

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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## RECORD PACKET COPY

**Thu 23b**

Staff: GDC-SD  
Staff Report: September 23, 2004  
Hearing Date: October 13-15, 2004

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-03-41-A1

Applicant: California Department of  
Parks and Recreation

Agent: Ron Saenz  
Jeff Brown

Original

Description: Demolish and remove damaged paving, railing, kiosk and underground utilities. Also proposed is removal of all riprap from the beach and installation of a sheetpile wall (with toe-stone) on the north end of the site and a sheetpile/shotcrete seawall on the south end of the site, both of which will connect to an existing sheetpile wall located in the center of the site. In addition, the project includes a request for after-the-fact approval of the existing 540 ft. long sheetpile seawall. Construction also includes the relocation of the existing park entryway from Highway 101, grading and parking lot improvements resulting in the loss of approximately 108 parking spaces.

Proposed:

Amendment: Redesign sheetpile/shotcrete seawall on both the south and north sides, eliminate use of all toe-stone, redesign the north plaza area that lies between the north seawall and the parking lot, construct access stairs across northern seawall and relocate entrance road approximately 14 ft. south of approved location.

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

Substantive File Documents: Certified City of Encinitas LCP; Coastal Development Permits Nos. 6-87-459, 6-96-147-G, 6-96-147, 6-02-22 and 6-03-41.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment with conditions requiring the removal of all riprap from the subject site and submission of revised final plans. The subject site is a beachfront facility that has been historically subject to hazard from wave action and erosion. In June 2004, the Commission approved a request by the applicant to remove damaged sections of the

facility and replace the existing riprap protection that lies far out onto the beach with two sheetpile/shotcrete seawalls located further inland. As a result of the project approved by the Commission in June of 2004, the existing park facility will continue to be available for public use but with less impacts to public access because less of the beach area will be occupied by hardened asphalt/concrete surfaces and all riprap will be removed. Since approval of the original application, the applicant has determined that by revising the design of the two sheetpile/shotcrete walls, the cost of the project can be reduced without affecting the design standards approved by the Commission. The Commission staff Coastal Engineer has reviewed the revised seawall design and agrees the new design will provide as good, if not better protection than the originally approved design.

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**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. 6-03-41-A 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. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

**II. Special Conditions.**

The permit is subject to the following conditions:

**The following conditions replace Special Condition #1 and #2 of the original permit in its entirety.**

**1. Revised Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval

of the Executive Director final plans for the proposed development that substantially conform with the plans submitted to the Commission, by Schmidt Design Group dated 12/15/03 and as revised by plans dated 8/3/04, but shall be revised to include the following:

- a. The southern sheetpile wall and concrete seawall shall be sited and designed so as to more closely follow the natural contours of the adjacent bluff without extending into or affecting the existing footpath that extends from the southwest corner of the parking lot across the lower bluff to the beach area of Solana Beach.
- b. All rock riprap proposed by the applicant to be removed (as depicted on Exhibits Nos. 4 and 6 of the original staff report) north, south and seaward of the existing sheetpile wall shall be removed from the project site to the maximum extent possible (See Special Condition #2).
- c. The northern concrete seawall above the proposed approximately 237 ft.-long northern sheetpile wall shall be designed to be visually treated to maximum extent possible so as to lessen its visual prominence. The visual treatment should closely match the visual treatment elements proposed for the southern shotcrete seawall 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. Removal of Riprap. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director a plan for removal of all riprap from the beach fronting the project site. The removal plan shall provide:

- a. All visible and extractable riprap along the southern section of the park facilities (where there will be a new concrete and sheetpile seawall) shall be removed from the beach down to an elevation of -2 MSL, within the identified work area, and from the dry beach seaward of the work area. The removal area shall be the dry beach seaward of the new concrete or sheetpile seawall, noted on the construction plans as starting at Station 10+00.00 and terminating approximately 170' shore parallel, to the south, at the southernmost intersection of the new concrete wall with the Del Mar Formation (consistent with the location of existing riprap depicted on Exhibit #6 of the original staff report).
- b. All visible and extractable riprap from the dry beach area along the northern section of the park facilities commencing seaward of the northern end of the existing sheetpile wall to approximately the location of the current entry road

shall be removed from the beach. This area would span approximately 575' shore parallel, from the southernmost portion of the proposed new northern sheetpile wall and the new entry road, to a northern location approximately 40 feet south of the southernmost extent of the proposed bus pad (consistent with the location of existing riprap depicted on Exhibit #4 of the original staff report).

