

CALIFORNIA COASTAL COMMISSION

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

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-009-A2

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.

First

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.

Proposed

Amendment: Request for after-the-fact approval of construction of temporary worker safety shotcrete application approximately 15 ft.-high, 20 ft.-wide and consisting of approximately 1.5" thick shotcrete skin tiedback with 12 soil nails, 8-ft in length, installed on face of upper bluff.

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.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed after-the-fact temporary shotcrete shoring. The proposed shoring has already been substantially removed and the lower section has already been covered by the previously approved colored and sculpted concrete infill. Therefore, the after-the-fact shotcrete structure will not adversely affect coastal resource beyond that which will occur by the installation of the original project involving the already approved installation of the piers and infill between and behind the piers.

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, 6-00-9/Del Mar Beach Club and 6-00-9/Del Mar Beach Club.

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-A2 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the 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 condition:

1. Prior Conditions of Approval. All special conditions adopted by the Coastal Commission as part of the original permit and amendment actions shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed amendment involves a request for after-the-fact approval for the construction of an approximately 20 ft. wide and 15 ft. high shotcrete application over the face of the upper bluff to protect workers from upper bluff failures while they are installing the previously approved 5 piers and concrete facing into the lower areas of the bluff. The shotcrete consists of an approximately 1.5" thick shotcrete skin tieback with 12 soil nails that are approximately 8-ft in length. The location of the protective shotcrete coincides with an area already approved for backfill behind the exposed piers. Therefore, the subject project will not affect any additional area of the bluff over that which has previously been approved for development and will not be visible following installation of the backfill behind the piers. The applicant has recently indicated that most the subject shotcrete shoring has been removed and the lower portion of the shoring has been covered over by colored and textured infill placed between and behind the previously approved piers. Therefore, no portion of the shoring is currently visible.

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 (CDP #6-00-009/Del Mar Beach Club). 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. Before the below-grade piers could be installed however, the bluffs at this located continued to fail such that portions of the piers would no longer be "below-grade". In January 2002, the Commission approved the installation of colored and sculpted concrete infill between and behind the exposed of portions of below-grade drilled piers (CDP #6-00-009-A1/Del Mar Beach Club). Special Condition #8 of Coastal Development Permit Amendment No. 6-00-009-

A1 requires the applicant to contact the Commission before commencing any revision to the project involving the installation of the colored and sculpted infill that may become necessary because site conditions change and to obtain an amendment for changes. The subject development represents an after-the-fact amendment request as required by Special Condition #8 of CDP #6-06-009-A1.

In addition, the applicant commenced work on the project prior to satisfying the prior-to-issuance conditions of CDP #6-96-009 and before the coastal permit authorizing such work had been issued. On March 26, 2002, Commission Enforcement staff instructed the applicant to stop all work on site until all prior-to-issuance conditions of the permit had been met and the permit had been issued. The applicant stopped all work on site and submitted additional materials to comply with the required conditions. Upon review of the information submitted, the construction of the unpermitted shoring that is the subject of this amendment application was discovered. Consequently, Commission staff directed the applicant to submit a coastal development permit amendment request for the additional shoring work that had taken place.

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. 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...

The proposed project involves the after-the-fact installation of an approximately 20 ft. wide, 15 ft. high shotcrete application across the face of the upper bluff in order to protect

workers installing permitted drilled piers and concrete infill on the lower sections of the bluff below an existing condominium complex. The shotcrete consists of an approximately 1.5" thick shotcrete skin tiedback with 12 soil nails that are approximately 8-ft in length. Because the bluffs at the subject site have been determined in earlier Commission action to be hazardous and a threat to the condominiums at the top of the bluff, any construction on the bluff has a potential of destabilizing the bluffs and intensifying the threat to the condominiums. In this case, the Commission's geotechnical staff have reviewed the proposal and concurred that it is necessary to protect workers and that the work itself is unlikely to destabilize the site beyond that which already has occurred. In addition, because the shoring was necessary to protect workers installing the drilled piers and that work has been completed, most of the shotcrete application has already been safely removed or covered by the infill permitted by Coastal Development 6-00-009-A1. However, the soil nails remain in the bluff and were not removed since their removal would likely destabilize the bluff.

Because the installation of the drilled piers was necessary to protect the existing development from the threat of bluff erosion, the worker protective shoring is also necessary to construct in order to accommodate the installation of the required piers. Because most of the shotcrete application has been removed or covered by another layer of infill, its construction does not adversely affect the geology of the site consistent with Section 30253 of the Coastal Act. In addition, Section 30235 of the Act requires that shoreline protection when necessary be designed to eliminate or mitigate its impact on local shoreline sand supply. However, in this case, the previously approved pier installation and associated backfill which lies seaward and on top of the protective shoring was permitted with a condition requiring the applicant to contribute an appropriate in-lieu fee to the SANDAG sand replenishment program. Therefore, the sand supply affected by the subject after-the-fact construction of the shotcrete safety shoring has already been mitigated for in the Commission's previous action (CDP #6-00-009/Del Mar Beach Club). Therefore, as conditioned, the Commission finds that the proposed after-the-fact development is consistent with Sections 30235, and 30253 of the Coastal Act.

