CALIFORNIA COASTAL COMMISSION
SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384

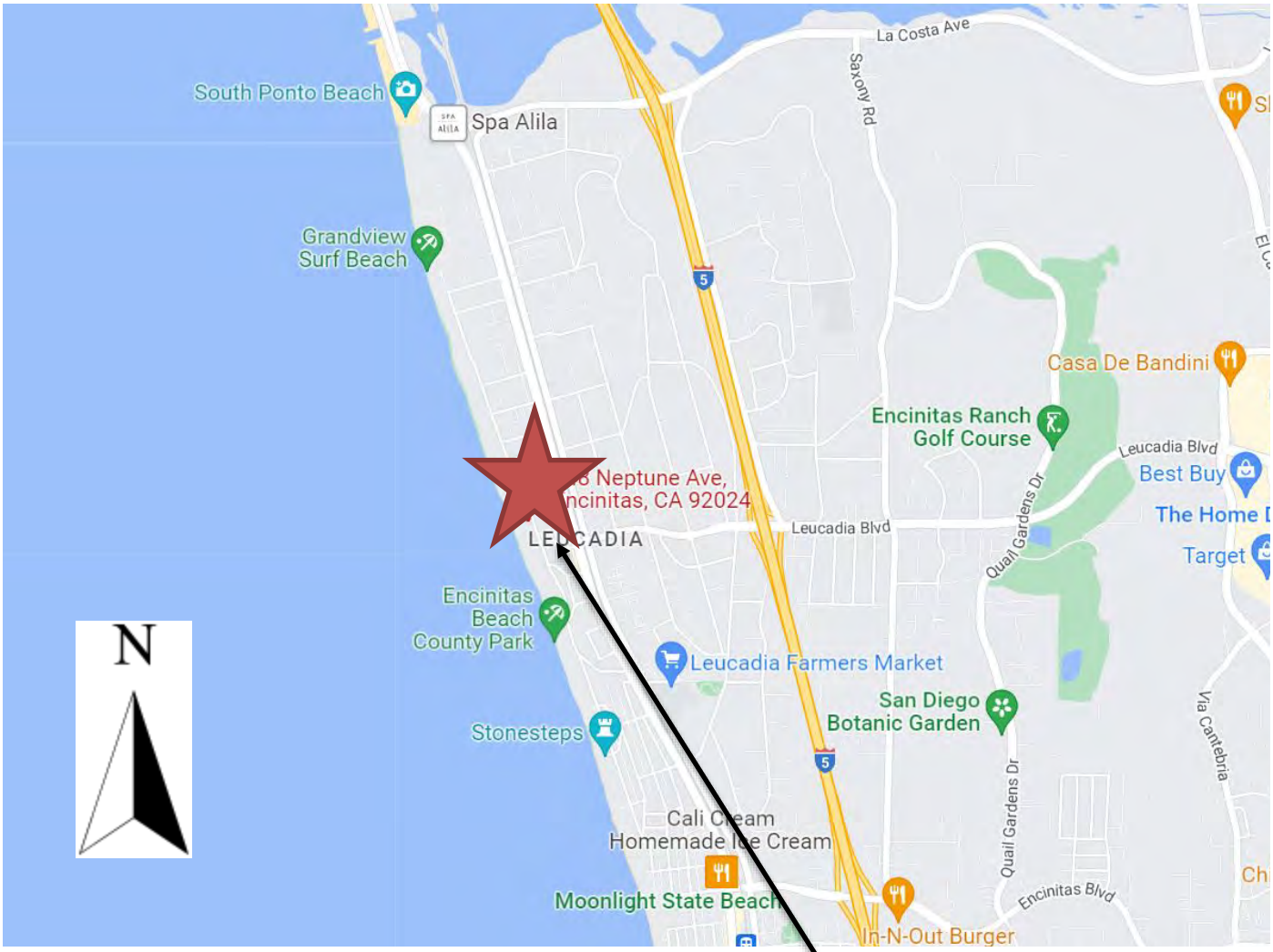
W16a

A-ENC-6-22-0051 (Beacon's Bluff Monitoring)

November 16, 2022

EXHIBITS

Table of Contents



Site

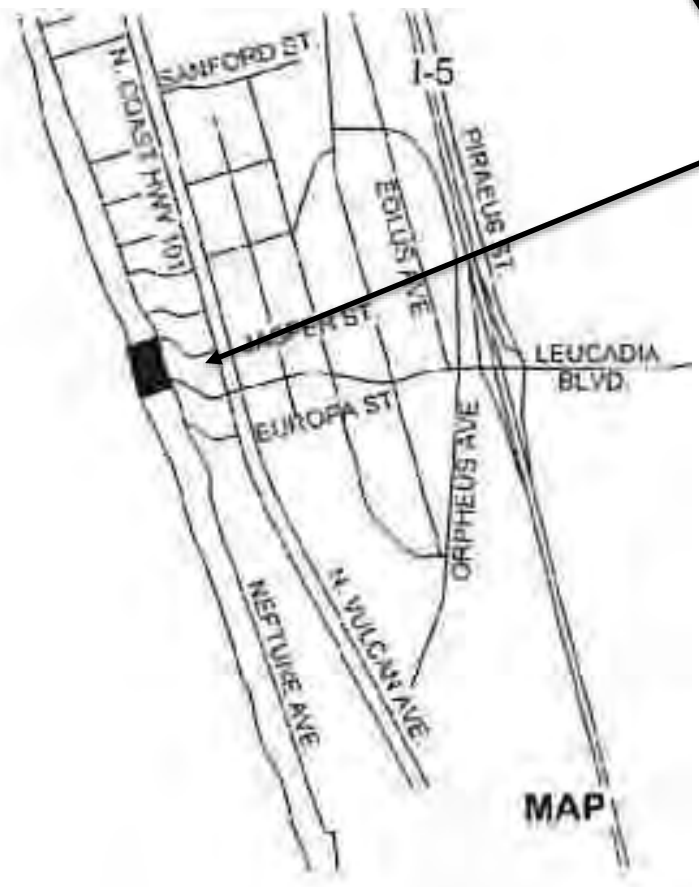
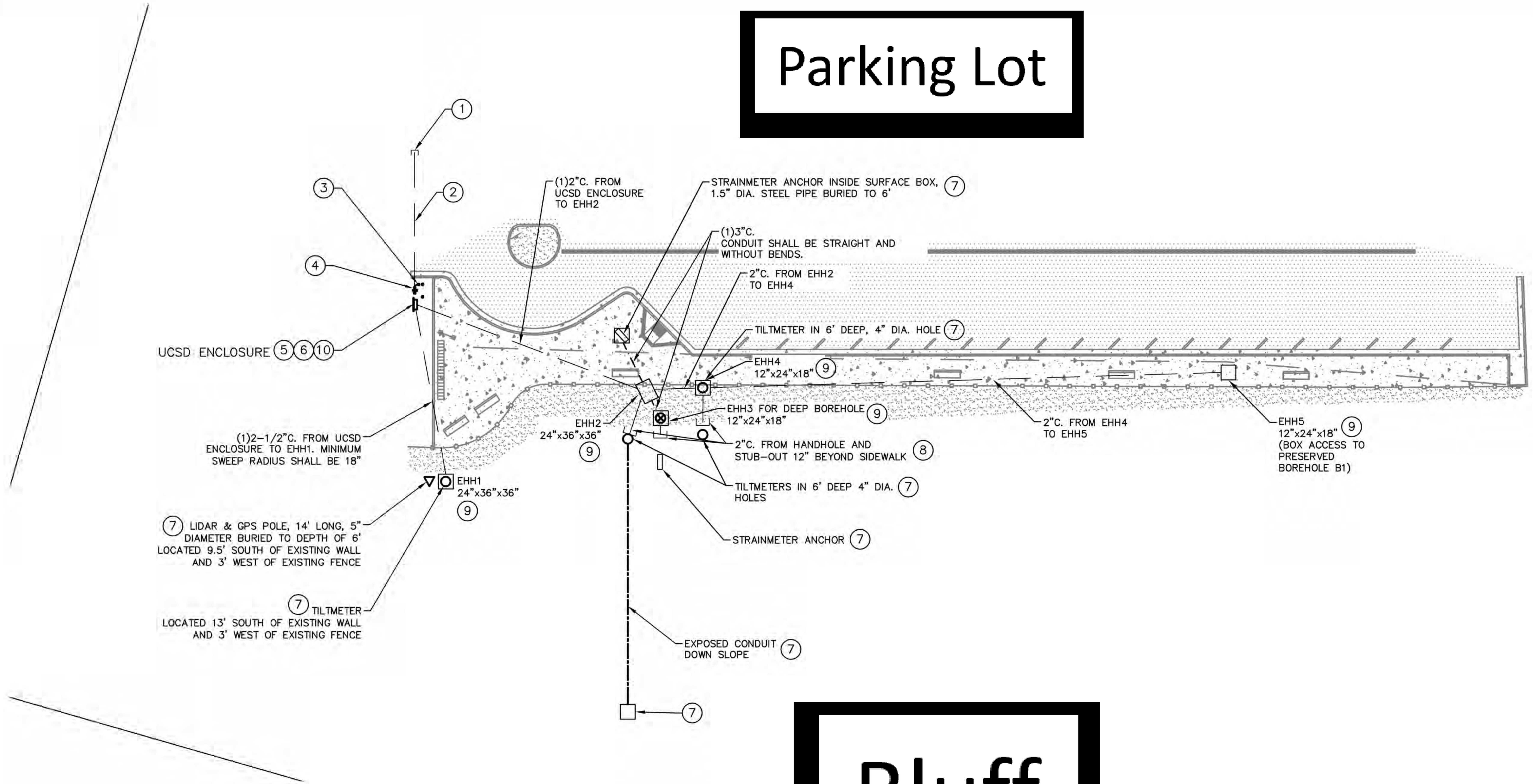


EXHIBIT NO. 1
APPLICATION NO. **A-6-ENC-22-0051**
Vicinity Map
California Coastal Commission

EXHIBIT NO. 2
APPLICATION NO. **A-6-ENC-22-0051**
Site Location
California Coastal Commission



ELECTRICAL SITE PLAN
SCALE: 1" = 20'-0"
0 20' 40'
NORTH

KEYED NOTES

1. PROVIDE RISER (1)3" CONDUIT ON EXISTING SDG&E ELECTRICAL UTILITY POLE PER SDG&E STANDARDS 306.
2. TRENCH AND PROVIDE (1)3" CONDUIT PER SDG&E STANDARDS 306. REFER TO TRENCH DETAIL 5/XXX.
3. PROVIDE #6 COPPER BARE STRANDED GROUND WIRE AND 3/4" X 10' COPPER CLAD STEEL ROD. REFER TO DETAIL 3/XXX.
4. PROVIDE 120/240V, 1 PHASE, 3 WIRE, 100A "ALL IN ONE" METER/PANEL PEDESTAL. CABINET SHALL BE STAINLESS STEEL NEMA 3R RATED. PROVIDE 4"X4" MOUNTING POST PER SDG&E STANDARDS 205.4.
5. PROVIDE 3'x3'x1' STAINLESS STEEL NEMA 3R ENCLOSURE WITH LOCKABLE HINGED DOOR
6. PROVIDE UNSTRUT FRAME FOR EQUIPMENT MOUNT.
7. RESEARCH EQUIPMENT NOT IN SCOPE OF WORK. EQUIPMENT SHALL BE INSTALLED BY UCSD AND SHOWN FOR REFERENCE ONLY.
8. TRENCH AND PROVIDE CONDUIT, QUANTITY AND SIZE AS SHOWN. REFER TO DETAIL 4/XXX FOR DUCTBANK DETAIL.
9. PROVIDE ELECTRICAL HANDHOLE, SIZE AS SHOWN.
10. COORDINATE COMMUNICATIONS CONNECTION REQUIREMENTS WITH TELECOM UTILITY. PROVIDE CONDUIT AND CABLE, AS REQUIRED, TO UCSD ENCLOSURE.

90% SUBMITTAL - NOT FOR CONSTRUCTION

CA 92101

EXHIBIT NO. 3

APPLICATION NO.
A-6-ENC-22-0051

Approved Plans

California Coastal Commission

CHANGE NO.	DESCRIPTION	APPROVED	DATE

BENCHMARK
DESCRIPTION: 1025 (ENC-25 L.S. 7322)
LOCATION: MIDDLE OF INTERSECTION OF S. EL PORTOL ST. & LA MESA AVE.
RECORD FROM: RECORD OF SURVEY 18416
ELEVATION: 60.601' DATUM: NAVD88

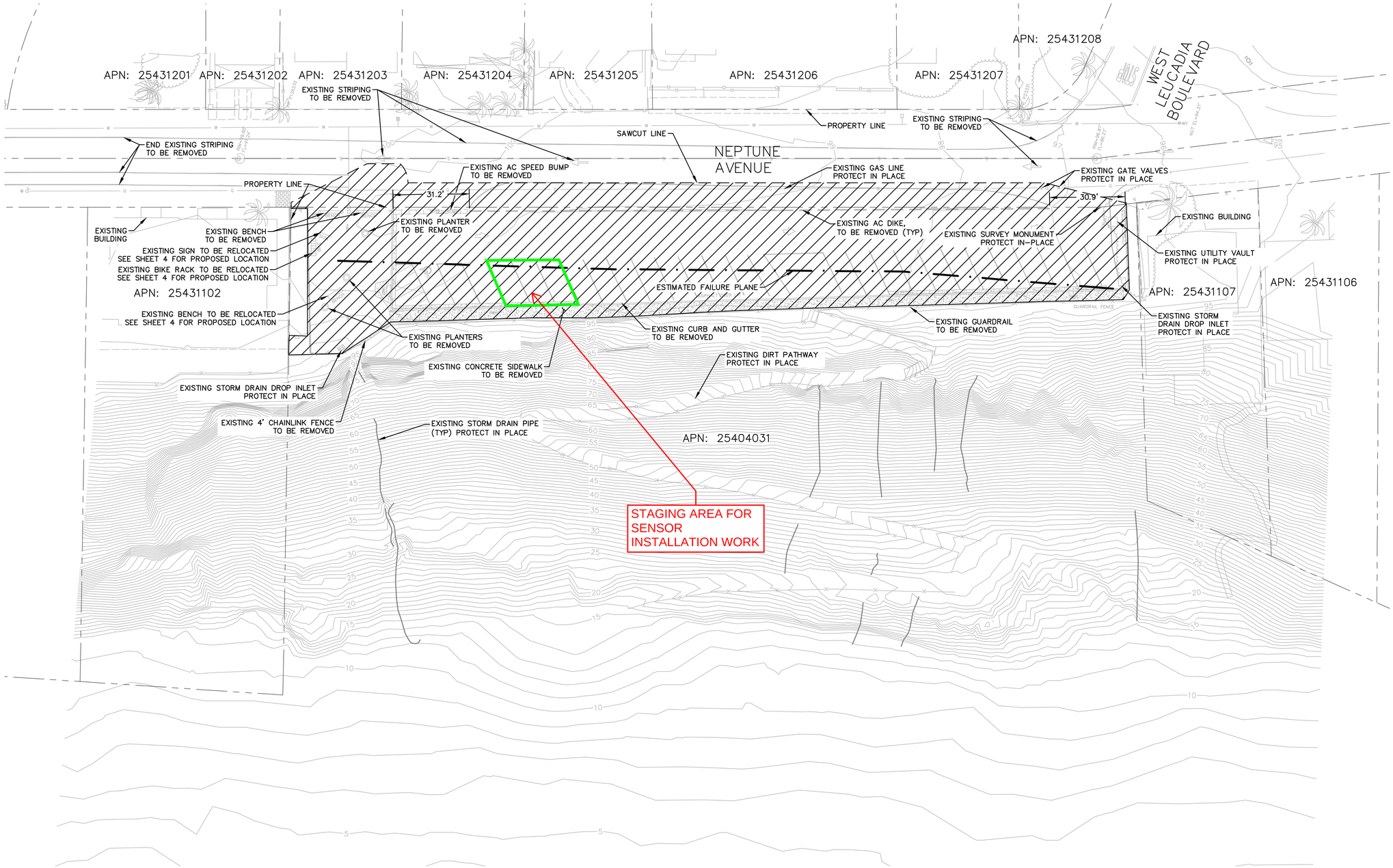
AS-BUILT APPROVALS
ENGINEER'S NAME DATE
CITY ENGINEER DATE

	INT.	DATE
PUBLIC WORKS		
PLANNING		
REVIEWER		
INSPECTOR		

DESIGNED BY: NN — DRAWN BY: NN — CHECKED BY: NS
PLANS PREPARED UNDER SUPERVISION OF
DATE: 9/29/21
NAM NGUYEN
ENGINEER'S NAME
LICENSE. NO.: E21759
EXP.: 03/31/2023

ENGINEERING DIVISION APPROVALS
RECOMMENDED: STEPHANIE KELLAR, PE — DATE
APPROVED: CHRISTOPHER L. MAGDOSKU, PE CITY ENGINEER — DATE

CITY OF ENCINITAS - DEV
GRADING PLAN FOR:
UCS
948 NEPTU
PLANNING CASE NO: 17-263



BEACON'S BEACH SENSOR INSTALLATION STAGING PLAN

AGENDA REPORT
City Council

MEETING DATE: August 24, 2022

PREPARED BY: Todd Mierau, Associate Planner

DEPT. DIRECTOR: Roy Sapa'u

DEPARTMENT: Development Services

CITY MANAGER: Pamela Antil

SUBJECT:

Public hearing to consider a timely appeal filed by Matthew Gordon on July 12, 2022 (Case No. APPEAL-005515-2022) of the Planning Commission's approval of a Major Use Permit and Coastal Development Permit (MULTI-005151-2022; USE-005152-2022; CDP-005153-2020) to allow the installation of monitoring equipment on the bluff face at Beacon's Beach and temporary construction parking located at 948 Neptune Avenue (APN: 254-040-31). **APPELLANT**: Matthew Gordan. **APPLICANT:** UCSD Scripps Institute of Oceanography (SIO).

RECOMMENDED ACTION:

Adopt attached Resolution No. 2022-83 **(Attachment CC-1)** denying the appeal and affirming the Planning Commission's decision approving a Major Use Permit and Coastal Development Permit to allow the installation of monitoring equipment on the bluff face at Beacon's Beach and temporary construction parking located at 948 Neptune Avenue, based on the findings contained within Planning Commission Resolution No. PC 2022-10 (**Attachment CC-3**).

ALTERNATIVE OPTIONS

Option A: Approve the appeal and direct staff to return with a Resolution including findings of denial for the project, as directed by the City Council.

Option B: Request additional information from the applicant and/or appellant to substantiate and support each side's arguments and continue the matter to a future hearing date.

STRATEGIC PLAN:

This item is consistent with the Community Planning Focus Area of the City's Strategic Plan.

FISCAL CONSIDERATIONS:

There is no direct fiscal impact associated with the staff recommendation. Th
$406 to file an appeal.

EXHIBIT NO. 5
APPLICATION NO.
A-6-ENC-22-0051
City Resolution Denying Appeal
California Coastal Commission

BACKGROUND:

Beacon's Beach is located at Leucadia State Beach at the west end of Leucadia Boulevard, with access off Neptune Avenue. The existing beach access at Beacon's Beach consists of a dirt trail beginning at a public parking lot off Neptune Avenue and leading down across the face of the coastal bluff.

Beacon's Beach and the access to the sand was historically created by a series of massive landslides between faults that run through the Beacon's Beach access path (Stroh 2001). In 1982 and 1983, previous stairway structures were damaged by additional landslide movement during winter storms. Since 1982/83, the landslide areas have experienced additional instability, with the bluff sloughing occurring in April 2020 and the most recent bluff failure occurring between May 1, 2022, and May 2, 2022.

On May 2, 2022, staff contacted the California Coastal Commission to pursue an Emergency Coastal Development Permit for the immediate and temporary closure of the Beacon's Beach bluff and public access trail (which occurred from May 2, 2022, through June 30, 2022), installation of temporary fencing at the top of the bluff and at the beach to prevent the public from entering the failure area, closure of the public parking lot, and placement of temporary sensors and equipment for bluff stability monitoring. Closure and placement of the sensors occurred on May 2, 2022. The California Coastal Commission issued the Emergency Coastal Development Permit (Emergency G-6-22-0026) on June 29, 2022.

The City of Encinitas repaired the existing public access trail at the Beacon's access point on June 20, 2022. The improvements occurred over a few days. The scope of work was exempt from requiring a CDP pursuant to Encinitas Municipal Code Section 30.80.050C, which states "Repair and maintenance activities to existing structures or facilities that do not result in an addition to, or enlargement or expansion of, the structures or facilities" would be exempt from an Emergency Coastal Development Permit or a regular Coastal Development Permit.

On June 29, 2022, the Planning Commission reviewed and approved Case No. MULTI-005151-2022; USE-005152-2022; CDP-005153-2020 via Planning Commission Resolution No. PC 2022-10. The scope of work included the installation of permanent monitoring equipment on the bluff face at Beacon's Beach and temporary construction parking located at 948 Neptune Avenue. Scripps and UCSD received state grant to fund the equipment and monitoring associated with the project.

PROJECT DESCRIPTION:

The project is proposing a Major Use Permit and Coastal Development Permit request to authorize the installation of at grade and below grade monitoring equipment on the top portion of the bluff, in the parking lot area, and on the bluff face. Some of the equipment are temporary measuring devices and some will remain permanent. As shown on the project drawings made a part of Attachment PC-6 of the June 29, 2022, Planning Commission Agenda Report **(Attachment CC-4)**, the following equipment and improvements will be installed by UCSD Scripps Institute of Oceanography (SIO) at the Beacon's Beach Bluff Access point:

- Electrical conduits and sensor located in trenches within the parking lot.
- Flexible electrical conduits on the face of the bluff.
- An instrumentation mast, with footing, back from the bluff edge.
- Deep and shallow borehole sensors to be in casing in the parking lot and along the bluff edge.
- Shallow monitoring points over the bluff face and along the beach trail.
- Other minor structures such as antennae.

The proposed work will require shallow trenching in the parking lot, some excavations, and borehole drilling for the installation of various seismic measuring devices as shown on the plan. The deep borehole sensor or “Strain Meter” would extend to an approximate depth of 80 feet from the parking lots surface to be placed in the terrace deposit layer, penetrating groundwater and at the top of the Ardath Shale layer.

The existing parking lot is open for public access and parking. Three (3) parking spaces within the parking lot area will be used for staging of equipment.

Additionally, monitoring will occur as follows:

Ground based lidar surveys:

- Conducted weekly
- Provides high resolution 3d models of the topography

Drone surveys:

- Conducted 2-3 times since the landslide
- Flights and resulting data were limited because of bird conduct
- Provides orthorectified high resolution imagery
- Provides high resolution 3d models of the topography

Site visits have occurred once a week to check the sensors and conduct measurements:

- Cliff base pressures sensor
- Buried in the beach at the bottom of the cliff
- Provides measurements of waves impacting the cliff base

Seismometer:

- Installed mid cliff about 2’ below the surface
- Provides measurement of ground motion across a broad frequency band

Tiltmeters:

- Installed across the cliff face and cliff top
- Provide continuous measurement of surface ground tilt and temperature

Cliff top level survey:

- Transit surveying – weekly
- About 10 locations on the cliff top/parking lot area
- Measures any potential small change in surface elevation

Quadrangles:

- Four quadrangle arrays established in lower landslide using small wood stakes
- Used to track relative distance changes within the quadrangle
- Established across existing cracks to detect further movement

Traffic Control and Public Access:

Traffic control and public access will be maintained throughout construction activities. A flagman will be present during construction to control vehicle traffic entering or exiting the site if needed. All necessary traffic control measures will be in place to ensure traffic is not adversely impacted and is managed throughout construction. A plan showing the security treatment of the site during the construction phase, the on- and off-site circulation and parking of construction workers' vehicles, and any equipment needed for the construction of the project will be required for review and approval by the City prior to issuance of grading permit.

Public Participation

Notice of this City Council Appeal public hearing was mailed on August 4, 2022, to all property owners and occupants within 500 feet of the project site and to anyone who requested such notice in writing, in compliance with Government Code Sections 65090, 65091 and 65092, as applicable. Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department's Internet site under "Public Notices".

Appeal Filed

One timely appeal was filed by the Appellant, Matthew Gordon, on July 12, 2022, and is attached hereto as **Attachment CC-2**. The issues raised in the appeal and staff's responses to each item are outlined in the "Analysis" section below:

ANALYSIS:

1a. Appellant's Position:

Unpermitted Soil Disturbance on Coastal Bluff and Closure of Public Beach. First, the applicant SIO (hereinafter "Applicant") began work, including but not limited to the installation of various types of monitoring equipment and related construction to support said equipment both on the existing parking lot and along various portions of the sensitive coastal bluff WITHOUT obtaining a necessary Coastal Development Permit. As you are all aware, any private property owner would never be able to disturb a bluff without the proper permits, emergency, or otherwise. According to Public Resources Code Section 30611, *"one must contact the District Office within three days (72 hours) of the disaster or discovery of the danger, whichever occurs first, for authorization to conduct emergency actions, then submit the required information and attachments below within seven days of taking emergency action."* The Emergency Coastal Development Permit (CDP) was not issued until June 30, 2022, therefore, missing the three-day requirement. The current closure violates the Coastal Act by continuing an unpermitted action. Separately the City's CDP was not approved until June 29, 2022, after the proposed monitoring equipment was installed and operational. To complete work without an approved permit is in direct violation of Coastal Act Section 30600. Additionally, this violates City Municipal Code Section 30.80.010 (Purpose and Coastal Development Permit Requirement).

1b. Staff's Response:

The most recent bluff failure occurred between May 1, 2022, and May 2, 2022.

On May 2, 2022, staff contacted the California Coastal Commission via email to pursue an Emergency Coastal Development Permit, consistent with the Public Resource Code Section 30611, for the immediate and temporary closure of the Beacon's Beach bluff and public access trail, installation of temporary fencing at the top of the bluff and at the beach to prevent the public from entering the failure area, closure of the public parking lot, and placement of temporary sensors and equipment for bluff stability monitoring. Closure and placement of the sensors occurred on May 2, 2022. The California Coastal Commission issued the Emergency Coastal Development Permit (Emergency G-6-22-0026) on June 29, 2022.

On June 20, 2022, the City proceeded to repair the existing public access trail at the Beacon's access point as general maintenance. This action occurred over a few days. This scope of work falls under the Coastal Development Permit Exemptions, Section 30.80.050C,

which states “Repair and maintenance activities to existing structures or facilities that do not result in an addition to, or enlargement or expansion of, the structures or facilities” would be exempt from an Emergency Coastal Development Permit or City Coastal Development Permit.

On June 29, 2022, the Planning Commission reviewed and approved, Case No. MULTI-005151-2022; USE-005152-2022; CDP-005153-2020 (Resolution No. PC 2022-10) authorizing the installation of permanent monitoring equipment on the bluff face at Beacon’s Beach and temporary construction parking located at 948 Neptune Avenue. This scope of the work has not been installed.

2a. Appellant’s Position:

Incorrect Notice for June 29, 2022, Planning Commission hearing for Beach Bluff Monitoring Equipment Plan CDP. According to the City’s Planning Commission Agenda, the Filing Date of the CDP was August 10, 2020. However, it is unclear if this is the case or if an earlier permit had been filed and then rescinded. Regardless, the public agenda notice is factually incorrect. Therefore, the hearing itself is not legitimate as it is based on an incorrect description. As a result, a new hearing must be held in its place. The California Constitution — and the Coastal Act — similarly guarantee due process. Section 30320 of the Coastal Act provides, in the relevant portion: “The people of California further find that in a democracy, due process, fairness, and the responsible exercise of authority are all essential elements of good government which require that the public’s business be conducted in public meetings, with limited exceptions for sensitive personnel matters and litigation, and on the official record” (Pub. Res. Code, § 30320(b).)

2b. Staff’s Response:

The legal notice issued for the project meets the standards per Encinitas Municipal Code (EMC) Section 30.01.070 (Noticed, Public Hearings). While the application filing date was incorrect on the legal notice, the hearing date, time and location was accurate consistent with EMC Section 30.01.070.

3a. Appellant’s Position:

Denial of Due Process on June 29, 2022, Planning Commissions hearing for Beach Bluff Monitoring Equipment Plan CDP. A member of the general public was denied due process as the zoom option prevented her from having the opportunity to speak during public comment for this agenda item. While the procedural due process requires reasonable notice and opportunity to be heard before the government may deprive a person of a significant property interest (i.e., including the ability to improve the property to its highest and best use), only governmental decisions that are *adjudicative* in nature *trigger* procedural due process concerns. *{Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612; *Calvert v, County of Yuba* (2006) 145 Cal.App.4th 613, 622.) “(W]here the Commission hears an administrative appeal from a local government's issuance of a CDP, the Commission is acting in a *quasi-judicial* capacity.” *(Security National Guaranty, Inc. v. California Coastal Com.* (2008) 159 Cal. App.4th 402, 416.). This is in addition to the time delays associated with a Zoom environment resulting in Commissioners coming late to the hearing. Related to this is the fact that the City of Encinitas is one of the few, if not the last, to resume in-person Planning Commission hearings. Further, the local Courts, as well as the Coastal Commissions, have all resumed in-person hearings. The original COVID shut down was two and half years ago, yet the City continues to run in a restricted environment. By continuing to have important public input meetings such as Planning Commission by Zoom only, the City is effectively preventing public discourse through technical discrimination. Many in the local community do not have access to

or cannot operate Zoom. This has been a long-standing complaint regarding this project.

3b. Staff's Response:

All those that were present at the Zoom meeting that wanted to be heard were given the opportunity to speak. No evidence states otherwise. No emails were received after the meeting to state that there was a problem that prevented anyone the opportunity to speak during the public testimony portion of this public hearing.

4a. ***Appellant's Position:***

Incomplete Project Description for Beach Bluff Monitoring Equipment Plan CDP. The impacts associated with the proposed grading permit should be provided under a complete CEQA analysis. Such details shall include the need and amount related to a grading permit. Generally, grading of any kind is prohibited on a coastal bluff. Furthermore, according to the article from mid-June titled Encinitas, Scripps Institution continue to monitor Beacon's bluff slide, states', "Weekly monitoring will continue for the next few months. Once no more movement is detected, city geotechnical engineers will make a recommendation (to) for potential remediation." Neither the staff report nor the CD itself provides any idea of timing and what form "potential remediation" will take.

4b. Staff's Response:

On June 20, 2022, the City initiated repairs of the existing public access trail at the Beacon's access point after the landslide was determined to be stable by GeoPacifica, the City's Third-Party Geotechnical Consultant. The repair work is exempt from a Coastal Development Permit per EMC Section 30.80.050C, which states that "Repair and maintenance activities to existing structures or facilities that do not result in an addition to, or enlargement or expansion of, the structures or facilities" would be exempt from an Emergency Coastal Development Permit or City Coastal Development Permit. Since it was emergency maintenance of the existing trail, a permit was not required.

5a. ***Appellant's Position***

Incomplete Project Description for State Park's Permit Application to Conduct Scientific Research and Collections. Refer to page 3 (Summary of Field Methods and Activities). The submitted Scripps Plan submitted is for 3-5 pressure sensors. In contrast, the exhibit titled "Beacon's Beach Emergency Permit Site Plan", contained in the staff report (page 35) indicates seven sensors and one seismometer installed on the bluff. Further, a cell tower is erected at the top of the north end. These inconsistencies between the State Permit and the City's CDP for monitoring are alarming and put into question the other exhibits. The SIO has stated that the new monitoring equipment has never been used before and, more importantly, is unclear as to its effects on the surrounding residences nearby and the natural ecosystem. From a public safety perspective, it is unacceptable to experiment on the local government. Additionally, no effect has been made to educate, much less inform, the neighborhood or the community on the effects of the said community. Case in point, SDG&E provided an opt-out program for smart meters. Therefore, consistent with CEQA, the City must include environmental impact analysis, including the potential impacts on the natural environment, including the avian population.

5b. Staff's Response:

The City has permitting authority for the proposed scope of work. The State's Permit for Scientific Research and Collections is a separate action not a part of the local permitting

process. The State Department of Parks and Recreation is aware of the proposed scope of work contained within the Major Use Permit and Coastal Development Permit and has given authorization for this work. The applicant along with City staff had conducted a Citizen's Participation Plan (CPP) to "educate" the community on the monitoring scope of work, which included discussing the entire scope of the project. Both the applicant and City staff were present at the meeting.

6a. ***Appellant's Position***

Incomplete Public Record for Grant Allocation. The public record is unclear on how the monitoring grant was awarded and why the applicant was selected versus AECOM, which has been studying the Beacon's Beach Bluff for over a decade. Such lack of detail only further highlights the incompleteness of the staff report and the associated CDP application. This also puts into question the legitimacy of the grant allocation process.

6b. Staff's Response:

Details of the grant and the selection process is not a requirement of the CDP or MUP application and therefore, are not relevant to the findings to approve the MUP and CDP.

7a. ***Appellant's Position***

Inconsistent and Hazardous Action Taken by the City. According to the recently obtained Emergency CDP, "A bluff failure and reactivation of a historic landslide occurred between May 1 and 2, 2022, causing visible cracks and fissures along the bluff and destabilizing the existing public access trail, including knocking down handrails and undermining a portion of the wooden access stairs and path." If the area is genuinely unsafe, as stipulated in the CDP, why did the City open up the bluff path before the July 4th holiday weekend? Is the bluff safe or not? Again, this inconsistency in City action is not only alarming but is placing the general public in harm's way and creating a public hazard. By allowing both monitoring and continued public access, the City is engineering a disaster in the form of a bluff failure. No amount of monitoring will prevent the inevitable from occurring. Instead, the City must reinforce the bluff consistent with previous recommendations from qualified coastal geologists and the approved Ed Dean study 4C that would have stopped this current failure from happening. According to the letter addressed to Mr. Magdosku, City Engineer, Encinitas, dated July 5, 2018, from David L. Schug of AECOM (pages 75 and 76 of the Planning Commission staff report), *"…The existing conditions on the project site involve a clear and imminent danger that demands immediate action to prevent or mitigate the loss of, or damage to life, health, property, or essential public services. Two events are potentially hazardous: namely: 1) minor earthquake shaking and 2) continued upper bluff erosion. These events present the risk of renewed landslide movement and instability of the upper bluff that could occur in the short term…." The letter states on page 79 of the Staff Report, "The existing Beacon's Landslide was an emergency situation creating an unstable geologic landform that was never mitigated for public beach access. The current site conditions at Beacon's have become increasingly more precarious with further decreased geologic stability as a result of erosion and landslide movements over the past 35 years. The marginally stable site conditions have worsened from the site instability initiated by the unexpected landslide movement in the early 1980s. Ongoing coastal bluff erosion and instability at Beacon's Beach, like similar coastal settings, tend to be episodic and can occur in response to waves, rainfall, and/or progressive weathering with steepening of the slope. These naturally recurring conditions are almost certain to happen in the short term. Based on over 15 years of site monitoring, continued average erosion that will further degrade the upper bluff has a high probability of occurring in the short term. Landslide movements and bluff instability can occur in the short term and are difficult to monitor and predict in the*

coastal setting. The fact that AECOM, which has been involved with this project for several decades, long before SIO, has stated that monitoring and prediction are difficult, only further drives home the point. The act of monitoring does not prevent a hazardous event from occurring. The City, Coastal Commission, and SIO are all legally liable for any future loss of life. Simply monitoring does not change this or remove the stain of liability from these agencies.

7b. Staff's Response:

The scope of work includes the installation of permanent monitoring equipment on the bluff face to measure seismic activity at Beacon's Beach. The goal of the project is to monitor the landslide condition that exists at the surface level and subsurface level. The collected data will inform future efforts to provide and maintain pedestrian access to Beacon's Beach.

Geopacifica, the City's Third-Party Geotechnical Consultant, has determined that the landslide has stabilized and recommended that the existing public access and public parking lot area be reopened to the public.

ENVIRONMENTAL CONSIDERATIONS:

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The request to authorize the installation of at grade and below grade monitoring equipment at the Beacon's Beach bluff and bluff face for purposes of monitoring the existing landslide and failure plane meet this exemption. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.

ATTACHMENTS:

CC-1 Draft Resolution No. 2022-83
CC-2 Appeal filed by Matthew Gordon, dated July 12, 2022
CC-3 Planning Commission Resolution No. PC 2022-10
CC-4 Planning Commission June 29, 2022 Agenda Report
CC-5 California Coastal Commission issued Emergency Coastal Development Permit (Emergency G-6-22-0026).
CC-6 Correspondence

NOTICE OF FINAL LOCAL ACTION ON COASTAL PERMIT

CITY OF ENCINITAS
Development Services Department
505 South Vulcan Avenue
Encinitas, CA 92024-3633

RECEIVED
AUG 29 2022
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Date of Notice: **August 25, 2022**

Notice Sent to: **San Diego Coast District Office**
7575 Metropolitan Drive Ste 103
San Diego, CA 92108-4402
(619) 767-2370
FAX (619) 767-2384

Please note the following Final Encinitas Action on a coastal permit, coastal permit amendment, or coastal permit extension application. All local appeals have been exhausted for this matter.

Project Information

Case No.	**MULTI-005151-2022; USE-005152-2022; CDP-005153-2020; APPEAL-005515-2022**
Project Applicant	**Scripps Institute of Oceanography** **Adam Young/Ian Clampett**
Applicant's Representative	**University of California San Diego** **9500 Gilman Drive No. 210** **La Jolla, CA 92093-0210**
Project Address	**948 Neptune Avenue (Beacon's Beach)**
Project APN	**254-040-31**
Project Description	**The project is proposing a Major Use Permit and Coastal Development Permit request to authorize the installation of at grade and below grade monitoring equipment on the top portion of the bluff and in the parking lot area and on the bluff-face related to the current landslide area on-site. There are both temporary measuring devices and permanent long-term measuring devices proposed at this time. A temporary staging area will occur in the existing parking lot on the bluff top.**

Final Action Information

Final Local Action	**Planning Commission Resolution No. 2022-10** **City Council Resolution No. 2022-083**
Final Action Body	☐ Administrative ☒ Planning Commission ☒ City Council

Required Materials Supporting the Final Action

☒ Adopted Findings	☐ Geotechnical Report
☒ Adopted Conditions of Approval	☐ Biological Study
☐ **Other:**	

Coastal Commission Appeal Information

This Final Action is:

☐ **NOT APPEALABLE** to the California Coastal Commission. The Final Encinitas Action is now effe

☒ **APPEALABLE** to the California Coastal Commission. The Coastal Commission's 10-working day working day after the Coastal Commission receives adequate notice of this Final Action. The Fi after the Coastal Commission's appeal period has expired and no appeal has been filed. An directly to the California Coastal Commission's San Diego Office. There is no fee for such an questions regarding the Coastal Commission appeal period or process, please contact the Sa information noted above.

EXHIBIT NO. 5
APPLICATION NO.
A-6-ENC-22-0051
City Notice of Final Action and Staff Report
California Coastal Commission

RESOLUTION NO. PC-2022-10

A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION APPROVING A MAJOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT TO BOTH IMPLEMENT AND INSTALL MONITORING EQUIPMENT ON THE BLUFF AND BLUFF FACE AT BEACONS BEACH, AND ALLOW FOR A TEMPORARY CONSTRUCTION STAGING AREA WITHIN THE EXISTING PARKING LOT FOR THE PROPERTY LOCATED AT 948 NEPTUNE AVENUE

(Case Nos. MULTI-005151-2022; USE-005152-2022; CDPNF-005153-2020; APN: 254-040-31)

WHEREAS, a request filed by UCSD Scripps Institute of Oceanography (SIO) for consideration of a Major Use Permit (USE) and Coastal Development Permit (CDP) to authorize the installation of at grade and below grade monitoring equipment (or inclinometers) which measure seismic activity related to the current landslide on-site and allow for a temporary construction staging area in the existing public parking lot for the property located at 948 Neptune Avenue (APN: 254-040-31) also known as Beacon's Beach Access Point, and

WHEREAS, the Planning Commission conducted duly noticed public hearings on June 29, 2022, and

NOW, THEREFORE, BE IT RESOLVED that the Encinitas Planning Commission hereby APPROVES Case Nos MULTI-005151-2022; USE-005152-2022; CDPNF-005153-2020 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The request to authorize the installation of at grade and below grade monitoring equipment at the Beacon's Beach bluff and bluff face for purposes of monitoring the existing landslide and failure plane meet this exemption. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.

Section 2. Discretionary Action(s) Findings

FINDINGS

Based on the findings for a Major Use Permit as per Encinitas Municipal Code Section 30.74.070 and the aforementioned analysis, the Planning Commission has made the following findings to support the approval, with conditions:

Findings for Major Use Permit	Explanation of Finding
1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:	The proposed installation of at grade and below grade monitoring equipment which measure seismic activity related to the current landslide on-site located at Beacon's Beach will not be incompatible with or will not adversely affect or be materially detrimental to adjacent uses, residences, buildings, structures, or natural resources. The

RESOLUTION NO. PC-2022-10

A RESOLUTION OF THE CITY OF ENCINITAS PLANNING COMMISSION APPROVING A MAJOR USE PERMIT AND COASTAL DEVELOPMENT PERMIT TO BOTH IMPLEMENT AND INSTALL MONITORING EQUIPMENT ON THE BLUFF AND BLUFF FACE AT BEACONS BEACH, AND ALLOW FOR A TEMPORARY CONSTRUCTION STAGING AREA WITHIN THE EXISTING PARKING LOT FOR THE PROPERTY LOCATED AT 948 NEPTUNE AVENUE

(Case Nos. MULTI-005151-2022; USE-005152-2022; CDPNF-005153-2020; APN: 254-040-31)

WHEREAS, a request filed by UCSD Scripps Institute of Oceanography (SIO) for consideration of a Major Use Permit (USE) and Coastal Development Permit (CDP) to authorize the installation of at grade and below grade monitoring equipment (or inclinometers) which measure seismic activity related to the current landslide on-site and allow for a temporary construction staging area in the existing public parking lot for the property located at 948 Neptune Avenue (APN: 254-040-31) also known as Beacon's Beach Access Point, and

WHEREAS, the Planning Commission conducted duly noticed public hearings on June 29, 2022, and

NOW, THEREFORE, BE IT RESOLVED that the Encinitas Planning Commission hereby APPROVES Case Nos MULTI-005151-2022; USE-005152-2022; CDPNF-005153-2020 based on the following Environmental Determination and Findings:

Section 1. California Environmental Quality Act Determination

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The request to authorize the installation of at grade and below grade monitoring equipment at the Beacon's Beach bluff and bluff face for purposes of monitoring the existing landslide and failure plane meet this exemption. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.

Section 2. Discretionary Action(s) Findings

FINDINGS

Based on the findings for a Major Use Permit as per Encinitas Municipal Code Section 30.74.070 and the aforementioned analysis, the Planning Commission has made the following findings to support the approval, with conditions:

Findings for Major Use Permit	Explanation of Finding
1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:	The proposed installation of at grade and below grade monitoring equipment which measure seismic activity related to the current landslide on-site located at Beacon's Beach will not be incompatible with or will not adversely affect or be materially detrimental to adjacent uses, residences, buildings, structures, or natural resources. The

Findings for Major Use Permit	Explanation of Finding
3. The project fails to comply with any other regulations, conditions, or policies imposed by the Municipal Code.	No evidence has been submitted or identified to demonstrate that the project failed to comply with any other regulations, conditions, or policies imposed by the Municipal Code.

Based on the findings for a Coastal Development Permit per Encinitas Municipal Code Section 30.80.090 (Coastal Development Permit) and the aforementioned analysis, the Planning Commission has made the following findings to support the approval, with conditions:

Finding for Coastal Development Permit	**Explanation of Finding**
1. The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas.	The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas. Based upon the information contained in the project materials and scope of work, the City has demonstrated that the proposed monitoring project at Beacon's Beach access point would not create an unnecessary surcharge load on the bluff. The City's third-party geotechnical consultant (Geopacifica) concluded that the project review addressed all site conditions and provided all the necessary information to satisfy the requirements of the Encinitas Municipal Code.
2. The proposed development conforms with Public Resources Code Section 21000 et al. (CEQA) and that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment.	The project conforms to Public Resources Code Section 21000 (CEQA). The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15304, which exempts minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees. The request to authorize the installation of at grade and below grade monitoring equipment at the Beacon's Beach bluff and bluff face for purposes of monitoring the existing landslide and failure plane meet this exemption. None of the exceptions in CEQA Guidelines Section 15300.2 exists and no historic resources would be impacted by the proposed project.
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et seq. of the Coastal Act.	Public access is and parking will be maintained and available at Beacon's Beach access point. In accordance with Section 30212 of the Coastal Act, public beach and shore access and recreational opportunities already exist and both are available and will remain available during the initial project construction and the long-term maintenance of the project scope.

The above environmental determination and findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that based on the Environmental Determination and Findings hereinbefore adopted by the Planning Commission, Case Nos. MULTI-005151-2022; USE-005152-2022; CDPNF-005153-2020 is hereby approved subject to the conditions in Exhibit A.

PASSED AND ADOPTED this 29th day of June, 2022, by the following vote, to wit:

AYES: Doyle, Prendergast, Sherod, Ryan
NOES: None
ABSTAIN: None
ABSENT: Dalton

DocuSigned by:
EFEE8D43368844D...
Kevin Doyle, Chair

ATTEST:

DocuSigned by:
Roy Sapan
D8624D2093C649C...
Anna Colamussi
Secretary

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5200
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency G-6-22-0026 (Beacons Beach Bluff Failure)

Issue Date: June 29, 2022

Permittee: City of Encinitas, Attn: Anna Colamussi

Emergency Location: Beacon's Beach bluffs and public access trail, along Neptune Avenue near West Leucadia Blvd, Encinitas, San Diego County. (APN No: 254-04-031).

Emergency Description: A bluff failure and reactivation of a historic landslide occurred between May 1 and 2, 2022, causing visible cracks and fissures along the bluff and destabilizing the existing public access trail, including knocking down handrails and undermining a portion of the wooden access stairs and path.

Emergency Development: Immediate and temporary closure of the Beacon's Beach bluff and public access trail from May 2, 2022 through approximately July 31, 2022, including installation of temporary fencing at the top of bluff and beach to prevent the public from entering the failure area, closure of the public parking lot, and placement of sensors and equipment for bluff stability monitoring. Closure and placement of the sensors occurred on 5/2/2022.

Executive Director's Determination
The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

Diana Lilly 6/30/2022

Diana Lilly, San Diego Coast District Manager, for John Ainsworth, Executive Direc

Enclosure: ECDP Acceptance Form

cc: (via email): Anna Colamussi (City of Encinitas); Darren Smith (California State Parks)

EXHIBIT NO. 6
APPLICATION NO.
A-6-ENC-22-0051
Emergency CDP
California Coastal Commission

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's San Diego Coast District Office within 15 days of the date of this ECDP (i.e., by July 14, 2022). This ECDP is not valid unless and until the acceptance form has been received in the San Diego Coast District Office.

2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's San Diego Coast District Office on June 21, 2022. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.

3. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Encinitas, California State Parks, California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

4. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

5. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns 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, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.

6. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

7. Within 90 days of ECDP issuance (i.e., by September 27, 2022), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application to the City of Encinitas for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development). If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the City, or if it remains incomplete for a period of 90 days, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

8. Failure to meet any of the applicable requirements of Condition 7 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to $11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to $15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.

9. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding

impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.

10. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.

11. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.

12. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.

13. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's San Diego Coast District Office at SanDiegoCoast@coastal.ca.gov or 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108, (619) 767-2370.

CALIFORNIA COASTAL COMMISSION
SAN DIEGO COAST DISTRICT OFFICE
7575 METROPOLITAN DR., SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370
SANDIEGOCOAST@COASTAL.CA.GOV

RECEIVED
SEP 13 2022
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: San Diego Coast

Appeal Number: A-6-ENC-22-0051

Date Filed: 9/13/2022

Appellant Name(s): Matthew Gordon

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the San Diego Coast district office, the email address is SanDiegoCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at https://coastal.ca.gov/contact/#/).

