

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



# M9a

Staff: GDC-SD  
Staff Report: December 20, 2001  
Hearing Date: January 8-11, 2002

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-009-A1

RECORD PACKET COPY

Applicant: Del Mar Beach Club

Agent: Walt Crampton

Original

Description: Installation of five, 36 inch diameter buried and drilled piers ranging from approximately 28 to 70 ft. deep perpendicular to the beach below an existing 66 unit, 3 story condominium complex. Also proposed is the payment of an in-lieu fee for sand replenishment.

Proposed

Amendment: Installation of colored and sculpted concrete infill between and around exposed portions of below-grade drilled piers and installation of tieback anchors to exposed piers.

Site: On the public bluff below 825 South Sierra Avenue, Solana Beach, San Diego County. APN's 298-240-33, 34, 35, 36, 39 and 40.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance San Diego County LCP; Special Use Permit #17-99-35; "Geotechnical Investigation and Basis of Design Coastal Bluff Stabilization at Southwest Property Corner Del Mar Beach Club" by Group Delta Consultants, Inc. dated May 19, 2000; DMBC Shoreline Stabilization Plans dated 8/22/01 by TerraCosta Consulting, Inc.; Letter from Terra Costa Consultants, Inc. to Coastal Commission dated 8/29/01; CDP Nos. F4051/Del Mar Beach Club, 6-83-509/Del Mar Beach Club, 6-89-281/Del Mar Beach Club, and 6-00-9/Del Mar Beach Club.

---

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed infill and color and texture treatment of the exposed sections of the piers with conditions that require the applicant to maintain the treated sections in their approved state for the life of the project, and that notify the applicant that all special conditions on the original permit remain applicable. In approval of the original project, it was contemplated that infill and color treatment of the piers would be necessary at some point in the future. Due to recent upper-bluff failure, it has become necessary sooner

than was anticipated. The project, and any subsequent visual treatment, will serve to mitigate the adverse visual impacts associated with the exposure of up to five, 36 diameter drilled piers that lie within the bluff. In addition, the project has been conditioned to limit work to non-summer months so as to mitigate its impact on public access and recreation opportunities.

---

**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. 6-00-009-A1 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. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, final plans for the concrete covering of the exposed piers and the erodible concrete backfill in substantial conformance with the submitted plans dated 8/22/01 by TerraCosta Consulting Group. Said plans shall first be approved by the City of Solana Beach and provide the following:

- a. 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.

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. Monitoring Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a monitoring program prepared by a licensed geologist or geotechnical engineer for the concrete pier covering and backfill structures which provides for the following:

- a. An annual evaluation of the condition and performance of the structures addressing whether any significant weathering or damage has occurred that would adversely impact the future performance of the structures. This evaluation shall include an assessment of the color and texture of the structures comparing the appearance of the structures to the surrounding natural bluffs.
- b. Annual measurements of any differential retreat between the natural bluff face and the structures. The program shall describe the method by which such measurements shall be taken.
- c. 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 a period of three years and then, each third year following the last the annual report, for the life of the approved structures. Each report shall be prepared by a licensed geologist or geotechnical engineer. The report shall contain the measurements and evaluation required in sections a, and b above. The report shall also summarize all measurements and provide analysis of trends and the stability of the overall bluff face below and adjacent to the development site and the impact of the structures on the bluffs to either side of the wall. In addition, each report shall contain recommendations, if any, for necessary maintenance, repair, changes or modifications to the project.
- d. An agreement that the permittees shall apply for a coastal development permit within three months of submission of the report required in subsection c. above (i.e., by August 1st) for any necessary maintenance, repair, changes or modifications 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 monitoring program shall be reported to the Executive Director. No changes to the monitoring plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Storage and Staging Areas/Access Corridors. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, 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 within Fletcher Cove public parking spaces. 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.

4. As-Built Plans/Photographs. Within 60 days following completion of the project, the permittee shall submit as-built plans of the approved structures and shall submit color photographs documenting the appearance of the structures as seen from beach below and, if feasible, from the top of the bluff. 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 structures have been constructed in conformance with the approved plans.

5. Assumption of Risk. By acceptance of this permit amendment, the applicant, on behalf of itself and its successors and assigns, acknowledges and agrees (i) that the site may be subject to hazards from marine erosion and wave action; (ii) to assume the risks to the applicant 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.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall execute and record a an amendment to the assumption of risk deed restriction recorded pursuant to Special Condition No. 6 of CDP 6-00-009, 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 Commission amendment to this coastal development permit.