- c. After the initial removal effort that is part of construction, future maintenance efforts shall include removal of any additional riprap from the portions of the dry beach identified in "a" and "b" that may become visible in the future.
- d. A schedule for removal, with the first extraction to occur within 1 year of issuance of the Coastal Development Permit;
- e. Criteria for removal, such as all visible rock, all rock within 3 feet of the surface of the sand layer;
- f. Method of removal;
- g. Location of the export site. If the export site is within the coastal zone, a separate Coastal Development Permit or permit amendment may be required from the California Coastal Commission or its successors in interest;
- h. General plans for the disposal of additional riprap that may become visible in subsequent years; and
- i. Removal of riprap shall not occur between Memorial Day weekend and Labor Day of any year.

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.

**The following Advisory Condition applies only to the subject Amendment No. 6-03-41-A1.**

**1. Prior Conditions of Approval.** All terms and conditions of the original approval of Coastal Development Permit #6-03-41 and as specifically modified herein, shall remain in full force and effect and apply to the subject amendment.

### **III. Findings and Declarations.**

The Commission finds and declares as follows:

1. Project History/Amendment Description. The development approved by the Commission in June of 2004 involved the removal of approximately 75,000 sq. ft. of rock riprap, asphalt, concrete, railing, and underground utilities from the public beach, relocation of the existing entry road, construction of a deceleration lane from Highway 101 and entry kiosk, and the construction of two sheetpile wall systems totaling approximately 422 feet in length to protect the State Park parking lot facility (ref. CDP No. 6-03-41/Calif. State Parks). The new protection in the form of two sheetpile seawalls with a cap element of concrete/shotcrete will replace the existing riprap form of protection and is expected to provide more effective protection to the park facility with less adverse impacts to public access and geologic stability than currently exists. The proposed amendment involves the redesign of the two sheetpile/shotcrete seawalls, redesign the north plaza area which lies between the northern seawall and the parking lot, and relocation of the entry road approximately 14 ft. further south. The redesign of the southern wall only involves reducing the slope of the upper shotcrete wall in some areas of the wall from approximately 0.7:1 to a less vertical slope of 1.5:1. The northern wall is proposed to be more substantially changed and involves extending the location of the sheetpile wall approximately 10 ft. seaward, reducing the height of the buried section of sheetpile, eliminating all use of toestone for support and capping the sheetpile with an approximately 12 ft. high upper shotcrete wall that slopes from approximately 0.7:1 to 1.5:1 (similar to the proposed southern seawall) and will connect to the concrete area that lies between the seawall and the parking lot.

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

The City of Encinitas has a certified LCP, but the subject site is within the Commission's area of original jurisdiction. Therefore, the standard of review for this application is the 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 amendment involves a redesign of the two sheetpile seawalls, a reduction in plaza area located above the northern and southern seawalls and shifting of the proposed entry road approximately 14 ft. further south. The proposed seawalls will connect to the north and south side of an existing approximately 540 ft. long sheetpile wall that currently protects the west central section of the State Park facility. The seawalls originally approved by the Commission involved, on the north side of the park facility, an approximately 237 ft.-long, +15 ft.-high (M.S.L.) buried sheetpile wall capped with an approximately 12 ft.-high, 2 ½ ft.-wide concrete covering with rock toestone to protect the area of the existing park facility near where the relocated entry road is proposed. On the south side of the existing sheetpile wall the applicant had proposed an approximately 185 ft.-long buried sheetpile wall that includes an approximately 12 ft.-high (+14 to +18 ft. M.S.L.) sloped shotcrete seawall on top of the sheetpile wall without the use of rock toestone. Since approval by the Commission, the applicant has decided to redesign the two seawalls by reducing the amount of sheetpile and reducing the slope of the shotcrete cap element while still affording the same level of protection as approved by the Commission (ref. Exhibits #3 and #4).

