

CALIFORNIA COASTAL COMMISSION

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

**W8a****ADDENDUM**

April 12, 2010

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM W8a**, COASTAL COMMISSION PERMIT APPLICATION
#5-09-162 (Advanced Group 99-D) FOR THE COMMISSION MEETING OF
April 2010.

Correspondence:

Staff received numerous letters in support and in opposition to the proposed project (Exhibit 14 of the staff report). Between March 22nd and April 12th 2010 staff received the attached additional letters in support, and in opposition to, the proposed project.

Changes to Staff Report:

Deleted language is in ~~strike through~~ and new language is in **bold, underlined italic**, as shown below:

1. Delete Section B, and re-letter subsequent sections, of Special Condition 10 on Page 9 of the staff report as follows:

10. COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S)

- A. The applicant shall establish covenants, conditions and restrictions (CC&R's), or an equivalent thereof, for the proposed residential development to, among other things, address maintenance of the public view corridor at the corner of Ocean Blvd. and Carnation Ave and to notify present and future owners of all the requirements of this coastal development permit. The CC&R's shall reflect the following requirements of this coastal development permit: 1) The location, presence of, and requirement to maintain the 44-degree wide view corridor at the proposed viewpoint at elevation 69-feet at the corner of Carnation Ave and Ocean Blvd. as shown on Exhibit 9 of this staff report and required pursuant to Special Condition No. 8 and 9; 2) long-term maintenance of the proposed park bench and drinking fountain; 3) the presence and content of a requirement identified in **Special Condition 7** of the permit regarding the need to obtain a coastal development permit for future development; and 4) the presence and content of a requirement identified in **Special Condition 6** of the permit regarding no future blufftop and shoreline protection devices; 5) the requirements identified in **Special Condition 5** of this permit relative to the permanent drainage and runoff control plan; 6) the requirements identified in **Special Condition 14** of the permit regarding pool protection plan; (7) the requirements identified in **Special Condition 3** of this permit relative to the assumption of risk, waiver of liability and indemnity; and (8) notice pursuant to **Special Condition 1** that

the Commission's approval of the proposed development does not waive any public rights that may exist on the property. The CC&Rs shall specify that any amendment to the CC&Rs affecting implementation of the requirements of this permit does not become effective until the Executive Director determines that the amendment is consistent with the Conditions of this permit.

~~B. As soon as an owner's association or similar entity comprised of the individual owners of the development is created, the applicant shall transfer responsibility for the easement areas to that entity.~~

~~B.~~ **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and prior to recordation of any CC&R's, parcel maps or tract maps associated with the approved project, said CC&R's and Tract and parcel maps shall be submitted to the Executive Director for review and approval. The Executive Director's review shall be for the purpose of ensuring compliance with the standard and special conditions of this coastal development permit. Any CC&R's, parcel map conditions or notes, or tract map provisions which the Executive Director determines are not consistent with any of the Conditions of this permit shall be modified to be consistent with the Conditions of the permit before recordation.**

~~B.C.~~ **Simultaneous with the recording of the final tract map(s) approved by the Executive Director, the permittee shall record the covenants, conditions and restrictions approved by the Executive Director, against the property.**

2. Staff recommends the addition of a new Special Condition to be included in the staff report as Special Condition 16 on page 11 of the staff report as follows:

16. LIABILITY FOR COSTS AND ATTORNEYS FEES

The Permittee shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit, the interpretation and/or enforcement of permit conditions, or any other matter related to this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

3. Staff recommends the following correction on Page 27, paragraph one of the staff report:

Consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the policies of Chapter 3 of the Coastal Act. The certified Laguna Beach LCP **City of Newport Beach Land Use Plan** was used as guidance by the Commission in reaching its decision. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. The Commission's enforcement division will evaluate further actions to address unpermitted development

not resolved under this permit.

4. Due to a staff oversight, the information in the entire "LOCAL COASTAL PROGRAM" section of the staff report incorrectly references the City of Laguna Beach instead of the City of Newport Beach in which the proposed project is actually located. Staff recommends deletion of the entire "LOCAL COASTAL PROGRAM" section on page 29 of the staff report and replacement with new language as follows:

E. LOCAL COASTAL PROGRAM

~~Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3.~~

~~The City of Laguna Beach Local Coastal Program was certified with suggested modifications, except for the areas of deferred certification, in July 1992. In February 1993 the Commission concurred with the Executive Director's determination that the suggested modification had been properly accepted and the City assumed permit issuing authority at that time.~~

~~The subject site is located within the Three Arch Bay area of deferred certification. Certification in this area was deferred due to issues of public access arising from the locked gate nature of the community. However, as discussed above, the proposed development will not further decrease or impact public access within the existing locked gate community. Therefore the Commission finds that approval of this project, as conditioned, will not prevent the City of Laguna Beach from preparing a total Local Coastal Program for the areas of deferred certification that conforms with and is adequate to carry out the Chapter 3 policies of the Coastal Act.~~

E. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act. However, as one aspect of the project cannot be conditioned to be brought into conformance with the provisions of Chapter 3 of the Coastal Act, therefore, that aspect of the project is denied.

Brion Jeannette Architecture

April 12, 2010

Ms. Sherilyn Sarb, Deputy Director
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

APR 12 2010

CALIFORNIA
COASTAL COMMISSION

Re: Aerie
CDP Application No. 5-09-162
Hearing Date April 14, 2010
Agenda Item W8a

Ms. Sarb:

At the direction of the applicant, Advanced Group 99-D, we respectfully request that you remove the dock portion of our current application from consideration by the Commission at this time. To be specific, the dock portion of the current application is defined to be all development seaward of the existing concrete landing at the private cove beach. Therefore, we would like to withdraw without prejudice the following portion of the Project Description - "demolition of an existing 4-slip floating dock structure and replacement with a new 8-slip floating dock and guest side-tie" - as noted on page 1 of the CCC Staff Report.

As discussed with Teresa Henry, Karl Schwing, and Liliana Roman, we are reviewing alternatives and potential mitigation measures and will work with Staff on a dock solution that is mutually beneficial to both the Newport Harbor and the residents of Aerie. We look forward to bringing a revised dock plan before the Commission in the near future.

Thank you for your consideration of this request.

Best regards,



Brion S. Jeannette, AIA
Architect
Agent for Applicant

May 21 01 07:06a Fred Forster

949-872-8913

p.1

April 4, 2010

To: Sherylin Sarb
From: Aviva Forster
SUBJECT: **APPROVAL OF AERIE PROJECT**

Dear Ms. Sarb:

I have been a resident of Corona del Mar for a quarter of a century. In my opinion, the proposed Aerie Project will enhance our community and will improve the coastline aesthetically as well as structurally.

I have attended meetings where geologists and architects have described the intended project. It is clear to me that the Aerie Project will benefit many. In particular, I believe the project will:

1. improve stability of hillside
2. improve the view of Corona del Mar from the water
3. improve the view of the bay from the land
- 4.

I urge you to approve the Aerie project.

Sincerely,
Aviva Forster, Corona del Mar

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APR 12 2010
CALIFORNIA
COASTAL COMMISSION

JOHN HARLAN DAWSON
(1907-1987)

KEITH ABBOT DAWSON

DAWSON & DAWSON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
2660 EAST COAST HIGHWAY
CORONA DEL MAR, CALIFORNIA 92625

TELEPHONE (949) 720-9414

TELECOPIER (949) 759-9144

March 31, 2010

California Coastal Commission
Attn.: Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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South Coast Region

APR 05 2010

Re: Aerie Project
Application No.: 5-09-162

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Sarb:

I moved to Corona Del Mar right out of college almost 40 years ago. It was the best move I ever made. I have watched our "Crown of the Sea" change over the years, recognizing that nothing stays the same and that change is inevitable. There have been many changes in Corona del Mar over the years. Like me, most would say that the changes have been for the better - others would disagree. But then, there are always those who will disagree - sometimes in selfish furtherance of their own personal agendas.

As a long-time resident of this charming community, I wish to express my unconditional support for the Aerie Project. I have taken the time to familiarize myself with the technical aspects of the project, including those that are of particular importance to the Coastal Commission. The applicant has gone to great lengths to provide for the protection of the local marine habitat and has voluntarily undertaken responsibility for periodic cleaning the small cove below the project which, because of the prevailing tidal currents, has served as a natural collection basin for trash and debris for years. Moreover, the applicant has designed the project so that the visual resources available to the public from the street above the bluff will be enhanced while the alteration of the bluff will be kept to a bare minimum.

The Aerie Project will remove a 50-year old eye-sore at the entrance to our harbor and replace it with a precious jewel "fit for a crown", and it will do so within existing zoning and coastal requirements. Everyone has their own personal preferences

California Coastal Commission
Attn.: Ms. Sherilyn Sarb
March 31, 2010

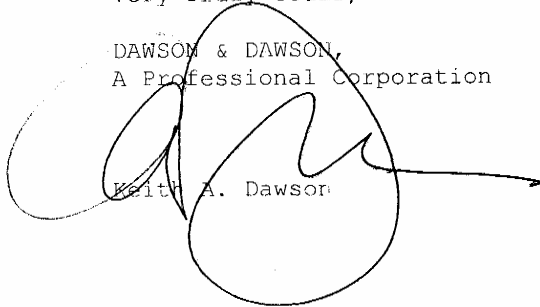
Page 2

and some have their own agendas. However, the record will reflect that the applicant has played by the rules every step of the way. He has repeatedly reached out to the community, and he has modified the design of the project based on the recommendations of the Newport Beach Planning Commission and the City Council after numerous public hearings. Although a small band of detractors have mustered blind support for their opposition to the project by circulating half-truths and outright falsehoods, I am confident that the Coastal Commission possesses the knowledge and experience to see through the transparency of the opposition and evaluate the Aerie Project on its many merits.

I sincerely regret that my wife and I are unable to travel to Ventura to appear in person at the public hearing on April 14th to voice our support for the Aerie Project. Corona Del Mar and Newport Beach deserve the Aerie Project, and the applicant deserves our sincere thanks for believing in our community for and his commitment to the future of Corona Del Mar.

Very Truly Yours,

DAWSON & DAWSON,
A Professional Corporation



Keith A. Dawson

KAD/jj

FROM : FELDMAN, P&M

FAX NO. : 949 760 0888

Mar. 31 2010 01:34PM P1

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South Coast Region

APR 01 2010

Residents' fax: 949-760-0888 - Fax

CALIFORNIA
COASTAL COMMISSION

To: Sherilyn Sarb: Coastal Commission's Deputy
Director of the South Coast District Office
FAX: Coastal Commission: 562-590-5084

FROM: Paula G. Feldman & Melvin S. Feldman

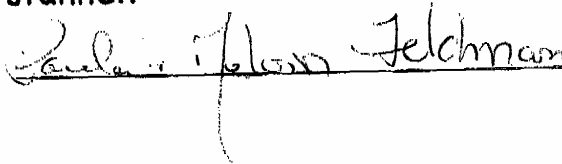
DATE: 3/31/2010

PAGES: 1

RE: Aerie Project

As long time residents of Corona del Mar, approximately 40 years, we are excited about the Aerie Project. It will add to the beauty of the community while remaining within the Coastal Commission's rigorous standards. Unlike many projects that have been developed over the years, the Aerie is architectually brilliant. It is integrated into the cliffs demonstrating the craftsmanship of the architect. This project is without question impressive and a true stunner.

Paula & Melvin Feldman
4618 Dorchester Road
Corona del Mar, CA 92625



APR-01-10 THU 12:51 PM DERBY WILLIAMS/CLASS 2000 7146315833

P. 01

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APR 1 2010

March 31, 2010

CALIFORNIA
COASTAL COMMISSION

457 Santa Ana Avenue
Newport Beach, CA 92663

FAX: 562-590-5084

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Attention: Ms. Sherilyn Sarb

Re: Application #:5-09-162 Aerie

Dear Ms. Sarb:

We would like to make a few points for your records in favor of the Aerie project.

1. This project is compatible with everything else built along the bluff
2. A view "window" will be provided which does not currently exist and a public beach and drinking fountain will be added at the public view point
3. Three additional on-street parking spaces will be provided which will accommodate visitors to this area
4. The beautiful organic design will be a vast improvement over the existing development

We hope this project gets the "green light" as it will greatly enhance the beauty of this area.

Sincerely,

Mr. & Mrs. R. Derby Williams

Mr. and Mrs. R. Derby Williams

May 13 01 08:02a

Fred Forster

949-872-8913

p.1

Letter supporting the Aerie project
Permit Number 5-09-162
Agenda Item 7a, 8a

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Fax 562-590-5084

RE: Permit Number 5-09-162
Aerie Project

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APR 1 2010

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Sarb:

The purpose of this letter is to present my strongest support for the above referenced project. As a long time Newport Beach resident (moved here in 1979), and a very frequent visitor to the specific property location as a resident enjoying one of the most spectacular sites along the entire California coast, I view the proposed redevelopment of this area in general and the Aerie location in particular, as crucial next steps in providing increased visual enjoyment for residents of Newport Beach and the public at large.

The current state of affairs is truly deplorable. Many existing structures along that bluff amount to an ugly wall of boring structures that effectively hide the outstanding view into Newport Harbor. I do believe in property rights and therefore acknowledge a land owner's right to develop a property to enjoy the view. However, I do also expect that developers in sensitive areas such as this one have further obligations to support general community needs. This standard has been met. As has been presented many times, the Aerie's project eliminates an eyesore, while actually increasing the view to the general public—almost doubling the size of the view corridor. In addition two hideous utility poles will go underground.

