CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
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Staff: DL-SD
Staff Report: November 18, 1998
Hearing Date: December 8-10, 1998

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REVISED FINDINGS

Application No.: 6-97-126-A2

Applicant: James & Nancy O'Neal Agent: Walt Crampton

Original Description: Temporary placement and removal of rip-rap or large sand filled bags (geotubes) along the base of a coastal bluff below one bluff-top property containing a single-family residence. The rip-rap or geotubes would be approximately 10 feet high (5 feet above current sand level, 5 feet below), and would encroach approximately 12 feet onto the beach. All rip-rap or geotubes are proposed to be removed by April 15, 1998.

First Amendment: Allow riprap to remain on beach below residence until May 15, 1998.

Proposed Amendment: Allow riprap to remain on beach below residence until August 31, 1998.

Site: Bluff and beach below 211 Pacific Avenue, Solana Beach, San Diego County. APN 263-323-02.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance

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STAFF NOTES:

Summary of Commission Action:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action on May 14, 1998 approving the amendment over staff's recommendation of denial with one special condition requiring the temporary riprap to be removed by June 15, 1998.

Date of Commission Action: May 14, 1998

Commissioners on Prevailing Side: Allen, Brothers, Dettloff, Flemming, Nava, Potter, Reilly, Staffel, Tuttle, and Vice Chairman Wan

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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. Special Conditions.

1. Removal of Riprap. By acceptance of the this permit, the applicant agrees to remove by June 15, 1998, all structures and materials, including riprap, mirafi cloth and any other materials placed on the beach or bluff in association with the placement of the approved riprap.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Original Project Description/History. On January 12, 1998, the Commission approved the subject application for temporary placement and removal of 4-5 ton size riprap along 70 linear feet at the base of a coastal bluff below a single-family residence. In December, 1997, the Commission had approved fourteen other applications for temporary placement and removal of a total of either approximately 4,862 tons of 4-5 ton size rip-rap boulders, or 815 lineal feet of large sand filled bags known as geotubes along the base of a coastal bluff below fourteen contiguous and non-contiguous bluff-top properties in the City of Solana Beach (CDP #6-97-125 through #6-97-138). Each revetment would be approximately 10 feet high (5 feet above current sand level, 5 feet below), and would encroach approximately 12 feet onto the beach. The north and south ends of the revetment on each non-contiguous site would be curved out to reduce "edge" effects on the adjacent, non-protected properties.

All of the applicants, including the applicant for the subject amendment, proposed to remove the protection by April 15, 1998, and each received a Temporary Emergency Special Use Permit from the City of Solana Beach requiring that prior to construction, each applicant post a bond with the City of Solana Beach for the amount of $12,000 ($25,000 for the one condominium site) to ensure that money was available to remove all of the riprap.

The Commission approved the development with special conditions requiring that the applicants remove the protection by April 15, 1998, and the submittal of final plans, proof of bonding, an assumption of risk, and approval by the State Lands Commission.

In March of 1998, the Commission approved placement of riprap below an additional single-family residence (#6-98-2). Ultimately, only seven applicants, including the subject applicant, placed riprap under the approved permits.

The subject amendment request involves the riprap placed at only one site below an existing single-family residence located at 211 Pacific Avenue. The subject site consists of an approximately 83 foot high coastal bluff below an existing single-family residence. The City of Solana Beach owns the bluff face and the beach below the residence.

In September, 1995, the Commission approved a permit for construction of a 1,944 sq.ft. addition to the existing 1,718 sq.ft. single-family residence on the bluff-top lot with special conditions requiring that all new construction occur no closer than 40 feet to the bluff edge and informing the applicant that any future applications for shoreline protective devices would require an alternatives analysis (#6-95-95).

2. First Amendment Request. Information was submitted by the project applicant in early May documenting that El Niño-generated storm conditions were likely to continue beyond April 15, and thus, there was a continued need for temporary protection on the project site. Therefore, a non-material amendment to allow the riprap to remain on the site until May 15 was approved by the Executive Director on April 17, 1998, after circulation to interested parties. Three letters of comment were received, but none objected to the one-month extension request, thus, the amendment was approved.

3. Current Amendment Request. The current amendment requests that the riprap be permitted to remain on the project site until August 31, 1998. The City of Solana Beach has given the applicant approval to keep the riprap on the site until August 31, 1998, with an option that the time limit could be extended for additional 90 day periods if an emergency situation continues to exist and the applicant is pursuing a long-term solution.

