

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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REGULAR CALENDARSTAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-66

Applicant: City of Encinitas Agent: Curtis Scott Englehorn Associates

Description: Request for after-the-fact approval of placement of approximately 800 tons of rip-rap on the beach and repair and maintenance of an approximately 2,500 ft. long rip-rap revetment to include removal of approximately 75-100 concrete blocks (placed without a coastal development permit) and replacement with riprap from other areas of the existing revetment.

Site: West side of Highway 101, just south of "Restaurant Row", Cardiff, Encinitas, San Diego County. APN 261-162-15, 261-171-08 and 261-181-08

Substantive File Documents: Certified City of Encinitas LCP; "Engineering Support for Highway 101 Shore Protection", by Moffatt & Nichols Engineers dated 11/13/02

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed project with conditions relating to the maintenance and monitoring of the revetment, final as-built plans and an assumption of risk. This portion of Highway 101 in southern Encinitas has been historically subject to closure and damage from storm waves and flying "cobbles". To address this concern, several years ago, a number of large concrete blocks (approximately 75-100) and riprap boulders were placed by the City on or adjacent to the existing pre-Coastal Act riprap revetment that borders the highway. The main issues raised by the project involve the impacts to public views and access to the shoreline. In some areas, the riprap is such a height that it blocks oceans views along the highway from both pedestrians and passing motorists. As conditioned, views along this 2,500 ft. long section of Highway 101 will be enhanced for motorists and pedestrians and public access will be enhanced.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal
Development Permit No. 6-02-66 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. Revised Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised plans to the Executive Director for review and approval. The revised plans shall show the following changes to the project:

- a. The riprap shall not be placed higher than 18 ft. mean lower low water (MLLW) nor shall the revetment be higher than 3 ft. above the existing roadway at any point to the maximum extent possible.

- b. All riprap stones shall be placed in an engineered fashion onto the existing revetment structure in order to reduce the overall footprint on the public beach of the revetment to the maximum extent possible.

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.

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 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 or nearby roadways.
- b. No work shall occur on the beach during the summer between Memorial Day weekend and Labor Day of any year.
- c. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. Any required 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 flooding; (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. Other Permits or Authorizations. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, The permittee shall provide to the Executive Director copies of all other required local, state or federal discretionary permits or authorizations for the development authorized by CDP #6-02-66. The applicant shall inform the Executive Director of any changes to the project required by other local, state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

8. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant proposes to repair and maintain an approximately 2,500 ft.-long revetment located on the public beach to include removal of all concrete blocks (cubes) and replacement with riprap relocated from other parts of the existing revetment. Based on aerial photos from 1972, a riprap revetment has been present along this section of the shoreline since before enactment of the Coastal Act. In 1998, in response to heavy winter storms which forced the closure of Highway 101, the City added approximately 800 tons of additional riprap and approximately 75-100, 6 ft.-long, 2 ft.-high concrete blocks to the existing revetment without first acquiring a coastal development permit. While the existing revetment has functioned to lessen the number of highway closures, the proposed project will improve the overall function of the revetment while not adversely affecting public views of the ocean. The proposal also involves the construction of two access paths through the revetment that do not currently exist.

The subject site is located on the west side of Highway 101 on Cardiff State Beach between Cardiff State Beach Parking Lot (South) and "Restaurant Row" in the City of Encinitas. San Elijo Lagoon is located directly across Highway 101 to the east.

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 repair and maintenance of an approximately 2,500 ft.-long, 25 to 40 ft. wide revetment located on Cardiff State Beach on the west side of Highway 101. Highway 101 at this location is at an elevation not much higher than beach level and as such, is susceptible to inundation by wave action during winter storms and must be closed on a regular basis to repair damage to the roadway and remove beach sand and cobble. The proposed project represents temporary measures to reduce the number of road closures but is not designed to prevent them completely. The City is currently investigating a long-term solution to the problem along this shoreline which may involve, among other things, the raising or bridging of Highway 101 which would protect the highway from storm generated waves and enhance tidal flushing of San Elijo Lagoon which is located on the east side of Highway 101 at this location. Under such a scenario, riprap along the shoreline would no longer be needed.

