

## CALIFORNIA COASTAL COMMISSION

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# TH 17c

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AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-05-40-A1

Applicant: City of Solana Beach

Agent: Susan McCabe

**Original**

Description: Demolition of 60 parking spaces within an existing 93-space public beach asphalt parking lot (Fletcher Cove Beach Park) and replacement with a grass and/or sand covered park and the request for after-the-fact approval of an unpermitted 74-space parking lot at 140 S. Sierra Avenue.

**Proposed**

Amendment: Modify the proposed renovation of Fletcher Cove Beach Park to include new pedestrian walkways, revised vehicle access, 34 parking spaces, tot lot, basketball court, boardwalk, grassy areas, retaining walls, landscape improvements, and permanent irrigation devices. Also requested is removal of Special Condition #5c that prohibits installation of permanent irrigation system.

Site: Fletcher Cove Beach Park, west end of Plaza St., Solana Beach.

Substantive File Documents: San Diego County Local Coastal Plan, San Dieguito Land Use Plan (1980); Fletcher Cove Master Plan/June 1992; Fletcher Cove Master Plan/June 2001; "Fletcher Cove Parking Study" by Katz, Okitsu & Associates dated April 12, 2005.

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**STAFF NOTES:**

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed amendment request with conditions. The subject park is located adjacent to the beach on a coastal bluff subject to erosion. The primary coastal issues raised by subject amendment request involve geologic hazards, scenic resources and public access. The project as designed will result in increased public access and recreation opportunities and enhanced public views of the ocean. While the proposed permanent irrigation to be

located 100 ft. inland of the bluff has been designed so that all excess water will be diverted away from the bluff into the nearby low-flow diversion device, the applicant is also proposing retention of existing irrigation devices located within 100 ft. of the bluff, which will continue to pose a hazard to the bluff if failure of the devices should occur. Therefore, staff is recommending that all existing permanent irrigation devices located closer than 100 ft. of the bluff edge be removed and not replaced. With other conditions requiring the submission of final site, grading, landscape, irrigation and drainage plans, submission of Best Management Practices (BMP's), waiver of future protection of the improvements and restrictions on when the work can occur so as to reduce impacts to public access, the proposed project can be found consistent with Coastal Act policies related to geologic hazards, scenic resources and public access.

The City of Solana Beach does not yet have a certified Local Coastal Program. As such, the standard of review for the proposed development is Chapter 3 policies of the Coastal act.

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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. 6-05-40 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 grounds 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 following Special Conditions for amended Coastal Development Permit 6-05-40-A1 shall replace in their entirety, Special Conditions Nos. 4, 5, 6, and 7 of Coastal Development Permit No. 6-05-40.

4. Final Revised Plans. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site, grading, and building plans for the permitted Fletcher Cove Beach Park development. Said plans shall be in substantial conformance with the site plan shown on Exhibit #4 of Amendment 6-05-40-A1 staff report.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Final Landscape Plans. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping and irrigation plan for the Fletcher Cove Beach Park development that incorporates the following:

- a. A plan showing the type, size, extent and location of all existing and proposed plant materials on the site and clearly indicating those to be retained and those proposed for removal.
- b. All new plant material shall consist of low growing, drought tolerant native, non-invasive plant materials. New trees or other plants shall be prohibited in areas that could adversely affect public views of the ocean.
- c. All existing permanent irrigation devices located within 100 feet of the bluff edge shall be removed.
- d. Any proposed permanent irrigation systems must be located at least 100 feet landward of the bluff edge and include effective measures so that all runoff or irrigation water will be directed away from the bluff and into the nearby low-flow diversion system and will not enter into groundwater. The design shall include an impervious clay layer and drainage system to be installed beneath any permanent irrigation devices in order to prevent infiltration of runoff or irrigation water into the bluff. The impervious clay layer shall be a minimum of twelve inches thick and shall have a maximum hydraulic conductivity of  $1 \times 10^{-6}$  cm/sec. The clay layer shall be capped by a layer of sand with minimum

hydraulic conductivity of  $1 \times 10^{-2}$  cm/sec, containing perforated drainage pipes designed to collect groundwater and carry it to the street.

- e. The use of rodenticides and pesticides is prohibited.
- f. The use of fertilizer shall be minimized and the method of application shall be managed so that there will be no measurable discharge to coastal waters.
- g. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape 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.

