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Filed:	9/30/23
180th Day:	3/28/24
Staff:	LC-SD
Staff Report:	01/18/24
Hearing Date:	2/08/24

STAFF REPORT: AMENDMENT

Application No.:	**6-08-38-A3**
Applicant:	**City of Solana Beach**
Agent:	Leslea Meyerhoff
Location:	On the beach at and south of Fletcher Cove Beach Park for a distance of approximately 1,800 feet, Solana Beach, San Diego County.
Original Project Description:	Implementation of a sand replenishment program to allow for the processing of multiple beach replenishment projects over a 5-year period. The proposed project would allow the placement of up to 150,000 cubic yards of opportunistic sand annually along the Solana Beach Shoreline South of Fletcher Cove Beach Park.
Proposed Amendment:	Amend Special Condition No. 3 which would extend the duration of the project for an additional 25 years from its most recent expiration date.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The City of Solana Beach (City) has obtained one coastal development permit and two amendments to that permit to implement a Sand Compatibility and Opportunistic Use Program (SCOUP) (ref. 6-08-038, 6-08-038-A1, 6-08-038-A2). The most recent permit

amendment covered the period from November 13, 2018, to November 13, 2023, and has thus expired. The program is designed to capitalize on opportunities to obtain surplus sand from upland construction, development, or dredging projects, as they arise, and to place the sand at a specific location on the Solana Beach shoreline instead of losing the material to an inland disposal site. Projects that fall within the program parameters, which include maximum amounts of sand, deposition methods, and grain size criteria, and found by the Executive Director (ED) to be consistent with the subject permit may proceed without additional approval from the Commission. Projects which do not meet the standards of the program or raise any additional potential for impacts to coastal resources would require further review and approval by the Commission through a separate coastal development permit or amendment. The project has been designed and conditioned to avoid impacts to sensitive habitat, public access and recreation, and no adverse impacts to coastal resources are anticipated. The proposed project is based on very similar opportunistic sand replenishment permits approved by the Commission for the Cities of San Clemente (CDP #5-02-142 and #5-02-142-A1), Carlsbad (CDP #6-06-48 and #6-06-048-A1), Encinitas (CDP #6-08-110), Oceanside (CDP #6-21-0628) and Coronado (CDP #6-19-0608).

The City is not proposing any changes to the previously approved project operation, including sand placement amounts, timing, and monitoring. The original project was first approved by the Commission in November 2008 for a 5-year period. In July 2013, the Commission approved a 5-year extension via CDP No. 6-08-038-A1. In October 2018, the Commission approved a 5-year extension via CDP 6-08-038-A2. While in previous amendments the City requested 5-year extensions of the permit term, due to various factors, the City is now requesting a 25-year permit. The proposed 25-year period would align with the State Lands Commission permit recently received for the subject project. The City also states that the 5-year permit term has been the main limitation to securing eligible sand for beach replenishment and is the reason they have only conducted one sand placement event. While the Commission supports sand replenishment, it is possible that conditions may change over time and additional monitoring or placement parameters may be necessary to ensure that coastal resources are adequately protected. Therefore, **Special Condition No. 3**, as amended by this permit amendment, establishes a ten-year permit term with a requirement that the City submit a “changed conditions” report after five years. The changed conditions report shall be based on the results of any Project Notification Reports completed pursuant to this CDP and the associated monitoring. If there are no changed conditions and no anticipated significant adverse impacts on coastal resources or public access, then the program may continue for the additional five years. If the Executive Director (ED) determines that there are changed conditions or adverse impacts, a new CDP or CDP amendment may be required.

Two additional special conditions are proposed to be added to the permit. **Special Condition No. 4** requires the applicant to assume all risk of developing in a location that is subject to coastal hazards. All special conditions imposed by the underlying permit remain in effect, including **Special Condition No. 1**, which that requires the City to submit a Project Notification Report for Executive Director review and approval for each sand placement effort consistent with the proposed framework, and **Special**

Condition No. 2, which restricts this permit to the placement of sand on the designated receiver beaches.

Commission staff recommends that the Commission **APPROVE** coastal development permit amendment application 6-08-038-A3, as conditioned. The motion is on page 5. The standard of review is Chapter 3 of the Coastal Act.

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Exhibit 1: Site Map.

Exhibit 2: Mean Lower Low Water Diagram.

Exhibit 3: Project Notification Report.

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit 6-08-038-A3 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 amendment for the proposed project and adopts the findings set forth below on grounds that the development as amended and 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

This permit is granted subject to the following special conditions:

NOTE: Appendix A, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment no. 6-08-038-A3. All of the Commission's adopted special conditions and any changes in the project description proposed by the applicant and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action on amendment no. 6-08-038-A3 are shown in the following section. Within Appendix A, changes to the previously approved special conditions are also shown in strikeout/underline format. This will result in one set of adopted special conditions.

1. [Special Condition 1 of CDP #6-08-038 remains unchanged and in effect]

2. [Special Condition 2 of CDP #6-08-038 remains unchanged and in effect]

3. Special Condition #3 of 6-08-038 shall be amended as follows:

   Scope and Term of Permit Approval: The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the 'Proposed Project Limits' identified in the applicant's submittal including but not limited to the placement sites, maximum annual quantities of beach nourishment, seasonal limitations, and methods of delivery. The authorization for continuing development pursuant to this permit shall expire ~~5~~ 10 years from the date of Commission approval. Five (5) years from the date of Commission approval, the applicant shall submit one printed copy and one digital copy of a changed conditions report to the Executive Director for review and written approval. The changed conditions report shall include a summary of all placement activities conducted under the program, and a summary of monitoring results, as informed by monitoring reports required by CDP# 6-08-038. The report shall summarize the effectiveness of the CDP in meeting project objectives, including in terms of maintaining public coastal access, habitat values, and coastal resource protection, and include any changes needed to better meet these objectives or protect coastal resources. If the Executive Director determines that there are changed circumstances and that an amendment to this CDP or a separate CDP is legally required to continue this program, within 90 days the permittee shall submit and complete the required application.

