

CALIFORNIA COASTAL COMMISSION

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 Staff Report: January 17, 2002
 Hearing Date: February 5-8, 2002
 Commission Action:

Item W 21a**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-01-112

APPLICANT: Curt Ensign

AGENT: David Neish

PROJECT LOCATION: 3415 Ocean Blvd., City of Newport Beach, County of Orange

PROJECT DESCRIPTION: Request for after-the-fact approval of a new switchback bluff face stairway with keystone-type earth retention blocks, landscaping and irrigation on a beachfront lot adjacent to Corona del Mar State Beach.

SUMMARY OF STAFF RECOMMENDATION:

The applicant is requesting after-the-fact approval for construction of a new switchback bluff face stairway, installation of a permanent irrigation system and landscaping with primarily non-natives. The proposed project is located along a coastal bluff immediately inland of Corona Del Mar State Beach, a public beach. The primary issue before the Commission is the appropriateness of approving the project given landform alteration, the importance of preserving scenic resources, community character and impacts to public access. Staff recommends that the Commission **DENY** the proposed project.

As submitted, the proposed project is primarily inconsistent with Sections 30240, 30251 and 30253 of the Coastal Act and the City of Newport Beach Land Use Plan (LUP) regarding coastal bluff sites. The pattern of development along this segment of Ocean Boulevard is such that structures are sited at the top of the coastal bluff, while the bluff face remains largely undisturbed and vegetated. Although several lots have stairways traversing the bluff face and some have unpermitted development at the toe of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped. Additionally, the toe of the bluff is immediately inland of Corona Del Mar State Beach, which is a public beach. The project site is consequently highly visible from the public beach. In addition, the proposed development is inconsistent

with Sections 30240, 30251 and 30253 in that the proposed development alters an undeveloped vegetated coastal bluff through grading, non-native landscaping and stairway construction and will have an adverse impact on public use of a public beach.

STAFF NOTE: *This item has been continued from the January 2002 Commission hearing for further discussion between Commission staff and the applicant's agents. Staff met with the agents on January 10, 2002 at the Long Beach District office and have had multiple phone conversations to discuss the project. The agents were afforded the opportunity to discuss the staff recommendation further and provide additional information if desired.*

In response to staff's characterization of the subject development as a stairway, the agents explained that the applicant merely formalized a previously existing trail and did not construct a staircase similar to those in the subject area. A photographic survey of the neighboring properties was submitted by the agents and is included as Exhibit 13 in the current staff report. According to the agents, no formal grading occurred (only minimal cut and fill that balanced on site) and the "trail" follows the contours of the bluff. Staff requested evidence to document the existence of a prior trail and its alignment on the site. The agents provided a graphic depicting the applicant's description of the trail alignment prior to construction of the recent stairway improvements (Exhibit 14). According to the applicant, the only deviation in layout between the existing and previously existing "trail" occurred near the rear patio of the house so that the walkway would be closer to the retention blocks for slope stability purposes. No photographic evidence of pre-existing conditions has been provided by the agents.

To reduce visual impacts, the agent indicated that the applicant would be willing to remove the railing on the lower portion of the bluff, as that is the only portion visible from the beach. The applicant also offered to remove invasive plant species and revegetate the slope with non-invasive species. If required by the Commission's action, the applicant will remove the existing irrigation system. However, a reduced watering schedule is preferred by the applicant. A slope restoration plan addressing planting and irrigation has not yet been prepared.

Based on the evidence available, the "trail" clearly constitutes a stairway. Although concessions have been offered by the agents, they do not resolve the project's inconsistency with the Coastal Act and would prejudice the Commission's future decisions regarding private stairways and bluff face development in the subject area. Staff maintains the original recommendation of denial.

LOCAL APPROVALS RECEIVED: Approval in Concept from the City of Newport Beach dated April 20, 2001.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan (LUP), CDP applications 5-01-199 (Butterfield); 5-01-191 (Tabak), and 5-01-080 (Palmero).

EXHIBITS:

1. Vicinity Map
 2. AP Map
 3. Project Plans
 4. Proposed Offer of Dedication Graphic
 5. Site Photos w/text from applicant
 6. City of Newport Beach permit dated February 6, 1956
 7. Aerial Photograph of Subject Area
 8. Letter from Petra Geotechnical dated March 28, 2001
 9. Comments from Commission's staff geologist dated October 11, 2001
 10. Letter from Firewise 2000, Inc. dated October 27, 2001
 11. Drought Tolerant, Fire Resistant Plant Information
 12. Letter from CSL Engineering, Inc. dated October 30, 2001
 13. Applicant's Depiction of Previously Existing Trail
 14. Graphic of Neighboring Properties submitted by agents
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STAFF RECOMMENDATION:

I. STAFF RECOMMENDATION OF DENIAL

Staff recommends that the Commission reject the following motion and thereby adopt the following resolution. The motion passes only by affirmative vote of a majority of the Commissioners present.

A. Motion

I move that the Commission approve Coastal Development Permit No. 5-01-112 for the development proposed by the applicant.

B. Staff Recommendation of Denial

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

C. Resolution to Deny the Permit

The Commission hereby **DENIES** a coastal development permit for the proposed development on the ground that the development will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

A. **Project Location, Description and Background**

1. **Project Location**

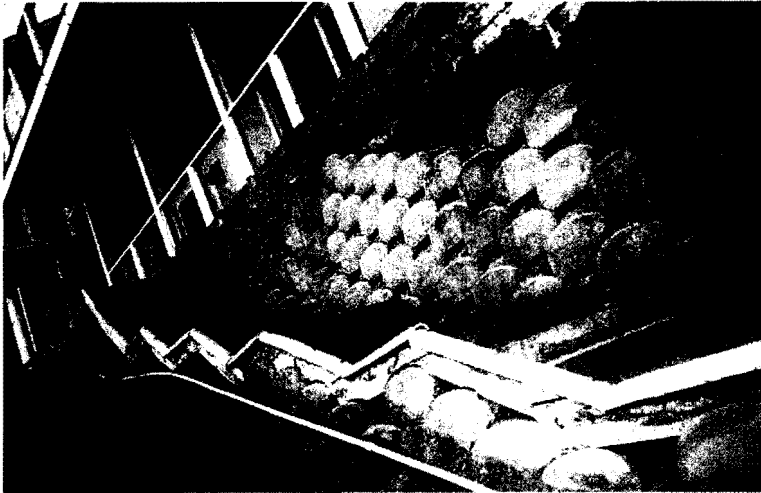
The proposed project is located at 3415 Ocean Boulevard in Corona Del Mar, City of Newport Beach, County of Orange (Exhibits 1 & 2). The subject site is an ocean front lot adjacent to Corona del Mar State Beach. The subject property cascades down a bluff face. At the top of the bluff is the residential lot fronting Ocean Boulevard and at the toe of the slope is the sandy beach. The site is currently developed with a "pre-coastal" two-story single-family residence, attached two-car garage and patios located at the top of the bluff. The bluff face has been landscaped with non-native shrubs and groundcover. An irrigation system has been installed along the bluff face. Prior to installation of the ATF stairway, development at the subject site was consistent with the pattern of development along this segment of Ocean Boulevard, with structural development sited at the top of the bluff and minimal disturbance of the bluff face. As will be discussed in subsequent sections of the staff report, some sites have bluff face stairways constructed prior to passage of the Coastal Act.

2. **Project Description**

The applicant is requesting after-the-fact (ATF) approval for development on a coastal bluff face. As shown in the photos on the following page, the project involves construction of a switchback wood beam (railroad tie) stairway with 3' high railings traversing the bluff face from the rear yard patio at the top of the slope to the beach below. Keystone-type earth retention blocks are installed on portions of the upslope and downslope sides of the stairway. The retention block walls are 36" high at maximum and are embedded into the ground for support. Approximately 10 cubic yards of grading (5 cy cut and 5 cy fill) occurred for site preparation. According to the applicant, no export or import of material was needed.

The project also includes non-native landscaping of the slope, installation of a permanent above-ground irrigation system, and an offer of dedication for a public use easement at the base of the bluff. Project plans are included as Exhibit 3 and the proposed offer of dedication is shown in Exhibit 4.

As presented in Exhibit 5, the applicant's agent asserts that the project is necessary for 1) geotechnical stability; 2) access to the drainage outlet at the base of the bluff and 3) fire protection. The agent also states that there is an historical precedent for stairways along this stretch of Ocean Boulevard and at this site in particular. Lastly, the trail has been characterized as an "improved trail," rather than a stairway. These issues will be discussed in subsequent sections of the staff report.



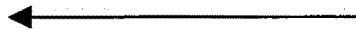
**View of stairway
and block wall
descending from
rear patio while
under construction.**



**View of top portion of
stairway while under
construction.**



**View of stairway at
the toe of slope while
under construction.**



3. Prior Development at Subject Site and Surrounding Area

According to the information submitted by the agent, the existing residence at the subject site was constructed in the late 1950s. The agent has provided evidence that a permit was issued by the City of Newport Beach for construction of a stairway at the subject property on February 6, 1956 (Exhibit 6). However, there are no plans available and there is no record as to whether or not the stairway was ever constructed. Based on the Commission's historical aerial photography from 1972, no stairway was present at the time of Coastal Act passage. The agent also states that an unimproved bluff trail existed at the time of the applicant's purchase of the property. Exhibit 13 shows its previous alignment, as depicted by the applicant.

Commission staff has researched the historical existence of stairways in the subject area and determined that of the thirteen residential lots on Ocean Boulevard, seven (7) have pre-coastal stairways; three (3) have unpermitted stairways (including the subject lot), one (1) is still being evaluated; and two (2) do not have any stairs. The stairways at the neighboring lots are shown in Exhibit 14. (The Commission's Enforcement Division is currently investigating unpermitted development along the bluffs at Ocean Boulevard, including stairways and toe of slope improvements.)

3. Related Commission Action in Project Vicinity

There have been multiple permit applications for development in the subject area that were heard by the Commission in late 2001/ early 2002. These include 5-01-199 (Butterfield), 5-01-191 (Tabak), and 5-01-080 (Palmero), described below. All of the proposed projects involved alteration of the bluff face to varying extents. Exhibit 7 provides an aerial view of these sites. Previously, development has been limited to the top of bluff. Allowance of the currently proposed project (5-01-112) will contribute to adverse cumulative impacts to scenic resources and public access in the subject area.

5-01-199 (Butterfield) 3401 Ocean Boulevard

The application was a request for after-the-fact approval of a new "sand pit" cut-out at the toe of the bluff, consisting of three (3) 32" high, 15' long retaining walls enclosed by a rope attached to four wooden posts in the sand, and replacement of a decorative gate and lattice panels on the existing bluff face stairway. The project is located at the lot immediately north (upcoast) of the subject site. In December 2001, the Commission denied the toe of slope cut-out and approved the portion of the lattice work and gate located on a previously approved landing area.

5-01-191 (Tabak) 3431 Ocean Boulevard

The applicant proposed demolition of an existing three-story single family residence and construction of a new 6,305 square foot five-story single family residence with an attached 782 square foot three car garage, down a coastal bluff to a maximum height of 24 feet above finished grade. Additional construction consisted of retaining walls, elevator, new concrete steps to the beach, spa and pool, kayak storage, shower, trash enclosure, waterfalls, decks, BBQ, tree wells, planters, an aqueduct, and a loggia. Proposed grading

consisted of 2,395 cubic yards of cut, 23 cubic yards of fill and 2,372 cubic yards of export. A caisson and grade beam foundation system was proposed to support the structure. The project was denied by the Commission at its January 2002 hearing.

5-01-080 (Palmero) 3317 Ocean Boulevard

The applicant proposed to construct a pool house, pool, spa and exercise room on a lower portion of the bluff face down to the toe of the bluff. Construction also included retaining walls, fences, a BBQ, trellis, iron gate, glass railing, drainline, concrete paving, steps, including the repair and modification of the existing stairs. A total of 120 cubic yards of grading would have taken place. Proposed grading consisted of 60 cubic yards of cut and 60 cubic yards of fill. Footings, slab on grade and a caisson foundation system were proposed to support the structures. The project was denied by the Commission at its January 2002 hearing.

