

W 129

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South Coast Region

April 8, 2011

APR 11 2011

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to the staff report.

Ms. Sherilyn Sarb
Deputy Director
California Coastal Commission
200 Oceangate Dr., 10th Floor
Long Beach, CA 90802-4416
ssarb@coastal.ca.gov
Fax: (562) 590-5084

CALIFORNIA
COASTAL COMMISSION

Re:

RECONSIDERATION – Application #5-10-032-R
Evensen Residence
3225 Ocean Boulevard
Corona del Mar (Newport Beach)
April 11 Agenda Item #12 a.

Dear California Coastal Commissioners

I am writing to ask you to approve reconsideration of the subject application. The City of Newport Beach realized the value to the public that the views along Ocean Boulevard afford, and placed a bench there for public enjoyment.

This project should have vehicular access with a garage located from the toe of the bluff on Breakers Drive, no different than what has been approved in the past on this bluff. The six adjacent neighbors have this kind of access, and the property in question has had this kind of vehicular access for over 50 years in the past. It would be an insult to the public who enjoy the view to have their walk hindered by requiring access from Ocean Boulevard.

Further, the design of this residence is sensitive to the environment. The structure cascades down the bluff, conforming to the land slope rather than protruding from it. Therefore, it will not create any negative visual impact from the beach, but will actually considerably enhance the bluff.

Please reconsider your previous decision, this project would be an asset to our community.

Sincerely,



Linda Rasner
2500 Ocean Blvd
Corona del Mar, CA 92625

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April 9, 2011

CALIFORNIA
COASTAL COMMISSIONSUPPORT RECONSIDERATION

Ms. Sherilyn Sarb
Deputy Director
California Coastal Commission
200 Oceangate Dr., 10th Floor
Long Beach, CA 90802-4416
ssarb@coastal.ca.gov
Fax: (562) 590-5084

Re: RECONSIDERATION – Application #5-10-032-R
Evensen Residence
3225 Ocean Boulevard
Corona del Mar (Newport Beach)
April 11 Agenda Item #12 a.

Dear California Coastal Commissioners:

I am writing in support of this application.

This area of Corona del Mar is a very popular venue for visitors and locals. It is a wonderful view area to be enjoyed by all. The existing subject property owner has diligently committed time and effort in an attempt to improve this vista. The Architect and owner have designed a home that is ecologically sensitive and respectful of the coastal considerations of the area. They are very much aware of the local community and have a full understanding of the site that persons outside the region would appreciate if they had the time to study the project.

Many very nice residences, many of which are similar and were approved by the CCC, are along this street. The City of Newport Beach requirements and the environmental concerns have been met.

I hope that you will vote to RECONSIDER this project and approve it.

Sincerely,



Bud Rasner
2500 Ocean Blvd.
Corona del Mar, CA
92625-2822

W129

April 7, 2011

Ms. Sherilyn Sarb
Deputy Director
California Coastal Commission
200 Ocean Gate Dr., 10th Floor
Long Beach, CA 90802-4416
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COASTAL COMMISSION

Re: RECONSIDERATION – Application #5-10-032-R
Evensen Residence
3225 Ocean Boulevard
Corona del Mar (Newport Beach)
April 11 Agenda Item #12 a.

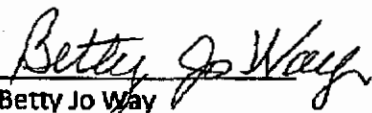
Dear California Coastal Commissioners:

I am writing in support of the above listed application.

This project would be such a benefit to our neighborhood. Its location at the juncture of Marguerite and Ocean is a popular walking promenade at all times of the day. What an enhancement to have the existing eyesore replaced with a new, sensitively designed home that respects the natural slope of the bluff. The structure will not impact the public views from the sidewalk or the public viewing bench that so many of my neighbors and visitors to the area enjoy. Also, the view of the bluff from the beach will be greatly enhanced. Right now, the existing structure greatly degrades the view. So many beautiful houses have been built along this stretch recently that I do not understand why there would be any opposition to continuing the trend as long as the designs, like this one, are within the City requirements and environmentally conscious.

I hope that you will vote to RECONSIDER this project and, ultimately, to approve it.

Sincerely,



Betty Jo Way
207 Carnation Ave.
Corona del Mar, CA 92625

Cc: California Coastal Commission
Fernie Sy, Staff Analyst

W129

April 7, 2011

Ms. Sherilyn Sarb
Deputy Director
California Coastal Commission
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COASTAL COMMISSION

Re: RECONSIDERATION – Application #5-10-032-R
Evensen Residence
3225 Ocean Boulevard
Corona del Mar (Newport Beach)
April 11 Agenda Item #12 a.

Dear California Coastal Commissioners

I am writing to ask you to approve reconsideration of the subject application.

I learned that you denied this project to tear down and build a new home on the bluff in Corona del Mar and I am greatly concerned.

The request to construct a new private home, replacing the old dilapidated home, is no different than every other request to tear down and build a new home on this bluff; which you have approved repeatedly over recent past. Your Commission (CCC) recently approved projects larger and deeper into the bluff. This new home will be smaller than nearly every other home built in the last 15 years on this bluff and rather than stick out, it cascades nicely into the bluff. It is not a prominent or grandiose home, but rather modest in size for the area. I don't understand why you have discriminated against this particular project.

Further, this property has inherent hardships compared to many of the other properties along this bluff. It has a very low height restriction imposed by the City to protect public views from the public sidewalk and public viewing bench on the public easement (public parkway) along Ocean. The City of Newport Beach will NOT allow this property to have a curb cut, driveway or garage on Ocean Blvd. The City of Newport Beach requires that this property and the 6 adjacent neighbors, gain garage access and parking from the street below the property (bottom of the bluff) on Breakers Drive. This has been the situation since this neighborhood was developed and most certainly since the existing 55 year old house was built.

This project is 'infill' and not vacant property. The bottom of the bluff is not on the sand nor above the ocean; there is a street at the bottom of this site. The public has plenty of access to the beach beyond this property. The bluff is stable (as is evidenced by every other home built along this bluff). Denial of this project is arbitrary and poses a hardship on this property owner that does not exist on the other similar, adjacent properties. The CCC's request that the property owner put their driveway and garage on Ocean Blvd would eliminate the public views, the public viewing bench and parkway and most

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importantly, is unachievable since the City of Newport Beach (and the public) will NOT allow a driveway or garage on Ocean Blvd for this parcel – A decision by the CCC to change the access requirements of the last 55 years is unreasonable and unachievable.

This project is an enhancement to our neighborhood; it protects the public views from the viewing bench, protects the public safety on the parkway sidewalk, replaces the existing dilapidated home that is neither seismically or structurally sound, and provides for a new home that meets current codes and is environmentally sensitive. The new home conforms nicely to the land slope and will be a beautiful enhancement to the neighborhood and to the public.

I urge you to RECONSIDER this project and to approve it.

Sincerely,



Name: Jerry Livoni

Address: 3335 Ocean Blvd

Cc: California Coastal Commission
Fernie Sy, Staff Analyst

W12a

April 7, 2011

Ms. Sherilyn Sarb
Deputy Director
California Coastal Commission
200 Ocean Gate Dr., 10th Floor
Long Beach, CA 90802-4416
ssarb@coastal.ca.gov
Fax: (562) 590-5084

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APR 8 2011

CALIFORNIA
COASTAL COMMISSION

Re: RECONSIDERATION – Application #5-10-032-R
Evensen Residence
3225 Ocean Boulevard
Corona del Mar (Newport Beach)
April 11 Agenda Item #12 a.

Dear California Coastal Commissioners:

I am writing to ask you to **approve** reconsideration of 3225 Ocean Boulevard.

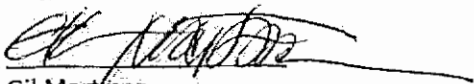
This proposal is no different than what has been approved time and again on this bluff. I believe that is consistent with the adjacent structures and particularly like that its vehicular access is from Breakers Drive – a much safer access than off of Ocean where there are always so many pedestrians, cyclists, etc.

This home also appears to be a smaller structure than most homes on this bluff – and cascades down the bluff rather than sitting on it like a big box. There are some terrible looking buildings along this particular stretch of Ocean Boulevard and I am pleased that there are landowners willing to redevelop and upgrade their parcels, while being environmentally sensitive at the same time.

It is also my understanding that the project has been granted a preliminary approval by the City of Newport Beach without any special variances or modifications. The most important requirement to me is the height of the roof staying below the top of curb, so that the view to the ocean is preserved, and this has been done.

I encourage you to take another look at this application and grant them a reconsideration.

Regards,



Gil Martinez
207 Carnation
Corona del Mar, CA 92625

Cc: California Coastal Commission
Fernie Sy, Staff Analyst

W12a

William J. McCaffrey Jr.
2525 Ocean Boulevard, Apt G-4
Corona Del Mar, CA 92625
949-675-6468

April 6, 2011

Ms. Sherilyn Sarb
 Deputy Director
 California Coastal Commission
 200 Ocean Gate Dr., 10th Floor
 Long Beach, CA 90802-4416
ssarb@coastal.ca.gov
 Fax: (562) 590-5084

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APR 7 2011

CALIFORNIA
 COASTAL COMMISSION

Re: RECONSIDERATION – Application #5-10-032-R
 Evensen Residence
 3225 Ocean Boulevard
 Corona del Mar (Newport Beach)
 April 11 Agenda Item #12 a.

Dear Ms. Sarb and California Coastal Commissioners:

Please **approve reconsideration** of this project.

I do not understand why it was denied in the first place.

- It meets the City of Newport Beach Zoning codes
- It is smaller in size and scope than nearly every home that has been approved and built in the last decade.
- It is sensitive to the site by cascading down the slope – it will be a beautiful addition to our community and to the public
- It protects the public views by not exceeding the very low height limit imposed by the City of Newport Beach
- Every single home built in the last decade (+) has multiple levels going down and into the bluff slope – this is no different
- This project replaces an old dilapidated and unsafe home with a home that meets safety codes today

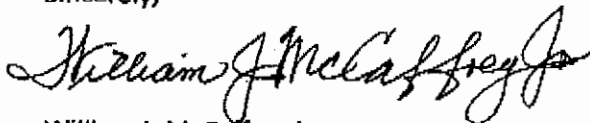
Please realize the impossible position your denial places on the owner of this property. The Coastal staff and several Commissioners acknowledged that the owner cannot get approval from the City of Newport Beach for a curb cut or to build a garage on the upper street (Ocean Blvd), but still voted to deny this project stating that the garage should NOT be on Breakers Dr (where it has existed for the last 55 years – at least). The request is not possible:

- The City of Newport Beach will NOT allow a curb cut on Ocean Blvd for this parcel
- The City of Newport Beach requires garage and parking access to this site ONLY from Breakers Dr (lower street) as it has for 55 years.
- The City of Newport Beach will not allow the removal of the Public Viewing bench on the parkway in front of this house on Ocean Blvd.
- The parcel is not deep enough to allow for the construction of a drive way to a garage without exceeding the City's height limit on Ocean Blvd.

This project is an enhancement to our neighborhood; it protects the public views from the viewing bench, protects the public safety on the parkway sidewalk, replaces the existing dilapidated home that is neither seismically or structurally sound, and provides for a new home that meets current codes and is environmentally sensitive. The new home conforms nicely to the slope of the land and will be a beautiful enhancement to the neighborhood and to the public.

Please RECONSIDER this project and please grant approval.

Sincerely,



William J. McCaffrey Jr.
25 YEAR HOMEOWNER

Cc: California Coastal Commission
Fernie Sy, Staff Analyst

*P.S. You will never be embarrassed
by this architect's work.*

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

W 12a

Filed: April 22, 2010
49th Day: N/A
180th Day: N/A
Staff: Fernie Sy-LB
Staff Report: March 30, 2011
Hearing Date: April 13-14, 2011
Commission Action:

**STAFF REPORT: REQUEST FOR RECONSIDERATION**

APPLICATION NUMBER: 5-10-032-R

APPLICANTS: Mr. & Mrs. Christian Evensen

AGENTS: Sherman L. Stacey, Gaines & Stacey

PROJECT LOCATION: 3225 Ocean Boulevard, Corona del Mar, Newport Beach (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 4,715 square foot four-story single-family residence and a tunnel and elevator to a 1,084 square foot 1-story 3-car garage, all of which will span the entire bluff face. Grading will consist of 944 cubic yards of cut, 16 cubic yards of fill and 928 cubic yards of export to a location outside of the Coastal Zone.

COMMISSION ACTION: On January 12, 2011 the Commission took a vote adopting a resolution, **DENYING** the demolition of an existing 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 single-family residence and a tunnel and elevator to a 1-story 3-car garage, all of which will span the bluff face.

SUMMARY OF STAFF RECOMMENDATION

On January 12, 2011 following a public hearing on the matter, the Commission denied Coastal Development Permit Application No. 5-10-032 for the demolition of an existing 2,023 square foot 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a 1,346 square foot detached 1-story 3-car garage at the toe of the bluff and construction of a new 4,715 square foot four-story single-family residence and a tunnel and elevator to a 1,084 square foot 1-story 3-car garage, all of which will span the bluff face. Grading would have consisted of 944 cubic yards of cut, 16 cubic yards of fill and 928 cubic yards of export to a location outside of the Coastal Zone.

On February 11, 2011, the Commission's South Coast District office received a letter from the applicants requesting that the Commission reconsider its decision to deny Coastal Development Permit Application No. 5-10-032 (Exhibit #1). On March 22, 2011, the applicants also submitted a letter from Geofirm dated March 2, 2011 to support some of the claims made in the applicants request for reconsideration (Exhibit #2). The applicants assert that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter and the Commission committed numerous errors of fact and law that have the potential of altering the Commission's initial decision.

Section 30627(b)(4) of the Coastal Act states that the Commission has the discretion to grant or deny a request for reconsideration of a Coastal Development Permit application. After review of the request Commission staff concludes that there is no new relevant evidence that could not have been presented at the January 12, 2011 public hearing and that there were no errors in fact or law that have the potential of altering the Commission's initial decision. Thus, staff recommends that the Commission **DENY** the applicants' request for reconsideration. **See Page Three (3) for the motion to adopt the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

City of Newport Beach Certified Land Use Plan; Coastal Development Permit (CDP) No. 5-10-032-(Evensen); CDP No. 5-02-203-(Tabak); CDP No. 5-03-100-(Halfacre); CDP No. 5-05-095-(Circle); CDP No. 5-07-327-(Livoni); CDP No. 5-05-328-(Palermo), CDP No. 5-05-174-(Parrot); and 5-07-174-(Leonard).

PROCEDURAL NOTE:

The Commission's regulations provide that at any time within thirty (30) days following a final vote upon an application for a Coastal Development Permit, the applicants of record may request that the Commission grant a reconsideration of the denial of the application, or of any term or condition of a coastal development permit which has been granted. [Title 14 Cal. Code of Regulations Section 13109.2.] The regulations also state (id. at § 13109.4) that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627, which states, *inter alia*:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision.

[Cal. Pub. Res. Code § 30627(b)(3)]

Section 30627(b)(4) of the Coastal Act states that the Commission "*shall have the discretion to grant or deny requests for reconsideration.*"

The applicants submitted a request for reconsideration of the Commission's January 12, 2011 decision on Friday, February 11, 2011, stating the alleged grounds within the thirty-day period following the final vote, as required by Section 13109.2 of the regulations. If a majority of the Commissioners present vote to grant reconsideration, the permit application will be scheduled for a future public hearing, at which the Commission will consider it as a new application. [Title 14, Cal. Code of Regs., Section 13109.5(c).]

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following motion and resolution to **DENY** the reconsideration request for Coastal Development Permit Application 5-10-032:

MOTION: *"I move that the Commission grant reconsideration of Coastal Development Permit Application 5-10-032."*

Staff recommends a **NO** vote on the motion. Failure to adopt the motion will result in denial of the request for reconsideration and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

I. RESOLUTION TO DENY RECONSIDERATION

The Commission hereby denies the request for reconsideration of the Commission's decision on Coastal Development Permit Application No. 5-10-032 on the grounds that there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, nor has an error of fact or law occurred which has the potential of altering the initial decision.

II. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

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. 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. 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. 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 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 proposed by the applicant and denied by the Commission consisted of demolition of an existing pre-coastal 2,023 square foot 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a 1,346 square foot detached -story 3-car garage with associated structures at the toe of the bluff, and construction of a new 4,715 square foot four-story single-family residence and a tunnel and elevator to a 1,084 square foot 1-story 3-car garage, all of which will span the bluff face. The new garage would have matched the dimensions of the existing garage. Like the existing residence, the height of the new residence would not have risen above the curb height on Ocean Boulevard (as is required by City policy and the certified Coastal Land Use Plan). An existing wooden staircase between the residence at the top of the bluff and the garage at the toe of the bluff will be removed. It was proposed to be replaced with a new stairway that begins from the middle of the sub-basement level and descends to the east of the property, with a bridge to the roof of the new garage and then on to the toe of the bluff. The proposed foundation system would have consisted of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 36 caissons) and grade beam system. Grading would have consisted of 944 cubic yards of cut, 16 cubic yards of fill and 928 cubic yards of export to a location outside of the Coastal Zone.

The primary issues raised with this project and presented before the Commission at the January 12, 2011 Hearing were 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. 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 would, therefore, have resulted in significant development that would have disturbed the entire bluff face and exceeded the predominant line of development, which would have caused visual impacts on the property. Furthermore, the project would have resulted in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 37-foot deep by 19-foot high notch (for the residence) would have been excavated into the bluff face from approximately the 45-foot elevation contour up to the 65-foot elevation contour (which would have expanded the existing notch for the existing home that is located between the 56-foot and 75-foot elevation contours). In addition, an approximate 9-foot wide by 35-foot deep by 30-foot high notch was proposed to have been excavated into the bluff face (for an elevator shaft and tunnel to connect the house with the garage) that would have extended even further down the bluff face, from the 45-foot elevation contour down to the toe of the bluff at approximately the 13-foot elevation contour, where the garage was proposed to be rebuilt. Currently, the notch for the existing residence extends topographically from approximately the 75-foot elevation contour down to the approximately 56-foot elevation contour and the garage is located

entirely at approximately the 13-foot garage pad elevation contour at the toe of the bluff. In addition, the area of bluff face located between the existing residence at the top of the bluff and the existing garage and other development at the toe of the bluff remains largely undisturbed and densely vegetated (a span of approximately 43-vertical feet from approximately the 56-foot elevation contour of the existing lower elevation of the residence to the approximately 13-foot elevation contour of the toe of the bluff) except for a narrow stairway that descends from the house to the toe of the bluff; however, the proposed project would have encroached upon this area with development, with the footprint of new building area and additional floors notched into the bluff face, bluff face area obstructed from view by the construction of a new more substantial staircase and bridge that would connect the new staircase to the reconstructed garage, plus the entrance structure for the tunnel at the toe of the bluff that would provide access to the elevator shaft to be located inside the bluff/under the new house. Other property owners in the surrounding area, and along the same bluff, have maintained an undeveloped bluff face seaward of and below their residences. The applicant's proposed encroachment into this bluff area, therefore, is inconsistent with the pattern of development in the area. The cumulative adverse impacts associated with allowing this development is also a concern. 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.

B. Applicants' Grounds for the Reconsideration Request (Exhibit #1)

The applicants assert both that "...*there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter...*" and "... *that an error of fact or law has occurred which has the potential of altering the Commission's initial decision...*", as follows:

New Evidence:

1. The applicants assert that had they known the Commission would focus on the fact that a City policy prohibiting driveways and curb cuts on Ocean Boulevard was not part of the City's certified LUP, they would have presented evidence to defend the City's policy as consistent with the Coastal Act.

Errors of Fact and Law:

2. The applicants assert that a statement on page 8 of the staff report findings adopted by the Commission, which concludes that a garage at the toe of the bluff with access from Breakers Drive is inconsistent with the pattern of development in the area, is an error of fact.
3. The applicants assert that another statement on page 8 of the staff report findings, which says the project will result in significant grading of the entire bluff face, is an error of fact.

4. The applicants assert that the finding that the proposed project does not minimize the alteration of natural landforms is an error of fact and of law.
5. The applicants state that the finding, on page 10 of the staff report, that the approval of the project would result in a significant cumulative adverse visual impact is an error of fact and of law because, in prior approvals by the Commission in the area for homes the applicants describe as being substantially similar in design to the one proposed, the Commission found those projects would not have any significant cumulative adverse impacts.
6. Lastly, the applicants claim that the Commission committed an error in fact and law when the Commission found that the applicants are altering the natural landform by installing a significant foundation system.

C. Analysis of the Reconsideration Request

As stated on **Page Two** of this report, applicants may request reconsideration based on the following grounds: a) there is relevant new evidence which, in the exercise of reasonable due diligence, could not have been presented at the hearing on the matter, or b) an error of fact or law has occurred that has the potential of altering the Commission's initial decision. [Cal. Pub. Res. Code § 30627(b)(3)]. The Commission's decision whether to grant or deny reconsideration is discretionary. [Cal. Pub. Res. Code § 30627(b)(4)].

The following analysis addresses separately each of the grounds asserted as a basis for reconsideration, as set forth in the previous section and the applicants' letter dated February 10, 2011 (Received on February 11, 2011) (Exhibit #1).

Ground One

The applicants claim that the Commission focused on the fact that the City policy that prohibits driveways and curb cuts on Ocean Boulevard was not part of the City's certified LUP and that the Commission might disagree with this policy. The applicants make the claim that the Commission has never questioned this policy previously in more than 15 prior decisions by the Commission. Thus, the applicants feel that they were not prepared to present evidence to defend the City's policy as consistent with the Coastal Act.

The applicants state that the City's policy to prohibit driveways from Ocean Boulevard, where other access is available, is consistent with Sections 30212.5 and 30213 of the Coastal Act, which requires public facilities to enhance access to the shoreline. Additionally, the applicants claim that any potential driveway across the grass park that divides Ocean Boulevard from the Applicants' property and other properties which gain access from Breakers Drive would eliminate public recreation area and would be inconsistent with Sections 30220, 30221 and 30223 of the Coastal Act, which requires recreational land to be preserved for that purpose. Lastly, the applicants claim that they could not design a garage that gains its street access from Ocean Boulevard that would be within the City's height limits and required driveway slope. The applicant asserts it is important to remain within those City-established height limits because they preserve

public views from the sidewalk and park along Ocean Boulevard. The applicants state that failing to comply would be inconsistent with Section 30251 of the Coastal Act, which requires preservation of views to and along the shoreline.

The applicants go on to say they would have produced the following information at the hearing had they known they needed to be prepared to present evidence to defend the City's policy as consistent with the Coastal Act:

- a) A copy of the minutes of the City Council Meeting of January 24, 1966 establishing the City Policy regarding prohibiting driveways and curb cuts on Ocean Boulevard;
- b) Photographs of the southern side of Ocean Boulevard showing (1) a public sidewalk and parkway designed for ocean viewing and used extensively by the public for that purpose, and (2) a continuous uncut curb available for public parking to access the ocean, Inspiration Point, Corona del Mar State Beach, and the public viewing walk along Ocean Boulevard;
- c) Photographs of the views of the ocean from Ocean Boulevard which show the value of these views;
- d) Photographs of the two homes which have driveways from Ocean Boulevard to show the detrimental effect of the driveways on the landscaped public parkway and of the homes on the views to the ocean; and
- e) A drawing to show how the construction of a garage with access from Ocean Boulevard could not be constructed within the height limit allowed by the Newport Beach Municipal Code, as well as in Newport Beach LUP Policy 4.4.2-4.

The applicants further note that the Newport Beach certified LUP Policy 4.4.3-8 allows for development on the bluff faces along Ocean Boulevard. The limiting factors are to be consistent with the predominant line of development (LUP Policy 4.4.3-9) and protection of public views from Ocean Boulevard (LUP Policy 4.4.1-6). They conclude that garage access to the Evensen property from Ocean Boulevard would be inconsistent with these policies.

All of the information above, and/or the facts supporting it, existed prior to the Commission hearing and was available to be presented to the Commission by the applicants. Thus, there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter. In fact, some of the information and/or the main points that could be made by presenting that information, were made either during the hearing and/or in the staff report and addendum. Furthermore, the claim that the applicants were unaware that there was some controversy over the City's policy could not be accurate.

The subject application was scheduled for a hearing on two occasions, in October 2010 and in January 2011. A staff report was published for the October 2010 hearing in which the City Council Policy was a topic. After that matter was postponed, staff made further inquiry with the applicants regarding that policy and the applicants' architect provided such information in a letter dated December 23, 2010. That letter, along with an email from the

City's Director of Public Works, outlining the issues raised by constructing and accessing a garage from Ocean Boulevard, were provided to the Commission in the addendum for the Commission's January 2011 hearing. Furthermore, the staff report dated December 22, 2010 (Exhibit #3) for the January 12-14, 2011 Commission hearing did discuss the City Council Policy that does not allow for new driveways or curb cuts on the Ocean side of Ocean Boulevard. The staff report made clear that this policy was not part of the City's certified LUP. Indeed, page 8 of the staff report did clarify that while a garage located at the toe of the bluff is inconsistent with the pattern of development, vehicle access is necessary and that a garage at the toe of the bluff is required since new vehicular access is not allowed off 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.

The applicants claim that they were not prepared to present evidence to defend the City's policy as consistent with the Coastal Act. To aid in their defense, they state they would have provided information such as a copy of the City Council minutes establishing the City Policy regarding prohibiting driveways and curb cuts on Ocean Boulevard and also show pictures of the site and how an access on Ocean Boulevard may impact public views and public access. The main point the applicants could have made by providing this information, that garage access was needed from Breakers Drive as opposed to Ocean Boulevard, had already been made by the applicants in written and oral comments to the Commission, and by staff in the written findings. As stated above, the staff report raised the issue of possibly installing a new accessway from Ocean Boulevard; and the staff report concludes that, while having a garage at the toe of bluff is inconsistent with the pattern of development, vehicle access is necessary and that Breakers Drive is the required location since the City's policy does not allow new access from the ocean side of Ocean Boulevard. Therefore, this topic was addressed by the applicants and staff, in writing and in testimony both before and during the hearing. The presentation of the materials described above would not have provided new relevant evidence that could not have been presented at the hearing on the matter. Nor could that information have altered the Commission's initial decision.

Therefore the Commission concludes that Ground One does not provide valid grounds for reconsideration.

Ground Two

The applicants assert that the Commission made an error of fact when it adopted a statement on page 8 of the findings which concludes that a garage at the toe of the bluff with access from Breakers Drive is inconsistent with the pattern of development in the area. The adoption of that statement is not an error. It is supported, in the findings, by indisputable facts. The statement cited by the applicants is preceded, on page 7, by the following statement:

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), only three (3) take access from Breakers Drive. They include 3215 (upcoast) and 3325 (project site) Ocean Boulevard, which take vehicular access from Breakers Drive located at the toe of the bluff. 3309 (downcoast) Ocean Boulevard has vehicular access from both Ocean Boulevard and Breakers Drive. Of these, only 3225 (project site) and 3309 Ocean Boulevard have garages located at the toe of the bluff.

The Commission made its finding based on the facts cited above. No error occurred.

Ground Three

The applicants assert that another statement on page 8 of the staff report findings, which says the project will result in significant grading of the entire bluff face, is an error of fact. Again, no error occurred. The statement is preceded on page 5 by the following facts that support this statement that the project will result in significant grading of the entire bluff face on the applicants property:

...the proposed project also consists of a significant alteration to the natural bluff landform in that an approximate 46-foot wide by 37-foot deep by 19-foot high notch (for the residence) must be excavated into the bluff face from approximately the 45-foot elevation contour up to the 65-foot elevation contour, also an approximate 9-foot wide by 35-foot deep by 30-foot high notch (for the tunnel at the toe of the bluff and for an elevator shaft built into the face of the bluff (but ultimately recovered with soil) must be excavated into the toe of the bluff from approximately the 13-foot garage pad elevation contour at the toe of the bluff up to the 45-foot elevation contour to accommodate construction of the proposed development as shown on page A-8 of the project plans (Exhibit #5, pages 1 & 4). 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)...

The statement regarding grading is further supported by the plans submitted by the applicants, the exhibits to the staff report, including Exhibit #5 cited above, and by exhibits displayed by Commission staff during the public hearing.

Ground Four

The applicants assert the Commission's finding that the proposed project does not minimize the alteration of natural landforms is an error of fact and of law. The applicants dispute that the proposal affects visual quality and obscures a greater portion of the natural bluff. The applicants argue that the only portion of the bluff face that will be graded is that lying above the elevation of 44.5-feet. The applicants argue the Commission has allowed excavation to the level of 33-feet (i.e.; CDP No. 5-02-203-(Tabak); CDP No. 5-03-100-(Halfacre); CDP No. 5-05-095-(Circle); CDP No. 5-07-327-(Livoni); and CDP No. 5-05-328-(Palermo)). The Evensen project leaves 11.5-feet (44.5-feet – 33-feet = 11.5-Feet) more of the bluff visible than those projects found repeatedly to minimize the alteration of natural

landforms. If the Evensen project alters less of the natural landform than the five (5) noted nearby projects within 1,000-feet, the applicants claim the finding that the Evensen project does minimize the alteration of natural landforms is an error of fact and law.

All of these arguments were previously made by the applicants (both in writing and at the hearing), were considered by the Commission, and were rejected as false. No error of fact or law has occurred. The applicants argue, basically, that if an applicant nearby was allowed to grade to elevation 33-feet, they should be allowed to do so too; and where they haven't graded down to that elevation, they should be given some credit for not doing so. However, these arguments completely disregard the site specific, and project-specific, circumstances that were outlined in the findings and in the staff presentation at the hearing. Such facts include, but are not limited to, the proposed bluff disturbance which exceeded nearby cases, the required garage access from Breakers Drive that wasn't required in other cases which resulted in impacts that didn't exist in other cases, the condition of the bluff on sites immediately adjacent and nearby, and the design of the project itself. The Commission has the discretion to consider those site specific and project specific circumstances and to come to a different conclusion at one site than they did at another site.

The staff report dated December 22, 2010 for the January 12-14, 2011 Commission hearing states that the area of bluff face located between the existing residence at the top of the bluff and the existing garage and other development at the toe of the bluff remains largely undisturbed and densely vegetated (a span of approximately 43-vertical feet from approximately the 56-foot elevation contour of the existing lower elevation of the residence to the approximately 13-foot elevation contour of the toe of the bluff). The staff report also explains the amount of grading associated with the proposed project results in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 37-foot deep by 19-foot high notch (for the residence) must be excavated into the bluff face from approximately the 45-foot elevation contour up to the 65-foot elevation contour (which will expand the existing notch for the existing home that is located between the 56-foot and 75-foot elevation contours). In addition, an approximate 9-foot wide by 35-foot deep by 30-foot high notch is proposed to be excavated into the bluff face (for the tunnel at the toe of the bluff and for an elevator shaft built into the face of the bluff (but ultimately re-covered with soil)) that will extend even further down the bluff face, from the 45-foot elevation contour down to the toe of the bluff at approximately the 13-foot elevation contour, where the garage is proposed to be rebuilt.

In fact, the applicants' own statements about the extent of proposed grading, are factually inaccurate. The applicants fail to recognize that their own plans call for grading both above elevation 44.5-feet and well below that elevation too. They assert the grading stops at elevation 44.5-feet. This is simply not true. The plans submitted by the applicants make this clear. There can be no dispute that grading will impact some portion of the bluff face, beginning at elevation 13-feet (the toe of the bluff), and extending all the way up to at least elevation 65-feet. The applicants' landward property line is at about elevation 75 ft. This leaves just 10 vertical feet of bluff (between 65-feet and 75-feet) on the applicants' property that isn't proposed to be significantly excavated in the current proposal (because the area was already so heavily graded in the past that such additional grading is now

unnecessary to accommodate a new house). Clearly it is within the Commission's discretion to conclude that all of this grading involves virtually the entire bluff face on the applicants' property and constitutes significant landform alteration.

Therefore the Commission concludes that Ground Four does not establish an error of fact or law that could have altered the Commission's initial decision.

Ground Five

The applicants state that the finding, on page 10 of the staff report that the approval of the project would result in a significant cumulative adverse visual impact is an error of fact and of law. The applicants arrive at this conclusion on the assumption that the proposed project is similar in design to other projects approved by the Commission nearby, and the Commission found those projects would not have any significant cumulative adverse impacts.

Furthermore, the applicants argue that the Commission's analysis, which bisect the 27 homes, located between Inspiration Point and the entrance to Corona del Mar State Beach, into three (3) separate and distinct groups effectively "spot zones" a few homes into a different restriction than their neighbors. The applicants argue that the cumulative visual impact of continuing the development as proposed by Evensen will not differ from: CDP No. 5-02-203-(Tabak); CDP No. 5-03-100-(Halfacre); CDP No. 5-05-095-(Circle); CDP No. 5-07-327-(Livoni); CDP No. 5-05-328-(Palermo), CDP No. 5-05-174-(Parrot); and 5-07-174-(Leonard).

The applicants' conclusion that their proposal is similar to others nearby is false, thus, their premise that their project wouldn't contribute to significant adverse cumulative impacts is also false. The Commission's findings and oral testimony by staff during the hearing make clear the distinctions between this project at this site and those nearby. This proposal is unlike others that were approved by the Commission nearby in several ways. For example, the proposed project included a garage at the toe of the bluff and a home at the top of the bluff, which is unlike all of the projects cited by the applicants. The proposed project included an elevator shaft and tunnel, requiring excavation through the bluff face, which again, is unlike any other project in the vicinity. No other project approved by the Commission in the vicinity included an expansive, bulky staircase down the bluff face to a bridge that connected with the proposed garage at the toe of the bluff. No other proposal approved by the Commission in the vicinity included decks that cantilever out over the bluff face, seaward of what the Commission found to be the predominant line of existing development. The Commission rightly concluded that the replication of projects with such elements would have significant adverse impacts on coastal resources. No error of fact was made.

Furthermore, no "spot zoning" has occurred. The Commission's analysis merely considered this projects' impact in the context of similarly situated properties. The categorizations the Commission made are based on plain observations, none of which are false. Thus, the applicants claim that the Evensen project is not compatible with the character of the surrounding area is an error of fact.

As stated in the staff report dated December 22, 2010 for the January 12-14, 2011 Commission hearing, the predominant line of development/stringline (i.e. pattern of development) in this area of Corona del Mar can be characterized with 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. The subject site is located in the Bluff Top Development Area (3207-3309 Ocean Boulevard) described above, along the portion that is fronted by Breakers Drive. Since the proposed project involved the encroachment of development into the undeveloped area between the developed areas at the bluff top and toe, the Commission concluded the proposed home would not be visually compatible with the character of the surrounding homes in the Bluff Top Development Area. This statement and conclusion is factually accurate.

The Commission's findings also discuss how the predominant line of existing development at the subject site and in the immediate vicinity differs from the predominant line in the area closer to Inspiration Point. The findings explain that the limits used downcoast of the project site (3317-3431 Ocean Boulevard) that allowed living or residential area limited to landward of the 48-foot bluff elevation contour and accessory improvements limited to landward of the 33-foot elevation contour are not appropriate at this location because the pattern of development at this location is different. The predominant line of development in this location is roughly the line of the existing residential structure, at about the 56-foot elevation contour, which is within the stringline of residential structures both immediately upcoast and downcoast of the site. Applying those development limits found downcoast (3317-3431 Ocean Boulevard) to this site would result in more adverse impacts to the bluff. Thus, the applicants claim that approving the project would not contribute to a cumulative visual impact no different from recently approved development in the area is false because by allowing the proposed development to mirror downcoast development (3317-3431 Ocean Boulevard) would result in additional impact to the bluff in this location since development on this stretch of Ocean Boulevard does not extend as far down the bluff face.

