

**CALIFORNIA COASTAL COMMISSION**

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August 25, 2005  
September 14-16, 2005

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NO.:** 5-04-466 **RECORD PACKET COPY**

**APPLICANTS:** Camden L.L.C., Attn: Bruce & Kathy Elieff

**AGENT:** Brion S. Jeannette & Associates, Inc., Attn: Brion S. Jeannette

**PROJECT LOCATION:** 177 Shorecliff Road, Corona Del Mar (City of Newport Beach)  
(Orange County)

**PROJECT DESCRIPTION:** Demolition and construction of a new 9,540 square foot, two-story plus basement single-family residence with a 293 square foot 1<sup>st</sup> floor one-car garage and a 2,444 square foot subterranean six-car garage on a coastal bluff top lot. In addition, hardscape and landscape work is proposed. Grading will consist of 7,780 cubic yards.

**SUMMARY OF STAFF RECOMMENDATION:**

The subject site is a coastal bluff top lot located between the first public road and the sea in Corona Del Mar (Newport Beach). The applicants propose to demolish an existing single-family residence and construct a new single-family residence on a bluff top lot. Therefore, the project is considered new development and the proposed structure must be appropriately setback from the bluff edge. A minimal bluff edge setback would achieve the required setback. However, application of a stringline would not be applicable due to the topography of the adjacent lots. A more equitable approach at this site is application of a minimal 25-foot bluff edge setback for habitable structures and a minimal 10-foot bluff edge setback for any hardscape and appurtenant features. In addition, the applicant is proposing a new stairway and retaining walls upon the bluff face, which is inconsistent with a 10-foot bluff edge setback. The primary issues addressed in this staff report are the conformance of the proposed development with the visual resources, geologic hazard, and public access policies of the Coastal Act. Staff recommends that the Commission **DENY** the request.

Furthermore, alternatives to the proposed project exist. For example, the existing residence could be remodeled or the existing residence could be demolished and rebuilt consistent with the typically imposed setbacks for bluff top development as described above. Such alternatives would preserve the integrity of the coastal bluff and would avoid the oceanward encroachment of development.

Section 30600(c) 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 (LUP) and has not exercised the options provided in 30600(b) or 30600.5 to issue its

own permits. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act. The certified LUP may be used for guidance.

**LOCAL APPROVALS RECEIVED:** Approval-in-Concept (#2659-2004) from the City of Newport Beach Planning Department dated December 3, 2004.

**SUBSTANTIVE FILE DOCUMENTS:** City of Newport Beach Certified Land Use Plan; *Preliminary Geotechnical Investigation for New Single Family Residence, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5376*), prepared by Geo Firm dated August 17, 2004; Letter to Brion Jeannette Architecture from Commission staff dated January 7, 2005; Letter from Brion Jeannette Architecture to Commission staff dated March 31, 2005; *Response to California Coastal Commission Notice of Incomplete Application dated January 7, 2005, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5499r*), *Permit Application 5-04-466*, prepared by Geo Firm dated March 14, 2005; Letter from KNA Engineering, Inc. to Brion Jeanette Architecture dated March 29, 2005; Letter from Geo Firm to Brion Jeannette Architecture dated March 31, 2005; Letter from Commission staff to Brion Jeannette Architecture dated April 29, 2005; and Letter from Brion Jeannette Architecture to Commission staff dated May 5, 2005.

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## EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Aerial Plans
4. Topographic Plan
5. Aerial Plan/Stringline Plan
6. Site Plan/Stringline Plan
7. Floor Plans
8. Elevation Plans
9. Section Plan
10. Roof Plan
11. Grading/Drainage Plan
12. Proposed Foundation Plan from the Geotechnical Report by Geo Firm dated March 14, 2005
13. Landscape Plans

## 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. 5-04-466 for the development proposed by the applicant.*

**B. Staff Recommendation of Denial**

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

**C. Resolution to Deny the Permit**

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

**II. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares as follows:

**A. PROJECT LOCATION, DESCRIPTION AND PRIOR COMMISSION ACTION**

**1. Project Location**

The proposed single-family residence at 177 Shorecliff Road is located on a coastal bluff top lot situated on the oceanward side of Shorecliff Road in the community of Shorecliffs in Corona Del Mar (Newport Beach) (Exhibits #1-4). The lot size is approximately 21,459 square feet and the City of Newport Beach Land Use Plan (LUP) assigns two different land use designations for different portions of the subject site. The base of the bluff and the adjacent beach area is designated Recreational and Environmental Open Space and the area from the base up to the street is designated Single-Family Detached Residential. The project is located within an existing developed urban residential area and the existing house is generally setback approximately 10-35 feet from the bluff edge. To the North of the project site is Shorecliff Road. To the East and West of the project site are existing single-family residential development. To the South of the project site is an undeveloped vegetated bluff, Little Corona Beach and the Pacific Ocean. The project site consists of a quarter-acre level building pad supported above a generally natural coastal bluff face. The overall height of the slope is approximately 50-feet. The slope ratio is variable, with the lower slope near 3.5:1 (horizontal: vertical) and the upper slope near 1.5:1, but overall, the slope is near a 2:1 ratio. In the project area, the lower slope is mantled with an apron of slopewash.

2. Project Description

The proposed project consists of demolition of an existing single-family residence with an attached garage and construction of a new 9,540 square foot, two-story single-family residence plus basement, a 860 square foot 2<sup>nd</sup> floor deck, a 441 square foot roof deck, a 293 square foot 1<sup>st</sup> floor one-car garage, and a 2,444 square foot subterranean six-car garage, which is part of the basement level on a coastal bluff top lot (Exhibits #5-13). In addition, the following project components are proposed in the rear yard and along the bluff face: a new pool and spa, which will be double lined and have a matte-drain system, hardscape work comprising of simulated eroded bluff face design and landscape work consisting of native drought tolerant vegetation. Also, new steps and a pathway and retaining walls on the bluff face leading to Little Corona Beach are proposed. The applicants state that there is an existing "Scratch Trail" from the beach to the 27-foot contour line and that they propose to follow the natural contours from the rear yard of the house downward to connect with the upper section of this existing "Scratch Trail" pathway. The applicants do not clearly define what the "Scratch Trail" comprises of, but after observation of some aerials of the project site it appears to be an unimproved dirt pathway. Grading will consist of 7,780 cubic yards (3,890 cubic yards of cut, 270 cubic yards of fill and 3,620 cubic yards of export to a location outside of the coastal zone). The foundation of the residence will consist of a combination of conventional footings and retaining walls in conjunction with a caisson and lagging shoring system.

3. Prior Commission Action in Subject Area

a. Coastal Development Permit (CDP) Application No. 5-93-016-(Beall), 161 Shorecliff Drive (Located 4 Lots Up-Coast of Subject Site)

At the March 1983 Commission Hearing, the Commission approved CDP Application No. 5-93-016-(Beall) for landscape renovation including replacement of two stairs on the bluff top, construction of an overlook and lawn area, and renovation of an irrigation system and shrub planting. An existing single-family residence was located on site; however, no work was proposed to the residence. The issues addressed in the Staff Report were the conformance of the proposed development with the geologic hazard, visual resources, and public access policies of the Coastal Act. Work on the bluff top was proposed and typically a minimal bluff edge setback or application of a stringline would have been applied to achieve the required setback. However, application of a stringline was not applicable due to the topography of the bluff. Therefore, a minimal 25-foot bluff edge setback was imposed instead. The Commission approved the project subject to two (2) Special Conditions. Special Condition No. 1 required revised project plans indicating that no new development would occur within 25-feet of the bluff edge. Special Condition No.2 required screening of a drainage pipe on the bluff and dissipation device at the base of the bluff.

b. Coastal Development Permit (CDP) Application No. 5-90-1069-(Real Vest), 165 Shorecliff Road (Located 3 Lots Up-Coast of Subject Site)

At the March 1991 Commission Hearing, the Commission approved CDP Application No. 5-90-1069-(Real Vest) for demolition and construction of a single-family residence. In addition, increasing the size of the pool house and

constructing a swimming pool and spa were also proposed. The issues addressed in the Staff Report were the conformance of the proposed development with the geologic hazard, visual resources, and public access policies of the Coastal Act. The Commission approved the project subject to four (4) Special Conditions. Special Condition No. 1 required revised project plans indicating that no new development would occur oceanward of the 87-foot contour line (bluff edge setback). Special Condition No.2 required conformance with geotechnical recommendations. Special Condition No.3 required submittal of a drainage/erosion control plan. Special Condition No.4 required submittal of a landscaping plan.

c. Coastal Development Permit (CDP) Application No. 5-90-1069-A1-(The Wahler Family Trust), 165 Shorecliff Road (Located 3 Lots Up-Coast of Subject Site)

At the August 1993 Commission Hearing, the Commission approved an Amendment to CDP Application No. 5-90-1069-A1-(The Wahler Family Trust) for construction of a sub-grade pool equipment storage room and grading. The issues addressed in the Staff Report were the conformance of the proposed development with the geologic hazard, visual resources, and public access policies of the Coastal Act. The proposed storage room would not encroach into the required bluff edge setback previously established in the original permit. Therefore, no encroachments into the bluff edge setback were part of the proposed project. No new Special Conditions were imposed, but the project was to adhere to the Special Conditions of the original permit.

d. Coastal Development Permit (CDP) Application No. 5-96-234-(Bertea), 173 Shorecliff Road (Located Adjacent Up-Coast of Subject Site)

At the December 1996 Commission Hearing, the Commission approved a Waiver for CDP Application No. 5-96-234-(Bertea) for the remodel and addition to an existing single-family residence. In addition, alterations to the existing swimming pool and spa were proposed. The additions to the residence were on the landward side of the residence. The proposed project did not result in any further development oceanward of the existing development.

e. Coastal Development Permit (CDP) Application No. 5-94-168-(Price), 183 Shorecliff Road (Located Adjacent Down-Coast of Subject Site)

At the December 1994 Commission Hearing, the Commission approved CDP Application No. 5-94-168-(Price) for an addition to an existing single-family residence. The issues addressed in the Staff Report were the conformance of the proposed development with the environmentally sensitive habitat area, geologic hazard, and public access policies of the Coastal Act. The project site was bound on one side by Morning Canyon and on the other side by Little Corona Beach. Typically, the Commission establishes an appropriate setback for both canyon front and oceanfront bluff top development. A minimal bluff edge setback or application of a stringline would achieve the required setback. The addition was located on the canyonward side of the property and not on the ocean side of the property. However, application of a stringline on the canyonward side of the lot, as well as a stringline on the oceanward side of the lot, was not possible since

there are no adjacent structures to use to establish the stringlines, due to the location of the lot as the last lot adjacent to the canyon before it reaches the beach. Thus, a bluff edge setback was deemed more appropriate. The setback of the proposed development was 105-feet from the centerline of the canyon, which is substantially more than the minimal 25-foot bluff edge setback that is typically required. Therefore, the proposed development was adequately setback. The Commission approved the project subject to two (2) Special Conditions. Special Condition No. 1 required conformance with geotechnical recommendations. Special Condition No.2 required future development to obtain an amendment.