4. **Assumption of Risk, Waiver of Liability and Indemnity Agreement**. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (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.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The City of Solana Beach is proposing to extend its existing opportunistic sand replenishment program to allow for the processing of multiple beach replenishment projects for an additional 25-year period. The original project was first approved by the Commission in November 2008 for a 5-year period. In July 2013, the Commission approved a 5-year extension via CDP No. 6-08-038-A1. In October 2018, the Commission approved a 5-year extension via CDP 6-08-038-A2.

The purpose of the project is to provide enhanced public recreational opportunities and public access at the City's beaches, and to increase protection of public property and infrastructure at risk from shoreline erosion. The program is designed to capitalize on opportunities to obtain surplus sand from upland construction, development, or dredging projects, as opportunities arise, and to place the sand along the shoreline at and south of Fletcher Cove Beach Park. The project as proposed would avoid losing the material to an inland disposal site due to the sometimes-lengthily processing time for necessary permits from the various agencies.

Since original approval, the City has conducted one sand placement event in January 2020 that placed approximately 25,000 cubic yards over the span of approximately 60 days.

The proposed amendment would be implemented in the same manner as the previous projects. The proposed project would allow the placement of up to 150,000 cubic yards of opportunistic sand annually along the Solana Beach shoreline at and south of Fletcher Cove. Fletcher Cove is located on the west end of Lomas Santa Fe Drive in Solana Beach and is the City's primary beach access location. There are public beaches located both north and south of the proposed deposition site (see Exhibit #1).

The only change requested by the City is in regard to the permit term. The City has historically requested 5-year extensions to its original SCOUP permit, which is consistent with Commission approvals for other SCOUP programs in Southern California. However, due to various factors, the City is now requesting a 25-year permit

term. First, the proposed 25-year period would align with the State Lands Commission permit recently received for the subject project. The City also states that the 5-year permit term has been the main limitation to securing eligible sand for beach replenishment and is the reason the City has conducted only one sand placement event. The City has permits from multiple different administering agencies, including the State Lands Commission, U.S. Army Corps of Engineers, and Regional Water Quality Control Board. Maintaining permit timeframes for each of these permits while simultaneously trying to obtain sand that meets all the requirements has been a challenge for the City. The City also finds that amendment applications are expensive and an administrative burden such that increasing the permit length will lessen that challenge. While the Commission supports sand replenishment, it is possible that conditions may change over time and additional monitoring or placement parameters may be necessary to ensure that coastal resources are adequately protected.

Therefore, **Special Condition No. 3**, as amended by this permit amendment, establishes a ten-year permit term with a requirement that the City submit a changed conditions report after five years. This interim report shall include a summary of the effectiveness of the CDP in meeting project objectives, including in terms of maintaining public coastal access, habitat values, and coastal resource protection, and include any changes needed to better meet these objectives or protect coastal resources. The changed conditions report shall be based on the results of any Project Notification Reports completed pursuant to this CDP and the associated monitoring. If there are no changed conditions or unanticipated significant adverse impacts on coastal resources or public access, then the program may continue for the additional five years. If the Executive Director (ED) determines that there are changed conditions or adverse impacts, a new CDP or CDP amendment may be required.

Sand Placement Methodology

The proposed amendment would not change the previously approved sand placement methodology. The subject permit is intended to expedite the implementation of beach sand replenishment projects by establishing a set of detailed and rigorous criteria and parameters under which future potential sand sources would be evaluated. If a particular sand source meets the criteria, placement of that sand will be able to be approved by the ED under the subject permit. If any particular sand source falls outside the criteria outlined herein, or any other potential risks to coastal resources not identified and discussed in this report are identified by Commission staff, a separate coastal development permit would be required. The proposed permit is based on very similar opportunistic sand replenishment permits approved for the City of Oceanside in April 2022 (CDP #6-21-0628) and the City of Del Mar in April 2023 (CDP #6-21-0738) and contains the same types of limitations and monitoring requirements.

Although the maximum annual quantity of sand allowed to be placed is 150,000 cubic yards (cy), the project contains very specific parameters on how much sand can be placed at various times during the year, to avoid potential impacts to biological or recreational resources. The below table outlines the quantities of sand that can be placed at various times of the year:

Proposed Project Limits

Placement Site	Maximum Annual Quantity (CY)	Maximum Project Length (ft)	Placement Scenarios (1)	Season (2)	Max. Percent Fines Allowed	Proposed Maximum Annual Volume (CY) (3)
Fletcher Cove (4)	150,000	1,800	a) Beach-berm b) MHT	Sept 15th – Feb 28th	25%	150,000
				Mar 1st – May 31st	10%	75,000
				Jun 1st – Sept 14th	10%	5,000

(1) (a) Beach-berm on upper beach; (b) MHT-placement below the high tide line
(2) The cumulative maximum quantity of all sand in a calendar year, regardless of season, is 150,000 cy
(3) Hauling and sand placement would occur between 9:00 a.m. – 2:00 p.m or from 7:00 p.m. – 5:00 a.m.
(4) No work can occur on holiday weekends of Memorial Day and Labor Day, and weekends adjacent to Independence Day, when Independence Day falls on a Friday or Monday.

