

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Filed:	11/7/02
49th Day:	12/26/02
180th Day:	5/6/03
Date of Extension Request:	4/15/03
Length of Extension	90 Days
Final Date for Commission Action	7/14/03
Staff:	GDC-SD
Staff Report:	4/17/03
Hearing Date:	5/6-9/03

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-85

Applicant: City of Solana Beach

Agent: Chandra Collure

Description: Request for after-the-fact approval of repair to the existing south end of a seacave/notch infill involving the addition of approximately 1 ½ cu. yds. of erodible concrete and new repair/maintenance to the north end of infill to include colorizing the existing infill material to more closely match the surrounding natural bluff.

Zoning	Open Space/Recreation
Plan Designation	Open Space/Recreation

Site: At the base of the bluff south of Tide Beach Park stairway at the foot of Solana Vista Drive & Pacific Avenue, Solana Beach (San Diego County)

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Certified County of San Diego Local Coastal Program; Group Delta Consultants, Inc. (GDC) "Geotechnical Investigation Sea-Cave Infill Tide Beach Park Stairway," 11/29/99; GCD, "Alternative Measures for Sea-Cave Stabilization," 12/13/99; "Geotechnical Evaluation of The Tide Beach Park Sea Cave Infill Project" by GeoSoils, Inc., dated April 19, 2002; CDP No. 6-99-95/City of Solana Beach.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed repair of the seacave/notch fill with special conditions requiring the removal of all portions of the after-the-fact fill that

extend out more than 6 inches from the face of the lower bluff. Other conditions address the timing of construction, and the maintenance and monitoring of the proposed repairs.

PRELIMINARY STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-85 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. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, final notch/seacave repair plans. The plans shall indicate that:

- a. All portions of the existing infill that extend more than 6 inches seaward of the existing lower bluff drip-line shall be removed.

- b. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces with the exception of 12 parking spaces within the City-owned parking lot on South Sierra Avenue, southeast of Fletcher Cove. 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 for the repair and maintenance work authorized by this permit. . Construction equipment shall not be washed on the beach or in the Fletcher Cove parking lot.

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.

2. Color Board. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, final details regarding the construction method and technology utilized for texturing and coloring the existing notch/seacave fill. Said details shall be sufficient to verify that the seacave/notch infill color and texture closely match the adjacent natural bluffs, including provision of a color board indicating the color of the fill material, and the color of the adjacent bluff.

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.

3. Waiver of Liability. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants as landowner shall submit a signed agreement to the Executive Director, which shall provide: (a) that the applicant understands the site may be subject to extraordinary hazards from geologic occurrences such as bluff erosion and collapse and the applicant assumes the liability from such hazards, and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents and employees, relative to the Commission's approval of the project for any damage due to natural hazards.

4. Timing of Work/Access Closure. Construction of the approved project shall not occur on weekends and holidays between Memorial Day weekend and Labor Day of any year, and construction shall not result in the closure of Tide Beach Park stairway to public access at any time between Memorial Day and Labor Day. 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.

5. Future Maintenance/Debris Removal. The permittees shall remove all debris deposited on the beach or in the water as a result of construction/repair work on the shoreline protective device. The permittees shall also remove all debris deposited on the beach or in the water as a result of failure or damage of the shoreline protective device in the future. In addition, the permittees shall maintain the permitted notch/seacave fill in its approved state except to the extent necessary to comply with the requirements set forth below. Maintenance of the notch/seacave fill shall include maintaining the color, texture and integrity. Any change in the design of the project or future additions/reinforcement of the notch/seacave fill beyond minor regrouting or other exempt maintenance as defined in Section 13252 of the California Code of Regulations to restore the notch/seacave fill 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, including maintenance of the color of the fill to ensure a continued match with the surrounding natural bluffs, the permittee shall contact the Commission office to determine whether a coastal development permit or coastal development permit amendment is necessary, and shall subsequently apply for a coastal development permit or amendment for the required maintenance.** If at any time after project completion, the notch/seacave fill is found to extend seaward of the face of the natural bluff by more than six (6) inches in any location, the permittees shall obtain and implement a coastal development permit to remove or other remedy this condition such that no seaward extension of the fill remains.

