CALIFORNIA COASTAL COMMISSION
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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-10-032

APPLICANT: Mr. & Mrs. Christian Evensen

AGENT: Brion Jeannette & Associates

PROJECT LOCATION: 3225 Ocean Boulevard, Newport Beach (Corona Del Mar) (Orange County)

PROJECT DESCRIPTION: Demolition of an existing 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a detached 1-story 3-car garage at the toe of the bluff and construction of a new 4,733 square foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room, all of which will span the entire bluff face. Grading will consist of 2,052 cubic yards of cut and export to a location outside of the Coastal Zone.

SUMMARY OF STAFF RECOMMENDATION:

The subject site is located on a coastal bluff located seaward of Ocean Boulevard, and inland of Breakers Drive (a private street), vegetation, and a sandy public beach at Corona Del Mar State Beach. The applicant proposes to demolish an existing 2-1/2-level single-family residence at the top of the coastal bluff and also demolish a detached 1-story 3-car garage and associated structures at the toe of the bluff and construct a new 4,733 square foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room, all of which will span the entire bluff face. The primary issues before the Commission are the appropriateness of approving the project given the importance of preserving scenic resources and consistency with the pattern of development in the area, minimizing landform alteration and avoiding development in hazard prone locations. The general pattern of development in this area consists of development located at the top of the bluff with the remaining portion of the bluff kept intact (Exhibit #7). However, the existing project site and one (1) other lot in this area have development located at the top of the bluff and the toe of the bluff. These are exceptions that are inconsistent with the general pattern of development found in this area. The proposed development will, therefore, result in significant development of the entire bluff which will cause visual impacts on the property. Furthermore, the project results in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch (for the residence) must be excavated into the bluff face, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch (for the structure at the toe of the bluff and for an elevator shaft) must be excavated into the toe of the bluff to accommodate construction of the proposed development (Exhibit #5, page 3). Currently, the existing residence covers approximately 34-vertical feet of the entire 76-foot tall bluff face; however, the proposed project would result in significant development on the entire bluff face, covering over

approximately 72-vertical feet of the entire 76-foot tall bluff face, an approximate increase of approximately 50% in bluff face development on site (Exhibit #5, page 2). In addition, the area on the bluff located between the existing residence located at the top of the bluff and the existing garage and other development located at the toe of the bluff remains largely undisturbed and densely vegetated (a span of approximately 43-vertical feet); however, the proposed project would eliminate this area and replace it with development. Other property owners in the surrounding area, and along the same bluff, have maintained an undeveloped bluff face seaward of their residences. The applicant's proposed elimination of a large swath of bluff area, therefore, is inconsistent with the pattern of development in the area. Staff is also concerned with the cumulative adverse impacts this project may lead to. Many of the homes that exist in the vicinity are older and likely to be redeveloped. If this site were allowed to be developed in the proposed manner, matching proposals on adjacent and nearby lots would likely follow. Such proposals would have a significant adverse cumulative impact on bluff landform alteration and community character. Staff recommends that the Commission **DENY** the proposed project.

Alternatives to the proposed project exist. For example, the existing house and detached garage could be remodeled within their existing footprint to provide some of the expanded amenities that are part of the current proposed project by the applicant. While this alternative would allow the existing development (development at the top of the bluff and the toe of the bluff) to remain inconsistent with the pattern of development, it would do so in a manner that would result in less significant adverse impacts to visual resources and landform alteration. Such an alternative would allow the undeveloped portion of the face to remain as densely vegetated slope and would preserve the integrity of the coastal bluff. There are, perhaps, other alternatives as well. Therefore, staff recommends that the proposed project be **DENIED**, as it would be inconsistent with the general pattern of development in the area and have adverse impacts on the naturally appearing landform and have a cumulative adverse impact on visual resources.

LOCAL APPROVALS RECEIVED: Approval in Concept (#2041-2009) from the City of Newport Beach Planning Department dated January 20, 2010.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; *Preliminary Geotechnical Investigation, Proposed New Single-Family Residence, 3225 Ocean Boulevard, Corona del Mar, California (Report No. 71862-00/Report No. 09-6621)* prepared by Geofirm dated December 11, 2009; *Response to California Coastal Commission Notice of Incomplete Application, March 11, 2010, Demolish and Construct New Single-Family Residence, Coastal Development Permit Application No. 5-10-032, 3225 Ocean Boulevard, Corona del Mar, California* prepared by Geofirm dated March 19, 2010*; Coastal Hazard & Wave-Runup Study, 3225 & 3235 Ocean Blvd, Corona Del Mar, CA* prepared by Geosoils Inc. dated April 12, 2010; Letter to Commission staff from Brion Jeannette & Associates dated August 29, 2005; Letter to Brion Jeannette Associates from Commission staff dated March 11, 2010; and Letter to Commission staff from Brion Jeannette & Associates dated April 21, 2010.

EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Site Plan
4. Floor Plans
5. Elevation Plans/Section Plans
6. Grading Plan
7. Aerial Photo of the Project Site and Surrounding Pattern of Development

STAFF RECOMMENDATION:

I. STAFF RECOMMENDATION OF DENIAL

Staff recommends that the Commission **DENY** the coastal development permit application by voting **NO** on the following motion and adopting the following resolution.

A. MOTION

I move that the Commission approve Coastal Development Permit No. 5-10-032 for the development proposed by the applicant.

B. STAFF RECOMMENDATION OF DENIAL

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

C. RESOLUTION TO DENY THE PERMIT

The Commission hereby **DENIES** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. PROJECT LOCATION, DESCRIPTION AND PRIOR COMMISSION ACTION

1. Project Location

The proposed project is located at 3225 Ocean Boulevard in the community of Corona Del Mar that is part of the City of Newport Beach, County of Orange (Exhibits #1-3). The lot size is 6,804 square feet, and the City of Newport Beach Land Use Plan (LUP) designates the site as Single-Unit Residential Detached and the proposed project adheres to this designation. The rectangular shaped property is located between Breakers Drive to the south (seaward side), and Ocean Boulevard to the north (landward side), with an approximately 50-foot wide City right-of-way between the northern property line and Ocean Boulevard. The right-of-way area is comprised of a lawn adjacent Ocean Boulevard, a short wall, and a landscaped sloping area of land adjacent to the property. To the west and east are existing residential developments. Further south of Breakers Drive is vegetation, and a sandy public beach (Corona Del Mar State Beach) approximately 200-feet wide.

Vehicular access to the project site is not available from Ocean Boulevard; however, pedestrian access is available. Pedestrian access from Ocean Boulevard is provided by an existing wooden staircase from Ocean Boulevard. Vehicular access is available from Breakers Drive, at the toe of the bluff.

The site slopes from Ocean Boulevard down to the south at an approximately slope ratio of 2:1 for approximately 60-feet, and transitions to an approximate 1:1 slope that extends approximately 35-feet down to Breakers Drive. The total slope height from north of the site at Ocean Boulevard to south of the project site at Breakers drive is 76-feet. The project site is underlain locally at the surface and at depth by bedrock strata of the late Miocene Age Monterey Formation which is overlain along the upper bluff by marine terrace deposits and at the toe of the bluff by beach deposits. Beach deposits underlie the property at the toe of the former sea bluff.

The site is currently developed with an existing pre-coastal 2-1/2-story single-family residence constructed at the top of the bluff, and a 1-story, 3-car garage structure, a carport, hardscape, a fire pit and barbeque and rear and side yard property line walls constructed at the toe of the bluff on the level area adjacent to Breakers Drive. An existing wooden staircase is located on the bluff face between the residence at the top of the bluff and the garage at the toe of the bluff. Besides the existing wooden staircase, the area on the bluff located between the residence located at the top of the bluff and the garage and other development located at the toe of the bluff remains largely undisturbed and densely vegetated (a span of approximately 43-vertical feet) (Exhibit #3, page 2).

2. Project Description

The proposed project consists of demolition of an existing 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a detached 1-story 3-car garage with associated structures at the toe of the bluff and construction of a new 4,733 square

foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room (Exhibits #3-6), all of which will span the entire bluff face, which is approximately 72-vertical feet high. The existing wooden staircase inland from the residence traverses from the public right-of-way, which sits between Ocean Boulevard and the existing house, to the existing residence and will remain as is and will be re-connected to the new residence. The existing wooden staircase between the residence at the top of the bluff and the garage at the toe of the bluff will be removed. An existing slump block retaining wall located at the toe of the bluff behind the existing garage will also remain. The proposed project will also consist of new decks, a built in spa, barbeque, a fire pit, new stairs, retaining walls, property line walls, hardscape and landscape. Grading will consist of 2,052 cubic yards of cut and export to a location outside of the Coastal Zone. The foundation system will consist of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 46 caissons) and grade beam system. Furthermore, the proposed project also consists of a significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch must be excavated into the bluff face to accommodate the added floors for the new residence, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch into the toe of the bluff to accommodate relocation and expansion of the structure at the toe of the bluff and for an elevator shaft (Exhibit #5, page 3). This is in addition to areas of bluff face that have already been graded out to accommodate the existing structures (that will be demolished and replaced with larger structures).

3. Standard of Review

The City of Newport Beach has a certified LUP but the Commission has not certified an LCP for the City. As such, the Coastal Act polices are the standard of review with the certified LUP providing guidance where relevant.

B. SCENIC RESOURCES

Section 30251 of the Coastal Act states, in relevant part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas…*

The proposed project is located on a coastal bluff face. South (seaward) of the site is Breakers Drive (a private street), vegetation, and a sandy public beach (Corona Del Mar State Beach) approximately 200-feet wide. The project site is visible from adjacent public vantage points such as the sandy public beach (Corona Del Mar State Beach). The pattern of development along this segment of Ocean Boulevard is such that development is located at the top of the bluff while the remaining portion of the bluff is kept intact, largely undisturbed and vegetated (Exhibit #7). Development at this site, if approved, must be sited and designed to be visually compatible with the character of the surrounding area. It is also necessary to ensure that new development be sited and designed to protect views to and along the beach area and minimize the alteration of existing landforms. This proposed bluff face development also raises the concern over the cumulative impacts that would occur if others propose to develop the coastal bluff face.

LANDFORM ALTERATION, PATTERN OF DEVELOPMENT/STRINGLINE, AND CUMULATIVE IMPACTS

Landform Alteration

The applicants are proposing the demolition of an existing 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a detached 1-story 3-car garage at the toe of the bluff and associated structures and construction of a new 4,733 square foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room, all of which will span the entire bluff face, which is approximately 72-vertical feet high. Grading will consist of 2,052 cubic yards of cut and export to a location outside of the Coastal Zone. The grading will result in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch (for the residence) must be excavated into the bluff face, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch h (for the structure at the toe of the bluff and for an elevator shaft) must be excavated into the toe of the bluff to accommodate construction of the proposed development (Exhibit #5, page 2). Currently, the existing residence covers approximately 34-vertical feet of the entire 76-foot tall bluff face; however, the proposed project would result in significant development encompassing the entire bluff face, covering over approximately 72-vertical feet of the entire 76-foot tall bluff face, an approximate increase of approximately 50% in bluff face development on site (Exhibit #3, page 2 and Exhibit #5, page 2). The foundation system will consist of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 46 caissons) and grade beam system.

