

CALIFORNIA COASTAL COMMISSION

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Hearing Date: July 13-15, 2005
Commission Action:

**RECORD PACKET COPY****STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-04-282

APPLICANT: George and Sharlee McNamee

AGENT: Sherman Stacey

PROJECT LOCATION: 3329 Ocean Boulevard, City of Newport Beach (Corona Del Mar),
County of County

PROJECT DESCRIPTION: Request for after-the-fact approval of existing storage lockers; built-in barbeque and cabinets; counter with sink and cabinets; shower at stair base; thatched shade palapa with four posts; two concrete tables and benches—all located on a sandy beach and, on the bluff face, a shed with refrigerator storage and toilet and floral garden improvements.

SUMMARY OF STAFF RECOMMENDATION:

The subject site is located between the first public road and the sea in Corona Del Mar (Newport Beach) and is immediately inland of Corona Del Mar State Beach, which is a public beach. The project proposed requests for "after-the-fact" approval for significant development on the sandy beach, including a built in barbeque, cabinets, storage lockers and toilet facility, counter with sink and cabinets, shower at the stair base, thatched palapa with posts, concrete tables and benches, as well as a shed with refrigerator, storage and toilet facility on the lower bluff face/bluff toe. The primary issues before the Commission are whether the development preserves scenic resources, minimizes landform alteration and avoids development in hazard prone locations. Staff recommends that the Commission **DENY** the request.

As submitted, the proposed project is inconsistent with Sections 30251, 30240(b), and 30253 of the Coastal Act and the City of Newport Beach Land Use Plan (LUP) regarding development on coastal bluffs. The pattern of development along this segment of Ocean Boulevard consists of structures that are sited upon the upper bluff face, while the lower bluff face remains largely undisturbed and natural. With some exceptions, the overall appearance of the lower bluff face and beach in this area is natural and undeveloped. The exceptions include 1) lots where pre-coastal stairways traverse the bluff face and sandy beach, as with the proposed project; and 2) lots that have unpermitted development at the toe of the bluff and on the beach (including projects that are currently subject to a Commission cease and desist order, as with the proposed project, or are under investigation by the Commission's Enforcement staff). In certain cases, the Commission has approved a bluff face stairway, but only where it was demonstrated that a pre-coastal bluff access was present down the bluff face. In this case, staff had concluded that the existing bluff face stairway is pre-coastal and the adopted findings for Cease and Desist Order CCC-04-CD-02 support this conclusion. Thus, the applicant isn't seeking approval of that

stairway. However, the applicant is seeking after-the-fact approval of development on the sandy beach and lower bluff face/bluff toe. Along this segment of Ocean Boulevard, there is no history of Commission approval of development on the sandy beach (associated with a single-family residence). The toe of the bluff and sandy beach area are immediately inland of Corona Del Mar State Beach, which is a public beach. Thus, the development is highly visible from the public beach and other public vantage points, such as Inspiration Point. In addition, the proposed project is not needed for full use and enjoyment of the property as they have a substantial improvement in the form of a single-family dwelling on site.

Commission staff notes that there has been an increase in efforts to add amenities to existing single-family residences on the bluff or beach along this segment of Ocean Boulevard over the last several years. Denial of this project would be consistent with prior actions by the Commission where the Commission has prohibited significant encroachments upon the lower bluff face and beach. For instance, the Commission has denied proposals that included development upon the lower bluff face both up-coast and down-coast of this site (i.e. CDP No. 5-01-080-[Palermo] and CDP No. 5-01-191-[Tabak]). Where the Commission has approved development upon the lower bluff, development only consisted of stairways where it was demonstrated that pre-coastal access was present down the bluff face. No other development was permitted on the lower bluff face. It should be noted that the Commission has approved expanded development areas on the upper bluff face in Corona del Mar, but the Commission has established limit lines for these developments. For instance, in response to a recent revised proposal on the Tabak site (CDP No. 5-02-203-[Tabak]), the Commission restricted living space additions to the 48-foot bluff elevation contour, and accessory improvements were limited to the 33-foot elevation contour. However, the remainder of the lower bluff, below the 33-foot elevation contour, was required to remain undeveloped (except for a pre-Coastal Act bluff face stairway that is to be shared by a neighbor). Also, in a more recent proposal on the Halfacre site (CDP No. 5-03-100-[Halfacre]), the proposed new habitable space adhered to the 48-foot bluff elevation contour limit and, as conditioned, the proposed project also adhered to the 33-foot contour limit for accessory improvements. The development for which after-the-fact authorization is sought in this application significantly exceeds these previously defined limits, including significant development on the sandy beach.

Furthermore, an alternative to the proposed project exists. The existing house could be remodeled to provide some of the recreational amenities that are part of the current proposed project by the applicant. Such an alternative would be consistent with the existing pattern of development, would preserve the integrity of the coastal bluff and sandy beach and would avoid the seaward encroachment of development. Therefore, staff recommends that the application be **DENIED**, as it would have adverse impacts on the naturally appearing landform and a cumulative adverse impact on visual and public access coastal resources.

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Newport Beach only has a certified Land Use Plan. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified Land Use Plan may be used for guidance.

LOCAL APPROVALS RECEIVED: Approval in Concept (#1892-2004) from the City of Newport Beach Planning Department dated July 6, 2004.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan; CDP No. 5-01-199-[Butterfield], CDP No. 5-01-080-[Palermo], CDP No. 5-01-191-[Tabak], CDP No. 5-01-112-[Ensign], CDP No. 5-02-203-[Tabak], CDP No. 5-03-100-[Halfacre], Letter from Commission staff to Sherman L. Stacey dated August 4, 2004; Update Geotechnical Investigation For New Swimming Pool, Pool House, and Associated Improvements, 3317 Ocean Boulevard, Corona Del Mar (Project No/ 71483/Report No. 04-5364) prepared by Geofirm dated July 7, 2004—CDP# 5-04-339-[Palermo]; and Geotechnical Investigation for Proposed Additions at 3425 Ocean Boulevard, Corona Del Mar, California (W.O. 209002) prepared by Coast Geotechnical dated November 4, 2002, and a Letter from Coast Geotechnical to Architectural Design Solutions, Inc. dated October 29, 2003; Letter from Commission enforcement staff to Sherman L. Stacey dated August 12, 2004; Letter from Sherman L. Stacey to Commission staff dated September 17, 2005; *Biological Resources Survey-3329 Ocean Blvd., Corona Del Mar* dated September 10, 2004; *Wave-Runup & Coastal Hazard Study, 3329 Ocean Boulevard, Corona Del Mar, CA Prepared for George McNamee* prepared by Geosoils Inc. dated September 2004; Letter from Commission staff to Sherman L. Stacey dated October 15, 2004; Letter from Sherman L. Stacey to Commission staff dated November 17, 2004; Letter from Commission staff to Sherman L. Stacey dated December 17, 2004; and Letter from Sherman L. Stacey to Commission staff dated January 18, 2005.

EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Topographic Map
4. Site Plan
5. Site Photo/Photos of After-The-Fact Components
6. Project Plans
7. Aerial Photo of the Project Site and Surrounding Pattern of Development

STAFF RECOMMENDATION:

I. STAFF RECOMMENDATION OF DENIAL

Staff recommends that the Commission **DENY** the coastal development permit application by voting **NO** on the following motion and adopting the following resolution.

A. Motion

I move that the Commission approve Coastal Development Permit No. 5-04-282 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, PRIOR COMMISSION ACTION, AND SITE BACKGROUND, AND PRIOR COMMISSION ACTION IN SUBJECT AREA

1. Project Location

The proposed project is located at 3329 Ocean Boulevard in Corona Del Mar, City of Newport Beach, County of Orange (Exhibits #1-3). The subject property, immediately inland of Corona del Mar State Beach, contains a single-family residence on the bluff top portion of the lot, and a bluff face that descends down to the sandy beach with a pre-coastal stairway down the bluff. The unpermitted development, for which "after-the-fact" approval is requested, is located at the toe of the bluff face and on sandy beach portions of the subject property (Exhibit #4-5). To the north of the site, at the top of the bluff, is Ocean Boulevard. To the west and east are existing residential developments. To the south of the bluff, at the toe of the slope, are a privately owned sandy beach immediately fronting a normally 200-foot wide sandy public beach. The bluff face remains relatively undisturbed and natural, with the exception of an existing wooden stairway. The pattern of development along Ocean Boulevard primarily consists of structural development sited at the upper portion of the bluff face with minimal disturbance of the mid and lower bluff face and the toe of the bluff (Exhibit #7). Except for the structures the applicant is requesting approval of, the privately owned portion of the sandy beach at the toe of the bluff in this area is undeveloped.

2. Project Description

The project consists of a request for after-the-fact approval of storage lockers (9-feet (l) x 3-feet (w) x 4-feet (h)); built-in barbeque and cabinets (17-feet (l) x 5-feet (w) x 3-feet (h)); counter with sink and cabinets (7-feet (l) x 2-feet (w) x 3-feet (h)); shower at stair base; thatched shade palapa (13-feet (h)) with four posts; two concrete tables and benches—all located on a beach, and, on the bluff face, a shed with refrigerator, storage and toilet (12-feet (l) x 9-feet (w) x 8-feet (h)) and floral garden improvements. (Exhibits #4-6). Submittal of this application was allowed by Cease and Desist Order CCC-04-CD-02.

The applicant has stated that most of the improvements listed in the application had existed prior to 1972 and do not require a CDP, except for a portion of the storage lockers, the thatched shade palapa and the flower garden, which the applicant admits

were installed after the McNamee's purchased the property in 1978. However, the applicant failed to submit a claim of vested rights application, pursuant to the procedures that are required by the Commission's regulations, and has now applied for after-the-fact authorization for the placement of these improvements.

Moreover, the Commission already considered and rejected this assertion and found, in Order No. CCC-04-CD-02, that the proposed development is subject to the permit requirements of the Coastal Act. The record of those Order proceedings contains the evidence and findings for the Commission's determination. Since the Commission already made a determination on the issue, it is not before the Commission in this matter. We also note that the applicants filed a lawsuit challenging Order No. CCC-04-CD-02, which is still pending.

3. Prior Commission Action at the Subject Site

CDP No. 5-81-257-[McNamee]

The original single-family residence on the subject property was constructed in 1956, prior to the enactment of the Coastal Act, and so did not require a Coastal Development Permit (CDP). A wooden stairway down the bluff was constructed some time prior to February 1973, the effective date of the Coastal Act. Mr. McNamee purchased the property in 1978. At the October 1981 Commission Hearing, the Commission approved Coastal Development Permit Application No. 5-81-257-[McNamee] for the partial demolition of an existing two (2)-story single-family dwelling and remodel and addition resulting in a two (2)-story 2,445 square foot single-family dwelling with two (2) bedrooms, an attached two (2) car garage, a jacuzzi, and decking on a bluff top lot. **Three (3) Special Conditions** were imposed on the project: **1)** prior to issuance of permit, applicant shall submit revised plans showing no new development extending seaward of the existing deck on the upper level; **2)** prior to issuance of permit, applicants shall submit to the Executive Director a deed restriction for recording free of prior liens except for tax liens, that binds the applicant and any successors in interest; and **3)** prior to issuance of permit, applicant shall submit a statement from a registered geologist/engineer verifying that the plans conform to the recommendations made in the geology report. On October 6, 1981, the permit was issued. No other development on the subject property, including the above-referenced unpermitted development, was listed as part of the proposed project description of the application Mr. McNamee submitted for Coastal Development Permit No. 5-81-257, shown on the proposed or approved plans, or authorized by the Commission pursuant to its issuance of that permit.

