

**CALIFORNIA COASTAL COMMISSION**

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Filed: 5/1/97  
 49th Day: 6/19/97  
 180th Day: 10/28/97  
 270th Day: 1/26/98  
 Staff: LJM-SD  
 Staff Report: 12/19/97  
 Hearing Date: 1/13-16/97

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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-147

Applicant: California Department of  
 Parks and Recreation

Agent: Paul Webb

Description: Removal of undermined concrete paving and the installation of engineered fill and new concrete paving, repair to existing riprap revetment by adjusting shifted and migrated stones, and augmentation of revetment with an additional 200 tons of 1/2 ton stones. In addition, the proposal includes after-the-fact approval of several developments that include deletion of a "perched beach" feature along the top of the revetment and replacement with concrete paving and walkways, deletion of approximately 540 lineal ft. of riprap and replacement with 25-ft high (buried) sheet pile wall and concrete slope protection, the relocation of a restroom facility, the removal of a beach access stairway and showers damaged by wave action, deletion of an additional beach access stairway and showers, deletion of a beach access walkway and the grouting of the riprap revetment. Also proposed is the addition of 200 tons of new riprap to provide protection for the relocated restroom facility. Except for the proposed riprap, all the development proposed with this application has already been completed either pursuant to Emergency Permit #6-96-147-G or without a coastal development permit in violation of the Coastal Act.

Site: South Cardiff State Beach parking lot located on the west side of Highway 101, Cardiff, Encinitas, San Diego County. APN 263-011-16, 36

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Due to Permit Streamlining Act constraints, the Commission must take action on this permit application at the January 1998 hearing.

SUMMARY (Cont.)

The subject site is a beach front facility and as such, has been historically subject to hazard from wave action and erosion. Prior to the development of the existing parking lot and associated day-use facilities, a concrete wall/revetment existed along the western limits of the site to provide protection to the site from storm waves. Over the years (particularly during the winter storms of 1982-83 and 1988), the site, which consisted of a dirt parking lot with no permanent facilities, was significantly damaged and portions of the shore protection were destroyed. As such, the permit approved by the Commission in 1987 for construction of the permanent parking lot and facilities included significant rehabilitation of the existing shore protection (ref. CDP #6-87-459/State Parks). In addition, while the original parking lot and improvements were being constructed, a number of changes to the approved facility design were made without authorization from the Commission. These changes were not discovered by Commission staff until the emergency permit request was reviewed. Even with the rehabilitated shore protection, shortly after the parking lot and facilities were constructed in 1996, the site suffered significant damage from storm generated waves. This led to the issuance of an emergency permit by the Executive Director in November of 1996 to address the damage (ref. 6-96-147-G). Therefore, the applicant is now proposing with this permit to address all the previously unpermitted changes as well as to permanently retain the improvements authorized under the emergency permit.

Staff is recommending approval of the majority of the applicant's request subject to several special conditions which include the submittal of a final "as-built" site plan; development and implementation of a monitoring and maintenance program for the riprap revetment; an acknowledgment of the hazards associated with the site; and, a condition which details times frames in which the conditions must be complied with in order to address the ongoing violation. In addition, a condition is included which states that the applicant's request to add an additional 200 tons of riprap in a area previously not protected is specifically not permitted.

This development raises a number of concerns, the most notable of which is the effects that the loss of sand from the beach in this and other locations in San Diego County has had on upland public and private property owners. In this particular case, a public beach parking lot and its associated day use facilities were approved for construction on this site at a time when the beach was much wider. However, since that time, the improvements have been constructed and the beach has eroded to the point where even under normal tide conditions, the site is subject to erosion and damage from wave attack. As such, in review of the applicant's request for various improvements and augmentation of the existing shoreline protection, the Commission must balance the need to protect improvements (in this case public recreational facilities), with the inherent impacts such protection can have on public access and recreation.

It is apparent that until the beach fronting this site receives sand (either naturally or artificially) the site and its improvements will continue to be subject to damage from wave overtopping and erosion. As such, staff's recommendation on this proposal allows for, and actually requires, continued monitoring and maintenance of the revetment and the beach, but without further encroachment onto the beach or placement of riprap in locations that will directly impact public access.

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Substantive File Documents: Certified City of Encinitas Local Coastal Program (LCP);  
CDP Nos. 6-87-459 and 6-96-147-G

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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. Inspection/Repair of Revetment. The applicant shall have an inspection of the existing riprap revetment completed by a licensed geologist or geotechnical engineer. Based on the inspection, the applicant shall be responsible for repositioning any rocks onto the revetment that have migrated onto the beach to assure beach encroachment has been minimized. The inspection and identified/necessary repositioning of stones shall be completed within 30 days of Commission action on this permit.

2. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a final

“as built” site plan for the development that identifies the location of all approved improvements including walkways, landscaping and protection measures.

In addition, a survey shall be completed and overlaid on the as-built site plan which documents the toe and height of the existing revetment (after completion of any necessary repositioning of stones as identified in Special Condition #1 above). Said survey shall establish and identify permanent bench marks from which the elevation and seaward limit of the revetment can be referenced for measurements in the future. At a minimum, permanent bench marks shall be identified in the northern, central and southern portions of the site.

3. Permitted Development. This permit is for the permanent authorization of emergency work performed under Emergency Permit 6-97-147-G that includes removal of undermined concrete paving and the installation of engineered fill and new concrete paving, repair of existing riprap revetment by adjusting shifted and migrated stones, and augmentation of revetment with an additional 200 tons of 1/2 ton stones. The permit also includes after-the-fact approval for the deletion of a “perched beach” feature along the top of the revetment and replacement with concrete paving and walkways, deletion of approximately 540 lineal ft. of riprap and replacement with 25-ft high (buried) sheet pile wall and concrete slope protection, the relocation of a restroom facility, the removal of a beach access stairway and showers damaged by wave action, deletion of an additional beach access stairway and showers, deletion of beach access walkway and the grouting of the riprap revetment.

No further augmentation of the revetment beyond that already completed is authorized herein. Specifically, the proposed addition of 200 tons of new rock in the southern portion of the site in the area of Comfort Station #2 is not permitted.

4. Long-Term Monitoring Report. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a long-term monitoring plan for the beach and shoreline protection. The purpose of the plan is to monitor and record the changes in beach profile fronting the site and to identify damage/changes to the revetment such that repair and maintenance is completed in a timely manner. The applicant shall complete the monitoring in accordance with the approved plan. The monitoring plan shall incorporate all of the following:

- a. An evaluation of the current condition and performance of the revetment, addressing, among other things, the exposure of any geotextile material or underlining fabric, any migration or movement of rock which may have occurred on the site and any significant weathering or damage to the revetment that may adversely impact its future performance.

- b. Measurements taken from the benchmarks established in the survey as required in Special Condition #2 of CDP #6-96-147 to determine settling or seaward movement of the revetment and changes in the beach profile fronting the site.
- c. Recommendations on any necessary maintenance needs, changes or modifications to the revetment.
- d. Surveys of the dry beach width and beach slope. The surveys shall be conducted along the entire beach fronting the site at a minimum of 200 ft. intervals and include at least 3 locations fronting the armor rock and 3 locations fronting the sheet pile wall. The survey points shall be recorded to assure the same points are used each time. The surveys shall be conducted at a minimum of 2 times per year (July and February) and to the extent feasible done at or near low tide.

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. The initial report shall be submitted prior to the issuance of the permit; then, on an annual basis, the report shall be submitted to the Executive Director after each winter storm season but prior to May 1st of each year.

5. Maintenance Activities. The permittee shall be responsible for the maintenance of the herein modified riprap revetment. Based on the recommendations in the monitoring report required in Special Condition #4 above, any stones or materials which become dislodged and impair public access shall be removed from the beach. All other recommended maintenance or change in the design of the revetment shall be reported to the Commission office to determine whether permits are necessary.

6. 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 overtopping and erosion 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, costs, expenses or liability arising out of the Commission's approval of the project.

7. Condition Compliance. The plans referenced in Special Condition #2 above, must be submitted within 45 days of Commission action on this permit. The monitoring plan referenced in Special Condition #4 above, must be submitted within 45 days of Commission action on this permit. The signed document referenced in Special Condition #6 above, must be submitted within 30 days of Commission action on this permit. Failure to comply with these requirements within the time period specified, or within such additional time granted by the Executive Director for good cause, will result in the nullification of this permit approval.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. On November 5, 1996, the Executive Director of the Commission granted Emergency Permit #6-96-147-G to the California Department of Parks and Recreation. The subject development represents the follow-up permit to retain the emergency work on a permanent basis and includes removal of 176 lineal ft. of concrete paving undermined and damaged by wave action and replacement with engineered fill and new concrete paving, repair of the existing riprap revetment by adjusting and redepositing on the revetment, shifted and migrated stones, and augmentation of the revetment with an additional 200 tons of 1/2 ton stones.

In October of 1987, the Commission approved a permit to construct a parking lot to accommodate 520 cars, two comfort stations, an entrance kiosk, public walkways, beach access stairs, landscaping and repair and augmentation of an existing riprap revetment at the subject site (ref. CDP #6-87-459/Calif. State Parks). The permit was approved with a number of special conditions which addressed the design and effectiveness of the refurbished riprap revetment and the submittal of a construction staging and storage plans. The conditions were subsequently satisfied and the permit released in January of 1990. The applicants subsequently requested and were granted five time extensions and the development was subsequently constructed in 1995/96.