6. As-Built Plans. Within 60 days following completion of the project, the permittee shall submit as-built plans of the approved seacave/notch fill repairs. Said plans shall include photographs of the project site demonstrating the color and appearance of the fill in relation to the surrounding natural bluffs. 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 seacave/notch fill repairs have been constructed in conformance with the approved plans for the project.

7. Monitoring/Maintenance. Pursuant to Special Condition #3 of Coastal Development Permit No. 6-99-95 for the construction of the subject seacave/notch infill which required ongoing maintenance and monitoring of the infill, the repairs to the infill requested in the subject Coastal Development Permit No. 6-02-85 shall be monitored and maintained for the life of the project in the same manner as required by Special Condition #3 of CDP No. 6-99-95.

8. Condition Compliance. **WITHIN 90 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.

9. Removal of Infill Section. **WITHIN 90 DAYS OF ISSUANCE OF THIS PERMIT**, or within such additional time as the Executive Director may grant for good cause, the applicant shall remove all portions of the seacave/notch infill that extends out more than 6 inches from the drip-line of the bluff face consistent with the plans approved pursuant to Special Condition #1 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project involves the request for after-the-fact approval for repair of the south end of a previously approved seacave/notch infill at Tide Beach Park. In addition, the applicant proposes to repair the north end of the infill that has been subject to cracking and separation from the bluff face through the addition of small amounts of erodible fill and to re-stain or colorize the entire facade of the existing seacave/notch infill to more closely match the natural surrounding bluffs.

In January of 2000, the Commission approved filling a 70-foot long, maximum 18-foot high, 17-foot deep (maximum) seacave/notch with a sculpted and colored erodible concrete placed flush with the face of the surrounding bluff (6-99-95/City of Solana Beach). The applicant complied with all prior to issuance special conditions of CDP #6-99-95, the permit was released and the infill was subsequently completed. Special Condition #3 of the original permit required the applicant to monitor the infill and to apply for a coastal development permit in the event that repairs were necessary. In addition, if any portion of the infill were to extend out more than 6 inches from the face of the bluff, the applicant was required to submit an application to remove those portions extending out more than 6 inches. In addition, the monitoring program submitted by the applicant and approved by the Executive Director provided that "[t]he notch/seacave shall conform as closely as possible to the natural contours of the bluff and shall not protrude beyond the existing drip-line (a parallel line extending down from the seaward face of the bluff above the notch)." The unpermitted repair of the south end of the seacave fill resulted in a section of infill that extends more than 6 inches seaward of the lower bluff's drip line.

The filled seacave/notch is located on the south side of an existing public beach stairway and lifeguard tower. The stairway provides access from the western terminus of Solana Vista Drive at Pacific Drive in Solana Beach and descends down the bluff and westward onto the ridgeline of a headland that forms the southern border of Tide Beach Park's pocket beach. Existing bluff top improvements in the area include the stairway, lifeguard

tower and, above the southernmost end of the notch, an existing single-family residence. The stairway is the only beach access point north of Fletcher Cove in Solana Beach.

The project is located at the base of an approximately 72-foot high bluff located on the south side of Tide Beach Park in the City of Solana Beach. The bluffs and beach in this area are owned by the City of Solana Beach. The City of Solana Beach does not yet have a certified LCP, and the project site is located in an area of the Commission's original jurisdiction. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review.

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.