Cease and Desist Order CCC-04-CD-02-[McNamee]

Commission staff first notified the applicant of the violation on the subject property in a letter dated March 13, 2001. When the violation could not be resolved informally, South Coast District staff subsequently referred Violation File No. V-5-00-050 regarding this matter to Headquarters enforcement staff and recommended initiation of formal enforcement proceedings. In a letter dated December 10, 2003, the Executive Director issued a Notice of Intent to commence Cease and Desist Order proceedings.

The Commission approved Cease and Desist Order CCC-04-CD-02 on May 13, 2004. In issuing the Order, the Commission determined that the unpermitted development on the

beach and base of the bluff was not present prior to February 1973 and therefore is subject to the permit requirements of the Coastal Act. The Order allows the applicants to submit a complete CDP application to retain some or all of the development, which they have done.

4. Prior Commission Action in Subject Area

a. 3425 Ocean Boulevard (Located down-coast from subject site): CDP No. 5-03-100-[Halfacre]

At the January 2005 Commission Hearing, the Commission approved Coastal Development Permit Application No. 5-03-100-[Halfacre] for the conversion and addition to an existing basement to living area, construction of a new basement-level deck, construction of a new sundeck on the bluff face that does not extend any further than the 33-foot contour line, a new stairway connection to an approved stairway leading down to the toe of the bluff located on the downcoast adjacent property (i.e. Tabak), removal and replacement of existing side yard and rear yard fences, and after-the-fact approval of two 2nd floor decks on the seaward side of the existing single-family residence. The primary issues before the Commission were the appropriateness of approving the project given the importance of preserving scenic resources, minimizing landform alteration and avoiding development in hazard prone locations. The Commission found that the proposed development, as conditioned, was consistent with the pattern of development in the immediate vicinity and the project would not have a cumulative adverse impact on visual coastal resources and would be consistent with the hazard policies of the Coastal Act. The proposed new habitable space adhered to the 48-foot bluff elevation contour limit established for CDP No. 5-02-203-[Tabak]. As conditioned, the proposed project also adhered to the 33-foot contour set by CDP No. 5-02-203-[Tabak] for accessory improvements. No other accessory improvements were allowed below the 33-foot elevation contour upon the lower bluff face or on the sandy beach.

b. 3431 Ocean Boulevard (Located down-coast from subject site): CDP No. 5-01-191-[Tabak] and CDP No. 5-02-203-[Tabak]

At the January 2002 Commission Hearing, the Commission denied Coastal Development Permit Application No. 5-01-191-[Tabak] for the demolition of an existing three (3) story single-family residence and construction of a new single-family residence. The proposed structure would have covered virtually the entire upper and lower bluff face areas. The primary issues of the proposed project were the appropriateness of approving the project given landform alteration, the importance of preserving scenic resources, the seaward encroachment of the development, the community character, and impacts to public access. In denying the proposed development, the Commission found that the project, as submitted, was primarily inconsistent with the Sections 30240, 30251 and 30253 of the Coastal Act and the City of Newport Beach Land Use Plan (LUP) regarding coastal bluff sites. The visual impact arguments made in the Commission's denial of the Tabak application are equally applicable in the subject application.

At the January 2003 Commission Hearing, the Commission approved Coastal Development Permit Application No. 5-02-203-[Tabak] for the demolition of an existing three (3) story single-family residence and construction of a new single-family residence and also demolition and replacement of existing wooden staircase to the beach. The proposed project had been reduced compared with a prior proposal. The Commission found that the proposed development was consistent with the pattern of development in the immediate vicinity and the project would not have a cumulative adverse impact on visual coastal resources. Under this proposal, living space additions were restricted to the 48-foot bluff elevation contour, and accessory improvements were limited to the 33-foot elevation contour. However, excepting the re-construction of a pre-coastal stairway confined to a narrow alignment that was proposed to be shared with the neighboring property (i.e. Halfacre), no other additions were allowed below the 33-foot elevation contour upon the lower bluff face or on the sandy beach.

c. 3415 Ocean Boulevard (Located down-coast from subject site): CDP No. 5-01-112-[Ensign]

At the February 2002 Commission Hearing, the Commission approved Coastal Development Permit No. 5-02-112-[Ensign] for the after-the-fact approval of a new switchback bluff face stairway with keystone-type earth retention blocks, landscaping and in-ground irrigation. The primary issues before the Commission were the appropriateness of approving the project given landform alteration, the importance of preserving scenic resources, community character and impacts to public access. As submitted, the proposed project raised issues with Sections 30240, 30251 and 30253 of the Coastal Act and the City of Newport Beach Land Use Plan (LUP) regarding development on coastal bluffs. The Commission found that the proposed stairway that may have followed a pre-Coastal Act pathway, as conditioned, does not present an adverse visual impact because it follows the natural topography of the bluff, was effectively screened with vegetation and was consistent with the character of the surrounding area. The development proposed in the subject application includes structures that are larger and more visually prominent than those elements approved by the Commission in the Ensign project. Furthermore, unlike the Ensign project, the proposed project includes significant development on the sandy beach located well seaward of any development approved on the Ensign project.

d. 3317 Ocean Boulevard (Located adjacent up-coast from subject site): CDP No. 5-01-080-[Palermo]

At the January 2002 Commission Hearing, the Commission denied Coastal Development Permit application No. 5-01-080-(Palermo) for the construction of a 864 square foot pool house, pool, spa and exercise room on the sandy beach and the lower portion of the bluff face. In addition, two (2) retaining walls were proposed. One was to be a 6-foot high wall located along the western perimeter of the swimming pool at the beach level and one was to be a 12-foot high wall at the rear of the pool house on the lower bluff face. These walls varied from approximately 6 to 12 feet in height. The primary issues raised by the proposed project were the appropriateness of approving the project given landform alteration, the importance of preserving scenic resources, the seaward

encroachment of the development, the community character, and impacts to public access. In denying the proposed development, the Commission found that the project, as submitted, was primarily inconsistent with the Sections 30240, 30251 and 30253 of the Coastal Act and the City of Newport Beach Land Use Plan (LUP) regarding coastal bluff sites. This project is similar to the proposed project in that it would have been significant development located on the lower bluff face and the sandy beach.

e. 3401 Ocean Boulevard (Located down-coast from subject site): CDP No. 5-01-199-[Butterfield]

At the December 2001 Commission Hearing, the Commission approved in part and denied in part Coastal Development Permit No. 5-01-199-[Butterfield] for the 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 pre-Coastal Act bluff face stairway. 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. The Commission found that the gate replacement and lattice enclosures on the previously permitted landing areas to be consistent with the scenic and visual resources policies of the Coastal Act, as they will not obstruct views to or along the shoreline and are in keeping with the pattern of development in the area and therefore is consistent with Section 30251 of the Coastal Act. However, the Commission found that the proposed sand pit cut-out would not minimize alteration of natural landforms, was not visually compatible with the character of surrounding development and would affect the scenic and visual qualities of the subject area. As such, the portion of the proposed project involving the establishment of a sand pit cut-out area was inconsistent with Section 30251 of the Coastal Act. The development proposed in the subject application includes structures that are larger and more visually prominent than those elements of the Butterfield project the Commission denied.

B. SCENIC RESOURCES

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

The proposed project is located along a coastal bluff face and sandy beach immediately inland of Corona Del Mar State Beach. Because of its location the project site is highly visible from public vantage points such as the beach (Corona Del Mar State Beach) and from elevated vantage points such as Inspiration Point. The pattern of development along this segment of Ocean Boulevard is such that structures are sited at the upper bluff face, while the lower bluff face and sandy beach remains largely undisturbed and natural (Exhibit #7). Although several lots have stairways traversing the bluff face, and some have permitted and unpermitted development at the toe of the bluff (either the subject of a cease and desist order issued by the Commission or

currently under investigation by the Commission's Enforcement staff), the overall appearance of the bluff in this area is natural and undeveloped. In certain cases, the Commission has approved a bluff face stairway, but only where it was demonstrated that a pre-coastal bluff access was present down the bluff face. In this case, staff has concluded that the existing bluff face stairway is pre-coastal and the adopted findings for Cease and Desist Order CCC-04-CD-02 support this conclusion. Thus, the applicant isn't seeking approval of that stairway. However, the applicant is seeking after-the-fact approval of development on the lower bluff face/bluff toe and sandy beach. Along this segment of Ocean Boulevard, there is no history of Commission approval of development on the sandy beach (associated with a single-family residence). In addition, the proposed project is not needed for full use and enjoyment of the property as they have a substantial improvement in the form of a single-family dwelling on site. Development at this site, if approved, must be sited and designed to be visually compatible with the 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, minimize the alteration of existing landforms, and limit the seaward encroachment of development. The proposed project, as submitted, is a significant, bulky new development encroaching seaward. This seaward encroachment also raises the concern over cumulative impacts if others propose to develop the coastal bluff face and sandy beach in a similar manner.

The proposed project would result in significant landform alteration of the sandy beach and the lower bluff face and thus would adversely affect public views of the natural/vegetated bluff and sandy beach from the adjacent public vantage points such as the beach (Corona Del Mar State Beach) and from elevated vantages such as Inspiration Point, and is inconsistent with the pattern of development in the subject area. Except for the pre-coastal stairway and unpermitted development that has occurred without a CDP, the lower bluff face on this site is largely undeveloped. The proposed development at the base of the bluff and the sandy beach would substantially alter the natural landform. The proposed development includes grading to set the shed into the toe of the bluff, cutting into the base of the bluff to the left of the stairway, and the removal of the previously existing bluff vegetation to the right of the stairway and replacement with non-native vegetation. In addition, the project includes grading for installation of a sewer line from the residence at the top of the bluff and continuing down the bluff to serve a bathroom and sink on the beach. Additionally, the placement of a significant amount of development (i.e. storage lockers, palapa, shower, bathroom, sink, etc) on the sandy beach is proposed in an area where there is no history of Commission approval of development on the sandy beach (associated with a single-family residence). This proposed development on the sandy beach is a very significant landform alteration and also results in considerable adverse impact to views. The views from the beach and Inspiration Point of the natural vegetated bluff and the beach at the project site would be marred by development located on the lower bluff face and on the beach. The Commission finds that the proposed project does not minimize alteration of natural landforms, is not visually compatible with the character of surrounding development and will adversely affect the scenic and visual qualities of the subject area. As such, the proposed project is inconsistent with Section 30251 of the Coastal Act as discussed below.