Three separate permit amendments were subsequently approved by the Commission. The first amendment included approval to add a stairway access to the parking lot and extend a walkway around the southeastern corner of the parking lot. The second was approved to allow repair and replacement of an existing off-site sewer line to provide service to the comfort stations. The third permit amendment allowed the applicant to remove above-ground water and electric utility pipes from the bluff at the southern end of the project site.

In addition to the follow-up authorization for work completed under the emergency permit, the proposed development also includes after-the-fact approval of several developments that were not constructed in accordance with the Commission approved plans and have already been completed without benefit of a coastal development permit, in apparent violation of the Coastal Act. These include deletion of an approved "perched beach" feature along the top of the revetment and replacement with concrete paving and walkways, deletion of approximately 540 lineal feet of riprap and replacement with 25-ft high (buried) sheet pile wall and concrete slope protection, the relocation of a restroom facility (Comfort Station #2) to the southwestern portion of the site, the removal of a beach access stairway and showers damaged by wave action, deletion of an additional beach access stairway and showers, deletion of beach access walkway in the southernmost portion of the site and the grouting of the riprap revetment. Lastly, the

applicant is proposing to add an additional 200 tons of new riprap to provide protection for the relocated restroom facility.

The subject site is located at Cardiff State Beach (south) parking lot located on the west side of Highway 101 in the southernmost portion of the City of Encinitas. Surrounding uses include San Elijo Lagoon to the east across Highway 101, Cardiff State Beach to the north, single-family residential development (on the bluffs) to the south, and Cardiff State Beach and the Pacific Ocean to the west.

The subject site is located on State Parks property and is not subject to local review by the City of Encinitas. In addition, even though the City of Encinitas has a certified LCP, the subject site is within the Commission's area of original jurisdiction. Therefore, the standard of review for this application is Chapter 3 policies of the Coastal Act with the City's LCP used as guidance.

2. No Waiver of Violation. Although construction on the site consisting of deletion of a "perched beach" feature along the top of the revetment and replacement with concrete paving and walkways, deletion of approximately 540 lineal ft. of riprap and replacement with 25-ft high (buried) sheet pile wall and concrete slope protection, the relocation of a restroom facility, the removal of a beach access stairway and showers damaged by wave action, deletion of an additional beach stairway and showers, deletion of beach access walkway and the grouting of the riprap revetment has occurred without the benefit of a coastal development permit, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit. Resolution of the alleged violation may involve further enforcement actions.

3. Consistency with Chapter 3 Policies of the Coastal Act.

Geologic Conditions and Hazards: Section 30235 of the Coastal Act states:

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 is applicable and states, in part:

(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.

Public Access/Recreation: The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

#### Section 30210

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

#### Section 30211

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

#### Section 30212

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

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby....

#### Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

#### Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.



As stated, the subject site is located at Cardiff State Beach (south) on the west side of Highway 101 in the southernmost portion of the City of Encinitas. Cardiff State Beach, which provides the only formal day-use facilities for beach visitors between Sea Cliff County Park (approximately 2 miles to the north) and Fletcher Cove (about 1 mile to the south), is served by two parking lots (this and another facility approximately 1/2 mile to the north) and provides an important recreational resource of region-wide importance. As such, pursuant to the above cited policies, this facility is considered a high priority use and therefore, afforded special protection under the Coastal Act. In the certified City of Encinitas LCP, Cardiff State Beach in this location is designated as a "high intensity beach recreational use area".

The subject site is a beach front facility and as such, has been historically subject to hazard from wave action and erosion. Prior to the development of the existing parking lot and associated day-use facilities, a concrete wall/revetment existed along the western limits of the site to provide protection to the site from storm waves. Over the years (particularly during the winter storms of 1982-83 and 1988), the site, which consisted of a dirt parking lot with no permanent facilities, was significantly damaged and portions of the shore protection were destroyed. As such, the permit approved by the Commission in 1987 for construction of the permanent parking lot and facilities included significant rehabilitation of the existing shore protection (ref. CDP #6-87-459/State Parks). Even with the rehabilitated shore protection, shortly after the parking lot and facilities were constructed in 1996, the site suffered significant damage from storm generated waves. This led to the issuance of an emergency permit by the Executive Director in November of 1996 to address the damage (ref. 6-96-147-G).

This history is important to understanding the problems the subject site is experiencing. When the development of the parking lot and day-use facilities was originally permitted in 1987, there was a fairly wide sandy beach in this location, which helped to provide natural protection to the site from waves. However, since that time, the sandy beach has almost entirely disappeared. As such, the site is now constantly subject to wave attack, even in non-storm conditions. Given this context, the subject proposal raises a number of issues related to public access and geologic stability.

