CALIFORNIA COASTAL COMMISSION
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W26a

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AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-84-A1

Applicant: Mrs. Ninni Scism Agent: Bob Trettin

Original Description: After-the-fact construction of colored and textured concrete tiedback seawall approximately 35-ft-high, 50-ft-long and 2-ft-wide and underground upper bluff retention system, consisting of approximately nine, 35-ft-deep caissons, tiebacks, and grade-beam.

Proposed Amendment: Reconstruct mid-bluff area above existing seawall using a geogrid structure, soil nails and native landscaping. The area for the geogrid device is approx. 40 ft. wide and extends from 35+ elevation to +79 elevation at a 1:1 slope (approx. 1,760 sq. ft.) Also, construction of a keystone block wall extending from the north end of the seawall to the top of the bluff.

Site: On the bluff face fronting 357 Pacific Avenue, Solana Beach, San Diego County. APN #263-301-05

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending denial of the proposed development as the applicant has not demonstrated that the existing residential structure is subject to threat such that the geogrid structure is required to protect the residence pursuant to Section 30235 of the Coastal Act. In addition, the proposed geogrid structure will have adverse impacts to visual resources along the shoreline and alternatives are available which do not involve such extensive alteration of the natural bluff face. Finally, approval of the proposed development will prejudice the ability of the

local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; San Diego County LCP; City of Solana Beach Case Nos. 17-01-38; CUP #17-07-34; "Monitoring Program – Coastal Seawall & Upper Bluff Retention System" by Soil Engineering Construction, Inc. dated February 2, 1009; "Review of Letter for Engineering Necessity" by GEOPACIFICA Geotechnical Consultants dated 11/10/09; Letter from Soil Engineering Construction, Inc., dated October 14, 2009; Coastal Development Permit Nos. CDP Nos. 6-99-100/Colton, et. al, 6-02-2/Gregg, 6-02-84/Scism, 6-02-130-G/Scism, 6-03-008-G/Scism ,6-04-83/Cumming, 6-03-33-A5/Surfsong, 6-06-37-G/Totten, et. al., 6-08-73/DiNoto, et. al.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve proposed amendment to Coastal Development Permit No. 6-02-84-A1 for the development as proposed by the applicant.***

STAFF RECOMMENDATION OF DENIAL:

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

RESOLUTION TO DENY THE PERMIT AMENDMENT:

The Commission hereby denies the proposed amendment to the coastal development permit on the grounds that the development as amended 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 amendment 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 amended development on the environment.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed development involves the reconstruction of the mid-bluff area that lies between the existing seawall and an upper bluff below-grade retention device. The reconstruction involves the construction of a geogrid structure made of plastic which incorporates the use of soil nails and soil. The applicant is also proposing extensive native landscaping, including the use of planters. Based on the submitted plans, the area proposed for the geogrid device is approximately 40 ft. wide and extends from 35+ elevation to +79 elevation at a 1:1 slope; an area of approximately 1,760 sq. ft. In addition, to support the northern side of the geogrid structure, the applicant is proposing the construction of a keystone block wall that will extend from the north end of the seawall up to the top of the bluff.

In September of 2002, the Executive Director authorized an emergency permit to construct a 35 foot-high, 50 foot-long, 2 foot-wide tiedback concrete seawall at the toe of the bluff (ref. 6-02-130-G/Scism) and a separate emergency permit in 2003 to construct a below-grade upper bluff retention system consisting of 9 piers, approximately 30 inches in diameter, placed eight-foot on center in the rear yard of the residential structure extending to a depth of approximately 35 feet (ref. 6-03-008-G/Scism). In March of 2003, the Commission approved the required follow-up regular coastal development permit for the project constructed under the two emergency permits (6-02-84/Scism). The face of the proposed seawall was colored, textured and sculpted to allow for a more natural appearance. Coastal Development Permit #6-02-84/Scism was conditioned, among other things, to require that if the below-grade retention system becomes exposed in the future, the applicant must apply for an amendment to visually treat the exposed sections of the upper bluff wall with colors and texturing to blend with the natural appearance of the bluff.

The subject development would be located on the bluff face of an approximately 80 ft.-high coastal bluff below an approximately 2,900 sq. ft., two-story, single-family residence. Tide Beach Park public access stairway is located approximately 500 feet north of the site, and Fletcher Cove, the City's central beach access park, is located approximately ¼ mile to the south.

The residence was constructed in the 1950's and the Commission has no record of any additional development activity on the subject lot, other than described above, since the effective date of the Coastal Act. The City of Solana Beach does not yet have a certified LCP. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Geologic Conditions and Hazards. Section 30235 of the Coastal Act states, in part:

> Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

In addition, Section 30253 of the Coastal Act states, in part:

> New development shall do all of the following:
>
> (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (b) 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...

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures and when designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with construction of new development. A shoreline protective device proposed in those situations is likely to be inconsistent with various other Coastal Act policies. In addition, Section 30253 addresses new development and requires that it be sited and designed to avoid the need for protective devices that would substantially alter natural landforms along the bluffs and cliffs or result destruction of the site.