The Coastal Act requires new development to be sited to *"minimize the alteration of natural land forms*." The existing bluff is a natural landform visible from public vantage points such as the sandy public beach (Corona Del Mar State Beach). The proposed project includes significant expansion of the footprint of the structures and additional coverage of the bluff face. Limiting the development to the existing footprint would minimize landform alteration. As stated previously, the pattern of development along this segment of Ocean Boulevard is such that development is located at the top of the bluff while the remaining portion of the bluff is kept largely intact. The proposed project would result in coverage of almost the entire bluff face with development.

Ideally, with redevelopment projects like this one, the Commission would seek to require that the new development conform entirely with the pattern of development. This site and one (1) other are among the few lots along this stretch of Ocean and Breakers Drive that has development at the top and the toe of the bluff. Since construction of a structure at the toe of the bluff is unusual, it would be highly preferable to eliminate that development and concentrate development at the top of the bluff where most of the development on this site and the adjacent sites is located. However, vehicular access to this site creates complicating factors.

Vehicular access to this lot is gained from Breakers Drive at the toe of the bluff, where there is an existing garage. For the surrounding six (6) properties in this stretch of Ocean Boulevard (3207-3309 Ocean Boulevard), vehicular access to their properties varies. 3207, 3235 and 3301 Ocean Boulevard have vehicular access from Ocean Boulevard,

located at the top of the bluff. 3215 and 3325 (project site) Ocean Boulevard have vehicular access from Breakers Drive located at the toe of the bluff. 3309 Ocean Boulevard has vehicular access from both Ocean Boulevard and Breakers Drive. 3225 (project site) and 3309 Ocean Boulevard have garages located at the toe of the bluff. In order to minimize additional landform alteration, staff requested the applicant to look into providing vehicular access from Ocean Boulevard. However, the City of Newport Beach does not allow new vehicular access from Ocean Boulevard. Thus, even though the existing garage located at the toe of the bluff is inconsistent with the pattern of development in the area, vehicular access is necessary and therefore a garage at the toe of the bluff is the required location since new vehicular access is not allowed off Ocean Boulevard at the top of the bluff. However, the new garage is significantly larger in size and notches into the toe of the bluff. In order to additionally limit landform alteration, the garage should be limited to the existing footprint as well and designed so as not to adversely impact visual resources (to be discussed later as an alternative). If the proposed project was designed to match the community character, landform alteration and adverse impacts to scenic views of the coastline would be minimized. However, the proposed project will not be limited to the existing footprint and will result in significant grading of virtually the entire bluff.

Pattern of Development/Stringline

Proposed development should be sited in such a manner so that it is visually compatible with the character of surrounding areas. Seaward encroachment of new development that is inconsistent with the character of surrounding areas can often have adverse impacts on a variety of coastal resources. For example, the seaward encroachment of private development toward a beach can discourage public utilization of the beach. The seaward encroachment of structures can also have adverse visual impacts. In addition, the seaward encroachment of structures can increase the hazards to which the new development will be subjected. In order to prevent any adverse impacts associated with seaward encroachment of development, development should be consistent with the established pattern of development/stringline.

The pattern of development/stringline in this area of Corona Del Mar falls within three (3) categories: 1) *Bluff Face Development Area* 3002-3036 Breakers Drive where primary structures cover a substantial portion of the bluff face but where there is no bluff top development; 2) *Bluff Toe Development Area* 3100-3200 Breakers Drive where primary structures are constructed along the toe of the bluff and cascade up the bluff, but where a significant portion of the upper bluff face and bluff top remain undeveloped and vegetated; and 3) *Bluff Top Development Area* 3207-3309 Ocean Boulevard (area fronting Breakers Drive and then the public sandy beach) and 3317-3431 Ocean Boulevard (area fronting the sandy public beach) where structures are concentrated at the upper bluff face and bluff top and where there is little or no encroachment of primary structures onto the lower bluff face and the bluff face is largely vegetated (Exhibit #7).

The subject site is located in the *Bluff Top Development Area* (3207-3309 Ocean Boulevard) described above. The site is bounded by two (2) lots (3207 and 3215 Ocean Boulevard) upcoast of the project site and two (2) lots (3235 and 3301 Ocean Boulevard) downcoast of the project site, which would also fall within the *Bluff Top Development Area* (Exhibit #7). The existing single family residence at the top of the bluff is basically in alignment with adjacent residences. Currently, the project site has an existing 2-1/2-level

single-family residence at the top of the bluff (located approximately at the 55-foot contour) and 1-story 3-car garage with associated structures at the toe of the bluff (located approximately at the 13-foot contour). Besides the existing wooden staircase, the area on the bluff located between the subject residence located at the top of the bluff and the garage and other development (i.e. hardscape, a fire pit, barbeque, etc) located at the toe of the bluff, the bluff face remains largely undisturbed and densely vegetated (a span of approximately 43-feet in length) (Exhibit #3, page 2). However, the proposed project would result in developing this undeveloped area between the bluff top and toe, such that over 72-vertical feet of the entire 76-foot tall bluff face would be developed (Currently, the existing residence covers approximately 34-vertical feet of the entire 76-foot tall bluff face; however, the proposed project would result in an approximate increase of 50% in bluff face development on site) (Exhibit #5, page 2). Thus, since the project would entail significant development of the bluff face, the proposed home would not be visually compatible with the character of the surrounding homes in the ***Bluff Top Development Area.***

Furthermore, the existing project site and the additional site located at 3309 Ocean Boulevard are the only two (2) sites that have major structures located both at the top and toe of the bluff. The presence of existing pre-Coastal Act structures at the toe of the bluff on these sites is not in keeping with the character and pattern of development in this area. The structure located at the toe of the bluff on 3309 Ocean Boulevard is the only other structure (besides the garage on the subject site) located at the toe of the bluff within the above-described "Bluff Top Development Area". Approval of the proposed development would not only perpetuate the existing condition of having development at the toe of the bluff, but would actually exacerbate the inconsistency by further enlarging the structures at the toe of the bluff and significantly expanding the residence on the bluff face.

Within the last couple of years there have been a number of projects taking place downcoast of the subject site, between 3317-3431 Ocean Boulevard. In approving these projects, the Commission has limited development to the top of the bluff where living area was limited landward of the 48-foot bluff elevation contour and accessory improvements were limited to the 33-foot elevation contour. No other development was allowed below the 33-foot elevation contour upon the lower bluff face. While these limits established by the Commission for these areas (3317-3431 Ocean Boulevard) have resulted in preservation of the lower portion of the bluff at these locations, they don't provide a useful model for the subject site. Use of these limits at the project site and the remaining development located between 3207-3309 Ocean Boulevard would result in more significant adverse impact to the bluff because this stretch of Ocean Boulevard has less development on the bluff face compared with the homes downcoast (3317-3431 Ocean Boulevard).

Cumulative Impacts

The proposed residence would be unlike any other development in the vicinity since it would cover almost the entire bluff face, where others to not. If allowed, such development would disrupt the existing development pattern, and begin to change the character of the community. Future proposals on surrounding lots may likely seek to expand their development footprint to cover nearly the entire bluff face. Over time, these incremental impacts can have a significant cumulative adverse visual impact. If the proposed development were approved, and others like it were approved as well, the bluff

along this area of Ocean Boulevard could eventually become a wall of buildings that cover the entire bluff, thus causing significant, cumulative adverse visual impacts since the site is visible from adjacent public vantage points such as the sandy public beach (Corona Del Mar State Beach).

CONCLUSION

The Commission finds that the proposed project is not sited and designed to protect scenic and visual qualities of coastal areas. Denial of the proposed project would (1) protect existing scenic resources (2) preserve the existing pattern of development/stringline at the top of the coastal bluff in the *Bluff Top Development Area*, thereby ensuring the project is visually compatible with the character of the surrounding area and (3) minimize the alteration of the natural landform, the bluff face, on the subject property. Therefore, the Commission finds that the proposed project is inconsistent with Section 30251 of the Coastal Act.

C. HAZARDS

Section 30253 of the Coastal Act states, in pertinent part:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Development on a bluff is inherently risky due to the potential for bluff erosion and collapse. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures. In general, bluff instability is caused by environmental factors and impacts caused by humans. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding, and soils conducive to erosion. Factors attributed to humans that may be relevant to this site include irrigation, over-watering, building too close to the bluff edge, improper site drainage, use of impermeable surfaces that increase runoff, use of water-dependent vegetation, and breaks in water or sewage lines.

SITE SPECIFIC BLUFF INFORMATION

Geotechnical Data

To address site-specific issues, the applicants have submitted the following geotechnical investigations: *Preliminary Geotechnical Investigation, Proposed New Single-Family Residence, 3225 Ocean Boulevard, Corona del Mar, California (Report No. 71862-00/Report No. 09-6621)* prepared by Geofirm dated December 11, 2009; *Response to California Coastal Commission Notice of Incomplete Application, March 11, 2010, Demolish and Construct New Single-Family Residence, Coastal Development Permit Application No. 5-10-032, 3225 Ocean Boulevard, Corona del Mar, California* prepared by

Geofirm dated March 19, 2010. The information provided states that the bedrock materials backing the bluff are anticipated to remain seismically and grossly stable. However, slopewash deposits along the toe of the bluff are considered surficially unstable and may exhibit shallow instability during strong seismic shaking. The information submitted ultimately concludes the coastal bluff on the site is grossly stable and that the project is feasible from an engineering perspective provided the applicant complies with the recommendations contained in the investigation. Some of the recommendations for construction of the project site include a foundation system consisting of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 46 caissons) and grade beam system. While the project can be constructed as long as it adheres to the recommendation found in the geotechnical investigations, it still results in development taking place in a hazard prone location and requires an extraordinary engineering effort to construct.

Coastal Hazards

To analyze the suitability of the site for the proposed development relative to potential wave hazards, Commission staff requested the preparation of a wave run-up, flooding, and erosion hazard analysis, prepared by an appropriately licensed professional (e.g. coastal engineer). The purpose of this analysis is to determine the potential for future storm damage and any possible mitigation measures, which could be incorporated into the project design.

The applicants have since submitted the following coastal hazard investigation: *Coastal Hazard & Wave-Runup Study, 3225 & 3235 Ocean Blvd, Corona Del Mar, CA* prepared by Geosoils Inc. dated April 12, 2010. Ultimately, this study concludes: "… *coastal hazards will not significantly impact these properties over the life of the proposed improvements. The proposed developments will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave or wave runup protection. No shore protection is proposed or should be necessary in the next 75 years. The improvements minimize risk from flooding.*"

Although the applicants' report indicates that the site is safe for development at this time, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes.

