

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Th 10a

Addendum

January 7, 2011

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item 10a**, Coastal Commission Permit Application
#6-10-37 (Solana Beach Stairway), for the Commission Meeting of
January 13, 2011.

Staff recommends the following changes be made to the above-referenced staff report:

1. Special Condition #1d shall be revised as follows:

1. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final stairway demolition and reconstruction plans that are in substantial conformance with the conceptual design study dated August 8, 2007 by Noble Consultants, Inc. and shall include the following as notes on the plan:

[...]

d. The lower landing and stairs shall not extend further seaward than ~~the original stairway~~ shown on the above-referenced preliminary plans.

2. The last paragraph on Page 7, which continues onto Page 8, shall be revised as follows:

However, in the case of the proposed project, the only portion of the stairway that might clearly be considered dependent upon the riprap for protection from wave action and storm surge, would be the lower landing. The City has agreed that the bottom stair landing should be considered a transient structure that may occasionally be replaced (with issuance of a new coastal development permit or amendment to this permit, rather than allowing it to be maintained through shoreline protection, either that which is existing or new/additional protection in the future. Special Condition #1 requires final plans that clearly indicate the ephemeral nature of the lower landing. Thus, the proposed new stairway will

neither preclude removal of the revetment in the future, nor require new or additional shoreline protection in the future, consistent with Section 30253. Typically, the Commission would require that the new stairway extend no further onto the beach than the existing stairway, in order to minimize impacts to public access and recreation from locating structures on the public beach. However, in this particular case, in order to meet current building codes regarding rise and run, the bottom landing cannot be as steep as the existing stairway, and will have to extend onto the beach approximately 10 feet further than the existing stairway. During the summer months, the landing will appear to be in the same location as the existing one, but in the winter, the new stairs will extend onto the ground another approximately 10 feet, so that the beach will be accessible when sand levels have dropped. Given that the stairway will improve public access and recreation, and safety requirements require a less-steep stairway, the revised design can be found consistent with the public access and recreation policies of the Coastal Act. In addition, Special Condition #1 requires that the stairway landing extend no further onto the beach than the existing one, to minimize the amount of sandy beach occupied by the structure shown on the preliminary plans.

CALIFORNIA COASTAL COMMISSION

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Th10a

Filed:	April 29, 2010
49th Day:	June 17, 2010
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Length of Extension:	90 Days
Final Date for	
Commission Action:	January 24, 2011
Staff:	D. Lilly-SD
Staff Report:	December 21, 2010
Hearing Date:	January 12-14, 2011

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-10-37

Applicant: City of Solana Beach Agent: Dan Goldberg

Description: Demolition of existing Del Mar Shores public beach stairway and replacement with new stairway and lifeguard observation station.

Site: Easement on bluff face at 190 Del Mar Shores Terrace, Solana Beach, San Diego County. APN 298-240-57.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed public access stairway replacement, with special conditions. The proposed project will improve public access and recreation by replacing a deteriorating public beach stairway. Special conditions require the submission of final plans that document the final design of the stairway, require that the concrete be colored to match the existing bluff, restrict work to the non-summer months, and require a Best Management Practices Plan to assure no pollution of the beach or ocean waters. As conditioned, impacts of the proposed development will be minimized or mitigated, consistent with Chapter 3 policies of the Coastal Act.

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

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

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-10-37 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit 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. Final Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final stairway demolition and reconstruction plans that are in substantial conformance with the conceptual design study dated August 8, 2007 by Noble Consultants, Inc. and shall include the following as notes on the plan:

- a. All concrete used shall be colored to match the surrounding bluffs. The lifeguard tower shall also be colored in earthen tones.
- b. 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.

- c. The lower landing shall be considered ephemeral and therefore will not qualify for shoreline protection.
- d. The lower landing and stairs shall not extend further seaward than the original stairway.

The applicant 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. Storage and Staging Areas/Access Corridors. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant 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. During the construction staging of the project, the applicant 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 perform the stairway repairs. 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 applicant 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.

