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**To:** CDD  
**Subject:** Comment on ZA Item 2 (June 11, 2026, meeting)

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Regarding Item 2 (Grieve Residence Coastal Development Permit, PA2026-0001) on the June 11, 2026, Zoning Administrator agenda:

1. In the "PROJECT SUMMARY" on page 1 of the staff report, it would have been helpful to indicate the "existing single-unit residence" is an "existing **nonconforming** single-unit residence" since that is an unusual circumstance that affects what the code allows to be requested with without correcting the nonconformities (as acknowledged in Fact 3.A.1.c of the proposed resolution, on handwritten page 10).
2. In Table 1 on page 3 of the staff report, the insertion of "approximately" for the proposed project parameters may be technically accurate, but it creates uncertainty as to whether the applicant is proposing to comply with the standards or seek deviations for them. For example, I believe the height limit for slope roofs is 29 feet, exactly, and that 29 feet 1 inch would be out of compliance. Saying the applicant is proposing an "Approximately 29-foot sloped roof" provides no assurance they intend to comply.
3. Fact 3.A.1.b on handwritten page 10 of the proposed resolution says "*The Project provides the minimum required side and rear setbacks, which are 3 feet along each side property line and 5 feet abutting the canal.*" Although a "rear" setback is indicated in Table 2, doesn't this property have two "front" setbacks? And isn't the one "*abutting the canal*" a **front** setback (which would explain why the following Fact 3.A.4 refers to the property being "**fronted by a canal.**")
4. Closely related to this, Fact 3.A.1.c refers without further explanation to "*an existing nonconforming front setback.*" Is that on the street side?
4. Fact 3.A.2 describes the neighborhood as "*predominantly developed with two-story, single-unit residences,*" which might call into question the conclusion that a third story is "*consistent with the existing neighborhood pattern of development.*" (a number of the existing two-story residences appear to have peaked roofs built to the 29-foot limit, but is unclear if any are intended to provide a livable third story)
5. The first sentence of Fact 3.A.3 may have been intended to read "*The Property has existing unpermitted encroachments which **was were** constructed past the rear property line to the north.*"
6. The last sentence of Fact 3.A.4 may have been intended to read "*The Property is fronted by **a canal adjacent** the Semeniuk Slough, a former channel of the Santa Ana*

*River that is historically emptied into Newport Bay.*" That is, I believe the property abuts the Slough with no intervening canal.

7. The first sentence on handwritten page 11 may have been intended to end: "... a ~~4.7-foot~~ **4.5-foot** rise would result in a projected high tide elevation of 11.7 feet NAVD 88 in the Newport Bay and the surrounding waters." [see unnumbered pages 5 and 11 of the 14-page May 22, 2026, [Coastal Hazard Discussion](#) report].

8. Later in the same paragraph, while it is correct the report concludes "*The water in the Semeniuk Slough is unlikely to exceed an of elevation 6.5 feet NAVD 88,*" it is unclear how certain this conclusion is. The report (on unnumbered page 2) says that based on a May 2026 observation "*There was no evidence of inundation or any impact of water above elevation +6.5 feet NAVD88. Interviews with long time residents revealed that water elevations never exceed +6.5 feet NAVD88, including during the 1982 - 83 El Nino weather with very high ocean waters and very strong rainfall (river flows).*" The author appears to believe the height is controlled to 6.5 feet by some sort of levee or tide-control mechanism, as a result of which he believes (as described on page 1) "*The slough is isolated from influence by both the ocean and the Santa Ana River for water elevations greater than 6.5 feet NAVD88.*" I can find no explanation of what he thinks that mechanism is or how vulnerable it is to sea level rise. The more general conclusion appears to be that whatever it is, it will be adapted to maintain a 6.5-foot limit, or, if it does, the streets are lower than the finished floor elevation and will flood before the floor, requiring some as yet-to-be-defined community-wide solution. It is unclear to me this supports the conclusion with which this fact ends, "*that coastal hazards are unlikely to impact the property over the next 75 years.*" It sounds more to me like the entire neighborhood might possibly be impacted if sea level rises to 11.7 feet NAVD 88 (as, presumably, would all other low-lying areas).

9. The opening sentence of Fact 3.A.11 on handwritten page 12 is confusing. It says "*The Property is not located adjacent to a public beach or park as the **nearest beach** is located approximately 2,000 feet south abutting the West Ocean Front **boardwalk** which is accessible to the public.*" This is confusing first because while a "West Ocean Front" public right of way exists, it is not developed with a boardwalk in this area, but rather is mostly occupied by private encroachments. And second because Fact 3.B.2 on the same page refers to a public beach 200 feet from the property.

10. The second sentence of Fact 3.A.11 may have been intended to read "*As **it is** currently developed, the existing property and other residences within the area along Canal Circle are not within the **view-shed** viewshed of the beach.*" [alternatively: "*As **is** currently developed, ...*"]

-- Jim Mohser