Finally, none of the applicants arguments here are new. These arguments were presented to the Commission by the applicants in the addendum materials for the January 2011 Commission hearing and at the hearing. The Commission already considered the applicants' arguments, and rejected them. Therefore the Commission concludes that Ground Five does not establish an error of fact or law that could have altered the Commission's initial decision.

Ground Six

Lastly, the applicants claim that the Commission committed an error in fact and law when the Commission concluded that the applicants are altering the natural landform by installing a significant foundation system described as an “extraordinary engineering effort”. The applicants argue that their proposed installation of 36 caissons is comparatively smaller than projects approved by the Commission nearby. The applicants argue this is an error in fact and law since the Commission has found, in other cases, more substantial alterations and far greater numbers of caissons to be consistent with Section 30253 of the Coastal Act.

The applicants have inaccurately paraphrased the Commission’s findings and conclusions, and as a result falsely claim there has been an error of fact and law. A full reading of the findings makes clear no error of fact or law has occurred.

As stated in the staff report dated December 22, 2010 for the January 12-14, 2011 Commission hearing, the project is feasible from an engineering perspective provided the applicants comply with the recommendations (i.e. foundation system consisting of a combination of conventional footings and retaining walls in conjunction with 36 caissons and grade beam system). The applicants claim that the Commission found the installation of 36 caissons to “substantially alter natural landforms” and based that conclusion solely on that fact. This is not accurate. Following is a quotation from the findings which make it clear the conclusion that the project involves a substantial alteration to natural landforms was based on all of the grading, walls, and foundation work involved, and not just the caissons:

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. As stated above, here, the applicant has to conduct extraordinary engineering measures to make this project technically feasible. In addition, the applicant must further alter the natural landform by installing a significant foundation system, including the need to drive approximately 37 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.

The proposed project is distinguishable from those nearby by all of the grading and walls needed for the elevator shaft and tunnel, on top of all the foundation work needed for the remainder of the house. Taken in totality, the Commission concluded that all of this development involved substantial alteration to the natural landform.

Finally, again, this argument isn't new and was one made by the applicants in writing to the Commission and during the hearing. The Commission considered and rejected the applicants' arguments. Therefore the Commission concludes that Ground Six does not establish an error of fact or law that could have altered the Commission's initial decision.

D. Conclusion

The applicants have not identified any valid error of fact or law that could have altered the Commission's initial decision, nor have they presented any relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter. Consequently, there is no basis for reconsideration, and the applicants' request for reconsideration must be denied. Moreover, pursuant to Section 30627(b)(4) of the Coastal Act, even if the applicants meet the criteria for reconsideration, the Commission has the discretion to grant or deny the request. In this case the applicants have not met the criteria for reconsideration and the Commission denies the request.

FRED GAINES
SHERMAN L. STACEY
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South Coast Region

February 10, 2011

FEB 11 2011

BY FEDERAL EXPRESS

CALIFORNIA
COASTAL COMMISSION

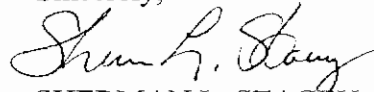
Ms. Sherilyn Sarb
District Director
California Coastal Commission
200 Oceangate, #1000
Long Beach, California 90802

Re: Request for Reconsideration
Application for Permit No. 5-10-032 (Evensen)
Single Family Residence at 3225 Ocean Boulevard, Corona del Mar

Dear Ms. Sarb:

On behalf of Mr. & Mrs. Christian Evensen, the Applicants in Application No. 5-10-032, I am enclosing a Request for Reconsideration under Public Resources Code §30627 of the Commission decision on January 12, 2011 to deny the Application. The mailing list and stamped envelopes for notice are enclosed. A check for the filing fee in the amount of \$500.00 is also enclosed.

Sincerely,


SHERMAN L. STACEY

SLS/sh

cc: Mr. Brion Jeannette
Mr. & Mrs. Christian Evensen

BEFORE THE CALIFORNIA COASTAL COMMISSION
REQUEST BY APPLICANT FOR RECONSIDERATION
APPLICATION NO. 5-10-032

RECEIVED
South Coast Region

FEB 11 2011

CALIFORNIA
COASTAL COMMISSION

To: California Coastal Commission
200 Oceangate, #1000
Long Beach, CA 90802

From: Mr. & Mrs. Christian Evensen

Re: Request for Reconsideration:
Application No. 5-10-032
3225 Ocean Boulevard, Newport Beach

Date: February 10, 2011

On behalf of Mr. & Mrs. Christian Evensen ("Evensen"), this letter constitutes a Request for Reconsideration of the Commission decision of January 12, 2011, to deny Application for Permit No. 5-10-032 for the demolition of an existing single family residence and detached garage and the construction of a new single family residence and detached garage at 3225 Ocean Boulevard in the Corona del Mar area of Newport Beach. In accordance with California Code of Admin. Regs., Title 14, §13055(b)(1)(A), I am enclosing a check in the amount of \$500.00 for the filing fee. I am also enclosing a set of stamped, addressed envelopes for notice of the future hearing.

1. Statutory Basis for Reconsideration.

Public Resources Code §30627 provides for the reconsideration by the Coastal Commission of denials and terms and conditions imposed on permits. Subsection (a) of §30627 provides that reconsideration may be granted as to "[a]ny decision to deny an application for a coastal development permit." This Request for Reconsideration is directed at the action of the Commission to deny Permit No. 5-10-032.

Subsection (b) of Public Resources Code §30627 provides that a basis for a request for reconsideration shall be that "either there is relevant new evidence which, in

Exhibit #1

Page 2 of 31

the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the initial decision." In this circumstance, there is relevant new evidence which in the exercise of reasonable diligence could not have been presented at the hearing and the Commission committed numerous errors of fact and law in reaching the decision to deny the Permit Application. The findings that were adopted in support of that decision are based upon errors of fact and law and are without merit.

2. Relevant New Evidence.

The Commission focused on the fact that the City policy prohibiting driveways and curb cuts on Ocean Boulevard was not part of the City's certified LUP. (See, Staff Report Findings, Page 8, footnote 2.) The implication was that the Commission might disagree with the City's policy and require that parking access to this property and its neighbors not be taken from Breakers Drive but from Ocean Boulevard. In more than 15 decisions of the Commission, the City's policy of not having curb cuts driveways and garages from Ocean Boulevard had never been questioned. Therefore, the Application was not prepared to present evidence to defend the City's policy as consistent with the Coastal Act.

There can be little doubt that the City's policy to prohibit driveways from Ocean Boulevard where access from Breakers Drive is available is consistent with Chapter 3 of the Coastal Act. To reject that policy and to require access from Ocean Boulevard would produce the following inconsistencies:

1. Curb cuts on Ocean Boulevard would reduce the amount of public parking available which would be inconsistent with Public Resources Code §30212.5 and 30213 which requires public facilities to enhance access to the shoreline.
2. Driveways across the grass park which divides Ocean Boulevard from the Applicant's property and other properties which gain access from Breakers Drive would eliminate public recreation area and would be inconsistent with Public Resources Code §30220, 30221, and 30223 requiring recreational land to be preserved for that purpose.
3. Garages located from access on Ocean Boulevard would be impossible to design within the City's height limits and required driveway slope which are intended to preserve public views from the sidewalk and park along Ocean Boulevard and would be inconsistent with Public Resources Code §30251 requiring preservation of views to and along the shoreline.

The evidence which the Applicant would have produced would have included the following:

- a. A copy of the minutes of the City Council Meeting of January 24, 1966 establishing the City Policy which is so uncontroversial that the City did not include it in its LUP. (See Exhibit A hereto)
- b. Photographs of the southern side of Ocean Boulevard showing (1) a public sidewalk and parkway designed for ocean viewing and used extensively by the public for that purpose, and (2) a continuous uncut curb available for public parking to access the ocean, Inspiration Point, Corona del Mar State Beach, and the public viewing walk along Ocean Boulevard. (See Exhibit B hereto)
- c. Photographs of the views of the ocean from Ocean Boulevard which show the value of these views. (See Exhibit C hereto)
- d. Photographs of the two homes which have driveways from Ocean Boulevard to show the detrimental effect of the driveways on the landscaped public parkway and of the homes on the views to the ocean. (See Exhibit D hereto)
- e. A drawing in profile to show how the construction of a garage with access from Ocean Boulevard could not be constructed within the height limit allowed by the Newport Beach Municipal Code which is also reflected in Newport Beach LUP Policy 4.4.2-4. (See Exhibit E hereto)

I believe that this evidence would have had a significant effect upon the Commission's decision. Discussions among Commissioners after the close of the public hearing revealed an unnecessary concern that the City policy prohibiting driveways from Ocean Boulevard was inconsistent with the Coastal Act simply because it had not been specifically included in the City's certified LUP. The Applicant was posited as being in a conflict between Coastal Act policies and City policies although in this instance both policies should be consistent.

It should also be noted that Newport Beach certified LUP Policy 4.4.3-8 allows for development on the bluff faces along Ocean Boulevard is allowed. The limiting factors are to be consistent with the predominant line of development (LUP Policy 4.4.3-9 and protection of public views from Ocean Boulevard (LUP Policy 4.4.1-6). A garage access to the Evensen property from Ocean Boulevard would be inconsistent with these policies.

2. Errors of Fact and Law.

A. Public Resources Code §30251 provides as follows:

“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 landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...”

The Commission made the following finding which contains errors of fact, and, as it forms the basis of the decision to deny, errors of law.

On page 8 of the Staff Findings, it is stated that a garage at the toe of the bluff with access from Breakers Drive is “inconsistent with the pattern of development of the area.” This statement of fact is in error. Attached Exhibit

On Page 8 of the Staff Findings, it is stated that the project will result in significant grading of virtually the entire bluff face that is located on the applicant's property. This statement of fact is in error. The only portion of the bluff face that will be graded is that lying above the elevation of 44.5 feet. Prior approvals by the Commission has allowed excavation to the level of 33 feet. CDP 5-02-203 (Tabak).

The Staff Findings treat the grading as an alteration to natural landforms that affects the visual quality, criticizing the Evensen project for obscuring a greater proportion of the natural bluff. In fact the Evensen project obscures a lesser proportion of the natural bluff than other projects approved by the Commission. All of the lower bluff below 44.5 feet elevation will remain visible. In CDP 5-02-203 (Tabak), CDP 5-03-100 (Halfacre), CDP 5-05-095 (Circle), CDP 5-07-327 (Livoni) and CDP 5-05-328 (Palermo), the Commission approved projects which obscured the natural bluff to the elevation of 33 feet. The Evensen project leaves 11.5 feet more of the bluff face visible than those projects found repeatedly to minimize the alteration of natural landforms. If the Evensen project alters less of the natural landform than 5 other projects approved within 1,000 feet, the finding that the Evensen project does not minimize the alteration of natural landforms is an error of fact and of law.

On Page 10 of the Staff Findings, it is stated that approval of the Applicants' residence would result in a significant cumulative adverse visual impact. This statement of fact is in error. There are 27 lots between Inspiration Point and the

Exhibit #1

entrance to Corona del Mar State Beach. At the time the Coastal Act came into effect, all but one or two of these lots had been developed. Since 1973, the Commission has approved permits for 13 of the 27 lots, each permit for a home substantially similar in size and design to that proposed by the Applicants. In each of those cases, the Commission found that the approval of the permit did not have any significant cumulative adverse impact.

The Staff Findings seek to bisect the 27 homes into three separate and distinct groups. This is an artificial distinction which effectively "spot zones" a few homes into a different restriction than their neighbors. The community character and visual impacts were established long before this Application. The Commission has been a major determinant of this visual character by the 13 decisions about the visual appearance of the developments which it has approved.

The Commission cannot now make the subjective reversal of fact and find for Evensen or those others who have not yet been approved to redevelop their homes that what was repeatedly found to be a fact from 2002 to 2010 is now not a fact. The cumulative visual impact of continuing the development as proposed by Evensen will not differ from:

- (1) the cumulative visual impact that arose from the 2005 approval of CDP 5-02-203 (Tabak) at 3435 Ocean Boulevard;
- (2) from the cumulative visual impact that arose from the 2003 approval of CDP 5-03-110 (Halfacre) at 3425 Ocean Boulevard;
- (3) from the cumulative visual impact that arose from the 2007 approval of CDP 5-05-095 (Circle) at 3415 Ocean Boulevard;
- (4) from the cumulative visual impact that arose from the 2010 approval of CDP 5-07-327 (Livoni) at 3335 Ocean Boulevard;
- (5) from the cumulative visual impact that arose from the 2008 approval of CDP CDP 5-05-328 (Palermo) at 3317 Ocean Boulevard;
- (6) from the cumulative visual impact that arose from the 2006 approval of CDP 5-01-174 (Parrott) at 3130 Ocean Boulevard; and
- (7) from the cumulative impact that arose from the 2002 approval of CDP 5-01-174 (Leonard) at 3124/3126 Breakers Drive.

The Findings that the Evensen project did not minimize the alteration of natural landforms and is not compatible with the character of the surrounding area is an error of fact.

B. Public Resources Code §30253 provides, in part, as follows:

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.

On Page 11-12 of the Staff Report Findings it is stated that the applicant is altering the natural landform by installing a significant foundation system. The number of caissons and amount of excavation are described as an "extraordinary engineering effort". These would "substantially alter natural landforms" and be inconsistent with Public Resources Code §30253. This is an error in fact and law in that the Commission has already found as a fact that far more substantial alterations and far greater numbers of caissons have been repeatedly found by the Commission to be consistent with Section 30253.

The Applicant proposes 36 caissons and 944 cubic yards of grading. It is an error of law that the Applicants' alteration is found to be "substantial" on their property but on a property not more than 400 feet away at 3130 Ocean Boulevard, a property with 67 caissons and 1360 cubic yards of grading, is found not to be a "substantial" alteration. CDP No. 5-06-135 (Parrott). Indeed, every home approved by the Commission on Ocean Boulevard requires a similar or greater "extraordinary engineering effort", yet every home approved by the Commission on Ocean Boulevard was found not to be a "substantial" alteration of natural landforms. This inconsistent treatment is an error of law. (See Exhibit F, Matrix and copies of Commission approved foundation plans.)

Request for Reconsideration
CDP 5-10-032
February 10, 2011
Page 7

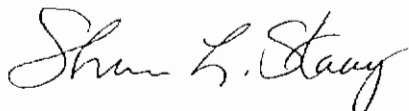
6. Conclusion.

The Commission should grant the Request for Reconsideration and subsequently approve Permit No. 5-10-032 with Special Conditions which would be acceptable to the Applicant.

Respectfully submitted,



BRION JEANNETTE



SHERMAN L. STACEY

Evensen
2011.02.08
3225 Ocean Blvd
Coronado, CA
CDP 5-10-032

APPENDIX E

ED
Region

FILING FEE SCHEDULE

FEB 11 2011

(EFFECTIVE MARCH 17, 2008)

CALIFORNIA
FEES WILL BE ADJUSTED EACH YEAR ON JULY 1, ACCORDING TO THE CALIFORNIA CONSUMER PRICE INDEX

- Pursuant to Government Code section 6103, public entities are exempt from the fees set forth in this schedule.
- Permits shall not be issued without full payment for all applicable fees. If overpayment of a fee occurs, a refund will be issued. Fees are assessed at the time of application, based on the project as proposed initially. If the size or scope of a proposed development is amended during the application review process, the fee may be changed. If a permit application is withdrawn, a refund will be due only if no significant staff review time has been expended (e.g., the staff report has not yet been prepared). Denial of a permit application by the Commission is not grounds for a refund.
- If different types of development are included on one site under one application, the fee is based on the sum of each fee that would apply if each development were applied for separately, not to exceed \$100,000 for residential development and \$250,000 for all other types of development.
- Fees for after-the-fact (ATF) permit applications shall be five times the regular permit application fee unless the Executive Director reduces the fee to no less than two times the regular permit application fee. The Executive Director may reduce the fee if it is determined that either: (1) the ATF application can be processed by staff without significant additional review time (as compared to the time required for the processing of a regular permit,) or (2) the owner did not undertake the development for which the owner is seeking the ATF permit.
- In addition to the above fees, the Commission may require the applicant to reimburse it for any additional reasonable expenses incurred in its consideration of the permit application, including the costs of providing public notice.
- The Executive Director shall waive the application fee where requested by resolution of the Commission. Fees for green buildings or affordable housing projects may be reduced, pursuant to Section 13055(h) of the Commission's regulations.

SEE SECTION 13055 OF THE COMMISSION'S REGULATIONS
(CALIFORNIA CODE OF REGULATIONS, TITLE 14)
FOR FULL TEXT OF THE REQUIREMENTS

II. OFFICE, COMMERCIAL, CONVENTION, INDUSTRIAL (INCLUDING ENERGY FACILITIES), AND OTHER DEVELOPMENT NOT OTHERWISE IDENTIFIED IN THIS SECTION^{7,8,9}

A. Based on Gross Square Footage

- 1,000 square feet (gross) or less \$ 5,000
- 1,001 to 10,000 square feet (gross)..... \$ 10,000
- 10,001 to 25,000 square feet (gross)..... \$ 15,000
- 25,001 to 50,000 square feet (gross)..... \$ 20,000
- 50,001 to 100,000 square feet (gross)..... \$ 30,000
- 100,001 or more square feet (gross)..... \$ 50,000

B. Based on Development Cost¹⁰

- Development cost up to and including \$100,000..... \$ 3,000
- \$100,001 to \$500,000 \$ 6,000
- \$500,001 to \$2,000,000 \$ 10,000
- \$2,000,001 to \$5,000,000..... \$ 20,000
- \$5,000,001 to \$10,000,000..... \$ 25,000
- \$10,000,001 to \$25,000,000..... \$ 30,000
- \$25,000,001 to \$50,000,000..... \$ 50,000
- \$50,000,001 to \$100,000,000..... \$ 100,000
- \$100,000,001 or more \$ 250,000

III. OTHER FEES

A. Grading¹¹

- 50 cubic yards or less \$ 0
- 51 to 100 cubic yards..... \$ 500
- 101 to 1,000 cubic yards..... \$ 1,000
- 1,001 to 10,000 cubic yards..... \$ 2,000
- 10,001 to 100,000 cubic yards..... \$ 3,000
- 100,001 to 200,000 cubic yards..... \$ 5,000
- 200,001 or more cubic yards..... \$ 10,000

⁷ The fee shall be based on either the gross square footage or the development cost, whichever is greater.

⁸ Additional fee for grading applies. (See section III.A of this schedule).

⁹ Pursuant to section 13055(a)(5) of the Commission's regulations, this category includes all development not otherwise identified in this section, such as seawalls, docks and water wells.

¹⁰ Development cost includes all expenditures, including the cost for planning, engineering, architectural, and other services, made or to be made for designing the project or the estimated cost of construction of all aspects of the project both inside and outside the Commission's jurisdiction.

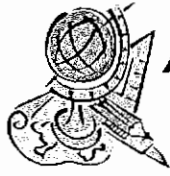
¹¹ The fee for grading is based on the cubic yards of cut, plus the cubic yards of fill.

- M. Written Permit Exemption..... \$ 250
- N. Written Boundary Determination \$ 250
- O. Coastal Zone Boundary Adjustment..... \$ 5,000

TOTAL SUBMITTED	\$ 500 ⁰⁰
------------------------	----------------------

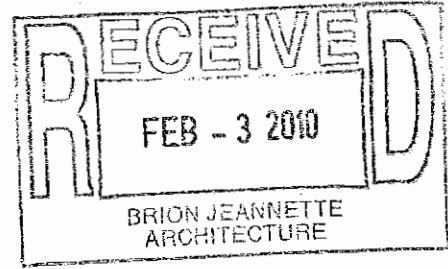
TO BE COMPLETED BY STAFF

<i>SUBMITTED FEE VERIFIED BY:</i>	<i>DATE:</i>
<i>IS SUBMITTED AMOUNT CORRECT?</i>	
<input type="checkbox"/> Yes. Applicant has correctly characterized the development, and payment is appropriate.	<input type="checkbox"/> Applicant did not fill out form, thus staff has marked the form to compute the fee, and applicant has paid fee.
<input type="checkbox"/> No. Why? _____	
<i>REFUND OR ADDITIONAL FEE REQUIRED? (STATE REASON)</i>	
<input type="checkbox"/> Refund amount (_____)	
<input type="checkbox"/> Additional fee amount (_____)	
REMINDER: RECORD FEE PAYMENT IN PERMIT LOG	
<i>FINAL FEE VERIFIED BY: (TO BE COMPLETED AFTER COMMISSION ACTION)</i>	<i>DATE:</i>



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



I, Denise Kaspar, hereby certify that the attached list contains the names, addresses and assessor's parcel numbers of all persons to whom all property is assessed as they appear on the latest available assessment roll of the County of Orange within the area described by the required 100 foot radius measured from the exterior boundaries of the property legally described as:

APN: 052-120-15

Subject: 3225 Ocean Blvd
Corona Del Mar CA 92625

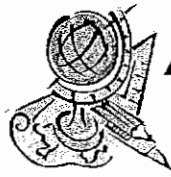
Denise Kaspar
Advanced Listing Services Inc

February 2, 2010

I hereby certify that to the best of my knowledge the attached occupants list correctly indicates addresses of the required occupants that fall within the radius.

Denise Kaspar
Advanced Listing Services

February 2, 2010



Advanced Listing Services

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Office: (949) 361-3921 • Fax: (949) 361-3923
www.Advancedlisting.com

1016
1/2010
10' Ownership Listing
10' Occupant Listing
prepared for:

02-120-15
EVENSEN
125 OCEAN BLVD
CORONA DEL MAR CA 92625

02-112-13
HARON C MC NALLEY
28 OCEAN BLVD
CORONA DEL MAR CA 92625

02-112-25
DONALD P & MARSHA BEARD
08 OCEAN BLVD
NEWPORT BEACH CA 92625

02-113-07
BLAND & S RAPP
08 OCEAN BLVD 3
CORONA DEL MAR CA 92625

02-120-15
EVENSEN
30 FLINTRIDGE AVE
FLINTRIDGE CA 91011

02-120-54
JERETTA G EVENSEN
77 COMMONWEALTH AVE
CANADA CA 91011

02-112-28
OCCUPANT
12 OCEAN BLVD
CORONA DEL MAR CA 92625

02-120-15
OCCUPANT
15 OCEAN BLVD
CORONA DEL MAR CA 92625

052-112-22
RONALD E LAURENCE
210 LARKSPUR AVE
CORONA DEL MAR CA 92625

052-112-28
NORTHERN
PO BOX 19599
IRVINE CA 92623

052-120-13
ROGER G MC KINNON
3207 OCEAN BLVD
CORONA DEL MAR CA 92625

052-120-24
CITY OF NEWPORT BEACH
3300 NEWPORT BLVD
NEWPORT BEACH CA 92663

052-120-65
STATE OF CALIFORNIA PARK
1416 NINETH ST
SACRAMENTO CA 95814

052-113-06
OCCUPANT
3300 OCEAN BLVD
CORONA DEL MAR CA 92625

052-120-54
OCCUPANT
3235 OCEAN BLVD
CORONA DEL MAR CA 92625

052-112-23
EDWARD T MALONEY
PO BOX 278
CORONA DEL MAR CA 92625

052-113-06
3300 OCEAN LLC
3620 OCEAN BLVD
CORONA DEL MAR CA 92625

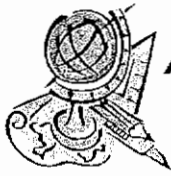
052-120-14
RITA P GUARRIELLO
18272 LEAFWOOD LN
SANTA ANA CA 92705

052-120-53
DANIEL D SISEMORE
3301 OCEAN BLVD
CORONA DEL MAR CA 92625

052-112-23
OCCUPANT
3200 OCEAN BLVD
CORONA DEL MAR CA 92625

052-120-14
OCCUPANT
3215 OCEAN BLVD
CORONA DEL MAR CA 92625

Brion Jeannette Architecture
470 Old Newport Blvd.
Newport Beach, Ca 92663

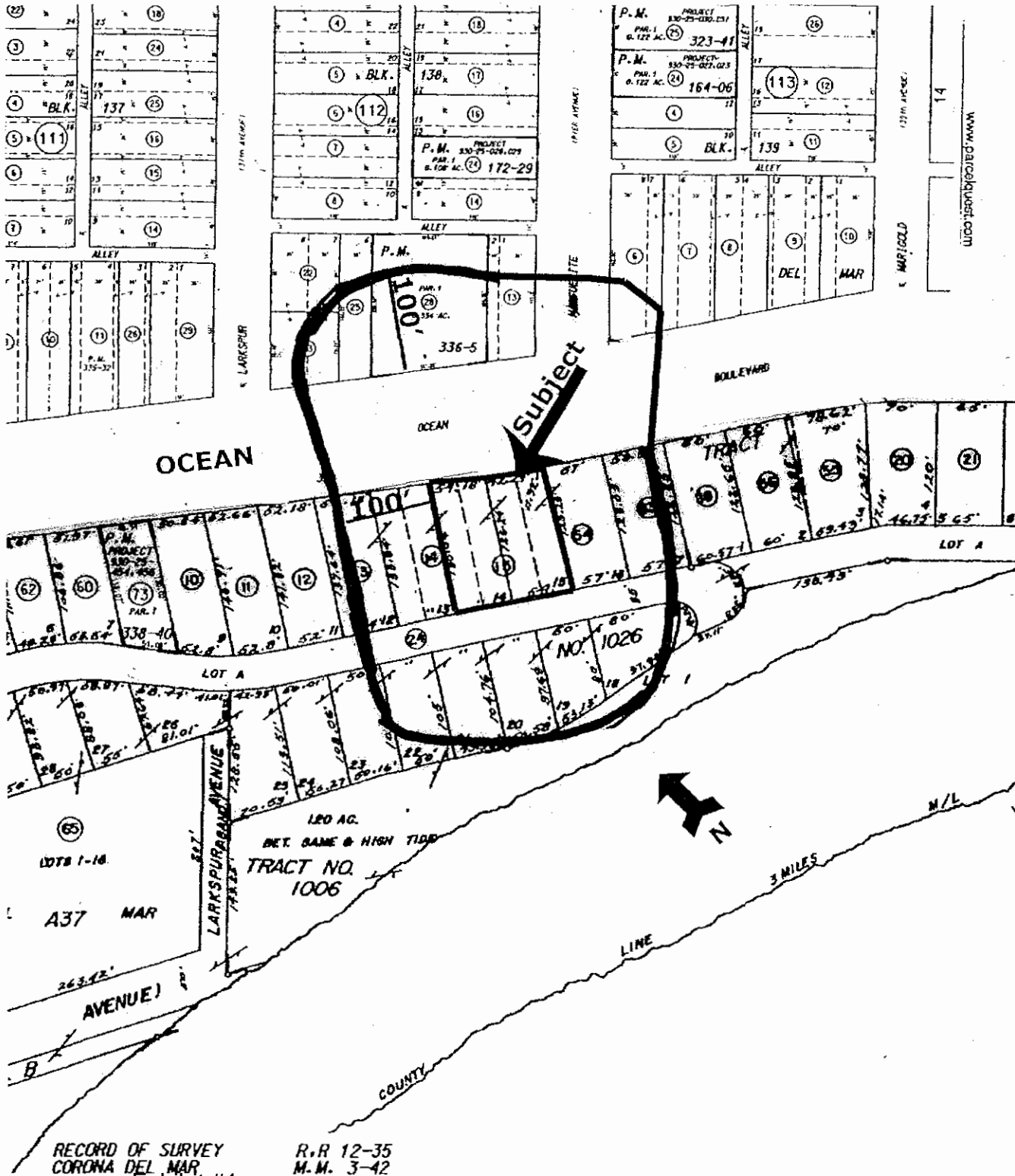


Advanced Listing Services

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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



Index

January 24, 1966

the recommendations of the Public Works Director that subject application for curb cut be denied.

Richard Strickler, Realtor, representing Mr. Barnes, spoke from the audience.

A vote was taken on Councilman Shelton's motion, which carried.

Ayes	x	x	x	x	x	x	
Absent							x

Amendments
Driveway
Approach
Policy
CA-30
CA-90

4. Amendments to the Driveway Approach Policy, which policy was approved by the Council on January 14, 1962, having been proposed by the Public Works Director, were considered.

The recommended changes in the Driveway Approach Policy were approved, and the following action was taken:

Motion			x				
Ayes	x	x	x	x	x	x	x
Absent							x

Item No. 6, under the General statement, was amended to read, "No permit will be issued for driveways in Bluffhouse Drive, Glen Drive, Balboa Island, and on the ocean side of Ocean Boulevard without City Council approval. No curb openings will be permitted on Ocean Boulevard when access is available from an existing alley, street, or improved private roadway." In addition, the title "Residential" was revised to read "Residential Zones and Residential Uses." No. 1 under that heading was revised to read, "The width of a curb opening shall not exceed 25 feet except when the driveway is to serve an enclosed 3-car garage, in which case the curb opening may be increased to 33 feet." Item No. 3 under the Residential description was revised to read, "Street curb openings will not be permitted to residential property which abuts an alley." The title "Commercial" was revised to read "Commercial Uses." It was also noted that nothing in the Policy shall be construed as preventing any person from appealing to the City Council for relief from the application of the policy (Item 10 under "General" provisions).

Resub 218

CURRENT BUSINESS:

CA-129

1. Resubdivision No. 218:

A letter dated January 19, 1966 was presented from the Planning Commission recommending Resubdivision


Mayor

ATTEST:


City Clerk

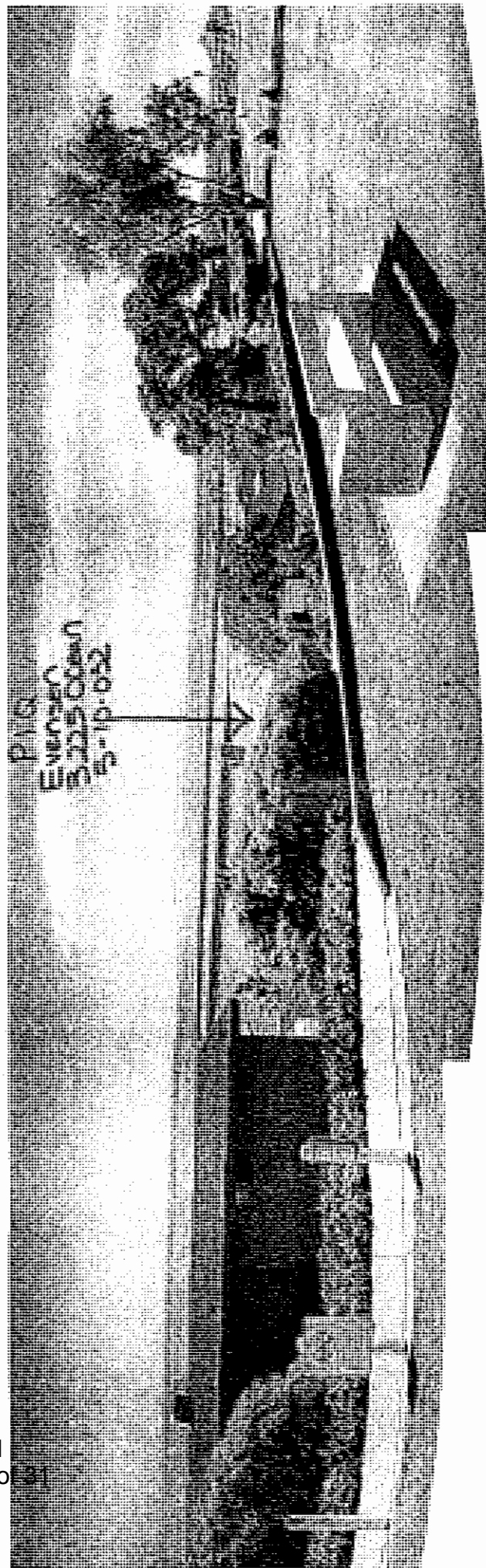
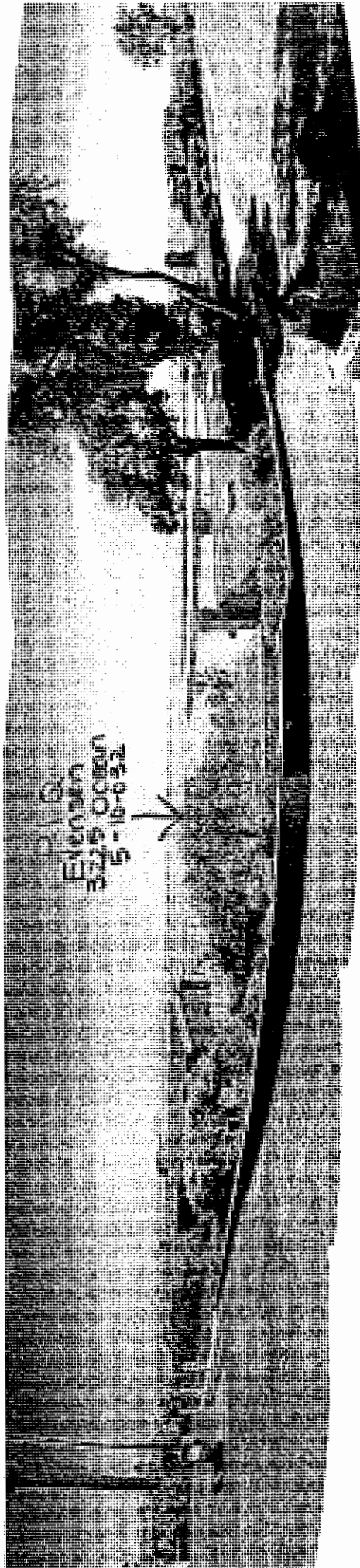