1. Landform Alteration

The Coastal Act also requires new development to be sited to "*protect views to and along the ocean and scenic coastal areas*" and "*minimize the alteration of natural land forms.*"

The proposed project is located along a lower bluff face and sandy beach. The existing bluff face and sandy beach are natural landforms visible from public vantage points such as the beach (Corona Del Mar State Beach) and Inspiration Point. Any alteration of this

landform would adversely affect the scenic views of the coastline when viewed from the State Beach and Inspiration Point. The proposed project significantly alters the appearance of the lower bluff face and beach. The unpermitted development at the base of the bluff and the sandy beach has substantially altered the natural landform. Setting of the shed, approximately 9 feet in width, into the toe of the bluff has resulted in unpermitted grading. Also, cutting into the base to the left of the pre-coastal stairway has altered the landform and additional alteration has occurred with the removal of the previously existing bluff vegetation to the right of the stairway and replacement with non-native vegetation. Furthermore, landform alteration has occurred with the installation of a sewer line that connects at the residence at the top of the bluff and continues down the bluff to service the non-permitted development bathroom and sinks. Additionally, the placement of non-permitted development on the sandy beach has resulted in alteration of the landform. Thus, the proposed project is inconsistent with Section 30251 of the Coastal Act.

The City's LUP policy regarding coastal bluffs 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.

Grading, cutting and filling are allowed only for the purpose of performing emergency repairs or for the installation of erosion-preventive devices to assure the stability of the bluffs. The proposed development is inconsistent with the LUP because it would alter the base of the bluff face where a shed and other development would be located. Neither of the exceptions in the LUP (emergency repairs and erosion-preventive devices) applies. The proposed project includes grading to set the shed into the toe of the bluff, cutting into the base of the bluff to the left of the stairway, and the removal of the previously existing bluff vegetation to the right of the stairway and replacement with non-native vegetation. In addition, the project includes grading for installation of a sewer line from the residence at the top of the bluff and continuing down the bluff to serve a bathroom and sinks. The proposed project would cause the alteration of natural landforms via grading and cutting and adverse impacts on the coastal scenic views of the area, thus violating the City's LUP policy on coastal bluff sites.

The applicant has suggested that the structures on the beach and base of the bluff could be painted a more natural color to blend in and make them less visible. However, this would not eliminate adverse visual impacts from placement of structures on the beach and base of the bluff, especially structures as bulky as those proposed herein. Moreover, the structures would still require significant grading and alteration of natural landforms, and thus would violate Section 30251 and the policies of the LUP.

2. Cumulative Impacts

The proposed project is located along a coastal bluff and sandy beach immediately inland of Corona Del Mar State Beach, a public beach. The site is highly visible from public vantage points such as the sandy public beach and from elevated vantages such as Inspiration Point. The overall appearance of the bluff in this area is natural and undeveloped. In certain cases, the Commission has approved a bluff face stairway, but

only where it was demonstrated that a pre-coastal bluff access was present down the bluff face. In this case, Commission staff concluded the existing bluff face stairway is pre-coastal and the adopted findings for Cease and Desist Order CCC-04-CD-02 support this conclusion. Thus, the applicant isn't seeking approval of that stairway. However, the applicant is seeking after-the-fact approval of development on the lower bluff face/bluff toe and sandy beach. Along this segment of Ocean Boulevard, there is no history of Commission approval of development on the sandy beach (associated with a single-family residence). Approval of the proposed project would set a precedent for the construction of substantial new development along the beach and the lower bluff face that would significantly alter the natural land form and cause adverse visual impacts and encroach seaward. The significant and imposing unpermitted development consisting of storage lockers (9-feet (l) x 3-feet (w) x 4-feet (h)); built-in barbeque and cabinets (17-feet (l) x 5-feet (w) x 3-feet (h)); counter with sink and cabinets (7-feet (l) x 2-feet (w) x 3-feet (h)); shower at stair base; thatched shade palapa (13-feet (h)) with four posts; two concrete tables and benches; and, on the bluff face, a shed with refrigerator, storage and toilet (12-feet (l) x 9-feet (w) x 8-feet (h)) and floral garden improvements severely impact the landform and visual quality of the area. As stated previously, the overall appearance of the bluff and sandy beach in this area is natural and undeveloped. The un-permitted development would result in significant development located on the lower bluff and the sandy beach. Although some lots have permitted and unpermitted development at the toe of the bluff, the amount and extent of this un-permitted development found on this site is more encompassing and seaward encroaching than other permitted or unpermitted development located in the area. Thus, the development extensively exceeds the predominant line of development in this area where the overall appearance of the bluff and sandy beach is undisturbed. Therefore, the Commission cannot approve the proposed project.

Conclusion

The Commission finds that the proposed project, as currently proposed, is not sited and designed to protect scenic and visual qualities of coastal areas as a source of public importance. The proposed project would not preserve existing scenic resources and would not preserve the existing community character where development is limited to the upper bluff face. The alteration of the bluff and the sandy beach results in an adverse visual effect when viewed from public vantage points such as the beach (Corona Del Mar State Beach) and from elevated vantages such as 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 affected the community character and public views. These are matters the Commission is presently trying to resolve through the coastal development permit process, and enforcement actions as necessary. The Commission finds that the proposed project results in the alteration of natural landforms, does not preserve scenic views, and is not visually compatible with the character of the surrounding area. Consequently, the proposed project increases 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.

C. PUBLIC RECREATION

Section 30240 (b) of the Coastal Act 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.

The project site contains beach area and bluff face on the seaward side of Ocean Boulevard, which is the first public road immediately inland of Corona del Mar State Beach. The project site is highly visible from public vantage points, such as the sandy public beach and from elevated vantages such as Inspiration Point. The pattern of development exhibited along this segment of Ocean Boulevard is such that structures are sited at the upper bluff face, while the lower bluff face and sandy beach remains largely undisturbed and natural. Although several lots have stairways traversing the bluff face and some have permitted and unpermitted development at the toe of the bluff, the overall appearance of the bluff and sandy beach in this area is natural and undeveloped. Public access is available directly seaward of the toe of the bluff on the sandy public beach (Corona del Mar State Beach). Development at this site, if approved, must be sited and designed to be compatible with Section 30240(b) of the Coastal Act. Section 30240(b) of the Coastal Act states that development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts that would significantly degrade those areas. It is necessary to ensure that new development be sited and designed to prevent seaward encroachment of development that would impact public access to recreational coastal resources. The proposed project, as submitted, is a significant new development encroaching seaward.

The proximity of the proposed project to Corona Del Mar State Beach, a public beach, and Inspiration Point, an elevated public vantage point, raises Coastal Act concerns, as it is new seaward encroaching development that discourages use of the public beach. The project diminishes the value of the beach for public use by discouraging public access to the beach through the presence of storage lockers; built-in barbeque with cabinets; counter with sink and cabinets; shed with refrigerator, storage and toilet; shower at stair base; thatched shade palapa with four posts; two concrete tables and benches; and floral garden improvements, which are located adjacent to the public beach. These items are imposing structural features that affect public use of the beach creating a perception of privatization of the beach area. It creates a sense of private ownership of the public beach by the placement on these items on the beach. Thus, conveying a message to the beach going public that this beach area is only intended for use by the owner of the property where the development is placed. This forces the public to move more seaward to enjoy the beach and thus has an adverse impact on public use of the beach. A particular concern is during the winter when the width of the beach narrows. The narrowing of the beach would force the public to use the more inland portions of the beach that are adjacent to the toe of the bluff. However, the perception of privatization created in this area would dissuade the public from using the beach adjacent to the toe of the bluff resulting in adverse impacts upon public use of the beach. In addition, signs are posted that state "George's Beach" and "Private Shower" which enhances the perception of privatization in the area and discourages public use of the immediately adjacent public beach (Exhibit #5, page 4). The applicants have stated that when they are not using these amenities, that the public has used them. However, they are not willing to make an agreement or grant any right, which would make

any such use permanent rather than permissive. Thus, the proposed project adversely impacts public access to the public beach.

The Commission finds that the proposed project is not sited and designed to protect public access to recreational coastal resources. Denial of the proposed project would preserve existing public recreational resources and would be consistent with preserving the existing community character where development occurs at the upper bluff face. 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 adversely effects community character and public views. These are matters that the Commission is presently trying to address through the CDP process and enforcement actions as necessary. The Commission finds that the area in front of the development is a public recreation area and that the proposed project degrades that area and, by discouraging public use of the area, is incompatible with its recreational character, and thus, with Section 30240(b). Therefore, the Commission finds that the proposed project is inconsistent with Section 30240 (b) of the Coastal Act and must be denied.

D. 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.*

The principal Coastal Act policy relative to hazards is Section 30253. Section 30253 of the Coastal Act mandates that development minimize risks to life and property in areas of high geologic, flood, and fire hazard. It also requires that development assure stability and structural integrity and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs or cliffs.

1. Coastal Hazards

To analyze the suitability of the site for the proposed development relative to potential wave hazards, the applicant submitted a wave run-up, flooding, and erosion hazard analysis, titled *Wave-Runup & Coastal Hazard Study, 3425 Ocean Boulevard, Corona Del Mar, CA* prepared by Skelly Engineering dated September 2003. The purpose of this analysis is to determine the potential for future storm damage and any possible mitigation measures, which could be incorporated into the project design. The study states that there is a 200 foot wide sandy beach in front of the property 99.9% of the time and that aerial photographs over the last three decades show no overall shoreline retreat in general. This beach is due, in part, to the sheltering effect of the Newport Harbor jetties,

and as long as these jetties are present the beach should be fairly stable. In addition, the study states that the long-term erosion rate is approximately zero. Various other findings are discussed in this study and it concludes by stating: " ... wave runup and overtopping will not significantly impact this property over the life of the improvements at the base of the slope. The improvements will neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. There are no recommendations necessary for wave or wave runup protection. No shore protection is proposed or should be necessary in the next 75 years. The improvements minimize risks from flooding."

Although the applicants' report indicates that the site is safe for development at this time, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes. For example, the study states that there is no general overall shoreline retreat in the area due to the sheltering effect of the Newport Harbor jetties. As long as these jetties are present the study concludes that the beach should be fairly stable. However, if something were to happen that would cause damage to the jetties, then shoreline retreat may occur. That is not the case now, but such an event in the future cannot be ruled out. In addition, as stated previously, beach areas are dynamic environments, which may be subject to unforeseen changes. This was shown when Commission staff observed the project site in January 2005 and noticed that there was evidence of wave run-up near to the toe of the bluff. While the study states that no shoreline retreat is occurring on site, staff discovered that wave run-up has occurred near the toe of the bluff. This demonstrates that beaches are dynamic environments and that the project site is occasionally subject to wave influence, as observed in January 2005. Thus, the proposed development is located in an area where coastal hazards exist and can adversely impact the development. Thus, despite the conclusions of the applicant's study, significant risk remains. From a planning perspective, risks to development should be minimized more than they are in the proposed project. From a policy perspective, placing development in the area proposed is unnecessarily risky.

2. General and Site Specific Findings on Bluff Erosion

Development on a bluff is inherently risky due to the potential for bluff erosion and collapse. Bluff development poses potential adverse impacts to the geologic stability of bluffs and the stability of residential structures. In general, bluff instability is caused by environmental factors and impacts caused by humans. 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 humans that may be relevant to this site include irrigation, over-watering, building too close to the bluff edge, improper site drainage, use of impermeable surfaces that increase runoff, use of water-dependent vegetation, and breaks in water or sewage lines.

To address site-specific geotechnical issues of the submitted project design, applicants typically submit site-specific geotechnical investigations that evaluate geotechnical issues associated with the project, such as slope stability and the effects of erosion. However, this application did not include such an investigation. Accordingly, there is no site-specific information available regarding geotechnical issues at the site. The applicant bears the burden of demonstrating that proposed development is consistent with the policies in

Chapter 3 of the Coastal Act. Thus, the applicant's failure to present evidence on this subject could be another basis for denial of the application.

In cases where there is no site-specific geotechnical information, information prepared on nearby properties can be informative. Geotechnical investigations completed for nearby properties (refer to Substantive File Documents for a list of these documents) along Ocean Boulevard have claimed that these sites are grossly stable and that development of the project sites are feasible from an engineering perspective, provided the applicants comply with the recommendations contained in the investigations. The Commission has found grounds under Sections 30251 and 30240(b) of the Coastal Act to deny the proposed project. In order to analyze whether the proposed project is consistent with the geologic safety provisions of Section 30253 of the Coastal Act, a site-specific geotechnical investigation would have to be completed. Without such information, the Commission cannot make a definitive conclusion as to whether or not the proposed development is consistent with the geologic safety provisions of Section 30253 of the Coastal Act.

Conclusion

Although the applicants' report indicates that the site is safe for development at this time, beach areas are dynamic environments, which may be subject to unforeseen changes. Such changes may affect beach processes. While the applicants' study claims that generally no shoreline retreat has occurred onsite, the unpredictability of the beach environment cannot rule out any future shoreline retreat. The possibility of damage to the Newport Harbor jetties and observation of tidal influence near the toe of the slope demonstrates the dynamic beach environment. In addition, the proposed project is not needed for full use and enjoyment of the property as they have a substantial improvement in the form of a single-family dwelling on site. Thus, such development as proposed lacks proper planning and should therefore be avoided, as it can succumb to coastal hazards.

While coastal hazards have been evaluated, the lack of a site-specific geotechnical investigation results in an inability to evaluate the geotechnical status of the project site. While there is no site-specific geotechnical information, information prepared on nearby properties have claimed that these sites are grossly stable and that development of the project sites are feasible from an engineering perspective, provided the applicants comply with the recommendations contained in the investigations. However, without such site-specific information to analyze whether the proposed project is consistent with the geologic safety provisions of Section 30253 of the Coastal Act and/or what steps might be necessary to ensure the safety of the development from an engineering perspective, the Commission cannot make a definitive conclusion as to whether or not the proposed development is consistent with the geologic safety provisions of Section 30253 of the Coastal Act.

E. ALTERNATIVES

An alternative that would avoid the adverse impacts of the proposed project is continued use of the existing single-family residence and existing staircase down the bluff, without the proposed recreational amenities. Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicant's property, nor unreasonably limit the owner's reasonable investment-backed expectations of the subject property. The applicant already possesses a substantial residential development of significant economic value of the property. In

addition, an alternative to the proposed development that would achieve much of what the subject development achieved exists and is described below:

Remodeling of the Existing Home

The proposed project entails construction of recreation facilities located on the beach and the lower portion of the bluff face. An alternative to the proposed project would be remodeling of the existing home located at the upper bluff face to allow for recreational facilities consistent with the recent Commission actions on downcoast sites. As discussed previously, the Commission has recently approved CDP No. 5-02-203-[Tabak] and CDP No. 5-03-100-[Halfacre] (located downcoast of the project site), which were required to adhere to development limits so that habitable area would not extend past the 48-foot contour and that accessory improvements would not extend past the 33-foot contour. Remodeling of the existing residence to incorporate the subject improvements, while adhering to these development limits, would result in a project that would appear to be in conformance with the recent Commission actions on down-coast sites. This above-described alternative would accommodate the applicant's interest in adding recreational elements, but there would be no disturbance of the beach and the lower bluff face. The beach and the lower bluff face would remain undeveloped and natural and would be consistent with community character as development occurs at the upper bluff face.

F. VIOLATIONS

The development that occurred on site without benefit of the required coastal development permit consists of grading and landform alteration of a coastal bluff and beach and the construction/installation, on a sandy beach, of storage lockers; built-in barbeque and cabinets; counter with sink and cabinets; storage and toilet; shower at stair base; thatched shade palapa with four posts; two concrete tables and benches; and, on the bluff face, a shed with refrigerator storage and toilet and floral garden improvements.

The above-referenced development occurred prior to submission of this permit application. The Commission previously determined that this development constitutes unpermitted development that is subject to the permit requirements of the Coastal Act, in Order No. CCC-04-CD-02. The applicants are requesting after-the-fact approval for the unpermitted development. Since the unpermitted development is inconsistent with the Chapter 3 policies of the Coastal Act, staff is recommending denial of this application.

Although development has occurred prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

G. 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. Since the City only has an LUP, the policies of the LUP are used only as guidance. 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 these policies in the City's certified LUP and as well as Chapter 3 policies of the Coastal Act discussed previously, specifically Sections 30251, 30240 (b) and 30253. Development on the coastal bluff would cause adverse impacts to the natural landform, the coastal scenic resources and public access, which is inconsistent with these Sections of the Coastal Act. 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 in the manner now proposed at the subject site. Section 30240 (b) 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 and be incompatible with their recreational use. Section 30253 of the Coastal Act mandates that development minimize risks to life and property in areas of high geologic, flood, and fire hazard. 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.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the 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 has adverse environmental impacts. There is a feasible alternative or mitigation measure available, such as remodeling of the existing home.

Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because there is a feasible alternative that would lessen significant adverse impacts that the activity would have on the environment. Therefore, the project must be denied.

H:\FSY\Staff Reports\July05\5-04-282-[McNamee]RC(CDM)

919

SEE 889 MAP

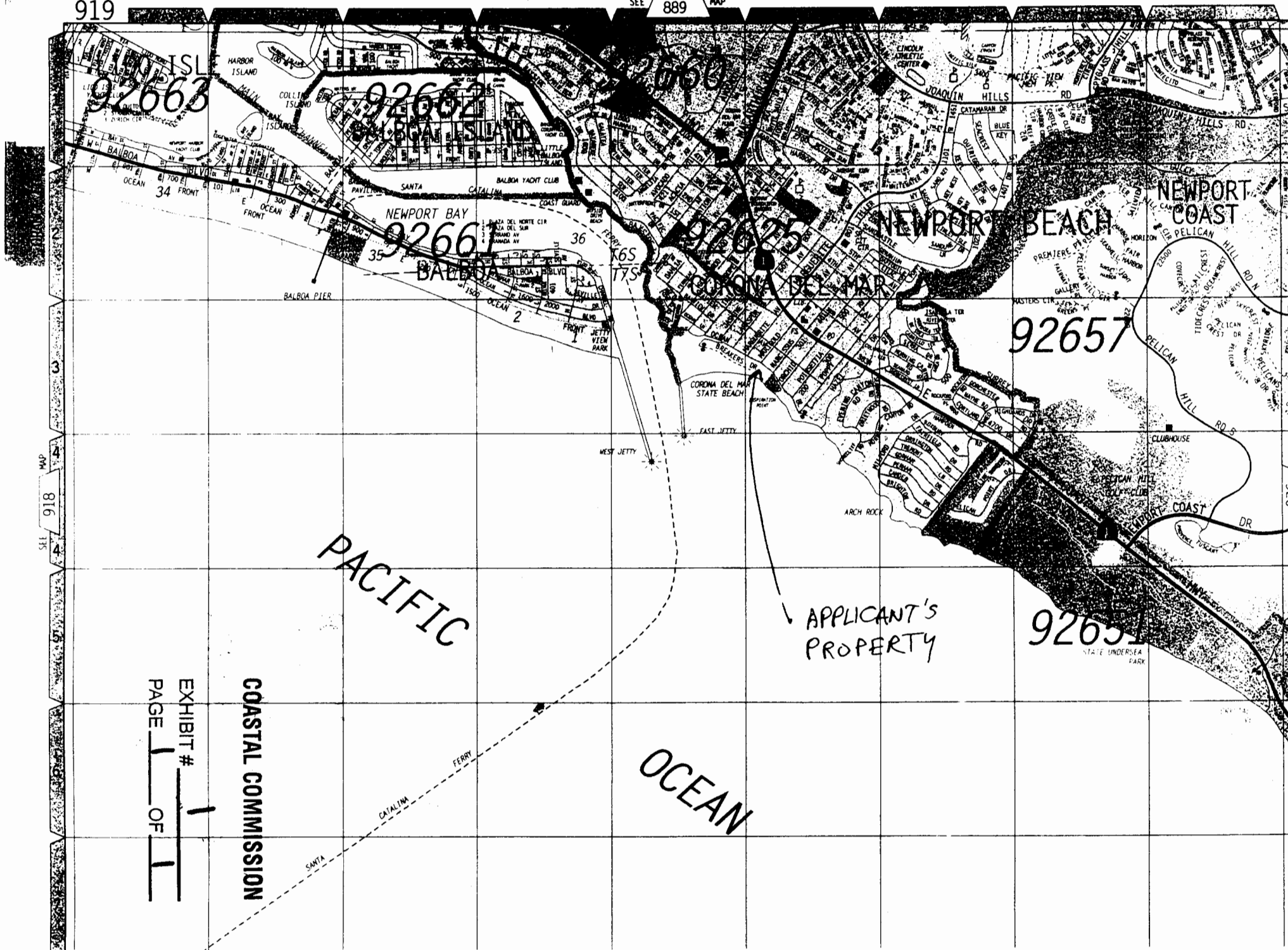


EXHIBIT # 1
PAGE 1 OF 1

COASTAL COMMISSION

APPLICANT'S
PROPERTY

PACIFIC

OCEAN

[illegible]

APPLICANT
PROPERTY

 $1^{\circ} = 100'$

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

THIS MAP WAS PREPARED FOR ORANGE
COUNTY ASSESSOR DEPT. PURPOSES ONLY.
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ITS ACCURACY NOR ASSUMES ANY LIABILITY
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ASSESSOR'S MAP
BOOK 052 PAGE 12
COUNTY OF ORANGE