In 2003, the Commission approved the construction of an existing 35 ft. high seawall at the base of the bluff and a 50 ft.-wide below-grade upper bluff retention system consisting of 9-piered caissons that extend 55 ft. in depth at the top of the bluff to protect the existing residence that was threatened by erosion. (Submitted "as-built" plans show the caissons as being 35 ft. in depth.) The applicant's engineer identified at that time that one alternative to the upper bluff underground caissons would be the construction of the seawall along with a reconstructed bluff face using a geogrid structure such as currently proposed. However, the applicant's engineer asserted that because of the ongoing erosion on either side of the subject site, a geogrid structure was not feasible because ongoing erosion from the north and south sides would undermine the geogrid structure. Therefore, to address the threat to the residence, the applicant's engineer identified that the only alternative at that time was the seawall and the upper bluff underground caissons. The seawall and upper bluff underground caissons have subsequently been constructed and afford protection to the existing residence.

The proposed project involves the construction of a geogrid reinforced slope using soil nails and soil to retain the geogrid structure and the installation of extensive landscaping to in order to visually treat the artificially reconstructed slope. The geogrid structure is proposed to be placed on the bluff face between an existing 35 ft. high seawall and the upper bluff underground caissons at the top of the bluff. The structure will occupy an area of approximately 1,760 sq. ft. over the natural bluff face. In addition, to support the north side of the geogrid structure, the applicant is proposing to construct a keystone wall

that will extend perpendicular from the seawall up the bluff face to the top of the bluff, a distance of approximately 44 feet. The applicant contends that the structures are necessary to protect the existing residence, because the existing underground caisson system has become exposed which, if allowed to fail overtime, would threaten the residential structure.

The monitoring program submitted in February of 2009 in compliance with the Commission action of 2002 (CDP #6-02-084/Scism) identifies that "continued mid bluff erosion has partially exposed the western most edge of the curb face along the southern property boundary, causing minimal exposure of the designed cantilevered slab deck" (Ref. "Monitoring Program – Coastal Seawall & Upper Bluff Retention System", by Soil Engineering Construction, Inc. dated February 2, 1009). In addition, the monitoring program notes that "our review of the project site at 357 Pacific Avenue has resulted in a determination that the existing mid and upper bluff failure, resulting from an unabated failure at 362 Pacific Avenue, is now moving eastward, between the rear-yard caissons, and thereby threatening the residential structure at 357 Pacific Avenue. In other words, this report identifies that on the south side of the subject site, "minimal exposure" of the underground caissons and decking above it has occurred and on the north side, bluff failures occurring on the adjacent northern property extend to an area near some of the below-grade caissons. However, neither this monitoring program, nor any other document submitted by the applicant, provides evidence documenting the upper bluff underground caissons are imminently threatened.

In addition, it is likely that the failure mechanism leading from the property to the north to the subject site will soon be addressed by the construction of a seawall and upper bluff geogrid structure over the face of the property to the north, which was approved by the Commission in July of 2009 (Ref. 6-08-73/DiNoto, De Burgh and Cumming). The Commission's Technical Services Division has reviewed the proposed development and concluded that the applicant has not provided sufficient information as to why the geogrid structure is necessary to protect the residence or that the residence itself is currently threatened. In addition, the Commission's coastal engineer has confirmed that even if the sections of the caisson piers are exposed at their top, it does not mean the structure is threatened because the caisson piers are below-grade and extend 35 ft. in depth. Instead it implies that expected and routine maintenance should be performed such as covering the exposed sections with shotcrete or other treatment to ensure that soil between any exposed caissons does not erode out between the caissons.

In approving the original permit, the Commission required that any future exposure of the below-grade retention system be addressed in a timely manner. Special Condition #7 of CDP #6-04-84 requires, among other things, "[m]aintenance of the below-grade upper bluff retention device shall include maintaining the color, texture and integrity of any portions of the device that become exposed in the future." As described, this condition anticipated that as the caissons became exposed, the applicant would need to treat the area with color and textures and, if threatened, to provide for engineering solutions that support the integrity of the system. This required maintenance provides an alternative to the proposed geogrid system. In fact, the applicant's own engineer identifies this

alternative, "[w]e believe that reconstruction of the mid and upper bluff, or, alternatively, surfacing of the exposed upper bluff caissons to form a solid upper bluff retention wall, is critical to maintaining the safety of the residential structure at 357 Pacific Avenue". (Ref. "Monitoring Program – Coastal Seawall & Upper Bluff Retention System", by Soil Engineering Construction, Inc. dated February 2, 1009).

Because the proposed geogrid structure is not required to protect the existing residence and alternatives exist that would have less adverse impacts to the natural bluff face, the Commission finds the proposed development is inconsistent with Sections 30235 and 30253 of the Coastal Act and must be denied.

3. Visual Resources. Sections 30240, 30250 and 30251 of the Coastal Act require that the scenic and visual qualities of coastal areas be protected, that new development adjacent to park and recreation areas be sited so as to not degrade or impact the areas and that new development not significantly adversely affect coastal resources:

Section 30240

[. . .]