CONCLUSION

Although the applicants' geotechnical report indicates that the project site will be safe from hazards in the next 75 years, the geology and potential hazards of the site, and the proposed siting, requires grading and foundation design that would substantially alter natural landforms along the subject property's bluff face. Here, the applicant has to conduct extraordinary engineering measures to make this project technically feasible. Specifically, the proposed project consists of a substantial alteration of the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch must be excavated into the bluff face to accommodate the added floors for the new residence, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch must be excavated into the toe of the bluff to accommodate relocation and expansion of the structure at the toe of the bluff and for an elevator shaft (Exhibit #5, pages 2-3). In addition, the applicant must further alter the natural landform by installing a significant

foundation system, including the need to drive approximately 46 caissons into the substrata of the bluff face. Given that these extraordinary engineering measures—excavation of the bluff face and caisson installation into the bluff face for the new foundations—are necessary to protect the proposed new development from any potential geologic instability caused by erosive or seismic forces (or any other force), they function similar to protective devices. Therefore, the proposed siting of the residence and foundation design would substantially alter natural landforms along bluffs, which is inconsistent with section 30253 of the Coastal act.

There are alternatives to the proposed project that would lessen or avoid the identified impacts. An alternatives analysis conducted by staff has been provided in Section II D. of this staff report.

D. ALTERNATIVES

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property, nor unreasonably limit the owner's reasonable investment-backed expectations of the subject property. The applicant already possesses a substantial residential development of significant economic value on the property. In addition, several alternatives to the proposed development exist. Among those possible alternative developments are the following (though this list is not intended to be, nor is it, comprehensive of the possible alternatives):

1. No Project

   No changes to the existing site conditions would result from the "no project" alternative. As such, there would be no additional disturbance of the bluff face. The undeveloped portion of the bluff face would remain as an undeveloped densely vegetated slope and would be consistent with community character. While this alternative would allow the existing development to remain inconsistent with the pattern of development, it would also not result in intensification of development on that bluff face in an area where development is limited to the top of the bluff. The applicants would still have full use of the residence. This alternative would result in the least amount of effects to the environment and also would not have any adverse effect on the value of the property.

2. Remodeling of the Existing Home

   The proposed project entails expansion of habitable and private recreation facilities located on the bluff face. An alternative to the proposed project would be remodeling of the existing home and detached garage for these uses within their existing footprints. This alternative would accommodate the applicant's interest in adding habitable and recreational elements, but there would be no additional disturbance to the bluff face. While this alternative would allow the existing development to remain inconsistent with the pattern of development, as noted above, it would do so in a manner that would result in less significant adverse impacts to visual resources and landform alteration. The undeveloped portion of the bluff face would remain as an undeveloped densely vegetated slope and would be consistent with community character as development occurs at the top of the bluff.

E. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program that conforms with the Chapter 3 policies of the Coastal Act.

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. In addition, the certified LUP was updated at the October 2009 Coastal Commission Hearing. Since the City only has an LUP, the policies of the LUP are used only as guidance. The Newport Beach LUP includes the following policies that relate to development at the subject site:

Scenic and Visual Resources, Policy 4.4.1-1 states,

> *Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.*

Scenic and Visual Resources, Policy 4.4.1-3 states,

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

Natural Landform Protection, Policy 4.4.3-8 states,

> *Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.*

Natural Landform Protection, Policy 4.4.3-9 states,

> *Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Coast Drive in Corona Del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principal structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.*

Natural Landform Protection, Policy 4.4.3-15 states,

> *Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.*

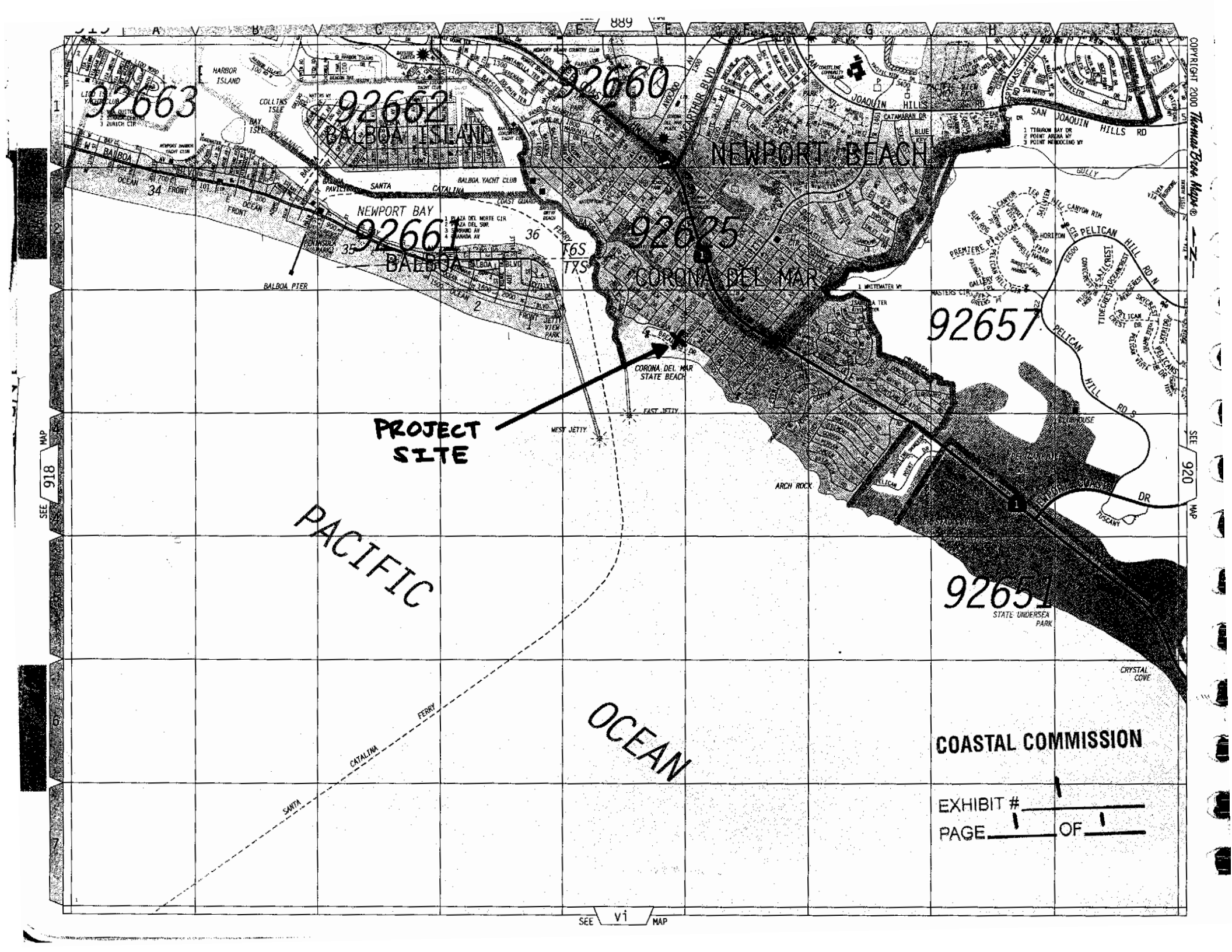
The construction of the proposed project is inconsistent with the policies in the City's certified LUP. The proposed project is not sited and designed to protect and, where feasible, enhance the scenic and visual qualities of the coastal zone. Denial of the proposed project would preserve existing scenic resources and would be consistent with

preserving the existing community character where development occurs at the top of the bluff. The proposed development is inconsistent with the policies in the City's certified LUP, as well as the policies in Chapter 3 of the Coastal Act, as indicated above, and would therefore prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a). Therefore, the project must be denied.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The City of Newport Beach is the lead agency and has determined that in accordance with CEQA, the project is Categorically Exempt from Provisions of CEQA for the construction. However, Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

While the City of Newport Beach found that the development was Categorically Exempt, the Commission, pursuant to its certified regulatory program under CEQA, the Coastal Act, the proposed development would have adverse environmental impacts. There are feasible alternatives or mitigation measures available, such as remodeling of the existing home. Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because there are feasible alternatives, which would lessen significant adverse impacts, which the activity would have on the environment. Therefore, the project must be denied.



COASTAL COMMISSION

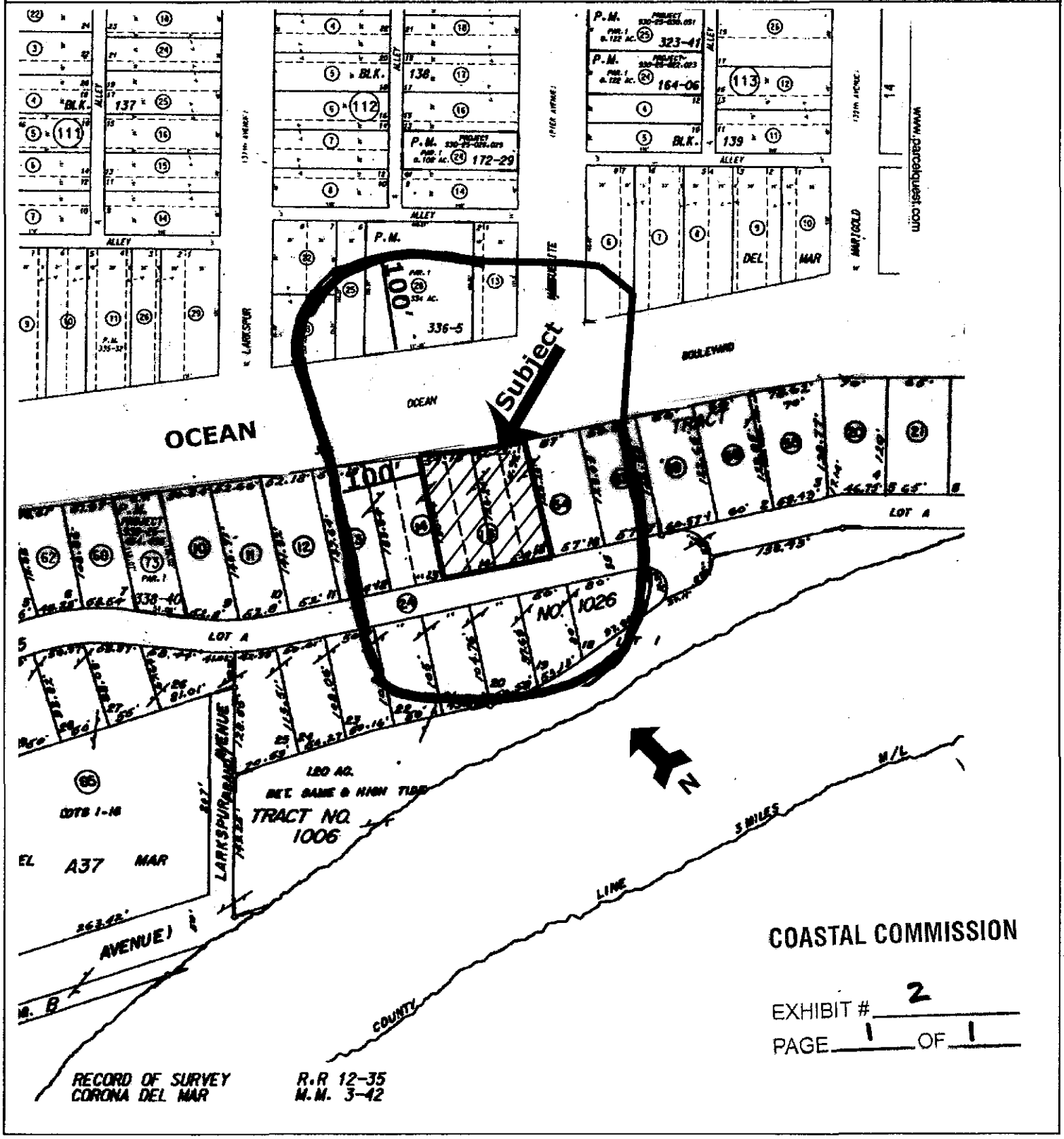
EXHIBIT # 1

PAGE 1 OF 1

Advanced Listing Services
Ownership Listings & Radius Maps
P.O. Box 2593 • Dana Point, CA • 92624
Office: (949) 361-3921 • Fax: (949) 361-3923
www.Advancedlisting.com