## **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 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:

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.*

Section 30251 of the Coastal Act requires that scenic and visual qualities of coastal areas be protected. The project is located on a coastal blufftop lot overlooking Little Corona Beach and the ocean below and is visible from these sites. Because the project will potentially affect views from public vantage points any adverse impacts must be minimized. Pursuant to Section 30251, it is necessary to ensure that the development will be sited to protect views to and along the bluffs and minimize the alteration of existing landforms.

Establishing a limit of development and setting development further back from the edge of the coastal bluff decreases a development's visibility from public vantage points, thus protecting views and the scenic quality of the area as well as preventing alteration of the natural landform. Concentrating the development on the bluff top and away from the bluff edge and bluff face also reduces alteration of the natural bluff landform by avoiding grading and construction of structures on the currently highly scenic bluff where there presently is no development. For these reasons, the Commission typically imposes some type of bluff top set back. The proposed project is inconsistent with Section 30251 of the Coastal Act and the City's LUP policy regarding coastal bluff sites as discussed below.

1. Scenic View Impacts and Landform Alteration

Scenic Views

The proposed project would be located on top of a bluff as well as along the entire bluff face. The existing bluff face is a natural landform visible from public vantage points such as Little Corona Beach (Exhibit #3). Any alteration of this landform would affect the scenic views of the coastline when viewed from the beach. The proposed project would significantly alter the appearance of the undeveloped vegetated bluff. This is very evident with the applicants' proposal to place development on the entire bluff face consisting of a pool, spa, hardscape, steps and a pathway. As such, new development at the subject site must be appropriately sited to minimize adverse effects to existing scenic resources.

Landform Alteration

The proposed project will consist of grading that will comprise of 7,780 cubic yards (3,890 cubic yards of cut, 270 cubic yards of fill and 3,620 cubic yards of export). The proposed grading would be accomplished in order to place the proposed structures on the bluff top and more so the bluff face. Currently, the bluff face is highly scenic and undeveloped; however, the proposed project would result in significant alteration of the bluff face. As such, new development at the subject site must be appropriately sited to minimize adverse effects to natural landforms.

2. City of Newport Beach Land Use Plan (LUP)

Under current LUP policies, 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 bluff face for a purpose not listed as an allowable purpose. Neither of the exceptions in the LUP (emergency repairs and erosion-preventive devices) applies to the development proposed. The proposed project includes grading, installation of a pathway with steps and retaining wall all along the bluff face. The proposed project would cause the alteration of natural landforms and would have adverse impacts on the coastal scenic views of the area thus violating the City's LUP policy on coastal bluff sites.

3. City Setback, Stringline Analysis and Bluff Edge Setback

Oceanward encroachment of new development can often have adverse impacts on a variety of coastal resources. For example, the oceanward encroachment of private development toward a beach can discourage public utilization of the beach adjacent to such development. The oceanward encroachment of structures can also have adverse visual impacts. In addition, the oceanward encroachment of structures can increase the hazards to which the new development will be subjected (the hazard and access issues are discussed elsewhere in these findings). Therefore, the Commission has often used either 1) City-required setbacks from the oceanward property line; 2) a string line evaluation; or 3) a minimal 25-foot setback in areas where geologic conditions are such that the site can be presumed stable for the useful economic life of the development. If a stringline is used, two types of string lines are applied to evaluate a proposed project—a structural string line and a deck string line. A structural string line refers to the line drawn between the *nearest* adjacent corners of the adjacent structures on either side of the

subject site. Similarly, a deck string line refers to the line drawn between the nearest adjacent corners of adjacent decks on either side of the subject site. Setbacks, string lines and bluff edge setbacks are applied to limit new development from being built any further oceanward than existing adjacent development. If not properly regulated the continued oceanward encroachment of development can have a significant cumulative adverse impact on coastal resources.

#### City Setback

The plans submitted by the applicants show that the project conforms to the City zoning setback requirement of 25-feet from the oceanward property line, but conformance to the City required setback however does not address the potential impacts that the oceanward encroaching development will have on the project site. Adhering to the City setback of 25-feet would allow development on the bluff face and would not protect public views and prevent landform alteration.

#### Stringline

Since the City's setback cannot be used to evaluate the potential impacts that the oceanward encroaching development will have on the project site, the applicability of the structural and deck stringlines will be evaluated. However, applying a stringline to the proposed project is difficult due to the differing topography of the project site and adjacent residences that would be used to make this analysis (Exhibits #3-6). The bluff edge of the adjacent sites and area undulate widely from lot to lot, so a setback based upon stringline would not adequately protect the bluff landform.

#### Bluff Edge Setback

In cases where use of a stringline to limit oceanward encroachment of development is not appropriate, the Commission will use a bluff edge setback for primary structures and accessory improvements. Such a setback is derived for site-specific conditions and is designed to assure stability of the development for its useful economic life. A minimal setback may be warranted where those slopes are stable and historic bluff retreat has been minimal. In these cases, the Commission typically requires that habitable structures be setback at least 25-feet from the bluff edge and hardscape features be setback at least 10-feet from the bluff edge to minimize the potential that the development will contribute to visual impacts. Portions of the proposed residential structure would at minimum be located adjacent to the bluff edge (i.e. a zero foot setback) and at maximum approximately 10-feet from the bluff edge. Hardscape and appurtenant features would be located at the bluff edge as well as upon the bluff face (Exhibits #3-13). Therefore, portions of the proposed residence and hardscape and appurtenant features do not adhere to the typically required 25-foot and 10-foot bluff edge setbacks. These setbacks have previously been imposed on other development in the project vicinity, previously described in the Staff report (Section II.A.3.). Adherence to the 25-foot setback and 10-foot setback for the proposed development would be consistent with the previous actions taken in the project area. In addition, the proposed development does not minimize landform alteration and visual impacts as required by Section 30251 of the Coastal Act.



## Conclusion

The Commission finds that the proposed project is not sited and designed to protect scenic and visual qualities of coastal areas as a resource of public importance. Denial of the proposed project would preserve existing scenic resources. The alteration of the bluff would result in an adverse visual effect when viewed from public vantage points such as Little Corona Beach. The Commission finds that the proposed project would result in the alteration of natural landforms. Consequently, the proposed project would increase adverse impacts upon visual quality in the subject area. Therefore, the Commission finds that the proposed project is inconsistent with Section 30251 of the Coastal Act and with the City's LUP policy regarding coastal bluff sites and therefore must be denied.

## **C. 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 subject site is an oceanfront lot where the toe of the bluff is periodically subject to direct wave attack. There is no wide sandy beach or intervening development between the toe of the bluff and the ocean. 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.

### **1. Site Specific Bluff Information**

To address site-specific geotechnical issues with the proposed residence (the proposed pool, spa, retaining walls and steps and pathway to the beach were not reviewed by the geologist), the applicants have submitted several reports including *Preliminary Geotechnical Investigation for New Single Family Residence, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5376*), prepared by Geo Firm dated August 17, 2004; *Response to California Coastal Commission Notice of Incomplete Application dated January 7, 2005, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5499r*), *Permit Application 5-04-466*, prepared by Geo Firm dated March 14, 2005; Letter from KNA Engineering, Inc. to Brion

Jeanette Architecture dated March 29, 2005; and Letter from Geo Firm to Brion Jeannette Architecture dated March 31, 2005.

The geotechnical reports analyzed the stability of the project site and made the following statements: *"In the area of the site, the lower slope is mantled with an apron of slopewash suggesting predominantly subaerial erosional process and a significant history without active erosion along the base of the slope."* Furthermore, the geotechnical reports claim: *"Deep seated failure of the slope is considered unlikely due to its 2:1 overall slope ratio, moderate height, and underlying bedrock and terrace deposits. Upper slope terrace deposits and slopewash deposits which mantel the lower bluff slope face are considered surficially unstable and may be prone to failure under conditions of saturation or seismic acceleration. Such instability will not affect the proposed development in consideration of appropriate foundation design as recommended herein."* [Emphasis added] The geotechnical reports conclude that: *"The bedrock materials backing the slope are anticipated to remain grossly stable. The terrace deposits and slopewash mantling the slope face is considered surficially unstable. The foundation system along the rear of the proposed residence should be designed to isolate proposed improvements from potential surficial instability of the slope."* In response to this geotechnical finding, the applicants have proposed that the foundation system along the rear yard will consist of deepened, continuous footing (Exhibit #12). Thus, the proposed project achieves required structural stability by relying upon these deepened, continuous footings

The Commission typically requires that habitable structures be setback at least 25-feet from the bluff edge and hardscape features be setback at least 10-feet from the bluff edge to minimize the potential that the development will contribute to visual impacts. Portions of the proposed residential structure would at minimum be located adjacent to the bluff edge (i.e. a zero foot setback) and at maximum approximately 10-feet from the bluff edge. Hardscape and appurtenant features would be located at the bluff edge as well as upon the bluff face. Therefore, the proposed residence and hardscape and appurtenant features do not adhere to the typically required 25-foot and 10-foot bluff edge setbacks. Rather than placing development landward of the 25-foot setback and 10-foot setback from bluff edge, and include an adequate safety buffer to address anticipated bluff retreat over the life of the development, the proposed project includes development bluff-ward of the 25-foot setback from bluff edge and necessitates a protective device (deepened, continuous footings) to adequately support and protect the structure against unstable surficial deposits. Over time, the deepened, continuous footings would halt the recession of the bluff and become exposed which would alter the natural bluff landform. New development, such as the proposed residence, should be sited and designed so that no protective device is necessary to protect the structure over it's anticipated life (usually taken to be 75 years). Thus, the placement of the proposed residence and the need of a protective device for stability of the development, make the project inconsistent with Section 30253 of the Coastal Act and must be denied.

## 2. Coastal Hazards

To analyze the suitability of the site for the proposed development relative to potential wave hazards, Commission staff requested the preparation of a wave run-up, flooding, and erosion hazard analysis, prepared by an appropriately licensed professional (e.g. coastal engineer). 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. In response, the applicants have provided a report entitled *New Single Family Residence, 177 Shorecliff Road, Corona Del Mar California, Project No. 71486-00/Report No. 04-5376*), prepared by Geo Firm dated August 17, 2004, which addresses the potential of hazard from flooding and wave attack at the subject site. The study states that review of aerial photographs from October 14, 1939 and July 30, 1970 reveals that little geomorphic changes appear to have occurred. In addition, it does state the beach at the base of the slope appears wider in 1939 than it was in 1970 and attributes that to: " ... late summer season sand return resulting from the tropical storm three weeks prior to the 1939 photographs and/or the early summer sand depletion common during the winter season in the July photographs." Furthermore it states: "The primary historic mode of erosion and retreat in the vicinity in the site is piecemeal rock toppling of the bedrock materials, as it is slowly but progressively undermined by erosion at the base of the sea cliff. However, the site is supported by a relatively gentle slope, not a seacliff, and is currently protected from westerly swells and windwaves by the adjacent promontory and rocky outcrop beach at the base. The mantle of slopewash present along the lower sea bluff is evidence that wave erosion has been absent in recent times, likely due to protection from the offshore harbor breakwater and locally by the adjacent promontory. Shoreline protection along the rear of the property is not anticipated during a 75-year life span of the development providing proper foundation as recommended herein."

