north and southwest, commercial uses to the south, Sunset Ridge Park to the west, and Hoag Hospital to the west. The proposed design, bulk, and scale of the development is
consistent with and complementary to the existing, varied neighborhood pattern of development.

2. The Property is in an area known for the potential for seismic activity. All projects are required to comply with the California Building Code (CBC) and the Building Division standards and policies. Geotechnical investigations are required to be reviewed and approved prior to the issuance of a building permit. 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, consistent with the requirements of NBMC Section 21.30.015(E) - (Local Coastal Program Implementation Plan – Property Development Standards – General Site Planning and Development Standards – Development in Shoreline Hazardous Areas).

3. The Project site is located adjacent to Sunset View Park and Sunset Ridge Park, both identified as coastal viewpoints by the Local Coastal Program maps. The bridge is designed to preserve the view lines and minimize the potential for visual obstruction. The proposed bridge does not block the public views of the coast from the higher elevations of either park. A visual impact analysis and aesthetics were reviewed as a part of the environmental review, and impacts were found to be less than significant. In addition, the Project includes expanded view opportunities from the plaza and benches at the elevated parking lot and from the bridge itself.

4. Pursuant to NBMC Section 21.35.050 (Water Quality Control - Water Quality and Hydrology Plan), because the development contains more than seventy-five (75) percent of impervious surface area, a Water Quality and Hydrology Plan (WQHP/WQMP) was prepared by Dokken Engineering, dated September 2020. The final WQHP/WQMP will be required to be reviewed and approved by the City’s Engineer Geologist prior to building permit issuance. The WQHP/WQMP includes a polluted runoff and hydrologic site characterization, treatment control, best management practices (BMPs), use of a low-impact development approach and bioretention system to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be required to comply with the approved WQHP/WQMP prior to the issuance of building permits.

5. The Project site is located less than 100 feet from a wetland along West Coast Highway. NBMC 21.30B.040.C (Local Coast Program Implementation Plan – Habitat Protection – Wetlands, Deepwater Areas, and Other Water Areas – Wetland Buffers) allows wetland buffers of less than 100 feet when a 100-foot buffer is not possible due to site-specific constraints; and the proposed buffer would be protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and integrity of disturbance. The Project area is confined in area and size, and a 100-foot buffer around the wetland could not be accommodated without eliminating essential components of the Project. Further, the wetlands are currently surrounded by a variety of on-going disturbances, including landscape maintenance, pedestrians and vehicular traffic. The wetlands are small in size (approximately 0.03 acre) and are isolated from any adjacent habitat having substantive ecological value as a resource. An analysis of potential impacts to the wetland is included in the MND, and specific mitigation measures have been
included to reduce the potentially significant adverse effects to a less than significant level. Therefore, the Project will have no detrimental effect on wetland coastal resources.

6. A portion of the Project is within Sunset Ridge Park which is within the California Coastal Commission’s permit jurisdiction. This part of the Project includes a bridge abutment that is greater than 100 feet from a wetland along Superior Avenue, consistent with the wetland buffer requirement in NBMC Section 21.30B.040.C (Local Coastal Program Implementation Plan – Habitat Protection – Wetlands, Deepwater Areas, and Other Water Areas – Wetland Buffers). A planting area is proposed adjacent to the bridge abutment, which may encroach into the 100-foot wetland buffer area. A qualified biologist will be consulted prior to any planting within the buffer area to ensure consistency with the requirements of NBMC Section 21.30B.040.C (Local Coastal Program Implementation Plan - Habitat Protection – Wetlands, Deepwater Areas, and Other Water Areas – Wetland Buffers).

