

CALIFORNIA COASTAL COMMISSION

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



W12a

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 Staff: Laurinda Owens-SD
 Staff Report: 3/17/09
 Hearing Date: 4/8-10/09

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-06-153-A1

Applicant: City of San Diego

Agent: Danny Schrotberger

Original Description: Repair of existing storm drain system consisting of installation of a new curbing and inlet structure and piping to the beach; filling of two sea caves; and, construction of a new approximately 30-ft. high, 28-foot long tied-back seawall on the coastal bluff face.

Proposed Amendment: Re-align proposed tied-back seawall approximately eight feet further inland and increase overall length of proposed 30-ft. high tied-back seawall from 28 feet to 32 feet on the coastal bluff face including construction of new upper bluff protection wall (approx. 15' wide x 9' high).

Site: On the bluff and public beach below 5998 Camino de la Costa (southern terminus of Camino de la Costa), La Jolla, San Diego, San Diego County.

Substantive File Documents: Update to Geotechnical Report by TierraCosta Consulting Group dated 2/19/09.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, with special conditions. The primary issues raised by the proposed development relate to geologic hazards and protection of visual resources and public access. The proposed amendment involves changes to the design of the previously approved shotcrete tied-back seawall which result in the seawall being relocated approximately eight feet further inland to be flush with the coastal bluff face and increase the overall length from 28 feet to 32 feet, construct a new section of upper bluff retaining wall (15' x 9') and install a third tieback (anchor) into the bluff to support the re-configured seawall. Recently, a fractured section of the coastal bluff eroded upwards of 6 to 8 feet, resulting in a collapse of the older concrete fill above

the sea cave thus warranting the re-design of the seawall. All other aspects of the original project remain the same. Both the Commission's coastal engineer and geologist have reviewed the proposed changes and concur that, as revised, the proposed project will remain consistent with Sections 30235 and 30253 of the Coastal Act. As conditioned, the proposed amendment is consistent with all applicable provisions of the certified LCP.

Standard of Review: Chapter 3 policies of the Coastal Act.

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. 6-06-153 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

The following condition replaces Special Condition #1 of the original permit in its entirety.

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final plans for the proposed re-alignment and design of a proposed tied-back shotcrete wall that are in substantial conformance with the plans submitted with this application by TerraCosta Consulting Group, date stamped 2/19/09. Said plans shall also include the following:

- a. The seawall construction shall be constructed with concrete that has been colored to minimize the project's contrast with and be compatible in color to the adjacent natural bluffs and sandstone shelves. The proposed color shall be verified through submittal of a color board. The proposed structure shall also be designed to incorporate surface treatments (e.g., sculpted shotcrete) that resemble the surface texture of the adjacent natural bluffs.

The permittee shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

The following condition replaces Special Condition #8 of the original permit in its entirety.

8. 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 waves, storm waves, flooding 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.

3. Prior Conditions of Approval. All other terms and conditions of Coastal Development Permit No. 6-06-153, as amended, not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed project is an amendment to CDP #6-06-153, approved on 7/10/07, which was for the repair of the storm drain system through installation of new curbing and inlet structures and piping to the beach. Also proposed was the filling of two sea caves and construction of an approximately 28 ft. long, 30 ft. high tied-back seawall on a coastal bluff on City property (ref. Exhibit No. 3). The proposed work is located seaward of an existing buried sewer pump station with its top deck elevation at street elevation of approx. 30 ft. MSL. Immediately south of the

pump station and street-end is a sidewalk and small blufftop public park. A concrete stairway leads down to the base of the bluffs where a pocket beach exists. Public parking at the site consists of five street-end parking spaces. The original coastal development permit was issued on 3/6/07 and the City had begun work on the remainder of the project (i.e., repairs of storm drain, etc.) and was about to commence with the construction of the tied-back shotcrete seawall when the coastal bluff suffered erosion and a partial collapse occurred in December, 2008.

