

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8038

W9e



Filed: 9/15/97
49th Day: 11/3/97
180th Day: 3/14/98
Staff: LRO-SD
Staff Report: 9/18/97
Hearing Date: 10/7-10/97

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-98

Applicant: Camino Holdings, Inc.
c/o Mrs. Ingeborg Fink

Agent: Lynne Heidel
David Skelly

Description: Repair of an existing 144 linear-foot, 15-foot high concrete seawall; plug/fill the three sea caves; construct approx. 25-linear foot, 17-foot high scour wall seaward of sea caves and extend seawall approx. 35 feet to the west to connect with the existing low cave plug and seawall seaward of a 13,325 sq.ft. ocean blufftop lot containing an existing two-story, approx. 7,300 sq.ft. single family residence and attached garage.

Site: City property located seaward of 6000 Camino de la Costa, La Jolla, San Diego, San Diego County. (seaward of APN 357-151-04)

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending the proposed project be revised to include filling of the sea caves only with minimal scour panel and footing seaward of the sea caves. This would eliminate the proposed approx. 25-foot long, 17-foot high scour guard seaward of the sea caves and extension of the seawall an additional approx. 35 feet to the west. The project, as proposed, will have adverse impacts on visual quality due to natural landform alterations and on public access and sand supply. In addition, there are feasible alternatives available to increase the stability of the bluff and reduce the risk of erosion, which avoid the substantial alteration proposed, and maintain the integrity of the natural landform. Staff is also requiring conditions which address: maintenance and monitoring, assumption of risk, construction materials, construction timing, construction access and staging, public rights and color and texture of the permitted shoreline structures.

Substantive File Documents: Geotechnical & Oceanographic Investigation by Skelly Engineering dated January 1996; Subsequent Letter from Skelly Engineering dated 9/15/97; City of San Diego Report to the Planning Commission dated 5/8/97; Letter from Robert Hawk, City of San Diego Sr. Engineering Geologist to Applicant's Representative dated 9/17/96; California Coastal Commission Boundary Determination 9-96 dated 5/3/96; CCC #s 6-85-532, 6-85-131, 6-84-517 & 6-84-408-A; City of San Diego Coastal Development Permit/Sensitive Coastal Development Permit No. 96-0227 - approved 5/15/97.

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. Revised Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval, revised plans which delete the proposed approx. 25-foot long, 17-foot high scour guard seaward of the sea caves and seawall extension approx. 35 feet to the west to connect with an existing seawall. All recommendations contained in the Geotechnical and Oceanographic Investigation dated January 1996 shall be incorporated into the revised design and constructions addressing filling of the sea caves and seawall repair. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, written certification by the licensed engineer that the recommendations as described above are incorporated into the revised design and construction plans. The project shall be implemented in accordance with the approved plans.

2. Assumption of Risk. Prior to the issuance of the coastal development permit, the applicant shall submit a signed document in which the applicant understands that the site may be subject to extraordinary hazard from wave action and assumes the liability from such hazards, and 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 offices, agents, and employees against any and all claims demands, damages, costs, expenses of liability arising out of the Commission's approval of the project.

3. Maintenance and 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 final maintenance and monitoring plan that substantially conforms with the maintenance plan outlined on Sheet 2 of the project plans for seawall repair and extension by Skelly Engineering dated 3/8/96. In addition to items outlined in the monitoring plan proposed by the applicant's engineer, the final monitoring plan shall include the following:

- a) Inspection of the shotcrete facing and restoration of the facing if material chips out;
- b) All wall debris shall be removed from the beach and surfzone;
- c) Monitoring of the position and profile of the unprotected portion of the bluff adjacent to cave fills;
- d) Report annually on the stability of the unprotected bluff, the development of any new caves or losses of material adjacent to cavefills.

The applicant shall comply with all terms and conditions of the approved maintenance and monitoring plan. Maintenance can only be performed in accordance with the approved plan and monitoring reports shall be submitted annually from the date of project completion to the Executive Director for review and written approval. Any required maintenance activity shall occur prior to the onset of the winter rainy season, i.e., prior to October 1 of any year. Deviations from the maintenance and monitoring plan shall result in the need to obtain a coastal permit or permit amendment.

4. Construction Materials. During construction of the approved development, disturbance to sand and intertidal areas shall be minimized to the maximum extent feasible. All excavated beach sand shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.

5. Timing of Work. The approved project shall not occur between Memorial Day weekend and Labor Day. The approved project as described and conditioned herein shall only be implemented during the time period identified above. Any modifications to the approved time period will require a permit amendment.

6. Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location and access corridors to the construction site and staging areas. The final plans shall be in substantial conformance with the preliminary plans dated 3/18/96. The final plans shall indicate that:

- a) No staging of equipment will occur on sandy beach or public parking areas;
- b) Access corridors shall be located in a manner that has the least impact on public access.

The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The staging site shall be removed and/or restored immediately following completion of the development.

7. Color and Texture of Sea Cave Plugs and Seawall Repair. The permitted structures will be constructed with concrete that has been colored with earth tones designed to minimize the project's contrast with and be compatible in color to the adjacent sandstone bluffs. The proposed color shall be verified through submittal of a color board. White and black tones are not permitted. The proposed structures shall also be designed to incorporate surface treatments (e.g., air-placed concrete) that resemble the surface texture of the adjacent natural bluffs.

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. Other Special Conditions of the CDP/SCR No. 96-0227. The following special conditions of the City's CDP/SCR permit #96-0227 are modified herein and are a part of the subject coastal development permit: Special Condition #1. All other special conditions of the City of San Diego's CDP/SCR permit #96-0227 remain subject to the City's jurisdiction as part of the City's Coastal Development Permit and Sensitive Coastal Resource permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed project consists of several components associated with repair of an existing seawall just seaward of a 13,325 sq.ft. ocean blufftop

lot which contains an existing two-story, approx. 7,300 sq.ft. single family residence and an attached garage. The applicant proposes to repair an existing retaining wall, garden wall and a 144 linear-foot, 15-foot high concrete seawall. The repairs to the retaining wall and garden wall include replacing sections that are cracked and reinforcing portions of the wall foundations. The garden wall and retaining wall are located on the upper terrace of the project site along the coastal bluff well above the Mean High Tide Line (MHTL) and are thus within the City's coastal development permit jurisdiction. The subject permit is therefore only for that portion of the proposed development that is seaward of the MHTL. The City has approved a coastal development permit for this portion of the proposed development. Repairs to the existing seawall consist of repairing and correcting drainage problems at the seawall, sandblasting and recoloring the wall to match the existing bluffs and replacing the existing wave deflector.

