

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370

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Staff: GDC-SD
Staff Report: March 22, 2001
Hearing Date: April 10-13, 2001

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-90-225-A2

Applicant: City of Encinitas
Park and Recreation Dept.

Agent: Phil Cotton

Original Project

Description: Five year permit for construction of an approximately 8 ft.-high, 150 ft.-long and 30 ft.-wide temporary winter storm berm from approximately 1,200 cu. yds. of on-site sand; grading down of winter storm berm and; importation of 300 to 1,200 cu. yds. of sand.

Subsequent

Amendment: Amend Special Condition #4 to allow development to occur for an additional five years and increase the annual sand import amounts to no more than 3,000 cu. yds.

Proposed

Amendment: Amend Special Condition #4 to allow development to occur for an additional one year period.

Site: Moonlight State Beach, 4th and B Streets, City of Encinitas, San Diego County.

Substantive File Documents: Certified City of Encinitas Local Coastal Program (LCP);
CDP Nos. 6-90-225/Encinitas and 6-90-225-A1/Encinitas.

Summary of Staff's Preliminary Recommendation: The subject amendment request involves a modification to Special Condition #4 to allow the placement of sand and berm to occur for an additional one-year period. The original coastal permit, as previously amended, only allowed the development to occur through the Fall of 2000. Staff is recommending approval of the subject amendment request subject to all the underlying special conditions of the permit.

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. 6-90-225-A2 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 certified Local Coastal Program and the public access and recreation policies of the Coastal Act. 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. Prior Conditions of Approval. All conditions adopted by the Coastal Commission as part of the original permit action or any subsequent amendments, except as specifically modified or replaced herein, shall remain in full force and effect.
2. Duration of Permit. The proposed amendment shall modify Special Condition #4 of the original coastal development, as previously amended, to allow work during non-summer months before Memorial Day weekend and after Labor Day weekend of 2001.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed amendment involves modification to Special Condition #4 of the original coastal development permit which,

as previously amended, only authorized development to occur through the Fall of 2000. The applicant is requesting the condition be modified to allow work to continue through the Fall of 2001. The work requested to be extended consists of a beach building program involving the import of up to 3,000 cu. yds. of beach quality sand in the Spring and construction of a winter storm berm in the Fall using beach sand located upland of the Mean High Tide Line (MHTL) and recontouring of the sand berm within this upland area in the Spring. The sand berm will be approximately 8 feet-high, 150 feet-long and 30 feet-wide and will be placed upland of areas typically impacted by winter storms in order to preserve the beach's sand and to protect upland park improvements. The project will be located only on upland sandy beach in areas devoid of environmentally sensitive habitat.

In 1990, the Commission approved a permit to import 1,200 cu. yds. of beach quality sand each Spring, construct an annual sand berm in the Fall and regrade the berm in the Spring to match pre-Fall beach contours at Moonlight State Beach (Ref. Exhibit 3, CDP No. 6-90-225/Encinitas). At the time of the original approval, the City had documented that a substantial amount of beach sand at Moonlight State Beach was removed during the winter leaving a beach that was covered primarily with cobbles. The City's program was designed to prevent the loss of as much sand as possible by moving sand in the Fall that typically is unaffected by wave action except during periods of high tides combined with winter storms. In addition, if any sand were lost in this upland area during winter storms or rain, the program allowed the City to import up to 1,200 cu. yds. of sand to replace the lost sand. The permit was conditioned to allow this program to occur for five years as well as to monitor the efforts and provide results of the monitoring in the form of an annual report.

In 1994, the Commission approved an amendment to the original coastal development permit to allow the beach building program to continue for an additional five years and increase the amount of sand imported up to 3,000 cu. yds. of (Ref. Exhibit 4, CDP No. 6-90-225-A/Encinitas). The last work approved by the amended permit occurred in the Fall of 2000. Therefore, in order to import 3,000 cu. yds. of sand, recontour the sand berm that was created in the Fall of 2000 and replace any loss of sand that may have occurred during winter storms, the City is requesting the extension of the beach building and maintenance program through the Spring and Fall of 2001.