The proposed timing of sand placement on the beach has been designed to replicate nature as closely as possible and no changes are proposed in this amendment. Natural sediment delivery to the coast occurs during the wet season (fall and winter); therefore, to the extent feasible, sand placement projects will occur during that time. However, if construction activity during the spring and summer results in available beach quality sand becoming available, the City proposes the placement of limited amounts of sand during that period. Unless allowed to some limited extent during the summer, the City would lose all sand made available during summer construction because the City does not have a stockpile site. From March 1 to May 31, no more than 25,000 cy is proposed to be placed each month and all work will be limited to no more than a two-week period each month. In addition, to minimize impacts to invertebrate recruitment and grunion spawning, only “pure” sand (less than 10% fines) may be placed during these months. In addition, each placement during this period will be spaced at least 150 ft. from one another to minimize impacts. A limited amount of this high quality “pure” sand (5,000 cy) is also proposed to be allowed to be placed during the summer season to not lose any opportunities that may occur during the summer construction period.

Beach sand could potentially be placed in two ways: 1) directly into the surf zone; or 2) as a beach berm. Surf zone placement will likely be the design used most often and would always be used if the fill material were slightly darker-colored than the existing beach sand or was composed of material that formed a hardpan that is potentially unattractive or uncomfortable for beach users. The surf zone method would be a 3- to 4-foot-high mound placed near the +2 ft. Mean Lower Low Water (MLLW) contour depending on the site conditions at the time. It would extend along the length of the project site approximately 200 to 275 ft. offshore (see Exhibit #2).

The berm option would generally involve placing fill as a layer over the existing beach with a finished surface elevation of +9 ft. MLLW and will create a 100-ft. berm for

approximately 50 to 250 ft. offshore. The elevation, width, length, and slope of the berm will vary for each sand placement opportunity, depending upon the quantity of material to be placed and its qualities.

The proposed sand placement site is a narrow beach backed by a high coastal bluff that ranges in height from approximately 40 ft. (at Fletcher Cove) to 85 ft. (south of Fletcher Cove). The development at the top of the bluff consists of multiple condominium units and, at Fletcher Cove, a Marine Safety Center and park. During the winter months, the beach consists of sand and cobbles. In the summer and fall, the sand moves from an offshore bar back onto the beach covering the cobbles.

The proposed haul routes will be via Interstate 5, Lomas Santa Fe Drive and Coast Highway 101. Access to the beach will occur via an existing concrete ramp at Fletcher Cove Beach Park. The staging areas are proposed to be located primarily at the Distillery Lot parking lot east of Fletcher Cove Beach Park. The Mitigated Negative Declaration (MND) identifies that based on a maximum of 150,000 cy per year, at 63 truck trips per day, the optimum project duration would be 30 weeks per year. A typical project of 5,000 cy would be delivered in one week and involve 357 truck trips per week. Construction activity would primarily occur between 9:00 a.m. to 2:00 p.m. Monday through Friday. The MND also identifies small opportunistic projects may occur outside of those times and occasionally work could occur between 7:00 p.m. and 5:00 a.m. if tide conditions are favorable.

Project Monitoring

The project also includes an extensive monitoring program to evaluate both negative and positive impacts of sand replenishment. No changes are proposed to the City's monitoring program, and the program retains the goal of preventing impacts to grunion, foraging birds (including snowy plovers and California least terns), turbidity, beach profiles and surfing conditions, as follows:

OVERVIEW OF MONITORING PROGRAM

Project Phase	**Type of Monitoring**	**Timing/Duration**
Pre-Project Baseline	Beach profiles	Between 1 year and 30 days prior project
	Surf conditions	½ month prior, 3 times per week over14 days
	Grunion (if appropriate season)	2 to 3 weeks prior and/or during predicted grunion run
	Western Snowy Plover	Dependent on coordination with resource agencies if placement occurs March 1st to Sept. 15th.

	CA least tern	Dependent on coordination with resource agencies if placement occurs April 1st to Sept. 15th.
During Construction	Turbidity	Daily during construction
	Surf Conditions	n/a
	Grunion (if appropriate season)	During predicted runs
	Western Snowy Plover	Dependent on coordination with resource agencies if monitoring necessary if placement occurs March 1st to Sept. 15th.
	CA least tern	Dependent on coordination with resource agencies if monitoring necessary if placement occurs April 1st to Sept. 15th.
Post-Construction	Beach profile	Immediately after construction
	Surf Conditions	1 month after, 3 times per week over 14 days
Post-Project	Beach profile	6 months after and 1 year after

All potential sand projects would undergo several stages of project review at the City. The bulk of the testing and review of potential sand sources would take place at the City of Solana Beach prior to the project being submitted to the Commission. When a beach fill opportunity is identified (either a developer notifies the City when excess fill material from a construction project is available, or City staff identifies it as part of reviewing development project submittals), the City would first either review existing data about the material or conduct an initial screening test of the fill material to determine if the fill has the potential to meet the criteria to be placed on the beach. The review includes an assessment of possible pollutants, contaminants, grain size, and color. The maximum proportion of fine-grained particles (or fines, defined as silts and clays passing through the number 200 sieve) to total volume that could be placed on the beach under any circumstances is 25%, with the remainder being 75% larger-grained sand. The material must be free of trash and debris, must reasonably match the color of natural beach sand after exposure to the marine environment, must be less than 10% manufactured sand, and must not be expected to form a hardpan after placement. Any sample not meeting these pre-determined standards will be rejected.

If the sand source meets the required criteria, more stringent testing would be conducted through development of a Sampling & Analysis Plan (SAP) prepared for and

approved by the USACE. Sand must be free of contaminants and chemical hazards based on Tier I testing protocol as specified by the USACE and US EPA. Sand must be chemically inert and not possess characteristics that would adversely affect water quality, including temperature, dissolved oxygen, or pH. The results of these analyses would be distributed to the USACE and EPA for review and approval.