This especially energy efficient building will be a terrific enhancement to the street with —a special sensitivity to returning a natural line to the bluff area (effectively hiding a huge portion of the constructed area), while actually increasing the view of the bluff as seen from below in comparison to the current structure.
--actually increase public parking on the street, while sharply reducing private parking needed on the street level and
--presenting to the public a profoundly handsome structure to enjoy.

The surrounding neighbors seem to be taking a very, very short term and limited position without regard to what is in the general public interest. A yes vote is in order.

Sincerely,



Fredric J. Forster
Corona del Mar, CA 92625

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APR 05 2010

April 1, 2010

CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Re: Application # 5-09-162
Aerie


Dear Ms. Sarab:

We are writing this letter to you to express our support for the referenced new building project located At Carnation Ave. and Ocean Blvd. in Newport Beach, CA. We have followed this wonderful project with interest for 5 years because its design and completion will add so very much to the neighborhood. The existing sixteen unit apartment building is quite the eyesore in the neighborhood, and along with that many units, there is insufficient available parking.

The eight new units will not only have fewer cars, but will provide underground parking for residents versus the vehicles that are parked in driveways and on the street currently at the larger apartment complex.

Please add your commission's approval to this well designed residential project. The City of Newport Beach can enjoy a greatly needed residential uplift. The much needed addition to our city tax base is estimated at eighty million dollars.

We do love our city and the beauty it affords its residents and many visiting day guests. The improved public parking and new view corridor, public bench and water fountain expresses its welcome.

Sincerely,

Corinne Spence
Charles and Corinne Spence
2910 Cliff Drive
Newport Beach, CA 92663
(949) 645-2566

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MAR 29 2010

DAVID K. LAMB
801 VIA LIDO SOUD,
NEWPORT BEACH, CALIFORNIA 92663
949-833-1554 EXT 228

CALIFORNIA
COASTAL COMMISSION

March 24, 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: Application #: 5-09-162

Dear Ms. Sarb:

This letter is to state unequivocally that my wife, Pat and I believe the Aerie project in Corona del Mar is an asset to the community, and will add immensely to the attractiveness of the bluffs above the Newport Harbor entry. I cruised by the existing apartment building last night in a friend's electric boat and could imagine the attractive flow of the rooflines that Aerie will bring to the bluffs verses the grey box of the existing 1950's vintage apartment property that exists there now.

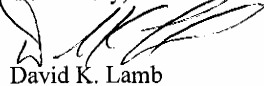
I don't understand the resistance from some neighbors to this development. It will expand their views to the harbor below, create three new parking spaces for additional visitors to park next to the overlook, and be much less obtrusive to the area than what is now there. I can only think that the people who object must just resist change. We need the improvements to Newport Beach.

I only hope that when the Aerie project is completed it will motivate the neighbors across the Harbor on the Balboa Peninsula to press for redevelopment on the Peninsula's commercial areas. That area needs redevelopment, too.

I certainly support the completion of the Aerie project and applaud the extent that Rick Julian has gone above and beyond the call to satisfy the neighborhood concerns. I went to two of Mr. Julian's community informational gatherings and was very impressed with his sincerity to improve the neighborhood, and willingness to listen to suggestions. I am embarrassed for our community that this good intentioned project has dragged on so long in the approval process. Few developers would have lasted as long as Mr. Julian so it speaks highly of his commitment to the neighborhood. I am sure part of the reason is that I understand Mr. Julian plans to live there with his family, another clear indication of his commitment to do what is right for the neighborhood.

Please help Mr. Julian improve the beauty of our Newport Harbor entry with his Aerie project and approve his plan.

Yours truly,



David K. Lamb

CC: Ms. Liliana Roma ✓

March 25, 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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South Coast Regional
MAR 25 2010

RE: Application #: 5-09-162

CALIFORNIA
COASTAL COMMISSION


Dear Ms. Sarb:

I want to take this opportunity to comment on the Aerie project to be located at 201-205 Carnation Avenue in Corona del Mar. I know you have received many letters regarding Aerie and it would appear that someone has been canvassing certain areas of Corona del Mar and Newport Beach that are not even close to the project, and giving information to be included in letters which is not always accurate. My husband and I live directly across the street from the location where Aerie will be built having watched with close interest the planning process, and feel that it is going to be an asset to the neighborhood. Given the fact that the Channel Reef condo project is only three lots away to the east, it is difficult to justify statements that Aerie will be out of proportion and too large for our area. With only with eight units in Aerie versus over forty in the Channel Reef complex, it is amazing that anyone would even worry about the traffic resulting from Aerie when it will be built. The unavoidable construction traffic is going to happen no matter what is built in that location, but unlike most other construction sites, there is a traffic mediation plan that will reduce the impact on the community.

There have been comments regarding destruction of the bluff, mainly from the very people who have already taken the opportunity to do just that when they built their homes. The proposed Aerie project having gone through many revisions during its arduous and demanding requirements by the City and its commissions does not go down the bluff as far as the existing structure which will be removed. As part of the building process, the bluff will have to be covered in areas that have already been damaged from the existing building and currently are covered in concrete. It will be a bluff beautification project and the proposal will definitely enhance the scenic view.

When the Aerie dock proposal came before the Harbor Commission, they unanimously approved the dock. Also, at the Commission meeting they felt that the dock layout would still leave one of the widest lanes for navigation located in the harbor.

In your wisdom, please approve Aerie's application. We can hardly wait for Aerie to enhance and beautify our neighborhood.

Thank you,

Linda Rasner
2500 Ocean Blvd
Corona del Mar, CA 92625
949.673.4123

William Klein

3-26-2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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South Coast Region

APR 01 2010

RE: Application #: 5-09-162
Aerie

CALIFORNIA
COASTAL COMMISSION

Dear Ms. Sarb:

The referenced project in Corona Del Mar is now before you for consideration and approval after about five years of great in depth architectural and engineering studies, planning, community and government reviews and city council approval. This process has been achieved under the guidance of one of our city's most respected and accomplished architectural firms, Brion Jeannette, Architects. This project will convert and old, misplaced, and unattractive, apartment complex, with its attendant parking and safety issues, with several high end homes which will be more in tune with the neighborhood than the complex being replaced, while upgrading the new structures to current state of the art in engineering, structural integrity, energy efficiency, and appearance. This project will be much more compatible with the numerous new homes with multi-levels (including subterranean) built in the same location and on the same bluff over the past few years. This project will enhance the quality, safety and value of the neighborhood and has the overwhelming support of the residents of the area.

We live in the area and know that there are a few people who would rather see the status quo, but I can assure you that most of the residents are much in favor of this kind of community improvement and urge you to approve this project without further delay.

Respectfully yours,

W. A. Klein

60 Linda Isle
Newport Beach, CA 92660
Tel: (949) 640 2226 Fax: (949) 640 2296
Cell: (949) 842 2458
e-mail: bandcklein@yahoo.com

Jeffrey & Wendy Verdon

2 Elk Grove Way

Laguna Niguel, CA 92677

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South Coast Region

MAR 29 2010

CALIFORNIA
COASTAL COMMISSION

March 23, 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: Application #: 5-09-162

Dear Ms. Sarb:

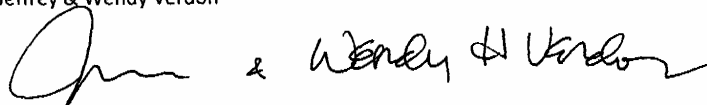
We are writing to express our support of the Aerie project in Corona Del Mar, CA. We believe this project will bring significant enhancement to the coastline, particularly when compared to what is currently on the site. The architect, Brion Jeanette, is a world renowned professional and has taken all required and non-required steps to make this project neighborhood friendly.

The money and human capital which has been spent by both the owners and the opponents over items which at the end of the day, are meaningless, make no sense to people who have watched this process for the past few years.

We urge you to approve the application and we put our unwavering support behind this project.

Sincerely,

Jeffrey & Wendy Verdon

Handwritten signatures of Jeffrey and Wendy Verdon, with a stylized ampersand between them.

CC: Ms. Liliana Roma

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MAR 29 2010

CALIFORNIA
COASTAL COMMISSION

March 23, 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate 10th Floor
Long Beach, CA 90802

Application: 5-09-162 Aeire

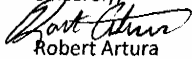
Dear Ms. Sarb,

I am a home owner currently residing at 231 Larkspur Avenue, Corona Del Mar and I am very much in support of the Aeire Development project for these specified reasons:

1. The current structure is an old apartment complex which is not consistent architecturally or aesthetically with the area. Aeire will be a complement to all other homes.
2. The new Aerie building will widen visual corridors so locals can enjoy better views of the ocean
3. Existing above ground utility poles will be finally gone
4. The project will mitigate storm flows from the catch basin. This will have a positive effect on storm water runoff.
5. Only 25% of the site will be developed and 75% of the site left for open space.
6. Aerie will downsize the number of units from 15 to 8
7. The owner/developer has made numerous compromises with the City and homeowners over many years
8. The project will be a positive tax generator for the City and County
9. The owner has a Right to develop on his property as long as he is meeting the current Municipal Codes and are not infringing upon the Access and Use of his neighboring properties
10. Brion Jeannette has designed truly a beautiful building that will stand the test of time

The applicant has modified the application many times during the five year attempt to obtain city approval. It is time to allow this project to move forward and begin!

Sincerely,



Robert Artura

Owner

231 Larkspur Avenue
Corona Del Mar, CA
Ph. 626-232-3251
Robert@mur-sol.com

Cc: Liliana Roman

March 23, 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

MAR 29 2010

CALIFORNIA
COASTAL COMMISSION

RE: Application #: 5-09-162

Dear Ms. Sarb:

My husband and I are writing to you in support of the AERIE project at 201-205 Carnation Ave. , Corona del Mar, Ca. 92625. Unlike most people, we lived at that location for 26 years. Having enjoyed the many benefits of this site, we are very much in favor of the development that is proposed. We now live 2 blocks away on Ocean Blvd. and feel that the AERIE project will benefit the whole neighborhood. The developer has gone out of his way to please as many neighbors as possible. He has changed the design many times in order to accommodate various inputs he has been given. Someone is going to develop this site and I doubt many developers would be as gracious and concerned for the surrounding area as Mr. Julian has been. Please allow AERIE to be built!!!

Sincerely,

Ellen and Victor Trujillo

2624 Ocean Blvd. Corona del Mar, Ca.



*RICHARD & REGINA HUNSAKER
117 Coral Avenue
Newport Beach, CA 92662-1144*

March 23, 2010

Ms. Sherilyn Sarb
CALIFORNIA COASTAL COMMISSION
200 OceanGate, 10th Floor
Long Beach CA 90802-4416

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MAR 29 2010

CALIFORNIA
COASTAL COMMISSION

Subject: **Application #: 509-162**


Dear Ms. Sarb:

I am a resident of Balboa Island and I support the development of the of the AERIE project in Corona del Mar. I base my support on the following items:

1. The existing catch basin located on Ocean Avenue will be removed, as it does not have the capacity to intercept the 100-year storm. A new catch basin will be constructed that will be larger and will have the capacity to intercept the 100-year storm. The larger basin will eliminate flooding down stream of the existing catch basin. After intercepting the 100-year storm, the flows will be directed to an existing storm drain system that has the capacity to convey the 100-year storm.
2. Reduce traffic by reducing the number of units from 15 units to 8 units.
3. The project will create three additional parking spaces on Ocean Avenue.
4. The project will implement state-of-the-art water quality facilities. The flows from the project will be treated before discharging into Newport Bay.

As a resident of Newport Beach, I am in full support of the AERIE development, as it will have a positive impact on the existing neighborhood.

Very truly yours,


Richard Hunsaker

3/22/2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

MAR 29 2010

CALIFORNIA
COASTAL COMMISSION

RE: Application #: 5-09-162

Dear Ms. Sarb:

I am a resident of Channel Reef Condominiums which is a 48 unit structure located near the Aerie project. About two years ago I was asked to sign a petition opposing the Aerie docks. I felt I was under a great deal of pressure to sign in opposition to the project. (I also signed my husband's name.)

Since that time I have become aware of what a great development the Aerie project will be.

I am very sorry that I signed the petition but feel I was given misleading information as were many other signers.

The Aerie project has my wholehearted support and I am sure it now has the support of many other persons who signed the misleading petition.

Sincerely,



Kathleen Phillips

2525 Ocean Blvd. #H5
Corona Del Mar, CA. 92625

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region

MAR 22 2010

RE: Application #: 5-09-162

CALIFORNIA
COASTAL COMMISSION

March 11, 2010

Dear Ms. Sarb:

I am taking this means to provide public input on the project at 203-205 Carnation in Corona del Mar commonly known as Aerie. My wife and I reside at the corner of Ocean Blvd and Carnation Ave. Arguably our home is most affected by this project as we share more linear direct view and street than other residences.

Several years ago when the property changed ownership we were of course concerned and curious with what was planned. Our almost forty years of residency in close proximity has left us wanting to see the dilapidated old apartment either torn down or rehabilitated if possible. I approached the new owner, Mr. Rick Julian, and found him to be very interested in what were my concerns. I can attest, with no reservation, that overwhelmingly the neighbors in close proximity are in total support of the project and my wife and I are also in favor.