3. 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 Polluted Runoff Control Plan that incorporates the use of Best Management Practices that effectively assures no construction byproduct will be allowed onto the sandy beach and/or allowed to enter into

coastal waters. All construction byproducts 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.

4. 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.

5. State Lands Commission Review. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a letter from the State Lands Commission that concludes either:

- 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.

6. No Future Bluff or Shoreline Protective Device.

- A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 6-10-37 in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, bluff retreat, landslides, or other natural hazards in the future. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.
- B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the applicant shall remove the development authorized by this Permit if any government agency has ordered that the structures are not to be used due to any hazard. In the event that portions of the development fall to the beach before they are removed, the applicant shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. **Detailed Project Description/History**. The proposed project involves removal and reconstruction of an existing public access beach stairway located adjacent to the Del Mar Shores Terrace condominiums in the City of Solana Beach. The blufftop condominiums are located at the western terminus Del Mar Shores Terrace, approximately 400 feet north of the southern border of the City of Solana Beach.

The stairway is located on a “Public Pathway & Beach Access Easement” which extends from the end of the Del Mar Shores Terrace cul-de-sac across and alongside the condominium property to the north, down the bluff face on a natural promontory, landing on the beach on the south side of the promontory (see Exhibit #1). The stairway has deteriorated over the years and is also steeply sloped, and does not meeting current building code regulations. The proposed project includes removing all of the existing stairway with the exception of the existing concrete piles, which will be left in place to minimize impacts to the bluff. The piles will be cut off and removed to a point just below existing grade. The City has indicated the piles cannot be reused, because their structural capacity is limited. In addition, in order to meet current building code requirements for the rise and run of new stairways, the alignment of the proposed stairway will be somewhat different than the existing structure. It will still be located entirely within the existing easement.

The project also includes a new lifeguard observation station. The station would be approximately 8 feet long, 15 feet wide, and 9 feet high. The station would be constructed out of wood, and would be located on Landing No. 2, the second landing up from the beach. The City has indicated this location was chosen because it will allow the lifeguards to have unobstructed views of the beach and water along the entire length of the City, except for the two coves at Fletcher Cove and Tide Beach Park.

As-built plans obtained by the City of Solana Beach indicate that the existing stairway was approved by the County of San Diego in 1973 in association with construction of the Del Mar Shores Terrace bluff top condominium units, although construction of the stairway apparently did not actually take place until approximately 1977. A vested rights exemption claim for the 188 unit condominium project was approved by the San Diego Coast Regional Commission on March 16, 1973 (#FX0027).

Currently, there is riprap located in front of and around the promontory where the existing stairway is located, extending south in front of the Del Mar Shores condominium. The as-built plans for the condominium/stairway indicate that riprap was approved with the original project. However, the relatively good condition of the riprap suggests at least some rock has been replaced or augmented in the last decade, although there is no evidence that a coastal development permit was ever issued for additional rock, and the City of Solana Beach has indicated the City has no records of permitting access to the site for the placement of riprap. Thus, it is possible that some of the existing riprap is unpermitted. Potential violations associated with the riprap will continue to be investigated as a separate matter. No modifications to the revetment are proposed with the current project.

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

2. Geologic Hazards. 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.

[. . .]

The proposed development involves replacement of an existing public access stairway approved prior to passage of the Coastal Act. The City determined that the severity of the deterioration is such that repair alternatives are not feasible. The applicant has documented that the existing stairway is in fair to poor condition, with numerous cracks, rusted/exposed reinforced steel in the concrete and handrails, and must be replaced to assure the continued structural integrity of the existing public stairway. The new stairway will be constructed of heavy duty wood timber for the stairs, and colored concrete for the columns and stair supports. The stair landings, cast-in-drilled-hole (CIDH) piles, and the beach landing will be built as cast-in-place concrete structures.