6. Future Maintenance/Debris Removal. Within 15 days of completion of construction of the protective devices the permittees shall remove all debris deposited on the bluff, beach or in the water as a result of construction of shoreline protective devices. The permittees shall also be responsible for the removal of debris resulting from failure or damage of the shoreline protective devices in the future. In addition, the permittee shall maintain the permitted structures in its approved state. Any change in the design of the project or future coloring and texturing of exposed portions of the pier structure, beyond exempt maintenance as defined in Section 13252 of the California Code of Regulations to restore the structure to its original condition as approved herein, will require a coastal development permit. **However, in all cases, if after inspection, it is apparent that repair and maintenance is necessary, the permittee shall contact the Commission office to determine whether permits are necessary, and, if necessary, shall subsequently apply for a coastal development permit for the required maintenance.**

7. Prior Conditions of Approval. All special conditions adopted by the Coastal Commission as part of the original permit action, except as specifically modified or replaced herein, shall remain in full force and effect.

8. Construction Activities. If during construction, site conditions warrant changes to the approved plans (e.g., as a result changed geologic conditions), the applicant shall contact the San Diego District office of the Coastal Commission immediately, prior to any changes to the project in the field. No changes to the project shall occur without a

Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed amendment request involves the construction of concrete infill material to be placed between and around the exposed portions of up to four piers and the installation of approximately 300-400 sq. ft. of erodible concrete backfill material placed on the north side of the exposed piers. The infill and backfill material will be colored and sculpted to closely match the natural surrounding bluff. In addition, the exposed piers will have tiebacks installed into the bluff to support the backfill material. The affected piers are approximately 28 to 70 ft. deep and extend approximately 35 feet in an east/west direction into an approximately 70 ft-high bluff below an existing 66 unit, 3 story condominium complex. Although previously permitted, the installation of the piers has not yet commenced as of the date of this staff report. However, it is anticipated that the installation of the piers could occur prior to the Commission hearing of January 2002.

The project is located along the southern boundary of the City of Solana Beach below an existing 66-unit condominium complex. The bluffs below and north of the existing condominium complex currently contain a series of permitted shoreline and bluff stabilization devices including an approximately 540 foot-long, 15 foot-high vertical seawall, an approximately 40 foot-long, 10 foot-high mid-bluff retaining wall, cribwalls, landscaping and gunnite over portions of the upper bluff. In addition, the southwest corner of the existing structure on both its west and south sides has been underpinned with twenty-nine, 18 inch concrete drilled piers that extend into the blufftop approximately 23 to 31 feet deep. In March 2001, the Commission approved the installation of five below-grade piers to be placed in an east/west direction into the bluffs along the southern property line. The project essentially represented an eastern extension of the existing seawall's southern return wall. In approving the below-grade piers, the Commission found the seawall which protects the condominiums at the top of the bluff was threatened by the erosion of its southern flank. The applicant also demonstrated that no other shoreline device was feasible to address the threat. In addition, the Commission recognized that unless the upper bluff was protected through the installation of the five below-grade piers, the 29 concrete drilled pier underpinnings below the condominiums would soon become exposed. The applicant identified that these 29 pier underpinnings had not been designed to be colored or textured to blend with the surrounding bluff and that, therefore, their exposure would create an unmitigatable visual blight. Therefore, the Commission approved the installation of the five below-grade piers but conditioned the approval to require the applicant to monitor future exposure of the piers and apply for an amendment to address any future visual exposure of the piers. While the applicant received approval for the installation of the piers in March 2001, the applicant as of the date of this report has not commenced installation of the piers. In the meantime,

additional bluff sloughage has occurred such that when the piers are installed, portions of them will be exposed.

The project is located in the City of Solana Beach. The City of Solana Beach was previously within the jurisdiction covered by the certified County of San Diego Local Coastal Program (LCP). Because the LCP was never effectively certified the standard of review is the Chapter 3 Policies of the Coastal Act with the County LCP used as guidance.

2. Permit History. The subject condominium complex was constructed in the early 1970's prior the enactment of the Coastal Act. As previously described, the bluffs fronting the condominiums contain several shoreline protective devices many of which were constructed following enactment of the Coastal Act and have received Coastal Commission approval. In 1980, the Commission approved the construction of an approximately 540 foot-long, 15 foot-high concrete seawall at the base of the bluff below the condominiums (CDP #F4051/Del Mar Beach Club [DMBC]). In 1984, the Commission approved the installation of deeper foundation footings and backfill for the seawall which had become undermined by the loss of sand (CDP #6-83-509/DMBC). In 1989, the Commission approved the construction of an approximately 40 foot-long, 15 foot-high mid-bluff retaining wall and installation of twenty-nine, 18 inch drilled piers to underpin the southwest corner of the condominium structure (CDP #6-89-281/DMBC). In March 2001, the Commission approved the installation of five, 36 inch diameter buried and drilled piers ranging from approximately 28 to 70 ft. deep perpendicular to the beach below the southwest corner of the condominium complex (CDP #6-00-009/DMBC).