Additionally, Section 30253 of the Act states, in part:

New development shall:

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

The Commission has traditionally been concerned with the siting of new development directly along the shoreline in terms of both its encroachment onto public sandy beach as well as visual impacts. Section 30235 of the Act acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or "hard" solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures or public beaches in danger from erosion, and only when designed to eliminate or mitigate adverse impacts on local sand supply. The Coastal Act does not require the Commission to approve shoreline-altering devices to protect vacant land or in connection with requests to construct new development. A shoreline protective device proposed to protect new development or vacant land is likely to be inconsistent with various Coastal Act policies. For example, Section 30253 addresses new development and requires that it be sited and designed to avoid the need for protective devices that would substantially alter natural landforms along bluffs and cliffs.

The existing concrete infill is approximately 70-foot long, maximum 18-foot high and a maximum of 17-foot deep. The applicant is requesting to repair the south and north ends of an existing seacave/notch infill by filling in the eroded voids between the fill and the bluff with erodible concrete so as to conform to the natural contours of the bluff. In addition, because the color of the existing infill does not currently conform to the colors of the natural surrounding bluffs, the applicant is proposing to re-stain or colorize the existing concrete infill to reduce its contrast with the adjacent natural bluff. The previously approved permit for the construction of the subject infill required the applicant to perform such maintenance. The proposed project will not result in changes to the height or footprint of the existing infill. The Commission's coastal engineer has reviewed the proposed project and has concurred that the work is necessary as part of expected repair and maintenance of the infill structure.

The purpose of the proposed repairs is to maintain the existing infill so as to assure it performs as designed to prevent the seacave/notch from collapsing and undermining the public access stairway and lifeguard tower. The stairway is the only beach access point north of Fletcher Cove in Solana Beach.

Although the repair to the infill is required to protect the existing structures on the site, Section 30235 of the Coastal Act requires that the shoreline protection be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. There are a number of adverse impacts to public resources associated with the construction of shoreline structures. The natural shoreline processes referenced in Section 30235 of the Coastal Act, such as the formation and retention of sandy beaches, may be altered by construction of a shoreline protective devices, since bluff retreat is one of several ways that beach area and beach sand is added to the shoreline. Bluff retreat is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement, and eventual collapse; saturation of the bluff soil from ground water causing the bluff to slough off, as well as natural bluff deterioration. A shoreline protective device constructed on the beach at the toe of the bluff directly impedes these natural processes.

In approving the subject seacave/notch infill in 2000, the Commission determined that the infill structure would be designed to minimize impacts to sand supply. The subject repair work will not have any adverse impacts on sand supply beyond what was already approved by the Commission. Therefore, in this case, no mitigation for impacts to sand supply is necessary.

Special Condition #5 requires that if upon inspection, it is apparent that further repair and maintenance of the seawall beyond what is allowed under this permit is necessary, the permittees shall contact the Commission office to determine whether permits are legally required, and, if required, shall subsequently apply for a coastal development permit or amendment for the necessary maintenance. A special condition similar to Special Condition #5 was included on the original permit for the construction of the seacave/notch infill (6-99-95/City of Solana Beach). With this requirement, the

Commission can be assured that no further work occurs at the site (or damage to the surrounding area) without review by Commission staff.

Also, due to the inherent risk of conducting construction activity on an eroding bluff subject to wave action, Special Condition #3 requires the applicant to waive any claim of liability against the Commission and to indemnify the Commission against damages that might result from the proposed development. Given that the applicants have chosen to construct the proposed additions despite these risks, the applicants must assume the risks.

Special Condition #6 has also been attached. This condition requires that, within 60 days of completion of the project, as built-plans and certification by a registered civil engineer be submitted that verifies the proposed repairs and infill coloring has been constructed in accordance with the approved plans and color board.

Finally, Special Condition #7 has been attached which advises the applicant that the conditions related to the original seacave/notch infill approval (6-99-95/City of Solana Beach) are still in full force and effect. In particular, the condition identifies that all maintenance and monitoring requirements of the original permit for the overall seacave/notch infill shall be applicable to the repair elements of the subject proposal.

In summary, the Commission finds that the proposed repairs to the existing seacave/notch are necessary to protect the existing public stairway. Furthermore, the proposed repairs will not increase the impact that the existing structure has on shoreline sand supply to any greater degree than the infill does as originally constructed and will not substantially alter natural land forms. Therefore, the project, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act.