In 1998 during intense winter storms that forced repeated closure of the roadway, the City added approximately 800 tons of large stone riprap and approximately 75-100 large concrete cubes (2 ft. x 2 ft., 6 ft. long) to the revetment. The added material was not placed in an engineered fashion with the height of the final structure varying from approximately 2 to 5 ft. above the existing roadway (Figure 1, "Revetment Survey-Longitudinal Profile", Moffatt & Nichol report dated 11/13/03). As a result, while providing some additional protection to the roadway, road closures continue to occur, but at lesser frequency.

While not eliminating road closures entirely, the applicant proposes to remove the concrete blocks and reorganize the remaining riprap structure to provide better overall protection for the roadway. The applicant's engineering report ("Engineering Support for Highway 101 Shore Protection", by Moffatt & Nichols Engineers dated 11/13/02) asserts that the "minimum recommended elevation to minimize overtopping" is at 18 ft. mean lower low water (MLLW). The current revetment is as low as approximately 14 ft. MLLW on the north end near the restaurants and up to 20 ft. MLLW in some areas to the south. The applicant proposes to reorganize the existing riprap stones so as create a generally 18 ft. high (MLLW) revetment. However, because the roadway near the restaurants is as low as 12 ft. MLLW, raising the revetment to 18 ft. MLLW (6 ft. above the roadway) would eliminate views of the ocean from the roadway for a distance of approximately 400 feet. In order to address this issue, the applicant is proposing that the revetment be no higher than 3 ft. above the existing roadway at the most northern approximately 400 ft. section. However, as the low point in the revetment, the applicant recognizes that this is the area where Highway 101 will be first affected from the damaging effects of storm-generated storms. While not eliminating road closures, especially at this northern end, the proposed project will reduce the damage associated to winter storm waves to other sections of Highway 101 and expedite the clean up time following roadway inundation. Again, the project is proposed as an "interim" measure until studies determine the best means to address this concern for the long-term.

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, augmentation and maintenance of an existing revetment that pre-dates the Coastal Act. 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. In addition, Special Condition #1 requires the applicant to move all riprap stones off the beach and onto the existing revetment to the maximum extent feasible. As a result, more beach area will become available for natural distribution of sand along the shoreline and for use by the public. Therefore, the reconfigured revetment will reduce any existing adverse impacts to sand supply that 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. The repairs to the existing 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. 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.

Finally, because the proposed repairs and as built addition of rock is located within Cardiff State Beach, the applicant must receive approval or concurrence by the underlying property owner. In this case, the property is either owned by California Department of Parks and Recreation or the State Lands Commission. Therefore, Special Condition #7 requires that authorization from all other state, federal or local jurisdictions for the subject project prior to issuance of the Coastal Development permit.

In summary, the proposed repair and maintenance to 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 Highway 101 over what currently exists. 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.

The proposed development is located on the beach on the west side of Highway 101, a major coastal access route. Cardiff State Beach, the site of the proposed development, is highly used by the public for a wide variety of beach and ocean activities. The approximately 500 spaced Cardiff State Beach public parking lot is located near the south end of the subject revetment. Parallel parking is also available along the west side of Highway 101 at the subject location and the proposed project does not propose the removal of any spaces.

The proposed project involves the expansion of a riprap revetment that pre-existed the enactment of the Coastal Act. The applicant's engineering report indicates that the pre-existing revetment was probably up to approximately 2 ft. in height above the existing roadway ("Engineering Support for Highway 101 Shore Protection", by Moffatt & Nichols Engineers dated 11/13/02). During the winter storms of 1998, the City added approximately 800 tons of riprap and approximately 75-100, 6 ft. long concrete blocks to the existing revetment to protect Highway 101 from inundation. The proposed repairs and enhancement of the revetment are necessary in order to increase protection to Highway 101 and reduce the number of road closures which result from overtopping by waves during winter storms. Although the revetment is necessary to maintain public

access to and along the coast along Highway 101, its design must include measures to assure any adverse impacts to public access is minimized.

The area proposed for repair and maintenance consists of an approximately 2,500 ft.-long section of beach. Currently, beachgoers who want to access the beach along this 2,500 ft. long section of shoreline must climb over concrete blocks or through the riprap in order to get from the highway to the beach. However, formal public access to the beach currently exists at both Cardiff State Beach Park (South) and Cardiff State Beach (North). In addition, this section of beach does not currently contain a lot of sand such that beach here is quite narrow. Therefore, the placement of any structure on the beach has the potential of reducing the area for public access.

