

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-17-0239

Applicants: Roger and Michelle Mansukhani

Agent: Matthew Peterson

Location: 475 Pacific Avenue, Solana Beach, San Diego County
(APN 263-051-01)

Project Description: Remodel to an existing two-story, 4,871 sq. ft. single-family home with an attached 795 sq. ft. garage resulting in a two-story, 4,754 sq. ft. single-family home with an attached 702 sq. ft. garage on a 8,449 sq. ft. blufftop lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The subject project consists of extensive remodeling to an existing blufftop residence currently located approximately 35 feet from the bluff edge. The existing residence was built in 1979 and an addition was constructed in 1982. The residence is not protected by a seawall, although a sea cave fronting the subject site was infilled with erodible concrete to protect the adjacent public stairway in 2000.

The Commission's engineer has determined that the Geologic Setback Line (GSL) on the site, where new development would be safe for 75 years, is approximately 55 feet inland of the bluff edge, and some of the proposed revisions to the house would occur to the

portions of the house that are seaward of the GSL. The project proposes alterations that affect every major structural component of the home, with alterations of the existing exterior walls and roof structure being particularly substantial. As proposed, 48% of the exterior walls, 48% of the roof structure, 12% of the floor structure, and 34% of the foundation will be altered. The applicant proposes to remove approximately 172 sq. ft. of floor area from the westernmost portion of the home in order to increase the bluff edge setback from 35 to 40 feet. In total, the applicant proposes to reduce the floor area by 211 sq. ft. The project will also remove a portion of the existing second floor deck and support columns currently located seaward of the 40-foot minimum coastal bluff edge setback line and replace it with a cantilevered second story deck that will project seaward approximately six feet over the line, or 34 feet from the current bluff edge. In addition, the project will remove existing fencing and hardscape within five feet of the bluff edge and reduce the building height from approximately 28 feet to approximately 25 feet.

Because none of the proposed major structural component alterations exceed 50%, the proposed improvements do not meet the definition of Bluff Top Redevelopment as defined in the City of Solana Beach's certified Land Use Plan (LUP). If the proposed improvements did exceed the 50% threshold, under the LUP the entire home would need to be reconstructed landward of the 55-foot GSL to be considered safe for the typical 75-year economic life of a new structure. However, even when a residence is not demolished and rebuilt, improvements that increase the economic life of the structure in a hazardous location are inconsistent with the Coastal Act and can reduce the incentive to move the structure landward to reduce risk and the need for shoreline protection. Therefore, significant improvements that extend the life of a non-conforming structure in its current location must be limited to those that would not result in the need for future shoreline protection to be consistent with Chapter 3 policies, particularly improvements to portions of blufftop structures located seaward of the GSL.

In this case, as proposed, all foundations and interior floor area of the remodeled residence would be located no closer than approximately 40 feet from the bluff edge, which is the minimum setback required by the City's LUP. At 40 feet from the bluff edge, the structure would be in a location that is currently safe (that is, a 1.5 factor of safety could be met today), but the structure is not expected to be safe when accounting for the erosion that is expected to occur over the typical 75-year economic life required of new development. The Commission may deny the permit while allowing the existing use of the property to continue, on the grounds that the proposed improvements, particularly those seaward of the GSL, extend the life of the structure in a hazardous location and therefore increase the likelihood that the structure will be at risk from erosion in the future. However, by increasing the distance from the bluff edge, the proposed project improves safety and minimizes the risk.

It is important to note that regardless of the setback, because the blufftop residence was originally permitted and built after the enactment of California Coastal Act of 1976, the Commission does not interpret the residence as an existing structure for the purposes of Section 30235 and as such, it is not entitled to shoreline protection if it becomes in danger from erosion. Nevertheless, denying the project would maintain the line of existing development in a known hazardous location, and the Commission encourages

moving structures further from the bluff edge, away from hazards, to meet the requirement of the Coastal Act to minimize risk.

To find a proposed blufftop residential development consistent with Section 30253, it must be sited such that it will not require a seawall or other bluff/shoreline protective device that would substantially alter natural landforms along the bluffs throughout its useful life. To that end, the applicant has agreed to a number of special conditions that would further confirm and reinforce that there are no entitlements for shoreline protection for any portion of the existing or revised structure, and establish when the home would have to be relocated or removed if threatened.

Special conditions require the applicants to waive all rights to construct shoreline armoring on the publicly-owned bluff and beach to protect the home and require that the structure be removed or relocated landward on the site if bluff erosion continues to the point that the home is no longer safe for occupancy. Because the proposed demolition is so close to removal of more than half of the major structural components, special conditions also require that the applicants submit a copy of the City Building Department job card (or other required documentation) after the proposed demolition is complete to verify the extent of demolition and the condition of the walls remaining. Any additional work would likely trigger the redevelopment provisions of the LUP such that the structure would have to conform to setback requirements for new development. As conditioned, the remodeled blufftop home will be permitted to remain in its existing hazardous location for as long as it is safe, and no shoreline armoring will be constructed in the future to protect the blufftop home. Thus, the significant improvements proposed to the home are not expected to result in impacts on the adjacent public bluff and beach, and the application can be found consistent with the Coastal Act and City's certified LUP.

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EXHIBITS

[Exhibit 1 – Project location](#)

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[Exhibit 6 – Proposed elevations](#)

[Exhibit 7 – Proposed alterations in floor area](#)

[Exhibit 8 – Proposed alterations in exterior walls \(zoom\)](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-17-0239 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 6-17-0239 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. **Final Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for review and written approval of the Executive Director, final plans stamped approved by the City of Solana Beach and in substantial conformance with the submitted plans dated March 9, 2017, by Hayer Architecture that reflect the following:
 - a) The remodeled home with proposed improvements shall be located at least 40 feet landward of the existing bluff edge, with the exception of a cantilevered second story deck that would project 5 feet, 10 inches seaward of the 40-foot setback line.
 - b) All grading and excavation is prohibited within 40 feet of the existing bluff edge.
 - c) All runoff from impervious surfaces on the top of the bluff shall be collected and directed away from the bluff edge towards the street.
 - d) A water feature is prohibited.

