

CALIFORNIA COASTAL COMMISSION

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Th17a

Staff: E.Stevens-SD
 Staff Report: 6/24/2015
 Hearing Date: 7/9/2015

REVISED CONDITIONS AND FINDINGS

Application No.: 6-14-0679

Applicant: WJK Trust

Agent: Matthew Peterson

Decision: Approved with Conditions

Location: 355 Pacific Avenue, Solana Beach, San Diego County (APN: 263-301-06).

Project Description: Construction of a 750 sq. ft., one and two story addition supported by a caisson foundation and remodel to an existing one story, 1,380 sq. ft. single-family residence with an attached 240 sq. ft. garage on a 4,252 sq. ft. bluff top lot. After-the-fact approval of alterations to the western wall of the home.

Commissioners on Prevailing Side: Bochco, Cox, Groom, Howell, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Zimmer, and Chair Kinsey.

STAFF NOTES

Staff recommends the Commission adopt the following revised findings in support of the Commission's action on May 13, 2015. In its action, the Commission approved the permit after eliminating Special Condition #1d, thereby approving the proposed after-the-fact alterations to the western wall of the residence. The amended motion begins on Page

6. The modifications to Special Conditions begin on Page 7. Findings to support these modifications can be found starting on Page 12.

Date of Commission Action: May 13, 2015

SUMMARY OF COMMISSION ACTION
SUMMARY OF STAFF RECOMMENDATION

The subject application involves the construction of a sizeable addition, as well as extensive remodeling work, to an existing, non-conforming blufftop residence that constitutes substantial improvements to a structure in a hazardous location. The coastal bluff and shoreline has already been extensively altered with a seawall and mid- and upper bluff retention work. The application therefore raises questions about whether or not the currently proposed improvements will adversely impact geologic stability and either create the need for additional armoring or increase reliance on the existing shoreline protection, either now or in the future. Both the Coastal Act and certified LUP policies require that new development meet the Geologic Setback Line (GSL) and provide for a 75 year economic life. In this case, as described below, the new development, as conditioned herein, will not meet these standards; however, based on the findings below and the unique factors presented by the subject case and development pattern along the Solana Beach bluffs, the application can be approved with conditions.

The proposed project involves alteration and expansion to an existing 1,380 sq. ft. single family residence 63 year old structure located 10 ft. from the bluff edge on a 4,252 sq. ft. bluff top lot in the City of Solana Beach (Exhibits 2-9). The development results in the expansion of the existing first story and a new second story located as close as 51 feet from the bluff edge. As proposed, the new development would be supported by a concrete slab foundation and a caisson and grade beam foundation. The project also includes a substantial renovation of all of the major structural components of the existing house, and after-the-fact approval for a significant alteration to the western wall of the home undertaken without first obtaining a coastal development permit, which resulted in the modifications to a replacement of 22 ft. segment of the 28 ft.-long western wall of the home to install a new bi-fold glass door which does not utilize the previously-existing window and door openings (Exhibits 15 and 16).

In recognition of the substantial alteration to coastal bluffs caused by caisson foundations, pursuant to the City of Solana Beach certified LCP Land Use Plan (LUP) caissons are only permitted when proposed as an alternative to bluff-altering protective devices, and only when the project also includes removal or relocation of the at-risk portions of the structure located within 40 ft. of the bluff edge. The intent of LUP Policies 4.23 and 4.25 is to encourage, incentivize, and require bluff top property owners to evaluate rebuilding a new home in a less hazardous location, rather than maintaining or improving an existing structure in a riskier location that will likely require protective devices that alter the natural landform. Approval of caissons to support a new development on the inland side of an existing structure that is at risk could potentially be

supported if the non-conforming seaward portion of the structure is removed, thus reducing or eliminating the need for future protection.

In contrast to the intent of LUP Policies 4.23 and 4.25, the applicant proposes to construct development supported by a caisson foundation, while maintaining and upgrading the non-conforming portions of the structure. As proposed, the non-conforming portions of the home would remain as close as 10 ft. from the bluff edge. Unlike the alternative envisioned in the LUP, the proposed project would not remove the seawardmost portions of the home currently at risk, nor allow the existing bluff stabilization to be removed. The construction of caissons would make it significantly less likely that the residence will be able to be relocated or removed in the future. Therefore, the Commission staff is recommending requiring elimination of the proposed caisson and grade beam foundation, and clarification The alterations to the western wall of the existing single family residence is authorized as an improvement to the existing structure that does not affect the degree of non-conformity of the existing structure. ~~remain unpermitted development.~~

As stated, there are several unique factors presented by the development and project site that allow approval as conditioned. The bluff fronting the subject site is already fully protected by lower, mid, and upper bluff shoreline armoring. The existing armoring was authorized by the Commission for a period of twenty years (November 14, 2013 through November 14, 2033) to protect the existing residence. Pursuant to CDP #6-13-025, the armoring must be removed or re-authorized by 2033. To reauthorize the armoring, an assessment must be undertaken to determine if the armoring is still required to protect the existing residence and if all impacts have been adequately mitigated. The existing residence is proposed to be substantially altered, but not brought into compliance with the standard for new development. The applicant has suggested that the Commission only approve the development proposed in this application for the remaining length of time that the existing armoring is authorized (~18 years). Synchronizing the authorization term of the proposed development with the existing authorization period of the shoreline armoring will allow for reassessment of any changes to the structure and need for the armoring at the end of the authorization term.

The proposed development, without caissons for support, does not modify the major structural components of the existing residence to the point of meeting the threshold for Bluff Top Redevelopment in the LUP. In order to further assure that the proposed development does not result in the need for additional shoreline armoring, Special Condition 5 requires that the applicant waive all rights that may exist under Public Resources Code Section 30235 or under the certified LUP to construct new bluff or shoreline armoring, including the reconstruction of existing bluff and shoreline protective devices, to protect the proposed development. Further, Special Condition 5 requires that the applicant agree that the development, as approved in this permit, shall not be considered an existing structure for purposes of Section 30235. The required waiver of future rights to shoreline armoring is necessary to ensure that the Commission can make necessary adaptation decisions in the future related to the subject site.

Approval of the proposed development with special conditions that synchronize its authorization time period to the authorization time period for the existing armoring, and require that the applicant waive rights to new shoreline armoring to protect the proposed development, will allow the continued use of the existing residence without changing the length of time the existing armoring will remain or is authorized.

The Coastal Act and the City's certified LUP encourage locating structures in areas that will not result in adverse impacts to public access from the construction or retention of shoreline armoring. If the seaward portions of the existing structure were moved landward and potentially stabilized by a caisson foundation, some or all of the existing shoreline armoring fronting the site may no longer be needed for stability. Even if this home were to be moved landward away from the bluff edge or removed in its entirety, the existing shoreline armoring fronting the subject site would likely only be able to be removed as adjacent homes in the area reached the end of their economic lives and also relocated landward. However, over the long term, the policies of the LUP prohibiting new development that requires bluff/shoreline protection will result in existing structures being relocated or removed, thoroughly reducing the need and amount of bluff/shoreline protection. Over the longer run, a more comprehensive strategy to address shoreline erosion and the impacts of armoring may be developed (e.g. relocation of structures inland, abandonment of structures, etc.) that would allow the shoreline to retreat and contribute to the sand supply of the region. In addition, it is possible that continued sea level rise and ongoing natural processes may impact existing shoreline armoring and will drive updated policy approaches. Approval of the proposed development, without the use of a caisson foundation, will continue to allow for the opportunity to reduce the need for shoreline protection at this site in the future.

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[Exhibit 20 – Emergency CDP #6-05-003-G/Island Financial Corporation](#)

[Exhibit 21 – Filing Letter](#)

[Exhibit 22 – Correspondence Received in Relation to the May 2015 CCC Hearing on this Item can be accessed on the Commission’s website via the digital version of the May 2015 Staff Report for this item \(Item #12A\)](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission adopt the revised findings in support of the Commission's action on May 13, 2015 concerning approval of Coastal Development Permit No. 6-14-0679

STAFF RECOMMENDATION OF APPROVAL

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

Commissioners Bochco, Cox, Groom, Howell, McClure, Mitchell, Turnbull-Sanders, Uranga, Vargas, Zimmer, and Chair Kinsey.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for Coastal Development Permit No. 6-14-0679 on the grounds that the findings support the Commission's decision made on May 13, 2015 and accurately reflect the reasons for it.

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-14-0679 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval 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.

Resolution:

The Commission hereby approves coastal development permit 6-14-0679 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not 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 complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of

~~*the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*~~

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, revised final plans in substantial conformance with the submitted plans dated July 15, 2014, by Solomon Ferguson Architecture + Design. The revised final plans shall be approved by the City of Solana Beach and include the following:
 - a) The proposed caisson and grade beam foundation shall be replaced with a conventional slab foundation and any reference to the caisson foundation on all plans shall be eliminated.

- b) The foundation shall be designed such that all portions of the proposed development meet a minimum 1.5 Factor of Safety at the time of approval, as referenced in the geotechnical report, titled Determination of Factor-of-Safety Line from Bluff Edge, by GeoSoils Inc., dated April 24, 2012.
- c) The proposed development shall be specifically designed and constructed such that it could be removed in the event of endangerment.
- ~~d) The proposed after-the-fact alterations to the existing western exterior wall of the residence shall be clearly marked as "Unpermitted development — no coastal development permit has been authorized."~~
- e) d) The existing residence and accessory improvements (i.e., decks, patios, walls, etc.) located on the site shall be detailed and drawn to scale on a surveyed site plan that is tied into stable monuments.

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

2. **Duration of Bluff Top Development Approval.** By acceptance of this permit, the applicant agrees, on behalf of himself and all successors and assigns, to the following limitations on use of the subject property (APN 263-301-06):

- a) This CDP authorizes the proposed development, including alteration and expansion of the existing structure, until November 14, 2033, consistent with the duration of approval for the existing shoreline armoring at the site pursuant to CDP #6-13-025.
- b) Prior to expiration of this permit authorization and at least 180 days before the expiration date, the permittee shall apply for a permit amendment to either extend the authorization or remove the development approved pursuant to this permit.
- c) Any proposal to extend the authorization and/or to alter a major structural component or expand the existing residence, shall be proposed and considered in conjunction with CDP #6-13-025 pursuant to subsection f) below.
- d) No removal, alteration, or improvement to the residence shall occur without approval of an amendment to CDP #6-14-0679 by the Coastal Commission, unless the Executive Director determines that an amendment is not legally necessary.

- e) If a government agency determines that the residence has become unsafe for occupancy in the future, the permittee shall apply for a permit amendment within 90 days of that determination to remove the residence, either in part or entirely.
- f) The permit amendment to extend the authorization and/or to alter a major structural component or expand the existing residence required by subsections b), c), d), and e) above shall be submitted concurrently with the permit amendment for removal or reauthorization of the existing shoreline armoring required by Special Condition 4 of CDP #6-13-025. As a part of any permit amendment, the permittee shall submit an analysis of the need for the existing shoreline and bluff armoring and the feasibility of removal at that time. If the armoring is to be retained, the impacts of the existing armoring on public access and recreation, scenic views, sand supply, and other coastal resources shall be evaluated. Additional mitigation to address identified impacts that have not already been mitigated shall be required.
3. **Future Development/Redevelopment of the Site.** Any development or redevelopment of the subject site shall not rely on the existing shoreline armoring to establish geologic stability or protection from hazards. Development and any redevelopment shall be sited and designed to be safe, consistent with the provisions of the certified LCP at that time, without reliance on existing or future shoreline or bluff protective devices, and any proposed caisson foundation system shall be consistent with the certified City of Solana Beach LCP as an alternative to stabilization on the bluff face. As used in this condition, “redevelopment” is defined in Chapter 8 of the LUP as certified on June 12, 2013 and takes into consideration previous alterations and additions such as those permitted herein to determine whether or not the 50% redevelopment threshold is exceeded.

The Applicant acknowledges that the development proposed in this application results in the following percentages of alteration to the major structural components of the existing structure:

- 43% increase to the existing floor area
- 42% alteration to the existing exterior walls
- 49% alteration to the existing roof structure
- Alteration percentages to the existing floor structure and foundation shall be provided by the Applicant prior to the issuance of the Notice of Intent to Issue Permit (NOI) and shall be incorporated into the condition in the NOI and permit by the Executive Director

New development that exceeds the 50% threshold, considered for each major structural component cumulatively with the development approved pursuant to this permit, is prohibited unless the entire structure and site is brought into conformance with the standards for new development in the certified City of Solana Beach LUP.

4. **Future Development.** This permit is only for the development described in coastal development permit No. 6-14-0679. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the residence, including, but not limited to, repair and maintenance identified as not requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. 6-14-0679 from the California Coastal Commission, unless the Executive Director determines that a future amendment is not legally required.
5. **No Future Bluff or Shoreline Protective Device.** By acceptance of this Permit, the applicant hereby waives, on behalf of himself and all successors and assigns, any rights that may exist under Public Resources Code Section 30235 or the certified Solana Beach Land Use Plan (LUP) to construct new bluff or shoreline armoring, including reconstruction of existing bluff and shoreline protective devices, to protect the development approved pursuant to this permit. The applicant also agrees that the development approved pursuant to this permit shall not be considered an existing structure for purposes of Section 30235 and the certified Solana Beach LUP.
6. **Revised Final Landscape/Yard Area Fence Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of Solana Beach. The fence plan shall be in substantial conformance with the plans dated July 15, 2014, by Solomon Ferguson Architecture + Design. The landscaping and fence plans shall include the following:
 - a) A view corridor a minimum of 5 feet wide shall be preserved in the north and south side yards of the subject site. All proposed landscaping in this yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean. All landscape materials within the identified side yard setbacks shall be species with a growth potential not expected to exceed three feet at maturity.
 - b) Any fencing or gates within the side yard setbacks shall permit public views and have at least 75 percent of its surface area open to light.
 - c) All landscaping shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property.
 - d) Any existing permanent irrigation system located on the subject property shall be removed or capped and new permanent irrigation systems are prohibited.

- e) A written commitment by the applicant that, five years from the date of the issuance of the coastal development permit for the residence, the applicant will submit for the review and written approval of the Executive Director, a landscape monitoring report prepared by a licensed Landscape Architect or qualified Resource Specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

7. **Other Permits.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittees shall provide to the Executive Director copies of all other required local, state or federal discretionary permits for the development authorized by CDP #6-14-0679. The applicant shall inform the Executive Director of any changes to the project required by other local, state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.
8. **Best Management Practices and Construction Responsibilities.** The permittee(s) shall comply with the following construction-related requirements:
 - a) All debris resulting from demolition and construction activities shall be removed and disposed of at an authorized disposal site.
 - b) Temporary sediment control Best Management Practices (BMPs) such as straw bales, fiber rolls, or silt fencing shall be installed prior to, and maintained throughout, the construction period to intercept and slow or detain runoff from the construction, staging, and storage/stockpile areas, allow entrained sediment and other pollutants to settle and be removed, and prevent discharge of sediment and pollutants toward the bluff edge. When no longer required, the temporary

sediment control BMPs shall be removed. Fiber rolls shall be 100% biodegradable, and shall be bound with non-plastic biodegradable netting such as jute, sisal, or coir fiber; photodegradable plastic netting is not an acceptable alternative. Rope used to secure fiber rolls shall also be biodegradable, such as sisal or manila.

9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, documentation demonstrating that the landowner has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant’s entire parcel. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.
10. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and coastal bluff collapse; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission’s approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project involves the construction of a 750 sq. ft. addition to an existing 1,380 sq. ft. single family residence with an existing attached 240 sq. ft. garage on a 4,252 sq. ft. bluff top lot in the City of Solana Beach. As proposed, the development consists of a 185 sq. ft. first floor addition, a 173 sq. ft. first floor garage addition, and a 392 sq. ft. second floor addition. The applicant also proposes to construct an

approximately 300 sq. ft. second story cantilevered deck. The proposed development will be located 51 to 74 ft. from the bluff edge. As proposed, the development will be supported by a partial 5 in. thick concrete slab foundation and a drilled pier and grade beam foundation (also referred to as a caisson foundation). The proposed caisson foundation consists of twelve, 30 inch diameter piers connected by 24 inch by 24 inch concrete beams also located 51 to 74 feet from the bluff edge (Exhibits 2-9).

In the review of the application, staff determined that significant alterations had been undertaken to the western wall of the existing residence sometime between 2010 and 2013. The alterations consisted of the installation of multiple glass doors, which resulted in the replacement of 22 ft. of the 28 ft.-long western wall of the home with doors (Exhibits 15 and 16). Improvements to single-family structures within 50 ft. of the edge of a coastal bluff require a Coastal Development Permit (CDP) (see Title 14, Section 13250(b)(1) of the California Code of Regulations) due to the risk of adverse environmental effects. Thus, the alterations to the exterior western wall of the home, which is approximately 10 feet from the bluff edge, required a CDP. No CDP was obtained for this development. The applicant is now requesting after-the-fact approval for the previous alterations to the western wall of the home.

The subject development is proposed to be located on a bluff top lot on an approximately 80 ft.-high coastal bluff. The 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 (Exhibit 1).

Site History/Past Permits

As detailed below, various Coastal Development Permits (CDPs) for shoreline armoring have been approved on the bluff fronting the home.

In February of 2005, the Executive Director authorized an emergency permit to construct three concrete caisson underpinnings (approximately 2 ft. in diameter, 30 ft. in length) located in the southwest corner of the existing residence at 355 Pacific Avenue (CDP #6-05-003-G/Island Financial Corporation) (Exhibit 20).

In April of 2005, the Executive Director authorized an emergency permit for the construction of an approximately 150 foot long, 2 foot wide, 35 foot-high tiedback concrete seawall located at the base of the bluff below 341, 347, and 355 Pacific Avenue (CDP #6-05-023-G/Upp, Reichert, & Island Financial Corporation).

In June of 2006, the Executive Director authorized an emergency permit for the installation of a geogrid soil reinforced structure on the bluff face fronting 347 Pacific Avenue and the subject house at 355 Pacific Avenue, directly behind the existing approximately 150 foot-long, 35 foot-high seawall. The project also included the installation of an approximately 36 foot-long keystone retaining wall extending from the north end of the existing seawall to the top of the bluff along the northern property line of 355 Pacific Avenue (CDP #6-06-037-G/Totten and Reichert).

