

CALIFORNIA COASTAL COMMISSION

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Staff: LRO-SD
Staff Report: 5/20/99
Hearing Date: 6/7-11/99

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-LJS-98-169

APPLICANT: Scott Moncrieff

PROJECT DESCRIPTION: Interior and exterior renovation to an existing non-conforming 10,006 sq.ft., two-story over basement single family residence with attached garage resulting in a reduction in size to 9,801 sq.ft. on a .23 acre blufftop lot. Also proposed is the demolition and rebuilding of a south side yard wall, removal of an encroachment into the Mira Monte Place public right-of-way, removal and replacement of a wall along the eastern portion of the home, landscape improvements and after-the-fact approval (and repair) of an existing 96-foot long, concrete vertical seawall which attains a height of +11.7 ft. MSL to +18 ft. MSL.

PROJECT LOCATION: 6102 Camino de la Costa, La Jolla, San Diego, San Diego County. APN 357-141-04

STAFF NOTES:

The Commission found Substantial Issue at the March 10, 1999 meeting. This report is for the de novo permit. At the April 14, 1999 Commission meeting, after listening to the staff presentation and testimony from the applicants and project opponents, the Commission postponed the project due to a number of questions that were raised and other unresolved issues addressing in part: permit jurisdiction, location of the mean high tide line and geotechnical evidence documenting the need for the northern 32 ft. section of the existing seawall.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the proposed remodel of an existing single family residence and the after-the-fact approval and repair of the southerly

approximately 64 linear feet of an existing 96-foot long vertical seawall with several special conditions. The staff also recommends that the Commission require that the northerly approximately 32 linear feet of the existing seawall be removed within 120 days of Commission action and that a new seawall be constructed along the northern portion of the property sited a minimum distance of six to eight feet inland from the location of the existing 32 linear foot seawall. The project raises concerns related to the protection and provision of designated view corridors and geologic hazards associated with the existing unpermitted seawall. Staff also recommends that protection of visual resources and public views associated with the designated public view corridor be addressed through landscaping, fence and wall requirements in Special Condition #4. The condition requires that the applicant trim existing vegetation in the public view corridor in order to open up public views toward the ocean and that the trees be maintained in perpetuity to assure that views are protected on an on-going basis. It further requires that a south side yard wall be relocated to the southern property line to eliminate its encroachment into the view corridor and that it be lowered in height and be composed of open materials. A fence along the eastern frontage of the site is also required to be composed of open materials to prevent a "walled off" effect.

Other conditions include a monitoring program for the seawall; assumption of risk; construction staging areas, access corridors and timing of construction; submittal of final seawall plans; public rights; conditions of the City's permit modified through the subject permit; sand mitigation fee, U.S. Army Corps of Engineers Permit; storm design and as-built plans for the seawall; and, future maintenance and debris removal associated with the seawall.

Staff has consolidated the staff report concerning de novo review of the proposed remodel of the residence with the staff report concerning the proposed seawall, the latter of which is within the Commission's original permit jurisdiction. With the attached conditions, the project can be found consistent with Chapter 3 policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Certified City of San Diego LCP/La Jolla-La Jolla Shores segment; City of San Diego Coastal Development Permit No. 96-7544; Appeal Forms dated 12/31/98; City of San Diego Report to the Planning Commission dated 9/10/98; Geotechnical Evaluation of 6102 Camino de la Costa, La Jolla, California for Skelly Engineering by GeoSoils, Inc. dated 10/31/96; Geotechnical Report by Skelly Engineering dated 11/1/96; Letter/Update to Geotechnical Report by Skelly Engineering dated 3/13/98; Letter/Update to Geotechnical Report by Skelly Engineering dated 4/3/98; CCC Staff Report: Appeal Substantial Issue dated 2/10/99.

STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the 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.

III. Standard Conditions.

See attached page.

IV. Special Conditions.

The permit is subject to the following conditions:

1. Final Revised Building Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final building plans that have been approved by the City of San Diego and that are in substantial conformance with the preliminary plans dated 4/28/97, except that such plans shall be revised to reflect that the northern section of the seawall that extends approximately 32 feet south from the northern property line shall be realigned to follow the toe of the exposed bluff (after removal of the unpermitted existing 32 ft. section of seawall) except that where it crosses the cove area, it shall extend inland a minimum of six feet in the center from the existing seawall (and open up at least 110 sq. ft. of beach area). The realigned seawall shall be no higher than +14 ft. MSL. The permittee shall undertake each phase of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Plans for Removal. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, plans for removal of the northerly 32 ft. section of the existing seawall that crosses the "cove" area on the subject site. Said plans shall include a schedule for implementation that shows removal occurring within 120 days of the Executive Director's approval of the removal plans. The Executive Director may grant additional time if requested and if good cause is demonstrated for such a request.

3. Monitoring Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a monitoring program prepared by a licensed engineer for the site and seawall which provides for the following:

approximately 64 linear feet of an existing 96-foot long vertical seawall with several special conditions. The staff also recommends that the Commission require that the northerly approximately 32 linear feet of the existing seawall be removed within 120 days of Commission action and that a new seawall be constructed along the northern portion of the property sited a minimum distance of six to eight feet inland from the location of the existing 32 linear foot seawall. The project raises concerns related to the protection and provision of designated view corridors and geologic hazards associated with the existing unpermitted seawall. Staff also recommends that protection of visual resources and public views associated with the designated public view corridor be addressed through landscaping, fence and wall requirements in Special Condition #4. The condition requires that the applicant trim existing vegetation in the public view corridor in order to open up public views toward the ocean and that the trees be maintained in perpetuity to assure that views are protected on an on-going basis. It further requires that a south side yard wall be relocated to the southern property line to eliminate its encroachment into the view corridor and that it be lowered in height and be composed of open materials. A fence along the eastern frontage of the site is also required to be composed of open materials to prevent a "walled off" effect.

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STAFF RECOMMENDATION ON THE COASTAL PERMIT

The staff recommends the Commission adopt the following resolution:

wall that will extend to the north property line into the north sideyard setback. The northerly portion of the wall that extends across the north side yard setback shall be designed with no more than 3 feet of solid materials at the base and open fence materials on the top.

- c. All landscaping (i.e., the Myoporum trees) between the masonry wall extending from the southern property line up to the centerline of the public right-of-way in ownership of the applicant, shall be trimmed. In the area between 9 ft. to ground level existing vegetation shall be removed or modified to provide an unobstructed view to the ocean. A canopy at the top of the trees may be maintained.
- d. Landscaping in the north side yard setback shall be no higher than three feet.
- e. A written commitment by the applicant that all required plants on this site shall be maintained in good growing conditions and whenever necessary, shall be replaced with new plant materials to ensure compliance with the approved landscape requirements. Also, all trees trimmed in the public right-of-way shall be maintained in perpetuity to maintain the views to the ocean.

The applicant shall undertake each phase of the development in accordance with the approved fence/wall/landscape plans. Any proposed changes to the approved fence/wall/landscape plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded, free of all prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Assumption of Risk. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from wave and storm activity and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to

- a. An annual evaluation of the condition and performance of the seawall as revised, addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the seawall including an assessment of the color and texture of the wall.
- b. Provisions for submittal of a report to the Executive Director of the Coastal Commission on May 1 of each year (beginning the first year after construction of the project is completed), for the life of the project. Each report shall be prepared by a licensed geologist or geotechnical engineer. The report shall provide some analysis of trends, annual retreat or rate of retreat, and the stability of the overall bluff face, and the impact of the seawall on the bluffs to either side of the wall. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the project.

The applicant shall undertake the monitoring in accordance with the approved monitoring program. Any proposed changes to the approved monitoring program shall be reported to the Executive Director. No changes to the monitoring program shall occur without a Commission-approved amendment to this permit unless the Executive Director determines that no such amendment is required.

4. Revised Fence/Wall/Landscape Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, revised landscaping and fence plans approved by the City of San Diego. The plans shall be in substantial conformance with the plans as submitted by David Lee Soanes, Limited dated 4/28/97, except for the revisions cited below. The plans shall be revised to keep the sideyard setbacks and public right-of-way clear to create an unobstructed view corridor from the street and along the pedestrian footpath in the designated public view corridor toward the ocean. Specifically, the plans shall be revised to incorporate the following:

- a. Removal of 12 linear feet of an existing south side yard wall in the public right-of-way of Mira Monte Place and its relocation to the southern lot line of the subject site. The replacement wall shall be no higher than 6 ft. and be painted or composed of colored concrete that is earth tone to be compatible in color with the adjacent sandstone bluffs. The proposed color shall be verified through submittal of a color board. White and black tones are not permitted. The westerly 12 feet of the fence near the bluff edge shall be composed of solid materials at the base (maximum one foot) with the remainder of the wall comprised of only open materials. The wall shall extend no further seaward than the inland extent of the approved seawall.
- b. Removal of an existing 25 linear foot, nine-foot high concrete wall along the eastern (street) frontage of the site and replacement with a new six-foot high wall that consists of an approximate 14-foot long wall, a 12-foot high, approximately 65 sq.ft. gate structure, and an approximately 20-foot long

south portions of the seawall shall 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. The proposed structure shall also be designed to incorporate surface treatments (e.g., air-placed concrete) that resemble the surface texture of the adjacent natural bluffs. The applicant shall undertake of the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

9. 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.

10. Other Special Conditions of the CDP/SCR No. 96-7544. The following special conditions of the City's CDP/SCR permit #96-7544 are modified herein and are a part of the subject coastal development permit: Special Condition #35, 38 & 39. All other special conditions of the City of San Diego's SCR permit #96-7544 remain subject to the City's jurisdiction.

11. Mitigation for Impacts to Sand Supply. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that a fee of \$1,402.50 has been deposited in an interest bearing account designated by the Executive Director, in-lieu of providing sand to replace the sand and beach are that would be lost due to the impacts of the proposed protective structure. The methodology used to determine the appropriate mitigation fee for the site shall be that described in the staff report dated 5/20/99 prepared for coastal development permit #A-6-LJS-98-169. All interest earned shall be payable to the account for the purposes stated below.

The purpose of the account shall be to establish a beach sand replenishment fund to aid SANDAG, or a Commission-approved alternate entity, in the restoration of the beaches within San Diego County. The funds shall solely be used to implement projects which provide sand to the region's beaches, not to fund operations, maintenance or planning studies. The funds shall be released only upon approval of an appropriate project by the Executive Director for the Coastal Commission. The funds shall be released as provided for in a memorandum of agreement (MOA) between SANDAG and the Commission, setting both terms and conditions to assure that the in-lieu fee will be expended in the manner intended by the Commission. In the event the MOA with SANDAG is terminated, the Commission can appoint an alternative entity to administer the fund.

natural hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Construction Materials. During construction of the approved development, disturbance to the beach 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.

7. Staging Areas/Access Corridors/Timing of Construction. 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 indicate that:

- a. No staging of equipment or materials shall occur on sandy beach or public parking areas. During both the construction and the removal stages of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time.
- b. Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c. No work shall occur on the beach between Memorial Day weekend and Labor Day of any year.
- d. 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.

The permittee shall undertake the development in accordance with the approved staging/access corridor plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Final/Revised Seawall Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit revised plans for the reconstruction of the seawall. Such plans shall be revised to reflect the revised seawall alignment for the northern approximately 32 lineal feet of seawall. The repair/reinforcement techniques for the southern portion of the seawall shall be in substantial conformance with the preliminary plans dated 11/8/96. Both the north and

prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the proposed vertical seawall seaward to the mean high. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

16. Condition Compliance. WITHIN NINETY (90) DAYS OF COMMISSION ACTION OF THIS COASTAL DEVELOPMENT PERMIT APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicants shall satisfy all requirements specified in the conditions hereto that the applicants are required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.:

1. Project Description. Proposed is the remodel of an existing 10,006 sq.ft. two-story over basement single family residence with attached three-car garage on a .23 acre oceanfront blufftop lot. The existing structure is a non-conforming residence that is sited 10 feet from the bluff edge. The remodel will reduce the size of the residence to 9,801 sq.ft. Some of the proposed changes to the residence include the following: remove existing chimney and an approx. 128 sq.ft. boathouse structure in the west rear yard of the site, between the residence and existing seawall, remove a total of 269 sq.ft. of floor area at the northwest and southwest corners of the residence that comprises all three levels, add 96 sq.ft. foyer addition at the east elevation of the residence, add 116 sq.ft. atrium at the basement level of the residence on the north elevation, add five foot square addition to the garage at the east elevation, and add a 12 sq.ft. addition consisting of a fireplace at north elevation.

There is also an existing 6-9 foot high south sideyard wall (a portion of which is within the Mira Monte Place public right-of-way) that extends from the eastern property line to the bluff edge in an east/west direction which presently obstructs public views to the ocean in its present location. As part of the subject proposal, the southerly 12-feet of this wall that encroaches into the right-of-way is proposed to be removed and reconstructed along the southern lot line, extending along the bluff edge to the southernmost portion of the existing seawall. The new portion of the wall will be composed of a one-foot high solid base with the remainder comprised of open railing. In addition, the applicant proposes to remove an existing 20-foot long, nine-foot high wall along the eastern frontage of the property adjacent to Camino de la Costa and replace it with a six-foot high, approximately 14-foot long wall, a 12-foot high, approximately 65 sq.ft. gate structure, and an approximately 20-foot long wall. Another 6-ft. high wall and gate exists at the southeast corner of the property in the south side

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

13. Storm Design/As-Built Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit certification by a registered civil engineer that the proposed shoreline protective device is designed to withstand storms comparable to the winter storms of 1982-83.

Within 60 days following completion of the project, the permittee shall submit as-built plans of the approved seawall which includes measurements of the distance between the residence and bluff edge (as defined by Section 13577 of the California Code of Regulations). The locations for these measurements shall be identified through permanent markers, benchmarks, survey position, written description, etc. to allow annual measurements to be taken at the same bluff location and comparisons between years to provide information on bluff retreat.

In addition, within 60 days following completion of the project, the permittee shall submit certification by a registered civil engineer, acceptable to the Executive Director, verifying the seawall has been constructed in conformance with the approved plans for the project.

14. Future Maintenance/Debris Removal. The permittee shall remove all debris deposited on the beach or in the water immediately upon demolition of the northern section of seawall and during and after construction of the shoreline protective devices or resulting from failure or damage of the shoreline protective device. In addition, the permittee shall maintain the permitted seawall in its approved state except to the extent necessary to comply with the requirements set forth below. Maintenance of the seawall shall include maintaining the color, texture and integrity. Any change in the design of the project or future additions/reinforcement of the seawall beyond minor regrouting or other exempt maintenance as defined in Section 13252 of the California Code of Regulations to restore the seawall to its original condition as approved herein, will require a coastal development permit. However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Commission office to determine whether permits are necessary.

15. Lateral Public Access. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the landowner shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone,

sandstone bluffs that drop off to small pocket beach below. There is also an abundance of trees and shrubs located within the public right-of-way.

The subject project is located within the City of San Diego's permit jurisdiction and the Coastal Commission's appeal jurisdiction. The proposed project for the remodel of an existing residence was appealed to the Coastal Commission and Substantial Issue was found. As such, the Commission now assumes permit jurisdiction for the review and approval of the proposed remodel. As noted above, the applicant is also proposing after-the-fact approval and repair of an existing seawall. The seawall never received a coastal development permit and is located within the Commission's area of original jurisdiction. As such, the application for the approval of the after-the-fact seawall and repairs to it (Ref. CDP Application #6-99-16/Moncreif), has been incorporated into this review.

While the house remodel is the subject of the City's appeal, the seawall is within the Commission's original jurisdiction. Thus, the house remodel standard of review is the certified LCP and the public access and recreational policies of the Chapter 3 of the Coastal Act. The standard of review for the proposed repairs to the existing seawall is Chapter 3, with the certified LCP used as guidance.

Although the applicant is proposing to remove portions of the house and make minor additions to the house, the proposed project does not involve the demolition of more than 50% of the exterior walls. The top and bottom plates will remain in place. The applicant's submitted floor plans for the proposed remodel show that in those areas where walls or windows are being removed, the top plates will remain in place. The plans also show that the applicant is planning to remove studs, but not add or double studs. The City determined that the applicant's project constitutes a remodel, not a demolition. The City indicated that it considers a project to be demolition only if more than 50% of the exterior walls are removed, studs are added or doubled, or the top and bottom plates are replaced. Since the applicant has not proposed any of these, the City concluded that the applicant's project is a remodel.

In review of the project, the City approved three variances; 1) to allow for a seven-foot front yard setback where 15 feet is required to accommodate the proposed fence and gate structure; 2) to allow the encroachment of a small architectural feature in the southeast corner of the residence into the south side yard setback; and, 3) to allow a six-foot high solid masonry wall along the front property line in the north side yard where a three-foot high wall with solid base and three-foot high wall with open materials is required.

2. Home/Fences.

- a) Visual Impacts/Coastal Scenic Area/Public View Blockage. The following policies and goals of the certified La Jolla-La Jolla Shores LCP addressing protection of public views are applicable to the subject development:

"La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and

yard setback. The wall and gate are composed of wood and are proposed to remain but will be resurfaced with stucco to match the newer wall that will be constructed near the eastern frontage of the residence cited above. In addition, there is also a 6-ft. high concrete wall that runs along the north lot line of the property from the northeast corner of the site to the existing seawall which is proposed to remain.

Also proposed is the after-the-fact approval of the existing seawall and repairs consisting of reinforcement of the seawall by replacing footings and installing tie backs. The seawall is also proposed to be textured and colored to match the adjacent natural landforms. The height of the existing seawall varies from approx. +18 ft. MSL to +11.7 ft. MSL. The seawall appears to have been constructed in two sections with the most southerly section of the seawall that follows the alignment of the bluff edge and is most closely sited to the home constructed in the early 1970's. This portion of the seawall begins at or near the southern property line and extends approximately 64 lineal feet to the north. It has an approximate height of +18 ft. MSL. The second portion of the seawall was constructed sometime around 1985, according to aerial photographs, and extends in a northerly direction from the original seawall to the north property line for a linear distance of approximately 32 feet. This northern portion of the seawall has an approximate height of +11.7 ft. MSL. This northern section of seawall does not follow the alignment of the bluff, which curves inland to create a pocket beach and cove. Instead, the northern section of the seawall extends directly north in a mostly straight line, cutting off the small pocket beach and cove on the subject property.

The subject residential remodel is located within the City of San Diego's permit jurisdiction and the Coastal Commission's appeal jurisdiction. The Commission has asserted permit jurisdiction over the after-the-fact approval of the existing seawall and proposed seawall repairs. The applicant has not challenged that assertion to date; however, in a letter dated April 8, 1999, the applicant's representative suggests there is evidence that the seawall and some sandy beach area to the west of the seawall is located is landward of the mean high tide line. The City coastal development permit was approved for both the residential remodel and repair and maintenance to the seawall, with a condition requiring either a permit from the Coastal Commission for the repair, replacement or maintenance of the seawall, or written documentation that the seawall is within the permit jurisdiction of the City. The City-approved project for the remodel of an existing residence and seawall repair/maintenance was appealed to the Coastal Commission and Substantial Issue was found.

The subject residential site is located on Camino de la Costa in the community of La Jolla in the City of San Diego. The shoreline area is characterized by a rocky shoreline and coastal bluffs. The subject site is located immediately adjacent to, and north of, the Mira Monte Place public right-of-way and designated public view corridor. An easement for a portion of the Mira Monte Place (paper street) right-of-way runs vertically, from Camino de la Costa to the ocean, across the southern portion of the lot. The applicant owns the land under this street right-of-way up to the centerline of the street. An existing unimproved pedestrian trail is located within the right-of-way which leads down to

inconsistent with current zoning code requirement which stipulates that such walls must be composed of 50% open materials.

As noted previously, there is also an existing 6-9 foot high south yard wall (a portion of which is within the public right-of-way) that extends from the eastern property line to the bluff edge in an east/west direction which presently obstructs public views to the ocean in its present location. As part of the subject proposal, the southerly 12-feet of this wall that encroaches into the Mira Monte Place right-of-way is proposed to be removed and reconstructed along the southern lot line, extending along the bluff edge to the southernmost portion of the existing seawall. The new portion of the wall will be composed of three 5-foot wide panels supported by posts. The wall will also be composed of a one-foot high solid base with four-foot high open railing.

While walking along the pedestrian trail from Camino de la Costa toward the ocean, the existing Myoporum shrubs presently partially obstruct public views to the ocean. As one approaches closer to the sandstone bluffs further down the trail, the existing solid south sideyard wall which is 6-9 ft. in height blocks public views of the ocean looking northwest. With the proposed improvements to the south side yard wall it will significantly improve public views. With the proposed open fencing, views of the ocean are opened up where previously they were blocked by the solid fence/wall.

One of the contentions of the project opponents is related to the fence's proposed location on and along the bluff. The opponents claim is the fence is inconsistent with the City's Sensitive Coastal Resource (SCR) overlay which is part of the City's certified LCP because it should be no closer than five feet from the edge of the bluff. Specifically, the SCR ordinance provides development requirements for the beaches, coastal bluffs and wetlands areas. For coastal bluffs, the ordinance specifies the permitted uses and development regulations. Specifically, the SCR ordinance does allow open fences as a permitted use in coastal bluff areas provided that they do not interfere with existing or designated public accessways. The ordinance also states the following:

- a. No structure or improvement or portion thereof shall be placed or erected, and no grading shall be undertaken, within forty (40) feet of any point along a coastal bluff edge, except for the following uses:
 1. Essential bluff top improvements including but not limited to, a walkway leading to a permitted beach access facility; drainage facilities, and open fences to provide for safety and to protect resource areas.

[...]

3. Accessory structures and landscape features customary and incidental to residential uses; provided, however, that these

improved.”

“La Jolla’s physical assets should be protected in future development and redevelopment; particularly with respect to the shoreline, significant canyons steep slopes. Ocean views should be maintained....and open space retained wherever possible.”

“View corridors utilizing side yard setbacks, should be encouraged along shoreline and bluff top areas, in order to avoid a continuous wall effect. Even narrow corridors create visual interest and allow for sea breezes to refresh passersby....”

- Setbacks and view corridors should be kept clear of trash receptacles, utility boxes, storage materials, untrimmed landscaping or any other obstructions which may interfere with visual access.

As noted earlier in this report, the existing residence is located immediately adjacent to, and north of, an LCP-designated public view corridor located in the Mira Monte public right-of-way which is a “paper street”. As noted in the findings for Substantial Issue for the proposed development, the view corridor runs along this right-of-way but does not extend onto any portion of the applicant’s lot. The LCP designates the Mira Monte Place right-of-way as “Visual Access Corridor”. The right-of-way runs in a vertical direction from Camino de la Costa, across the site, down the bluff face to the ocean. An unimproved pedestrian trail extends into the right-of-way from Camino de la Costa all the way up to the sandstone bluffs. From this point on, members of the public typically climb down the sandstone bluffs that lead down to the pocket beach below. Numerous Myoporum trees have grown and spread out broadly throughout the right-of-way partially obstructing views of the ocean from Camino de Costa looking west. There are City signs installed along the trail that state “Danger-Unstable Bluffs-Stay Back”. However, the area is frequently used by members of the public for viewing the ocean and/or gaining access to the beach below.

