

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-07-8

Applicant: Jeffrey Palmer

Description: Construction of a 23 ft. wide by 16 ft. high, 8-inch thick erodible shotcrete application on the bluff face (colored and textured), including filling of sea cave, as a follow-up to an emergency permit.

Site: Along the face of the bluff on the west side of an existing single-family residence on an 18,221 sq.ft. blufftop lot at 6392 Camino de la Costa, La Jolla, San Diego, San Diego County. APN 351-561-06

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the subject development as the applicant has demonstrated that the existing improvements on the blufftop property are subject to threat. The bluff fronting the subject site sustained a series of bluff sloughages in December 2006 which undermined a portion of an existing pre-Coastal Act retaining/garden wall along the bluff. The proposed shotcrete application on the bluff face and filling of a sea cave has already been constructed pursuant to an Emergency Permit issued by the Executive Director in January 2007 (ref. 6-07-8-G/Palmer). The subject permit represents the follow-up regular coastal development permit for the shotcrete application, filling of the sea cave and repair work on the bluff. The proposed shotcrete application does not have a foundation, does not occupy any beach area and the repair work consists of erodible concrete which will not result in fixing the back of the beach. Therefore, the application of a mitigation fee is not necessary in this particular case.

The proposed development has been conditioned to mitigate its impact on coastal resources such as scenic quality and public access. A special condition has been attached which requires the applicant to acknowledge that should additional stabilization be proposed in the future, the applicant will be required to identify and address the feasibility of all alternative measures which would avoid additional alteration of the

natural landform of the public beach or coastal bluffs, and would reduce the risk to the principal residential structure and provide reasonable use of the property. If such alternatives are feasible, the Commission will require them instead of additional shoreline protective devices. Other conditions involve monitoring of the shotcrete application and approval from other agencies.

Substantive File Documents: Emergency Permit No. 6-07-8-G dated 1/30/07; Letters from GeoSoils, Inc. dated 1/19/07 and 5/10/07.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-07-8 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. As-Built Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit as-built plans of the approved shotcrete application and submit certification by a registered civil engineer, acceptable to the Executive Director, verifying the shotcrete application has been constructed in conformance with the approved plans for the project. These plans shall include photographs sufficient to document the color and texture of the shotcrete.

2. Future Maintenance/Debris Removal. The permittee shall be responsible for removing all debris deposited on the bluff, beach or in the water as a result of construction of shoreline protective devices. The permittee shall also be responsible for the removal of debris resulting from failure or damage of the shotcrete in the future (i.e., rebar sticking out of bluff, etc.) which poses a safety hazard to the public using the beach. In addition, the permittee shall maintain the permitted shotcrete in its approved state. Maintenance of the shotcrete shall include maintaining the color, texture and integrity of any portions of the device that become exposed in the future. Any change in the design of the project or future additions/reinforcement of the shotcrete beyond exempt maintenance as defined in Section 13252 of the California Code of Regulations to restore the structure 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 structures to ensure a continued match with the surrounding native bluffs, the permittee 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 required maintenance.**

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

4. Public Rights. The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that exist or may exist on the property.

5. Future Response to Erosion. If in the future the permittee seeks a coastal development permit to construct additional bluff or shoreline protective devices, the permittee will be required to include in the permit application information concerning alternatives to the proposed bluff or shoreline protection that will eliminate impacts to scenic visual resources, recreation and shoreline processes. Alternatives shall include but not be limited to: relocation of all or portions of the principle structures that are threatened, structural underpinning, and other remedial measures capable of protecting the principal structures and providing reasonable use of the property, without constructing bluff or shoreline stabilization devices. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative, and whether each alternative is capable of protecting existing structures that are in danger from erosion. No additional bluff or shoreline protective devices shall be constructed on the bluff face or on the beach in front of the proposed shotcrete application unless the alternatives required above are demonstrated to be infeasible. No shoreline protective devices shall be constructed in order to protect ancillary improvements (patios, decks, fences, landscaping, etc.) located between the principal residential structures and the ocean.

6. **No Future Seaward Extension of Shotcrete Application.**

A. By acceptance of this Permit, the applicant agrees, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shotcrete application approved pursuant to Coastal Development Permit No. 6-07-8, as described and depicted on an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit, shall be undertaken if such activity extends the footprint seaward of the subject shotcrete application. By acceptance of this Permit, the applicant waives, on behalf of itself (or himself or herself, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

B. Prior to the issuance by the Executive Director of the **NOI FOR THIS PERMIT**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the shotcrete application approved by this permit, as generally described above and shown on Exhibit No. 5 attached to this staff report, showing the footprint of the device and the elevation of the device referenced to NGVD (National Geodetic Vertical Datum).

7. 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.

8. 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 landowner has executed and recorded 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 deed restriction shall include a legal description of the applicant's entire parcel or parcels. 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The subject project represents the required follow-up regular permit for Emergency Permit 6-07-8-G to have the emergency work that has already been completed on the site pursuant to that permit become permanent. Specifically, the proposed work involves the placement of an approximately 23 ft. wide by 16 ft. high shotcrete application on the face of the bluff. The work area represents only a small area of the bluff fronting on the site as compared to the overall length which is approximately 150 feet long (ref. Exhibit Nos. 2-4). The shotcrete application is composed of erodible material (about 8-inches thick) with the exception of a small area where it was used to fill a small sea cave. The repair work also includes rebar (placed in holes approximately 24-inches into the bluff) and wire mesh to hold it in place. The shotcrete is colored and textured to closely resemble the adjacent natural bluff.

