

**CALIFORNIA COASTAL COMMISSION**

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



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## San Diego Coast District Deputy Director's Report for February 2024

**Prepared January 31, 2024 (for the February 8, 2024 Hearing)**

**To:** Commissioners and Interested Parties

**From:** Karl Schwing, San Diego Coast District Deputy Director

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, and emergency CDPs for the San Diego Coast District Office are being reported to the Commission on February 08, 2024. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's San Diego Coast District Office in San Diego. Staff is asking for the Commission's concurrence on the items in the San Diego Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 8th.

With respect to the February 8th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on February 08, 2024 (see attached)**

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### Waivers

- 6-23-0581-W, Krems Residence Addition (Solana Beach)
- 6-23-0828-W, Cove Capital Residence (Solana Beach)
- 6-23-0838-W, Levitt Residence & ADU (Solana Beach)
- 6-23-0845-W, Bernstein Residence (Solana Beach)
- 6-23-0850-W, City of San Diego Crystal Pier Repairs (San Diego)
- 6-23-0871-W, Anthony Residence (Solana Beach)
- 6-23-0877-W, City of San Diego Point Loma Wastewater Treatment Plant (San Diego)
- 6-23-0890-W, UCSD Scholander Hall Mechanical Equipment (San Diego)
- 6-23-0897-W, City of San Diego Sewer Pump Station 11 Repairs (San Diego)
- 6-24-0022-W, City of Del Mar Camino Del Mar Bridge Geotechnical Borings (Del Mar)

**Immaterial Extensions**

- 6-20-0311-E2, City of San Diego Alvarado Pipeline (San Diego)
- 6-21-0259-E1, Mastro's Ocean Club Restaurant Remodel (Encinitas)

**Immaterial Amendments**

- 6-19-0348-A2, SDIAA Wireless Facility (San Diego)

**Emergency Permits and Emergency Permit Waivers**

- G-6-23-0016-W, City of Oceanside Loma Alta Creek Mouth Tapering (Oceanside)
- G-6-23-0017-W, City of Oceanside Loma Alta Creek Mouth Tapering (Oceanside)
- G-6-24-0005, City of San Diego Crystal Pier Repairs (San Diego)
- G-6-24-0006, City of Encinitas Beacon's Bluff Closure (Encinitas)
- G-6-24-0008-W, City of Oceanside Loma Alta Creek Mouth Tapering (Oceanside)

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January 31, 2024

### Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-23-0581-W

**Applicant:** Daniel and Jessica Krems

**Location:** 1466 Santa Luisa Dr, Solana Beach (San Diego County) (APN: 263-57-201-00)

**Proposed Development:** Construction of a new, approximately 830 sq. ft. two-story addition, interior remodel, and associated hardscaping and landscaping of an existing, approximately 2,950 sq. ft. two-story, single-family residence with an attached, 486 sq. ft. garage on a 33,190 sq. ft. lot.

**Rationale:** The proposed project requires a permit because the site is located between the sea (San Elijo Lagoon) and the first public roadway and involves an addition of more than 10% of the existing floor area. However, this is not a shoreline lot and the site is approximately 2.5 miles from the inland extent of the beach. The project is located on an existing developed lot in a neighborhood that consists of residences similar in bulk and scale to the proposed development. The proposed development will not block any public views. The proposed development, including any associated brush management, will not encroach into the required 100-foot ESHA buffer. The project is consistent with the City of Solana Beach's Low Density Residential zoning designation and plan designations for Solana Beach and its certified Land Use Plan. The proposed development will not adversely impact coastal resources, public access, or public

**Coastal Development Permit Waiver**  
6-23-0581-W

recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Julia Prieto  
Coastal Program Analyst

cc: Commissioners/File

## CALIFORNIA COASTAL COMMISSION

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January 25, 2024

# Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

**Waiver:** 6-23-0828-W

**Applicant:** Tory Foss DBA Cove Capital Properties

**Location:** 525 Ford Ave, Solana Beach (San Diego County) (APN: 263-191-09)

**Proposed Development:** Demolition of an existing approximately 1,700 sq. ft. one-story single-family residence with a detached garage and construct a new approximately 4,400 sq. ft. two-story single-family residence with attached garage and swimming pool on a 11,856 sq. ft. lot.