7. In accordance with NBMC Section 21.30.060.D.16 (Local Coastal Program Implementation Plan – Property Development Standards – Height Limits and Exceptions – Exceptions to Height Limits – Government Facilities), structures owned, operated, or occupied by the City or other governmental agency to provide a governmental service to the public may be allowed to exceed the height limit subject to the approval of a coastal development permit in compliance with Chapter 21.52 (Local Coastal Program Implementation Plan – Coastal Development Review Procedures) where the increase in height is necessary to accommodate design features required for the facility to function. In this case, the height of the bridge is necessary to provide adequate vertical clearance to Superior Avenue and public sidewalks, to provide a bridge with an Americans with Disabilities Act (ADA)-compliant walking surface, and to provide necessary guardrails and projectile barriers.

Finding:

B. Conforms to 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.

Facts in Support of Finding:

1. The Project site is not located between the nearest public road and the sea or shoreline. The Project site does not currently provide vertical or lateral access to the waterfront, nor would it provide access under the proposed conditions. Vertical access to the beach is available via street ends throughout the Balboa Peninsula, and the Project will not affect the public’s ability to gain access to, use, and/or view the coast.

2. The development includes the demolition of an existing 64-space flat surface public parking lot and the construction of a new 130-space surface public parking lot. The result is a net gain of 66 parking spaces, thereby increasing public access to the coast by providing additional parking opportunities in the area. Further, the open space area of
Sunset View Park will be expanded as a part of the project, providing additional public space to passively recreate and additional coastal view opportunities.

3. The Project site is located adjacent to Sunset View Park and Sunset Ridge Park, both identified as coastal viewpoints by the Local Coastal Program maps. The bridge is designed to be mindful of view lines and the potential for visual obstruction. Aesthetics were reviewed as a part of the environmental review, and impacts were found to be less than significant.

Finding:

C. The Planning Commission has considered the following:

i. Whether or not the development is consistent with the certified Local Coastal Program to the maximum extent feasible; and

ii. Whether or not there are feasible alternatives that would provide greater consistency with the certified Local Coastal Program and/or that are more protective of coastal resources.

Facts in Support of Finding:

1. With exception of the variance to the retaining wall height, the proposed development complies with and is consistent with the certified Local Coastal Program (LCP). See Facts in Support of Findings A and B above.

2. The Project includes retaining walls up to 25 feet in height. These retaining walls are necessary to support the new surface parking lot, which also serves to support the public plaza and viewing benches adjacent to the parking lot, to achieve sufficient vertical clearance under the proposed bridge, and to support the expanded passive open space at Sunset View Park. Retaining walls less than 25 feet would not support the proposed Project.

3. The Project is designed to preserve the existing view lines and minimize the potential for visual obstruction. The bridge does not block the public coastal views from either Sunset Ridge Park or Sunset View Park. Aesthetics were reviewed as a part of the environmental review, and impacts were found to be less than significant. Therefore, the Project will have no detrimental effect on coastal view resources.

Finding:

D. The granting of the variance is necessary due to special circumstances applicable to the property, including location, shape, size, surroundings, topography, and/or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same coastal zoning district.
Facts in Support of Finding:

1. The Project site features unique topography. The west side of Superior Avenue features an upward sloping grade that follows the incline of Superior Avenue, with a 64-space flat surface parking lot and a dirt mound near the northernmost edge of the Project site. Significant earthwork and grading are necessary to create a project site suitable for the larger, 130-space surface parking lot. Further, the grade of the site must be raised to allow the construction of the pedestrian/bicycle bridge between the subject site and the higher grade of Sunset Ridge Park. The passive recreation area at Sunset View Park is at a higher elevation than most of the Project site, and the extension of this open space area, offering public coastal views, requires raising the grade around the existing dirt mound, and retaining walls to support this feature.

2. The strict application of the retaining wall height limit results in physical hardships inconsistent with the intent and purpose of the LCP and would restrict the ability to construct a pedestrian/bicycle bridge across Superior Avenue, by preventing the bridge to be built with an appropriate slope for pedestrians and bicyclists crossing the bridge. The taller retaining walls have no detrimental effect on environmental or visual resources that the development standards are intended to protect. Section 21.52.090(B)(1) (Local Coastal Program Implementation Plan – Coastal Development Review Procedures – Relief from Implementation Plan Development Standards – Applicability – Modifications) of the NBMC specifically allows modification or waiver of development standards through approval of a coastal development for projects that will not have an adverse effect on coastal resources.