The subject amendment request is to re-align the seawall on the coastal bluff such that it is approximately eight feet further inland and it is re-oriented at a northwest to southeast angle from the previously approved west to east angle (ref. Exhibit No. 2). Also proposed is an increase in the length of the seawall from the originally approved 28 feet (with keyways) to the currently proposed 32-foot wall length. In addition, an upper-bluff wingwall extension (15 ft. wide by 9 ft. high) tied into the existing westerly property line wall is proposed. Last, due to the re-alignment of the seawall in order to avoid the buried pump station, it will be necessary to install a third anchor, whereas originally only two were proposed.

The project site is located just north and west of the southern terminus of Camino de la Costa on the bluff and beach in the community of La Jolla in the City of San Diego. A public accessway exists at the terminus of Camino de la Costa consisting of a concrete stairway which leads down to the shoreline and a small sandy pocket beach which exists at low tide conditions just seaward of the project site. 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. 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 do all of the following:

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

(b) 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 or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on shoreline sand supply.

The proposed project consists of revisions to the alignment of a previously-approved shotcrete tied-back seawall on the coastal bluff face (ref. Exhibit No. 2). Currently there are parking spaces at the street end above the project site that are subject to threat. At the street end, near the top of the public stairway, there is also an improved public vista point along with other public improvements. This area of La Jolla consists of low coastal bluffs that vary in height, and rocky headlands, including a few pocket beaches interspersed along the shoreline.

As described in the geotechnical report for the proposed revisions to the previously-approved project, there has been significant coastal erosion affecting a fractured section of sea cliff since the original project was approved and since the original geotechnical report was written in 2003. According to the geology report, “[t]he original seawall was proposed to extend from the prolongation of the private property line wall along the westerly right-of-way at Camino de la Costa, keying into the more massive Point Loma Formation to the left of a fractured joint, and then southerly a distance of 28 feet, ending just past the joint sets bisecting the two sea caves.” Just prior to 12/20/08 when the contractor was scheduled to perform the seawall work, the fractured section of the coastal bluff eroded upwards of 6 to 8 feet along the main fault trace, resulting in a collapse of the older concrete fill above the sea cave, including the westerly approximate 13 feet of private property line wall. This collapse resulted in the necessity to redesign the proposed tied-back shotcrete wall through the subject amendment request. Because a large portion of the bluff face where the seawall was originally proposed to be located has broken off, the face of the existing bluff is further inland. As a result, the changes to the alignment not only mean that the seawall will be further inland to hug the existing coastal bluff location but its orientation is also changed such that it will be at a northwest to southeast angle as compared to the originally-proposed west to east angle (ref. Exhibit No. 4). As such, it will be necessary to construct the tied-back wall back into the coastal bluff upwards of 8 feet. This will result in more beach area for the public’s use. Also proposed is a modified upper-bluff wingwall extension (15 ft. wide by 9 ft. high) tying into the existing westerly property line wall. The City and project consultant have concluded that the overriding interest is to protect the integrity of Pump Station 20. As stated in the most recent letter from the applicant’s geotechnical consultant, due to the new alignment and enlargement of the seawall, it became necessary to install a third tieback (anchor) just east of the buried pump station, where originally only two anchors were proposed. The anchors had to be positioned in the bluff in a manner so as to avoid the pump station (ref. Exhibit No. 4).

In addition, as noted in the updated letter from the geotechnical consultant, due to the significant amount of erosion that has been occurring between the two sea caves and potential for near-term flanking of the southerly edge of the wall where it ended at the original planned location, it was recommended that the wall be increased in length from the originally approved 28 feet (with keyways) to the currently proposed 32-foot wall length. With this newly proposed alignment and design there will also be a substantial increase in public rocky beach area. As amended, the proposed project will result in a safe bluff-top viewing area for the public in addition to affording long-term protection to Pump Station #20. Both the Commission's coastal engineer and geologist have also reviewed the proposed project and concur that the proposed change to the project will not adversely affect coastal resources and are consistent with the geologic/hazard policies of the Coastal Act.