In each of the above-cited permits, the Commission determined that the existing condominium complex or its shoreline protective structures were threatened and that the proposed structures were necessary to protect the existing condominiums. Special conditions for the earlier Commission actions included provisions for a lateral access easement over portions of the property which lie seaward of the seawall, coloring the seawall and retaining walls consistent with the natural appearance of the bluff, landscaping of the bluff with drought tolerant and native coastal plants, maintenance of structures and removal of all permanent irrigation devices from 40 feet landward of the bluff's edge, and, with the most recent below-grade pier project, the payment of an in-lieu fee for sand replenishment. In addition, one of the special conditions of approval for the buried piers was that if the piers should become exposed in future, the applicant would be required to submit a coastal permit amendment for the construction of measures to mitigate the visual appearance of the piers.

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 installation of a colored and sculpted concrete covering around four (of five) previously approved above-ground sections of five 36-inch diameter below-grade drilled piers which are to be placed in the face of the bluff along the southern property line of the subject site. The piers themselves have not yet been installed, however, it is anticipated that they will be installed prior to the Commission hearing of January 2002. In addition, the project involves the backfill behind the covered piers with approximately 300 to 400 sq. ft. of colored and sculptured erodible concrete which will provide lateral support to the 29 concrete pier underpinnings which lie beneath the southwest corner of the condominium complex. The installation of the five 36-inch piers was approved by the Commission in March 2001 in order to protect the



existing seawall and, thereby, the existing condominiums at the top of the bluffs from the threat of erosion. In addition, the upper two piers serve to inhibit the exposure of 29 concrete drilled pier underpinnings located below the southwest corner of the blufftop condominium.

In support of the original project for the construction of the five below-grade piers, the applicant submitted a detailed geotechnical report which identified that the existing seawall and the southwest corner of the blufftop condominium were threatened by erosion which flanks the existing south side of the seawall ("Geotechnical Investigation and Basis of Design Coastal Bluff Stabilization at Southwest Property Corner Del Mar Beach Club" by Group Delta Consultants, Inc. dated May 19, 2000).

The geotechnical report identified that the south end of the existing lower seawall and the mid-bluff retaining wall located on the south side of the property were threatened due to the growth of a seacave that had formed (on the adjacent property to the south) along a northeast trending fault which extends onto the subject property. The report asserted that once the erosion generated by the growth of the seacave reached the area behind the south end of the seawall, the wall will be undermined resulting in the loss of backfill and the subsequent failure of the mid-bluff wall that is supported by the seawall and its backfill. The Commission subsequently determined that the seawall and mid-bluff wall was threatened by erosion and that, thereby, the condominium at the top of the bluff was also threatened. Therefore, the Commission was required to approve a shoreline altering device to protect the existing structures, pursuant to Section 30235 of the Coastal Act. Subsequent to the Commission action, the applicant's engineer has identified that an additional bluff sloughage occurred on March 13, 2001 resulting in the exposure of a portion of condominium's underpinnings at the top of the bluff (Letter from TerraCosta Consulting, Inc., dated August 29, 2001.) The applicant's engineer indicates that because of the ongoing bluff sloughage, the underpinnings are themselves threatened.

#### Alternatives

As previously described, the Commission approved installation of the five below-grade piers has not as yet been performed. The applicant's engineer has provided documentation including photographs that indicate that the bluff has continued to erode such that when the five piers are eventually installed the upper portions of four of the five piers will already be above-grade. The applicant has examined the alternative of removing the exposed portions of the piers and has determined that such an alternative would result in a continued threat to southwest corner of the residence. As previously described, the five piers will serve two functions. The lower three piers serve as a return wall to the lower seawall and, therefore, if they are exposed overtime they will need infill between the piers to protect the seawall. In addition, the upper two piers which are up to 70 ft. in depth are designed to prohibit the exposure of 29 concrete drilled pier underpinnings that are located below the southwest corner of the condominium complex. The bluff below the underpinnings is approximately 70 ft. high and near vertical. Therefore, if the approximately 70 ft. deep piers located within the bluff were to be reduced in height, the structural support to the southwest corner of the condominium

would be eliminated and the 29 pier underpinnings of the condominiums would become exposed ultimately threatening the condominium development.