If the project is determined to be consistent with all the project parameters, the City would submit a Project Notification Report for a particular sand deposition project for the approval of the Executive Director (ED) of the Commission, as well as the other relevant resource agencies (i.e., the Regional Water Quality Control Board, the State Lands Commission, and the U.S. Army Corps of Engineers). Information submitted (see Exhibit #3) would include all the detailed information involved in performing the above analyses, such that the ED could make a determination of whether the project conforms to the project limits. The City would also be responsible for keeping track of the cumulative beach replenishments which have occurred under the subject permit and providing this information to the ED.

Also included at this stage would be the public notification package associated with the particular sand placement project. Notification would be provided through local media, direct mailings, notices in utility bills, or cable TV local announcements, as well as posting notices at Fletcher Cove Beach Park.

Thus, at the time a particular project is submitted for the ED's approval, there would be site-specific information on the composition, chemistry, and grain size of the sand source material, the receiver beach, the timing and size of the project, the deposition method, a monitoring program, and a public notification program. Only projects which met the specific standards for each of these items could be approved under the subject permit. An individual sand replenishment project cannot commence until an affirmative approval from the ED is given in writing. If a particular sand source falls outside the criteria outlined herein, or any other potential risks to coastal resources not identified and discussed in this report were identified by Commission staff, a separate coastal development permit or amendment would be required.

After a project is completed, all the pre- and post-construction surveys and monitoring are required to be submitted as a final report to the ED, to evaluate the impact of the particular project, to aid in the review of future projects under the subject permit, and to support the preparation of the changed conditions report after five years. After a beach fill project is completed, a Post Discharge Report will be prepared and submitted to the ED and other resource agencies, which will include all the information collected by the City for the project, including all preparation testing, volume of material placed at the site, transportation, and construction details, finalized project schedule, and monitoring results. At the end of each year, an assessment of the impacts (both beneficial and adverse) of all beach-fill projects conducted during the year will be presented to the permitting agencies. This analysis will serve as the basis for any modifications that can be made to optimize the program and serve as a basis to continue the program after five years and to potentially extend the permit at the end of ten years.

The Commission certified the City's LUP in March 2012; however, the City does not yet have a fully certified Local Coastal Program (LCP). Therefore, the Chapter 3 policies of the Coastal Act are the standard of review, with the certified LUP 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:

> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
>
> (l) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
>
> (2) adequate access exists nearby...

Section 30213 of the Coastal Act states:

> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30214(a) 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 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30233(b) of the Coastal Act states:

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

Policy 2.2 of the Solana Beach Land Use Plan (LUP) states:

Maintain a safe, wide sandy beach to the extent feasible to increase the general quality of life for the citizens and visitors of Solana Beach. A safe, wide sandy beach enhances recreational opportunities such as surfing, sunbathing, fishing, walking, volleyball, and other such activities. This has beneficial economic impacts to the City, its residents, and businesses by resulting in increased business income, sales taxes, transient occupancy taxes, and public and private property values.

Policy 2.17 of the Solana Beach LUP states:

Recreation and access opportunities at existing public beaches and parks shall be protected, and where feasible, enhanced as an important coastal resource. Public beaches and parks should maintain lower-cost parking fees (if any), and maximize hours of use to the extent feasible, in order to maximize public access and recreation opportunities. Limitations on time of use or increases in use fees or parking fees, which affect the intensity of use, will require a Coastal Development Permit.

Policy 2.25 of the Solana Beach LUP states:

Adequate parking should be provided to serve coastal access and recreation uses. Existing parking areas serving recreational uses may not be displaced unless a comparable replacement area is provided.

Policy 2.63 of the Solana Beach LUP states:

Minimize the placement of bluff retention devices seaward of the bluff drip line to help maintain public lateral access along the beach.

Policy 2.65 of the Solana Beach LUP states:

> Recognize that recreational demands for a safe, sandy beach, for surfing, and for other beach related recreational activities are very high and projected to continue to increase.

Finally, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the sea and the first public roadway, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The shoreline and beaches are valuable assets to the environment and economy of the Southern California region and the State, worthy of protection and enhancement. The shoreline is also considered a resource of national significance. Beach erosion has been an increasing problem in the Southern California region, and in many past projects the Commission has identified beach replenishment to preserve and enhance the environmental quality, recreational capacity, and property protection for the region's shoreline. Additional sand on beaches increases the amount of recreational area available for public uses, decreases the rate of beach erosion, and provides a buffer (a wider beach) between waves and adjacent public and private development, thereby reducing pressure to construct shoreline protective devices that can adversely affect both the visual quality of scenic coastal areas and shoreline sand supply.

The proposed opportunistic sand program has been proposed to allow for and to expedite beach replenishment in the City of Solana Beach. It is impossible to say how long any particular fill sand project would remain on the beach, given the possible variations in amount of material and disposal location. However, during the time the sand remains on the beach the public will have the benefit of wider sandy beaches, and any sand deposited on the beach will become part of the littoral cell system.

Nevertheless, the project is expected to have some temporary adverse impacts on public access and recreation. The deposition site is currently used for various recreational activities including swimming, surfing, sunbathing and jogging/walking. During construction, the beach fill site would have to be closed, creating a temporary adverse impact on recreation. The impact will be particularly significant during higher tides, or for projects where the entire beach area would be closed to the water line, and people could not get past the work area to the rest of the beach except by traveling inland around the construction area. Public access to the beach would continue to be available via the North Seascape Shores Stairway public access stairway to the south and the Fletcher Cove Beach Park stairway to the north. In addition, during construction access to the north via Fletcher Cove will continue with the assistance of construction workers with flags directing access.