The subject site is located at Moonlight State Beach in the City of Encinitas. Although this is a State Beach, the operation of the beach has been granted to the City through an operational agreement between the City and the California State Department of Parks and Recreation.

The City of Encinitas has a certified Local Coastal Program (LCP) and has been issuing coastal development permits since May of 1995. The original coastal development permit and subsequent amendment approvals occurred in 1990 and 1994 prior to the adoption of the City's LCP. Even though the City of Encinitas has a certified LCP, the applicant is amending a previously approved permit issued by the Coastal Commission prior to certification of the City's LCP and as such, the proposed amendment falls under

the Commission's purview. The certified LCP and the public access and recreation policies of the Coastal Act are the standard of review.

2. Public Access/Recreation. The proposed amendment request involves development that will occur on a public beach that is heavily used for a variety of public recreational purposes. Several policies within the City's Certified LCP are applicable to the proposed development. These include Recreation Element (RE) Policy 5.1 which states that:

The City recognizes Cardiff Beach State Park, San Elijo Beach State Park, South Carlsbad Beach State Park and Moonlight Beach (future City) State Park, as the major visitor destination beaches in the Encinitas area. The City will work with the State to upgrade and promote access to these State beaches, and will act to upgrade and promote access to Moonlight Beach, in order that they may receive an increased proportion of visitor uses.

Resource Management (RM) Policy 10.3 is also applicable and states, in part:

The City shall explore the prevention of beach sand erosion. Beaches shall be artificially nourished with excavated sand whenever suitable material becomes available through excavation or dredging, in conjunction with the development of a consistent or approved project. . . .

In addition, because the subject site is located between the nearest public road and the sea, several Coastal Act policies apply which emphasize the need to protect public recreational opportunities and 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 beach is heavily used by the public because of the availability of sand in the summer months and public improvements such as a lifeguard station, fire pits, volleyball courts, and restrooms and free parking. The main purpose of the subject development is to preserve the usable upland beach area at this highly popular Encinitas beach. The proposed development could have impacts to public access if the work were performed during the summer months or if the proposal resulted in a reduction of sandy beach. However, the applicant proposes to place the imported sand, create the sand berm and recontour the beach during the low use periods during weekdays in the Fall and Spring. In addition, the applicant estimates that work will only involve a couple of days to complete and asserts that the program itself will enhance public access by building up, protecting and preserving the sandy beach areas for recreational use.

Special Conditions attached to the original coastal development permit, that will continue to apply to the subject amendment request, mitigate any adverse effect the proposed development could have on public access. These include a limitation on development to the non-summer months, non-use of public parking or beach for construction or equipment storage and an annual report as to the effectiveness of the program and its impact on public access. Special Condition #4 of the original coastal permit requires the applicant to annually monitor the beach maintenance program to identify the level of available sandy beach for public and the effect the program may have on visitor use. A review of these reports indicates that public use of Moonlight Beach is at historic high levels and that loss of sand in the upland areas during the winter months has been limited. The most recent monitoring report, for example, identifies that sand loss in the upland areas of the sand berm was limited to approximately 15%. Based on this monitoring information, the beach sand maintenance program does not appear to have any adverse affect on public access and likely enhances public access by protecting usable sandy beach areas. The result of this program is consistent with public access and recreation policies of the LCP and the Coastal Act.

In addition, the proposed upland beach building program will be located landward of a recently approved San Diego County-wide sand replenishment program that includes the one-time placement of approximately 88,000 cu. yds. of beach quality sand at Moonlight State Beach, seaward of the proposed development (CDP No. 6-00-38/SANDAG). If the San Diego County-wide sand replenishment program should prove successful, minor sand building projects such as the proposed development may become unnecessary. However, at this time it is uncertain if the proposed 88,000 cu. yds. of sand replenishment will occur before the City needs to import the limited sand proposed this Spring. Taken together, however, the two projects will enhance access and recreational opportunities in this area.

In summary, the proposed amendment has been designed to continue a beach building and maintenance program upland of the MHTL which prevents beach sand erosion, protects existing beach recreational facilities and promotes public access to Moonlight Beach consistent with the requirements of RE Policies 5.1 and 5.5 and RM Policy 10.3 of the City's Certified LCP. In addition, the proposed amendment has been found to be consistent with the public access and recreational policies of the Coastal Act.