4. Consistency with Chapter 3 of the Coastal Act:

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.

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

> New development shall:
>
> (l) 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: Pursuant to Section 30604 (c), the Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. Section 30210 of the Coastal Act is applicable to the proposed development and states:

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

Section 30211 of the Act states:

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

In addition, Section 30212 of the Act is applicable and states, in part:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
>
> (l) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
>
> (2) adequate access exists nearby....

Section 30213 states in part:

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

Additionally, Section 30220 of the Coastal Act provides:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Visual Quality: Section 30251 of the Coastal Act states, in part:

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

At the time the placement of the riprap was originally approved by the Commission, the applicant had not submitted any site-specific information demonstrating that the existing bluff-top structure was currently in danger from erosion. However, there was evidence that the 1997-1998 winter storms were likely to be more severe than usual due to the presence of an El Niño condition with higher amounts of rainfall and coastal wave surge. These conditions presented an increased likelihood of bluff failure and block falls, which would potentially result in the need for permanent shoreline protective devices. Storm events which coincide with high tides can be particularly damaging to coastal bluffs. Thus, the rip-rap was approved as a temporary, preventative measure to reduce the potential for extraordinary damage to property during an unusually harsh rainy season. Therefore, although the existing blufftop structure was not threatened at that time, the Commission weighed the temporary adverse impacts to public resources associated with construction of temporary shore/bluff protection during the winter months only, against the advantages of avoiding substantial bluff failures which may lead to greater impacts in the future.

There are a number of adverse impacts to public resources associated with the construction of either temporary or permanent shoreline structures. These include the loss to the public of the sandy beach area that is displaced by the structure, "permanently" fixing the back of the beach, which leads to the narrowing and eventual disappearance of the beach in front of the structure, a reduction/elimination of sand contribution to the beach, sand loss from the beach due to wave reflection and scour, accelerated erosion on adjacent unprotected properties and the adverse visual impacts associated with construction of a shore/bluff protective device on the natural bluffs. As such, the

construction of bluff and shoreline development raises consistency concerns with the public access and recreational policies of the Coastal Act and Sections 30235, 30240, 30251, and 30253.

Even on a short-term basis, the impacts from placing riprap along the shoreline are not inconsequential. The sand loss associated with even normal winter conditions significantly reduces the width of the beach, making lateral access along the beach difficult or impossible at higher tides. Thus, the placement of riprap on the beach presents an additional substantial obstacle, making beach access problematic even during lower tides. The subject site is located approximately one block north of Fletcher Cove, the main access point to the northern shoreline of Solana Beach. The City's Tide Park public access stairway is located approximately four blocks north of the site. However, the public stairway was damaged during winter storms, and temporarily closed to public access. Thus, for several months, Fletcher Cove has been the only place to access the northern shoreline south of Cardiff State Beach, which is located on the southern end of Encinitas, approximately three-fourths of a mile from Fletcher Cove. Since the riprap is located only one block from Fletcher Cove, it has the effect of precluding shoreline access to the northern shoreline of Solana Beach during all but the lowest tides.

However, the Commission found that impacts to the public from the beach encroachment would be minimal since the riprap would be present during the winter months, when beach use is typically at its lowest level. In addition, the Commission found that compared to permanent seawalls, the impacts to shoreline processes and sand supply from the riprap would be minimized, as long as the protection would be in place for only a few months.

In addition, given the predictions of an extraordinarily severe storm season, there was a potential that without some kind of short-term protection, the Commission would be faced, possibly under emergency conditions, with proposals for permanent shoreline protective devices with far more significant and longer-lasting impacts to visual quality, public access and sand supply than the temporary riprap. Thus, as a short-term, temporary measure, the Commission found the riprap to be a preventative measure, which, in the long run, would reduce the potential impacts to the public. April 15, 1998 was established as the deadline for removal of the riprap since the Southern California storm season is typically over or greatly diminished by this date, and because beach use is relatively infrequent before this date.