There are a number of adverse impacts to public resources associated with the construction of shoreline structures. Some of the effects such structures may have on natural shoreline processes can be quantified. Three of the effects from a shoreline protective device that can be quantified are 1) loss of 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 were to erode naturally.

In this particular case, with the exception of one small area, the entire site is already bordered on the west with existing shore protection. As such, because the revetment

already exists, it is now incumbent upon the Commission to regulate the repair, maintenance and expansion of the existing shore protection to assure impacts to public access and the beach are avoided and/or minimized to the maximum extent feasible.

The repair to and augmentation of the existing riprap revetment authorized under the emergency permit will actually facilitate public access in that it not only removed stones from the beach that can impede access, but also improved the existing revetment (with no further seaward encroachment) such that the upland day-use facilities will remain operational. As such, the Commission finds that the proposed permanent authorization of these emergency repairs is consistent with Coastal Act policies.

Another component of this permit request is the after-the-fact authorization for the replacement of a section of riprap revetment with a buried sheet pile wall. When the Commission approved CDP #6-87-459, the approval included the construction of a new riprap revetment where a seawall previously existed, but was destroyed by storm waves. However, as noted above, the applicant instead constructed a 540 ft. long, 25 ft. high (buried) sheet pile wall capped with a concrete slope protection. To address this change, the applicant provided a previous analysis which determined that it would be less costly to construct the sheet pile wall and slope protection and let the waves wash up across the parking lot than to construct and maintain a riprap revetment in this location. According to this analysis, it was determined that because of the history of damage of shore protection in this location, it would be more cost effective to let the waves through and provide erosion protection, rather than trying to dissipate the waves with a revetment that would be subject to continual damage. As such, the project was revised and the sheet pile wall constructed, without notifying the Commission or obtaining the necessary authorizations.

Because the sheet pile wall is buried, it does not have a direct impact on public access. In addition, the wall and the concrete slope protection above it were constructed landward of the toe of the riprap revetment that was approved in this location. As such, the sheet pile wall involves less beach encroachment than the approved revetment. However, construction of the sheet pile wall and concrete slope protection do raise other concerns related to public access and geologic stability. Specifically, because the design of the sheet pile wall includes a concrete ramp (slope protection) on top of it, the applicant determined that the ramp would facilitate access to the beach by the public and therefore, one of the two proposed stairways and a paved access path to the beach were eliminated from the project. Again, this was done without notifying the Commission.

The problem that this change raises is that since its construction, instead of providing an accessible sloping ramp for which to walk down and access the beach as was planned, the ramp has become the receptacle for huge piles of rock cobbles. The cobbles form such a high berm, that it makes it very difficult to climb over and safely access the beach. In addition, shortly after the project was constructed, the only other remaining public access stairway was removed because of significant damage it received from wave action.

Again, this was done without notifying the Commission. As such, the only area remaining on the site where the public can now easily and safely access the beach is a small natural cove area in the southernmost portion of the site.

In addition, because the sheet pile wall design allows waves to wash over it and into the parking lot, the applicant determined that Comfort Station #2 could not be constructed in its approved location or it would be subject to damage. As such, it was relocated to the southwestern most portion of the site (ref. Exhibit #2). Again, this was done without notifying the Commission. The relocation of the comfort station raises several concerns. First of all, it was relocated to the only portion of the site where riprap was not proposed or authorized. As such, when it was constructed, a small riprap revetment was added to provide wave protection for the structure. In addition, shortly after it was constructed, wave overtopping began to erode the area in front of the comfort station, prompting the applicant to request emergency authorization for 200 tons of additional riprap in this area to protect the comfort station. However the request was denied by the Executive Director as it had not been documented that the structure was in danger from erosion and because of the significant impacts the new riprap would have on public access. The riprap was proposed to be placed in the only area left on the site where the public can gain access to the beach without having to climb over cobble or riprap. The Executive Director instead directed the applicant to review other alternatives to riprap that would have less impact on public access. The applicant is now again requesting with this application to place the 200 tons of new riprap to protect Comfort Station #2.

Rock revetments typically encroach onto public beach areas, which can have adverse impacts on the ability of the public to move along the beach. As such, when documented as necessary to protect existing structures, vertical seawalls, versus riprap, have typically been found to be the least environmentally damaging alternative for permanent shoreline protection. In the case of the proposed development, the applicant is requesting to place an additional 200 tones of riprap on the beach to provide protection to the relocated Comfort Station #2. As noted above, because the area around Comfort Station #2 is the only place on the site where the public can access the beach without having to climb over riprap or cobble berms, placement of the additional riprap would significantly affect the ability of the public to access the beach at this site. In addition, the applicant has not provided any information on alternatives to riprap which could provide protection to the facility while minimizing any impacts on public access. Such feasible alternatives could be a sheet pile wall similar to that used to the north to replace the previously approved revetment, or relocation of the comfort station to a more appropriate location on the site. As such, the proposal is inconsistent with Section 30235 as well as with the public access and recreation policies of the Coastal Act. Therefore, Special Condition #3 has been attached which states that the proposal to place an additional 200 tons of riprap on the beach in front of Comfort Station #2 is herein not approved.

