CALIFORNIA COASTAL COMMISSION
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-102

Applicant: Solana Beach & Tennis Club HOA Agent: R.B. Hill & Associates

Description: Filling of five sea caves at beach level below the existing Solana Beach & Tennis Club multi-story condominium development with textured soil/concrete mixture.

Zoning	HR/ORS
Plan Designation	High Residential/Open Space Recreational

Site: 347-459 South Sierra Avenue, Solana Beach, San Diego County. APN 298-053-20, 22, 33.

Substantive File Documents: Vinje & Middleton Engineering, Inc., "Geotechnical Investigation of Bluff Conditions and Stability at Solana Beach Tennis Club," April 3, 1995; Vinje & Middleton Engineering, Inc., "Clarification Letter on Reported Seacave Conditions and Repair Mitigation," January 26, 1996; Vinje & Middleton Engineering, Inc., "Response to California Coastal Commission," August 2, 1996; Vinje & Middleton Engineering, Inc., "Geotechnical Response to California Coastal Commission Review Letter," September 11, 1996; City of Solana Beach DUP 17-96-09; Vinje & Middleton Engineering, Inc., "Clarification of Rate of Bluff Retreat," October 3, 1996.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project with special conditions which address future maintenance and monitoring of the sea cave plugs, timing of construction, a waiver of liability, submittal of any required permits from the Army Corps of Engineers, and submittal of final plans and a color board. As proposed and conditioned, the sea cave plugs will avoid adversely impacting shoreline processes, will be compatible with the appearance of the surrounding bluffs, will not adversely impact beach access, and will reduce the potential need for more substantial shoreline protection in the future.

PRELIMINARY STAFF RECOMMENDATION:

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 development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 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.

The permit is subject to the following conditions:

1. Final Project Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final building, foundation, drainage and grading plans, stamped and approved by the City of Solana Beach, which shall include the following:

a. Said plans shall be in substantial conformance with the submitted plans dated April 4, 1996 (Revised 4/23/96) by R.B. Hill & Associates. The plans shall reflect compliance with all recommendations of the submitted geotechnical report dated April 3, 1995 by Vinje & Middleton Engineering, Inc.

b. Said plans shall indicate that the proposed seacave fill 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). Detailed information shall also be provided on the construction method and technology to be utilized for texturing and coloring the fill. Plans shall be of sufficient detail to provide assurance that the herein approved concrete fill 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 indicate that disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for back-fill or construction material.

2. Monitoring Plan. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a monitoring plan for the sea cave fill which shall incorporate the following:

1. An evaluation of the current condition and performance of the sea cave fill, addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the plugs;

2. Measurements taken from the condominium to the bluff edge (as defined by PRC Section 13577) taken at 3 or more locations. The locations for these measurements shall be identified through markers, benchmarks, survey position, written description, etc. so that annual measurements can be taken at the same bluff location and comparisions between years can provide information on bluff retreat.

3. Measurements of the differential retreat between the natural bluff face and the sea cave plug face, at both "vertical" edges of the sea cave plug face and at 20-foot intervals (maximum) along the top of the sea cave plug face/bluff face intersection.

4. After the first year of measurements, summarizes all measurements and provides some analysis of trends, annual retreat or rate of retreat.

5. Recommends any necessary changes or modifications to the project. If, contrary to the expected performance of the fill material, the sea cave plug is found to extend seaward of the face of the natural bluff by more than six (6) inches in any location, the report shall include recommendations to correct this deficiency.

6. The above cited monitoring information shall be summarized in a report prepared by a licensed geologist or geotechnical engineer and submitted to the Executive Director for review and written approval on an annual basis for the first three years of the project. The report shall be submitted every year by May 1 (beginning the first season after construction of the project is completed). After the first three years, the reports shall be submitted at 3 year intervals following the last report; however, reports shall be submitted in the Spring of any year in which a major storm event has occurred, thus may be submitted more frequently depending on the wave climate in any given year.

3. Future Maintenance. The permittees shall be responsible for maintenance of the permitted sea cave fill including removal of debris deposited on the beach or in the water during and after construction of the shoreline protective devices or resulting from failure or damage of the shoreline protective device. Any change in the design of the project or future additions/reinforcement of the fill beyond minor regrouting or maintenance to restore the plugs to their original condition as approved herein, 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. If at any time after project completion, the sea cave plug is found to extend seaward of the face of the natural bluff by more than six (6) inches in any location, the applicant shall apply for a coastal development permit to implement corrective measures.

4. Construction Access/Staging Areas. Prior to the issuance of the coastal development permit, the applicant shall submit plans for the review and written approval of the Executive Director showing the locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The plans shall show that no sandy beach and public parking areas, including on-street parking, will be used for storage of equipment and materials.

5. Project Timing. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule which shall be incorporated into construction bid documents. The schedule shall indicate that no construction shall occur on the sandy beach area 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.

6. 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 collapse 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.

7. Future Shoreline Protective Devices. Prior to the issuance of the coastal development permit, each applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that in the event any additional bluff or shoreline protective work is proposed in the future, the applicant acknowledges that, as a condition of filing an application for a coastal development permit, the applicant shall provide to 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 structures that are threatened, structural underpinning, or other remedial measures identified to stabilize the residential structures that do not include bluff or shoreline stabilization devices. The document shall be recorded and shall run with the land and bind all successors and assigns.

8. 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 of 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.

9. State Lands Commission Review. Prior to the issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

a) No state lands are involved in the development; or

b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or

c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

10. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the filling of five sea caves located at the beach level within the face of an approximately 65-feet high coastal bluff. The caves are beneath an existing multi-story, approximately 150-unit condominium development known as the Solana Beach and Tennis Club. The site is located west of South Sierra Street, across from Dahlia Street, in the City of Solana Beach. The bluffs are owned by the condominium homeowners association. The beach seaward of the mean high tideline is within the jursidiction of the State Lands Commission.

The site was developed in the early 1970s. Currently, the closest portions of the condominium buildings are approximately 30 feet from the bluff edge. A portion of one building on the southern side of the lot is approximately 21 feet from the bluff edge. Undercutting of the bluff near the beach has occurred, resulting in five sea caves ranging from 4.5 to 24 feet deep, from 3 to 7 feet in height, and from as long as 50 feet to only a few feet. Exhibit 2 shows the location and configuration of each sea cave.

The proposed sea cave filling would involve constructing a 12-inch thick cast-in-place or precast soil/cement mix facing embedded a minimum of two feet into the bedrock at the base of the bluff. The area behind the facing would be backfilled with an air blown soil/cement mixture, and the facing would be anchored to this mixture with 18-inch long reinforcing bars. The sea cave plugging and filling procedure has been designed with a "leaner" soil-cement mix on the external facade and a "stronger" mix internally. This process is intended to allow erosion of the plug to match the rate of natural erosion of the adjacent bluff. The external facade will be colored and textured to match the natural bluff.

2. Geologic Stability. Section 30235 of the Coastal Act states in part:

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

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 proposed development is located on a coastal bluff in the City of Solana Beach. Continual bluff retreat and the formation and collapse of sea caves have been documented in northern San Diego County, including Solana Beach and the City of Encinitas. The community of Encinitas, located on the northern border of Solana Beach, is located in the same littoral cell as the shoreline of Solana Beach, and bluffs in this location are subject to similar erosive forces and conditions (e.g., wave action, reduction in beach sand, seacave development). As a result of these erosive forces, the bluffs and blufftop lots in the Solana Beach and Encinitas area are considered a hazard area. Documentation has been presented in past Commission actions concerning the unstable nature of the bluffs in these communities and nearby communities (ref. CDP Nos. 6-93-181/Steinberg, 6-92-212/Wood, 6-92-82/Victor, 6-89-297-G/Englekirk, 6-89-136-G/Adams, and 6-85-396/Swift). In addition, a number of significant bluff failures have occurred along the northern Solana Beach/Encinitas coastline which have led to emergency permit requests for shoreline protection (ref. CDP Nos. 6-93-36-G/Clayton, 6-91-312-G/Bradley, 6-92-73-G/Robinson, 6-92-167-G/Mallen et al, and 6-93-131/Richards et al, 6-93-181/Steinberg, 6-93-024-G/Wood and 6-92-212/Wood).

Historically, the Commission has approved a number of permits for shoreline protection similar to the proposed project in the area immediately surrounding the project site. In July, 1980, the Commission approved a permit for filling sea caves on the adjacent site to the north (F9143). In 1985, the Commission approved two permits to fill seacaves on the adjacent site to the south (#6-84-573, #6-85-44)

The geotechnical report submitted with the application documents the history of bluff erosion on the project site. Various amounts of slope degradation have been apparent at the project site and adjacent properties since their

development in the early 1970's. Most of the events have been associated with heavy winter storms which occurred in the region in 1977-78, 1982-83, and 1989. Recorded losses in this area include block falls and sudden slope retreat. At the project site, an eight to ten-foot section of bluff face below units 118 and 119 collapsed in January of 1983 resulting in the enlargement of a sea cave. A subsequent collapse in October of 1983 further enlarged the face of the cave to its present configuration.

More recently, heavy winter storms in 1994 contributed to a massive failure associated with a storm drain outfall location along the southern property boundary of the project site. In August and September of 1994, the Commission approved applications by the City of Solana Beach to demolish and replace the damaged beach access stairway, repair a storm drain, and reconstruct the bluff face (CDP#s 6-94-103; 6-94-118) in that location. A new concrete stairway has since been constructed and the bluff face in this location has been rebuilt through a reinforced fill slope. In light of the demonstrated instability of bluffs near the applicant's property, it is clear that the potential exists for significant retreat of the bluff that supports the applicant's property.

A geotechnical report for the proposed project conducted in April, 1995 and supplemented in January and September of 1996, determined that the caves on the project site are a result of erosive forces and, to a much lesser degree, groundwater seepage. Water seepage was noted along the lower bluff face at several locations. However, the report concludes that groundwater has not been a major factor in the creation of the sea caves at the project site. Only slight seeps are present and this water is chiefly irrigation waters which enter the region through the developed watershed east of the site. The report concludes that groundwater control at the project site is unnecessary.

The report also finds that the existing condominium buildings on the bluff top would probably not be immediately imperiled in the event of a slope failure on the site; however, slope stability at the project site is a concern. The report notes that the caves, cracks, fissures, and joints within the exposed bedrock units will eventually enlarge and threaten the stability of the bluffs, and that plugging and filling of the sea caves is necessary to protect dwelling units on top of the bluff threatened by the collapse of the caves. The most immediate threat identified is a bedrock collapse into caves 1 and 2 along existing fracture surfaces. Such a failure, the report concludes, is "expected in time and may be imminent. Cave collapse can be effectively controlled by selectively filling with soil/cement mixtures...".

Given this assessment, it is clear that failure to fill the sea caves will perpetuate the risk of future bluff failures that could threaten the existing buildings. In reviewing requests for shoreline protection, the Commission must assess the need to protect private residential development and the potential adverse impacts to public resources associated with construction of shoreline protection. In numerous past actions, the Commission has found that the filling of sea caves has fewer impacts upon coastal resources and access than the construction of seawalls and upper bluff structures, which are frequently required to protect existing structures after the collapse of sea caves (6-92-82/Victor; 6-87-391/Childs). Construction of a seawall and/or

upper bluff protection is associated with a number of adverse impacts to public resources, including loss of the public sandy beach area 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, and a reduction/elimination of sand contribution to the beach from the bluff. Other impacts include 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 shore/bluff protective device on the contrasting natural bluffs.

In contrast, the proposed sea cave plugs would not take up a portion of the beach seaward of the bluff face which is currently available for public use. Because the structure would be set within the bluff itself, the accelerated erosion from increased wave reflection and "edge effects" to adjacent properties associated with seawalls are not expected to occur with the proposed project. In addition, as noted above, the proposed sea cave plugging and filling procedure has been designed with a "leaner" soil-cement mix 12-inches deep on the external facade and a "stronger" mix internally to allow the plug to erode at the same rate as the adjacent bluffs, thus further reducing the potential for edge effects.

The geotechnical report submitted with the application found that, in general, upper bluff erosion along this portion of the coast has been between 0 and 4 centimeters per year. The upper bluff areas are underlain by Terrace Deposit soils consisting of weakly cemented silty sands. However, significantly different geologic conditions prevail within the lower slopes where the sea caves occur. These lower areas chiefly expose sandstone bedrock units which occur in a hard and cemented condition. Lower bluff retreat in this location is characterized as "negligible," thus retreat rates in this area are sometimes discussed in inches per hundred years rather than inches per year. Degradation of the lower slopes in the area occur as sudden, episodic events, such as sea cave collapse. Thus, with implementation of the proposed sea cave fill, retreat of the lower bluffs is expected to continue at its current rate, and the 12-inches of erodible plug material should be more than adequate. Thus, the proposed project would not fix the back of the beach in the immediate future.

The proposed project will have an adverse impact on shoreline processes in that by preventing the collapse of the bluffs, the sandy material of the bluff will not be allowed to contribute to the beach as it eventually would if the site were left unprotected and the bluffs allowed to collapse. However, this impact is outweighed by the benefits of constructing the proposed sea cave plugs now, as a preventative measure, rather than waiting until collapse of the caves requires construction of a seawall, which, as described above, are associated with far more adverse impacts to shoreline sand supply and public access.

Therefore, to assure that the sea cave plugs continue to function as proposed, thus avoiding the need for more substantial protective devices, Special Condition #2 has been proposed. The applicants have proposed a monitoring program to include, at a minimum, periodic measurements of the distance

between the bluff edge and the condominum buildings. Special Condition #2 specifies that the monitoring program shall also include an evaluation of the condition of the plugs, i.e., whether any significant weathering or damage has occurred that would adversely impact the performance of the plugs. Measurements shall be taken of the distance between the face sea cave plug and the bluff face, to ensure the plug material is eroding as designed. These reports shall be submitted to the Commission yearly for the first three years, then at three year intervals and/or following any major storm event, whichever is more frequent.

Special Condition #3 requires the applicant to be responsible for the general maintenance of the sea cave plugs; for example, the removal of debris deposited on the beach during construction of the plug or damage to the plugs in the future. Minor regrouting or maintenance to restore the sea cave plugs to its original condition as approved herein shall not require an additional coastal development permit or amendment. However, if changes to the design of the project are proposed, the applicant shall contact the Commission office to determine whether permits are necessary. In addition, in the event that it is determined through the monitoring report or visual observation that any of the sea cave plugs extend seaward of the face of the natural bluff more than six inches, Special Condition #3 requires that the applicant apply for a coastal development permit to implement corrective measures. Thus, the Commission can be assured that the proposed project will continue to function as proposed, the fill will be properly maintained and that adverse impacts to shoreline processes or visual quality will be mitigated.

Thus, the proposed development has been designed and conditioned to be the least environmentally damaging feasible alternative. Failure to pursue the sea cave fill is likely to result in the need for shoreline and/or upper bluff protection in the future which would have a far greater impact on coastal resources. Although the Commission finds that the sea cave plugs have been designed to minimize the risks associated with their implementation, the Commission also recognizes the inherent risk of shoreline development. The plugs will be subject to wave action and will be surrounded by an eroding bluff. Thus, it is not possible to eliminate the risk of bluff failure, and failure of the sea cave plugs to prevent bluff failure. Therefore, as a condition of approval of the sea cave plugs, the Commission has imposed a waiver of liability and indemification condition as Special Condition #6. 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 #6 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.

Special Condition #8 requires the applicant to submit a copy of any required permits from the Army Corps of Engineers, to ensure that no additional requirements are placed on the applicant that could require an amendment to this permit.

Given the above special conditions, the risk to the bluff top structures will be minimized and future stability assured, without adverse impacts to shoreline sand supply. Therefore, the Commission finds that the subject development, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act.

3. Visual Resources. Section 30251 of the 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...

The proposed development would be located on the face of a coastal bluff immediately adjacent to and at the same level as the existing sandy beach. The sea caves are currently fairly prominent, and filling the caves would alter the natural appearance of the bluffs. However, the proposed fill material would be constructed to match the contours, texture, and color of the surrounding bluffs. In addition, since the fill material is designed to erode at the same rate as the surrounding natural bluffs, the project will not result in a plug of concrete extending out from the bluffs onto the beach any time in the near future. Special Condition #2 requires monitoring of the fill to ensure it continues to erode. Special Condition #1 requires the applicant to submit final plans which incorporate surface treatments that resemble the color and surface of adjacent natural bluff areas into the project design, and to submit a color board.

In addition, a number of sea cave plugs are located in the project vicinity, particularly south of the project site. These plugs, while visible, are relatively inconspicuous and do not represent a significant visual blight. The appearance of the proposed project would be consistent with the various sea cave plugs located in the bluffs along the southern stretch of Solana Beach. Thus, although the project will have an impact on the appearance of the bluffs, the project has been designed and conditioned to match the surrounding natural bluffs, thereby reducing potential negative visual impacts to a less than significant level. Therefore, the Commission finds that the subject development is consistent with Section 30251 of the Coastal Act.

4. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 20211, 30212.5, 30221, 30223 and 30252. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, protecting suitable upland recreational sites, and providing adequate parking facilities for public use. In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and first coastal roadway. In this case, such a finding can be made.

The subject project is located on the seacliff formation directly adjacent to a public beach. Although public lateral access is available along the entire stretch of coastline in this area, vertical access is available only at a limited number of public accessways. Because of the nature of the topography of the area, with steep, fragile coastal bluffs between the first public roadway and the coastline, and the existing, highly developed pattern of development, the provision of additional vertical public access is not practical at this time. In addition, there is an existing public beach stairway on the south property line of the subject site, and a public lookout point on the north side. The proposed sea cave filling will not impact these stairways.

Shoreline protection projects do have the potential to impact existing lateral access along the beach. Structures which fix the back of the beach stop the landward migration of the beach profile while the shoreward edge continues to erode, thereby reducing the amount of dry sandy beach available to the public. In the case of the proposed sea cave filling, the plug material has been designed to erode with the natural bluffs, and thus will not fix the back of the beach. In addition, there is an existing easement for public recreation use located from the mean high tide line to approximately the toe of the bluff. However, as the easement, which was accepted by the County of San Diego in 1972, does not migrate or expand to include all beach area seaward of the toe of the bluff as erosion occurs, eventually there may be a small portion of sandy beach which would not be covered by the public easement.

Because dry, sandy beach is accessible in this area except at the highest tides, the protection of a few feet of beach along the toe of the bluff is not as critical in this location as it might be in a location where the beach at the bluff toe represents the only accessible beach area. Moreover, this stretch of beach has historically been used by the public for access and recreation purposes. It is possible that public prescriptive rights have been established in this area and will continue to be established in the future. Special Condition #10 acknowledges that the issuance of this permit does not waive any public rights which may exist on the property. Special Condition #9 requires the applicant to obtain any necessary permits or permission from the State Lands Commission to perform the work. Therefore, in this particular case, it is not necessary to impose a lateral access easement on this site in order to assure the beach seaward of the project will be available for public use.

The proposed project also presents the potential for impacts to public access and recreation resulting from the construction on the beach. Special Condition #5 prohibits construction activities from occurring during the peak summer season, and Special Condition #4 prohibits the use of public parking spaces for staging or storage of equipment at any time. Equipment used on the beach must be removed from the beach at the end of each work day. Therefore, as conditioned, the Commission finds that the subject proposal will not result in any significant adverse impacts on beach access or public recreation consistent with Sections 30210, 30211, 30212.5, 30221, 30223 and 30252, pursuant to Section 30604(c) of the Coastal Act.

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

The subject site was previously in the County of San Diego Local Coastal Probram (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. The City will, in an likelihood, prepare and submit a new LCP for the area to the Commission for review. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. However, the issues regarding protection of coastal resources in the area have been addressed by the Commission in its review of the San Diego County LUP and Implementing Ordinances. As such, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City.

In preparation of an LCP, the City of Solana Beach is faced with many of the same issues as the City of Encinitas, located immediately north of Solana Beach, whose LCP was certified by the Commission in March 1995. The City of Encinitas' LCP includes the intent to prepare a comprehensive plan to address the coastal bluff recession and shoreline erosion problems in the City. The plan will include at a minimum, bluff top setback requirements for new development and redevelopment; alternatives to shore/bluff protection such as beach sand replenishment, removal of threatened portions of a residence or the entire residence or underpinning existing structures; addressing bluff stability and the need for protective measures over the entire bluff (lower, mid and upper); impacts of shoreline structures on beach and sand area as well as mitigation for such impacts; impacts for groundwater and irrigation on bluff stability and visual impacts of necessary/required protective structures.

The City of Solana Beach should also address these items in the context of a comprehensive approach to management of shoreline resources. Within the limits of the proposed project development, as conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act, and will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program. However, these issues of shoreline planning will need to be addressed in a comprehensive manner in the future through the City's LCP certification process.

The project site is designated for High Density Residential development and Open Space Recreation in the City of Solana Beach Zoning Ordinance and General Plan, and was also designated for residential/open space uses under the County LCP. As conditioned, the subject development is consistent with these requirements. Therefore, the Commission finds the proposed development, as conditioned, conforms to all applicable Coastal Act Chapter 3 policies, and the subject development will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, is 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 the geologic stability, visual quality and public access policies of the Coastal Act. Mitigation measures, including conditions addressing timing of construction, future development, sea cave monitoring, construction techniques consistent with the geotechnical report and color of construction materials, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

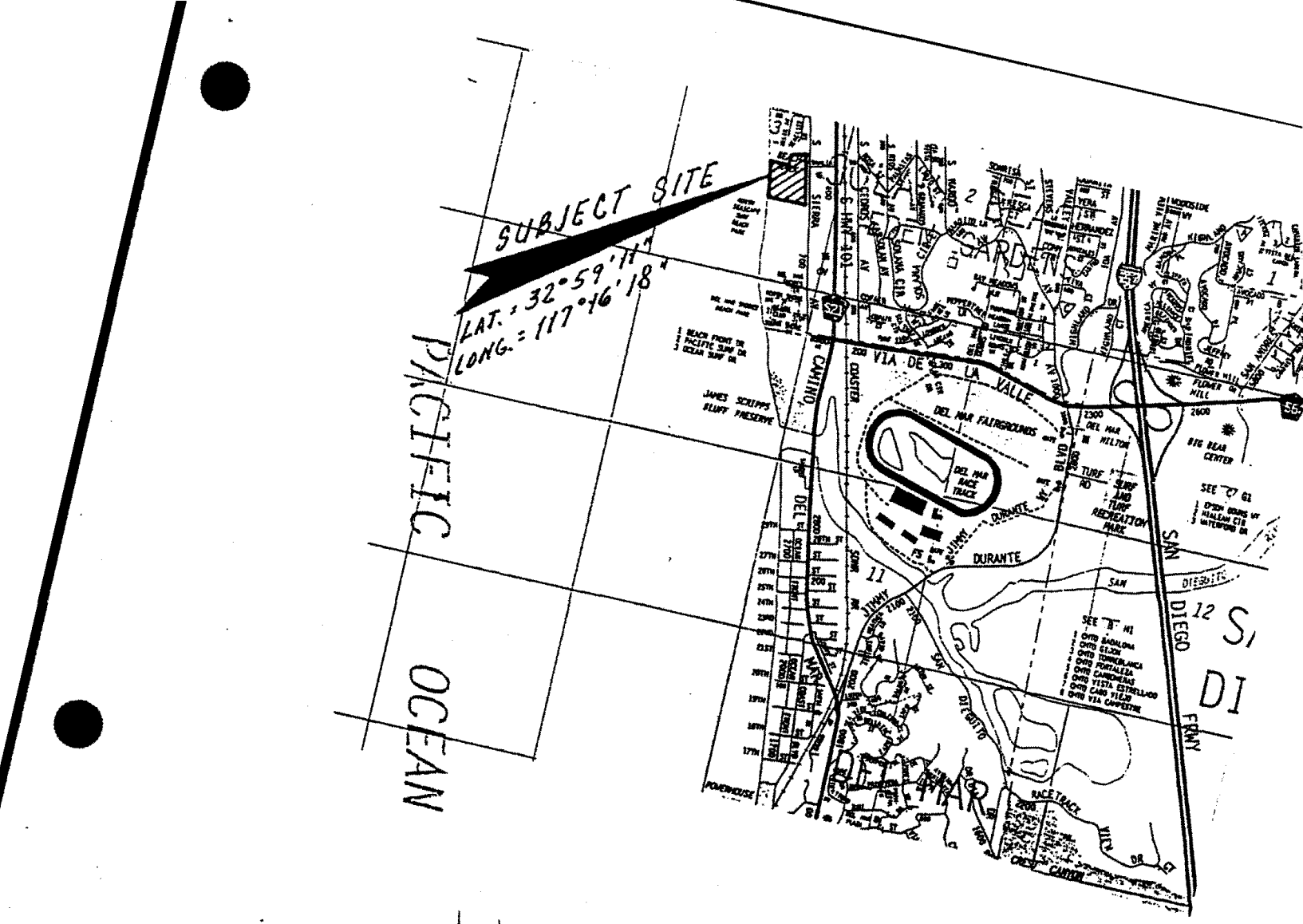
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.

7. 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.

(6102R)



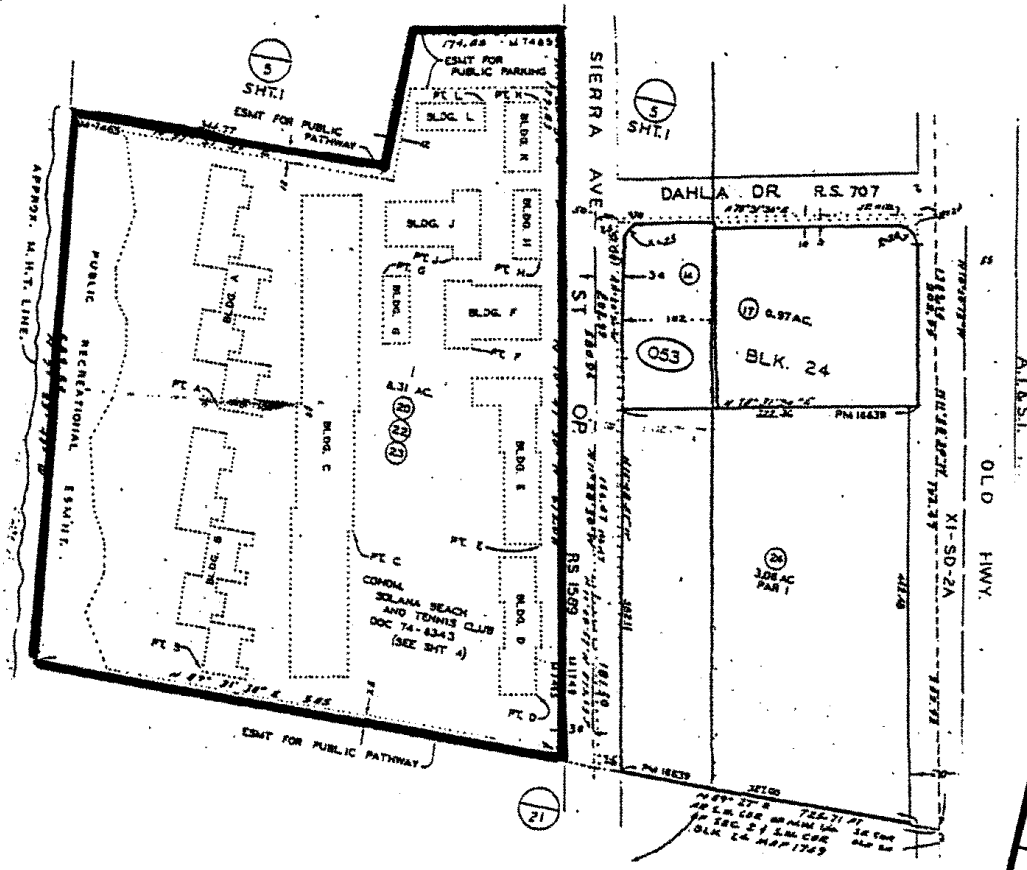
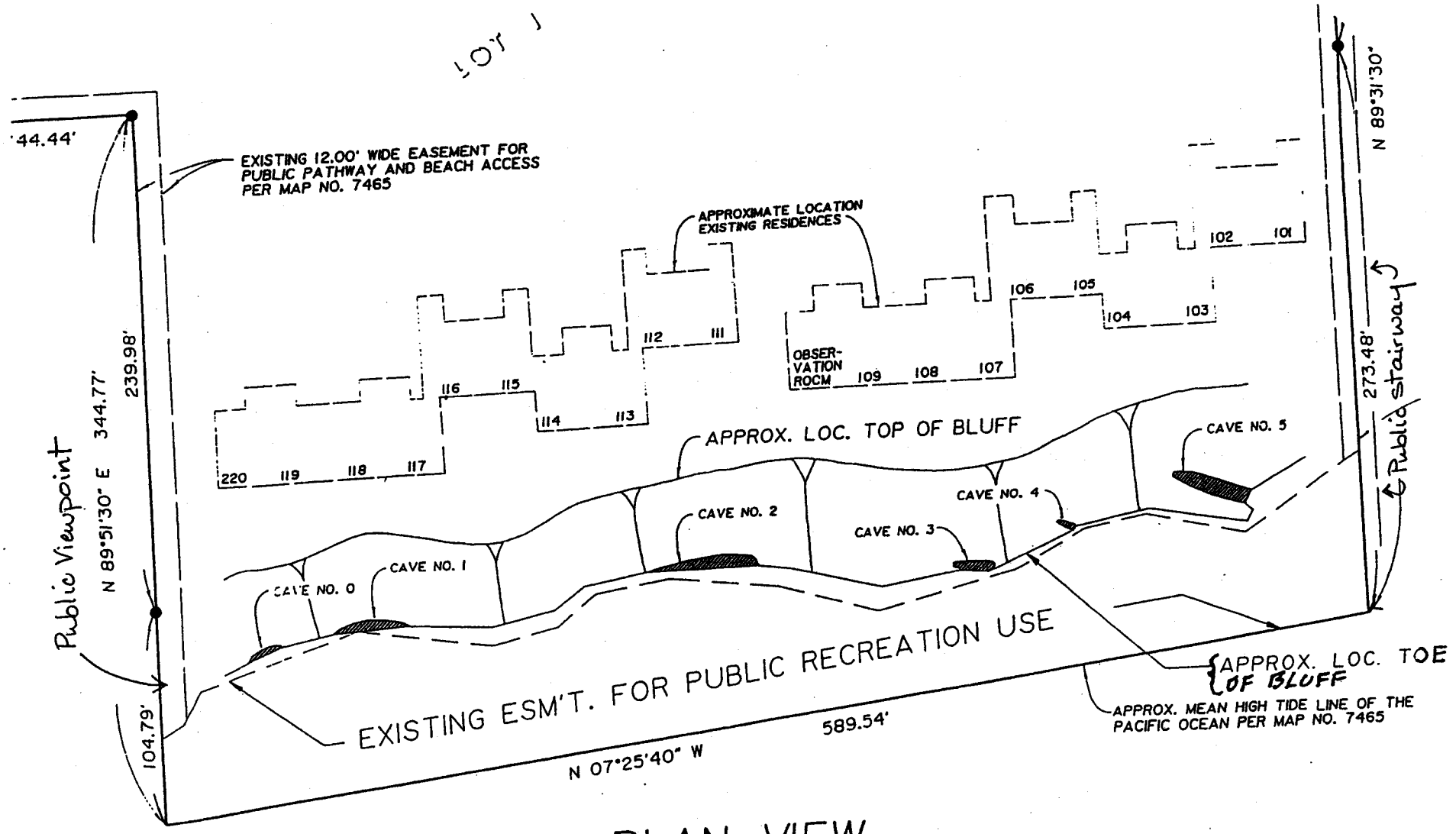
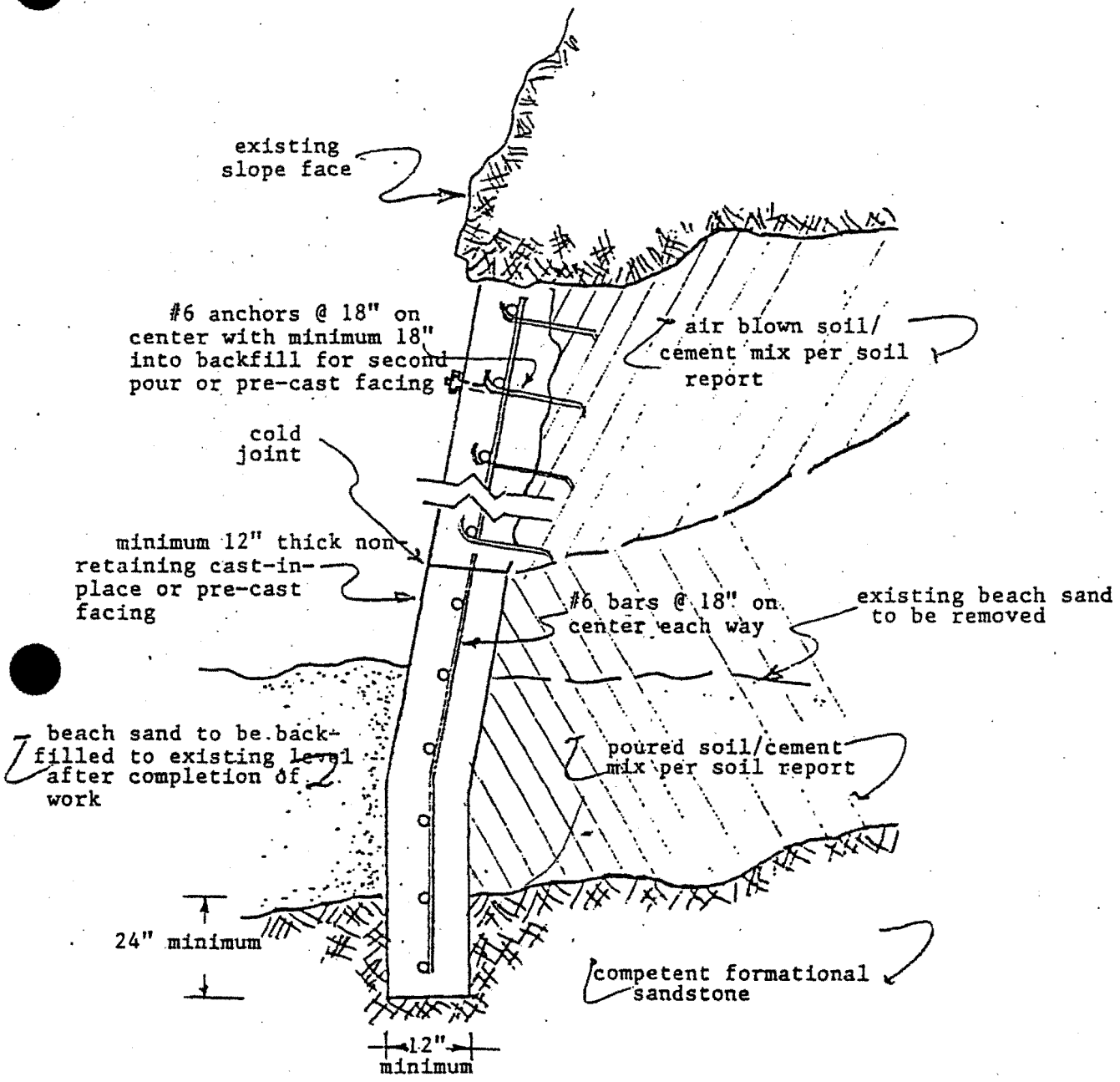


EXHIBIT NO. 1
APPLICATION NO.
6-96-102
Location Maps



PLAN VIEW

SEA CAVE REPAIR DETAILS



SECTION

schematic - no scale

Vinje & Middleton ENGINEERING, INC

JOB #95-140-P

FIGURE 10

EXHIBIT NO. 3

APPLICATION NO. 6-96-102

Cross-Section of Repair Details

California Coastal Commission

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

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

Filed: 9/30/96
49th Day: 11/18/96
180th Day: 3/29/96
Staff: LJM-SD
Staff Report: 10/21/96
Hearing Date: 11/12-15/96

Tu 28c

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-116

Applicant: La Paz County Landfill
City of Oceanside

Agent: Kelly Sarber
Jean Nichols
Diane van Leggelo

Description: Deposition by truck of between 8,000 and 20,000 cubic yards of desert sand on the beach as a pilot beach nourishment project. Deposition will occur between the hours of 7:30 a.m. to 12:30 p.m., Monday through Friday from Fall of 1996 until March 31, 1997.

Site: On the beach from Oceanside Boulevard (north end) to approximately 2,000 feet south at 1425 Pacific Street (south end), Oceanside, San Diego County.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions that require the submittal of a final monitoring program for the development as well as a construction schedule for placement of the sand and, any required discretionary permits from other state or federal agencies. Staff has found that with these conditions, the proposed beach nourishment project can be found consistent with Coastal Act policies.

The proposed project, which involves placement of sand on an eroded beach, is a pilot project and is therefore, somewhat different than other beach nourishment projects reviewed by the Commission in the past. The proposed sand is from the desert in Arizona, not from a riverbed or lagoon which, if not for interference by man and development, could have naturally found its way to the beach. The project is also unique in that the proposed objective is not to create a wide sandy beach or significantly enhance recreational opportunities at the project site (although both these could occur), but to determine the suitability of desert sand, both from a scientific and public perception point of view, for beach nourishment on San Diego County beaches. If, based both on scientific data and polling of local residents and beach users, it is determined that this desert sand is suitable for beach nourishment and, it can be economically transported and deposited on the beach, it may become an important future source of sand for San Diego County's eroding beaches.

Substantive File Documents: City of Oceanside Certified Local Coastal Program (LCP); Oceanside Beach Nourishment Demonstration Project dated July 7, 1996 by Coastal Environments; Negative Declaration for Oceanside Beach Nourishment Demonstration Project dated July 23, 1996; Grain Size Distribution Test Results and Pilot Beach Nourishment Project dated April 24, 1996 by Woodward-Clyde Consultants; Land Transfer Audit for Proposed La Paz County Landfill Expansion dated April4, 1995 by Scott, Allard & Bohannan, Inc.; City of Oceanside Resolution No. 96-P42.

PRELIMINARY STAFF RECOMMENDATION:

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 development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 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.

The permit is subject to the following conditions:

1. Final Monitoring Plan. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a final monitoring program for the beach nourishment project. Said monitoring plan shall be in substantial conformance with the monitoring program submitted with this application and shall include the following:

a. Quantitative monitoring that includes monthly surveys shall be conducted at the identified 11 profile and 3 control range sites to a depth of approximately -6 feet (NGVD).

b. Photographs shall be taken at least monthly. They shall be taken from the same vantage point(s) and in the same direction each time.

c. Polling of residents and beach users shall occur for the duration of the project. Said polling shall include questions on the color, texture or other attributes of the delivered sand as well as any observed impacts resulting from the project on public access, recreational opportunities, noise, etc.