Although construction of a seawall is required to protect the existing public blufftop improvements which are in danger from erosion, 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 applicants to pay a mitigation fee for seawall projects on the beach to help compensate for impacts of the seawalls on shoreline sand supply. In this particular case, the proposed project is a public project. The Commission has not typically applied a sand mitigation fee for public projects because they provide a public recreational benefit of some kind. By filling of the sea caves and protecting the street-end above from eventual collapse, five parking spaces will be protected for public use/access to the beach. There is also a public vista point at the street end which is identified in the certified La Jolla LCP Land Use Plan. The already approved tied-back seawall and storm drain reconstruction best preserves the status quo for storm drain bluff position and parking. The proposed realigned/expanded seawall is above a small pocket beach and the area that is being encroached upon is to provide for the public access and viewing areas and parking that is, in fact, mitigation for the beach loss through the continuation of the public parking that will be protected. Furthermore, as a result of the recent bluff collapses in the project vicinity, the proposed realigned tied-back shotcrete wall will be placed approximately 8 feet further inland than originally designed, thus, increasing the amount of beach area and rocky shoreline area available for public use. Therefore, in summary, because the project is a public project, providing a public recreational benefit, and includes the addition of one public parking space, no further mitigation is required.

Special Condition #1 requires the applicant to submit final plans for the revised project. Also, although the Commission finds that the proposed work has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The re-configured seawall will continue to be subject to wave action. Thus, there is a risk of damage to the seawall as a result of wave action. Given that the applicant has chosen to perform these improvements despite these risks, the applicant must assume the risks. In addition, because this is a new project, it is necessary for the City to accept a new waiver of liability. Accordingly, Special Condition #8 requires the applicant to acknowledge the risks and indemnify the

Commission against claims for damages that may occur as a result of its approval of this permit.

In summary, the applicant has documented that the existing blufftop public improvements (public right-of-way, sidewalk, parking spaces, etc.) and below-ground public structures (i.e., sewer pump station) 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. Thus, the Commission is required to approve the re-configured shoreline protection device for the public structures. Therefore, as conditioned, the Commission finds that the proposed seawall, as revised in terms of its siting along the bluff, design (length) and small addition of new upper bluff retaining wall, is consistent with Sections 30235 and 30253 of the Coastal Act.

3. Visual Resources/Alteration of Landforms/Scenic Quality. Section 30251 of the Coastal Act states the following:

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...

It should also be noted that the coastal bluffs along the shoreline in this area are significant landforms worthy of preservation under Section 30251. The subject proposal represents the realignment and slight increase to the length of a previously-approved tied-back shotcrete seawall. No changes are proposed to the composition of the wall; it will use colored shotcrete and surface treatments such that the proposed seawall will closely resemble the adjacent natural bluffs, as required by Special Condition #1. In addition, none of the proposed changes will adversely affect the visual resources in this highly scenic area. Therefore, as conditioned, the project amendment should not result in any adverse visual impacts or alteration of landforms beyond those already analyzed and addressed through the Commission's analysis of the original project. As conditioned, the project is consistent with Section 30251 of the Act.

4. Public Access. The following sections of the Coastal Act are applicable and state:

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:

[...]

- (2) Adequate access exists nearby, or,

In addition, the certified La Jolla Community Plan and Local Coastal Program Land Use Plan, which the Commission uses as guidance, contains the following applicable policies:

“Maintain, and, where feasible, enhance and restore existing facilities including streets, public easements, stairways, pathways and parking areas in order to provide adequate public access to the shoreline. Detailed maps and specific subarea recommendations are provided in Appendix G.”

“The City shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas. No encroachment into the public right-of-way should be permitted within the Coastal Zone without a permit.”

Through the subject amendment to realign and lengthen the proposed tied-back shotcrete seawall, the seawall will be located approximately eight feet further inland than originally proposed. As noted in earlier findings, due to a bluff collapse, it is not necessary to place the seawall as far seaward as originally planned because there has been a recession of the bluff face. This in turn will result in more useable area of beach (whether sandy or rocky depending on seasonal sand elevations) which will be available for public use. The original conditions of approval still apply which require that no construction on the beach shall occur between Memorial Day weekend and Labor Day. As conditioned, the proposed project is found consistent with the above cited public access and recreation policies of the Coastal Act.