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.

### Conclusion

To meet the requirements of the Coastal Act, new development must be sited and designed to: "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 [Emphasis added]." As proposed, the new development is reliant upon a protective device (deepened, continuous footings). Over time, the deepened, continuous footings would halt the recession of the bluff and become exposed which would alter the natural bluff landform. Thus, the Commission finds that the project, as currently proposed, is not consistent with the geologic hazards policy of the Coastal Act. There are alternatives to the proposed project (see Section II.E. of these findings) that would lessen or avoid the identified impacts. Denial of the proposed project would avoid impacts to landforms. New development, such as the proposed residence, should be sited and designed so that no protective device is necessary to protect the structure over it's anticipated life (usually taken to be 75 years). Therefore, the Commission finds that the proposed project is inconsistent with Section 30253 of the Coastal Act and therefore must be denied.

**D. PUBLIC ACCESS**

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 is a coastal bluff top lot situated on the oceanward side of Shorecliff Road, which is the first public road immediately inland of Little Corona Beach. The entire flat area of this lot that is located at the base of the bluff (Little Corona Beach) is private and is designated Recreational and Environmental Open Space in the City's Land Use Plan (LUP). The part of the beach seaward of the mean high tide line, which would change depending on the tide, is public. The public accessway to Little Corona Beach nearest to the subject site is located at the east end of Ocean Boulevard, approximately one quarter mile to the northwest. 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 oceanward encroachment of development that would impact public access to coastal resources. The proposed project, as submitted, would be a significant new development encroaching oceanward.

The proximity of the proposed project to Little Corona Beach, raises Coastal Act concerns, as it would be new oceanward encroaching development that could discourage use of the beach. The project could diminish the value of the beach for public use by discouraging public access to the beach through the presence of the new residence above the beach located at the zero bluff edge setback and the pool, spa, hardscape, steps and pathway and retaining walls on the bluff face leading to Little Corona Beach. The existing beach already is relatively narrow. The proposed bluff development would be imposing structural features that could affect public use of the beach by discouraging the public from using the beach area intended for public use. This would force the public to move more oceanward and thus have an impact on public use of the beach. Thus, the proposed project could adversely impact public access to the beach.

The Commission finds that the proposed project, as currently proposed, is not sited and designed to protect public access to coastal resources. Denial of the proposed project would preserve existing public access resources. The Commission finds that the area in front of the development is a recreation area and that the proposed project would degrade that area and, by discouraging public use of the area, would be incompatible 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.

## **E. ALTERNATIVES**

Due to the project's impact on coastal views and the alteration of natural landforms, possible project alternatives were requested from the applicant in order to find an approvable project that would limit impact on coastal views and alteration of natural landforms. The applicants' have stated that they have looked at other alternatives; however, the applicants feels that the current project proposal is the best and least impacting. The Commission disagrees and believes that there are other alternatives that are better (more consistent with the policies in Chapter 3 of the Coastal Act, as well as the LUP policies) and that would have less impact on coastal resources.

Denial of the proposed project will neither eliminate all economically beneficial or productive use of the applicants' property, nor unreasonably limit the owners' reasonable investment-backed expectations of the subject property. The applicants already possess a substantial residential development of significant economic value of the property. In addition, several alternatives to the proposed development exist. Among those possible alternative developments are the following (though this list is not intended to be, nor is it, comprehensive of the possible alternatives):

### **1. No Project**

No changes to the existing site conditions would result from the "no project" alternative. As such, there would be no disturbance of the bluff face. The bluff face would remain as an undeveloped vegetated slope. The applicants would still have full use of the residence. This alternative would result in the least amount of effects to the environment and also would not have any adverse effect on the value of the property.

### **2. Remodeling of the Existing Home**

An alternative to the proposed project would be remodeling of the existing home so that it adheres to the minimum 25-foot setback from the bluff edge for habitable structures and the minimum 10-foot from the bluff edge for hardscape appurtenant features so that the potential that the development will contribute to visual impacts and adversely impact slope stability will be minimized. This alternative would preserve the bluff face as an undeveloped vegetated slope.

### **3. Demolishing and Rebuilding the Existing Home**

Another alternative to the proposed project would be demolishing and rebuilding the existing home, consistent with the typically imposed setbacks as described above. As such, there would be no disturbance of the bluff face and it would remain as an undeveloped vegetated slope.

## **F. 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 that 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:

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

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

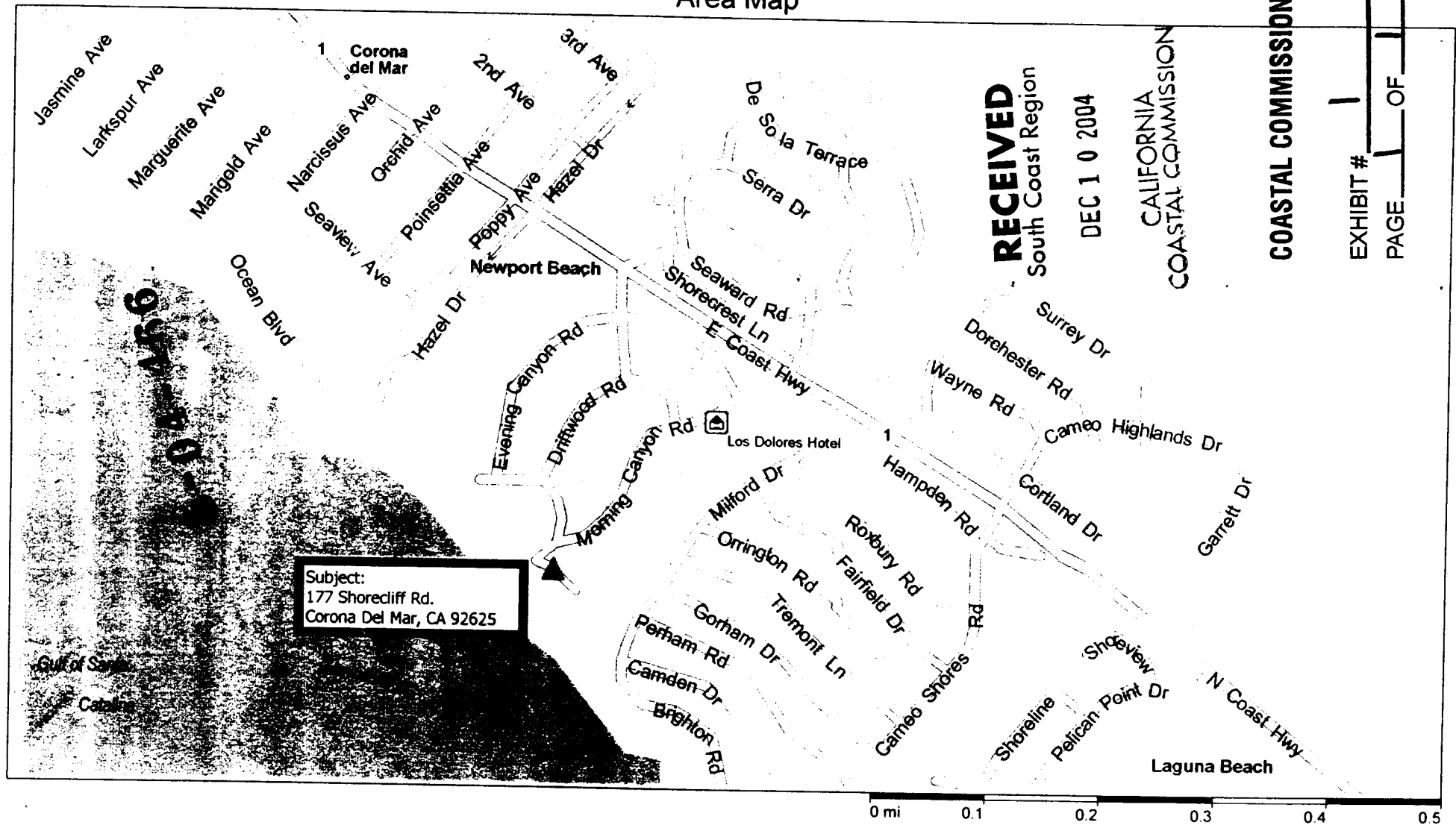
The construction of the proposed project is inconsistent with the policies in the City's certified LUP and as well as Chapter 3 policies of the Coastal Act discusses previously, specifically Sections 30251, 30253 and 30240 (b). Development on the coastal bluff would cause adverse impacts to the natural 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 and visual impacts. Section 30253 of the Coastal Act requires that new development 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. 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. Approval of 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), by authorizing development inconsistent with those policies. Therefore, because the project is found inconsistent with the policies in the City's certified LUP and the Chapter 3 policies of the Coastal Act, issuance of the permit would be inconsistent with Section 30604(a), and the permit must be denied.

#### **G. 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 that would substantially lessen any significant adverse effect the activity may have on the environment.

As described above, the proposed project would have adverse environmental impacts. There are feasible alternatives or mitigation measures available, 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 are feasible alternatives that would lessen significant adverse impacts the activity would have on the environment. Therefore, the project must be denied.