The purpose of the emergency work was to address a series of bluff failures that occurred at the subject site subjecting improvements on the blufftop site to threat. The 18,221 sq. ft. project site, located at 6392 Camino de la Costa, contains an existing single-family residence, swimming pool and retaining/garden wall and fronts on La Jolla Strand Shoreline Park, a small pocket beach that is located between Palomar Street to the north and Winamar Avenue to the south in the La Jolla Community of the City of San Diego.

The project site was inspected by the applicant's geotechnical engineers. In comparing aerial photographs of the bluff with the conditions that were observed on 1/17/06 it

appeared that the bluff had recently retreated about three feet. The footing for the retaining/garden wall located on the bluff top had become undercut up to about 6 inches along an approximately 15 foot length of bluff. In addition to the failure of the bluff and exposure of the garden wall footing, a sea cave beneath the garden wall had formed in the bluff and, according to the applicant's engineer, its collapse was imminent, which would result in a threat to the existing blufftop structures.

The project site is located on the beach in the community of La Jolla in the City of San Diego along the area of shoreline more commonly known as Windansea. The project site is within the Commission's area of original jurisdiction; therefore, the standard of review is Chapter 3 of the Coastal Act with the City's certified LCP used as guidance.

2. **Violation.** Development has occurred on the subject site without the benefit of a coastal development permit. The work on the proposed shotcrete application of the bluff face was begun prior to receiving authorization from the Commission. Work was subsequently stopped and the applicant obtained authorization to complete the shotcrete application pursuant to an emergency permit (ref. 6-07-8-G). The applicant is requesting with this application authorization to permanently retain the shotcrete application on the bluff face that has already been constructed pursuant to the approved emergency permit.

Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the policies of Chapter 3 of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

3. **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...

Coastal Act Section 30235 acknowledges that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” solutions alter natural shoreline processes. Thus, such devices are required to be approved only when necessary to protect existing structures and when designed to eliminate or mitigate adverse impacts on shoreline sand supply. The Coastal Act does not require the Commission to approve shoreline altering devices to protect vacant land or in connection with construction of new development. A shoreline protective device proposed in those situations is likely to be inconsistent with various other Coastal Act policies. For example, Section 30253 addresses new development and requires that it be sited and designed to avoid the need for protective devices that would substantially alter natural landforms along the bluffs and cliffs.

In addition, the Commission has interpreted Section 30235 to require the Commission to approve shoreline protection only for existing principal structures. The Commission must always consider the specifics of each individual project, but has found in many instances that accessory structures such as patios, decks and stairways are not required to be protected under Section 30235 or can be protected from erosion by relocation or other means that does not involve shoreline protection. The Commission has historically permitted at grade structures within the geologic setback area recognizing they are expendable and capable of being removed rather than requiring a protective device that alters natural landforms along bluffs and cliffs.

The proposed project involves the construction of 23 ft. wide by 16 ft. high shotcrete application to the bluff face with erodible material approx. 8 inches thick, including filling of a sea cave, placement of rebar (placed in holes about 24-inches into the bluff) and wire mesh to hold it in place which was performed pursuant to an emergency permit on 1/30/07. The repair work was done on the bluff face below an existing single-family residence. The applicant has submitted a geotechnical report documenting the geologic formation and recent history of the bluffs in the project area. According to the report, the bluffs in the location of the proposed project had recently retreated about three feet. The retaining/garden wall, located on the bluff top was undercut up to six inches along an approximately 15 foot length of bluff. In addition, due to the failure of the bluff and exposure of the wall, a sea cave beneath the retaining/garden wall has formed and is subject to collapse. The bluff failure and sea cave are entirely within the sedimentary claystone and siltstones found in the bluff formation known as the Point Loma Formation. This has resulted in a potential threat to the site’s blufftop improvements. A significant portion of the approximately 100-foot long, 10 ft. high retaining/garden wall has become undermined. The retaining/garden wall has no foundation and its collapse imminent. The wall and retained soils behind it represent a significant amount of material/weight that once undermined, will fail and fall onto the beach if not addressed. In addition, a sea cave has formed beneath the wall and according to the applicant’s consultant, if not filled, is likely to collapse resulting in damage to the retaining/garden wall (which has been place for over 35 years and predates the Coastal Act) and the soils

that support the accessory improvements on the site (namely, a concrete patio and swimming pool). Loss of the retaining wall would result in the immediate loss of the retained soils, patio and loss or damage to the pool. In addition, as stated further in the geotechnical study, the condition of the bluff also represents a safety hazard to anyone on the beach in front of the site. According the applicant's consultant, if the situation is not addressed and the bluff fails and the sea cave collapses, the scope of the repairs necessary to fix the failed bluff would be much more substantial in nature. Taking action now allows for the minimal amount of work necessary and a smaller structure.