3. 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 after-the-fact temporary installation of an approximately 20 ft. wide, 15 ft. high shotcrete application across the face of the upper bluff in order to protect workers installing permitted drilled piers and concrete infill on the lower sections of the bluff below an existing condominium complex. The bluffs adjacent and south of the subject site remain in their natural condition devoid of shoreline protection. Below the subject site and to the north, a series of shoreline protective devices currently exist including a 540 foot-long, 15 foot-high concrete seawall, five drilled piers that lie directly west and perpendicular to the subject shotcrete application and a structural infill between and behind the exposed portions of the piers that have been colored and textured to match the surrounding natural bluffs. In addition, since the time that the shotcrete safety shoring was installed without benefit of permit most of the upper portion of the shotcrete has been removed from the site and any remaining shotcrete has been covered by the colored and textured fill that surrounds the exposed portions of the drilled piers. Therefore, because the after-the-fact shotcrete application was designed to be temporary until construction was completed on the drilled piers and the infill surrounding the exposed portions of the piers, any visual impacts associated with the project would be temporary. In this case, the visual impacts of the after-the-fact shotcrete have already mitigated by either its removal or covering by the colored and textured infill. Therefore, the Commission finds that potential visual impacts associated with the proposed development have been reduced to the maximum extent feasible. Thus, the project is consistent with Sections 30240(b) and 30251 of the Coastal Act.

4. 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 $\frac{1}{4}$ 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 $\frac{1}{2}$ 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 after-the-fact shotcrete application 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. In addition, the constructed work necessary to install the subject after-the-fact shotcrete application will occur from the top of the bluff such that no impacts to public access on the beach is anticipated. Therefore, the Commission

finds the project consistent with the public access and recreation policies of the Coastal Act.

5. Unpermitted Development. Unpermitted development has been carried out on the subject site without the required coastal development permit. The applicant is requesting after-the-fact approval for construction of temporary worker safety shotcrete application approximately 15 ft.-high, 20 ft.-wide and consisting of approximately 1.5" thick shotcrete skin tiedback with 12 soil nails, 8-ft in length, installed on face of upper bluff.

Although construction of the shotcrete on the face of the upper bluff has taken place prior to submission of this permit application, 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 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.

Therefore, the Commission finds the proposed development, 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

7. 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 found to be consistent with the geologic hazards, visual quality, and public access policies of the Coastal Act. Mitigation measures included with original permits for the installation of the piers and colored and textured fill between and around any exposed sections of the piers adequately mitigate for any adverse impacts associated with the subject project. 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.

