

CALIFORNIA COASTAL COMMISSION

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Staff: E.Stevens - LB
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STAFF REPORT: REQUEST FOR RECONSIDERATION

Application No.: 6-18-0288-REC

Applicant: DeSimone, Schragger, Jokipii

Agent: Bob Trettin

Location: 245, 241, & 235 Pacific Avenue, Solana Beach, San Diego County (APN Nos. 263-312-11, 263-312-12, & 263-312-13)

Project Description: Construct a 150 ft. long, 35 ft. high, 28 in. thick seawall on the public beach and bluff, construct an approximately 45-130 ft. wide, approximately 50 ft. high geogrid structure on the bluff face, install hydroseed and container plantings on the proposed geogrid slope, remove a portion of the existing gunite on the bluff face and install plantings on a portion of the existing gunite that is proposed to be retained.

Commission Action: Approval with Special Conditions

Staff Recommendation: Deny the request for reconsideration

SUMMARY OF STAFF RECOMMENDATION

On March 7, 2019, the Commission approved the applicants' permit application with revisions prohibiting any armoring on the bluff face or beach fronting the home at 245 Pacific Avenue on the basis that the structure does not have a right to shoreline protection under the Coastal Act, and construction of shoreline protection at the site would be inconsistent with the hazards, public access, and public recreation policies of Chapter 3 of

the Coastal Act. On April 5, 2019, the applicants submitted a written request for reconsideration of the Commission's action, supported by a letter from attorney Lee Andelin with additional geotechnical analyses by Soil Engineering Construction. The applicants have provided new geotechnical analyses that assert that it is not feasible to adequately protect the homes at 241 and 249 Pacific Avenue¹ without constructing a seawall and upper bluff protection seaward of the home at 245 Pacific; that the portion of the home at 245 Pacific Avenue located greater than 40 ft. from the bluff edge is in danger and requires shoreline protection; that the City's contracted geotechnical engineer would not recommend approval of a shoreline armoring project at the subject site that did not include a seawall seaward of 245 Pacific; and that it was inappropriate for the Commission to allegedly order Commission staff to design the revised shoreline armoring project. The applicants assert that the new analyses constitute relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter. In addition, the applicants assert that the Commission based its action "*...on the erroneous assumption that the alternative designs – which were conceived of by staff and the Commission at only the most abstract level – are feasible from an engineering standpoint, considering factors of effectiveness (both long and short term), stability, safety to human life, increased risk to neighboring properties, and environmental damage...*" which the applicants claim is an error in fact. The applicants also contend that the Commission action is inconsistent with various policies and language of the city's certified Land Use Plan (LUP) related to preferred bluff retention designs and therefore resulted in an error of law.

Having reviewed the applicants' claims, staff recommends that the Commission deny the request for reconsideration on grounds that: (1) no new relevant evidence has been presented which, in the exercise of reasonable diligence, could not have been presented at the hearing on the permit amendment and (2) there has been no error of fact or law which has the potential for altering the Commission's decision. (Pub. Resources Code, § 30627; Cal. Code of Regs., tit. 14, § 13109.4.)

As further detailed below, the Commission's findings that it may be feasible to avoid armoring seaward of 245 Pacific Avenue with an alternative design for shoreline protection were based on and are consistent with information provided to staff by the applicants' representatives prior to the March 7, 2019 hearing; the additional geotechnical analyses submitted subsequent to the March 7, 2019 hearing are not relevant new evidence which, in the exercise of reasonable diligence, could not have been presented to the Commission at the hearing; and the Commission looked to the certified LUP for the City of Solana Beach for guidance in its decision, but made a decision based on the Chapter 3 policies of the Coastal Act, the standard of review. The intent of the shoreline armoring policies of the certified LUP is to allow for protection of existing principal structures in danger of erosion, while minimizing visual impacts to the bluff and minimizing encroachment on the public beach. The Commission found that construction of shoreline armoring fronting 245 Pacific Avenue would not minimize encroachment on the public beach and is therefore inconsistent with the certified LUP and the Chapter 3 policies of the Coastal Act. Thus, no

¹ The property at 249 Pacific Avenue is located directly adjacent to the north of 245 Pacific Avenue and was not an applicant in the subject permit application.

relevant new evidence which, in the exercise of reasonable diligence, could not have been presented to the Commission at the hearing has been submitted and there has been no error of fact or law that could have the potential of altering the Commission's decision.