In November of 2013, the Commission approved a follow-up permit for the emergency construction of the seawall and the geogrid structure (CDP #6-13-025/Koman et al). Pursuant to this CDP, the applicants were required to lower the existing keystone wall to create a more natural appearance on the bluff and the applicants were required to install native landscaping on the geogrid structure. This work has not yet occurred. More details regarding this requirement are contained in Section E, Unpermitted Development, of this staff report. Removal or retention of the three existing rear yard caissons on the property constructed under emergency permit #6-05-003-G were not included in the follow-up permit for the rest of the emergency work. Thus, the existing caissons remain unpermitted development (CDP #6-13-025/Koman et al).

The proposed development was previously scheduled for the Commission's March 2015 meeting and a staff report was published. The applicant requested the item be postponed prior to the Commission hearing. The applicant's response letter to the staff report for the March 2015 meeting asserted that the application was filed as complete on September 5, 2015. The applicant's assertion is incorrect. Commission staff sent the applicant a non-filing letter on August 15, 2014 requesting additional information that was required before the application would be filed as complete. The applicant did not submit any information in response to the August 15, 2014 non-filing letter until October 2, 2014. On October 20, 2014, Commission staff sent the applicant a letter indicating that the application was filed as complete on October 3, 2014 (Filing Letter). The Filing Letter from Commission staff is included as Exhibit 21. The applicant's entire response letter, a public comment letter, and ex-parte communication in connection with the March 2015 meeting are included as Exhibit 22.

The Commission certified the City's Land Use Plan; however, 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, with the certified LUP used as guidance.

B. GEOLOGIC STABILITY/BLUFF TOP DEVELOPMENT

As described above, the standard of review is Chapter 3 of the Coastal Act, with the City's LUP providing guidance. As such, applicable Coastal Act policies are cited in this report, as well as certain LUP policies for guidance as relevant.

Coastal Act Section 30235 addresses the permitting of shoreline protective devices:

Section 30235

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. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Coastal Act Section 30253 addresses the need to ensure long-term structural integrity, minimize future risk, and mandates that new development cannot require the construction of protective devices that substantially alter natural landforms. Section 30253 provides, in applicable part:

Section 30253

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.

[. . .]

In addition, the following certified City of Solana Beach Land Use Plan (LUP) policies provide additional guidance regarding geologic hazards and development on bluff top property:

Policy 4.14: *Existing, lawfully established structures that are located between the sea and the first public road paralleling the sea (or lagoon) built prior to the adopted date of the LUP that do not conform to the provisions of the LCP shall be considered legal non-conforming structures. Such structures may be maintained and repaired, as long as the improvements do not increase the size or degree of non-conformity. Additions and improvements to such structures that are not considered Bluff Top Redevelopment, as defined herein, may be permitted provided that such additions or improvements themselves comply with the current policies and standards of the LCP. Bluff Top Redevelopment is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP...*

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 options to mitigate any previously unmitigated impacts of the structure or modify, 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.

Policy 4.18: *A legally permitted bluff retention device shall not be factored into setback calculations...*

Policy 4.19: *New shoreline or bluff protective devices that alter natural landforms along the bluffs or shoreline processes shall not be permitted to protect new development. A condition of the permit for all new development and bluff top redevelopment on bluff property shall require the property owner record a deed restriction against the property that expressly waives any future right that may exist pursuant to Section 30235 of the Coastal Act to new or additional bluff retention devices.*

Policy 4.23: *Where setbacks and other development standards could preclude the construction of a home.... The City may also consider options including a caisson foundation with a minimum 40 foot bluff top setback to meet the stability requirement and avoid alteration of the natural landform along the bluffs. A condition of the permit for any such home shall expressly require waiver of any rights to new or additional buff retention devices which may exist and recording of said waiver on the title of the bluff property.*

Policy 4.25: *All new bluff property development shall be set back from the bluff edge a sufficient distance to ensure that it will not be in danger from erosion and that it will ensure stability for its projected 75-economic life. To determine the GSL, applications for bluff property development must include a geotechnical report, from a licensed Geotechnical Engineer or a certified Engineering Geologist, that establishes the Geologic Setback Line (GSL) for the proposed development. This setback line shall establish the location on the bluff top where stability can be reasonably assured for the economic life of the development. Such assurance will take the form of a quantitative slope analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, $k=0.15$ or determined through analysis by the geotechnical engineer), using shear strength parameters derived from relatively undeformed samples collected at the site. In no case shall the setback be less than 40 feet from the bluff edge, and only if it can be demonstrated that the structure will remain stable, as defined above, at such a location for its 75-year economic life and has been sited safely without reliance on existing or future bluff retention devices, other than a caisson foundation.*

Furthermore, all new development including, but not limited to principal structures, additions, and ancillary structures, shall be specifically designed and constructed such that it could be removed in the event of endangerment.

The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat made possible by continued and accelerated sea level rise, future increase in storm or El Niño events, the presence of clean sands and their potential effect on the pattern of erosion at the site, an analysis of the ongoing process of retreat of the subject segment of the shoreline, and any known site-specific conditions. To the extent the MEIR or geology reports previously accepted by the City address the issues referenced above and remain current, technical information in the MEIR and previously accepted geology reports may be utilized by an applicant. Any such report must also consider the long-term effects of any sand replenishment and/or retention projects to the extent not addressed in the MEIR or the EIR for the specific application.

Policy 4.29: *A bluff home may continue its legal non-conforming status; however, a Bluff Top Redevelopment shall constitute new development and cause the pre-existing non-conforming bluff home to be brought into conformity with the LCP. Entirely new bluff homes shall also conform to the LCP.*

Bluff Retention Devices *means a structure or other device, including seacave/notch infills, dripline infill, coastal structures, upper bluff systems, and temporary emergency devices, designed to retain the bluff and protect a bluff home or other principal structure, or coastal dependent use from the effects of wave action erosion and other natural forces.*

Bluff Top Redevelopment *shall apply to proposed development located between 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:*

(a) 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 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.

Caisson Foundation: Means a subsurface support structure. A Caisson is a shaft or shafts of steel reinforced concrete placed under a building column, foundation or wall and extending down to hardpan, bedrock or competent material as defined or approved by a soils engineer or geologist. Caissons, for this definition, are drilled into position and are used to carry surface building loads and/or to carry surface building loads from anticipated future loss of support (i.e. “slope failure”). Also known as a pier foundation.

Floor Area means the enclosed interior space inside a bluff home, excluding required parking of 200 square feet per parking space, both before and/or after completion of any remodel.

Geologic Setback Area (GSA) is that portion of the bluff property located between the bluff edge and the Geologic Setback Line.

Geologic Setback Line (GSL) is the line marking the distance from the bluff edge that will assure stability for new development, to be determined on a case-by-case basis for each bluff property.

As an overview, the subject application involves the construction of a sizeable addition, as well as extensive remodeling work, to an existing, non-conforming blufftop residence that constitutes substantial improvements to a structure in a hazardous location. The coastal bluff and shoreline has already been extensively altered with a seawall and mid- and upper bluff retention work. The application therefore raises questions about whether or not the currently proposed improvements will adversely impact geologic stability and either create the need for additional armoring or increase reliance on the existing shoreline protection, either now or in the future. Both the Coastal Act and certified LUP policies require that new development meet the Geologic Setback Line (GSL) and provide for a 75 year economic life. In this case, as described below, the new development will not meet these standards; however, based on the findings below and the unique factors presented by the subject case and development pattern along the Solana Beach bluffs, the application can be approved with several conditions.

Geologic Setback Line (GSL) Determination

Due to the natural process of continual bluff retreat, coastal bluffs in this area of San Diego County are considered a hazardous area. To find a proposed bluff top residential development consistent with Section 30253, it must be sited such that it will not require a seawall or other bluff/shoreline protective device that would substantially alter natural landforms along the bluffs throughout its useful life. To make these findings, developments must be set back an adequate distance from the bluff edge as determined by a site specific geotechnical report documenting that the residence or residential addition will not require the construction of bluff/shoreline protection over its lifetime. As evidenced by the extensive armoring of the bluff fronting the subject site, the existing home is clearly in a hazardous location and could not be sited in its current location without shoreline armoring (Exhibits 10, 11, 17, and 18).

The applicant has submitted a geotechnical report for the subject site relating to the proposed development that includes site-specific quantitative slope stability analyses and an estimation of the long-term erosion rate for the area. The slope stability analysis measures the likelihood of a landslide at the subject site. The factor of safety is an indicator of slope stability and a value of 1.5 is the industry-standard value for new development. In theory, failure will occur when the factor of safety drops to 1.0, and no slope should have a factor of safety less than 1.0. According to the applicant's geotechnical report of June 4, 2014, the minimum factor of safety of 1.5 against a landslide occurring at the subject site occurs at approximately 48 ft. landward from the bluff edge. Therefore, a structure would need to be setback approximately 48 ft. from the edge of the bluff to assure reasonable assurance that the development will not be threatened by landslides if built at this time.

In addition to the landslide potential, the bluff is also subject to long-term erosion and retreat for life of the development, and establishing the required geologic setback includes estimating this retreat rate as well. The applicant's geotechnical report asserts that the estimated long-term erosion rate for the area is approximately 0.40 ft. per year and that given an estimated 75-year design life; about 30 feet of erosion might be expected to occur at the subject site based on this historic long-term erosion rate. However, the estimated average bluff recession rate that the Coastal Commission typically applies to the calculation of setbacks for new bluff top development in this portion of Solana Beach is 0.46 feet per year. The erosion rate used by the Commission is the upper bound of the historic rate (1932-1994) measured by Benumof and Griggs (1999) in a peer-reviewed, FEMA-funded study making use of then recognized state of the art photogrammetric techniques. The upper bound is used as a proxy for the average rate expected over the life of proposed new bluff top development (75 years) to account for increases in bluff retreat rate due to sea level rise. The estimated bluff recession over a period of 75 years at a rate of 0.46 feet per year is approximately 34.5 feet.

The LUP requires that the erosion rate be determined based on historic erosion, erosion trends, aerial photographs, land surveys, or other acceptable techniques (Ref: LUP Policies 4.25 and 4.51 and LUP Appendix A). The LUP also states that the approximate erosion rate averages 0.4 feet per year, but that erosion rates may vary depending on multiple factors, such as wave action, winter storms, potential sea level rise predictions, and upper bluff irrigation runoff. For administrative reasons, it is the City's plan to establish an erosion rate for ten years and then re-evaluate it. The City has indicated that it was intending to utilize the 0.4 feet per year initially. Through the development of the Implementation Plan portion of the City's Local Coastal Plan, it is likely that a citywide erosion rate will be developed and the establishment of this rate will be the subject of further discussions with the City. The applicant did not provide any rationale or site specific information to justify using the lower erosion rate. Therefore, the Commission's geologist, Dr. Mark Johnsson, determined that the appropriate erosion rate, in this particular case, is 0.46 feet per year. Thus, based on the combination of slope stability analyses and the estimated erosion rate, the geologic setback, or the location where new development would have to be sited in order to assure stability and structural integrity and not be in danger from erosion over a period of 75 years, is 82.5 ft. landward of the edge of the bluff.

Certified Land Use Plan – Caisson Foundation for New Development

The proposed development, including the caisson foundation, would be located approximately 51 ft. from the bluff edge at its closest point, and, therefore would be sited at a location that would likely be threatened over the next 75 years, without reliance on bluff or shoreline armoring devices. The distance between the bluff edge and the eastern property line of the site is approximately 74 on the southern side and 82 ft. on the northern side. Thus, there is no room on the property to site new development that would not be at risk over a 75 year period. Therefore, the applicant is proposing to construct a new caisson foundation to support the development in order to achieve a 1.5 factor of safety for the new development over 75 years.

However, Section 30253 of the Coastal Act prohibits the construction of new development that requires the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The proposed development cannot meet the standard for stability for 75 years and cannot be sited safely on the subject site over a 75 year period in the proposed location without the use of caissons, which in this case serve the same purpose as a bluff/shoreline protective device, inconsistent with Section 30253 of the Coastal Act.

The City's LUP defines "bluff retention devices" as including all forms of shoreline protection, from seacave infills, to seawalls, to mid and upper bluff protection. The term "shoreline protection" is also used throughout the LUP to generically refer to all forms of shoreline and bluff structures used to protect bluff top structures from erosion. The proposed caisson foundation would substantially alter the natural landform of the coastal bluff in order to support the proposed development in a hazardous location, essentially serving the same purpose as a bluff retention device. The American Geological Institute Glossary of Geology defines a bluff, in part, as "...a high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or a body of water..." The natural bluff here and bluff systems in general are more than just the exposed face of the bluffs; the landform extends from the bluff face through the property.

Although the proposed caisson foundation may not become exposed during the next 75 years, the boring of twelve, 30-inch diameter holes a minimum of 5 to 25 feet deep and the construction of the concrete caissons will change the geologic integrity of the coastal bluff. Policy 4.25 of the LUP requires that new development, including additions, be designed such that it can be removed in the event of endangerment. It is extremely difficult to remove below-grade structures once they are installed without causing additional damage to the bluffs. The existing caissons on the subject site are an example. As noted above, three caissons were previously installed in the rear yard of the site under an emergency permit. Although the Commission subsequently determined that the caissons were not necessary to protect the structure from erosion, the caissons cannot be removed without damaging the bluffs. Once caissons are installed, they are nearly impossible to remove without further impacting the coastal bluff.

The City of Solana Beach's certified LUP identifies specific circumstances under which a caisson foundation may be permitted. The LUP requires that development be designed so that it will neither be subject to nor contribute to bluff instability, and is sited to not require construction of protective devices that would alter the natural landforms of the bluffs. Policies 4.23 and 4.25 of the certified LUP provide that a caisson foundation may be permitted when it would allow all portions of a bluff top residence to be sited a minimum of 40 ft. inland from the bluff edge if the development would avoid the need for bluff stabilization and when proposed as an alternative to bluff-altering protective devices.

Without a caisson foundation, the Geologic Setback Line (GSL) is the sum of the distance from the bluff edge at which a 1.5 Factor of Safety is attained and 75 years of expected bluff edge retreat. With a caisson foundation, the stability of development built on a bluff top site is significantly improved and the GSL would effectively be determined by calculating only the expected bluff edge retreat over a 75 year period. Using the currently expected bluff edge retreat rate of 0.46 ft. /yr., the GSL with a caisson foundation would be approximately 34.5 ft. from the bluff edge and a 40 ft. setback would be adequate. On past projects that utilized a caisson foundation for the construction of a new home, the Commission's geologist has also recommended that a 10 ft. buffer be added to the expected erosion. The 10 ft. buffer serves multiple functions: 1) it allows for uncertainty in all aspects of the analysis; and 2) it assures that, at the end of the design life of the structure, the foundations are not actually being undermined.

The intent of LUP Policies 4.23 and 4.25 is to encourage, incentivize, and require bluff top property owners to evaluate rebuilding a new home in a less hazardous location, rather than maintaining or improving an existing structure in a riskier location that will likely require protective devices that alter the natural landform. Approval of caissons to support a new development on the inland side of an existing structure that is at risk could potentially be supported if the non-conforming seaward portion of the structure is removed, thus reducing or eliminating the need for future protection. In contrast to the intent of LUP Policies 4.23 and 4.25, the applicant proposes to construct development supported by a caisson foundation, while maintaining and upgrading the non-conforming portions of the structure. As proposed, the non-conforming portions of the home would remain as close as 10 ft. from the bluff edge. Unlike the alternative envisioned in the LUP, the proposed project would not remove the seawardmost portions of the home currently at risk, nor allow the existing bluff stabilization to be removed. The construction of caissons would make it significantly less likely that the residence will be able to be relocated or removed in the future.

The use of a caisson foundation to support the proposed development without removing the portions of the home seaward of 40 ft. is inconsistent with the Coastal Act and the certified LUP. Furthermore, the geotechnical report for the subject project, dated June 4, 2014, states the following: "*There is no geotechnical reason to not use a conventional slab foundation system for the minor addition...from a geotechnical standpoint, caissons are not necessary...*" Therefore, Special Condition 1 requires that the final plans for this project be revised to use a conventional slab foundation instead of the proposed caisson foundation, that the new foundation be designed such that it meets a minimum 1.5 FOS at

the time of approval, and that the proposed development, including the new foundation, be designed such that it could be removed in the event of endangerment. Elimination of the caisson foundation will likely result in changes in the calculation of the percentages of alteration of the floor and foundation components of the existing residence.

Existing Bluff/Shoreline Protection

Policy 4.17 of the City's LUP addresses proposals for new development and significant alteration or improvement to existing structures on bluff top lots with legally-established bluff retention devices. A geologic analysis is required to describe the condition of the existing shoreline armoring, to identify any impacts the shoreline armoring may be having on public access and recreation, scenic views, sand supply and other coastal resources; and to evaluate options to mitigate any previously unmitigated impacts of the structure or modify, replace or remove the existing protective device in a manner that would eliminate or reduce those impacts.

In this particular case, the existing shoreline armoring was extensively reviewed by the Commission on November 14, 2013, pursuant to CDP #6-13-025, which authorized the retention of the mid- and upper bluff geogrid structure and the seawall fronting the subject site. Pursuant to CDP #6-13-025, the Commission identified that the shoreline armoring resulted in significant impacts to public access and recreation, scenic views, and sand supply. To mitigate these impacts, the Commission required that the applicant make an in-lieu payment for impacts to sand supply and public access and recreation over a 20 year period beginning the year that the seawall was constructed. The impacts to coastal resources were required to be mitigated to the extent possible at that time. However, the Commission continues to evaluate ways to more accurately quantify impacts related to shoreline armoring. The Commission has recently awarded a grant to the City of Solana Beach to complete their public access and recreation mitigation fee program. The 20 year mitigation period commenced on April 13, 2005 and ends on April 13, 2025. For the subject site and the authorized protective work, the mitigation fees of \$50,000 for public access and recreation impacts and \$5,589.31 for sand supply impacts were paid by the applicant on March 19, 2015 and March 10, 2015, respectively.