5. Local Coastal Planning. As conditioned, the subject proposal complies with the LCP provisions pertaining to shoreline hazards, protection of visual resources and public access. The Commission finds that, as conditioned to require submittal of final plans for the revised seawall and a new waiver of liability, the proposed amendment is consistent with all applicable policies of Chapter 3 of the Coastal Act. Therefore, as conditioned, the Commission finds that approval of the proposed development will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the La Jolla area of the City of San Diego.

6. 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 City of San Diego is the lead agency for this project with respect to CEQA. It issued a mitigated negative declaration for this project. The proposed project has been conditioned in order to be found consistent with the applicable provisions of the Coastal Act. Mitigation measures, including conditions addressing protection of visual resources 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 amended project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

LA JOLLA



SITE

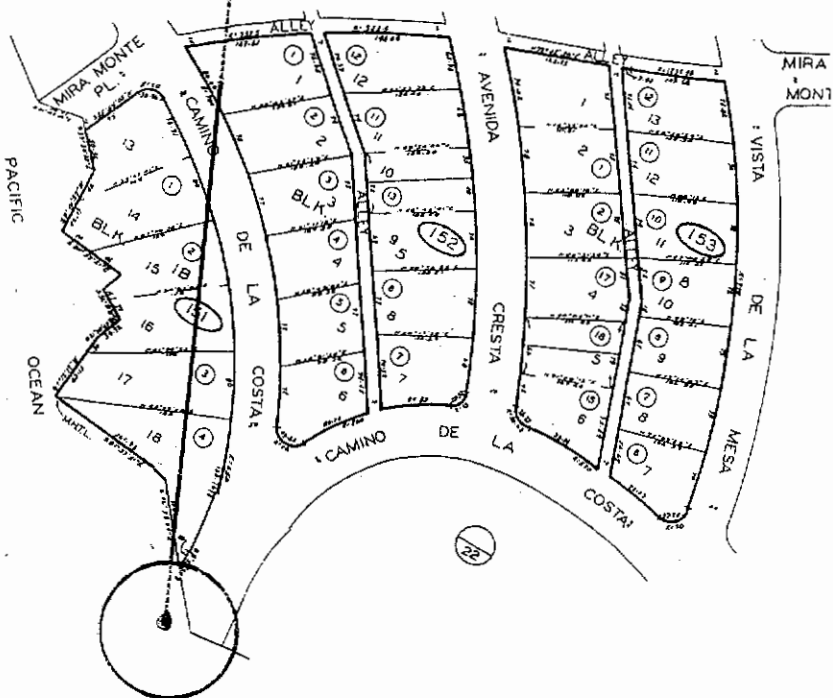
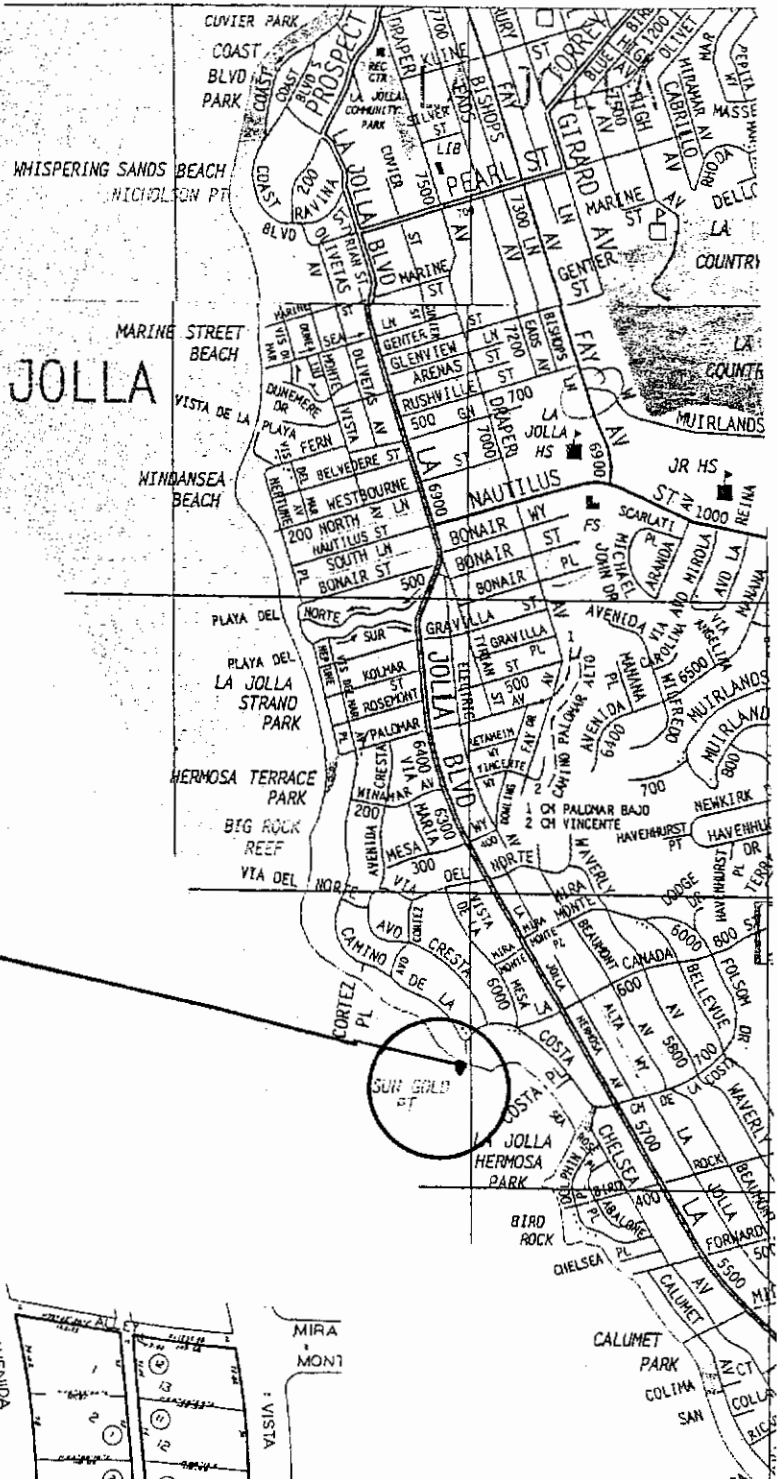
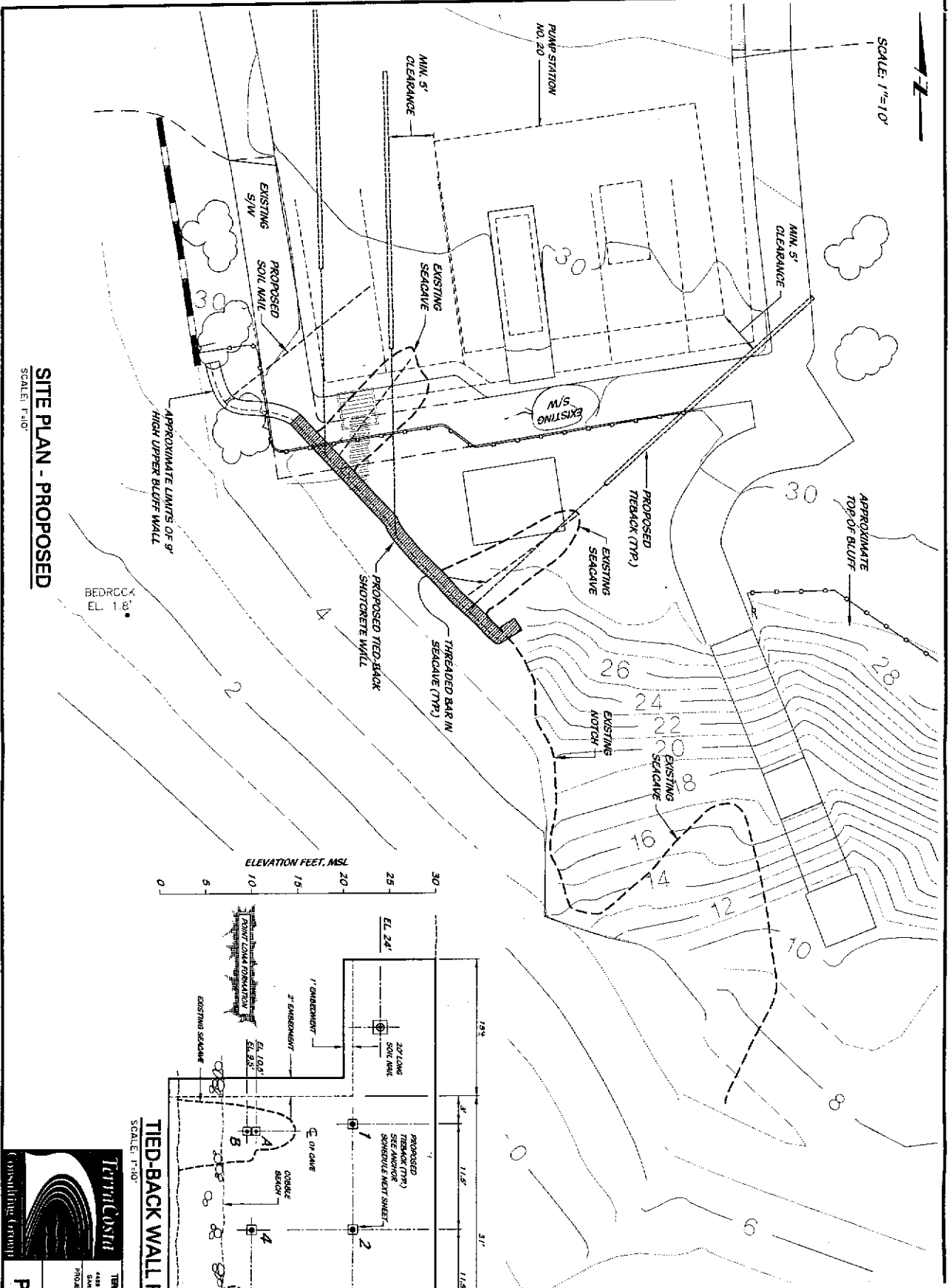