Procedural Note:

Consideration of a reconsideration request is governed by the Coastal Act (Pub. Resources Code, § 30627 and related policies) and the Commission's regulations (Cal. Code of Regs., tit. 14, § 13109.1 et seq.). The Commission's regulations provide that at any time within thirty (30) days following a final vote upon an application for a coastal development permit, the applicant of record may request that the Commission grant a reconsideration of the denial of the application, or of any term or condition of a coastal development permit which has been granted. (§ 13109.2.) The regulations also state that the grounds for reconsideration of a permit action shall be as provided in Coastal Act Section 30627, which states:

The basis of the request for reconsideration shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission's initial decision.

Section 30627(b)(4) of the Coastal Act states that the Commission "shall have the discretion to grant or deny requests for reconsideration."

The applicants submitted a request for reconsideration of the Commission's March 7, 2019 decision on April 5, 2019, stating the alleged grounds within the 30-day period following the final vote, as required by Section 13109.2 of the regulations. If a majority of the Commissioners present vote to grant reconsideration, the permit application will be scheduled for a future public hearing, at which the Commission will consider it as a new application. (§ 13109.5(c).)

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Reconsideration Request, by The John Corn Law Firm, dated April 5, 2019](#)

[Exhibit 2 – John Niven, P.E., Soil Engineering Construction, Memorandum, dated March 29, 2019](#)

[Exhibit 3 – John Niven, P.E., Soil Engineering Construction, Alternatives Review, dated April 5, 2019](#)

[Exhibit 4 – Revised Transcript of Coastal Commission Hearing for CDP Application 6-18-0288, submitted by the Applicants on May 8, 2019](#)

[Exhibit 5 – Additional Slope Stability Analyses Justification for Bluff Stabilization Measures 235-245 Pacific Avenue, Solana Beach, California, by Soil Engineering Construction, Inc., dated January 3, 2019](#)

[Exhibit 6 – February 21, 2019 Staff Report for CDP Application No. 6-18-0288](#)

[Exhibit 7 – February 21, 2019 Technical Memorandum by Drs. Joseph Street and Lesley Ewing](#)

[Exhibit 8 – Slope Stability Review Email, from Dr. Joseph Street, dated May 15, 2019 and Johnsson \(Presnell/Graves\) Memo \[referenced in Street email\]](#)

I. MOTION AND RESOLUTION

Motion:

“I move that the Commission grant reconsideration of Coastal Development Permit Application 6-18-0288.”

Staff recommends a **NO** vote of the foregoing motion. Failure of the motion will result in denial of the applicants’ request for reconsideration 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 denies the request for reconsideration of the Commission's decision on Coastal Development Permit Application 6-18-0288 on the grounds that there is no relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the March 7, 2019 public hearing, and that there were no errors in fact or law that have the potential of altering the Commission's initial decision.

II. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The project approved by the Commission includes construction of a 100 ft. long, 35 ft. high, 28 in. wide structural shotcrete tied-back seawall. The seawall will be located on city-owned public beach and the bluff face of an 85 ft.-high coastal bluff fronting two existing single family residences located at 235 and 241 Pacific Avenue in the City of Solana Beach. The southern terminus of the seawall will connect to an existing seawall to the south (Ref: CDP 6-09-033/Garber et al.). The Commission also approved construction of an approximately 45-100 ft. wide, approximately 50 ft. high geogrid structure on the bluff face below the two homes at 235 and 241 Pacific Avenue. Additionally, the approval includes removal of the existing gunite located on the upper bluff beneath 235 Pacific and installation of landscaping within the new geogrid structure.

