

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Wed 16d

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Staff: D. Lilly-SD
Staff Report: September 21, 2006
Hearing Date: October 11-13, 2006

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-165-A3

Applicant: David Winkler & Ronald Lucker Agent: Walt Crampton

Original Description: Filling two seacaves (Seacave 1=30 feet deep, a maximum of 12 feet wide, and a maximum of 10 feet high; Seacave 2=10 feet deep, a maximum of 6 feet wide, and a maximum 6 feet high) at the base of the bluff below two existing single-family residences with a colored and textured erodible concrete mixture. This application is a follow-up to an emergency permit granted to fill the seacaves.

First Amendment: Remove one original applicant (Ken Wood) from permit.

Proposed Amendment: Minor maintenance of two filled seacaves to restore fill to approved condition by reapplying sacrificial concrete to areas of the infill surface where deterioration and fragmenting of the infill surface have occurred, and filling of small erosion pockets at the base of the infill. Revise condition #3 requiring recordation of an assumption of risk condition to allow recordation of the Special Conditions of this permit.

Site: Bluff face below 517 and 521 Pacific Avenue, Solana Beach, San Diego County. APN 263-041-14; 263-041-04.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed seacave fill maintenance. The proposed maintenance is very minor and consistent with the maintenance anticipated and required by the Commission in its original approval of the project. Maintaining the fill is a preventative measure in order to avoid or delay the construction of more substantial seawalls and/or upper bluff protection

in the future, which have more significant impacts than filling seacaves. No new impacts are expected with the proposed project that were not reviewed with the original project.

Because permittees have not complied with the Special Condition requiring recordation of an assumption of risk deed restriction, the regular coastal development permit (ref. CDP #6-97-165) has not been issued and the infill is unpermitted. Approval of this amendment, and following satisfaction of the prior-to-issuance conditions of the subject amendment, the conditions of the unissued coastal development permit will be satisfied and the permit issued.

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. 6-97-165-A3 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

The following Condition shall replace Special Condition #3 of the original permit:

3. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from erosion and coastal bluff collapse; (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.

The following Conditions shall be added after Special Conditions #9 of the original permit:

10. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit for review and written approval of the Executive Director, final seacave plans in substantial conformance with the submitted plans date-stamped received July 5, 2006 by TerraCosta Consulting Group. Said plans shall first be approved by the City of Solana Beach and include the following:

- a. Sufficient detail regarding the construction method and technology utilized for texturing and coloring the seacave fill. Said plans shall confirm, and be of sufficient detail to verify, that the seacave color and texture closely match the adjacent natural bluffs. The plan shall include a color board indicating the color of the fill material.
- b. The notch/seacave repairs shall conform as closely as possible to the natural contours of the bluff, and shall not protrude beyond the existing "drip-line" (a vertical line extending down from the face of the bluff above the notch).
- c. Any existing permanent irrigation system located within 150 ft. from the bluff edge on the blufftop property shall be removed or capped.
- d. All runoff from impervious surfaces on the blufftop lot shall be collected and directed away from the bluff edge towards the street.
- e. Existing accessory improvements (i.e., decks, patios, pool, walls, etc.) located within 40 feet of the edge of the bluff on the blufftop site shall be detailed and

drawn to scale on the final approved site plan. All existing accessory improvements shall be located no closer than 5 feet landward of the natural bluff edge or approved reconstructed bluff edge.

- f. During construction of the approved development, disturbance to sand and intertidal areas shall be minimized to the maximum extent feasible. All excavated beach sand shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or for any other purpose as construction material.

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.

11. Deed Restriction. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit 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; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and 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.

12. Storage and Staging Areas/Access Corridors. The applicant shall comply with the submitted storage and staging plans date stamped received July 5, 2006 by TerraCosta Consulting Group that include the following requirements:

- a. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces at 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 to repair the seacaves. Construction equipment shall not be washed on the beach or in the Fletcher Cove parking lot.

