

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



July 29, 2014

W15a

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHARLES LESTER, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Solana Beach, certifying the City's Land Use Plan Amendment No. SOL-MAJ-1-13 (Bluff Top Development), is adequate to effectively certify its local coastal program (for Commission review at its meeting of August 13, 2014)

BACKGROUND

At its January 9, 2014 meeting, the Coastal Commission approved, with suggested modifications, the City of Solana Beach Land Use Plan Amendment No. SOL-MAJ-1-13. In its action, the Commission adopted the Land Use Plan amendment with suggested modifications, which include such things as additional definitions, clarifications in language related to seacave/notch infills, private stairways, additions and/or significant improvements/modifications to bluff top properties, and the authorization period for shoreline armoring.

By its action adopting Resolution No. 2014-060 on June 11, 2014, the City Council has acknowledged and accepted all of the Commission's suggested modifications.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Solana Beach is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

(G:\San Diego\Reports\LCPs\Solana Beach\SOL-MAJ-1-13 (Bluff Top Development) ED Check Off.docx)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



August 18, 2014

David Ott
City Manager
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

RE: Certification of the City of Solana Beach Land Use Plan Amendment No. SOL-MAJ-1-13
(Bluff Top Development)

Dear Mr. Ott:

The California Coastal Commission has reviewed the City's Resolution No. 2014-060 together with the Commission's action of January 9, 2014 approving the City of Solana Beach Land Use Plan Amendment No. SOL-MAJ-1-13 with modifications. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of August 13, 2014.

By its action on June 11, 2014, the City has formally acknowledged and accepted the Commission's approval of the Local Coastal Program amendment including all suggested modifications, which include such things as additional definitions, clarifications in language related to seacave/notch infills, private stairways, and the authorization period for shoreline armoring. In particular, Policy 4.17 of the Land Use Plan, as modified by the Commission, requires that any significant alteration or improvement to a bluff top structure will trigger an analysis of any existing armoring on a site to evaluate options to mitigate any previously unmitigated impacts of the existing armoring or to modify, replace or remove the existing armoring in order to address on-going impacts to the shoreline and public access.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop the implementation plan for the City's local coastal program.

Sincerely,

Charles Lester
Executive Director

RESOLUTION 2014-060

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, APROVING THE LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT AS MODIFIED AND APPROVED BY THE CALIFORNIA COASTAL COMMISSION IN APRIL 2014

WHEREAS, at a public hearing of the Solana Beach City Council on February 27, 2013, the City Council adopted the California Coastal Commission (CCC) modified/approved Local Coastal Program (LCP) Land Use Plan (LUP) under Solana Beach City Council Resolution 2013-018 and directed City Staff to prepare a Land Use Plan Amendment (LUPA) to modify some of the key provisions in the LUP relating primarily to bluff top development, shoreline protection and private beach accessways; and

WHEREAS, the draft LUPA was developed in conjunction with CCC staff and interested stakeholders and was issued for a six-week public review and comment period on March 29, 2013 through May 10, 2013; and

WHEREAS, during the six-week public comment period the City received comment letters on the draft LUPA and the adopted LUP; and,

WHEREAS, additional public comments were received after the close of the six-week review period and, prior to the public hearing, were provided to the Council for consideration; and,

WHEREAS, following the six-week public review period and a public hearing before the Solana Beach City Council, it was anticipated that the LUPA would be submitted to the CCC for processing and formal consideration at an upcoming Commission meeting; and

WHEREAS, CCC staff provided draft suggested modifications to the City's LUPA in the fall of 2013, and City Staff and CCC staff worked to narrow and eliminate areas of disagreement; and

WHEREAS, on September 11, 2013, the City Council adopted Resolution 2013-108 explicitly authorizing the City Manager to revise the LUPA as may be needed to refine the policies and text consistent with the goals of the LUPA as set forth by the Council. In October 2013, City Staff submitted a modified version of the LUPA to the CCC for review and processing; and

WHEREAS, CCC staff recommended 13 substantive modifications to the City's LUPA, including changes to LUP policies not proposed for modification by the City; and

WHEREAS, City Staff submitted comments to the CCC staff voicing objections to some of the CCC staff suggested modifications; and

WHEREAS, the CCC conducted a public hearing on November 14, 2013 on the City's LUPA and denied certification of the LUPA as submitted by the City; and

WHEREAS, the Commission subsequently continued the hearing on the LUPA to January 9, 2014 where the CCC Commissioners voted to approve the CCC staff-modified LUPA subject to revised findings that were subsequently approved by the Commission on April 11, 2014; and

WHEREAS, the April 22, 2014 CCC Certification letter provided to the City following Commission approval of the LUPA was received and posted on the City's website homepage on May 2, 2014, showing all of the changes to the LUPA that were initiated by the CCC; and

WHEREAS, City Staff prepared updated LUP Chapters with CCC-approved modifications in two versions (1) showing redline/strikeout and (2) a clean version with all changes accepted/incorporated and posted these to the City website on May 20, 2014. The LUPA includes changes to Chapters 2, 4, 5, 7, 8 and Appendix B. No changes are required to LUP Chapters 1, 3, 6 or Appendix A; and

WHEREAS, a Notice of Availability and Public Hearing was issued on May 30, 2014 and was distributed to a mailing list that was included as an Attachment in the Staff Report; and the Notice was published in the San Diego Union Tribune on May 31, 2014, and posted on the City's website (www.CityofSolanaBeach.org), sent via e-Blast to a distribution list and posted out front in the kiosk at City Hall; and

WHEREAS, the City reviewed and considered all input provided by the public in response to the public review and comment period and the Public Hearing on the Draft LUPA, at the public hearing, and in response to the comments received by the City following the CCC approval of the modified LUPA and in response to the Notice of Availability and Public Hearing issued on May 30, 2014; and

WHEREAS, the City Council of the City of Solana Beach acknowledges that the LUPA will be carried out in a manner fully consistent with the Coastal Act and the City Council desires to apply the basic policies and provisions contained in the LUPA to current (incomplete) and future projects in the City; and

WHEREAS, this decision is based upon the comments provided by staff reports, testimony, input of CCC staff and additional information presented during the City Council public hearing on June 11, 2014 on this matter.

NOW THEREFORE, the City Council of the City of Solana Beach, California does resolve as follows:

1. That the foregoing recitations are true and correct.
2. The City finds the LCP/LUP Amendment exempt from the California Environmental Quality Act pursuant to Section 15265 of the State CEQA Guidelines.
3. The City Council hereby makes the following Findings:
 - a. The City's LCP's consists of (1) the adopted Land Use Plan (LUP) and a future (2) Local Implementation Plan (LIP) which together meet the Coastal Act requirements and implement its provisions and policies within the City.
 - b. The City's LCP/LUP will be implemented in a manner fully consistent with the Coastal Act.
 - c. The LIP will consist of specific sections within the Solana Beach Municipal Code and maps that describe actions, which carry out provisions of the LCP/LUP and Coastal Act policies.
 - d. In order for the City's LCP/LUP to take full force and effect, a public hearing on the LIP will be required.
4. The City Council agrees to issue coastal development permits for the total area covered by the certified LUP.
5. The City adopts this Resolution in accordance with the provisions of the Coastal Act Public Resources Code (PRC) Sections 30510(a) and 30514(a), and Sections 13544.5 and 13551(b) of Title 14 of the California Code of Regulations.
6. The City Council hereby adopts the LUPA with all the suggested modifications approved by the CCC on April 11, 2014.

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7. The City Council directs Staff to submit this Resolution to the Executive Director of the Coastal Commission for a determination in writing that the City Council's actions are legally adequate to satisfy the Commission's requirements for final certification of the LUPA.

