

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
10000 Oceanside, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

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Staff: ALB-LB *ALB*
Staff Report: July 18, 2002
Hearing Date: August 6-9, 2002
Commission Action: Approved

STAFF REPORT: REVISED FINDINGS

APPLICATION NO.: 5-01-112
APPLICANT: Curt Ensign
AGENT: David Neish
PROJECT LOCATION: 3415 Ocean Blvd., Newport Beach, Orange County
PROJECT DESCRIPTION: Request for after-the-fact approval to construct a switchback bluff face walkway with keystone-type earth retention blocks, landscaping and irrigation on a beachfront lot adjacent to Corona del Mar State Beach.

DATE OF COMMISSION ACTION: February 6, 2002

COMMISSIONERS ON PREVAILING SIDE: Commissioners Dettloff, Estolano, Hart, Kruer, McClain-Hill, McCoy, Orr, Potter, Reilly, Woolley and Chairman Wan.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action of February 6, 2002 approving the construction of a switchback bluff face walkway with keystone-type earth retention blocks, landscaping and irrigation on a beachfront lot adjacent to Corona del Mar State Beach. The major issues of the staff report include landform alteration, scenic resources, community character and impacts to public access.

In their approval of the project, some Commissioners acknowledged that a formal walkway could have been in existence prior to passage of the Coastal Act, as asserted by the applicant. However, others disagreed, and that was not the basis for approval of the project in this instance. The Commission found that the proposed walkway, as conditioned, does not present an adverse visual impact because it follows the natural topography of the bluff, is effectively screened with vegetation and is consistent with the character of the surrounding area. These revised findings are contained in the Hazards and Scenic Resources sections, which begin on page 9 of the current staff report.

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:

The staff recommends that the Commission adopt the following motion and resolution:

MOTION: *"I move that the Commission adopt the revised findings in support of the Commission's action of February 6, 2002 in approving Coastal Development Permit 5-01-112 with conditions."*

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the February 6, 2002 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below concerning application # 5-01-112 on the ground that the findings support the Commission's decision made on February 6, 2002, and accurately reflect the reasons for it.

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 on which the Commission voted on the application. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

SPECIAL CONDITIONS:

1. **Offer of Dedication**
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and in order to implement the applicant's proposal, the applicant shall submit to the Executive Director for review and approval evidence that the applicant has recorded an irrevocable offer to dedicate (OTD) a 1528 square foot easement for public lateral access at the base of the bluff in accordance with the terms of the project description as proposed by the applicant and depicted in Exhibit 4 of the staff report dated January 17, 2002.
 - B. Any future development that is proposed to be located either in whole or in part within the area described in the recorded offer of dedication shall require a Commission amendment, approved pursuant to the provisions of 14 CCR § 13166, to this permit. The requirement shall be reflected in the provision of the recorded offer.
2. **Submittal of Revised Project Plans**
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of revised project plans which demonstrate the following:

- 1) The outer railing on the lower portion of the stairway shall be relocated to the inner side of the stairway, and
- 2) The relocated railing on the inner portion of the stairway shall be colored in a subordinate and complimentary manner and screened with vegetation to minimize its visibility from the beach. All landscaping shall be carried out in conformance with Special Condition 3.

B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Submittal of Landscaping and Irrigation Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, in a form and content acceptable to the Executive Director, two (2) sets of a landscaping and irrigation plan prepared by an appropriately licensed professional which demonstrates the following:
- (a) The subject site shall be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping on the bluff face shall consist of drought-tolerant native plant species (to the maximum extent possible) and non-invasive plant species;
 - (b) Revegetation of the bluff slope shall be phased over a two (2) year period from date of permit issuance to minimize potential erosion;
 - (c) The existing above-ground irrigation system on the bluff slope shall be removed three (3) years from the time of planting completion. The applicant shall notify the Executive Director when planting has been completed. No new irrigation system shall be placed on, or installed in, the bluff face; and
 - (d) All ice plant shall be removed from the public access easement area referenced in Special Condition 1 of this permit. The area shall be restored as a sandy beach and maintained free of vegetation in perpetuity.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
- C. Five (5) years from the date of issuance of Coastal Development Permit No. 5-01-112, the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed landscape architect or qualified resource specialist that certifies the on-site

landscaping is in conformance with the landscape plan approved pursuant to this special condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

4. Submittal of Drainage and Runoff Control Plan

- A. The applicant shall submit two (2) sets of a drainage and runoff control plan prepared by an appropriately licensed professional which demonstrates the following:
 - (a) Runoff from all roofs, decks, driveways and other impervious surfaces on the site shall be collected and discharged via pipe or other non-erosive conveyance to the frontage street;
 - (b) Runoff from impervious surfaces shall not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the beach below;
 - (c) The functionality of the approved drainage and runoff control plan shall be maintained throughout the life of the development.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Future Improvements/Stairway Expansion or Alteration

This coastal development permit (5-01-112) is only for the development, located at 3415 Ocean Avenue, Corona del Mar, County of Orange, as expressly described and conditioned herein. Any future improvements or development as defined in Section 30106 of the Coastal Act, including an expansion or alteration of the existing bluff face stairway, shall require an amendment to this permit or a new coastal development permit from the Coastal Commission or its successor agency.

6. Condition Compliance

Within 180 days of Commission action on this coastal development permit 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 including the submittal of revised plans and recordation of the offer of dedication. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

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. Development at the subject site is 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. The project involves the construction of a switchback walkway traversing the length of the slope. According to the agent, the applicant formalized a previously existing walkway by constructing a switchback wood beam (railroad tie) stairway with 3' high railings along 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 walkway. 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 walkway follows the contours of the bluff. The agents provided a graphic depicting the applicant's description of the trail alignment prior to construction of the walkway (Exhibit 14). According to the applicant, the only deviation in layout between the existing and pre-coastal "trail" occurred near the rear patio of the house so that the walkway would be closer to the retention blocks for slope stability purposes.

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, pre-coastal precedent for stairways along this stretch of Ocean Boulevard and at this site in particular. These issues will be discussed in subsequent sections of the staff report.

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.)

4. 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, substantial structural development has been limited to the top of bluff in the project vicinity.

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. However, the stairway structure is slowing down the creep process until such time as a more formal, long-term solution is proposed. In addition, drainage improvements are proposed that will reduce the amount of infiltration that is occurring and contributing to the slope creep. Special Condition 4 requires the applicant to submit a Drainage and Runoff Control Plan demonstrating that runoff from all roofs, decks, driveways and other impervious surfaces on the site are collected and discharged via pipe or other non-erosive conveyance to the frontage street and that runoff from impervious surfaces are not be allowed to pond adjacent to the structure or sheet flow directly over the sloping surface to the beach below. Though not a final solution, the stairway and drainage improvements will temporarily serve to "minimize risks to life and property" and "assure stability and structural integrity."