Exhibit B-1



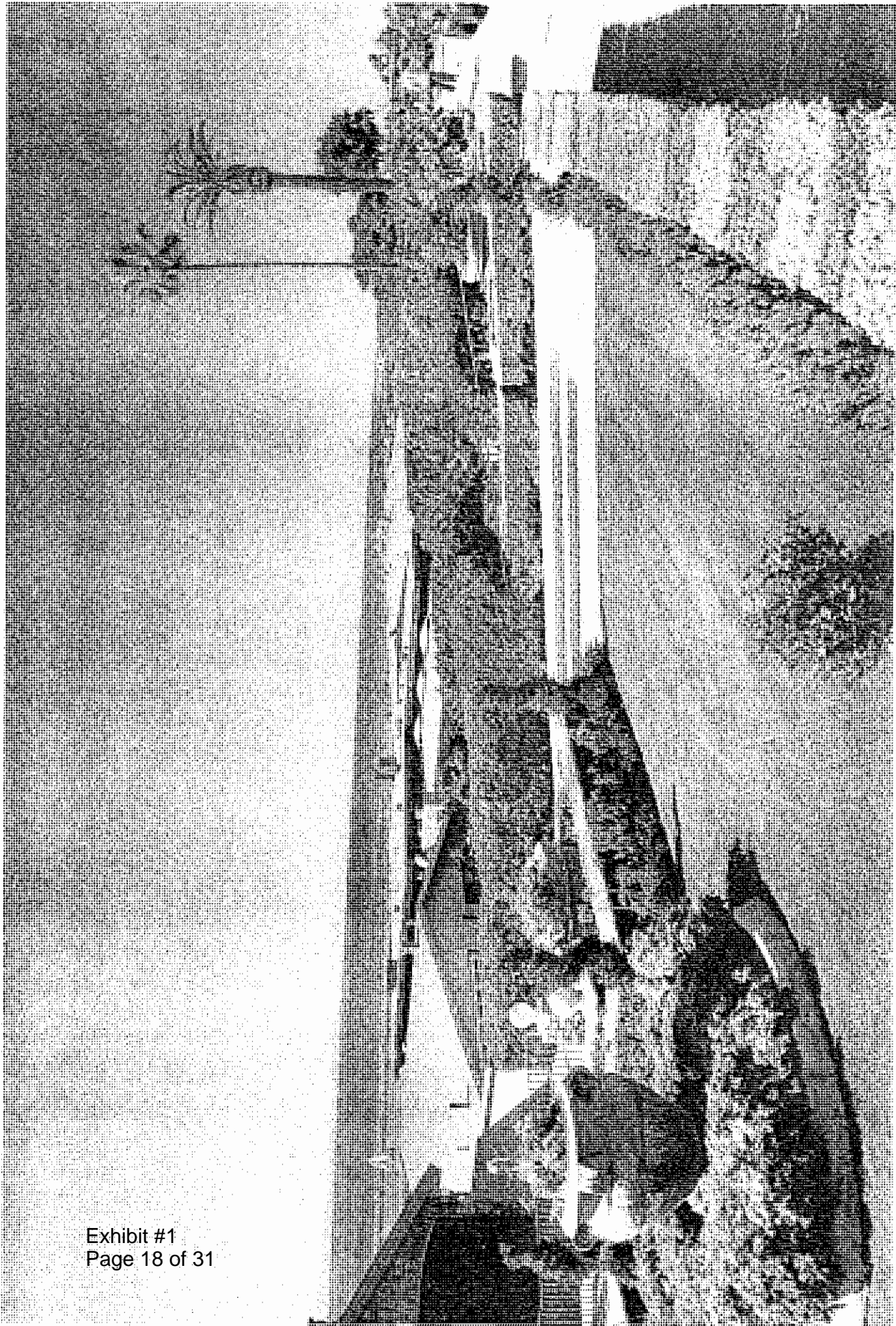


EXHIBIT B-5

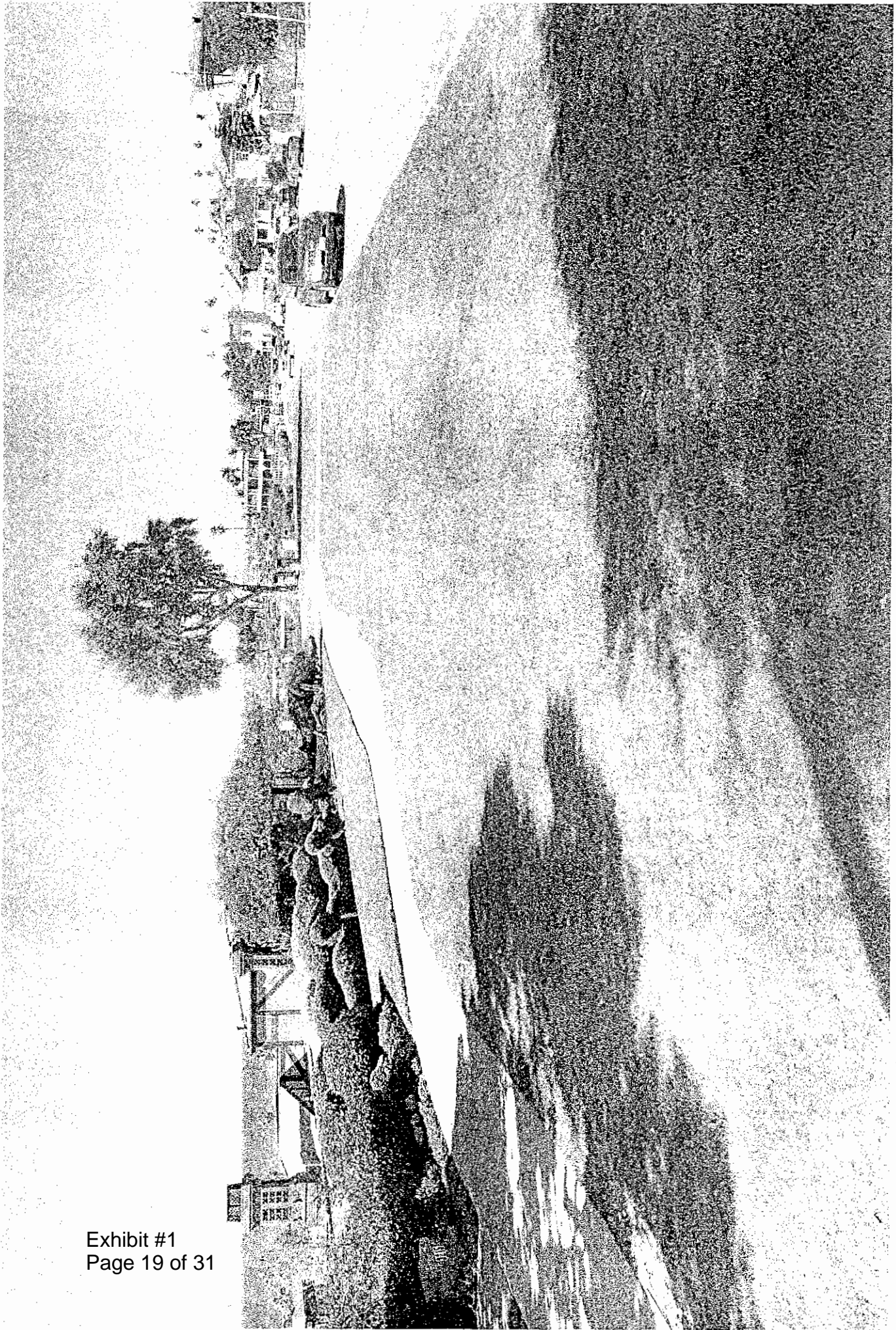
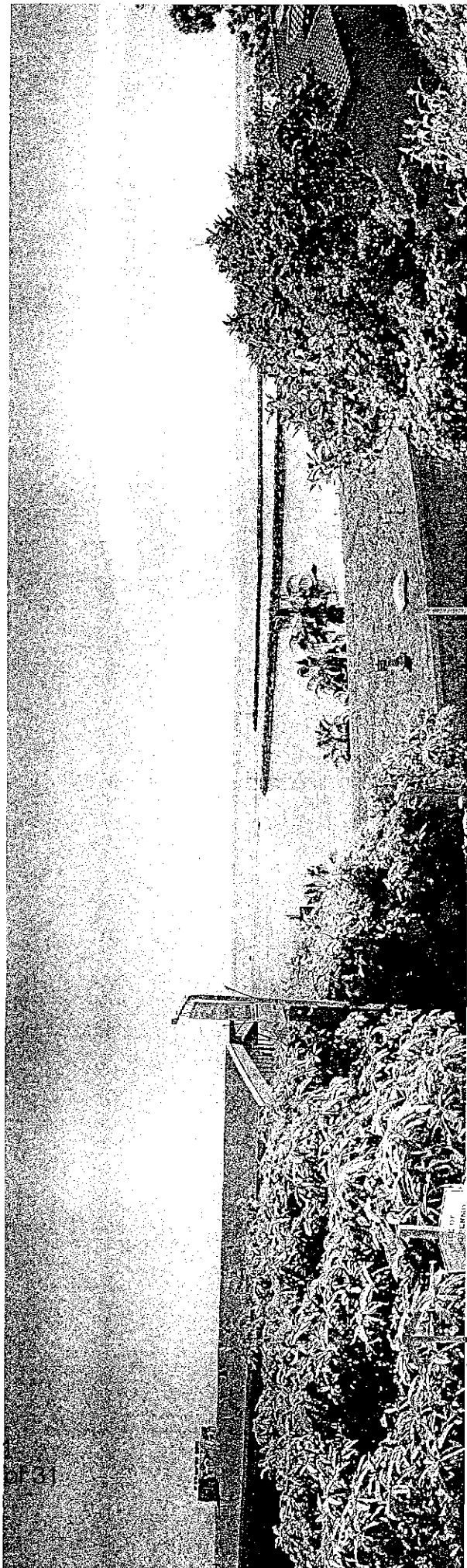


Exhibit #1
Page 19 of 31

EXHIBIT B-4



SOUTHERNLY NEIGHBOR
3235 OCEAN BLVD.

PIQ
3225 OCEAN BLVD.

Exhibit C

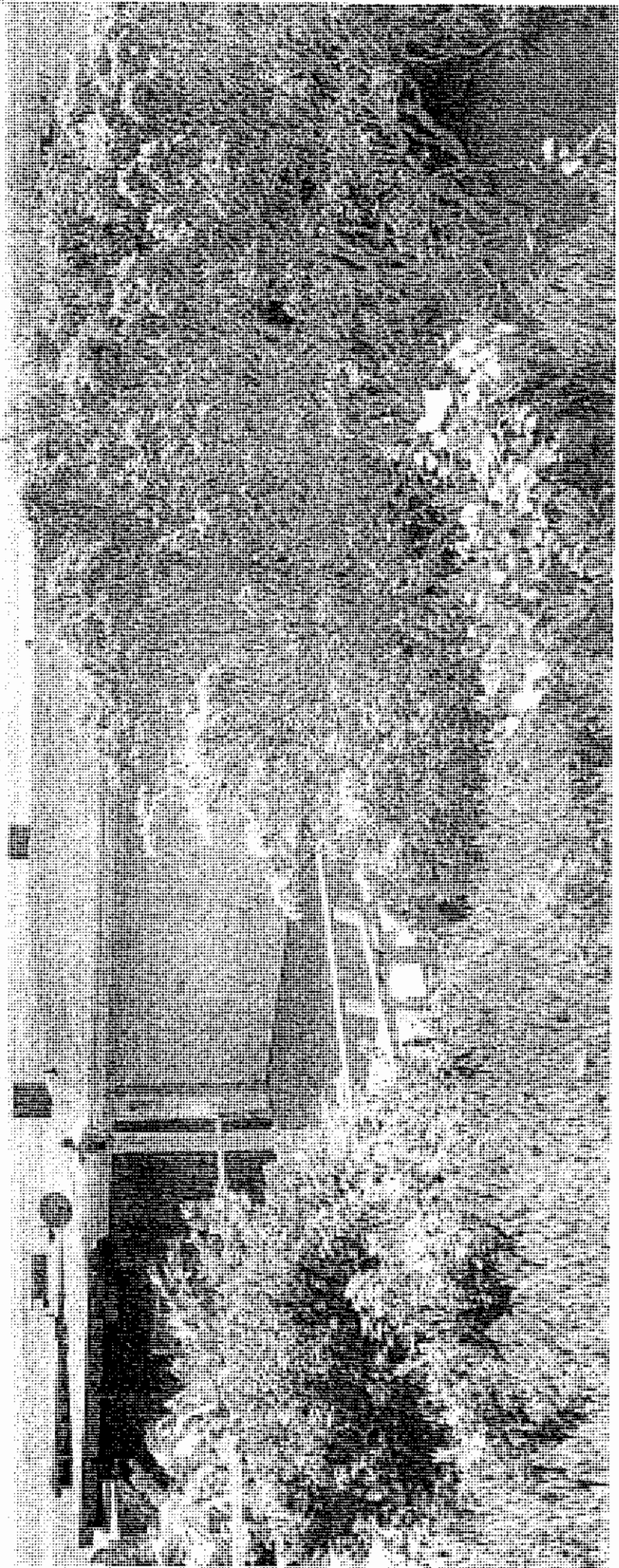


EXHIBIT D-1

HOUSE WITH
GARAGE FROM
OCEAN BL.

EVENSEN
PIQ

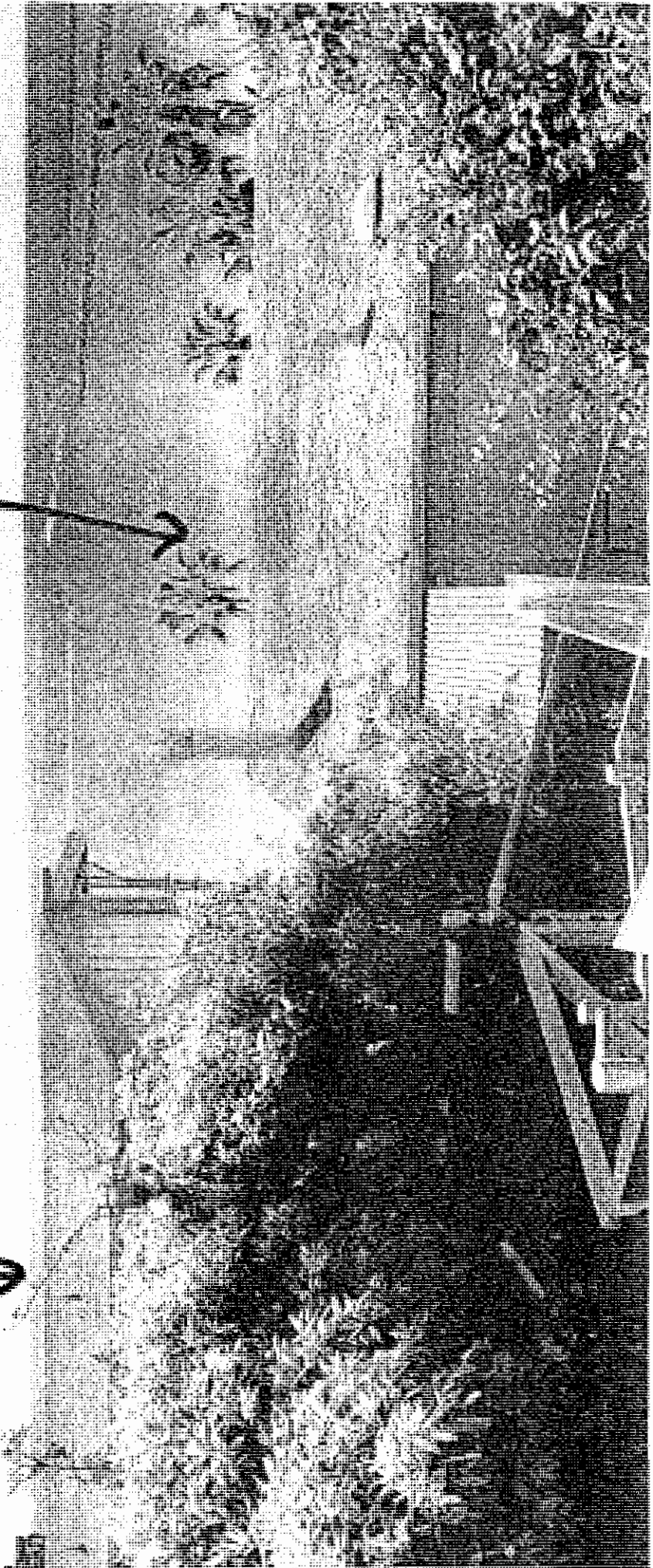


EXHIBIT D-2

HOUSE WITH
PARKING
ON BREAKERS DR.
BELOW

EVENSEN
PIQ

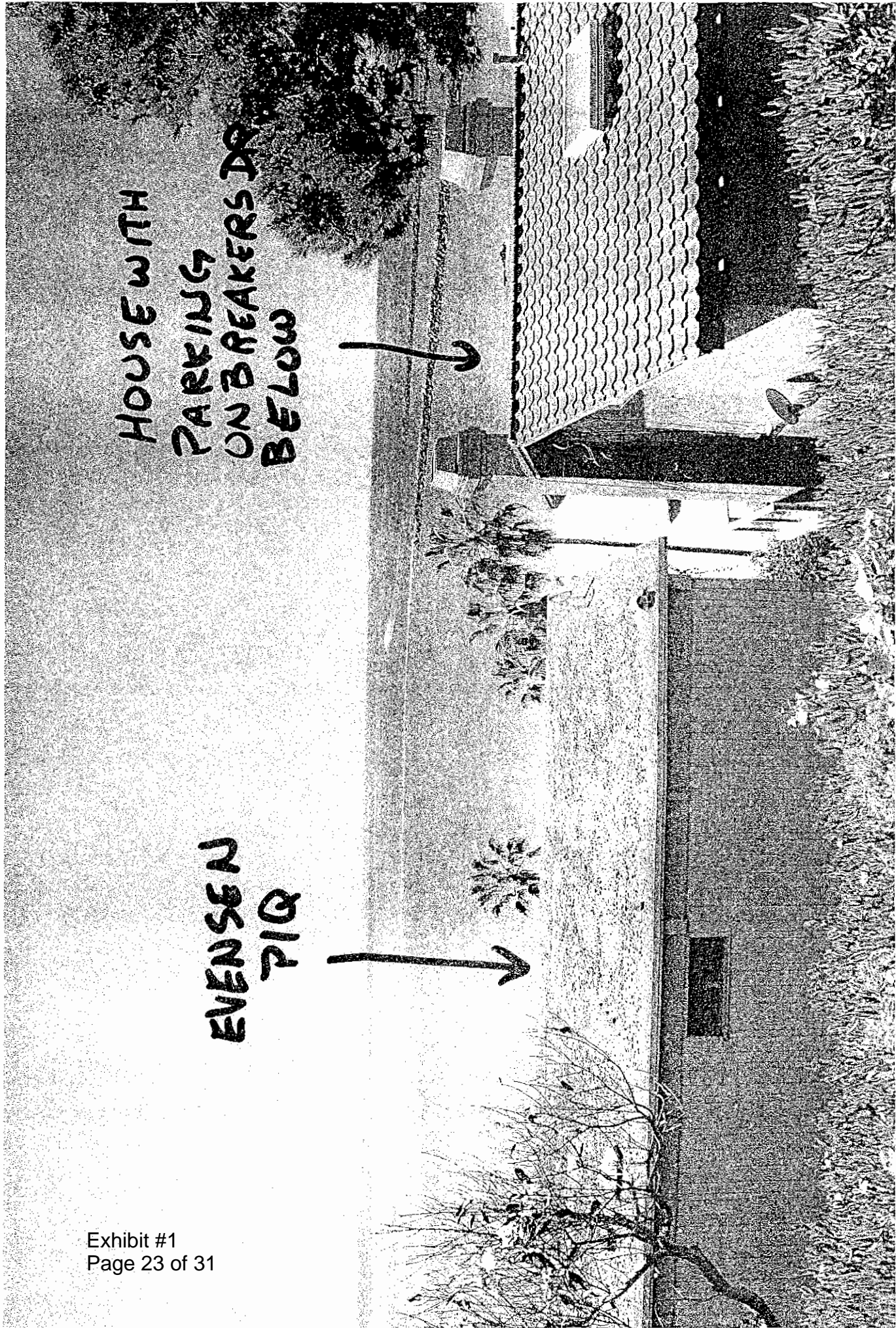
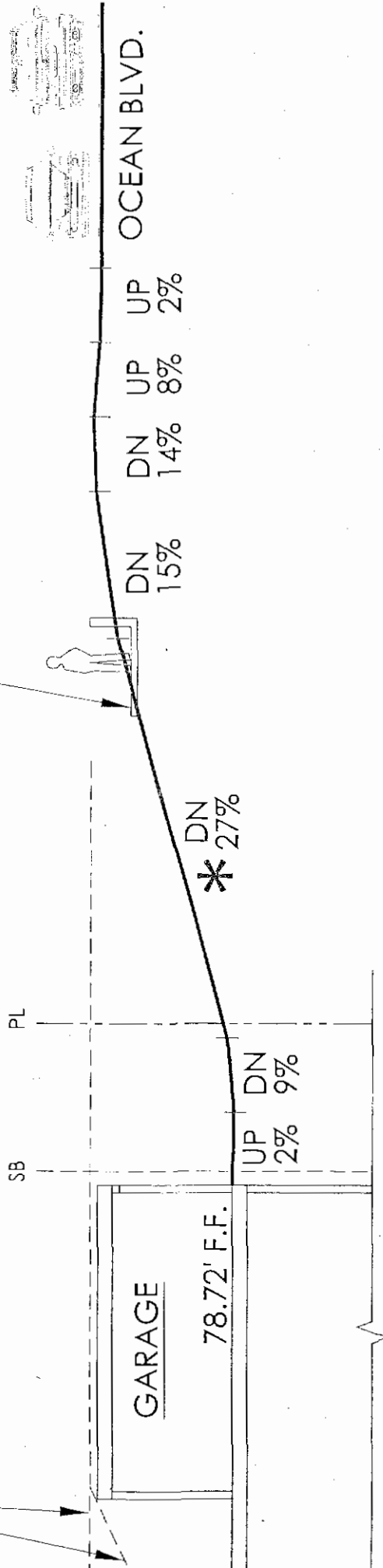


EXHIBIT D-3

QUANTITY OF N.B. HT. LIMIT
AT TOP OF CURB = 88.22'

Permit #1
Page 24 of 31

DRIVEWAY WILL ENCR OACH INTO
EXISTINGG SIDEWALK &
DESIGNATED PUBLIC VIEW



**CITY OF NEWPORT BEACH PUBLIC WORKS DEPARTMENT
PERMIT A MAXIMUM OF 15% GRADE SLOPE DRIVEWAY**

Exhibit E
SCALE: NOT TO SCALE

Visual Impact Matrix

Site Address CDP #	Building Height	Notch Height (Cut)	Grading Cubic Yards	Building Area	No. of Caissons	Date Approved
Leonard/3124 Ocean 5-01-174	43 ft.	30 ft.	1,020	6,574 sq. ft.	21	2002
Errot/3130 Breakers 5-06-035	39 ft.	39 ft.	1,360	7,125 sq. ft.	67	2006
Evensen/3225 Ocean 5-10-032	House - 44 ft. Garage - 13.5 ft.	19 ft.	944	House 5,189 sq. ft. Garage/ Passage 1,084 sq. ft.	36	Pending
Sisemore/3301 Ocean	House - 51 ft. Beach House - 10 ft.			6,325 sq. ft.		Pre-Coastal
Kellogg/3309 Ocean	House - 50 ft. Garage - 19 ft.			6,684 sq. ft.		Pre-Coastal
Palermo/3317 Ocean 5-05-328	62 ft.	37 ft.	280	5,494 sq. ft.		2008
Livoni/3335 Ocean 5-07-327	52 ft.	35 ft.	163	Existing Home 3,116 sq. ft.	22 (deck only)	2010
Ensign/3415 Ocean 5-01-112	40 ft.	25 ft.				2002
Circle/3415 Ocean 5-05-095	55 ft.	14 ft.	510	4,876 sq. ft.	46	2007
Halfacre/3425 Ocean 5-03-100	57 ft.	38 ft.		4,015 sq. ft.	32	2003
Tabak/3431 Ocean 5-02-203	58 ft.	33 ft.	2,995	7,321 sq. ft.	39	2005
Spataro/3619 Ocean 5-98-353	54 ft.	40 ft.	2,260	7,357 sq. ft.	42	1999
Slack/3729 Ocean 5-98-135	38 ft.	30 ft.	736	8,091 sq. ft.	39	1999

Exhibit #1
Page 25 of 31

Exhibit F-1

Permit
3130 Breakers
5-06-035
67 caissons

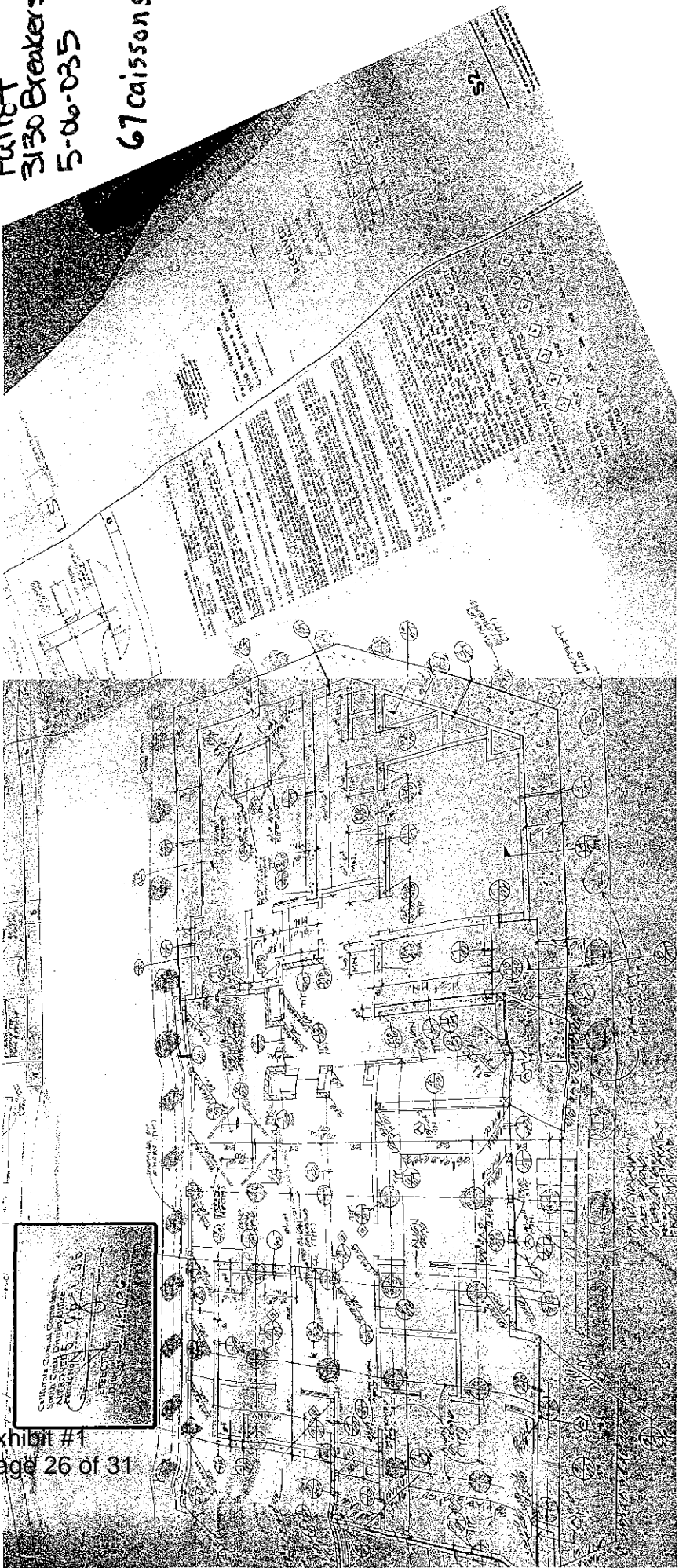
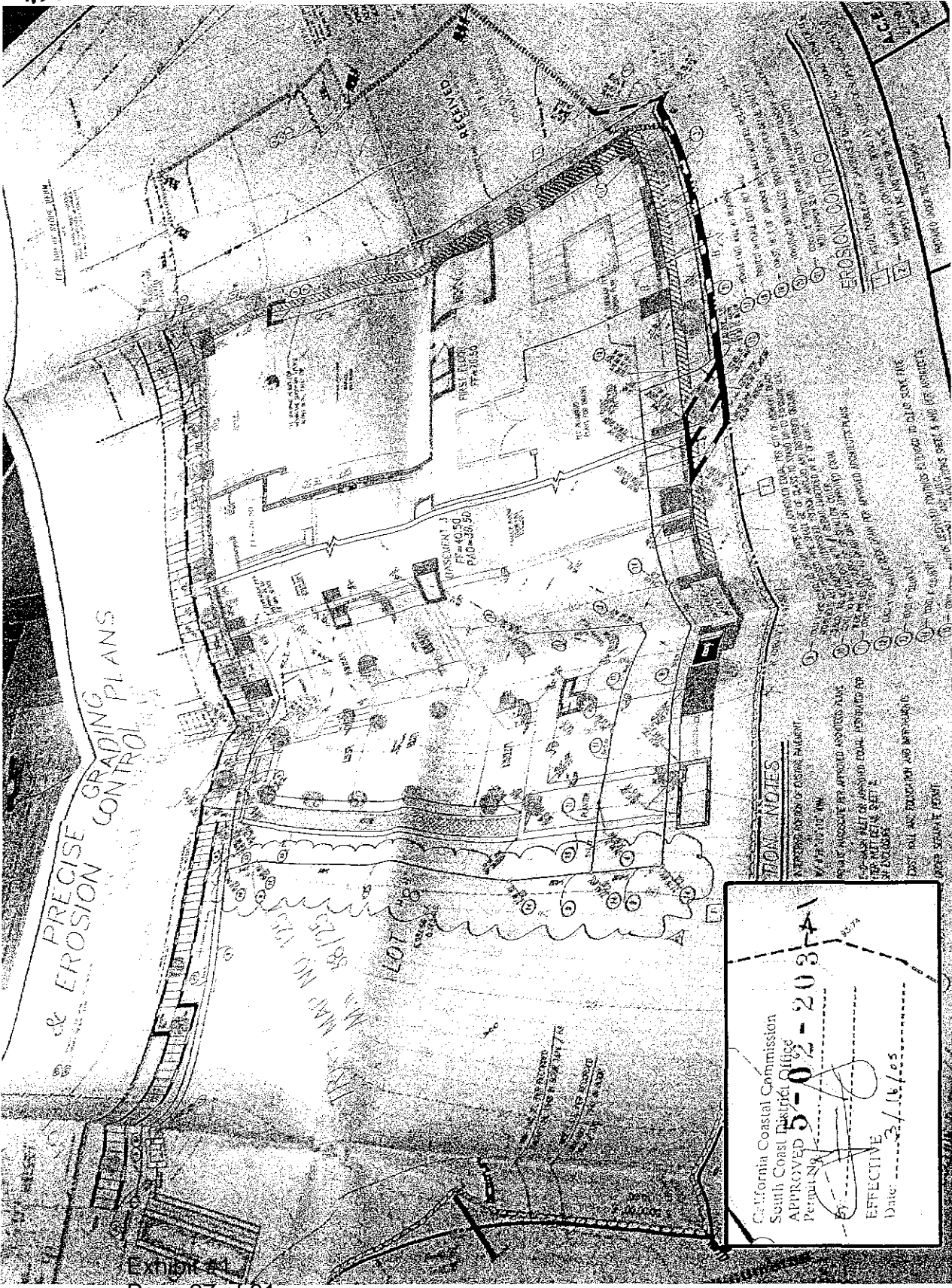


EXHIBIT F.2

14444
341 OCEAN
5-02-203

39 caisson

EXHIBIT
F-3



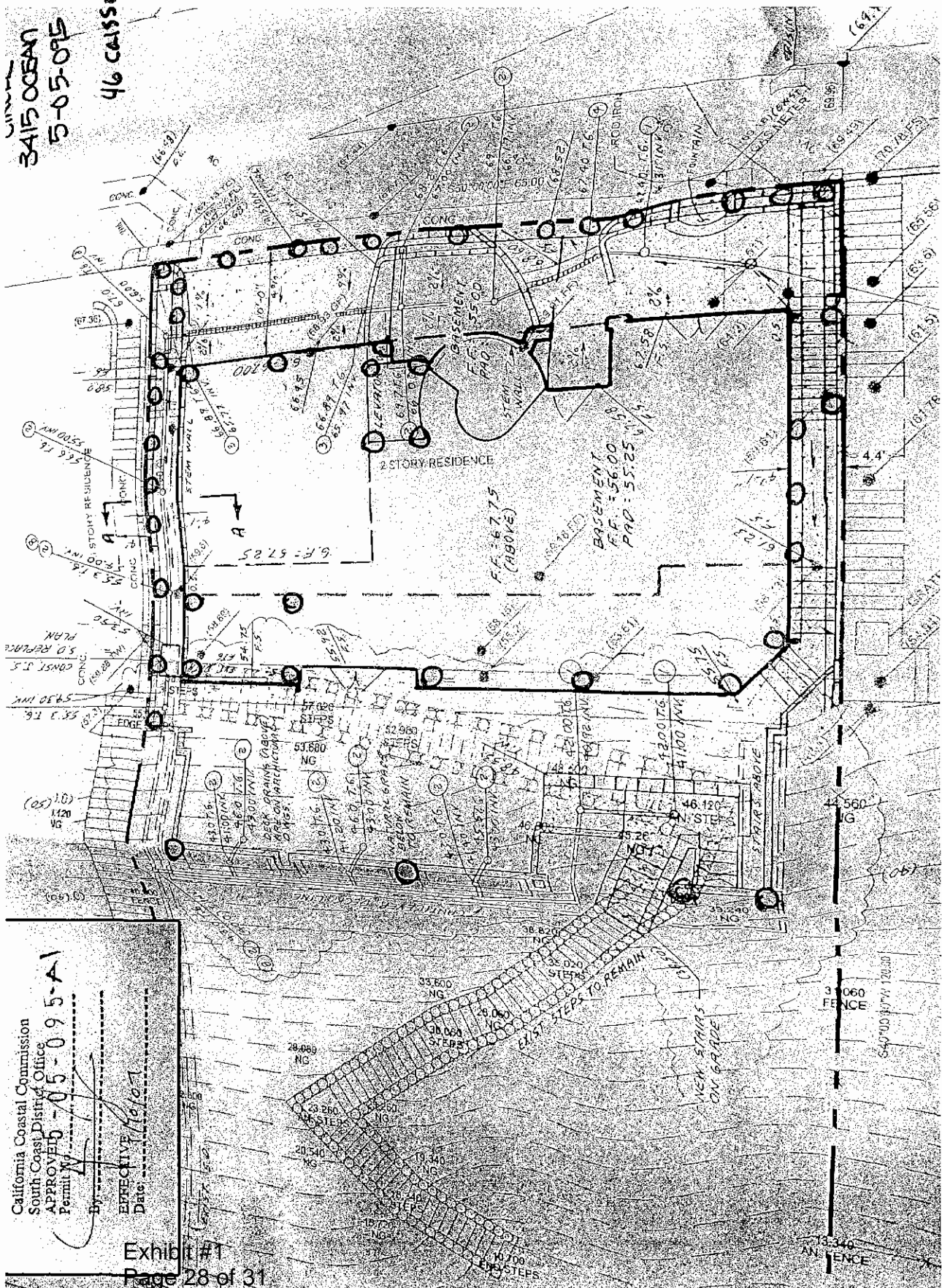
California Coastal Commission
 South Coast District Office
 APPROVED 5-02-203-1
 Permit No. 3/16/05
 EFFECTIVE
 Date: 3/16/05