The CIDH piles will be constructed using hand labor methods, which reduces the need for heavy equipment on the site, and minimizes disruption to the slope. The concrete stair landings and platforms will be individually formed on top of the new CIDH piles. The beach landing will be an extended length structure cast-in-place on grade with twelve inch thick structural side walls that will extend 3 feet into and bear upon the shallow depth sandstone. The Commission's engineer and geologist have reviewed the proposed project, and determined the project should not have any significant adverse impact on bluff stability.

As described above, there is riprap surrounding the base of the bluff promontory on which the stairway is located, and on the beach adjacent to the stairway landing. The riprap is located on sandy beach owned by the City of Solana Beach; however, the City has taken the position that as the riprap was installed by a private developer for the benefit of a private development, removal or modification of the riprap is outside of the scope of the proposed project. While no changes to the revetment are proposed with the stairway replacement project, the Commission's concern is that permitting new development dependent on shoreline protection could be inconsistent with Section 30253 of the Coastal Act, as well as the public access, recreation, and visual policies of the Coastal Act.

However, in the case of the proposed project, the only portion of the stairway that might clearly be considered dependent upon the riprap for protection from wave action and storm surge, would be the lower landing. The City has agreed that the bottom stair landing should be considered a transient structure that may occasionally be replaced (with issuance of a new coastal development permit or amendment to this permit, rather

than allowing it to be maintained through shoreline protection, either that which is existing or new/additional protection in the future. Special Condition #1 requires final plans that clearly indicate the ephemeral nature of the lower landing. Thus, the proposed new stairway will neither preclude removal of the revetment in the future, nor require new or additional shoreline protection in the future, consistent with Section 30253. In addition, Special Condition #1 requires that the stairway landing extend no further onto the beach than the existing one, to minimize the amount of sandy beach occupied by the structure.

Special Condition #6 notifies the applicant that by acceptance of this permit, the City agrees that no bluff or shoreline protective device(s) shall ever be constructed to protect the stairway in the event that the development is threatened with damage or destruction from natural hazards in the future, and that the City waives any rights to construct such devices that may exist under Section 30235.

Because the construction plans have not been finalized, Special Condition #1 requires submission of final project plans consistent with the preliminary plans. There is always risk involved with work in hazardous locations such as the subject site, on the face of a 70-80 ft. high coastal bluff in a location subject to wave action. Because the development will occur in a known hazard location, the applicant must assume all risks associated with the development. Special Condition #4 requires the applicant to submit a written agreement to the Executive Director assuming all risks associated with the development and indemnifying the Commission from any liability.

Based on the above discussion, the Commission finds that the impact of the proposed project on the overall stability of the bluff has been minimized to the maximum extent feasible and the proposed development will not require future shoreline protection. Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30253 of the Coastal Act.

3. Public Access. Several policies of the Coastal Act require that new development protect or enhance public access to and along the shoreline. These policies include:

Section 30210

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

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

Section 30213

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

The subject development is located on the bluff and beach approximately 400 ft. north of the City's southern border. Another public access stairway (Seascape Sur) lies approximately 1,000 ft. north of the subject public stairway. Fletcher Cove, the primary beach access location for the City of Solana Beach, is located approximately 2/3 miles to the north. The proposed project will replace an existing deteriorated public accessway stairway with a new stairway and lifeguard station, which will have a positive impact on public access and recreation.

The existing stairway landing is located on the southern side of the bluff promontory. At higher tides, the promontory impedes north/south lateral access at the site, a situation exacerbated by the existing riprap. The riprap at the base of the stairway and below the condominiums to the south extends seaward of the natural promontory at the stairway site and seaward of the bluff face below the condominiums to the south, occupying beach that would otherwise be available for public access and recreation.

The subject site is the only location in Solana Beach with a revetment form of shoreline protection, and as noted, some of this riprap may be unpermitted. However, the City believes modification to the riprap is outside of the scope of the current project, and is not proposing to remove the riprap at this time. As discussed above, the proposed stairway would not be dependent upon the revetment for protection.