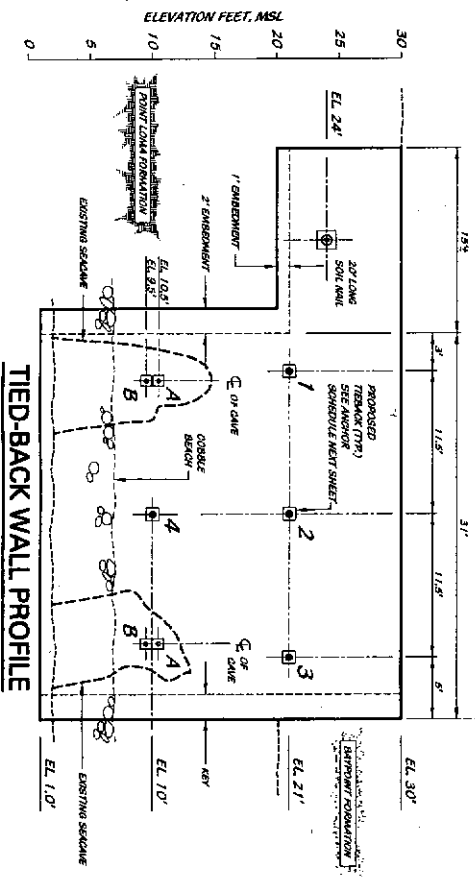
EXHIBIT NO. 1
APPLICATION NO.
6-06-153-A1
Location Map

SCALE: 1"=10'



SITE PLAN - PROPOSED

SCALE: 1"=10'