# Area Map



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South Coast Region

DEC 10 2004

CALIFORNIA  
COASTAL COMMISSION

COASTAL COMMISSION

EXHIBIT # 1

PAGE 1 OF 1



# Advanced Listing Services

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South Coast Region

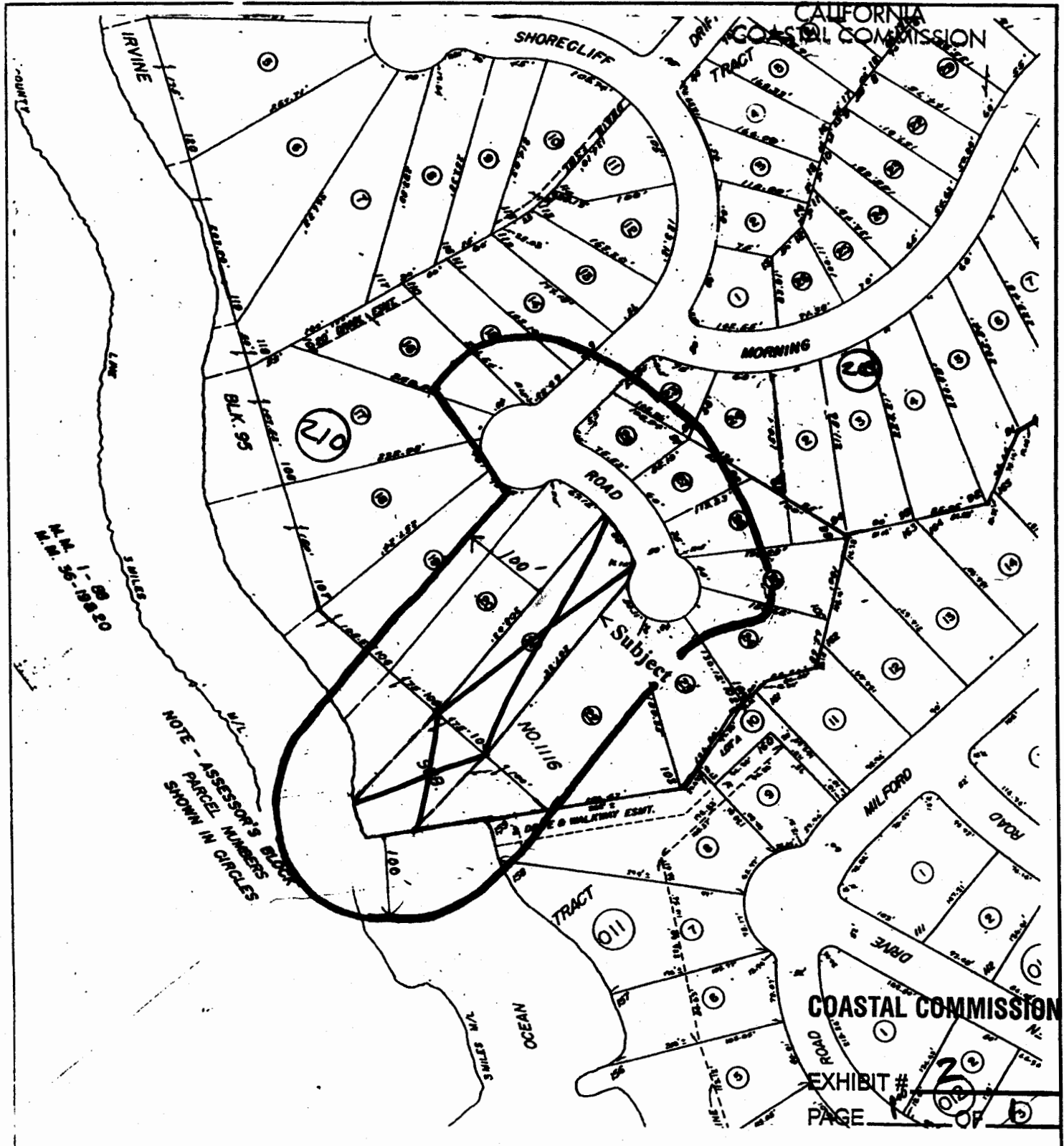
APN: 052-210-21

100' Radius (excluding roads)

Subject Address: 177 Shorecliff Road

Corona Del Mar, CA 92625

DEC 10 2004





COASTAL VIEW (IMAGE 4956 FROM WWW.CALIFORNIA.COASTLINE.ORG)



COASTAL VIEW

Brion Jeannette Architecture

ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

A-11



DATE	REVISION	REVISION	REVISION	REVISION



ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

TOPOGRAPHIC SURVEY

Date:	Revision:	Revision:	Revision:	Revision:	Revision:

C-1

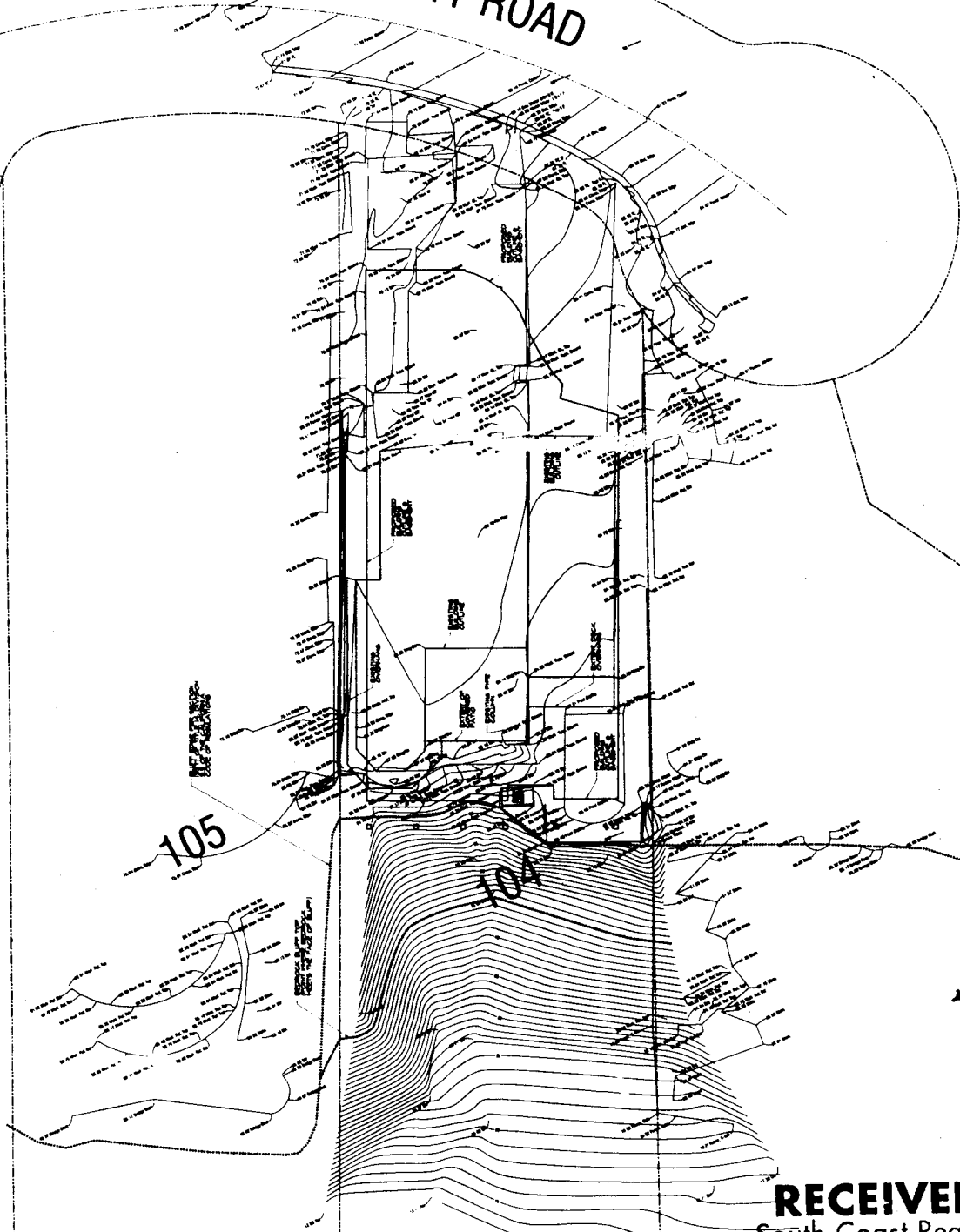
MAY 05 2005

SURVEY BY:  
HUNSAKER & ASSOCIATES  
3 HUGHES  
IRVINE, CA 92618  
(949) 583-1010



SCALE: 1" = 40'

SHORECLIFF ROAD



TOPOGRAPHIC SURVEY

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**COASTAL COMMISSION**

MAY 6 2005

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PAGE 1 OF 1

CALIFORNIA  
COASTAL COMMISSION

ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

NEIGHBORHOOD  
PLAN

DATE	5/5/2005
BY	JEFFB
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	
BY	
CHECKED BY	
DATE	



A-10



NEIGHBORHOOD PLAN

ELIETT RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

Brian Jeannelle Architecture

SITE PLAN

Date:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No. 03-024	

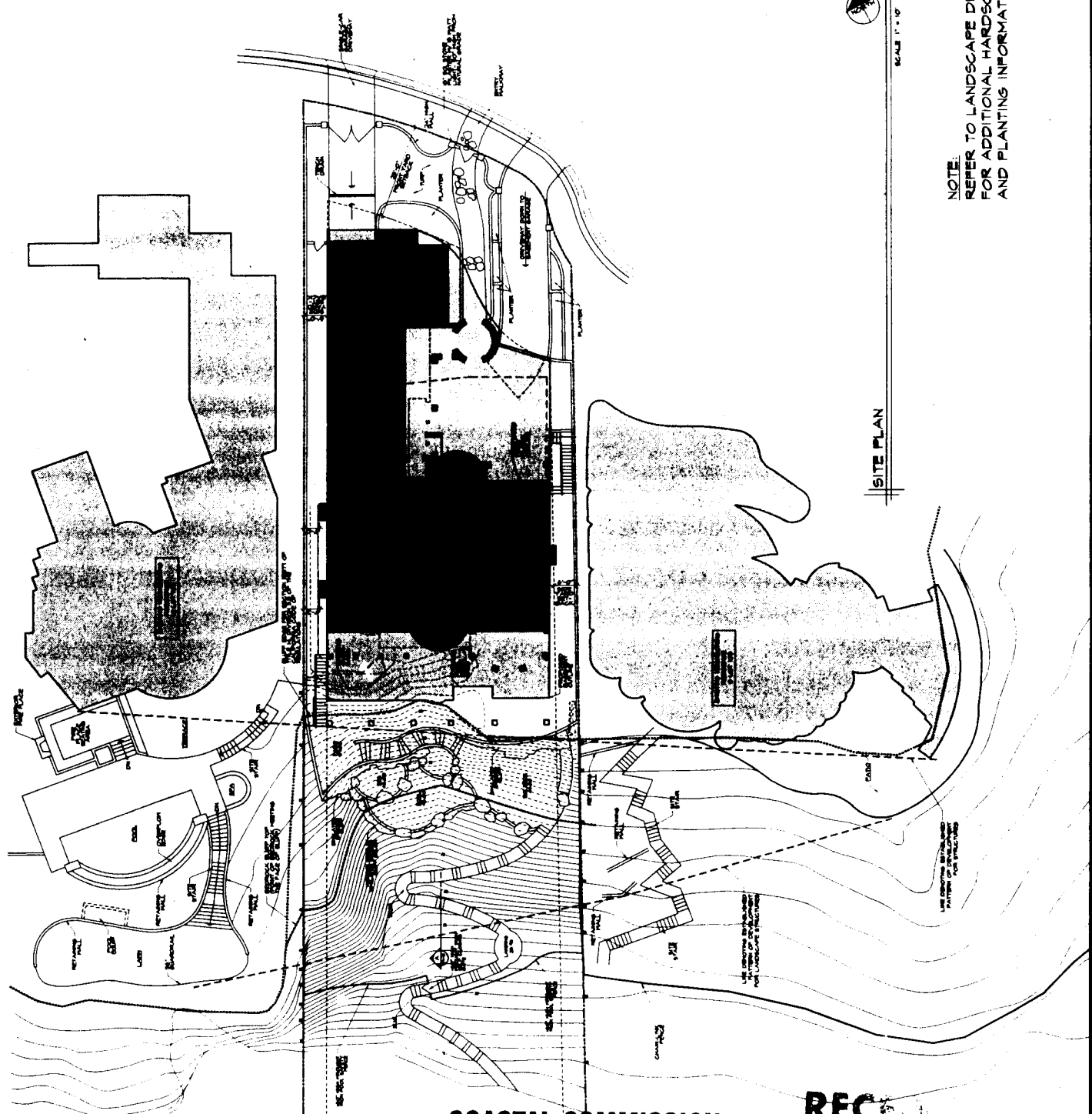


A-1

NOTE:  
REFER TO LANDSCAPE DRAWINGS  
FOR ADDITIONAL HARDSCAPE  
AND PLANTING INFORMATION

SCALE 1" = 10'