Although the proposed improvements will provide a short-term solution to the geotechnical problems present at the site, the applicant may request further bluff face development (i.e. blufftop protective device) in the future as slope creep continues and site conditions worsen. However, no protective device is requested at this time. Pursuant to Special Condition 5, future development will be required to obtain an amendment to this permit or a separate permit. No expansion or alteration of the walkway will be allowed without Commission review and approval. The project, as conditioned, is consistent with Section 30253 of the Coastal Act in that it minimizes risks and assures 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 a 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, thereby adding to bluff stability.

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. Consequently, the Commission imposes Special Condition 3, which requires the subject site to be planted and maintained for slope stability and erosion control. To minimize the need for irrigation, landscaping on the bluff face shall consist of drought-tolerant native plant species (to the maximum extent possible) and non-invasive plant species. The condition requires that revegetation of the bluff slope be phased over a two (2) year period from date of permit issuance to minimize potential erosion. The existing above-ground irrigation system on the bluff slope shall be removed three (3) years from the time of planting completion. The applicant shall notify the Executive Director when planting has been completed. No new irrigation system shall be placed on, or installed in, the bluff face; and all ice plant shall be removed from the public access easement area at the base of the bluff. That area shall be restored as a sandy beach and maintained free of vegetation in perpetuity, as will be discussed in Section D of the current staff report.

The revised landscaping plan may be designed such that the area around the residence at the top of bluff is planted with the most fire resistant plant species, as described in Exhibit 11.

Conclusion

As conditioned for submittal of a revised drainage and runoff control plan, landscape plan and future development limitations, the Commission finds the bluff face walkway,

landscaping and irrigation system consistent with Section 30253 of the Coastal Act, which requires that risks be minimized and geologic stability be assured.

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 pre-coastal 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 a walkway along the face of 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 walkway. 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.

Due to the minimal grading, sensitive design and vegetative screening of the walkway, the Commission finds that the project minimizes alteration of natural landforms and will not 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 consistent 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 development to be sited to "minimize the alteration of natural land forms." The proposed project is 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.

Construction of the walkway reduces the rate of surficial erosion and slope creep, thereby preventing the potential adverse visual impact that could result from slope failure. Additionally, only minimal grading was carried out for installation of the walkway. Thus, the proposed project is consistent 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 a natural bluff face or bluff edge 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. As designed, the walkway will limit surficial erosion and thus be consistent 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, as submitted, would result in a visible intensification of use of the site as compared to an 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. If modified for removal of the visible railing portion and revegetation with native plants, the walkway will appear natural from the adjacent beach, thereby conforming to the character of the surrounding area.

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 know 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. Substantial new development and intensification of uses along the bluff face will adversely impact the subject area, inconsistent with Sections 30251 and 30253 of the Coastal Act. In this case, however, the stairway follows the topography of the slope and is effectively screened with vegetation. If modified to incorporate revegetation with primarily native plants (rather than ornamental plants) and relocation of the railing located along the bottom segment of the walkway, the appearance of the bluff will conform to the character of the area.

c. Cumulative Impacts

The majority of stairways along Ocean Boulevard are pre-coastal and are designed in a linear manner from top to bottom of the slope. Minimal planting has been provided to screen these stairways. Therefore, the stairways are extremely visible from public vantage points, such as the adjacent State beach.

There is a concern that the proposed project could set a precedent for future development to intensify residential development within 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. The Commission recognizes that the applicant asserts that the walkway was pre-coastal and therefore is not considered new construction on the bluff face. Additionally, the current walkway request is unique in that it follows a switchback pattern down the bluff face that is consistent with the natural topography and is effectively screened with vegetation. As a result, the walkway is less intrusive than others in the surrounding neighborhood and will not contribute to an adverse cumulative impact.

Nonetheless, the railing located along the bottom segment of the stairway is visible from the adjacent beach. In addition, the vegetation used to screen the stairway consists of predominantly non-native ornamental plant species, inconsistent with the desired natural appearance of the bluff in this area. To minimize the visual impact of the proposed walkway project, the Commission imposes Special Condition 2. Special Condition 2 requires the outer railing on the lower portion of the stairway to be relocated to the inner side of the stairway, colored in a subordinate and complimentary manner and screened with vegetation to minimize its visibility from the beach. All landscaping must be carried out in conformance with Special Condition 3, as discussed previously.

As conditioned, development at this site has been sited and designed to be visually compatible with the generally undisturbed, natural character of the surrounding area. Approval of the proposed project would not set a precedent for the construction of substantial improvements along the bluff face that would alter the natural land form, resulting in adverse visual impacts and seaward encroachment.

Conclusion

The Commission finds that the project, as conditioned, is sited and designed to protect scenic and visual qualities of the site as an area of public importance. The Commission finds that the proposed project does not result in alteration of the natural landform and is visually compatible with the character of the surrounding area. Therefore, the Commission finds that the proposed project is consistent with Section 30251 of the Coastal Act and with the City's LUP policy regarding coastal bluff sites.

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 and protection of coastal areas and oceanfront land suited for water-oriented and general recreational activities, respectively. 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 walkway with 3' high handrails, keystone block retaining walls, landscaping and irrigation. The walkway 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.)

While the requested walkway 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. In some case, the property owner may utilize the area adjacent to their stairway as a private beach. 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 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. To ensure that the public is provided the maximum opportunity to access and recreate at this section of the beach, the Commission imposes Special Condition 1. Special Condition 1 requires the applicant to record an irrevocable offer to dedicate (OTD) a 1528 square foot easement for public lateral access at the base of the bluff in accordance with the terms of the project description as proposed by the applicant and depicted in Exhibit 4 of the staff report dated January 17, 2002.

Therefore, the Commission finds the proposed project, as conditioned, consistent 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, as conditioned, is consistent with the policies in the City's certified LUP and as well as Chapter 3 policies of the Coastal Act discussed previously. Enhancing the potentially pre-coastal walkway on the coastal bluff would not result in any adverse impacts to the natural landform, the coastal scenic resources or public access, consistent 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 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). Therefore, the project, as conditioned, is found consistent with the policies in the City's certified LUP and the Chapter 3 policies of the Coastal Act.

F. Unpermitted Development

Development has occurred on site without benefit of the required coastal development permit, including construction of a switchback wood beam walkway 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. The applicant is requesting after-the-fact approval of all the above-described unpermitted development.

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. 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.