Your Commission recognizes there will be development. Future development should be cognizant of all existing land form considerations. The AERIE project demonstrates exactly what you are looking for. Among other positives, this new project reduces the number of residences, increases on street public parking (parking was a real problem with the old apartment), has many elements of LEED measures, including solar energy production, use of materials and resources in a 'green' friendly manner, multiple design elements to minimize the energy usage. Also planned is capture of grey water for use with indigenous plants and other such operations for this plan which has been endorsed by COASTKEEPERS. Included is removal of overhead utility poles and the repair and significant catch basin upgrade of the street runoff water (storm drains) that goes directly into the bay. Significantly enhanced view corridors directly benefit the general public and all in the neighborhood. This venture can certainly be used as an example of quality development with regard to the total environment.

Two or three dissidents have decided to hire attorneys, get petitions and knock doors to rally opposition. What their goal is has not been stated and most of the neighborhood asks themselves 'what are the agitators getting out of being so obstinate'. One member of that small group actually destroyed the 'face' of the bluff by building down to the water. These detractors certainly seem, at the very least, to be hypocritical.

The distinguished and high quality of engineers and planners on this proposal, coupled with the absolute rigorous thoroughness of the City of Newport Beach and the meticulous EIR, certainly should have more influence than a few neighbors who simply don't like the architecture or just don't *feel* right. Mr. Julian has worked arduously and fairly to develop a project that will exemplify quality with dedicated regard for the coastline, neighborhood and environment. The Julian's wish to live here and are going to be welcome residents in this neighborhood. My wife and I have lived within a few yards of this property for several decades and we are now interested and have become involved with this fine AERIE project. We feel that the scrupulous attention to preservation and protection of the coastline shown in this undertaking exemplifies what all design should emulate. We solidly support Aerie.

If appropriate I would be glad to meet or discuss any of these comments on this fine endeavor.

Sincerely,

Dr. Lloyd E. Rasner
Dr. Lloyd E. Rasner
2500 Ocean Blvd
Corona del Mar, CA
Home phone 949.673.4123

April 5, 2010

RECEIVED
South Coast Region

APR 9 7 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

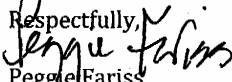
RE: Application#: 5-09-162

Dear Ms. Sarb;

As a resident of Corona del Mar for more than thirty years, I have seen a great deal of change come to our community. In my view, the proposed AERIE project is change for the BETTER! It will replace a true eyesore at the entrance to the Newport Harbor and will add one more jewel to the design aesthetic in the Village itself.

And while this project will definitely enhance the appearance of the site and provide an increase in public views of our beautiful harbor, it will do so in a way that is environmentally-friendly and forward-looking through the use of underground utilities, state-of-the art energy features, improvements to the efficiency of the catch basin.

I sincerely hope you will decide in favor of the AERIE project.

Respectfully,

Peggie Fariss
418 Heliotrope Avenue
Corona del Mar, CA 92625

CC: Ms Liliana Roman



PROJECT BENEFITS

The AERIE Project includes a host of community benefits that are being provided voluntarily by the applicant. These benefits are not required by the City. As a result, the inclusion or exclusion of these benefits in the Project or a particular alternative is a function only of the applicant's willingness to provide for such benefits.

1. **Underground Utilities** – The proposed project includes the removal of two existing utility poles and the undergrounding of the existing overhead utility lines at the corner of Ocean Boulevard and Carnation Avenue. This voluntary off-site community benefit is intended to improve the aesthetic character of the area. No City policy or ordinance requires the implementation of such off-site improvements. The only requirements for the removal and undergrounding of overhead utilities relate to improvements on the Project site itself. Specifically, Title 19 of the Municipal Code requires the developer to underground the existing overhead utility line extending to the site from the nearest utility pole.
 2. **Catch Basin** – An off-site drainage area encompassing 11.54 acres contributes storm flows to the existing catch basin in Carnation Avenue/Ocean Boulevard. Storm flows generated within this drainage area have a 100-year peak storm flow rate of 40 cubic feet per second (cfs). The Project would result in a decrease in the 100-year storm flow, which would be directed to an existing storm drain that has adequate capacity. However, the existing catch basin is currently deficient. Although no significant Project-related impacts are anticipated as a result of the reduction in storm flow generated by the proposed project, this facility will be improved by the project applicant to accommodate the storm flows generated within the tributary area, including the Project site.
 3. **View Corridors** - Views from the “public view point” at Carnation Avenue and Ocean Boulevard would be enhanced by approximately 76 percent as a result of the Project. A public bench and drinking fountain will be added at this “public view point” to enhance the public viewing experience. The Project also includes a view “window” at the northerly property limits, which currently does not exist.
 4. **New Public Parking** - The Project will create three additional on-street public parking spaces because the length of the curb cut on the Project site has been substantially reduced. These on-street parking spaces will accommodate visitors to the area, particularly during the peak summer/tourist season.
 5. **State-of-the Art Energy Features** – The Project has been designed utilizing “green” architecture criteria and energy efficient design, including but not limited to the following features:
 - Design to maximize solar orientation to increase the use of daylighting concepts and reduce energy usage
 - Use of high-thermal mass for capturing and retaining heat through solar heat gain apertures
 - Optimum overhangs to minimize harsh summer sun exposures while allowing winter heat gain
 - Natural ventilation systems that capitalize on prevailing ocean breezes and thermal convection dynamics
-

- Dual paned glazing systems using Low-E glass (both non-mechanical and hybrid systems)
- Solar domestic hot water and pool heating
- Solar photovoltaic arrays to generate electricity
- Multi-zoned, high velocity hydronic heating and cooling systems
- Instantaneous hot-water boilers with solar domestic hot-water assist
- Reduction of energy use through high efficacy lighting fixtures
- Lutron Homeworks interactive lighting control systems.
- On site water retention for property irrigation & maintenance
- Use of environmentally friendly and sustainable materials
- California drought tolerant landscaping
- The cove will be maintained free of artificial debris including plastic and Styrofoam which will help protect the marine life
- Potential for LEED Silver certification
- Implements the most state of the art water quality plan available, Endorsed by COASTKEEPERS

6. Visual Improvements:

- The timeless architectural style is reminiscent of the famous turn-of-the-century works of world renowned architect Antonio Gaudi.
- AERIE's organic design will seamlessly meld into the bluff-top, harmonizing with the natural landscape, a vast improvement to the existing development.
- Parking which is now in driveways and carports will be relocated underground and out of sight
- Existing concrete, pipes, and building materials that litter the bluff face will be removed.

7. Other Improvements:

- Increases City's property tax roll. The property is currently assessed at approximately \$12,000,000. Aerie is estimated to be assessed at approximately \$80,000,000.
- Implementation of a technologically superior parking method which avoids the standard, "back into the street every time a resident departs", also:
 - i. Increases public on-street parking by 3 spaces
 - ii. Increases off-street parking by 31 parking spaces plus 2 golf cart and motorcycle area, code requires only 20 parking places
- Enhances neighboring property values
- Reduces number of dwelling units permitted by zoning, there are only 8 units at Aerie versus the 15 that exist today
- Reduces traffic with reduced number of units
- Is consistent with the General Plan and Zoning
- Does not descend as low as surrounding properties to the waterline preserving the bluff below 52.83 feet (WHICH IS ABOVE THE EXISTING BUILDING at elevation 42.3') as well as stabilizing the northerly sloughing slope.
- Utilizes only 21.6% of the site, preserving the remaining 78.4% as open space, twice the amount of open space required by code
- Maintains a predominate building height lower than the maximum 33 feet height limit allowed by code.
- Creates jobs in this maligned economy

April 5, 2010

RECEIVED
South Coast Region

APR 07 2010

California Coastal Commission
Ms. Sherilyn Sarb
200 OceanGate, 10th Floor
Long Beach, CA 90802-4416

CALIFORNIA
COASTAL COMMISSION

RE: Application#: 5-09-162

Dear Ms. Sarb;

I understand the California Coastal Commission will be evaluating the AERIE project this month. I have been following its evolution for the past three to four years and have come to see it as a very beneficial addition to the residential community of Corona del Mar.

The Julians and their planning team have done an outstanding job listening to the concerns of neighbors like myself as well as to Newport Beach Planning and Council members, and have gone to great lengths to incorporate provisions that will ensure increased public view corridors, the integrity of the coastal bluff below the building line and a greatly enhanced presence to the entrance to the harbor itself.

As a near neighbor, I am particularly pleased to see the AERIE project will provide additional on-street parking, underground utilities as well as a greatly improved appearance from the street. All of which should enhance the future property value of my home and that of my neighbors.

I hope you will find in favor of the AERIE project. Our community needs this well-designed and thoughtful improvement.

Sincerely,



Richard J. Battaglia
233 Carnation Avenue
Corona del Mar, CA 92625

CC: Ms Liliana Roman



PROJECT BENEFITS

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- Maintains a predominate building height lower than the maximum 33 feet height limit allowed by code.
- Creates jobs in this maligned economy

April 8, 2010

Liliana Roman and Coastal Commissioners
California Coastal Commission
South Coast Area Office/Long Beach
200 Southgate Avenue, Suite 1000
Long beach, California 90802

RECEIVED
South Coast Region

APR 13 2010

Re: AERIE, Corona del Mar

CALIFORNIA
COASTAL COMMISSION

Dear Coastal Commissioners:

Although I realize that you have more information that you want on the Aerie project that is going before you Wednesday, April 15, 2010 I request that you please take the time to read this prior to the meeting.

So many of the issues that have gone before the City Planning Department and City Council regarding the proposed Aerie Project have been ignored or set aside including important parts of the CLUP and Coastal Land Act. Having this project get so far along in the process and now before The Coastal Commission leaves room for all future projects that endanger the policies of the State of California to also be so blatantly abused.

I have enclosed a copy of a recent mailing to the residents of the Cities of Newport Beach and Corona del Mar regarding Zoning Codes.

Please note that it is clearly stated that Balboa Island and Corona del Mar are the only areas of Newport Beach that are governed by a restrictive 1.5 FAR and at recent General Plan meetings it has been determined that the majority of residents of Corona del Mar want to continue the 1.5 FAR that IS CURRENTLY IN EXISTENCE. It is further stated that we will have to take it to a vote in the near future for it to continue to be the prevailing guideline but that it is still in place for new or remodel construction in Corona del Mar. Having verified this I ask the following:

How could the City of Newport Beach abandon this policy for the proposed Aerie project and enforce it for all other construction in Corona del Mar. How can an applicant expect the policy to be changed in his favor when the FAR has been calculated out for this project and recommended for denial by Planning Commissioner Mike Toerge at numerous City meetings and

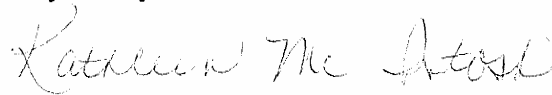
ignored by his fellow commissioners. What caused the City Council to abandon the FAR limit and so many other policies for this project – certainly not just the “important tax revenue base that a project of this size and dollar amount would generate” as repeatedly stated by one of the investors

THIS PROPOSED PROJECT EXCEEDS THE FAR BY ALMOST DOUBLE THE NUMBER THAT SHOULD BE ALLOWED FOR THIS PROPERTY. THE FACT THAT SO MUCH OF THE PROPERTY IS EITHER UNDER WATER OR MORE THAN 50% GRADE IS, IN ITSELF, SELF LIMITING – WHICH HAS BEEN CONSISTENTLY AND DELIBERTELY IGNORED BY THE CITY COUNCIL AND THE PLANNING DEPARTMENT. Paragraph 4 of the attached states that residents want to “Maintain the charm of our neighborhoods and Reign in the mansionization of our community.” This proposed project is almost 10 times larger than each of the three (3) single family homes on either side and is completely inconsistent with all of the other units on Carnation Avenue and the duplex style homes that line the opposite side of Carnation Avenue and Ocean Boulevard.

This project would certainly meet with less opposition if it was held to the guidelines, standards and size limitations that all other construction projects in this area of Corona del Mar have been held to.

Please vote denial of this project as proposed and send it back to the drawing board to scale it down to a size consistent with the policies of the City of Newport Beach, the State of California and the community of Corona del Mar.

Thank you for your time and consideration.



Kathleen McIntosh



Resident Survey – Let Us Know What You Think

Several topics have come up in recent meetings, and we'd like to get your comments and opinions. You can clip this article and return it by USPS mail or simply email your responses to Info@CdMRA.org.

1. Shopping Opportunities in CdM Village

What types of businesses and services are missing from your shopping experience in CdM Village? When you travel, do you notice a store that you wish we had here in CdM? Please confine your answers to shops and stores that will complement our Village atmosphere. As you know, we cannot accommodate big-box retailers.

2. Zoning Code Changes (see Article below for background and details)

Do you favor maintaining the existing 1.5 Floor Area Ratio (FAR) building standard for Corona del Mar, such as Balboa Island has done? Please answer YES or NO. Comments are also welcome.

3. Flower Street Intersection Visibility

One way of improving the visibility at intersections in the Flower Streets is to extend the red-curb zones at each corner. The good news: easier to view cross-traffic, improving driving and pedestrian safety. The not-so-good news: a corresponding reduction in parking space on each street. Would you be in favor of studying this option as a safety opportunity? Please answer YES or NO. Comments are also welcome.