The permittee 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. **Final Landscape Plans.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final landscaping and fence plans approved by the City of Solana Beach. The landscaping and fence plans shall include the following:
 - a) A view corridor a minimum of 5 feet wide shall be created in the north and south side yards of the subject site. All proposed landscaping in this yard area shall be maintained at a height of three feet or lower (including raised planters) to preserve views from the street toward the ocean. All landscape materials within the

identified side yard setbacks shall be species with a growth potential not to exceed three feet at maturity.

- b) Any fencing or gates within the side yard setbacks shall permit public views and have at least 75 percent of its surface area open to light.
- c) All landscaping shall be drought-tolerant and native or non-invasive plant species. No plant species listed as problematic or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California, may be employed or allowed to naturalize or persist on the site. No plant species listed as noxious weed by the State of California or the U.S. Federal Government may be utilized within the property.
- d) Any existing permanent irrigation system located on the subject property shall be removed or capped. New permanent irrigation systems are prohibited.
- e) A written commitment by the applicants that, five years from the date of the issuance of the coastal development permit for the residence, the permittees will submit for the review and written approval of the Executive Director a landscape monitoring report prepared by a licensed Landscape Architect or qualified Resource Specialist that certifies whether the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the permittees shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

3. No Future Shoreline Armoring.

- a) By acceptance of this Permit, the applicants agree, on behalf of themselves 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. 6-17-0239 including, but not limited to, the residence and deck, including in the event that the development is threatened with damage

or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicants hereby waive, on behalf of themselves and all successors and assigns, any rights to construct such devices that may exist under applicable law.

- a) By acceptance of this permit, the applicants agree, on behalf of themselves and all successors and assigns, that the blufftop residence will remain only as long as it is reasonably safe from failure and erosion without having to propose any shoreline armoring to protect the blufftop residence in the future;
 - b) By acceptance of this Permit, the applicants further agree, on behalf of themselves and all successors and assigns, that the permittees shall remove the blufftop residence if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above. Such removal shall require a coastal development permit. In the event that portions of the development fall to the beach before they are removed, the permittees 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;
 - c) In the event the edge of the bluff recedes to within 10 feet of the foundation of the blufftop residence, the permittees shall submit a geotechnical investigation and report prepared by a licensed geologist with coastal experience or a licensed civil engineer with coastal experience. The report shall address whether any portions of the blufftop residence are threatened by waves, erosion, storm conditions, or other natural hazards. The report shall identify all immediate or potential measures that could stabilize the blufftop residence without new shoreline armoring (including caissons), including, but not limited to, removal or relocation of portions of the blufftop residence. The report shall be submitted to the Executive Director and the appropriate local government official within 90 days of the bluff edge reaching 10 feet of the foundation of the blufftop residence. If the Executive Director determines based on the geotechnical report that the blufftop residence or any portion of the blufftop residence is no longer safely sited, the permittees shall, within 90 days of submitting the report, apply for a coastal development permit or amendment to this Coastal Development Permit (CDP) to undertake measures required to remove the blufftop residence or reduce the size of the blufftop residence to eliminate the hazard potential.
4. **Confirmation of the Extent of Demolition.** After demolition has been completed, the applicants shall provide the Executive Director, for review and approval, a certified copy of the City Building Department job card, or other form of verification required and approved by the Executive Director, demonstrating that all demolition has been performed pursuant to the demolition plans approved under this coastal development permit.

If the above-required information submitted to the Executive Director indicates additional demolition must occur due to the deteriorated state of any portion of a

major structural component that was proposed by the applicants to remain, the applicants shall halt construction and report the proposed changes to the Executive Director and submit a complete application for a coastal development permit amendment or new permit, unless the Executive Director determines in writing that no amendment is legally required. The application shall address the issue of revisions to the project due to the need for additional demolition.

No further development may occur until either:

- a) The Executive Director determines, in writing, based on the information provided by the applicant and reviewed and approved by the Executive Director, that all major structural components identified to remain are intact and structurally sound; or
- b) The applicants submit a coastal development permit amendment or new permit application if so directed by the Executive Director, and the coastal development permit amendment or new permit is subsequently approved by the Coastal Commission and issued by the Executive Director.

5. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 6-17-0239. Pursuant to Title 14 California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the residence, including, but not limited to, repair and maintenance identified as not requiring a permit in Public Resources Code section 30610(d) and Title 14 California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. 6-17-0239 from the California Coastal Commission, unless the Executive Director determines that a future amendment is not legally required.
6. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.** By acceptance of this permit, the applicants acknowledge and agree (i) that the site may be subject to hazards from erosion and coastal bluff collapse; (ii) to assume the risks to the applicants 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.
7. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval, documentation demonstrating that the landowner has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that

restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicants’ entire parcel. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

8. **Best Management Practices and Construction Responsibilities.** The permittee(s) shall comply with the following construction-related requirements:

- a) All debris resulting from demolition and construction activities shall be removed and disposed of at an authorized disposal site.
- b) Temporary sediment control Best Management Practices (BMPs) such as straw bales, fiber rolls, or silt fencing shall be installed prior to, and maintained throughout, the construction period to intercept and slow or detain runoff from the construction, staging, and storage/stockpile areas; allow entrained sediment and other pollutants to settle and be removed; and prevent discharge of sediment and pollutants toward the bluff edge. When no longer required, the temporary sediment control BMPs shall be removed. Fiber rolls shall be 100% biodegradable, and shall be bound with non-plastic biodegradable netting such as jute, sisal, or coir fiber; photodegradable plastic netting is not an acceptable alternative. Rope used to secure fiber rolls shall also be biodegradable, such as sisal or manila rope.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project involves a remodel to an existing two-story, 4,871 sq. ft. single-family residence with an attached 795 sq. ft. garage resulting in a two-story, approximately 4,754 sq. ft. single-family residence with an attached 702 sq. ft. garage on a 8,449 sq. ft. blufftop lot in the City of Solana Beach ([Exhibits #1-3](#)). The subject site sits above an approximately 70-foot high, publicly-owned coastal bluff ([Exhibit #4](#)). The existing structure is a legal non-conforming structure because the home is sited as close as 35 feet from the bluff edge when the minimum allowed bluff setback in the City of Solana Beach’s Land Use Plan (LUP) is 40 feet and because the home is 28 feet high when the LUP limits heights in this location to 25 feet. The Tide Beach Park public access stairway is located immediately adjacent to the site to the north.

