

CALIFORNIA COASTAL COMMISSION

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



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Page 1 of 4
Permit Application No. 6-16-0616/EP
Date July 21, 2016

ADMINISTRATIVE PERMIT

APPLICANT: Agua Hedionda Lagoon Foundation

PROJECT DESCRIPTION: Repair approximately 20 linear feet of an existing 2-foot high rock retaining wall supporting a public access path by collecting dislodged rock from the beach below the wall and cementing back into place.

PROJECT LOCATION: 4523 Adams Street, Carlsbad, San Diego County (APN 206-200-12)

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: August 11, 2016 9:00 a.m., Thursday	LOCATION: Hilton Santa Cruz – Scotts Valley 6001 La Madrona Drive Santa Cruz, CA 95060
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IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

JOHN AINSWORTH
Acting Executive Director

By: Erin Prahler
Coastal Program Analyst

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 or 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The applicant is proposing to repair approximately 20 linear feet of a 2-foot high rock retaining wall that supports a 5-foot wide public access trail along the north shore of Agua Hedionda Lagoon. Volunteers from the Agua Hedionda Lagoon Foundation will collect dislodged rock from the sand to replace in the retaining wall with mortar. No new rock is proposed to be brought in.

On May 21, 1998, the Commission approved Coastal Development Permit No. 6-96-159 (Cade) for a two lot subdivision, construction of two residences and hardscape and landscaping improvements on a 3.66-acre site. A lateral public access easement extending 25 feet inland of the mean high tide line was required as a condition of approval for that project, consistent with public access policies in the Agua Hedionda Land Use Plan that describe a future trail along the north shore of Agua Hedionda

Lagoon. The easement area is ambulatory, meaning that it changes over time as the point where the mean high tide meets land fluctuates. The upland extent of the easement will always be 25 feet inland of the location of the high tide on the property.

In approximately 1999, the property owner constructed a 5-foot walking path within that 25-foot lateral public access easement area. This path is supported on the lagoon side with an approximately 2-foot high rock retaining wall to keep the path above the water line at high tides.

On January 9, 2001 the Agua Hedionda Lagoon Foundation accepted the offer to dedicate the public access easement and entered into a management plan for maintenance of the easement area. The 25-foot public access easement was officially opened to the public in March 2001.

Sections 30231 and 30240 of the Coastal Act require protection of coastal waters and sensitive habitats. The proposed repair work will not result in any adverse impacts to water quality or sensitive biological resources. The applicant will conduct the work at low tide only, ensuring that the volunteers doing the work, their tools and any equipment will not come into contact with lagoon waters. In the event that the work will exceed one day, no materials, tools or equipment will be stored onsite. As proposed, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

Sections 30210, 30211, 30212, and 30221 regulate public access on coastal properties, and properties close to coastal recreational activities. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. The proposed project will improve public access by ensuring that the existing path remains in safe and operable condition. Access along the lagoon within the 25-foot wide access easement will remain open during the proposed repair work. As proposed, the development conforms with the public access policies of the Coastal Act.

Although the existing retaining wall keeps the walking path dry at high tide, eventually, lagoon waters will further damage the retaining wall and submerge the walking path. Photos of the retaining wall show that the water is already eroding the sand under the retaining wall, suggesting that future repairs may be necessary to keep the retaining wall and path in place. However, the 25-foot wide public access easement that the path is located within is ambulatory. Over time, as the mean high tide line moves inland, the 25-foot easement area will also move inland. The ambulatory nature of the public access easement ensures that there will be dry land area for public lateral access without continued protection of the 5-foot wide walking path. Therefore, the applicant is put on notice that additional repairs to the retaining wall in the future may not be appropriate as the mean high tide line, and the boundary of the lateral public access easement, move further inland.

The City determined that the proposed project was exempt under CEQA pursuant to Section 15302(b). At this time, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which

the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

Coastal Act section 30604 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 City of Carlsbad's LCP Land Use Plan (Agua Hedionda Lagoon Segment) has been certified by the Commission; however, no implementation plan has been certified for this segment and therefore the area remains an area of deferred certification. Therefore, the Chapter 3 policies of the Coastal Act is the standard of review. As proposed, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. The Executive Director finds that approval of the subject project will not prejudice the ability of the City of Carlsbad to obtain a fully certified local coastal program for the Agua Hedionda Lagoon Segment.