Also proposed is the plugging and/or filling of three sea caves. Two of the sea caves are located on City property just east of the subject site. The other sea cave is located at the toe of the coastal bluff just west of the existing seawall on granted tidelands (reference Exhibit No. 2). The height of the coastal bluff at this location varies from 15 to 20 feet above the beach. The applicant also proposes to construct an approx. 25-foot long, 17-foot high scour guard wall just seaward of the sea caves after they have been filled which will follow the contour of the bluff face, and then extend the seawall approx. 35 feet to the west to connect with an existing low cave plug and 144-foot long seawall. The scour guard wall will be constructed on tensar geogrid and precast, prestressed concrete panels will be anchored into the bluff with a tieback anchor system and then covered with shotcrete to match the existing texture and color of the bluff. The proposed improvements to the existing seawall are located seaward of the toe of the bluff on State tidelands which is in the Commission's area of original jurisdiction. With regard to the sea cave fill, only those portions of the proposed construction that lie below the MHTL are subject to the Commission's coastal development permit jurisdiction. Essentially, those components consist of the proposed footing excavation and 12-inch wide scour panel and the concrete fill that is founded on the cave floor at an elevation seaward of the MHTL as shown in Exhibit No. 5. (Special Condition No. 9 has been attached to indicate which portions of the City's coastal development permit and sensitive coastal resource permit are being modified through the subject coastal development permit.)

The reason the applicants are proposing to do the repair work on City property, in addition to simply making repairs to their existing seawall is because the City does not have sufficient monies to make the repairs to the sea caves at this time. Because of this, the property owners are concerned that collapse of the sea caves could result in damage to their garden wall which is located on the bluff face adjacent to the sea caves and other portions of their property. The property owners are also concerned about liability should someone be injured as a result of falling debris. According to the City planner who worked on the project, a portion of concrete from the sidewalk at the terminus of Camino de la Costa fell last winter which alarmed the owners and prompted them to volunteer to do the work on City property which is adjacent to their site. In so doing, the property

owners can address the immediate threat to their property by filling the sea caves at this time vs. waiting until some indefinite future date when the City has monies to complete the repairs. Because the cost of this repair work would be reduced significantly if done in conjunction with another project, the City has agreed to contribute approximately \$45,000 for its portion of the work.

The project site is located in La Jolla just north and west of the southern terminus of Camino de la Costa. A public accessway exists at the terminus consisting of a concrete stairway which leads down to the shoreline and a small sandy pocket beach which exists at low tide conditions just seaward of the project site. At the streetend, near the top of the public stairway, there is an improved public vista point along with other public improvements which consist of two concrete picnic tables and a trash can. This area of La Jolla consists of low coastal bluffs that vary in height, and rocky headlands, including a few pocket beaches interspersed along the shoreline.

2. Project History.

a) Past Permits. There have been a number of past permits approved by the Commission for the subject property. Coastal Development Permit (CDP) #6-84-517 was for construction of the existing 15-foot high, 144-foot long concrete vertical seawall. Waiver #105 for CDP #6-85-131 was also granted for enclosure of an existing courtyard and enlargement of a kitchen. CDP #6-85-532 was also approved for additions to the decks, terraces, and trellis structures on the seaward side of the existing residence; however, the proposed swimming pool and spa between the residence and existing seawall were not approved. The existing residence is situated approx. 10-17 feet inland of the top of bluff or bluff edge, as shown on the site plan (reference Exhibit No. 2). The retaining wall is situated on the delineated top of bluff or bluff edge. The existing garden wall is located approx. 15 feet inland of the retaining wall and then extends south parallel to the public roadway, Camino de la Costa.

Under CDP #6-84-517, the Commission found that the proposed seawall was warranted to protect the existing principal single family residence situated atop a sandstone bluff that was experiencing erosion. The need for the seawall was further justified based on several letters from the applicant's engineer. However, it was acknowledged that installation of a shoreline protection device would affect the configuration of the shoreline and the beach profile and would have some degree of adverse impact on the shoreline. In the findings for approval of the existing seawall, an excerpt from a research paper entitled "Saving the American Beach: A Position Paper by Concerned Coastal Geologists" (March 1981) stated:

"These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in

protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steeping offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect."

For this reason, the Commission required a revised alignment to the seawall to more accurately reflect the natural configuration of the existing bluff and to minimize alteration of natural landforms, consistent with Section 30253 of the Act.

b) Background/Status of Permit Jurisdiction /Mean High Tide Line. In the spring of 1996 when the City first received an application for a coastal development permit for the subject project, the City contacted the San Diego District Office to determine the jurisdiction of the subject property. At that time it was acknowledged that some of the proposed work is located outside of the parcel in question and that the project site appeared to be located close to the MHTL. A boundary determination was completed by the Commission's headquarters' office dated 5/3/96. Essentially the results of that determination indicated that the subject residentially developed parcel (APN 357-151-04) was entirely outside of the Commission's permit jurisdiction. Further, based on the site plan which was submitted with the boundary determination request, the sea cave(s) and existing seawall appeared to be entirely outside the above-referenced parcel on what may be state tidelands. It was further stated:

"As you know, the boundary between the Commission's retained permit and appeal jurisdiction is based on the State Land Commission staff delineating of potential public trust lands, and its exact location vary depending on what lands are actually subject to the public trust. Questions regarding the exact location and extent of public trust lands should be referred to the State Land Commission for determination. Their status determination procedures may or may not result in a different boundary."

A copy of this letter was forwarded to the City and nothing further was heard regarding the matter until a Notice of Final Action for the subject development was received in the San Diego District Office on 6/30/97. Apparently, the answer regarding the boundary determination was misinterpreted and the City proceeded to process the CDP under their permit jurisdiction. Commission staff contacted the City upon receipt of the Notice of Final Action and discovered that after the City had received a copy of our boundary determination, an independent survey had been completed of the subject property which mapped the location of the MHTL at the time that the State tidelands were granted to the City pursuant to a 1933 map attached to the grant. Based on that mapped line, the City proceeded to process the coastal development permit application for the entire project without realizing the granted line is ambulatory and fluctuates with the MHTL. This fact has subsequently been confirmed by the State Lands Commission staff. It is evident that

the toe of the bluff is subject to wave action continually and as such, the beach is within the Commission's area of original jurisdiction at this location. In fact, the MHTL is at the toe of the bluff in most cases in San Diego County. Therefore, the proposed work to the seawall, filling of the sea caves and construction of the scour guard is within the Commission's area of original jurisdiction because work is located seaward of the MHTL as it exists today.

