

CALIFORNIA COASTAL COMMISSION

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F20b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-16-0434

Applicant: California Department of Parks and Recreation

Agent: Darren Smith

Location: 2450 S. Coast Highway 101, Encinitas, San Diego County (APN: 261-020-01)

Project Description: Permanently authorize the unpermitted restacking of existing rip rap adjacent to the emergency vehicle turnaround at the northern end of the Cardiff Day Use Lot approved pursuant to an April 4, 2013 emergency authorization; permanently authorize the placement of five 10-yard truckloads of ½-1 ton rip rap and two 10-yard truckloads of beach cobble atop the same rip rap pursuant to December 17, 2015 emergency authorization; adopt long-term monitoring and maintenance plan for rip rap

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The California Department of Parks and Recreation (State Parks) is applying to permanently retain emergency work authorized in April 2013 and December 2015 at the emergency vehicle turnaround at the northern end of the Cardiff Day Use Parking Lot at Cardiff State Beach, in the City of Encinitas. The Day Use Lot is located on a thin strip of

coast between the ocean and Highway 101, and the Day Use Lot occasionally becomes flooded during storm or extreme tidal events. The emergency vehicle turnaround at the northern end of the lot has been especially vulnerable due to its location on the southern bank of the mouth of San Elijo Lagoon. The flows and tidal flushing of the lagoon, in conjunction with wave action, has caused repeated undermining of the emergency vehicle turnaround, the closure of which would cause the Fire Marshal to have to close the entirety of the Day Use Lot to the public. The January 2017 Commission hearing is the final hearing prior to the 270th day since this application was filed, and the Commission must act on this application at this hearing in order to comply with the Permit Streamlining Act (Gov. Code § 65920 et seq.).

The first emergency action in April 2013 was for the restacking of an existing revetment that had become scattered across the beach, allowing waves to undermine the emergency vehicle turnaround. A follow-up permit allowing the restacking was approved by the Commission, but the permit was never issued, and thus that work is currently unpermitted. The December 2015 emergency action was also for the restacking of the rip rap after repeated scattering, as well as the addition of more rip rap when it became apparent that simple restacking was not sufficient to protect against the E Niño and King Tide events of 2015. With both actions having been completed, State Parks is now applying for permanent authorization to retain the emergency work that was performed. State Parks is also requesting approval of a long-term maintenance plan to maintain the revetment in its current configuration and footprint.

The placement of shoreline protection can have substantial ramifications for public access and coastal processes, as such protection can occupy space otherwise available for public use and can disrupt the ability of a beach to migrate landward or replenish the sand supply. Shoreline protection can also adversely impact visual resources by blocking public views or the visual quality of the coastline.

However, the proposed maintenance and addition of new rock is required to protect an important public access and recreational resource. This segment of the Cardiff Day Use Lot undergoes extreme stresses from wave action, and requires frequent upkeep. While the past emergency actions have been sufficient to stave off collapse and subsequent lot closure for a time, it is highly likely that the undermining of the parking area will occur again in the not-too-distant future. If the turnaround area is undermined and closes to emergency vehicles, the Fire Marshal has indicated that the entire parking area will have to be closed to the public. This would have a much more significant adverse impact on public access and recreation than the proposed work, which will maintain the revetment in its current footprint. In addition, allowing State Parks to proactively maintain the revetment in the future in its current height and footprint will allow dislodged rock to be promptly relocated off of the beach, and avoid the need for further emergency actions.

However, because sea level rise will only increase the stresses placed on this public facility, and State Parks has indicated that they are currently researching and drafting a long-term adaptation plan, this permit only authorizes ongoing maintenance for up to 5 years, by which time it is expected that State Park's adaptation plan will be ready for review and implementation.

Special Condition No. 1 requires that State Parks adhere to approved final plans that ensure that the rip rap revetment will conform to its original footprint and will not encroach seaward, where it could occupy additional public sandy beach area. **Special Condition No. 2** sets the parameters for the authorization of the shoreline protection, namely that it has a maximum life of 5 years, but which time it is anticipated State Parks will have a district-wide adaptation plan prepared for review and implementation. Because maintenance of shoreline protection can take many forms, **Special Condition No. 3** details the measures permissible in the monitoring and maintenance of the approved revetment to ensure that reasonable action can occur in a timely manner while guarding against the expansion or erection of new shoreline protection. Relatedly, **Special Condition No. 4** gives clear notice that only the development described in this permit is authorized to be kept and maintained, and development activity beyond the parameters spelled out in the special conditions of this permit shall require a separate approval from the Commission. Because State Parks is proposing to retain development in a location that has a history of frequent wave action, **Special Condition No. 5** requires State Parks to assume the risk from coastal hazards that this site may experience in the future. Finally, while the April 2013 development was conducted pursuant to emergency authorization, and the required follow-up permit was approved by the Commission in September 2013, State Parks did not get the permit issued, and it subsequently expired, rendering the April 2013 work unpermitted. In order to address the open violation, State Parks has included the April 2013 development as part of this application, and **Special Condition No. 6** requires State Parks to satisfy the prior-to-issuance conditions and have this permit issued within 90 days of Commission approval.

Commission staff recommends **approval** of coastal development permit application 6-16-0434 as conditioned.

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APPENDICES

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Site Plan](#)

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[Exhibit 5 – Copy of Emergency Permits](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-16-0434 subject to the conditions set forth in the staff recommendation.*

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

Resolution:

The Commission hereby approves coastal development permit 6-16-0434 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Submittal of Final As-Built Plans.

- A. Prior to issuance of the coastal development permit, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:
 - i. Site Plans that substantially conform with the plans submitted to the Commission, titled "Revetment Repair" dated January 18, 2016 and submitted to the Commission on May 9, 2016, and show permitted structure in relation to the topography.
- B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. Shoreline Structure Authorization.