B. Hazards

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

New development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (5) *Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

Development on a coastal bluff is inherently risky due to the potential for bluff failure. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures and ancillary improvements. In general, bluff instability is caused by environmental factors and impacts caused by man. Environmental factors include seismicity, wave attack, drying and wetting of soils, wind erosion, salt spray erosion, rodent burrowing, percolation of rain water, poorly structured bedding, and soils conducive to erosion. Factors attributed to man include bluff oversteepening from cutting roads and railroad tracks, irrigation, over-watering, building too close to the bluff edge, improper site drainage, use of impermeable surfaces to increase runoff, use of water-dependent vegetation, pedestrian or vehicular movement across the bluff top and toe, and breaks in water or sewage lines.

Site Conditions and Geotechnical Conclusions

To address site-specific geotechnical issues, the applicant has submitted a *Geotechnical Commentary Regarding Existing Landscape Improvements on Coastal Bluff, Residence at 3415 Ocean Boulevard, Corona del Mar, California* prepared by Petra Geotechnical dated March 28, 2001 and *Geotechnical Investigation, Residential Distress, 3415 Ocean Boulevard, Corona del Mar, California* prepared by Petra Geotechnical dated December 20, 1994. The 2001 commentary presents the geotechnical consultant's conclusions regarding the recently constructed improvements on the coastal bluff and their effect upon slope stability of the existing residence and appurtenant structures (Exhibit 8). The 1994 report evaluated the possible cause of the observed distress to the existing residence, retaining wall and adjacent patio located at the top of the approximately 60- to 70-foot high bluff.

The 2001 report states that the *"top of bluff is underlain by artificial fill soils which consist of silty sands and range in depth up to approximately 3 to 4.5 feet. The fill soils are underlain by several feet of terrace deposits consisting of sand. Virtually the entire bluff face is mantled with sandy, generally loose slope wash materials range in thickness from 1 to 2 feet near the top of the bluff to substantially thicker accumulations at the toe. Based on observation, it is estimated that the slope wash accumulations at the toe of the bluff may range up to, or possibly exceed 6 feet in thickness. Bedrock of the Monterey Formation underlies the surficial deposits described above."*

At the time of the 1994 investigation, the bluff was vegetated with a moderate to thick growth of plants, including groundcover, ice plant, trees and shrubs. The landscaping was described by the consultant as unmaintained, with numerous bare spots exposing the sandy surficial soils. Erosion of the slope surface was noted, primarily within the areas where vegetation was sparse or absent.

In 1994, the consultant observed distress to the residence and appurtenant structures consisting of cracking in the house walls and floors, displacement of the rear patio slabs, and apparent downward and outward movement of the patio retaining wall. Based on their investigations, *"the distress to these structures appears to be related to consolidation and creep of the fill soils and surficial natural soils upon which the residential structures and adjacent patio retaining wall and constructed."*

In 2001, the consultant re-visited the site to evaluate the recently constructed stairway/retaining wall system, landscaping and irrigation. At the time of the site visit, jute matting was placed on bare areas of the slope surface to help prevent erosion while the new vegetation became established. The consultant observed that the surficial erosion occurring in 1994 had been greatly reduced by the vegetation, jute matting and trail structure. The 2001 Petra commentary presents the following conclusion:

Due to the nature of the factors mentioned previously that have contributed to the existing distress to the residence and appurtenant structures (creep of surficial soils, inadequate embedment depth of the retaining wall footing, etc.), it is believed that further erosion of the surficial soils on the bluff face will exacerbate and accelerate

the distress to these structures. Based on our observations of the recent improvements placed on the bluff (trails, irrigation system, vegetation, etc.) and comparison of bluff/site conditions at the time of our previous site investigation in 1994 with present conditions, it is our opinion that the recent improvements have had a substantial beneficial effect on the surficial stability of the bluff and, consequently, to the stability of the existing building structures.

The Commission's staff geologist has reviewed and commented on the geotechnical information submitted for the current application (Exhibit 9). While the Commission's geologist acknowledges that the residence is subject to severe settlement problems, the ATF stairway and landscaping project currently before the Commission is not considered a long-term structural solution. As stated in the staff geologist's review of the project,

The retaining walls and planters that are integral to the stairway down the bluff undoubtedly help retard downslope creep and have probably greatly extended the time over which the residence can be used without more serious mitigation. However, they do not appear to be retaining walls designed to resist lateral pressures, and I would expect them to suffer distress from downslope creep over time as well. A proper mitigation strategy would require additional information, but might include underpinning of the foundation, construction of a more massive retaining wall, and correction of surface drainage.

Removal of the walls associated with the stairway down the bluff would likely result in accelerated creep and distress to the residence. They appear to be buying some time. However, continued distress is likely unless more adequate measures are taken, such as described above.

Based on the staff geologist's review of the information submitted, the stairway structure is not designed to provide long-term protection of the subject property. Pursuant to Section 30253, new development shall "minimize risks to life and property" and "assure stability and structural integrity." The currently requested ATF development has not been shown to be an adequate solution to the geotechnical problems present at the site. As such, even if the project is allowed, damage to the structure may occur as a result of downslope creep, inconsistent with Section 30253. The applicant may request further bluff face development (i.e. blufftop protective device) in the future as slope creep continues and site conditions worsen. The project, as currently requested, is inconsistent with Section 30253 of the Coastal Act in that it does not minimize risks nor assure stability and structural integrity.

Fire Hazard

The applicant contends that the landscaping and irrigation currently requested is necessary to reduce potential fire hazard at the subject site. An evaluation prepared by Firewise 2000, Inc. indicates that the recently installed ornamental landscaping and irrigation system is consistent with Orange County Fire Authority (OCFA) guidelines for fuel modification (Exhibit 10). As stated in their letter of October 27, 2001, "the current green, moist and succulent landscaping, with periodic irrigation, meets or exceeds the County Fire Ordinance criteria." The letter also indicates that native vegetation, such as coastal sage scrub, would

create a dry fuel bed adjacent to the residence, placing it in danger during the summer months. The fire safety consultant recommends that the applicant *"challenge any direction or orders from the California Coastal Commission requiring you to remove the current irrigation of your landscaped yard or the replanting of this hillside to native Coastal Sage Scrub due to the additional fire hazard and risk it will create."*

The applicant's consultant contends that ornamental landscaping is necessary to prevent fire hazard. However, for slope stability and preservation of sensitive habitat areas, the Commission typically requires the use of drought-tolerant, native vegetation on coastal bluffs. Native vegetation is not limited to coastal sage scrub. In certain circumstances, non-native drought tolerant plants are allowed. Drought tolerant plants are used because they require little to no watering once they are established (1-3 years), they have deep root systems that tend to stabilize the soil, and are spreading plants that tend to minimize erosion impacts of rain and water run-off.

As currently designed, the landscaping plan includes non-native vegetation and an above-ground irrigation system, which may contribute to excessive groundwater infiltration through overwatering or breaks in an irrigation line. Excessive groundwater infiltration can contribute to slope instability. As such, it is necessary to limit irrigation on this coastal bluff site. The applicant may apply to vegetate the slope with native or drought tolerant species that require minimal water application, thereby accomplishing the same soil stabilization effect as the ornamental vegetation currently requested. In addition, the applicant may revise the landscaping plan such that the area around the residence at the top of bluff is planted with the most fire resistant plant species that meets the prior criteria, as described in Exhibit 11. Therefore, the applicant's concern regarding fire safety does not justify after-the fact approval of the project.

Drainage

The applicant has submitted a letter from CSL Engineering, Inc. which evaluates the drainage patterns adjacent to the subject property (Exhibit 12). After reviewing the inlet on the alleyway west of the front door, the existing erosion along the westerly side yard of the home, and the outlet structure at the beach below the property, the consultant makes various recommendations regarding drainage. The first recommendation involves *"quick access"* to the outlet at the toe of the slope. As stated in the letter, *"it is necessary that you maintain your ability to get quick access to the outlet structure in the event of a stoppage of flows exiting the pipe."*

While the blockage of a drainage outlet is a concern, the potential does not present a significant hazard that justifies the need for the currently requested ATF stairway. The outlet is located within a City easement that should be maintained as needed by the local government. The applicant can view the base of the bluff from the patio above and report any blockage to the City if necessary. Also, the applicant may access the beach below from a public ramp located approximately 200 feet downcoast.

Conclusion

For the reasons stated above, the Commission finds the bluff face stairway, landscaping and irrigation system inconsistent with Section 30253 of the Coastal Act, which requires that

risks be minimized and geologic stability be assured. Therefore, the project must be denied.

C. Scenic Resources

Section 30251 of the Coastal Act pertains to scenic and visual resources. It 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...

The proposed project is located along a bluff face immediately adjacent to Corona del Mar State Beach. The site is highly visible from the sandy beach. The pattern of development along this segment of Ocean Boulevard is such that structures are sited at the top of the bluff, while the bluff face remains largely undisturbed and vegetated. Although several lots have stairways traversing the bluff face and some have unpermitted development at the base of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped. Development at this location must be sited and designed to be visually compatible with the relatively undisturbed character of the surrounding area. It is also necessary to ensure that new development be sited and designed to protect views to and along the beach area and minimize the alteration of existing landforms.

Landform Alteration, Community Character & Cumulative Effects

As described previously, the applicant is requesting after-the-fact approval for development on a coastal bluff. The project involves construction of a switchback wood-beam stairway traversing the bluff from the patio at the top of the slope to the beach below. Keystone-type earth retention blocks are installed on portions of the upslope and downslope sides of the stairway. The project also includes landscaping and installation of an irrigation system to support the primarily non-native vegetation. Approximately 10 cubic yards of grading (5 cy cut and 5 cy fill) were required for installation of the stairway.

The Commission finds that the proposed project does not minimize alteration of natural landforms and will affect the scenic and visual qualities of the subject area by contributing to a cumulative adverse impact of increased bluff face development. As such, the proposed project is inconsistent with Section 30251 of the Coastal Act and the City's LUP policy regarding coastal bluff sites as discussed below.

a. Landform Alteration

The Coastal Act also requires new development to be sited to "minimize the alteration of natural land forms." The proposed project would be located along a coastal bluff. The existing bluff is a natural landform visible from public vantage points such as the adjacent beach (Corona Del Mar State Beach) and Inspiration Point. Any alteration of this landform would affect the

scenic views of the coastline when viewed from the State Beach and Inspiration Point.

While construction of the stairway may reduce the rate of surficial erosion and slope creep, the project will not provide long term stability of the coastal bluff. As such, the slope will continue to creep and may eventually fail, resulting in greater distress to the residence and appurtenant structures at the top of the slope. Not only would this create a hazardous condition, but it would also present an adverse visual impact. Thus, the proposed project is inconsistent with Section 30251 of the Coastal Act regarding scenic resources.

The City's LUP policy regarding coastal bluffs states that grading, cutting and filling of natural bluff face or bluff edges is prohibited in order to preserve the scenic value of the bluff area (Development of Coastal Bluff Sites, Policy 2 (b)). Grading, cutting and filling are allowed if it is for the purpose of performing emergency repairs or for the installation of erosion-preventive devices to assure the stability of the bluff. The applicant has not provided evidence that the proposed project assures the long term stability of the bluff. As designed, the stairway will limit surficial erosion, but will not provide long term structural stability. Based on the geotechnical information provided, the subject site may require a future protective structure that would alter the natural land form further, and thus be inconsistent with the City LUP policy regarding coastal bluff sites.

b. Community Character

Pursuant to Section 30251 of the Coastal Act, new development must be visually compatible with the surrounding area. Section 30253 (5) requires the protection of "special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses." The proposed project would result in a visible intensification of use of the site as compared to its undeveloped state. Although several lots adjacent to the proposed project have pre-coastal stairways traversing the bluff face and some have unpermitted development at the toe of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped.

The project site is immediately inland of Corona Del Mar State Beach. Corona Del Mar State Beach is a public beach, which serves as a popular visitor destination point for recreational uses. Further southeast (downcoast) of the project site is a bluff park known as Inspiration Point with a public accessway from Inspiration Point to the beach below consisting of a concrete pathway, retaining wall and a grouted rock revetment. The location of the beach, bluff park and public accessway makes the State Beach a unique and distinctive area in Newport Beach. New development along the bluff face will adversely impact the subject area, inconsistent with Sections 30251 and 30253 of the Coastal Act.

c. Cumulative Impacts

The majority of stairways along Ocean Boulevard are pre-coastal. The proposed project would set a precedent for future development to intensify residential development in the subject area. Over time, incremental impacts can have a significant cumulative adverse visual impact. Applicants could begin to request new construction on the bluff face, thus contributing to adverse visual impacts.

As described previously, the proposed project is located along a coastal bluff immediately inland of Corona Del Mar State Beach, a public beach. The site is highly visible from the sandy beach. Although several lots have stairways traversing the bluff face and some have unpermitted development at the toe of the bluff (currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped. Approval of the proposed project would set a precedent for the construction of other such development along the bluff face that would alter the natural land form, resulting in adverse visual impacts and seaward encroachment. Development at this site must be sited and designed to be visually compatible with the undisturbed character of the surrounding area.

Conclusion

The Commission finds that the project, as currently proposed, is not sited and designed to protect scenic and visual qualities of the site as an area of public importance. Denial of the proposed project would preserve existing scenic resources and would be consistent with preserving the existing community character where development occurs at the top of the coastal bluff. The alteration of the bluff from construction of the stairway would result in an adverse visual effect when viewed from public vantage points such as the beach and Inspiration Point. Allowing the proposed project would also lead to seaward encroachment of new development in an area where extensive unpermitted development has occurred that has encroached seaward and threatens to affect the community character. The Commission finds that the proposed project would result in the alteration of natural landforms and would not be visually compatible with the character of the surrounding area. Consequently, the proposed project would increase adverse impacts upon visual quality in the subject area. Therefore, the Commission finds that the proposed project is inconsistent with Section 30251 of the Coastal Act and with the City's LUP policy regarding coastal bluff sites and therefore must be denied. Denial of the project is consistent with the Commission's recent action on application 5-01-199 (Butterfield).

D. Public Access

The project site is located on the seaward side of Ocean Boulevard, which is the first public road immediately inland of Corona del Mar State Beach. 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 include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3. The proposed development is located between the sea and the nearest public road. The nearest vertical public access is available approximately 200 feet southeast (downcoast) and via the Corona del Mar State Beach parking lot to the northwest. The nearest lateral access is available directly seaward of the toe of the slope at Corona del Mar State Beach

Sections 30210, 30212 (a), 30220, and 30221 of the Coastal Act contain policies regarding public access to the shoreline. In addition, Section 30240 addresses appropriate development adjacent to a recreation area.

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 (a) states, in pertinent part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.

Section 30220 states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30240 (b) states:

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.

As described previously, the applicant is requesting after-the-fact approval for a switchback wood beam stairway with 3' high handrails, keystone block retaining walls, landscaping and irrigation. The stairway will be used to access the beach from applicant's residence at the top of the bluff. The applicant is offering to dedicate a portion of their property at the base of the bluff. (The applicant's property extends 16-31 feet beyond the toe of slope, as shown in Exhibit 4.) The Commission cannot accept an offer that is tied to the approval of unpermitted development determined to be inconsistent with Coastal Act policies.

While the requested stairway does not physically impede public access at the toe of the slope or adjacent beach area, new stairways leading to the beach often facilitate private use of public beaches. As discussed previously, a growing number of property owners along Ocean Boulevard have recently applied to intensify use of their properties. In addition, some have undertaken clearly private development on the sandy beach without a benefit of a coastal development permit. Increased intensification of private development located along the coastal bluffs adjacent to Corona del Mar State Beach will result in a less inviting beach appearance to the general public. Approval of the currently requested ATF development will contribute to a cumulative adverse impact to public access in the subject area. Therefore, the Commission finds the project inconsistent with the public access and recreation provisions of the Coastal Act, specifically Sections 30210, 30212, 30220, 30221 and 30240.

E. Local Coastal Program

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

The City of Newport Beach Land Use Plan (LUP) was certified on May 19, 1982. The Newport Beach LUP includes the following policies that relate to development at the subject site:

Public Access, Policy 4 states,

Public access in coastal areas shall be maximized consistent with the protection of natural resources, public safety, and private property rights.

Development of Coastal Bluff Sites, Policy 2 (b) states,

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

Development of Coastal Bluff Sites, Policy 2 (b) states,

Grading, cutting and filling of natural bluff face 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.

The construction of the proposed project is inconsistent with the policies in the City's certified LUP and as well as Chapter 3 policies of the Coastal Act discussed previously, specifically Sections 30240, 30251 and 30253 of the Coastal Act. Development on the coastal bluff would cause adverse impacts to the natural landform, the coastal scenic resources and public access, which is inconsistent with Sections 32044, 30251 and 30253 of the Coastal Act. Section 30240 of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas. Section 30251 of the Coastal Act states that permitted development should minimize landform alteration, visual impacts and the cumulative adverse impact that would occur if other lots develop the bluff face. Section 30253 of the Coastal Act states that new development should not contribute to significant erosion and geologic instability or be inconsistent with community character. The proposed development would prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a). Therefore, the project is found inconsistent with the policies in the City's certified LUP and the Chapter 3 policies of the Coastal Act and must be denied.

F. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit, including construction of a switchback wood beam stairway with 3' high handrails supported by keystone-type retaining walls, landscaping and irrigation on a bluff face adjacent to the sandy beach. Consequently, the work that was undertaken constitutes development that requires a coastal development permit.

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 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.

G. Alternatives

Denial of the bluff face stairway and landscaping project will not deny all economically beneficial or productive use of the applicant's property or unreasonably limit the owner's reasonable investment-backed expectations of the subject property. The applicant is left with a substantial residential development of significant economic value covering much of the property and several alternatives to the proposed switchback stairway. The project objective appears to be slope stabilization. Among those alternatives meeting the project objective are the following:

▪ Native Plant Restoration

The applicant has provided information stating that landscaping on the slope was previously *"unmaintained and numerous bare spots exposing the sandy surficial soils were noted."* The currently requested ATF project involves landscaping with primarily non-natives and the installation of a permanent above-ground irrigation system. Excessive irrigation is known to foster slope instability. Non-natives typically require greater irrigation than native plant species. As an alternative to the currently requested project, the applicant has the opportunity to revegetate the slope with an entirely native, drought tolerant plant palette. Such a plant selection would obviate the need for a permanent irrigation system. Planting could be hand watered for establishment and maintained with minimal water application.

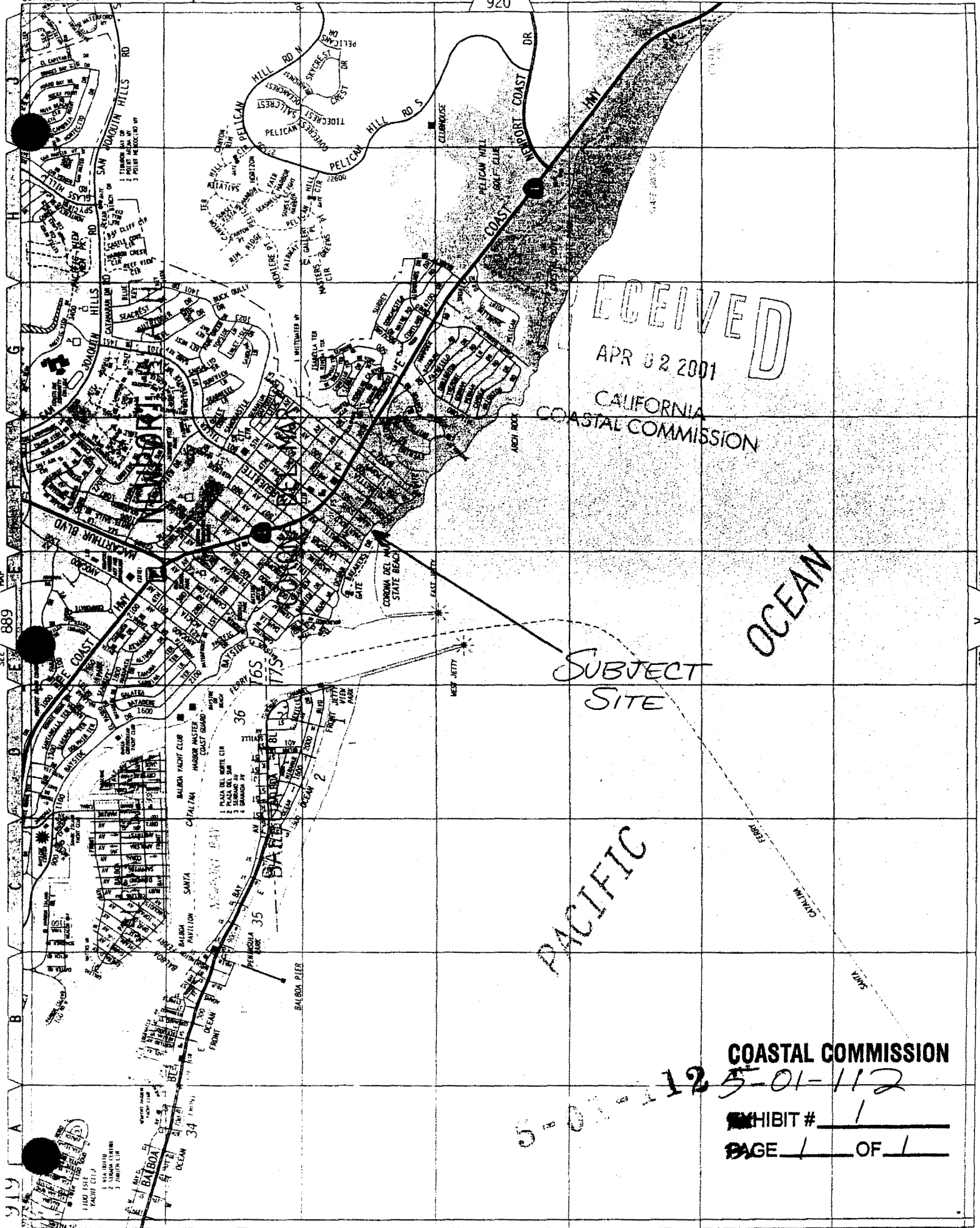
▪ Redesign for Long Term Slope Stability

The currently requested switchback stairway system is not designed to withstand lateral pressure, thereby leaving the site subject to hazard from continued slope creep. As such, the project is not considered a long term structural solution to a potentially hazardous geologic condition. As noted by the Commission's staff geologist, *"A proper mitigation strategy would require additional information, but might include underpinning of the foundation, construction of a more massive retaining wall, and correction of surface drainage."* An alternative to the currently requested project involves the evaluation and establishment of a comprehensive geotechnical/engineering solution to the potentially hazardous conditions present at the subject site.

H. California Environmental Quality Act (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). 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.

As described above, the proposed project would have adverse environmental impacts. There are feasible alternatives or mitigation measures available, as described in the following section, that would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because there are feasible alternatives which would lessen significant adverse impacts which the activity would have on the environment. Therefore, the project must be denied.