3. 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 public access and recreational policies of the City of Encinitas LCP and the Coastal Act. Mitigation measures 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, as conditioned, is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

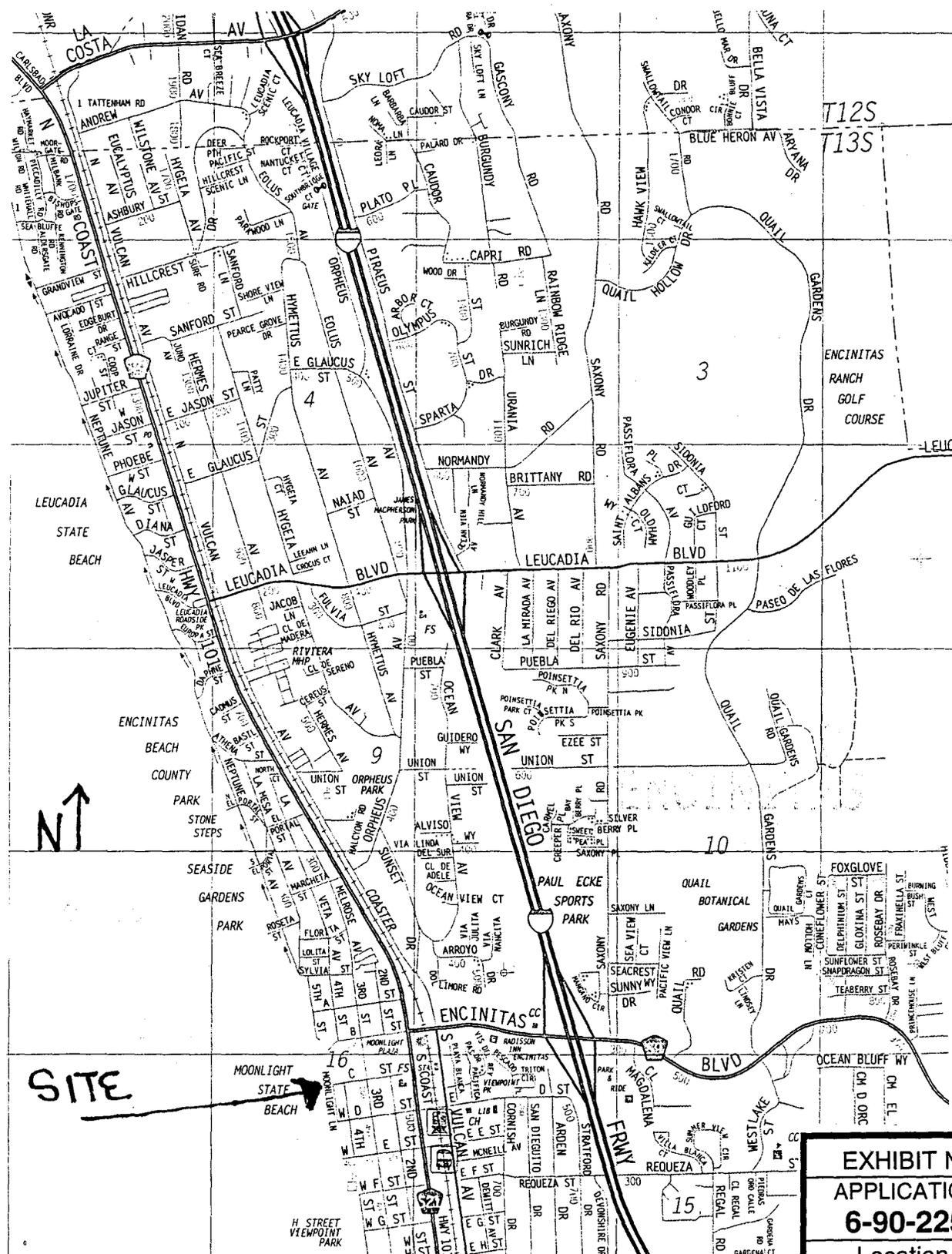
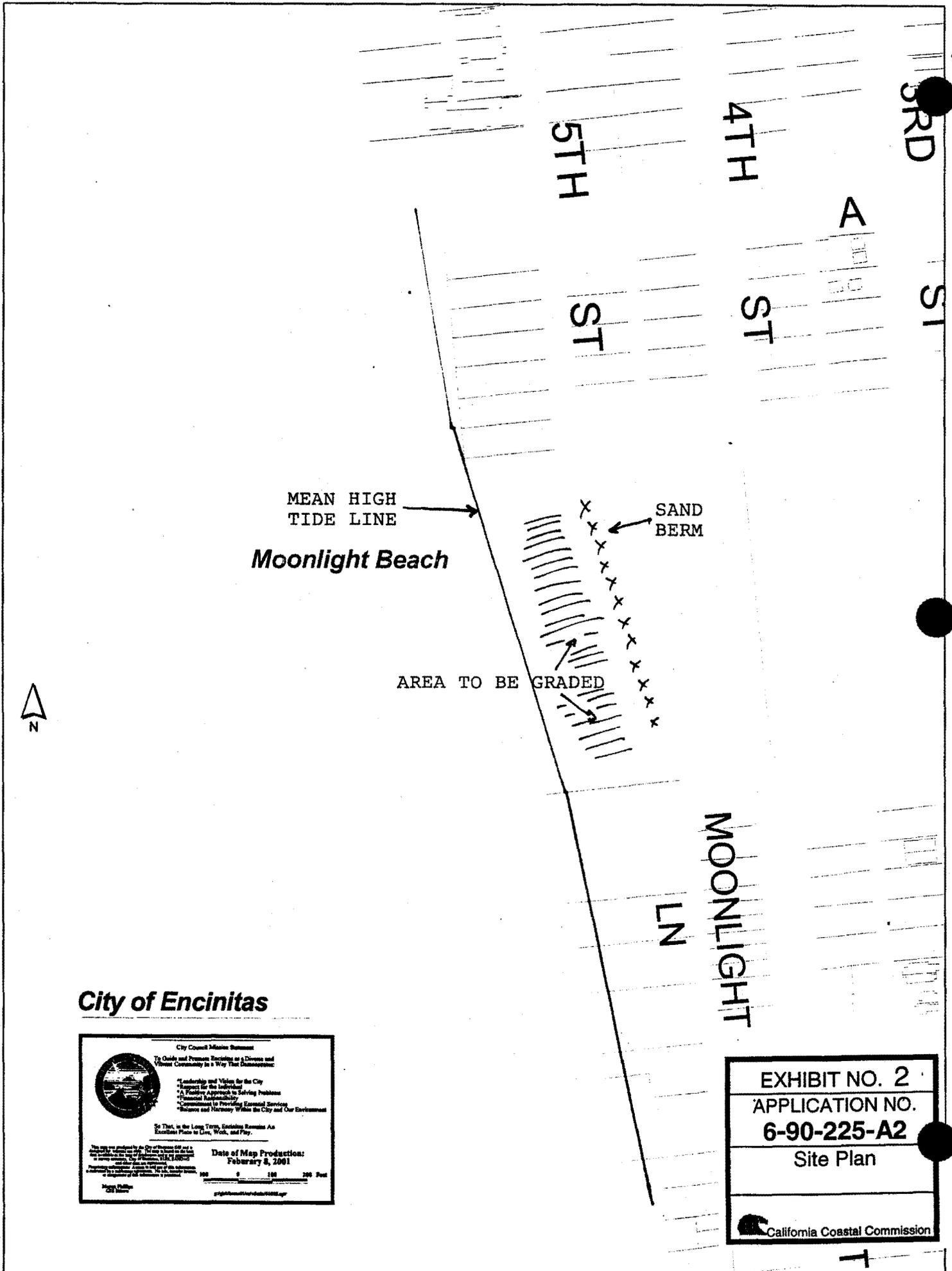