The subject development also includes a request for after-the-fact authorization of grouting of the riprap. After completion of the repairs to the revetment approved in the

1987 permit, the applicant "grouted" the riprap revetment in a number of locations. According to the applicant, the intent of the grouting was to hold the riprap in place better so that it would not move when subjected to wave action. While grouting of riprap is generally not recommended, in this particular case, most of the grouting has "worn" away and removal of the remainder of the grout would serve no real purpose.

Relative to the removal of the perched beach feature, the applicant has indicated that during construction of the facilities, it became apparent that these raised sand areas would be subject to wave overtopping and flooding during routine storm events. As such, in order to prevent the waves from eroding the sand and undercutting the facilities behind it, the perched beaches were eliminated and paved over with concrete. Again, this was done without notifying the Commission. While the perched beach feature does not directly facilitate or impede public access, it is considered a recreational amenity that is typically included to offset other project related impacts typical of this kind of facility. However, it was replaced with public walkways such that these areas have not been "lost" to public use.

Each of the developments proposed herein, taken by themselves, do not raise serious concerns relative to coastal resources. However, when taken together, they actually reduce the accessibility of the beach to the public. In other words, in an effort to protect the beach parking lot and its associated day-use facilities, public access stairways and paths have been removed and/or eliminated such that there is only one small area in the southernmost portion of the site where the public can access the beach without having to climb over cobble berms or riprap. In addition, the comfort station was relocated to an inappropriate location on the site (which now may require protection from waves) and the proposed rock protection would fill in the only area on the site where access to the beach can easily be obtained. As such, in review of this development, the Commission must balance the needs of the applicant to provide protection for existing improvements (as allowed under Section 30235 of the Coastal Act) with the impacts of such protection on public access and recreation.

Thus, with the exception of the proposal to add an additional 200 tons of new riprap, which is herein not permitted, the Commission finds that the remaining elements of the applicants proposal are acceptable. In this way, the public can continue to use and enjoy this day-use beach facility, even if access to the beach is somewhat limited at the present time, primarily due to the presence of cobbles rather than sand. This beach area would be a prime location for beach replenishment due to the presence of support facilities including parking and restrooms.

However, given the current state of the beach and to assure public access is not further impacted in the future, a number of special conditions have been attached. Special Condition #1 requires the applicant to complete an inspection of the revetment and based on the inspection, reposition any stones that have migrated back onto the revetment so the Commission can be assured that encroachment of the revetment onto the beach is

minimized to the maximum extent feasible. In addition, the condition requires that this work be completed within 30 days of Commission action on this permit so that the revetment is pulled in as tight as possible prior to it being surveyed pursuant to Special Condition #2.

As noted, Special condition #2 requires that the applicant complete a survey of the top and toe of the revetment after any required maintenance has been completed. This survey then, will establish the allowable "footprint" for the revetment to be used to determine future repair and maintenance. In addition, because so many changes have occurred at the site since 1987, Special Condition #2 also requires the applicant to submit a final "as-built" site plan for the development that identifies the location of all the approved improvements, walkways, landscaping and shore protection measures. In this way the Commission can be assured of up-to-date plans so there is no confusion as to what has been authorized at this site.

Special Condition #4 requires the applicant to develop and undertake a monitoring plan for the beach and shoreline protection. This condition requires the monitoring plan to address the condition and effectiveness of the revetment, including any movement of stones beyond the "footprint" established in Special Condition #2 and recommend any necessary maintenance. In addition, this condition requires the applicant to conduct surveys of the dry beach width and profiles along the site in the summer and winter of each year and present the information in a report to the Executive Director prior to May 1st of each year. With this information, the Commission can determine the effects of both the revetment and the sheet pile wall on the beach. In addition, the beach width measurements and slope profiles will provide information used to determine the amount of dry beach area at given time periods and the amount of wave energy affecting the site. This information can be useful as baseline data when reviewing any subsequent shore protection requests or proposals involving beach sand replenishment at this site.

Special Condition #5 states that the applicant is responsible for maintenance of revetment as recommended in the required monitoring report. The condition specifically authorizes the applicant to remove dislodged rocks from the beach so as not to impair public access along the beach and that all other necessary maintenance be first reported to the Commission office to determine any permit requirements.