1. Appellant information[1]

Name: Matthew Gordon

Mailing address: 878 Neptune Avenue, Encinitas CA 92024

Phone number: 760-632-6665

Email address: gordon.matthew0@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☑ Submitted comment ☐ Testified at hearing ☐ Other

Describe: Filed Attached Appeal of Planning Commission Approval of CDP-005153-2020 to the City Council. Filed on July 12, 2022 to the City.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: Encinitas City Council denied appeal on August 24, 2022.

[1] If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

2. Local CDP decision being appealed[2]

Local government name: City of Encinitas

Local government approval body: City Council

Local government CDP application number: CDP-005153-2020

Local government CDP decision: ☑ CDP approval ☐ CDP denial[3]

Date of local government CDP decision: 8.24.22

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

Description: Installation of monitoring equipment on the beach and bluff face at Beacon's Beach.

Location: 948 Neptune Ave, Encinitas, Ca 92024

(APN(s): 2540403100)

August 29, 2022: Notice of local action filed

[2] Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

[3] Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

3. Applicant information

Applicant name(s): Adam Young, Scripps Institute of Oceanography

Applicant Address: 8622 Kennel Way, La Jolla, CA 92037

4. Grounds for this appeal[4]

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please refer to the attached.

[4] Attach additional sheets as necessary to fully describe the grounds for appeal.

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☑ Interested persons identified and provided on a separate attached sheet

6. Appellant certification[5]

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Matthew Gordon

DocuSigned by:
A06A4AE9412F44E...

Signature

Date of Signature 9/12/2022

7. Representative authorization[6]

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

[5] If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

[6] If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

DISCLOSURE OF REPRESENTATIVES

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Matthew Gordon

CDP Application or Appeal Number Application No. 6-ENC-22-0778

Lead Representative

Name Chandra Slaven
Title Coastal Land Use Consultant
Street Address. 1646 Hilton Head Ct. #2219
City San Diego
State, Zip CA 92019
Email Address chandraslaven@gmail.com
Daytime Phone 619-316-7645

Your Signature DocuSigned by: Matthew Gordon A06A4AE9412F44E...

Date of Signature 9/12/2022

Additional Representatives (as necessary)

Name N/A
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Name _____
Title _____
Street Address. _____
City _____
State, Zip _____
Email Address _____
Daytime Phone _____

Your Signature_____

Date of Signature _____

Appeal of Beacon's Beach Monitoring Plan Application No. 6-ENC-22-0778

The City of Encinitas's denial of the appeal (CDP-005153-2020) at the City Council's hearing on Wednesday, August 24, 2022, was unfounded and presents a substantial issue.

Furthermore, the City **has circumvented CEQA** by submitting "piecemeal" modified CDPs for Beacons Beach (refer to list below), denying public participation in the process. "CEQA forbids piecemeal review of significant environmental impacts of a project. (Citation omitted) Agencies cannot allow environmental considerations (to)become submerged by chopping a large project into many little ones — each with a minimal potential impact on the environment — which cumulatively may have disastrous consequences." (Banning Ranch Conservancy v. City of Newport Beach" 12/12/12).

For the Administrative Record:

1. **ECDP G-6-22-0026**: Immediate and temporary closure of Beacon's Beach bluff and public access trail.
2. **CDPNF-005153 2022**: Installation of monitoring equipment on the bluff and bluff face at Beacon's Beach and temporary construction staging area in the parking lot.
3. **CDPNF-005457-2022**: To allow for modifications to an existing parking lot located along the bluff access point.

EMAIL CORRESPONDANCE

7.12.22 Appeal of CDP-005153-2020 (Encinitas)

Chandra Slaven <chandraslaven@gmail.com> Tue, Jul 12, 2022 at 1:19 PM
To: "Mayer, Robin@Coastal" <Robin.Mayer@coastal.ca.gov>
Cc: Steve <steveostrow@gmail.com>, "pmetsch@metschmason.com" <pmetsch@metschmason.com>
Bcc: Matthew Gordon <gordon.matthew0@gmail.com>, Robin Gordon <robingordon108@gmail.com>

Hi Robin,

Fabulous. Thank you for doing that. I believe she knows this is coming. Thank you again, and have a great day!

Best regards,
Chandra Slaven
619-316-7645
chandraslaven@gmail.com

On Tue, Jul 12, 2022 at 1:16 PM Mayer, Robin@Coastal <Robin.Mayer@coastal.ca.gov> wrote:

> I'lll forward to Kaitlin.
>
> Robin M. Mayer
> Senior Attorney
> California Coastal Commission
> 455 Market St. #300
> San Francisco, CA 94105
> (c) (415) 505-5908
>
> ATTORNEY WORK PRODUCT
> ATTORNEY-CLIENT PRIVILEGED
> CONFIDENTIAL
> E-mail to a non-Commission recipient is subject to Public Record Act requests.
>
> ---
>
> **From:** Mayer, Robin@Coastal <Robin.Mayer@coastal.ca.gov>
> **Sent:** Tuesday, July 12, 2022 1:02 PM
> **To:** Chandra Slaven <chandraslaven@gmail.com>
> **Cc:** Steve <steveostrow@gmail.com>; pmetsch@metschmason.com <pmetsch@metschmason.com>
> **Subject:** Re: 7.12.22 Appeal of CDP-005153-2020 (Encinitas)
>
> Chandra, I don't handle these. Please follow appeal form instructions - send appeals to SanDiegoCoast@coastal.ca.gov.
>
> Full instructions are here:
> https://www.coastal.ca.gov/cdp/cdp-forms.html
>
> Thank you, Robin

Robin M. Mayer
Senior Attorney
California Coastal Commission
455 Market St. #300
San Francisco, CA 94105
(c) (415) 505-5908

From: Chandra Slaven <chandraslaven@gmail.com>
Sent: Tuesday, July 12, 2022 12:57 PM
To: Mayer, Robin@Coastal <Robin.Mayer@coastal.ca.gov>
Cc: Steve <steveostrow@gmail.com>; pmetsch@metschmason.com <pmetsch@metschmason.com>
Subject: 7.12.22 Appeal of CDP-005153-2020 (Encinitas)

Good afternoon Robin,

I hope all is well with you.

For your records, I am attaching an appeal filed today with the City of Encinitas of an approved CDP (Beacon's Beach Bluff Monitoring Equipment Plan). I have included the time stamp and appellant's name (Matthew Gordon) at the end of the appeal form, followed by the supporting documentation. Lastly, I have copied the attorneys retained for this matter.

Please let me know if you have any questions and kindly confirm receipt for your records.

Thank you as always for your time and consideration.

Best regards,
Chandra Slaven
619-316-7645
chandraslaven@gmail.com

6.22.22: UN-PERMITTED Closure of Public Access and Soil Disturbance to Leucadia State Beach "Beacon's Beach"

1 message

Chandra Slaven <chandraslaven@gmail.com> Wed, Jun 22, 2022 at 1:05 PM
To: "Prahler, Erin@Coastal" <erin.prahler@coastal.ca.gov>, "Street, Joseph@Coastal" <joseph.street@coastal.ca.gov>, Karl.Schwing@coastal.ca.gov, "Carney, Kaitlin@Coastal" <kaitlin.carney@coastal.ca.gov>, John.Ainsworth@coastal.ca.gov, Linda.Locklin@coastal.ca.gov, "Cavalieri, Madeline@Coastal" <Madeline.Cavalieri@coastal.ca.gov>
Bcc: Matthew Gordon <gordon.matthew0@gmail.com>, Robin Gordon <robingordon108@gmail.com>

Good afternoon Mr. Ainsworth,

I am writing to the California Coastal Commission regarding Leucadia State Park (Beacons Beach), located in Encinitas, on behalf of concerned homeowners and community members who have reported egregious violations of the Coastal Act.

The attached letter will demonstrate that the current soil slippage event and subsequent lack of permitting (i.e., a violation of the Coastal Act) result from a failed history of short-term fixes. More specifically, the letter will detail the unpermitted activities on the coastal bluff, unpermitted closure of a critical public access point and related public parking, violation of the State Parks Operating Agreement, abuse of the Public Trust Doctrine, and the necessary intervention.

Due to the issue's serious nature, we ask that the Coastal Commission step in immediately and take a leadership role in this matter. This can be accomplished by raising this issue before the Commission at the upcoming July hearing in the Executive Director's Report.

Thank you for your time and attention in this matter. We look forward to receiving your response to our request.

Best regards,
Chandra Slaven
619-316-7645
chandraslaven@gmail.com

6.22.22 CCC Ltr Beacons Beach Closure.pdf
16657K

TALKING POINTS FROM
COASTAL COMMISSION 8.10.22

8.10.22: Coastal Commission: General Public Comments
RE: Emergency Permit: G-6-22-0026, Beacons Beach Leucadia State Park

Contact: Chandra Slaven, AICP, Coastal Land Use Consultant
chandraslaven@gmail.com/ 619-316-7645

- Good morning; my name is Chandra Slaven.
- This is to correct the administrative record regarding the recently approved Emergency CDP for the Beacons Beach Closure in Encinitas.
- On July 13th, Karl Schwing stated in his Executive Report that there was no opposition to its issuance, and the City was determining when to reopen Beacons Beach.
- However, there are **NUMEROUS** factual inaccuracies:
    - **One:** Opposition to this CDP had been reported. I submitted a letter to Executive Director Ainsworth on June 22nd and notified coastal counsel, Ms. Mayer, on July 12th.
    - **Two:** The closure occurred on May 2nd, but as of June 19th, the Emergency CDP had not been submitted to coastal staff per email with Ms. Carney.
    - **Three:** Coastal staff was not informed by the city that the beach had already reopened on June 30th.
    - **Four:** The beach was reopened to install monitoring equipment, structures, grading, and a cell repeater tower, but this was already completed **BEFORE** the Emergency CDP.
    - **Five:** The City signed the application as the owner of Beacons Beach, although State Parks owns it.
- **As a result, coastal staff has neglected their ministerial duties** by relying on factual inaccuracies to approve the Emergency CDP.
- **All of this begs the question**: How could the Commission approve a CDP for monitoring equipment installed two months prior that was already transmitting data?
- **Therefore,** we request that the Emergency CDP be **DENIED** due to the factual inaccuracies and for administrative fines to be levied. Thank you.

TALKING POINTS FROM
CITY OF ENCINITAS 8.24.22

8.24.22: City of Encinitas City Council: General Public Comments
Re: Beacons Beach Leucadia State Park Encinitas, California

- For the record, I, Chandra Slaven, am submitting my oral comments provided to the Coastal Commission on August 10th regarding the Emergency CDP for Beacons Beach.

- On July 13th, Karl Schwing stated in his Coastal Commission Executive Report that there was no opposition to its issuance, and the City was determining when to reopen Beacons Beach.

- However, there are **NUMEROUS** factual inaccuracies:

    - **One:** Opposition to this CDP had been reported. I submitted a letter to Executive Director Ainsworth on June 22nd and coastal counsel, Ms. Mayer, on July 12th.

    - **Two:** The closure occurred on May 2nd, but as of June 19th, the Emergency CDP had not been submitted to coastal staff per email, with Ms. Carney neglecting the required seven-day submittal period.

    - **Three:** Coastal staff was not informed by the City that the beach had already reopened on June 30th.

    - **Four:** The beach was reopened to install monitoring equipment, structures, grading, and a cell repeater tower that began transmitting data **BEFORE** the Emergency CDP was approved.

    - **Five:** The City signed the application as the owner of Beacons Beach, although State Parks owns it.

- **As a result, coastal staff has neglected their ministerial duties** by relying on factual inaccuracies to approve the Emergency CDP.

- We request that the Emergency CDP be **DENIED** due to the factual inaccuracies and for administrative fines to be levied.

- **Furthermore,** the City **has circumvented CEQA** by submitting "piecemeal" modified CDPs for Beacons Beach, denying public participation in the process.

- **I quote**, "CEQA forbids piecemeal review of significant environmental impacts of a project. (Citation omitted) Agencies cannot allow environmental considerations (to)become submerged by chopping a large project into many little ones — each with a minimal potential impact on the environment — which cumulatively may have disastrous consequences." (Banning Ranch Conservancy v. City of Newport Beach" 12/12/12).

- I am entering this report with the City Clerk for the administrative record.

For the Administrative Record:

1. **ECDP G-6-22-0026**: Immediate and temporary closure of Beacon's Beach bluff and public access trail.
2. **CDPNF-005153 2022**: Installation of monitoring equipment on the bluff and bluff face at Beacon's Beach and temporary construction staging area in the parking lot.
3. **CDPNF-005457-2022**: To allow for modifications to an existing parking lot located along the bluff access point.

Prepared By:
Chandra Slaven, AICP, Coastal Land Use Consultant
Email: chandraslaven@gmail.com
Phone: 619-316-7645

APPEAL OF BEACON'S BEACH MONITORING PLAN APPLICATION No. 6-ENC-22-0778 CITY OF ENCINITAS

CITY OF ENCINITAS
505 South Vulcan Avenue
Encinitas, California 92024
(760) 633-2600

CITY OF ENCINITAS
CITY CLERK
2022 JUL 12 PM 12:03
Date/Time Received

Information contained in this document is deemed a public record

APPEAL-005515-2022
CCase No. MULTI-005151-2022) *Note $406

~~155~~ Pages
134

APPEAL REQUEST - $330 FEE (effective October 1, 2021)

ALL APPEALS MUST BE FILED AT CITY CLERK'S OFFICE

APPELLANT MUST COMPLETE THE FOLLOWING IN DETAIL
(Please type or print)

Appellant's Name Matthew Gordon

Mailing Address 878 Neptune Ave, Encinitas, CA 92024

Daytime Phone 760-632-6665

Appealing the decision of the:

_____ **Director Of** _____ **To City Council**

_X_ **Planning Commission to City Council**

_____ **Other (Please explain)** _____

Relative to the action taken on June 29th **20** 22 **for the project known as:**

Project Name: Beacon's Beach Bluff Monitoring Equipment Plan **Case No.** MULTI-005151-2022; CDP-005153-2020

Project Address: 948 Neptune Avenue (Beacon's Beach)

Cross Streets: West Leucadia Blvd and Jasper St

Applicant(s): USCD Scripps Institute of Oceanography

T:\FORMS\appeal form.doc

INVOICE (00060227)
FOR CITY OF ENCINITAS

BILLING CONTACT

State of California
State Capitol
Sacramento, Ca 95814

INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00060227	07/12/2022	08/11/2022	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
APPEAL-005515-2022	Plan Appeal	$406.00
948 Neptune Ave Encinitas, CA 92024	SUB TOTAL	$406.00

REMITTANCE INFORMATION
City of Encinitas 505 S. Vulcan Ave Encinitas, CA 92024

TOTAL **$406.00**

Identify your interest in the challenging determination:

We are long standing members of the local community and care deeply for both the beach and bluff. Additionally, anything that occurs on the bluff directly impacts our property as we reside immediately south of the access point.

Specify exactly what is being appealed. Identify each issue which you believe was wrongly determined together with every argument and a copy of every item of evidence submitted to the subordinate entity that supports your allegations:

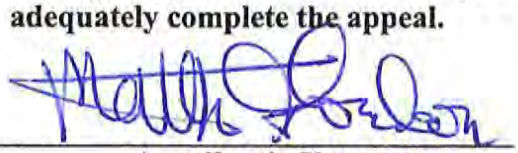
Please see attached narrative.

Action you wish to be taken:

Appeal the approved CDP by the Planning Commission. Request that all monitoring and related construction be removed immediately from the coastal bluff. Request that City and Coastal Commission staff develop a long terms solution that protects the bluff through a permanent soil concrete berm. Until such time, the bluff access should be closed.

(You may attach additional documentation <u>but all blanks on this form must be completed)</u>

NOTE: An incomplete appeal and fee shall be returned to you and considered to be inappropriately filed. The appeal period expires 15 days after the determination and cannot be extended for you to adequately complete the appeal.



Appellant's Signature

July 12, 2022

Date

Once your issue has been scheduled before the City Council, you will be notified of the date and time it will be on the agenda as indicated below.

ADMINISTRATIVE HEARING: Any person who wishes to submit a written position with arguments, documents, exhibits, letters, photos, charts, diagrams, videos, etc., addressing the challenged determination must submit these to the City Clerk by 5:00 P.M. <u>seven (7) calendar days prior to the hearing date. NO NEW INFORMATION WILL BE CONSIDERED BY THE CITY COUNCIL AFTER THIS DEADLINE. NO OTHER MATERIALS SHALL BE RECEIVED OR CONSIDERED AT THE HEARING.</u> Upon filing with the City Clerk, those items will be available to the public. Any questions, please contact the City Clerk at 633-2601.

Filing of an appeal must comply with Chapter 1.12 of the Municipal Code (attached). The following application must be complete or the appeal will be returned to the appellant. An appeal must be delivered to the City Clerk by 5:00 p.m. of the 15th calendar day following the determination.

Note: Pursuant to Section 66452.5 of the State Map Act, a <u>10 day appeal period</u> is required for subdivisions, tentative maps and tentative parcel maps. A public hearing is required to be held within 30 days of the appeal.

PLEASE SEE ATTACHED MUNICIPAL CODE SECTION 1.12 WHICH EXPLAINS THE APPEAL PROCESS.

MEDIATION: The City offers a mediation program as an alternative to appeals. If you are interested in resolving project issues or disputes through mediation, please view the City's Mediation Program webpage at http://www.encinitasca.gov/mediation. You may also contact the Code Enforcement Department at 760-633-2685 or via email at **code@encinitasca.gov**.

PLEASE SEE ATTACHED MUNICIPAL CODE SECTION 1.10 WHICH EXPLAINS THE MEDIATION PROCESS FOR LAND USE AND DEVELOPMENT PROJECTS.

Chapter 1.12 APPEALS

1.12.010 Scope.

A. As used in this chapter, "determination" refers to a final, non-recommending determination by a board, committee, commission, or department subordinate to the City Council. Unless otherwise provided by law, or this Code, or an action of the City Council, an appeal of a determination shall be made and processed in accordance with the provisions of this chapter.

B. The procedures in this chapter shall also apply when this Code authorizes an appeal to a superior authority (other than the City Council) of a final determination by a subordinate authority. In such case, "City Council," as used in this chapter, shall be deemed to refer to the superior authority.

C. The decision by the City Council is the final action of the City.

D. Whenever a time limit provided for in this chapter falls upon a City holiday, the limit shall be extended to 5:00 p.m. of the next business day of the City. (Ord. 98-03)

1.12.020 Filing an Appeal.

A. Appellant. One or more persons may file an appeal objecting to a determination.

B. Sufficiency of Appeal. To be sufficient for filing, an appeal must be:

1. Delivered to the City Clerk, by 5:00 p.m. of the 15th calendar day following the determination which is challenged. Except, an appeal of the approval or denial of a subdivision map, a lot line adjustment, or certificate of compliance reviewed pursuant to Title 24 of the Municipal Code must be delivered by 5:00 p.m. of the 10th calendar day following the date of the determination;

2. Accompanied by a proper filing fee as established by City Council resolution; and

3. In writing and legibly set forth:

a. The appellant's full name, address and phone number;

b. The board, commission, committee or department which rendered the determination;

c. The date of the determination;

d. The determination to which the appeal is made;

e. The appellant's interest in the challenged determination; and

f. Each issue which the appellant alleges was wrongly determined together with every argument and a copy of every item of evidence submitted to the subordinate entity that supports the appellant's allegations.

C. An insufficient appeal shall be returned to the person without filing.

D. When the time for filing an appeal has expired and a person has filed a timely appeal, the City Clerk shall notify the appropriate department director who shall:

1. Notify the real party in interest (unless the real party in interest filed the appeal) that an appeal has been filed and that the determination has been suspended;

2. Set the matter on an agenda for public hearing by the City Council; and

3. Notify the parties involved of the date and time of the public hearing.

4. Exception: If the appeal concerns a determination involving a subdivision map, a lot line adjustment or certificate of compliance determination reviewed pursuant to Title 24 of the Municipal Code, the department director shall set the appeal for a public hearing. The public hearing shall be set within 30 days of the appeal

being filed and shall be conducted in accordance with City Council procedures for public hearings. (Ord. 98-03; Ord. 2001-09; Ord. 2003-08)

1.12.030 Material for Public Hearing.

A. Material From Other Persons. On or before 5:00 p.m., seven calendar days prior to the public hearing, any person may submit to the City Clerk for filing a written position with arguments, documents, and information, and also may file exhibits, letters, photos, charts, diagrams, videos, etc., addressing the challenged determination. Written positions with arguments, documents, information, exhibits, letters, photos, charts, diagrams, or videos, etc., will not be filed, submitted to or considered by the City Council for public hearing, unless they are timely filed with the City Clerk. Upon filing with the City Clerk, those items will be available to the public.

B. Appeal Documents. The appellant's appeal documents shall be available to the public, and will be submitted at the public hearing.

C. Staff Report. The City department may prepare and submit to the City Council a public hearing staff report which may include a proposed resolution setting forth proposed findings, conclusions and determinative actions. It shall incorporate materials submitted to the subordinate entity. The public hearing staff report will be made available to the public no less than three calendar days prior to the public hearing.

D. Staff Review of Material Submitted From Other Persons. The City department may review and respond in writing to the material submitted pursuant to subsection A of this section. The City department response may be provided to the City Council up to the time of the public hearing. (Ord. 98-03; Ord. 2005-07)

1.12.040 Public Hearing to Consider Appeal.

The public hearing to consider the appeal shall be conducted in accordance with the following:

A. Materials. At the public hearing, the City Council shall only receive and consider the following materials:

1. Public hearing staff report which will include the materials submitted to the subordinate entity. The report may include a proposed resolution setting forth proposed findings, conclusions and determinative actions.

2. Each timely filed written position with arguments, documents, information, exhibits, letters, photos, charts, diagrams, or videos, etc. (required to be submitted seven calendar days prior to the hearing pursuant to Section 1.12.030A).

3. Any written response provided by a City department pursuant to Section 1.12.030D.

4. No other materials shall be received or considered at the public hearing.

B. Oral Presentations. At the public hearing, the City Council shall only receive and consider the following oral presentations:

1. The oral staff report, if any. The City Council may ask questions of City staff in order to clarify information;

2. An oral presentation from the appellant and the appellant's representative, if any. The City Council may ask questions of the speaker in order to clarify information;

3. An oral presentation from any member of the public who submits a "request to speak" slip to the City Clerk, prior to the Mayor calling the public hearing item at the meeting. The City Council may ask questions of the speaker in order to clarify information; and

4. An oral rebuttal/summation from the appellant and the appellant's representative, if any. The City Council may ask questions of the speaker in order to clarify information.

C. Determination. Applying City standards to the information presented at the public hearing, the City Council shall make a final determination affirming, overruling, or modifying the subordinate entity's determination; and may direct that such action be taken as the City Council deems necessary. (Ord. 2001-09; Ord. 2005-07)

July 12, 2022
Support for Administrative Appeal of Planning Commission Decision

We are in receipt of and have reviewed the Staff Report from Development Services dated as of June 29, 2022. The Staff Report implied that the project "meets all applicable development regulations and policies." The Staff Report, however, does not adequately address the requirements of the regulations and policies.

The Coastal Act requires approval; any CDP must comply with the LCP and CEQA. Specifically, 30604(a) of the Coastal Act requires that a CDP shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare an LCP in conformity with the provisions of Chapter 3 of the Coastal Act. Moreover, Section 13096 of the Commission's Code of Regulations requires Commission approval of a CDP to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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 should substantially lessen any significant adverse effect that the activity may have on the environment.

Several substantial issues must be raised as part of this appeal and shall be considered part of the administrative record.

1. **Unpermitted Soil Disturbance on Coastal Bluff and Closure of Public Beach.** First, the applicant SIO (hereinafter "Applicant") began work, including but not limited to the installation of various types of monitoring equipment and related construction to support said equipment both on the existing parking lot and along various portions of the sensitive coastal bluff **WITHOUT** obtaining a necessary Coastal Development Permit. As you are all aware, any private property owner would never be able to disturb a bluff without the proper permits, emergency, or otherwise. According to Public Resources Code Section 30611, *"one must contact the District Office within three days (72 hours) of the disaster or discovery of the danger, whichever occurs first, for authorization to conduct emergency action, then submit the required information and attachments below within seven days of taking emergency action."* The Emergency Coastal Development Permit (CDP) was not issued until June 30, 2022, therefore, missing the three-day requirement. The current closure violates the Coastal Act by continuing an unpermitted action. Separately the City's CDP was not approved until June 29, 2022, after the proposed monitoring equipment was installed and operational. To complete work without an approved permit is in direct violation of Coastal Act Section 30600.[1] Additionally, this violates City Municipal Code Section 30.80.010 (*Purpose and Coastal Development Permit Requirement).*

[1] (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

2. **Incorrect Notice for June 29, 2022, Planning Commission hearing for Beach Bluff Monitoring Equipment Plan CDP.** According to the City's Planning Commission Agenda, the Filing Date of the CDP was August 10, 2020. However, it is unclear if this is the case or if an earlier permit had been filed and then rescinded. Regardless, the public agenda notice is factually incorrect. Therefore, the hearing itself is not legitimate as it is based on an incorrect description. As a result, a new hearing must be held in its place. The California Constitution – and the Coastal Act – similarly guarantee due process. Section 30320 of the Coastal Act provides, in the relevant portion: "The people of California further find that in a democracy, due process, fairness, and the responsible exercise of authority are all essential elements of good government which require that the public's business be conducted in public meetings, with limited exceptions for sensitive personnel matters and litigation, and on the official record" (Pub. Res. Code, § 30320(b).)

3. **Denial of Due Process on June 29, 2022, Planning Commission hearing for Beach Bluff Monitoring Equipment Plan CDP**. A member of the general public was denied due process as the zoom option prevented her from having the opportunity to speak during public comment for this agenda item. While the procedural due process requires reasonable notice and opportunity to be heard before the government may deprive a person of a significant property interest (i.e., including the ability to improve the property to its highest and best use), only governmental decisions that are *adjudicative* in nature trigger procedural due process concerns. (*Horn v. County of Ventura* (1979) 24 Cal.3d 605, 612; *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, 622.) "[W]here the Commission hears an administrative appeal from a local government's issuance of a CDP, the Commission is acting in a *quasi-judicial* capacity." (*Security National Guaranty, Inc. v. California Coastal Com.* (2008) 159 Cal. App.4th 402, 416.). This is in addition to the time delays associated with a Zoom environment resulting in Commissioners coming late to the hearing. Related to this is the fact that the City of Encinitas is one of the few, if not the last, to resume in-person Planning Commission hearings. Further, the local Courts, as well as the Coastal Commissions, have all resumed in-person hearings. The original COVID shut down was two and half years ago, yet the City continues to run in a restricted environment. By continuing to have important public input meetings such as Planning Commission by Zoom only, the City is effectively preventing public discourse through technical discrimination. Many in the local community do not have access to or cannot operate Zoom. This has been a long-standing complaint regarding this project. The City must wait to revisit this issue when in-person meetings are resumed.

4. **Incomplete Project Description for Beach Bluff Monitoring Equipment Plan CDP**. The impacts associated with the proposed grading permit should be provided under a complete CEQA analysis. Such details shall include the need and amount related to a grading permit. Generally, grading of any kind is prohibited on a coastal bluff. Furthermore, according to the article from mid-June titled Encinitas, Scripps Institution continue to monitor Beacon's bluff slide, states[2], "Weekly monitoring will continue for the next few months. Once no more movement is detected, city geotechnical engineers will make a recommendation (to) for potential remediation." Neither the staff report nor

[2] https://osidenews.com/2022/06/14/encinitas-scripps-institute-continue-to-monitor-beacons-bluff-slide/

the CD itself provides any idea of timing and what form "potential remediation" will take.

5. **Incomplete Project Description for State Park's Permit Application To Conduct Scientific Research and Collections.** Refer to page 3 (Summary of Field Methods and Activities). The submitted Scripps Plan submitted is for 3-5 pressure sensors. In contrast, the exhibit titled "Beacon's Beach Emergency Permit Site Plan" contained in the staff report (page 35) indicates seven sensors and one seismometer installed on the bluff. Further, a cell tower is erected at the top of the north end. These inconsistencies between the State Permit and the City's CDP for monitoring are alarming and put into question the other exhibits. The SIO has stated that the new monitoring equipment has never been used before and, more importantly, is unclear as to its effects on the surrounding residences nearby and the natural ecosystem. From a public safety perspective, it is unacceptable to experiment on the local environment. Additionally, no effect has been made to educate, much less inform, the neighborhood or the community on the effects of said community. Case in point, SDG&E provided an opt-out program for smart meters. Therefore, consistent with CEQA, the City must include environmental impact analysis, including the potential impacts on the natural environment, including the avian population.

6. **Incomplete Public Record for Grant Allocation**. The public record is unclear on how the monitoring grant was awarded and why the applicant was selected versus AECOM, which has been studying the Beacon's Beach bluff for over a decade. Such lack of detail only further highlights the incompleteness of the staff report and the associated CDP application. This also puts into question the legitimacy of the grant allocation process.

7. **Inconsistent and Hazardous Action Taken by the City**. According to the recently obtained Emergency CDP, "*A bluff failure and reactivation of a historic landslide occurred between May 1 and 2, 2022, causing visible cracks and fissures along the bluff and destabilizing the existing public access trail, including knocking down handrails and undermining a portion of the wooden access stairs and path.*" If the area is genuinely unsafe, as stipulated in the CDP, why did the City open up the bluff path before the July 4th holiday weekend? Is the bluff safe or not? Again, this inconsistency in City action is not only alarming but is placing the general public in harm's way and creating a public hazard. By allowing both monitoring and continued public access, the City is engineering a disaster in the form of a bluff failure. No amount of monitoring will prevent the inevitable from occurring. Instead, the City must reinforce the bluff consistent with previous recommendations from qualified coastal geologists and the approved Ed Dean study 4C that would have stopped this current failure from happening. According to the letter addressed to Mr. Magdosku, City Engineer, Encinitas, dated July 5, 2018, from David L. Schug of AECOM (pages 75 and 76 of the Planning Commission staff report), "*...The existing conditions on the project site involve a clear and imminent danger that demands immediate action to prevent or mitigate the loss of, or damage to life, health, property, or essential public services. Two events are potentially hazardous: namely: 1) minor earthquake shaking and 2) continued upper bluff erosion. These events present the risk of renewed landslide movement and instability of the upper bluff that could occur in*

the short term...." The letter states on page 79 of the Staff Report, "*The existing Beacon's Landslide was an emergency situation creating an unstable geologic landform that was never mitigated for public beach access. The current site conditions at Beacon's have become increasingly more precarious with further decreased geologic stability as a result of erosion and landslide movements over the past 35 years. The marginally stable site conditions have worsened from the site instability initiated by the unexpected landslide movement in the early 1980s. Ongoing coastal bluff erosion and instability at Beacon's Beach, like similar coastal settings, tend to be episodic and can occur in response to waves, rainfall, and/or progressive weathering with steepening of the slope. These naturally recurring conditions are almost certain to happen in the short term. Based on over 15 years of site monitoring, continued average erosion that will further degrade the upper bluff has a high probability of occurring in the short term. Landslide movements and bluff instability can occur in the short term and are difficult to monitor and predict in the coastal setting.* The fact that AECOM, which has been involved with this project for several decades, long before SIO, has stated that monitoring and prediction are difficult, only further drives home the point. The act of monitoring does not prevent a hazardous event from occurring. The City, Coastal Commission, and SIO are all legally liable for any future loss of life. Simply monitoring does not change this or remove the stain of liability from these agencies.

Concluding Thoughts

The soil slippage event and subsequent lack of permitting (i.e., violations of the Coastal Act) result from a long history of ill-advised short-term fixes. A clear pattern of neglect by the State (Coastal Commission and State Parks) and the City has occurred since the at-grade stairs collapsed on the North Beacon side due to a storm event in 1983.

The bottom line, the community and the beach-going general public cannot be a party to this continued undefined experiment. We cannot continue to keep revisiting this issue every year. **Either fix it or close it. The time is now for a long-term planned solution that includes all members of the public who frequent Beacon's Beach.**

Attachments

1. June 22, 2022, letter addressed to the California Coastal Commission from Concerned Neighbors.
2. June 20, 2022, Emergency Coastal Development Permit G-6-22-0026 (Beacons Beach Bluff Failure), California Coastal Commission
3. January 17, 2022, Application and Permit to Conduct Scientific Research and Collections, State of California – Natural Resources Agency

CALIFORNIA COASTAL COMMISSION
455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105
PHONE: (415) 904-5200
FAX: (415) 904-5400
WEB: WWW.COASTAL.CA.GOV

EMERGENCY COASTAL DEVELOPMENT PERMIT

Emergency G-6-22-0026 (Beacons Beach Bluff Failure)

Issue Date: June 29, 2022

Permittee: City of Encinitas, Attn: Anna Colamussi

Emergency Location: Beacon's Beach bluffs and public access trail, along Neptune Avenue near West Leucadia Blvd, Encinitas, San Diego County. (APN No: 254-04-031).

Emergency Description: A bluff failure and reactivation of a historic landslide occurred between May 1 and 2, 2022, causing visible cracks and fissures along the bluff and destabilizing the existing public access trail, including knocking down handrails and undermining a portion of the wooden access stairs and path.

Emergency Development: Immediate and temporary closure of the Beacon's Beach bluff and public access trail from May 2, 2022 through approximately July 31, 2022, including installation of temporary fencing at the top of bluff and beach to prevent the public from entering the failure area, closure of the public parking lot, and placement of sensors and equipment for bluff stability monitoring. Closure and placement of the sensors occurred on 5/2/2022.

Executive Director's Determination
The Executive Director of the California Coastal Commission hereby finds that: (a) a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services exists (i.e., an "emergency" (see Title 14 California Code of Regulations Section 13009 and California Coastal Act (Public Resources Code) Section 30624); (b) the emergency requires action more quickly than allowed by the procedures for regular CDPs; (c) the emergency development can and will be completed within 30 days unless otherwise specified by the terms of this ECDP; (d) the emergency development carried out under this ECDP is considered temporary work done in an emergency situation to abate an emergency and is undertaken at Permittee risk; (e) a regular CDP must be obtained for the emergency development to become more than temporary emergency abatement and/or if the Permittee wishes to expand the scope of work beyond that authorized by this ECDP; (f) absent obtaining a regular CDP, the emergency development shall be removed and the affected area restored; and (g) Commission staff will review public comment on the proposed emergency development as time allows.

The emergency development is hereby approved, subject to the conditions listed below.

Diana Lilly 6/30/2022

Diana Lilly, San Diego Coast District Manager, for John Ainsworth, Executive Director

Enclosure: ECDP Acceptance Form

cc: (via email): Anna Colamussi (City of Encinitas); Darren Smith (California State Parks)

Conditions of Approval

1. The enclosed ECDP acceptance form must be signed by the Permittee and returned to the California Coastal Commission's San Diego Coast District Office within 15 days of the date of this ECDP (i.e., by July 14, 2022). This ECDP is not valid unless and until the acceptance form has been received in the San Diego Coast District Office.

2. All emergency development shall be limited in scale and scope to that specifically identified in the Emergency Permit Application Form dated received in the Commission's San Diego Coast District Office on June 21, 2022. Only that emergency development specifically described in this ECDP and for the specific location listed above is authorized. Any other development requires separate authorization from the Executive Director or the Commission, as applicable.

3. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of Encinitas, California State Parks, California State Lands Commission, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, etc.). The Permittee shall submit to the Executive Director copies of all such authorizations and/or permits upon their issuance.

4. By exercising this ECDP, Permittee acknowledges and agrees that: (a) the emergency development is temporary, is designed to temporarily abate the emergency, and shall be removed unless and until a regular CDP authorizing the work is approved, and provided the Permittee adheres to such regular CDP's terms and conditions; and (b) a regular CDP is subject to all of the provisions of the California Coastal Act (as codified in Sections 30000 to 30900 of the Public Resources Code) and any applicable Local Coastal Program (LCP) policies and may be conditioned accordingly to avoid and/or to offset coastal resource impacts consistent with the Coastal Act (and LCP as applicable) (including but not limited to requirements for public access provisions (such as offers to dedicate, easements, in-lieu fees, etc.), assumption/disclosure of risks (including deed restrictions), triggers for relocation/removal, offsetting mitigations, etc.). The Permittee acknowledges that review of the CDP application to determine consistency with the Coastal Act (and LCP as applicable) will be based on the conditions the property was legally in prior to initiation of the temporary emergency development that is the subject of this ECDP.

5. By exercising this ECDP, the Permittee acknowledges and agrees in relation to this ECDP and the emergency development that it authorizes: (a) to assume all risks (including all coastal hazard risks, that include but are not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise); (b) to unconditionally waive any claim of damage and/or liability against the Commission and/or its officers, employees, agents, successors and/or assigns; (c) to indemnify and hold harmless the Commission and its officers, employees, agents, successors and/or assigns 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, including as it relates to any damages to public and/or private properties and/or personal injury; (d) that any adverse effects to property or people caused by the emergency development shall be fully the responsibility of the Permittee.

6. The Permittee shall reimburse the Commission in full for all Commission costs and attorneys' fees (including but not limited to such costs/fees that are: (a) charged by the Office of the Attorney General; and/or (b) required by a court) that the Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Commission, its officers, employees, agents, successors and/or assigns challenging the approval or issuance of this ECDP, the interpretation and/or enforcement of ECDP terms and conditions, or any other matter related to this ECDP. The Permittee shall reimburse the Commission within 60 days of being informed by the Executive Director of the amount of such costs/fees. The Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission, its officers, employees, agents, successors and/or assigns.

7. Within 90 days of ECDP issuance (i.e., by September 27, 2022), the Permittee shall either: (a) remove all of the materials placed or installed in connection with the emergency development, and restore all affected areas to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP); or (b) submit a complete application to the City of Encinitas for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development). If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the City, or if it remains incomplete for a period of 90 days, then all of the materials placed and/or installed in connection with the emergency development shall be removed, and all affected areas shall be restored to their prior condition or better, all subject to Executive Director review and approval (and, in some cases, if directed by the Executive Director, subject to a regular CDP).

8. Failure to meet any of the applicable requirements of Condition 7 above shall constitute a knowing and intentional violation of the Coastal Act and may result in formal enforcement action by the Executive Director and/or the Commission. Such formal action may include: recordation of a Notice of Violation on the Permittee's property; the issuance of a Cease and Desist Order and/or a Restoration Order; imposition of administrative penalties of up to $11,250 per day per violation; a civil lawsuit (that may result in the imposition of monetary penalties, including daily penalties of up to $15,000 per violation per day); and/or other applicable penalties and relief pursuant to Coastal Act Chapter 9. In addition, failure to follow and meet all terms and conditions of this ECDP shall also constitute a knowing and intentional Coastal Act violation to which the same actions above may be applied.

9. All emergency development shall be limited to the least amount necessary to temporarily abate the emergency, and shall be undertaken in a time and manner that avoids any and all coastal resource impacts as much as possible, including avoiding

impacts to public access. The Permittee shall keep the Executive Director informed regarding emergency development progress, including in terms of any issues encountered that may require adjustment.

10. Minor adjustments to the requirements above, including deadline adjustments, may be allowed by the Executive Director if the Executive Director determines that such adjustments: (a) are deemed reasonable and necessary to help to temporarily abate the identified emergency, including as emergency conditions may change; (b) are designed to avoid coastal resource impacts (and limit those that are unavoidable) as much as possible; and (c) in the case of deadline extension adjustments, are appropriate in light of circumstances, including that the Permittee has shown diligence in pursuing the emergency development and meeting all ECDP terms and conditions.

11. By exercising this ECDP, Permittee acknowledges and agrees that this ECDP shall not constitute evidence against and/or a waiver of any public rights which may exist on the property.

12. The Permittee shall disclose this ECDP, including all of its terms and conditions, to any prospective buyer of the affected property during the period of time that any development that is the subject of this ECDP remains on such property.

13. Failure to comply with the terms and conditions of this ECDP may result in enforcement action under the provisions of Coastal Act Chapter 9. The issuance of this ECDP does not constitute admission as to the legality of any development undertaken on the property without a CDP and shall be without prejudice to the California Coastal Commission's ability to pursue any remedy under Coastal Act Chapter 9.

If you have any questions about the provisions of this ECDP, please contact the Commission's San Diego Coast District Office at SanDiegoCoast@coastal.ca.gov or 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108, (619) 767-2370.

CALIFORNIA COASTAL COMMISSION
SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384

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. 6-22-0026-G**

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 90 days of the date of the emergency permit (i.e., by September 27, 2022).

_____
Signature of property owner

_____
Name

_____
Address

_____

_____

_____
Date of Signing

State of California - Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

APPLICATION AND PERMIT TO CONDUCT SCIENTIFIC RESEARCH AND COLLECTIONS

☐ BIOLOGICAL ☐ GEOLOGICAL ☐ PALEONTOLOGICAL
☒ NEW ☐ RENEWAL

FOR DEPARTMENT USE ONLY	
APPLICATION NO. 22-634-01	DATE RECEIVED 1/17/2022
DISTRICT NAME San Diego Coast	CEQA --
PERMIT TYPE: ☐ Biological ☐ Geological / Soils ☐ Paleontological ☒ Other: beach sensor	
☐ Summary Report Received	
☐ Insurance Required ☐ Liability Waiver Required	

The Principal Investigator hereby applies to the Department of Parks and Recreation for a Permit under Title XIV, California Code of Regulations, Section 4309, and Public Resources Code Section 5097.5/5001.65, to conduct investigations on lands of the State of California.

Instructions: Applications must be TYPED and signed upon submission. If more space is needed, continue on separate sheet(s). Attach to your application: (1) a Curriculum Vitae (CV) or résumé for the Principal Investigator (and for the person(s) overseeing field work, if different from PI); (2) maps, coordinates, and/or GIS files indicating precise locations of proposed work; (3) a full study proposal; **and** (4) copies of any additional permits required for your research. Complete application packages should be sent to the district office that administers the park unit(s) where the research will take place, or to the Natural Resources Division, Sacramento, for multi-district requests. *At the request of the Department, you may be required to submit proof of insurance and/or obtain participant liability waivers.*

APPLICANT ORGANIZATION	PHONE NO. (Incl. Area Code)
Scripps Institution of Oceanography, UC San Diego	858 822 3378
ORGANIZATION MAILING ADDRESS / CITY / STATE / ZIP CODE	E-MAIL ADDRESS
9500 Gilman Drive, CA 92093-0209	adyoung@ucsd.edu

PRINCIPAL INVESTIGATOR (PI) - ATTACH RÉSUMÉ OR CV
(NOTE: Faculty advisor/sponsor must sign as PI for student applicants)

NAME	TITLE	CELL PHONE NO. (Incl. Area Code)
Adam Young	Researcher	760 815 9149
MAILING ADDRESS / CITY / STATE / ZIP CODE		E-MAIL ADDRESS
9500 Gilman Drive, CA 92093-0209		adyoung@ucsd.edu

PERSON IN DIRECT CHARGE OF FIELD WORK - ATTACH RÉSUMÉ OR CV IF DIFFERENT FROM PI

NAME	TITLE	CELL PHONE NO. (Incl. Area Code)
Brian Woodward	Engineer	858 245-5559
MAILING ADDRESS / CITY / STATE / ZIP CODE		E-MAIL ADDRESS
9500 Gilman Drive, La Jolla, CA 92093		bwoodward@ucsd.edu

ADDITIONAL PARTICIPANTS - ATTACH CONTINUATION SHEETS, IF NECESSARY

	NAME	TITLE	CELL PHONE NO. (Incl. Area Code)
1	R. T. Guza	Professor Emeritus	858 610 3146
	MAILING ADDRESS / CITY / STATE / ZIP CODE		E-MAIL ADDRESS
	9500 Gilman Drive, La Jolla, CA 92093		rguza@ucsd.edu
2	Michele Okihiro	Engineer	858 997 8978
	9500 Gilman Drive, La Jolla, CA 92093		mokihiro@ucsd.edu
3	Kent Smith	Mechanician	619 770 9425
	9500 Gilman Drive, La Jolla, CA 92093		kdsmith@ucsd.edu
4	Rob Grenzeback	Engineer	617 899 0225
	9500 Gilman Drive, La Jolla, CA 92093		rgrenzeback@ucsd.edu
5	Lucian Parry	Marine Technician	858 752 9899
	9500 Gilman Drive, La Jolla, CA 92093		loparry@ucsd.edu
6	Shane Finnerty	Marine Technician	360 722 0268
	9500 Gilman Drive, La Jolla, CA 92093		shfinnerty@ucsd.edu
7	Mele Johnson	Staff Research Associate	858 997 9439
	9500 Gilman Drive, La Jolla, CA 92093		mej032@ucsd.edu

STATE PARK UNIT(S) TO BE INCLUDED ON PERMIT	COUNTY(IES)
Leucadia State Beach	San Diego

1. PROJECT TITLE

Beacons slope stability monitoring

2. PROJECT PURPOSE

The monitoring is for a research project funded by CA State Assembly Bill 66 that will inform recommendations for the development of an early coastal landslide warning system. The project will monitor ground movement, landslides, waves, rainfall, groundwater, and erosional processes at several coastal sites in San Diego including Beacons Beach in Encinitas.

3. DESCRIPTION OF PROJECT LOCATION(S) *(Also attach maps, coordinates [projection required for the GPS coordinates], and/or GIS files for each distinct location.)* **For Paleontological permits:** Provide Geological Formation

Beacons Beach in Leucadia State Beach.

4. METHOD OF ACCESS *(Describe methods [including type of vehicle] to be used for accessing study sites after arrival at the park unit(s).)*

All terrain vehicle, 4WD, and by foot.

5. SUMMARY OF FIELD METHODS AND ACTIVITIES

A pressure sensor and current meter will be installed to measure incident waves offshore in 8-10 m water depth. 3-5 pressure sensors will also be buried in the beach face to measure wave runup. These pressure sensors will be buried below the sand surface by fluidizing the surrounding sand with water jets or by digging holes with shovels or a mechanical digger. Sensors are self-contained (internal power and data acquisition), have no moving parts, and will be regularly monitored and re-buried or removed if they become exposed. There will be no surface expression of these buried beach face sensors.

6. TYPES OF SPECIMENS TO BE COLLECTED *(List species, quantity, size, and condition.)*

None

7. EXPECTED DURATION OF THE PROJECT *(Specify overall project start and end dates and start and end dates of field investigations.)*

Jan 1, 2022 - Dec 31, 2024

8. PLACE AT WHICH LABORATORY WORK WILL BE PERFORMED *(Institution, address, and responsible official name, phone number, and e-mail address)*

Scripps Institution of Oceanography UC San Diego
9500 Gilman Drive
La Jolla CA, 92093-0209
Adam Young
858-822-3378
adyoung@ucsd.edu

9. FACILITY THAT HAS AGREED TO CURATE SPECIMENS COLLECTED UNDER THIS PERMIT *(Institution, address, and responsible official name, phone number, and email address)*

Not applicable

10. LOCATION OF DATA AND DATA PRODUCTS COLLECTED UNDER THIS PERMIT *(Specify institution name and/or website where data, maps, reports, GIS files, photos, and other data products (not specimens) will be archived after the project is completed.)*

Scripps Institution of Oceanography UC San Diego
9500 Gilman Drive
La Jolla CA, 92093-0209
Adam Young
858-822-3378
adyoung@ucsd.edu

NOTE: APPLICATION IS INCOMPLETE UNTIL SIGNED.

PERMIT TO CONDUCT SCIENTIFIC RESEARCH AND COLLECTIONS

ALL PARTICIPANTS MUST CARRY THIS PERMIT AT ALL TIMES WHILE CONDUCTING FIELD RESEARCH/COLLECTIONS.

The Department of Parks and Recreation desires to further scientific research within its jurisdiction through cooperation with researchers within the Department's mission to provide long-term protection and management of ecological processes and natural resource elements.