- A. Authorization Terms. This CDP authorizes the shoreline structure pursuant to the following terms:
 - i. Expiration. This authorization expires when the day use parking lot (1) is no longer in operation; (2) is no longer present; (3) no longer requires shoreline armoring, or (4) 5 years from date of Commission action, whichever occurs first. Prior to the anticipated expiration of the permit or in conjunction with redevelopment of the property, the permittees shall apply for a new CDP or amendment to this CDP to remove the shoreline armoring or to modify the terms of its authorization, including with respect to any necessary mitigation pursuant to subsection (a)(ii) of this Special Condition.
 - ii. Extension of Authorization and Mitigation. If the permittees intend to keep the shoreline structure in place beyond the authorization period detailed in subsection a(i) above, the permittees shall submit a complete application for a CDP or amendment to this CDP to reassess mitigation for the ongoing impacts

of the structure, including an evaluation of actions to reduce or eliminate those impacts. The complete application shall be submitted no later than 90 days prior to the end of the mitigation period. The application shall include analysis of feasible alternatives to modify the shoreline structure or the development to reduce or eliminate to the maximum extent feasible the shoreline structure's impacts on coastal resources, and shall propose mitigation for unavoidable coastal resource impacts associated with the retention of the structure beyond the initial mitigation period.

3. Submittal of Revised Final Maintenance Plan.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director a final plan for the authorized maintenance and the required monitoring.

- A. The plans shall be in substantial conformance with the maintenance and monitoring plan dated November 15, 2016 and attached to this staff report as Exhibit No. 4, but shall be revised to include the following items and parameters:
- i. A description of the approved shoreline protection device;
 - ii. A discussion of the goals and objectives of the plan, which shall include protection of the vehicle turnaround from erosion while minimizing rip rap migration across the public beach;
 - iii. Provisions for taking measurements of the height and width of the approved rip rap revetment and the amount of migration that occurs over time, including identification of exactly where such measurements will be taken, e.g. by reference to benchmarks, survey positions, points shown on an exhibit, etc. and the frequency with which such measurements will be taken;
 - iv. Provisions for inspection of the condition of the shoreline protection device by a licensed geologist, or civil or geotechnical engineer, including the scope and frequency of such inspections.
 - v. The alignment shall be maintained so that the rip rap encroaches no further seaward than the alignment of the existing rip rap as approved, as established per Special Condition No. 1 and shown in Exhibit No. 3.
 - vi. No additional rock or placement of new material is permitted herein.
- B. Monitoring Requirement. By May 1 of every year for the term of this permit, the

permittee shall submit a monitoring report that has been prepared by a licensed geologist, or civil or geotechnical engineer. Each monitoring report shall contain the following:

- i. An evaluation of the condition and performance of the approved shoreline protection device, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the device;
- ii. All measurements taken in conformance with the approved monitoring plan;
- iii. An analysis of erosion trends, annual retreat, or rate of retreat of the sandy beach based upon the measurements and in conformance with the approved monitoring plan;
- iv. A description of any migration or movement of rock that has occurred on the site; and
- v. Recommendations for repair, maintenance, modifications or other work to the device.

If a monitoring report contains recommendations for repair, maintenance or other work, the permittee shall contact the Coastal Commission District Office to determine whether such work requires a coastal development permit.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

4. Future Permit Requirement

This permit is only for the development described in coastal development permit (CDP) No. 6-16-0434. Accordingly, any future improvements to this structure authorized by this permit shall require an amendment to CDP No. 6-16-0434 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government. In addition, an amendment to CDP No. 6-06-0434 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in Public Resource Code Section 30610(d) and Title 14 California Code of Regulations, Section 13252(a)-(b).

5. 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, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee 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.

6. Condition Compliance.

WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY

State Parks is proposing to permanently authorize the restacking of an existing rip rap revetment located adjacent to the emergency vehicle turnaround on the northern end of the Cardiff Day Use Parking Lot at Cardiff State Beach that was conducted pursuant to an April 4, 2013 emergency authorization (CDP No. 6-13-0019-G), as well as proposing a plan to maintain the existing rip rap in its current location as necessary. The subject permit would also permanently authorize the placement of five 10-yard truckloads of ½-to-1 ton rip rap and two 10-yard truckloads of beach cobble that was placed atop that same rip rap pursuant to an emergency authorization issued on December 17, 2015 (CDP No. G-6-16-0021). The 2013 emergency authorization was granted due to the undermining of the emergency turnaround by wave action and flows from the adjacent San Elijo Lagoon mouth, while the 2015 emergency authorization was granted due to El Niño and King Tide events scattering the rip rap and again undermining the emergency vehicle turnaround, which would have likely led to the closure of the entire parking lot by the Fire Marshal.

North Cardiff State Beach, a state-owned and operated facility located on the coast on south side of the mouth of the San Elijo Lagoon, consists of a paid beachfront parking lot approximately 10 feet above Mean Sea Level (MSL). The North Cardiff State Beach Day Use Parking Lot has been part of the State Parks system since 1948, and until 1986 consisted of an unpaved parking area containing one shower and portable restrooms. In January of 1985, the Coastal Commission approved CDP No. 6-84-563, permitting the State Parks to reconstruct and rehabilitate the beach facility by repaving and restriping the lot for 105 parking spaces, along with the construction of an entrance gate and kiosk, new comfort stations, and showers, all protected by an existing rock revetment. No expansion of or further encroachment by any revetments was permitted by that permit.

In July 1994 the Commission approved CDP No. 6-94-068 permitting State Parks to allow 40 of the 105 parking spaces to be used non-exclusively for two years by a valet service servicing nearby restaurants from 6:00-11:00 PM nightly. In September of 1997 the Commission approved CDP No. 6-96-080, extending the valet service for two years and increasing the number of spaces used to 80. These permits have subsequently expired such that no use of the lot by the restaurants' valet service is currently permitted.

In October, 2002, the Commission approved CDP No. 6-02-023 authorizing State Parks to reconstruct the entrance road, entrance gate, kiosks, and parking lot at Cardiff State Beach to address damage accrued over time from wave and storm events.