Subject APN: 052-120-15
100' Radius

Address: **3225 Ocean Blvd**
Corona Del Mar CA 92625



COASTAL COMMISSION

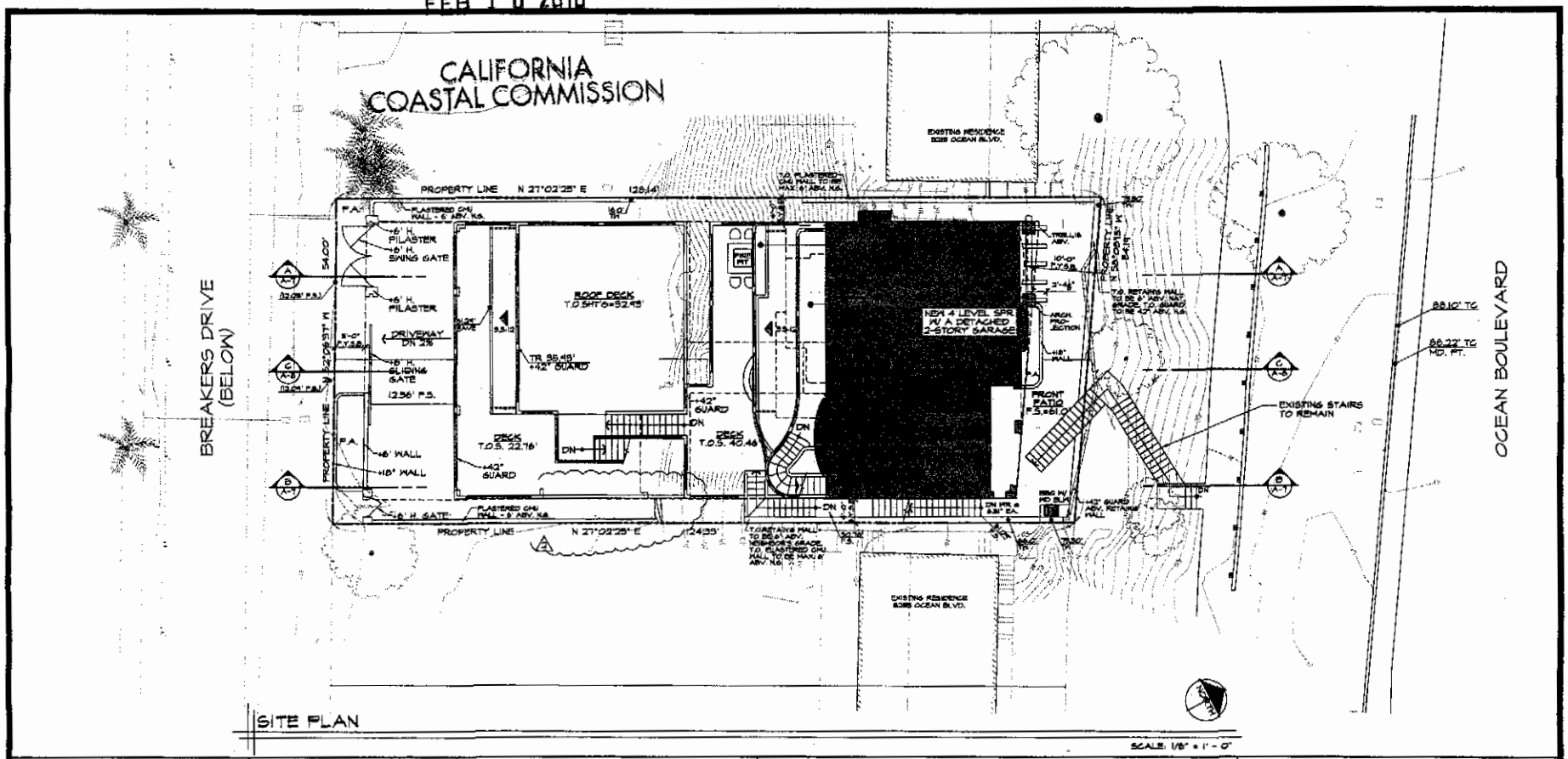
EXHIBIT # 2

PAGE 1 OF 1

RECEIVED
South Coast Region

FEB 10 2010

2010.02.01 AIC Resubmittal
Approved



LEGAL OWNER	CONSULTANTS	DESIGN DATA	SHEET INDEX	VICINITY MAP

CHRIS & FELICIA EVENSEN
3225 OCEAN BLVD.
CORONA DEL MAR, CA 92625
CONTACT: BRION JEANNETTE ARCHITECTURE
(949) 645-8834

LEGAL DESCRIPTION

PROJECT ID:	TRACT 1036, W2 OF LOT 14 & 1/2 OF LOT 15
A. P. NUMBER	052-120-15
AREA:	CORONA DEL MAR
CITY:	NEWPORT BEACH
COUNTY:	ORANGE

SCOPE OF WORK

DEMOLISH EXISTING HOUSE AND CONSTRUCT A NEW FOUR LEVEL SINGLE FAMILY RESIDENCE WITH A TWO STORY DETACHED GARAGE BUILDING.

DO NOT SCALE DRAWINGS

GEOTECHNICAL:
GEOFIRM
601 GLENNEYRE ST., SUITE F
LAGUNA BEACH, CA 92651
(949) 494-3133

SURVEYOR/CIVIL:
R&A CONSULTANTS, INC.
34 GEORGETOWN
IRVINE, CA 92612
(949) 809-0909

CITY:	NEWPORT BEACH
ZONE:	R-1
CODE:	2007 CBC
USE:	SFD
CONSTRUCTION TYPE:	VB (SPRINKLERED)
OCCUPANCY:	R-3/U
SETBACKS:	
FRONT: (OCEAN BLVD.)	10'-0"
FRONT: (BREAKERS DR.)	5'-0"
SIDE:	4'-0"
MAXIMUM HEIGHT:	TOP OF CURB @ 88.22' (MID. PT.) 24'/24" ABV. N.G.

SQUARE FOOTAGE CALCS.

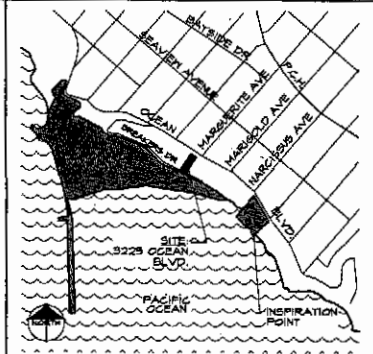
LOT SIZE:	8,204	S.F.
MAX. LIVABLE: (1.5 x 5,104)	7,656	S.F.
UPPER LEVEL:	770	S.F.
MIDDLE LEVEL:	1,425	S.F.
LOWER LEVEL:	1,546	S.F.
SUB-BASEMENT LEVEL:	444	S.F.
GARAGE - 2ND FLOOR:	412	S.F.
TOTAL LIVABLE:	5,645	S.F.
BASEMENT MECH.:	72	S.F.
SUB-BASEMENT MECH:	466	S.F.
SUB-BASEMENT STORAGE:	65	S.F.
GARAGE - 1ST FLOOR	1,264	S.F.
TOTAL STRUCTURE:	7,515	S.F.

SHEET INDEX

COASTAL COMMISSION

EXHIBIT # 3

PAGE 1 OF 2



PROJECT LOCATION
N.T.S.

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

SITE PLAN & INFORMATION

Date:	
Revision:	
CITY REVIEW Revision: 2.1.10	2
Revision:	
Revision:	
Revision:	
Job No: 04-037	

LICENSED ARCHITECT BRION B. JEANNETTE C8012 REN. 4/11 STATE OF CALIFORNIA

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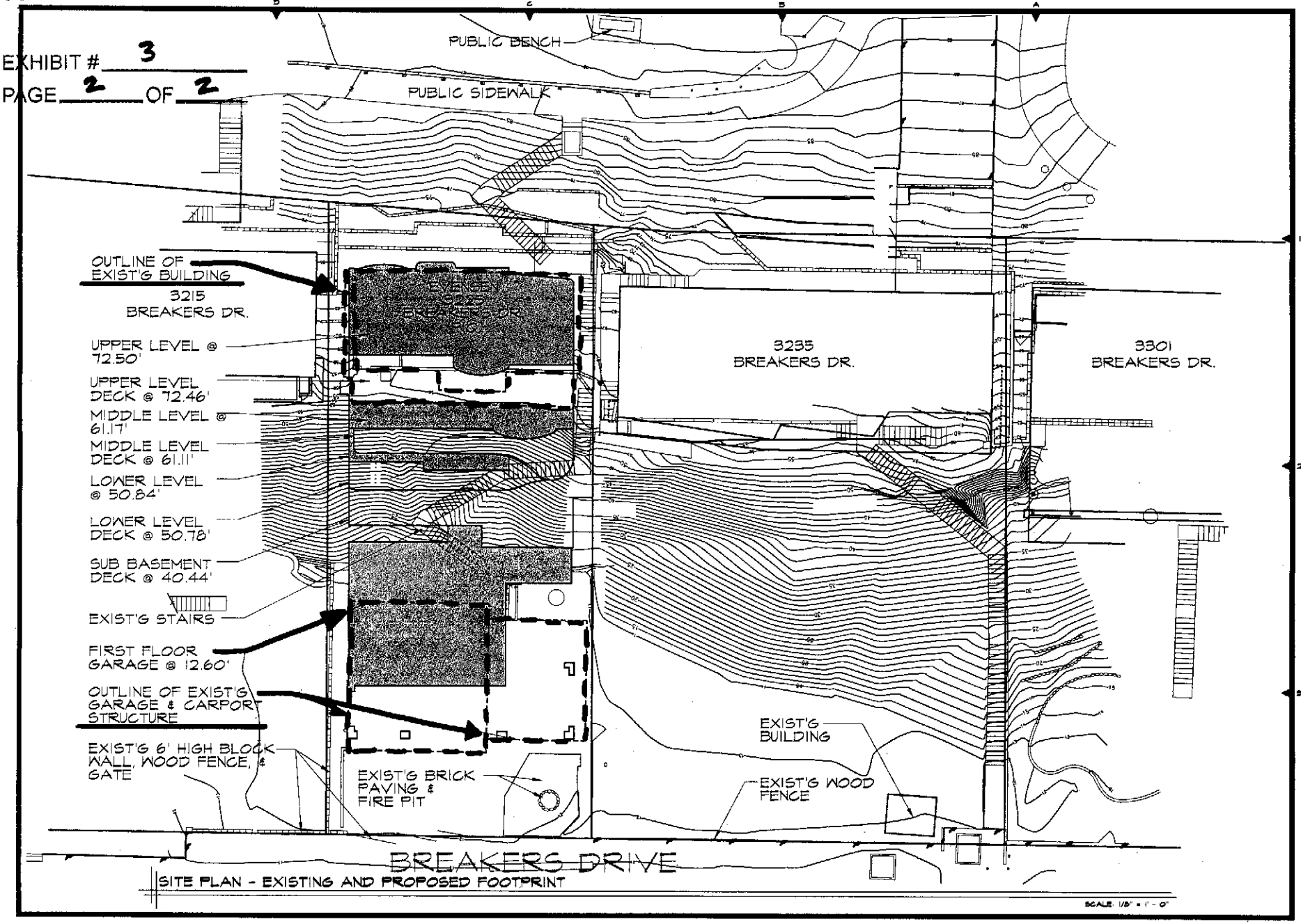
COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 2