- b. Access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.
- c. No work shall occur on the beach on weekends, holidays or 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.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The original permit was for filling two seacaves located at the base of the bluffs on the northern portion of the Tide Beach Park, a small cove/pocket beach in the City of Solana Beach. The northwestern-most cave, Seacave #1, was approximately 30 feet deep, up to 12 feet wide, and a maximum of 10 feet high. Seacave #2 was 10 feet deep, a maximum of 6 feet wide, and a maximum 6 feet high. The two caves are located at the base of an approximately 80 foot high coastal bluff. The first seacave is located just barely below the adjacent single-family residence at 521 Pacific Avenue; the second seacave is located slightly further southeast directly below an existing bluff-top single-family residence at 517 Pacific Avenue. The City of Solana Beach owns the bluff face and beach below the residence at 517 Pacific Avenue, but the bluff-top property owner at 521 Pacific Avenue owns the bluff face and the portion of the one seacave in that location. The City has approved the project.

The original permit application was a follow-up to an emergency permit granted on December 30, 1997 to fill the seacaves (#6-97-165-G). The work was performed in early 1998. Both seacaves were filled with a "lean" concrete mixture designed to erode at the same rate as the surrounding bluffs. After the seacaves were filled, erosion on the site resulted in a portion of each plug protruding beyond the bluff face onto the sandy beach, and the color of the plugs did not closely match that of the surrounding bluffs. Therefore, the follow-up permit also included grinding back the face of the plugs to be flush with the bluff face, and re-coloring and re-texturing the plugs to achieve a natural appearance.

The permit was approved in June 1999 with conditions requiring a monitoring program, maintenance program, an assumption of risk deed restriction, approval from the Army Corps of Engineers, approval from the State Lands Commission, a treatment plan for the fill surface, and as-built plans. The conditions were required to be satisfied within 60 days of Commission approval (by August 9, 1999). Most of these conditions have been satisfied; however, the requirement that an assumption of risk be recorded as a deed restriction against the bluff top property at 521 Pacific Avenue was never completed. As

such, the permit has not been released. The maintenance work conditionally approved under this permit did take place, in violation, in 2001.

In June 2000, the applicant and bluff top property owner at 517 Pacific Avenue, Mr. Ronald Lucker, applied for an amendment to have the second applicant, the property owner at 521 Pacific Avenue, Mr. Kenneth Wood, removed from the permit (#6-97-165-A1). However, staff noted at that time that the permit had not yet been issued, and that the permit conditions should be complied with before removing any property owners from the permit. Mr. Lucker did not pursue completion of that amendment request.

In December 2005, Mr. Lucker applied for an amendment to perform maintenance on the two seacaves (#6-97-165-A2). Staff informed Mr. Lucker that both of the bluff-top property owners should be co-applicants to the project, and the amendment was withdrawn and resubmitted with both property owners.

The proposed amendment is both for the minor seacave fill maintenance now required, and to allow the assumption of risk condition on the original permit to be applied to the project through recordation of the Special Conditions of this permit. The proposed maintenance would consist of restoring the filled seacaves to their previously approved condition by reapplying sacrificial concrete to areas of the infill surface where deterioration and fragmenting of the infill surface have occurred, and filling of small erosion pockets at the base of the infill, where cobble abrasion of the infill base as occurred during winter periods with sand levels are low. The maintenance is expected to take 1-2 days to complete.

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, Chapter 3 of the Coastal Act is 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....

In addition, Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

The proposed project involves the maintenance of an existing seacave infill by reapplying sacrificial concrete to areas of the infill surface where deterioration and fragmenting of the infill surface have occurred, and filling of small erosion pockets at the base of the infill, where cobble abrasion of the infill base as occurred during winter periods when sand levels are low. Special conditions on the original project included the following:

2. Future Maintenance/Debris Removal. The permittees shall remove all debris deposited on the beach or in the water as a result of construction of 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 seacaves in their approved state except to the extent necessary to comply with the requirements set forth below. Maintenance of the seacaves shall include maintaining the color, texture and integrity. Any change in the design of the project or future additions/reinforcement of the seawall beyond minor regrouting or other exempt maintenance as defined in Section 13252 of the California Code of Regulations to restore the seacaves 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 native bluffs, the permittees shall contact the Commission office to determine whether permits are necessary, and shall subsequently apply for a coastal development permit for the required maintenance.** If at any time after project completion, the seacave plugs are 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 plug remains.