In April 2013, State Parks applied for and received an emergency permit to conduct emergency maintenance of the existing rip rap in the form of restacking all the rip rap that had been scattered across the sandy beach area due to erosion from wave action and river flows from the adjacent mouth of the San Elijo Lagoon (CDP No. 6-13-0019-G). The required follow-up permit – CDP No. 6-13-0468 – permanently authorizing retention

of the work was approved by the Commission on September 2013, but the conditions for releasing the permit were not met, and the permit was never issued and has since expired. State Parks has thus included authorization for this 2013 emergency work as part of this current application proposal.

In addition, State Parks has acknowledged that given the on-going wave and tidal forces at the site, it is likely that periodic maintenance of the revetment will be necessary in order to sustain the revetment in its current configuration. Therefore, the subject permit as conditioned also includes a plan to maintain the revetment in its existing footprint by periodically retrieving any rock that dislodges from the revetment and restacking it within the approved footprint. As proposed, this ongoing maintenance would occur outside the summer season and within the beach area immediately adjacent to the revetment, with scattered rock restacked with an excavator as needed and reinforced with existing sand and cobble gathered from the adjacent beach area. No new rock or cobble would be added as part of the revetment maintenance plan.

The subject site is located along a public beach west of Highway 101 in the Cardiff community of Encinitas. Although the City of Encinitas has a certified LCP, the project site lies within the Commission's area of original jurisdiction such that the standard of review is Chapter 3 of the Coastal Act with the City's certified LCP used as guidance.

B. PUBLIC ACCESS

Section 30210 of the Coastal Act 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.

Section 30211 of the Coastal Act states:

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 of the Coastal Act 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, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to

be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

[...]

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30213 of the Coastal Act states, in part:

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

[...]

Section 30604 of the Coastal Act states, in part:

[...]

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The Recreation Element of the Encinitas certified Land Use Plan states:

Policy 1.4: Establish a balance of natural open space and “improved” recreational open space and implement measures to preserve and maintain the natural environment.

Policy 2.8: Encourage the maintenance of the bluffs, beach, shoreline, reefs, and ocean and discourage any use that would adversely affect the beach and bluffs except a reasonable number of access public stairways, lifeguard towers, and similar public beach facilities.

North Cardiff State Beach Day Use Parking Lot is highly used by the public for a variety of beach and ocean activities. The project area is located at the northern end of the public parking lot, south of the mouth to the San Elijo Lagoon and west of Highway 101, near several restaurants. The parking lot terminates in an emergency vehicle turnaround area

that is currently bordered and protected by rip rap on both the lagoon inlet and ocean sides.

Over the years storms, wave action, and regular tidal flushing of the San Elijo Lagoon have eroded portions of the beach and bluffs around the lagoon mouth. As a result, existing rip rap from revetments present on both the north and south sides of the lagoon mouth has become dislodged and been strewn about the beach area. In addition to no longer serving its protective function, the rip rap dislodgement substantially increases the area of sandy beach occupied by rocks, impacting public access and recreational opportunities for the public. The emergency vehicle turnaround in the North Cardiff Day Use Parking Lot is a mandated emergency access space, permitting emergency vehicles to maneuver in the otherwise constrained parking lot when responding to an emergency. In a letter to State Parks dated March 13, 2013, the Office of the State Fire Marshal informed State Parks that the undermined turnaround risked falling below the regulatory-mandated width, and that if such an event occurred then the entire parking facility would be closed to the public. Thus, in Emergency CDP No. 6-13-019-G, the Executive Director authorized State Parks to perform emergency maintenance and restack the rip rap from the existing revetment within its original footprint, place a sand berm seaward of and adjacent to the revetment, and repave the portion of the parking lot turnaround that had previously been undermined.

While the above emergency work was sufficient for a time, erosive forces eventually dislodged portions of the revetment. In 2015, due to heightened wave action from El Nino and the flows from the San Elijo Lagoon mouth, the rip rap was once again dislodged and the emergency vehicle turnaround undermined, causing the Fire Marshal to once again warn State Parks that the entire parking lot risked closure to the public. In December of 2015, State Parks applied for and received emergency authorization to restack the existing rip rap and, in anticipation of upcoming King Tide events, place five 10-yard truckloads of ½-to-1 ton rip rap and two 10-yard truckloads of beach cobble atop the existing revetment so as to lessen the chance of undermining as well as reduce overtopping onto the emergency vehicle turnaround that was occurring during storm events. The Commission's geologist and engineer agreed that the situation was an emergency, and that the project was the minimum necessary to protect the public accessway.

In both emergency actions, the restacking of the scattered rip rap to its original footprint reduced the amount of sandy beach area occupied by rock and restored it to public use. The placement of additional rock and cobble in the second emergency action was atop the existing rip rap, and thus did not increase its footprint seaward. The existing revetment does encroach upon sandy beach area that would otherwise be available for public access and recreation. However, because the rip rap protects the emergency vehicle turnaround from further undermining, it decreases the likelihood that the Fire Marshal will have to close the parking lot to the public, ensuring continued service. Thus, the project will allow the existing level of public beach access at the parking facility to continue. Furthermore, rebuilding the proposed revetment and collecting the stray rock will reduce the encroachment of rock on the beach, improving public access and recreational opportunities.

While the proposed development will not produce any additional encroachment beyond the original footprint of the revetment, because the project is located on the beach, construction activities associated with the project could potentially impact public access. The work required to restack the rip rap required the use of heavy machinery on the beach, but because the revetment repair work has already been completed under the preceding emergency CDPs, no more work, either on the beach or off, is contemplated at this time. However, as demonstrated by the recent history of this revetment, it is likely that future maintenance action will be required by State Parks. The State Parks proposed maintenance and monitoring plan for future actions on the revetment has been designed to allow the applicant to protect the parking lot and turnaround area by maintaining the approved revetment in its existing configuration, while minimizing impacts to public access associated with dislodged rock (Exhibit 4). As proposed, as future wave and storm action causes rip rap or cobble to scatter, State Parks will utilize heavy machinery to gather it up and replace it within the original footprint. While much of the necessary equipment can be staged from the paved emergency vehicle turnaround, depending on the amount and distance of scattering, heavy machinery may be needed on the beach to gather up the rock. Because State Parks will be monitoring the revetment under this permit, it is anticipated that such maintenance activity will be able to be completed within a day, reducing the amount of public space occupied by maintenance equipment and returning sandy beach area to public use in a timely manner. Furthermore, maintenance activities will avoid the busy summer months and off-season weekend, holidays, and grunion runs. While the size of dislodged rip rap may require the use of an excavator on the beach area, the remaining equipment will be staged on the paved vehicle turnaround.

