

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
PH (619) 767-2370 FAX (619) 767-2384  
WWW.COASTAL.CA.GOV



# Th13

**Prepared August 6, 2020 (for the August 13, 2020 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, San Diego Coast District Deputy Director  
**Subject:** **San Diego Coast District Deputy Director's Report for August 2020**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on August 13, 2020. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on August 13th.

As a result of the COVID-19 emergency and the Governor's Executive Orders [N-29-20](#) and [N-33-20](#), this Coastal Commission meeting will occur virtually through video and teleconference. Please see the **Coastal Commission's Virtual Hearing Procedures** posted on the Coastal Commission's webpage at [www.coastal.ca.gov](http://www.coastal.ca.gov) for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

With respect to the August 13th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on August 13, 2020 (see attached)****Waivers**

- 6-20-0291-W Port of San Diego Shellfish Assessment (San Diego Bay)
- 6-20-0325-W McCardle SFR (Solana Beach)
- 6-20-0347-W Cannon ADU (Solana Beach)

**Emergency Permits**

- G-6-20-0017 Geisen Bluff Stabilization (Encinitas)

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July 23, 2020

## Coastal Development Permit De Minimis Waiver

### Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-20-0291-W**Applicant:** San Diego Unified Port District**Location:** Mid-South San Diego Bay, GPS Coordinates 32.72452 N, -117.17528 W

**Proposed Development:** Conduct a baseline health assessment of juvenile Pacific oysters and Bay mussels in four sets of 21-day deployments over the course of one year, by attaching two 25 in. x 10 in. x 6 in. shellfish baskets to an existing signal buoy. Shellfish tissue and water samples would be taken on several days of each deployment and analyzed. All equipment, including shellfish, would be removed on the final day of each deployment.

**Rationale:** The project is a temporary project that will provide data and insight into microbial contaminants in San Diego Bay and potential implications for future aquaculture and restoration projects. While Pacific oysters are non-native, the project will use existing shellfish residing in San Diego Bay so no new additions of Pacific oysters will occur. Marine debris reduction and management practices are proposed as part of the project to protect water quality. The baskets would be secured near the surface of the water below the buoy and would therefore not impact sensitive habitat, views, or public access and recreation. As such, the proposed development is consistent with the Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its August 2020 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,  
John Ainsworth  
Executive Director

A handwritten signature in blue ink, appearing to read 'ML'.

Melody Lasiter  
Coastal Program Analyst

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July 23, 2020

## **Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-20-0325-W

**Applicant:** Barbara Pruett

**Location:** 970 Avocado Place, Solana Beach, San Diego County. (APN: 298-292-24)

**Proposed Development:** Construction of an approximately 4,600 sq. ft. two-story single-family residence with an approximately 780 sq. ft. attached garage, 720 sq. ft. pool, and 120 sq. ft. covered patio, on a 20,069 sq. ft. vacant lot; minor grading; hardscape improvements; and landscaping. Export of approximately 50 cubic yards of material.

**Rationale:** The subject lot was created through a 7-lot subdivision approved by the Commission in October 2016 (CDP #6-16-0498). The proposed residence will be located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development. The project is not subject to any relevant special overlays in the City of Solana Beach's certified Land Use Plan. It is consistent with the Estate Residential (ER-2) designation and with the approved subdivision permit. The development will not block any public views or impact public access. The project is consistent with all Chapter 3 policies of the Coastal Act, and no impacts to coastal resources are expected.

This waiver will not become effective until reported to the Commission at its August 2020 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

**Coastal Development Permit Waiver**  
6-20-0347-W

Sincerely,

John Ainsworth  
Executive Director



Carrie Boyle  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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July 28, 2020

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-20-0347-W

**Applicant:** Blair and Kelsey Cannon

**Location:** 564 N. Rios Ave, Solana Beach, San Diego County.  
(APN: 263-081-20-00)

**Proposed Development:** Construction of an approximately 750 sq. ft. detached accessory dwelling unit and minor grading on a 10,296 sq. ft. lot with an existing 2,606 sq. ft. single-family residence with a 434 sq. ft. attached garage. Also proposed are installation of a fire pit and extension of approximately 250 sq. ft. of covered patio that are exempt from the permit requirements of the Coastal Act.