The City did examine the potential for adding a second landing to the beach on the north side of the natural promontory, which would improve lateral access in the area. The geotechnical study determined that since the bluff on the north side is nearly vertical to the beach, a substantial pile supported structure consisting of two or three stair flights would be required. High, free-standing foundation piles would require crane equipment to construct; however, construction equipment access to the site is severely constrained. Beach access is subject to the long travel distance from Fletcher Cove and the narrow beach widths that prevent cranes and other equipment mobilizing to the site and staying on site for any extended period of time, which is why the proposed project relies largely

on hand work. In addition, the upcoast side of the promontory is directly exposed to wave action, and a landing on this side would be extremely vulnerable to deterioration due to wave action and sand, and cobble abrasion. The City concluded the added cost of providing a second beach landing would at least double the initial construction cost and also increase required maintenance. Thus, this alternative was not considered feasible.

Although the proposed project will protect and improve public access by replacing an existing public access stairway, construction activities could adversely affect public access for a limited amount of time if construction equipment interfered with beach use. To limit adverse impacts on public access caused by construction activities, Special Condition #2 requires the submission of construction staging plans documenting that no equipment or machinery will be left overnight on the beach, that construction corridors be located so as to limit adverse impacts on public access, and to prohibit construction activities from occurring on the beach during the summer months between Memorial Day and Labor Day. Because there are several public parking lots in the vicinity of the site, the City does anticipate using public parking lots for staging during construction. These lots are typically not full during non-summer months, and any impact to public access is expected to be minimal and relatively short-term. Since the project involves a total demolition and replacement, no stairway access will be available during construction, which is estimated to require 6-8 months. Public access will remain at the locations to the north noted above.

Although the existing stairway landing lies on the public beach and is regularly impacted by wave action, the extent of the public trust lands at this location is not known. The State Lands Commission retains ownership of the public trust lands seaward of the Mean High Tide Line. As such, Special Condition #5 requires the applicant to submit a written determination from the State Lands Commission as to the status of state lands involvement concerning this project.

In summary, while the existing riprap will continue to adversely impact public access and recreation, this riprap is not the subject of the proposed development and was not constructed or permitted by the City. The proposed project will improve and protect public access. While there may be some minor inconvenience to the public during reconstruction of the stairway, the impacts will be short term and the result is replacement of an important public beach access stairway. As conditioned, the proposed development will provide public access to the ocean and shoreline. Therefore, the proposed development is consistent with Sections 30210, 30211, 30212, 30213 and 30252 of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act states as follows:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of

surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. . .

The proposed development is located on the public beach in the City of Solana Beach and as such will be highly visible by beachgoers. The proposed stairway will be located in the same location as the existing stairway, and the new structures, including the lifeguard tower, are structures typically seen on recreational beaches. All concrete is proposed to be integrally colored using earthtone tints to match the surrounding bluffs, and Special Condition #1 also requires that the lifeguard station be earth tones. As conditioned, the proposed project will protect public views along the shoreline. Therefore, the visual resources of the area will be protected consistent with Section 30251 of the Coastal Act.

5. Protection of Ocean Waters/BMP's. Section 30230, 30231 and 30232 of the Coastal Act requires that new development be designed so that ocean waters and the marine environment be protected from polluted runoff and accidental spill of hazardous substances:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The replacement of the public access stairway will occur on the public beach within a few feet of ocean waters. Construction activities will only occur at low tides when access

along the beach is available. However, at high tides ocean waters will extend up to the stairway such that the repairs at times will be subject to wave action. The Commission has been made aware that in previously constructed shoreline projects along the Solana Beach shoreline, construction byproducts have fallen onto the sand and have not been removed before the ocean waters rise and mix with the material. According to the Commission's water quality division and staff of the State Regional Water Quality Control Board, San Diego Region, the mixing of such construction byproducts with ocean waters is a violation of the State Water Quality Act since it would involve the unauthorized discharge of a pollutant into ocean waters.