However, as proposed, most sand replenishment is expected to occur during the non-summer months, because placing sand at that time most closely mimics the pattern of natural sand movement. Throughout the year, construction activity will be limited to Monday through Fridays excluding holidays. Further, the project is designed to limit construction activity between March 1st and Labor Day of each year. From March 1st to

May 31st, construction is limited to no more than 25,000 cy per month and no more than 2 weeks of construction per month. This restriction is designed to minimize impacts to invertebrate recruiting and grunion runs. In addition, to minimize impacts to beachgoers during the summer, construction is limited to the placement of no more than 5,000 cy of high-quality sand (less than 10% fines) which would result in about 5 days of potential impacts to access during the summer.

However, individual replenishment projects would likely be much smaller and require much shorter construction periods than the maximum allowed, and in total, the maximum allowed amount of sand might not be placed each year, which would also mean fewer construction impacts. In addition, beach access in the City would never be completely blocked off and the public would continue to have access to beaches north and south of the fill site.

The project could have an adverse impact on public access and recreation if construction vehicles significantly impacted the ability of the public to reach the shoreline. Overall, access corridors and staging areas are required to be located in a manner that has the least impact on public access and traffic flows on coastal access routes. As proposed, trucks would drive to Fletcher Cove primarily via Coast Highway 101, Lomas Santa Fe Drive and Interstate 5. Since these are the City's primary coastal access routes, traffic could be adversely affected. To limit those impacts, the primary work schedule is proposed to be from 9:00 a.m. to 2:00 p.m., Monday through Fridays excluding holidays. The trucks would dump their load of material on the beach, where earth-moving equipment would distribute the sand to the selected beach placement footprint. The trucks would then exit the site via the same routes.

As proposed, public parking spaces in the Distillery lot will be used for staging or storage of equipment but only during specific construction periods. Originally, the MND identified the Fletcher Cove Beach Park as an additional staging area. Fletcher Cove Beach Park is the City's primary beach access location, therefore, eliminating beach parking for up to 30 weeks per year could adversely affect beach access. Therefore, Special Condition No. 1A of the original CDP requires the Project Notification Report to prohibit the use of the remaining 33 spaces at Fletcher Cove Beach Park for construction staging and/or storage. In addition, Special Condition No. 1A requires that a parking survey at Fletcher Cove Beach Park, S. Sierra Ave. fronting the park and at the Distillery lot be performed during any summer construction, if public parking spaces are proposed for equipment staging and storage. Although work during the summer is limited to no more than 5,000 cy of sand (approx. 357 truck trips), any construction activity during the summer has the potential of affecting beachgoers. This Project Notification Report can be used to determine if public parking for beachgoers is adversely affected during construction. The information can then be used in review of any future request to extend the opportunistic sand project beyond the ten-year period. No changes to the previously approved staging plan are proposed as part of this amendment.

Thus, as conditioned, the project has been designed to minimize adverse impacts to the beach-going public. Given the proposed limits on work during the summer season,

public access and recreation is not expected to be significantly impacted by construction activities.

The proposed project also includes a public notification package to inform the public prior to the initiation of any sand replenishment project, which will help reduce the impact the project will have on the public. Public notification would include outreach via local media, announcements at City Council meetings, Chamber of Commerce/Downtown Business Association articles, City publications, newspaper articles, signage, public television, or announcements in water billing notices. In addition, Fletcher Cove Beach Park will also be posted with a sign that identifies each project scope, expected dates of construction and/or beach closure information. The proposed public notification measures do not specifically include a requirement for a public hearing on each opportunistic sand project, however, all development within the City of Solana Beach requires both local approvals involving public notification and, until the City has a certified LCP, a separate coastal development permit from the Coastal Commission. Therefore, any development within the City of Solana Beach that includes the export of opportunistic sand to be placed on the beach will have public notice through the local approval process and, if the project is within the coastal zone, the Coastal Commission review process (or the City's CDP process once it has a certified LCP).

Thus, any local concerns on individual construction projects that become the source of beach quality sand will be able to be addressed prior to the ED's review. As proposed, all written correspondence received by the City regarding the project and minutes of the Planning Commission/City Council meetings will be included in the Project Notification Report for the ED's review. To further limit adverse impacts on access, as proposed, each construction site will be posted with a notice indicating the expected dates of construction and/or beach closures. Thus, the public will have adequate opportunities to be notified of and provide input on future replenishment projects.

Surfing

Surfing occurs throughout the project area, and surfing could potentially be impacted not only by restriction of access to the water during construction, but through the modification of existing sand bars and reefs by sand placement and deposition, and poor water quality caused either by turbidity generated during and after construction, or contaminants being released into the surf zone by the fill material.

As noted above, limits have been placed on the season and amount of time construction can occur and no changes are proposed. The City will test all potential sand sources to verify that the sand is free of contaminants prior to placement on any beach fill site. The City must also perform background research of the potential for the material to possess contaminants based on Tier I testing protocol as specified by the USACE and the U.S. EPA. Therefore, there should not be any health threats to surfers from contamination.

According to the MND prepared for the project, sand deposition has the potential to alter the beach profile and surfing conditions. This impact could be adverse and significant if

sand deposition caused waves to close out over a long period of time (months) rather than peak at the site or result in a perpetual shore break at the beach rather than retaining a nearshore bar for waves to break over. However, due to the relatively small amount of sand material expected to be associated with individual projects, it would likely not create a long-term close-out or shore break condition. It may, however, cause such conditions over a temporary short-term period while the sand is naturally redistributed over the bottom. The project may also result in potentially beneficial impacts to surfing by contributing sand to the nearshore that would be deposited in bars. More sand in the system provides material for enhanced sand bar formation and may result in larger or longer lasting bars, and improved surf conditions. Informal observations of the SANDAG Regional Beach Sand Project (RBSP) showed surfing conditions improved at each sand placement site after construction because of sand bar formation.

However, to determine any substantial change to surfing conditions, a monitoring program will be instituted. The monitoring will provide qualitative information to understand if the project causes negative impacts to surfing along the Solana Beach shoreline. As proposed, the monitoring will be qualitative, relying on observation and interviews of surfers on site to check if the program is creating adverse impacts on surfing in the area.

General surfing conditions would be observed and noted over a period of 14 days prior to construction and for at least 14 days after construction (no longer than 30 days after construction). The frequency of observations would be three times per week.

There is also a potential for a “low level turbidity plume to occur in the water during construction activities.” However, turbidity will be minimized by restricting the number of fines in the placement sand to no more than 25% in the fall/winter period, and 10% during the spring and late summer season. In addition, the program requires monitoring of turbidity by lifeguards during construction. Although no significant recreational impacts are expected from turbidity, the monitoring will provide information that will allow future projects to assess and avoid turbidity more accurately.

As proposed, general recreation and access impacts (both positive and negative) will be evaluated in the post-project report to aid in the review of future nourishment projects under the subject program. Similar monitoring was performed following the SANDAG RBSP in 2001 involving 140,000 cy at the subject site (CDP #6-00-38/SANDAG). Monitoring of that project identified no significant adverse impacts. If impacts are identified, the Project Notification Report identifies that any project modifications to address these impacts must first be submitted to the ED so that the ED can determine whether the proposed remedies are authorized under this coastal development permit or whether the work shall require an amendment to this permit or a new permit.

In summary, the proposed project will have short-term and temporary impacts on public access and recreation, which have been minimized by restrictions and conditions on the amount of work that can occur during the summer. The project overall will have a positive impact on the beach in Solana Beach as well as to the entire littoral system. The proposed sand monitoring program will provide information regarding the short and

long-term effects of beach replenishment, including how long the sand remains on the beach at different sites in different conditions. The surfing and recreational monitoring will provide similarly detailed information. The permit is limited to ten years in duration, with an interim report on changed conditions required after five years, and further evaluation of the impacts will occur should the City wish to extend the program. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

C. Biological Resources

Section 30230 of the Coastal Act states:

> Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff...

Section 30233 of the Coastal Act states:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
>
> (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
>
> (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas.

Policy 3.14 of the Solana Beach LUP states:

Access to beach areas by motorized vehicles, including off-road vehicles shall be prohibited, except for beach maintenance, emergency or lifeguard services. Such vehicular uses shall avoid any known sensitive habitat areas to the maximum extent feasible.

Policy 3.54 of the Solana Beach LUP states:

Manage development and land alteration to protect marine resources.

Policy 3.55 of the Solana Beach LUP states:

For the ocean shoreline area, limit development on sand or rock beaches to lifeguard towers/stations, temporary public comfort stations, safety and public information signs, public stairways, public recreation equipment, bluff retention devices as permitted herein, and pollution control devices approved by the RWQCB. Any permitted structures shall be the alternative with the least impact on coastal resources and recreation, the minimum size necessary, and shall provide any necessary mitigation.

Policy 3.57 of the Solana Beach LUP states:

> Efforts by the CDFW and RWQCB to increase monitoring to assess the conditions of nearshore species, water quality and kelp beds, and to rehabilitate or enhance areas that have been degraded by human activities shall be encouraged.

Policy 3.58 of the Solana Beach LUP states:

> Nearshore shallow fish habitats and shore fishing areas shall be preserved, and where appropriate and feasible, enhanced.

The Coastal Act and LUP policies identified above require the Commission to address impacts on marine resources by considering the timing of deposition of the material on the beach, the composition of the material, the location of the receiver beach, and the presence of environmentally sensitive resources. Development in areas adjacent to sensitive marine habitat areas and parks and recreation areas such as beaches must be sited and designed to prevent impacts which would significantly degrade those areas and must be compatible with the continuance of those habitat and recreation areas. The restoration of beaches is a permitted use in open coastal waters under Section 30233; however, the project must be the least environmentally damaging alternative, and any impacts must be mitigated. Deposition of material onto the beach can affect marine life through the direct burial of organisms on the beach and in the nearshore environment, by the secondary movement of beach fill material within the littoral drift zone that could bury reefs and organisms, and by increasing turbidity in adjacent waters, which could adversely affect the growth of kelp and impact the ability of shorebirds to find food in offshore waters.

Beach replenishment is often considered the most environmentally sound method of maintaining eroding shorelines and is often even considered habitat creation. The City acknowledges its desire to prioritize beach replenishment over shoreline protection devices because of the potential for environmental benefits of beach replenishment. While the Commission has viewed beach replenishment as a means to address loss of public access and recreation and to protect property, the Commission is becoming increasingly aware of the potential adverse ecological consequences of this practice. Fill activities may cause intense disturbance and high mortality and have the potential to alter the diversity, abundance, and distribution of intertidal macroinvertebrates for months to years. Ecological recovery following fill activities depends on successful recolonization and recruitment of the entire sandy intertidal community. With this new understanding the Commission is reviewing beach replenishment projects in terms of potential ecological impacts and applying special conditions to limit both physical and biological impacts to the sandy beach ecosystems.