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SUBJECT
 SITE

PACIFIC
 OCEAN

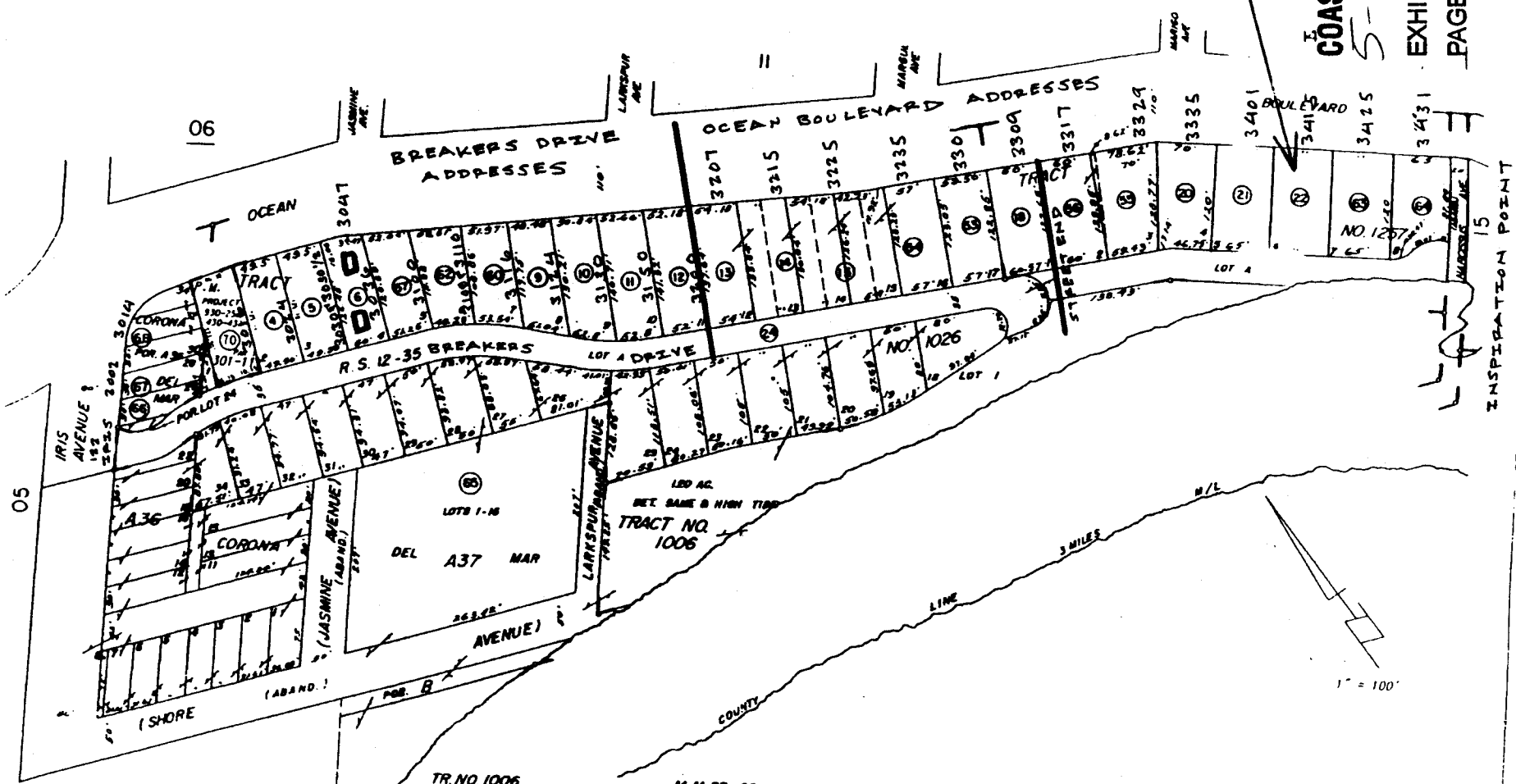
COASTAL COMMISSION

5-01-12 5-01-112

EXHIBIT # 1

PAGE 1 OF 1

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MARCH 1949

TR. NO. 1006
 TR. NO. 1026 (M.M. 33-38)
 TR. NO. 1257
 CORONA DEL. MAR
 PARCEL MAP

M.M. 33-29
 R.S. 12-35
 M.M. 38-25
 M.M. 3-42
 P.M. 284-1.301-11

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 052 PAGE 2 COUNTY OF ORANGE

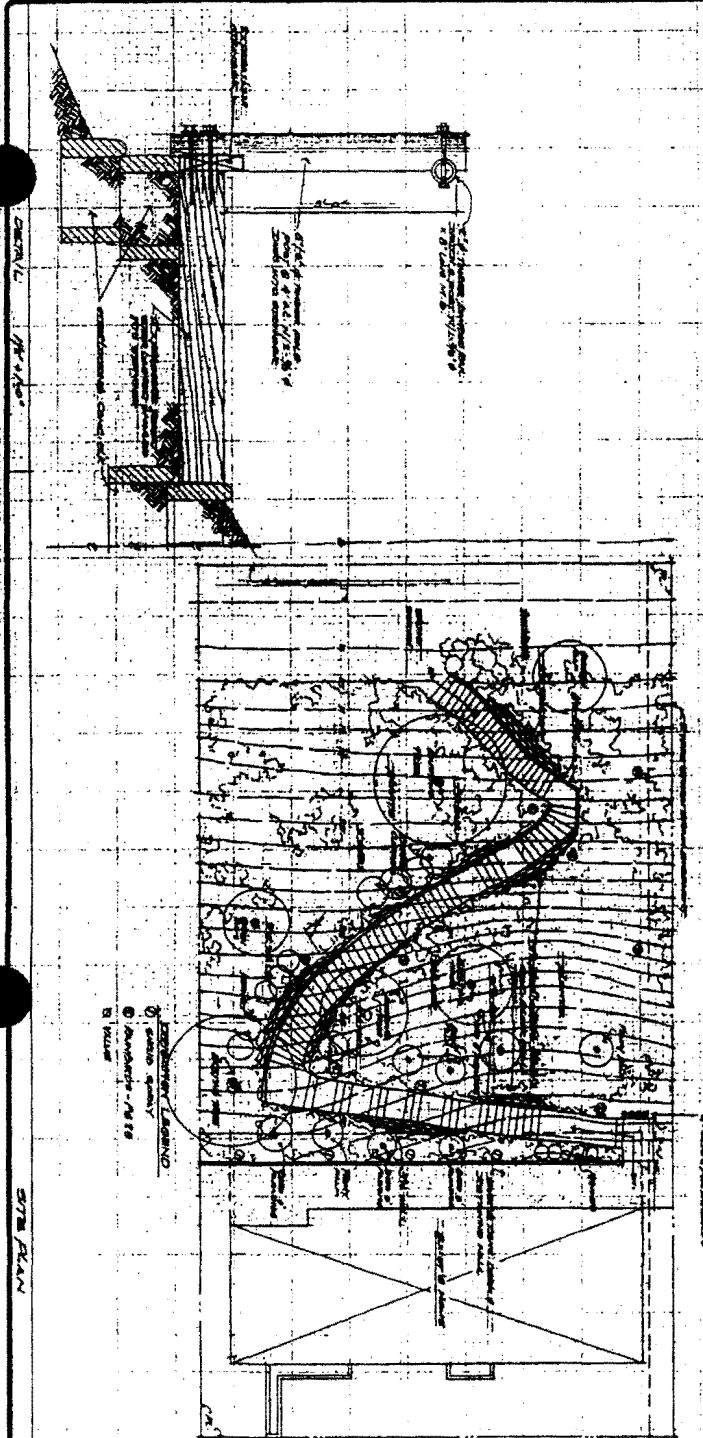
SUBJECT SITE

COASTAL COMMISSION
 5-01-112
 EXHIBIT # 2
 PAGE 1 OF 1

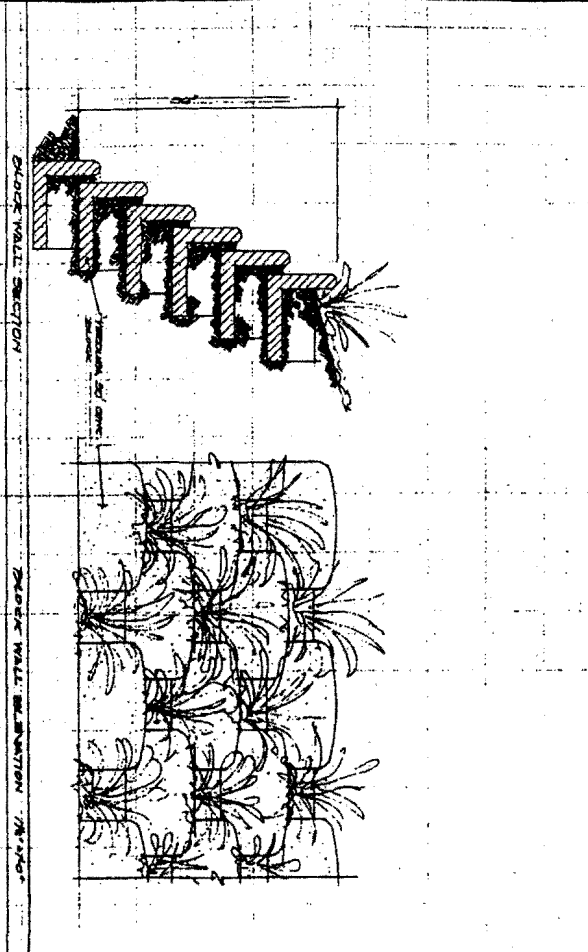
1" = 100'



INSPIRATION POINT



1. All trees to be removed shall be removed within 30 days of the start of construction.
 2. All trees to be preserved shall be marked with a red 'X' and a tag.
 3. All trees to be preserved shall be protected with a 4" x 4" x 6" metal spike.
 4. All trees to be preserved shall be protected with a 4" x 4" x 6" metal spike.
 5. All trees to be preserved shall be protected with a 4" x 4" x 6" metal spike.
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 7. All trees to be preserved shall be protected with a 4" x 4" x 6" metal spike.
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 10. All trees to be preserved shall be protected with a 4" x 4" x 6" metal spike.



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 5-01-112
 EXHIBIT # 3
 PAGE 1 OF 1

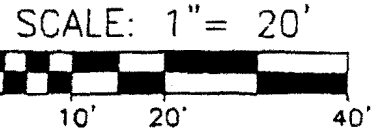
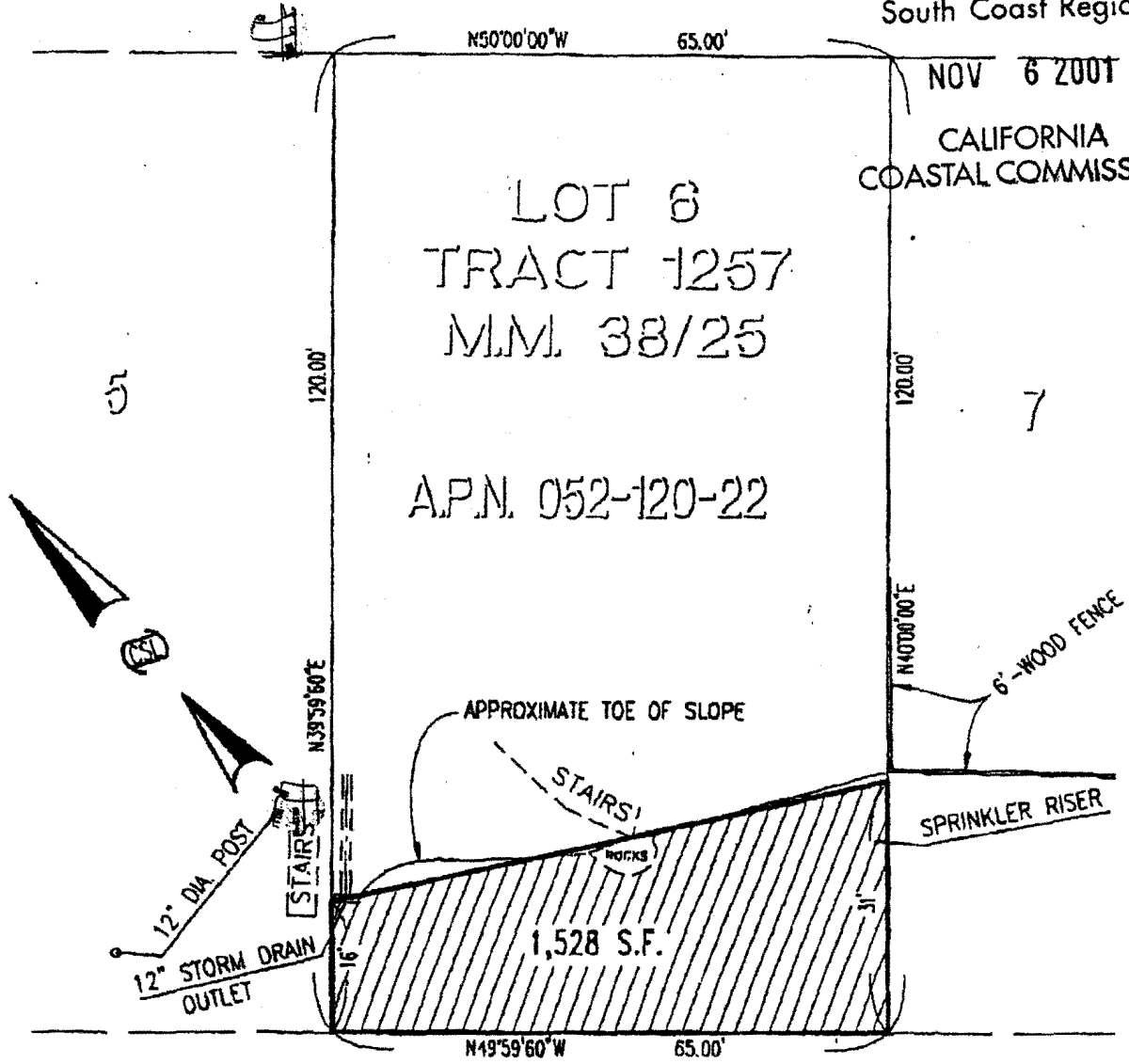
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South Coast Region

