

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

W176

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.

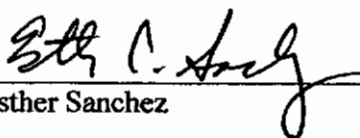
2052 CY of cut and export is massive and again, will totally destroy the bluff. If that doesn't do it, construction of 46 caissons certainly will.

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

CALIFORNIA
COASTAL COMMISSION

CALIFORNIA COASTAL COMMISSION

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W 17b

Filed: April 22, 2010
49th Day: June 10, 2010
180th Day: October 19, 2010
Staff: Fernie Sy-LB
Staff Report: September 22, 2010
Hearing Date: October 13-15, 2010
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-10-032

APPLICANT: Mr. & Mrs. Christian Evensen

AGENT: Brion Jeannette & Associates

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

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

SUMMARY OF STAFF RECOMMENDATION:

The subject site is located on a coastal bluff located seaward of Ocean Boulevard, and inland of Breakers Drive (a private street), vegetation, and a sandy public beach at Corona Del Mar State Beach. The applicant proposes to demolish an existing 2-1/2-level single-family residence at the top of the coastal bluff and also demolish a detached 1-story 3-car garage and associated structures at the toe of the bluff and construct a new 4,733 square foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room, all of which will span the entire bluff face¹. 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 bluff² with the remaining portion of the bluff kept intact (Exhibit #7). However, the existing project site and one (1) other lot in this area have development located at the top of the bluff and the toe of the bluff. These are exceptions that are inconsistent with the general pattern of development found in this area. The proposed development will, therefore, result in significant development of

¹ When viewing the site from Breakers Drive and/or the beach, the structure appears to cover most of the bluff face. The applicant has expressed concern with this characterization because, in terms of lot coverage, the proposed structure does not actually cover the entire land surface of the bluff face (i.e. there are some small gaps between buildings where there is bluff face that is not built upon). Nevertheless, from many common vantage points, the proposed development appears to cover the entire bluff face (see Exhibit #5, page 2, 'south elevation'). Furthermore, during the construction phase, most of the bluff face will be disturbed by grading and other development.

² 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'.

the entire bluff which will cause visual impacts on the property. Furthermore, the project results in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch³ (for the residence) must be excavated into the bluff face, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch⁴ (for the structure at the toe of the bluff and for an elevator shaft) must be excavated into the toe of the bluff to accommodate construction of the proposed development (Exhibit #5, page 3). Currently, the existing residence and garage, taken together, visually covers approximately 36-vertical feet of the entire 76-foot tall bluff face; however, the proposed project would result in significant development on the entire bluff face, visually covering⁵ over approximately 72-vertical feet of the entire 76-foot tall bluff face, an approximate increase of 50% in bluff face development on site (Exhibit #5, page 2). 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 35-vertical feet); however, the proposed project would cover this area with development, with either the footprint of new building area and additional floors notched into the bluff face, and/or bluff face area obstructed from view by the second floor and roof deck of the new garage. 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 this project may lead to. Many of the homes that exist in the vicinity are older and likely to be redeveloped. If this site were allowed to be developed in the proposed manner, matching proposals on adjacent and nearby lots would likely follow. Such proposals would have a significant adverse cumulative impact on bluff landform alteration and community character. Staff recommends that the Commission **DENY** the proposed project.

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

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

³ This 35-foot high notch into the natural grade is for the construction of the lower & sub-basement level as well as for a front patio.

⁴ Although these measurements are taken from the applicant's plans, the applicant's agent contends that this description of the size of the area to be graded out to accommodate construction of the garage, elevator shaft and tunnel, is not accurate. The agent contends that the graded area for the elevator shaft and tunnel is narrower. The plans on file do not support this contention. The applicant's agent has stated that the plans submitted are not accurate and that revisions will be submitted. To date, no revision has been supplied.

⁵ The term 'covering' here, and elsewhere in these findings, means that the bluff appears to be covered when viewed from Breakers Drive and the beach (see Exhibit 5, page 2, 'south elevation'). The area 'covered' includes both 1) bluff face land surface that is covered by the expanded footprint of the new structure and additional notching into the bluff face to accommodate new floors for the residence, and 2) bluff face land surface obstructed from view by vertical elements of the new buildings (e.g. second level of the garage and its roofdeck, and the middle and upper levels of the house).

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

EXHIBITS

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

The Commission hereby finds and declares as follows:

A. PROJECT LOCATION, DESCRIPTION AND PRIOR COMMISSION ACTION

1. Project Location

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

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

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

The site is currently developed with an existing pre-coastal 2-1/2-story single-family residence constructed at the top of the bluff, and a 1-story, 3-car garage structure, a carport, hardscape, a fire pit and barbecue and rear and side yard property line walls constructed at the toe of the bluff on the level area adjacent to Breakers Drive. An existing wooden staircase is located on the bluff face between the residence at the top of the bluff and the garage at the toe of the bluff. Besides the existing wooden staircase, the area on the bluff 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 35-vertical feet) (Exhibit #3, page 2).

2. Project Description

The proposed project consists of demolition of an existing 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a detached 1-story 3-car garage with associated structures at the toe of the bluff and construction of a new 4,733 square foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room (Exhibits #3-6), all of which will span the entire bluff face⁶, which is approximately 72-vertical feet high. 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). The existing wooden staircase inland from the residence traverses from the public right-of-way, which sits between Ocean Boulevard and the existing house, to the existing residence and will remain as is and will be re-connected to the new residence. The existing wooden staircase between the residence at the top of the bluff and the garage at the toe of the bluff will be removed. An existing slump block retaining wall located at the toe of the bluff behind the existing garage will also remain. The proposed project will also consist of new decks, a built in spa, barbeque, a fire pit, new stairs, retaining walls, property line walls, hardscape and landscape. Grading will consist of 2,052 cubic yards of cut and export to a location outside of the Coastal Zone. The foundation system will consist of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 46 caissons) and grade beam system. Furthermore, the proposed project also consists of a significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch must be excavated into the bluff face to accommodate the added floors for the new residence, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch⁷ into the toe of the bluff to accommodate relocation and expansion of the structure at the toe of the bluff and for an elevator shaft (Exhibit #5, page 3). This is in addition to areas of bluff face that have already been graded out to accommodate the existing structures (that will be demolished and replaced with larger structures).

3. Standard of Review

⁶ When viewing the site from Breakers Drive and/or the beach, the structure appears to cover most of the bluff face. The applicant has expressed concern with this characterization because, in terms of lot coverage, the proposed structure does not actually cover the entire land surface of the bluff face (i.e. there are some small gaps between buildings where there is bluff face that is not built upon). Nevertheless, from many common vantage points, the proposed development appears to cover the entire bluff face (see Exhibit #5, page 2, 'south elevation'). Furthermore, during the construction phase, most of the bluff face will be disturbed by grading and other development.

⁷ Although these measurements are taken from the applicant's plans, the applicant's agent contends that this description of the size of the area to be graded out to accommodate construction of the garage, elevator shaft and tunnel, is not accurate. The agent contends that the graded area for the elevator shaft and tunnel is more narrow. The plans on file do not support this contention. The applicant's agent has stated that the plans submitted are not accurate and that revisions will be submitted. To date, no revision has been supplied.

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 bluff⁸ while the remaining portion of the bluff is kept intact, largely undisturbed and vegetated (Exhibit #7). Development at this site, if approved, must be sited and designed to be visually compatible with the character of the surrounding area. It is also necessary to ensure that new development be sited and designed to protect views to and along the beach area and minimize the alteration of existing landforms. This proposed bluff face development also raises the concern over the cumulative impacts that would occur if others propose to develop the coastal bluff face.