In summary, portions of the approved below-grade piers on the bluff face will be visible upon installation which will have an adverse visual impacts to the natural surrounding bluffs. Therefore, the applicant proposes to mitigate the impacts of that exposure by covering the exposed portions of the piers with a colored and sculpted concrete which have been designed to conform to the natural contours of the slope and be colored to match the natural appearance of the bluff. Because of the near vertical condition of the upper slope below the southwest corner of the condominium, the applicant needs to backfill behind the exposed piers to provide structural support for the condominiums' underpinnings. The backfill material will also be colored and textured to match the natural contours and color of the bluff. The applicant has also demonstrated that the proposed project is necessary in order to provide protection against the exposure of the underpinning pier foundations of the condominium. In addition, the Commission's staff geologist and coastal engineer have both reviewed the subject development and concurred that the project is necessary to protect the seawall and southwest corner of the condominiums.

In addition, Section 30235 of the Coastal Act requires that any necessary shoreline protective measures must also not adversely affect the shoreline's sand supply. In the case of the previously approved installation of the five below-grade piers, the applicant volunteered to participate in a regional sand replenishment program through the payment of an in-lieu fee for the future purchase and placement of sand along the shoreline. The amount of the fee was based on an estimation of several factors including: the extended life the below-grade piers provided to the lower seawall (30 years); the amount of bluff sand material which would have been contributed to the beach over 30 years and; the cost of purchasing and placing the sand on the beach. The Commission agreed with the applicant's request and conditioned the pier installations upon the applicant's payment of an in-lieu fee of \$47,567.00. The proposed covering of the exposed piers and the erodible concrete backfill will involve the same section of bluff for which the applicant has already agreed to mitigate through the payment of an in-lieu fee. Therefore, the proposed project will not result in any additional adverse effect on the areas supply of sand and no additional mitigation is necessary. Therefore, because the proposed project is necessary to protect the structures at the top of the bluff and will not adversely affect local sand supply, the project is consistent with the requirements of Section 30235 of the Coastal Act.

If the concrete covering of the piers or its backfill material were damaged in the future (e.g. as a result of erosion, storms, etc.) it could threaten the stability of the site, which could lead to requests for more bluff alteration. Damage to the concrete infill between and around the piers and the backfill behind the piered wall 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 structure consistent with the Coastal Act, the Commission finds that the concrete covering and backfill must be maintained in its approved state for the estimated life of the structure. 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 proposed structures 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 proposed structures and can determine whether repairs or other actions are necessary to maintain the structures in its approved state.

Therefore, Special Condition #2 requires the applicant to submit a monitoring report which evaluates the condition and performance of the concrete covering of the piers and backfill and overall site stability consistent with the monitoring requirements of the original permit for the construction of the five below-grade piers. The condition also requires the submission of an annual report with recommendations, if any, for necessary maintenance, repair, changes or modifications to the project.

Special Condition #1 requires the applicants to submit final plans for the project that reflect current conditions, demonstrate disturbance to the beach and intertidal areas are minimized and that any excavated sand from the bluff will be deposited to the beach below. The final plans requirement is also designed to ensure that should site conditions require minor revisions to the proposed project, the Commission's staff is afforded an opportunity to review the final plans to assure they are in substantial conformance with those approved by the Commission.

To assure the proposed shore/bluff protection has been constructed in compliance with the approved plans, Special Condition #4 has been proposed. This condition requires that, within 60 days of completion of the project, as built-plans and photographs of the finished structure be submitted verifying that the proposed piered structures were constructed in accordance with the approved plans. In addition, the condition requires a certification from a registered civil engineer that the structures were constructed as proposed.

Because the bluff is experiencing ongoing erosion such that site conditions may change before implementation of the subject project, Special Condition #8 has been attached which requires the applicant to contact the Commission before commencing any revision to the proposed project that may become necessary because site conditions change. Any revisions to the project will require an amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

Also, due to the inherent risk of shoreline development, Special Condition #5 requires the applicant to amend the assumption of risk deed restriction that it recorded pursuant to CDP 6-00-009 so that it also applies to the additional development authorized in this permit amendment. The risks of the proposed development include that the proposed shoreline devices will not protect against damage to the residences from bluff failure and erosion. In addition, the structures themselves may cause damage either to the applicants' residences or to neighboring properties by increasing erosion of the bluffs. Such damage may also result from wave action that damages the proposed structures. Although the Commission has sought to minimize these risks, the risks cannot be

eliminated entirely. Given that the applicants have chosen to construct the proposed shoreline devices despite these risks, the applicants must assume the risks. Accordingly, Special Condition #5 requires that the applicants amend the previously recorded assumption of risk deed restriction so that it clearly applies to the additional development authorized by this permit amendment. Only as conditioned can the proposed project be found consistent with Sections 30235 and 30253 of the Coastal Act.

Special Condition #6 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 proposed structures are required in the future the applicant shall contact the Commission office to determine if permits are required.