Prior to the completion of the 20-year mitigation period, the applicant is required to submit a complete CDP amendment application to assess the continued impacts on public access and sand supply as a result of the shoreline armoring built on the publicly-owned beach and bluff beyond 20 years.

The Commission also found that the existing shoreline armoring was required to protect the existing bluff top residence and could not be modified, replaced, or removed at that time. The Commission approved the shoreline armoring fronting the subject site for a period of 20 years from the date of approval of CDP #6-13-025 (November 14, 2013 through November 14, 3033). Prior to the completion of the 20-year authorization period or in conjunction with redevelopment of the property, the applicant is required to apply for a new CDP to remove the protective device or to modify the terms of its authorization. This re-assessment will include all of the approved bluff/shoreline

protection of the subject site, including the seawall and the geogrid structure/lateral return wall.

Bluff Top Redevelopment Threshold

The existing home was built in 1952 and is currently located approximately 10 ft. from the bluff edge at its closest point (Exhibit 10). The Commission has not approved any previous modifications to the 63 year-old home. The bluff fronting the existing home is fully armored by a lower bluff seawall and a mid and upper bluff geogrid structure (Exhibit 11). Close scrutiny of improvements to an existing bluff top residence that already requires a bluff retention device to protect it from erosion is particularly important. Retention of development too close to the bluff edge can lead to further landform alteration and impacts to public resources through the construction of new shoreline armoring or retention of existing shoreline armoring. Improvements that increase the economic life of the structure in a non-conforming and hazardous location can also reduce the incentive to move the structure landward to reduce risk and the need for protection. Therefore, significant improvements that extend the life of a non-conforming structure in its current location should be limited.

The definition of “Bluff Top Redevelopment” in the City’s LUP is intended to identify and prohibit redevelopment projects that essentially consist of rebuilding existing structures in hazardous, non-conforming locations, unless the entire structure is brought into conformance. The definition allows a reasonable amount of changes to an existing structure, including up to a 50% increase in the size of the structure, but would not allow the familiar practice of stripping a house to the studs, or gutting the entire interior, or demolishing everything but one wall, and still characterizing the structure as “existing,” thereby allowing the unlimited perpetuation of a non-conforming structure. Therefore, Special Condition 3 mandates that any future development or redevelopment of the site shall not rely on the existing armoring to establish geologic stability or protection from hazards. Special Condition 3 further requires that development and redevelopment on the project parcel be sited and designed to meet bluff top stability standards, consistent with the provisions of the certified LCP at that time, without reliance on shoreline or bluff protective devices, and any proposed caisson foundation shall be consistent with the certified City of Solana Beach LUP as an alternative to bluff stabilization.

Further refinement of how to implement the definition of “redevelopment” and how regulatory review will be codified is expected to occur in the future when the City’s Implementation Plan is developed. At this point, using the LUP for guidance, in order to determine whether or not an improvement is considered redevelopment (that is, a new structure), it is necessary to examine both the size of the proposed addition, and the extent of modifications proposed to the major structural elements of the existing structure.

The Bluff Top Redevelopment policy in the certified LUP defines the major structural components of the home. These major structural components include exterior walls, the structural components of the floor and roof, and the foundation of an existing home. The definition provides that alterations to major structural components are not additive

between individual major structural components, while alterations to individual major structural components are cumulative over time from the date of certification of the LUP (June 12, 2013). Additions are also cumulative over time from the date of certification of the LUP such that an initial 25% addition would not be considered redevelopment; however, if in the future a subsequent 25% addition was proposed, that would result in a cumulative 50% increase in floor area and would thus constitute “Bluff Top Redevelopment.”

The proposed development would result in alterations to all of the major structural components of the home (Exhibits 12-14). Based on plans submitted by the applicant, the proposed project would result in the following alteration of the existing major structural components:

- **Exterior Walls:** Alteration of approximately 87 linear ft. of the existing 206 linear ft. of exterior walls (42%). As calculated in this case, the total alteration of existing exterior wall is a combination of exterior walls altered through demolition or replacement, exterior walls becoming interior walls, exterior walls altered through removal or resizing of windows or doors, and exterior walls altered through installation of the new foundation system components. The after-the-fact alterations to the westernmost wall of this home are included in this calculation.
- **Floor Structure:** Alteration of approximately 100 sq. ft. of the existing 1,110 sq. ft. of floor structure (9%). The altered floor structure area consists of the existing floor structure area that will be modified to accommodate the proposed development and new caisson, grade beam, and slab foundation.
- **Roof Structure:** Alteration of approximately 977 sq. ft. of the existing 2,010 sq. ft. of roof structure (49%). The altered roof structure area consists of the existing roof structure area that will be modified to accommodate the proposed development and the new roof deck.
- **Foundation:** Alteration of approximately 63 sq. ft. of the existing 623 sq. ft. foundation (10%). The altered foundation area consists of the foundation elements that will be modified to accommodate the proposed development. As calculated in this case, the existing foundation consists of the existing slab foundation at the eastern side of the home, the existing spread footings, and the existing perimeter foundation.

In addition to the substantial alterations to the major structural components of the existing home, the proposed development will result in significant expansion to the major structural components of the home. The City’s LUP, which is used for guidance, excludes required parking of 200 square feet per garage parking space when determining Floor Area. In addition, the definition of Bluff Top Redevelopment in the City’s LUP limits additions to existing bluff top structures on or after the date of certification of the LUP to 50% of the existing floor area. The floor area of the existing home is 1,380 sq. ft. (excluding existing garage area). The applicant proposes to add 590 sq. ft. of new floor area (excluding proposed garage area). The development would result in a 43% increase

to the existing floor area of the home, which is consistent with and does not exceed the Bluff Top Redevelopment threshold set identified in the certified LUP.

Thus, as submitted, the proposed development is slightly less than 50% of the existing floor area of the structure, and it appears that while the proposed alterations are substantial and affect every structural element of the home (exterior walls, floor and roof structure, and foundation), they do not exceed 50% of any one component. Nevertheless, although the revisions may not meet the threshold for redevelopment in the LUP, the extent of alterations to the existing non-conforming structure located as close as 10 ft. from the bluff edge is a concern.

Consistency with the Coastal Act and the City of Solana Beach Certified Land Use Plan

As proposed, the new development would be located 51 ft. from the bluff edge. At 51 ft. from the bluff edge, the proposed development with a standard slab foundation would be sited in a location that is safe at the time of approval, but not for the typical 75 year economic life of new development. As detailed previously, the Commission would typically require that any new development be set back from the bluff edge a sufficient distance to account for both the 1.5 FOS and 75 years of bluff edge retreat. In this case, the Commission can approve the proposed development provided that there is adequate assurance that the proposed development will not require new shoreline armoring during its lifetime or rely on the existing armoring to meet stability requirements. There are several unique factors presented by the development and project site. First, lower, mid and upper bluff armoring has already been constructed to protect the existing residential structure. Second, the existing armoring which is necessary to protect the existing structure in danger from erosion has only been authorized by the Commission for a period of 20 years. Third, although the subject development represents a substantial improvement to the existing structure, the improvements do not meet the threshold for redevelopment. However, as 63 years old, the existing structure is nearing the end of its economic life and the redevelopment provisions of the certified LUP could be triggered during the next 20 years that the seawall is authorized. In consideration of these site-specific factors and conditions of approval, the proposed development, which includes alteration and expansion of the existing structure, can be constructed consistent with the Coastal Act and the certified LUP. Only two other bluff top residences in the City of Solana Beach are subject to the same site specific factors.

The bluff fronting the subject site is already fully protected by lower, mid, and upper bluff shoreline armoring. The existing armoring was authorized by the Commission for a period of twenty years (November 14, 2013 through November 14, 2033) to protect the existing residence. Pursuant to CDP #6-13-025, the armoring must be removed or re-authorized by 2033. To reauthorize the armoring, an assessment must be undertaken to determine if the armoring is still required to protect the existing residence and if all impacts have been adequately mitigated. The existing residence is proposed to be substantially altered, but not brought into compliance with the standard for new development. The applicant has suggested that the Commission only approve the development proposed in this application for the remaining length of time that the

existing armoring is authorized (~18 years). Synchronizing the authorization term of the proposed development with the existing authorization period of the shoreline armoring will allow for reassessment of any changes to the structure and need for the armoring at the end of the authorization term.

Special Condition 2 requires that the applicant agree that this CDP only authorizes the proposed development, including alteration and expansion of the existing residence, until November 14, 2033, consistent with the duration of approval for the existing shoreline armoring at the site pursuant to CDP #6-13-025, and requires that the applicant apply for a permit amendment to either extend the authorization or remove the development approved pursuant to this permit at least 180 days before expiration of this CDP. Special Condition 2 also requires that any future proposals to extend the authorization and/or to alter a major structural component or expand the existing residence must be undertaken concurrently with a permit application to remove or reauthorize the existing shoreline armoring, in order to ensure that the new development does not result in the extension of the time that existing armoring is required to be retained. In addition, Special Condition 2 requires that no removal, alteration, or improvement to the residence shall occur without approval of an amendment to this CDP and that if a government agency determines that the residence has become unsafe for occupancy in the future, the applicant must apply for a permit amendment within 90 days to remove the proposed development, either in part or entirely. Since the existing armoring is already subject to a 20 year authorization period, it is reasonable to find that by authorizing the proposed development only as long as the existing armoring is authorized, the proposed development will not extend the length of time the existing armoring is permitted to protect the bluff top residence.

The proposed development, without caissons for support, does not modify the major structural components of the existing residence to the point of meeting the threshold for Bluff Top Redevelopment in the LUP. In order to further assure that the proposed development does not result in the need for additional shoreline armoring, Special Condition 5 requires that the applicant waive all rights that may exist under Public Resources Code Section 30235 or under the certified LUP to construct new bluff or shoreline armoring, including the reconstruction of existing bluff and shoreline protective devices, to protect the proposed development. Further, Special Condition 5 requires that the applicant agree that the development, as approved in this permit, shall not be considered an existing structure for purposes of Section 30235. The required waiver of future rights to shoreline armoring is necessary to ensure that the Commission can make necessary adaptation decisions in the future related to the subject site.

The existing home is nearing the end of its economic life (built in 1952) and additional changes to major structural components are likely over the next 20 years. Any additional improvements in the ensuing 20-year authorization period would likely trigger the redevelopment provisions of the certified LUP and would require the entire structure be brought into conformance with the standards for new development, including a waiver of rights to protective devices and removal of the non-conforming portions of the residence seaward of the Geologic Setback Line (GSL). Special Condition 3 requires that the applicant acknowledge the extent of the alterations to the major structural components of the existing structure that would result from the development proposed in this

application. Special Condition 3 also requires that the applicant provide the updated percentages for the alteration of the floor structure and foundation work reflecting the use of a slab foundation prior to issuance of the NOI for this CDP. The use of a slab foundation instead of the proposed caisson foundation will likely decrease the amount of alteration to the existing floor structure and foundation. Furthermore, Special Condition 3 puts the applicant on notice that any new development that exceeds the 50% threshold for new development, considered cumulatively with the development approved pursuant to this permit, is prohibited unless the entire structure and site is brought into conformance with the standards for new development in the certified City of Solana Beach LUP.

Approval of the proposed development with special conditions that synchronize its authorization time period to the authorization time period for the existing armoring, and require that the applicant waive rights to new shoreline armoring to protect the proposed development, will allow the continued use of the existing residence without changing the length of time the existing armoring will remain or is authorized. These requirements are necessary for consistency with Section 30253 of the Coastal Act, which states, in part, that new development shall minimize risk to life and property in areas of high geologic hazard, assure structural integrity and stability, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas, nor in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Coastal Act and the City's certified LUP encourage locating structures in areas that will not result in adverse impacts to public access from the construction or retention of shoreline armoring. If the seaward portions of the existing structure were moved landward and potentially stabilized by a caisson foundation, some or all of the existing shoreline armoring fronting the site may no longer be needed for stability. Even if this home were to be moved landward away from the bluff edge or removed in its entirety, the existing shoreline armoring fronting the subject site would likely only be able to be removed as adjacent homes in the area reached the end of their economic lives and also relocated landward. However, over the long term, the policies of the LUP prohibiting new development that requires bluff/shoreline protection will result in existing structures being relocated or removed, thoroughly reducing the need and amount of bluff/shoreline protection. Over the longer run, a more comprehensive strategy to address shoreline erosion and the impacts of armoring may be developed (e.g. relocation of structures inland, abandonment of structures, etc.) that would allow the shoreline to retreat and contribute to the sand supply of the region. In addition, it is possible that continued sea level rise and ongoing natural processes may impact existing shoreline armoring and will drive updated policy approaches. Approval of the proposed development, without the use of a caisson foundation, will continue to allow for the opportunity to reduce the need for shoreline protection at this site in the future.

Although the applicant asserts that the proposed development can be constructed safely, the bluffs along the Solana Beach shoreline are known to be hazardous and unpredictable. Given that the applicant has chosen to construct the proposed development in this location despite these risks, the applicant must assume the risks. Accordingly, Special Condition 10 requires the applicant to acknowledge the risks and indemnify the

Commission against claims for damages that may occur as a result of its approval of this permit.

The Commission notes that Section 30610(a) of the Coastal Act exempts certain improvements to existing single-family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain improvements that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment. Depending on its nature, extent, and location, such an improvement could contribute to geologic hazards at the site. For example, installing a landscape irrigation system on the property in a manner that leads to saturation of the bluff could increase the potential for landslides or catastrophic bluff failure. Another example would be installing a sizable accessory structure for additional parking, storage, or other uses normally associated with a single family home in a manner that does not provide for the recommended setback from the bluff edge.

Accordingly, Section 30610(a) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(a) of the Coastal Act, the Commission adopted Section 13250 of Title 14 of the California Code of Regulations (CCR). Section 13250(b)(6) specifically authorizes the Commission to require a permit for improvements to existing single-family residences that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, certain improvements to the approved structure could involve a risk of creating geologic hazards at the site. Therefore, pursuant to Section 13250 (b)(6) of Title 14 of the CCR, the Commission adopts Special Condition 4, which requires that all future development on the subject parcel that might otherwise be exempt from coastal permit requirements requires an amendment or coastal development permit unless the Executive Director determines that a future amendment is not legally required. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in a geologic hazard.

Furthermore, Special Condition 9 requires the applicant to record a deed restriction to impose the special conditions of the permit as covenants, conditions and restrictions on the use and enjoyment of the property. This special condition is required, in part, to ensure that the development is consistent with the Coastal Act and to provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property will be stable for an indefinite period of time and for further development indefinitely into the future, or that a protective device could be constructed to protect the approved development contrary to the terms and conditions of this permit. By recording the terms and conditions of this permit against the property, future purchasers are notified in advance of their purchase of the limitations on development of the property.

Special Condition 7 requires that the applicant provide the Executive Director copies of all other required local, state, or federal discretionary permits for the proposed development prior to commencement of construction and that any changes to the project will not be incorporated without an amendment to this permit or a determination from the Executive Director that no amendment is legally required.

Unpermitted Alterations to Western Wall of Residence

The after-the-fact replacement of 22 ft. out of the 28 ft. length of the westernmost wall of the home represents an economic investment that may extend the life of that portion of the home. This is particularly so given that the subject residence was constructed in 1952 and is thus 63 years old. Policy 4.25 of the certified LUP defines a structure's economic life as 75 years. As evidenced by the current proposal to substantially modify the existing structure, this bluff top home is nearing the end of its economic life. Extending the life of the westernmost non-conforming portion of the residence, which is already located in a hazardous location, without resolving the non-conformity, ~~is exactly the type of development that the Solana Beach certified LUP is intended to deter. Allowing over 50% of the linear extent of the westernmost wall to be re-built on a structure within 40 feet from the bluff edge constitutes a substantial improvement and approval will may~~ disincentivize removing that portion of the home and replacement of the home further landward to a less hazardous location in the future.

Section 30253 of the Coastal Act requires that new development assure stability and structural integrity. The location of the after-the-fact development, within 10 ft. from the bluff edge, is not in a location that can assure stability or structural integrity and is located approximately 38 ft. seaward of the current 1.5 Factor of Safety setback. Furthermore, Policy 4.14 of the LUP allows non-conforming bluff top structures to be maintained and repaired only if the improvements do not increase the size or degree of non-conformity. In this particular case, the Commission finds the renovations are proposed to replace window openings with a bi-fold glass door in a different and larger opening than previously existed. A significant portion of the wall will remain unaltered and the changes will not result in an entirely new wall, thus, the after-the-fact changes to the westernmost wall of the residence do not increase the degree of non-conformity of the existing structure. The alterations to the western wall have been included in the cumulative modification calculations used to determine if greater than 50% of the home's existing exterior walls have been altered. As explained previously in greater detail in the Blufftop Development Threshold section of this staff report, even with the after-the-fact alterations to the western wall of the structure, less than 50% of the existing exterior walls of the home are proposed to be altered. In this instance, given the unique circumstances of the subject site, the Commission finds that the after-the-fact changes to the windows on the western wall of the home should be approved and will not lead to the need for more shoreline armoring at the subject site. The after-the-fact changes to the westernmost wall of the residence result in a substantial change and increase the degree of non-conformity of the residence. Therefore, the proposed after the fact development is inconsistent with Coastal Act and the current policies and standards of the certified LUP. Special Condition 1 requires that the revised final plans clearly state that the alterations are unpermitted and that no CDP has been issued for that portion of the development.

~~Although the alterations to the western wall cannot be approved, the work has already been undertaken and must be included when calculating the percentage for alteration of the exterior walls of the existing residence.~~

Summary

As conditioned, the proposed development, which includes alteration and expansion of an existing bluff top structure, can be constructed consistent with the Coastal Act and the City of Solana Beach certified LUP. The bluff top development and shoreline armoring policies of the certified LUP were developed to encourage, incentivize, and require bluff top property owners to evaluate rebuilding a new home in a less hazardous location, rather than maintaining or improving an existing structure in a riskier location that will likely require protective devices that alter the natural landform of the public bluffs. To ensure that the proposed development does not result in the need to extend the life of the existing shoreline armoring, this CDP includes special conditions that limit the authorization of the proposed development to correspond to the authorization period for the existing protective devices and also requires that the applicant waive all rights that may exist under Public Resources Code Section 30235 or under the certified LUP to construct new bluff or shoreline armoring, including reconstruction of existing bluff and shoreline protective devices, to protect the proposed development. Special conditions of this permit also require that a conventional slab foundation be used in place of the proposed caisson foundation, that the new foundation be designed such that it meets a minimum 1.5 FOS at the time of approval, and that the proposed development be designed such that it could be removed in the event of endangerment. ~~In addition, the applicant is required to submit revised final plans that clearly annotate that the alterations to the westernmost wall of the existing residence remain unpermitted.~~ With the application of these special conditions, the proposed development will not limit options to move the entire home back in the future and does not rely on the site's existing shoreline armoring. Therefore, the proposed development is consistent with Section 30253 and 30235 of the Coastal Act and the policies of the certified LUP.