To mitigate potential impacts presented by the proposed development, **Special Condition No. 1** requires State Parks to adhere to approved final plans so as to ensure that the footprint of the restored rip rap is not added to, enlarged, or expanded. While the majority of State Park's proposed monitoring and maintenance plan is consistent with the public access policies of the Coastal Act, **Special Condition No. 2** includes a 5-year time limit on the authorized revetment work, by which time it is expected that State Parks will have drafted a formal district-wide adaption plan for addressing continued erosion here and elsewhere in coastal San Diego County State Parks. **Special Condition No. 3** requires that a revised plan be submitted and adhered to. **Special Condition No. 4** limits the development authorized by the CDP to the existing rip rap and additions made under the emergency authorizations, and requires that any development beyond maintenance of said rip rap will require a separate authorization from the Commission.

In summary, the Commission finds that, as conditioned, the proposed rip rap restacking and addition will not result in adverse impacts to coastal access. The protection of the parking lot turnaround will ensure that public parking remains available, and the restacking of the rip rap will decrease its footprint to only that which is necessary to serve its protective function, with no unnecessary beach encroachment permitted. Therefore, the Commission finds that all access concerns associated solely with the development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. COASTAL HAZARDS

Section 30235 of the 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.

Section 30253 of the 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.

[...]

The Resource Management Element of the certified Encinitas LUP states in relevant part:

Policy 8.2: Institute a comprehensive program for maintaining all beaches within the incorporated boundaries of the City.

Policy 8.7: The City will establish, as primary objectives, the preservation of natural beaches and visual quality as guides to the establishment of shoreline structures...

In reviewing requests for shoreline protection, the Commission must assess both the need to protect development and the potential adverse impacts to public resources associated with construction of shore protection. A number of adverse impacts to public resources are associated with the construction of shoreline structures. These include loss to the public of the sandy beach area that is displaced by the structure, “permanently” fixing the back of the beach in front of the structure, sand loss from the beach due to wave reflection and scour, and accelerated erosion on adjacent unprotected properties.

The purpose of the proposed maintenance is to strengthen the existing revetment so as to continue to protect the existing public facility – the public parking lot – upland of the revetment from wave erosion. The earliest reference to the existing revetment that Commission staff was able to locate in Commission records is CDP No. 6-84-563,

approved by the Coastal Commission in January 1985 authorizing the repaving and restriping of the existing parking lot and construction of a new comfort station and showers at North Cardiff State Beach. The staff report for the project references an existing revetment on site, and Exhibit No. 2 therein contains a site plan showing the footprint of the revetment in substantially the same configuration as proposed in this permit. State Parks has stated that they do not know when the revetment was first placed, though analysis of historical aerials of the park site prior to 1985 show what appears to be a revetment buried under a sand berm at the location of northern end of the parking lot.

State Parks has demonstrated that the existing public facilities are subject to threat and that the proposed revetment maintenance is necessary to assure the existing revetment continues to function to protect the facilities. Prior to each emergency action, the revetment was spread out over a wide area of the beach with some rocks extending down into the surf zone, negating any protection and leaving the parking area vulnerable. The first emergency permit rebuilt the revetment to protect the parking area, and the second emergency action in December, 2015 added rock because the existing revetment was no longer proving sufficient to protect the emergency vehicle turnaround, as it was becoming overtopped and eroded from behind as well as in front.

However, while it is clear that the revetment is necessary to protect a valuable public resource, the structure must still be the least environmentally damaging feasible alternative. State Parks is in the process of evaluating a long-term management plans for its assets in the San Diego Coast District. This plan is anticipated to include a spectrum of adaptation strategies that include retreat, redesign, reduction, or protection of various park facilities. However, at this time the plan is not ready for submittal and review by the Coastal Commission, and in the interim, the revetment is an effective, feasible measure for protecting this public facility and maintaining public access to the shoreline.

Because the presence of shoreline protection can lead to several adverse consequences on coastal processes, **Special Condition No. 3** requires the applicant to submit monitoring reports to the Commission to determine settling or seaward movement of the revetment to ensure the revetment continues to be configured to minimize impacts to the coast. The maintenance activity authorized in this permit will be limited to maintaining the revetment in its approved configuration with not expansion or realignment allowed without additional Commission approval. Finally, the development is authorized only for a maximum of 5 years, with any retention after that requiring an amendment or new permit, by which time it is anticipated that State Parks will have finalized a district-wide adaptation plan for its coastal facilities.

Although the Commission finds that the proposed development has been designed to minimize the risks associated with its implementation, the Commission also recognizes the inherent risk of shoreline development. The revetment will be subject to wave action. Thus, there is a risk of damage to the revetment or damage to property as a result of wave action. Given that the applicants have chosen to perform these repairs despite these risks, **Special Condition No. 5** requires that the applicants acknowledge the risks of future wave and flood action and indemnifies the Commission against claims for damages that

may be brought by third parties against the Commission as a result of its approval of this permit.

In summary, the Commission finds that the applicant has demonstrated that the existing public facilities are subject to threat from wave action and erosion and that repairs/maintenance of the existing revetments are necessary and will be the minimum necessary to assure continued protection. Therefore, the Commission finds that the proposed maintenance project, as conditioned, is consistent with Sections 30235 and 30253 of the Coastal Act.