SITE PLAN



COASTAL COMMISSION

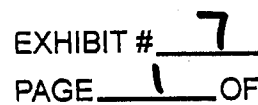
REC  
South C

EXHIBIT # 6  
PAGE 1 OF 1

MAY 6 2005

COASTAL

MAY 05 2005



ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

Trion Jeannette Architecture

FIRST FLOOR PLAN

Date	
Revision	
Revision	
Revision	
Revision	
Revision	
Job No.	03-034



A-3

S:\Clients\Elieff\Drawings\0339fp.dwg, FIRST FLOOR - CCC, 3/31/2005 10:14:21 AM, JeffB, Xerox.pc3, 1:3.90721

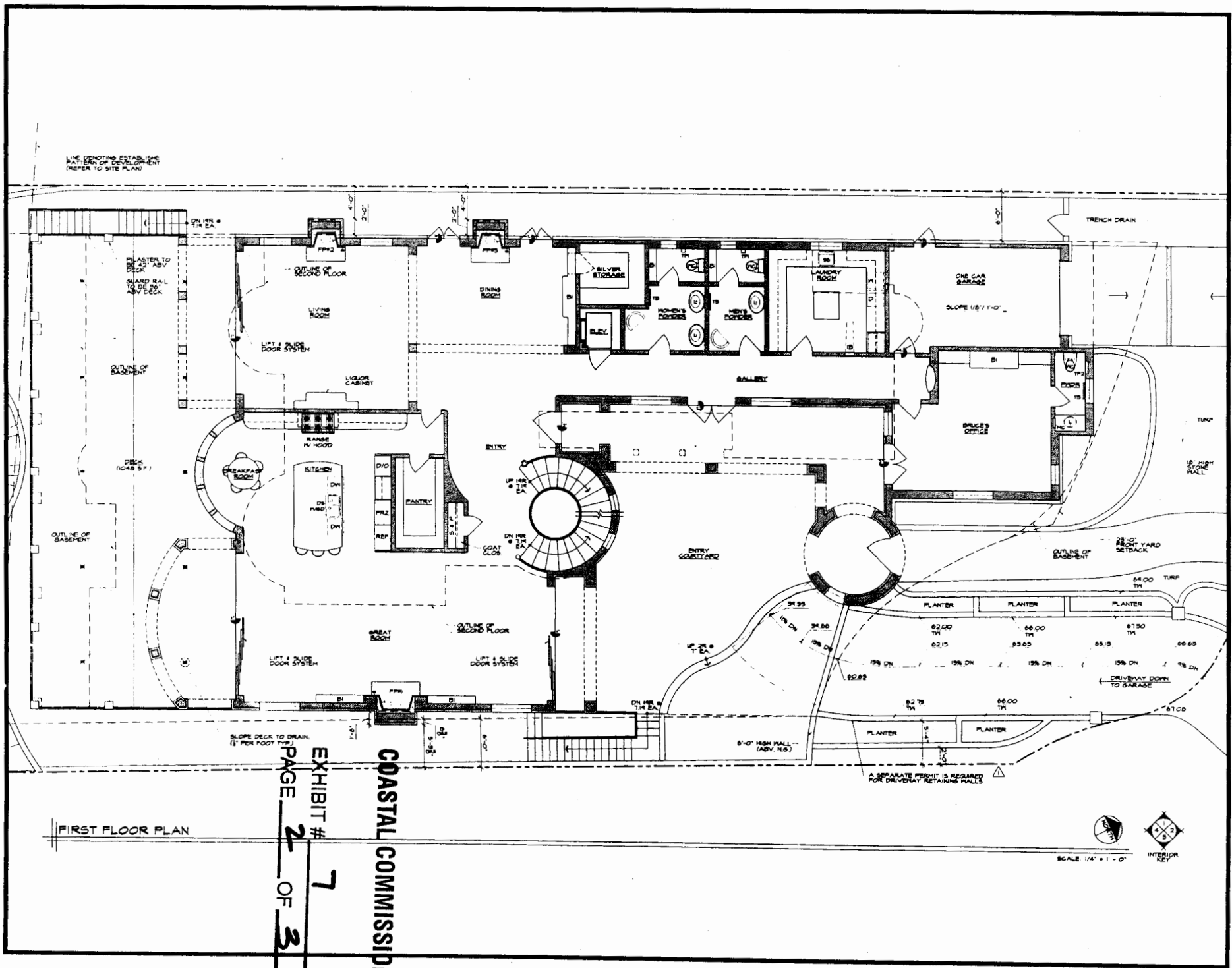
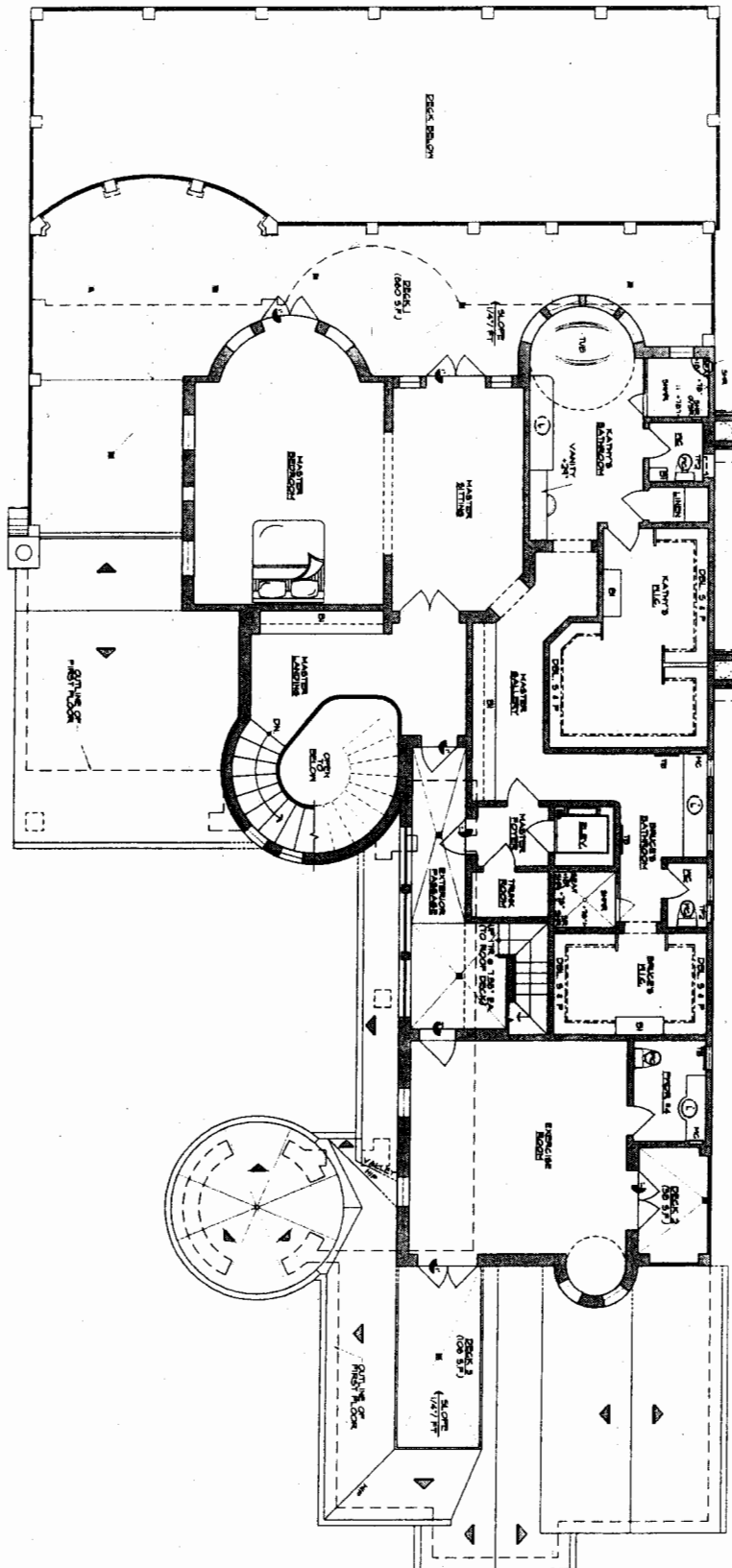


EXHIBIT # 7  
PAGE 2 OF 3

COASTAL COMMISSION

**SECOND FLOOR PLAN**



SCALE: 1/4" = 1' - 0"