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

Landform Alteration

The applicants are proposing the demolition of an existing 2-1/2-level single-family residence at the top of a coastal bluff and demolition of a detached 1-story 3-car garage at the toe of the bluff and associated structures and construction of a new 4,733 square foot four-story single-family residence connected via a tunnel and elevator to a 2,181 square foot 2-story structure with 3-car garage and second floor recreation room, all of which will span the entire bluff face, which is approximately 72-vertical feet high. Grading will consist of 2,052 cubic yards of cut and export to a location outside of the Coastal Zone. The grading will result in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch (for the residence) must be excavated into the bluff face, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch (for the structure at the toe of the bluff and for an elevator shaft) must be excavated into the toe of the bluff to accommodate construction of the proposed development (Exhibit #5, page 2). Currently, the existing residence and garage, taken together, visually covers approximately 36-vertical feet of the entire 76-foot tall bluff face; however, the proposed project would result in significant development encompassing the entire bluff face, visually covering⁹ over approximately 72-vertical feet of the entire 76-foot

⁸ 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'.

⁹ The term 'covering' here, and elsewhere in these findings, means that the bluff appears to be covered when viewed from Breakers Drive and the beach (see Exhibit 5, page 2, 'south elevation'). The area 'covered' includes both 1) bluff face land surface that is covered by the expanded footprint of the new structure and additional notching into the bluff

tall bluff face, an approximate increase of approximately 50% in bluff face development on site (Exhibit #3, page 2 and Exhibit #5, page 2). The foundation system will consist of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 46 caissons) and grade beam system.

The Coastal Act requires new development to be sited to “*minimize the alteration of natural land forms.*” The existing bluff is a natural landform visible from public vantage points such as the sandy public beach (Corona Del Mar State Beach). The proposed project includes significant expansion of the footprint of the structures, 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 3), 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 pattern of development along this segment of Ocean Boulevard is such that development is located at the top of the bluff while the remaining portion of the bluff is kept largely intact. The proposed project would result in coverage of almost the entire bluff face with development.

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

Vehicular access to this lot is gained from Breakers Drive at the toe of the bluff, where there is an existing garage. For the surrounding six (6) properties in this stretch of Ocean Boulevard (3207-3309 Ocean Boulevard), vehicular access to their properties varies. 3207, 3235 and 3301 Ocean Boulevard have vehicular access from Ocean Boulevard, located at the top of the bluff. 3215 and 3325 (project site) Ocean Boulevard have vehicular access from Breakers Drive located at the toe of the bluff. 3309 Ocean Boulevard has vehicular access from both Ocean Boulevard and Breakers Drive. 3225 (project site) and 3309 Ocean Boulevard have garages located at the toe of the bluff. In order to minimize additional landform alteration, staff requested the applicant to look into providing vehicular access from Ocean Boulevard. However, the City of Newport Beach does not allow new vehicular access from Ocean Boulevard¹⁰. Thus, even though the existing garage located at the toe of the bluff is inconsistent with the pattern of development in the area, vehicular access is necessary and therefore a garage at the toe of the bluff is the required location since new vehicular access is not allowed off Ocean Boulevard at the top of the bluff. However, the new garage is significantly larger in size and notches into the toe of the bluff. In order to additionally limit landform alteration, the garage should be limited to the existing footprint as well and designed so as not to

face to accommodate new floors for the residence, and 2) bluff face land surface obstructed from view by vertical elements of the new buildings (e.g. second level of the garage and its roofdeck, and the middle and upper levels of the house).

¹⁰ 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 Commission.

adversely impact visual resources (to be discussed later as an alternative). If the proposed project was designed to match the community character, landform alteration and adverse impacts to scenic views of the coastline would be minimized. However, the proposed project will not be limited to the existing footprint and will result in significant grading of virtually the entire bluff face that is located on the applicant's property.

Pattern of Development/Stringline

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

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

The subject site is located in the Bluff Top Development Area (3207-3309 Ocean Boulevard) described above, 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 and two (2) lots (3235 and 3301 Ocean Boulevard) downcoast of the project site, which would also fall within the Bluff Top Development Area (Exhibit #7). The existing single family residence at the top of the bluff is basically in alignment with adjacent residences. Currently, the project site has an existing 2-1/2-level single-family residence at the top of the bluff (located approximately at the 55-foot contour) and 1-story 3-car garage with associated structures at the toe of the bluff (located approximately at the 13-foot contour). Besides the existing wooden staircase, the area on the bluff located between the subject residence located at the top of the bluff and the garage and other development (i.e. hardscape, a fire pit, barbeque, etc) located at the toe of the bluff, the bluff face remains largely undisturbed and densely vegetated (a span of approximately 35-vertical feet) (Exhibit #3, page 2). However, the proposed project would develop this undeveloped area between the developed areas at the bluff top and toe. The proposed project would cover this area with development, with either the footprint of new building area and additional floors notched into the bluff face, and/or bluff face area obstructed from view by the second floor and roof deck of the new garage. Visually, over 72-vertical feet of the entire 76-foot tall bluff face would have the appearance of being developed (currently, the existing residence and garage, together, visually covers approximately 36-vertical feet of the entire 76-foot tall bluff face; however, the proposed project would result in an

approximate increase of 50% in bluff face development on site) (Exhibit #5, page 2, '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.

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

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

Cumulative Impacts

The proposed residence would be unlike any other development in the vicinity since it would cover almost the entire bluff face, where others 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 nearly the entire bluff face. Over time, these incremental impacts can have a significant cumulative adverse visual impact. If the proposed development were approved, and others like it were approved as well, the bluff along this area of Ocean Boulevard could eventually become a wall of buildings that cover the entire bluff, thus causing significant, cumulative adverse visual impacts since the site is visible from adjacent public vantage points such as the sandy public beach (Corona Del Mar State Beach).

CONCLUSION

The Commission finds that the proposed project is not sited and designed to protect scenic and visual qualities of coastal areas. Denial of the proposed project would (1) protect existing scenic resources (2) preserve the existing pattern of development/stringline at the top of the coastal bluff in the Bluff Top Development Area, thereby ensuring the project is visually compatible with the

character of the surrounding area and (3) minimize the alteration of the natural landform, the bluff face, on the subject property. Therefore, the Commission finds that the proposed project is inconsistent with Section 30251 of the Coastal Act.

C. HAZARDS

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

New development shall do all of the following:

- (a) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

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

SITE SPECIFIC BLUFF INFORMATION

Geotechnical Data

To address site-specific issues, the applicants have submitted the following geotechnical investigations: *Preliminary Geotechnical Investigation, Proposed New Single-Family Residence, 3225 Ocean Boulevard, Corona del Mar, California (Report No. 71862-00/Report No. 09-6621)* prepared by Geofirm dated December 11, 2009; *Response to California Coastal Commission Notice of Incomplete Application, March 11, 2010, Demolish and Construct New Single-Family Residence, Coastal Development Permit Application No. 5-10-032, 3225 Ocean Boulevard, Corona del Mar, California* prepared by Geofirm dated March 19, 2010. The information provided states that the bedrock materials backing the bluff are anticipated to remain seismically and grossly stable. However, slopewash deposits along the toe of the bluff are considered surficially unstable and may exhibit shallow instability during strong seismic shaking. The information submitted ultimately concludes the coastal bluff on the site is grossly stable and that the project is feasible from an engineering perspective provided the applicant complies with the recommendations contained in the investigation. Some of the recommendations for construction of the project site include a foundation system consisting of a combination of conventional footings and retaining walls in conjunction with a caisson (approximately 46 caissons) and grade beam system. While the project can be constructed as long as it adheres to the recommendation found in the geotechnical investigations, it still results in development taking place in a hazard prone location and requires an extraordinary engineering effort to construct.