PASSED AND ADOPTED this 11th day of June 2014, by the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers – Campbell, Heebner, Zito, Zahn, Nichols
NOES: Councilmembers – None
ABSENT: Councilmembers – None
ABSTAIN: Councilmembers – None


THOMAS M. CAMPBELL, Mayor

APPROVED AS TO FORM:


JOHANNA CANLAS, City Attorney

ATTEST:

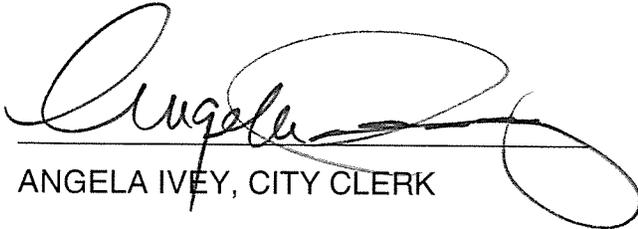

ANGELA IVEY, City Clerk



CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS.
CITY OF SOLANA BEACH)

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution 2014-060** *approving the Local Coastal Program Land Use Plan Amendment as modified and approved by the California Coastal Commission in April 2014* as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 11th day of June 2014 and the original is on file in the City Clerk's Office.


ANGELA IVEY, CITY CLERK

Date of this Certification: 6-20-2014

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



April 22, 2014

David Ott
City Manager
City of Solana Beach
635 South Highway 101
Solana Beach, CA 92075

Re: Certification of City of Solana Beach LCP Land Use Plan Amendment (SOL-MAJ-1-13)

Dear Mr. Ott:

On January 9, 2014, the California Coastal Commission approved the above referenced Land Use Plan Amendment (LUPA) request with suggested modifications. In its action, the Commission adopted land use plan revisions to the Solana Beach LUP. The City's LUP is a stand-alone document, separate from the existing Solana Beach General Plan, and includes policy language addressing beaches, coastal bluffs, inland slopes, floodplains, environmentally sensitive habitat, visitor-serving uses, overnight accommodations, visual quality, public works, and parking and circulation.

The adopted modifications to the Solana Beach LUP included clarifications related to a broad range of topics, and include such things as replacing the existing fixed 20 year authorization period for shoreline armoring with policies to tie shoreline armoring authorization periods to the life of the structure requiring protection; clarifications to existing seacave/notch infill options; options to convert private bluff face stairways to public accessways upon redevelopment; and changes to the definition of "Bluff Top Development". Changes made at the Commission hearing also included modifications to Policy 4.17 to clarify that all proposals for additions and/or significant improvements/modifications to bluff top properties with existing shoreline armoring that may affect the economic life of an existing blufftop structure will be required to assess the impacts of the existing shoreline armoring on public access, shoreline sand supply, visual resources, and ecology and must analyze options to mitigate or avoid any previously unmitigated impacts. At the hearing, the Commission also directed that a second erodible concrete infill alternative with a higher strength concrete face be added as an option for coastal bluff stabilization.

A copy of the all of the suggested modifications as adopted by the Coastal Commission is attached.

Before the LUPA can become effectively certified, the Executive Director must determine that implementation of the LUPA will be consistent with the Commission's certification order. This is necessary because the LUPA was certified with suggested modifications. In order for the Executive Director to make this determination, the local

April 22, 2014

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government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications, and take any formal action which is required to satisfy them, such as incorporating the modifications. This must also include production of new LUP text, maps, and/or other graphics demonstrating that the amendment, as approved by the Commission and accepted by the City, will become the City's Land Use Plan immediately upon concurrence by the Commission of the Executive Director's determination.

As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. The Commission's certification with suggested modifications expires six months from the date of Commission action. As you know, given the need to take revised findings back to the Commission for review, there has been a delay in finalizing this action. As long as the City initiates its work within the six month period and diligently continues its review, there would not be a problem as long as the City returns to the Commission for effective certification by this fall. In addition, as you know, the Commission has also considered time extensions for the acceptance of suggested modifications for good cause.

If you have any questions about the Commission's action or this final certification procedure, please contact our office. Once again, we thank you for your efforts and look forward to working with you on the drafting and adoption of the City's LCP Implementation Plan.

Sincerely,



Eric Stevens
Coastal Planner

Solana Beach LCP Land Use Plan Amendment SOL-MAJ-1-13
Coastal Commission Suggested Modifications
Adopted January 9, 2014

The suggested modifications are shown with underlined sections representing language that Commission recommends be added to the certified LUP, and ~~struck-out~~ sections representing language which the Commission suggests be deleted from the language as originally submitted.