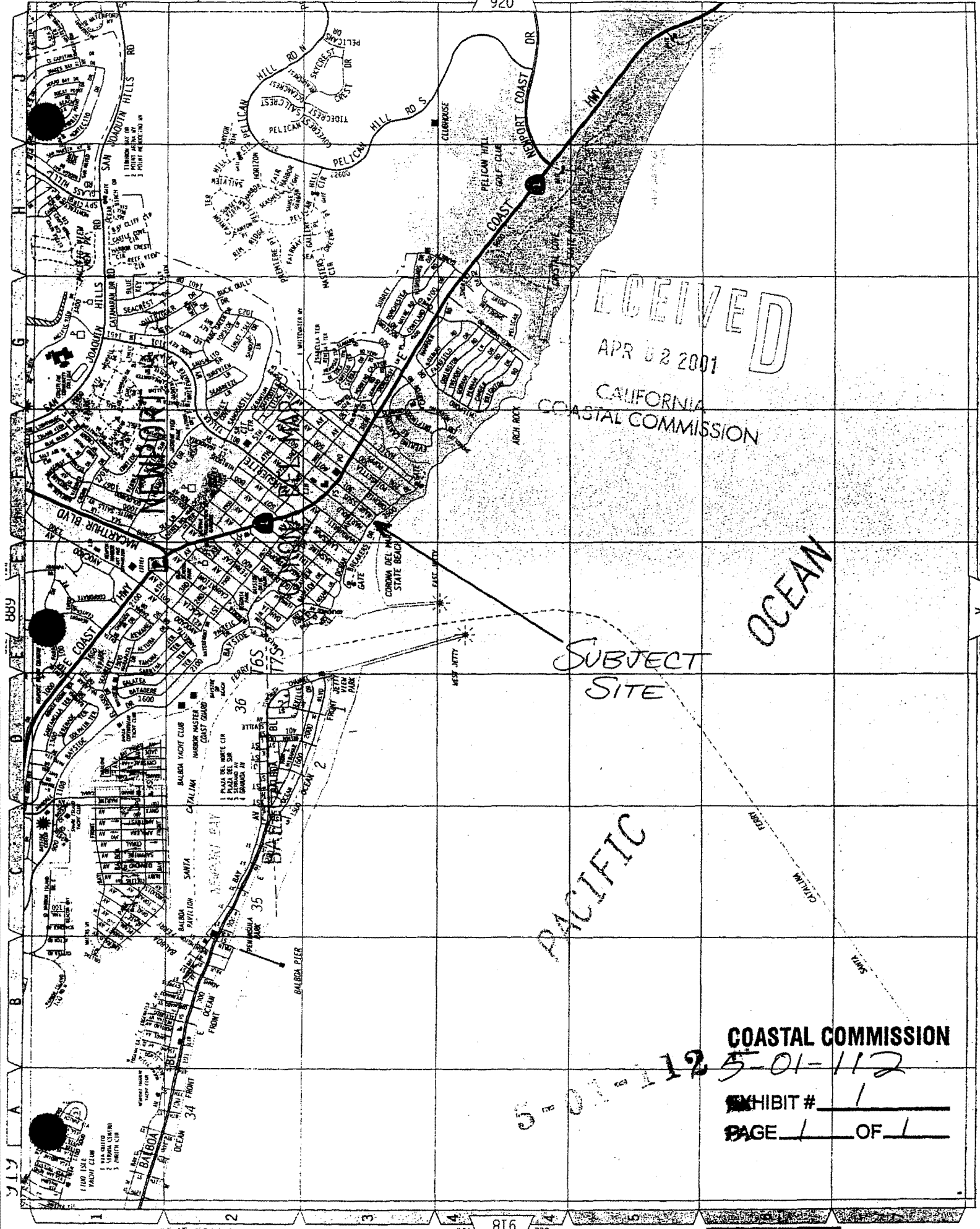
G. California Environmental Quality Act (CEQA)

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.

*5-01-112 (Ensign)
Staff Report Revised Findings
Page 18 of 18*

Mitigation measures, in the form of special conditions, are imposed which require 1) an offer of dedication of a public access easement; 2) submittal of revised plans showing removal or relocation of the lower railing; 3) submittal of a revised landscaping and irrigation plan, 4) submittal of a revised drainage and runoff control plan, 5) future improvement/expansion restrictions and 6) condition compliance within a timely manner. No further alternatives, or mitigation measures, beyond those imposed by this permit amendment, would substantially lessen any significant adverse impacts which the development would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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APR 02 2001

CALIFORNIA
COASTAL COMMISSION

SUBJECT
SITE

PACIFIC

OCEAN

COASTAL COMMISSION

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

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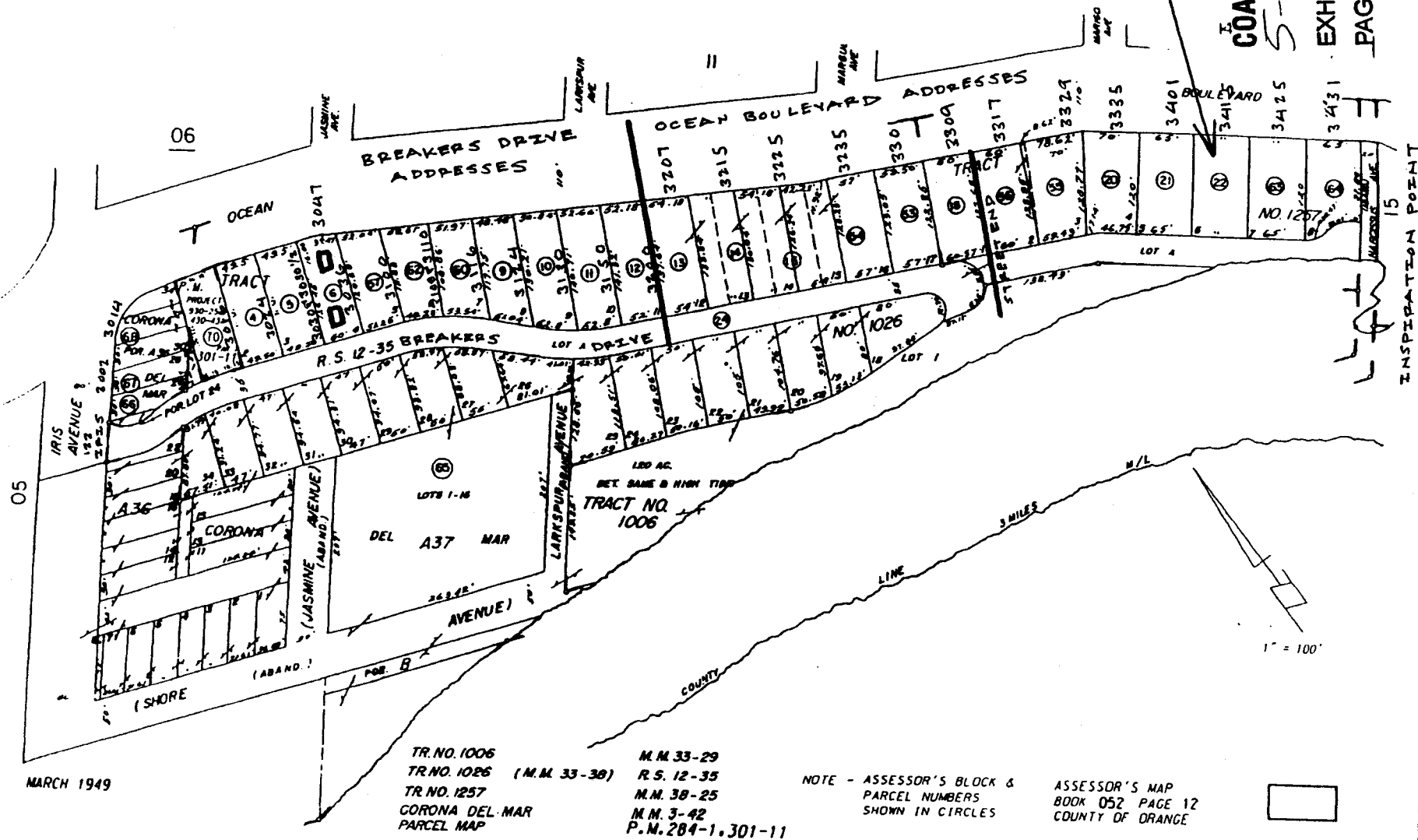
SUBJECT
SITE