The proposed development largely consists of remodelling of an older 10,006 sq.ft. two-story over basement single-family residence and its reduction in size to 9,801 sq.ft. The proposed development raises concerns related to public views because the existing residence is non-conforming and presently does not meet the current requirement with regard to side yard setbacks which would otherwise be required to be maintained as a view corridor.

As noted earlier, the applicant also proposes to construct a six-foot high, approximately 14-foot long wall, a 12-foot high, approximately 65 sq.ft. gate structure, and an approximately 20-foot long wall along the eastern frontage of the residence adjacent to Camino de la Costa. This proposed wall along the eastern frontage of the site will be located east of a proposed courtyard in front of the residence and into the north sideyard setback. The portion of the proposed masonry wall in the north side yard setback is

does not enlarge the degree of the nonconformity. In the case of the proposed development, the City found that the proposed remodel met both of these criteria. However, variances were required for three aspects of the proposed development: 1) the south side yard wall that presently encroaches into the public right-of-way, 2) the proposed six-foot high solid wall along the eastern frontage of the residence, and, 3) architectural changes to the garage which resulted in it protruding into the front yard and side yard setback areas. The reason it protruded into the front and side yard setback areas is due to the curvature of the property line at that corner of the site. The City did not consider the modification to the garage to result in an increase in the non-conformity of the residence and regarded the change to the garage as an improvement to the articulation to the facade of the residence. One of the variances associated with the proposed development is for the construction of a six-foot high solid masonry wall in the north side yard setback along the eastern frontage of the residence where a three feet solid and three feet 50% percent open wall is required.

In addition, the proposed remodel does not represent new construction since no more than 50% of the exterior walls are being removed. In fact, the applicant has indicated that no demolition is occurring whatsoever since any walls being removed will be removed to the top plate only which does not constitute demolition pursuant to the City's requirements. Given that the existing residence is a non-conforming structure and the proposed remodel includes maintenance of the existing non-conforming status of the setbacks, it is not possible to enhance public views to the ocean by increasing the sideyard setbacks. As noted previously, the existing residence observes a two-foot south sideyard setback where ten feet are required. If the proposed development had resulted in demolition and construction of a new residence, greater sideyard setbacks would have been required to preserve public views to the ocean and to help reduce the appearance of a "walled-off" coast as viewed from the street. In addition, the proposal includes the construction a six-foot high solid wall running parallel to the east property line which will extend to the north property line in the north side yard setback. This proposed wall will also potentially affect public views to the ocean and will increase the "walled off" effect in this shoreline area.

Given that the LCP contains policies which state that public views to the ocean should be protected and enhanced, and that view corridors utilizing side yard setbacks should be encouraged to avoid a continuous wall effect mitigation should be required for the impacts the proposed development has on public views to the ocean. Since it is not possible to increase the side yard setbacks, such mitigation can be achieved by trimming and maintenance of the Myoporum vegetation on that portion of the public right-of-way owned by the applicant (to the centerline) so that it does not obstruct views to the ocean. The existing Myoporum plants in the public right-of-way and designated view corridor presently partially block views of the ocean looking west from the street elevation. The City has indicated they do not have a problem with the applicant opening up the view corridor.

Also, it should be recognized that the existing six-foot high wall and fence that is situated at the southeast corner of the property near the trash enclosures, should be redesigned to

shall be located at grade and at least five (5) feet from the bluff edge. Such structures and features may include: Walkways, unenclosed patios, open shade structures, decks, lighting standards, walls, public seating, benches, signs, and similar structures and features, excluding benches, pools, spas, garages and upper floor decks with load bearing support structures.

In past Commission action, fences located between the coastal bluff edge and existing oceanfront residences have been required to be located at least five feet from the bluff edge to assure that the structural stability of the coastal bluffs was not adversely affected. However, in this particular case, the proposed fence is unique in that it is presently located in a public right-of-way that is a designated public view corridor. In addition, the right-of-way also contains a dirt path utilized by the public for gaining access to the beach. Members of the public can walk along the top of the sandstone bluffs up to the point where it meets the existing southern vertical wall, which extends over the bluff face and thus prevents people from continuing north on the blufftop. West of the wall, there is an existing vertical seawall (approximately 12-18 feet in height). If the proposed wall were to end five feet from the bluff edge, people could walk from the sandstone bluffs in a northerly direction across the top of the existing seawall on the applicant's property. As noted above, there is a very steep drop-off in elevation from the seawall to the beach below which the applicant and City agree raises a public safety issue if the public were allowed to walk along the top of the wall.

The City in its approval of the development indicated that had there not been a public safety issue associated with the fence location, the applicant would have been required to site the fence five feet back from the bluff edge. In typical situations, the fences that are accessory uses to residential structures run parallel to the bluff edge in a north/south direction. The sideyard wall in question runs in an easterly/westerly direction. In this particular situation the wall is adjacent to a public right-of-way so that people can gain access to the bluff edge. As a result, there is a legitimate public safety concern and, therefore, it is appropriate for the wall to extend to the bluff edge to prevent people from walking on top of the seawall where they could fall; thus, it is for public safety. This should not be regarded as a precedent that would allow other property owners to extend their sideyard wall or fence to the bluff edge. Given the hazardous nature of this area, maintaining the fence up to the bluff edge is consistent with SCR ordinance as a public safety issue. Therefore, the Commission finds that the proposed fence may be located up to the bluff edge for public safety purposes in this situation. In addition, with regard to the composition of the westerly 12 feet of the fence itself, the Commission finds that the fence which will largely be composed of open materials, will greatly enhance views beyond those which presently exist with the 8-9 ft. solid wall.

As noted previously, the existing residence is non-conforming as it was originally constructed in the 1950's and does not presently meet the requirements for the front, rear and sideyard setbacks. Under the City's current zoning code, if a nonconforming structure is remodeled, the nonconforming aspects of it may be retained only if the cost of the remodel is less than 50% of the fair market value of the house and the remodel

Chapter 3 policies of the Coastal Act addressing protection of public views to and along the ocean.

b) Visual Compatibility/Community Character. The certified La Jolla-La Jolla Shores LCP contains several policies addressing visual compatibility and preservation of community character which state, in part:

"New buildings should be compatible with the scale and character of the surrounding development."

"Larger structures should be designed to reduce actual or apparent bulk. This can be achieved by pitched roof designs, separating large surface masses through changes in exterior treatment and various other architectural techniques. Landscaping can also be used to add texture to blank walls, soften edges, and provide a sense of pedestrian scale."

"To preserve and enhance the residential character of the community."

The subject proposal, as conditioned for approval, represents a remodel of an existing single family residence and after-the-fact approval of an existing seawall and repairs to the seawall. The applicant has proposed to use colored concrete and surface treatments such that the proposed seawall will closely resemble the surrounding natural area.

Special Condition #8 requires that the applicant shall submit revised final plans for the seawall which moves the alignment of the northerly 32 ft. section of the seawall inland and that both the northern and southern sections of the seawall approved herein be composed of earth tone colored concrete in order to be compatible in color to the adjacent sandstone bluffs. The condition specifies also that 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. It should be noted that the Commission also approved repairs to an older seawall in the Camino de la Costa vicinity under CDP #6-84-408-A. Through that approval, the Commission also required plans addressing the surface and color treatment of the existing seawall. As noted earlier, there is an unimproved foot trail at Mira Monte Place which is utilized by the public to gain access to the shoreline. The applicants proposal to re-color and texturize the seawall, as part of the proposed repairs, to resemble the natural sandstone bluffs, will enhance the visual quality of these scenic areas for those utilizing the area for active and passive recreation.

As noted in the findings for Substantial Issue for the proposed project, the proposed three-level residence will appear as a two-level structure from the street. Although the existing residence is large in size, it is comparable to other large residences in the area. Also, the existing residence was constructed in the 1950's and is presently non-conforming with regard to its sideyard and front yard setbacks. Through the proposed development, the applicant will decrease the size of the structure by having off the two corners of the northeastern and southeastern portion of the residence to a 45-degree angle. A boathouse structure and a chimney will also be removed between the

incorporate open materials since it is immediately adjacent to the public view corridor. However, because of the minimum size of the side yard setback (two feet) enhancement of the adjacent view corridor through the trimming of existing vegetation impacts associated with retention of a wall in the south side yard setback will be mitigated.

In addition, the proposed six-foot high wall that will extend into the north side yard setback to be composed of solid materials should be redesigned to be composed of open materials at the top to create a "window" to the ocean, consistent with the certified LCP. The applicant has proposed a design which will incorporate a solid four-foot high base with two-foot open on top of the base.

However, the applicant's proposal is inconsistent with the policies of the certified LCP which requires that such a fence maintain at least 50 percent as "open fencing". The Commission finds that by modifying the proposed improvements in the north side yard setback, a window can be maintained while looking west from the street elevation. Such a window, while it may not create an ocean view, would utilize the side yard setback in order to "avoid a continuous wall effect", consistent with the LCP policy.

Through incorporation of all these design measures, a "window" to the ocean in the side yard setback can be preserved while looking west from the street elevation, as is supported by the policies of the certified LCP referenced above. Even small glimpses of the ocean while driving or walking by gives people the feel of being close to the ocean and eliminates a continuous wall effect. As noted in the earlier cited LCP policy language, "...Even narrow corridors create visual interest and allow for sea breezes to refresh passersby...."

As such, Special Condition #4 requires revised fence/wall/landscape plans that require that all of the remainder of the Myoporum vegetation up to the centerline of the public-right-of way owned by the subject applicant be trimmed and maintained in order to assure that the vegetation does not impede public views to the ocean by encroachment into the public view corridor. The condition also requires that the landscaping be maintained in perpetuity so that it does not grow or encroach into the view corridor in the future. In so doing, views toward the ocean will be maintained and enhanced. In addition, the condition also requires that open fencing shall be permitted along the eastern elevation of the subject site in the north and south sideyard setbacks of the subject site. In so doing, a "window" to the ocean in the side yard setback can be preserved while looking west from the street elevation, as is supported by the policies of the certified LCP noted above. In addition, the condition requires recordation of a deed restriction such that future property owners will be notified of the site plan requirements for the landscaping in the public right-of-way and fencing in the south and north sideyard setbacks to create a view corridor toward the ocean and a "window" to prevent a walled-off effect. Also, Special Condition #1 requires submittal of final building plans in substantial conformance with the preliminary plans and that any proposed changes to the approved final plans shall be reported to the Executive Director which may require an amendment unless determined otherwise. Therefore, as conditioned, the proposed development can be found consistent with the policies of the certified LCP and applicable

In the case of the proposed development, the applicants are requesting after-the-fact approval of an existing seawall and to repair the existing seawall. The existing seawall is a concrete block seawall with a buried concrete footing, varying in total height from approx. +11.7 ft. MSL to +18 ft. MSL. The proposed repairs consist of replacing the footing with a high-strength scour panel, strengthening the seawall by installing whalers and tie backs, and covering the wall with a textured and colored shotcrete finish to match the adjacent natural landforms.

The existing seawall is the width of the existing masonry blocks that it is composed of, which is about six inches. The seawall also has a concrete toe that is over one-foot wide that will be replaced with a panel that is about one-foot wide. The panel will also be covered with about four inches of shotcrete thus resulting in a total width of the repaired seawall to be approximately 22 inches. The total square footage of the proposed seawall's footprint is 175 square feet. The northern portion of the existing seawall closed off a very small pocket sandy beach.

Over the past year, Commission staff has worked with the City of San Diego in reviewing the proposed development through the post-certification review process in an effort to resolve any issues before receiving the notice of final action on the proposed development. One of the primary issues dealt with permit jurisdiction for the existing seawall. Commission staff has also consulted with the State Lands Commission to determine permit jurisdiction. The State Lands Commission (the "SLC") indicated that a survey of a mean high tide line does not fix the boundary but instead approximates the boundary at the time the survey was done and that the mean high tide line is not a fixed line, but fluctuates from day to day. In a letter dated 11/24/98 from the State Lands Commission to the applicant's representative, the SLC stated:

"Because, based on our current information, there is little evidence of the true location of the elevation of mean high tide on the beach prior to the construction of the seawall, it is plausible that a portion of the wall was constructed on portions of the beach at times were below the elevation of mean high tide. The likely location would be in the sandy cove areas on the north end of the property behind the existing seawall. The location of the bluff at the seawall is strong evidence that area has never been below the elevation of mean high tide. Because so little is known of the history of this property (possible filling, seawall construction plans and dates, etc.) it is not possible to come to a conclusion at this time."

In addition, it should be noted that a survey of the mean high tide line was conducted by Michael Pallamary/Precision Survey and Mapping dated 2/4/98 that located a 1924 and 1931 mean high tide line survey on the property. However, Commission staff does not agree that the survey establishes the mean high tide line or fixes the mean high tide line boundary for purposes of permit jurisdiction on the subject property. Since the subject seawall presently experiences wave run-up, the Commission has asserted that the seawall is subject to the Commission's original permit jurisdiction because such evidence

existing residence and existing seawall which will result in increasing the rear yard setback by eight feet. Through various minor modifications to the residence proposed through remodelling, the FAR of the home will be decreased from .99 to .90.

In addition, it is important to note that the predominant character of the area is one- and two-story homes, as viewed from the street. The residences surrounding the site are a mix of sizes, as well as architectural styles. The proposed remodeled residence will appear as a two-level residence from its street elevation which will be in keeping with the community character of the area. Thus, the Commission finds that the proposed three-level residence (two-stories over basement) is compatible with the scale and character of the community and with the pattern of redevelopment for the area, consistent with certified La Jolla-La Jolla Shores LCP.

3. Seawall/Shoreline Protective Devices/Geologic 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 or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with requests to construct 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.

does not exist to determine whether it should be authorized as consistent with Chapter 3 policies of the Coastal Act. There is evidence that the two walls were constructed at separate times and the site conditions on the beach and bluff and the blufftop setback for the residential structure are substantially different between the northern and southern portions of the property. Therefore, the difference in site conditions supports a separate examination of each wall section with regard to consistency with the Coastal Act.

A. Findings for Approval of the Southern 64 ft. Section of the Seawall

With regard to the southerly 64 ft. section of seawall, based upon all the information contained in the geotechnical report, the Commission finds that the southern 64 feet of the seawall is required to protect the existing residence. The unprotected bluff is fairly low and the structures on the blufftop can be subject to wave damage when there is wave overtopping. The bluffs in this area have exhibited a trend of long-term retreat from both block failures and cave formation. While the average annual retreat rate of 3 to 4 inches per year suggests that the bluff will retreat by 3 or 4 inches per year, the real situation is much different. Erosion in the La Jolla area tends to be episodic. The bluff can remain stable for a number of years and retreat several feet during one storm or over one winter. Since these bluffs often retreat through block failure, the bluff may be weakened substantially from storms or excess runoff and the actual retreat may occur several weeks or months after the bluff has been weakened.

Based on the bluff characteristics and the long-term erosion rates and bluff retreat mechanisms, the existing home can be found to be in danger from erosion and flooding from wave attack if unprotected along the southern portion of the bluff edge. While the Commission is reviewing this application as if the seawall does not exist, as noted by the applicant, the existing seawall needs maintenance. If the southern portion of the seawall were left in its existing condition, it would not be effective in providing long-term protection. With walers and tie backs, the southern portion of the seawall is necessary for long-term protection of the existing home from bluff retreat and wave erosion. Therefore, the Commission finds that the southern portion of the seawall, with the proposed maintenance, is consistent with Sections 30235 and 30253 of the Coastal Act. 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 the approved protective device, and assure adequate mitigation for visual impacts and effects on sand supply are provided with any allowable protection.

Although construction of the southerly 64 ft. of seawall is required to protect the existing principle structure on the site, Section 30235 of the Coastal Act requires that the shoreline protection be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. There are a number of adverse impacts to public resources associated with the construction of shoreline structures. The natural shoreline processes

suggests the seawall is located seaward of the mean high tide line. As such, the applicant submitted a permit application for after-the-fact approval and repair of the existing seawall (ref. CDP application #6-99-16). That application has been combined with this one.

The seawall appears to have been constructed in two phases with the most southerly section of the seawall constructed in the early 1970's. This section of the seawall is approximately 64 feet long and attains a height of +18 ft. MSL. A second section of the seawall was constructed sometime after 1985, according to aerial photographs, and extends in a northerly direction from the original seawall to the north property line for a linear distance of 32 feet. This portion of the seawall attains a height of +11.7 ft. MSL. This latter section of seawall does not follow the alignment of the bluff, which curves inward. As a result, this northern section of the seawall closes off a small pocket beach and cove on the subject property (reference Exhibit No. 10 for photographs). The size of the beach area closed off is approximately 216 sq.ft.

A geotechnical report has been submitted by GeoSoils, the applicant's geotechnical engineer. The geotechnical report addresses coastal bluff erosion and the need for the seawall. The conclusions and recommendations of that report are that, "The existing seawall should be maintained/rehabilitated and extended to the southeast and northwest. Should these areas not be mitigated, ultimately distress to the improvements and residence will likely occur." This geotechnical report provided information on bluff retreat rates for the La Jolla area, based on general studies of the La Jolla coast and on bluff retreat that was measured along the bluff adjacent to 6000 Camino de la Costa. The geotechnical report found that, "our evaluation indicates that erosion in the range of 3 to 4 inches per year may be occurring in localized areas at the site vicinity. This range appears to be relatively conservative for estimating future marine erosion at this site. This translates to about 7 to 8+ feet of bluff retreat in 25 years, or possibly as much as 25 feet in 75 years".

The information in this report was supplemented by a letter dated 3/13/98 from Skelly Engineering. In that letter, it was stated that the need for the seawall is established by other facts as well which include the following: 1) the existing residence is within approximately 12 feet of the former unprotected bluff top; 2) there are several permitted seawalls in the immediate area for homes that are not as close to the bluff as the referenced property; 3) It is likely that the erosion will continue at the same rate or higher due to climatic trends; 4) Sections of the bluff on adjacent properties have experienced large block failures and sea cave formation due to the last few winters of strong wave action and elevation sea level; and, 5) The seawall is in need of maintenance to prevent it from failing and jeopardizing the residence behind the wall.

The information provided by the applicant treats the northern and southern sections of the seawall similarly. However, the Commission finds that the northern and southern sections of the seawall should be addressed separately with respect to the need for protection of existing structures in danger from erosion, and the design of such protection. The Commission is required to assess the site conditions as if the seawall

section of the seawall ends. According to the applicant and aerial photographs, this wall was constructed in around 1985, without the benefit of a coastal development permit, in an apparent violation of the Coastal Act. The northern section of the seawall extends directly north in a straight line, cutting off a small pocket beach and cove on the subject property. The size of the beach/cove area behind the existing seawall is approximately 216 sq.ft and is currently filled with sand. It is not clear whether this sand was placed there by someone or whether it was carried there by wind and waves. The latter is unlikely given the volume of sand behind the wall. The residence on the site is situated just southeast of the cove at the upper portion of the blufftop. The elevation of the bluff at the top of the cove varies but averages about +18.2 ft. MSL.

The applicant submitted a geologic report to the City in its review of the project as well as an engineering supplement (ref. GeoSoils Report dated 10/31/96 and Skelly Engineering report dated 11/1/98). In addition, several supplements and updates to the geologic and engineering reports were also submitted. This information indicates that the coastal bluffs adjacent to the cove area are composed of different geologic components which include beach deposits, artificial fill, terrace deposits and Point Loma Formation. Based on cross sections, the existing residence is set back approximately 17 ft. at its closest point and 25 feet at the farthest point from the bluff edge.

The GeoSoils report addresses the geologic composition of the coastal bluffs, the San Andreas fault system, groundwater, local faulting, long-term sea level changes, seismic evaluations, coastal bluff retreat and similar issues. The report indicates the bluff retreat is approximately 7 to 8+- feet in 25 years, or possibly as much as 25 feet in 75 years. It recommends maintenance/rehabilitation of the seawall with regard to overall site stability. It also indicates that the seawall should be extended to the southeast and northwest and that if these areas are not mitigated, that ultimate distress will occur to the improvements and residence. The Skelly report addresses, in part, scour depth, design waves, wave runup and overtopping, design elevation and design wave force. While these reports include important information relative to the project, they focus primarily on the repair of the existing seawall and do not specifically address whether the existing residence on the bluff top is threatened such that the seawall is necessary for protection.

In addition, the applicant's consultants have also provided more recent letters (ref. GeoSoils dated 5/5/99 and Skelly Engineering dated 5/5/99) in response to questions raised by Commission staff with regard to the need for the northern section of the seawall to protect the existing residence and geologic conditions in the cove area. Overall, the applicant's consultants have documented several destabilizing factors affecting the shoreline in this area. First, the northern property line corresponds to a known and mapped fault which has resulted in a discontinuity in the formational material and there are cracks and fractures in the formational material. Second, there have been documented recent block failures in the immediate area and that while such events are episodic, the frequency and extent of episodic marine erosion is site specific and directly related to weather/climatic patterns, especially those that begin in the south to which the site and neighbors to the north are particularly susceptible. Third, that erosion rates in the site area have been documented as high as 33 cm/year (Emery and Kuhn, 1980).

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 review of the proposed seawall application, the Commission finds that one of the impacts on beach sand supply that would result from construction of the proposed seawall is that the area where the seawall is located will no longer be available. The southerly portion of the existing seawall, which is approximately 64 ft. long by 22-inches thick, will encroach onto and permanently displace an estimated 117 sq. ft. of public beach area that is would otherwise be available for public use or contribute to the sand supply of the littoral cell. The loss of beach area on which a structure is located is an impact that can be quantified and, as a result, can be mitigated through an in-lieu fee. Therefore, the Commission is requiring payment of a mitigation fee to mitigate the encroachment of the existing seawall approved herein on the sand beach. The proposed fee mitigates for impacts associated with the loss of beach area occupied by the seawall. The Commission finds that the proposed seawall will also result in a long-term loss of beach because the seawall will fix the back of the beach location on an eroding beach. However, this impact is difficult to quantify for the proposed project because of the irregular nature of the bluff in this location.

In summary, the Commission finds that the southerly 64 ft. section of the proposed seawall is necessary to protect the existing residence. As conditioned for payment of a mitigation fee, its impact on its encroachment onto the beach will be mitigated and the proposed coloring and texturing of the wall will mitigate for its adverse visual impacts. Other conditions of approval related to both portions of the seawall recommended for approval herein, will be discussed at the end of the next section of the report addressing the findings for approval for the northern 32 ft. section of the seawall.

B. Findings for Approval of the Northern 32 ft. Section of the Seawall

The northern portion of the proposed seawall is a low wall that does not follow the alignment of the bluff, which curves inward (eastward) at the point where the southern

opposed to being linear in shape as it is now. The new wall would also require excavation of the natural bluff material for the footing and would need to be significantly higher due to wave focusing and wave runup. It is further stated that the unprotected bluff on the adjacent property would be subject to wave erosion from the runup and wave splash and that the wave run up would focus in the pocket thus increasing the down wearing rate of the natural bedrock. Sand may not accumulate in the pocket because of the exacerbated runup.

In review of all the alternatives that have been presented by the applicant's engineers it is evident that in no case has it been stated that any of the alignments which involve relocation of the seawall further inland are infeasible from a geologic or design standpoint. The Commission finds that the second and third alternatives are less environmentally damaging because they will result in less encroachment onto the sandy beach area. With regard to the statements that either alternative resulting in relocation of the wall further inland may result in the need for the seawall to be higher, this design would be still be a preferable alternative since it would either hug the toe of the coastal bluff or be sited closer to it in a manner that would minimize encroachment onto the beach. In addition, in response to the engineer's comments that more scouring would occur with the seawall located further inland, such scouring can be monitored to assure that in the long-term, it has no adverse effects on sand supply.