The proposed project includes alterations that affect every major structural component of the home, with alterations of the existing exterior walls and roof structure being particularly substantial ([Exhibit #5](#)). As proposed, the project includes nearly complete demolition of the westernmost wall of the existing residence; however, approximately 172 sq. ft. of the existing residence that is currently located closer than 40 feet from the bluff edge will be removed and no new interior floor area will be located closer than 40 feet from the bluff edge. In total, the project will reduce the floor area of the residence by 211 sq. ft. The proposed project also includes removing the portion of the existing second floor deck and support columns that are currently as close as 30 feet from the bluff edge, and replacing it with a cantilevered second-story deck that will project seaward approximately six feet over the 40-foot setback line, or 34 feet from the current bluff edge. No new support or foundation elements will be located seaward of the 40-foot setback line.

In addition, existing fencing and hardscape within five feet of the bluff edge will be removed. The proposed project will also reduce the building height from approximately 28 feet to approximately 25 feet by removing the existing pitched roofs and replacing them with lower flat roofs ([Exhibit #6](#)). Moreover, the proposed project will convert the existing driveway into a courtyard and create a new entrance and driveway to the garage.

The Commission certified the City's LUP in March 2012; however, the City does not yet have a fully certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act are the standard of review, with the certified LUP used as guidance.

Site History/Past Permits

In 1978, the San Diego Regional Commission approved the construction of the existing residence (CDP # F7004/Boxtel). In 1981, the Commission approved the construction of an addition to the second story (CDP # 6-81-198/Boxtel). In 2000, the Commission approved infill of a 70-foot long, 18-foot high, 17-foot deep sea cave partially fronting the subject site with erodible concrete to protect the adjacent public stairway (CDP # 6-99-095/City of Solana Beach). At some point, shotcrete was placed on public property along the slope adjacent to the northern bluff edge of the applicants' property and the public access stairway to Tide Beach Park; it is not clear if this shotcrete was authorized through any Commission action.

B. GEOLOGIC STABILITY/BLUFFTOP DEVELOPMENT

As described above, the standard of review is Chapter 3 of the Coastal Act, with the City's LUP providing guidance. As such, applicable Coastal Act policies are cited below.

Section 30235 of the Coastal Act addresses the permitting of shoreline protective devices:

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. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act addresses the need to ensure long-term structural integrity, minimize future risk, and mandates that new development cannot require the construction of protective devices that substantially alter natural landforms. Section 30253 provides, in applicable 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.

[. . .]

In addition, the following certified City of Solana Beach LUP policies provide guidance regarding geologic hazards and development on blufftop property:

Policy 4.14: *Existing, lawfully established structures that are located between the sea and the first public road paralleling the sea (or lagoon) built prior to the adopted date of the LUP that do not conform to the provisions of the LCP shall be considered legal non-conforming structures. Such structures may be maintained and repaired, as long as the improvements do not increase the size or degree of non-conformity. Additions and improvements to such structures that are not considered Bluff Top Redevelopment, as defined herein, may be permitted provided that such additions or improvements themselves comply with the current policies and standards of the LCP. Bluff Top Redevelopment is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP...*

Policy 4.17: *New development shall be set back a safe distance from the bluff edge, with a reasonable margin of safety, to eliminate the need for bluff retention devices to protect the new improvements. All new development, including additions to existing structures, on bluff property shall be landward of the Geologic Setback Line (GSL) as set forth in Policy 4.25. This requirement shall apply to the principal structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc. Accessory structures such as decks, patios, and walkways, which are at-grade and do not require structural foundations may extend into the setback area no closer than five feet from the bluff edge. On lots with a legally established bluff retention device, the required*

geologic analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand supply and other coastal resources; and evaluate options to mitigate any previously unmitigated impacts of the structure or modify, replace or remove the existing protective device in a manner that would eliminate or reduce those impacts. In addition, any significant alteration or improvement to the existing structure shall trigger such review (i.e., the analysis of the seawall) and any unavoidable impacts shall be mitigated.

Policy 4.18: *A legally permitted bluff retention device shall not be factored into setback calculations...*

Policy 4.19: *New shoreline or bluff protective devices that alter natural landforms along the bluffs or shoreline processes shall not be permitted to protect new development. A condition of the permit for all new development and bluff top redevelopment on bluff property shall require the property owner record a deed restriction against the property that expressly waives any future right that may exist pursuant to Section 30235 of the Coastal Act to new or additional bluff retention devices.*

Policy 4.25: *All new bluff property development shall be set back from the bluff edge a sufficient distance to ensure that it will not be in danger from erosion and that it will ensure stability for its projected 75-economic life. To determine the GSL, applications for bluff property development must include a geotechnical report, from a licensed Geotechnical Engineer or a certified Engineering Geologist, that establishes the Geologic Setback Line (GSL) for the proposed development. This setback line shall establish the location on the blufftop where stability can be reasonably assured for the economic life of the development. Such assurance will take the form of a quantitative slope analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudostatic, $k=0.15$) or determined through analysis by the geotechnical engineer, using shear strength parameters derived from relatively undeformed samples collected at the site. In no case shall the setback be less than 40 feet from the bluff edge, and only if it can be demonstrated that the structure will remain stable, as defined above, at such a location for its 75-year economic life and has been sited safely without reliance on existing or future bluff retention devices, other than a caisson foundation.*

Furthermore, all new development including, but not limited to principal structures, additions, and ancillary structures, shall be specifically designed and constructed such that it could be removed in the event of endangerment.