Specifically, the proposed work includes placement of an epoxy coated reinforced steel (rebar) placed in holes 24 inches deep into the bluff. The rebar holds a 6' x 6' x 10' wire mesh and concrete against the bluff. Erodible shotcrete is then to be sprayed over the rebar/wire mesh. The shotcrete is then to be colored and sculpted to look like the natural bluff. In addition, the proposed work is not structural as compared to an engineered seawall; the proposed shotcrete application is essentially an erodible skin (and sea cave infill) placed over the bluff face to help reduce the potential for further bluff failure and the resulting failure of the blufftop improvements. The shotcrete application does not include any foundation or structure placed on the beach and is constructed of erodible material. According the applicant's consultant, the shotcrete application can easily be removed if it were necessary. The Commission's staff coastal engineer concurs with the applicant's engineer's assessment of the need for the proposed repair work.

Thus, given the formation of the sea cave and recent bluff erosion, imminent threat to the blufftop structures has been documented by the applicant. Thus, an emergency permit was issued by the Executive Director. The applicant is now requesting to retain the structure constructed under the emergency permit as a permanent structure. Based on the above discussion, the proposed shotcrete structure will provide the necessary protection to upland blufftop structures by filling the sea cave and repairing the bluff in and around the existing garden wall. However, there are a variety of ways in which the threat from erosion could be addressed. Under the policies of the Coastal Act, the project must eliminate or mitigate adverse effects on shoreline sand supply and minimize adverse effects on public access, recreation, and the visual quality of the shoreline.

Alternatives

Alternatives to the repair work were explored and included options such as placement of a quarry stone revetment or a cast-in-place steel reinforced seawall (cantilevered, i.e., a large footing, or tiebacks, approximately 30 feet into the bluff). However, these two alternatives would result in significant beach encroachment, greater impacts on the beach and extensive construction ("Bluff Failure Inspection and Emergency Repair Recommendations 6392 Camino de la Costa, La Jolla, San Diego County" dated 1/19/07.) Based in the information provided by the applicant's consultant, the Commission finds the proposed shotcrete application and sea cave fill are the minimal necessary to address the identified problem and thus, represent the least environmentally-damaging alternative.

Sand Supply/In Lieu Mitigation Fee

Although the placement of shotcrete is required to protect the existing principle structures on the site, Section 30235 of the Coastal Act requires that the shoreline protection be designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Typically the Commission has required applicant's to pay a mitigation fee for seawall projects on the beach for a number of reasons. Primarily this is because seawalls occupy an area on the beach, such structures can "fix the back of the beach" and they tend to eliminate the contribution of sand to the beach from the bluff they protect. There are a number of other adverse impacts to public resources associated with the construction of shoreline protection. The natural shoreline processes referenced in Section 30235, such as the formation and retention of sandy beaches, can be significantly altered by construction of a seawall, since bluff retreat is one of several ways that beach area and beach quality sand is added to the shoreline. This retreat is a natural process resulting from many different factors such as erosion by wave action causing cave formation, enlargement and eventual collapse, saturation of the bluff soil from ground water causing the bluff to slough off and natural bluff deterioration. When a seawall is constructed on the beach at the toe of the bluff or when a coastal bluff is armored with shotcrete, as with the subject proposal, it directly impedes these natural processes.

Some of the effects of a shoreline protective structure on the beach such as scour, end effects and modification to the beach profile are temporary or difficult to distinguish from all the other actions which modify the shoreline. Seawalls also have non-quantifiable effects to the character of the shoreline and visual quality. However, some of the effects which a structure may have on natural shoreline processes can be quantified. Three of the effects from a shoreline protective device which can be quantified are: 1) loss of the beach area on which the structure is located; 2) the long-term loss of beach which will result when the back beach location is fixed on an eroding shoreline; and 3) the amount of material which would have been supplied to the beach if the back beach or bluff were to erode naturally.

Loss of beach material and loss of beach area are two separate concerns. A beach is created by the result of both sandy material and a physical area between the water and the back beach. Thus, beach area is not simply a factor of the quantity of sandy beach material. In La Jolla, the coastal bluffs are composed of a much harder bedrock material which does not contribute much to the beach as they have very minimal sand content. Although the sand material is important to the overall beach experience, even without the sand, the bedrock layer provides an area for coastal access between the coastal bluff and the ocean.

In this particular case, the emergency permit was granted to repair a portion of the bluff that was near collapse. A portion of a retaining/garden wall at the edge of the bluff was undermined and in danger of falling onto the beach. This posed a safety hazard to any potential beachgoers, even though the beach at this location is a small pocket beach. Because the proposed work was relatively minor in nature, involving only a thin application of a shotcrete to a very small area of the bluff to protect a garden wall that

pre-dated the Coastal Act and would not result in impacts to coastal resources, an emergency permit was granted. The garden wall is not a seawall or regarded as shoreline protection. It does not have a foundation. In addition, if the sea cave were to collapse the backfill behind the retaining wall/garden wall and other improvements (i.e., swimming pool) would become threatened. The retaining wall/garden wall is pre-Coastal (constructed prior to the passage of the Coastal Act.)

Therefore, in summary, because the retaining wall/garden wall does not have a foundation, does not occupy any beach area and the repair work consists of erodible concrete which will not result in fixing the back of the beach, the application of a mitigation fee is not necessary. In addition, the applicant's engineer has also provided written documentation that the bluffs in this particular area do not contribute significantly to shoreline sand replenishment because of the low natural bluff retreat/erosion rates. Other than the recent sea cave failure (i.e., the repair), the aerial photography history clearly establishes that there has been virtually no retreat of the bluff in this area for the past 40+ years. The Commission's coastal engineer has also reviewed the proposed project and concurs with these findings.