In summary, the applicants have documented that the previously approved below-grade piers, when installed, will have an adverse visual impact and that the underpinning foundations at the southwest corner of the condominium complex is currently threatened by erosion. In addition, the applicants have submitted an alternatives analysis which documents that the proposed development is the least environmentally damaging feasible alternative. Thus, the Commission is required to approve the proposed protection for the infill and backfill of the exposed portions of the below-grade piers which will protect the existing condominium complex. Therefore, as conditioned, the Commission finds that the proposed seawall is consistent with Sections 30235, 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.

In addition, Section 30240(b) of the Act states that:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

As previously described, the proposed development involves the construction of a colored and sculptured concrete covering of up to four exposed piers located in the bluff and approximately 300 to 400 sq. ft. of lightweight, erodible concrete backfill material to be placed behind the exposed piers. The bluff north of the subject installation site consists of an approximately 540 foot-long, 15 foot-high vertical seawall, an

approximately 40 foot-long, 10 foot-high mid-bluff retaining wall, a series of cribwalls, gunnite sprayed over portions of the upper bluff and landscaping. The piers which are proposed to be treated will range from approximately 28 to 70 ft. deep and be approximately 36 inches in diameter. The bluffs immediately south of the pier installation site remain in their natural, unarmored condition and continue to experience the natural processes of marine erosion. According to the geotechnical report, the bluffs south of the pier structures will continue to erode in the direction of the proposed piers such that eventually significant portions of the below-grade piers will be exposed. Therefore, the exposure of these 28 to 70 ft. high, 3 ft.-wide piers will have significant adverse impacts on the surrounding visual resources of the area. The applicant proposes to mitigate the appearance of these piers by applying a colorized and sculptured layer of concrete facing between and around the exposed piers. Because the piers which range in height from 28 to 79 ft. were designed to conform to the natural contours of the bluff, the proposed concrete covering of the piers will also follow the natural contours of the adjacent northern bluff face. However, as the bluffs to the south continue to erode, the visually treated pier wall, although colored and sculpted to closely match the surrounding bluffs will, in fact, appear as a free-standing wall as seen from the beach south of the subject site. However, in approving the original permit for the construction of the piers, the Commission determined that the project was necessary to protect the seawall at the base of the bluff which protected the condominiums on the top of the bluff. In addition, the Commission found that unless the five below-grade piers were constructed, the twenty-nine, 18-inch pier/caissons which underpin the southwest corner of the condominium complex would soon be exposed. The applicant had documented that the 29 piers were not designed and could not be color treated or sculptured to mitigate their exposure. Therefore, the Commission determined that the piers were necessary to protect the existing condominiums and to protect against the visual exposure of the piers which underpin the condominiums. In other words, the Commission found that the coloring and sculpturing of the exposed portions of the five piers located in the bluff face would have less adverse impacts to the visual resources of the area than the unmitigated exposure of the 29 pier/caisson underpinnings of the condominium complex.

While the proposed project will temporarily mitigate the adverse visual impact of the exposed piers, the color and condition of the infill must be maintained overtime in order to prevent its decay or visual degradation. Therefore, Special Condition #2 requires the applicant to prepare an annual evaluation of the performance and visual appearance of the treated walls and backfill material and include the evaluation in the annual monitoring reports which were required by the Commission in its original approval for the five piers (CDP #6-00-009/DMBC). In addition, the condition requires the applicant to submit an application for any necessary maintenance or repairs to the subject infill and backfill structures within three months following the submission of a monitoring report which identifies that the structures are in need of repair or maintenance. In this way, the Commission can be assured that the appearance of the proposed structure will be maintained over its lifetime in a way that blends with the natural bluffs 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 and the proposed project will in fact reduce potential visual impacts associated with exposure of the 29 existing concrete piers. Thus, the project is consistent with Sections 30240(b) and 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 private bluff adjacent to a public beach utilized by local residents and visitors for a variety of recreational activities. The site is located at the south end of Solana Beach near the jurisdictional divide of Solana Beach and the City of Del Mar. Public access to the beach is currently available approximately ¼ mile north of the subject site at a public access stairway extending down the bluffs to the beach. In addition, during low tides, the public is able to access the subject site from the City of Del Mar's "Dog Beach" which is located approximate ½ mile south of the subject site at the mouth of San Dieguito River. 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 could be impassable. As such, an encroachment of any amount 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, shoreline structures on the face of the bluff also reduce the amount of sand that is contributed to the beach from the otherwise eroding

bluff. Therefore, public access is also adversely affected as shoreline structures reduce the supply of sand, however minimal that may be.