3. Geologic Conditions and Hazards. 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.

In addition, Section 30253 of the Coastal 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 Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with construction of new development. A shoreline protective device proposed in those situations is likely to be inconsistent with various other Coastal Act policies. For example, Section 30253 addresses new development and requires that it be sited and designed to avoid the need for protective devices that would substantially alter natural landforms along bluffs and cliffs. The Commission has often times interpreted Section 30235 to require the Commission to approve shoreline protection for existing principal structures only.

In the case of the proposed development, the applicants are proposing to repair an existing seawall, fill three sea caves, construct an approx. 25-foot long, 17-foot high scour guard seaward of the two sea caves and then extend that seawall approx. 35 feet further to the west to connect with an existing cave plug and existing seawall. As noted previously, the original seawall was approved for construction by the Commission. That permit required

a revised alignment to the seawall to more accurately reflect the natural configuration of the existing bluffs. Based on project plans, the revised seawall alignment was required to be pulled further inland to "hug the coastal bluff" as closely as possible to minimize encroachment on the beach.

A geotechnical report has been submitted by the applicant's geotechnical engineer which addresses coastal bluff erosion and the need for the proposed improvements. The conclusions and recommendations on page 27 of the report state the following:

"Based on our field exploration, review of BE's laboratory testing, engineering and geologic analyses, it is our opinion that portions of the project site are subject to slope instability and continued bluff and seacliff retreat. The existing seawall should be extended to the south as far as the sea caves below the terminus of Camino de la Costa. Should these areas not be mitigated, ultimately distress to the garage and residence will likely occur. In addition, failure to mitigate the offsite sea caves will result in the loss of public access, and damage to the existing storm drain and the new sewer lift station. The sidewalk is already cracked above one of the caves. Plugging/repairing of the sea caves and incipient sea caves to the north of the peninsular land form is also recommended.

The drainage of the existing seawall needs to be improved. Repairs need to be made to the undermined and damaged retaining wall. The seaward end of the garden wall needs to be removed and replaced so that the wall is not in jeopardy of falling onto the beach. The surface drainage of the lot needs to be directed away from the bluff face to an appropriate inlet, utilizing non-erosive devices. This may require a moisture-activated sump pump in order to get the drainage to flow to a suitable outlet. The recommendations presented herein should be incorporated into the final design, earthwork and construction phases of mitigation."

Based upon all the information contained in the geotechnical report, the Commission finds that while filling of the sea caves is warranted to protect the existing public improvements which consist of a public sidewalk and public access stairway, because there is no evidence that the residence is in danger from erosion, the Commission is not required to approve a shoreline altering device, i.e. the proposed seawall extension, pursuant to Section 30235. In this case, the proposed shoreline protective device is intended to prevent continuing erosion of the property even though the existing principal structure is not actually "in danger". In this particular case there is an alternative available which will eliminate the immediate threat to the public accessway and street improvements and will reduce the potential future threat to the residential property without substantial structural solutions and their associated landform alteration and beach impacts.

This alternative approach was also initially taken by the City in its review of the subject permit application. As noted in a letter dated 9/17/96 by the City of San Diego's senior

engineering geologist to the applicant's engineer, reports submitted by the applicant adequately describe the urgency of the geologic hazard to the public improvements associated with the sea caves which makes a strong case for addressing that hazard by filling the caves. However, the report and subsequent letter addressing general bluff retreat in the area adjacent to the caves focus on the fact that the bluff is an erosive environment and, as such, argue that the bluff should be protected with additional seawall. The City, in its response to the applicant, states that the certified LCP limits seawalls such that "...erosion control measures shall only be allowed if it is determined to be the *only feasible means of erosion control* (italics added) necessary to protect the existing principal structure(s) or public improvements...". It is further stated that the applicant has not established that a seawall is the only feasible alternative for protecting the private property and the public improvements in areas where the bluff does not have sea caves.

As further noted by the City geologist, "the bluff will eventually erode until protection for the existing house or the public accessway is needed in a way that is demonstrably different, or more urgent, from the general need of projects built on eroding coastal bluffs. At that time, a seawall or other coastal protective device may arguably become the only feasible alternative. In the interim until such a device structure becomes necessary to protect the existing structures, another feasible approach is to do nothing, and to leave the bluff unprotected and natural." The City's first recommendation was to only permit the filling of the sea caves. After subsequent review, they agreed to permit the scour wall but only for that portion immediately seaward of the sea caves. The City Planning Department did not approve the extension of the seawall to fill the gap that would exist between the two seawalls. However, the Planning Commission approved the seawall extension to fill the gap in consideration of the fact that the applicant was doing a significant amount of work by repairing the sea caves on City property, for less amount of City money than if the City did the work itself, which would benefit the public by protecting the sidewalk and public improvements at the upper terminus of Camino de la Costa.

While the Commission can acknowledge the public benefit proposed by the applicant, it must also consider the impacts to the beach environment which are significant and irreversible. The Coastal Act allows for reasonable development along the shoreline which is a recognized hazard area, but the Commission must also recognize there are limits to the impacts which are accepted on public property for purposes of protecting such private development. Additionally, in this particular case, significant impacts to the visual quality of the beach and the beach itself have already occurred in an effort to protect the existing principal residential structure. The Commission must minimize impacts from any additional protective devices approved, and assure adequate mitigation for visual impacts and effects on sand supply are provided with any allowable protection.

There are a number of adverse impacts to public resources associated with the construction of shoreline structures. The natural shoreline processes referenced in Section 30235 of the Coastal Act, such as the formation and retention of sandy beaches, may be altered by construction of a seawall, since bluff retreat is one of several ways that beach

area and beach quality sand is added to the shoreline. This retreat is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse, saturation of the bluff soil from ground water causing the bluff to slough off and natural bluff deterioration. When a seawall is constructed on the beach at the toe of the bluff, it directly impedes these natural processes.

Many of the effects of a structure on the beach are temporary or difficult to distinguish from all the other actions which modify the shoreline. Nevertheless, some of the effects which a structure may have on natural shoreline processes can be quantified. Three of the effects from a shoreline protective device which can be quantified are: 1) loss of the beach area on which the structure is located; 2) the long-term loss of beach which will result when the back beach location is fixed on an eroding shoreline; and 3) the amount of material which would have been supplied to the beach if the back beach or bluff were to erode naturally.