The repair work that was performed through the emergency permit was done only as a temporary measure to fix the problem at hand. A special condition of the emergency permit specifies that the work was only considered temporary and was constructed in an emergency situation. Any more extensive work in the future would require a subsequent coastal development permit.

If the proposed shotcrete were damaged in the future (e.g. as a result of wave action, storms, etc.) it could threaten the stability of the site, which could lead to need for more bluff alteration. In addition, damage to the shotcrete could adversely affect the beach by resulting in debris on the beach and/or creating a hazard to the public using the beach (i.e., falling debris or rebar sticking out of bluff, etc.). In addition, excessive wear of the shotcrete could result in the loss of or damage to the color or texture of the shotcrete resulting in adverse visual impacts. Therefore, in order to find the proposed shoreline protection consistent with the Coastal Act, the Commission finds that the shotcrete in its approved state must be maintained by the applicant to avoid any potential impact to public safety, etc.

To assure the proposed shore/bluff protection has been constructed properly, Special Condition #1 has been proposed. This condition requires that as built-plans and certification by a registered civil engineer be submitted that verify the proposed shotcrete application has been constructed in accordance with the approved plans and that the plans include photographs sufficient to document the color and texture of the shotcrete. Special Condition #3 notifies the applicants that they are responsible for maintenance of the herein approved shore and bluff protection to include removal of debris deposited on the beach during and after construction of the structures. The condition also indicates that, should it be determined that maintenance of the proposed structures are required in the future, including maintenance of the color and texture, the applicant shall contact the Commission to determine if permits are required.

To insure that reliance upon the existing shotcrete application will not encourage or necessitate further seaward encroachment as repair and maintenance activities proposed for the shotcrete application, Special Condition #7 requires that the applicant waive any rights to future shoreline protection, or any other activity affecting the shotcrete application, if such activity extends the footprint seaward of the proposed shotcrete application.

Also, due to the inherent risk of shoreline development, Special Condition #5 requires the applicant to waive liability and indemnify the Commission against damages that might result from the proposed shoreline protective work. The risks of the proposed development include that the proposed shotcrete will not protect against damage from bluff failure and erosion. In addition, the shotcrete itself may be damaged from wave action. Although the Commission has sought to minimize these risks, the risks cannot be eliminated entirely. Given that the applicants have chosen to construct the proposed shoreline devices despite these risks, the applicants must assume the risks. Special Condition #6 requires the applicant to record a deed restriction imposing the conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. Only as conditioned can the proposed project be found consistent with Sections 30235 and 30253 of the Coastal Act.

In summary, the applicant has documented that several blufftop improvements are in danger from erosion and subsequent bluff collapse. As conditioned, there are no other less damaging alternatives available to reduce the risk from bluff erosion. In addition, because the shotcrete application is more of a remedial measure and less “permanent” than a seawall, no impacts on beach sand supply are expected. Therefore, as conditioned, the Commission finds that the proposed shotcrete and repair work is consistent with Sections 30235 and 30253 of the Coastal Act.

4. Visual Resources/Alteration of Natural Landforms. Section 30240 (b) of the Coastal Act is applicable and states:

(b) 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.

In addition, Section 30251 of the Coastal 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 consists of repairs to a small portion of a bluff face --- an approximately 23-ft. wide by 16 ft. high shotcrete application and the filling of a sea cave. The overall length of the bluff face seaward of this site is about 130 feet; thus, the proposed repairs are only to a small portion of the overall bluff (ref. Exhibit No. 2). To assure that the repairs to the bluff are visually compatible with the character of the surrounding area, the shotcrete application on the coastal bluff is proposed to be both colored and textured to blend in with the natural surrounding area, consistent with Section 30251 of the Act. This greatly improves the visual appearance of the repairs. To address potential adverse visual impacts in the future, Special Condition #2 has been attached which requires the applicant to maintain the proposed shotcrete application in its approved state. If during inspections in the future it is determined that portions of the rebar or wire mesh have become exposed, the applicant is required to apply for a coastal development permit or amendment to visually treat any exposed sections. Special Condition #2 also requires that should the appearance of the shotcrete change or deteriorate in the future the applicants must perform maintenance work to assure that the shotcrete remains in its present condition. In this way, the Commission can be assured that the shotcrete application does not become deteriorated and either a visual blight or result in a public safety impact.

Therefore, as conditioned, 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 beach area. Thus, the project can be found consistent with Sections 30240 and 30251 of the Coastal Act.

5. 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....

The project site is located on a small pocket beach below coastal bluffs seaward of Camino de la Costa which contains several mansion-type blufftop residences. The site is located one lot south of an improved public accessway which is a paved dedicated easement off of Camino de la Costa. The easement is between existing residences and provides pedestrian access to the beach. The proposed shotcrete application on the bluff face will not be constructed on sandy beach area as it is only an 8-inch application on the face of the bluff. The project does not have any adverse impacts on public access.