Coastal Hazards

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

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

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

CONCLUSION

Although the applicants' geotechnical report indicates that the project site will be safe from hazards in the next 75 years, the geology and potential hazards of the site, and the proposed siting, requires grading and foundation design that would substantially alter natural landforms along the subject property's bluff face. Here, the applicant has to conduct extraordinary engineering measures to make this project technically feasible. Specifically, the proposed project consists of a substantial alteration of the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch must be excavated into the bluff face to accommodate the added floors for the new residence, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch must be excavated into the toe of the bluff to accommodate relocation and expansion of the structure at the toe of the bluff and for an elevator shaft (Exhibit #5, pages 2-3). In addition, the applicant must further alter the natural landform by installing a significant foundation system, including the need to drive approximately 46 caissons into the substrata of the bluff face. Given that these extraordinary engineering measures—excavation of the bluff face and caisson installation into the bluff face for the new foundations—are necessary to protect the proposed new development from any potential geologic instability caused by erosive or seismic forces (or any other force), they function similar to protective devices. Therefore, the proposed siting of the residence and foundation design would substantially alter natural landforms along bluffs, which is inconsistent with section 30253 of the Coastal act.

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

D. ALTERNATIVES

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property, nor unreasonably limit the owner's reasonable investment-backed

expectations of the subject property. The applicant already possesses a substantial residential development of significant economic value on the property. In addition, several alternatives to the proposed development exist. Among those possible alternative developments are the following (though this list is not intended to be, nor is it, comprehensive of the possible alternatives):

1. No Project

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

2. Remodeling of the Existing Home

The proposed project entails expansion of habitable and private recreation facilities located on the bluff face. An alternative to the proposed project would be remodeling of the existing home and detached garage for these uses within their existing footprints, 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.

E. LOCAL COASTAL PROGRAM

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

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

Scenic and Visual Resources, Policy 4.4.1-1 states,

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

Scenic and Visual Resources, Policy 4.4.1-3 states,

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

Natural Landform Protection, Policy 4.4.3-8 states,

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

Natural Landform Protection, Policy 4.4.3-9 states,

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

Natural Landform Protection, Policy 4.4.3-15 states,

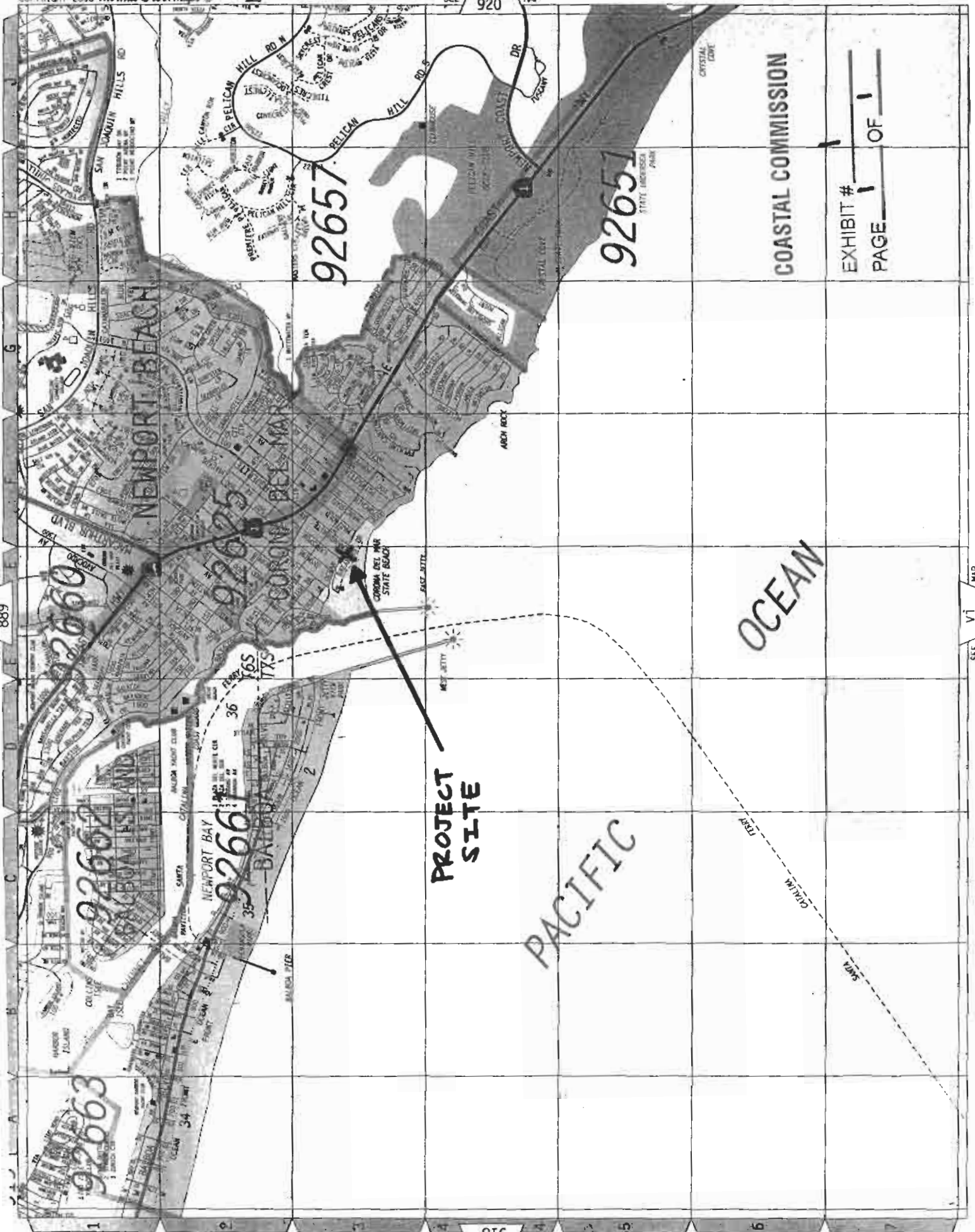
Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.

The construction of the proposed project is inconsistent with the policies in the City's certified LUP. The proposed project is not sited and designed to protect and, where feasible, enhance the scenic and visual qualities of the coastal zone. Denial of the proposed project would preserve existing scenic resources and would be consistent with preserving the existing community character where development occurs at the top of the bluff. The proposed development is inconsistent with the policies in the City's certified LUP, as well as the policies in Chapter 3 of the Coastal Act, as indicated above, and would therefore prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a). Therefore, the project must be denied.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

While the City of Newport Beach found that the development was Categorical 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.



PROJECT SITE

OCEAN

PACIFIC

COASTAL COMMISSION

EXHIBIT # 1 OF 1
PAGE 1 OF 1

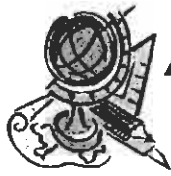
889

SEE VI MAP

ORANGE CO.