EXHIBIT NO. 1
 APPLICATION NO.
 6-90-225-A2
 Location Map



City of Encinitas

City Council Mission Statement
 To Guide and Promote Encinitas as a Diverse and Vibrant Community in a Way That Characterizes:

- Leadership and Vision for the City
- Respect for the Individual
- A Positive Approach to Solving Problems
- Financial Responsibility
- Commitment to Providing Essential Services
- Balance and Harmony Within the City and Our Environment

So That, in the Long Term, Encinitas Remains An Excellent Place to Live, Work, and Play.

This map was prepared by the City of Encinitas GIS and is for informational purposes only. It is not intended to be used for legal purposes. For more information, please contact the City of Encinitas GIS Department at 760-941-1000.

Date of Map Production:
February 8, 2001

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City of Encinitas
 760-941-1000
 www.cityofencinitas.com

EXHIBIT NO. 2
APPLICATION NO.
6-90-225-A2
Site Plan

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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

Filed: October 1, 1990
 49th Day: November 19, 1990
 180th Day: March 30, 1991
 Staff: RC-SD
 Staff Report: October 24, 1990
 Hearing Date: November 13-16, 1990

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-90-225

Applicant: The City of Encinitas

Description: Construction of an approx. 8 ft. high X 150 ft. long X 30 ft. wide temporary winter storm berm from approximately 1,200 cubic yards of on-site sand; grading down of the winter storm berm; importation of 300-1,200 cubic yards of sand; and, authorization for future grading for a 5 year period under established conditions.

Lot Area	6.2 acres
Zoning	Public/Semi-Public/Park
Plan Designation	OS

Site: Moonlight State Beach, 4th and B Street, Encinitas, San Diego County, APN 258-04-30.

Substantive File Documents: CDP's 6-88-539, 6-89-237, 6-90-105; Operating Agreement for Moonlight and Leucadia State Beaches.

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.

COMMISSION ACTION ON

- Approved as Recommended
 Denied as Recommended
 Approved with Change
 Denied
 Other

EXHIBIT NO. 3
APPLICATION NO. 6-90-225-A2
Original Approved Staff Report
Page 1 of 6
California Coastal Commission

III. Special Conditions.

The permit is subject to the following conditions:

1. Scope of Work. Prior to the issuance of the coastal development permit, the applicant shall submit a site plan documenting the approved location for the proposed winter sand berm. The location shall be based upon the location of the mean high tide line which shall be staked, inspected and approved by Commission staff. Removal or deposition of materials below the mean high tide line shall not be permitted. Said plans shall indicate the dimensions of the proposed berm which shall not exceed at any season those dimensions proposed herein (8 ft. high X 150 ft. long X 30 ft. wide). Importation of sand in excess of 1,200 cu. yds. shall not be permitted.
2. Timing of Work. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director, for review and written approval, a final grading schedule, incorporated into construction bid documents. The schedule shall include that no grading activity, entailed by the subject permit, shall occur between Memorial Day and Labor Day. All sand used to create the sand berm shall be returned to the beach area seaward of the berm prior to Memorial Day.
3. Staging Areas. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director, for review and written approval, detailed plans incorporated into the construction bid documents for the location of construction corridors and staging areas. Construction corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of existing public parking areas. Said plans shall prohibit use of public parking areas for staging areas.
4. Initiation of Subsequent Work. The proposed construction of the winter storm berm, grading down of the winter storm berm, and importation of beach sand shall be permitted in accordance with plans approved pursuant to Special Conditions #1, #2 and #3 on an annual basis each fall and spring, through Spring 1995, subject to the following conditions:
 - a. Prior to commencement of work and at most 90 calendar days in advance of the work date, the City shall notify the Executive Director in writing of the exact date that the work is to be performed. Said notification for work in the fall (berm formation) shall be accompanied by compliance with Special Condition #1 annually. Said notification for work in the spring (removal of berm and sand import) shall be accompanied by a monitoring report pursuant to Special Condition #5 of this coastal development permit.
 - b. Prior to commencement of work and at least 30 calendar days in advance of the work date, the City shall notify the Executive Director in writing of the location of the proposed borrow site. If the borrow site is located in the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the Coastal Commission. No excavation of sandy beach areas shall be permitted.

c. Prior to commencement of work and at least 30 calendar days in advance of the work date, the City shall submit written evidence to the Executive Director that the sand proposed for deposit on the beach has been found suitable for beach use by the State Department of Parks and Recreation.

d. At least 14 calendar days prior to commencement of work, the applicant shall submit to the Executive Director, evidence of approval of the planned berming and sand importation processes from the Encinitas Public Works Department. Any work beyond the limits identified in Special Conditions #1, #2 and #3 of this permit shall require a separate coastal development permit or permit amendment.