The applicants' original proposal was for construction of a 150 ft. long seawall and an approximately 45-130 ft. wide geogrid structure on the beach and bluff face below the three single family residences at 235, 241, 245 Pacific Avenue. However, the Commission approved the application on an amended motion requiring that the applicants submit revised plans with a modified project design that does not include the construction of a seawall or installation of geogrid fronting the home at 245 Pacific Avenue. Thus, as approved, an approximately 50 ft. wide section of unarmored bluff will be preserved seaward of 245 Pacific between the shoreline armoring approved with CDP Application No. 6-18-0288 and an existing seawall to the north (Ref: CDP 6-13-0437/ Presnell/Graves LLC.).

The City of Solana Beach has a certified LUP; however, the City does not yet have a certified Implementation Plan. Therefore, the Commission used the Chapter 3 policies of the Coastal Act as the standard of review, with the City's LUP used as guidance.

B. COMMISSION ACTION

Following its deliberation at the March 2019 hearing, the Commission voted 12-0, to approve Coastal Development Permit Application No. 6-18-0288 with revisions prohibiting any armoring on the bluff face or beach fronting the home at 245 Pacific Avenue. The

blufftop home at 245 Pacific Avenue was constructed after the enactment of the Coastal Act and is not entitled to protection under Section 30235 of the Coastal Act, and due to previous Commission action (Ref: CDP 6-96-021/Ratkowski) is subject to a waiver of any rights to shoreline armoring for the portion of the home within 40 ft. from the bluff edge. The Commission denied construction of shoreline armoring fronting 245 Pacific Avenue because it would result in encroachment on the public beach, loss of sand supply, loss of public access, and loss of public recreation that could be avoided because the house is not “existing” under Section 30235 and is not entitled to shoreline protection. Denial of shoreline protection for that site is therefore consistent with the Chapter 3 policies of the Coastal Act and the certified LUP.

C. RECONSIDERATION REQUEST ANALYSIS

The Commission’s decision whether to accept or deny the applicants’ request for reconsideration shall be based on whether there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the Commission’s initial decision. (Pub. Resources Code, § 30627(b)(3)).

The applicants’ request for reconsideration alleges errors of fact and law occurred and further alleges such errors have the potential of altering the Commission’s decision ([Exhibit 1](#)).

Assertion: The Commission based its action “...on the erroneous assumption that the alternative designs – which were conceived of by staff and the Commission at only the most abstract level – are feasible from an engineering standpoint, considering factors of effectiveness (both long and short term), stability, safety to human life, increased risk to neighboring properties, and environmental damage.”

The applicants’ assertion that Commission staff and the Commission concocted the notion that it was potentially feasible to avoid armoring seaward of the property at 245 Pacific Avenue is incorrect. The alternative did not first arise at the hearing; it was discussed in the staff report and supported by a technical memorandum, which was based on information provided by the applicants. The following excerpts from the February 21, 2019 staff report and February 21, 2019 Commission staff geotechnical memorandum speak to the feasibility of not constructing any devices seaward of 245 Pacific Avenue:

“While it is likely that armoring in front of 245 Pacific Avenue could be avoided at this time, it would only be through the construction of larger, more impactful shoreline protection on the adjacent lots. For example, east/west directed retaining walls that function as a [sic] return walls to the lower seawall below 249 Pacific Avenue and 241 Pacific Avenue might temporarily address the threat to the surrounding existing structures. However, continual monitoring and the on-going construction of additional and larger walls, geogrid, etc. would be necessary as erosion continued to occur...”
([Exhibit 6](#), p. 2)

“The Commission’s senior engineer and geologist have examined the alternative of not constructing any devices seaward of 245 Pacific Avenue and concluded that it may be feasible to avoid constructing a wall at the base of the bluff below 245 Pacific Avenue at this time [Exhibit 7]. However, the scope and scale of the alternative protective structure that would then be necessary to protect 249 Pacific Avenue would have more adverse impacts to coastal resources than the proposed wall. For instance, in order to prevent lateral erosion onto the property to the north, one alternative might be the construction of an east/west directed retaining wall that functions as a return wall to the lower seawall below 249 Pacific Avenue. A similar wall could be installed for the proposed seawall below 241 Pacific Avenue, thus leaving the bluff below 245 Pacific Avenue in its natural state. However, that alternative would likely result in accelerated erosion of the bluff below 245 Pacific Avenue, which according to the applicants’ engineer, would lead to undermining of the east/west perpendicular walls creating a threat to the residences at 249 and 241 Pacific Avenue. Continual monitoring and on-going construction of additional and larger walls, geogrid, etc. would be necessary as erosion continued to occur. Both immediately and in the future, the visual appearance of alternate protection necessary would have significant impacts on the visual resources of the shoreline which could not be adequately mitigated...” (Exhibit 6, pp. 33-34)

“...Alternative to Shore Protection at 245 Pacific Ave.