Based on the review of the proposed seawall application, the Commission finds that the the proposed seawall extension and scour guard would encroach onto the beach, fix the back of the beach and reduce the amount of material that would have been naturally supplied to the beach from erosion. For the proposed project, staff has estimated that, for the proposed length of new seawall with approximately 1.25 ft of encroachment, approximately 75 sq. ft. of public pocket beach will be directly covered by the proposed project and would no longer be available for public use. Additionally, over time, because the proposed structure will fix the back of the beach, given an estimated retreat rate of .5 feet per year, an additional 750 sq. ft. of beach area will be lost to the public over the 25 year period for which the proposed structure has been designed. As a rough indication of the significance of this loss of beach area, using an estimate for the Mission Bay littoral cell that it requires 0.4 cubic yards of sand to rebuild 1 square foot of dry beach¹, it would take 330 cubic yards of sand to recreate the public beach area that would be lost through encroachment and fixing the back of the beach. Further, the proposed structure will prevent the sand in the bluff material from reaching the shoreline to replace the already dwindling sand supply. The potential for such impacts on the beach and sand supply have been found to result from seawalls in other coastal areas in San Diego County; particularly, in the north county area of Encinitas (ref. CDP Nos. 6-93-36-G/Clayton, 6-93-131/Richards, et al, 6-93-136/Favero, and 6-95-66/Hann).

In this particular case, the Commission finds the adverse impacts associated with the proposed project cannot be accepted and that filling of the sea caves only, with a minimal scour panel, is a preferable and less environmentally-damaging feasible alternative and the amount of work necessary to address the immediate threat to the public improvements above the sea caves. Along with the proposal to improve the drainage in the existing seawall and direct all blufftop drainage away from the bluff towards the street, these measures will help to stabilize the site and avoid the need for the substantial seawall at this

¹ From the US Army Corps of Engineers, State of the Coast Report: San Diego Region -- Volume 1- Main Report, September 1991.

time. The revised project will reduce the additional encroachment on public beach to an insignificant level because the scour panel seaward of the sea caves will be almost flush with the vertical bluff face at the mouth of the cave. Therefore, further mitigation for such beach encroachment and the long term effects of fixing the back of the beach is not required for the revised project, which is also proposed to protect public access improvements. The applicant indicates the proposed work to the existing seawall will not extend the life of the structure, and the seawall has been constructed in an alignment previously approved by the Commission, thus, no additional mitigation is required for the impacts of the existing seawall on public beach.

Condition #3 requires that the applicant provide annual inspections of the unprotected bluff which will provide the applicant and the Commission with assurance that significant changes to the current condition of the bluff can be detected quickly and that the potential for unanticipated damage to the existing structures can be minimized. Such monitoring could allow incipient cave formation to be identified and, if necessary, treatment could be initiated after receipt of necessary permits or permit amendments.

In summary, while it is clear that the bluff will continue to erode seaward of the project site, the applicants have not documented that the threat to the public improvements or the principal residence is such that the proposed seawall extension is the only feasible alternative or the least environmentally damaging alternative. Thus, the Commission is not required to approve the proposed protection. Also, the proposed seawall will contribute to significant erosion, deplete sand supply, occupy public beach and fix the back of the beach. Therefore, the Commission is requiring through Special Condition No. 1 submittal of revised plans which limit the scope of the proposed shoreline protective works to include only the proposed repairs to the existing seawall and filling of the three sea caves thereby eliminating the scour guard seaward of the sea caves and the proposed seawall extension. Special Condition No. 3 further requires that the applicant submit a final maintenance and monitoring plan to assure that the shoreline protective works (i.e. repairs to existing seawall and filling of sea caves) remain structurally sound and to assure appropriate monitoring of the bluff to avoid significant collapse or formation of new sea caves.

Also, due to the inherent risk of shoreline development and the Commission's mandate to minimize risk, Special Condition No. 2 for a waiver of liability has been attached. By this means, the applicant is notified of the risk and the Commission is relieved of liability in permitting the development. Pursuant to Section 13166(a)(1) of the Commission's regulations, an application may be filed to remove Special Condition No. 2 from this permit if the applicant presents newly discovered material or information regarding the existence of any hazardous condition which was the basis for the condition, if they could not with reasonable diligence have discovered and produced such information before the permit was granted. Only as conditioned can the proposed project be found consistent with Sections 30235 and 30253 of the Coastal Act.

4. Public Access. 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 sandy and rocky coastal beaches to the first line of terrestrial vegetation.

In addition, 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:

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

(2) adequate access exists nearby....

Also, Section 30604(c) of the Act requires that a specific access finding be made for any project located between the first coastal roadway and the sea. The project site is located between the ocean and the first coastal roadway (Camino de la Costa). Also, as noted earlier, the portion of the project site inland of the MHTL is subject to the City's jurisdiction and that portion seaward of the MHTL is subject to the Commission's jurisdiction. At very low tide, it is possible to walk along the rocky headlands which are seaward of the vista point at the terminus of Camino de la Costa. At high tide conditions, lateral access is not possible as the water line reaches the toe of the coastal bluffs and other shoreline protection in the area. The City's certified La Jolla-La Jolla Shores LCP depicts this area as having limited or intermittent lateral access. The LCP further identifies that several unimproved dirt paths lead down from the improved vista point on Camino de la Costa (immediately east of and adjacent to the subject site) to a gentle sandstone outcropping to tidepool areas. This is regarded as the easiest natural access to the shoreline in this area.

The Commission will likely review more projects such as this which involve either repairs to, or replacement of, existing older seawalls. Many of these walls may presently encroach onto the public sandy beach. In the review of repairs to, or replacement of, older seawalls such as this, the seawall should incorporate the optimal design in terms of proper siting on the beach and should not encroach onto public sandy beaches or state tidelands.

It appears that since it is not possible to access the beach seaward of the property at high tide, that the beach is below the MHTL and subject to the public trust in this location. In any event, the proposed repairs to the existing seawall can be found acceptable because the seawall is pre-existing and the proposed repair of the wall will not result in any further

extension seaward of its present previously-approved alignment. In addition, the proposed repairs to the existing seawall will not result in any greater impacts to public access than what presently exists since the location of the wall will remain the same. Existing public vertical access to the beach is available immediately to the at the aforementioned vista point and public accessway on Camino de la Costa and also to the west at Cortez Place.