NOT TO SCALE



AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

SITE PLAN - EXISTING & PROPOSED FOOTPRINT

Date:
Revision:
Revision:
Revision:
Revision:
Revision:
Job No.04-097

LICENSED ARCHITECT BRION B. JEANNETTE C-8012 REN. 4/11 STATE OF CALIFORNIA

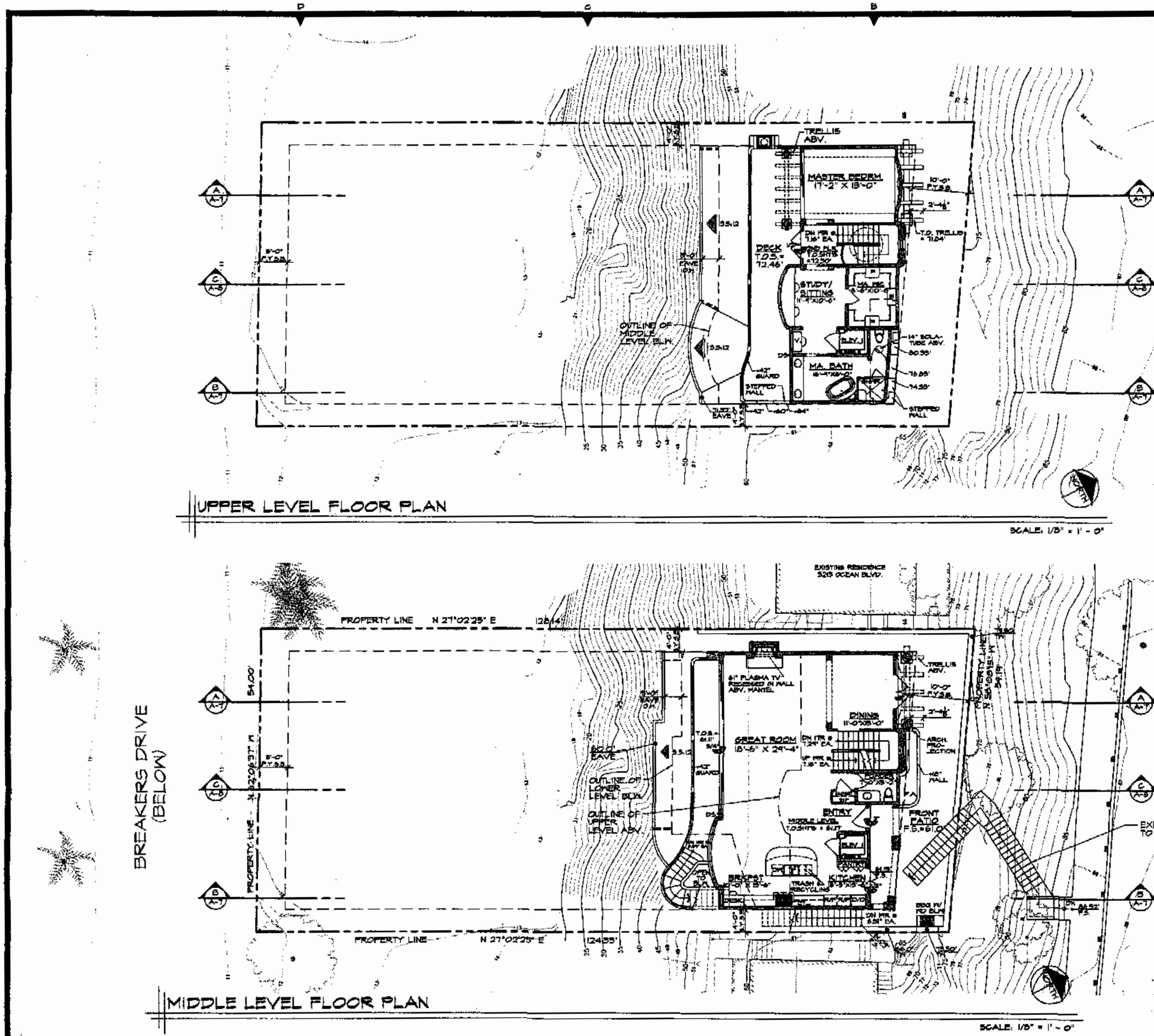
EXHIBIT A

APR 21 2010

COASTAL COMMISSION

EXHIBIT # 4

PAGE 1 OF 3



AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

UPPER & MIDDLE LEVEL FLOOR PLAN

Date:
Revision:
Revision:
Revision:
Revision:
Revision:
Job No: 09-057

LICENSED ARCHITECT BRION S. JEANNETTE C8012 REN. 4/11 STATE OF CALIFORNIA

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COASTAL COMMISSION

EXHIBIT # 4

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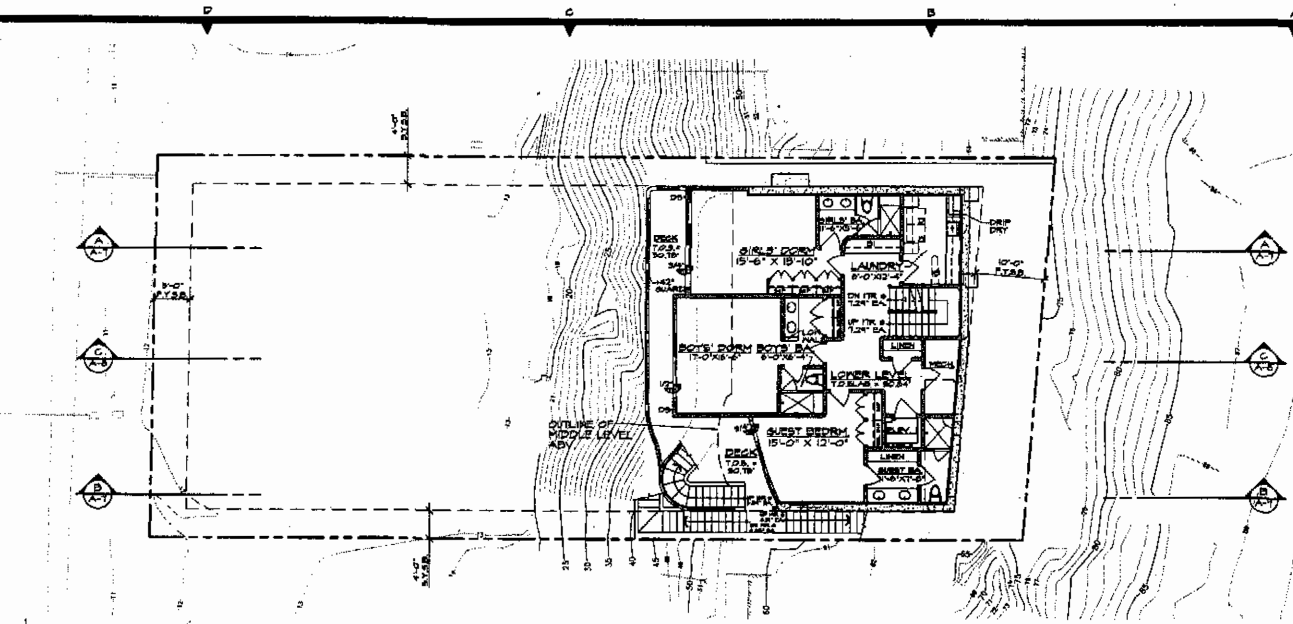
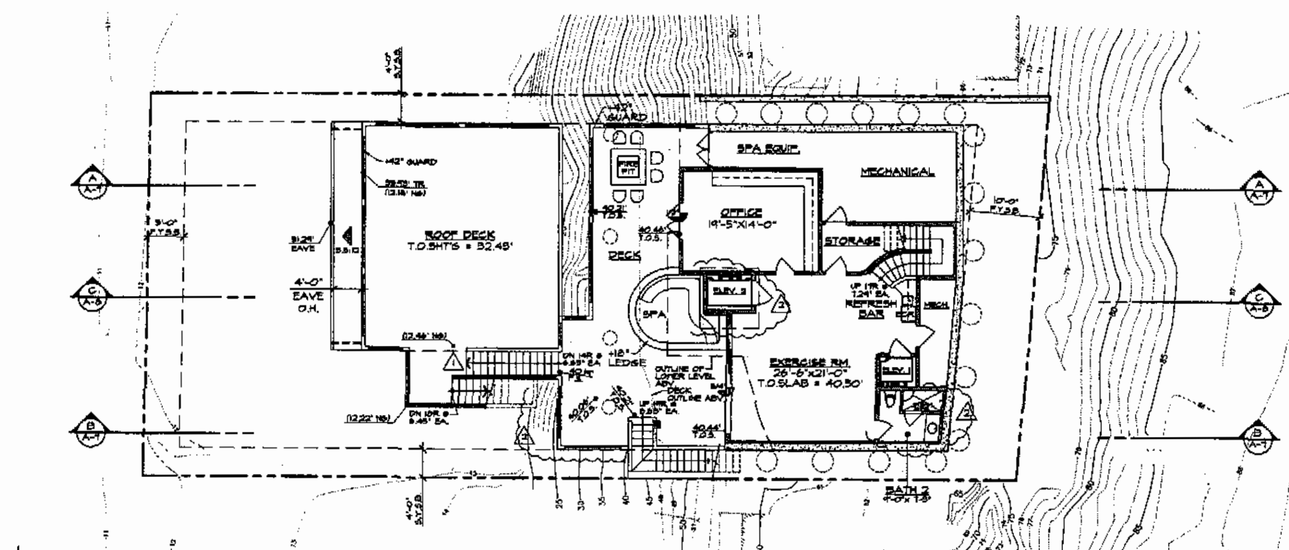


LOWER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"



SUB-BASEMENT LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

LOWER & SUB-BASEMENT LEVEL FLOOR PLAN

Date:
CITY REVIEW Revision:
CITY REVIEW Revision:
Revision:
Revision:
Revision:
Job No. 04-057