In summary, the applicant's consultants have concluded that the existing residence is subject to threat (absent a seawall crossing the cove area). However, as discussed above, the proposed seawall alignment is inconsistent with the Coastal Act. In addition, there are other feasible alternative seawall designs available that would involves less beach encroachment and still afford protection to the residential structure. Furthermore, although the applicant's engineer asserts that alternative alignments of the northern seawall would increase wave run-up and scour, the engineer does not address what effects would occur if there were no seawall in this location.

Therefore, given that there are other less environmentally-damaging alternatives, the Commission is requiring through Special Condition #1 that the applicants submit plans for removal of northern 32 ft. section of seawall and that is shall be removed within 120 days of approval of the plans by the Executive Director.. The Commission is also requiring through Special Condition #1 that the applicant submit revised seawall plans for the northern portion of the seawall such that the wall will be realigned to follow the toe of the exposed bluff (after removal of unpermitted existing seawall) except that where it crosses the "cove" area, it shall extend inland a minimum of six feet in the center from the existing wall such that a minimum of 110 sq. ft. of beach area is opened up. The applicants engineer has indicated that with this required alternative seawall alignment, the seawall would need to be approximately two feet higher than the existing seawall which is at +11.7 ft. MSL. As such, Special Condition #1 states that the realigned seawall shall be no higher than +14 ft. MSL.

In addition, the applicant will pay an in-lieu fee to fund beach sand replenishment projects as mitigation for impacts of the proposed shoreline protective device on beach

These noted destabilizing factors establish there are geologic/bluff erosion concerns affecting the project site from and based on that information, the applicant's consultants have concluded that the existing residence is threatened. However, due to the "unnatural condition" created by the existing unpermitted seawall that has existed on the northern part of the site for the last ten years, it is not known with any certainty what the effects of wave action on an unprotected bluff face in the cove area would be or the degree of threat that it would present to the existing residence if the existing seawall were not there. In any case, the applicant's consultants have concluded that absent a seawall across the cove area, the existing residence would be threatened.

However, the present location of the seawall is inconsistent with Coastal Act policies addressing public access, recreation, alteration of natural land forms, and scenic and visual quality of coastal areas. The seawall encroaches onto a sandy beach area that would otherwise be available for use by the public. Historic photos of the site indicate public use of the northern cove area as a pocket beach. Additionally, it is feasible to remove this unauthorized northern portion of the seawall and relocate it further inland without adverse impacts on the bluff or beach.

To address such concerns, the applicant's engineer has presented three alternative alignments of the northern section of the seawall: 1) Keep the seawall at the same location; 2) move the seawall landward about eight feet; and 3) relocate the wall to the toe of the cove. With regard to the first alternative, it is stated that the advantages with this alignment are that the location will minimize disruption of the land form during the maintenance of the wall and that it would not require any significant excavation on the existing beach to perform the repairs and visual enhancement of the seawall. Additionally, the seawall could maintain its existing low height without subjecting the adjacent unprotected bluff and potentially the neighbor to the northwest to wave splash. The disadvantage to this location is that there is a loss of beach space (approximately 200 sq.ft.) within the cove area behind the wall.

The applicant's engineer then discusses the advantages of the second alternative. To relocate the seawall landward about eight feet would result in approximately 110 sq.ft. of new beach area becoming available to the public for recreational use (more sandy beach area). The disadvantages of relocating the wall are that the footings would need to be removed and a new footing excavated into the native material. It is stated that this will create a hole. Also the new wall would need to be about two feet higher than the existing wall to protect the natural bluff behind the wall. It is further noted that there might also be a slight increase in wave splash and a slight increase in scour.

With regard to the third alignment, the applicant's engineer states that the advantage is that approximately 220 sq.ft. of new beach area will potentially be created, depending on the location and depth of the footings. However, the disadvantages are that the wall would require excavation of the existing wall and footing and that this would leave a hole in the beach. Also, it would be necessary for the new wall to be about 2 ½ times as long as the existing wall segment as it would follow the toe of the coastal bluff in the cove as

$W =$ Width of property to be armored (ft.)

$v =$ Volume of material required, per unit width of beach, to replace or reestablish one foot of beach seaward of the seawall, as described above;

The San Diego Association of Governments (SANDAG) has adopted the Shoreline Preservation Strategy for the San Diego region and is currently working on techniques toward its implementation. The Strategy considers a full range of shoreline management tactics, but emphasizes beach replenishment to preserve and enhance the environmental quality, recreational capacity, and property protection benefits of the region's shoreline. Funding from a variety of sources will be required to implement the beach replenishment and maintenance programs identified in the SANDAG Strategy. In this particular case, SANDAG has agreed to administer a program which would identify projects which may be appropriate for support from the beach sand replenishment fund, through input from the Shoreline Erosion Committee which is made up of representatives from all the coastal jurisdictions in San Diego County. The Shoreline Erosion Committee is currently monitoring several large scale projects, both in and out of the coastal zone, they term "opportunistic sand projects", that will generate large quantities of beach quality material suitable for replenishing the region's beaches. The purpose of the account is to aid in the restoration of the beaches within San Diego County. One means to do this would be to provide funds necessary to get such "opportunistic" sources of sand to the shoreline.

The applicant is being required to pay a fee in-lieu of directly depositing the sand on the beach, because the benefit/cost ratio of such an approach would be too low. Most of the adverse effects of the seawall on sand supply will occur gradually. In addition, the adverse effects impact the entire littoral cell but to different degrees in different locations throughout the cell (based upon wave action, underwater canyons, etc.) Therefore, mitigation of the adverse effects on sand supply is most effective if it is part of a larger project that can take advantage of the economies of scale and result in quantities of sand at appropriate locations in the affected littoral cell in which it is located. The funds will be used only to implement projects which benefit the area where the fee was derived, and provide sand to the region's beaches, not to fund operations, maintenance or planning studies. Such a fund will aid in the long-term goal of increasing the sand supply and thereby reduce the need for additional armoring of the shoreline in the future. The fund also will insure available sandy beach for recreational uses. The methodology, as proposed, ensures that the fee is roughly proportional to the impacts to sand supply attributable to the proposed seawall. The methodology provides a means to quantify the sand and beach area that would be available for public use, were it not for the presence of the seawall.

There are several impacts associated with the existing seawall on the sandy beach areas. Some of these impacts include increased scouring of the beach and increased erosion. Further, the proposed structure will prevent the sand in the bluff material from reaching the shoreline to replace the already dwindling sand supply. These impacts are difficult to quantify. The only impact that can be quantified with certainty is the space taken up by

sand supply and shoreline processes. Also, the applicant has proposed to record an offer to dedicate a lateral access easement seaward of the seawall (as revised). Special Condition #15 has been attached requiring that prior to issuance of the permit, that proof of recordation of the offer is first submitted to the Executive Director for review and written approval

In addition, as noted previously in the findings for approval of the southern 64 ft. section of seawall, Special Condition #11 requires the applicant to deposit an in-lieu fee to fund beach sand replenishment projects as mitigation for impacts of the proposed shoreline protective device (both the southern and northern sections) on beach sand supply and shoreline processes. The following is the methodology used by Commission staff to develop the in-lieu fee amount. The methodology uses site-specific information provided by the applicant as well as estimates of the cost to purchase an equivalent amount of beach quality material and to deliver this material to beaches in the project vicinity.

The following is a description of the methodology. The actual calculations which utilize values that are applicable to the subject sites, and were used as the basis for calculating the estimated range of the mitigation fee, are attached as Exhibit A to this report.

Fee = (Volume of sand for mitigation) x (unit cost to buy and deliver sand)

$$M = V_e \times C$$

where

M = Mitigation Fee

C = Cost, per cubic yard of sand, of purchasing and transporting beach quality material to the project vicinity (\$ per cubic yard). Derived from the average of three written estimates from sand supply companies within the project vicinity that would be capable of transporting beach quality material to the subject beach, and placing it on the beach or in the near shore area.

V_e = Volume of sand necessary to replace the Area of beach lost due to encroachment by the Seawall based on the seawall design and beach And nearshore profiles (cubic yards)

$$V_e = E \times W \times v$$

where

E = Encroachment by seawall, measured from the toe of the bluff or back beach (ft.)

annual evaluation of the condition and performance of the seawall, addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the seawall including an assessment of the color and texture of the wall. The report shall provide some analysis of trends, annual retreat or rate of retreat, and the stability of the overall bluff face, and the impact of the seawall on the bluffs to either side of the wall. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the project.

Special Condition #6 requires that construction associated with the proposed seawall shall disturb the beach to the minimum extent possible. It also provides that all excavated beach sand shall be redeposited on the beach and that local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.

Special Condition #8 requires that the applicant shall submit revised final plans for the seawall repair in substantial conformance with the preliminary plans dated 11/8/96 except that they be revised to reflect the revised alignment for the northern 32 ft. portion of the seawall required under Special Condition #1. In addition, the condition also requires that the seawall 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 which shall be verified through submittal of a color board. The condition specifies also that the proposed structure shall also be designed to incorporate surface treatments (e.g., air-placed concrete) that resemble the surface texture of the adjacent natural bluffs.

Special Condition #12 requires the applicant to submit a copy of a U.S. Army Corps of Engineers permit, or letter of permission, or evidence that no Corps permit is necessary for the proposed development. In addition, Special Condition #13 addresses storm design of the proposed seawall repair which requires that the applicant shall submit certification by a registered civil engineer that the proposed shoreline protective device is designed to withstand storms comparable to the winter storms of 1982-83.

Special Condition #14 requires that the permittee shall remove all debris deposited on the beach or in the water immediately upon demolition of the northern portion of seawall and during and after construction of the shoreline protective devices or resulting from failure or damage of the shoreline protective device. The condition further specifies that the permitted seawall shall be maintained in its approved state except to the extent necessary to comply with color, texture and its integrity. Any change in the design of the project or future additions/reinforcement of the seawall beyond minor regrouting or maintenance to restore the seawall to its original condition as approved herein, will require a coastal development permit.

Special Condition #15 reflects the applicant's proposal to record an offer to dedicate a lateral access easement across the portion of the property between the existing seawall and mean high tide line. Evidence of recordation of the offer must be provided to the Executive Director prior to issuance of the coastal development permit.

the seawall and this is the impact that can be mitigated through a sand mitigation fee. When a shoreline protective device is placed on a beach area, the underlying beach area cannot be used as a beach. This area will be altered from the time the protective device is constructed and the extent or area occupied by the device will remain the same over time, until the structure is removed or is moved from its initial location. The beach area located beneath a shoreline protective device, referred to as encroachment area, is the area of the structure's footprint. 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).

The existing seawall was never authorized and through the subject coastal development permit, the Commission is authorizing the seawall as an after-the-fact permit. Given that it is impossible to determine where the location of the mean high tide line (MHTL) was in the early 1970's when the seawall was estimated to have been constructed, and that the seawall presently encroaches beyond the toe of the coastal bluff and experiences wave run-up that touches the toe of the seawall, it is reasonable to assume that the existing seawall encroaches onto what is public trust lands. It must be acknowledged that filling behind the seawall has occurred which consists of a concrete patio between the seawall and the residence. In order for the Commission to find the seawall consistent with Chapter 3 policies, the adverse impacts to sand supply must be mitigated. The required mitigation fee compensates for the southern portion of the seawall's encroachment seaward of the natural landform and for the space taken up on the beach. The fee also compensates for the northern portion of the seawall's encroachment on the beach, as required to be realigned pursuant to Special Condition #1. The mitigation fee totals to \$1,402.50 based on an average of \$8.87 per cubic yard. It should be noted that the mitigation fee only compensates for the actual beach area taken up by the proposed seawall. While some beach area will remain behind the northern portion of the seawall in the cove area, the applicant has documented that there is existing sand behind the existing seawall which will be returned to the beach. As such, this area was not included in the calculation for the mitigation fee.

Although the Commission finds that the proposed seawall (as revised herein) has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The seawall will be subject to wave action and will be surrounded by an eroding bluff. Thus, there is a risk of bluff failure during and after construction. In addition, there is a risk of damage to the seawall or damage to property as a result of wave action. Given that the applicants have chosen to construct the seawall despite these risks, the applicants must assume the risks. Accordingly, Special Condition #5 requires that the applicants record a deed restriction that evidences their acknowledgement of the risks and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

Special condition #3 requires compliance with a monitoring program prepared by a licensed geologist or geotechnical engineer for the site and seawall which provides for an

plans which require trimming of the existing Myoporum vegetation in the public-right-of-way and maintenance of the existing vegetation such that it will not obstruct public views to the ocean, and installation of open fencing along the north side yard setback, the Commission finds that public views to the ocean will be protected. As conditioned, the residential remodel and proposed seawall can be found consistent with the certified LCP and all applicable Chapter 3 policies of the Coastal Act.

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.

The proposal for the residential remodel and proposed seawall has been conditioned in order to be found consistent with the visual resource and shoreline hazard policies of the Coastal Act. However, only through removal and relocation further inland, can the northern approximately 32 lineal foot section of the seawall be found consistent with the Coastal Act. The proposed conditions addressing landscaping, fencing and repairs to an existing seawall along with appropriate mitigation for the area of beach lost due to the long-term encroachment of the seawall onto the beach, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

In summary, the Commission finds that the applicant's consultants have demonstrated that the existing residence is subject to threat (absent a seawall protection) from wave erosion and overtopping. However, the proposed alignment for the northern portion of the seawall is not consistent with Coastal Act policies. As conditioned to move the northern 32 ft. portion of the seawall inland and payment of a mitigation fee, the seawall's impact on the encroachment onto the beach will be mitigated and the proposed coloring and texturing of the wall will mitigate for its adverse visual impacts. Therefore, only as conditioned, can both portions of the seawall be found consistent with Sections 30235 and 30253 of the Coastal Act.

4. No Waiver of Violation. As part of the subject proposal, the applicant is proposing after-the-fact approval of an existing 96-linear foot seawall and repairs to it, consisting of reinforcement of the seawall by replacing footings and installing tiebacks. All of the existing seawall is unpermitted development which is therefore a violation of the Coastal Act. The Commission notes that although development has taken place prior to submission this permit request, consideration of the request by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Commission action upon the permit does not constitute a waiver of any legal action with regard to the alleged 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.

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

The subject site is zoned R-1-8000 and is designated for residential use. The proposed remodel to an existing single family residence is consistent with that zone and designation. The subject site is also located within the Sensitive Coastal Resource (SCR) overlay zone of the City's certified LCP. As proposed to be remodeled, the existing residence, as conditioned, can be found consistent with the SCR overlay.

The certified La Jolla-La Jolla Shores LCP Addendum contains numerous policies which call for the protection and improvement of existing visual access to the shoreline and that ocean views should be maintained in future development and redevelopment. Due to the presence of the existing residence, there are presently no ocean horizon views looking across the site. However, as noted previously, the subject site is located immediately adjacent to, and north of, a designated public view corridor. The proposed development consisting of remodeling of an existing non-conforming 10,006 sq.ft., two-story over basement single family residence with attached garage resulting in a reduction in size to 9,801 sq.ft. on a .23 acre ocean blufftop lot and after-the-fact approval and repairs to an existing 96-foot long seawall, will impact public views in the designated public view corridor adjacent to, and south of, the subject site. However, as conditioned, for revised

CAMINO DE LA COSTA



EXISTING 2-STORY
10,006 SQ. FT.
RESIDENCE

40-FT SETBACK LINE

MIRA MONTE PLACE

EXISTING FOOT PATH

EXISTING SEAWALL

BLUFF EDGE

PERCHED
BEACH

BEACH

REARWARD
SETBACK

EXISTING SEAWALL

BLUFF EDGE



PROPOSED
ADDITION

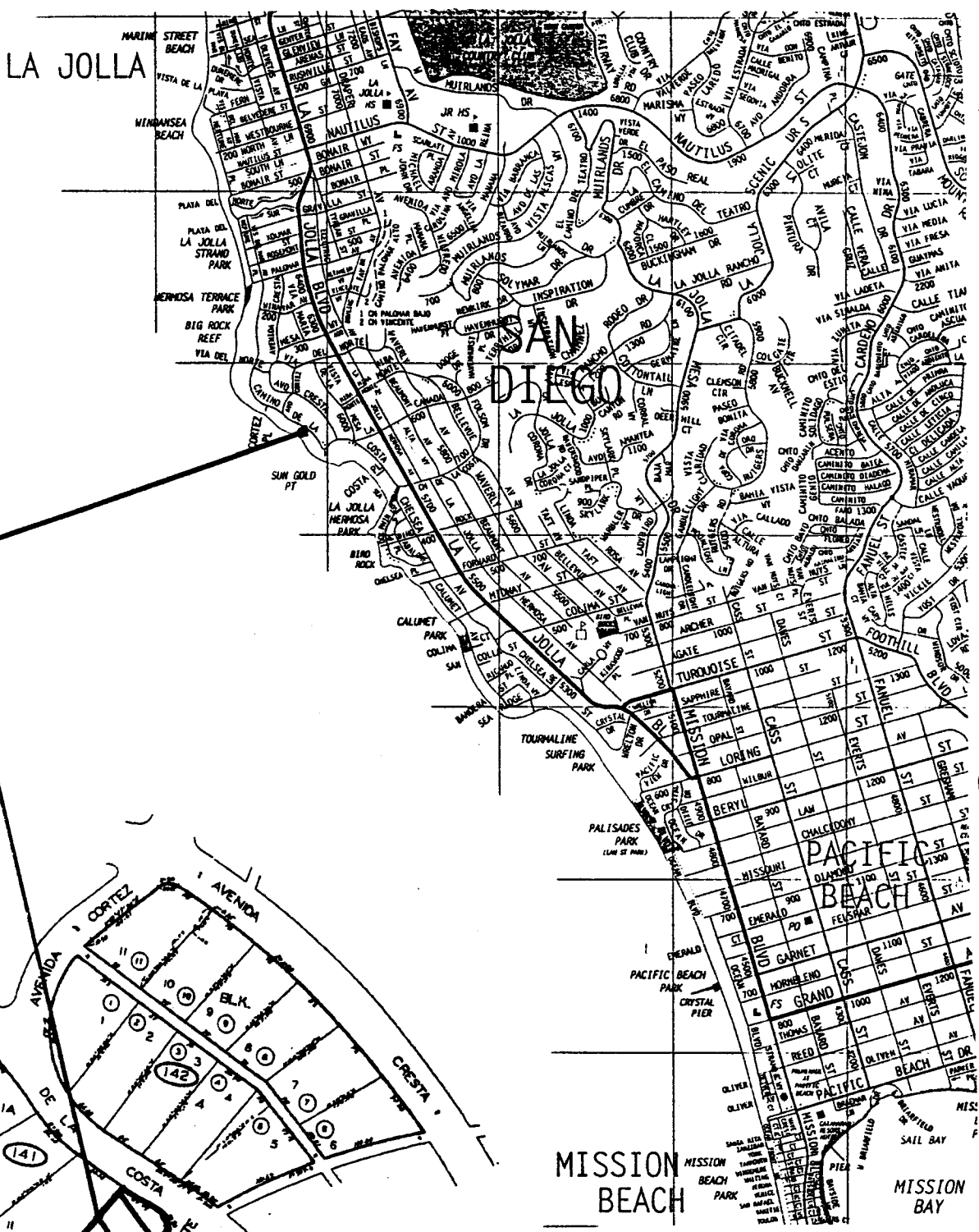
PROPOSED
REMOVAL

EXHIBIT NO. 2
APPLICATION NO.
A-6-LJS-98-169
Site Plan

California Coastal Commission

PACIFIC OCEAN

Th 11d



SITE

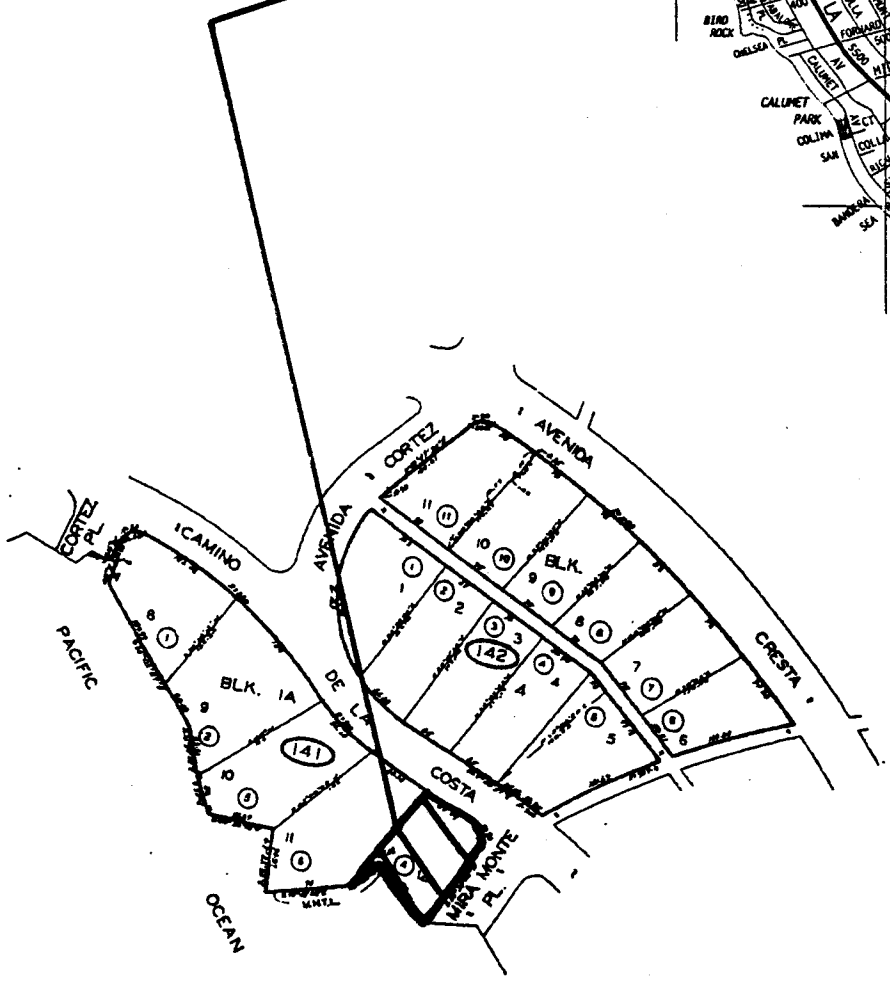

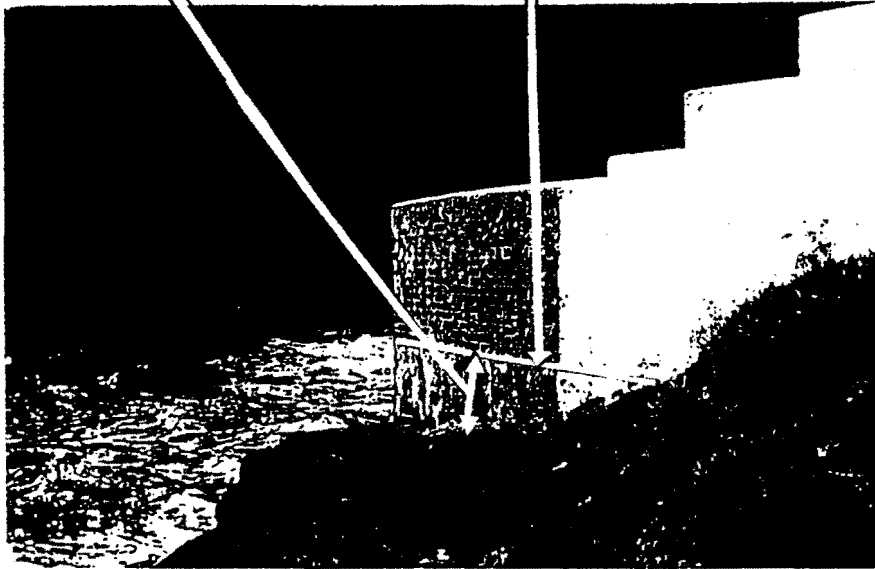


EXHIBIT NO. 1
APPLICATION NO.
A-6-LJS-98-169
Location Map
 California Coastal Commission