The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat made possible by continued and accelerated sea level rise, future increase in storm or El Niño events, the presence of clean sands and their potential effect on the pattern of erosion at the site, an analysis of the ongoing process of retreat of the subject segment of the shoreline, and any known site-specific conditions. To the extent the MEIR or geology reports

previously accepted by the City address the issues referenced above and remain current, technical information in the MEIR and previously accepted geology reports may be utilized by an applicant. Any such report must also consider the long-term effects of any sand replenishment and/or retention projects to the extent not addressed in the MEIR or the EIR for the specific application.

Policy 4.29: *A bluff home may continue its legal non-conforming status; however, a Blufftop Redevelopment shall constitute new development and cause the pre-existing non-conforming bluff home to be brought into conformity with the LCP. Entirely new bluff homes shall also conform to the LCP.*

Bluff Retention Devices means a structure or other device, including seacave/notch infills, dripline infill, coastal structures, upper bluff systems, and temporary emergency devices, designed to retain the bluff and protect a bluff home or other principal structure, or coastal dependent use from the effects of wave action erosion and other natural forces.

Bluff Top Redevelopment shall apply to proposed development located between the sea and the first public road paralleling the sea (or lagoon) that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, (3) and/or demolition of an existing bluff home or other principal structure, or portions thereof, which results in:

(a) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(b) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area taking into consideration previous additions approved on or after the date of certification of the LUP.

Cantilever: *A projecting or overhanging structure of up to 10 feet in depth on the west side of a Bluff Home that is supported at one end and carries a load at the other end or along its length. Cantilever construction allows for structures to project seaward of the GSL of bluff edge setback (minimum 40 feet) with external bracing. All foundation footings and structural supports for cantilevered square footage shall be located landward of the geologic setback line or bluff edge setback (minimum 40 feet). No newly constructed cantilevered square footage is permitted to project over the bluff edge.*

Geologic Setback Area (GSA) is that portion of the bluff property located between the bluff edge and the Geologic Setback Line.

Geologic Setback Line (GSL) is the line marking the distance from the bluff edge that will assure stability for new development, to be determined on a case-by-case basis for each bluff property.

Geologic Setback Line (GSL) Determination

Due to the natural process of continual bluff retreat, coastal bluffs in this area of San Diego County are considered a hazardous area. When reviewing development on a blufftop lot, to find it consistent with Section 30253, the Commission must determine that the development is sited with an adequate setback that ensures it is reasonably safe from failure and erosion over its lifetime without having to propose any shore or bluff stabilization devices that would substantially alter natural landforms along the bluffs to protect the structure. The Coastal Act and certified LUP acknowledge that seawalls, revetments, cliff retaining walls, groins and other such structural or “hard” methods designed to forestall erosion alter natural landforms and natural shoreline processes resulting in a variety of negative impacts on coastal resources, including adverse effects on sand supply, public access and recreation, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, including ultimately the loss of beach. Thus, safe siting of development is critical not only for the inhabitants of the development but to prevent permanent impacts to coastal resources.

The location where new development would have to be sited in order to assure stability and structural integrity and not be in danger from erosion over a period of 75 years is known as the geologic setback line (GSL). The GSL is determined by combining slope stability analyses with estimated bluff retreat at a site. The factor of safety is an indicator of slope stability, where a value of 1.5 is the industry-standard value for geologic stability of new blufftop development. In theory, failure should occur when the factor of safety drops to 1.0. Therefore, factor of safety at increasing values above 1.0 lend increasing confidence in the stability of the slope, and to establish a safe setback for slope stability from the edge of a coastal bluff, one needs to find the distance at which the factor of safety is equal to 1.5. In addition to this landslide potential, the bluff is also subject to erosion and retreat over time. As the bluff retreats by gradual erosion, the factor of safety for the development will gradually decrease. Thus, establishing the required GSL includes estimating slope stability as well as long-term bluff retreat.

The existing residence was built in 1979 and is currently located approximately 35 feet from the bluff edge at its closest point. The residence is not protected by a seawall, although a sea cave fronting portions of the subject site was infilled with erodible concrete to protect the adjacent public stairway. The applicants have submitted a geotechnical report for the subject site that includes site-specific quantitative slope stability analyses and an estimation of the long-term erosion rate. This analysis was done as though the existing infill of the sea cave fronting the site is not there, to ensure that the proposed development does not require the continuation of any existing shoreline protection.

The subject lot is approximately 150 feet deep, and the northern and western edges of the property are coastal bluff. The northern edge is not a typical coastal bluff. It is not subject to direct wave action as it is located perpendicular to the shoreline. In addition, the northern bluff is covered with shotcrete along the upper slope and adjacent to a public stairway. The geotechnical report submitted by the applicant concludes that the factor of safety along the northern bluff edge exceeds 1.5, meaning no setback is needed for slope stability. The estimated northern bluff erosion over a period of 75 years at a rate of 0.1 feet per year is approximately 7.5 feet. Thus, combining the required slope stability setback with the bluff retreat results in a GSL along the northern bluff of 7.5 feet. Since the existing home and all proposed improvements will be located 9 feet from the northern edge, it is safe for the standard 75-year economic life.

Along the western side of the property, the submitted report determined that the factor of safety of 1.5 occurs approximately 20-21 feet landward of the bluff edge. Therefore, a structure would need to be set back approximately 20-21 feet from the western bluff edge to achieve reasonable assurance that the development will not be threatened by landslides if built today. With regard to ongoing erosion, the applicants' geotechnical report asserts that the estimated long-term erosion rate for the western bluff edge is 0.27 feet per year and that, given an estimated 75-year economic life of a new home, approximately 20.25 feet of erosion might be expected to occur along the bluff. Thus, these two factors combined would result in a GSL of approximately 41 feet (20.5 feet plus 20.25 feet).