Consistent with the above requirement, the project would restore the filled seacaves to their previously approved condition.

The original seacave fill project was approved by the Commission with geotechnical information indicating that although the bluffs along this section of shoreline were expected to continue to retreat and additional bluff failures in the area were possible, there was no evidence that the homes on the blufftop was itself in jeopardy. Thus, in that particular case, Section 30235 of the Coastal Act did not require that the Commission approve a shoreline-altering device. Nevertheless, although the residences were not in jeopardy at that time, the Commission determined that failure to fill the seacaves would perpetuate the risk of future bluff failures that could threaten the existing structures, resulting in requests for construction of far more massive upper and lower bluff protection than the proposed project. The Commission concluded that the original fill

would not have a significant adverse impacts on shoreline processes, public access and recreation, or the visual quality of the shoreline.

The proposed project has similarly not been characterized as required to protect the existing bluff-top structures at this time. The project is proposed as the minimum amount of work necessary to maintain a portion of the infill previously authorized by the Commission in order to prevent lower bluff failures that would lead to progressive upper bluff failures threatening the structures at the top of the bluff and requiring the construction of more extensive and costly bluff stabilization such as seawalls and mid- and upper bluff retention devices.

The approved erodible, colored and textured concrete fill minimizes adverse effects on shoreline sand supply and public access, recreation, and the visual quality of the shoreline, and the proposed maintenance will not result in any new impacts. The Commission's engineer and geologist have also reviewed the proposed project, and concluded that the work is reasonable and needed maintenance in line with the type of maintenance anticipated in the original project approval. Given that occasional, on-going minor maintenance was expected and required by the Commission in its approval of the existing fill, in this particular case, no further mitigation for incremental impacts to sand supply resulting from the proposed repairs is required. However, the Commission notes that any expansion of the fill area, or a significant renovation of the fill that would extend the life of the fill beyond what was anticipated in the original approval, could trigger the need for additional mitigation for impacts to sand supply and public access and recreation.

Special Condition #10 requires the applicant to submit final plans for the proposed maintenance indicating that the seacave repairs conform to the bluff contours and that demonstrate that any existing irrigation systems on the blufftop have been removed, as these would impact the ability of the shoreline protection devices to adequately stabilize the site. Submission of final plans will ensure that overall site conditions which could adversely impact the stability of the bluff have been addressed.

Due to the inherent risk of shoreline development, Special Condition #3, as revised herein, requires the applicant to waive liability and indemnify the Commission against damages that might result from the proposed repairs and new upper bluff wall. The risks of the proposed development include that the repaired shoreline devices will not protect against damage to the structures at the top of the bluff from bluff failure and erosion. In addition, the proposed structures themselves may cause damage either to the applicant's property or to neighboring properties by increasing erosion of the bluffs. Such damage may also result from wave action that damages the seacave/notch infills. Although the Commission has sought to minimize these risks, and has concluded that the risks are sufficiently low that approval of the project is not inconsistent with Section 30253, the risks cannot be eliminated entirely. Given that the applicant has chosen to construct the proposed shoreline devices despite these risks, the applicant must assume the risks. Special Condition #11 requires the applicant to record the permit conditions to reflect the obligations of the subject permit.

In summary, the applicant has documented that the previously approved shoreline protective devices are in need of maintenance. The proposed maintenance is substantially in line with the intent of the maintenance anticipated under the original permit. The Commission's staff coastal engineer has reviewed the applicant's geotechnical assessment and concurs with its conclusions. As conditioned, the project will not have any significant adverse impact on shoreline processes or site stability, and there are no other feasible less damaging alternatives available to address the needed repairs, which will allow the fill to avoid the need for larger, more intrusive structures in the future. Therefore, as conditioned, the Commission finds that the proposed maintenance and seacave fill 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...