4. Permanent Banner Holder @ Marguerite

The City and CdM Business District have been looking at alternatives for displaying banners at the Marguerite/East Coast Hwy intersection. Currently, announcement banners are strung between two poles - not exactly an "attractive" option. While the BID and City research options, we thought we'd take a step back and ask our residents: Do you support banner displays at this intersection? YES or NO. Comments are also welcome.

Name: _____

Email or Street Address: _____



Where Can I Find...

City Projects, including Buck Gully, Oasis Senior Center, Civic Center, Parks, JWA, Dredging and more:
<http://www.newportbeachca.gov/index.aspx?page=77>

Select Alert City News Bulletins
<http://www.newportbeachca.gov/index.aspx?page=614>

Police Online Reporting
<http://nbpd.org/services/report.asp>

Alert OC (Emergency Reverse 9-1-1)
<http://www.newportbeachca.gov/index.aspx?page=1268>

Draft Zoning Code
<http://www.newportbeachca.gov/index.aspx?page=1478>

Zoning Code Meeting Agendas
<http://newportbeachca.gov/index.aspx?page=791>

Zoning Code Contacts
Gregg Ramirez, at 949.644.3219
gramirez@newportbeachca.gov
Melinda Whelan at 949.644.3221
mgonarez@newportbeachca.gov

No Internet access? No problem.
Just call 949.644.3309.



Zoning Code: Major Changes This Year!

The City Council has committed to implement the Zoning Code Revisions before the end of 2010. Many of the revisions have a direct impact on Corona del Mar residents and development of their properties, including home remodels. The Committee meets regularly, but they are not getting input from CdM residents to help guide their decision-making process.

Why is the Zoning Code important? Generally, the first document a resident refers to when they want to remodel their home, install a patio, build a wall or make other such property improvements, is the zoning code. The zoning code is very specific about what you can and cannot do. Height limitations, setbacks, density, FAR (floor area ratio), etc. are items spelled out in the Zoning Code.

Corona del Mar and Balboa Island are the only areas within the city that are governed by a more restrictive 1.5 FAR limitation. All other areas in the city have a 2.0 FAR limit. CdM and Balboa Island are similar in that the lots are narrow and primarily served by alleys. When the suggestion to eliminate the 1.5 FAR limit on Balboa Island was introduced, the **Balboa Island Residents Association** organized their members who demanded that it not be changed. The General Plan Committee agreed, so, Balboa Island maintains its 1.5 FAR limitation.

Our Village started with small beach cottages and evolved into a community of three and four bedroom homes of 3,500 square feet. With the proposed zoning code changes, we could become a community with five and six bedroom homes of 4,000 to 6,300 square feet with underground facilities and parking.

During the General Plan hearing process, we heard time and again: "Maintain the charm of our neighborhoods" and "Reign in the 'mansionization' of our community". Proposed Zoning Code changes contradict this philosophy for CdM. If CdM residents want to maintain the 1.5 FAR, then we need to act now, or forever hold our peace.

Please take a moment to answer the Survey questions above. For resources on this topic, see "Where Can I Find" box on the left.



NEWSLETTER ARTICLES CONTRIBUTED BY: CITY COUNCIL MEMBER NANCY GARDNER, PLANNING COMMISSIONER MIKE TOERGE AND CDMRA'S KAREN TRINGALI

Marilyn L Beck
303 Carnation Avenue
Corona Del Mar, CA 92625
561-213-9042
mdb@becktrustee.com

RECEIVED
SOUTH COAST REGION

APR 14 2010

April 6, 2010

CALIFORNIA
COASTAL COMMISSION

Commissioner Mary K Sallenberger, Vice Chair
45 Fremont Street
Suite 2000
San Francisco, CA 94105

Re: AERIE Project Permit Number 5-09-162; Item No. W7a

Dear Ms. Sallenberger:

My objection to this project is specific to development along the Carnation Avenue Bluff. I live on the Carnation bluff and believe that Aerie does not meet either the letter or the intent of the Coastal Land Use Plan and I believe the City of Newport Beach erred in approving this project.

I quote Section 30251 of the Coastal Act as referenced in the Staff Report:

"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 the 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..."

City of Newport Beach LUP Policy 4.4.3-8:

"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."

City of Newport Beach LUP Policy 4.4.3-9:

"...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 and accessory improvements.** The setback shall be increased where necessary to ensure safety and stability of the development."

I have attached several photos of the Carnation Bluff for your convenience. Aerie is located on Carnation Avenue, although it joins Ocean Blvd at the corner, the property is entirely fronted on Carnation Avenue. The CCC Staff Report states that the project is compatible with the surrounding area referencing development along Ocean Blvd, including pre-Coastal Act developments such as the Channel Reef building, and referencing 'bluff face development' along Carnation Avenue. The Staff Report states: "there currently is development below the bluff edge and below the predominant line of existing development." I would respectfully request that the Commission remember that this project is on Carnation Avenue and focus on this project from the Carnation Bluff perspective. The location of the project is 201-205, 207 Carnation Avenue. Along Carnation Avenue, there is NO DEVELOPMENT BELOW

CCC Letter
Page 2

THE 50.7 PLOED. If you will look at the three photos I've provided you will see that there is a distinct line of development along the Carnation bluff. Of greater importance is that **none of the Carnation Avenue properties go subterranean below the PLOED.** In approving the Aerie project, the City is setting a new precedent for development on Carnation Avenue. **All current development on the Carnation Avenue bluff is ABOVE the 50.7 line, both on the face of the bluff and behind the bluff.** Moreover, even if the staff comparison to Ocean Blvd development rather than that on Carnation Avenue is valid, California's coastal policy should seek to improve the impact of future development on coastal bluffs rather than perpetuate and extend the mistakes of the past.

The Coastal Act policies cited above required MINIMIZATION of development along the bluff. Aerie, at 61,709 square feet, is the single largest private or commercial residential development in Corona Del Mar in over 40 years. The issue, I believe, isn't just the 8 condominium units, but all the 'luxury' accessories which require subterranean development, accessories which are unnecessary and unique in this neighborhood. **Aerie has 'common amenities'** (as quoted in the Staff Report) **which include a fitness facility, lounge, patio, locker rooms, massage rooms, wine storage rooms, and a swimming pool, ALL BELOW THE 50.7 PLOED.** The LUP 4.4.3-8 requires development to be *'designed and constructed to minimize alteration of the bluff....to the maximum extent feasible.'* How can approval of Aerie at 61,709 square feet, giving a 'footprint' of 7,714 square feet per unit, and going down to 28 feet above mean sea level subterranean, comply with either the California Coastal Act or the City of Newport Beach CLUP?

The Staff Report states that "...the proposed development minimizes landform alteration, is consistent with the pattern of development in the area...". There is another significant concern about this project on Carnation Avenue. **Aerie will set a precedent for future development on Carnation Avenue bluff.** Currently, as I stated, no other properties go below the 50.7 line subterranean. Carnation Avenue is a street in the flux of development. In addition to Aerie, there are four other properties in original state which are contiguous to one another (see the attached photo). 231-229-227 Carnation, 233-235-237 Carnation, both 3 unit apartment buildings, 239 Carnation (a single family home) and 301 Carnation (single family home) are all original. All these parcels will be redeveloped in the future; two of these are currently on the market for sale (231-227 & 239). With the approval of Aerie at 61,709 square feet, another developer may well come along and buy up these four properties and propose another equally large luxury development. If you approve this project, how will you deny the next one?

Is this the intent of the Coastal Act? How does this 'minimize the alteration of the natural land form'? Please look at the photos and see how beautiful the bluff is. Do you want to protect this landform or allow the **most extreme development in over 40 years** to destroy it? I am in favor of re-development of this site. I hope that Mr. Julian is able to build a project and enhance the quality of the neighborhood. But I believe Aerie is too big and not in compliance with the requirements of the Coastal Act and that Mr. Julian does have alternatives, the project could be smaller, without all the amenities and still be in compliance with the Coastal Act, and be a viable and attractive development.

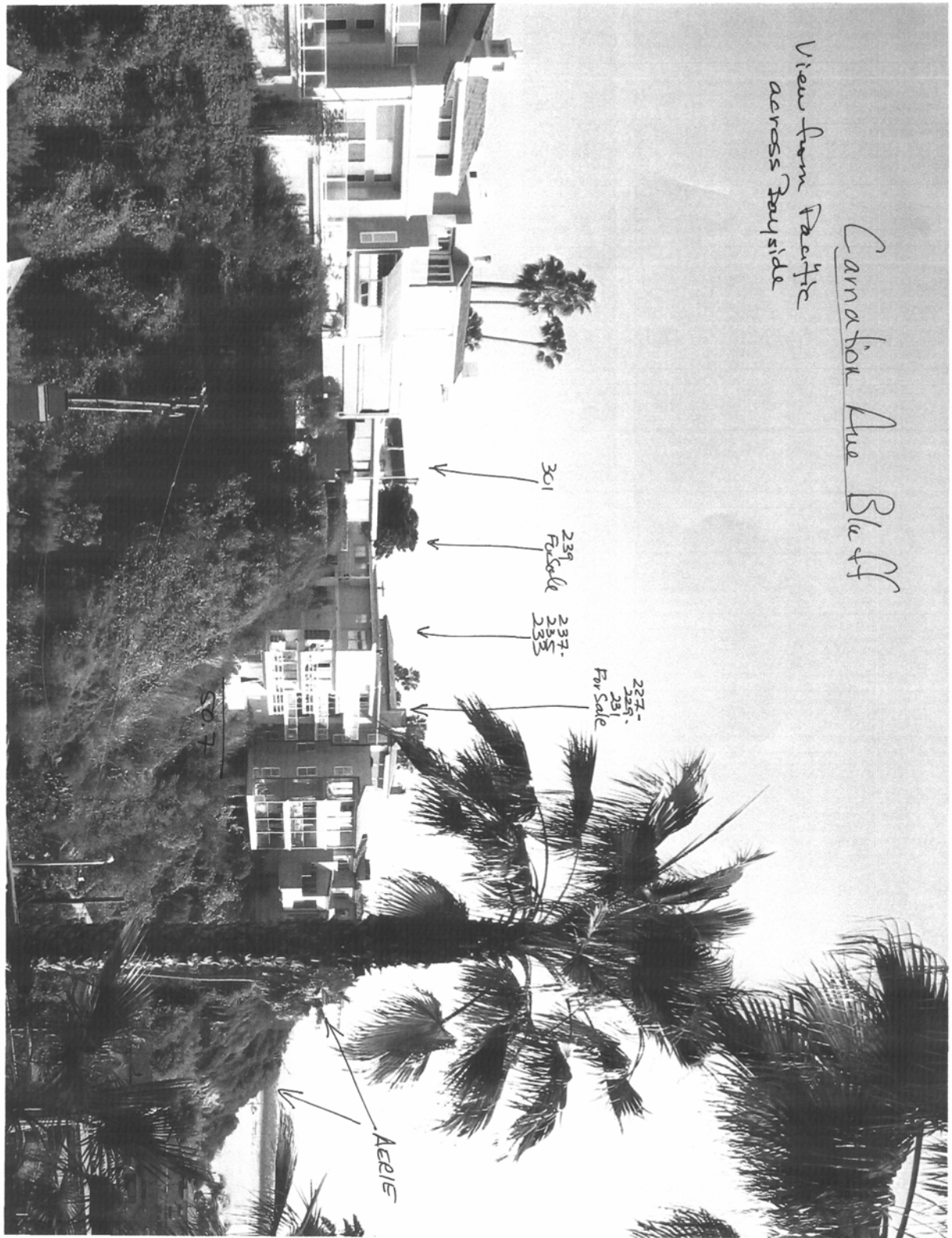
If you would like to discuss this prior to the meeting, I am available at anytime on my cell phone at 561-213-9042. I plan to attend the meeting and will arrive the day before. If you are interested in meeting with me prior to the meeting, I would be happy to arrange that. Thank you.

Sincerely,


Marilyn L Beck

View of Canadian Ave Bluff







**Agenda Items W7a and W8a
Permit Number 5-09-162**

April 5, 2010

Dear Commissioners:

W7a – Request a no vote on City of Newport Beach Coastal Land Use Plan Amendment NPB-MAJ-1-09. The Land Use Plan was amended specifically to change land use designation of a 584 sf portion of parcel in the coastal zone for a proposed 61,709 sf condominium complex. This will open the door for other coastal bluff LUP amendments, thus setting a bad precedent, and appears to allow the proposed complex to be built to the property line, with no set-backs.

W8a- Request a no vote on the above-referenced 6-level condominium structure. It would require excavation of 25,240 cubic yards of coastal bluff for a 61,709 sf 8-unit complex that would replace existing 2 level and 1-level structures that currently total 16,498 sf on a coastal bluff in Corona Del Mar.

This coastal bluff is an irreplaceable landform that should be protected under the Coastal Act. Approval of this permit will set a bad precedent for future coastal bluff development.

Thank you for protecting and preserving the California coast.



Willie Disbrow
32 Jetty Drive
Corona del Mar, CA 92625

RECEIVED
South Coast Region

APR 6 2010

CALIFORNIA
COASTAL COMMISSION

04/01/2010 11:25

9496731129

WILLIAM R HANSEN MAI

PAGE 02/05

April 1, 2010

RECEIVED
South Coast Region

APR 1 2010

Liliana Roman
California Coastal Commission
South Coast Area Office/Long Beach
200 Oceangate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Ms. Roman:

I have received two public notices for items included on the April 14, 2010 Coastal Commission Agenda. Both items are related to the proposed Aerie project located in Corona del Mar.