LICENSED ARCHITECT BRION S. JEANNETTE C8012 REN. 4/11 STATE OF CALIFORNIA

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COASTAL COMMISSION

EXHIBIT # 4

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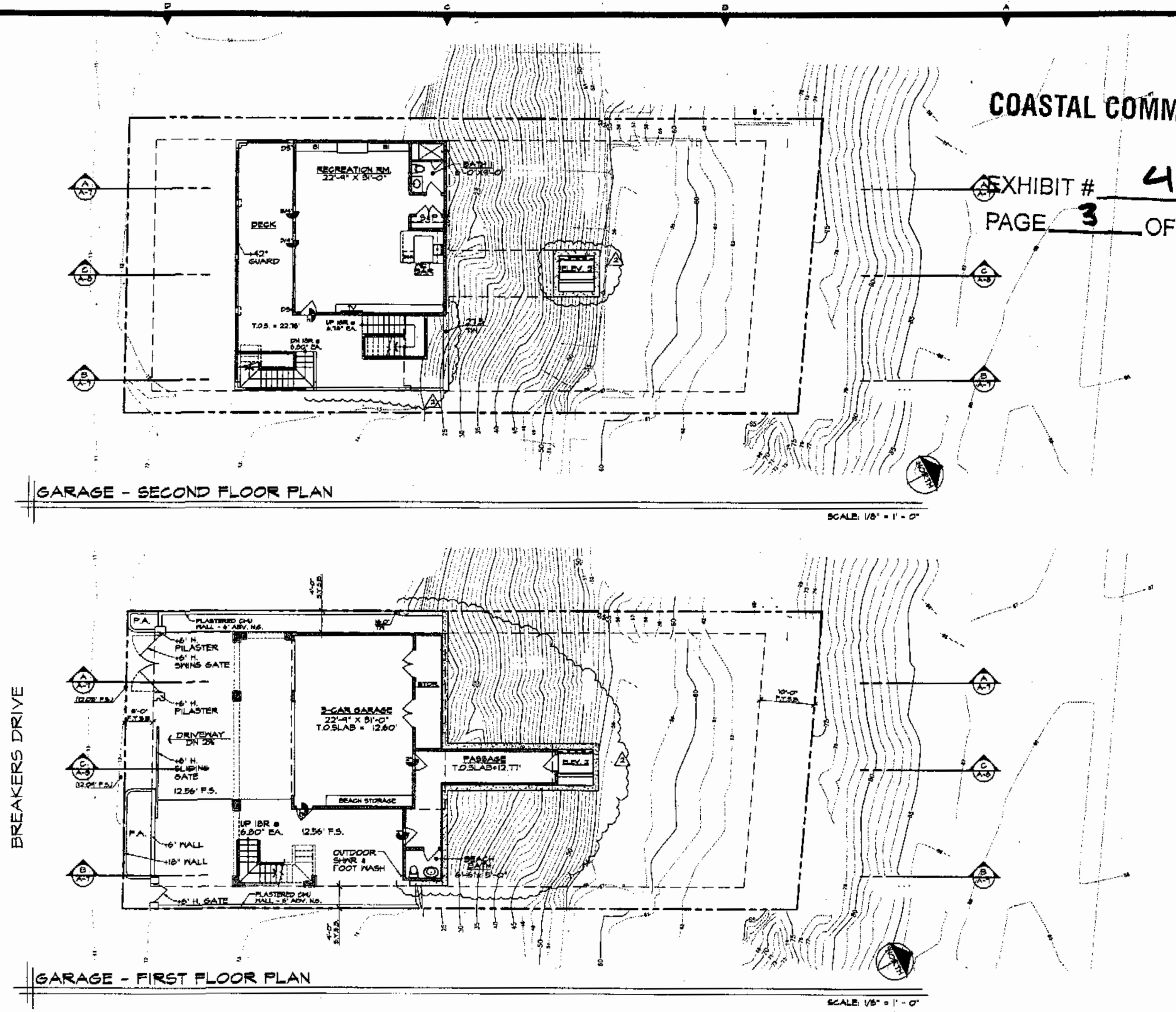

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

GARAGE SECOND & FIRST FLOOR PLAN

Date:	
CITY REVIEW Revision: 2.1.10	2
Revision:	
Revision:	
Revision:	
Revision:	
Job No: 09-057	

LICENSED ARCHITECT
BRION S. JEANNETTE
C8012
REN. 4/11
STATE OF CALIFORNIA

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COASTAL COMMISSION

EXHIBIT # 5

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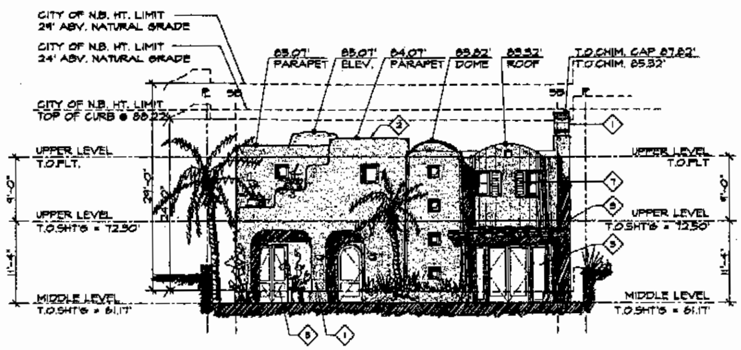


NORTH ELEVATION

SCALE: 1/8" = 1' - 0"

EXTERIOR FINISH SPECIFICATIONS:

1. EXTERIOR PLASTER:

   EXTERIOR PLASTER O/ (2) LAYER GRADE D PAPER AT BUILDING FIELD TO RECEIVE A SMOOTH TEXTURE. FINAL COLOR COAT TO BE OMEGA AKROFLEX OR OMEGAFLEX COLOR TO MATCH________ COLOR TO BE APPROVED BY ARCHITECT PRIOR TO APPLICATION.

2. ROOFING:

   ROOF TILE TO BE 2 PIECE BARREL TILES BY REDLAND. COLOR TO BE DETERMINED. ROOF MATERIAL AT FLAT ROOF TO BE CLASS 'A' BUILT-UP ROOFING IN ACCORDANCE WITH SPEC. EQUIVALENT TO GAF SPEC# N-1-2-20/ MGPFR. GAF RUBEROID 20 INTERPLY, HOT MOPPED BETWEEN LAYERS O/ GAF #75 BASE SHEET. APPLY GAF MOP GRANULE PLUS CAP SHEET AT FLAT ROOFS.

3. WOOD:

   WOOD TO BE SEALED, STAIN GRADE MAHOGANY. COLOR TO BE DETERMINED.

4. DECK RAILING:

   METAL HANDRAILS WITH OIL-RUBBED BRONZE FINISH. GLASS PANELS TO BE CLEAR LAMINATED GLASS.

5. DOORS/ WINDOWS:

   DOORS AND WINDOWS TO BE ALUMINUM-CLAD WOOD WITH KYNAR 500 FINISH BY TO BE DETERMINED.

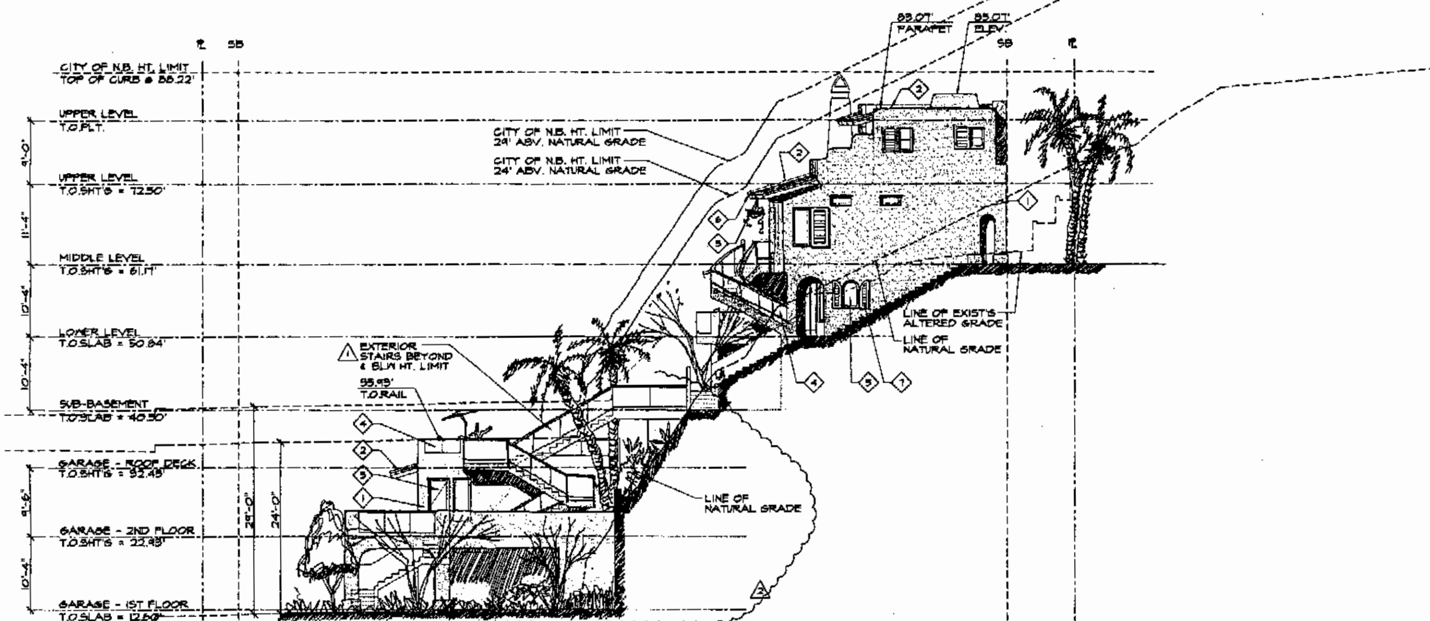
6. RAIN COLLECTION SYSTEM & EXPOSED METAL FLASHING:

   GUTTERS, DOWNSPOUTS, COLLECTIONS BOXES ARE TO BE POWDER COATED ALUMINUM. COLOR TO BE DETERMINED. FLASHINGS TO BE ALUMINUM.

7. SHUTTER:

   SHUTTER TO BE OPERABLE IN PLANK STYLE WITH WROUGHT IRON SHUTTER DOGS. WOOD TO BE PAINTED MAHOGANY TO MATCH BLUE.

OCEAN BLVD.



BREAKERS DR.