NOV 6 2001

CALIFORNIA
COASTAL COMMISSION

LOT 6
TRACT 1257
M.M. 38/25

A.P.N. 052-120-22



PROPERTY OWNER:
Curt Ensign
3415 Ocean Boulevard
Carona Del Mar, CA 92625-3259

PLAT PREPARED BY:
DAVID E. CORYELL, R.C.E. 31574 EXP. 12/31/04

CSL Engineering, Inc.
11651 Sterling Avenue, Suite 'E'
Riverside, CA 92503-4933
(909) 785-5122 FAX: (909) 785-5180

**PROPOSED
OFFER OF DEDICATION
FOR PUBLIC USE EASEMENT**

DATE: OCTOBER 2001

SCALE: 1" = 20'

PAGE 1 OF 1

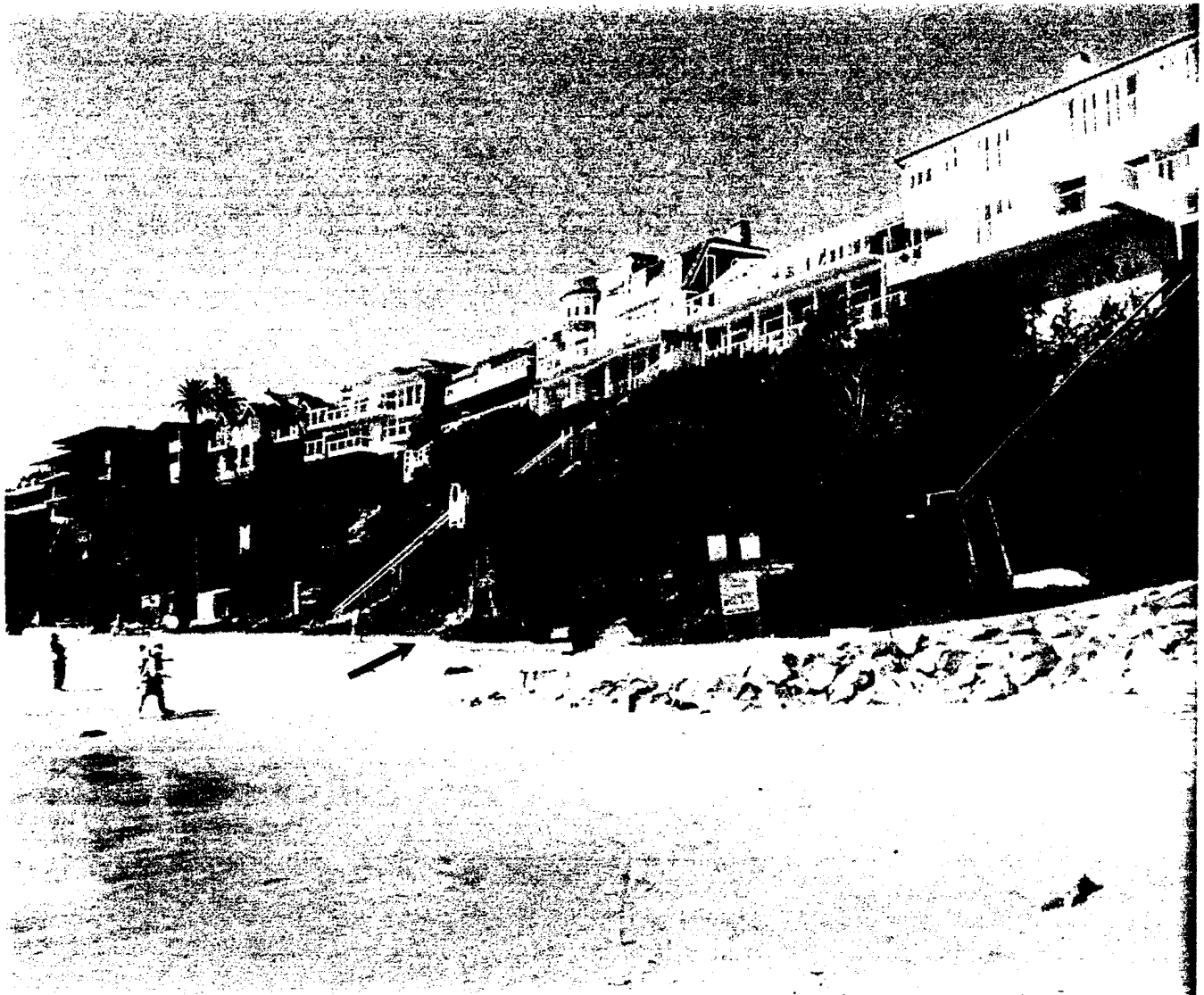
375/575 COASTAL COMMISSION

5-01-112

EXHIBIT # 4

PAGE 1 OF 1

Historical Precedence



There are thirteen homes located along this bluff. Ten homes have individual stairways leading to the bottom of their property. Two other homes share a stairway to the bottom of their property along their common property line. The applicant's home was issued a permit by the City of Newport Beach to construct a stairway to the beach when the original home was constructed. It has been debated as to whether the stair was never built or built and abandoned. However, the trail system that has been constructed has been designed to minimize its physical impact on the slope as compared to the other stairways in existence.

COASTAL COMMISSION

5-01-112

EXHIBIT # 5

PAGE 1 OF 3

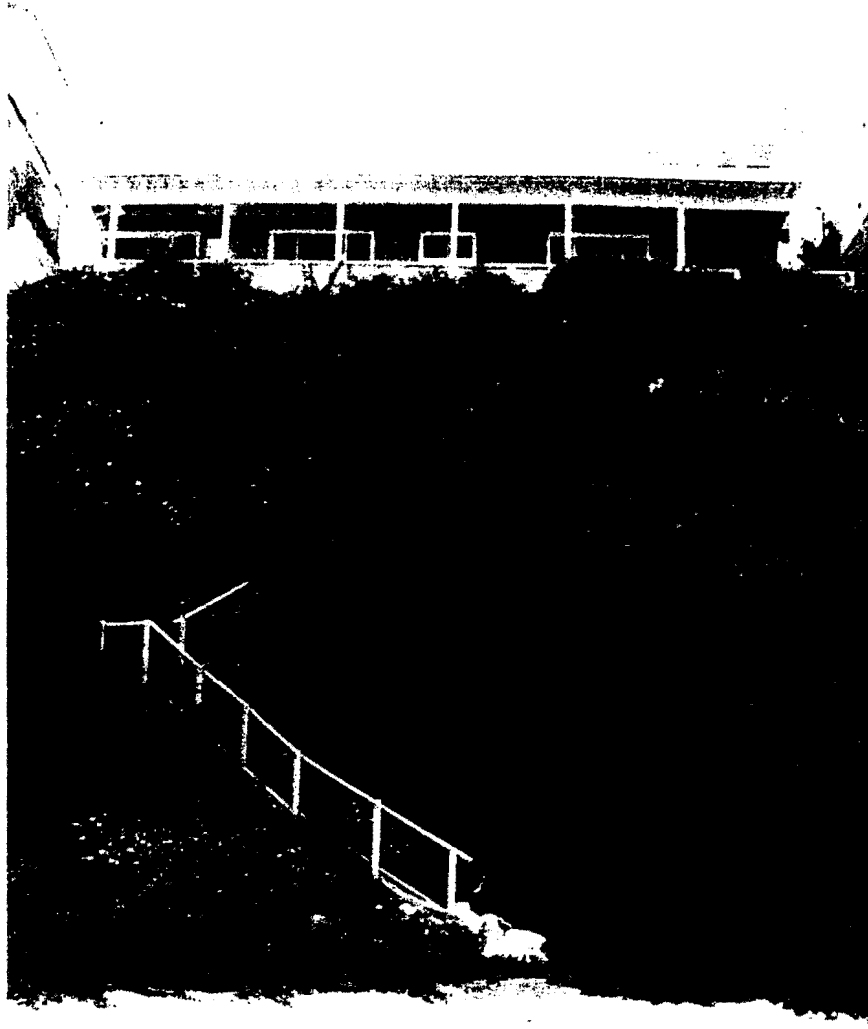
Drainage Protection



A drainage easement incorporating a catch basin, stormdrain line and outflow structure are located along the western edge of the property (within the legal lot) and provide for drainage of several acres of surrounding property as well as the front yards for this and five other homes. In the event of a blockage at the outflow structure, the water would overflow the curb and potentially create significant damage to the applicant's home and property. The applicant needs to be able to have reasonable physical access to clear any debris located at the outflow structure in order to prevent damage to the property and home.

EX. 5
2/2

Fire Protection



The exterior of the home is made of wood. The irrigated slope provides a safe fire buffer from an accidental brush fire started by someone on the beach either smoking or barbecuing (both activities occur regularly on the sand below).

EX. 5
3/3

OWNER GARRICK **DATE** 2/6/56
JOB ADDRESS 3435 OCEAN BLVD. **PERMIT No.** 17362
BUILDER WILSON MC KENZIE **VAL** \$ 300.00 **FEE** \$ 2.00
LOT / **BLOCK** **SECTION** **TRACT** 1257
ZONE **FIRE DIST.** **GROUP** I **Stairway from house to beach below** **TYPE**

Building Inspections	Insp.	O. K. Date	Sub Contractors	Permits	
				Date	No.
Trench - Steel					
Frame					
Masonry					
Bond Beam Steel					
Lath - Ext.					
Lath - Int.					
FINAL			Cert. of Occup.		
Plumbing					
Ground					
Rough					

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PAGE / OF /



INSPIRATION
POINT

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COASTAL

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EXHIBIT #

PAGE 1





5-01-112

COSTA MESA • SAN DIEGO • TEMECULA • LOS ANGELES

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APR 28 2001

March 28, 2001
J.N. 472-94

MR. CURT ENSIGN
3415 Ocean Boulevard
Corona del Mar, CA 92625

CALIFORNIA
COASTAL COMMISSION

Subject: Geotechnical Commentary Regarding Existing Landscape Improvements on Coastal Bluff, Residence at 3415 Ocean Boulevard, Corona del Mar, California.

Reference: Geotechnical Investigation, Residential Distress, 3415 Ocean Boulevard, Corona del Mar, California; report by Petra Geotechnical, Inc., dated December 20, 1994.

Dear Mr. Ensign:

At your request, we are providing this letter which presents our conclusions regarding the existing landscape improvements on the coastal bluff that descends from the rear of the subject property, and their effect upon slope stability and the stability of the existing residence and appurtenant structures. Our conclusions are based on the results of our geotechnical investigation of the subject property performed in 1994 (Reference), on our site observations performed on March 20, 2001, and on our extensive experience with other sites with similar conditions.

Previous Geotechnical Investigation

This firm performed a geotechnical investigation of the subject property in December, 1994 for the purpose of determining the possible causes of the observed distress to the existing residence, retaining wall and adjacent patios located at the top of the approximately 60- to 70-foot-high bluff. Our study included the excavation of two hand-dug exploratory test pits on the bluff adjacent to the toe of the existing 2- to 6-foot-high, cast-in-place patio retaining wall located at the bluff top.

COASTAL COMMISSION
5-01-112
EXHIBIT # 8
PAGE 1 OF 4

Based on our investigation, the top of the bluff is underlain by artificial fill soils which consist of silty sands and range in depth up to approximately 3 to 4.5 feet at the locations of our test pits. The fill soils are underlain by several feet of terrace deposits consisting of sand. Virtually the entire bluff face is mantled with sandy, generally loose slopewash materials ranging in thickness ranging from 1 to 2 feet near the top of the bluff to substantially thicker accumulations at the toe. Based on observation, it is estimated that the slopewash accumulations at the toe of the bluff may range up to, or possibly exceed, 6 feet in thickness. Bedrock of the Monterey Formation underlies the surficial deposits described above.

At the time of our investigation, the bluff was mantled with a moderate to thick growth of landscape plants including groundcover, ice plant, and small to moderately sized trees and shrubs. The landscaping appeared to be unmaintained and numerous bare spots exposing the sandy surficial soils were noted. Erosion of the slope surface in the form of minor gullying and raveling of the sandy soils was noted, primarily within the areas where vegetation was sparse or absent.

