

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: GDC-SD
Staff Report: September 19, 2002
Hearing Date: October 8-11, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-022

Applicant: California Department of
Parks and Recreation

Agent: Paul Webb

Description: Demolition of existing unpermitted restroom and removal of unpermitted concrete rubble between existing parking lot and rip-rap. The project also includes realignment and maintenance of rip-rap revetment adjacent to the parking lot.

Site: South Cardiff State Beach parking lot, west side of Highway 101, Cardiff, Encinitas, San Diego County. APN 263-011-16 and 36.

Substantive File Documents: Certified City of Encinitas LCP; Coastal Development Permits Nos. 6-87-459, 6-96-147-G and 6-96-147.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed development with conditions. The subject site is a beachfront facility and has been historically subject to hazard from wave action and erosion. Several unpermitted improvements have been constructed on site including concrete walkways, stairs, paved areas, and a restroom facility. Over the years (particularly during the winter storms of 1982-83 and 1988), the site was significantly damaged and portions of the shore protection were destroyed. As such, the permit approved by the Commission in 1987 for construction of the permanent parking lot and facilities included significant rehabilitation of the existing shore protection (ref. CDP #6-87-459/State Parks). Even with the rehabilitated shore protection, shortly after the parking lot and facilities were constructed in 1996, the site suffered significant damage from storm-generated waves. Since that time the applicant has fenced off the damaged areas and relocated one of the restrooms away from the shoreline. The proposed development will remove all damaged concrete and rubble that has resulted from storm damage to the previously existing unpermitted walkways, stairways, and paved areas that existed on site. In addition, the

project will include demolition and removal of an unpermitted restroom that was built without the required coastal development permit and relocation of the existing revetment inland where the damaged concrete and rubble will be removed. With the proposed development, public access will be improved.

The primary coastal issue raised by the proposed maintenance project involves public access to the ocean and shoreline during construction and impacts to public access that would occur if maintenance to the revetment is not performed on a regular basis. Staff is recommending conditions that prohibit work during the summer, require yearly monitoring of the revetment's performance, and require that any needed repairs be performed and permitted in a timely manner. Other conditions require that all work-related debris be removed following construction and that the applicant assume all risk involved with the construction. With these conditions, the Commission is assured potential impacts to public access and visual resources are minimized consistent with Coastal Act policies.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-022 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit 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 THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Condition Compliance. **WITHIN 60 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

2. Timing of Construction. To avoid adverse impacts on public beach access, construction shall not occur during the summer between Memorial Day weekend and Labor Day of any year. The approved project as described and conditioned herein shall not be implemented during the time period identified above. Any modifications to the approved time period will require a permit amendment.

3. Shoreline Protection Monitoring Plan.

A) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a monitoring plan, prepared by a licensed geologist, or civil or geotechnical engineer for the review and written approval of the Executive Director. The plan shall be sufficient to assess the performance of the rip-rap revetment and shall include at a minimum:

1. A description of the approved shoreline protection device;
2. A discussion of the goals and objectives of the plan, which shall include the effectiveness of the revetment to protect the upland improvements and the maintenance of the footprint of the structure as permitted;
3. Provisions for taking measurements of the distance between the toe of the revetment and an identified stable inland monument, including identification of exactly where such measurements will be taken, e.g. by reference to benchmarks, survey positions, or points shown on an exhibit, and the frequency with which such measurements will be taken;
4. Provisions for submission of "as-built" plans, showing the permitted structure in relation to the existing topography and showing the measurements described in subsection (3) above, within 30 days after completion of construction;

5. Provisions for inspection of the condition of the shoreline protection device by a licensed geologist, or civil or geotechnical engineer, including the scope and frequency of such inspections.

B) By May 1 of every year for the life of the structure, the permittee shall submit a monitoring report that has been prepared by a licensed geologist, or civil or geotechnical engineer. Each monitoring report shall contain the following:

1. An evaluation of the condition and performance of the approved shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device,
2. All measurements taken in conformance with the approved monitoring plan,
3. A description of any migration or movement of rock that has occurred on the site, and
4. Recommendations for repair, maintenance, modifications or other work to the device.