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5-01-112

EXHIBIT # 2

PAGE 1 OF 1





JUN 6 2001

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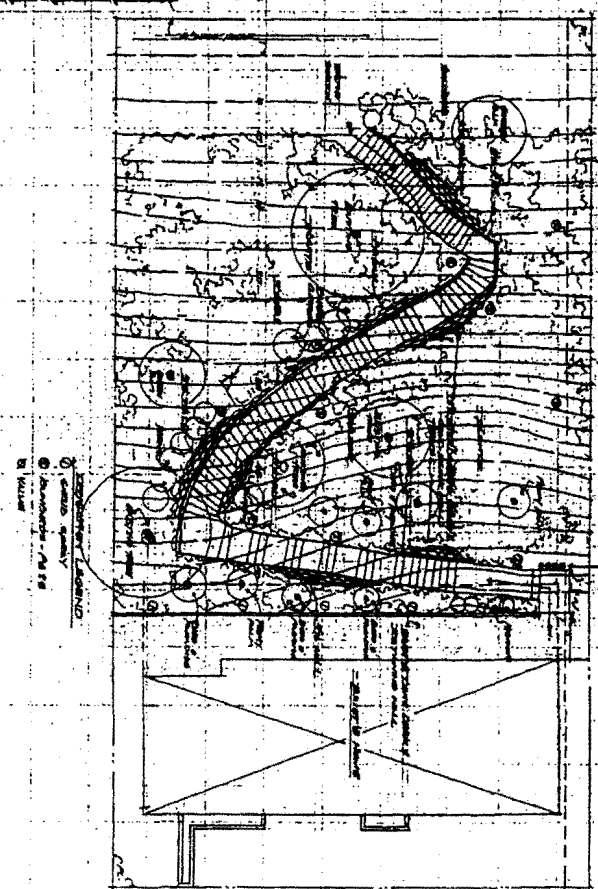
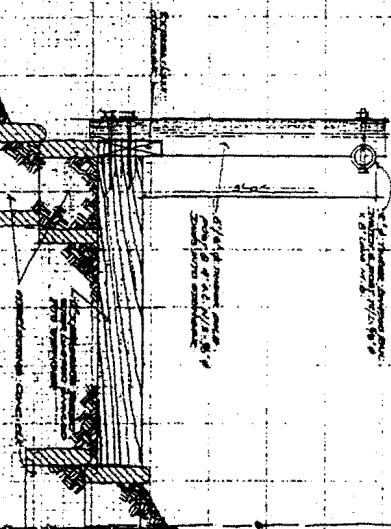
5-01-112

EXHIBIT #

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OF



① correct quantity
② duration - 1000
③ value

REMARKS.
1. please print names
2. initials, not numbers

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HILLSIDE TRAIL FOR
CURT W. ENSIGN RESIDENCE

1414 OCEAN BOULEVARD, CORONA DEL MAR, CALIFORNIA

[illegible]

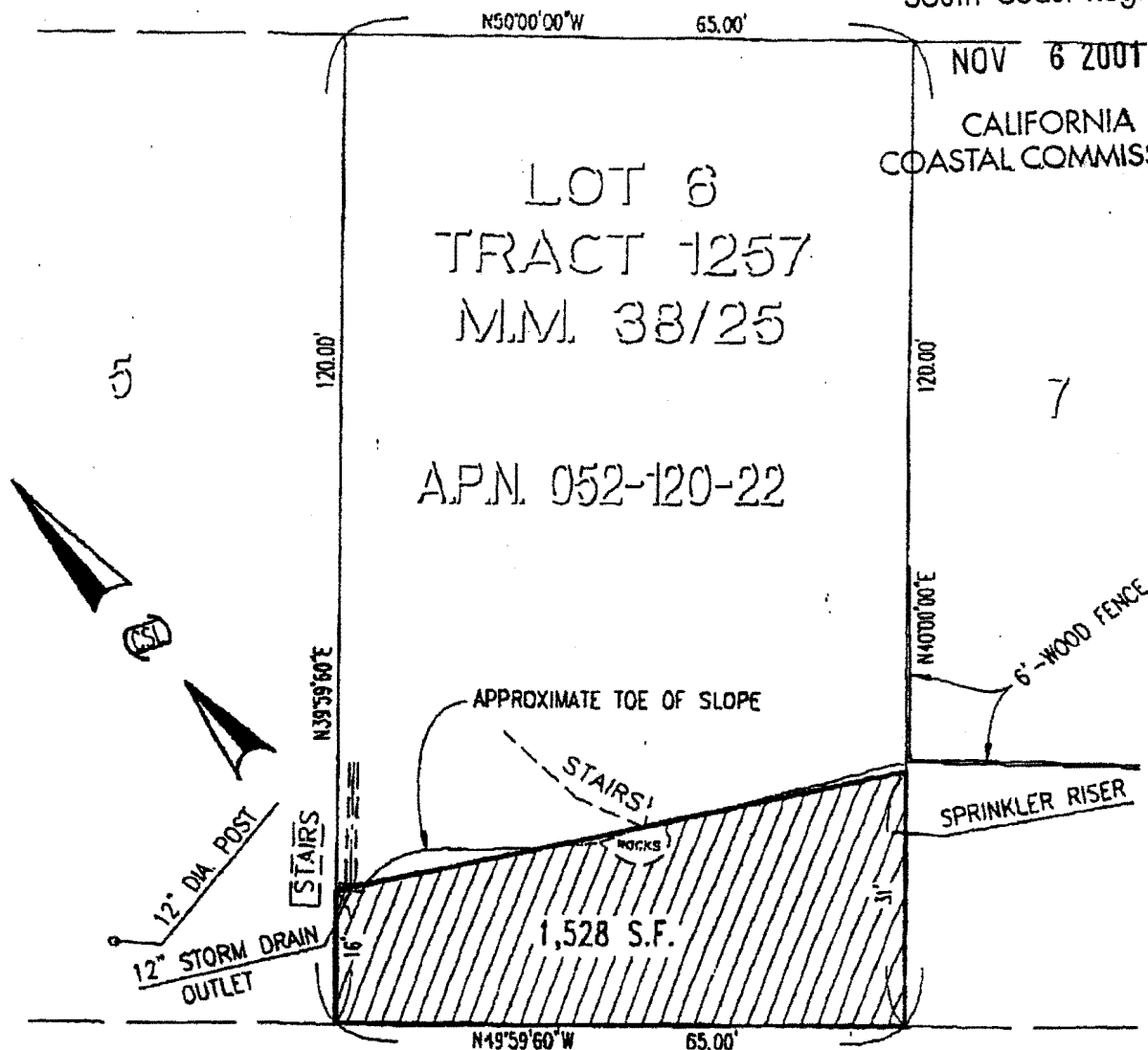
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South Coast Region