6. Public Access Corridors. PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the Fletcher Cove Beach Park development indicating the location of access corridors to the beach through the construction site and staging areas. The final plans shall indicate that:

- a. No storage of equipment or materials shall occur on the sandy beach.
- b. Access through Fletcher Cove Park to the beach shall remain open during construction to the maximum extent possible. Closure, if necessary, shall be minimal with the accessway re-opened for public use as soon as possible.
- c. Access and use of the Park's overlook area and remaining parking areas shall remain available to the maximum extent possible.
- d. No work shall occur during the summer months between Memorial Day weekend and Labor Day of any year.
- e. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents. The 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.

7. Storage of Construction Materials, Mechanized Equipment, and Removal of Construction Debris. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the Fletcher Cove Beach Park construction project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent feasible the adverse impacts associated with construction to receiving waters. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. No construction materials, equipment, debris, oil, liquid chemicals, or waste shall be placed or stored where it may be subject to stormwater, or where it may contribute to or come into contact with nuisance flow;
- b. Any and all debris resulting from construction activities shall be removed from the site within 1 day of completion of construction;
- c. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;
- d. All stock piles and construction materials shall be covered, enclosed on all sides, and shall be located as far away as possible from drain inlets and any waterway,
- e. All debris and trash shall be disposed of in proper trash and recycling receptacles at the end of each construction day;
- f. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- g. Construction equipment shall not be washed on the beach or within the Fletcher Cove parking lot.
- h. The applicant shall submit evidence that the approved plans/notes have been incorporated into construction bid documents.

The permittee shall undertake development in accordance with the approved final plan and schedule and other requirements. Any proposed changes to the approved final plan shall be reported to the Executive Director. 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.

The following Special Conditions shall be added to Amended Coastal Development Permit No. 6-05-40-A1:

12. Shoreline Protection Waiver. By acceptance of this Permit Amendment (6-05-040-A1), the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No 6-05-40, as amended, in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit Amendment, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235 to protect the proposed development.

By acceptance of this Permit Amendment, the applicant further agrees, on behalf of itself, and all successors and assigns, that the applicant shall remove all portions of existing or proposed development (excluding the Marine Safety Center) if the structures become hazardous or a threat to the public. Replacement structures shall be no closer than 5 ft. landward of the bluff edge. In the event that portions of such development fall to the beach before they are removed, the applicant shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

13. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-05-40 not specifically modified by amendment 6-05-040-A1, shall remain in full force and effect and become part of Amended Coastal Development Permit #6-05-40-A1.

### III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed amendment request involves the renovation and redesign of Fletcher Cove Beach Park that includes new pedestrian walkways, revised vehicle access, 34 parking spaces, tot lot, basketball court, grassy areas, approximately 18-inch high retaining walls, a boardwalk across the site, landscape improvements, and permanent irrigation devices. The approximately 18-inch high retaining walls (referred to as “seat walls” on the submitted plans) located throughout the park will afford separation of different elements of the park such as the boardwalk, the tot lot, basketball court, grassy area and pedestrian path and provide seating for park visitors.

The original project approved by the Commission in June of 2005 involved the removal of 60 parking spaces within the 93 spaced asphalt parking lot at Fletcher Cove and the replacement with a grassy or sand recreation area. The proposed amendment request involves a complete redesign of the project as approved by the Commission and now includes the entire parking lot area and improvements adjacent to the bluff. The amendment request substantially revises the park plan approved by the Commission (ref.

Exhibit #2) and substitutes a new plan (Ref. Exhibit #3). The only portion of the Fletcher Cove Beach Park not affected by this redesign is the existing Marine Safety Building which lies at the edge of the bluff on southwest corner of the parking lot and the 1,700 sq. ft. community center and grassy parkland that is located on the north side of the parking lot on a blufftop area that is approximately 40 feet higher in elevation than the other park facilities. (Procedurally, Special Conditions #4, 5, 6, and 7 of the original permit applied to the original renovation plan approved by the Commission in June of 2005. Because the subject amendment will substitute a new plan for the original, the original Special Conditions Nos. 4, 5, 6, and 7 will be replaced with new conditions relating to the new amended project. These conditions will be discussed in more detail throughout the staff report.)