However, the Commission's engineer has reviewed the site information and the applicants' geotechnical report, and disagrees with the applicants' estimated erosion rate. The estimated long-term erosion rate that the Coastal Commission typically applies to the calculation of setbacks for new blufftop development in this portion of Solana Beach is 0.46 feet per year. The erosion rate used by the Commission is the upper bound of the historic rate (1932-1994) measured by Benumof and Griggs (1999) in a peer-reviewed, FEMA-funded study making use of then recognized state-of-the-art photogrammetric techniques. The upper bound is used as a proxy for the average rate expected over the life of proposed new blufftop development (75 years) to account for increases in the bluff erosion rate due to sea level rise. As a result, Commission technical staff has concluded that the appropriate erosion rate for the project is 0.46 feet per year. Thus, the estimated bluff retreat over a period of 75 years at a rate of 0.46 feet per year is approximately 34.5 feet. Accordingly, the GSL along the western bluff is located approximately 55 feet landward of the edge (20.5 feet plus 34.5 feet) ([Exhibit #3](#)). Because some of the improvements proposed to the residence, such as installing windows, constructing supports for the cantilevered deck, and lowering the roof, are located seaward of the 55-foot GSL, they are likely at risk within 75 years ([Exhibits #7-8](#)).

Bluff Top Redevelopment Threshold

The Commission draws a distinction between the requirements for new development and improvements to existing non-conforming structures, including structures that are located in areas that are no longer considered safe from hazard (e.g., CDP #s 6-14-0679/WJK Trust and A-6-LJS-14-0063/City of San Diego). New structures are typically required to

meet all current setback and other standards, while improvements to existing structures that do not increase the degree of non-conformity may be permitted without bringing the entire structure into compliance. However, even when a residence is not completely demolished and rebuilt, improvements that increase the economic life of the structure in a non-conforming and hazardous location may reduce the incentive to move the structure landward to reduce risk and the need for protection. Retention and improvement of development too close to the bluff edge encourages the construction of shoreline armoring, resulting in landform alteration and impacts to public resources. Because shoreline armoring directly encroaches upon the beach and fixes shoreline position, it reduces the beach area available for public use and halts passive erosion, such that additional public beach area can no longer be created. Furthermore, shoreline armoring constrains the possible responses and evolution of beach ecosystems to adjust to changes in sea level and other dynamic coastal processes, resulting in loss of biodiversity and ecosystem services. Therefore, significant improvements that extend the life of a non-conforming structure in its current location must be limited to those that would not result in the need for future shoreline protection to be consistent with Chapter 3 policies, particularly improvements to portions of blufftop structures located seaward of the GSL.

The definition of “Bluff Top Redevelopment” in the City’s LUP is intended to identify and prohibit redevelopment projects that essentially consist of rebuilding non-conforming, existing structures in hazardous locations, unless the entire structure is brought into conformance. The definition allows a reasonable amount of changes to an existing structure, including up to a 50% alteration of major structural components and up to a 50% increase in the size of the structure, while barring mischaracterizations of “existing” such as stripping a house to the studs, or gutting the entire interior, or demolishing everything but one wall, which would perpetuate the non-conforming structure. Further refinement of how to implement the definition of “redevelopment” and how regulatory review will be codified is expected to occur in the future when the City’s Implementation Plan is developed. At this point, using the LUP for guidance, in order to determine whether or not an improvement is considered redevelopment (that is, a new structure), it is necessary to examine the extent of modifications proposed to the major structural elements of the existing structure.

Major structural components are defined in the LUP as exterior walls, the structural components of the floor and roof, and the foundation of an existing home. The definition provides that alterations to major structural components are not additive between individual major structural components, while alterations to individual major structural components are cumulative over time from the date of certification of the LUP (June 12, 2013). That is, alterations to 25% of the exterior walls and 30% of the foundation would *not* mean 55% of the home has been altered and thus should be considered a new structure. However, a 25% alteration to the exterior walls (or floors, etc.) approved today, would mean any future alteration of the exterior walls more than 24% *would* result in a new structure. Similarly, additions are also cumulative over time from the date of certification of the LUP, such that an initial 25% addition would not be considered redevelopment; however, if a subsequent 25% addition was proposed in the future, that would result in a cumulative 50% increase in floor area and would thus constitute “Bluff Top Redevelopment.”

The proposed development includes alterations to all of the major structural components of the home on both the seaward and landward sides of the home ([Exhibit #5](#)). Based on plans submitted by the applicant, below is a summary of the proposed alterations:

- **Exterior Walls:** Alteration of approximately 279.5 linear feet of the existing 578.2 linear feet of exterior walls (48.3%). As calculated in this case, the total alteration of existing exterior wall is a combination of exterior walls altered through demolition or replacement, exterior walls becoming interior walls, exterior walls altered through removal or resizing of windows or doors, and exterior walls altered through installation of the new foundation system components.
- **Floor Structure:** Alteration of approximately 283.8 sq. ft. of the existing 2,346 sq. ft. of floor structure (12%). The altered floor structure area consists of the removal of the floor structure supporting the floor area beyond the required 40-foot coastal bluff edge setback line and the modification of existing floor structure for the reconfiguration of the stairs and changes along the south side of the structure.
- **Roof Structure:** Alteration of approximately 1,840.1 sq. ft. of the existing 3,813 sq. ft. of roof structure (48.2%). The altered roof structure area consists of the existing roof structure area that will be modified to eliminate the pitched roofs and accommodate lower flat roofs.
- **Foundation:** Alteration of approximately 1,135.4 sq. ft. of the existing 3,293.7 sq. ft. foundation (34.5%). The altered foundation area consists of the removal of the foundation beyond the required 40-foot coastal bluff edge setback line, replacement of the existing garage slab, and modification of the existing foundation for installation of a pocket door system along the western wall of the residence and changes in the entryway.