The applicant proposes to remove all the 6 ft.-long concrete blocks from the beach and replace them with riprap taken from various parts of the overall revetment. The existing 2 ft.-high concrete blocks will be replaced with large 4-5 ton rocks that will be stacked to a height of up to 3 ft. above the existing roadway. These large rocks will be taken from the existing revetment structure and no new rock is proposed to be imported to the site. At the northern-most 400 ft. of the revetment, the applicant is proposing to configure the riprap such that two access paths are provided through the rock revetment to enhance public access to the shoreline. The access paths will be located near a cross walk and near the restaurants that make up Cardiff's "Restaurant Row". The access points will also occur next to the parallel parking spaces that currently exist along the west side of Highway 101. No parking is proposed to be eliminated as part of the project.

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

As conditioned, the subject project includes the realignment of the rock revetment in closer to Highway 101 which 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 riprap 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 repair and maintenance of an existing revetment involving the construction of two access paths through the revetment will enhance public access to the ocean and shoreline. In addition, by providing better protection to the highway, public access is enhanced for motorists utilizing this important coastal access route. 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 on 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 has incorporated measures to enhance the visual appearance of the area over what currently exists. The project involves removing over 400 ft. of 2 ft. high, 6 ft. long concrete blocks from the beach, replace them with large stones (riprap) and rearrange other existing large stones within the remaining 2,100 ft.-long section of the revetment so as to more effectively protect Highway 101 from inundation during winter storms. The goal of the project is to minimize the number of road closures that occur during winter storms while not eliminating public views of the ocean or adversely affecting public access to the shoreline. To prevent all wave overtoppings of the highway at this location during winter storms, it would be necessary to construct a protective device whose height would eliminate all public views of the ocean along the highway in this location. Therefore, as a temporary measure, the City is proposing to strike a balance so as to not eliminate public views by patrons of the restaurants on the east side of Highway 101 or motorists or pedestrians along Highway 101.

Public views of the ocean are currently available to motorists and pedestrians at various points along the subject 2,500 ft. long span, particularly along the most northern 400 ft. section where the 2 ft. high concrete blocks are currently placed. In the remaining 2,100 ft. section on the south, public views of the ocean are blocked intermittently where the existing riprap is higher than 3 ft. above the roadway. The applicant is proposing to rearrange the rip-rap so as to generally be no more than 3 ft. above the roadway. At 3 ft. above the roadway, public views of the ocean will be retained throughout the extent of the 2,500 ft.-long revetment for motorists and pedestrians alike. However, the plans submitted with the application documents that an approximately 400 ft.-long section near the south end of the revetment is proposed to only be lowered to 19 ft. MLLW which would still be about only 3 ft. above the roadway. However, as previously cited, the applicant's geotechnical report has asserted that the "minimum recommended elevation to minimize overtopping" is at 18 ft. MLLW. If the revetment were lowered to no more than 18 ft. MLLW throughout this approximately 400 ft. long section it would result in enhanced public views of the ocean since the revetment would only be about 2 ft. in height above the roadway. Therefore, Special Condition #1 has been attached to require

that the overall height of the revetment be no higher than 18 ft. MLLW to maximum extent possible or not to exceed 3 ft. above the roadway.

The proposed project, as conditioned, has been designed to protect and enhance public views of the ocean and will result in an overall increase to available public views of the ocean. Therefore, following implementation of the project the visual resources of the area will be greatly enhanced over what currently exists 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 placement of approximately 75 to 100, six ft. long concrete blocks and approximately 800 tons of rip-rap. The applicant is proposing to remove all of the 6 ft. long concrete blocks and retain all existing rip-rap on site.

To ensure that the components of unpermitted development addressed by this application are 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 60 days of Commission action, or within such additional time as the Executive Director may grant 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 public beach adjacent to 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.

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 shoreline protection device, 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.