Item W7a (Coastal Land Use Plan Amendment NPB-MAJ-09) is a request by the City of Newport Beach to amend their Certified Land Use Plan (LUP) for a portion of the proposed Aerie project.

In a letter dated May 14, 2007 to James Campbell, City of Newport Beach the California Coastal Commission (unsigned letter) presents its comments to City Planner James Campbell regarding the Mitigated Negative Declaration for the proposed Aerie project. The project has been revised (from 76,333 sq.ft. with 9 units to 61,709 sq.ft with 8 units) since this correspondence but I assume that the following statements contained in the same May 14, 2007 document still apply.

"MND concludes that the proposed project will have a less than significant impact on the scenic resources and visual quality in the area." The Commission's response was, **"We don't concur with this conclusion. Section 30251 of the Coastal Act requires the protection of scenic qualities of the coastal area, through, among other means, minimizing the alteration of natural land forms."**

"However, the project also requires changes to the land uses identified in the certified Coastal Land Use Plan. Therefore, the project would also necessitate a Local Coastal Program amendment for the project. The City should refrain from authorization of any development permits that rely upon the changed land use designation until the City has sought and obtained authorization for the land use plan amendment from the Commission."

If the above amendment should not be approved by the Commission how would this affect the proposed Aerie project's hearing scheduled for the same April 14, 2010 date?

The second Public Hearing Notice (Permit Number 5-09-162) pertains directly to the proposed Aerie project. There are two statements in this notice which are incorrect.

The notice refers to the existing structure on the property as a **"...4 level, 14-unit apartment..."** I believe that the existing structure is **2 stories with a very small storage area which is not full length of the building.**

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WILLIAM R HANSEN MAI

PAGE 03/03

Secondly, the notice refers to **...grading consisting of 25,240 sq.ft. of cut...** In fact, there will be **25,240 cubic yards of material excavated from the site.** This is a major difference in the amount of material being removed. It is not a grading project it is an excavation project which will essentially destroy the entire bluff and set a precedent for future development along that bluff/bluff face on Carnation Avenue.

I would appreciate a response to my comments prior to the April 14, 2010 meeting.

Thank You,



Jinx Hansen
221 Goldenrod Avenue
Corona del Mar, CA 92625
jinxst@pacbell.net

04/12/2010 16:52 FAX 7609428515

COAST LAW GROUP LLP

001/023



COAST LAW GROUP LLP

1140 S. Coast Highway 101 Encinitas, CA 92024
Ph: 760.942.8505 Fx: 760.942.8515
www.coastlawgroup.com

FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (562) 590-5084

To: CCC ATTN: Liliانا Roman

From: Marco Gonzalez

Client/Matter: CCC Hearing: Wed., April 14, 2010 Agenda Item #W.8.A-AERIE

Date: April 12, 2010

DOCUMENTS	NUMBER OF PAGES*
Additional Materials	22

COMMENTS:

This document was conveyed to Commissioners via electronic mail. Please include it in any addenda provided prior to the meeting.

RECEIVED

South Coast Region

APR 13 2010

CALIFORNIA
COASTAL COMMISSION

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**NOTE: THIS DOCUMENT IS BEING PROVIDED TO COASTAL
COMMISSIONERS AND COASTAL COMMISSION STAFF**

Item W8.a. – AERIE Project

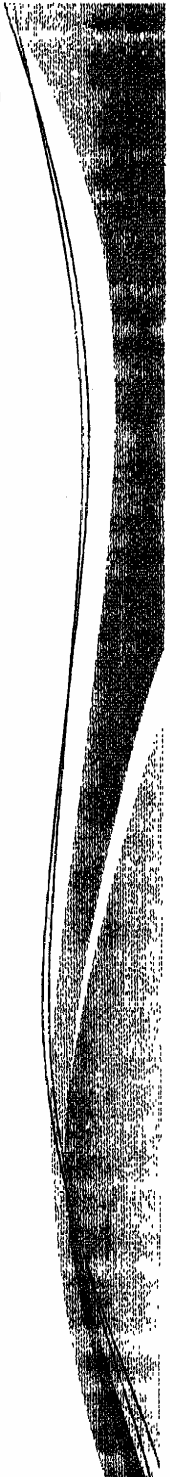
Application No. 5-09-162

Residents for Responsible Development

Opposition to Staff Recommended Approval


April 14, 2010

Marco Gonzalez
Coast Law Group LLP



Summary

- Support Staff's recommendation that the water-side improvements be denied.
- Oppose Staff's recommendation that the land-side development be approved because:
 - The Project is grossly out of scale with the surrounding neighborhood.
 - The Project will destroy a coastal bluff that must be protected under the Coastal Act and by guidance of Newport Beach's Certified Land Use Plan.



Legal Standard

- Coastal Act, Chapter 3

- §30231: Protect scenic and visual qualities; minimize alteration of natural land forms, visual compatibility with surrounding areas.
- §30253: Assure stability and structural integrity of bluffs.

- Newport Beach Certified Land Use Plan

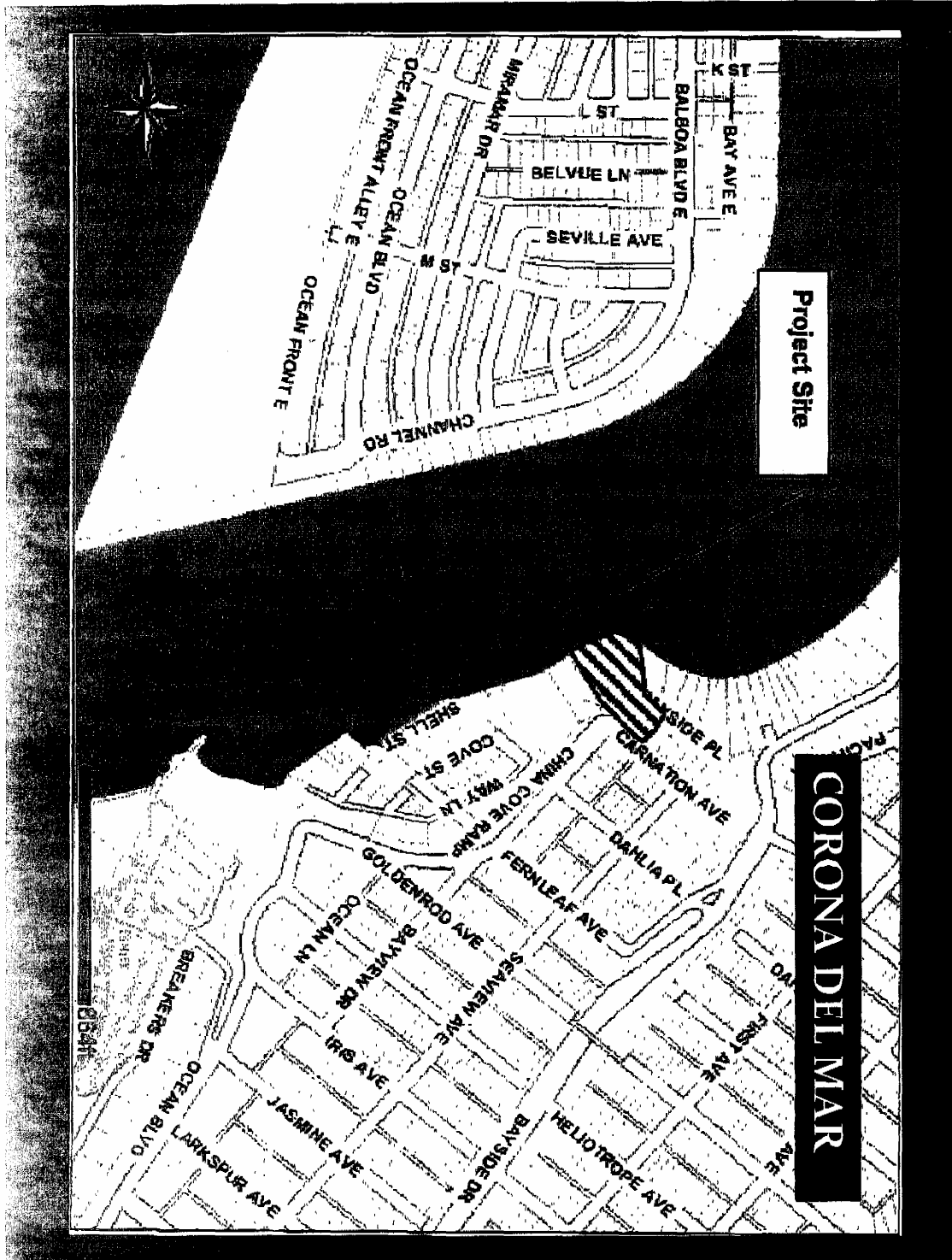
- Policy 4.4.3.-8: Development allowed on bluff faces only when no feasible alternative exists and when designed and constructed to minimize alteration of bluff face and to be visually compatible with surrounding area.

