

**CALIFORNIA COASTAL COMMISSION**

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# W16a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-23-0538

**Applicant:** CA Dept. of Parks and Recreation

**Agent:** Darren Smith

**Location:** San Elijo State Beach, South Coast Highway 101, Encinitas, San Diego County. (APN:261-020-11-00)

**Project Description:** Follow-up to Emergency Coastal Development Permit (CDP) No. G-6-23-0024 to retain an approx. 240-ft. long revetment consisting of approx. 1,900 tons of 2-5-ton rock and 1,000 cu. yds. of cobble along the bluff at the southern end of San Elijo State Beach Campground.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

State Parks is seeking follow-up authorization to retain an emergency 240-ft. long revetment constructed in February 2023 at San Elijo State Beach Campground (San Elijo Campground) in the City of Encinitas.

The pre-existing revetment along the bluff at the southern end of San Elijo Campground was severely damaged by storms in late 2022-2023, with Governor Newsom proclaiming a State of Emergency on January 4, 2023. The County of San Diego was subsequently added to President Biden's Emergency Declaration of January 11, 2023. State Parks consequently sought emergency authorization from the Coastal Commission (Emergency Coastal Development Permit No. G-6-23-0024) to repair the

damaged revetment and augment it with importation of approx. 1,900 tons of 2-5-ton armor rock and 1000 tons (670 cubic yards) of beach cobble. The additional material was placed approx. 5-15 feet landward of the existing revetment and resulted in a revetment that is approximately 240 feet long and 30 feet at its widest, tapering at its northern and southern ends. Beach cobble was placed in and adjacent to the public access ramp at the north end of the project site to allow for public and emergency vehicle access to the beach ([Exhibit 3](#)). No additional work is proposed as part of this follow-up permit.

San Elijo State Beach and San Elijo State Beach Campground are popular overnight and daytime recreation facilities operated by State Parks that serve both local and regional visitors to the coast and provide both day-use and a campground. The southern end of San Elijo Campground is adjacent to the San Elijo Lagoon mouth, which, in combination with tidal processes, has caused the beach to narrow over the decades and this end of the campground to erode much more rapidly than the rest of the facility. Over the years, campsites have been lost as the bluff eroded out from under them, and currently the vehicular turnaround at the southern end of the internal circulation road is at risk. Should the southernmost turnaround be lost, State Parks has stated that the State Fire Marshal would order the 14 campsites between the southern turnaround and the closest turnaround to the north be closed due to lack of adequate access for emergency vehicles.

State Parks analyzed three alternative measures for the site: “No Armor/Retreat,” “Nature-Based Solutions” such as sand-covered cobble berms, and the proposed revetment. Ultimately, State Parks determined that the third alternative, retaining the emergency revetment, is the least impactful project at this time. The Commission’s coastal engineer has determined that the San Elijo Campground can be protected with the retention of the revetment, which is the minimum necessary to protect the most vulnerable area of the bluff and ensure that another emergency situation does not arise in this segment during the permit term. To ensure that the revetment is in place the least amount of time necessary to obtain the information needed to select a less-impactful permanent management strategy, **Special Condition No. 1** authorizes the revetment for an initial five-year period. Allowing only the approved revetment to stay in place, with no additions or elongations, for a period of five years will allow additional time for State Parks to conduct its long-term hazards analysis and return for a subsequent coastal permit for the least impactful long-term solution.

While the intent of State Parks’ proposed development is to protect the blufftop campsites and circulation roads, the revetment nevertheless occupies beach space that would otherwise be available for lateral access and public recreation. To minimize impacts to public access due to beach occupation, State Parks constructed the revetment with tapered ends and a relatively steep 1.5:1 incline to reduce its footprint. The cobble was also concentrated at the adjacent emergency vehicular and pedestrian ramp that grants access from the blufftop campground down to the beach ([Exhibit 3](#)). Although retention of the revetment will have some adverse impacts on public access and recreation, as conditioned, the footprint of the revetment will be maintained to only that necessary to protect continued access to San Elijo Campground for the next few

years. In this particular case, preserving safe public access to the beach and continued operation of the campground sites for overnight accommodations offsets the impacts to public access and recreation for this time period. **Special Condition No. 2** requires State Parks to submit final plans showing the revetment footprint, with identified benchmarks to be used in future monitoring of the revetment to ensure that the approved footprint is maintained and that it does not encroach onto additional beach area.

**Special Condition No. 3** requires implementation of an approved revetment monitoring program documenting the performance and footprint of the revetment so as to ensure that it does not scatter onto additional beach area and timely identify needed repairs. **Special Condition No. 4** requires the applicant to contact the Executive Director if repair or maintenance is necessary to determine whether a coastal development permit is required, and **Special Condition No. 5** requires the applicant to waive any rights to future seaward extension of the revetment. Due to the inherent risk of shoreline development, **Special Condition No. 6** requires State Parks to waive liability and indemnify the Commission against damages that might result from the proposed shoreline protective devices. The risks of the proposed development include that the proposed shoreline protective devices will not protect against damage to the campground from waves, storm waves, flooding, and erosion. Although the Commission has sought to minimize these risks, the risks cannot be eliminated entirely. Given that the applicant has chosen to construct the proposed development despite these risks, the applicant and any future successor in interest must assume the risks.

Finally, in order to aid State Parks in obtaining relevant information regarding changing tidal conditions in this vulnerable segment of the campground, especially in light of State Parks' current challenges in funding sea level rise studies, **Special Condition No. 7** requires State Parks to install informational signage and related equipment that allows the visiting public to conduct community beach monitoring by uploading public photos of the beach to online repositories, such as Coast Snap (<https://www.coastsnap.com/>) or a similar service. All of these special conditions will ensure that the revetment remains in a configuration that can be considered the least impactful to coastal resources, consistent with Sections 30235 and 30253 of the Coastal Act.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-23-0538, as conditioned. The motion is on page 5. The standard of review is Chapter 3 of the Coastal Act.

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### **EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Project Plans](#)

[Exhibit 4 – Site Photos](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 6-23-0538 pursuant to the staff recommendation.

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

### Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

### **III. SPECIAL CONDITIONS**

#### **1. Limited Authorization Period.**

- a. This permit authorizes the shoreline protective device for a five (5) year period following permit issuance.
- b. If the permittee proposes to retain any portion the shoreline protective device beyond the initial five (5) year authorization period in this permit as described in subsection (a) of this Special Condition, then the permittee shall submit a request for up to a five-year extension to the authorization, no later than six (6) months prior to the termination of the initial five (5) year authorization period. The permittee is required to include in the extension request an updated long-term hazards management plan that includes evaluation of alternatives to the shoreline protective device that reduce impacts to sand supply, public access and recreation, or any other relevant coastal resources at the site. The information concerning these alternatives must be sufficiently detailed to enable the Coastal Commission to evaluate the feasibility of each alternative for addressing site issues under the Coastal Act. The updated long-term hazards management plan must also include mitigation for the effects of any remaining portion of the shoreline protective device on sand supply, public access and recreation, surf, or any other relevant coastal resources during the expected life of the remaining shoreline protective device beyond, but not including, the initial period of authorization.
- c. Should no request for retention of the revetment beyond the initial five (5) year authorization be submitted, or if the extension request is denied, then within 90 days of the termination of the initial authorization period, the permittee shall submit for approval by the Executive Director a plan for the removal of the entire revetment. The removal of the entire revetment shall be completed within 180 days of Executive Director approval of the removal plan.

#### **2. Final Plans.**

- (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following final plans:
  - (i) Final construction plans that conform with the plans submitted to the Commission titled "San Elijo State Beach Campground Emergency Revetment Repairs." The plans shall identify permanent benchmarks from fixed reference points from which the elevation and seaward limit of the revetment can be referenced for measurement in the future.

- (b) The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

### 3. Revetment Monitoring Program

- (a) **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit for review and written approval of the Executive Director, a long-term monitoring plan for the existing shoreline protective device: the approximately 240-ft. long revetment. The purpose of the plan is to monitor and identify damage or changes to the revetment such that repair and maintenance is completed in a timely manner to avoid further encroachment of the revetment on the beach. The monitoring plan shall incorporate, but not be limited to, the following:

- i. An evaluation of the current condition and performance of the revetment, addressing any migration or movement of rock that may have occurred on the site and any significant weathering or damage to the revetment that may adversely impact its future performance;
- ii. Measurements taken from the benchmarks established in the plans as required by Special Condition No. 2 of this permit to determine settling or seaward movement of the revetment. Changes in the beach profile fronting the site shall be noted and the potential impact of these changes on the effectiveness of the revetment evaluated;
- iii. Recommendations on any necessary maintenance needs, changes, or modifications to the revetment to assure its continued function and to assure no encroachment beyond the permitted toe; and
- iv. An agreement that the permittee shall apply for a coastal development permit amendment within 90 days of submission of any monitoring report for any necessary maintenance, repair, changes, or modifications to the revetment recommended by the monitoring report that require a coastal development permit, except as described in Special Condition No. 4, and implement all aspects approved in any such permit.

- (b) The above-cited monitoring information shall be prepared by a licensed engineer familiar with shoreline processes. Monitoring shall continue throughout the life of the revetment or until the revetment is removed or replaced under an amendment to this coastal development permit or pursuant to separate coastal development permit. The monitoring data shall be submitted to the Executive Director in annual reports, starting one year following the date of Commission action on this permit amendment.

- (c) The applicant shall undertake the development in accordance with the approved monitoring plan. Any proposed changes to the approved monitoring plan shall be reported to the Executive Director. No changes to the monitoring plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**4. Future Maintenance.**

The applicant shall maintain the existing revetment in its approved state. Periodic use of heavy machinery on the sandy beach during low tide for the sole purpose of restoring the revetment to its approved state by restacking rip rap that has scattered onto the sandy beach is authorized under this permit. The applicant shall notify the Executive Director no less than ten (10) days prior to any use of heavy machinery for restacking purposes. Any change in the design of the revetment or future additions to or reinforcement of the revetment beyond exempt maintenance as defined in Section 13252 of Title 14 of the California Code of Regulations to restore the structure to its original condition will require a coastal development permit. However, in all cases, if after inspection it is apparent that repair and maintenance is necessary, the applicant shall contact the Executive Director to determine whether a coastal development permit or an amendment to this permit is legally required, and, if required, shall subsequently apply for a coastal development permit or permit amendment for the required maintenance.

**5. No Future Seaward or Lateral Extension of Shoreline Protective Device.**

By acceptance of this Permit, the permittee agrees, on behalf of itself and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device approved pursuant to this permit, as described and depicted on approved final plans required in Special Condition No. 2, shall result in any encroachment seaward or lateral elongation of the authorized footprint of the shoreline protective device without a new permit or an amendment to this permit. By acceptance of this Permit, the applicant waives, on behalf of itself and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

**6. Assumption of Risk, Waiver of Liability and Indemnity Agreement.**

- (a) By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from storm waves, flooding, and erosion; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the



project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- (b) **Liability for Costs and Attorney Fees:** The Permittees shall reimburse the Coastal Commission in full for all Coastal Commission costs and attorney fees – including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney’s fees that the Coastal Commission may be required by a court to pay – that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the applicant against the Coastal Commission, its officers, employees, agents, successors, and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

## **7. Community Beach Monitoring Program**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit , for the review and written approval of the Executive Director, final plans, including signage plans and site plans, for implementation of a community beach monitoring program, such as Coast Snap (<https://www.coastsnap.com/>) or similar program, at the San Elijo State Beach Campground. The program shall include at a minimum placement of informational signage and equipment such as a phone cradle along the blufftop in proximity to the approved revetment.

The permittee shall undertake development in accordance with the approved final plans and shall not undertake development inconsistent with the approved plans unless such changes have been authorized by a permit amendment, Executive Director approval of a revised plan, or an Executive Director determination that no such amendment or plan modification is legally required for any proposed minor deviations.

## **IV. FINDINGS AND DECLARATIONS**

### **A. Project Description and Background**

State Parks is seeking follow-up authorization to retain an emergency 240-ft. long revetment constructed in February 2023.

The pre-existing revetment along the bluff at the southern end of San Elijo State Beach Campground (San Elijo Campground) in the City of Encinitas was severely damaged by storm events in late December 2022 and early 2023, with Governor Newsom proclaiming a State of Emergency on January 4, 2023. The County of San Diego was subsequently added to President Biden's Emergency Declaration of January 11, 2023. Further storm events and tidal swells were forecast for late February 2023, representing a pending emergency situation if the bluff supporting the San Elijo Campground's internal circulation road and southernmost campsites, as well as the emergency vehicle beach access ramp, continued to erode.

State Parks consequently sought emergency authorization from the Coastal Commission (Emergency Coastal Development Permit No. G-6-23-0024) to repair the damaged revetment and augment it with importation of approx. 1,900 tons of 2-5-ton armor rock and 1000 tons (670 cubic yards) of beach cobble. The additional material was placed approx. 5-15 feet landward of the existing revetment and is approximately 240 feet long and 30 feet at its widest, tapering at its northern and southern ends. Beach cobble was placed in and adjacent to the public access ramp at the north end of the project site to allow for public and emergency vehicle access to the beach. ([Exhibit 3](#)) Construction occurred on weekdays between February 16 and March 2, 2023. No additional work is proposed as part of this follow-up permit.

San Elijo Campground is a state-owned and operated facility located atop coastal bluffs on the north side of the mouth of the San Elijo Lagoon ([Exhibit 1](#)). The facility offers public access to the beach and opportunities for overnight camping. The San Elijo Campground currently contains 165 reservable campsites (28 with utility hookups), with some accommodating larger trailers and recreational vehicles.

San Elijo State Beach Campground is located both within the Coastal Commission's retained jurisdiction area and the City of Encinitas' certified Local Coastal Program. However, the site of the revetment itself is within an area of original jurisdiction where the Chapter 3 policies of the Coastal Act are the standard of review with the Encinitas-certified LCP used as guidance.

### **B. Public Access and Recreation**

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with

public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states in relevant part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30214 of the Coastal Act states:

- (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:
- (1) Topographic and geologic site characteristics.
  - (2) The capacity of the site to sustain use and at what level of intensity.
  - (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.
  - (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Section 30.80.120 of the Encinitas Municipal Code states in relevant part:

**A.** Access Required. As a condition of approval and prior to issuance of a coastal development permit or other authorization for any new development identified in paragraphs 1 through 4 of this section, except as provided in subsection **B** of this section, an offer to dedicate an easement (or other legal mechanism pursuant to Section [30.80.120K2](#), for one or more of the types of access identified in subsections **C** through **F** of this section shall be required and shall be supported by finding required by subsections **M** through **O** of this section; provided that no such conditions of approval shall be imposed if the analysis required by paragraphs M1 and M2 of this section establishes that the development will not adversely affect, either individually or cumulatively, the ability of the public to reach and use public tidelands and coastal resources.

**B.** Exceptions. Subsection **A** of this section shall apply except in the following instances:

Project excepted from the definition of "new development" in paragraph A2 of this section, where findings required by subsections **M** and **N** of this section establish any of the following:

1. Public access is inconsistent with the public safety, military security needs, or protection of fragile coastal resources;
2. Adequate access exists nearby; or
3. Agriculture would be adversely affected.

Exceptions identified in this subsection **B** shall be supported by written findings required by subsection **O** of this section.

San Elijo State Beach and San Elijo State Beach Campground are popular overnight and daytime recreation facilities operated by State Parks that serve both local and regional visitors to the coast. There is day-use parking lot at the north end, while the southern end contains a campground. The southernmost 14 blufftop campsites alone, out of the approx. 165 sites total, serve over 10,000 visitors per year.

The southern end of San Elijo Campground is adjacent to the San Elijo Lagoon mouth, which, in combination with tidal processes, has caused the beach to narrow over the decades and this end of the campground to erode much more rapidly than the rest of the facility. Over the years, campsites have been lost as the bluff eroded out from under them, and currently the vehicular turnaround at the southern end of the internal circulation road is at risk. Should the southernmost turnaround be lost, State Parks has stated that the State Fire Marshal would order the 14 campsites between the turnaround

and the closest turnaround to the north be closed due to lack of adequate access for emergency vehicles.

While the intent of State Parks' proposed development is to protect the blufftop campsites and circulation roads, the revetment nevertheless occupies beach space that would otherwise be available for lateral access and public recreation. As part of its work, State Parks restacked rocks from an older, existing revetment that was inadequate to protect the bluffs underlying the campground from wave attack, including attacks from the large storms of 2022-2023. Thus, the emergency work included augmenting the revetment with 1,900 tons of additional 2-5-ton rock and 1,000 cubic yards of cobble. To minimize impacts to public access due to beach occupation, State Parks constructed the revetment with tapered ends and a relatively steep 1.5:1 incline to reduce its footprint. The cobble was also concentrated at the adjacent emergency vehicular and pedestrian ramp that grants access from the blufftop campground down to the beach ([Exhibit 3](#)).

As discussed in greater detail below in the "Coastal Hazards" section, State Parks analyzed three alternatives: No Armor/Retreat, Nature-Based Solutions, and the proposed retention of the emergency revetment. The Commission's staff coastal engineer concurred with State Parks' conclusion that retention of the proposed revetment design is the least impactful feasible design that will protect the campground from further collapse for the permit's five-year duration, which in turn allows State Parks to conduct a more thorough long-term management study for San Elijo.

Thus, although retention of the revetment will have some adverse impacts on public access and recreation, as conditioned, the footprint of the revetment will be maintained to only that necessary to protect continued access to San Elijo Campground for the next few years. In this particular case, preserving safe public access to the beach and continued operation of the campground sites for overnight accommodations offsets the impacts of the revetment for this time period. **Special Condition No. 2** requires State Parks to submit final plans showing the revetment footprint and with identified benchmarks to be used in future monitoring of the revetment to ensure that the approved footprint is maintained and that it does not encroach onto additional beach area. **Special Condition No. 3** requires implementation of an approved revetment monitoring program documenting the performance and footprint of the revetment so as to ensure that it does not scatter onto additional beach area and timely identify needed repairs. **Special Condition No. 4** requires State Parks to contact the Executive Director if repair or maintenance is necessary to determine whether a coastal development permit is required, and **Special Condition No. 5** requires the applicant to waive any rights to future seaward or lateral extension of the revetment.

Despite these conditions to minimize the encroachment of the revetment on the public beach, if the revetment were to remain in place indefinitely, this segment of beach would be lost due to sea level rise. To ensure that the revetment is only in place the least amount of time necessary to obtain the information needed to select a less-impactful permanent management strategy, **Special Condition No. 1** authorizes the revetment for an initial five-year period. Prior to the termination of the initial

authorization period, State Parks may apply for additional years of authorization, but such a request must be accompanied by a long-term management plan analyzing several feasible alternatives for future adaptation. All of these special conditions will ensure that while the revetment remains on the beach, it will be maintained in a configuration that can be considered the least impactful to public access and recreation, consistent with the public access and recreation policies of the Coastal Act.

## **C. Coastal Hazards**

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30.34.020 (Coastal Bluff Overlay Zone) of the Encinitas Municipal Code states in relevant part:

**B. Development Standards.** In addition to development and design regulations which otherwise apply, the following development standards shall apply to properties within the Coastal Bluff Overlay Zone. In case of conflict between the following standards and other standards, regulations and guidelines applicable to a given property, the more restrictive shall regulate.

- 1. With the following exceptions, no principal structure, accessory structure, facility or improvement shall be constructed, placed or installed within 40 feet of the top edge of the coastal bluff. Exceptions are as follows:

[...]

- a. Minor accessory structures and improvements located at grade, including landscaping, shall be allowed to within five feet of the top edge of the coastal bluff. Precautions must be taken when placing structures close to the bluff edge to ensure that the integrity of the bluff is not threatened. For the purposes of the Coastal Bluff Overlay Zone, "minor accessory structures and improvements" are defined as those requiring no City approval or permit including a building or grading permit, and not attached to any principal or accessory structure which would require a permit. Grading for reasonable pedestrian access in and around a principal or accessory structure may be permitted by the City Engineer following review of a site specific soils report.
- b. Essential public improvements providing coastal access, protecting natural resources, or providing for public safety, as reviewed and approved pursuant to subsection C, Development Processing and Approval, of this section, including but not limited to, walkways leading to approved public beach access facilities, open fences for safety or resource protection, public seating benches, lighting standards, and signs.

[...]

An issue of major concern facing California today is the fast pace of disappearing beaches due to natural processes (e.g. erosion, subsidence, and storm events) and anthropogenic factors (coastal development and sand supply disruptions). Seawalls, revetments, and other types of hard armoring have long been used to protect backshore development from erosion and flooding, but future accelerated sea level rise and extreme storm events will heighten the rate of beach loss and potential exposure of the backshore hazards. Hard armoring already results in unintended ecological and public access consequences, such as loss of biodiversity and ecosystem services and displacement of recreational beach area with protective structures.

The Coastal Act acknowledges that seawalls, revetments, retaining walls, groins, and other such structural or "hard" methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, with the exception of new coastal dependent uses, Coastal Act Section 30235 limits the construction of shoreline protective works to those required to protect existing permitted structures or public beaches in danger from erosion. Furthermore, Section 30253 requires that new development be sited, designed, and built in a manner to not require construction of shoreline protective devices that would substantially alter natural landforms along the shoreline. The Coastal Act provides these limitations because shoreline structures can have a negative effect on the coastal environment, including adverse effects on sand supply, public access, coastal views, natural landforms, and shoreline beach dynamics on- and off-site, that can result in the loss of public beach areas.

Under Coastal Act Section 30235, shoreline protective structures shall be permitted if: (1) there is an existing structure; (2) the existing structure is in danger from erosion; (3) shoreline altering construction is required to protect the existing threatened structure; and (4) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

San Elijo State Beach has been a unit of the State Park system since November 18, 1949, and was classified a state beach in May 1969. The campground began operation prior to the effective date of the Coastal Act on January 1, 1977, and thus is considered an existing use. The San Elijo Campground sits atop bluffs of varying height overlooking west and southwest-facing bluff-backed beach area that is experiencing narrow to moderate beach widths over time due to natural and anthropogenic actions such as erosion, sand deposition, storms, and inland development and flood control.

San Elijo State Beach and its facilities are particularly susceptible to damage from storm events at the southernmost end due to exposure to both the shoreline and mouth of the San Elijo Lagoon. The tides in Southern California are semidiurnal, with a frequency of approximately 12.42 hours, meaning there are two low tides and two high tides during the 25-hour tidal day, with the tide range varying from tide to tide. In Southern California, the highest tides of the year usually occur in the winter months, which is also the season that exhibits the most extreme storms typically causing beach erosion. In Southern California, wave energy is typically greater in winter, resulting in shoreline erosion as material is moved offshore. In the summer, gentler waves facilitate landward movement of the offshore material, resulting in shoreline accretion. San Elijo experiences this type of seasonal variation in beach width. In more extreme events, the southern end experiences high wave conditions that cause more severe erosion than other parts of the park.

State Parks analyzed three alternative measures for the site: “No Armor/Retreat,” “Nature-Based Solutions” such as sand-covered cobble berms, and the proposed revetment. The No Armor/Retreat option involves removing the emergency revetment and allowing the southern end of the campground bluffs to continue to erode. According to a December 12, 2023, Wave Uprush Study from Moffat & Nichol, in the “no armor” scenario the blufftop campground area would be overtopped by waves under high tide as well as storm conditions, undermining the vehicular roundabout at the southern end of the internal circulation road relatively quickly. Should that roundabout collapse, State Parks states that the State Fire Marshal would require that the fourteen campsites between that roundabout and the closest roundabout to the north to be closed due to inadequate emergency vehicle access, impacting public access. Furthermore, the adjacent Highway 101 is likely to become threatened. The nature-based alternative would use cobble, sand, and dune vegetation to replace the rock revetment for protection. However, State Parks believes that the narrow profile of the beach at the project site as compared to the nearby Cardiff Living Shoreline (CDP. No. 6-17-0596) constrains the placement of berms, and that the cobble, being less durable, would scatter much more frequently, requiring more intensive maintenance schedules and adversely impacting the public’s use of the beach area when it becomes covered by



rocks. Thus, State Parks argues that the third alternative, retaining the emergency revetment, is the least impactful project.

In addition to the project-level alternatives analysis submitted with this application, State Parks was conducting a long-term hazards analysis of its coastal facilities, including San Elijo Campground. The report would analyze the design, potential impacts and benefits to public access and coastal resources, and construction and maintenance costs of the various adaptation methods. State Parks was hoping to have the analysis concluded in the coming 12-18 months, but the current fiscal deficit in the State budget has led to State Parks' Sea level rise funding to revert back to the General Fund, and at this time, State Parks has no other dedicated funding source for sea level rise adaptation projects, though it is actively investigating potential alternative funding sources.

Because of these existing uncertainties and the continued need to operate San Elijo Campground for the public, State Parks is proposing at this time to retain the entire revetment. However, the installation or retention of shoreline armoring such as a revetment has the potential to increase local or downcoast erosion. Besides occupying a portion of the sandy beach, coastal armoring causes impoundment, passive erosion, and active erosion. Impoundment of upland and bluff sediment that would otherwise erode and enter the cross and downcoast sediment transport would diminish natural sand accretion here and downcoast, hastening beach narrowing. Regarding passive erosion, whenever a hard structure is built along an eroding coastline, the shoreline will eventually migrate landward on either side of the structure, resulting in gradual loss of the beach in front of and to either end of the armoring. Local scour is often observed at the downdrift end of armoring as a result of wave reflection and would also hasten the loss of sand at what is already a narrow beach.

The Commission's coastal engineer has determined that the San Elijo Campground can be protected with the retention of the revetment, which is the minimum necessary to protect the most vulnerable area of the bluff and ensure that another emergency situation does not arise in this segment during the permit term. Allowing only the approved revetment to stay in place, with no additions or elongations, for a period of five years will hopefully allow sufficient time for State Parks to conduct its long-term hazards analysis and return for a subsequent coastal permit for the least impactful long-term solution.

In past projects involving the installation or retention of shoreline protective devices, the Commission has required mitigation fees from the applicant to address the impacts the shoreline protective device has to sand supply – through the reduction of natural erosion on near-shore areas and the introduction of sand material into the littoral cell – and public access and recreation – through occupation of public space and prevention of the beach from migrating landward as sea levels rise. In the current case, past storm events have caused portions of the campground to become undermined and collapsed, necessitating the closure of parts of San Elijo Campground to the public. By retaining the revetment for five years, the revetment is serving a beneficial role by protecting a public facility that facilitates future public use of this popular recreational amenity.

To ensure that the revetment is in place the least amount of time necessary to obtain the information needed to select a less-impactful permanent management strategy, **Special Condition No. 1** authorizes the revetment for an initial five-year period. Prior to the termination of the initial authorization period, State Parks may apply for additional years of authorization, but such a request shall be accompanied by a long-term management plan analyzing several less impactful feasible alternatives for future adaptation, such as reconfiguration of the vehicular roundabout to preserve emergency vehicle access

**Special Condition No. 4** requires the applicant to contact the Executive Director if repair or maintenance is necessary to determine whether a coastal development permit is required, and **Special Condition No. 5** requires the applicant to waive any rights to future seaward extension of the revetment. Due to the inherent risk of shoreline development, **Special Condition No. 6** requires State Parks to waive liability and indemnify the Commission against damages that might result from the proposed shoreline protective devices. The risks of the proposed development include that the proposed shoreline protective devices will not protect against damage to the campground from waves, storm waves, flooding, and erosion. Although the Commission has sought to minimize these risks, the risks cannot be eliminated entirely. Given that the applicant has chosen to construct the proposed development despite these risks, the applicant and any future successors in interest must assume the risks. Finally, in order to aid State Parks in obtaining relevant information regarding changing tidal conditions in this vulnerable segment of the campgrounds, especially in light of their current challenges in funding sea level rise studies, **Special Condition No. 7** requires State Parks to install informational signage and related equipment allowing the visiting public to conduct community beach monitoring by uploading public photos of the beach to online repositories, such as Coast Snap (<https://www.coastsnap.com/>) or a similar service. All of these special conditions will ensure that the revetment remains in a configuration that can be considered the least impactful to coastal resources, consistent with Sections 30235 and 30253 of the Coastal Act.

## D. Local Coastal Planning

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

In November 1994, the Commission approved, with suggested modifications, the City of Encinitas LCP. Subsequently, on May 15, 1995, coastal development permit authority was transferred to the City. The San Elijo State Beach Campground is located both within the Coastal Commission's jurisdiction and the City's permit jurisdiction, but the revetment subject to this permit is located within the portion within the Commission's retained jurisdiction area. Thus, the standard of review is Chapter 3 of the Coastal Act, with the Encinitas' certified LCP serving as guidance. As conditioned, the development is consistent with Chapter 3 of the Coastal Act.

## **E. California Environmental Quality Act**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. State Parks found the proposed revetment exempt from CEQA review as a Declared Emergency under Section 15269(a), Title 14 of the California Code of Regulations.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing duration of authorization, final design, maintenance, and acceptance of risk will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**