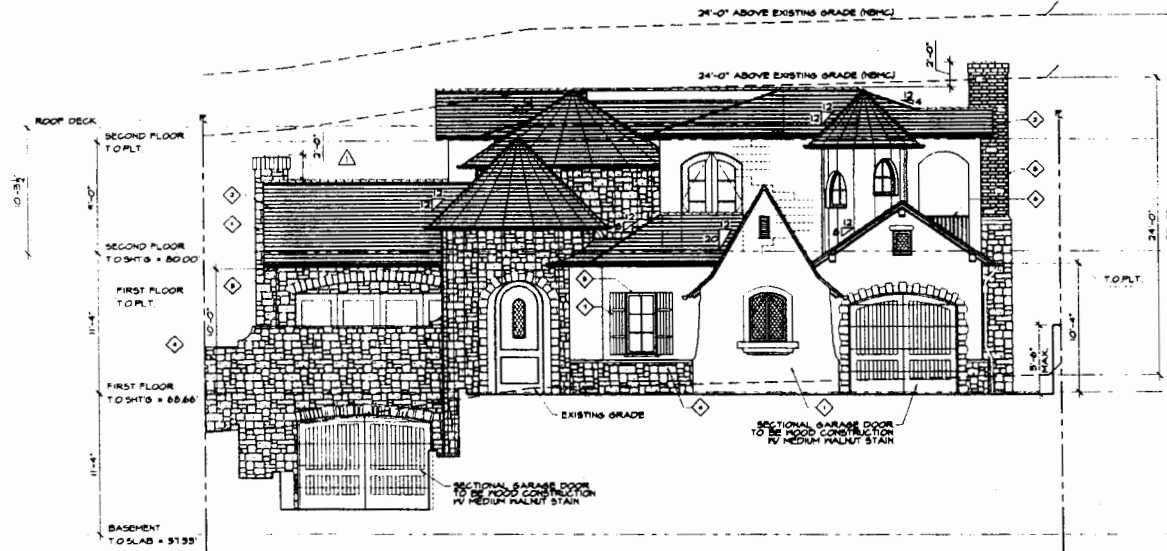


SECOND FLOOR  
PLAN

Brian Jeannette Architecture

ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA





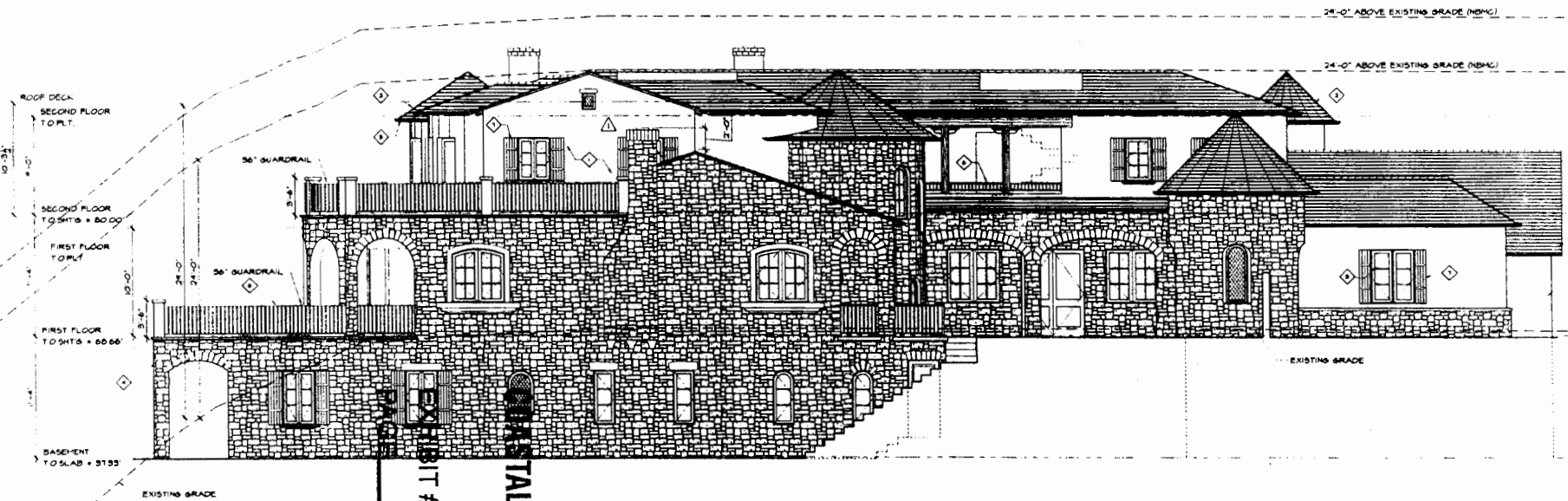
NORTH ELEVATION

SCALE: 1/4" = 1' - 0"

# EXTERIOR FINISH NOTES

- EXTERIOR PLASTER AT BUILDING FIELD TO RECEIVE A SMOOTH FINISH OF 1/8" FELT. OMEGA AKROPLEX COLOR TO MATCH FRAZER LULLED BEIGE 02239Y. OMEGA PRODUCTS INTERNATIONAL, INC. (714) 455-0400
- ROOFING: ROOF TILE TO BE SLATE TILE BLEND OF CHINA MULTI-COLOR, EMERALD GREEN, PURPLE.
- FINISHES: FINISHES TO BE DOUGLAS FIR WITH MEDIUM WALNUT STAIN.
- STONE: EXTERIOR STONE VENEER TO BE BATH STONE IN A RANDOM PATTERN.
- GOFFERS: 16 OZ COPPER # ALL GUTTERS, DOWNSPOUTS, & COLLECTION BOXES.
- RAILINGS: EXTERIOR HANDRAILS, GUARDRAILS, & BALCONIES TO BE BLACK FORGED IRON.
- INDOOR SHUTTERS: INDOOR SHUTTERS TO BE PAINTED FRENCH RED BY FRAZER.
- BRICKS: BRICKS TO BE RECYCLED BRICKS.

NOTES:



EAST ELEVATION

SCALE: 1/4" = 1' - 0"

EXHIBIT # 2  
OF 3  
CRISTAL COMMISSION

ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

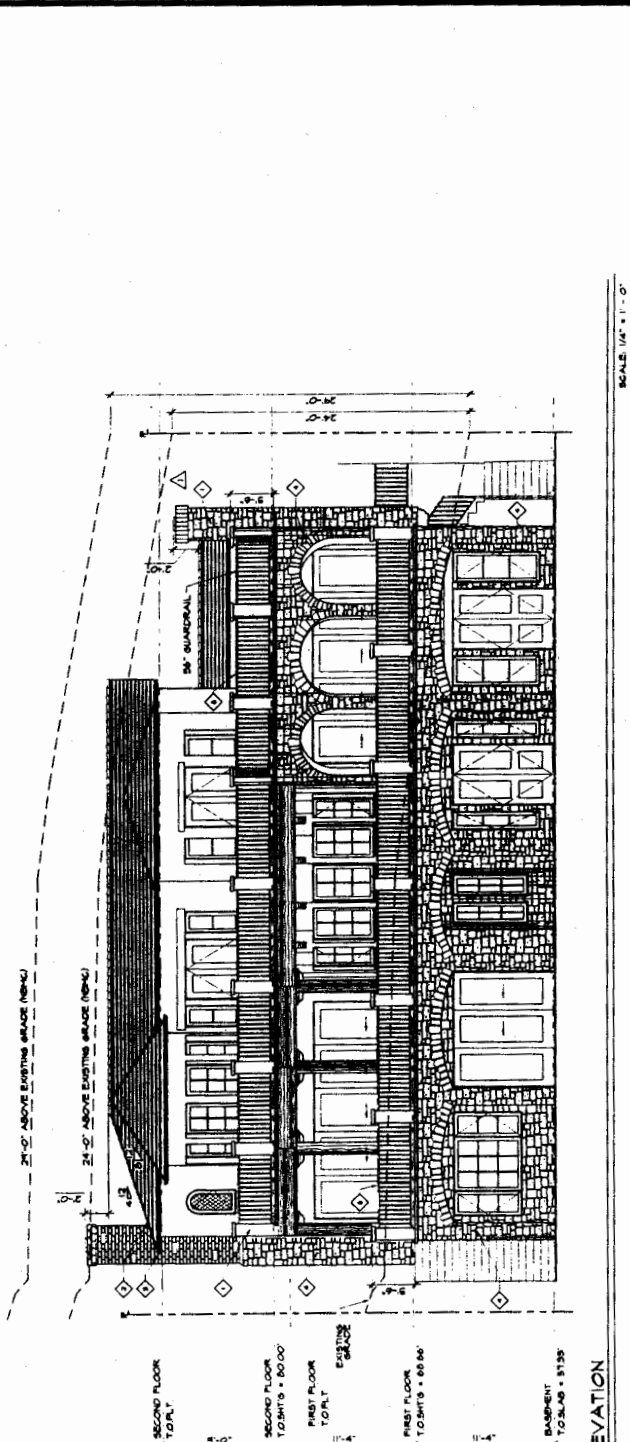
Brian Jeannelle Architecture

EXTERIOR  
ELEVATIONS

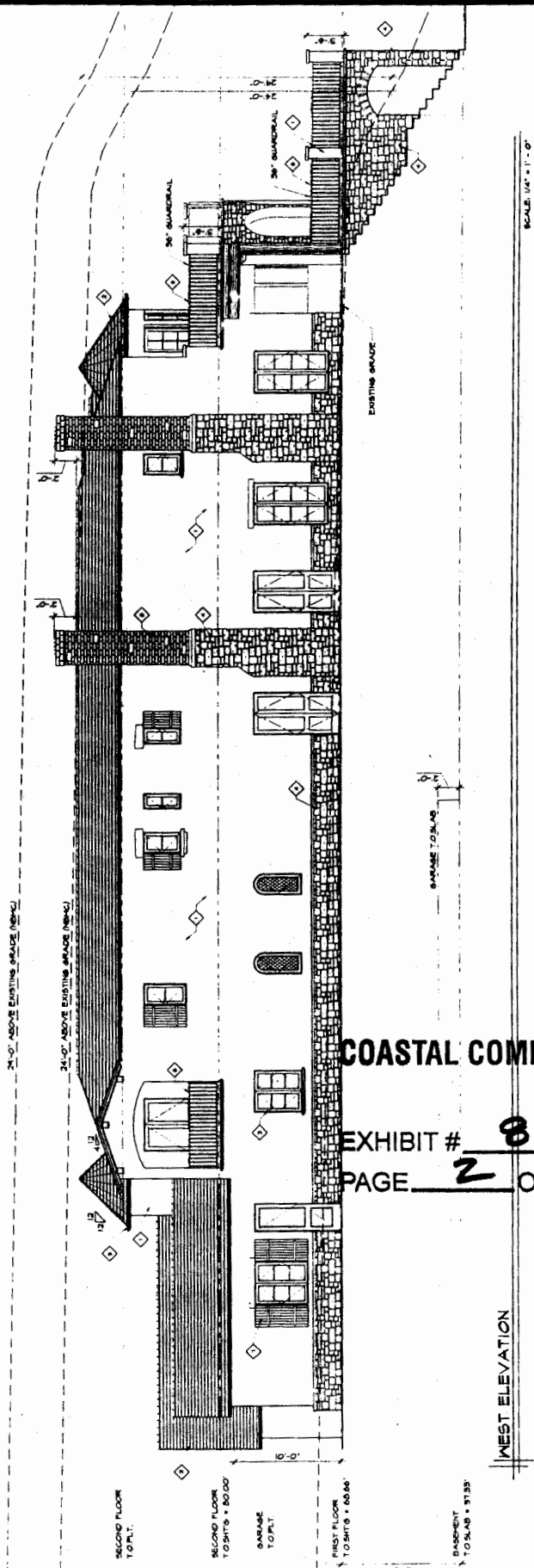
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Revision:	
Revision:	
Revision:	
Revision:	
Revision:	
Job No. 02-024	