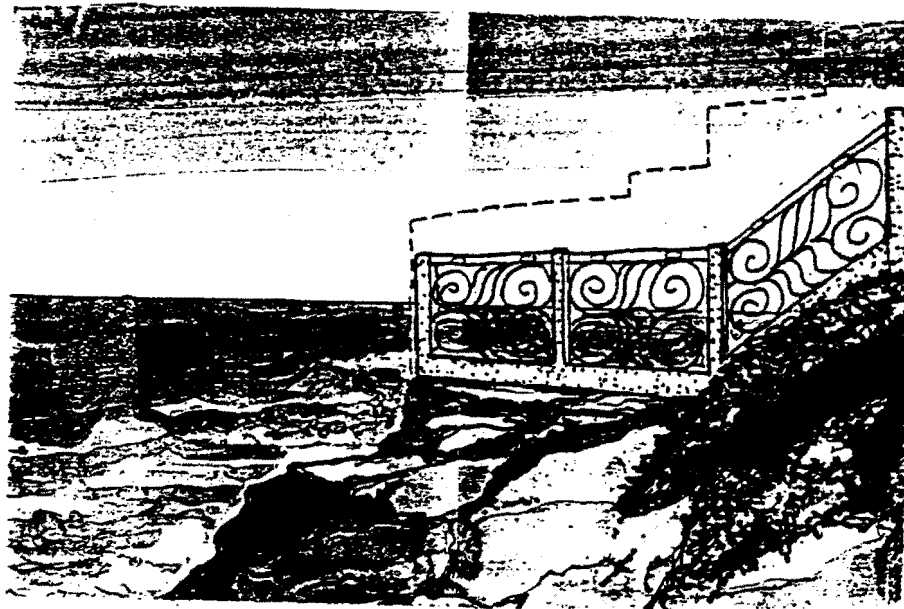
NOTE: LOW RETAINING WALL TO BE REMOVED WHEN
OPEN FENCING IS RELOCATED TO LOT LINE

EXISTING GRADE OF CONCRETE
SEAWALL CAP BEYOND



VIEW FROM MIRA MONTE PLACE TO EXISTING WALL

"before"



VIEW AS PROPOSED FROM MIRA MONTE PLACE THROUGH
NEW REDUCED HEIGHT OPEN PROTECTIVE FENCING

"after"

EXHIBIT NO. 4

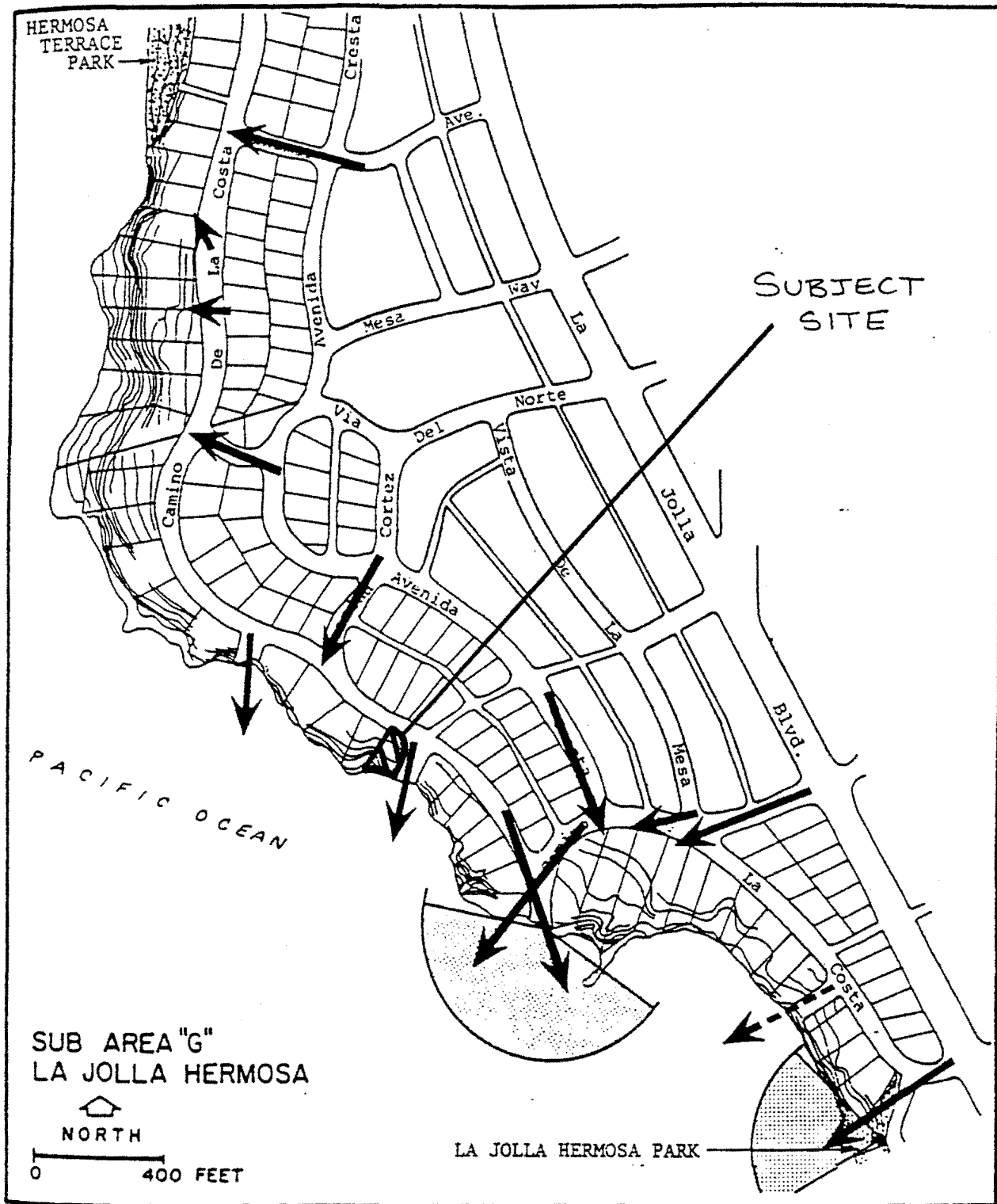
APPLICATION NO.

A-6-LJS-98-169

South Side-Yard Wall: To

be moved to property line

California Coastal Commission



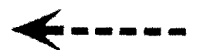
La Jolla • La Jolla Shores LOCAL COASTAL PROGRAM • VISUAL ACCESS



CITY OF SAN DIEGO
PLANNING DEPARTMENT



MAJOR VISTA POINT



POTENTIAL VISUAL ACCESS



VISUAL ACCESS CORRIDOR
(existing)

EXHIBIT NO. 6

APPLICATION NO.
A-6-LJS-98-169

Designated Public View

Corridor from Certified LCP

California Coastal Commission

REDUCED TO 5'-0" PER
PLANNING COMMISSION
APPROVAL 17 SEP 1998

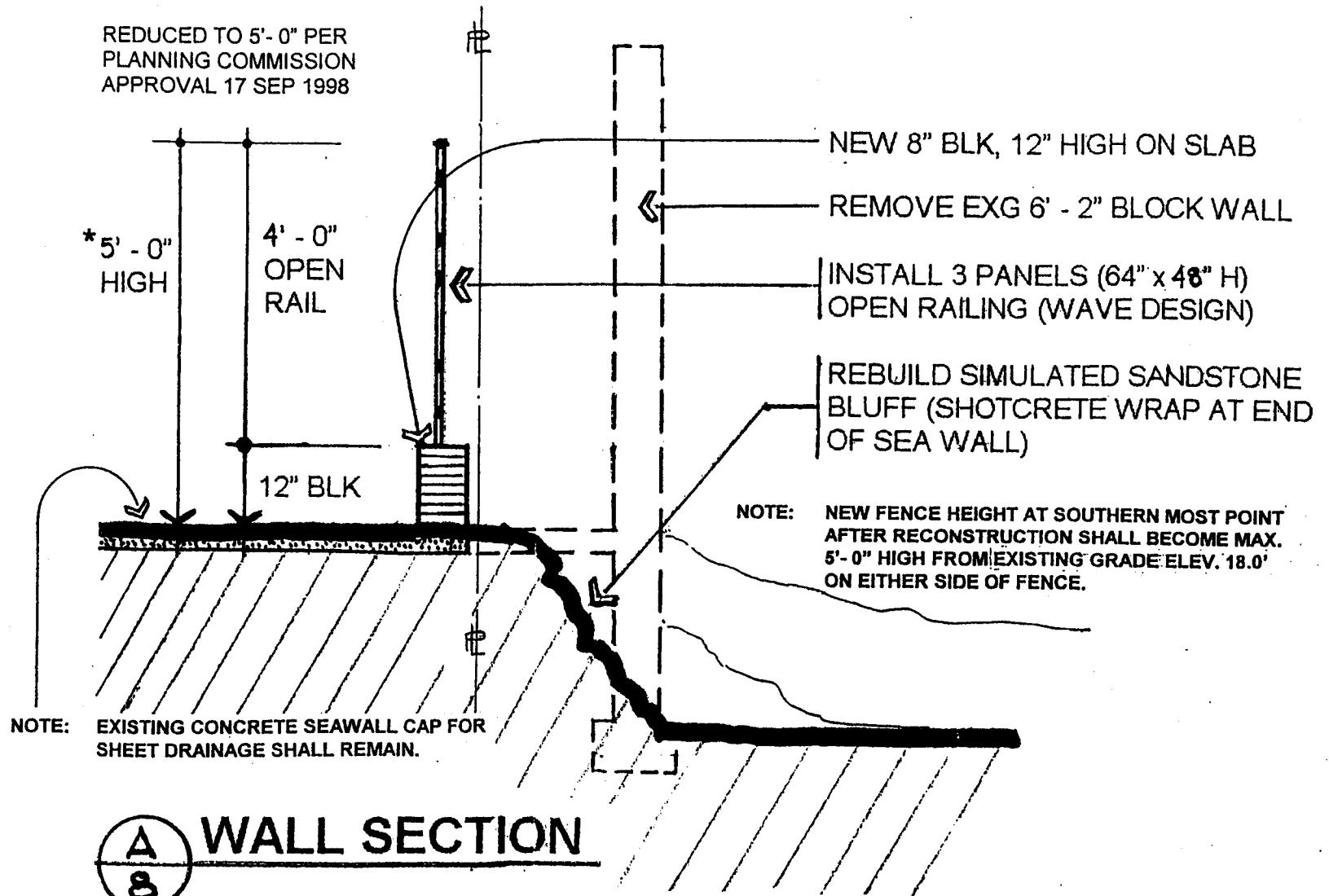
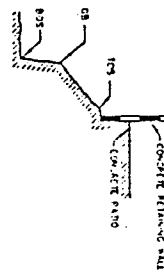


EXHIBIT NO. 5
APPLICATION NO.
A-6-LJS-98-169
Cross-Section of Proposed
South Side-Yard Wall
California Coastal Commission



NOT TO SCALE
FOR INFORMATION ONLY
DO NOT CONSIDER THIS A
FINAL DESIGN
ALL RIGHTS RESERVED



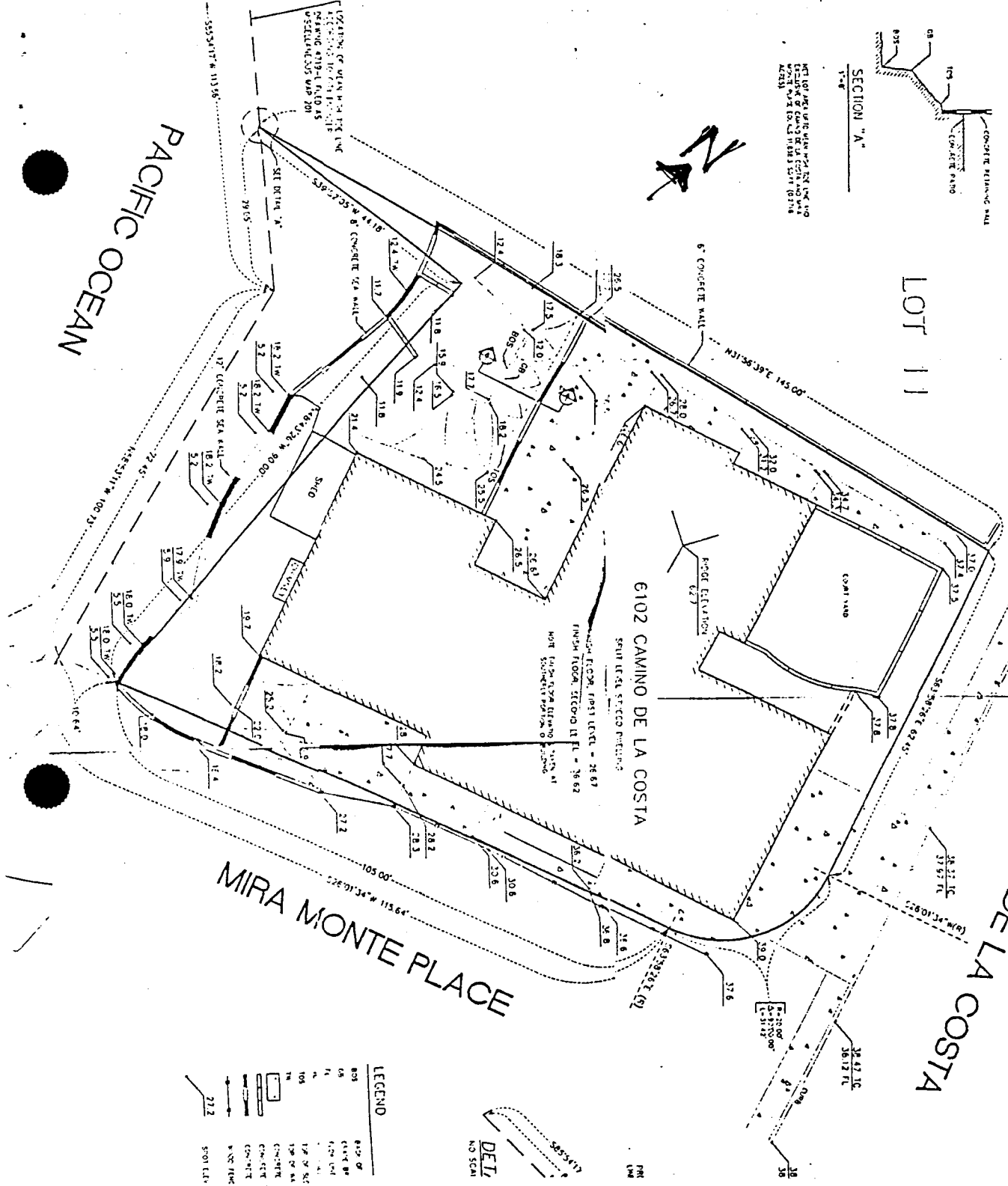
LOT 11

6102 CAMINO DE LA COSTA

CAMINO DE LA COSTA

MIRA MONTE PLACE

PACIFIC OCEAN



LEGEND

8.00	8.00
10.0	10.0
12.0	12.0
14.0	14.0
16.0	16.0
18.0	18.0
20.0	20.0
22.0	22.0
24.0	24.0
26.0	26.0
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82.0	82.0
84.0	84.0
86.0	86.0
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100.0	100.0

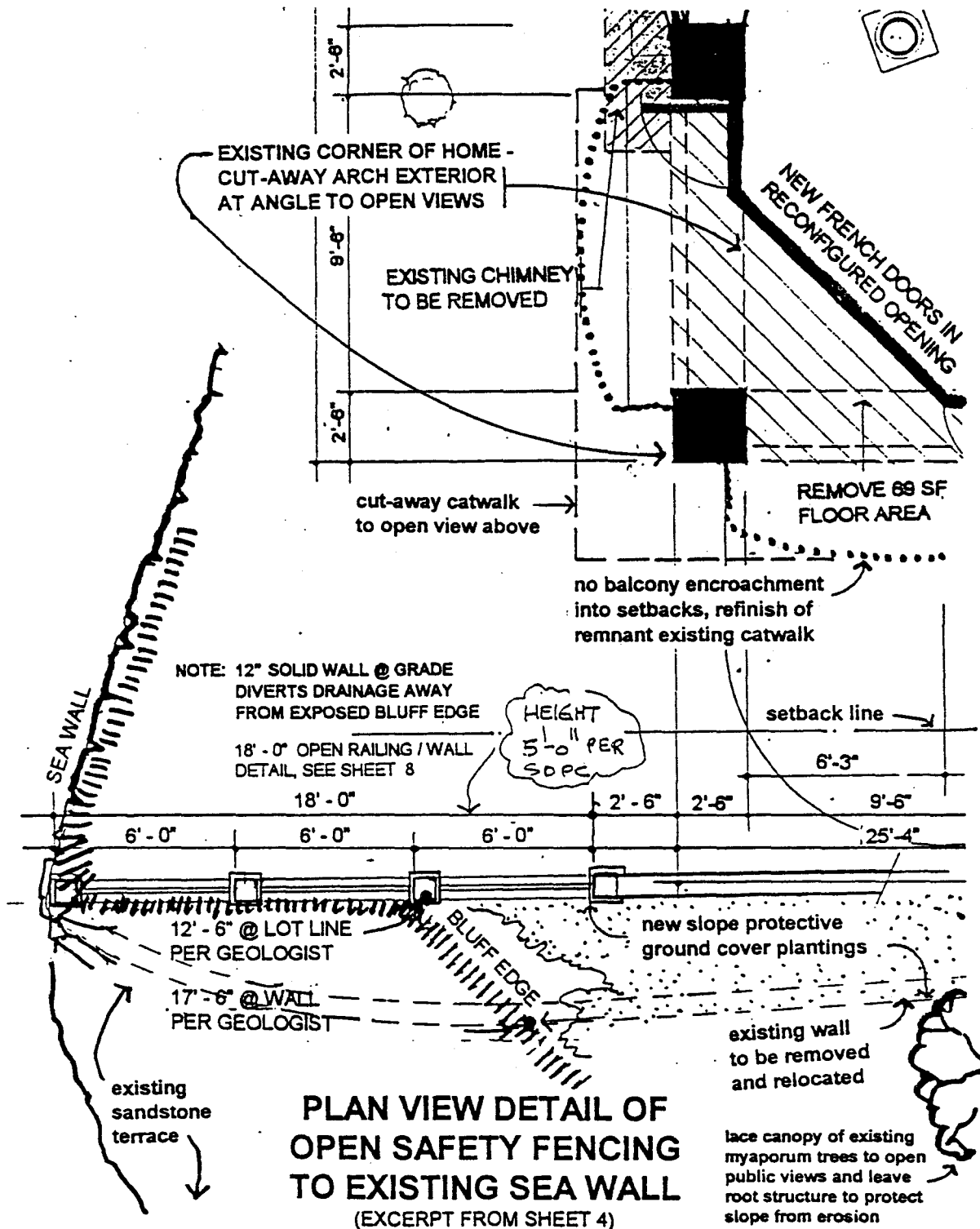
EXHIBIT NO. 8

APPLICATION NO.

A-6-LJS-98-169

Topographic Survey

California Coastal Commission



the moncrieff residence

EXHIBIT NO. 7
APPLICATION NO.
A-6-LJS-98-169
Plan View Detail
Open Safety Fencing
to Existing Seawall
California Coastal Commission

RECEIVED

MAY 17 1999

May 14, 1999

California Coastal Commission

3111 Camino del Rio North, Suite 200 SAN DIEGO COAST DISTRICT

San Diego, CA 92108

ATTENTION: Ms. Laurinda Owens

CALIFORNIA
COASTAL COMMISSION

Anthony A. Ciani
DesignAssociates

RE: MONCRIEFF RESIDENCE - APPEAL NO. A-6-LJS-98-169

Dear Coastal Commission:

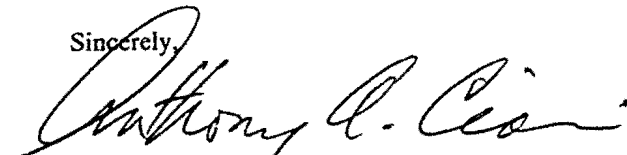
I am writing on behalf of the appellants regarding the additional information we have submitted about the subject site and related coastal issues. Part of this information is a further analysis of the photographic history of the site and adjacent shoreline, with the addition of the August 20, 1967 aerial photo (enclosed). Another part is the Grant Deed and Subdivision Map description of the land (also enclosed).

Based upon a review of the topographic, geotechnical, coastal engineering studies and development plans submitted by the applicant, and the substantive additional information referenced above, as well as, past Coastal Commission decisions, we believe there are strong and valid reasons to deny the proposed project; and, to render an after-the-fact denial of the existing "sea walls", all, apparently built without permits since 1974. As an alternative, the Commission may want to work with the applicant to define the development criteria for the site (for a remodel or new development), assuming the applicant is willing to redesign their project, for the Commission's subsequent approval with special conditions. As currently proposed, we strongly believe the project violates the adopted Land Use Plan and Implementing Ordinances pertaining to siting of development, bluff top setbacks for improvements, standards for development in hazardous areas, lateral, vertical and visual access to and along the shoreline, as well as, administrative procedures for apparent unpermitted development of grading and retaining walls (sea walls).

In summary, we believe the photographic evidence in the record clearly shows the condition of the subject property only 13 years after the house was built and its orientation to the pre-existing bluff edge, and prior to the construction of *any* retaining walls along the shoreline (8/20/67). Subsequent photos taken in 1974, 1978, 1985, 1992, 1995, 1996 and 1998 show the substantial loss of beach, degraded by the (apparently unpermitted) construction of a series of retaining wall and grading segments, which over time, have also diminished vertical, lateral, and visual access to and along the beach and bluff top. This series of aerial photos also provides visual evidence of the stability of the shoreline's formational material for a 30-year period.

Finally, we believe there is ample reason to seek a legal determination on behalf of the Commission and the people of the State of California, about the accuracy of the lot boundary lines, shape and size. The applicant's surveyor has submitted conflicting and confusing information; i.e., a 1996 survey consistent with the legal Grant Deed and original Subdivision Map's specific boundary dimensions; and a second 1998 survey with different boundary dimensions. (In fact, the Westerly boundary line is shown one way on the site plan and floor plans and another way on the geotechnical drawings). We do not understand how the property purchased by the Owner as defined in the Grant Deed and on Subdivision Map can be made larger by taking away the public's land (shoreline). This is an important point as it affects how the Commission should review the permit application for work, on or off public land (or if the applicant's withdraw their permit, how the Commission should consider the past work completed in apparent violation without permits). Only then, can the edge of bluff, bluff top setbacks and other coastal requirements for the development including sea walls, if any, be discussed. Therefore, we *strongly* urge you to seek a legal determination of this critical issue.