3415 OCEAN
5-05-095

46 CAISSONS

15

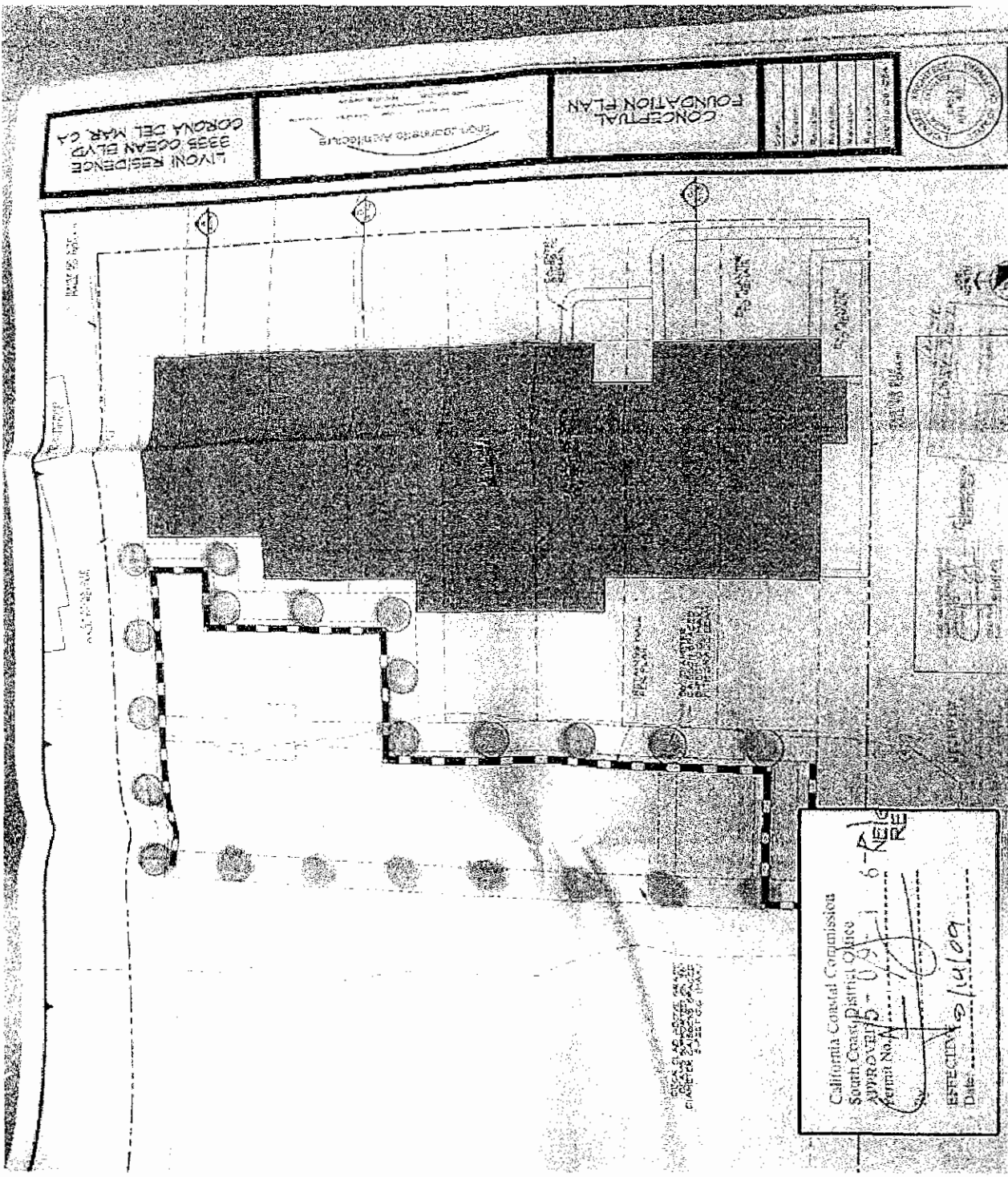
EXIST
F-4



California Coastal Commission
 South Coast District Office
 APPROVED - 05-095-A1
 Permit No. _____
 By _____
 EXECUTIVE _____
 Date _____

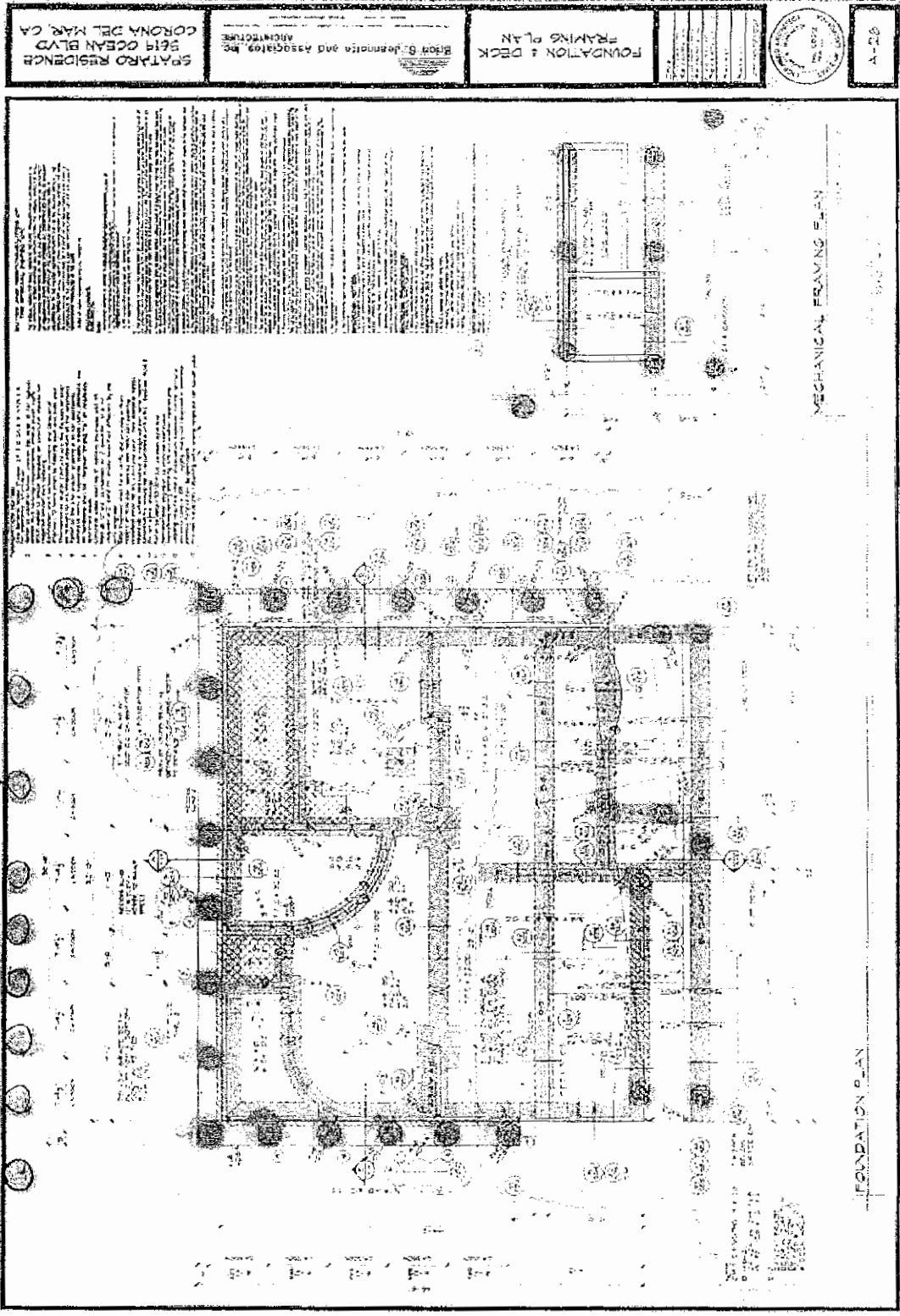
LIVONI
3335 OCEAN
5-07-327
22 carissons
(Deck addition
only)

EXHIBIT
F-5



Spataro
3619 Ocean
5-98-353
42 caissons

EXHIBIT
F.7



Site wall caissons



801 Glenneyre St. • Suite F • Laguna Beach • CA 92651
(949) 494-2122 • FAX (949) 497-0270

March 2, 2011

RECEIVED
South Coast Region

Chris & Felicia Evensen
c/o Brion Jeannette Architecture
470 Old Newport Boulevard
Newport Beach, California 92663

MAR 22 2011

Report No: 71862-01
Report No: 11-6866

CALIFORNIA
COASTAL COMMISSION

Attention: Mr. Jeff Benson

Subject: **Response to California Coastal Commission Staff Report**
New Single-Family Residence
3225 Ocean Boulevard
Corona Del Mar, California

Coastal Development Permit Application No. 5-10-032

- References:
1. Geofirm, 2009, "Preliminary Geotechnical Investigation, Proposed New Single-Family Residence, 3225 Ocean Boulevard, Corona del Mar, California," Project No. 71862-00, Report No. 09-6621, dated December 11.
 2. Geofirm, 2010, "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", Project No. 71862-01, Report No. 10-6680, dated March 19.
 3. Geofirm, 2010, "Geotechnical Review of Preliminary Foundation and Shoring Plans, New Single-Family Residence, 3225 Ocean Boulevard, Corona del Mar, California," Project No. 71862-01, Report No. 10-6816, dated December 2.

Dear Mr. and Ms. Evensen,

In accordance with the request of your architect, our office has reviewed our referenced reports with respect to the comments provided by the California Coastal Commission in the staff report for the proposed development at the subject site. Page 11 of the 13 page report indicates:

"While the project can be constructed as long as it adheres to the recommendations 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".

This opinion mischaracterizes the findings from our study, the condition of the property, and the proposed project. Our Reference 1 report correctly describes and characterizes the adequate

stability of the property with regard to gross failure and overall erosion, including limited to no potential for secondary effects from distant earthquakes. In this specific regard our report provided the following conclusions;

The property is underlain at depth by competent sandstone and siltstone bedrock strata of the Monterey Formation. The bedrock is overlain by terrace deposits near the top of the slope and beach deposits at the lower level beach area.

No active faults are known to transect the site and, therefore the site is not expected to be adversely affected by surface rupturing. It will, however, be affected by ground motions from earthquakes during the design life of the residence. Liquefaction of beach deposits along the front of the property is possible but should not affect the proposed residence if constructed on a caisson and grade beam foundation as recommended herein.

No evidence of former gross bedrock instability beneath the property was noted during this and previous nearby geotechnical investigations. As the proposed development will effectively span the bluff face backed by favorably oriented bedrock strata, the site is anticipated to remain grossly stable. The slopewash deposits along the toe the bluff, however, are considered surficially unstable and may exhibit shallow instability during strong seismic shaking.

Based on our analyses, describing the location as "hazard prone" is unsupportable and incorrect.

The second assertion by Commission Staff that the foundation design for this house is somehow "extraordinary" or related to hazards and instability is also false and misleading. In our years of analyses and foundation design for over a dozen properties along Breakers Drive and along the seaward side of Occan Boulevard in Corona del Mar, the foundation design proposed for this lot is consistent with the nearby properties or other local homes of similar design and value. Caissons and grade beams are not exotic or unusual foundation applications in single-family homes, nor are they solely recommended to mitigate geologic hazards. For this project, caissons are the safest and most efficient way to facilitate construction of underground space. This application has been common for decades and recommended throughout the geotechnical engineering industry for this reason alone.

Further in their report, Staff asserts:

"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."

What "unforeseen changes" has Staff analyzed, considered, or is aware of that are beyond the scope of the conditions considered in the Coastal Hazard and Wave Run-Up Study by GeoSoils, Inc. Furthermore, as stated in our referenced study:

However, since construction of the Newport Harbor jetties and creation of the State Park, the beach and lower sea cliff are protected from westerly storm surf and swells and significant erosion of the toe of the sea bluff is considered highly unlikely.

The harbor jetties and groin constructions were mitigation efforts to limit beach erosion under severe storm conditions. Since construction these improvements have protected the shoreline and effectively removed these dynamic processes from impacting the bluff or homes along the

March 2, 2011

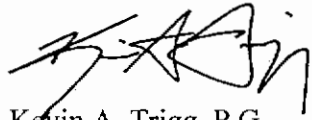
Project No. 71862-01
Report No. 11-6866

Newport Beach shoreline and within their influence, such as the homes at the State Park beach. Dismissing these improvements with speculative opinion is not a fair or realistic appraisal of the impact of these features on the adjoining properties.

This opportunity to be of continued service is appreciated. If you have any additional questions, please contact our office.

Respectfully submitted,

GEOFIRM



Kevin A. Trigg, P.G.
Chief Engineering Geologist, R.C. 1619
Registration Expires 12-31-12



Hannes H. Richter, P.E.
Chief Geotechnical Engineer, R.C. 717
Registration Expires 3-31-12
Date Signed: / /



KAT/HHR:fp

Distribution: (5) to Addressee

FRED GAINES
SHERMAN L. STACEY
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CORONA DEL MAR, CALIFORNIA 92625

TELEPHONE
(949)640-8999
FAX
(949)640-8330

RECEIVED
South Coast Region

JAN 10 2011

CALIFORNIA
COASTAL COMMISSION



January 10, 2011

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, California 94105

Re: Application for Permit No. 5-10-032 (Evensen)
Single Family Residence at 3225 Ocean Boulevard, Corona del Mar

Dear Commissioners:

Last week you were sent a package from Brion Jeannette Architecture which contained an incomplete and unsigned letter from me. This was inadvertent. This letter is what should have accompanied that package. I will be appearing before you together with Brion Jeannette on behalf of Mr. & Mrs. Christian Evensen, the Applicants in Application No. 5-10-032, for the public hearing on their Application to demolish an existing single family residence and detached garage and construct a new single family residence and detached garage at 3225 Ocean Boulevard in Corona del Mar.

The Staff Recommendation is for denial. The principal basis claimed by Staff for denial is inconsistency with visual quality policies in Public Resources Code §30251 requiring that development be "visually compatible with the character of surrounding areas". We believe that a fair view of the evidence will show that the Commission has found on numerous permits that similar houses on the same street are consistent with §30251 and can find that the proposed Evensen house is also consistent. A proposed Motion and Special Conditions are attached with this letter.

The location of the Evensens' home is in an area where the Commission has considered and approved permits for 20 homes out of the 37 lots which are on the bluff behind Corona del Mar State Beach. Because of the old subdivision pattern and the topography of the lots, each of

these homes occupies a portion of the face of the bluff. Brion Jeannette has designed 8 other homes approved by the Commission on Ocean Boulevard. In designing the Evensen home, Jeannette was acutely aware of the Commission's decisions in this area. Oddly, the Staff Report makes only cursory references to any prior decision of the Commission on this street.

As the issues in this case are essentially the design of the home and its effect on visual quality, Brion Jeannette prepared a comparison of the Evensens' home with the other homes most recently approved by the Commission. That comparison, together with photographs covering each of 12 permits approved on Ocean Boulevard, was enclosed with the package you received last week. That comparison is shown on the Matrix which is Jeannette Exhibit 10.

The decisions of the Commission have approved homes of varying sizes and varying heights with three principles foremost. The Applicant's project is consistent with all of these principles.

First, no development on the sandy beach behind Corona del Mar State Beach has been allowed. The Applicant's property is on Breakers Drive, a street which extends behind the State Beach. Breakers Drive is divided from the beach by a line of oleanders which minimize the blowing of sand onto the street. Most homes along Breakers Drive take their vehicular access from Breakers Drive, leaving the public walk and parkway (60 feet wide) on Ocean Boulevard without new curb cuts, thus increasing both public parking and the public space for ocean viewing. The Evensens' existing garage on Breakers Drive is the existing and the proposed method of vehicular access. The garage is not on the sandy beach and is divided from the State Beach by the asphalt of Breakers Drive and the oleanders.

Second, the Commission has sought to minimize the appearance of mass of structures by allowing excavation on the bluff in order to allow completed houses to follow the slope of the bluff and not to project unduly from the bluff. There are various factors which reflect this effort to maintain community character. (1) The grading necessary for the various projects which the Commission has approved has ranged from 163 cubic yards to 2,995 cubic yards. The Evensens' original proposal to excavate 2,052 cubic yards was well within this range. The Evensens' current design changes reduce the cut to 944 cubic yards. (2) The Commission has minimized the necessary depth of cut for homes. The Evensens' original proposed cut was 23.5 feet, well within the 14 to 60 foot range previously approved by the Commission. The current design is 19 feet. (3) The Commission has minimized the overall height of structures while regularly allowing 4 floors. The height of the Evensens' home is 44 feet, again well within the range of 38 to 62 feet previously approved by the Commission. (4) The Commission has limited the square

footage of houses. The Evensens' home is 5,189 square feet with a garage of 1,084 square feet. Again this size is well within the range of 3,116 to 8,091 square feet previously approved by the Commission. (See, Jeannette Matrix, Exhibit 10, along with the neighborhood house photographs at Exhibits 1, 2, 7-9, 11-12.)

Third, the Commission has sought to keep the homes within the predominant line of development. On different parts along Ocean Boulevard this has varied in its application depending upon the location of vehicular access and the slope of the bluff. In the Evensens' case, the garage is proposed where the garage is at the present time. The home at 4 levels is consistent with most other approvals by the Commission. The location on the bluff allows view from Ocean Boulevard to be maintained. The photographs with Jeannette's illustrations shows the consistency of the Evensen home with the predominant line of development. (See, Jeannette Exhibits 1, 2 and 7). The Evensens are also willing to eliminate the stairs to the garage from the face of the bluff and place it around the elevator which is proposed. This will eliminate any structures on the bluff between the house and garage.

The Staff Report also claims that there is inconsistency with Public Resources Code §30253 relating to development in hazardous areas. However, having approved 20 houses on the 37 lots along Ocean Boulevard, it is hard to understand how the Evensen property, the 17th lot from the north end, differs from the 20 other decisions where the Commission found each and every house to be consistent with §30253.

I encourage you to review Jeannette's analysis closely. It demonstrates without any doubt that the Evensens' project is indistinguishable from the many projects already approved by the Commission. I would also note that in the Substantive File Documents section on Page 2 of the Staff Report, not a single other permit along Ocean Boulevard is cited. It is normal in the Substantive File Documents to identify other similar permits in the vicinity on which the Commission has acted. Jeannette's analysis identifies all 20 of those permits. I request that the Commission's findings on each of these other permit decisions be included as part of the record in this matter. The omission of these references is revealing as the Staff would need to explain why every other permit was approved by the Commission, while the Staff now recommends denial.

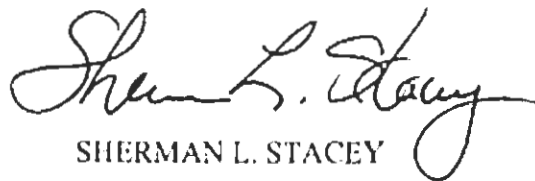
As the Staff Recommendation is for denial, there are no Special Conditions proposed. However, since there are so many permits already approved on Ocean Boulevard, the Special Conditions which the Commission has applied are well known. These would include

Commissioners
California Coastal Commission
January 10, 2011
Page 4

assumption of the risk, no future shoreline protective devices, future development, conformance with geologic recommendations, final landscape plans, and deed restriction. In addition, since the Evensens have proposed a change to the stairway which would reduce the visual impacts of their home even further, a revised plans condition should be applied. I have prepared a list of these conditions along with the substitute motion which I would ask the Commission to adopt.

The Applicant asks that the Commission adopt a substitute motion to the motion recommended by the Staff and approve Permit No. 5-10-032 subject to the Special Conditions proposed.

Sincerely,



SHERMAN L. STACEY

SLS/sh

cc: Long Beach Commission Office

Mr. Brion Jeannette

Mr. & Mrs. Christian Evensen

APPLICATION NO. 5-10-032



APPLICANT=S REQUESTED MOTION

MOTION:

All move that the Commission approve Coastal Development Permit No. 5-10-032 per applicant together with the following Standard Conditions and Special Conditions.@

Applicant asks for a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioner present.

I. APPROVAL WITH CONDITIONS

The Commission hereby **GRANTS** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditions will be in conformity with the policies of Chapter 3 of the Coastal Act and will not 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 complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If the development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit maybe assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Assumption of Risk, Waiver of Liability and Indemnify

By Acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from bluff and slope instability, erosion, landslides and wave uprush; (ii) to assume the risks to the applicants and the property that is subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission=s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

2. Final Project Plans

- A. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicants shall submit, for the executive Director=s review and approval, two (2) full size sets of final project plans (i.e., site plan, floor plans and elevations, cross-sections, grading, foundation, etc.). These final project plans shall show the access stair to the garage from the house moved from the face of the bluff and placed within the excavation for the elevator which may increase from 9 feet to 18 feet to accommodate the stairs. The excavation shall be backfilled so the face of the bluff is at its natural slope.
- B. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this Coastal Development Permit unless the Executive Director determines that no amendment is required.

3. No Future Shoreline Protective Device

- A. By acceptance of this Permit, the applicants agree, on behalf of themselves and all other successors and assigns, that no shoreline protective devise(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-10-032 including but not limited to, the residence,

and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions or other natural hazards in the future, By acceptance of this permit, the applicant hereby waives, on behalf of himself and all successors and assignees, any rights to construct such devise that may exist under Public Resources Code Section 30235.

- B. By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the landowner shall remove the development authorized by this permit, including the house, garage, foundations, and patio, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the landowner shall remove and recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

4. Future Development

This permit is only for the development described in Coastal Development Permit 5-10-032. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply to the development governed by Coastal Development Permit No. 5-10-032. Accordingly, any future improvements to the single family house authorized by this permit, including but not limited to change in use from a permanent residential unit and repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Section 13252(a)-(b), shall require an amendment to Permit No. 5-10-032 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

5. Conformance with Geotechnical Recommendations

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the geologic engineering reports: *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; *Geotechnical review of Preliminary Foundation and*

shoring Plans, New Single-Family Residence, 3225 Ocean Boulevard Corona Del Mar (Report No. 71862-01/Report No. 10-6816) prepared by Geofirm dated December 2, 2010.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the executive Director=s review and approval, evidence that an appropriately licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all the recommendations specified in the above-referenced geologic evaluation.
- C. The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment unless the Executive Director determines that no amendment is required.

6. Drainage and Runoff Control Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for review and approval of the Executive Director, a drainage and runoff control plan. The drainage and runoff control plan shall show that all roof drainage, including roof gutters and collection drains, and sub-drain systems for all landscape and hardscape improvements for the residence and all yard areas, shall be collected on site for discharge to Breakers Drive through the use of piping without allowing water to percolate into the ground, in a manner which minimizes the erosion of soil.
- B. The permittees shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. The applicants shall maintain the functionality of the approved drainage and runoff control plan to assure that water is collected and discharged to the beach without percolating into the ground.

7. Final Landscape Plans.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit, for the review and approval of the Executive Director, two (2) full size sets of final landscaping plans that demonstrate the following:

(1) The Plan shall demonstrate that:

- (a) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
- (b) All plantings shall be maintained in good growing condition throughout the life of the project, and when necessary, shall be replaced with new plant materials to ensure continued compliance with the new landscaping plan;
- (c) Landscaped areas not occupied by hardscape shall be planted and maintained for erosion control and native habitat enhancement purposes. To minimize the need for irrigation and minimize encroachment of non-native plant species into adjacent existing or nearby native plant areas, all landscaping shall consist of native drought tolerant non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a >noxious weed= by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn=t meet the above requirements shall be removed.
- (d) No permanent irrigation system shall be allowed within the property. Any existing in-ground irrigation systems shall be disconnected and capped. Temporary above ground irrigation to allow the establishment of the plantings is allowed.

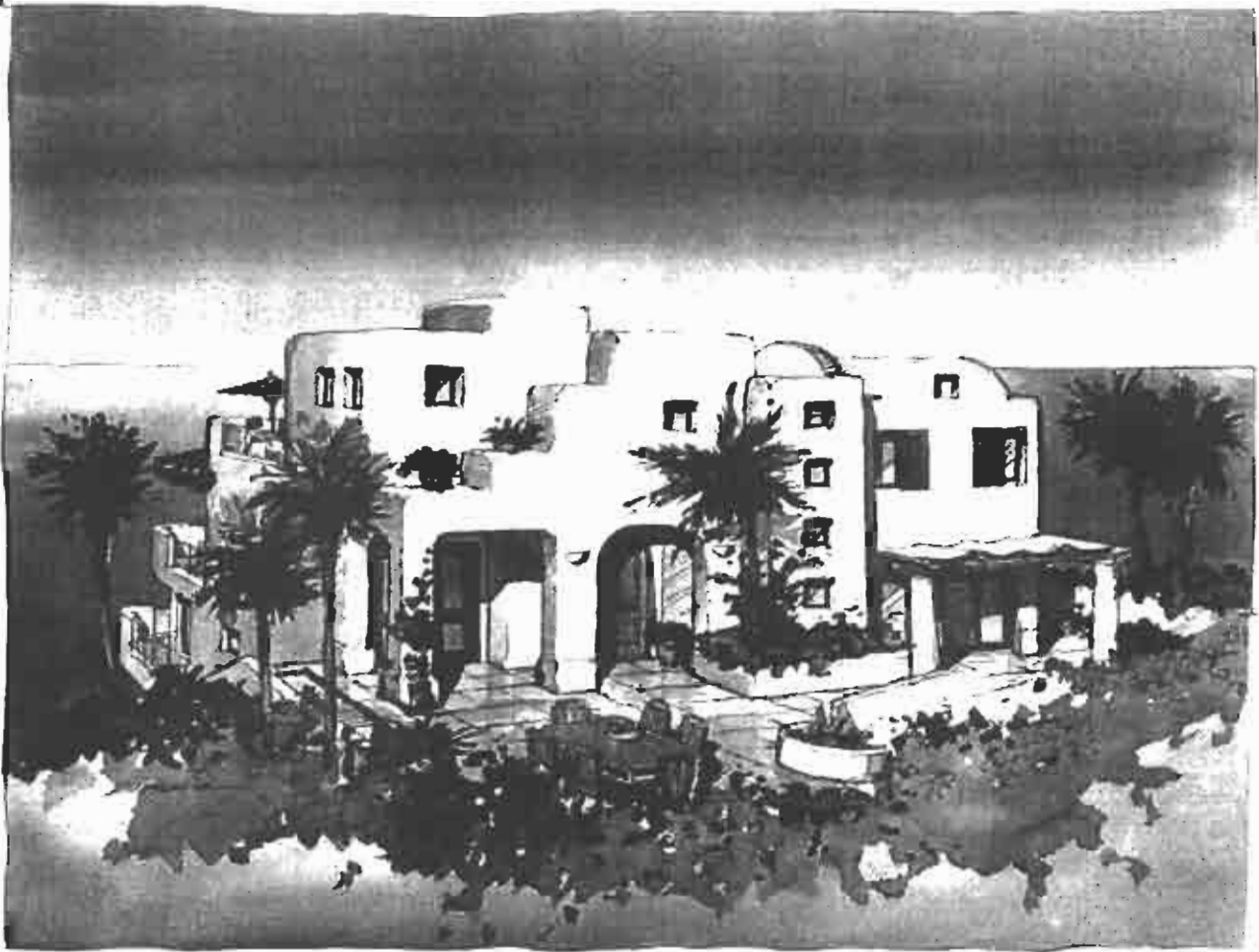
(2) The plan shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the temporary irrigation system, topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants.

B. The permittees shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



AKROTIRI

EVENSEN RESIDENCE

3225 OCEAN BLVD.,
CORONA DEL MAR, CA

CALIFORNIA COASTAL COMMISSION BRIEFING BOOK

CDP 5-10-032

JANUARY 12, 2011

AGENDA ITEM W 9a

Brion Jeannette Architecture

Exhibit #3

2010.09.27 Page 11 of 80

JAN 7 2010

CALIFORNIA
COASTAL COMMISSION

Briefing Book
Evensen Residence
CDP #5-10-032

STAFF'S RECOMMENDATION FOR DENIAL IS BASED UPON OUTDATED, FALSE and MISLEADING INFORMATION

A. Staff states the project is inconsistent with the existing pattern of development and causes negative visual impact from the beach.

- Why did staff use photos from 2008, over 3 years ago, to make this point?
- Staff did not include recent Commission approved projects in their analysis..
- Staff's recommendation for denial states (Staff Report page 2) that this project is **not compatible with the pattern of development** and notes in the staff report referencing Exhibit #7 the outdated aerial photograph to support their position.
 - This home is smaller than many of its neighbors and recent approvals.
 - Staff's findings deny the concept of the existing Pattern of Development for in-fill lots.
 - This new home protects public views from the Ocean Blvd. view park and benches. Other homes along Ocean Blvd. do not.
- Refer to and compare CURRENT aerial photograph included with this report – BJA Exhibits 1 & 6.

B. Staff's recommendation for denial INCORRECTLY states that the structure spans 95% of the entire bluff:

- Staff incorrectly claims that the building spans the entire bluff face of 76 vertical ft. from Breakers Drive to Ocean Blvd. This is inaccurate.
- The existing structure occupies 20% of the vertical slope based on staff's method of determining the coverage.
- In fact, the new structure occupies only 27% of the vertical slope, 7% more than the existing buildings.
- FOUR of the SIX adjacent sites (including THIS site) have structures on the top and toe of this bluff. Staff has chosen to ignore these because they are pre-coastal.

- Refer to attached Lot Coverage Exhibit depicting the actual area covered by structure based on staff's methodology. BJA Exhibits 3 & 4.
- Refer to attached BJA Exhibits 8 thru 20 depicting other recently Commission approved projects similar and larger than this application.

C. Staff's recommendation for denial INCORRECTLY states the this project is a significant alteration to the land form compared to the prior approved projects.

- Of the 37 parcels on Ocean Blvd and Breakers Drive, 20 Coastal Development Permits have been issued. In the last 12 years permits have been granted for 9 homes on this SAME coastal bluff which have been constructed with similar or greater depth notches in this bluff; making this request neither unusual nor unprecedented.
- Staff correctly identified the notch requested as 19 ft. Substantially less than previously approved projects.
- See BJA Exhibits 7 thru 20 for further examples of CDP's issued with similar or greater cuts. The cuts (notch) vary from 40 ft. to 14 ft.

D. Staff's recommendation for denial INCORRECTLY states that there are "3 patterns of development on this bluff" and further claims 'This is a Top of Bluff Pattern':

- There are 4 patterns of development on this bluff (not 3).
- The 4th pattern of development that exists on this bluff involves the six adjacent lots (3207 to 3309 Ocean Blvd.), with streets at top and toe of bluff with access from both streets. Refer to Bluff Face Development Plan – BJA Exhibit 1.
- This is the only area (6 parcels) that has both bluff top and toe of bluff development with vehicular access at top and/or bottom.
- 4 of the 6 existing homes on this bluff have toe of bluff development. 3215 Ocean Blvd. must ultimately provide the garage that was there in the 1979 photo. BJA Exhibit 5.
- This property is one of 16 parcels that lie between Ocean Blvd and Breakers Drive that must have its garage and parking on Breakers Dr. (at the toe of bluff). This requirement accommodates the city's public walkway that prevents vehicle access to the site from Ocean Blvd.
- Refer to Site Plan showing Public Right-of-Way and Walkway at top of bluff on this parcel – BJA Exhibit 2.

E. Staff's recommendation for denial INCORRECTLY states on page 1:

- Staff states that this property is a hazard prone site: *"Avoiding Development in hazard prone Areas"*
- The Staff and the Commission have approved 20 permits of 37 lots on this bluff. There is no basis for this statement.
- Staff reports of this project and prior projects that state the soils and geologic conditions are suitable for development.

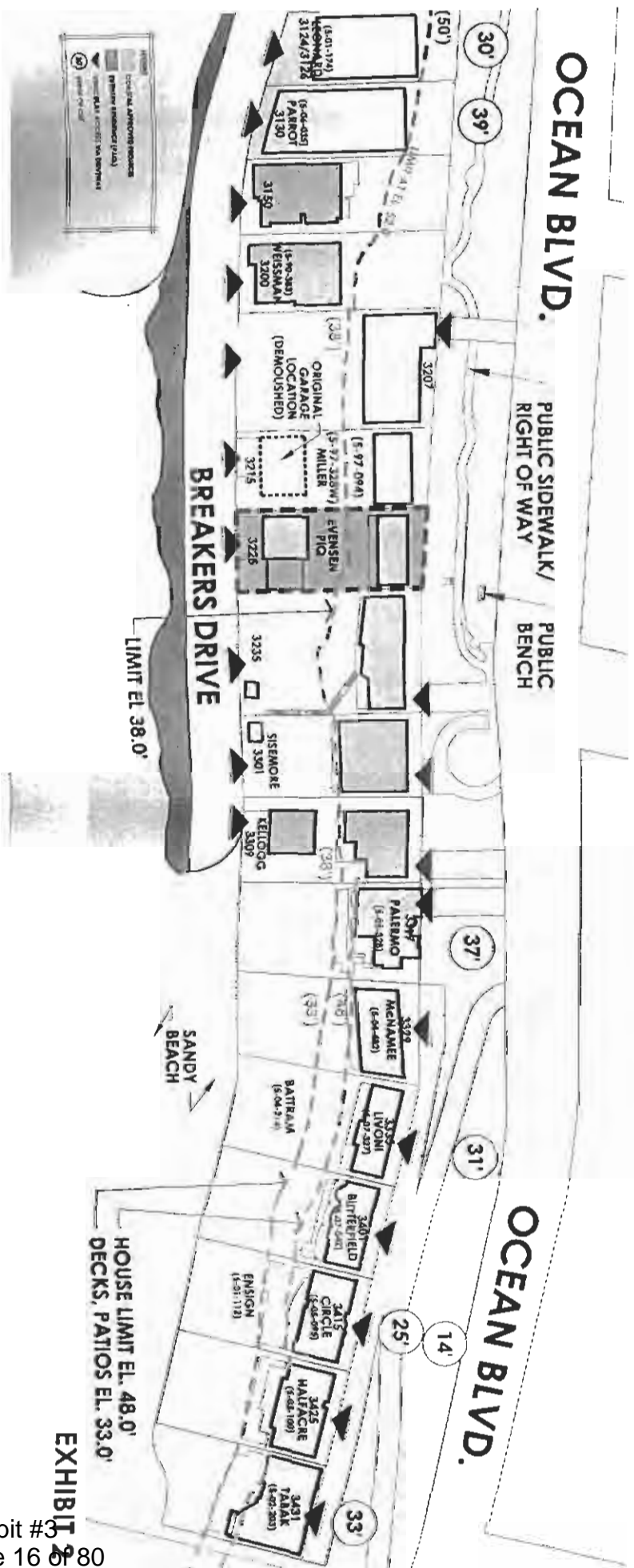
F. Limits of Development down the slope:

- a. North of the site the Commission created an upper limit of development to Elevation 52. All 13 homes are allowed to develop up to that limit.
- b. South of this site the Commission created a lower limit of development down to Elevation 48 for enclosed livable space. Decks, patios and pools allowed to be built to Elevation 33. All 17 homes to the south can develop to the same contour elevation.
- c. These six homes with development on the upper and lower portions of the site should be able to develop in the same manner as their neighbor and not be restricted to the "current foot print".
 - 2 of the adjacent homes are developed down the site to Elevation 38.
 - The garages/rec. rooms at the base of the slope are generally built up to Elevation 13.
- d. This project maintains a greenbelt from Elevation 13 to Elevation 44 or 31 vertical feet.