C. VISUAL RESOURCES

Sections 30251, 30240, and 30250 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 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.

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) 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, the following certified City of Solana Beach Land Use Plan (LUP) language provides additional guidance regarding protection of scenic resources:

***Policy 6.3:** Public views to the beach, lagoons, and along the shoreline as well as to other scenic resources from major public viewpoints, as identified in Exhibit 6-1 shall be protected. Development that may affect an existing or potential public view shall be designed and sited in a manner so as to preserve or enhance designated view opportunities. Street trees and vegetation shall be chosen and sited so as not to block views upon maturity.*

***Policy 6.4:** Locations along public roads, railways, trails, parklands, and beaches that offer views of scenic resources are considered public viewing areas. Existing public roads where there are major views of the ocean and other scenic resources are considered Scenic Roads and include:*

- *Highway 101/Pacific Coast Highway and Railway Corridor*
- *I-5*
- *Lomas Santa Fe Drive*

Public views to scenic resources from Scenic Roads shall also be protected.

***Policy 6.9:** The impacts of proposed development on existing public views of scenic resources shall be assessed by the City prior to approval of proposed development or redevelopment to preserve the existing character of established neighborhoods. Existing public views of the ocean and scenic resources shall be protected.*

The subject development involves the alteration and expansion of an existing single-story bluff top residence. The existing home and proposed development are located in a residential neighborhood consisting of single-family homes of similar bulk and scale to

the proposed development. There is currently an approximately five foot wide public view corridor of the ocean from Pacific Street along the southern side of the home that would remain if the proposed development was constructed. Public ocean views along the northern side yard of the existing home are currently blocked with a solid, approximately six foot high, privacy gate. However, the project plans, dated July 15, 2014, indicate that all fencing and gates in both the north and south side yard setbacks will be 75% open to light, which would create an approximately five ft. wide public ocean view corridor along both side yards. Special Condition 6 requires that a view corridor a minimum of five ft. wide shall be preserved in the north and south side yards of the subject site. The condition requires that any fencing or gates within the side yard setbacks shall permit public views and have at least 75% of its surface area open to light. Furthermore, all proposed landscaping in these yard areas shall be maintained at a height of three feet or lower (including raised planters) to preserve public views from the street toward the ocean and landscape materials within the view corridors shall be species with a growth potential not expected to exceed three ft. at maturity. Five years from the date of issuance of this coastal development permit the applicant is required to submit a monitoring report to the Executive Director that certifies whether the on-site landscaping and fencing is in conformance with the landscape plan approved pursuant to Special Condition 6. Therefore, it is not anticipated that the proposed development, as conditioned, would have any adverse effect on scenic or visual resources.

D. Water Quality

Section 30230 of the Coastal Act states as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As cited above, Coastal Act Sections 30230 and 30231 require, in part, that marine resources and coastal wetlands and waters be maintained, enhanced, and where feasible restored. These policies specifically call for the maintenance of the biological

productivity and quality of marine resources, coastal waters, streams, wetlands, and estuaries necessary to maintain optimum populations of all species of marine organisms and for the protection of human health.

The proposed development will be located at the top of the bluffs overlooking the Pacific Ocean. As such, drainage and run-off from the development could potentially affect water quality of coastal waters as well as adversely affect the stability of the bluffs. Special Condition 1 of CDP #6-13-025 required the removal or capping of any existing permanent irrigation systems on the bluff top lot. Special Condition 6 reinforces the requirement to remove or cap existing permanent irrigation systems on the site and prohibits installation of any future permanent irrigation systems.

In order to protect coastal waters from the adverse effects of polluted runoff, the Commission has typically required that all runoff from impervious surfaces be directed through landscaping as a filter mechanism prior to its discharge into the street. In this case, however, directing runoff into bluff top landscape areas could have an adverse effect on bluff stability by increasing the amount of ground water within the bluff material, which can lead to bluff failures. Therefore, in this case, reducing the potential for water to be retained on the site and directing the runoff toward the street, will be more protective of coastal resources. Special Condition 6 also limits landscaping to native, drought-tolerant plants which will minimize the amount of polluted runoff from the property to the extent feasible.

Special Condition 8 requires the applicant to conform to best management practices and construction responsibilities throughout construction at the project site, to ensure all resulting debris are properly removed/disposed, and to safeguard that temporary sediment control measures are put in place. Thus, as conditioned, the Commission finds that the proposed project will maintain and enhance the functional capacity of the habitat and protect human health as mandated by the requirements of Sections 30230 and 30231 of the Coastal Act.

D. PUBLIC ACCESS/RECREATION

Coastal Act Sections 30210, 30211, 30212, 30212.5, and 30221 require that public access and use of the coast shall be maximized, that development shall not interfere with the public's right to access the coast and use of dry sand beaches, and that oceanfront land suitable for recreational activities shall be protected. The physical encroachment of a protective structure on the beach reduces the beach area available for public use and is therefore a significant adverse impact. Furthermore, when the back beach is fixed with a shoreline armoring device, passive erosion is halted and additional public beach area can no longer be created.

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with

public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

Section 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The subject site is located between the Pacific Ocean and the first public roadway, which in this case is Pacific Avenue. The site is located within a developed single-family residential neighborhood on an approximately 80 ft.-high coastal bluff top lot. Vertical access through the site is not necessary nor warranted, given the fragile nature of the bluffs. Adequate public vertical access is provided approximately 500 feet north of the site at the Tide Beach Park public access stairway and approximately ¼ mile to the south of the site at Fletcher Cove, the City's central beach access park.

Bluff and Shoreline protective devices have many adverse impacts on public access and recreation. The existing seawall fronting the subject site extends 2 ft. seaward of the toe of the bluff for a length of 50 feet. 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; and, at times, the area could be impassable. In addition, were it not for the

existing shoreline armoring, the seaward face of the bluff would naturally recede, making additional beach area available for public use. As such, an encroachment of any amount onto the sandy beach reduces the small beach area available for public use and is therefore a significant adverse impact. Over time, if the remaining unprotected bluffs in the vicinity of the project site are not permitted to recede, and seawalls are also constructed along the entire shoreline, such structures will likely impede or completely eliminate public access to the beach at the subject site.

There are three major components that the Commission has historically analyzed when determining impacts on public access.

Shoreline Processes

Beach sand material comes to the shoreline from inland areas, carried by rivers and streams; from offshore deposits, carried by waves; and from coastal dunes and bluffs, becoming beach material when the bluffs or dunes lose material due to wave attack, landslides, surface erosion, gulying, etc. Many coastal bluffs are marine terraces – ancient beaches that formed when land and sea levels differed from current conditions. Since the marine terraces were once beaches, much of the material in the terraces is often beach-quality sand or cobble, and is a valuable contribution to the littoral system when it is added to the beach. While beaches can become marine terraces over geologic time, the normal exchange of material between beaches and bluffs is for bluff erosion to provide beach material. Bluff retreat and erosion is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse of caves, saturation of the bluff soil from groundwater causing the bluff to slough off, and natural bluff deterioration. When the back-beach or bluff is protected by a bluff/shoreline protective device, the natural exchange of material either between the beach and dune or from the bluff to the beach will be interrupted and, if the shoreline is eroding, there will be a measurable loss of material to the beach. Since sand and larger grain material are the most important components of most beaches, only the sand portion of the bluff or dune material is quantified as sandy beach material.

These natural shoreline processes affecting the formation and retention of sandy beaches can be significantly altered by the construction of shoreline armoring structures because bluff retreat is one of several ways that beach quality sand is added to the shoreline, and is also one of the critical factors associated with beach creation and retention. Bluff retreat and erosion are natural processes that result from the many different factors described above. Shoreline armoring directly impedes these natural processes.

The project site is located in Solana Beach where average annualized bluff erosion rates are estimated at 0.15 to 0.46 feet per year (Benumof and Griggs, 1999). This is an average annualized rate; actual erosion is more episodic, and can increase dramatically as a result of winter storm events and sections of bluff material can slough several feet at a time. This erosion rate may be re-evaluated at a future date. This sandy beach material is carried off and redistributed through wave action along the shoreline and serves to nourish the beaches.

Some of the effects of engineered armoring structures on the beach (such as scour, end effects and modification to the beach profile) are temporary or are difficult to distinguish from all the other actions that modify the shoreline. Others are more qualitative (e.g., impacts to the character of the shoreline and visual quality). Some of the effects that a shoreline structure may have on natural shoreline processes can be quantified, however, including: (1) the loss of the beach area on which the structure is located; (2) the long-term loss of beach that will result when the back-beach location is fixed on an eroding shoreline; and (3) the amount of bluff material that would have been supplied to the littoral system if the back-beach or bluff were to erode naturally to renourish beach areas nearby with eroded bluff material.¹

Encroachment on the Beach

Shoreline protective devices are all physical structures that occupy space. When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as beach. This generally results in the privatization of the public beach and a loss of space in the public domain such that the public can no longer access that public space. The encroachment also results in a loss of sand or areas from which sand generating materials can be derived. The area where the structure is placed will be altered from the time the protective device is constructed, and the extent or area occupied by the device will remain the same over time, until the structure is removed or moved from its initial location. The beach area located beneath a shoreline protective device, referred to as the encroachment area, is the area of the structure's footprint. In this case, the existing 50 ft.-long seawall covers approximately 100 sq. ft. (50 ft.-long by 2 ft.-wide) of sandy beach area.

Fixing the back beach

Where the shoreline is eroding and armoring is installed, the armoring will eventually define the boundary between the sea and the upland. On an eroding shoreline, a beach will exist between the shoreline or waterline and the bluff as long as sand is available to form a beach. As bluff erosion proceeds, the profile of the beach also retreats and the beach area migrates inland with the bluff. This process stops, however, when the backshore is fronted by a hard protective structure such as a revetment or a seawall. While the shoreline on either side of the armor continues to retreat, shoreline in front of the armor eventually stops at the armoring. This effect is also known as passive erosion. The beach area will narrow, being squeezed between the moving shoreline and the fixed backshore. Eventually, there will be no available dry beach area and the shoreline will be fixed at the base of the structure. In the case of an eroding shoreline, this represents the loss of a beach as a direct result of the armoring.

¹ The sand supply impact refers to the way in which the project impacts creation and maintenance of beach sand. Although this ultimately translates into beach impacts, the discussion here is focused on the first part of the equation and the way in which the proposed project would impact sand supply processes.

In addition, sea level has been rising for many years. Also, there is a growing body of evidence that there has been an increase in global temperature and that acceleration in the rate of sea level rise can be expected to accompany this increase in temperature (some shoreline experts have indicated that sea level could rise by as much as 5.5 feet by the year 2100).² Mean sea level affects shoreline erosion in several ways, and an increase in the average sea level will exacerbate all these conditions. On the California coast, the effect of a rise in sea level will be the landward migration of the intersection of the ocean with the shore, leading to a faster loss of the beach as the beach is squeezed between the landward migrating ocean and the fixed backshore.

Such passive erosion impacts can be calculated over the time. The passive erosion impacts of the seawall, or the long-term loss of beach due to fixing the back beach, is equivalent to the footprint of the bluff area that would have become beach due to erosion, and is equal to the long-term average annual erosion rate multiplied by the width of property that has been fixed by a resistant shoreline protective device.³ In this case, the existing seawall is 50 linear feet. For purposes of determining the impacts from fixing the back beach; it is assumed that new beach area would result from landward retreat of the bluff.

The area affected by passive erosion can be approximated by multiplying the 50 linear feet of bluff, which is armored, by the annual expected erosion rate. At the time that the Commission approved the seawall fronting the subject site in 2013, the applicant's geotechnical consultant estimated the average bluff recession for this site at 0.3 feet per year.⁴ Every year that the proposed seawall extension is in place would result in a loss of 15 sq. ft. of beach that would have been created if the back beach had not been fixed by the seawall.

Retention of Potential Beach Material

If natural erosion were allowed to continue (absent shoreline armoring structures), some amount of beach material would be added to the beach at this location, as well as to the larger littoral cell sand supply system fronting the bluffs. The volume of total material that would have gone into the sand supply system over the lifetime of the shoreline structure would be the volume of material between (a) the likely future bluff-face location with shoreline protection; and (b) the likely future bluff-face location without

² The 2012 National Research Council's Report, *Sea Level Rise for the Coasts of California, Oregon and Washington: Past Present and Future*, is currently considered the best available science on sea-level rise for California. The NRC report predicts that for areas south of Cape Mendocino, sea level may increase between 16.56 and 65.76 inches between 2000 and 2100 (NRC, 2012).

³ The area of beach lost due to long-term erosion (A_w) is equal to the long-term average annual erosion rate (R) times the number of years that the back-beach or bluff will be fixed (L) times the width of the property that will be protected (W). This can be expressed by the following equation: $A_w = R \times L \times W$. The annual loss of beach area can be expressed as $A_w' = R \times W$.

⁴ The annual erosion rate of 0.3 feet per year is estimated for the first 20 years that the seawall is in place. As described in more detail earlier in this report, the Commission geologist typically recommends a higher annual erosion rate of 0.46 feet per year for siting new development on bluff top sites in Solana Beach to account for increased erosion resulting from sea level rise over the typical 75 year life of new development.

shoreline protection. Since the main concern is with the sand component of this bluff material, the total material lost must be multiplied by the percentage of bluff material which is beach sand, giving the total amount of sand that would have been supplied to the littoral system for beach deposition if the proposed device were not installed.

Qualitative Social Benefits of Beaches

In addition to the quantitative impacts from seawalls, there are qualitative social benefits of beaches (recreational, aesthetic, habitat values, etc.). Beaches also provide significant direct and indirect revenues to local economies, the state, and the nation. The loss of sandy beach area in an urban area such as Solana Beach represents a significant impact to public access and recreation, including a loss of the social and economic value of this recreational opportunity.

Mitigation Measures

When bluff/shoreline protection cannot be avoided and have been reduced to the maximum extent feasible, mitigation for any remaining adverse impacts of the development on access and public resources is required. When physical impediments adversely impact public access and create a private benefit for the property owners, the Commission has found in numerous cases (See CDP Nos. 4-87-161/Pierce Family Trust & Morgan, 6-87-371/Van Buskirk, 5-87-576/Miser and Cooper, 3-02-024/Ocean Harbor House, 6-05-72/Las Brisas, 6-07-133/Li, 6-07-134/Caccavo, 6-03-33-A5/Surfsong, 6-08-73/DiNoto, et.al, 6-08-122/Winkler, 6-09-033/Garber et al., 6-13-025/Koman et al., 6-13-0437/Presnell) that a public benefit must arise through mitigation conditions in order for the development to be consistent with the access policies of the Coastal Act, as stated in Sections 30210, 30211, and 30212.

In the case of the existing seawall fronting the subject site, the Commission required that the same applicant, in the context of applying for the seawall, pay a sand mitigation fee of \$5,598.31 for the impacts of the seawall on sand supply during its initial 20-year period. In addition, the Commission required that the applicant pay a public access and recreation mitigation fee of \$50,000 into the City's interim fee deposit program for the impacts of the seawall on public access and recreation during its initial 20 year period. However, as conditioned, the Commission's approval of the existing seawall found that the impacts of the seawall on coastal resources cannot be fully offset by the required mitigation fee since the beach itself cannot be replaced. However, the Commission found that until a more direct form of mitigation is available, the Commission can accept the required in-lieu fee mitigation. The mitigation monies provide the opportunity to potentially purchase or contribute to the purchase of privately-owned beach or bluff top properties along the Solana Beach shoreline from which threatened structures could be removed along with the need for shoreline protective devices. In addition, the monies can be used to purchase privately-owned beach or beach-fronting property if it should become available for purchase that could be used for recreational and beach park amenities which will serve to offset the adverse impacts that result from the installation of the subject seawall. In addition, the monies can be used to purchase or assist with the purchase of public access or recreation uses within the City of Solana Beach.

As conditioned, the proposed development, including alteration and expansion of the existing structure, will not require new shoreline armoring during its lifetime or rely on the existing armoring to meet stability requirements. In addition, the development will not extend the length of time the existing armoring will be required to protect the bluff top residence. Therefore, the proposed project is consistent with the public access policies of the Coastal Act and the certified LUP.

E. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without the required coastal development permits. The property is subject to three separate violations. First, nearly the entire western wall of the existing home was replaced without first obtaining a CDP; second, the applicant has not complied with or completed all of the twelve Special conditions of CDP #6-13-025 that the Commission required be completed before May 13, 2014; and third, the applicant is in non-compliance with Emergency CDP #6-05-003-G, which requires a follow-up regular coastal development permit to either authorize the three below-grade underpinning caissons as permanent development or remove the structures subject to a specific time line. Each of these three violations is described in detail, below.