SPECIAL CONDITIONS: NONE

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

Project Location

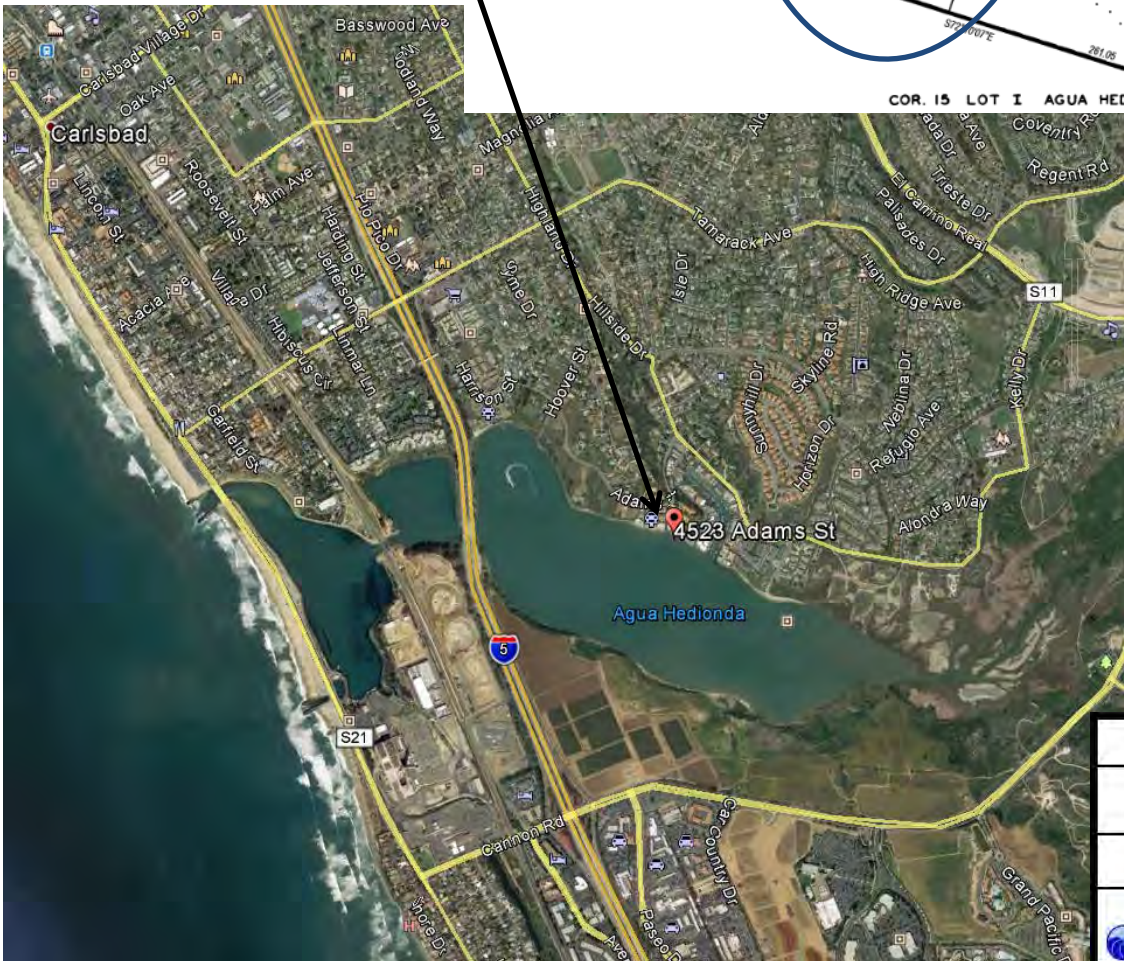
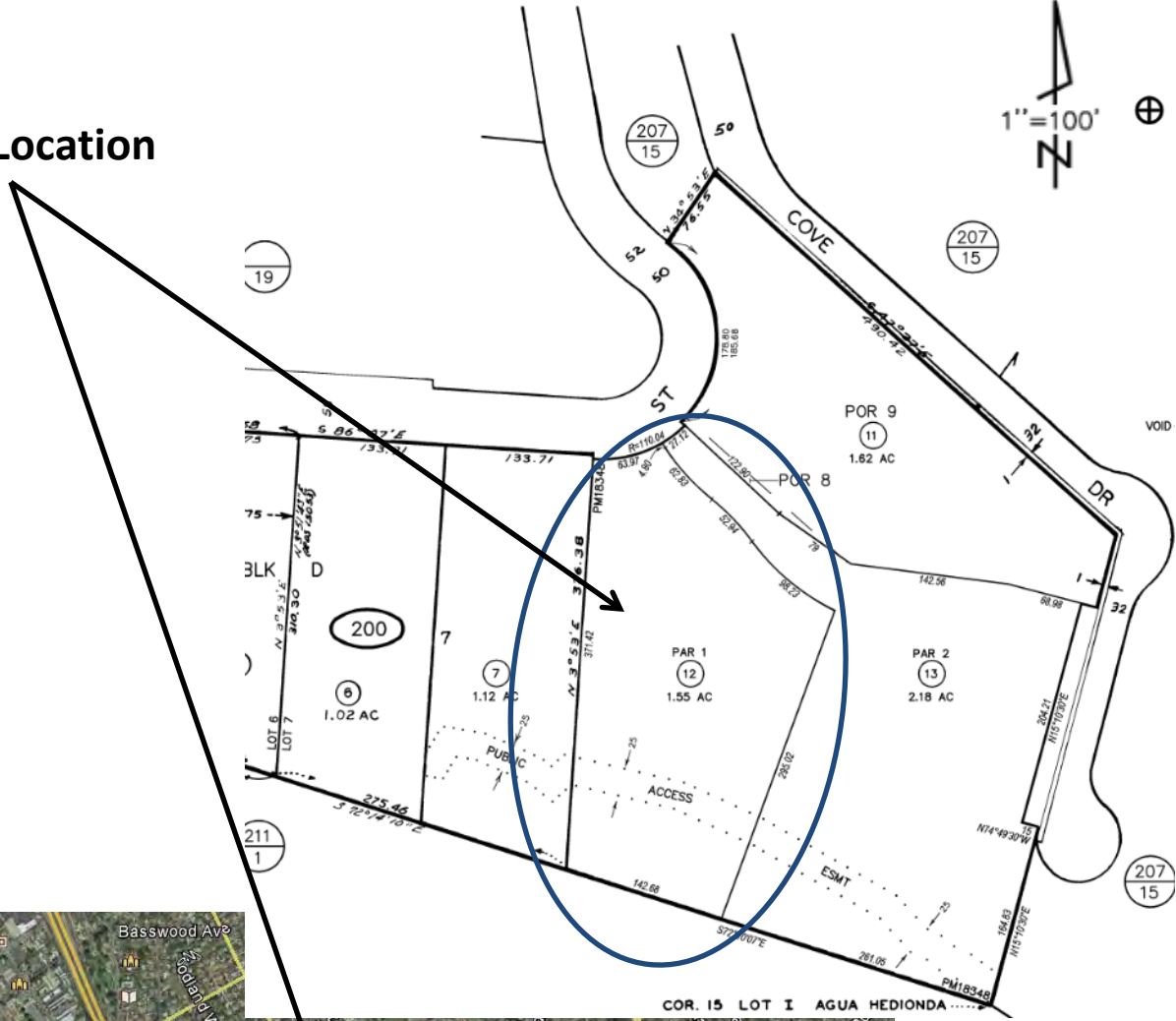
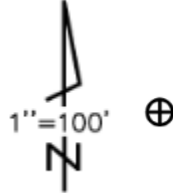


EXHIBIT NO. 1
APPLICATION NO. 6-16-0616
Vicinity Map
California Coastal Commission



EXHIBIT NO. 2
APPLICATION NO. 6-16-0616
Aerial View
 California Coastal Commission



EXHIBIT NO. 2

APPLICATION NO.

6-16-0616

Aerial View



California Coastal Commission