If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall contact the Coastal Commission District Office to determine whether such work requires a coastal development permit.

The permittee shall undertake development in accordance with the approved final plans. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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

- a. No overnight storage of equipment or materials shall occur on sandy beach. 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 perform repairs to the revetment and construct the public access path. Construction equipment shall not be washed on the beach.
- b. Construction 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 during the summer 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 legally required.

5. Construction Responsibilities and Debris Removal. The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the beach within 7 days of completion of construction;
- (c) All excavated beach sand shall be redeposited on the beach;
- (d) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;

6. Assumption of Risk, Waiver of Liability and Indemnity Agreement.

A) By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from wave run up and floods; (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.

B) PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission

has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

C) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

7. Removal of Unpermitted Restroom Facility and Concrete Rubble/Debris. The applicant shall remove the existing unpermitted restroom facility and all concrete rubble/debris between the existing parking lot and rip-rap within 12 months of issuance of the coastal development permit. The Executive Director may grant additional time for good cause. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project is the repair and maintenance of an existing State Park facility that has been damaged by winter storm-generated wave action over the last several years. The existing park facility consists of an asphalt parking lot containing approximately 520 parking spaces, two restroom buildings, concrete rubble surrounded by chain-link safety fencing, shoreline protection in the form of rip-rap revetments, and an approximately 540 ft.-long buried sheet pile wall. The subject project involves the removal of an existing unpermitted restroom facility and three palm trees on the southwest corner of the site, a large amount of concrete rubble along the west side of the site and chain-link safety fencing that has been placed around the concrete rubble. The concrete rubble is the result of wave action against the existing asphalt parking lot and the destruction of several previously existing unpermitted improvements on the site including walkways, access steps, outdoor shower facility, and paved areas. The concrete rubble lies between the existing parking lot and an existing rip-rap revetment. The project also includes pulling the revetment in closer to the parking lot into the area where the concrete rubble is proposed to be removed and movement of rip-rap quarry stones that have migrated off the existing revetment back onto the revetment. The applicant has also proposed a monitoring program to assess the performance of the realigned revetment and suggest repairs as necessary.

In October of 1987, the Commission approved a permit at the subject site to construct a parking lot to accommodate 520 cars, two comfort stations, an entrance kiosk, public walkways, beach access stairs, landscaping and repair and augmentation of an existing riprap revetment at the subject site (ref. CDP #6-87-459/Calif. State Parks). The permit was approved with a number of special conditions which addressed the design and effectiveness of the refurbished riprap revetment and the submittal of a construction staging and storage plans. The conditions were subsequently satisfied and the permit released in January of 1990. The applicants subsequently requested and were granted five time extensions and the development was subsequently constructed in 1995/96.

Three separate permit amendments were subsequently approved by the Commission. The first amendment included approval to add a stairway access to the parking lot and extend a walkway around the southeastern corner of the parking lot. The second was approved to allow repair and replacement of an existing off-site sewer line to provide service to the comfort stations. The third permit amendment allowed the applicant to remove above-ground water and electric utility pipes from the bluff at the southern end of the project site.