Sincerely,



Anthony A. Ciani, for Appellants

enclosures

EXHIBIT NO. 10

APPLICATION NO.

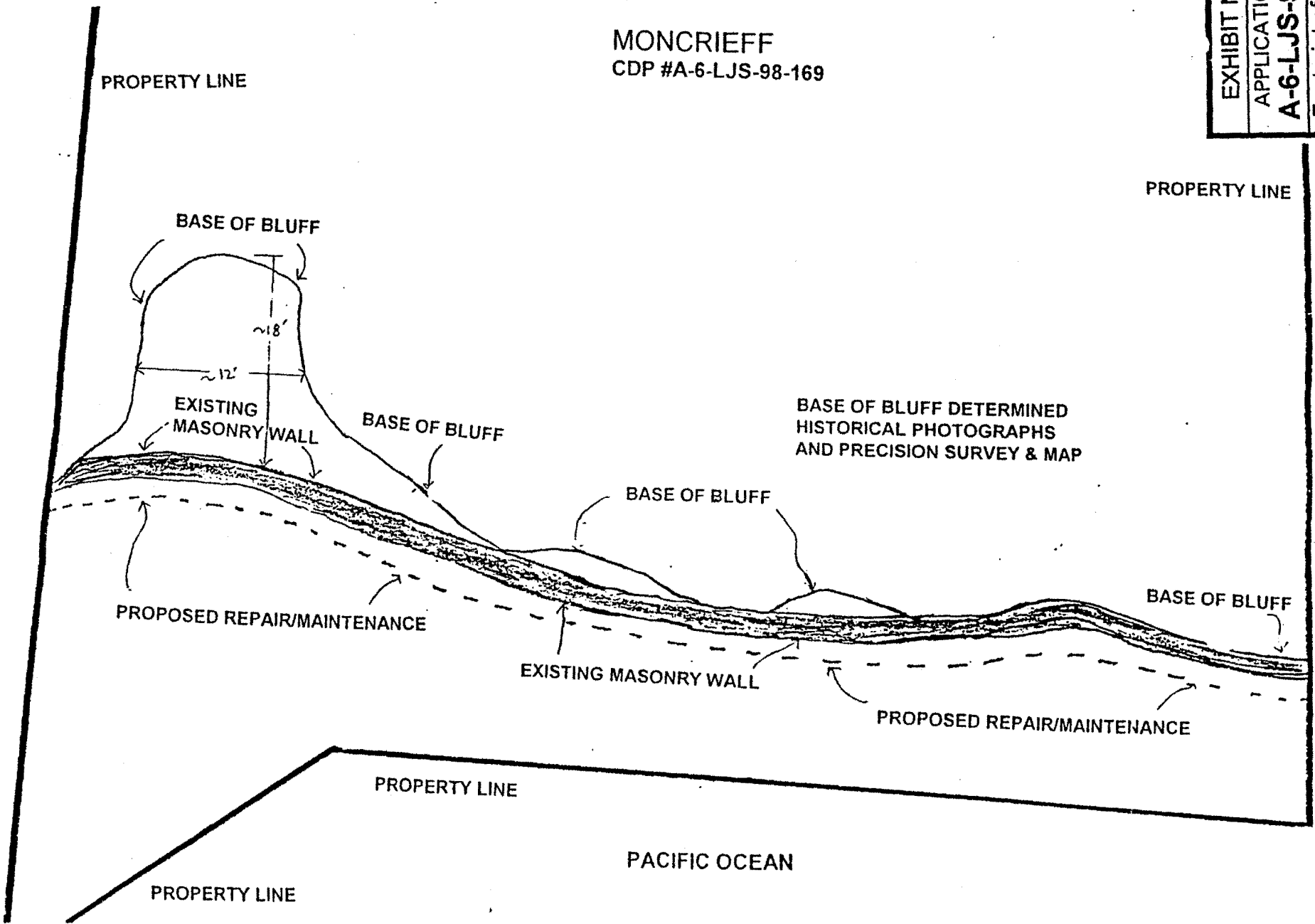
A-6-LJS-98-169

Letters of Concern

California Coastal Commission

EXHIBIT NO. 9	APPLICATION NO. A-6-LJS-98-1	Footprint of Existing Seawall	California Coastal Commission
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MONCRIEFF
CDP #A-6-LJS-98-169



CONTINUATION OF GRANT DEED

STATE OF CALIFORNIA
COUNTY OFSAN DIEGO

JSS

On

JUNE 10, 1996

before me,

B. SARRIE

a Notary Public,

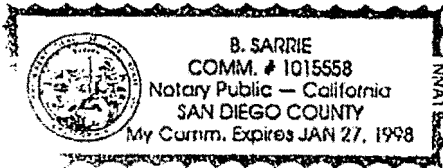
personally appeared

JOHN W. ReedANDPAUL L. Reed

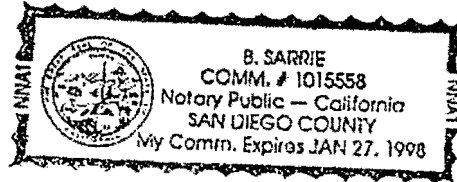
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

B. Sarrie

This area for official notarial seal.



RECORDING REQUESTED BY
Chicago Title Company

AND WHEN RECORDED MAIL TO:
SCOTT E. MONCRIEFF
DEBRA R. MONCRIEFF
1000 Rippey St.
El Cajon, CA 92020

DOC # 1996-0385352
31-JUL-1996 10:34 AM

236

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

RF: 6.00 FEES: 30.00
AF: 3.00 AFNF
MF: 1.00
UC: 20.00
TAX: N.D.

A.P.N.: 357-141-04

Order No.: 997383-2

Space Above This Line for Recorder's Use Only

Escrow No.: 826698BZ

GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S) THAT DOCUMENTARY TRANSFER TAX IS: COUNTY \$

☒ computed on full value of property conveyed, or
☐ computed on full value less value of liens or encumbrances remaining at time of sale,
unincorporated area; ☒ City of San Diego, and

FOR A VALUABLE CONSIDERATION, Receipt of which is hereby acknowledged,

JOHN W. REED AND PAUL L. REED, Trustees under Declaration of Trust dated 10/05/82
and Revocable Declaration of Trust dated 10/13/82

hereby GRANT(S) to

SCOTT E. MONCRIEFF and DEBRA R. MONCRIEFF, Husband and Wife, as Joint Tenants

the following described property in the City of San Diego, County of San Diego, State of California;

Lot 12 in Block 1-A of LA JOLLA HERMOSA, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1810 filed in the Office of the County Recorder of San Diego County on November 21, 1924; EXCEPTING THEREFROM that portion, if any, heretofore or now lying below the mean high tide line of the Pacific Ocean.

Date: June 2, 1996

JOHN W. REED AND PAUL L. REED, Trustees
under Declaration of Trust dated
10/05/82 and Revocable Declaration of
Trust dated 10/13/82

By:

JOHN W. REED, Trustee

By:

PAUL L. REED, Trustee

GRANT DEED CONTINUED ON NEXT PAGE

Mail Tax Statements to: SAME AS ABOVE OR ADDRESS NOTED BELOW

the Public Lands of San Diego made by James Pascoe in 1870, excepting that portion conveyed to Union Trust Company of San Diego, a corporation, by deed recorded in Book 876, page 304 of deeds.

Subject to all existing encumbrances, and subject to any conditions, restrictions, covenants or rights of way of record.

U. T. Ins Co of S. D.	U. T. Ins Co of S. D.
San Diego 29 1924	San Diego 29 1924
20046	20046
Thirty Dollars	Thirty Dollars
U. T. Ins Co of S. D.	U. T. Ins Co of S. D.
San Diego 29 1924	San Diego 29 1924
5 Dollars	5 Dollars
U. T. Ins Co of S. D.	U. T. Ins Co of S. D.
San Diego 29 1924	San Diego 29 1924
5 Dollars	5 Dollars
U. T. Ins Co of S. D.	U. T. Ins Co of S. D.
San Diego 29 1924	San Diego 29 1924
5 Dollars	5 Dollars

TO HAVE AND TO HOLD the above granted and described premises unto the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, said corporation has caused this deed to be signed by its President and Assistant Secretary and its corporate seal to be affixed hereto this 26th day of January, 1924.

Union Trust
Company of
San Diego
California
F. B. T.

UNION TRUST COMPANY OF SAN DIEGO

By Jno. F. Forward, President.

Attest: F. B. Thompson, Assistant Secretary.

State of California,)
County of San Diego,) ss

On this 26th day of January in the year one thousand nine hundred and twenty four before me, Mary S. Pierce, a Notary Public in and for said County, personally appeared Jno. F. Forward, known to me to be the President, and F. B. Thompson known to me to be the Assistant Secretary of the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

Mary S. Pierce

Notary Public in and for the County
of San Diego, State of California.

Recorded at request of Union Title Insurance Co. (Whelan) Jan 31 1924 at 9 o'clock A.M.

Fee \$2.20

John A. Perry, County Recorder.

4591

By H. J. Parsons, Deputy.

-----0000000000000000-----

Recorded at request of Union Title Insurance Co. (Whelan) Jan 31 1924 at 9 o'clock A.M.

1589 Fee 4.00

John H. Ferry, County Recorder.

By H. C. Parsons, Deputy.

-----00000000000000000000-----

KNOW ALL MEN BY THESE PRESENTS THAT I, HANNAH B. BECK,

Hannah B. Beck a widow

For and in consideration of Ten (10) DOLLARS,

Do hereby grant to A. W. Peterson and Amanda B. Peterson husband and wife as joint tenants

ALL THAT LAND PROPERTY situated in County of San Diego, State of California, bounded and described as follows:

Lots twenty-one (21) to thirty (30) inclusive Block Nineteen (19) of South San Diego according to the Map thereof No. 123 filed in the office of the County Recorder of said San Diego county on the 5th day of July 1907.

1/29/1924

H.B.B.

50 cents

WITNESS my hand and seal this 29 day of January 1924.

Signed and executed in presence of

Hannah B. Beck (Seal)

State of California,)

County of San Diego,)

On this 29 day of January Nineteen Hundred and Twenty-four (1924) before me, Glenda Stout a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Hannah B. Beck a widow known to me to be the person described in and whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in said County of San Diego, State of California, the day and year in said certificate first above written.

Glenda Stout

Glenda Stout

Notary Public in and for the County of San Diego, State of California.

Recorded at request of Union Title Insurance Co. (Whelan) Jan 31 1924 at 9 o'clock A.M.

1590 Fee 4.00

John H. Ferry, County Recorder.

By H. C. Parsons, Deputy.

-----00000000000000000000-----

UNION TRUST COMPANY OF SAN DIEGO a corporation, of the City of San Diego, County of San Diego, State of California,

for and in consideration of the sum of TEN THOUSAND DOLLARS,

DOES HEREBY grant to A. W. Peterson and Amanda B. Peterson, a corporation,

ALL THAT LAND PROPERTY situated in the City of San Diego, County of San Diego, State of California, bounded and described as follows:

Block Lot 20, bounded by Union Title Insurance Co. (Whelan) according to the Map of

shall cost not less than FIFTY THOUSAND DOLLARS, (\$50,000)

Third: Each residence building shall be so constructed, and at all times so maintained, that the front thereof shall face upon the street, avenue, or highway in front of the lot on which the same shall be erected.

Fourth: No cows, goats, pigs, or other farm animals shall at any time be permitted to be kept upon said property, or any part thereof.

Fifth: No part of said property, or any buildings thereon, shall be used or occupied by any person not belonging to the Caucasian race, either as owner, lessee, licensee, tenant, or in any other capacity than that of servant or employee.

Sixth: No fence, wall or hedge or like obstruction, exceeding five feet in height, shall be placed or permitted on any part of said premises in front of the front line of the aforesaid residence building.

Seventh: No residence or other building on said property shall in any manner be occupied while in the course of construction, nor until made to comply with all the requirements and conditions hereof, nor shall such residence building when completed be used for other than the purposes hereinbefore specified. The work of constructing any building shall be prosecuted diligently and continuously from the commencement thereof until the same is fully completed. Each building, fence, wall, or structure placed on any part of said premises shall be constructed thereon from new material only, and not from old or second-hand material, and no building wholly or partially constructed elsewhere shall be moved to, or placed upon, said property.

Eighth: Before the placing or construction on said property of any building or buildings, there shall be furnished to, and approved by, a tract architect selected by the Grantor herein, complete plans and specifications for such buildings, (including their position and location on the property), and for the landscaping or improvement, if any, of the portions of said property not occupied by such buildings, and said building or buildings shall be erected and maintained wholly in accordance with such approved plans and specifications, and also in conformity with the conditions and restrictions herein contained.

The foregoing conditions, restrictions and reservations shall apply to and be binding upon the Grantee and Grantees, legal representatives and successors in interest, and shall also inure to the benefit of each and every lot in said tract or subdivision, and to the benefit of the owner or owners of each and every such lot in said tract or subdivision, so as to give each owner or owners the right of enforcing the same.

In the event of a breach or violation of any one or more of the foregoing conditions, restrictions or covenants, all the legal and equitable title hereby conveyed, as respects the lot or lots affected thereby shall be forfeited to and revert to the Grantor, or its successor in interest, who shall thereupon have the right of immediate re-entry upon said premises, provided, however, that any such breach or forfeiture of title or re-entry shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value upon said lot or upon any buildings thereon; provided, however, that any such breach, or the continuation thereof, may be, and shall be, treated, or remedied by appropriate proceedings, and provided also that each of the foregoing conditions, restrictions and covenants shall remain at all times in full force and effect as against any and all owners of said premises, or any part thereof, or any interest therein, whether such ownership or interest be acquired by conveyance or otherwise, or by any other means of purchase, devise, inheritance, or otherwise.

This deed is also made subject to all taxes and public assessments becoming a lien on said property after December 31st, 1909.

ANNIE E. BRODERICK and W. S. BRODERICK, wife and husband
 For and in consideration of TEN DOLLARS
 Do hereby grant to W. E. CALPHELL

ALL THAT REAL PROPERTY situated in the City of San Diego, County of San Diego,
 State of California, bounded and described as follows:

Lot B, C, and X in Block E, and Lots H, O, and P in Block 4 to Sierra Park, accord-
 ing to the official map thereof No. 1499, filed in the office of the County Recorder of
 the County of San Diego, State of California, Dec. 4th, 1912

TO HAVE AND TO HOLD the above granted and described premises unto the said Grantee
 her heirs and assigns, forever.

WITNESS my hand and seal this 24th day of February, 1927.

Signed and executed in presence of----

W. S. BRODERICK (Seal)

STATE OF CALIFORNIA, }
 County of San Diego. }

ANNIE E. BRODERICK (Seal)

On this 24th day of February Nineteen Hundred and Twenty Seven before me,
 JOSEPHINE C. CONNER a Notary Public in and for said County and State, residing therein,
 duly commissioned and sworn, personally appeared ANNIE E. BRODERICK and W. S. BRODERICK,
 Wife and Husband, known to me to be the persons described in and whose names are subscribed
 to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at
 my office, in said County of San Diego, State of California, the day and year in this cer-
 tificate first above written.

JOSEPHINE C. CONNER

Notary Public in and for the County
 of San Diego, State of California.

Recorded at Request of Union Title Insurance Co. Mar 14, 1927 at 9 o'clock A. M.

John H. Ferry, County Recorder

By E. C. Parsons Deputy

15517 Fee \$2.00

3-14-27

1340 / 129 deeds

LA JOLLA PROPERTIES INC., a corporation, of the City of San Diego, County of San
 Diego, State of California, for and in consideration of the sum of Ten Dollars, does hereby
 grant to

W. L. GARTH, married man

ALL THAT REAL PROPERTY situated in the City of San Diego, County of San Diego,
 State of California, bounded and described as follows:

Lot Twelve (12) Block 11A of La Jolla Hermanas, according to map thereof filed
 filed in the office of the County Recorder of said San Diego County, November 21st, 1924.

This deed and conveyance is made upon and subject to the following conditions,
 covenants, restrictions, and reservations affecting said real property, to-wit:

First: Said property shall be used only and exclusively for single private resi-
 dential purposes, and no part thereof for business or commercial purposes, and no more than
 one residence or dwelling house shall be erected or permitted on any one lot in said tract
 or subdivision at any one time, and such buildings shall not be used for any other than
 single private residential purposes, such use for such purposes, however, to include a
 garage or porches, and other reasonably necessary outbuildings.

Second: Any such residence building erected on the lot hereinbefore described

MAP OF JOLLA HERMOSA A SUBDIVISION OF

State of California
County of San Diego } ss
I, the undersigned, Clerk of the County of San Diego, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County and is duly authenticated by me.

Public in and for God Country and State

[illegible]

LA JOLLA PROPERTIES, INC., A CORPORATION
OF CALIFORNIA
13000 JOLLA BLVD., SUITE 100
LA JOLLA, CALIF. 92037
TEL. (619) 451-1111
FAX (619) 451-1112
TELETYPE (619) 451-1113
CABLE: LAJOLLA
INTERNET: WWW.LAJOLLA.COM
E-MAIL: INFO@LAJOLLA.COM
LAJOLLA.COM

FIRST TRUST SAVINGS BANK OF SAN DIEGO
OF CALIFORNIA, INC. President
1155 FIFTH AVE. - SAN FRANCISCO

PIONEER TRUCK COMPANY
Sylvia, Ohio
1942 - Present - Secretary

On the 12 day of July A.D. 1886, before me, J. H. Miller, Notary Public in and for said County and State personally appeared _____ a duly qualified person, known to me to be the Vice President and _____ a duly qualified person, known to me to be the Secretary of the Corporation that executed the within instrument, and acknowledged to me that such corporation existed and was then in existence, and that they executed the same.

W. H. Merrill
Notary Public in and for the County of San Diego, State of California

University of San Diego 22
State of California

On the 11th day of October, A.D. 1924, before me, Edith E. Wilson, a Notary Public in and for said County and State personally appeared Louis B. Rucker, known to me to be the Vice President, and Frank Van Rensselaer, known to me to be the Secretary of the corporation that executed the within instrument and acknowledging to me that such corporation executed the same.

Edith E. Wilson

County of Livingston, N.Y.
 I, the undersigned, Clerk of the County of Livingston, N.Y., do hereby certify that the within instrument was duly executed and acknowledged by the parties thereto as the same appears from the records of said County, and that the same is a true and correct copy of the original thereof as the same appears from the records of said County.

Witness my hand and the seal of said County at the City of Albany, New York, this 10th day of June, 1904.

John C. Smith, Clerk of the County of Livingston, N.Y.

Notary Public in and for the County of Livingston, N.Y.

County of San Diego 25
City of California
Chinatown, California
I, _____, personally appeared _____, known to me to be the true and lawful owner of the within described property, and acknowledged to me that he executed the within instrument for the purposes and consideration therein expressed, and that he executed the same voluntarily.

1940-1941

All that portion of Pueblo Lot 1773 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof made by the Board of Surveyors in 1870, filed in the office of the Recorder of the County of San Diego, California, lying westerly of the Western line of the Right-of-Way of the San Diego Electric Railway, and its Northwesterly extension, said Westerly line and said extension being described as follows:

Beginning at a point on the South line of said Farello Lot 17713, distant N 75° 00' E 262.19 feet from the intersection of the said South line with the East line of the highway known as La Bolla Boulevard,

thence N 89°19'19" W 265.56 feet, to a point on the North line of said Pueblo Lot 1773, said point being N74°45'30" E, 239.86 feet from the intersection of the said North line with the center line of the said La Jolla Boulevard. Excepting from the above described property that portion thereof lying within the lines of the said La Jolla Boulevard.

ALSO EXCEPTING therefrom that portion of said Pueblo Lot 111.3, if any, heretofore or now lying below the mean high tide line of the Pacific Ocean.

Also, Examining that portion of Electric Avenue Railway maps particularly of the Eighth Way of the San Diego Electric Railway, more particularly as described or followed: Beginning at a point on the Western line of said Eighth Way, a distance of 1224.93 feet northerly along said Western line from its intersection with the South line of said Pueblo Lot 1773, thence S 61° 56' W 119.18 feet E, to the Eastern line of an alley as shown on this map thence N 22° 30' W along the Eastern line of said alley a distance of 143.89 feet more or less to a point on the North line of said Pueblo Lot 1773; thence Easterly along said North line a distance of 184.93 feet more or less to the early extension of said Western line of said Pueblo Lot 1773; thence S 28° 15' E along said Western line 444.03 feet more or less to point as beginning.

[illegible]

UNION TITLE INSURANCE COMPANY
 1000 THE PRUDENTIAL BUILDING
 ALBANY, N. Y.

newly created and are now being prepared for the introduction of the new labor law. For the introduction of the new labor law, the new labor law is being prepared for the introduction of the new labor law.

File # 43883
 Trial of reporter of Love's death, at 23 minutes past 2 o'clock this 21st day of November A.D. 1924
 State of Florida
 County Recorder, Jay Osborn, County, California
 County Recorder, Jay Osborn, County, California
 County Recorder, Jay Osborn, County, California

1. Dr. W. W. Williams, formerly clergyman, is a 1912-1920 survivor and his contribution as shown on the enclosed page, has been forwarded by me and the association, telling of 3 years of difficult care here, & 5 months and more with 114 women, plus 19 children, and coming out with a good reference as someone who has been a help to the community.

The lady says -
I learned survival -
thus. 11

Collected October 14, 1934

[illegible][illegible][illegible][illegible]

Approved, after examination of the subdivision and the map thereon:
WILLIAM W. BROWN - City Attorney
 By: J. J. HARRIS Deputy

IN WITNESS WHEREOF: Said corporation grantor has caused this deed to be signed by its President and Secretary and its corporate seal to be affixed hereto this 8th day of March, 1927.

La Jolla
Properties Inc.
California
Incorporated
1923

LA JOLLA PROPERTIES, INC.

By H. M. FOLGOM President.

Attest: T. A. RIFE Secretary.

STATE OF CALIFORNIA,
COUNTY OF SAN DIEGO.

SS.

On this 9th day of March, 1927, before me, K. H. McNall, a Notary Public in and for said County and State, personally appeared H. M. FOLGOM known to me to be the President, and T. A. RIFE known to me to be the Secretary of the grantor corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the grantor corporation therein named, and acknowledged to me that such corporation executed the same.

K. H. McNall

Notary Public in and for
said County and State.

Recorded at Request of Union Title Insurance Co. Mar 14, 1927 at 9 o'clock A. M.

John H. Perry, County Recorder

By H. C. Parsons Deputy

1927 Mar 14

TRADERS SECURITIES COMPANY, a corporation, of the City of El Cajon, County of San Diego, State of California,

For and in consideration of the sum of TEN DOLLARS

Do hereby Grant to IMPERIAL GYPSUM & OIL CORPORATION, a corporation

ALL REAL PROPERTY situated in the County of San Diego, State of California, bounded and described as follows:

Lots Twenty-one (21) and Twenty-two (22) in Block Two (2) of Rancho El Cajon, according to a Subdivision of Tract "B" and "C" of said rancho, as delineated on a map made by G. E. Sanford surveyor, in April 1888, and filed in the office of the County Recorder of said San Diego County on May 6, 1893.