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**SOUTH ELEVATION**



NEST ELEVATION

# COASTAL COMMISSION

EXHIBIT # 8  
PAGE 2 OF 3

ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

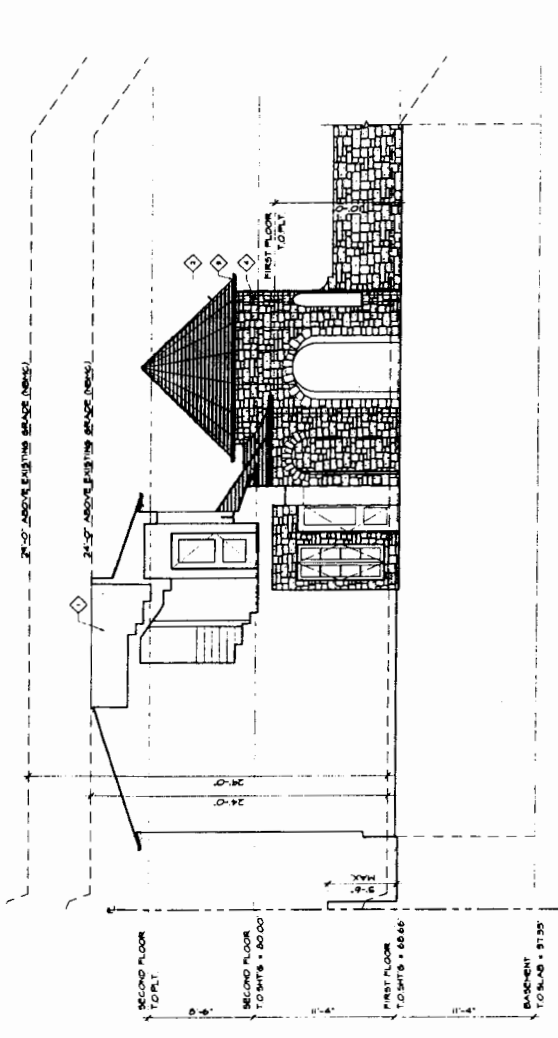
Brian Jeannotte Architecture

COURTYARD  
ELEVATIONS

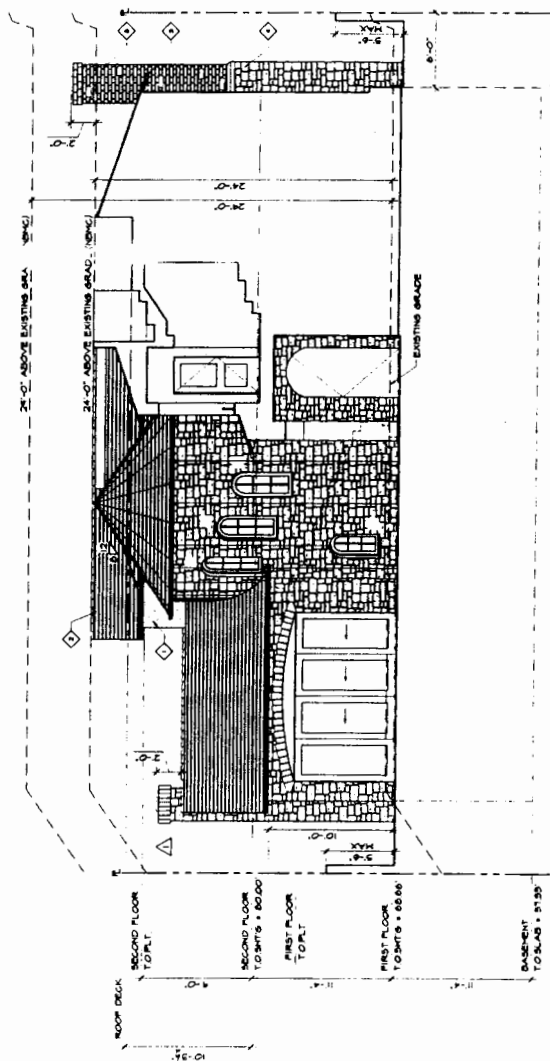
DATE: 03/31/05  
BY: JEB  
REVISION: 1.0  
REVISION: 2.0  
REVISION: 3.0  
REVISION: 4.0  
JOB NO. 03-034



A-7



SOUTH COURTYARD ELEVATION



NORTH COURTYARD ELEVATION

COASTAL COMMISSION

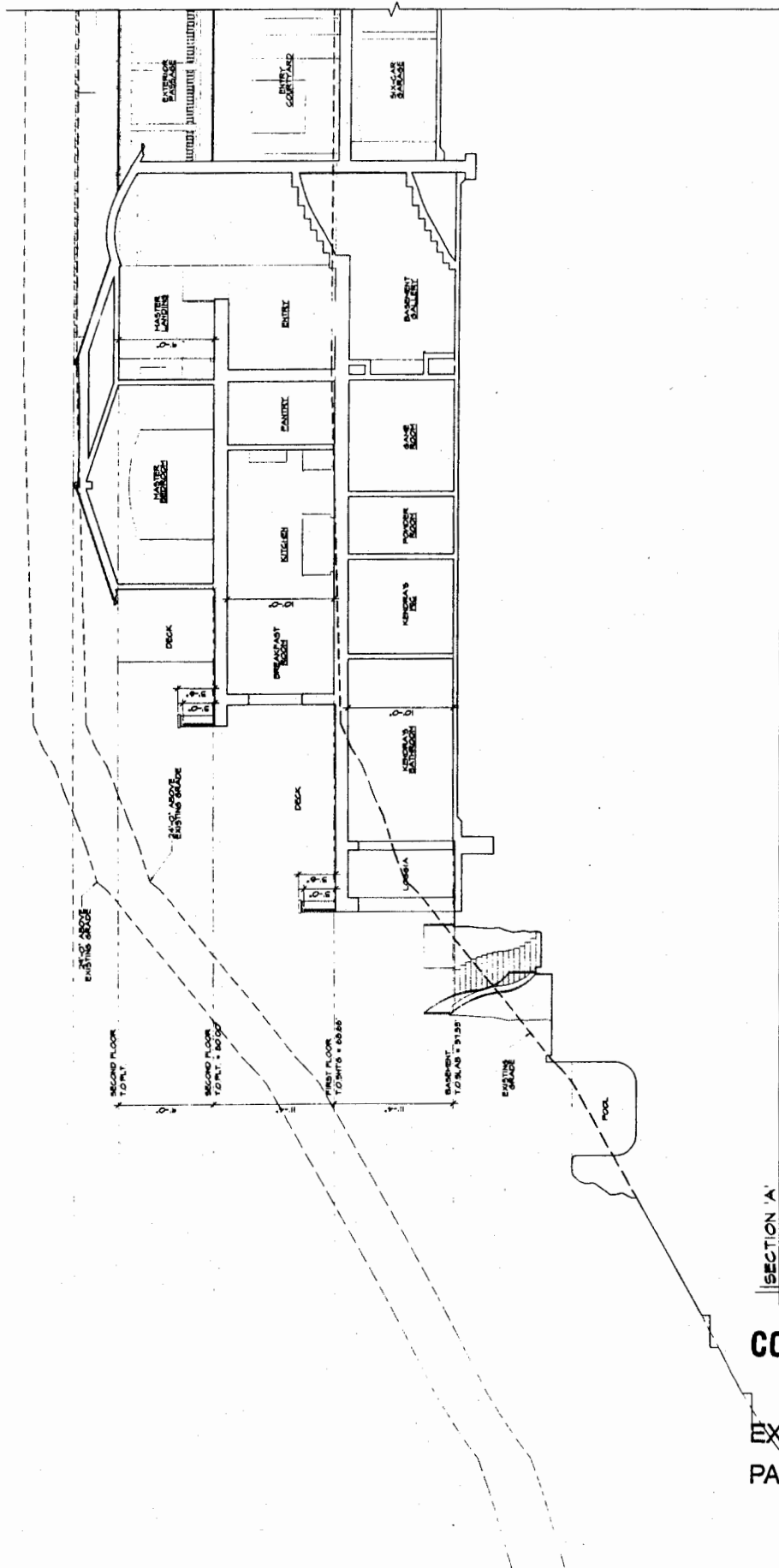
EXHIBIT # 8  
PAGE 3 OF 3

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## BUILDING SECTIONS

Brion Jeannelle Architecture

ELIEFF RESIDENCE  
177 SHORECLIFF ROAD  
CORONA DEL MAR, CA

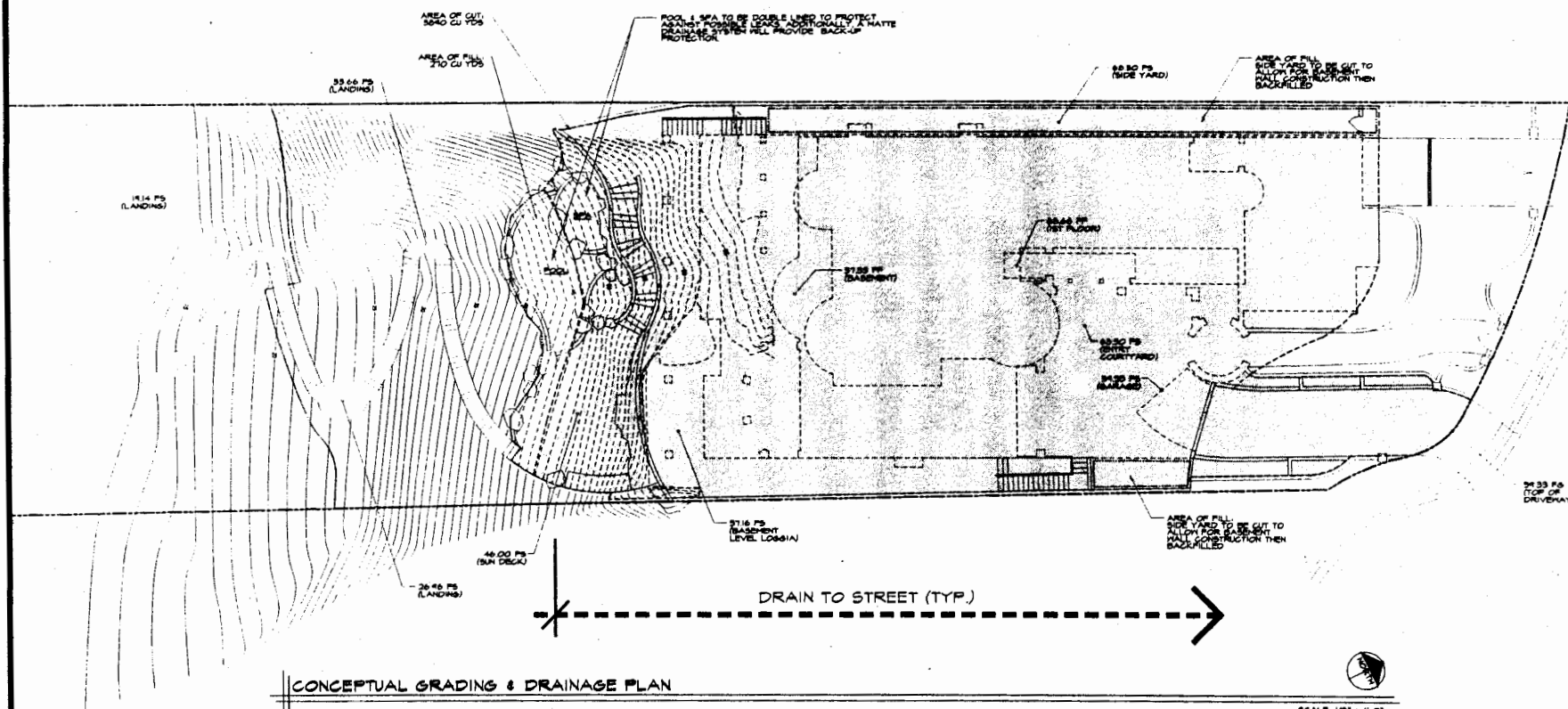


**COASTAL COMMISSION**

EXHIBIT # 9  
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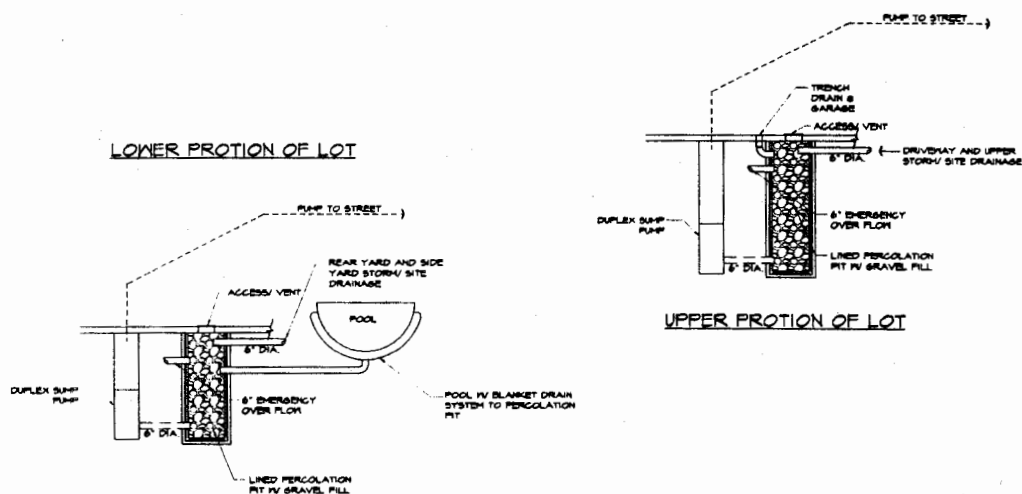