Because the proposed project involves only the application of shotcrete on a coastal bluff face, the proposed work will not interfere with public access along this shoreline as do other types of shoreline protective work (i.e., seawalls, rip rap, etc.). In this particular case however, the proposed development consists only of a thin “skin” of shotcrete (8 inches thick) that was applied to the bluff which adheres closely to the contour of the natural bluff and does not reduce lateral beach access by encroaching onto the beach, and will not have adverse impacts on the natural shoreline processes. Furthermore, the area of the coastal bluff that was repaired is an area where the bluff actually receded further inland due to the presence of a sea cave. Thus, the proposed repairs are set back further than the rest of the bluff and are not in an area where the public would normally access the beach.

As stated elsewhere in these findings, Section 30235 of the Act allows for the use of such a device where it is required to protect existing development and where it has been designed to mitigate adverse impacts upon shoreline sand supply. In order to mitigate the known adverse impacts, the Commission has in the past required an offer of dedication of lateral public access in order to balance the burden placed on the public with a public benefit. In this particular case, the beach and bluff are in public ownership and will remain as such. Therefore, a dedication of lateral public access is not necessary as a mitigation option.

The development proposed in this application involves the retention of the shotcrete that was applied to the bluff face to repair a small portion of the bluff that was eroding and to fill a sea cave. As noted earlier, the bluff face repair work adheres closely to the contour of the natural bluff and does not reduce lateral beach access by encroaching onto the beach and will not have adverse impacts on the natural shoreline processes. However, much of the beach is accessible in this area only at lower tides, and thus, the protection of a few feet of beach along the toe of the bluff is still important. This stretch of beach has historically been used by the public for access and recreation purposes. Special Condition #4 acknowledges that the issuance of this permit does not waive the public rights that exist on the property. The seawall may be located on State Lands property, and as such, Special Condition #3 requires the applicant to obtain any necessary permits or permission from the State Lands Commission to perform the work.

As debris dislodged from the repaired bluff and the upper bluff devices has the potential to affect public access, Special Condition #2 has also been proposed. This condition notifies the applicant that they are responsible for maintenance and repair of the shotcrete

application and that should any work be necessary, they should contact the Commission office to determine permit requirements. In addition, the condition requires the applicants to be responsible for removal of debris deposited on the beach during and after any maintenance work at the project site

With special conditions assuring maximum public access, and authorization from the State Lands Commission, impacts to the public will be minimized to the greatest extent feasible. Thus, as conditioned, the Commission finds the project consistent with the public access and recreation policies of the Coastal Act.

6. Local Coastal Planning. The subject site is zoned RS-1-8000 and is designated for low density residential use in the certified City of San Diego LCP. The certified La Jolla LCP Land Use Plan contains policies which call for the proper siting of shoreline protective devices and their visual compatibility with the surrounding area. The proposed work is consistent with the certified La Jolla LCP Land Use Plan and with all applicable Chapter 3 policies of the Coastal Act. The Commission finds that project approval, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the La Jolla area.

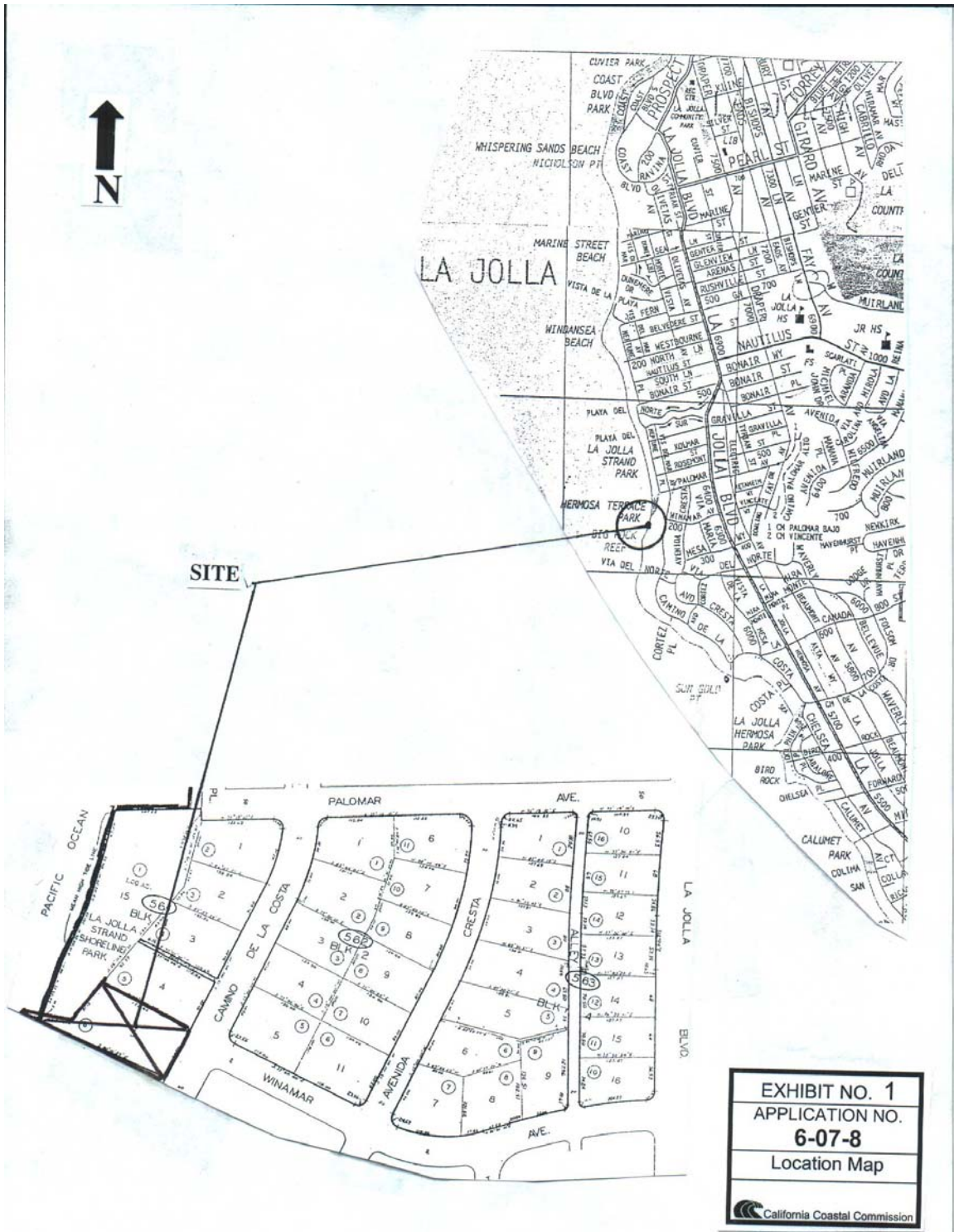
7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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 proposal to repair an eroding bluff seaward of a single-family residence has been conditioned in order to be found consistent with the shoreline hazard, public access and visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing monitoring of the shotcrete application, future maintenance/debris removal, and public rights 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.