Observed distress to the residence and appurtenant structures consisted primarily of cracking in the house walls and floors, substantial displacement of the rear patio slabs, and apparent downward and outward movement of the patio retaining wall. Based on our investigation, the distress to these structures appears to be related to consolidation and creep of the fill soils and surficial natural soils upon which the residential structure and adjacent patio retaining wall are constructed.

Current Site Conditions

As mentioned previously, a representative of this firm performed a site observation of the subject property on March 20, 2001. A wooden-beam, switchback-type trail

EX. 8
2/4



structure has been recently constructed to the base of the bluff. Construction of the trail involved the placement of Keystone-type, earth-retention blocks on portions of the upslope and downslope sides of the trail. Additional landscape plants consisting of shrubs and groundcover have been planted and a landscape irrigation system has been installed. Jute matting has been placed on bare areas of the slope surface to help prevent erosion of the surficial soils while the new vegetation becomes established. The vegetation that existed at the time of our 1994 investigation and the newly planted vegetation has flourished as a result of the landscape maintenance. It appears that surficial erosion of the surficial slope soils has been greatly reduced due to the well-established vegetation, the jute matting, and by the effect that the trail structure and Keystone blocks have in directly covering and protecting portions of the slope surface. These structures also appear to have further contributed in reducing erosion of the slope surface by intercepting and reducing the velocity of surface runoff down the bluff face.

Stability of Bluff and Existing Structures

As observed during our 1994 subsurface investigation, the patio retaining wall located at the top of the bluff is founded on a very shallow footing (approximately 14 inches wide by 14 inches deep). The roof overhang support columns for the upper-floor deck at the rear of the residence bear directly upon this retaining wall. Additionally, the rear exterior footings of the residence and presumably some of the interior footings of the residence are founded within the backfill soils retained behind this wall. As mentioned earlier and presented in our referenced report, the distress that has occurred to the residence, back patio and the patio retaining wall are believed to be the result of consolidation and creep of the fill soils and surficial natural soils upon which the residential structure and adjacent patio retaining wall are constructed.

EX. 8
3/4



MR. CURT ENSIGN

March 28, 2001
J.N. 472-94
Page 4

Conclusions

Due to the nature of the factors mentioned previously that have contributed to the existing distress to the residence and appurtenant structures (creep of surficial soils, inadequate embedment depth of the retaining wall footing, etc.), it is believed that further erosion of the surficial soils on the bluff face will exacerbate and accelerate the distress to these structures. Based on our observation of the recent improvements placed on the bluff (trail, irrigation system, vegetation, etc.) and comparison of bluff/site conditions at the time of our previous site investigation in 1994 with the present conditions, it is our opinion that the recent improvements have had a substantial beneficial effect on the surficial stability of the bluff and, consequently, to the stability of the existing building structures.

This opportunity to be of service is sincerely appreciated. Please call if you have any additional questions regarding this letter or require further assistance.

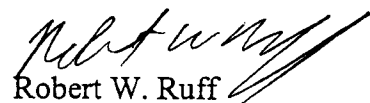
Respectfully submitted,

PETRA GEOTECHNICAL, INC.



Eric Pintard
Project Geologist

EP/RWR/pho



Robert W. Ruff
Principal Geologist
CEG 1165

cc: 2001\400\472-94A.LTR

EX. 8
4/4



"Wildland Fire / Urban Intermix Planning"

October 27, 2001

Mr. Curt Ensign
3415 Ocean Blvd.
Corona Del Mar, CA 92625

RECEIVED
South Coast Region

NOV 6 2001

Dear Mr. Ensign:

CALIFORNIA
COASTAL COMMISSION

The following are my fire protection evaluations of your property:

- 1) as it stands today,
- 2) if the hillside irrigation was removed as per the California Coastal Commission, and
- 3) if the requirement to replant this same hillside with native Coastal Sage Scrub vegetation as per California Coastal Commission direction.

First, let me state that your home located at 3415 Ocean Blvd., Corona Del Mar, CA was built in 1958 and the majority of hillside landscaping was installed around that time period. The California Coastal Commission was established in 1976. You purchased the property in June 2000 and added some minor landscaping and strategic irrigation was installed since the date of purchase.

1). As Your Property Stands Today: The existing ornamental vegetation on your hillside slope meets the Orange County Fire Authority (OCFA) Community Safety and Education Bureau "Guidelines for Fuel Modification Plans and Maintenance" criteria dated June 1, 1995. Also County of Orange Ordinance No. 3959/3960 addresses this same criteria. The OCFA guidelines includes a "Fuel Modification Plant List", which is a listing of the approved ornamental and native plant species that can be used within a defensible space and other fuel modification zones. The Ordinance further states that certain plants species should be removed from these fuel modification zones due to their high susceptibility to wildland (vegetation) fire. These fire prone species are:

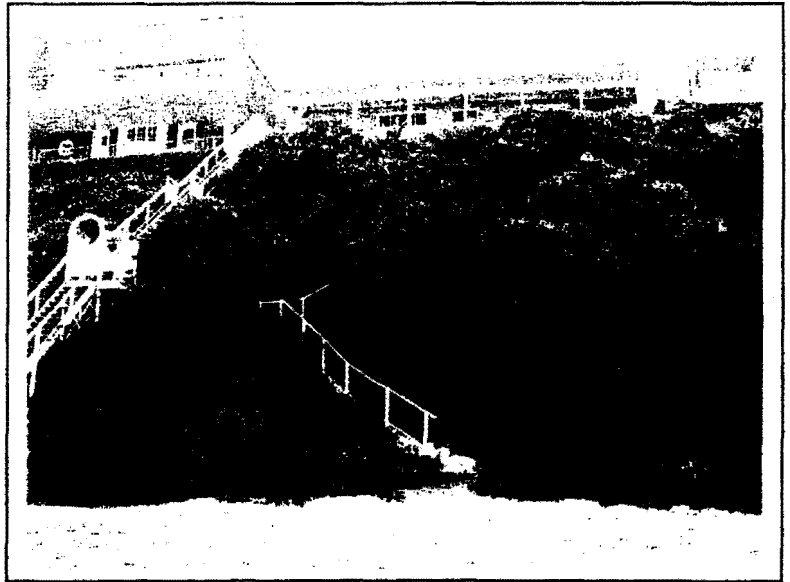
- | | |
|-------------------------|-------------------------|
| Adenostoma fasciculatum | Chamise |
| Adenostoma sparsifolium | Red Shank |
| Coraderia seloana | Pampas Grass |
| Artemisia californica | Californica Sagebrush * |
| Eriogonum fasciculatum | Common Buckwheat * |
| Salvia mellifera | Black Sage * |

* A typical Coastal Sage Scrub species

COASTAL COMMISSION
5-01-112
EXHIBIT # 10
PAGE 1 OF 5

The current green, moist and succulent landscaping, with periodic irrigation, meets or exceeds the County Fire Ordinance criteria. This Fire Code was developed to minimize the spread of a vegetation fire into a structure or group of structures. As your property stands today, your home or neighbors should not be threatened from any vegetation fire ignition originating from either a beach open or barbecue fire ember that is carried upslope into the vegetation or from any other ignition sources.

Actually the current landscaping, with periodic maintenance to remove all dead woody and grass vegetation, is what is intended around all structures by the OCFA in areas where vegetation fires may occur.



↑ Photo 1: Current Landscaping at 3415 Ocean Blvd.

The current landscaping, with irrigation, will not support the spread of a vegetation fire or additional fire brands originating from such a fire.

2). **Requirement to Remove the Current Irrigation System:** Periodic irrigation is a must to support the health and vigor of these green, moist plant species. Coastal fog does not provide enough moisture to fully support plant health, especially in the late summer and fall months when southern California coastal areas have their most serious wildland fire problem.

Without periodic irrigation, this hillside landscaping would become decadent and create open areas where dry grasses and forbs could become fuel beds for any wind carried fire brand. These dry fuel beds would also aid in the spread of a vegetation fire to the houses above and/or create additional sources of fire brands that could be carried by the upslope winds to the residential roofs or decks attached to houses.

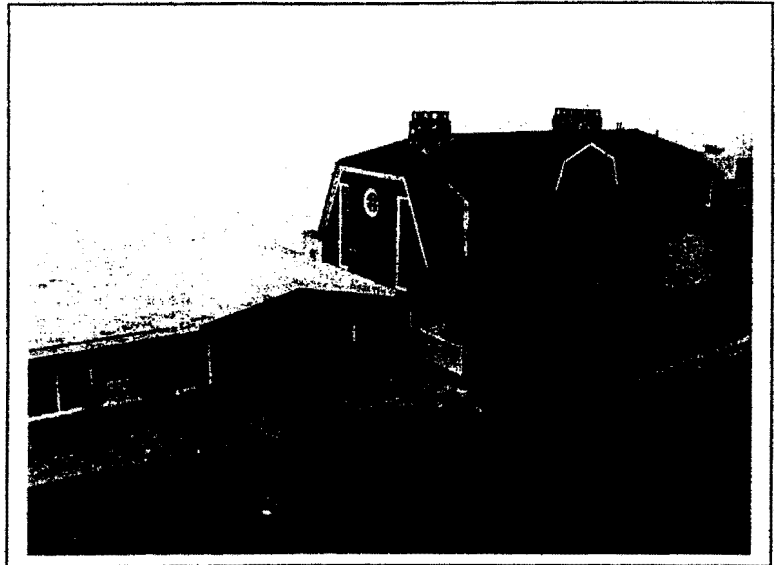


↑ Photo 2: Non-irrigated Dry Areas Within Neighboring Lots.

EX. 10
215

One big concern is the shake/shingle roof and shingle-sided residence located at 3401 Ocean Blvd. This residence is immediately next to your property line.

It is a well-known fact that even a tiny fire brand landing on a shake/shingle roof can create a serious fire problem to that structure and other closely aligned neighboring structures.



↑ Photo 3: Home with Shake/Shingle Roof and Siding (Dark Brown Home).

3) Remove the Current Landscaping and Re-plant the Hillside with Native Coastal Sage Scrub species. It does not appear to be a prudent requirement for treating this hillside landscape. Currently there is not any evidence of soil erosion or movement on the hillside banks. In fact, the current landscaping is doing a very good job of holding the soil in place. Removal of the established landscaping will only create additional erosion and/or serious soil movement that could affect the foundations of the existing residence.

Revegetation to Coastal Sage Scrub species would also be in direct conflict with the Orange County Fire Authority "Landscaping around Structures Criteria".

Typical Coastal Sage Scrub species comprise most of the "Undesirable Species" listed by the County. As previously mentioned, planting of Coastal Sage Scrub vegetation would create a very serious fire threat to all four upslope residential structures. Coastal Sage Scrub vegetation, during the summer months, creates dry fuel beds that are a receptacle for fire brands and aids in the spread of vegetation fires.

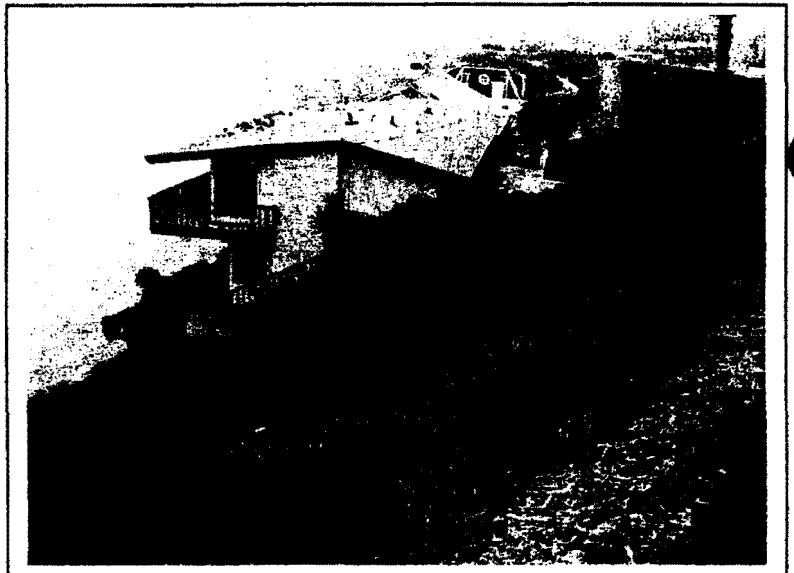
EX. 10
3/5

The native Coastal Sage Scrub on adjoining City property is having a hard time getting established due to conflict with soil erosion and competition with other non-native plant species.



