

CALIFORNIA COASTAL COMMISSION

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W11a

A-5-NPB-18-0006 (NICHOLSON CONSTRUCTION)

MARCH 7, 2018

CORRESPONDENCE



CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660

949-644-3200
newportbeachca.gov/communitydevelopment

VIA ELECTRONIC MAIL AND USPS DELIVER

February 22, 2018

Ms. Dayna Bochco, Chair
California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

**Subject: March 7, 2018 Agenda Item No. W11a – Appeal No. A-5-NPB-18-0006
(Nicholson Construction, Newport Beach)**

Dear Chair Bochco,

Since the City of Newport Beach (City) assumed permit authority on January 30, 2017, over 70 coastal development permits have been processed. The 2607 Ocean Boulevard project is the first to be appealed to the Coastal Commission. Therefore, it is appropriate to assure the Coastal Commission that the City's approval raises no substantial issue as to conformity with the certified Local Coastal Program (LCP). The project did elicit some local controversy; however, this was primarily due to the concerns by some in the community that homes in general are getting too big and changing the character of the community. This community discussion will continue locally and may someday result in policy and regulatory changes that will require an amendment to the City's certified LCP. Until such time, the City will continue to review all projects to ensure consistency with our certified LCP and the protection of public access and coastal resources.

Background

On November 9, 2017, the City Planning Commission conducted a public hearing on a coastal development permit (CDP) to allow the construction of a new 5,183-square-foot, single-family residence located at 2607 Ocean Boulevard and a variance request to allow the new residence to encroach into the rear, front and side setbacks, exceed the maximum floor area and height limits for an elevator shaft and guardrails, and provide open volume¹ within the required setback areas (Project).

¹ "Open Volume" is a Zoning Code residential design standard. It requires a three-dimensional open space area outside of setback areas. Open Volume is a community aesthetic standard intended to provide articulation and modulation of building masses and elevations to avoid the appearance of "box-like"

During the public hearing, the Planning Commission expressed concerns with the overall size, bulk/mass and height of the proposed residence. At the conclusion of the hearing, the Planning Commission continued the item to the December 7, 2017, meeting and directed the applicant to consider the following suggested modifications to the Project:

1. Reduce the size and bulk/mass of new residence to be compatible with the visual character of the area.
2. Eliminate the request to exceed the height limit by relocating the elevator to a different location or not have it reach the roof level.
3. Install story poles for the neighborhood to see the extent of proposed development.
4. Incorporate more stringent language to the construction management plan to protect public parking areas during peak summer months.

The applicant installed the story poles and modified project plans based on the direction received from the Planning Commission. The size of proposed residence was reduced from 5,183 square feet to 4,807, for a total reduction of 376 square feet. The changes also eliminated the need for two of the four variance requests. The Project now complied with the open volume standard and no longer required a building height variance by eliminating the proposed elevator shaft and guardrails.

On December 7, 2017, the Planning Commission approved the CDP and the two remaining variances for setbacks and floor area only after further reducing the size of entire residence by another 307 feet for a maximum floor area of 4,500 square feet (including the required parking garage). After thoroughly and thoughtfully examining public views from Ocean Boulevard, the Planning Commission required that the proposed screen wall be replaced with a guardrail with the minimum height required by the Building Code (42 inches) and required the use of a clear material.

City's Responses to the Appeal

The Project is consistent with CLUP Policy 4.4.1-2 (Coastal Views) & Policy 4.4.1-3 (Natural Land Form)

The Project, as modified by the Planning Commission, complies with all of the height limits of the certified LCP. The Project conforms to the base height limit of 24 feet for flat roofs. The Project also conforms to an additional height limit for properties seaward of Ocean Boulevard that requires that development not exceed the curb height (73.81 feet) of Ocean Boulevard in order to project public views of the ocean and harbor. The top of

buildings. This standard does not implement any CLUP policies, and, therefore, it is not the certified LCP Implementation Plan.

the proposed residence, including the guardrail (formally, a screen wall) at the deck level, is approximately 22 inches below the curb height.

In addition, the Planning Commission reviewed the Project for consistency with certified LCP Implementation Plan Section 21.30.100 (Scenic and Visual Quality Protection). Pursuant to this section, a visual impact analysis was prepared to determine the Project's potential to impact public views, particularly those views of the ocean and harbor from the Ocean Boulevard. The analysis revealed no significant impact to public views. However, to provide additional protection of public views, the Planning Commission replaced a proposed screen wall at the deck level with a guardrail and with a maximum height of 42 inches and required the use of a clear material. The final design of the guardrail requires the approval by the City's Planning Division.

Certified LCP Coastal Land Use Plan (CLUP) Policy 4.4.1-3 is a general policy statement, which calls for the "design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons." This area, known as "China Cove" was terraced and developed beginning in the 1930s, so very little of the natural land remains. More relevant is CLUP Policy 4.4.3-8 that contains an exception to the general prohibition of development on bluff faces in this area in order to protect public views from Ocean Boulevard.

The CLUP recognizes that Ocean Boulevard is one of the few areas in the City's coastal zone where there is extensive development of the bluff face. The CLUP provides that development in this area is allowed to continue on the bluff face to be consistent with the existing development pattern and to protect coastal views from the bluff top. Allowing the Project to develop into the bluff face in order to keep the building height lower than curb height protects public views from Ocean Boulevard, which is clearly consistent with the certified LCP.

The Project does not privatize public view land

The appellant incorrectly states that the Project will "privatize a significant amount of public view land" and alludes to a gate. The area in question is part of the Ocean Boulevard public right-of-way, which is on a steep slope below the street. This slope does not currently provide, and offers no real opportunity to provide, public views or access. The only private development proposed in this area are pavers and steps with a guardrail to provide a pedestrian access from Ocean Boulevard to the residence, which will replace an existing concrete walkway. The proposed walkway is designed and sited so as to not obstruct public views; the pavers and steps are at grade-level and the guardrail will be of an open design and limited to no more than 34-inches in height. The proposed gate will replace an existing gate located at street level. The Project will relocate this gate below street level, which will enhance public views; the gate will also be designed and sited to ensure that it does not impact public views.

In short, the proposed walkway is not unlike walkways that commonly provide a connection from a public street to private property. The Project is conditioned to ensure

that the proposed walkway will not impact public views from Ocean Boulevard. To characterize this minor project component as privatizing “a significant amount of public view land” is, at best, misleading.

Variance – LCP setbacks

The appellant argues that the Planning Commission has no authority to grant a variance to the setback standards of the certified LCP.

Variances allow for the modification or waiver development standards when; because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features; the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same zoning district.

Coastal Act Section 30010 states that the Coastal Act is not intended to “take or damage private property for public use, without the payment of just compensation therefor.” Coastal Act Section 30010 further states that the Coastal Act is “not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.” This policy is reiterated in CLUP Policy 1.3(1).

The Coastal Act and the LCP are not intended to increase or diminish the rights of any property owner. These documents are also not intended to increase or diminish the ability of a local government to grant relief when the strict application of development regulations result in physical hardships and/or denies property owners of privileges enjoyed by other property owners.

The certified LCP is silent on how necessary variances are related to the property development regulations contained in the certified LCP. The granting of such variances are permitted, provided that they are consistent with other sections of Certified LCP.

The absence of a variance procedure in the certified LCP does not preclude the Community Development Director from making an interpretation that allows the City to rely upon the variance procedure in the City’s Zoning Code. The ability to render interpretations is authorized in the City’s Zoning Code. There is no conflict between the Zoning Code and the LCP, because the certified LCP contemplates a variance but does not provide any procedures for the granting of a variance. Without this interpretation, the City does not have the ability to issue a variance to the City’s design standards in the Coastal Zone. The major amendment reference by the appellant is only intended to clarify this process.

Development of western half of property is allowed by City’s certified LCP

The appellant argues that the development on the western half of the Project site can only be accomplished by the variance of certified LCP setback regulations. The certified LCP required setbacks for the subject property are 10 feet along the front property line

on Ocean Boulevard (adjacent to China Cove Ramp), 10 feet along the rear property line on Way Lane, and 4 feet along both the side property lines. Therefore, development of the western half of the property is permitted under the development standards of the City's and certified LCP.

City's Appeal Process

On December 21, 2017, the appellant filed an appeal of the Planning Commission's decision to the City Council, which requires payment of a fee under the Newport Beach Municipal Code Section 20.64.030(B)(2). The appeal application was rejected by the Newport Beach City Clerk's Office for failure to pay the filing fee. The City Clerk also determined the appellant can appeal the CDP portion of the project to the Coastal Commission, which does not require the payment of a fee under certified LCP Implementation Plan Section 21.64.030(B)(1)(b).

In summary, the City's Planning Commission reviewed, modified and approved the project to ensure consistency with the City's certified LCP and Zoning Code. The Project was found to comply with all certified LCP height limits and found not to impact public views or public access. This project approval does not rise to the level of a substantial issue as to conformity with the certified LCP.

Thank you for the opportunity to clarify the record.

Sincerely,


Seimone Jurjis, PE, CBO
Community Development Director

cc: Jack Ainsworth, Executive Director
Karl Schwing, Deputy Director
Dave Kiff, City Manager

Sy, Fernie@Coastal

From: SouthCoast@Coastal
Sent: Wednesday, February 28, 2018 8:39 AM
To: Sy, Fernie@Coastal
Cc: Schwing, Karl@Coastal
Subject: FW: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Important

Sonia Beckford

-----Original Message-----

From: Martha Peyton [<mailto:mpeyton112@gmail.com>]

Sent: Tuesday, February 27, 2018 3:56 PM

To: SouthCoast@Coastal

Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Commissioners,

My husband and I own the residence at 212 1/2 Fernleaf Ave, Corona Del Mar, which is roughly one block from the proposed Ocean Blvd development. We support the staff memo listing the proposal's threats to access to the coast. We are appalled by the sheer bulk of the structure; it overwhelms the bluff and the site below. We are appalled by the use of public property on the bluff to create a walkway for the property. We are appalled by the roof deck which cuts off views into China Cove from Ocean Blvd. We urge you to put a stop to this needless monstrosity.

Sincerely,
Martha S. Peyton

Sy, Fernie@Coastal

From: Steve Smith <sesnewport@gmail.com>
Sent: Wednesday, February 28, 2018 6:15 AM
To: SouthCoast@Coastal
Subject: 2607 Ocean Blvd, Newport Beach

Dear Coastal Commission:

I am writing to express my support of the Coastal Commission appeal of 2607 Ocean Blvd in Newport Beach.

Our city has a propensity to flout the rules and did so in this case.

Title 21 does NOT have the ability to grant a variance to this property and this was pointed out to the Assistant City Attorney, Michael Torres. His response? The city can do whatever they want. Based on his advice, the Planning Commission approved this project.

The rules are the rules. Torres' bad legal advice should not be allowed to stand. Please require the City of Newport Beach to follow the rules and accept this appeal.

Thank you,

Steve Smith

Sy, Fernie@Coastal

From: SouthCoast@Coastal
Sent: Wednesday, February 28, 2018 8:39 AM
To: Sy, Fernie@Coastal
Cc: Schwing, Karl@Coastal
Subject: FW: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Follow Up Flag: Follow up
Flag Status: Flagged

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Sonia Beckford

From: Lorian Petry [<mailto:lorianpetry@hotmail.com>]
Sent: Tuesday, February 27, 2018 11:46 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chairman Bochco and Commissioners,

The appeal being made deserves serious consideration. The views that will be obstructed by this single family home may be much greater than presented. It's unfortunate that the planning commission granted variances that open the door to future infringements on the rights of people who enjoy the coast's natural vistas. Granting approval of this project seems to run counter to the Local Coastal Act and Newport Beach's Local Coastal Program.

Thank you for treating this with the seriousness it deserves –

Lorian Petry

Sent from [Mail](#) for Windows 10

Sy, Fernie@Coastal

From: Rob Caustin <rcjnewport@gmail.com>
Sent: Wednesday, February 28, 2018 6:42 AM
To: SouthCoast@Coastal
Subject: The appeal of 2607 Ocean Blvd

Please allow the appeal of 2607 Ocean Blvd to go forward.

Thanks.

Sy, Fernie@Coastal

From: Protecting Newport Beach <acceptthemoney@gmail.com>
Sent: Wednesday, February 28, 2018 7:19 AM
To: SouthCoast@Coastal
Subject: The property at 2607 Ocean Blvd in Newport Beach

Dear Commissioner Bochco,

Please advance the appeal regarding 2607 Ocean Blvd in Newport Beach.

This property will impede a very important view corridor in Newport. There are many people who walk a route that passes this home and are very concerned about having the view of the bay blocked. I am one of them.

I hope you will take this into consideration.

Josephine Block
Long time Newport Beach resident

Sy, Fernie@Coastal

From: Marsha Kendall <pmd81@aol.com>
Sent: Thursday, March 01, 2018 9:00 AM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I am writing you because it appears the city of Newport Beach approved something inconsistent with the coastal Act. By approving the project at 2607 Ocean Blvd., this would cause a permanent loss of public views from the ramp, which are supposed to be protected by the City's local coastal program. This would permanently destroy a currently undeveloped portion of the China Cove bluff face and fence off public access to the City land at the top of the property, between it and Ocean Blvd, which would otherwise have potential as a public view spot. This is wrong and I am asking you to approve the appeal of Jim Mosher, the appellant.
Thank you.

Sincerely,

Marsha Kendall
Newport Beach resident

Sy, Fernie@Coastal

From: Mary Roosevelt <mwroosev@uci.edu>
Sent: Wednesday, February 28, 2018 9:20 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners, I have previously expressed my surprise that a construction like this could possibly be approved by anyone. This structure will destroy a view that residents and visitors alike treasure. One man's inappropriate personal dreams surely cannot destroy Corona Del Mar's precious views.

Thank you for trying to hear our opinions. I do hope that you will decide to preserve our special coastal views

Sincerely,

Mary Roosevelt

Sent from my iPhone

Sy, Fernie@Coastal

From: Dorothy Kraus <dorothy.kraus@newportbeachfilmfest.com>
Sent: Thursday, March 01, 2018 7:41 AM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I am a native California and 40+ year resident of Newport Beach who places a very high value on our treasured coastal resources including coastal views and landforms, along with the right of public access. The proposed project as pointed out throughout your staff's report is seriously out of compliance with the City's own certified LCP and in violation of the California Coastal Act.

Your staff has done a thorough and outstanding job in presenting the facts that support their recommendation that the Commission determine that a substantial issue exists. I respectfully request that you support staff and that a full public hearing on this matter go before you at a future date.

Thank you Chair Bochco and Commissioners.

Sincerely,

Dorothy Kraus

Sy, Fernie@Coastal

From: Alice Coons <acoons486@gmail.com>
Sent: Wednesday, February 28, 2018 8:53 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

This project is a continuation of the oversized buildings that the planning department has allowed on small coastal lots. The houses currently under construction on Ocean Blvd have destroyed any views that long time residents used to enjoy. I hope this project can be scaled to fit the small lot it is to be built on.

Alice Coons

Sy, Fernie@Coastal

From: Susan <savebaysidedr@gmail.com>
Sent: Wednesday, February 28, 2018 3:16 PM
To: SouthCoast@Coastal
Subject: The home on Ocean Blvd in Newport

Dear Coastal Commission Board,

Please consider Jim Mosher's appeal of 2607 Ocean Blvd in our fair city of Newport Beach.

This house will block the view of the beach, bay and ocean from a popular walking site, adding to the wall of development that Newport Beach is becoming.

The Coastal Commission's mission is to protect the citizens from overdevelopment along the water and I hope that you will listen to Jim Mosher's concerns and move the appeal forward.

Thank you,

Susan Smith
2607 San Miguel
Newport Beach, CA 92660

Sy, Fernie@Coastal

From: SouthCoast@Coastal
Sent: Thursday, March 01, 2018 1:13 PM
To: Sy, Fernie@Coastal
Cc: Schwing, Karl@Coastal
Subject: FW: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Follow Up Flag: Follow up
Flag Status: Flagged

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Sonia Beckford

-----Original Message-----

From: Andy Lingle [<mailto:andylinge@gmail.com>]

Sent: Thursday, March 01, 2018 12:49 PM

To: SouthCoast@Coastal

Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

March 1, 2018

Dear Chair Bochco and Coastal Commissioners,

I write in opposition to the Nicholson Project. First, it will impact the coastal view from Ocean Blvd. and give us instead a view of a swimming pool. Second, it entirely obscures the bluff on which it will be built, completely covering it, with minimum setbacks, from Ocean Blvd all the way down to Way Lane.

I support the staff's recommendation and finding that there are substantial issues with this project.

Thank you for considering my comment.

Andrea Lingle

2024 Diana Lane,

Newport Beach, CA

92660

andylinge@gmail.com,

Sy, Fernie@Coastal

From: SouthCoast@Coastal
Sent: Thursday, March 01, 2018 3:08 PM
To: Sy, Fernie@Coastal
Cc: Schwing, Karl@Coastal
Subject: FW: Public Comment on March 7, 2018 Agenda Item Wednesday 11a_ Appeal No. A-5-NPB-18-006 Nicholson Construction, Newport Beach

Follow Up Flag: Follow up
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Sonia Beckford

From: Emkapp [<mailto:emkapp@aol.com>]
Sent: Thursday, March 01, 2018 2:01 PM
To: SouthCoast@Coastal
Subject: Fwd: Public Comment on March 7, 2018 Agenda Item Wednesday 11a_ Appeal No. A-5-NPB-18-006 Nicholson Construction, Newport Beach

Sent: Thu, Mar 1, 2018 10:42 am
Subject: Public Comment on March 7, 2018 Agenda Item Wednesday 11a_ Appeal No. A-5-NPB-18-006 Nicholson Construction, Newport Beach

Dear Chair Bochco and Coastal Commissioners,

I am a citizen of Corona Del Mar California who values coastal views, landforms and access to them. I hope that you will uphold the guidelines to minimize impacts to public views.

I have read with interest the staff report on Wednesday Item 11a and support staff's recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program.

Thank you for your consideration and support of the Coastal Program goals.

Beth Kiley
Corona Del Mar, CA

Sy, Fernie@Coastal

From: SouthCoast@Coastal
Sent: Thursday, March 01, 2018 10:35 AM
To: Sy, Fernie@Coastal
Cc: Schwing, Karl@Coastal
Subject: FW: Please make Newport Beach follow the rules (2607 Ocean Blvd)

Follow Up Flag: Follow up
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Senia Beckford

From: Robert Collins [<mailto:rcnewportbeach@gmail.com>]
Sent: Wednesday, February 28, 2018 2:05 PM
To: SouthCoast@Coastal
Subject: Please make Newport Beach follow the rules (2607 Ocean Blvd)

To the Coastal Commission-

You may or may not be aware of the games that the Planning Department of Newport Beach plays. Although clear rules exist, it is very common for them to try and get around established rules. Most of the time, there is no higher authority to call them out (or the statute of limitations has passed before it is discovered). However, in this case, you have the ability to require compliance.

I think many of us would greatly appreciate having you call out the city on their choice to just blatantly ignore the requirements of the LCP.

I hope you will also take a good, hard look at the 'clean up' LCP amendment that the city has submitted for inconsistencies and potential avenues that the Planning Dept will exploit to get around the rules. In this case, it will be important to have clearly defined rules without any room to take an end run around them, if you are able to do so.

Appreciate your consideration.

Robert Collins

Sy, Fernie@Coastal

From: SouthCoast@Coastal
Sent: Thursday, March 01, 2018 4:36 PM
To: Sy, Fernie@Coastal
Cc: Schwing, Karl@Coastal
Subject: FW: Subj: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006

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Sonia Beckford

From: kent moore [<mailto:kentmoore@roadrunner.com>]
Sent: Thursday, March 01, 2018 3:29 PM
To: SouthCoast@Coastal
Subject: Subj: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006

March 2, 2018

Subj: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Members of the Coastal Commission:

I have been a resident of Corona del Mar for 47 years and live less than 200 yards from 2607 Ocean Blvd. When I bought my home I was pleased to learn that my views on Ocean Blvd. were protected and that nothing could be built above the curbline.

Over the years when I have stood on the sidewalk adjacent to 2607 Ocean Blvd., above China Cove, I noticed a locked gate and fence leading to what appeared to be a back entrance to the property. I had always assumed that it was private property but learned a few months ago that it was part of the public right of way and I don't think that my neighbors ever realized this either. I'm assuming, then, that the property owner had just decided to block public access to this remarkable view area for the past 50 years or so. And that public area is still blocked by a new gate and some hand rails leading down the bluff face to the home. I believe this area should be opened up and that benches be installed for the enjoyment of the public. But, I guess the Commission has heard other stories like this over the years. What a pity.

My neighbors and I opposed the development of this property when we saw the new plans. And I don't believe that this new plan complies with the Coastal Act or Newport Beach's LCP either. Again, I don't think any of us even realized there was a 2607 Ocean lot as the home is mainly situated in what we thought was part of China Cove. In any case, I believe that the City of Newport Beach received around 60 letters from residents opposing the rebuild. When confronted with the opposition, the property owner submitted a revised plan to the Newport Beach Planning Commission which they accepted with a few exceptions. We are now opposing this new plan which you will take up on March 7. I believe your commission should deny this new project and its rooftop swimming pool as it sits on a coastal bluff face and will block public views, land forms and access to them. Just look at what happened a hundred yards away at the Channel Reef

Condominiums. Their parking lot which was built out horizontally from Ocean Blvd. has blocked a considerable amount of the view for both neighbors and visitors to this beautiful area. This part of Corona del Mar is referred to as "Old Corona del Mar" yet huge projects over the years have taken away much of its charm and, yes, spectacular public views.

Furthermore, how could the Newport Beach Planning Commission approve variances under both the zoning code and the LCP when it had the authority to pass them only under the zoning code. This is just not right. My neighbors and I respectfully ask your Commission to carefully review Appeal Number A-5 NPB-18-0006 and support residents in this rather unique area of Corona del Mar. Please call me at (949) 244-1832 if I can assist your staff in any way.

Sincerely,

Kent S. Moore

Sy, Fernie@Coastal

From: Jo Carol <jocarol@ix.netcom.com>
Sent: Friday, March 02, 2018 4:52 AM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I am a 47+ year resident of Newport Beach, CA.

I have always had an interest in real estate as a real estate sales broker.

I believe in development, but that which fits our General Plan, our height & density restrictions, and the lay of the land.

I'm shocked to see approval of projects that don't fit any of the above, but I was disillusioned in my local government when they approved [2607 Ocean Blvd](#) in Corona del Mar, CA.

There are views of China Cove and the harbor from Ocean Blvd that are statewide resources that should not be allowed to be casually lost to this unnecessary development.

My City government overstepped its authority by approving this home that is inconsistent with the Coastal Act.

We citizens shouldn't have to run after our local governments to make things right....how can we citizens oversee projects like this in the future?

Thank you for listening,

Jo Carol Hunter

4220 Park Newport #210

Newport Beach, CA. 92660



Virus-free. www.avg.com

Sy, Fernie@Coastal

From: Lynn Lorenz <lynnierlo@aol.com>
Sent: Thursday, March 01, 2018 9:04 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a-Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

My original letter to the Newport Beach Planning Commission regarding the proposed house on 2607 Ocean Boulevard written on December 5, 2017 read as follows:

Please stop allowing buildings which deviate from established planning rules and guidelines set up to protect the residents of Newport Beach from oversized structures which either block their already established views and/or degrade the balance, symmetry and beauty of Newport Beach neighborhoods and commercial districts. The house on Ocean Boulevard is an example of this type of structure.

It should not be given a variance to allow the owners to exceed the height limit allowed for homes in Newport Beach. The request for a home larger than 4200 square feet and higher than 14 feet to accommodate an elevator would be "creating a special privilege for the owner." This is precisely one of the reasons for which a variance should not be granted according to zoning rules for Newport Beach.

Today (March 1st), I am writing to express my support for Wednesday's Item 11A, for the recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program. I was present at the September, 2017 meeting/hearing at which time I believe the Coastal Commission accepted Newport Beach's proposed plan and I spoke against it, fearing that the City would never be able to show the same sort of objectivity as the Coastal Commission that was created to secure coastal views, landforms and access to them for the public. I am alarmed that the City is not meeting its obligation to uphold the law and intent of the California Coastal Commission.

Sincerely, Lynn Lorenz

434 Redlands Avenue,
Newport Beach, Calif. 92663 949 646 2054

Sy, Fernie@Coastal

From: Lauri Preedge <lpreedge@gmail.com>
Sent: Thursday, March 01, 2018 5:10 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I am supportive of the appeal on the project located at 207 Ocean Blvd, Newport Beach. The cities approval is inconsistent with city zoning rules and the City Local Coastal Program which minimizes impacts to public views and natural land forms as well as access to the coastal land.

I am a resident of Newport Beach as well as a lover of the California Coast, and I hate to see restriction of views and access for many for the benefit of one. The property owner chose to purchase the aforementioned property with existing zoning restrictions - and therefore not variances should be given. Views from Ocean Avenue of China Cove and the harbor should not be blocked by new construction. The view from Ocean Avenue are beautiful and should be preserved for all to enjoy. A roof line or elevator stack exceeding the street level will ruin the view permanently.

I have read the staff report item 11a for the Wednesday meeting and support staff's recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program.

Thank you for your consideration,

Lauri Preedge
949-413-1307

Sy, Fernie@Coastal

From: TOMLU BAKER <tomlubaker@hotmail.com>
Sent: Friday, March 02, 2018 12:29 AM
To: SouthCoast@Coastal
Cc: TOMLU BAKER
Subject: Comment on March 2018 Agenda Item Wednesday 11a – Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

We have resided for 46 years in Newport Beach, California and enjoy the coastal views, landforms and access to the unique area features.

After reading the staff report, W11a, We support staff's recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program. Specifically, the project privatizes public land where coastal views exist of China Cove, the Harbor and the Ocean. Figures 1 and 2 (pages 15 and 16) of the staff report are excellent illustrations of the basically adjacent AERIE property and the irreparable damage to the coastal views and landforms. The as-proposed project at 2607 Ocean Blvd should not be allowed to continue with this ever increasing elimination of views of the coast and landforms.

The Coastal Commission (CC) should vote to accept/support the staff's recommendation that substantial issues exist and that resolution by the CC is needed.

Sincerely,

Thomas and Lu Anne Baker
Holmwood Drive
Newport Beach, CA.

Sy, Fernie@Coastal

From: Karen Carlson <kkc2616@gmail.com>
Sent: Saturday, March 03, 2018 5:10 PM
To: SouthCoast@Coastal
Cc: Jim Mosher
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners, I am a life-long supporter of our beautiful California coast and it's enjoyment by all.

My specific comment about the proposed 2607 Ocean Blvd. CDM construction has to do with how it will deprive hundreds of people of the unique view of China Cove, Newport Bay, the jetty and the famous Wedge. The proposed height of the roof-top pool and privacy fence will totally block this view of the hundreds of people who walk down the street/ramp daily in the summertime. The builder's claim that pedestrians are not supposed to walk down the road is not valid. The ONLY access to the homes and beach at the bottom of the ramp is by car on this road or two 100 plus stair stairways. There are many who cannot use the stairways and have to walk...they are pushing strollers or paddle boards etc. they are walking older dogs with bad knees (or they have bad knees). etc. This view is a priceless city resource and the City of Newport Beach overstepped it's authority by approving something that is inconsistent with the spirit and language of the Coastal Act.

Thank you for considering our request to Keep our Views Karen Carlson kkc2616@aol.com

Sy, Fernie@Coastal

From: Richard Weiss <rickweissmd@gmail.com> on behalf of Richard Weiss
<drweiss@drweiss.com>
Sent: Friday, March 02, 2018 4:45 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I have lived in Newport Beach for 30 years. I am a citizen of California who values coastal views, landforms and access to them. I previously spoke of my concerns at your September 2016 meeting.

The City's approval was absolutely *inconsistent* with the City's Local Coastal Program goals of sizing and siting development in the Coastal Zone so as to minimize impacts to public views, natural land forms and access to them.

I have read the staff report on Wednesday Item 11a and support our City Council staff's recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program. It makes no sense for the City Council to completely ignore this staff report.

Specifically, public views of China Cove and the harbor from Ocean Blvd and the ramp are resources of statewide importance that should not be allowed to be casually lost to unnecessary development, as have the views from Carnation Avenue to the west (where a single coastal view spot is supposed to have been preserved adjacent to the AERIE project).

The City overstepped its authority by approving something inconsistent with the Coastal Act by maximizing impacts when they should have been striving to minimize them.

Please reverse the Newport Beach City Council's decision, which goes against the Local Coastal Program and is not in the public interest.

Sincerely

Richard Weiss

Sy, Fernie@Coastal

From: Portia Weiss <portiaweiss@gmail.com>
Sent: Friday, March 02, 2018 4:43 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I have lived in Newport Beach for 30 years and Orange County for 60 years. I am a citizen of California who values coastal views, landforms and access to them. I previously spoke of my concerns at your September 2016 meeting.

The City's approval was absolutely *inconsistent* with the City's Local Coastal Program goals of sizing and siting development in the Coastal Zone so as to minimize impacts to public views, natural land forms and access to them.

I have read the staff report on Wednesday Item 11a and support our City Council staff's recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program. It makes no sense for the City Council to completely ignore this staff report.

Specifically, public views of China Cove and the harbor from Ocean Blvd and the ramp are resources of statewide importance that should not be allowed to be casually lost to unnecessary development, as have the views from Carnation Avenue to the west (where a single coastal view spot is supposed to have been preserved adjacent to the AERIE project).

The City overstepped its authority by approving something inconsistent with the Coastal Act by maximizing impacts when they should have been striving to minimize them.

Please reverse the Newport Beach City Council's decision, which goes against the Local Coastal Program and is not in the public interest.

Appreciatively,

Portia Weiss

Sy, Fernie@Coastal

From: MARY ANN HEMPHILL <mahemphill@me.com>
Sent: Friday, March 02, 2018 3:19 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I am a resident of Newport Beach. I value not only the coastal views in my city, but throughout the state of California.

Our coastal views are treasures, and once these treasures are blocked, they are forever lost to our enjoyment. As an integral part of our state's beauty, it is imperative that they be protected.

The overall goals of the Coastal Act are that development within the Coastal Zone be sized and sited to minimize impacts to public coastal views, coastal landforms and the public's ability of freely access them. The proposed development at 2607 Ocean Boulevard, Corona del Mar, presents a possible issue of inconsistency with these goals.

Relaxing the setback requirements to permit construction of a home larger than the LCP allows, as the Newport Beach Planning Commission did, is not consistent with these goals. It would, in fact, maximize impacts to views and landforms.

The variances from Newport Beach's development standards would cause a permanent loss of public views from the ramp as well as permanently destroying a currently underdeveloped portion of the China Cove bluff face and would fence off access to the City land at the top of the property. This land would otherwise have potential as a public view spot.

The coastal views of China Cove and the harbor from Ocean Blvd and the ramp are examples of the scenic treasures I mentioned in my first paragraph. They should not be lost to unnecessary development.

The Newport Beach Planning Commission approval of this project is inconsistent with the City's Local Coastal Program Goals.

To me, the biggest issue is that allowing this development, as planned, would set a precedent for similar variances, not only in Newport Beach, but also along the entire California coast. "If they did that, then I can do that."

Therefore, I am respectfully requesting that a full public review of this project be conducted at a future California Coastal Commission meeting.

Thank you very much for considering my comments.

Sincerely yours,

Mary Ann Hemphill

230 Agate Avenue

Newport Beach, CA 92662

Sy, Fernie@Coastal

From: Vicki Ronaldson <v.ronaldson@gmail.com>
Sent: Friday, March 02, 2018 4:54 PM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Chair Bochco and Coastal Commissioners,

I have lived in Newport Beach for 38 years and Orange County for 64 years. As a native Californian, I treasure our coast and the ability to bite it daily. To me the California coastal beauty holds sacred quality.

I am sad to see our city government approve development that conflicts with our local coastal program goals of limiting size and siting of development so that coastal access is protected for the public.

I have read the staff report on Wednesday Item 11a and support our City Council staff's recommendation of a finding that the appeal raises substantial issues of compliance with the Coastal Act and the Newport Beach Local Coastal Program. It makes no sense for the City Council to completely ignore this staff report.

Specifically, public views of China Cove and the harbor from Ocean Blvd and the ramp are resources of statewide importance that should not be allowed to be casually lost to unnecessary development, as have the views from Carnation Avenue to the west (where a single coastal view spot is supposed to have been preserved adjacent to the AERIE project).

The City overstepped its authority by approving something inconsistent with the Coastal Act by maximizing impacts when they should have been striving to minimize them.

Please reverse the Newport Beach City Council's decision, which goes against the Local Coastal Program and is not in the public interest.

Thank you,
vicki ronaldson
506 san bernardino ave
nb 92663

Sy, Fernie@Coastal

From: Brian Benoit <briantbenoit@gmail.com>
Sent: Friday, March 02, 2018 10:04 AM
To: SouthCoast@Coastal
Subject: Public Comment on March 2018 Agenda Item Wednesday 11a - Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)

Dear Coastal Commission:

I am a resident of Newport Beach and write to you regarding the project in the above subject line.

I believe our City improperly approved this project and is not protecting the precious coastal views that benefit everyone who lives in or visits our City. This area of Corona Del Mar is one of the jewels of our City and projects like this take away views and sightlines to the coast should not be allowed to be built. I hope you can uphold your duty to protect our coastline from this type of over-development.

I hope you follow your Staff's recommendation in finding that this appeal raises substantial issues of compliance with the Coastal Act.

Sincerely,

Brian Benoit
Newport Beach, CA