In fact, the predictions of an unusually severe storm season were largely borne out, although the San Diego region coastline experienced somewhat less damage than other parts of the state. In particular, the segment of coastline in Solana Beach from Fletcher Cove to just north of Tide Park has experienced nearly constant wave action and erosion and undercutting of the base of the bluffs has resulted. Overhanging portions of the bluff have sheared off in a number of locations. As the April 15, 1998 deadline for removal of the riprap approached, the applicant submitted evidence that the storm season was likely to extend beyond April 15 and that temporary protection was still necessary. Thus, a

non-material amendment was circulated extending the removal deadline until May 15, 1998.

However, approval of the current amendment request would allow the riprap to remain on the beach until August 31, 1998, more than four months longer than originally anticipated. The impacts associated with the project increase the longer and later the riprap remains on the beach. The Commission has typically defined the "summer season" as the time period between Memorial Day and Labor Day weekends, as the beaches receive the highest amount of public use during this time period. Even if sand returns to the shoreline during the next few months (as is typical for the summer months), resulting in wider beaches, the proposed riprap would still totally or partially block lateral access along the shoreline during higher tides, precluding lateral access necessary for strolling and jogging, which is one of the primary forms of beach use along Solana Beach's shoreline due to the lack of wide sandy beaches everywhere except Fletcher Cove.

Section 30221 requires that oceanfront land suitable for recreational use be protected for recreational use unless public demand can be accommodated elsewhere in the area. As previously discussed, if access is blocked at the project site, there is currently no other way to access the shoreline north of the site until Cardiff State Beach, which is located at the southern end of Encinitas where the State Beach parking lot is also closed due to storm damage at this time; however, there are a small number of street parking spaces north of the lot. Retention of the riprap would eliminate use of a beach area that receives heavy use during the peak summer months, especially during the Memorial Day and Independence Day holiday weekends, without providing any alternative access route or mitigation for the loss of recreational area.

The riprap also represents an adverse visual impact, as the rock is clearly not part of the natural beach/bluff landform, and thus, is not compatible with the character of the area. Again, during the winter months when relatively few people use the beach, the temporary visual impacts of several tons of riprap were outweighed by to the benefits of providing short-term protection. However, leaving the riprap on the beach well into the summer months when the recreational and tourist season is at its height would represent a significant impact on the visual quality of a highly scenic shoreline.

In addition, the applicant has not submitted any geotechnical information demonstrating the impacts that riprap has had on the bluffs, either negatively or positively (by providing protection to the site). However, the riprap was designed as short-term protection that would be in place for less than five months. The longer the riprap remains on the beach, the greater the potential for "edge" effects such as scouring and increased erosion on the neighboring properties. The riprap was placed in January/February 1998, and thus will have been in place for approximately three months by May 15, and approximately six months by August 31, 1998. Without any specific geotechnical information it is difficult to assess the extent of impact the rock has had on the bluffs, but it is well documented

that hard structures on the beach have some degree of adverse edge effects, and these will cease when the riprap is removed.

The applicant has submitted a statement from a geotechnical engineer addressing, in general, the threat to the existing bluff-top properties along the northern stretch of Solana Beach's coastline. The letter indicates that the fundamental threat to these properties comes from the fact that there is little or no sand on the beach at this time, and thus, for the majority of any given day, waves are impacting directly upon, and actively eroding the coastal bluff. The report notes that although the recent El Niño-type storms have accelerated coastal erosion, it the wholesale loss of sand over the past years that has created the serious erosion problems, with the El Niño storms merely accelerating the severe increased rate of erosion. The report concludes that although El Niño conditions are lessening, high sea surface temperature anomalies, and hence additional storm potential, are expected to remain through May 15 and extending into the summer of 1998.

However, there is evidence that sand has begun to return to the beaches in Solana Beach. As of April 22, 1998, more than two feet of sand had returned to beaches in the Fletcher Cove over what had been present only weeks ago (Steve Apple, personal comm.). Waves do continue to hit the toe of the bluff at the project site. However, if typical sand/wave patterns continues, more sand will continue to accumulate at the base of the bluffs over the next several weeks and months, thereby reducing the threat that substantial bluff erosion will continue through the summer. In addition, the City of Solana Beach has indicated that it is aggressively pursuing a variety of beach replenishment projects. There are currently two beach replenishment projects approved which could provide sand to Solana Beach including a grade separation project approved by the Commission in October 1994 (#6-94-207) and the Navy Homeporting project approved in 1997 (CD #95-95). The City is also pursuing a sand for trash exchange program. Implementation of any of these projects would reduce the need for the riprap.