↑ Photo 4: Coastal Sage Scrub and Non-native Vegetation on on Adjoining City Property.

Having Coastal Sage Scrub vegetation below or adjacent to structures can create a serious fire problem during the late summer and fall months even within a coastal climate area.



↑ Photo 5: Coastal Sage Scrub on City Property Adjacent to the Ocean Blvd. Beach Front Properties.

EX. 10
4/5

In Summary, I strongly recommend that you challenge any direction or orders from the California Coastal Commission requiring you to remove the current irrigation of your landscaped yard or the replanting of this hillside to native Coastal Sage Scrub due to the additional fire hazard and risk it will create.

These recommendations are based upon our professional opinion and over 40-years of wildland fire experience at the most complex level.

It our opinion that you would only be creating a more serious fire hazard to your property and causing a fire threat to your residence and that of your neighbors. Keeping your hillside landscaping in its current condition and with periodic maintenance by occasional thinning, pruning and removal of all dead vegetation is the best fire protection you can do to prevent an unplanned beach fire ignition from threatening your residence and/or your neighbors property.



↑ Photo 6: Current Landscaping of All Four Beach Front Properties on Ocean Blvd.

Sincerely,

Richard E. Montague
Richard E. Montague
President

EX. 10
5/5

Natives in the Landscape Fire-safe and Slope-stable Landscaping

by Melanie Baer-Keeley

Full's hot, Santa Ana winds – and the accompanying threats of fire and subsequent soil erosion – can produce great anxiety for hillside residents. For those with such concerns, the first line of defense is a well-planned and properly-tended landscape.

California natives are often the first plants to be removed from an at-risk landscape. Yet, the assumption that natives should be excluded from hillside plantings is an erroneous and potentially costly one. Though many plants from Southern California's chaparral and coastal sage scrub communities rely upon fire for continuation of their life cycles, they are not entirely to blame for autumn's fires. Other Mediterranean-climate plants, such as *Eucalyptus* and *Cistus*, evolved in similar ways and require the same fire cycles; these introduced species are often the first to burn and can produce the fiercest and most-persistent heat.

California natives can be used safely in hillside gardens and, necessarily, *should* be included for the critical purpose of erosion control. It is not difficult to design an attractive, fire-safe, slope-stable, native garden. Keep in mind that a plant's species is not nearly as important as its placement and maintenance.

Planting for Fire Safety

1) Perennial groundcovers, regardless of species, that reach less than two feet in height are considered fire-retardant for the following reasons: a) they will not "throw a flame", b) they will retain moisture at soil level and c) they produce a minimum of dead, burnable material. Good choices include *Artemisia californica* 'Canyon Gray', *Arctostaphylos uva-ursi* (bearberry), A. 'Emerald Carpet', *Ceanothus hearstiorum* (San Simeon California lilac), *Eriogonum fasciculatum* 'Dana Point', *Fragaria chiloensis* (beach strawberry) and *Zauschneria californica* (California fuchsia).

2) Larger, native species may be planted, but they should be spaced at least 15' from any other large specimens. Groundcovers may be planted between them.

3) Plant **only** the most fire-resistant species within 30' of any structure.

4) Plants that grow naturally in saline soils retain more moisture within their leaves, making them less inflammable. Examples include: *Isomeris arborea* (bladderpod), *Baccharis* spp. and hybrids (coyote brush) or *Atriplex* spp. (saltbush).

5) Succulents also retain moisture and are, therefore, less inclined to burn. Various species of *Dudleya*, *Sedum*, and cacti are appropriate choices.

6) Such trees as *Quercus agrifolia* (coast live oak) and *Sequoia sempervirens* (coast redwood) have been shown to suppress fire, due to their high internal and external moisture levels.

7) A few natives – *Malosma laurina* (laurel sumac) is one – are reputed to have high oil contents and are considered, by some, to be extreme fire hazards. However, they have much higher incineration points and are often among the last plants to burn – or they may escape burning entirely. While not suggesting that such plants be planted *en masse*, it is crucial to point out that the complete removal of established, deep-rooted, native shrubs on hillsides could result in potentially-dangerous slope slippage.

Planting for Slope Stabilization

The best way to ensure the stability of any hillside is to plant or seed a broad range of vegetation. While a combination of native annuals, herbaceous perennials, shrubs and trees is imperative for various depths of erosion control, an emphasis should be placed upon more deeply-rooted, shrubby species that naturally dominate our local plant communities. The most effective slope-stabilizers: *Rhus ovata* (sugarbush), *R. integrifolia* (lemonade berry), *Malosma laurina* (laurel sumac), *Baccharis pilularis* (coyote brush) and *Eriogonum* spp. (buckwheat).

Plant Maintenance

1) Prune all dead wood from all plants; keep dry leaves and herbaceous material picked up. Compost this greenwaste, or remove it from the property.

2) Prune larger plants so that the bottom third of each is completely free of branches and foliage. Open up the central branches, by removing all twiggy material. Thin out the upper canopy, reducing its volume by one-half.

3) Trees should never overhang the roof of a building. (Coniferous trees and *Eucalyptus* are dangerously-flammable.)

4) Cut all dry, annual vegetation to the ground before fire season.

6) Water landscape vegetation regularly; this will decrease its probability of burning.

Melanie is a horticultural consultant, specializing in California native plants.

COASTAL COMMISSION

When in Santa Barbara, visit the city's 1.7 acre Fire Safe Demonstration Garden, Mission Ridge Rd. at Starwood Dr. (across from Fire Station #7.)

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FIRE RESISTANT PLANTS

These plants are considered fire resistant by virtue of the fact that they are under 18" tall, succulent (S) or of known fire retardance (FR). Other, taller plants may be used in the landscape if properly spaced and maintained.

Achillea millefolium	"Yarrow"
Agave sp. (S)	"Century Plant"
Anemopsis californica	"Yerba Mansa"
Antirrhinum multiflorum	"Snapdragon"
Aquilegia formosa	"Scarlet Columbine"
Aquilegia pubescens	"Sierra Columbine"
Arctostaphylos edmundsii	"Little Sur Manzanita"
Arctostaphylos edmundsii parvifolia	"Bronze Mat Manzanita"
Arctostaphylos uva-ursi	"Red Bearberry"
Arctostaphylos 'Anchor Bay'	
Arctostaphylos 'Carmel Sur'	
Arctostaphylos 'Emerald Carpet'	
Arctostaphylos 'Indian Hill'	
Arctostaphylos 'Pacific Mist'	
Arctostaphylos 'Sandsprite'	
Arctostaphylos 'Williams'	
Armeria maritima	"Sea Thrift"
Artemesia californica 'Canyon Gray'	"Prostrate Sagebrush"
Artemesia pycnocephala	"Sandhill Sagebrush"
Artemesia pycnocephala 'Compacta'	"Compact Sandhill Sagebrush"
Asarum caudatum	"Wild Ginger"
Asclepias fascicularis	"Butterfly Bush"
Aster chilensis	"Wild Aster"
Astragalus coccineus	"Scarlet Locoweed"
Atriplex canescens (FR)	"Four-winged Salt Bush"
Atriplex hymenelytra (FR)	"Desert Holly"
Atriplex lentiformis (FR)	"Quail Bush"
Baccharis pilularis 'Twin Peaks'	"Dwarf Coyote Brush"
Beloperone californica (S)	"Chuparosa"
Camissonia cheiranthifolia suffruticosa	"Beach Suncups"

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Ceanothus hearstiorum	"San Simeon Ceanothus"
Ceanothus maritimus	"Maritime Ceanothus"
Ceanothus griseus horizontalis 'Yankee Point'	"Yankee Point California Lilac"
Cirsium proteanum	"Red Thistle"
Coreopsis gigantea (S)	"Giant Coreopsis"
Coreopsis maritima	"Sea Dahlia"
Delphinium cardinale	"Scarlet Larkspur"
Delphinium parryi	"Parry's Larkspur"
Dicentra formosa	"Western Bleeding Heart"
Diplacus longiflorus	"Bush Monkey-Flower"
Diplacus puniceus	"Red Bush Monkey-Flower"
Diplacus hybrids	"Hybrid Monkey-Flower"
Dudleya sp. (S)	"Live-forever"
Echinocereus engelmannii (S)	"Hedgehog Cactus"
Epipactis gigantea	"Stream Orchid"
Erigeron glaucus	"Beach Aster"
Eriogonum crocatum	"Conejo Buckwheat"
Eriogonum fasciculatum 'Theodore 'Payne'	"Dwarf Buckwheat"
Eriogonum fasciculatum 'Warriner 'Lytle'	"Prostrate Buckwheat"
Eriogonum grande rubescens	"Red Buckwheat"
Eriogonum parvifolium	"Coast Buckwheat"
Eriogonum parvifolium paynei	"Santa Paula Buckwheat"
Eriogonum umbellatum	"Sulphur Buckwheat"
Eriophyllum confertiflorum	"Golden Yarrow"
Eriophyllum nevinii (FR)	"Catalina Dusty Miller"
Erysimum capitatum	"Orange Wallflower"
Erysimum concinnum	"Fragrant Wallflower"
Euphorbia misera (S)	"Golden Spurge"
Ferocactus acanthodes (S)	"California Barrel Cactus"
Ferocactus viridescens (S)	"San Diego Barrel Cactus"
Fouquieria splendens (S)	"Ocotillo"
Fragaria californica	"Wood Strawberry"
Fragaria chiloensis	"Beach Strawberry"
Grindelia stricta venulosa	"Coastal Wild Gum"
Helianthemum scoparium	"Rock Rose"

Ex. 11
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Heuchera sp.	"Alum Root"
Iris douglasiana	"Douglas Iris"
Iris hybrids	"Pacific Coast Hybrid Iris"
Isomeris arborea (FR)	"Bladderpod"
Iva hayesiana	"Iva"
Juncus oxymersis	"Rush"
Juncus patens	"Rush"
Lavatera assurgentiflora (FR)	"Malva Rose"
Lavatera 'Purissima' (FR)	"Hybrid Tree Mallow"
Leptodactylon californicum	"Prickly Phlox"
Lewisia cotyledon	"Cliff Maidens"
Linum lewisii	"Blue Flax"
Lobelia dunnii serrata	"Trailing Lobelia"
Lonicera hispidula	"Pink Honeysuckle"
Lupinus sp.	"Lupines"
Mahonia repens	"Creeping Barberry"
Mimulus cardinalis	"Scarlet Monkey-flower"
Mimulus guttatus	"Yellow Stream Monkey-flower"
Monardella macrantha	"Scarlet Pennyroyal"
Monardella odoratissima	"Coyote Mint"
Nolina sp. (S)	"Nolina"
Oenothera deltoides	"Dune Primrose"
Opuntia basilaris (S)	"Beavertail Cactus"
Penstemon azureus angustissimus	"Azure Penstemon"
Penstemon bridgesii	"Mountain Bugler"
Penstemon centranthifolius	"Scarlet Bugler"
Penstemon cordifolius	"Heart-leaf Penstemon"
Penstemon heterophyllus	"Foothill Penstemon"
Penstemon labrosus	"Rabbit Ears"
Penstemon parvulus	
Penstemon spectabilis	"Showy Penstemon"
Perityle incana (FR)	"Guadalupe Island Rock Daisy"
Polystichum munitum	"Western Sword Fern"
Pteridium aquilinum	"Bracken Fern"
Ranunculus californica	"Buttercup"
Rhus trilobata	"Squaw Bush"

EX. 11
4/5

Ribes viburnifolium	"Evergreen Currant"
Romneya coulteri (FR)	"Matilija Poppy"
Rosa nutkana (FR)	"Nootka Rose"
Rosa woodsii ultramontana (FR)	"Wild Rose"
Salvia sonomensis	"Creeping Sage"
Salvia spathacea	"Hummingbird Sage"
Salvia 'Dara's Choice'	
Salvia mellifera 'Pt. Mugu'	"Dwarf Black Sage"
Salvia mellifera 'Terra Seca'	"Prostrate Black Sage"
Satureja chandleri	"Mountain Savory"
Satureja douglasii	"Yerba Buena"
Scutellaria austinae	"Austin's Skullcap"
Sedum purdyi (S)	"Stonecrop"
Sidalcea malvaeflora sparsifolia	"Checkerbloom"
Silene laciniata major	"Indian Pink"
Silene verecunda	"Campion"
Sisyrinchium bellum	"Blue-eyed Grass"
Sisyrinchium californicum	"Golden-eyed Grass"
Sisyrinchium elmeri 'Lilian'	
Solanum wallacei wallacei (S)	"Catalina Island Nightshade"
Solanum xanti (S)	"Purple Nightshade"
Sphaeralcea ambigua	"Apricot Mallow"
Stanleya pinnata	"Prince's Plume"
Symphoricarpos mollis	"Trailing Snowberry"
Thalictrum sp.	"Meadow Rue"
Tolmiea menziesii	"Piggyback Plant"
Vaccinium ovatum	"Evergreen Huckleberry"
Viguiera deltoidea	"Parish Viguiera"
Yucca sp. (S)	
Zauschneria sp.	"California Fuchsia"

This list compiled by The Theodore Payne Foundation for Wild Flowers and Native Plants, Inc., a non-profit foundation. For further information, contact us at (818) 768-1802.