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250 (a)

a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Section 30251

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 subject development involves the reconstruction of approximately 1,760 sq. ft. of natural bluff face using a geogrid structure made up of 32 layers of plastic which are tied into the bluff using seven, approximately 40 ft.-long, 2 ½ ft. wide concrete grade beams, soils nails and then topped with soil. The soil is then proposed to be planted with native vegetation so as to mitigate the appearance of the man-made reconstructed bluff face. In addition, an approximately 44 ft.-long keystone wall is proposed along the north side of the project site in order to support the north side of the geogrid structure. The proposed keystone wall will extend from the north corner of the 35 ft.-high seawall up the bluff face to the top of the bluff. As proposed, the keystone wall will not be buried and will be highly visible from the beach below. However, if the adjacent property owner to the north completes their previously approved geogrid structure first, the proposed geogrid could tie into the adjacent geogrid, thereby eliminating the need for the keystone wall. Thus, even if this project were otherwise approvable, there is a feasible alternative that would eliminate the need for the highly visible keystone wall.

In addition, while the applicant has primarily asserted that the geogrid structure and keystone wall are necessary to protect the residence, the applicant and the City of Solana Beach also assert that the proposed structures are necessary to address the visual appearance of the bluff. In a letter from the City of Solana Beach's third party geotechnical reviewer, he acknowledges that the proposed project is not necessary to protect the existing residence from a "technical standpoint", however, the City's representative identifies that the geogrid structure is necessary for aesthetic reasons:

> This is no question that a recommendation by the California Coastal Commission staff to deny the mid-bluff reconstruction, in lieu of a different alternative, would be correct from a technical standpoint. However, the alternative that has been approved by the City of Solana Beach and supported by this firm is also technically correct and provides a cleaner, more aesthetically pleasing repair of the coastal bluff. The alternative, leaving a 'hole' which will require a vertical shotcrete repair to protect the subject structure at 357 Pacific, is a less aesthetic solution to addressing the threat to the structure. (Ref. "Review of Letter for Engineering Necessity" by GEOPACIFICA Geotechnical Consultants dated 11/10/09)

The City's reference to leaving a "hole" refers to the gap that will exist at the subject site because the bluff face immediately north and south of the subject currently, or soon will be, covered by similarly designed geogrid structures. The remaining "hole" that the applicant and City contend will occur refers to the natural bluff face which they believe aesthetically will look less attractive than if the natural bluff were reconstructed to match the man-made geogrid structures on either side. Immediately south of the subject site, a 35 ft. high seawall and geogrid structure that reaches to the top of the bluff has been constructed on the bluff face beneath two existing residences (Ref. Emergency Permits #6-05-23-G/Totten, Reichert, Upp and 6-06-37-G/Totten, Reichert). A keystone retaining wall that extends from the seawall up the bluff face to the top of the bluff along the north side of the existing geogrid (adjacent to south side of the proposed geogrid

project) was also constructed pursuant to Emergency Permit #6-06-37-G in order to contain the northern side of the geogrid structure below 355 (Totten) and 347 (Reichert) Pacific Avenue. The geogrid structure was also hydroseeded to mask its appearance; however, the hydroseeding was of limited success and the face of the bluff below the Totten, Reichert properties is generally barren and appears as a flat (1:1 slope) unnatural surface. Although the seawall and geogrid structures below these properties were authorized by the Executive Director, the follow-up regular coastal development permit has not as yet been reviewed or approved by the Commission. It is anticipated that this permit application will be heard by the Commission no later than March 2010. If approved, it is likely that substantial landscaping will be required to be installed and maintained so as to help mask the unnatural appearance of the geogrid structure and/or it is possible that the geogrid structure will be required to be partially or substantially modified. (Ref. CDP Nos. 6-04-63/Totten, Reichert and Upp).

On the north side of the subject site, the Commission recently approved the construction of a 35 ft.-high seawall and reconstructed bluff face above the seawall using a geogrid structure such as is proposed on the subject site. The Commission approved those structures because the applicant demonstrated that two of the structures at the top of the bluff were threatened by erosion and the seawall/geogrid structures were the least environmentally damaging alternative for protecting those two structures (Ref. CDP #6-08-73/DiNoto, de Burgh, Cumming). However, unlike the existing site, those sites did not include upper bluff underground caissons. Thus, the geogrid reconstructed bluff face and seawall were necessary to provide the necessary protection to the two relevant existing blufftop homes. Again, that is not the case for the subject site, as the geogrid reconstructed slope is primarily proposed for visual reasons. After construction of the geogrid structure on the north side of the subject site, the bluff below the subject residence will appear as a natural bluff between two properties whose bluff faces have been replaced by man-made geogrid structures. It is the applicant and City's opinion that the aesthetically preferred alternative is to construct a geogrid structure on the subject site that can tie into the adjacent geogrid structures so that this stretch of bluff face appears uniform.

The Commission has previously approved several geogrid structures along the Solana Beach shoreline after the applicants' demonstrated that, along with a seawall, the geogrid structures were necessary to protect the existing development. Geogrid structures have only been approved by the Commission in conjunction with or following the construction of seawalls since without lower support the geogrid structures would fail. In each case, the Commission has required that the structures be designed to be as natural in appearance as possible using undulating features instead of simply a flat surface and the addition of native landscaping to cover the surface. In each case along the Solana Beach shoreline, the final products have not been constructed as undulating and the landscaping has failed to thrive (ref. CDP Nos. 6-99-100/Colton, et. al, 6-02-2/Gregg, 6-04-83/Cumming, 6-03-33-A5/Surfsong, 6-06-37-G/Totten, et. al. and 6-08-122/Winkler). In addition, each of these approved and installed geogrid systems have not been maintained as required and elements of their structures have become exposed resulting in additional adverse visual impacts. As the subject applicant's own engineer has identified:

> Landscaping has been limited to hydroseed treatments, with very little of the mixture actually taking root. The result has been near-barren, featureless slopes which have little in common with the visual appearance of pre-failure coastal bluffs (Ref. Letter from Soil Engineering Construction, Inc., dated October 14, 2009).