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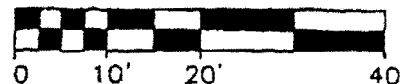
CALIFORNIA
COASTAL COMMISSION

LOT 6
TRACT 1257
M.M. 38/25

APN 052-120-22



SCALE: 1" = 20'



PROPERTY OWNER:
Curt Ensign
3415 Ocean Boulevard
Corona 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

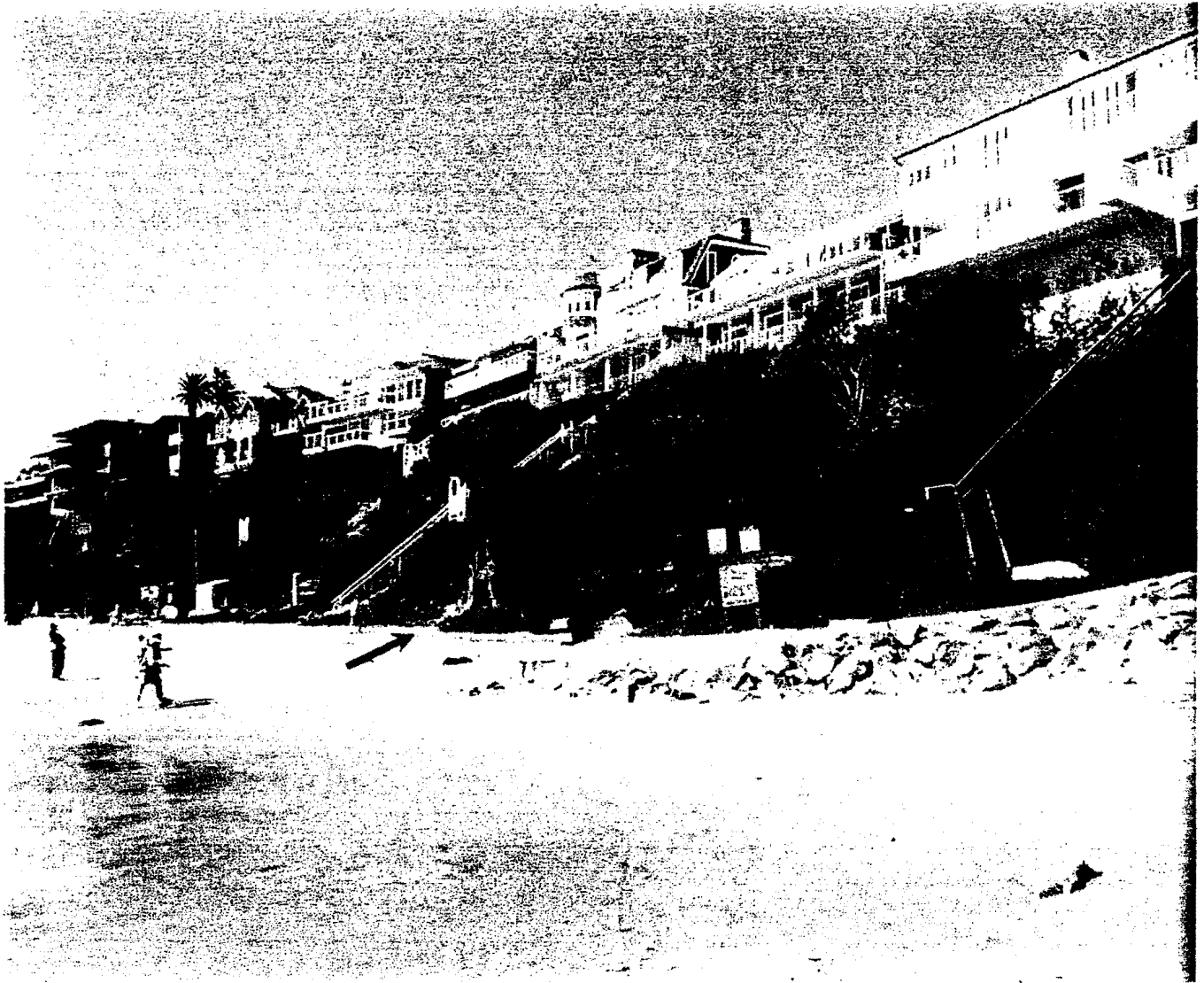
575/575 COASTAL COMMISSION

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.