3. The PR Coastal Zoning District is intended to provide for areas appropriate for land used or proposed for active public or private recreational use. Allowed uses include both active and passive parks. Both Sunset Ridge Park and Sunset View Park are consistent with this designation and providing safe parking and access to both parks is an essential park amenity that this project helps to achieve.

Finding:

E. The variance complies with the findings required to approve a coastal development permit in Section 21.52.015(F) (Coastal Development Permits – Findings and Decisions).

Facts in Support of Finding:

1. The Project conforms to applicable sections of the LCP in that public coastal views and public access will not be negatively affected. The Project includes the adopting of an addendum to the previously adopted Mitigated Negative Declaration, and specific mitigation measures have been included to reduce the potentially significant adverse effects to a less than significant level. Therefore, the Project will have no detrimental effect on coastal resources.
2. The Project site is not located between the nearest public road and the sea or shoreline. The Project site is located north of West Coast Highway, approximately 1,000 feet from the coast.

3. All Facts in Support of Findings A and B above are hereby incorporated by reference.

Finding:

F. The variance will not result in development that blocks or significantly impedes public access to and along the sea or shoreline and to coastal parks, trails, or coastal bluffs.

Facts in Support of Finding:

1. The Property is located north of West Coast Highway, approximately 1,000 feet from the coast. Direct coastal access is currently provided and will continue to be provided by street ends throughout the Balboa Peninsula. The Project includes the demolition of an existing 64-space flat surface parking lot and the construction of a new 130-space surface parking lot. This larger public parking area will provide increased public access to the nearby coast as well as to both Sunset Ridge Park and Sunset View Park. There are no public trails or coastal bluffs located on the Project site. The purpose of this Project is to enhance public access to Sunset Ridge Park, provide additional public view opportunities, and increase public parking and access to parks and beaches.


Finding:

G. The variance will not result in development that blocks or significantly impairs public views to and along the sea or shoreline or to coastal bluffs and other scenic coastal areas.

Fact in Support of Finding:

1. Facts in Support of Findings A.3 and B.3 are hereby incorporated by reference.

Finding:

H. The variance will not result in development that has an adverse effect, either individually or cumulatively, on coastal resources, including wetlands, sensitive habitat, vegetation, or wildlife species.

Facts in Support of Finding:

1. The Project site currently contains a surface parking lot, developed landscaping, a dirt mound, and some undeveloped open space. An analysis of potential impacts to biological resources is included in the MND, and specific mitigation measures have been included to
reduce the potentially significant adverse effects to a less than significant level. Therefore, the Project will have no detrimental effect on coastal resources.


3. A view simulation analyzing the potential cumulative view impacts of a potential future City project to widen West Coast Highway and construct a second pedestrian bridge is included in the Addendum to the MND and concludes that the second bridge, based on location, is not anticipated to block views of the ocean individually or cumulatively.

Finding:

1. The granting of the variance will not be contrary to, or in conflict with, the purpose of this Implementation Plan, nor to the applicable policies of the certified Local Coastal Program.

Facts in Support of Finding:

1. Approval of the coastal development permit will not be contrary to the applicable policies of the City’s Coastal Land Use Plan intended to protect coastal resources. Policy 4.4.1-6 of the Local Coastal Program states that public coastal views must be protected from several roadway segments in the City, including the segment of Superior Avenue abutting the project, which is designated as a Coastal View Road. The increased height of the retaining walls supporting the project does not impede views of the coast from Superior Avenue.

2. Approval of the coastal development permit will not be contrary to Policies 4.4.1-2 and 4.4.1-7 of the Local Coastal Program, which state that new development, including landscaping, should be designed and sited so as to minimize visual impacts to public coastal views, and to frame and accent public coastal views. The retaining walls and the development they support will include drought-tolerant landscaping which will maintain the aesthetic character of the area.