**Rationale:** The project site is not between the sea and the first public road and is located approximately 0.8 miles from the shoreline. The proposed project is located in an established residential neighborhood consisting of residences similar in bulk and scale to the proposed development. The project is consistent with the City of Solana Beach's Low/Medium Density Residential zoning designation. The proposed development will not block any public views and adequate parking will be provided. The project is consistent with all other zoning and plan designations for the City of Solana Beach and its certified Land Use Plan. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

**Coastal Development Permit De Minimis Waiver**  
6-23-0828-W

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Lindsey Cain  
Coastal Program Analyst

cc: Commissioners/File

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January 25, 2024

# Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

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

**Waiver:** 6-23-0838-W

**Applicant:** Darren and Rachel Levitt

**Location:** 446 Seabright Ln, Solana Beach (San Diego County) (APN: 263-061-14)

**Proposed Development:** Demolition of existing approximately 1,400 sq. ft. one-story single-family residence with attached garage and construction of a new approximately 4,000 sq. ft. one-story single-family residence with partial subterranean attached garage and detached approximately 342 sq. ft. accessory dwelling unit on a 10,884 sq. ft. lot.

**Rationale:** The project site is not between the sea and the first public road and is located approximately 0.3 miles from the shoreline. The proposed project is in an established residential neighborhood consisting of residences similar in bulk and scale to the proposed development. The project is consistent with the City of Solana Beach's Low/Medium Density Residential zoning designation. The proposed development will not block any public views or impact public access. Adequate parking will be provided for the primary residence and no parking is required for the ADU since the project site is within ½ mile of a transit stop. The project is consistent with all zoning and plan designations for the City of Solana Beach and its certified Land Use Plan. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending

**Coastal Development Permit De Minimis Waiver**  
6-23-0838-W

Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Lindsey Cain  
Coastal Program Analyst

cc: Commissioners/File

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January 31, 2024

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-23-0845-W

**Applicant:** Keith and Minde Bernstein

**Location:** 1039 Santa Florencia, Solana Beach (San Diego County) (APN: 263-560-22)

**Proposed Development:** Construction of an approximately 384 sq. ft. addition, interior remodel, conversion of approximately 36 sq. ft. of existing garage to interior living space, and construction of exterior trellis at an existing approximately 2,400 one-story single-family residence with attached garage on a 10,125 sq. ft. lot.

**Rationale:** The proposed project requires a permit because the site is located between the sea (San Elijo Lagoon) and the first public roadway, and the addition will result in an increase of more than 10% of the existing floor area. However, this is not a shoreline lot, and the site is approximately 1.7 miles from the inland extent of the beach. The project is located on an existing developed lot in an established residential neighborhood that consists of residences similar in bulk and scale to the proposed development. The proposed development will not block any public views. The project is consistent with the City of Solana Beach's Low/Medium Density Residential zoning designation and plan designations for Solana Beach and its certified Land Use Plan. The proposed development will not adversely impact coastal resources, public access, or public

**Coastal Development Permit Waiver**  
6-23-0845-W

recreation opportunities and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Lindsey Cain  
Coastal Program Analyst

cc: Commissioners/File

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January 29, 2024

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-23-0850-W

**Applicant:** City of San Diego Attn: Negin Afagh

**Location:** 4500 Ocean Blvd, Pacific Beach, San Diego (San Diego County) APN: 423-021-10-00)

**Proposed Development:** Follow-up permit to Emergency Coastal Development Permit No. G-6-24-0005 of Crystal Pier authorizing emergency in-kind replacement of a limited number of deteriorated and missing above-water wooden braces on the city-owned portion of the existing structure to prevent collapse from future storm events. Additional replacement in kind of above-water wooden braces beyond those replaced under the emergency permit to allow reopening of the pier to the public.