STANDARD CONDITIONS AND RESTRICTIONS

1. General classroom collection is not allowed under this permit.
2. This permit applies only to non-cultural materials, and is limited to the kind, number, and sizes of collections described on this form. Archeological material may NOT be collected under this permit.
3. "Collections" are defined as any material gathered during permitted activity. The collections shall be used for scientific or interpretive purposes only, and shall not be used for commercial purposes. Collections shall remain property of the Department. Curated collections shall be maintained by the Institution listed on page 3, item number 9. Collections should be accomplished by methods that conserve resources. Collections may be transferred to another location with prior written approval from the Department.
4. The collecting must be done away from roads, trails, and developed areas, unless such localities are specified in the permit. Collection shall be done in an inconspicuous manner, and shall not cause damage to the environment. The Department may impose permit-specific conditions (See page 6). Permit-specific conditions shall supersede any conflicting standard conditions and restrictions.
5. Activities conducted in areas designated as sensitive require prior surveys conducted by a State Park resource specialist, and/or a State Park resource specialist may be assigned to the project as a monitor. At the sole discretion of the Department, the Permittee may be required to schedule surveys and/or reserve a project monitor and reimburse the Department for the State Park resource specialist's time and expenses.
6. The Permittee shall submit a summary of information gathered to the applicable District where the investigation(s) took place, and to the Chief of the Natural Resources Division in Sacramento. The Permittee must also make available to the Department any material published as a result of this permit. Upon completion, a copy of such published material shall be submitted to: Natural Resources Division, Department of Parks and Recreation, PO Box 942896, Sacramento, CA 94296-0001.
7. The Permitee shall contact the appropriate District Superintendent (or designee) to receive district approval prior to proceeding with any field activities, and to present a copy of this permit, together with evidence of additional licenses and permits, if required.
8. All participants conducting activities approved by this permit shall inspect their shoes, clothing, vehicles, tools, and equipment for the presence of organic matter and soil, and if present, shall clean these items prior to entering and upon leaving the park to minimize potential spread of invasive species.
9. If permit activities are not carried out to the satisfaction of the Department, this permit may be immediately cancelled.
10. All applicable laws and regulations must be observed by participants in exercising the privileges granted in this permit. It is the responsibility of the Permittee to obtain any additional permits or approvals required for research/collection activities, and to know the boundaries and managing authority of specially designated protected areas or sanctuaries.
11. The Permittee, and all participants, are responsible for knowing and complying with all general rules and regulations for use of Department lands as well as any specific conditions or regulations for this permit and subject property.
12. Applicant Organization agrees to comply with the waiver and indemnity requirements found on page 5, incorporated by reference.
13. For activities presenting greater risk or liability, and at the sole discretion of the Department, Applicant Organization may be required to obtain and present sufficient proof of insurance and/or obtain signed liability waivers from all participants.
14. Questions regarding this permit should be directed to the District Superintendent or the Natural Resources Division's Research Permit Coordinator (multi-district).

I have read the Standard Conditions and Restrictions above and agree to comply with any additional special conditions. I certify under penalty of perjury that all information on this application (including attachments) is true, complete, and correct.

PRINCIPAL INVESTIGATOR'S SIGNATURE *(Faculty sponsor must sign for student applicants)* ▶	PRINTED NAME	DATE
	Adam Young	Jan 13, 2022
STUDENT APPLICANT'S SIGNATURE (IF APPLICABLE) ▶	PRINTED NAME	DATE

It is the responsibility of the Principal Investigator to ensure that all participants comply with all standard and special conditions. It is the responsibility of the Applicant Organization to meet indemnification and insurance requirements.

Scripps Institution of Oceanography, UC San Diego
Adam Young

PERMIT TO CONDUCT SCIENTIFIC RESEARCH AND COLLECTIONS
WAIVER and INDEMNITY AGREEMENT

Waiver Agreement

Applicant Organization waives all claims and demands against the California Department of Parks and Recreation, its officers, agents, and/or employees for any and all loss, injury, death or damage caused by, arising out of, or in any way connected with this Permit, use of any access route to the Permit activities, or Applicant Organization's exercise of the rights granted by this Permit, except those arising out of the sole negligence or willful misconduct of the California Department of Parks and Recreation or its employees.

Indemnity Agreement

Applicant Organization hereby agrees to comply with the following (initial appropriate section) indemnity agreement:

_____ ***Standard Applicant (select this section unless a Federal Applicant or University of California Applicant)***

Applicant Organization agrees to be responsible for damages to persons or property caused by negligent acts or omissions of its employees acting within their scope of employment. Applicant Organization shall protect, save, hold harmless, indemnify, and defend the State, its officers, agents, and/or employees, from and against any and all loss, damage, claims, demands, liability, costs, recoveries, settlements, penalties, fines and expenses, including, without limitation, all legal fees, attorney fees, accounting fees, expert witness fees, consultant fees, interest and expenses related to the response to, settlement, and/or defense of any claims, legal actions, or liability, which may be suffered or incurred by the State, its officers, agents and/or employees, caused by, arising out of, or in any way connected with this Permit, use of any access route to the Permit activities, or Applicant's exercise of the rights granted by this Permit, except those arising out of the sole negligence or willful misconduct of the State. The obligations contained in this Section, including the waiver and indemnity obligations, shall survive termination of this Permit.

_____ ***Federal Applicant***

Federal Applicant agrees to be responsible for damages to persons or property caused by the negligent acts or omissions of Federal employees acting within the scope of their employment in accordance with the Federal Tort Claims Act, codified at 28 USC 2671 et seq. If found liable in a federal court of competent jurisdiction, the Federal Applicant agrees to pay attorneys' fees to the extent permitted under federal law. To the extent allowable by Federal law, Federal Applicant shall defend the State and its employees from claims arising from the permit activities, except those arising from the sole negligence or willful misconduct of the State or its employees.

X _____ ***University of California Applicant***

University of California Applicant agrees to be responsible for damages to persons or property caused by negligent acts or omissions of its employees acting within their scope of employment. *THE REGENTS OF THE UNIVERSITY OF CALIFORNIA shall defend, indemnify and hold THE STATE OF CALIFORNIA AND ITS AGENCIES, their respective officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, its officers, agents, or employees.*

THE STATE OF CALIFORNIA shall defend, indemnify and hold THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, its officers, employees and agents harmless from and against any and all liability, loss, expense, attorneys' fees, or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of THE STATE OF CALIFORNIA OR ITS AGENCIES, their respective officers, agents, or employees. (1988 UC/ DGS Agreement)

I hereby certify that I am a representative of Applicant Organization authorized to agree to the above indemnification requirements of this permit.

AUTHORIZED REPRESENTATIVE SIGNATURE	PRINTED NAME	DATE
►Jeff W. Graham	Jeff W. Graham	1/15/2022

PERMIT TO CONDUCT SCIENTIFIC RESEARCH AND COLLECTIONS

SPECIAL CONDITIONS

1) Leucadia State Beach is operated by the City of Encinitas. At least two business days prior to field work, please notify Marine Safety Captain David Brown dbrown@encinitasca.gov, (760) 633-2766.

2) If project staff need to drive on either beach, they must obtain a no-fee Beach Encroachment Permit from the City of Encinitas engineering counter on the day of field work.

3) Carry a copy of this permit at all times while in the field.

4) When driving on the beach, drive on hard pack sand only, below the high tide line, maintain low speeds under 10mph, use vehicles with SIO placards, avoid crowded areas and do not drive through groups of birds.

5) Researchers must follow best management practices to prevent the spread of invasive species: clean equipment, footwear and clothing of all plant material and soil/mud/invertebrates before arriving at Leucadia SB.

6) To renew this permit, submit a summary report along with the application to cara.stafford@parks.ca.gov 60 days in advance of your current permit's expiration date. A final report and any associated data products must also be submitted to State Parks upon project completion.

FOR DEPARTMENT USE (REVIEW/APPROVAL)

REVIEWED BY: (DocuSigned by:) Cara Stafford	DISTRICT ENVIRONMENTAL SCIENTIST Cara Stafford	DATE 2/7/2022
REVIEWED BY: (70E0E3F56994479...) Gina Moran	DISTRICT SUPERINTENDENT / MANAGER Gina Moran	DATE 2/7/2022
DPR APPROVAL SIGNATURE* (DocuSigned by: 2A450BBA1D4E423...) Gina Moran	PRINTED NAME / TITLE Gina Moran	DATE 2/7/2022
OTHER DPR APPROVAL SIGNATURE (OPTIONAL)* (2A450BBA1D4E423...)	PRINTED NAME / TITLE	DATE

**NOTE: If all park units in single DPR District, Superintendent has approval authority. For more than one DPR District, Natural Resources Division EPM must approve.*

PERMIT VALID FROM: 2/8/2022 ***TO:*** 2/8/2023

DocuSign

Certificate Of Completion

Envelope Id: 45CAAEBEFB914FD1ACB3E26FF8E2EABE
Subject: Please DocuSign: DPR065-AYoung_Beacons.pdf
Source Envelope:
Document Pages: 6
Certificate Pages: 2
AutoNav: Enabled
EnvelopeId Stamping: Disabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Signatures: 1
Initials: 0

Status: Completed

Envelope Originator:
Michele Okihiro
9500 Gilman Dr.
La Jolla, CA 92093
mokihiro@ucsd.edu
IP Address: 132.239.117.6

Record Tracking

Status: Original
1/14/2022 11:47:48 AM

Holder: Michele Okihiro
mokihiro@ucsd.edu

Location: DocuSign

Signer Events	Signature	Timestamp
Jeff W. Graham jgraham@ucsd.edu Executive Director | Real Estate University of California San Diego Security Level: Email, Account Authentication (None)	Jeff W. Graham Signature Adoption: Pre-selected Style Using IP Address: 68.8.157.225	Sent: 1/14/2022 11:52:05 AM Viewed: 1/15/2022 11:15:25 AM Signed: 1/15/2022 11:15:49 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
In Person Signer Events	**Signature**	**Timestamp**
Editor Delivery Events	**Status**	**Timestamp**
Agent Delivery Events	**Status**	**Timestamp**
Intermediary Delivery Events	**Status**	**Timestamp**
Certified Delivery Events	**Status**	**Timestamp**
James Golde jgolde@UCSD.EDU Director Asset Management UCSD - Real Estate Security Level: Email, Account Authentication (None)	VIEWED Using IP Address: 75.80.26.167	Sent: 1/14/2022 11:51:24 AM Viewed: 1/14/2022 11:52:05 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Carbon Copy Events	**Status**	**Timestamp**
Witness Events	**Signature**	**Timestamp**
Notary Events	**Signature**	**Timestamp**

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	1/14/2022 11:51:24 AM
Certified Delivered	Security Checked	1/15/2022 11:15:25 AM
Signing Complete	Security Checked	1/15/2022 11:15:49 AM
Completed	Security Checked	1/15/2022 11:15:49 AM

Payment Events	Status	Timestamps

ADDITIONAL PARTICIPANTS - ATTACH CONTINUATION SHEETS, IF NECESSARY			
8	NAME Julia Fiedler Kannberg	TITLE Postdoc	CELL PHONE NO. (Incl. Area Code) 808 282 8649
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS jfiedler@ucsd.edu
9	NAME Hironori Matsumoto	TITLE Postdoc	CELL PHONE NO. (Incl. Area Code) 858 203 8498
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS himatsumoto@ucsd.edu
10	NAME Zuzanna Swirad	TITLE Postdoc	CELL PHONE NO. (Incl. Area Code) 619 905 3471
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS zswirad@ucsd.edu
11	NAME George Thomas	TITLE GIS Programmer	CELL PHONE NO. (Incl. Area Code) 952 356 9246
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS g4thomas@ucsd.edu
12	NAME Cassandra Hendersen	TITLE Graduate Student	CELL PHONE NO. (Incl. Area Code) 408 324 6097
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS chenders@ucsd.edu
13	NAME Athina Lange	TITLE Graduate Student	CELL PHONE NO. (Incl. Area Code) 858 356 8859
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS alange@ucsd.edu
14	NAME Austin Barnes	TITLE Graduate Student	CELL PHONE NO. (Incl. Area Code) 808 398 9033
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS atbarnes@ucsd.edu
15	NAME Mika Siegelman	TITLE Graduate Student	CELL PHONE NO. (Incl. Area Code) 510 541 5199
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS misiegelman@ucsd.edu
16	NAME Carson Black	TITLE Engineer	CELL PHONE NO. (Incl. Area Code)
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS C
17	NAME William O'Reillly	TITLE Engineer	CELL PHONE NO. (Incl. Area Code) 510 816 0953
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS woreilly@ucsd.edu
18	NAME Sierra Byrnes	TITLE Student	CELL PHONE NO. (Incl. Area Code) 732 614 0084
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS s2byrne@ucsd.edu
19	NAME Esther Nofodji	TITLE Staff researcher	CELL PHONE NO. (Incl. Area Code) 619 417 0827
	MAILING ADDRESS / CITY / STATE / ZIP CODE 9500 Gilman Drive, La Jolla, CA 92093		E-MAIL ADDRESS eanofodji@ucsd.edu

June 22, 2022

John Ainsworth, Executive Director
California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

R: UNPERMITTED Closure of Public Access and Soil Disturbance to Leucadia State Beach "Beacon's Beach" (948 Neptune Avenue Encinitas)

Dear Mr. Ainsworth,

I am writing to the California Coastal Commission regarding Leucadia State Park (Beacons Beach), located in Encinitas, on behalf of concerned homeowners and community members who have reported egregious violations of the Coastal Act.

This letter will outline the following:

1. Background
2. Unpermitted activities (undefined monitoring) on a coastal bluff
3. Unpermitted closure of a critical public access point and related public parking
4. Violation of State Parks Operating Agreement
5. Abuse of the Public Trust Doctrine
6. Necessary Intervention
7. Conclusion

Due to the issue's serious nature, we ask that the Coastal Commission step in immediately and take a leadership role in this matter. This can be accomplished by raising this issue before the Commission at the upcoming July hearing in the Executive Director's Report. We believe the following supporting arguments will convince you of this action.

1. Background:

On Monday, May 2, 2022, Beacon's Beach experienced a soil slippage due to the ongoing lack of sand, exposing the bluff toe. This situation has been further exasperated by the City's policy of denuding the bluff of plant life. On that date, the City of Encinitas decided to hastily close the public parking lot access point at the street on 948 Neptune Avenue Encinitas without notice or permits. The City would not allow the public to view the limited damage from the bluff by further closing the access to the shoreline.

A misleading narrative of a "hazardous landslide" was then disseminated by the City and Scripps Institute of Oceanography. Please refer to the **attached photos** showing the area in question. As you can see, there is limited evidence of slippage except minor cracking in the trail that can be easily remedied.

The soil slippage event and subsequent lack of permitting (i.e., violations of the Coastal Act) result from a long history of ill-advised short-term fixes. A clear pattern of neglect by the State (Coastal Commission and State Parks) and the City has occurred since the at-grade stairs collapsed on the North Beacon side due to a storm event in 1983. We cannot continue to keep revisiting this issue every year. **The time is now for a long-term planned solution that includes all members of the public who frequent Beacon's Beach.**

2. **Unpermitted Activities:**

According to Public Resources Code Section 30611, "*one must contact the District Office within three days (72 hours) of the disaster or discovery of the danger, whichever occurs first, for authorization to conduct emergency action, then submit the required information and attachments below within seven days of taking emergency action.*"

As of June 16, 2022, the City had yet to submit an Emergency Coastal Development Permit (CDP) to the Coastal Commission San Diego District, therefore, missing the three-day requirement. The current closure violates the Coastal Act by continuing an unpermitted action. Separately the forthcoming CDP must include a project description outlining how the City will address the current closure but, more importantly, the long-term solution consistent with the Coastal Act.

The public notes posted on the site are CDPNF-005153 2022, dated 2.1.22, for undefined monitoring, and CDPNF-005457-2022, dated 6.7.22, for removal of public access parking (refer to **attached photos**). However, neither permit has been thoroughly vetted, much less approved in a public forum. More alarming, members of the Scripps Institute of Oceanography have been onsite overseeing unpermitted monitoring. Monitoring that has been undefined occurring on public lands. To complete work without an approved permit is in direct violation of Coastal Act Section 30600.[1] Additionally, this violates City Municipal Code Section 30.80.010 (*Purpose and Coastal Development Permit Requirement).* Please refer to the **attached photos** clearly showing the beach cell tower and solar monitor equipment on the bluff.

3. **Unpermitted Closure of Public Access/Public Parking**

As you can appreciate, public access to our state's beaches is a fundamental right for all. And yet, with the recent closure and previous landslides, that access has continued to be superseded by inaction.

"*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.*" Further, Section 30212.5 of the

[1] (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

Coastal Act states: "*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. Preserving Beacon's Beach long-term through stabilization will ensure that the public will continue to have free access to one of Southern California's strategically located beaches.*"

Over the last ten years, the city has perpetuated a false narrative. For example, the supposed bluff failure plane at the parking area is nonexistent as there is no geologic study that proves its existence. It is a theoretical concept fabricated by the City to remove the public parking. The City states that removing 25 percent of the (already) constrained public parking in the short term will somehow protect the path leading to the beach in the long term. However, this will only perpetuate the pattern of erosion.

Recent city-designed plans propose to narrow the laneway in the parking area so cars can no longer pull over to the side of the lot while unloading. This would set up a dangerous chain of events by putting vehicles in direct conflict with other vehicles trying to pull out, strollers, skateboarders, bikes, and finally, pedestrians, many walking with dogs. Removing all or part of the public parking does not provide a long-term solution as it neither protects public access nor public health and safety. Outside of the increased traffic congestion, the plan creates a severe liability by exposing the upper bluff face to accelerated erosion.

To make matters worse, the City's proposed plan would have vehicles now parked in a southern direction. Members of the general public parking in their vehicles will lose the benefit of viewing the ocean. Even worse, the vehicle headlights will directly shine into the neighboring homes. Cutting back the bluff for the new parking lot will destabilize the sheer on the property to the south (878 Neptune) and create a dangerous hazard for the owners. This new design is therefore inconsistent with Coastal Act Section 30001.[2]

4. Violation of State Parks Operating Agreement

Established in 1949, Leucadia State Beach, also known as Beacon's Beach, is a public beach in Encinitas. It is operated as Beacon's Beach by the City under a 20-year Operating Agreement with the California Department of Parks and Recreation. The term of this agreement is twenty (20) years and will expire on September 30, 2029.

More specifically, it is a shoreline property at a popular beach destination with already limited available public parking. Further, it represents a regionally-significant public recreational resource on the San Diego County coast. In addition to the parking area providing significant, low-cost public access and coastal recreation opportunities, the parking area represents a critical access point to some of the most scenic sections of shoreline in the urban region of San Diego County.

[2] (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

Neither of the Coastal Development Permits mentioned earlier are consistent with the State's 2009 Operating Agreement. According to Section 5. Construction and Completion of Improvements: "*At no cost or expense to State, the City may undertake new construction, reconstruction, alteration, and maintenance to enhance public recreation facilities subject to prior written approval by State. In the event that the City desires to make modifications, improvements, or additions to the Premises or any part of the Premises, including changes to structural design, landscape design, or interior or exterior fixtures, design, and/ or furnishings, Collectively, "Alteration(s)"), written approval by State shall be obtained in the conceptual plan stage, and prior to the commencement of any Alterations, All modifications and additions shall be made in accordance with State's standards for construction and completion of improvements. Review of such will be documented through the State's Project Evaluation Form (PEF) process. Further, all Alterations shall be made in accordance with State's general planning principles and with all applicable state and federal laws, rules, and regulations.*"

The written approval, much less a conception plan, has NOT been provided by State Parks. Once again, the City has not received approval from either the California Coastal Commission or the State Parks.

5. Abuse of the Public Trust Doctrine

Given the list of egregious violations, it would appear that the City, in partnership with the California Coastal Commission, is utilizing this unfortunate situation to pave the way for denying coastal bluff property owners of their Constitutionally protected property rights. The recently published Coastal Commission Draft Public Trust Guiding Principles and Action Plan (May 2022 Coastal Commission Hearing) states that the mean high tide line has shifted landward such that the bluff toe is no longer privately owned but is now in the Public Trust. More specifically, Commission staff is making an unfounded claim that mitigation is needed to keep the beaches open to public use, either by allowing natural decay of the bluff or forcing sea walls to be removed (at owners' expense). This is another avenue for which the Coastal Commission is pushing the "managed retreat" agenda upon homeowners.

Regrettably, the Action Plan does not consider that our shared coastal area is artificially denied sand due to ongoing urbanization in the form of damming up the inland coastal areas alongside various jetties. Without a "natural" condition of sand flow to Encinitas beaches, how can the Coastal Commission and the State Lands Commission know that the mean high tide line would be in a natural condition? Taking this a step further, how can the Commission claim that the bluff toe or the bluff itself is now in the Public Trust?

These unanswered questions have generated significant alarm amongst coastal property owners. Specific to Beacon's Beach, our concern is that allowing unpermitted soil disturbance and undefined monitoring of the bluff toe and the bluff itself establishes precedence for making a condemnation claim under the Public Trust Doctrine.

6. Necessary Intervention

The only solution, and now necessary intervention for Beacon's Beach, is the construction of an erodible soil-cement buttress at the toe of the slope and reconstruction of the slope above the buttress using compacted fill soil. Soil-cement is a compacted mixture of soil, cement, and water. It has been widely used as an economic base for pavements and riverbank stabilization.

The City of Encinitas has completed numerous studies for stabilizing Beacons Beach. For more information, please refer to March 8, 2017, Staff Report drafted by Ed Dean, Deputy Director (**attached**). The proposed design consists of the buttress slope varying from 0.5-1:1 (H: V) to a height of +24 feet Mean Sea Level (MSL) to match the elevation of the top of the Ardath Shale in the adjacent bluffs and the compacted fill soil upper slope inclined at 1.75:1. Finally, a buttress at the toe of the slope is needed to intercept the weak beds in the Ardath Shale that make the slope susceptible to a landslide that would threaten the beach. The proposed "Alternative 4C" was agreed upon, funded, and then never acted upon due to the political support for Surf Riders' advocacy for managed retreat instead of the necessary stabilization.

Coastal Act Section 30235 limits the construction of shoreline protective devices to those required to protect existing structures or public beaches in danger from erosion. Without this critical intervention, there are no viable means to protect public health and safety while maintaining critical public access, including critical public parking. **This solution MUST be considered part of the required project planning for the forthcoming Emergency Coastal Development Permit.**

7. Conclusion

In summary, we have demonstrated that the current soil slippage event and subsequent lack of permitting (i.e., a violation of the Coastal Act) result from a failed history of short-term fixes. Recognizing the long-term importance of preserving public access to a vital state beach, the long-term solution is an erodible soil-cement buttress, which will provide public access by maintaining the existing public parking while protecting public health, safety, and meeting State Park's public beach access requirements.

Thank you for your time and attention in this matter. We look forward to receiving your response to our request.

Best regards,

Chandra Slaven, AICP
Coastal Land Use Consultant
619-316-7645
chandraslaven@gmail.com

CC:

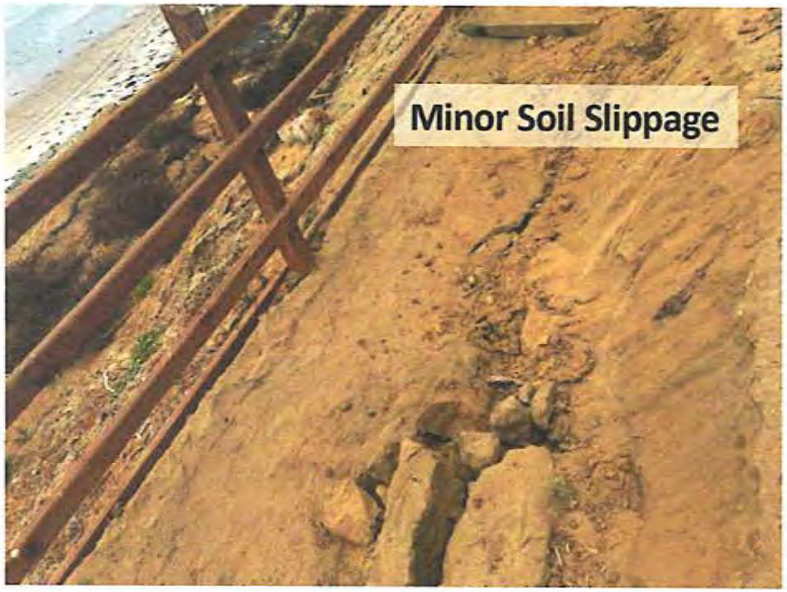
A. Madeline Cavalieri, Chief Deputy Director, California Coastal Commission
B. Erin Prahler, Statewide Planning Manager, California Coastal Commission
C. Linda Locklin, Public Access Manager, California Coastal Commission
D. Joseph Street, Geologist, California Coastal Commission
E. Karl Schwing, District Director, San Diego Coast, and South Coast, California Coastal Commission
F. Kaitlin Carney, District Supervisor, San Diego District, California Coastal Commission

Exhibits

June 22, 2022

UNPERMITTED Closure of Public Access and Soil Disturbance to Leucadia State Beach "Beacon's Beach"

948 Neptune Avenue Encinitas

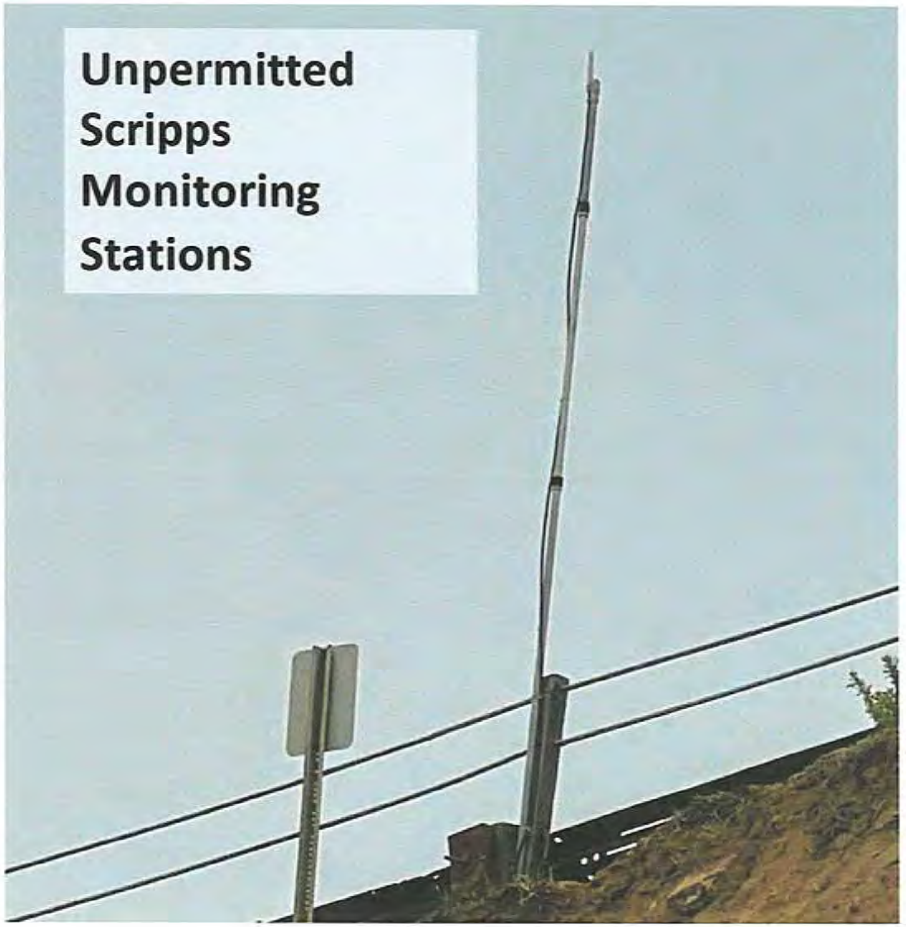

Minor Soil Slippage

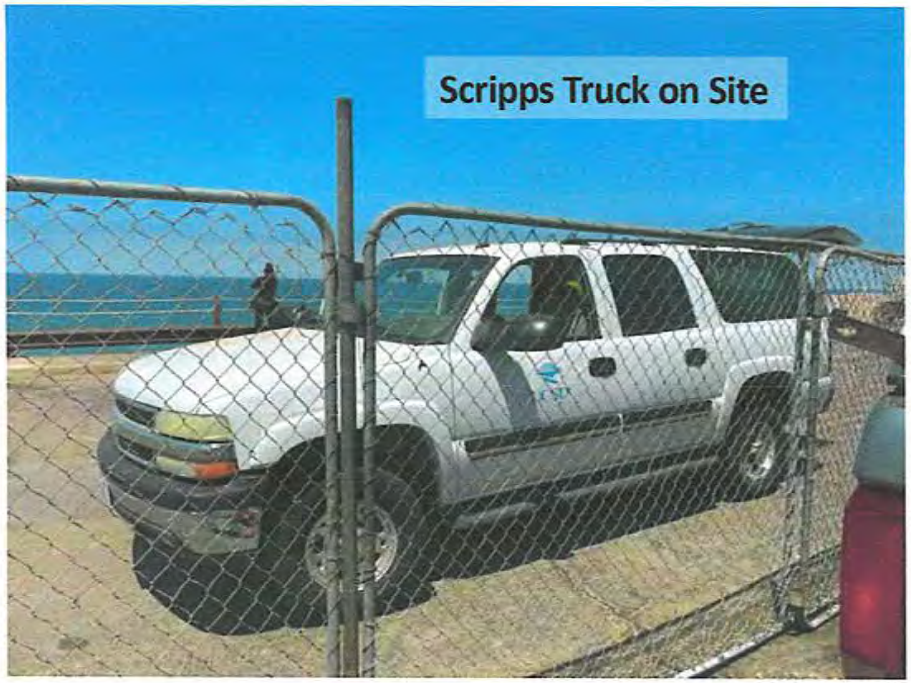

NOTICE
OF PERMIT APPLICATION
CASE NUMBER(S):
NOTICE
OF PERMIT APPLICATION
CASE NUMBER(S):
Public Notes: Unapproved
Coastal Development Permits

Denuded Slope: Complete Lack of Vegetation No Habitat Restoration

Beacon's Beach access in the Encinitas community of Leucadia is shown in a 2017 photo. (Encinitas city photo)

Encinitas, Scripps Institute continue to monitor Beacon's bluff slide



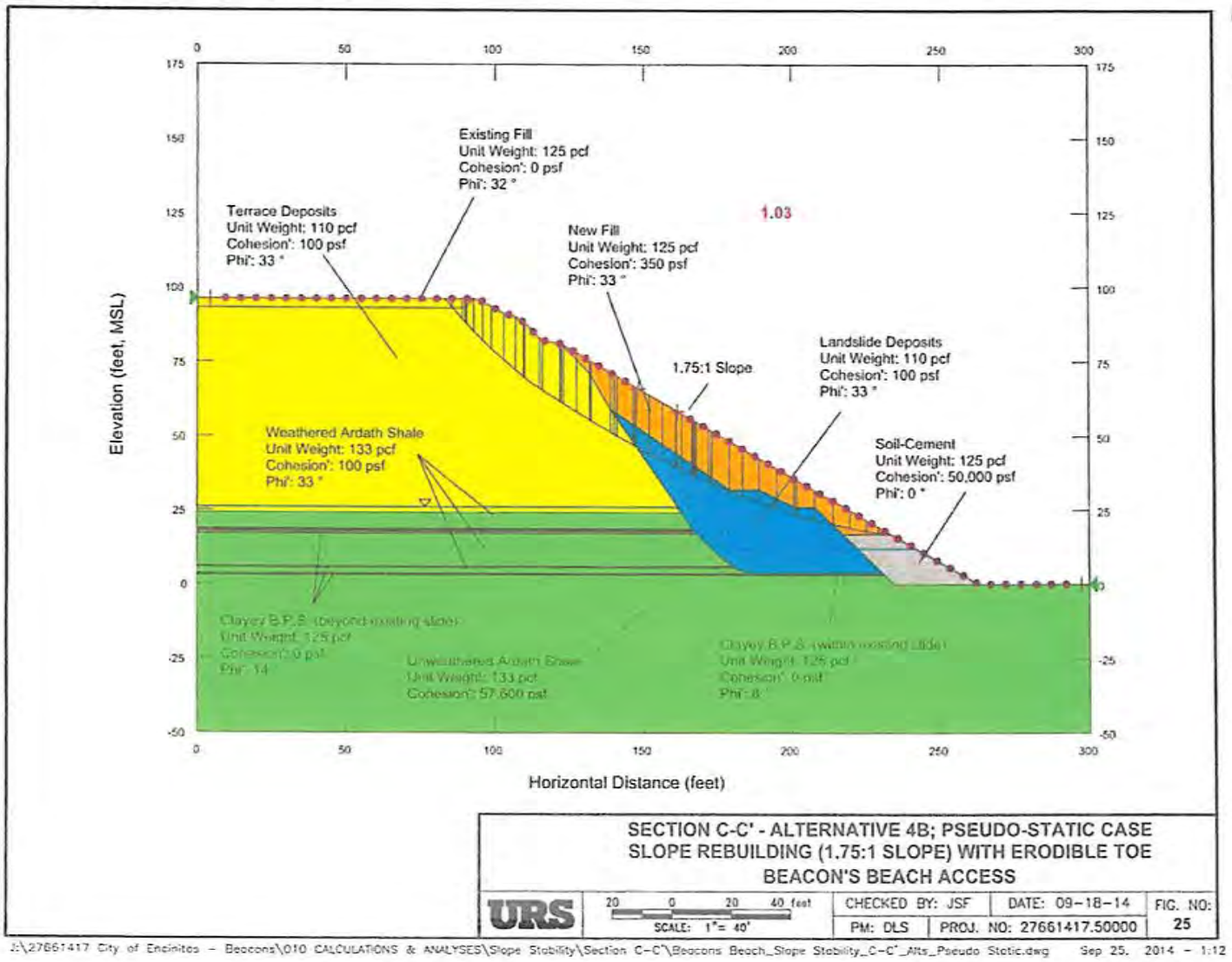

Scripps Truck on Site


Unpermitted Scripps Monitoring

June 22, 2022:
Unpermitted Platform Construction on Coastal Bluff
No Public Notice Given

Exposed Toe of the Bluff
DANGER
UNSTABLE CLIFFS
NOTICE
TOE

Alternative 4C: Soil-Concrete Berm



SECTION C-C' - ALTERNATIVE 4B; PSEUDO-STATIC CASE
SLOPE REBUILDING (1.75:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO:
		PM: DLS	PROJ. NO: 27661417.50000	25

J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 - 1:12

AGENDA REPORT
City Council

MEETING DATE: March 8, 2017

PREPARED BY: Ed Deane, Deputy Director

DEPT. DIRECTOR: Paul Malone

DEPARTMENT: Public Works

CITY MANAGER: Karen P. Brust

SUBJECT:

BEACON'S BEACH ACCESS RECONSTRUCTION PROJECT UPDATE AND AWARD OF PROFESSIONAL SERVICES CONTRACT, AND AMENDMENT TO THE FY 2016/17 BUDGET (CP14B).

RECOMMENDED ACTION:

1. Receive Report Detailing the Current Project Status and Alternative Selection Process.
2. Authorize the Public Works Director, in consultation with the City Attorney, to execute a contract (Attachment 2), any necessary amendments, and time extensions with AECOM in the amount of $746,138 plus contingencies to design, and obtain required permits for Alternative 4B-Beacon's Beach Access Reconstruction Project (CP14B), for a total contract amount not to exceed $820,752.
3. Adopt City Council Resolution No. 2017-06 entitled, "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2016-17 Adopted Budget" authorizing an additional appropriation of $42,691 (Attachment 3).

STRATEGIC PLAN:

This project aligns with the Strategic Plan goals for:

- Community Planning – By maintaining safe and livable communities through well-maintained infrastructure and facilities.

FISCAL CONSIDERATIONS:

The fiscal impact associated with the staff recommendation requires an increase to the current approved budget in the amount of $42,691. The contract shall not exceed $820,752 and will expire on January 31, 2020, unless modified by City Council action.

General Funds in the amount of $750,000 were appropriated in the FY 2016/17 Capital Improvement Program Budget. In addition, there is $28,061 of remaining General Funds from prior year allocations, for total available funding of $778,061. An additional allocation of $42,691 is needed to fully fund the design contract award and contingencies.

BACKGROUND:

The Beacon's Beach access trail and parking lot have been subject to landslides over the past decades. Because of these land movements, the stability of the site has been the subject of

monitoring; a Geotechnical Feasibility Study was completed by URS (now AECOM) in 2003 and updated in 2014. The purpose of these studies was to identify the geological state of the site, and to recommend alternatives to mitigate the potential future earth movements at the site.

The initial Geotechnical Feasibility Study recommended a tieback anchored vertical seawall with regrading of the landslide and upper bluff. This alternative was rejected by California Department of Parks and Recreation (State Parks) staff as not in compliance with the State Parks General Plan. While the State Parks General Plan could be amended to allow the seawall to be constructed, the amendment would likely face significant opposition from numerous State agencies and other stakeholders. Based on the likelihood that the seawall would fail to be permitted, it was determined that an update to the feasibility study was needed for the development of additional alternatives.

The Updated Geotechnical Feasibility Study (Attachment 1) analyzed six alternatives to resolve the stability issues at the site. The alternatives ranged from the No-Build alternative to variation on soil nailing and erodible buttress at the base of the slope. A detailed description of the project alternatives are included in the updated study attached to this report. Based on a ranking of the alternatives by a group composed of representatives from various State Parks departments and City staff from Building and Planning, Engineering, and Parks and Recreation, the preferred alternative is the construction of an erodible buttress and reconstruction of the slope (Alternative 4B). A more detail review of the alternatives and the ranking methodology can be found in the Analysis section.

Staff submitted the Updated Geotechnical Feasibility Study, and alternative ranking, to the staff of the California Coastal Commission (CCC) for comment. CCC staff has provided preliminary comments and City staff responded to all comments. CCC staff requested that the City prepare a Wave Uprush Study to determine the vulnerability of the site to sea level rise. Based on the study results, the site is not susceptible to significant inundations during a worst case future event. City staff has received comments from CCC staff related to the Wave Uprush Study, and they are in agreement that the site is not subject to inundation during worst case future year events. Staff has been coordinating with CCC staff and does not anticipate significant comments from CCC staff that would impact the development of the preferred project alternative.

Request for Proposals

On October 19, 2016, a Request for Proposals (RFP) was released for the design, permitting, and environmental documentation of the Beacon's Beach Access Reconstruction Project. On November 17, 2016, one (1) proposal was received by the posted deadline. The firm submitting a proposal was AECOM. Based on their proposal, and past experience with the development of coastal projects, AECOM is well suited to design, obtain required permitting, and develop the environmental document for the project.

All of the previously completed geotechnical studies that have been completed on the project were developed by URS. URS is now part of the AECOM Company and those members of URS that developed the initial and updated feasibility study are part of AECOM's Project Development Team. Also included in the Project Development Team are outreach staff working on the Coastal Mobility and Livability Study, and Glen Schmidt, of Schmidt Design Group, assisting with public outreach and providing Landscape Architecture services.

ANALYSIS:

The alternatives included in the updated study fall into three main categories: a seawall, soil nailing, and erodible soil buttress. Included in the analysis is a No-Build alternative that allows for a comparison of the current conditions to the other included alternatives. As stated above, the seawall alternative was rejected by State Parks staff, in addition, Coastal Commission staff

has voiced opposition to the construction of a permanent seawall. The alternatives considered are discussed in section 4.1 Alternatives Considered of Attachment 1.

Soil Nailing

Soil nailing evolved from an Austrian tunneling technique in the early 1970's. This method of soil stabilization uses long steel rods (nails) placed in drilled holes; the holes, with rods in place, are then filled with a cement grout. The number of nails, their spacing, and the length of the nails are determined as part of the geotechnical analysis. Once the nails are grouted in place, the surface of the soil can be treated with various methods to minimize erosion and enhance stability.

Erodible Soil Buttress

This stabilization method utilizes a block of erodible, cementitious material to support the uphill material. The buttress material is designed to mimic the structural, color, and other physical characteristics of the adjacent bluffs. A critical part of the design criteria for this alternative is the analysis of the adjacent bluff material and matching the construction specifications of the cementitious material to those in-place natural bluffs. Using the erodible toe as the base, two methods of slope stabilization were analyzed. One option used soil nailing, while the second utilized rebuilding the slope through the placement of compacted fill.

Ranking Evaluation

A ranking evaluation of the various stability alternatives is included in the updated geotechnical study. There were three main areas of analysis included in the alternative evaluation: Design, Construction, and Stakeholder Acceptance. Each of the three main areas of analysis was divided into six subcategories for use in determining the preferred alternative. In total eighteen different considerations were evaluated, compared, and ranked by the alternative review group. The alternative review group was composed of staff from the City and from the California Department of Parks and Recreation. The ranking process was used to determine the preferred engineering solution for providing continued safe beach access at Beacon's Beach. Any alternative requires the approval of the California Department of Parks and Recreation. During the development of the project, public input will be requested on various design details that will address the visual aesthetics of the project.

The first step in the alternative evaluation was the ranking of the eighteen (18) considerations. Each consideration was compared to the others to determine the overall importance of each, based on a weighted percentage. The results are included in Table 1 below (Included as Table 6-2 of the updated report). Once the considerations were ranked, each alternative was ranked against the others based on the weighted consideration; the results are included in Table 2 below (included as Table 6-3 of the updated report).

Table 1 – Weighting of Considerations

			Design Considerations						Construction Considerations						Stakeholder Acceptance							
	Item No.		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
	Item No.	Consideration	Preservation of Beach Access	Shoreline Protection	Longevity of Design	Final Aesthetics	Preservation of Parking	Long Term Maintenance	Complexity of Construction	Duration of Construction	Difficulty of Construction Access	Chance for Change Orders/Differing Site Conditions	Risk of Slope Failure During Construction	Constructed Cost	Adverse Beach Erosion	Beach Encroachment	Need for Beach Replenishment	Ability to Permit	Access during Construction	Public Acceptance	Total Times Overriding Consideration of Pair	Weighting Percentage
Design Considerations	1	Preservation of Beach Access		1	1	1	1	1	1	1	1	1	1	1	1	1	1	16	1	1	16	10%
	2	Shoreline Protection			2	2	2	2	2	2	2	2	2	2	2	2	2	16	2	2	15	10%
	3	Longevity of Design				3	3	3	3	3	3	3	3	3	13	3	3	16	3	3	13	8%
	4	Final Aesthetics					5	6	4	4	4	4	4	4	13	14	15	16	4	18	7	5%
	5	Preservation of Parking						5	5	5	5	5	5	5	13	5	5	16	5	5	12	8%
	6	Long Term Maintenance							6	6	6	6	6	6	13	6	15	16	6	18	9	6%
Construction Considerations	7	Complexity of Construction								8	8	10	11	12	13	14	15	16	7	18	1	1%
	8	Duration of Construction									8	8	11	8	13	14	15	16	8	18	6	4%
	9	Difficulty of Construction Access										10	11	12	13	14	15	16	9	18	1	1%
	10	Chance for Change Orders/Differing Site Conditions											11	12	13	14	15	16	10	18	3	2%
	11	Risk of Slope Failure During Construction												11	11	11	11	16	11	11	10	7%
	12	Constructed Cost													13	14	15	16	12	18	4	3%
Stakeholder Acceptance	13	Adverse Beach Erosion														13	13	16	13	13	13	8%
	14	Beach Encroachment															15	16	14	14	8	5%
	15	Need for Beach Replenishment																16	15	15	10	7%
	16	Ability to Permit																	16	16	17	11%
	17	Access during Construction																		18	0	0%
	18	Public Acceptance																			8	5%
																				Totals	153	100%

Notes:

a. Numbers in matrix indicate what was judged to be overriding consideration of pair.

b. Weighting is percentage that consideration is overriding for the total number of pairings.

Table 2 – Ranking of Alternative with Respect to Considerations

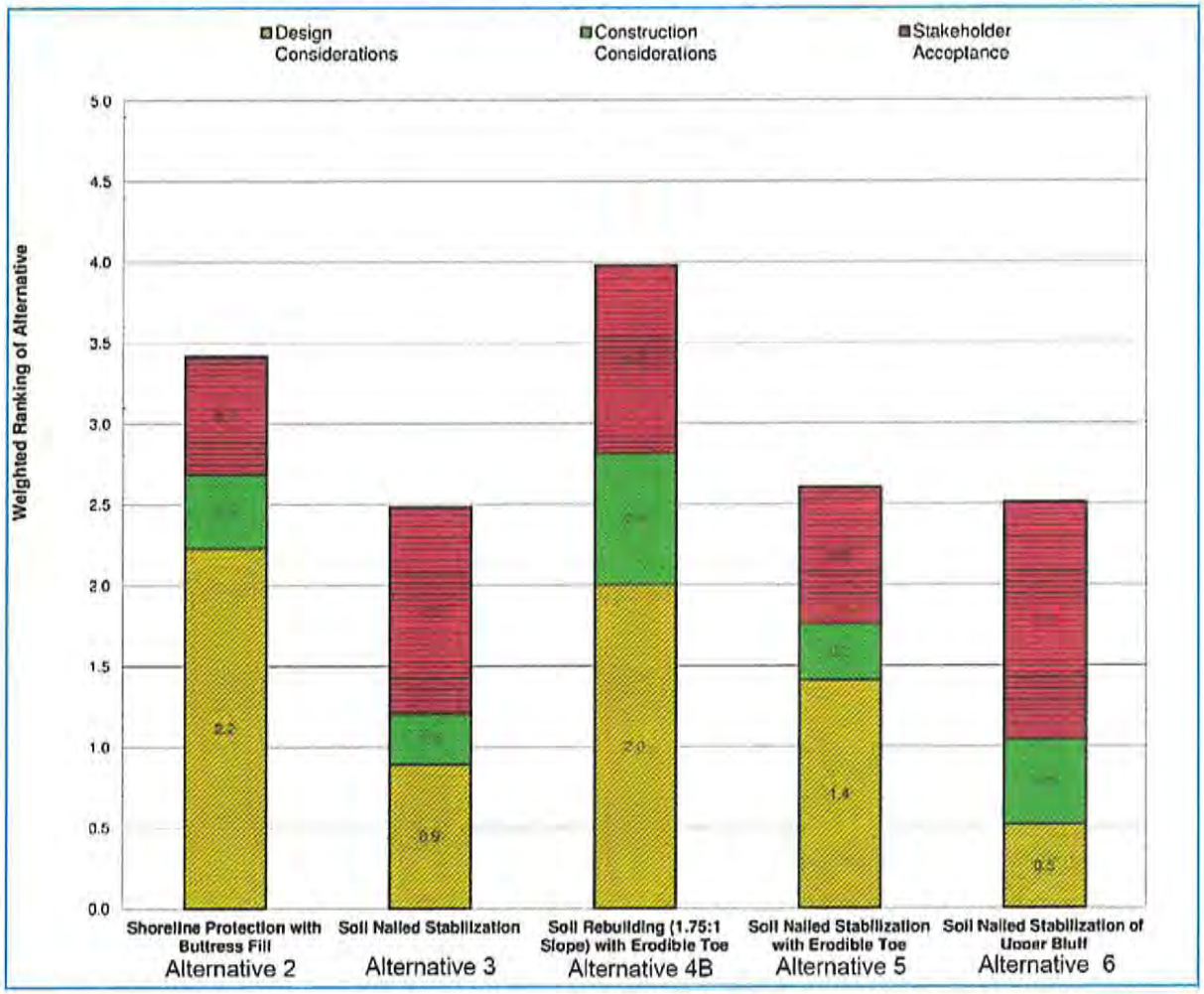
	Item No.	Consideration	Weighting	Rankings of Alternatives				
				Alt. 2	Alt. 3	Alt. 4B	Alt. 5	Alt. 6
				Shoreline Protection with Buttress Fill	Soil Nailed Stabilization	Soil Rebuilding (1.75:1 Slope) with Erodible Toe	Soil Nailed Stabilization with Erodible Toe	Soil Nailed Stabilization of Upper Bluff
Design Considerations	1	Preservation of Beach Access	10%	5	2	4	3	1
	2	Shoreline Protection	10%	5	2	4	3	1
	3	Longevity of Design	8%	5	2	4	3	1
	4	Final Aesthetics	5%	4	1	5	3	2
	5	Preservation of Parking	8%	4	2	5	3	1
	6	Long Term Maintenance	6%	5	2	4	3	1
		Weighted Subtotals	47%					
Construction Considerations	7	Complexity of Construction	1%	2	3	5	1	4
	8	Duration of Construction	4%	2	3	5	1	4
	9	Difficulty of Construction Access	1%	2	3	4	1	5
	10	Chance for Change Orders/Differing S	2%	2	3	5	1	4
	11	Risk of Slope Failure During Construc	7%	4	1	5	3	2
	12	Constructed Cost	3%	2	1	5	3	4
		Weighted Subtotals	16%					
Stakeholder Acceptance	13	Adverse Beach Erosion	8%	1	4	3	2	5
	14	Beach Encroachment	5%	3	5	1	2	4
	15	Need for Beach Replenishment	7%	5	2	4	3	1
	16	Ability to Permit	11%	1	4	3	2	5
	17	Access during Construction	0%	3	1	4	2	5
	18	Public Acceptance	5%	1	2	5	3	4
		Weighted Subtotals	37%					
		WEIGHTED TOTALS	100%					
		Estimated Costs		$5,400,000	$8,200,000	$3,200,000	$4,800,000	$3,200,000

Notes:

a. Ranking: 5=best alternative for consideration, 1=worst alternative for consideration, 4 through 2 indicate intermediate effectiveness.

The final weighted ranking of the alternatives is included in Figure 1 below (included as Figure 35 in the updated report). Based on the design, construction and stakeholder acceptance considerations developed for this project, the preferred alternative for the Beacon's Beach Access Reconstruction Project is Alternative 4B. This alternative proposes to construct a soil cement erodible toe and place a compacted fill to restore the facility.

Figure 1 – Weighted Ranking of the Stabilization Alternatives



In terms of cost, Alternative 4B was also the most cost affective alternative, tied with Alternative 6, with an estimated construction cost of $3.2 million dollars. Alternative 3 – Soil Nail Stabilization, had the highest estimated construction cost of $8.2 million dollars. After determining the ranking criteria, and their weighting factor, the alternative review group analyzed each alternative. Based on the final ranked score for the alternatives, Alternative 4B was determined to be the preferred alternative. Staff recommends moving forward with the design and permitting of Alternative 4B as it will cost effectively restore access to Beacon's Beach in an manner consistent with resource agency requirements.

The proposal, prepared by AECOM for the project, includes a schedule for the development of the project from the Kick-Off meeting, through the Ready to Advertise milestone. It is anticipated that these efforts will require approximately 12 months to complete. The preparation and approval of the environmental document will require approximately 9 months of that timeline.

ENVIRONMENTAL CONSIDERATIONS:

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

This project is not related to the Climate Action Plan.

ATTACHMENTS:

1. Updated Geotechnical Feasibility Study – Beacon's Beach Access Encinitas California, dated November 21, 2014
2. Professional Services Contract – AECOM
3. City Council Resolution 2017-06, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2016-17 Adopted Budget"
4. Summary of Budgetary Fund Balance

FINAL REPORT

UPDATE GEOTECHNICAL FEASIBILITY STUDY BEACON'S BEACH ACCESS ENCINITAS, CALIFORNIA

URS PROJECT NO. 27661417.50000

Prepared for

City of Encinitas
505 S Vulcan Avenue
Encinitas, CA 92024

November 21, 2014

URS

4225 Executive Square, Suite 1600
La Jolla, CA 92037
858.812.9292 Fax: 858.812.9293

URS

November 21, 2014

Lisa Rudloff
Park & Recreation Director
City of Encinitas
505 S Vulcan Avenue
Encinitas, CA 92024

Subject: Update Geotechnical Feasibility Study
Proposed Beacon's Beach Access
Encinitas, California
URS Project No. 27661417.50000

Dear Ms. Rudloff:

This letter transmits URS Corporation Americas' (URS) Update Geotechnical Feasibility Study for the proposed Beacon's Beach Access Project in Encinitas, California. The beach access consists of a walking path and steps that cross an episodically active landslide and headscarp (upper bluff). The current site conditions indicate marine erosion at the toe of the landslide has been low; however the upper bluff and landslide are only marginally stable. Instabilities of the landslide or upper bluff pose a hazard to persons using the trail and could damage the parking lot.

The purpose of the update feasibility study was to review the current site conditions with respect to a previously proposed design, and to further evaluate alternatives for rehabilitating the beach access. Stabilization alternatives identified by the City of Encinitas (City) for evaluation included:

- Anchored seawall and upper bluff flattening (scheme proposed in 2003).
- Soil nails without shoreline protection.
- Slope rebuilding (compacted fills) with erodible soil cement buttress at toe of slope.

Variations of these alternatives were also developed.

The stabilization alternatives were analyzed and evaluated based on the current site conditions. Considerations included current bluff/landslide stabilization needs, construction requirements and costs, public acceptance and other considerations the City identified. During a workshop with representatives of the City and California State Parks, the alternative involving slope rebuilding with erodible soil cement toe was identified as the highest ranked stabilization approach.

We appreciate the opportunity to provide this update geotechnical study. If you have any questions, please contact the undersigned at (858) 812-9292.

Sincerely,

URS CORPORATION

David L. Schug, C.E.G. 1212
Principal Engineering Geologist

Leo D. Handfelt, R.G.E. 373
Principal Geotechnical Engineer

DLS:LDH:kl

URS Corporation
4225 Executive Square, Suite 1600
La Jolla, CA 92037
Tel: 858.812.9292
Fax: 858.812.9293

TABLE OF CONTENTS

Tables

Figures

Appendices

%	percent
AACEI	Association for the Advancement of Cost Engineering International
CCC	California Coastal Commission
City	City of Encinitas
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
H:V	Horizontal:Vertical
MSL	Mean Sea Level
NRC	National Research Council
Pcf	Pounds per cubic foot
psf	Pounds per square foot
psi	Pounds per square inch
SANDAG	San Diego Association of Governments
State Beach	Leucadia Beach State Park
URS	URS Corporation Americas

SECTION 1 INTRODUCTION

This report presents the results of URS Corporation's (URS) update geotechnical feasibility study for the beach access at Beacon's Beach in Encinitas, California. The beach access is along Neptune Avenue between Leucadia Boulevard and Jasper Street. The beach access is within Leucadia Beach State Park (State Beach). The location of the site is shown on the Vicinity Map, Figure 1.

1.1 PROJECT BACKGROUND

The coastal bluff at Beacon's Beach has experienced historic and episodic instability associated with a large landslide (Figure 2). Landslide movement damaged previous beach access stairways during winter storms in 1982-83 (Department of Parks and Recreation, 1983; 1987). Since that time, access to the beach is via a switchback trail leading down from a public parking lot along the west side of Neptune Avenue. The coastal landslide encompasses virtually all of the coastal bluff below the parking lot. The beach access trail has been repaired and re-routed many times to avoid steep, hazardous slopes. The City of Encinitas (City) maintains the trail and is interested in providing safe public beach access. The long term stability of the parking lot is also a concern for beach access.

Oblique Aerial View of Beach Access (February 2002)

URS previously performed a geotechnical investigation, including subsurface explorations, for the proposed rehabilitation of the beach access. That proposed rehabilitation would have included regrading of the landslide and upper bluff, shore protection with a tieback-anchored vertical concrete seawall, and long term beach replenishment. The results of that geotechnical investigation and recommendations for design of the proposed rehabilitation were presented in a geotechnical report (URS, 2003).

1.2 PURPOSE AND SCOPE OF STUDY

The purpose of the update feasibility study was to review the current site conditions with respect to the previous design recommendations, and to evaluate additional alternatives for rehabilitating the beach access. Alternatives identified by the City for evaluation included:

- Seawall with tiebacks and upper bluff flattening (scheme proposed in 2003) including beach replenishment.
- Soil nails with geogrid facing, without shoreline protection. This alternative may include beach replenishment.

- Slope rebuilding (compacted fills) with an erodible soil cement buttress at toe of slope. This alternative would not include beach replenishment.

Variations of these alternatives were also developed for this study and are discussed in the report.

Specific work activities for the update geotechnical study included:

- Performing a literature review of pertinent available coastal information, current issues, guidelines and/or requirements pertaining to coastal bluff stabilization and shore protection.
- Geologic field review of current conditions to review significant changes at the bluff edge, areas of slope over-steepening, site drainage and other erosion features.
- Reviewing recent and historical aerial photographs, including site photographs taken during an earlier geologic study (Woodward-Clyde, 1990).
- Re-surveying of survey monuments set previously (in 2003). The current survey data was compared with the previous data for indications of slope movement. Survey monitoring data is presented in Appendix A.
- Re-measuring the existing inclinometer casings (which were set into the toe of the slide in 2003). The slope inclinometer data was compared against previous measurements for indications of slope movements. Inclinometer monitoring data is presented in Appendix B.
- Measurement of groundwater levels in the existing monitoring wells. The current groundwater levels were compared to the previous monitoring. Appendix B includes current groundwater data.
- Review of current beach conditions based on nearby beach profiles completed by the City and by the San Diego Association of Governments (SANDAG).
- Performing slope stability analyses of the proposed rehabilitation alternatives based on the current conditions.
- Preparing preliminary construction cost estimates for the alternatives evaluated.
- Evaluations of the design, construction, and stakeholder considerations for the alternatives.

Ranking of the alternatives developed based on the above considerations. Staff from the City and California State Parks participated in the ranking evaluation of the proposed stabilization alternatives.

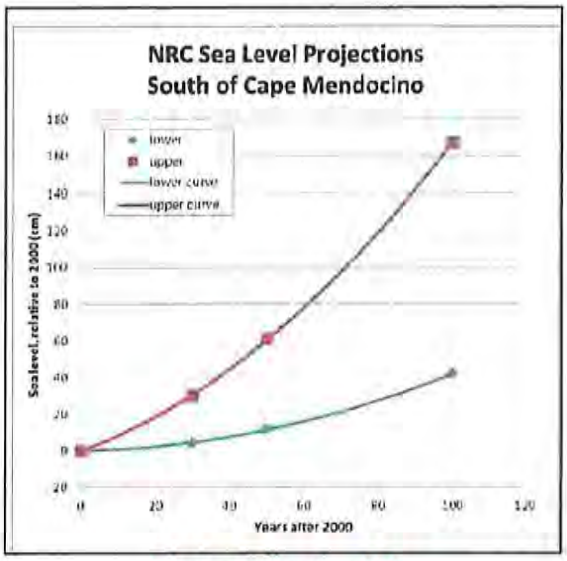
SECTION 2 CURRENT COASTAL ISSUES

Coastal infrastructure projects, including bluff stabilization and shore protection, are facing a number of environmental and permitting challenges. Some of the current challenges emerging since the previous geotechnical study (URS, 2003) include: sea level rise, beach impacts, and "hard" structures versus "soft, erodible" structures.

2.1 SEA LEVEL RISE

Recent predictions of long term sea level rise in response to climate change have been published (NRC, 2012). These potential impacts are anticipated to pose a planning and permitting challenge for proposed coastal development projects anywhere on the California coastline.

For coastal planning, the California Coastal Commission (CCC) has prepared detailed guidance to provide a consistent basis to address sea level rise for preparing Local Coastal Plans, Coastal Development Permits, and other coastal actions (CCC, 2014). According to the CCC, the NRC 2012 projections report is the "best available science on California's regional sea level rise," and should be used when coastal analyses requiring sea level projections are required. The NRC study projects that sea level may rise 55 to 65 inches in California by 2100.



Anticipated Sea Level Rise

According to the 2012 NRC report, rising sea level will accelerate many of the erosion conditions that are already putting many coastal developments at risk. Higher sea levels will expose more shoreline cliffs and bluffs to erosive wave energy. Beaches will likely retreat landward.

The typical coastal erosion assessment involves forecasting future erosion based on historical rates. However, according to CCC (2014) due to uncertainties associated with future waves, storms and sediment supply "there is no accepted method for predicting future beach erosion". If there is a range of erosion rates from historical trends, the highest rates should be used to project future erosion with rising sea level. For beaches with stable widths, it is prudent to consider the potential for greater beach width variability and even beach erosion as a future condition (CCC, 2014). With sea level rise, waves will break closer to the base of the bluff, increasing the rate of bluff retreat.

The setting at Beacon's Beach is an area of known geotechnical risk due to previous bluff and landslide instability (URS, 2003). Locations currently subject to coastal erosion, such as the Beacon's landslide would be subject to increased risk with sea level rise.

2.2 BEACH IMPACTS

Potential beach impacts associated with fixed, hard structures such as seawalls have been a concern for decades. Long-term effects of bluff protection walls on the beach were reviewed in the draft Environmental Impact Report (EIR) for the proposed Beacon's Beach Access Project (TRC Essex, 2006). Among other potential erosion effects, long-term loss of beach width was evaluated as a potential impact of siting a seawall on an eroding (narrowing) beach. Seawalls located at the base of the seacliff also "fix" the back boundary of the beach. On an eroding beach, over time the shoreline will eventually migrate shoreward reducing the width of the beach in front of the seawall; this process is referred to as passive erosion[1]. The potential loss of beach through passive erosion was considered a significant impact in the draft EIR (TRC Essex, 2006). The previous seawall alternative evaluated for the project draft EIR (TRC Essex, 2006) included beach replenishment as a mitigation if beach levels lower, exposing more than about 3 to 4 feet of the seawall.

The CCC recently raised concerns that rising sea levels make it "extraordinarily difficult" to determine long term effects of a 100-foot long seawall in Encinitas (Union Tribune, 2014). Sea level rise creates increased concerns for seawalls as it raises the normal water level and the ultimate elevation of storm waves.

2.3 ERODIBLE STRUCTURES

"Soft" shore protection includes non-structural measures such as beach rebuilding and vegetative restoration. These measures would likely not be a long term solution to stabilize a large coastal landslide such as at Beacon's Beach.

Erodible Shoreline Infill

For this study, the City identified the concept of using erodible soil-cement to provide a "softer" approach to shore protection. The method has been used for some time and is now required in Solana Beach, where the beach has narrowed over the years. A lean sand-cement mix has been used to infill overhangs and caves, a stronger concrete mix is used internally. The objective of the lean mix is to replicate the natural rate of seacliff erosion, with the eroded sand-cement mix potentially contributing some sediment to the beach. An example of an erodible notch fill from Solana Beach is provided in the photo above.

[1] Other potential effects associated with bluff protection walls include "active" erosion involving end-scour and wave reflectivity, as discussed in the draft EIR (TRC Essex, 2006)..

The seacliffs along Encinitas are relative strong sedimentary formations similar to those along Solana Beach. An erodible sand-cement buttress at Beacon's would need to be designed with similar strength as the natural seacliff formations in order to replicate erosion over the life span of the project (e.g., possibly the next 75 years). The erodible buttress would be less likely to act as a "hard" fixed structure; therefore erodible soil cement used to buttress the slide may have reduced beach impacts.

SECTION 3 COASTAL AND GEOLOGIC CONDITIONS

Coastal and geologic data developed from this study was used to evaluate landslide movement, and to update the previous coastal assessment (URS, 2003), as discussed below. Site geology and approximate limits of the Beacon's Beach landslide are shown on Figure 2. Geologic cross sections depicting subsurface conditions are shown on Figures 3 and 4.

3.1 GEOLOGIC SETTING

The coastal bluffs[2] along Beacon's Beach are underlain by Pleistocene and Eocene sedimentary formations. The base of the bluffs is composed of Eocene siltstone and claystone with interbedded sandstone assigned to the Ardath Shale. The relatively resistant sandstone forms near vertical seacliffs along the lower portion of the coastal bluffs bordering the slide area. Pleistocene terrace deposits comprise the upper portion of the bluff, above about elevation +23 to +26 feet Mean Sea Level (MSL). The terrace sands are relatively homogeneous, medium dense to dense, silty fine sands that are typically friable and prone to gullies.

An earlier geotechnical feasibility study (Woodward-Clyde, 1990) was performed when the landslide had a fresh appearance. Observations at that time (see adjacent photo) indicated the existing slide consists of a series of slumps within the terrace deposits and upper portion of the Ardath Shale. The slide mass is composed of highly fractured and broken masses of the shale and terrace deposits that have moved down to the west towards the beach. The basal surface of sliding appeared to coincide with bedding plane shears. These weak zones have also been attributed to landsliding in the coastal bluffs at Encinitas (Hart, 2000).

Beacon's Beach landslide in 1990

Slide movement was initiated during a series of severe El Niño storms in the early 1980s. High waves and prolonged storms in that time frame had stripped beach sand from virtually all of Encinitas. The toe of the bluff at Beacon's Beach was exposed to wave action which removed the lateral support of the sand, notched the toe, and triggered the landslide.

[2] The "coastal bluff" at Beacon's Beach in this report generally refers to the entire slope extending from the parking lot down to the beach. The slope of the upper bluff at Beacon's is actually the head scarp of the landslide.

3.2 SURFACE AND BLUFF CONDITIONS

The landslide encompasses virtually all of the bluff below the Beacon's Beach parking lot (Figure 2). The slide is approximately 400 feet long (measured parallel to the beach) and about 120 feet wide. The northern limits of the slide extend beyond the State Beach boundary. The southern limits of the slide appear to lie within the State Beach boundary.

The coastal bluff at Beacon's is about 85 feet high; the top of the slope along Neptune Avenue is at approximately elevation +95 feet MSL. The bluff slopes down to the beach at an overall inclination ranging between 2:1 to 1:1 (horizontal:vertical).

The original parking lot grading involved some minor filling along the upper bluff edge below the west edge of the parking lot. A guardrail borders the west side of the parking lot. The existing footpath starts at roughly the center of the parking lot and makes several switchbacks leading down to the beach. Hand railings consisting of wood posts connected with wire rope have been installed along the switchback trail. According to the City, minor sloughing of the slope just below the top switchback had closed the path temporarily, while City crews cleared and restored the path. The path was shifted several feet east (inland).

In the past, City maintenance crews routinely hydroseeded the entire slope. The bluff is currently generally barren and mostly un-vegetated. Existing surface drainage consists of several flexible plastic pipes that route water from the parking area over and down the bluff face. No fresh-appearing gulleys or other erosion features were observed.

Surveying Monuments at Top of Bluff

Since 2003, the bluff edge appears relatively stable. One of the topographic survey points established at the eroded bluff edge in 2003 was still intact (see adjacent photo). The bluff edge has progressed landward along a short section in the middle area of the parking lot as shown on Figure 2. According to the City, a vehicle accidentally rolled over the edge of the parking lot, which probably contributed to some disturbance at the bluff edge.

3.3 LANDSLIDE CONDITIONS

3.3.1 Previous Geologic Assessment

Between the time frame of 1990 and 2003, the extent of the bluff affected by landsliding had progressed upslope toward the parking lot. The upper edge, or scarp, of the slide extends to within a few feet of the guardrail along the sidewalk bordering the west side of the parking lot. The scarp generally consists of a near vertical slope in the terrace deposits ranging from about 10 to 20 feet high (Figures 3 and 4). The

back edge of the landslide is estimated to be about as steep as the upper slope of the bluff; the lower surface of the slide appears to become flatter towards the slide toe where the slide plane appears to merge with shallow dipping bedding plane shears in the Ardath Shale (URS, 2003). Portions of the basal slide plane have been exposed in the past during low beach levels (Woodward-Clyde, 1990).

3.3.2 Current Landslide Limits and Movement

Topographic survey monuments set in the bluff and parking lot in 2003 were resurveyed by Melchior Land Surveying, Inc. on June 6, 2014. Locations of the survey points are shown on Figure 2. Survey results are discussed below; details of the survey are presented in Appendix A.

Two slope inclinometer casings were previously installed at the slide toe within Borings B-3 and B-4 (URS, 2003). The inclinometer casings were again recently monitored, as described in Appendix B. The objective of taking these measurements was to determine the depth of deflection of the inclinometer casing which would indicate landslide movement.

The previous inclinometer and survey data were established about 11 years ago (URS, 2003). Inclinometer readings taken in 2014 for this study indicate only minor slope movement, on the order of 0.2 to 0.8 inches, in a westerly direction. The depth of this movement corresponds with the basal slide plane depicted on the geologic cross-sections and encountered in the borings (URS, 2003).

All survey monitoring points within the slide were recovered and re-measured, although several were slightly damaged. Movements resolved by the survey data were mostly southwesterly and westerly within the active landslide mass and up to about 0.33 feet in the upper portion of the slide. These horizontal movements are indicative of slow creep movements at a rate consistent with subsurface movement indicated by the inclinometers. The minor downward (vertical) movements could be associated with settlement of the landslide materials over the past 11 years.

Small movements were measured along the sidewalk. The movements are probably due to shifting from soil eroded from below the slab and/or slope creep, and are not considered an expression of deep seated slope movement.

3.3.3 Groundwater

Perched groundwater occurs at the contact between the terrace deposits and the Ardath Shale, and within the landslide mass. Groundwater levels from the previous investigation (URS, 2003) were at the contact between the terrace deposits and weathered Ardath Shale (at approximately elevation +25 feet MSL) and within the slide toe area at approximately +12 feet MSL (Cross Section A-A') and +8 feet MSL (Cross Section C-C'). Current measurements in monitoring wells within Boring B-1 (at the parking lot) and within Borings B-3 and B-4 (at the slide toe) indicate the current (2014) groundwater levels have lowered several feet from those measured in 2003. However, the basal slide surface is still below the current groundwater levels.

3.3.4 Beach Conditions

The project area has been historically characterized by a thin, narrow beach with a cobble berm along the back beach area. The 2000 Regional Beach Sand Project (RBSP I) replenished sand at Beacon's Beach. Beach profiles in March 2003 indicated that the back beach elevation was at about +11 to +12 feet MSL (URS, 2003). Regional sand replenishment was repeated in 2010 (RBSP II) just down coast of Batiquitos Lagoon, about 1.25 miles north of Beacon's.

In June 2014, survey points were collected along the back edge of the beach (at the toe of the slide), and along a traverse extended westerly to approximately elevation 0 feet MSL. Back beach sand elevations ranged between about 8 and 12 feet MSL. The beach width at the middle area of the slide is approximately 130 feet, measured from the back edge of the beach west to about 0 feet MSL ("wet sand" at time of measurement). Back beach levels were locally 3 to 4 feet lower than those measured in 2003. Beach profiles collected by the City between 2003 and 2014 show the beach width just south of Beacon's has been fairly stable.

3.4 BLUFF EROSION AND STABILITY

Oblique photographs between 2003 and 2013 allowed a general assessment of coastal erosion features over the time frame of the photos (Figure 5). Other historical photos and maps (URS, 2003; WCC, 1990) have allowed for comparing coastal changes spanning a time frame of about 35 to 40 years. Based on a general comparison of the photos, the shape and form of the landslide has not appreciably changed since the site area was mapped in 2003. The limits of the landslide, i.e. the length, width and upslope extent of the slide, do not appear to have increased notably.

Beach sand has had a stabilizing effect on the slide. The presence of a fairly thick back beach sand layer has slowed the rate that waves erode the slide and remove buttressing support at the toe. The slide mass material is more easily erodible compared to the more resistant formational materials making up the natural seacliffs to the north and south of the landslide. At Beacon's Beach, the less resistant landslide toe juts out roughly 10 feet beyond the seacliff to the north and south of the landslide. There are no fresh-appearing notches apparent at the landslide toe. This suggests the general area rarely experiences prolonged wave run-up over the back of the sandy beach.

Over the past ten years, the marine erosion rate appears to be less than estimated for the area (URS, 2003). Some published rates were up to 0.5 to 1.0 feet per year (USACE, 1996; 2012). These rates probably reflect coastal erosion prior to the beach replenishment projects.

The upper edge of the landslide has encroached on the parking lot in the north part of the lot. A vehicle accident may have also disturbed the bluff in this area.

Each of the slope monitoring points established more than 11 years ago were recovered and only very minor slope movements are indicated in this time frame. The relative geologic stability of the landslide and upper bluff reflects:

- The relatively wide, stable sandy beach;
- Effectiveness of the site drainage system;
- A prolonged drought;
- Foot traffic being restricted to the trail; and
- Seismic quiescence.

Even though there have been no recent major nearby earthquakes, the offshore portion of the Rose Canyon fault zone is mapped about 2 miles off the coast. The Rose Canyon fault and other regional faults are capable of large magnitude earthquakes (URS, 2003). A moderate to strong earthquake could de-stabilize the upper bluff and trigger renewed or possibly enlarged landslide movements.

Despite the low erosion over the past decade or so, bluff instability tends to be episodic. Previous stability analyses (URS, 2003) indicated the bluff and slide area are only marginally stable. The current site conditions indicate marine erosion at the toe of the landslide has been low; however the upper bluff formed by the landslide head scarp is eroded and over steepened. Due to the overall slope steepness, upper bluff instability continues to pose a hazard to persons using the trail. Upper bluff instability could also damage the parking lot.

SECTION 4 EVALUATION OF SLOPE STABILITY

As discussed above, the landslide slope is considered marginally stable. The slope has experienced significant instability in the past due to the landslide, and will need to be maintained and repaired for small slope failures. Considering future erosion or earthquake conditions, the slope is considered unstable.

The previous investigation (URS, 2003) analyzed the site for bluff stabilization and shoreline protection needs. For this study, additional stability analyses were performed to evaluate new stabilization alternatives. The previous topographic and geologic cross sections (URS, 2003) were used for the stability analyses; the observed erosion effects have been minor enough to not warrant revising the sections for analyses.

4.1 ALTERNATIVES CONSIDERED

Slope stability analyses were performed on eight alternatives that were considered for the beach access:

- Alternative 1A is a no stabilization alternative for the upper and lower bluff and Alternative 1B is a no stabilization alternative for the upper bluff only. These alternatives are primarily presented to update and evaluate current site conditions.
- Alternative 2 includes the seawall with tiebacks and upper bluff flattening (scheme proposed in 2003) including beach replenishment.
- Alternative 3 includes soil nails in the upper and lower bluff with geogrid facing, without shoreline protection.
- Alternatives 4A and 4B include slope rebuilding (compacted fills) with an erodible soil cement buttress at toe of slope.
- Alternative 5 includes soil nailed stabilization of the landslide with an erodible soil cement buttress at toe of slope.
- Alternative 6 includes soil nailed stabilization of the upper bluff only.

To varying degrees, the design alternatives mitigate erosion at the slope toe, improve the stability of the upper and lower bluffs, and/or improve surface drainage. Various configurations of the design alternatives were evaluated considering feasibility of construction while attempting to minimize encroaching onto the existing beach.

Alternative 1A includes no action to stabilize the upper and lower bluff and Alternative 1B includes no action to stabilize the upper bluff only. These alternatives maintain the present state of the bluff and provide no shoreline protection. A review of the current and previous geologic bluff conditions indicate the current conditions are relatively unchanged since the previous stability analyses were performed (URS, 2003). The previous condition with erosion of beach sand was adopted for Alternative 1A and the previous condition of the upper bluff was adopted for Alternative 1B. Cross sections for each of these alternatives (which are the existing conditions) are shown in Figure 6 through 9. The bluff in its current condition with beach sand is considered to be marginally stable. However, if erosion of the beach sand were to occur, the current configuration of the slope would be considered potentially unstable. The upper

bluff in its current condition is also potentially unstable. Beach replenishment alone would not increase the stability of the upper bluff.

Alternative 2 includes the previously proposed seawall with tiebacks and upper bluff flattening including beach replenishment (URS, 2003). This design alternative includes an anchored soldier pile wall with a top elevation at +17 feet MSL, buttress fill at the lower slope, and flattening of the upper part of the slope. Cross sections depicting this alternative are shown in Figures 10 through-13. This alternative is essentially the same as the approximate 450-foot long bluff protection wall evaluated by TRC Essex in a Draft Environmental Impact Report dated October 2006. This design alternative mitigates erosion at the slope toe and improves the stability of the upper and lower bluff, and surface drainage, but includes a seawall.

Alternative 3 includes soil nailed stabilization of the upper and lower bluff, but without any shoreline protection. Grouted and epoxy coated steel soil nails were assumed in the current stability analyses. A reinforced geomat would be installed as a surface treatment to reduce surficial erosion. Cross sections depicting this alternative are shown in Figures 14 through 17. This alternative improves the stability of the upper and lower bluff, but provides no shoreline protection or mitigation against erosion at the slope toe.

Alternatives 4A and 4B include slope rebuilding using compacted fill soil and an erodible buttress at the toe of slope constructed of soil-cement with a top elevation of +17 feet MSL. The rebuilt slope is inclined at either 1.5H:1V (Alternative 4A) or 1.75H:1V (Alternative 4B). The steeper slope was initially considered to minimize encroachment on the beach. Cross sections depicting each of these alternatives are shown in Figures 18 through 21 for Alternative 4A, and Figures 22 through 25 for Alternative 4B The dimensions of the erodible buttress vary but are approximately 15-feet wide at the top and 25-feet wide at the base.

Alternative 5 includes soil nailed stabilization of the landslide and an erodible buttress at the toe of slope constructed of soil-cement. The soil nail assembly parameters and reinforced geomat from Alternative 3 were adopted for Alternative 5. The erodible toe from Alternative 4A was adopted for Alternative 5 to minimize encroachment onto the beach. Cross sections depicting this alternative are shown in Figures 26 through 29. This alternative mitigates erosion at the slope toe and improves the stability of the upper and lower bluff, and surface drainage.

Alternative 6 includes soil nailed stabilization of the upper bluff only. The soil nail assembly parameters and reinforced geomat from Alternative 3 were adopted for Alternative 6. Cross sections depicting this alternative are shown in Figures 30 through 33. This alternative improves the stability of the upper bluff only, but does not improve the stability of the lower bluff or provide shoreline protection or mitigation against erosion at the slope toe.

4.2 STABILITY ANALYSES

The slope stability analyses were performed on two bluff cross sections (Cross Sections A-A' and C-C') that were judged to be representative of the northern and southern halves of the landslide. The locations of the cross sections are shown in Figure 2.

4.2.1 Methodology

Slope stability analyses were conducted using the two-dimensional computer program Slope/W version 8.11 (GEO-SLOPE International Ltd., 2012) to evaluate the factors of safety against rotational and sliding surfaces. The analyses are based on the Spencer Method of Slices for moment and force equilibrium. For each design alternative selected, numerous sliding surfaces were checked to determine the critical factor of safety. The stability analyses considered static and pseudo-static (seismic) conditions.

The previous seismic hazard assessment (URS, 2003) indicated that the expected level of peak ground acceleration associated with about a 10 percent (%) probability of being exceeded in a 50-year period is estimated to be 0.36g. This probability of exceedance generally corresponds to an average return period on the order of 475 years. A seismic coefficient of 0.18g (1/2 of the design earthquake peak ground acceleration) was selected for pseudo-static analyses according to procedures outlined by the U.S. Department of Transportation Federal Highway Administration (FHWA, 2011) using the maximum probable earthquake.

The presence of beach sand at the toe helps to stabilize the bluff by providing resistance to sliding. However, the beach sand could be completely depleted during a single, or consecutive, strong to severe high surf related storm events. Since beach sand replenishment was not considered for the design alternatives, and the existing bluff is considered to be potentially unstable if erosion of the beach sand occurs, the presence of beach sand was conservatively neglected for the current design alternatives.

Groundwater levels from the previous stability analyses included groundwater at the contact between the terrace deposits and weathered Ardath Shale (at approximately elevation +25 feet MSL) and within the slide toe area at approximately +12 feet MSL (Cross Section A-A') and +8 feet MSL (Cross Section C-C'). Groundwater level measurements from the monitoring well near Boring B-1 and from the inclinometers installed in Borings B-3 and B-4 during June 2014 indicated a slight decrease in the groundwater elevation within the terrace deposits and the slide toe area from the previous measurements in 2003. However, the groundwater conditions from the previous stability analyses were conservatively adopted for the analyzing the current design alternatives. In addition, the groundwater level was conservatively assumed to follow the surface topography after exiting the landslide deposits at the toe of the slope (+12 feet MSL at Cross Section A-A' and +8 feet MSL at Cross Section C-C'). The erodible toes constructed of soil-cement were assumed to be permeable and to have the same groundwater elevation as within the slide toe area, when applicable.

4.2.2 Material Properties

Material properties used for the stability analyses are provided in Table 4-1. Many of the material properties used in the previous stability analyses were adopted for the current analyses. The material properties from the previous stability analyses were based on the results of laboratory testing, a review of available information, back analysis of the existing landslide with pre-slide (1975) topography, and engineering judgment.

Table 4-1. Material Properties Used for Stability Analyses

Material	Total Unit Weight (pcf)	Friction Angle (degrees)	Cohesion (psf)
Existing Fill	125	32	0
New Fill	125	33	350
Landslide Deposits	110	33	100
Terrace Deposits	110	33	100
Weathered Ardath Shale	133	33	100
Unweathered Ardath Shale	133	0	57,600
Clayey Bedding Plane Shears (within the existing slide)	125	8	0
Clayey Bedding Plane Shears (beyond the existing slide)	125	14	0
Beach Sand	125	33	0
Soil-Cement	125	0	50,000

A residual frictional shear strength of 8 degrees was used for the extent of the clayey bedding plane shears within the landslide based on laboratory ring shear tests. A peak frictional shear strength of 14 degrees was used for the clayey bedding plane shears beyond the landslide based on engineering judgment A peak frictional shear strength of 33 degrees with a cohesion of 100 psf was back calculated as the most likely composite strength of the terrace deposits, landslide deposits, and weathered Ardath Shale. The unweathered Ardath Shale was conservatively estimated to have an undrained shear strength of 57,600 psf (approximately 400 psi) based on engineering judgment and previous experience in the area. A peak frictional shear strength of 33 degrees was used for the beach sand, when applicable.

From the previous study (URS, 2003), a peak frictional shear strength of 32 degrees was used for the existing fill material and a peak frictional shear strength of 33 degrees with a cohesion of 350 psf was used for the new import fill material. Cohesion of 50,000 psf was used for the soil-cement based on experience and judgment.

4.2.3 Results

The factors of safety obtained from the slope stability analyses are summarized in Table 4-2; graphical results are provided in Figures 6 through 33. These figures depict the cross section geometry, the material properties used, the critical sliding surface, and the resulting minimum factor of safety. The red line with points along the surface represent the entry and exit points for circular sliding surfaces analyzed.

Table 4-2. Summary of Results of Stability Analyses

Alternative	Condition	No. Nails	Nail Length (ft)	Fill Slope (H:V)	Minimum Factors of Safety [a,h]			
					Cross Section A-A'		Cross Section C-C'	
					Static Case	Pseudo-Static Case	Static Case	Pseudo-Static Case
1A	Geologic Conditions with Erosion of Beach Sand	NA	NA	NA	0.99 [b] (6)	NA	0.94 [b] (7)	NA
1B	Geologic Conditions of Upper Bluff	NA	NA	NA	0.99 [b] (8)	NA	1.00 [b] (9)	NA
2	Shoreline Protection with Buttress Fill	NA	NA	1.75:1	1.68 [b] (10)	1.17 [b] (11)	1.50 [b] (12)	1.05 [b] (13)
3	Soil Nailed Stabilization	21 [d], 18 [e]	85 [d], 80 [e] & 100 [d,e]	NA	1.51 (14)	1.02 (15)	1.49 (16)	1.02 (17)
4A	Soil Rebuilding (1.5:1 Slope) with Erodible Toe	NA	NA	1.5:1	1.25 (18)	0.92 (19)	1.32 (20)	0.95 (21)
4B	Soil Rebuilding (1.75:1 Slope) with Erodible Toe	NA	NA	1.75:1	1.56 (22)	1.10 (23)	1.46 (24)	1.03 (25)
5	Soil Nailed Stabilization with Erodible Toe	15 [f], 12 [g]	85 [f], 80 [g]	NA	1.49 (26)	1.00 (27)	1.49 (28)	1.00 (29)
6	Soil Nailed Stabilization of Upper Bluff	10	50	NA	1.53 (30)	1.13 (31)	1.58 (32)	1.14 (33)

Notes:

a. Minimum Factors of Safety determined using optimized Exit and Entry search method, except where noted.

b. Minimum Factors of Safety determined using Grid and Radius search method and 2003 Existing Conditions (URS, 2003).

c. NA - Not Applicable.

d. Cross Section A-A': Fifteen upper nail rows and six lower nail rows. Upper nails are 85 feet long and lower nails are 100 feet long.

e. Cross Section C-C': Twelve upper nail rows and six lower nail rows. Upper nails are 80 feet long and lower nails are 100 feet long.

f. Cross Section A-A': Fifteen nail rows. Nails are 85 feet long.

g. Cross Section C-C': Twelve nail rows. Nails are 80 feet long.

h. Parentheses indicate figure number with graphical results.

For the stability analyses, soil nail assemblies were assumed to have 15 degree inclinations (from horizontal), horizontal and vertical spacing of 5-feet, grout holes with 4-inch diameters, tensile capacities of 60,000 pounds, soil to grout interface pullout resistances of 1,566 psf (approximately 10 psi), and tensile capacity and bond resistance reduction factors of 1.5.

The slope stability analyses indicate design Alternatives 2, 3, 4B, and 5 will be stable for global static and pseudo-static conditions. The analyses also indicate design Alternative 6 will be stable for local static and pseudo-static conditions of the upper bluff only. Typically, the minimum required factors of safety are 1.5 or greater for static conditions and above 1.0 for pseudo-static conditions.

The analyses indicate Alternative 4A will only be marginally stable for static conditions and potentially unstable for pseudo-static conditions. The minimum factor of safety is less than 1.5 for static conditions and less than 1.0 for pseudo-static conditions. Alternative 4A was not considered as a viable solution for bluff stabilization.

SECTION 5 CONSIDERATIONS FOR STABILIZATION ALTERNATIVES

This section of the report provides discussions on the considerations for the stabilization alternatives. The considerations have been broadly categorized as design, construction, and stakeholder considerations.

5.1 DESIGN CONSIDERATIONS

The primary considerations for design of the stabilization are deemed to be:

- Preservation of beach access;
- Protection of shoreline from further erosion;
- Stabilization that will have a sufficiently long design life;
- Stabilization that will be aesthetically compatible to the rest of the shoreline;
- Preservation of the public parking; and
- Minimize long term maintenance.

The ultimate design objective is to preserve safe public access to the beach. The landslide and upper bluff which the public access trail crosses is only marginally stable and could become unstable with large waves, surficial erosion, or earthquakes. Reestablishment of the access after further landslide movements could be difficult if the slope remains in a marginally stable condition. Alternative 6 would only stabilize the upper bluff; this would provide short term protection of the parking lot, but would not stabilize the landslide.

The landslide was likely activated when the toe of the bluff was eroded. The materials within the landslide are disturbed Ardath Shale and is very susceptible to erosion, especially relative to the bluff materials to the north and south of the landslide. Without some protective structure at the toe of the landslide, it is very likely the landslide movements will be reactivated when storms lower the current beach levels. Alternatives 1, 3, and 6 do not have any shoreline protection. Alternatives 4B and 5 both include erodible soil cement extending up to about the same elevation as the previously proposed seawall at about +17 feet MSL (URS, 2003). These alternatives would provide a sloping surface for the erodible soil-cement buttress which would be wave resistant but less reflective than a seawall. The soil-cement buttress could be roughened and/or contain irregular surface features that would reduce wave run-up.

Without shoreline protection, the design life of the stabilization would be considered to be very short; especially in light of rising sea levels. Other design consideration for longevity of the stabilization is using materials that are compatible with the corrosive marine environment. On the California coast, seawalls are typically designed for a 75-year design life, but this is changing based on the CCC. Recently in Encinitas a nearby seawall is being permitted by the CCC for only a 20 year life, at which time the project needs would be re-evaluated (Union Tribune, 2014). Erodible soil cement may be subject to the same CCC design life limitations as seawalls. Allowing the soil cement material to erode could require some additional stabilization effort within the project lifespan.

Most stabilization alternatives will recontour or regrade the existing natural bluffs. To make the end product aesthetically compatible to the other seaside bluffs, undulating contours and/or revegetation can be used to minimize the visual impact. The erodible soil-cement buttress could be colored and sculpted to resemble the natural seacliff, as done with the shore protection at South Cardiff State Beach in Encinitas.

Shoreline Protection at South Cardiff State Beach

Public parking is currently provided at the top of the bluff. It is desired to retain as much of this parking as possible. Alternative 2 would flatten the upper bluff, reducing somewhat the amount of parking spaces. The other alternatives retain the current parking spaces.

The life cycle costs also need to be considered in including long term maintenance costs along with the capital construction costs. Alternatives 1, 3, and 6 do not have any shoreline protection and would likely require periodic beach replenishment to assure stability of the bluff. Alternative 5 does not rebuild the entire slope and could be more susceptible to subaerial erosion[3].

5.2 CONSTRUCTION CONSIDERATIONS

The primary considerations for construction of the stabilization are deemed to be:

- Complexity of construction;
- Duration of construction;
- Difficulty of construction access;
- Chance for change orders/differing site conditions;
- Risk of slope failure during construction; and
- Constructed cost.

The complexity of the construction could limit the available contractors that could bid the project, and will create a higher risk of change orders during construction. The large soldier pile wall with tieback anchors, and the soil nail stabilization, can be undertaken only by specialty geotechnical contractors. The need to work during low tide cycles for any shoreline protection work will also drive up the construction costs. Alternatives 2, 4B, and 5 would require construction on the beach. Construction equipment would need to be mobilized from Moonlight Beach. Transit back and forth would be constrained by tides and/or high waves. The seawall alternative was previously estimated to require about 9 months constructing (Hunter-Pacific Group, 2006). Alternatives 4B and 5 could take less time and equipment to construct than

[3] Subaerial erosion includes the effects of wind, rain and surface water runoff.

the seawall. During construction, a portion of the beach and the entire trail would need to be closed. The parking lot may also need to be closed.

The required duration of construction will be related to the ultimate cost of the construction, as well as stakeholder acceptance of the alternative if it closes beach access during construction. Difficulty of access will also drive up the construction costs. The soil nail stabilization alternatives (Alternatives 3, 5 and 6) will require access to much of the bluff. Alternatives 2 and 4 will also require access over the entire bluff, but this could be accomplished by building the slope up from the bottom, using the placed fills as benches.

Any construction that deals with excavations and earthwork is susceptible to increased construction costs due to differing site conditions. The alternatives that include the soldier pile wall with tieback anchors (Alternative 2), and the soil nail stabilization (Alternatives 3, 5 and 6) involve extensive drilling that is vulnerable to these types of claims.

Soil Nail Stabilization of Slope

Some of the alternatives may also momentarily reduce the stability of the landslide. This would be the case for the alternatives with the erodible soil-cement buttress at the toe of the landslide (Alternatives 4B and 5). Construction of the buttress would require excavation to the undisturbed Ardath Shale (at about elevation 0 feet MSL) to found the buttress that would also entail a backcut into the landslide materials. This would remove some restraining forces on the landslide mass. Cutting the buttress foundation excavation in limited lengths would help to mitigate this risk.

The construction cost will also be a consideration for the alternatives. The stabilization will need to be publically financed and the lower cost alternatives will be desirable. Estimated construction costs are provided in Section 5.4.

5.3 STAKEHOLDER CONSIDERATIONS

The stakeholders for preservation of the beach access includes the City, State Parks, general public, and regulatory agencies, and various environmental groups. The primary considerations for these stakeholders are deemed to be:

- Adverse beach erosion;
- Encroachment of the existing beach;
- Need for beach replenishment;

- Ability to permit the stabilization;
- Beach access during construction; and
- Overall public acceptance.

Adverse beach effects pose a stakeholder concern for the proposed project alternatives involving shore protection. The seawall alternative (Alternative 2) was considered most likely to present adverse beach erosion issues, particularly passive erosion. The alternatives proposing shore protection with an erodible soil-cement buttress (Alternatives 4B and 5) would be inclined, less reflective structures designed to erode at a rate similar to the natural geologic materials in the area. Thereby, Alternatives 4B and 5 are anticipated to present less of an adverse impact to the beach, compared to a vertical hard seawall.

Beach encroachment (i.e., reduction in beach width) would be an issue depending the on the placement of a protective structure at the toe of the landslide. Beach width would be reduced at the time of construction, as the landward boundary of the beach is moved seaward by the structure. The proposed seawall (Alternative 2) would be placed within a few feet of the landslide toe, as shown on Figure 34. Alternatives 4B and 5 would have wider footprints with more beach encroachment than the vertical seawall (Alternative 2). However, when the back beach is at typical levels at about +12 MSL, the toe of the soil cement buttress would be partly buried beneath beach sand (as shown schematically by the light blue stippled area on Figure 34). If the surface of the back beach is at about elevation +12 MSL, the top part of the erodible cement toe (Alternatives 4B and 5) would encroach seaward only a few feet more than the seawall (Figure 22). With further analysis, the footprint of the erodible toe for Alternatives 4B and 5 could probably be located closer to the existing bluff toe (possibly with some minor notching into the landslide debris); this would reduce beach encroachment. The rebuilt slope would be within the limits of the former bluff slope before the landslide occurred (see previous pre-landslide slope topography shown on Figures 3 and 5).

Long term sand replenishment is uncertain for the coastal beaches in Encinitas. RBSP II was limited to near Batiquitos Lagoon, north of Beacon's Beach. The U.S. Army Corps of Engineers proposed the Encinitas-Solana Beach Coastal Strom Damage Project would include beach replenishment, when the project goes forward. The previous seawall alternative evaluated for the project draft EIR (TRC Essex, 2006) included beach replenishment as a mitigation if beach levels lower, exposing more than about 3 to 4 feet of the seawall. Alternative 2 with a vertical seawall would also have a similar beach replenishment mitigation measure. The other alternatives may not require beach replenishment as a specific mitigation measure.

Considered together, beach issues (potential erosion, encroachment and replenishment needs) would affect the ability to ultimately permit the project. The CCC has recently stated concerns with proposed seawalls in Encinitas due to rising sea levels. Alternative 2 was viewed as having the most potential constraints that would pose coastal permitting challenges. Erodible soil cement may be subject to the same design life limitations as the CCC considers for seawalls. Alternate 6 would pose the least disturbance of the coastal bluff landform and was considered the least challenging alternative from a permitting perspective.

From discussions with the City, perhaps the most significant concern would be loss of public access during the time frame required for construction, inasmuch as the parking lot, beach access trail, and at

least some of the beach would need to be closed for public safety during construction. Alternate 6 would take the least time to construct of all the alternatives. Alternative 2 had been estimated to require about 9 months to construct (Hunter-Pacific Group, 2006).

Overall public acceptance is anticipated to reflect many of the design and construction considerations discussed above. Among these considerations, the public is anticipated to generally favor alternatives that 1) minimize beach access restrictions during construction, and 2) pose the least potential beach issues. There are some public views that may favor a no stabilization alternative consistent with planned retreat, i.e., the natural unimpeded erosion of the coastline without shore protection and/or bluff stabilization. Locations such as the Beacon's landslide would be subject to increased risk with sea level rise. The acceptance of planned retreat would need to be considered against limited public beach access and parking along Neptune Avenue, and public safety in an area of known geotechnical risk due to previous landslide instability.

5.4 ESTIMATED CONSTRUCTION COSTS

The estimated total construction costs for the design alternatives are provided in Table 5-1. These costs were generally determined by applying unit costs for construction to quantity takeoffs of the various construction elements for each alternative. The total estimated construction cost for each design alternative includes $1,089,000 for general site improvements from Hunter Pacific Group, 2006 that incorporates a cost inflation factor from May 2006 to July 2014 (determined from Engineering News Record factors). The general site improvements include landscape, irrigation, furnishings, concrete and paving, and utilities.

The estimated cost for soil nail assembly installation was estimated using a database of recent bids from Caltrans. The estimated cost for slope facing installation assumes typical costs for turf reinforcement mats. The estimated cost for slope rebuilding and erodible toe installation assumes unit construction costs from a heavy construction estimating guide (RSMeans, 2009) that incorporates a cost inflation factor from January 2009 to July 2014. When applicable, additional costs such as mobilization and demobilization, and quality control testing were assumed based on engineering judgment and experience.

Table 5-1. Estimated Construction Costs

Alternative	Condition	Total Estimated Cost
1A	Geologic Conditions with Erosion of Beach Sand	NA
1B	Geologic Conditions of Upper Bluff	NA
2	Shoreline Protection with Buttress Fill	$5,400,000
3	Soil Nailed Stabilization	$8,200,000
4A	Soil Rebuilding (1.5:1 Slope) with Erodible Toe	NA
4B	Soil Rebuilding (1.75:1 Slope) with Erodible Toe	$3,200,000
5	Soil Nailed Stabilization with Erodible Toe	$4,800,000
6	Soil Nailed Stabilization of Upper Bluff	$3,200,000

The above construction cost estimates were prepared using stochastic estimating methods and should be considered a Class 4 estimate, as defined by the Association for the Advancement of Cost Engineering International (AACEI). Class 4 estimates are generally prepared based on limited information (typically engineering is from 1% to 15% complete) and consequently have fairly wide accuracy ranges. The expected accuracy may be +50% and -30% of the actual construction costs. Class 4 estimates are recommended to carry a 30% contingency.

SECTION 6 RANKING EVALUATION

The City and representatives of California State Parks participated in a ranking evaluation of the proposed stabilization schemes. The ranking methodology and results are discussed below.

6.1 FOCUS GROUP

A focus group was convened on September 4, 2014 to discuss and rank the various alternatives for preserving the access at Beacon's Beach. The focus group included staff from the City and California State Parks, as shown in Table 6-1. Feasibility study briefings were provided by URS prior to the ranking evaluation.

Table 6-1. Focus Group Members

Name	Title	Affiliation
Kerry Kusiack	Senior Planner II	City of Encinitas
Glenn Pruim	Public Works Director	City of Encinitas
Lisa Rudloff	Park and Recreation Director	City of Encinitas
John Frenken	Park and Beach Superintendent	City of Encinitas
Ed Deane	Deputy Director of Engineering Services	City of Encinitas
Robin Greene	State Park Superintendent III	California State Parks
Darren Smith	District Ecologist	California State Parks
Nicole Turner	Archeologist	California State Parks

6.2 WEIGHTING OF CONSIDERATIONS

The design, construction and stakeholder considerations discussed in Section 5 were weighted prior to ranking the various alternatives with respect to each consideration. For the 18 considerations there are 153 pairings with the other considerations. For each pair of considerations, the focus group decided which factor would be the overriding consideration. This was repeated until all of the considerations had been compared against each other. The number of times a particular consideration was determined to be the overriding consideration, divided by 153, determined the percent weighting for that consideration. The results of this weighting exercise are shown in Table 6-2. URS facilitated the ranking process, but did not take part in the actual ranking analysis. The results indicate that the ability to obtain a coastal permit for the alternative had the highest weight, whereas beach access during construction had the lowest weighting (because it was deemed that all alternatives would no allow access during construction).

Table 6-2. Weighting of Considerations

			Design Considerations						Construction Considerations						Stakeholder Acceptance							
		Item No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
	Item No.	Consideration	Preservation of Beach Access	Shoreline Protection	Longevity of Design	Final Aesthetics	Preservation of Parking	Long Term Maintenance	Complexity of Construction	Duration of Construction	Difficulty of Construction Access	Chance for Change Orders/Differing Site Conditions	Risk of Slope Failure During Construction	Constructed Cost	Adverse Beach Erosion	Beach Encroachment	Need for Beach Replenishment	Ability to Permit	Access during Construction	Public Acceptance	Total Times Overriding Consideration of Pair	Weighting Percentage
Design Considerations	1	Preservation of Beach Access		1	1	1	1	1	1	1	1	1	1	1	1	1	1	16	1	1	16	10%
	2	Shoreline Protection			2	2	2	2	2	2	2	2	2	2	2	2	2	16	2	2	15	10%
	3	Longevity of Design				3	3	3	3	3	3	3	3	3	13	3	3	16	3	3	13	8%
	4	Final Aesthetics					5	6	4	4	4	4	4	4	13	14	15	16	4	18	7	5%
	5	Preservation of Parking						5	5	5	5	5	5	5	13	5	5	16	5	5	12	8%
	6	Long Term Maintenance							6	6	6	6	6	6	13	6	15	16	6	18	9	6%
Construction Considerations	7	Complexity of Construction								8	8	10	11	12	13	14	15	16	7	18	1	1%
	8	Duration of Construction									8	8	11	8	13	14	15	16	8	18	0	4%
	9	Difficulty of Construction Access										10	11	12	13	14	15	16	9	18	1	1%
	10	Chance for Change Orders/Differing Site Conditions											11	12	13	14	15	16	10	18	3	2%
	11	Risk of Slope Failure During Construction												11	11	11	11	16	11	11	10	7%
	12	Constructed Cost													13	14	15	16	12	18	4	3%
Stakeholder Acceptance	13	Adverse Beach Erosion														13	13	16	13	13	13	8%
	14	Beach Encroachment															15	16	14	14	6	5%
	15	Need for Beach Replenishment																16	15	15	10	7%
	16	Ability to Permit																	16	16	17	11%
	17	Access during Construction																		18	0	0%
	18	Public Acceptance																			8	5%
																				Totals	153	100%

Notes:

a. Numbers in matrix indicate what was judged to be overriding consideration of pair.

b. Weighting is percentage that consideration is overriding for the total number of pairings.

Overall, Design considerations had a relative weighing of 47%, construction considerations had a relative weighing of 16%, and stakeholder considerations had a relative weighing of 37%.

6.3 RANKING OF ALTERNATIVES

The focus group then ranked the various stabilization alternatives with respect to each of the design, construction, and stakeholder considerations. The group concluded it was necessary to rank feasible alternatives for rehabilitating the beach access. Alternative 4A was not considered as a viable solution for bluff stabilization. Therefore, Alternative 1 (do nothing) and Alternative 4A (1.5:1 slope that was not stable) were not included in the ranked alternatives. The remaining alternatives were ranked from 5 (best alternative for that consideration) to 1 (worst alternative for that consideration). The results of this ranking evaluation are shown in Table 6-2.

Table 6-3. Ranking of Alternatives with Respect to Considerations

	Item No.	Consideration	Weighting	Rankings of Alternatives				
				Alt. 2	Alt. 3	Alt. 4B	Alt. 5	Alt. 6
				Shoreline Protection with Buttress Fill	Soil Nailed Stabilization	Soil Rebuilding (1.75:1 Slope) with Erodible Toe	Soil Nailed Stabilization with Erodible Toe	Soil Nailed Stabilization of Upper Bluff
Design Considerations	1	Preservation of Beach Access	10%	5	2	4	3	1
	2	Shoreline Protection	10%	5	2	4	3	1
	3	Longevity of Design	8%	5	2	4	3	1
	4	Final Aesthetics	5%	4	1	5	3	2
	5	Preservation of Parking	8%	4	2	5	3	1
	6	Long Term Maintenance	6%	5	2	4	3	1
		Weighted Subtotals	47%					
Construction Considerations	7	Complexity of Construction	1%	2	3	5	1	4
	8	Duration of Construction	4%	2	3	5	1	4
	9	Difficulty of Construction Access	1%	2	3	4	1	5
	10	Chance for Change Orders/Differing S	2%	2	3	5	1	4
	11	Risk of Slope Failure During Construc	7%	4	1	5	3	2
	12	Constructed Cost	3%	2	1	5	3	4
		Weighted Subtotals	16%					
Stakeholder Acceptance	13	Adverse Beach Erosion	8%	1	4	3	2	5
	14	Beach Encroachment	5%	3	5	1	2	4
	15	Need for Beach Replenishment	7%	5	2	4	3	1
	16	Ability to Permit	11%	1	4	3	2	5
	17	Access during Construction	0%	3	1	4	2	5
	18	Public Acceptance	5%	1	2	5	3	4
		Weighted Subtotals	37%					
		WEIGHTED TOTALS	100%					
		Estimated Costs		$5,400,000	$8,200,000	$3,200,000	$4,800,000	$3,200,000

Notes:

a. Ranking: 5=best alternative for consideration, 1=worst alternative for consideration, 4 through 2 indicate intermediate effectiveness.

6.4 RANKING RESULTS

The weighting for each consideration was then applied to each of the rankings. The weighted rankings for each alternative were summed to obtain an overall ranking of the alternatives. The results of the weighted rankings are shown in Figure 35. By this process, Alternative 4B (including slope rebuilding and an erodible toe) had the highest overall ranking. The seawall (Alternative 2) was the highest ranked alternative for Design, but was ranked lower for Construction and Stakeholder Acceptance. The soil nailing alternatives (Alternatives 3, 5 and 6) were about equally ranked. Alternative 6 was highest ranked for Stakeholder Acceptance. This probably reflects Alternative 6 having the least affected area of the site. Alternative 4B however, was the selected alternative.

SECTION 7 LIMITATIONS

The stabilization alternatives have only been developed to the concept stage for this geotechnical feasibility study. Additional analyses will need to be undertaken to support detailed design. This will need to include construction plans, specifications and detailed construction cost estimates.

URS has observed only a small portion of the pertinent subsurface conditions. The recommendations made herein are based on the assumption that soil conditions do not deviate appreciably from those found during our current field investigations. Additionally, URS should review the project plans to verify that the intent of the recommendations presented herein has been properly interpreted and incorporated into the contract documents. We further recommend that the site earthwork, tieback anchor installations, soil nailing and/or foundation excavations be observed by a qualified engineer or geologist to verify that site conditions are as anticipated, or to provide revised recommendations if necessary.

California, including San Diego County, is an area of high seismic risk. It is generally considered economically unfeasible to design structures to resist earthquake loading without damage. Proposed earthwork and structures designed in accordance with our recommendations could experience some distress/damage if subjected to strong earthquake shaking.

Coastal and geotechnical engineering and the geologic sciences are characterized by uncertainty. Professional judgments presented herein are based partly on our understanding of the proposed construction and partly on our general experience. Our engineering work and judgments rendered meet current professional standards; we do not guarantee the performance of the project in any respect.

SECTION 8 REFERENCES

California Coastal Commission, 2014, Draft Sea-Level Rise Policy Guidance, Public Review Draft Comment Period: October 14, 2013-January 15, 2014

FHWA, 2011. "LRFD Seismic Analysis and Design of Transportation Geotechnical Features and Structural Foundations," Federal Highway Administration, U.S. Department of Transportation, Report No. FHWA-NHI-11-032, August 2011.

Hart, M., 2000. "Bedding-Parallel Shear Zones as Landslide Mechanisms in Horizontal Sedimentary Rocks," in Environmental & Engineering Science, Vol. 6, No. 2, May.

Hunter-Pacific Group, 2006, Beacon's Beach Access, 50% Construction Documents Estimate, prepared for Schmidt Design, May 31.

National Research Council, Sea Level Rise for the Coasts of California, Oregon, and Washington: Past Present and Future. National Academies Press, Washington, D.C. ISBN 978-309-24494-3

RSMeans, 2009, Building Construction Cost Data

Schug, D.L., 2012, "The Beacon's Beach Landslide" in Waiting for Tsunami: Coastal Hazards of Northern San Diego County, California. Editor: C. Gomes, ed. San Diego Association of Geologists, September.

State of California, Department of Parks and Recreation, 1983, An Evaluation of the Landslide at Leucadia State Beach and Recommendations for Providing Public Beach Access, prepared by D.Wayne Calkins, Syd Willard and Kenneth .L. Gray.

State of California, Department of Parks and Recreation, 1987, Landslide at Leucadia State Beach (Beacon's) prepared by Syd Willard

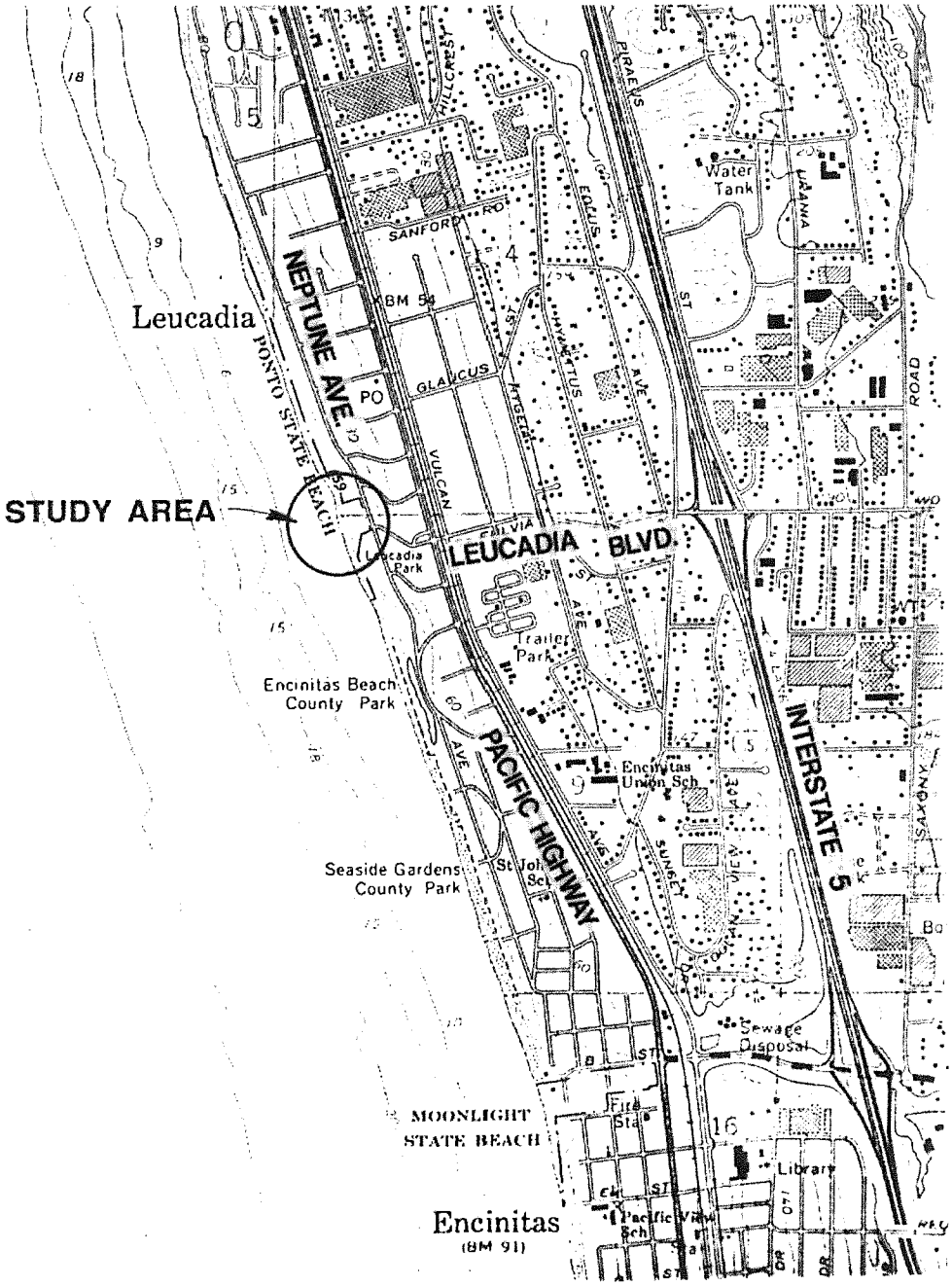
TRC Essex, 2006, Draft Environmental Impact Report, Beacon's Beach Access Project, prepared for City of Encinitas, October

Union Tribune, 2014, "Appeals Court Hears Dispute Over Encinitas Seawall Ruling" July 15

U. S. Army Corps of Engineers, 2012, DRAFT Encinitas-Solana Beach Coastal Storm Damage Reduction Project, Integrated Feasibility Study and Environmental Impact Statement/Environmental Impact Report (EIS\EIR), San Diego County, California

URS, 2003, Geotechnical Investigation, Beacon's Beach Access, Encinitas, CA, prepared for Schmidt Design Group, Inc., Project No. 27644559.00001

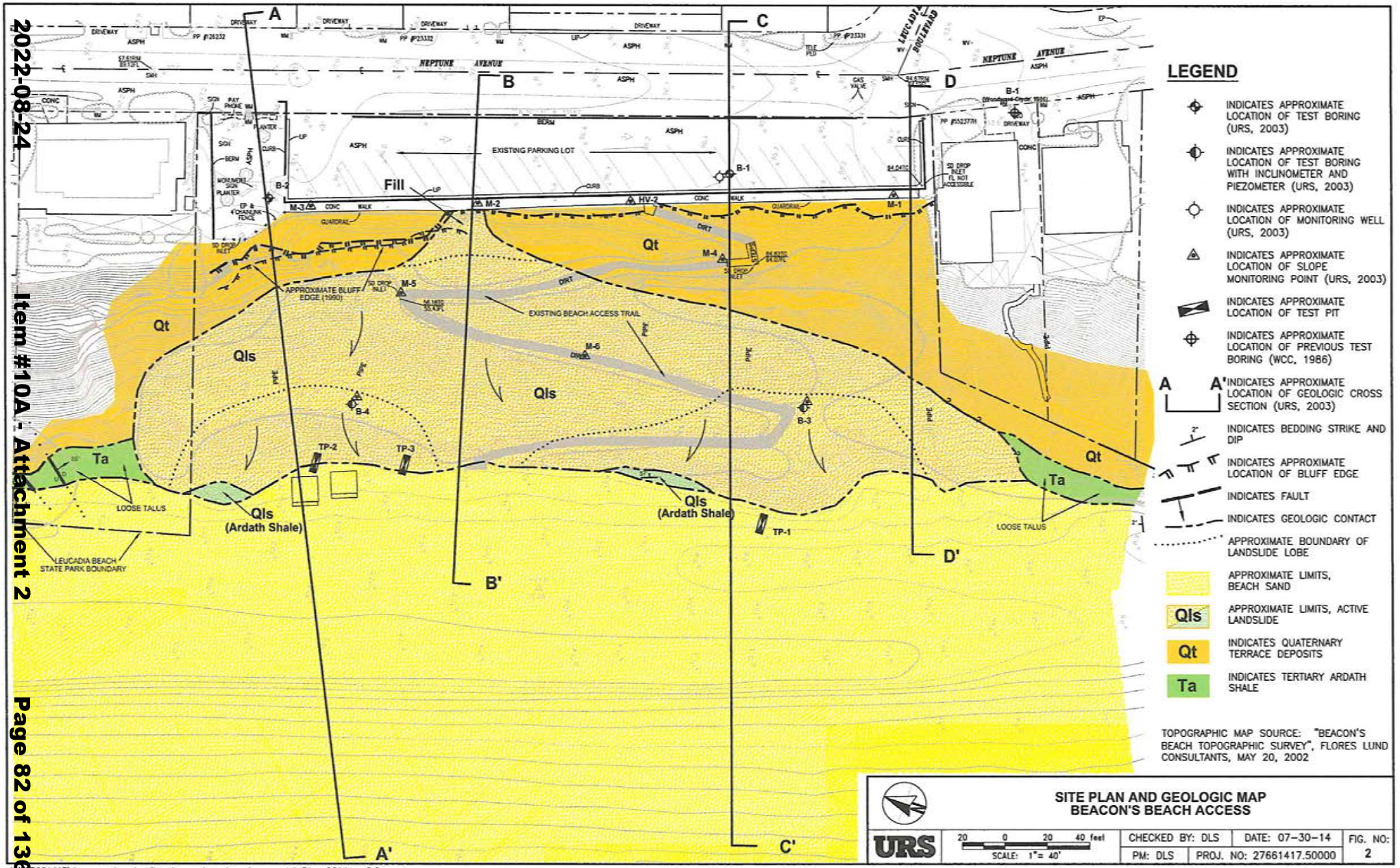
Woodward-Clyde. 1990, Geotechnical Feasibility Study, Beacon's Beach Access, Leucadia State Beach, prepared for City of Encinitas, Community Services Department, Project No. 9051220D-GE01



BASE MAP:
USGS ENCINITAS 7.5 MINUTE QUADRANGLE (1975)

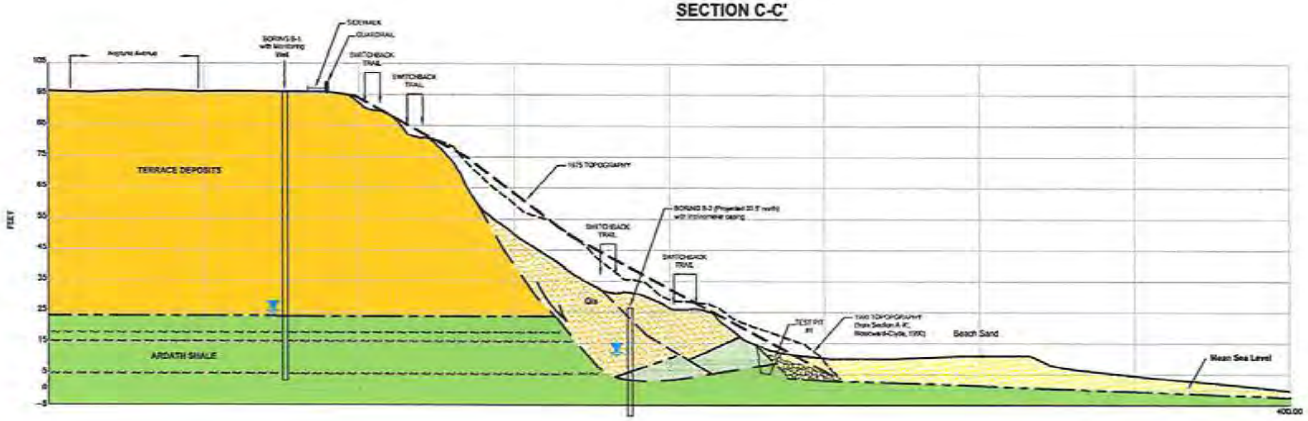
VICINITY MAP
BEACON'S BEACH ACCESS

URS	1000 0 1000 2000 Feet SCALE: 1"= 2000'	CHECKED BY:	DATE: 07-30-14	FIG. NO: 1
		PM: DLS	PROJ. NO: 27661417.50000	

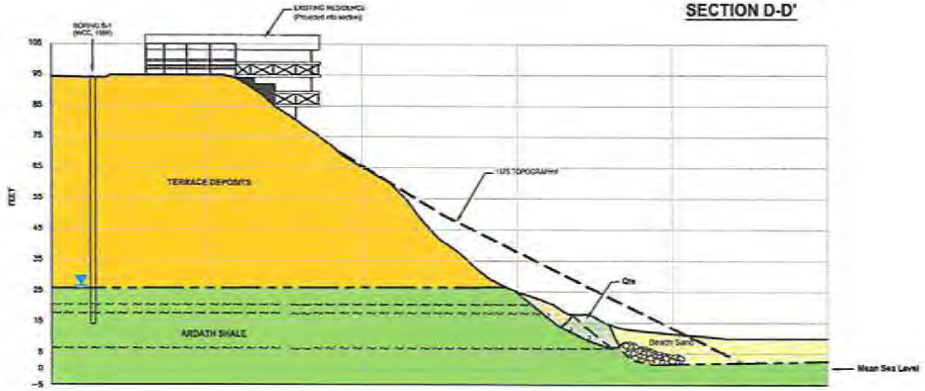


X:\27661417\beacons beach-site plan and geology.dwg Jul 31, 2014 - 3:01pm

SECTION C-C'



SECTION D-D'



LEGEND

- APPROXIMATE LOCATION, BEDDING PLANE SHEAR ZONE
- APPROXIMATE LOCATION, COBBLE BERM
- APPROXIMATE GROUNDWATER LEVEL, AS INDICATED WITHIN TEST BORINGS
- APPROXIMATE LIMITS, BEACH SAND
- APPROXIMATE LIMITS, ACTIVE LANDSLIDE
- INDICATES QUATERNARY TERRACE DEPOSITS
- INDICATES TERTIARY ARDATH SHALE

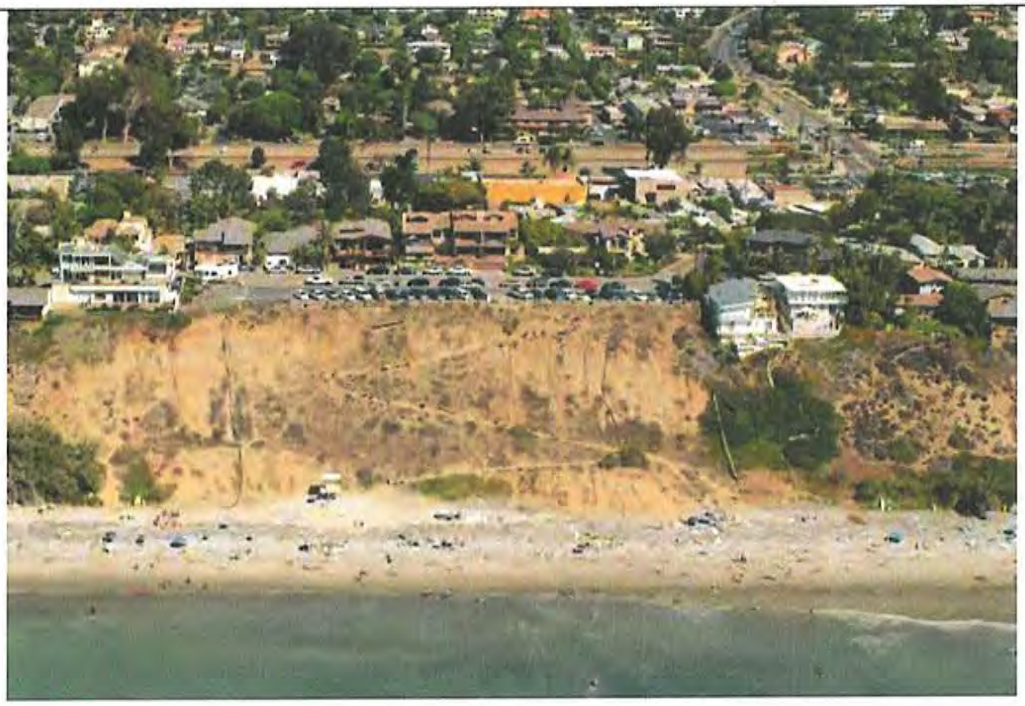
GEOLOGIC CROSS SECTIONS C-C' AND D-D'
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: DLS	DATE: 07-30-14	FIG. NO: 4
		PM: DLS	PROJ. NO: 27661417.50000	

X:\27661417\beacons beach_cross sections.dwg Jul 31, 2014 - 3:04pm

Photograph Date: October 2002

Source: California Coastal Records Project

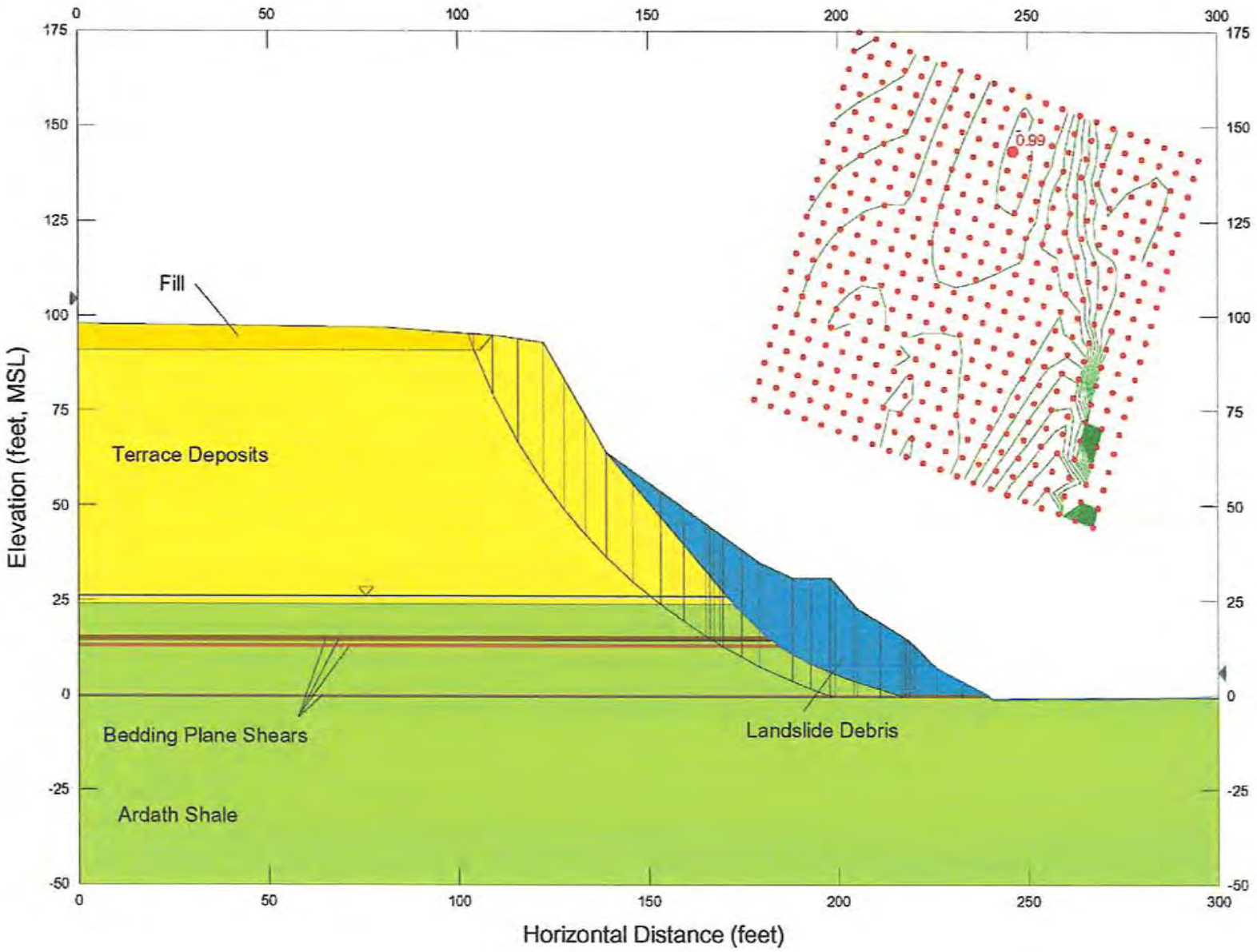


Photograph Date: September 2013

Source: California Coastal Records Project

URS	Oblique Aerial Photos taken 2002 and 2013 Beacon's Beach Access	FIG. NO. 5
	PM: DLS / PROJ. NO.: 27661417.50000	

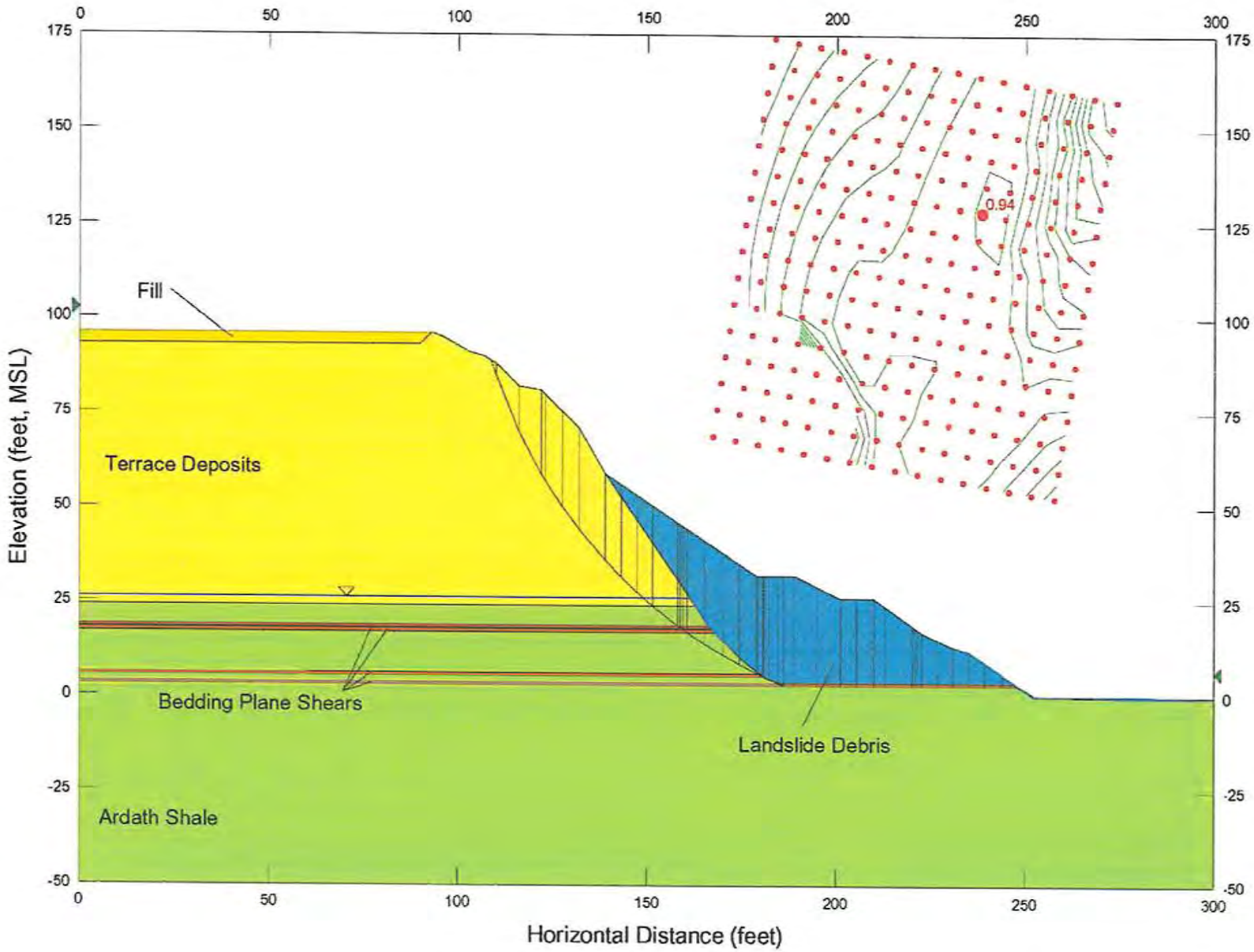
J:\27661417 City of Encinitas - Beacons\014 WORK IN PROGRESS\Draft Report\figures\Fig 5.docx



SECTION A-A' - ALTERNATIVE 1A; STATIC CASE
GEOLOGIC CONDITIONS WITH EROSION OF BEACH SAND
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 6
		PM: DLS	PROJ. NO: 27661417.50000	

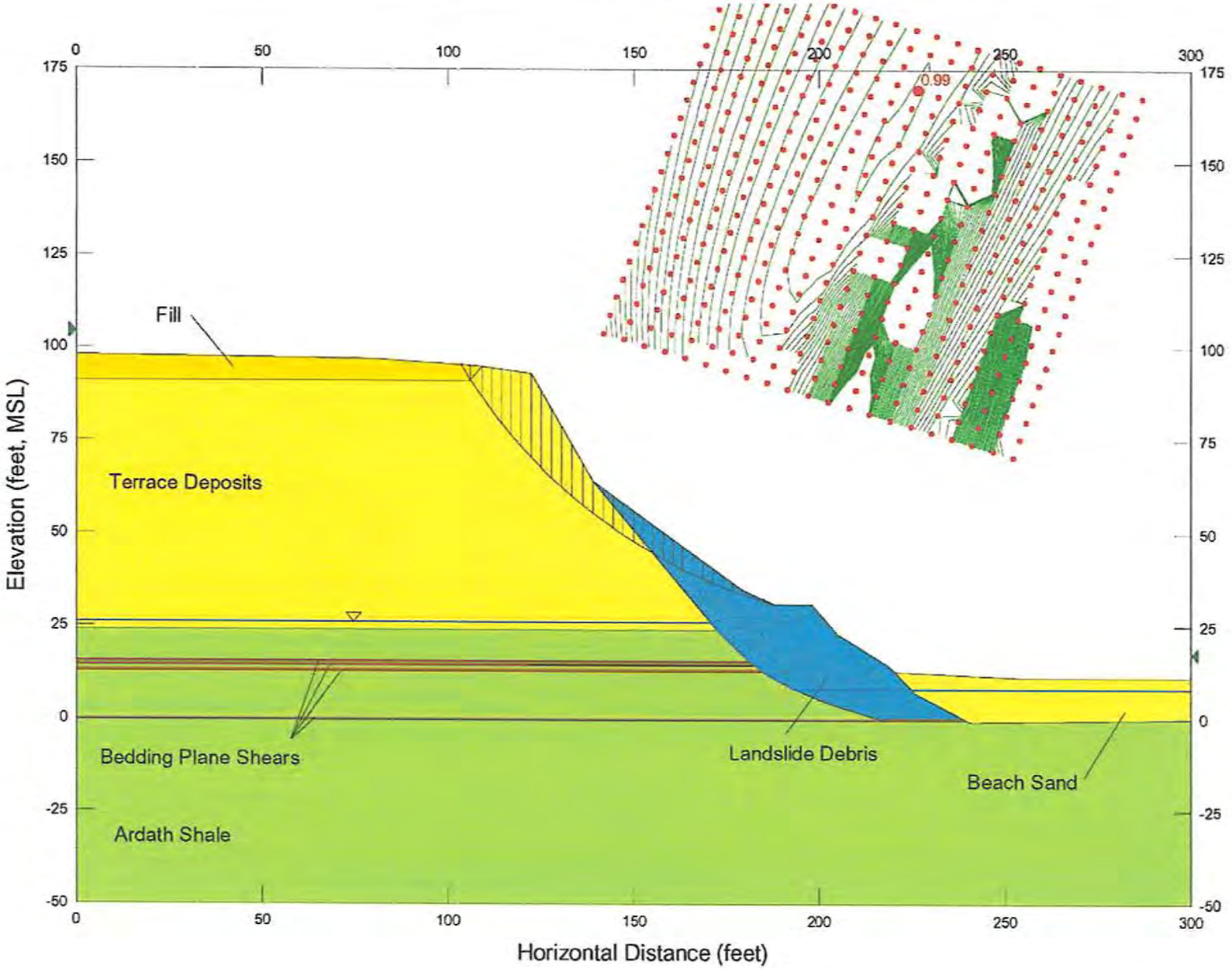
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 18, 2014 - 2:32pm



SECTION C-C' - ALTERNATIVE 1A; STATIC CASE
GEOLOGIC CONDITIONS WITH EROSION OF BEACH SAND
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 7
		PM: DLS	PROJ. NO: 27661417.50000	

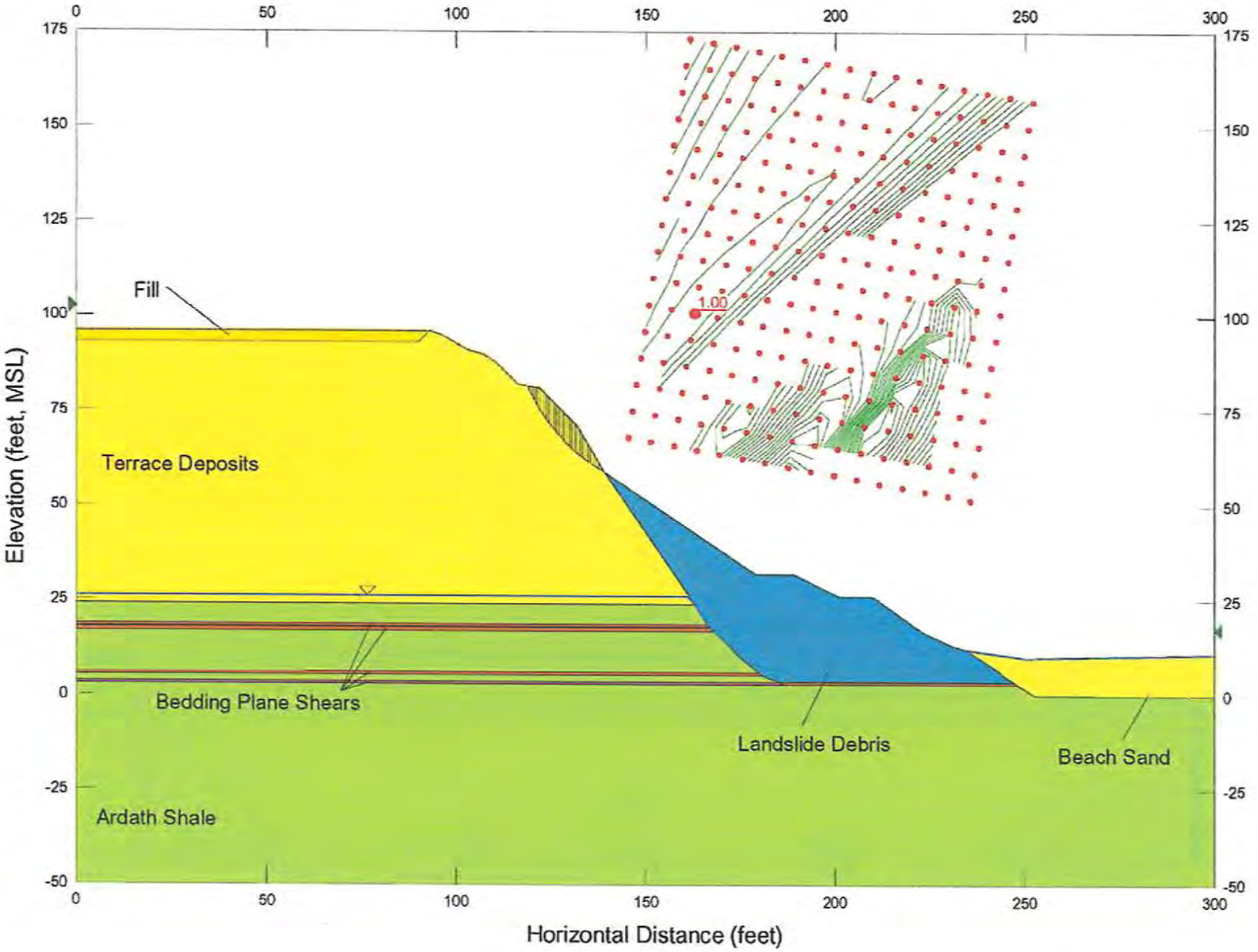
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 18, 2014 - 2:46pm



SECTION A-A' - ALTERNATIVE 1B; STATIC CASE
GEOLOGIC CONDITIONS OF UPPER BLUFF
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 8
		PM: DLS	PROJ. NO: 27661417.50000	

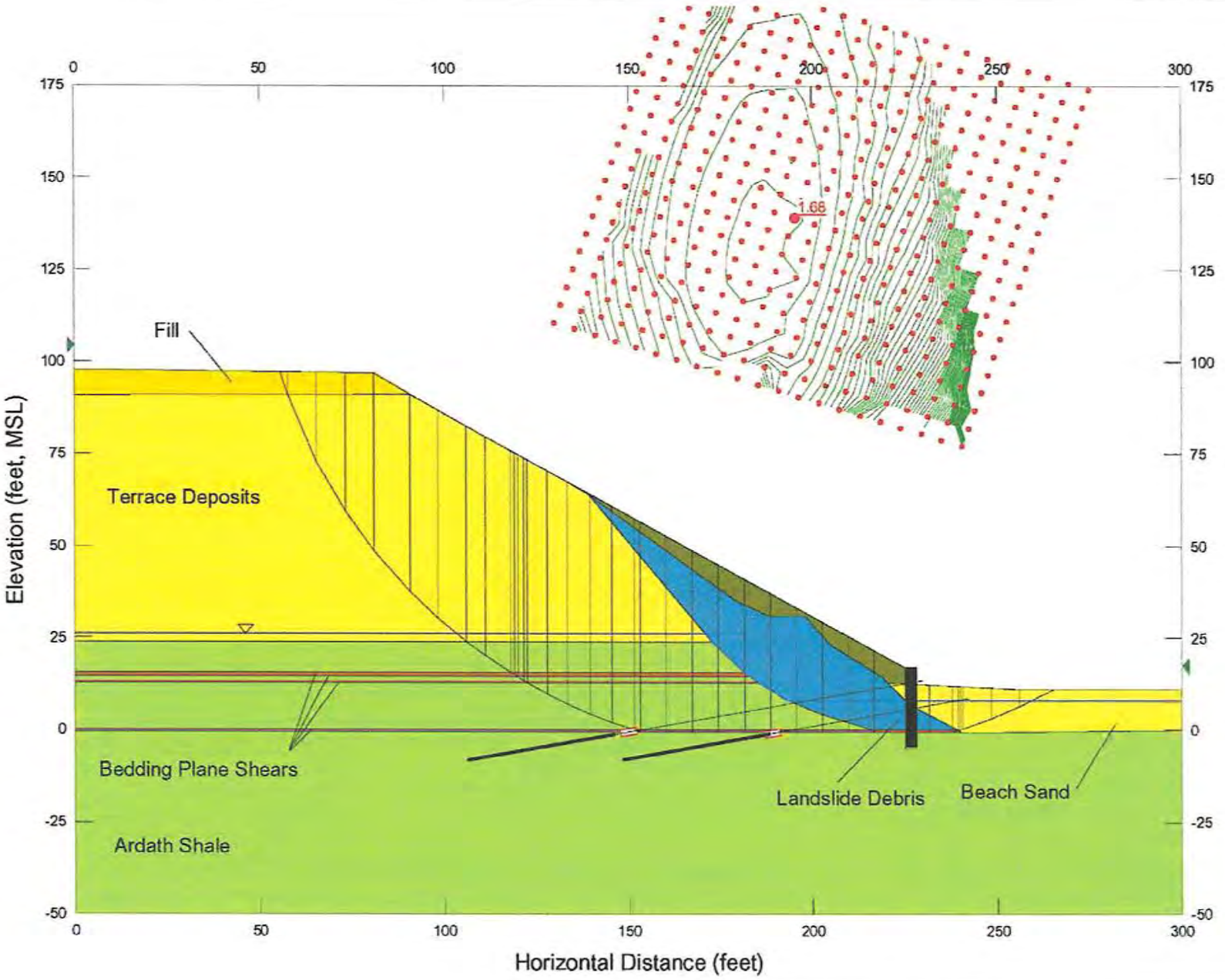
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 18, 2014 – 2:32pm



SECTION C-C' - ALTERNATIVE 1B; STATIC CASE
GEOLOGIC CONDITIONS OF UPPER BLUFF
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 9
		PM: DLS	PROJ. NO: 27661417.50000	

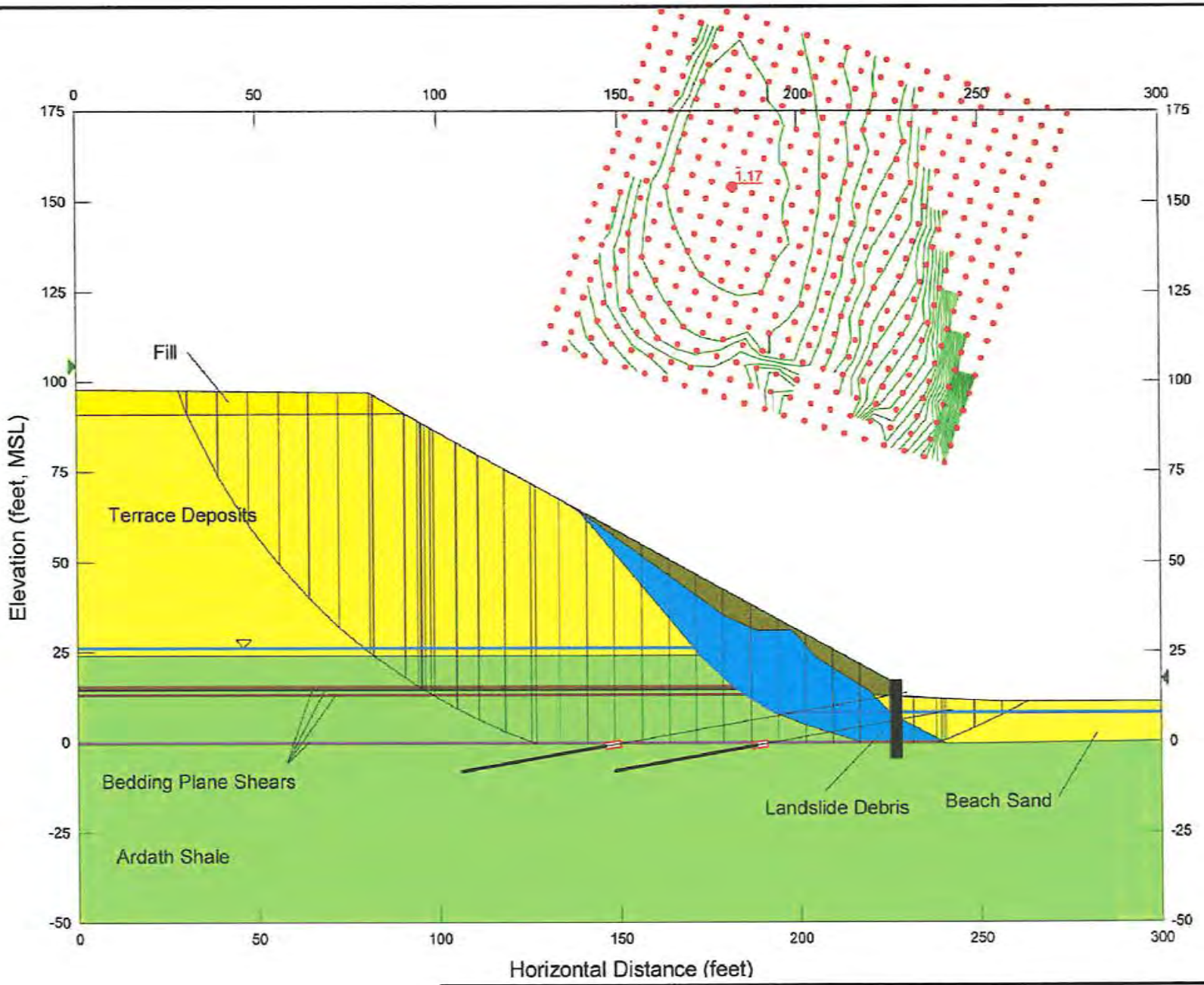
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 18, 2014 - 2:47pm



SECTION A-A' - ALTERNATIVE 2; STATIC CASE
SHORELINE PROTECTION WITH BUTTRESS FILL
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 10
		PM: DLS	PROJ. NO: 27661417.50000	

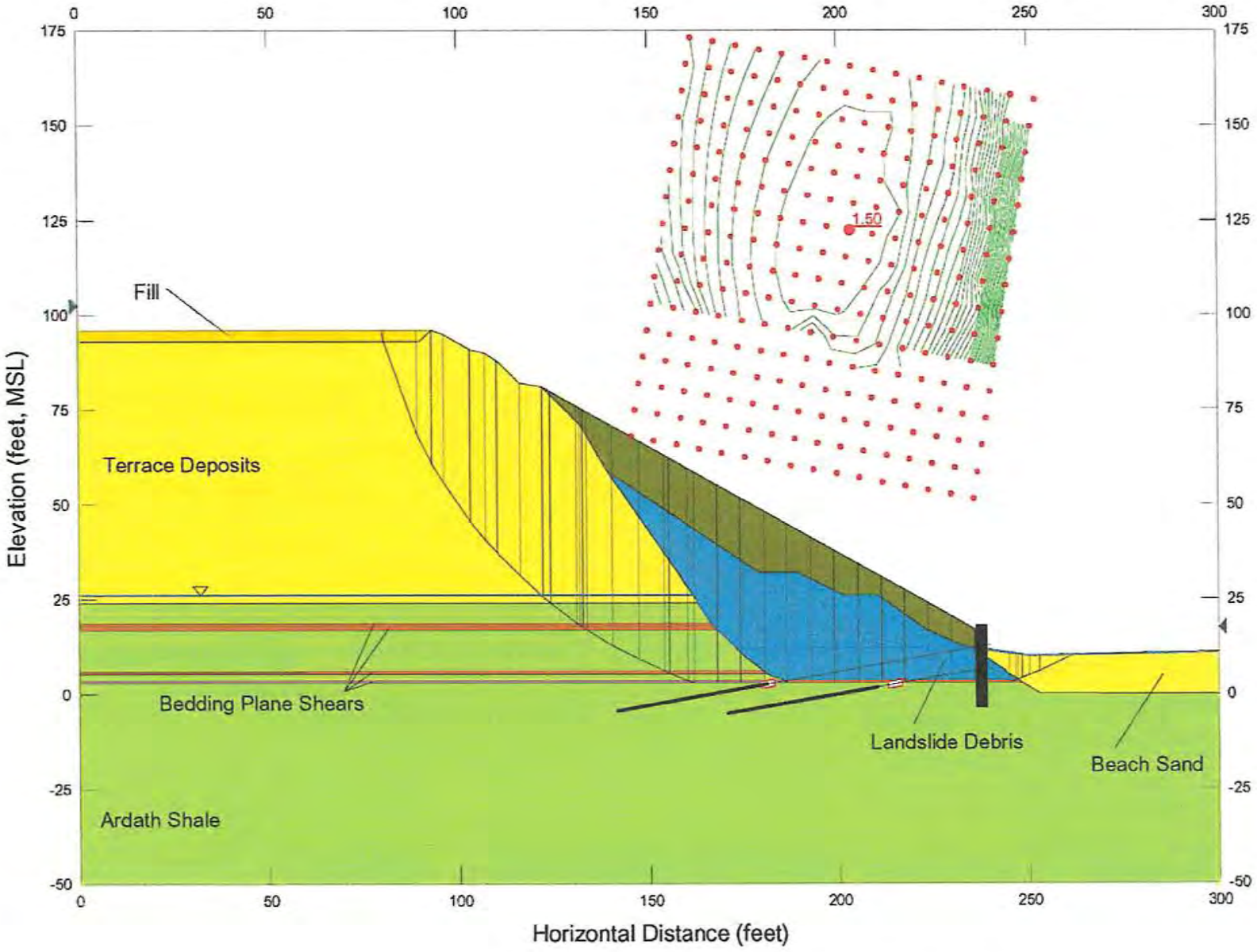
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 18, 2014 - 2:33pm



SECTION A-A' - ALTERNATIVE 2; PSEUDO-STATIC CASE
SHORELINE PROTECTION WITH BUTTRESS FILL
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 11
		PM: DLS	PROJ. NO: 27661417.50000	

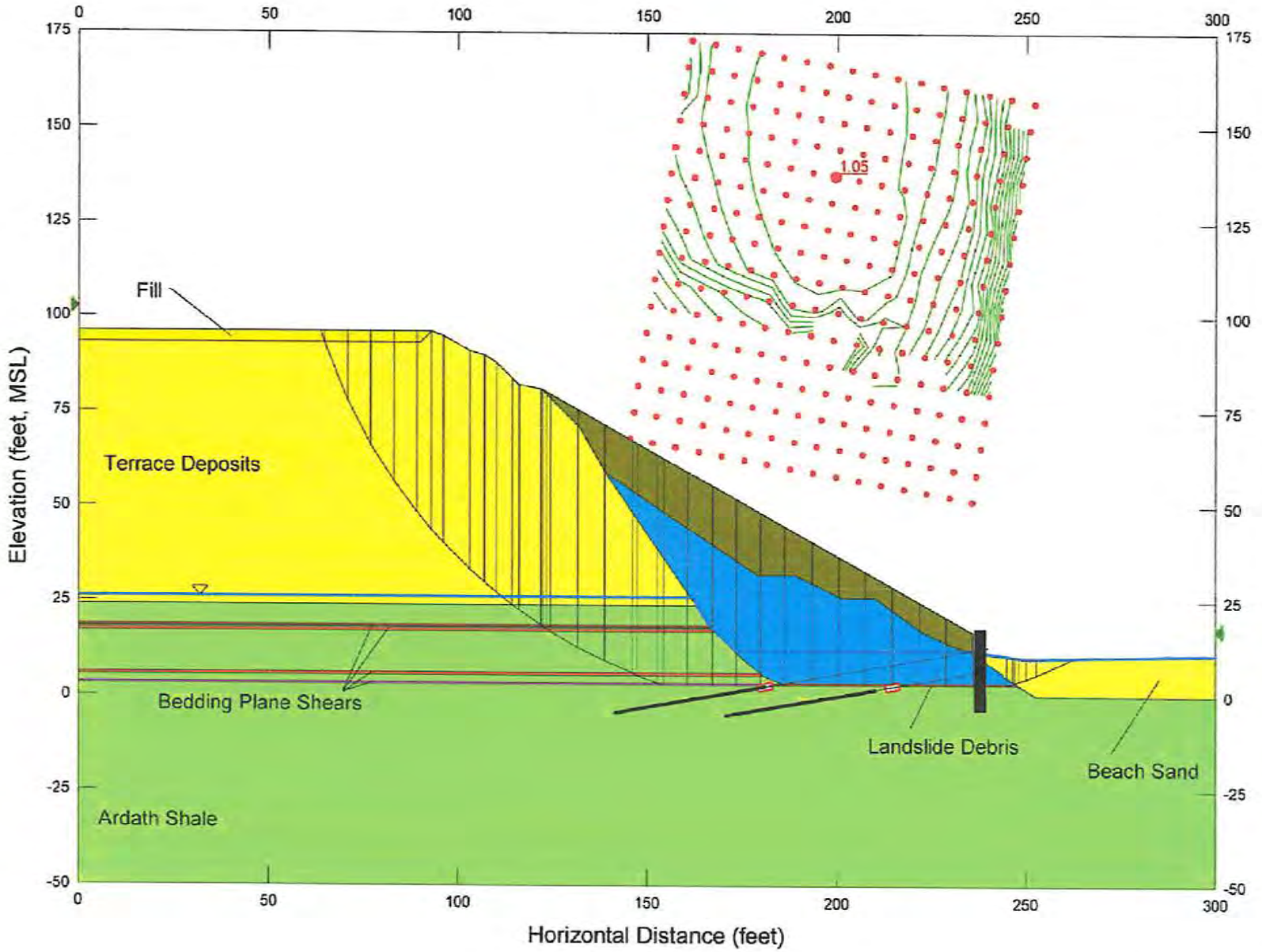
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Pseudo Static.dwg Sep 25, 2014 - 8:16c



SECTION C-C' - ALTERNATIVE 2; STATIC CASE
SHORELINE PROTECTION WITH BUTTRESS FILL
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 12
		PM: DLS	PROJ. NO: 27661417.50000	

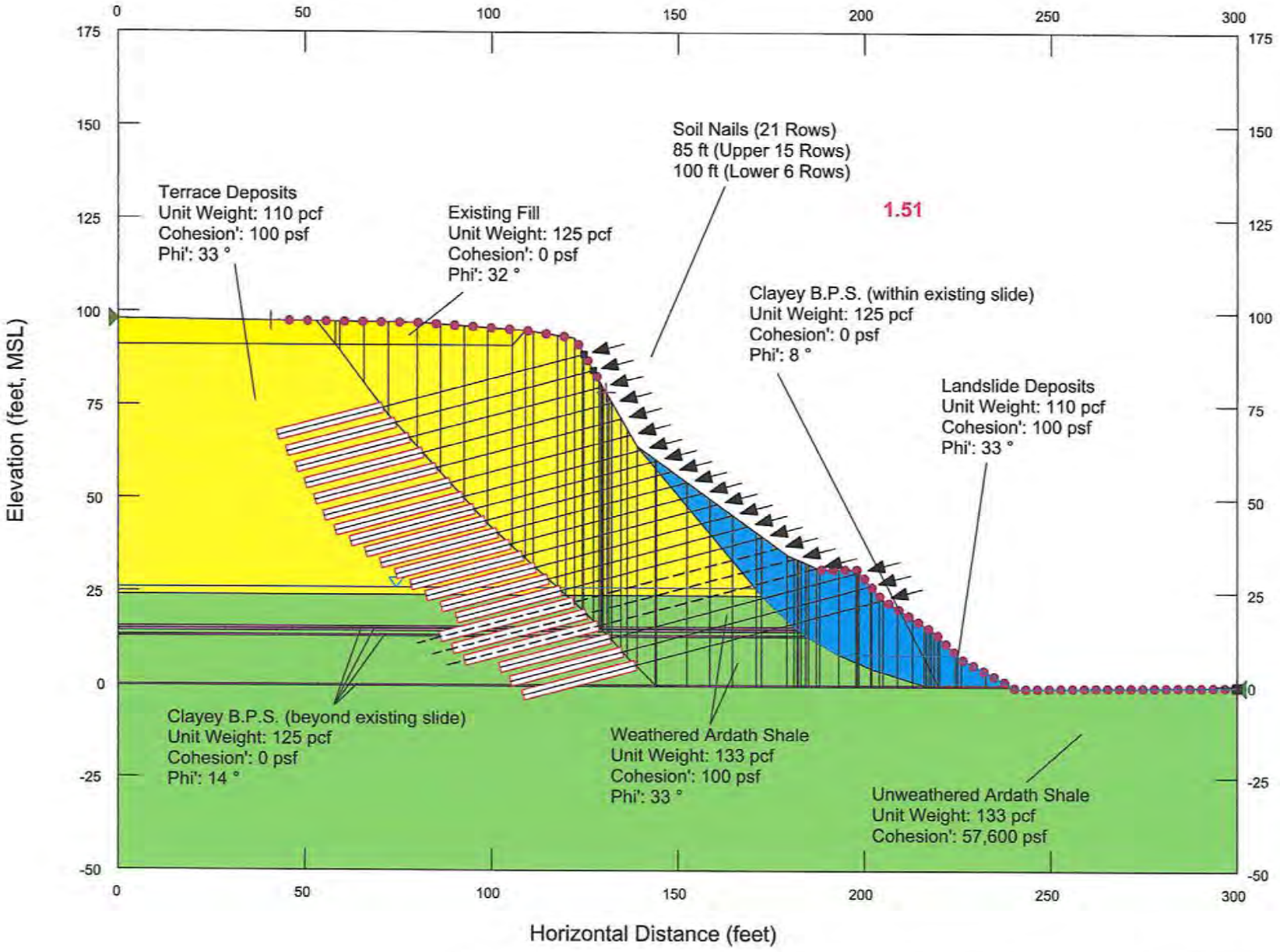
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 18, 2014 - 2:48pm



SECTION C-C' - ALTERNATIVE 2; PSEUDO-STATIC CASE
SHORELINE PROTECTION WITH BUTTRESS FILL
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 13
		PM: DLS	PROJ. NO: 27661417.50000	

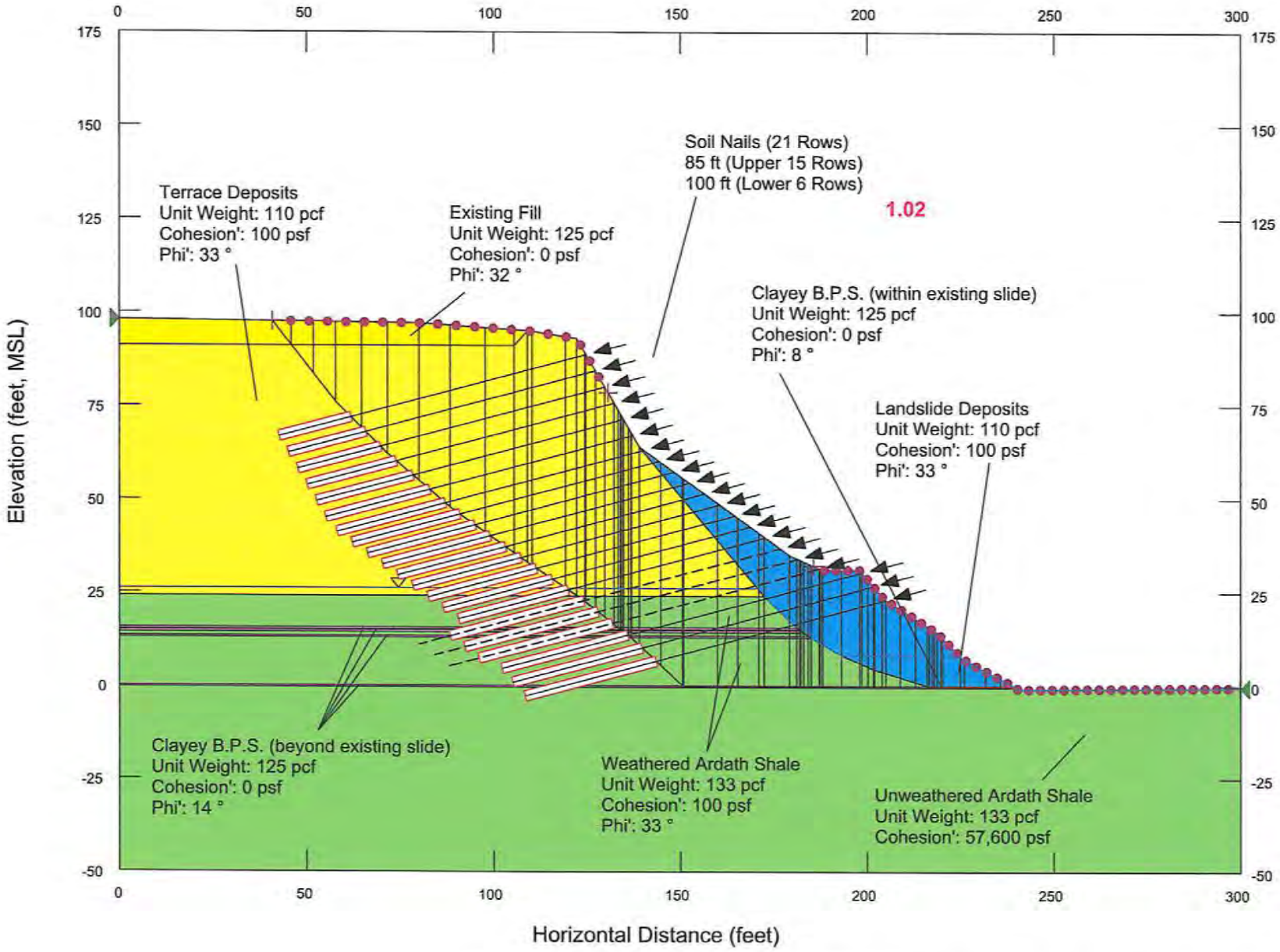
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 - 8:39



SECTION A-A' - ALTERNATIVE 3; STATIC CASE
SOIL NAILED STABILIZATION
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 14
		PM: DLS	PROJ. NO: 27661417.50000	

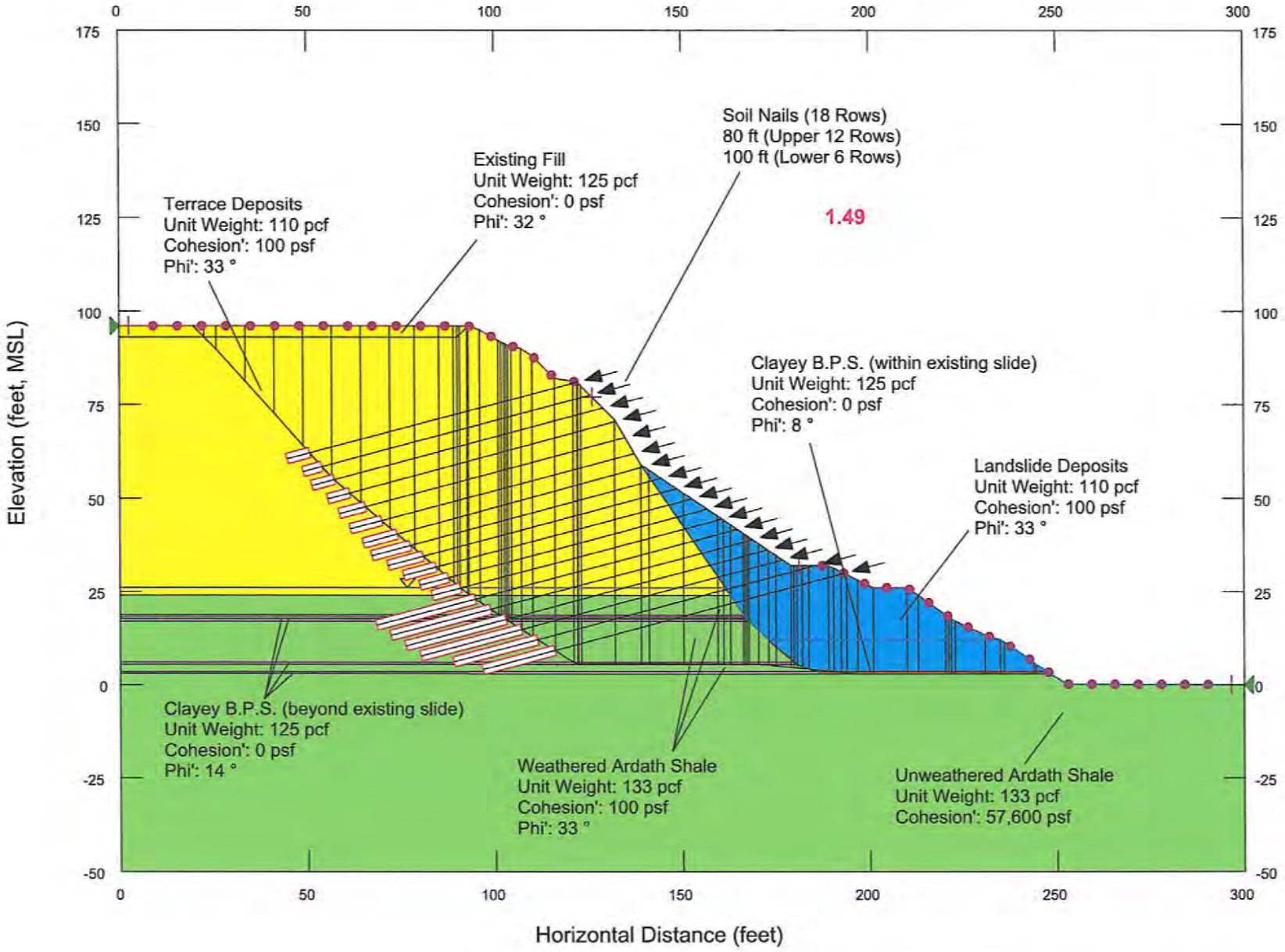
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 18, 2014 – 2:33pm



SECTION A-A' - ALTERNATIVE 3; PSEUDO-STATIC CASE
SOIL NAILED STABILIZATION
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 15
		PM: DLS	PROJ. NO: 27661417.50000	

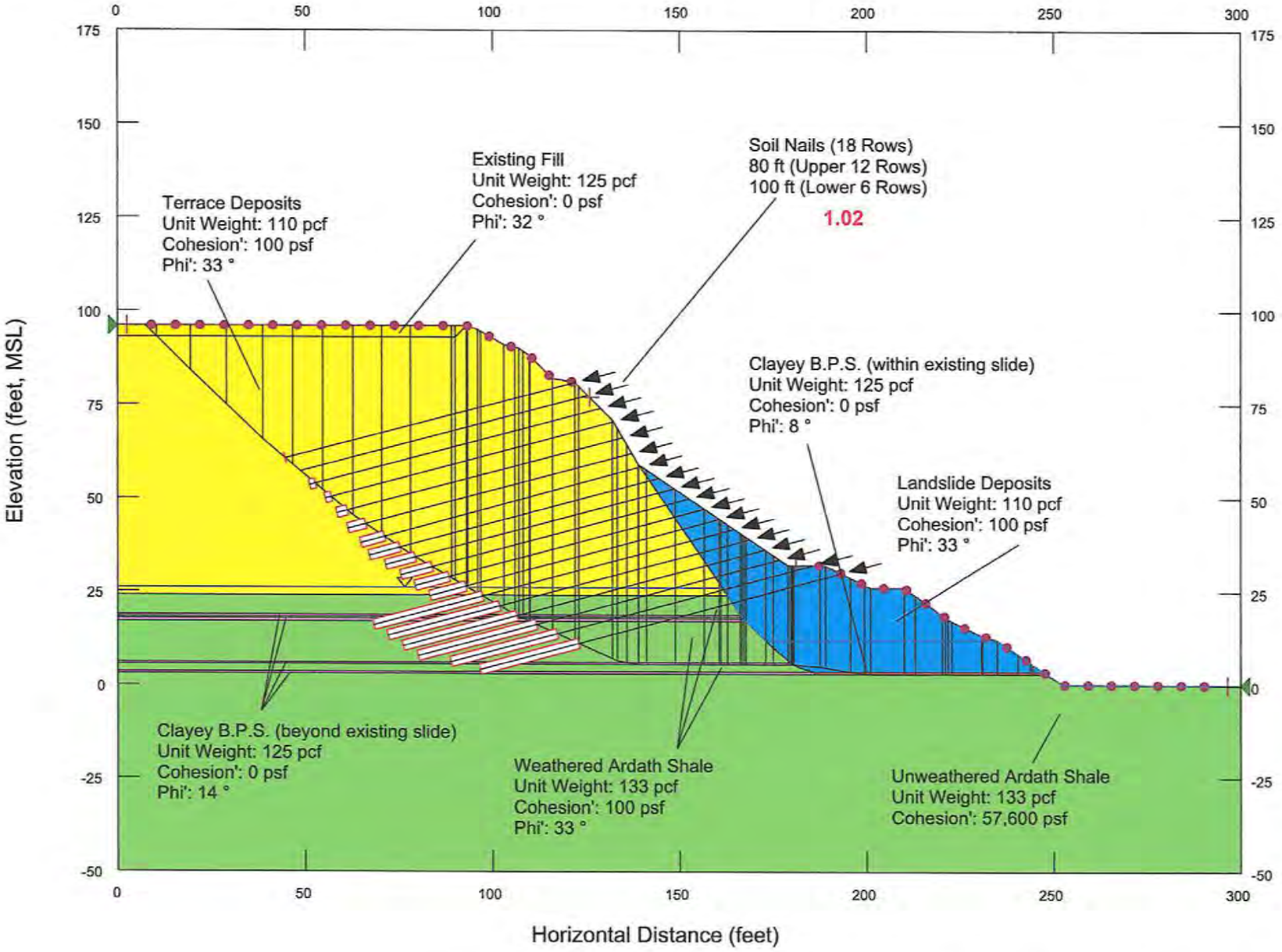
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Pseudo Static.dwg Sep 25, 2014 – 8:17c



SECTION C-C' - ALTERNATIVE 3; STATIC CASE
SOIL NAILED STABILIZATION
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 16
		PM: DLS	PROJ. NO: 27661417.50000	

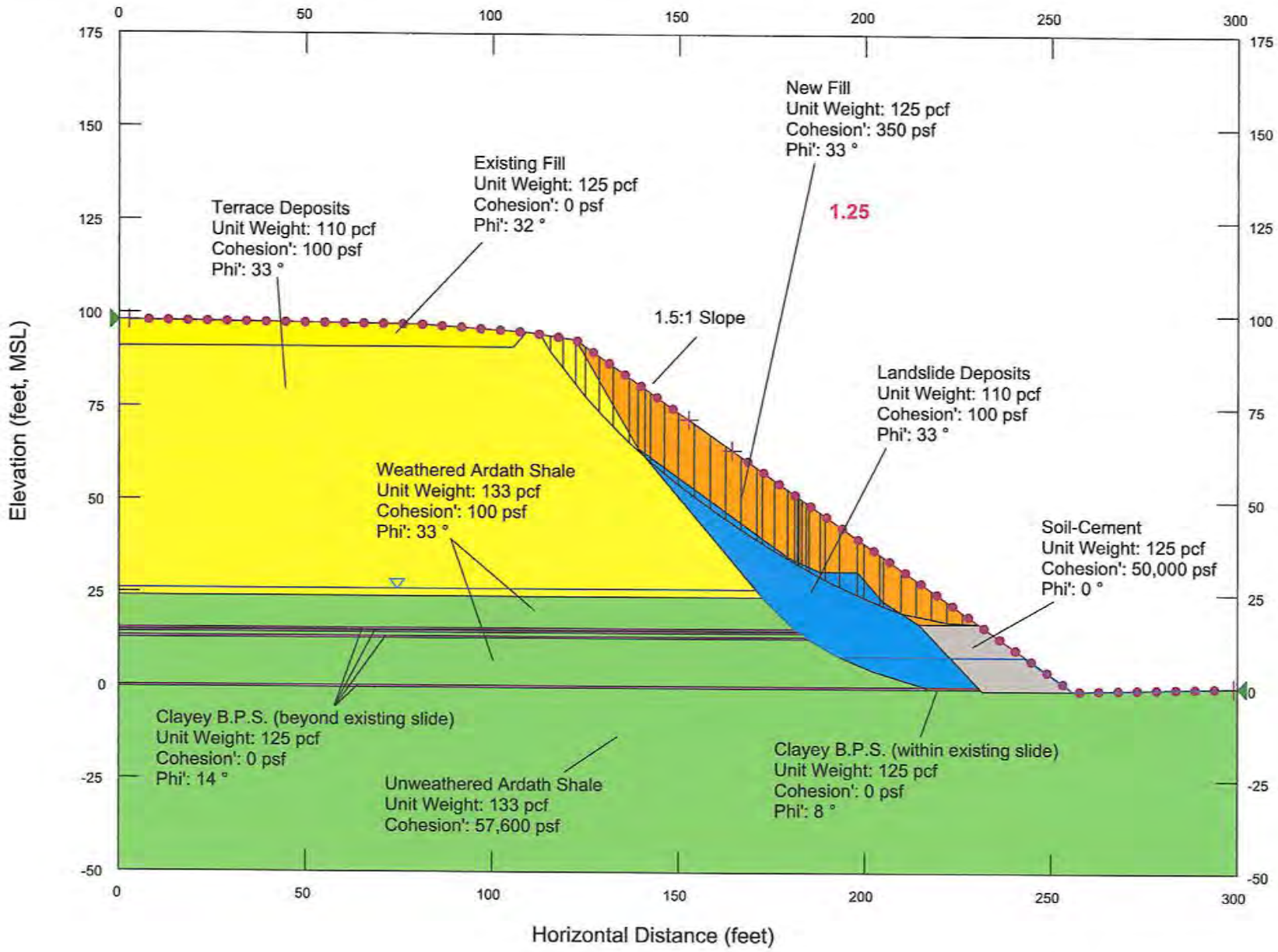
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 18, 2014 - 2:49pm



SECTION C-C' - ALTERNATIVE 3; PSEUDO-STATIC CASE
SOIL NAILED STABILIZATION
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 17
		PM: DLS	PROJ. NO: 27661417.50000	

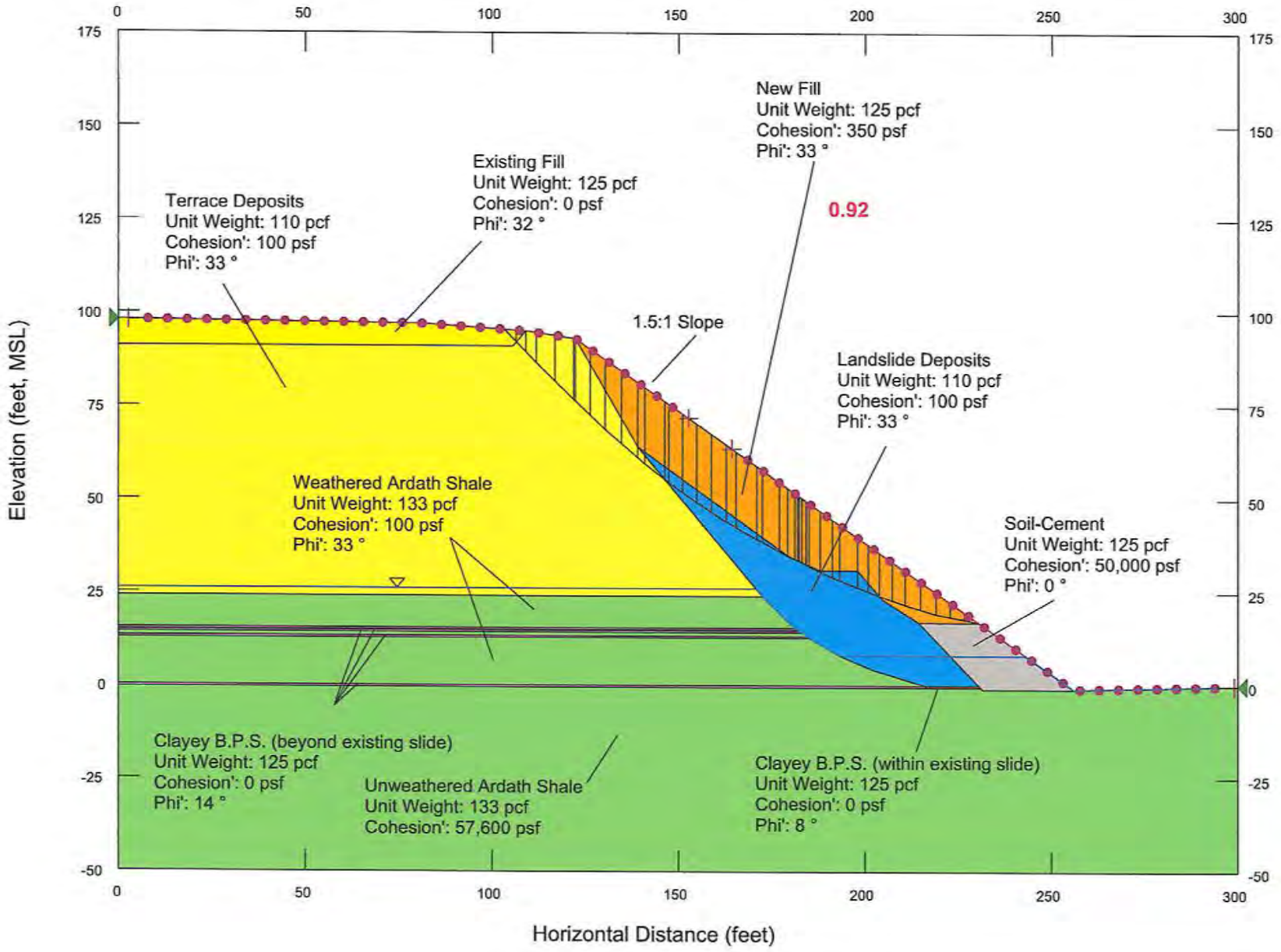
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 – 8:40



SECTION A-A' - ALTERNATIVE 4A; STATIC CASE
SLOPE REBUILDING (1.5:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 18
		PM: DLS	PROJ. NO: 27661417.50000	

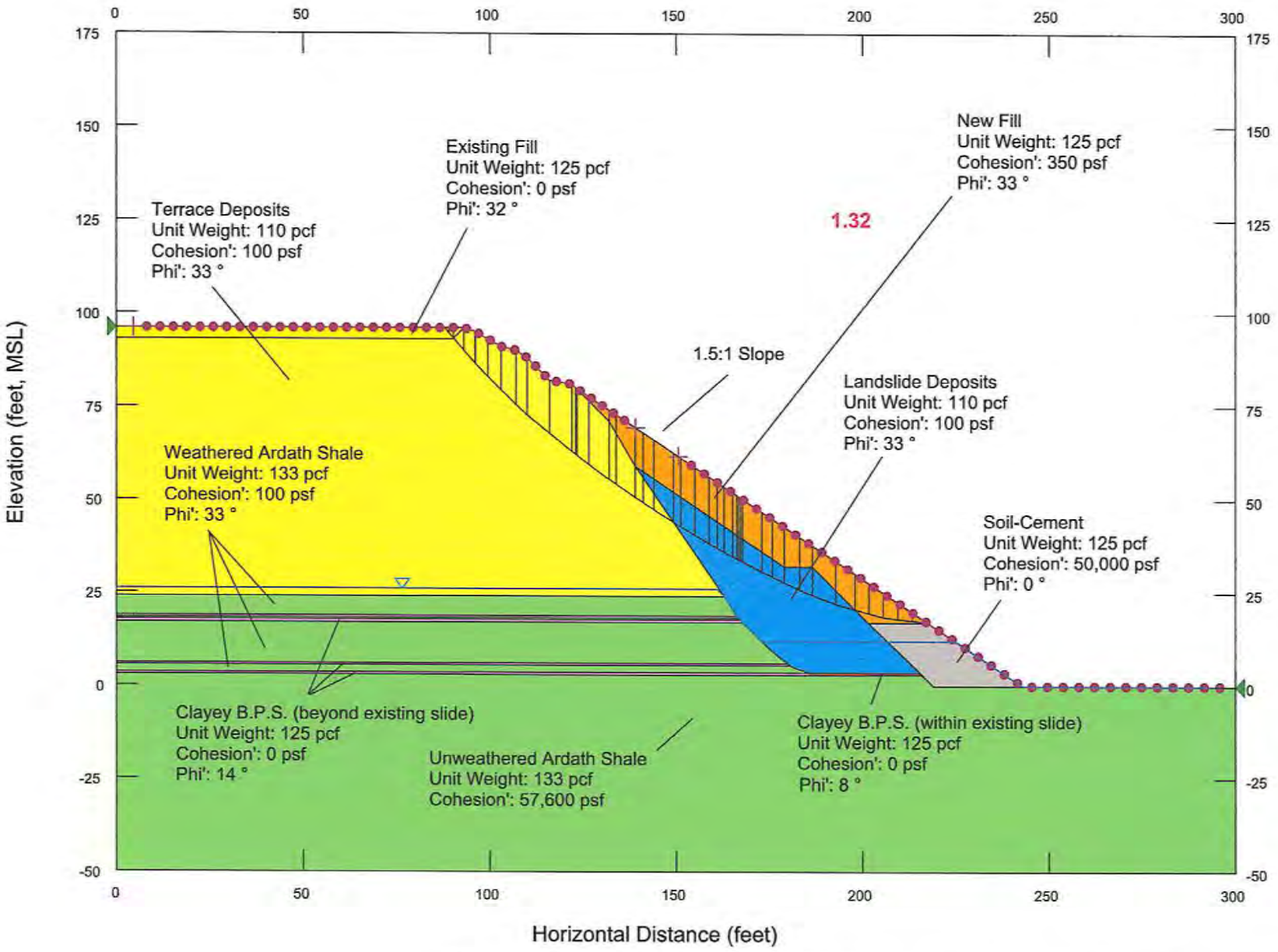
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 25, 2014 - 1:10pm



SECTION A-A' - ALTERNATIVE 4A; PSEUDO-STATIC CASE
SLOPE REBUILDING (1.5:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 19
		PM: DLS	PROJ. NO: 27661417.50000	

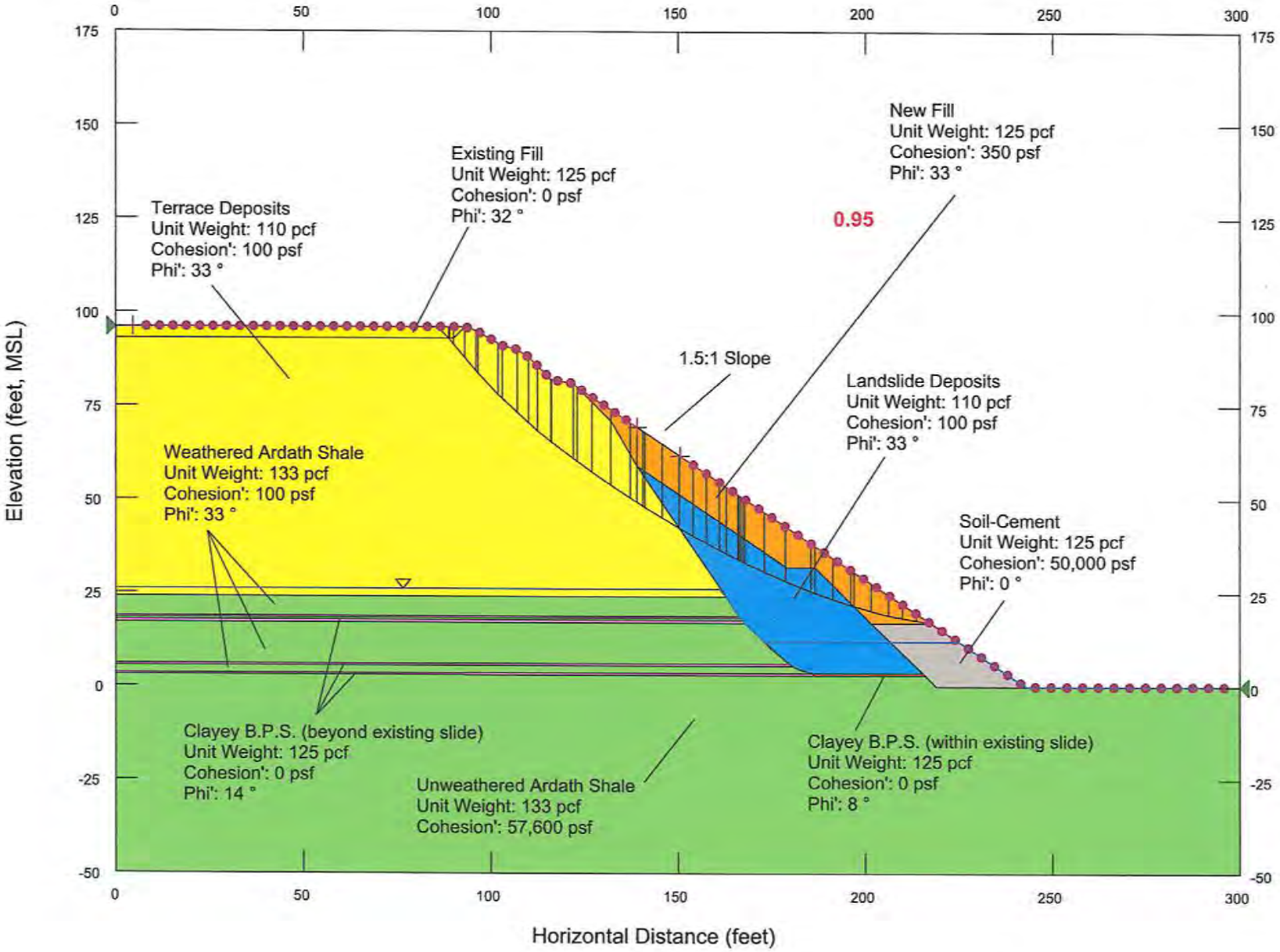
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Pseudo Static.dwg Sep 25, 2014 - 1:08p



SECTION C-C' - ALTERNATIVE 4A; STATIC CASE
SLOPE REBUILDING (1.5:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 20
		PM: DLS	PROJ. NO: 27661417.50000	

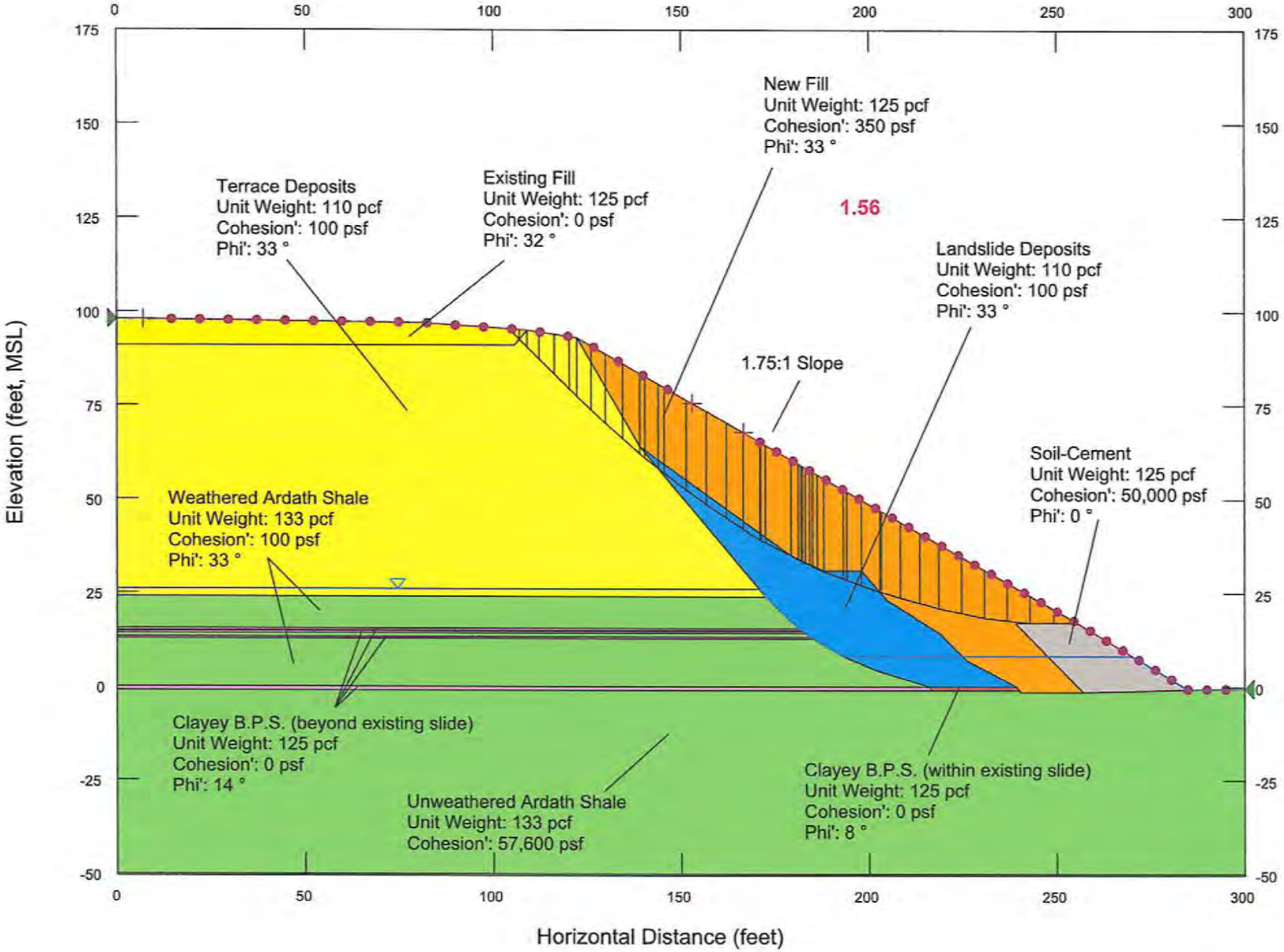
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 25, 2014 - 1:13pm



SECTION C-C' - ALTERNATIVE 4A; PSEUDO-STATIC CASE
SLOPE REBUILDING (1.5:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 21
		PM: DLS	PROJ. NO: 27661417.50000	