In addition, the project will reduce the floor area from 4,871 sq. ft. to 4,754 sq. ft. (excluding garage area) for a net reduction in of 211 sq. ft. Since there is a net reduction in total square footage of the residence, floor area is not relevant for evaluating Bluff Top Redevelopment in this case. While the proposed alterations affect every major structural component of the home, with alterations of the existing exterior walls and roof structure being particularly substantial at slightly less than 50%, the project does not exceed the 50% threshold in any one component and therefore does not meet the definition of Bluff Top Redevelopment. Nevertheless, both the substantial amount of alterations and in particular, the changes to the structure being made seaward of the 55-foot GSL raise concerns as to whether the project is increasing the lifespan of the structure.

Only one other major blufftop remodel project has been approved by the Commission in Solana Beach since certification of the LUP (CDP # 6-14-0679/WJK Trust located at 355 Pacific Avenue), which was approved by the Commission in May 2015. The project at 355 Pacific Avenue consisted nearly entirely of changes to major structural components located on the *landward* side of the existing home, approximately 51 to 74 feet from the

bluff edge. In contrast, the proposed project includes significant alterations to the portions of the home *seaward* of the GSL.

Consistency with the Coastal Act and the City of Solana Beach Certified Land Use Plan

As proposed, all foundations and interior floor area of the remodeled residence would be located no closer than approximately 40 feet from the bluff edge, which is the minimum required by the City's LUP. At 40 feet from the bluff edge, the structure would be in a location that is currently safe (that is, a 1.5 factor of safety could be met today), but the structure is not expected to be safe when accounting for the erosion that is expected to occur over the typical 75-year economic life required of new development. Furthermore, the proposed improvements, particularly those seaward of the GSL, may extend the life of the structure in a hazardous location and therefore could increase the likelihood that the structure will be at risk from erosion in the future.

The applicant currently has reasonable use of the site with the existing home, and could continue to have use of the site without any of the proposed improvements. However, the proposed project reduces the potential risk and the degree of nonconformity with the policies of the LUP in that it moves the structure further back from the bluff edge and lowers the height of the structure.

It is important to note that regardless of the setback, because the blufftop residence was originally permitted and built after the enactment of California Coastal Act of 1976, it is not an existing structure for the purposes of Section 30235 and as such, is not entitled to shoreline protection if it becomes in danger from erosion. Nevertheless, denying the project would maintain the line of existing development in a known hazardous location. The Commission encourages moving structures further from the bluff edge and away from hazards to minimize risk, assure stability and structural integrity, avoid erosion, and prevent the need for the construction of shoreline protective devices as required by the Coastal Act. Removing the portion of the structure located seaward of 40 feet from the bluff edge does not necessarily make the development safe for the entire 75-year lifespan, but extends the usability of the home in this location, which is a benefit to the homeowner on a site where no shoreline protection is allowed by right.

Certainly, the removal of the seaward portions of the home could occur without the substantial upgrades to and monetary investment that are also being proposed. But the improvements do not result in construction of a new home, and will allow the applicants to enjoy their desired home design for the time being. Recognizing the uncertainty of developing on a coastal bluff, the 38-year old home could continue to be usable for its 75-year lifespan; but regardless, no impacts to coastal resources will result from the improvements as long as it is clear that the property owners can have no expectations that shoreline protection would be permitted to protect the structure.

To find a proposed blufftop residential development consistent with Section 30253, it must be sited such that it will not require a seawall or other bluff/shoreline protective device that would substantially alter natural landforms along the bluffs throughout its

useful life. To that end, the applicant has agreed to a number of special conditions that would further confirm and reinforce that there are no entitlements for shoreline protection for any portion of the existing or revised structure, and establish when the home would have been relocated or removed if threatened. **Special Condition #3** requires that the applicants waive any rights that may exist under Public Resources Code Section 30235 or under the certified Solana Beach LUP for shoreline armoring. As described above, the sea cave infill partially fronting the subject site was authorized under a separate permit (CDP # 6-99-095/City of Solana Beach) and can only be repaired or maintained to protect the adjacent stairway, not the proposed project. **Special Condition #3** also documents that the residence may remain only as long as it is reasonably safe from failure and erosion without having to propose any shore or bluff stabilization to protect the residence in the future. Should the blufftop residence not be able to assure stability and structural integrity, without construction of new shoreline armoring, or if any government agency orders that the structure is not to be occupied due to failure and erosion of the bluff, the applicants must remove the subject structure, in part or entirely and remove and dispose of any debris that fall to the beach.

Furthermore, **Special Condition #3** requires that if the bluff recedes to within 10 feet of the foundation of the blufftop residence, the applicants must submit a geotechnical investigation to determine whether any portions of the blufftop residence are threatened and identify measures to stabilize the blufftop residence without new shoreline armoring, including, but not limited to, removal or relocation of portions of the blufftop residence. If the Executive Director determines based on the geotechnical investigation that any portion of the blufftop residence is no longer sited in a safe location, the applicant must submit an application to resolve the hazard, which could include removal of the entire blufftop residence or the threatened portion of the blufftop residence. Thus, as conditioned, approval of the existing blufftop residence will not precipitate the need for any new shoreline armoring in the future, and will allow the Commission to make various adaptive management decisions in the future for the subject site.