In order to avoid any impacts to public access, Special Condition No. 5 has been attached which require that the applicant conduct the work outside of the summer beach season, and minimize the public area needed for staging and access corridors. Special Condition No. 4 has also been attached as an advisory condition which requires that any excavated beach sand be redeposited on the beach and that no beach materials be used for construction purposes, etc. Special Condition No. 8 further serves notice to the applicant that by acceptance of the permit, the applicant acknowledges the potential public rights and/or public trust which may exist on the sandy beach area and that the Commission's approval of the project may not be used or construed as a means to interfere with any kind of public rights. As conditioned, the Commission finds that the proposed work at this site will not result in any adverse impacts to public access and is consistent with the cited policies of the Coastal Act. Furthermore, as required in Section 30604(c) for development between the first public road and the sea, the project is found consistent with all other public access and recreation policies of the Act.

5. Visual Resources. Section 30251 of the Act calls for the protection of the scenic qualities of coastal areas and that new development be visually compatible with the character of the surrounding area. It should also be noted that the coastal bluffs along the shoreline in this area are significant landforms worthy of preservation under Section 30251. The subject proposal, as conditioned for approval, represents repairs to an existing concrete vertical seawall and filling of three sea caves. As proposed, the repairs to the existing seawall consist, in part, of sandblasting and re-coloring to match the existing bluffs and replacing the existing wave deflector. Also proposed is the plugging and/or filling of three sea caves with lean concrete (cement slurry backfill). The applicant has proposed to use colored concrete and surface treatments such that the proposed structures will closely resemble the surrounding natural area.

Special Condition No. 7 has thus been attached requiring submittal of plans which document through a color board that the proposed color will match the adjacent sandstone bluffs. The condition further requires that the surface treatment be incorporated into the project design so that the texture of the structures will appear the same as the surrounding sandstone bluffs. It should be noted that the Commission recently approved, under CDP #6-84-408-A, repairs to an existing seawall two lots north of the subject site. Through that approval, the Commission also required plans addressing the surface and color treatment of the existing seawall. The subject site is located in a scenic area and the subject block is bounded by two rock outcroppings and/or headlands which jet out into the ocean; one at the terminus of Camino de la Costa and the other at Cortez Place. As

noted earlier, a public stairway exists at the terminus of Camino de la Costa. In addition, there is an unimproved foot trail at Cortez Place which is utilized by the public to gain access to the shoreline. At lower tidal conditions, members of the public stroll out onto the headlands and can look back at the coastal bluffs in this area. By requiring that existing seawalls proposed for repairs be re-colored and texturized to resemble the natural sandstone bluffs, the visual quality of these scenic areas is greatly enhanced, consistent with Section 30251 of the Act. Thus, as conditioned, the proposed project should not result in any adverse visual impacts, and in fact, will actually improve the visual appearance of the existing seawall which has discolored and appears "rusty" as well as requiring that the proposed sea cave plugs match the bluffs in color and texture. As conditioned, the project can be found consistent with Section 30251 of the Act.

6. 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 be made.

The proposed development consisting of improvements to an existing seawall and filling of three sea caves is located on the beach within the community of La Jolla in the City of San Diego. The project site is within the Commission's area of original jurisdiction, as such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

As shoreline erosion along the coast rarely affects just one individual property, it is imperative that a regional wide solution to the shoreline erosion problem be addressed and solutions developed to protect the beaches. Combined with the decrease of sand supply from coastal rivers and creeks and armoring of the coast, beaches will continue to erode without being replenished. This will, in turn, decrease the public's ability to access and recreate on the shoreline.

First, as noted above, the proposed seawall extension will have adverse visual impacts by altering natural landforms and adverse impacts on sand supply. In addition, the proposed seawall extension is inconsistent with the City's certified LCP which limits seawalls such that erosion control measures shall only be allowed if it is determined to be the only feasible means of erosion control necessary to protect the existing principal structures or public improvements. The also Commission finds that filling of the sea caves is the least environmentally-damaging alternative available. Therefore, the Commission finds that the proposed project must be limited to the proposed seawall repair, including drainage improvements associated with the seawall, and filling of the sea caves only with minimal scour panel and footing seaward of the sea caves. Only as conditioned, can the proposal be found consistent with applicable Chapter 3 policies of the Coastal Act. The Commission further finds that project approval, as conditioned, should not prejudice the ability of the City of San Diego to implement its certified LCP for the La Jolla community.

7. Consistency With the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, 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 impacts which the activity may have on the environment.

As previously stated, the proposed development would result in adverse impacts to coastal resources by altering and depleting shoreline sand supply, altering natural landforms and reducing visual quality of a scenic beach area. There are feasible alternatives available which would substantially lessen any significant adverse impacts which the proposal may have on the environment.

These feasible alternatives include limiting the proposed development to reduce erosion to filling of the sea caves only with minimal scour panel and footing seaward of the sea caves; reducing erosion by assuring all drainage is directed away from the bluff edge; and, improving drainage from the existing seawall. Therefore, only as conditioned, can the Commission find the proposed project to be the least environmentally damaging feasible alternative, consistent with CEQA.