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

TR. NO. 1006
TR. NO. 1026
TR. NO. 1257
CORONA DEL MAR
PARCEL MAP

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

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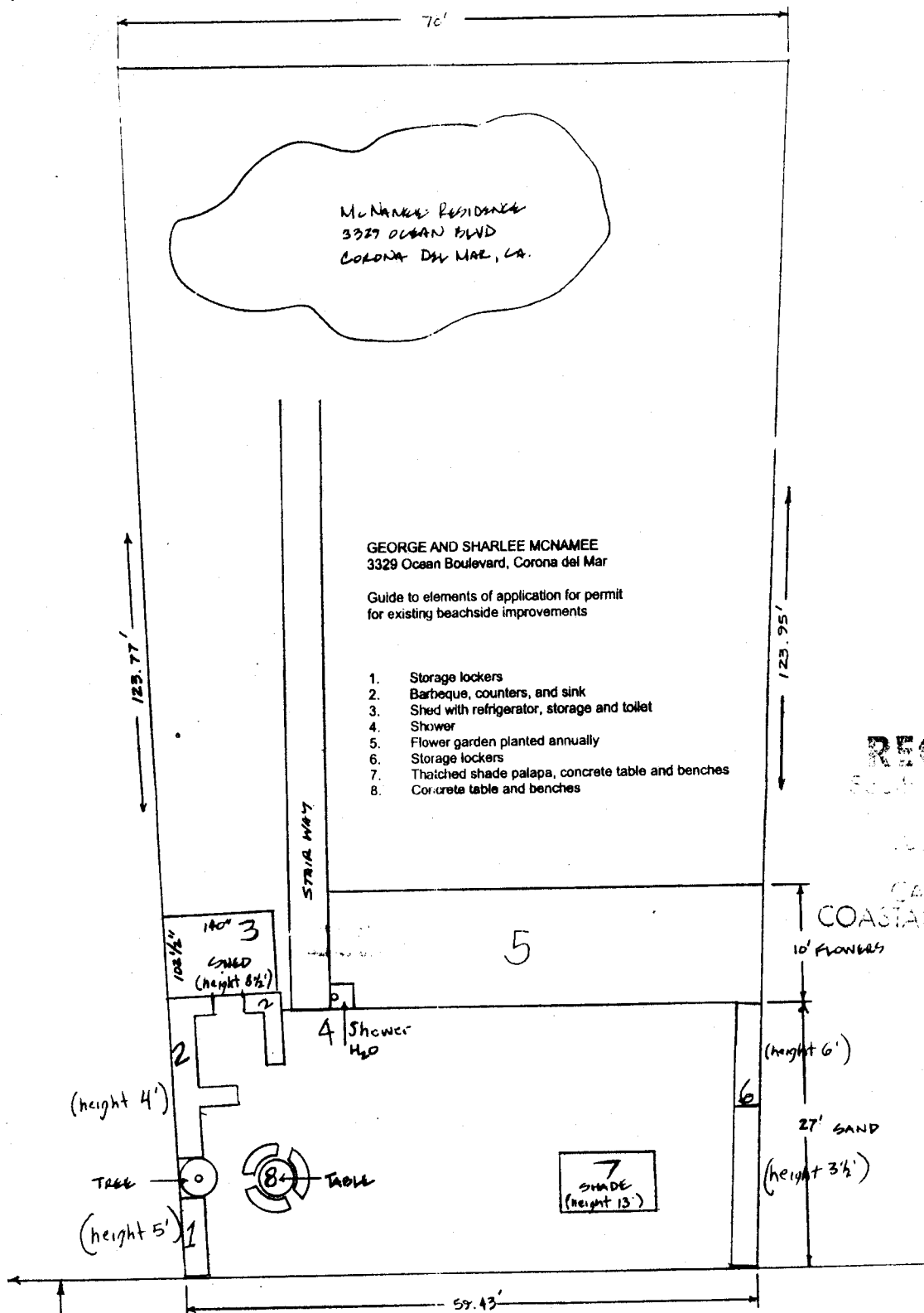


COASTAL COMMISSION

EXHIBIT # 123

PAGE 1 OF 1

MCNAMEE- 3329 Ocean Blvd.
Corona del Mar



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COASTAL COMMISSION

30' ALLEY ROADWAY

EXHIBIT #

4

PAGE

1

OF

1

* THE APPLICANTS SHOW ON THIS SITE PLAN THAT AN ACCESS ROAD EXISTS. HOWEVER, THIS IS INCORRECT. SANDY BEACH ACTUALLY EXISTS HERE AS OPPOSED TO AN ACCESS ROAD.

CORONA DEL MAR STATE BEACH

LOT 55

3/2" x 1'-C

GEORGE AND SHARLEE MCNAMEE
3329 Ocean Boulevard, Corona del Mar

Guide to elements of application for permit
for existing beachside improvements

1. Storage lockers
2. Barbeque, counters, and sink
3. Shed with refrigerator, storage and toilet
4. Shower
5. Flower garden planted annually
6. Storage lockers
7. Thatched shade palapa, concrete table and benches
8. Concrete table and benches

GEORGE AND SHARLEE MCNAMEE
3329 Ocean Boulevard, Corona del Mar

Guide to elements of application for permit
For existing beachside improvements

1. Storage lockers (height 5')
2. Barbeque, counters and sink (height 4')
3. Shed with refrigerator, storage and toilet (height 8.5')
4. Shower
5. Flower garden planted annually
6. Storage lockers (height 6' and 3.5')
7. Thatched shade Palapa, concrete table and benches (height 13')
8. Concrete table and benches

ZONE R-1

SETBACKS:

FRONT 10

REAR 10

RIGHT SIDE 4

LEFT SIDE 4

SETBACK LIMIT: 24m/74m

DISCRETIONARY APPROVALS:

COASTAL COMMISSION

EXHIBIT # S
PAGE 1 OF 5

CITY OF NEWPORT BEACH	
APPROVED CONCEPT NO.	<u>1892-2004</u>
This project conforms to all applicable planning regulations and policies in effect on this date.	
These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission.	
PLANNING DEPARTMENT	Date <u>7/6/04</u>

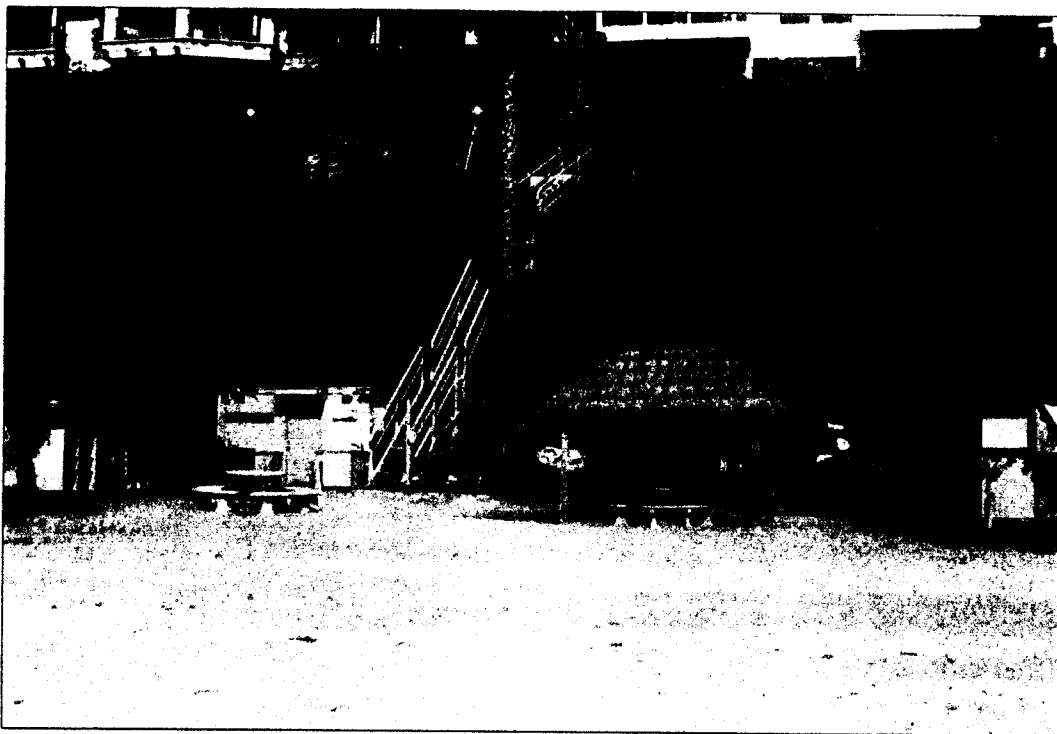


Exhibit 2a. February 2004 photograph of unpermitted shed, barbeque area, storage cabinets, concrete picnic tables and benches, and shade/canopy structure on subject property. Shed to the left of the stairway is set into graded toe of bluff; vegetation has been removed from the toe of bluff to the right of the stairway.

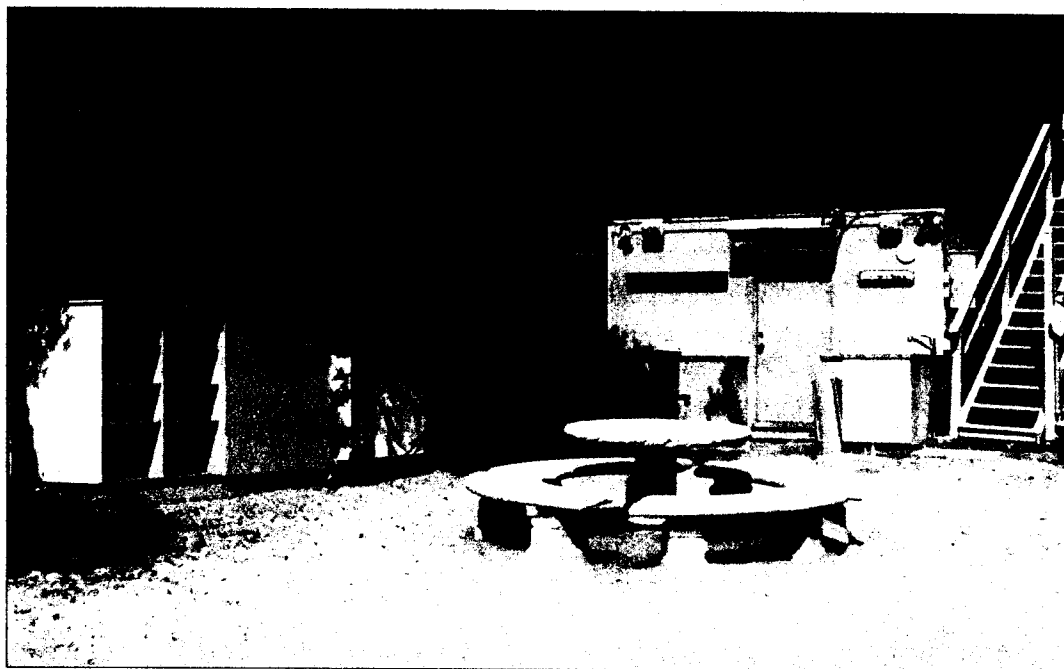


Exhibit 2b. February 2004 photograph of unpermitted storage cabinets, barbeque area, concrete picnic table and benches, and shed on subject property. Property owner has indicated that kitchen and bathroom facilities are located in the shed.