Chapter 2 Public Access and Recreation

1. Policy 2.60.5 shall be revised as follows:

Policy 2.60.5: Upon application for a coastal development permit for the replacement of a private beach stairway or replacement of greater than 50% thereof, private beach accessways shall ~~may~~ be converted to public accessways where feasible and where public access can be reasonably provided. The condition to convert the private stairway to a public stairway shall ~~may~~ only be applied where all or a portion of the stairway utilizes public land, private land subject to a public access deed restriction or private land subject to a public access easement.

Chapter 4 Hazards and Shoreline Bluff Development

2. The following paragraph shall be added prior to the first bullet point on page 13:
 - Infill/Bluff Stabilization – Seacave/Notch Infill (See Appendix B Figure 1A) – This first solution is designed to address sea caves and undercut portions of the lower dense sandstone bluff where the clean sand lens is not yet exposed. If left uncorrected, the sea cave/undercut will eventually lead to block failures of the lower sandstone, exposure of the clean sand lens and landward bluff retreat. This failure exposes the clean sand lens of the upper bluff terrace deposits triggering 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 Device will minimize the need for a future higher seawall and future upper bluff repair. This alternative is not designed as a structural wall, is not reinforced, does not include tiebacks, and uses only erodible concrete which shall erode at the same erosion rate as the surrounding natural bluff material. The infill is required to maintain a textured and colored face mimicking the existing bluff material. Erodible concrete seacave/notch infills are designed to erode with the natural bluff and, when maintained to do so, are not subject to the sand supply mitigation, public access and recreation mitigation, encroachment/removal agreement, or authorization timeline policies of the LUP.

3. The City shall establish two different figures for options for shoreline protection in Appendix B of the LUP. The first figure shall depict a seacave/notch infill alternative that consists solely of erodible concrete (Figure 1A) with comparable erosion parameters as the adjacent bluff and shall not include a higher strength concrete face on the seaward portion of the infill. The figure shall be titled “Seacave/Notch Infill.” The second figure (Figure 1B) shall depict an erodible concrete infill alternative with a higher strength concrete face (Exhibit 6) and shall include notes consistent with the notes of the lower seawall alternative (shown in Exhibit 7 - Appendix B Figure 1 of the LUP). The Figures for Appendix B of the LUP shall then be renumbered accordingly.
4. The description of ‘Infill/Bluff Stabilization’ on page 13 shall be revised as follows:
 - **Infill/Bluff Stabilization – Lower Seawall (See Appendix B Figures 1B and 1C)** – This ~~first~~ solution is designed to address sea caves and undercut portions of the lower dense sandstone bluff where the clean sand lens is not yet exposed. If left uncorrected the sea cave/undercut will eventually lead to block failures of the lower sandstone, exposure of the clean sand lens and landward bluff retreat. This failure exposes the clean sand lens of the upper bluff terrace deposits triggering 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. Figure 1B will consist of an erodible concrete infill with a higher strength concrete face on the seaward portion of the infill or will be ~~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 (Figure 1C).
5. At the request of the City, on pages 15 and 31 of Chapter 4 of the LUP, “encroachment removal agreement” shall be modified to instead state “encroachment/removal agreement” and on page 34 of Chapter 4 the LUP, “encroachment agreement” shall be modified to instead state “encroachment/removal agreement.”
6. The last sentence of the description of ‘Seawall and Upper Bluff Repair’ on page 13 shall be revised as follows:
 - ...The lower seawall is textured to simulate the existing bluff material and the upper soil is similar to the existing soil and is hydro-seeded and planted with container plantings consisting of ~~with~~ native, drought tolerant, non-invasive, and salt tolerant vegetation.

6.5. Policy 4.17 shall be revised as follows:

Policy 4.17: New development shall be set back a safe distance from the bluff edge, with a reasonable margin of safety, to eliminate the need for bluff retention devices to protect the new improvements. All new development, including additions to existing structures, on bluff property shall be landward of the Geologic Setback Line (GSL) as set forth in Policy 4.25. This requirement shall apply to the principal structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc. Accessory structures such as decks, patios, and walkways, which are at-grade and do not require structural foundations may extend into the setback area no closer than five feet from the bluff edge. On lots with a legally established bluff retention device, the required geologic analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supply and other coastal resources; and evaluate ~~opportunities~~ options to mitigate any previously unmitigated impacts of the structure or modify, or replace, or remove the existing protective device in a manner that would eliminate or reduce those impacts. In addition, any significant alteration or improvement to the existing structure shall trigger such review (i.e. the analysis of the seawall) and any unavoidable impacts shall be mitigated.