TO HAVE AND TO HOLD the above granted and described premises, unto the said Grantee, --- heirs and assigns forever.

WITNESSETH: That said corporation has caused this deed to be signed by its President and Assistant Secretary and its corporate seal to be affixed hereto this Tenth day of March, 1927.

Signed and executed in presence of

Traders
Securities
Company San
Diego, Cal.
Incorporated
1912

TRADERS SECURITIES COMPANY

F. E. GRAVES President.

FRANCIS E. GRAVES Assistant Secretary.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

SS.

On this 10th day of March, 1927, before me, F. J. STAFFORD, a Notary Public in and for said County, personally appeared F. E. GRAVES known to me to be the President, and FRANCIS E. GRAVES known to me to be the Assistant Secretary of the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

F. J. STAFFORD

Notary Public in and for
said County and State.

My Commission expires Jan. 6, 1929

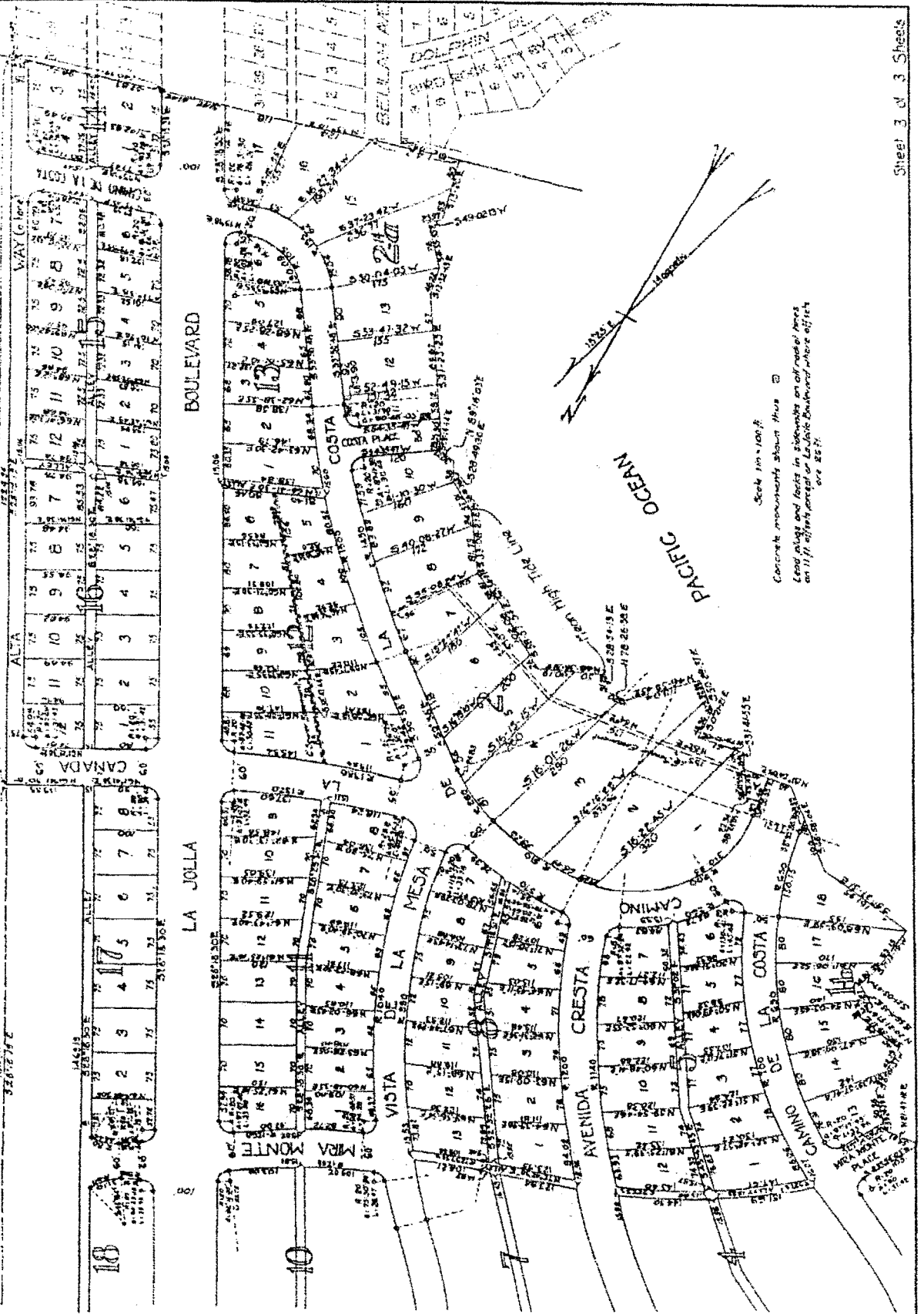
F. J.
Stafford

LA JOLLA HERNOSA

PLAN 1775

SAN DIEGO ELECTRIC RAILWAY

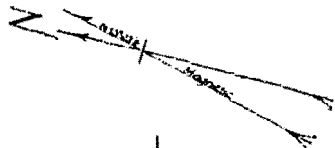
3262757



LA JOLLA HERMOSA

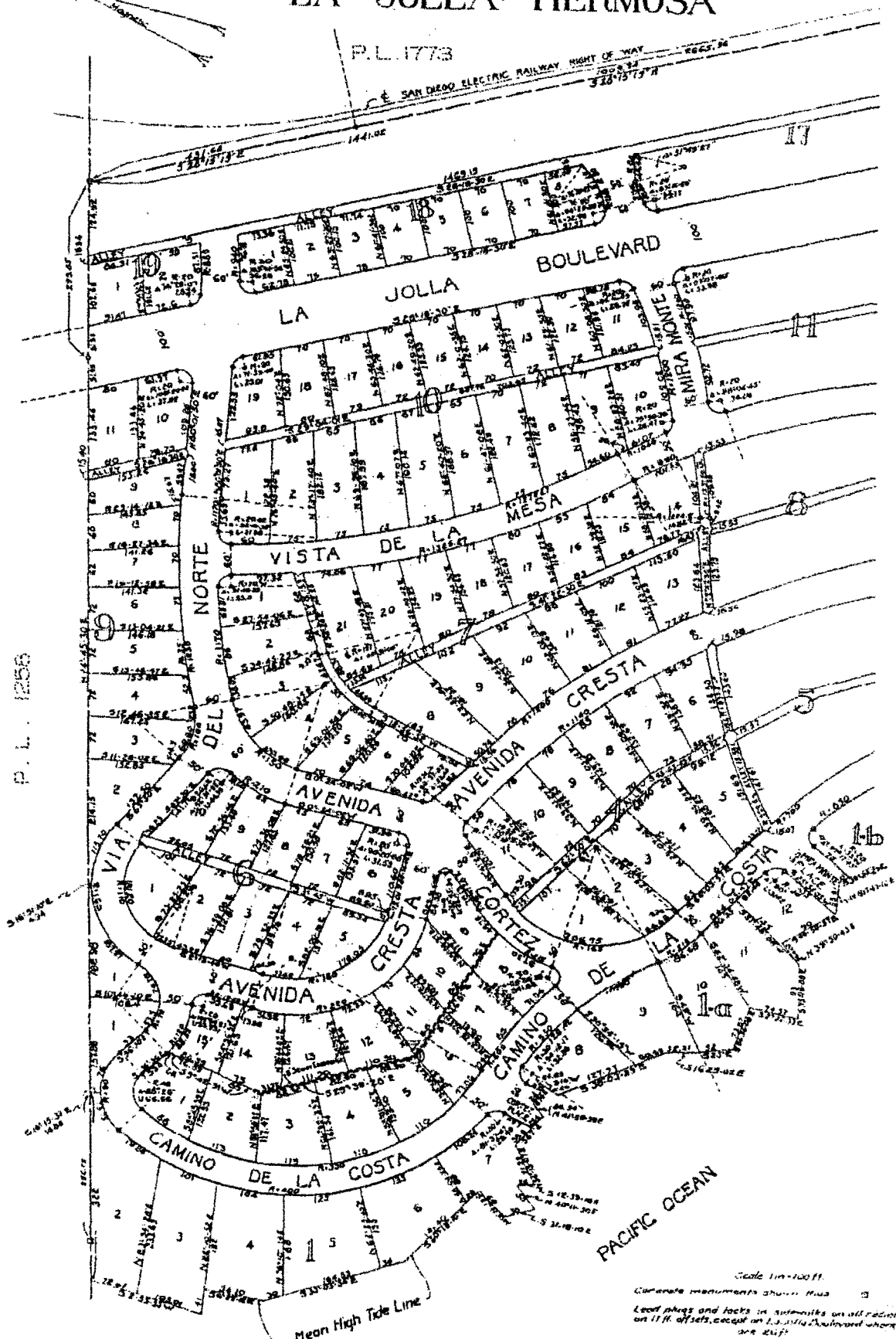
P.L. 1773

SAN DIEGO ELECTRIC RAILWAY RIGHT OF WAY



Sheet 2 of 3 Sheets

P.L. 1256



1810 Sheet 2

Scale 1 in = 100 ft.

Corporate measurements shown. Must load plugs and locks on automobiles on all public roads on 1 ft. offsets, except on L.A. City Boulevard where 2 ft. are kept.

Sheet 2 of 3 Sheets

California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, CA 92108

Attention: Laurinda Owens

RECEIVED

MAY 19 1999

MAY 19 1999
Design Associates
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Anthony A. Gierke
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: MONCRIEFF RESIDENCE - CDP FILE NO. A-6-LJS-98-169

Dear Ms. Owens:

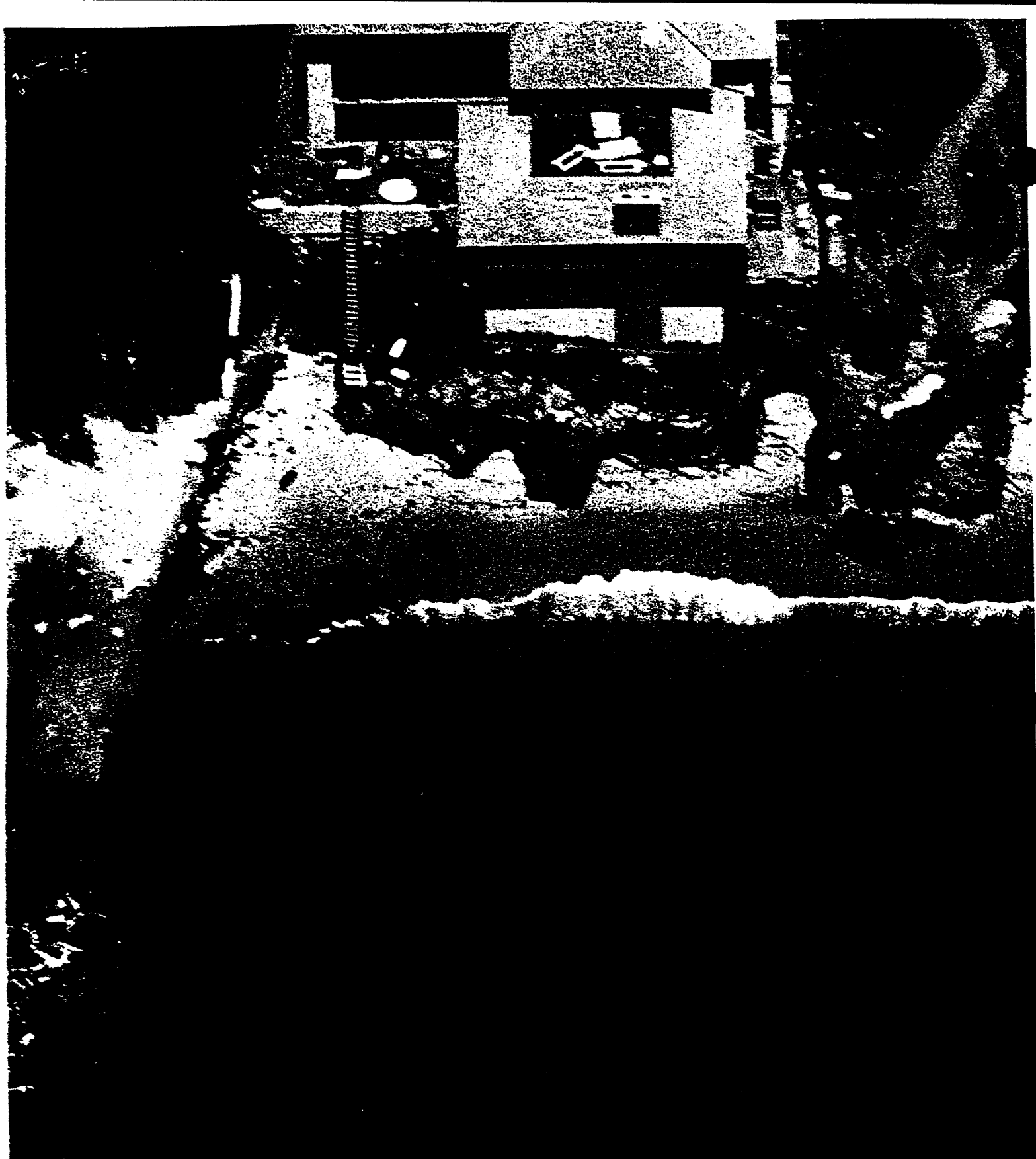
On behalf of the appellants, we are pleased that both the Commission at the public hearing on April 14, 1999 and your April 28, 1999 letter to Matthew Peterson expressed strong concerns and sensitivity to the substantial issues raised by this project. This letter and a separate letter from marine geologist Wendell Gayman under separate cover, will serve to address the coastal issues regarding the proposed project. The appellants contend that a legal determination regarding the correct location of the westerly property line is essential for the Commission to make valid findings in this case. Notwithstanding the outcome of that determination, the appellants respectfully submit the following information.

1. Apparent Violations of Coastal Act of Policy and Code.

On careful analysis of the historical photographs and data, it is very clear that *all* of the retaining walls built generally along the westerly portions of the subject site were constructed after 1967 (See FotoBank photo No. 6747, dated 8/20/67), and can not be documented by any City of San Diego building permits and/or Coastal Commission development permits or plans of any sort. Nor are there any records of building inspections for those walls. **Therefore, all of the so-called sea walls are in violation to the Coastal Act.**

The applicant's geologist noted on page 4 of his report for the site (October 31, 1996), "*The sea wall is not visible in the 1964 aerial photographs(USDA, 1964)*". The 1967 photograph by Fotobank No.6747) clearly shows no wall(s). The first wall (Retaining Wall No. 1) can be seen at the southwest corner of the house in the 1974 photograph provided by the City of San Diego's archives. It blocked off a small pocket of the sandy beach. Retaining Wall No. 2 can be seen in the 1978 Photograph (Fotobank) as three sections; north to south, convex, concave and concave again. Retaining Wall No. 3 and 4 are shown on the 1985 Photograph at the southwest corner further out on the beach encasing Retaining wall No. 1 and most of No. 2; and, extending south of the applicant's property on the beach in front of the Public Right of Way and the vertical access. The 1985 photo also shows a lower wall segment (Retaining Wall No. 5) to the north of Retaining Wall No. 2, at the toe and parallel to the bluff. It is also important to notice the large concrete patio behind the top of the wall which has entombed the bluff and beaches. Also note, the cement patches and repairs in the walls themselves -- evidence of early failures. Finally, Retaining Wall segment No. 6 can be seen in the July 10, 1991 photograph (City of San Diego Police archives) and again in the 1995 photo, etc.

C:\CIAN\MONCRIEF.002



6102 Camino de la Costa

SHOWS PRIVACY/SECURITY FENCE (Chain Link) WRAPPED ROUND WEST FACE OF HOUSE.
SHOWS COAST EDGE IN 1967, 13 YEARS AFTER HOME WAS BUILT, BEFORE COAST INFILL..
SHOWS NO PRIVATE BACK-YARD.

Reproduced by permission of Aerial Fotobank Inc.
Date of Photograph - 8/20/67
Negative # 6747

May 18, 1999

Ms. Laurinda Owens
California Coastal Commission
RE: FILE NO. A-6-LJS-98-169/MONCRIEFF
Page 3

and reinforcing, and/or were not constructed with walls of appropriate thickness, reinforcing, or the required strength for the block, grout or mortar; and/or, that the construction methods, continuous inspection and testing standards for retaining walls or sea walls were not met. It is also likely, they lack proper drainage and compacted backfill.

The applicant's coastal engineering consultant has defended the integrity of the walls because they apparently did not fail in the 1983 storm series, and blames the cracking to underlying geological reasons. However, the applicant's geologist advises on page 4 of his report (October 31, 1996): *"The seawall below is similarly distressed and reinforcing steel bars are locally exposed and broken, and the foundation of the wall is exposed in several locations."*

Rather than blame nature for the many failures in these walls, the appellants believe the fault may have been in the lack of engineering, good construction, and inspections which are intended to account for the anticipated natural forces. The patches and repairs evidenced in the photographs taken over time show early evidence of stress, the top of one wall blew out (which is supported by visual inspection and the testimony by a credible source), and the lack of each wall segment being bonded to the next era's wall with the normal lapping of blocks (e.g., in a running bond), are all evidence of the walls' lack of structural integrity.

3. Edge of Bluff Determination.

The applicant's submitted a drawing titled "existing topography" (Sheet 3 of 15, dated 9-5-96 and revised 1-20-98 Bluff Edge) indicating the "Bluff Edge". The applicant submitted another drawing titled Revised Geologic Map, Plate 1 (Sheet 15 of 15, dated 9-6-96 and 10/96) also showing the "Bluff Edge" in approximately the same place. However, the westerly property boundary lines are drawn and dimensioned differently; Sheet 3 indicates the westerly boundary to be about ten feet further west; which may confuse the issue.

The appellants contend that the applicant's determination of the bluff edge is not consistent with the adopted definition in the Local Coastal Program (LCP) which is also provided on page 3 of the Coastal Commission's letter to Matthew Peterson, dated April 28, 1999. The appellants understand that the applicant has relied in part on the advise of a City of San Diego Geologist for their proposed "Bluff edge." However, appellants dispute it.

The appellants are familiar with the Commission's past actions regarding the location of the bluff edge and how important it is to decisions regarding proposed improvements near it.

May 18, 1999

Ms. Laurinda Owens

Coastal Commission

RE: FILE NO. A-6-LJS-98-169/MONCRIEFF

Page 2

Anthony A. Ciani
Design Associates

Assuming Wall No. 1 was built in advance of 1973 and the 1972 Coastal Initiative jurisdiction, but without the required City building permits, the photographs after 1974 indicate that the rest of the walls were all built **after** the Coastal Commission assumed jurisdiction, and for which there are no records of applications or permits. **Thus, it is logical to conclude all of the subject walls the applicant proposes to retain and repair are in violation to the Coastal Act and Administrative regulations and the proposed project must be reviewed accordingly.**

Similarly, the same evidence illustrates that the storage shed on the west side of the house and masonry walls along the southerly boundary and encroaching into the Mira Monte PROW, and a portion along northerly property lines were not permitted either.

The location of the retaining walls present a very serious issue -- **if** the westerly property line is as shown on the first survey, prepared and certified by the applicant's licensed land surveyor on 9-06-96 and was submitted as part of this permit application, and as shown on Sheet No. 15 of 15 of the applicant's permit application; **then these walls are almost entirely constructed and remain on, City or State Lands.** On the other hand, if the walls were illegally constructed on what may have been "private" land according to the location of the Mean High Tide Line (MHTL) surveyed by the applicant on a particular day in 1998; the sea walls location does forever prevents the MHTL from migrating landward. To wit, in their recent May 5, 1999 letter to the Commission, the applicant's geologist states on page 3 in the last sentence of "GSI response No. 3": "A review of available data indicates that the toe of the cove is likely sloping from mean sea level (MSL) to +2 to +3 feet MSL landward." And according to the applicant's surveyor, the MHTL is around 2.4 feet, then it can be assumed that, but for the sea walls, it would be possible for the MHTL to move landward (which is what we understand the current law with some science anticipates). In either case, we believe theses unpermitted walls in their poor condition should be abandoned for a better and just solution.

2. Defects and Failure of Existing Retaining Walls.

The applicant's consultants refer to the visible portions of walls as "Sea Walls" and propose to repair them. However, there is substantial evidence that the current condition of these walls is very poor, i.e., there is significant structural cracking, off set planes, failed mortar joints, broken and eroded blocks and grout (with exposed and rusting steel) and substantial undermining of the apparent footings. Since the walls were constructed without the benefit of the required permits and possibly without the prerequisite plans and structural engineering, and/or on-site testing and inspections, and considering their poor condition; then it is safe to assume: they may not have been properly engineered, and were not constructed with a footing of appropriate depth, width

May 18, 1999

Ms. Laurinda Owens
Coastal Commission
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The appellants also believe the Bluff Edge is clearly located much closer to the existing residence than depicted by the applicant, and that the applicant should be required to remove all of the unpermitted structures, concrete patios, and fences etc. including those built in the Mira Monte PROW. We believe the site and adjacent shoreline should be restored to pre-1974 condition (See the 1967 photo). Further we request, no new improvements including landscaping, walks and fences should be allowed within the (SCR) statutory five (5') foot limit to edge of bluff. We are relying on the Commission to make decisions about the extent of development consistent with LCP policies to protect the identified vertical, lateral and visual access; and, potential Prescriptive Rights of the public to and along the shoreline.

Finally, the appellants also believe that if it were to be considered for approval under the current development regulations for the shoreline, the original house (ca. 1951, according to the applicant's geologist) is located to close to the bluff edge. Magnifying this problem, is the fact that under current zoning, the house is far in excess of the allowable floor area and bulk density for this site. Knowing that today's development standards are based upon the lessons learned from past experience and new scientific information, Therefore, we request the Commission to use the 48 year old age of this structure as the time line for its decisions for the proposed improvements, and not to start new "lifetime" for this project.

Sincerely,

Anthony A. Ciani
Anthony A. Ciani, for the Appellants

Enclosures: 1967 Photo

Appellants estimated Edge of Bluff drawing.*
Appellants estimated location of RET. WALL segments*
1967 photo with location of retaining (sea) walls
estimated foot prints

* 24" x 36" SHEETS

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Specifically, appellants refer to the Thomas project, Coastal Commission file No. A-6-LJS-92-95, a project also on a bluff with sandy finger pocket beaches also on Camino de la Costa, and part of the same headland formation. While no sea walls were proposed in Thomas, other improvements were proposed that were impacted by the bluff top set back requirements, including landscaping and a fence, etc. Another parallel, set backs in the presence of a sea cave.

Using the LCP definition for a "coastal bluff" and "bluff edge", appellants have prepared an alternative line copied onto the applicant's sheets 3 and 15, enclosed. Appellants estimate the "top edge of the coastal bluff" as it is called in the LCP, to be closer to the applicant's designated "Top of Slope" ("TOS") instead of the "bottom of slope" ("BOS") where it is shown on their drawing. Also the appellants used the photographs from 1967 forth to assist in their efforts to draw the bluff edge where the unpermitted retaining (sea) walls have obscured the real bluff edge; whereas, the applicants used the top of sea wall to *re-define* the edge. (Please see attached drawings and photos.)