Special Condition #5 of the original permit (ref. 6-05-40/City of Solana Beach) prohibited the installation of any permanent irrigation devices because the breakage of the devices could result in damage to the nearby bluff. The subject amendment involves a request to remove that condition and allow new permanent irrigation located at least 100 ft. landward of the bluff edge that has been engineered to eliminate the potential of damage to the bluff. In addition, the applicant requests that the existing irrigation devices located within 100 ft. of the bluff edge be fitted with automatic shut-off valves to reduce the potential that breakage will also lead to bluff damage.

The project site is located at Fletcher Cove Beach Park, west end of Plaza St. in Solana Beach.

## 2. Geologic Stability.

### **Section 30235.**

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. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

### **Section 30253.**

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.

(3) . . .

In addition, **Section 30240(b)** of the Act requires that:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Each of the above-cited Coastal Act policies is potentially applicable to the Commission's review of new blufftop development and/or improvements to existing blufftop development such as that proposed. The policies are designed to assure that development in such hazardous locations and adjacent to parks and recreation areas, such as the public beach, are sited and designed to reduce risks and to prevent impacts which would significantly degrade those areas. In review of blufftop development subject to erosion or other geologic hazards, the Commission must assure any development which is approved will not contribute to the destruction of the site or the surrounding area. One means to assure such protection of public beach recreational areas is to assure, to the extent possible, that improvements or new development will not require protective devices that substantially alter the natural landforms along bluffs and adversely impact visual quality, coastal processes and public access along the shoreline.

The proposed park redevelopment will occur on a coastal bluff overlooking the Pacific Ocean in Solana Beach. Fletcher Cove, according the City's website ([www.ci.solana-beach.ca.us/history.cfm](http://www.ci.solana-beach.ca.us/history.cfm)), was created by the erosion of tons of earth in the early 1920's through a three month application of hydraulic water pressure (a fire hose) in order to provide an ocean view for the town. As a result, the bluff at this location is approximately 40-ft. in height or about ½ the height of the natural coastal bluffs that lie to the south and north of the park. Although substantially altered, the remaining approximately 40-ft. high bluff continues to be subject to erosion. The primary causes of erosion at this location are wave action that undermines the lower sections of the bluff leading to mid and upper bluff failures, and groundwater or other runoff which lead to mid or upper bluff failures. In May of 2003, a retaining wall and concrete section of the existing ocean viewing area was undermined. The City took emergency measures to remove the retaining wall and section of concrete slab that had been undermined so that the structures did not fall to the beach and pose a risk to beachgoers.

No shoreline protective devices currently exist at Fletcher Cove Beach Park. In addition, the bluffs immediately south of and adjacent to the Fletcher Cove Beach Park have experienced significant failures over the past few years requiring signage and tagging by lifeguards to keep beachgoers away from the failure areas. In October 2005, the Commission approved the construction of an approximately 120-ft. long, 35-ft. high seawall below the Las Brisas Condominium complex that is located immediately adjacent



to the south side of Fletcher Cove Beach Park because bluff sloughage was documented to have threatened structures. Bluff sloughages have also been documented immediately north of the subject development site below the Solana Beach Community Center that is located on the unaltered natural bluffs portion of Fletcher Cove Beach Park. Therefore, it is clear that the bluffs at and surrounding the subject site are subject to ongoing erosion and are hazardous.

The proposed redevelopment of the Fletcher Cove Beach Park will involve minor grading of the site to accommodate the removal of the existing asphalt, construction of the various improvements and to control runoff. A conceptual grading plan submitted with the amendment identifies that no grading is proposed within approximately 40 to 60 feet of the bluff edge and that no elevation will increase beyond approximately 18-inches over the existing grade. The improvements include a new basketball court, tot lot, a boardwalk to extend from the street across the site to the existing ocean viewing platform at the edge of the bluff, a series of "seat wall" retaining walls, the closure of an existing vehicle access way and its replacement with a pedestrian path, a grassy area and a 34 space parking lot. The amendment also involves landscaping that includes trees and shrubs along the street frontage and grass within the park. To provide water for the new approximately 5,100 sq. ft lawn area, the applicant is proposing a "state of the art" irrigation system that will divert any excess water into a nearby low-flow diversion system so that no irrigation water will flow through or over the bluff. The new grassy area with "state of the art" irrigation" is proposed to be located no closer than 100 ft. from the edge of the bluff. The applicant is also proposing to upgrade the existing irrigation system that lies within 40 ft. of the edge of the bluff by installing automatic shut-off valves. In addition, the applicant is proposing to remove any existing drains to extend over the bluffs and to redirect all runoff from the park into the nearby low-flow diversion system. The low-flow diversion system is designed to collect residential and commercial water runoff from surrounding areas and divert the water into the sewer system during non-rainy periods.