In approving the seawall located at the base of the bluff fronting the subject condominium site and the installation of the five below-grade piers into the bluff face, the Commission found that the projects would have direct and indirect impacts on public access and recreational opportunities. In the case of the seawall which occupied a portion of the public beach, the Commission required the applicant to record a lateral access easement over portions of the property which lie seaward of the seawall in order to mitigate its impact (CDP #F4051/DMBC). In the case of the five piers which essentially served as return wall for the lower seawall and, according to the applicant's engineer, extended the life of the seawall by approximately 30 years, the applicant proposed (and the Commission agreed) to condition its approval on the applicant's participation in a sand replenishment program through the payment of an in-lieu fee to purchase sand. In this case, however, the proposed project involves the color and textural treatment of above-grade portions of a previously approved shoreline protective structure located on the bluff. None of the proposed infill wall or backfill will occur on the public beach such that direct public access will be affected. In addition, the applicant has already mitigated the loss of sand from the bluff that will occur because of the 30 year extended life of the seawall through the payment of an in-lieu sand replenishment fee. Therefore, the loss of sand material behind the lower bluff seawall and five piers has already been mitigated for such that mitigation for the proposed project involving the same bluff material is unnecessary.

Although the proposed project will not have any direct impact on public access because of its location, 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. While the applicant has not submitted a construction staging and material storage plan for the subject development, the closest beach to the site within the City of Solana Beach would occur via Fletcher Cove which is located approximately 1 mile north of the subject site. In addition, since the Conditional Use Permit approved for this project by the City of Solana Beach (#17-99-35 CUP) allows for access via Fletcher Cove, it will likely be used for construction access.

In other developments for shoreline protection along the Solana Beach shoreline, the Commission has authorized the temporary placement of steel-tracked construction equipment (which cannot traverse asphalt streets) upland of the Fletcher Cove access ramp, in an area which is not currently used for parking. In addition, the Commission has previously authorized the use of parking spaces in an existing City-owned parking lot across the street from Fletcher Cove known as the "Distillery Lot" (for its previous use) for staging and storage of equipment during construction. 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 within Fletcher Cove 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.

In addition, debris dislodged from the structural infill or backfill either during construction or after completion also has the potential to affect public access. Therefore, Special Condition #6 has also been proposed which notifies the applicant that they are responsible for maintenance and repair of the pier structures 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. 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 all likelihood, prepare and submit a new LCP for the area to the Commission for review. Because the County LCP was never effectively certified, it is not the standard of review. 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.

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 visual treatment of the exposed portions of the shoreline device has been found to be consistent with the Chapter 3 policies of the Coastal Act in that the proposed project mitigates the visual appearance of the exposed piers.



Therefore, the Commission finds the proposed development, as conditioned, is 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 hazards, visual quality, and public access policies of the Coastal Act. Mitigation measures which require that the applicant to monitor and maintain the structural and visual appearance of the concrete infill over its lifetime 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.