Ex. 11
5/5

CSL ENGINEERING, INC.

CIVIL ENGINEERING

SURVEYING

LAND PLANNING

October 30, 2001

RECEIVED
South Coast Region

VIA MAIL

Curt Ensign
3415 Ocean Boulevard
Corona Del Mar, CA 92625

NOV 6 2001

CALIFORNIA
COASTAL COMMISSION

Attention: Curt Ensign

Regarding: Property at 3415 Ocean Blvd., Corona Del Mar, CA 92625

Pursuant to your request we have visited your home and inspected the drainage patterns adjacent to your home. After reviewing the inlet on the alleyway west of your front door, the existing erosion along the westerly sideyard of your home, and the outlet structure at the edge of the sand on the beach southerly and below your home, we have made the following conclusions:

1. In the event of a failure at the outlet, quick access is essential. It is necessary that you maintain your ability to get quick access to the outlet structure in the event of a stoppage of flows exiting the pipe. To not be able to access the outlet could lead to continued flows down the westerly side of your home, (in the event of a restriction at the outlet), which is highly undesirable considering the grade of the ground as it drops to the beach.
2. You should consider placing a combination concrete walkway/valley gutter along the westerly side of your home. There is evidence of erosion occurring at this location now. Whether this erosion is occurring from the failure of the inlet above to catch all flows, or just the nuisance water from irrigation or regular hose usage, it might be advisable to provide a permanent surface along the westerly side of your home to remove the potential for continued erosion.
3. While we note we are not soils engineers, it appears to us that the landscaping provided between your home and the sand should act as excellent protection for potential erosion on the slope. It is important therefore that you continue to maintain this landscaping in a healthy manner.
4. The inlet on the alleyway west of your front entry should be maintained on a regular basis. The small size of the inlet lends itself toward possible failure. Care should be taken to make sure both the inlet and the outlet on this small storm drain are kept free of obstructions.

To conclude, the continued maintenance to both the drain and the slope are essential to the stability and continued enjoyment of your property.

If you have any questions or comments please do not hesitate to call.

Sincerely,
CSL Engineering, Inc.

Richard A. Scianni

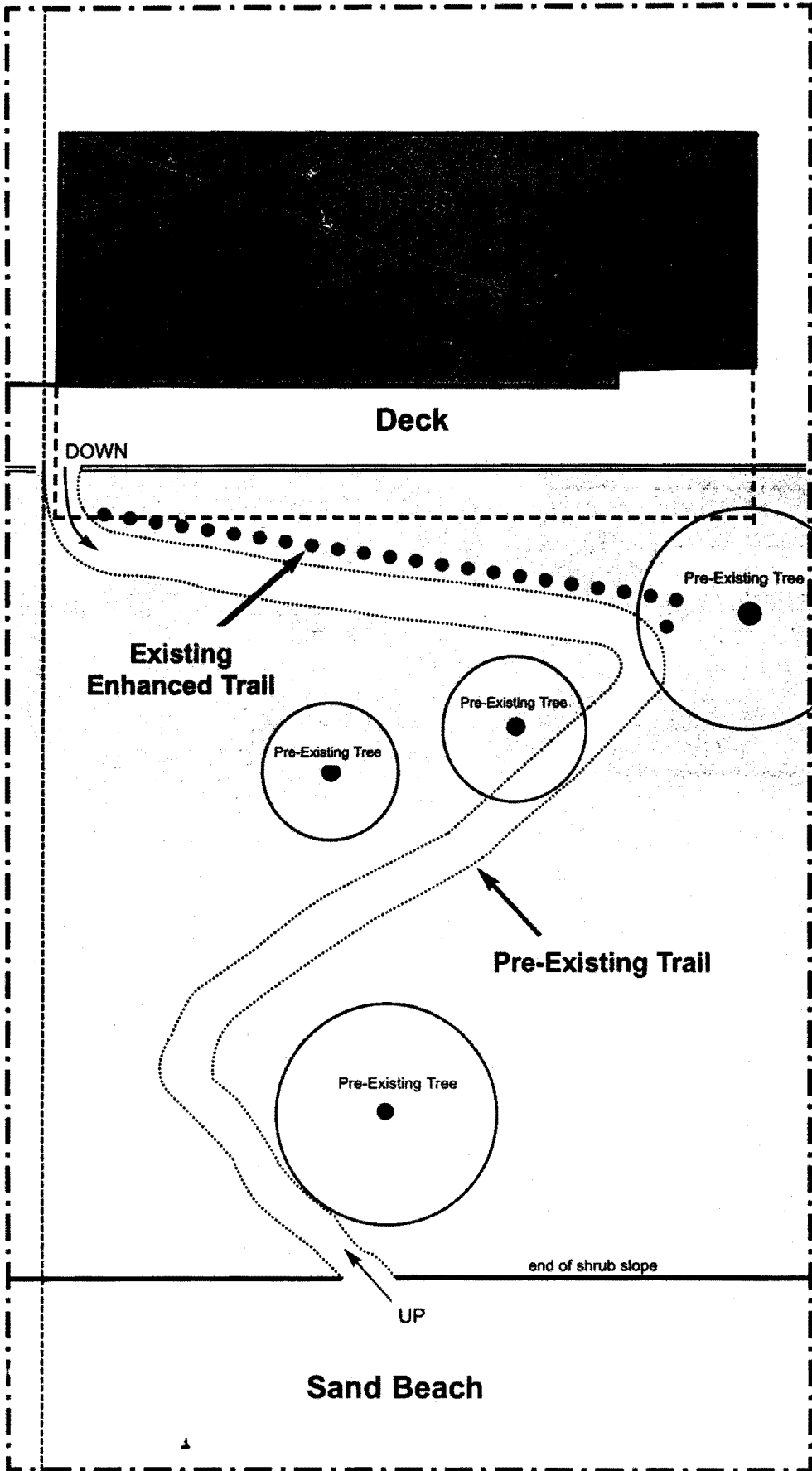
Richard A. Scianni, RCE 25917
President

RAS: ml



COASTAL COMMISSIO

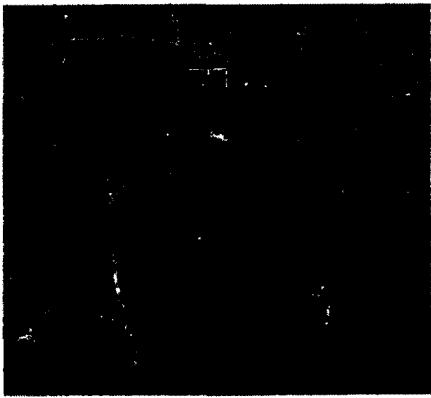
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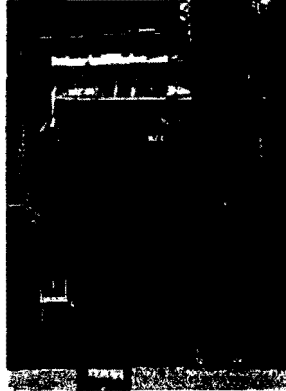
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PRE-TRAIL ENHANCEMENT

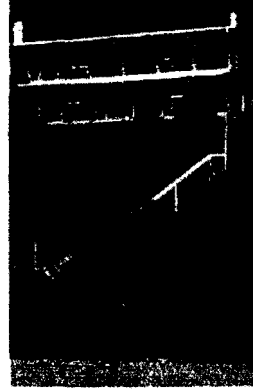
Our Neighbors



3207 Ocean



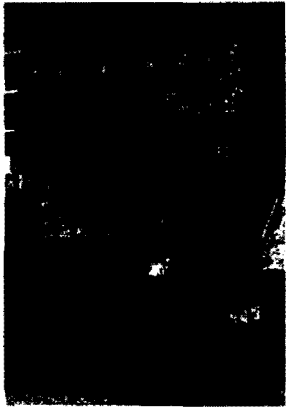
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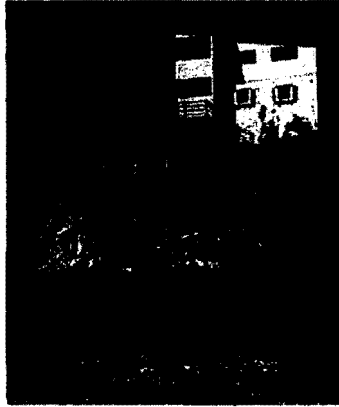
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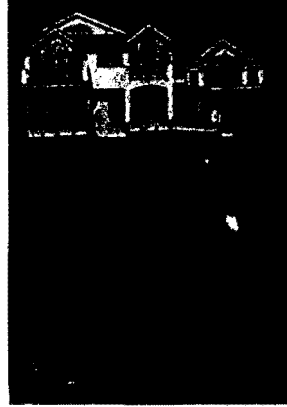
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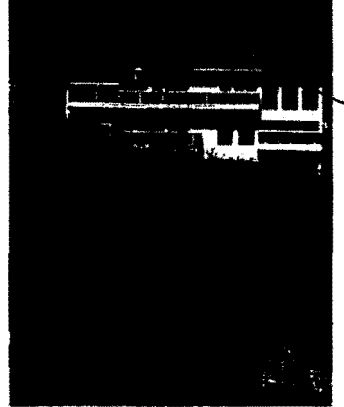
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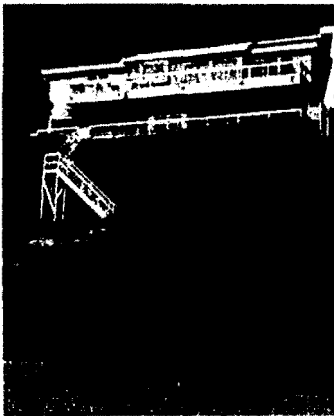
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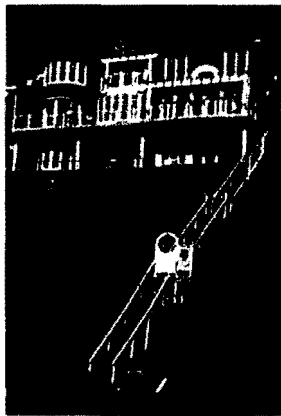
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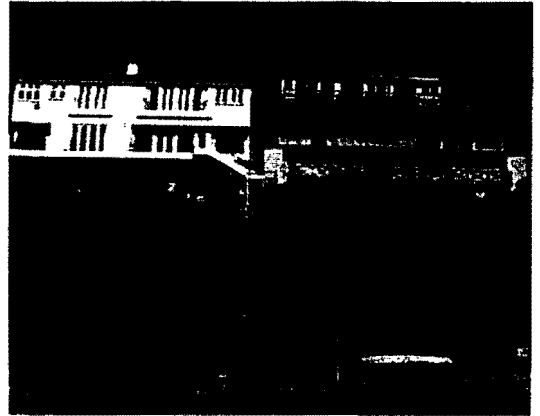
3329 Ocean



3335 Ocean



3401 Ocean



3425 & 3431 Ocean

There are 13 homes that occupy the bluff above Corona Del Mar State Beach.
All 12 of our neighbors have a stairway to the toe of their slope

COASTAL COMMISSION

5-01-112

EXHIBIT # 14

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