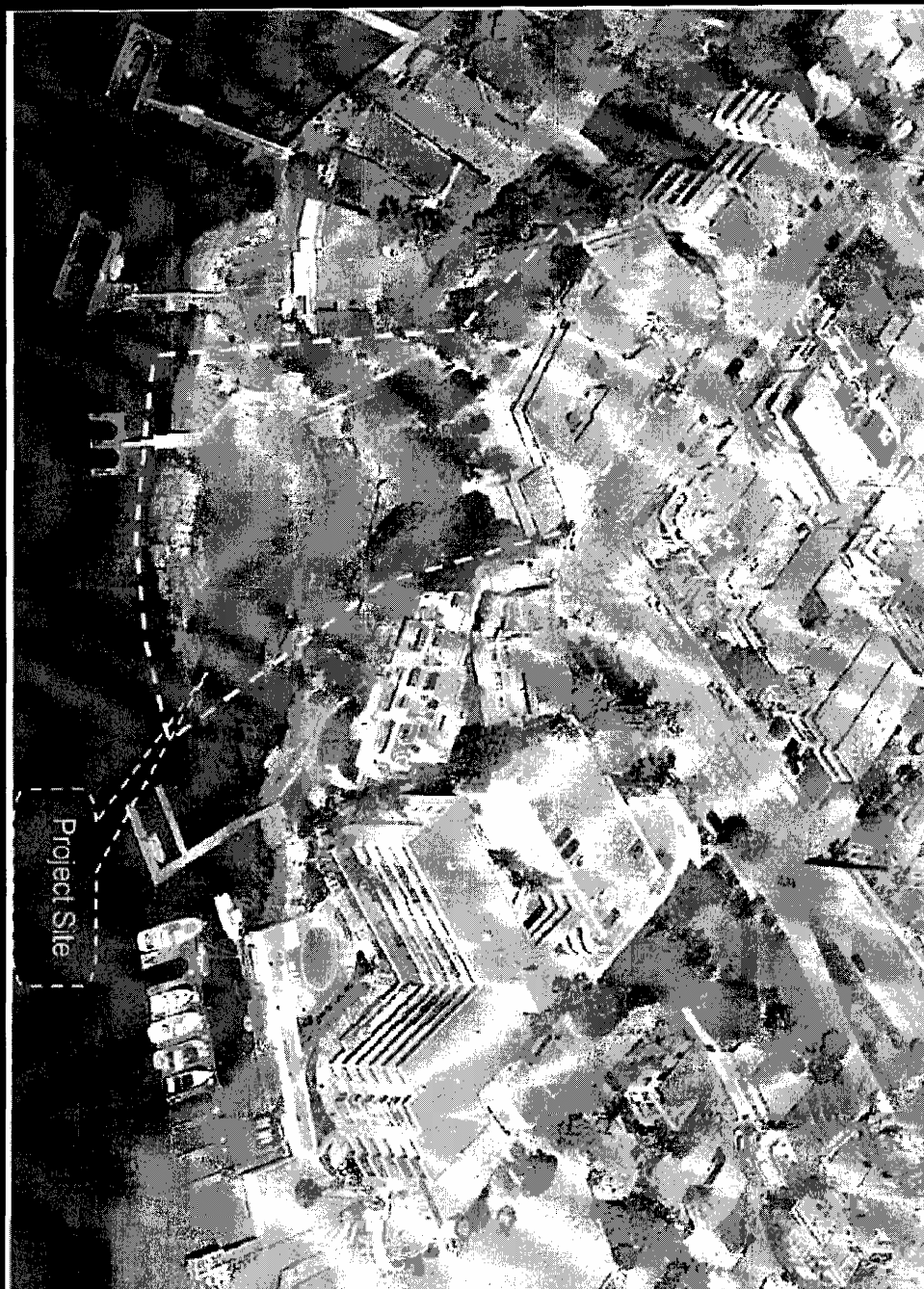


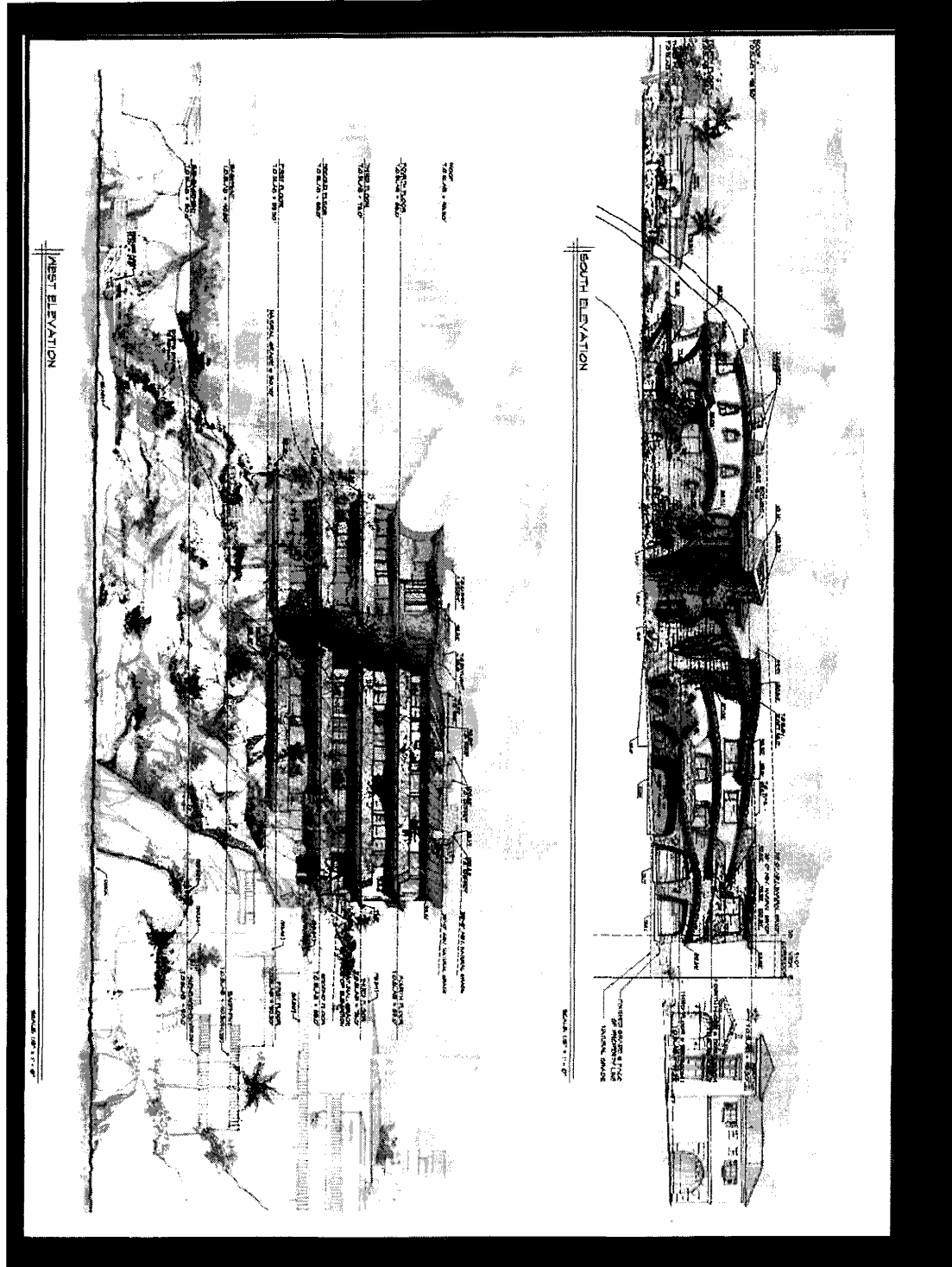
The AERIE Project

- **8 Luxury Condominiums**

- 61,709 sq. ft., 28 ft. tall, 6 levels of construction.
- 25,240 yds³ of bluff grading to accommodate 2 levels of subterranean construction.
- 25 underground parking spaces accessed by vehicle lifts.
- Proposed marina (recommended denial by staff).
- Significant public opposition.
- Prior CCC staff letter of opposition due to bluff issues.
- Multi-year City process, with no alternatives meaningfully considered by developer.







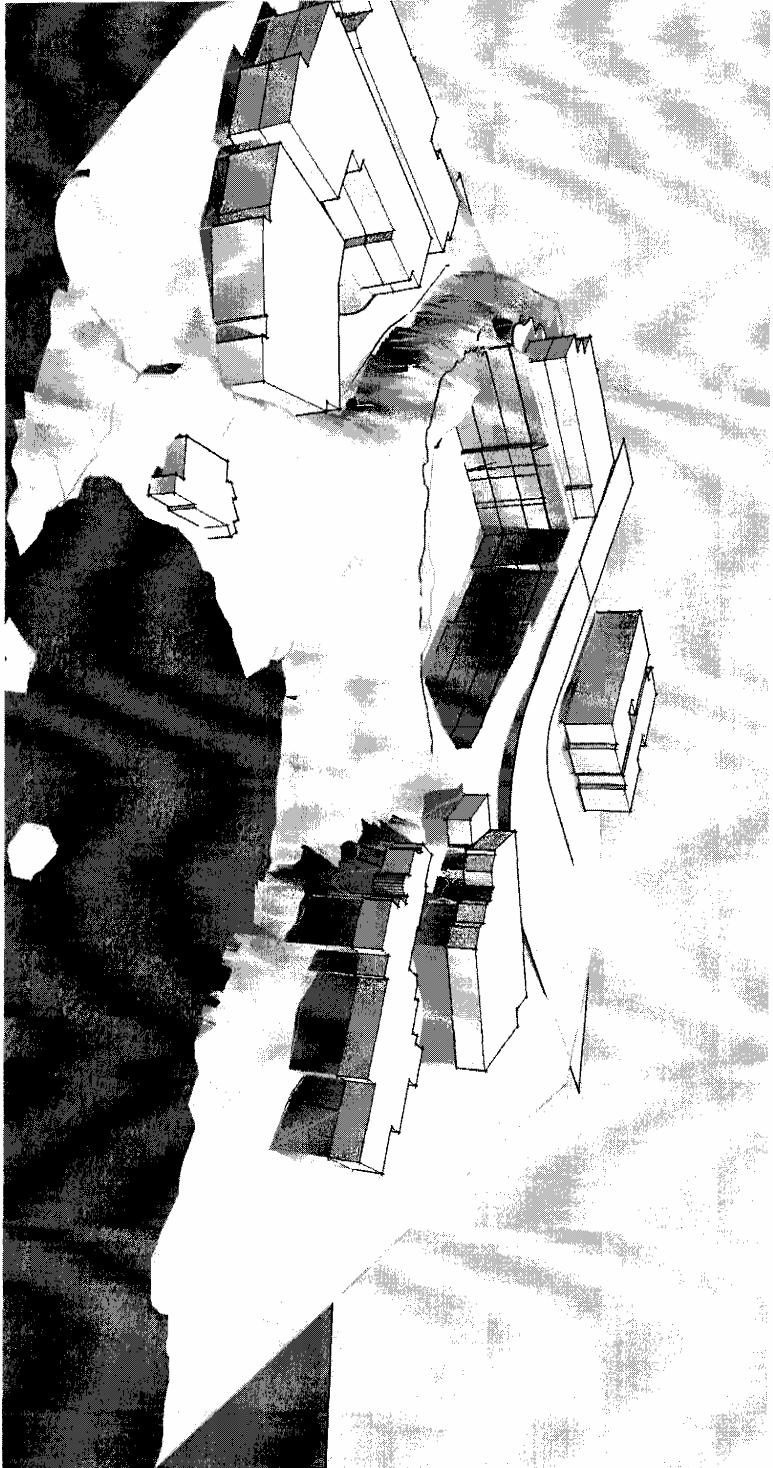
**You cannot protect a bluff by
destroying it.**



04/12/2010 16:55 FAX 7609428615

COAST LAW GROUP LLP

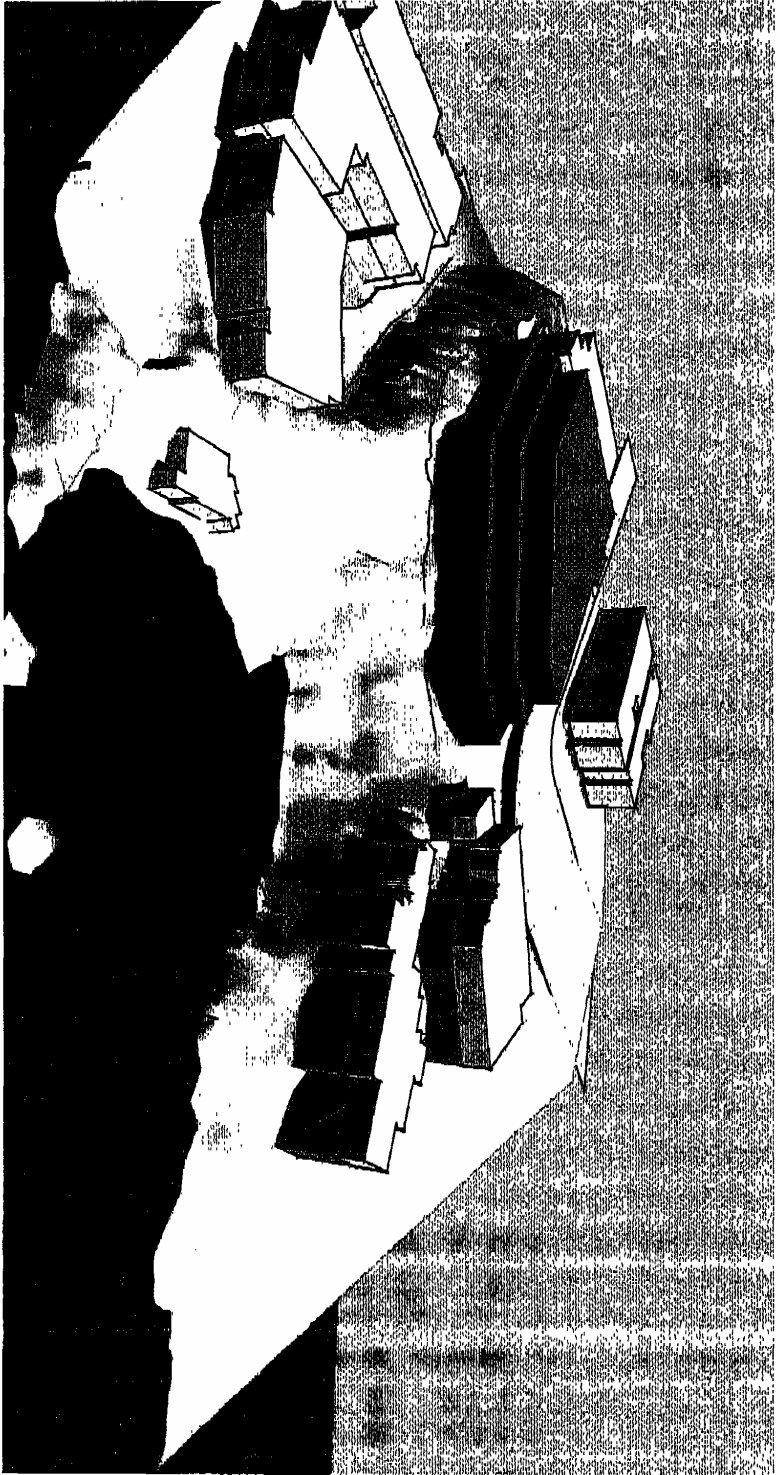
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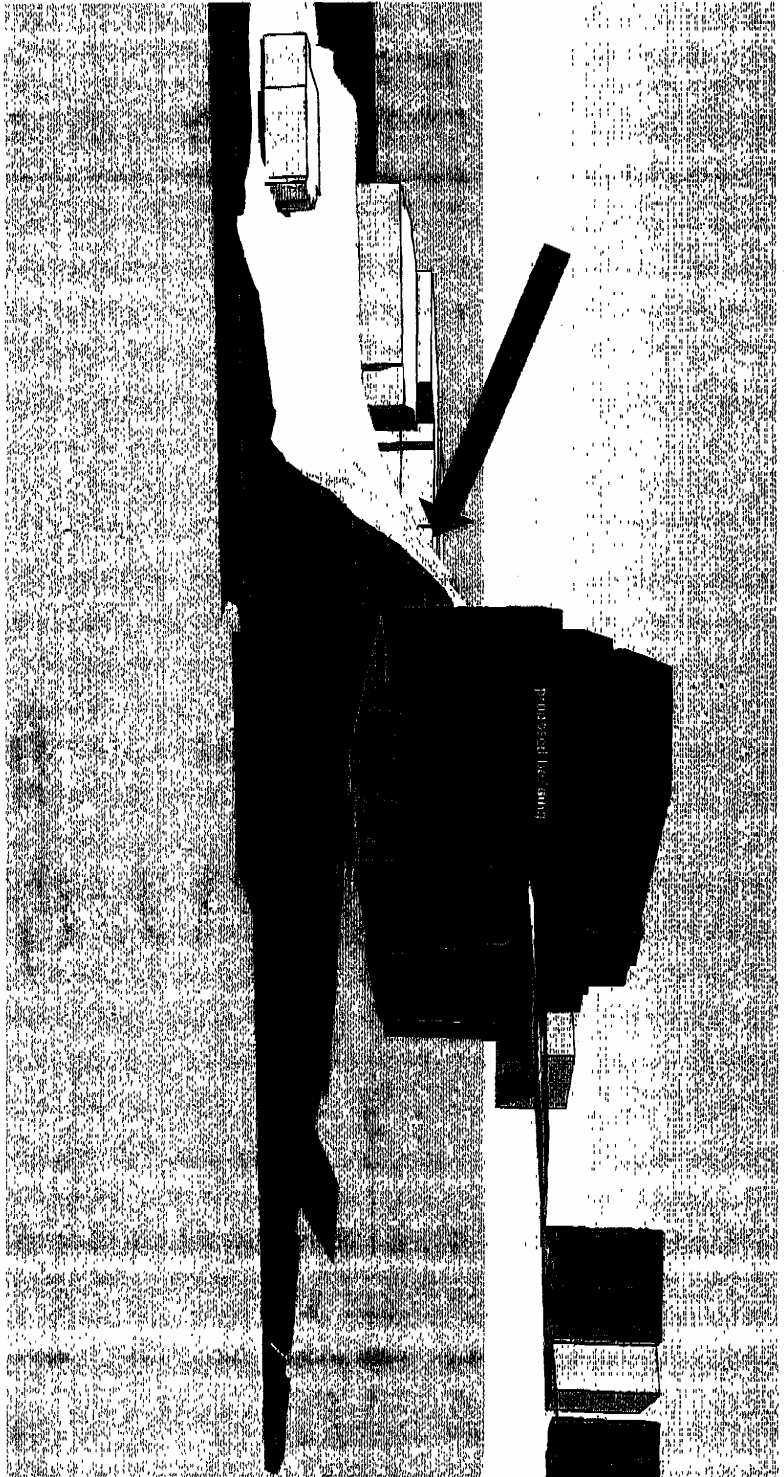
Does this minimize alteration of the natural landform?