SEE 918 MAP

SEE 919 MAP



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P.O. Box 2593 • Dana Point, CA • 92624
Office: (949) 361-3921 • Fax: (949) 361-3923
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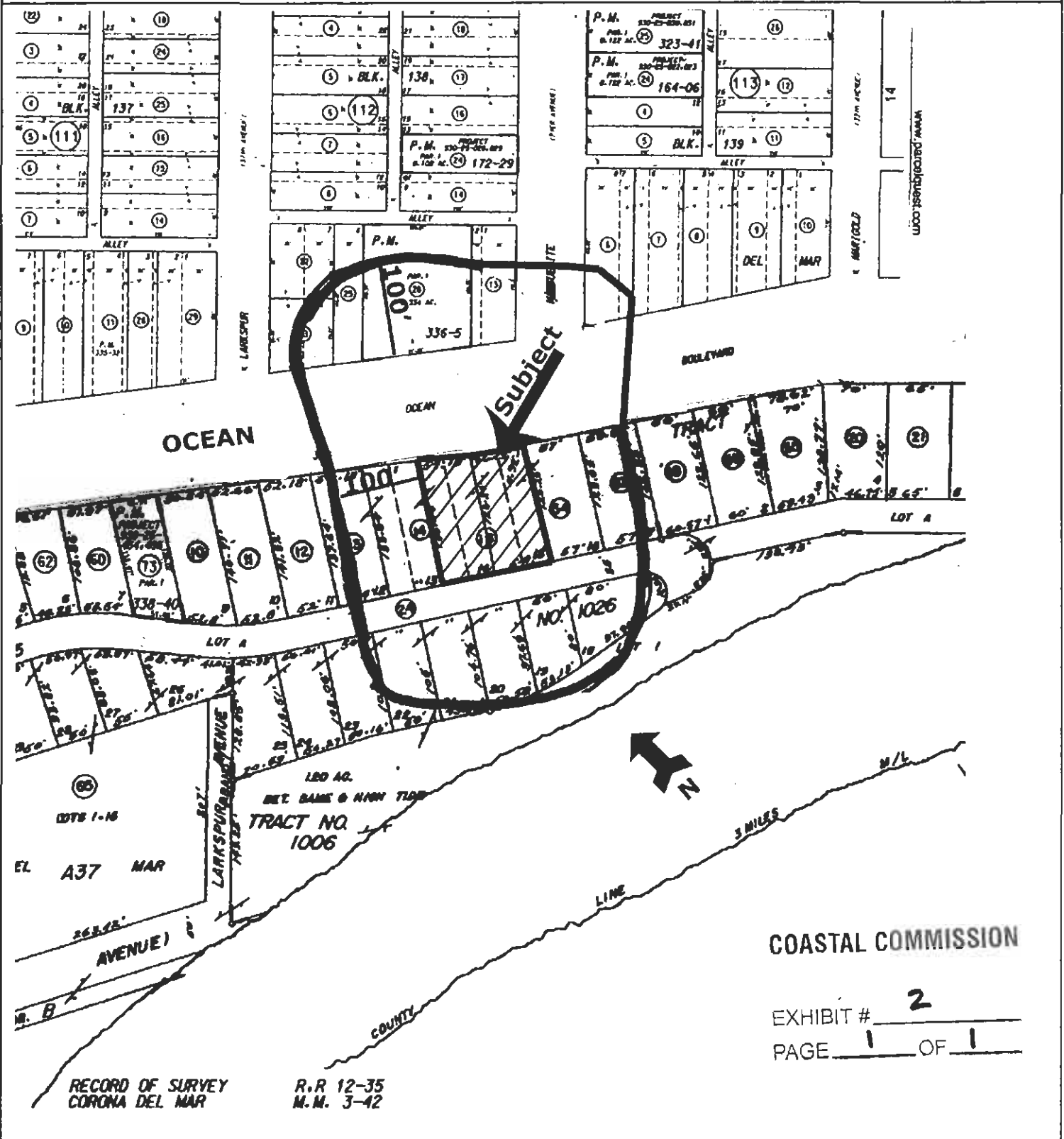
RECEIVED
South Coast Region

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

NOT TO SCALE

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 2

AKROTIRI
9225 OCEAN BLVD.
CORONA DEL MAR, CA

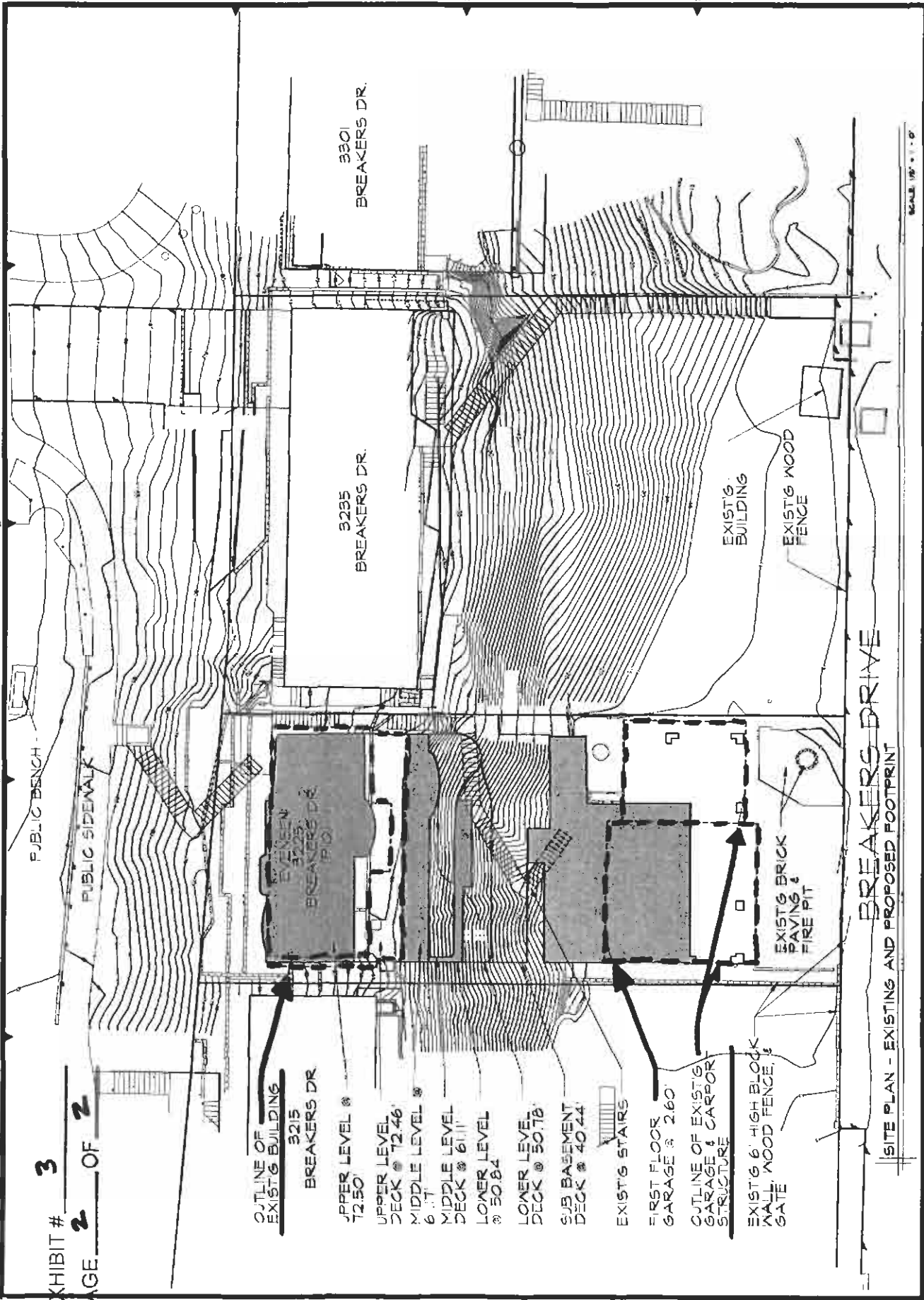
Bron Jeannelle Architecture

EXISTING
FOOTPRINT
SITE PLAN

Date:	
Drawn by:	
Reviewed by:	
Revised by:	
Revised on:	
Job No. or Job:	



EXHIBIT A



BREAKERS DRIVE

SCALE 1/8" = 1'-0"

SITE PLAN - EXISTING AND PROPOSED FOOTPRINT

APR 21 2010

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

Bron Jeannelle Architecture

UPPER & MIDDLE
LEVEL FLOOR PLAN

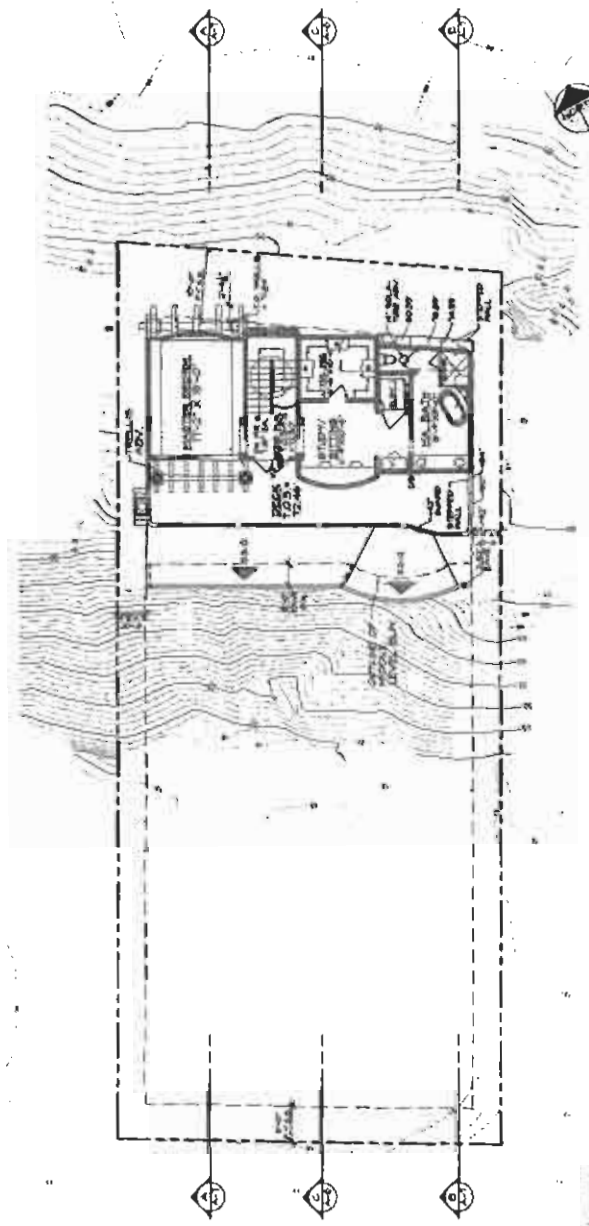
Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	
Revision:	



A-2

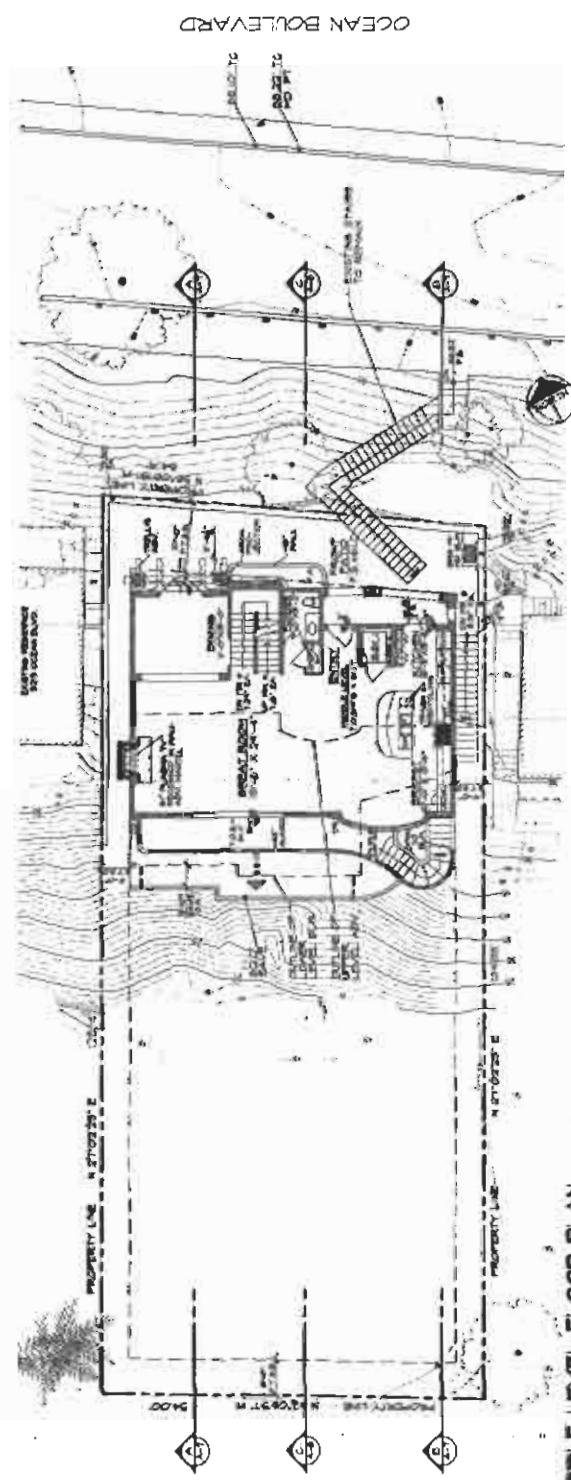
COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 3



UPPER LEVEL FLOOR PLAN

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



MIDDLE LEVEL FLOOR PLAN

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

BREAKERS DRIVE
(BELOW)