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.



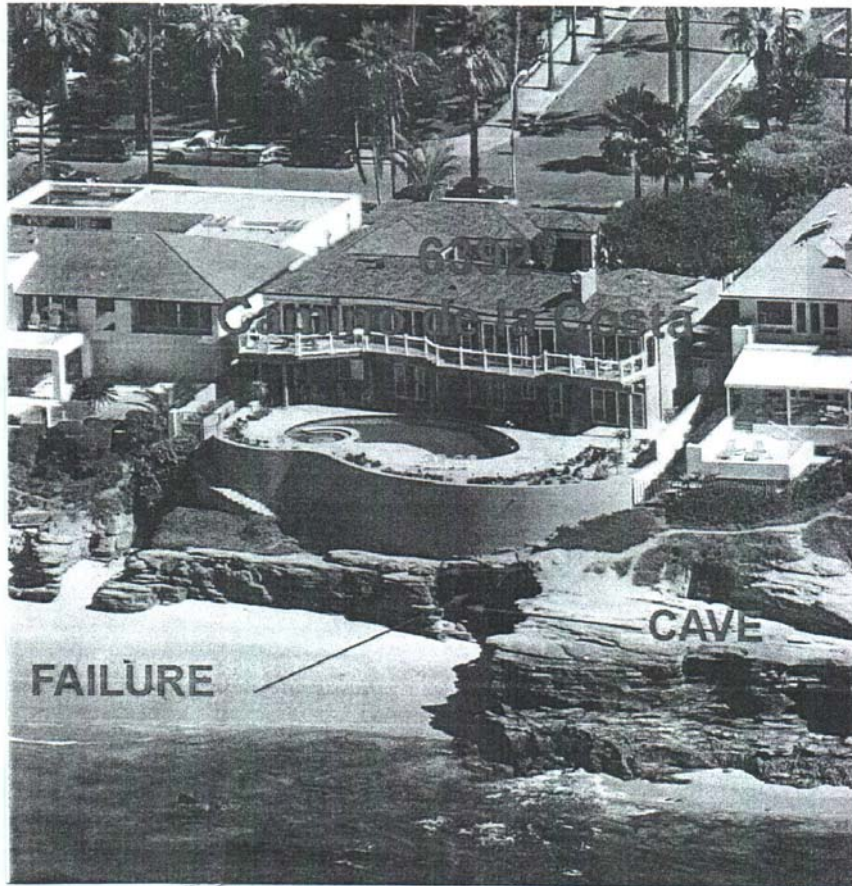

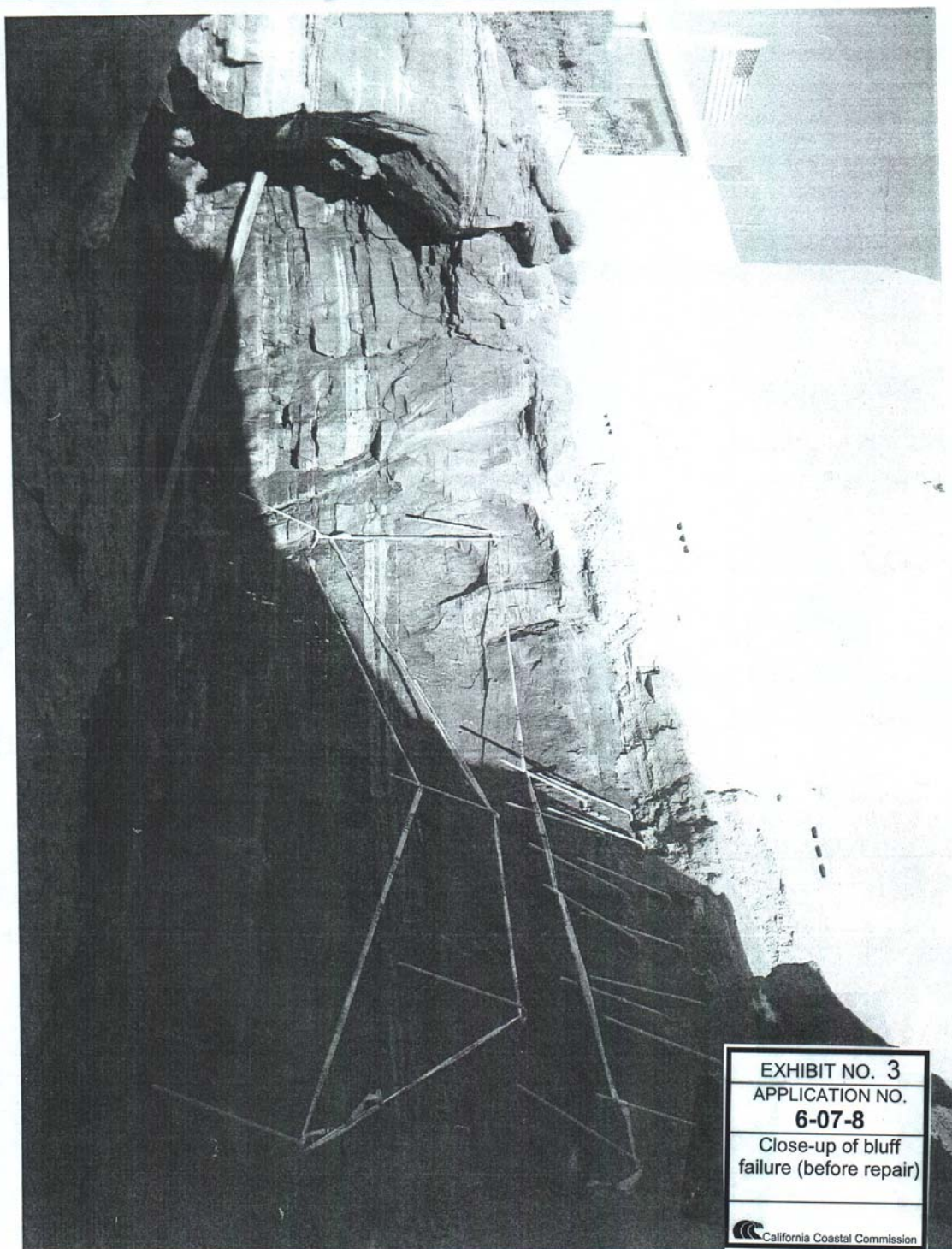


Figure 1. Subject site in October 2006 showing area of bluff failure and sea cave.

EXHIBIT NO. 2
APPLICATION NO.
6-07-8
Aerial photo of site from GeoSoils Report
 California Coastal Commission





CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



EMERGENCY PERMIT

FILE COPY

Applicants: Jeff Palmer
6392 Camino de la Costa
La Jolla, Ca 92037

Date: January 30, 2007
Emergency Permit No. 6-07-8-G

LOCATION OF EMERGENCY WORK: Along the face of the bluff on the west side of the residence at 6392 Camino de la Costa, La Jolla, San Diego (San Diego County).

WORK PROPOSED: Construction of an approximately 23 ft. wide, by 16 ft. high shotcrete application on the face of the bluff. The shotcrete application will be erodible material approximately 8-inches thick (except for a small area where it will fill a seacave) and includes rebar (placed in holes approximately 24-inches into the bluff) and wire mesh to hold it in place. The shotcrete will also be colored and textured to closely resemble the adjacent natural bluff.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information and our site inspection that an unexpected occurrence in the form of bluff sloughage and the formation of a seacave has occurred that requires immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. 14 Cal. Admin. Code Section 13009. The Executive Director of the Coastal Commission hereby finds that:

- (a) An emergency exists which requires action more quickly than permitted by the procedures for administrative or ordinary permits and the development can and will be completed within 30 days unless otherwise specified by the terms of this permit;
- (b) Public comment on the proposed emergency action has been reviewed if time allows;
- (c) As conditioned, the work proposed would be consistent with the requirements of the California Coastal Act of 1976.

The work is hereby approved, subject to the conditions listed on the attached page.

Sincerely,

PETER M. DOUGLAS
Executive Director

By: SHERILYN SARB
Deputy Director

EXHIBIT NO. 5
APPLICATION NO.
6-07-8
Emergency Permit
California Coastal Commission

Emergency Permit Number: 6-07-8-G
Date: 1/30/07
Page 2

CONDITIONS OF APPROVAL:

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. The construction, placement, or removal of any accessory or protective structure, including but not limited to, stairways or other access structures, walls, fences, etc. not described herein, are not authorized by this permit. Any additional work requires separate authorization from the Executive Director. **If during construction site conditions warrant changes to the approved plans, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.**
3. The work authorized by this permit must be completed within 60 days of the date of this permit (i.e., by **March 31, 2007**).
4. The emergency work carried out under this permit is considered TEMPORARY work done in an emergency situation. **In order to have the emergency work become a permanent development a regular coastal development permit must be obtained and issued within 120 days (i.e., by May 31, 2007) of the date of this permit. Failure to comply with this deadline will result in a violation of the subject emergency permit and the commencement of enforcement proceedings.** If the application is not approved, the emergency work shall be removed in its entirety within 150 days of the date of this permit (i.e., by June 30, 2007), unless this requirement is waived in writing by the Executive Director.
5. The subject emergency permit is being issued in response to a documented emergency condition where action needs to be taken faster than the normal coastal development permit process would allow. By approving the proposed emergency measures, the Executive Director of the Coastal Commission is not certifying or suggesting that the structures constructed under this emergency permit will provide necessary protection for the blufftop structures. Thus, in exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
6. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g. City of San Diego, U.S. Army Corps of Engineers, State Lands Commission.)
7. Prior to the commencement of the construction, the applicant shall submit to the Executive Director, evidence that the project has been reviewed and approved by the City of San Diego. Said plans shall be in substantial conformance with the plans submitted with this application dated January 19, 2007, **except they shall be revised to clearly state that the shotcrete material utilized shall be "erodible" and shall be colored and textured to closely match the adjacent natural bluff.**

Emergency Permit Number: 6-07-8-G
Date: 1/30/07
Page 3

8. Construction materials or debris shall not be stored 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 shotcrete application. Construction equipment shall not be washed on the beach.
9. Prior to the commencement of construction, the applicant shall submit to the Executive Director, a Best Management 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. During shotcrete application specifically, the Plan shall at a minimum provide for all shotcrete to be contained through the use of tarps or similar barriers that completely enclose the application area and that prevent shotcrete contact with beach sands and/or coastal waters. All shotcrete and other construction byproduct shall be properly collected and disposed of off-site.

If you have any questions about the provisions of this emergency permit, please call the Commission's San Diego Coast Area Office at the address and telephone number listed on the first page.

(G:\San Diego\Emergency\6-07-8-G Palmer EP.doc)

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

RE: **Emergency Permit No. 6-07-8-G**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the San Diego Coast Area Office within 15 working days from the permit's date. I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them. I also understand that a regular Coastal Permit is necessary to permanently authorize the emergency work. **I agree to apply for a regular Coastal Development Permit within 60 days of the date of the emergency permit (i.e., by March 31, 2007).**

I also understand that any work authorized by Emergency Permit #6-07-8-G is temporary and the minimal necessary to address the emergency until a regular coastal development permit is obtained for permanent retention of the emergency work. In addition, I understand the temporary emergency work is subject to removal if a regular coastal permit is not obtained to permanently authorize the emergency work. I understand that as a filing requirement for that regular coastal permit, I must include, among other things, an alternative analysis for the project which includes, but is not limited to, other measures to reduce risk and provide for bluff protection, if required, in addition to the proposed shotcrete wall. I also acknowledge and understand that a regular coastal development permit would be subject to all of the provisions of the Coastal Act and may be conditioned accordingly. These conditions may include, provisions for long term maintenance and monitoring of the structures and bluff, mitigation for the visual impacts of project, a requirement that the property owners assume all liability for damages incurred from storm waves, and restrictions on future construction of additional shoreline protection.

Signature of property owner

Name

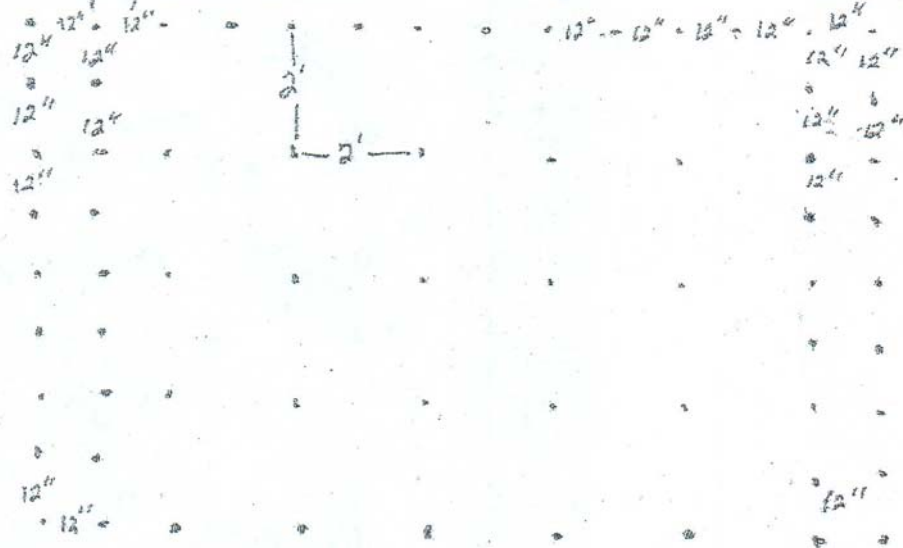
Address

Date of Signing

Earth Pinning Section @ wall face

2' oc each direction in field

12" oc around perimeter top & Both sides 2-rows
epoxy coated #5 bar. with 2' right angle bend parallel with face of wall



Bottom Pinning

#7 bar 12" oc 24" imbedment with 36"
in wall face

All pinning set with set epoxy

All pinning to be tied in with 6x6x10 wire mesh
or #3 bar 12" oc each direction.