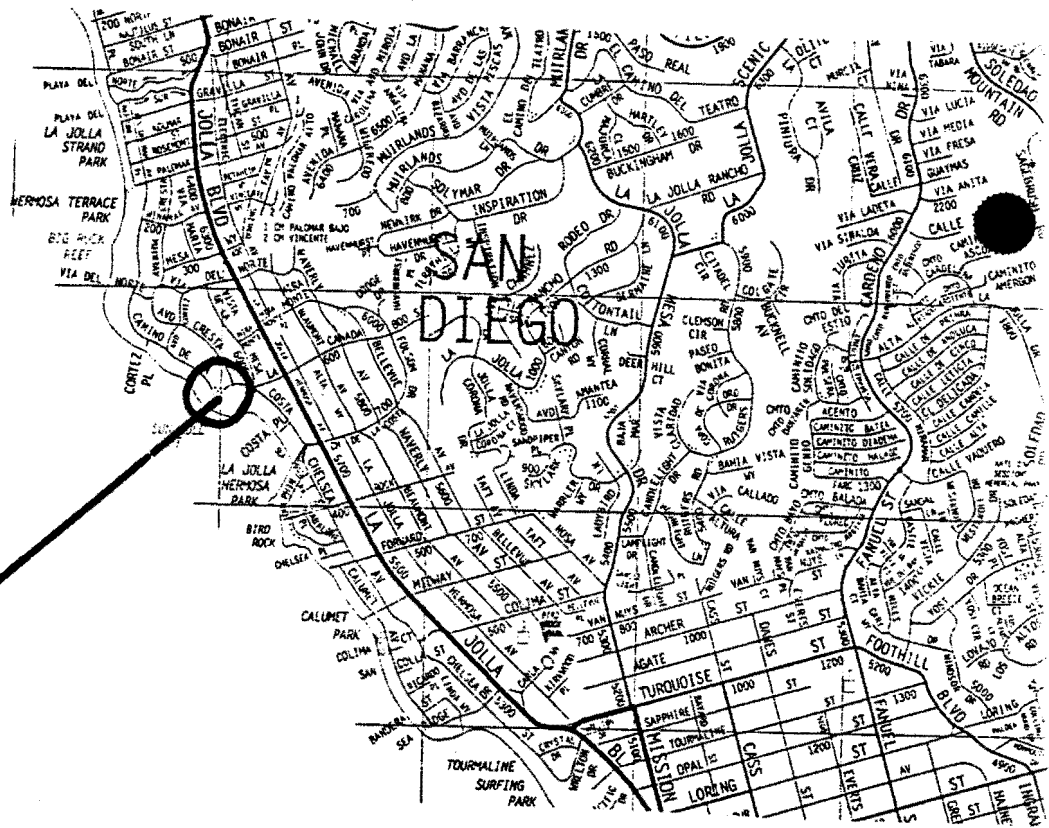
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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.

(7098R)

Wed 9e



SITE

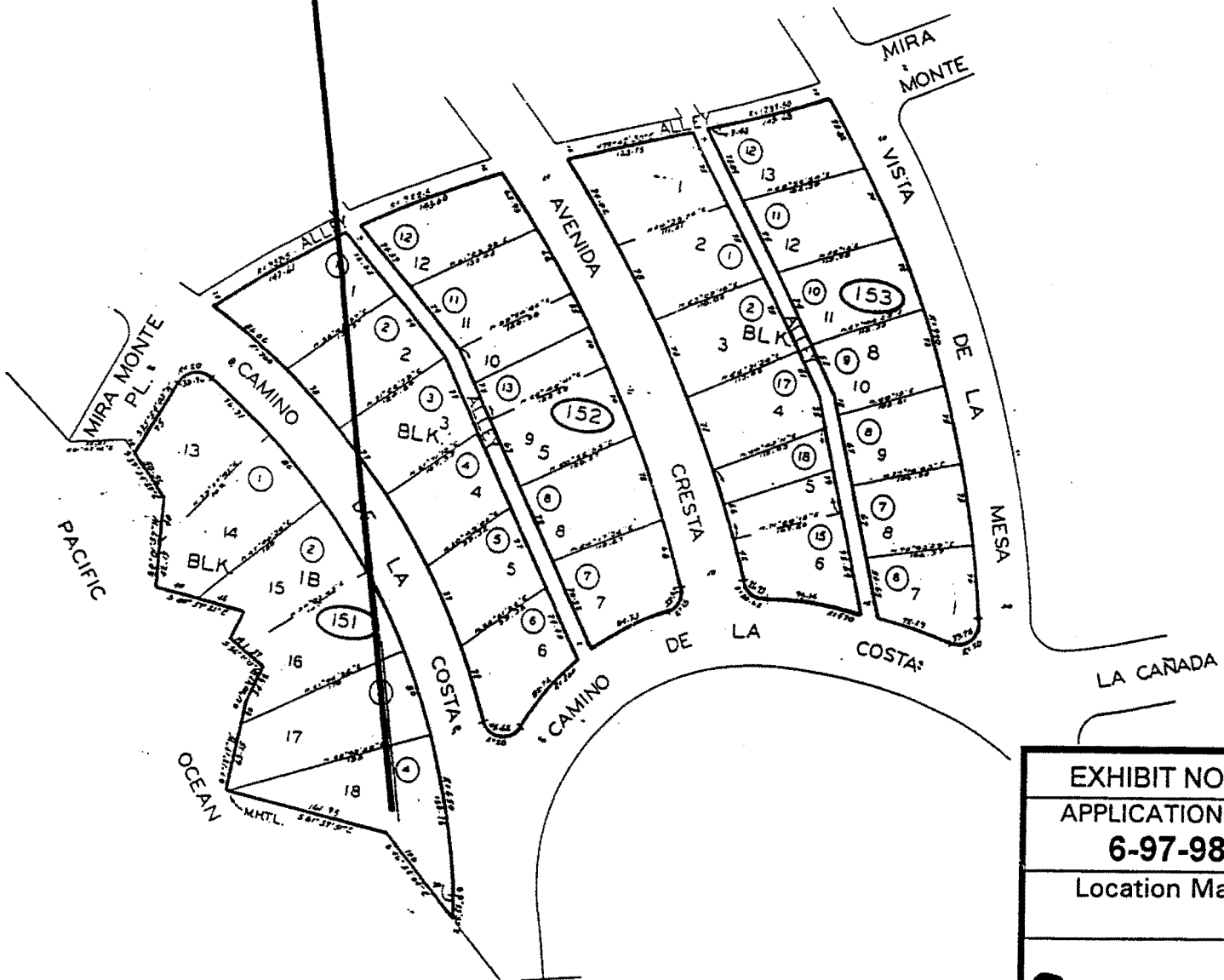
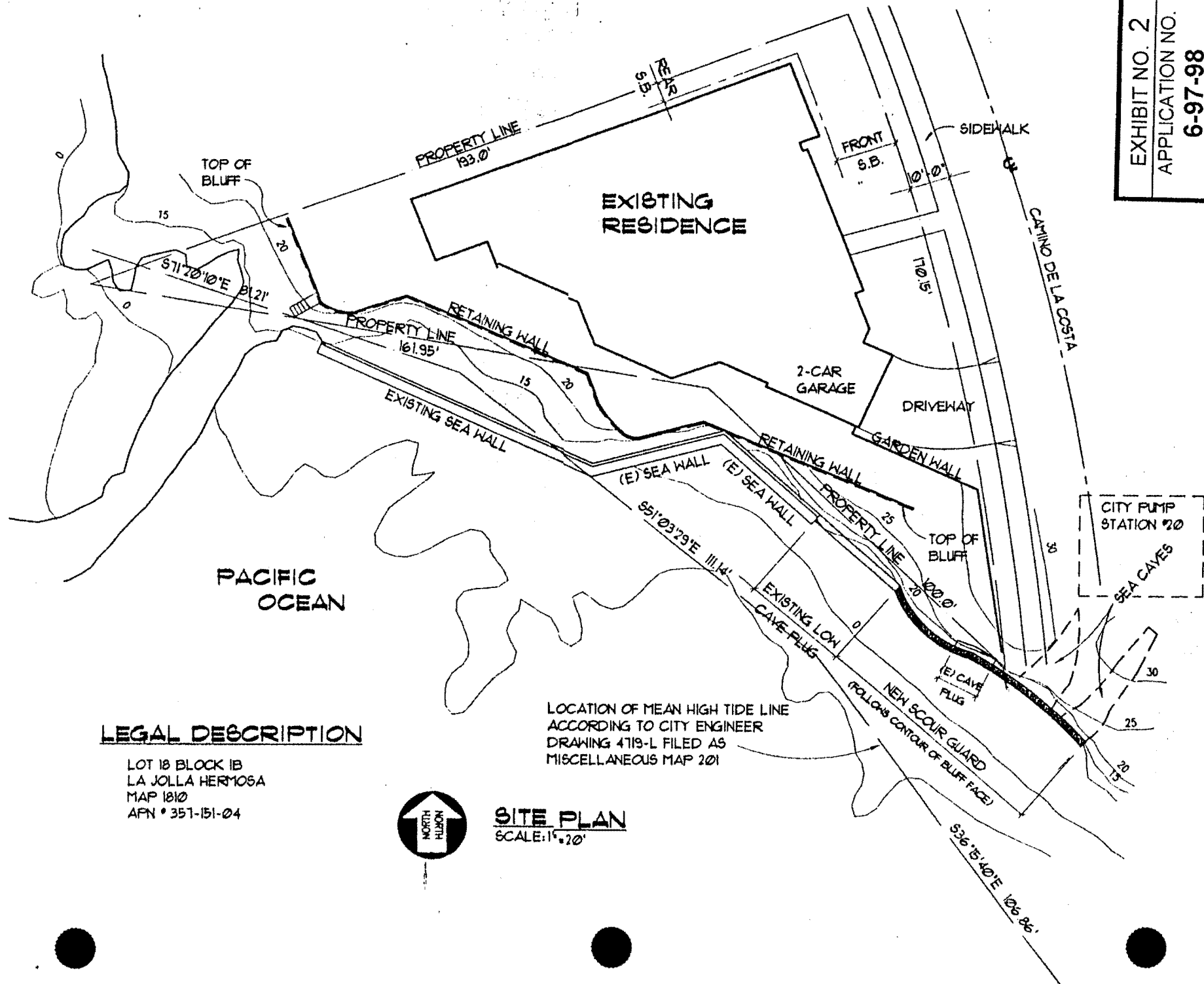