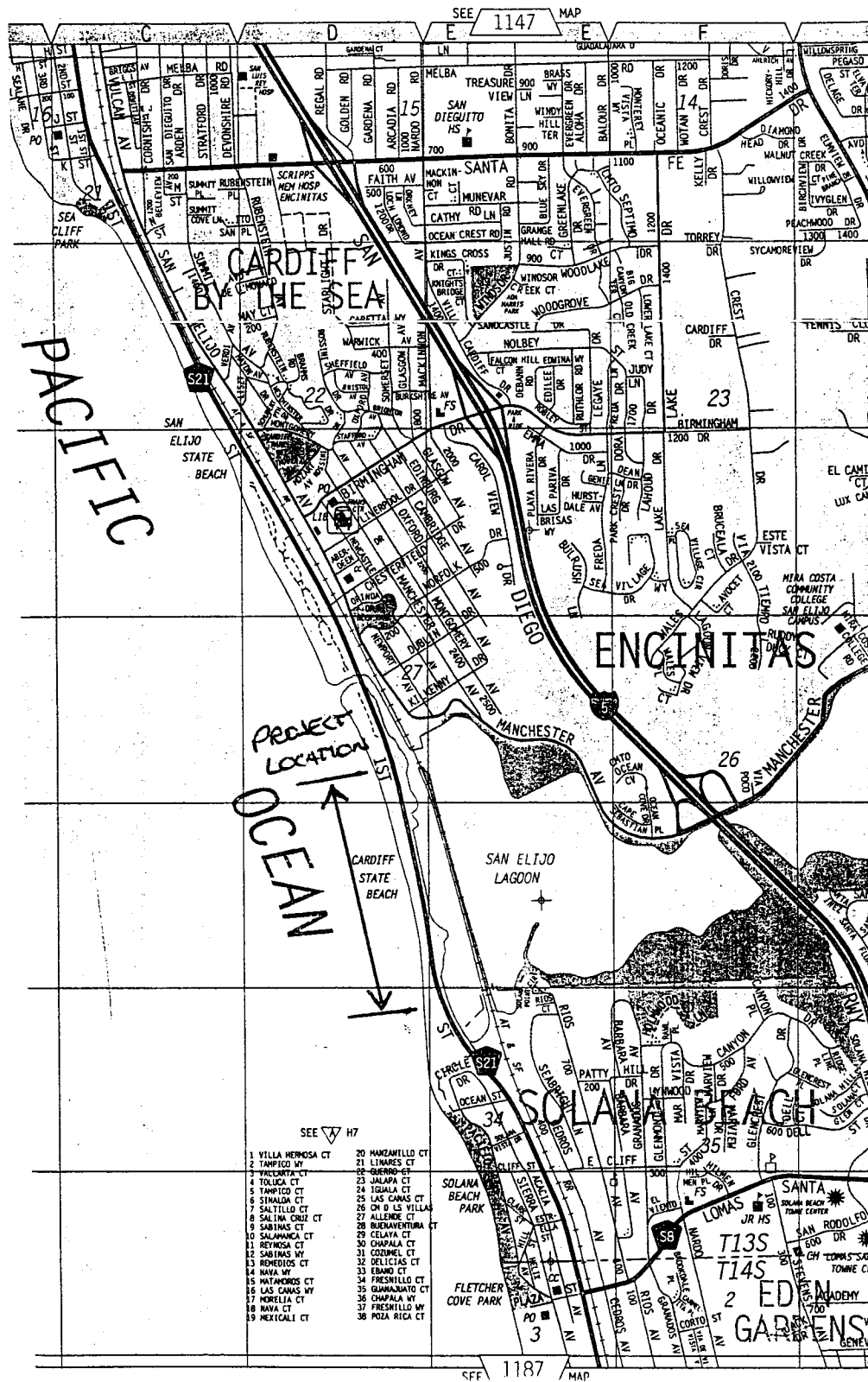



EXHIBIT NO. 1

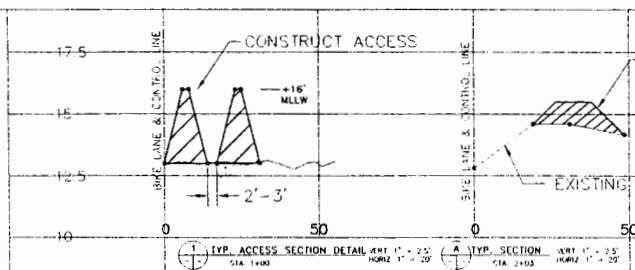
APPLICATION NO.