**Rationale:** Crystal Pier is a historic wooden pier structure open to the public and containing overnight accommodations consisting of a hotel with cottages. Over time several wooden braces connecting the pilings under the pier have detached, broken, or deteriorated, necessitating closure of the pier and cottages to the public. In December 2023 and January 2024, large storms caused additional damage, and the City performed some of the repairs in January pursuant to the emergency CDP. The subject application represents the follow-up permit required by the emergency CDP, and includes some additional repair and replacement. The proposed repair and maintenance will be in-kind, utilizing the same wooden material and design as the


**Coastal Development Permit Waiver**  
6-23-0850-W

existing historic structure. All work will occur above water, and the pier will not be increased in height or area. Staging will occur on the beach above the mean high tide line and on portions of the adjacent public boardwalk, but public passage through the area will be maintained except for under the pier due to the needed repairs. Work will occur outside the summer tourist season, and BMPs will be implemented to avoid runoff into coastal waters. Thus, as proposed, the repair and maintenance will not adversely impact coastal resources or public access and can be found consistent with Chapter 3 of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

DocuSigned by:  
  
638E996CE0CA4B2  
Original on File signed by:

Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

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January 25, 2024

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

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

**Waiver:** 6-23-0871-W

**Applicant:** Jeffrey and Lenita Anthony

**Location:** 135 S. Nardo Ave, Solana Beach (San Diego County) (APN: 263-403-02)

**Proposed Development:** Construction of an approximately 1,000 sq. ft. second-floor accessory dwelling unit and an approximately 920 sq. ft. second-floor covered deck on an existing approximately 3,000 sq. ft. one-story single-family residence on an approximately 16,000 sq. ft. lot.

**Rationale:** The project site is not between the sea and the first public road and is located approximately 0.5 miles from the shoreline. The proposed project is in an established residential neighborhood consisting of residences similar in bulk and scale to the proposed development. The project is consistent with the City of Solana Beach's Low Density Residential zoning designation. The proposed development will not block any public views or impact public access. No parking is required for the ADU since the project site is within ½ mile of a transit stop and there is adequate parking for the single-family residence. The project is consistent with all zoning and plan designations for the City of Solana Beach and its certified Land Use Plan. The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less

**Coastal Development Permit De Minimis Waiver**  
6-23-0871-W

than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Lindsey Cain  
Coastal Program Analyst

cc: Commissioners/File

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January 22, 2024

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-23-0877-W

**Applicant:** City of San Diego Public Utilities Department

**Location:** 1902 Gatchell Rd, Point Loma, San Diego (San Diego County) (APN(s): 532-520-06)

**Proposed Development:** Temporary encroachment within the 20-foot habitat setback during the construction of retaining wall for the Central Area Small Scale Facility Project.

**Rationale:** Waiver No. 6-22-0244-W was previously approved on this site to allow construction of a water treatment facility with a 20 ft. buffer from an existing fence that separates the site from coastal sage scrub habitat. The proposed project is to temporarily encroach within the 20-foot habitat setback during the construction of the water treatment facility to complete construction of the retaining wall component of the project and to reroute existing utilities; however, no sensitive plants or habitat will be impacted. Construction would take approximately 10 days. The project site is an existing paved lot located approximately 100 ft. away from the bluff edge. The applicant will conduct monitoring for gnatcatcher nests prior to initiating construction and weekly during the nesting season. If active gnatcatcher nests are identified within 500 ft. of the project site, the applicant will then conduct noise monitoring to ensure that noise levels remain below a 65 dB(A) equivalent continuous noise level at the nest. No night work is proposed. Finally, to protect water quality, the project will comply with best management practices to minimize sediment, pollutant, and erosion discharge. Stormwater from the

**Coastal Development Permit Waiver**  
6-23-0877-W

site will be conveyed to the existing main facility where it will be treated prior to being discharged. Therefore, as proposed, the development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 8, 2024 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director



Melody Lasiter  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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January 22, 2024

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13250(c), Section 13252(e), or Section 13253(c), Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 6-23-0890-W

**Applicant:** University of California, San Diego

**Location:** Scholander Hall, 8655 Kennel Way, La Jolla, San Diego, San Diego County. (APN: 344-090-07)

**Proposed Development:** Removal of an air handling unit from the roof of the mechanical room attached to Scholander Hall and installation of a new air handling unit inside the mechanical room; removal of an existing fan coil inside the mechanical room; and replacement of water piping for equipment within Scholander Hall. A temporary air handling unit will be utilized during construction for approximately 8-10 weeks. No additional square footage and no additional height is proposed as part of this project.