In the case of the recently approved geogrid structure to the north of the subject site, the Commission required a more extensive landscape plan be submitted to assure the geogrid structure will be adequately landscaped. Since construction of the geogrid structure has not occurred, it is not known how effective the landscaping treatment will ultimately be. The subject applicant has proposed to install extensive landscaping, including planter boxes, throughout the proposed geogrid structure, similar to the landscaping that has been installed on a geogrid structure in the City of Encinitas (ref. City of Encinitas Permit 04-160 MUP/CDP/Okun). However, in the case of the Okun property in Encinitas, the bluff was not reconstructed with geogrid structures, but instead involved the use of gravel and soil to reconstruct the bluff. Therefore, it is not known if similar measures would be successful on geogrid structures. However, if the geogrid structures were installed with elements of undulation and extensive landscaping, and if the structures were maintained on a regular basis, then the adverse visual impacts associated with their construction might be reduced, but even with these features, they do not look "natural." At this time, the Commission has not been afforded substantial evidence that geogrid structures in the City of Solana Beach can be installed and properly maintained without significant adverse visual impacts to the shoreline. Until the visual impacts of the existing geogrid structures along the Solana Beach can be effectively mitigated, it seems inadvisable to add to the problem by constructing an additional geogrid structure below a residence that is <u>not</u> threatened by erosion and thus that does not need the geogrid structure to be safe.

While the applicant believes the geogrid is necessary to protect the existing residence, neither the Commission nor the City reach the same conclusion. The City supports the applicant's request because it believes the project is preferred mitigation for the adverse visual impacts associated with the previously installed and approved upper bluff retention device, not because it is necessary to protect the existing structure. One alternative, as previously identified by the applicant's engineer, would involve "surfacing of the exposed upper bluff caissons to form a solid upper bluff retention wall." It is the applicant and City's opinion that covering the face of the bluff with a geogrid structure, which ultimately would cover the area in front of the upper bluff retention system, is preferable to constructing a solid wall at the top of the bluff. In other words, the City and applicant would prefer the alternative of a seawall at the base of the bluff and a geogrid structure that covers the natural bluff up to the top of bluff instead of the alternative of a seawall at the base of bluff, a solid wall (colored and textured) at the top of the bluff and a natural eroding bluff between the two structures.

The City has in fact recently designated the above-described reconstruction of the bluff alternative as an element of its three preferred designs for bluff retention devices along the shoreline. City Resolution No. 2009-53 establishes the "Preferred Bluff Retention Designs (PBRD)" which are listed as follows:

- Infill/Bluff Stabilization – This first solution is designed to address sea caves and undercut portions of the lower dense sandstone bluff. If left uncorrected the sea cave/undercut will eventually lead to block failures of the lower sandstone and landward bluff retreat. This failure exposes the clean sand lens of the upper bluff terrace deposits and rapid erosion and landward retreat of the upper bluff, which eventually endangers the structures at the top of the bluff. If treated at this stage, the bluff retention system will minimize the need for a future, higher seawall and future upper bluff repair. This stabilization method is designed as a structural wall and will be reinforced, have structural tiebacks into the sandstone bedrock and will be required to have a textured face mimicking the existing material.

- Seawall and Upper Bluff Repair – This retention system is an all-encompassing repair used when lower bluff failures have caused significant failures and erosion of the upper bluff so that just a lower seawall which encapsulates the clean sand lens will not protect the upper bluff structure from potential damage. This repair consists of a structurally designed lower seawall (with tiebacks into the sandstone) tall enough to protect and encapsulate the clean sand lens at the base of the terrace deposits. The upper bluff is reconstructed at a safe slope angle by bringing in additional soil which is artificially reinforced. The lower seawall is textured to simulate the existing bluff material and the upper soil is similar to the existing soil and is planted with native drought tolerant vegetation.

- Upper Bluff Repair – This repair is used where there is a preexisting lower bluff seawall, infill/bluff repair or a natural bluff and there is a need to repair the upper bluff terrace deposits due to upper bluff failures or extreme erosion. The repair is much like the upper bluff repair (Preferred Solution #2) and would involve benching and placing erodible concrete between the clean sand lens and the bluff face to assure that the clean sand erosion does not undermine the stability of the upper bluff. The slope is then rebuilt and reinforced to create an adequate safety factor to protect the upper bluff structure. (Underline emphasis added)

