

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Th 9j

Application No.: 6-99-100

Applicant: Keith Presnell, Richardson Trust, Buzz Colton, William Bennett, Marc Paskin, Donald Stroben, Terry Lingenfelder, Harold Scism

Agent: Walt Crampton

Description: Construction of a 352-foot long, 35-foot high, 2 ½ foot thick, colored and textured shotcrete tied-back seawall along the base of a coastal bluff below eight single-family residences, and construction of an approximately 70-foot wide geogrid reinforced slope along the upper bluff at the site of a bluff collapse below 261 Pacific Avenue. Approximately 90 feet of the seawall approved under a previous permit is currently under construction.

Zoning	Open Space/Recreation
Plan Designation	Open Space/Recreation

Site: Public beach and bluff face below 249, 255, 261, 265, 269, 301, 309, 311 Pacific Avenue, Solana Beach, San Diego County. APN 263-312-10, -09, -08, -28, -06, -05, -04, -03.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed seawall. The project was previously brought before the Commission on January 13, 1999 under application #6-98-134. At that time, the project involved several components: construction of the 352-foot long seawall, reconstruction of the upper bluff at the site of a significant bluff collapse at 261 Pacific Avenue, and placement of sand-filled geotubes on the beach to facilitate construction. At the hearing, the Commission postponed action on the permit, and directed the applicants to provide a detailed analysis of alternatives to the proposed project. The Commission also directed staff to review the status of past permit

conditions, which have been placed on several bluff-top residences regarding future construction of shoreline protective devices. In June 1999, the Commission denied application #6-98-134, requested that the project be brought back before the Commission at the August hearing as a new application, and directed staff to obtain written transcripts of the hearings where past permits were approved for the bluff-top residences. Staff is currently acquiring these transcripts, and will attempt to have them available to the Commission prior to the August 10-13 hearing.

In other action on the site, in May 1999, the Commission approved construction of a 90-foot long segment of the seawall below 261 Pacific Avenue, where a bluff collapse occurred in September 1998 (#6-99-56). Construction of the wall was originally approved by the Executive Director under an emergency permit (#6-99-56-G). This portion of the wall is currently under construction. The subject application would construct the remaining 262 feet of the proposed wall, as well as reconstruct the upper bluff at the site of the failure. The geotubes are not being proposed as part of the current project, as a sand source to fill the tubes has not yet been identified.

The applicants have demonstrated that the existing bluff-top residences are in danger from erosion as a result of wave action, the exposure of a clean sands lens, and a substantial bluff collapse. The applicants have prepared a detailed analysis of alternatives to the proposed seawall, including removal or relocation of the existing bluff-top structures. While the proposed 35-foot high seawall will have impacts on shoreline processes, public access, landform alteration and the visual quality of the area, the analysis indicates that the proposed wall is the only feasible alternative to protect the existing structures. In the absence of the proposed project, the bluff can be expected to retreat at such a rapid rate that even if the seaward portions of the residences were removed, the remainder of the structures would be threatened in the near future.

Special Conditions have been placed on the project to mitigate the project's impact on scenic quality, public access and recreational opportunities, and shoreline sand supply. The conditions require a deed restriction acknowledging that should additional stabilization be proposed in the future, the applicant will be required to identify and address the feasibility of all alternative measures which would avoid additional alteration of the natural landform of the public beach or coastal bluffs, but would stabilize the principle residential structures and provide reasonable use of the property. If such alternatives are feasible, the Commission may require them instead of the additional shoreline protective devices. The recommended conditions also require the applicant to pay a beach sand mitigation fee to mitigate the direct and long-term impacts on shoreline sand supply. Other conditions involve the timing of construction, the appearance of the wall, long-term monitoring of the seawall and bluffs, and approval from other agencies.

Public opposition to the project has raised concerns regarding the impact the full-length project would have on shoreline processes, landform alteration, and visual quality.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Group Delta Consultants (GDC) "Sand Resource Quality Evaluation" 6/12/98; GDC "Shoreline Erosion Study North Solana Beach," 8/20/98; GDC "Emergency Permit Application for Coastal Bluff Stabilization 261 Pacific Avenue," 10/7/98; GDC "Coastal Development Permit Application 249-311 Pacific Avenue" 11/9/98; GDC "Response to Review Comments 249-311 Pacific Avenue" 12/3/98; GDC "Alternative Analysis," 5/28/99; GDC "Additional Supporting Material" 6/18/99; GDC "Additional Supporting Material" 6/22/99.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, final seawall, site, landscape, irrigation and drainage plans in substantial conformance with the submitted plans dated 6/8/99 by Group Delta Consultants, that include the following measures to mitigate the impacts of the seawall and address overall site stability. Said plans shall first be approved by the City of Solana Beach and include the following:

- a. Sufficient detail regarding the construction method and technology utilized for texturing and coloring the seawall. Said plans shall confirm, and be of sufficient detail to verify, that the seawall color and texture closely matches the adjacent natural bluffs, including provision of a color board indicating the color of the fill material.

- b. The seawall shall conform as closely as possible to the natural contour of the bluff.
- c. Any existing permanent irrigation system located within the geologic setback area (40 feet from the bluff edge) on any of the eight bluff top sites shall be removed or capped.
- d. All runoff from impervious surfaces on each of the eight sites shall be collected and directed away from the bluff edge towards the street.
- e. Existing accessory improvements (i.e., decks, patios, walls, etc.) located in the geologic setback area on any of the eight sites shall be detailed and drawn to scale on the final approved site plan.
- f. During construction of the approved development, disturbance to sand and intertidal areas shall be minimized to the maximum extent feasible. All excavated beach sand shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.
- g. The references to use of geotubes shall be removed from the plans.

The permittee shall undertake the development in accordance with the approved 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.

2. Mitigation for Impacts to Sand Supply. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall provide evidence, in a form and content acceptable to the Executive Director, that a fee of \$99,073 has been deposited in an interest bearing account designated by the Executive Director, in-lieu of providing the total amount of sand to replace the sand and beach area that would be lost due to the impacts of the proposed protective structure. The methodology used to determine the appropriate mitigation fee for the subject site(s) is that described in the staff report dated 6/24/99 prepared for Coastal Development Permit #6-99-100. 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 of the Coastal Commission. The funds shall be released as provided for in a MOA between SANDAG, or a Commission-approved alternate entity and the Commission, setting forth terms and conditions to assure that the in-lieu fee will be

expended in the manner intended by the Commission. If the MOA is terminated, the Commission can appoint an alternative entity to administer the fund.

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

- a. An 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. This evaluation shall include an assessment of the color and texture of the wall comparing the appearance of the wall to the surrounding native bluffs.
- b. Annual measurements of the distance between each residence and the bluff edge (as defined by Section 13577 of the California Code of Regulations) at 6 or more locations. The locations for these measurements shall be the same as those identified on the as-built plans required in Special Condition #6 of this permit, and identified through permanent markers, benchmarks, survey position, written description, etc. so that annual measurements can be taken at the same bluff location and comparisons between years can provide information on bluff retreat.
- c. Annual measurements of any differential retreat between the natural bluff face and the seawall face, at both ends of the seawall and at 20-foot intervals (maximum) along the top of the seawall face/bluff face intersection. The program shall describe the method by which such measurements shall be taken.
- d. 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 contain the measurements and evaluation required in sections a, b, and c above. The report shall also summarize all measurements and provide some analysis of trends, annual retreat or rate of retreat, and the stability of the overall bluff face, including the upper bluff area, and the impact of the seawall on the bluffs to either side of the wall, which do not include the construction of structures on the face of the bluff. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the project.
- e. An agreement that the permittees shall apply for a coastal development permit within three months of submission issuance of the report required in subsection d. above (i.e., by August 1) for any necessary maintenance, repair, changes or modifications to the project recommended by the report that require a coastal development permit.

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

4. State Lands Commission Approval. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

5. Storage and Staging Areas/Access Corridors. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site and staging areas. The final plans shall indicate that:

- a. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces with the exception of 12 parking spaces within the City-owned parking lot on Pacific Avenue, southeast of Fletcher Cove. During the construction 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, except for the minimum necessary to construct the seawall. Construction equipment shall not be washed on the beach or in the Fletcher Cove parking lot.
- 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 on weekends or holidays 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 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.

6. 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 each residence and bluff edge (as defined by Section 13577 of the California Code of Regulations) taken at 6 or more locations. 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.

7. Future Response to Erosion. If in the future the permittee seeks a coastal development permit to construct bluff or shoreline protective devices, the permittee will be required to include in the permit application information concerning alternatives to the proposed bluff or shoreline protection that will eliminate impacts to scenic visual resources, recreation and shoreline processes. Alternatives shall include but not be limited to: relocation of all or portions of the principle structures that are threatened, structural underpinning, and other remedial measures capable of protecting the principal structures and providing reasonable use of the property, without constructing bluff or shoreline stabilization devices. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative, and whether each alternative is capable of protecting existing structures that are in danger from erosion. No additional bluff or shoreline protective devices shall be constructed on the adjacent public bluff face above the approved seawall or on the beach in front of the proposed seawall unless the alternatives required above are demonstrated to be infeasible. No shoreline protective devices shall be constructed in order to protect ancillary improvements (patios, decks, fences, landscaping, etc.) located between the principal residential structures and the ocean.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, each applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed

restriction 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. This deed restriction shall not be removed or changed without a material amendment to this coastal development permit approved by the Commission or an immaterial amendment approved by the Executive Director.

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

This 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.

9. Permission from Property Owner. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, written permission from the owner(s) of the bluff face located below 296 Pacific Avenue to construct the seawall approved herein.

10. Amend Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall obtain an amendment to Special Condition #6 of Coastal Development Permit #6-89-366 to allow construction of the shoreline protective device approved herein on the bluff face below 309 Pacific Avenue.

11. Groundwater Impacts. Plans for the installation of hydraugers in the bluff, the construction of wells along the eastern property line, or other similar means to reduce the potential for groundwater to reach the bluff face, shall be submitted to the Executive Director for review and written approval, if, from examination of soil borings and site inspections during seawall construction, the project engineer should determine that groundwater and its potential to trigger block failures exists. Said groundwater system shall be installed concurrent with construction of the seawall. In addition, a maintenance program for such groundwater removal systems shall also be submitted and receive written approval of the Executive Director. However, any changes to the approved seawall proposed as a result of the presence of groundwater, shall require the review and approval of the Commission through an amendment to this coastal development permit. Said program shall assure the system approved herein is maintained for efficient operation at all times.

12. Future Maintenance/Debris Removal. Within 15 days of completion of construction of the protective device the permittees shall remove all debris deposited on the beach or in the water as a result of construction of shoreline protective device. The permittees shall also be responsible for the removal of debris resulting from failure or damage of the shoreline protective device in the future. 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, including maintenance of the color of the wall to ensure a continued match with the surrounding native bluffs, the permittee shall contact the Commission office to determine whether permits are necessary, and shall subsequently apply for a coastal development permit for the required maintenance.

13. Relinquishment of Previous Permit. Issuance of this permit, CDP #6-99-100, supercedes CDP #6-99-56. Within 5 days after issuance of CDP #6-99-100, the applicants for CDP #6-99-56 (Buzz Colton, Richardson Trust, and William Bennett) shall submit a written statement surrendering CDP #6-99-56 and agreeing that CDP #6-99-100 supersedes CDP #6-99-56. The original of CDP #6-99-56 shall be attached to such statement.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves the construction of a 35-foot high, approximately 352-foot long shotcrete tied-back seawall on public beach at the base of an 80-foot high coastal bluff below eight existing single-family residences. The seawall would be located approximately 650 feet north of Fletcher Cove in the City of Solana Beach. The proposed seawall would be 2 ½ feet thick and colored and textured to match the surrounding bluffs. In May 1999, the Commission approved construction of a 90-foot long segment of the seawall below 261, 255, and 265 Pacific Avenue, where a bluff collapse occurred in September 1998 (#6-99-56). This portion of the wall is currently under construction, under an emergency permit issued by the Executive Director on April 20, 1999.

However, for clarity, and to avoid having two sets of Special Conditions for three of the applicants, the project is being reviewed as a single, 352-foot long seawall. The applicants have agreed that if the subject project is approved and issued by the Commission, CDP #6-99-100 will supercede CDP #6-99-56, and that they will surrender #6-99-56. Special Condition #13 requires that the applicants submit a written statement to this effect, and surrender the permit when and if the subject permit is issued.

Also proposed is the construction of a geogrid reinforced slope on the upper bluff below (approximately) one of the eight single-family residences where the upper bluff collapse first occurred in late September 1998. The collapse has continued to spread laterally since the initial collapse, and is currently a minimum of 70 feet in width. The applicants are proposing to reconstruct the bluff at the collapsed site, stabilize the slope with geogrid, and plant the area with native plant material.

Access to the site would be from the Fletcher Cove access ramp. The applicants are proposing to use a small portion of the Fletcher Cove beach parking lot (in an area which is not striped for parking) for vehicle storage, and 12 spaces in an existing City-owned parking lot across the street from Fletcher Cove for staging and storage of equipment.

The City of Solana Beach does not yet have a certified LCP, and the project site is located in an area of the Commission's original jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review.

2. Permit History. The Commission has a considerable permit history on the bluff-top properties above the project site, as follows:

249 Pacific Avenue

No known permits.

255 Pacific Avenue

In February of 1974, the Commission approved the demolition of the previous residence on the site, and construction of the current residence (CDP #F1258). The permit was granted with no special conditions. The Commission approved a one and two story seaward addition to the existing single-family residence in February 1992, with conditions that all construction be setback a minimum of 25 feet from the bluff edge (#6-91-309).

The geotechnical report submitted with the proposed addition stated that over the economic lifetime of the home, the bluff could retreat a maximum of 24.75 feet. The Commission also imposed a condition stating that "in the event that erosion threatens the existing home, patio areas, or other accessory structures in the future, the Coastal Commission will consider removal of these structures, including portions of the home or the entire home, as the preferred and practical alternative to proposals for bluff and shoreline protective works." The findings in support of this condition indicate that it is intended to notify the applicant and future property owners of the Coastal Act requirement that alternatives to proposed shoreline protection projects be examined, and that alternatives that do not involve the construction of bluff and shoreline devices are typically found to be less environmentally-damaging alternatives preferred under the Coastal Act. The condition does not require that the applicant waive any rights under Section 30235 of the Coastal Act to shoreline protection to protect existing primary

structures. Further, the findings do not state or suggest that the condition was intended to constitute a waiver of any potential rights under Section 30235.

261 Pacific Avenue

At this site (the location of the upper bluff collapse), the Commission approved a permit in May 1984 for demolition of an existing residence and construction of a new single-family residence up to 27 feet from the bluff edge (#6-84-168). The geotechnical information submitted at that time for the site indicated that the bluff in this particular location was very stable. Special Conditions placed on the permit include submittal of a geology report, landscape plan, and recordation of an assumption of risk deed restriction. The permit did not include any special conditions concerning future proposals to construct shoreline protective devices.

265 Pacific Avenue

Past Commission action on this site includes demolition and reconstruction of the single-family residence on the bluff top in May of 1995 (#6-95-23). In its approval of the project, the Commission gave the applicant the option of either locating the new residence at least 40 feet back from the edge of the bluff, or, as proposed by the applicant, locating the structure up to 25 feet from the bluff edge, and recording a deed restriction providing that the landowner would not construct any upper or lower bluff stabilization devices (other than preemptive filling of a seacave located at the base of the bluff), to protect the portion of the residence located closer than 40 feet from the bluff edge. The recorded document additionally provides that if erosion proceeds to a point where the portion of the principal residence located seaward of the 40 foot blufftop setback is determined to be unsafe for occupancy, the landowner will submit an application for a coastal development permit to remove the portion of the structure in its entirety. The applicant chose the latter option and the home was constructed up to 25 feet from the bluff edge. Therefore, the Commission is not required under Section 30235 of the Coastal Act to approve shoreline protection for the existing the single-family residence at 265 Pacific Avenue, even if the residence is in danger from erosion.

In October 1998, the Commission approved filling a 30-foot wide, 12-foot high, 7-foot deep sea cave at the base of the bluff at 265 Pacific (#6-98-29) as a follow-up to an emergency permit for seacave filling issued in March 1998.

269 Pacific Avenue

In March 1988, the Commission approved a permit on this site for the construction of terraces and planting down the bluff face which had already occurred without a coastal development permit (#6-88-21). The wooden retaining walls were allowed to remain on the bluff as removing them could have been more detrimental to bluff stability than allowing them to remain. In July 1994, the Commission approved a permit for construction of a first and second story addition to the existing 2,387 sq.ft. single-family residence located on the bluff-top lot (#6-94-33). In its approval of the project, the

Commission required that no new construction occur closer than 40 feet from the bluff edge and notified the applicant that any future application for shoreline protection would require an alternatives analysis. The condition does not require that the applicant waive any rights to shoreline protection to protect existing primary structures under Section 30235 of the Coastal Act.

At this particular site, the bluff face is not owned by the City of Solana Beach, or by the bluff-top property owner, but by a third party—the previous owners of the bluff-top lot. Presumably, the currently bluff-top property owners were unwilling to take ownership of the bluff face when purchasing the home and bluff-top lot, thus, the previous owners retained title to the bluff. This situation arose because of a past policy by the City of Solana Beach to quitclaim the bluff face from the City to bluff-top property owners as a condition of approval for various redevelopment projects. The Commission has since asserted jurisdiction over the quitclaim process as a lot line adjustment which could potentially create a legally developable lot on the bluff face. The last such quitclaim/lot line adjustment proposed was denied by the Commission in 1995 (#6-95-130). The City no longer requires the quitclaim as a condition of City permits.

However, before any work can be performed on the bluff face in this location, permission must be obtained from the property owners. Therefore, Special Condition #9 requires the applicant to obtain written permission from the property owner(s) to construct the proposed seawall prior to issuance of the coastal development permit.

301 Pacific Avenue

Commission action on the site includes construction of a first and second story addition to the existing single-family residence approved in November 1989 (#6-89-288). This permit also had a condition notifying the applicant the Coastal Commission would find removal of portions of the house and accessory structures preferable to bluff and shoreline protective devices. The findings in support of this condition indicate that it is intended to notify the applicant and future property owners of the Coastal Act requirement that alternatives to proposed shoreline protection projects be examined, and that alternatives that do not involve the construction of bluff and shoreline devices are typically found to be less environmentally-damaging alternatives preferred under the Coastal Act. The condition does not require that the applicant waive any rights to shoreline protection to protect existing primary structures under Section 30235 of the Coastal Act. Further, the findings do not state or suggest that the condition was intended to constitute a waiver of any potential rights under Section 30235.

In October 1998, the Commission approved filling a 45-foot wide, 16-foot high, 13-foot deep sea cave at the base of the bluff (#6-98-25) as a follow-up to an emergency permit for seacave filling issued in March 1998.

309 Pacific Avenue

Commission action on the site includes approval in April 1990 of a 1,306 sq.ft. addition including a new second story to the existing single-family residence on the bluff top with special conditions prohibiting any changes to the portions of the existing structure located within 25 feet of the bluff edge, and placing an open space deed restriction over the bluff face (#6-89-366). The open space restriction prohibits the construction of any structures on the bluff face. The findings in support of this condition indicate that the purpose of this restriction was to prevent any construction which could destabilize the bluff face; it was not intended to preclude the future building of shoreline protection devices if required in the future to protect existing primary structures.

However, since the restriction as currently recorded would not permit construction of the proposed seawall, Special Condition #10 requires that the applicants amend this deed restriction prior to issuance of the subject coastal development permit. In its approval of the subject seawall, the Commission is in effect finding that this previous deed restriction should be amended. As approved by the Commission, the addition was required to be set back 25 feet, such that removal of this addition would not eliminate the threat the residence or avoid the need for a seawall. As discussed in detail below, the presence of a "clean sands" lens below the site was not known at the time the addition was approved, and the open space deed restriction was not placed on the site to prohibit the future construction of a seawall. Therefore, it is appropriate to amend the previous permit to revise the deed restriction to allow for a seawall within the deed-restricted area.

This permit also had a condition notifying the applicant the Coastal Commission would find removal of portions of the house and accessory structures preferable to bluff and shoreline protective devices. The findings in support of this condition indicate that it was intended to notify the applicant and future property owners of the Coastal Act requirement that alternatives to proposed shoreline protection projects be examined, and that alternatives that do not involve the construction of bluff and shoreline devices are typically found to be less environmentally-damaging alternatives preferred under the Coastal Act. The condition does not require that the applicant waive any rights to shoreline protection to protect existing primary structures under Section 30235 of the Coastal Act. Further, the findings do not state or suggest that the condition was intended to constitute a waiver of any potential rights under Section 30235.

In October 1998 the Commission approved filling a 38-foot wide, 12-foot high, 15-foot deep sea cave at the base of the bluff (#6-97-164) as a follow-up to an emergency permit to fill the seacave granted on December, 1997.

311 Pacific Avenue

No known permit history.

Other Permits

Other permits issued on the subject site include the approval in December 1997 of the temporary placement and removal of riprap boulders along the base of the bluff at 265 Pacific Avenue (#6-97-127), 269 Pacific Avenue (#6-97-128), 301 Pacific Avenue (#6-97-133), and 309 Pacific Avenue (#6-97-130). A non-material amendment to allow the riprap to remain on the site until May 15, 1998 was approved by the Executive Director in April 1998, and in May 1998, the Commission approved a second amendment allowing the riprap to remain until June 15, 1998. All of the riprap has been removed from the site at this time.

In November 1998, the Executive Director approved an emergency permit to spray on the bluffs beneath all eight sites a liquid polymer substance to temporarily slow the erosion of the bluffs (#6-98-157-G). In May 1999, the Commission approved construction of only a 90-foot long segment of the seawall below 261 Pacific Avenue, where a bluff collapse occurred in September 1998 (#6-99-56).

3. Geologic Conditions and Hazards. Section 30235 of the Coastal Act states, in part:

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

In addition, Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

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

for protective devices that would substantially alter natural landforms along bluffs and cliffs.

In addition, the Commission has generally interpreted Section 30235 to require the Commission to approve shoreline protection only for existing principal structures. The Commission must always consider the specifics of each individual project, but has found in many instances that accessory structures such as patios, decks and stairways are not required to be protected under Section 30235 or can be protected from erosion by relocation or other means that does not involve shoreline protection. The Commission has historically permitted at grade structures within the geologic setback area recognizing they are expendable and capable of being removed rather than requiring a protective device that alters natural landforms along bluffs and cliffs.

The proposed project involves the construction of a 352-foot long, 35-foot high seawall on public beach below eight existing single-family residences, and construction of an approximately 70-foot wide geogrid reinforced slope on the upper bluff below (approximately) one of the eight single-family residences at the site of an upper bluff collapse. The applicants have submitted a geotechnical study documenting the geologic structure and recent history of the bluffs in the project area.

The geologic study states the lower sea cliff collapses during the 1997-1998 El Niño storm season have resulted in a curved-shaped failure along this stretch of coastline. The study indicates that the as much as 15 feet of lower sea cliff retreat has occurred at 261 Pacific since prior to the 1997-1998 winter. This loss of the underlying seacliff material in turn undermined the upper sloping terrace deposits, creating instability of the upper bluffs.

The bluffs in the location of the proposed project are approximately 80 feet in height and consist of an underlying layer of Torrey Sandstone and an upper layer of marine terrace deposits (Bay Point Formation), which is typical of the bluff formations found in northern Solana Beach. However, along the 352-foot long stretch of bluffs at the project site, the geotechnical report has identified an 8 to 10-foot high geologic segment located between the Torrey Sandstone and Marine Terrace Deposits (at approximately elevation 25-35 ft.) classified as "a clean sands lens" which has not been previously described in past geotechnical analyses reviewed by the Commission in Solana Beach.

The report indicates that clean sand lenses "occasionally" exist within the Bay Point Formation. The clean sand layer is described as a very loose sandy material with a limited amount of capillary tension and a very minor amount of cohesion, both of which cause the sandy material to dissipate easily, making this clean sand layer, once exposed, susceptible to wind blown erosion and continued sloughing as the sands dries out and loses the capillary tension that initially held the materials together. Gentle sea breezes and any other perturbations, such as landing birds or low-flying helicopters, can be sufficient triggers of small or large volume bluff collapses, since the loss of the clean sands eliminates the support for the overlying, slightly more cemented, terrace deposits.

The applicants have submitted evidence that the presence of the clean sands creates a distinctly different, more rapid process of bluff erosion than typically seen on coastal bluffs. Exhibit #5 illustrates the usual process of incremental erosion where the upper bluff gradually erodes and slowly "lays-back" to a stable angle of repose. Exhibit #6 illustrates that the presence of the clean sands creates a process where the clean sands rapidly undermine the upper sloping terrace deposits causing the upper bluff to collapse thereby exposing more clean sands to wind erosion which then results in more upper bluff collapses. This cycle occurs so quickly (over months or days, rather than years) that the upper bluff never achieves a stable angle of repose.

When asked why this clean sand lens has not been identified in the past, the applicants' engineer submitted photographs demonstrating that the clean sand layer was not exposed prior to the erosion of the 1997-1998 El Niño storms. As the bluffs were undermined and significant chunks of the bluffs collapse, this previously hidden sand lens was exposed starting the cycle of rapid collapsing and causing the upper bluff failure below 261 Pacific Avenue. The geotechnical reports submitted indicate that clean sands have been exposed within the vertical escarpment beneath all eight of the residences at the subject site. The report concludes that without stabilization of the clean sands all along the 352-foot length of the project, not only will the existing upper bluff failure continue to grow rapidly, but significant upper bluff failures will occur on all eight properties creating a need for both lower and upper bluff stabilization along the entire stretch.

The setbacks for the eight bluff top residences are approximately as follows: 249 Pacific Avenue--20 feet; 255 Pacific Avenue--18 feet; 261 Pacific Avenue (the location of the bluff collapse)--11 feet; 265 Pacific Avenue--13 feet; 269 Pacific Avenue--16 feet; 301 Pacific Avenue--23 feet; 309 Pacific Avenue--9 feet; 311 Pacific Avenue--9 feet. These setbacks are fairly typical for Solana Beach, and there are many existing structures as close or closer to the bluff edge than these residences. However, the applicants have submitted a slope stability analysis for the eight properties to demonstrate that the existing primary residences are in danger from erosion. The report indicates that traditional engineering stability analyses have only limited usefulness for this type of bluff formation, because, as discussed above, the upper bluff terrace sands are continually sloughing and attempting to achieve a stable angle repose, then sloughing again due to the presence of the clean sand layer. Nevertheless, the slope stability analysis determined that the computed factor of safety was less than 1.25 (the point at which the slope is considered susceptible to upper bluff failures) for 225, 261, 265, 269, 309, and 311 Pacific Avenue, all which were deemed to be susceptible to upper-bluff failures within the near future (the next several years). The study specifically identifies the clean sands layer as requiring structural restraint, without which significant bluff failures will occur during this winter's storm season, assuming any reasonable level of storm activity. The report concludes that the coastal bluffs beneath all eight lots, if not stabilized in the near future, will experience upper bluff failures similar to the one which has occurred beneath 261 Pacific Avenue, putting all eight bluff-top residences at risk, and requiring significant upper-bluff fortification in addition to the proposed seawall to protect the residences.

In November of 1998, the Executive Director granted an emergency permits to the applicants to apply a liquid polymer spray to the bluff face beneath all eight residences in an attempt to slow down the erosion of the clean sands. The geotechnical report indicates that the product has provided some limited benefit, and thus, the proposed project includes reapplication of the material on the bluffs. However, erosion has continued on the site and the material was not been effective in stopping the growth of the upper bluff collapse at 261 Pacific Avenue.

The applicants' engineer has indicated that significant amounts of erosion have continued to occur on the site of the bluff failure over the last several months, with typical collapse volumes on the order of one cubic yard, or approximately 3,000 pounds, daily. Occasional collapses have approached volumes of 20 to 50 cubic yards. The work which was constructed under a previously issued emergency permit, a mid-slope worker safety/debris barrier constructed in early March, was been impacted by the continuing erosion. By March 22, the debris barrier had been completely filled with sand from ongoing sloughage, and on April 4, a larger upper bluff collapse overran and destroyed a portion of the safety barrier. A second relatively large collapse on April 9 destroyed additional sections of the barrier.

Thus, given the amount of documented erosion on the site over the last year, the significant bluff collapse in September and the continued growth of the collapsed area, the presence of the clean sands and the extreme erodibility of these sands, and the low factor of safety on the subject bluffs, substantial evidence has been provided to document that the existing primary blufftop structures are in danger from erosion. However, there are a variety of ways in which the threat from erosion could be addressed. Under the policies of the Coastal Act, the project must be the least-environmentally damaging alternative.

Alternatives

The applicants have submitted an alternatives analysis by a geotechnical engineer which reviews several alternatives to the proposed seawall including: Removal of bluff-top accessory structures; groundwater controls; injection of chemicals or other materials into the bluff; underpinning the residence; and removal and/or relocation of portions of or the entire primary structure. As discussed above, any effective alternative to the proposed seawall would have to address the source of the bluff instability at the project site, namely, the presence of the clean sands layer.

With regard to removal of accessory structures, none of the eight residences have what the applicants' engineer terms "structures" between the main residences and the bluff top. All of the residences do, however, have patios or decking extending from the rear face of the building to the bluff top. However, removal of patios and decks would not slow the cycle of erosion and bluff retreat resulting from the clean sands. The report notes that progressive removal of these accessory improvements might serve to delay the need for a seawall, if a "sudden catastrophic failure that could endanger the main structures was not a distinct possibility." The clean sands create an unstable upper bluff that has

demonstrated the capacity for sudden catastrophic failures. The failure at 261 Pacific Avenue that occurred once the clean sand lens was exposed, occurred suddenly and without warning, leaving a vertical headscarp upwards of 25 feet in height at the top of the bluff that is in itself unstable. Thus, given the propensity of the bluffs in the location for rapid catastrophic collapse, and the slope stability analysis for the site showing that the existing primary structure is in danger, it is unlikely that removal of patios would delay the need for a seawall to protect for more than a few weeks or months.

The alternatives analysis strongly supports the strict control of planting and irrigation on bluff top lots to prevent excess moisture from triggering collapses of bluff-top sediments. However, the analysis again emphasizes that the bluff collapse at the project site was due to the exposure of the clean sands lens, not from excess water resulting from bluff-top activities. The report concludes that nothing about the drainage configuration on any of the three subject lots contributed to the bluff collapse that occurred. Thus, instituting stricter landscaping and irrigation controls would not re-stabilize the current vertical scarp at the failure surface, and would not reduce or eliminate the need for the proposed seawall, but should still be instituted to reduce the potential for water-related collapses in the future.

The use of chemicals for densification of loose, compressible soils has become more common in recent years. However, the analysis states that in order to for chemical grouting to effectively "glue" the bluff sands in a stable formation, the outer 5 to 10 feet of the bluff face would have to be permeated. Chemical grouts are injected under pressure, and the engineer has stated that it would be essentially impossible to effectively contain a bluff face during pressure injection, and even controlled grouting could blow out portions of the slope face if any excess pressure buildup occurred. In addition, the process of injecting a chemical into sand under pressure 25 feet above the base of the bluff, presents a significant construction challenge and safety issue, particularly with the threat of additional collapses triggered by the process. Finally, if the chemical grouting were not effective in solidifying the *entire* clean sand layer, the undermining/collapse cycle would continue. Thus, it does not appear that the technology exists at this time to stabilize a coastal bluff with chemicals in place of a seawall.

The analysis indicates that a below-grade retention system or underpinning of the existing homes could potentially be considered as an alternative to the proposed project; however, this would not stop the upper bluff collapses from continuing to undermine the home, unless the piers were 80 feet high and sufficiently stable to entirely support each residence. The applicant's engineer has argued this significant amount of construction would be infeasible. Even if 80-foot high piers were installed, the collapse on the site triggered by the erosion of the clean sands would continue to grow laterally, undermining the upper bluffs and eventually destabilizing adjacent bluff areas which might not currently have a clean sands lens exposed, thereby threatening additional bluff-top structures. The rapid bluff retreat would also soon leave either piers or a below-grade retention system exposed to view, arguably a less-desirable visual condition than the proposed seawall.

The analysis also examined the feasibility of removal or relocation or some or all of the existing bluff-top residence. This analysis was included for all the homes, even though only three of the lots were subject to prior conditions that stated that the Commission would consider removal of the home as a preferred alternative to a seawall. The question of "feasibility" is a complex one. The applicants assert that moving the homes or removing the western portions of the homes would be infeasible, either because the homes would have large, multi-level unsupported interior spaces, requiring the structure to be cut into pieces before moving it, resulting in a fragile structure, or because rooms critical to the functionality of the residence would have to be removed. Of the eight houses included in this application, four of the eight are within 5 feet of the westerly property line on Pacific Avenue, and three others are within 10 feet of the property line. The largest set back from the property line is 13 feet, at 249 Pacific Avenue. Thus, even if feasible, the homes could not be moved back very far.

However, even if the residences could be moved somewhat further away from the bluff, or, if seaward portions of the residences were removed, it would not eliminate or delay the need for the project. As described above, once exposed, the clean sand lens erodes rapidly, undermining the upper terrace deposits, which then collapse, exposing more clean sands, and continuing the cycle. Even if left unchecked, this process would not continue indefinitely, because eventually enough of the terrace deposits would collapse onto the "shelf" supporting the clean sands, that the clean sands lens would be covered and protected from further erosion. However, the applicants' engineer has estimated that by the time the bluff reached that equilibrium, the bluff would have retreated to the point that the eight residential structures would be undermined as much as 16 feet. Specifically, each residence would be undermined by approximately the following amounts: 249 Pacific Avenue: 0 feet; 255 Pacific Avenue: 3 feet; 261 Pacific Avenue: 3 feet; 265 Pacific Avenue: 7 feet; 269 Pacific Avenue: 4 feet; 301 Pacific Avenue: 7 feet; 309 Pacific Avenue: 15 feet; 311 Pacific Avenue: 16 feet.

Clearly, at least seven of the eight homes would be seriously jeopardized before the bluff receded to an equilibrium. Furthermore, even this equilibrium state would be temporary. The estimates of the amount the residences would be undermined only takes into account the angle of bluff retreat expected to occur if the base of the bluff were to remain at the location it is today. In fact, bluff retreat from wave action has been occurring at a rate of close to 1 foot per year over the last couple years in this location. This erosion will undermine the shelf on which the clean sands rest, causing the "piled-up" terrace deposits to collapse, once again exposing the clean sands and starting the cycle of rapid bluff retreat all over again. Therefore, moving the residences or removing seaward portions of the house would not significantly delay the need for the proposed seawall.

In summary, the presence of the clean sands lens presents a threat of rapid erosion and bluff collapses that must be addressed by a structural solution that effectively contains the clean sands. Given the substantial amount of documented erosion on the site over the last year, the substantial bluff collapse in September below 261 Pacific Avenue, the presence of the clean sands and the extreme erodibility of these sands, and the low factor of safety on the subject bluffs, substantial evidence has been provided to document that the

existing primary blufftop structures are in danger from erosion. An alternatives analysis presented by the applicant and reviewed by staff demonstrates that there are no less environmentally-damaging feasible alternatives to the proposed project. Therefore, the Commission finds that a shoreline altering device must be approved to protect seven of the eight residences, pursuant to Section 30235. The applicants also examined several alternative seawall designs. These are discussed in detail below, in Section 4, Visual Resources.

The residence at 265 Pacific Avenue has also been demonstrated to be in danger from erosion at this time. However, as noted above, in 1995, the landowner chose to waive his right to shoreline protection under Section 30235 in order to construct a new residence up to 25 feet from the bluff edge, rather than the 40 feet which was determined by the Commission to be the distance whereby the home would not be threatened by erosion for the lifespan of the residence. Therefore, the Commission is not required to approve shoreline protection to protect this structure. However, in this particular case, the homes on either side of 265 Pacific Avenue do require shoreline protection, as well as the other five residences proposing shoreline protection in this particular geologic segment. In addition, in order to protect the residence at 261 Pacific Avenue, (the site adjacent to 265 Pacific to the south), the Commission approved construction of a 90 foot long seawall which extends approximately 20 feet below 265 Pacific. Thus, prohibiting construction of a seawall to protect the residence at 265 Pacific Avenue would result in a gap in the wall of no more than 30 feet.

As further discussed below, there are adverse impacts associated with "gaps" in shoreline protection, in particular the accelerated erosion from edge effects, and the visual discontinuity of piecemeal shoreline protection. The proposed project takes a relatively comprehensive approach to shoreline protection planning, which the Commission has encouraged in the past. The eight properties involved comprise a specific geologic segment which is threatened due to the presence of the clean sands and other factors. This comprehensive approach is preferable to piecemeal shoreline protection projects, and thus, the Commission finds that the inclusion of this one lot in the proposed project is appropriate, if conditioned as discussed below.

Sand Supply/In Lieu Mitigation Fee

Although construction of a seawall is required to protect the existing principle structures on the site (with the exception of the residence at 265 Pacific), 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 protection. The natural shoreline processes referenced in Section 30235, such as the formation and retention of sandy beaches, can be significantly 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.

Some of the effects of a shoreline protective structure on the beach such as scour, end effects and modification to the beach profile are temporary or difficult to distinguish from all the other actions which modify the shoreline. Seawalls also have non-quantifiable effects to the character of the shoreline and visual quality. However, 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.

Loss of beach material and loss of beach area are two separate concerns. A beach is the result of both sandy material and a physical area between the water and the back beach. Thus, beach area is not simply a factor of the quantity of sandy beach material. In Solana Beach, the shoreline is a shallow bedrock layer covered by a thin veneer of sand. The bedrock layer provides an area for collection of sandy material. The sand material is important to the overall beach experience, but even without the sand, the bedrock layer provides an area for coastal access between the coastal bluff and the ocean. The loss of beach material that will be a direct result of this project can be balanced or mitigated by obtaining similar quality and quantity of sediment from outside the littoral cell and adding this sediment to the littoral cell. There are sources of beach quality sediment that can be drawn upon to obtain new sediment for the littoral cell. Unfortunately there is not source of extra beach land that can be used to add new land area to the littoral cell. Beach nourishment is a method that allows us to shift the shore profile seaward and create a new area of dry beach. This will not create new coastal land, but will provide many of the same benefits that will be lost when the beach area is covered by a seawall or "lost" through passive erosion when the back bluff location is fixed.

It is possible to estimate the volume of sand needed to create a given area of dry beach through beach nourishment. The proposed project will result in a loss of 880 sq. ft. of beach due to the long-term physical encroachment of the seawall (based on a 352-foot length and 2.5 foot width). In addition, there will be 2,112 sq.ft. of beach area that will no longer be formed because the back of the beach will be fixed. This 2,992 sq.ft. of beach area cannot be directly replaced by land, but a comparable area can be built through the one-time placement of 2,693 cubic yards of sand on the beach seaward of the seawall as beach nourishment (880 sq.ft. converts into 792 cy; 2,112 sq.ft. converts into 1,901 cy.; $792 + 2,112 = 2,693$ cubic yards). Thus, the impact of the seawall on beach area can be quantified as 2,693 cubic yards of sand. This estimate is only a "rough approximation" of the impact of the seawall on beach area because a one-time placement of this *volume* of sand cannot result in creation of beach *area* over the long term.

In addition to the impact on beach area, there is the amount of beach material that would have been added to the beach if natural erosion had been allowed to continue at the site,

which can be calculated at a volume of 4,928 cubic yards. This 4,928 cubic yards of sand that would have been added to the littoral cell, plus the 2,693 cubic yards of sand associated with the impact to beach area, totals 7,621 cubic yards of sand that are needed to balance the quantifiable impacts from the entire project. Special Condition #2 requires the applicant to deposit an in-lieu fee to fund beach sand replenishment of 7,621 cubic yards of sand, as mitigation for impacts of the proposed shoreline protective device on beach sand supply and shoreline processes.

In the case of the proposed project, the fee calculates to be \$99,073, based on 7,621 cubic yards of sand multiplied by the cost of obtaining a cubic yard of sand, as proposed by the applicants' engineer at \$13. However, a mitigation fee of \$25,337 was previously imposed for impacts of the 90-foot long segment of the seawall approved in May 1999. Therefore, the mitigation fee for the remaining portion of the project is \$73,763.

The following is the methodology used by Commission staff develop the in-lieu fee amount. The methodology uses site-specific information provided by the applicant as well as estimates, derived from region-specific criteria, of both the loss of beach material and beach area which could occur over the life the structure, and 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 11 to this report.

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

$$M = V_t \times C$$

where

M = Mitigation Fee

V_t = Total volume of sand required to replace losses due to the structure, through reduction in material from the bluff, reduction in nearshore area and loss of available beach area (cubic yards).
Derived from calculations provided below.

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.

$$V_t = V_b + V_w + V_e$$

where

V_b = Volume of beach material that would have been supplied to the beach if natural erosion continued, based on the long-term regional bluff retreat rate, design life of the structure, percent of beach quality material in the bluff, and bluff geometry (cubic yards). This is equivalent to the long-term reduction in the supply of bluff material to the beach resulting from the structure.

V_w = Volume of sand necessary to replace the beach area that would have been created by the natural landward migration of the beach profile without the seawall, based on the long-term regional bluff retreat rate, and beach and nearshore profiles (cubic yards)

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)

$$V_b = (S \times W \times L/27) \times [(R h_s) + (h_u/2 \times (R + (R_{cu} - R_{cs})))]$$

where

R = Long-term regional bluff retreat rate (ft./yr.), based on historic erosion, erosion trends, aerial photographs, land surveys, or other accepted techniques. For the Solana Beach area, this regional retreat has been estimated to be 0.2 ft./year. This value may be used without further documentation. Alternative retreat rates must be documented by the applicant and should be the same as the predicted retreat rate used to estimate the need for shoreline armoring.

L = Design life of armoring without maintenance (yr.) If maintenance is proposed and extends the life of the seawall beyond the initial estimated design life, a revised fee shall be determined through the coastal development permit process.

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

h = Total height of armored bluff (ft.)

S = Fraction of beach quality material in the bluff material, based on analysis of bluff material to be provided by the applicant

h_s = Height of the seawall from the base to the top (ft)

h_u = Height of the unprotected upper bluff, from the top of the seawall to the crest of the bluff (ft)

R_{cu} = Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming no seawall were installed (ft/yr). This value can be assumed to be the same as R unless the applicant provides site-specific geotechnical information supporting a different value.

R_{cs} = Predicted rate of retreat of the crest of the bluff, during the period that the seawall would be in place, assuming the seawall has been installed (ft/yr). This value will be assumed to be zero unless the applicant provides site-specific geotechnical information supporting a different value.

NOTE: For conditions where the upper bluff retreat will closely follow the lower bluff, this volume will approach a volume of material equal to the height of the total bluff, the width of the property and a thickness equal to the total bluff retreat that would have occurred if the seawall had not been constructed. For conditions where the upper bluff has retreated significantly and would not be expected to retreat further during the time that the seawall is in place, this volume would approach the volume of material immediately behind the seawall, with a thickness equal to the total bluff retreat that would have occurred if the seawall had not been constructed.

$$V_w = R \times L \times v \times W$$

where

R = Long-term regional bluff retreat rate (ft./yr.), based on historic erosion, erosion trends, aerial photographs, land surveys, or other accepted techniques. For the Encinitas area, this regional retreat has been estimated to be 0.2 ft./year. This value may be used without further documentation. Alternative retreat rates must be documented by the applicant and should be the same as the predicted

retreat rate used to estimate the need for shoreline armoring.

L = Design life of armoring without maintenance (yr.) If maintenance is proposed and extends the life of the seawall beyond the initial estimated design life, a revised fee shall be determined through the coastal development permit process.

v = Volume of material required, per unit width of beach, to replace or reestablish one foot of beach seaward of the seawall; based on the vertical distance from the top of the beach berm to the seaward limit of reversible sediment movement (cubic yards/ft of width and ft. of retreat). The value of v is often taken to be 1 cubic yard per square foot of beach. In the report, "Oceanside Littoral Cell Preliminary Sediment Budget Report" (December 1987, part of the Coast of California Storm and Tide Wave Study, Document #87-4), a value for v of 0.9 cubic yards/square foot was suggested. If a vertical distance of 40 feet is used for the range of reversible sediment movement, v would have a value of 1.5 cubic yards/square foot (40 feet x 1 foot x 1 foot / 27 cubic feet per cubic yard). These different approaches yield a range of values for v from 0.9 to 1.5 cubic yards per square foot. The value for v would be valid for a region, and would not vary from one property to the adjoining one. Until further technical information is available for a more exact value of v, any value within the range of 0.9 to 1.5 cubic yards per square foot could be used by the applicant without additional documentation. Values below or above this range would require additional technical support.

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

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

where

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

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. Many 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, submarine 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.

The above described impacts on the beach and sand supply have previously been found to result from seawalls in other areas of North County. In March of 1993, the Commission approved CDP #6-93-85/Auerbach, et al for the construction of a seawall fronting six non-continuous properties located in the City of Encinitas to the north of the subject site. In its finding for approval, the Commission found the proposed shoreline protection would have specific adverse impacts on the beach and sand supply and required mitigation for such impacts as a condition of approval. The Commission made a similar

finding for several other seawall developments located several blocks north of the subject site (ref. CDP Nos. 6-93-36-G/Clayton, 6-93-131/Richards, et al, 6-93-136/Favero, 6-95-66/Hann and 6-98-39/Denver/Canter).

In addition to the adverse impacts the seawall will have on the beach as detailed above, the Commission finds that the proposed seawall could also have adverse impacts on adjacent unprotected properties caused by wave reflection, which leads to accelerated erosion. Numerous studies have indicated that when continuous protection is not provided, unprotected adjacent properties experience a greater retreat rate than would occur if the protective device were not present. This is due primarily to wave reflection off the protective structure and from increased turbulence at the terminus of the seawall. According to James F. Tait and Gary B. Griggs in Beach Response to the Presence of a Seawall (A Comparison of Field Observations) "[t]he most prominent example of lasting impacts of seawalls on the shore is the creation of end scour via updrift sand impoundment and downdrift wave reflection. Such end scour exposes the back beach, bluff, or dune areas to higher swash energies and wave erosion." As such, as the base of the bluff continues to erode on the unprotected adjacent properties, failure of the bluff is likely. Thus, future failures could "spill over" onto other adjacent unprotected properties, prompting requests for much more substantial and environmentally damaging seawalls to protect the residences. This then starts a "domino" effect of individual requests for protection.

In response to these concerns, the applicants' engineer has noted that the proposed seawall has incorporated a feathered design onto either end of the proposed wall to gradually blend into the adjacent natural bluffs which will help to reduce the turbulence at the end of the wall that can lead to accelerated erosion of adjacent unprotected bluffs. However, although the proposed seawall design includes the design to reduce impacts of the wall on adjacent properties, at best, the impacts can be reduced, but not eliminated. Regardless of whether accelerated erosion will occur on the adjacent unprotected properties, the adjacent bluffs will continue to erode due to the same forces that are causing them to erode currently. As this occurs, more surface area of the feathered edges will be exposed to wave attack leading to increased turbulence and accelerated erosion of the adjacent unprotected bluff. These impacts are particularly problematic in the case of the proposed project, as the seawall will be an isolated structure in a stretch of currently unprotected shoreline.

According to information contained in the Planners Handbook (dated March 1993), which is included as Technical Appendix III of the Shoreline Preservation Strategy adopted by the San Diego Association of Governments (SANDAG) on October 10, 1993, "[a] longer return wall will increase the magnitude of the reflected wave energy. On a coast where the shoreline is retreating, there will be strong incentives to extend the length of the return wall landward as adjacent property is eroded, thereby increasing the return wall, and its effects on neighboring property, with time."

If the proposed wall were damaged in the future (e.g. as a result of wave action, storms, etc.) it could threaten the stability of the site, which could lead to need for more bluff

alteration. In addition, damage to the seawall could adversely affect the beach by resulting in debris on the beach and/or creating a hazard to the public using the beach. Therefore, in order to find the proposed seawall consistent with the Coastal Act, the Commission finds that the condition of the seawall in its approved state must be maintained for the estimated life of the seawall. Further, in order to ensure that the permittee and the Commission know when repairs or maintenance are required, the permittee must monitor the condition of the seawall annually, for three years and at three year intervals after that, unless a major storm event occurs. The monitoring will ensure that the permittee and the Commission are aware of any damage to or weathering of the seawall wall and can determine whether repairs or other actions are necessary to maintain the seawall in its approved state.

Therefore, Special Condition #3 requires the applicant to submit a monitoring report which evaluates the condition and performance of the seawall and overall site stability, and submit an annual report with recommendations, if any, for necessary maintenance, repair, changes or modifications to the project.

Special Condition #7 requires a deed restriction acknowledging that alternative measures must be implemented on the applicants blufftop property in the future, should additional stabilization be required, which would avoid additional alteration of the natural landform of the public beach or coastal bluffs, but would stabilize the principle residential structures and provide reasonable use of the property. The condition will ensure that future property owners will be aware that any future proposals for additional shoreline protection, such as upper bluff stabilization, will require an alternative analysis similar to one required for the subject project. If there are feasible alternatives to shoreline protection that would have less impact on visual quality, sand supply, or public access, the Commission may require implementation of those alternatives.

Special Condition #1 requires the applicants to submit final plans for the project indicating that the seawall conforms to the bluff contours and to demonstrate that existing irrigation systems within the geologic setback area on the blufftop have been removed, as these would impact the ability of the seawall to adequately stabilize the site. The final plans and Special Conditions #11, which requires an analysis of ground water conditions, are designed to ensure that overall site conditions which could adversely impact the stability of the bluff have been addressed.

Special Condition #12 notifies the applicants that they are responsible for maintenance of the herein approved shore and bluff protection to include removal of debris deposited on the beach during and after construction of the structures. The condition also indicates that, should it be determined that maintenance of the seawall is required in the future, including maintenance of the color and texture of the wall, the applicant shall contact the Commission office to determine if permits are required.

To assure the proposed shore/bluff protection has been constructed properly, Special Condition #6 has been proposed. This condition requires that, within 60 days of completion of the project, as built-plans and certification by a registered civil engineer be

submitted that verifies the proposed seawall has been constructed in accordance with the approved plans.

Also, due to the inherent risk of shoreline development and the Commission's mandate to minimize risk, Special Condition #8 requires the applicant to waive liability and indemnify the Commission against damages that might result from the seawall or its construction. The risks of the proposed development include that the seawall will not protect against damage to the residences from bluff failure and erosion. In addition, the structure itself may cause damage either to the applicants' residences or to neighboring properties by increasing erosion at the sides of the structure. Such damage may also result from wave action that damages the seawall. Although the Commission has sought to minimize these risks, the risks cannot be eliminated entirely. Given that the applicants have chosen to construct the seawall despite these risks, the applicants must assume the risks. Accordingly, Special Condition #8 requires that the applicants record a deed restriction that evidences their acknowledgment 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. Only as conditioned can the proposed project be found consistent with Sections 30235 and 30253 of the Coastal Act.

In summary, the applicants have documented that the existing bluff top primary structures are in danger from erosion and subsequent bluff failure. Thus, the Commission is required to approve the proposed protection for seven out of the eight residences. Although the Commission is not required to provide protection for the residence at 265 Pacific Avenue, the advantages of building a continuous wall outweigh the adverse impacts associated with shoreline protection on this one site. There are no other less damaging alternatives available to reduce the risk from bluff erosion. Since the proposed seawall will contribute to erosion and geologic instability over time on adjacent unprotected properties and also deplete sand supply, occupy public beach and fix the back of the beach, Special Conditions require the applicant to require pay an in-lieu mitigation fee to offset this impact. Therefore, as conditioned, the Commission finds that the proposed seawall is consistent with Sections 30210, 30211, 30212, 30235, 30240, 30250, 30251 and 30253 of the Coastal Act.

4. Visual Resources/Alteration of Natural Landforms. Section 30251 of the Coastal Act states, in part:

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

As stated above, the proposed development will occur on public beach at the base of a coastal bluff. The bluffs along this section of the Solana Beach coastline currently remain in a natural state, with virtually no existing bluff or shore protection other than

seacave fills from just north of Fletcher Cove to Tide Park, an approximately one-quarter mile stretch of beach. As such, the potential for adverse impacts on visual resources associated with the proposed development could be significant.

The applicants are proposing to construct an approximately 35-foot high tied-back seawall, which is the minimum height necessary to cover the clean sand lens. A lower wall would reduce undermining at the base of the bluff, but would not prevent the clean sands from eroding and undermining the upper bluff, and thus would not address the main threat to stability at the site. The applicant is also proposing to reconstruct the bluff face at the site of the upper bluff collapse using geogrid reinforcement to stabilize the slope.

The applicants examined several structural alternatives to the proposed shoreline protection that would reduce the visual impact of the proposed project. Exhibit 7 shows an upper-bluff, carved and colored tied-back wall that could be located 30 feet above the base of the bluff, which would cover the clean sands lens and could negate the need for any lower sea-cliff stabilization until an additional 30 feet of marine erosion eventually undermined the upper wall. However, the report indicates that construction of this type of wall on fragile, unstable upper bluffs is problematic at best, and would also be more visually intrusive than the proposed construction of a vertical wall against lower and mid-bluff cliffs which are currently essentially vertical.

A second alternative to the 35-foot high seawall is presented in Exhibit 8, which involves construction of two separate 15-foot high walls, one at the base of the bluff and the other at the mid-bluff to cover the clean sands. However, this alternative would also require construction on the unstable mid-bluff area and offers little in the form of improved aesthetics.

The applicant also examined several alternative designs for the proposed upper bluff protection, including filling in the upper slope with an erodible concrete mixture (Exhibit 9), or constructing a series of stepped concrete platforms backfilled with soil (Exhibit 10). However, these alternatives present approximately the same amount of landform alteration as the proposed geogrid slope, but would have somewhat less of a natural appearance than the proposed project.

The existing coastal bluffs in this location currently stand almost completely vertical up to a height of 35 feet. Thus, constructing a vertical seawall on the face of the bluff is not wholly inconsistent with the existing appearance of the natural bluffs. The proposed seawall will have a colored and textured surface reducing its contrast to the adjacent natural bluff. The upper 10 feet of the wall will be colored specifically to match the terrace deposits. As a requirement of the City of Solana Beach, the contractor for the project will be required to construct a scale prototype wall section at an off-site location for City approval. Special Condition #1 requires the submittal of detailed plans, color samples, and information on construction methods and technology for the surface treatment of the wall. The condition requires that should the appearance of the wall change or deteriorate in the future, the applicants must apply for a coastal development

permit to maintain the wall in its approved condition, including coloring and texturing. In this way, the Commission can be assured that the proposed seawall will blend with the natural bluffs in the area to the maximum extent feasible.

Therefore, as conditioned, the Commission finds that potential visual impacts associated with the proposed development have been reduced to the maximum extent feasible. Thus, the project can be found consistent with Section 30251 of the Coastal Act.

5. Public Access/Recreation. Pursuant to Section 30604 (c), the Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. Section 30210 of the Coastal Act is applicable to the proposed development and states:

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

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

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

Additionally, Section 30220 of the Coastal Act provides:

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

The project site is located on a public beach utilized by local residents and visitors for a variety of recreational activities. The site is located approximately 1,000 feet north of Fletcher Cove Beach. The proposed seawall will be constructed on sandy beach area that is currently available to the public. The project will have several adverse impacts on public access.

Although the proposed seawall has been designed to be as narrow as feasible, it will project approximately 2.5 feet seaward of the toe of the bluff. Although the seaward encroachment of the wall appears at first glance to be minimal, the beach along this area of the coast is narrow and at high tides and winter beach profiles, the public may be forced to walk virtually at the toe of the bluff or the area would be impassable. As such, an encroachment of any amount, including 2 ½ feet for a length of 352 feet onto the

sandy beach, reduces the beach area available for public use and is therefore a significant adverse impact. This is particularly true given the existing beach profiles and relatively narrow beach.

In addition to the above described direct interference with public access by the proposed seawall, there are a number of indirect effects as well. Shoreline processes, and supply and beach erosion rates are affected by shoreline structures as described in Section 3 of this report, and thus alter public access and recreational opportunities.

It is generally accepted that the dividing line between public tidelands and private upland to tidal boundary in California is the mean high water datum (MHW). From an engineering point of view, a water boundary determined by tidal definition is not a fixed mark on the ground, such as a roadway or a fence; rather, it represents a condition at the water's edge during a particular instant of tidal cycle. The line where that datum intersects the shoreline will vary seasonally. Reference points such as Mean Sea Level and Mean High Water Datum, are calculated and reflect the average height of the tide levels over a period of time.

Development along the shoreline which may burden public access in several respects has been approved by the Commission. However, mitigation for any adverse impacts of the development on access and public resources is always required. The Commission's permit history reflects the experience that development can physically impede public access directly, through construction adjacent to the mean high tide line in areas of narrow beaches, or through the placement or construction of protective devices seawalls, riprap, and revetments. Since physical impediments adversely impact public access and create private benefit for the property owners, the Commission has found in such cases (in permit findings of #4-87-161 [Pierce Family Trust and Morgan], #6-87-371 [Van Buskirk], #5-87-576 [Miser and Cooper]) that a public benefit must arise through mitigation conditions in order that the development will be consistent with the access policies of the Coastal Act, as stated in Sections 30210, 30211, and 30212.

The development proposed in this application is the construction of a vertical seawall. In this location, the majority of the beach and bluffs are in public ownership (the bluff face below 265, 269, and 309 Pacific are each in private ownership). Although the proposed seawall adheres closely to the contour of the natural bluff, the seawall will reduce lateral beach access by encroaching onto the beach and will have adverse impacts on the natural shoreline processes.

As stated elsewhere in these findings, Section 30235 of the Act allows for the use of such a device where it is required to protect existing development and where it has been designed to mitigate adverse impacts upon shoreline sand supply. In order to mitigate the known adverse impacts, the Commission typically requires an offer of dedication of lateral public access in order to balance the burden placed on the public with a public benefit. In this particular case, the beach and bluff are in public ownership and will remain as such. Therefore, a dedication of lateral public access is not an available mitigation option. However, Special Condition #2, discussed in a previous section of the

staff report, requires the applicant to provide mitigation for adverse impacts on beach and sand area resulting from placement of the proposed seawall, which will also serve to mitigate the impact of the loss of beach access. The mitigation will be an in-lieu fee which will be utilized for beach replenishment projects within the same littoral cell.

As debris dislodged from the seawall either during construction or after completion also has the potential to affect public access, Special Condition #12 has also been proposed. This condition notifies the applicant that they are responsible for maintenance and repair of the seawall and that should any work be necessary, they should contact the Commission office to determine permit requirements. In addition, the condition requires the applicants to be responsible for removal of debris deposited on the beach during and after construction of the project.

In addition, the use of the beach or public parking areas for staging of construction materials and equipment can also impact the public's ability to gain access to the beach. The applicants having submitted a staging and storage plan which proposes to use 12 spaces in an existing City-owned parking lot across the street from Fletcher Cove known as the "Distillery Lot" (for it's previous use) for staging and storage of equipment during construction. In addition, steel-tracked construction equipment (which cannot traverse asphalt streets) are proposed to be stored upland of the Fletcher Cove access ramp, in an area which is not currently used for parking.

This free, City-owned parking area is within easy walking distance of Fletcher Cove and is currently available to any beach users or patrons of the several small commercial facilities surrounding the lot. However, it is also the only off-street, open area in the vicinity of Fletcher Cove which can accommodate the type of equipment and vehicles required to construct the proposed project, other than Fletcher Cove itself. In addition, the City of Solana Beach has in the past indicated that the lot is used only minimally, and thus has an excess capacity which can be allocated to staging and storage for the project, with only a minimal impact to beach uses.

Special Condition #3 prohibits the applicants from storing vehicles on the beach overnight, using any public parking spaces other than the 12 Distillery spaces for staging and storage of equipment, and prohibits washing or cleaning construction equipment on the beach or in the parking lot. The condition also prohibits construction on the sandy beach during weekends and holidays between Memorial Day to Labor Day of any year. Therefore, impacts to the public will be minimized to the greatest extent feasible. Thus, as conditioned, the Commission finds the project consistent with the public access and recreation policies of the Coastal Act.

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

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

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

The City of Solana Beach should also address these items in the context of a comprehensive approach to management of shoreline resources. As shoreline erosion along the coast rarely affects just one individual property, it is imperative that a regional wide solution to the shoreline erosion problem be addressed and solutions developed to protect the beaches. Combined with the decrease of sandy supply from coastal rivers and creeks and armoring of the coast, beaches will continue to erode without being replenished. This will, in turn, decrease the public's ability to access and recreate on the shoreline.

The bluffs in this section of the Solana Beach coastline are in public ownership; for the most part pristine, devoid of shore and bluff protection structures or private access stairways. Evidence of a clean sand lens, which has been documented on the project site, have not been reported elsewhere in the area. As such, it is premature to commit this entire stretch of bluffs to armoring without a thorough analysis of alternatives.

In the case of the proposed project, site specific geotechnical evidence has been submitted indicating that the existing structures on the project site are in danger. The Commission feels strongly that approval of the proposed project should not send a signal that there is no need to address a range of alternatives to armoring for existing development. Planning for comprehensive protective measures should include a combination of approaches including limits on future bluff development, ground and surface water controls, beach replenishment, and even continual lower bluff protection

constructed in substantial segments, as with the proposed project. Although the erosion potential on the subject site is such that action must be taken promptly, decisions regarding future shoreline protection should be done through a comprehensive planning effort that analyzes the impact of such a decision on the entire City shoreline.

The project site is designated for Open Space Recreation in the City of Solana Beach Zoning Ordinance and General Plan, and was also designated for open space uses under the County LCP. As conditioned, the subject development is consistent with these requirements. Based on the above findings, the proposed seawall development has been found to be consistent with the Chapter 3 policies of the Coastal Act in that the need for the seawall has been documented and its adverse impacts on beach sand supply and on adjacent unprotected properties will be mitigated.

Therefore, the Commission finds the proposed development, as conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act, and will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program. However, these issues of shoreline planning will need to be addressed in a comprehensive manner in the future through the City's LCP certification process

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

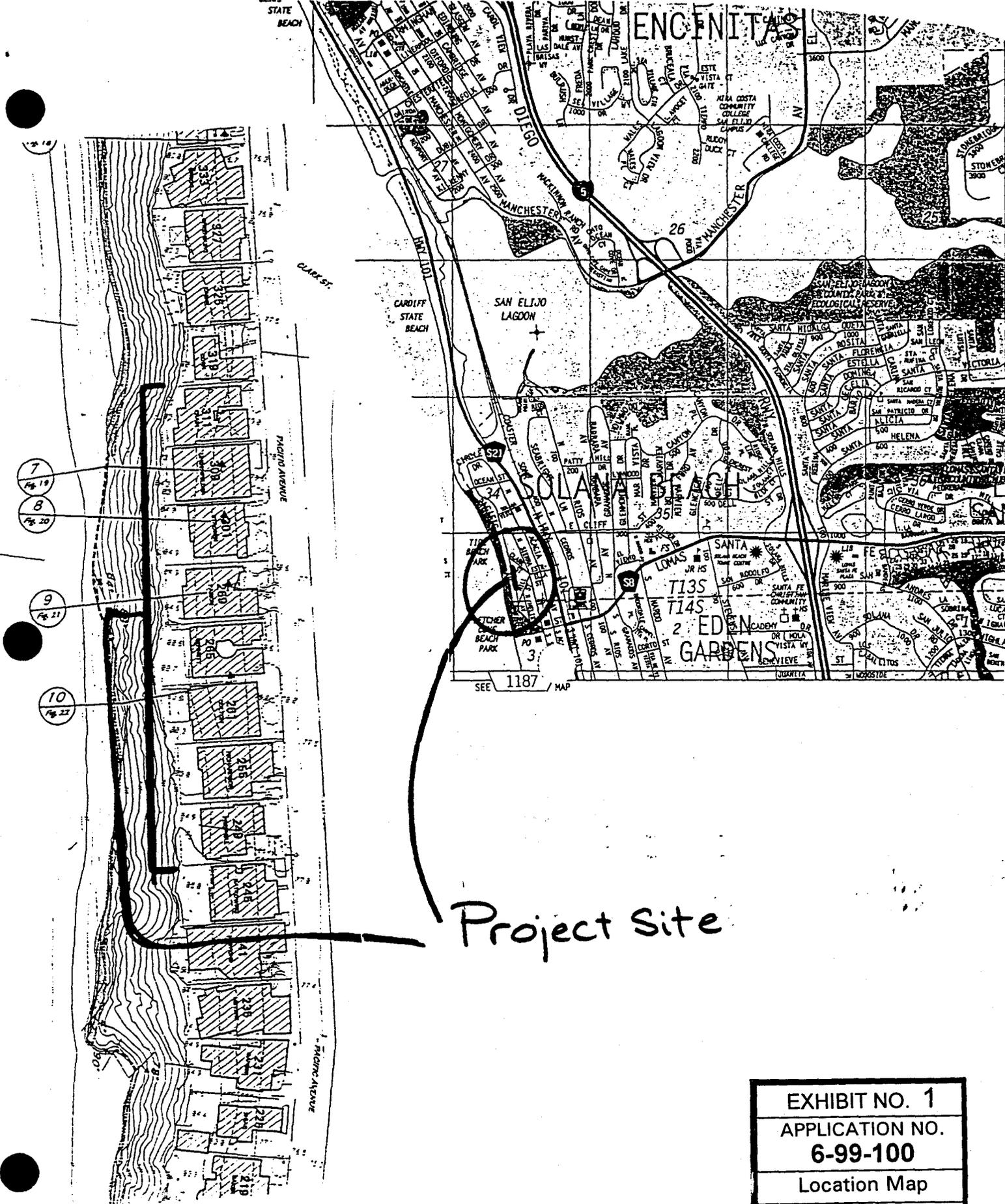
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 proposed project has been conditioned in order to be found consistent with the geologic stability, visual quality, and public access policies of the Coastal Act. Mitigation measures, including conditions addressing payment of an in-lieu fee for impacts to sand supply, construction techniques consistent with the geotechnical report and the color of construction materials, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



Project Site

EXHIBIT NO. 1
 APPLICATION NO.
 6-99-100
 Location Map

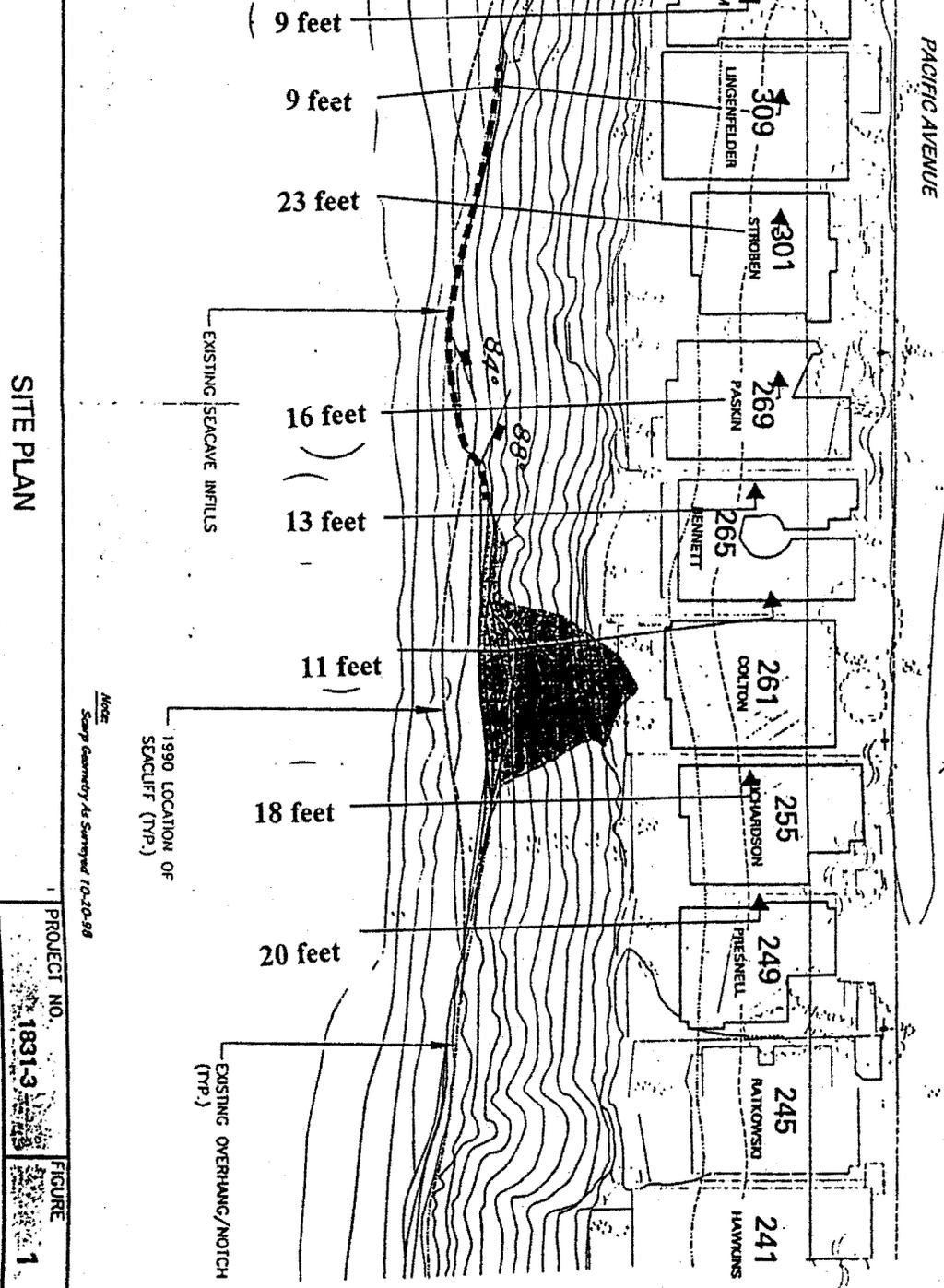
SCALE: 1"=40'

- LEGEND**
- Approximate location of City of Solano Beach setback from street centerline
 - - - - - Approximate location of County Commissioner 25-foot setback line from bluff
 - - - - - Approximate location of County Commissioner 40-foot setback line from bluff
 - Location of Infill
 - ~ Approximate limits of bluff failure
 - 53' Location of strike & dip of joint

PROJECT
 249/311 PACIFIC AVENUE SEAWALL

GROUP DELTA CONSULTANTS, INC.

BLUFF SETBACKS

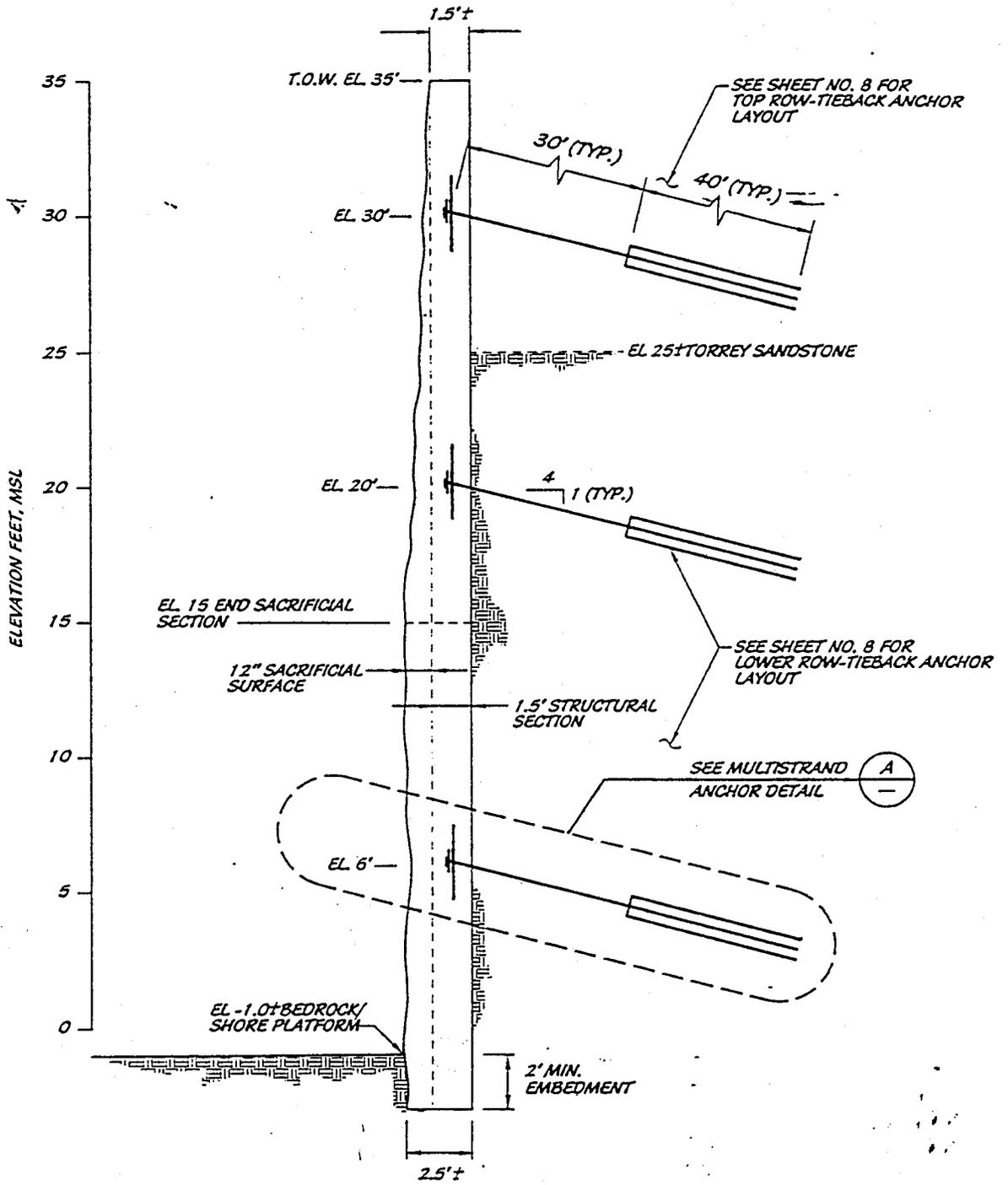


SITE PLAN

PROJECT NO. 1831-3
FIGURE 1

Note:
 Seawall Geometry As Shown 10-20-98

EXHIBIT NO. 2
APPLICATION NO.
6-99-100
 Site Plan
 California Coastal Commission



TIED-BACK WALL REINFORCING SECTION
 SCALE: 1"=3'

(3)
 (-)

51 PACIFIC AVENUE SHORELINE STABILIZATION PROJECT

CITY OF SOLANA BEACH

STRUCTURAL DETAILS

RECOMMENDED FOR APPROVAL		APPROVE
BY: _____	EXP.: _____	BY: _____
R.C.E.: _____	EXP.: _____	CITY ENGINEER
DATE: _____		EXP.: _____

EXHIBIT NO. 3

APPLICATION NO.

6-99-100

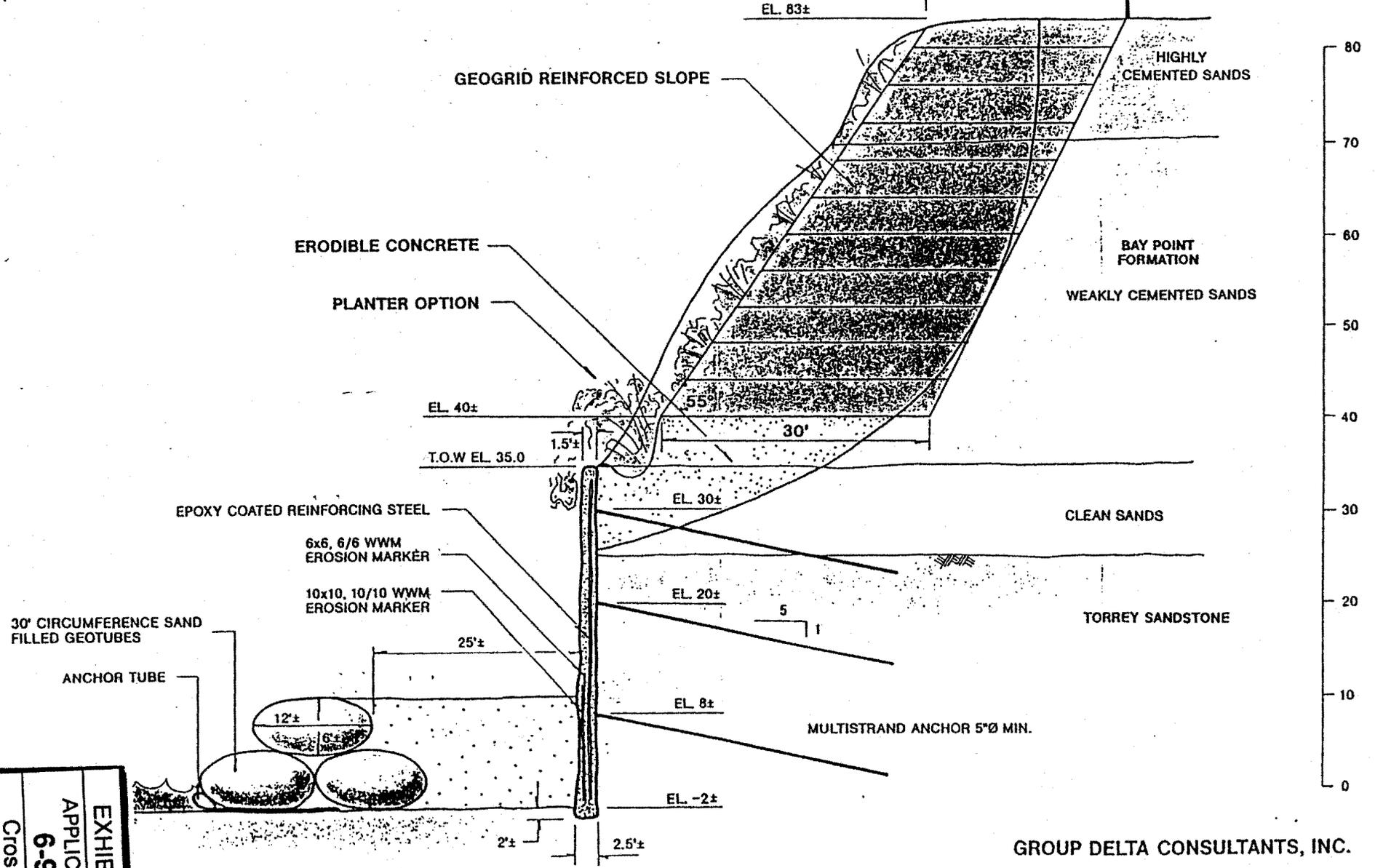
Seawall

Cross-Section

California Coastal Commission

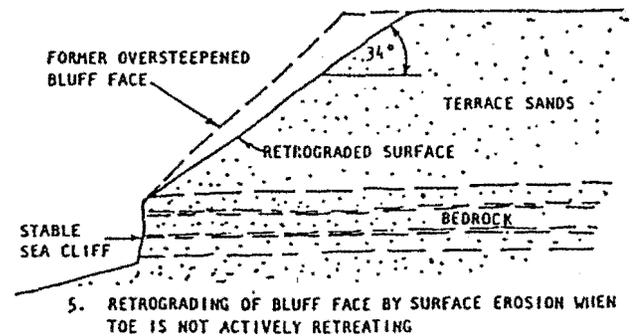
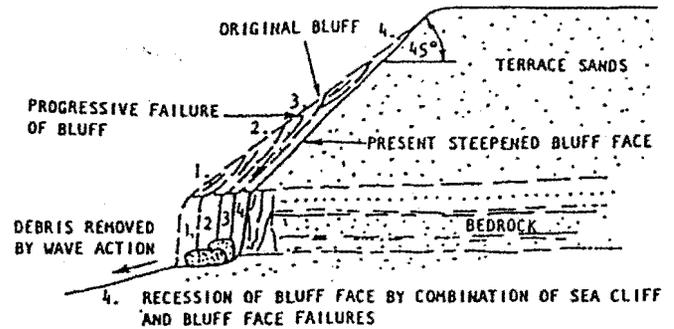
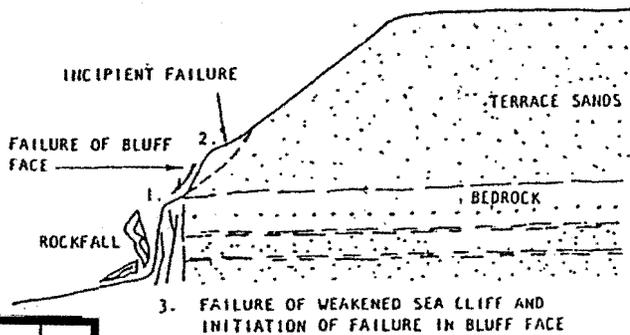
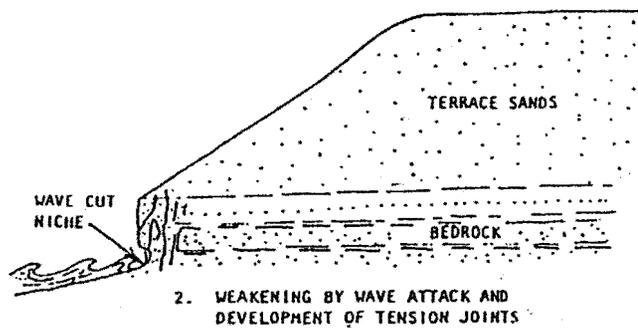
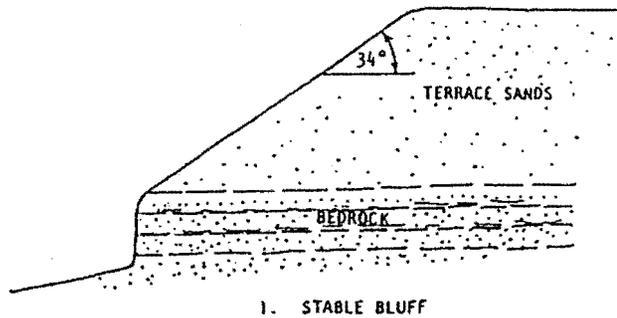
6-98-134

GEOGRID REINFORCED SLOPE



GROUP DELTA CONSULTANTS, INC.

California Coastal Commission	EXHIBIT NO. 4
	APPLICATION NO.
	6-99-100
	Cross-Section



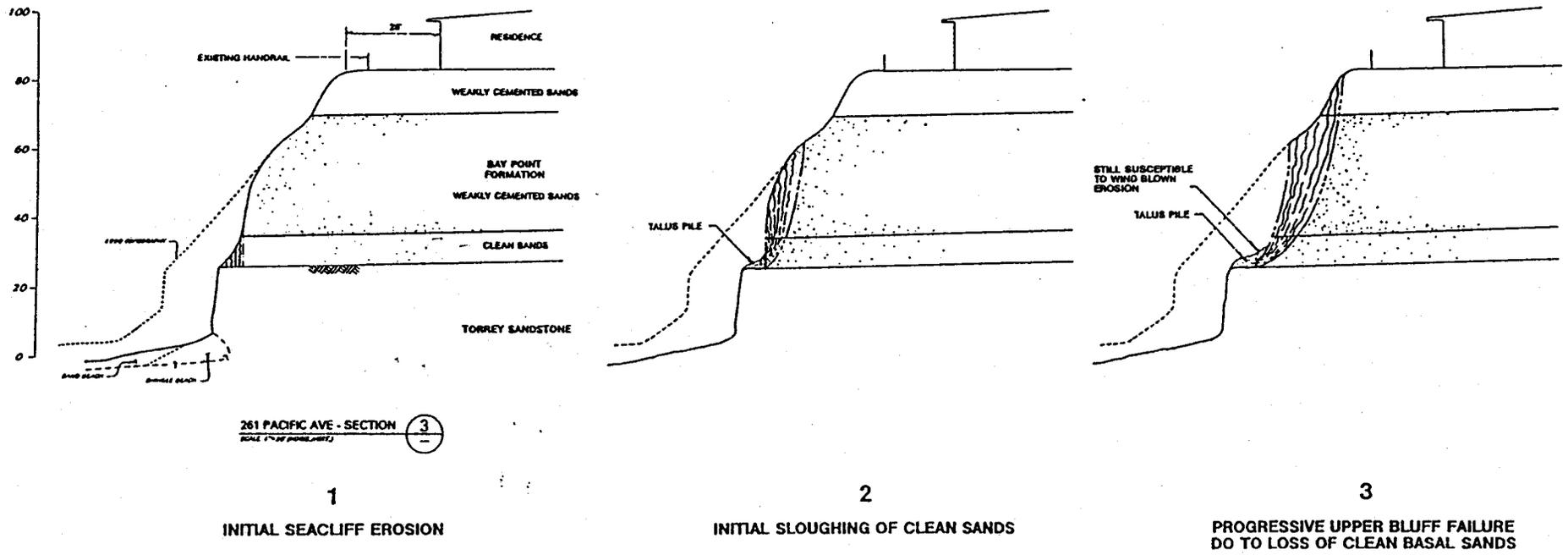
PROCESS OF SLOPE DECLINE

[Reproduced from Leighton & Associates, 1979]

Project Name: 249/311 Pacific Avenue Seawall - Project Number: 1831-



California Coastal Commission
 Typical Bluff Erosion Process
 APPLICATION NO. 6-99-100
 EXHIBIT NO. 5



California Coastal Commission

Clean Sands Erosion

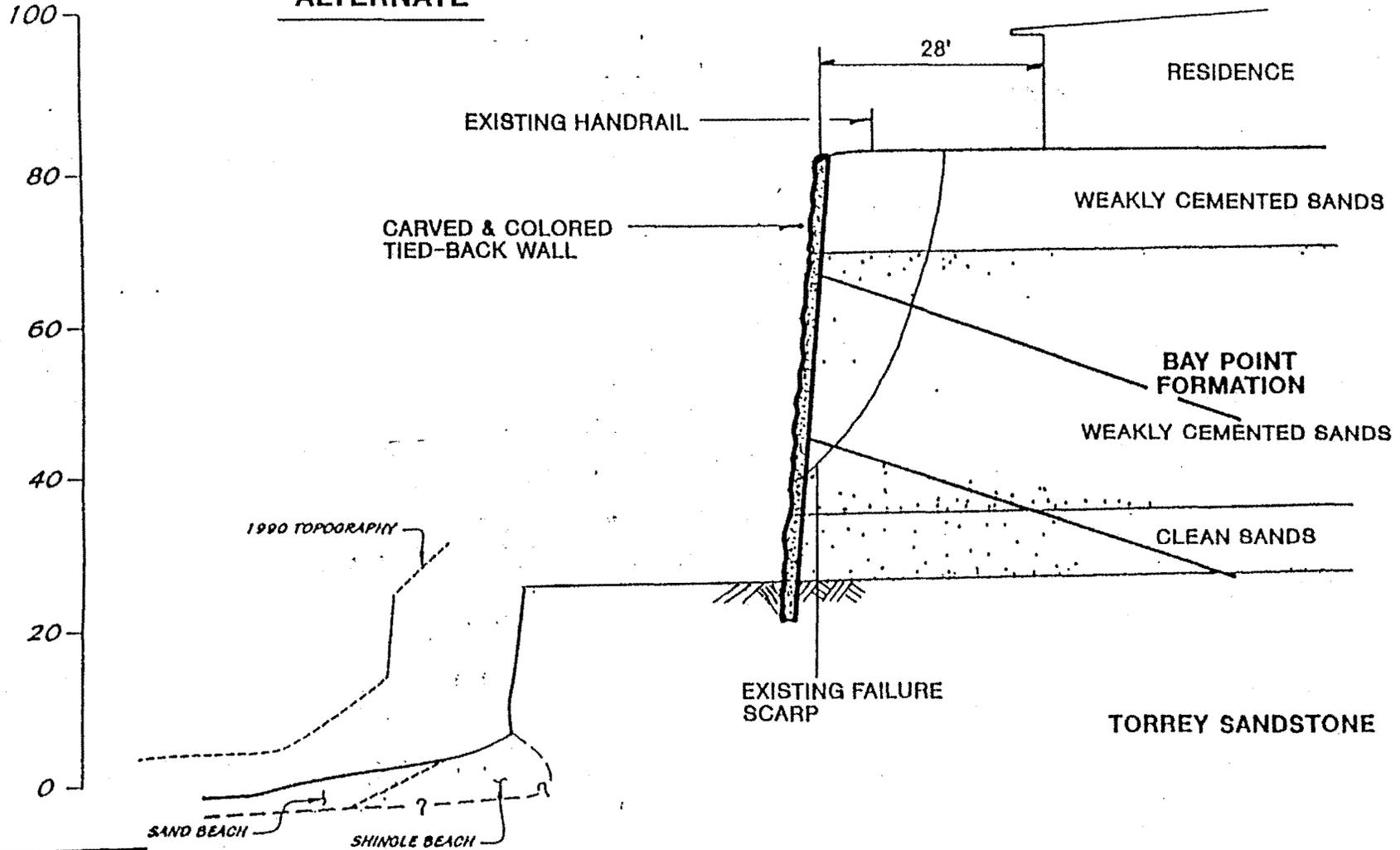
6-99-100

APPLICATION NO.

EXHIBIT NO. 6

NEW SEAWALL	FAILURE MECHANISM OF CLEAN SANDS	Project No. 1831-3	Figure 21
TANTS, INC.			

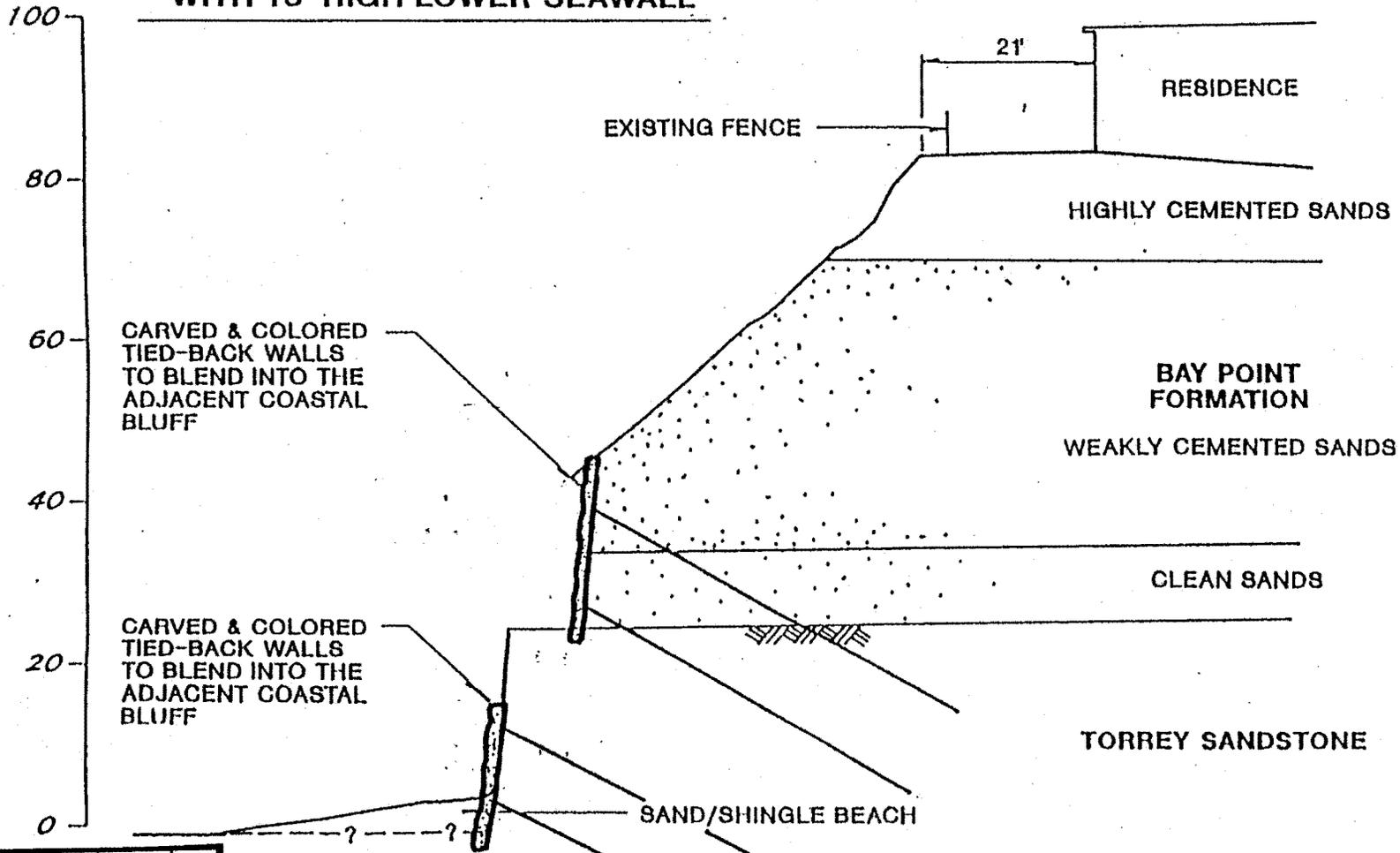
**UPPER BLUFF REPAIR
ALTERNATE**



261 PACIFIC AVE
SCALE: 1"=20' (HORIZ. VERT.)

 California Coastal Commission	EXHIBIT NO. 7
	APPLICATION NO. 6-99-100
	Upper Bluff Alternative

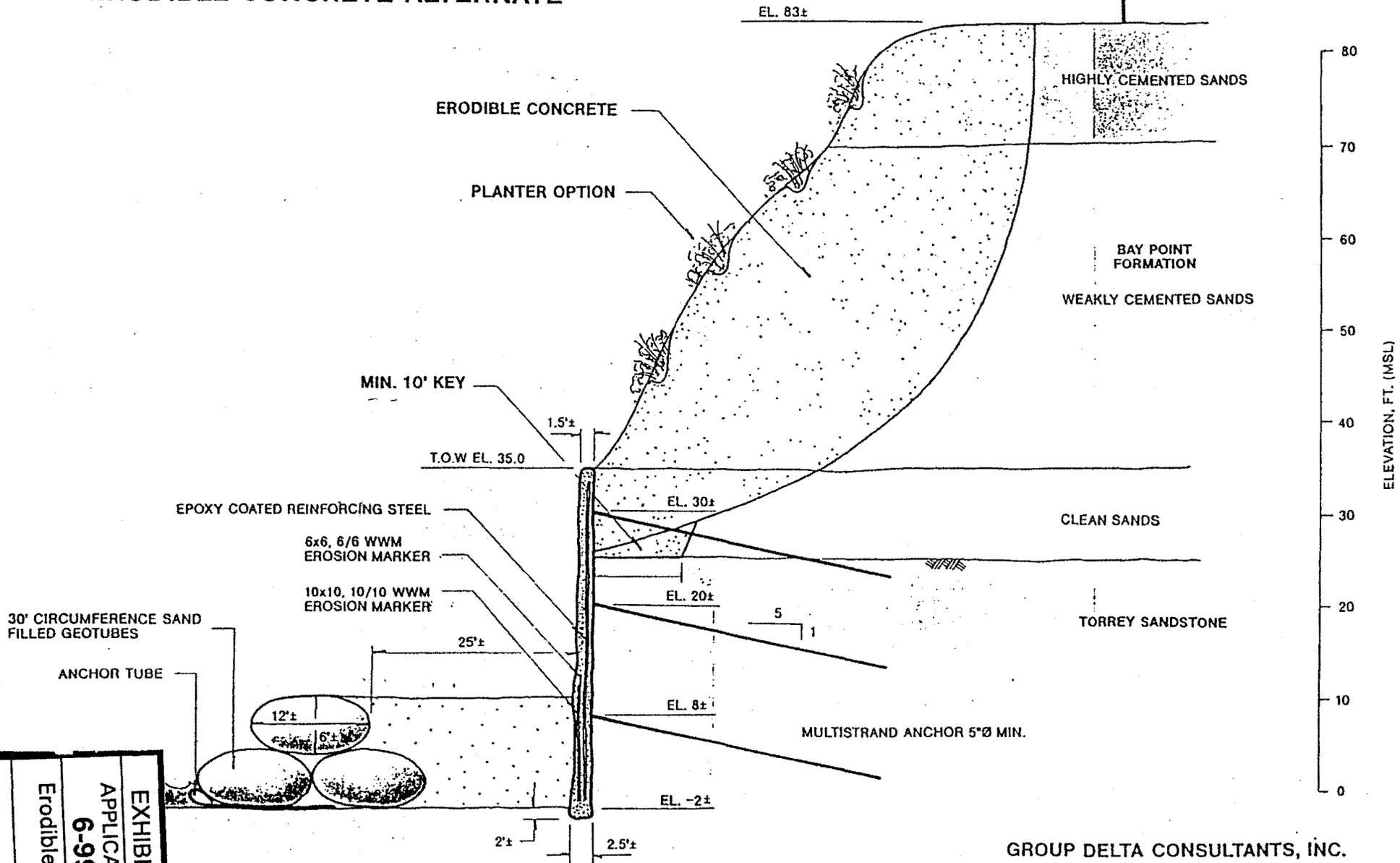
**UPPER BLUFF REPAIR ALTERNATE
WITH 15' HIGH LOWER SEAWALL**



255 PACIFIC AVE
SCALE: 1"=20' (HORIZ. VERT.)

 California Coastal Commission	EXHIBIT NO. 8
	APPLICATION NO.
	6-99-100
	Two-Wall Alternate

ERODIBLE CONCRETE ALTERNATE



GROUP DELTA CONSULTANTS, INC.

 California Coastal Commission	EXHIBIT NO. 9
	APPLICATION NO.
	6-99-100
	Erodible Concrete

Site-specific values for equation variables:

C = \$13.00 per cubic yard to purchase and deliver sand

R = 0.2 ft/yr

L = 30.0 years

W = 352 feet

S = 0.75

h = 84 feet

v = 0.9 yard³ per foot of width and foot or retreat

E = 2.5 feet

Utilizing equation (3):

$$V_b = \frac{0.2 \times 30 \times 352 \times 84 \times 0.75}{27}$$

$$V_b = 4928 \text{ yard}^3$$

Utilizing equation (4):

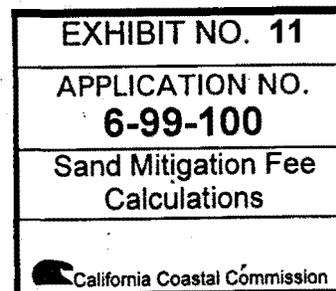
$$V_w = 0.2 \times 30 \times 0.9 \times 352$$

$$V_w = 1901 \text{ yard}^3$$

Utilizing equation (5):

$$V_e = 2.5 \times 352 \times 0.9$$

$$V_e = 792 \text{ yard}^3$$



Utilizing equation (2):

$$V_i = 4928 + 1901 + 792$$

$$V_i = 7621 \text{ yard}^3$$

Utilizing equation (1):

$$M = 7621 \times \$13.00/\text{yd}$$

$$M = \$99,073$$

Sand Mitigation Fee Parameters

W	=	352 ft
E	=	2½ ft
v	=	0.9
R	=	0.2 ft/yr
L	=	30 yr
S	=	75%
h _s	=	36 ft
h _v	=	48 ft
R _{ca}	=	0.2
R _{cb}	=	0
C	=	\$13/cy

Special Conditions Relating to Future Shoreline Protection on Project Site

Site	Permit #	Development Type
255 Pacific Avenue applicant: Richardson current: Richardson	6-91-309	Construction of a 465 sq.ft. one- and two-story addition to an existing 2,514 sq.ft. two-story residence on a 4,352 sq.ft. lot.

Future Bluff Protective Works. 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, that states that in the event that erosion threatens the existing home, patio areas, or other accessory structures in the future, the Coastal Commission will consider removal of these structures, including portions of the home or the entire home, as the preferred and practical alternative to proposals for bluff and shoreline protective works. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

265 Pacific Avenue applicant: Bennett current: Bennett	6-95-23	Demolition of an existing 1,490 sq.ft. single-family residence and construction of a new 3,115 sq.ft., 2-story single-family residence with an attached 480 sq.ft. garage on a 4,777 sq.ft. lot.
---	---------	--

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

- a. All surface drainage shall be collected and directed away from the edge of the bluff towards the street.
- b. Foundation plans shall be in substantial conformance with the preliminary foundation plans submitted with this application which incorporate a foundation design that does not preclude, but facilitates, removal of portions of the home or the entire home in the future.
- c. Said plans shall clearly indicate both the 25 ft. and 40 ft. blufftop setback lines (measured from the top of the bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994) and reflect compliance by the applicant with one of the following options:
 1. Revised site plan shall indicate a minimum 40 ft. setback for all portions of the principal residence from the edge of the bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994 (ref. Exhibit #3). Accessory structures permitted seaward of the residence shall be at grade and no closer than 5 feet from the bluff edge.

OR

2. Provision of a minimum 25 ft. setback for all portions of the principal residence from the top edge of the bluff, utilizing the bluff edge depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994, and recordation of a deed restriction pursuant to Special Condition #2 of CDP #6-95-23 below.

EXHIBIT NO. 12
APPLICATION NO. 6-99-100
Past Permit Conditions
Page 1 of 3
 California Coastal Commission

2. Deed Restriction. Prior to the issuance of the coastal development permit, and only if the applicant chooses option #2 of Special Condition #1 above, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide the following:

a. That the landowner shall not construct any upper or lower bluff stabilization devices (other than "preemptive" filling of the existing seacave at the base of the bluff) to protect that portion of the residence located seaward of the 40 ft. blufftop setback (utilizing the bluff edge as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994), in the event that such portion of the structure is threatened or subject to damage from erosion, storm wave damage, or bluff failure in the future.

b. That in the event the edge of the bluff recedes to within 10 feet of the principal residence, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, that includes recommendations for any immediate or potential future alternative measures necessary or desired to stabilize such portions of the principal residence that do not include shore or bluff protection, including, but not limited to, removal or relocation of those portions of the principal residence located seaward of 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994).

c. If erosion proceeds to a point where that portion of the principal residence located seaward of the 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994) is determined by a geotechnical report and/or the City of Solana Beach to be unsafe for occupancy, then the landowner shall submit an application for a coastal development permit to remove that portion of the structure in its entirety.

The document shall be recorded free of all prior liens and encumbrances and shall run with the land and bind all successors and assigns.

Future Shoreline Protective Works. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that in the event any bluff or shoreline protective work is proposed in the future to protect those portions of the residence sited inland of the 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994), the applicant acknowledges that as a condition of filing an application for a coastal development permit, the applicant must provide the Commission or its successor agency with sufficient evidence enabling it to consider all alternatives to bluff protective works, including, but not limited to, consideration of relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices. The document shall be recorded free of all prior liens and encumbrances and shall run with the land and bind all successors and assigns.

269 Pacific Avenue
applicant: Paskin
current: Paskin

6-94-33

Construction of a 763 first and second story addition to an existing 2,387 two-story single-family residence on a 4,375 sq.ft. lot.

Future Shoreline Protective Devices. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that in the event that any bluff protective work is proposed in the future, the applicant acknowledges that, as a condition of filing an application for a coastal development permit, the applicant shall not only be required to provide information that analyzes the proposed project's consistency with Section 30235 of the Coastal Act, but shall provide to the Commission or its

Exhibit 12
p. 2 of 3

successor agency an analysis of alternatives to bluff protective works that may be considered by the Commission or its successor agency in the event it finds that the proposed project does not comply with Section 30235 . The alternatives shall include relocation of the principal residence in its entirety, relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices.

269 Pacific Avenue cont. 6-88-21 Construction of terraces down the bluff face to control erosion planting of ice plant, installation of irrigation and the construction of a temporary ladder to remain until vegetation established. (ATF development--only terraces allowed to remain)
applicant: Alifi
current: Paskin

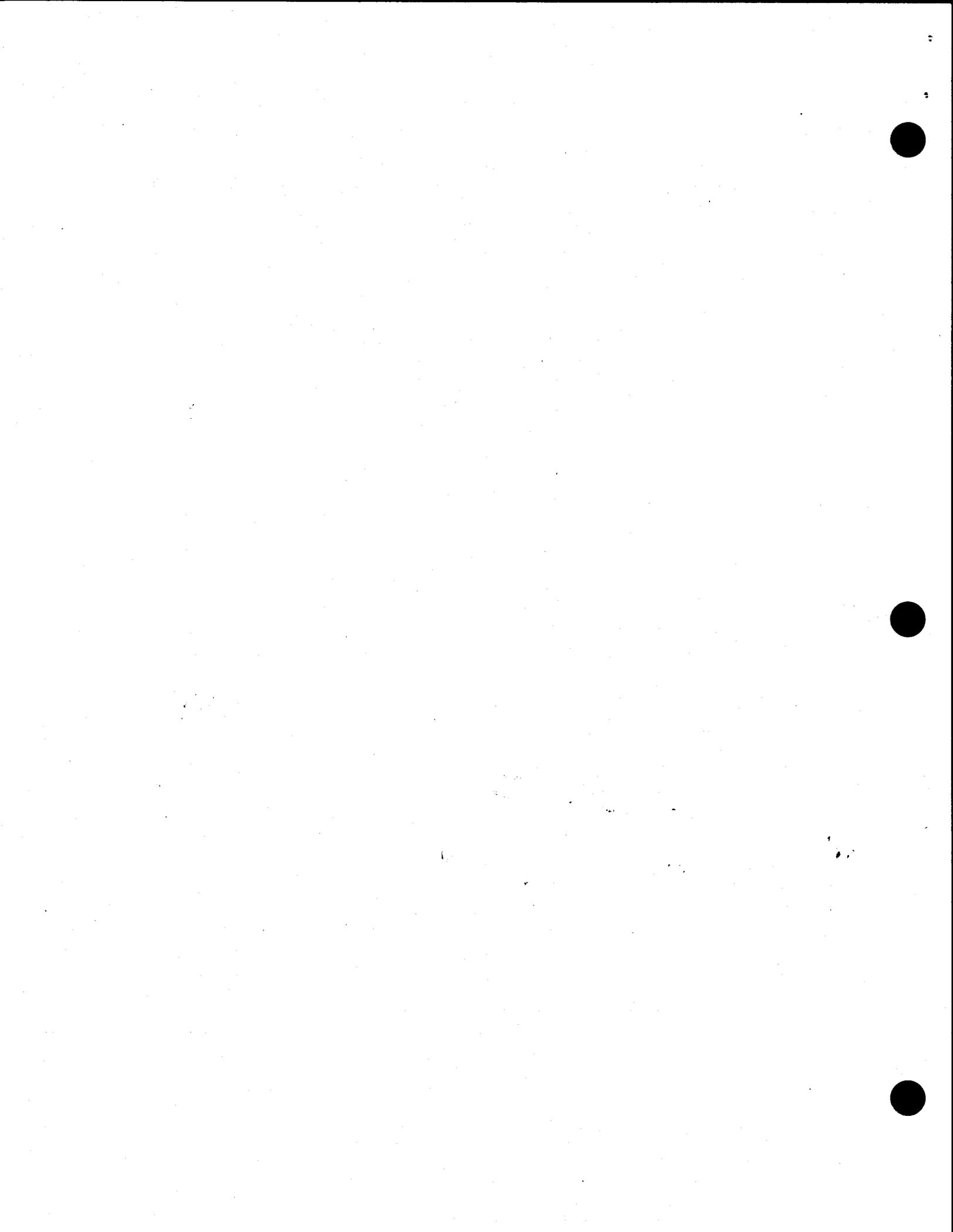
Future Protective Works. In the event erosion threatens the existing deck or other accessory structures in the future, the Coastal Commission will consider removal of these structures as preferred and practical alternatives to proposals for bluff and shoreline protective works.

301 Pacific Avenue 6-89-288 Construction of first and second story additions totaling 1,630 sq.ft. to an existing one-story, 1,424 sq.ft. single-family residence.
applicant: Stroben
current: Stroben

Future Bluff Protective Works. In the event erosion threatens the existing deck, the proposed thickened wall forms for the family room and kitchen of the existing residence, or other accessory structures in the future, the Coastal Commission will consider removal of these structures as preferred and practical alternatives to proposals for bluff and shoreline protective works.

309 Pacific Avenue 6-89-366 Construction of a 54 sq.ft. addition to first floor or one-story residence and construction of a 1,252 sq.ft. second story with 185 sq.ft. deck.
applicant: Lingenfelder
current: Lingenfelder

Future Bluff Protective Works. In the event erosion threatens the existing residence and/or other accessory structures in the future, the Coastal Commission will consider removal of portions of the existing residence and/or accessory structures as alternatives to proposals for bluff and shoreline protective works.



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JUL 9 1999

Sullivan Wertz McDade & Wallace

A PROFESSIONAL CORPORATION

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BRUCE R. WALLACE
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PAMELA LAWTON WILSON

July 8, 1999

Chairwoman Sara Wan and Members of the California Coastal Commission
C/O San Diego Office of the California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, California 92108-1725

Re: Application No. 6-98-134/Presnell, et al., Solana Beach Seawall

Dear Chairwoman Wan and Members of the Commission:

This office represents the Applicants with respect to the referenced project. In response to the Commission's direction at the January meeting, the Applicants have provided Staff with information concerning project alternatives and have researched the nature of conditions imposed upon the subject properties through previously approved permits. The alternatives analysis has been referenced in the Staff Report and Preliminary Recommendation and has been attached to this letter behind Tab 1. The Staff recommendation has remained the same: approval with special conditions. The Applicants have reviewed the Staff Report and Preliminary Recommendations and concur with the Special Conditions. We urge you to approve the project as recommended by Staff.

I.
**THERE IS A DEMONSTRATED THREAT TO
EXISTING STRUCTURES WHICH REQUIRES THE
CONSTRUCTION OF THE PROPOSED SEAWALL
PURSUANT TO SECTION 30235 OF THE COASTAL ACT**

As described in the Staff Report and shown on the photographs behind Tab 2, the Applicants' properties are threatened by bluff erosion. The danger to existing structures has been described in numerous letters and documents submitted to Staff by Group Delta Consultants.

In May of this year the commission approved a segment of the seawall in connection with the Colton property located at 261 Pacific Avenue (No. 6-99-56). The Findings for that project cite

EXHIBIT NO. 13
APPLICATION NO. 6-99-100
Letters of Support

a report from the Applicants' engineer which concludes;

"... the coastal bluffs beneath all eight of the lots studied, if not stabilized in the near future, will experience upper bluff failures similar to the one which occurred beneath 261 Pacific Avenue, putting all eight bluff-top residences studied at risk, and requiring significant upper bluff fortification to protect the residences."

The presence of clean sands beneath all eight properties, which is visible in the photograph of the existing conditions behind Tab 2, has made the threat of accelerated erosion acute. What has befallen the Colton property will inevitably spread to the seven other properties because of the presence of clean sands. If the project as proposed does not proceed, homes will be lost or more intrusive lower and upper bluff protection measures will be required.

II. THE PROJECT IS THE ONLY ALTERNATIVE FEASIBLE WHICH WILL PROTECT EXISTING HOMES

The Applicants prepared a thorough analysis of project alternatives which considered a wide range of solutions to the challenge of protecting private property and preserving natural bluffs. The alternatives were either infeasible or failed to achieve the purpose of protecting existing homes. The following is a summary of the conclusions set forth in the Alternatives Analysis prepared by Group Delta Consultants.

1. Relocation of Primary Structures

A site plan behind Tab 3 and photographs of the homes from the street behind Tab 4 reveal the difficulty, and indeed the impossibility, of moving the homes away from the bluff edge. Many of the structures are already built into the front yard set back along a fully developed and fairly busy residential street. Demolition of a portion of the structure is not a practical or feasible solution because in all cases this would be tantamount to requiring demolition and reconstruction of the entire home.

2. Removal of Bluff Top Accessory Structures

Such removal would not stabilize the slope or protect the primary structures.

3. Chemical Grouting

The progressive nature of the sloughing of clean sands which in turn undermines the upper terrace deposits cannot be avoided by use of this technique.

4. Underpinning

Underpinning cannot stabilize the clean sands, and the eventual erosion will result in detrimental visual impact of the exposed underpinning structures.

5. Other Structural Alternatives

These were rejected primarily because they are less aesthetically compatible with the natural beach and bluff environment.

Related to the discussion of alternatives is the issue of conditions previously imposed on certain of the subject properties. Project opponents asserted at the January meeting that the properties were deed restricted so as to prohibit the approval of shoreline protective devices. A review of previously issued permits concluded that only four of the eight properties were required to record deed restrictions related to future bluff protection work. None of the deed restrictions precluded or prohibited future construction of shoreline protective devices if required to protect the primary structures. In general, the nature of previously imposed special conditions, whether they required recordation of a deed restriction or not, cited preferred alternatives or stated that alternatives should be considered. The Permittees were not prohibited from seeking approval of shoreline protective devices, nor was the Commission prohibited from approving them.

It should be noted that the presence of clean sands was not known at the time of approval of any of the previously approved projects. The presence of clean sands and the impact of such presence was not known until they were exposed beneath the Colton property.

**III.
THE PROJECT AS CONDITIONED
WILL MITIGATE ADVERSE IMPACTS ON
LOCAL SHORELINE SAND SUPPLY AS
REQUIRED IN SECTION 30253 OF THE COASTAL
ACT AS WELL AS ANY ADVERSE VISUAL
IMPACTS PURSUANT TO SECTION 30251**

As required in Special Condition 2, the Applicants shall pay a \$99,073 fee into a sand replenishment fund. This includes the fee already imposed on the Colton project. This mitigation measure has been used for similar projects by the Commission in the past. In addition the proposed design minimizes the end effects of the seawall on the bluff at both ends of the project. Other conditions require monitoring and maintenance to avoid adverse impacts on the beach in the future.

Attached behind Tab 5 is a photograph of the site as it will appear after completion of the project. The bluffs in Solana Beach have not been subject to the type of erosion experienced in other

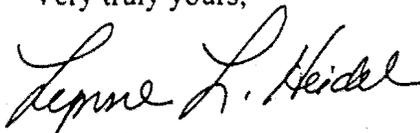
Chairwoman Sara Wan and Members of the California Coastal Commission
July 8, 1999
Page 4

areas of the Coastline in San Diego County. With few exceptions the bluff remains natural in appearance in this section of coastline. Because of the steep vertical rise of the bluffs, the state of the art colored and textured surface will be able to blend into the bluff as shown in the photograph.

IV.
**WE REQUEST THE COMMISSION
APPROVE THE PROJECT AS RECOMMENDED BY STAFF**

The project has the support of many residents in Solana Beach as well as City Staff and elected officials. There is a strong desire in Solana Beach to protect the public beach as well as private property. The city has strict bluff top set back rules which regulate landscaping, irrigation and drainage related to bluff top development and aim to avoid the necessity of shoreline protective devices. But there must also be a recognition of the rights of property owners to protect their homes and the City to protect its residents and beachgoers. The proposed project is consistent with both these public policy goals, and it balances property rights with the desire to preserve a natural coastline. Accordingly, we request you approve the project as recommended by Staff.

Very truly yours,



Lynne L. Heidel

of

SULLIVAN WERTZ McDADE & WALLACE
A Professional Corporation

Enclosure



Certified DBE/MBE

Geotechnical Engineering

Land Use

Hydrogeology

Coastal Engineering

Hydrology

Hydraulics

Environmental
Engineering

Project No. 1831-3A
May 28, 1999

Ms. Diana Lilly
CALIFORNIA COASTAL COMMISSION
3111 Camino Del Rio North, Suite 200
San Diego, California 92108

ALTERNATIVES ANALYSIS
COASTAL BLUFF STABILIZATION
249-311 PACIFIC AVENUE
SOLANA BEACH, CALIFORNIA

CDP NO. 6-98-134

Dear Ms. Lilly:

This document is being provided as supplementary material in support of the above-referenced Coastal Development Permit Application. This application is for the construction of a 352-foot-long free-form tied-back shotcrete wall, sculpted and colored to match the adjacent coastal bluffs, along with the reconstruction and relandcaping of the upper-bluff failure at 261 Pacific Avenue. As you know, a great deal of other supporting documentation has previously been submitted to your office in support of this Permit Application, including all the material for the 90-foot-long, free-form structural shotcrete wall currently under construction at the Colton residence at 261 Pacific Avenue (CDP 6-99-56) which would become integrated with the currently proposed wall.

The subject application was initially filed on November 9, 1998, with the Staff Report supporting the project issued on December 17, 1998. The project was heard before the Coastal Commission on January 13, 1999. At that time, there was some opposition to the project, with the project opponents challenging Staff's findings on the basis that all of the properties had deed restrictions precluding any future protection from ongoing coastal erosion. As we understand from the applicant's attorney, Ms. Lynne Heidel,

only one of the eight properties, 265 Pacific Avenue, has this type of restrictive language. The original Staff Report also correctly acknowledged this one particular deed recordation in the preparation of the Staff Report.

PROJECT DESCRIPTION

The currently proposed project is for the construction of a 352-foot-long shotcrete wall, sculpted and colored to match the adjacent bluffs below the residences from 249 to 311 Pacific Avenue in Solana Beach, California. In addition, this project includes the reconstruction of the failed upper bluff below 261 Pacific Avenue (Colton). The construction of the 352-foot wall would include the 90-foot shotcrete wall currently under construction at 261 Pacific Avenue. The additional 262 feet of wall would extend about 55 south of the of the Colton seawall to about the midpoint of the lot at 249 Pacific Avenue and about 207 feet northerly of the Colton wall to about the midpoint of the lot at 311 Pacific Avenue. As in the case with the Colton seawall, this wall would be a free form, shotcrete, tied-back wall sculpted and colored to match the adjacent bluffs. The integration of the 90-foot Colton seawall would be seamless, i.e., there would be no visual cue of any joints, discontinuities, or abrupt changes in surface texture or coloring; the 90-foot wall would become totally integrated into the 352-foot wall. The ends of the wall will be feathered into the existing bluff to eliminate any sharp corners or angle points and thus minimize any "edge" effects due to wave reflection.

This project also includes the reconstruction of the upper bluff behind the 90-foot Colton segment of the seawall. The failed upper bluff would be reconstructed with geogrid reinforcing at a 1:1 slope inclination and planted with native, drought tolerant plants in accordance with the City of Solana Beach's Coastal Landscape Ordinance No. 195. In order to more naturally integrate the reconstructed slope into the surrounding upper bluffs, the contours of the face of the slope will be meandering in order to produce a more natural looking slope face. The geogrid reinforcing will be buried in the slope so as to be completely hidden from view. Because the 1:1 slope face will be somewhat flatter than the existing adjacent bluffs, (45 degrees as opposed to 53 degrees), the lowest 5 feet will be constructed of colored and sculpted erodible concrete fill at a slope angle of about 60 degrees to replicate the lower eroded toe of the sloping terrace deposits, and the upper 2

to 4 feet will be a Loffelstein segmental block wall inclined at about 70 degrees and planted so that it will eventually be hidden from view. As indicated on Photo 1, the upper 2- to 4-foot wall is intended to again replicate the upper near-vertical cemented cap, with the wall itself a plantable structure that will accommodate vegetation, eventually obscuring the wall. The objective is to create a naturally-appearing, landscaped slope with engineered reinforcement stabilizing the soil mass.

The Colton project mentioned above in many ways typifies the fundamental problem along this 352-foot section of coastline, i.e., that fairly extensive marine erosion occurred during the 1997-98 El Niño storm season resulting in the loss of upper-bluff support. This has exposed a 10[±]-foot-thick clean sand layer that has accelerated upper-bluff erosion, and ultimately resulted in the upper-bluff failure at 261 Pacific Avenue (Colton project). Photo 1 shows the Colton failure as it existed on November 17, 1998. The Colton project was separately approved by the Coastal Commission on May 12, 1999. The current project would essentially complete the coastal bluff stabilization initiated by Colton as an emergency permit and subsequently approved by the Coastal Commission. This document primarily provides additional supporting material addressing the viability of various alternatives to the proposed 352-foot-long, free-form structural shotcrete wall and how those alternatives would impact the need for the proposed wall. Other documents that contain additional supporting information are listed at the end of this document for ease in cross-referencing. In this document, we consider the following alternatives:

1. Alternatives to upper-bluff reconstruction at 261 Pacific Avenue
2. Alternatives to construction of the 352-foot-long shotcrete tied-back wall

ALTERNATIVES TO UPPER-BLUFF RECONSTRUCTION AT 261 PACIFIC AVENUE

Structural Solutions

The 90-foot-long, 35-foot-high, wall at the Colton residence, permitted and under construction at this time, is designed to provide lower bluff protection from additional attack by marine processes and to provide support for the base of the upper-bluff terrace deposits that have failed at 261 Pacific Avenue, placing the primary structure in peril.

Without additional upper-bluff stabilization, the 90-foot wall by itself provides, at best, only minimal protection to the upper bluff. The exposure and subsequent sloughing of the clean sand lense at the base of the upper bluff is the active mechanism that is continuing to enlarge the failure at 261 Pacific Avenue. With the completion of the 90-foot shotcrete wall, including the erodible concrete backfill at 261 Pacific Avenue, we will have effectively confined the clean sands encountered below elevation 35 MSL. However, between elevation 35 MSL and elevation 83 MSL (the top of the bluff), the upper-bluff deposits will continue to slough and retreat, as there is currently a 25[±]-foot unstable vertical scarp below the subject residence that has progressively developed since the original failure in September, 1998. The 90-foot-long shotcrete wall by itself will do nothing to protect the upper-bluff scarp that currently exists within 11 feet of the primary residence at 261 Pacific Avenue.

The previously proposed structural alternatives to the 90-foot shotcrete wall included two alternative configurations for shotcrete walls that were designed, in theory, to re-stabilize the failed upper bluff whose face was recessed back from the lower bluff due to the failure. It is important to keep in mind that an unstable upper-bluff slope currently exists, and any repair alternative must be designed to stabilize the existing upper bluff. Figure 1 shows an upper-bluff, carved and colored, tied-back wall superimposed upon the 261 Pacific Avenue slope failure that could be set back upwards of 30 feet from the face of the existing sea cliff, which arguably would minimize the visual impacts of its construction. A couple of difficulties accompany this alternative, however. The illustration in Figure 1 does not take into account edge conditions, where precarious bluffs currently exist on either side of the failure. With any geometric layout, the proposed improvements must tie into existing features along both ends of the improvement and, in this instance, the proposed upper-bluff repair must eventually conform to, and tie into, the adjacent unstable bluffs. Recent and ongoing failures of the upper-bluff deposits may well render this option unfeasible. Recognizing the fragility of the upper terrace deposits, any upper-bluff or midslope hardened structure must be sufficiently embedded into the sidewalls of any failure scarp to preclude the gradual enlargement of the failure from eventually undermining and flanking the proposed improvements. This alternative, although good in theory, has significant problems with edge conditions, constantly requiring maintenance and remedial work to preclude its eventual flanking. One must also question the visual aesthetics of such a structure, recognizing that the majority of the visual quality of the coast, especially when

viewed from a distance, derives from the upper sloping 60 feet of the bluff and not the lower 25-foot, often-vertical sea cliff. Moreover, today, the visual perspective of the sea cliff is of a vertical 35[±]-foot-high precipitous bluff that, today, is very unstable and poses a significant hazard to the beach-going public, as well as a significant and growing hazard to the bluff-top improvements.

Additionally, the toe of the upper sloping coastal bluff must be overexcavated in its entirety in order to install the upper tied-back wall. Therein lies the second fundamental problem. The necessary construction activities would significantly destabilize the upper bluff, and could likely trigger a catastrophic failure, posing an extreme hazard to the construction crew, not to mention the fact that after such an occurrence, one is left with an even more massive upper-bluff failure, which could result in the immediate undermining of the house, leaving the situation worse than it currently is. Note also that there is no easy access to the base of the sloping coastal bluff. This proposed repair alternative presents a significant, and possibly insurmountable, construction challenge.

Assessing the final as-constructed visual aesthetics of this option, while it may preserve the majority of the upper bluff (assuming it could be constructed), instead of a 35-foot-high wall, one would see a 35-foot-high wall (currently being constructed on the face of the sea cliff) and an additional 45-foot-high wall (80-foot total) set back a short distance from the sea cliff. We believe the visual esthetics of two vertically stacked shotcrete walls would be highly objectionable and not in keeping with the intent of the Coastal Act or of the City of Solana Beach's Municipal Code as it relates to minimizing shoreline impacts. The proposed reinforced earth slope would have the same appearance as the surrounding bluffs and, in our opinion, is the most visually pleasing option.

Removal of Bluff-Top Accessory Structures

The actively enlarging failure at 261 Pacific Avenue has progressed to within 11 feet of the primary structure. The wood deck that once covered the back of the lot has now been almost entirely demolished for safety reasons and to facilitate monitoring of the enlargement of the failure. At this point, there are no accessory structures remaining between the house and the head of the failure scarp to be removed. The scarp is about 11 feet from the house and is about 25 feet in height, standing nearly vertical. If the head of

the scarp eroded back to the average angle of repose for the adjacent upper bluffs (about 55 degrees from horizontal), the head of the scarp would encroach about 7 feet under the back edge of the building, causing its collapse. Given the ongoing and almost daily block failures that have already occurred, without some form of artificial stabilization of the upper bluff, the house will be undermined in the near future. The City Fire Marshall, the City Engineer, City Manager, and City Attorney have all inspected the house within the last two weeks and initially threatened to red-tag the structure, forcing the Coltons to move out. However, after meeting with City Staff, we convinced Staff to defer red-tagging the structure until ongoing upper-bluff failures encroach to within 3 feet of the existing residence. In reviewing the City's collective decision to red-tag the structure, the City Attorney stated "although we are gravely concerned about the safety of the public using the beach below, we are also very concerned about the safety of the Coltons living in their residence."

Underpinning

Underpinning has been suggested as an alternative to support the structure without treating the surface of the slope. Technically, this may be a feasible alternative, although at the rate of expansion of the failure at 261 Pacific Avenue, it is doubtful that underpinning could be accomplished without destabilizing the face of the headscarp in the process of boring the columns. Additionally, we have previously discussed the visual esthetics of a below-grade retention system that soon becomes exposed, leaving the house, (or series of houses) precariously supported on a structure that did not have the benefit of any architectural treatment.

Groundwater Controls, Irrigation, and Planting Restrictions

As we have discussed in the past, we strongly support the strict control of plantings and irrigation in the vicinity of the bluff top that have the potential to destabilize the upper-bluff terrace deposits. We can say with certainty that the failure that occurred was not caused or exacerbated by excess irrigation or uncontrolled surface runoff. The failure was initiated by the collapse of the lower sea cliff as a result of undermining during the El Niño winter of 1997-1998. This failure was, and is, a bottom-up process, independent of irrigation or drainage practices. Initiation of strict irrigation and drainage controls at this time would not re-stabilize the upper bluff or the actively eroding headscarp. Even though there has been

no irrigation in the back of 261 Pacific Avenue, we continue to see active enlargement of the failure.

Chemical Grouting

Chemical grouting as a means of strengthening the upper-bluff terrace deposits is discussed later in this correspondence. We would offer that chemical grouting is not appropriate, and in fact potentially disastrous in this particular situation for the reasons indicated in the section following. In the case of the active failure at 261 Pacific Avenue, chemical grouting is particularly inappropriate because of the proximity of the headscarp to the main structure and because of the particular hazard to construction personnel in working below the unstable mass.

Relocation of Structures

Later in this correspondence we discuss the feasibility of removing, relocating, or remodeling all of the residences affected by this permit application. Please see the section titled "Relocation of Structures" below as it applies to 261 Pacific Avenue.

In summary, we believe reconstruction of the upper bluff with a landscaped, reinforced earth slope is the most effective solution for long term stability, visual esthetics, and constructability. It is also most in keeping with the City of Solana Beach's objectives for their Beach and Bluff Element of the Master Plan. As stated in the Beach and Bluff Element, one of the stated objectives includes "maintaining the bluff face in as natural a condition as possible." Reconstruction of the bluff face with reinforcing fabric will result in a slope of natural materials, with the stability to resist any additional slope failures, and visually compatible with the adjacent bluffs. None of the other alternatives would result in a finished product comparable in attractiveness or effectiveness to the proposed solution.

ALTERNATIVES TO CONSTRUCTION OF THE SHOTCRETE TIED BACK WALL

Removal of Bluff-Top Accessory Structures

For all eight of the residences affected by this Coastal Development Permit Application, there are no bluff-top accessory structures between the main residences and the bluff top. All of the residences do however have patios or decking extending from the rear face of the building to the bluff top. Removal of patios or decks would not mitigate the still-present instability at the top of the bluff. A detailed discussion of the existing upper-bluff stability, on a lot-by-lot basis, is contained in our December 3, 1998, report titled "Response to Review Comments, Coastal Development Permit Application, Coastal Bluff Stabilization, 249 - 311 Pacific Avenue, Solana Beach, California, CCDP No. 6-98-134."

The Colton residence (261 Pacific Avenue) had a raised wood deck that has already been destroyed by the bluff failure. All the other residences have on-grade tile or concrete patios that are currently intact. The concrete patio at the Bennett residence (265 Pacific Avenue) just to the north of the Colton residence is partially undermined by the active failure of the Colton property. Progressive removal of these accessory structures might serve to delay the need for a seawall, if we were confident that a sudden catastrophic failure that could endanger the main structures was not a distinct possibility. The nature of the lower sea-cliff retreat during the 1997-98 El Niño winter left vertical faces on the lower portions of the upper terrace deposits that are comprised of clean, cohesionless sands. The sediments left standing vertical are the most unstable of the entire unit, creating an unstable upper bluff that has demonstrated the capacity for sudden catastrophic failures. Photo 2 shows the clean sands and ongoing loss of upper-bluff support, a precursor to a total upper-bluff failure, beneath the Lingenfelder residence at 309 Pacific Avenue on January 31, 1999. The failure at 261 Pacific Avenue not only occurred suddenly and without warning, but has left a vertical headscarp upwards of 25 feet in height at the top of the bluff that is, in itself, unstable.

Groundwater Controls, Irrigation Restrictions, and Drought-Tolerant Planting

We unhesitatingly support the strict control of plantings, and irrigation in sensitive areas of bluff-top lots in order to control excess moisture from triggering failures of bluff-top

sediments. The geologic conditions along Pacific Avenue are such that the natural drainage divide of the coastal terrace is located at or near the existing bluff top, and the entire coastal terrace surface drains to the east, toward Pacific Avenue, essentially precluding any over-bluff discharge. Six of the eight lots included in this application have already taken measures to eliminate any irrigation water from penetrating into the bluff-top sediments. All of the houses, except for 249 and 311 Pacific Avenue were initially permitted by the City of Solana Beach and were remodeled under Coastal Commission Permits, and have instituted all the required planting and irrigation controls required as conditions of those permits. They all have patios that extend from building to bluff top, and incorporate deck drains that convey all surface water away from the bluff top to the street. Near-bluff plantings are contained within pots or self-contained planters, with no opportunity for irrigation water to reach the bluff-top sediments. The remaining two houses, while not subject to Coastal Commission conditions at this time, have nevertheless instituted appropriate measures to limit surface penetration of excess irrigation. Visual inspection of bluff top conditions has verified that irrigation levels at these two residences are not exacerbating bluff instability.

For all of the structures forming this application, sump pumps are unnecessary because all of the lots drain naturally toward the east, with substantial vertical elevation drop to easily transport drainage to the street via gravity flow.

Given the preceding discussion about landscaping and irrigation, we would emphasize that excess surface water was not a triggering mechanism for the sea cliff failures precipitating the need for this application. The instability triggering this failure was caused by the exposure of the clean sand lens at the base of the upper terrace deposits as a result of the El Niño-induced sea-cliff retreat. While strict irrigation and runoff control is a valuable preventative strategy in general, there was nothing about the drainage configuration of any of these lots that contributed to the failure that occurred. Likewise, instituting stricter landscaping and irrigation controls at this point in time would not re-stabilize the current vertical scarp at the base of the upper-bluff terrace deposits. These measures would not affect the current need for the proposed seawall.

Underpinning

While a below-grade retention system or underpinning of any of the existing structures included in this permit application can be considered an alternative, such a strategy is deficient in two respects. First, since underpinning provides no stabilization to the unstable clean sand lense at the base of the upper-bluff formation, this layer will eventually fail, most likely resulting in a failure similar to the one at 261 Pacific Avenue. The progressively expanding nature of that failure has shown the propensity for threatening adjacent structures. However, more importantly, with this alternative, one must seriously question the long-term visual aesthetics resulting from a below-grade support system that soon becomes exposed, leaving a series of houses precariously supported on structures that will not have the benefit of any architectural treatment. We have prepared an illustration of the visual result of underpinning a structure while allowing the upper bluff to continue its unmitigated retreat. This illustration is included as Figure 2. While Figure 2 was prepared for another project in Solana Beach and thus shows a different building than any of the subject bluff-top residences, the visual impact of exposed concrete underpinning is still valid for this project.

Additionally, we believe it pertinent to note that the safety of the beach-going public is not addressed by this treatment. The ongoing, progressively expanding failure at the Colton site has sensitized us to the very real danger of personal injury as a result of an upper-bluff failure. As licensed design professionals in the State of California, it is incumbent on us to consider public safety as one of our primary responsibilities in the practice of our profession. For this reason, underpinning the buildings without additional upper-bluff stabilization would be an incomplete treatment in our view.

Chemical Grouting

The use of chemicals in grouting has become relatively popular in recent years and has evolved from cement grouting practice where considerable work has been done primarily for densification of loose, compressible soils. Cement grouting is most frequently used as a remedial measure beneath or adjacent to an existing structure. The need for cement grouting usually arises from the following conditions:

- Loose or deteriorating natural soil conditions
- Loose or voided fills, either improperly placed at the time of construction or placed in an uncontrolled manner before construction was anticipated
- Loose soils caused by adjacent excavation activity
- Loose or voided soils caused by sinkhole activity
- Loose or voided soils caused by improper dewatering
- Loose or voided soils caused by broken utility lines or the like

A secondary use of compaction grouting is to relevel structures that have experienced settlement.

In its simplest form, the process of cement grouting initially includes the installation of a series of grout pipes down to the bottom of the zone to be remediated, and then the injection under relatively high pressure of a variable viscosity cement and water mixture. By controlling the injection rate, the grout mix can be injected until unacceptable pressures develop, at which point the grout tube is partially extracted and the process repeated. At the conclusion of grouting operations, and depending upon the viscosity of the grout, a highly-variable shaped columnar structure is formed within the soil mass, with its variability a function of both soil density, which limits the amount of grout take, associated with physical compaction of the cylindrical soil annulus around the grout tube and the viscosity of the grout mix, and permeability of the soil, enabling a limited amount of penetration into the soil adjacent to the grout tube. This whole process, although highly effective in densifying loose soils and filling voids, results in a series of isolated variable-shaped cylindrical grout columns adjacent to untreated, or at best less densified, soils. Chemical grouts have gained popularity due to their much lower viscosity and ability to permeate into the pore space of the soil to provide a more homogeneous soil medium.

The concept of ground improvement along coastal bluffs works well in theory, assuming that the entire soil mass can be permeated with an extremely low viscosity chemical to essentially glue the soil mass together. Coastal bluff instability is associated with both inadequate soil strength along a given hypothetical failure geometry, and, as is the case along the entire 352-foot-long section of coastline, the presence of a lense of clean sands, which are actively being eroded by even gentle sea breezes. **It is the continued sloughing**

of these clean sands that, in turn, undermines the upper terrace deposits, which triggers the progressive failures extending up the face of the coastal bluffs.

Cementitious grouts are not capable of achieving any degree of uniform penetration, and although capable of at least locally significantly increasing soil strengths, provide essentially no benefit in solidifying clean sands. Chemical grouts, however, can provide more effective permeation, increasing both cohesion and soil strength. The reality is that for chemical grouting to be effective in stabilizing coastal bluffs, one must essentially permeate the outer 5 to 10 feet of the slope face; a difficult, if not impossible, challenge. As with cementitious grouts, chemical grouts are also injected under pressure, and when confined with adequate overburden, can effectively permeate relatively large areas. However, adjacent the face of the slope, no effective confinement exists, and even controlled grouting can blow out portions of the slope face if any excessive pressure buildup occurs.

As with the construction of the midslope wall, a constructability challenge then exists, necessitating men and equipment at the geologic contact near elevation 25 feet, with the requirement of injecting a chemical into the clean sands under pressure utilizing a series of grout tubes in an attempt to develop homogenous penetration. The reality is that this becomes a very dangerous construction technique, with the risk of additional construction failures occurring during the grouting process, placing the construction crew in great physical danger. More importantly, without solidifying the entire clean sand layer, those unsolidified zones will continue to erode, triggering yet additional upper-bluff failures. The geologic formation itself is also quite dense, making the installation of grout tubes a difficult process itself, likely increasing the risk of construction-period failures.

In summary, although in-situ ground modification is an attractive concept, and, if effectual, would in fact be highly desirable, we unfortunately know of no products and/or methods to uniformly permeate the near-surface sloping terrace deposits with a chemical stabilizer, essentially solidifying the entire mass, thereby improving its in-place stability. Again, this concept works good in theory and a market clearly exists. However, at this time, we believe the technology does not exist for chemical grouts to stabilize these slopes.

Relocation of Structures

With the assistance of Mr. Ed Eginton, a Registered Architect familiar with coastal development in Solana Beach, we have evaluated the feasibility of relocating, reconstructing, or partially removing portions of all the affected houses. That analysis is presented below.

While it may be physically possible to demolish and reconstruct any of the existing houses at a greater distance from the bluff top, along the westerly side of Pacific Avenue, the main impediment to this is the narrow distance between the bluff top and the westerly right-of-way line of Pacific Avenue. Of the eight houses included in this application, 4 of the 8 are within 5 feet of the westerly right-of-way line for Pacific Avenue, and 7 of the 8 are within 10 feet of the right-of-way line (property line). The greatest set back from the right-of-way line is 13 feet at 249 Pacific Avenue (Presnell).

Discussions were held with City of Solana Beach staff (Mr. Steve Apple - Planning Director) to evaluate the possibility of narrowing Pacific Avenue as a means of creating additional clearance between the bluff top and the street to accommodate relocation of structures further from the bluff top. Pacific Avenue is currently a two-lane street with parking on both sides of the street. It has a 50-foot right-of-way width, with 30 feet curb-to-curb and two 10-foot parkways on either side. The street has curb, gutter, and sidewalk improvements on both sides. Standard street lane widths are 12 feet for driving lanes and 8 feet for parking. This means a two-lane street like Pacific Avenue, with parking on either side, should be 40 feet in width, curb to curb ($8' + 12' + 12' + 8' = 40'$). At 30 feet curb-to-curb, Pacific Avenue is already undersized for the existing use. The City has indicated their unwillingness to consider eliminating parking on one side of the street, because of the critical need for near-beach parking and because many of the homes on Pacific Avenue already have insufficient off-street parking available to them. Elimination of parking along one side of Pacific Avenue as a means of creating additional room for houses would exacerbate both of these problems and would not be supported by the City of Solana Beach.

Another option to create more room would be to narrow Pacific Avenue to a one-way street. Narrowing Pacific Avenue to a one-way street with one lane would require review by the City's Traffic Department, a change to the Circulation Element of the City's General Plan, and approval by the City Council. If the change were approved, the minimum paved width could then be narrowed to 28 feet ($8' + 12' + 8' = 28'$). Since the existing (undersized) curb to curb width is currently only 30 feet, there is a potential gain of only 2 feet from the existing width.

Also, there are utility conflicts to be addressed in narrowing the street. The street currently has a sewer main below the centerline of the street and a water main located about 2 feet into the street from the westerly curb line. While the sewer main would be unaffected by narrowing the street, the water main would present a problem. By narrowing the street 2 feet, the new curb line would be located directly over the existing water main. This would present a completely unacceptable situation for the Santa Fe Water District, because any necessary access to the main for maintenance or service connections would require demolition and reconstruction of interfering portions of curb, gutter, and sidewalk. One of the primary criteria in locating underground utilities is to provide for ease of access. Thus, relocation of the water main in Pacific Avenue would certainly be required as part of any narrowing of the street. Besides water and sewer, power poles line the west side of Pacific Avenue, carrying all of the electricity, telephone, and cable television services for all the residences on Pacific Avenue. Narrowing the street would necessitate relocation of these utilities as well. They would either have to be undergrounded within the new right-of-way line or re-routed to the east side of the street.

All of the above considered, the effort of changing the circulation, narrowing the street, and relocating the utilities seems to be an extremely severe solution to obtain 2 additional feet for the properties on the west side of Pacific Avenue.

The foregoing discussion about the minimal available space available west of the Pacific Avenue right-of-way line notwithstanding, we have evaluated the feasibility of relocating, reconstructing, or partially removing portions of all of the affected houses as discussed below:

249 Pacific Avenue (Presnell)

This is a one-story stucco house with a raised floor. A tuck-under garage is constructed at street level and set back from the street by 13 feet. The main structure is about 9 feet higher and set back from the street right-of-way by about 28 feet. Side-yard setbacks are about 5 feet on both the north and south sides of the house. At the rear of the property is an all brick patio with the residence set back from the top of the bluff from 22 to 25 feet.

The back of the house contains the living room, a bedroom and a bathroom. If the structure were removed back to the 40-foot setback line, all three of these rooms would have to be removed as well as a portion of a sitting alcove, another bedroom and a small portion of the kitchen. This would eliminate about half of the floor area of the house. Moving the house may be possible, since it is a single story building with a raised floor. The garage would probably have to be demolished and reconstructed to accommodate the building being moved over the top of the garage and the feasibility may be reduced by the large elevation difference between the floor level and the street (about 9 feet). Because this is an older structure, it would probably be most economically feasible to demolish the house and reconstruct a new building on the lot.

255 Pacific Avenue (Richardson)

This residence is a two-story, stucco building with large glass panels on the west and south sides, extending the full length of the rear of the structure. The back patio area is completely paved and sloped to drain away from the bluff top to several drains installed in the patio surface. The rear of the house lies about 20 feet from the bluff top at the nearest point, with another section set back 24 feet.

The rear of the first floor contains the kitchen, dining area, and main living room. The second story has the master bedroom suite across the back, along with another bedroom also along the back of the house. To restructure the house back to the 40-foot line would mean losing all of the dining area, at least three-quarters of the kitchen area, and about two-thirds of the living room. Upstairs, the master bedroom

and its associated bath, along with the other bedroom at the southwest corner of the building, would be lost.

Since the house was constructed right up to the street right-of-way line, there is no additional unused portion of the lot available for reconstruction of lost elements. It would therefore be impossible to replace any portions of the house that would have to be dismantled. Since the remaining portions of the house could not be reconfigured within the remaining portions of the structure, the entire building would realistically have to be demolished, and a smaller one designed and reconstructed within the remaining buildable portion of the lot.

Because the house is a slab-on-grade structure, moving it would be technically extremely difficult, if not impossible, because of the large, unsupported interior spans and multiple floor levels. At the very least, the structure would have to be cut into pieces before it could be moved.

261 Pacific Avenue (Colton)

The structure is a two-story, wood-frame and stucco building. The rear of the house is comprised of the main living room, kitchen, and small sitting alcove on the first floor, and master bedroom and bathroom suite with cantilevered deck on the second floor. The 40-foot setback line currently cuts across the plane of the front door. Within 40 feet of the existing bluff top lies the great majority of the useable floor area of the house.

If the house were partially dismantled within 40 feet of the existing bluff top, the only remaining useable area on the first floor would be about 5 feet of the dining room and the garage area. On the second floor, the total master bedroom suite would be eliminated, along with the stairwell, leaving about 1½ bedrooms, a bath, and a deck built on top of the garage. There is about 12 to 15 feet of useable area of the lot adjacent to the garage that is available for a reconstructed building, but not enough to compensate for the total lost area in the downstairs. It would not be possible to reconstruct the house to regain the existing floor area of both floors that would be lost. An addition could be built over the garage to regain some of the

square footage, but in no way could the main living portion of the residence be duplicated on the existing piece of property. The house is built on a slab, with about 2 feet differential between the garage and living portion of the house. Thus, moving the house would not be possible without extensive re-grading of the lot and cutting the structure into pieces. Additionally, the interior of the residence is finished in very fine woodwork that would most likely be destroyed in the process of moving.

265 Pacific Avenue (Bennett)

This is a two-story, slab-on-grade, wood-framed house with a composite siding and brick exterior. The house has been extensively remodeled in the recent past. On the westerly-facing side of the house, clearance from the bluff top varies between 28 and 34 feet. On the first floor, the ocean side of the house contains the main living room area, kitchen, and dining room. The second-floor ocean side is comprised of an exterior deck, master bedroom suite, and an additional sitting area at the southwest corner of the building. Exterior improvements between the house and the bluff top include a brick and concrete patio incorporating deck drains to gather and discharge surface runoff to the street.

If the house were removed to the 40-foot setback line, three-quarters of the living room, all of the dining room, and about two-thirds of the kitchen would be lost on the first floor. On the second floor, all of the exterior deck, about two-thirds of the master bedroom, and the entire sitting area would be lost. The house is very irregularly shaped, with a small interior courtyard accessed from the street that leads to the front door. A variety of uniquely angled interior spaces is combined with several different roof treatments. Replacing the lost floor areas and functions would require a complete redesign and reconstruction of the house to incorporate these functions back into the structure.

As stated previously, the easterly building line sits on the street right-of-way, so there is no additional room on the lot for moving the structure.

269 Pacific Avenue (Paskin)

This is a recently constructed multi-story white stucco home. The garage is set back from the street right-of-way by 5 feet. The face of the main structure is set back about 15 feet from the street right-of-way. The structure has many angles, popouts, and architectural features, mostly on the west facing side of the house. Side yard setbacks are 5 feet on both the north and south sides. The interior of the house is constructed on at least seven different levels, with large interior open spaces and a glass panel that encompasses the total west wall of the building. The rear face of the house is set back 21 feet from the bluff top on the north side and 17 feet from the bluff top on the south side. A cantilevered deck extends out over the back patio to within about 12 feet of the top of the bluff.

The back of the house contains the living room, dining room, kitchen, master bedroom, and an additional downstairs bedroom. Removing the house back to the 40-foot setback line would mean the loss of all of the dining room, about 4 feet of the kitchen and master bedrooms, all of the living room and downstairs bedroom as well as the stairway going up to the master bedroom. Because of the architectural design of the house, the structure would have to be completely re-built to restore the lost living areas. Moving the structure would not be possible because of the large steel framed windows on the west face and the multiple levels and large interior open spaces.

301 Pacific Avenue (Stroben)

This is a remodeled two-story house with slab-on-grade construction and an attached, street level garage. The face of the garage is 5 feet away from the street right-of-way line while the face of the main structure is 10 feet from the right-of-way. The first floor of the house is 5 feet-8 inches higher than the street. Side yard setbacks are 5 feet on both the north and south sides of the house. At the back of the lot, part of the original structure (built in the mid 1920's) is within 11 feet of the top of the bluff. This part of the house is about 12 feet by 12 feet in size. The main part of the house is about 29 feet from the top of the bluff.

The back side of the house has the kitchen, dining room, a sitting area and nook on the first floor and the master bedroom and bathroom on the second floor.

Removing the structure back to the 40-foot setback line would mean taking about 11 feet off of the main part of the house, including all of the small original structure located near the bluff top. Lost would be all of the kitchen, dining room, nook and sitting room on the first floor and about two thirds of the master bedroom, a portion of the wardrobe and all of the master bath on the second floor. The front of the house has a very high vaulted ceiling with the second floor living spaces confined to the back half of the structure. Thus, restoring kitchen, dining, and bedroom spaces would require a complete reconstruction of the house.

Moving the house is impractical because the size of the house would require it be cut into sections small enough to be manageable but the large interior spaces would become extremely fragile if separated from the rest of the structure.

309 Pacific Avenue (Lingenfelder)

This is a two-story remodeled structure with attached garage at street level. The face of the garage coincides with the face of the main structure and is 9 feet from the street right-of-way line. Side yard setbacks are 5 feet on both the north and south sides of the house. The back of the house was left intact during the remodel and its setback from the bluff top varies between 11 and 14 feet. The face of the second floor was set back 25 feet from the bluff top. The westerly side of the ground floor is comprised of the kitchen, dining room, living room and a sitting/family room. On the second floor, the west side of the house contains an office/study area and the master bedroom suite, including a bathroom. The east side of the house contains two-story vaulted ceilings.

Remodeling the house back to the 40-foot setback line would require removal of all of the kitchen, dining room, living room and sitting area. The removal would extend to the front door of the house and all that would remain on the first floor would be two small guest bedrooms, two small bathrooms, and a portion of the stairwell. On the second floor, the entire master bedroom suite, closet and sitting/study area would be lost. There is insufficient room on the lot to recover the lost floor space but there is some room on the southeast corner of the lot to recover some space if the house were demolished and reconstructed.

Moving the house is not practical because it's too large to move as a single unit and the large interior spaces make the structure too fragile to move if it were cut into pieces. The lot would also have to be regraded to accommodate the difference in elevation between the first floor and the sidewalk.

311 Pacific Avenue (Scism)

This is an older, unmodified, one-story, slab-on-grade, U-shaped structure. Setback of the face of the garage from the street is 7 feet. The side-yard setback on the south side is essentially zero, while the setback on the north side yard is about 5 feet. On the west side of the house, the bluff forms an angle compared to Pacific Avenue, trending somewhat to the northeast. The house is stepped back progressively away from the top of the bluff. The bluff top setback varies between about 8 and 15 feet at the northwest and southwest corners respectively.

The back side of the house contains the kitchen, dining room, living room and master bedroom. Removal of the house to the 40-foot setback line would completely eliminate the kitchen, dining room, living room, a study and bathroom, and a portion of the master bedroom. The 40-foot setback line would go beyond the front door of the house, so practically speaking the house would not be salvageable if such a large portion of the house were removed. Since the garage is set back only 7 feet from the street moving the house would not provide sufficient clearance from the bluff top and the only real alternative would be to demolish the whole house and reconstruct a new two-story structure in its place.

We would again like to emphasize the extremely limited space available on these lots for relocating or reconstructing any of these houses. The following list gives, for each address under consideration, the average lot depth (distance) between the 40-foot bluff top setback line and the easterly property line, i.e., the street right-of-way line for Pacific Avenue:

249 Pacific Avenue (Presnell)	43 feet
255 Pacific Avenue (Richardson)	42 feet
261 Pacific Avenue (Colton)	35 feet (From the current head scarp)
265 Pacific Avenue (Bennett)	49 feet

269 Pacific Avenue (Paskin)	43 feet
301 Pacific Avenue (Stroben)	41 feet
309 Pacific Avenue (Lingenfelder)	37 feet
311 Pacific Avenue (Scism)	26 feet

These dimensions do not take into consideration any of the City of Solana Beach's building setback requirements at the front of the lots. These lots are all 50 feet in width, and with side yard setbacks of 5 feet, the buildable width is reduced to 40 feet. As these numbers illustrate, these are very small building pads with very few options available for creating more buildable space.

SUMMARY

In summary, we have separately considered alternatives to the construction of a geogrid reinforced slope behind the shotcrete tied-back wall currently under construction at 261 Pacific Avenue (Colton) and the 352-foot-long shotcrete tied-back wall below 249 - 311 Pacific Avenue, to evaluate their feasibility and impact on the need for the proposed improvements as presented in the application documents for CDP 6-98-134. In the case of the geogrid reinforced slope below 261 Pacific Avenue, we believe the proposed work is the least intrusive method of stabilizing the upper bluff while at the same time being the most visually appealing of the alternatives. All of the alternatives discussed are either less appealing visually, more intrusive to the existing bluff, not technically feasible, or not constructable. In addition, the geogrid reinforced slope is also the only alternative that includes re-landscaping the upper bluff, a feature we believe is quite important to the overall acceptability of the repair in terms of the City's General Plan objectives as well as the stated objectives of the Coastal Act. Section 30251 of the Coastal Act states in part:

"The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character (of) surrounding areas..."

We believe the geogrid-reinforced slope below 261 Pacific Avenue is clearly the most visually compatible and least intrusive alternative available to stabilize the upper bluff and protect the primary structure at 261 Pacific Avenue.

In the case of the 352-foot-long, shotcrete, tied-back wall, of which the 90-foot wall currently under construction would form an integral part, the alternatives are either ineffectual, inadequate, or not feasible to implement. With the lower sea cliff erosion that has occurred as a result of the 1997-98 El Niño winter, we have lost the opportunity to stabilize the upper bluff with less intrusive measures such as notch infills. The proposed shotcrete wall is indeed a measure of last resort for the protection of the residences covered by this permit application. The upper bluff failure at 261 Pacific Avenue has demonstrated the result of the lower sea cliff retreat caused by marine erosion. The exposure of the clean sands at the base of the upper bluff sediments has caused the current instability that, without remedial action, will result in upper bluff failures that will threaten the respective residences. We continue to support the proposed free-form tied-back structural shotcrete wall as the only long-term viable solution to the significant sea-cliff retreat resulting from the 1997-98 El Niño winter storms.

We trust this information meets your needs. However, if you have any additional questions, please feel free to contact us.

Very truly yours,
GROUP DELTA CONSULTANTS, INC.



Walter F. Crampton, Principal Engineer
R.C.E. 23792, R.G.E. 245

WFC/PJJ/jc
Attachments

cc: Mr. Donald Stroben
Mr. Buzz Colton
Mr. Steve Apple, City of Solana Beach
Mr. Bob Semple, City of Solana Beach
Ms. Jane Smith, State Lands Commission



REFERENCE DOCUMENTS PREPARED BY GROUP DELTA CONSULTANTS

"Shoreline Erosion Study - North Solana Beach, California", prepared by Group Delta Consultants, Inc., dated August 20, 1998

"Emergency Permit Application for Coastal Bluff Stabilization, 261 Pacific Avenue (Colton Residence), Solana Beach, California," dated October 7, 1998, prepared for the California Coastal Commission.

"Application for Use Permit, Coastal Bluff Stabilization, 249-311 Pacific Avenue, Solana Beach, California," dated October 22, 1998, prepared for the City of Solana Beach.

"Emergency Permit Application for Temporary Soil Stabilization, 249 - 311 Pacific Avenue, Solana Beach, California," dated October 27, 1998, prepared for the California Coastal Commission.

"Public Hearing for Coastal Bluff Stabilization, 249-311 Pacific Avenue, Solana Beach, California," dated November 3, 1998, prepared for the City of Solana Beach.

"Coastal Development Permit Application, Coastal Bluff Stabilization, 249 - 311 Pacific Avenue, Solana Beach, California, CCDP No. 6-98-134G)," dated November 9, 1998, prepared for the California Coastal Commission.

"Permit Request, Low-Volume Clean Sand Placement, Solana Beach, California," dated December 1, 1998, prepared for the U.S. Army Corps of Engineers.

"Response to Review Comments, Coastal Development Permit Application, Coastal Bluff Stabilization, 249 - 311 Pacific Avenue, Solana Beach, California, CCDP No. 6-98-134," dated December 3, 1998, prepared for the California Coastal Commission.

"Emergency Permit Request for Coastal Bluff Stabilization, 261 Pacific Avenue, Colton Residence, Solana Beach, California, CCDP No. 6-98-134" dated December 10, 1998, prepared for the California Coastal Commission.

"Imported Beach Sand Fill, 249 - 311 Pacific Avenue, Solana Beach, California, CCDP No. 6-98-134," dated December 29, 1998, prepared for the California Coastal Commission.

REFERENCED DOCUMENTS
(continued)

"Permit Request, Emergency Shoreline Stabilization Project, 261 Pacific Avenue, Solana Beach, California," dated February 25, 1999, prepared for the U.S. Army Corps of Engineers.

"Permit Status, Emergency Shoreline Stabilization Project, 261 Pacific Avenue, Solana Beach, California," dated March 24, 1999, prepared for the City of Solana Beach.

"Request for Extension of Emergency Permit, Coastal Bluff Stabilization, 261 Pacific Avenue, Solana Beach, California, Colton Residence, CCDP No. 6-98-157-G," dated March 26, 1999, prepared for the California Coastal Commission.

"Additional Clarification Supporting Request for Extension of Emergency Permit, Coastal Bluff Stabilization, 261 Pacific Avenue, Solana Beach, California, Colton Residence, CCDP No. 6-98-157-G," dated April 12, 1999, prepared for the California Coastal Commission.

"Coastal Development Permit Application, Coastal Bluff Stabilization, 255 - 265 Pacific Avenue, Solana Beach, California,, CCDP No. 6-98-157," dated April 12, 1999, prepared for the California Coastal Commission.

"Alternatives Analysis, Coastal Bluff Stabilization, 255-265 Pacific Avenue, Solana Beach, California, CDP NO. 6-98-157," dated April 22, 1999, prepared for the California Coastal Commission.

"CAL OSHA Inspection Status, Emergency Shoreline Stabilization Project, 261 Pacific Avenue, Solana Beach, California," dated May 13, 1999, prepared for the City of Solana Beach.

**UPPER BLUFF REPAIR
ALTERNATE**

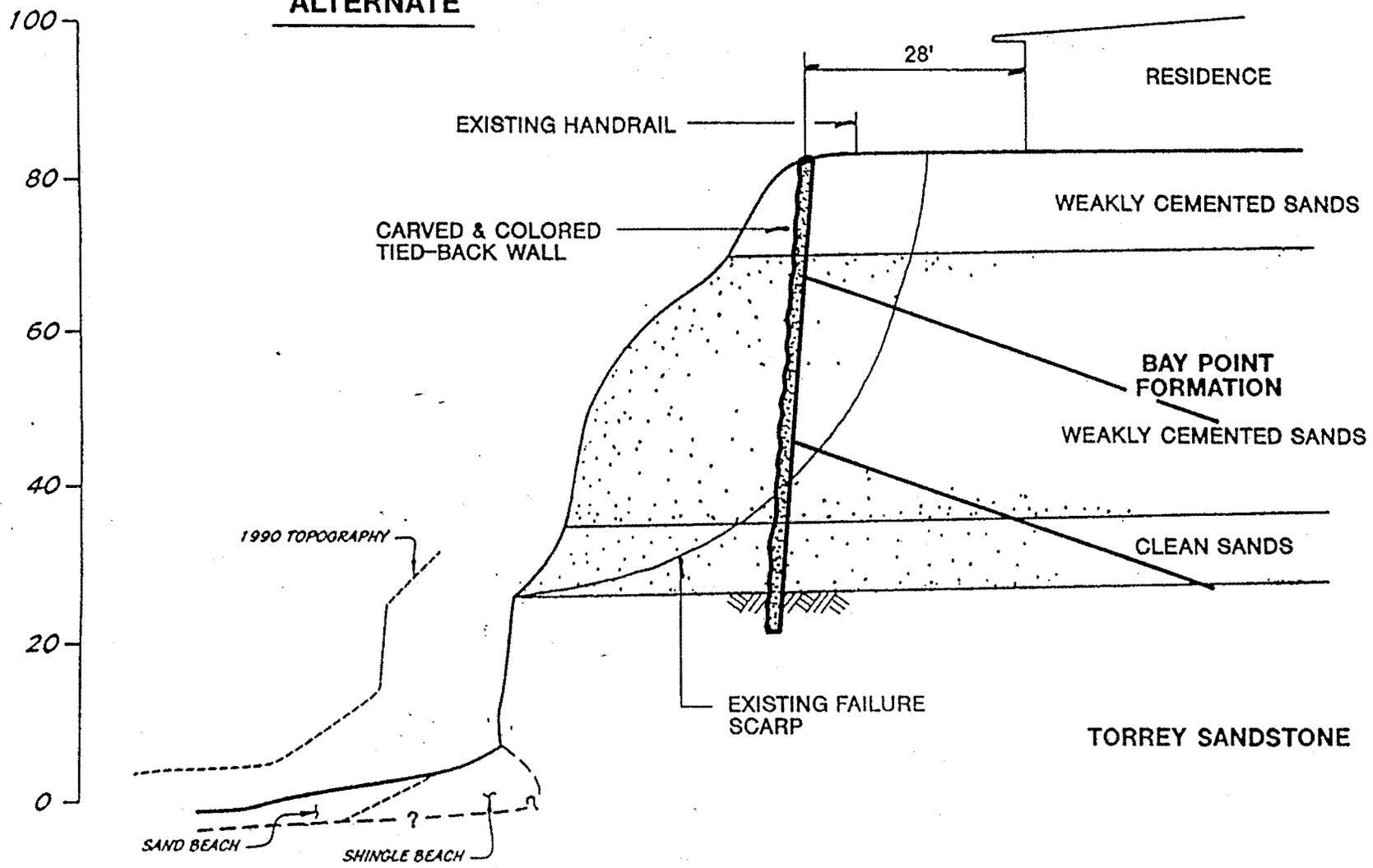


Figure No. 1

261 PACIFIC AVE
SCALE: 1" = 20' (HORIZ./VERT.)

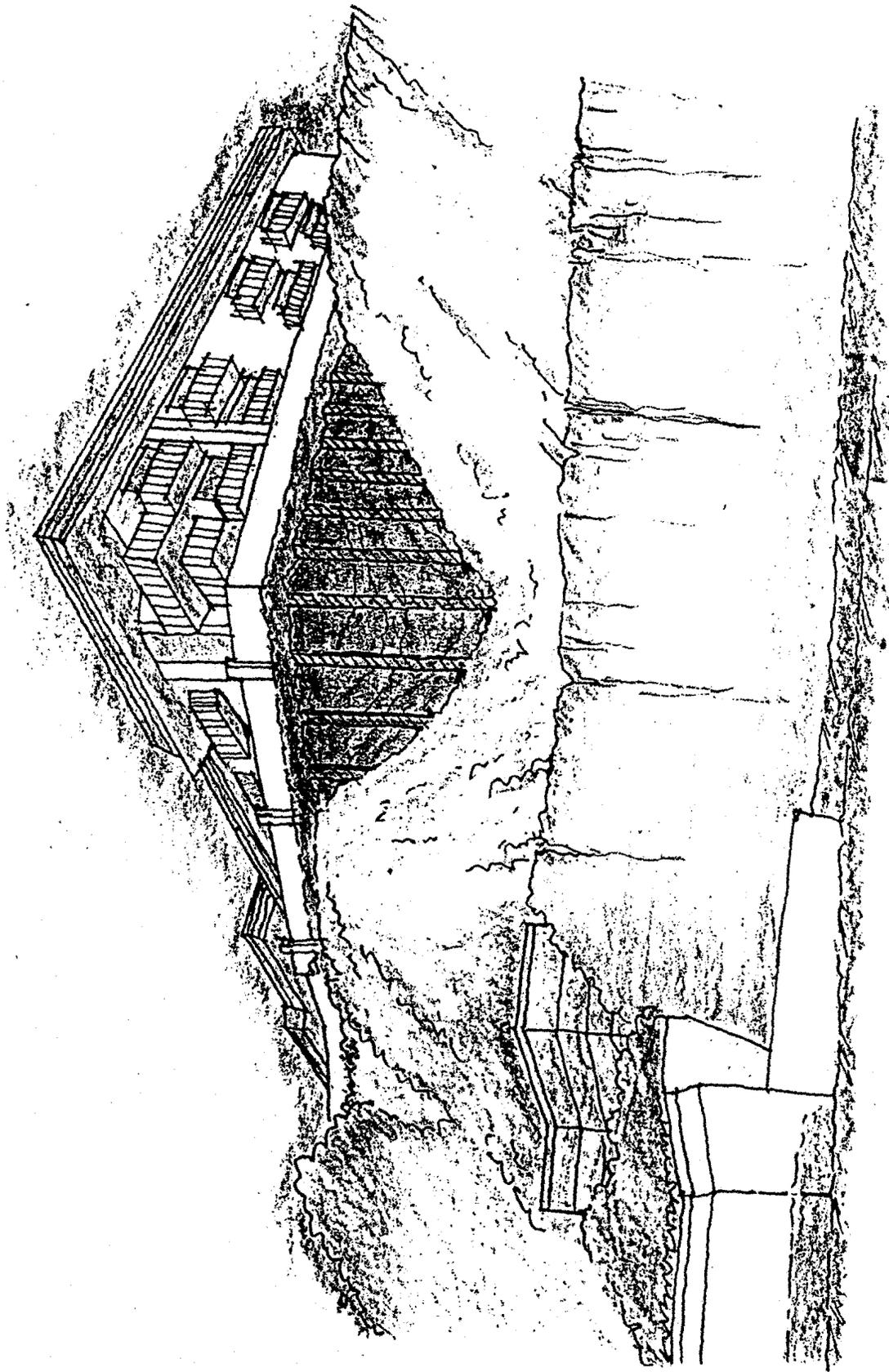




PHOTO 1: 11-17-98

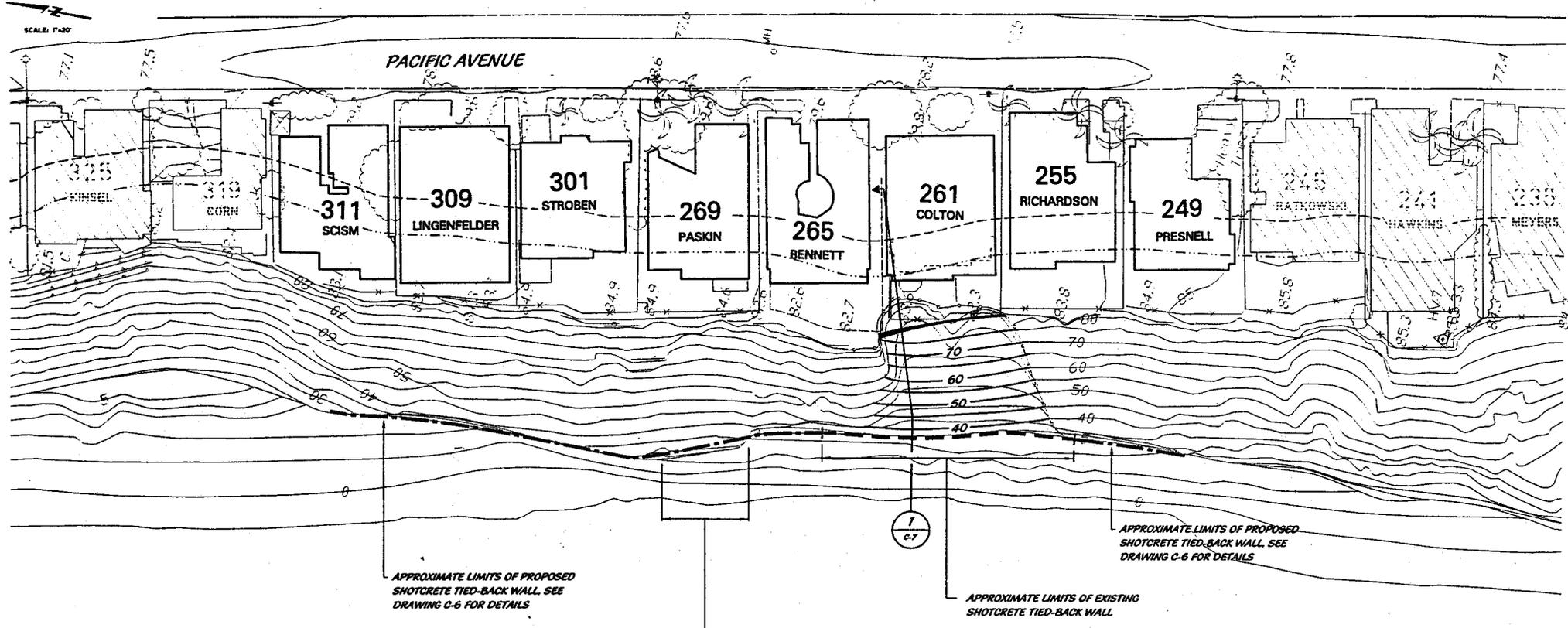


PHOTO 2: 1-31-9



EXISTING CONDITION

SCALE: P-20'



APPROXIMATE LIMITS OF PROPOSED SHOTCRETE TIED-BACK WALL. SEE DRAWING C-6 FOR DETAILS

APPROXIMATE LIMITS OF EXISTING SHOTCRETE TIED-BACK WALL

EXISTING FREE STANDING (DETACHED) FORMATIONAL COLUMNAR BLOCK TO BE REMOVED AND WALL ALIGNED ON BACK OF EXISTING FRACTURE. NO DETACHED FORMATIONAL SANDSTONE TO REMAIN

APPROXIMATE LIMITS OF PROPOSED SHOTCRETE TIED-BACK WALL. SEE DRAWING C-6 FOR DETAILS

LEGEND

- Approximate location of Coastal Commission 25-foot setback line from bluff
- Approximate location of Coastal Commission 40-foot setback line from bluff
- ~ ~ ~ Approximate limits of failure (as of 12-8-98)



NOTE: IF DRAWING IS NOT FULL SIZE (24X36) THEN REDUCE SCALE ACCORDINGLY
 ORIGINAL SCALE IN INCHES FOR REDUCED PLANS

CALIFORNIA COASTAL DEVELOPMENT PERMIT NO.: 6-98-134	PLANS PREPARED UNDER THE SUPERVISION OF DATE: 12-31-01 R.E.E. NO.: 23792	GROUP DELTA CONSULTANTS, INC. ENGINEERS & GEOLOGISTS 4455 MURPHY CANYON ROAD, SUITE 100 SAN DIEGO, CALIFORNIA 92123 (619) 573-1777	REVISIONS			249-311 PACIFIC AVENUE SHORELINE STABILIZATION PROJECT	CITY OF SOLANA BEACH		DRAWING NO. C-5 SHEET 5 OF 15 6-8-99 DATE OF PRINT
	ENGINEER OF WORK: WALTER F. CRAMPTON R.E.E. NO.: 23792 EXP. DATE: 12-31-01		DESIGN: WJD DRAWN: GJS CHECKED: WFC	REV. BY DATE APP.	SITE PLAN		RECOMMENDED FOR APPROVAL BY: _____ R.C.E.: _____ EXP.: _____ DATE: _____	APPROVED FOR CONSTRUCTION BY: _____ CITY ENGINEER R.C.E.: _____ EXP.: _____ DATE: _____	

1831-3



249 Pacific Avenue
Presnell



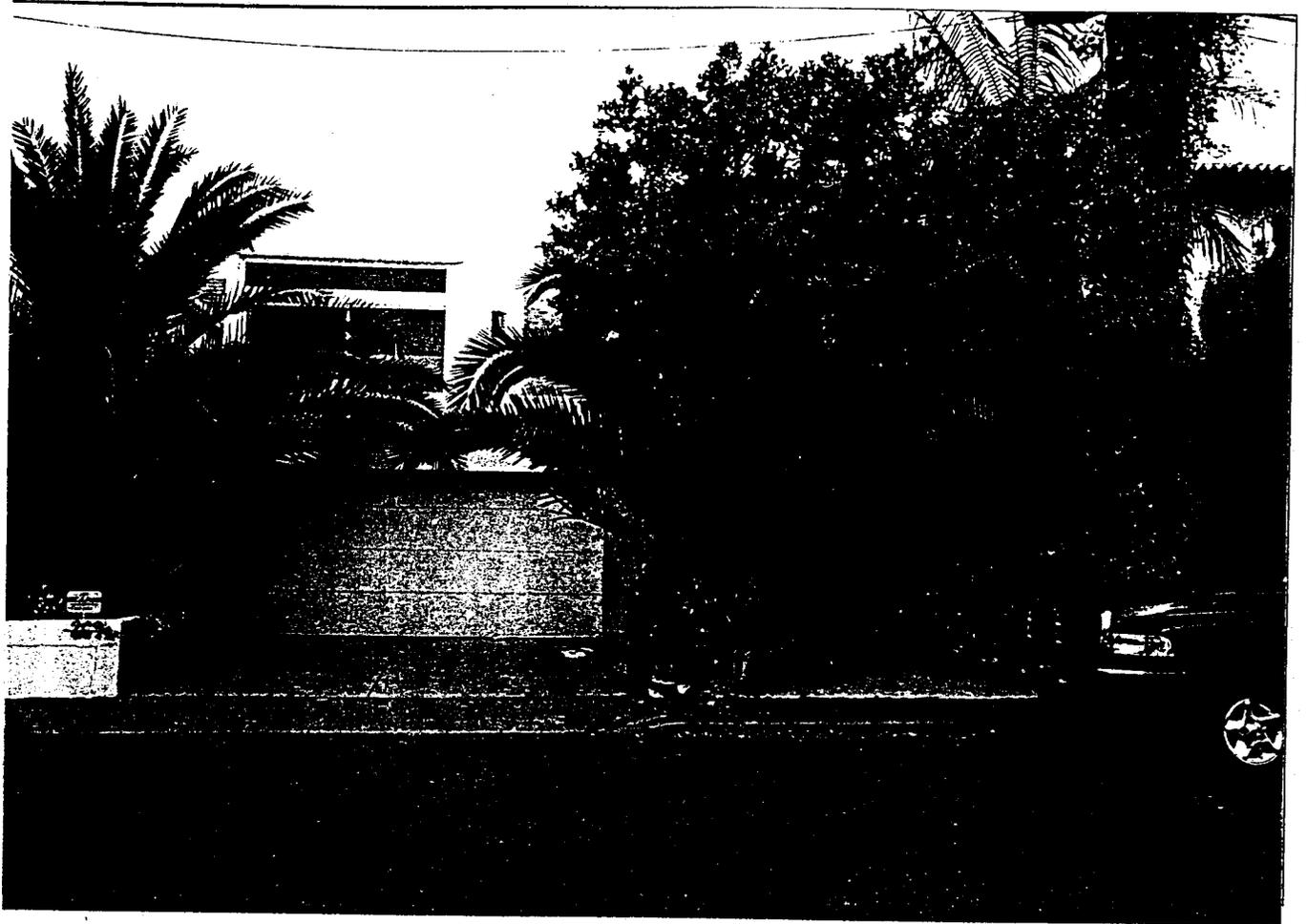
255 Pacific Avenue
Richardson



261 Pacific Avenue
Colton



265 Pacific Avenue
Bennett



269 Pacific Avenue
Paskin



301 Pacific Avenue
Stroben



309 Pacific Avenue
Lingenfelder



311 Pacific Avenue
Scism

MAY 6 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Bluff Preservation and Safety Issues in Solana Beach

From: Ann Baker, 219 Pacific; Joy & Roger Russell, 233 S. Felix #R; Don & Marilyn Urquidi, 453 S. Sierra # 164; Diane & Gary Garber, 231 Pacific; Jack Morrison, 205 Pacific; James & Nancy O'Neal, 211 Pacific; Gary Glasgow, 214 Pacific; Issac & Janet Davidi, 225 Pacific; Don & Joyce Ratkowski, 245 Pacific; Keith Presnell, 249 Pacific; Diana & Michael Colton, 261 Pacific; William & L. Bennett, 265 Pacific; Dale & Terry Lingenfelder, 309 Pacific; Jonathon Corn & Dawna Paneharian, 319 Pacific; Reinta Greenberg, 327 Pacific; Paul & Myron Reichert, 347 Pacific, Jim & Leslie Blackburn, 371 Pacific; Lee Johnson, 403 Pacific; Chris Hamilton, 407 Pacific; George Folgner, 417 Pacific; Carla & John Skinner, 475 Pacific; Ronald Lucker, 517 Pacific; Priscilla & Bill Baker, 233 S. Felix #12; Joy & Roger Russell, 233 S. Felix #R; Al & Jenny Asher, 135 S. Sierra #13; Keith Jeske, 135 S. Sierra; Norman Schwartz, 135 S. Sierra; John Bernheisel, 135 S. Sierra; Seymour & Barbara Phillips, 135 S. Sierra #24;

Re: Bluff Preservation in the City of Solana Beach

As citizens of Solana Beach, California, we have the responsibility of protecting public and private property and the safety of our citizens. Our bluffs collapse on a continuing basis, putting citizens at physical risk. It is only a matter of time before someone is killed. Regardless of "at risk" signage people continue to rest and play under these bluffs at low tide.

Within the constraints of the Coastal Act, we should do everything possible to let citizens on the coast of Solana Beach protect the bluffs from crumbling into the ocean and we should recommend that Public Safety be added to the Coastal Commissions mandate of responsibilities.

Bluffs disintegrating into the ocean are of no benefit to any of us. When do you stop the erosion? When it gets to the street? When it gets to Highway 101? Many of us have a hard time understanding what we are waiting for when many of the homeowners on the bluffs are willing to go to the expense of preserving the bluffs in the most aesthetic and effective manner. (If the houses go, don't forget the loss of tax revenues, the costs of moving sewer lines, gas & electric lines and telephone lines.) If you do not think this is a reality in the not so distant future, ask Buzz Colton and his nearby neighbors what they think. They feel no one cares about their losses.)

If this were an undeveloped area, there might be different considerations. But most of the single-family residences in Solana Beach were originally developed over 75 years ago. Some of the homeowners have lived in their homes for 50 years and others for ten, fifteen and twenty years. The remodeling that has been done in recent years has been adding second floors to existing "footprints". There is absolutely no evidence that these remodels have done any damage to the bluffs.

In fact if every home on these bluffs were to be removed tomorrow, the dangerous conditions caused by the erosion would continue to deteriorate the bluffs and be a menace to the public below.

As a city, we must make our desires known for the best solutions to this problem. We would like to ask that the General Plan Advisory Committee recommend the following statement be included as part of the Solana Beach General Plan Beach & Bluff Element:

Preservation of the bluffs means working with the homeowners and the city to make a comprehensive plan designed and approved by qualified engineers, geologists and building contractors (not by special interest groups and lawyers) to do that which is best to keep the bluffs from disintegrating into the ocean. It should be 'best' in terms of most esthetic and most effective. An assessment district should be seriously considered. This should have a maintenance component so that the bluff is always maintained in the best manner possible. This is the only way we can completely do away with the 'edge effect'. We must act now as time is running out for several of the homeowners.

I would like to add that according to most all the experts the most effective method of preservation is riprap (even a minimum amount). Examples of this are in the cities of Pacific Beach, Imperial Beach, Newport Beach, Point Loma, Del Mar, Oceanside, Carlsbad, Cardiff, and Dana Point. **Much of this riprap has been in place for twenty and thirty years, and even during the El Nino storms those shore lines held up. Where ever the riprap was you did not see the damage to the shoreline that we have witnessed the last few years in Solana Beach.** Another big advantage to riprap is that it can easily be removed if no longer needed. Several of us would prefer the rip rap, because it is the most effective for the lower bluffs, as well as the most cost effective, but as riprap seems to be a distasteful word to many in this community we will settle for aesthetic sea walls which we think are preferable to crumbling and dangerous bluffs.

Also the riprap (even a minimal amount) immediately stops the vibration of the bluff. Everyone must know that the constant vibration of the bluffs has to add to their disintegration.

Typed and presented by Ann Baker, 219 Pacific Avenue, Solana Beach 92075:
619-481-1011



Photo taken from just south of Tide Park on December 12, 1997, during a -1.2 foot MLLW tide, showing the gently seaward-sloping bedrock shore platform denuded of sand, with minor erosion channeling (Blackburn collection).

PHOTO 1

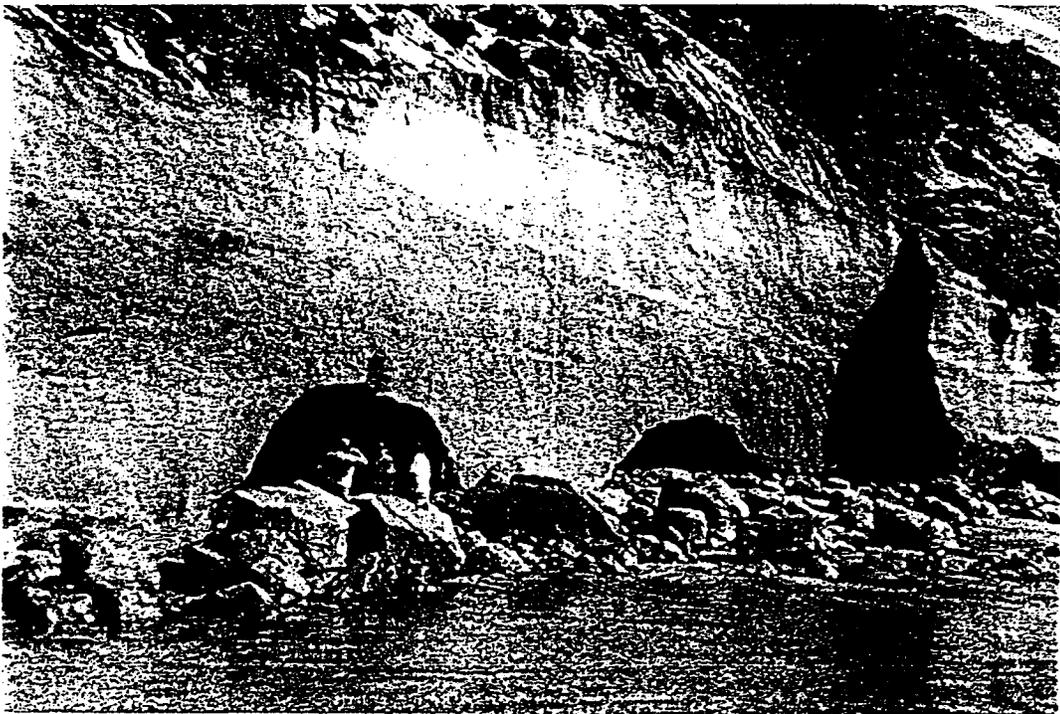


Photo taken in late January 1998 showing an extensive blockfall below 371 - 403 Pacific Ave. Subsequent marine erosion continued to enlarge the sea caves and reinstate notching until stabilized by sea cave infills (Folger collection).

PHOTO 2

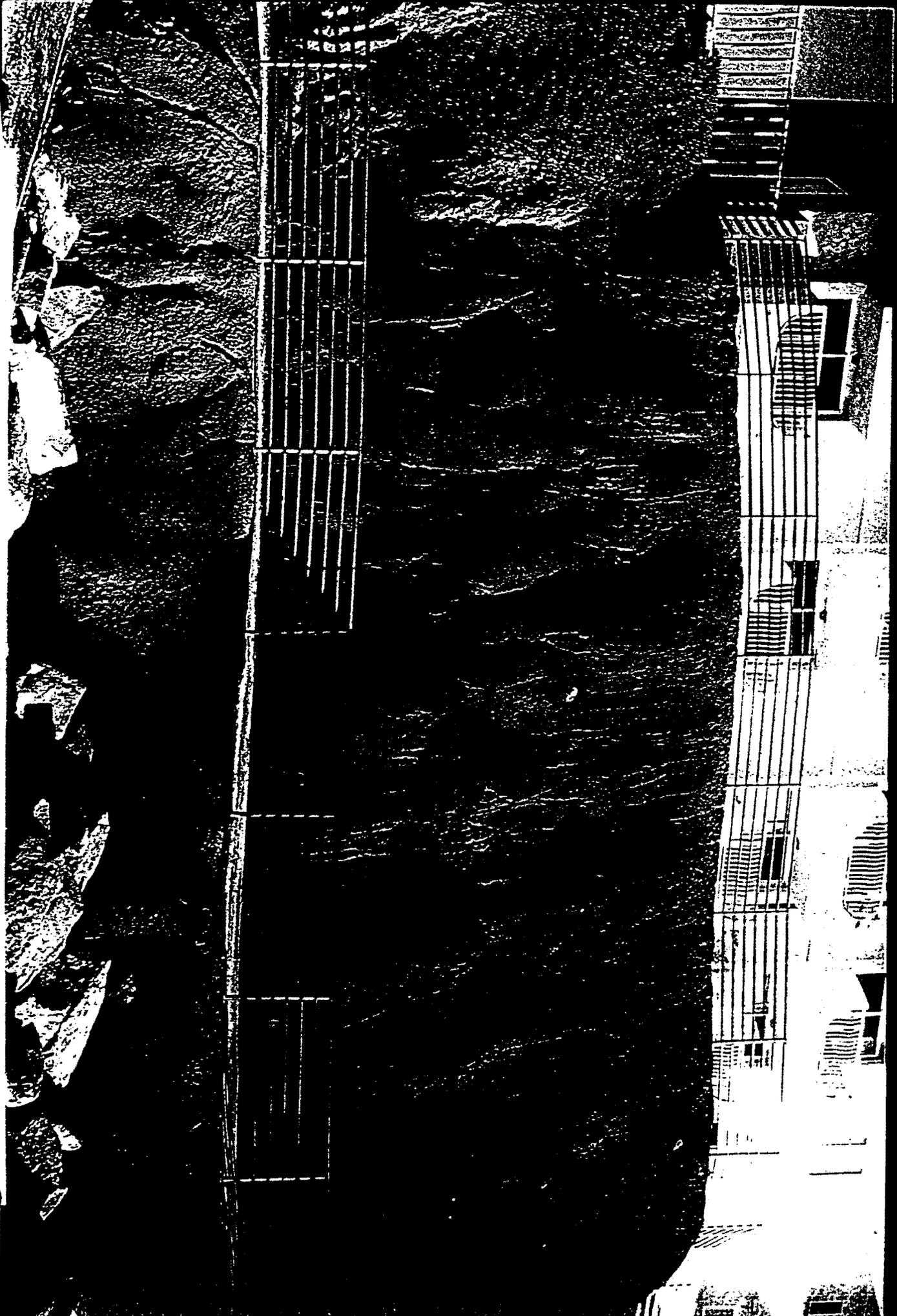


Photo below 235 - 241 Pacific Ave taken on April 4, 1998, shows extensive notch - similar to the precursor to the blockfalls that occurred immediately to the north. The extensive undercutting to the north resulted in upwards of 15 feet of seacliff retreat and a 25-foot scarp in the lower portion of the upper bluff below 261 Pacific Ave, which can be seen in the background (Group Delta Collection).

PHOTO 3



Photo taken on April 4, 1998, shows extensive notches and overhangs in the vicinity of 215 - 225 Pacific Avenue, Solana Beach. The riprap in this photo was placed under an emergency permit to prevent further growth and subsequent collapse of the notch (Group Delta Collection). The Bakers at 219 were forced to remove the riprap by the Coastal Commission by 6-1-98 and asked by the CCC to 'come up with a more permanent solution' with their neighbors. The severe vibration of the bluffs began immediately upon removal. Total cost to the Bakers for 3 months of protection = \$47,000.



Artificial Seawall in Ocean Beach - Designed by the Delta Group - Built by Baldwin Construction Note minimum riprap at foot of wall keeps maintenance at a minimum 5/98

RECEIVED

FEB 26 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 23, 1999

California Coastal Commissioners
3111 Camino Del Rio North #200
San Diego, Ca. 92108-1725

Re: Permits for Bluff Stabilization Solana Beach for future
hearings

Dear Members of the Coastal Commissions and Fellow Citizens:

As long time property owners near the coast in Solana Beach, we strongly urge you to allow citizens of bluff top properties to do whatever it takes to protect their lots from eroding into the Pacific Ocean. This would involve natural looking seawalls for the protection of their property.

If property and/or houses are allowed to fall into the ocean or down the bluffs or slowly erode away it will benefit no one. It would not be good for the prosperity of Solana Beach in general as a community or tourist destination. It would not be good for neighbors and citizen of Solana Beach in terms of property value or especially for the home owners of these bluff properties who have no control over the erosion that has been made worse by the building of inland housing developments, jetties, dams etc.

As long as property owners are willing to make the necessary repairs at their own expense by working together for the common goal of protecting their property they should be given the opportunity to repair present slippage and forestall future disaster.

We, as concerned Solana Beach citizens, urge you to allow the necessary repairs.

Sincerely,

Joseph W. Streater
Ruth M. Streater

cc: Mayor Dodson, Solana Beach City Hall
635 So. Highway 101, Solana Beach, Ca. 92075

RECEIVED

FEB 24 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 22, 1999

California Coastal Commissioners
3111 Camino del Rio North #200
San Diego, CA 92108-1725

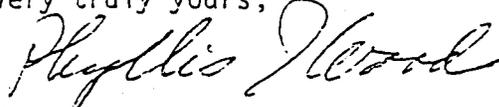
Re: Permits for Bluff Stabilization Solana Beach for future hearings

Dear Members of the Coastal Commissions and Fellow Citizens:

I do not understand why homeowners on the bluff should not be allowed to construct a sea wall with their own money. This will protect not only their property but also the sandy beach, not to mention the safety of beach-goers. As well as protecting against personal loss, the sea wall can protect against tax revenue losses to the city and county.

I think that a properly designed wall will stabilize our sandy beaches and everybody will win.

Very truly yours,



Phyllis J. Woods
1061 Woodside Way
Solana Beach, CA 92014

cc: Mayor Dodson, Solana Beach City Hall
635 S. Highway 101
Solana Beach, CA 92075

Louise Abbott
407 Marview Drive
Solana Beach, CA 92075
619-755-8046 619-755-7046 (FAX)

RECEIVED

FEB 22 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

February 19, 1999

California Coastal Commissioners
3111 Camino del Rio North #200
San Diego, CA 92108-1725

Ref: Permits for Bluff Stabilization in Solana Beach
Please include this letter in all packages for all future hearings on this subject

Dear Members of the Coastal Commission;

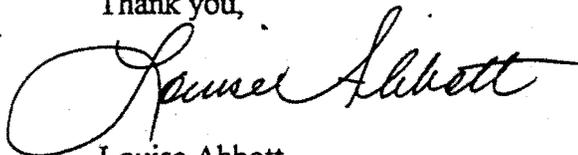
I am writing this letter to implore you to approve the installation of a natural looking seawall to help stabilize the crumbling Solana Beach bluffs. I quite frankly can see no legitimate reason for denial of this improvement being paid for by private citizens for the benefit of all.

There have been homes on the bluff for approximately 75 years. With the improvements that have been made to homes with state of the art building technology and geological reports these homes have not contributed to the decline of the bluff. These homeowners are restricted on watering and are doing everything possible to protect the bluffs as well as their considerable investments. The bluffs are eroding due to natural attrition. A seawall that looks exactly like the bluffs would slow this process, protect beach goers from falling debris and protect private property. This could only be called a win win situation.

I feel that any resistance to the installation of a long contiguous seawall is misplaced. There is no benefit to the beach or anyone by letting the bluff crumble. The reason we don't have sand on our beaches is not because the bluffs haven't been allowed to crumble. In fact they have been allowed to fall into ruin and we have no sand. The sand issue stems from the railroad and Interstate 5 not allowing the sand to wash down its natural riverbed.

Please allow the building of an ascetically pleasing, natural looking, seawall as soon as possible before there is further danger to life and property.

Thank you,



Louise Abbott
cc: City Council, City of Solana Beach

February 12, 1999

California Coastal Commissioners
3111 Camino Del Rio North #200
San Diego, CA 92109-1725

Re: Permits for Bluff Stabilization Solana Beach
For future hearings

Members of the Coastal Commissions and Fellow Citizens,

As a resident of the state of California and as one that goes to the beach, I think the commission should do everything possible to let citizens on the coast of Solana Beach protect the bluffs from crumbling into the ocean.

Bluffs disintegrating into the ocean are of no benefit to any of us. When do you stop the erosion? When it gets to the street? When it gets to the next row of homes? When it gets to Highway 101? I have a hard time understanding what you are trying to accomplish.

If this were an undeveloped area, there might be different considerations. But much of this area has been developed over 50 years. Some of the homeowners have lived in their homes for 50 years and others for ten, fifteen and twenty years.

The beach erosion is not a condition that the homeowners have created. As we keep reading in the newspapers most of the sand erosion has come about as the public policy of allowing marinas, jetties, dams, and much of the development that has gone on to the north and inland over the last 50 years.

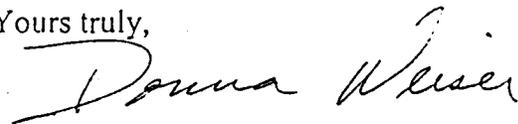
The policy of making people wait until their homes are on the verge of falling into the ocean does not make sense. **Do you wait until the floods come to start building a flood control project?**

I understand that at the request of the Coastal Commission many of the involved homeowners banded together and spent over \$100,000 in studies by experts in the field of oceanography and engineers experts in coastal erosion. "A wave does not know if it is hitting a wall or a sandstone bluff, so it does not cause more erosion to have some type of revetment to protect the bluff." Does anyone read those studies? It seems it has been studied to death.

I think an attractive, natural looking revetment should be done. Waiting until homes are falling into the ocean makes no sense (I see from the newspapers, some have lost all their patios and the bluff is up to their back door. I hear their costs to do the emergency work runs into the hundreds of thousands of dollars. Had they been allowed to do something even a year ago the cost would have been negligible in comparison.)

When the homeowners want to save the bluffs at their expense and also make them safer for the rest of us, why shouldn't they be allowed to do so?

Yours truly,



**ONE OF 67 SIGNED
COPIES RECEIVED**

Cc/Marion Dodson, Mayor Solana Beach, 635 So. Hwy 101, Solana Beach 92075

February 12, 1999

California Coastal Commissioners
3111 Camino Del Rio North #200
San Diego, CA 92109-1725

DL
RECEIVED

FEB 18 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Permits for Bluff Stabilization Solana Beach
For future hearings

Members of the Coastal Commissions and Fellow Citizens

We think that homeowners should be able to protect their bluffs in a natural looking way. Letting the bluffs erode away helps no one. Where do you stop it? When it gets to the streets? When it gets to the houses across the street? When it gets to Coast Highway?

The erosion has gotten worse due to building of jetties, dams and marinas that the homeowners had no say in and no control over. We used to be able to walk the beach all the time, but there is not much beach left to walk on in Solana Beach anymore. So what beach are you saving by allowing erosion to continue at what has become an excessive rate?

There are ugly seawalls and riprap walls all up and down the coast as well as many nice looking ones. Why not let the Solana Beach homeowners come up with a plan for some natural looking protection for the bluffs and yes for their property.

We think it benefits everyone. If they want to make the necessary repairs at their expense, then why not?

Yours truly,

John Bernhese

cc/Solana Beach, Mayor Dobson, City Hall
635 So. Hwy 101, Solana Beach, CA 92075

ONE OF 18 SIGNED
COPIES RECEIVED

CONDO ORGANIZATION OF S. SIERRA AVENUE

COOSSA Jack McGoldrick, Chairman
555 S. Sierra Avenue
SeaScape Sur
Solana Beach, CA 92075

January 29, 1999

Executive Director
California Coastal Commission
45 Fremont Street, Ste. 2000
San Francisco, CA 94105

DL
RECEIVED

FEB 09 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Reference: Application #6-98-134

At a recent meeting of our organization, the representatives of COOSSA unanimously voted to support the owners on Pacific Avenue in Solana Beach in their effort to protect their homes and property along this city's coast.

COOSSA is an organization that represents 893 condominium homes also located on the bluffs of Solana Beach. Our purpose is to improve our community and to ensure the stability and safety of our homes. Our city council representatives are active in our efforts and have long supported our issues that affect our city and in particular our homes.

Our city council recently voted and local Commission staffers recommended approval, with the Coastal Commission's full knowledge, to build a 352-foot-long sea wall to protect eight bluff-top homes in the wake of bluff failures in the area. The cost was to be the responsibility of the homeowners and not a taxpayer's burden.

We are now shocked to learn that a couple of the neighbors on the east side of Pacific Avenue object to the sea wall and have even appeared before your body and our City Council and verbally noted that "if they fall into the sea, that's too bad, as they should not have been build in the first place".

We fully understand that sea walls are discouraged unless they are absolutely necessary, however, we unanimously consider that this sea wall is an emergency. Sea walls along this coast to the south have been previously been approved with positive results. They have not interfered with the replenishment of beach sand and have not caused drainage problems for adjoining properties and certainly are not an eye sore. In fact, modern day sea walls are hardly distinguishable from the natural bluff.

We therefore appeal to the Commissioners to take this RESOLUTION of 893 home owners on the neighboring bluffs into consideration in support of the approval of the permits to commence with this emergency construction. There are no other alternatives then to "just let these homes fall into the sea" as the anti-everything faction would prefer.

Sincerely,


JACK MCGOLDRICK
Chairman

CC:
Mayor, Solana Beach

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

^{DL}
RECEIVED

JAN 22 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Coastal permits, Solana Beach (north of Fletcher Cove)

Dear members of this Commission;

I understand that the members of Surfriders and friends are putting up roadblocks that are hindering the homeowners on Pacific Ave. in Solana Beach from putting up walls to protect their homes. I want to delineate a few of the facts in the petitions to you.

#1. The homeowners have hired at great cost one of the best Geotechnical engineers they could find. Walter Crampton has had much experience with the coastal condition and the environment. Mr. Crampton has shown pictures and has a history of building the kind of wall that will look probably better than the bluff itself.

#2. Mr. Crampton has brought in both Steve Aceti and a Mr. Flick PhD who are renown coastal experts. They have testified that a wall has no ill effects on neighboring sites or on beach erosion.

#3. I have lived near Fletcher Cove for seven years. We walk almost daily. For more than a year we have been able to walk South **only** at a very low tide. There has almost never been a walkable beach going North of Fletcher Cove. It is dangerous to try to walk North. They have had bluff failures and the waves wash vigorously against the bluff. The Surfriders claim they only want to protect the beach. I only wish there was a beach to protect in that area.

#4. Once when our City Council was about to launch a Trash for Sand program, the Surfriders said we would be hurting the grunion. I have **Never** seen or heard of grunion on our beach. Yet they managed to delay the sand which we so desperately needed until we never got it.

#5. I was at a Coastal Commission meeting when a councilman from Encinitas did a wonderful "Show & Tell" (I'm a former school teacher.). He showed kelp that had been kept in a plastic sealed container. It was alive and growing. He gave the research figures to show that the stuff is almost invincible. Again the Surfrider foundation had used the kelp as an excuse to hold up any sand projects that we might have been successful in negotiating.

The Surfrider Foundation might have been founded on some decent environmental principles but like many causes they have forgotten their mission. They are now "Downright Mean Spirited". That is the only explanation for their recent protest re homeowners building walls to protect their property or even the filling in of seacaves.

I have some communication from the people in this now vicious organization saying things like, "We have PhD's and lawyers on our side" They say this smugly and with derision at the small force the other side has privately had to pay for. "You didn't do your homework. Ha, Ha", the Surfriders have told me. (I can name names at your request.) The Surfriders found some old documents saying the private homeowners would not protect their homes with walls. First of all, only a few of the impacted homeowners had signed these documents. What about those who did not sign? The homeowners that had signed thought they would never need walls to protect their properties. Experts had been hired and had testified to that at that time. Can we punish them and let their properties fall into the ocean because they were naïve, trusting and wanted to add on to their properties to catch more view and enjoy life more?

Has our justice deteriorated to, who can find the most technicalities and thus prevent action? I pray we still have common sense? A homeowner has a right to protect his property at no cost to anyone but himself. The homeowner is also protecting the person who might be walking below if the bluff should fall. It's a miracle no one has been hurt yet. Should the homeowners who are ready and need to remediate the bluff condition have to wait until their homes are falling down the cliff or until someone is killed? Does that make sense?

I once heard a truism that says, "No one feels sorry for the guy that gets murdered on a yacht". Is this what it is all about? Do the mean spirited Surfriders envy the homeowners of these properties? Do they envy their ocean views and their lifestyles? I don't own one of those homes. Many times I have envied the surfers who spend their days out on their boards.

The voice of reason will tell you that the homeowners are protecting their homes at no cost to anyone. The homeowners are protecting the beaches not the Surfriders who make the false claim that is what they are doing. The homeowners are the concerned citizens! Please protect them.

Sincerely,

Alvin & Jenny Asher

Alvin Asher *Jenny Asher*

To: Diana Kelly

Please forward to
Coastal Commissioners
Thanks

252 Pacific Ave.,
Solana Beach,
Ca 92075.

January 11, 1999.

California Coastal Commission
3111 Camino Del Rio North, Suite 200,
San Diego,
Ca 92108-1125.

Dear Members Of The Coastal Commission:

We received notification in the mail regarding the permit for bluff restoration listed as permit number 6-98-134.

As an owner on the non-bluff side of the street, I would urge the Coastal Commission to approve these permits.

Recently we have seen an incredible lowering of the sand level below these bluffs. Since beach restoration apparently is not a priority within the State, I would urge you to act responsibly when it comes to bluff restoration.

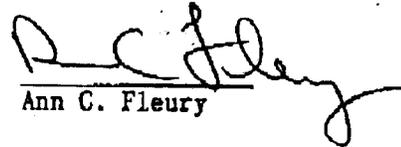
The lack of sand on the beaches and the steep slope of the bluffs expose the public to the hazzard of falling rocks, since the beach is no longer wide enough to allow escape from objects falling from above. Those of us who are old enough remember the young man killed by the falling gazebo when the bluff failed in the sixties. We do not want to see another such tragedy.

Allowing this work to proceed will remove a potential threat to public safety, preserve our recreational and scenic beauty, and maintain the values of these properties whose property taxes are an essential part of our city's revenues.

This project appears to accomplish all of the above while blending in with the natural surroundings.

Thank you for your consideration.

Sincerely,


Ann C. Fleury

SAN DIEGO COAST DISTRICT
CALIFORNIA
COASTAL COMMISSION

JAN 12 1999

RECEIVED

Letter of support
6-98-134

California Coastal Commission
13 July, 1999
Item Tu 15a 6-98-134

JUL 13 1998

From: _____

Presnell, Richardson, Colton, Bennet, Paskin, Stroben, Lingenfelder, Scism
by
Sheelagh Williams
Solana Beach, CA

• YOUR DECISION WILL IMPACT THE ENTIRE CALIFORNIA COASTLINE

The California Coastal Commission has been setting the stage for the Planned Retreat Policy since 1986. As explained in a CCC staff, "This concept, known as "planned retreat", requires [emphasis added] the line of development to recede commensurate with bluff retreat. This concept offers the homeowner reasonable use of their property in a hazardous area for a limited period of time, i.e., until the hazardous nature of bluff retreat threatens the residence." (6-94-33, Paskin, 269 Pacific Avenue, Solana Beach). Over the last 15 years, this Commission has been imposing conditions and requiring deed restrictions all along the California coastline to prepare for this moment. Push has now come to shove, certainly sooner than these applicants expected, and this case represents the best opportunity to actually implement the planned retreat policy. If you do not deny this application and implement planned retreat, when will you? Is the Planned Retreat Policy for bluff retreat or the Commission's own retreat?

Five of the eight properties have permit conditions and/or deed restrictions which

- flat out prohibit seawalls, "that the landowner shall not construct any upper or lower bluff stabilization devices [emphasis added]." (6-95-23, Bennett),
- "prohibit any alteration of landforms [emphasis added], removal of vegetation or the erection of structures of any type in the area shown on the approved site plans as required in Special Condition 7 below, and otherwise described as the bluff face, extending down from the bluff edge to the bluff toe." (6-89-366, Lingenfelder),
- state that "in the event that erosion threatens the existing home, patio areas, or other accessory structures in the future, the Coastal Commission will consider removal of these structures, including portions of the home or the entire home, as the preferred and practical alternative to proposals for bluff and shoreline protective works." (6-91-309, Richardson)
- include a deed restriction which provides that "the applicant understands that the site may be subject to extraordinary hazard from bluff retreat and erosion" (6-89-288, Stroeben)

EXHIBIT NO. 14
APPLICATION NO. 6-99-100
Letters of Opposition
 California Coastal Commission

- which require analysis of alternatives to bluff protective works which do not include seawalls. "The alternatives shall include relocation of the principal residence in its entirety, relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices [emphasis added]." (6-94-33, Paskin)

This is the landmark case where you have the permit history to make a stand, do what you were commissioned to do and protect our bluffs. . If you deny this project, the work of this Commission over the last fifteen years will not have been in vain. If you approve this project, we can look forward to a coastline which is armored from stem to stern because developers will know that you don't have the guts to make a stand

- Other States are Taking a Stand

Oregon faces the same issues you do: balancing the need to protect private property and the need to preserve our natural coastline. They have made the hard decision that sometimes this means that homes are abandoned and the natural process of erosion of the coastline occurs.

- APPROVAL OF THIS APPLICATION WILL VIOLATE THE COASTAL ACT

The Coastal Act requires that new development, like the remodels on the five properties since 1986, may not "in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs" Coastal Act Section 30253. The Planned Retreat Policy was initiated in 1986 to comply with this section of the Coastal Act so that homeowners could enlarge their homes but when the time came and the bluff was retreating, there would be no protective devices for their new development. Staff's report page 2 "the proposed 35-foot high seawall will have impacts on shoreline processes, public access, landform alternation and the visual quality of the area." Documents non-compliance with Section 30253.

Staff's report is seriously flawed in that it assumes the applicants have a right to protection. They do not. They abandoned that right in 1989, 1991, 1993 and 1994 when they knowingly chose to build in a hazardous zone. They were clearly notified about the hazard and the consequences of future bluff erosion.

Of the three properties which have not abandoned their right to protection, Mr. Colton has a permit for and is constructing a lower bluff seawall. We have and continue to support Mr. Colton's right to protect his home. I would support

replacement of the failed upper bluff for Mr. Colton. The two properties on the north and south ends of the proposed seawall will actually increase the danger of erosion to their properties due to the well documented end effects of seawalls where erosion is likely to be greater. [Please see my summary of the literature on the effects of seawalls included in the staff report.]

Staff's report says on page 2 "the proposed 35-foot high seawall will have impacts on shoreline processes, public access, landform alteration and the visual quality of the area." There is no doubt that this huge project is exactly what is intended to be avoided to protect new development, like the five properties who have added significant square footage to their homes.

On page 10, the current Staff report states for 255 Pacific Avenue, "The permit was granted with no special conditions." This is not true. The original staff report for 255 Pacific, 6-91-309, states, "Staff is recommending approval of the proposed project subject to special conditions addressing the submittal of final plans, the recordation of deed restrictions related to the applicant's assumption of risk, future development and a deed restriction which notifies the applicant and future owners that all accessory structures and portions of the home or the entire home are considered expendable and should be removed as an alternative to bluff and shoreline protection should these structures become endangered."

Staff's current report special condition 10 is for amending a deed restriction associated with application 6-89-366. This is a deed restriction placed by this Commission in 1989 which prohibits any alteration of landforms or construction of structures of any type on the bluff. The proposed amendment would constitute a retreat of the CCC, not of the bluff.

Staff's recommendation is a reversal of the Planned Retreat Policy and the bargain made when the applicants old permits were issued. The proposed new deed restrictions would not explicitly preclude seawalls, as was done for the new development on the Bennett property in 1995. The new deed restrictions limit the Commission's options to approval of seawalls or alternatives which would stabilize the principal residences. Staff's recommendation magically mutates the new development on 255 Pacific, 265 Pacific, 269 Pacific, 301 Pacific and 309 Pacific into existing structures which would be protected under the Coastal Act. So under staff's recommendation, all development which has occurred since 1986 is not new, but existing. Planned Retreat would be dead. Planned Retreat was selected in the 1980s as the method for complying with Section 30253. Why would you abandon this method now?

The alternatives analysis is seriously flawed. The alternatives analysis is required to include removal of the homes and for the Paskins, may not, by deed restriction, include seawalls. The analysis discusses removal only of those portions of the home within 40 feet of the current bluff edge. There is no consideration of complete removal of the homes and potential methods for making that a fair and equitable solution for the applicants. There are precedents in the San Diego area for condemning homes and getting reparations for the homeowners. In Oceanside, homes on a slope were condemned by the city. The developer's insurance was forced to reimburse the homeowners. In this case, perhaps the insurers of all the geologists who predicted stable bluffs for 75 years might be liable. The applicant's geologist has cited El Nino as the root cause of the bluff failures. There may be FEMA funds available to the homeowners for relocation. The analysis fails to consider these alternatives. If I can think of these, I'm very sure that people who know more than I do can think of others.

- This case is too important to let the applicant's geologist's opinions stand without review

The alternatives analysis, limited as it is, has not been subject to the scrutiny it should get. The CCC is currently trying to hire a geologist who can provide the kind of independent analysis that is required. No offense to the applicant's geologist, but I am hard pressed to imagine a scenario in which he would come up with a recommendation in opposition to those paying his bills.

- There are other projects with a huge cumulative impact which are being submitted piecemeal to the CCC

Two additional projects have been developed by the applicant's geologist. The first of these is 6-98-144, a proposal for 400' of contiguous sea cave and notch infill. The original application has been modified to reduce the average height of this virtual seawall but will still be 400' of concrete armor, not bluff. In addition, the applicant's geologist has a third plan, already approved by the City of Solana Beach on an emergency basis in November, 1998, but not yet submitted to the CCC. This plan would armor another 290' of Solana Beach's bluffs.

No EIR has been performed for any of these three projects, let alone for them as a collection of significant modifications to the bluffs of Solana Beach. The City of Solana Beach has failed to submit an LCP so their review is flawed. In fact, during recent discussions of the Citizen's General Plan Advisory Committee, the participants were told by City Staff that their recommendations for the Bluff Element did not have to be in compliance with the Coastal Act.

• CONCLUSION

Beach and bluff retreat and the armoring of the coast are major Coastal Act issues, right up there with access and wetland protection. More than a decade ago this Commission selected Planned Retreat as a rational and effective tool for balancing property rights and bluff protection. Now staff recommends abandoning this history and this tool and granting approval for bluff armoring without an EIR or any other in depth study of the impacts.

This Commission has the opportunity and the supporting facts today to enforce the Coastal Act. Failure to enforce the permit conditions and deed restrictions imposed on these applicants over the last fifteen years will send a strong message that this Commission is prepared to allow sea walls anywhere. All the permit conditions and deed restrictions that have been required over the past fifteen years will be so much garbage.

This is not an easy decision to make. These are real homes of real people. They are my neighbors. I've carpoled their children to school. I see them on the steps to the beach. I see them in the market. I see them at City Council meetings. But I believe it is your job to look beyond the individuals and consider the law and the impacts of your decision on the resource. This commission was created to protect - the valuable, irreplaceable asset that is our beautiful, erodible coastal bluffs.

Ellen Stephenson
1120 Highland Dr.
Del Mar, CA 92014-3903

Received at Commission
Meeting

JUL 13 1998

July 12, 1999

From: _____

To: California Coastal Commission
c/o Diana Lilly
311 Camino del Rio North
San Diego, CA 92108

Re: July 1999 Meeting

Ref: CPD 6-98-134 Presnell et. al. Solana Beach
352 foot long, 35 foot high seawall, etc.

Dear Commissioners:

My, how quickly the tide changed!

At the Commission hearing 1/13/99, a decision was delayed while legal staff researched the status of conditions and deed restrictions placed on the 8 bluff properties involved.

In 1985 the Coastal Commission started using the concept of planned retreat including conditions and deed restrictions as a condition of approval for construction closer than 40 feet of the bluff edge. Deed restrictions for 265 and 269 Pacific Ave. prohibit consideration of bluff or shoreline devices when the owner has chosen to build closer than 40 feet to the bluff edges. Conditions include alternatives that say the removal of accessory structures and portions of the home or the entire home are considered expendable and should be removed as an alternative to bluff and shoreline protection should these structures become endangered.

The agent for the applicants assured them that their properties were safe from bluff erosion for 70 years. The prospect of having to remove parts or all of their homes seemed remote. However, the forces of nature and winter storms are painting a different picture, with bluff failures now occurring within 10 years time, not 70 years! This shows that the geotechnical reports are not infallible.

The Commission staff now recommends that the conditions and deed restrictions are in essence not binding and can be ignored or amended. How can this be?

Now that the natural processes of bluff deterioration are doing their thing, the Commission staff and agent for the applicants are recommending that the least environmentally damaging way to protect the bluffs and the bluff top homes is to construct

his property. I feel the Coastal Commission would be reversing its policies of coastal protection as outlined in the Coastal Act. I see the staff recommendations bending to the pressures of the 8 home owners and their agent to protect their bluff top homes from tumbling into the sea, eventually. I feel the 'clean sands lens' issue needs more study. It is a weak premise supporting the conclusion that a 35 foot high sea wall is needed to cover up the 'clean sands lens' to stop further bluff failures. There is no proof for this theory!

Please deny this project and enforce the conditions/deed restrictions previously approved by the Commission.

Sincerely,

Ellen Stephenson

Ellen Stephenson
Solana Beach Resident

cc: Commisioners
Diana Lilly, San Diego staff

Received at Commi...
Meeting

JUL 13 1998

From: _____

July 4, 1999

California Coastal Commission
San Rafael, CA

RE: Application No. 6-98-134

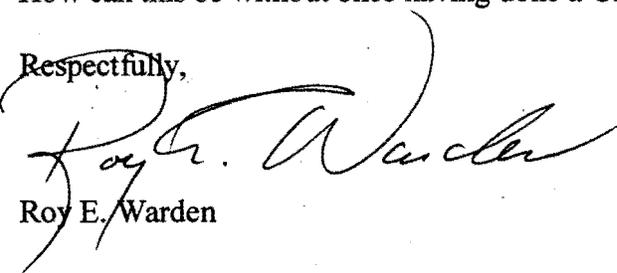
Dear Commissioner:

Please let me point to something in error and may be misleading. On page #34 of the staff report it states, "evidence of a clean sand lens," which has been documented on the project site, has not been reported else where in the area.

This "clean sand lens," extends all the way north to Tide Park approximately one quarter of a mile. The clean sand is the white strata just above the sandstone bluff. If this is the culprit to bluff failure, then we are eventually looking at a quarter of a mile of retaining wall to our bluffs.

How can this be without once having done a C.E.Q.A.?

Respectfully,


Roy E. Warden

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

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

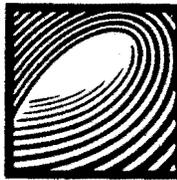
The City of Solana Beach should also address these items in the context of a comprehensive approach to management of shoreline resources. As shoreline erosion along the coast rarely affects just one individual property, it is imperative that a regional wide solution to the shoreline erosion problem be addressed and solutions developed to protect the beaches. Combined with the decrease of sandy supply from coastal rivers and creeks and armoring of the coast, beaches will continue to erode without being replenished. This will, in turn, decrease the public's ability to access and recreate on the shoreline.

The bluffs in this section of the Solana Beach coastline are in public ownership; for the most part pristine, devoid of shore and bluff protection structures or private access stairways. Evidence of a clean sand lens, which has been documented on the project site, have not been reported elsewhere in the area. As such, it is premature to commit this entire stretch of bluffs to armoring without a thorough analysis of alternatives.

In the case of the proposed project, site specific geotechnical evidence has been submitted indicating that the existing structures on the project site are in danger. The Commission feels strongly that approval of the proposed project should not send a signal that there is no need to address a range of alternatives to armoring for existing development. Planning for comprehensive protective measures should include a combination of approaches including limits on future bluff development, ground and surface water controls, beach replenishment, and even continual lower bluff protection

* PLEASE SEE PHOTOS IN CHAIRPERSONS ENVELOPE.

San Diego County Chapter:
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Encinitas, CA 92023
<http://www.sdsc.edu/~sdccsf>
619-792-9940



National Office:
122 El Camino Real, Box 67
San Clemente, CA 92672
E-mail: Surfrider0@aol.com
1-800-743-SURF

Surfrider Foundation San Diego County Chapter

RECEIVED July 7, 1999

JUL 8 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission Hearing, July 13, 1999
Marin County, Board of Supervisors Chambers
Administrative Bldg., Rm. 322
Marin County Civic Center
San Rafael, CA 94903

Re: Application No. 6-98-134 (Presnell, et al., Solana Beach)

Application of Keith Presnell, Richardson Trust, Buzz Colton, William Bennett, Marc Paskin, Lee Stroben, Terry Lingenfelder and Harold Scism for 350-ft-long 35-ft-high shotcrete tied-back seawall on public beach at base of coastal bluff below 8 single-family homes, at 249, 255, 261, 265, 269, 301, 309, 311 Pacific Avenue, Solana Beach, San Diego County.

Dear Commissioners:

This statement is made on behalf of the over 2,000 members of the San Diego County Chapter (SDCC) of the Surfrider Foundation. The Surfrider Foundation is an International Non-Profit Environmental Organization dedicated to the protection of the world's waves, oceans, and beaches through Conservation, Activism, Research, and Education (CARE).

It is the informed opinion of the Surfrider Foundation that seawalls constructed within the inter-tidal zone provide no benefit to the public's desire to retain beaches. The Commission must consider within the context of all applications for seawalls within the inter-tidal zone:

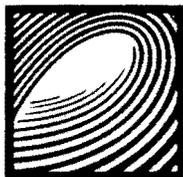
1. There is no scientific support that seawalls offer any beach protection when constructed in the inter-tidal zone. No study, where an "active" seawall constructed in the inter-tidal zone, has demonstrated that the wall has had anything but a negative effect (i.e. reflection and scour) on the existing beach or down-drift bluff. Seawalls increase the reflection of waves from the shore, resulting in a steepening of the foreshore, and a reduction of the foreshore beach area where the public recreates. Seawalls rearrange the beach profile causing the foreshore sand volume to be redistributed into offshore sand bars, where it is beyond the reach of recreational users. Most literature on the effect of seawalls is on beaches where significant sand or reef is in front of the wall. For example, the wall on the extreme north end of Solana Beach.

2. Seawalls impede the natural process of cliff erosion, which is one of two primary



"The Surfrider Foundation is a non-profit environmental organization dedicated to the protection & enhancement of the world's waves and beaches through conservation, activism, research and education."

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1-800-743-SURF

Surfrider Foundation San Diego County Chapter

sources of valuable sediment to the littoral cell, and can lead to beach enlargement through the creation of "pocket beaches." It is for these reasons that the SDCC of the Surfrider Foundation must generally object to the permit applications for all seawalls within the jurisdiction of the Commission.

After careful consideration the SDCC must specifically oppose the permit application and staff findings as proposed for the above Application No. 6-98-134. The SDCC objects on the above, and following grounds:

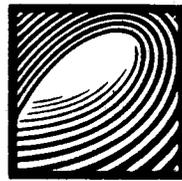
1. Deed Restrictions: Some of the Applicants possess property encumbered with Deed Restrictions that prevent or restrict the construction of seawalls, recorded within the chain of title. The law of this state unequivocally recognizes these recorded documents as binding upon all successors in interest, including lenders. The Commission is the public's only source of institutional history. Should this Commission fail to recognize the clear intent of past Commissioners, and not uphold that intent, this Commission sends a strong message to the public of the State of California that present intent is meaningless in the future, and thereby calling into question the consistent enforcement of the entire Coastal Act. The Commission must deny the Application on this basis as to those encumbered properties.
2. Geology: It is the strong desire of the SDCC that truth be introduced into this debate. Some of the Applicants have produced geological studies over the years to support their applications to improve or rebuild their residences on the subject properties. Some of these studies offered between 1989 and 1995 (e.g. 6-89-366, 6-89-288, 6-94-33, 6-95-23) indicated that it would be between 40 and 75 years before protection of the residences would be necessary. Further, in their Coastal Development Permits (CDP's), several of the Applicants had options to build at a 40 foot setback, but chose to build closer to the bluff edge at a 25 foot setback, based on their geologic studies.

Past geological studies have indicated a retreat rate that would have sustained the property without a need for shoreline protection for between 40 and 70 years, however, these rates do not account for episodic events that are the main culprit in erosion in this area. It is illogical to use a retreat rate other than the actual rate (as observed) in any calculations or Coastal Planning Processes. Historic geologic studies were "screwed up." The use of the "screw method" for measuring rates of bluff retreat is inappropriate where erosion is more often the result of catastrophic, episodic events as opposed to gradual, consistent retreat.

It is also recommended that future CDP consideration require a 5 year El Nino storm



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Surfrider Foundation San Diego County Chapter

event cycle in calculating the erosion rate and in geological studies.

The Applicants must ultimately take responsibility for these studies and Permits. The Commission needs to appreciate institutional memory, and the public needs confidence in an enforceable means to assure responsibility for incorrect results. The Applications should be denied on this basis.

3. Assumed Risk: Several of the Applicants have developed in the face of known hazards. They were required to pursue alternatives other than Coastal Armoring, including removal of the structure as conditions of their CDP's (6-95-23, 6-89-288, 6-95-23, 6-94-33). It is the duty of the Coastal Commission to enforce these conditions, and deny the Applications on this basis.

4. Sand Mitigation: Insufficient mitigation to the sand mitigation fund is being proposed. The staff report indicated the homeowners would donate to a sand mitigation fund with a onetime donation including cash and sand. The Applicants have stated at public hearings that sand from the bluff is inconsequential in contributing to the sand on the beaches. The following are some calculations regarding sand from bluff erosion if no protective measures are taken. Assuming that the scope of projects in Solana Beach includes a width (W) of 400 ft. of shoreline or 133 yards at a height (H) of 84 ft. or 28 yards, at an annual retreat rate (RR) of 2 ft. per year (0.67 yards/yr), (factors based on the document entitled, "Shoreline Erosion Assessment and Atlas of the San Diego Region," by California Dept. of Boating and Waterways and SANDAG and the actual retreat rates observed), then the average annual loss of sand from bluff erosion is given by:

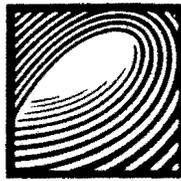
$$V = W * H * RR = 133 * 28 * 0.67 = 2495 \text{ cubic yards of beach building material per year}$$

where V is the annual volume of sand contributed per year. V, does not discriminate between sand and other materials.

The annualized cost of this material approximated at \$15 per cubic yard is **\$37,426** per year. Since all the construction in this coastal zone is in an eroding shoreline, consistency with the Coastal Act provides for mitigation of this lost volume of sand (see "Procedural Guidance Document: Review of Permit Applications for Shoreline Protection Devices"). Over a 70 year life span, this accounts to substantially more than the mitigation proposed by staff. It is the obligation of the Commission to require sufficient mitigation, and this Application should be denied on that basis.



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San Diego County Chapter

5. Public safety: When a bluff face is in jeopardy of falling down on the beach, beach users assume the risk of injury when they choose to use the potentially impacted area. In a natural area, where the city takes action to protect a segment of bluff face, and then something happens to a beach user as a result of that action (i.e. a seawall deteriorates and falls on someone), then the city may be liable. The Applicant has not provided the City of Solana Beach with indemnity, and the Application should be denied on that basis.

The SDCC is made up of people. People who are likewise homeowners, taxpayers, and voters. We recognize the difficult position some of our neighbors are presently in, and consequently agree with the Applicants that sand replenishment is urgently needed as a means of protecting both public rights to the beach, and private property. Notwithstanding, the SDCC anticipates many more application for shore line armoring devices, including seawalls, before effective sand replenishment is implemented in California. We, however, strongly believe that the public should bear none of the responsibility, or cost (economic and intrinsic) to protect private property. For these reasons, and where the Commission determines to approve such a CDP, we encourage the Commission to favorably consider, and purposefully impose consistent conditions to all CDP's for seawalls, based on the matters for objection raised by this letter, and at a minimum, the following:

Access: The City, by its action, would have the right to close this beach wet or dry and prevent lateral access.

Mitigation: Based on the type of formula provided above, the applicant should provide for complete mitigation covering the life of the project.

Maintenance: When a seawall is approved, a means of assuring responsibility over the lifetime of the project must be enforced. The applicant must maintain a policy of general liability and hazard insurance as long as the structure is in place. There should be a bond posted to cover future maintenance. The purpose of this bond would be to pay for costs to maintain or remove the structure in the event of its failure or endangerment to the public and/or the public trust (the beach), in the event the homeowner is incapable or refuses to provide for future needs. This bond should also include the potential removal cost in the event monitoring of the wall indicates adverse impacts. Currently, the Applicant has not provided for maintenance, and the Application should be denied on that basis.

Public Disapproval: Many members of the public find seawalls aesthetically displeasing regardless of attempts to match the texture and color of the bluff face and oppose their construction on this basis alone.



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Surfrider Foundation San Diego County Chapter

Failure Study: The applicant should be required to present a study on the lifetime of this project containing at the least the following elements:

- A. How long will the proposed structures last?
- B. What will be the failure mechanism at the end of its useful life?

Based on the reasons set forth above, the San Diego County Chapter of the Surfrider Foundation respectfully requests that the Commission recognize the Deed Restrictions, uphold the intent of past Commissioners, and deny the Application. Thank you for your consideration.

Respectfully,

MARCO A. GONZALEZ, ESQ.

Surfrider Foundation

Co-Chairperson, San Diego County Chapter

215 S.Hwy 101, Ste. 206

Solana Beach, CA 92075

Ph: (858) 509-9751

Email: mag0121@aol.com



"The Surfrider Foundation is a non-profit environmental organization dedicated to the protection & enhancement of the world's waves and beaches through conservation, activism, research and education."

RECEIVED

JUL 8 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: CDP 6-98-134

Commissioners:

I oppose the permit application and staff findings as proposed for the following reasons:

1) Several of the applicants have developed in the face of known hazards. They were required to pursue alternatives other than Coastal Armoring and including removal of the structure as conditions of CDP's (6-95-23, 6-89-288, 6-95-23, 6-94-33). It is the duty of the Coastal Commission to enforce these conditions.

2) It is submitted that some of the applicants have produced geological studies over the years to support their applications to improve or rebuild the residences on the property. Some of these studies offered between 1989 and 1995 (e.g. 6-89-366, 6-89-288, 6-94-33, 6-95-23) indicated that it would be between 40 and 75 years before protection of the residence would be necessary. Further, in their Coastal Development Permits, several of the applicants had options to build at a 40 foot setback, but chose to build closer to the bluff edge at a 25 foot setback.

Past geological studies have indicated a retreat rate that would have sustained the property without a need for Shoreline Protection for between 40 and 70 years; however, these rates do not account for episodic events that are the main culprit in erosion in this area. It is ILLOGICAL to use a retreat rate other than the actual rate as observed in any calculations or Coastal Planning Processes.

It is also recommended that future CDP approval require a 5 year El Nino storm event in calculating the erosion rate and in geological studies.

I submit that the applicants are responsible for these studies and Permits. The Commission needs to appreciate institutional memory, and the public needs an enforceable means to assure responsibility for incorrect results.

3) Insufficient mitigation to the sand mitigation fund is being proposed. The staff report indicated the homeowners would donate to the sand mitigation fund with a onetime donation including cash and sand. The applicant has stated at public hearings that sand from the bluff is inconsequential in contributing to the sand on the beaches. I would like to present some calculations regarding sand from bluff erosion if no protective measures are taken. Assuming that the scope of projects in Solana Beach includes a width (W) of 400ft of shoreline or 133 yards at a height (H) of 84ft or 28 yards, at an annual retreat rate (RR) of 2 ft per year (0.67 yards/yr) based on "Shoreline Erosion Assessment and Atlas of the San Diego Region," by California Dept. of Boating and Waterways and SANDAG and the actual retreat rates observed, then the average annual loss of sand from bluff erosion is given by:

$$V = W \cdot H \cdot RR = 133 \cdot 28 \cdot 0.67 = 2495 \text{ cubic yards of beach building material per year}$$

where V is annual volume of sand contributed per year. This may be slightly incorrect in that it does not discriminate between sand and other materials.

This letter is one of
four identical letters

The annualized cost of this material at \$15 per cubic yard is \$37,426 per year. Since all the construction in this coastal zone is in an eroding shoreline, consistency with the Coastal Act provides for mitigation of this lost volume of sand (see "Procedural Guidance Document: Review of Permit Applications for Shoreline Protection Devices"). Over a 70 year lifespan, this accounts to substantially more than the mitigation proposed by staff.

4) A means of assuring responsibility over the lifetime of the project must be enforced. It is submitted that the applicant maintain a policy of general liability and hazard insurance as long as the structure is in place. The purpose of this bond would be to pay for costs to maintain or remove the structure in the event of its failure or endangerment to the public and/or the public trust (the beach).

5) The applicant should be required to present a study on the lifetime of this project containing the following elements:

- How long will the proposed structures last?
- What will be the failure mechanism at end of life?

Respectfully,

A handwritten signature in black ink that reads "Janet F. Smith". The signature is written in a cursive style with large, flowing loops.



RECEIVED

MAY 6 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 5, 1999

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

REF: Permits for seawalls, Solana Beach. Please include this letter in all packages for all future hearings on this subject.

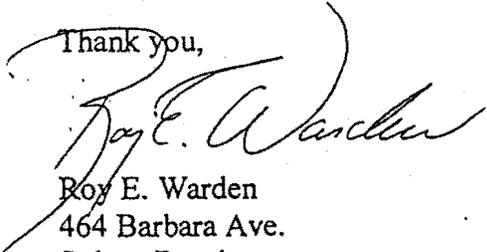
Dear Commissioners:

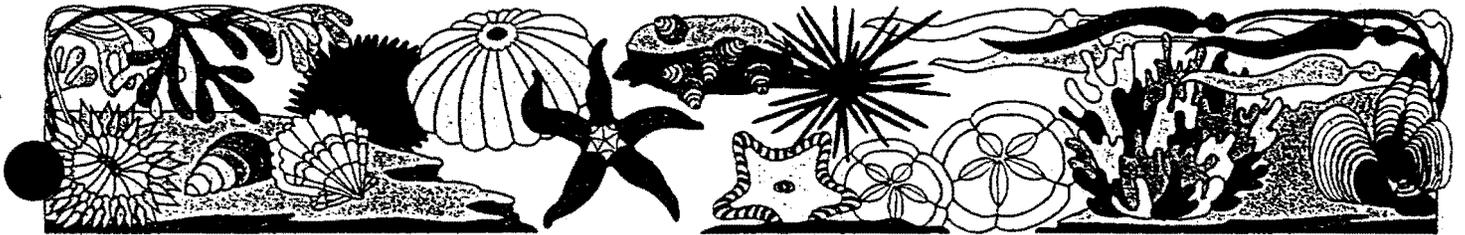
There are two obvious things about the seawall applications #6-99-56 and #6-98-134 that I would like to point out.

1. The "Clean Sand Lens," which Mr. Crampton blames for the erosion, not only exists beneath the properties that are asking for seawalls, but the entire bluff area north to Tide Park. Eventually this would mean the elimination of our beautiful bluffs, thus leaving a seawall approximately one half mile long for our little city.
2. In the area where Mr. Crampton wishes to build this wall, he estimates the bluff eroded some 17 feet in the winter of 1988.

His proposed wall 35 feet high and 2 ½ feet thick would have a one-foot sacrificial layer. If we have another winter just one half as bad as 1988, and the bluff on either side of this wall would erode just 10 feet, what are we going to be looking at?

Thank you,


Roy E. Warden
464 Barbara Ave.
Solana Beach



February 27, 1999

California Coastal Commissioners
3111 Camino Del Rio North, Suite 200
San Diego, CA 92109-1725

Re: Permits for Bluff Stabilization

Dear Commissioners:

I am an "Environmentalist." Since I have lived in San Diego County (nine years), a major project to which I have devoted hours and dollars to is the San Dieguito River Valley Open Space Park, as well as supporting other efforts for protection of our natural resources. In fact, I have spoken before you in support of such efforts.

The beaches of our area are of primary concern to all - those who enjoy their beauty, for recreation and education, those who profit from them because of the attractiveness added for tourists and industry to be here.

Although you may discredit my opinion because I live on the bluff in Solana Beach, I hope that you will consider these points:

- None of the above are benefiting by the erosion of the bluffs. Except during extremely low tides, no one is able to walk on the beach as in the past.
- When one *is* able to be on the beach, an argument for preserving the beauty by doing nothing is obviously coming from a mindset unable to be changed by reality. I'm certain you have the pictures of the erosion and pebbles and also an artificial seawall designed by The Delta Group - obvious evidence of which is the more pleasant, especially considering that with the natural look we won't be able to be down there seeing it any way. Is beauty collapsed patios and debris falling over the top edge of the bluff?
- Apparently these walls would also be some protection from the dangers of failures. I can't tell you the number of times I have pointed out to parents who allow their children to play in the caves and under the undercuts of the possibilities for harm to them.

Renita Greenberg, 327 Pacific Ave., Solana Beach CA 92075
(619)481 3002 (fax)481 3714. RenitaG@Home.com

RECEIVED
MAR 02 1999
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

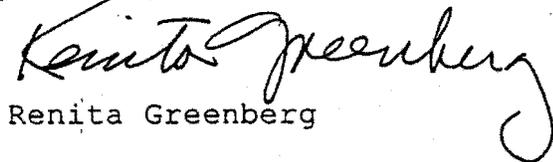
I am not one of the applicants for building a seawall. In fact, I have always believed that I was against them, even since I have been living on the bluff. However I have also always prided myself on being able to admit it when I am wrong. While I am still not applying for a permit, I have contributed to the group who is in order that the research could be done to allow an intelligent decision to be made as to some solutions to this problem which faces the whole community. Because of the constant beating of pebbles against the lower bluff, undercuts are developing where they have not been before. I fear that the entire lower bluff should be protected.

I have also contributed to the various sand replenishing projects, which I consider worth a try. Interestingly enough, none of the neighbors not on the bluff seem to be against this endeavor, even though it is less likely to have long-term results.

The hastening of the inevitable erosion of our bluffs has been caused by breakwaters for marinas, dams, and other projects which have been allowed for many years. These and the building of homes on the bluff should not have been approved. But they were.

You now have the responsibility to prevent further mistakes from being made. I hope you will decide that doing nothing is not the right course.

Sincerely yours,

A handwritten signature in cursive script that reads "Renita Greenberg". The signature is written in dark ink and is positioned above the typed name.

Renita Greenberg

RECEIVED

JAN 29 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

January 27, 1999

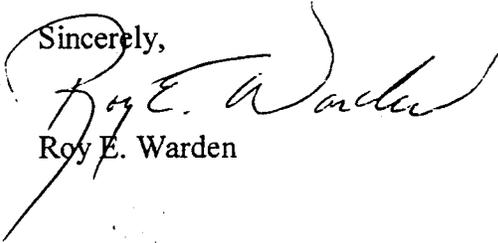
California Coastal Commission
San Diego Area
RE: Application No. 6-98-134

Dear Ms. Lilly:

An interesting thought comes to my mind, picture this.

Mr. Crampton proposes that his seawalls erode at the same rate as the bluffs. Now the seawall he wants to construct north of Fletcher Cove would be two and one half feet thick, one foot of which is erodible. In the location he proposes this wall, he states the bluff eroded approximately 17 feet last winter. If we have another winter just half as severe as last winter, and the natural bluffs on either side of his wall erode by ten feet, what would we be looking at?

Sincerely,


Roy E. Warden

21 of
6-98-134

CDP 6-98-134

13 January, 1999

Supplemental Material
In Opposition

Sheelagh Williams
Geoff Williams
Roy Warden
Ellen Stephenson
Margaret Schlesinger

Received at Commission
Meeting

JAN 13 1998

Coastal Commission Presentation

- Permit History (Sheelagh Williams)
 - Map showing restrictions and conditions
 - Table of restrictions and conditions
 - Copies of Staff Recommendations and Deed Restrictions
- Beach History and Future (Geoff Williams)
 - Photos showing 1985 and 1999 beach
 - North County Times article on sand replenishment
- Seawall Appearance (Roy Warden)
 - Photos of recent seawalls designed to mimic the bluffs
- Balancing public use versus private protection (Ellen Stephenson)
- Enforcement of existing conditions and deed restrictions (Margaret Schlesinger)
 - Supports CCC's 15 year old planned retreat policy
 - Doesn't gut existing deed restrictions in project and elsewhere in CA

My name is Sheelagh Williams.
I live in Solana Beach, California.

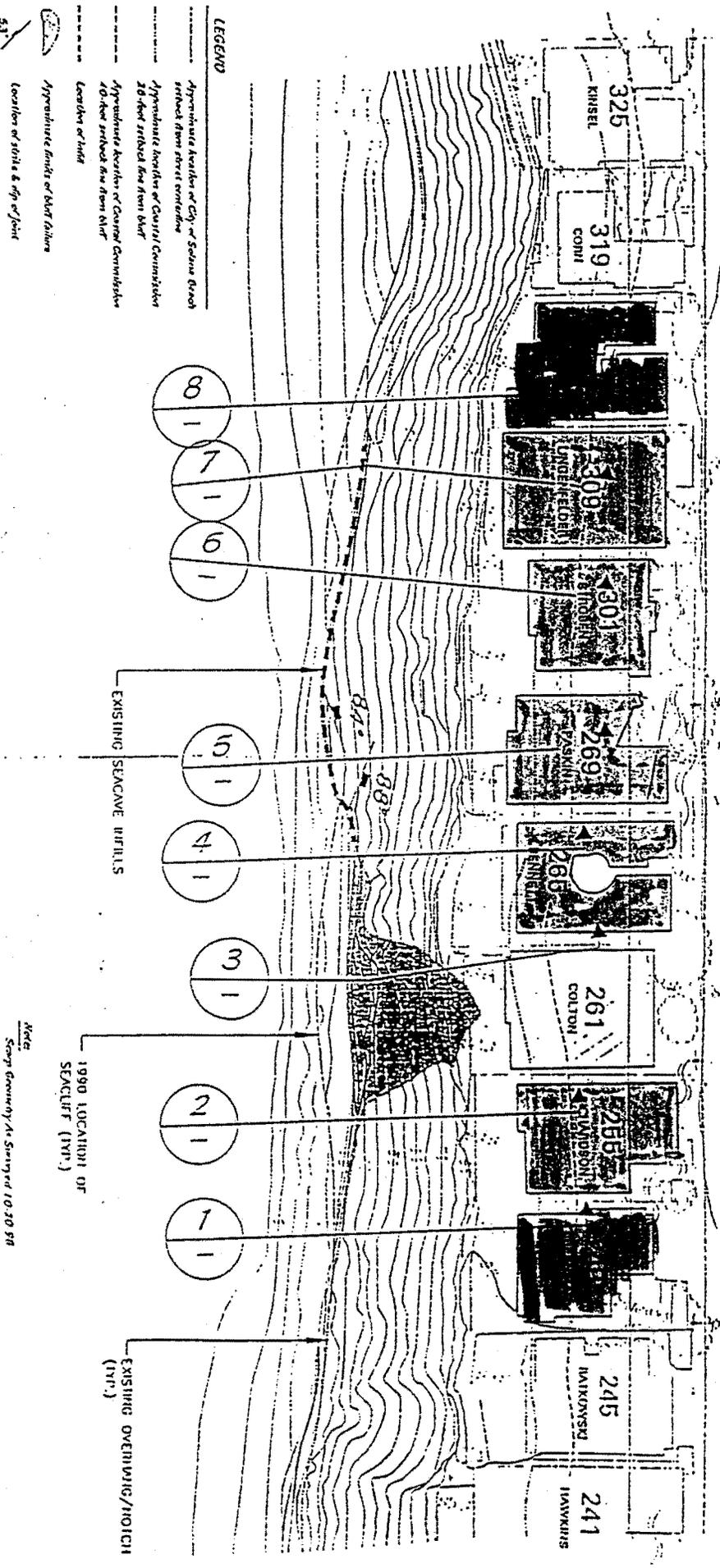
I will be discussing the permit history for the properties in the proposed project in the context of the Coastal Commission's policy on planned retreat. I will also be talking about CLEAN HANDS, not clean sands.

I have submitted a map showing the permit history of the properties, a table which summarizes the conditions and deed restrictions and copies of the staff reports and recommendation and deed restrictions from the Coastal Commission files. Green indicates CLEAN HANDS, properties where no recent construction has occurred and with no conditions or restrictions imposed by the Coastal Commission. Note that the only properties with CLEAN HANDS are the two end properties, 249 and 311 Pacific. Yellow indicates recent development which occurred prior to the Coastal Commission's planned retreat policy. 261 Pacific, the property immediately above the current bluff failure, falls into this category since the construction was proposed and approved in 1984. In 1985, according to the staff report for 265 Pacific Avenue, the Coastal Commission started using the concept of planned retreat and including conditions and deed restrictions as a condition of approval for construction closer than 40 feet of the bluff edge. Orange indicates recent development where the Coastal Commission included as a condition for approval acknowledgement from the property owner that removal of parts or all of their home were preferred alternatives to bluff protection devices. Red indicates even more recent development where the Coastal Commission required as a condition of approval deed restrictions which state that the Coastal Commission will in the future think of removal of the structure as the preferred and practical alternative to bluff protection or actually prohibit consideration of bluff protection devices. The deed restrictions for 265 and 269 Pacific prohibit consideration of bluff or shoreline stabilization devices. The deed restriction for 255 Pacific says removal of the home is the preferred solution. The staff report says on page one where even an impatient reader will see it "a deed restriction that notifies the applicant and future owners that all accessory structures and portions of the home or the entire home are considered expendable and should be removed as an alternative to bluff and shoreline protection should these structures become endangered."

Looking at the map it's clear that the only properties who have an unsullied argument for a seawall are 249 and 311 Pacific, the ones who are least threatened by the current bluff failure and who will bear the most risk of the well known negative effects of the ends of seawalls. 261 Pacific Avenue has also not waived a right to a seawall because their property is threatened and they have no conditions or deed restrictions in which they acknowledged that they would not get a seawall in the future. Only these three properties have CLEAN HANDS. No other

SCALE 1"=40'

PACIFIC AVENUE



PROJECT
249/311 PACIFIC AVENUE SEAWALL

SITE PLAN

PROJECT NO. 1831-3
FIGURE 1

GROUP DELTA CONSULTANTS, INC.

EXHIBIT NO. 2
APPLICATION NO. 6-98-134
Site Plan
California Coastal Commission

Summary of Permit History

Address	CDP No	Deed Restriction	Restrictions/Conditions
249 Pacific Avenue	None	None	None
255 Pacific Avenue	6-91-309	1992-0157942	"In the event that erosion threatens the existing home, patio areas, or other accessory structures in the future, the Coastal Commission will consider removal of these structures, including portions of the home or the entire home, as the preferred and practical alternative to the bluff and shoreline protective works."
261 Pacific Avenue	6-84-168	Unknown (file archived)	Unknown (file archived)
265 Pacific Avenue	6-95-23	1995-0398076	"recommendations for any immediate or potential future alternative measures necessary or desired to stabilize such portions of the principal residence that do not include shore or bluff protection, including but not limited to, removal or relocation of those portions of the principal residence located seaward of 40 ft. blufftop setback"
269 Pacific Avenue	6-94-33	1994-0717300	"The alternative(s) analysis shall include relocation of the principal residence in its entirety, relocation of portions of the residence that are threatened, structural underpinning or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices"

My name is Geoff Williams.
I live in Solana Beach, California.

I will be talking about what's happened and will be happening to the sand in Solana Beach. This is important because having hardly any sand on our beaches is the real reason the bluffs are eroding faster than they used to.

I have submitted some photos which show the history. The first picture was taken in the winter of 1985 when I was about 2 months old. This was before we lived in Solana Beach but we used to spend a lot of time on the beaches there. The picture is on the beach just north of Solana Beach near the Chart House Restaurant. The second picture was taken this past Sunday in about the same place as the first set. Of course, I can't be sure that the tide levels are the same. But the difference that you can see is that in 1985 there was sand on our winter beach. Now there's mostly rocks.

Here's why this is important. When we have sand on the beach then the waves don't smash up against the bluffs. The good thing is that people know this and are working on getting sand back on our beaches. In fact, right now thousands of cubic yards of Torrey sand from the railroad underpass are getting dumped on our beaches. According to this article from Saturday's North County Times, Solana Beach is also close to getting the OK to bring sand from the Colorado River in Yuma and put it on the beach at Tide Park and Fletcher Cove in Solana Beach.

There are some other good things happening. There's a new organization called the California Coastal Coalition. According to its Field Director, Mr. Steve Aceti, it is an organization of coastal counties, cities and interest groups which has been formed to introduce and monitor coastal legislation and develop funding sources for shoreline restoration. Encinitas, the city just north of Solana Beach, and Solana Beach are members. There are already fourteen other cities, two counties and one beach erosion Joint Powers Authority for Santa Barbara and Ventura counties in the group. They have introduced a bill in the California legislation AB 64 (Ducheny) to create the state's first annual fund for sand replenishment.

When all these things get done, we'll have more sand on our beaches and the bluffs will be safer. When this happens, what will we have for bluffs? If you approve the project, then 50 years from now when I'm walking on the wide sandy beaches, I'll be looking at 352 feet of cement. If you approve a small seawall just under 261 Pacific Avenue, I'll be looking at mostly beautiful natural bluffs. That's a future that I like a lot better. I think the Coastal Commission should approve a seawall only for 261 Pacific Avenue. Thank you.

THE ENCINITAS / SOLANA BEACH / DEL MAR

NORTH COUNTY TIMES

Santa Ana

Brewing / D-8

NEWS FROM ENCINITAS, CARDIFF, LEUCADIA, OLIVENHAIN, RANCHO SANTA FE, SOLANA BEACH, DEL MAR, CARMEL VALLEY AND ALL OF NORTH CO.

SATURDAY, JANUARY 9, 1999

AN EDITION OF THE NORTH COUNTY TIMES

Sand arrives at SB shore

SOLANA BEACH — Joe Kellejian braved the chilly weather Thursday night at Fletcher Cove for nearly four hours to watch a dream come true.

That's when the first of 44,000 cubic yards of Torrey sandstone from North County Transit District's train track-lowering project was trucked down the Fletcher Cove ramp to the beach.

Solana Beach's deputy mayor said he stopped by about 6:30 p.m. and later called Mayor Marion Dodson and Blayne Hartman, a local sand activist, to join him, and noticed about 50 people came at various times to watch, too. Kellejian said he stayed until about 10 p.m., pleased to see a six-year-long plan bear fruit.

"I went back (Friday) morning around 8 to see what the high tide did to the sand, and was pleasantly surprised that a lot of it was still there," he said. "This is great quality sand, and it's amazing that this stuff has been sitting there underground all this time."

Although this milestone has

➤ SAND, A-4

■ Fletcher Cove
receives first batch
from transit district
track project

LESLIE HADDGEWAY

My name is Roy Warden. I live in Solana Beach, California.

The applicant is telling the Coastal Commission that the proposed seawall will look like the natural bluffs. I would really like to believe that but the evidence tells me that it won't happen.

I have submitted photos which show recent seawalls and seacave plugs in Solana Beach. They were all supposed to look like the bluffs. None of them do.

The first two photos are of the Wood Seawall just north of Tide Park in Solana Beach and the proposed seawall. It was designed by Mr. Crampton and was built in spring of 1995. It is about 1/14 the length of the proposed seawall. It didn't match the bluffs when it was built and it still doesn't. The texture is different. The color is different. And now we have permanent rip rap on our beach.

More recently there were two seacave plugs built at the edge of Tide Park. There are three photos taken in June of 1998. These seacave plugs were supposed to match the bluffs. They don't. They stick out like sore thumbs.

The applicant says they'll match the color and texture of the bluffs. At the hearing at the City of Solana Beach, the applicant showed some old seawalls in Encinitas as bad examples and said he could do better. That's probably true. The applicant showed some pictures of walls he'd designed in Point Loma which he said looked natural. But we don't know where those are and don't have actual photos of real cliffs to compare and really know.

The bottom line is that man can't create artificial seawalls that look like nature's work. What you approve will be on our bluffs for my lifetime and probably for Geoff Williams' lifetime. There's no way to go back. There's no way in ten years or thirty years to change our minds, remove a seawall and get our natural bluffs back.

I urge the Coastal Commission to approve the smallest possible solution so that in future years we have the maximum natural bluff left as our gift to our children and grandchildren. Thank you.

Photo 3: Tide Park overview, June, 1998

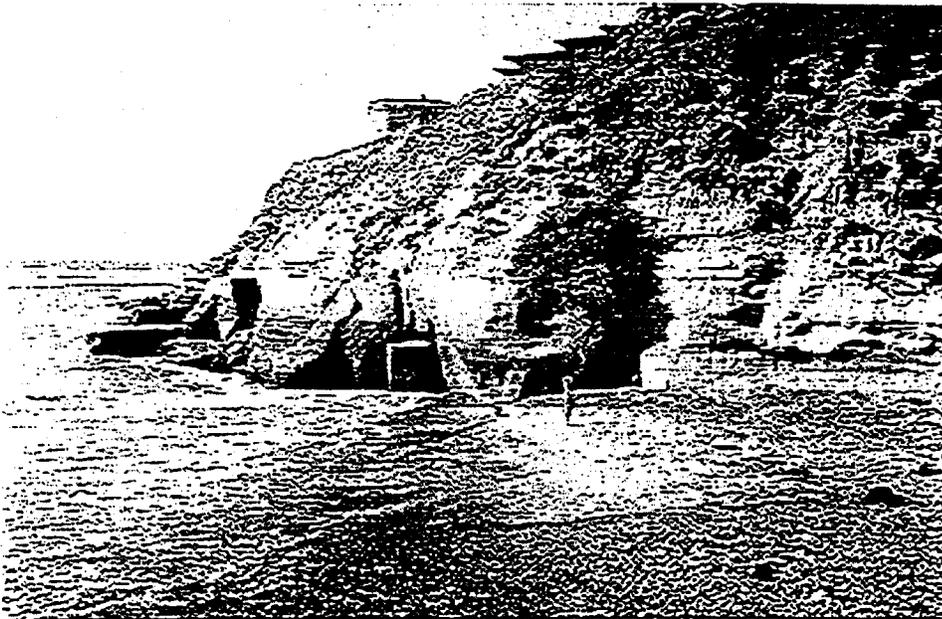
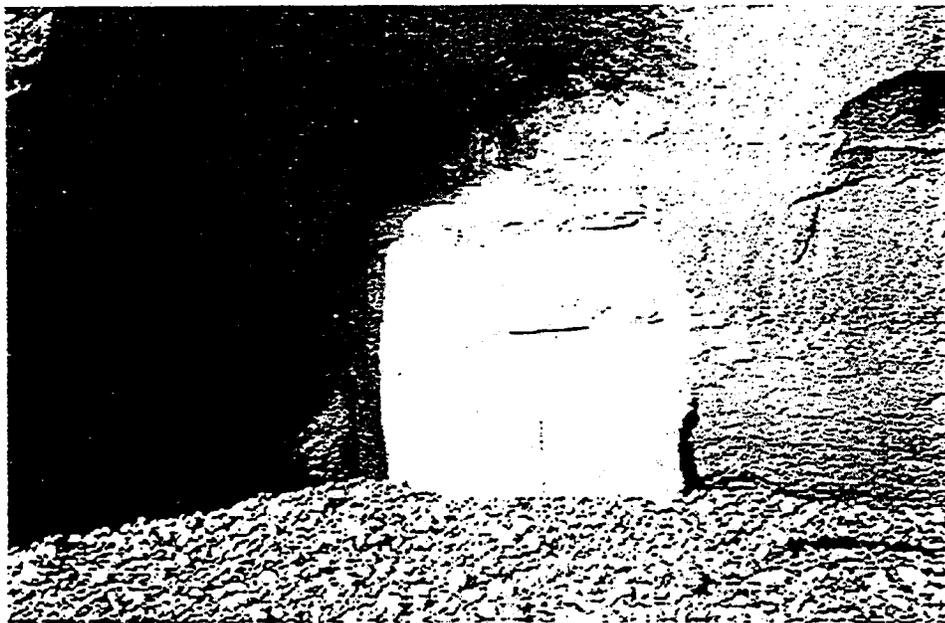


Photo 4: Closeup of ugly plug #1



My name is Ellen Stephenson. I live in Solana Beach, California.

The people who live in bluff top homes in Solana Beach are a tiny, tiny minority in our city. There are eight of them wanting special treatment today. The rest of the residents, about thirteen thousand, are users of the public beach which will be severely impacted by the proposed project.

The project will directly remove a piece of the beach, 880 square feet of public beach permanently displaced by the construction itself. It will also cause sand loss in front of the seawall. The applicants must replace all the sand or pay sand mitigation feeds. The applicants are going to leave sand that they'll use during construction. They will also pay a very small amount, about \$21,000, in sand mitigation fees. The calculation which determines the cost of replacing the sand attributable to the seawall is based in part on the rate of erosion. The rate used to calculate the loss to our public beach is 0.2 feet per year. If the bluff were eroding at 0.2 feet per year the applicant would not need to apply for a seawall! 0.2 feet per year might be an historical average, but that includes many years when we had healthy wide beaches. The average rate of erosion in the absence of wide sandy beaches and frequent El Nino conditions like we have now is higher.

I urge the Coastal Commission to minimize the impact on our public beaches which are used by all the citizens of Solana Beach, as well as people from all over San Diego County. Please approve the smallest possible seawall under 261 Pacific Avenue only. And for any approved seawall please re-examine the Sand Mitigation Fee Parameters and use a more realistic rate of erosion. Thank you.

My name is Margaret Schlesinger. I live in Solana Beach, California.

The Coastal Commission has been working on a policy of planned retreat for all the bluffs in California for almost fifteen years. This policy is a good one. We can't stop Mother Nature. We can't prevent El Ninos. So since 1985 this Commission has taken a consistent position on new development, including additions to existing homes. As individual homeowners have asked for approval to expand their homes, the Commission has required them to acknowledge that what they are doing has some risk, in fact, a lot of risk, and that it's their risk. Over time, the method the Commission has used has become more stringent. In the early years, the Commission put conditions in their approvals. In more recent years, the Commission has required homeowners to file deed restrictions. But the intent of the conditions and deed restrictions has been the same. To allow the new development or additions to existing structures only when the owner gives up a right to a seawall which they might otherwise have had.

Approval of this project as proposed is not just an issue for Solana Beach. If you approve this project as proposed, you are pulling the teeth of the Commission. What is the future value of conditions and deed restrictions imposed by this commission? How many future applicants or their lawyers will point to what you do today and demand that you ignore their conditions and deed restrictions? In fact, several attorneys I've talked to don't think that you can even consider approving this proposal without going back and amending those old conditions and deed restrictions. In addition, how many owners will now agree to any condition, knowing it will not be enforced.

Stick to you plan. Stick to your long term policy of planned retreat. Enforce the conditions and deed restrictions that you have so carefully put in place since 1985.

I urge the Commission to approve a seawall for 261 Pacific Avenue only, not for the other five properties whose owners knowingly chose to build close to our bluffs and took the risk of bluff erosion on themselves. Thank you.

CALIFORNIA COASTAL COMMISSION

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

Filed: 1/13/92
 49th Day: 3/2/92
 180th Day: 7/11/92
 Staff: LJM-SD
 Staff Report: 1/23/92
 Hearing Date: 2/18-21/92



Tu 7h

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-91-309

Applicant: Bill Richardson

Agent: Edward M. Eginton

Description: Construction of a 465 sq. ft. one- and two-story addition to an existing 2,514 sq. ft. two-story residence on a 4,352 sq. ft. blufftop lot.

Lot Area	4,352 sq. ft.
Building Coverage	1,887 sq. ft. (43%)
Pavement Coverage	1,732 sq. ft. (40%)
Landscape Coverage	733 sq. ft. (17%)
Parking Spaces	2
Zoning	R-S
Plan Designation	Medium Residential (5-7 dua)
Project Density	10 dua
Ht abv fin grade	25 feet

Site: 255 Pacific Avenue, Solana Beach, San Diego County.
 APN 263-312-09

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan; City of Solana Beach Resolution No. 91-107; Geotechnical Review by Southland Geotechnical Consultants dated October 18, 1991; COP #F1258.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project subject to special conditions addressing the submittal of final plans, the recordation of deed restrictions related to the applicant's assumption of risk, future development, and a deed restriction that notifies the applicant and future owners that all accessory structures and portions of the home or the entire home are considered expendable and should be removed as an alternative to bluff and shoreline protection should these structures become endangered.

3. Future Bluff Protective Works. 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, that states that in the event that erosion threatens the existing home, patio areas, or other accessory structures in the future, the Coastal Commission will consider removal of these structures, including portions of the home or the entire home, as the preferred and practical alternative to proposals for bluff and shoreline protective works. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 6-91-309; and that any future additions or other development as defined in Public Resources Code Section 30106 will require an amendment to permit No. 6-91-309 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant is proposing to construct a 465 sq. ft. one- and two-story addition and remodel to an existing 2,514 sq. ft., two-story blufftop single-family residence. The proposed improvements will consist of the seaward expansion of the "Great Room" on the first floor by 73 sq. ft., a 47 sq. ft. master bath addition on the second floor and a 345 sq. ft. bedroom addition on the second floor over the existing garage on the eastern portion of the site.

The northern limit of the existing residence is currently setback approximately 23 feet from the edge of the bluff, with the southern limit setback approximately 28 feet from the bluff edge. The proposed first floor addition will be setback 25 feet from the bluff edge. No grading is proposed with this application.

Presently there is a grouted tile patio extending seaward of the residence to within 1.5 feet of the bluff edge at its closest point. An approximately four-foot high glass-topped stucco wall is located along the western edge of the patio. There are no modifications proposed to this patio at this time.

The site of the proposed addition is located on a 4,352 sq. ft. blufftop lot on the west side of Pacific Avenue, south of Clark Street, in the City of Solana Beach. The site is surrounded by single-family residential structures on the north, east and south and the beach and Pacific Ocean to the west. The western property line is located approximately along the top of an 85-foot

CALIFORNIA COASTAL COMMISSION

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



Jay Johnston
515 South Granados Avenue
Solana Beach, CA 92075

NOTICE OF ACCEPTANCE

Date: March 27, 1992

Applicant: Bill Richardson

Document or
Plans: 1. Final Plans 2. Deed Restrictions for Assumption of Risk, Future
Development and Future Bluff Protective Works.

Submitted in compliance with Special Condition(s) No(s). 1,2,3,4
of Coastal Development Permit No. 6-91-309

Material submitted in compliance with said Special Condition(s) of your
development permit has been reviewed by the District Director and found to
fulfill the requirements of said condition(s). Your submitted material and a
copy of this letter have been made a part of the permanent file.

Sincerely,

Charles Damm
District Director

By: 

1 reference; and

2 VI. WHEREAS, the Permit was subject to the terms and conditions
3 including, but not limited to, the following condition(s):

4 2. Assumption of Risk. Prior to the issuance of the coastal development
5 permit, the applicant [and landowner] shall execute and record a deed
6 restriction, in a form and content acceptable to the Executive Director, which
7 shall provide: (a) that the applicant understands that the site may be subject
8 to extraordinary hazard from bluff retreat and erosion and the (b) applicant
hereby waives any future claims of liability against the Commission or its
successors in interest for damage from such hazards. The document shall run
with the land, binding all successors and assigns, and shall be recorded free
of prior liens and any other encumbrances.

9 3. Future Bluff Protective Works. Prior to the issuance of the coastal
10 development permit, the applicant shall execute and record a deed restriction
11 in a form and content acceptable to the Executive Director, that states that
12 in the event that erosion threatens the existing home, patio areas, or other
13 accessory structures in the future, the Coastal Commission will consider
14 removal of these structures, including portions of the home or the entire
home, as the preferred and practical alternative to proposals for bluff and
shoreline protective works. The document shall run with the land, binding all
successors and assigns, and shall be recorded free of prior liens and any
other encumbrances which the Executive Director determines may affect the
interest being conveyed.

15 4. Future Development. Prior to the issuance of the coastal development
16 permit, the applicant shall execute and record a document, in a form and
17 content acceptable to the Executive Director, stating that the subject permit
18 is only for the development described in the coastal development permit No.
19 6-91-309; and that any future additions or other development as defined in
Public Resources Code Section 30106 will require an amendment to permit No.
6-91-309 or will require an additional coastal development permit from the
California Coastal Commission or from its successor agency. The document
shall be recorded as a covenant running with the land binding all successors
and assigns in interest to the subject property.

20 VII. WHEREAS, the Commission found that but for the imposition of the
21 above condition(s) the proposed development could not be found consistent
22 with the provisions of the California Coastal Act of 1976 and that a permit
23 could therefore not have been granted; and

24 VIII. WHEREAS, Owner has elected to comply with the condition(s)
25 imposed by the Permit and execute this Deed Restriction so as to enable
26 Owner to undertake the development authorized by the Permit.

27 //

1 and 5) §402.1 of the California Revenue and Taxation Code or successor
2 statuta. Furthermore, this Deed Restriction shall be deemed to constitute
3 a servitude upon and burden to the Property within the meaning of §3712(d)
4 of the California Revenue and Taxation Code, or successor statuta, which
5 survives a sale of tax-deeded property.

6 4. RIGHT OF ENTRY. The Commission or its agent may
7 enter onto the Property at times reasonably acceptable to the Owner to
8 ascertain whether the use restrictions set forth above are being observed.

9 5. REMEDIES. Any act, conveyance, contract, or authorization
10 by the Owner whether written or oral which uses or would cause to be used
11 or would permit use of the Property contrary to the terms of this Deed
12 Restriction will be deemed a violation and a breach hereof. The Commission
13 and the Owner may pursue any and all available legal and/or equitable remedies
14 to enforce the terms and conditions of this Deed Restriction. In the event
15 of a breach, any forbearance on the part of either party to enforce the
16 terms and provisions hereof shall not be deemed a waiver of enforcement
17 rights regarding any subsequent breach.

18 6. SEVERABILITY. If any provision of these restrictions is
19 held to be invalid, or for any reason becomes unenforceable, no other
20 provision shall be thereby affected or impaired.

22 Dated: 3-3, 1992

23 WILLIAM A. RICHARDSON FAMILY TRUST, DATED JULY 6, 1989, AS AMENDED OR RESTATED
OR THEIR SUCCESSORS

24 SIGNED: [Signature] SIGNED: [Signature]

25 *William A. Richardson
26 PRINT OR TYPE NAME OF ABOVE

LINDA D. RICHARDSON, TRUSTEE
PRINT OR TYPE NAME OF ABOVE

27 * * TRUSTEE
* * NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE * *

1 This is to certify that the deed restriction set forth above is hereby
2 acknowledged by the undersigned officer on behalf of the California Coastal
3 Commission pursuant to authority conferred by the California Coastal
4 Commission when it granted Coastal Development Permit No. 6-91-309
5 on FEBRUARY 18, 1992 and the California Coastal Commission consents
6 to recordation thereof by its duly authorized officer.

7 Dated: March 16, 1992
8

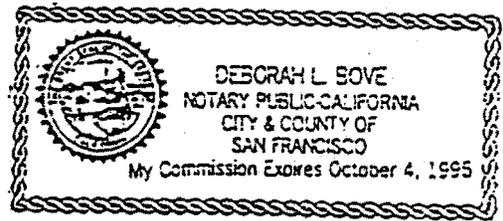
9
10 John Bowers
11 JOHN BOWERS, STAFF COUNSEL
12 California Coastal Commission

13
14 STATE OF CALIFORNIA
15 COUNTY OF San Francisco

16 On 3/16/92 before me, DEBORAH L. BOVE, A Notary
17 Public personally appeared JOHN BOWERS, personally
18 known to me (or proved to me on the basis of satisfactory evidence) to be the
19 person(s) whose name(s) is/are subscribed to the within instrument and
20 acknowledged to me that he/she/they executed the same in his/her/their
21 authorized capacity(ies), and that by his/her/their signature(s) on the
22 instrument the person(s), or the entity upon behalf of which the person(s)
23 acted, executed the instrument.

24 WITNESS my hand and official seal.

25
26
27 Signature Deborah L. Bove



CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
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Filed: 3/13/95
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 180th Day: 9/9/95
 Staff: LJM-SD
 Staff Report: 4/21/95
 Hearing Date: 5/9-12/95



Th 7c

DATE OF FINDINGS, ETC.
 INDICATED IN ADDENDUM

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

SEE SUBSEQUENT PAGE/S
 FOR COMMISSION ACTION

Application No.: 6-95-23

Applicant: William Bennett

Agent: Travis A. Deal

Description: Demolition of an existing 1,490 sq. ft. single-family residence and construction of a new 3,115 sq. ft., two-story single-family residence with an attached 480 sq. ft. garage on a 4,777 sq. ft. blufftop lot.

Lot Area	4,777 sq. ft.
Building Coverage	1,970 sq. ft. (41%)
Pavement Coverage	661 sq. ft. (14%)
Landscape Coverage	1,200 sq. ft. (25%)
Unimproved Area	946 sq. ft. (20%)
Parking Spaces	2
Zoning	Medium Residential
Plan Designation	Medium Residential (5-7 dua)
Ht abv fin grade	25 feet

Site: 265 Pacific Street, Solana Beach, San Diego County.
 APN 263-312-07

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to a special condition which gives the applicant the option of either (1) revising the project such that the new residence would be sited a minimum 40 ft. from the bluff edge or, (2) as proposed by the applicant, allow the new residence to be constructed a minimum of 25 ft. from the top edge of the bluff with recordation of a deed restriction agreeing to waive the right to future shoreline protection and to remove threatened portions of the home in the future rather than construct shore protection. Other conditions of approval include deed restrictions relative to the applicant's assumption of risk, future shoreline protective works, and future development on the site; the submittal of final landscape plans; and, a condition requiring that a monitoring program be developed for the existing seacave at the base of the bluff.

1. Revised site plan shall indicate a minimum 40 ft. setback for all portions of the principal residence from the edge of the bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994 (ref. Exhibit #3). Accessory structures permitted seaward of the residence shall be at grade and no closer than 5 feet from the bluff edge.

OR

2. Provision of a minimum 25 ft. setback for all portions of the principal residence from the top edge of the bluff, utilizing the bluff edge depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994, and recordation of a deed restriction pursuant to Special Condition #2 of CDP #6-95-23 below.

2. Deed Restriction. Prior to the issuance of the coastal development permit, and only if the applicant chooses option #2 of Special Condition #1 above, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide the following:

a. That the landowner shall not construct any upper or lower bluff stabilization devices (other than "preemptive" filling of the existing seacave at the base of the bluff) to protect that portion of the residence located seaward of the 40 ft. blufftop setback (utilizing the bluff edge as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994), in the event that such portion of the structure is threatened or subject to damage from erosion, storm wave damage, or bluff failure in the future.

b. That in the event the edge of the bluff recedes to within 10 feet of the principal residence, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, that includes recommendations for any immediate or potential future alternative measures necessary or desired to stabilize such portions of the principal residence that do not include shore or bluff protection, including, but not limited to, removal or relocation of those portions of the principal residence located seaward of 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994).

c. If erosion proceeds to a point where that portion of the principal residence located seaward of the 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994) is determined by a geotechnical report and/or the City of Solana Beach to be unsafe for occupancy, then the landowner shall submit an application for a coastal development permit to remove that portion of the structure in its entirety.

The document shall be recorded free of all prior liens and encumbrances and shall run with the land and bind all successors and assigns.

7. Seacave Monitoring. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a monitoring program for the existing seacave located at the base of the bluff. Said monitoring program shall include the following:

a. An initial report shall be prepared and submitted to be utilized as a baseline from which future data and measurements are compared, that includes at a minimum a scaled diagram of the bluff face, the dimensions of the seacave, where the various bluff formations are in relation to the seacave and probable depth of groundwater, if any, in relation to the cave.

b. That on an annual basis, after the winter storm season (March 31st) and prior to April 15 of any year, the applicant shall submit a written monitoring report, prepared by a licensed geologist or geotechnical engineer, on the condition of the existing seacave located at the base of the bluff fronting the subject site.

c. Each written annual report shall provide a scaled diagram of the bluff face and the seacave, documenting the seacave's depth and height, where the various bluff formations are in relation to the seacave and probable depth of groundwater, if any, in relation to the cave.

d. Said report shall also include a discussion of the noted changes in depth, height or other factors since the previous report and also include conclusions and recommendations on the stability of the seacave and projections on its potential for collapse based on these changes.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of an existing 1,490 sq. ft. single-family residence and construction of a new, 3,115 sq. ft. two-story single-family residence with an attached 480 sq. ft. two-car garage. The 4,777 sq. ft. site is a blufftop lot located on the west side of Pacific Avenue, south of the intersection with Clark Street, in the City of Solana Beach. The existing residence is currently setback from the bluff edge approximately 22 ft. on the north to 28 ft. on the south. The new home is proposed to be setback 25 ft. from the top of the bluff at its closest point. No grading is proposed with this application. To avoid a requirement to site the new residence a minimum of 40 ft. inland of the top of the bluff, the applicant has proposed as part of this application to record a deed restriction against the property waiving future rights to any bluff or shore stabilization to protect any portion of the principal residence located within 40 ft. of the bluff edge (as the edge presently exists) and, that when the bluff erodes to a point in which the portions of the principal residence located seaward of the 40 ft. blufftop setback are threatened, then those portions of the residence shall be removed.

Currently there is a brick patio and landscaping extending seaward of the residence, bordered by a low rail fence along the top of the bluff. No



William Bennett
265 Pacific Street
Solana Beach, CA 92075

NOTICE OF ACCEPTANCE

Date: October 6, 1995

Applicant: William Bennett

-Document or Plans: 1. Deed restrictions pertaining to assumption of risk, future development, future shoreline protective works and planned retreat.

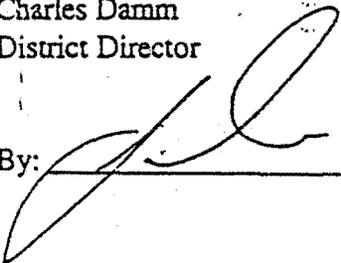
Submitted in compliance with Special Condition(s) No(s): 2, 3, 4, 5
of Coastal Development Permit No. 6-95-23

Remaining Special Condition(s): None

Material submitted in compliance with said Special Condition(s) of your development permit has been reviewed by the District Director and found to fulfill the requirements of said condition(s). Your submitted material and a copy of this letter have been made a part of the permanent file.

Sincerely,

Charles Damm
District Director

By: 

2. Deed Restriction. Prior to the issuance of the coastal development permit, and only if the applicant chooses option #2 of Special Condition #1 above, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide the following:

a. That the landowner shall not construct any upper or lower bluff stabilization devices (other than "preemptive" filling of the existing seacave at the base of the bluff) to protect that portion of the residence located seaward of the 40 ft. blufftop setback (utilizing the bluff edge as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994), in the event that such portion of the structure is threatened or subject to damage from erosion, storm wave damage, or bluff failure in the future.

b. That in the event the edge of the bluff recedes to within 10 feet of the principal residence, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, that includes recommendations for any immediate or potential future alternative measures necessary or desired to stabilize such portions of the principal residence that do not include shore or bluff protection, including, but not limited to, removal or relocation of those portions of the principal residence located seaward of 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994).

c. If erosion proceeds to a point where that portion of the principal residence located seaward of the 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994) is determined by a geotechnical report and/or the City of Solana Beach to be unsafe for occupancy, then the landowner shall submit an application for a coastal development permit to remove that portion of the structure in its entirety.

The document shall be recorded free of all prior liens and encumbrances and shall run with the land and bind all successors and assigns.

3. Assumption of Risk: Prior to the issuance of the coastal development permit, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from bluff retreat and erosion and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

MITCHELL AND MURRELL
6510 COND STREET
ENCINITAS, CALIFORNIA 92024
(619) 753-6327

1 California Constitution; and b) §402.1 of the California Revenue
2 and Taxation Code or successor statute. Furthermore, this Deed
3 Restriction shall be deemed to constitute a servitude upon and
4 burden to the Property within the meaning of §3712(d) of the
5 California Revenue and Taxation Code, or successor statute, which
6 survives a sale of tax-deeded property.

7 4. RIGHT OF ENTRY. The Commission or its agent may
8 enter onto the Property at times reasonably acceptable to the
9 Owners to ascertain whether the use restrictions set forth above
10 are being observed.

11 5. REMEDIES. Any act, conveyance, contract, or
12 authorization by the Owners whether written or oral which uses or
13 would cause to be used or would permit use of the Property
14 contrary to the terms of this Deed Restriction will be deemed a
15 violation and a breach hereof. The Commission and the Owners may
16 pursue any and all available legal and/or equitable remedies to
17 enforce the terms and conditions of this Deed Restriction. In the
18 event of a breach, any forbearance on the part of either party to
19 enforce the terms and provisions hereof shall not be deemed a
20 waiver of enforcement rights regarding any subsequent breach.

21 6. SEVERABILITY. If any provisions of these restrictions
22 is held to be invalid, or for any reason becomes unenforceable, no
23 other provision shall be thereby affected or impaired.

24
25 DATED: Aug 9, 1995, 1995 William R. Bennett
WILLIAM R. BENNETT

26
27 DATED: Aug 9, 1995, 1995 Layna A. Bennett
LAYNA A. BENNETT

1 STATE OF CALIFORNIA

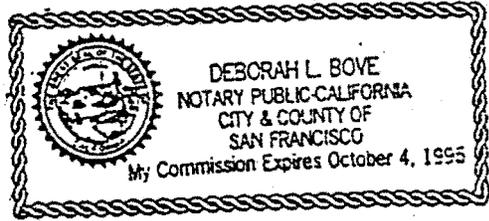
2 }
3 } ss.

4 }
5 } COUNTY OF SAN FRANCISCO

6 On _____, 1995, before me, Deborah L. Bove, personally
7 appeared John Bowers, personally known to me (or proved to me on the basis
8 of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within
9 instrument and acknowledged to me that he/she/they executed the same in his/her/their
10 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),
11 or the entity upon behalf of which the person(s) acted, executed this instrument.

12 WITNESS my hand and official seal.

13 Deborah L. Bove
14 Notary Signature



15 MITCHELL AND MURRELL
16 853 SECOND STREET
17 ENCINITAS, CALIFORNIA 92024
18 (619) 753-6327

CALIFORNIA COASTAL COMMISSION

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

COASTAL DEVELOPMENT PERMIT NO. 6-95-23Page 1 of 6

JUL 18 1995

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

On May 11, 1995, the California Coastal Commission granted William Bennett

this permit for the development described below, subject to the attached Standard and Special Conditions.

Description: Demolition of an existing 1,490 sq. ft. single-family residence and construction of a new 3,115 sq. ft., two-story single-family residence with an attached 480 sq. ft. garage on a 4,777 sq. ft. blufftop lot.

Lot Area	4,777 sq. ft.
Building Coverage	1,970 sq. ft. (41%)
Pavement Coverage	661 sq. ft. (14%)
Landscape Coverage	1,200 sq. ft. (25%)
Unimproved Area	946 sq. ft. (20%)
Parking Spaces	2
Zoning	Medium Residential
Plan Designation	Medium Residential (5-7 dua)
Ht abv fin grade	25 feet

Site: 265 Pacific Street, Solana Beach, San Diego County.
 APN 263-312-07

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
 Executive Director
 and

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Date

10/12/95 [Signature]
 Signature of Permittee

SPECIAL CONDITIONS, continued:

c. Said plans shall clearly indicate both the 25 ft. and 40 ft. blufftop setback lines (measured from the top of the bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994) and reflect compliance by the applicant with one of the following options:

1. Revised site plan shall indicate a minimum 40 ft. setback for all portions of the principal residence from the edge of the bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994 (ref. Exhibit #3). Accessory structures permitted seaward of the residence shall be at grade and no closer than 5 feet from the bluff edge.

OR

2. Provision of a minimum 25 ft. setback for all portions of the principal residence from the top edge of the bluff, utilizing the bluff edge depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994, and recordation of a deed restriction pursuant to Special Condition #2 of CDP #6-95-23 below.

2. Deed Restriction. Prior to the issuance of the coastal development permit, and only if the applicant chooses option #2 of Special Condition #1 above, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide the following:

a. That the landowner shall not construct any upper or lower bluff stabilization devices (other than "preemptive" filling of the existing seacave at the base of the bluff) to protect that portion of the residence located seaward of the 40 ft. blufftop setback (utilizing the bluff edge as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994), in the event that such portion of the structure is threatened or subject to damage from erosion, storm wave damage, or bluff failure in the future.

b. That in the event the edge of the bluff recedes to within 10 feet of the principal residence, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist, that includes recommendations for any immediate or potential future alternative measures necessary or desired to stabilize such portions of the principal residence that do not include shore or bluff protection, including, but not limited to, removal or relocation of those portions of the principal residence located seaward of 40 ft. blufftop setback (utilizing the top of bluff as depicted on the Topographic Survey by Santa Fe Surveys, Inc. dated October 1994).

SPECIAL CONDITIONS, continued:

8. Property Ownership/Bluff-face. The applicant is advised that if the City of Solana Beach divides the bluff face in order to transfer ownership of a portion of the bluff face to the applicant, the City must first obtain a coastal development permit. The Commission's approval of CDP #6-95-23 does not constitute a coastal development permit for division of the bluff face by the City. In the event that the City obtains a coastal development permit for division of the bluff face and transfers the adjacent bluff face to the applicant, the applicant agrees to merge the bluff face lot with their existing lot.

(5023P)

CALIFORNIA COASTAL COMMISSION

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

Filed: 6/15/94
 49th Day: 8/3/94
 180th Day: 12/17/94
 Staff: DL-SD
 Staff Report: 6/28/94
 Hearing Date: July 12-15, 1994



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Th 7e

Application No.: 6-94-33

Applicant: Marc and Marsha Paskin Agent: Wulff Piotraschke

Description: Construction of a 763 sq.ft. first and second story addition to an existing 2,387 two-story single-family residence on a 4,375 sq.ft. lot.

Lot Area	4,375 sq. ft.
Building Coverage	1,915 sq. ft. (44%)
Pavement Coverage	410 sq. ft. (9%)
Landscape Coverage	2,050 sq. ft. (47%)
Parking Spaces	2
Zoning	Medium Residential
Plan Designation	Medium Residential (5-7 du/ac)
Project Density	4.5 du/ac
Ht abv fin grade	22.5 feet

Site: 269 Pacific Avenue, Solana Beach, San Diego County.
 APN 263-312-06.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach Resolutions 88-1, 94-13; CDP #6-88-21; Geologic Reconnaissance, Rugg & Associates Geosciences, April 27, 1994; Addendum to Geologic Reconnaissance, Rugg & Associates, May 20, 1994; Letter from Dominy & Associates Architects, May 17, 1994.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to special conditions that address the submittal of final development and irrigation plans, and recordation of deed restrictions related to the applicant's assumption of risk, future shoreline protective devices and future development on the site.

3. Future Shoreline Protective Devices. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that in the event that any bluff protective work is proposed in the future, the applicant acknowledges that, as a condition of filing an application for a coastal development permit, the applicant shall not only be required to provide information that analyzes the proposed project's consistency with Section 30235 of the Coastal Act, but shall provide to the Commission or its successor agency an analysis of alternatives to bluff protective works that may be considered by the Commission or its successor agency in the event that it finds that the proposed project does not comply with Section 30235. The alternatives shall include relocation of the principal residence in its entirety, relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices.

4. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating the the subject permit is only for the development described in Coastal Development Permit #6-94-33; and that any future additions, or other development as defined in Public Resources Code Section 30106, will require an amendment to permit #6-94-33 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property and be recorded free of prior liens and encumbrances.

5. Protection of Accessory Structures. By acceptance of this permit, the applicant acknowledges that, in the event that erosion/bluff failure threatens the existing patio, fence, or other accessory structures in the future, the Commission will consider removal of these structures as the preferred and practical alternative to proposals for bluff and shoreline protection.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of a 763 sq.ft. first and second-story addition to an existing two-story, 2,387 sq.ft., single-family residence. The addition involves construction of a new garage, bedroom, and minor interior remodeling on the first floor, and a new office, guest room and bath on the second floor. All proposed construction will take place on the landward side of the residence. The 4,375 sq.ft. site is a blufftop lot located on the west side of Pacific Avenue, south of the intersection with Clark Street, in the City of Solana Beach. The setback of the existing residence currently ranges from approximately 14 to 17 feet from the edge of the bluff. No changes to the existing foundation will be made within 40-feet of the bluff edge. All new construction will be setback approximately 55 ft. from the edge of the bluff. No grading is proposed with this application.

CALIFORNIA COASTAL COMMISSION

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

COASTAL DEVELOPMENT PERMIT NO. 6-94-33
 Page 1 of 4



On July 14, 1994, the California Coastal Commission granted to Marc and Marsha Paskin this permit for the development described below, subject to the attached Standard and Special Conditions.

Description: Construction of a 763 sq.ft. first and second story addition to an existing 2,387 two-story single-family residence on a 4,375 sq.ft. lot.

Lot Area	4,375 sq. ft.
Building Coverage	1,915 sq. ft. (44%)
Pavement Coverage	410 sq. ft. (9%)
Landscape Coverage	2,050 sq. ft. (47%)
Parking Spaces	2
Zoning	Medium Residential
Plan Designation	Medium Residential (5-7 du/ac)
Project Density	4.5 du/a
Ht abv fin grade	22.5 feet

Site: 269 Pacific Avenue, Solana Beach, San Diego County.
 APN 263-312-06.

Issued on behalf of the California Coastal Commission by

PETER DOUGLAS
 Executive Director
 and

Diana Lilly

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

1/25/95
 Date

[Signature]
 Signature of Permittee

RECEIVED
 JAN 25 1995

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

SPECIAL CONDITIONS, continued:

b. All surface drainage shall be collected and directed away from the edge of the bluff towards the street. In addition, said plan must indicate the removal or absence of any existing permanent irrigation system located within the geologic setback area (40 feet from the bluff edge).

2. Assumption of Risk. Prior to the issuance of the coastal development permit, the applicant [and landowner] shall execute and record a deed restriction to run with the land, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from bluff retreat and erosion and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall be recorded free of all prior liens and encumbrances which the Executive Director determines affect said interest and shall run with the land and bind all successors and assigns.

3. Future Shoreline Protective Devices. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which shall provide that in the event that any bluff protective work is proposed in the future, the applicant acknowledges that, as a condition of filing an application for a coastal development permit, the applicant shall not only be required to provide information that analyzes the proposed project's consistency with Section 30235 of the Coastal Act, but shall provide to the Commission or its successor agency an analysis of alternatives to bluff protective works that may be considered by the Commission or its successor agency in the event that it finds that the proposed project does not comply with Section 30235. The alternatives shall include relocation of the principal residence in its entirety, relocation of portions of the residence that are threatened, structural underpinning, or other remedial measures identified to stabilize the residence that do not include bluff or shoreline stabilization devices.

4. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating the the subject permit is only for the development described in Coastal Development Permit #6-94-33; and that any future additions, or other development as defined in Public Resources Code Section 30106, will require an amendment to permit #6-94-33 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property and be recorded free of prior liens and encumbrances.

0717300

01:07 PM

45 Fremont St. Suite 100
San Francisco, CA 94104-2215
Attn: Legal Division

RECORDS
RECORDER'S OFFICE
GREGORY SMITH, COUNTY RECORDER

1837

RF: 23.00
AF: 37.00
MF: 1.00

FEES:

61.00

DEED RESTRICTION

I. WHEREAS, Marc J. Paskin and Masha Paskin

_____, hereinafter referred to as the "Owner(s)," is/are
the record owner(s) of the following real property:

Lot 20, Block 23 of Solana Beach, in the City of Solana Beach, County of San
Diego, State of California, according to Map thereof No. 1749, filed in the
Office of the County Recorder of San Diego County, March 5, 1923.

hereinafter referred to as the "Property;" and

II. WHEREAS, the California Coastal Commission, hereinafter referred
to as the "Commission," is acting on behalf of the People of the State of
California; and

III. WHEREAS, the subject property is located within the coastal
zone as defined in §30103 of Division 20 of the California Public Resources
Code, hereinafter referred to as the "California Coastal Act of 1976,"
(the Act); and

IV. WHEREAS, pursuant to the Act, the Owner applied to the Commission
for a coastal development permit on the Property described above; and

V. WHEREAS, coastal development permit number 6-94-33, hereinafter
referred to as the "Permit," was granted on July 14, 1994, 19____, by
the Commission in accordance with the provision of the Staff Recommendation
and Findings, attached hereto as EXHIBIT A and herein incorporated by

1 NOW, THEREFORE, in consideration of the granting of the Permit to the
2 Owner by the Commission, the Owner hereby irrevocably covenants with the
3 Commission that there be and hereby is created the following restrictions
4 on the use and enjoyment of said Property, to be attached to and become a
5 part of the deed to the property.

6 1. COVENANT, CONDITION AND RESTRICTION. The undersigned Owner,
7 for himself/herself and for his/her heirs, assigns, and successors in
8 interest, covenants and agrees that:

9 See Page 3A

10
11
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16
17
18 2. DURATION. Said Deed Restriction shall remain in full force
19 and effect during the period that said permit, or any modification or
20 amendment thereof remains effective, and during the period that the
21 development authorized by the Permit or any modification of said development,
22 remains in existence in or upon any part of, and thereby confers benefit
23 upon, the Property described herein, and shall bind Owner and all his/her
24 assigns or successors in interest.

25 3. TAXES AND ASSESSMENTS. It is intended that this Deed
26 Restriction is irrevocable and shall constitute an enforceable restriction
27 within the meaning of a) Article XIII, §8, of the California Constitution;

1 and b) §402.1 of the California Revenue and Taxation Code or successor
2 statute. Furthermore, this Deed Restriction shall be deemed to constitute
3 a servitude upon and burden to the Property within the meaning of §3712(d)
4 of the California Revenue and Taxation Code, or successor statute, which
5 survives a sale of tax-deeded property.

6 4. RIGHT OF ENTRY. The Commission or its agent may
7 enter onto the Property at times reasonably acceptable to the Owner to
8 ascertain whether the use restrictions set forth above are being observed.

9 5. REMEDIES. Any act, conveyance, contract, or authorization
10 by the Owner whether written or oral which uses or would cause to be used
11 or would permit use of the Property contrary to the terms of this Deed
12 Restriction will be deemed a violation and a breach hereof. The Commission
13 and the Owner may pursue any and all available legal and/or equitable remedies
14 to enforce the terms and conditions of this Deed Restriction. In the event
15 of a breach, any forbearance on the part of either party to enforce the
16 terms and provisions hereof shall not be deemed a waiver of enforcement
17 rights regarding any subsequent breach.

18 6. SEVERABILITY. If any provision of these restrictions is
19 held to be invalid, or for any reason becomes unenforceable, no other
20 provision shall be thereby affected or impaired.

21
22 Dated: Sept 9, 1997

23
24 SIGNED:

M. J. Paskin

MAR J. PASKIN

PRINT OR TYPE NAME OF ABOVE

SIGNED:

Masha Paskin

MASHA PASKIN

PRINT OR TYPE NAME OF ABOVE

25
26
27 * * NOTARY ACKNOWLEDGMENT ON THE NEXT PAGE * *

1 This is to certify that the deed restriction set forth above is hereby
2 acknowledged by the undersigned officer on behalf of the California Coastal
3 Commission pursuant to authority conferred by the California Coastal
4 Commission when it granted Coastal Development Permit No. 6-94-33
5 on July 14, 1994 and the California Coastal Commission consents
6 to recordation thereof by its duly authorized officer.

7 Dated: November 28, 1994

8
9 John Bowers
10 John Bowers, Staff Counsel

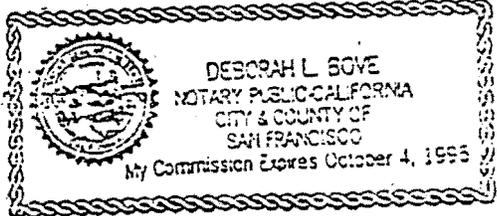
11 California Coastal Commission

12
13
14 STATE OF CALIFORNIA
15 COUNTY OF SAN FRANCISCO

16 On 11/28/94 before me, Deborah L. Bove, A Notary
17 Public personally appeared John Bowers, personally
18 known to me (or proved to me on the basis of satisfactory evidence) to be the
19 person(s) whose name(s) is/are subscribed to the within instrument and
20 acknowledged to me that he/she/they executed the same in his/her/their
21 authorized capacity(ies), and that by his/her/their signature(s) on the
22 instrument the person(s), or the entity upon behalf of which the person(s)
23 acted, executed the instrument.

24
25 WITNESS my hand and official seal.

26
27 Signature Deborah L. Bove



CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297-9740

Filed: October 30, 1989
49th Day: December 18, 1989
180th Day: April 28, 1990
Staff: LRO-SD
Staff Report: October 30, 1989
Hearing Date: November 14-17, 1989



REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

1989 10 30
PAGE 7
FOR COMMISSION ACTION

Application No.: 6-89-288

Applicant: Donald Stroben

Agent: Lee Riley

Description: Construction of first and second story additions totaling 1,630 sq.ft. to an existing one-story, 1,424 sq.ft. single family residence on an ocean blufftop lot.

Lot Area	4,190 sq. ft.
Building Coverage	1,858 sq. ft. (44%)
Pavement Coverage	1,228 sq. ft. (29%)
Landscape Coverage	1,104 sq. ft. (27%)
Parking Spaces	2
Zoning	RS-11
Plan Designation	Medium Low Residential - 4 dua
Ht abv fin grade	25 feet

Site: 301 Pacific Avenue, Solana Beach, San Diego County.
APN 263-312-05

Substantive File Documents:

- Certified County of San Diego Local Coastal Program;
- Draft County of San Diego Coastal Development (CD) Overlay Zone Ordinance;
- City of Solana Beach Resolution Approving Site Plan Review Case #18-89-07, 9/18/89
- Geotechnical Investigations by Leighton & Assoc., dated 6/13/89 and 10/27/89

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval with special conditions for submittal of final plans consistent with the recommendations of the site-specific geology report; revised plans indicating the development that is permitted herein seaward of the 25-foot setback line; recordation of a deed restriction for assumption of risk; an advisory condition regarding future bluff works; and recordation of a deed restriction for future development.

that the applicant understands that the site may be subject to extraordinary hazard from bluff retreat and erosion, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. Future Bluff Protective Works. In the event that erosion threatens the existing deck, the proposed thickened wall forms for the family room and kitchen of the existing residence, or other accessory structures in the future, the Coastal Commission will consider removal of these structures as preferred and practical alternatives to proposals for bluff and shoreline protective works.

4. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 6-89-288; and that any future additions or improvements to the exterior walls or foundation of the existing residence, or accessory structures seaward of 25 feet from the bluff edge; or other development as defined in Public Resources Code Section 30106 will require an amendment to permit No. 6-89-288 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is a 1,630 sq.ft. addition to an existing one-story, 1,424 sq.ft. single family residence on a 4,190 sq.ft. ocean blufftop lot. The proposed improvements will consist of expanding the entry and living room to the first floor on the east side of the residence at the street frontage and a new second story addition. The northern limit of the residence is set back 12 feet from the bluff edge and the southern limit of the residence is set back 26 feet from the bluff edge. The second story addition is set back 25 feet from the bluff edge.

Interior modifications include a new chimney on the first level which would be located closer than 25 feet from the bluff edge. Also, replacement of existing metal windows with wood windows (or doors) is proposed for the family room along the westernmost portion of the residence located 12 feet from the bluff edge and a new 12-inch high thickened wall form is proposed. Additionally, a new 30-inch high thickened wall form is also proposed for the kitchen. The applicant's architect has indicated that these improvements are purely for aesthetic purposes and architectural design and will not result in any modifications to the exterior wall or foundation in this area. The majority of these improvements are regarded as repair and maintenance

OFFICE MEMO

STD 100 (REV 12/85)
84 38867

DATE 1/17/90

TO:

DISTRICT MANAGER or Laurinda Owens
San Diego District

ROOM NUMBER

RECEIVED
JAN 18 1990

FROM:

Deborah Bove
Legal Division

PHONE NUMBER

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

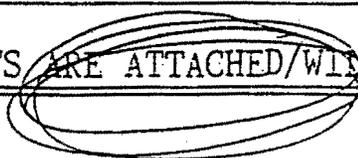
SUBJECT: CONDITION COMPLIANCE - PERMIT # 659-288 (Stoken)

Legal requirements for the following Special Conditions
have been satisfied. If all other necessary conditions
have been met, the permit should be issued.

SPECIAL CONDITION	RECORDED
② Dissemp. risk	1/4/90
④ Open space future development	1/4/90

Laurinda,
The title report attached is a copy
of a "bad" fax. Lee Riley will be
sending you a hard copy for
your files.

COPIES OF THE RECORDED DOCUMENTS ARE ATTACHED/W/IN FOLLOW.



1 limited to the following conditions:

2 Prior to the issuance of the Coastal Develop-
3 ment permit, the applicant shall execute and
4 record a deed restriction, in a form and content
5 acceptable to the Executive Director, which
6 shall provide: (a) that the applicant under-
7 stands that the site may be subject to extra-
8 ordinary hazard from bluff retreat and erosion,
9 and, (b) the applicant hereby waives any future
10 claims of liability against the Commission or
11 its successors in interest for damage from
12 such hazards. The document shall run with
13 the land, binding all successors and assigns,
14 and shall be recorded free of prior liens and
15 any other encumbrances which the Executive
16 Director determines may affect the interest
17 being conveyed.

18 VII. WHEREAS, the Commission found that but for the
19 imposition of the above condition the proposed development
20 could not be found consistent with the provisions of the
21 California Coastal Act of 1976 and that a permit could therefore
22 not have been granted; and

23 VIII. WHEREAS, it is intended that this Deed Restriction
24 is irrevocable and shall constitute enforceable restrictions;
25 and

26 IX. WHEREAS, Owners have elected to comply with the
27 conditions imposed by Permit No. 6-39-288 so as to enable
28 Owners to undertake the development authorized by the permit.

1 and all their assigns or successors in interest.

2 Owners agree to record this Deed Restriction in the
3 Recorder's office for the County of San Diego as soon as
4 possible after the date of execution.

5 DATED: November 9th, 1989.

7 SIGNED: *Donald R. Stroben*

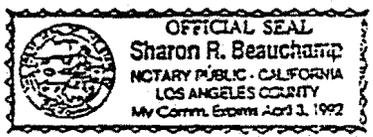
8 Donald R. Stroben,
9 Trustee for the Donald
10 and Martha Stroben
11 Community Property
12 Trust.

13 SIGNED: *Martha L. Stroben*

14 Martha L. Stroben,
15 Trustee for the Donald
16 and Martha Stroben
17 Community Property
18 Trust.

15 STATE OF CALIFORNIA)
16) ss
17 COUNTY OF LOS ANGELES)

17 On this 9th day of November, 1989, personally
18 appeared Donald R. Stroben and Martha L. Stroben, personally
19 known to me (or proved to me on the basis of satisfactory
20 evidence) to be the persons whose names are subscribed to
21 this instrument, and acknowledged that they executed it.



Sharon R. Beauchamp
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

26 //
27 //
28 //

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT
1333 CAMINO DEL RIO SOUTH, SUITE 125
SAN DIEGO, CA 92108-3520
(619) 297-9740

Filed: January 29, 1990
49th Day: March 19, 1990
180th Day: July 28, 1990
Staff: LRO-SD
Staff Report: June 13, 1990
Hearing Date: July 10-13, 1990

REVISED FINDINGS

Application No.: 6-89-366

Applicant: Terry Lingenfelder Agent: Edward Eginton, Architect

Description: Construction of a 54 sq.ft. addition to first floor of one-story residence and construction of a 1,252 sq.ft. second-story with 185 sq.ft. deck on an ocean blufftop lot.

Lot Area	4,050 sq. ft.
Building Coverage	2,228 sq. ft. (55%)
Pavement Coverage	1,479 sq. ft. (37%)
Landscape Coverage	343 sq. ft. (8%)
Parking Spaces	2
Zoning	R-S-11
Plan Designation	Low Medium Residential (4 dua)
Ht abv fin grade	25 feet

Site: 309 Pacific Avenue, Solana Beach, San Diego County.
APN 263-312-04

Substantive File Documents: Certified County of San Diego Local Coastal Program; Draft County of San Diego Coastal Development (CD) Overlay Zone Ordinance; City of Solana Beach Resolution Approving Site Plan Review Case #80-89015-12/15/89; Geotechnical Investigations by Leighton & Assoc., dated 6/30/89 and 1/16/90; Geological Reconnaissance and Limited Soil Investigation by Southern California Soil and Testing, Inc. - 8/30/84 for 327 Pacific Avenue, Solana Beach (CDP #6-84-159)

Date of Commission Action: April 10, 1990

Commissioners on Prevailing Side: Cervantes, Franco, Giacomini, Diaz, MacElvaine, McInnis, Diefenderfer, and Chairman Gwyn

Summary of Commission Action: The staff recommends that the Commission adopt the following revised findings in support of the Commission's action on April 10, 1990 approving the permit with conditions, without requiring the installation of a drilled pier foundation for the proposed two-story residence, as previously recommended by staff.

COMMISSION ACTION ON JUL 11 1990

- Approved as Recommended *see addenda*
 Denied as Recommended
 Approved with Changes
 Denied
 Other

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 bluff retreat and erosion, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. Future Bluff Protective Works. In the event that erosion threatens the existing residence and/or other accessory structures in the future, the Coastal Commission will consider removal of portions of the existing residence and/or accessory structures as alternatives to proposals for bluff and shoreline protective works.

5. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 6-89-366; and that any future additions or improvements to the exterior walls or foundation of the existing residence, or accessory structures; or other development as defined in Public Resources Code Section 30106 will require an amendment to Coastal Development Permit No. 6-89-366 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

6. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type in the area shown on the approved site plans as required in Special Condition #7 below, and otherwise described as the bluff face, extending down from the bluff edge to the bluff toe. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

7. Evidence of Quitclaim of Bluff Face/Site Plan. Prior to the issuance of the coastal development permit, and prior to recordation of the quitclaim deed, the applicant shall submit to the Executive Director for review and written approval, evidence that a quitclaim for the bluff face from the City of Solana Beach to the applicant will not include any portion of the public sandy beach located below the toe of the bluff. The applicant shall also submit a property/topographical survey which includes the entire subject site

should be phased out or upgraded where feasible.

In addition, Section 30251 of the Act also states, in part, "...Permitted development shall be sited and designed to...minimize the alteration of natural land forms....

The site of the proposed development is located along Pacific Avenue in the City of Solana Beach. The parcels of land seaward of Pacific Avenue are located along the coastal bluffs which are situated above the beach. According to the site-specific geology report, the Eocene Torrey Sandstone is exposed as the vertical to near-vertical, approx. 20-foot high sea cliff immediately above the beach in the western portion of the site. The Torrey Sandstone consists of a well-indunated, light orange-brown, massive, silty fine- to medium-grained sandstone. Pleistocene marine terrace deposits unconformably overlie the Torrey Sandstone and comprise the approx. 65-foot high bluff face that slopes at an overall gradient of approximately 45 degrees to the east. In addition, a variable thickness of unconsolidated beach deposits occur along the western site boundary.

A sea cave was observed in the sea cliff during the geologist's inspection of the site in May, 1989. The sea cave was approximately 8.5 feet wide at its mouth, 7.5 feet deep and about 2.5 feet high. Fractures or indications of recent roof failures were not observed.

The geology report further states that the degree of erodibility is dependent upon the amount of fracturing, jointing, consolidation of sediments, steepness of slope, ground water and surface water conditions, vegetation or lack of, and intensity of pedestrian and animal traffic. Wave action is also undermining the cliff face where the Torrey Sandstone eventually chips or crumbles, thus removing support from beneath the terrace deposit sands. In addition, according to the report, with time, the bluff will retreat and the western edge of the patio (and eventually the western portion of the residence that is within 25 feet of the bluff edge) may become undermined.

In response to Section 30253, the County of San Diego adopted the Coastal Development Area regulations as part of their LCP Implementing Ordinances prior to incorporation of the City of Solana Beach. The City of Solana Beach has verbally indicated the intention to utilize these regulations during the preparation of their LCP. The regulations establish a 40 foot blufftop setback for buildings which may be reduced to not less than 25 feet by the Director, if the Director determines, following site plan review, that the construction will not be subject to foundation failure during the economic life of the structure. Past Commission policy in this area has required a geologist's certification that bluff retreat will not occur to the extent that a seawall or other shoreline protective device would be required within the economic life of the structure (defined as 75 years).

The Commission has generally required that the safety of a proposed building for its expected life be assured by a prudent siting of the building consistent with the geologic conditions at the site. Even in cases where site geology is excellent and no erosion has been experienced or is anticipated,

the chimney to meet code requirements, re-roofing of existing roof area to control water run-off to the new addition. However, these latter improvements are regarded as repair and maintenance activities to an existing single family residence which do not require a coastal development permit.

The purpose of establishing a minimum 25-foot blufftop setback area is to provide a buffer between development and the natural bluff erosion process. By definition, the geologic setback area is an area that can erode away over the lifetime of the structure. Therefore, to make improvements which increase the economic life of the structure within the setback and not expect endangerment to occur is illogical. Likewise, to allow new development to occur within the geologic setback area is not prudent.

Section 30253 also states that new development must not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. One issue raised by the project that is not addressed in the County or City's regulations is that of prolonging the economic life of existing structures located within the blufftop setback zone through rehabilitation and new additions such as that proposed. The Coastal Act in Section 30235 allows for protection of existing (principal) structures in danger from erosion, but requires through Section 30253 assurance that new development be situated to not require construction of future protective works. Seawalls and bluff retaining walls generally conflict with the visual resource protection, public access and recreational polices of the Coastal Act.

In recognition of these policies of the Coastal Act, the County Board of Supervisors has adopted a policy, I-82 Shoreline Erosion Protection, which was contained as part of the County's San Dieguito LCP land use plan (LUP). This policy establishes the purpose, background, and policy for use of the CD area regulations and is attached in full as Exhibit B of these findings. The policy identifies the alternatives of increased setbacks, moving buildings, support of buildings on pilings and rock bolting as practical and preferable alternatives to shoreline and bluff protective works. However, the County's CD area regulations do not specifically enforce consideration of these alternatives prior to approval of shoreline and bluff protection.

The blufftop properties of the County's LCP were not certified by the Commission due to disagreement between the County and Commission on geologic setback requirements for new development and enforceability of the Board's Policy I-82. These are issues which remain to be addressed in the City of Solana Beach's and Encinitas' LCPs.

The attached conditions are designed to establish a way to address the potential need for protective works when reviewing restoration of existing structures within the geologic blufftop setback zone. Regarding the existing residence, staff considered recommending that the portion of the existing residence seaward of 25-feet be underpinned to increase the structural stability at this time. In past actions and pursuant to Section 30235, the Commission has permitted seawalls when designed to protect principal structures which represent a major economic investment. Accessory structures

RECEIVED
DEC 24 1998

December 21, 1998

Members,
California Coastal Commission
c/o Diana Lilly
3111 Camino del Rio North
San Diego, CA 92108

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Solana Beach Seawall Cases

Dear Members of the California Coastal Commission:

I am opposed to the seawall projects proposed for Solana Beach. The cumulative effects of the seawalls proposed and potential future construction along the beach will forever change the face of our city and degrade our main asset, the beach.

In addition, I am opposed because:

- 1) the bluffs were there when the homes were built or enlarged, and the possibility of bluff failure or bluff erosion was then known, and indeed has been known for years to the local authorities, to the CCC, and to the homeowners and contractors;
- 2) in many cases, homeowners requested and were given exceptions to maximize the size of the building on the lot, which exacerbates the problem;
- 3) several properties have deed restrictions required by the CCC which prohibits the use of seawalls and requires those parts threatened by erosion to be removed;
- 4) in the past, CCC staff has opined that the CCC would consider removal of threatened structures as the preferred and practical alternatives to protective works;
- 5) the Coastal Act specifically protects the scenic value of the shoreline areas as a coastal resource of public importance, worthy of protection; the beach and the shoreline of Solana Beach is a significant recreational and economic coastal resource to be protected.

Thank you,

Sincerely,
Karen Berger

Karen Berger
725 N. Granados
Solana Beach, CA 92075

*File copy
of [unclear]*

We, the undersigned, love our beaches. We walk on them. We surf in the ocean near them. The natural beauty of the bluffs and the sand and the ocean is important to us. Seawalls protect the property of the few at the expense of those of us who use the beach and cherish its beauty. Therefore, we oppose the construction of a 350 foot long seawall in Solana Beach which will cause the beach to narrow and will forever take away the natural beauty of the bluffs.

Name	School	Grade
Michelle Christensen	TP	11
Laura Alessio	TP	11
Sam Neff	TP	11
Alison [unclear]	TP	10
Rin Jolly	TPHS	12
Elaine [unclear]	TPHS	11
Jessica Troglor	TPHS	11
Dany [unclear]	TPHS	12
Shirley Sridharan	TPHS	10
Nesta [unclear]	TPHS	
Angie Michelsky	TPHS	11
Shen [unclear]	TPHS	10
Yehua Kavich	TPHS	11
[unclear]	TPHS	11
[unclear]	TPHS	11
Bea Houdara	TPHS	12
Alice [unclear]	TPHS	11

We, the undersigned, love our beaches. We walk on them. We surf in the ocean near them. The natural beauty of the bluffs and the sand and the ocean is important to us. Seawalls protect the property of the few at the expense of those of us who use the beach and cherish its beauty. Therefore, we oppose the construction of a 350 foot long seawall in Solana Beach which will cause the beach to narrow and will forever take away the natural beauty of the bluffs.

Name	School	Grade
Fu BT PAI	TPHS	11
Kathy Tung	TPHS	11
Jane Chung	TPHS	12
Allison Ewing	TPHS	12
Kathleen MacNeil	TPHS	12
Yashar Azinzadeh	TPHS	11
John Chul Pak	graduate of TPHS	"
Alexis Bittar	TPHS	10
Meghan Tavernier	TPHS	9
Leanne Ray	TPHS	9
Jessica Juyat	TPHS	11
Angela	TPHS	10
Kate Ryan	LCC	09
Harry Dick	TTPTPHS	10
Kristi Gordon	TPHS	10
Buckley Brown	TPHS	10
Julia Palm	TPHS	9
Alex Gubelman	TPHS	9
Megan Bogart	TPHS	12
Ashley Britton	TPHS	12
Angela Scates	TPHS	12
Paula Fouts	TPHS	12

We, the undersigned, love our beaches. We walk on them. We surf in the ocean near them. The natural beauty of the bluffs and the sand and the ocean is important to us. Seawalls protect the property of the few at the expense of those of us who use the beach and cherish its beauty. Therefore, we oppose the construction of a 350 foot long seawall in Solana Beach which will cause the beach to narrow and will forever take away the natural beauty of the bluffs.

Name	School	Grade
Jordan Iantorno	TPHS	11
Banu Polat	TPHS	9
Jimeno Bostock	TPHS	9
Fennie Scarratt	TPHS	9
Evan Ruetling	TPHS	9
Shadi Foshandel	TPHS	11
Dana Seibel	TPHS	11
Richard Conington	TPHS	11
Dan Dugheimer	TPHS	11
Dan Dugheimer	TPHS	11
Dan Dugheimer	TPHS	11
Tom Hoag	TPHS	11
Matthew Radini	TPHS	9
Steven Branson	TPHS	12
Keresh Dara	TPHS	12
Anjali Nunn	TPHS	10
Aneirin Nunn	TPHS	10
Jessica Gellert	TPHS	10
Sasha Varsanofea	TPHS	10
Danielle Ciannmas	TPHS	10
Loren Benditt	TPHS	10
Elizabeth Lem	TPHS	11

We, the undersigned, love our beaches. We walk on them. We surf in the ocean near them. The natural beauty of the bluffs and the sand and the ocean is important to us. Seawalls protect the property of the few at the expense of those of us who use the beach and cherish its beauty. Therefore, we oppose the construction of a 350 foot long seawall in Solana Beach which will cause the beach to narrow and will forever take away the natural beauty of the bluffs.

Name	School	Grade
Katie Pethe	Torrey Pines	11
Laura Longenecker	TPHS	11
Dana Copeland	TPHS	11
Gwen Vassel	TPHS	11
Jon Pack	TPHS	11
Emily Bettler	TPHS	11
Michael Weston	TPHS	11
	TPHS	11
Chris Spence	TPHS	11
Atlan Ramirez	TPHS	12
Geoff Williams	Enl Warren JHS	8

JAN 13 1998

From: _____

Subject: CDP 6-98-134

January 9, 1999
Commissioners:

I oppose the permit application and staff findings as proposed for the following reasons:

1) Several of the applicants have developed in the face of known hazards. They were required to pursue alternatives other than Coastal Armoring and including removal of the structure as conditions of CDP's (6-95-23, 6-89-288, 6-95-23, 6-94-33). It is the duty of the Coastal Commission to enforce these conditions.

2) It is submitted that some of the applicants have produced geological studies over the years to support their applications to improve or rebuild the residences on the property. Some of these studies offered between 1989 and 1995 (e.g. 6-89-366, 6-89-288, 6-94-33, 6-95-23) indicated that it would be between 40 and 75 years before protection of the residence would be necessary. Further, in their Coastal Development Permits, several of the applicants had options to build at a 40 foot setback, but chose to build closer to the bluff edge at a 25 foot setback.

Past geological studies have indicated a retreat rate that would have sustained the property without a need for Shoreline Protection for between 40 and 70 years, however, these rates do not account for episodic events that are the main culprit in erosion in this area. It is **ILLOGICAL** to use a retreat rate other than the actual rate as observed in any calculations or Coastal Planning Processes.

It is also recommended that future CDP approval require a 5 year El Nino storm event in calculating the erosion rate and in geological studies.

I submit that the applicants are responsible for these studies and Permits. The Commission needs to appreciate institutional memory, and the public needs an enforceable means to assure responsibility for incorrect results.

3) Insufficient mitigation to the sand mitigation fund is being proposed. The staff report indicated the homeowners would donate to the sand mitigation fund with a onetime donation including cash and sand. The applicant has stated at public hearings that sand from the bluff is inconsequential in contributing to the sand on the beaches. I would like to present some calculations regarding sand from bluff erosion if no protective measures are taken. Assuming that the scope of projects in Solana Beach includes a width (W) of 400ft of shoreline or 133 yards at a height (H) of 84ft or 28 yards, at an annual retreat rate (RR) of 2 ft per year (0.67 yards/yr) based on "Shoreline Erosion Assessment and Atlas of the San Diego Region," by California Dept. of Boating and Waterways and SANDAG and the actual retreat rates observed, then the average annual loss of sand from bluff erosion is given by:

$$V = W * H * RR = 133 * 28 * 0.67 = 2495 \text{ cubic yards of beach building material per year}$$

where V is annual volume of sand contributed per year. This may be slightly incorrect in that it does not discriminate between sand and other materials.

RECEIVED

JAN 11 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

301 South Granados Ave.
Solana Beach, CA 92075
619 755-4556

January 8, 1999

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Application #6-98-134
Applicant: Keith Presnell et al

By fax: 619 521 9672

Attention: Diana Lilly

Dear Coastal Commission Members,

The intent of the Coastal Law of 1976, was clearly to protect Coastal access for public use and this should be paramount in the decisions you have to make.

All the scientific data has been well presented by many professionals, as well as community members and the causes of the disintegration of the bluffs are well known. So, as a long time resident of Solana Beach and a user of the beach, I would like to point out my recent observations on the erosion of the bluff adjacent to the walls that were built along the South end of Solana Beach. I see already these have caused failures at each edge of the respective walls, thus causing failures to neighboring properties. Even though the one and a half feet of ablatable color was applied and has worn away at the same rate as the bluff (as designed), all the colored application has now disappeared in some areas and left big hunks of cement - future debris for the public beach. Walls supporting the bluff are only a temporary fix. Isn't it time to make a stand against such walls?

I do note that several people who live on the bluff top have accepted liability. What a pity their neighbors didn't do it too!!

I also note that there is a clause encouraging people to dismantle their homes and retreat away from the bluff edge. This would minimize danger to people enjoying the beach below.

It is my understanding that only one property is considered to be "an emergency" and yet 8 are included in the project with several of these property owners having accepted liability. How can this happen? No EIR has been ordered. It is unfortunate that the people in high places in government have not made the hard choices when they had the opportunity years ago, but bent to the will of developers and residents. Isn't it now time for hard decisions to be made and refuse any further walls to be built and let nature take it's course?

I am opposed to wall to wall development along our beaches.

Sincerely,

Margaret Chivers

California Coastal Commission
c/o Diana Lilly
3111 Camino del Rio North
San Diego, Ca. 92108
RE: CPD 6-98-134

RECEIVED Jan. 6, 1999
JAN 08 1999
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Chairman and Members of the California Coastal Commission;

As a matter of principle I object to granting permits for seawalls that will, because of the ever increasing erosion of our beaches, limit the publics access and intrude onto the public beach. Such seawalls create eye pollution in areas of great natural beauty. During the course of the Solana Beach City Council deliberations on the issue I was shocked to learn that under the guise of emergency they had agreed to allow the applicants to go forward without a full EIR.

I know others have based their objections on the environmental problems but I have another problem not sufficiently covered. By allowing these walls without full disclosure of the cumulative adverse effects via an Environmental Impact Report, how much exposure has the City and the Coastal Commission imposed on the taxpaying public. Will future lawsuits place the blame for defects or failures of these walls on public agencies who did not follow the proper procedures and show due diligence in exercising their powers on behalf of the public. We all know that agencies don't pay fines and or awards of the court, people do with taxes that could be better spent. So therefore, all normal procedures should be followed including deleting properties which have deed restrictions waiving their right to seawalls at this time, and requiring a full and complete EIR and the consideration of other less drastic solutions.

Sincerely yours,



Celine A. Olson
638 Canyon Drive
Solana Beach 92075

6-78-151

Jan 6, 1999

RECEIVED

JAN 08 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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

Reference: CDP 6-98-134 (Presnell, et.al, Solana Beach)

Dear Sir/Ms,

I feel it is ludicrous to approve a giant seawall in Solana Beach. This is like applying a band-aid to the real problem. Not only is a seawall unsightly but it will eventually mean death to the beach in front of it. The beaches do not belong to the few home owners perched on the bluff but to ALL of us. It is the job the government to represent the best interests of her people by protecting the beaches for current and future generations.

The home owners who bought or built these houses knew that the sandstone bluff would not withstand the constant pummeling from mother nature. How could they possibly have a right to a seawall that will destroy the beach for the general public.

Please do not approve this measure. My children and I enjoy this beach and others like it in north county. Do not set the short sighted precedence that the bluff top home owners can determine the life-cycle of our public beaches.

Thanks for listening,

Patty O'Reilly
Encinitas



DC
6-98-134

2274 Carol View Drive, #215
Cardiff, Ca. 92007
January 4, 1999

To:

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

Reference:

CDP 6-98-134 (Presnell, et.al, Solana Beach)

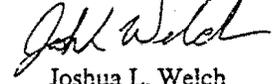
To whom it may concern,

I am writing in regards to the present situation in Solana Beach with the construction of a seawall to protect the bluffs. I feel that by constructing a seawall this will create more damage to the coast than it will do for protection. I recently wrote a research paper for an English class about seawalls and the impact that they have on the environment. In my research I found no evidence that a seawall actually serves its purpose of protection.

While the wall will protect properties that lay directly behind the seawall, it only quickens the erosion process for surrounding areas that lay adjacent to the wall. I looked at many cases from around the world and found that the construction of a seawall is the most costly in the long run and is also the least effective. The effects caused by a seawall are lasting by causing the beach to erode more rapidly; the eroded sand is carried further offshore, and because of the erosion it causes the beach longer to recover. An example of a failed seawall construction is in Sea Bright, New Jersey where walls that were built to protect the city is now costing over one-hundred and fifty million dollars in taxes each year.

While I am a resident of Cardiff-by-the-Sea, my wife and I frequently visit the beaches along Encinitas and Solana Beach and I am appalled at what the local governments are trying to do to protect the coastline. My wife and I are looking at buying property in the Solana Beach area and we strongly feel that this project should not be allowed to be carried out. The construction of seawalls historically has not worked as intended and the only result is the disruption of the natural geologic process.

Sincerely,



Joshua L. Welch

RECEIVED

JAN 05 1999

CALIFORNIA
COASTAL COMM.
SAN DIEGO COAST DISTRICT

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

RECEIVED

JAN 08 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Reference: CDP 6-98-134 (Presnell, et.al, Solana Beach)

To Whom It May Concern:

I have been a resident of the Solana area for almost 27 years and am very concerned about the reference project for many reasons.

Primarily, I am against artificial, man-made objects that interfere with the natural forces of nature. I am particularly concerned about seawalls because they cause much more long-term damage and only serve the narrow interests of the few people who pay for them to protect their property. The collateral damage at the north & south edges of the seawall will be magnified. The sand loss will be even greater than it is now. This will cause even greater strains on any future replenishment plans and actions. I am an avid beach goer and surfer. I have seen the negative effects of seawalls and similar revetments all over the area, particularly in Encinitas and Leucadia. The bluff area from Grandview to Swami's is in an identical condition. In every location where a seawall has been built, the adjacent beach and bluff has been further eroded with each seasonal change.

There are inherent risks with owning beachfront/blufftop land and structures. All of the reference land owners know what the risks are. The impact associated with the containment of these risks must not be allowed to further degrade the surrounding bluffs, beach, and reefs. These risks were taken by choice of the owners (along with the pristine views). Therefore, why should I allow them to defer their problem while the effects of their short term, man-made solution further destroys something that I believe should be left untouched, preserved, and protected for the benefit of ALL.

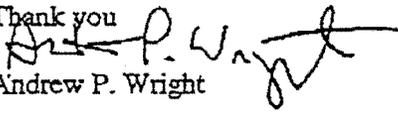
As we all know, the beaches in California are open to everyone and therefore must be protected with vigor. I am very tired of selfish people pushing their desires for their own personal gain at the expense of the environment and general public. This project in no way or form serves the best interests of any current or future beach user. It only serves the selfish purposes and goals of each property owner.

The long-term solution for the beach erosion problem in North County is multi faceted. We need to solve it with a systemic approach. It starts with properly opening ALL of the area's estuaries up and down the coast so that normal amounts of sand can replenish our beaches like it was 25-30 years ago. As a supplement, proven sand replenishment technologies need to be employed. I have researched this topic and respectfully refer the CC to Holmberg Technologies. Richard Holmberg is a nationally recognized expert on this subject. He has employed his patented technology all over the US. His company's website, www.erosion.com explains in detail the exact problem and proven solutions for our North County beaches. I know this may take many years to get into place, but it is the RIGHT way for everyone. If a seawall must be built, I strongly request that it be at

the *bare minimum* in height and length, and be subject to removal once a sand replenishment system is in place.

I urge the CC to force the owners of the subject property to look into natural and ecological solutions like those implemented by Holmberg Technology. I ask the CC to please help preserve & protect the beaches and surrounding ecosystems and disapprove the reference project and all other seawall or revetment projects for this area.

Thank you


Andrew P. Wright

California Coastal Commission
c/o Diana Lilly
3111 Camino del Rio North
San Diego, Ca. 92108
RE: CPD 6-98-134

Jan. 6, 1999

Dear Chairman and Members of the California Coastal Commission,

As a matter of principle I object to granting permits for seawalls that will, because of the ever increasing erosion of our beaches, limit the public's access and intrude onto the public beach. Such seawalls create eye pollution in areas of great natural beauty. During the course of the Solana Beach City Council deliberations on the issue I was shocked to learn that under the guise of emergency they had agreed to allow the applicants to go forward without a full EIR.

I know others have based their objections on the environmental problems but I have another problem not sufficiently covered. By allowing these walls without full disclosure of the cumulative adverse effects via an Environmental Impact Report, how much exposure has the City and the Coastal Commission imposed on the taxpaying public. Will future lawsuits place the blame for defects or failures of these walls on public agencies who did not follow the proper procedures and show due diligence in exercising their powers on behalf of the public. We all know that agencies don't pay fines and or awards of the court, people do with taxes that could be better spent. So therefore, all normal procedures should be followed including deleting properties which have deed restrictions waiving their right to seawalls at this time, and requiring a full and complete EIR and the consideration of other less drastic solutions.

Sincerely yours,



Celine A. Olson
638 Canyon Drive
Solana Beach 92075

RECEIVED

JAN 06 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

6-98-134

MARGARET SCHLESINGER
244 PACIFIC AVENUE
SOLANA BEACH, CA
92075

January 6, 1999

California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Permit number: 6-98-134 (Presnell, et.al., Solana Beach)

Dear Chairman and Commissioners:

Construction of a 352-ft. long, 35-ft. high seawall on the public beach of the city of Solana Beach should not be allowed. At the very least, an environmental impact report should be required. By approving this seawall in December, based on an emergency permit, the Solana Beach City Council violated the public trust. Only the situation at 261 Pacific can be considered an emergency.

I understand this project will be followed by two more requests for armoring the bluffs which cumulatively will impact over 1000 feet of bluff. All this to protect private property owners who used every device to build as large a dwelling as possible as close to the bluff edge as possible. The public should not have to pay for the foolish decisions of a few property owners. A required EIR will give the public an opportunity to be involved in what happens on the public beach.

For many years, community sponsored beach walks, guided by Dr. Wolf Berger of Scripps Institution of Oceanography, have provided our residents an opportunity to learn about the bluffs, beach and ocean. The bluffs were inspected for horizontal layers of sandstone and siltstone stacked on top of each other millions of years ago. Evidence of ancient burrows and tracks of worms, clams and shrimp-like creatures were pointed out. If these seawalls are constructed, a major portion of this public shoreline laboratory will be lost to present and future generations.

Another concern is that Walt Crampton of Group Delta Consultants, the developer for the project, previously built a seawall over a collapsed seacave to the north of this project. Apparently, it has failed to perform as expected and is now "protected" by several tons of riprap sitting on the public beach permanently.

Are we now looking to a future in which we have lost the beauty and educational value of our beach with the armoring of the bluffs and have also lost access to the beach with unsightly riprap on front of this 352-ft. wall?

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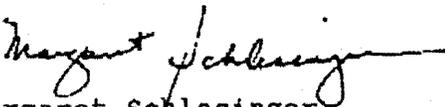
JAN 06 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

619 755-8950
The fact that at least two, and perhaps others, of these properties have deed restrictions, agreed to by the owners, against the use of stabilization devices to protect the portion of the residence seaward of 40 feet from bluff edge should be considered.

An environmental study of the impacts of this project is needed. Thank you for the opportunity to share my concerns and for your service in protecting California's coastline.

Sincerely,


Margaret Schlesinger

RECEIVED

DEC 24 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 21, 1998

Members,
California Coastal Commission
c/o Diana Lilly
3111 Camino del Rio North
San Diego, CA 92108

Re: Solana Beach Seawall Cases

Dear Members of the California Coastal Commission:

I am opposed to the seawall projects proposed for Solana Beach. The cumulative effects of the seawalls proposed and potential future construction along the beach will forever change the face of our city and degrade our main asset, the beach.

In addition, I am opposed because:

- 1) the bluffs were there when the homes were built or enlarged, and the possibility of bluff failure or bluff erosion was then known, and indeed has been known for years to the local authorities, to the CCC, and to the homeowners and contractors;
- 2) in many cases, homeowners requested and were given exceptions to maximize the size of the building on the lot, which exacerbates the problem;
- 3) several properties have deed restrictions required by the CCC which prohibits the use of seawalls and requires those parts threatened by erosion to be removed;
- 4) in the past, CCC staff has opined that the CCC would consider removal of threatened structures as the preferred and practical alternatives to protective works;
- 5) the Coastal Act specifically protects the scenic value of the shoreline areas as a coastal resource of public importance, worthy of protection; the beach and the shoreline of Solana Beach is a significant recreational and economic coastal resource to be protected.

Thank you,

Sincerely,

Karen Berger

Karen Berger
725 N. Granados
Solana Beach, CA 92075

RECEIVED

DEC 16 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Ellen M. Stephenson
1120 Highland Dr.
Del Mar, CA 92014
Ph: (619) - 755 - 9027

December 15, 1998

To: California Coastal Commission
c/o Diana Lilly
311 Camino del Rio North
San Diego, CA 92108

Re: January 1999 Meeting

References: 1. CDP 6-98-154 Presnell et. al. Solana Beach:
352 foot long seawall.
2. CDP 6-98-127 Ann Baker et. al. Solana Beach:
Infill of seacaves and under-cut areas of bluffs.

Dear Commissioners:

I am opposed to both of these projects being approved without first doing an environmental impact report. These projects could have a major impact on the entire length of the Solana Beach shoreline. For example, the Coastal Act, Section 30253 states in part that new developments shall not in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs.

The construction of a 352 foot long, 35-foot high shotcrete tied-back seawall at the base of a coastal bluff below eight single-family residences and construction of a geogrid-reinforced fill slope on the upper portion of the bluff below one of the residences, at 249 Pacific Ave. to 311 Pacific Ave., Solana Beach, San Diego County would substantially alter natural landforms along the bluffs and cliffs below these residences.

Coastal Act, Section 30251 states:

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

This means that the scenic value of shoreline areas is a coastal resource of public importance worthy of protection and that protective devices that substantially alter natural landforms along bluffs and cliffs should be discouraged.

Ellen M. Stephenson
1120 Highland Dr.
Del Mar, CA 92014
Ph: (619) - 755 - 9027

December 15, 1998

Shoreline protective devices result in the loss of the public's sandy beach area occupied by the structure, lead to narrowing and eventual disappearance of the beach in front of the structure, create adverse visual impacts and loss of lateral public access along the shoreline.

The above issues are all cited in Coastal Act policies and any shoreline structures that don't value the above concerns of the public's right to enjoy the beach experience need to be addressed in an environmental impact report.

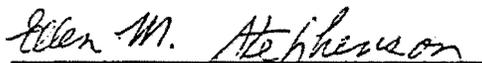
The Commission needs to look closely at the cumulative impact of the above referenced projects plus 290 feet approved by the Solana Beach City Council for a total of 1000 feet of visual impact. No seawalls to date look like the natural bluffs and they don't erode like natural bluffs over a long time period. The Commission also needs to be reminded that there are a few properties with deed restrictions waving their right to a seawall that are included in the larger project along with properties without deed restrictions. The CDP 6-98-134 includes 265 Pacific Ave. (CDP 6-95-23 Bennett) which has a deed restriction. To approve 6-98-134 would violate the Coastal Act which required the deed restriction in the first place.

Other addresses where a deed restriction has been recorded are:

301 Pacific Ave. (PDP 6-89-288)
319 Pacific Ave. (CDP 6-95-139, Minturn)
367 Pacific Ave. (CDP 6-97-50, O'Neal)

In closing, I believe there is a need for an environmental impact report of the two projects before you today, before you consider the possible armoring of such a long stretch of our Solana Beach shoreline.

Sincerely,



Ellen M. Stephenson
Solana Beach Resident

RECEIVED

DEC 15 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Commissioners:

The following residents and homeowners of Solana Beach oppose a proposed 350 ft. long and 35 ft. high sea wall (retaining wall) at 249 through 311 Pacific Ave. To call an emergency to this amount of shoreline to circumvent the California Environmental Quality Act (C.E.Q.A.) is absolutely preposterous!

We ask that the commission deny this project, it is an attack on our bluffs and shoreline.

NAME:

ADDRESS:

Roy E. Warden
 Margaret Schaeffer
 [Signature]
 Arlene DeVore
 Danni [Signature]
 [Signature]
 Donna M. Warden
 Sheelagh Williams
 Wyatt Williams
 [Signature] (Darin Parks)

464 Barbara Ave Solana Beach
 247 Pacific Ave. S.B.
 712 Spanish Street - Solana B.
 535 Seabright Lane S.B.
 535 Seabright Lane S.B.
 1120 Highland Dr. Del Mar
 464 Barbara Ave S.B.
 638 West Circle Drive, S.B.
 638 W. Circle, Solana Beach
 643 N. Coronado Ave, Solana Beach
 92075

RECEIVED

DEC 15 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

12-13-98

California Coastal Commission
c/o Deane Lilley
3111 Camino Del Rio North
San Diego, Ca. 92108

Re: Case # 17-98-25

Permission to Grant Sewerall,
Solana Beach, California

Restatement:

It is my understanding that the Commission will be considering permission to construct seawalls 352 feet long and 35 feet in height on public, beach property in Solana Beach.

It is also my understanding that the materials submitted to you requesting your approval of this project does not contain an environmental impact report or an analysis of the respective liabilities, etc., of the granting parties, e.g. the City of Solana Beach. Certainly, at a minimum, these reports are essential to your consideration.

-7-

For this reason, as a taxpayer and a recipient of the benefits of our public resources, I am requesting that this Commission find the application, as submitted, insufficient for your approval or denial at your January meeting.

Thank you in advance, I am
Respectfully,

Norma W. Ruhm

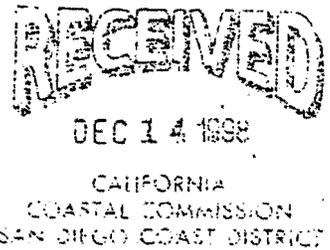
NORMA W. RUHM

712 SONRISA STREET

SOLANA BEACH, CA 92075

619. 755. 0486

To: California Coastal Commission
From: Scott, Sheelagh, Jenny and Geoff Williams ^{SN}
638 West Circle Drive
Solana Beach, CA 92075
Date: 14 December, 1998
Subject: CDP 6-98-134 (Presnell, et.al., Solana Beach) and
CDP 6-98-127 (Ann Baker, et.al., Solana Beach)



From Staff Report for CDP 6-97-126-A2, 211 Pacific Avenue, Solana Beach
"The Commission is not required to approve a shoreline altering device pursuant to Section 30235." The staff report goes on to say that there are feasible alternatives including "underpinning the existing residence, addressing groundwater and irrigation runoff and removing portions of the home."

The applicant for CDP 6-98-134 is requesting permission to build a 352 foot long, 35 foot high seawall with an additional 50 feet of geogrid reinforced slope above. We oppose approval of the proposed project for the following reasons:

- The proposed 352 foot long, 35 foot high is overkill for the purported problem.
- Many of the homeowners included in the proposed project have remodeled in recent years, building closer to the bluff edge than allowed by the Coastal Commission. At least 2 properties have explicitly waived their right for protective measures via deed restrictions. We believe the CCC cannot approve a seawall for these properties.
- The proposed seawall will have permanent adverse visual impacts on the bluff and immediate adverse impacts on the sand beach in front of it.
- Solana Beach does not have a coastal plan which provides a framework for bluff and beach protection. A balance between bluff protection and beach protection is not being made. Private homes on the bluffs are being protected to the exclusion of the public beach.

The applicant for CDP 6-98-127 is requesting permission to build over 400 feet of contiguous seacave infill up to 16 feet high. We oppose approval of the proposed project for the following reasons:

- The proposed "seawall" will have adverse visual impacts on the bluff and adverse impacts on the sand beach in front of it.
- Solana Beach does not have a coastal plan which provides a framework for bluff and beach protection. A balance between bluff protection and beach protection is not being made. Private homes on the bluffs are being protected to the exclusion of the public beach.
- The cumulative impact of CDP 6-98-134 and CDP 6-98-127 plus another contiguous seacave infill of 290+ feet (approved at the 3 December, 1998 meeting of the City Council of Solana Beach with a negative declaration on the

need for an EIR which failed to address the issue of cumulative impacts is enormous.

These two projects and the third project, which will no doubt be before this Commission soon, should not be considered in a piecemeal fashion. Solana Beach only has about 8000 linear feet of bluff. These three projects will irretrievably alter over 1000 linear feet of bluff. This is a significant cumulative impact on the bluffs of Solana Beach.

This document contains data which support the above and contains the following:

- I. Photos which show that conditions similar to those in the area of the proposed project exist in Solana Beach and have been stable for up to several years. Photos which show the relatively pristine condition of the bluffs where the seawall and contiguous seacave infill is proposed. Photos of the massive Steinberg seawall which is half the length and half the height of the proposed seawall.
- II. Copies of the deed restrictions for two properties included in CDP 6-98-134 and a discussion of the impact of inclusion of these properties within the proposed project.
- III. A discussion of the impacts of the proposed seawall on the beaches and the natural bluff.
- IV. A discussion of balancing the protection of bluff top properties and the protection of the public beach.
- V. A Vision for the Future of Solana Beach Bluffs

I. Photos of the Bluffs in Solana Beach

We have been studying the bluffs along the northern part of Solana Beach for over three years. Our methodology has been to periodically photograph the bluff, particularly those areas where sea cave plugs or seawalls have been constructed and where bluff erosion events are occurring. We are including here photos from our bluff study. The first two photos are of the same bluff area. Photo 1 shows the bluff after a collapse which exposed the deck at 617 West Circle Drive. Photo 2 shows the bluff over three years later. No further significant erosion of the bluff has occurred. Photos 3 through 7 show other bluff areas in north Solana Beach where erosion events similar to 261 Pacific Avenue have occurred and the bluff appears to have stabilized.

- Photo 1: 14 May, 1995. Taken from beach looking up at 617 West Circle Drive
Fresh bluff collapse which exposed deck.
- Photo 2: 3 November, 1998. Taken from same location
No further bluff erosion has occurred in over three years.
- Photo 3: 3 November, 1998. Taken from beach looking up at 601 and 611
West Circle Drive
Deck has been exposed for at least three years
- Photo 4: 3 November, 1998. Taken from beach looking up at 419 Pacific
Avenue
Bluff erosion occurred in 1997. Emergency sea plug work was done in
late 1997 or early 1998.
- Photo 5: 3 November, 1998. Taken from beach looking up at 371 Pacific Avenue
No data on how long this "clean sand" has been exposed.
- Photo 6: 3 November, 1998. Taken from beach looking up at 261 Pacific
Avenue, the Colton property, where emergency is purported to exist.
- Photo 7: 3 November, 1998. Taken from beach looking up at 225 Pacific
Avenue.
No data on how long this "clean" sand" has been exposed, but this part
of the bluff has been very steep for several years.
- Photo 8: 3 November, 1998. Taken from the beach south of the proposed
seawall and seaward of the proposed seacave infill.
- Photo 9: 15 January, 1995. Three overlapping photos taken seaward of the
Steinberg seawall.

PHOTO 1:



PHOTO 2:

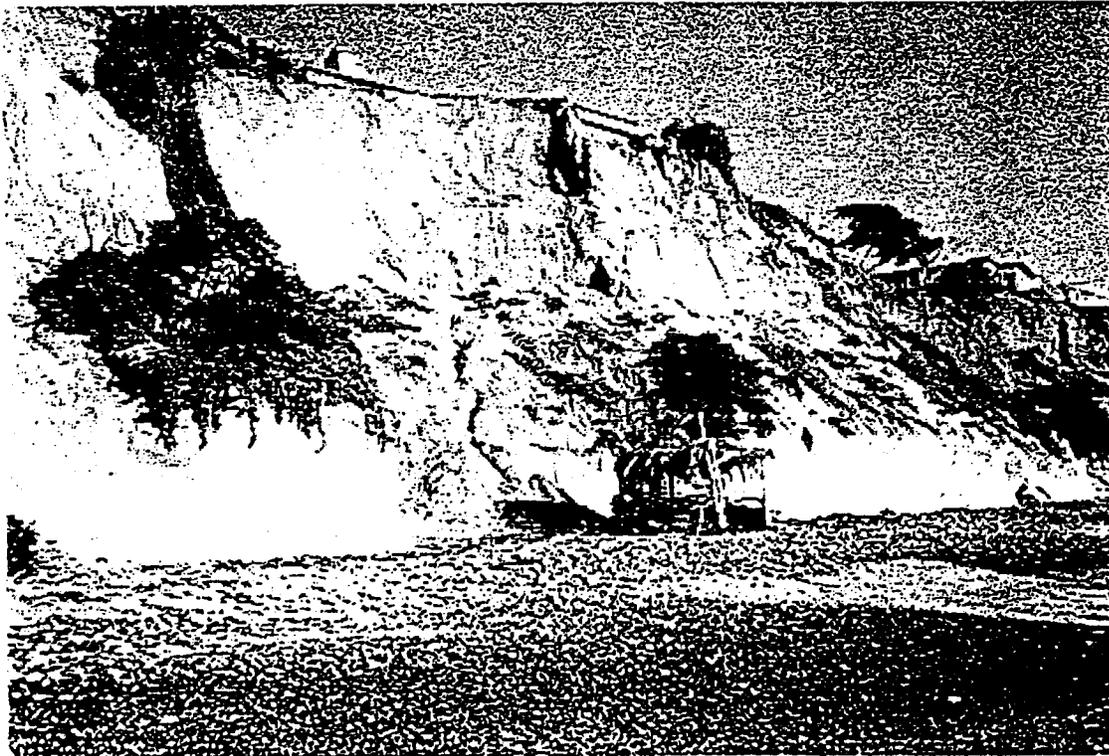


PHOTO 3:

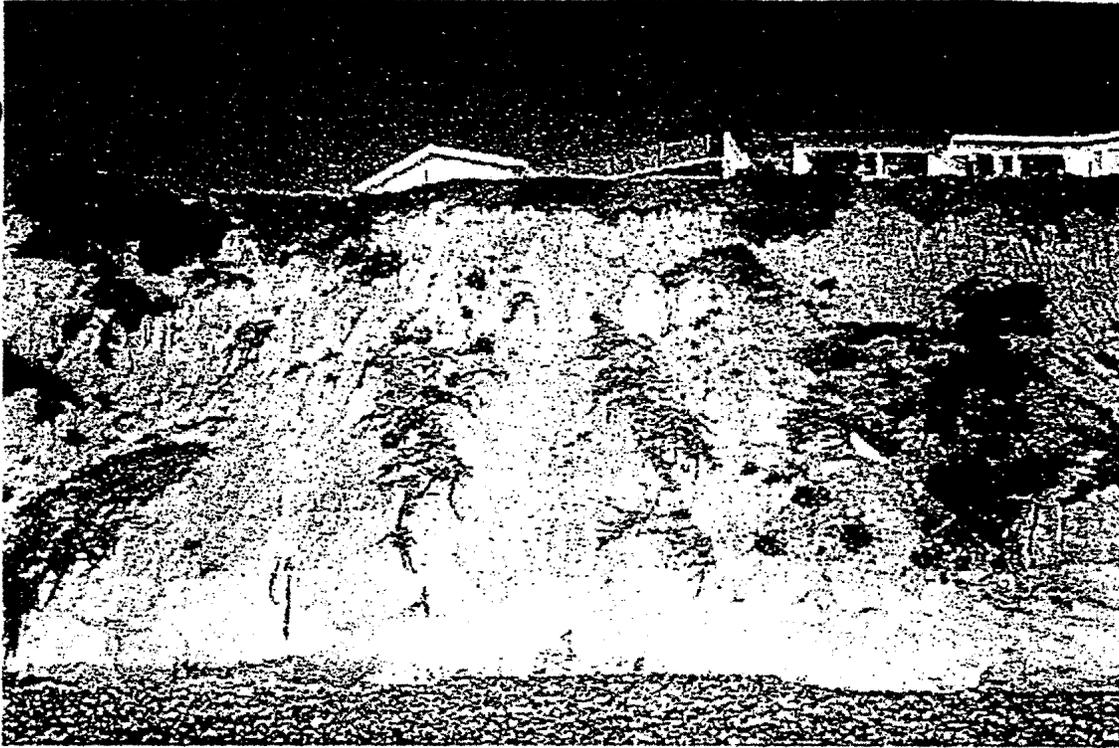


PHOTO 4:



PHOTO 7:



PHOTO 8:

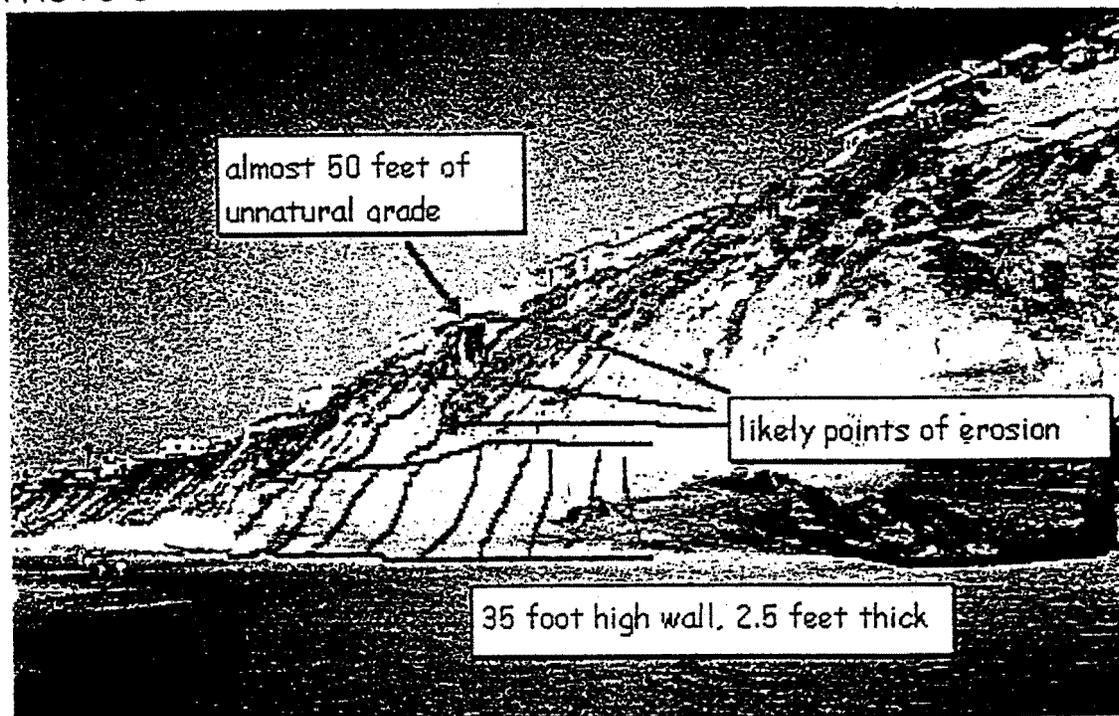
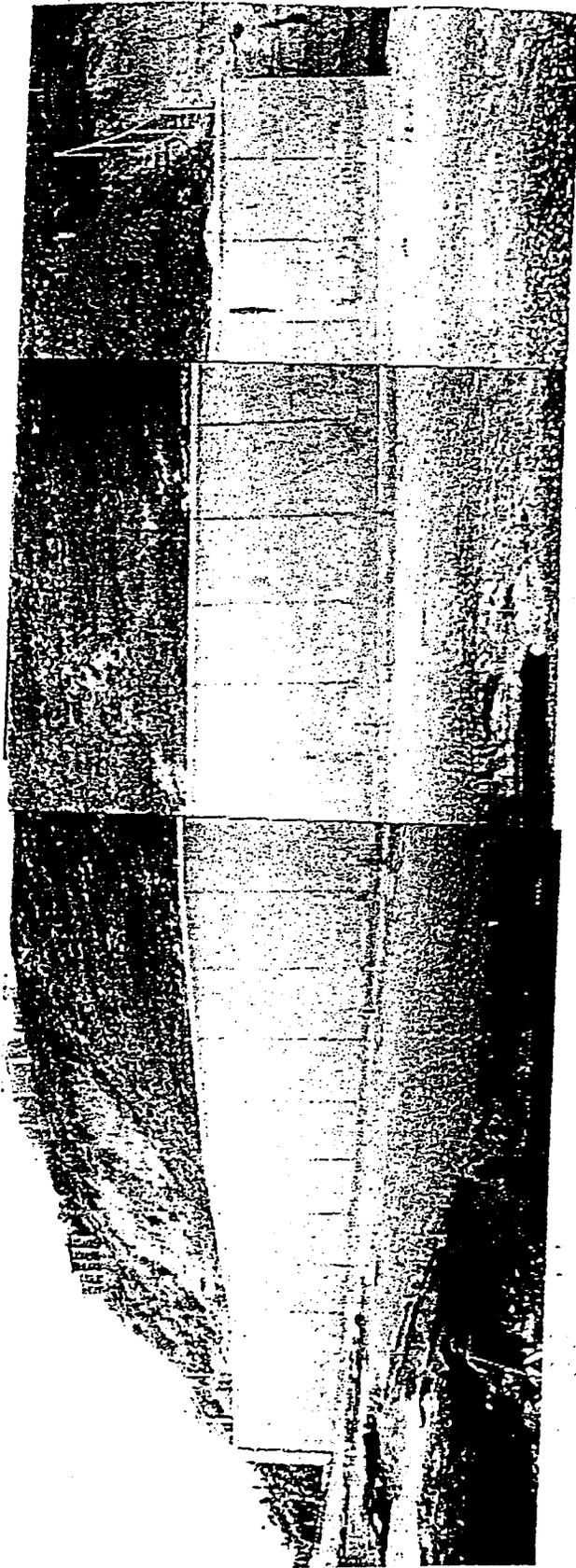


PHOTO 9:

1/15/95
The
Steinberg
Seawall



II. Copies of Deed Restrictions Prohibiting Bluff and Shoreline Protective Devices

These deed restrictions were required by the Commission in order to comply with the Coastal Act.

Section 30253

New development shall:

Permit #

6-94-33

6-88-288

address

265 Pacific

301 Pacific

Benne

Parkin

- (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.

In the staff report for CDP 6-97-50, a recent case in Solana Beach, one finds the following commentary by staff:

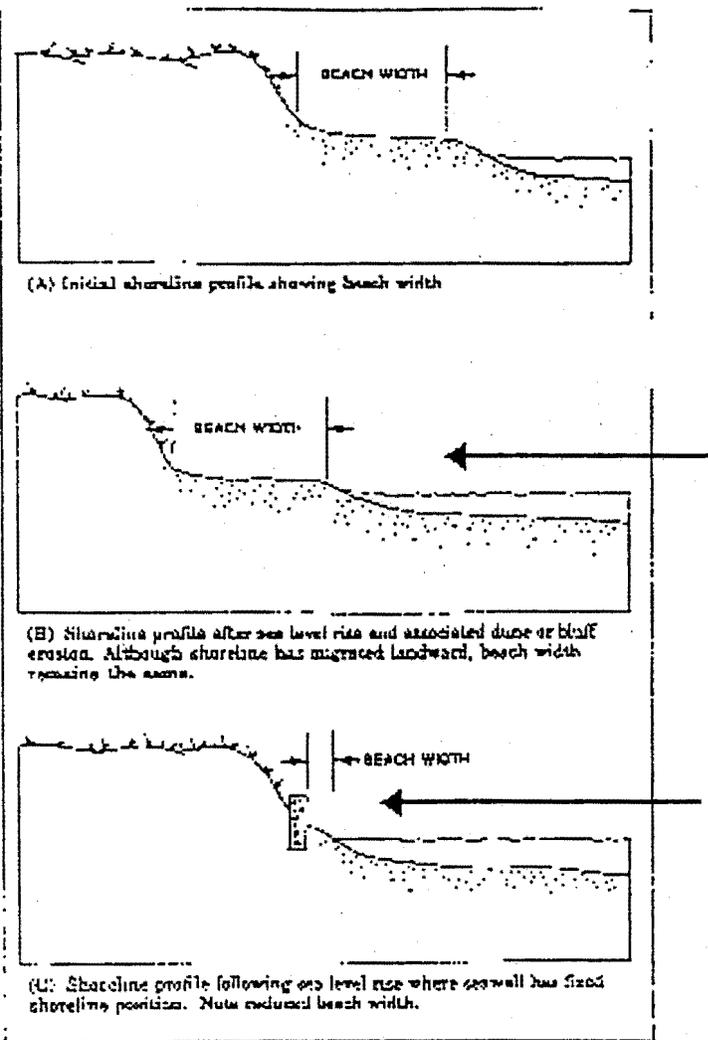
"However, the Commission has approved blufftop development closer than 40 feet from the bluff edge when accompanied by a recorded deed restriction that acknowledges the right to a seawall has been waived and requires portions of the home that are threatened in the future from erosion and bluff failure to be removed. This alternative, known as "planned retreat" allows the line of development to recede commensurate with bluff retreat. [...] The useful life is dictated by the rate of bluff retreat."

Two deed restricted properties are included in the current seawall proposal. The CCC cannot forgo enforcement of the deed restriction when a deed restricted property is included in a larger project with unrestricted properties. So it must disapprove CDP 6-98-134 as proposed because it includes 265 Pacific Avenue and 301 Pacific Avenue. To approve CDP 6-98-134 would violate the Coastal Act which required the deed restrictions in the first place! Failure to disallow bluff and shoreline protection for 265 Pacific Avenue would gut all deed restrictions imposed by the Commission. Properties subject to the deed restriction would simply have to be included in a larger project to overcome the restriction. This approach would require that every property include a deed restriction before any deed restriction could be enforced. This is clearly contrary to the Commission's intent when requiring the deed restrictions and a violation of the Coastal Act which places such a high priority on protection of our irreplaceable coastal resources like the beautiful bluffs of Solana Beach.

III. Impacts of the Proposed Seawall

IV.1 Beach Narrowing

The experts in beach erosion, including Dr Reinhard Flick of Scripps and Dr. Gary B. Griggs of the Institute of Marine Sciences at UC Santa Cruz, have agreed that there are three possible ways in which seawalls and other hardened surfaces can impact beaches. First, the placement of the seawall can take away beach if it's placed in such a way that some beach is landward of it. This is called impoundment and is not a significant factor in either of the current projects. The second possible method of beach impact is called *passive erosion*. This occurs when a seawall is built along a shoreline undergoing long-term net erosion, as is the case now in Solana Beach. According to Dr. Griggs, "the shoreline will eventually migrate landward beyond the structure (Figure 1). The effect will be the gradual loss of the beach in front of the seawall or revetment as the water deepens." He goes on to state "This process of passive erosion appears to be a generally agreed upon result of fixing the position of the shoreline on an otherwise eroding stretch of coast, and is independent of the type of seawall constructed." The third way in which seawalls can impact beaches is called *active erosion*. The idea here is that the seawall induces even further change, perhaps by reflecting the waves. As Dr. Griggs points out, "The ability or potential for a seawall or revetment to induce or accelerate erosion has, in our view, been the source of most of the controversy over the past decade regarding the impacts of seawalls on beaches." Dr. Griggs has been conducting a long study (7 years as of 1994) on a stretch of beach in Aptos, California, a small town near Santa Cruz. In Dr. Griggs' July 1994 report he says "In seven years of surveying, we have never observed a scour trough directly fronting any of the seawalls studied." However, in this same article, Dr. Griggs also states "As a result of this increased wave energy at the downcoast or downdrift ends of seawalls, an arcuate zone of localized scour typically develops in the winter months which extends downcoast from 50 to a maximum of 150 m." So in this original article Dr. Griggs clearly states that seawalls do cause active erosion at their edges. In 1996, Dr. Griggs published a follow-on article which describes the impacts of the storm waves of 1995 in this same area. In 1995 Dr. Griggs found scouring directly in front of the seawalls! It is important to note that in both these studies, the beach in Aptos recovered during the summer. Other researchers, including Dr. Orrin Pilkney of Duke University and Dr. Scott Jenkins of Scripps, note that the Aptos beach is in an area where the beach has an abundant supply of sand, unlike our beaches in Solana Beach.



To summarize, the experts are in complete agreement that passive erosion due to seawalls in an area of retreating shoreline results in a narrowing beach until no beach is left.

I would note that in the Shoreline Erosion Assessment and Atlas of the San Diego Region, edited by Dr. Flick, there is a discussion of potential tactics for beach management. In summary, the author notes "Final selection can only be made following review by political jurisdictions and regulatory agencies. Design studies, including engineering, economic and environmental factors must be prepared and approved by local communities and the region prior to implementation." This references beach widening projects. How much more important to do for projects which will narrow our beaches!

References

Flick, R.E. and E.H. Sterrett. "The San Diego Shoreline." *Shoreline Erosion Assessment and Atlas of the San Diego Region*, vol I. Sacramento, California: California Department of Boating and Waterways, 1994.

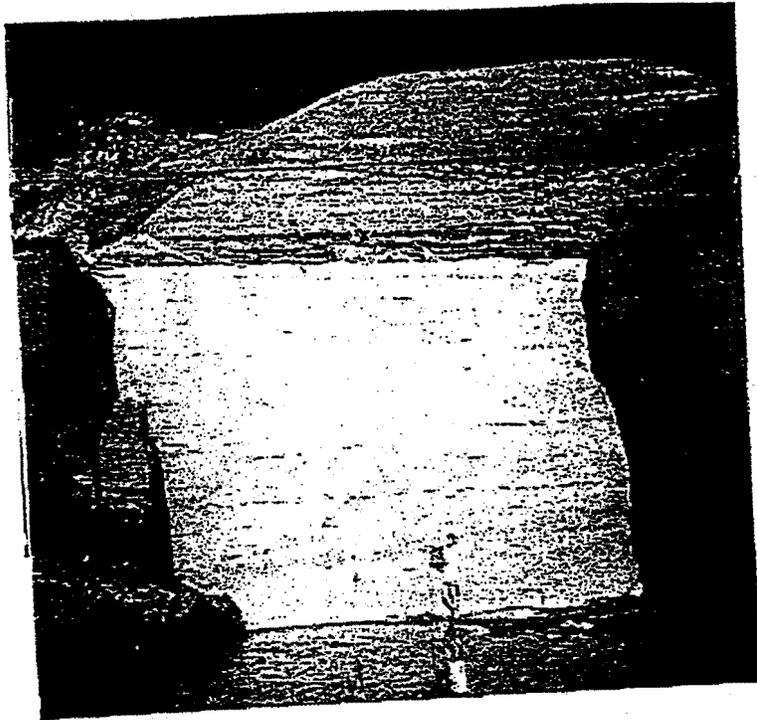
Griggs, G.B, Tait, J.F, and Corona, W.W., 1994. "The Interaction of Seawalls and Beaches: Seven Years of Monitoring, Monterey Bay, California." *Shore and Beach* 62:3:21-28.

Griggs, G.B., Moore, L.J., Tait, J.F., Scott, K., and Pembroke, D., 1996. "The Effects of the Storm Waves of 1995 on Beaches Adjacent to a Long-Term Seawall Monitoring Site in Northern Monterey Bay, California." *Shore and Beach* 64:3:34-39.

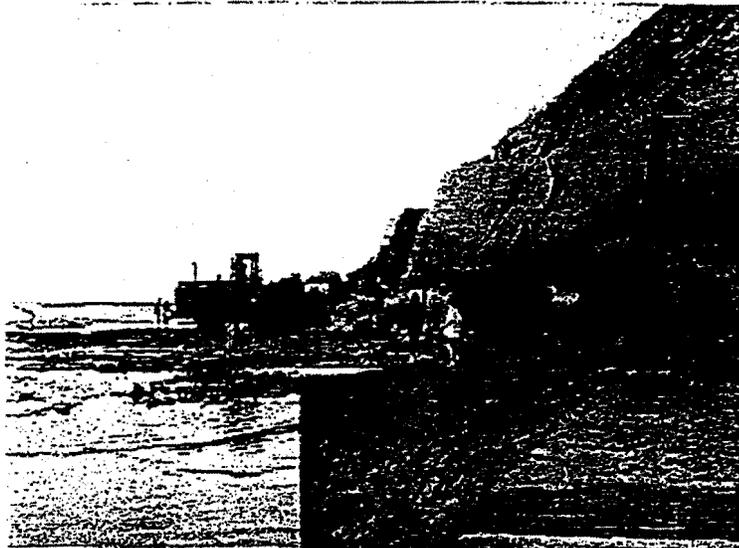
IV.2 Visual Impacts

The sea wall as proposed is 2.5 feet thick, with a one foot "sacrificial" layer of erodible concrete and a one and a half foot layer of non-erodible concrete. The intent is clearly to construct a permanent fixture on our bluff. The erodible layer purportedly will resemble the existing bluff. Other projects by the applicant's consultant, Mr. Walt Crampton, such as the Wood seawall at 523 Pacific Avenue, also were planned to resemble the existing bluffs. There are NO sea walls or sea cave plugs in Solana Beach which successfully mimic the beauty of the natural bluffs. These photos of the Wood Sea Wall were taken on 14 February, 1996, 31 December, 1997, 3 November, 1998. The first photo was taken as the Wood seawall was completed. It clearly shows that the wall does not have the same color or texture as the natural bluff and that the geogrid reinforced slope bears no resemblance to the natural bluff. The second photo captures the moment when heavy equipment was on our beach placing additional riprap in front of the seawall. The third photo shows the awful visual impact of this seawall. The fourth photo shows that the riprap is still on our beach and that erosion has started to occur on the south edge of the geogrid reinforced slope.

214/14



214/14
1000
1000
1000





Please note the erosion on the south edge of the geogrid reinforced slope. This photo was taken on 3 November, 1998.

IV. Balancing Protection of Bluff Top Homes and Protection of the Public Beach

The City of Solana Beach does not have a local coastal plan which provides a framework for approval or denial of bluff protection measures. Proposals are considered piecemeal. In fact, when the City of Solana Beach approved their "comprehensive" sea wall ordinance, they did not perform an EIR. The staff report for the ordinance said that EIRs would be required as projects were presented to the City for approval. At the November 17, 1998 Council meeting, the CDP 6-98-134 project was approved without an EIR based on the supposition of an emergency condition. At the November 23, 1998 Council meeting, the CDP 6-98-127 project, a 400+ foot long, 16 foot high contiguous sea cave and overhang project, was approved without an EIR. On December 1, 1998, an additional 290+ foot long, 16 foot high contiguous sea cave and overhang project was approved without an EIR. Despite public comment that the aggregation of these projects constituted a considerable impact on the bluffs of Solana Beach, the City Council approved the latter two projects without consideration of the considerable cumulative impact.

The City of Solana Beach is protecting the private property along the bluff top to the absolute exclusion of protecting the public beach. We are looking to the Commission to remedy this situation.

V. Vision for Solana Beach Bluff and Beach

It is not sufficient to simply say "no" to individual bluff protection projects as they are submitted. It is vital to have a vision for the future of our coastal bluffs and beaches. The root cause of the eroding bluffs along our coast is the lack of sand replenishment on our beaches. Until this is addressed, the beaches will retreat. Several agencies in our area are working on addressing this problem. Someday we may see the fruits of this work and sand will return to our beaches. When/if that happens what will remain of our bluffs? If projects like the current one are approved, we will have nothing but armored bluffs left.

We commend the Commission for the vision that they have been pursuing via the deed restrictions on properties as new development occurs closer to the bluff edge than 40 feet. Enforcement of this vision will result in a future where our children's children will still be able to enjoy the beauty of natural bluffs here in Solana Beach.

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DEC 15 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 14, 1998

California Coastal Commission
San Diego, CA

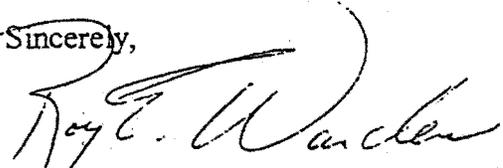
RE: CDP 6-98-134

Dear Commissioners:

It seems the big selling point of this retaining wall is that it will erode at the same rate as our bluffs. I would like proof of this. Also, only the first foot is a sacrificial layer. What happens to the next foot and a half?

This same designer has left the riprap in front of his project (retaining wall) at the Woods property, north of Tide Park, why?. See enclosed photo.

Sincerely,


Roy E. Warden



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DEC 15 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Tue. Dec 15th

Dear DIANA Lilly:

ALTHOUGH THESE LETTERS WERE
DIRECTED TO THE SOLANA BEACH
CITY COUNCIL, THEY SHOULD BE
OF INTEREST TO THE COMMISSION.

MR. UPP DID GIVE ME PER-
MISSION TO FORWARD THESE TO
YOU.

Sincerely
J. E. Wacker

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DEC 15 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

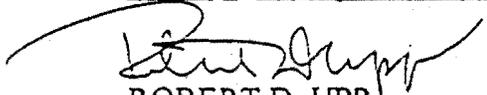
ROBERT D. UPP and
JANE D. UPP, Trustees
Owners of property at
341 Pacific Avenue
Solana Beach, CA 92075
(619) 481-2009

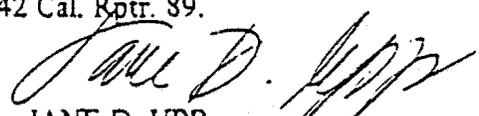
CASE NO.: 17-98-25

WRITTEN MATERIAL FOR PUBLIC HEARING
CITY OF SOLANA BEACH

In compliance with the Notice of Public Hearing on Case No. 17-98-25 set for Tuesday, November 3, 1998 at 6:30 PM in the Council Chambers at City Hall, 635 South Highway 101, to be held by the City Council of the City of Solana Beach, the following written material is submitted to the City Council members:

1. Reference is made to a prior written notice submitted to the City Council members by Robert D. Upp, dated Saturday, June 13, 1998, a copy of which is attached hereto as Exhibit "A".
2. The licensed engineering geologist and professional expert witness on soil matters referred to in Exhibit "A" has expressed an opinion that sea walls such as that proposed in this hearing only shifts the powerful force of high tides and waves to neighboring properties thereby escalating any erosion caused by such action.
3. While the City of Solana Beach owns most of the bluff between the Upp's property at 341 Pacific Avenue and the ocean, nevertheless, the City has a duty of lateral and subjacent support to the adjacent property above. Tract Map from the Upp's deed is attached hereto as Exhibit "B". California Civil Code, Section 670.
4. Coastal geologists say that although hardened structures may save buildings, it accelerates beach erosion. Orrin H. Pilkey, Duke University geologist and expert on coastal policy says "seawalls destroy beaches. Period." See article in *New Yorker*, December 16, 1996.
5. Hardened structures such as sea walls have been banned in Maine, North Carolina, and South Carolina.
6. If the city grants this permit and the building of such a sea wall causes serious damage to the Upp's property at 341 Pacific Avenue, we contend that the City and those involved in granting the permit and building the wall will be liable for any such damage. Albers v. County of Los Angeles (1965), 62 Cal. (2) 250, 42 Cal. Rptr. 89.


ROBERT D. UPP


JANE D. UPP

ROBERT DEAN UPP
ATTORNEY AT LAW
341 PACIFIC AVENUE
SOLANA BEACH, CALIFORNIA 92075
TELEPHONE (619) 481-2009

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DEC 15 1998
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Saturday, June 13, 1998

Solana Beach City Council Members

Marian Dodson Joe Kellejian ✓ Tere Reuteria Tom Campbell

Dear City Council Member:

Yesterday morning at 0500 I was awakened again by heavy equipment moving along the beach at the bottom of the bluff below my home. I realize that it was at minus low tide and perhaps the only time span window available for such operation. I also realize that the City of Solana Beach owns our lower bluff and can do whatever it deem necessary on city owned property so long as it doesn't damage others.

However, as owners of the lower bluff, the City should have a legal duty of lateral and subjacent support for those of us who own abutting property at the top. In any event, the City cannot lawfully exacerbate an existing condition. In my opinion, supported by a licensed engineering geologist and professional expert witness on soil matters, the permits issued for the placement of rip-rap along the public beach was an unwise move. It provided larger rocks, cannon balls if you will, that the power of the ocean could shoot against the cliff. From my observation, the placement of this rip-rap accomplished little, if anything, but it did put heavy equipment on the beach which probably added more destabilization to a bluff already weakened by seeping ground water. My expert states that rip-rap, if successful in holding back the force of high tides and waves, only shifts that power to neighboring properties.

Since the City was incorporated, I notice that many permits have been granted to build houses with patios on the west side of Pacific Avenue. Such added weight is another factor that may destabilize our bluff.

My wife, Jane, and I have owned our property for 30 years and lived in it for the last 17. We had the bluff checked thoroughly for caves, fissures, faults, and cracks before we bought it. Some of our neighbors have bought and built over existing bluff problems. A number of them are engaged in a joint effort for an expensive private sea wall project. Several of our neighbors have been retired for years and live on fixed incomes. I have been assured by my expert that there is no problem with our property for the foreseeable future. If anything is to be done to save our beaches, it is a public matter, not a private one, and a responsibility of the city, state, and federal government.

Respectfully yours,

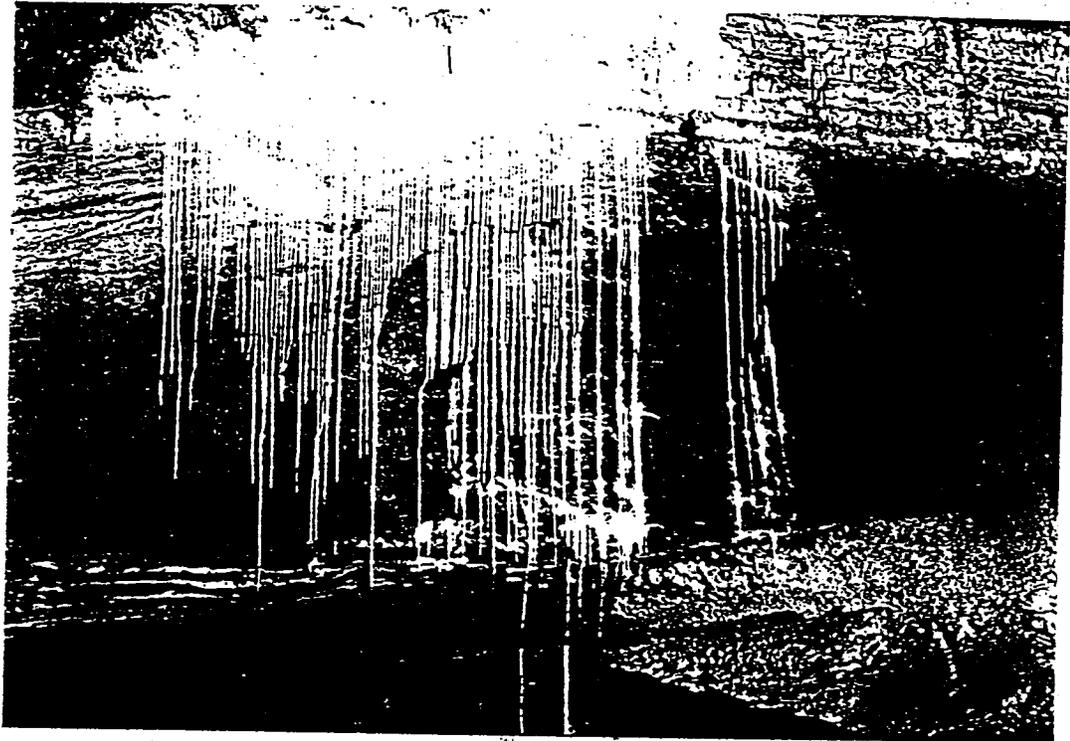


EXHIBIT "A"

COTTAGE ROOFING
OF OUR BLUFF, NOTICE CORROSION

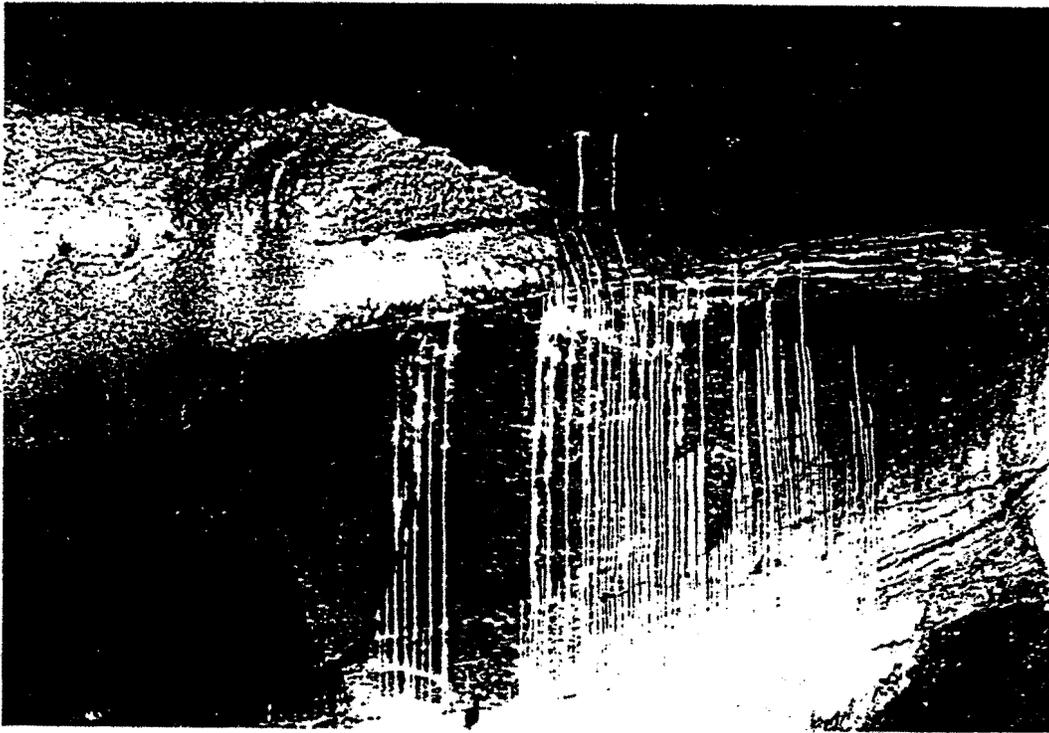
#2 A CRAMPTON RETAINING WALL
THE RIP RAP LEFT IN PLACE, FOR
WHAT REASON?

#1



#2

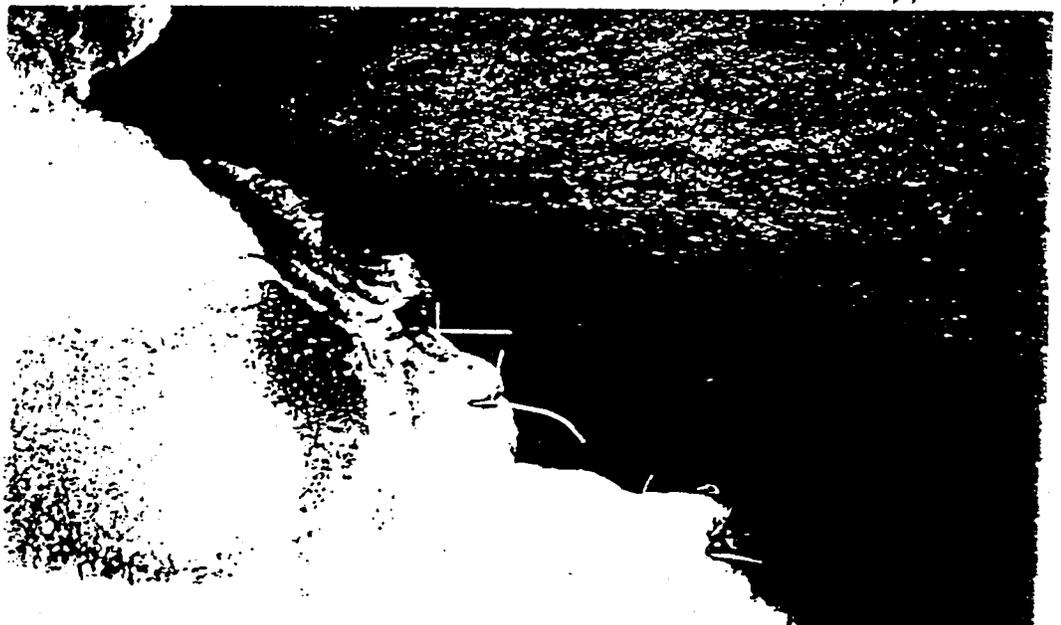




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FEB 15 1938
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SUNNA BEACHES BLUFFS HAVE
BEEN A GUINEA PIG FOR NUMEROUS
EXPERIMENTS. PLEASE DO NOT O.K.
ONE MORE. A SEA WALL THAT
ERODES AT THE SAME RATE AS THE
BLUFFS; HAVE THEM PROVE IT!

THESE ARE ALL NORTH OF
FLETCHER COVE



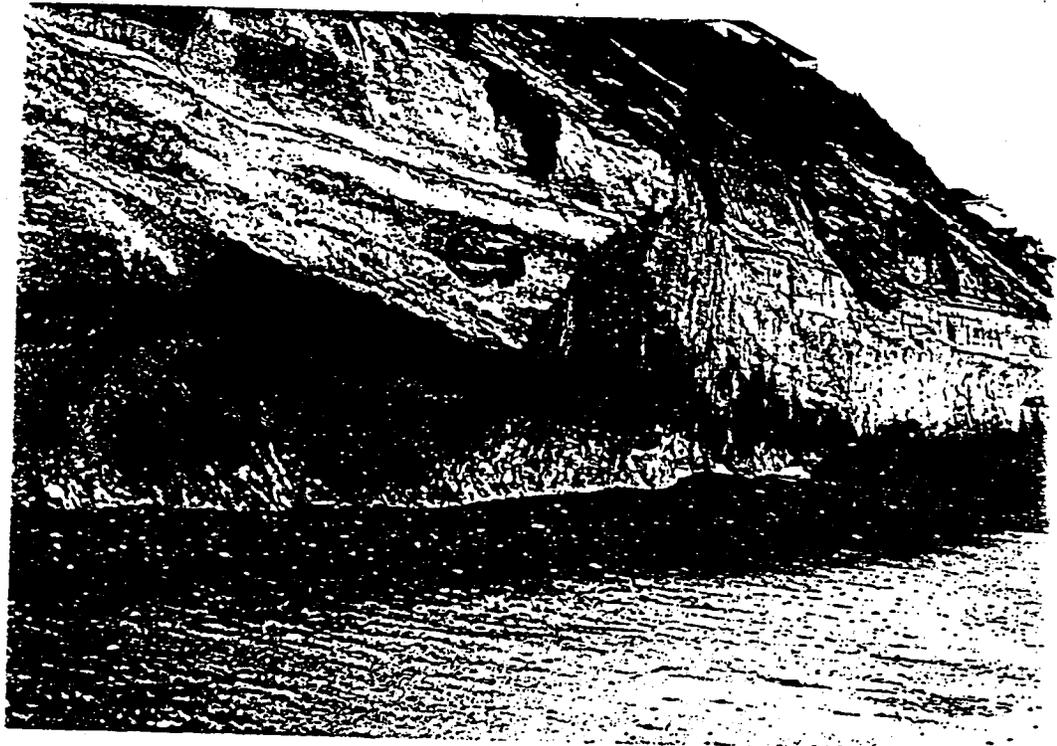
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
DEC 15 1988
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SEA CAVE PLUG NORTH OF
TIDE PARK

SEA CAVE PLUG REBAR
EXPOSED - NORTH OF FLETCHER
COVE.



KIP NAP LEFT IN PLACE
AND GUNITED OVER.
COLOR IS NOT A MATCH.



SOUTH OF TIDE PARK

A BROWN GUNITE SPRAYED
ON BLUFF FACE MIDWAY BETWEEN
TIDE PARK AND FLETCHER COVE

SEA CAVE PLUG NORTH OF
TIDE PARK UGLY, UGLY!

CHERYL KUHN

Diana Lilly
California Coastal Commission
San Diego, California

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DEC 02 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

December 2, 1998

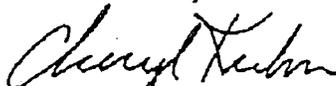
Dear Ms. Lilly,

I understand you are the person to talk to about a proposed seawall north of Fletcher Cove in Solana Beach. I am sending this letter to voice my objection to the whole idea of sea walls on our beautiful cliffs!!!

Our coast line was so beautiful with its undulating, ochre, sandstone cliffs, and now ugly concrete walls are marring their beauty! These walls are only a temporary measure - the ocean always wins. The property developers and owners above should have known sandstone is unstable and not expect it to last forever. Now they want to ruin our beaches to protect something that should never have been built! Soon they will have entire length of the California coast walled up with concrete.

Please vote against this project and others like it in the future!

Sincerely,


Cheryl Kuhn

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10
DEC 8 9 1998

December 7, 1998

City Of Solana Beach
City Council
635 S. Hwy. 101
Solana Beach, CA

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Honorable Member Joe Kellejian,

As per my statement and ensuing discussion during the Public Hearing for item C1 (permit for shoreline stabilization devices) on December 1, at City Council Chambers, I am happy to send you copies of the the following documents found in the public record. Enclosed find a copy of one of the numerous geological studies (February 1995) submitted on behalf of bluff top property owners for previous Coastal Development Permits (CDPs) for improvements or re-building of their properties. Note the assurance language by the consultant which states that protective devices will not be needed within the remaining 40 year lifetime of the dwelling. Obviously this study was incorrect and demonstrates the need for public review of such studies.

Furthermore, please find the enclosed copies of CDPs which contain language of risk assumption by bluff top property owners (Special Conditions, #3 CDP 6-84-168, CDP 6-89-366, CDP 6-84-62, CDP 6-95-23, CDP 6-94-33), future bluff protective works and future development (#3, 4 CDP 6-89-288), and deed restrictions on any lower bluff stabilization devices (Special Conditions C. 2., 2.a, b. CDP 6-95-23). Homeowners should be held accountable for the above permit conditions that allowed improvements or rebuilding at the 25' setback rather than the 40' setback.

In regards to your question of an emergency condition at Mr. Coulton's property - As much as I sympathize with his plight, I would say he has an emergency situation, BUT it was not caused by an emergency occurrence as defined in CEQA. Bluff erosion and failure is a natural, episodic, geological process. His situation, and that of all the bluff top property owners, is caused by their decisions to build at such a proximity to an eroding shoreline.

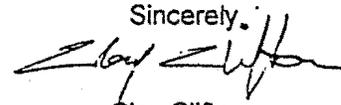
My question to you and your fellow council members is this: is it just to risk the loss of a public resource (the beach) to protect the decisions made by a handful of property owners? And if the City Council allows the armoring of Solana Beach's coast to continue, who is liable for the stabilization devices that will line the beach?

By by-passing the EIR (through either declaring an emergency condition or Mitigated Negative Declaration), consultant's studies are not subject to public review and scrutiny which may avoid the submission of inaccurate, biased studies such as the one produced by Rugg & Associates. We are now in a position to find out post fact if the Mitigated Negative Declaration finding by Council Staff is correct or not. Unfortunately, this may be determined after the beach is lost.

I also take issue with accuracy of some of the statements made by the homeowner's consultant, Walt Crampton, during the hearing for the shoreline stabilization projects in Solana Beach. After changing a previously stated position that bluff erosion does not contribute to beach sand, Mr. Crampton proposed using an erosion factor of 0.2'/year for sand mitigation estimates. This figure varies from the 1'/year estimate used in the SANDAG Shoreline Erosion Assessment and Atlas of the San Diego Region, which was edited by his consulting partner, Dr. Ron Flick.

Personally, I hope that the 6 hours I spent at the city council meeting to speak on the issue of beach preservation/shoreline stabilization was not for a foregone conclusion. If council continues to heed the advice from consultants to construct "a small shoreline stabilizer" and approve these permits, like the others before it, the entire question of beach re-nourishment will be moot. There will be no beach.

Sincerely,



Clay Clifton
222 N. Helix Ave
Solana Beach, CA 92075
Surfrider Foundation
San Diego County Chapter

CC: Solana Beach City Council Members and Mayor,
California Coastal Commission

RECEIVED
6 18-134
DEC 09 1998

November 30, 1998
Honorable Council Members, Mayor and Citizens,

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

My name is Clay Clifton and I live in Solana Beach. I am a member of the Environmental Task Force of the San Diego County Chapter of the Surfrider Foundation. I have a Master's Degree in Marine Affairs & Policy.

The Surfrider Foundation is an environmental organization dedicated to preserving and maintaining ocean water quality beaches and waves through CARE (Conservation, Activism, Research and Education). See endnote.

In the last month the City of Solana Beach has had a rush for permits for sea cave plugs and other erosion control devices that purpose to alter our shoreline and stabilize the bluffs to protect the property at the bluff top. The City as well as its residents also shares a responsibility to protect the property at the bottom of the bluff, namely the beach. In this country and this state, the beach is held in a public trust for the use and enjoyment by all residents. In order to protect this public trust we must insure that short-term goals such as erosion control do not have long term negative impacts, such as beach loss. I will address three aspects of this issue tonight:

- Due process, and the right for public comment and review on projects that purpose to affect a public resource
- An alternative solution to shoreline stabilization devices
- Responsibility and adherence to the conditions of previously granted Coastal Development Permits

Firstly, the audience in the issue of shoreline stabilization for the sake of protecting bluff top properties is not limited to those bluff top property owners. As the permit proposes to affect the beach, which is held in a public trust, due process must be applied as outlined in the California Environmental Quality Act and the California Coastal Act. The public review and scrutiny integral to due process, including Environmental Impact Reports, are essential requirements for accuracy and objectivism in the decision making process. They cannot be bypassed by stating that bluff erosion is not an episodic, natural geological process, but an emergency. Poor planning by a few individuals does not constitute an emergency for all.

Secondly, as an alternative solution to shoreline stabilization devices, we support sand replenishment as a means to slow bluff erosion. This entails physically depositing sand on the beaches in order to maintain the public's lateral access, and to provide protection against storms and high surf, which contribute to bluff erosion. A good deal of this responsibility should also fall on the bluff top owners applying for protection.

At a previous hearing for the Coulton seawall, consultants Walter Crampton and Ron Flick indicated the homeowners would donate to the sand mitigation fund with a onetime donation including cash and sand. They have also stated that sand from

the bluff is inconsequential in contributing to the sand on the beaches. Assuming that the scope of projects in Solana Beach includes a width (W) of 3000ft of shoreline or 1000 yards at a height (H) of 8-ft or 28 yards, at an annual retreat rate (RR) of 2 ft per year (0.67 yards/yr.) based on "Shoreline Erosion Assessment and Atlas of the San Diego Region," by California Dept. of Boating and Waterways and SANDAG, then the average annual loss of sand from bluff erosion is given by:

$V = W*H*RR = 1000*28*0.67 = 18,760$ cubic yards of beach building material per year

where V is annual volume of sand contributed per year. This may be slightly incorrect in that it does not discriminate between sand and other materials.

The annualized cost of this material at \$15 per cubic yard is \$281,400 per year. Since all the construction in this coastal zone is in an eroding shoreline, consistency with the Coastal Act provides for mitigation of this lost volume of sand (see "Procedural Guidance Document: Review of Permit Applications for Shoreline Protection Devices").

Until a long-term strategy of sand re-nourishment for area beaches can be agreed upon, some consideration for sand volume loss and replenishment on an annual basis must be applied to the project.

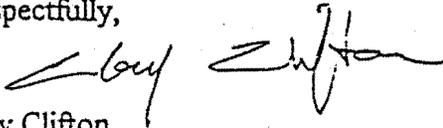
Some have questioned the difference between a seawall and an eroding bluff. An episodic failure causes the collapse of the bluff under large wave and tidal events. The bluff recedes, leaving a beach. In contrast, a seawall forms a fixed back beach. As recession occurs, all tidal events will eventually be in contact with the wall and scour sand away from the bottom of the wall, leaving no beach at any tide.

Thirdly, with respect to responsibility, we submit that some of the applicants have produced geological studies over the years to support their applications to improve or rebuild the residences on the property. Some of these studies offered between 1984 and 1995 indicated that it would be between 40 and 70 years before protection of the residence would be necessary. Further, in their Coastal Development Permits, several of the applicants had options to build at a 40 foot setback, but chose to build closer to the bluff edge at a 25 foot setback. We submit that the applicants are responsible for these studies and Permits as well as the current study. The City needs to appreciate institutional memory, and its residents need an enforceable means to assure responsibility for biased information and incorrect results.

In summary, we request that this permit and others like it are subject to all applicable laws and policies; that an alternative solution be considered to a measure that may sacrifice our beaches; and that the citizens of Solana Beach have an enforceable means to assure responsibility for previous permit agreements. We want to avoid a legacy that appears to

include 1/2 mile of seawalls and bluff stabilization 35 to 80 ft high. It must, however, consist of a means to assure preservation of our access, beaches and surf.

Respectfully,



Clay Clifton
Environmental Task Force
San Diego County Chapter of the Surfrider Foundation

Cc: California Coastal Commission

Endnote:

Surfrider Foundation (SF) has a membership of 2000 in San Diego County and 35,000 internationally. SF has an Environmental Issues Team consisting of experts and professionals in Ocean Engineering, Physical Oceanography and many other scientific disciplines to advise our membership on technically challenging environmental issues. They receive no pay for their services and do so for their love of the ocean and its waves. SF members are also homeowners, property owners, taxpayers, voters, and business people. We like to refer to ourselves as the "Keepers of the Coast."



Layna Bennett
265 Pacific Avenue
Solana Beach, California

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MAR - 1 1995

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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DEC 09 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

**SUBJECT: ADDENDUM TO GEOLOGIC RECONNAISSANCE - BLUFF
RECESSION STUDY OF 265 PACIFIC AVENUE, SOLANA
BEACH, CALIFORNIA.**

Dear Mrs. Bennett,

This addendum addresses several questions of geologic concern communicated in a letter from the California Coastal Commission (CCC) dated 02/16/95. During our original study dated 10/21/94, it was our understanding that the second story addition was to be constructed flush with the rear of the existing structure. Since that time, the details of the design have been updated, and the final second story footprint has changed (see attached Plates No. 1 & 2 entitled, "Site Sketch/Geologic Map" and "Cross-Section A"). In general, the new footprint consists of extending the north half of the addition 3.5' west of the rear wall of the existing dwelling and holding the south half 6' east of the rear wall. In light of this new footprint, we have reevaluated the geologic factors impacting the site, and determined that no significant change of the conclusions within our original report are required. This is because the extension of northern half of the second story westward, is still behind the noted maximum anticipated 75 year bluff recession line.

The CCC has also requested a response to two additional concerns. These include documentation of "the presence or absence of any existing shoreline protective devices on the bluff, and specifically address the anticipated need for shoreline protective devices within the lifetime of the existing residence, and the proposed addition". During our original inspection of 10/13/94, no shoreline protective devices were observed either directly below the property or on the adjacent properties.

Concerning whether protective devices will be required within the lifetime of existing dwelling and proposed addition, it is our opinion that these devices will not be required. This is based on anticipated normal recession rates noted in our previous report.

It should be pointed out, that our previous conclusions were based on a 75 year period. Discussion with the architect, indicate that the existing dwelling is

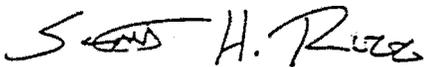
approximately 35 years old (previously noted as 40 years in our original report) and that the proposed addition work will not add any significant life expectancy to the overall expanded structure. This means that the remaining lifetime is 40 years. Based on this time frame, the maximum slope recession eastward, under normal conditions, would be 22 inches over a 40 year period. Even considering a catastrophic failure from cave collapse or deep seated circular failure, the bluff edge would not be anticipated to migrate into the footprint of the proposed structure within the next 40 years.

As noted in our previous report, significant bluff recession can occur in a relatively short period of time due to unpredictable events such as severe storms or abnormal tidal conditions. The conclusions in this letter and our previous report are based on normal, relatively predictable recession rates, which are the commonly accepted design considerations.

If you have any questions, please do not hesitate to contact us. This opportunity to be of service is sincerely appreciated.

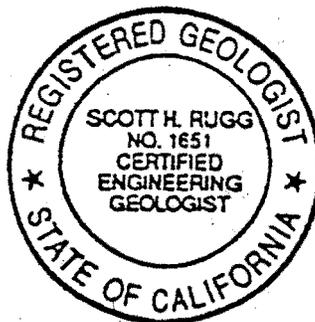
Respectfully submitted,

RUGG & ASSOCIATES GEOSCIENCES



Scott H. Rugg, CEG 1651
Certified Engineering Geologist

SHR:tb



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DEC 09 1998

6-89-288

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

that the applicant understands that the site may be subject to extraordinary hazard from bluff retreat and erosion, and the (b) applicant hereby waives any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

3. Future Bluff Protective Works. In the event that erosion threatens the existing deck, the proposed thickened wall forms for the family room and kitchen of the existing residence, or other accessory structures in the future, the Coastal Commission will consider removal of these structures as preferred and practical alternatives to proposals for bluff and shoreline protective works.

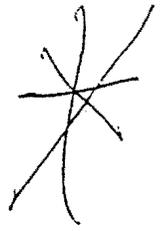
4. Future Development. Prior to the issuance of the coastal development permit, the applicant shall execute and record a document, in a form and content acceptable to the Executive Director, stating that the subject permit is only for the development described in the coastal development permit No. 6-89-288; and that any future additions or improvements to the exterior walls or foundation of the existing residence, or accessory structures seaward of 25 feet from the bluff edge; or other development as defined in Public Resources Code Section 30106 will require an amendment to permit No. 6-89-288 or will require an additional coastal development permit from the California Coastal Commission or from its successor agency. The document shall be recorded as a covenant running with the land binding all successors and assigns in interest to the subject property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is a 1,630 sq.ft. addition to an existing one-story, 1,424 sq.ft. single family residence on a 4,190 sq.ft. ocean blufftop lot. The proposed improvements will consist of expanding the entry and living room to the first floor on the east side of the residence at the street frontage and a new second story addition. The northern limit of the residence is set back 12 feet from the bluff edge and the southern limit of the residence is set back 26 feet from the bluff edge. The second story addition is set back 25 feet from the bluff edge.

Interior modifications include a new chimney on the first level which would be located closer than 25 feet from the bluff edge. Also, replacement of existing metal windows with wood windows (or doors) is proposed for the family room along the westernmost portion of the residence located 12 feet from the bluff edge and a new 12-inch high thickened wall form is proposed. Additionally, a new 30-inch high thickened wall form is also proposed for the kitchen. The applicant's architect has indicated that these improvements are purely for aesthetic purposes and architectural design and will not result in any modifications to the exterior wall or foundation in this area. The majority of these improvements are regarded as repair and maintenance



has submitted preliminary foundation plans which illustrate new footings including underpinning the existing footing and pouring new footing along the existing western wall of the southern half of the residence. In addition, preliminary building plans indicate replacement of existing metal windows of the family room with wooden windows (or doors). These improvements are regarded as repair and maintenance activities to an existing structure that does not require a coastal development permit. Other proposed improvements that do require a permit include installation of a new 12-inch high thickened wall form along the westernmost portion of the residence. Additionally, another thickened wall form (30-inches high) is proposed for the kitchen along the western wall of the residence. This proposed work is seaward of the 25-foot setback area. The applicant's architect has indicated that this proposed work is purely for aesthetic purposes and will not result in any modifications to the exterior wall or foundation.

The purpose of establishing a minimum 25 foot blufftop setback area is to provide a buffer between development and the natural bluff erosion process. By definition, the geologic setback area is an area that can erode away over the lifetime of the structure. Therefore, to make improvements which increase the economic life of the structure within the setback and not expect endangerment to occur is illogical. Likewise, to allow new development to occur within the geologic setback area is not prudent.

Section 30253 also states that new development must not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. One issue raised by the project that is not addressed in the County or City's regulations is that of prolonging the economic life of existing structures located within the blufftop setback zone through rehabilitation such as that proposed. Any type of remodeling or modification will prolong the economic life of the structure, although not to the degree of new construction or additions.

As noted above, this project includes interior modifications to portions of the residence located within the 25-foot setback area which include installation of a new fireplace on the first floor. However, any exterior improvements or modification to the foundation seaward of the 25-foot setback line would require a geology report including recommendations for specific foundation design. No such improvements are proposed or approved at this time and would not be supported by the submitted geology report. Additionally, frequently during the remodeling process, structural faults are found in the existing structure and demolition or partial demolition is required. Special Condition #1 notifies the applicant if any changes to the plans result in exterior modifications within 25 feet of the bluff edge an amendment to this permit will be required.

Therefore, Special Condition #1 is designed to assure that the project is constructed consistent with the recommendations of the geology report and requires final building, grading and drainage plans which incorporate all the recommendations contained in the submitted geology reports to assure stability consistent with Section 30253 of the Act. In addition, this condition requires submittal of final plans approved by the City which confirm that the

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SAN DIEGO COAST DISTRICT

The subject proposal involves the construction of a residence on a bluff-top site between the first coastal road and the sea. The site is, however, located very near (less than one-quarter mile) to existing beach accessways. Therefore, the Commission finds that the subject proposal is consistent with Section 30212(a) of the Act, given there is adequate access nearby and further finds the project consistent with all the public access and recreation policies of the Act.

3. Local Coastal Planning. Section 30604(a) requires that, prior to certification of the local coastal program, the Commission shall issue a coastal development permit only after it 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 particular case such a finding can be made. As stated in the above finding, the development, as conditioned, would be in conformity with the provisions of Chapter 3 of the Coastal Act..

As stated above, the County usually requires the observance of a 40-foot setback. However, the County allows exceptions for single-family residences given the adherence to specific conditions which would minimize the impacts of the residential development. The conditions the County would require are essentially the same as those in the special conditions proposed above. In all other respects, the proposed development is consistent with the policies of the Certified LCP Land Use Plan. Therefore, the Commission finds that the subject proposal will not prejudice the ability of the County of San Diego to prepare a certifiable LCP for the San Dieguito communities.

SPECIAL CONDITIONS:

1. Geologic Stability. Prior to the transmittal of the coastal development permit, the applicant shall submit for the review and approval in writing of the Executive Director, the final building, foundation, grading and drainage plans approved by the County which incorporate all recommendations contained in the geology report. The submitted report and plans must be approved in writing by the Executive Director in consultation with the State Geologist and/or the Division of Mines and Geology prior to the transmittal of the permit.

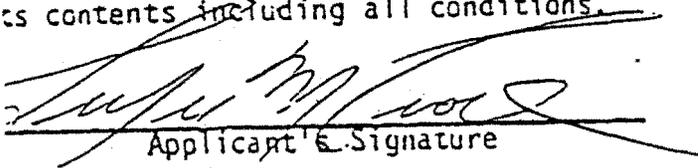
2. Landscape Plan. Prior to transmittal of the coastal development permit, the applicant shall submit detailed landscape and irrigation plans for the bluffward side of the residence which have been approved by the County. Within the 27-foot setback from the bluff edge, said plans shall indicate minimal, if any, landscaping, no permanent or pressurized irrigation system, spas or pools. Said plans shall be approved by the Executive Director, prior to transmittal of the permit.

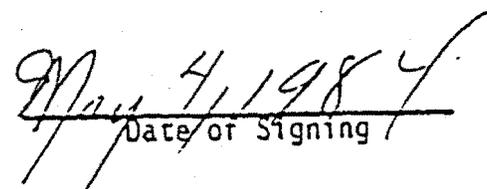
3. Applicant's Assumption of Risk. Prior to the transmittal of a coastal development permit, the applicant shall submit to the Executive Director a deed restriction for recording free of prior liens, except for tax liens, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall provide (a) that the applicant understands that the site

may be subject to extraordinary hazard from waves during storms and from erosion, and the applicant assumes the liability from those hazards; (b) the applicant unconditionally waives any claim of liability on the part of the Commission or any other regulatory agency for any damage from such hazards, as a consequence of approval of the project; and (c) the applicants understand that construction in the face of these known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of storms.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/we acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.


Applicant's Signature


Date of Signing

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

Reference: CDP 6-98-134 (Presnell, et.al, Solana Beach)

To Whom It May Concern:

I have been a resident of the Solana area for almost 27 years and am very concerned about the reference project for many reasons.

Primarily, I am against artificial, man-made objects that interfere with the natural forces of nature. I am particularly concerned about seawalls because they cause much more long-term damage and only serve the narrow interests of the few people who pay for them to protect their property. The collateral damage at the north & south edges of the seawall will be magnified. The sand loss will be even greater than it is now. This will cause even greater strains on any future replenishment plans and actions. I am an avid beach goer and surfer. I have seen the negative effects of seawalls and similar revetments all over the area, particularly in Encinitas and Leucadia. The bluff area from Grandview to Swami's is in an identical condition. In every location where a seawall has been built, the adjacent beach and bluff has been further eroded with each seasonal change.

There are inherent risks with owning beachfront/blufftop land and structures. All of the reference land owners know what the risks are. The impact associated with the containment of these risks must not be allowed to further degrade the surrounding bluffs, beach, and reefs. These risks were taken by choice of the owners (along with the pristine views). Therefore, why should I allow them to defer their problem while the effects of their short term, man-made solution further destroys something that I believe should be left untouched, preserved, and protected for the benefit of ALL.

As we all know, the beaches in California are open to everyone and therefore must be protected with vigor. I am very tired of selfish people pushing their desires for their own personal gain at the expense of the environment and general public. This project in no way or form serves the best interests of any current or future beach user. It only serves the selfish purposes and goals of each property owner.

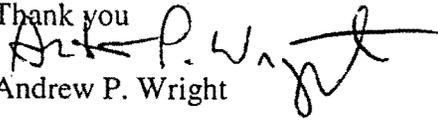
The long-term solution for the beach erosion problem in North County is multi faceted. We need to solve it with a systemic approach. It starts with properly opening ALL of the area's estuaries up and down the coast so that normal amounts of sand can replenish our beaches like it was 25-30 years ago. As a supplement, proven sand replenishment technologies need to be employed. I have researched this topic and respectfully refer the CC to **Holmberg Technologies**. Richard Holmberg is a nationally recognized expert on this subject. He has employed his patented technology all over the US. His company's website, www.erosion.com explains in detail the exact problem and proven solutions for our North County beaches. I know this may take many years to get into place, but it is the RIGHT way for everyone. If a seawall must be built, I strongly request that it be at

the *bare minimum* in height and length, and be subject to removal once a sand replenishment system is in place.

I urge the CC to force the owners of the subject property to look into natural and ecological solutions like those implemented by Holmberg Technology. I ask the CC to please help preserve & protect the beaches and surrounding ecosystems and disapprove the reference project and all other seawall or revetment projects for this area.

Thank you

Andrew P. Wright

A handwritten signature in black ink, appearing to read "Andrew P. Wright", written over the printed name.

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6 May, 1999

Sara Wan, Chair
California Coastal Commission
45 Fremont Street Suite 2000
San Francisco, CA 94105

MAY 7 1999

CALIFORNIA
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SAN DIEGO COAST DISTRICT

May 12, 1999 Agenda Item: 15d
Subject: Delay of Discussion of Enforceability of Permit Conditions and
Deed Restrictions Applying to CDP 6-98-134

Dear Mrs. Wan,

We have been getting periodic updates from Diana Lilly of the San Diego CCC office regarding the various seawall projects under consideration for the Solana Beach area.

During a recent conversation Diana mentioned that the CCC legal staff is prepared to discuss at the May 12, 1999 hearing their analysis of the enforceability of the various permit conditions and deed restrictions for the eight properties involved in CDP 6-98-134. CDP 6-98-134 was initially discussed at the January, 1999 meeting. A decision on the permit was delayed pending the legal analysis of the permit conditions and deed restrictions for five of the eight properties and an alternatives analysis by the applicants.

Agenda item 15d of the May 12, 1999 meeting, CDP 6-99-56, is for an emergency permit for the Colton residence only. We submit that it is inappropriate to discuss the enforceability of permit conditions and deed restrictions for CDP 6-98-134 under the agenda item for CDP 6-99-56. The Colton residence has no permit conditions or deed restrictions since the most recent renovations there occurred in 1984 prior to the CCC's institutionalizing of the Planned Retreat Policy.

At a minimum we believe this discussion should be specifically included as part of the agenda item for CDP 6-98-134 when it comes back for consideration. The staff report for CDP 6-99-56 page 10 says "The applicants have indicated that they will bring the entire project, including

EXHIBIT NO. 15
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the full length of the seawall and the proposal for upper bluff protection, back before the Commission when the alternatives analysis is completed."

An even better solution would be to have the discussion as a separate agenda item prior to consideration of CDP 6-98-134. The enforceability of permit conditions and deed restrictions which the CCC has been applying up and down the entire California coast for the past fifteen years is a critical issue which deserves the full attention of the CCC members and notification of the public.

Thank you for your consideration of our request.

Sincerely,

Sheelagh Williams *Jim Jaffee*
Michele Jaffee
Margaret Schlesinger

Solana Beach Residents:

Marco Gonzales

Jim and Michelle Jaffee

Margaret Schlesinger

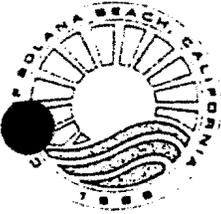
Dick and Ellen Stephenson

Scott, Sheelagh, Jenny and Geoff Williams

Roy Warden

Marco A. Gonzales
Ellen Stephenson
Richard Stephenson
Scott Williams
Roy Warden
Sheelagh Williams
Jenny Williams

CC: Christine Kehoe, San Diego Coast Commissioner
Debra Lee, CCC Staff
Diana Lilly, San Diego CCC Staff
Pam Roach, CCC Legal Staff



CITY OF SOLANA BEACH

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Chair Sara Wan and Members of the California Coastal Commission
c/o San Diego Office of the California Coastal Commission
3111 Camino del Rio North, Suite 200
San Diego, California 92108-1725

REFERENCE: CDP 6-98-134
(PRESNELL, ET AL., SOLANA BEACH)

Dear Chair Wan,

As Deputy Mayor of the City of Solana Beach, I would like to first extend my apologies for not being able to personally voice my support for this project at the July 13 Hearing. As Deputy Mayor and former Mayor of the City of Solana Beach, I have been extremely active for the past 7 years in coastal erosion issues affecting our city, as well as the entire San Diego County coastline. I have been an active member on the San Diego Association of Governments' Shoreline Erosion Committee for the past 6 years, and have made trips to both Sacramento and Washington to gain support for shoreline preservation propagating the goals of SANDAG's Shoreline Erosion Policy, along with the California Coastal Commission's stewardship of our coastline, this state's most precious natural resource.

In the past two years, there has been an alarming amount of erosion, causing large sections of our bluffs to fall onto the beach, placing both the beach-going public and the bluff-top residents at risk. The problem is compounded by the lack of sand forcing people to recreate and sunbathe at the base of these unstable bluffs. City Lifeguards routinely caution the public, making them move away from the base of the bluffs, and when large blockfalls occur, we occasionally cordon off the area when an attractive nuisance is deemed to exist.

The City of Solana Beach is committed to protecting its once-healthy coastal beaches. At the federal, state and county level, we are strong proponents of beach nourishment projects. On behalf of both the City of Solana Beach and as a member of SANDAG's Shoreline Erosion Committee, I have personally vigorously campaigned in support of the original AB60 and the more recent AB64 Beach Renourishment Projects to get sand back onto our county's beaches.

July 7, 1999

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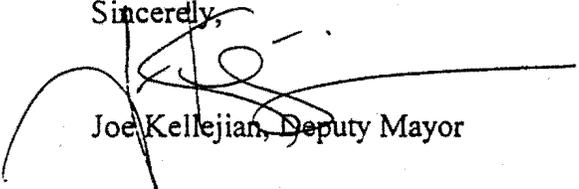
The City of Solana Beach has aggressively pursued its own opportunistic beach fill projects, acquiring all of the necessary permitting and eventual placement of 55,000 cubic yards of Torrey Sandstone from the [North County Transit District's] Grade Separation Project. More importantly, we fought long and hard, however unsuccessfully, to gain permits for placing the entire Grade Separation excavation volume of 335,000 yards onto the beach. Local citizens have staged a "grass roots" campaign, raising over \$30,000 to purchase sand for beach replenishment, with much of these monies coming from bluff-top homeowners.

The eight applicants before you today are also contributing over \$99,000 as additional sand mitigation fees, again to place sand on our eroding beaches. For the last two years, the Solana Beach City Council has, at every Council meeting, provided updates on bluff and beach issues, and on beach renourishment projects, reminding all of our citizens of the importance of this resource and reaffirming our resolve to rebuild our once-beautiful sand beaches.

As you know, the City of Solana Beach is before you today as Agenda Item No. 15C, asking for repairs to the city's improvements at Tide Beach Park, also heavily damaged by the past two years' storm surf. However, at this point, I am writing to you on behalf of the eight bluff-top homeowners at 249 - 311 Pacific Avenue, a little more than a thousand feet south of Tide Beach Park. The first upper-bluff failure occurred at the beginning of October last year, with additional failures now occurring at an alarmingly regular rate, with as much as a half a dozen failures per week, averaging from 1 to several yards each, truly representing a significant hazard to the beach-going public. In recognition of this public hazard, the City Council voted 4-0 in favor of this project at the November 9, 1998, City Council Meeting. The presence of clean sands encountered in the bluff below these properties appears to have accelerated erosion in this area, which I understand from these homeowners' consultants to be responsible for the ongoing blockfalls. Although I cannot speak to the significance of the clean sands, I can say that standing at the base of the bluffs, the sea breezes continue to erode these materials with small amounts of sand, often visible coming off the bluffs from these clean sand layers. This cannot be good for the bluffs, and it concerns marine safety personnel and the City Council. We wish to stop this erosion, preserve the remaining quality of our coastal bluffs, and protect the public that recreate on our beaches.

I ask for your support and the support of the other Commissioners in approving this project.

Sincerely,



Joe Kellejian, Deputy Mayor