D. VISUAL RESOURCES

Section 30251 of the Act addresses scenic and visual qualities, and 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 public views to and along the ocean and scenic coastal areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

While the April, 2013 emergency action simply restacked the scattered rip rap into its previous configuration, the December 2015 action went beyond restacking and added additional rip rap and cobble to the revetment which, while not increasing its footprint, did increase its height. Prior to the December, 2015 development, the top of the revetment was approximately the same elevation as the adjacent emergency vehicle turnaround. With the addition of rip rap material after December, 2015, the top of the rip rap is approximately 2-3 feet above the elevation of the turnaround area. This relatively small increase and its placement just along a portion of the emergency vehicle turnaround – and not along the rest of the public parking lot – means that the development will not be a substantial adverse impact to public views or to the visual quality of the coast. The proposed maintenance plan will keep the revetment in good configuration, consolidated next to the vehicle turnaround rather than scattered about the sandy beach area. Thus, the proposed development can be found in conformance with the visual resource policies of Chapter 3 of the Coastal Act.

E. UNPERMITTED DEVELOPMENT

Subsequent to the emergency restacking of the revetment in April 2013, State Parks applied for the required follow-up permit to permanently authorize the emergency development, which was approved by the Commission as CDP No. 6-13-0468 in September 2013. However, State Parks did not satisfy the prior-to-issuance conditions of that permit, and thus it was never issued and subsequently expired, leaving the 2013 development unpermitted. After discussion with Commission staff, State Parks has