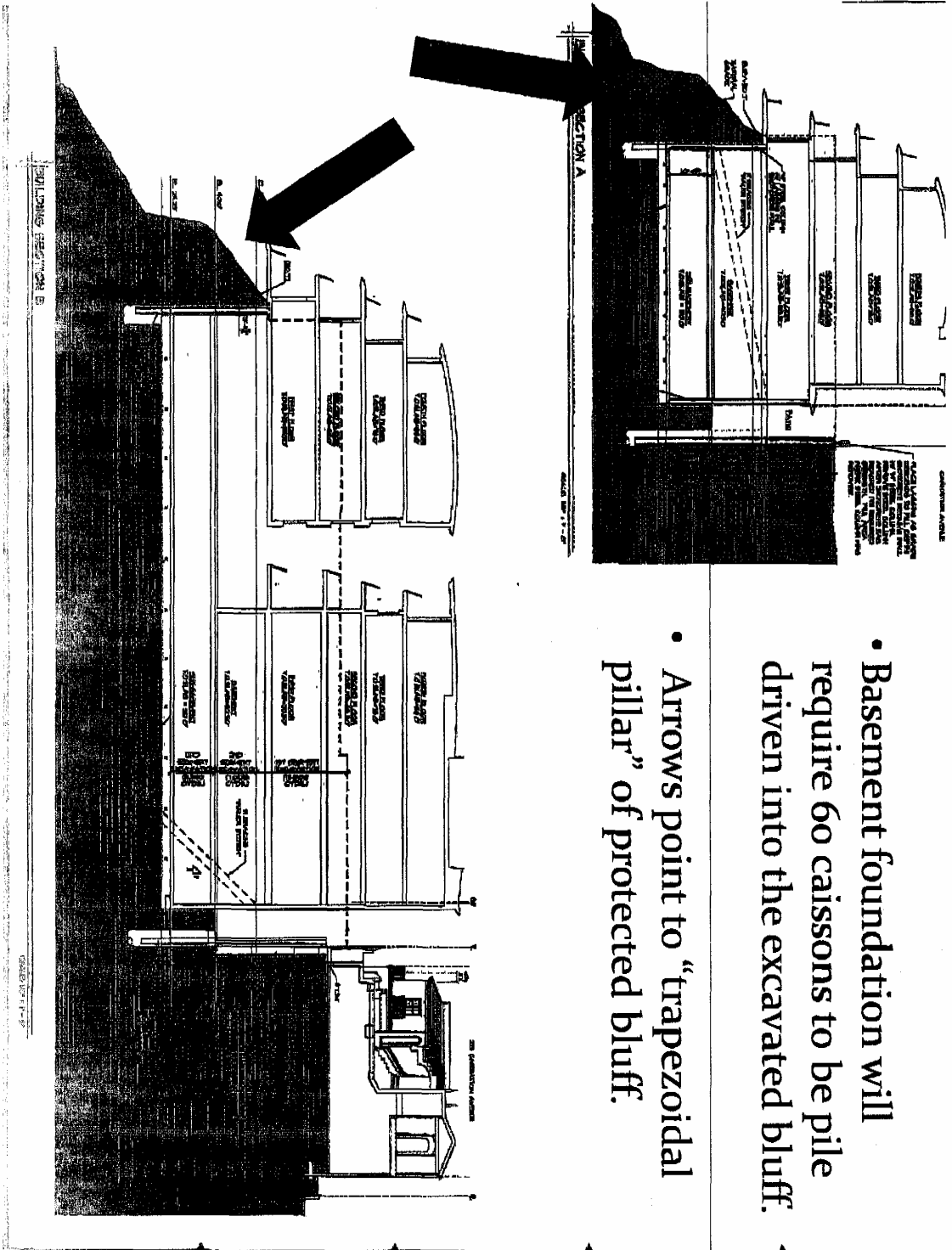
All developments on Carnation Avenue are above ground. This will set new precedence for sub-surface excavation and development.



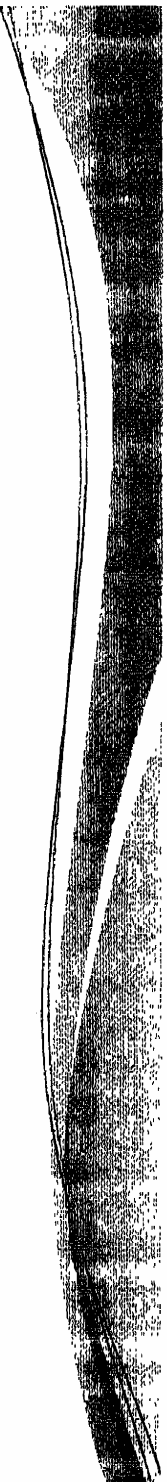
Post construction view: shows incompatible mass of structure and "hidden" subsurface development.



Red arrow points to the “protected bluff” portion of the development.

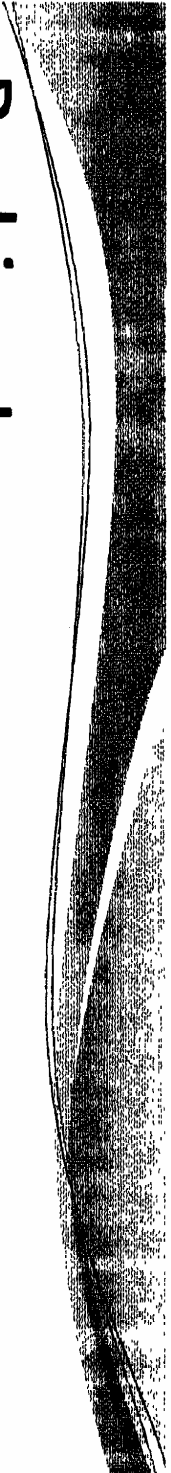


- Basement foundation will require 60 caissons to be pile driven into the excavated bluff.
- Arrows point to “trapezoidal pillar” of protected bluff.



**Coastal Act and CLUP policies
require protection of the bluffs,
not just the bluff faces.**

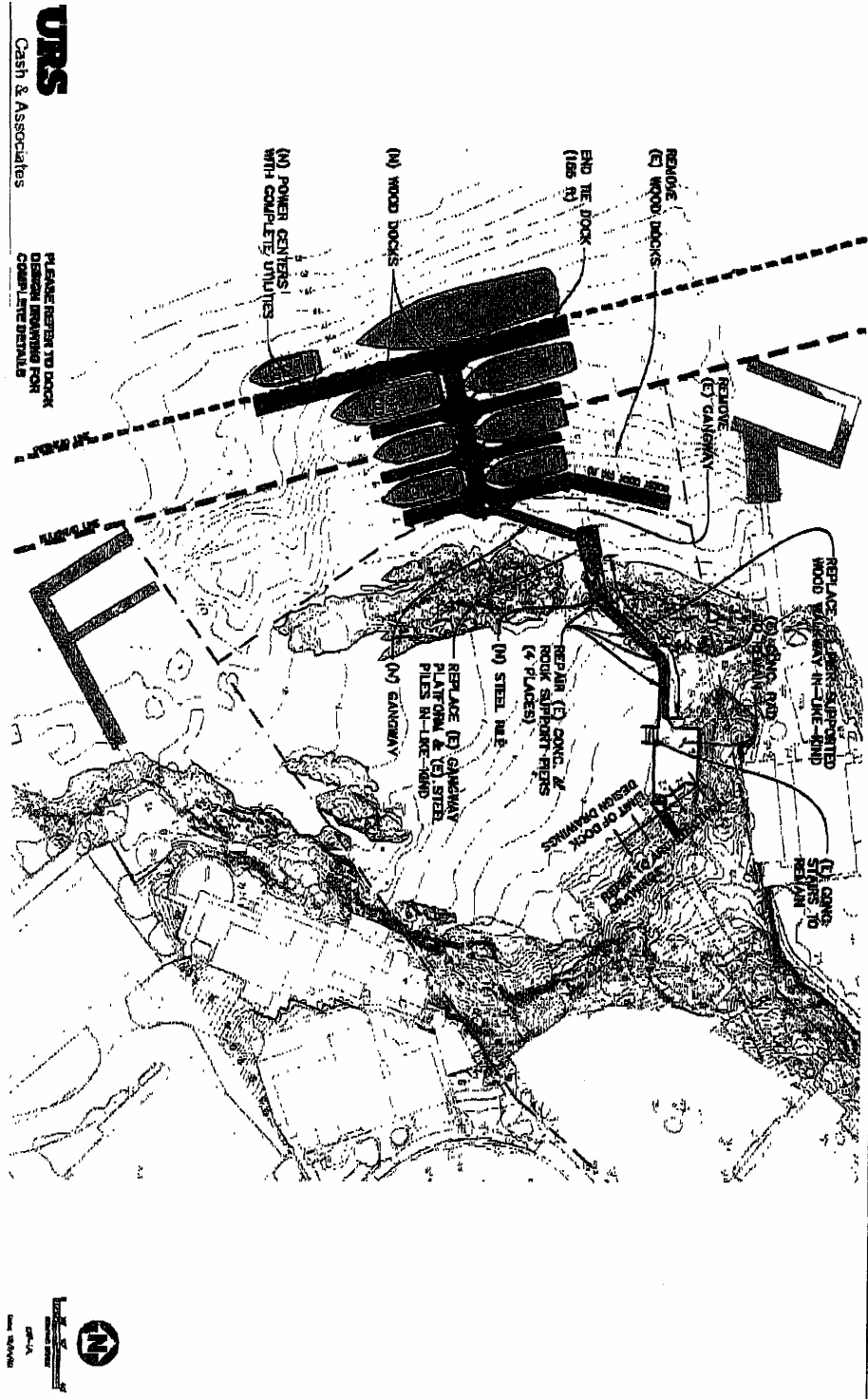
**Approval of massive excavation of
“protected” bluffs will have a
devastating precedential effect.**



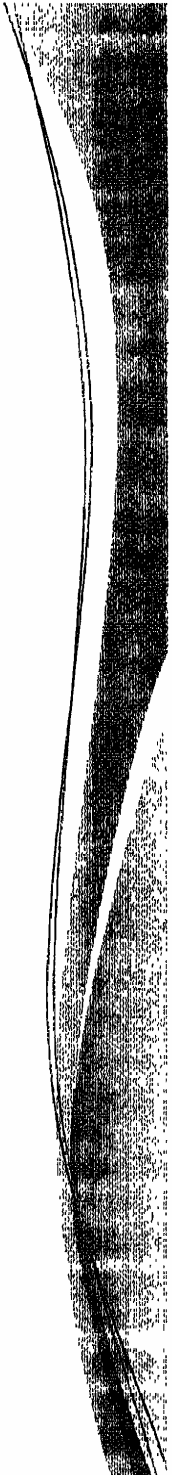
Parking Issue

- Newport Beach Certified Land Use Plan
- Policy 2.9.3.1: Site and design new development to avoid the use of parking configurations or parking management programs that are difficult to maintain and enforce.
- AERIE Project includes an unprecedented residential example of 25 subterranean parking spaces accessed by two vehicle lifts.





Staff recommendation of denial for marina development must be upheld.



Conclusion

- Development is out of scale with surrounding area.
- Excavation of bluff with remnant trapezoidal pillar for visual continuity is not bluff protection.
- Parking plan does not comply with CLUP.
- Staff recommendation of denial for marina must be upheld.

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COAST LAW GROUP LLP

021/023

May-14-07 08:28pm From-California Coastal

+8826008084

T-736 P.001/003 F-481

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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



May 14, 2007

James Campbell
City of Newport Beach
3300 Newport Blvd
Newport Beach, CA 92663

RE: **COMMENTS ON MITIGATED NEGATIVE DECLARATION**
AERIE (PA2005-198), SCH# 2007021054
Site: 201-207 Carnation Avenue and 101 Bayside Place,
Newport Beach, Orange County

Dear Mr. Campbell:

Thank you for the opportunity to review the Mitigated Negative Declaration for the AERIE project. According to the Mitigated Negative Declaration, the proposed project is the demolition of an existing 14-unit apartment building and a single family residence and construction of a 7-level, 9-unit 76,333 square foot condominium complex, appurtenant facilities, 32,400 cubic yards of grading and expansion of an existing private dock system from 4 slips to 9 slips. The subject site is comprised of 3 lots that contain a total of approximately 1.4 acres. According to the MND, the site is a steeply sloping coastal bluff that is subject to marine erosion and includes a sandy and rocky cove. The project will also require changes to existing land use designations.