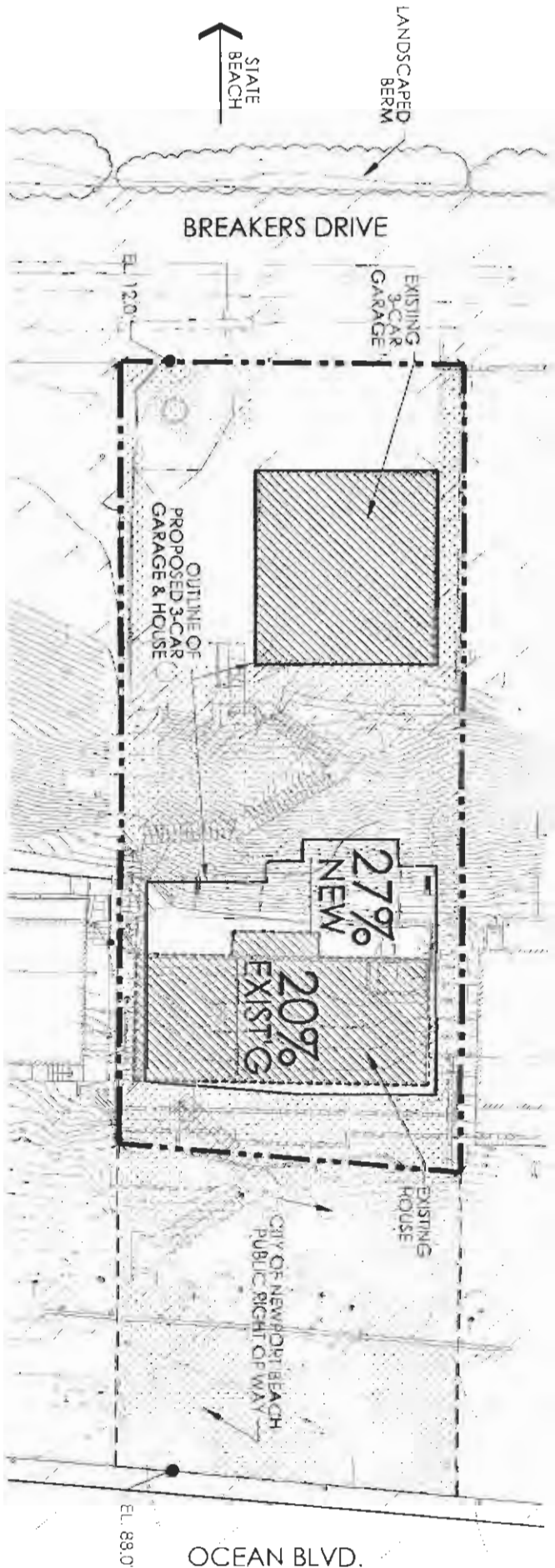
POSITIVE DEVELOPMENT FEATURES

I. **Staff makes no reference to the fact that the height of this residence is below the curb height limit.**

- Lowered height of the building provides valuable public view to the Pacific Ocean
- The structure cascades down the bluff conforming to the land slope rather than protruding in a box-like manner on the site.
- No reference to the fact that this proposed home is a smaller structure than recently approved homes on this bluff.
- The Coastal Commission has granted development at the toe of the bluff in multiple and recent requests, north of this site.



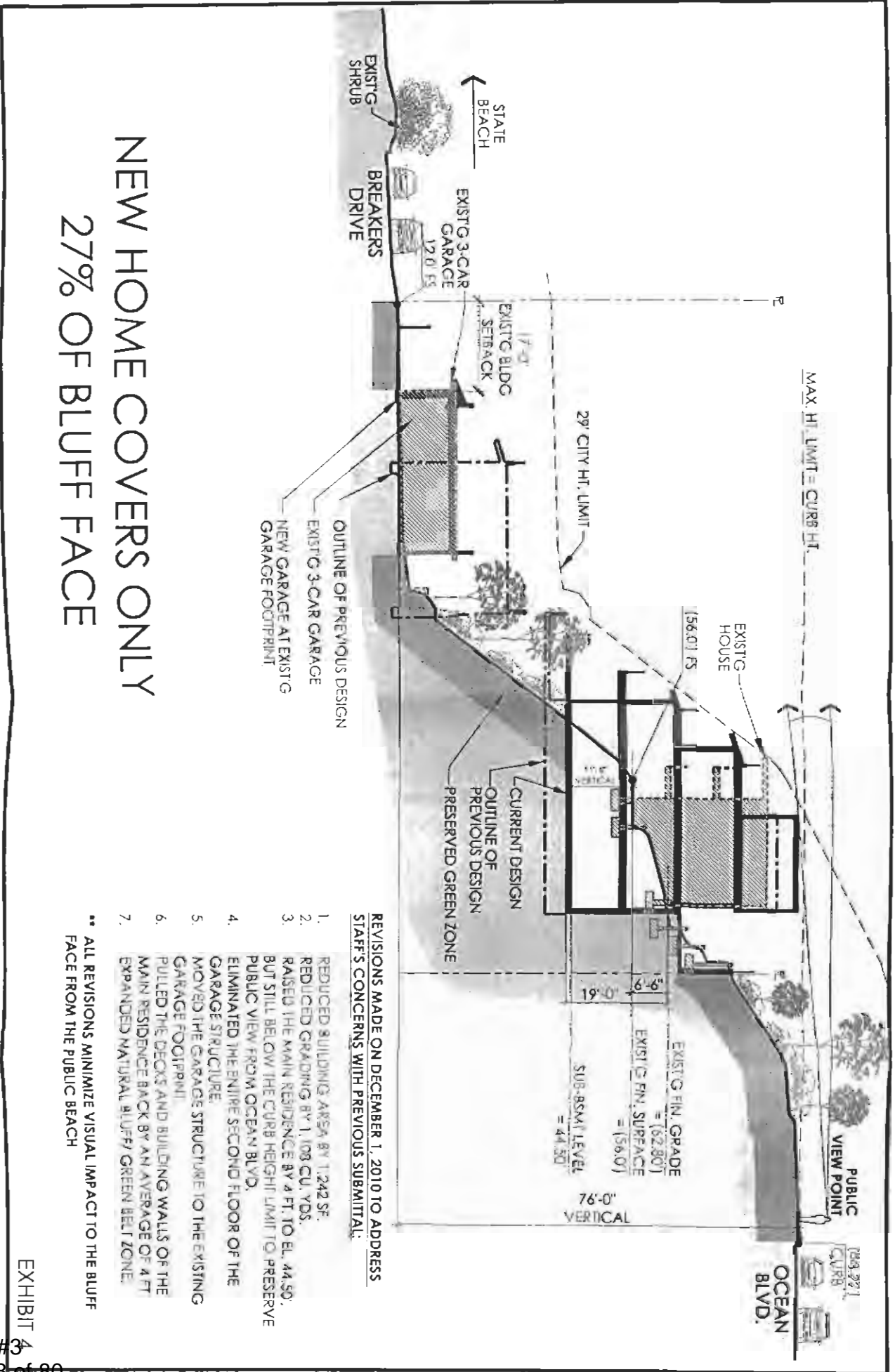
STAFF CLAIMS THE HOME COVERS THE ENTIRE BLUFF FACE



NEW HOME COVERS ONLY 27% OF BLUFF FACE

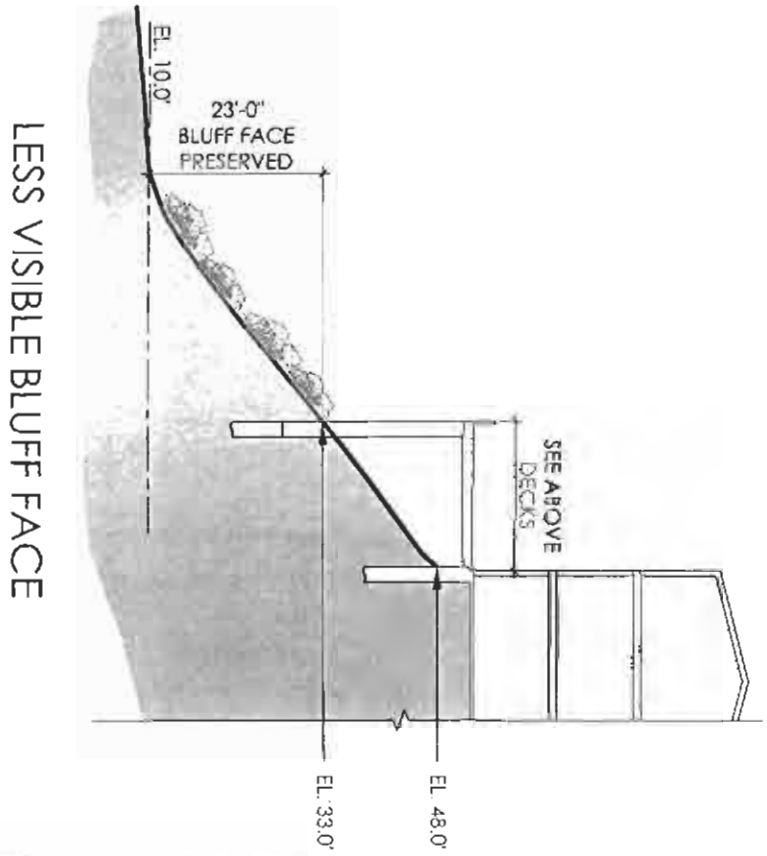
- REVISIONS MADE ON DECEMBER 1, 2010 TO ADDRESS STAFF'S CONCERNS WITH PREVIOUS SUBMITTAL:
1. REDUCED BUILDING AREA BY 1,242 SF.
 2. REDUCED GRADING BY 1,108 CU. YDS.
 3. RAISED THE MAIN RESIDENCE BY 4 FT. TO BL. 44.50' BUT STILL BELOW THE CURB HEIGHT LIMIT TO PRESERVE PUBLIC VIEW FROM OCEAN BLVD.
 4. ELIMINATED THE ENTIRE SECOND FLOOR OF THE GARAGE STRUCTURE.
 5. MOVED THE GARAGE STRUCTURE TO THE EXISTING GARAGE FOOTPRINT.
 6. PULLED THE DECKS AND BUILDING WALLS OF THE MAIN RESIDENCE BACK BY AN AVERAGE OF 4 FT.
 7. EXPANDED NATURAL BLUFF/ GREEN BELT ZONE.
- ** ALL REVISIONS MINIMIZE VISUAL IMPACT TO THE BLUFF FACE FROM THE PUBLIC BEACH

EXHIBIT 4

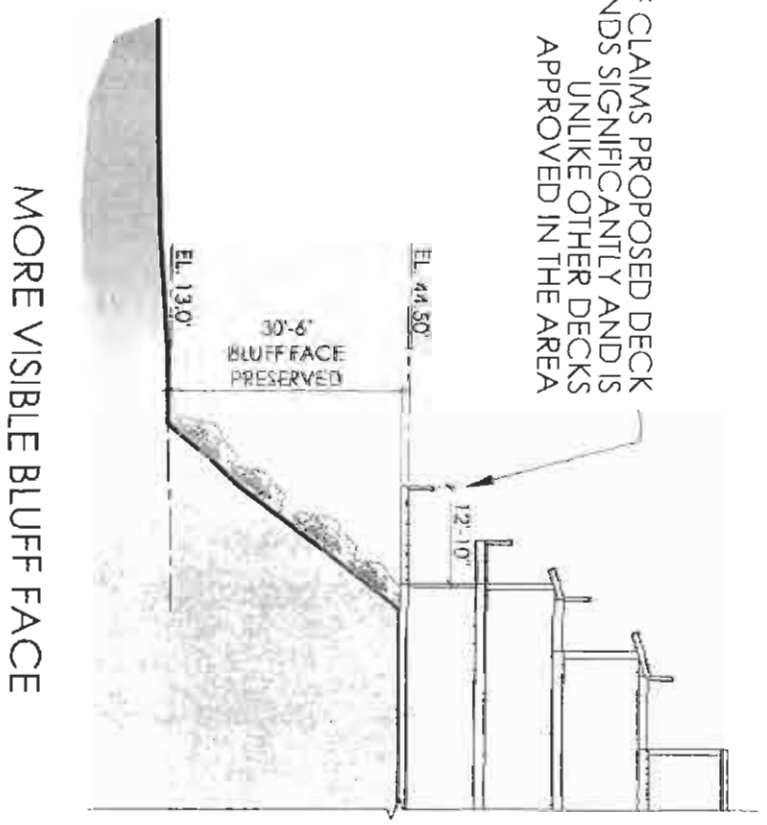


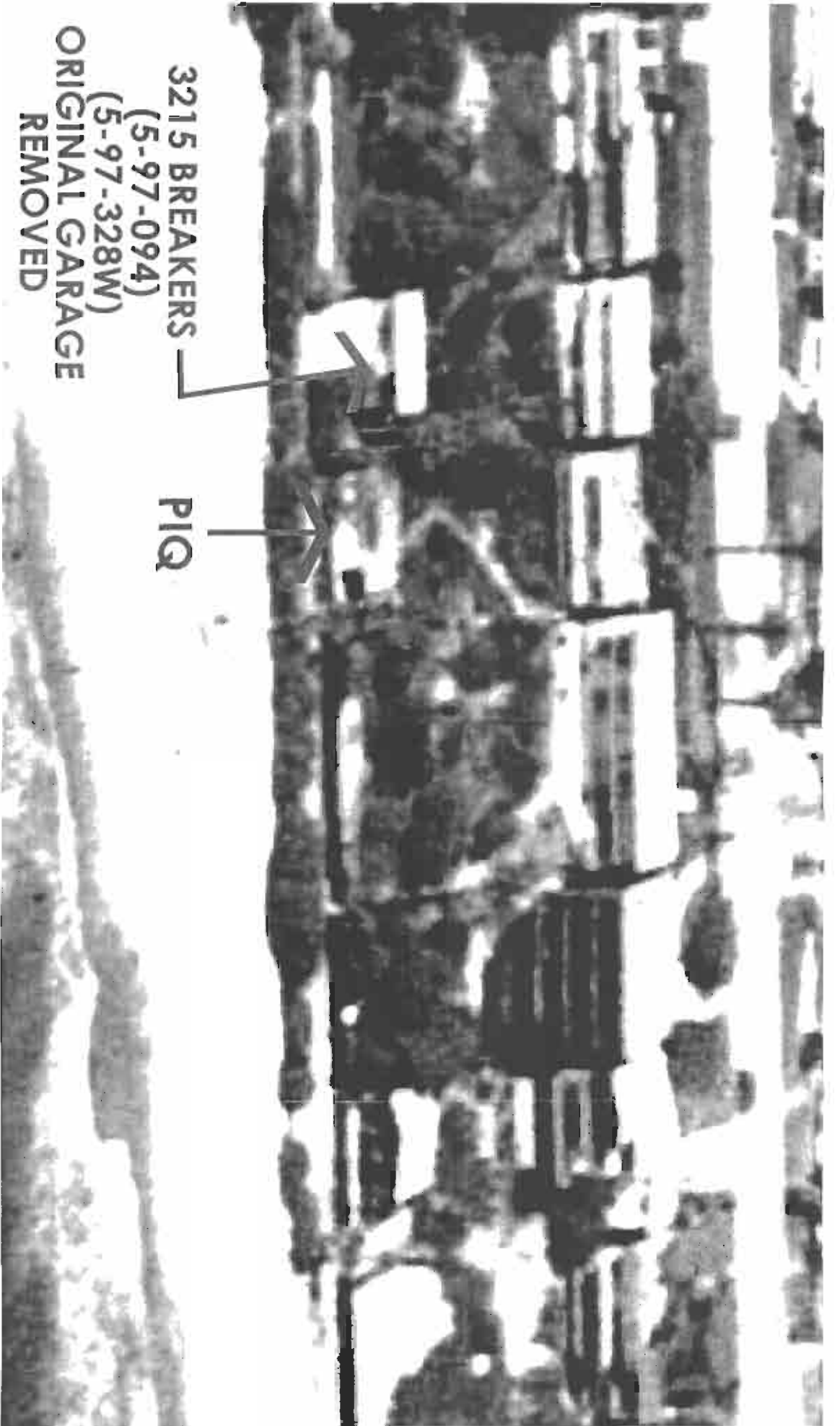
PROJECTS WITH 48.0' / 33.0' PLOED	DECK SPAN	
3431 OCEAN	5-02-203	+18'
3425 OCEAN	5-03-100	+15'
3415 OCEAN	5-05-095	+20'
3401 OCEAN	5-07-042	
3335 OCEAN	5-07-327	+17'
3329 OCEAN	5-04-482	
3317 OCEAN	5-05-328	+14'

EVENSEN RESIDENCE
PIQ



STAFF CLAIMS PROPOSED DECK EXTENDS SIGNIFICANTLY AND IS UNLIKE OTHER DECKS APPROVED IN THE AREA

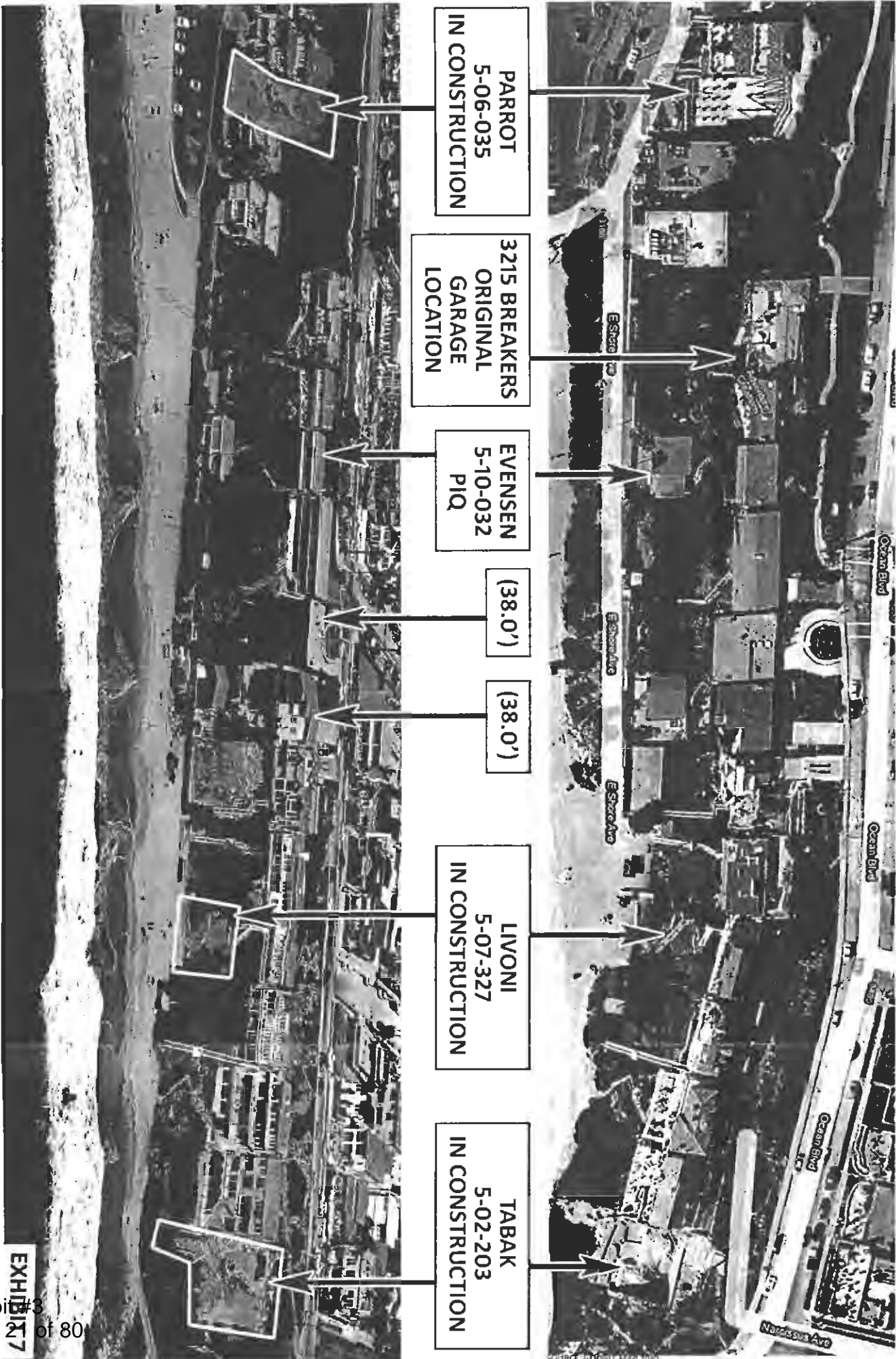




3215 BREAKERS
(5-97-094)
(5-97-328W)
ORIGINAL GARAGE
REMOVED

PIQ

1979 PHOTO



PARROT
5-06-035
IN CONSTRUCTION

3215 BREAKERS
ORIGINAL
GARAGE
LOCATION

EVENSEN
5-10-032
PIQ

(38.0')

(38.0')

LIVONI
5-07-327
IN CONSTRUCTION

TABAK
5-02-203
IN CONSTRUCTION

EXHIBIT 7

PIQ



EXISTING LANDSCAPE BERM COVERING BREAKERS DR. AND GARAGE STRUCTURES AT TOE OF BLUFF

HOMES ALONG OCEAN BLVD. AS SEEN FROM CORONA STATE BEACH



EXISTING STRUCTURES AT 3301 & 3309 BREAKERS DRIVE

**ENCLOSED
SPACE**

**EL. 38.0'
LOWEST
STRUCTURE**

EXHIBIT 9

Visual Impact Matrix

Site Address CDP #	Building Height	Notch Height (Cut)	Grading Cubic Yards	Building Area	Date Approved
Leonard/3124 Ocean 5-01-174	43 ft.	30 ft.	1,020	6,574 sq. ft.	2002
Parrot/3130 Breakers 5-06-035	39 ft.	39 ft.	1,360	7,125 sq. ft.	2006
Evensen/3225 Ocean 5-10-032	House - 44 ft. Garage - 13.5 ft.	19 ft.	944	House 5,189 sq. ft. Garage/Passage 1,084 sq. ft.	Pending
Sisemore/3301 Ocean	House - 51 ft. Beach House - 10 ft.			6,325 sq. ft.	Pre-Coastal
Kallogg/3309 Ocean	House - 50 ft. Garage - 19 ft.			6,684 sq. ft.	Pre-Coastal
Palermo/3317 Ocean 5-05-328	62 ft.	37 ft.	280	5,494 sq. ft.	2008
Livoni/3335 Ocean Pool and Patio Addition 5-07-327	52 ft.	35 ft.	163	Existing Home 3,116 sq. ft.	2010
Ensign/3415 Ocean 5-01-112	40 ft.	25 ft.			2002
Circle/3415 Ocean 5-05-095	55 ft.	14 ft.	510	4,876 sq. ft.	2005
Hallacre/3425 Ocean 5-03-100	57 ft.	38 ft.		4,015 sq. ft.	2003
Tabak/3431 Ocean 5-01-91	58 ft.	33 ft.	2,995	7,321 sq. ft.	2007
Spataro/3619 Ocean 5-98-353	54 ft.	40 ft.	2,260	7,357 sq. ft.	1999
Slack/3729 Ocean 5-98-135	38 ft.	30 ft.	736	8,091 sq. ft.	1999

53.0'
RIDGE



LEONARD
5-01-174
3124 OCEAN

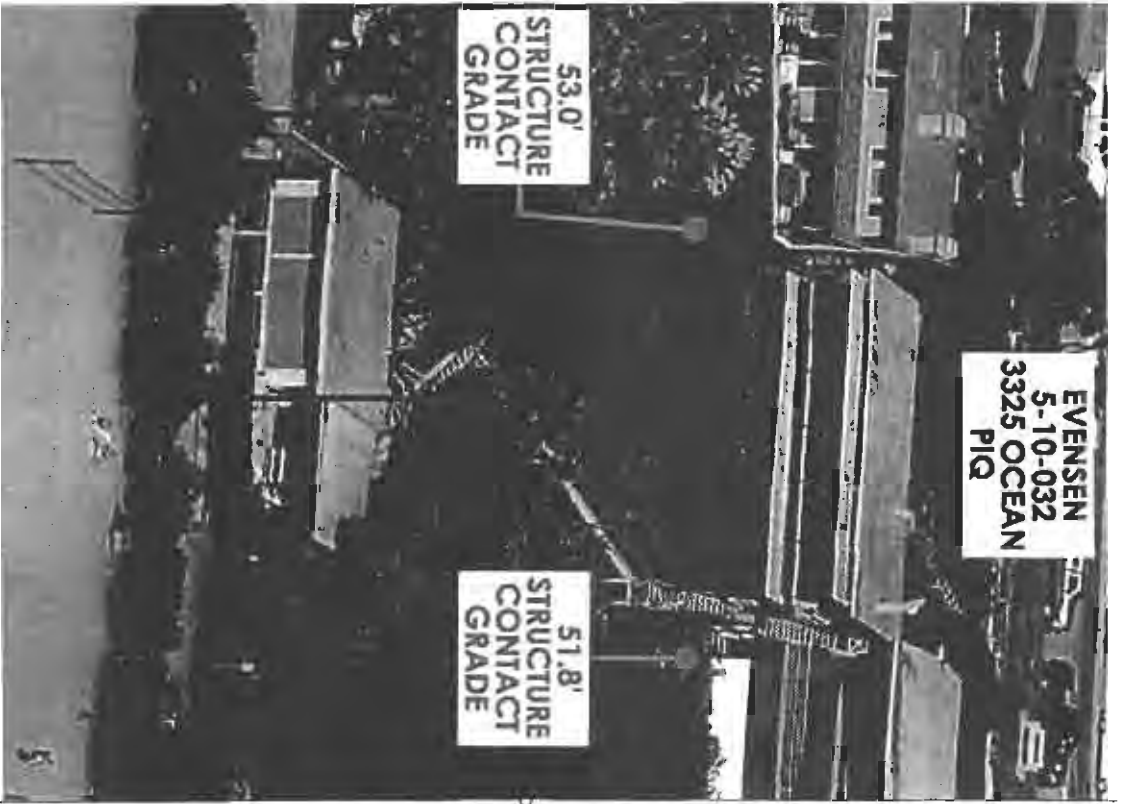
PARROT
5-06-035
3130 OCEAN



BUILDING HEIGHT:
HEIGHT OF CUT:
GRADING:
BUILDING S.F.:

± 43 FT
30 FT
1,020 CYD
6,574 SF

± 39 FT
39 FT
1,360 CYD
7,125 SF

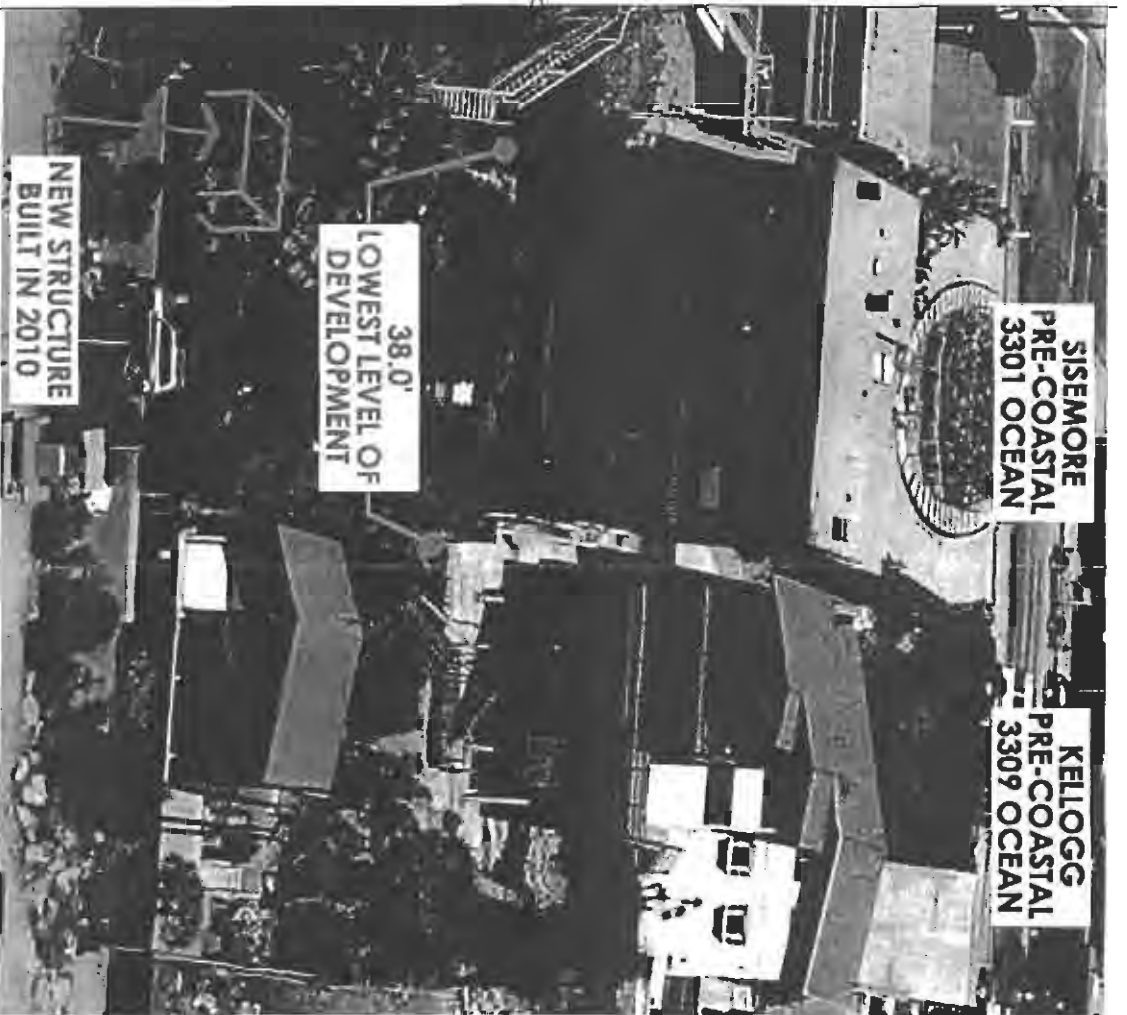


EVENSEN
5-10-032
3325 OCEAN
PIQ

53.0'
STRUCTURE
CONTACT
GRADE

51.8'
STRUCTURE
CONTACT
GRADE

BUILDING HEIGHT: NEW HOUSE 44 FT/ GARAGE 13.5 FT
HEIGHT OF CUT: 19.0 FT
GRADING: 944 CYD
BUILDING S.F.: 6,273 SF



SISEMORE
PRE-COASTAL
3301 OCEAN

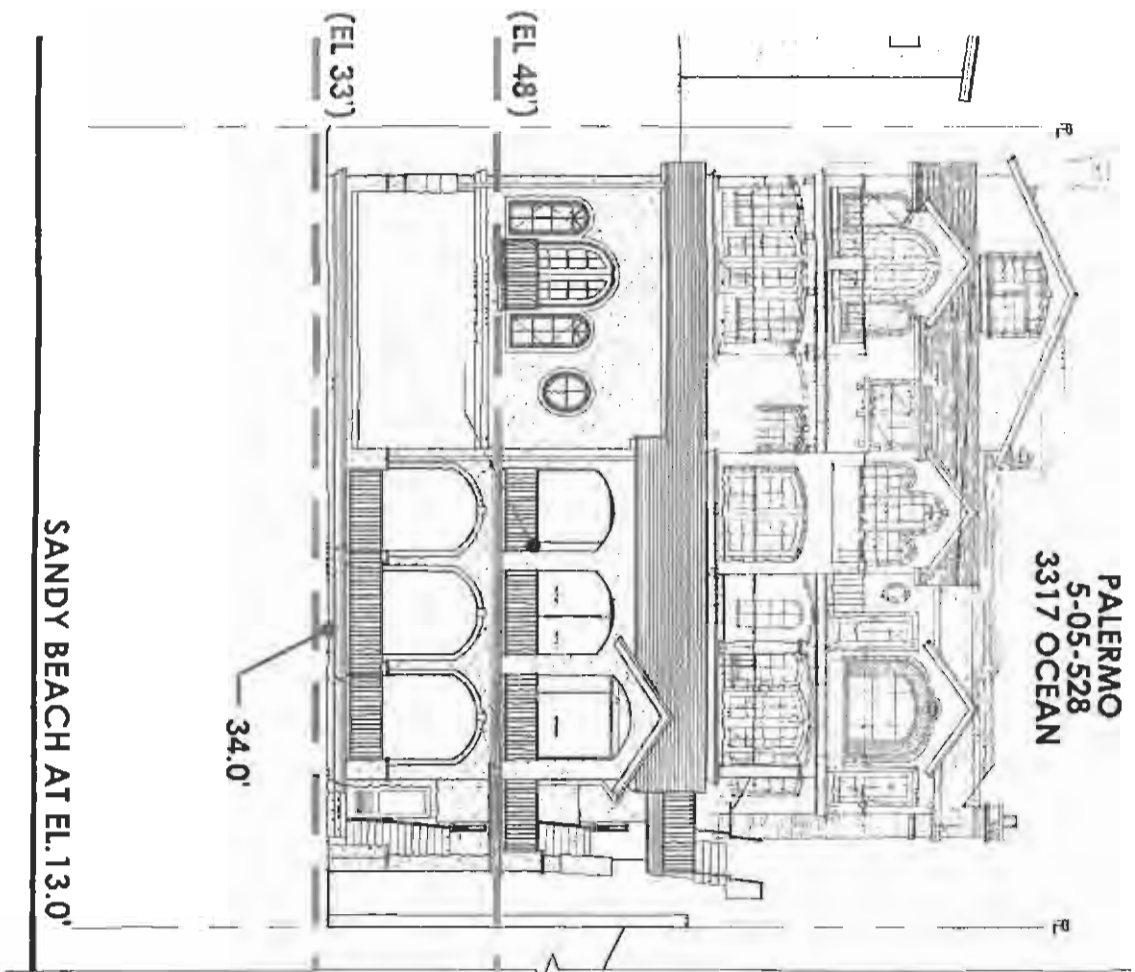
KELOGG
PRE-COASTAL
3309 OCEAN

38.0'
LOWEST LEVEL OF
DEVELOPMENT

NEW STRUCTURE
BUILT IN 2010

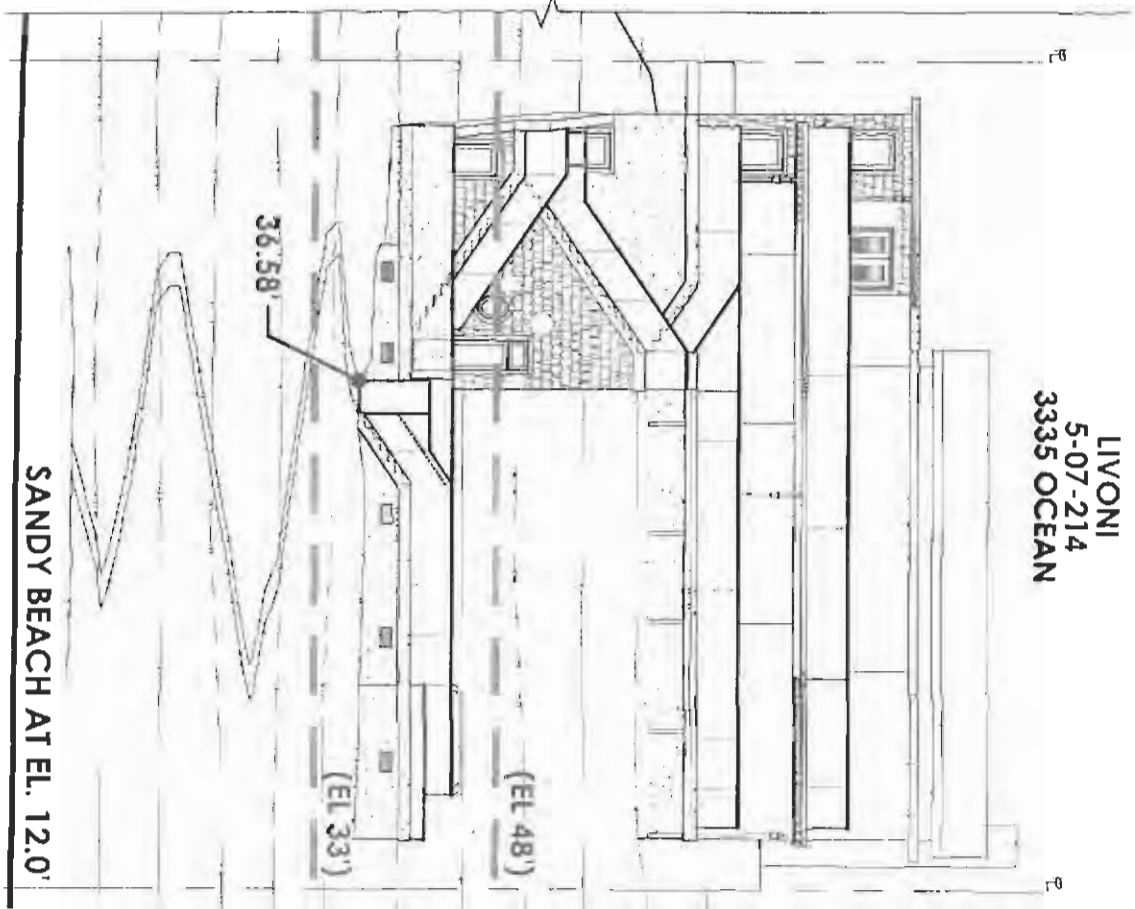
HOUSE 51 FT/BEACH HOUSE 10 FT **HOUSE 50 FT / GARAGE 19 FT**
 $\frac{1}{2}$ FT $\frac{1}{2}$ FT
 $\frac{1}{2}$ CYD $\frac{1}{2}$ CYD
 \pm 6,325 SF \pm 6,684 SF