The above-cited "Preferred Bluff Retention Designs" (PBRD) was approved separately by City Resolution but has also been incorporated into the City's Draft Local Coastal Program Land Use Plan which has only recently been re-submitted to the Commission for its review. As such, the Commission has not reviewed or approved the PBRD. The City's PBRD does not necessarily require the construction of geogrid structures in conjunction with seawalls, per se, but the preferred retention design criteria supports the reconstruction of the bluff over the installation of other measures, such as a below-grade retention system at the top of the bluff or measures to move the line of blufftop development inland over time. However, in the case where below-grade caissons and seawalls already exist, the City's preferred design is to reconstruct the bluff from top to bottom with reinforced structures such as the proposed geogrid system. In addition,

however, in places where below-grade caissons have not been installed and shoreline protection is necessary, the City's preferred solution is a seawall and upper bluff reconstruction. Commission staff have identified concerns with such an approach, since it seems to rely exclusively on the construction of semi-permanent (75 years) shoreline protective devices rather than measures that could reduce the threat to the blufftop structures, and thereby reduce the need for shoreline protective devices, such as removing threatened portions of the existing blufftop principal structures or moving the existing blufftop principal structures further inland.

The City's PBRD requires that these preferred bluff retention systems be designed to last 75 years, with regular maintenance, and be removable at the end of their useful lifespan. It is unclear how seawalls and reconstructed bluff structures can be removed without creating geologic instability and significant risk. In addition, the reconstruction of bluffs as a preferred alternative in conjunction with seawalls raises concerns that the coastal bluffs along most of the Solana Beach Shoreline could eventually be structurally fortified from toe to top of bluff, thereby eliminating most of the City's naturally occurring bluffs. Although much of the Solana Beach shoreline does contain seawalls at the base of the bluff, the natural, largely unaltered, face of the bluff that extends along the approximately 1 ½ mile long shoreline in Solana Beach provides an important visual amenity to residents and coastal visitors alike. Its reconstruction by artificial means would significantly and adversely affect the recreational experience at the shoreline. At the least, such an approach is premature because each of the geogrid structures installed to date have failed to adequately mitigate their visual obtrusiveness and have not been adequately maintained. In general, the policy issues raised by the City's PBRD need to be addressed in a comprehensive manner as part of the Commission's review of the City's Draft LUP. Thus, approval of the subject development at this time, especially given the fact that it is not needed to protect the existing principal residential structure on the blufftop, will prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act.

In summary, even if the proposed development were approvable because it was necessary to protect the existing residence, which it is not, its construction would still create significant adverse visual impacts to the shoreline, making it otherwise inconsistent with Coastal Act policies. In addition, the surfacing of the exposed sections of the upper bluff retention system using colored and textured materials that mimic the natural appearance of bluff will have less adverse impacts to visual resources of the shoreline than the proposed geogrid structure. This alternative is available to the applicant (as identified by the applicant's engineer) but will require an amendment to the original coastal development as identified in Special Condition #7 of CDP 6-07-84.

Therefore, since the proposed development will have an adverse effect on scenic or visual resources of the shoreline and alternatives are available that will have less adverse impacts, the Commission, finds that the project is inconsistent with Sections 30240, 30250 and 30251 of the Coastal Act.

4. Public Access/Recreation. Pursuant to Section 30604 (c), the Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. Section 30210 of the Coastal Act is applicable to the proposed development and states:

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

In addition, Section 30212 of the Act is applicable and states, in part:

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

Additionally, Section 30220 of the Coastal Act provides:

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

The project site is located on a bluff adjacent to a public beach utilized by local residents and visitors for a variety of recreational activities. The site is located approximately ¼ mile north of Fletcher Cove, the City' primary beach access location, and approximately ¼ mile south of Tide Beach Park public stairway. The beach along this area of the coast is narrow and, at high tides and winter beach profiles, the public may be forced to walk virtually at the toe of the bluff or the area could be impassable. As such, an encroachment of any amount onto the sandy beach reduces the beach area available for public use and is therefore a significant adverse impact.

The proposed project involves installation of a protective device on the face of the bluff. Public access across the face of the bluff is not available and would not be safe, therefore, the subject development itself would not impact public access. The applicant has not provided information as to whether construction activity would occur via the public beach or from the top of the bluff. If all construction activity is proposed from the blufftop, then no adverse public access impacts would occur. However, if construction were to occur from the public beach, depending on the schedule of construction, temporary impacts to public access could occur. However, those impacts could be mitigated by requiring that the work occur outside of the Summer and/or limited to weekdays.

Therefore, the proposed project may not have significant impacts to public access along the shoreline. In addition, if temporary impacts were to occur, those impacts could be minimized by limiting the timing of construction through special conditions. Thus, if the project were otherwise approvable as consistent with the Coastal Act, which it is not, then it could be conditioned to ensure consistency with the Coastal Act's public access and recreation provisions.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding cannot be made.

Decisions regarding shoreline protective devices should be addressed through a comprehensive planning effort that analyzes the impact of such a decision on the entire City shoreline. The proposed development raises significant concerns involving the need of the shoreline protective device and the adverse visual impacts associated with the development. In addition, alternatives exist that would have fewer adverse impacts. The subject site was previously in the County of San Diego's jurisdiction but is now within the boundaries of the City of Solana Beach. The City has recently submitted a Land Use Plan for Commission review, which is expected to be heard by the Commission in 2010.