SOLANA BEACH DEL MAR

DEL MAR'S SHORELINE  
PROTECTION AREA LINE

EXISTING SEACAVER

Location of  
approved 5 piers  
and proposed color  
treatment

CITY OF SOLANA BEACH CITY OF DEL MAR

1  
FIG. 6

EXISTING SEAWALL

SOLANA BEACH

DEL MAR

EXISTING PIERS

DEL MAR BEACH CLUB

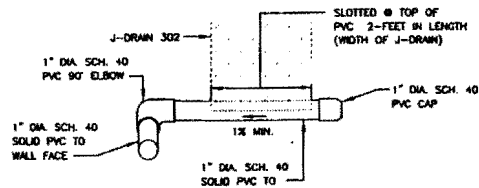
DEL MAR BEACH CLUB

DECK/BLDG  
OVERHANG

EXHIBIT NO. 2  
APPLICATION NO.  
6-00-009-A1  
Site Plan



California Coastal Commission

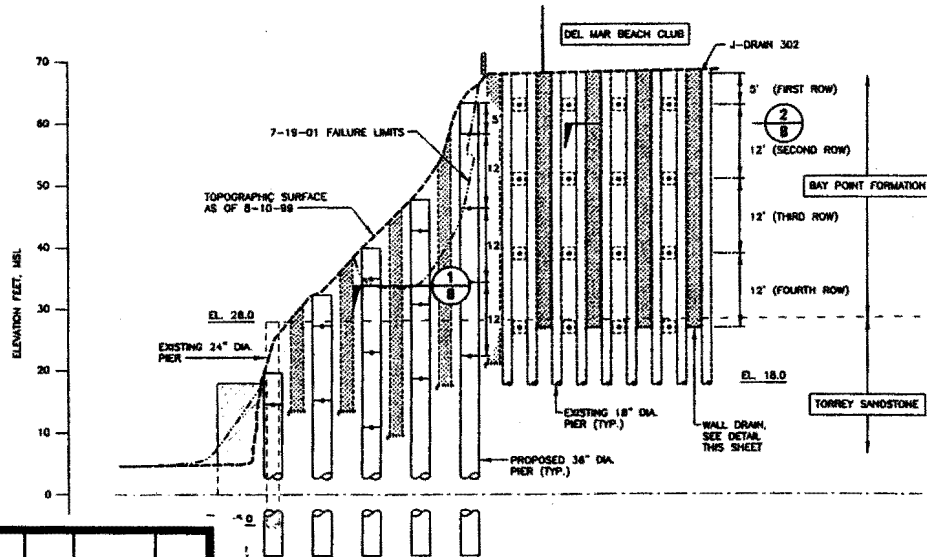


**TYPICAL WALL DRAIN  
DETAIL**

NO SCALE

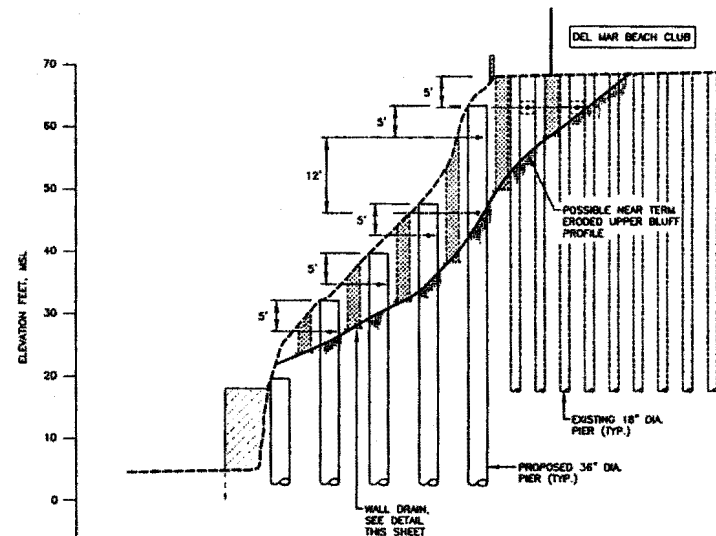
**WALL DRAINAGE NOTES**

PROVISIONS FOR WALL DRAINAGE WILL CONSIST OF 2-FOOT WIDE GECCOMPOSITE DRAINBOARDS, CENTERED BETWEEN ADJACENT ANCHORS. J-DRAIN 302 SHALL BE USED FOR ALL VERTICAL CHIMNEY DRAINS. CHIMNEY DRAINS WILL THEN BE MANFOLDED AND EXTENDED THROUGH THE BASE OF EACH SECTION OF STRUCTURAL SHOTCRETE INFILL. AS NEW INFILLS ARE PLACED, CHIMNEY DRAIN EXTENSIONS SHALL BE ATTACHED TO THE OVERLYING IN-PLACE CHIMNEY DRAIN, WITH A NEW MANFOLDED OUTLET INSTALLED AT THE BOTTOM OF THE NEW INFILL SECTION.



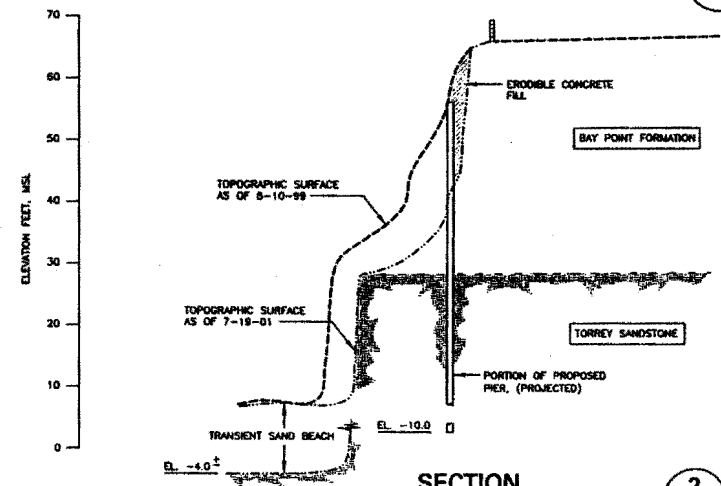
**PIER PROFILE & LAYOUT**

SCALE: 1"=10' (HORIZ.:VERT.)



**PHASE 1 TIEBACK & J-DRAIN LAYOUT**

SCALE: 1"=10' (HORIZ.:VERT.)



**SECTION**

SCALE: 1"=10' (HORIZ.:VERT.)