3. Visual Resources. Section 30251 of the 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...

The proposed development is located on the face of a coastal bluff at beach level. Undercutting of the bluffs and seacaves are a fairly prominent feature of the shoreline in this area, and filling this area alters the natural appearance of the bluffs. In this case, the existing seacave/notch infill serves to protect the existing public stairway and lifeguard station from the threat of erosion. There are numerous seacave plugs and notch fills along the Solana Beach shoreline. When constructed and maintained to match the bluffs, these fills, while visible, are relatively inconspicuous and do not represent a significant visual blight, as long as the coloring is properly maintained so that it matches the surrounding bluffs and they do not extend out onto the beach seaward of the bluff face.

Part of the proposed repair project involves the as-built application of approximately 1-1/2 cu. yds. of concrete to the south end of the seacave/notch infill in order to fill an approximately 2 ft.-wide void that has developed between the bluff and infill. The original coastal development permit for the construction of the seacave/notch infill required the applicant to maintain the infill in its approved state, obtain Commission approval for any needed repair work requiring a permit and remove any portion of the infill that extends out more than 6 inches from the face of the bluff. Commission staff has visited the site and determined that as a result of the as-built construction, the southern end of the seacave/infill extends out more than 6 inches from the face of the bluff. As a result, the south end of the infill does not conform to the natural contours of the surrounding bluff and results in adverse visual impacts to the shoreline. Therefore, Special Condition #1 requires the applicant to submit revised plans deleting any portion of the infill that extends out more than 6 inches from the bluff face. In addition, to assure the work is performed in a timely manner, Special Condition #9 requires the applicant to remove those extended portions within 90 days of issuance of the coastal development permit.

The other elements of the proposed repair work involve the application of erodible fill to the north end of the infill in order to fill cracks that have developed between the bluff and infill and to re-stain or colorize the face of the existing seacave/notch infill to more closely match the surrounding bluffs. The applicant proposes to use the same erodible mix of concrete as currently constitute the make-up of the existing infill.

However, matching fill material to the appearance of natural bluffs can be a tricky process, as it can take weeks or even months before the material fully cures, and thus it is difficult to tell at the time of application how well the fill material will blend into the surrounding natural bluffs. Another difficulty is that even once cured, weathering can change the appearance of either the plug or the surrounding bluffs. Thus, even if the notch fill matches the natural bluffs closely one year, several years later there may be a distinct difference in appearance. Therefore, Special Condition #2 requires the applicant to submit final details on the method chosen to color and texturize the fill material, with a color board indicating the color of the fill material. In addition, Special Condition #5 requires that the applicant maintain the color of the fill to ensure the material continues to blend in with the surrounding bluffs in the future.

Thus, although the project will have some adverse effect on the natural appearance of the bluffs, the project has been designed and conditioned to match the surrounding natural bluffs to the maximum extent feasible, thereby reducing negative visual impacts to the extent feasible. Therefore, the Commission finds that the subject development is consistent with Section 30251 of the Coastal Act.

4. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access to and along the shoreline, in particular, Sections 30210, 20211, 30212.5, 30221, 30223 and 30252. These policies address maintaining the public's ability to reach and enjoy the water, preventing overcrowding by providing adequate recreational area, protecting suitable upland recreational sites, and

providing adequate parking facilities for public use. In addition, Section 30604(c) requires that a specific access finding be made for all development located between the sea and first coastal roadway. In this case, such a finding can be made.