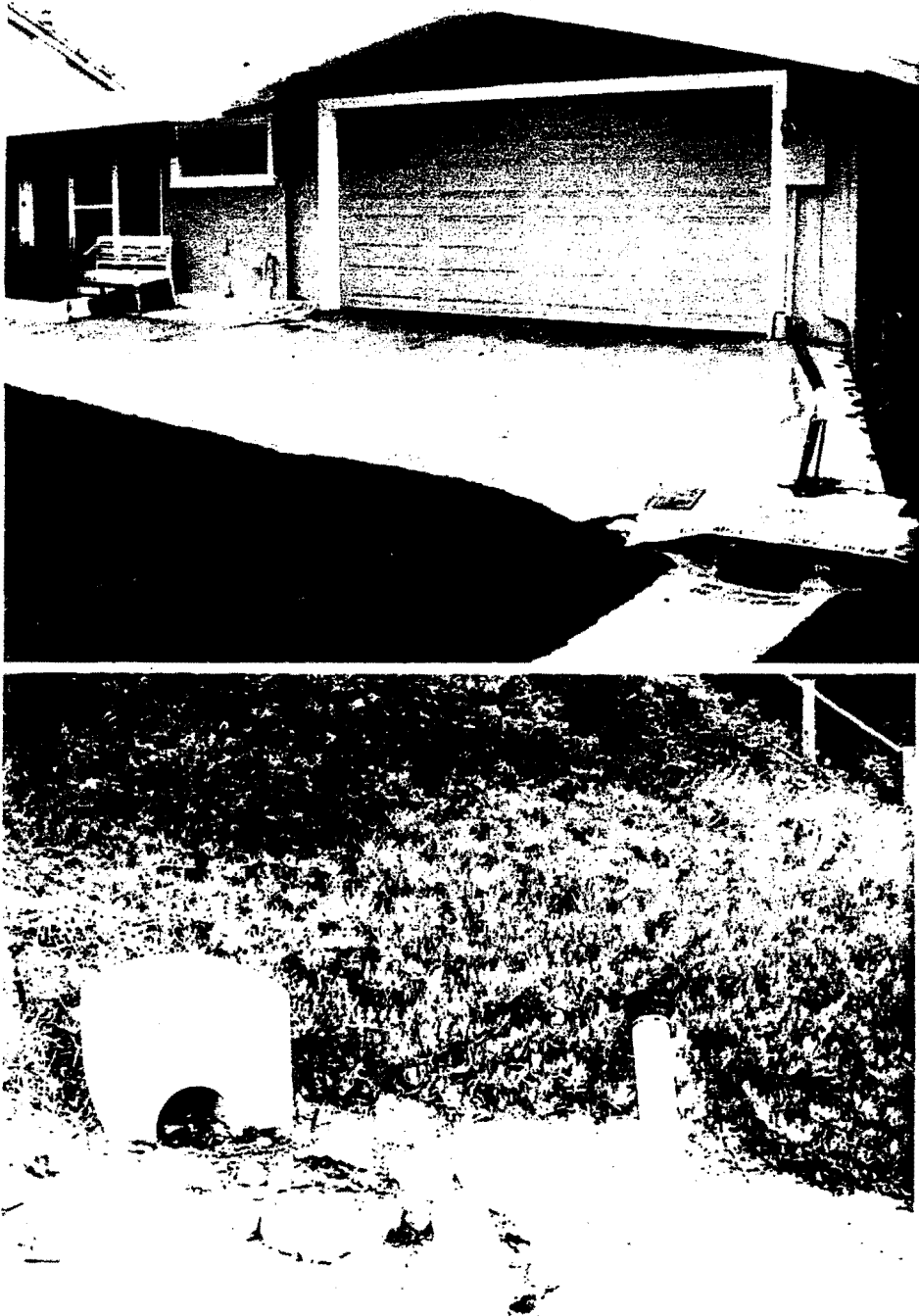
COASTAL COMMISSION

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
2/3

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 3115 OCEAN BLVD.

PERMIT No. 17362

BUILDER

WILTON MC KENZIE

VAL \$ 300.00

FEE \$ 2.00

LOT

BLOCK

SECTION

TRACT

1257

ZONE

FIRE DIST.

GROUP

Stairway from house to
beach below TYPEBuilding
Inspections

Insp.

O. K.
DateSub
Contractors

Permits

Date

No.

Trench — Steel

Frame

Masonry

Bond Beam Steel

Loth — Ex.

Loth — In.

FINAL

Plumbing

Ground

Rough

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Cert. of Occup.

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EXHIBIT #

PAGE 1 OF 1



COASTAL 5-01-

EXHIBIT #

PAGE 1



COSTA MESA • SAN DIEGO • TEMECULA • LOS ANGELES

5-01-112

RECEIVED
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

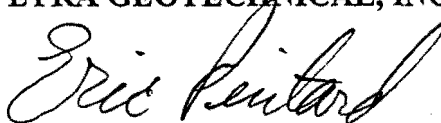
Conclusions

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.

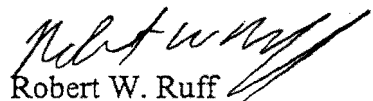
Respectfully submitted,

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



From: Mark Johnsson
Sent: Thursday, October 11, 2001 5:13 PM
To: Anne Kramer
Subject: Ensign ATF permit

This case is a bit problematic. There appears to be no question that the residence is subject to severe settlement problems. There are apparently a number of reasons for this:

- 1) The artificial fill on the site is moderately deep and was apparently not properly compacted
- 2) There is downslope creep of surficial soils, causing the loss of support for the patio and, ultimately, the foundation
- 3) A defective storm drain has caused further soil loss and downslope movement
- 4) Downslope creep is exacerbated by runoff going over the slope, due to improper grading of the pad and roof runoff, all of which is directed to flow over the slope
- 5) Irrigation of non-native vegetation is probably adding somewhat to downslope creep; on the other hand, the rootmasses of the larger trees and shrubs (not the iceplant) probably help reduce downslope creep.

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.

Mark Johnsson
Staff Geologist

P. Severinus

PAGE 1 OF 1

"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:

The following are my fire protection evaluations of your property:

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- 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
Adenostoma sparsifolium
Coraderia seloana
Artemisia californica
Eriogonum fasciculatum
Salvia mellifera

Chamise
Red Shank
Pampas Grass
Californica Sagebrush *
Common Buckwheat *
Black Sage *

* A typical Coastal Sage Scrub species

COASTAL COMMISSION

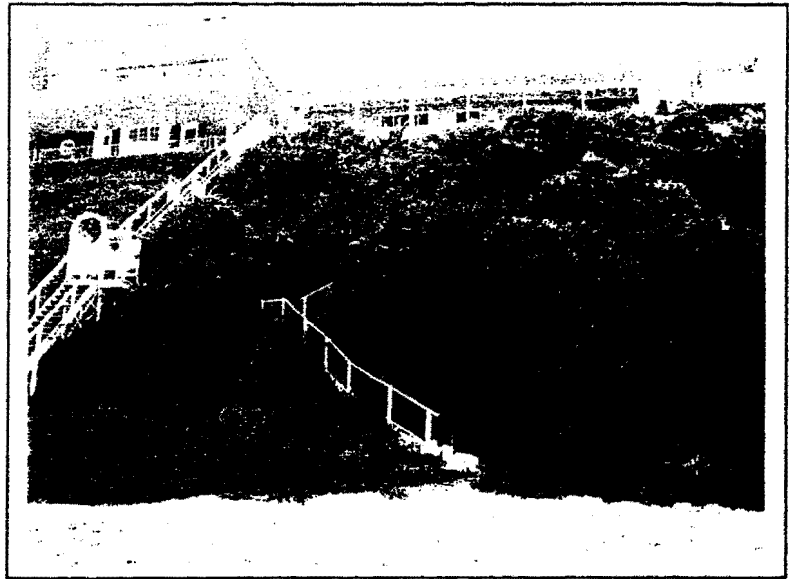
5-01-112

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 threaten 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 carried by the upslope winds to the residential roofs or decks attached to the houses.

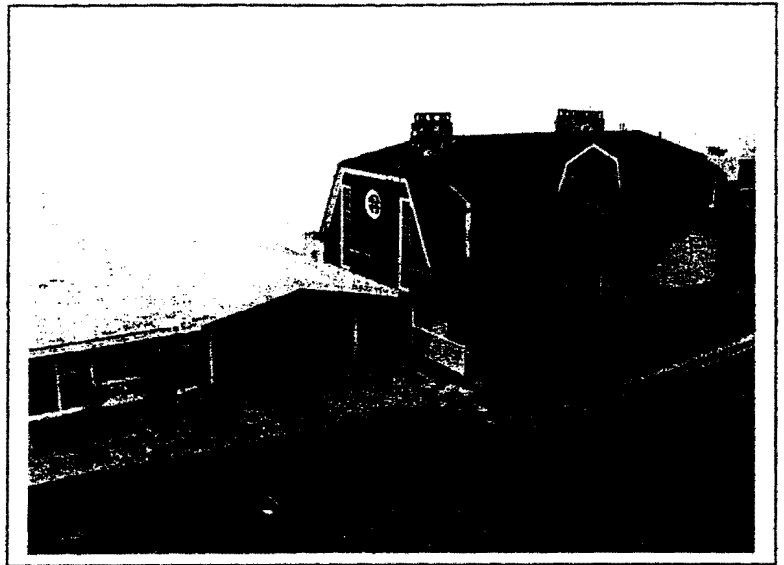


↑ Photo 2: Non-irrigated Dry Areas Within Neighboring Lots.