**Rationale:** The project requires a permit because the proposed work is within 50 feet of the edge of a coastal bluff; however, the project is a maintenance project and will not extend the life of the building. The removal of the air handling unit would improve ocean views at the site. The temporary air handling unit would be located in the dirt area directly west of the existing mechanical room. No grading or trenching is required and the temporary air handling unit will be supported with blocks or scaffolding so as not to impact vegetation. No trees or vegetation will be removed. The proposed development will not adversely impact coastal resources, public views, public access, or public recreational opportunities, and is consistent with the Chapter 3 policies of the Coastal Act.

**Coastal Development Permit Waiver**  
6-23-0890-W

This waiver will not become effective until reported to the Commission at its February 2024 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Hucklebridge, PhD  
Executive Director

Original on File signed by:

Stephanie Leach  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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January 31, 2024

## **Coastal Development Permit Waiver Improvements to Existing Structures or Repair and Maintenance Coastal Act Section 30610**

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**Waiver:** 6-23-0897-W

**Applicant:** City of San Diego Public Utilities Department, attn. Jon Rubio-Rodriguez

**Location:** East of 2632 Bayside Lane, Mission Bay, San Diego (San Diego County)  
(Nearest APN: 423-764-08-01)

**Proposed Development:** Excavate approximately 800 cu. ft. of public beach sand for the removal and in-kind replacement of a below-grade air valve that supports Sewer Pump Station 11.

**Rationale:** This project involves replacing one air valve that supports a force main that originates from sewer pump station 11. The air valve is not functioning and requires replacement to maintain the proper flow of sewage and prevent a sewer spill into Mission Bay. The work will require approximately 12 days to complete, including two days for excavation, three days for repairs, two days for backfilling, and five days for concrete work. The work will occur outside of the summer season and construction staging will occur directly adjacent to the project. Pedestrian traffic along Bayside Walkway would be temporarily impacted and diverted to walking around the approximately 1,200 sq. ft. project limit boundary. Signs indicating sidewalk closure and alternative route would be posted so that pedestrian traffic is not halted but rather temporarily diverted along parkland grass and sand within Mission Point Park and Beach. The excavated sand will be piled next to the work site within the project

**Coastal Development Permit Waiver**  
6-23-0897-W

boundary and covered by erosion blankets for containment. The work site is a public beach area with existing below grade sewer infrastructure. The proposed work will not substantially impact public access or coastal resources and is in conformance with Chapter Three of the Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting. If three (3) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Lindsey Cain  
Coastal Program Analyst

cc: Commissioners/File

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January 26, 2024

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

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

**Waiver:** 6-24-0022-W**Applicant:** City of Del Mar**Location:** Camino Del Mar bridge over San Dieguito lagoon river mouth, Del Mar (San Diego County)**Proposed Development:** Conduct eight geotechnical borings through the Camino Del Mar Bridge to evaluate subsurface soil conditions below the bridge, in order to inform the final design of the proposed Camino Del Mar bridge replacement project.**Rationale:** The proposed borings are necessary to complete geotechnical investigations for future replacement of the Camino Del Mar bridge over the San Dieguito Lagoon river mouth. No impacts to sensitive biological resources will occur as the drilling will be conducted from the bridge deck and outside the bird breeding season. The drilling will be short term (19 working days). Impacts during construction to ten public access parking spaces near the bridge and the use of the bike lane on the bridge will be minimized via public noticing, detour signage, a temporary shared lane and assistance from a traffic control flagger to maintain pedestrian and bicycle access throughout the geotechnical investigation. An archaeological and tribal monitor will be present during boring activities to avoid impacts to cultural resources. Therefore, the proposed development will not adversely impact coastal resources, public access, or public recreation opportunities and is consistent with past Commission actions in the area and Chapter 3 policies of the California Coastal Act.