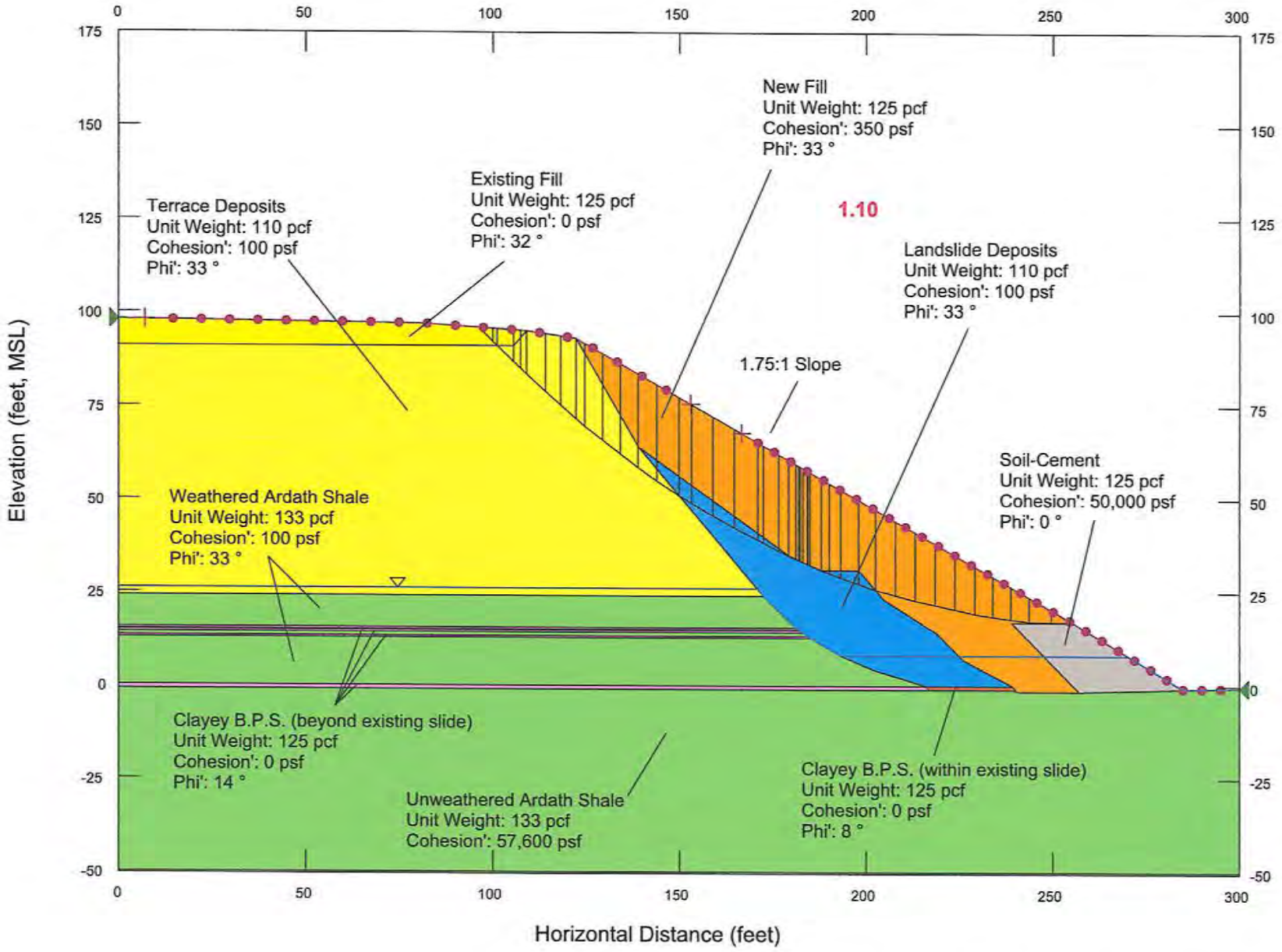
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 - 1:11



SECTION A-A' - ALTERNATIVE 4B; STATIC CASE
SLOPE REBUILDING (1.75:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 22
		PM: DLS	PROJ. NO: 27661417.50000	

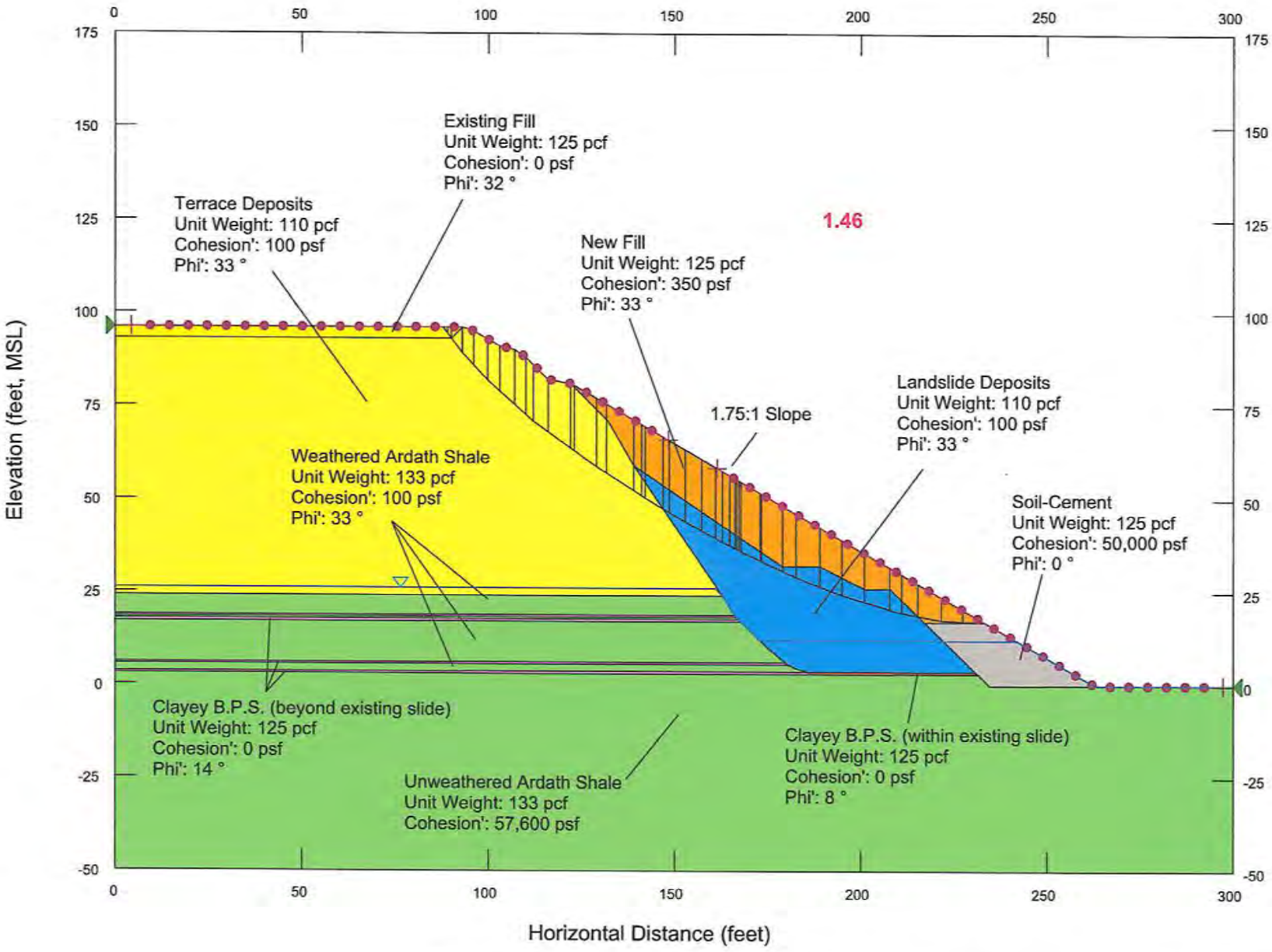
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 25, 2014 - 1:10pm



SECTION A-A' - ALTERNATIVE 4B; PSEUDO-STATIC CASE
SLOPE REBUILDING (1.75:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09–18–14	FIG. NO: 23
		PM: DLS	PROJ. NO: 27661417.50000	

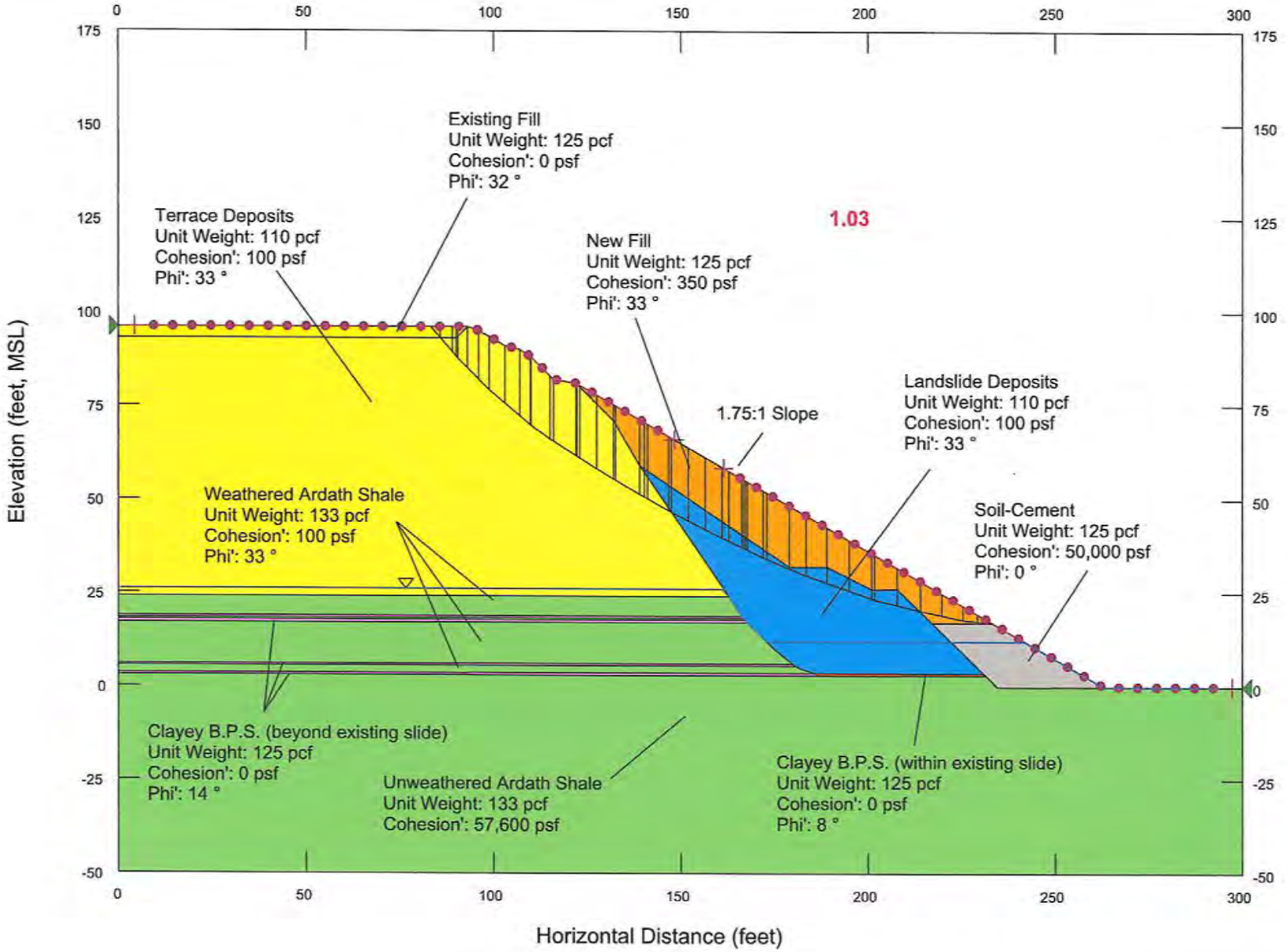
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A–A'\Beacons Beach_Slope Stability_A–A'_Alts_Pseudo Static.dwg Sep 25, 2014 – 1:08p



SECTION C-C' - ALTERNATIVE 4B; STATIC CASE
SLOPE REBUILDING (1.75:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 24
		PM: DLS	PROJ. NO: 27661417.50000	

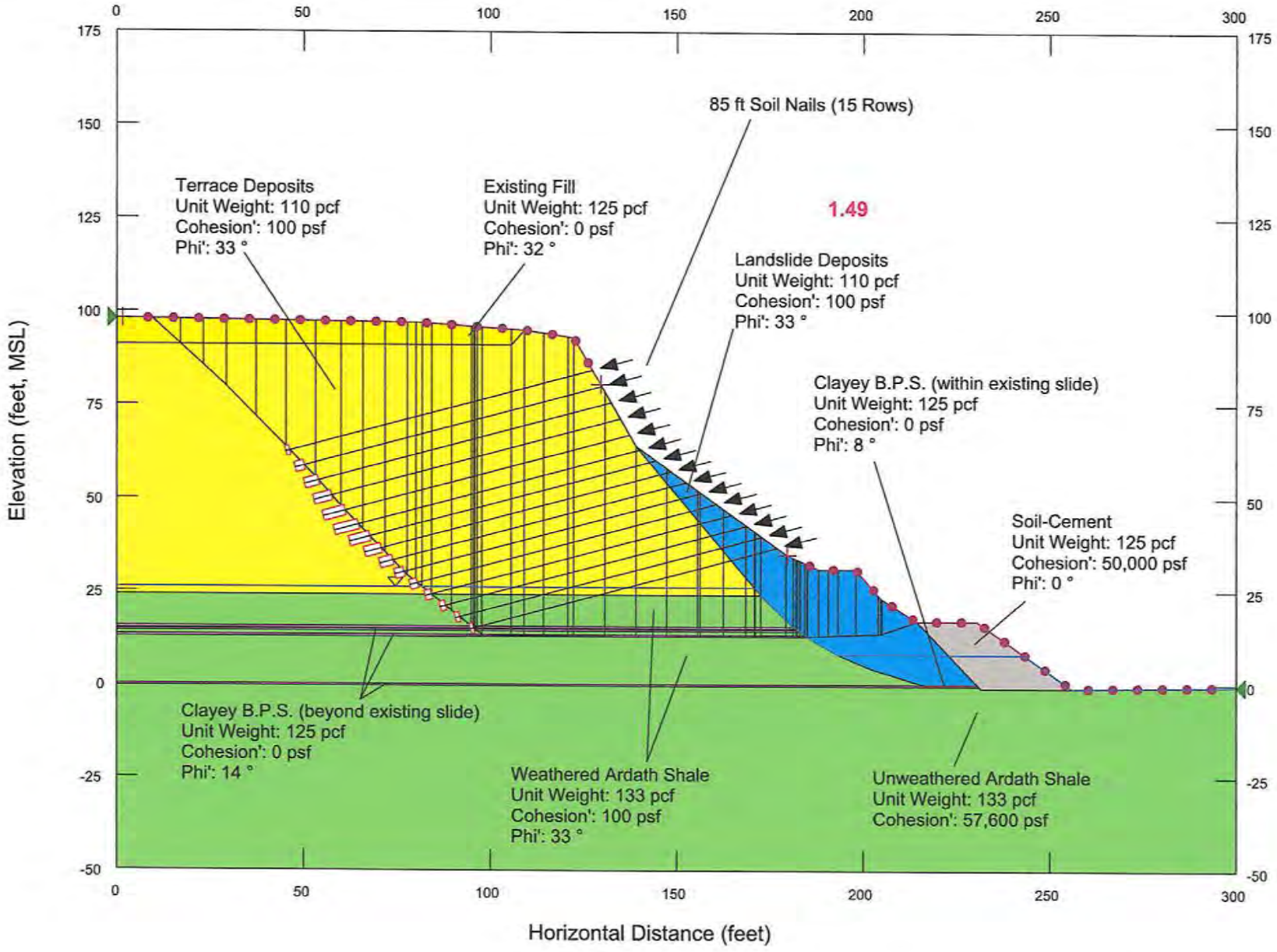
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 25, 2014 - 1:13pm



SECTION C-C' - ALTERNATIVE 4B; PSEUDO-STATIC CASE
SLOPE REBUILDING (1.75:1 SLOPE) WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 25
		PM: DLS	PROJ. NO: 27661417.50000	

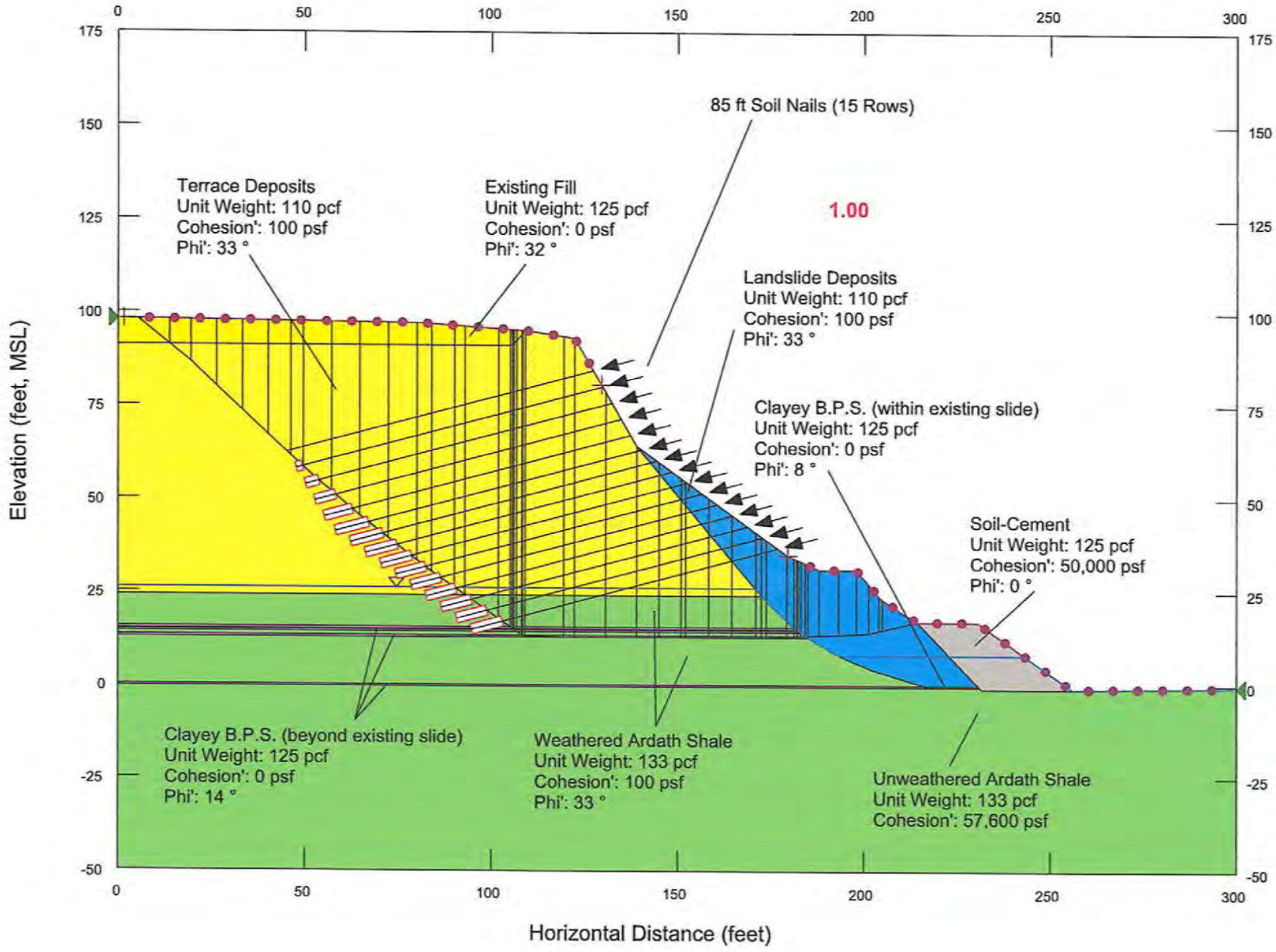
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 – 1:12



SECTION A-A' - ALTERNATIVE 5; STATIC CASE
SOIL NAILED STABILIZATION WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 26
		PM: DLS	PROJ. NO: 27661417.50000	

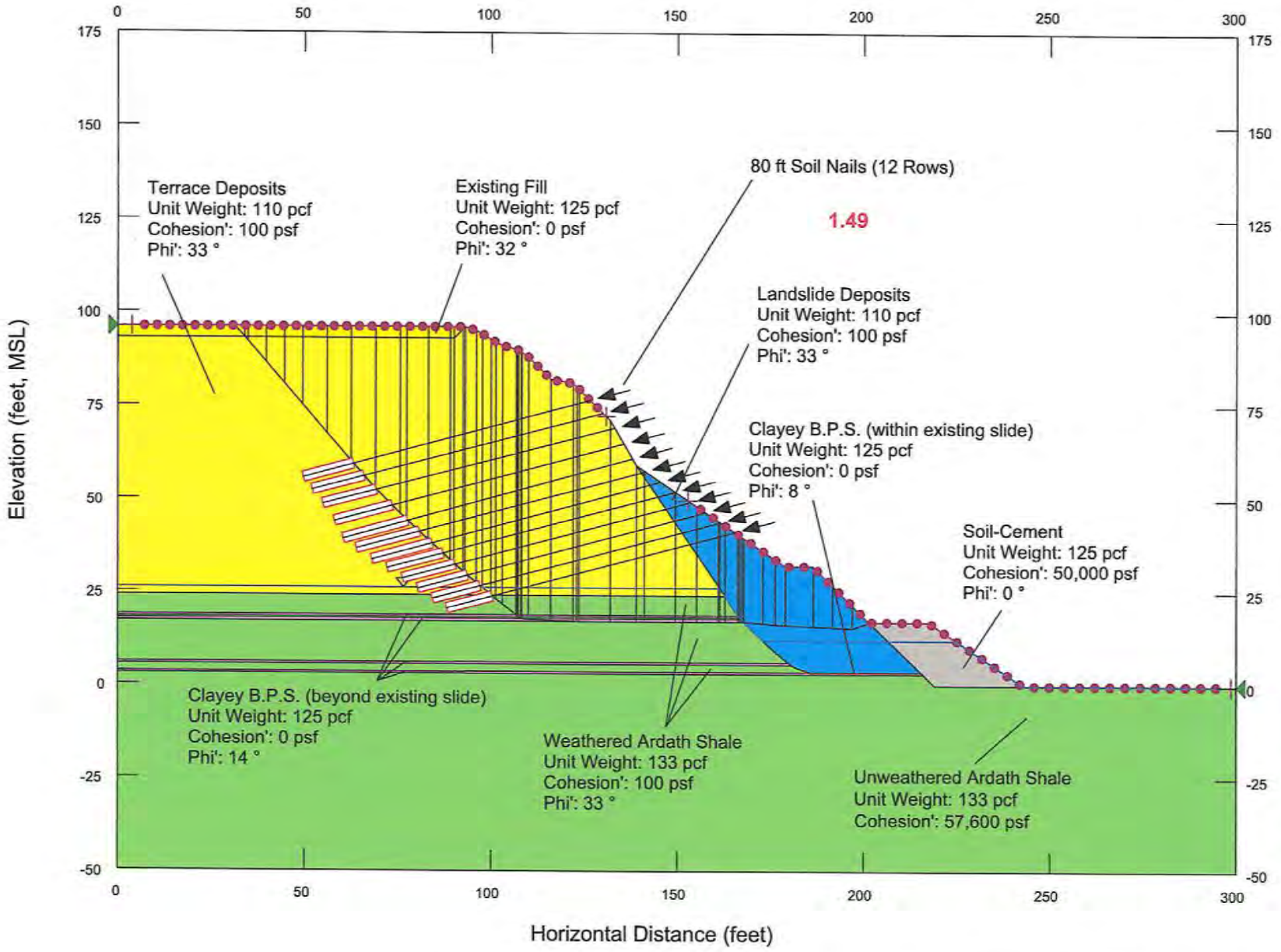
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 18, 2014 - 2:34pm



SECTION A-A' - ALTERNATIVE 5; PSEUDO-STATIC CASE
SOIL NAILED STABILIZATION WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 27
		PM: DLS	PROJ. NO: 27661417.50000	

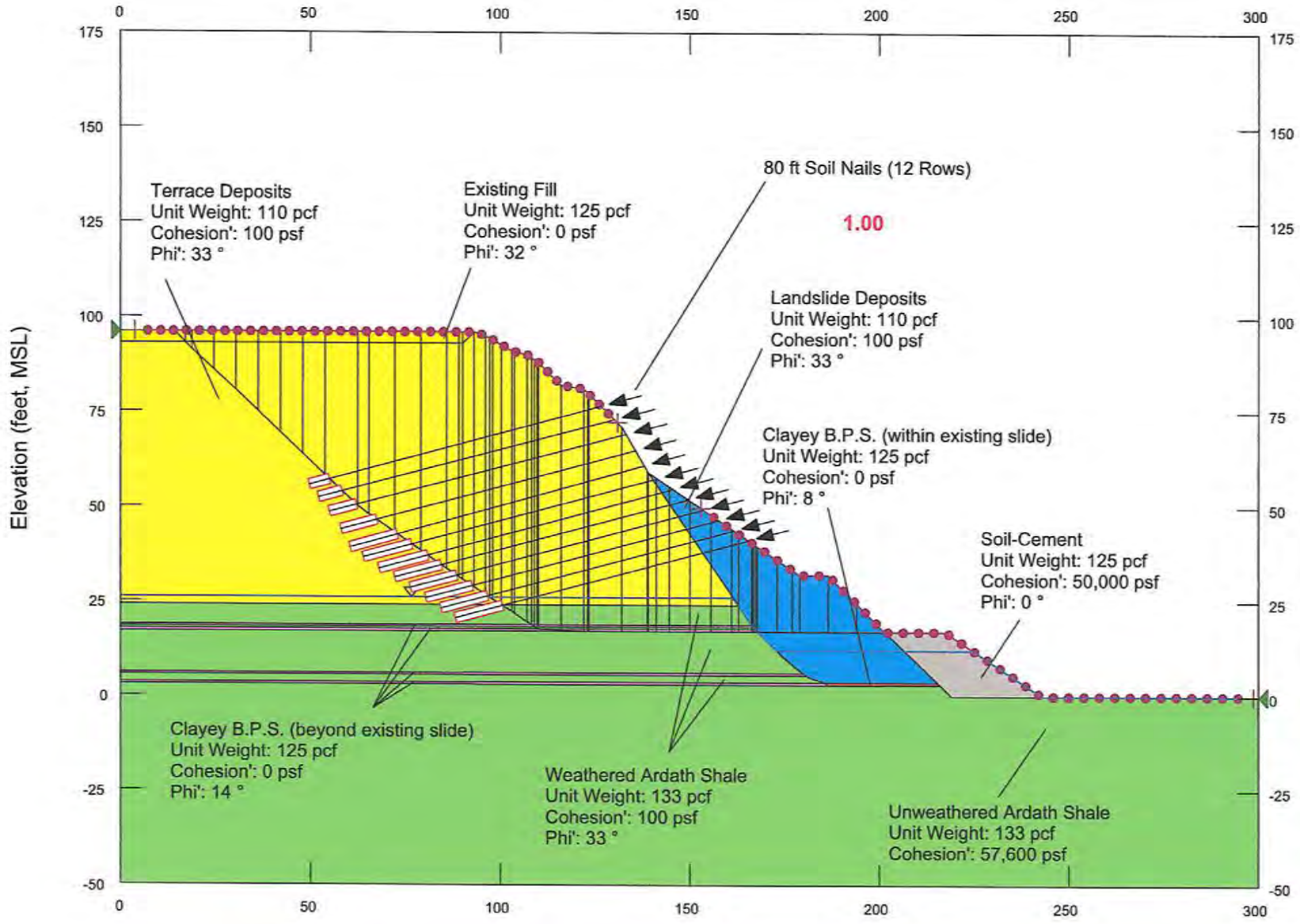
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Pseudo Static.dwg Sep 25, 2014 - 8:37c



SECTION C-C' - ALTERNATIVE 5; STATIC CASE
SOIL NAILED STABILIZATION WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 28
		PM: DLS	PROJ. NO: 27661417.50000	

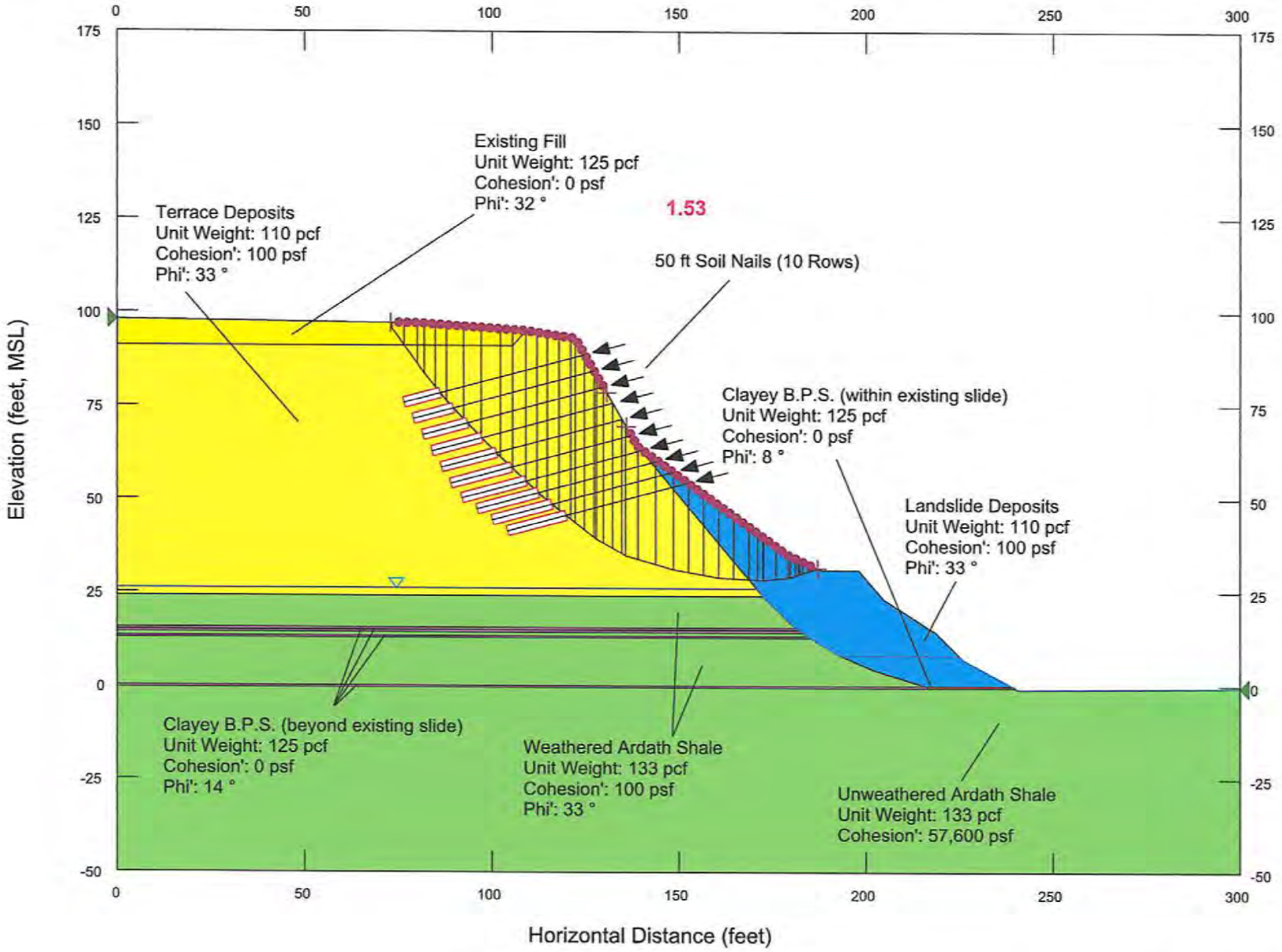
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 18, 2014 - 2:51pm



SECTION C-C' - ALTERNATIVE 5; PSEUDO-STATIC CASE
SOIL NAILED STABILIZATION WITH ERODIBLE TOE
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 29
		PM: DLS	PROJ. NO: 27661417.50000	

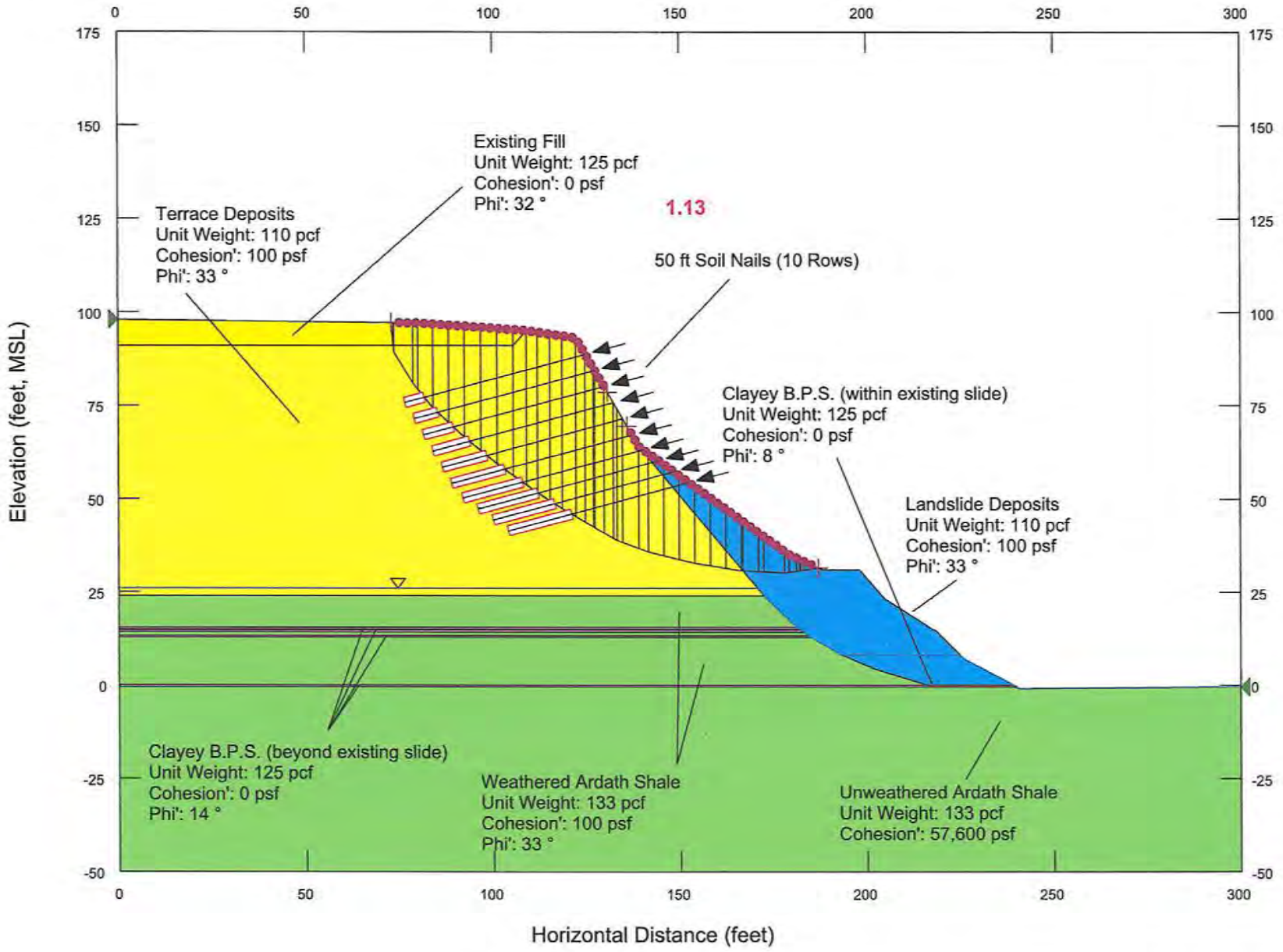
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 - 8:41



SECTION A-A' - ALTERNATIVE 6; STATIC CASE
SOIL NAILED STABILIZATION OF UPPER BLUFF
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 30
		PM: DLS	PROJ. NO: 27661417.50000	

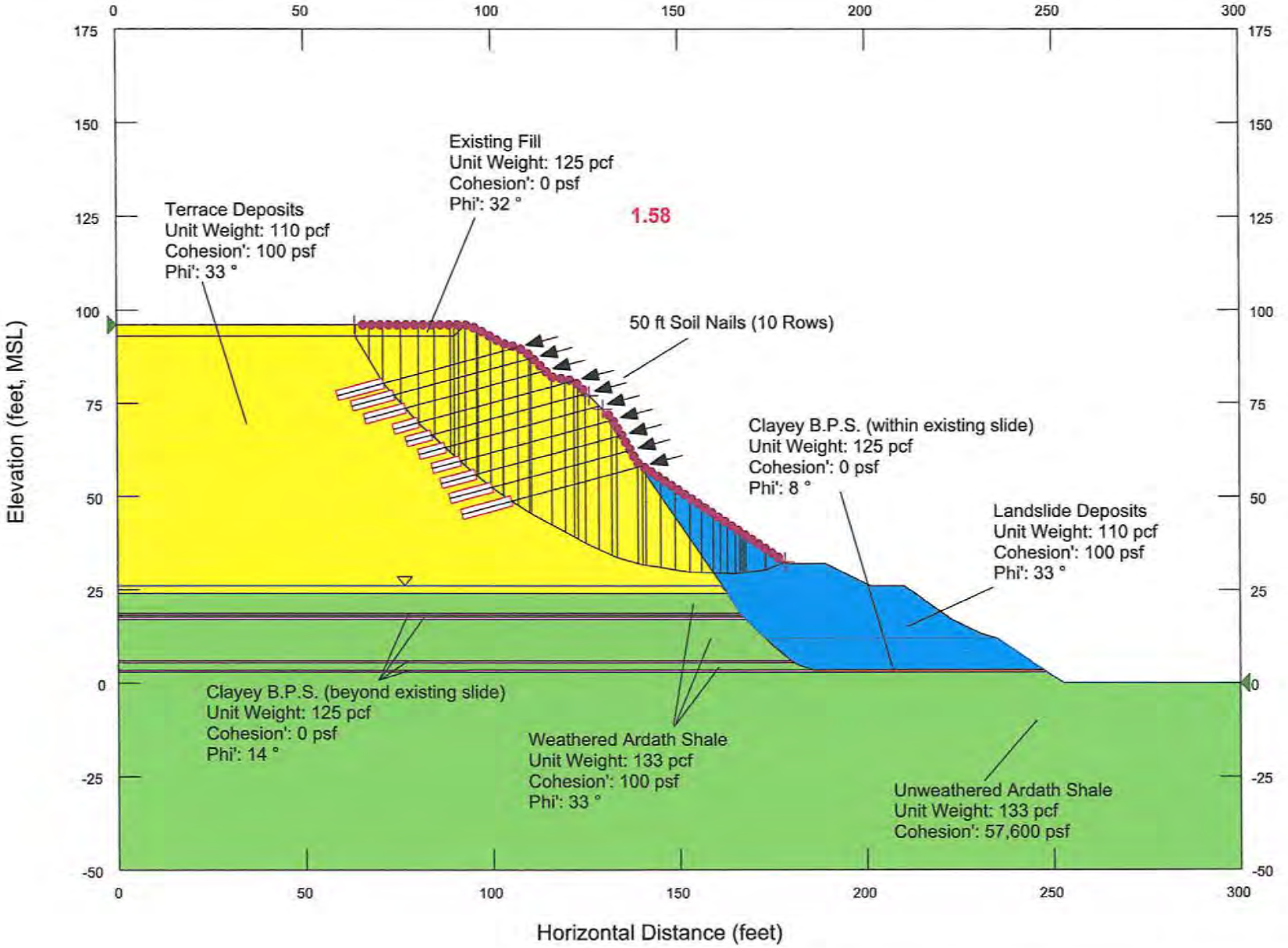
J:\27661417 City of Encinitas – Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Static.dwg Sep 18, 2014 – 2:35pm



SECTION A-A' - ALTERNATIVE 6; PSEUDO-STATIC CASE
SOIL NAILED STABILIZATION OF UPPER BLUFF
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 31
		PM: DLS	PROJ. NO: 27661417.50000	

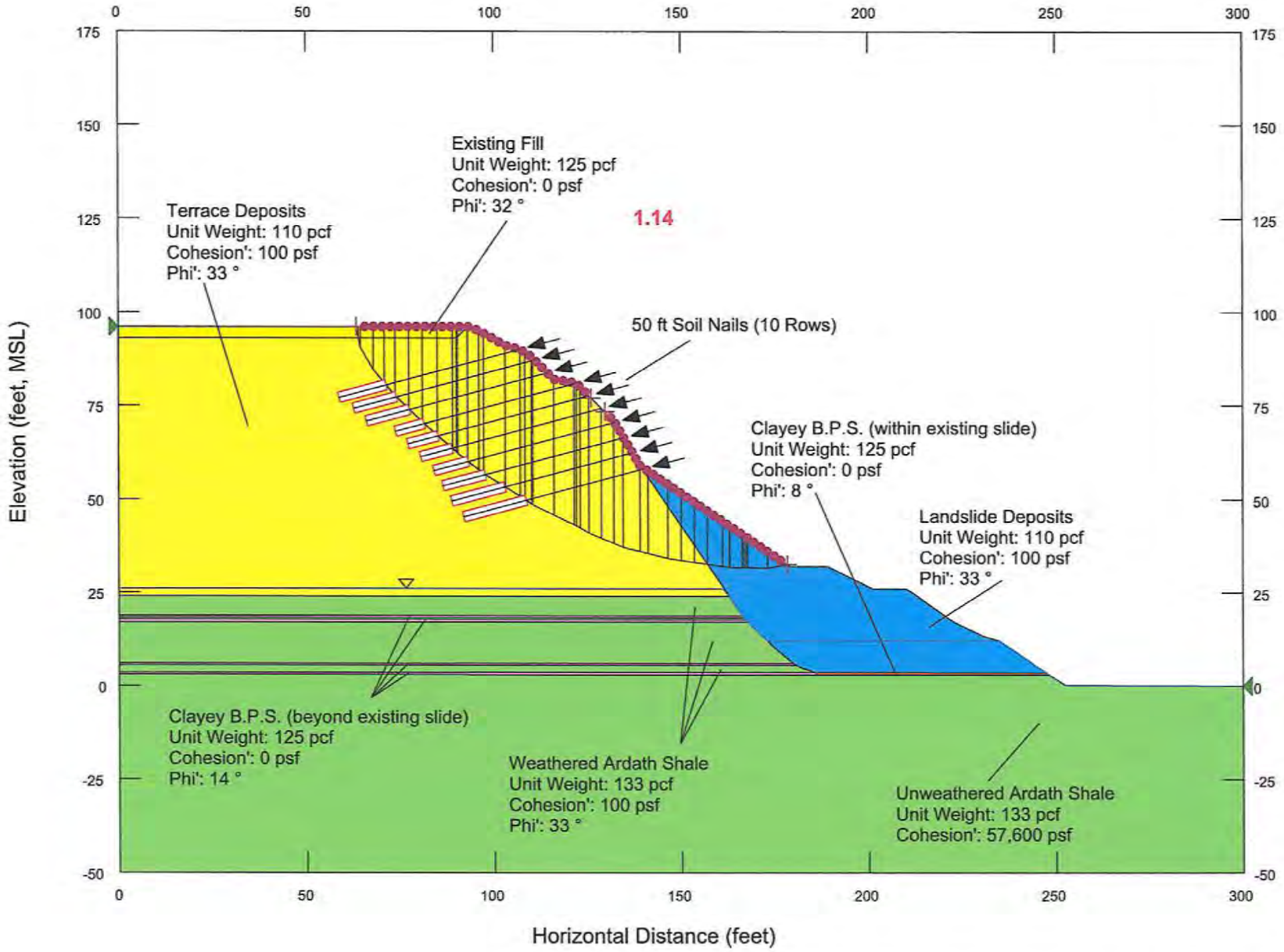
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section A-A'\Beacons Beach_Slope Stability_A-A'_Alts_Pseudo Static.dwg Sep 25, 2014 - 8:37c



SECTION C-C' - ALTERNATIVE 6; STATIC CASE
SOIL NAILED STABILIZATION OF UPPER BLUFF
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 32
		PM: DLS	PROJ. NO: 27661417.50000	

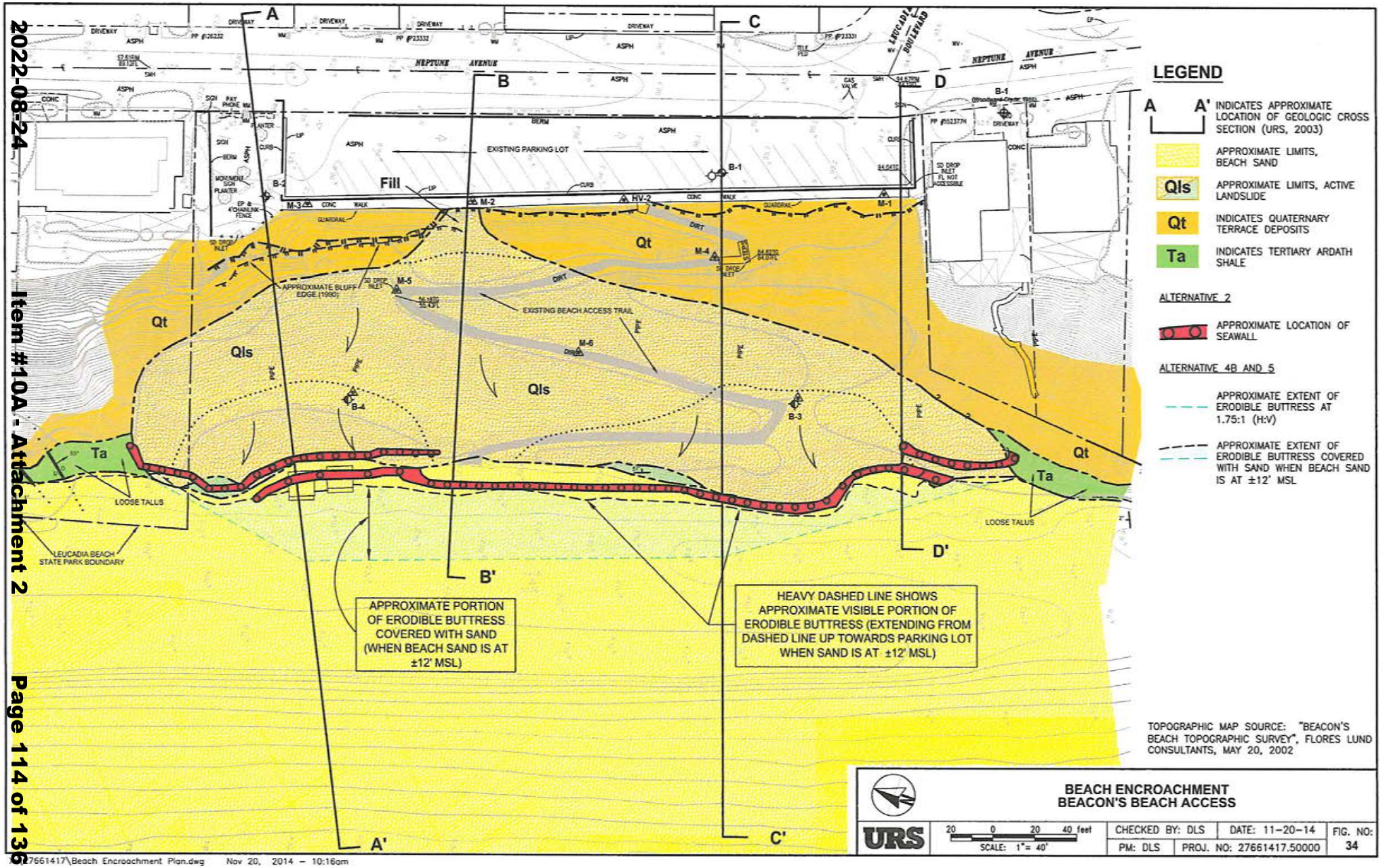
J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Static.dwg Sep 18, 2014 - 2:51pm



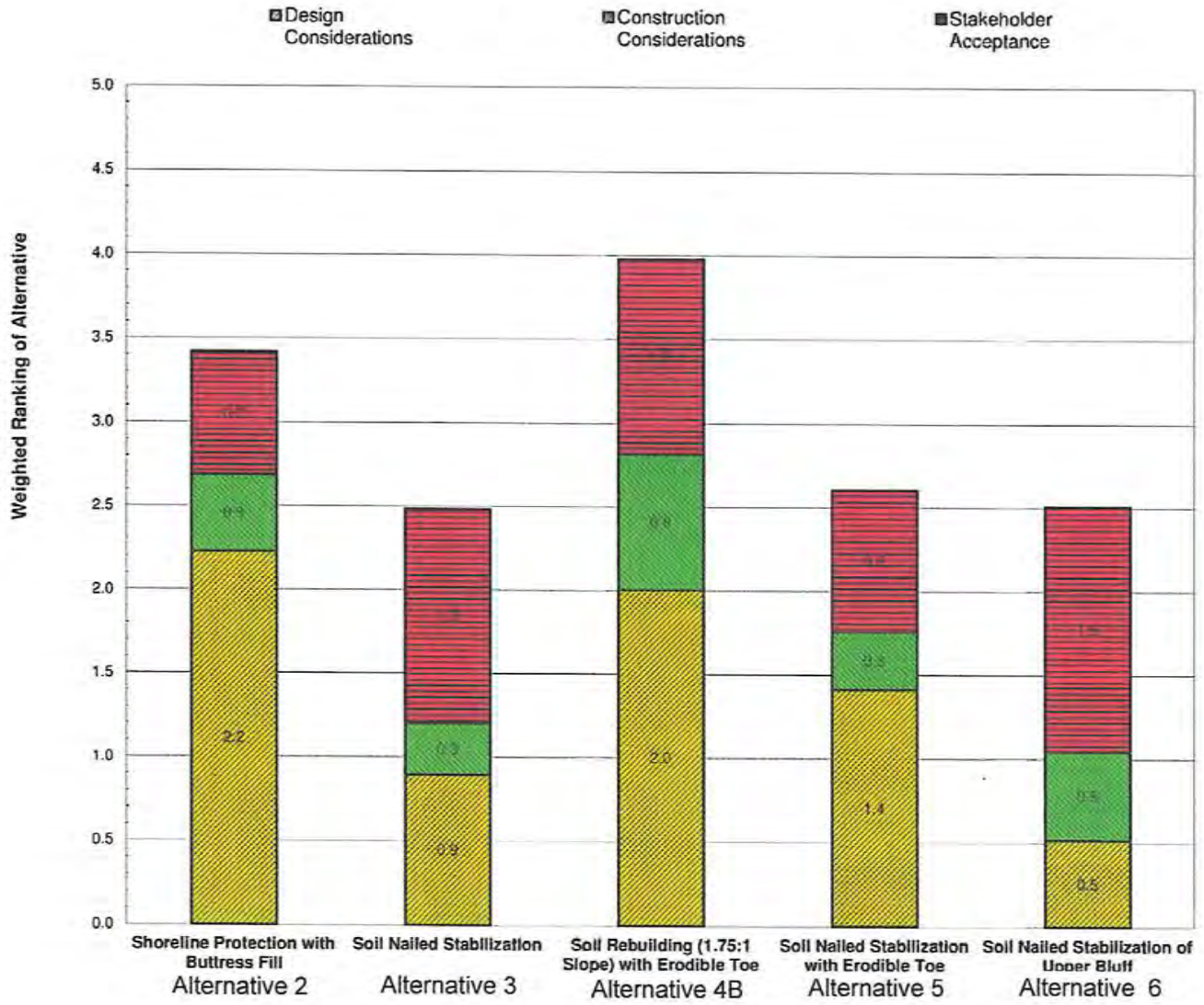
SECTION C-C' - ALTERNATIVE 6; PSEUDO-STATIC CASE
SOIL NAILED STABILIZATION OF UPPER BLUFF
BEACON'S BEACH ACCESS

URS	20 0 20 40 feet SCALE: 1"= 40'	CHECKED BY: JSF	DATE: 09-18-14	FIG. NO: 33
		PM: DLS	PROJ. NO: 27661417.50000	

J:\27661417 City of Encinitas - Beacons\010 CALCULATIONS & ANALYSES\Slope Stability\Section C-C'\Beacons Beach_Slope Stability_C-C'_Alts_Pseudo Static.dwg Sep 25, 2014 - 8:41



27661417\Beach Encroachment Plan.dwg Nov 20, 2014 - 10:16am



WEIGHTED RANKING OF LANDSLIDE STABILIZATION ALTERNATIVES BEACON'S BEACH ACCESS

URS		CHECKED BY: DLS	DATE: 09-25-14	FIG. NO: 35
		PM: DLS	PROJ. NO: 27661417.50000	

X:\27661417\beacons beach-landslide ranking.dwg Sep 25, 2014 - 1:02pm

Land survey monuments were established at the site in January 2003 by Melchior Land Surveying, Inc (Melchior). The survey points on the bluff consisted of a short length of metal rebar driven into the ground, then lightly buried. Scribe marks were made in the concrete sidewalk and the protective covers for the two inclinometers installed at that time. Locations of the survey points are shown on Figure A-1.