In November 1996, shortly after development of the park facility was completed, the Executive Director issued an emergency permit for the removal of approximately 176 lineal feet of undermined concrete paving, repair to the rip-rap revetment and the addition of 200 tons of additional rip-rap. In January 1998, the Commission approved a follow-up regular permit for the emergency permit which included after-the-fact approval of several developments that were not constructed in accordance with the Commission approved plans (CDP #6-96-147/Calif. State Parks). These include deletion of an approved "perched beach" feature along the top of the revetment and replacement with concrete paving and walkways, deletion of approximately 540 lineal feet of riprap and replacement with 25-ft high (buried) sheet pile wall and concrete slope protection, the relocation of a restroom facility to the southwestern portion of the site, the removal of a beach access stairway and showers damaged by wave action, deletion of an additional beach access stairway and showers, deletion of beach access walkway in the southernmost portion of the site and the grouting of the riprap revetment. In approving the follow-up to the emergency permit and the after-the-fact developments, the Commission required the applicant to satisfy a series of special conditions which needed to have been complied with prior to issuance of the coastal permit. These included: 1) inspection of the repaired revetment within 30 days of Commission action, 2) final "as built" plans, 3) a long-term monitoring plan of the shoreline protection devices, 4) maintenance of the rip-rap revetment, and 5) an assumption of risk. To date, however, none of these special conditions have been complied with and, therefore, the permit has not yet been issued. In addition, with the exception of the approved shoreline protective device improvements (including the modifications to the existing revetment and construction of the sheet pile wall) the remainder of the unpermitted development on site addressed by CDP #6-96-147 has been destroyed by storm wave action. Although substantial time has passed, resolution of the remaining violations (authorization of the unpermitted sheet pile wall and removal of any remaining grouting of the rip-rap) will occur through the applicant's compliance with the special conditions for CDP #6-96-147

pursuant to a separate enforcement action by Commission Enforcement staff and are not addressed by this application. In addition, through this permit request, the other remaining unpermitted development on site is being removed. In particular, the restroom and the remaining concrete rubble from the destroyed beach access stairway, walkways, and paved areas.

The subject site is located at Cardiff State Beach (south) parking lot located on the west side of Highway 101 in the southernmost portion of the City of Encinitas. Surrounding uses include San Elijo Lagoon to the east across Highway 101, Cardiff State Beach to the north, single-family residential development (on the bluffs) to the south, and Cardiff State Beach and the Pacific Ocean to the west.

The City of Encinitas has a certified LCP, but the subject site is within the Commission's area of original jurisdiction since it includes land that either lies below the mean high tide line or where the public trust exists. Therefore, the standard of review for this application is Chapter 3 policies of the Coastal Act with the City's LCP used as guidance.

2. Geologic Hazards. Section 30235 of the Coastal Act states:

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 is applicable and 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 proposed development involves the clean-up and repair to the existing State Park facility located adjacent to the beach west of Highway 101 in Encinitas. In addition to the removal of a damaged unpermitted restroom and undermined concrete, the project includes repair and realignment of an existing rip-rap revetment that currently provides limited protection to the park's parking lot. The revetment will be pulled back as close as possible to the park facility in place of the removed concrete and any migrated rock will be placed back onto the revetment. As can be seen on Exhibits #2 and #3, the realignment of the revetment will result in a substantial reduction in beach area that is currently occupied by development. A rip-rap revetment has been located along this section of

beach since before enactment of the Coastal Act. However, over the years with the construction of the State Park facility, additional rock has been added to the revetment. The applicant's engineer has indicated that while the revetment will be pulled in as close as possible to the existing parking lot, the revetment will not provide adequate protection to the park over the long-term or during El Nino storm events.

Sections 30235 of the Coastal Act requires that revetments necessary to protect existing development be designed to eliminate or mitigate any adverse impact to shoreline sand supply. In this case, however, the proposed development does not involve the construction of a new revetment to protect existing development but rather the realignment and maintenance of an existing revetment that pre-dates the Coastal Act. In addition, the Commission has previously authorized and required maintenance of the revetments at the subject site (CDP Nos. 6-87-459 and 6-96-147/Calif. State Parks). The project also does not include the addition of any rock. While the realigned revetment will be designed to more effectively protect the existing development site, its realignment does not require mitigation for any adverse impacts to shoreline sand supply since the development does not result in a new revetment or even an expansion of the existing revetment. In addition, in moving the revetment closer to the parking lot, more beach area will become available for natural distribution of sand along the shoreline. Therefore, the reconfigured revetment may reduce any existing adverse impacts to sand supply that is may be caused by its current encroachment onto the beach.