EX. 10
2/5

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.

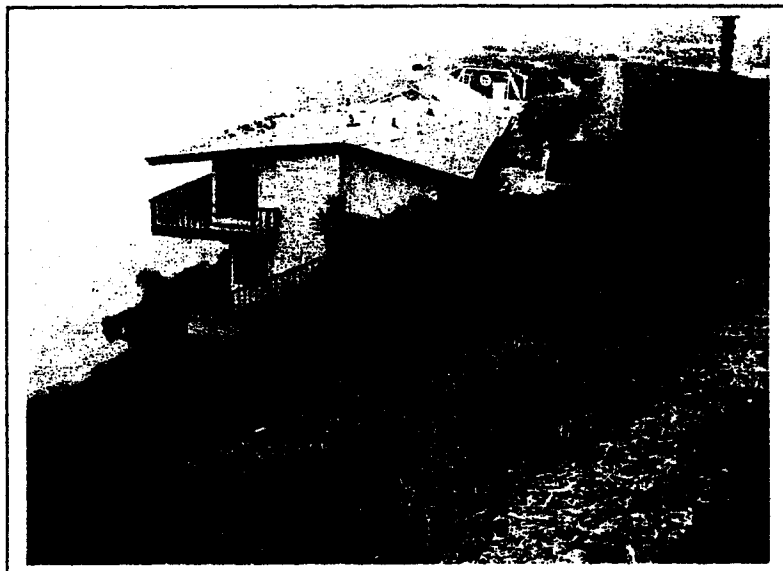
EX. 10
3/5

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 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

Fall'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* (sugarberry), *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 1900s Demonstration Garden, Mission Ridge Rd. at Starwood Dr. (across from Fire Station #7.)

EXHIBIT # 11
PAGE 1 OF 5

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"
Saccharis pilularis 'Twin Peaks'	"Dwarf Coyote Brush"
Beloperone californica (S)	"Chuparosa"
Camissonia cheiranthifolia suffruticosa	"Beach Suncups"

Ex. 11
2/5

Ceanothus hearstiorum
Ceanothus maritimus
Ceanothus griseus horizontalis
 'Yankee Point'
Cirsium proteanum
Coreopsis gigantea (S)
Coreopsis maritima
Delphinium cardinale
Delphinium parryi
Dicentra formosa
Diplacus longiflorus
Diplacus puniceus
Diplacus hybrids
Dudleya sp. (S)
Echinocereus engelmannii (S)
Epipactis gigantea
Erigeron glaucus
Eriogonum crocatum
Eriogonum fasciculatum 'Theodore
 'Payne'
Eriogonum fasciculatum 'Warriner
 'Lytle'
Eriogonum grande rubescens
Eriogonum parvifolium
Eriogonum parvifolium paynei
Eriogonum umbellatum
Eriophyllum confertiflorum
Eriophyllum nevinii (FR)
Erysimum capitatum
Erysimum concinnum
Euphorbia misera (S)
Ferocactus acanthodes (S)
Ferocactus viridescens (S)
Fouquieria splendens (S)
Fragaria californica
Fragaria chiloensis
Grindelia stricta venulosa
Helianthemum scoparium

"San Simeon Ceanothus"
"Maritime Ceanothus"
"Yankee Point California Lilac"
"Red Thistle"
"Giant Coreopsis"
"Sea Dahlia"
"Scarlet Larkspur"
"Parry's Larkspur"
"Western Bleeding Heart"
"Bush Monkey-Flower"
"Red Bush Monkey-Flower"
"Hybrid Monkey-Flower"
"Live-forever"
"Hedgehog Cactus"
"Stream Orchid"
"Beach Aster"
"Conejo Buckwheat"
"Dwarf Buckwheat"
"Prostrate Buckwheat"
"Red Buckwheat"
"Coast Buckwheat"
"Santa Paula Buckwheat"
"Sulphur Buckwheat"
"Golden Yarrow"
"Catalina Dusty Miller"
"Orange Wallflower"
"Fragrant Wallflower"
"Golden Spurge"
"California Barrel Cactus"
"San Diego Barrel Cactus"
"Ocotillo"
"Wood Strawberry"
"Beach Strawberry"
"Coastal Wild Gum"
"Rock Rose"

Ex. 11
3/5

Heuchera sp.
Iris douglasiana
Iris hybrids
Isomeris arborea (FR)
Iva hayesiana
Juncus oxymeris
Juncus patens
Lavatera assurgentiflora (FR)
Lavatera 'Purissima' (FR)
Leptodactylon californicum
Lewisia cotyledon
Linum lewisii
Lobelia dunnii serrata
Lonicera hispidula
Lupinus sp.
Mahonia repens
Mimulus cardinalis
Mimulus guttatus
Monardella macrantha
Monardella odoratissima
Nolina sp. (S)
Oenothera deltoides
Opuntia basilaris (S)
Penstemon azureus angustissimus
Penstemon bridgesii
Penstemon centranthifolius
Penstemon cordifolius
Penstemon heterophyllus
Penstemon labrosus
Penstemon parvulus
Penstemon spectabilis
Perityle incana (FR)
Polystichum munitum
Teridium aquilinum
Ranunculus californica
Rhus trilobata

"Alum Root"
"Douglas Iris"
"Pacific Coast Hybrid Iris"
"Bladderpod"
"Iva"
"Rush"
"Rush"
"Malva Rose"
"Hybrid Tree Mallow"
"Prickly Phlox"
"Cliff Maidens"
"Blue Flax"
"Trailing Lobelia"
"Pink Honeysuckle"
"Lupines"
"Creeping Barberry"
"Scarlet Monkey-flower"
"Yellow Stream Monkey-flower"
"Scarlet Pennyroyal"
"Coyote Mint"
"Nolina"
"Dune Primrose"
"Beavertail Cactus"
"Azure Penstemon"
"Mountain Bugler"
"Scarlet Bugler"
"Heart-leaf Penstemon"
"Foothill Penstemon"
"Rabbit Ears"

"Showy Penstemon"
"Guadalupe Island Rock Daisy"
"Western Sword Fern"
"Bracken Fern"
"Buttercup"
"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

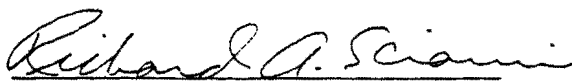
Pursuant to your request we have visited your home and inspected the drainage patterns adjacent to your home. After reviewing the inlet on the alleyway west of your front door, the existing erosion along the westerly sideyard of your home, and the outlet structure at the edge of the sand on the beach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