revised their project description to now include the April, 2013 emergency work as part of this permit action. To ensure that the matter of unpermitted development is resolved in a timely manner, **Special Condition No. 6** requires that the applicant satisfy all conditions that are prerequisite to the issuance of this permit within 60 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development occurred prior to the submission of the permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act, with the certified LCP acting as guidance. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

F. LOCAL COASTAL PLANNING

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

The subject site is located on the east side of the public beach and on the west side of Highway 101 in the Cardiff community of the City of Encinitas. Although the City of Encinitas has a certified LCP, the project site lies within the Commission's area of original jurisdiction such that the standard of review is Chapter 3 policies of the Coastal Act with the City's LCP used as guidance. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development, as conditioned, will not adversely affect the City's continued implementation of its certified LCP.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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.

State Parks is the lead agency for CEQA purposes, and they determined that the proposed development was categorically exempt as repair and maintenance of an existing facility. The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing maintenance, and monitoring of the revetment will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(G:\San Diego\Reports\2016\6-16-0434 State Parks Cardiff Day Use Lot staff report.doc)

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

SAN DIEGO CO.

SEE MAP

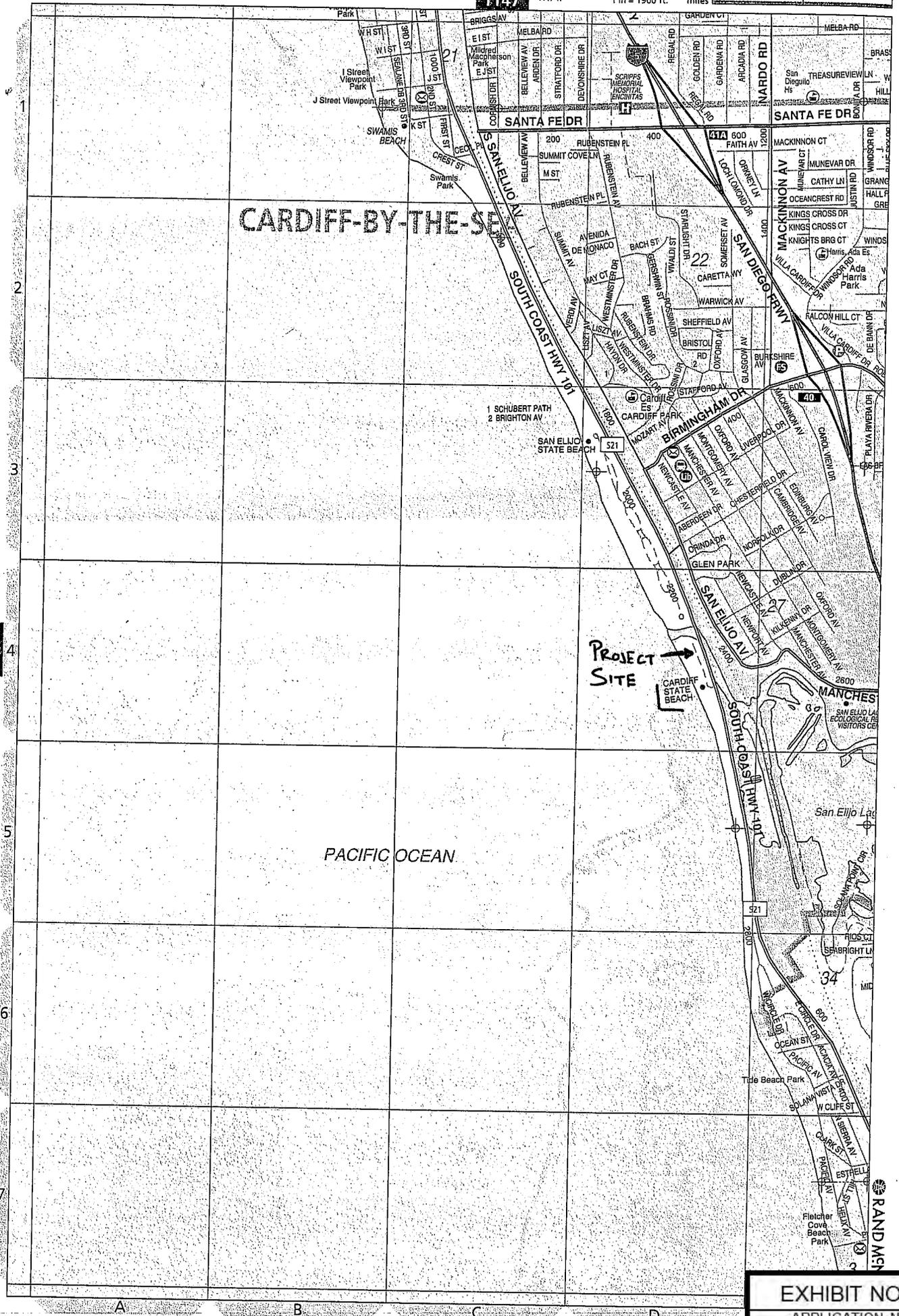
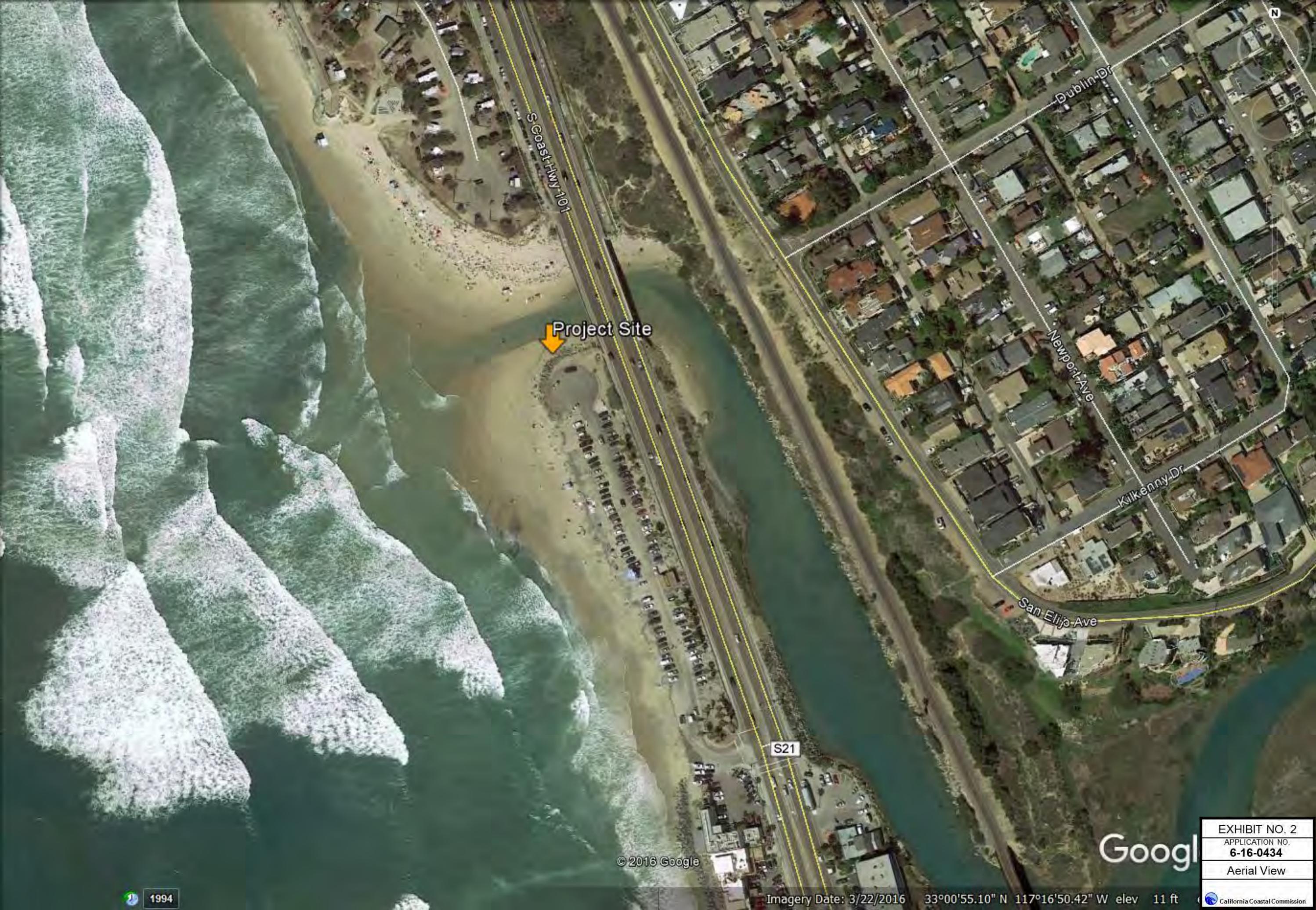