The location of the proposed geogrid structure is designated for Open Space Recreation in the City of Solana Beach Zoning Ordinance and General Plan and was also designated for open space uses under the County LCP. If approved, pursuant to a conditional use permit, the subject development would be consistent with these requirements. However, based on the above findings, the proposed development is inconsistent with the Chapter 3 policies of the Coastal Act in that the geogrid structure will have significant adverse visual impacts to the shoreline and is not necessary to protect existing development. Therefore, the Commission finds that approval of the proposed development will prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program and is therefore denied.

6. Consistency with the California Environmental Quality Act (CEQA).
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, 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 previously stated, the proposed development would result in adverse impacts to coastal resources since the development would adversely affect the natural landform of the bluffs and the visual appearance of the bluffs. In addition, the development is not necessary to protect the existing development and feasible alternatives to the subject

project exists that would have fewer adverse impacts to geologic and visual resources, including, but not limited to, the no project alternative. Therefore, as currently proposed, the Commission finds the proposed project is not the least environmentally damaging feasible alternative and is not consistent with the requirements of the Coastal Act to conform to CEQA.

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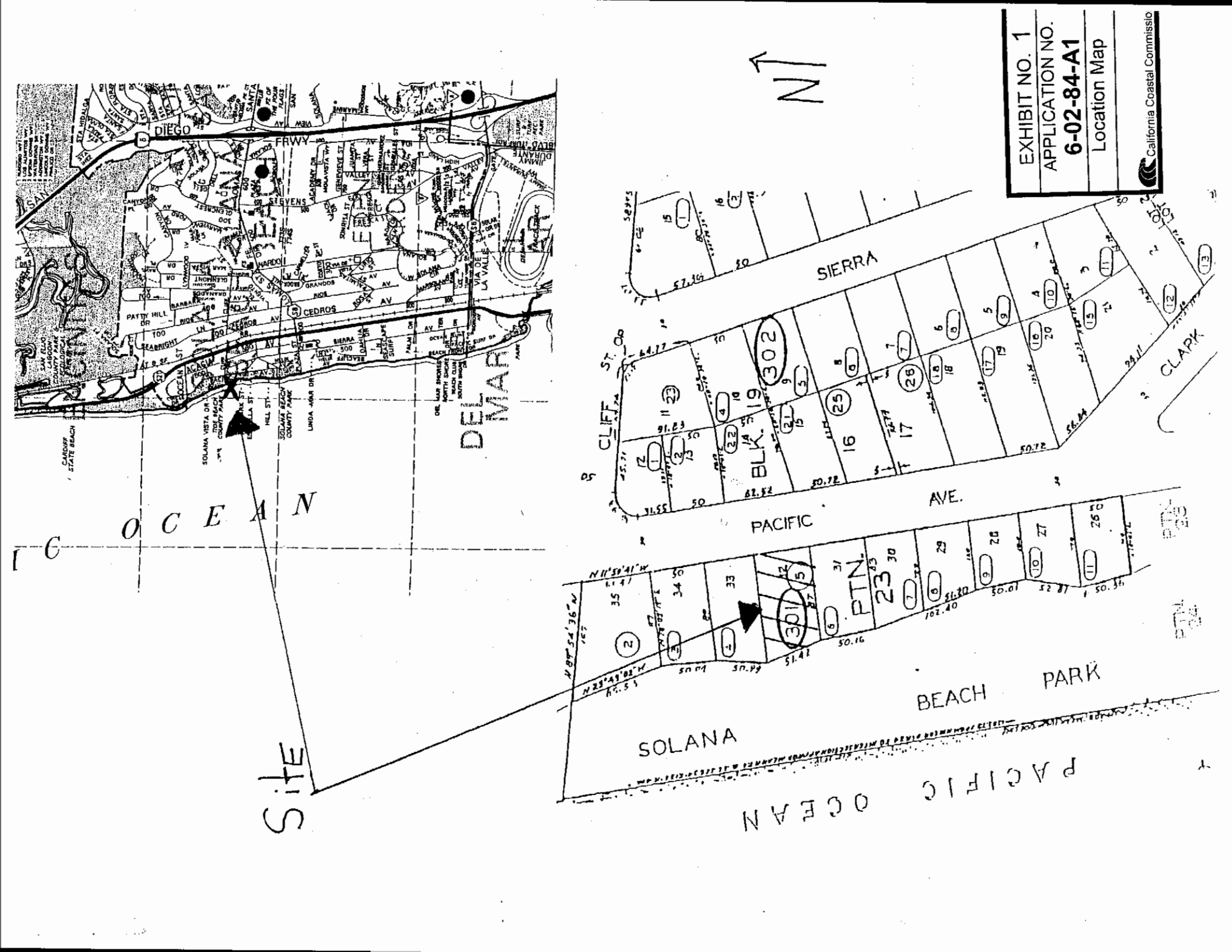
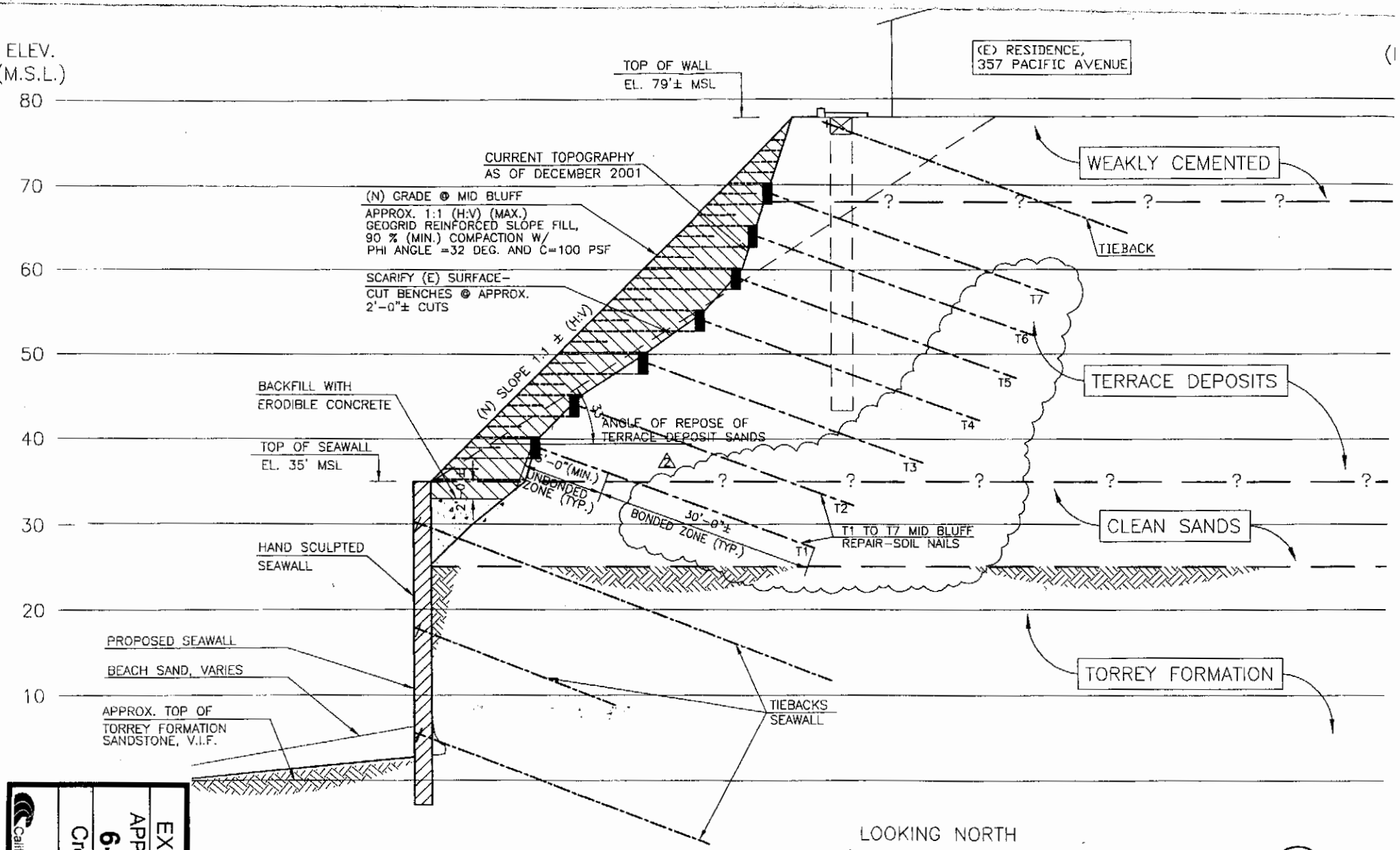


EXHIBIT NO. 1
APPLICATION NO.
6-02-84-A1
Location Map
California Coastal Commissio
N
SAN DIEGO FRWY
CARDIFF STATE BEACH
SOLANA VISTA DR
TOE BEACH COUNTY PARK
SOLANA BEACH COUNTY PARK
LINDA ARA DR
DEL MAR SHORES NORTH SHORE BEACH CLUB SOUTH SHORE
CEDROS AV
SIERRA AV
STEVENS
VALLEY
LA VALLE
PACIFIC OCEAN
SITE
SIERRA
CLIFF ST.
BLK. 19
302
301
PTN.
23
PACIFIC AVE.
CLARK
SOLANA BEACH PARK
PACIFIC OCEAN



LOOKING NORTH

PROFILE SECTION B-B'-SCHEMATIC MID BLUFF REPAIR

SCALE: 1"=10'

B / 3

EXHIBIT NO. 2
APPLICATION NO.
6-02-84-A1
Cross-Sections
California Coastal Commission

OF

D. M
Engi

CITY APPROVED CHANGES	APP'D	DATE

RECOMMENDED FOR APPROVAL

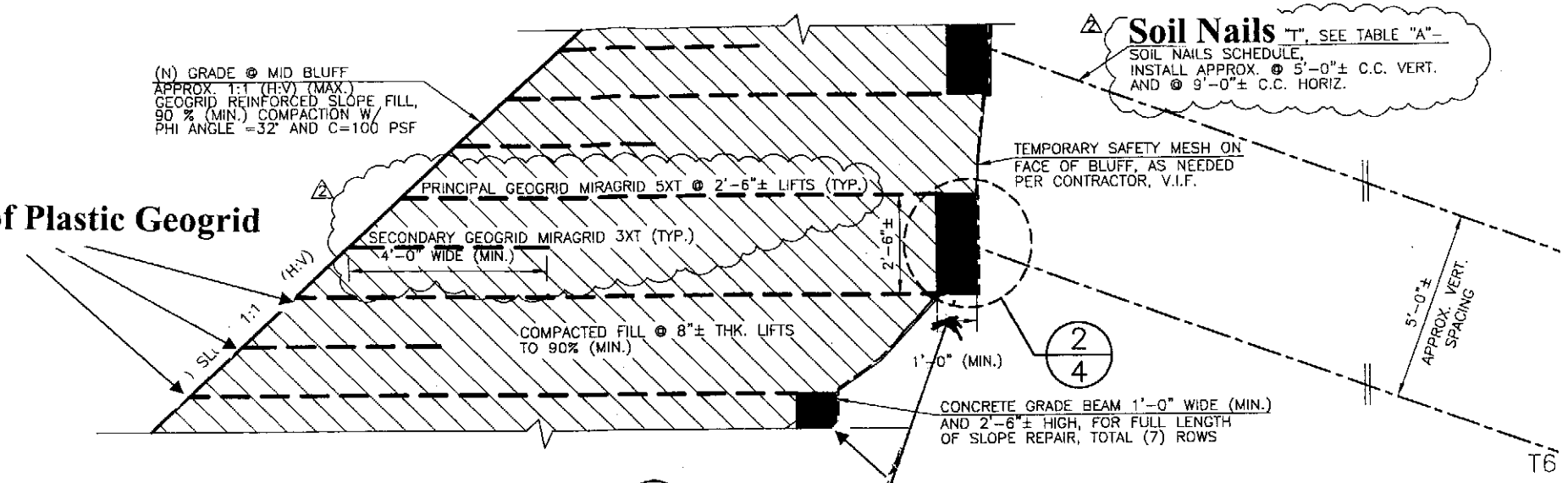
By: _____
Review Engineer
Date:

APPROVED FOR CONSTRUCTION

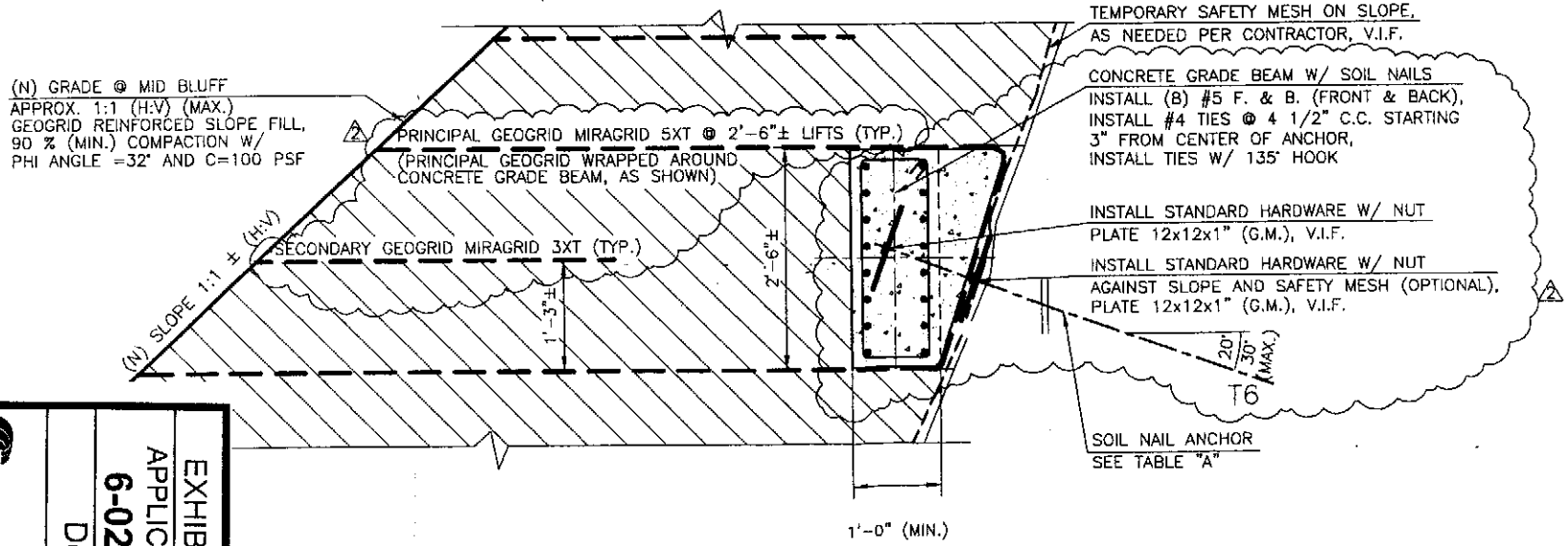
By: _____
Chandra P. Collure, City Engineer
R.C.E. 31667 Exp. 12/07 Date:

BENCH MARK

DESCRIPTION: _____
LOCATION: _____
RECORD FROM: _____
ELEV: _____ DATUM: _____



DETAIL–SCHEMATIC MID BLUFF REPAIR 1/4
SCALE: 3/8"=1'-0"



NAIL–CONCRETE GRADE BEAM (TYP.) 2/4
3/4"=1'-0"

ELEV.
(M.S.L.)

EXHIBIT NO. 3
APPLICATION NO.
6-02-84-A1
Details
California Coastal Commission

TOP (
FI 7