Due to the inherent risk of shoreline development and the Commission's mandate to minimize risks, the standard public agency waiver of liability condition has been attached through Special Condition #6. By this means, the applicant is notified of the risks and the Commission is relieved of liability in permitting the development.

Because the development approved herein has already been completed and is proposed to resolve the potential Coastal Act violation, Special Condition #7 is proposed. This condition requires that the final plans, monitoring program and assumption of risk acknowledgment required in Special Condition Nos. 2, 4 and 6 to be completed and

submitted to the Executive Director within a specified time period. The condition further states that if this time frame is not met (or additional time granted by the Executive Director for good cause), then the permit becomes null and void.

The proposed development involves, among other things, the repair and maintenance of an existing approved riprap revetment. With the denial herein of the applicant's request to install 200 tons of new rock by Comfort Station #2, no further encroachment onto the public beach is proposed or approved. In addition, monitoring and maintenance of the revetment is required to assure public access is not adversely affected in the future. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Sections 30235, 30253 and the public access and recreation policies of the Coastal Act.

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

As stated, the subject site is located in the southern most portion of the City of Encinitas on the west side of Highway 101. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the California Department of Parks and Recreation and does not require review or approval from the City. In addition, in November of 1994, the Commission approved, with suggested modifications, the City of Encinitas Local Coastal Program (LCP). Subsequently, on May 15, 1995, coastal development permit issuing authority was transferred to the City. Although the subject site is on State Parks property, it does fall 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.

The subject site is zoned and planned for visitor-serving uses in the certified City of Encinitas LCP. The proposed development will have no impact on these designations. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development, as conditioned, will not adversely affect the City's continued implementation of its certified LCP.

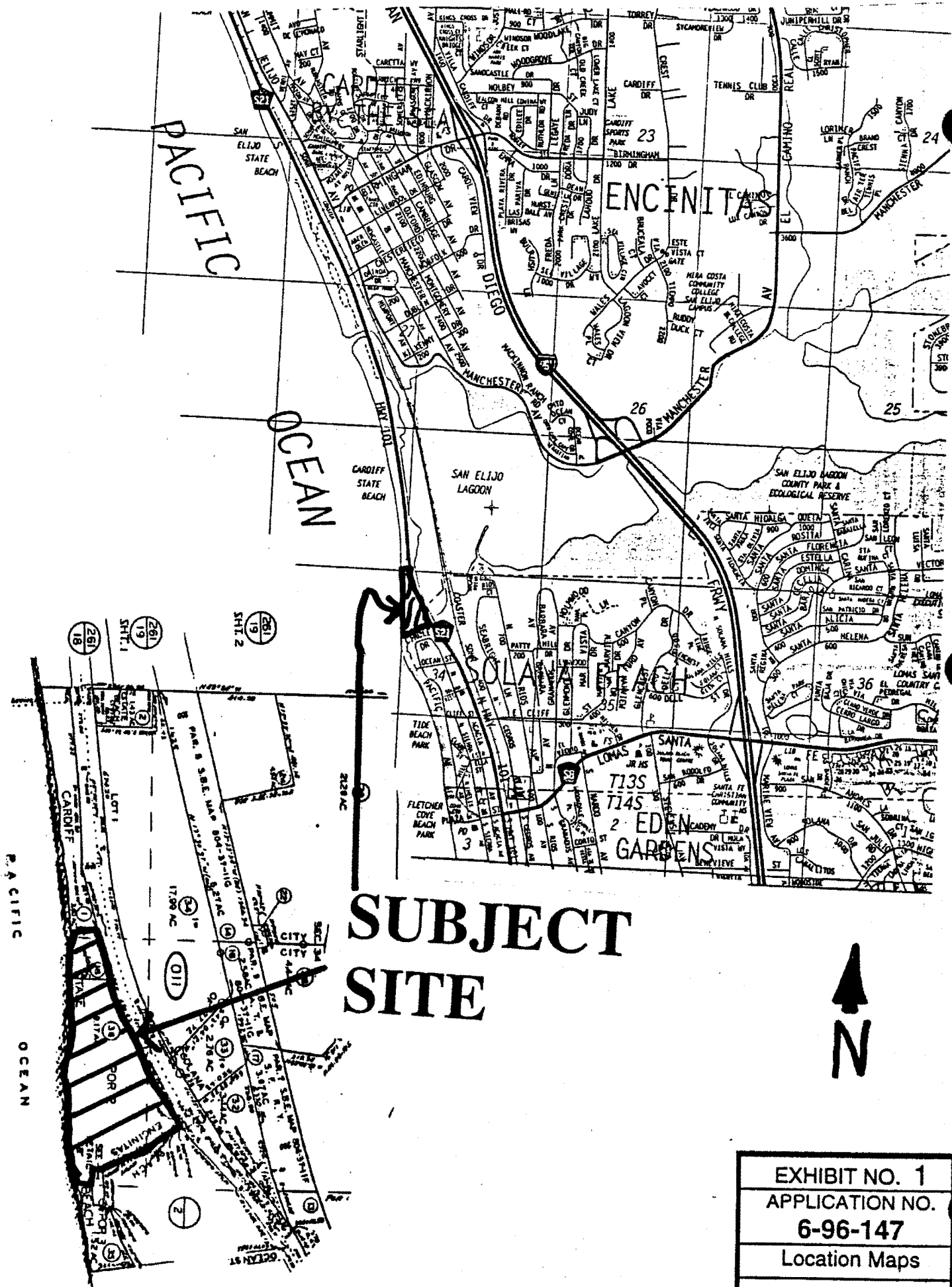
5. California Environmental Quality Act. Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