EXHIBIT NO. 1
 APPLICATION NO.
6-16-0434
 Vicinity Map



S Coast Hwy 101

Project Site

Dublin Dr

Newport Ave

Kilkenny Dr

San Elijo Ave

S21

© 2016 Google

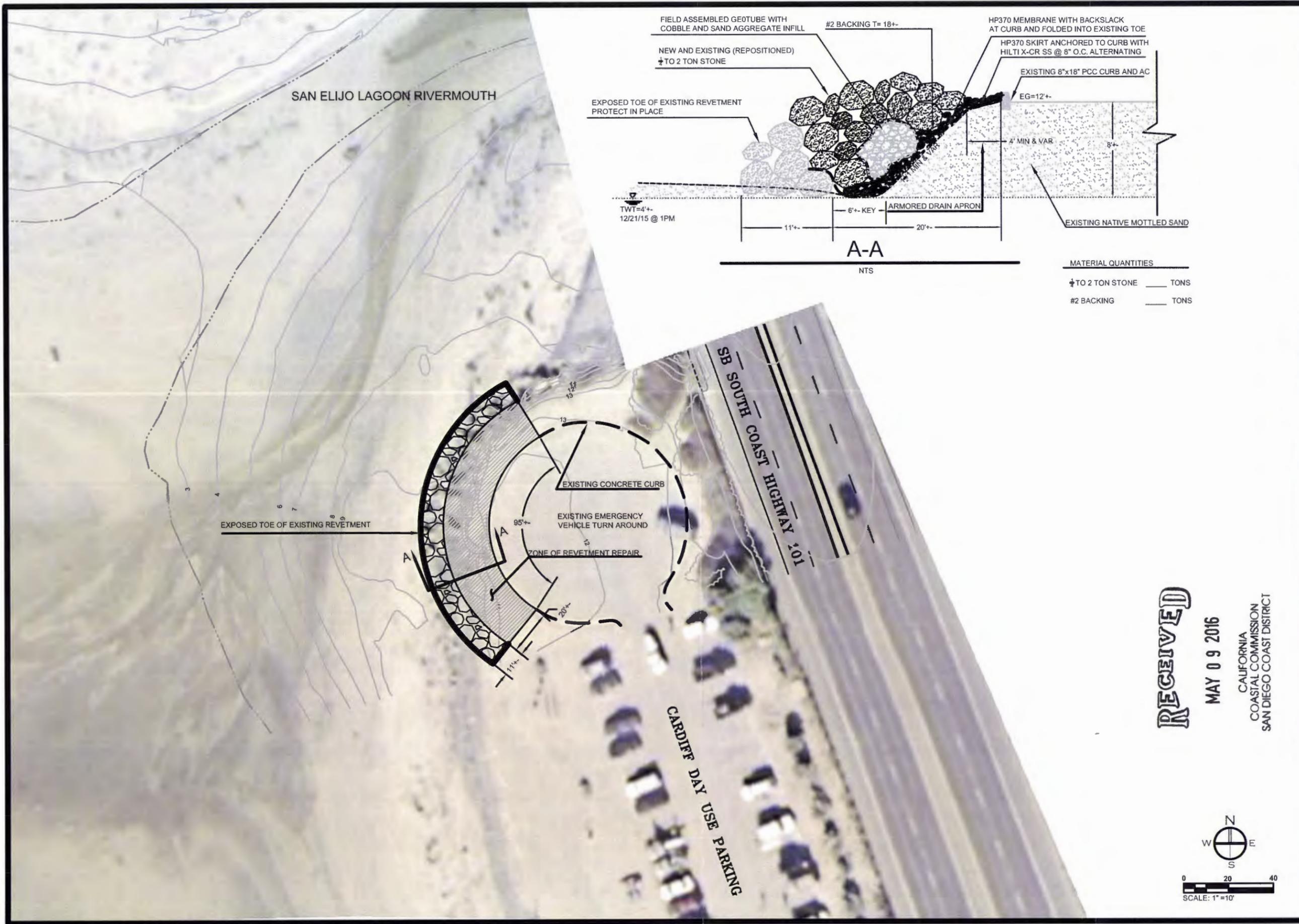
Google

EXHIBIT NO. 2
APPLICATION NO.
6-16-0434
Aerial View

1994

Imagery Date: 3/22/2016 33°00'55.10" N 117°16'50.42" W elev 11 ft

California Coastal Commission



ACQUISITION & DEVELOPMENT DIVISION
One Capitol Mall
Sacramento, CA
95814-3229

DESIGNED:
DRAWN: R.ROBINSON
CHECKED:
DATE: 01-18-2016

| REVISIONS | DATE |
|-----------|------|
| | |
| | |

RECEIVED

MAY 09 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



SCALE: 1"=10'

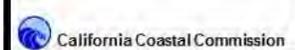
CARDIFF STATE BEACH
PARKING EMERGENCY TURNAROUND

REVETMENT REPAIR

EXHIBIT NO. 3

APPLICATION NO.
6-16-0434

Site Plans



RECEIVED

MAY 09 2016

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

To: "Greene, Robin@Parks" <Robin.Greene@parks.ca.gov>
Subject: Fwd: Cardiff State Beach
From: "Robinson, Robert@Parks" <Robert.Robinson@parks.ca.gov>
Date: 12/18/2015 6:12 PM (GMT-08:00)
To: Kevin O'Neill <mkocci@att.net>
Cc: "Kraft, Vince@Parks" <Vince.Kraft@parks.ca.gov>, "Moore, Robert@Parks" <Robert.Moore@parks.ca.gov>, "Urbach, Lisa@Parks" <Lisa.Urbach@parks.ca.gov>, "Smith, Darren@Parks" <Darren.Smith@parks.ca.gov>
Subject: RE: **Cardiff State Beach Work Plan**

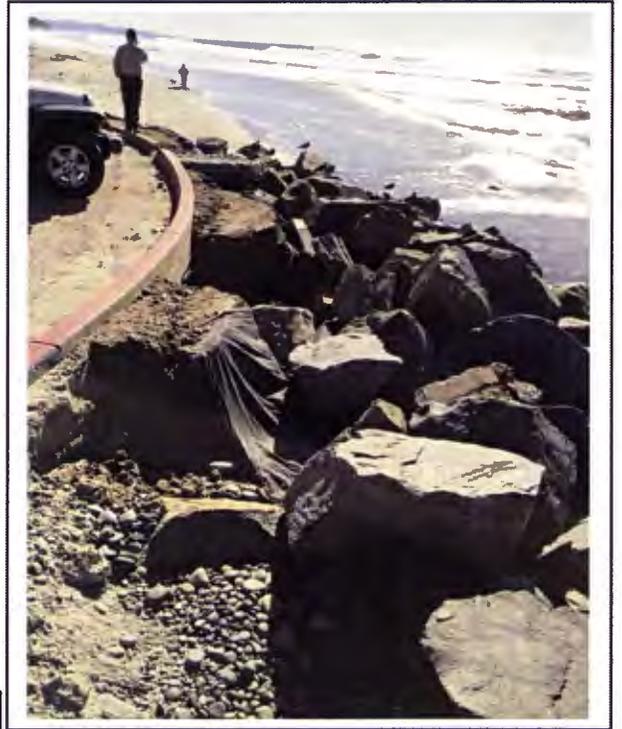
We will also have at least one Park Aide there.

Below is the anticipated work plan (State activities indicated with balance of activities by Contractor) which will be refined after we get the first section mocked up. Note we have to build in limited length sections to preserve the AC. Reinforcement in the deepened PCC curb is unknown but is expected. However, subgrade on which the lot is constructed is well cemented sand stone.