Section 30253 of the Act requires that new development minimize risk to life and property and not lead to the destruction of the site such that shoreline protection shall be required. While the realigned revetment will be engineered to perform at its maximum efficiency, even with optimum performance it will not adequately protect the remaining park facilities from the damaging effects of wave action during heavy winter storms or extreme high tides. However, the realigned revetment is not anticipated to accelerate or add to the destruction of the site since following its repair the revetment will occupy less beach than currently exists. In addition, as proposed to include filter fabric throughout the realigned rock, the repair revetment is less likely to result in damage to the surrounding area than what currently exists. While the applicant is not requesting additional shoreline protection, it is anticipated that the existing revetment will require ongoing maintenance, potentially after each winter season. Special Condition #3 has been attached to require the applicant to monitor the realigned revetment on a yearly basis to determine to what extent maintenance may be necessary. In addition, the condition requires the applicant to apply for a coastal development permit for any necessary maintenance so the Commission can be assured that any additional maintenance is limited to only that necessary to maintain the structure in its approved state and not to expand or enlarge the revetment. Special Condition #3 also requires the applicant to submit "as built" plans for the subject development within 30 days of completion of the subject development. The "as built" plans will document the extent and location of the realigned revetment which can be use as a benchmark to assure that any future maintenance will be limited to the footprint of the approved realigned revetment.

Because the development will occur in a known hazard location, the applicant must assume all risks associated with the development. Special Condition #6 requires the applicant to submit a written agreement to the Executive Director assuming all risks associated with the development and indemnifying the Commission from any liability.

In summary, the proposed clean-up of the existing park facility and realignment of the existing revetment will not result in additional impacts to shoreline processes and, as conditioned to assure future maintenance occurs in a timely manner, the project will improve the protection of the park facilities to the greatest extent possible without requiring additional shoreline protective measures. Therefore, as condition, the proposed development is consistent with the requirements of Section 30235 and 30253 of the Coastal Act.

3. Public Access. Several policies of the Coastal Act require that new development protect or enhance public access to and along the shoreline. These policies include:

Section 30210

In carrying out the requirements 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.

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....

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30252.

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Cardiff State Beach is an approximately 1 mile long beach park that is highly used by the public for a variety of beach and ocean activities. The subject development area is located on the south end of Cardiff State Beach and contains one of the largest public beach parking lots in the area (520 spaces). Because of the deteriorated conditions at the subject site, access across the parking lot toward the beach is currently inhibited by the fenced off areas containing the damaged restroom and concrete rubble. Following the removal of these damaged sections of the park, access across the site will improved. It should be noted that while access will be improved, most of the beach immediately seaward of the parking lot contains naturally occurring cobblestone with limited sandy areas west of the cobblestones. Therefore, following removal of the damaged sections of the park facility and the tightening up of the rip-rap revetment, access across site to the beach will still be challenging. However, no portion of the proposed development will inhibit coastal access. No public parking will be removed and, as conditioned, construction activities should not adversely affect the public's ability to use and enjoy the beach.

To limit adverse impacts on public access caused by construction activities, Special Condition #2 prohibits construction activities from occurring during the summer months. Special Condition #4 requires the applicant to submit a staging and construction schedule consistent with the timing requirements of Special Condition #2.

Because the subject project includes the realignment of the rock revetment in place of the removed concrete, closer to the parking lot, the project will result in significant additional beach area that will be returned to its natural state and made available for public use. At times the newly available area may be covered with beach cobble or it may contain sand. In addition, any future migration of rip-rap from the revetment will be removed from these public areas as a result of the ongoing maintenance requirements for the permitted revetment realignment as outlined in Special Condition #3.

In summary, the proposed development for the removal of the damaged areas and realignment of the revetment further landward of the beach will enhance public access to the ocean and shoreline. Therefore, as conditioned, the proposed development is consistent with Sections 30210, 30211, 30212, 30213 and 30252 of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act states as follows:

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. . .

The proposed development will be sited adjacent to the public beach on the west side of Highway 101 in the Cardiff community of Encinitas. This section of Highway 101 is designated in the City's certified LCP as a scenic highway with expansive views of the ocean to the west and San Elijo Lagoon to the east. Therefore any new development along Highway 101 has the potential to adversely affect public views of coastal resources. In this case, however, the proposed development is designed to improve the visual appearance of the State Park that has been subject to damage cause by winter storm wave action. The project involves removing damaged portions of the facilities including a restroom and large sections of undermined concrete along with chain-link safety fencing surrounding the concrete rubble. It also involves realigning a rip-rap revetment that has fallen into to disrepair closer to the parking lot and to place migrated rocks back onto the revetment. No new structures are proposed and the proposed development will result in no new impacts to public views. Therefore, following implementation of the project the visual resources of the area will be greatly enhanced consistent with Section 30251 of the Coastal Act.