As discussed herein, the proposed project, as conditioned to eliminate the placement of an additional 200 tons of riprap on the beach fronting the relocated comfort station and to require the applicant to initiate a monitoring and maintenance program for the existing shoreline protection, will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, 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 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.



**SUBJECT  
SITE**



EXHIBIT NO. 1
APPLICATION NO.
<b>6-96-147</b>
Location Maps
California Coastal Commission



**RECEIVED**

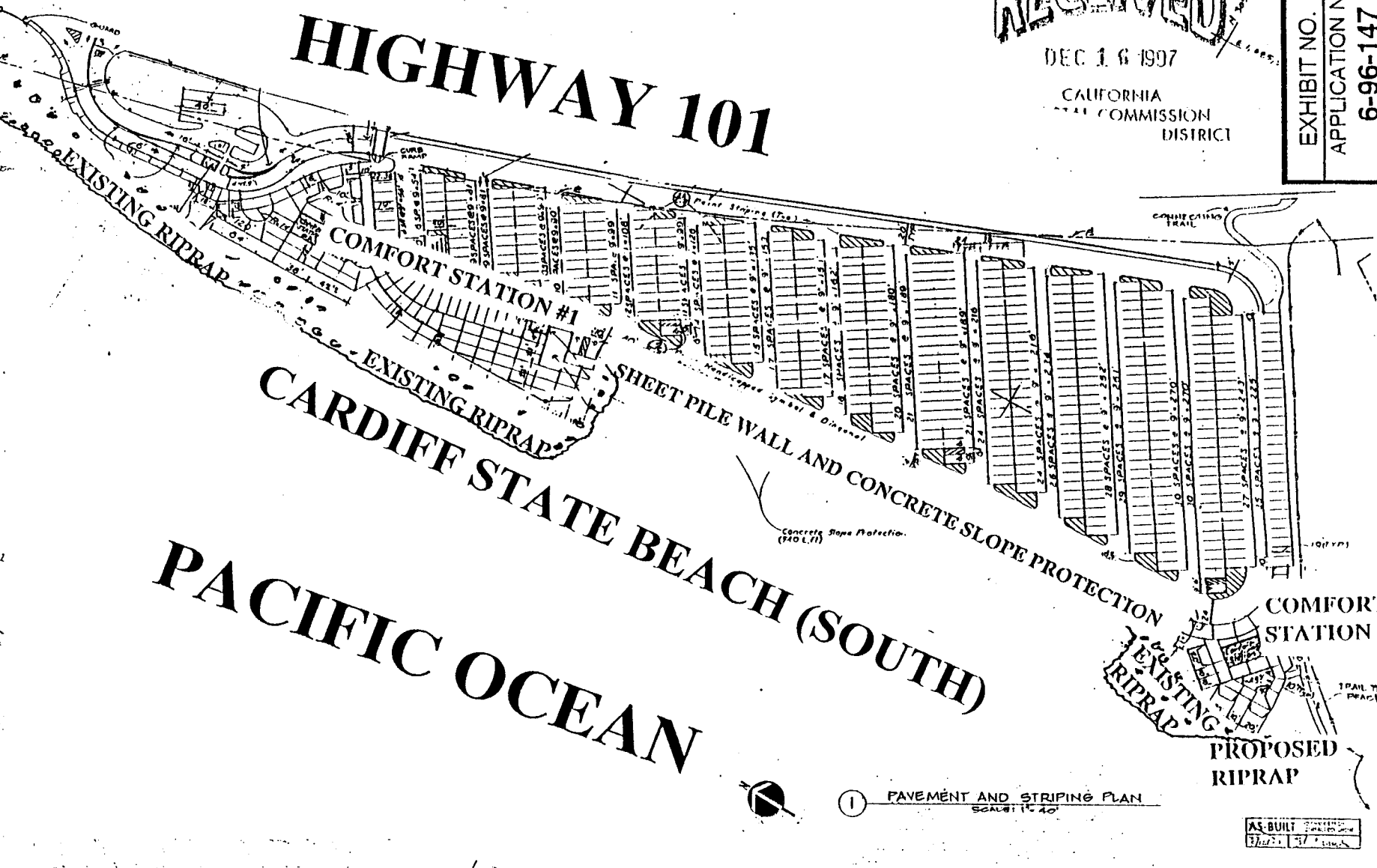
DEC 16 1997

CALIFORNIA  
STATE COMMISSION  
DISTRICT

EXHIBIT NO. 2
APPLICATION NO. <b>6-96-147</b>
Site Plan

California Coastal Commission  
24136

# HIGHWAY 101



EXISTING RIPRAP

COMFORT STATION #1

EXISTING RIPRAP

SHEET PILE WALL AND CONCRETE SLOPE PROTECTION

CARDIFF STATE BEACH (SOUTH)

PACIFIC OCEAN

COMFORT STATION #2

EXISTING RIPRAP

PROPOSED RIPRAP

TRAIL TO BEACH

Concrete Slope Protection (140 L, 71)

1 PAVEMENT AND STRIPING PLAN  
SCALE: 1" = 40'

AS-BUILT	DATE
7/9/97	7/9/97

APPROVALS	SUPERVISOR <b>P.B. LEE</b>	DESIGNED BY <b>F.P.</b>	CHECKED BY	DATE <b>7-9-93</b>	PROJECT NUMBER <b>PSB 207</b>	FILE <b>21-A-5</b>
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## CALIFORNIA COASTAL COMMISSION

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

EMERGENCY PERMITCalif. Dept. of Parks and RecreationNovember 5, 1996

(date)

ATTN: Paul Webb

(name)

8885 Rio San Diego Dr., Suite 270

(street name &amp; no.)

San Diego, CA 92108

(city, state, zip)

6-96-147-G

Emergency Permit #

**FILE COPY**South Cardiff State Beach Parking Lot, Encinitas, San Diego County.

Location of Emergency Work

Sawcut and remove approximately 176 lineal feet of existing undermined concrete paving and install geotextile fabric, engineered fill and new concrete paving and concrete sand curb and repair existing riprap revetment by readjusting existing stones that have shifted or migrated and augment with additional 200 tons of 1/2 ton stones in accordance with the change order plans dated July 29, 1996.

Work Requested

Dear Applicant:

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of wave overtopping and undercutting of existing improvements requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. The Executive Director hereby finds that:

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

EXHIBIT NO. 3

APPLICATION NO.

6-96-147

Emergency Permit

Page 1 of 4

California Coastal Commission

The work is hereby approved, subject to the following conditions:

1. The enclosed form must be signed by the property owner and returned to our office within 15 days.
2. The work authorized by this permit must be completed within 30 days of the above date. Only that work specifically requested as described above and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. Within 60 days of the above date, the permittee shall apply for a regular coastal development permit to have the emergency work considered permanent. If a regular permit is not received, the emergency work shall be removed in its entirety within 150 days of the above date unless waived by the Executive Director.
4. In exercising this permit the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that results from the project.
5. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies.
6. OTHER: See attached Exhibit A

Condition #3 indicates that the emergency work is considered to be temporary work done in an emergency situation. If the property owner wishes to have the emergency work be permanent development, a coastal development permit must be obtained. A regular coastal development permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly.

If you have any questions about the provisions of this authorization, please call the Commission's San Diego Area Office.

EMERGENCY PERMIT APPROVED:

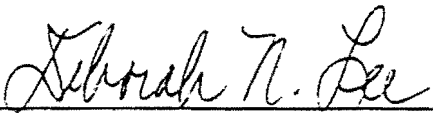
  
for Charles Damm, Deputy Director

EXHIBIT A

Emergency Permit #6-96-147-G  
Additional Conditions of Approval

6a. Repair and augmentation of the existing riprap revetment shall be accomplished within the originally approved footprint for the revetment. No further seaward encroachment of the revetment is authorized with this emergency permit. The proposed extension of the revetment at the south end of the parking lot adjacent to Comfort Station #2 (as proposed on the the July 29, 1996 plans) is not authorized with this emergency permit.

b. This permit is for only the work described above and no other work is authorized by this emergency permit. If during construction, site conditions warrant changes to the approved plans, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.

EMERGENCY PERMIT ACCEPTANCE FORM

Emergency Permit No. 6-96-147-G

Instructions: After reading the attached Emergency Permit, please sign this form and return within 15 working days.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. I understand that the emergency work is temporary and a regular Coastal Development Permit is necessary to make it a permanent installation.

\_\_\_\_\_  
Signature of property owner or  
authorized representative

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

(1432A)