7. Policy 4.18 shall not be deleted, as proposed by the City, and the original policy shall instead be revised as follows:

Policy 4.18: A legally permitted bluff retention device shall not be factored into setback calculations. Expansion and/or alteration of a legally permitted bluff retention device shall include a reassessment of the need for the shoreline protective device and any modifications warranted to the protective device to eliminate or reduce any adverse impacts it has on coastal resources or public access, including but not limited to, a condition for a reassessment and reauthorization of the modified device ~~in 20 years pursuant to Policy 4.52.~~

8. Policy 4.47 shall be revised as follows:

Policy 4.47: A Seacave/Notch Infill shall be approved only if all the findings set forth below can be made and the stated criteria satisfied. ~~The permit shall be valid for a period of 20 years commencing with the building permit completion certification date and subject to an encroachment removal agreement approved by the City.~~

A. Based upon the advice and recommendation of a licensed Geotechnical or Civil Engineer, the City makes the findings set forth below:

1. The Seacave/Notch Infill is more likely than not to delay the need for a larger coastal structure or upper bluff retention structure, that would, in the foreseeable future, be necessary to protect an existing principal structure, City facility, and/or City infrastructure, from danger of erosion. Taking into consideration any applicable conditions of previous permit approvals for development at the site, a determination must be made based on a detailed

alternatives analysis that none of the following alternatives to the coastal structure are currently feasible, including:

- Controls of surface water and site drainage;
 - A smaller coastal structure; or
 - Other non-beach and bluff face stabilizing measures, taking into account impacts on the near and long term integrity and appearance of the natural bluff face, and contiguous bluff properties.
2. The bluff property owner did not create the necessity for the Seacave/Notch Infill by unreasonably failing to implement generally accepted erosion and drainage control measures, such as reasonable management of surface drainage, plantings and irrigation, or by otherwise unreasonably acting or failing to act with respect to the bluff property. In determining whether or not the bluff property owner's actions were "reasonable," the City shall take into account whether or not the bluff property owner acted intentionally, with or without knowledge, and shall consider all other relevant credible scientific evidence as well as relevant facts and circumstances.
 3. The location, size, design and operational characteristics of the proposed seacave/notch infill will not create a significant adverse effect on adjacent public or private property, natural resources, or public use of, or access to, the beach, beyond the environmental impact typically associated with a similar bluff retention device and the seacave/notch infill is the minimum size necessary to protect the principal structure, and has been designed to minimize all environmental impacts, and provides mitigation for all coastal and environmental impacts as provided for in this LCP.

B. The Seacave/Notch Infill shall be designed and constructed:

1. To avoid migration of the Seacave/Notch Infill onto the beach;
2. To be re-contoured to the face of the bluff, as needed, on a routine basis, through a CDP or exemption, to ensure the seacave/notch infill conforms to the face of the adjoining natural bluff over time, and continues to meet all relevant aesthetic, and structural criteria established by the City;
3. To serve its primary purpose which is to delay the need for a larger coastal structure, and designed to be removable, to the extent feasible, provided all other requirements under the LCP are satisfied; and,
4. To satisfy all other relevant LCP and City Design Standards, set forth for ~~coastal structures~~ Bluff Retention Devices.

~~C. Only to the extent the City finds that the Seacave/Notch Infill encroaches on the public beach or upon the bluff face such that coastal resources are adversely~~

~~impacted, then the City shall impose a Sand Mitigation Fee upon the bluff property owner.~~

9. Policy 4.48 shall be revised as follows:

Policy 4.48: Coastal structures shall be approved by the City only if all the following applicable findings can be made and the stated criteria satisfied. The permit shall be valid until the currently existing structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first for a period of 20 years commencing with the building permit completion certification date and subject to an encroachment/removal agreement approved by the City.

[...]