Because the proposed project is very close to meeting the definition of Bluff Top Redevelopment, contingencies must be in place once the demolition is under way to assure that the proposed alterations do not exceed 50% of any one component, rendering the project new development and requiring the entire structure be brought into conformance, particularly in terms of the GSL. **Special Condition #4** requires that the applicant submit a copy of the City Building Department job card, or other form of verification required and approved by the Executive Director, after the proposed demolition is complete and the framing of the walls to remain is exposed, but before any new construction has commenced. The City's card (or other required documentation) will verify the extent of demolition and the condition of the walls remaining. If the verification indicates that more demolition has occurred than was approved or that the walls originally proposed to remain are not structurally sound, the applicant is required to halt construction and submit an amendment application or an application for a new coastal development permit if the Executive Director determines such is required. Since the proposed improvements to exterior walls and roof structure are each just slightly less than 50% alteration, any future additional work would likely trigger the redevelopment

provisions of the certified LUP such that the entire structure would then have to conform to setback requirements for new development.

The Commission notes that Section 30610(a) of the Coastal Act exempts certain improvements to existing single-family residential structures from coastal development permit requirements. Pursuant to this exemption, once a house has been constructed, certain improvements that the applicant might propose in the future are normally exempt from the need for a permit or permit amendment. Depending on its nature, extent, and location, such an improvement could contribute to geologic hazards at the site. For example, installing a sizable accessory structure for additional parking, storage, or other uses normally associated with a single-family home in a manner that does not provide for the recommended setback from the bluff edge. Therefore, **Special Condition #5** requires that all future development on the subject parcel that might otherwise be exempt from coastal permit requirements receive an amendment or Coastal Development Permit unless the Executive Director determines that a future amendment is not legally required. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in a geologic hazard.

Special Condition #6 requires the applicant to acknowledge the risks and indemnify the Commission against claims for damages that may occur as a result of its approval of this permit. Although the applicant asserts that the proposed development can be constructed safely, the bluffs along the Solana Beach shoreline are known to be hazardous and unpredictable. Given that the applicant has chosen to construct the proposed development in this location despite these risks, the applicant must assume the risks.

Special Condition #7 requires the applicant to record a deed restriction to impose the special conditions of the permit as covenants, conditions and restrictions on the use and enjoyment of the property. This special condition is required to provide notice of potential hazards of the property and help eliminate false expectations on the part of potential buyers of the property, lending institutions, and insurance agencies that the property will be stable for an indefinite period of time or that a protective device could be constructed to protect the approved development contrary to the terms and conditions of this permit. By recording the terms and conditions of this permit against the property, future purchasers are notified in advance of their purchase of the limitations on development of the property.

Conclusion

The proposed project involves substantial changes to an existing blufftop residence currently located as close as 35 feet from the bluff edge. The GSL on the site is approximately 55 feet inland of the bluff edge, and some of the proposed revisions to the house would occur to the portions of the house that are seaward of the GSL. However, the revisions are not considered extensive enough to be considered demolition and construction of a new home, according to the definition of “Blufftop Redevelopment” contained in the certified Solana Beach LUP. The renovations include removing portions of the existing structure that are closer than 40 feet from the bluff edge, and the

foundation of all new construction would be set back a minimum of 40 feet from the bluff edge. All portions of the remodeled home would be stable at the time of construction, and as conditioned, in the event that the home were threatened in the future, the applicant is waiving any rights to build a seawall or other shoreline protection, and a preferred alternative would be relocation or removal of the house. Thus, while the improvements will be in a location that must be considered hazardous within the next 75 years, no impacts on coastal resources are expected to result from the project.

Therefore, the proposed development, as conditioned, is consistent with Section 30253 and 30235 of the Coastal Act.

C. PUBLIC ACCESS/RECREATION

Sections 30210, 30211, and 30221 of the Coastal Act require that public access and use of the coast shall be maximized, that development shall not interfere with the public's right to access the coast and use of dry sand beaches, and that oceanfront land suitable for recreational activities shall be protected.

Section 30210

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

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 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

In addition, the following certified City of Solana Beach LUP language provides additional guidance regarding protection of public access and recreation:

Policy 2.2: *Maintain a safe, wide sandy beach to the extent feasible to increase the general quality of life for the citizens and visitors of Solana Beach. A safe, wide sandy beach enhances recreational opportunities such as surfing, sunbathing, fishing, walking, volleyball, and other such activities. This has beneficial economic impacts to the City, its residents, and businesses by resulting*

in increased business income, sales taxes, transient occupancy taxes, and public and private property values.

The subject site is located between the Pacific Ocean and the first public roadway, which in this case is Pacific Avenue. The site is located within a developed single-family residential neighborhood on an approximately 70 feet-high coastal blufftop lot. Immediately adjacent to the site to the north is a public access stairway to Tide Beach Park. Vertical access through the site is neither necessary given the proximity of public coastal access nor warranted given the fragile nature of the bluffs.

As discussed above, it is important to ensure that construction of the proposed residence does not include or require the construction of future bluff or shoreline protective devices. The physical encroachment of a protective structure on the beach reduces the beach area available for public use and is therefore a significant adverse impact. Furthermore, when the back beach is fixed with a shoreline armoring device, passive erosion is halted and additional public beach area can no longer be created.

As conditioned, the applicant waives the right for future shoreline armoring to protect the proposed development. Therefore, no shoreline protection will occur as a result of the proposed project, and the project can be found consistent with the public access policies of the Coastal Act and the certified LUP.

D. VISUAL RESOURCES

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected:

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.

In addition, the following certified City of Solana Beach LUP language provides additional guidance regarding protection of scenic resources:

Policy 6.3: *Public views to the beach, lagoons, and along the shoreline as well as to other scenic resources from major public viewpoints, as identified in Exhibit 6-1 shall be protected. Development that may affect an existing or potential public view shall be designed and sited in a manner so as to preserve or enhance designated view opportunities. Street trees and vegetation shall be chosen and sited so as not to block views upon maturity.*

Policy 6.4: *Locations along public roads, railways, trails, parklands, and beaches that offer views of scenic resources are considered public viewing areas. Existing*

public roads where there are major views of the ocean and other scenic resources are considered Scenic Roads and include:

- *Highway 101/Pacific Coast Highway and Railway Corridor*
- *I-5*
- *Lomas Santa Fe Drive*

Public views to scenic resources from Scenic Roads shall also be protected.