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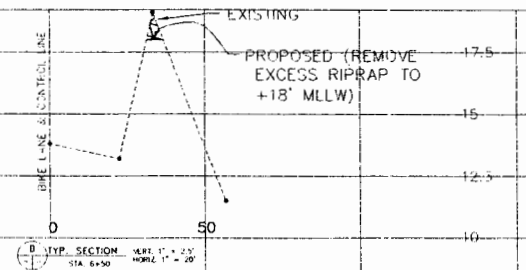
Location Map

 California Coastal Commission

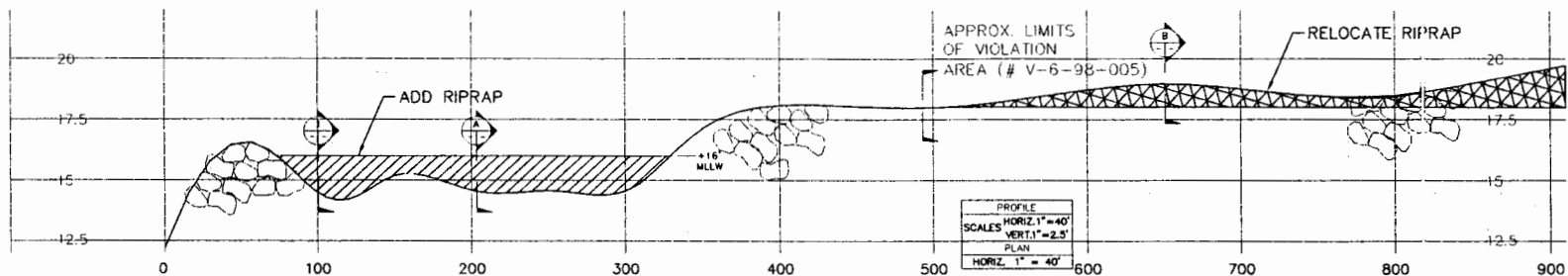
TYPICAL CROSS-SECTION



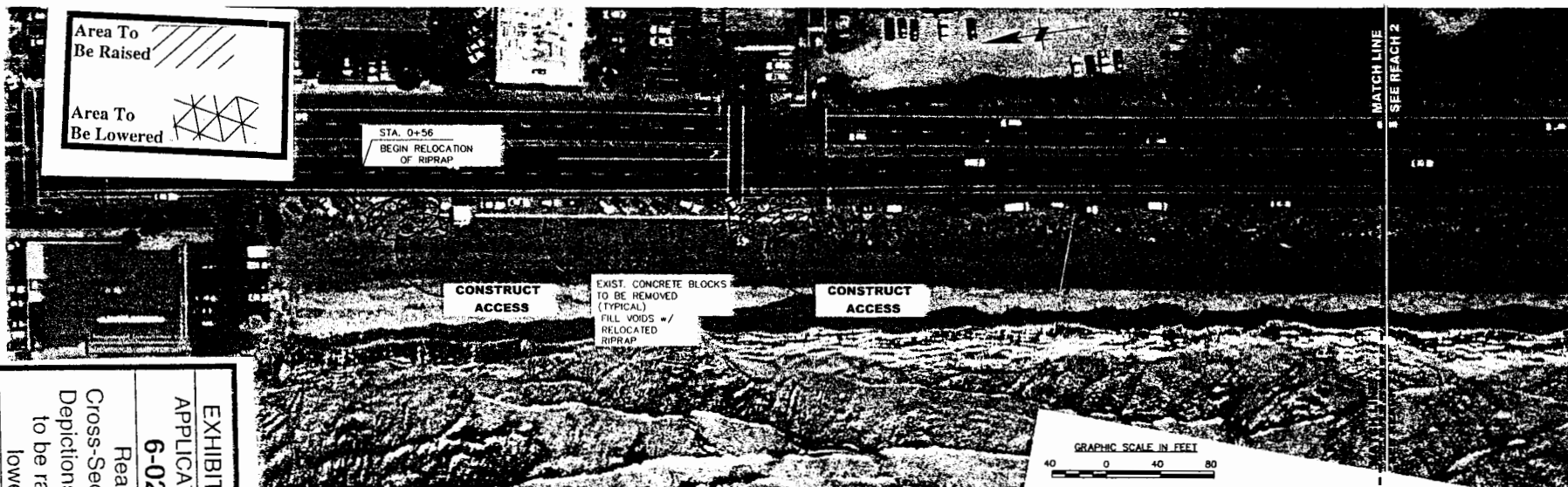
TYPICAL CROSS-SECTION



EXISTING/PROPOSED REVEMENT CREST ELEVATION



EXISTING/PROPOSED REVEMENT CREST ELEVATION

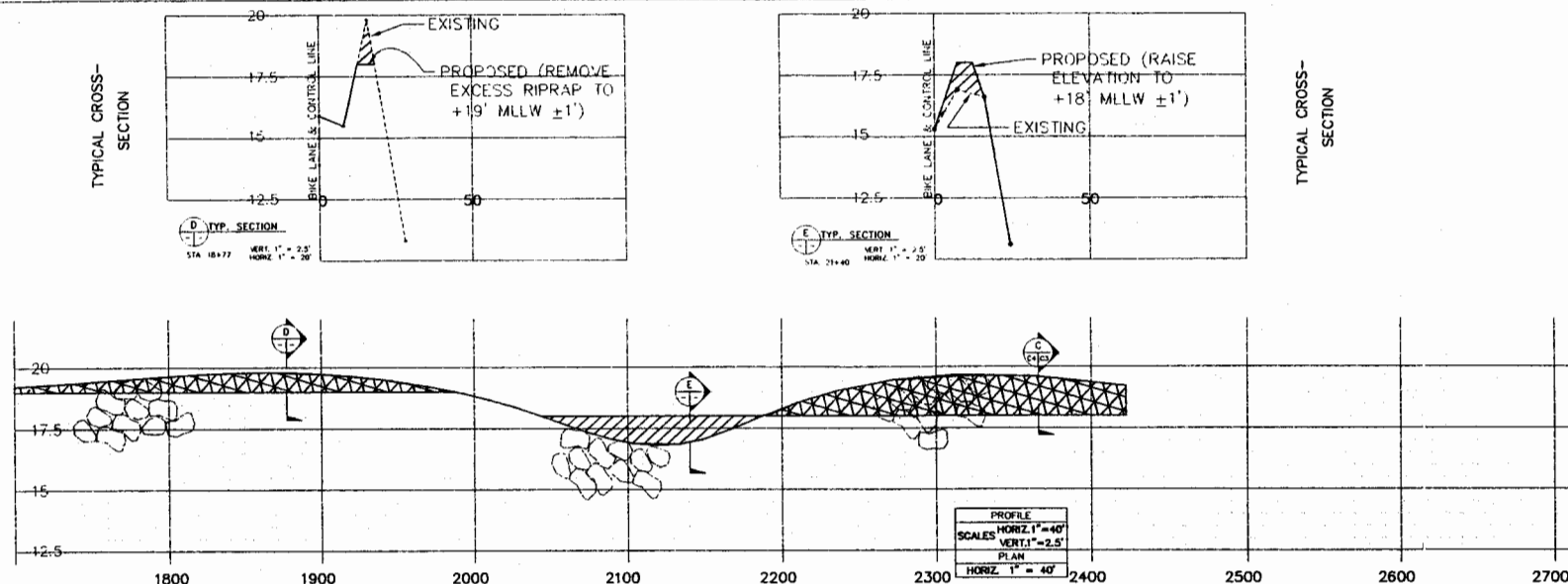


REFERENCES	DATE	BENCHMARK	SCALE	PLAN PREPARED BY	DESIGNED BY	CHECKED BY	APPROVALS	CITY OF ENCINITAS ENGINEERING DEPARTMENT	DRAWING NO.
		DC-1036						PUBLIC IMPROVEMENT PLANS, FEES	
		STD. L&S STAMPED DC-1036						CARDIFF REVEMENT REDISTRIBUTION PROJECT	C-2
		LOCATION: CHURCH ON SHIP L&S BRIDGE, N. LAJON, IN THE CITY OF ENCINITAS, CALIF. (SEE REACH 1)						REACH 1	
		ELEVATION: 16.747 FT. DATUM: MLLW						WORK PROJECT NO. PROJECT NUMBER	SHEET 3 OF 5

EXHIBIT NO. 3
APPLICATION NO.
6-02-66
Reach 1
Cross-Sections and
Depictions of Areas
to be raised or
lowered