Exhibit 2c. February 2004 photograph of unpermitted storage cabinets, concrete picnic table and benches, and shade/canopy structure on subject property. Vegetation has been removed from toe of bluff.



Exhibit 2d. February 2004 photograph of unpermitted shed, barbeque area, storage cabinets, concrete picnic tables and benches, and shade/canopy structure on subject property. Shed to the left of the stairway is set into graded toe of bluff; vegetation has been removed from toe of bluff to the right of the stairway.



Exhibit 2e. February 2004 photograph of unpermitted development on subject property. Arrow is pointing at sign on shed that reads "George's Beach".



Exhibit 2f. February 2004 photograph of unpermitted development on subject property. Arrow is pointing at sign that reads "Private Shower".

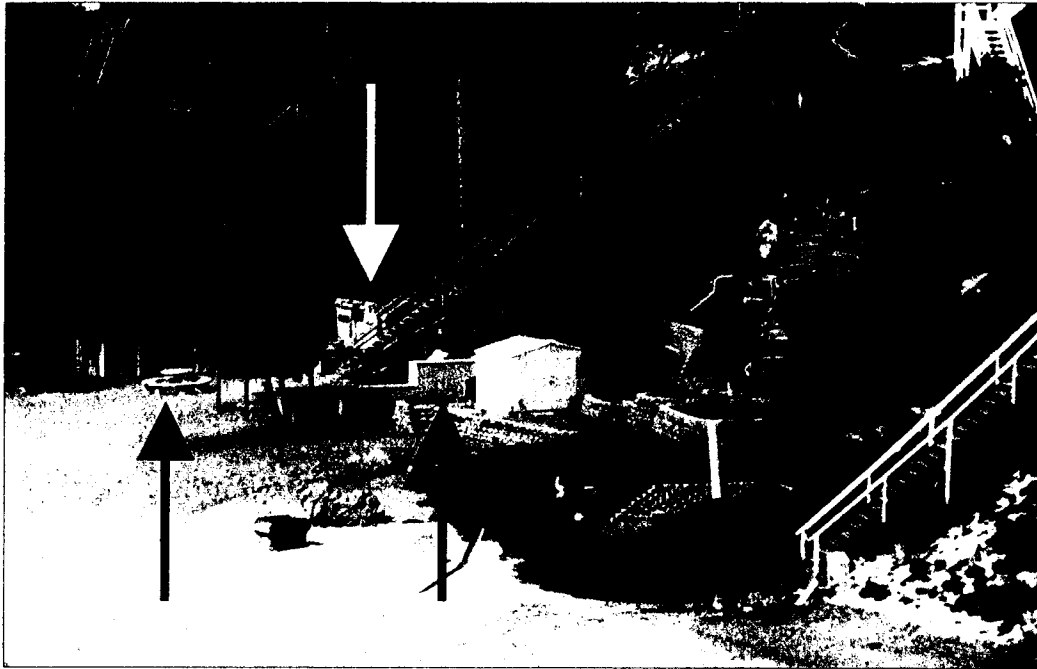
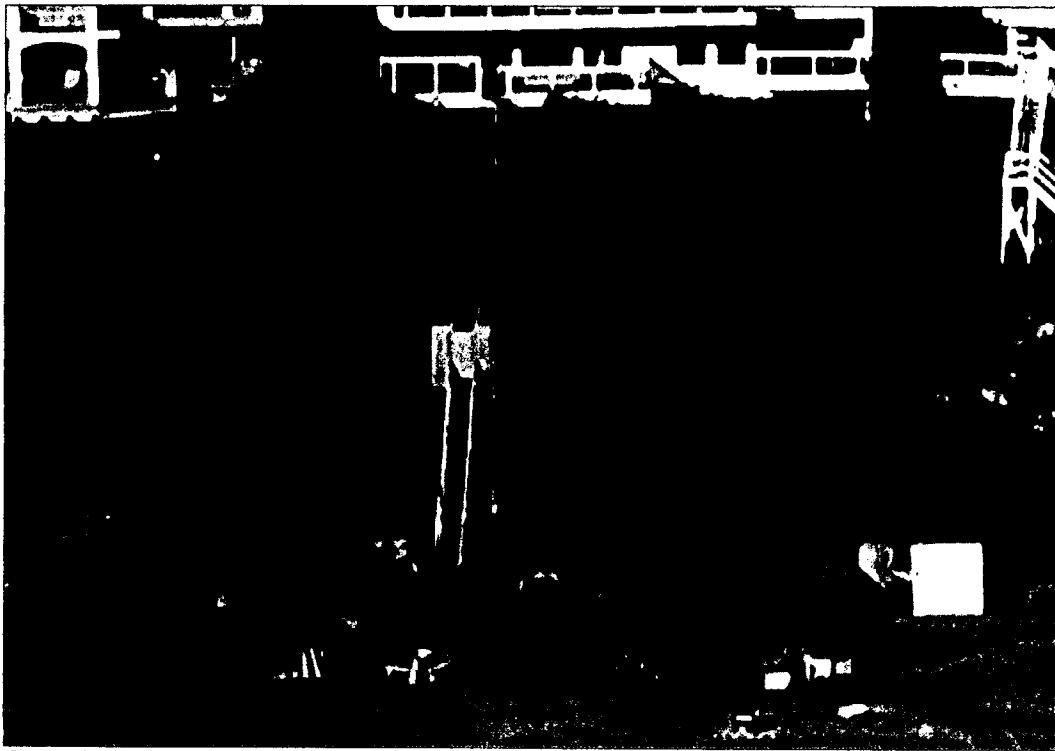


Exhibit 2g. February 2004 photograph of subject property taken from Inspiration Point, a public access and viewing area five properties down coast of the subject property. Arrows are pointing at unpermitted shed, picnic tables, canopy structure and storage cabinets that are visible to left and right of staircase.

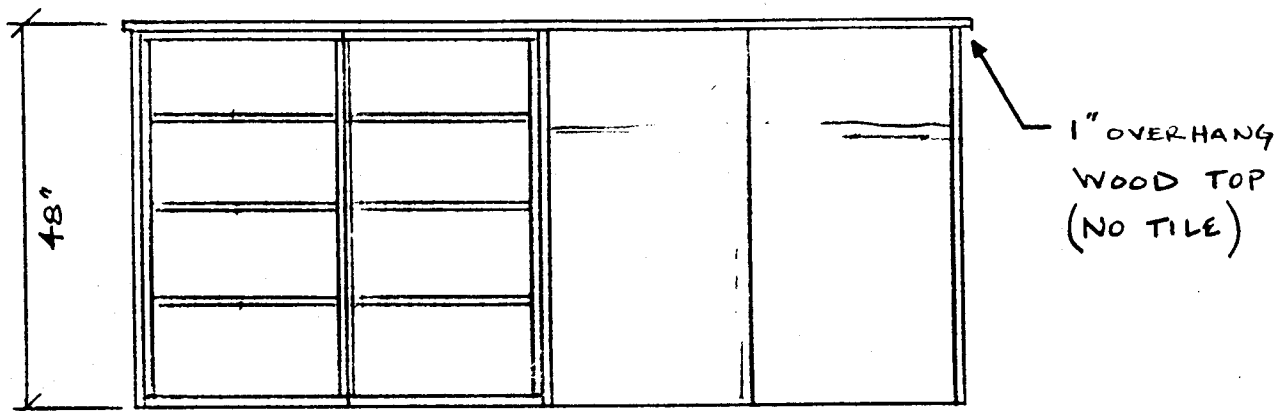
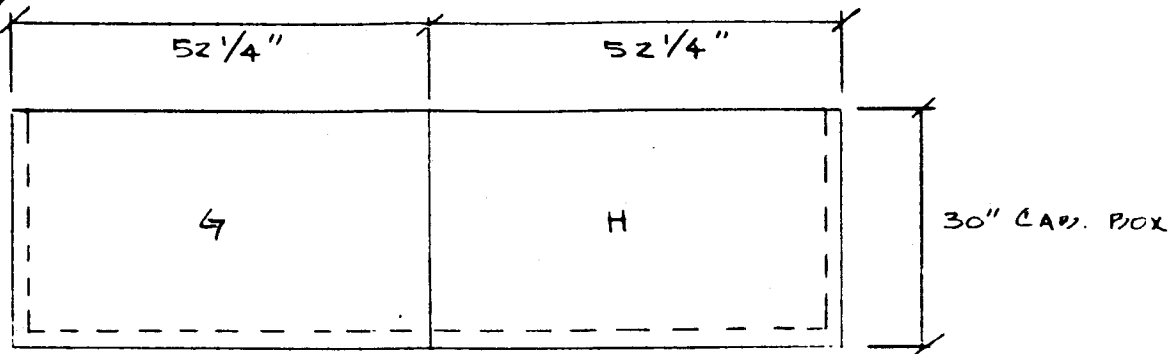


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Exhibit 2h. September 2002 photograph of subject property.

STORAGE LOCKERS

①



- OPEN STORAGE
- 2 DOORS
- ADJ. SHELVES

EXTERIOR SPECIFICATIONS:

- MATERIAL ~ MARINE FIR PLYWOOD (PAINT GRADE)
- STAINLESS STEEL HARDWARE & FASTENERS

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 7

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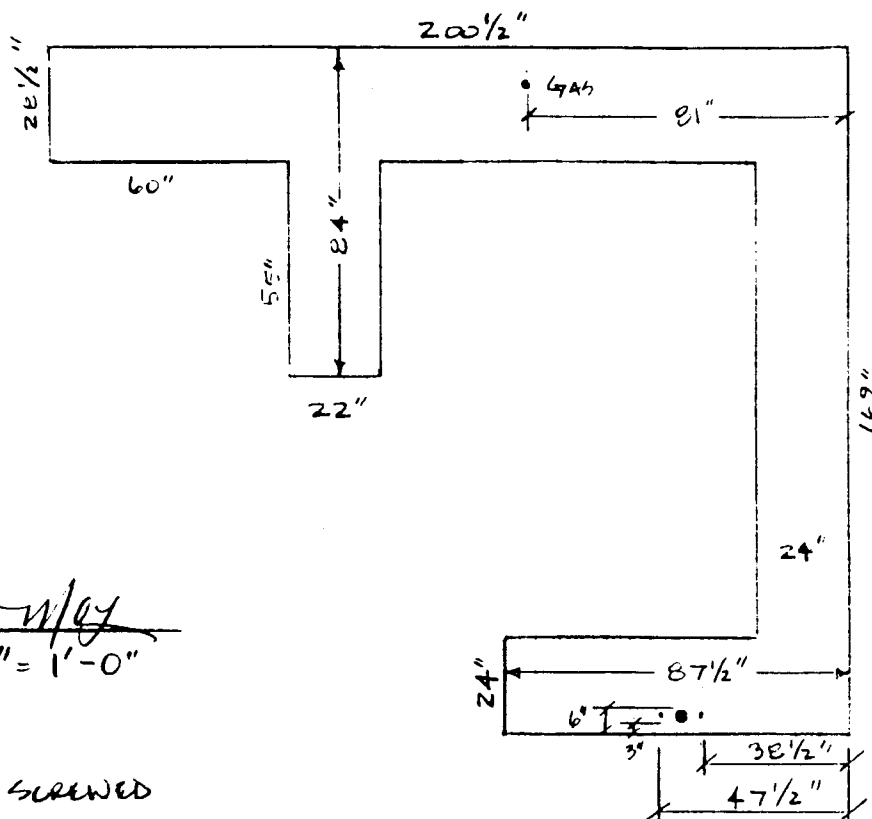
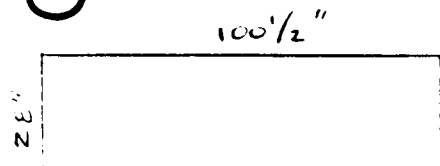
South Coast