5. Monitoring Report. Notification to the Executive Director, as required by Special Condition #4 for work in the spring only, shall be accompanied by a monitoring report, which shall include, but not be limited to, the following information:

a. Amount of sand (depth and area) present within the project area prior to installation of the berm the previous fall, and tidal charts and storm predictions utilized to determine the size of the berm;

b. Amount of sand proposed for import, conditions present and criteria used to determine the amount of imported sand;

c. Identifiable trends in sand migration from the beach to the intertidal areas.

d. Identifiable trends in visitor use of the beach and impacts, if any, the proposed project has on visitor use.

e. Comparisons between the anticipated needs based on tidal charts and storm predictions and the actual needs after the fact.

6. State Lands Commission Review. Prior to the issuance of the coastal development permit, the applicant shall obtain 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, an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Proposed Project. The site of the proposed development is Moonlight State Beach in the City of Encinitas. The operation of the beach has been given to the City of Encinitas pursuant to an operating agreement executed October 1, 1989; the term of the agreement expires on September 30, 2009, and authorizes the City of Encinitas as the current beach operator and the applicant for the purposes of this permit.

The applicant proposes the construction of a temporary winter storm berm from approximately 1,200 cubic yards of existing on-site sand to approximately 8 feet high, 150 feet long and 30 feet wide; grading down of the temporary winter storm berm; and, the importation of 300-1,200 cubic yards of off-site approved sand to the proposed site. The applicant is proposing issuance of a five-year permit, which is automatically renewable between 1990 and 1995. The general cycle of development will be berm construction (Fall and Winter) and berm removal and sand importation (Spring). The area of the proposed work is shown in concept on Exhibit 2.

2. Terms of Permit. The applicant is seeking, at this time, a permit to allow future work when certain site conditions are realized. The criteria to be used to estimate what degrees of berming and sand importation will be performed include, the amount of exposed cobble when approaching high use season; the amount of sand covering beach cobble and whether it falls below 4 inches in thickness in the area of proposed work; the degree of slope of usable beach areas which shall allow for safe access and transition by the users to the ocean; and, storm predictions and tidal charts to determine the warranted protection.

The Commission is approving the proposed project subject to conditions which identify the limits and scope of work approved at this time, and which can be implemented on an annual basis through Memorial Day 1995 subject to certain conditions. Compliance with Special Conditions #1, #2 and #3 will serve to define the limits of berming and grading and the project location, approved through the subject permit. Any subsequent work which would exceed those limits would require a separate coastal development permit or permit amendment. Special Condition #4 addresses notification requirements to the Executive Director for subsequent work on a semi-annual basis. Special Condition #5 requires information to be provided in a monitoring report annually to track the site criteria and conditions which warrant the proposed project and monitor its effect on sand supply and beach use.

3. Public Access/Shoreline Processes. Like many other North County beaches, Moonlight State Beach has been essentially denuded of sand by the action of waves and winter storms. The resulting beach is comprised almost entirely of cobbles, with the exception of those portions of the beach where sand has been imported to the site under CDP #6-88-539 and CDP 6-90-105, and stockpiled under the previously issued permit CDP #6-88-148.

The cobble beach is not a desirable beach for recreational uses. In particular, the cobble substrate is unsuitable for sunbathing, active sports such as volleyball and other typical beach activities. The grading of the sand berm is proposed to attempt to retain as much of the imported beach sand

on-site as possible by moving the sand above that area that is typically subject to wave actions except during extreme high tide/storm wave events. The presence of such a berm would also serve to provide an increased level of protection to the existing public structures located on the beach.

The manipulation of beach sand raises the potential for alterations into natural conditions and forces which could lead to adverse impacts both on- and off-site. For example, the removal of sand from the intertidal area could result in increased sand loss or erosion of beach areas down-coast. For this reason, Special Condition 1 would require the staking of the area from which sand would be removed to ensure that no portion of that sand which would ordinarily be subject to natural sand transport (below the mean high tide line) would be removed from the beach.