As stated above, the proposed development will occur at the base of a coastal bluff on the public beach. The lower bluffs at the subject site have previously been filled with concrete, while the upper bluffs generally appear in their natural state. During some parts of year, the base of the bluff at this location is covered by sand and much of the existing infill is not visible. The applicant is proposing to install erodible concrete at necessary to rehabilitate the eroded and chipped surface of the existing infill. As proposed, the repairs shall conform as closely as possible to the natural contours of the bluff, and will use a colored and textured erodible concrete. The proposed maintenance will not adversely impact the visual quality of the area. The visual treatment proposed is similar to the visual treatment approved by the Commission for the original project. The proposed project will not substantially change the appearance of this section of shoreline.

Therefore, the Commission finds that potential visual impacts associated with the proposed development have been reduced to the maximum extent feasible and the proposed development will include measures to prevent impacts that would significantly degrade the adjacent park and recreation area (beach area). Thus, the project can be found consistent with Section 30251 of the Coastal Act.

4. Public Access/Recreation. Pursuant to Section 30604 (c), the Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. Section 30210 of the Coastal Act is applicable to the proposed development and states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

In addition, Section 30212 of the Act is applicable and states, in part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
 - (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
 - (2) adequate access exists nearby....

Section 30220 of the Coastal Act provides:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

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 project site is located on a public beach utilized by local residents and visitors for a variety of recreational activities. The City of Solana Beach owns the bluff face and beach below 517 Pacific Avenue, but the bluff-top property owner at 521 Pacific Avenue (David Winkler), owns the bluff face where a portion of one of the seacaves is located. There is an existing public beach stairway just south of the subject site at Tide Park Beach. The proposed seacave filling will not impact this accessway. The applicant has received a lease from the State Lands Commission to construct and maintain the subject seacave fill.

The use of the beach or public parking areas for staging of construction materials and equipment can also impact the public's ability to gain access to the beach. The applicant has submitted a preliminary construction staging and material storage plan for the subject development indicating that beach access to the site will occur via Fletcher Cove, which is located approximately 2,600 feet south of the subject site. Construction is only expected to take 1-2 days to complete, and as proposed, no construction will take place during the summer months between Memorial Day and Labor Day. Plans submitted for the application prohibit overnight storage of vehicles on the beach or washing or cleaning construction equipment on the beach or in the parking lot. Special Condition #12 requires the applicant to comply with these project components.

With Special Conditions assuring maximum public access, impacts to the public will be minimized. Thus, as conditioned, the Commission finds the project consistent with the public access and recreation policies of the Coastal Act.

5. Unpermitted Development. Development has occurred on site without the required coastal development permits and in non-compliance with the terms and conditions of previously issued coastal permits. Because the Special Conditions of approval have not been satisfied, the regular coastal development permit (ref. CDP #6-97-165) has not been issued and the infill is unpermitted. Following satisfaction of the prior-to-issuance conditions of the subject amendment, the conditions of the unissued coastal development permit will be effectively satisfied and the permit issued. To ensure that the unpermitted development component of this application is resolved in a timely manner, Special Condition #9 of the original permit requires that the applicant satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 60 days of Commission action, and nothing in this amendment alters that requirement.

Although development has taken place prior to the submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit amendment does not constitute a waiver of any legal action with regard to any alleged violations nor does it constitute an 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 jurisdiction, but is now within the boundaries of the City of Solana Beach. The City is preparing and plans to submit a new LCP for the area to the Commission for review. Because of the incorporation of the City, the County of San Diego's LCP was never effectively certified. However, the issues regarding protection of coastal resources in the area have been addressed by the Commission in its review of the San Diego County LUP and Implementing Ordinances.