California Coastal Commission

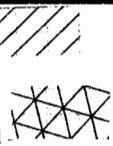
EXISTING/PROPOSED REVEMENT
CREST ELEVATION



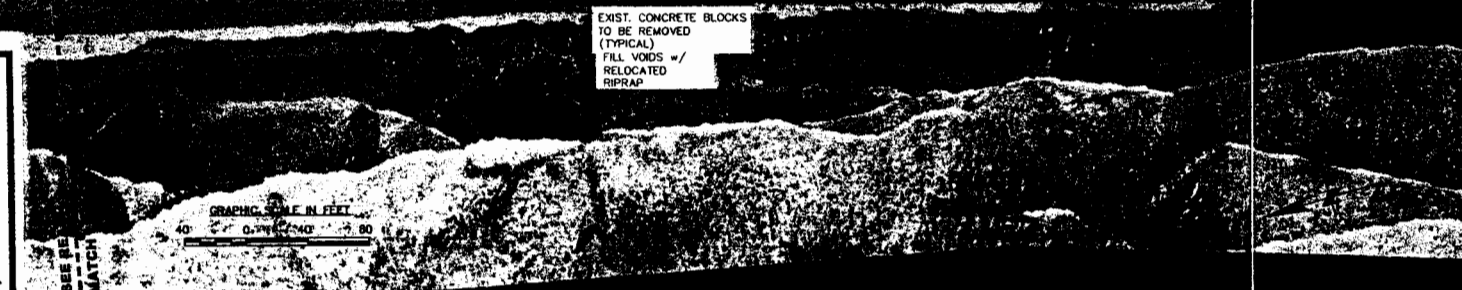
EXISTING/PROPOSED REVEMENT
CREST ELEVATION

Area To
Be Raised

Area To
Be Lowered



SEE REACH 2
MATCH LINE

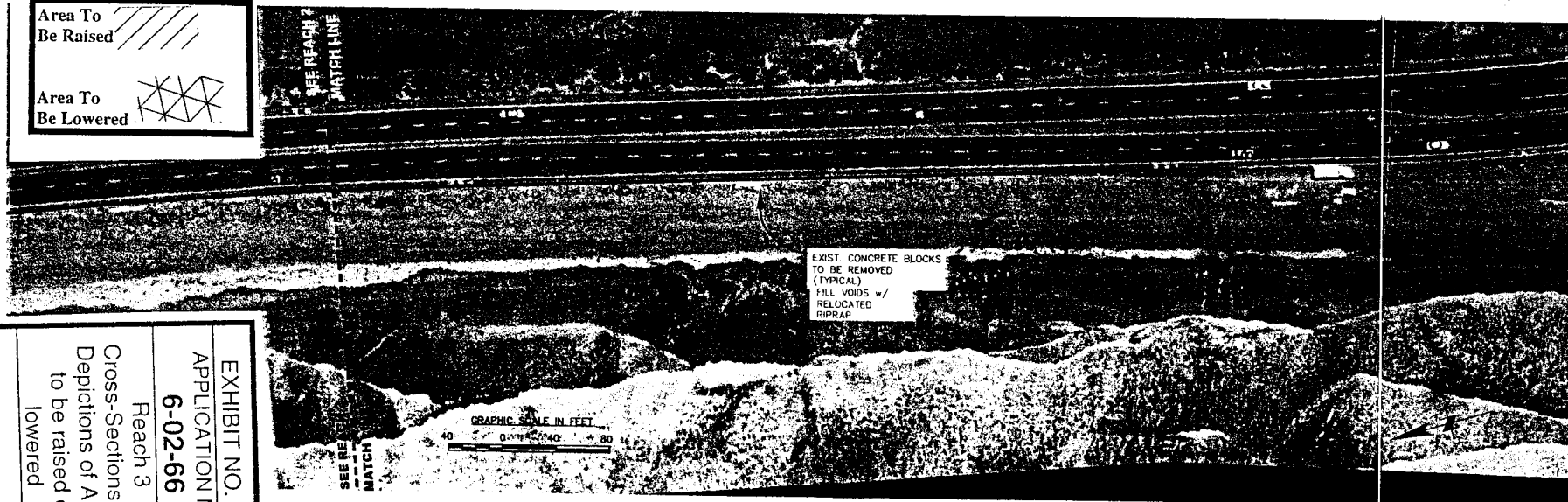
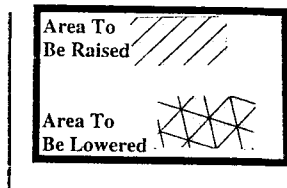
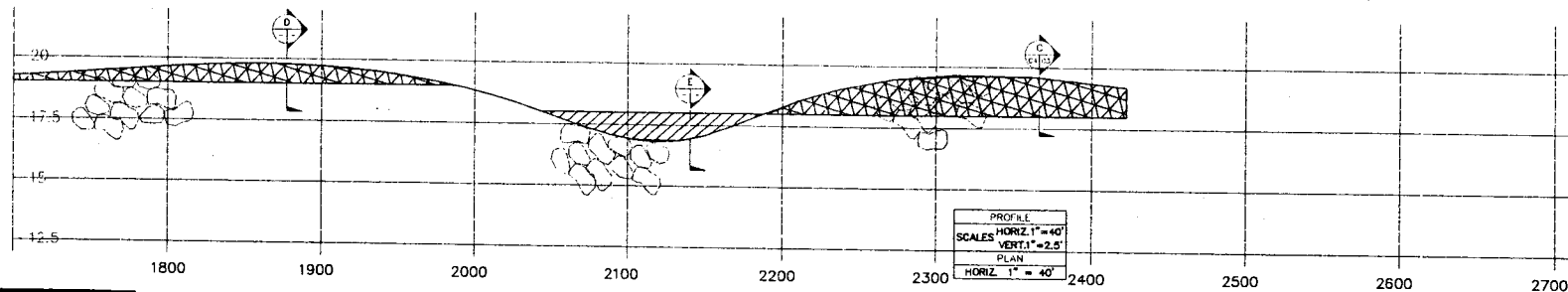
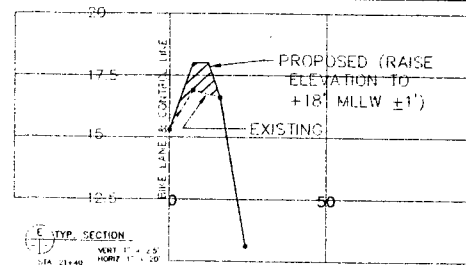