OCEAN BOULEVARD

COASTAL COMMISSION

EXHIBIT # 4

PAGE 2 OF 3

AKROTIRI
3225 OCEAN BLVD.
CORONA DEL MAR, CA

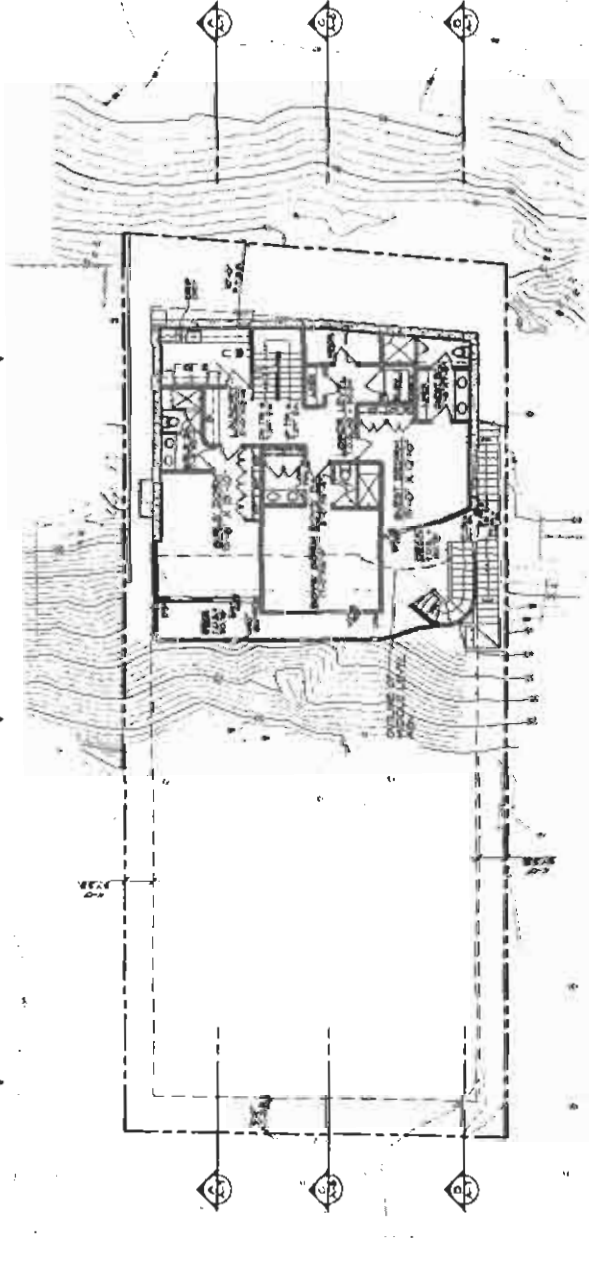
Bron Jeannerette Architecture

LOWER & SUB-BASEMENT
LEVEL FLOOR PLAN

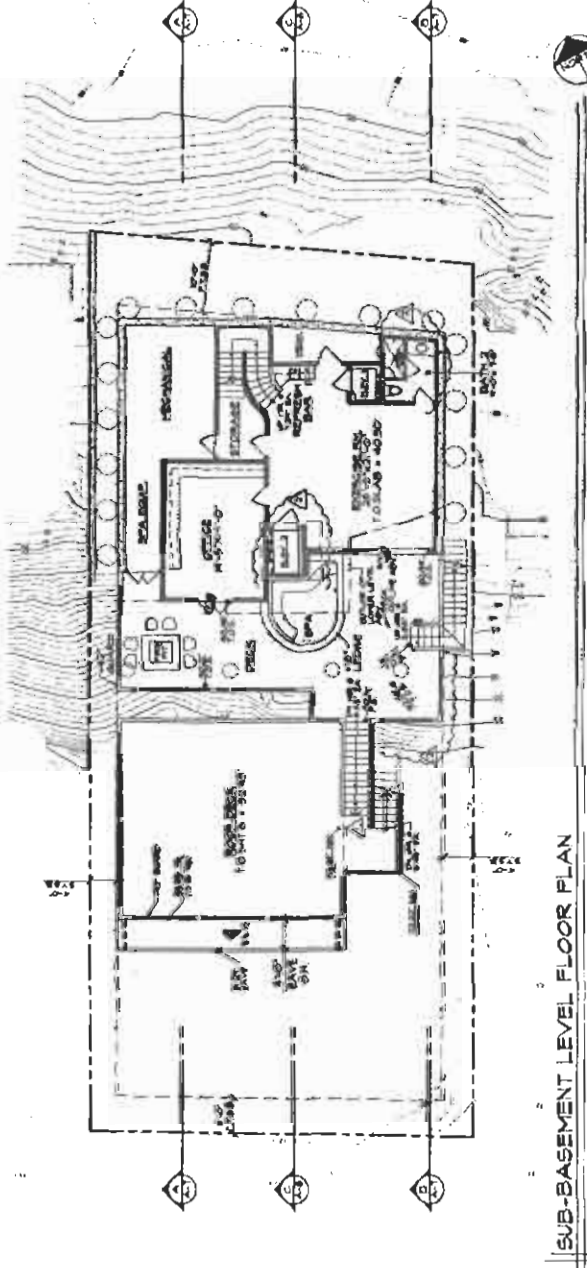
Check	_____
Design	_____
Drawings	_____
Materials	_____
Structural	_____
MEP	_____
Other	_____
DATE	_____
JOB NO.	094-007



A-5



LOWER LEVEL FLOOR PLAN



SUB-BASEMENT LEVEL FLOOR PLAN

S:\Clients\AKROTIRI (LAWYERS)\AKROTIRI - 094-007.dwg

AKROTIRI RESIDENCE
9225 OCEAN BLVD.
CORONA DEL MAR, CA

Brian Jeannotte Architecture

EXTERIOR
ELEVATIONS

Project:	AKROTIRI RESIDENCE
Client:	Lawrence Rawlings
Architect:	Brian Jeannotte Architecture
Date:	10/20/11
Scale:	1/8" = 1'-0"
Sheet:	A-6



A-6

COASTAL COMMISSION

EXHIBIT # **5**
PAGE **2** OF **3**

72'

SOUTH ELEVATION

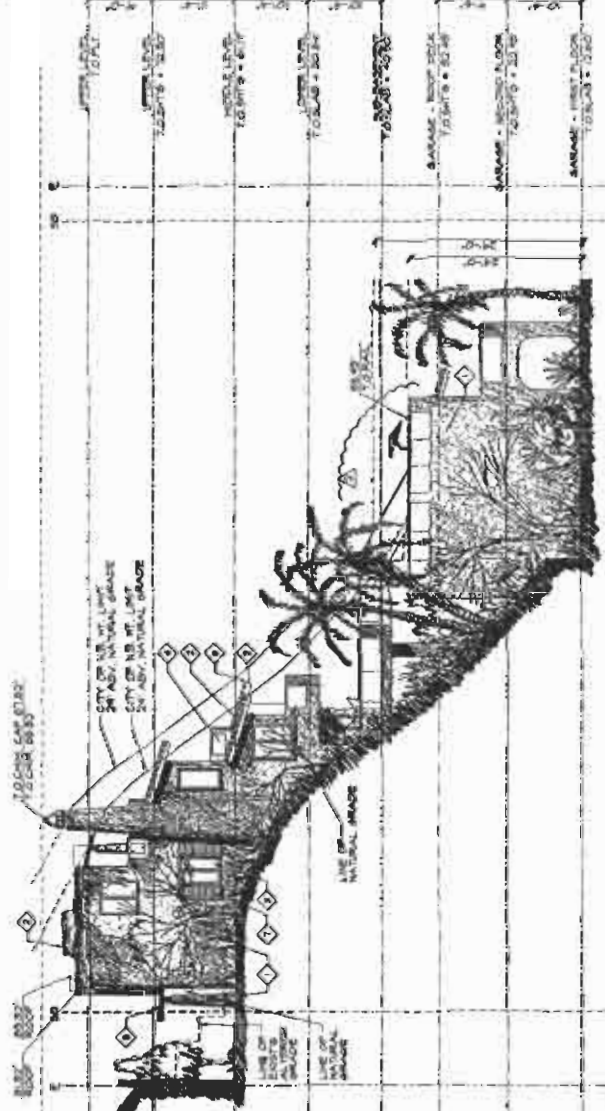
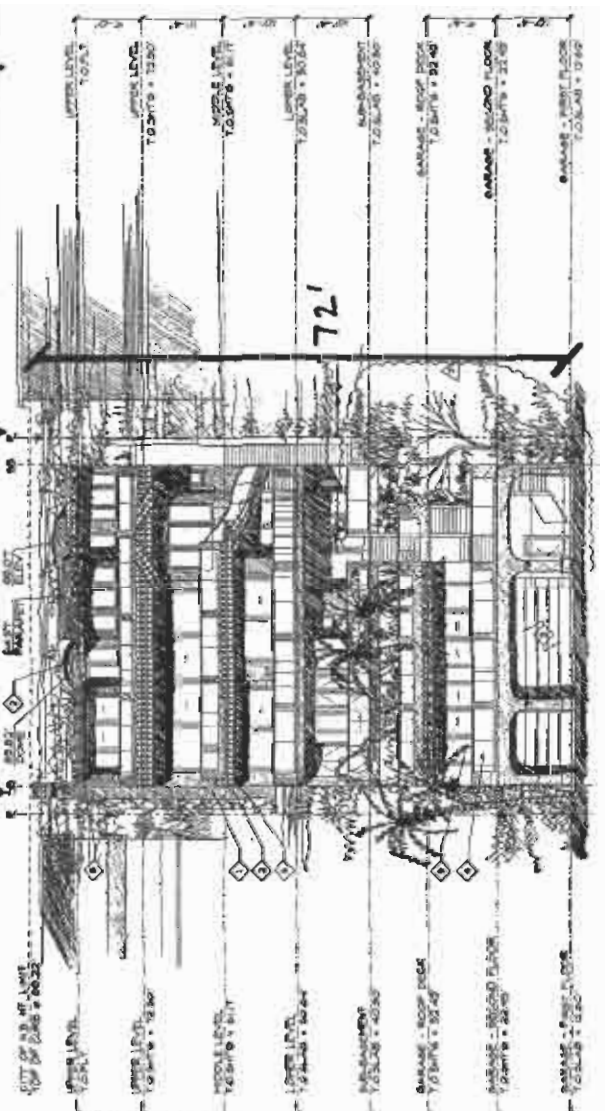
SCALE 1/8" = 1'-0"

OCEAN BLVD. CITY OF NB. NAT. GRAD. TOP OF CURB = 12.22'