Staff has confirmed that alterations consisting of installation of a new bi-fold glass door which does not utilize the previously-existing window and door openings ~~multiple glass doors~~, which resulted in the modification replacement of 22 ft. of the 28 ft. long western wall of the home has occurred (Exhibits 15 and 16) without the necessary coastal development permit. Improvements to single-family structures within 50 ft. of the edge of a coastal bluff require a CDP (see Title 14, Section 13250(b) (1) of the California Code of Regulations). Thus, the alteration to the exterior western wall of the home, which is approximately 10 feet from the bluff edge, requires a CDP. No CDP was obtained for the development. The applicant is requesting after-the-fact approval of the alteration to the western wall through this application. The alterations to the westernmost wall of the residence do not result in a substantial improvement and also do not increase the degree of non-conformity to the portion of the residence within 40 ft. from the bluff edge, which is inconsistent with the Coastal Act and the current policies and standards of the certified LUP. In this instance and given the unique circumstances of the subject site, the Commission finds that the after-the-fact changes to the windows on the western wall of the home will not lead to the need for more shoreline armoring at the subject site and the current property owner is taking the appropriate steps to resolve the violation which was caused, in part, by the previous owner. ~~Staff is recommending that the Commission approve Special Condition 1, which requires that the applicant clearly annotate on the revised final plans that the work remains unpermitted and that no CDP has been authorized.~~

On November 14, 2013, the Coastal Commission approved after-the-fact construction of a 150-foot long (35-foot high) lower coastal bluff seawall on the beach and bluff fronting 341, 347, and 355 Pacific Avenue, a geogrid structure on the mid and upper bluff face fronting 347 and 355 Pacific Avenue, and a lateral 36-foot long keystone wall on the

northern border of 355 Pacific Avenue. The permit was issued upon Commission approval, but included 12 Special conditions that were required to be fulfilled within 180 days of Commission approval (by May 13, 2014) (Exhibit 19). The Commission subsequently approved the revised findings for the CDP on June 12, 2014. It has now been more than a year since the Commission originally approved the CDP and more than six months since the Commission acted on the revised findings and the applicant has failed to complete all of the 12 Special conditions that were approved with a timing requirement. The Special conditions that have not been completed addressed Revised Final Plans, Final Landscaping Plans, Staging and Storage Areas/Access Corridors, State Lands Commission Approval, Condition Compliance, and recordation of a Deed Restriction. Enforcement staff will evaluate further actions to address this non-compliance.

Special Condition 4 of emergency permit 6-05-003-G requires a follow-up regular coastal development permit to authorize the three below-grade underpinning caissons as permanent development or remove the structures subject to a specific time line. The deadline for obtaining a follow-up CDP to the emergency permit passed almost ten years ago (Exhibit 20) and the three below-grade underpinning caissons are still in place.

Specifically, Special Condition 4 of 6-05-003-G states:

The emergency work carried out under this permit is considered TEMPORARY work done in an emergency situation. In order to have the emergency work become a permanent development, a regular coastal development permit must be obtained and issued from the Commission within 120 days (i.e., by May 18, 2005) of the date of this permit. Failure to comply with this deadline will result in a violation of the subject emergency permit and the commencement of enforcement proceedings.

In addition, the applicant acknowledged the following through acceptance of emergency permit 6-05-003-G:

In acceptance of this emergency permit, I acknowledge that any work authorized under an emergency permit is temporary and subject to removal if a regular Coastal Permit is not obtained to permanently authorize the emergency work...

Since the three caissons were not a part of the development proposed pursuant to CDP 6-13-025, which authorized some of the work approved pursuant to emergency permits, they persist as unpermitted development and as a violation of the conditions of a previously issued CDP. Enforcement staff will evaluate further actions to address this matter.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based upon the policies of the Coastal Act/City of Solana Beach certified LUP. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged

violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal permit, or that any aspects of the violation have been fully resolved.

F. 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 can be made.

The Commission approved the City's Local Coastal Program Land Use Plan in March 2012. In addition, the Commission approved an amendment to the LUP to modify some of the key provisions relating primarily to bluff top development and bluff/shoreline protection, including policies related to modifications and redevelopment of bluff top structures in January 2014. The City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not certified.

The location of the proposed residential development is designated for residential uses in the City of Solana Beach certified LUP. The proposed development is consistent with the Chapter 3 policies of the Coastal Act and the certified LUP, in that the proposed development, including alteration and expansion of the existing structure, will not require new shoreline armoring during its lifetime or rely on the existing armoring to meet stability requirements. In addition, the development will not extend the length of time the existing armoring will be required to protect the bluff top residence. Therefore, the Commission finds that approval of the proposed development would not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit 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 that the activity may have on the environment. The City of Solana Beach found that the proposed development was categorically exempt pursuant to California Code of Regulations, Title 14, section 15301(e).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing elimination of the proposed caisson foundation, ~~clarification that the after-the-fact alterations to the existing home within 40 ft. of the coastal bluff edge remain~~

6-14-0679 Revised Findings (WJK Trust)

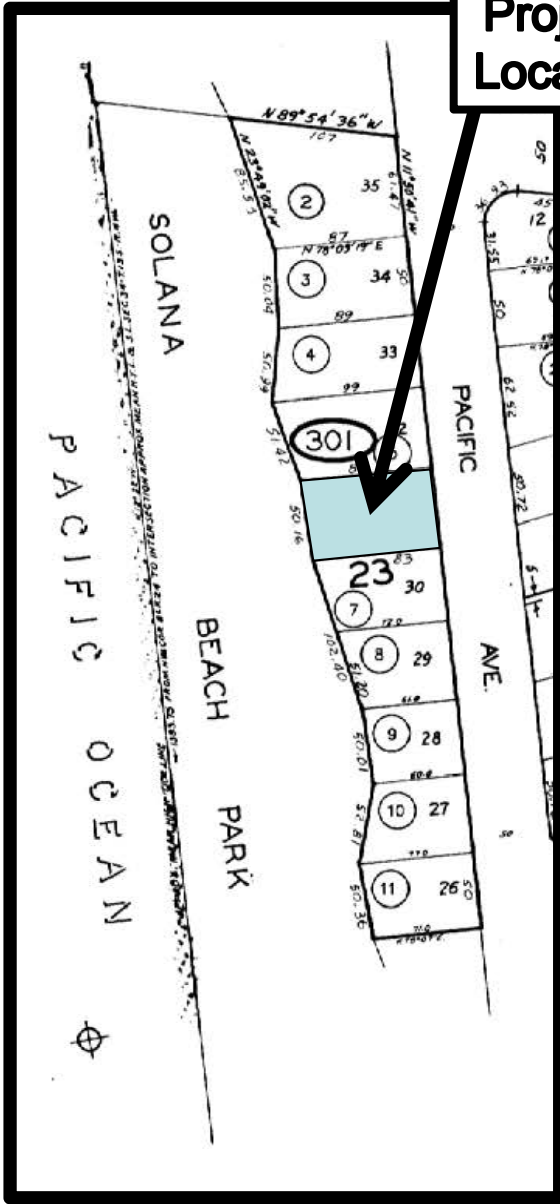
~~unpermitted~~, limiting the duration of approval of the proposed development to the authorization period for the existing shoreline armoring, acknowledgement by the applicant that future development that meets the threshold for redevelopment of the site will require the site to be brought into conformance with current standards of the LUP, and waiver of future bluff or shoreline protective devices to protect the proposed development will minimize all significant adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\San Diego\Reports\2014\6-14-0679 WJK Trust Staff Report Revised Findings.docx)

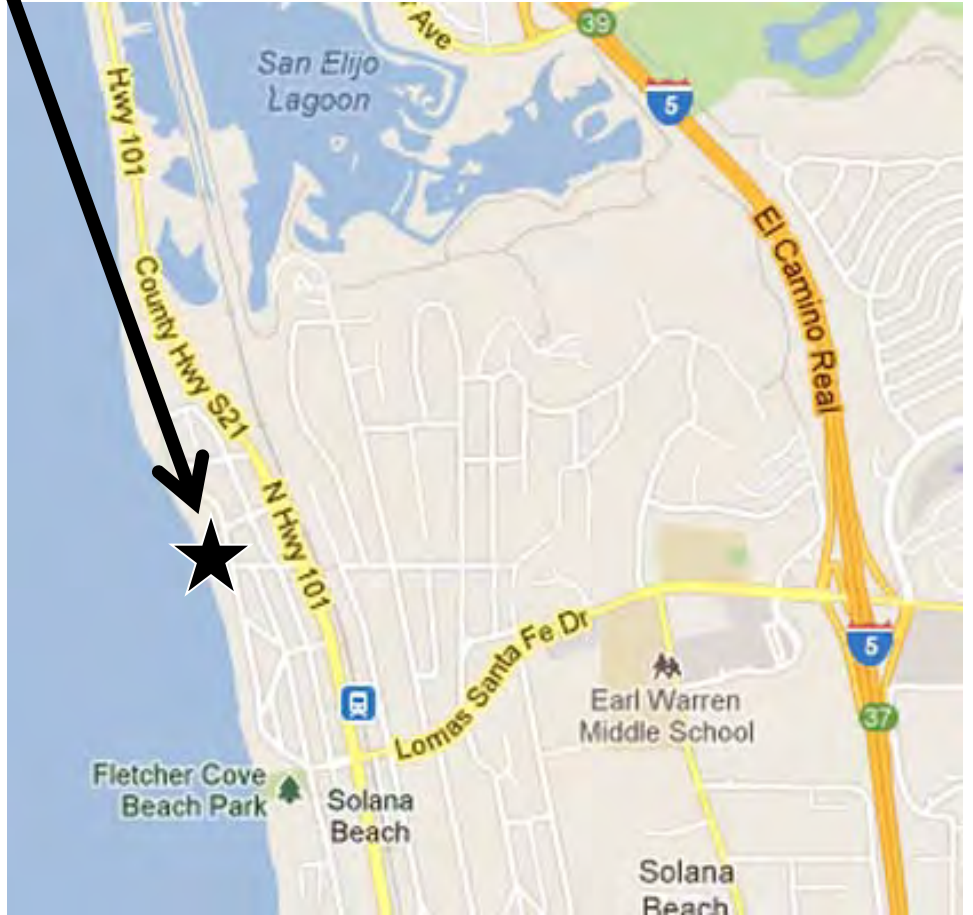
Appendix A – Substantive File Documents

- City of Solana Beach certified LUP
- City of Solana Beach General Plan and Zoning Ordinance
- City of Solana Beach Resolution 2014-025 approved April 9, 2014
- Determination of Setback Line from Bluff Edge and Preliminary Foundation Recommendations dated June 4, 2014, by GeoSoils, Inc.
- Project plans by Solomon Ferguson Architecture + Design, received July 15, 2014
- Project plans by Solomon Ferguson Architecture + Design, received October 2, 2014
- Project plans by Solomon Ferguson Architecture + Design, received October 31, 2014
- LCPA #SOL-MAJ-1-13
- Determination of Factor-of-Safety Line from Bluff Edge, by GeoSoils Inc., dated April 24, 2012
- CDP Nos.:
 - 4-87-161/Pierce Family Trust & Morgan
 - 6-87-371/Van Buskirk
 - 5-87-576/Miser and Cooper
 - 3-02-024/Ocean Harbor House
 - 6-03-33-A5/Surfsong
 - 6-05-003-G/Island Financial Corporation
 - 6-05-023-G/Upp, Reichert, & Island Financial Corporation
 - 6-06-037-G/Totten and Reichert
 - 6-05-72/Las Brisas
 - 6-07-133/Li
 - 6-07-134/Caccavo
 - 6-08-73/DiNoto, et.al
 - 6-08-122/Winkler
 - 6-09-033/Garber et al.
 - 6-09-061/Di Noto
 - 6-13-025/Koman et al.
 - 6-13-0437/Presnell

PROJECT LOCATION



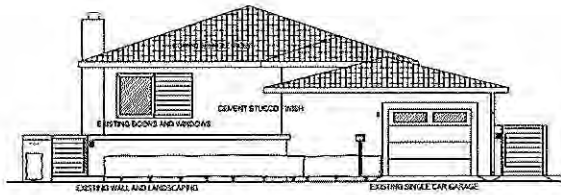
Project Location



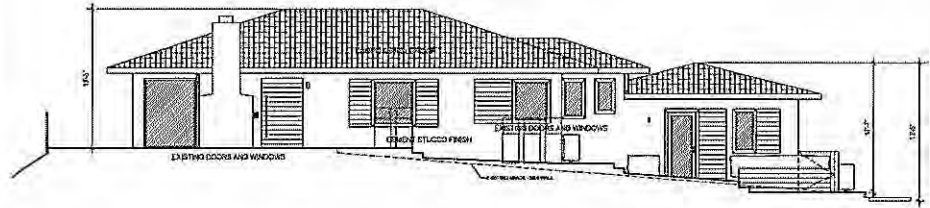
Google Maps

 California Coastal Commission
EXHIBIT NO. 1
APPLICATION NO. 6-14-0679
Project Location

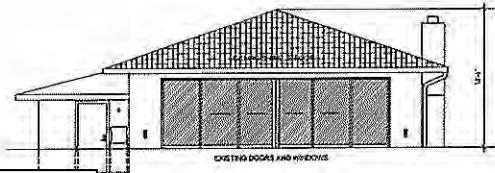
EXISTING ELEVATION PLANS



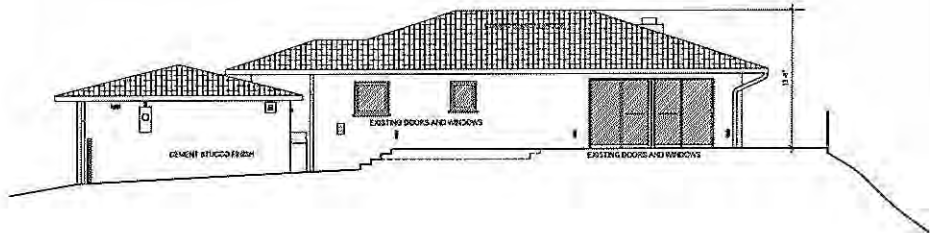
2 | EXISTING EAST ELEVATION SCALE: 3/16" = 1'-0"




1 | EXISTING SOUTH ELEVATION SCALE: 3/16" = 1'-0"



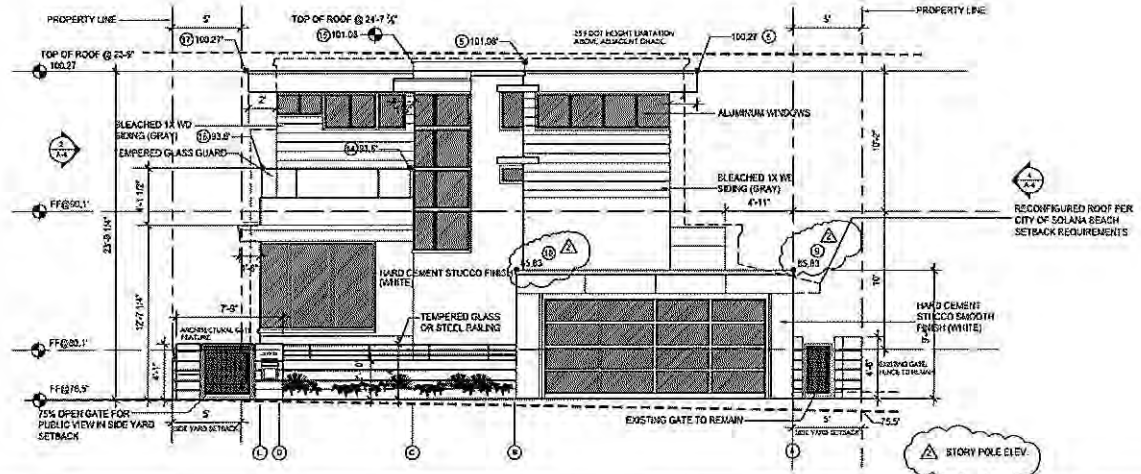
3 | EXISTING WEST ELEVATION SCALE: 3/16" = 1'-0"



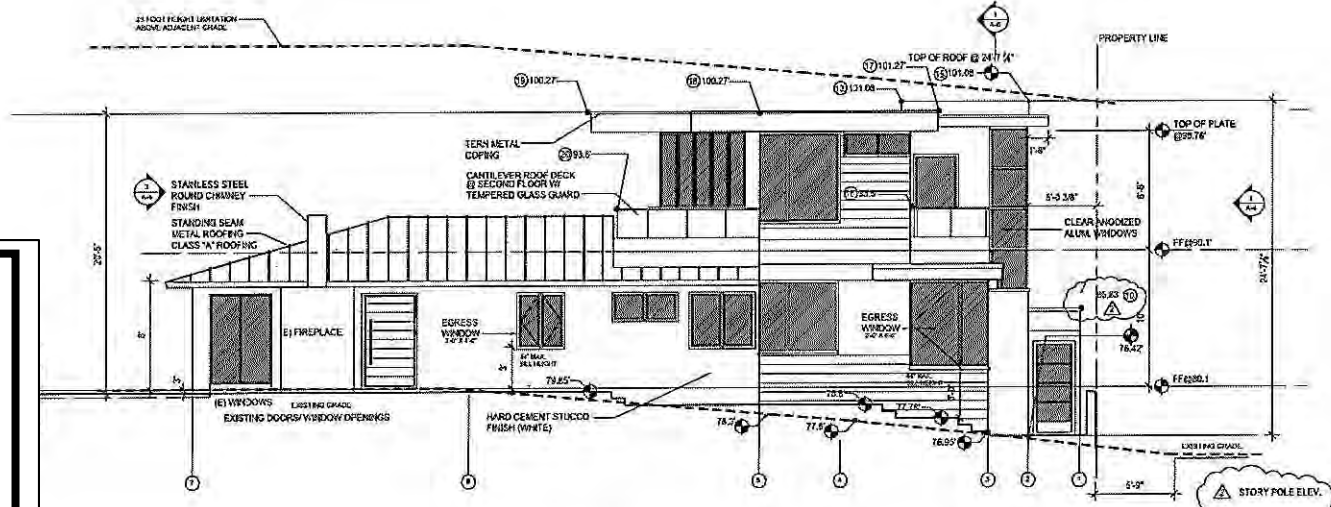
4 | EXISTING NORTH ELEVATION SCALE: 3/16" = 1'-0"

 California Coastal Commission	EXHIBIT NO. 3
	APPLICATION NO. 6-14-0679
	Existing Elevations