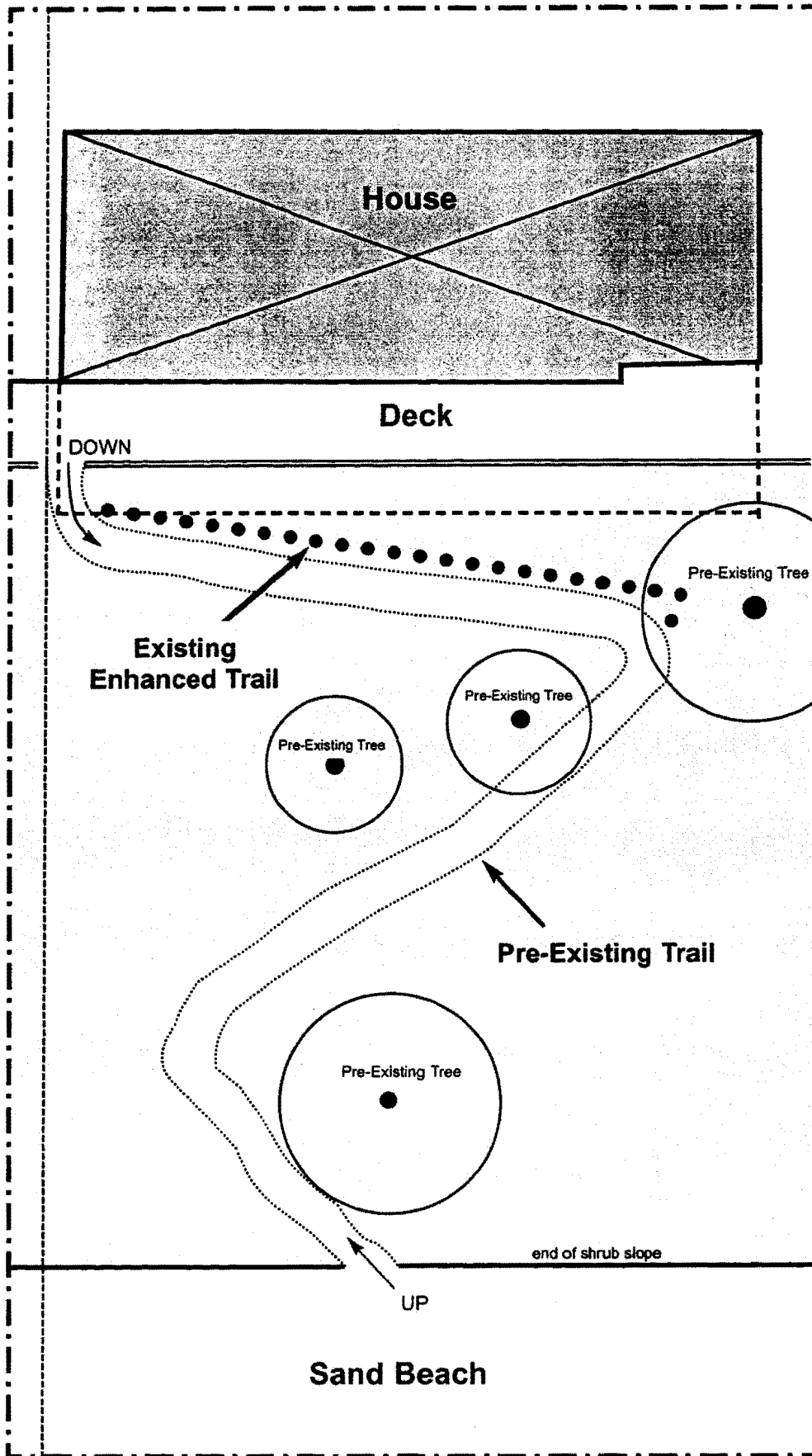

Richard A. Scianni, RCE 25917
President

RAS: ml



COASTAL COMMISSIO

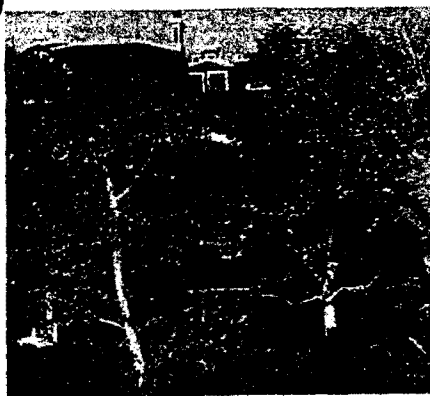
5-01-112
EXHIBIT # 12
PAGE 1 OF 1



COASTAL COMMISSION
5-01-112
EXHIBIT # 13
PAGE 1 OF 1

PRE-TRAIL ENHANCEMENT

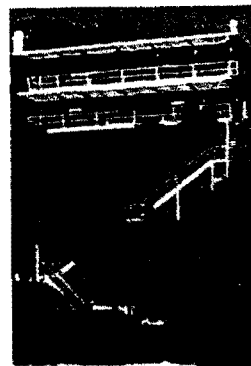
Our Neighbors



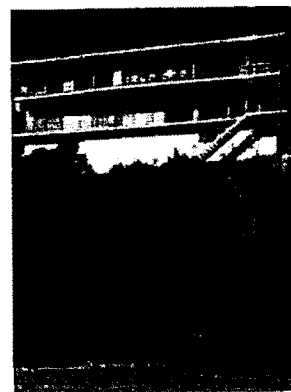
3207 Ocean



3215 Ocean



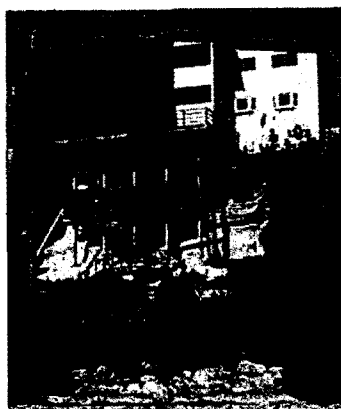
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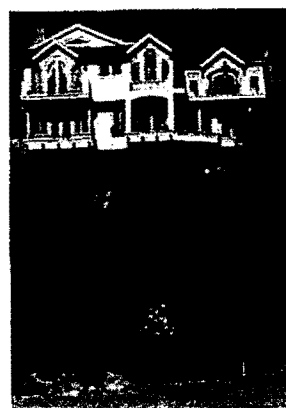
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3301 Ocean



3309 Ocean



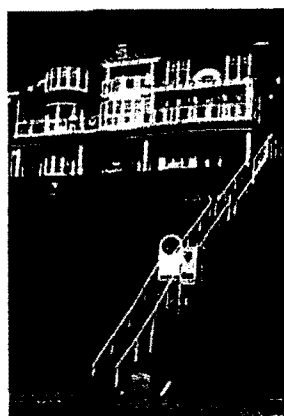
3317 Ocean



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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