Survey point coordinates were recorded at that time based on NAD 83 (northing/easting) and NGVD 29 (elevation). Survey points in the field were referenced to nails set in Neptune Avenue as a baseline for beach slope monitoring. The survey was repeated on March 14, 2003. The January and March 2003 survey points were compared and the measured locations were determined to be less than or only slightly greater than the level of survey tolerance 0.01000 feet (0.12 inch). This was interpreted to indicate slope movement had not occurred in the 3 month time frame between January and March 2003. The 2003 survey data is summarized on Figure A-1.

Surveying at Top of Bluff

The survey was repeated on June 6, 2014 by Melchior for this study. The sidewalk scribes were re-established. All of the previous survey points established on the bluff were located using a metal detector and shovel. Points on the bluff were only light covered with loose sand, and were easily located. The inclinometers covers at B-3 and B-4 were exhumed, the protective cement cover at B-3 had been slightly damaged, but the metal cover used as reference was intact. The metal detector indicated the survey pin at M-4 was about 1.5 feet below the trail grade. It was decided to not excavate down to the depth of the pin, as backfilling might result in a soft spot that could be a trip hazard. Horizontal coordinates were recorded immediately above the M-4 point at the grade of the trail.

As shown in the photo below, the M-4 survey point currently lies in the middle of the foot path near the top of the bluff. Survey point M-4 was originally located at the east trail edge along the base of the slope

According to the City, a small failure in 2010 covered the trail in the vicinity of survey point M-4. The slide material was removed from both sides of the trail, the trail post was reset. When the trail was re-established, the survey point remained below the middle of the path as a result of the instability (photo).

Survey Point M-4

Melchior provided a comparative analysis of the survey data from the readings taken in 2003 and repeated in 2014 for this study. Results of the analysis are by Melchior are shown on Figure A-1. Slope movements are based on differences in northing, easting and elevation. Positive elevation differences indicate downward movement.

The Melchior survey data were analyzed further by computing net movements (vector movement) indicated by northing/easting differences. Based on this analysis, only minor slope movements are indicated between 2003 and 2014, as outlined below:

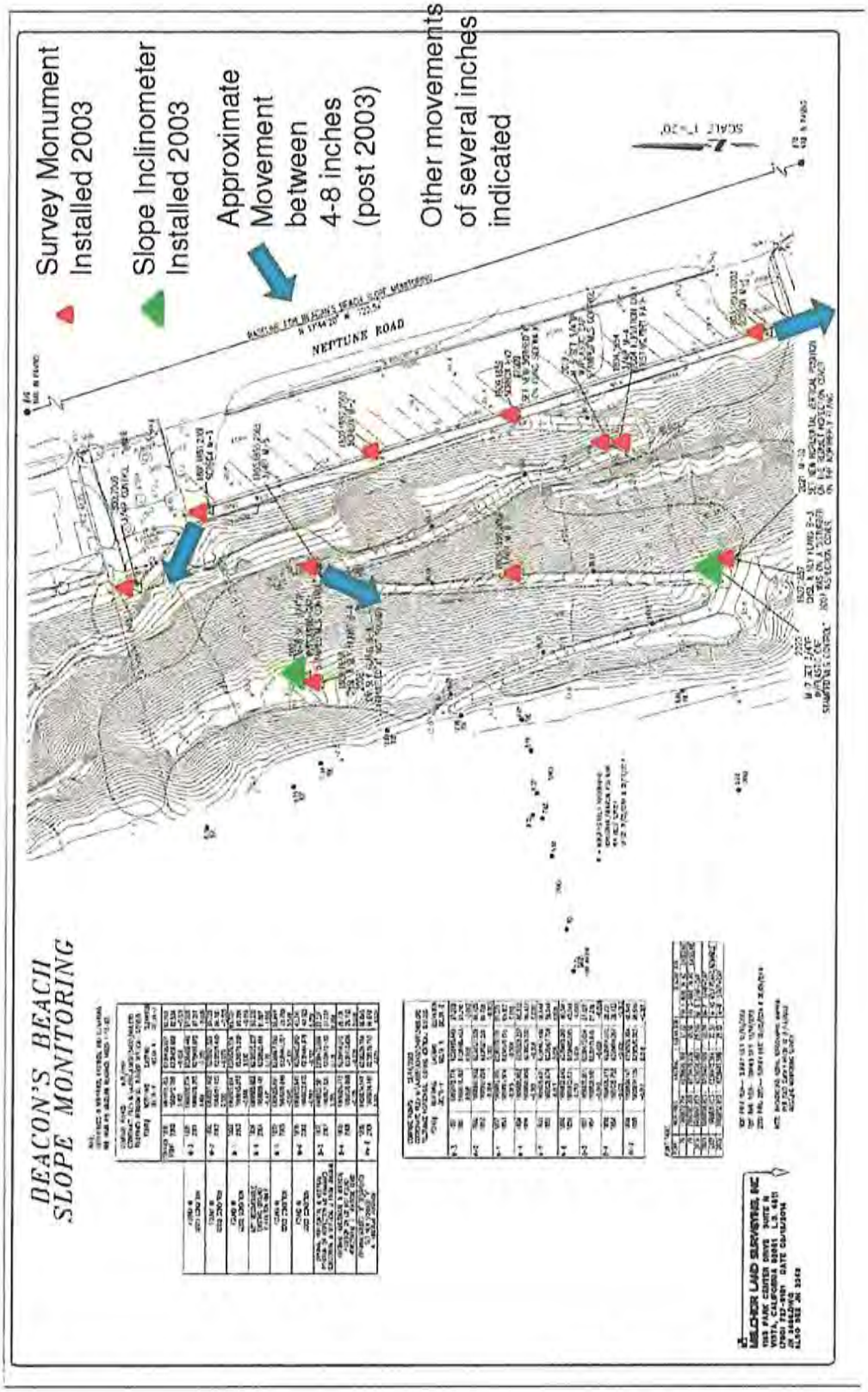
Within the Landslide:

- Movements were mostly southwesterly and westerly.
- Up to about 0.33 feet (about 4 inches) in upper portion of the slide.
- Movements were both horizontal and downward.

Along the Parking Lot

- The maximum movement 0.646 feet (about 7.75 inches) was at survey point M-1, located in the side walk at the south end of the parking lot.
- Survey point M-3 suggests the sidewalk at the north end of the parking lot has shifted 0.491 feet (about 6-inches).

Melchior also collected ground surface elevations at the ground surface along the back beach at the toe of the slide, and extending out onto the beach, as shown on Figure A-1.


Survey Monument Installed 2003
Slope Inclinometer Installed 2003
Approximate Movement between 4-8 inches (post 2003)
Other movements of several inches indicated
NEPTUNE ROAD
DEACON'S BEACH SLOPE MONITORING

Inclinometer monitoring began with baseline readings on December 29, 2002 upon completion of the two borings (Borings B-3 and B-4) at the landslide slope toe (URS, 2003). Follow up readings were taken February 6 and March 10, 2003. The inclinometers were located and re-measured for this study on June 5, 2014. Table B 1 summarizes the slope inclinometer monitoring in 2003 and 2014. figures B-1 and B-2 are graphic summaries of the inclinometer data.

The inclinometer casings were installed with the A direction of the slotted casing oriented normal to the slope. Apparent deflections of the casing in the positive direction would suggest downslope movement. Similarly, the B direction of the casings was installed approximately parallel to slope contours. Deflections in either positive or negative directions would indicate slope parallel movement. Figures B-1 and B-2 show the computed inclinometer casing deflection to date for the A direction (which is oriented parallel to the slope). On the figures, the plotted points represent the difference in the casing position at the time of reading as compared to the initial baseline reading.

Inclinometer Casing B-4 Location

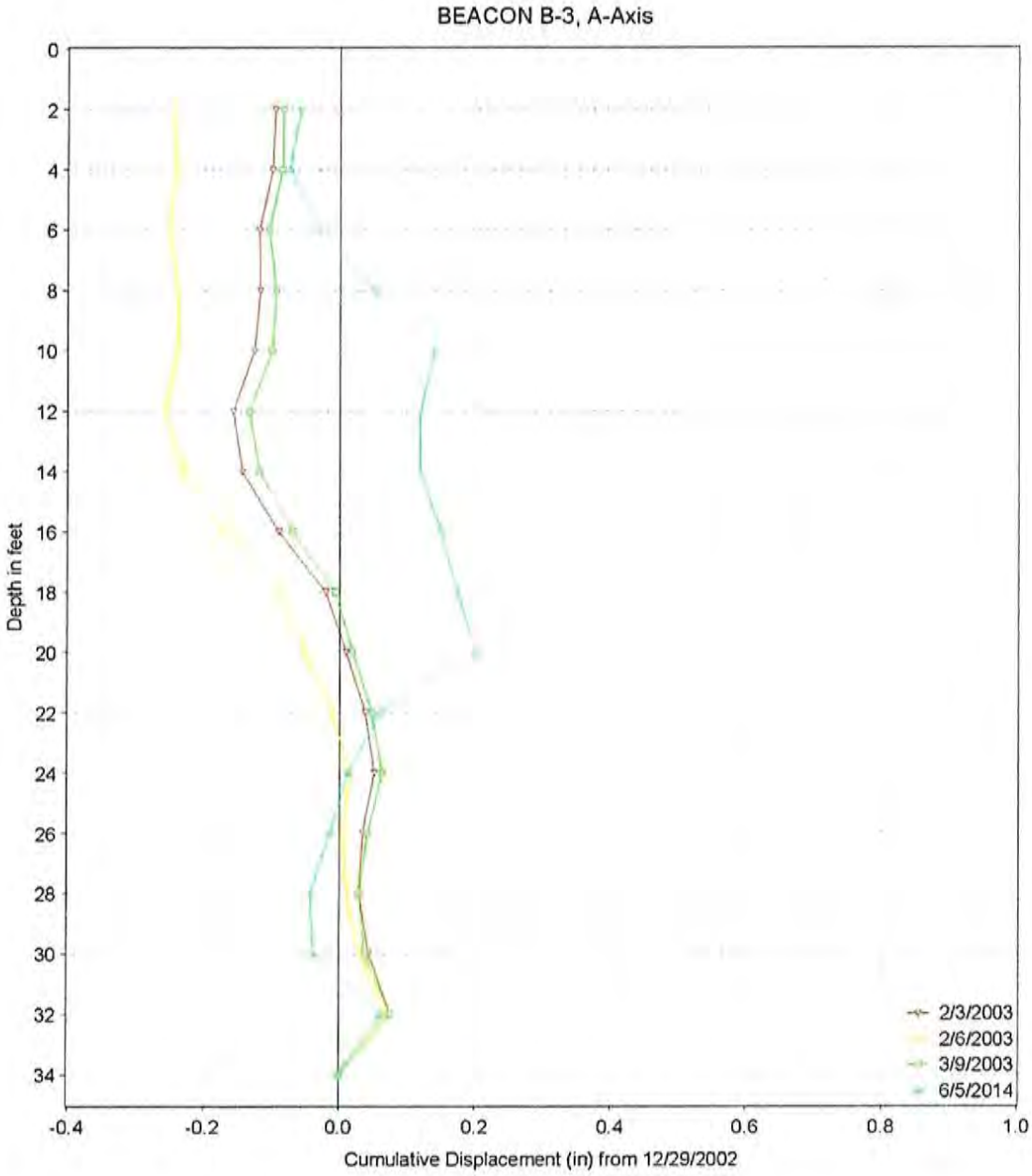
Table B-1
Summary of Slope Inclinometer monitoring

Boring Location	Inclinometer Casing Orientation	Reading Date	Observations
B-3	A-direction/S77°W (downslope)	12/29/02	Initial (baseline) reading.
		06/05/14	About 0.2 inches west
	B-direction/N13°W (slope parallel)	02/06/03	No significant movement.
		03/10/03	No significant movement.
B-4	A-direction/S77°W (downslope)	12/29/02	Initial (baseline) reading
		06/05/14	About 0..75 inches west
	B-direction/N13°W (slope parallel)	02/06/03	No significant movement.
		03/10/03	No significant movement. Note apparent deflection at 8 feet (B-direction) attributed to baseline reading error.

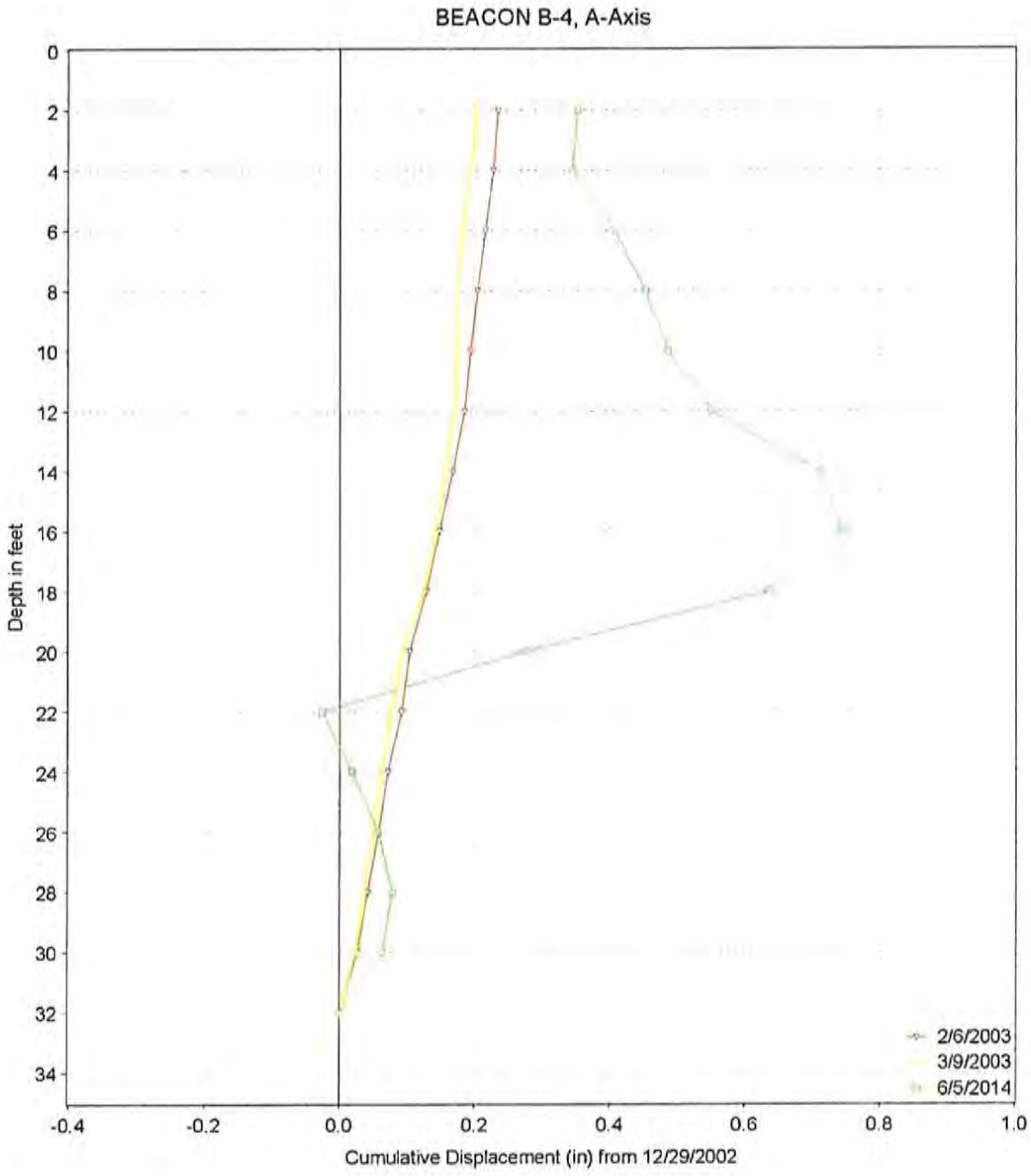
A summary of groundwater levels is presented on Table B-2. The groundwater information includes monitoring performed within the time frame of the previous study, (between July 2002 and March 2003), repeated on June 5, 2014 as well as limited monitoring performed in about 1986 within a nearby piezometer just south of the parking area (Figure 2).

Table B-2
Summary of Groundwater Levels

Location	Date of Reading	Approximate Ground Surface Elevation (feet MSL)	Depth to Water (ft)	Approximate Groundwater Elevation (ft MSL)	Approximate Depth to Terrace Contact (ft)	Height of Water Above Terrace Contact (ft)
Boring B-1 (this study, middle of Beacon's parking)	July 2002 Feb. 2003 Mar. 2003 June 2014	96	71.3 70.7 70.9 71.1	24.7 25.3 25.1 24.9	72.5	1.2 1.8 1.6 1.4
Boring B-1 (Woodward-Clyde, 1986) Private residence at south end of Beacon's parking lot	Aug. 1986 Aug. 1990 July 2002 Mar. 2003 June 2014	94	66.5 67.0 67.9 67.2 Not measured	27.5 27.0 26.1 26.8	69	2.5 2.0 1.1 1.8
Boring B-3 (landslide toe, south side)	Dec. 2002 Mar. 2003 Mar. 24 2003 June 2014	28	18.0 17.2 16.1 16.8	10.0 10.8 11.9 11.2	N/A	N/A
Boring B-4 (landslide toe, north side)	Mar. 2003 Mar. 24, 2003 June 2014	28.5	21.5 20.5 21.7	7.0 8.0 6.8	N/A	N/A



URS	Summary of Inclinometer Readings Boring B-3 Beacons Beach Access	
Project No. 27661417.20000	6/5/14	Figure B-1



URS	Summary of Inclinometer Readings Boring B-4 Beacons Beach Access	
Project No. 27661417.20000	6/5/14	Figure B-2

AGREEMENT FOR PROFESSIONAL CONSULTANT SERVICES

THIS AGREEMENT is made and entered into as of the date of execution by the City of Encinitas, a municipal corporation, hereinafter referred to as "CITY", and AECOM, hereinafter referred to as "CONSULTANT".

RECITALS

The CITY requires outside assistance to provide the following services:

DESIGN, PERMITING, AND ENVIRONMENTAL CLEARANCE OF THE BEACON'S BEACH ACCESS RECONSTRUCTION PROJECT

CONSULTANT represents itself as possessing the necessary skills and qualifications to provide the services required by the CITY;

NOW THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the CITY and CONSULTANT agree as follows:

1.0 TERM OF AGREEMENT

1.1 This AGREEMENT shall be effective on and from the day, month and year of the execution of this document by the CITY.

1.2 CONSULTANT shall commence the performance of the services in accordance with the Scope of Work section provided in Attachment "A" to this AGREEMENT and shall continue such services until all tasks to be performed are completed, or this AGREEMENT is otherwise terminated. CONSULTANT shall complete the services and provide final data and reports no later than JANUARY 31, 2020, unless an extension of time is mutually agreed to by both parties.

2.0 CONSULTANT'S OBLIGATIONS (ATTACHMENT A)

2.1 CONSULTANT shall provide the CITY with the following services:

The specific manner in which the services are to be performed is described in Attachment "A" which is attached hereto, and incorporated herein as though fully set forth at length, collectively hereinafter referred to as "DESCRIBED SERVICES".

2.2 CONSULTANT shall perform all work required to accomplish the DESCRIBED SERVICES in conformity with applicable requirements of law: Federal, State and Local.

2.3 CONSULTANT is hired to render the DESCRIBED SERVICES and any payments made to CONSULTANT are compensation fully for such services.

2.4 CONSULTANT shall maintain professional certifications as required in order to properly comply with all City, State, and Federal law.

3.0 PAYMENT FOR SERVICES (ATTACHMENT B)

Payment to CONSULTANT to render the DESCRIBED SERVICES hereunder shall be as set forth in Attachment "B" which is attached hereto and incorporated herein as though fully set forth at length.

4.0 SUBCONTRACTING (ATTACHMENT C)

4.1 If CONSULTANT subcontracts for any of the work to be performed under this AGREEMENT, CONSULTANT shall be as fully responsible to the CITY for the acts and omissions of consultant's subcontractors and for the persons either directly or indirectly employed by the subcontractors, as CONSULTANT is for the acts and omissions of persons directly employed by CONSULTANT. Nothing contained in the AGREEMENT shall create any contractual relationship between any subcontractor of CONSULTANT and the CITY. CONSULTANT shall bind every subcontractor to the terms of the AGREEMENT applicable to consultant's work unless specifically noted to the contrary in the subcontract in question and approved in writing by the CITY.

4.2 The name and location of the place of business of each subcontractor who will perform work or labor or render service to the CONSULTANT in performing this AGREEMENT are contained in Attachment "C" which is attached hereto and incorporated herein as though fully set forth at length.

5.0 EQUIVALENT ITEMS (ATTACHMENT D)

6.0 EXTRA WORK

CONSULTANT shall not perform work in excess of the DESCRIBED SERVICES without the prior, written approval of the CITY. All requests for extra work shall be by written Change Order submitted to the CITY prior to the commencement of such work.

7.0 VERBAL AGREEMENT OR CONVERSATION

No verbal agreement or conversation with any officer, agent or employee of the CITY, either before, during or after the execution of this AGREEMENT, shall effect or modify any of the terms or obligations herein contained nor shall such verbal agreement or conversation entitle CONSULTANT to any additional payment whatsoever.

8.0 TERMINATION OF AGREEMENT

8.1 In the event of CONSULTANT'S failure to prosecute, deliver, or perform the DESCRIBED SERVICES, the CITY may terminate this AGREEMENT by notifying CONSULTANT by certified mail of said termination. Thereupon, CONSULTANT shall cease work and within five (5) working days: (1) assemble all documents owned by the CITY and in consultant's possession and deliver said documents to the CITY and (2) place all work in progress in a safe and protected condition. The City Manager of the CITY shall make a determination of the percentage of work which CONSULTANT has performed which is usable and of worth to the CITY. Based upon that finding, the CITY shall determine any final payment due to CONSULTANT.

8.2 This AGREEMENT may be terminated by either party, without cause, upon the giving of ten (10) days written notice to the other party. Prior to the 10th day following the giving of the notice, the CONSULTANT shall: (1) assemble the completed work product to date, and put same in order for proper filing and closing, and deliver said product to the CITY and (2) place all work in progress in a safe and protected condition. The City Manager of the CITY shall make a determination of the percentage of work which CONSULTANT has performed which is usable and of worth to the CITY. Based upon that finding, the CITY shall determine any final payment due to CONSULTANT.

9.0 COVENANTS AGAINST CONTINGENT FEES

CONSULTANT warrants that it has not employed or retained any company or person, other than a bona fide employee working for CONSULTANT, to solicit or secure this AGREEMENT, and that CONSULTANT has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon, or resulting from, the award or making of this AGREEMENT. For breach or violation of this warranty, the CITY shall have the right to terminate this AGREEMENT without liability, or, at the CITY'S discretion to deduct from the AGREEMENT price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

10.0 OWNERSHIP OF DOCUMENTS

10.1 All plans, studies, sketches, drawings, reports and specifications as herein required are the property of the CITY, whether or not the CITY proceeds with the project for which such documents are prepared.

10.2 If the CITY reuses such documents for any reason other than for the project for which they are prepared, without CONSULTANT'S prior written authorization which shall not be unreasonably withheld, the CITY waives any claim against CONSULTANT for such unauthorized use and will indemnify and hold CONSULTANT harmless from any claim or liability for injury or loss allegedly arising from the CITY'S unauthorized use of such documents.

11.0 STATUS OF CONSULTANT

CONSULTANT shall perform the services provided for herein in a manner of CONSULTANT'S own choice, as an independent contractor and in pursuit of CONSULTANT'S independent calling, and not as an employee of the CITY. CONSULTANT shall be under control of the CITY only as to the result to be accomplished and the personnel assigned to the project. However, CONSULTANT shall confer with the CITY.

12.0 HOLD HARMLESS

12.1 CONSULTANT agrees to indemnify and hold the CITY and CITY'S officers, officials, employees and agents harmless from, and against any and all liabilities, claims, demands, causes of action, losses, damages and costs, including all costs of defense thereof, arising out of, or in any manner connected directly or indirectly with, any acts or omissions of CONSULTANT or CONSULTANT'S agents, employees, subcontractors, officials, officers or representatives. Except

as otherwise provided in this Section, upon demand, CONSULTANT shall, at its own expense, defend CITY and CITY'S officers, officials, employees and agents, from and against any and all such liabilities, claims, demands, causes of action, losses, damages and costs.

12.2 CONSULTANT'S obligation herein does not extend to liabilities, claims, demands, causes of action, losses, damages or costs that arise out of the CITY'S intentional wrongful acts, CITY'S violations of law, or the CITY'S sole active negligence.

13.0 ASSIGNMENT OF CONTRACT

CONSULTANT is without right to and shall not assign this AGREEMENT or any part thereof or any monies due hereunder without the prior written consent of the CITY which shall not be unreasonably withheld.

14.0 INSURANCE

14.1 CONSULTANT shall obtain, and during the term of this AGREEMENT shall maintain insurance policies of general liability, automobile liability, and property damage insurance from an insurance company authorized to be in business in the State of California. Each such policy shall be in an amount of not less than one million dollars ($1,000,000) for each occurrence, and shall be endorsed with the following language:

A. The CITY and CITY's officers, elected officials, employees, agents and volunteers are to be covered as additional insured with respect to liability arising out of the acts and omissions by or on behalf of CONSULTANT.

B. The insured waives all rights of subrogation against the CITY and CITY's officers, officials, employees, agents and volunteers.

C. Provide that the policy shall remain in full force during the full term of this AGREEMENT and shall not be canceled, voided, terminated, reduced, or allowed to expire without thirty (30) days prior written notice from the issuance company being received by CITY.

14.2 CONSULTANT shall obtain, and during the term of this AGREEMENT shall maintain, a policy of professional liability insurance that shall:

A. Be from an insurance company authorized to be in business in the State of California;

B. Be in an insurable amount of not less than $l,000,000 for each occurrence; and

C. Provide that the policy shall remain in full force during the full term of this AGREEMENT and shall not be canceled, terminated, or allowed to expire without thirty (30) days prior written notice to the CITY from the insurance company.

14.3 Before CONSULTANT shall employ any person or persons in the performance of the AGREEMENT, CONSULTANT shall procure a policy of Worker's Compensation Insurance as required by the Labor Code of the State of California.

14.4 CONSULTANT shall provide certificates of insurance with original endorsements to CITY as evidence of the insurance coverage required herein. Certificates of such insurance shall be filed with the CITY on or before commencement of performance of this AGREEMENT. Current certification of insurance shall be kept on file with the CITY at all times during the term of this AGREEMENT.

15.0 DISPUTES

15.1 If a dispute should arise regarding the performance of this AGREEMENT, the following procedures shall be used to address any question of fact or interpretation not otherwise settled by agreement between the parties. Such questions, if they become identified as part of a dispute between persons operating under the provisions of the AGREEMENT, shall be reduced to writing by the complaining party. A copy of such documented dispute shall be forwarded to the other party involved along with recommended methods of resolution. The party receiving the letter shall reply to the letter along with a recommended method of resolution within ten (10) days of receipt of the letter.

15.2 If the dispute is not resolved, the aggrieved party shall send to the CITY'S Manager a letter outlining the dispute for Manager's resolution.

15.3 If the dispute remains unresolved and the parties have exhausted the procedures of this section, the parties may then seek remedies available to them at law.

16.0 NOTICES

16.1 Any notices to be given under this AGREEMENT, or otherwise, shall be served by certified mail.

16.2 For the purposes hereof, unless otherwise provided in writing by the parties hereto, the address of the CITY and the proper person to receive any notice on the CITY'S behalf is:

TO: City of Encinitas
Attn: Director of Public Works
505 South Vulcan Avenue
Encinitas, CA 92024

16.3 For the purposes hereof, unless otherwise provided in writing by the parties hereto, the address of CONSULTANT and the proper person to receive any notice on the CONSULTANT'S behalf is:

TO: AECOM
Attn: Daniel Lee, PE
4225 Executive Square, Suite 1400
La Jolla, CA 92037

17.0 CONSULTANT'S CERTIFICATION OF AWARENESS OF IMMIGRATION REFORM AND CONTROL ACT OF 1986

CONSULTANT certifies that CONSULTANT is aware of the requirements of the Immigration Reform and Control Act of 1986 (8 USC §§ 1101-1525) and has complied and will comply with these requirements, including but not limited to verifying the eligibility for employment of all agents, employees, subcontractors and consultants that are included in this AGREEMENT.

19.0 CONSULTANT'S AWARENESS AND COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990

CONSULTANT certifies that CONSULTANT is aware of the requirements of the Americans with Disabilities Act of 1990 (42 USC §§ 12101) and has complied with and will comply with these requirements, included but not limited to verifying compliance of their contractors, consultants, agents, and employees.

CONSULTANT

by _____ _____
Date

CITY

City of Encinitas

by _____ _____
Director of Public Works Date

APPROVED AS TO FORM:

_____ _____
Glenn Sabine, City Attorney Date

ATTACHMENT "A"

Case # _____
Finance #_____
(Manner of Performing the Services)

CONSULTANT shall perform the services in the following manner:

(Scope of Work attached)

ATTACHMENT "B"

(Payment For Services)

[Fee Detail as Appropriate]

ATTACHMENT "C"
Case # _____
Finance #_____
(Subcontractors)

Name	Business Address	Work to be Done

RESOLUTION NO. 2017-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS AMENDING THE FISCAL YEAR 2016-17 BUDGET

WHEREAS, on June 22, 2016 the City of Encinitas City Council adopted Resolution No. 2016-64 appropriating the budget for Fiscal Year 2016-17; and

WHEREAS, changes in anticipated revenues and/or expenditures of the City of Encinitas necessitates a revision of the appropriations for Fiscal Year 2016-17; and

WHEREAS, budgeted expenditures do not exceed anticipated revenue and available fund balance; and

WHEREAS, the City Council has reviewed the proposed Fiscal Year 2016-17 budget amendments; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the City Council of the City of Encinitas does, hereby, adopt the amendments for Fiscal Year 2016-17 as shown in **Exhibit A** to this resolution.

PASSED AND ADOPTED this 8th day of March 8, 2017, by the following vote, to wit:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
Catherine Blakespear, Mayor
City of Encinitas

ATTEST:

_____
Kathy Hollywood, City Clerk

Exhibit A to Resolution 2017-06							
	Fund Name	Organization Code	Object Code	Project No.	Description	Revenue/ Transfer In Increase (Decrease)	Expenditure/ Transfer Out Increase (Decrease)
1.	General	10190999	498.2		Transfer to Capital Improvement fund for Beacon's Beach project for design contract		$ 42,691
2.	Capital Improvement	40100000	398.2		Transfer from General fund for Beacon's Beach project for design contract	$ 42,691	
3.	Capital Improvement	40195101	530	CP-14B	Budget increase for Beacon's Beach project for design contract		$ 42,691
Total						$ 42,691	$ 85,382

City of Encinitas
Summary of Budgetary Fund Balance
FY 2016-2017

FY2016-17 Council Action

Reconciled through January 31, 2017

Description	Meeting Date	Resolution#	Increase (Decrease) to Fund Balance	Available Fund Balance
let Available Beginning Fund Balance, 7/1/16				**18,513,929**
'Y 2016-17 Original Budgets Adopted	**6/22/16**	**2016-64**	**(9,786,742)**	**8,727,187**
'Y 2016-17 Budget Adjustments by Council:				
1. Increase funding for parking study (WC15C)	7/13/16	2016-72	(25,000)	8,702,187
2. Continuing appropriations for Unspent FY 15-16 $ 1,201,403	8/24/16	2016-82	(328,157)	8,374,030
3. Hwy 101 Emergency Repairs Monitoring and Maintenance	9/14/16	2016-79	(77,512)	8,296,518
4. Increase Construction Budget Cardiff School Dist. CS17C	9/14/16	2016-81	98,000	8,394,518
5. Increase Tree Trimming Budget for Ficus Trees	9/28/16	2016-90	(54,000)	8,340,518
6. Increase funding for Marine Safety Center at Moonlight Beach (CP14C)	9/28/16	2016-91	(628,104)	7,712,414
7. CalPERS pension liablity lump sum payment from FY 15/16 Fund Bal.	10/19/16	2016-93	(220,434)	7,491,980
8. FY 2015-16 first quarter budget adjustments	11/16/16	2016-104	(256,995)	7,234,985
9. Closeout project WC15D and return funds to General Fund	12/9/16	Jnl CIP 50551	49,204	7,284,189
10. Closeout project CS17E and return funds to General Fund	1/9/17	60576	243,000	7,527,189
11. Conceptual Plans for a pedestrian rail crossing at or near Verdi Ave.	2/15/17	2017-16	(64,000)	7,463,189
12. Additional funding for Beacon's Beach design and permitting (pending)	3/8/17	2017-06	(42,691)	7,420,498
13. Additional funding for DigAlerts service (pending)	3/8/17	2017-13	(55,000)	7,365,498
'rojected Available Fund Balance 6/30/2017			**(11,148,431)**	**7,365,498**

6.22.22 LETTER TO COASTAL COMMISSION EXECUTIVE DIRECTOR AINSWORTH

June 22, 2022

John Ainsworth, Executive Director
California Coastal Commission
455 Market St Suite 300
San Francisco, CA 94105

R: UNPERMITTED Closure of Public Access and Soil Disturbance to Leucadia State Beach "Beacon's Beach" (948 Neptune Avenue Encinitas)

Dear Mr. Ainsworth,

I am writing to the California Coastal Commission regarding Leucadia State Park (Beacons Beach), located in Encinitas, on behalf of concerned homeowners and community members who have reported egregious violations of the Coastal Act.

This letter will outline the following:

1. Background
2. Unpermitted activities (undefined monitoring) on a coastal bluff
3. Unpermitted closure of a critical public access point and related public parking
4. Violation of State Parks Operating Agreement
5. Abuse of the Public Trust Doctrine
6. Necessary Intervention
7. Conclusion

Due to the issue's serious nature, we ask that the Coastal Commission step in immediately and take a leadership role in this matter. This can be accomplished by raising this issue before the Commission at the upcoming July hearing in the Executive Director's Report. We believe the following supporting arguments will convince you of this action.

1. Background:

On Monday, May 2, 2022, Beacon's Beach experienced a soil slippage due to the ongoing lack of sand, exposing the bluff toe. This situation has been further exasperated by the City's policy of denuding the bluff of plant life. On that date, the City of Encinitas decided to hastily close the public parking lot access point at the street on 948 Neptune Avenue Encinitas without notice or permits. The City would not allow the public to view the limited damage from the bluff by further closing the access to the shoreline.

A misleading narrative of a "hazardous landslide" was then disseminated by the City and Scripps Institute of Oceanography. Please refer to the **attached photos** showing the area in question. As you can see, there is limited evidence of slippage except minor cracking in the trail that can be easily remedied.

The soil slippage event and subsequent lack of permitting (i.e., violations of the Coastal Act) result from a long history of ill-advised short-term fixes. A clear pattern of neglect by the State (Coastal Commission and State Parks) and the City has occurred since the at-grade stairs collapsed on the North Beacon side due to a storm event in 1983. We cannot continue to keep revisiting this issue every year. **The time is now for a long-term planned solution that includes all members of the public who frequent Beacon's Beach.**

2. **Unpermitted Activities:**

According to Public Resources Code Section 30611, "*one must contact the District Office within three days (72 hours) of the disaster or discovery of the danger, whichever occurs first, for authorization to conduct emergency action, then submit the required information and attachments below within seven days of taking emergency action."*

As of June 16, 2022, the City had yet to submit an Emergency Coastal Development Permit (CDP) to the Coastal Commission San Diego District, therefore, missing the three-day requirement. The current closure violates the Coastal Act by continuing an unpermitted action. Separately the forthcoming CDP must include a project description outlining how the City will address the current closure but, more importantly, the long-term solution consistent with the Coastal Act.

The public notes posted on the site are CDPNF-005153 2022, dated 2.1.22, for undefined monitoring, and CDPNF-005457-2022, dated 6.7.22, for removal of public access parking (refer to **attached photos**). However, neither permit has been thoroughly vetted, much less approved in a public forum. More alarming, members of the Scripps Institute of Oceanography have been onsite overseeing unpermitted monitoring. Monitoring that has been undefined occurring on public lands. To complete work without an approved permit is in direct violation of Coastal Act Section 30600.[1] Additionally, this violates City Municipal Code Section 30.80.010 (*Purpose and Coastal Development Permit Requirement).* Please refer to the **attached photos** clearly showing the beach cell tower and solar monitor equipment on the bluff.

3. **Unpermitted Closure of Public Access/Public Parking**

As you can appreciate, public access to our state's beaches is a fundamental right for all. And yet, with the recent closure and previous landslides, that access has continued to be superseded by inaction.

"*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."* Further, Section 30212.5 of the

[1] (a) Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500, shall obtain a coastal development permit.

Coastal Act states: "*Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area. Preserving Beacon's Beach long-term through stabilization will ensure that the public will continue to have free access to one of Southern California's strategically located beaches*."

Over the last ten years, the city has perpetuated a false narrative. For example, the supposed bluff failure plane at the parking area is nonexistent as there is no geologic study that proves its existence. It is a theoretical concept fabricated by the City to remove the public parking. The City states that removing 25 percent of the (already) constrained public parking in the short term will somehow protect the path leading to the beach in the long term. However, this will only perpetuate the pattern of erosion.

Recent city-designed plans propose to narrow the laneway in the parking area so cars can no longer pull over to the side of the lot while unloading. This would set up a dangerous chain of events by putting vehicles in direct conflict with other vehicles trying to pull out, strollers, skateboarders, bikes, and finally, pedestrians, many walking with dogs. Removing all or part of the public parking does not provide a long-term solution as it neither protects public access nor public health and safety. Outside of the increased traffic congestion, the plan creates a severe liability by exposing the upper bluff face to accelerated erosion.

To make matters worse, the City's proposed plan would have vehicles now parked in a southern direction. Members of the general public parking in their vehicles will lose the benefit of viewing the ocean. Even worse, the vehicle headlights will directly shine into the neighboring homes. Cutting back the bluff for the new parking lot will destabilize the sheer on the property to the south (878 Neptune) and create a dangerous hazard for the owners. This new design is therefore inconsistent with Coastal Act Section 30001.[2]

4. Violation of State Parks Operating Agreement

Established in 1949, Leucadia State Beach, also known as Beacon's Beach, is a public beach in Encinitas. It is operated as Beacon's Beach by the City under a 20-year Operating Agreement with the California Department of Parks and Recreation. The term of this agreement is twenty (20) years and will expire on September 30, 2029.

More specifically, it is a shoreline property at a popular beach destination with already limited available public parking. Further, it represents a regionally-significant public recreational resource on the San Diego County coast. In addition to the parking area providing significant, low-cost public access and coastal recreation opportunities, the parking area represents a critical access point to some of the most scenic sections of shoreline in the urban region of San Diego County.

[2] (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

Neither of the Coastal Development Permits mentioned earlier are consistent with the State's 2009 Operating Agreement. According to Section 5. Construction and Completion of Improvements: "*At no cost or expense to State, the City may undertake new construction, reconstruction, alteration, and maintenance to enhance public recreation facilities subject to prior written approval by State. In the event that the City desires to make modifications, improvements, or additions to the Premises or any part of the Premises, including changes to structural design, landscape design, or interior or exterior fixtures, design, and/ or furnishings, Collectively, "Alteration(s)"), written approval by State shall be obtained in the conceptual plan stage, and prior to the commencement of any Alterations, All modifications and additions shall be made in accordance with State's standards for construction and completion of improvements. Review of such will be documented through the State's Project Evaluation Form (PEF) process. Further, all Alterations shall be made in accordance with State's general planning principles and with all applicable state and federal laws, rules, and regulations."*

The written approval, much less a conception plan, has NOT been provided by State Parks. Once again, the City has not received approval from either the California Coastal Commission or the State Parks.

5. Abuse of the Public Trust Doctrine

Given the list of egregious violations, it would appear that the City, in partnership with the California Coastal Commission, is utilizing this unfortunate situation to pave the way for denying coastal bluff property owners of their Constitutionally protected property rights. The recently published Coastal Commission Draft Public Trust Guiding Principles and Action Plan (May 2022 Coastal Commission Hearing) states that the mean high tide line has shifted landward such that the bluff toe is no longer privately owned but is now in the Public Trust. More specifically, Commission staff is making an unfounded claim that mitigation is needed to keep the beaches open to public use, either by allowing natural decay of the bluff or forcing sea walls to be removed (at owners' expense). This is another avenue for which the Coastal Commission is pushing the "managed retreat" agenda upon homeowners.

Regrettably, the Action Plan does not consider that our shared coastal area is artificially denied sand due to ongoing urbanization in the form of damming up the inland coastal areas alongside various jetties. Without a "natural" condition of sand flow to Encinitas beaches, how can the Coastal Commission and the State Lands Commission know that the mean high tide line would be in a natural condition? Taking this a step further, how can the Commission claim that the bluff toe or the bluff itself is now in the Public Trust?

These unanswered questions have generated significant alarm amongst coastal property owners. Specific to Beacon's Beach, our concern is that allowing unpermitted soil disturbance and undefined monitoring of the bluff toe and the bluff itself establishes precedence for making a condemnation claim under the Public Trust Doctrine.

6. Necessary Intervention

The only solution, and now necessary intervention for Beacon's Beach, is the construction of an erodible soil-cement buttress at the toe of the slope and reconstruction of the slope above the buttress using compacted fill soil. Soil-cement is a compacted mixture of soil, cement, and water. It has been widely used as an economic base for pavements and riverbank stabilization.

The City of Encinitas has completed numerous studies for stabilizing Beacons Beach. For more information, please refer to March 8, 2017, Staff Report drafted by Ed Dean, Deputy Director (**attached**). The proposed design consists of the buttress slope varying from 0.5-1:1 (H: V) to a height of +24 feet Mean Sea Level (MSL) to match the elevation of the top of the Ardath Shale in the adjacent bluffs and the compacted fill soil upper slope inclined at 1.75:1. Finally, a buttress at the toe of the slope is needed to intercept the weak beds in the Ardath Shale that make the slope susceptible to a landslide that would threaten the beach. The proposed "Alternative 4C" was agreed upon, funded, and then never acted upon due to the political support for Surf Riders' advocacy for managed retreat instead of the necessary stabilization.

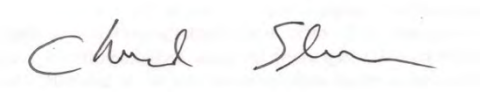
Coastal Act Section 30235 limits the construction of shoreline protective devices to those required to protect existing structures or public beaches in danger from erosion. Without this critical intervention, there are no viable means to protect public health and safety while maintaining critical public access, including critical public parking. **This solution MUST be considered part of the required project planning for the forthcoming Emergency Coastal Development Permit.**

7. Conclusion

In summary, we have demonstrated that the current soil slippage event and subsequent lack of permitting (i.e., a violation of the Coastal Act) result from a failed history of short-term fixes. Recognizing the long-term importance of preserving public access to a vital state beach, the long-term solution is an erodible soil-cement buttress, which will provide public access by maintaining the existing public parking while protecting public health, safety, and meeting State Park's public beach access requirements.

Thank you for your time and attention in this matter. We look forward to receiving your response to our request.

Best regards,



Chandra Slaven, AICP
Coastal Land Use Consultant
619-316-7645
chandraslaven@gmail.com

PHOTO DOCUMENTATION

Bluff failure example, Neptune Ave. 1996


City of Encinitas Excavation of Beacon
with no Destabilization to the bluf
Response to Case n. MULTI TI-005151-2022. USE 005152-2022 CDPNF-00515220