EXHIBIT NO. 1
APPLICATION NO.
6-97-98
Location Maps

EXHIBIT NO. 2
APPLICATION NO.
6-97-98
Site Plan
California Coastal Commission



LEGAL DESCRIPTION

LOT 18 BLOCK 1B
LA JOLLA HERMOSA
MAP 1810
APN * 351-151-04

LOCATION OF MEAN HIGH TIDE LINE
ACCORDING TO CITY ENGINEER
DRAWING 4719-L FILED AS
MISCELLANEOUS MAP 201



SITE PLAN
SCALE: 1" = 20'

FACE OF BLUFF

T.O. SCOUR GUARD

EL. +17'-0"

SHOTCRETE OVER
TENSAR GEOGRID
(COLOR TO MATCH BLUFF)

DRILLED HOLE
INTO NATURAL
CEMENT GROUT

1" ϕ ANCHOR BAR

MIRADRAIN

GEOGRID

PRECAST
PRESTRESSED
CONC. PANELS
12" WIDE

3" ϕ PVC DRAIN
PIPES W/ SS WWF
END GUARDS

LEAN CONCRETE
BACKFILL

MEAN SEA LEVEL

EL. 0'-0"

UNDISTURBED
SANDSTONE

CONCRETE FOOTING

SECTION

~~SCALE 3/8" = 1'-0"~~

NO SCALE

A

B.O. FOOTING

EL. -4'-0"

EXHIBIT NO. 3

APPLICATION NO.