Overall, the proposed development represents significant public improvements and will likely result in increased public access and recreational opportunities. However, because the project is located in close proximity to an eroding bluff, measures should be taken to assure the project will not contribute to erosion or geologic instability or require the construction of shoreline protective devices consistent with the requirements of Section 30253. In approving the original project in 2005, the Commission required that no permanent irrigation be installed because of the concern that uncontrolled runoff can saturate the bluff and result in sloughage.

In the case of the proposed project, the applicant proposes to remove any drain pipes that currently extend over the bluff edge and proposes to make improvements to the existing permanent irrigation devices that lie in close proximity to the bluff edge. After a review of the improvements proposed for existing irrigation, the Commission's technical services division has determined that the proposed shut-off valves will lessen but not eliminate the potential of irrigation malfunctions leading to bluff damage. In other developments along the Solana Beach shoreline, the Commission has required that in

order to eliminate the potential hazard that can result from permanent irrigation devices breaking or being left on, that all permanent irrigation devices be removed from the properties. In some cases, involving large condominium structures, the Commission has required that permanent irrigation devices be removed from within 150-ft. of the bluff edge (ref. CDP No. 6-00-9/Del Mar Beach Club and 6-03-33/Surfsong). In this case, especially since the existing irrigation is adjacent to the bluff failure that occurred in 2003, Special Condition #4 has been attached that requires the removal of all existing permanent irrigation devices from within the proposed project site at Fletcher Cove Beach Park.

As previously described, the Commission in 2005 approved the removal of 60 parking spaces at Fletcher Cove Beach Park and the replacement of that asphalted area with a grassy or sandy park area located over 100 ft. from the bluff edge. The Commission also prohibited the installation of permanent irrigation in that area of the park. The applicant is now requesting the Commission to remove that prohibition for the proposed grassy area because they have designed a “state of the art” irrigation plan that they believe has no potential for adversely affecting bluff stability. The applicants proposed irrigation system includes conservation methods to monitor weather conditions electronically so as to dispense minimum necessary water and to do so using drip emitters and sub-surface tubing. The applicant proposes that the finished grade for all improved surfaces including this lawn area will be sloped to collect into the nearby low-flow diversion system. In addition, to prevent any irrigation water from entering into the groundwater the applicant proposes to construct a subterranean drain field under the lawn consisting of crushed gavel and perforated drain pipes designed to collect water after it percolates through the lawn and divert it into the low-flow diversion system. As added protection, the applicant is proposing an “impermeable liner” to be placed below the subterranean drain field so that no irrigation water can permeate into the groundwater.

The Commission’s Technical Services division has reviewed the applicant’s proposal and believes that such a irrigation system can be designed to essentially eliminate any potential for adverse effects on bluff stability, especially since the proposed structure will be located over 100 ft. from the existing bluff edge. However, to assure that the final design is adequate, Special Condition #4 has been attached which requires the submission of final landscape and irrigation plans which will require review and approval by the Executive Director. Based on the recommendation of the Commission’s Technical Services Division, the condition requires the installation of a minimum 12-inch layer of impermeable clay capped by a layer of sand. (Ref. Special Condition #4 for the specific criteria suggested by Technical Services). Special Condition #4 also requires the use of drought-tolerant native, non-invasive plant materials which will also reduce the need to irrigate the site. As conditioned to remove the existing irrigation system from within 100 ft. of the bluff and to install a “state of the art” designed irrigation system no less than 100 feet from the bluff edge, the proposed project is not expected to result in any adverse impacts to overall bluff stability.

Although conditioned to assure that water from irrigation does not enter into groundwater or runoff over the bluff, the bluff itself will continue to be hazardous and subject to

erosion from groundwater and marine effects. In approving new residential structures or other significant buildings, the Commission has typically required that the structures be setback an adequate distance from the bluff edge so as not to require shoreline protection over its projected lifetime. In addition, only at-grade improvements are permitted to be constructed within this geologic setback and no new structures are permitted within 5 ft. of the bluff edge. In this case, the applicant identifies that only at-grade improvements will occur as part of the subject development and nothing is proposed that cannot be removed if threatened in the future.