PALERMO
 5-05-528
 3317 OCEAN

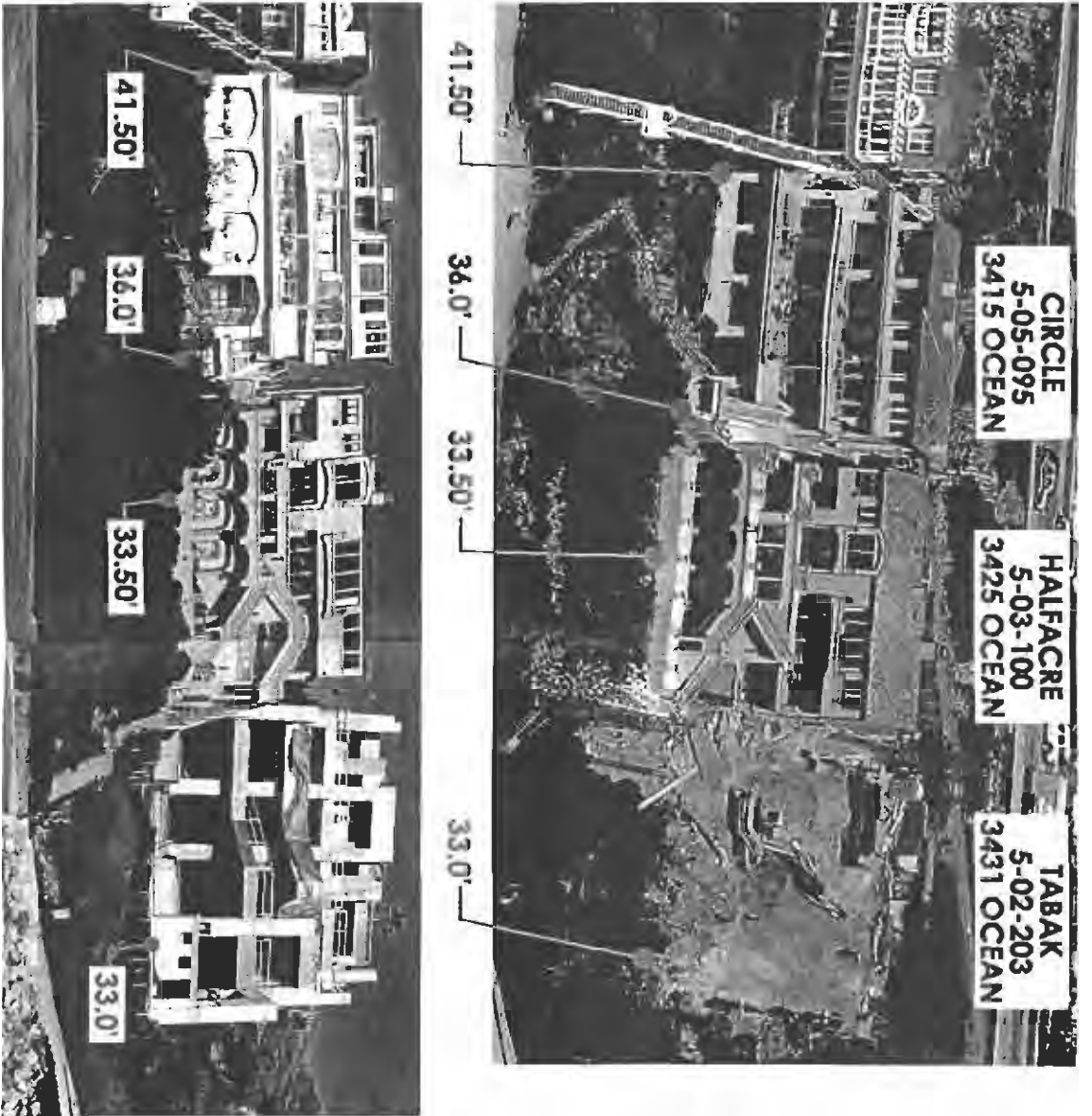


BUILDING HEIGHT: 62 FT
 HEIGHT OF CUT: 37 FT
 GRADING: 280 CYD
 BUILDING S.F.: 5,494 SF

LIVONI
 5-07-214
 3335 OCEAN



± 52 FT
 ± 35 FT
 163 CYD
 3,116 SF



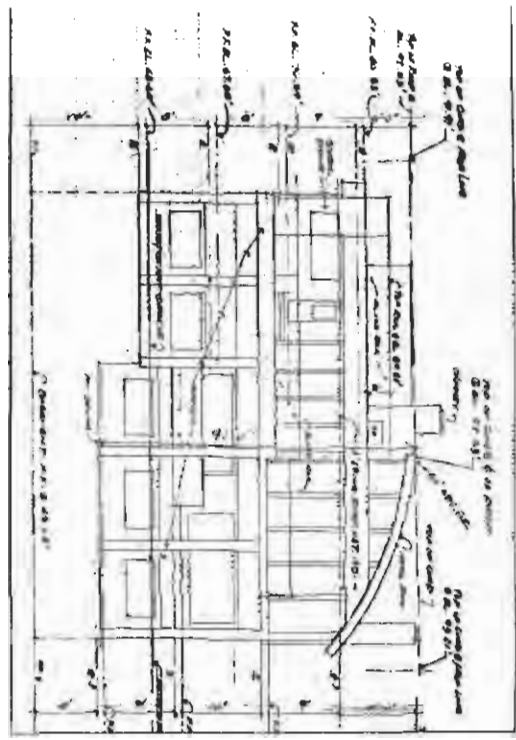
BUILDING HEIGHT:
 HEIGHT OF CUT:
 GRADING:
 BUILDING S.F.:

55 FT
 14 FT
 510 CYD
 4,876 SF

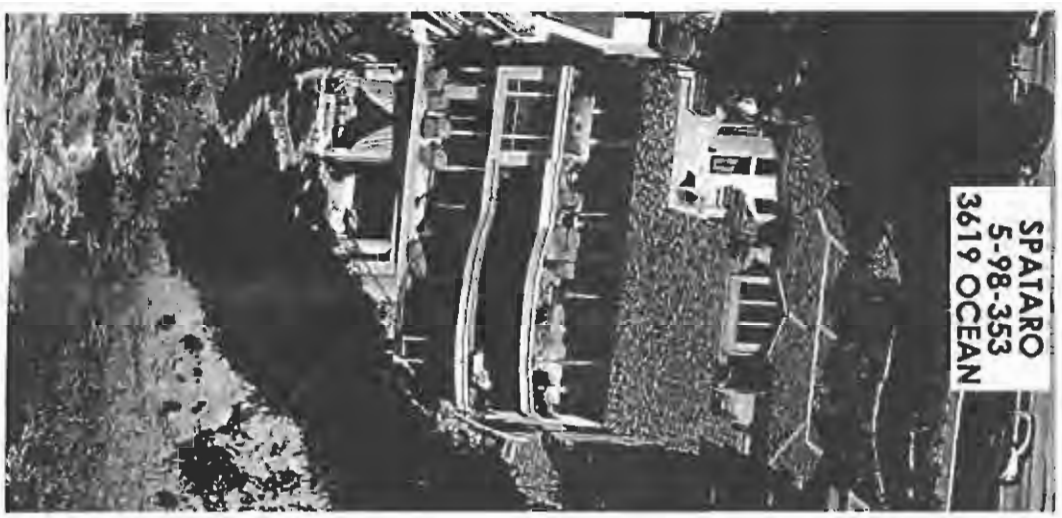
57 FT
 38 FT
 2 CYD
 4,015 SF

58 FT
 33 FT
 2,995 CYD
 7,321 SF

ENSIGN
5-01-112
3415 OCEAN

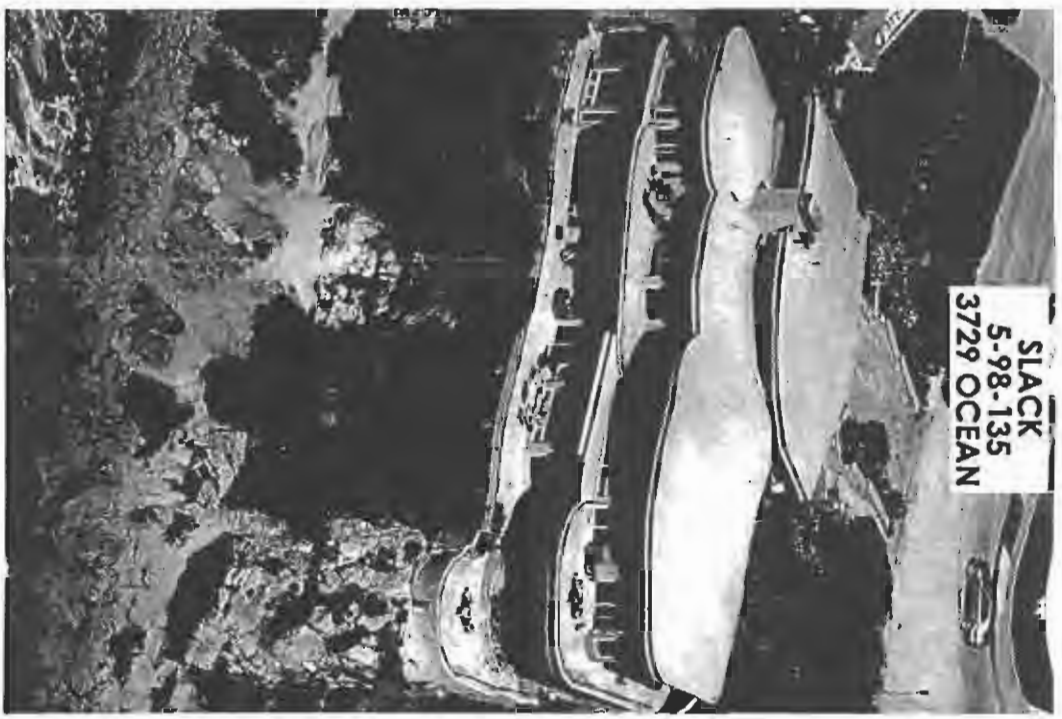


BUILDING HEIGHT: 40 FT
HEIGHT OF CUT: 25 FT
GRADING: 2 CYD
BUILDING S.F.: 2 SF



SPATARO
5-98-353
3619 OCEAN

54 FT
40 FT
2,260 CYD
7,357 SF



SLACK
5-98-135
3729 OCEAN

38 FT
30 FT
736 CYD
8,091 SF



SOUTHERNLY NEIGHBOR
3235 OCEAN BLVD.

PIG
3225 OCEAN BLVD.



Previous Correspondence with Staff

December 23, 2010

Mr. Fernie Sy
California Coastal Commission
200 Oceangate Dr., 10th Floor
Long Beach, CA 90802-4325

Re: CDP# 5-10-032
Evensen Residence (Akrotiri)
3225 Ocean Blvd., Corona del Mar

Fernie:

In reviewing the notes from our meeting on December 7th with you, Sherilyn, and Karl, I realized that we owed you some information. As we understand it, these are the items that are the main areas of concern with the project as originally designed and continue to be with the revised proposal.

1. CCC staff's goal is to have no development on the lower portion of the site. Can garage be relocated to take access from Ocean Blvd.? The following is a list of concerns in achieving this goal:
 - a. There is an existing 5-car garage/carport at Breakers Drive (lower street) – this is not an anomaly in the area, other properties have garages off of Breakers Drive.
 - b. New minimum 3-car garage would have to be constructed off of Ocean Blvd. (upper street) which would require adding a driveway that would bisect the existing public viewing areas – including sidewalks, scenic park land, and cause relocation of a public viewing bench.
 - c. Newport Beach City Council Policy #L-2 does not allow driveway access off of Ocean Blvd. if access is available from another “alley, street or improved private roadway.” (see attached policy document and email from Steve Badum, Director of Newport Beach Public Works)
2. CCC staff's goal is to have no stairways traversing the slope. Can stair be put elsewhere (ie: wrap around proposed below grade elevator)? The following is a list of concerns in achieving this goal:
 - a. If the garage remains as proposed at its existing location access between it and the house is critical to maintain via a non-mechanical means (ie: stairway).
 - b. Stair access can be incorporated into the internal confines of the proposed below grade elevator shaft with some modifications to its size.
 - c. Adding stair into elevator shaft would require more grading initially to construct a larger shaft, but ultimately would result in restoration of slope.
3. CCC staff's goal is to use the existing footprint or stringline to establish the location of the new habitable structure (but, not the garage structure). Can the house be altered to fit these guidelines? The following is a list of concerns in achieving this goal:
 - a. The California Coastal Commission has established a PLOED for principal structures and accessory structures for the 17 homes to the south that is based on the furthest projection towards the water, not on existing footprint or stringline.

- b. The California Coastal Commission has established a PLOED for structures for the 13 homes to the north that is based on the furthest upslope development allowed, not on existing footprint or stringline.
- c. Maximum height limit at this lot is equal to the top of curb elevation to protect public views from the public viewing areas. Therefore, development partially downslope is warranted to create equity for homeowner. Other properties on Ocean Blvd. have roofs that extend well above the curb height, obliterating public views, while extending downslope as well.

We hope that this assists you in your assessment of the project. Please let us know if you have any further questions or need any additional information from us.

Best regards,

Amy Creager

Amy J. Creager, AIA, LEED AP
Principal
Brion Jeannette Architecture

Brion Jeannette Architecture

December 1, 2010

Ms. Teresa Henry, District Manager
California Coastal Commission
200 OceanGate, 10th Floor
Long Beach, CA 90802

Re: Evensen Residence (Akrotiri)
3225 Ocean Blvd.
Corona del Mar, CA
CDP 5-10-032

Dear Teresa,

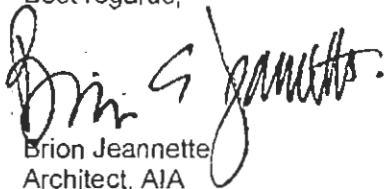
As a result of previous meetings and discussions with you and your team, we have made some adjustments to the original design of this residence that we believe will eliminate the CCC staff's concerns with the original proposal. The project has been reduced in scope which is reflected in the revised project plans included with this submittal, as well as specifically seen in the 1,242 less overall square footage and 1,108 less cubic yards of grading. This project is compatible with the pattern of development in the neighborhood (please refer to Exhibit-1 in the revised plan set), increases and protects the mid-portion of the bluff as desired by the CCC staff, as well as maintains the City's height limit of "no structure above the street curb height".

The design revisions are summarized below for your reference.

1. Eliminated the entire second floor of the garage structure. This results in a reduction of 912 sf from the project and allows more of the natural bluff behind it to be visible.
2. Reduced the square footage of the remaining Garage by 185 sf as a result of moving the garage structure to the footprint of the existing garage on the site.
3. Pulled decks and building walls back by an average of 4 ft to minimize visual impact to the bluff from the public beach. This result a reduction of 145 sf at the main residence.
4. Reduced the number of caissons required as well as the height of retaining walls due to the shift of the Garage structure.
5. Reduced the amount of grading by 1,108 cu. yds.
6. Reduced the height of the "notch" by 4ft. The cut for the "notch" is now 19 feet deep.
7. Raised the main residence by 4'-0" to elevation 44.50', allowing more of the natural bluff to remain.

You may recall that we were originally scheduled for the October hearing, but had to ask for an extension of 90 days. Therefore, at our last meeting with Karl and Femie on November 2, 2010, it was agreed that we would be heard at the January 2011 Commission hearing. We submit this additional information in the hope that it will assist you in writing your staff report. We are happy to provide any additional information that you need. Thank you for your attention.

Best regards,



Brion Jeannette
Architect, AIA

April 21, 2010

California Coastal Commission
Mr. Fernie Sy
200 Ocean Gate Dr., 10th Floor
Long Beach, CA 90802-4325

RE: CDP #5-10-032
3225 Ocean Blvd., Corona del Mar

Dear Fernie,

In reference to your March 11, 2010 letter requiring additional information, you will find below my response to Item 1, Scenic and Visual Impacts, as well as answers to Items 2 through 5 as requested in that order.

Firstly, please refer to Exhibit A for the requested site plan showing the footprint outlines of the proposed residence over the existing.

Next, I believe that the existing site conditions on the Evensen Residence at 3225 Ocean Blvd., as well as recent California Coastal Commission approvals, give guidance that allows construction from the Ocean Blvd. level down to the Breakers Drive level.

The seven parcels to the south have defined the area of development on the upper portions of the lots. The principal structure on these parcels is located seaward to elevation 48 and accessory structures to elevation 33. Vehicular access is only available from Ocean Blvd. with sandy public beaches at the toe of the slope. (See attached exhibits B&C)

- o Tabak Residence - 3431 Ocean Blvd. – CDP # 5-02-203
- o Halfacre Residence – 3425 Ocean Blvd. – CDP # 5-03-100
- o Circle Residence – 3415 Ocean Blvd. – CDP #5-05-095
- o Butterfield Residence – 3401 Ocean Blvd. – CDP #5-07-042
- o Battram/Livoni Residence – 3335 Ocean Blvd. – CDP #5-04-214
- o McNamee Residence – 3329 Ocean Blvd. – CDP #5-04-482
- o Palermo Residence - 3317 Ocean Blvd. – CDP # 5-05-328

The fourteen parcels to the north have development on the lower portions of the lots up the slope to elevation 52. Vehicular access is limited to Breakers Drive only. Access from Ocean Blvd. is not allowed due to the existing (approximately 40' wide) public right-of-way lawn and sidewalk with park benches. (See attached exhibits B&C)

Partial list of projects with Coastal Development Permit:

- o Weissman Residence - 3200 Breakers Drive – CDP #5-90-383
- o Parrot Residence – 3130 Breakers Drive – CDP #5-06-035
- o Leonard Residence – 3124 Breakers Drive – CDP #5-01-174
- o Ward Residence – 3036 Breakers Drive – CDP #5-05-157

The six middle parcels have access from one or both Ocean Blvd. and from Breakers Drive. The City of Newport Beach Zoning will not allow access from Ocean Blvd. unless it exists today, therefore if vehicular access exists from Breakers Drive only there is no opportunity to gain access from Ocean Blvd. (See attached exhibits B&C)

Existing Residences (No CDP's have been issued):

- o 3207 Ocean
- o 3215 Ocean
- o 3225 Ocean – Evensen Residence CDP #5-10-032 (in process)
- o 3235 Ocean
- o 3301 Ocean
- o 3309 Ocean

Of the six lots in this portion of Ocean Blvd. two have vehicular access from Breakers Drive only, (3215 and 3225); one has access from both Ocean Blvd. and Breakers Drive, (3319) and three homes presently have access from Ocean Blvd. only, (3301, 3235 and 3207).

The home at 3215 Ocean Blvd. has access only from Breakers Drive, but for some reason the two car garage originally located off Breakers Drive was demolished. This home does not currently meet the city's parking requirements, but a new project would require enclosed parking at Breakers Drive. (See attached exhibit D)

My application for 3225 Ocean Blvd. presently has access from Breakers Drive only and no opportunity for access from Ocean Blvd. because of the public right-of-way. The existing residence is located at the 10' front yard setback (Ocean Blvd.) on the upper bluff face of the site and the required two car garage at the lowest portion of the site.

The city has established a maximum height limit that is equal to the curb height on Ocean Blvd. in order to protect public views from the sidewalk. The city's height limit descends down the parcel such that the average roof height from natural grade does not exceed 24', with a maximum pitched roof not to exceed 29' from natural grade. This descending sloping height limit creates the need for houses to terrace down the site in a stepped fashion as this project does. The public views are protected on Ocean Blvd. because all new homes, if remodeled over 50%, must adhere to the curb height restriction.

The existing pattern of development along Ocean Blvd. has been established through the California Coastal Commission CDP process. Many of the new homes are 4 and 5 stories in height, while most of the original homes are 3 stories in height.

When reviewing the pattern of existing development it is important to note that there is presently a natural landscaped earth berm approximately 10' in height that separates the Corona del Mar public beach from Breakers Dr. and the homes above.

After reviewing the CCC Staff Report (5-01-174) for the Leonard Residence (5-01-174) located at 3124 Breakers Drive in Corona del Mar, we noticed that there was some erroneous historical information that we believe could be affecting how our project may be reviewed. In particular, under Section C of Scenic Resources in Leonard's Staff Report it describes the Community

Page 3
Fernie Sy
April 21, 2010

Character as falling within 3 categories: 1) Bluff Top Development Area (3207-3431 Ocean Blvd.); 2) Bluff Face Development Area (3002-3036 Breakers Drive); and 3) Bluff Toe Development Area (3100-3200 Breakers Drive). While we agree that there are these 3 types of development along this stretch, we do feel that a few of the lots have been miscategorized, including the Evensen's site at 3225 Ocean Blvd. The tall earth berm separating Breakers Drive from the public beach obscures the view of the lower portions of the lots from 3207 to 3309 Ocean. On a majority of those lots there is existing development from the upper bluff face (towards Ocean Blvd.) to bottom (Breakers Drive). Therefore, we believe that these 6 lots should be characterized as part of the Bluff Face Development Area, not part of the Bluff Top Development Area. Please refer to the enclosed exhibit C for a graphic representation of these facts.

Because the existing homes on these six lots are on the upper portions of the lot and have garages on the lower portions of the lot, I believe there is no applicable string line. Furthermore, the predominant line of existing development allows development on the entire lot within the city's setbacks.

Referencing Item #2 on your March 11, 2010 letter regarding the Geotechnical Report and the need to have the soils engineer review the foundation plan: Geofirm has reviewed the foundation plan (see attached letter).

Referencing Item #3 on your March 11, 2010 letter requesting a Wave Up Rush Analysis: This has been completed by Geo Soils, Engineer David Skelley. (see attached report)

Referencing Item #4 on your March 11, 2010 letter regarding the potential for Ocean Blvd. access to this lot: I believe this was covered in my opening statements. The city will not allow vehicular access from Ocean Blvd. for this lot.

Referencing Item #5 on your March 11, 2010 letter requesting reduced size edition of any plans that are submitted: Please see attached copies of exhibits.

Fernie, please contact me if further explanation is requested.

Sincerely,

Brion Jeannette

Brion S. Jeannette
Architect, AIA

Attachments: Exhibits
Geofirm Letter
Geo Soils Wave Run Up Study

March 23, 2010

California Coastal Commission
Mr. Fernie Sy, Coastal Program Analyst II
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302

RE: Evensen Project
California Dev. Permit Application # 5-10-032

Dear Fernie,

In response to your letter dated March 11, 2010 referencing the above project

1. Scenic and Visual Impacts
The site has no access to Ocean Blvd., only vehicular access via Breakers Drive at the toe of the slope.
Compatible with surroundings
Seaward encroachments can have adverse visual impacts and increase in hazards
Where is established line of development?
String line – analysis
Show site plans with original and new str + PL + high tide lines streets and other land forms
2. Geotechnical Investigation
Geofirm confirm foundation plan
3. Wave Uprush
Most landward position over life of the str
Any anticipated need for shoreline protection?
4. Ocean Boulevard Access
Possible
5. Reduced set of project plans

W 99

Brion Jeannette Architecture

December 23, 2010

Mr. Fernie Sy
California Coastal Commission
200 Oceangate Dr., 10th Floor
Long Beach, CA 90802-4325

RECEIVED
South Coast Region

DEC 28 2010

Re: CDP# 5-10-032
Evensen Residence (Akrotiri)
3225 Ocean Blvd., Corona del Mar

CALIFORNIA
COASTAL COMMISSION

Fernie:

In reviewing the notes from our meeting on December 7th with you, Sherilyn, and Karl, I realized that we owed you some information. As we understand it, these are the items that are the main areas of concern with the project as originally designed and continue to be with the revised proposal.

1. CCC staff's goal is to have no development on the lower portion of the site. Can garage be relocated to take access from Ocean Blvd.? The following is a list of concerns in achieving this goal:
 - a. There is an existing 5-car garage/carport at Breakers Drive (lower street) – this is not an anomaly in the area, other properties have garages off of Breakers Drive.
 - b. New minimum 3-car garage would have to be constructed off of Ocean Blvd. (upper street) which would require adding a driveway that would bisect the existing public viewing areas – including sidewalks, scenic park land, and cause relocation of a public viewing bench.
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We hope that this assists you in your assessment of the project. Please let us know if you have any further questions or need any additional information from us.

Best regards,



Amy J. Creager, AIA, LEED AP
Principal
Brion Jeannette Architecture

Amy Creager

To: Amy Creager
Subject: RE: Evensen 3225 Ocean Blvd, new home

From: Badum, Steve [<mailto:SBadum@newportbeachca.gov>] *Director of Public Works*
Sent: Thursday, December 23, 2010 10:41 AM
To: Brion Jeannette
Cc: Amy Creager
Subject: RE: Evensen 3225 Ocean Blvd, new home

Since we don't have a lot of time to investigate...The addition of a driveway curb on Ocean Blvd. would violate City council Policy L-2. The intent of that policy statement is to preserve the wide public greenbelt/walkway .

I would think the City would be concerned about:

1. The potential impacts to the current public greenbelt on Ocean.
2. The construction of a garage at street level on Ocean could impact public views
3. If you could depress the new garage, then there could be substantial grade and drainage issues.
4. I would also argue that the greenbelt on Ocean would be more of a public asset than a greenbelt on Breakers.

Good luck and Happy Holidays, Steve


City of Newport Beach - Council Policy Manual

Section L. Public Works/Traffic/Utilities

L-2

DRIVEWAY APPROACHES

GENERAL

- A. A permit will be required prior to any driveway construction within the street right-of-way. All construction shall conform with the Standard Plans and Specifications of the City of Newport Beach. Brick, textured concrete or flat stone surfacing may be used subject to Public Works Department approval. Such brick, textured concrete or flat stone surfacing may not be used on Bayside Drive.
- B. The number of driveway openings shall be kept to a minimum so as to preserve on-street parking and to reduce the points of traffic conflict.
- C. The term "Curb Opening" shall mean the total width of the approach including the slope distances on the curb. The term "Approach Bottom" shall mean the total width of the approach less the slope distances on the curbs.
- D. Curb openings shall not be constructed closer than 5 feet to the beginning of the curvature of a curb return, fire hydrant, traffic signal/pedestrian street light, utility pole/anchor/pedestal, trees or vent pipe, unless approved by the Public Works Department.
- E. The entire curb opening shall be within the prolongation of the property lines except when cross easements provide for a common driveway along the mutual property line.
- F.  No permit shall be issued for driveways on Clubhouse Drive, Glen Drive, Balboa Island or on the ocean side of Ocean Boulevard without City Council approval. No curb openings will be permitted on Ocean Boulevard when access is available from an existing alley, street or improved private roadway.
- G. No permit shall be issued if the driveway construction requires the removal of a street tree until such removal has been approved by the General Services Director.
- H. No permit shall be issued if the driveway encroaches on a crosswalk area.
- I. No permit shall be issued if the driveway construction requires the relocation of any public facility such as fire hydrants utility pole/anchor/pedestal, tree, vault, vent pipes, or street lights until approved by the Public Works Department and a

1

deposit has been made to cover the cost of relocation. Property owner shall pay all costs for the relocation of any public facilities.

- J. No permit shall be issued unless the applicant agrees that at no cost to the City he will remove any driveway opening that is or will be abandoned, and reconstruct curb, gutter and sidewalk (if applicable) to City Standards.
- K. Where practical, difficulties or hardships may result from the strict application of this policy, minor dimensional variances may be granted with written approval of the Public Works Director.
- L. Nothing herein shall be construed as preventing any person from appealing to the City Council for relief from the applications of this policy.
- M. No building permit shall be issued on a parcel whose access requires City Council review for an encroachment permit on public property, until said encroachment permit has been issued.

RESIDENTIAL ZONES AND RESIDENTIAL USES - SPECIAL REQUIREMENTS

- A. The width of the driveway approach bottom shall not exceed 20 feet except when the driveway is to serve an enclosed three or four car garage, in which case the driveway approach bottom may be increased to 25 feet or 32 feet, respectively.
- B. One additional curb opening will be permitted to a single parcel subject to the following conditions:
 - 1. The total width for all openings shall not exceed 50% of the total frontage of the parcel.
 - 2. The openings shall be separated by at least 20 feet to retain maximum street parking.

- C. Street curb openings shall not be permitted to residential property which abuts an alley.

An exception may be made in the case of corner lots where the street on which the curb cut is proposed is not an arterial street and street frontage is available for the full depth of the lot, subject to the following conditions:

1. Access from the street will be permitted where existing structures prevent full alley access, or additional covered off-street parking is being provided.
2. The width of the curb opening shall be limited to one-half of the lot depth.
3. In the case of duplexes, condominiums and condominium conversions, an additional driveway curb cut shall be permitted if the units are separated by a continuous vertical plane, from the ground to the rooftop, with one common wall and/or physically separated by open space. The resultant building product shall have the appearance of two distinct and separate units with a rear unit that has vehicle access from the alley and the front unit with vehicle access from the side street. No overlapping of between the front unit and rear unit floorplans shall be permitted.

- D. Driveway grades must not exceed the listed applicable maximum slope depending on application. Driveways to lowered or subterranean parking must rise above the flood level or a minimum of six inches above the flow line of the street or alley, whichever is greater, before transitioning to a downward slope. Slope transitions shall be a minimum of five feet in length and the change of slope cannot exceed eleven percent.

Driveways providing only parking access - Fifteen- percent maximum slope. Must have access directly from garage into residence.

Driveways providing vehicle and pedestrian access - Eight- percent maximum slope.

Driveways providing required parking spaces on the driveway itself - Five-percent maximum slope.

Minor variations from the listed maximum slopes and slope changes may be granted by the Traffic Engineer when unusual site conditions are encountered.

PRIVATE STREETS - SPECIAL REQUIREMENTS

- A. A grading permit will be required prior to the construction of any driveway apron, sidewalk, curb, gutter or wall within the private street rights-of-way. The design parameters shall be in accordance with the City of Newport Beach Design Criteria and Standards for Public Works Construction.

Also, the Public Works Department shall perform a brief review of plans prior to permit issuance.

- B. A Public Works encroachment permit will be required if improvements are to be constructed within 5 feet of a fire hydrant, street light or other public utility system appurtenance (i.e., valve boxes or manholes).
- C. A Public Works encroachment permit will be required when connecting to or relocating public utilities.

COMMERCIAL USES

- A. The width of the driveway approach bottom shall not exceed 35 feet.
- B. The total width of all driveways shall not exceed 50% of the frontage of the parcel.
- C. Commercial driveway approaches may use a curb return design with a maximum curb radius of 25 feet and a driveway approach bottom of greater than 35 feet if the following conditions are satisfied:
 - 1. The driveway serves as an entrance to a parking area or structure for 200 or more vehicles.
 - 2. The number of driveways serving the parcel are at a minimum.
- D. The curb return commercial driveway approach may incorporate a divided exit and entrance if the separation structure (median island) is continued on-site in such a manner as to provide proper traffic design.

CLOSURE OF ABANDONED DRIVEWAY APPROACHES BY CITY

The City may close abandoned driveway approaches at high priority locations where two or more of the following criteria may exist:

- A. The abandoned driveway approach is adjacent to a parcel of property where redevelopment and possible subsequent closure of the approach is not believed imminent;
- B. The driveway approach is at a location where there is a shortage of available on-street parking;
- C. The removal of the driveway approach is needed for safe pedestrian and/or bicycle passage;
- D. The closure of the abandoned driveway approach benefits not so much to the property owner as pedestrian and vehicular traffic in the area.

When in the opinion of the General Services Department and/or the Public Works Department, a curb cut or abandoned driveway approach should be closed, and the adjoining property owner protests the closing, the protester shall be notified that he will have two weeks to appeal the staff decision to the City Council. That appeal must be in writing and may be filed through the mail. If an appeal is not made, the City shall proceed with the closure. If an appeal is made, a hearing shall be held by the City Council, and the decision of the Council shall be final.

Nothing in this section shall be construed as relieving adjoining property owners from the responsibility for closure of abandoned curb cuts as a condition of permit approval for new construction or for obtaining a curb cut permit for an alternative driveway location on the same parcel.

Adopted - January 24, 1966
 Amended - February 26, 1968
 Amended - July 24, 1972
 Amended - November 14, 1977
 Amended - October 25, 1982
 Amended - July 13, 1987

Amended - November 27, 1989
 Amended - December 14, 1992
 Reaffirmed - January 24, 1994
 Amended - February 26, 1996
 Amended - May 8, 2001
 Amended - October 10, 2006

W9a

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

RECEIVED
JAN 10 2011
CALIFORNIA
COASTAL COMMISSION

Date and time of communication: January 07, 2011 at 11:30 a.m.

Location of communication: Received a FedEx Package at my City Mail Box
(If communication was sent by mail or
facsimile, indicated the means of transmission.)

Identity of person(s) initiating communication: Sherman L. Stacey

Identity of person(s) receiving communication: Kenneth E. Zanzi

Name or description of project: Evensen Residence, Corona Del Mar, CA

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written
material.)

*Package contained a briefing book regarding the Evensen Residence prepared by Brian S. Jeannette,
Architect, ALA*

RECEIVED
South Coast Region
JAN 10 2011
CALIFORNIA
COASTAL COMMISSION


Signature of Commissioner

January 8, 2011
Date

If communication occurred seven (7) or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven (7) days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven (7) days of the hearing, complete this form, provide a copy to the Executive Director, and provide the Executive Director with a copy of the communication.