On the approximately 185 ft.-long southern seawall, the applicant is only proposing a minor change from what was approved by the Commission. The proposed southern wall involved an approximately 12 ft. high shotcrete cap above the sheetpile wall that sloped approximately .07:1 on its north end to 1.5:1 on the south end. The applicant is now proposing to reduce some additional area of the 0.7:1 slope to 1.5:1. According to the applicant's engineer, as well as the Commission's coastal engineer, the level of protection will be comparable to that approved by the Commission in June of 2004. However, as result of reducing the slope, the plaza area above the seawall will be marginally reduced. The proposed plaza areas behind both the south and north seawalls are proposed to be concreted areas that will contain lifeguard towers, showers, benches, interpretative tiles and generally serve as public viewing platforms. The small reduction in size of the plaza areas will not adversely affect these uses.

On the approximately 237 ft.-long, northern seawall, the applicant is proposing to more significantly redesign the seawall. The original proposal involved the use of approximately 40 ft. long buried sheetpiles with the upper 12 ft. of the sheetpile capped by a vertical concrete wall. The original approximately 237 ft.-long vertical seawall would have involved the placement of 1 to 5-ton toestone, approximately 7 ft. in height and extending for approximately 12 ft. seaward of the vertical seawall at elevations -4 ft. MSL (Mean Sea Level) to +3 MSL. Depending on sand and cobble levels, the toestone was expected to remain buried. However, since it was to be placed to a height of up to +3 MSL, it could potentially become visible and adversely affect public access across the beach. The applicant is now proposing a redesign which will eliminate all use of the

toestone. Instead of using 40 ft. long sheetpiles, the applicant is proposing to use approximately 17 ft.-long sheetpiles and design the upper portion of the wall in a similar fashion to the proposed southern seawall. As a result, the northern buried sheetpile wall will be located approximately 10 ft. seaward of the originally proposed wall (but no further seaward than the previously approved toestone that is no longer needed), with the top of the sheetpile to be located at approximately +3 MSL (instead of +15 ft. MSL) and capped by an approximately 12 ft.-high colored and textured sloping shotcrete wall. The shotcrete wall will slope back to the proposed plaza area on a slope that ranges from 0.7:1 to 1.5:1. Most of the proposed northern shotcrete upper wall will have a slope of 1:5:1. The more vertical 0.7:1 will occur adjacent to the existing sheetpile wall that contains an existing concrete cap with a slope of 0.7:1 (ref. Exhibit #3).

The concern raised by the redesigned northern wall is whether it will result in adverse impacts to geologic hazards, shoreline processes or public access over what was approved by the Commission in June of 2004. In this case, the impacts of the revised seawall are not substantially different than the approved design. While the northern sheetpile wall will be located approximately 10 ft. seaward of its earlier proposed location, the toestone element which was approved with the original design would have extended 12 ft. seaward of the first proposed sheetpile wall. Thus, the new seawall design will actually be 2 ft. landward of the toestone element thereby reducing the actual encroachment onto the beach over the originally approved design. The applicant has indicated that toestone is no longer necessary to support the seawall because of the design changes. The first design approved by the Commission involved a cantilevered wall with an embedment depth of -24 ft. MSL requiring toestone support to counteract forces pushing the wall over (seaward). The new design involves a shorter sheetpile wall that is supported by a concrete wall on top that slopes back and is attached to the proposed plaza area. The buried front wall provides wave protection, while the upper back wall provides protection to the front wall from overturning. More importantly however, both the originally approved design and the subject redesign will result in shoreline protection that is far more landward than currently exists. Currently rock riprap extends up to approximately 20 ft. from the existing park facility, 10 ft. further seaward that the proposed redesigned northern seawall. With the construction of the north and south seawalls and the removal of all rock riprap from the beach, more beach will become available for public use than currently exists.

The Commission's coastal engineer has reviewed the applicant's redesign and supporting engineering calculations and concurs with the applicant assertion that the redesign will afford the existing park facility a comparable level of protection as previously approved by the Commission in June of 2004.

The proposed amendment is generally consistent with the Commission's action on the original permit which involved the rehabilitation of the existing park facility through the removal of riprap from the beach and replacement of the riprap form of protection with seawalls occupying less beach area. As confirmed by the Commission's coastal engineer, the proposed revisions to the design will not increase geologic hazards or adversely affect shoreline processes above that already approved by the Commission. 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, or, ....

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 subject site is located at Cardiff State Beach (south) parking lot located on the west side of Highway 101 in the southernmost portion of the City of Encinitas. The park facility is used for accessing a variety of recreational beach activities including surfing, swimming, fishing, and tide pool viewing. In addition, in some areas of the parking lot individuals can park and experience ocean views from their vehicles. Therefore, it is important that new development at this location not interfere with existing recreational use and access.

Until implementation of the original permit for rehabilitation of the park facility occurs (permit has not been released pending compliance with various special conditions), there currently is no formal access path from the parking lot to the beach. The seaward edge of the parking lot contains either the existing approximately 540 ft.-long sheetpile wall that is buried by cobblestones or the approximately 745 ft.-long, 10 to 20 ft.-wide rock revetment. Existing access across the park to the beach and ocean is therefore difficult if not impossible for some beachgoers. The original project approved by the Commission in June of 2004 involved the rehabilitation of the park facility that had been extensively damaged by storm generated wave activities and erosion (CDP #6-03-41/State Parks). The work included a proposal to remove approximately 745 ft. of rock rip (except any riprap needed to remain for toestone support of a northern seawall). In addition, the project involved removal of substantial amounts of concrete rubble and asphalt. Approximately 75,000 sq. ft. of concrete rubble and riprap is proposed to be removed from the site following full implementation of Coastal Development Permit No. 6-03-41. In addition the applicant proposed to build a 14 ft. wide ramp from the parking lot to the beach through a new sheetpile/shotcrete seawall on the south side of the site. The proposed amendment will result in additional public access improvements above those approved by the Commission. The applicant is no longer proposing riprap toestone to fortify the approximately 237 ft.-long seawall on the north side of the park facility and, therefore, is proposing to remove all existing riprap from the beach. In addition, the applicant has redesigned the northern seawall to include concrete stairs sculpted into the shotcrete seawall leading to the beach area below. Both the access ramp approved by the Commission as part of the original permit and the proposed concrete stairs sculpted into the northern seawall will greatly enhance public access to the beach area over what currently exists.

The redesigned northern wall will result in the need to redesign the plaza area landward of the seawall that was previously approved by the Commission. Previously the proposed northern wall was to be vertical with a public plaza area ranging from between approximately 20 to 30 ft. in width that contained benches, interpretative tiles, a shower and a lifeguard tower. Because the new design involves an approximately 12 ft.-high sloping shotcrete wall (as compared to the vertical seawall originally approved), the northern plaza area will be reduced by approximately 12 ft as a result of the sloping shotcrete wall. To offset this loss, the applicant is proposing to move the new entry road into the park from Highway 101 approximately 14 ft. south from its earlier proposed

location. By moving the road approximately 14 ft. to the south, the loss of plaza area can be offset by the addition of a comparable area of plaza on its landward side. While the amounts may not be exact, the plaza area generally will still be approximately 20 to 30 ft. in width and contain the same public amenities such as benches, interpretative tiles, showers and a lifeguard tower.

Because the continued presence of the rock riprap has adverse impacts on the public's ability to access and use the beach, it is important that the rock be removed as soon as possible. To address this concern, the applicant has proposed removing all riprap from the beach including that rock originally proposed to be used as toestone support. Special Condition #2 (as modified above) requires that all rock riprap all be removed from the beach within one year of issuance of the coastal development permit. In addition, although the applicant proposes to remove all existing exposed rock riprap from the beach, there may be other rock riprap that has been buried and is currently inaccessible. Any buried rock riprap that becomes exposed in the future will also need to be removed so as not to inhibit public access. Special Condition Nos. 2 and 4 of the original permit (which are applicable to the subject amendment) require the applicant to monitor the site annually and if exposure of rock occurs, to apply for authorization from the Commission to have it removed. In this way, both the existing exposed rock riprap and any buried rock will be removed from the site as soon as possible. However, to assure the public is not adversely affected during removal of rock riprap, Special Condition #2 prohibits the removal from occurring during the summer months between Memorial and Labor Days.

In addition, in response to concerns raised by members of the public, the applicant has proposed to provide handicapped parking spaces at both north and south sides of the park in locations that will accommodate continued public views of the ocean. Because the preliminary plans submitted do not show these spaces on the south side of the facility, Special Condition #1 (as modified above) has been attached to require submission of final plans documenting the siting of at least two handicapped spaces on the south side of the facility in a location that accommodates views of the ocean.

In summary, as conditioned, the proposed amendment involving redesigned seawalls, removal of all rock riprap from the beach, revised entry location and construction of a stairway feature across the northern seawall to the beach, will result in enhanced public access to the ocean and shoreline. Therefore, as conditioned, the proposed development is consistent with Sections 30210, 30211, 30212, 30213 and 30252 of the Coastal Act.

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

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. . .

The proposed development will be sited adjacent to the public beach on the west side of Highway 101 in the Cardiff community of Encinitas. This section of Highway 101 is designated in the City's certified LCP as a scenic highway with expansive views of the ocean to the west and San Elijo Lagoon to the east. Therefore any new development along Highway 101 and from the ocean or beach has the potential to adversely affect public views of coastal resources.

The original project approved by the Commission in June 2004 involved extensive repairs and clean-up of the park facility that had been substantially damaged by wave action and storm events. As a result the project involving construction of two new seawalls, the removal of approximately 75,000 sq. of concrete rubble and rock riprap, and new entry road, the overall visual appearance will be greatly enhanced. The subject amendment will not adversely affect that proposal and, in fact, will result in a better visual treatment for the proposed northern seawall. In approving a vertical seawall on the north end, the Commission conditioned the approval by requesting the applicant examine an alternative design to a northern vertical concrete seawall that could be highly visible to the public as seen from the beach or Highway 101. With the subject redesign involving a colored and sculpted sloping shotcrete seawall, the applicant has complied with the Commission's request. Both the southern and northern seawalls will be colored and sculpted so that they more closely match the appearance of a natural bluff. Special Condition #1 of the original permit (as modified above) requires the applicant to examine the use of a visual treatment on the concrete and/or alternatives such as the use of colored and textured shotcrete in place of the concrete wall. An advisory condition has been added to the subject amendment which identifies that all previous conditions of approval for the original project (not modified by the proposed amendment) remain in full effect. These include, among others, Special Condition #4, which requires the applicant to monitor all elements of the shoreline device annually to assure, among other things, that it's visible appearance is maintained.

The proposed project, as conditioned, has been designed to protect and enhance public views of the ocean. No existing public views of the ocean or shoreline will be affected by the proposed development. Therefore, following implementation of the project, as amended the visual resources of the area will be greatly enhanced over what currently exists consistent with Section 30251 of the Coastal Act.

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

The subject site is zoned and planned for visitor-serving uses in the certified City of Encinitas LCP. The proposed development will have no impact on these designations. As conditioned, the Commission finds the proposed amendment consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the

proposed amendment, as conditioned, will not adversely affect the City's continued implementation of its certified LCP.

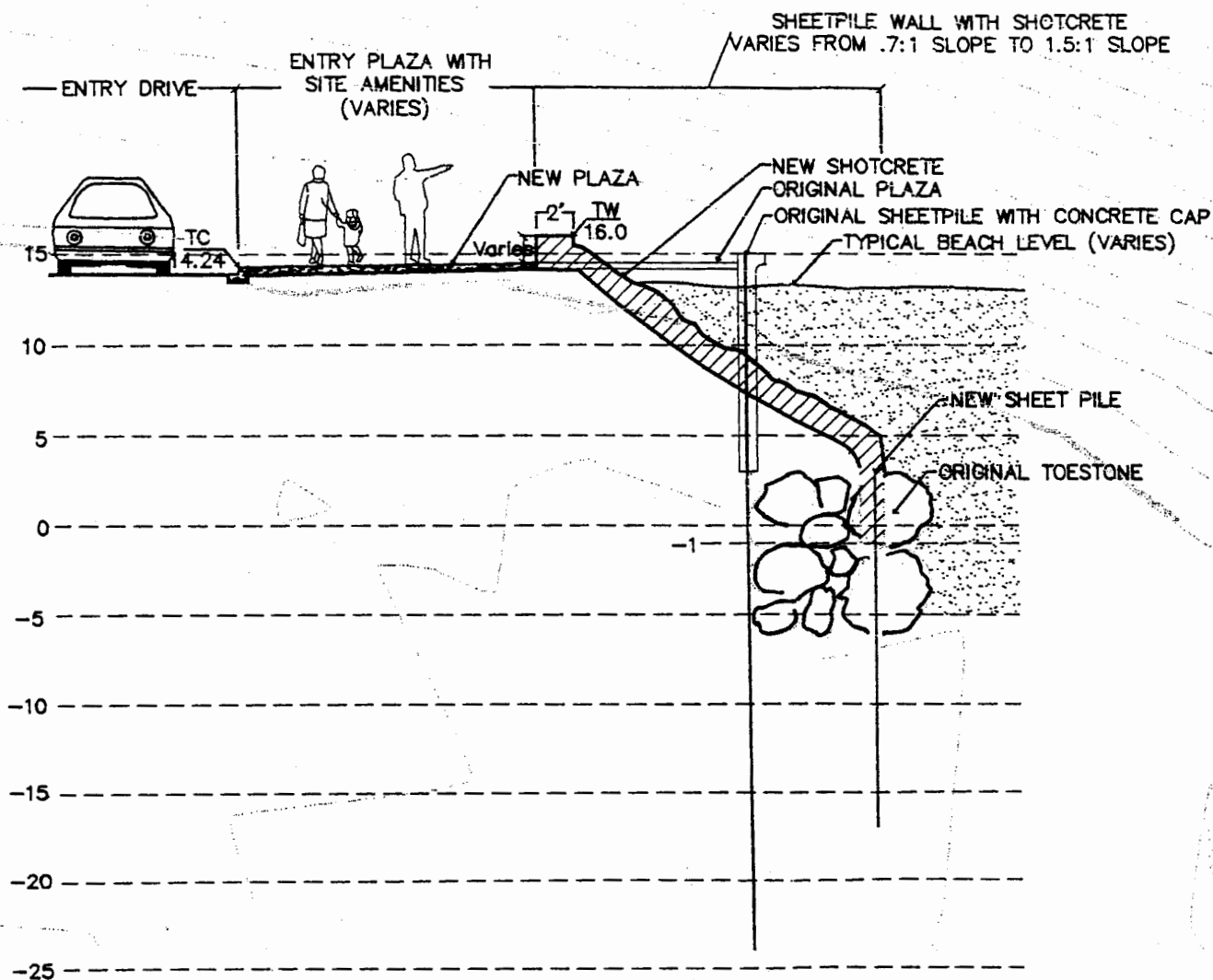
7. California Environmental Quality Act. Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). 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 remove existing riprap in an expeditious manner and submit final revised plans for Executive Director approval, will not cause significant adverse impacts to the environment. There are no feasible alternatives or additional 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 amended 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.





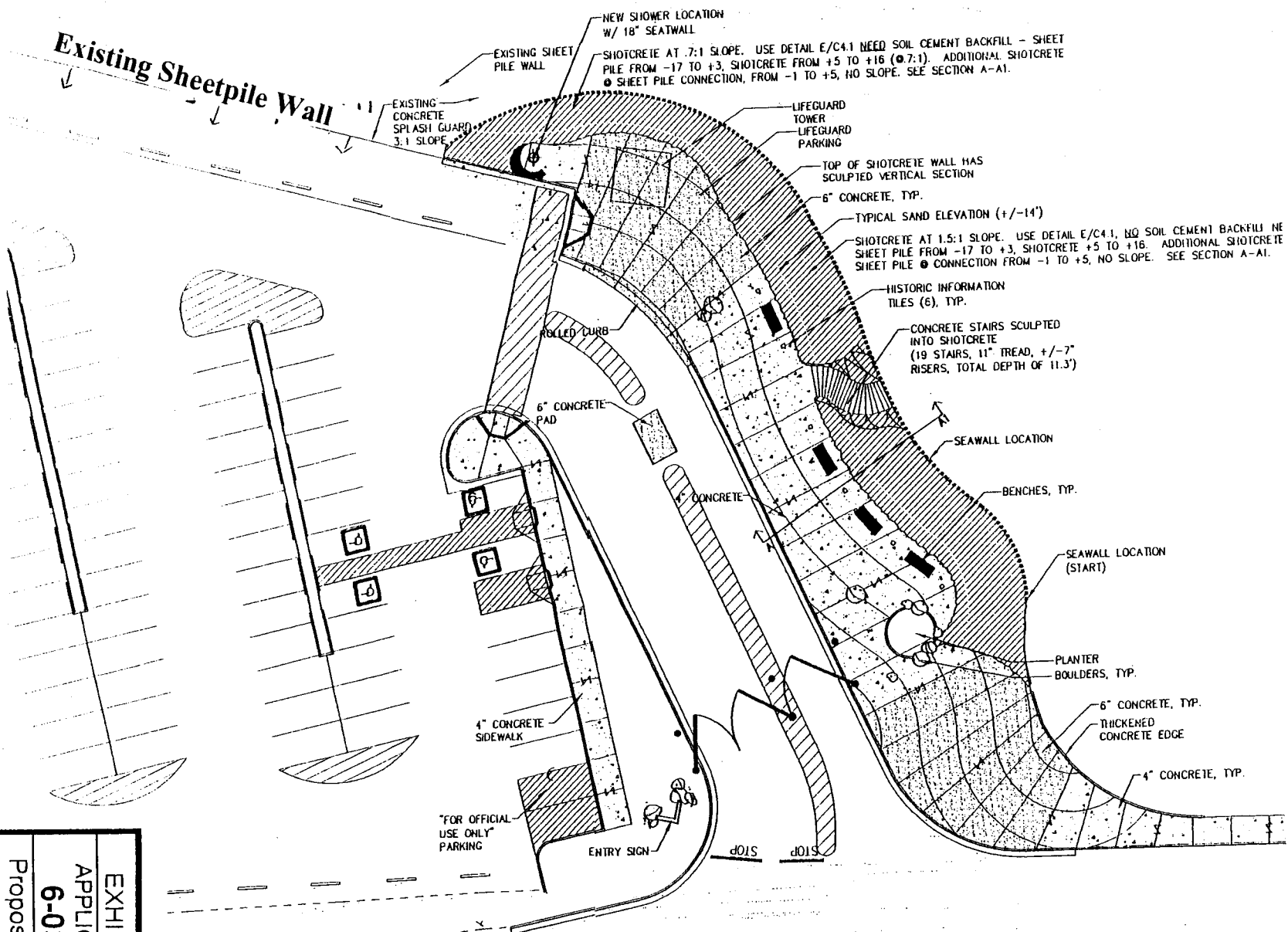
## SECTION A-A1

EXHIBIT NO. 2  
APPLICATION NO.  
**6-03-41-A1**

Comparison of  
Original North Wall  
with Proposed New  
Alignment

California Coastal Commission

# Existing Sheetpile Wall



California Coastal Commission

EXHIBIT NO. 3  
APPLICATION NO.  
**6-03-41-A1**  
Proposed Northern  
Wall Site Plan