3. The granting of the coastal development permit to allow the increased retaining wall height is consistent with NBMC Section 21.52.090 (Local Coastal Program Implementation Plan – Coastal Development Review Procedures – Relief from Implementation Plan Development Standards), which provides for relief from development standards for projects that will have no detrimental effect on environmental or visual coastal resources.

In accordance with Section 21.30.060(C)(3) (Local Coastal Program Implementation Plan – Property Development Standards – Height Limits and Exceptions – Increase in Height Limits – Required Findings) of the NBMC for increased height limits, 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 nonresidential structure within the Shoreline Height Limit Area may be increased up to a maximum of thirty-five (35) feet with a flat roof or forty (40) feet with the approval of a Coastal Development Permit. In this case, the Applicant requests that height be increased to a maximum of 32 feet for the bridge, which is regulated as a flat structure. In accordance with Section 21.30.060(C)(3) (Local
Coastal Program Implementation Plan – Property Development Standards - Height Limits and Exceptions – Increase in Height Limits – Required Findings) of the NBMC for increased height limits, the following findings and facts in support of such findings are set forth:

Finding:

J. The project is sited and designed to protect views to and along the ocean and scenic coastal areas; and

Fact in Support of Finding:

1. Facts in Support of Findings A.3 and B.3 are hereby incorporated by reference.

Finding:

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

Facts in Support of Finding:

1. Facts in Support of Findings A.3 and B.3 are hereby incorporated by reference.

2. The bridge design is a single span concrete arch, which is specifically designed to complement and be compatible with the surrounding development. The single span eliminates the need for a mid-span support, which otherwise would have required a support in a median of Superior Avenue. The bridge is further designed without any roof or shade cover, which keeps the profile of the structure low in this scenic area.

3. The Project does not affect existing public views and does not detract from the character of the area. The overall Project height is below the maximum permitted with approval of a coastal development permit. The proposed bridge spans across Superior Avenue, which slopes steeply up to the north. Properties to the north of the Project site are developed with finished grades higher than the top of the proposed bridge, and the bridge will not appear out of scale or character with surrounding development. The bridge also serves to visually connect the parking for Sunset Ridge Park, enhancing public access to the park.

4. The retaining walls facing West Coast Highway will be visually softened with vines and trees to vertically break up the massing of the walls.

Finding:

L. Where feasible, the project will restore and enhance visual quality in visually degraded areas.
Fact in Support of Finding:

1. The Property is currently developed as a surface parking lot with developed landscaping, a dirt mound, and some undeveloped open space. The Project has been designed to harmonize with and enhance the surrounding development by maintaining a low profile, avoiding a mid-span support for the bridge, and including drought-tolerant landscaping throughout the project.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby adopts the Mitigated Negative Declaration Addendum No. ND2019-002 (SCH No. 2019099074), as depicted in Exhibit “A,” which consists of the MND Addendum, Appendices, and Adopted MND.

2. The Planning Commission of the City of Newport Beach hereby approves Coastal Development Permit No. CD2020-143, subject to the conditions set forth in Exhibit “A,” which is attached hereto and incorporated by reference.

3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 21 (Local Coastal Program 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 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 4th DAY OF MARCH 2021.

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

NOES:

ABSTAIN: Weigand

ABSENT: Klaustermeier

BY: Erik Weigand, Chairman

BY: Lauren Kleiman, Secretary
EXHIBIT “A”

CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan and elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).

2. Revisions to the approved plans shall require separate review by the Planning Division and may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.

3. Prior to building permit issuance, the scenic easement located on Sunset Ridge Park shall be modified or removed.

4. 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.

5. The Applicant 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 (1) or two (2) short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

6. 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.

7. 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.

8. 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.

9. 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.

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 Applicant 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. Prior to issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Coastal Development file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Coastal Development Permit.

15. Coastal Development Permit No. CD2020-143 shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Local Coastal Program Implementation Plan – Permit Implementation, Time Limits, and Extensions - Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.

16. The Applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP).