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**CALIFORNIA COASTAL COMMISSION**

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**RECORD PACKET COPY**

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Staff: RMR/LB RMR  
Staff Report: 12-15-98  
Hearing Date: Feb. 2-5, 1999  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER: 5-98-432**

**APPLICANT: David Gelbaum**

**AGENT: Earthscaping**

**PROJECT LOCATION: 101 Shorecliff Rd., Newport Beach, Orange County**

**PROJECT DESCRIPTION:** Coastal bluff revegetation plan consisting of: 1) removal of exotic, non-native plants, 2) preparation of slope for native plant revegetation, 3) hand compaction of the surface slope, 4) excavation and compaction of 43 cubic yards of soil in three different bluff face areas, 5) revegetation with native plants, and 6) maintenance and monitoring of native slope plantings.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends the Commission approve the proposed development. The proposed development consists of the removal of non-native vegetation and restoration of native coastal bluff vegetation. Staff is recommending approval with special conditions regarding future development, condition compliance, landscaping, maintenance and monitoring and provision of update reports, submittal of a revised plant list and condition compliance.

**STAFF NOTE:**

Vegetation removal, slope compaction and slope preparation have commenced without benefit of a coastal development permit approved by the Commission. Therefore, an unpermitted development finding is included in this staff report. However, the proposed development will be analyzed in this staff report as if the development had not occurred.

**LOCAL APPROVALS RECEIVED:** Approval in Concept from the Planning Department of the City of Newport Beach

**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan

**RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions**

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Future Development

Prior to the issuance of the Coastal Development Permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that Coastal Commission permit 5-98-432 is for the proposed development only and that any future additions or improvements to the property, including but not limited to, installation of hardscape improvements, grading, vegetation removal, landscaping and structural improvements not permitted in this permit or allowed in special condition 2, shall require a coastal development permit or permit amendment from the Coastal Commission or its successor agency.

The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior lines that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 2. Revised Plant List

Prior to issuance of the coastal development permit, the applicant shall provide for review and approval of the executive director a revised plant list. The list shall contain predominantly native California plants endemic to Orange County Coastal Bluffs with some non-invasive plants for erosion control, fire resistance or ground cover. All plants identified on the list as native of Orange County shall also appear in the USFWS report, "A Checklist of the Vascular Plants of Orange County, California," by Fred Roberts, and be identified in that report as coastal sage scrub or coastal bluff scrub plants. No fewer than ninety percent of the plants installed on the bluff face shall be plants identified as native Orange County Coastal Sage Scrub or Coastal Bluff Scrub plants on the applicant's approved plant list. No plants uniquely endemic to other areas of California shall be employed if their employment represents an introduction of a plant not commonly found in the immediate area.

Subject to the review and approval of the Executive Director, up to 10 percent of the plants installed may be plants identified as non-invasive plants proposed for erosion control, fire resistance or cover in the applicant's approved plant list. In determining which species are invasive, the Executive Director shall consult with the Fish and Wildlife Service, the California Native Plant Society, and refer to the list of invasive species found in the California Native Plant Society manual "Recommended Native Plant Species for Landscaping Wildland Corridors in the Santa Monica Mountains".

The revised plant list shall be submitted to the Executive Director for review and the plants shall be installed as approved.

#### 3. Landscaping and Erosion Control Plan

The applicant shall implement the provisions of the landscaping and erosion control plans prepared by Earthscaping and submitted with this coastal development permit application. The plans shall incorporate the following criteria:

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- (a) All graded areas on the subject site shall be planted and maintained for erosion control and visual enhancement purposes. A revised plant list shall be submitted for the review and approval of the Executive Director as specified in Special Condition 2.
- (b) All slope areas on the bluff face shall be stabilized with planting at the completion of the project. Planting should be of native bluff plant species indigenous to the Orange County area as approved in Special Condition 2. Such planting shall be adequate to provide 70 percent coverage within three (3) years and 100 percent coverage after five (5) years and shall be repeated, if necessary, to provide such coverage.
- (c) Should grading take place during the rainy season (November 1 - March 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- (d) No permanent irrigation system shall be installed on the bluff face. Temporary irrigation is allowed for the purpose of establishing plantings.
- (e) Maintenance will be conducted on a weekly basis to monitor native plant growth and eliminate all non-native plant growth. Plants which die will be replaced on a one-to-one basis.
- (f) Monitoring reports shall be supplied to the Commission at one year, three year, and at five year intervals. The monitoring reports shall include details on plant replacement, removal of exotics, conformance with success criteria and plant coverage.

The plant list shall be installed as revised as per special condition 2. Other elements of the landscaping plan shall be implemented as approved by the Commission in this special condition 3.

4. Condition Compliance

- a. Within 30 days of Commission action on this CDP application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
- b. Within 30 days of issuance of this permit the applicant shall complete implementation of the proposed revegetation plan prepared by Earthscape. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Project History**

On March 11, 1998 staff attended a meeting at Buck Gully to discuss the storm damage which destroyed a portion of the public walkway to the public beach, the lifeguard tower, the concrete outlet structure, and caused major scour to the stream channel. During this site visit staff notice that workers were digging into the bluff and that the vegetation had been removed from the coastal bluff south of and adjacent to the concrete structure at the mouth of Buck Gully. Staff took photographs (see Exhibit 5) and later determined that a coastal development permit had not been obtained. Staff returned to the site with a letter requesting that the owner submit a coastal development permit application.

A coastal development permit application was filed on 10-26-98. On November 23, 1998 staff sent the applicant a letter of incompleteness requesting certain information. In early December staff met with the applicant's contractors at the site to discuss the proposed development. At that time the contractors discussed the work which had been done and indicated that the purpose of the development was for revegetation purposes only. Staff informed the contractors that they should submit a detailed explanation of the work which had been done, why the work had been done and submit this information to staff.

The contractors indicated that it was critical for the revegetation work employing native plants to begin as soon as possible to take advantage of the winter rains and stimulate native plant root growth. Upon receiving the information staff requested at the site meeting, staff agreed to expedite the permit application. The work completed to date includes: removal of non-native vegetation, compaction of surface soils by hand, excavation and recompaction of 43 cubic yards of dirt in three different bluff slope areas, placement of plastic over the slope, and placement of jute netting over the slope.

##### **B. Project Description**

The applicant is proposing a coastal bluff revegetation plan consisting of: 1) removal of exotic, non-native plants, 2) preparation of slope for native plant revegetation, 3) hand compaction of the surface slope, 4) excavation and compaction of 43 cubic yards of dirt in three different bluff face areas, 5) revegetation with native plants, and 6) maintenance and monitoring of native slope plantings.

The project site is located on a coastal bluff fronting a small, publicly-owned pocket beach referred to as Little Corona Beach (see Exhibits 1 and 5). On the bluff opposite the project site to the north is a public park at the terminus of Ocean Blvd. with a walkway ramp down to Little Corona Beach. Little Corona Beach is located at the mouth of Buck Gully. Coastal Development Permit 5-98-010 (City of Newport Beach) was approved in July 1998 by the Commission for reconstruction of a damaged concrete outlet structure, repair of the public access ramp to the beach, restoration of the stream channel and revegetation of the graded areas. The outlet structure is in place and the grading is complete.

The beach is located in a highly scenic area. The waters off Little Corona beach are part of the Corona del Mar Marine Life Refuge and contain rocky intertidal habitat with numerous

tide pools. The project site is highly visible, forms the backdrop to the beach and is directly in the line of sight looking south from the public park at Ocean Blvd. Several hundred feet north of the aforementioned public park is another public park and ocean overlook which has a walkway leading to Corona del Mar State Beach.

The project site is located on a point of land overlooking Little Corona Beach, a public beach. There is residential development to the south and to the east. The residential development to the east fronts Buck Gully (see Exhibit 5).

**B. Environmentally Sensitive Habitat Area**

**1. Coastal Act Policies**

**Section 30240.**

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30107.5 of the Coastal Act contains the definition of Environmentally Sensitive Area (ESA). It reads:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**2. Certified LUP Policies**

The certified Land Use Plan identifies Environmentally Sensitive Habitat Areas (ESHA) as habitat in or related to waters of the bay and ocean. The LUP also identifies Corona del Mar as an area of special significance:

The Corona del Mar Marine Life Refuge is the second significant area which has been designated as a sensitive habitat area. In addition, all of the waters of the lower bay and ocean are considered to be significant.

The project site is on a coastal bluff which borders Buck Gully and the Corona del Mar Marine Life Refuge (see Exhibit 5). The certified LUP also identifies Buck Gully and the Marine Life Refuge in further detail as "Environmentally Sensitive Habitat Areas and Unique Coastal Resources". The LUP states:

**Buck Gully.** Located north and south of Pacific Coast Highway in Corona del Mar between the homes on Hazel Drive and Shorecliffs and Corona Highlands, the base of Buck Gully contains a small stream and dense riparian vegetation.

**Marine Life Refuge.** In Corona del Mar, extending from "Little Corona Beach" to the east City Boundary, the Newport Beach Marine Life Refuge consists largely of rocky marine intertidal habitat. The area contains exposed reefs with shallow tide pools and surge channels. The rocky area extends a few feet below the lowest tides to where a thick layer of sand has been deposited. Vegetation and wildlife in the upper intertidal areas are much less abundant than in lower intertidal areas. This is a function of both natural processes and the higher degree of human activity in the upper intertidal area. Access to the tide pools is controlled by rangers employed by the City of Newport Beach.

In addition, the City of Newport Beach has policies regarding coastal bluffs:

The City of Newport Beach finds that the natural bluffs represent a significant scenic and environmental resource.

3. Analysis of Proposed Project

The waters off Little Corona Beach are designated as a Marine Life Refuge and therefore, are considered an ESHA under the definition in Section 30107.5 of the Coastal Act. Section 30240(b) requires that development adjacent to ESHAs shall be compatible with those ESHAs. The project site is located on a coastal bluff, the toe of which abuts the beach and Marine Life Refuge. Therefore, development on the coastal bluff has the potential to adversely impact the waters off Little Corona Beach and the Marine Life Refuge, particularly the sediment-sensitive tide pools. The certified LUP also identifies coastal bluffs as areas of significant environmental resources.

The proposed development consists of the removal of existing non-native vegetation (ice-plant, ivy, acacia and myoporum) from the coastal bluff, compaction of bluff surface soils in preparation for planting, excavation and compaction of soils in several areas on the coastal bluff, erosion control measures, further interim measures to eradicate non-native plants, and the replanting of the site with native, drought-tolerant plants. The profile of the coastal bluff and the site topography remain the same.

The former site vegetation consisted of ice plant, Algerian ivy, freeway daisy, acacia, and myoporum. None of these plants are native coastal bluff slope plants. Acacia, ice plant and myoporum are identified as non-native invasive plants in the "Recommended List of Native Plants for Landscaping in the Santa Monica Mountains". Although some of the former plants were drought tolerant, ice plant, in particular, does not stabilize slope soils and can, in fact, trigger surficial slope failures. There are no native plants which existed on the site and none worth preserving.

The plant list proposed by the applicant is included as Exhibit 6. The applicant's plant list includes a broad range of native plants endemic to coastal bluff areas in southern California. Staff consulted with a representative of the California Native Plant Society who reviewed the applicant's plant list and suggested revisions to the list. The suggestions include the removal of native plants found in Catalina, Point Mugu and inland areas, but which are not endemic to the Orange County coast. Special Condition 2 is a condition requiring the applicant to submit a revised plant list consisting entirely of plants endemic to Orange County. The plan also calls for replacing a sod lawn with native *Stipa* grass.

The revegetation plan proposed by the landscape contractor is not a fixed plan, as the location of plants will be designed to mimic location conditions and/or to act as buffers to prevent re-establishment of non-native plants from adjoining properties. No precise plan of the location of proposed plants is available because the locations may be changed to reflect plant survival. Plants which do not thrive in one area may be moved to another area. In other words, although the landscaping palette is fixed, the placement of plants is flexible.

The contractors have expressed the urgency of planting during the winter months so as to maximize the benefit of the winter rains and minimize the need for increased watering during the summer months. Planting during the winter months encourages plant root growth to obtain the water which seeps down into the soils. Planting during the summer months encourages growth or root near the surface because infiltration of water into the slope is minimized by confining watering to specific plants. Therefore, planting during the winter rains increases the plant viability and growth. Planting in the non-winter months can result in increased plant mortality and less viable habitat.

#### 4. Coastal Act Consistency

The applicant's stated purpose for the development is to remove non-native vegetation and restore the coastal slope to native coastal bluff habitat. As noted above, the applicant's plant list included a broad range of plants native to coastal areas in southern California. Special condition 2 requires the applicant to submit a revised plant list composed of native plants endemic to Orange County.

The coastal bluff restoration will have several long-term effects. First, it will be beneficial to native fauna and flora. Native plants will attract native pollinators which will then result in the natural spread of native plants. Native plants will also attract insects and birds. Second, removal of non-native plants will reduce the necessity for long-term irrigation and also reduce the possibility of surficial slope failures. Third, preparation of the slope will reduce damage to native plants by surface erosion and gulying during winter rains. Fourth, installation of native plants will result in increased slope stability by the planting of deep-rooted, native, drought-tolerant plants. Fifth, the restoration of native habitat on the coastal slope will re-establish a continuum of native habitat from the bluffs to the tide pools.

The development, as conditioned, will result in the conversion of coastal bluff non-native habitat to native habitat, a development which the Commission endorses and the Coastal Act promotes. In fact, it is unusual for the Commission to have an applicant, other than a public agency, voluntarily submit a landscape plan consisting of native plants prepared by a contractor specializing in native plant landscaping. All the work on the slope has been done by hand, including any excavation and compaction of soils, and the use of chemicals to eradicate invasives is minimized.

In order to ensure that the native plantings remain, for native habitat and slope stability purposes, the Commission finds that the applicant shall comply with a future development deed restriction and a condition compliance condition. The future development deed restriction provides that any future improvements, including grading or vegetation removal, by the applicant or successors, requires a coastal development permit from the Coastal Commission. Other special conditions, such as landscaping, require the applicant to



maintain the site, eliminate non-natives on an on-going basis, replant failed plantings, comply with success criteria and provide monitoring reports. Finally, in order to ensure that the plant palette contains native plants endemic to Orange County, a revised plant list shall be submitted for the review and approval of the Executive Director. Only as conditioned does the Commission find that the proposed development is consistent with Section 30240 of the Coastal Act and the policies of the certified LUP.

C. Scenic and Visual Qualities

1. Coastal Act Policies

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

2. Certified LUP Policies

There are many policies in the certified LUP concerning grading and preservation of coastal views. Among these are:

*Grading.* Permitted development shall be designed to minimize the alteration of natural landforms along bluffs and cliffs. In areas of geologic hazard, the City shall not issue a building or grading permit until an applicant has signed a waiver of all claim against the public for future liability or damage resulting from permission to build.

*Public Views.* The location and design of a proposed project shall take into account public view potential.

e. *Landscape Plans and Plant Material.* For the purpose of regulating groundwater conditions, landscape plans for those areas immediately adjacent to the bluffs shall incorporate native vegetation or other drought-resistant plant material.

f. *Grading.* Grading, cutting, and filling of natural bluff faces or bluff edges shall be prohibited in order to preserve the scenic value of bluff areas, except for the purpose of performing emergency repairs, or for the installation of erosion-preventive devices or other measures necessary to assure the stability of the bluffs.

3. Analysis of Proposed Project

The project site contains a residential structure on a coastal bluff slope which extends to the beach. No work is proposed on the residential structure. The residential structure is visible from the beach and from the public park on the other side of Buck Gully.

The elements of the proposed revegetation plan consist of: 1) removing non-native vegetation, 2) covering the slope with plastic to promote regrowth of non-natives, 3) removing non-natives, 4) preparing the slope for planting by compacting surface soils and excavating and compacting three areas of potential erosion, 4) placing jute netting on the slope to prevent erosion during rain, and 5) revegetating the slope.

Some of this work will pose temporary visual impacts. For instance at one time the slope was entirely cleared and covered in black plastic. The plastic was placed to facilitate the regrowth of existing non-native plants for their eventual removal. Once the plastic was removed, the emerging non-native plants were also removed. Then the slope was covered with jute netting for erosion control purposes. Additionally, it will take some time before the plants become established, grow, and spread to cover the slope. However, the long-term impact will be beneficial in that instead of a monoculture of ivy and ice plant the slope will be covered native green and gray green plants, the same native plants which are found on the coastal bluffs opposite the site to the north. Therefore, the new vegetation scheme will blend in with the existing native bluff landscape.

The only grading conducted on the site was for the excavation and recompaction of three areas of the bluff which were identified as potentially unstable areas. The profile of the bluff was not altered. No bluff protection structures are proposed. There is existing rip-rap at the toe of the slope. In addition, the bluff slope does not appear to be a natural feature. The uniformity of the slope suggests that in the past the slope was graded and then planted, presumably with the ice-plant and ivy. The configuration of the slope was confirmed by aerial photos taken in the 1970's and 1980's.

4. Coastal Act Consistency

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected. The proposed development will result in the replacement of ice plant, ivy, acacia and myoporum with coastal bluff plants native to the area. The Commission finds that the proposed development is compatible with the scenic and visual qualities of the area and will add to it. Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act.

C. Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

The project site is located on a coastal bluff adjacent to Little Corona Beach and the Corona del Mar Marine Life Refuge. There are significant tide pool resources in the intertidal areas off of Little Corona Beach and along the coastal bluffs. The proposed development does not involve any work on the beach or in the coastal waters. However, development on the coastal bluff has the potential to adversely impact the Marine Life Refuge, in particular the tide pools, by landsliding and deposition of sediment into the near-shore environment. The coastal slope at the project site currently contains non-native, water-dependent vegetation which is susceptible to causing shallow soil slips and failures. Detritus from these potential soil slips would end up in the near-shore environment and potentially harm marine life in the tide pools. Little Corona Beach is not dependent upon the coastal bluffs for sand because of the sediment which is carried through Buck Gully.

The planting of native, drought tolerant plants would increase soil stability by minimizing irrigation, re-introducing deep-rooted plants which hold the soil and minimize the erosive impact of rainfall. The landscaping plan also includes provisions for protecting the coastal bluff during vegetation removal and restoration. After the vegetation was removed, the contractors covered the slope with plastic to create a greenhouse effect and encourage the growth of the remaining non-native plants not already removed. Additionally, after the non-native plants were eradicated by hand and the plastic was removed, the contractor covered the slope with jute netting to reduce the possibility of erosion. The jute netting will remain after the plants and seeds are installed and will not interfere with the growth or spread of the new plants.

Finally, the Commission requires special conditions requiring the applicant to comply with anti-siltation measures, adhere to monitoring and maintenance of the revegetated slope and to remove non-native plants on an ongoing basis. Another special condition requires the applicant and future owners to submit a coastal development permit for any grading and vegetation removal on the coastal slope. The Commission finds that the proposed development as conditioned will help prevent slope failures and the deposition of sediment into the near-shore environment, and is consistent with the water quality protection policies of the Coastal Act.

D. Public Access and Recreation

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act states, in relevant part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
  - (2) adequate access exists nearby.

Section 30604(C) of the Coastal Act requires that permit applications between the nearest public road and the shoreline of any body of water within the coastal zone shall include a public access and recreation finding.

The proposed development is a bluff-top lot located in the community of Corona del Mar adjacent to Little Corona Beach, a publicly owned beach. The proposed development is located between the sea and the first public road. Access to the Pacific Ocean and Little Corona Beach is provided via the public park and public walkway to the beach across Buck Gully at the terminus of Ocean Blvd. Little Corona Beach is a visitor destination point for passive beach-goers, as well as persons coming for nature study. Corona del Mar State Beach is located north of the project site. There is also another public park and stairway to Corona del Mar State Beach north of the public park at the terminus of Ocean Blvd. These public access points are shown on Exhibits 1 and 5. The proposed single-family residence is infill development on a coastal bluff face. There is a private access from the street down to the beach, but there is no public access to the beach from this site.

The development will not create adverse impacts, either individually or cumulatively on public access and will not block public access from the first public road to the shore. Therefore, the Commission also finds that adequate access exists nearby and the proposed development is consistent with Section 30212(a)(2) of the Coastal Act.

E. Land Use Plan

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

The Commission certified the Land Use Plan for the City of Newport Beach on May 19, 1982. As conditioned, the proposed development is consistent with the policies contained in the certified Land Use Plan regarding development on coastal bluffs. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

F. Consistency with the California Environmental Quality Act

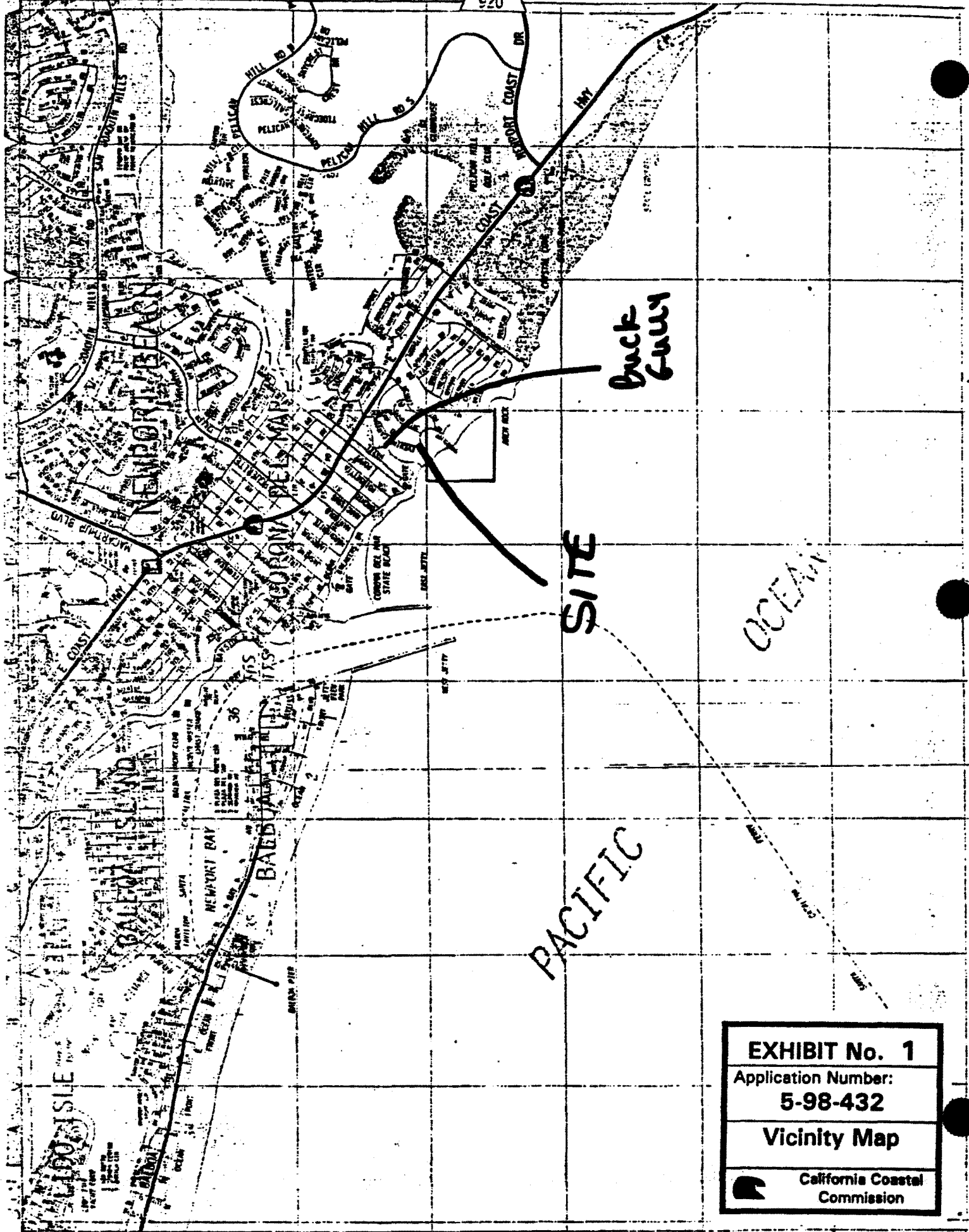
Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the amendment to the coastal development permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.


The proposed project has been conditioned in order to be found consistent with the resource protection policies of Sections 30240, 30230 and 30251 of the Coastal Act. Mitigation measures; including compliance with a future improvement deed restriction, landscaping condition and provision of a revised plant palette will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

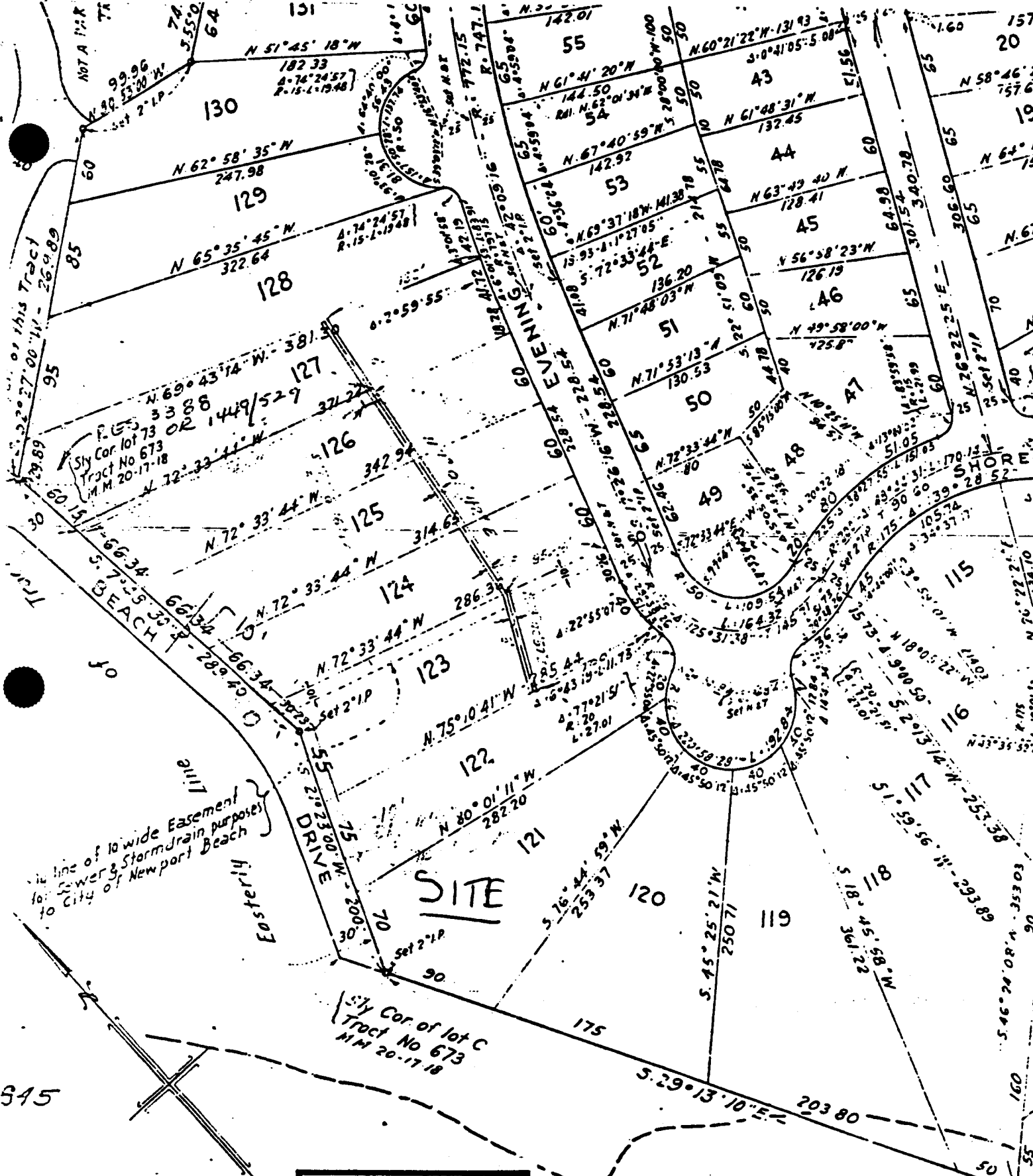
G. Unpermitted Development

Although development has taken place prior to Commission action on this coastal development permit application, consideration of the application by the Commission is based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation or does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal Development Permit.

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<b>EXHIBIT No. 1</b>
Application Number: <b>5-98-432</b>
<b>Vicinity Map</b>
 California Coastal Commission



**EXHIBIT No. 2**

Application Number:  
**5-98-432**

**Assessor's Map**

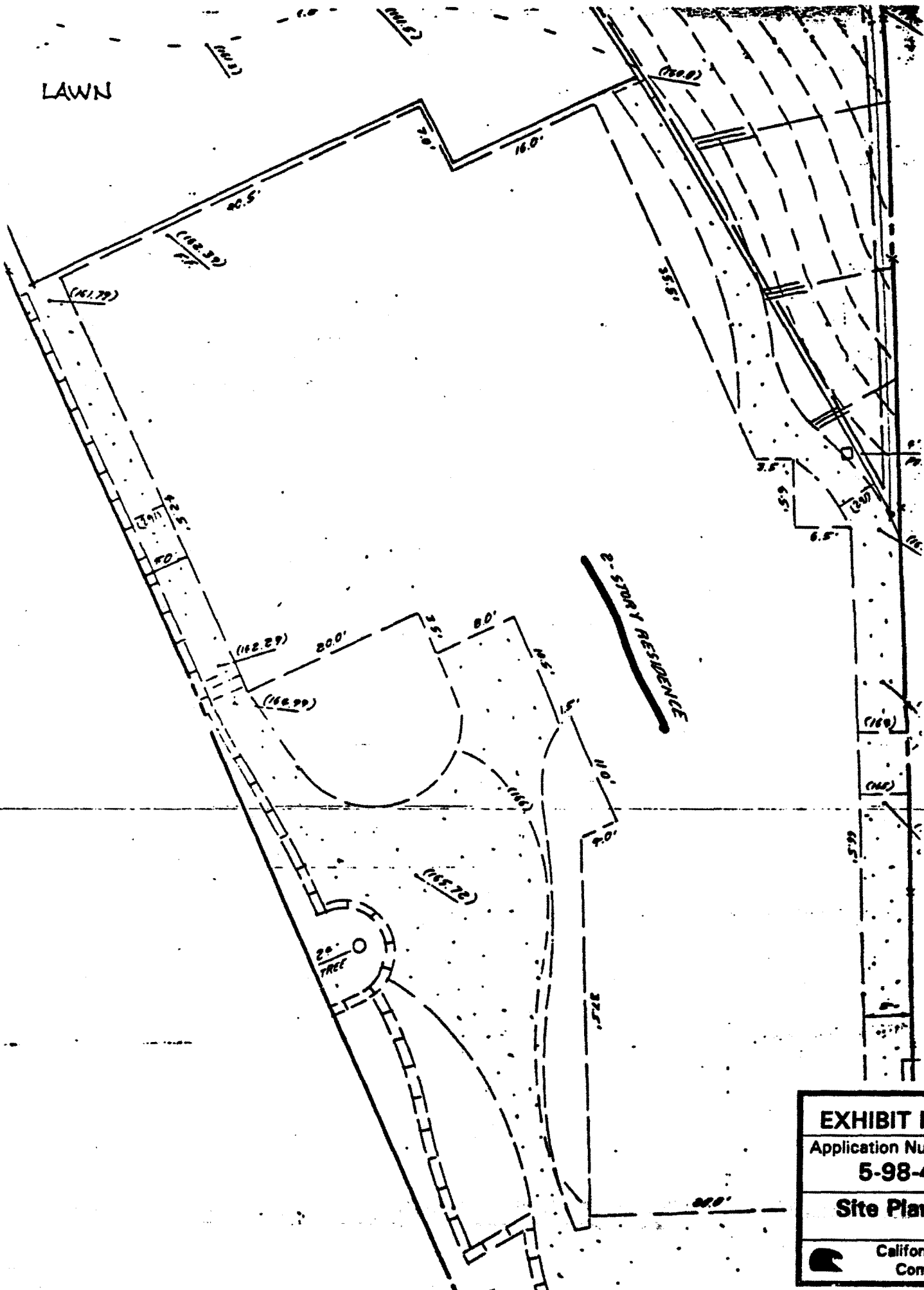
California Coastal  
 Commission

{ Mean Hightide Line of  
 Pacific Ocean, April 10-1946 }

21348  
 TR

OCEAN ↑

LAWN



Back Gully →

2-STORY RESIDENCE

20' TREE

<b>EXHIBIT No. 3a</b>
Application Number <b>5-98-432</b>
<b>Site Plan-SFR</b>
 <b>California Coastal Commission</b>



Residence  
(32)

EXHIBIT No. 3b

Application Number:

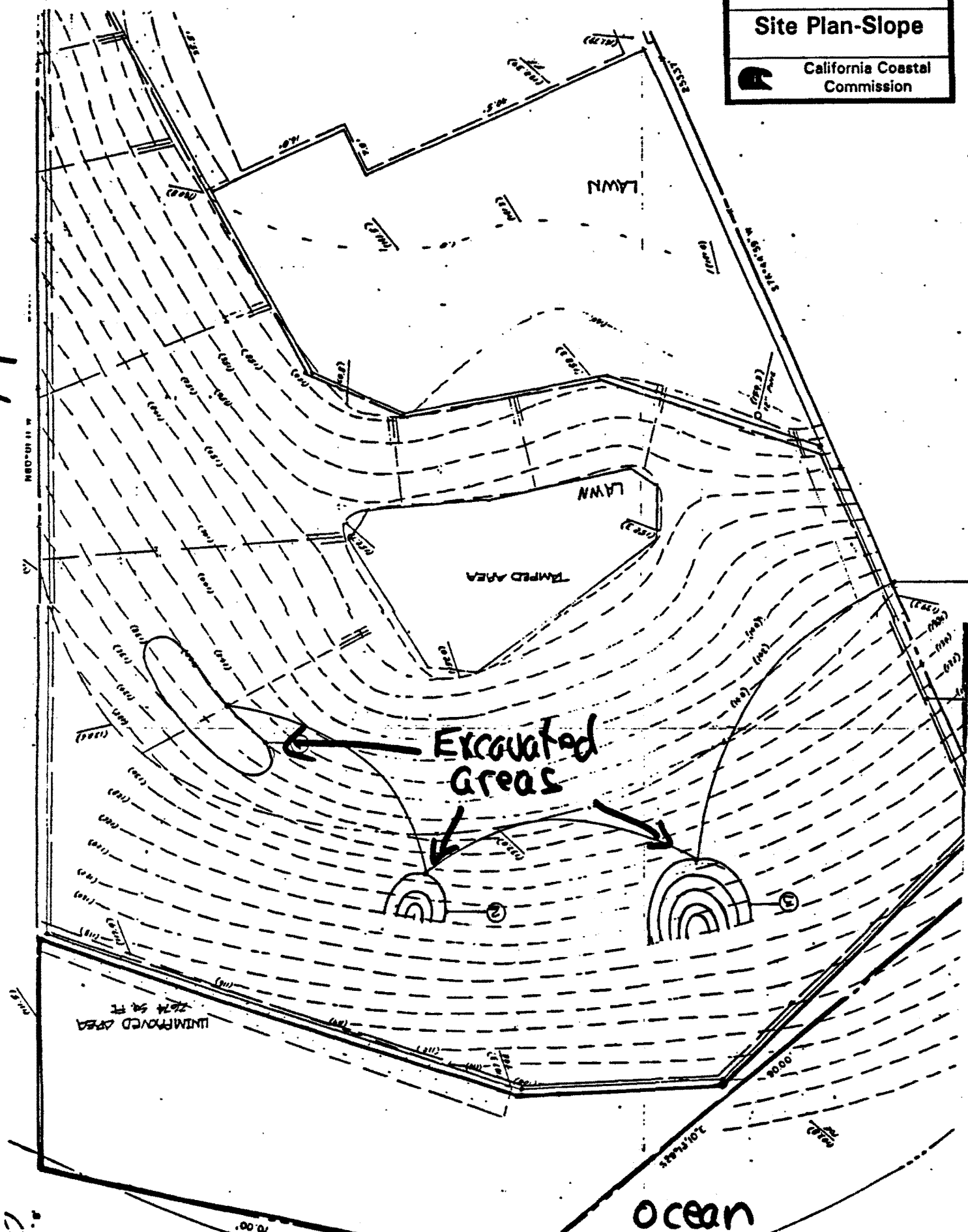
5-98-432

Site Plan-Slope



California Coastal  
Commission

Black Gully ↑



## ATTACHMENT TO QUESTION TWO, PAGE TWO

*Re: Proposed California Native Re-Vegetation Project: 101 Shorecliff Dr., Newport Beach*

### **I NON-NATIVE PLANT REMOVAL**

**Step One:** Hand remove all ice plant, algerian ivy, freeway daisy, acacia, and myoporium from coastal slope.

**Step Two:** Water and lightly fertilize slope and cover slope with clear plastic to create a warm, moist "greenhouse effect", to encourage any regrowth.

**Step Three:** As tender, new growth occurs, especially the algerian ivy, spot spray with Round-Up. Recover slope.

**Step Four:** Remove any dead stubby plant material from site and hand-pull any non-native seed material germinated by the plastic "greenhouse effect".

**Rationale:** The rationale for this process is to remove all non-native vegetation from the slope.


### **II PREPARE SLOPE FOR CALIFORNIA NATIVE PLANTING**

**Step One:** Hand compact the entire coastal slope to the property line by using a one foot by one foot metal plate attached to a handle.

**Rationale:** The rationale for this hand-compaction process is to; one, minimize surface erosion of the sandy alluvial slope; two, provide a surface planting area in sandy type soil that eliminates air pockets in the soil that may retard root development; and three, hold less water in surface of slope encouraging a more deeply rooted development of native plant materials. This practice is based on a twenty-seven year experience with planting California natives on slopes in Orange County, California. Additionally, California State Licensed geologist, Fred Pratley, (Coastal Geotechnical Inc. 327 Third St. Laguna Beach, Ca. 92651 (949) 494-4484) was consulted regarding this site. We have closely followed his recommendations.

**Step Two:** In addition to hand-compacting the entire site, Pratley recommends that in three areas we hand dig to a depth of two to four feet and "bench" uphill, then hand re-compact in four inch lifts to existing grade. (Noted in red on the topographical map also submitted.) The total scope of this work is less than forty-three cubic yards of earth dug and recommended to existing and natural grades.

**Rationale:** The rationale for this process is based on site observation that possible soil had been pushed over the coastal slope perhaps forty years ago v

<b>EXHIBIT No. 4</b>
Application Number <b>5-98-432</b>
<b>Reveg Plan</b>
 California Coastal Commission

Re: Proposed California Native Re-Vegetation Project: 101 Shorecliff Dr., Newport Beach -  
page two

existing house was built. In addition to these observations, several fissures are evident which carries surface water to a depth that, in time, may prove disadvantageous to the proposed native slope planting. No other slope and/or soil preparations are proposed or needed as this coastal slope appears to be stable.

### III. TIMELINESS OF PLANTING CALIFORNIA NATIVES ON A COASTAL SLOPE

Although this eleventh hour request is self-induced, may I personally plead with the coastal commission to allow this California native re-vegetation to occur now, without delay.

**Rationale:** If planted during the month of December, California natives become very deep-rooted and tend to bind the many layers of soil together. Also, by becoming very deep-rooted this winter, the canopy growth to follow is greatly enhanced, thus preserving and protecting the upper soils from additional erosion. In summer, a larger plant canopy cools the root system from the southwest sun exposure. Finally, allowing us to begin planting now assures the fact that we will need and use less water. Possibly no water will be needed from mid June through the end of September. Using less water to maintain the native plant material is a benefit not only to the plants, by decreasing the likelihood of disease above and below grade, but also to the coastal slope itself. Planting now will encourage the deep-rooted quality we seek, as the roots will seek out the deeper water of winter rain. Planting later will keep irrigation water more available at the surface and encourage surface rooting, where the roots will be more vulnerable and more dependent on irrigation. Please allow us to re-vegetate this beautiful coastal slope this year and make it successful. If you would like any references regarding our California native abilities, I would be glad to provide them. Also, you may want to speak with Mike or Jeff, owners of Tree of Life Nursery (949-728-0685), regarding our work. I have also enclosed several photographs of a California native garden and pond in Newport Beach as an example of what is possible on a once flat lot of land.

### IV. GUARANTEE

In addition to the re-vegetation of California native plant material, Earthscaping is committed to a five-year maintenance program that includes plant replacement on a one to one ratio. Earthscaping's guarantee also includes any condition directly or indirectly resulting from the hand-compaction process of the entire slope.

THE GOAL OF THIS PROPOSED PLANTING IS TO  
HAVE 100% COVERAGE WITHIN FIVE YEARS.  
MAINTENANCE SHALL BE ON A WEEKLY BASIS.  
THE GOAL OF MAINTENANCE IS ENSURE THE NATIVE  
PLANT SURVIVAL AND TO ELIMINATE ALL NON-  
NATIVE GROWTH. THIS WILL BE DONE FOR A  
PERIOD OF FIVE YEARS

MI. R. P.



Buck  
Gully

SITE  
↙

Photo taken 3-11-98

Buck Gully



park

walkway

BEACH

MARINE RESERVE

Site  
↙

Photo taken 2-27-98


<b>EXHIBIT No. 5</b>
Application Number: <b>5-98-432</b>
<b>Site Photos</b>
 California Coastal Commission

To: Shorecliff Neighborhood Association / California Coastal Commission

The following is the proposed plant list for the property at 101 Shorecliff Dr., Newport Beach, Ca.

**BOTANICAL NAME**

Adenostoma, Fasciculatum  
Agave, Shawii Pt. Loma  
Arbutus, Dwarf  
Artemisia Californica  
Baccharis Pilularis  
Camissonia, Cheiranthifolia  
Ceanothus, Hearstiorum  
Ceanothus, Impressus  
Ceanothus, Ramulosus, Var. Fascicularis  
Coreopsis, Gigantia  
Coreopsis, Maritima  
Dudleya, Pulverulenta  
Encelia, Calif.  
Epilobium, Calif.  
Eriogonum, Cinereum.  
Eriogonum Parviflorium  
Heteromeles Arbutifolia  
Isocoma, Menziesii  
Keckiella, Cordifolia  
Lonicera, Subspicta  
Malacothamnus, Fasciculatus  
Malosma Laurina  
Mimulus, Puniceus  
Rhus Integrifolia  
Salix, Exigua  
Salvia Apiana  
Salvia, Clevelandii  
Solanum Douglasii  
Stipa Varieties  
Opunta

<b>EXHIBIT No. 6</b>
Application Number: <b>5-98-432</b>
<b>Plant Palette</b>
 California Coastal Commission

The slope on the property will be planted in a mosaic pattern with all plants five-feet and under in height. An initial Marathon II sod lawn will be replaced by California native Stipa grass.