Policy 6.9: *The impacts of proposed development on existing public views of scenic resources shall be assessed by the City prior to approval of proposed development or redevelopment to preserve the existing character of established neighborhoods. Existing public views of the ocean and scenic resources shall be protected.*

The subject development involves the remodel of an existing blufftop residence. The proposed development is located in a residential neighborhood consisting of single-family homes of similar bulk and scale to the proposed development.

As described previously, approximately 172 sq. ft. of the existing residence (106 sq. ft. of the kitchen on the first floor and 66 sq. ft. of the master bath on the second floor) is currently located approximately 35 feet inland from the bluff edge. All of this existing interior floor area seaward of the 40-foot rear yard/minimum bluff edge setback will be removed. The proposed project also includes removing the portion of the existing second floor deck and support columns that are as close as 30 feet from the bluff edge, and replacing the existing deck with a cantilevered second-story deck that will project seaward of the revised structure, approximately six feet over the 40-foot setback line, or 34 feet from the current bluff edge. Thus, including the new second story deck, the revised structure will be set back approximately four feet further inland than the existing residence. In addition, the proposed reduction in building height from approximately 28 feet to approximately 25 feet so that it conforms with LUP requirements. Thus, no new impacts to scenic and visual resources will result.

The subject site slopes upward from east to west. The elevation of the sidewalk fronting the site is approximately four feet lower in elevation than the rear yard of the site and thus there is no potential for public views of the ocean through the side yards of the property. However, since the home is located on a bluff that overlooks the beach and ocean, the Commission has found it is important to preserve views to prevent a walling off effect of the area from Pacific Street (e.g., CDP #s 6-14-0679/WJK Trust and 6-15-1717/Barr). **Special Condition #2** requires that five foot wide view corridors shall be created in the north and south side yards of the subject site and open fencing. The condition requires that any fencing or gates within the side yard setbacks shall permit public views and have at least 75% of its surface area open to light. Furthermore, all proposed landscaping in these yard areas shall be maintained at a height of three feet or lower (including raised planters) to preserve public views from the street, and landscape materials within the view corridors shall be species with a growth potential not expected to exceed three feet at maturity. Five years from the date of issuance of this coastal development permit, the applicants are required to submit a monitoring report to the

Executive Director that certifies whether the on-site landscaping and fencing is in conformance with the landscape plan approved pursuant to **Special Condition #2**.

Therefore, as conditioned, the Commission finds that potential visual impacts associated with the proposed development have been reduced to the maximum extent feasible. Thus, with the proposed conditions, the project is consistent with the visual resource policies of the Coastal Act and the certified LUP.

E. WATER QUALITY

Coastal Act Section 30231 requires the biological productivity and quality of marine resources, coastal waters, streams, wetlands, and estuaries necessary to maintain optimum populations of all species of marine organisms and for the protection of human health be maintained, and where feasible, restored:

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.

The proposed development will be located at the top of the bluffs overlooking the Pacific Ocean. As such, drainage and runoff from the development could potentially affect water quality of coastal waters as well as adversely affect the stability of the bluffs. The Commission has typically required that all runoff from impervious surfaces be directed through landscaping as a filter mechanism prior to its discharge into the street. In this case, however, directing runoff into blufftop landscape areas could have an adverse effect on bluff stability by increasing the amount of ground water within the bluff, which can lead to bluff failures. Therefore, in this case, **Special Condition #1** requires that all runoff be collected and directed toward the street. Similarly, the applicant revised the project to eliminate a water feature originally proposed on the blufftop property, and **Special Condition #1** documents this change in the plans. **Special Condition #2** also requires removal or capping of any existing permanent irrigation system as well as prohibition of any future permanent irrigation systems to avoid saturation of the bluff, which could increase the potential for landslides or catastrophic bluff failure. In order to further protect coastal waters from the adverse effects of polluted runoff, **Special Condition #2** limits landscaping to native, drought-tolerant plants, which will minimize the amount of polluted runoff from the property to the extent feasible.

In addition, **Special Condition #8** requires the applicants to conform to best management practices and construction responsibilities throughout construction at the project site, to ensure all resulting debris are properly removed/disposed, and to safeguard that temporary sediment control measures are put in place. Thus, as conditioned, the Commission finds that the proposed project will maintain and enhance the functional

capacity of the habitat and protect human health as mandated by the requirements of Section 30231 of the Coastal Act.

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 LCP in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The Commission approved the City's LCP Land Use Plan (LUP) in March 2012. In addition, the Commission approved an amendment to the LUP in January 2014 to modify some of the key provisions relating primarily to blufftop development and bluff/shoreline protection, including policies related to modifications and redevelopment of blufftop structures. However, the City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City's LCP is not certified.

The location of the proposed residential development is designated for residential uses in the City of Solana Beach certified LUP. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and the certified LUP. Therefore, the Commission finds that approval of the proposed development would not prejudice the ability of the City of Solana Beach to complete a certifiable 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. The City of Solana Beach found that the proposed development was categorically exempt pursuant to CEQA Guideline, Section 15303 (construction of small structures).

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. 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.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Solana Beach certified LUP
- City of Solana Beach General Plan and Zoning Ordinance
- Geotechnical Investigation, Single-Family Residential Remodel, Mansukhani Residence, 475 Pacific Avenue, Solana Beach, California, by Terra Pacific Consultants, Inc., dated July 24, 2015
- Benumof, Benjamin & Griggs, Gary. “The Dependence of Seacliff Erosion Rates on Cliff Material Properties and Physical Processes: San Diego County, California.” Shore & Beach Vol. 67, No. 4, October 1999, pp. 29-41
- CDP Nos.:
 - F7004/Boxtel
 - 6-81-198/Boxtel
 - 6-99-095/City of Solana Beach
 - 6-14-0679/WJK Trust
 - A-6-LJS-14-0063/City of San Diego
 - 6-15-1717/Barr