The following comments address, in a preliminary manner, the issue of the proposed project's consistency with the Chapter 3 policies of the California Coastal Act of 1976 and the City's Coastal Land Use Plan. This letter is an overview of the main issues we've identified at this time based on the information we've been presented and is not an exhaustive analysis. The comments contained herein are preliminary and those of Coastal Commission staff only and should not be construed as representing the opinion of the Coastal Commission itself.

Coastal Commission Authorizations Required. The MND accurately states that a coastal development permit is required from the Coastal Commission. However, the project also requires changes to land uses identified in the certified Coastal Land Use Plan. Therefore, the project would also necessitate a Local Coastal Program amendment for the project. The City should refrain from authorization of any development permits that rely upon the changed land use designation until the City has sought and obtained authorization for a land use plan amendment from the Commission.

Aesthetic Impacts. The MND states that the "...proposed building will extend down the bluff face between 20 to 30 feet below the existing buildings" resulting in a significant expansion of building coverage of the bluff face. MND concludes that the proposed project will have a less than significant impact on scenic resources and visual quality in the area. We don't concur with this conclusion. Section 30251 of the Coastal Act requires the protection of scenic qualities of coastal areas, through, among other means, minimizing the alteration of natural land forms. The proposed project results in significant alteration to the bluff and does not minimize the alteration of natural land forms.

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COAST LAW GROUP LLP

022/029

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AERIE Project -
CCC Comments on Mitigated Negative Declaration
Page 2 of 3

We also do not concur with the MND's analysis of the project's consistency with the City's Coastal Land Use Plan policies. While there are a number of statements in the policy analysis with which we disagree, as well as omissions of certain policies that are applicable, among the most notable is the absence of analysis of the project's consistency with Coastal Land Use Plan Policy 4.4.3-3 and 4.4.3-4 (pertaining to bluff top setbacks), the projects' purported consistency with Coastal Land Use Plan Policy 4.4.3-8 and 4.4.3-9 that pertain to development proposed on bluff faces, and the purported 'inapplicability' of Policy 4.4.3-12 regarding minimizing alteration of coastal bluffs. These are discussed in greater detail below.

Coastal Land Use Plan Policy 4.4.3-3 requires that principal structures and major accessory development on bluffs subject to marine erosion observe a minimum 25 foot setback from the bluff edge. Policy 4.4.3-4 requires accessory development to be setback at least 10 feet from the bluff edge. The proposed project is clearly inconsistent with both of these policies in that the proposed development encroaches beyond the bluff edge and onto the bluff face.

Rather than considering the requirements of Policies 4.4.3-3 and 4.4.3-4, the MND jumps to applying the allowances for development on bluff faces provided in Coastal Land Use Plan Policies 4.4.3-8 and 4.4.3-9. The MND provides no demonstration that these policies are applicable to the proposed project. For instance, existing principal structures on the site would need to be located on the bluff face in order to utilize the allowance for bluff face development. If these policies are applicable, the project must conform to all of the requirements of those policies. For example, Policy 4.4.3-8 requires that improvements on bluff faces occur only when no feasible alternative exists and where alteration of the bluff face is minimized. No alternatives were considered or analyzed in the MND and the removal of 20-30 additional feet of bluff face doesn't minimize the alteration of the bluff face. Policy 4.4.3-9 allows for development on the bluff face "...in order to protect coastal views...". This provision was enacted largely to protect public views from the bluff top walkways and roads (e.g. Ocean Boulevard) in Corona del Mar toward the water by prohibiting projections above curb height along Ocean Boulevard and allowing some limited development on the bluff face. The proposed project includes development that is at least 25 feet above curb height along Ocean Boulevard. Thus, the proposed project is attempting to utilize the allowances for bluff face development without adhering to the view protection features for which those allowances were created.

The MND states that Policy 4.4.3-12 regarding minimizing alteration of coastal bluffs is rendered 'inapplicable' by the provisions of Policies 4.4.3-8 and 4.4.3-9. Commission staff disagrees with this conclusion - there is no provision in any of these policies that overrides the requirements of Policy 4.4.3-12. The proposed project does not minimize the alteration of coastal bluffs to the maximum extent feasible as required by Policy 4.4.3-12.

Finally, the MND provides an analysis regarding the 'stringline' and 'predominant line of development', however, no graphics were provided showing how this analysis was carried out. Therefore, Commission staff are unable to provide comments on whether we agree or object to the conclusions made in the MND regarding conformance with the limits of allowable development.

Public Access. The Coastal Act as well as policies in the Coastal Land Use Plan require that public access be maximized. The MND states that the proposed project makes no

04/12/2010 17:00 FAX 7809428515

COAST LAW GROUP LLP

023/028

May-14-07 05:27pm From-California Coastal

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**AERIE Project -
CCC Comments on Mitigated Negative Declaration
Page 3 of 3**

accommodation for public access to the small bay that is seaward of the proposed development. Even though this small bay appears to be inaccessible to the public via land from either upcoast or downcoast access points, and the proposed project would obstruct access from Carnation Avenue/Ocean Boulevard to this beach, the MND concludes that such access is 'unwarranted' due to the steepness of the topography and the proximity of nearby access. On the other hand, according to the MND, there is an existing walkway on the property that descends to this beach that will be retained by the proposed project. This walkway could feasibly be used to overcome the access limitations imposed by steep topography. There is no other access nearby to this beach. Thus, Commission staff do not concur with the access conclusions made in the MND. Further analysis of the issue is warranted.

Habitat Impacts/Water Quality. The MND states that a biological resources analysis has been prepared for the site, however, a copy of that study was not included in the MND, thus, we cannot provide comments on the adequacy of that study. However, the proposed project includes expansion of a boat dock system as well as discharge of runoff into areas known to be occupied by eelgrass. Aerial photographs of the site show that rocky intertidal habitat may also exist. The proposed project must avoid impacts to sensitive eelgrasses and rocky intertidal habitat.

These are some of our initial concerns; we hope these issues will be addressed in the City's review of the project. Please note, the comments provided herein are preliminary in nature. Additional and more specific comments may be appropriate as the project develops into final form and when it is submitted to the Commission for formal review. We request notification of any future activity associated with this project or related projects. Thank you for the opportunity to comment on this matter.

Sincerely,



Kari Schwing
Supervisor, Regulation & Planning
Orange County Area

cc: State Clearinghouse

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

Name or description of the project: **Agenda Item W.7.a**

- a. **City Of Newport Beach LCP Amendment No. NPB-MAJ-1-9 (AERIE)**. Public hearing and action on request by City Of Newport Beach to amend the Certified Land Use Plan (LUP) to change land use designation of a 584 sq. ft. portion of parcel in the coastal zone at 101 Bayside Place from RH-D (High Density Residential) to RM-A (Medium Density Residential) (LR-LB)

AND COMPANION MATTER: W.8a

- a. **Application No. 5-09-162 (Advanced Group 99-D/AERIE, Newport Beach)** Application of Advanced Group 99-D to demolish 13,688 sq. ft., 4-level, 14-unit apartment while retaining on-grade stairway on bluff face, demolish 2,810 sq. ft. single-family home and construct new 61,709 sq. ft., 8-unit, 32 ft. tall, 6-level condominium structure including four levels above grade and two subterranean levels, 31 parking spaces, pool and other luxury amenities; hardscape and landscaping improvements; grading consisting of 25,240 cu. yds. of cut; demolish 4-slip floating dock structure and replace with new 8-slip floating dock and guest side-tie; lot line adjustment and tract map to merge two lots and portion of third lot into single 61,284 sq. ft. lot for residential condominium purposes; at 201-205 & 207 Carnation Avenue, and 101 Bayside Place, Newport Beach, Orange County. (LR-LB)

Time/Date of communication: Friday, March 9, 2010, 9:00 am

Location of communication: Coast Law Group, Encinitas

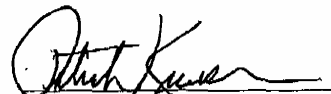
Person(s) initiating communication: Marco Gonzalez, for neighborhood opposition group:
Residents for Responsible Development
(R4RD)

Person(s) receiving communication: Patrick Kruer

Type of communication: Meeting

- R4RD and neighbors oppose the entire development as proposed. Staff supports the landside development, but recommends denial of the boat dock/marina component of the project.
- The development will be grossly out of scale with the surrounding community. Despite strong language in the coastal act and Newport Certified Land Use Plan mandating protection of natural bluffs, the project would result in excavation of the entire bluff for two subterranean levels of development well below the predominant line of existing development (PLOED).

Date: March 9, 2010


Patrick Kruer

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Name or description of project, LCP, etc.: 5-09-162 (Aerie)
Date and time of receipt of communication: March 8, 2010
Location of communication: La Jolla, CA
Type of communication (letter, facsimile, etc.): ~~Letter~~ Meeting
Person(s) initiating communication: Dave Neish Brian Jeanette
Person(s) receiving communication: Pat Krueger
Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)
Reps. indicated that the applicant was in total agreement
with all 15 Special Conditions being requested by CLC Staff
on the land-side component of the CDP which consists of
the redevelopment of eight (8) unit condominium project in Newport Beach.
Applicant is intending to withdraw the dock proposal at
this time in order to work with CLC Staff to come up with
a redesign and/or a mitigation program that could create a
mutual resolution to the waterside improvements.
4/9/10
Date
Signature of 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 proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION**

Date and time of communication: April 8, 2010
(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.)

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

Person(s) initiating communication: Marilyn L. Beck

Person(s) receiving communication: Commissioner Bonnie Neely

Name or description of project: April Agenda Item W7a - AERIE Project
Permit Number 5-09-162

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

See attached letter objecting to the project.

Date: April 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

CCC Letter
Page 2

THE 50.7 PLOED. If you will look at the three photos I've provided you will see that there is a distinct line of development along the Carnation bluff. Of greater importance is that none of the Carnation Avenue properties go subterranean below the PLOED. In approving the Aerie project, the City is setting a new precedent for development on Carnation Avenue. All current development on the Carnation Avenue bluff is ABOVE the 50.7 line, both on the face of the bluff and behind the bluff. Moreover, even if the staff comparison to Ocean Blvd development rather than that on Carnation Avenue is valid, California's coastal policy should seek to improve the impact of future development on coastal bluffs rather than perpetuate and extend the mistakes of the past.

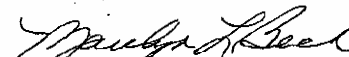
The Coastal Act policies cited above required MINIMIZATION of development along the bluff. Aerie, at 61,709 square feet, is the single largest private or commercial residential development in Corona Del Mar in over 40 years. The issue, I believe, isn't just the 8 condominium units, but all the 'luxury' accessories which require subterranean development, accessories which are unnecessary and unique in this neighborhood. Aerie has 'common amenities' (as quoted in the Staff Report) which include a fitness facility, lounge, patio, locker rooms, massage rooms, wine storage rooms, and a swimming pool, ALL BELOW THE 50.7 PLOED. The LUP 4.4.3-8 requires development to be 'designed and constructed to minimize alteration of the bluff...to the maximum extent feasible.' How can approval of Aerie at 61,709 square feet, giving a 'footprint' of 7,714 square feet per unit, and going down to 28 feet above mean sea level subterranean, comply with either the California Coastal Act or the City of Newport Beach CLUP?

The Staff Report states that "...the proposed development minimizes landform alteration, is consistent with the pattern of development in the area...". There is another significant concern about this project on Carnation Avenue. Aerie will set a precedent for future development on Carnation Avenue bluff. Currently, as I stated, no other properties go below the 50.7 line subterranean. Carnation Avenue is a street in the flux of development. In addition to Aerie, there are four other properties in original state which are contiguous to one another (see the attached photo). 231-229-227 Carnation, 233-235-237 Carnation, both 3 unit apartment buildings, 239 Carnation (a single family home) and 301 Carnation (single family home) are all original. All these parcels will be redeveloped in the future; two of these are currently on the market for sale (231-227 & 239). With the approval of Aerie at 61,709 square feet, another developer may well come along and buy up these four properties and propose another equally large luxury development. If you approve this project, how will you deny the next one?

Is this the intent of the Coastal Act? How does this 'minimize the alteration of the natural land form'? Please look at the photos and see how beautiful the bluff is. Do you want to protect this landform or allow the most extreme development in over 40 years to destroy it? I am in favor of re-development of this site. I hope that Mr. Julian is able to build a project and enhance the quality of the neighborhood. But I believe Aerie is too big and not in compliance with the requirements of the Coastal Act and that Mr. Julian does have alternatives, the project could be smaller, without all the amenities and still be in compliance with the Coastal Act, and be a viable and attractive development.

If you would like to discuss this prior to the meeting, I am available at anytime on my cell phone at 561-213-9042. I plan to attend the meeting and will arrive the day before. If you are interested in meeting with me prior to the meeting, I would be happy to arrange that. Thank you.

Sincerely,


Marilyn L. Beck