As cited above, Section 30253 prohibits new development from requiring shoreline protective devices that alters natural landforms along the bluffs. To assure that the applicant recognizes this prohibition, Special Condition #12 has been attached to require the applicant to waive all future protection for the park improvements approved herein. In addition, if erosion begins to threaten the improvements approved herein, Special Condition #12 requires the applicant to remove any portions of the structures (overlook concrete pad, boardwalk, picnic tables, light fixtures, etc.) that are threatened. The Commission recognizes that no repairs or improvements to the existing Marine Safety Center (which lies within 9 ft. of the bluff edge on the southwest corner of Fletcher Cove Beach Park) are proposed as part of the subject development request and that the existing Marine Safety Center may require shoreline protection over its lifetime if it can be found to be consistent with the Coastal Act and no less environmentally damaging alternative can be shown. However, in terms of the proposed conditions to waive all future protection, the condition applies exclusively to existing at-grade structures (such as the viewing platform) and proposed park improvements, but not to the existing Marine Safety Center.

With conditions addressing irrigation and control of runoff and waiver of future protection, the proposed development can be found to be consistent with Sections 30235 and 30253 of the Coastal Act.

3. Public Access/Recreation. The following Coastal Act policies relate to the proposed amendment request:

#### 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 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The proposed project is designed to encourage and enhance public access and recreational opportunities at Fletcher Cove Beach Park by changing the current asphalt parking lot into a multi-use facility that includes a tot lot, basketball court, boardwalk that extends from the park entrance to an existing ocean and beach overlook, the installation of an approximately 5,100 sq. ft. lawn area and seating available throughout the park. The existing parking lot will be reduced to 34 spaces and a “drop off” will be designed to accommodate park users who want to drop off family and friends, coolers, surfboards, recreation equipment, etc. Currently this section of the park is used for beach parking and as demonstrated in the original Commission action of June 2005, the parking lot is not highly used throughout year especially during periods of high tides when access to the beach is unavailable. The Commission determined in 2005 that available parking

exists on the nearby streets and at the nearby “Distillery” lot (at 140 S. Sierra Avenue) to accommodate the loss of the 60 parking spaces within Fletcher Cove Park.

With improvements such as the tot lot and approximately 5,100 sq. ft. of lawn area, it is anticipated the park will greatly increase recreational opportunities over what exists today and will, thereby, become a more valuable resource to visitors and residents alike. To assure that public access to the beach is not adversely affected by construction activity, Special Condition #6 has been attached which requires all work to occur outside of the summer months and that during construction, access to the beach and park shall be available at all time to maximum extent possible. With the condition to limit work to outside summer season and to assure public access to the beach and park continues, the proposed project that is designed to enhance and protect access and recreational opportunities can be found to be consistent with the public access and recreational policies of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act requires that new development protect the scenic and visual qualities of the coast:

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 area generally consists of a large asphalted area that accommodates parking for up to 93 vehicles. A marine safety building lies on the southwest side of the park. Ocean views are available across the park as seen from nearby Sierra Avenue and Plaza Street except for the views blocked by the marine safety building. No views from the surrounding public streets of the beach itself currently exists. In addition, depending on the size and location of parked vehicles, public views of the ocean can sometimes be blocked by vehicles parked in the lot.

The proposed project will result in enhanced views of the ocean over what currently exists. All public parking will be located on the south side of the site landward of the marine safety building. Therefore, no existing ocean views will be affected by cars parked in the new lot and the existing views will be enhanced by the elimination of the vehicles. The only new structures that have a potential to affect public views of the ocean are the basketball net structure and tot lot structures. However, these are not anticipated to have a significant effect on existing ocean views and are the type of structures that the public might expect to find in oceanfront parks. In addition, any minimal impacts to existing views will be offset by the new park improvements that will encourage use of the park for recreation that includes ocean viewing.

The proposed 18-inch high seat/retaining walls and up to 18-inch increase in grading proposed within the park is also not anticipated to affect public views as the park will

continue to slope downward toward the shoreline with views of the ocean retained. In addition, the applicant proposes a new landscape plan for the park, however, no preliminary landscape plan was submitted with the amendment request. However, the description included with amendment request indicates that the project will include “lawn for passive recreation; trees for shade; shrubs and groundcover for aesthetics and erosion control.” Clearly, the incorporation of landscaping in place of the asphalt parking lot will enhance the proposed park. However, there is a concern that large trees or other vegetation could be placed in areas that will affect existing public views of the ocean. Therefore, Special Condition #5 has been attached which requires submission of final landscape plans for the project. The condition specifically requires the use of drought-tolerant native and non-invasive species and requires that no trees or other landscaping be located in a way that will adversely affect existing public views of the ocean. The condition requires the use of low growing plants that do not impact public views.