PROPOSED EAST AND SOUTH ELEVATION PLANS



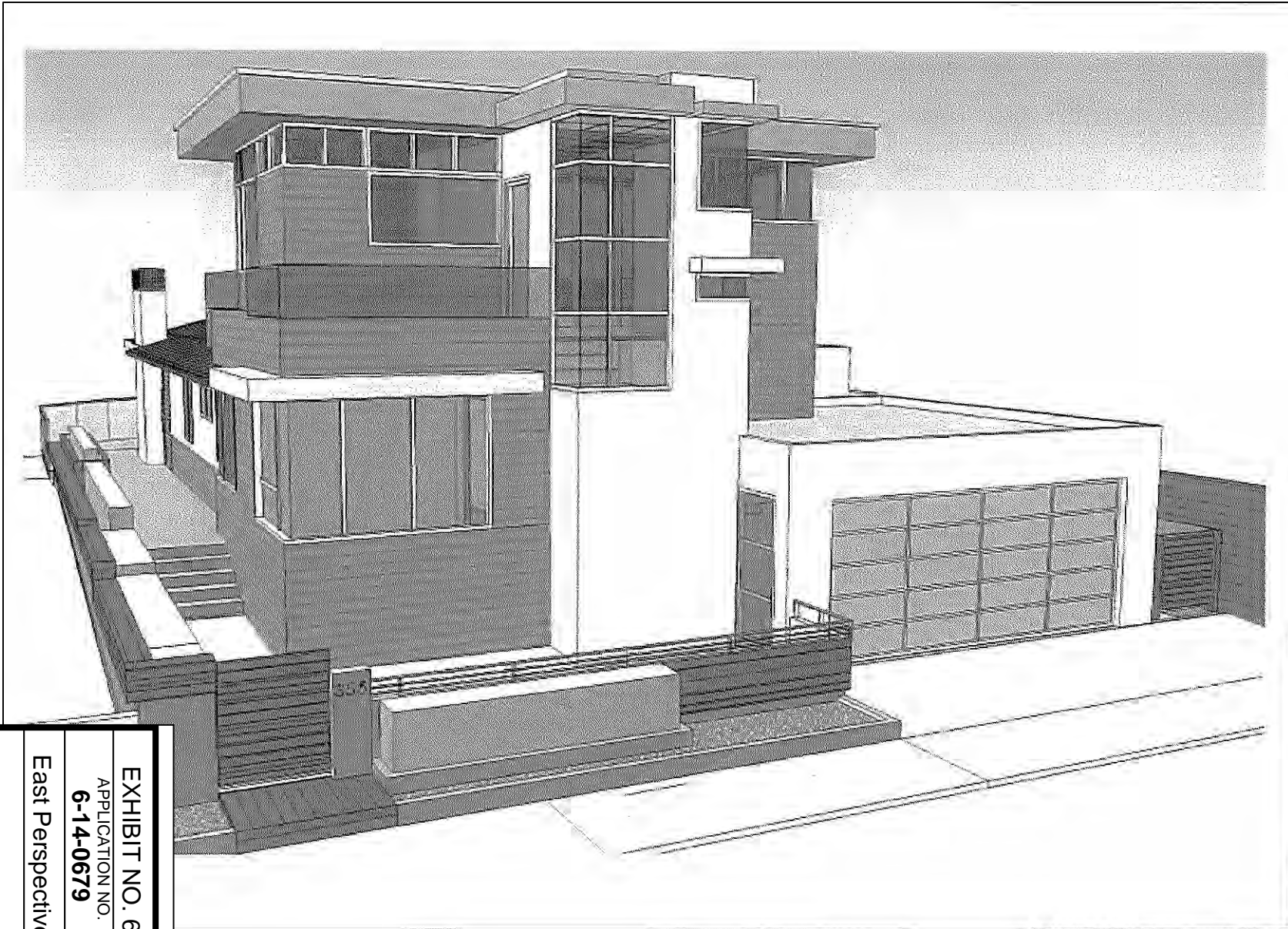
1 EAST ELEVATION SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION SCALE: 1/4" = 1'-0"

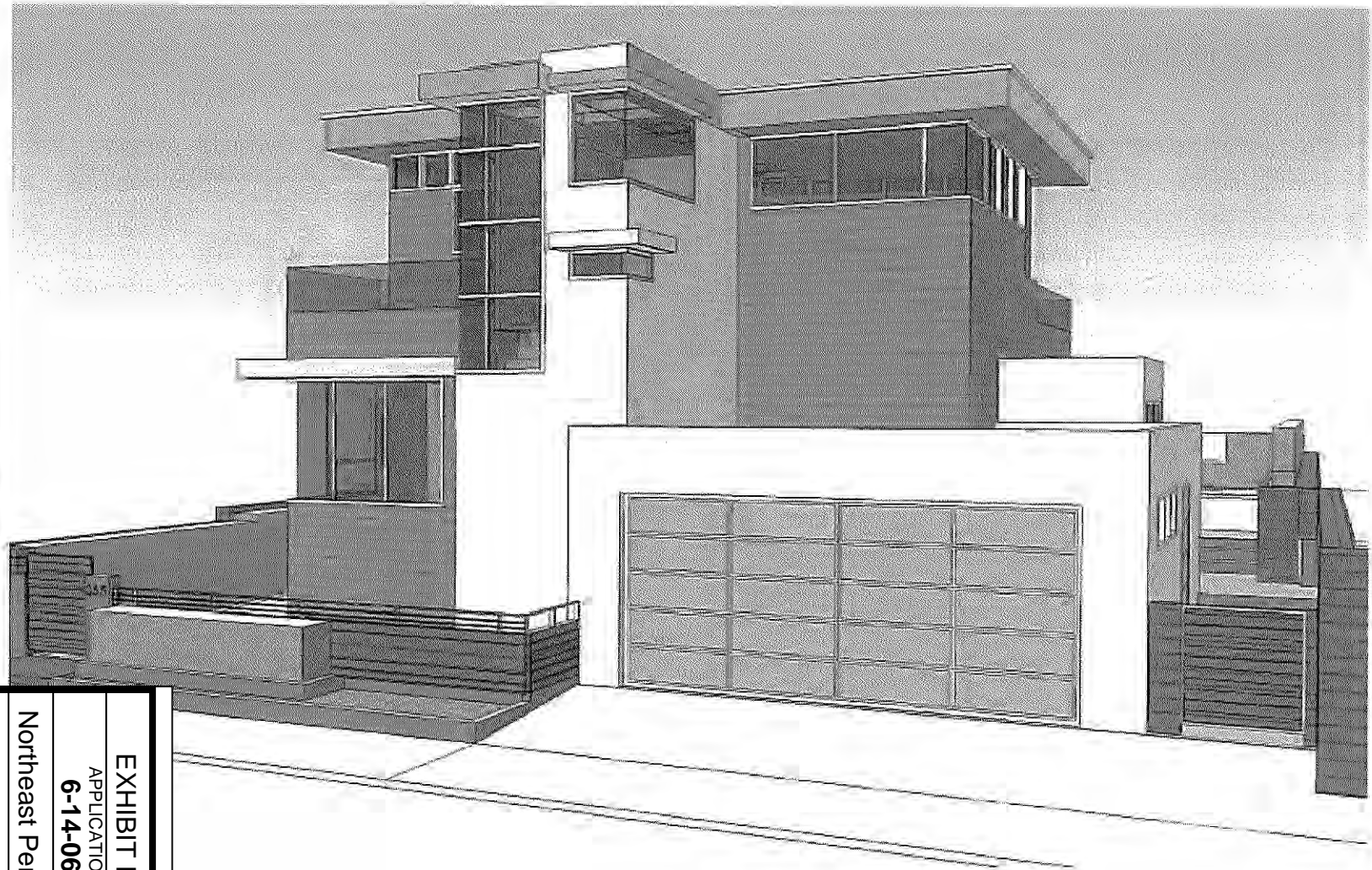
<p>California Coastal Commission</p>	<p>E & S Elevations</p>
	<p>EXHIBIT NO. 4</p>
	<p>APPLICATION NO. 6-14-0679</p>

PROPOSED EAST ELEVATION PERSPECTIVE



 California Coastal Commission
EXHIBIT NO. 6
APPLICATION NO. 6-14-0679
East Perspective

PROPOSED NORTHEAST ELEVATION PERSPECTIVE



1 NORTH-EAST ELEVATION PERSPECTIVE



California Coastal Commission

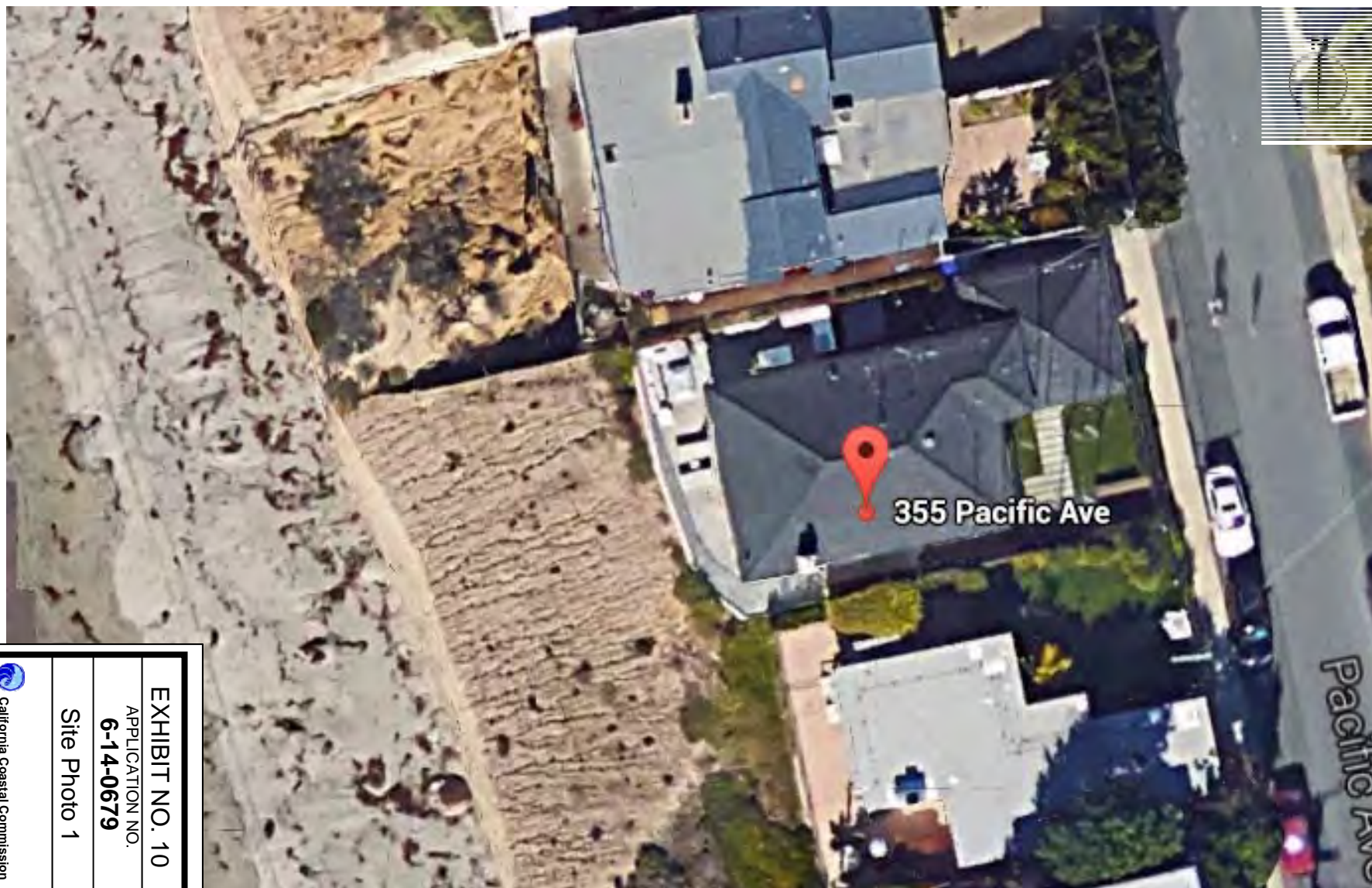
EXHIBIT NO. 7


APPLICATION NO.

6-14-0679

Northeast Perspective

AERIAL SITE PHOTO 1

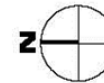



 California Coastal Commission
EXHIBIT NO. 10
APPLICATION NO. 6-14-0679
Site Photo 1

Google Maps

AERIAL SITE PHOTO 2

355 Pacific Ave.

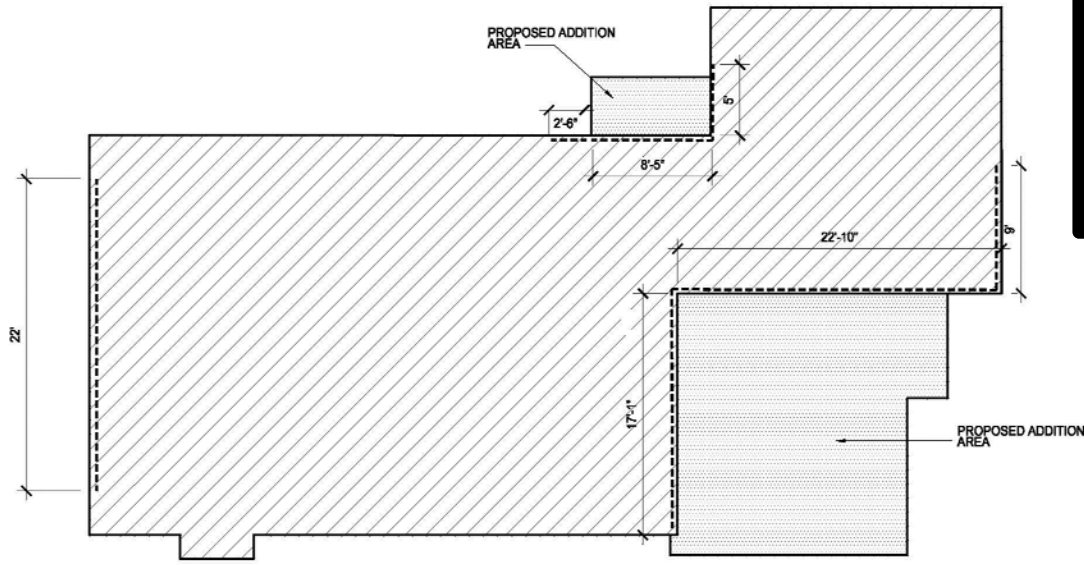


 California Coastal Commission	EXHIBIT NO. 11
	APPLICATION NO. 6-14-0679
	Site Photo 2

PROPOSED EXTERIOR WALL ALTERATIONS

355 PACIFIC PROPOSED EXTERIOR WALL ALTERATIONS

(EXTERIOR WALLS ALTERED THROUGH DEMOLITION OR REPLACEMENT, EXTERIOR WALLS BECOMING INTERIOR WALLS, EXTERIOR WALLS ALTERED THRU REMOVAL OR RESIZING OF WINDOWS OR DOORS, AND EXTERIOR WALLS ALTERED THROUGH INSTALLATION OF FOUNDATION SYSTEM.




Dashed Line Shows Exterior Walls Proposed to be Altered

EXISTING FLOOR AREA
ALTERED WALL AREAS

OCEAN

STREET

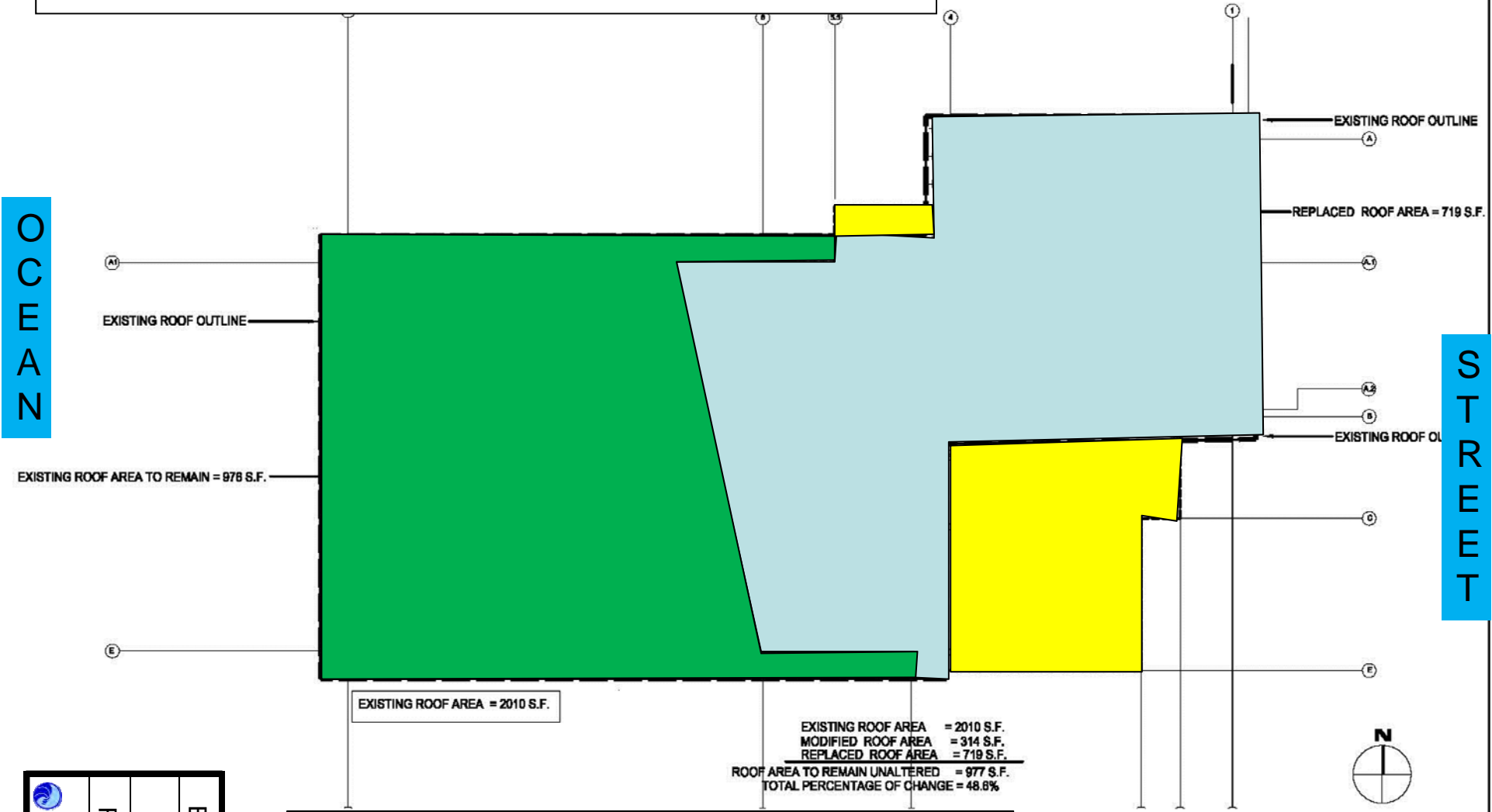

 California Coastal Commission
 EXHIBIT NO. 12
 APPLICATION NO.
 6-14-0679
 Ext. Wall Alterations

EXISTING EXTERIOR WALL LENGTH = 206'-5"
 EXTERIOR WALL TO BE ALTERED = 86'-11"

 EXTERIOR WALL TO REMAIN UNALTERED = 119'-6"
 $86'-11"/206'-5" = 42.1\% \text{ OF EXISTING WALL ALTERED}$



PROPOSED ROOF STRUCTURE ALTERATIONS



EXISTING ROOF AREA TO REMAIN = 978 S.F.