5. Unpermitted Development. Development has occurred on the project site without the required coastal development permit including construction of: a restroom facility, beach access stairway, access walkway, paved areas, outdoor shower facility, a 25-ft high (buried) sheet pile wall with concrete slope protection and grouting of an existing revetment. The proposed project includes the demolition and removal of the unpermitted restroom. In addition, with the exception of the unpermitted shoreline protection improvements (sheet pile wall and rip rap grouting) the unpermitted improvements (including the walkways, stairs, paved areas, and shower facilities have been destroyed by storm waves. The applicant is proposing to remove all rubble and debris that has resulted from the destruction of the unpermitted improvements.

The Commission previously approved CDP #6-96-147 in 1996, approving the sheet pile sea wall and slope protection improvements after-the-fact and requiring removal of the grouting. Although substantial time has passed, resolution of the remaining violations (authorization of the unpermitted sheet pile wall and removal of any remaining grouting of the rip rap) will occur through the applicant's compliance with the special conditions for CDP #6-96-147 pursuant to a separate enforcement action by Commission Enforcement staff and is not addressed by this application. To ensure that the components of unpermitted development addressed by this application are resolved in a timely manner, **Special Condition #1** requires that the applicant satisfy all conditions of this permit, which are prerequisite to the issuance of this permit within 60 days of

Commission action, or within such additional time as the Executive Director may grant for good cause. In addition, to ensure that the applicant's proposal to remove the existing unpermitted restroom facility and all concrete rubble/debris between the existing parking lot and rip-rap is implemented within a timely manner, Special Condition #8 requires the applicant to remove the restroom and all rubble within 12 months of issuance of the coastal development permit. The Executive Director may grant additional time for good cause.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

6. 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 located on the east side of the public beach and on the west side of Highway 101 in the Cardiff community of the City of Encinitas. Although the City of Encinitas has a Certified LCP, the project site lies within the Commission's area of original jurisdiction such that the standard of review is Chapter 3 policies of the Coastal Act with the City's LCP used as guidance.

The subject site is zoned and planned for visitor-serving uses in the certified City of Encinitas LCP. The proposed development will have no impact on these designations. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development, as conditioned, will not adversely affect the City's continued implementation of its certified LCP.

7. California Environmental Quality Act. Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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.

As discussed herein, the proposed project, as conditioned to require the applicant to initiate a monitoring and maintenance program for the existing shoreline protection, will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any

significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project, as conditioned, is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