TIED-BACK WALL PROFILE

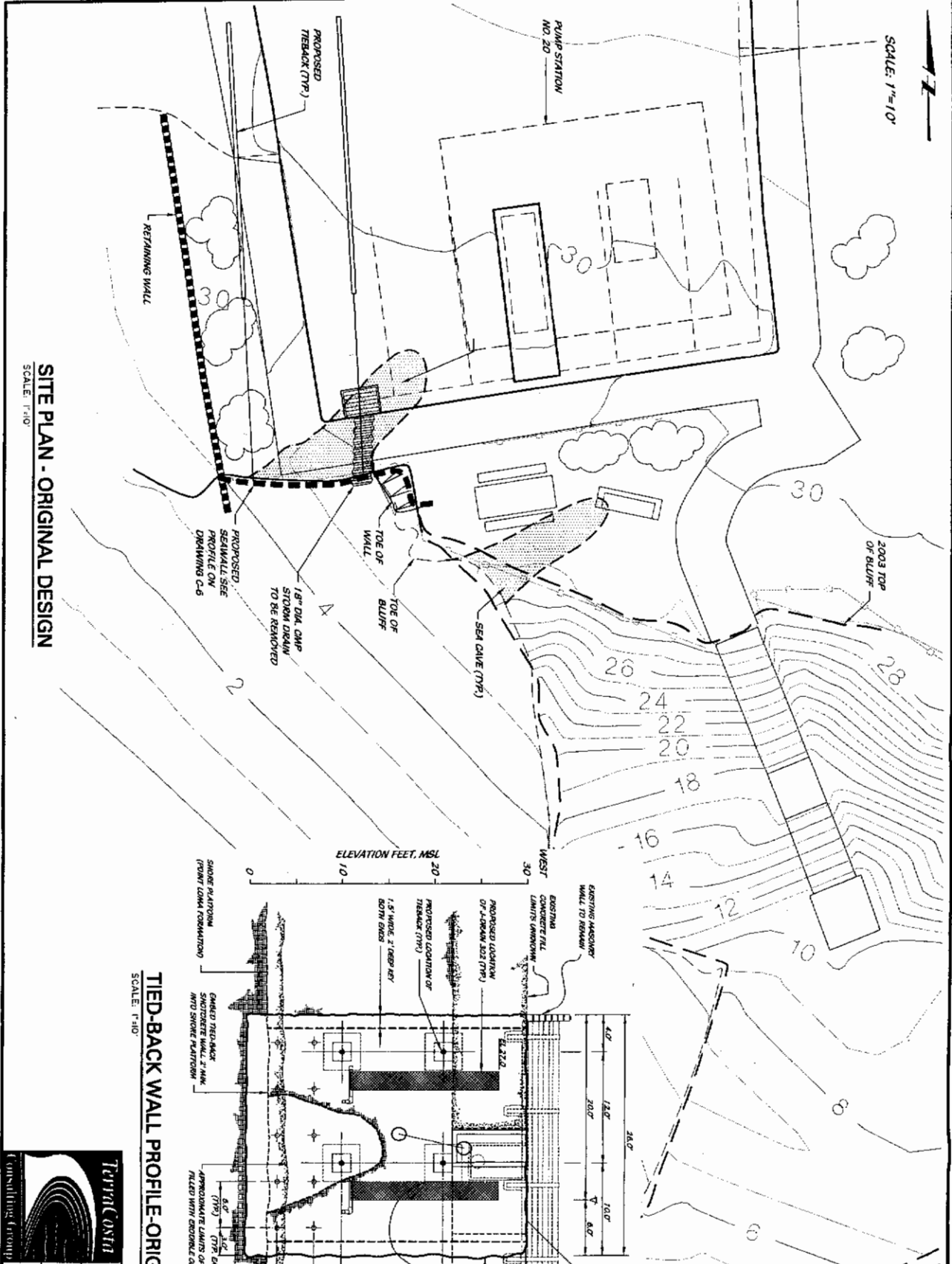
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TERRACOST CONSULTING GROUP		PROJECT NUMBER
448 MARKET CANTON ROAD, SUITE 100 SAN DIEGO, CA 92108 (619) 521-9800		2
PROJECT NAME	CAMINO DE LA COSTA	PROJECT NUMBER
PROPOSED REPAIR		2160

EXHIBIT NO. 2
APPLICATION NO.
6-06-153-A1
 Site Plan (Proposed)

SCALE: 1"=10'



SITE PLAN - ORIGINAL DESIGN
SCALE: 1"=10'