This waiver will not become effective until reported to the Commission at its February 2024 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Dr. Kate Huckelbridge  
Executive Director

A handwritten signature in blue ink, appearing to read "Shannon Fiala".

Shannon Fiala  
Coastal Program Manager

cc: File

**CALIFORNIA COASTAL COMMISSION**

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January 25, 2024

**NOTICE OF EXTENSION REQUEST  
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that City of San Diego has applied for a one-year extension of 6-20-0311 granted by the California Coastal Commission on February 10, 2021.

for: Install approx. 18,000 linear feet of new 24-inch and 12-inch diameter water main pipelines, abandon in place approx. 2,657 feet of existing 8-inch and 12-inch pipelines, and install 9 new fire hydrants within the public right-of-way.

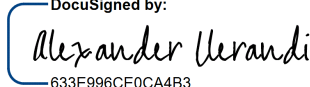
at: SeaWorld Drive and Friars Road, Mission Bay Park, San Diego (San Diego County)  
APN: N/A

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

DocuSigned by:  
  
633E996CE0CA4B3...

Original on File signed by:

Alexander Llerandi  
Coastal Program Analyst

cc: Commissioners/File

**CALIFORNIA COASTAL COMMISSION**

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



January 19, 2024

**NOTICE OF EXTENSION REQUEST  
FOR COASTAL DEVELOPMENT PERMIT**

Notice is hereby given that CHLN Inc. has applied for a one year extension of 6-21-0259 granted by the California Coastal Commission on November 19, 2021.

for: Remodel and rebrand an existing approximately 7,011 sq. ft. 2-story oceanfront restaurant, including an approximately 460 sq. ft. addition; consolidate thirteen underlying lots into one single lot; update valet parking program; new landscaping and hardscape improvements on a combined approximately 27,948 sq. ft. lot.

at: 2588 South Coast Hwy 101, Encinitas (San Diego County) (APN: 261-162-22)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

Persons wishing to object or having questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

Kate Huckelbridge, PhD  
Executive Director

Original on File signed by:

Kaitlin Carney  
Permit Supervisor

cc: Commissioners/File

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402  
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WWW.COASTAL.CA.GOV



January 18, 2024

# NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **6-19-0348-A2**

- To:** All Interested Parties
- From:** Kate Huckelbridge, PhD, Executive Director
- Subject:** Permit No. **6-19-0348** granted to **San Diego County Regional Airport Authority** for: Construction of a 73,609 sq. ft., 33 ft. tall airline support building with parking and landscaping, and after-the-fact demolition of an employee parking lot and installation of stormwater management facilities.
- Project Site:** San Diego International Airport, North Harbor Drive and Lindbergh Field Way, San Diego, San Diego County (APN(s): 760-039-61)

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

Revise the project description to include wireless communications equipment behind four 25 ft. wide, 26 ft. long, and 9 ½ ft. tall screens on the rooftop of the existing airline support building.

## FINDINGS

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of section 13166(b) of the Commission's regulations.<sup>1</sup> Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the

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<sup>1</sup> The Commission's regulations are codified in Title 14 of the California Code of Regulations.

## Notice of Proposed Immaterial Permit Amendment 6-19-0348-A2

Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the executive director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the executive director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reason(s):

The proposed wireless communications equipment and screens will be located on the roof of an existing building. While the screens will be visible from Harbor Drive, they will be similar in color to the existing building and hide the visual clutter of the equipment behind which will reduce visual impacts. The site is located in close proximity to nesting habitat for the endangered California least tern. The equipment itself poses a potential perch location for predators, however, the screens would block views of the nesting habitat from the equipment and anti-perch equipment would be located along the top of the screens to avoid impacts to the nesting birds from predators. In addition, no project conditions are modified or removed as a result of this amendment. Thus, the proposed project will not adversely impact coastal resources and can be found in conformance to the policies of Chapter 3 of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above.

If you have any questions about this notice, please contact Melody Lasiter at [Melody.Lasiter@coastal.ca.gov](mailto:Melody.Lasiter@coastal.ca.gov).



Melody Lasiter  
Coastal Program Analyst

**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



January 9, 2024

Nathan Mertz  
City of Oceanside, Public Works Department  
300 North Coast Highway  
Oceanside, CA 92054  
nmertz@oceansideca.org

Re: Request for Emergency Action at Loma Alta Creek No. G-6-23-0016-W

Dear Nathan Mertz:

On December 19, 2023, the Executive Director received your request for an emergency permit to breach the cobble rock berm blocking the mouth of Loma Alta Creek in anticipation of a storm event. Due to recent high tides and large swells, the mouth of Loma Alta Creek had filled in with cobble rock to a height of approximately 5 feet above the upstream flood level marker, preventing stormwater from flowing from Loma Alta Creek into the Pacific Ocean. The City of Oceanside Public Works Department determined immediate action was necessary to facilitate natural outflow and prevent flooding. Emergency work was completed on December 19, 2023 and took approximately two hours. The work consisted of using an excavator to excavate approximately 37 cubic yards of cobble and place it on the upper beach to limit it from falling back and blocking stormwater flows. No import or export of materials occurred.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, City of Oceanside, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to breach the cobble rock berm at the mouth of Loma Alta Creek and no impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on February 7-9, 2024.

Sincerely,  
Nora Ives  
Coastal Program Analyst

**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



January 9, 2024

Nathan Mertz  
City of Oceanside, Public Works Department  
300 North Coast Highway  
Oceanside, CA 92054  
nmertz@oceansideca.org

Re: Request for Emergency Action at Loma Alta Creek No. G-6-23-0017-W

Dear Nathan Mertz:

On December 28, 2023, the Executive Director received your request for an emergency permit to breach the cobble rock berm blocking the mouth of Loma Alta Creek in anticipation of a storm event. Due to recent high tides and large swells, the mouth of Loma Alta Creek had filled in with cobble rock to a height of approximately 4 feet above the upstream flood level marker, preventing stormwater from flowing from Loma Alta Creek into the Pacific Ocean. The City of Oceanside Public Works Department determined immediate action was necessary to facilitate natural outflow and prevent flooding. Emergency work was completed on December 28, 2023 and took approximately two hours. The work consisted of using an excavator to excavate approximately 37 cubic yards of cobble and place it on the upper beach to limit it from falling back and blocking stormwater flows. No import or export of materials occurred.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, City of Oceanside, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to breach the cobble rock berm at the mouth of Loma Alta Creek and no impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on February 7-9, 2024.

Sincerely,  
Nora Ives  
Coastal Program Analyst

**CALIFORNIA COASTAL COMMISSION**

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FAX (619) 767-2384

**EMERGENCY COASTAL DEVELOPMENT PERMIT**

Emergency CDP G-6-24-0005 (Crystal Pier Repair)

Issue Date: January 23, 2023

**Permittee:** City of San Diego, Attn: James Arnhart**Emergency Location:** Crystal Pier, 4500 Ocean Blvd, Pacific Beach, San Diego, San Diego County**Emergency Description:** Crystal Pier, a historic wooden pier, lost a significant number of wooden braces following severe storm and surf events between December 2023 and January 2024, with additional braces broken or disconnected, undermining the structural integrity and requiring closure of the pier to the public and visitors staying at the on-site Crystal Pier Hotel & Cottages.**Emergency Development:** In-kind replacement of missing or deteriorated braces. There will be no work below the water line, and staging will occur above the mean high tide line and on the adjacent boardwalk, with Best Management Practices to prevent debris from entering coastal waters.**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.

DocuSigned by:  
A blue ink signature of Diana Lilly.

01/23/2024

8FD7E94591884C2...  
Diana Lilly, San Diego Coast District Manager, for Kate Huckelbridge, Executive Director

### 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 February 7, 2024). 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 January 12, 2024. 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. The emergency development authorized on a temporary basis by this ECDP must be completed within 30 days of ECDP issuance (i.e., by February 22, 2024).
4. This ECDP does not obviate the need to obtain necessary authorizations and/or permits from other agencies (e.g., City of San Diego, 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.
5. 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.
6. 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.

7. 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.
8. Within 120 days of ECDP issuance (i.e., by May 22, 2024), 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 (i.e., satisfying the requirements of Title 14 California Code of Regulations Section 13056) for a regular CDP to authorize the emergency development (or for a different project designed to address the emergency development), including submitting all information and materials requested, and as directed, by the Executive Director if/when the Executive Director determines that such application is incomplete. If such regular follow-up CDP application is withdrawn by the Permittee, or is denied by the Commission, or if it remains incomplete for a period of 120 days after the Executive Director informs the Permittee that the application is incomplete, 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).
9. Failure to meet any of the applicable requirements of Condition 8 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.
10. 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

Emergency CDP G-6-24-0005 (Crystal Pier Repair)

Issue Date: January 23, 2024

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.

11. A licensed civil engineer with experience in coastal structures and processes shall oversee all construction activities and shall ensure that all emergency development is limited to the least amount necessary to temporarily abate the emergency consistent with the terms and conditions of this ECDP.
12. All emergency construction activities shall limit impacts to coastal resources (including public recreational access and the Pacific Ocean) to the maximum extent feasible including by, at a minimum, adhering to the following construction requirements:
13. Construction activities shall be limited to no more than a total of 7 days, and shall take place on non-holiday weekdays to the maximum extent feasible.
14. All construction activities shall take place during daylight hours (i.e., from one-hour before sunrise to one-hour after sunset). Lighting of the beach and/or intertidal area is prohibited.
15. Construction work and equipment operations: shall avoid areas seaward of the tidal extent as much as possible; shall be prohibited in ocean waters and/or wetted sand (i.e., areas either wet and/or with a noticeable sheen from tidal and/or wave action); and shall avoid beachgoers and beach recreational areas as much as possible.
16. Any grading of or in intertidal areas shall be prohibited.
17. Any construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from the beach area by one-hour after sunset each day that work occurs.
18. All construction areas shall be minimized and demarked by temporary fencing designed to allow through public access and protect public safety to the maximum extent feasible, where such areas shall be limited in their spatial extent as much as possible. Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
19. The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep equipment covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the beach; etc.).
20. All construction activities that result in discharge of materials, polluted runoff, or wastes to the beach or the adjacent marine environment shall be prohibited. Equipment washing, refueling, and/or servicing shall not take place on the beach. Any erosion and

sediment controls used shall be in place prior to the commencement of construction as well as at the end of each workday.

21. All areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach sand that is impacted by construction shall be filtered as necessary to remove any construction debris.
22. All contractors shall ensure that work crews are carefully briefed on the importance of observing the construction precautions given the sensitive work environment. Construction contracts shall contain appropriate penalty provisions sufficient to offset the cost of retrieval/cleanup of foreign materials not properly contained and/or remediation to ensure compliance with this ECDP otherwise.
23. The Permittee shall notify planning staff of the Coastal Commission's San Diego Coast District Office immediately upon completion of construction. If planning staff should identify reasonable restoration measures, such measures shall be implemented immediately.
24. Copies of this ECDP shall be maintained in a conspicuous location at the construction job site at all times, and such copies shall be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of this ECDP, and the public review requirements applicable to it, prior to commencement of construction.
25. Within 30 days of completion of construction authorized by this ECDP, the Permittee shall submit site plans and cross sections to the Executive Director clearly identifying all development completed under this emergency authorization (comparing the legal pre-emergency development condition to both the emergency condition and to the post-emergency development condition), and a narrative description of all emergency development activities undertaken pursuant to this ECDP. Photos showing the project site before the emergency (if available), during emergency development construction activities, and after the work authorized by this ECDP is complete shall be provided with the site plans and cross sections.
26. A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and the construction coordinator's contact information (i.e., address, email, phone numbers, etc.) including, at a minimum, an email address and a telephone number (with voice mail capabilities) that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., name, address, email, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. The Permittee shall submit the record of complaints/inquiries and actions taken in response to the Executive Director on a weekly basis, and upon completion of construction activities.