However, in the case of the proposed project, no adverse impacts to biological or resources are anticipated. The subject site was part of the 2001 SANDAG RBSP, which involved the placement of over two million cy of beach-quality sand on 12 beach receiver sites from Oceanside to Imperial Beach. The project site received 140,000 cy of sand placed along 1,800 feet of beach length in 2001. The potential environmental impacts of the RBSP, which included placement of sand at the subject site, were evaluated in the Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the RBSP.

The EIR/EA concluded that the project would not have any significant effects on the environment, but SANDAG was required to implement a short-term (construction) and long-term (5 years) monitoring program to verify that conclusion, as well as to provide additional data regarding actual beach nourishment sand transport compared to coastal engineering models. Monitoring was conducted during construction for turbidity, spawning grunion, and underwater archaeology resources, and no adverse construction impacts were identified. Post construction monitoring of lagoons and offshore biological resources (kelp, rocky intertidal habitat, and subtidal habitat) confirmed that there were no adverse impacts and provided extensive information about marine resources and sand transport. Additional monitoring at specific locations was sponsored by individual jurisdictions. The City of Encinitas sponsored biological monitoring at six locations (three that received sand as part of the RBSP, and three that did not). The monitoring occurred for three years after the sand placement, and found, overall, an improvement in biological resource use of beach habitat at receiver sites.

The absence of sensitive resources at the Solana Beach receiver site was one of the considerations in selecting the subject site for this program. Nevertheless, when originally developing the SCOUP program, the City looked at the potential environmental impacts of the proposed project through an MND. Sand placement would result in burial impacts to marine life within the footprint area. However, the loss of benthic organisms within the beach fill footprint is considered an expected and unavoidable impact during beach replenishment projects, and as indicated in the RBSP EIR/EA, due to the widespread occurrence and rapid recovery rates of these types of organisms, direct impacts to marine life within the beach fill footprint are expected to be less than significant. The project site was identified in the RBSP EIR/EA as one of five sites that would have a low risk of sedimentation impact to intertidal habitat.

As originally conditioned and proposed, the CDP amendment creates a framework for the City and the Commission to track and monitor all of the various beach replenishment projects that would occur in the City over the next ten years. In recognition of the subject project's design as an opportunistic program that is not intended to facilitate large scale beach replenishment projects, intensive biological monitoring of the beach habitat is not required at this time. In addition, the maximum placement limits that have been proposed for the City's beaches over the project term will further lower the potential for impacts from beach replenishment projects by providing a limit on the amount of sand that can be placed. As conditioned by the underlying permit, if monitoring shows adverse impacts resulting from increased sand or if maximum placement limits are proposed to be exceeded, an amendment to this permit will be required that may include more intensive monitoring.

California grunion spawn on sandy beaches in the San Diego region between March and August and have the potential to be affected by beach fill projects. Grunion could be impacted by beach fill activities if the eggs were buried by beach fill material, thus preventing the eggs from hatching. Grunion spawn during middle-of-the-night spring high tides, and their eggs incubate in the sand and hatch in approximately two weeks when the next spring high tide occurs. While grunion are not listed as threatened or endangered, efforts should be made to minimize impacts to this managed fish species.

Because the Solana Beach receiver site is a sandy beach, it provides suitable grunion spawning habitat. However, the MND for the project indicates that the proposed project is expected to improve grunion spawning by adding sand to the beach. Nevertheless, the City will continue to monitor grunion before construction, and if present, during construction. No post-construction monitoring is required for grunion. The presence of grunion should not result in a halt to construction, due to the availability of a larger sandy area for spawning immediately up- and down-coast. The project shall be allowed to proceed with modifications as needed to accommodate spawning.

A grunion monitor must be present to observe grunion runs two to three weeks prior to construction during a predicted grunion run (according to the grunion calendar produced by the California Department of Fish and Wildlife), and immediately prior to construction. If grunion are not present during their predicted runs, no further monitoring is required. If grunion are present during predicted runs, beach nourishment will only occur above the spring high tide line/kelp line or in the nearshore until the spawning season is over. Grunion monitoring should continue throughout the sand placement period and if they do not spawn during a predicted run then sand could be placed below the spring high tide line.

Water conditions in the project area are typically clear, with occasional storms causing turbidity. Fish eating birds such as the California brown pelican and California least tern could be impacted in the vicinity of the site by temporary reduction in their prey base if fish move away from the turbidity plume. Temporary impacts may also include an increase in noise from beach fill construction activities. These impacts (turbidity, noise) are short term, and the birds will likely forage in the waters outside of the beach fill construction activities.

While the project may cause a low-level turbidity plume in the water, the effects would be localized and temporary, and would not extend beyond the normal foraging distances for either of these species and should diminish immediately when construction activities are halted. Since ample alternative forage areas would be available to these species during receiver site construction, no adverse impacts to these species are anticipated. Restricting the silt and clay content to 25% maximum during winter placement and 10% during the spring and summer placement will further reduce the potential for significant impacts to biological resources or water quality. Nevertheless, turbidity will be monitored throughout construction to quantify the effect on ocean water clarity from the project. If monitoring indicates excessive turbidity for a prolonged period, then placement will be halted or modified to reduce turbidity.

The composition of the sand replenishment material can also affect the environment. The applicant proposes to test and analyze potential beach nourishment sand sources that have up to 25% fines. This is the upper limit of what would be considered for placement on the beaches, and not a standard for all material that would be placed. The 25% cut-off for fines would enable the applicant to consider a fairly large range of potential source materials. The inclusion of up to 25% fines in the opportunistic sand program will maximize the amount of potentially beneficial material that could be tested and analyzed for consideration as beach nourishment material. Placement of material with more than 10% fines is restricted to only the fall/winter season. As noted

previously, most of the sand replenishment is anticipated to occur during the rainy season, when turbidity is naturally higher. The seasonal limits are designed to mimic the natural sediment delivery to the coast by rivers and streams. These limits are consistent with the opportunistic sand project approved by the Commission for the City of San Clemente in 2015 (CDP #5-15-2056) and City of Oceanside in 2022 (CDP #6-21-0628).