One alternative to the proposed seawall and geogrid structure, which would cross all three of the subject properties, would be to provide armoring for only 235 and 241 Pacific Ave., leaving an approximately 50-foot wide gap in the shore protection along the 245 Pacific Ave property. Such a gap is easier to address at the time that the adjacent structures are being constructed, but it is not necessary that the gap always be part of the armoring design. The following discussion about ways to maintain protection for the properties on either side of the gap, while allowing the gap to erode, is general in nature and should not be the basis for design decisions. The actual measures to maintain the gap while protecting the adjacent properties would be designed to address the circumstances that occur at the site.

While the gap appears to be a linear opening in a line of armoring, the opening will eventually become a three-dimensional space as the shoreline at the gap segment continues to retreat inland in response to marine erosion. The lower bluff will erode inland of the up- and down-coast seawalls, and eventually some form of protection to prevent scour and erosion of the material behind the seawalls will be needed. This protection would most likely consist of a vertical seawall that would be perpendicular to the main wall and that could be extended overtime to address further inland retreat.

The proposed lower bluff shore protection will go up to about elevation +35’ NAVD, and should be high enough to encompass the exposed clean sand lens. It is likely that the protection within the gap would likewise be high enough to enclose the clean sands. This protection of the clean sand layer should help minimize retreat of the upper bluff material, but it is not likely to prevent all upper bluff retreat. Eventually the protective

side walls within the gap would likely need to extend higher to protect the upper bluff material or other measures might be needed, such as plugs of erodible concrete...”
([Exhibit 7](#), p. 5)

The alternative is consistent with information provided to the Commission by the applicants’ geotechnical consultant. In a geotechnical memo dated January 3, 2019, the applicants’ geotechnical consultant Soil Engineering Construction, Inc. (SEC) indicated that, at least in the short-term, armoring could be constructed that would avoid shoreline armoring seaward of 245 Pacific Avenue. John Niven, P.E., states:

“It should also be noted that, absent lower bluff protection at 245 Pacific, 241 Pacific would require a mid-bluff side wall, extending from the seawall to the top of bluff. However, this would be a very short-term solution, as additional failure of the lower bluff at 245 Pacific would jeopardize, at a minimum, lower portions of the mid bluff side wall. Such damage would also extend to the proposed Geogrid fill at 241 Pacific. If that were allowed to occur, most of the disturbed/failed fill would be required to be removed and replaced. This would be a dangerous undertaking, considering the location adjacent to a public beach, steepness of the slope, extremely difficult access, and the possibility of continued bluff failures at 245 Pacific during the work. Such a failure would also extend to the property at 249, requiring a permit to build a mid-bluff side wall with fill and geogrid to replace failed natural bluff materials. This mid-bluff side wall would also provide only short-term protection if the failing 245 Pacific bluff was left unabated...” ([Exhibit 5](#), p. 1)

The information the applicants presented to staff prior to the hearing did not entirely foreclose the possibility of armoring 235 and 241 Pacific without constructing armoring seaward of the home at 245 Pacific Avenue. On the contrary, the applicants suggested that a potential alternative to armoring fronting 245 Pacific Avenue would be “...a mid-bluff side wall...” and “...concrete return walls up the bluff on both sides...” ([Exhibit 5](#), p. 1) Thus, the applicants’ assertion that the Commission based its action on an “...erroneous assumption...conceived by staff and the Commission” is inaccurate. Staff did not make an assumption; it provided analysis to explain a potential alternative, which the Commission relied on in exercising its discretion. No error of fact or law was made.