EXHIBIT # 10  
PAGE 1 OF 1



## CONCEPTUAL GRADING & DRAINAGE PLAN

SCALE: 1/8" = 1'-0"



### CONCEPTUAL DRAINAGE DIAGRAM

ESTIMATED GRADING QUANTITIES:

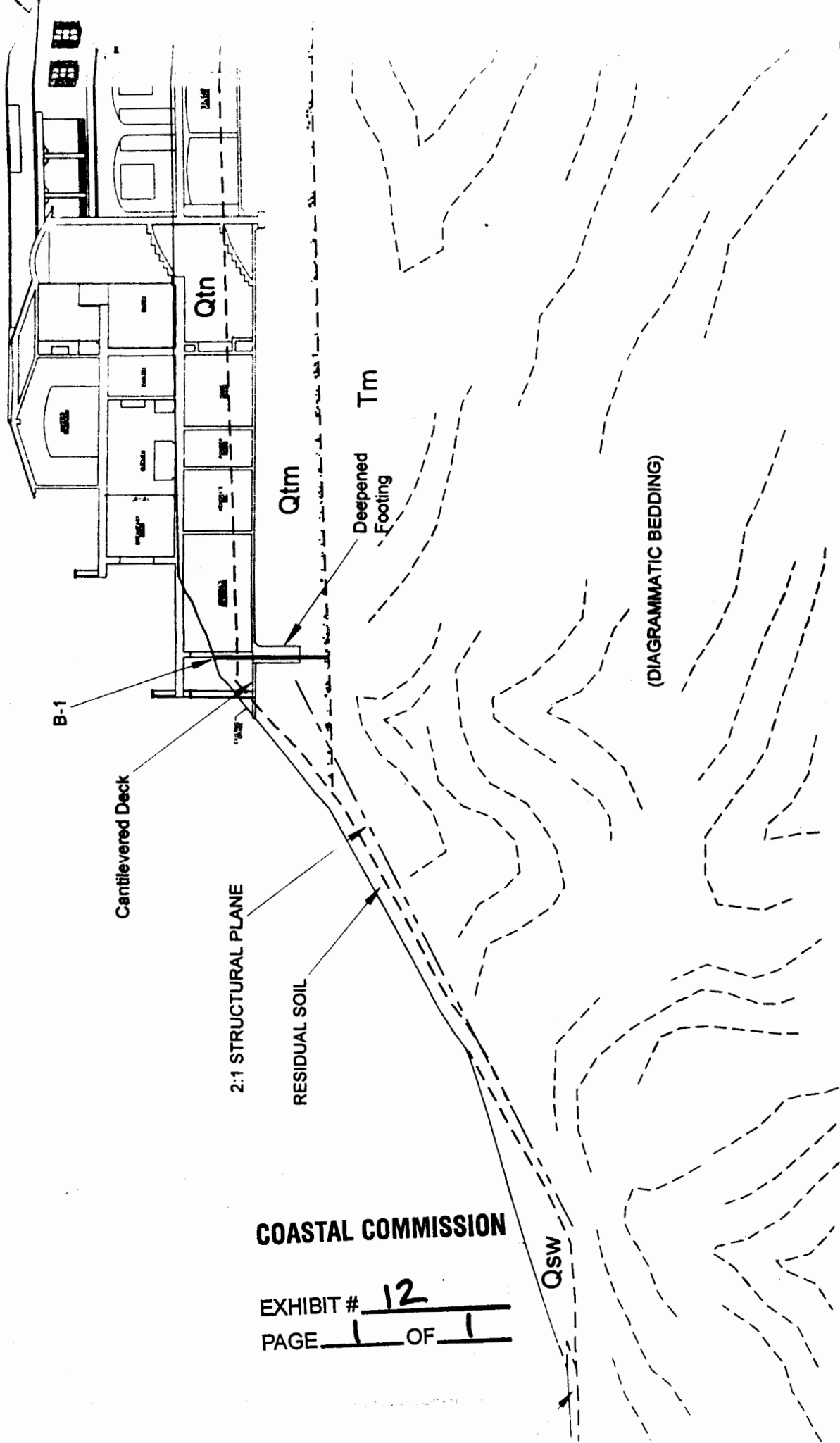
CUT:	3890 CUBIC YARDS
FILL:	270 CUBIC YARDS
EXPORT:	3620 CUBIC YARDS

**NOTE:**  
REFER TO LANDSCAPE DRAWINGS  
FOR ADDITIONAL HARDSCAPE  
AND PLANTING INFORMATION

# COASTAL COMMISSION

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PAGE 1 OF 1

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COASTAL COMMISSION

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PAGE 1 OF 1

SECTION 'A'



### THE ELIEFF RESIDENCE

177 SHORECLIFF ROAD  
CORONA DEL MAR, CALIFORNIA

North  
Scale 1"=10'-0"

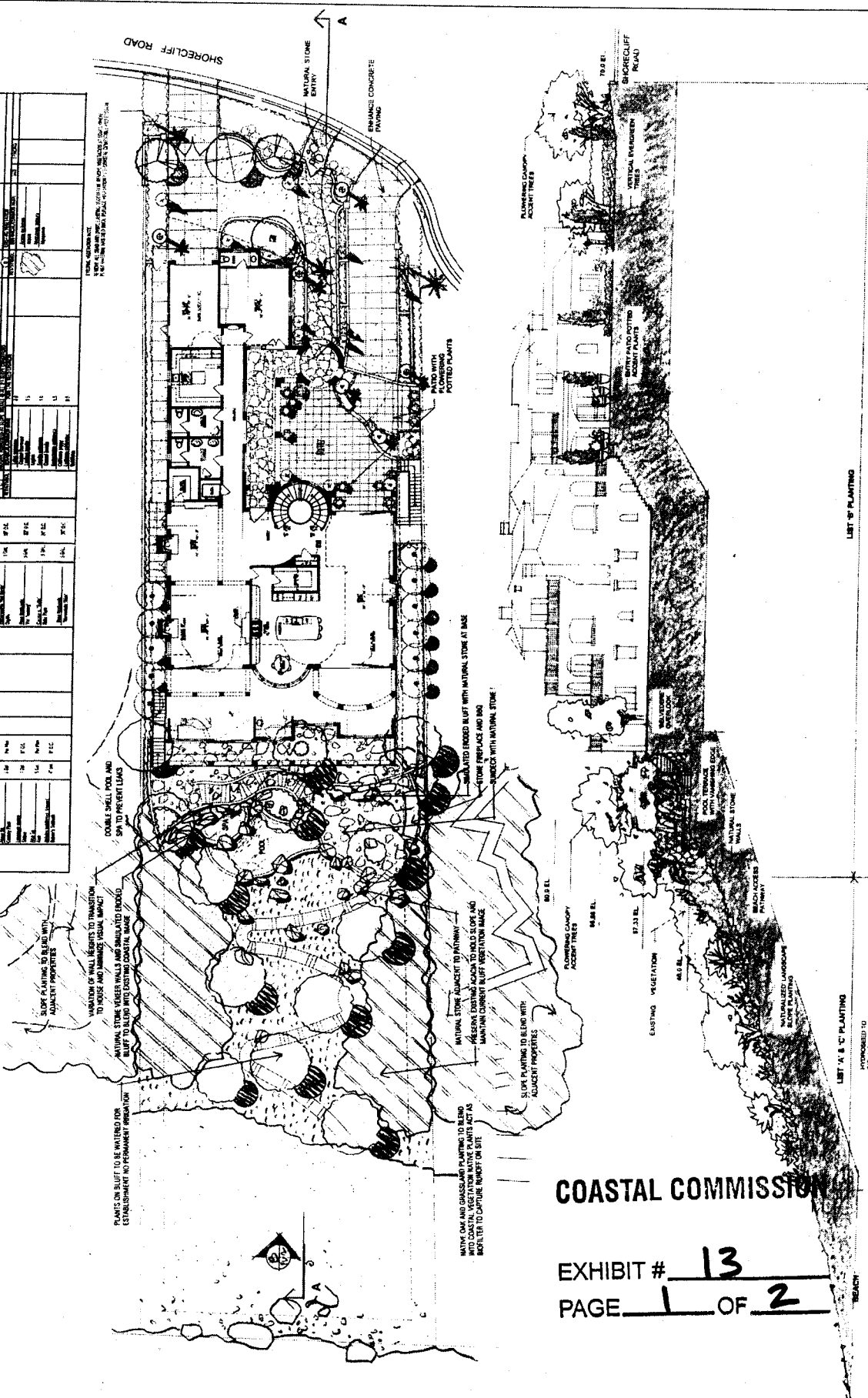
THE ELIEFF RESIDENCE

PRELIMINARY  
LANDSCAPE PLAN

PL-1

**PLANTING LEGEND**

Symbol	Plant Name	Quantity	Notes
⊕	Platanus	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊗	Quercus	15	Plant on bluff to be watered for establishment. No permanent irrigation.
⊙	Juniperus	5	Plant on bluff to be watered for establishment. No permanent irrigation.
⊛	Yucca	20	Plant on bluff to be watered for establishment. No permanent irrigation.
⊜	Agave	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊝	Philadelphus	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊞	Hydrangea	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊠	Camellia	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊡	Wisteria	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊢	Passiflora	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊣	Ipomoea	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊤	Convolvulus	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊥	Antirrhinum	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊦	Verbena	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊧	Salvia	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊨	Origanum	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊩	Thymus	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊪	Lavandula	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊫	Rosmarinus	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊬	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊭	Populus	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊮	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊯	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊰	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊱	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊲	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊳	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊴	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊵	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊶	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊷	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊸	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊹	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊺	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊻	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊼	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊽	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊾	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.
⊿	Salix	10	Plant on bluff to be watered for establishment. No permanent irrigation.



COASTAL COMMISSION

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PAGE 1 OF 2

SECTION A-A



EXHIBIT # 13  
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