**EXHIBIT NO. 3**  
**APPLICATION NO.**  
**6-00-009-A1**  
**Cross-Sections**  
**Page 1 of 1**  
**California Coastal Commission**

<b>TERRACOSTA CONSULTING GROUP</b> ENGINEERS & GEOLOGISTS 4455 MURPHY CANYON ROAD, SUITE 100 SAN DIEGO, CALIFORNIA 92123 (619) 573-8900	<table border="1"> <thead> <tr> <th>REV.</th><th>BY</th><th>DATE</th><th>APP.</th></tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	REV.	BY	DATE	APP.																																									<b>DEL MAR BEACH CLUB SHORELINE STABILIZATION - PHASE 1</b>  <b>PIER PROFILE</b>	<b>CITY OF SOLANA BEACH</b>  SHEET <b>7</b> OF <b>8</b> 8-22-01 DATE OF PRINT
REV.	BY	DATE	APP.																																												

FIGURE 5

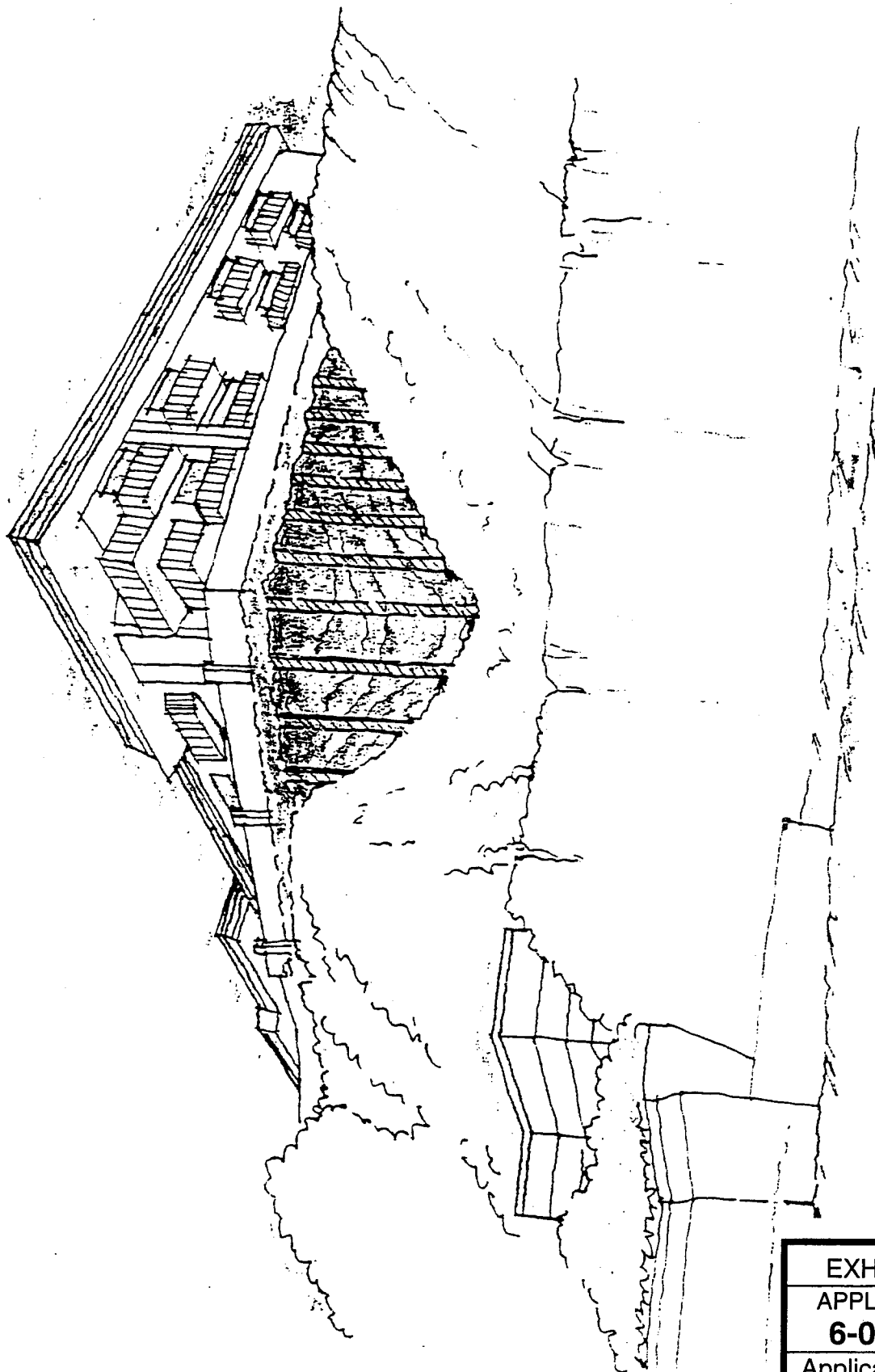


EXHIBIT NO. 4

APPLICATION NO.

**6-00-009-A1**

Applicant's depiction  
of visual effect of  
exposing  
underpinnings.

Page 1 of 1



California Coastal Commission