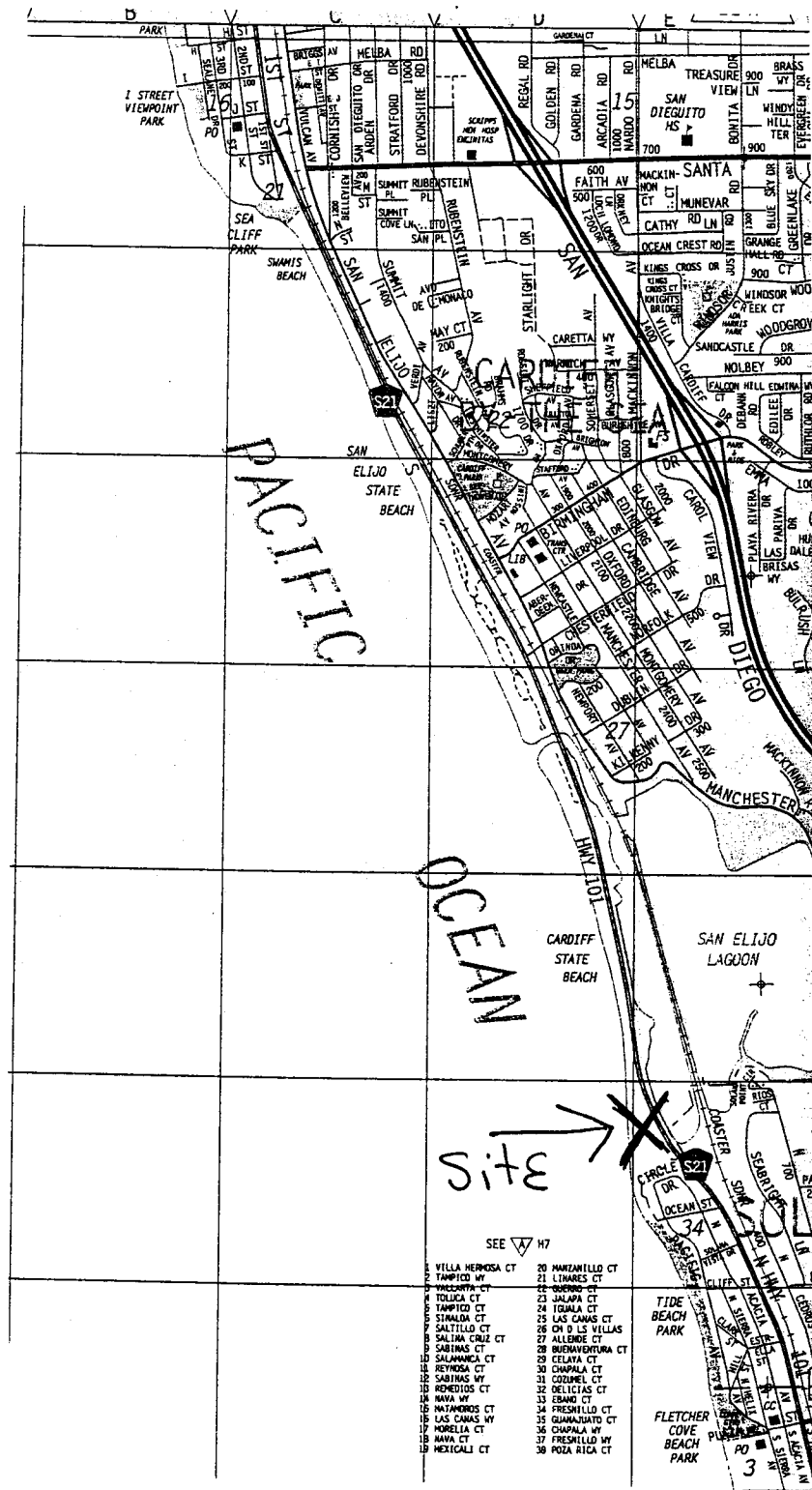


EXHIBIT NO. 1

APPLICATION NO.

6-02-022

Location Map

California Coastal Commission



RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
DATE: _____
APPROVED: _____

SHEET TITLE:
STORM DAMAGE
REPAIR AND CLEAN-UP
(EXISTING SITE PLAN)