1. EXCAVATE-State to excavate an armoring trench between back of curb and existing line of rip rap in approximately 10 foot long sections . Offset pattern will maintain support of AC and curb sections. This trench is "backed up" by existing rip rap at the water side which will remain in place and not be extended seaward.
2. BUILD FABRIC LINER-Cut from a 300' x 15' roll and lay down in excavated trench 6'-8' (I think excavation will be a 6' max due to water table) HP370 woven geo in 20 foot sections with 2.5' overlap. The fabric can be loosely laid in the trench without having workers occupy the trench. The plan is to first drape (20' or so sections) the fabric having one crew stand in the parking lot and the other at the existing line of rip rap then pull back fabric say to within 15 or so feet of the top of the excavation. State equipment operator will then depress fabric as needed to seat it on subgrade.
3. PLACE BACKING STONE-State to place No. 2 backing on fabric resulting in a max 5' deep trench which will also seat draped fabric
4. PLACE JOINT WATERSTOP- Apply State provide bitumen to concrete face with brush (Kevin can you provide the applicator?)
5. ANCHOR FABRIC-Pin fabric to vertical face of deepened footing of concrete curb/wall with State provided 1.5"x1/4" SS concrete nails and 3/8"x2" SS fender washers at 8" min and 10" max staggered centers (say 6" min vert stagger)

6. RIP RAP PLACEMENT- Create first "backing" line of rip rap to create pocket for "burrito" reinforcement waler.
7. BUILD WALER-Place second piece of fabric between top of backing or first line of new rip rap (and drape to rip rap and over TOC
8. BUILD WALER- State to place cobble over second piece fabric to create "burrito" waler backing support of depended curb
9. BUILD WALER- Vertical progression of #7 and #8 and State to pinge burrito against curb face at water side with rip rap placement on coast side of trench
10. COMPLETE WALER-Close burrito
11. COMPLETE RIP RAP ARMOR-State to finish placement of finish layers of rip rap including armoring of waler
12. REMOVE EXCESS FABRIC-Trim fabric at back of curb and on water side of new rip rap as Needed
13. CLEAN UP-all

Before



After





DEPARTMENT OF PARKS AND RECREATION

San Diego Coast District

4477 Pacific Highway

San Diego, CA 92110

Lisa Ann L. Mangat, Director

December 21, 2016

Alex Llerandi, Coastal Planner

California Coastal Commission San Diego Coast District Office

7575 Metropolitan Drive #103

San Diego, CA 92108

RE: Maintenance Plan for Turnaround Revetment at Cardiff North Day Use.

Dear Mr. Llerandi:

California State Parks requests authorization from the Commission to retain the emergency work done in 2013 and 2015 at the Cardiff State Beach North Day Use Lot. Below is our proposed Maintenance plan for the Turnaround Revetment at Cardiff North Day Use. Please review and let us know if our proposed plan is acceptable.

- 1) Monitoring - Twice per year (the week of March 15 and September 15)
 - a) Photograph Revetment from three stationary locations (see Exhibit "A")
 - b) Measure beach elevation where beach intersects revetment and at estimated mean high tide twice per year with MOBERM RTK GPS.
 - c) Identify any loss of revetment rock or damage or change to revetment
 - d) Collect Data and Provide Letter Report detailing condition of the revetment and adjacent beach.

- 2) Maintenance - Conduct occasional maintenance of revetment (as needed based on monitoring) Maintenance will occur September 15-May 15 excluding weekends, holidays, and grunion runs.

Maintenance shall consist of:

 - a) Mapping locations of displaced rock within 60 feet of revetment (to occur late winter when beach elevation is low).
 - b) Locate and excavate displaced rock with an excavator within 60 feet of revetment
 - c) Restacking existing ½ to 1 ton and other various sized rock
 - d) Replacing/repairing of geotextile (for example MIRIFI HP370 Fabric) or other materials within existing revetment
 - e) Repairing existing curbing, spillways, or asphalt surfaces
 - f) Adding as many as two 10 yard truckloads of sand and cobble (salvaged from Cardiff State Beach) per year to revetment
 - g) Equipment used on beach. Likely an excavator equipped with a bucket capable of placing 1 ton rock. Other equipment will remain on paved surfaces above the beach.
 - h) State Parks will provide an annual letter report (due December 15) detailing monitoring and any repairs made during the previous year.

EXHIBIT NO. 4

APPLICATION NO.

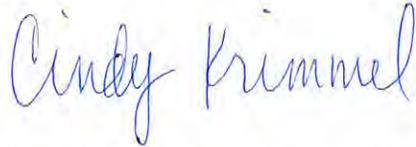
6-16-0434

Maintenance Plan

- i) Repairs or additional rock or hardened structure beyond the scope of this maintenance plan shall require consultation with Coastal Commission Staff and/or work under a separate permit.

Thank you for your attention to this. We anticipate having a more integrated monitoring plan for the North Day Use lot that will supersede this within the next six months. Please feel free to contact me (619 278-3771); cindy.krimmel@parks.ca.gov if you have any questions or comments or need further information.

Sincerely,



Cindy Krimmel, Park and Recreation Specialist

Cc Lisa Urbach, North Sector Superintendent
Darren Smith, District Services Manager
Reading File

CALIFORNIA COASTAL COMMISSION

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



F11

April 8, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Memo for Item **F11**, San Diego Deputy Director's Report, Emergency Permit No. G-6-16-0021 (Department of Parks and Recreation), for the Commission meeting of April 15, 2016.

On December 17, 2015, the California Department of Parks and Recreation notified Commission staff of an emergency situation involving an undermined day-use lot at Cardiff State Beach in the City of Encinitas, within the Coastal Commission's permitting jurisdiction. The Department of Parks and Recreation repaired severe erosion to an existing rip rap revetment adjacent to the public day-use lot at North Cardiff State Beach by placing five to ten truckloads of half-ton to one-ton seasoned rip rap and two 10-yard truckloads of beach cobble within the existing 31-ft. wide, 200-ft. long, 8-ft. tall footprint. After detailed discussion with the Department regarding the scope and location of the work proposed to alleviate the emergency and the potential for impacts to coastal resources, Commission staff determined that immediate action by the public agency was necessary to protect public property and repair public amenities to restore public access, and the proposed work was the minimum necessary to alleviate the emergency condition.

However, because the work includes the permanent erection of structures valued at more than \$25,000, the development does not qualify for an Emergency Permit Waiver under Section 30611 of the Coastal Act. Thus, a follow-up coastal development permit is required to authorize the work. The applicant has been notified of the permit requirement.

EXHIBIT NO. 5

APPLICATION NO.

6-16-0434

Emergency Permit