SEP 17 1984

CALIFORNIA
COASTAL COMMISSION

BARBEQUE, COUNTER & SINK

(2)

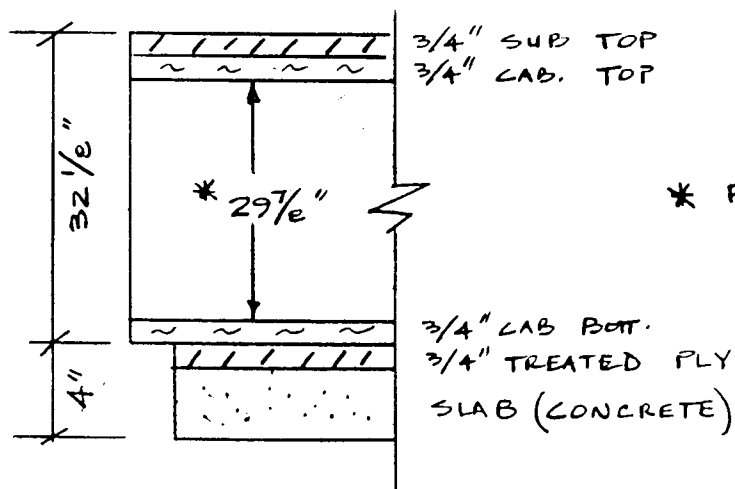


McNamee

FOUNDATION SIZES

1/4" = 1'-0"

- TREATED PLYWOOD WILL BE SCREWED TO SLABS. CABINETS MOUNT TO PLYWOOD.
- CABINETS WILL OVERHANG SLABS 2". (SLABS ARE THE TOE KICKS!)



* BOXES 4 1/4" H MID PANEL HT. \approx 45 3/4" FOR OA 48" CAB. HT. (NO TILE)

TYP. LOWERS

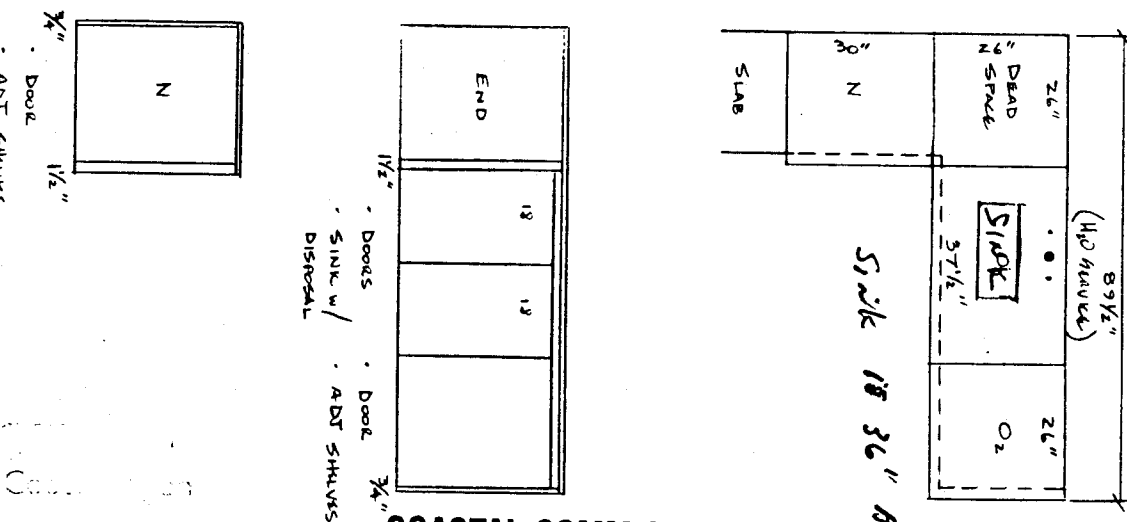
(NOT TO SCALE)

COASTAL COMMISSION

NORTH WEST SIDE CABINETS

EXHIBIT # 6
PAGE 2 OF 7

②



5, mile if 36" Above the ground.

Bm B Qu
10" Above Tile
Ground To Top of Bm B Qu = 36"

COASTAL COMMISSION

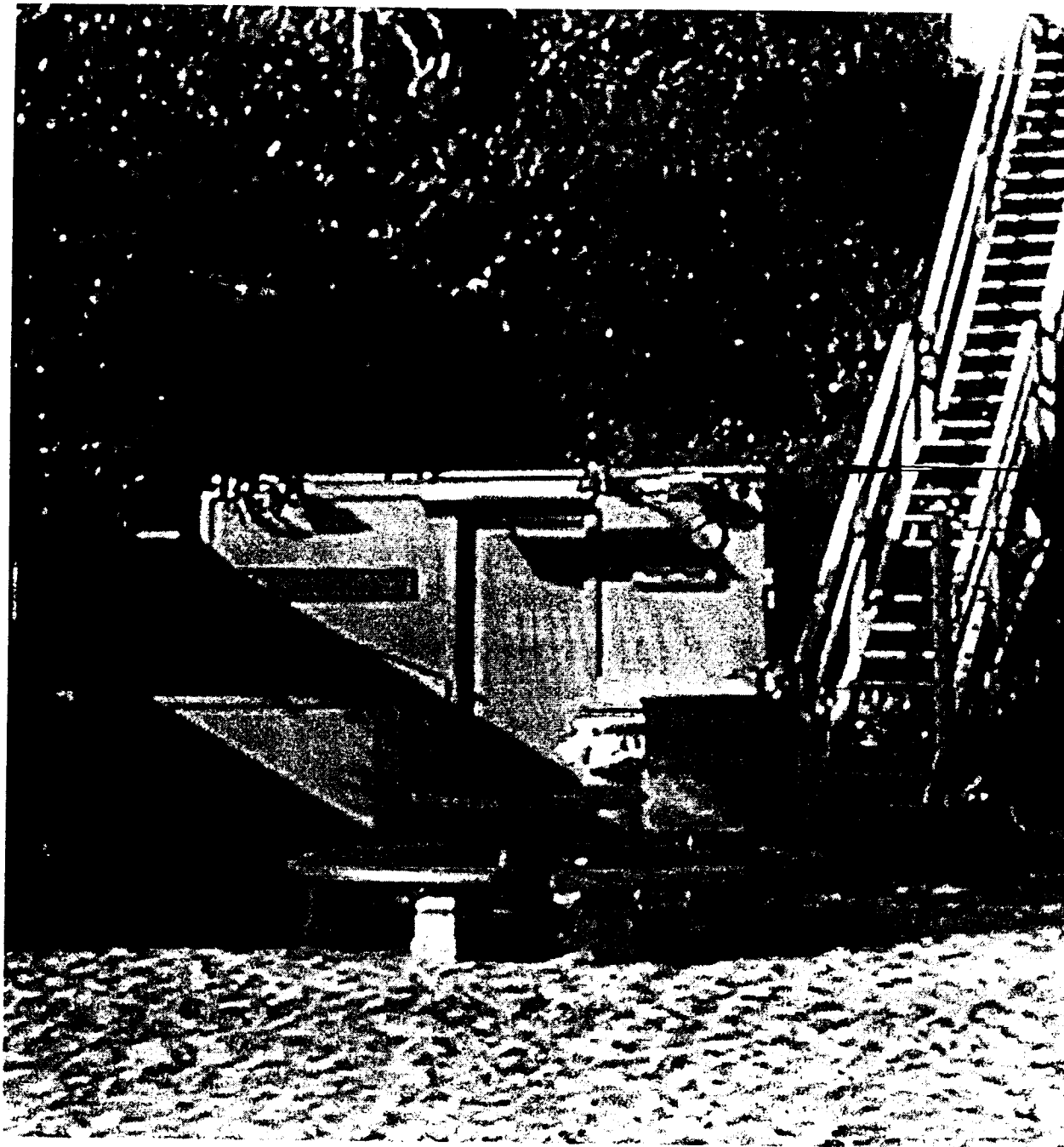
EXHIBIT # 6
PAGE 3 OF 7

South Carolina

17 2004

CAUTION
CONSTANTLY

SHED (W/ REFRIGERATOR, STORAGE & TOILET),
SHOWER & CONCRETE TABLE & BENCHES
③ ④ ②



8 feet
high

SHED

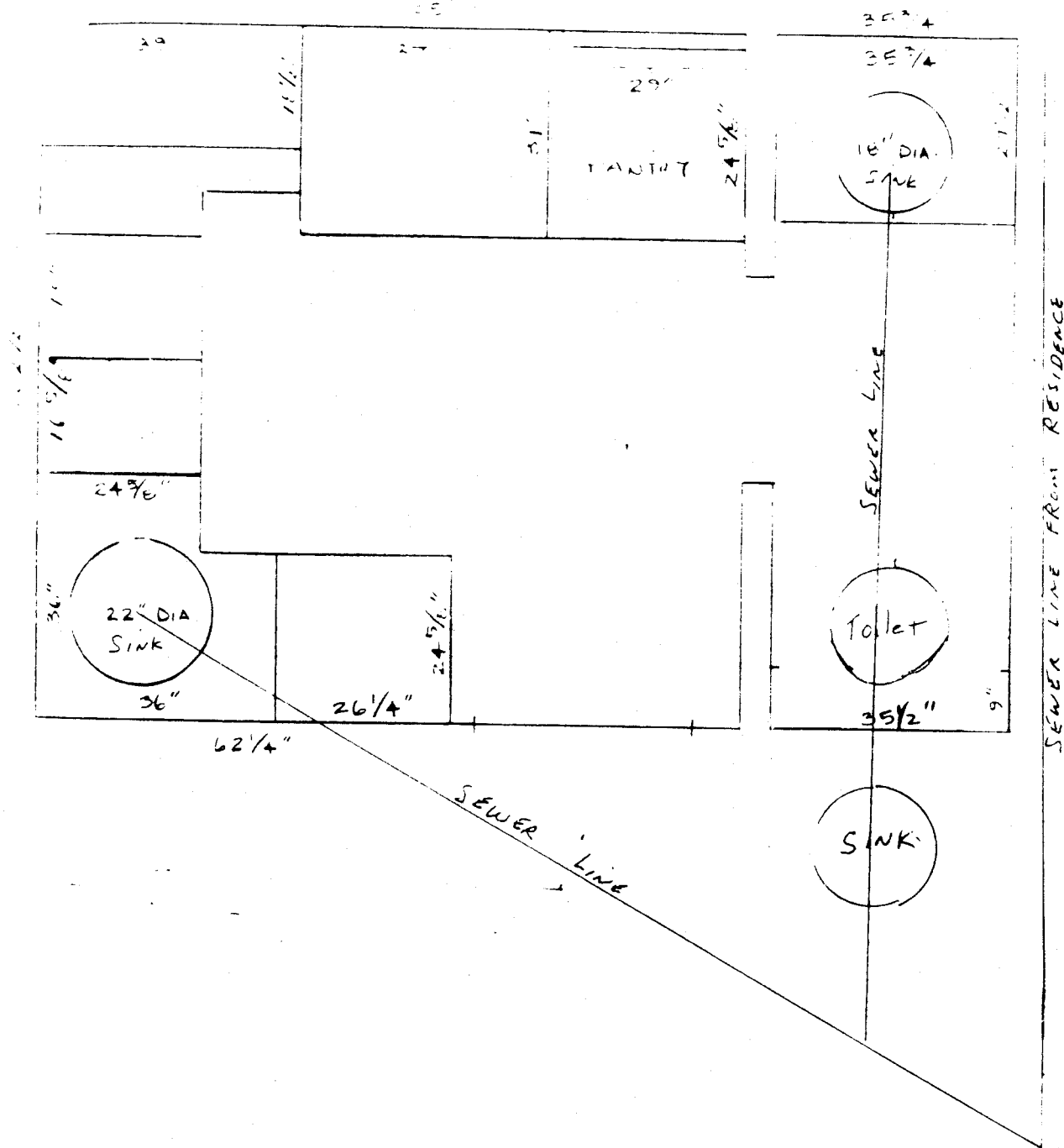
COASTAL COMMISSION

EXHIBIT # 6
PAGE 4 OF 7

SHED (W/ REFRIGERATOR, STORAGE & TOILET)

SEWER

③



COASTAL COMMISSION

CDM MM SEWER LINE
BRAKER DRIVE

RECEIVED
South Coast Region

JAN 18 1978

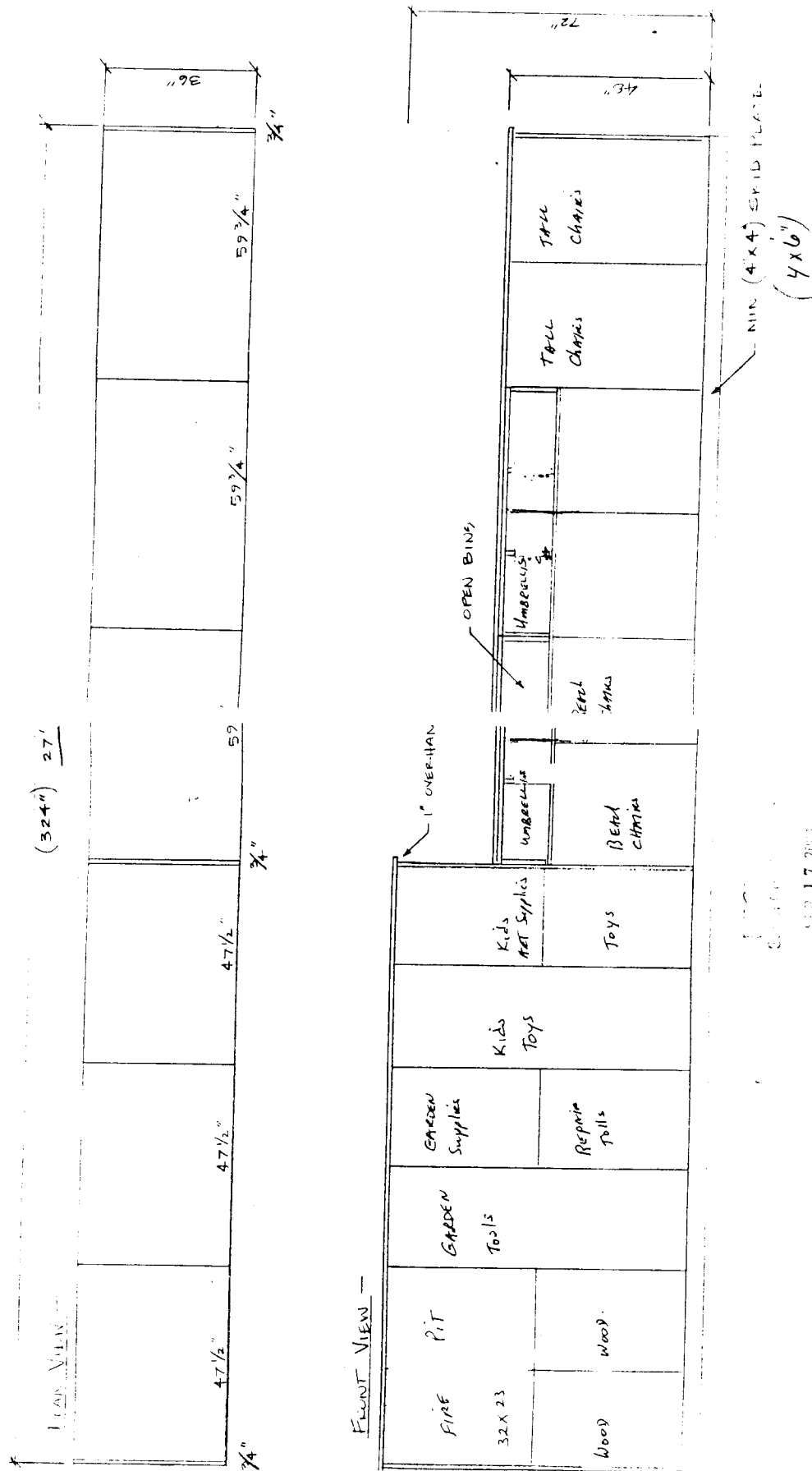
CALIFORNIA
COASTAL COMMISSION

EXHIBIT # 6
PAGE 5 OF 7

SHED SEWER CONNECTION
FROM CDM MM

STORAGE LOCKERS

6



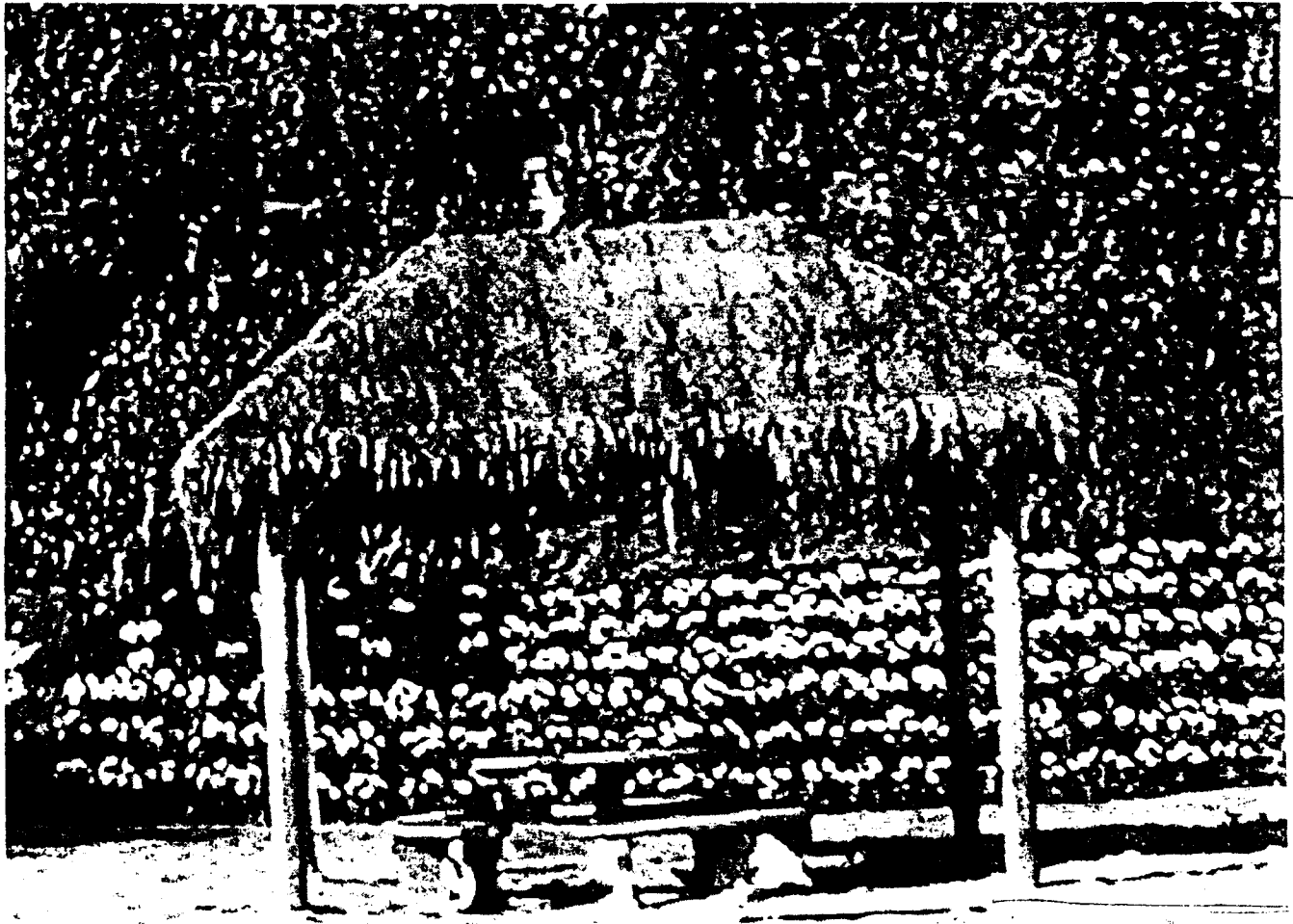
COASTAL COMMISSION

EXHIBIT # 6
PAGE 6 OF 7

SAVING

FLOWER GARDEN & THATCHED SHADE PALAPA,
CONCRETE TABLE & BENCHES

⑤ ⑦



COASTAL COMMISSION

EXHIBIT # 6
PAGE 7 OF 7



Corona Del Mar State Beach

COASTAL COMMISSION

EXHIBIT # 7
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