CARDIFF STATE BEACH
SOUTH DAY-USE
PARKING LOT

PROJECT SITE:
DESIGNED: 12/12/12
DRAWN: SS
CHECKED: SS
DATE: 12/25/12
SCALE: 1"=12'
PROJECT NO.: 935-821-06

C-1
COASTAL
SHEET 1 OF 3

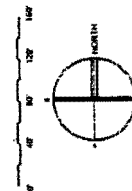
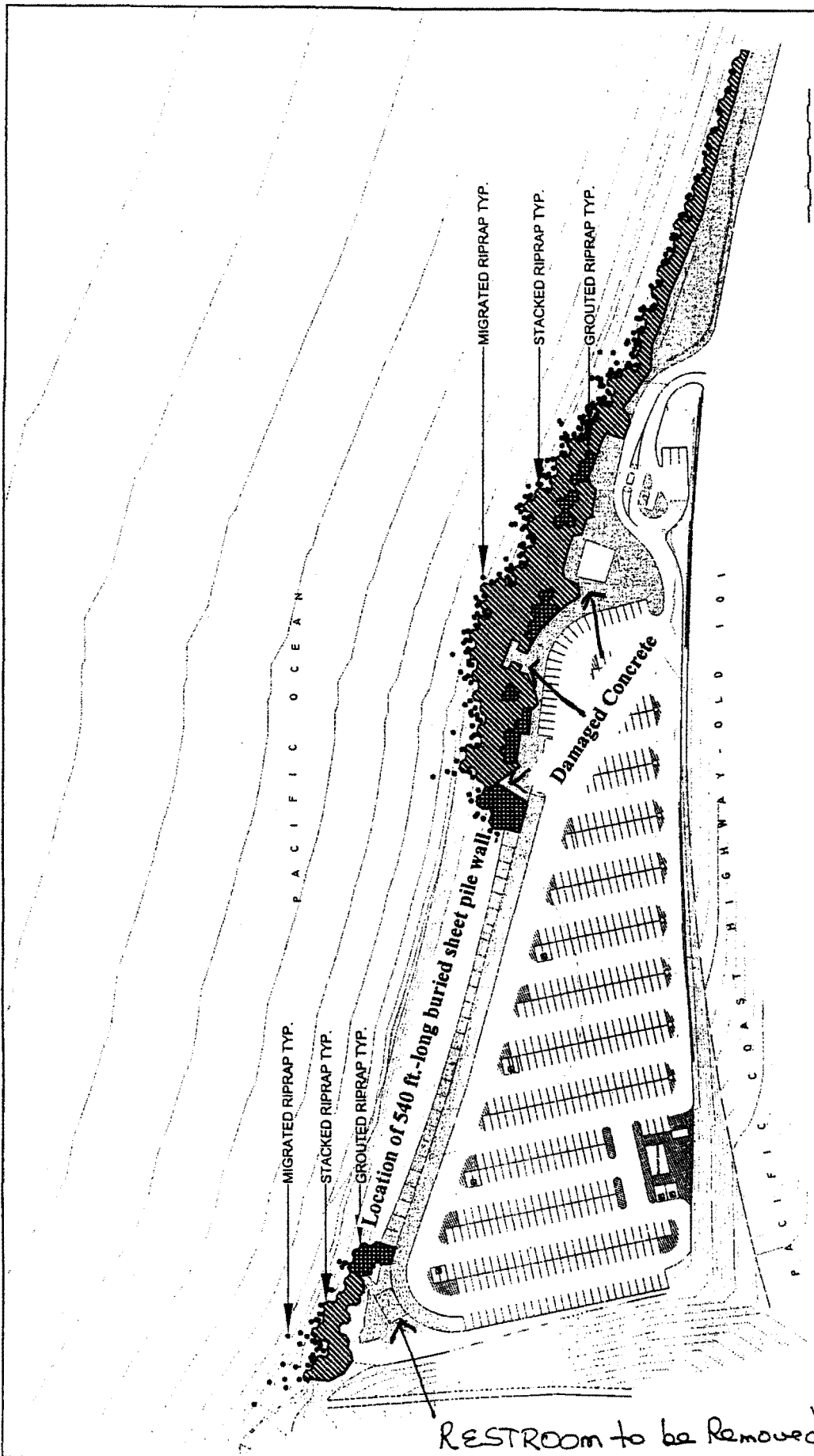


EXHIBIT NO. 2
APPLICATION NO.
6-02-022
Existing Site Plan
California Coastal Commission