BREAKERS DR

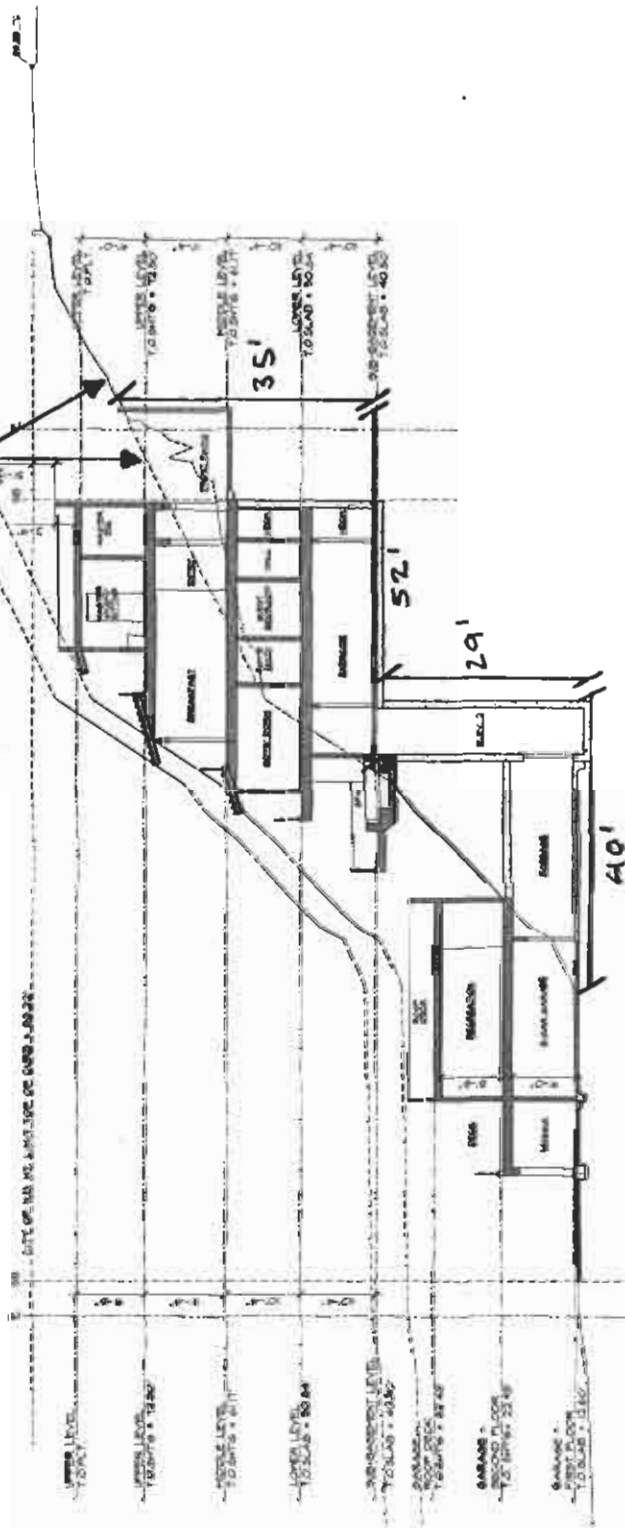
WEST ELEVATION

SCALE 1/8" = 1'-0"



COASTAL COMMISSION

EXHIBIT # 5
PAGE 3 OF 3



SECTION C

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

EYSEN RESIDENCE
3225 OCEAN BLVD.
CORONA DEL MAR, CA

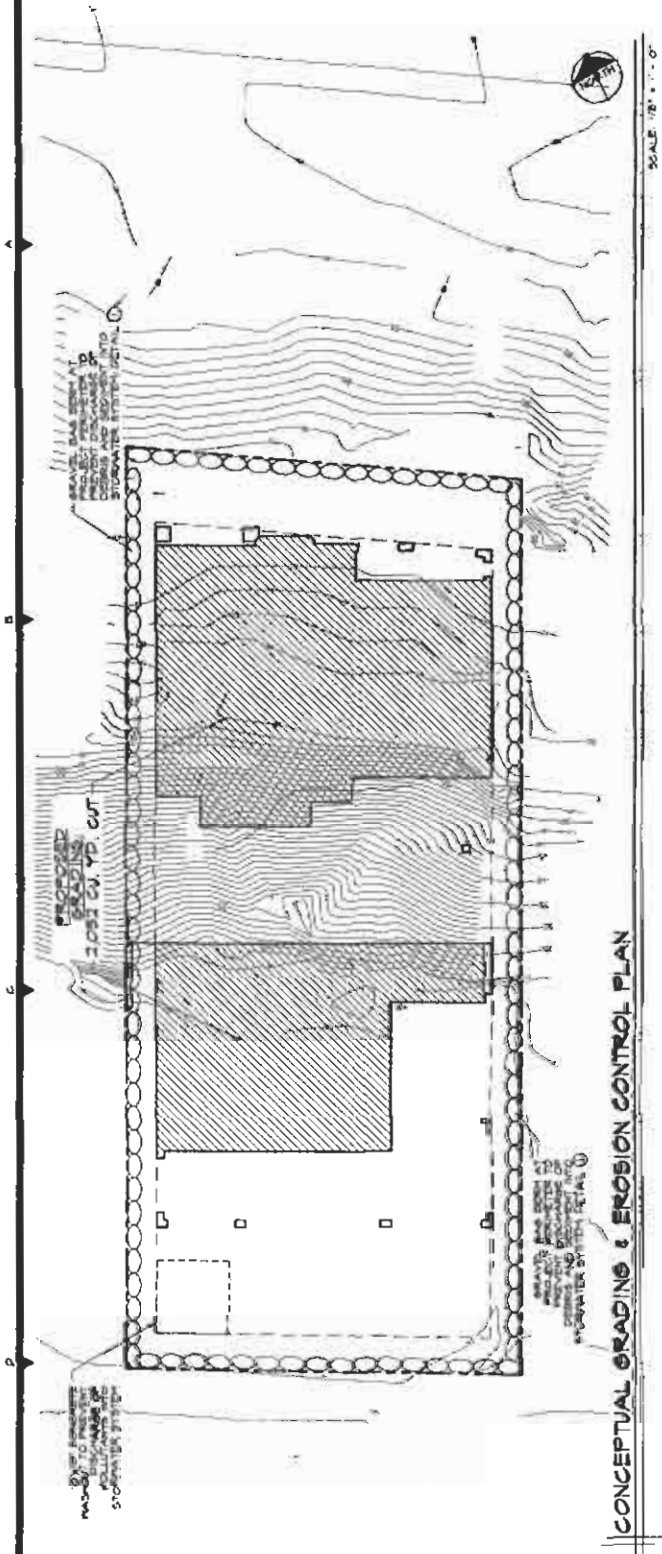
Bron Jeannelle Architecture

BUILDING SECTION

DATE	12/15/10
PROJECT	EYSEN RESIDENCE
ARCHITECT	Bron Jeannelle Architecture
SCALE	1/8" = 1'-0"
SECTION	BUILDING SECTION
JOB NO.	04-087



A-B



CONCEPTUAL GRADING & EROSION CONTROL PLAN

EROSION & SEDIMENT CONTROL NOTES:
 1. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION AND MAINTAINED THROUGHOUT THE PROJECT. EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.
 2. EROSION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT EROSION AND SEDIMENTATION OF THE ADJACENT PROPERTY.
 3. EROSION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT EROSION AND SEDIMENTATION OF THE ADJACENT PROPERTY.
 4. EROSION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT EROSION AND SEDIMENTATION OF THE ADJACENT PROPERTY.

WASTE & MATERIALS MANAGEMENT CONTROL NOTES:
 1. ALL WASTE MATERIALS SHALL BE STORED IN A DESIGNATED AREA.
 2. ALL WASTE MATERIALS SHALL BE REMOVED FROM THE SITE AT THE END OF EACH DAY.
 3. ALL WASTE MATERIALS SHALL BE REMOVED FROM THE SITE AT THE END OF EACH DAY.
 4. ALL WASTE MATERIALS SHALL BE REMOVED FROM THE SITE AT THE END OF EACH DAY.