Therefore, since the proposed project will protect and enhance public views of the ocean over what exists today, the proposed amendment, as conditioned, is consistent with the visual protective policies identified in Section 30251 of the Coastal Act.

5. Runoff/Water Quality. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained by, among other means, controlling runoff and states, in part, that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrapment, controlling runoff, ....

The construction of impervious surfaces can result in impacts to water quality because water runoff from hard surfaces can contain pollutants that eventually drain onto beaches or other coastal waters. In urban areas, runoff can contain oil, gasoline, brake dust, particles of roofing material and construction matter, chemicals, trash and other contaminants. Filters, catch basins, permeable paving surfaces such as modular pavers, grassed parking areas, and permeable pavements can be employed to trap vehicle-generated pollutants and reduce runoff volumes.

The proposed project will result in a reduction of the impervious surface area that currently exists. Fletcher Cove Beach Park where the proposed project is planned is largely an asphalt lot that is used for parking and for a basketball court. The proposed project replaces a large amount of the asphalt area with a tot lot and over 5,800 sq. ft. of lawn and landscape areas. As described previously, the new landscaped area will be irrigated with, as the applicant describes it a “state of the art” irrigation system that will direct any excess water away from the bluff and into a nearby low flow diversion system which during low flows empties into the City’s sewer system. In addition, use of the park may generate trash and pollution, such as that resulting from automobile use, trash

deposits, or animal waste which can affect ocean waters unless measures are taken to contain or filter runoff from the subject site.

The final runoff control plan for the proposed park improvements have not as yet been designed. Therefore, Special Condition #7 has been attached which requires the applicant to submit a Drainage and Polluted Runoff Control Plan that incorporates structural and nonstructural Best Management Practices (BMPs), for Executive Director approval, involving the proposed park improvements. With appropriate BMPs, the potential for polluted runoff from the site making its way to the ocean will be reduced or eliminated. In addition, as identified previously, Special Condition #5 has been attached which require the submission of a final landscape plan. To assure that no toxic elements are used in the landscaping that could affect marine resources, the condition prohibits the use of rodenticides and pesticides. In addition, the condition requires that the use of fertilizers be minimized. With these protective measures, the Commission finds the proposed development, as conditioned, consistent with the water quality protection policies of the Coastal Act.

6. Violation. The original project (CDP No. 6-05-040), approved by the Commission in June of 2005, involved not only redevelopment of Fletcher Cove Beach Park, but also an after-the-fact approval a public parking lot (the “Distillery” lot) across the street from Fletcher Cove at 140 S. Sierra Avenue. Because the parking lot was an after-the-fact approval, the Commission required that all Special Conditions relating to the “Distillery” lot be satisfied within 60 days of Commission action. The Commission approval occurred on June 8, 2005 and to date none of these Special Conditions have been satisfied. Therefore, CDP No. 6-05-040 has not been issued, the original violation has not been resolved, and Commission enforcement staff will address this issue in a separate enforcement action. However, it is anticipated that the applicant will eventually comply with the Special Conditions of approval relating to the “Distillery” lot since the Coastal Development Permit for the subject Park improvements cannot be released until those conditions are complied with (along with the Special Conditions that pertain to the Fletcher Cove Park development).

Although development has taken place prior to the submission of CDP No. 6-05-040 and this amendment, consideration of this amendment application by the Commission has been based solely upon the Chapter 3 policies a of the Coastal Act. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to the 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.

7. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. The City is in the process of preparing for the Commission's review a new LCP for the area. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the California Coastal Commission certifies an LCP for the City.

The project site was previously designated for open space/recreation under the County LCP and in the City of Solana Beach Zoning Ordinance and General Plan. The proposed development is consistent with these requirements. The Commission therefore finds the proposed development, as conditioned, conforms to Coastal Act Chapter 3 policies and the certified San Diego County LCP. Therefore, as conditioned, the subject development will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

8. 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 public access, geologic stability, visual and water quality protection policies of the Coastal Act. Mitigation measures, including final plans, restricting work to outside of the summer, a Best Management Program, and landscape/irrigation plan 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.