220-22-0

220-022

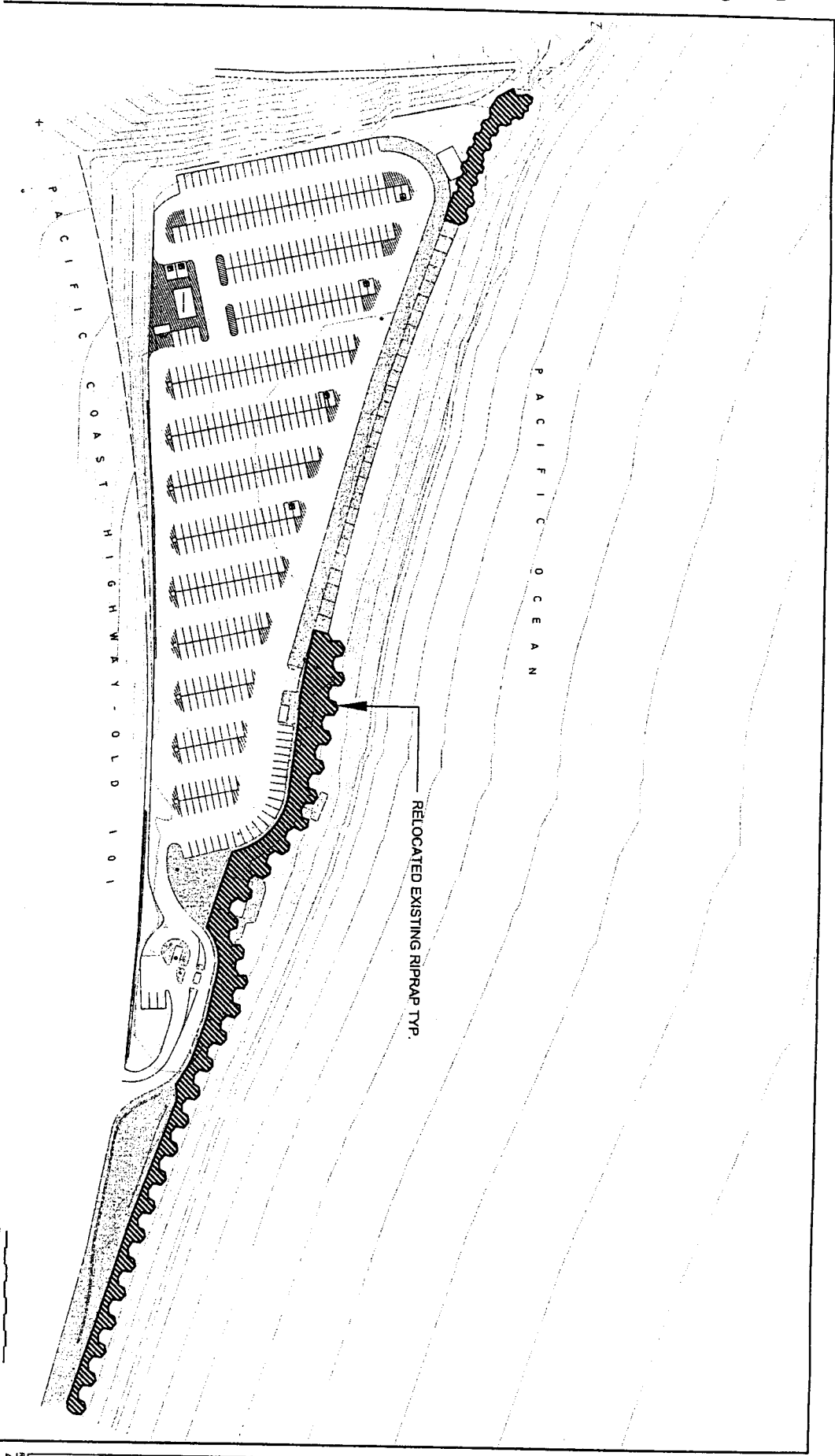
California Coastal Commission

Proposed Site Plan

6-00-022

APPLICATION NO.

EXHIBIT NO. 3



PROJECT SITE:
**CARDIFF STATE BEACH
SOUTH DAY-USE
PARKING LOT**

SHEET TITLE:
**STORM DAMAGE
REPAIR AND CLEAN-UP
(RIPRAP RELOCATION)**

RESOURCES AGENCY OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION
SOUTHERN SERVICE CENTER
APPROVED: _____ DATE: _____

DATE: 03/29/20
SCALE: 1"=100'
PROJECT NO.: 635-021-06

C-2
COASTAL

SHEET 2 OF 3