The City of Solana Beach has prepared a draft LCP. In preparation of its LCP, the City of Solana Beach is faced with many of the same issues as the City of Encinitas, located immediately north of Solana Beach, whose LCP was certified by the Commission in March 1995. The City of Encinitas' LCP includes the intent to prepare a comprehensive plan to address the coastal bluff recession and shoreline erosion problems in the City. The plan will include at a minimum, bluff top setback requirements for new development and redevelopment; alternatives to shore/bluff protection such as beach sand replenishment, removal of threatened portions of a residence or the entire residence or underpinning existing structures; addressing bluff stability and the need for protective

measures over the entire bluff (lower, mid and upper); impacts of shoreline structures on beach and sand area as well as mitigation for such impacts; impacts for groundwater and irrigation on bluff stability and visual impacts of necessary/required protective structures.

The City of Solana Beach LCP should also address these items in the context of a comprehensive approach to management of shoreline resources. As shoreline erosion along the coast rarely affects just one individual property, it is imperative that a region-wide solution to the shoreline erosion problem be generated and solutions developed to protect the beaches. Combined with the decrease of sandy supply from coastal rivers and creeks and armoring of the coast, beaches will continue to erode without being replenished. This will, in turn, decrease the public's ability to access and recreate on the shoreline.

In the case of the proposed project, the work involves repair to structures already authorized by the Commission. The Commission feels strongly that approval of the proposed project should not send a signal that there is no need to address a range of alternatives to armoring for existing development. Planning for comprehensive protective measures should include a combination of approaches including limits on future bluff development, ground and surface water controls, and beach replenishment. Although the erosion potential on the subject site is such that action must be taken promptly and repairs to the existing structures are necessary to assure they remain in their previously approved state, decisions regarding future shoreline protection should be done through a comprehensive planning effort that analyzes the impact of such a decision on the entire City shoreline.

The location of the proposed maintenance is designated for Open Space Recreation in the City of Solana Beach Zoning Ordinance and General Plan, and was also designated for open space uses under the County LCP. As conditioned, the subject development is consistent with these requirements. Based on the above findings, the proposed development is consistent with the Chapter 3 policies of the Coastal Act.

Therefore, the Commission finds the proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act, and will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program. However, these issues of shoreline planning will need to be addressed in a comprehensive manner in the future through the City's LCP certification process

7. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the geologic stability, visual quality, and public access policies of the Coastal Act. Mitigation measures, including the color of construction materials and timing of construction 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.