C. Mitigation for the impacts to shoreline sand supply, public access and recreation and any other relevant coastal resource impacted by the coastal structure is required and shall be assessed in 20-year increments, starting with the building permit completion certification date. Property owners shall apply for a CDP amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the coastal structure beyond the preceding 20-year mitigation period and shall include consideration of alternative feasible measures in which the permittee can modify the coastal structure to lessen the coastal structure's impacts on coastal resources. Monitoring reports to the City and the Coastal Commission shall be required every five years from the date of CDP issuance until CDP expiration, which evaluate whether or not the coastal structure is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized coastal structure within six months of a determination that the coastal structure is no longer required to protect the existing structure it was designed to protect.

10. The first paragraph of Policy 4.51 shall be revised as follows:

Policy 4.51: An upper bluff system shall be approved only if all the following applicable findings can be made and the stated criteria will be satisfied. The permit shall be valid until the currently existing structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first for a period of 20 years commencing with the building permit completion certification date and subject to an encroachment/removal agreement approved by the City.

[...]

D. Mitigation for the impacts to shoreline sand supply, public access and recreation and any other relevant coastal resource impacted by the upper bluff system is required and shall be assessed in 20-year increments, starting with the building permit completion certification date. Property owners shall apply for a CDP amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the upper bluff system beyond the preceding 20-year mitigation period and shall include consideration of alternative feasible measures in which the permittee can modify the upper bluff system to lessen the upper bluff system's impacts on coastal resources. Monitoring reports to the City and the Coastal Commission shall be required every five years from the date of CDP issuance until CDP expiration, which evaluate whether or not the upper bluff system is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized upper bluff system within six months of a determination that the upper bluff system is no longer required to protect the existing structure it was designed to protect.

11. Policy 4.52 shall be revised as follows:

Policy 4.52: All permits for bluff retention devices shall expire ~~20 years after the building permit completion certification date,~~ when the currently existing blufftop structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first and a new CDP must be obtained. Prior to expiration of the permit, the bluff top property owner shall apply for a coastal development permit to remove, modify or retain the protective device. In addition, expansion and/or alteration of a legally permitted existing bluff retention device shall require a new CDP and be subject to the requirements of this policy.

The CDP application shall include a re-assessment of need for the device, the need for any repair or maintenance of the device, and the potential for removal based on changed conditions. The CDP application shall include an evaluation of:

- The age, condition and economic life of the existing principal structure;
- changed geologic site conditions including but not limited to, changes relative to sea level rise, including implementation of the City's long term USACE beach nourishment program or similar a long-term, large scale sand replenishment or shoreline restoration program; and
- any impact to coastal resources, including but not limited to public access and recreation.

The CDP shall include a condition requiring ~~of reassessment and reauthorization of the impacts~~ of the device in 20-year mitigation periods pursuant to Policies 4.48 and 4.51.

No permit shall be issued for retention of a bluff retention device unless the City finds that the bluff retention device is still required to protect an existing principal structure in danger from erosion, that it will minimize further alteration of the natural landform of the bluff, and that adequate mitigation for coastal resource impacts, including but not limited to impacts to the public beach has been provided.

Chapter 8 –Definitions

12. The definition of ‘Bluff Top Redevelopment’ shall be revised as follows:

Bluff Top Redevelopment: Shall apply to ~~structures-proposed development~~ located between the sea ~~and the inland extent of the sea~~ and the first public road paralleling the sea (or lagoon) that consists of alterations including (1) additions to an existing structure; (2) exterior and/or interior renovations; (3) and/or demolition of an existing bluff home or other principal structure, or portions thereof, which results in:

(~~4a~~) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation; or a 50% increase in floor area. Alterations are not additive ~~or cumulative~~ between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(b) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area, taking into consideration previous additions approved on or after the date of certification of the LUP.

13. The definition of ‘Cantilever’ shall be revised as follows:

Cantilever: A projecting or overhanging structure of up to 10 feet in depth on the west side of a Bluff Home that is supported at one end and carries a load at the other end or along its length. Cantilever construction allows for structures to project seaward of the GSL or ~~rear yard~~ bluff edge setback (minimum 40 feet) without external bracing. All foundation footings and structural supports for cantilevered square footage shall be located landward of the geologic setback line/~~rear yard~~ or bluff edge setback (minimum 40 feet). No newly constructed cantilevered square footage is permitted to project over the bluff edge.