Emergency CDP G-6-24-0005 (Crystal Pier Repair)

Issue Date: January 23, 2024

27. 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.
28. 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.
29. 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.
30. 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.
31. 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](mailto:SanDiegoCoast@coastal.ca.gov) or (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. G-6-24-0005**

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 120 days of the date of the emergency permit (i.e., by May 22, 2024).

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

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

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370  
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**EMERGENCY COASTAL DEVELOPMENT PERMIT**

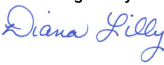
Emergency CDP G-6-24-0006 (Beacons Beach Bluff Failure)

Issue Date: January 26, 2024

**Permittee:** City of Encinitas, Attn: Todd Mierau**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 on January 10, 2024, causing a buttress near the toe of the bluff to separate, and destabilizing the existing public access trail, including knocking down handrails, and undermining a portion of the path and sidewalk.**Emergency Development:** Immediate and temporary closure of the Beacon's Beach bluff, public access trail, and a portion of the blufftop sidewalk, beginning on January 10, 2024, including installation of temporary fencing and signage at the top of bluff and beach to prevent the public from entering the failure area. The public parking lot remains open.**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.

DocuSigned by:  
  
8FD7E94591934C2...

01/26/2024

Diana Lilly, San Diego Coast District Manager, for Kate Huckelbridge, Executive Director

Enclosure: ECDP Acceptance Form

cc: (via email): 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 February 10, 2024). 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 Forms dated received in the Commission's San Diego Coast District Office on January 17 and 25, 2024. 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, tsunamis, 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 120 days of ECDP issuance (i.e., by May 25, 2024), 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](mailto:SanDiegoCoast@coastal.ca.gov) or (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. G-6-24-0006**

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 April 25, 2024).

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

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

**CALIFORNIA COASTAL COMMISSION**

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January 29, 2024

Nathan Mertz  
City of Oceanside, Public Works Department  
300 North Coast Highway  
Oceanside, CA 92054  
nmertz@oceansideca.org

Re: Request for Emergency Action at Loma Alta Creek No. G-6-24-0008-W

Dear Nathan Mertz:

On January 22, 2024, the Executive Director received your request for an emergency permit to breach the cobble rock berm blocking the mouth of Loma Alta Creek in anticipation of a storm event. Due to recent high tides and large swells, the mouth of Loma Alta Creek had filled in with cobble rock to a height of approximately 5 feet above the upstream flood level marker, preventing stormwater from flowing from Loma Alta Creek into the Pacific Ocean. The City of Oceanside Public Works Department determined immediate action was necessary to facilitate natural outflow and prevent flooding. Emergency work was completed on January 18, 2024 and took approximately two hours. The work consisted of using an excavator to excavate approximately 10 cubic yards of cobble and place it on the upper beach to limit it from falling back and blocking stormwater flows. No import or export of materials occurred.

Commission staff has determined that this project qualifies for a Coastal Act Section 30611 Emergency Permit Waiver for the following reasons:

1. Immediate action by a public agency, City of Oceanside, is necessary to protect life and public property and maintain public utilities, and the proposed work is the minimum necessary to alleviate the emergency condition.
2. There will be no permanent erection of any structure valued at more than \$25,000.
3. The project is the minimum amount of work necessary to breach the cobble rock berm at the mouth of Loma Alta Creek and no impacts to public access will occur.

Because the development qualifies for an Emergency Permit Waiver under Section 30611 of the Coastal Act, a follow-up coastal development permit is not required to authorize the work. The work will be reported to the Coastal Commission at the next Commission meeting on February 7-9, 2024.

Sincerely,  
Nora Ives  
Coastal Program Analyst