EAST ELEVATION

SCALE: 1/8" = 1' - 0"

AKROTIRI RESIDENCE
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

EXTERIOR ELEVATIONS

Date:	
CITY REVIEW Revision: 1/10	1
CITY REVIEW Revision: 2/10	2
Revision:	
Revision:	
Revision:	
Job No: 09-057	

LICENSED ARCHITECT BRION S. JEANNETTE C8012 REN. 4/11 STATE OF CALIFORNIA

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COASTAL COMMISSION

EXHIBIT # 5

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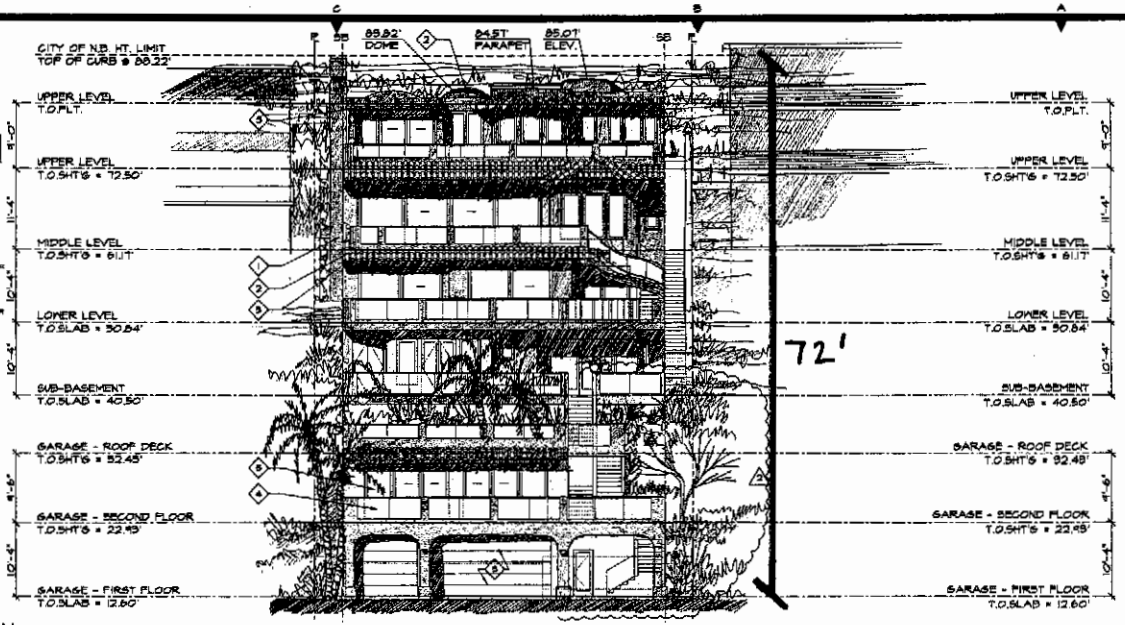
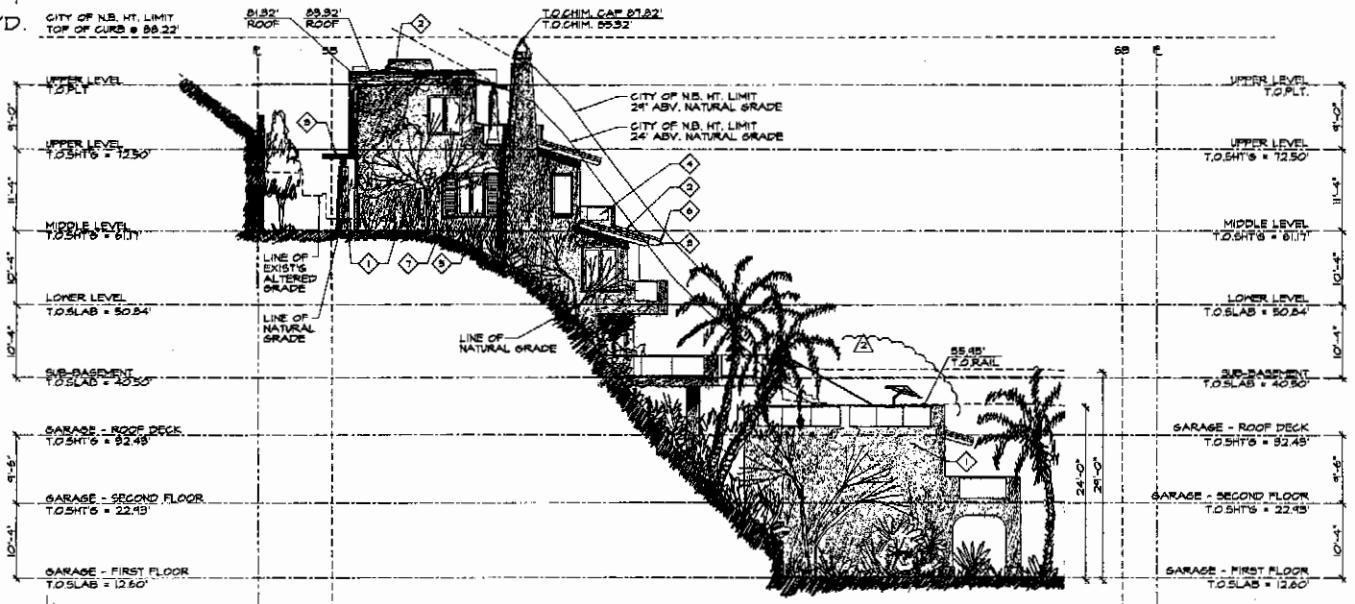


SOUTH ELEVATION

SCALE: 1/8" = 1' - 0"

OCEAN BLVD.



BREAKERS DR.

WEST ELEVATION

SCALE: 1/8" = 1' - 0"

AKROTIRI RESIDENCE
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

EXTERIOR ELEVATIONS

Date:
CITY REVIEW
Revision: 2330
Revision:
Revision:
Revision:
Revision:
Job No: 08-027

LICENSED ARCHITECT
BRION S. JEANNETTE
C8012
REN. 4/11
STATE OF CALIFORNIA

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COASTAL COMMISSION

EXHIBIT # 5

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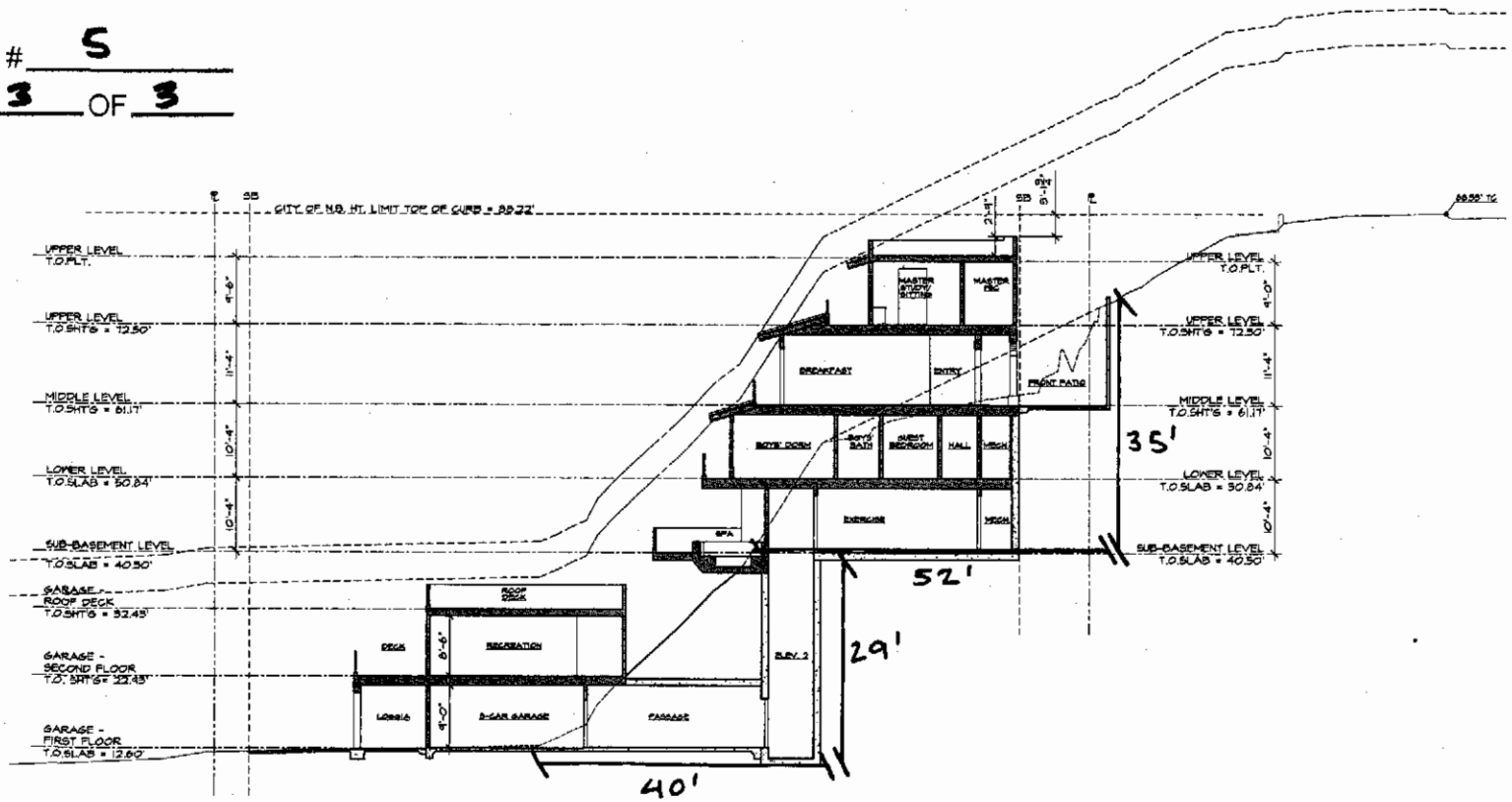

SECTION C

SCALE: 1/8" = 1' - 0"

EVENSEN RESIDENCE
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brion Jeannette Architecture

BUILDING SECTION

Date:	
CITY REVIEW Revision: 2.3.10	2
Revision:	
Revision:	
Revision:	
Revision:	
Job No: 09-087	