Along other sections of the coast, contractors have placed tarps on the beach to collect material that drops to the beach during construction. This and other techniques are possible ways to control construction debris and prevent discharge into the marine environment.

Special Condition #2 requires that during the construction of the project, "the applicants shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion". This is a common condition for the Commission to impose on construction projects along the shoreline. However, based on information submitted for other shoreline projects, this special condition has not effectively served to prohibit the contamination of ocean waters by construction materials. Therefore, to assure that the subject development will not result in the pollution of the ocean waters, Special Condition #3 has been attached, which requires the applicants to submit a Polluted Runoff Control Plan that incorporates Best Management Practices (BMPs), for Executive Director approval, for the proposed repair work. With appropriate BMPs, the potential for this polluted material from the repair site making its way into the ocean will be eliminated. In addition, Special Condition #2 prohibits the storage of construction vehicles in the surf zone, or the washing of equipment on the beach, both of which protect the receiving waters from an influx of pollutants, thus protecting biological productivity and marine resources. Therefore, as conditioned, the Commission finds the proposed development consistent with the marine and water quality protection policies of the Coastal Act.

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

The location of the proposed development is an easement for public recreational uses. As conditioned, the subject development is consistent with the requirements of the easement. Based on the above findings, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of Solana Beach to complete a certifiable local coastal program.

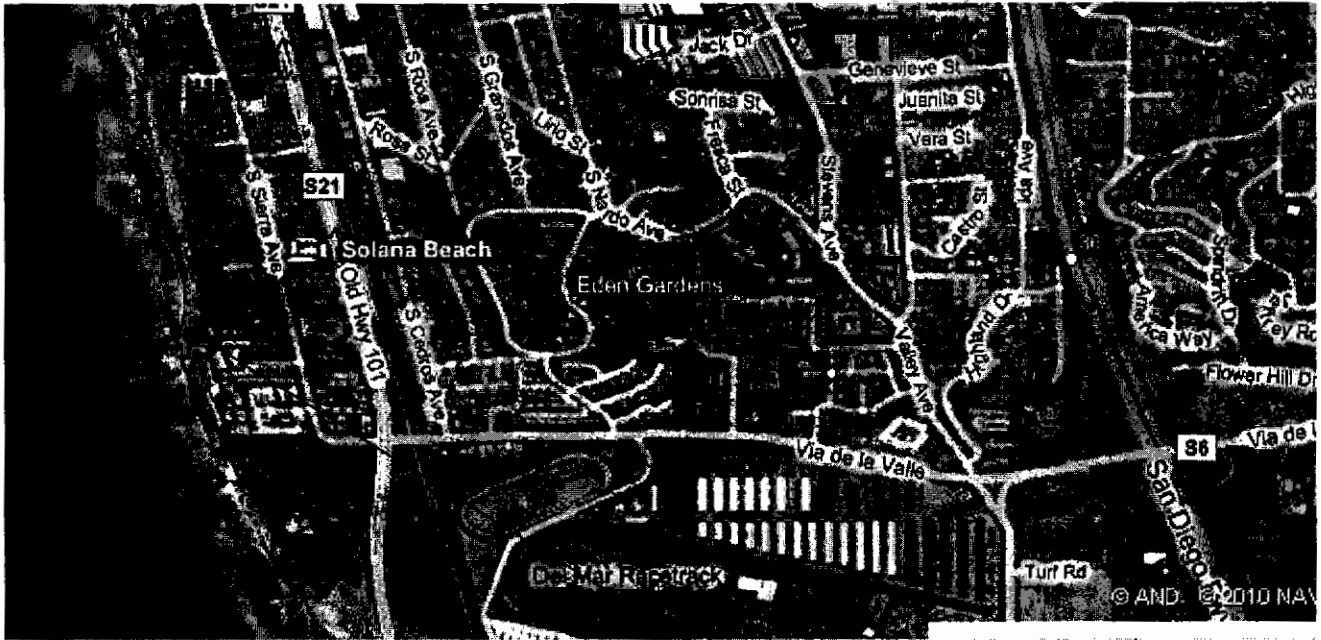
7. Consistency with the California Environmental Quality Act (CEQA).