Furthermore, the applicant has not submitted any evidence indicating that the existing bluff-top structure is currently in danger, such as the distance between the residence and the edge of the bluff, predicted erosion rates, the natural angle of repose of the current bluff configuration, the potential for landslides, or any other site-specific geotechnical information. The most recent analysis of these factors on the subject site was performed in 1995, in association with the construction of a 1,944 sq.ft. addition to the existing residence on the bluff top (#6-95-95). The geotechnical report indicated that bluff retreat over the next 75 years was estimated at a maximum of 16.5 to 25 feet, which would not threaten either the existing residence or the addition that was proposed. The report indicated that a coastal bluff protective device would not be warranted to safeguard the residence or addition from the coastal bluff retreat anticipated over the next 75 years. Even with the accelerated erosion rate associated with the El Niño storms, there is no indication that the existing residence is in danger from bluff retreat.

Thus, given that there is no evidence that the existing residence is in danger of erosion, the Commission is not required to approve a shoreline altering device pursuant to Section

30235. Allowing the riprap to remain until August 31, 1998 would set a precedence that temporary, short-term protection which has not been shown to be necessary in order to protect existing structure can be allowed on the beach even when storm threats are low and impacts to public access and recreation will be high. Approval of retention of the riprap until August 31, 1998, would be inconsistent with the Chapter 3 policies regarding the minimization of landform alteration, the protection of public access and recreation, and the preservation of scenic areas.

Moreover, there are feasible alternatives to leaving the riprap on the beach. As noted above, there is no evidence that removal of the rock will jeopardize the existing principal bluff-top structure. Therefore, removal of rock is the least environmentally damaging alternative. There are also a number of other alternatives that have not been explored, such as underpinning the existing residence, addressing groundwater and irrigation runoff, and removing portions of the home which are threatened.

However, given that the removal work can only take place during higher tide periods, it will take several weeks to accomplish removal of the riprap. Extending the time limit for removal until June 15, 1998 will allow time for the removal to take place in a safe and orderly fashion, while only encroaching modestly into the beach season. Therefore, Special Condition #1 requires the riprap to removed by June 15, 1998.

The Commission recognizes that the entire shoreline in the area of the project site did experience varying amounts of block failures, undercutting, seacave formation and expansion, and bluff retreat this past winter. Although there is no specific evidence documenting the risk to existing bluff-top structures in the area, it seems reasonable to assume that given the damage the bluffs sustained this year, next winter's storms may present a similar risk of erosion. Even if there is no need for shoreline protection at the subject site because of the existing structure's setback, the Commission may soon be faced with requests for temporary or permanent shoreline protection all along the northern segment of the Solana Beach shoreline.

The riprap was approved previously because there are significant benefits to both the public and private property owners associated with taking proactive measures to protect bluff-top structures before an emergency situation arises which results in the construction of permanent shoreline protective devices with significant and long-lasting impacts to visual quality, public access and sand supply. Similarly, there are benefits associated with doing long-term, comprehensive planning for permanent shoreline protection before existing bluff-top structures are in imminent danger from erosion. Therefore, it is suggested that the applicant, other private property owners in the area, and the City of Solana Beach (which owns the majority of the bluff face in northern Solana Beach and the beach) explore protective measures with less environmental impacts than riprap, and to do so in a proactive, comprehensive manner.

Any comprehensive shoreline planning effort should examine a range of alternatives including beach sand replenishment, underpinning existing structures, addressing

irrigation and groundwater, removing threatened portions of existing development, and any combination of these measures. Any of these alternatives would avoid the significant adverse impacts associated with shoreline protective structures. However, through this planning process it may be determined that a minimal amount of shoreline protection, such as a lower bluff seawall, if properly designed to minimize all adverse impacts and mitigate any remaining impacts, would reduce the risk that substantial lower and upper bluff protection, with significantly greater impacts, would be required in the future.

However, if the construction of shoreline protective devices is determined to be the least environmentally damaging feasible alternative for the northern Solana Beach coastline, it is vital that the protection be designed in a consistent, comprehensive manner, not on a lot-by-lot, piecemeal basis. Numerous studies have indicated that when continuous protection is not provided, unprotected adjacent properties experience a greater retreat rate than would occur if the protective device were not present. This is due primarily to wave reflection off the protective structure and from increased turbulence at the terminus of the seawall. According to James F. Tait and Gary B. Griggs in Beach Response to the Presence of a Seawall (A Comparison of Field Observations).