LICENSED ARCHITECT BRION S. JEANNETTE C8012 REN. 4/01 STATE OF CALIFORNIA

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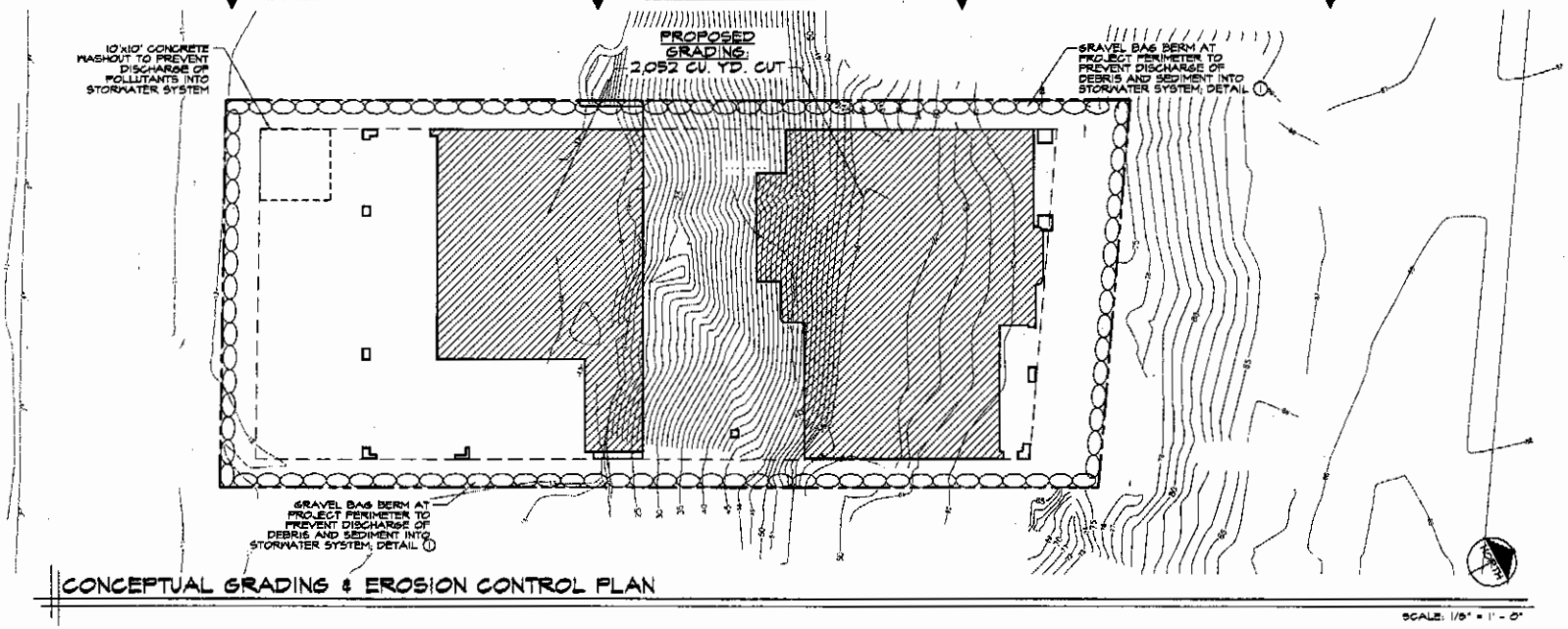
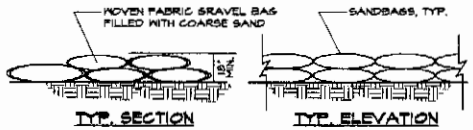


CONCEPTUAL GRADING & EROSION CONTROL PLAN

SCALE: 1/8" = 1' - 0"



1 GRAVEL BAGS BERM

GRADING LEGEND

- OUTLINE OF NEW BUILDING
- CUT AREA

EROSION & SEDIMENT CONTROL NOTES:

SEDIMENTS FROM AREAS DISTURBED BY CONSTRUCTION SHALL BE RETAINED ON SITE USING AN EFFECTIVE COMBINATION OF EROSION AND SEDIMENT CONTROLS TO THE MAXIMUM EXTENT PRACTICABLE, AND STOCKPILES OF SOIL SHALL BE PROPERLY CONTAINED TO MINIMIZE SEDIMENT TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES OR ADJACENT PROPERTIES VIA RUNOFF, VEHICLE TRACKING, OR WIND.

WASTE & MATERIALS MANAGEMENT CONTROL NOTES:

APPROPRIATE BMP'S FOR CONSTRUCTION-RELATED MATERIALS, WASTES, SPILLS OR RESIDUES SHALL BE IMPLEMENTED AND RETAINED ON SITE TO MINIMIZE TRANSPORT FROM THE SITE TO STREETS, DRAINAGE FACILITIES, OR ADJOINING PROPERTY BY WIND OR RUNOFF.

COASTAL COMMISSION

EXHIBIT # 6

PAGE 1 OF 1

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brian Jeannette Architecture

CONCEPTUAL GRADING & EROSION CONTROL PLAN

Date:
Revision:
Revision:
Revision:
Revision:
Revision:
Job No: 09-097

LICENSED ARCHITECT BRIAN S. JEANNETTE C8012 REN. 4/11 STATE OF CALIFORNIA

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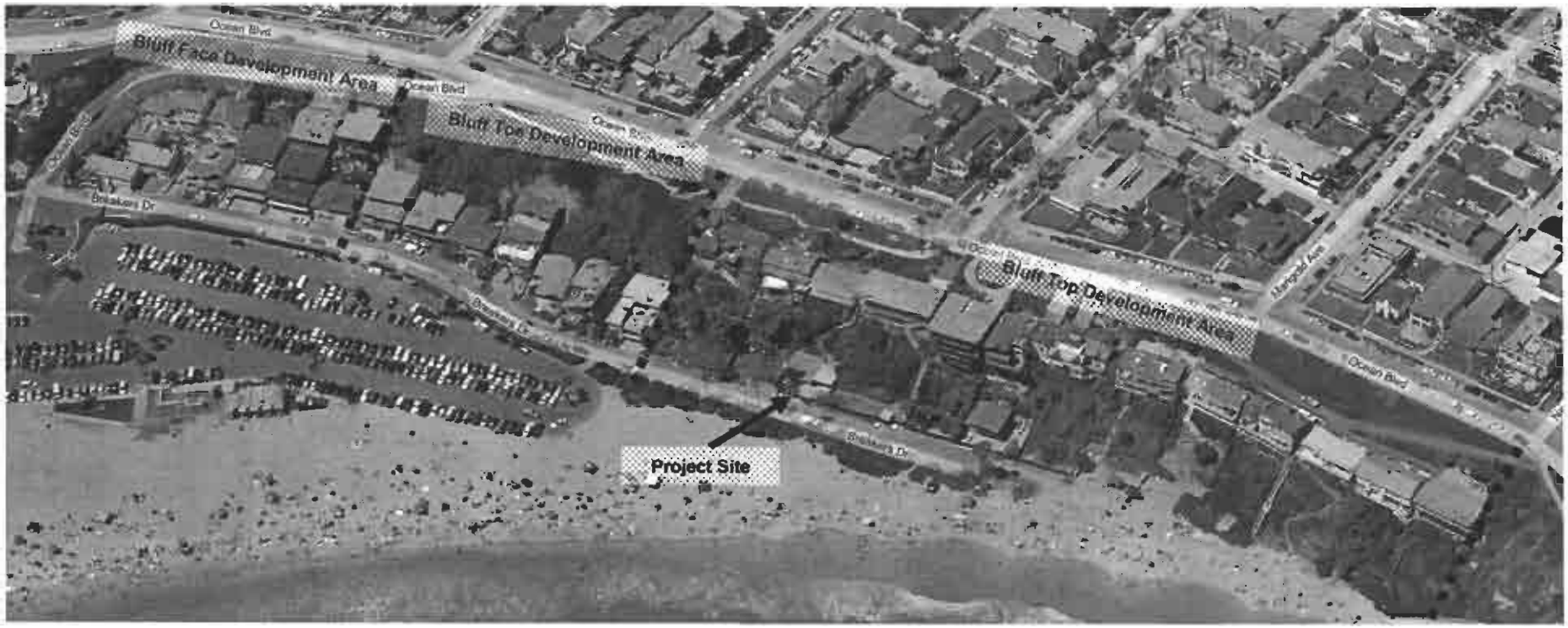

COASTAL COMMISSION

EXHIBIT # 7

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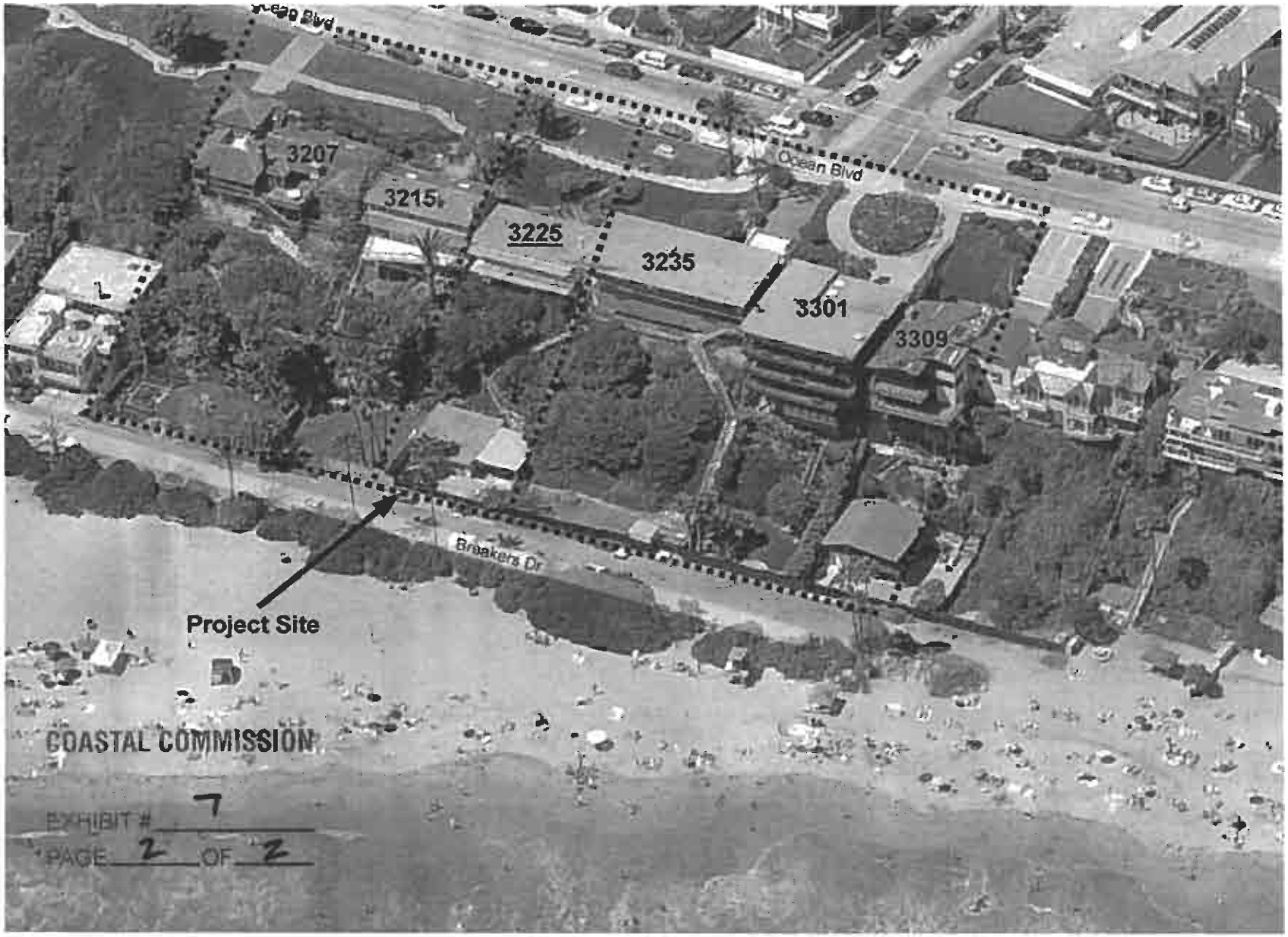

COASTAL COMMISSION

EXHIBIT # 7

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