Post-It® Fax Note	7671	Date	01/08/2011	# of Pages	4
To	Peter Douglas	From	K. E. ZANZI		
Cu/Depl	CE Exhibit #3	Co.			
Phone #	Page 47 of 80 Phone # 714-725-1415				

APPENDIX 2

January 5, 2011

Commissioners
California Coastal Commission
45 Fremont Street, #2000
San Francisco, California 94105

Re: Application for Permit No. 5-10-032 (Evensen)
Single Family Residence at 3225 Ocean Boulevard, Corona del Mar

Dear Commissioners:

On Wednesday, January 12, 2011, I will appear before you on behalf of Mr. & Mrs. Christian Evensen, the Applicants in Application No: 5-10-032, for the public hearing on their Application to demolish an existing single family residence and detached garage and construct a new single family residence and detached garage at 3225 Ocean Boulevard in Corona del Mar. The Staff Recommendation is for denial. The principal basis claimed by Staff for denial is inconsistency with visual quality policies in Public Resources Code §30251 requiring that development be "visually compatible with the character of surrounding areas". We believe that a fair view of the evidence will show that the Commission has found numerous similar houses to be consistent with §30251 and can find that the proposed Evensen house is also consistent.

The location of the Evensen's home is in an area where the Commission has considered and approved permits for 20 homes out of the 37 lots which are on the bluff behind Corona del Mar State Beach. Because of the old subdivision pattern and the topography of the lots, each of these homes occupies a portion of the face of the bluff. Brion Jeannette has designed 8 other homes approved by the Commission on Ocean Boulevard. In designing the Evensen home, Jeannette was acutely aware of the Commission's decisions in this area.

As the issues in this case are essentially the design of the home and its effect on visual quality, the architect, Brion Jeannette, has prepared a comparison of the Evensens' home with recently those other homes previously approved by the Commission. That comparison, together with photographs covering each of the 9 homes on Ocean Boulevard, is enclosed. See Matrix Exhibit 7.

The decisions of the Commission have approved homes of varying sizes and varying heights with three principles foremost. The Applicant's project is consistent with all of these principles.

First, no development on the sandy beach behind Corona del Mar State Beach has been allowed. The Applicant's property is on Breakers Drive, a street which extends behind the State Beach. Breakers Drive is divided from the beach by a line of oleanders which minimize the

blowing of sand onto the street. Most homes along Breakers Drive take their vehicular access from Breakers Drive, leaving the public walk and parkway (60 feet wide) on Ocean Boulevard without new curb cuts, thus increasing both public parking and the public space for ocean viewing. The Evensen's existing garage on Breakers Drive is the existing and the proposed method of vehicular access. The garage is not on the sandy beach and is divided from the State Beach by the asphalt of Breakers Drive and the oleanders.

Second, the Commission has sought to minimize the appearance of mass of structures by allowing excavation on the bluff in order to allow completed houses to follow the slope of the bluff and not to project unduly from the bluff. Thus, the grading necessary for the various projects which the Commission has approved has ranged from ___ cubic yards to ___ cubic yards. The Evensens proposal to excavate 2,052 cubic yards is well within this range. In addition, the Evensens propose changes which would reduce this number to 1,752 cubic yards. The Commission has minimized the necessary depth of cut for homes. The Evensens' cut is 23.5 feet, well within the 14 to 60 foot range previously approved by the Commission. The Commission has minimized the overall height of structures while regularly allowing 4 floors. The height of the Evensens' home is 42 feet, again well within the range of 38 to 62 feet previously approved by the Commission. Finally, the Commission has limited the square footage of houses. The Evensens' home is 4,733 square feet, again well within the range of 3,116 to 8,091 square feet previously approved by the Commission. (See, Exhibit __ of the Jeannette Analysis.)

Third, the Commission has sought to keep the homes within the predominant line of development. On different parts along Ocean Boulevard this has varied in its application depending upon the location of vehicular access and the slope of the bluff. In the Evensens' case, the garage is proposed where the garage is at the present time. The home at 4 levels is consistent with most other approvals by the Commission. The location on the bluff allows view from Ocean Boulevard to be maintained. The photographs with Jeannette's illustrations shows the consistency of the Evensen home with the predominant line of development. (See, Exhibits __ and __, along with the individual house photographs in the Jeannette Analysis.)

The Staff Report focuses on Page 2 of its Exhibit 5 which is an elevation drawing from the Breakers Drive side of the house. Because it is an elevation, it makes the house appear to be two dimensions with development straight up the bluff. The house reclines along the slope of the bluff and leaves a significant part of the bluff uncovered and proposed for replanting with native vegetation. There is a proposed second floor on the garage which does not exist at present and the garage is set back farther from Breakers Drive than the existing garage. The Evensens are willing to remove the second floor and move the garage back to the original setback of 17 feet in order to increase this uncovered area and to eliminate the claimed appearance that the garage and house are an unbroken 72 foot high development.

The Staff Report also claims that there is inconsistency with Public Resources Code - §30253 relating to development in hazardous areas. However, having approved 21 houses on the 37 lots along Ocean Boulevard, it is hard to understand how the Evensen property, the 17th lot from the north end, differs from the 21 other decisions where the Commission found each and every house to be consistent with §30253.

I encourage you to review Jeannette's analysis closely. It demonstrates without any doubt that the Evensens' project is indistinguishable from the many projects already approved by the Commission. I would also note that in the Substantive File Documents section on Page 2 of the Staff Report, not a single other permit along Ocean Boulevard is cited. It is normal in the Substantive File Documents to identify other similar permits in the vicinity on which the Commission has acted. Jeannette's analysis identifies all 21 of those permits and I request that the Commission's findings on each of these be included as part of the record in this matter. The omission of these references is revealing as the Staff would need to explain why every other permit was approved by the Commission, while the Staff now recommends denial.

As the Staff Recommendation is for denial, there are no Special Conditions proposed. However, since there are so many permits already approved on Ocean Boulevard, the Special Conditions which the Commission has applied are well known. These would include assumption of the risk, no future shoreline protective devices, future development, conformance with geologic recommendations, final landscape plans, and deed restriction. In addition, since the Evensens have proposed changes which would reduce the visual impacts of their home even further, a revised plans condition should be applied. I have prepared a list of these conditions along with the substitute motion which I would ask the Commission to adopt.

The Applicant asks that the Commission adopt a substitute motion to the motion recommended by the Staff and approve Permit No. 5-10-032 subject to the Special Conditions behind Tab 7.

Sincerely,

SHERMAN L. STACEY

SLS/sh

cc: All Commissioners and Alternates

Long Beach Commission Office

Mr. Brion Jeannette

Mr. & Mrs. Christian Evensen

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 2,023 square foot 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a 1,346 square foot detached 1-story 3-car garage at the toe of the bluff and construction of a new 4,715 square foot four-story single-family residence and a tunnel and elevator to a 1,084 square foot 1-story 3-car garage, all of which will span the bluff face. Grading will consist of 944 cubic yards of cut, 16 cubic yards of fill and 928 cubic yards of 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 single-family residence located at the top of the coastal bluff and a detached 1-story 3-car garage and associated structures located 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 1,084 square foot 1-story 3-car garage. 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 #8). 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 that will disturb the entire bluff face and exceed the predominant line of development, 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 37-foot deep by 19-foot high notch (for the residence) must be excavated into the bluff face from approximately the 45-foot elevation contour up to the 65-foot elevation contour (which will expand the existing notch for the existing home that is located between the 56-foot and 75-foot elevation contours). In addition, an approximate 9-foot wide by 35-foot deep by 30-foot high notch is proposed to be excavated into the bluff face (for an elevator shaft and tunnel to connect the house with the garage) that will

extend even further down the bluff face, from the 45-foot elevation contour down to the toe of the bluff at approximately the 13-foot elevation contour, where the garage is proposed to be rebuilt (see page A-8 of the project plans (Exhibit #5, pages 1 & 4)). Currently, the notch for the existing residence extends topographically from approximately the 75-foot elevation contour down to the approximately 56-foot elevation contour and the garage is located entirely at approximately the 13-foot garage pad elevation contour at the toe of the bluff as shown on page Exhibit-2 of the project plans (Exhibit #5, page 1). In addition, the area of bluff face located between the existing residence at the top of the bluff and the existing garage and other development at the toe of the bluff remains largely undisturbed and densely vegetated (a span of approximately 43-vertical feet from approximately the 56-foot elevation contour of the existing lower elevation of the residence to the approximately 13-foot elevation contour of the toe of the bluff) except for a narrow stairway that descends from the house to the toe of the bluff; however, the proposed project would encroach upon this area with development, with the footprint of new building area and additional floors notched into the bluff face, bluff face area obstructed from view by the construction of a new more substantial staircase and bridge that would connect the new staircase to the reconstructed garage, plus the entrance structure for the tunnel at the toe of the bluff that would provide access to the elevator shaft to be located inside the bluff/under the new house. Other property owners in the surrounding area, and along the same bluff, have maintained an undeveloped bluff face seaward of and below their residences. The applicant's proposed encroachment into this bluff area, therefore, is inconsistent with the pattern of development in the area. Staff is also concerned with the cumulative adverse impacts which may result from this project. 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, or an entirely new home could be constructed in the current footprint. 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 predominant pattern of development in this area, 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 predominant pattern of development in the area and have adverse impacts on the naturally appearing landform and have a cumulative adverse impact on visual resources. Achieving the necessary redesign would not be possible through conditions of approval.

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, Exhibit #3*
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3225 & 3235 Ocean Blvd, Corona Del Mar, CA prepared by Geosoils Inc. dated April 12, 2010; *Geotechnical Review of Preliminary Foundation and shoring Plans, New Single-Family Residence, 3225 Ocean Boulevard, Corona Del Mar, California (Report No. 71862-01/Report No. 10-6816)* prepared by Geofirm dated December 2, 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. Topographic Survey
8. Aerial Photo of the Project Site and Surrounding Pattern of Development
9. Ex Parte Forms

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:

Exhibit #3

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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-level single-family residence constructed at the top of the bluff (roof elevation is at approximately the 81 ft. elevation contour). An existing notch was carved into the bluff face to allow for the existing house; the notch occurs between approximately the 75-foot elevation contour down to the approximately 56-foot elevation contour as shown on Exhibit-2 of the project plans (Exhibit #5, page 1). A 1-story, 3-car garage structure, a carport, hardscape, a fire pit and barbeque and rear and side yard property line walls are constructed at the toe of the bluff on the level area adjacent to Breakers Drive and the garage is located entirely approximately at the 13-foot garage pad elevation contour; the roof of the garage rises to reach approximately the 22-foot elevation contour. 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 face 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 34-vertical feet) (Exhibit #5, page 1).

2. Project Description

The proposed project consists of demolition of an existing pre-coastal 2,023 square foot 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a 1,346 square foot detached -story 3-car garage with associated structures at the toe of the bluff, and construction of a new 4,715 square foot four-story single-family residence and a tunnel and elevator to a 1,084 square foot 1-story 3-car garage, all of which will span the bluff face. The new garage will match the dimensions of the existing garage. Like the existing residence, the height of the new residence will not rise above the curb height on Ocean Boulevard (as is required by City policy and the certified Coastal Land Use Plan), however, the new residence includes some architectural projections, like a chimney, that exceeds the curb height.

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. It is proposed to be replaced with a new stairway that begins from the middle of the sub-basement level and descends to the east of the property, with a bridge to the roof of the new garage and then on to the toe of the bluff. The proposed elevator will be connected from the middle of the sub-basement level and travel down to the base of the bluff and then be connected to a tunnel that then daylight south of the elevator at the toe of the bluff. 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 include ocean fronting decks on each level, with a built in spa and fire pit on the sub-basement deck; the decks cantilever out from the structure over the bluff face. Other development includes replacing existing retaining walls between the house and the inland property line, and hardscape and landscape at the toe of the bluff at the garage pad elevation. Grading will consist of 944 cubic yards of cut, 16 cubic yards of fill and 928 cubic yards of export to a location outside of the Coastal Zone.

The existing residence has a raised foundation system (raised wood floor on a concrete stem wall), while the proposed foundation system will consist of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 37 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 37-foot deep by 19-foot high notch (for the residence) must be excavated into the bluff face from approximately the 45-foot elevation contour up to the 65-foot elevation contour, also an approximate 9-foot wide by 35-foot deep by 30-foot high notch (for the tunnel at the toe of the bluff and for an elevator shaft built into the face of the bluff (but ultimately recovered with soil) must be excavated into the toe of the bluff from approximately the 13-foot garage pad elevation contour at the toe of the bluff up to the 45-foot elevation contour to accommodate construction of the proposed development as shown on page A-8 of the project plans (Exhibit #5, pages 1 & 4). 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 bluff¹ while the remaining portion of the bluff is kept intact, largely undisturbed and vegetated (Exhibit #8). 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 consistent with Section 30251 of the Coastal Act and the following policies of the certified City of Newport Beach Land Use Plan:

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.

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.

The following LUP policies are also applicable to the proposed project and state:

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

¹ More specifically, the existing development pattern includes structures built on the uppermost elevations of the bluff face and on the bluff top. For convenience, these findings refer to this as the 'top of the bluff'.

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.

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

Landform Alteration

The Coastal Act requires new development to be sited to “*minimize the alteration of natural land forms.*” Similar policies are contained in the certified Coastal Land Use Plan. 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, additional notching into the bluff face to accommodate additional lower floors for the residence (e.g. for the ‘lower level’ and ‘sub basement level’ as depicted on cross section C on Exhibit #5, page 4), and additional coverage of the bluff face. Limiting the development to the existing footprint and minimizing additional notching into the bluff face would minimize landform alteration. As stated previously, the predominant 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 disturbance to almost the entire bluff face plus further encroachment upon the 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 predominant 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), only three (3) take access from Breakers Drive. They include 3215 (upcoast) and 3325 (project site) Ocean Boulevard, which take vehicular access from Breakers Drive located at the toe of the bluff. 3309 (downcoast)

Ocean Boulevard has vehicular access from both Ocean Boulevard and Breakers Drive. Of these, only 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 Boulevard². 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.

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 face that is located on the applicant's property.

Predominant Line 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. This standard is reinforced in Sections 4.4.3-8 and 4.4.3-9 of the certified Land Use Plan stated above.

The predominant line 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 #8).

The subject site is located in the Bluff Top Development Area (3207-3309 Ocean Boulevard) described above, along the portion that is fronted by Breakers Drive. The site is bounded by two (2) lots (3207 and 3215 Ocean Boulevard) upcoast of the project site

² See City of Newport Beach, City Council Policy Manual L-2(F), Driveway Approaches, which says "No permit shall be issued for driveways on...the ocean side of Ocean Boulevard without City Council approval. No curb openings will be permitted on Ocean Boulevard when access is available from an existing alley, street or improved private roadway."

This policy document is not part of the City's certified coastal land use plan and it has not been certified by the

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 #8). 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. The high point of the roof is at elevation 81-feet, and the house is set into a notch that extends topographically from approximately the 75-foot elevation contour down to the approximately 56-foot elevation contour. There is also a 1-story 3-car garage with associated structures at the toe of the bluff (located entirely at approximately the 13-foot garage pad elevation contour at the toe of the bluff, with the high point of the roof rising to reach approximately the 22-foot elevation 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-vertical feet) (Exhibit #5, page 1). However, the proposed project would encroach into this undeveloped area between the developed areas at the bluff top and toe. The proposed project would expand coverage of this area with development, with the footprint of new building area and additional floors notched into the bluff face, construction of a new more substantial staircase and bridge that would connect the new staircase to the reconstructed garage, plus the entrance structure for the tunnel at the toe of the bluff that would provide access to the elevator shaft to be located inside the bluff/under the new house. The proposed house also includes decks that cantilever from the house over the bluff face (the largest of which is the sub-basement cantilevered deck that extends significantly 12-feet beyond the habitable area). This cantilevered design is unlike other decks approved in the area, especially further downcoast along Ocean Boulevard, where the decks are set into the landform along with the residence. (Exhibit #5, page 3, 'south elevation'). 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.

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 used the policies of the LUP that refer to predominant line of development as guidance and has limited development to the top of the bluff. Living or residential area was limited to landward of the 48-foot bluff elevation contour and accessory improvements were limited to landward of the 33-foot elevation contour. No other development was allowed below the 33-foot elevation contour upon the lower bluff face. While these elevational 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, due to topographical conditions, these same elevational limits cannot be applied to the subject site to establish the predominant line of development. 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 development on this stretch of Ocean Boulevard does not extend as far down the bluff face when compared with the homes downcoast (3317-3431 Ocean Boulevard). The predominant line of development in this location is roughly the line of the existing residential structure, at about the 56-foot elevation contour, which is within the stringline of residential structures both immediately upcoast and downcoast of the site.

Cumulative Impacts

The proposed residence would be unlike any other development in the vicinity since it would significantly encroach upon the lower bluff face, where others do 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 more of the 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 with little bluff face remaining visible, 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*
Exhibit 143
Page 60 of 80

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 37 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 runoff 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. As stated above, here, the applicant has to conduct extensive engineering measures to make this project technically feasible. In addition, the

applicant must further alter the natural landform by installing a significant foundation system, including the need to drive approximately 37 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, and without notching into the bluff face below the existing residence. 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 (i.e. with regard to the garage at the toe of the bluff), 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.

3. Redevelopment within Existing Footprint

Another potential alternative would be reconstruction of a new residence and garage within the footprint of the existing structures which would result in similar impacts to the alternative discussed above.

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.

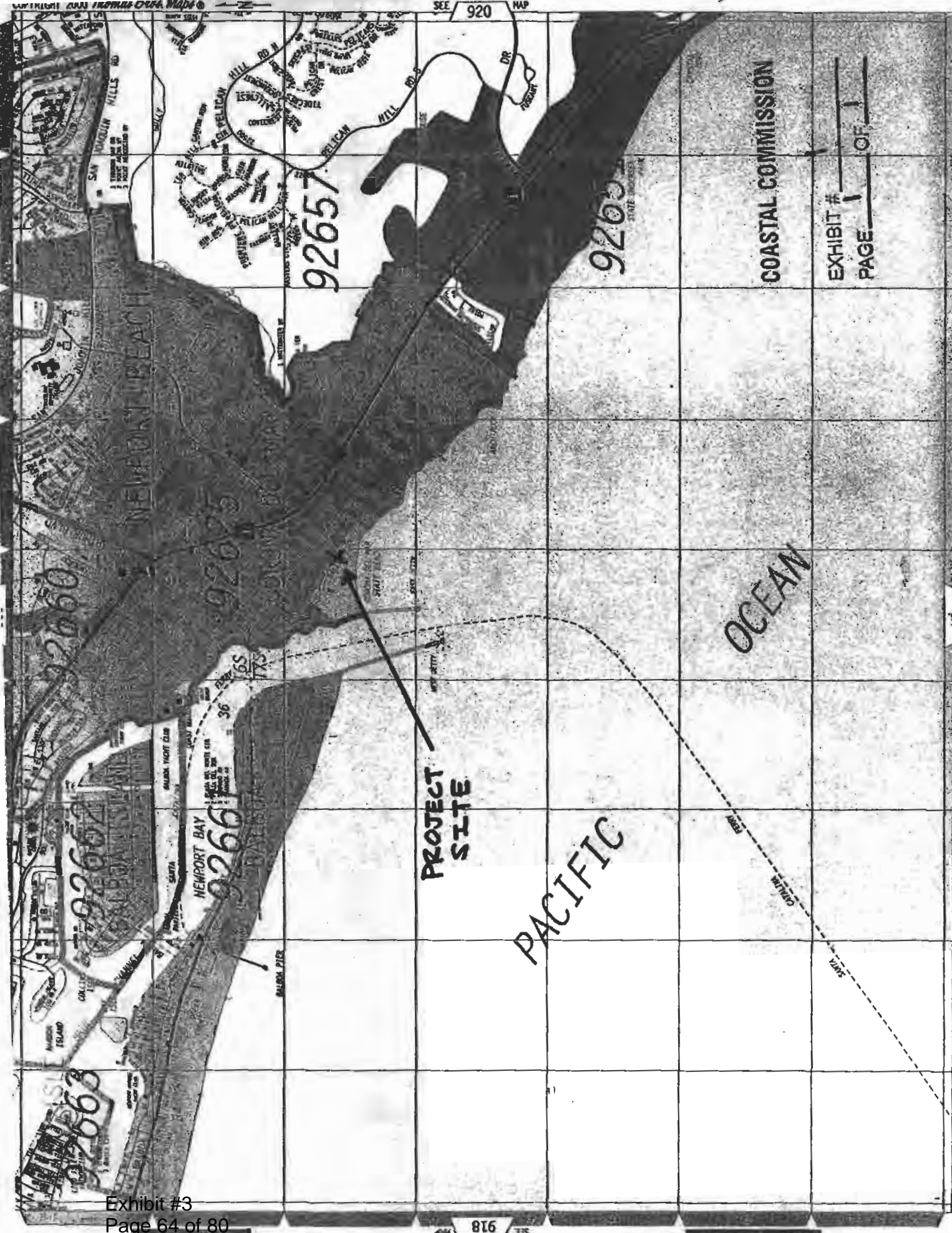
The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. At the October 2005 Coastal Commission Hearing, the certified LUP was updated. In addition, the certified LUP was updated at the October 2009 Coastal Commission Hearing. Since the City only has an LUP, the policies of the LUP are used only as guidance. The following Newport Beach LUP policies relate to development at the subject site: 4.4.1-1, 4.4.1-3, 4.4.3-8, 4.4.3-9, and 4.4.3-15.

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.



SEE 920 MAP

COASTAL COMMISSION

EXHIBIT # 1 OF 1
PAGE 1 OF 1

PROJECT SITE

PACIFIC

OCEAN

SEE 816 MAP

SEE V1 MAP



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

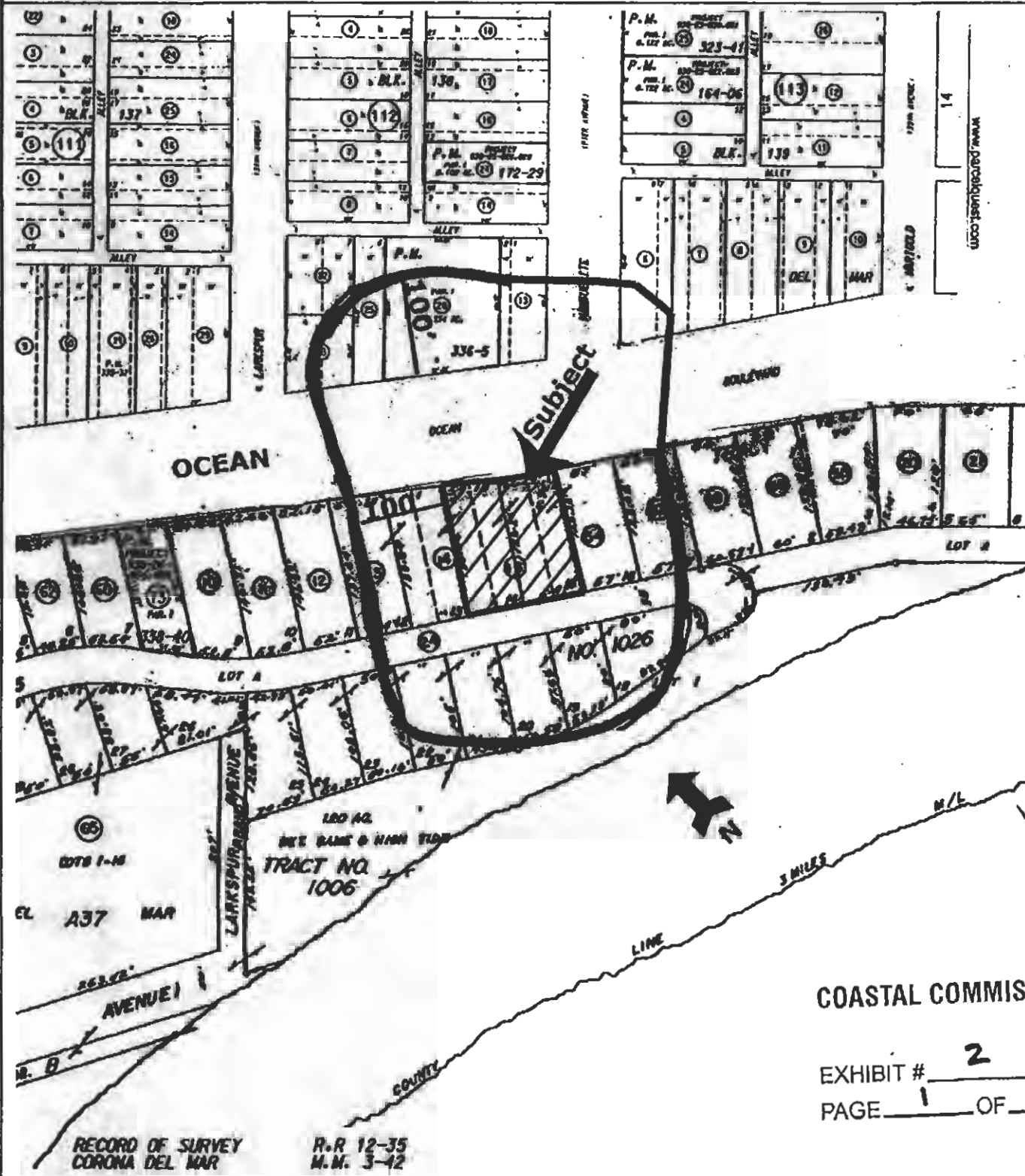
RECEIVED
South Coast Region

FEB 10 2010

CALIFORNIA
COASTAL COMMISSION

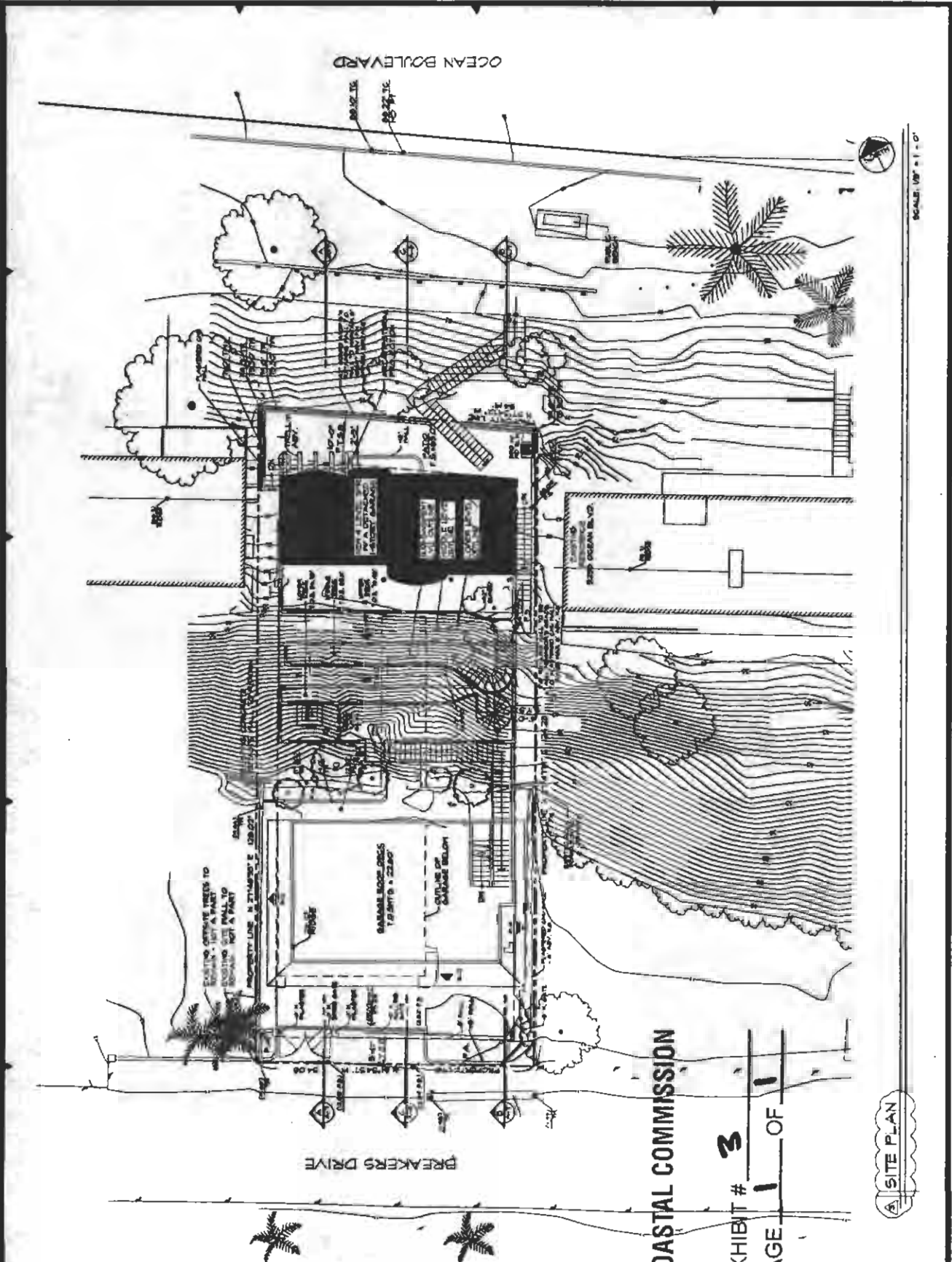
Subject APN: 052-120-15
100' Radius

Address: 3225 Ocean Blvd
Corona Del Mar CA 92625



COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1



COASTAL COMMISSION
 EXHIBIT # 3
 PAGE 1 OF 1
 A SITE PLAN



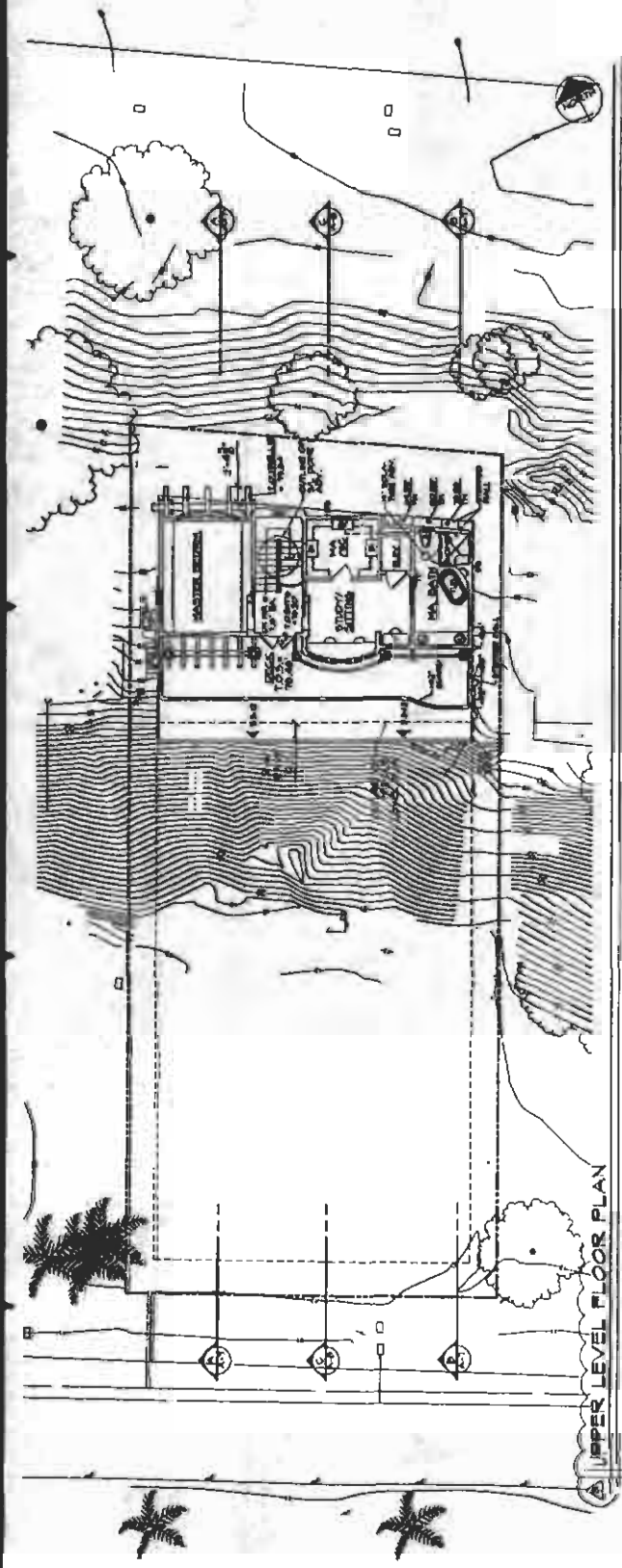
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UPPER & MIDDLE FLOOR PLANS

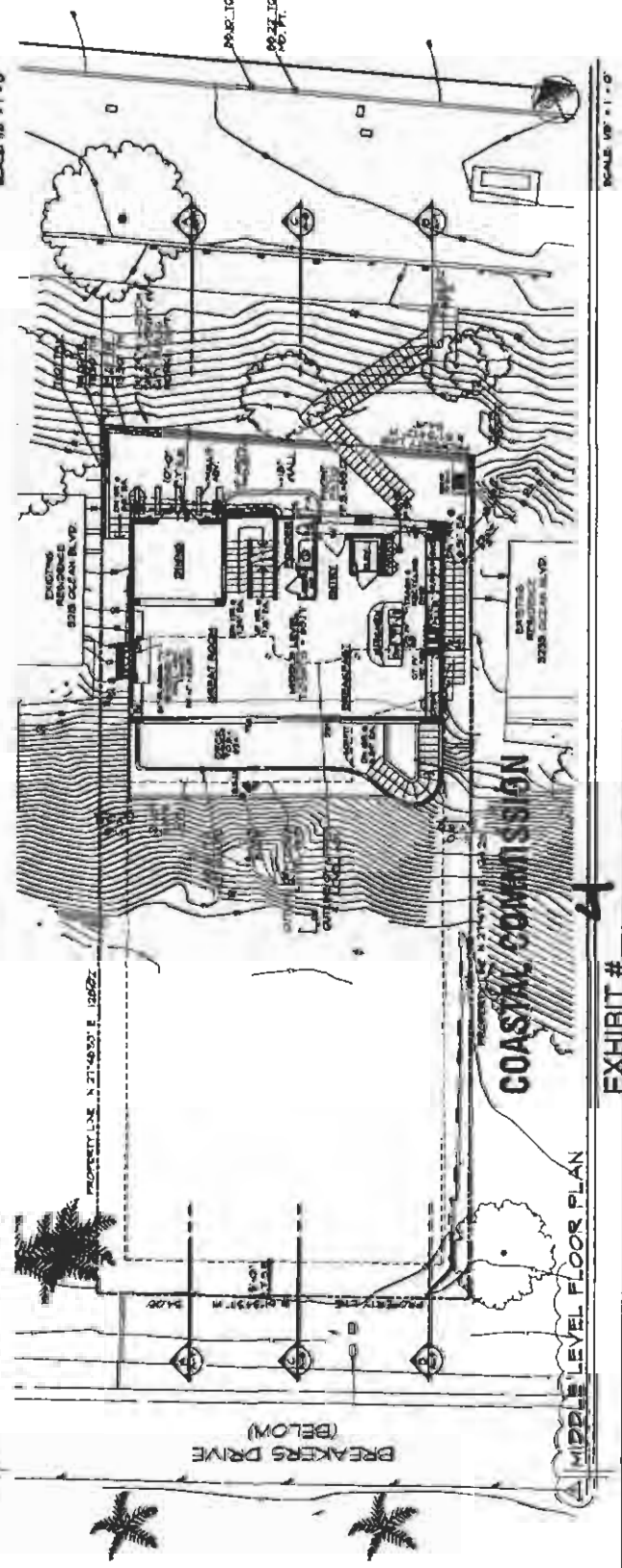
AKROTIRI 9225 OCEAN BLVD. CORONA DEL MAR CA