Assertion: The Commission Improperly Disregarded the City’s Certified LUP

The Commission has certified the City’s LUP, but the City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the City’s LCP is not fully certified, and Chapter 3 of the Coastal Act is the standard of review, with the LUP used for guidance. Nevertheless the Commission considers the LUP important guidance for informing its deliberations, and in fact, its decision in this matter is consistent with the LUP policies regarding shoreline armoring. The Commission found that construction of shoreline armoring fronting 245 Pacific Avenue would not minimize encroachment on the public beach and was therefore inconsistent with the certified LUP and the Chapter 3 policies of the Coastal Act. The Commission considered several relevant LUP policies and LUP language relating to shoreline protection in its analysis of the project’s consistency

with the LUP (Ref: Description of “Higher Seawall/Clean Sand Lens Encapsulation” on Page 13 of the Hazards and Shoreline/Bluff Development LUP chapter, Policy 4.37, Policy 4.45, Policy 4.49, Policy 4.52, and Policy 4.55).

The intent of the shoreline armoring policies of the certified LUP is to allow for protection of existing principal structures in danger of erosion, while minimizing impacts to the bluff and beach. The shoreline armoring policies in the LUP focus primarily on protecting visual resources and minimizing encroachment onto the public beach. LUP Policy 4.37 provides a general overview of the LUP shoreline armoring policies:

“Maximize the natural, aesthetic appeal and scenic beauty of the beaches and bluffs by avoiding and minimizing the size of bluff retention devices, preserving the maximum amount of unaltered or natural bluff face, and minimizing encroachment of the bluff retention device on the beach, to the extent feasible, while ensuring that any such bluff retention device accomplishes its intended purpose of protecting existing principal structures in danger from erosion.”

In this case, the Commission found that adequate protection could be provided to the two properties that were constructed prior to the Coastal Act without construction of shoreline armoring seaward of the property at 245 Pacific Avenue. The Commission further found that construction of armoring seaward of 245 Pacific Avenue would not minimize encroachment on the public beach to the extent feasible and was therefore inconsistent with the certified LUP and the Chapter 3 policies of the Coastal Act. Decisions are predicated on the nature of the proposed development, particular site conditions, and coastal resource impacts. The Commission found that, for this CDP application, the benefits of avoiding direct beach encroachment by the proposed shoreline armoring structure on the beach below 245 Pacific Avenue outweighs the potential adverse visual impacts that may result from the need to construct additional or larger coastal protection structures on the bluff face to protect adjacent properties. Based on the information available at the hearing, the Commission found that revising the project to eliminate shoreline armoring seaward of 245 Pacific Avenue was a feasible alternative that would minimize coastal resource impacts consistent with the LUP requirements. The Commission’s action was consistent with the Solana Beach LUP. Regardless, the Commission properly relied on Chapter 3 policies of the Coastal Act, the standard of review, for its decision on the subject CDP application.

The applicants’ request for reconsideration also alleges that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing ([Exhibit 1](#)).

Assertion: New geotechnical analyses have been undertaken and the new analyses constitute relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter. Specifically, the new analyses assert that it is not feasible to adequately protect the homes at 241 and 249 Pacific Avenue without constructing a seawall seaward of the home at 245 Pacific; that the portion of the home at 245 Pacific Avenue located landward of the 40 ft. bluff edge setback and not subject to the shoreline armoring waiver is threatened and requires protection; and the City’s contracted geotechnical

engineer would not recommend approval of a shoreline armoring project at the subject site that did not include a seawall seaward of 245 Pacific.

The applicants' contend that it is not feasible to adequately protect the homes at 241 and 249 Pacific Avenue without constructing shoreline armoring seaward of the home at 245 Pacific. The applicants have provided two geotechnical memos that provide detailed analyses of potential engineering measures to avoid shoreline armoring seaward of the home at 245 Pacific Avenue (Ref: SEC March 28, 2019 Memo and SEC April 5, 2019 Memo, [Exhibits 2 & 3](#)). Staff acknowledges that the alternatives analyses raise legitimate concerns related to the safety of the workers during construction, the possibility that the construction work could further accelerate bluff erosion, and the potential that the shoreline armoring will not provide long-term stability for the threatened homes. However, in the exercise of reasonable diligence, there is no reason that the applicants could not have provided this information to Commission staff prior to the hearing or presented the information to the Commission at the hearing. Thus, this "new evidence" does not meet the standard for a finding of reconsideration.

