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CALIFORNIA COASTAL COMMISSION

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Hearing Date: November 12-15, 1996

STAFF REPORT AND RECOMMENDATION ON APPEAL &
REGULAR CALENDAR: STAFF REPORT & PRELIMINARY RECOMMENDATION

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-OCB-96-104
PERMIT NO.: 6-96-89

APPLICANT: Casa de la Playa Homeowners Association

DESCRIPTION: Construction of a 190-foot long, 23-foot high shotcrete upper bluff retaining wall and a 275-foot long, 16 feet high lower bluff stone revetment on the bluff and beach below an existing 24-unit condominium building; also, construction of a public access stairway and mid-bluff access path.

PROJECT LOCATION: 4878 Pescadero Avenue north to Cable Street, Ocean Beach, San Diego, San Diego County. APN# 448-251-01

APPELLANTS: Save Everyone's Access/Richard Smith

STAFF NOTES: The proposed project involves construction of both upper and lower bluff protection and a public access stairway from the top of Pescadero Avenue to the beach. The City of San Diego's jurisdiction covers only the portion of the project above the mean high tide line, that is, the upper bluff protection, the proposed mid-bluff access path, and the top portion of the stairway. The portions of the project seaward of the base of the bluff, the proposed lower bluff protection, the revetment, and a portion of the stairway, lie within the Commission's original jurisdiction. Thus, only a portion of the project is before the Commission on appeal. However, functionally, the proposed shoreline protection could not be bifurcated; the access path could not be constructed without the lower bluff protection, the design of the staircase is related to the type and amount of lower bluff protection, and the applicant's request for upper bluff protection is based, in part, upon a project design

which includes lower bluff protection. Therefore, the entire project has been reviewed and analyzed in this report.

The report consists of two sections: first, a recommendation on the substantial issue question. The substantial issue portion of the report addresses only the portion of the project within the City's jurisdiction, which, again, staff feels cannot be separated from the portion of the project within the Commission's original jurisdiction. The motion and the findings on the substantial issue are located on page 4. Second, the report contains a recommendation of approval with conditions for the entire project, assuming that substantial issue is found. This recommendation begins on page 7. If the Commission should find that a substantial issue is not raised by the portion of the project within the City's jurisdiction, the Commission must still issue a coastal development permit for the portion within its permit jurisdiction.

SUMMARY OF STAFF RECOMMENDATION:

Staff is recommending that the Commission find substantial issue with the portion of the project subject to appeal on the grounds that the project is inconsistent with the provisions of the certified LCP because it fails to protect and enhance existing pocket beaches by placing rip-rap on a pocket beach, and is not the least environmentally damaging feasible alternative available to protect the existing bluff-top structure. Staff further recommends that the Commission approve the proposed project on appeal with special conditions requiring that the project be revised to incorporate a vertical seawall design with a minimal amount of toestone to reduce the project's encroachment onto the adjacent pocket beaches. Additional special conditions call for color and texture treating of the protective walls and stairway; landscaping plans; deed restrictions relative to the applicant's assumption of risk, future shoreline protective works, and future development on the site; future maintenance of the shoreline protection; and a restriction on work during the summer season.

SUBSTANTIVE FILE DOCUMENTS: Certified City of San Diego Local Coastal Program (LCP); Appeal Application; City of San Diego Resolution Nos. R-287330, CDP/SCR 92-0318; Mitigated Negative Declaration DEP No. 92-0318 by City of San Diego, 9/16/95; Memo by Dr. Everts dated 3/14/94 re: Review of CCC Methodology for Quantifying Impacts to Sand Supply from Bluff Armoring; Technical Studies and Photographs Casa de la Playa Shoreline Stabilization Project, by Group Delta Consultants (GDC), Project #1264A-ECO2; Transmittal of Additional Information, by GDC, July 12, 1996; Response Letter, by GDC, October 14, 1996.

I. APPELLANT'S CONTENTIONS. The appellant contends that the City's decision is inconsistent with several provisions of the City's LCP related to the protection and enhancement of existing pocket beaches, the use of rip-rap only when no feasible alternative is available, and the requirement that shoreline stabilization projects be the minimum necessary to protect existing structures (see Appeal Application attached).

II. LOCAL GOVERNMENT ACTION. On May 10, 1995, the Ocean Beach Community Planning Group voted to recommend approval of the project. On May 1, 1996, a newly elected Ocean Beach Community Planning Group voted to oppose the project as currently proposed, but to recommend approval of a seawall if constructed without the revetment. On January 18, 1996, the Planning Commission voted to approved the project. The project was appealed to the San Diego City Council by the applicant and by a citizen's organization, Save Everyone's Access (SEA). The applicant appealed the project based a condition relating to liability, which was subsequently modified. Save Everyone's Access appealed the project alleging the lack of need for the seawall and impacts to coastal resources. On May 14, 1996, the City Council approved the project with 27 standard and special conditions that addressed, in part: the provision of lateral and vertical access, landscaping, visual appearance, geology, biological resources, seawall maintenance, paleontological resources, and drainage.

III. APPEAL PROCEDURES.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea. Furthermore, developments approved by counties may be appealed if they are not the designated "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by a city or county. (Coastal Act Sec. 30603(a))

For development approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance, the grounds for an appeal to the Coastal Commission shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or public access policies set forth in this division.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue", and no Commissioner objects, the substantial issue question will be considered moot, and the Commission will proceed directly to a de novo public hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If

the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified local coastal program and the public access and recreation policies of Chapter 3 of the Coastal Act.

The only persons qualified to testify before the Commission at the substantial issue portion of the appeal hearing are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE.

The staff recommends that the Commission determine that substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to PRC Section 30603.

MOTION. Staff recommends a NO vote on the following motion

I move that the Commission determine that Appeal No. A-6-OCB-96-104 raises No substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

V. FINDINGS ON SUBSTANTIAL ISSUE.

1. Permit Jurisdiction. The project site spans the coastal development permit jurisdictions of both the City of San Diego and the Coastal Commission. The proposed development approved by the City of San Diego involves the construction of both upper and lower bluff protection, even though the lower bluff protection is located in the Commission's coastal development permit jurisdiction. All work landward of the base of the bluff, including the proposed upper bluff protection, the improved access path, and the uppermost portion of the stairway, lie within the City's coastal development permit jurisdiction, and is subject to appeal to the Coastal Commission. The proposed revetment and the lower portion of the stairway would be located below the mean high tide line, and thus fall within the Commission's original permit jurisdiction. However, practically, the proposed work can only function as a unified project. The design of the project, particularly the improvements to the mid-bluff accessway and the stairway, are directly dependent upon the type and design of lower bluff protection. Without some form of lower bluff protection to support a widened path, the proposed lateral accessway could not be constructed. The portion of the stairway seaward of the base of the bluff is functionally dependent on the portion of the stairway at the top of the bluff, and the ultimate design of the stairway and the location where the stairway meets the beach is dependent upon the amount and location of the revetment.

Thus, the City of San Diego reviewed the project as a unified whole and included Sensitive Coastal Resource (SCR) permit review for the entire project. However, only the portion of the project inland of the mean high tide is subject to the substantial issue determination. Therefore, the Commission must find that a substantial issues exists in order to review both portions of the project under one coastal development permit.

2. Project Description. The project site consists of a curved bluff/headlands formation extending seaward between two pocket beaches. The proposed upper bluff protection involves construction of a 190-foot long, 23-foot high shotcrete tied-back bluff retaining wall, extending from the northern edge of the property, to approximately 50 feet south of the southern property, onto approximately the centerline of Pescadero Avenue. Also approved by the City is lower bluff protection in the form of a 275-foot long, 16-foot high rip-rap revetment placed at the base of the bluff extending approximately 35 feet seaward. The northern and southern ends of the revetment have been tucked back into the existing coves on either side of the project site to minimize "end effects" such as increased erosional damage to off-site areas. The rip-rap would cover approximately 2,475 sq.ft. of sandy beach, including essentially all of the sandy pocket beach south of the site.

The project also includes widening an existing informal access path located mid-bluff above the headlands to 5 to 10 feet in width and providing a hand rail. A new beach stairway would be constructed from the street end south of the project site down past the proposed revetment onto the beach.

The bluff retaining wall and revetment would be located to the west of and below an existing 24-unit, four-story above parking condominium, known as Casa de la Playa, located on the bluff edge adjacent to Pescadero Avenue in the Ocean Beach community of the City of San Diego. Development to the north, east and southeast consists of a mixture of multi-family and single-family residences. The building was constructed prior to passage of the Coastal Act. The bluff edge currently encroaches to within 17 feet of the condominium structure, while the driveway which provides access to one of the unit's garage is within approximately 4 feet of the bluff edge. The street end of Pescadero Avenue, located immediately south of the structure, is currently being undermined by erosion. The upper bluff work, revetment and stairway would be located on City of San Diego property and the City has granted permission for the applicants to construct the proposed project.

2. Public Access and Recreation/Visual/Landform Alteration. The appellant contends that the City's decision is inconsistent with provisions of the City's LCP regarding the protection and enhancement of existing pocket beaches, the use of rip-rap only when no feasible alternative is available, and requirements of the LCP that shoreline stabilization project be the minimum necessary to protect existing structures.

These concerns are specifically addressed in the language of the LCP as follows. The City's certified Ocean Beach Precise Plan and LCP addendum states that "in order to protect and enhance the recreational value of the existing pocket beaches and tidal areas along Sunset Cliffs..the placement of any revetments...or other permanent structures laterally across any pocket beach between Orchard Avenue and Adair Street...shall not be permitted." The plan

also states that "...permanent structures, shall not be permitted on existing sandy beach areas, except where it can be found that adverse impacts to public beach usage are negligible or where public safety requires it, and no less environmentally damaging alternatives exist." The policies of the LCP further require that "Shoreline protective works will be designed to be minimum necessary to adequately protect existing principal structures.

The Commission finds that a substantial issue exists with respect to the grounds on which the appeal has been filed for the following reasons. The upper and lower shoreline protective devices would significantly alter the natural state of the beach and bluff area. While the project would improve lateral access on the bluff face between the two pocket beaches and provide a vertical accessway to the beach from Pescadero Avenue in the form of a new staircase, the project would have a substantial adverse impact on public beach access and recreation by essentially eliminating the existing sandy beach area currently used by the public. A 275-foot long, 16-foot high rock revetment as proposed will encroach 35 feet onto an existing sandy pocket beach located at the foot of Pescadero Avenue (which is between Orchard Avenue and Adair Street).

There are several potential alternatives to the proposed project, including construction of only upper bluff protection, elimination of the revetment and construction of a vertical seawall only at the lower bluff, or construction of a vertical seawall with minimal toestone at the base of the bluff. These alternatives appear to be less environmentally damaging alternatives which should be considered, as they would be more consistent with the public access and recreation policies of Chapter 3.

The proposed stairway would also alter the appearance of the area, and require alterations to the landform of the bluff. Because only conceptual plans for the stairway have been developed, the Commission cannot be assured that the proposed stairway would be the least environmentally damaging alternative, or consistent with the provisions of the certified LCP regarding encroachment on the shoreline, landform alteration and visual appearance.

In summary, the proposed development approved by the City of San Diego is inconsistent with several provisions of the certified LCP in that the proposed shoreline protection would eliminate a pocket beach, would adversely impact public access and recreation, does not minimize shoreline encroachment and is not the least environmentally damaging alternative. In addition, the Commission cannot find that the proposed stairway has been designed to have the least impact on public access, visual quality and landform alteration. Therefore, the Commission finds that that a substantial issue exists for the portion of the project within the City's permit jurisdiction with respect to the project's consistency with the City's certified Local Coastal Program.

STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the portion of the development in the Commission's jurisdiction will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and the portions of the project within the City of San Diego's jurisdiction will be in conformity with the provisions of the certified Local Coastal Program and the public access and recreation policies of the Chapter 3 of the Coastal Act. The project will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

1. Revised Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, revised final plans for the shore/bluff protection and public access stairway approved herein for the site. Said plans shall be stamped and approved by the City of San Diego and include the following:

a. Said plans shall be in substantial conformance with the plans submitted with this application dated 3/26/93 by Group Delta Consultants. However, the plans shall be revised to reflect the alternative design of a vertical seawall with the minimum amount of required toestone, not to exceed 18-20 horizontal feet of toestone as shown on the concept plans attached to the letter from Walt Crampton dated 10/14/96, and attached as Exhibit 4 to this staff report.

b. Said plans shall indicate that the proposed upper bluff protection shall conform as closely as possible to the contours of the bluff, and shall be designed to incorporate surface treatments that resemble the color and surface of adjacent natural bluff areas (e.g., air-blown concrete). The proposed vertical wall shall also be colored to match the adjacent bluffs. Detailed information shall also be provided on the construction method and technology to be utilized for texturing and coloring the walls. Plans shall be of sufficient detail to provide assurance that the herein approved walls will closely match the adjacent natural bluff. Said color shall also be verified through submittal of a color board, subject to review and written approval of the Executive Director.

c. Said plans shall include the proposed public access stairway in substantial conformance with the concept plans submitted with the letter by Walt Crampton dated 10/14/96 and attached as Exhibit 5 to this staff report. However, the plans shall be revised as necessary to accommodate the alternative design of a vertical seawall with toestone. The stairway shall protrude seaward of the toestone only the minimum

amount necessary to provide access to the beach. Plans shall indicate that the proposed stairway will be colored to match the appearance of the adjacent natural bluffs. Said color shall also be verified through submittal of a color board, subject to review and written approval of the Executive Director.

d. Said plans shall specifically indicate that the existing rip-rap/debris/rock located at the project site shall be incorporated as material for the project as herein approved or otherwise removed from the area.

2. Maintenance Activities/Future Alterations. The applicants shall be responsible for maintenance of the permitted protective devices. Any change in the design of the project or future additions/reinforcement of the seawall will require a coastal development permit. If after inspection, it is apparent that repair and maintenance is necessary, the applicant shall contact the Commission office to determine whether permits are necessary. The applicant shall be responsible for the removal of debris deposited on the beach or in the water during and after construction of the shoreline protective device.

3. Construction Access/Staging Areas/Project Timing. Prior to the issuance of the coastal development permit, the applicant shall submit plans showing the locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. Use of sandy beach and public parking areas, including on-street parking, for storage of equipment and materials shall not be permitted. The plan shall also indicate that no work may occur on sandy beach during weekends or holidays in the summer months (Memorial Day to Labor Day) of any year and that equipment used on the beach shall be removed from the beach at the end of each work day.

4. Assumption of Risk: Prior to the issuance of the coastal development permit, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from bluff retreat and erosion and the applicant assumes the liability from such hazards, and (b) the applicant unconditionally waives any claim of liability on the part of the Commission or its successors in interest for damage from such hazards and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

5. Landscaping Plan/Irrigation System/Runoff Control. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a final landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system, and other landscape features. Drought and salt tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. In addition, the plan shall contain the following:

- a. Evidence which indicates that any existing permanent irrigation system located within the geologic setback area (40 feet from the bluff edge) has been removed or capped.
- b. Special emphasis has been placed on utilizing plant materials which will drape over the edge of the proposed upper bluff protection.
- c. Plans shall indicate that all runoff from impervious surfaces on the site is directed away from the bluff edge towards the street.

6. Future Shoreline Protective Works. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that in the event any bluff or shoreline protective work is anticipated in the future, the applicant acknowledges that as a condition of filing an application for a coastal development permit, the applicant must provide the Commission or its successor agency an analysis of alternatives to bluff protective works. The alternatives shall include, but not be limited to, relocation of portions of the residential structure that is threatened, structural underpinning, or other remedial measures identified to stabilize the residential structure that do not include bluff or shoreline stabilization devices. The document shall be recorded free of all prior liens and encumbrances and shall run with the land and bind all successors and assigns.

7. U.S. Army Corps of Engineers Permit. Prior to commencement of construction, the permittee shall provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit, or letter or permission, or evidence that no Corps permit is necessary. Any mitigation measures or other changes to the project required through said permit shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

8. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

9. Seawall Design. Within 60 days following completion of the project, the applicant shall submit certification by a registered civil engineer, acceptable to the Executive Director, verifying the seawall has been constructed in conformance with the approved plans for the project.

10. Special Conditions of the CDP/SCR. Special Condition #1 of the City of San Diego's Coastal Development Permit/Sensitive Coastal Resource Permit is modified herein to require construction of the vertical seawall and toestone. All other conditions of the City of San Diego's SCR #92-0318, shall remain subject to the City's jurisdiction as a part of the

City's Sensitive Coastal Resource Permit, and are not modified as part of this coastal development permit.

IV. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description. The subject appeal and coastal development permit represent the construction of a 190-foot long upper bluff retaining wall, and a 275-foot long, 16-foot high rip-rap revetment extending approximately 30 feet seaward of the base of the coastal bluff. The revetment would begin on the cobble beach at the northern property line of the site, and extend south around the base of the bluff. The proposed rip-rap would extend approximately 70 feet beyond of the southern end of the upper bluff protection, covering the existing sandy pocket beach to the south.

The coastal bluff at the project site is characterized by a Bay Point Formation upper bluff approximately 24 feet high, resting on a 10-15 foot high Point Loma Foundation base. The bluff in this area consists of a curved point extending seaward between two pocket beaches. There is existing pedestrian and emergency vehicle access to the northern pocket beach from an alley and concrete ramp north of the project site. This beach consists almost entirely of cobblestone. South of project site is a sandy pocket beach which is partially covered by stones and rip-rap which have apparently migrated from surrounding revetments. Blocks of rip-rap and cobblestone are currently strewn at and around the base of the bluff between the two pocket beaches. There is an existing private stairway accessing the southern beach; however, only during low tides is there easy public access to this area, either around the point from the pocket beach to the north, or from pocket beaches further to the south. During high tides the southern beach is completely underwater, and only the ramp and 5 to 10 feet of cobbles are exposed on the northern beach.

At the contact point between the two geologic units is a 4 to 5 foot wide shelf which is used as an informal trail by pedestrians to move from the northern pocket beach to the southern cove. The existing trail is narrow, hazardous, subject to erosion, and ends approximately at the midpoint of the southern cove. At this point, the path is over 10 feet above beach level, and there is no safe or convenient way to get down the beach, although pedestrians do climb down. Caves and graffiti have been dug into the bluffs in this area.

The applicants are proposing to improve the informal trail between the coves by cutting into the upper bluff as necessary to ensure the trail is from 5 to 10 feet wide, and installing a 42-inch high safety railing along the entire length of the pedestrian walkway. In addition, the applicants have proposed to construct a concrete pedestrian stairway from the end of Pescadero Avenue to the beach. The stairway would be located at the southernmost extent of the proposed upper bluff protection, extending down between the proposed rip-rap to beach level.

The project site is one of the few remaining unarmored segments of the shoreline in the vicinity. The site is within the limits of the City of San Diego's Sunset Cliffs stabilization project, completed in 1983 (CDP #F9620/6-81-67A). The project, which was approved by the Commission in April 1981, consisted of a comprehensive program for upper and lower bluff stabilization along an approximately one mile length of Sunset Cliffs between Narragansett Avenue and Osprey Street in Ocean Beach. In the vicinity of the subject project, the Sunset Cliffs project consisted of construction of rip-rap revetments to both the north and south of the project site. The pocket beaches on either side of the subject project site were not affected.

Although the project spans two jurisdictions (the City's and the Commission's), practically, the project can only function as a single project. The design of the project, particularly the improvements to the mid-bluff accessway and the stairway, are directly dependent upon the type and design of lower bluff protection. Without some form of lower bluff protection to support a widened path, the proposed lateral accessway could not be constructed. The portion of the stairway seaward of the base of the bluff is functionally dependent on the portion of the stairway at the top of the bluff. In addition, the ultimate design of the stairway and the location where the stairway meets the beach is dependent upon the amount and location of the revetment. Changes to the design of the lower bluff work could alter the findings related to the upper bluff work's consistency with the certified LCP.

Review of the impacts of one portion of the project without an analysis of the impacts of the proposal as a whole would be confusing and inaccurate. Thus, the project must be evaluated as a single project. Therefore, while the LCP and the public access and recreation policies of Chapter 3 of the Coastal Act are the standard of review for the portions of the project landward of the base of the bluff, and the policies of Chapter 3 of the Coastal Act apply to the remainder of the project (with the LCP as guidance), both documents are cited where applicable.

2. Geologic Conditions and Hazards.

The proposed project is located within the City of San Diego's Sensitive Coastal Resource (SCR) Overlay Zone. Section 101.0480 of the City's Implementation Ordinances pertains to development located in the SCR zone and states, in part:

C. PERMITTED USES

1. Beach Areas. Permitted uses allowed in the beach areas, as shown on the SCR maps, shall be limited to the following:

[...]

e. Shoreline protective works necessary to prevent bluff and beach erosion, where needed to protect coastal dependent uses, public beach roadways, or existing principal structures in danger from wave and wind action, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

[...]

2. Coastal Bluff Areas. Permitted uses allowed in the coastal bluff areas, as shown on the SCR Zone maps, shall be limited to the following:

[...]

b. Bluff repair and erosion control structures necessary to protect existing principal structures...

[...]

i. Stairways, ramps, and other physical access structures, as proposed within an adopted community or other applicable plan.

E. SENSITIVE COASTAL RESOURCE OVERLAY ZONE PERMIT PROCEDURE

[...]

a. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive coastal resources and environmentally sensitive areas.

[...]

c. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces and/or flood and fire hazards.

d. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. Shoreline protective works will be designed to be the minimum necessary to adequately protect existing principal structures, to reduce beach consumption and to minimize shoreline encroachment.

In addition, the certified Ocean Beach Precise Plan states in part:

In order to protect and enhance the recreational value of the existing pocket beaches and tidal areas along Sunset Cliffs:

a) The placement of any revetments, raised beaches, or other permanent structures laterally across any pocket beach between Orchard Avenue and Adair Street, or across the pocket beach at the foot of Santa Cruz Avenue, shall not be permitted.

With regard to applicable Coastal Act policies, Section 30235 of the Act states, in part:

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

Additionally, Section 30253 of the Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The site is located within the limits of the City of San Diego's Sunset Cliffs Shoreline and Upper Cliffs Stabilization Project, completed in 1983. The project consisted of structural improvements, earthwork, and landscaping and was designed to retard shoreline erosion, enhance public access and safety and maintain coastline aesthetics. Because of economic constraints, the project focused on repair of areas requiring the most immediate attention, while recognizing the need for future stabilization work and providing guidelines for this future work. The Stabilization Project proposed to retain the bluff in the Cable Street/Pescadero Avenue area in its natural state, since it was not considered too vulnerable in 1983. Rock revetments were constructed to both the north and south of the project site. An elevated, or "perched" beach was proposed to be located on top of the revetment to the north. However, while the subject site was not selected as a site requiring protection in 1983, it was identified as an area which would require remedial work at some future time.

The geotechnical reports submitted with the application and the mitigated negative declaration performed by the City indicate that the coastal environment since 1980 has been subject to more severe wave conditions than those experienced during the preceding 30 years, which comprised the data base for the 1983 Sunset Cliffs project. Since the completion of the 1983 project, additional losses of lower and upper formations have occurred at the project site, leading to the loss of an access stairway at the end of Pescadero Avenue, the loss of the street end at Pescadero Avenue, and damage to a lower beach house south of Pescadero Avenue. The perched beaches associated with the Sunset Cliffs project were washed away during storm events soon after completion of the project, and have not been replaced.

The applicant has indicated that the bluff retreat to within 15.5 feet of the corner of the Casa de la Playa is considered to be a threat to a permanent principle structure, because while the building itself is not at immediate risk today, continued erosion at a rate seen between 1990 and 1994 (approximately one foot per year) would result in undermining the structure within the next 15 years. However, the utility of portions of the structure would be impacted long before this period, as vehicular access to one of the unit's garages is currently being compromised, and access to additional garages could be affected in the future. In addition, the geotechnical report notes that bluff retreat rates are not constant, but are episodic in nature, with slumping or shear failures cleaving off large blocks resulting in retreats of several feet in a matter of seconds. The report estimates that this type of failure could result in losses of 8 to 10 feet, resulting in the bluff approaching to within as little as 5 feet from the building. If adequate protection is not provided at this time, it could result in the need for more immediate, costly, and more structurally and visually intrusive designs in the future.

In reviewing requests for shoreline protection, the Commission must assess both the need to protect private residential development and the potential adverse impacts to public resources associated with construction of shore/bluff protection. A number of adverse impacts to public resources are associated with the construction of shoreline structures. These include loss to the public of the sandy beach area that is displaced by the structure, "permanently" fixing the back of the beach, which leads to the narrowing and eventual disappearance of the beach in front of the structure, a reduction/elimination of sand contribution to the beach from adjacent bluffs, sand loss from the beach due to wave reflection and scour, accelerated erosion on adjacent unprotected properties and the adverse visual impacts associated with construction of a shore/bluff protective device on the contrasting natural bluffs. As such, the construction of bluff and shoreline development raises consistency concerns with a number of the above-cited LCP policies, and with a number of Coastal Act policies, including Sections 30210, 30211, 30212, 30235, 30240, 30251, and 30253.

The Commission previously found in its review of the Sunset Cliffs shoreline stabilization project that the area is subject to bluff retreat and failure, and that shoreline protection is appropriate in the general area. Thus, although the evidence indicating that principle structures are in danger is not as compelling as in some cases, there is sufficient evidence for the Commission to find that some form of shoreline protection is necessary in this particular case to protect existing blufftop structures. However, once a need has been documented, it must be determined that the proposed "solution" does not adversely affect shoreline processes or other coastal resources. If adverse impacts are identified, the Commission must determine if there are other alternatives available that would achieve the result of protecting the residential structures while at the same time having minimal or no adverse impact on the adjacent beach area.

In response to this mandate, the geotechnical report submitted with the application outlines a number of alternatives for addressing the erosion at the project site. To address upper bluff erosion, the report analyzed a tied-back wall (the proposed project), a crib wall, and a reinforced earth wall. To counteract lower bluff erosion, the report examined a cantilevered vertical seawall, a tied-back vertical seawall, a rock revetment, and no lower bluff protection. The reports indicate that drainage at the top of the bluff is well-defined and directed away from the bluff edge, and is not responsible for the continuing erosion, thus, drainage improvements alone would not address the erosion problem.

The report concluded that the most appropriate long-term approach to shoreline stabilization would be the combined use of a stone revetment along the base of the bluff, and a tied-back wall covering the upper bluff, as proposed. The engineer has indicated that this conclusion was based on several factors, including cost. At a cost of \$600 per lineal foot, the 275 foot long revetment would cost approximately \$165,000. A tied-back wall at the base of bluff would cost between \$1,500 and \$2,000 per foot.

The report indicates that the footprint of the revetment has been minimized from the original project design by steeping the slope of the rock to a 1:6 to 1 slope in order to avoid impacts to surfgrass habitat, and thus is a less-environmentally damaging alternative than the original

project. Nevertheless, the proposed revetment would have numerous visual, recreational, and public access impacts (see detailed analysis below). Therefore, Commission staff requested that the applicant closely examine the feasibility of a vertical lower bluff seawall, which would avoid the impacts to recreation and public access associated with placement of the rip-rap over public beach area. The engineer determined that a vertical tied-back seawall is a viable design, if some rip-rap (toestone) is placed at the base of the bluff to reflect wave energy and reduce erosion. Although this design would involve the placement of some toestone, it would be less than 10 feet in height, and would extend approximately 18-20 feet from the base of the bluff rather than 35 feet, thereby reducing the visual impact and preserving significantly more beach than the proposed revetment (see Exhibit 4). In addition to the increased costs per square foot, this alternative would increase construction costs and complexity by eliminating the construction access that would otherwise exist along the crown of the rock revetment. The applicant's engineer has estimated that the seawall with minimal toestone would increase the total cost of the lower bluff protection by approximately \$300,000, to a total of \$465,000.

Although the policies of the certified LCP specifically prohibit the placement of permanent structures on pocket beaches in this area, the area seaward of the base of the bluff is within the Commission's original jurisdiction, and therefore the policies of Chapter 3 are the standard of the review. In approving any shoreline protective device, the Commission must make a determination whether to allow the beach and bluff to continue to retreat/erode, which would benefit the public at the expense of the private property owner or allow the bluff to be armored, benefiting the private property owner at the expense of the public resources. Coastal Act Section 30235 does allow for the construction of shoreline protection, if it has been documented that a need exists to protect an existing principal residence that is subject to danger from bluff erosion/failure and if the proposed protection is designed to eliminate or mitigate adverse impacts on local shoreline sand supply. However, the Commission is also concerned that the intent of the City's LCP be maintained to the greatest degree feasible.

In its approval of the original Sunset Cliffs shoreline stabilization project, the Commission specifically noted that the project involved the minimal alteration of natural landforms, and the existing pocket beaches between Orchard Avenue and Adair street would be protected. The Commission's engineer has reviewed the alternative design of a vertical seawall with minimal toestone and concluded that this design would have the minimum amount of encroachment possible, while still providing protection for the existing bluff-top structure. Although the vertical seawall/toestone alternative would be associated with increased costs, it is a feasible alternative from an engineering standpoint. The project's encroachment on the beach would be significantly reduced and an accessible pocket beach area maintained, thereby reducing the impact to public access and visual quality associated with the proposed revetment. The policies of the certified LCP and the policies of Chapter 3 require the design of any shoreline protective device to be the least environmentally damaging alternative, and to be the most protective of shoreline processes. Only as revised to reduce the encroachment on the beach can the project be found consistent with these policies. Therefore, Special Condition #1 calls for the submittal of revised plans indicating a redesign

to a vertical seawall/minimal toestone design consistent with the preliminary plans submitted by the applicant.

Once the Commission has found that a need for the project has been documented, and, in this case that, as redesigned, there are no other feasible less damaging alternatives available, both the policies of the LCP and Chapter 3 require that approval of seawalls which "alter natural shoreline processes" shall be "designed to eliminate or mitigate adverse impacts on local shoreline sand supply." The natural shoreline processes referenced in Section 30235, such as the formation and retention of sandy beaches, may be altered by the construction of a seawall, since bluff and shoreline retreat are ways that beach quality material is added to the shoreline. This retreat is a natural process resulting from many different factors such as undercutting by wave action of the toe of the bluff causing bluff collapse, saturation of the bluff soil from ground water causing the bluff face to slough off and natural bluff deterioration. When a seawall is constructed on the beach at the toe of the bluff, the seawall directly impedes these natural processes. While the seawall may be necessary to protect development located on the bluff top, the seawall has adverse impacts on shoreline processes and on public access and use of the beach.

The construction of a seawall along a shoreline backed by coastal bluffs, such as the proposed project, can have several quantifiable impacts on shoreline processes and beach access, as well as numerous, less quantifiable effects which have been discussed elsewhere in current literature on seawalls. Three of the quantifiable impacts from such structures are:

1. The seawall will halt natural bluff retreat, preventing a portion of the bluff material from becoming part of the sand supply;
2. The seawall will halt the landward migration of the beach and nearshore profiles, preventing the formation of beach that would otherwise be available for public use over time, if the seawall were not constructed;
3. The seawall will physically occupy area, by its encroachment seaward of the toe of the bluff, that would otherwise be available for recreational use.

Shoreline protective devices, such as that proposed, fix the inland extent of the beach by inhibiting the erosion that naturally occurs and sustains the beach. As erosion occurs seaward of the wall, it comes at the expense of beaches or recreational areas owned or utilized by the general public. The two most important aspects of beach behavior are changes in beach width and changes in the position of the beach. On narrow, natural beaches, the retreat of the back of the beach, and hence the beach itself, is the most important element in sustaining the width of the beach over a long time period. Narrow beaches, typical of most of the California coast, do not provide enough sacrificial sand during storms to provide protection against scour caused by breaking waves at the backbeach line. This is the reason the back boundary of our beaches retreats during some storms. Armoring in the form of a seawall fixes the backbeach line and interrupts this natural process. A beach with a fixed landward boundary is not maintained on a recessionary coast because the beach can no longer retreat." (ref. Memo by Dr. Everts dated 3/14/94 re:

Review of CCC Methodology for Quantifying Impacts to Sand Supply from Bluff Armoring).

Seawalls also trap bluff material which would otherwise become part of the local sand supply, thus reducing the sand supply for the affected beach and surrounding areas. Accordingly, in its review of such projects under the certified LCP, Section 30235 and the access policies of the Coastal Act, the Commission must assess both the need to protect property and the need to mitigate the adverse effects on shoreline sand supply, beach access and public recreation.

In a number of instances in the past (ref. CDP# 6-90-100/Coleman; 6-92-212/Wood; 6-93-36-G/Clayton; 6-93-85/Auerbach, et.al; 6-93-131/Richards, et.al.; 6-93-136/Favero; 6-94-88/City of Encinitas; 6-95-100/Han) the Commission has applied a mitigation fee to fund beach sand replenishment projects as mitigation for impacts of the proposed shoreline protective devices on shoreline processes and public access and recreation. In the case of the proposed project, the applicants are proposing to incorporate both lateral and vertical access improvements to help offset the adverse impacts of the project on available beach area. The existing narrow, hazardous trail located approximately mid-bluff level and currently used by pedestrians to traverse from the pocket beach to the north to the southern cove will be widened to five to ten feet, and a hand rail will be installed. Currently, the informal trail does not actually provide access down to beach level, and the improved trail will not either. However, the applicants are also proposing to construct a vertical accessway, in the form of a stairway leading down to the beach from the end of Pescadero Avenue. The stairway will terminate on the beach, past the revetment. A stairway is a permitted use under the policies of the LCP in the Sensitive Coastal Resource area. The stairway will be accessible from the top of the street or the lateral access path. The improved accessways will not only increase accessibility to the pocket beaches, but should discourage people from climbing on and over the bluffs, since beach access will be adequate and convenient. Thus, the new stairway may have a positive impact on bluff stability, as it will block people from easily accessing the bluff face above the southern cove, which have been vandalized by people digging caves and graffiti into the bluff formation.

Although the applicant is proposing to construct the stairway, the applicant's engineer has expressed concerns that the stairway will terminate in the water during high tides. However, the engineer has also indicated that the stairway will meet all of the City of San Diego's design standards. The City has approved the stairway in concept, and has indicated that they do not feel the stairway represents a public safety hazard. Many stairways along the San Diego coastline are subject to wave action during storms and/or high tides. As conditioned to reduce the encroachment of the revetment onto the beach, there will still be usable sandy beach in this area after implementation of the project. Thus, the proposed access improvements would represent a significant increase in the public's ability to access this recreational area. Therefore, the Commission finds that adequate mitigation to compensate for the adverse impacts the proposed shoreline protection will have on public access and recreation will be provided, consistent with the requirements of Section 30235.

As stated previously, seawalls and bluff retaining structures often can conflict with the visual resource protection, public access and recreational policies of the Coastal Act. In recognition of these policies, the Commission has identified alternatives to shoreline protection, including the use of increased setbacks, moving structures, and support of buildings on pilings as practical alternatives to shoreline and bluff protective works. In this particular case, it has been documented that some form of protection is necessary to protect the existing residence and such protection is being approved pursuant to Section 30235. However, such shore/bluff protection structures do have a finite lifespan, even with periodic maintenance, as do the residences for which they afford protection.

Due to the forces of the ocean and the uncertainty regarding bluff stability and erosion rates, one way to assure additional shore/bluff retaining devices will not be required in the future should the herein approved shore/bluff protection structures fail or be destroyed by storm events or other forces, would be to assure that remedial measures, such as removal of the residence or portions which are threatened will be pursued. Any additional bluff retaining devices for the site would likely be more massive and require a greater amount of beach encroachment, again raising significant questions regarding consistency with Chapter 3 policies of the Coastal Act and the policies of the certified LCP. Therefore, Special Condition #6 has been attached, which notifies the applicant that alternatives to shoreline protection must be examined in the event the any additional bluff or shoreline protective work is proposed in the future.

Due to the inherent risk of shoreline development and the Commission's mandate to minimize risks (Section 30253), the standard waiver of liability condition has been attached through Special Condition #4. By this means, the applicant is notified of the risks and the Commission is relieved of liability in permitting the development. Pursuant to Section 13166(a)(1) of the Commission's administrative regulations, an application may be filed to remove Special Condition #4 from this permit if new information is discovered which refutes one or more findings of the Commission regarding the existence of any hazardous condition affecting the property and which was the basis for the condition.

Finally, to assure the proposed shore/bluff protection has been constructed properly, Special Condition #9 has been proposed. This condition requires that within 60 days of completion of the project, that certification by a registered civil engineer be submitted that verifies that the proposed seawall/upper bluff retention system has been constructed in accordance with the approved plans.

In conclusion, the applicant has demonstrated that the proposed project is necessary to protect existing primary structures. However, only as revised to reduce the encroachment of the revetment on the public beach can the project be found consistent with the policies of the certified LCP and Chapter 3 of Coastal Act regarding shoreline protective devices. Mitigation measures in the form of improved lateral access and a new vertical accessway will also reduce the adverse impacts of the proposed project. Therefore, the project can be found consistent with the applicable provisions of the City's LCP and Chapter 3 of the Coastal Act.

2. Public Access/Recreation. The certified Ocean Beach Precise Plan states, in part:

New or expanded permanent lifeguard facilities, or other permanent structures, shall not be permitted on existing sandy beach areas, except where it can be found that adverse impacts to public beach usage are negligible or where public safety requires it, and no less environmentally damaging alternatives exist.

The certified Ocean Beach Precise Plan further states:

In order to protect and enhance the recreational value of the existing pocket beaches and tidal areas along Sunset Cliffs:

[...]

b) Additional sandy beach areas should be provided as a mitigation for any beach areas immediately displaced by erosion control structures.

Section E of the City of San Diego's SCR overlay zone requires, in part, that findings be made that:

b. The proposed development will not encroach upon any existing physical accessway legally utilized by the public....

Pursuant to Section 30604 (c), the Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast.

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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 of the Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(l) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby

Section 30240 requires that development in areas adjacent to environmentally sensitive habitat and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and be compatible with the continuance of those habitat and recreation areas.

Additionally, Section 30220 of the Coastal Act provides that coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The proposed upper bluff protection would be located on the face of a coastal bluff, while the proposed revetment will be placed on both cobble and sandy beach area that is currently available to the public. The rip-rap, as proposed, would extend approximately 35 feet seaward of the toe of the bluff. There is currently stray rip-rap scattered around the beach at the southern cove, partially covering the sand. Public access to this beach is available at lower tides, either by wading south through the tide pools from the northern cove, by climbing down from the informal path on the bluff, or by wading north from pocket beaches to the south. The beach is entirely covered by water at high tides. However, although the quality and frequency of recreational use at this cove is somewhat reduced by the rip-rap and the inaccessibility of the area, it is one of the few remaining pocket beaches along this stretch of coast, and is frequented by people at lower tides. The proposed project would essentially eliminate any useable beach area by covering the area with rip-rap. As one of the only remaining pocket beaches along this stretch of coast, even a minimal encroachment onto sandy beach would reduce the amount of beach area available for public use, and must be considered an adverse impact.

In addition to the above described direct interference with public access the proposed revetment would have, there are a number of indirect effects as well. Shoreline processes, sand supply and beach erosion rates are affected by shoreline structures and thus alter public access and recreational opportunities. The precise impact of shoreline structures on the beach is a persistent subject of controversy within the discipline of coastal engineering. However, the Commission is lead to the conclusion that if a seawall works effectively on a retreating shoreline, it results in impacts on the beach. As discussed previously, the construction of a shore/bluff protective structure has a number of quantifiable and not so quantifiable impacts on the local sand supply on the adjacent sandy beach. Briefly stated, the seawall will halt natural bluff retreat, preventing bluff material from becoming part of the sand supply; will physically occupy beach area, displacing recreational use of a public beach, thereby creating a burden on the public; will halt the landward migration of the beach; and, the vertical seawall can cause increased turbulence, accelerating the pace of sand scour, steepening the beach profile and causing the beach to become narrower and eventually disappear.

Development along the shoreline which may burden public access in several respects has been approved by the Commission. However, as discussed above, the development must have the least possible impact on shoreline processes, and mitigation for any adverse

impacts of the development on access and public resources is always required. The Commission's permit history reflects the experience that development can physically impede public access directly, through construction adjacent to the mean high tide line in areas of narrow beaches, or through the placement or construction of protective devices. Since physical impediments adversely impact public access and create private benefit for the property owners, the Commission has found in such cases (in permit findings of #4-87-161 [Pierce Family Trust and Morgan], #6-87-371 [Van Buskirk], #5-87-576 [Miser and Cooper]) that a public benefit must arise through mitigation conditions in order that the development will be consistent with the access policies of the Coastal Act, as stated in Sections 30210, 30211, and 30212. The policies of the certified LCP also require mitigation for any beach areas immediately displaced by erosion control structures, in the form of creation of additional sandy beach areas, although the policies of Chapter 3 are the standard of review for the portion of the project which will directly displace sandy beach.

In the case of the proposed project, as discussed above, the applicant is proposing to widen and provide handrails for the existing informal pathway between the two coves on the project site, and to construct a new beach stairway. The existing trail is narrow, hazardous, and probably encourages climbing and digging in the bluff face, because it ends approximately 10 feet above the southern cove without providing any access down to the beach area. The proposed improvements will improve lateral access, and, combined with the proposed vertical access, will provide access down to the sandy beach. As cited in an earlier section, construction of a public stairway is permitted under the policies of the LCP, but it must be designed to minimize adverse impacts upon sensitive coastal resources, and be the minimum necessary to reduce beach consumption and shoreline encroachment. The new stairway proposed by the applicant will be constructed from the end of Pescadero Avenue, down the bluff, extending past the proposed revetment onto the beach. As proposed, neither the new nor the improved accessway would be of much benefit to the beach-going public, as the beach area would be entirely covered by rip-rap except during the lowest tides. Thus, as discussed above, Special Condition #1 requires that the rip-rap be pulled back so it extends only 20 feet beyond the base of the bluff, the minimum necessary to protect existing structures. In addition, the Special Condition requires that the stairway be pulled back so that it extends just seaward of the reduced amount of toestone, thereby minimizing encroachment on the beach.

Although the provision of additional sandy beach is not proposed as mitigation in this case, as would be required by the LCP, the increase in access to an area which is fairly difficult to reach is expected to have a greater positive impact on the public access and recreation in the area than the addition of sand would. In addition, given the amount of wave action this area experiences, and the experience of the perched beach to the north being washed away, it is not clear that placing additional sand in the area would provide a larger recreation area for more than a brief period of time. Special Condition #1 requires that the applicant either incorporate the existing rock and debris scattered around the project site into the approved project, or otherwise remove the material from the area. This will ensure that all of the beach area outside the limits of the project, as revised, will be available and accessible to the public. Therefore, as conditioned and proposed, the project will increase the public's ability

to access this area, thereby sufficiently mitigating the adverse impact shoreline protective structures invariably have on access and recreation.

The use of the beach or public parking areas for staging of construction materials and equipment can also impact the public's ability to gain access to the beach. As such, Special Condition #3 has been proposed to require that the a staging area plan be submitted that indicates that the beach not be used for storage of materials and equipment and that construction on the beach be prohibited on the sandy beach during the weekends and holidays during the summer months of Memorial Day to Labor Day of any year. Thus, as conditioned, the Commission finds the proposed project consistent with the public access and recreation policies of the Coastal Act.

As debris dislodged from the seawall, either during construction or after completion, has the potential to affect public access, Special Condition #2 has also been proposed. This condition notifies the applicant that they are responsible for maintenance and repair of the seawall and that should any work be necessary, they should contact the Commission office to determine permit requirements. It is important the applicant be aware of the need to contact the Commission regarding permit requirements, for although a portion of the project is within the City of San Diego's jurisdiction, (and thus repair work would require a permit from the City of San Diego), the use of heavy machinery in the area seaward of the base of the bluff is also considered development, and would also require a coastal development permit from the Commission. The condition also requires the applicants to be responsible for removal of debris deposited on the beach during and after construction of the project.

The applicant has submitted a letter from the State Lands Commission staff which indicates that State lands at the project site have been granted to the City of San Diego, and thus, no permits from the State Lands Commission are required. However, to protect any public rights which may exist at the site that may have been previously established through public use and to protect lands subject to the public trust, Special Condition #8 acknowledges that the issuance of this permit does not waive any public rights which may exist on the property.

3. Visual Resources/Alteration of Natural Landforms.

Section E of the City of San Diego's SCR overlay zone requires, in part, that findings be made that:

[...]

b. The proposed development will not...obstruct views to and along the ocean and other scenic coastal areas from public vantage points.

Section III-A of the certified Ocean Beach Precise Plan recommends that the tidepools, cliffs and street end beaches between the pier and Adair Street be maintained in a natural state.

Section 30251 of the Coastal Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

As stated above, the proposed development will occur at the upper portion of a natural bluff face and at the base of a coastal bluff fronting a public beach. In a general sense, the placement of a rip-rap revetment would not be out of character with the surrounding area, as there are currently several rock revetments to the north and south of the project site. There are also various types of upper bluff protection, such as crib walls, shotcrete, and vertical seawalls along this stretch of coast. Nevertheless, the amount of rip-rap involved in the proposed project is far more extensive than the scattered remnants of rock currently on the beach, and thus would significantly alter the appearance of this particular cove. Given that this site is one of the few remaining natural areas, and is specifically recommended in the LCP to remain in its natural state, it is particularly important that any proposed alterations to the natural bluff features be designed to minimize visual impacts.

In addition, although the area is not characterized by pristine natural bluffs, in its approval of the Sunset Cliffs stabilization project, which involved construction of rip-rap revetments to the north and south of the project site, the Commission found that the elevated beaches proposed to be created behind the revetments partially offset the negative visual impacts associated with the revetments. However, as described previously, the perched beaches were not able to withstand the storm events which occurred just after completion of the project, and sand has never been returned to these areas. Thus, the mitigating circumstances assumed when the Commission approved the surrounding revetments have not been realized, and would not be associated with the proposed project.

As discussed above, the project has been conditioned to revise the proposed revetment to reduce its encroachment on the beach from approximately 35 to 20 feet seaward of the base of the bluff by incorporating a vertical seawall design. This condition will reduce the adverse visual impacts of placing rip-rap on an existing natural beach and bluff formation. Special Condition #d requires the applicant to remove any existing rock or debris on the project site which is not incorporated in the approved revetment, thus improving the visual appearance of the beach. Although the view from the end of the Pescadero Avenue and the proposed stairway will not be of a natural, pristine beach, the project's footprint has been reduced to the maximum extent feasible, and the new accessway will provide a viewpoint with excellent view over the water and beach. Special Condition #1 also requires that the vertical seawall be colored to match the surrounding bluffs, to further minimize the visual effect of the structure.

The proposed upper wall has been designed with air-blown concrete (shotcrete) that will follow the natural contour of the bluff. In addition, the seawall will incorporate a surface treatment that allows for coloring and sculpting to match the adjacent natural bluff. Landscaping proposed to drape over the wall will further reduce the visual impact.

However, in order to assure the proposed upper bluff wall will incorporate all of the above described design features, Special Condition #1 requires the submittal of detailed plans and information on construction methods and technology for the surface treatment of the wall along with samples of the proposed coloring of the shotcrete. In this way, the Commission can be assured that the proposed wall will blend with the natural bluffs in the area to the extent feasible. Special Condition #5 requires submittal of a landscaping plan indicating that drought and salt tolerant plant materials have been used. In addition, because irrigation on and over the bluff face can lead to bluff instability, Special Condition #5 also requires the removal of any permanent irrigation systems which may be in place with the geologic setback area (40 feet from the bluff edge). The absence of high water demand plantings and irrigation systems will serve to reduce the potential for water-related bluff failures and upper bluff stability problems. The plan must also show that all runoff from surface areas is directed away from the bluff face.

Only preliminary designs for the proposed stairway have been submitted by the applicant at this time. However, the stairway has been designed to extend beyond the proposed revetment to reach the beach area. Because the project has been conditioned to reduce the amount of stone, the design of the stairway must be adjusted to pull back the stairway to just beyond the lesser amount of toestone, to ensure the project is the least visually and structurally intrusive design as possible. Therefore, as noted above, Special Condition #1 requires the submittal of final plans for the stairway indicating the stairway extends only as far out onto to the beach as necessary to provide public access. In addition, Special Condition #1 requires that the stairway be colored to blend in with the surrounding natural bluffs. Given the proposed conditions, the Commission finds that potential visual impacts associated with the proposed development have been reduced to the maximum extent feasible, consistent with the applicable provisions of the City's LCP and Chapter 3 of the Coastal Act.

4. 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, only as conditioned can such a finding can be made.

The subject site is located within the City of San Diego in the community of Ocean Beach. The City has a certified LCP and is issuing its own coastal development permits. A portion of the project is located below the mean high tide line in an area of original jurisdiction. As discussed above, only as conditioned can the Commission find the proposed project is consistent with all of the public access and recreation policies of the Chapter 3 and with the specific policies of the certified City of San Diego LCP regarding geologic stability, public access and recreation, and visual quality. As conditioned, the proposed project will not prejudice the City's ability to continue to issue permits under its certified LCP.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the

application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with Chapter 3 policies of the Coastal Act. Mitigation measures, including revising the project to reduce the encroachment on the beach, providing for maintenance, landscaping plans, and timing of construction, and provision of lateral and vertical public accessways, have been incorporated as conditions of approval which will minimize all adverse environmental effects. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(6104R)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Tu 27a



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

RICHARD SMITH, FOR SAVE EVERYONE'S ACCESS
6203 CAMINO de la COSTA
LA JOLLA CA 92037 (619) 454-8624
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: SAN DIEGO

2. Brief description of development being appealed: CONSTRUCTION OF A 190 FOOT LONG STRUCTURAL SHOTCRETE TIER 2A 10 SEAWALL AND ROCKET

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4878 PISCADERO AVE, OCEAN BEACH, CITY OF SAN DIEGO

- 4. Description of decision being appealed:
 - a. Approval; no special conditions: _____
 - b. Approval with special conditions: _____
 - c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

RECEIVED

JUL 01 1996

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Attachment 1

D/86
P. 1 of 3

A-6-02B-96-104

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. Planning Director/Zoning Administrator c. Planning Commission

b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: 13 MAY 1996

7. Local government's file number (if any): 92-0318

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

CASA DELA PLAYA Homeowners - Association ATTN: MR. B.M. TAYLOR
4878 ~~CASA DELA PLAYA~~ PISCADENE AVE, SAN DIEGO CA 92101

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) AUDUBON Society of San Diego, ATTN: Jim Pugh
2321 Mirera Blvd, Ste D
SAN Diego CA 92110

(2) JULIE KLINE for OCEAN BEACH COMMUNITY PLANNING ASSOCIATION
PHONE: 226-1942 FAX 226-1962

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

Attachment 1
p. 2 of 3

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

THIS PROJECT DOES NOT CONFORM TO THE ADOPTED LCP. THE OCEAN BEACH LOCAL COASTAL PLAN CALLS FOR THE PROTECTION AND ENHANCEMENT OF EXISTING ROCKY BEACHES AND THE USE OF RIP-RAP ONLY WHEN NO FEASIBLE ALTERNATIVE IS AVAILABLE. SAN DIEGO'S SCR ORDINANCE REQUIRES SHORELINE STABILIZATION PROJECTS TO BE MINIMUM NECESSARY TO PROTECT EXISTING STRUCTURES. THE MASSIVE AMOUNT OF RIP-RAP CALLED FOR IN THE PERMIT PORTION OF THIS PROJECT DESTROYS AN EXISTING ROCKY BEACH AND IS NOT NECESSARY TO PROTECT THE EXISTING STRUCTURE. THE SIGNIFICANT SUBSTANTIAL ISSUE IS WHETHER OR NOT THE CITY MUST REQUIRE ^{THAT} PROJECTS CONFORM TO ADVICE.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Rebecca D. Smith
Appellant or Agent

Date 29 June 1986

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

Attachment 1
p. 3 of 3

Tu 27a

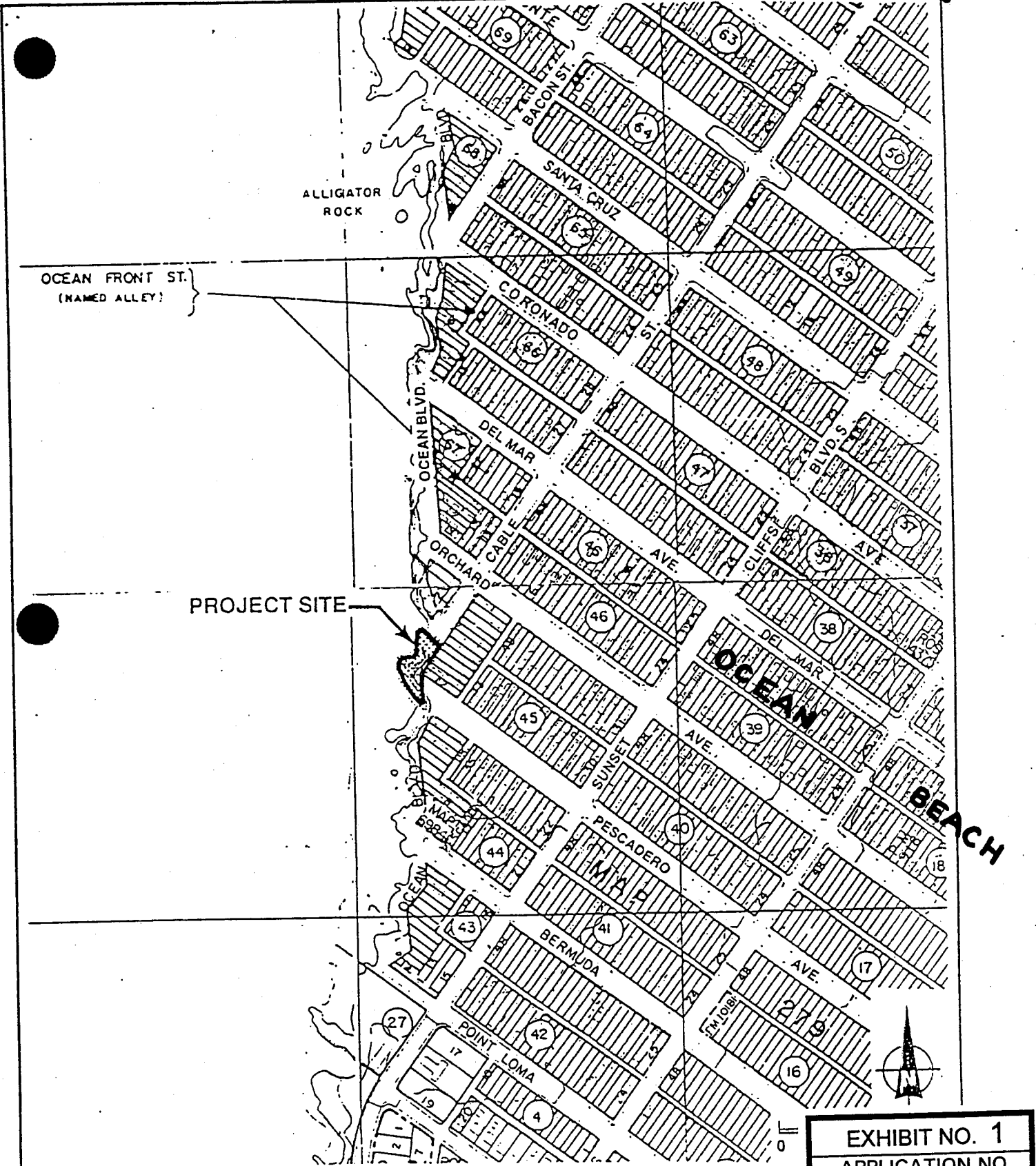

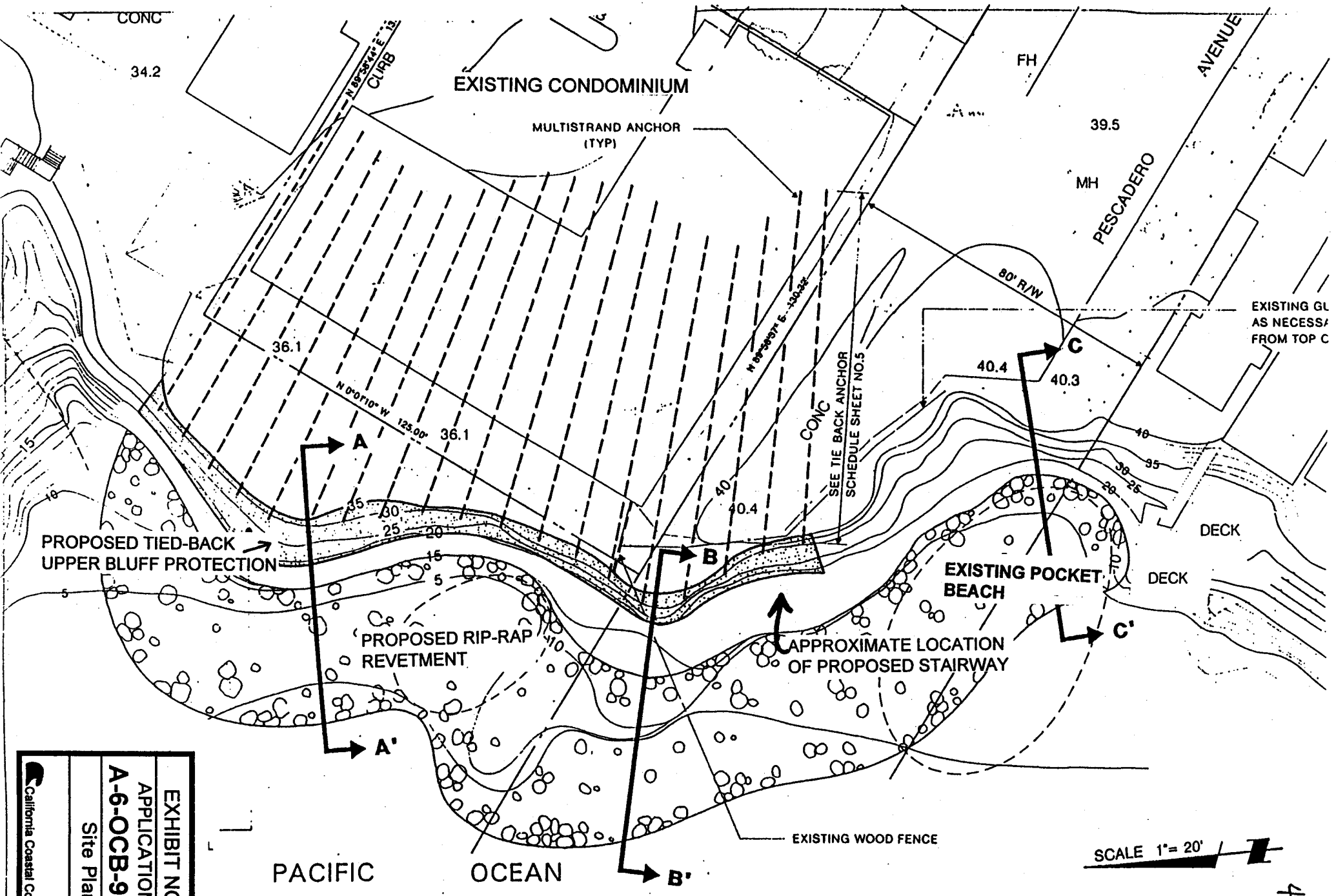


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCB-96-104
Location Map
 California Coastal Commission

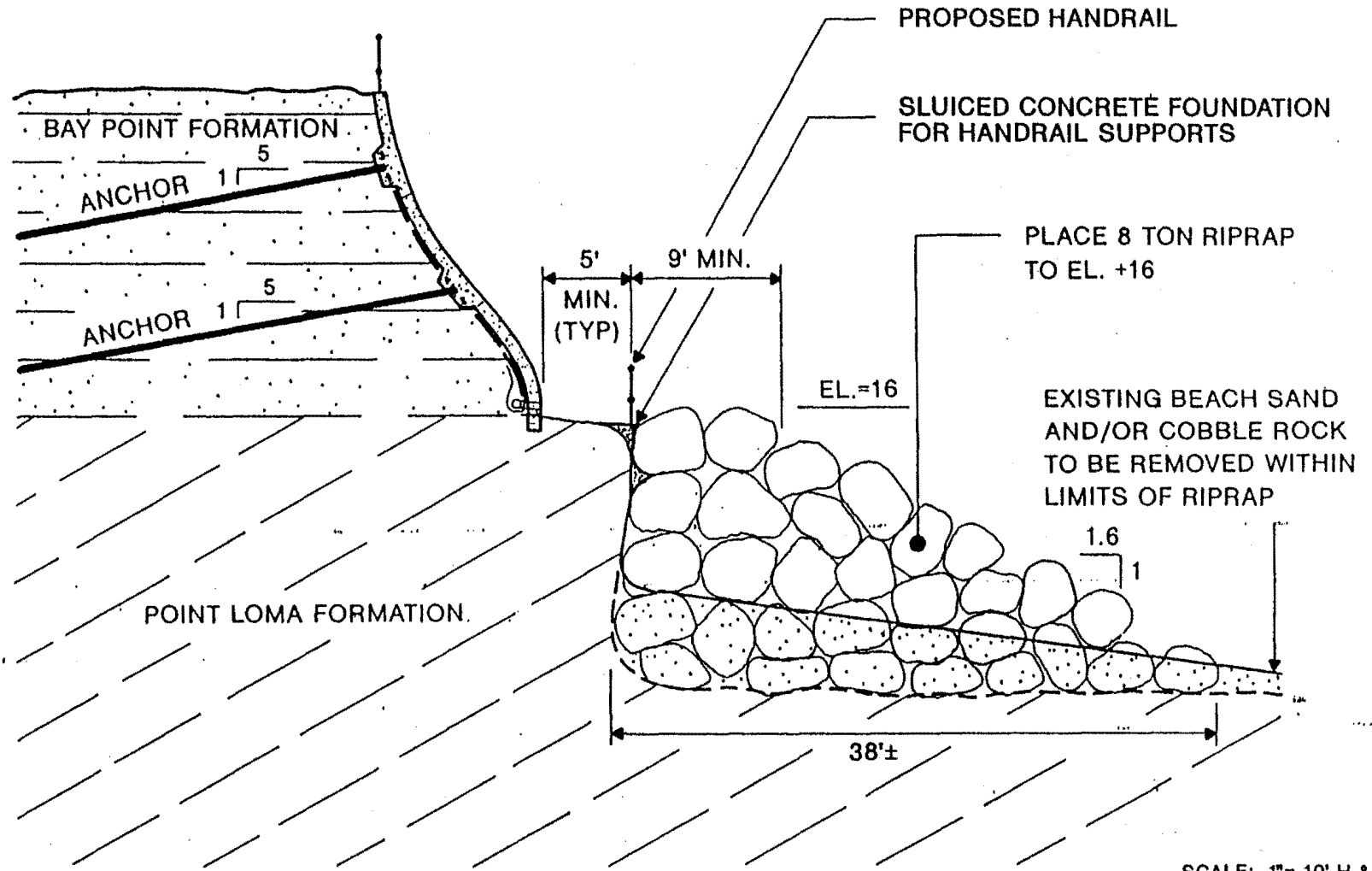


 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	A-6-OCB-96-104
Site Plan	

SCALE 1" = 20'

ELEVATION IN FEET

50
40
30
20
10
0



SCALE: 1"= 10' H & V

PROPOSED REVETMENT SECTION

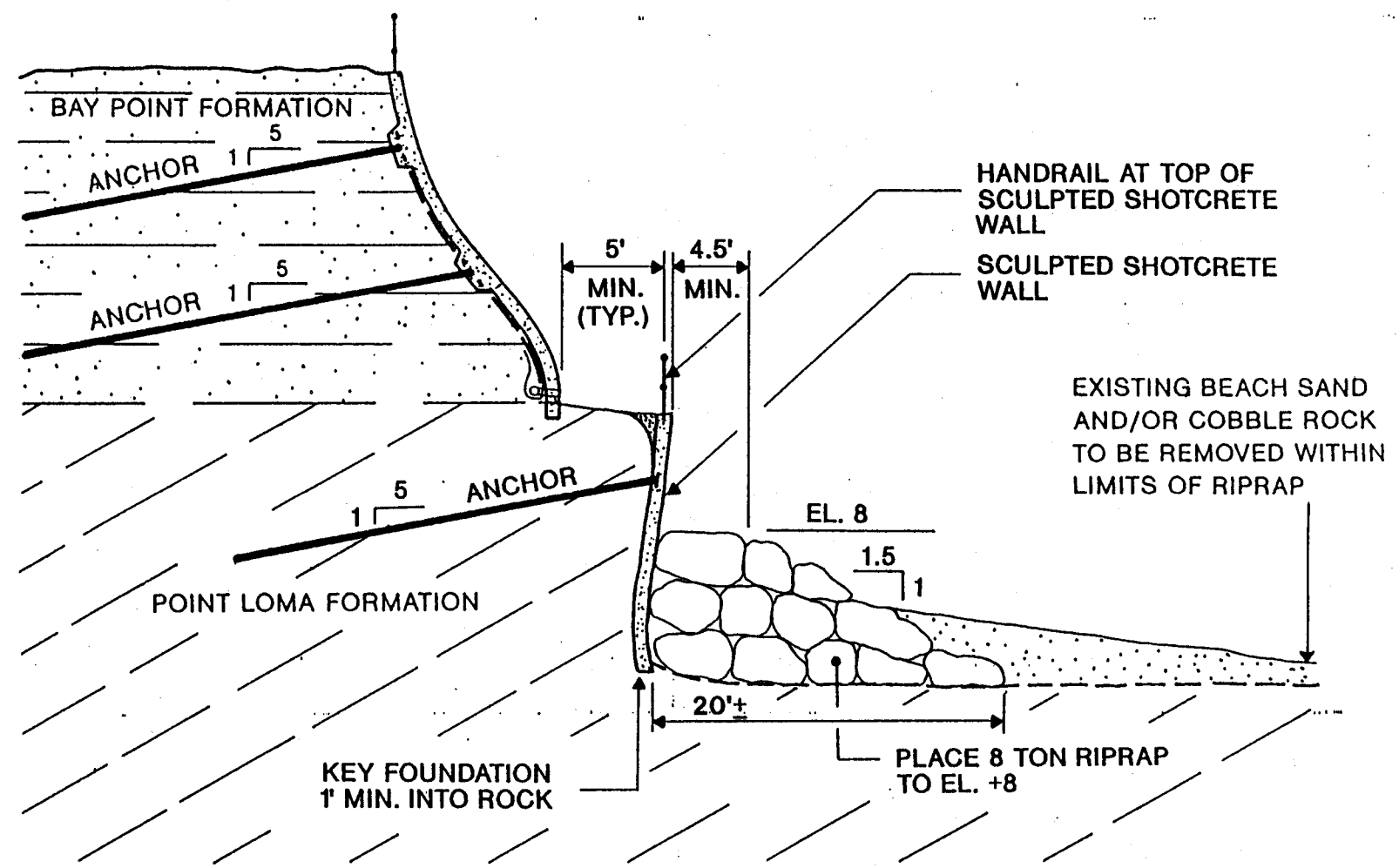
EXHIBIT NO. 3
 APPLICATION NO.
A-6-OCB-96-104
 Section of Proposed
 Wall and Revetment
 California Coastal Commission

1264	CASA DE LA PLAYA CONDOMINIUMS AND PESCADERO AVENUE STREET END	Figure 1
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TA CONSULTANTS, INC.

ELEVATION IN FEET

50
40
30
20
10
0



SCALE: 1" = 10' H & V

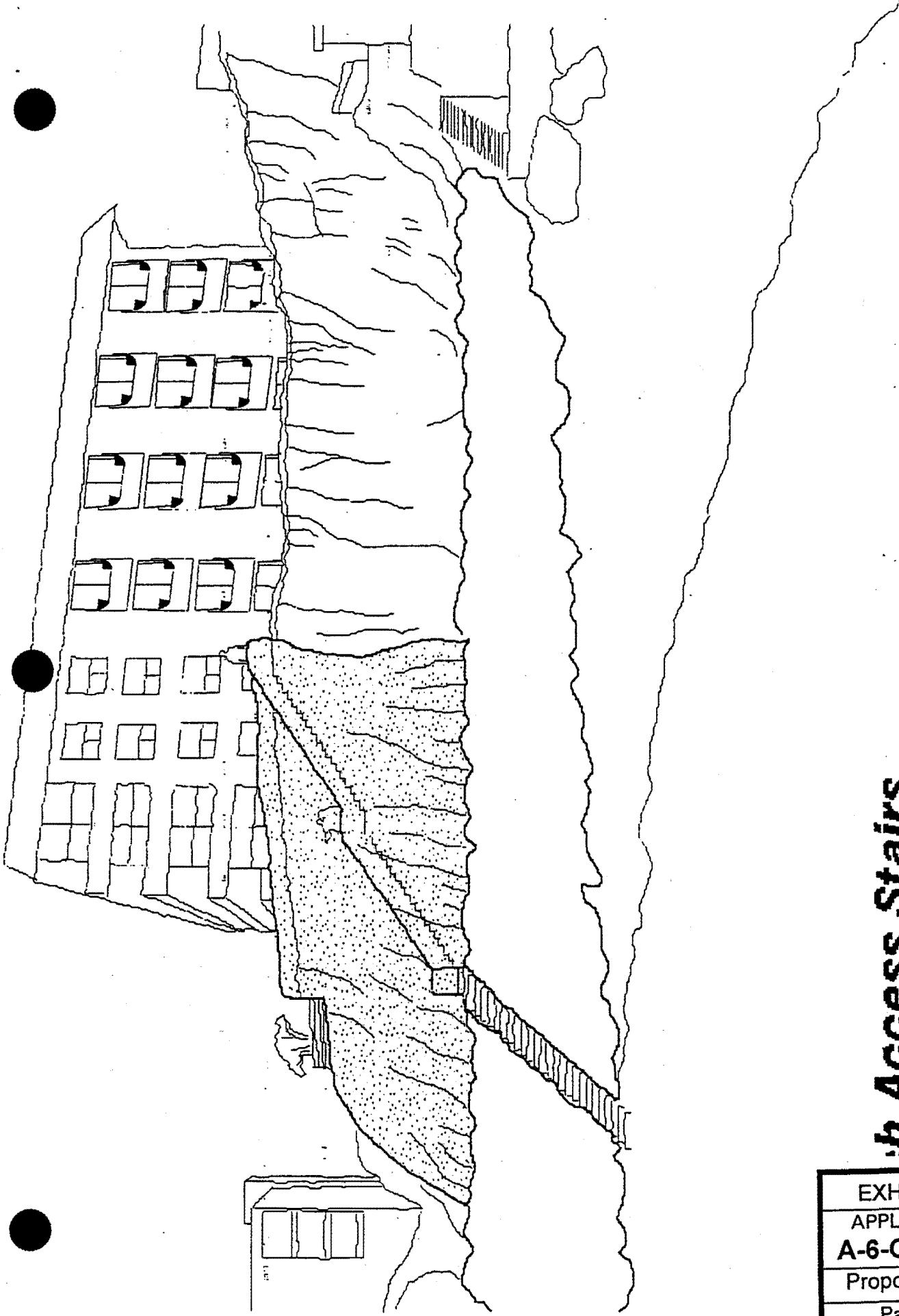
WALL / REVETMENT ALTERNATE

EXHIBIT NO. 4
 APPLICATION NO.
A-6-OCB-96-104
 Section of Staff
 Recommended Altern.
 California Coastal Commission

1264

CASA DE LA PLAYA CONDOMINIUMS AND
PESCADERO AVENUE STREET END

Figure 2



Access Stairs

a Playa Condominiums and
o Avenue Street End


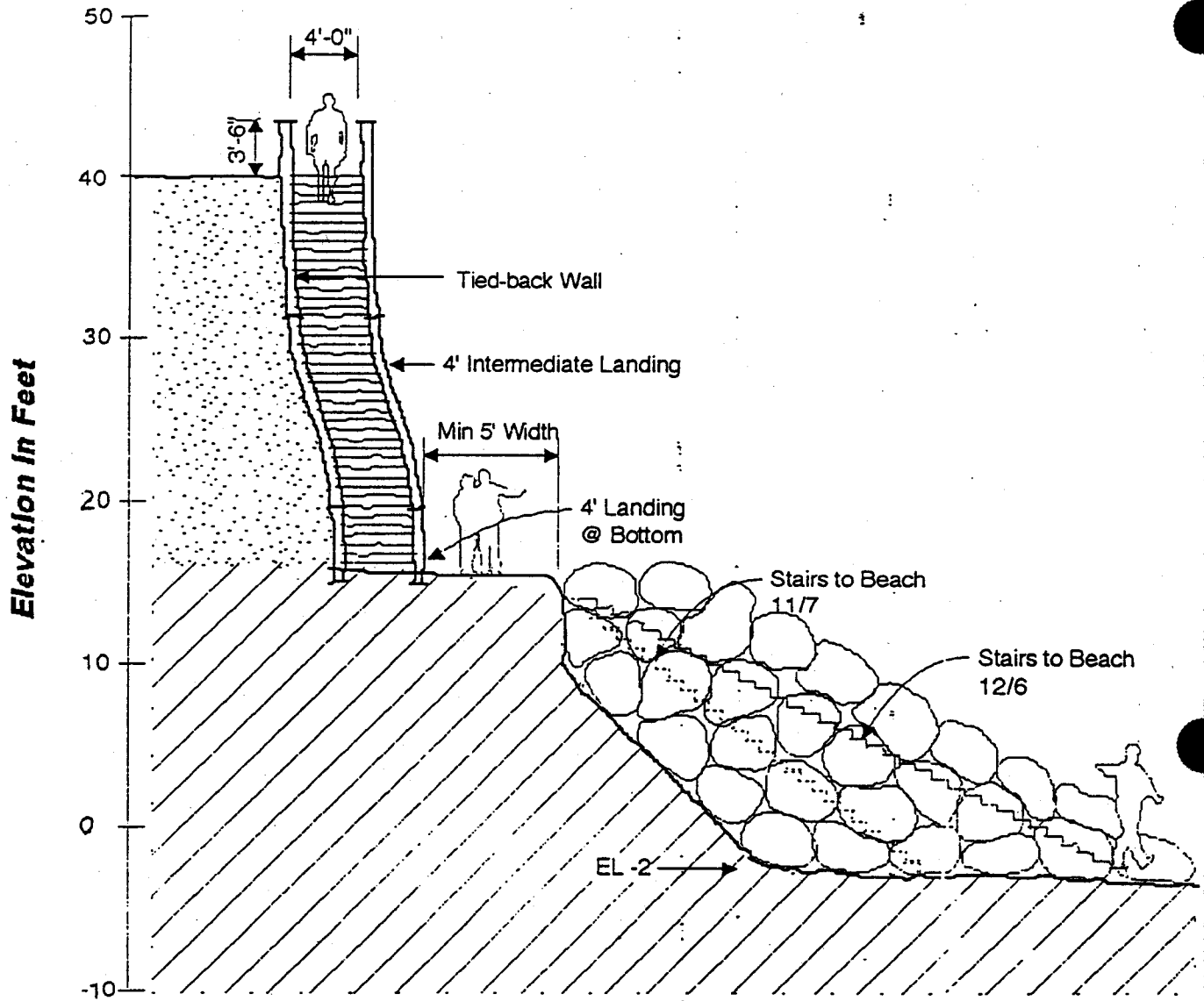
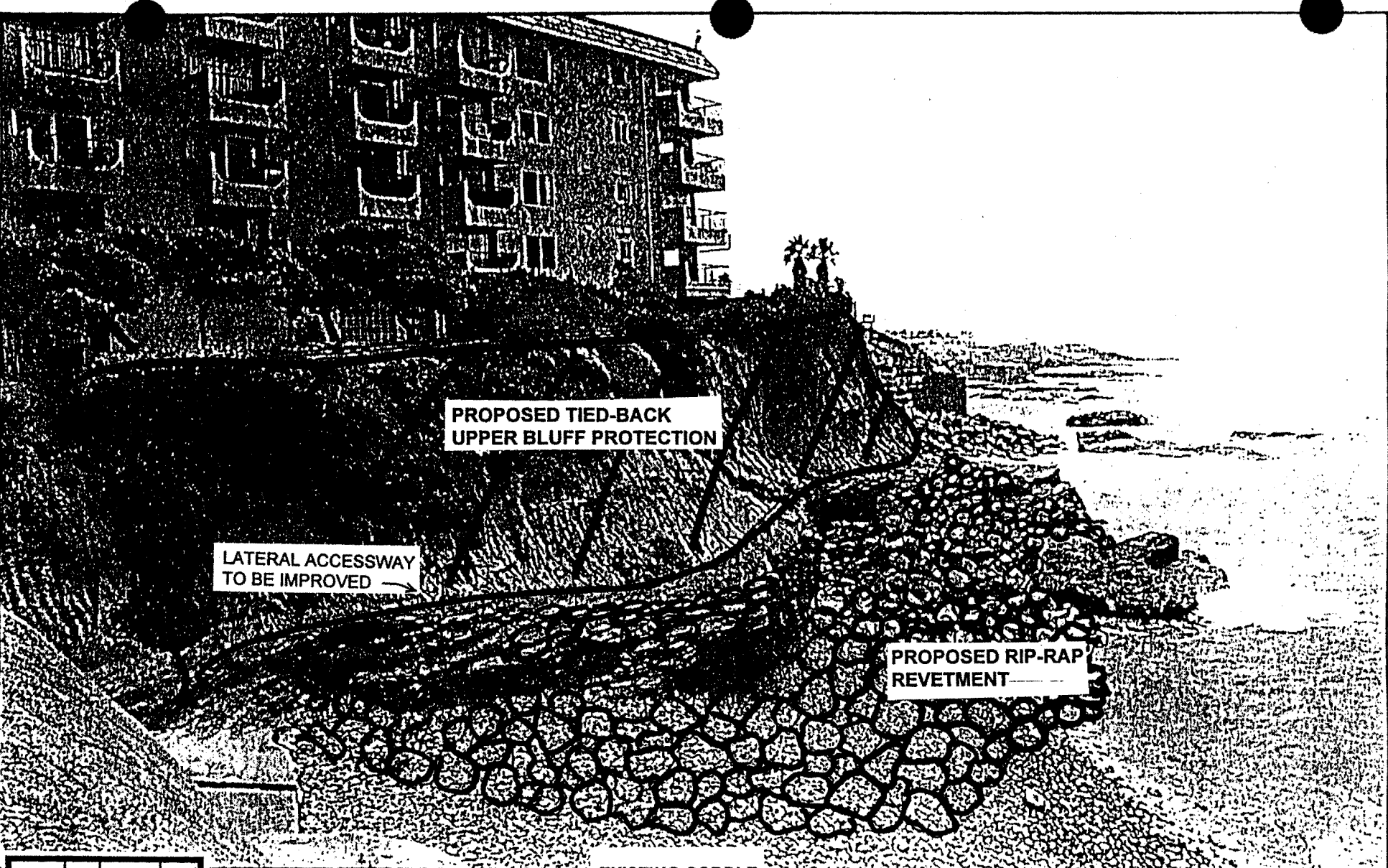
EXHIBIT NO. 5
APPLICATION NO. A-6-OCB-96-104
Proposed Stairway
Page 1 of 2
 California Coastal Commission

Figure 3



Beach Access Stairs

*Casa de la Playa Condominiums and
Pescadero Avenue Street End*



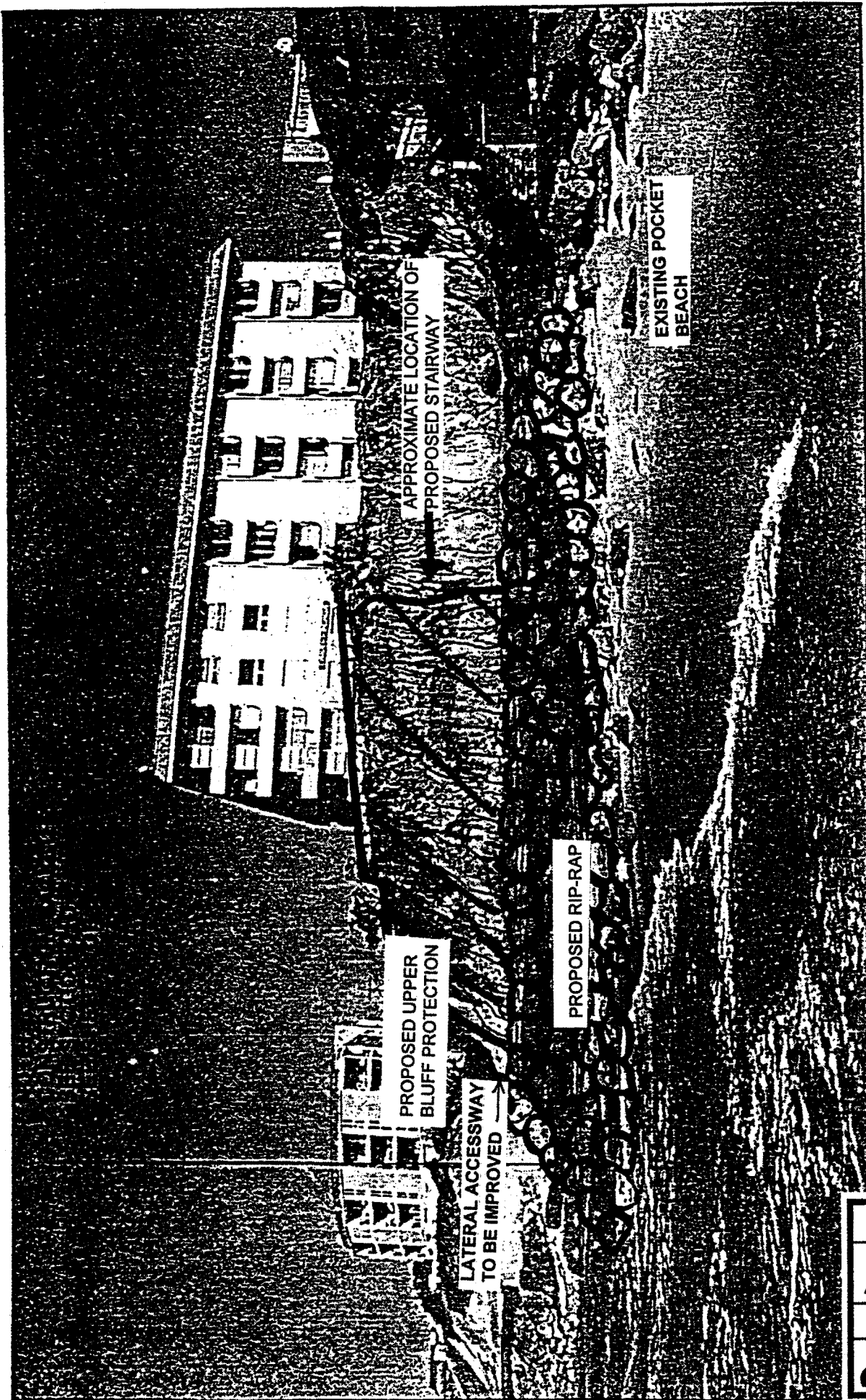
**PROPOSED TIED-BACK
UPPER BLUFF PROTECTION**

**LATERAL ACCESSWAY
TO BE IMPROVED**

**PROPOSED RIP-RAP
REVTMENT**

**EXISTING COBBLE
BEACH**

EXHIBIT NO. 6
APPLICATION NO.
A-6-OCB-96-104
View of Site from
North looking South
California Coastal Commission



APPROXIMATE LOCATION OF
PROPOSED STAIRWAY

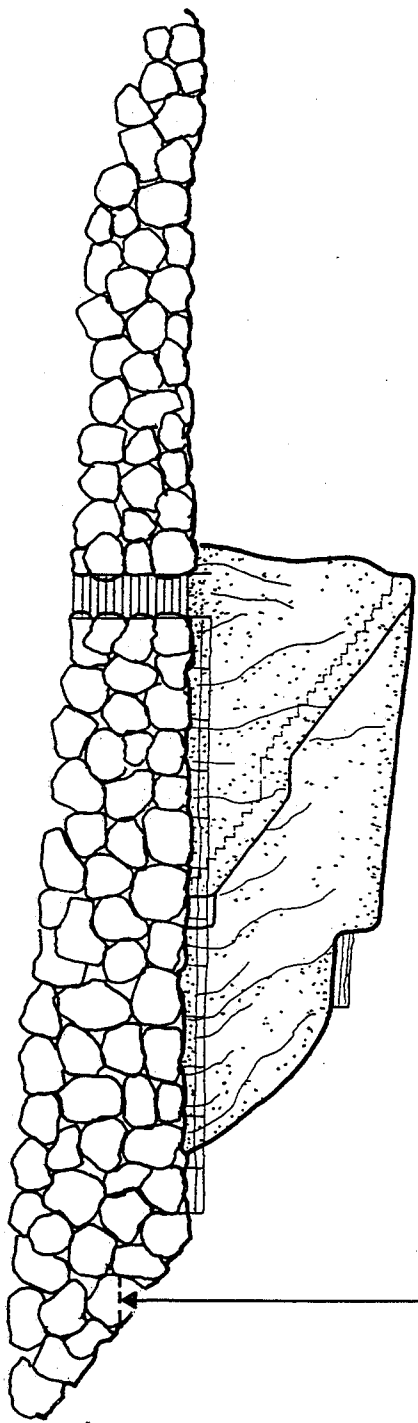
EXISTING POCKET
BEACH

PROPOSED UPPER
BLUFF PROTECTION

LATERAL ACCESSWAY
TO BE IMPROVED →

PROPOSED RIP-RAP

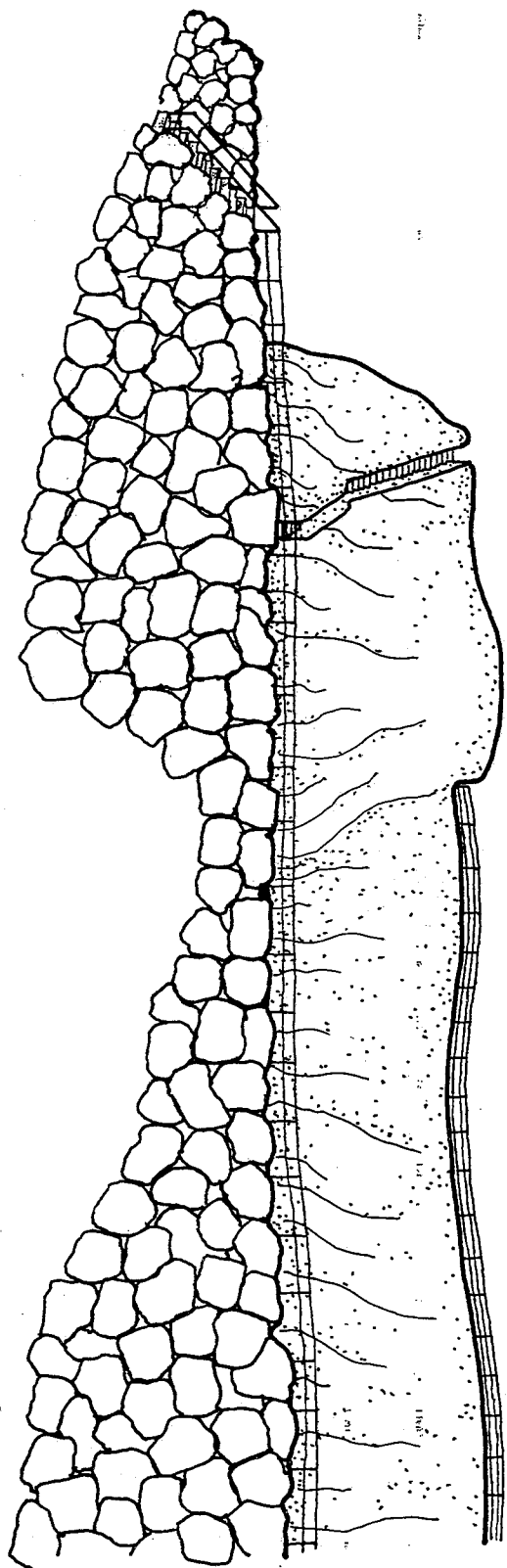
EXHIBIT NO. 7
APPLICATION NO.
A-6-OCB-96-104
View of Site from
South looking North
California Coastal Commission



SEE SHEET 3 OF 8
SEE SECTION D-D
CONSTRUCTION BACKCUT
NOTE:

4414





THIS PROJECT
SHALL BE REMOVED AS PART OF
ALL GOOSE ROCK IN POCKET BEACH
NOTE:

