

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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RECORD PACKET COPY

**Thu 16a**

Staff: LRO-SD
Staff Report: 9/12/01
Hearing Date: 10/9-12/01

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: A-42-79-A

Applicant: 220-240 Association

Agent: Matt Peterson

Original

Description: Placement of grouted rock rip rap at two locations in an eroded sandstone bench/seacliff area to protect an existing condominium development.

Proposed

Amendment: Repair of existing shoreline protection including installation of gunite at toe of coastal bluff using colored materials to match surrounding area, minor filling of two existing sea caves in lieu of installation of rock revetment as authorized by original permit, and minor repair of existing revetment at north end of site. The proposed repairs will protect an existing condominium development on the site.

Site: 220 and 240 Coast Blvd., La Jolla, San Diego, San Diego County.
APN 350-57-30.Substantive File Documents: Certified La Jolla-La Jolla Shores LCP Addendum;
CDP #s F6909/E0023; F9672 and A-42-79; Letters from Skelly
Engineering dated 1/27/99, 3/14/00; Update Geotechnical Report dated
1/17/00 by GeoSoils, Inc.STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the subject project with special conditions. The proposed development is to repair existing gunite at the toe of the coastal bluff on a rocky shoreline and to partially fill two sea caves in the same vicinity to decrease the potential for damage to the foundation of the existing condominium structures on the subject site. Also proposed is minor repair of existing rip rap at north end of site. The proposal will not result in impacts to public access or visual resources and is preferred over that which was originally permitted (placement of rip rap) as it will minimize impacts on public access by eliminating placement of rip rap on sandy beach areas.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-42-79-A pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. Assumption of Risk.

A. By acceptance of this permit, the applicants, on behalf of themselves and their successors and assigns, acknowledge and agree (i) that the site may be subject to hazards from flooding and wave uprush; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants 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 applicants' 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 Commission amendment to this coastal development permit.

2. Future Maintenance/Debris Removal. Within 15 days of completion of construction the permittees shall remove all debris deposited on the beach or in the water as a result of the construction. The permittees shall also be responsible for the removal of debris resulting from failure of, or damage to, the shoreline protective device in the future. In addition, the permittees shall maintain the gunite and sea caves permitted to be filled in their approved state. Any change in the design of the project or future additions/reinforcement of the gunite or sea caves beyond exempt maintenance as defined in Section 13252 of the California Code of Regulations, will require a coastal development permit. **However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittees shall contact the Commission office to determine whether permits are necessary, and, if necessary, shall subsequently apply for a coastal development permit for the required maintenance.**

3. Public Rights. By acceptance of this permit, the applicants acknowledge, on behalf of themselves and their successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicants shall also acknowledge that issuance of the permit and construction of the permitted development will not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

4. Construction Activities. If during construction, site conditions warrant changes to the approved plans (i.e., damage to or failure of existing gunite and filled sea caves), the San Diego District office of the Coastal Commission shall be contacted immediately, prior to any changes to the project in the field. No change to the project shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

5. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans for the proposed shoreline protection repairs that are in substantial conformance with the plans submitted with this application by Skelly Engineering, dated 1/27/99. Said plans shall also include the following:

- a. The gunite repair shall be constructed with concrete that has been colored to minimize the project's contrast with and be compatible in color to the adjacent

sandstone bluffs. The proposed color shall be verified through submittal of a color board. The proposed structure shall also be designed to incorporate surface treatments (e.g., air-placed concrete) that resemble the surface texture of the adjacent natural bluffs.

b. The placement of colored shotcrete in the undercut area of the existing grouted rip rap at the north end of the site shall not extend any further seaward than the toe of the existing rip rap. No concrete shall be permitted on the beach.

c. No modifications or repairs to the existing stairs at the southern end of the site are permitted.

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

6. As-Built Plans. Within 60 days following completion of the project, the permittees shall submit as-built plans of the approved shoreline protection improvements. In addition, within 60 days following completion of the project, the permittees shall submit certification by a registered civil engineer, acceptable to the Executive Director, verifying that the placement of colored shotcrete at the toe of the bluff at the southern end of the site, filling of two sea caves at the southern end of the site and placement of shotcrete at the northern end of the site have been constructed in conformance with the approved plans for the project.

7. Timing of Construction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit final plans to the Executive Director for review and written approval. The final plans shall specify that no construction will take place between Memorial Day weekend and Labor Day of any year. Access corridors and staging areas shall be located in the manner that has the least impact on public access via the maintenance of existing public parking areas and traffic flow on coastal access routes. The applicant shall not use public beach parking areas as a staging or storage area for equipment or supplies.

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.

8. Prior Conditions of Approval. All other terms and conditions of Coastal Development Permit No. A-42-79 are hereby superseded by the subject amendment.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project History/Amendment Description. The subject site is a beachfront lot and contains two three-story condominium buildings (38 units) over a subterranean parking garage on an approximately 35,000 sq.ft. beachfront site. The condominium buildings were constructed prior to the passage of the Coastal Act. The site is located approximately four parcels south of the intersection of Coast Boulevard and Coast Boulevard South. The beach area consists largely of a rocky shoreline with sandstone shelves. There are a few pocket beaches in between the crevices of the sandstone shelves. Further south of the site, the shoreline contains more sandy beach areas. The project site is located at Nicholson Point in an area known as Whispering Sands in the community of La Jolla within the City of San Diego.

There have been three past permit actions on the subject site. The first permit, CDP F6909/E0023, was an emergency permit approved on 4/6/78 for the temporary placement of approximately 100 cubic yards of rock rip near the north end of the property and to remove a portion of the existing gunite near the south end of the property and fill a small sea cave with approximately 10 cubic yards of concrete. CDP #F6972, was approved on 5/19/78 for the placement of rock rip rap in an eroded seacliff areas adjacent to the existing condominium structure with rocks concreted in place. The rock was to be placed in three areas seaward of the existing condominium buildings on the subject site. The project was subsequently appealed (CDP #A-42-79). The grounds for appeal were that the applicant had not demonstrated that the condominium structure was in danger from erosion or imminent hazard and also that the design of the proposed shoreline protection device (rip rap) would have adverse impacts on public access in the area. The Commission subsequently addressed these issues and ultimately approved placement of rock rip rap on the beach seaward of the existing development, but in only two areas, instead of the three areas originally approved by the Commission (reference Exhibit Nos. 6 and 7).

The shoreline seaward of the structures on the site consists of sandstone shelves which at times, are partially covered by sand, particularly at the southwest corner of the site. There are three major crevices in the sandstone shelves and a drop off in elevation of approximately 3-5 feet. During low tide conditions, these crevices consist of dry sandy beach or "pocket" beaches amidst the sandstone shelves which are at a higher elevation. At higher tide conditions these areas are covered by ocean water. In the original permit approval, the applicant sought to install rip rap in all three crevices seaward of the site. As noted above, upon appeal, the Commission only authorized installation of rock rip rap in two of the crevices (the northernmost area and southernmost area)

The applicant has indicated that only a portion of the rip rap that was approved was installed. Over the past 20 years, most of the rip rap installed has been lost due to waves and tidal action leaving the condominium structure subject to threat from waves and erosion.

At this time, the applicant proposes to modify/repair the existing shoreline protection in a manner that is more environmentally sensitive. The project includes repairs to the existing gunite at the southern portion of the site, to partially fill two sea caves which exist in the crevices of two of the sandstone shelves seaward of the site and to repair an existing grouted riprap area in the northern portion of the site. (Reference Exhibit No. 3). The applicant has proposed these repairs in lieu of placing more rip rap as originally approved.

There are also a set of concrete stairs that exist on the beach in the vicinity of the proposed gunite repairs which are presently buried under sand but which are exposed at other times of year when the sand elevation is lower. No changes are proposed to the stairs.

Although the City of San Diego has a certified LCP, the subject project is located within the Commission's area of original jurisdiction. As such, the standard of review is the Chapter 3 policies of the Coastal Act with the LCP used as guidance.

2. Seawall/Shoreline Protective Devices/Geologic Hazards. Section 30235 of the Coastal Act states, in part:

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

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

New development shall:

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

The Commission has traditionally been concerned with the siting of new development directly along the shoreline in terms of both its encroachment onto public sandy beach as well as visual impacts. The Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local sand supply. The

Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with requests to construct new development. A shoreline protective device proposed in those situations is likely to be inconsistent with various 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 the case of the proposed development, the applicants are requesting to repair existing shoreline protection which largely consists of gunite on the toe of the coastal bluff and to partially fill two sea caves in the sandstone shelves seaward of the development on the site. Pursuant to the original permit, portions of the crevices were previously filled with rip rap approximately 20 years ago, but most of the rip rap is no longer in place and thus, the existing condominium structures are now again subject to threat. Specifically, the proposed work is as shown in Exhibit Nos. 3 and 4 attached and consists of the following:

- 1) Fill existing cave and crack with bluff colored shotcrete at southern end of site near southwestern corner of southern condominium structure.
- 2) Partially fill, with colored concrete, the cave which is about ten feet seaward of the foundation of the southern condominium building.
- 3) Repair and apply new colored gunite to the small cove area.
- 4) At the north end of the property, new colored shotcrete will be applied to an area previously gunited that has been undercut by wave action. No steel is proposed and no additional seaward encroachment of the structure is needed.

The total volume of the concrete for all the repairs is estimated to be approximately ten cubic yards. As noted in the geotechnical reports submitted with the application, the bluff rises from the beach about 10 to 15 feet to an apparently buried wave cut bench or terrace. The existing condominium structures on the site are located at the top of the bluff at an elevation of about 10-15 feet MSL.

The purpose of the proposed repairs at the southern end of the site is to protect the foundation of the existing condominium development. The minor repairs to the grouted riprap area (1-3 cu. yds. of shotcrete) proposed at the northern portion of the site is necessary to protect an existing sandstone area used by the public for lateral access across the site that is above the sandstone shelves. Engineering and geotechnical reports have been submitted by Skelly Engineering, the applicant's coastal engineer, as well as GeoSoils, Inc. The Skelly Engineering report states that the need for shoreline protection in this area was established in the previously approved coastal development permit and that the need for such protection still exists today. The shoreline seaward of the condominium building has eroded to the point that it is now only a few feet from the foundation of the building. This distance is decreasing with every wave attack on the

bluff material supporting the foundation. The report by GeoSoils, Inc. reaches the same conclusions and states the following, in part:

Based on our review and file exploration, it is our opinion that the project site needs the previously recommended shore protection, as determined by the coastal engineer. ...Inasmuch as erosion has continued unabated to within about a foot of a portion of the principal structure, and the faults and fractures/joints locally extend under the foundation of the principal structure, these areas are in imminent danger. [...] The existing shoreline protection should be maintained/rehabilitated and extended. Should these areas not be mitigated, ultimately distress to the improvements and primary structures will certainly occur.

As noted earlier, the need for shoreline protection in this area to protect the existing condominium structure was established in the previously approved coastal development permit. Furthermore, based on the submitted reports from the applicant's consultants it has been documented that the foundation of the condominium is potentially threatened due to the presence of the sea caves seaward of it and the loss of rip rap that was originally placed on the pocket beaches between the sandstone shelves. The proposed work at this time is intended to repair the gunite at the toe of the slope and to partially fill the crevices of the sea caves in lieu of replacing the previously approved rip rap. In addition, the minor repair of the previously permitted rip rap at the northern end of the site is repair and maintenance work which consists of 1-3 cu. yds. of shotcrete in an area of the site presently being undercut by wave action. However, this latter improvement will not result in any further seaward encroachment of the shoreline protection nor encroach onto public sandy beach.

The Commission's coastal engineer has reviewed the submitted technical reports and has concurred that the existing condominiums are subject to threat and that the proposed repairs are the minimal amount necessary to correct the problem and protect the existing condominium structures.

The proposed repair of the gunite at the toe of the bluff as well as the proposed minor filling of two sea caves seaward of the site are necessary to protect the existing primary structures and are the least environmentally-damaging alternative. In determining whether shoreline protection is required to protect existing structures, the Commission considers all possible alternatives for protection of the structures, including modifications to the structures. In this case, such alternatives have been considered and the applicant has documented that shoreline protection is necessary to protect the existing structure.

In this particular case, the subject project represents a repair and maintenance project of an existing previously permitted shoreline protective works (i.e., gunite, rip rap). Specifically, the applicant considered placement of additional rock rip rap on the pocket beaches within the crevices of the sandstone shelves, as was originally permitted. However, this would result in a substantial encroachment onto the beach which would adversely affect public access opportunities as well as sand supply, etc. This is the only

other alternative that could be considered for the site. As such, the applicant has chosen the least environmentally damaging alternative which is to simply repair the existing gunite at the toe of the bluff at the south end of the site, to perform minor filling of two sea caves and to place a small amount of concrete in an area of rip rap that is presently being undercut by waves at the north end of the site.

As noted above, the Commission finds that the proposed repair of the existing shoreline protection (gunite) as well as minor filling of two sea caves seaward of the site, is necessary to protect the existing development on the site. Although the Commission finds that the proposed repair work has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The gunite and filled sea caves will be subject to wave action. Thus, there is a risk of damage to the gunite or damage to property as a result of wave action. Given that the applicants have chosen to perform these repairs despite these risks, the applicants must assume the risks. Accordingly, Special Condition #1 requires that the applicants record a deed restriction that evidences their acknowledgement of the risks and that indemnifies the Commission against claims for damages that may be brought by third parties against the Commission as a result of its approval of this permit.

In addition, Special Condition #4 requires that if during the construction any damage or failure to the gunite or filled sea caves occurs, all construction work must cease and the applicant must contact the Commission to determine if additional permits are necessary for repairs of any damage. Special Condition #5 requires submittal of final plans for the proposed repair work which documents that the repaired gunite area will be colored to match the adjacent natural bluff areas and that the undercut area to be filled with shotcrete in the northern portion of the site will not result in any further seaward encroachment onto the beach and that the work does not extend beyond the toe of the existing rip rap. Placement of concrete on the beach is not permitted. Special Condition #6 also addresses this concern and requires the applicant to submit as-built plans within 60 days of construction of the proposed development to assure that the proposed improvements (placement of gunite at toe of slope at south portion of site as well as north portion of site and minor filling of two sea caves) have been constructed according to the approved plans.

In summary, the Commission finds that the applicants have demonstrated that the existing primary structures are subject to threat from wave action and erosion. Therefore, the Commission finds that the proposed repair project, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act. Additionally, the proposed development will not increase the impact of the structure on shoreline sand supply to any greater degree than the existing gunite.

3. Public Views. Section 30251 of the Coastal Act is applicable to the subject project and 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,...

In addition, the certified La Jolla-La Jolla Shores LCP Addendum also contains policies addressing the protection of visual resources including the protection of public views to the ocean. The certified LCP also calls for enhancing public views in the sideyards of existing development and the use of open materials for preventing a "walled off" effect.

Due to the presence of the two existing condominium structures on the subject site, there are presently no ocean horizon views looking across the site. The subject site is not located within a designated public view corridor nor are views across the subject site visible from any public roadway looking west. The site is situated on the west side of Coast Boulevard which is the first public road in the area. The proposed development consists of repairing an existing gunite bank at the toe of a slope, minimal filling of two sea caves and placement of shotcrete an area of existing rip rap that is presently being undercut. As such, the proposed development will not impact public views adjacent to or along, the public beach. Public views towards the ocean and north and south along the shoreline will remain unimpeded by the proposed repair of gunite at the toe of the coastal bluff and by the minor filling of two sea caves. As such, the proposed development will not have any adverse impact on public views at this location.

However, in order to assure the proposed gunite is visually compatible with the character of the surrounding area, the Commission has typically required that shoreline protective devices or improvements to existing structures located on the coastal bluffs or sandy beach areas use colored (earth tone, etc.) concrete and texturing to blend in with the natural surrounding area, consistent with Section 30251 of the Act. The applicant has proposed to incorporate this feature into the proposed repair work by using colored concrete for the toe of the bluff to match the surrounding area. In addition, by adding color to the gunite, it will not result in further seaward encroachment at this location. Special Condition #5 requires the applicant to submit final plans as well as a color board verifying that the color to be used matches the color of the surrounding bluffs. Therefore, the proposed development is consistent with Section 30251 of the Coastal Act.

4. Public Access/Recreation. Both the certified LCP and the Coastal Act contain policies protecting physical access to the beach and ocean. Specifically, the Coastal Act states the following:

Section 30211

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

Section 30212

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

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway....

Section 30221

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

The beach area where the proposed work is to occur is located west of the site is popular (Whispering Sands/Nicholson Point), consisting of a rocky (i.e. sandstone shelves) and sandy shoreline used by residents and beach-goers alike for strolling and other recreational activities. There is an existing improved vertical access easement four lots to the north that provides access to this area of beach.

Section 30604(c) of the Act requires that specific access findings be made for any project located between the first coastal roadway and the sea. The project site is located between the ocean and the first coastal roadway (Coast Boulevard). As noted above, there is an existing dedicated concrete vertical public access easement located four properties to the north of the site which is used to gain access to the beach. In addition, the area of shoreline immediately north of this access point is completely unrestricted and extends all the way to Children's Pool Beach. In the vicinity of the public access easement, there is also on-street parking that is used by beach visitors. The closest parking lot is located further north (approximately ¼ mile) adjacent to Children's Pool Beach. As noted earlier, the proposed repair of gunite at two locations on the site and minor filling of two sea caves will occur seaward of an existing condominium development the site. However, inasmuch as the proposed development involves repairing of existing gunite and minor filling of two sea caves, without any expansion to its footprint or seaward encroachment onto the public beach, the proposed project will not result in any adverse impacts to physical public access. It is important to note that the filling of the sea caves is in the innermost crevice of both caves and will not result in the loss of sandy public beach utilized by the public.

However, it should be noted that there are small concrete stairs at the southern portion of the site on the beach that were previously permitted. These stairs are exposed during low sand elevations. While the applicants maintain that this stairway enhances lateral access along the shoreline, Commission staff does not find that public access would be adversely affected without the stairs. However, no repair or alteration of the stairs is proposed or permitted through the subject amendment request. Therefore, Special Condition #5 states that no modifications or repairs to the existing stairs at the southern end of the site are permitted. In addition, there is a handrail imbedded along the sandstone shelves at the northern end of the site that has been in place for many years, possibly pre-dating the Coastal Act. The handrail defines the edge of the uppermost shelf before it drops off to the ocean below and was installed as a safety feature to facilitate public lateral access across the sandstone shelves on the site. The area below the handrail contains existing rip rap cemented in place that was authorized under the original permit for the subject site. The bottom of the rip rap is presently being undercut is proposed to be repaired through placement of colored shotcrete (1-3 cu. yds.). However, the repair of this latter area will not result in any impacts to public access, and in fact, is being proposed to protect the walkway above the rip rap. Special Condition #5 requires that the shotcrete not extend the toe of the rip rap nor result in any encroachment onto the public beach.

In addition, the Commission has typically restricted work in public recreational areas to outside the summer season, to avoid impacts to the public during the time of highest demand for recreation and public beach access. As noted above, the area where the proposed repair work will occur is on a public beach and as such, any work occurring during the summer months could potentially interfere with the public's use and enjoyment of this area. Therefore, Special Condition #7 requires notes on the final plans that no work may occur during the summer peak season between Memorial Weekend and Labor Day. In addition, the condition further requires that access corridors and staging areas shall be located in a manner that has the least impact on public access and public parking spaces (no use of public parking). As conditioned, no short or long-term impacts to public access are anticipated.

Furthermore, as required in Section 30604(a) for development between the first public road and the sea, the project, as conditioned, is consistent with all other public access and recreation policies of the Coastal Act. Special Condition #3 has been attached which serves notice to the applicant that by acceptance of the permit, the applicant acknowledges that issuance of the permit does not waive any public rights which may exist on the sandy beach area of the property and that the Commission's approval of the project may not be used or construed to interfere with any kind of public rights, including prescriptive or public trust rights.

In summary, given that proposed repair to the existing gunite and minor filling of two sea caves will not result in an increase in the footprint of any shoreline protection in an area utilized by the public for public access, the proposed improvements will not result in any adverse impacts on coastal access at this location. As such, the proposed project, as conditioned, is consistent with the Chapter 3 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 is zoned R-1-5000 and is designated for residential use. The proposed modifications to existing gunite at the toe of a coastal bluff and minor filling of two sea caves will not affect the project's continued consistency with that zone and designation. The certified La Jolla-La Jolla Shores LCP Addendum contains policies which call for the proper siting of shoreline protective devices and their visual compatibility with the surrounding area. Since the proposed improvements to the existing gunite and minor filling of two sea caves will not result in any further encroachment onto the beach and the proposed project represents repairs to a previously-approved shoreline protection seaward of the existing development, the proposed work is consistent with the certified La Jolla-la Jolla Shores LCP Addendum with all applicable Chapter 3 policies of the Coastal Act. The Commission finds that project approval, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the La Jolla area.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposal to perform repair work to existing gunite at the toe of the slope seaward of the site as well as minor filling of two sea caves has been conditioned in order to be found consistent with the shoreline hazard, public access and visual resource policies of the Coastal Act. The proposed conditions addressing assumption of risk and future maintenance 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 is consistent with the requirements of the Coastal Act to conform to CEQA.



SAN DIEGO LA JOLLA UNDERWATER PARK

ECOLOGICAL RESERVE

LA JOLLA BAY

SAN DIEGO MUSEUM OF CONTEMPORARY ART

WHISPERING SANDS BEACH

Project Site

LA JOLLA

PACIFIC

OCEAN

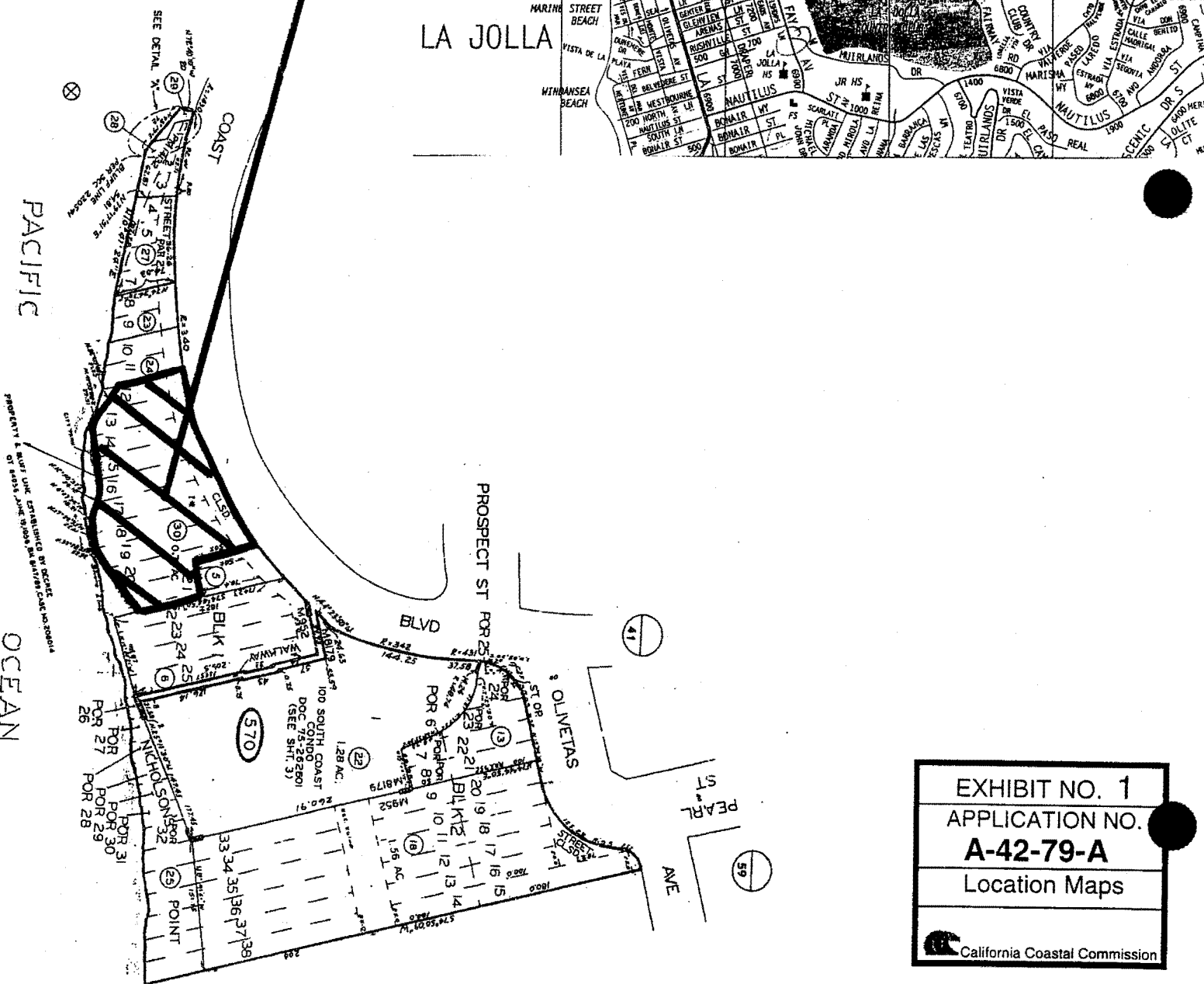

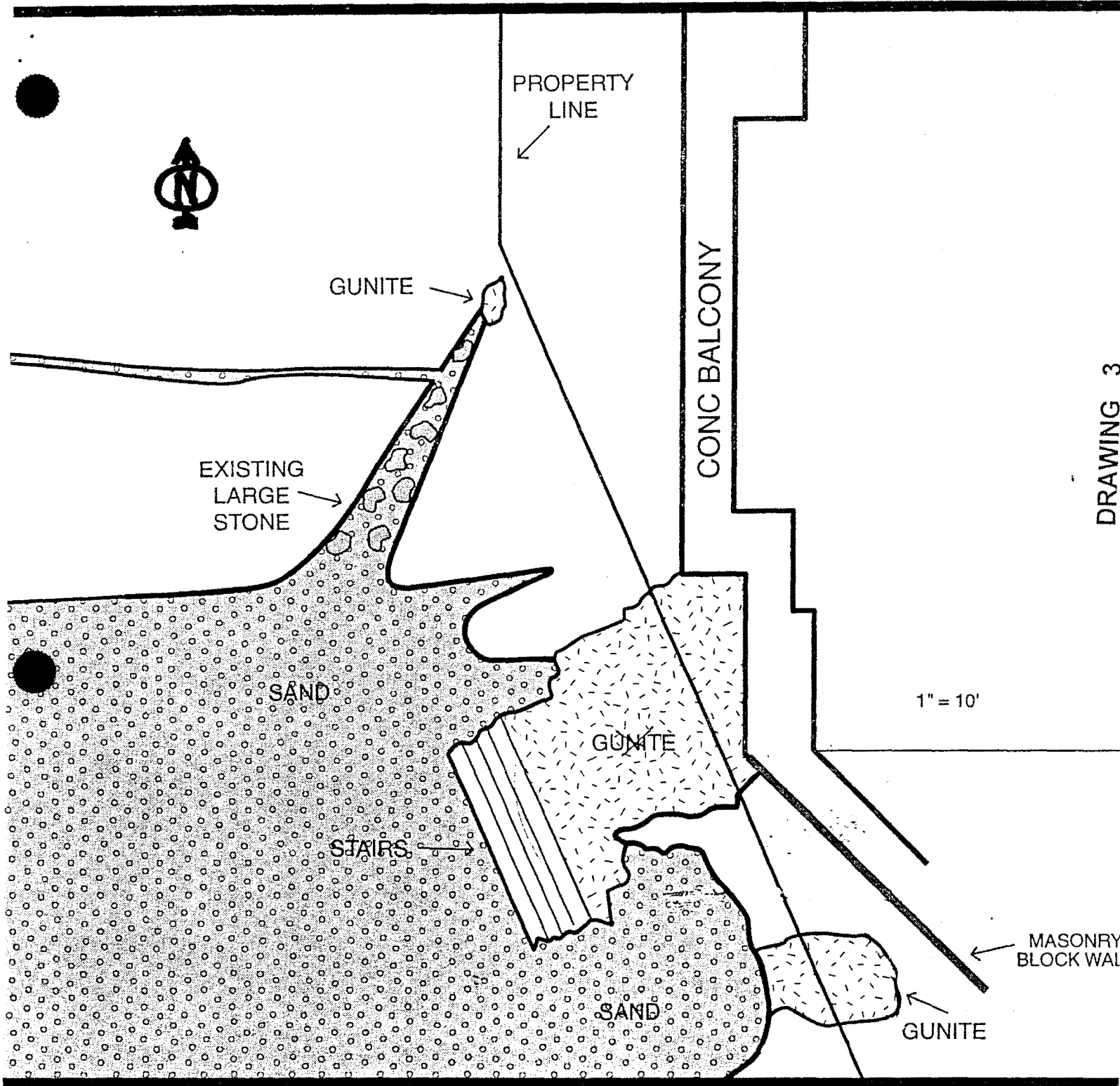


EXHIBIT NO. 1
APPLICATION NO.
A-42-79-A
Location Maps
 California Coastal Commission



DRAWING 3

EXISTING
SHORE PROTECTION
220, 240 COAST BLVD
LA JOLLA

SE

EXHIBIT NO. 2
APPLICATION NO.
A-42-79-A

Phone

Existing Shore
Protection

379

California Coastal Commission



PROPERTY LINE

(1)
FILL
EXISTING
CRACK
& CAVE

25'

EXISTING
LARGE
STONE

(2)
PARTIALLY
FILL
EXISTING
CAVE

CONC BALCONY

1" = 10'

SAND

(3)
REPAIRED
GUNITE

STAIRS

SECTION A

MASONRY
BLOCK WALL

SAND

(3)
NEW GUNITE

PROPOSED
SHORE PROTECTION
220, 240 COAST BLVD
LA JOLLA

SE

EXHIBIT NO. 3
APPLICATION NO.
A-42-79-A

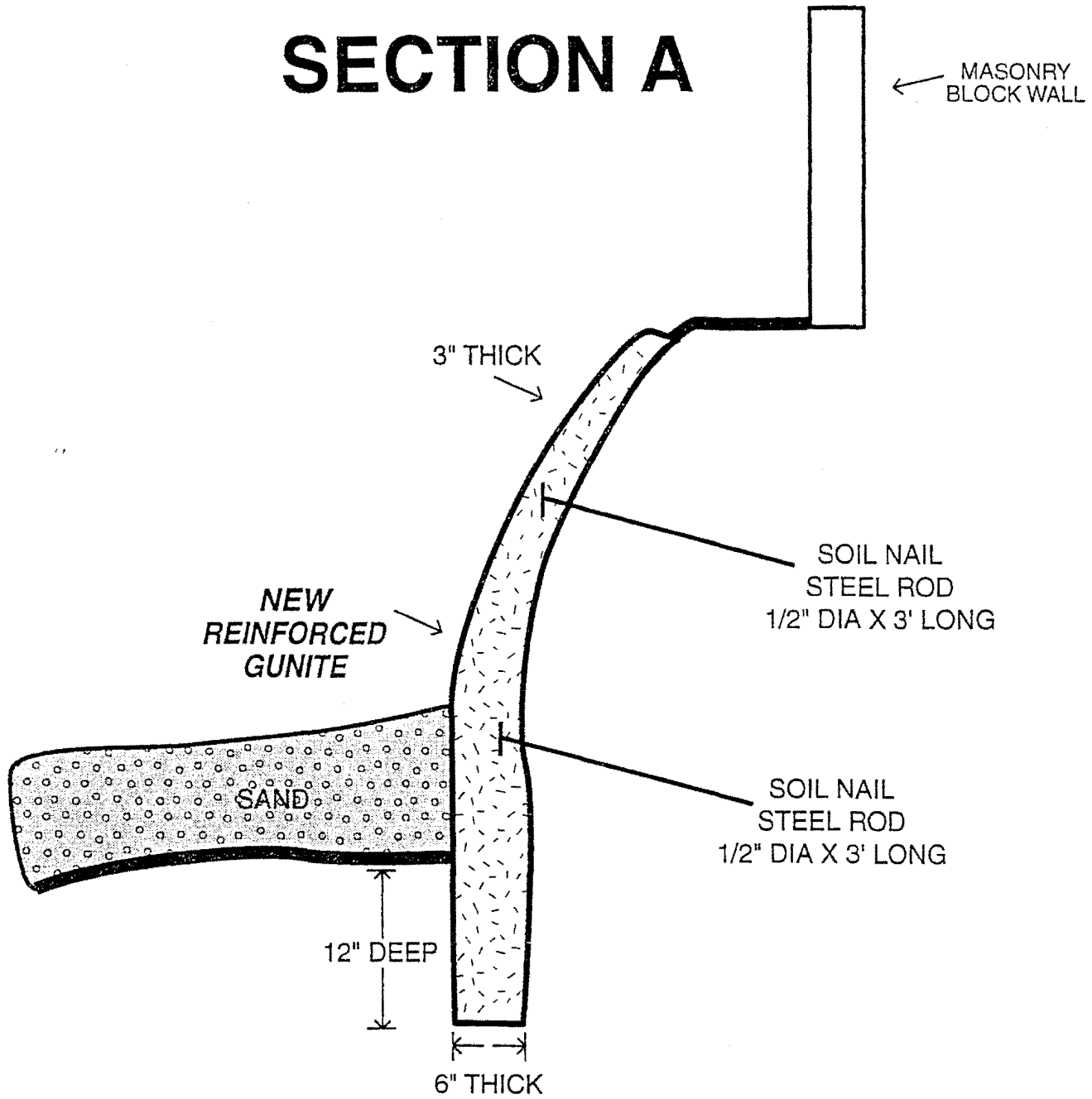
Phone

Proposed Shore
Protection

California Coastal Commission

DRAWING 4

SECTION A



DRAWING 5

NOT TO SCALE

SECTION A • PROPOSED
SHORE PROTECTION
220, 240 COAST BLVD
LA JOLLA

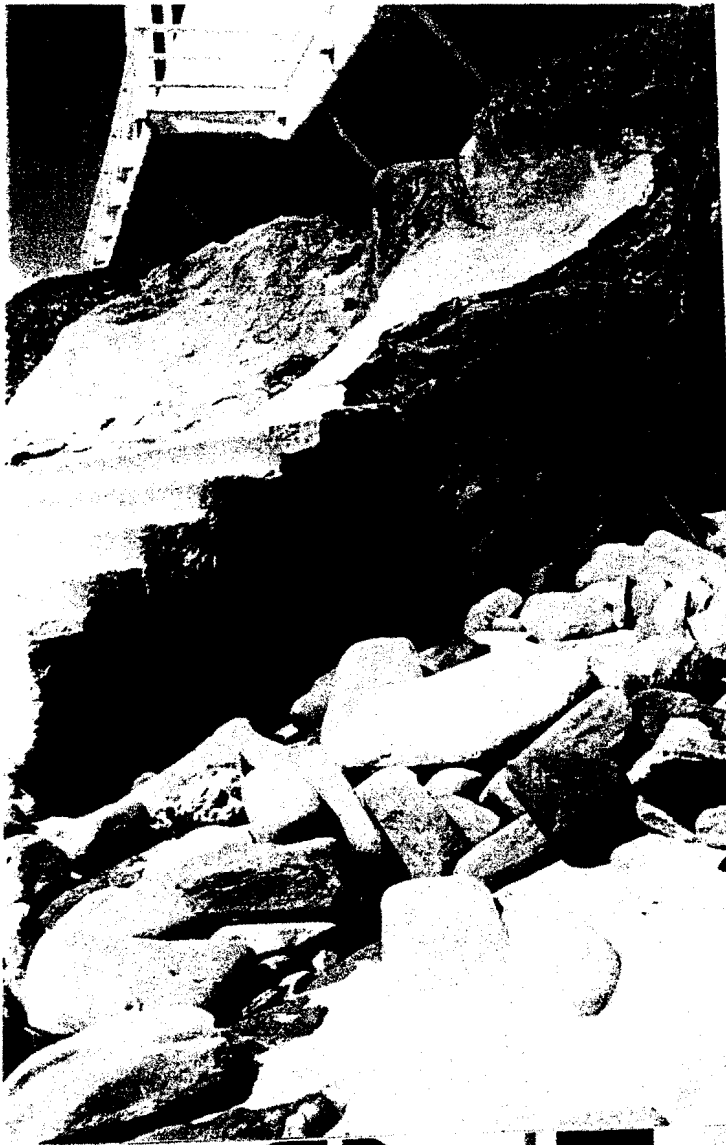
SE

Phone

EXHIBIT NO. 4
APPLICATION NO.
A-42-79-A

Section A-
Proposed Shore
Protection

California Coastal Commission

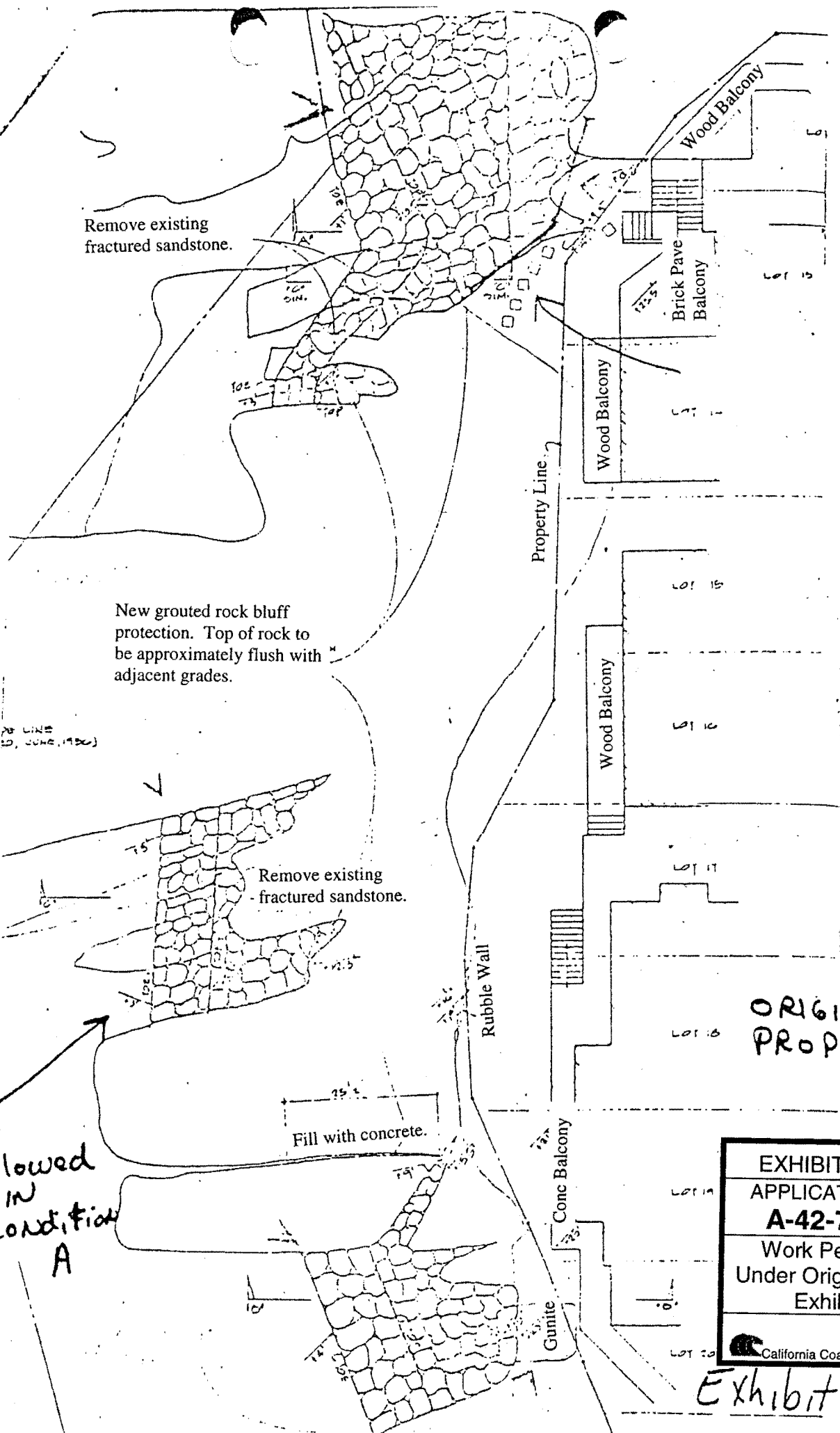


220 Coast Blvd
La Jolla, CA

March
1998

EXHIBIT NO. 5
APPLICATION NO.
A-42-79-A
Photo of Area of
Proposed Gunite
Repair & Existing
Stairs Looking North

 California Coastal Commission



Remove existing fractured sandstone.

New grouted rock bluff protection. Top of rock to be approximately flush with adjacent grades.

Remove existing fractured sandstone.

Fill with concrete.

Not allowed in Condition A

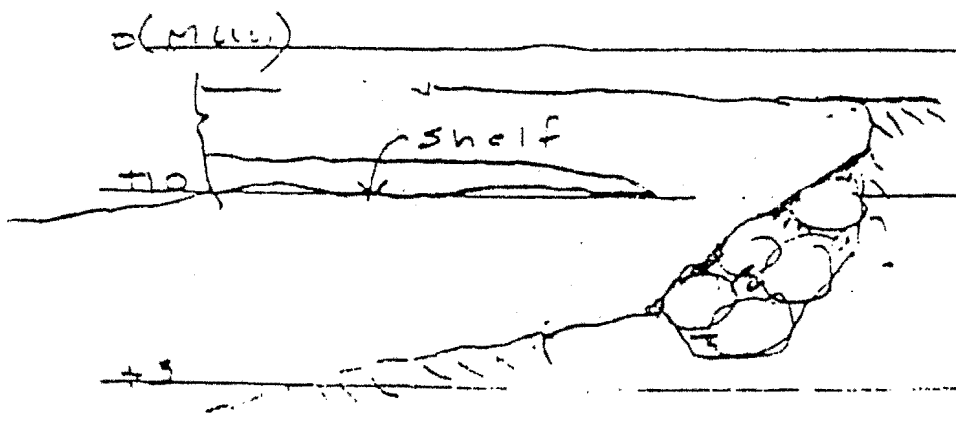
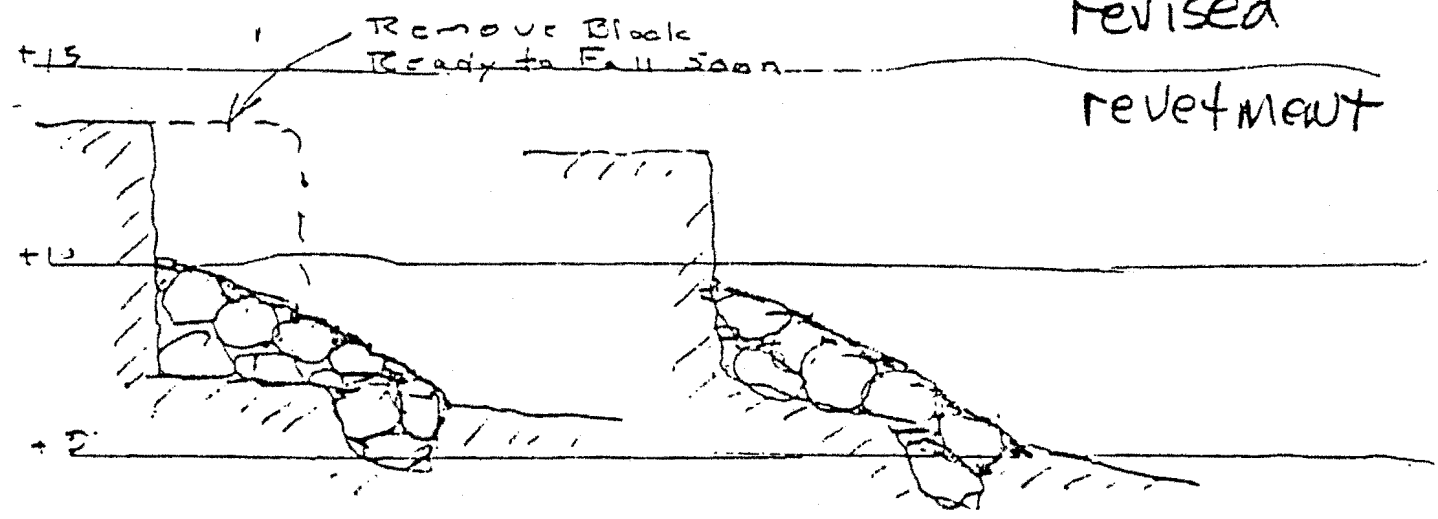
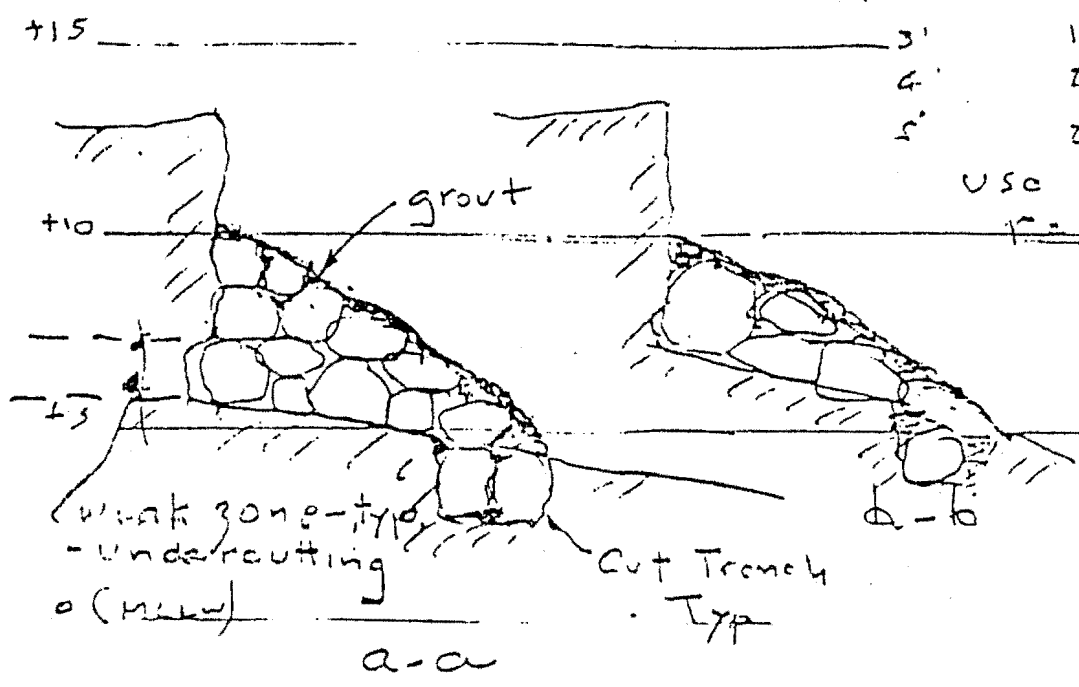
ORIGINAL PROPOSAL

EXHIBIT NO. 6
APPLICATION NO. A-42-79-A
Work Permitted Under Original CDP-Exhibit 3
California Coastal Commission

Exhibit 3

$\pi r^2 \cdot L \cdot Wt.$
 $d = 21 \quad r = 1.0 \quad Wt = 67 = 16$
 3' 1.5 2262
 4' 2.0 5361
 5' 2.5 10,472

Use 1 ton max rock
 $r = 1.44' \quad d = 2.88'$



Ferver Eng. Co.
 W.D. 78034
 31.79 Surf

220-7

PROPOSED SECTIONS

EXHIBIT NO. 7
APPLICATION NO.
A-42-79-A
Cross-Section of Revetment Permitted pursuant to original CDP

a (MLLW)