The SEC memos ([Exhibits 2 & 3](#)) further assert that the portion of the home at 245 Pacific Avenue located landward of the 40 ft. bluff edge setback and not subject to the shoreline armoring waiver is threatened and requires protection. However, the entirety of the home at 245 Pacific Avenue was approved by the Commission in 1996 and is not an existing structure entitled to protection under Section 30235 of the Coastal Act because it was originally permitted and built after 1976, thereby postdating the enactment of California Coastal Act. Thus, the Commission is not required to approve shoreline armoring to protect any portion of the bluff top residence at 245 Pacific Avenue. Furthermore, the Commission geologist has reviewed the new slope stability analysis and has determined that the portion of the home landward of the 40 ft. bluff setback is not currently in danger from erosion ([Exhibit 8](#)). Similar to the previous contention, this information could have been presented at the hearing and does meet the standard for a finding of reconsideration.

The applicants assert that the City's contracted geotechnical engineer would not recommend approval of a shoreline armoring project at the subject site that did not include a seawall seaward of 245 Pacific. No such information has been provided from the City, regardless; this information could have been provided at or prior to the Commission's hearing on this item and therefore does not support the Commission reconsidering this proposed project.

Assertion: The applicants contend that it was inappropriate for the Commission to mandate that Commission staff design the revised shoreline armoring project.

The applicants assert that the Commission directed staff to design an engineering solution without armoring seaward of the home at 245 Pacific Avenue. The applicants did not provide evidence to explain why they believe the Commission directed staff to complete the design of the shoreline armoring project to protect the private residences. It is likely that the applicants were referring to the following statement from Chair Bochco:

“Okay, I think -- I think we have to leave it up to you guys what the design of the wall will be. What we’re saying is there is just going to be two walls, not three, that’s all. So if you need -- you design the wall, okay?” (Ref: P. 43, lines 20-25 of Hearing Transcript, [Exhibit 4](#))

The intent of the Commission action was clearly to approve armoring only to provide protection for the homes at 235 and 241 Pacific Avenue. Following the Commission discussion about the amending motion, staff provided clarification of the amending motion. The Acting Chief Counsel stated:

“We’ll interpret the amending motion to be with ED review and approval of the appropriate revised plans, allow the -- the wall to protect the two properties that are allowed protection under the Coastal --...” (Ref: P. 44, lines 1-5 of Hearing Transcript, [Exhibit 4](#)).

“Yes, so the amending motion is to allow [a] seawall on the two properties that are pre-Coastal and are entitled to protection under 30235 subject to revised plans for ED review and approval for the projects to have sufficient protection just for those two properties.” (Ref: P. 44, lines 17-22 of Hearing Transcript, [Exhibit 4](#))

The Chair concurred that the amending motion language provided by staff was consistent with the Commission deliberations. Thus, as with all applications for shoreline armoring where the Commission requires revised plans, the Commission did not direct staff to design the modified project. Instead, the Commission directed the Executive Director to review and approve revised plans for the project. This incorrect assertion by the applicants is not new information and is neither an error of fact nor law and does not meet the standard for a finding of reconsideration.

D. CONCLUSION

The applicants have not proven that an error of fact or law has occurred which has the potential of altering the Commission’s initial decision. The applicants have not provided relevant new evidence which, in the exercise of reasonable due diligence, could not have been presented at the hearing on the matter. Consequently, there is no basis for reconsideration, and the Commission denies the applicants’ request for reconsideration pursuant to Section 30627(b) (4) of the Coastal Act.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Solana Beach certified LUP
- Commission Hearing Item Video Recording. Located at www.coastal.ca.gov >> Meetings >> Archives >> Videos >> March 7, 2019 >> Item 20b
- CDP Nos. CDP 6-96-021/Ratkowski; 6-09-033/Garber et al.; CDP 6-13-0437/Presnell/Graves LLC.