> "[t]he most prominent example of lasting impacts of seawalls on the shore is the creation of end scour via updrift sand impoundment and downdrift wave reflection. Such end scour exposes the back beach, bluff, or dune areas to higher wash energies and wave erosion."

As such, the base of the bluff continues to erode on the unprotected adjacent properties and failure of the bluff is likely. Thus, future failures could "spill over" onto other adjacent unprotected properties, prompting requests for much more substantial and environmentally damaging seawalls to protect the residences. This then starts a "domino" effect of individual requests for protection.

Shoreline protection constructed on a lot-by-lot, individual basis tends to have an inconsistent appearance, with different construction materials, coloring, texture, etc., which intensifies the adverse visual impact of the structures. In addition, each individual wall requires returns "cut" into the bluff which adversely affect bluff stability.

Therefore, it is crucial that the applicant, other bluff-top property owners, and the City of Solana Beach begin to develop a long-term plan to address bluff stability in Solana Beach prior to the next winter season. In spite of the adverse impacts associated with permanent shoreline protection, if designed and built in a comprehensive manner before an emergency situation arises, the adverse impacts can be reduced and mitigated. Leaving riprap on the beach through mid-summer is simply a "band-aid" solution which puts off the admittedly difficult process of comprehensive planning at the expense of the public. The proposed amendment would also reduce the incentive for bluff-top property owners to work together to reach a long-term solution that could be implemented prior to the next winter storm season.

In summary, as a short-term, temporary measure, the impacts on public access, recreation, shoreline processes, and visual quality from the placement of riprap on the project site were significant but acceptable in light of the unusually severe El Niño conditions, and the fact that the impacts would occur during the winter season. However, leaving the riprap on the beach until August 31, 1998, would impact a large number of people during the time period when demand for public beach access is highest. The longer the riprap remains on beach, the greater the likelihood that the riprap will have erosive effects on the bluffs to either side of the project. The sand is expected to return to the beaches over the next few weeks and months, reducing the need for shoreline protection. Finally, although the applicants have not demonstrated a need for shoreline protection at this time, there are less environmentally-damaging alternatives to riprap that could include a permanent seawall, if it could be constructed in a proactive, comprehensive manner with appropriate mitigation. Therefore, the Commission finds that allowing the riprap to remain only until June 15, 1998 is the alternative with the least impact on coastal resources, and will allow the riprap to be removed as quickly as feasible. Only as conditioned to require removal of the riprap by June 15, 1998 can the proposed amendment be found consistent with the public access and recreational policies of the Coastal Act and Sections 30235, 30240, 30251, and 30253 of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) 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 only be made as conditioned.

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

As shoreline erosion along the coast rarely affects just one individual property, it is imperative that a region-wide solution to the shoreline erosion problem be addressed and solutions developed to protect the beaches. In preparation of an LCP, the City of Solana Beach is faced with many of the same issues as the City of Encinitas, located immediately north of Solana Beach, whose LCP was certified by the Commission in November of 1994. The City of Encinitas' LCP includes the intent to prepare a comprehensive plan to address the coastal bluff recession and shoreline erosion problems in the City. The plan will include at a minimum, bluff top setback requirements for new development and redevelopment; alternatives to shore/bluff protection such as beach sand

replenishment; removal of threatened portions of a residence or the entire residence or underpinning existing structures; addressing bluff stability and the need for protective measures over the entire bluff (lower, mid and upper); impacts of shoreline structures on beach and sand area as well as mitigation for such impacts; impacts for groundwater and irrigation on bluff stability and visual impacts of necessary/required protective structures.

The City of Solana Beach should also address these items in the context of a comprehensive approach to management of shoreline resources. However, the proposed amendment does not involve a comprehensive solution, and does not address any of the alternatives to the proposed project which would lessen or eliminate the impacts of the project. Allowing riprap to remain on the beach reduces the incentive for bluff-top property owners to participate in a long-term comprehensive solution which should be pursued prior to the next winter storm season. As detailed above, the amendment cannot be found consistent with the Chapter 3 policies of the Coastal Act unless conditioned to require that all riprap be removed by June 15, 1998, the earliest date feasible. As conditioned, approval of the project would not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

6. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect which the activity may have on the environment.