**Rationale:** The proposed project is located within an established residential neighborhood consisting of single-family residences similar in size and scale to the proposed development; therefore, the project will not be out of character with the existing community. The proposed accessory unit is consistent with the City of Solana Beach standards for accessory units in an area designated for residential uses. The development will not block any public views, and adequate parking is provided. The project is consistent with the zoning and plan designations for the City of Solana Beach and its certified Land Use Plan, as well as all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources are anticipated.

This waiver will not become effective until reported to the Commission at its August 2020 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

[OVER]

**Coastal Development Permit Waiver**  
6-20-0347-W

Sincerely,

John Ainsworth  
Executive Director



Carrie Boyle  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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**EMERGENCY PERMIT**

Issue Date: June 30, 2020  
Emergency Permit No. G-6-20-0017

**APPLICANT:**

Mary Louise Geisen  
1478 Neptune Avenue  
Encinitas, CA 92024

**LOCATION OF EMERGENCY:**

1478 Neptune Avenue, Encinitas (APN: 254-040-26)

**EMERGENCY WORK:**

Construction of two deadman-restrained post-and-board walls on a coastal bluff to stabilize existing vertical scarps caused by high volumes of water used to extinguish a house fire in order to stabilize the site for demolition of the existing residence.

This letter constitutes approval of the emergency work you or your representative has requested to be done at the location listed above. I understand from your information that an unexpected occurrence in the form of a house fire and subsequent high-pressure water used by the Fire Department to extinguish the fire has caused significant erosion of bluff materials on both the north and south seaward portions of the home, which has caused instability to the bluff which is preventing removal of the damaged structure at 1478 Neptune Avenue, requiring immediate action to prevent or mitigate loss or damage to life, health, property or essential public services pursuant to 14 Cal. Admin. Code Section 13009. The Executive Director of the California Coastal Commission hereby finds that:

- (a) An emergency exists that requires action more quickly than permitted by the procedures for administrative or ordinary coastal development permits (CDPs), and that the development can and will be completed within 30 days unless otherwise specified by the terms of this Emergency Permit; and
- (b) Public comment on the proposed emergency development has been reviewed if time allows.

The emergency work is hereby approved, subject to the conditions listed on the attached pages.

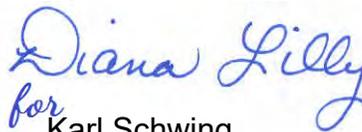
**Emergency Permit Number:**

G-6-20-0017

Sincerely,

John Ainsworth  
Executive Director

By:

A handwritten signature in blue ink that reads "Diana Lilly". The signature is written in a cursive style.

for  
Karl Schwing  
Deputy Director

cc: Local Planning Department

Enclosures: 1) Acceptance Form; 2) Regular Permit Application Form (available for download at [www.coastal.ca.gov](http://www.coastal.ca.gov))