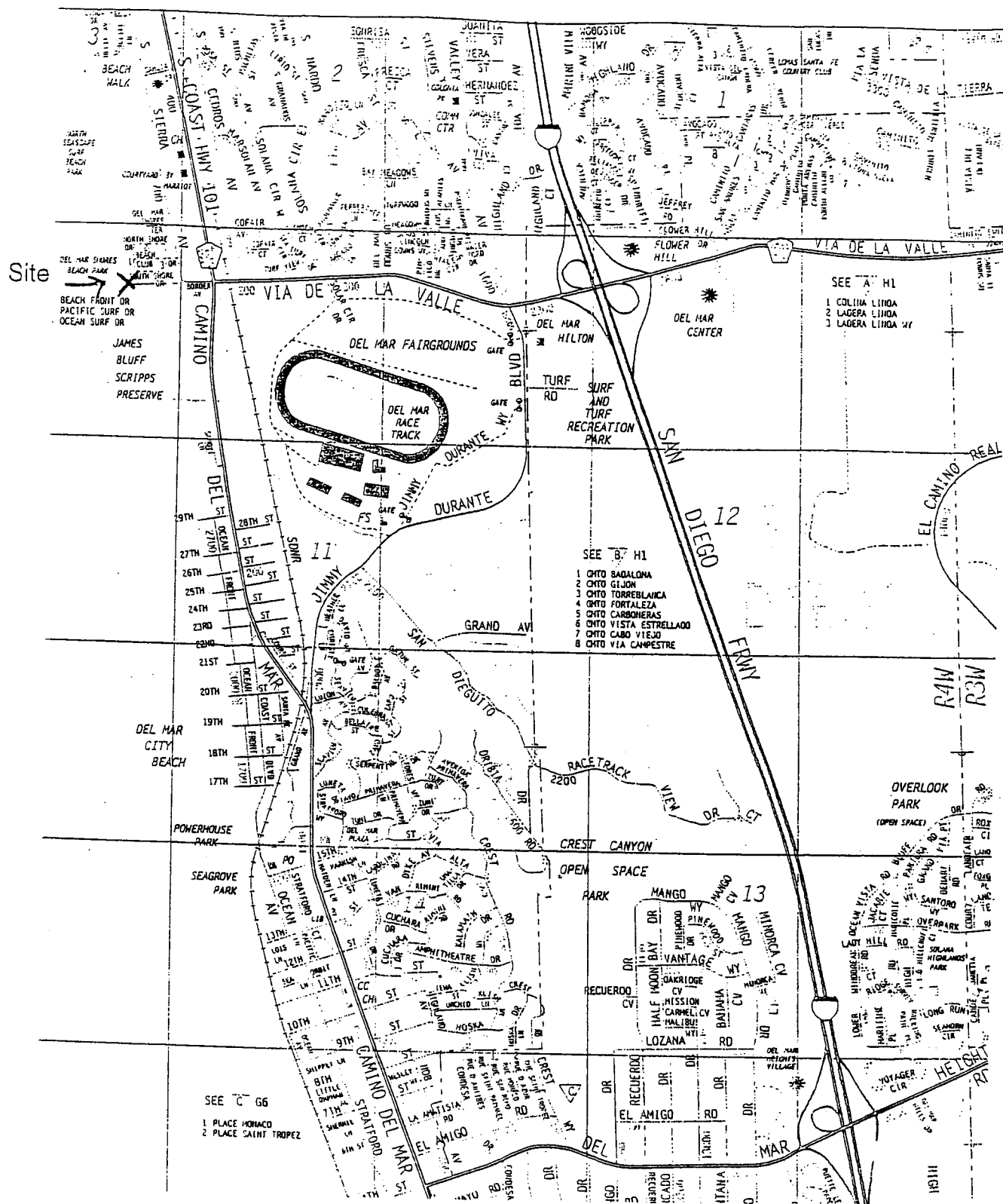
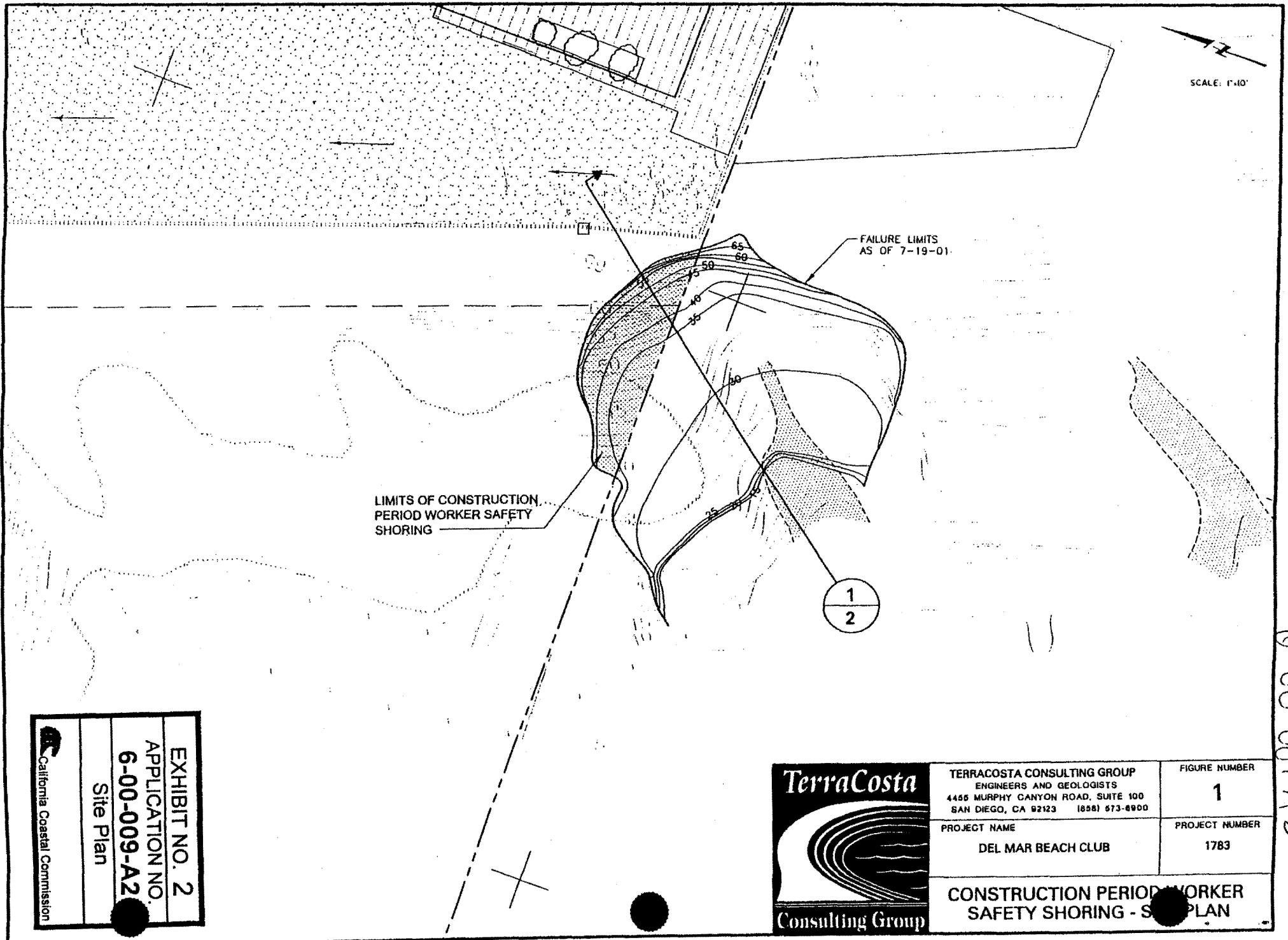
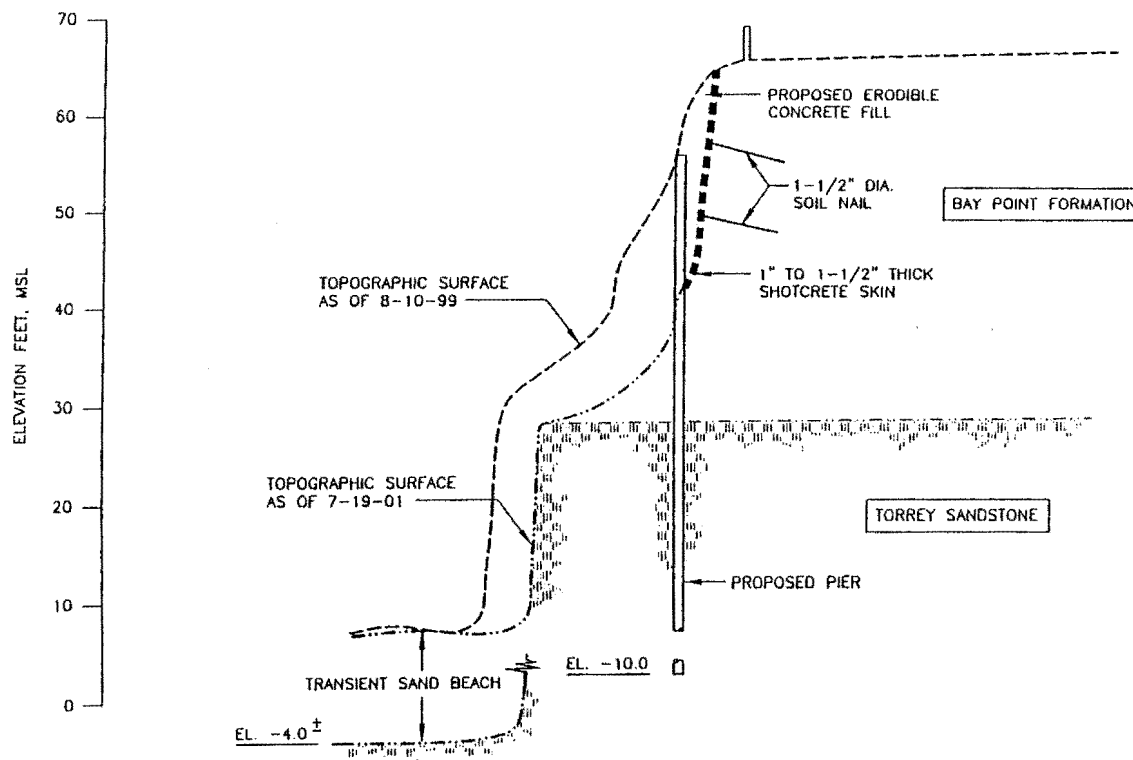


EXHIBIT NO. 1
APPLICATION NO.
6-00-009-A2
Location Map





SECTION

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

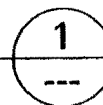


	EXHIBIT NO. 3
	APPLICATION NO.
	6-00-009-A2
	Cross-Section



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PROJECT NAME
DEL MAR BEACH CLUB

FIGURE NUMBER
2

PROJECT NUMBER
1783

CONSTRUCTION PERIOD WORKER
SAFETY SHORING - CROSS SECTION

6-00-009-A2