6-97-98

Cross-Section of
Proposed Seawall
Extension

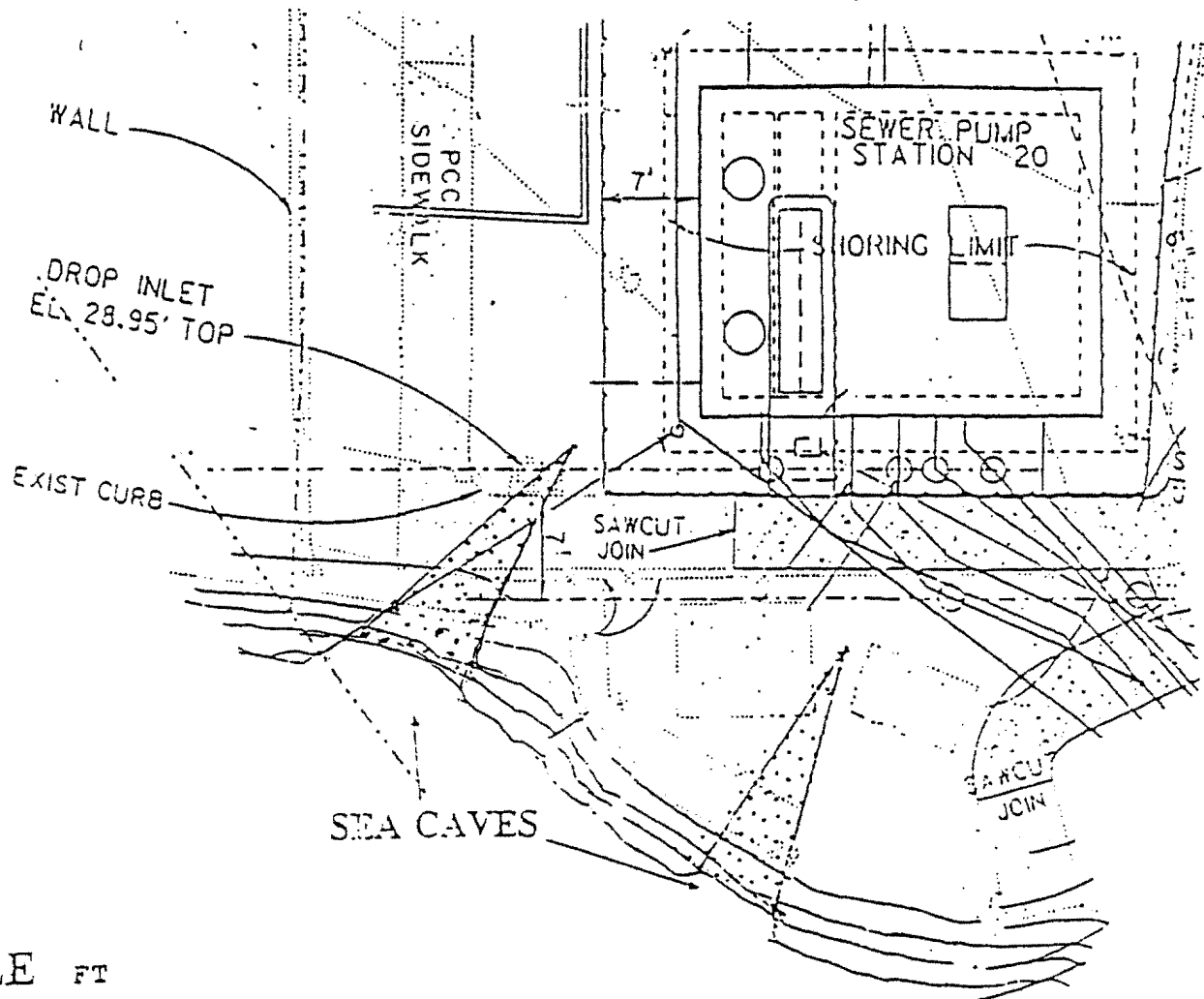



FIGURE #2

EXHIBIT NO. 4
APPLICATION NO.
6-97-98
Extent of Sea Caves Proposed to be Filled
 California Coastal Commission

SECTION 14-1

SIDE WALL ~+29

CAVE (W)

CAVE (E)

SCULPTED
COLORED
CONCRETE

LEAN
CONCRETE
FILL

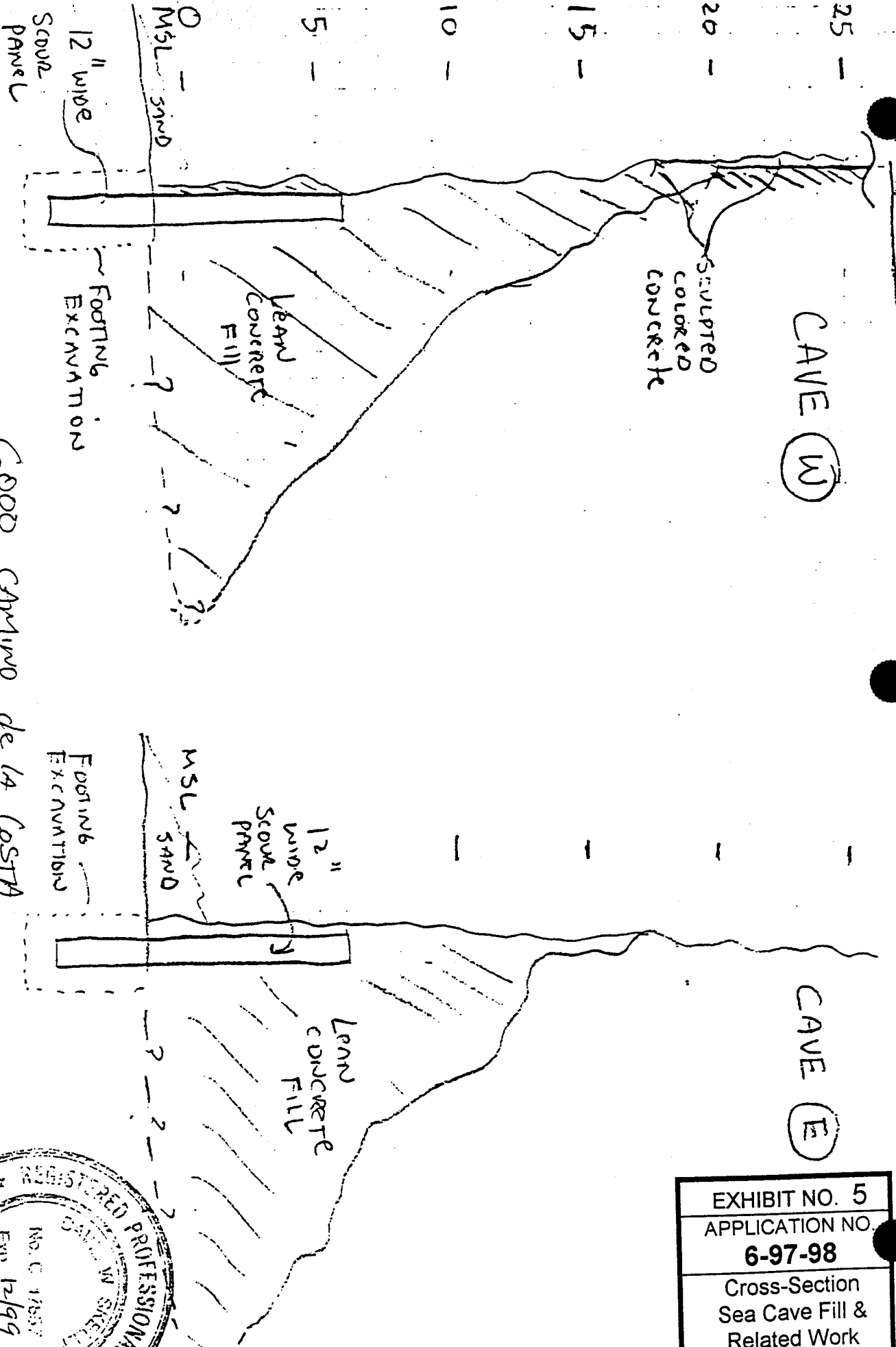


EXHIBIT NO. 5
APPLICATION NO.
6-97-98
Cross-Section Sea Cave Fill & Related Work

GOOD CAMINO de la COSTA
CAVE PLUS SECTIONS

FIGURE 3
9/15/97