EXISTING ROOF AREA = 2010 S.F.

EXISTING ROOF AREA = 2010 S.F.
 MODIFIED ROOF AREA = 314 S.F.
 REPLACED ROOF AREA = 719 S.F.
 ROOF AREA TO REMAIN UNALTERED = 977 S.F.
 TOTAL PERCENTAGE OF CHANGE = 48.8%

EXISTING ROOF OUTLINE

REPLACED ROOF AREA = 719 S.F.

EXISTING ROOF OUTLINE

EXISTING ROOF OL

<p>California Coastal Commission</p>	<p>EXHIBIT NO. 13</p>
	<p>APPLICATION NO.</p> <p>6-14-0679</p>
	<p>Roof Alterations</p>

Altered Existing Roof Structure Area

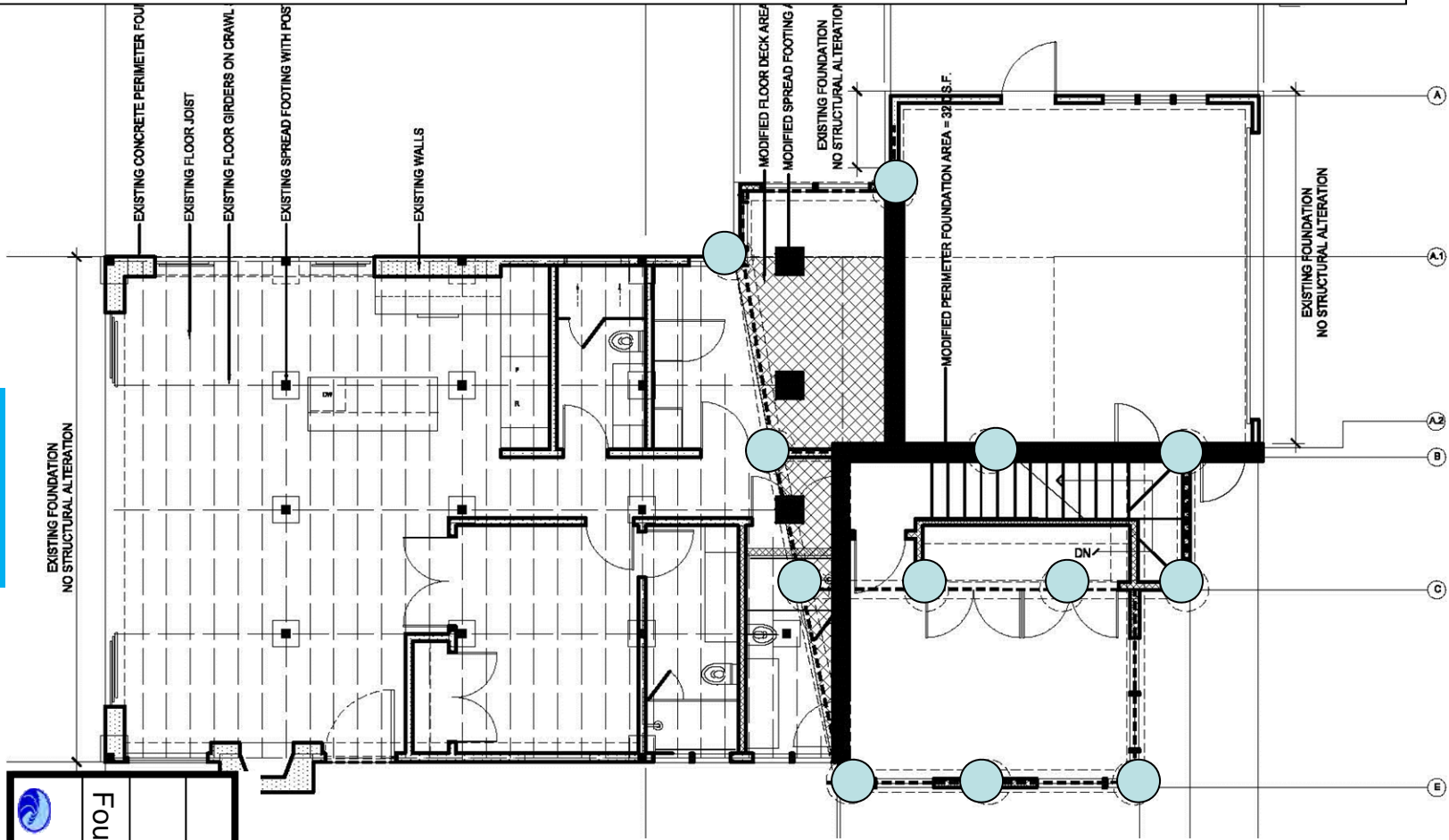
Unaltered Existing Roof Structure Area

New Roof Structure Area

1 MODIFIED ROOF AREAS SCALE: 3/16" = 1'-0"


PROPOSED FOUNDATION AND FLOOR STRUCTURE ALTERATIONS

OCEAN



FIRST FLOOR FOUNDATION CONCEPT PLAN 80

STREET


 California Coastal Commission
EXHIBIT NO. 14
 APPLICATION NO.
6-14-0679
Foundation/Floor Alterations


KEY:

- Blue Circles Show the Proposed caissons
- Dashed Black Line Between Caissons Shows Proposed Grade Beams
- Heavy Black Lines and Black Squares Show Areas where the Existing Foundation will be Modified
- Hatched Area shows Existing Floor Structure that will be modified



UNPERMITTED DEVELOPMENT (2010 AERIAL PHOTO)



 CALIFORNIA COASTAL COMMISSION
EXHIBIT NO. 15
APPLICATION NO.
6-14-0679
2010 Unpermitted

UNPERMITTED DEVELOPMENT (2013 AERIAL PHOTO)



California Coastal Commission

EXHIBIT NO. 16

APPLICATION NO.
6-14-0679


2013 Unpermitted

UPCOAST PHOTO OF BLUFF



355 Pacific Ave.



 California Coastal Commission
EXHIBIT NO. 17
APPLICATION NO. 6-14-0679
Upcoast Bluff

DOWNCOAST PHOTO OF BLUFF



355 Pacific Ave.

EXHIBIT NO. 18

APPLICATION NO.

6-14-0679

Downcoast Bluff



California Coastal Commission

SPECIAL CONDITIONS OF CDP#6-13-025/KOMAN ET AL.

EXHIBIT NO. 19

APPLICATION NO.
6-14-0679

6-13-025 Conditions



California Coastal Commission

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- c. Existing and any proposed accessory improvements (i.e., decks, patios, walls, windscreens, etc.) located in the geologic setback area at 341, 347, and 355 Pacific Avenue shall be detailed and drawn to scale on the final approved site plan and shall include measurements of the distance between the accessory improvements and the natural bluff edge (as defined by Title 14 California Code of Regulations, Section 13577) taken at 3 or more locations. The locations for these measurements shall be identified through permanent markers, benchmarks, survey position, written description, or other method that enables accurate determination of the location of all structures on the site. The seaward edge of all existing and proposed accessory improvements shall be located no closer than 5 feet landward of the natural bluff edge or approved reconstructed bluff edge. Any new Plexiglas or other glass wall shall be non-clear, tinted, frosted or incorporate other elements to prevent bird strikes. Any existing improvements located closer than 5 feet landward of the reconstructed or natural bluff edge **shall be removed within 60 days of approval of the coastal development permit.**
- d. The geogrid structure on the bluff face fronting 347 and 355 Pacific Avenue shall be constructed to undulate to closely match the appearance of the nearby natural bluff face. The geogrid structure shall include variable thicknesses to provide visual undulations that mimic the nearby natural bluff conditions. At a minimum, the geogrid structure at 347 and 355 Pacific Avenue shall include 5 non-evenly spaced, tapered, undulating drainage features, with non-linear edges, that are approximately 2 feet deep and approximately 5 feet wide. The geogrid structure at 355 Pacific Avenue shall be incorporated, if technically feasible, into the junction with 357 Pacific Avenue.
- e. The lateral wall on the northern property line of 355 Pacific Avenue shall be lowered to maximize undulations that mimic the nearby natural bluff conditions.
- f. Technical details regarding the construction method and technology utilized for undulating the geogrid structure. Said plans shall be of sufficient detail to ensure that the Executive Director can verify that the geogrid structure will closely mimic natural bluff conditions.
- g. The revised plans shall clearly state the three concrete underpinning caissons at 355 Pacific Avenue are unpermitted and a CDP shall be required if in the future the caissons are proposed to be retained or are proposed or required to be removed.

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

2. **Final Landscape Plans.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit for review and written approval of the Executive Director, final landscape plans for the landscaping on the coastal bluff that are in substantial conformance with the submitted plans received February 28, 2012 by David Reed Landscape Architects. The revised plans shall first be approved by the City of Solana Beach before submittal for the Executive Director's review and approval and include the following:
 - a. Only drought tolerant native or non-invasive plant materials may be planted on the subject property. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant

COASTAL DEVELOPMENT PERMIT

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species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be planted within the property.

- b. The landscaping shall be installed in coordination with the property to the north at 357 Pacific Avenue and shall incorporate both container stock and hydroseeding. Temporary low pressure irrigation may be used for a maximum of 12 months and all temporary irrigation components shall be removed within 26 months.

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

3. Mitigation for Impacts to Public Access and Recreation and Sand Supply.

- a. Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall provide evidence, in a form and content acceptable to the Executive Director, that the full interim mitigation fee of \$150,000, required by the Commission to address adverse impacts to public access and recreational use, has been deposited in a Shoreline Account established by the City of Solana Beach.

Within 180 days of the Commission's certification, as part of the certified LCP, a program addressing the impacts associated with shoreline devices and its method of calculating such fees, the applicants shall submit to the Executive Director for review and written approval, documentation of the final mitigation fee amount required by the City to address impacts of the proposed shoreline protection on public access and recreation for the shoreline armoring structure's design life of 20 years. If the amount differs from the interim amount required above, then the applicants shall submit an application for an amendment to this permit to adjust the mitigation fee to be paid to the City to address adverse impacts to public access and recreational use resulting from the proposed development.

- b. Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall provide evidence, in a form and content acceptable to the Executive Director, that a fee of \$21,864.72 has been deposited in an interest bearing account designated by the Executive Director, in-lieu of providing the total amount of sand to replace the sand and beach area that will be lost due to the impacts of the proposed protective structures. All interest earned by the account shall be payable to the account for the purposes stated below.

The purpose of the account shall be to establish a beach sand replenishment fund to aid SANDAG, or an alternate entity approved by the Executive Director, in the restoration of the beaches within San Diego County. The funds shall be used solely to implement projects which provide sand to the region's beaches, not to fund operations, maintenance or planning studies. The funds shall be released only upon approval of an appropriate project by the Executive Director of the Coastal Commission. The funds shall be released as provided for in a MOA between SANDAG, or an alternate entity approved by the Executive Director, and the Commission, setting forth terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission. If the MOA is terminated, the Executive Director may appoint an alternate entity to administer the fund for the purpose of restoring beaches within San Diego County.

COASTAL DEVELOPMENT PERMIT

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4. **Duration of Armoring Approval.**
- a. **Authorization Expiration.** This CDP authorizes the bluff retention devices (consisting of the seawall, geogrid structure, and lateral wall) for twenty years from the date of Commission approval of the CDP. Prior to the anticipated expiration of the permit and/or in conjunction with redevelopment of the property, the Permittee(s) shall apply for a new CDP to remove the protective device or to modify the terms of its authorization.
 - b. **Modifications.** If, during the term of this authorization, the Permittees desire to enlarge the shoreline armoring or to perform repair work affecting more than 50 percent of the shoreline armoring, the Permittee shall apply for a new CDP. Additional mitigation requirements for the impacts of the enlarged or reconstructed armoring on public views, public recreational access, shoreline processes, and all other affected coastal resources that have not already been mitigated through this permit will be addressed and required at that time.
 - c. **Amendment Required Proposing Mitigation for Retention of Armoring Beyond the 20 Year Design-Life.** If the Permittees intend to keep the armoring in place after April 13, 2025, the Permittees must submit a complete CDP amendment application prior to April 13, 2025 proposing mitigation for the coastal resource impacts associated with the retention of the armoring beyond 20 years.
5. **Future Development.** No future development, which is not otherwise exempt from coastal development permit requirements, or redevelopment on the bluff top portion of the subject property, shall rely on the permitted armoring system (geogrid structure, seawall, or the lateral wall) to establish geologic stability or protection from hazards. Such future development and redevelopment on the site shall be sited and designed to be safe without reliance on shoreline armoring. As used in these conditions, “redeveloped” or “redevelopment” is defined to include: (1) additions; (2) exterior and/or interior renovations, or; (3) demolition which would result in alteration to 50 percent or more of the exterior walls and/or other major structural components, or a 50 percent increase in floor area, both totaled cumulatively over time, as further defined in the certified Solana Beach LCP Land Use Plan.
6. **Monitoring and Reporting Program.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit to the Executive Director for review and written approval, a monitoring program prepared by a licensed civil engineer or geotechnical engineer to monitor the performance of the seawall, geogrid structure, and lateral wall which requires the following:
- a. An annual evaluation of the condition and performance of the shoreline armoring structures addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the structures. This evaluation shall include an assessment of the color and texture of the structures compared to the surrounding native bluffs.
 - b. Annual measurements of any differential retreat of bluff material between the face of the natural bluff or the face of the geogrid structure and the seawall face, at the north and south ends of the seawall and at 20-foot intervals (maximum) along the top of the seawall face/bluff face intersection. The program shall describe the method by which such measurements shall be taken.

Provisions for submittal of a report to the Executive Director of the Coastal Commission by May 1 of each year (beginning the first year after construction of the project is completed) for a period of three years and then, each third year following the last annual report, for the 20 years for which

COASTAL DEVELOPMENT PERMIT

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this seawall is approved. In addition, reports shall be submitted in the spring immediately following either:

1. An “El Niño” storm event – comparable to or greater than a 20-year storm.
2. An earthquake of magnitude 5.5 or greater with an epicenter in San Diego County.

Thus, reports may be submitted more frequently depending on the occurrence of the above events in any given year.

- c. Each report shall be prepared by a licensed civil engineer, geotechnical engineer or geologist. The report shall contain the measurements and evaluation required in sections a and b above. The report shall also summarize all measurements and analyze trends such as erosion of the bluffs, changes in sea level, the stability of the overall bluff face, including the upper bluff area, and the impact of the structures on the bluffs to either side of the wall. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the seawall.
- d. An agreement that, if after inspection or in the event the report required in subsection c above recommends any necessary maintenance, repair, changes or modifications to the project including maintenance of the color of the structures to ensure a continued match with the surrounding native bluffs, the permittee shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance within 90 days of the report or discovery of the problem.

The applicants shall undertake monitoring and reporting in accordance with the approved final monitoring and reporting program. Any proposed changes to the approved final monitoring and reporting program shall be reported to the Executive Director. No changes to the approved final monitoring and reporting program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. **Storage and Staging Areas/Access Corridors.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:
 - a. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces. During the construction stages of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to construct the structures. Construction equipment shall not be washed on the beach or public parking lots or access roads.
 - b. Construction access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
 - c. No work shall occur on the beach on weekends, holidays or between Memorial Day weekend and Labor Day of any year.

COASTAL DEVELOPMENT PERMIT

Date: September 16, 2014
Permit Application No.: 6-13-025
Page 7 of 9

- d. The applicants shall submit evidence that the approved plans and plan notes have been incorporated into construction bid documents. The applicants shall remove all construction materials/equipment from the staging site and restore the staging site to its prior-to-construction condition immediately following completion of the development.

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

8. **Water Quality--Best Management Practices.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit for review and written approval of the Executive Director, a Best Management Plan that effectively assures no construction byproduct will be allowed onto the sandy beach and/or allowed to enter into coastal waters. All construction byproduct shall be properly collected and disposed of off-site.

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

9. **Storm Design.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit to the Executive Director, for review and approval, certification by a registered civil engineer that the proposed shoreline protective devices have been designed to withstand storms comparable to the winter storms of 1982-83 that took place in San Diego County.
10. **Other Permits.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the permittees shall provide to the Executive Director copies of all other required local, state or federal discretionary permits, for the development authorized by CDP 6-13-025. The applicants shall inform the Executive Director of any changes to the project required by other local, state or federal agencies. Such changes shall not be incorporated into the project until the applicants obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.
11. **State Lands Commission Approval.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit to the Executive Director for review and written approval, a written determination from the State Lands Commission that:
 - a. No state lands are involved in the development; or
 - b. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
 - c. State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicants with the State Lands Commission for the project to proceed without prejudice to the determination.

