

CALIFORNIA COASTAL COMMISSION

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Thu 3b

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STAFF REPORT: CONSENT CALENDAR

Application No.: 6-05-136

Applicant: City of Solana Beach **Agent:** Dan Goldberg

Description: Minor repairs and maintenance of existing concrete-bag seawall consisting of unplugging and removing sand and cobbles in the existing drains, and filling voids between several concrete-filled bags with air-placed concrete colored and textured to match the surrounding seawall or bluff.

Site: Tide Beach Park, western terminus of Solana Vista Drive at Pacific Avenue, Solana Beach, San Diego County. APN 263-041-25.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; certified County of San Diego Local Coastal Program; "Maintenance of Existing Tide Beach Park Concrete Bag Seawall" by Geosoils, Inc. dated 2/11/04.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit for review and written approval of the Executive Director, final seawall repair plans in substantial conformance with the submitted plans attached to the report dated 2/11/04 by Geosoils, Inc. The final plans shall include the following:

- a. Detail regarding the construction method and technology utilized for texturing and coloring the seawall. Said plans shall confirm, and be of sufficient detail to verify, that the seawall shotcrete wall color and texture closely match the surrounding undamaged seawall, or surrounding bluffs, as appropriate. The plan shall include a color board indicating the color(s) of the fill material.
- b. No additional encroachment onto the public beach shall occur seaward of the toe of the existing seawall. The seawall repairs shall restore the seawall to the pre-damaged condition, and shall not increase the size, bulk, or scale of the seawall beyond the pre-damaged condition.
- c. 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 permittees shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Shoreline Protection Monitoring Plan. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit for review and written approval of the Executive Director, a final monitoring plan for the wall that includes the following:

- a. By May 1 of every year for the life of the structure, the permittee shall submit a monitoring report that has been prepared by a licensed geologist, or civil or geotechnical engineer. Each monitoring report shall contain the following:
 1. An evaluation of the condition and performance of the repaired shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device, and

2. Recommendations for repair, maintenance, modifications or other work to the device.

b. Maintenance of the seawall shall include maintaining the color, texture and integrity. Any change in the design of the project or future additions/reinforcement of the seawall beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition as approved herein, will require a coastal development permit or an amendment to this permit. **However, in all cases, if, after inspection, it is apparent that repair and maintenance is necessary, including maintenance of the color of the structures to ensure a continued match with the surrounding seawall/bluff, the permittees shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is necessary, and, if necessary, shall subsequently apply for a coastal development permit or permit amendment for the necessary maintenance.**

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.

3. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, final plans indicating the location of construction access corridors and staging areas. The final plans shall indicate that:

- a. No overnight storage of equipment or materials shall occur on sandy beach or public parking spaces. During the construction stages of the project, the permittees 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 construct the seawall. Construction equipment shall not be washed on the beach.
- 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.
- d. The staging site shall be removed and/or restored immediately following completion of the development.

The applicants shall submit evidence that the approved plans/notes have been incorporated into construction bid documents.

The permittees 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.

4. Best Management Practices. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit for review and written approval of the Executive Director, a Best Management Practices Plan that effectively assures no shotcrete or other construction byproduct will be allowed onto the sandy beach and/or allowed to enter into coastal waters. The Plan shall apply to both concrete pouring/pumping activities as well as shotcrete/concrete application activities. During shotcrete/concrete application specifically, the Plan shall at a minimum provide for all shotcrete/concrete to be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent shotcrete/concrete contact with beach sands and/or coastal waters. All shotcrete and other construction byproduct shall be properly collected and disposed of off-site.

The applicants shall undertake the development in accordance with the approved Plan. Any proposed changes to the approved Plan shall be reported to the Executive Director. No changes to the Plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Other Permits. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the permittees shall provide to the Executive Director copies of all other required local, state or federal discretionary permits for the development authorized by CDP #6-05-136. The applicants shall inform the Executive Director of any changes to the project required by other local, state or federal agencies. Such changes shall not be incorporated into the project until the applicants obtain a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

6. State Lands Commission Approval. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the

applicants with the State Lands Commission for the project to proceed without prejudice to the determination.

If the State Lands Commission is unable to provide a final determination in the timely manner despite due diligence from the applicants, the applicants may submit a completed application to the State Lands Commission for such a determination in compliance with this condition.

7. Future Maintenance/Debris Removal. Within 15 days of completion of construction of the proposed maintenance, the permittees shall remove all debris that may have been deposited on the bluff, beach or in the water as a result of maintenance of the shoreline protective device. The permittees shall also be responsible for the removal of debris resulting from failure or damage of the shoreline protective device in the future. In addition, the permittees shall maintain the permitted seawall in its approved state.

8. Public Rights. By acceptance of this permit, each applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit and construction of the permitted development shall not constitute a waiver of any public rights which may exist on the property.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, bluff retreat and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also indicate that, in the event of

an extinguishment or termination of the deed restriction for any reason, the Standard and Special Conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes – or any part, modification, or amendment thereof – remains in existence on or with respect to the subject property.

- C. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The proposed project consists of repairs and maintenance to the existing concrete bag seawall located at Tide Beach Park in the City of Solana Beach. The repairs will consist of unplugging and removing the sand and cobbles in the existing drains (weep holes), and filling several voids between the concrete-filled bags with air-placed concrete colored and textured to match the surrounding seawall or bluff (as appropriate).

The existing pre-coastal seawall consists of stacked bags of concrete that have a width of two to three bags, reinforced with rebar driven vertically through the bags at set intervals. The wall is located on the face of an approximately 80-foot high bluff above a small public beach at the western terminus of Solana Vista Drive at Pacific Drive. Five single-family residences are located at the top of the bluff above the wall, and a public access stairway is located to the south of the seawall.

Because the wall is set at the back of the beach cove, the seawall is not frequently subject to high-intensity waves, but waves do reach the wall during storms and high tides, particularly in the winter. A geotechnical study submitted by the City indicates that some of the concrete-filled bags are losing cement and aggregate, and are in need of the proposed repairs. The proposed project will restore the wall to its condition prior to being damaged. The geotechnical study does not indicate that the public stairway or single-family residences above the seawall are currently in danger of collapse from a bluff failure; however, the seawall does provide protection for the public stairway and the residences. If the seawall were allowed to deteriorate and eventually collapse, it is very likely that new and additional shoreline protective structures would be required on both the public beach and upper bluff. Currently, the upper bluff is in a natural state. Maintaining the existing wall is expected to prevent or substantially delay the need for additional shoreline protection in the area which would adversely impact public access and recreational opportunities. As proposed, the seawall repair maintains the public benefit of protecting the stairway with no encroachment on sandy beach area currently used by the public.

The Commission has previously approved minor repairs to the wall very similar to the proposed project. In March 1985, the Commission approved filling cavities behind the wall and drainage improvements (CDP #6-85-45), and in July 1999 the Commission approved the installation of drainage pipes and backfill of a sinkhole behind the wall (CDP #6-97-143-G & #6-98-148).

The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and, therefore, Chapter 3 policies of the Coastal Act are the standard of review.

B. Public Access/Parking. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Local Coastal Program. The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, 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.