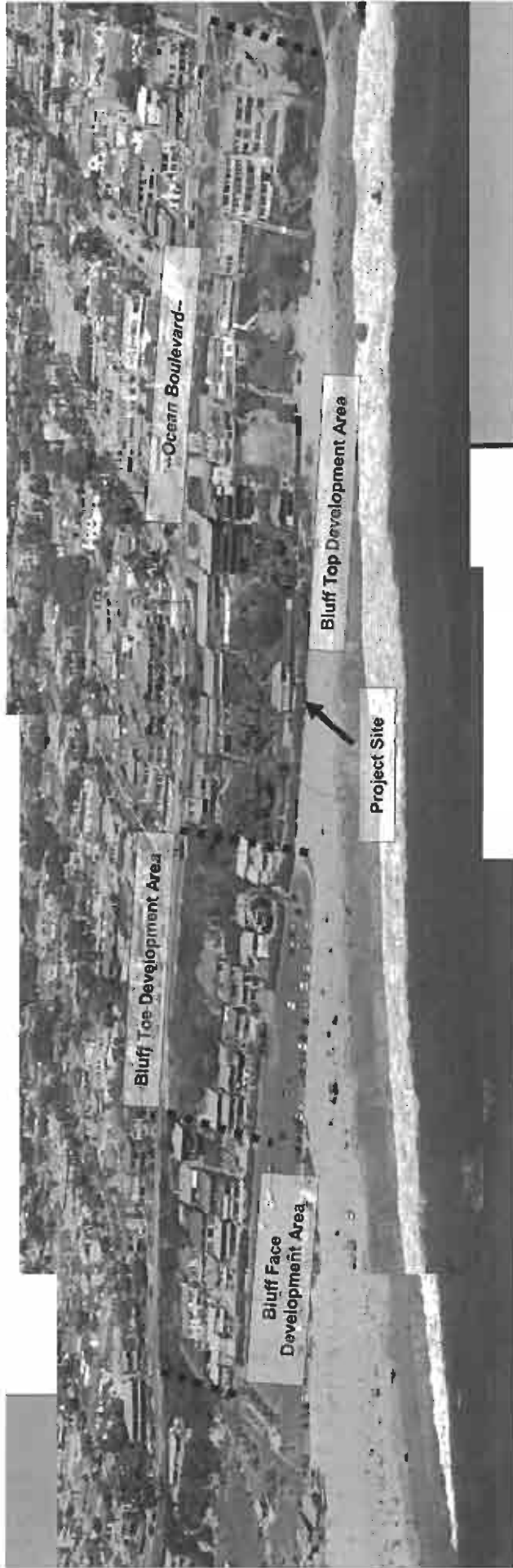


① GRAVEL PASS BERM



COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 1



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

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California Coastal Records Project,
www.Californiaoastline.org

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 3



RONALD P. BEARD

R E A L E S T A T E I N V E S T M E N T S

September 7, 2010

Fernie Sy
Coastal Commission
P.o. Box 1450
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

SEP 8 2010

CORONA
COASTAL COMMISSION

Re: Permit number 5-10-032

Location: 3225 Ocean Blvd, Corona Del Mar (Orange County) APN 052-120-15


TO WHOM IT MAY CONCERN:

We live at 3208 Ocean Blvd which is across the street from the proposed development. We agree with the staff report from the Coastal Commission which intends to DENY the project.

We feel the project is far too intense of a development for the site. It would require far too much dirt and earth movement. Having just lived through a 4 year long development on the Ahmanson property immediately adjacent to ours, the dust, noise, and construction equipment blocking the alley and the street were a nightmare.

We feel that any development should have strict time guidelines for how long it can take. Further, mitigation measures for dust should include regular window cleaning and power washing of the affected surrounding homes. Our home was filthy for most of the 4 year period as it made no sense to try to wash anything with the amount of dirt, dust, and debris that were being generated on a daily basis. Any development should also be built such that the roof line of any structure is at or below the curb height of Ocean Blvd, consistent with other new homes in the area.

Sincerely,



Ronald P. Beard

Cc: City of Newport Beach

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 2

September 1, 2010

RECEIVED
South Coast Region

SEP 12 2010

California Coastal Commission
Southern California District
PO Box 1450
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Re: Case No. 5-10-032 Situs: 3225 Ocean Blvd. Corona del Mar

Commissioners,

Applicants are requesting a 4-story structure at this site. I worry that the structure will be moved up vertically as high on the lot as is permitted by building codes. That is applicants' right under the law.

But what advantage will thereby accrue to applicants? They shall only be able to "see" farther out to sea and those of us in the general public behind the structure on the sidewalk will be denied any view whatsoever of the local beach and ocean. This view exists today and is enjoyed by thousands of visitors every year.

Now, to achieve this maximum height, applicants will build 10 or 12-foot ceilings. These new rooms will encompass large amounts of air that will be heated up quickly by solar energy from above and reflecting from the water. Applicants will have to run air conditioners all summer. How un-green is that?

I encourage the Commission to visit the site, if possible, and to require the applicants to build the new structure lower than maximum allowed.

Yours,



Ross Melin
PO Box 396
Corona del Mar, CA 92625
760-333-4129

COASTAL COMMISSION

EXHIBIT # 8
PAGE 2 OF 2

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.: Application No. 5-10-032 (Evensen.
Newport Beach)

Date and time of receipt of communication: 9/9/10, 1:00 pm

Location of communication: Board of Supervisor's Offices, Santa
Cruz, California

Type of communication: In person meeting

Person(s) initiating communication: Grant Weseman
Margie Kay

Person(s) receiving communication: Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

They agree with the staff's recommendation and are asking the Commission to find
substantial issue. This project provides for too much bluff alteration.

Date: 9/21/10 Signature of Commissioner: Mark Stone

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 within 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 proceeding and provide the Executive Director with a
copy of any written material that was part of the communication.

COASTAL COMMISSION

EXHIBIT # 9
PAGE 1 OF 3

FORM FOR DISCLOSURE OF EX-PARTE COMMUNICATIONS

Name or description of the project: Weds 30a. Application No. 5-10-032 (Evensen, Newport Beach)
Time/Date of communication: 10am, September 9, 2010
Location of communication: La Jolla
Person(s) initiating communication: Gabriel Solmer on behalf of Sierra Club
Person(s) receiving communication: Patrick Kruer
Type of communication: Phone Call

Ms. Solmer related the Sierra Club's opposition to the application by Mr. & Mrs. Evensen to demolish an existing single family home and garage at toe of bluff and construct new 4,733 sq. ft., four-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, all of which will span entire bluff face.

The primary issues before the Commission, as described by Ms. Solmer, are the preservation of scenic resources, consistency with the pattern of development in the area, minimization of landform alteration and avoidance of development in hazard prone locations.

Sierra Club is strongly supportive of the staff recommendation and recommends a denial of the application for the following reasons:

- The proposed development will result in significant development of the entire bluff which will cause visual impacts on the property (approximately 72-vertical feet of the entire 76-foot tall bluff face, an approximate increase of approximately 50% in bluff face development on site).
- The project results in significant alteration to the natural bluff landform in that an approximate 46-foot wide by 52-foot deep by 35-foot high notch (for the residence) must be excavated into the bluff face, also an approximate 46-foot wide by 40-foot deep by 29-foot high notch (for the structure at the toe of the bluff and for an elevator shaft) must be excavated into the toe of the bluff.
- This project would lead to cumulative impacts as there are several other older homes in this area that could follow suit. Approval of this project would therefore be precedent setting.
- The project's architect has taken over entire coves and bluffs and destroyed natural resources to create coastal mansions in the past (<http://www.trianglemodernisthouses.com/jeannette.htm>)
- The project will create additional runoff due to the quantity of hardscape proposed, impacting water quality at the beach below.
- The geological instability of the bluff is a hazard and a 75-year CDP is inconsistent with the 20-year CDPs given to seawalls.

Date: September 9, 2010 COASTAL COMMISSION



Patrick Kruer

EXHIBIT # 9
PAGE: 2 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.)

September 13, 2010, 10:00am

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 Eureka Office

Person(s) initiating communication:

Maggy Herbelin, Local ORCA Representative

Person(s) receiving communication:

Commissioner Bonnie Neely

Name or description of project:

W30a. Application No. 5-10-032 (Evensen, Newport Beach)
Application of Mr. & Mrs. Christian Evensen to demolish existing 2-1/2-level 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., four-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, all of which will span entire bluff face. Grading will consist of 2,052 cu.yds of cut and export to location outside of Coastal Zone, at 3225 Ocean Boulevard, City of Newport Beach, 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 the Sierra Club are asking the Commission to support staff recommendation for denial, and if possible, to support the NO PROJECT alternative.

Date: September 13, 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: 415 904-3400

COASTAL COMMISSION

EXHIBIT # 9
PAGE 3 OF 3