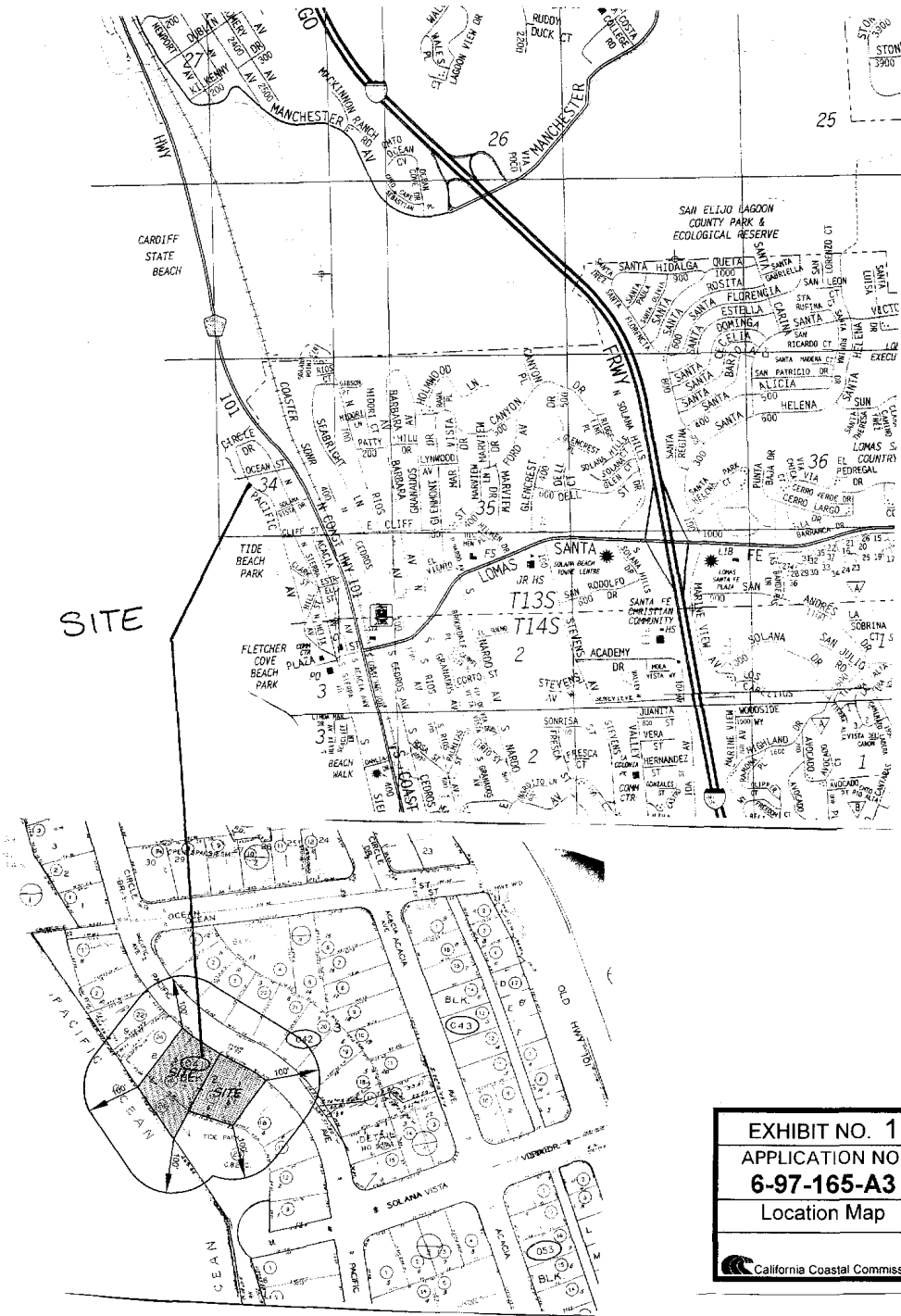
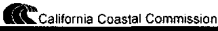
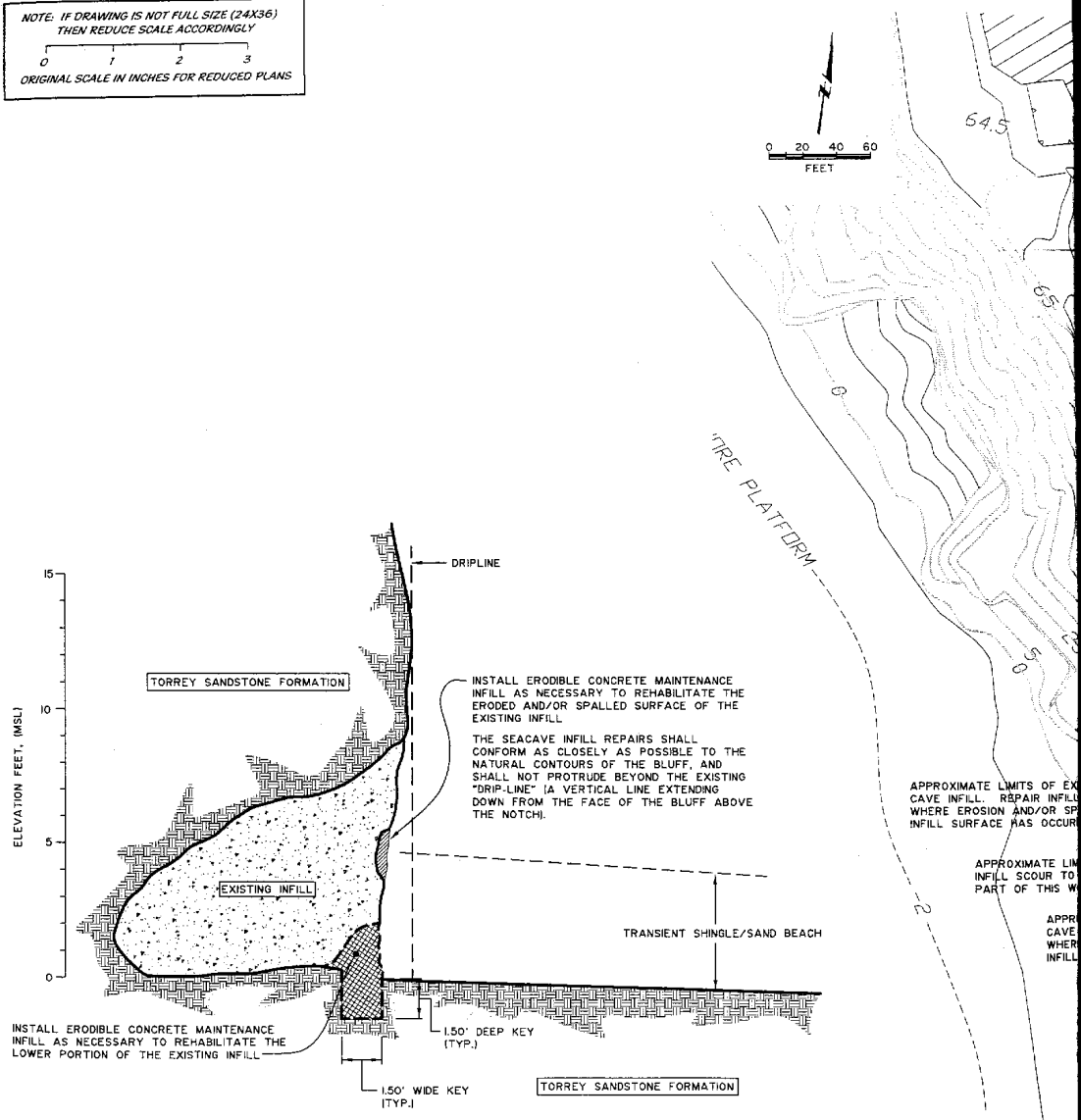
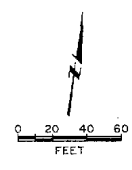