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

The proposed project has been conditioned in order to be found consistent with the public access, geologic stability, visual and water quality protection policies of the Coastal Act. Mitigation measures, including final plans, restricting work to outside of the summer, a Best Management Program, and assumption of risks 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. would significantly degrade those areas.

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.



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Project Site

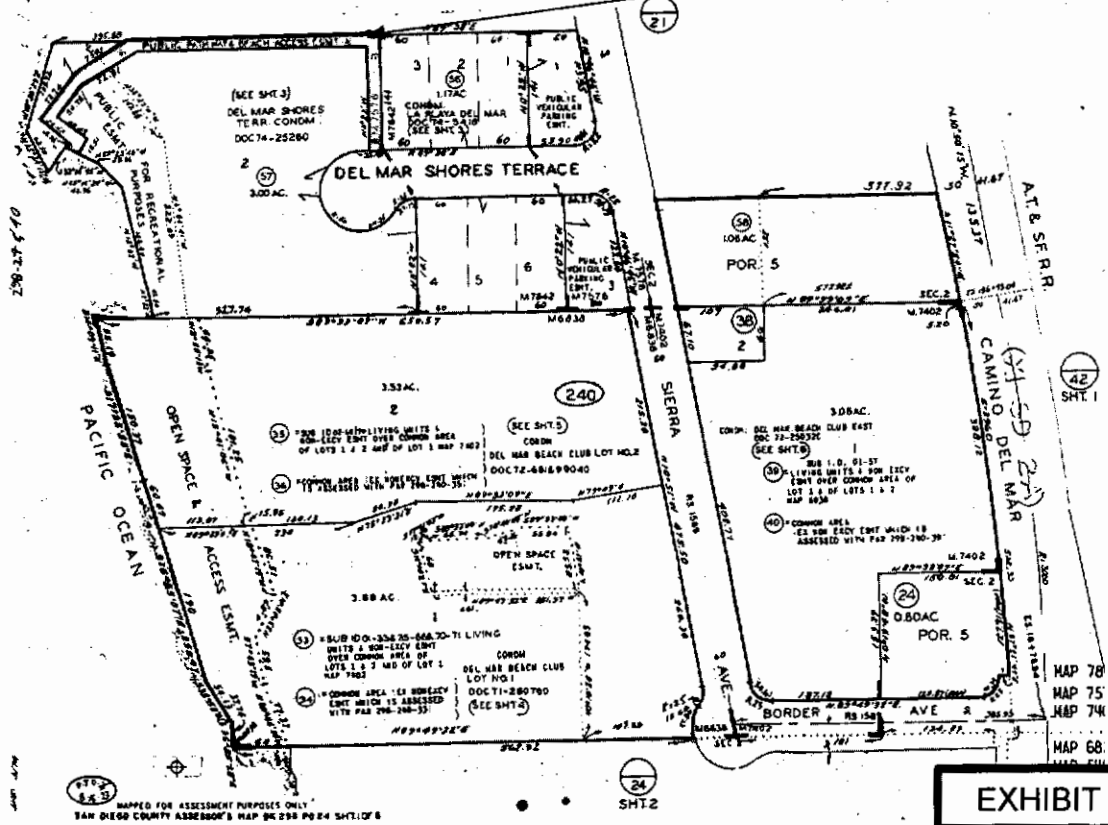


EXHIBIT NO. 1
APPLICATION NO.
6-10-37
Location Map
California Coastal Commission

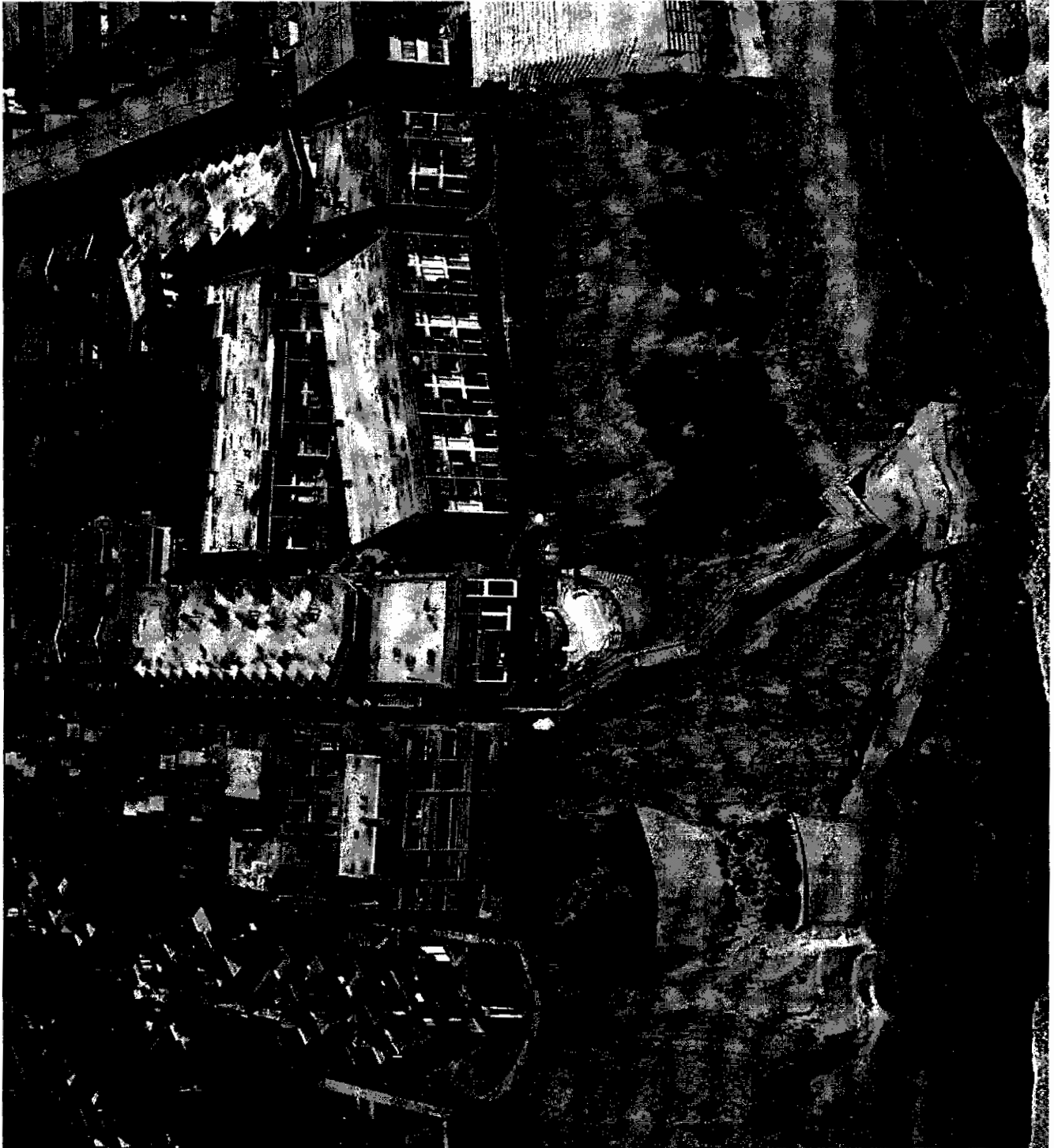



EXHIBIT NO. 2
APPLICATION NO. 6-10-37
Existing Stairway
 California Coastal Commission