The subject project is located on the bluff formation directly adjacent to a public beach. Shoreline protection projects do have the potential to impact existing lateral access along the beach. Structures which fix the back of the beach stop the landward migration of the beach profile while the shoreward edge continues to erode, thereby reducing the amount of dry sandy beach available to the public. In the case of the proposed notch fill, the fill material has been designed to erode with the natural bluffs, and thus will not permanently fix the back of the beach. In addition, as conditioned, the fill will not extend beyond the face of the bluff onto sandy beach currently usable by the public. However, as previously described, a portion of the existing infill on the south end currently extends out more than 6 inches from the face of the bluff onto the public beach. The beach area seaward of the bluffs along the Solana Beach shoreline is very narrow and during high tides or winter storms it may be non-existent. Therefore, any encroachment onto the beach by shoreline protective devices, no matter how small, has the potential to adversely affect the public's ability to access the shoreline. Special Condition #1 has been attached which requires the applicant to submit project plans documenting that all portions of the infill that extends out more than 6 inches from the face of the bluff are deleted from the approved plans. In addition, Special Condition #9 requires the applicant to remove that section which extends out more than 6 inches within 90 days of issuance of the permit. Special Condition #5 also requires that the applicant is responsible for removal of construction debris from the site. In this way, the Commission can be assured that public access at his location will not adversely affected by the proposed infill repairs.

The use of the beach or public parking areas for staging of construction materials and equipment also adversely impacts the public's ability to gain access to the beach. The City proposes to access the subject site via Fletcher Cove but has not submitted a detailed construction access and materials storage plan. In previous actions involving the repairs to the stairway and lifeguard tower and seacave/notch infill, the City proposed to use up to 12 spaces in an existing City-owned parking lot across the street from Fletcher Cove known as the "Distillery Lot" (for it's previous use) for temporary staging and storage of equipment during construction. In the past, the Commission has allowed use of this lot for construction staging and storage for the construction of shoreline protective devices.

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. As conditioned by Special Condition #4, no construction can occur on weekends or holidays between Memorial Day and Labor Day. Special Condition #4 also requires that the Tide Beach Park stairway not be closed as a

result of construction activities at any time between Memorial Day and Labor Day. Therefore, construction activities and use of the off-site parking facility for staging and storage is not expected to have a significant adverse impact on beach access.

Special Condition #1 requires the applicant to include a detailed construction access and storage plan for the proposed work on the final plans submitted for Executive Director approval. The condition prohibits the applicants from storing vehicles on the beach overnight, using any public parking spaces other than the 12 Distillery spaces for staging and storage of equipment, and prohibits washing or cleaning construction equipment on the beach or in the parking lot. Except for minor exempt maintenance as defined by Section 13252 of the California Code of Regulations, any other work will require an amendment to this permit or a new coastal development permit. Therefore, impacts to the public will be minimized to the greatest extent feasible.

Therefore, as conditioned, the Commission finds that the subject proposal will not result in any significant adverse impacts on beach access or public recreation consistent with Sections 30210, 30211, 30212.5, 30221, 30223 and 30252, pursuant to Section 30604(c) of the Coastal Act.

5. Unpermitted Development. The proposed development will occur on a site where development has occurred without the benefit of a coastal development permit. In approximately the Spring of 2002, the City added approximately 1 ½ cu. yds. of concrete to the south end of the seacave/notch infill in order to fill an approximately 2 ft.-wide void that had developed between the bluff and infill. The repair work involved the use of mechanized equipment on the beach, which pursuant to Section 13252(10(D) of the Commission's Code of Regulations, requires a coastal development permit. As a result of this unpermitted repair, the south end of the seacave/notch infill now extends out onto the beach approximately 1-½ feet.

To assure that this application involving unpermitted development is resolved in a timely manner, Special Condition #8 requires that the applicant satisfy all conditions of this permit which are prerequisite to the issuance of this permit within 90 days of Commission action. In addition, to assure that the applicant removes any portion of the unpermitted development not authorized by this permit in a timely manner, Special Condition #9 requires the applicant to remove any portion of the seacave/infill that extends out more than 6 inches from the face of the bluff, consistent with the final plans required by Special Condition #1, within 90 days of issuance of the permit, unless additional time is granted by the Executive Director for good cause.