EXHIBIT NO. 1
APPLICATION NO.
6-97-165-A3
Location Map



NOTE: IF DRAWING IS NOT FULL SIZE (24X36)
THEN REDUCE SCALE ACCORDINGLY

0 1 2 3
ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



NOTCH MAINTENANCE DETAIL
NOT TO SCALE

KEY NOTE:
EXCAVATE KEY A IN SANDSTONE AROUND OF SEA CAVE OPEN

EXHIBIT NO. 3
APPLICATION NO.
6-97-165-A3
Cross-Section

California Coastal Commission

BENCH MARK	
DESCRIPTION:	5TD 2-1/2" BRASS DISK S.D. CO. ENGR. STAMPED "LJ 108 1968"
LOCATION:	AT SOLANA BEACH, ALONG HWY 101, 0.5 MILE N OF INTERSECTION OF HWY 101 AND VIA LA VALLE. 31 FT E OF CENTERLINE OF HWY 101, 80 FT W OF AT AND 2308 TRACKS, 24 FEET N OF PROJECTED CENTERLINE OF DANIELA DRIVE, 8 FEET N OF PP #128001, A COPPER ROD 12.5 FEET DEEP WITH STANDARD DISK STAMPED "LJ 108 1968, 1145 RAN 02"
ELEV:	63.78 DATUM: M.S.L.

COASTAL COMMISSION PERMIT NO. _____

SOLANA BEACH FIRE DEPARTMENT	SANTA FE IRRIGATION DISTRICT	ENGINEER OF WORK	CITY APPROVED	RECOMMENDED FOR APPROVAL
By: _____ Fire Chief	By: _____ District Engineer	GDS Drawn By: _____ By: WALTER F. CRAMPTON R.C.E.: 23792 Exp: 12/31/07	Date: 12-9-05	By: _____ Date: _____