Two additional issues that arise with developments located on and adjacent to beach recreation areas are the timing of work and the displacement of recreation areas or public parking for construction staging areas. In case of this particular development, the need to replace the sand in or near natural profiles prior to the onset of the summer beach visitor season is critical, as is the need to schedule the work for a time that would not conflict with peak beach visitor usage. Special Condition #2 has been proposed to both limit the actual grading to the non-summer season and to require the replacement of sand at normal profiles prior to the start of summer.

Similarly, Special Condition #3 would require that all construction staging and access areas be identified prior to the authorization to proceed. No use of public parking areas or sandy beach areas would be allowed to be used for construction staging or equipment storage areas to avoid conflicts with beach visitors.

The State Lands Commission controls all tidelands and submerged lands within the State of California, unless such lands have been specifically granted to other authorities. The ownership status of the affected properties is not clear. Since portions of the proposed development include improvements near the shoreline, Special Condition #6 is included requiring State Lands Commission review of the proposed development to determine if permits are needed.

Special Condition #4 states that the permit is valid for a period of five (5) years (through Memorial Day 1995) and that notification to the Executive Director is required semi-annually, prior to each action in the fall and spring. A monitoring report is required annually to compile the information which will be generated by the City during their proposed monitoring of the beach conditions on a regular basis to determine the actual need for berming and sand importation. The monitoring will provide information that the Commission may find useful in regard to trends of sand migration, impacts of developments of this sort on beach visitor usage and the accuracy of relevant tidal charts and storm predictions with respect to winter storm impacts on beach areas. Compliance with Special Condition #1 is required annually prior to construction of the berm. As conditioned, the proposed project meets the requirements of Sections 30251 and 30253 of the Coastal Act. Finally, Section 30604(c) of the Act requires that a specific access finding be made for all projects located

between the first coastal roadway and the sea. As conditioned, the Commission finds the proposed development meets the requirements of the public access and recreation policies of the Coastal Act.

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

Moonlight State Beach is designated for Public/Semi-public use in the certified County of San Diego LCP which the Commission is using for guidance in review of development proposals in this area. The project is consistent with that designation. Additionally, the Commission finds the project meets the requirements of Chapter 3 of the Coastal Act. Therefore, approval of the proposed project should not prejudice the preparation of a certifiable LCP by the City of Encinitas.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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.

CALIFORNIA COASTAL COMMISSION

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

NOTICE OF PROPOSED PERMIT AMENDMENT

TO: All Interested Parties

FROM: Peter Douglas, Executive Director

DATE: March 14, 1994

SUBJECT: Permit No. 6-90-225 granted to The City of Encinitas

for Construction of a temporary winter storm berm from approximately 1,200 cubic yards of existing on-site sand (each fall); grading down of the temporary storm berm (each spring); and, importation of 300 to 1,200 cubic yards of sand (each spring) for a 5 year period.

at Moonlight State Beach, 4th and B Street, Encinitas, San Diego County.
APN 258-042-30

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Increase the amount of imported sand from a maximum of 1,200 cubic yards to a maximum of 3,000 cubic yards and extend the duration of the permit for an additional five year period subject to the original permit conditions of approval.

This amendment is considered to be IMMATERIAL and the permit will be modified accordingly if no written objections are received within ten working days of the date of this notice. This amendment has been considered "immaterial" for the following reason(s):

The increase in imported sand would allow the City to take advantage of available opportunistic sand sources and incrementally add to the sand volume in an area where documented beach narrowing is prevalent. In addition, the permit has been successfully implemented for its originally approved five year period with no documented adverse impacts noted on coastal resources. Therefore, it is not anticipated that extension of the duration of the permit for an addition five year period will adversely impact coastal resources. In addition, all conditions of approval of the original permit would still be applicable.

If you have any questions about the proposal or wish to register at please contact Lee McEachern at the District Commiss

(4282N)

EXHIBIT NO. 4
APPLICATION NO.
6-90-225-A2
Amendment
6-90-225-A1
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