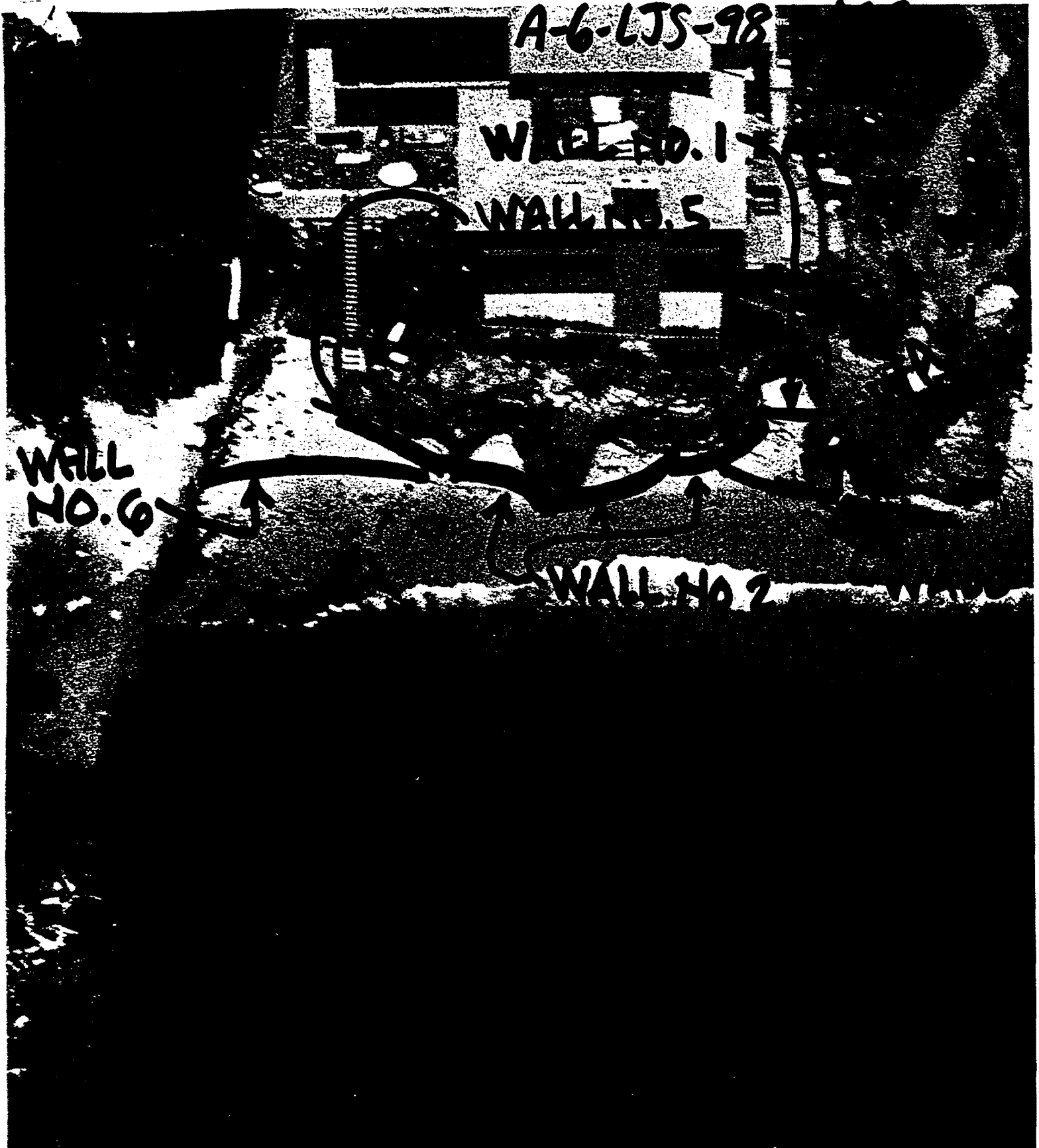
5. Contradictions in Geological and Coastal Engineering Information.

As mentioned above, we understand that licensed (marine) geologist, Wendell Gayman will submit to the Commission his opinion disputing some of the information provided by the applicants consultants. Appellants understand conflicting expert opinions may need to be resolved by additional investigation as provided by the California Environmental Quality Act, which the Commission's procedures serve to act as an equivalent.

Never-the-less, it is our lay opinion that the nearshore formations prevent the magnitude of large wave forces from reaching the beach, because waves from both the northerly and southerly directions break and re-break on reefs well outside of the inter tidal zone, resulting in only reformed smaller waves or broken waves impact to the beach and bluffs with much less force.

CONCLUSIONS:

In conclusion, appellants strongly oppose the applicant's proposed improvements to the existing retaining (sea) walls apparently built in violation to the Coastal Act and City permitting requirements. The existing walls appear to be unsound and may be constructed on public lands, or the very least, are located where they could interfere with the landward migration of the Mean High Tide Line. Therefore, they must be removed, and, *if* the Commission can make adequate findings for a *new* sea wall, we would like the opportunity to comment on its location(s), size and design.



6102 Camino de la Costa
SHOWS PRIVACY/SECURITY FENCE (Chain Link) WRAPPED ROUND WEST FACE OF HOUSE.
SHOWS COAST EDGE IN 1967, 13 YEARS AFTER HOME WAS BUILT, BEFORE COAST INFILL..
SHOWS NO PRIVATE BACK-YARD.

Reproduced by permission of Aerial Fotobank Inc.
Date of Photograph - 8/20/67
Negative # 6747

A-6-LJS-98-K9

6102 Camino de la Costa

SHOWS PRIVACY/SECURITY FENCE (Chain Link) WRAPPED ROUND WEST FACE OF HOUSE.
SHOWS COAST EDGE IN 1967, 13 YEARS AFTER HOME WAS BUILT, BEFORE COAST INFILL..
SHOWS NO PRIVATE BACK-YARD.

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Date of Photograph - 8/20/67
Negative # 6747

that there is no urgent need to construct a new seawall or to reinforce the existing seawall in order to provide protection lasting for periods substantially more than 27 years.

It is my opinion that the evidence available from the Moncrieff site and vicinity, and other data submitted by the Moncrieff consultants does not support the rapid rates of bluff erosion which the consultants suggest have occurred in the past, or the accelerated rates of bluff erosion which have been predicted to occur if all or portions of the existing seawall are removed.

For these reasons I am submitting some additional material explaining my thoughts relevant to erosion rates and possible hazards resulting from erosion that might be expected if all or parts of the existing seawall were removed.

In the enclosed attachments I explain why I believe that:

- 1) rates of shoreline erosion extrapolated from sites more than 100 ft to the north and south cannot be legitimately applied to the Moncrieff shoreline.
- 2) the limited available photographic evidence suggests that the natural historic rates of bluff erosion probably averaged less than 2" per year, and might very well have been less than 1" per year.
- 3) accelerated or rapid erosion of the rocks at the head of the northern cove bluff should not be expected if the seawall protecting the cove from wave action is removed.
- 4) there is a very gentle gradient offshore from the Moncrieff shoreline, which has not been surveyed but which can readily be inferred by visual observations of the reef at low tide and by waves breaking well offshore. Because of this low gradient, and other factors, it would seem extremely unlikely that a 7 ft high wave (predicted by the applicant's coastal engineer) requiring a 9 ft still water depth would ever break against the existing sea wall.
- 5) the simultaneous occurrence of 6 environmental conditions which would allow a 7 ft wave to break against the existing seawall are not likely to persist for more than a few hours, if at all during a 25 year period. These factors include wave height, wave period, wave direction, extreme astronomical tidal elevations, non astronomical water level increases of significant magnitude, and the occurrence of very low sand levels at the base of the wall. Several of the conditions occur only rarely.

During the next 27 years there are almost 10,000

SEA SCIENCE SERVICES

Oceanographic Studies for Coastal & Offshore Engineering Projects

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March 18, 1999

Ms. Laurinda Owens, Coastal Program Analyst
CALIFORNIA COASTAL COMMISSION
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

RECEIVED

MAY 19 1999

Ref: Moncrieff Residence
Appeal No. A-6-98-169

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Ms. Owens,

It has been brought to my attention that some consideration is being given to the removal of the northern end of the Moncrieff seawall in order to restore the pre-existing sand beach which is now buried by artificial fill. My understanding is that the wall might be removed because: 1) it was built on public property; 2) it was constructed without a Coastal Commission permit; 3) it led to the loss of a significant area of sandy beach frequently used by the public; and 4) it might not be needed to protect the Moncrieff residence against wave erosion hazards. The need for the structure is controversial, and has been contested by the Moncrieffs and their coastal engineering and geologic consultants.

It is my opinion that much of the information submitted by these consultants to support the retention and perhaps the strengthening of this seawall is, in part, incomplete, misleading, and/or incorrect.

It is my understanding that the Moncrieff residence was constructed in 1951, and that the Coastal Commission normally considers the life of such structures to be about 75 years. If the 75 year lifetime is applied to this structure, then the remaining life is about 27 years. This is roughly consistent with the anticipated remaining 25 year life span referred to by the Moncrieff's coastal engineer (Skelly Engineering, Nov. 1, 1996).

It does not seem logical to me that the Coastal Commission would approve the construction on public land of a seawall designed to last for another 50-100 years in order to protect a residence that has an expected remaining life of only 27 more years.

Furthermore, I understand that when the existing residence is demolished, perhaps about 27 years from this date, a setback from the bluff edge of 25 to 40 ft will be required for any replacement structure.

Thus, with respect to the Moncrieff shoreline it would seem to me

that there would be any need for a new wall along the margins of this cove. However, if one wanted to, it would probably be fairly easy to design a seawall in this area which would produce a blow hole.

The wave runup and force estimates used by Skelly Engineering (1996) to justify and design a new seawall for the Moncrieff shoreline are based upon wave data and a computer program developed by the Corps of Engineers. The calculated design wave parameters and the computer program assumed a smooth offshore slope. However, the offshore sea floor adjacent to the Moncrieff shoreline is not smooth. The intertidal and nearshore reefs create a very rough and irregular slope.

In December 1998 Sea Science Services made a brief maximum wave runup study for a site about one mile north of the Moncrieff residence using much of the same Corps of Engineers data and procedures. This site was also characterized by extensive, irregular offshore reefs. At the same time historical data on wave runups was collected from several of the long term residents in the 7000 block of Neptune Place. As expected the historical accounts covering a 40 year period confirmed that the highest wave runups occurred during the winter of 1982-83, and during January of 1988. The actual observed wave runups were generally much lower than the runups calculated using the Corps procedures. This led to the conclusion the Corps' procedures were not applicable to reef-bounded shorelines unless appropriate corrections were made for the highly irregular offshore slopes. For this reason it is believed that the Skelly Engineering calculations of wave impacts upon the shoreline have been seriously overestimated.

I might agree that the present location of the existing seawall is optimally located from the economical point of view if one wanted to provide protection to the entire Moncrieff shoreline, but from the environmental or public use viewpoint, its location is not the best choice.

I hope that these submissions will be helpful to you in preparing your revised staff report.

Sincerely,



Wendell Gayman, Marine Geologist

Registered Geologist

#2162

Certified Engineering

Geologist #1166

days, or 240,000 hours. If one made some unbiased calculations of the simultaneous occurrence of all of these factors based on available information and reasonable assumptions, one might predict the probability that all 6 of these conditions would occur at the same time for more than an hour or two would be very small, and possibly less than one.

- 6) the suggested very low rates of erosion of the Moncrieff bluffs can readily be explained by its shoreline orientation; the protection offered by extensive offshore reefs; and by the 200-300' long point-like or groin-like emergent sandstone outcrop which extends to the seaward just north of the Moncrieff site.

In a recent communication letter to the Coastal Commission the applicant's coastal engineering consultant has summarized the alleged need for a new or rebuilt seawall (Skelly Engineering, March 13, 1998). I disagree with several of the conclusions presented.

If the remaining life of the residence is only another 27 years, then it is unlikely that the house would be significantly damaged by wave action unless the exposed rocks are eroded back at least 6 ft from the present bluff edge during this period. Six feet of erosion in 27 years would require an average rate of bluff retreat of 0.22 ft/yr, which seems unlikely at this site. I do not believe that the "local, city acknowledged erosion rates" can be legitimately applied to the Moncrieff bluffs. The fact that seawalls have been permitted for other homes in the area where the rates of erosion are allegedly greater than 0.2 ft/yr is irrelevant, because of the very significant differences in shoreline orientation and reef protection. The only evidence for block faulting at or immediately south of the Moncrieff site is located at the end of Mira Monte Place, where no new block failures have occurred for more than 32 years. At this location the blocks that failed prior to 1967 were all less than 6 ft across.

The 1967 oblique aerial photo presently in the Coastal Commission's files clearly shows two small sandy coves that the existing seawall has sealed off. One of these is at the northwest end of the wall, and the other at the southeast end. The latter cove and the wall which blocks it off are both located in part on the Mira Monte Place right-of-way. The same photo clearly shows that the existing wall between the coves was largely constructed several feet to the seaward of the toe of the bluff.

There is no evidence that a blow hole ever existed before the seawall was constructed across the entrance to the northwest cove and it is most unlikely that a blow hole would be created if the existing wall was removed and replaced with a new seawall constructed around the sides of the cove. Also, it seems doubtful

Waves approaching the Moncrieff shoreline obliquely will lose energy and height due to refraction even if the approach is over a smooth, uniformly sloping sandy bottom. If reefs are present the waves will lose more energy than if approaching the shoreline directly, because of the greater distance the waves must transit over the reefs.

Kelp beds located off any particular section of shoreline will also result in the dissipation of wave energy. This loss of energy is particularly applicable to steep, short period waves which would pass over the reefs during periods of unusually high water levels.

The Moncrieff shoreline has a substantially different orientation than the shorelines of adjacent private properties immediately to the north and south. The shoreline trends in a northwesterly and southeasterly direction so that it is exposed to direct wave approaches only from the southwest. Most of the highest winter storm waves approach the southern California coastline from the westerly and northwesterly directions.

Sand level changes at the base of the Moncrieff bluffs may also have important impacts upon the magnitude of 1) the wave forces acting upon the cliffs, and 2) bluff erosion rates. Ground photos show that the sand levels at the base of the existing sea wall may vary by 3-4 ft or more. High sand levels at the base of the cliffs (or seawalls) limit the water depths, and thus the wave heights and wave forces. Probably the sand level changes are somewhat seasonal, but because of the coastal orientation and the sheltering of the beach by offshore reefs, one cannot necessarily assume that the seasonal changes will coincide with similar beach changes along reef-less shoreline segments located several miles to the north and south. The beaches at the foot of Fernglen Street (about 1.0 miles to the north of the Moncrieff site) are known to lose sand in the summer, and accumulate sand during the winter (Sea Science Services, 1998). If this situation occurs at the Moncrieff site, then the bluff would be considerably less subject to winter wave erosion than other nearby bluffed shorelines that lose sand during the winter.

The maximum elevations, frequency of occurrences, and durations of very high sea levels are critical factors in determining or forecasting:

- 1) the maximum height of waves breaking against the bluffs;
- 2) the maximum wave forces that may be exerted on the bluffs, and
- 3) the duration of time that such forces may act upon the bluffs to cause erosion.

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BRIEF REVIEW OF SELECTED FACTORS BEARING ON RATES OF SHORELINE EROSION AND
THE NEED FOR A SEAWALL TO PROTECT THE MONCRIEFF RESIDENCE

MAY 19 1999 (6102 Camino de la Costa, La Jolla, California)

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST

I. BRIEF DESCRIPTION OF OCEANOGRAPHIC CHARACTERISTICS INFLUENCING
THE RATES OF EROSION OF MONCRIEFF BLUFFS

Coastal engineers generally agree that the environmental characteristics controlling the rates of erosion of coastal bluffs are in part, related to 1) the maximum wave forces exerted on the bluff formations, 2) the maximum wave runup elevations; and 3) the duration of time that these forces and runups act upon the exposed bluff rocks and soils during any given period.

Usually it is assumed that the maximum wave forces impacting upon a bluff or sea wall will result from waves breaking directly upon the structure. The maximum height of any waves breaking upon the structure will depend in part upon the maximum water depths immediately adjacent to the structure. It is generally considered that the maximum wave height cannot exceed 0.9 to 1.28 times the water depth, depending upon the offshore gradient. The gentle offshore gradient seaward of the Moncrieff bluffs suggest the appropriate ratio would be 1.28. As long as the still water level at any particular time is below the bottom of the bluff, no waves will break upon the bluff, and the forces causing bluff erosion will be limited to those associated with wave runups, which are significantly less than the forces exerted by breaking waves.

It is usually assumed that the highest wave runups will result from the highest waves breaking offshore whenever the still water levels are at or near their maximum elevations. In the Moncrieff case, because of the presence, configuration, and extensive widths of the intertidal and offshore reefs, the wave energy that otherwise would be most likely to produce maximum wave runups will be considerably dissipated before the waves reach the bluffs.

For these reasons, the occurrence (frequent or otherwise) of very high wave energies, (ie., waves with maximum wave heights and long periods) will have little impact upon the Moncrieff bluffs (and sea wall) whenever the still water level is below the bottom of the bluffs. This situation occurs, of course, most of the time. Even when the still water level is, for example, 1.28 ft above the toe of the bluffs, the maximum breaker height of any wave breaking on the bluff will be only about 1.0 ft, and the associated forces will not be significant.

The maximum wave forces acting on the bluffs, or producing high runups are further limited by directional affects (including refraction and diffraction) and biological factors (ie., kelp beds).

both extremely high still water levels and unusually high waves approaching the Moncrieff shoreline for a significant duration of time (ie., more than 1-2 hours), it would seem to be most unlikely that one or more periods of severe bluff erosion would occur during the next 25-27 years. For this reason, it appears that the northern end of the Moncrieff seawall could be removed without significantly increasing the erosion hazard to the existing residence.

In order to better assess future erosion hazards one could, of course, make some crude quantitative predictions of the probability of the simultaneous occurrence and duration of extremely high sea levels, and hazardous waves directly approaching the Moncrieff shoreline, but this effort has not been done by the Moncrieff's consultant, and it is, at present, beyond the scope of this author's assignment.

II. SIMPLIFIED TWO-DIMENSIONAL DESCRIPTION OF THE EQUILIBRIUM THEORY OF SHORELINE EROSION

Along the 105 ft Moncrieff shoreline which is at present entirely protected by an illegal or undocumented seawall, there is a 30 ft long segment of the seawall adjacent to the northwest property boundary which walls off a small sandy cove or beach segment.

The applicant's consultant has suggested that this cove owes its origin to a major zone of weakness near the northern boundary of the Moncrieff property, and that continued wave erosion will threaten the stability and safety of the Moncrieff residence during the remaining life of the structure which is assumed to be about 25-27 years (Skelly Engineering, 1996).

The consultant further asserts that during future decades storm waves will be funneled into this cove and that the concentration of wave energy on the weaker, less resistant sedimentary rocks at the head (or the closed end of) the cove will result in rates of erosion which would be substantially greater than the rates of erosion which might be forecast for adjacent segments of the bluff to the north and south.

Clearly, this assertion is in error, if one understands and accepts the equilibrium theory of coastal erosion, and if one believes that sea level has been fairly stable during the last 5000 years. The equilibrium theory in question has been briefly referred to as a "general balance" on page 2 of Ms. Owen's letter of April 28, 1999 to M. A. Peterson.

The equilibrium theory of coastal erosion suggests that as long as the sea level and the erosive processes remain relatively constant over geologically short periods of time (ie., over centuries or millennia) the erosive forces will eventually result in an equilibrium plan. Accordingly, the coastal configuration will be adjusted so that the spatial variation in the erosive processes

The occurrence and duration of maximum still water levels will depend upon the tides, tidal characteristics, and various non-astronomical phenomena such as El Niño sea level increases, barometric pressure changes, storm surges, etc. Over the longer term, slightly higher still water levels can be expected to result from global and regional changes in sea levels.

The astronomical tides are the most important factor in producing high still water levels. High still water levels occur only during spring tidal periods. These occur for 2-3 days in a row, twice monthly. The peak water level elevations associated with spring high tides vary considerably throughout the year, and the maximum elevations also vary somewhat less over 18 year periods. Very high water levels occur only once a day for periods of short duration, lasting perhaps only 40-90 minutes. The highest spring tides usually occur only once a month, and the very highest springs occur only during the winter and summer months. From the standpoint of coastal erosion (in southern California) the most hazardous spring tidal highs are encountered in the winter when very high storm waves occur frequently, and when most beaches are severely depleted of sand.

The most severe wave erosion hazards to shoreline structures happen when the highest spring tides occur at 4 1/2, 9 and 18 year intervals. The very highest maximum still water conditions are encountered when these very high astronomical spring tides occur simultaneously with short term (6-24 months) El Niño increases in sea level, and the occurrence of unusually severe wave storms. This situation came about during the winter of 1982-3 which the Corps of Engineers considered to be a 100-year erosional event. It should be noted that there is no evidence that during this winter, several years before the construction of the northern end of the the Moncrieff seawall across the sandy cove, there was any significant increase in the rate of erosion at the head of the cove. Aerial photographs show that the previous owners of the Moncrieff residence did not construct the wall across the cove until sometime after Nov. 2, 1986, more than 3 years after the extreme erosion period.

The Cretaceous Point Loma formation is the dominant rock exposed in the Moncrieff sea cliffs and adjacent bluffs. It is, in this area, a massive sandstone which is in most places highly resistant to wave erosion. It is fractured in some places, but the fractures are often widely spaced and closed, and some show evidence of recementation. Studies by Dr. Michael Kennedy, done for the California Division of Mines and Geology in 1973, have shown that in the Sunset Cliffs area these Cretaceous sandstones have eroded at a rate of 3-4 ft per 100 years. Of course, such very slow rates cannot necessarily be extrapolated to the entire La Jolla shoreline.

Because of the very small chance of the simultaneous occurrence of a number of astronomical and non astronomical phenomena, producing

segment of the shore than on adjacent segments. Again, initially coastal indentations or coves will result from the higher rates of erosion caused by the more intense concentrations of wave energy. However, the shoreline will again, after some period of time, come to an equilibrium situation where rates of erosion and coastal retreat will be fairly uniform.

Consider a simpler analogy of why the erosion rate at the head of the cove slows down as the length of the cove increases. Take a 1" metal tube and drive it into the ground (or soil, or beach sand) with a hammer; then pull it out and one will obtain a 1" long sediment core from the inside of the tube. Do the same thing again to depths of 2", 4", and maybe 6" and 10". One probably will get 2" and 4" cores, but might not get 10" long cores.

Try the same thing driving the tube into the ground to depths of 30", 40" and 50". The cores obtained will all be about the same length, maybe between 8" and 20" depending upon the sediment type. The sediment can only be driven into the end of the tube as long as the total frictional forces on the inside of the tube remain less than the force required to drive a solid 1" diameter cylinder into the ground. When this point is reached there is no way that you can drive a longer core into the simple metal tube.

The friction of the sediment inside the tube which limits the length of the core is roughly analogous to the friction expended on the sides and bottom of the cove when a wave enters.