TIE-BACK WALL PROFILE-ORIGINAL DESIGN
SCALE: 1"=10'

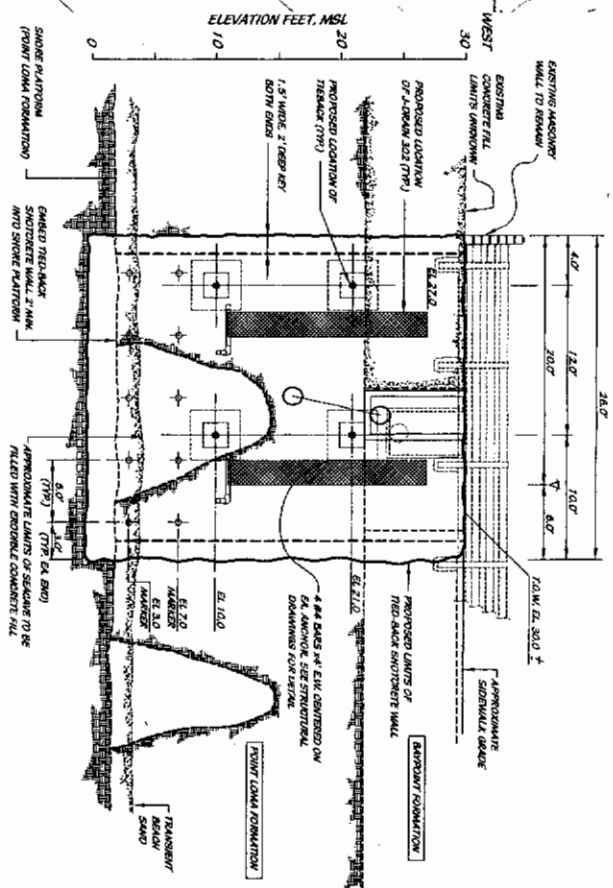


EXHIBIT NO. 3	
APPLICATION NO.	
6-06-153-A1	
Site Plan (Original)	

TERRACON CONSULTING GROUP ENGINEERS AND GEOLOGISTS 4441 VAN TASSER ROAD, SUITE 300 SAN DIEGO, CA 92121 TEL: 619-594-9900	
PROJECT NAME:	CAMINO DE LA COOSTA
PROJECT NUMBER:	2160
ORIGINAL DESIGN	



SCALE: 1"=10'

PUMP STATION
NO. 20

MIN. 5'
CLEARANCE

APPROXIMATE LIMITS OF 9'
HIGH PROPOSED UPPER
BLUFF WALL

EXISTING
S/W

PROPOSED
SOIL NAIL

EXISTING
SEACAIVE

EXISTING
S/W

PROPOSED
TIEBACK (TYP.)

EXISTING
SEACAIVE

ORIGINAL TOP OF
BLUFF LINE

APPROXIMATE 2008
TOP OF BLUFF LINE

ORIGINAL WALL
DESIGN

PROPOSED TIED-BACK
SHOTCRETE WALL

26

24

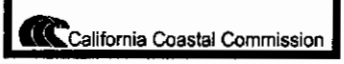
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EXISTING
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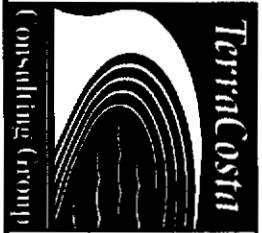
EXISTING
NOTCH

EXHIBIT NO. 4
APPLICATION NO.
6-06-153-A1
 Site Plan Overlay
 (comparison of
 original design with
 proposed repair)



SITE PLAN - OVERLAY

SCALE: 1"=10'



TERACOSTA CONSULTING GROUP
 ENGINEERS AND GEOLOGISTS
 4455 MURPHY CANYON ROAD, SUITE 100
 SAN DIEGO, CA 92123 16981 613-8900

FIGURE NUMBER
3

PROJECT NAME
CAMINO DE LA COSTA

PROJECT NUMBER
2160

**OVERLAY OF ORIGINALLY DESIGNED
WALL WITH PROPOSED REPAIR**