As discussed herein, only as conditioned to remove the riprap by June 15, 1998 can the proposed project be found consistent with the public access, recreation, shoreline alteration and visual impact policies of the Coastal Act. Given that the removal of the riprap will realistically take several weeks to accomplish, there are no feasible alternatives available which would substantially lessen the significant adverse impact which the project would have on the environment. Therefore, the Commission finds that the proposed amendment, 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.

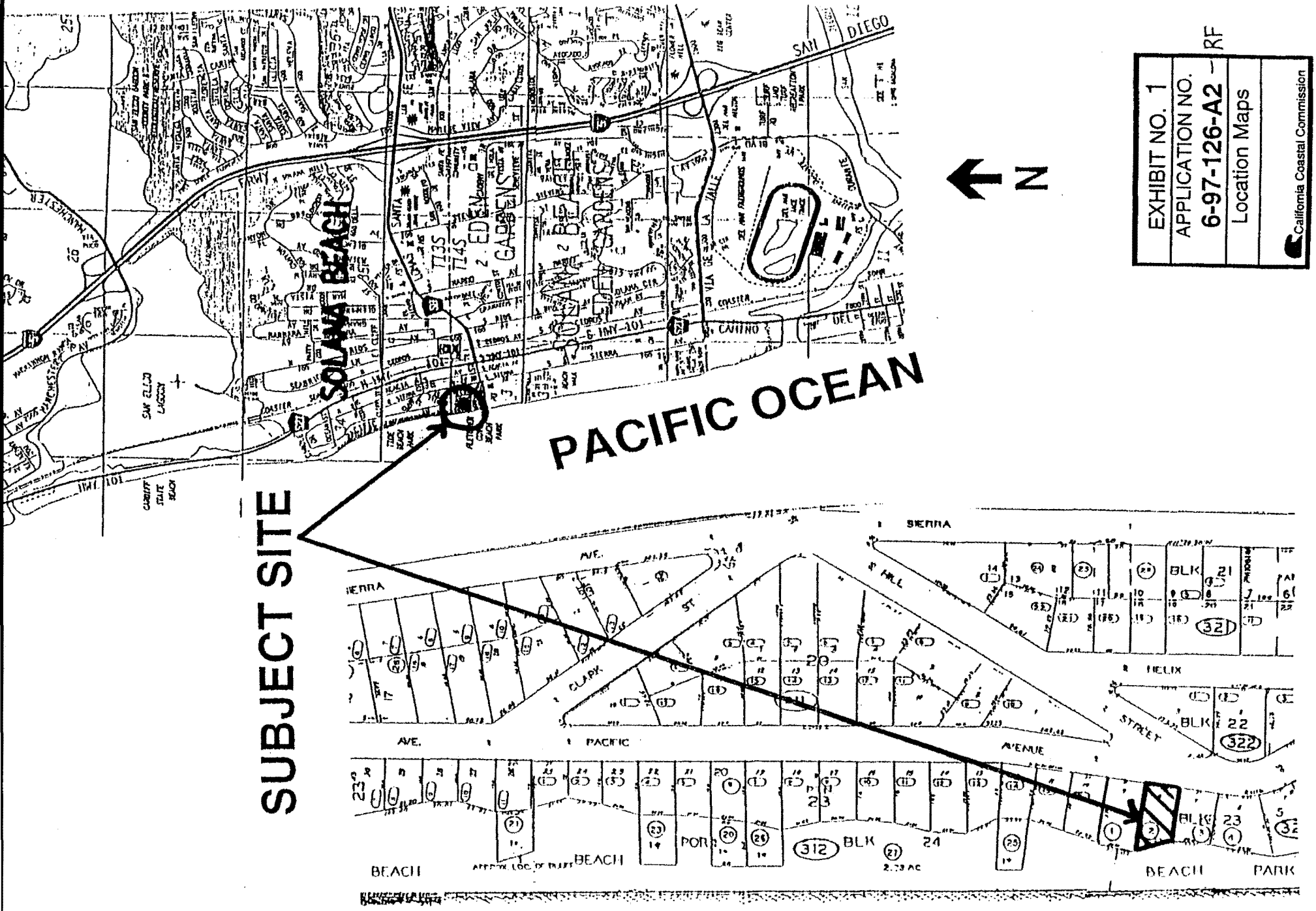
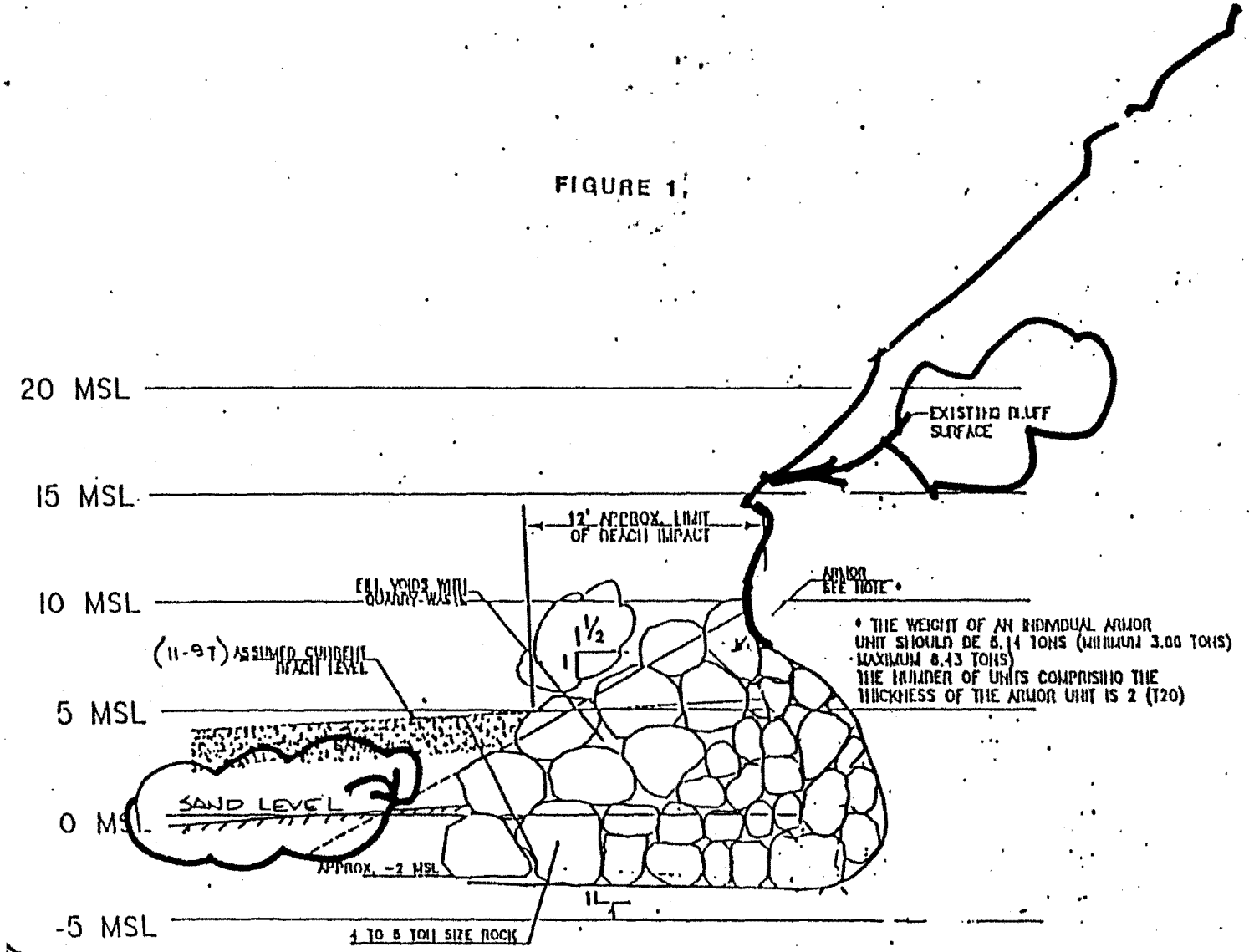


EXHIBIT NO. 1
APPLICATION NO.
6-97-126-A2 – RF
Location Maps
California Coastal Commission

FIGURE 1.



TYPICAL CROSS SECTION

RIP-RAP
N.T.S.

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ENGINEER

EXHIBIT NO. 2
APPLICATION NO.
6-97-126-A2
Typical Cross-Section
Of Riprap
California Coastal Commission