Although development has taken place without the benefit of a coastal development permit, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred, nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development 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. While the Commission certified the County LCP, the County never accepted the Commission's modifications and therefore, the LCP was never effectively certified. Chapter 3 policies of the Coastal Act remain the standard of review.

Since the proposed project, as conditioned, will not encroach into usable beach area and will improve the visual resources of the area, the project is in conformance with all applicable Chapter 3 policies, and therefore the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

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 conditioned in order to be found consistent with the geologic stability, visual quality and public access policies of the Coastal Act. Mitigation measures, including conditions addressing monitoring the notch fill and the color of construction materials, 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.

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.

SITE

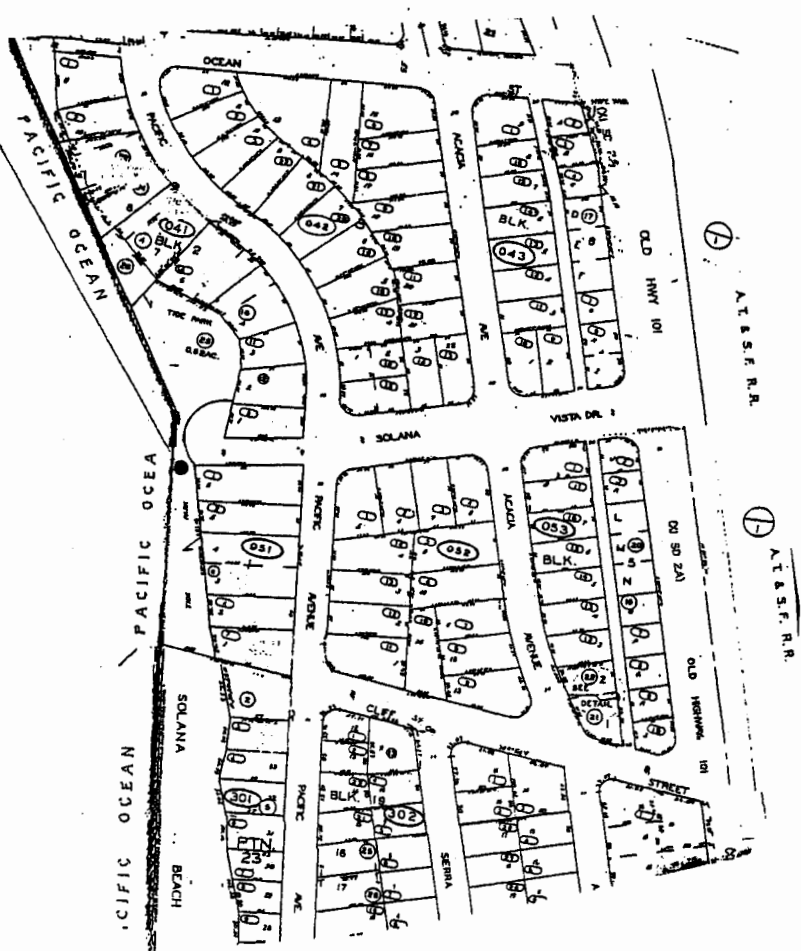
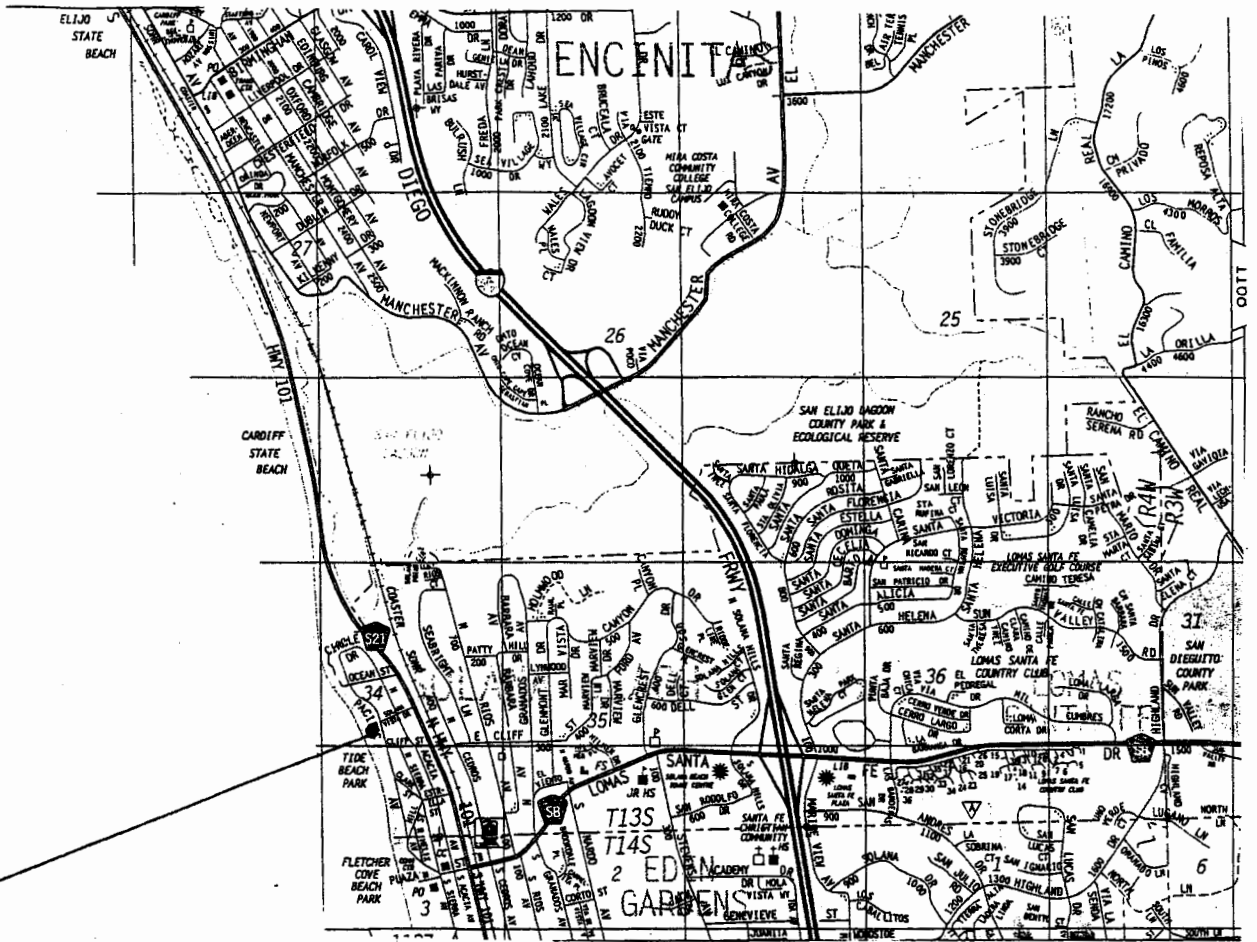
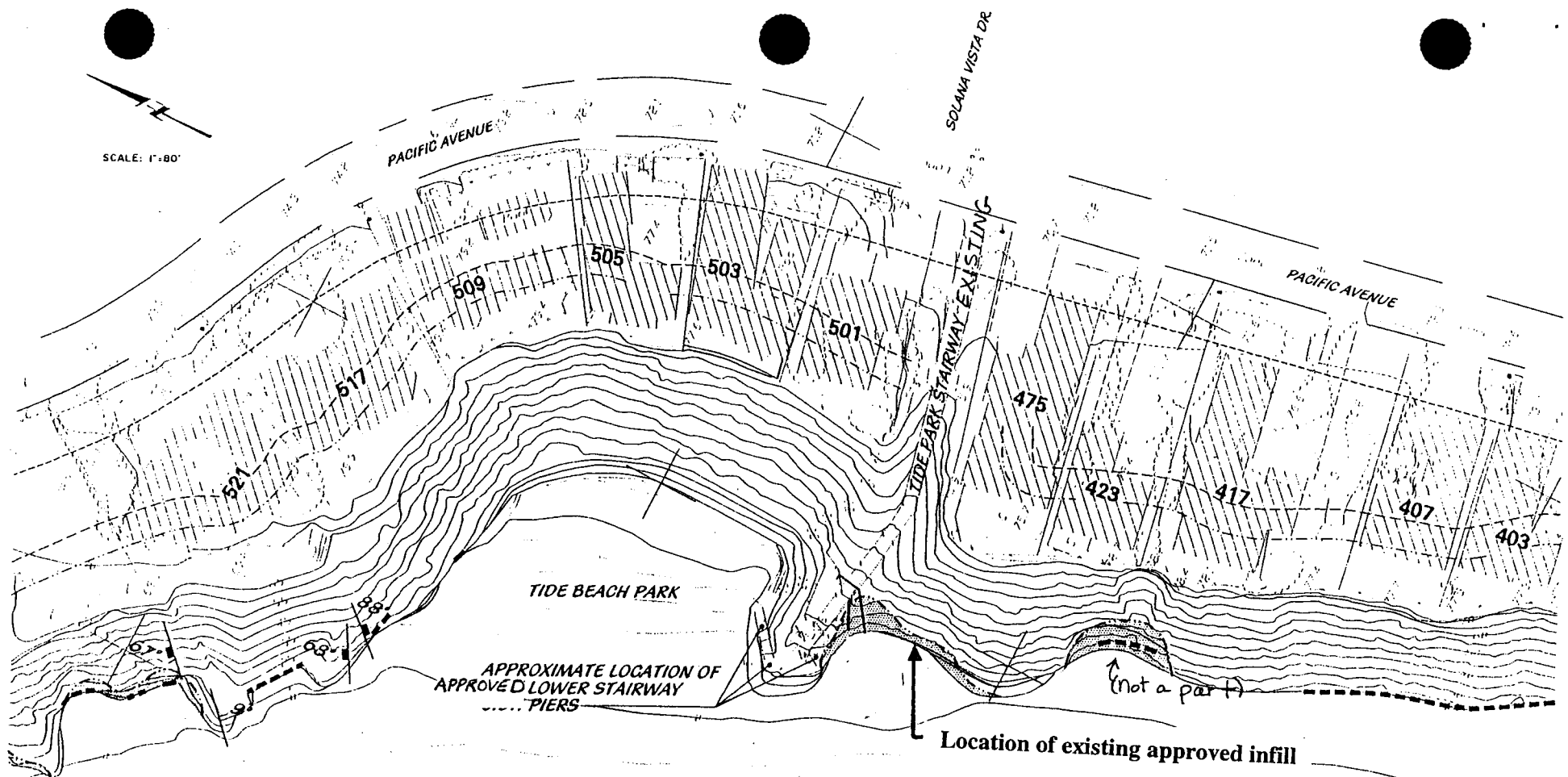


EXHIBIT NO. 1
APPLICATION NO.
6-02-85
Location Map
California Coastal Commission

SCALE: 1"=80'

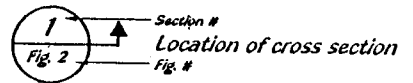


LEGEND

- Approximate location of City of Solana Beach setback from street centerline
- Approximate location of Coastal Commission 25-foot setback line from bluff
- Approximate location of Coastal Commission 40-foot setback line from bluff
- Location of infill
- ▨ Limits of seacave/notch/overhang

GEOLOGIC SYMBOLS

- 4° Location of strike & dip of bedding
- 53° Location of strike & dip of joint



SITE PLAN

Project Name: Seacave Infill - Tide Beach Park Stairway

Figure Number: 1

<p>California Coastal Commission</p>	EXHIBIT NO. 2
	APPLICATION NO.
	6-02-85
Site Plan	