COASTAL DEVELOPMENT PERMIT

Date: September 16, 2014

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Page 8 of 9

12. **Construction Site Documents & Construction Coordinator.** DURING ALL CONSTRUCTION:
 - a. Copies of the signed coastal development permit and the approved Construction Plan shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
 - b. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with an indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
13. **As-Built Plans.** within 180 days of completion of construction, or within such additional time as the Executive Director may grant for good cause, the Permittees shall submit two copies of As-Built Plans, approved by the City of Solana Beach, showing all development completed pursuant to this coastal development permit; all property lines; and all residential development inland of the structures. The As-Built Plans shall be substantially consistent with the approved revised project plans described in Special Condition 1 above, including providing for all of the same requirements specified in those plans, and shall account for all of the parameters of Special Condition 6 (Monitoring and Reporting). The As-Built Plans shall include a graphic scale and all elevation(s) shall be described in relation to National Geodetic Vertical Datum (NGVD). The As-Built Plans shall include color photographs (in hard copy and jpg format) that clearly show all components of the as-built project, and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from representative viewpoints from the beaches located directly upcoast, downcoast, and seaward of the project site. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the shoreline armoring has been constructed in conformance with the approved final plans.
14. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. By acceptance of this permit, the applicants acknowledge, on behalf of himself/herself and his/her successors in interest, that issuance of the permit and construction of the permitted development shall not constitute a waiver of any public rights which may exist on the property.
15. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from erosion and coastal bluff collapse (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees

COASTAL DEVELOPMENT PERMIT

Date: September 16, 2014
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incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

16. **Other Special Conditions of the City of Solana Beach Permit Nos. 17-04-13 CUP and DRP 17-11-21).** Except as provided by this coastal development permit, this permit has no effect on conditions imposed by the City of Solana Beach pursuant to an authority other than the Coastal Act.
17. **Condition Compliance.** Within 180 days of approval of this CDP, or within such additional time as the Executive Director may grant for good cause, the applicants shall have complied with all of the Special Conditions of this permit. Within 270 days of approval of this CDP, or within such additional time as the Executive Director may grant for good cause, the applicants shall have completed the contouring of the geogrid structure and the lowering of the lateral wall as detailed in the revised final plans for the subject site. Failure to comply with this condition may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
18. **Deed Restriction.** Within 180 days of approval of this coastal development permit, or within such additional time as the Executive Director may grant for good cause, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

EMERGENCY CDP #6-05-003-G/ ISLAND FINANCIAL CORPORATION

EXHIBIT NO. 20

APPLICATION NO.

6-14-0679

6-05-003-G



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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



EMERGENCY PERMIT

THE COPY

Applicant: **Island Financial Corporation**
Attn: Don Totten
355 Pacific Avenue
Solana Beach, Ca 92075

Date: January 18, 2005Agent: **Bob Trettin**Emergency Permit No. 6-05-003-G

LOCATION OF EMERGENCY WORK: 355 Pacific Avenue, Solana Beach, San Diego County. APN No. 263-301-06

WORK PROPOSED: Construction of three concrete caisson underpinnings (approximately 2 ft. diameter, 30 ft. in length) to be located in the southwest corner of the existing residence below the foundation slab. [This permit is a re-issuance of an emergency permit issued in September, 2004 (EP #6-04-63-G) which the applicant was unable to implement before the permit expired on November 23, 2004.]

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of upper and mid-bluff collapse requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director


By: DEBORAH LEE
Deputy Director

Emergency Permit Number: 6-05-003-G

Date: 1/18/05

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. The construction, placement, or removal of any accessory or protective structures, including but not limited to, seawall, notch/seacave infills, stairways or other access structures, walls, fences, etc. not described herein, are not authorized by this permit. Any additional work requires separate authorization from the Executive Director. **If during construction, site conditions warrant changes to the approved plans, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.**
3. The work authorized by this permit must be completed within 90 days of the date of this permit (i.e., by April 18, 2005).
4. The emergency work carried out under this permit is considered TEMPORARY work done in an emergency situation. **In order to have the emergency work become a permanent development a regular coastal development permit must be obtained and issued from the Commission within 120 days (i.e., by May 18, 2005) of the date of this permit. Failure to comply with this deadline will result in a violation of the subject emergency permit and the commencement of enforcement proceedings.**
5. The subject emergency permit is being issued in response to a documented emergency condition where action needs to be taken faster than the normal coastal development permit process would allow. By approving the proposed emergency measures, the Executive Director of the Coastal Commission is not certifying or suggesting that the structures constructed under this emergency permit will provide necessary protection for the blufftop residential structures. Thus, in exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g. U.S. Army Corps of Engineers, State Lands Commission.)
7. Prior to the commencement of the construction, the applicant shall submit to the Executive Director, evidence that the project has been reviewed and approved by the City of Solana Beach. Said plans shall be in substantial conformance with the plans submitted for this application on 7/23/04 by Soil Engineering Construction, Inc. **In addition, Note 3 under "General Notes" on Soil Engineering Construction, Inc. plans submitted on 7/23/04 shall be revised to say "Exact location of drilled piers for partial foundation underpinnings may be adjusted as field conditions require, but shall not be located any further seaward than shown on the plans of 7/23/04." (See attached Exhibit No. 3).**
8. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces at Fletcher Cove. Construction materials or debris shall not be stored where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time. Construction equipment shall not be washed on the beach or in the Fletcher Cove parking lot.

Emergency Permit Number: 6-05-003-G
Date: 1/18/05

9. Pre-construction site conditions shall be documented through photographs of the bluff at the time of construction and submitted to the San Diego District office **prior to commencement of construction.**

If you have any questions about the provisions of this emergency permit, please call the Commission's San Diego Coast Area Office at the address and telephone number listed on the first page.

(\\Tigershark1\Groups\San Diego\Emergency\6-05-003-G Island Financial.doc)

CALIFORNIA COASTAL COMMISSION

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



EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
 SAN DIEGO COAST AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 (619) 767-2370

RE: **Emergency Permit No. 6-05-003-G**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the San Diego Coast Area Office within 15 working days from the permit's date.

Background

The City of Solana Beach is currently in the process of developing its Local Coastal Program which will include policies relating to development located in hazardous locations such as coastal bluffs and include comprehensive measures that address bluff erosion. Planning for comprehensive protective measures should include a combination of approaches including limits on future bluff development, removal of threatened portions of a residence, underpinning existing structures, ground and surface water controls, beach replenishment, and protective measures involving all portions of the bluffs. Decisions regarding future shoreline protection should be done through a comprehensive planning effort that analyzes the impact of approving shoreline protection on the entire City's shoreline.

Acknowledgement

In acceptance of this emergency permit, I acknowledge that any work authorized under an emergency permit is temporary and subject to removal if a regular Coastal Permit is not obtained to permanently authorize the emergency work. I also acknowledge and understand that a regular coastal development permit would be subject to all of the provisions of the Coastal Act and may be conditioned accordingly. These conditions may include, but not be limited to, provisions for long term maintenance and monitoring of the structure, a requirement that a deed restriction be placed on the property assuming liability for damages incurred from bluff failures, and restrictions on future construction of additional shore or bluff protection.

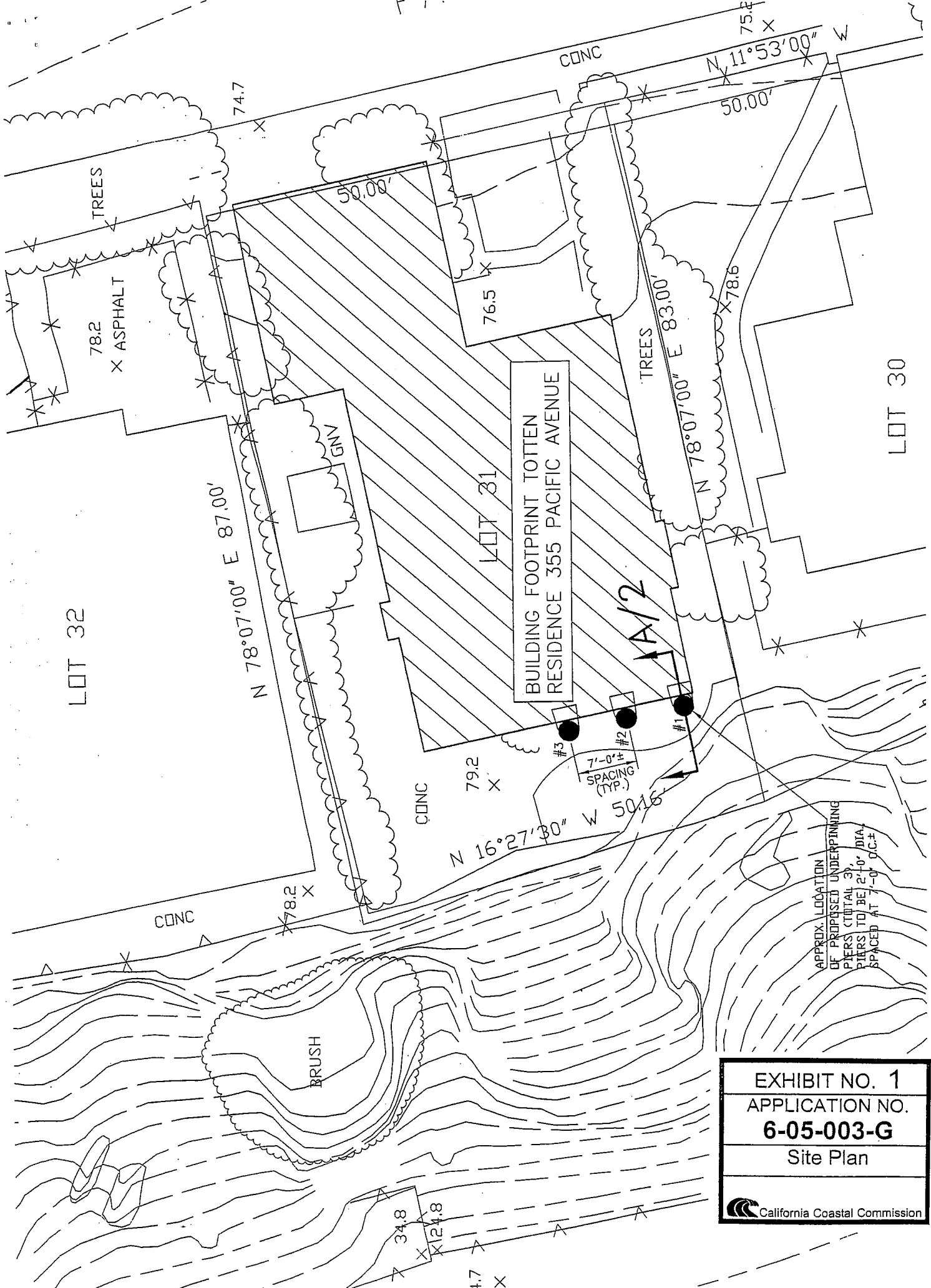
I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

 Island Financial Corporation

 Name

 Address

 Date of Signing



LOT 32

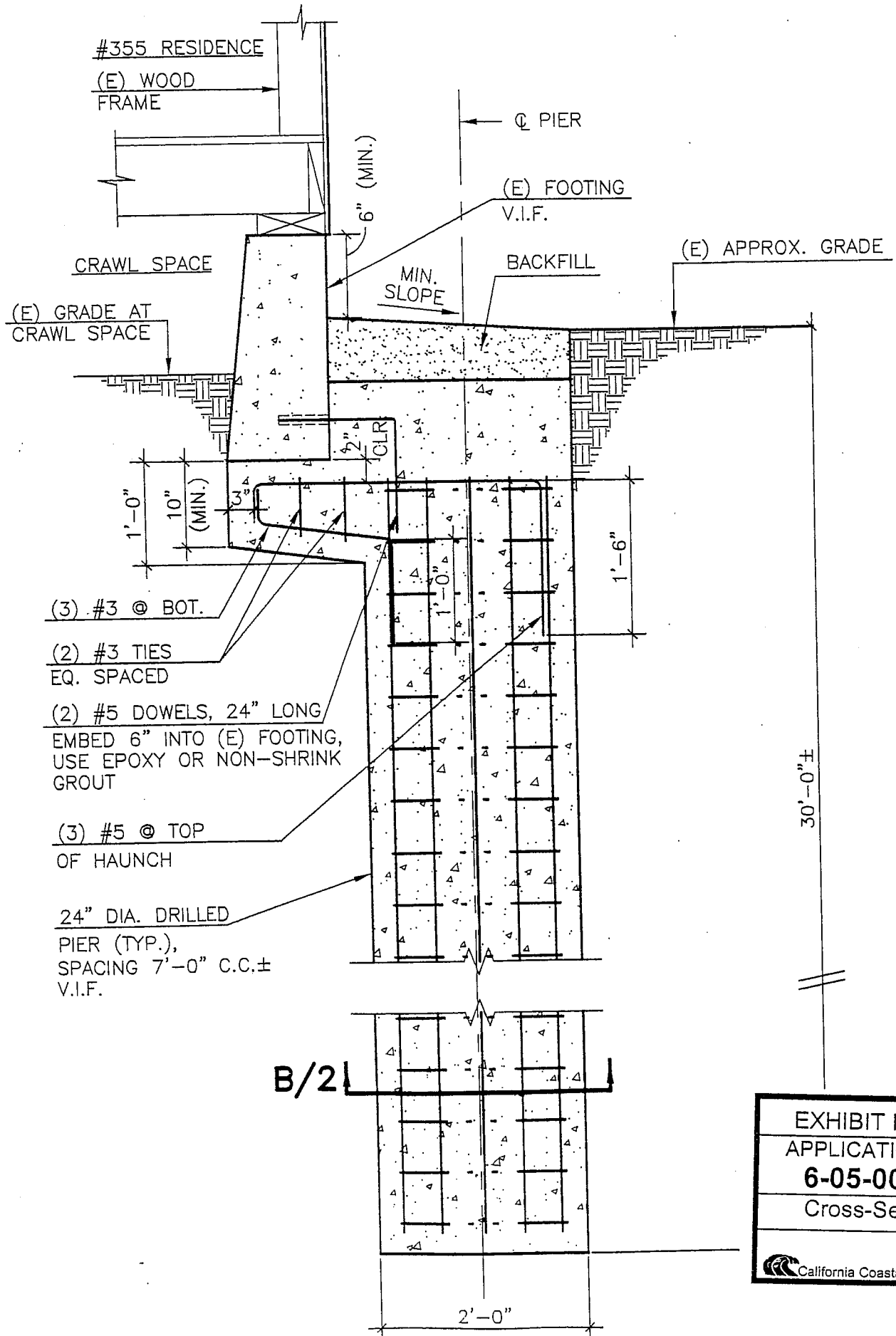
LOT 31

LOT 30

BUILDING FOOTPRINT TOTTEN
RESIDENCE 355 PACIFIC AVENUE

APPROX. LOCATION
OF PROPOSED UNDERPINNING
PIERS (TOTAL 3)
PIERS TO BE 2'-0" DIA.
SPACED AT 7'-0" O.C.±

EXHIBIT NO. 1
APPLICATION NO.
6-05-003-G
Site Plan
California Coastal Commission



#355 RESIDENCE

(E) WOOD
FRAME

⊕ PIER

(E) FOOTING
V.I.F.

CRAWL SPACE

MIN.
SLOPE

BACKFILL

(E) APPROX. GRADE

(E) GRADE AT
CRAWL SPACE

2" CLR

1'-0"

10"
(MIN.)

3"

1'-0"

1'-6"

(3) #3 @ BOT.

(2) #3 TIES
EQ. SPACED

(2) #5 DOWELS, 24" LONG
EMBED 6" INTO (E) FOOTING,
USE EPOXY OR NON-SHRINK
GROUT

(3) #5 @ TOP
OF HAUNCH

24" DIA. DRILLED
PIER (TYP.),
SPACING 7'-0" C.C.±
V.I.F.

30'-0"±

B/2

2'-0"

EXHIBIT NO. 2
APPLICATION NO.
6-05-003-G
Cross-Section
California Coastal Commission

GENERAL NOTES:

1. Design and construction to be in accordance with 1997 UBC, CBC as adopted by State of California, and all applicable local Codes.
2. All dimensions, conditions and location of facilities to be verified and determined in field.
3. Exact location of drilled piers for partial foundation underpinning may be adjusted as field conditions require, *but shall not be located any further seaward*
4. All cast-in-place concrete shall have minimum *than shown on the plans of* compressive strength of 3,000 psi at 28 days, *7/23/04.*
U.N.O..
5. Steel members, if any, shall be:
all wide flange steel members shall conform to ASTM A572, grade 50, miscellaneous channels, angles, and plates shall conform to ASTM A36.
6. Reinforcing steel shall conform to ASTM A615, grade 60 for #4 bars and above.
7. All exposed steel, if any, to be galvanized or coated with corrosion inhibiting paint.
8. Special inspection is required for installation of drilled piers.
(UBC 1701.5.12).
9. Section at construction joint, if any, make rough or form key.
10. Reinforcement cover (sec. 1907.7.1):
A. Concrete cast against and permanently exposed to earth shall have minimum 3" concrete cover.
B. Concrete exposed to earth or weather shall have minimum 2" concrete cover for #6 bars and above, 1-1/2" for #5 bars and below.

SOIL ENGINEERING CONSTRUCTION, INC.
ENGINEERING
CONSTRUCTION INC.

LICENSE # A-268082
560 N. HIGHWAY 101, SUITE 5, ENCINITAS, CA 92024

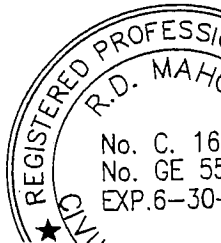


EXHIBIT NO. 3
APPLICATION NO.
6-05-003-G
General Notes
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402
PH (619) 767-2370 FAX (619) 767-2384



FILE COPY

**APPLICATION STATUS LETTER
FILED COMPLETE**

DATE: October 20, 2014

WJK Trust C/O Argos Partners
7733 Forsyth Blvd., Suite 1375
St Louis, MO 63105

RE: **Application No. 6-14-0679**

Dear WJK Trust C/O Argos Partners:

Your Coastal Commission application was filed on 10/3/2014. Written notification of final scheduling of the hearing, along with a copy of the staff report, will be mailed to you approximately 10 days prior to the hearing.

If you have any questions regarding your application, please contact me at the address and phone number listed above.

Sincerely,

Eric Stevens
Coastal Program Analyst

EXHIBIT NO. 21
APPLICATION NO. 6-14-0679
Filing Letter
California Coastal Commission

Exhibit 22

Correspondence Received in Relation to the May 2015 CCC Hearing on this Item can be accessed on the Commission's website via the digital version of the May 2015 Staff Report for this item (Item #12A)