**Emergency Permit Number:**

G-6-20-0017

**CONDITIONS OF APPROVAL:**

1. The enclosed Emergency Permit Acceptance form must be signed by the PROPERTY OWNER and returned to our office within 15 days.
2. Only that work specifically described in this permit and for the specific property listed above is authorized. Any additional work requires separate authorization from the Executive Director.
3. All work shall take place in a time and manner to minimize any potential damages to any resources, including intertidal species, and to minimize impacts to public access.
4. The work authorized by this permit must be completed within 60 days of the date of this permit, which shall become null and void unless extended by the Executive Director for good cause.
5. The applicant recognizes that the emergency work is considered temporary and subject to removal unless and until a regular coastal development permit permanently authorizing the work is approved. A regular permit would be subject to all of the provisions of the California Coastal Act and may be conditioned accordingly. These conditions may include provisions for public access (such as offers to dedicate, easements, in-lieu fees, etc.) and/or a requirement that a deed restriction be placed on the property assuming liability for damages incurred from storm waves/erosion.
6. In exercising this permit, the applicant agrees to hold the California Coastal Commission harmless from any liabilities for damage to public or private properties or personal injury that may result from the project.
7. This permit does not obviate the need to obtain necessary authorizations and/or permits from other agencies, including but not limited to the California Department of Fish & Wildlife, U.S. Fish & Wildlife, U.S. Army Corps of Engineers, and the California State Lands Commission.
8. Within 60 days of issuance of this Emergency Permit, or as extended by the Executive Director through correspondence, for good cause, the applicant shall either: (a) remove all of the materials placed or installed in connection with the emergency development authorized in this Permit and restore all affected areas to their prior condition after consultation with California Coastal Commission staff, and consistent with the Coastal Act. In some instances, a permit may be needed

**Emergency Permit Number:**

G-6-20-0017

for removal; or (b) submit a complete follow-up Coastal Development Permit (CDP) that satisfies the requirements of Section 13056 of Title 14 of the California Code of Regulations. If the Executive Director determines that the follow-up CDP application is incomplete and requests additional information, the applicant shall submit this additional information by a certain date, as established by the Executive Director. If such a follow-up CDP application is withdrawn by the applicant or is denied by the Commission, or if the follow-up CDP application remains incomplete for a period of 120 days after the Executive Director informs the applicant that the application is incomplete, the emergency-permitted development shall be removed and all affected areas restored to their prior condition, after consultation with CCC staff and consistent with the Coastal Act, within 60 days, subject to any regulatory approvals necessary for such removal. In some instances, a permit may be needed for removal.

9. Failure to a) submit a complete follow-up CDP Application that complies with Condition 8 above, or b) remove the emergency development and restore all affected areas to their prior condition after consultation with CCC staff, and consistent with the Coastal Act (if required by this Emergency Permit) by the date specified in this Emergency Permit<sup>1</sup>, or c) comply with all terms and conditions of the required follow-up CDP, including any deadlines identified therein, or d) remove the emergency-permitted development and restore all affected areas to their prior condition after consultation with CCC staff and consistent with the Coastal Act immediately upon denial of the required follow-up CDP<sup>2</sup> will constitute a knowing and intentional violation of the Coastal Act<sup>3</sup> and may result in formal enforcement action by the Commission or the Executive Director. This formal action could include a recordation of a Notice of Violation on the applicant's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties for violations involving public access; and/or a civil lawsuit, which may result in the imposition of monetary penalties, including daily penalties of up to \$15,000 per violation per day, and other applicable penalties and other relief pursuant to Chapter 9 of the Coastal Act. Further, failure to follow all the terms and conditions of this Emergency Permit will constitute a knowing and intentional Coastal Act violation.

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<sup>1</sup> In some instances, a permit may also be required for removal.

<sup>2</sup> As noted above, in some instances, a permit may also be required for removal.

<sup>3</sup> The Coastal Act is codified in sections 30000 to 30900 of the California Public Resources Code. All further section references are to that code, and thus, to the Coastal Act, unless otherwise indicated.

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## EMERGENCY PERMIT ACCEPTANCE FORM

TO: CALIFORNIA COASTAL COMMISSION  
SAN DIEGO COAST AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370

RE: **Emergency Permit No. G-6-20-0017**

INSTRUCTIONS: After reading the attached Emergency Permit, please sign this form and return to the San Diego Coast Area Office within 15 working days from the permit's date.

I hereby understand all of the conditions of the emergency permit being issued to me and agree to abide by them.

I also understand that a regular Coastal Permit is necessary to permanently authorize the emergency work. I agree to apply for a regular Coastal Permit within 60 days of the date of the emergency permit (i.e., by August 29, 2020).

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date of Signing