B. Application of equilibrium theory to the Moncrieff shoreline

The simplified equilibrium model described above assumes all conditions are constant other than the stated exceptions (ie., the variations in resistance to erosion, or the spatial variations in wave intensity). Of course, in the real world these conditions do not often exist over wide areas, and for long periods of time. However, in some respects the various parameters are sufficiently uniform to validate the limited application of the equilibrium theory to a short segment of the Moncrieff shoreline.

Sea level has been relatively stable for about 5000 years. This certainly would seem to be long enough for the equilibrium erosion rate to be achieved for relatively short straight sections of the coast, assuming no relatively large changes in those other critical characteristics controlling the rates of shoreline erosion.

The climate probably is changing, and may have been changing slowly over the past decades, but it is difficult to find sufficient evidence to support any significant and quantitative increase in the rates of erosion of the Moncrieff shoreline. The 1982-83 winter has been termed by the Corps of Engineers the most severe shoreline erosional event likely to occur in 100 years. Yet during that winter there was no seawall in front of the northern

will be in equilibrium with the strength (or resistance to erosion) of the exposed bluff rocks. Once the equilibrium (or balanced) condition has been achieved, the less resistant segments of the bluff are not likely to erode at rates which are significantly greater than the rates of the adjacent, more resistant rocks, assuming that all other conditions are the same.

A. Hypothetical illustration

This can be best illustrated by a hypothetical case. Assume an initial straight shoreline with constant wave conditions. The coastal bluff is also straight and uniform, except for a zone of weakness, which may be due to faulting, frequent jointing, increased ground water flow or a variety of other lithologic differences.

Initially, the wave energy expended upon the shoreline will cause increased rates of erosion wherever the zones of weakness exist, and this will result in indentations of the shoreline. The continued erosion will result in the creation of coves or deeper indentations in the shoreline.

The deepening of these indentations will not go on forever. Eventually, the rate of erosion at the head of any cove will slow down, until it reaches the rate occurring along the adjacent shoreline. The diminished rates of erosion in any cove will result in part from the increased expenditure of the wave energy on the sides and bottom of the cove. The friction of the waves on rocky sides of the cove and on the cove bottom will eventually absorb all of the energy of the wave that enters the indentation or cove, thus leaving no energy for the erosion of the weakened rocks at the head of the cove. This is particularly likely if there are unconsolidated sediments (sands or gravels) present on the floor of the cove.

Furthermore, the refraction and diffraction of the waves approaching the shoreline will divert some of the wave energy away from the coastal indentation, and the diverted energy will be concentrated on the adjacent, more resistant rocks, thus accelerating the rates of erosion of those shoreline segments adjacent to the cove entrance.

Consequently, after some period of time, the rates of erosion of the weaker, less resistant rocks will slow down, and the erosion rates of the more resistant rock will increase, until the rates for both are approximately equal. At this stage, the shoreline will continue to retreat, but the shoreline configuration will remain largely unchanged, as long as other conditions remain the same.

The initial hypothetical situation can be changed so that all of the coastal bluff rocks exhibit uniform resistance to erosion, while the wave action may be assumed to be more intense along one

predicted with considerable accuracy over long periods of time. However, other conditions, such as the occurrence of very high storm waves moving in a given direction, or 2.0 ft non astronomical changes in sea level are very difficult to predict with any degree of precision.

Ordinarily, along the San Diego County coastline, historic rates of erosion can be determined most accurately by comparing old photographs and topographic surveys with more recent photos, maps, and construction plans. In areas where erosion rates are quite slow (such as La Jolla) any useful surveys must have contour intervals of 1-2 ft or less. Unfortunately, historic surveys with such small contour intervals are usually unavailable.

Fortunately historic aerial (vertical and oblique) and ground photographs of the shoreline can often be found, and some of these date back to the 1920's. In the case of vertical aerial photos, fairly accurate shoreline erosion data can be obtained whenever the bottom or top of the bluffs can be sharply delineated, along with some other nearby stable and long lasting structure (such as a wall, fence, sidewalk, street curb, house chimney, etc.). However, many vertical aerial photos are taken at high altitudes, so that the scale is very small. Furthermore, historical photo hard copies often have been poorly printed so that many bluff and shoreline features are not identifiable, and in the case of the older photographs, the negatives usually are not available.

Historic vertical photographs of the San Diego shoreline can be obtained from a wide variety of sources such as federal, state, county, and city agencies, as well as from private firms and non-profit organizations. However, many of these agencies and organizations are located outside of San Diego County, and some are located in other states. For this reason the discovery, procurement, and analysis of such photos can be time consuming, and fairly expensive. An extensive search for such relevant historical photographs might require 2-12 weeks (depending upon the thoroughness of the effort) and might cost as much as 10-25 hours of a good attorney's time.

Oblique photographs (aerial and ground level) are often more readily available and are usually of larger scale. However, with oblique photographs it is much more difficult to accurately measure quantitative changes required for the accurate determination of cliff erosion rates.

In the case of the Moncrieff property, historic rates of erosion of the unprotected bluffs can only be determined for periods before the various segments of the seawall were constructed. An enlarged aerial oblique photo taken in 1967 shows that there was no sea wall at all protecting the bluffs 16 years after the residence was built.

Two 1974 oblique aerial color photos (obtained from the Coastal

1/3 of the Moncrieff site, and as far can be determined, there is no evidence that the unprotected bluffs at the head of the cove or the sides of the cove suffered from any significant erosion during that severe winter.

It is commonly recognized that sea cliff erosion along the southern California coastline is episodic. Frequently, along any given segment of the shore there may be no significant bluff erosion for periods of 5, 10, or 15 years. Then such periods may be followed by one or more unusually wet and/or stormy winters during which significant rates of erosion have occurred.

Because of the differences in coastal orientation the equilibrium erosion theory probably cannot be legitimately applied to more than a few tens of feet of shoreline segments to the north and south of the Moncrieff property.

III. DETERMINATION AND PREDICTION OF RATES OF BLUFF EROSION

A. Data from historical photographs

Any legitimate method for predicting future rates of erosion of the natural, unprotected bluffs at the Moncrieff site must be based entirely, or in part, on a quantitative knowledge of historic rates of erosion at that site, or at sites which are very similar. Because of the irregularities of the offshore reefs, and substantial changes in the shoreline orientation, one can safely say that it is unlikely that very similar sites can be found more than 100 ft distant from the Moncrieff property.

One might also claim that because of expected future climatic changes, future rates of bluff erosion may be more or less than past rates. This may be true, but any valid prediction based on changes in the rates of bluff erosion must be based upon some knowledge of historic rates. Furthermore, our ability to make accurate forecasts of climatic changes over the next 25 years is not sufficient to warrant the attempts to make useful, quantitative predictions of future changes in bluff erosion rates.

The extrapolation of erosion rates determined from distant and/or dissimilar coastal segments may yield some interesting results, but it is most probable that such results will be grossly misleading unless they correlate closely with historical erosion rates determined at or very close to the Moncrieff shoreline.

The rates of coastal erosion that occur along any open ocean coastline will depend upon a large number of oceanographic, geomorphic, geologic, and climatic characteristics. Table 1 includes a partial list of these characteristics. Some, such as the tides and El Niño sea level increase may be fairly uniform for large segments of the open ocean coasts. Others, such as the bluff lithological properties may vary greatly within a few feet or tens of feet. Characteristics such as the astronomical tides can be

- 2) the central portion of Moncrieff bluffs prior to an undetermined period ending in 1974-78,
- 3) the eastern 10 ft of the Moncrieff shoreline prior to an indefinite period ending in 1967-74, and
- 4) for the entire Moncrieff shoreline prior to 1967.

A somewhat cursory examination of the photos of the site shoreline made available by the applicant and others generally seems to be inadequate to determine quantitatively the natural bluff erosion rates during these limited periods, except for the northern cove area. Comparisons of the 1967, 1974, 1978, and 1984-85 photos of this cove suggest that very little erosion of the bluff at the head of the cove took place during this 17-18 year interval which included at least one winter that was notorious for its shoreline erosion. One might speculate that the total horizontal erosion might have been less than 1.0 ft during this interval. Apparently, the original property owners were so little concerned about the marine erosion at the head of the cove that they did not construct a protective wall across the cove entrance for at least 35 years, and they delayed this construction until they had constructed protective walls in front of every other segment of their shoreline. One might reasonably assume that any seawall segments constructed primarily to protect the residence from wave erosion hazards would be constructed first where the perceived threat was greatest.

Because of the construction of seawalls along the entire length of the Moncrieff shoreline, beginning prior to 1974 and terminating sometime between 1986 and 1995, and because of the poverty of readily available photographs, it has been impossible to make accurate determinations of historical bluff erosion rates along the Moncrieff shoreline.

However, adjacent to the south Moncrieff property boundary at the seaward end of the public right-of-way known as Mira Monte Place there is a limited section of bluff that has not, as best that can be determined, been significantly impacted by construction activities. A 15-25 ft segment of this bluff is approximately oriented in the same direction as the Moncrieff bluff, and the formation rocks and the heights of the bluff are thought to be about the same. Because of the similarities mentioned, this short segment of bluff offers the best chance to examine the rates of erosion of unprotected bluff segments similar to the original, unprotected Moncrieff bluffs.

The Mira Monte bluff segments can clearly be identified in oblique aerial photos taken in 1967, 1974, 1978, 1984-85 and in two 1998 ground level photos (pages 9 and 10 in Norma Rinks March 29, 1999 communication with the Coastal Commission).

Commission) show that the only existing protective structure was a 6-10 ft long seawall located near the southern boundary of the site, and extending perhaps 2-5 ft into the Mira Monte right-of-way. This was apparently built within 23 years of the initial house construction.

A 1978 high angle oblique photo of the Moncrieff residence shows that a 3 segment seawall perhaps 35-50 ft in length had been constructed in front of the bluff in the central section of the Moncrieff shoreline. This structure was completed 23-27 years after the house was built.

A 1984 color aerial oblique photo shows that three more segments have been added to the seawall. The southernmost of the new segments was built several feet (possibly 5-10 ft) seaward of the first seawall constructed (ie., prior to 1974); the 2nd new segment fills in the gap between the central seawall and this new southern segment; and the 3rd new structure is a 3-5 ft high, 10-15 ft long cement brick wall extending most of the way between the northern end of the central seawall and the bottom of the stairs. Apparently these 3 additions were added 27 to 34 years after the house was constructed. This photo clearly shows that 1-2 years after the severe winter of 1982-83 El Niño event, no attempt had been made to wall off the sandy cove adjacent to the north boundary of the site.

A very close examination with a large magnifying stereoscope of several Nov. 2, 1986 vertical color photos showed that there was still no seawall across this same cove at the north end of the property. These photos were taken by the California Department of Boating & Waterways 2 1/2 years after the severe 1982-83 El Niño storms ended, and 35 years after the house was constructed. Apparently the owners were not urgently concerned about any erosion that had taken place at the head of the cove during that 100-year erosion event which did so much damage along other sections of the southern California coastline.

An oblique color aerial photo shows that by 1995 (44 years after the house had been built) the property owner had constructed a concrete block wall perhaps 30 ft long with elevations 12 to 18 ft above mean sea level across the entire entrance to the sandy cove which had existed until the wall was constructed. The space behind the new wall was backfilled and utilized for boat storage. Sometime between 1984-5, and 1995 a new house was constructed on the next lot to the north of the Moncrieff property, very close to the Moncrieff property line.

The significance of these construction dates indicates that natural bluff erosion rates along the Moncrieff shoreline can only be determined for

- 1) the north boundary prior to an uncertain period between 1984-85 and 1995,

average rate assumed to be as high as 3"/year, then one would expect that the sea wall would protrude seaward a distance of 39 to 60 inches beyond the scarp face. Clearly this is not the case.

On the basis of these photos and recent field observations, it is roughly estimated that the average rates of erosion since 1967 (ie., over 31 years) is less than 1"/year, and that there is no real evidence that erosion rates have accelerated since 1980.

Suppose the concrete block wall which seals off the sandy beach cove at the north end of the Moncrieff shoreline is torn down, and the backfilled sand is also removed. If this roughly estimated rate of erosion (ie. <1"/year) is applied to the head of the sandy cove, then one would expect less than 25 inches of erosion during the next 25 years. One would of course question what the impact of this erosion would be on the existing structure. Would it dangerously undermine the 14 ft wide concrete patio deck located 7 ft to the landward of the bluff edges at the head of the sandy cove? What if the rate of erosion was twice the roughly estimated value, say less than 2"/year, causing as much as 50" of erosion during the next 25 years? Again, what would be the impacts upon the existing structure? Probably, in order to intelligently answer these questions, one would have to 1) remove the existing wall and the backfill; 2) study the geology and topography of the surrounding bluff slopes; 3) take some borings in the rocks beneath and below the concrete patio, and 4) carry out some strength tests on the boring samples collected.

If the results of such studies suggest that a real hazard to the patio exists during the remaining life of the structure (25 years) then the question arises, "What could be done to reduce this hazard to acceptable levels?" Probably there are several alternatives. One might construct a vertical concrete seawall, perhaps 2-5 ft above existing sand levels, around the head of the sandy cove. This would not result in any significant loss of the beach area. Another alternative might be to add 50-100 cu yds of sand to the beach with the assumption that it might have to be replaced every 10-15 years if continuous sand losses occur.

B. Impact of offshore reefs

It appears that the Moncrieff's consultants have given little or no consideration to the affect that offshore kelp beds and reefs will have upon waves approaching directly, or indirectly, the Moncrieff shoreline. The loss of wave energy expended during the passage over and adjacent to these obstacles or features will cause reduced rates of shoreline erosion.

The passage of waves through the extensive kelp beds will result in some reduction in the energy reaching the shore; this is especially likely for short period waves. (In other areas coastal planners have suggested using growing or artificial kelp beds to reduce rates of beach erosion.) If the kelp is growing on rocky

The 1967 photo shows a vertical scarp of variable height (perhaps 1-6 ft) with one large and two smaller blocks which have broken from the scarp and fallen to the seaward; these blocks are laying on or in the sand. All 3 are identifiable in the 1974 photo. The 3 blocks cannot be identified in the Nov. 22, 1978 photo, but the location of the scarp does not appear to have changed significantly. The disappearance of the 3 blocks may have resulted from erosion, or because they were covered by sand, seaweed, and/or water, or perhaps their apparent absence is due merely to the very poor quality of the photo. Possibly the blocks were moved by the construction crews that built the 40-50 ft long, 18 ft high central sea wall.

The 1984-85 photo also shows that the scarp changed very little since 1967. One might estimate that the erosion had been less (perhaps much less) than 1.0 ft during this 17 year interval. At the base of the scarp there is a large pile of seaweed which obscures the lower half of the scarp and the area where 2 of the 3 original blocks were located in 1967. It is possible that the seaweed has been deposited on top of the 2 missing blocks. The 3rd (northernmost) block is missing. It could have eroded away, or been moved by the construction operations, or it might be buried in the sand.

In the 1995 photo it is again apparent that the base of the scarp is obscured by seaweed and by high sand and water levels. It appears that the wave swash partially covers what may be the largest (and most centrally located) of the original 3 blocks. Also, the seaweed may be covering the smallest and southernmost block. The seaward face of the scarp appears to have changed very little during the previous 10-11 year period, except where the scarp has been joined by the newest and southernmost segment of the seawall. Within 1-2 ft of this juncture, the natural bluff face might have eroded back 0.5 to 1.5 ft. Probably, a more accurate determination of the exact amount of erosion can be measured in the field at low tide.

Two color photos exhibited as pages 9 and 10 of Norma Rink's March 29, 1999 submission to the Coastal Commission show ground level views of the Mira Monte scarp adjacent to the southern boundary of the Moncrieff site. Because these photo were taken from angles that differed substantially from the views observed in the previously mentioned photos it is difficult to accurately estimate the extent of erosion. Also this problem is further compounded by the unusually high sand levels shown on the page 10 photo. After viewing the page 10 photo, one might guess that the average total erosion of the bluff scarp from 1967 to 1998 was anywhere between 0 and 2 ft. However, it does seem clear that the scarp did not erode much more rapidly than the southernmost segment of the Moncrieff seawall that was constructed some time between 1978 and 1984-85 (ie., 13 to 20 years before the 1998 photo was taken).

If the scarp had eroded more rapidly than the seawall, at a modest

References

California Coastal Commission, 1999a, Staff report and recommendations on appeal; Appeal No. A-6-LJS-98-169

California Coastal Commission, 1999b, L. R. Owens letter to M. A. Peterson, 4 pp. (April 28, 1999).

GeoSoils, Inc., 1996, Geotechnical evaluation of 6102 Camino de la Costa, La Jolla, CA, 33 pp.

Sucato, V., and Rink, Norma, 1999, letter submitted to the Coastal Commission, dtd March 20, 1999, 15 pp.

Sea Science Services, 1998, Prediction of storm and tsunami wave runups for the Rutherford Residence, 7080 Neptune Place, La Jolla, Calif., prepared for Geotechnical Exploration, Inc., 18 pp.

Skelly Engineering, 1996, Seawall repair, 6102 Camino del la Costa, La Jolla, CA, Nov. 1, 1996 letter to S. Moncrieff, 6 pp.

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reefs which project above the sea floor, there will be some additional dissipation of wave energy.

More significant rates of wave energy dissipation will take place as the waves pass over or break upon reefs located in depths of 0 to 20 ft. In gaps between these reefs the wave energy will be significantly reduced by refraction and defraction effects.

Furthermore, some of the reefs (especially those to the north and west of the Moncrieff shoreline) will act as emergent or submergent breakwaters (depending on still water levels) which will protect the shoreline from waves obliquely approaching the Moncrieff beach.

The location of the offshore kelp beds and nearshore reefs can clearly be determined from California Department of Boating and Waterways vertical color photos of the La Jolla coastline, and from the City of San Diego orthophoto sheet #238-1683.

The 1986 vertical photos show that the kelp beds are continuous to the west, southwest, and south of the Moncrieff site. The inner edges of the kelp beds are about 2000 ft offshore to the west, 2500-3000 ft offshore to the southwest, and about 4000 ft distance from the south. The orthophoto shows that the Moncrieff beach is very well protected from westerly waves which were prevalent when the photo was taken. Waves are seen breaking over reefs 400 ft offshore to the southwest, and 300-600 ft offshore to the south.

Table 1. (cont.)

6. degree of faulting and jointing of onshore and offshore rocks, and orientation of joints
7. ground water flows (rates and durations of flows)
8. ground water chemistry (pH)

IV. OCEANOGRAPHIC

1. wave heights (frequency distribution, and maximums)
2. wave periods (frequency distribution, and maximums)
3. wave directions (frequency distribution, and maximums)
4. wave refraction and diffraction effects
5. wave storms (frequencies, intensities, and seasonal distributions)
6. tides (general characteristics and ranges)
7. tidal maximums (annual, 4 1/2 yr, 9 yr, & 18 yr)
8. tides - percentage time distributions above selected high elevations
9. other short term fluctuations in sea level (seiches, barometric increases, internal waves, etc.)
10. El Niño and La Niña changes in sea level
11. long term sea level changes (with and without global warming; historical & predicted)

V. BIOLOGICAL

1. presence or absence of kelp beds growing offshore

Total number of characteristics listed: 39

Table 1

Partial List of Environmental Characteristics Influencing Rates of Coastal Bluff Erosion

I. GEOGRAPHIC, TOPOGRAPHIC, AND BATHYMETRIC

1. coastline configuration
2. coastal orientation (with respect to major areas of wave generation)
3. bluff elevations
4. bluff gradients
5. beach widths
6. offshore gradients
7. offshore valleys and ridges
8. reefs (presence, configurations, widths, depths)

II. CLIMATIC

1. wind velocities
2. seasonal changes
3. rainfall (averages & extremes)
4. hurricane paths, hurricane frequencies, and exposure to hurricane generated waves
5. El Niños & La Niñas (intensities and frequencies)

III. GEOLOGIC

1. composition and variation in bluff formations
2. structure (layering or bedding and attitude) of bluff formations
3. physical properties (hardness, cementation, porosity, permeability, clay content, resistance to chemical weathering and physical abrasion)
4. composition and configuration of reef rocks
5. abundance, thickness, and composition of offshore sediments

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Th 11d

Filed: 12/31/98
49th Day: 2/18/99
180th Day: 6/29/99
Staff: LRO-SD
Staff Report: 5/20/99
Hearing Date: 6/7-11/99

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of San Diego

DECISION: Approved with Conditions

APPEAL NO.: A-6-LJS-98-169

APPLICANT: Scott Moncrieff

PROJECT DESCRIPTION: Interior and exterior renovation to an existing non-conforming 10,006 sq.ft., two-story over basement single family residence with attached garage resulting in a reduction in size to 9,801 sq.ft. on a .23 acre blufftop lot. Also proposed is the demolition and rebuilding of a south side yard wall, removal of an encroachment into the Mira Monte Place public right-of-way, removal and replacement of a wall along the eastern portion of the home, landscape improvements and after-the-fact approval (and repair) of an existing 96-foot long, concrete vertical seawall which attains a height of +11.7 ft. MSL to +18 ft. MSL.

PROJECT LOCATION: 6102 Camino de la Costa, La Jolla, San Diego, San Diego County. APN 357-141-04

STAFF NOTES:

The Commission found Substantial Issue at the March 10, 1999 meeting. This report is for the de novo permit. At the April 14, 1999 Commission meeting, after listening to the staff presentation and testimony from the applicants and project opponents, the Commission postponed the project due to a number of questions that were raised and other unresolved issues addressing in part: permit jurisdiction, location of the mean high tide line and geotechnical evidence documenting the need for the northern 32 ft. section of the existing seawall.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve the proposed remodel of an existing single family residence and the after-the-fact approval and repair of the southerly

**SIERRA CLUB, SAN DIEGO CHAPTER**

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MAY 19 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Hon. Sara Wan, Chair
California Coastal Commission
May 19, 1999

RE: Moncrieff Residence, Appeal No. A-6-98-169

Dear Chairman Wan and Commissioners:

The San Diego Sierra Club would like to express its appreciation to the Commission and to Commission staff for its findings of substantial issue regarding this project. While our letters submitted through the City of San Diego public review process are not part of your backup material, we note for the record, and for your information, that we have raised the same issues that are before you today from the very first public hearing before the San Diego Planning Commission in February, 1998.

To correct and clarify what we continue to believe are erroneous conclusions reached by the City of San Diego on these issues, it has been necessary to bring our concerns to the Commission. Subsequent to the applicant's challenge to our right, as members of the public, to raise issues regarding technical aspects of the project, we have been fortunate to obtain independent analysis of these issues by licensed architect Anthony Ciani and registered marine geologist Wendell Gayman.

Because we believe that their analyses validate the concerns we have raised, we strongly urge the Commission to consider their conclusions and the alternative approaches they suggest. Not only do we believe their recommendations meet the statutory requirements for the project, they also appear to offer the least environmentally damaging alternatives to address the site conditions.

We also urge the Commission to examine closely an additional historic photograph of the site, dated August 1967, secured by Dr. Norma Rink, which shows the physical condition and nature of the site prior to the construction of the unpermitted seawall/retaining walls. It is particularly revealing not only as to the actual amount of beach that has been lost, but also as to both preexisting grade and the actual location of the bluff edge in the northern and southern pocket beach areas of the site.

In conclusion, we thank you again for your consideration of these critical issues.

Joanne H. Pearson, Co-Chair
San Diego Sierra Club Coastal Committee