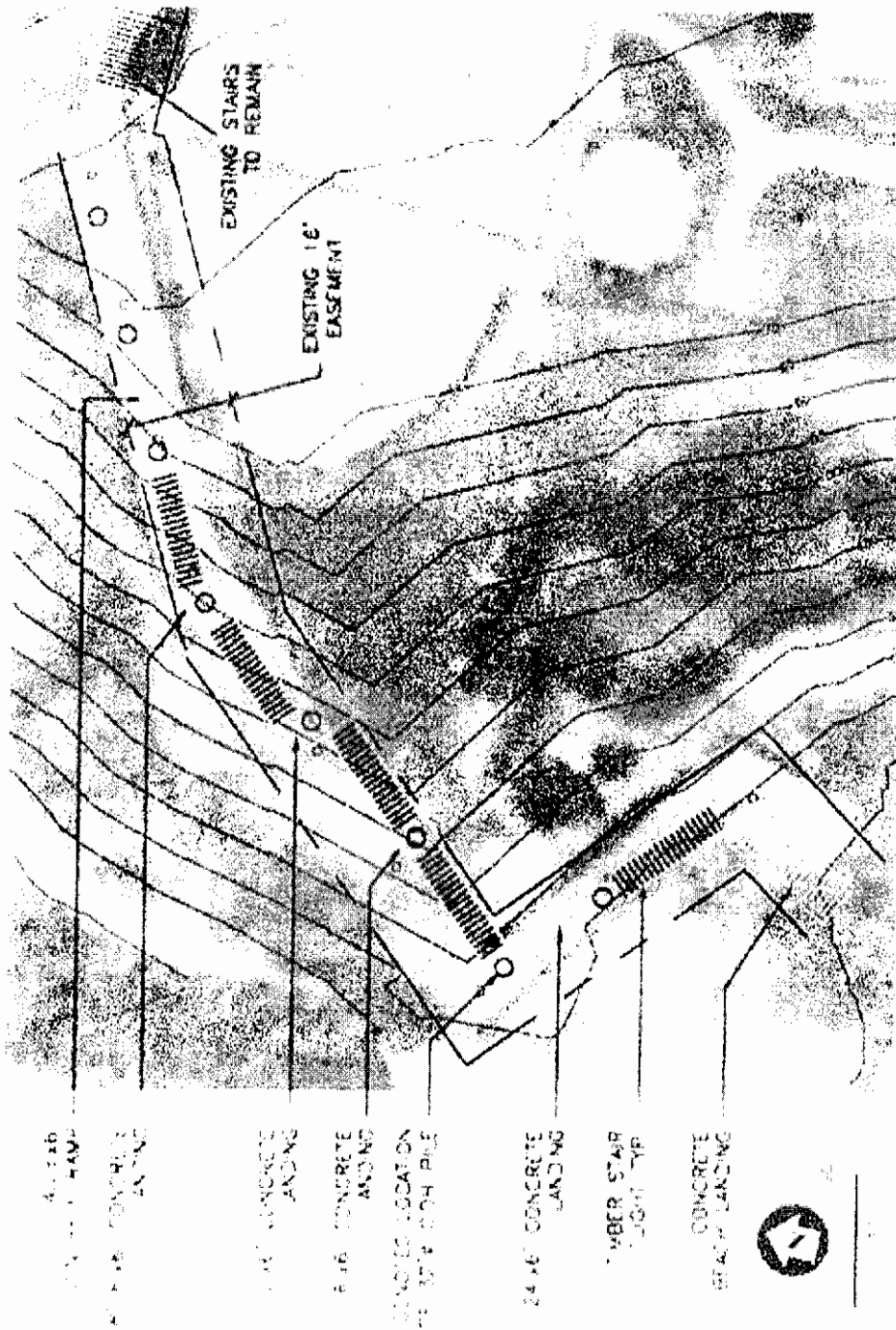



EXHIBIT NO. 3
APPLICATION NO. 6-10-37
Proposed Site Plan
 California Coastal Commission