SEE REACH 3
MATCH LINE



EXHIBIT NO. 4
APPLICATION NO.
6-02-66
Reach 2
Cross-Sections and
Depictions of Areas
to be raised or
lowered

DATE	BENCHMARK	SCALE	PLAN PREPARED BY	DESIGNED BY	REVIEWED BY	APPROVED BY	CITY OF ENCINITAS ENGINEERING DEPARTMENT	DRAWING NO.
	BENCHMARK: US-1010 LOCATION: STA 18+77 ELEVATION: 14.747 FT. D.A.M. MLLW	HORIZ: 1"=40' VERTICAL: 1"=2.5'		PLANS PREPARED UNDER SUPERVISION OF	DATE: _____ P.C.E. NO. _____ CIP: _____	RECOMMENDED BY: _____ DATE: _____ APPROVED BY: _____ DATE: _____	PUBLIC IMPROVEMENT PLANS FOR CARDIFF REVEMENT REDISTRIBUTION PROJECT REACH 3 HOW PROJECT NO. PROJECT NUMBER	C-4 SHEET 5 OF 5



445

California Coastal Commission

EXHIBIT NO. 5	Reach 3
APPLICATION NO.	Cross-Sections and Depictions of Areas to be raised or lowered
6-02-66	

REFERENCES	DATE	BENCHMARK	SCALE	PLAN PREPARED BY	DRAWN BY	CHECKED BY	APPROVALS	CITY OF ENCINITAS ENGINEERING DEPARTMENT	DRAWING NO.
		BENCHMARK: ENCINITAS LOCATION: 170 UPS STAMPAID CIRCLE 1968 ELEVATION: 10.00 FT TYPICAL: 1" = 50' HORIZONTAL VERTICAL: 1" = 10'	HORIZONTAL: 1" = 50' HORIZONTAL VERTICAL: 1" = 10'	PLANS PREPARED UNDER SUPERVISION OF	DATE	BY	RECOMMENDED APPROVED	MULTI-IMPROVEMENT PLANS FOR CARDIFF REVETMENT REDISTRIBUTION PROJECT REACH 3 WORK PROJECT NO. PROJECT NUMBER	C-4 SHEET 5 OF 10