Bron Jeannette Architecture

OCEAN BOULEVARD



UPPER LEVEL FLOOR PLAN



MIDDLE LEVEL FLOOR PLAN

COASTAL COMMISSION

EXHIBIT #

PAGE 1 OF 3

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Bron Jeannelle Architecture

GARAGE FLOOR
ROOF PLANS

DATE:	02/10/10
DESIGNED BY:	BRON JEANNELLE ARCHITECTURE
DRAWN BY:	BRON JEANNELLE ARCHITECTURE
CHECKED BY:	BRON JEANNELLE ARCHITECTURE
SCALE:	AS SHOWN
PROJECT NO.:	AKROTIRI
DATE:	02/10/10



A-4

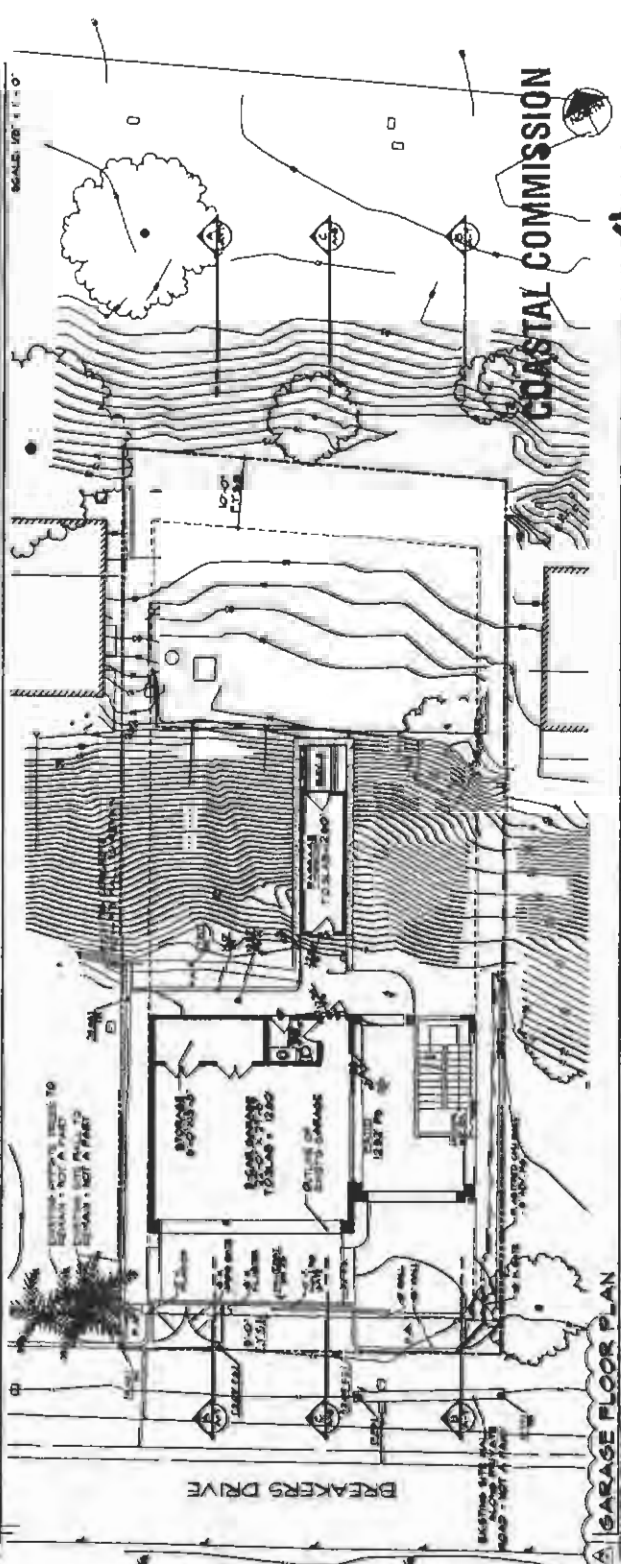
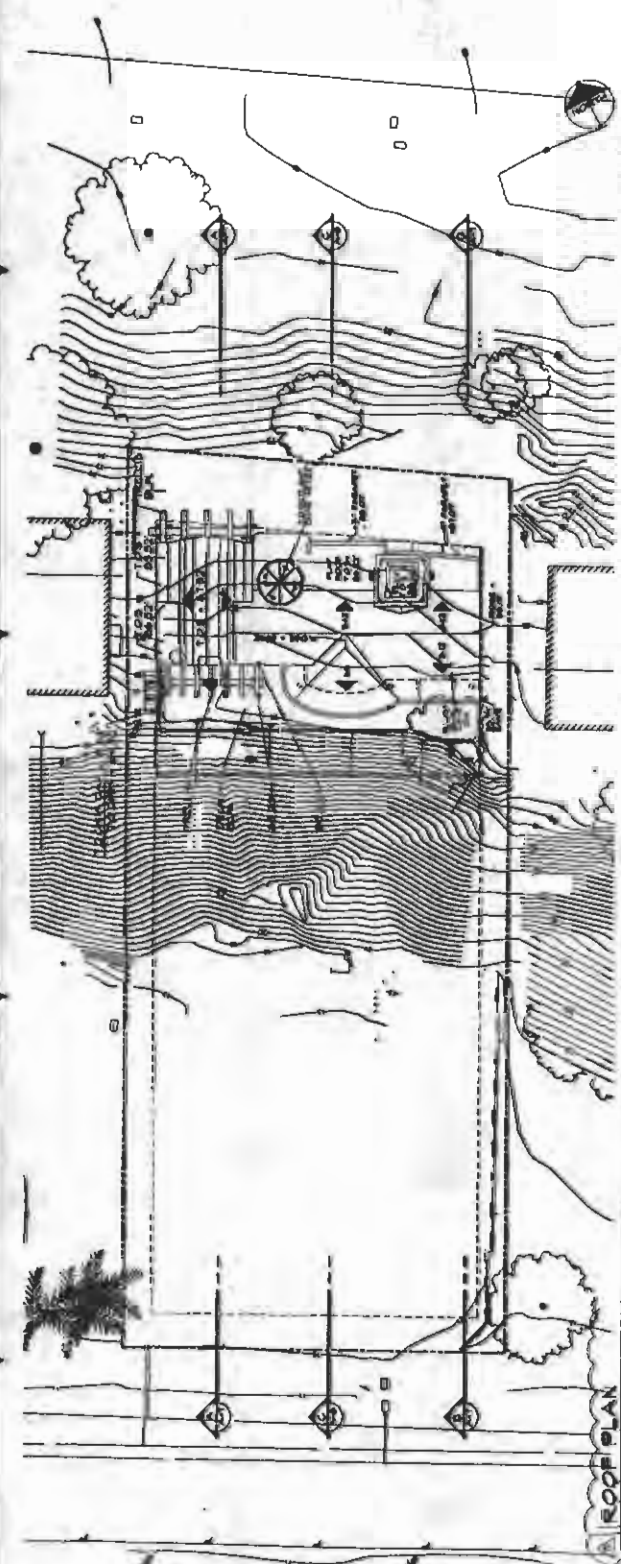
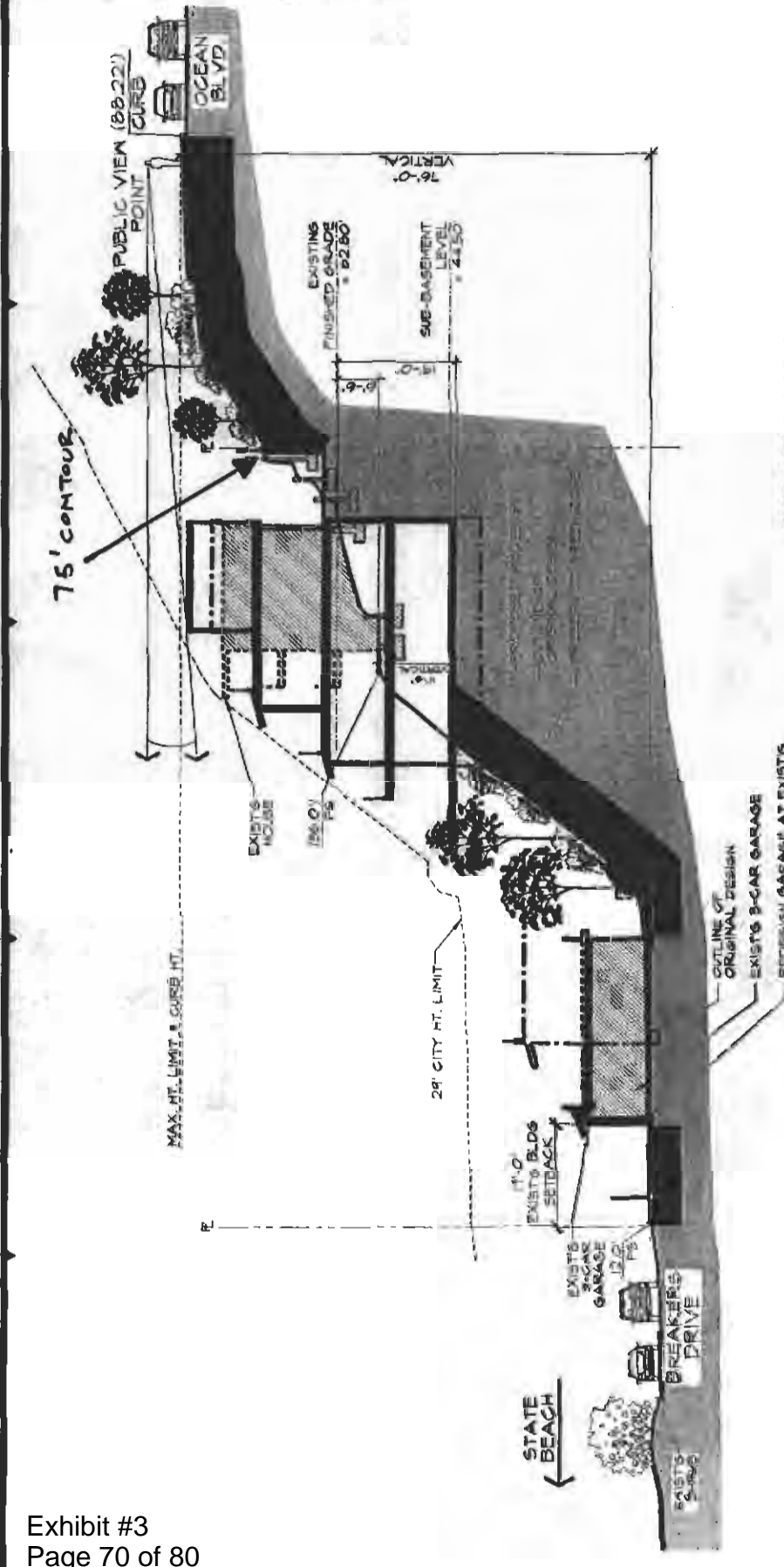


EXHIBIT # 4
SCALE 1/8" = 1'-0"
PAGE 3 OF 3

Date:	Revision:	Revision:	Revision:



- POSITIVE REVISIONS FOR THE REDISIGN PROJECT TO MINIMIZE VISUAL IMPACT TO THE BUILDING FROM THE PUBLIC BEACH.
1. REDUCED BUILDING AREA BY 1242 SF.
 2. REDUCED GRADING BY 1,108 CU. YDS.
 3. RAISED THE MAIN RESIDENCE BY 4 FT. TO EL. 44.50.
 4. ELIMINATED THE ENTIRE SECOND FLOOR OF THE GARAGE STRUCTURE.
 5. MOVED THE GARAGE STRUCTURE TO THE EXISTING GARAGE FOOTPRINT.
 6. PULLED THE DECKS AND BUILDING WALLS OF THE MAIN RESIDENCE BACK BY AN AVERAGE OF 4 FT.
 7. EXPANDED NATURAL BLUFF / GREEN BELT ZONE

COASTAL COMMISSION

EXHIBIT # 5 OF 5
PAGE 1 OF 5

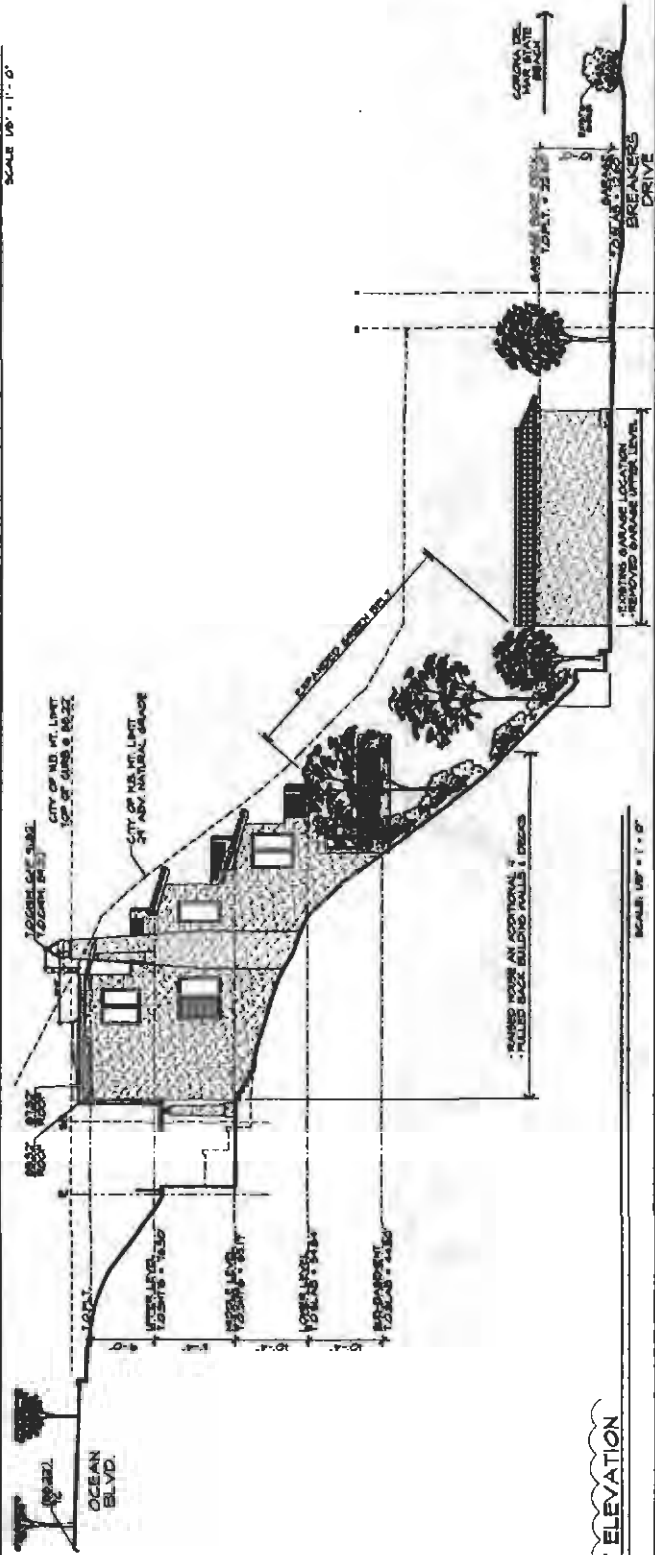
PROPOSED VS. ORIGINAL DESIGN BUILDING SECTION EXHIBIT

SCALE 1/8" = 1'-0"

COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 5

A SOUTH ELEVATION



A WEST ELEVATION

DEC 02 2010

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Brian Jeannelle Architecture
ARCHITECTS INC. 2008-2009
ARCHITECTS INC. 2008-2009

EXTERIORS
ELEVATIONS

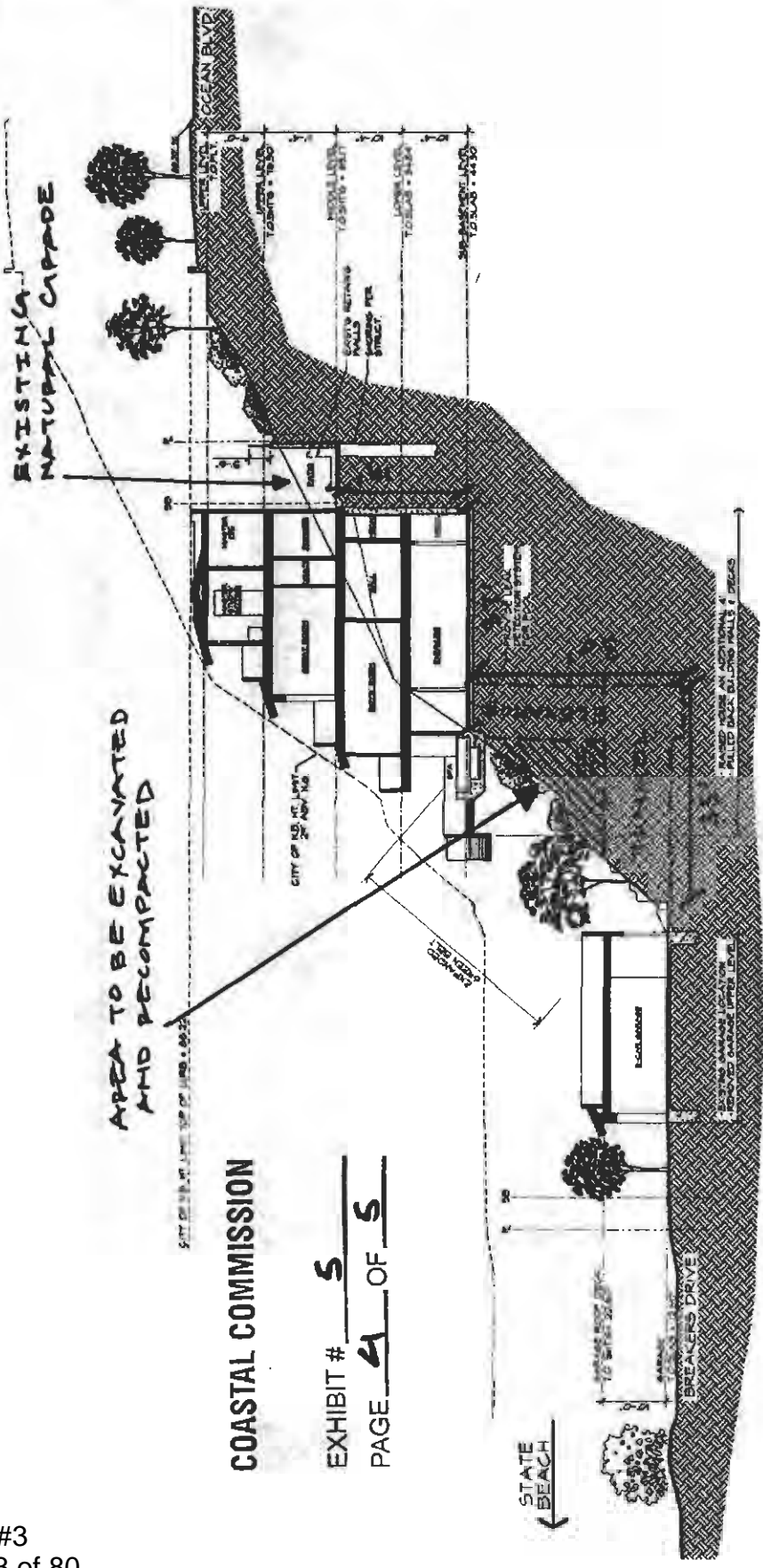
Date:	10/20/09
Project:	AKROTIRI
Revision:	01
Revised:	
Revised:	
Revised:	
Job No:	04-097



A-6

S:\Clients\LEV...

Date:	
Revision:	
Author:	
Checker:	
Reviewer:	
Job No.:	



AREA TO BE EXCAVATED AND RECOMPACTED

EXISTING NATURAL CAPROE

COASTAL COMMISSION

EXHIBIT # S
PAGE 4 OF 5

SECTION C

SCALE 1/8" = 1'-0"

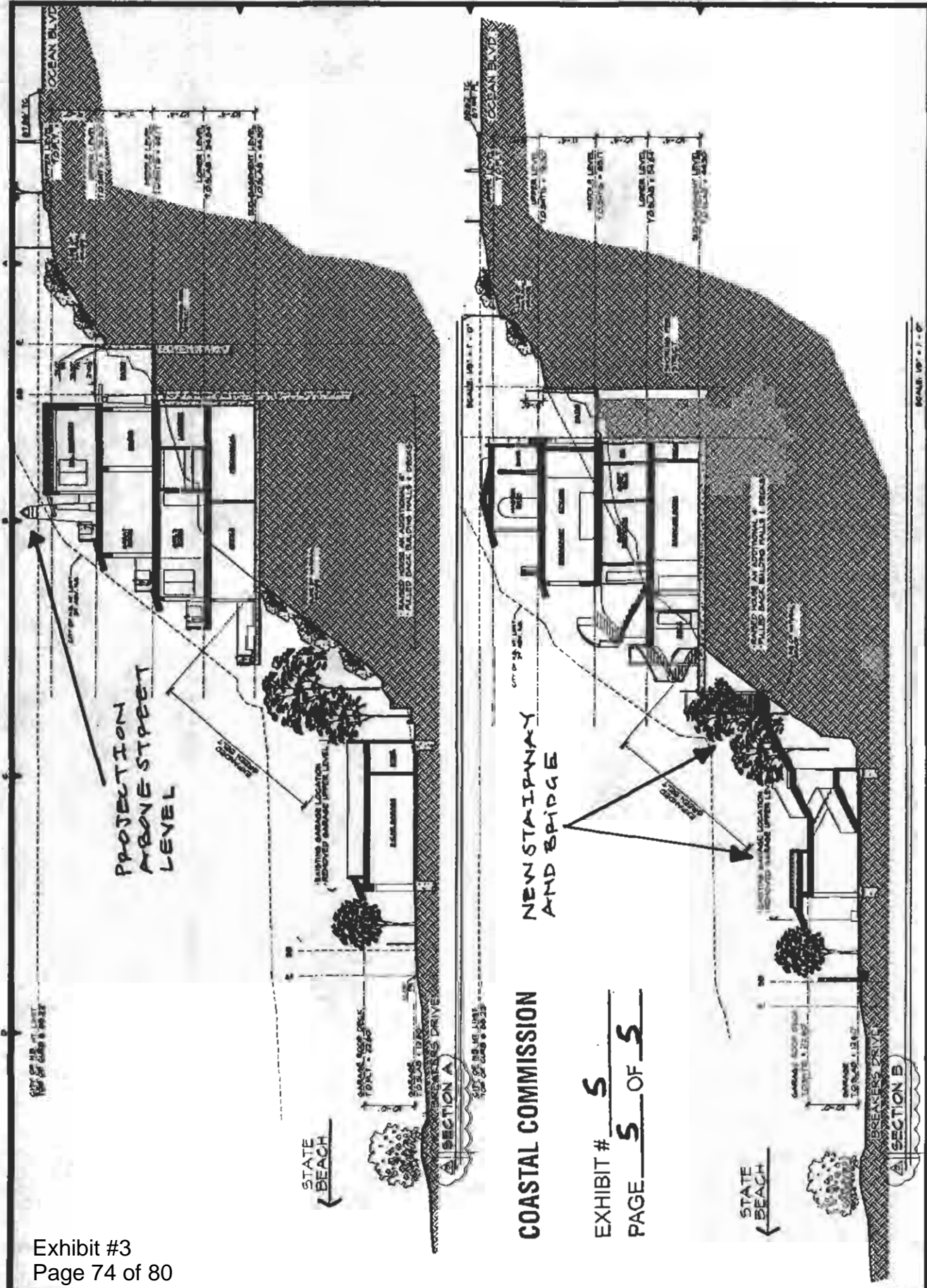


Exhibit #3
Page 74 of 80

COASTAL COMMISSION

EXHIBIT # 5
PAGE 5 OF 5

TOPOGRAPHIC SURVEY

COASTAL COMMISSION

FOR
3225 OCEAN BOULEVARD
 IN THE CITY OF NEWPORT BEACH,
 COUNTY OF ORANGE,
 STATE OF CALIFORNIA

EXHIBIT # **7**
 PAGE **1** OF **1**
 APN 052-120-14

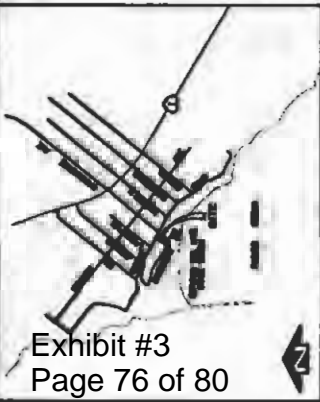
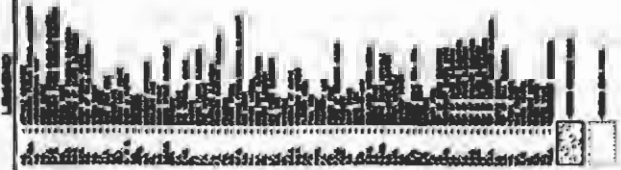
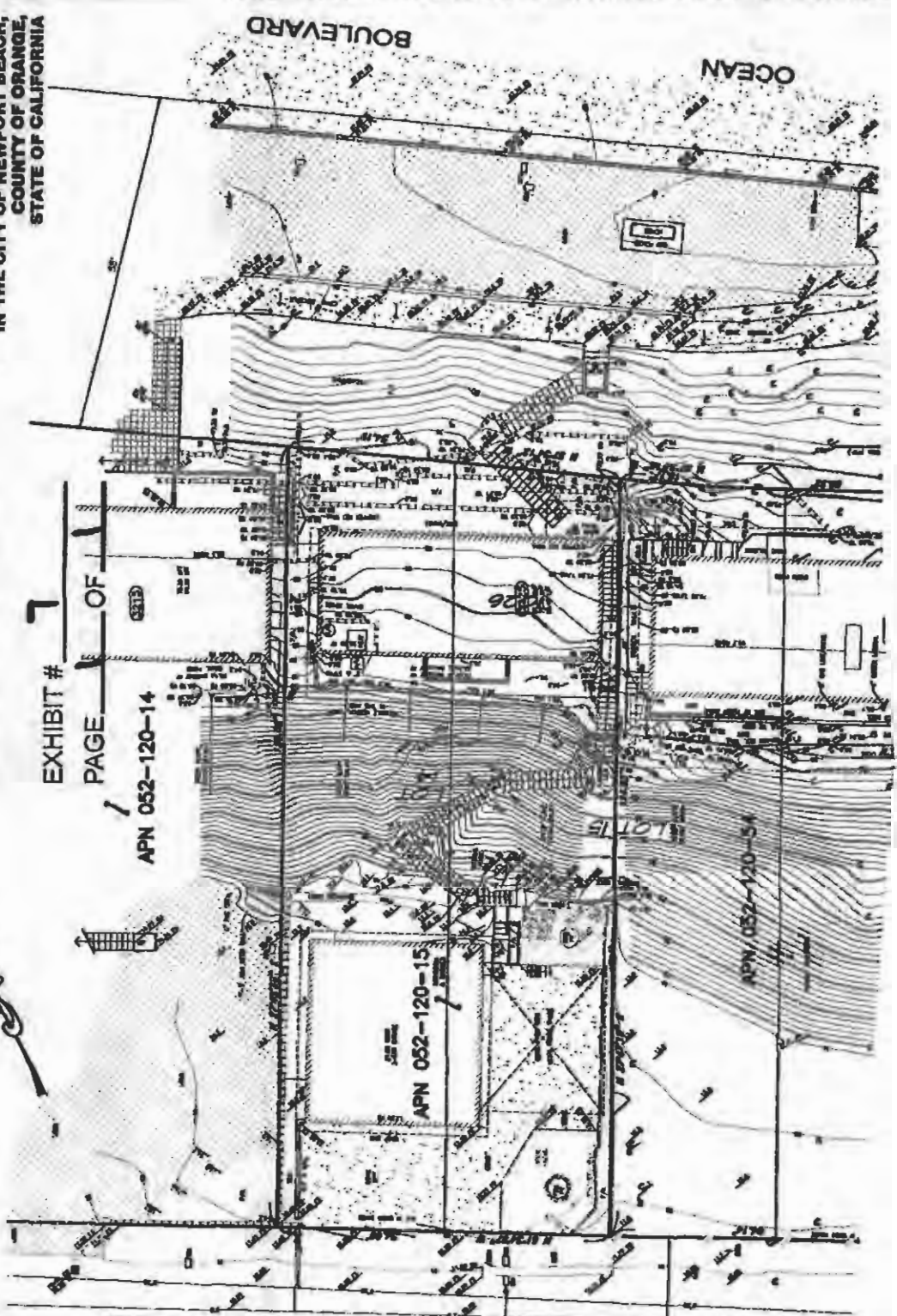


Exhibit #3
 Page 76 of 80

LOCATION MAP



LEGAL DESCRIPTION:
 The portion of Lot 15 and the adjacent half of the eastern half of Lot 14 and the adjacent half of Lot 16 of Block 15, Part of Subdivision 10, in the City of Newport Beach, County of Orange, State of California, as shown on the map of said Block 15, Part of Subdivision 10, in the Office of the Registrar of said County.

SENIOR MAP:
 A map of the City of Newport Beach, California, showing the location of the subject property, as shown on the map of said Block 15, Part of Subdivision 10, in the Office of the Registrar of said County.

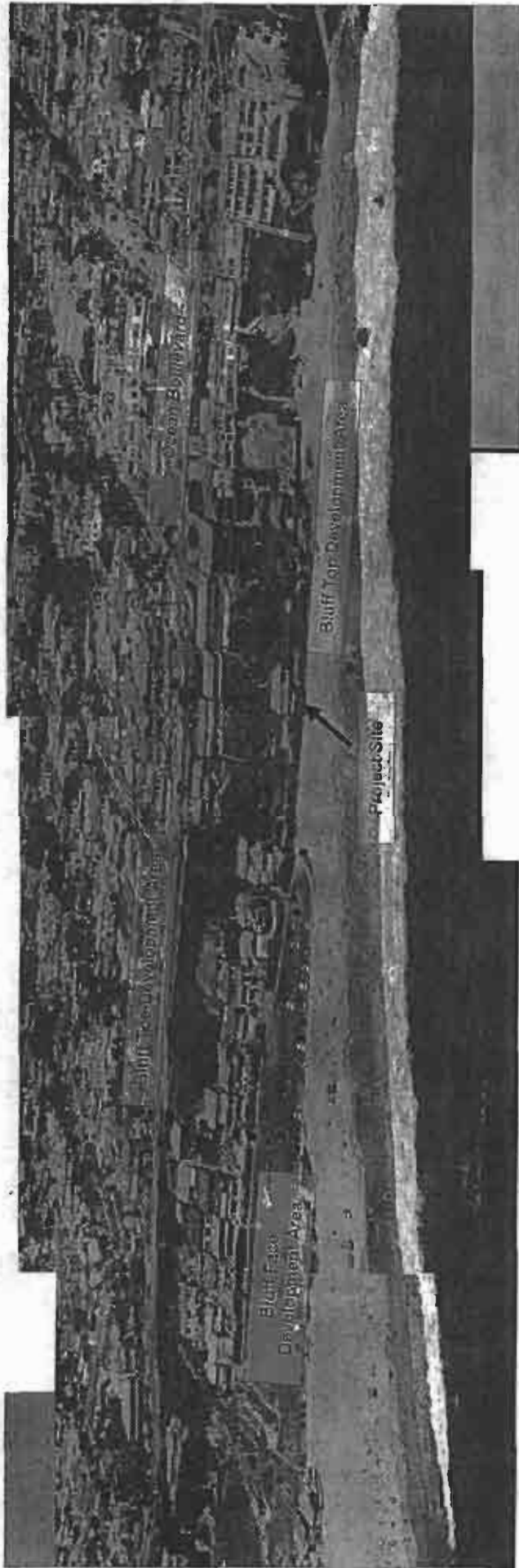
PREPARED FOR:
 HYDRO'S ENGINEERING
 400 OLD AVENUE BLVD
 NEWPORT BEACH, CA 92660
 TEL: (949) 448-8888



DATE: 1/25/20
BY: [Signature]
SCALE: 1" = 100'
PROJECT: 3225 OCEAN BOULEVARD
CITY: NEWPORT BEACH

NO. 1	DATE	BY
1	1/25/20	[Signature]

TOPOGRAPHIC SURVEY
3225 OCEAN BOULEVARD
 A.P.N. 052-120-14
 CITY OF NEWPORT BEACH



Imagery Date: September 19, 2008
Images numbers 200803322, 200803323, & 200803325

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California Coastal Records Project,
www.CaliforniaCoastline.org

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 3



**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication:
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

October 8, 2010, 10:15am

Location of communication:
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Commissioner Neely's Bureka Office

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Liaison

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

W17b. Application No. 5-10-32 (Evensen, Corona Del Mar)
Application of Mr. & Mrs. Christian Evansen to demolish single-family home at top of coastal bluff and demolish detached 1-story 3-car garage at toe of bluff and construct new 4,733 sq.ft., 4-story single-family home connected via tunnel and elevator to 2,181 sq.ft., 2-story structure with 3-car garage and second floor recreation room, spanning entire bluff face. Grading consists of 2,052 cu.yds. of cut and export to location outside of coastal zone, at 3225 Ocean Blvd, Corona Del Mar, Orange County. (FSY-LB)

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

Our colleagues in ORCA on behalf of Penny Elia are asking the Commission support staff recommendation for denial. The design is not appropriate for the Coast.

Date: October 8, 2010


Bonnie Neely, Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceedings and provide the Executive Director with a copy of any written material that was part of the communication.

Coastal Commission Fax: 415 904-5400

COASTAL COMMISSION

EXHIBIT # 9
PAGE 1 OF 3

W176

**FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS**

Name or description of the project: Agenda Item W.17.b. Application No. 5-10-32 (Evensen, Corona Del Mar)

Time/Date of communication: October 7, 2010, 4:00 pm

Location of communication: Oceanside City Hall

Person(s) initiating communication: Dave Grubb, speaking for Penny Elia.

Person(s) receiving communication: Esther Sanchez

Type of communication: Meeting

Support staff recommendation for denial. Staff has done an excellent job on detailing all the destructive problems with this proposed project, including but not limited to:
New footprint does not minimize landform alteration, but in fact destroys the entire bluff.

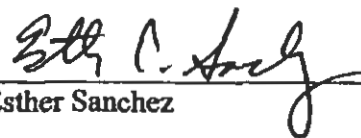
2052 CY of cut and export is massive and again, will totally destroy the bluff. If that doesn't do it, construction of 46 caissons certainly will.

The geological instability of this bluff is a true HAZARD.

Cumulative impacts of other homeowners wanting to do the same type of "remodeling" - it that's what you want to call the destruction of an entire coastal bluff area.

One issue that is not addressed in detail is the runoff that will be created due to all the hardscape.

Date: October 7, 2010



Esther Sanchez

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South Coast Region

OCT 11 2010

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COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 9
PAGE 3 OF 3