Construction equipment used for the project has the potential to contaminate the sand from minor spills and leaks from equipment. As proposed, construction material cannot be washed on the beach or in beach parking lots. Construction debris and sediment shall be properly contained and secured on site with Best Management Practices (BMPs) to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. Any debris resulting from construction activities must be removed from the project site within 24 hours of completion of construction. Public streets used for hauling the material to the project site shall be cleaned via street-sweeper every third day of truck delivery to the project site, and a spill prevention, containment and countermeasures plan must be prepared by the contractor prior to each beach fill project. The plan must include fueling procedures, equipment maintenance procedures, and containment and cleaning measures to be followed in the event of a spill. Thus, the project contains sufficient BMPs to ensure that no impacts to water quality will occur.

In addition, the proposed standard Project Notification Report identifies that an on-site debris monitor will be present during beach replenishment. If any debris or any unusual, non-sand material is detected, the applicant proposes to halt the specific material placement until the material can be examined and tested to assure its quality is consistent with the parameters of acceptable material. An updated Project Notification Report will then be submitted for ED approval prior to restart of work. Therefore, as proposed, no significant impacts to water quality are expected.

The project has been designed and sited to avoid impacts to sensitive habitat, and no impacts to any biological resources are anticipated. Consistent with Section 30240, the project will enhance a recreation beach area. If unexpected adverse impacts do occur, the Project Notification Report includes a requirement that any impacts to sensitive habitat areas by the proposed development be reported to the ED within 10 days of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the ED determines that no amendment or new permit is legally required. Any adverse impacts will be further evaluated during the changed conditions report required after five years per **Special Condition No. 3**. Thus, any impacts that occur will be mitigated.

As proposed, and consistent with the original approval, copies of permits from other agencies, including the California Regional Water Quality Control Board and the Army Corps of Engineers are required to be submitted to the ED. Should any project modifications be required because of other permits, the Project Notification Report includes an acknowledgement that an amendment to this permit may be necessary. **Special Condition No. 2** of the original CDP notifies the applicant that the subject permit does not cover the development that provides the sand source for beach

replenishment, such as dredging or new construction. Those projects must receive separate coastal development permits when the source is obtained in the coastal zone.

In summary, the subject program has been designed to minimize potential environmental impacts and, as conditioned, is not anticipated to have any impacts inconsistent with Coastal Act Sections 30230, 30231, 30233, or 30240 and the Solana Beach LUP. Restrictions on placement locations, timing and quantities have been designed to avoid or limit impacts to sensitive habitat. Biological surveys have not identified any long-term significant impacts to sensitive resources. All impacts will be identified through the proposed monitoring and any unanticipated impacts will be reviewed prior to approval of future projects. After five years, the City will submit a changed conditions report for Executive Director review that will summarize and evaluate whether there are any changed conditions and/or unexpected adverse impacts to biological resources. As proposed and conditioned, adequate information will be available to the ED to analyze and evaluate new beach sand replenishment projects within the parameters of the proposed permit. Written approval from the ED is required prior to the initiation of any work. As conditioned, the Commission finds that the proposed project will ensure that all environmental impacts are minimized, and if significant impacts do occur despite all precautions, they will be identified and adequately mitigated. Therefore, the proposed project can be found consistent with the resource protection policies of the Coastal Act.

D. Hazards

Section 30253 of the Coastal Act states, in part:

> New development shall:
>
> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

Policy 4.1 of the Solana Beach LUP states, in part:

> The City of Solana Beach contains areas subject to natural hazards that present risks to life and property. These areas require additional development controls to minimize risks. Potential hazards in the City include, but are not be limited to, the following:
>
> - Flood prone areas most likely to flood during major storms.
> - Wave action: The entire shoreline is subject to direct wave attack and damage from wave activity due to a lack of protective beach.
> - Tsunami: Low lying shoreline areas subject to inundation by a sea wave generated by local or distant earthquake, submarine landslide, subsidence, or volcanic eruption.

Policy 4.15 of the Solana Beach LUP states:

Implement a City-wide, long-term comprehensive shoreline management strategy which includes, but is not limited to, the following:

- An examination of local and regional long-term erosion rates and trends in order to reflect and plan for shoreline changes.
- An examination of mean sea level elevation trends and future sea level rise projections in order to include these conditions in future erosion rates and to plan for potential shoreline changes.
- Standard plans defining the preferred bluff retention solutions that would be acceptable or preferable, and where appropriate, identification of the types of armoring that should be avoided for certain areas or beaches in order to minimize risks and impacts from armoring to public access and scenic resources along the shoreline and beach recreation areas.
- Standard feasibility analysis of alternatives as a required element of bluff retention device projects to ensure that mid and upper bluff retention devices are avoided to the extent feasible. The analysis should require, but not be limited to, the use of technical evaluations of the site (geotechnical reports, engineering geology reports, and wave run up reports etc.), an examination of all other options (partial relocation, removal of seaward portions of the structure, revised building footprint and foundation, sand replenishment, sand retention devices, or no action, etc.), and a conclusion that a bluff retention device would be the only feasible means for protecting the existing principal structure in danger from erosion. The analysis will take into consideration the age and size of the structure, the size of the lot, whether the existing principal structure was constructed prior to the Coastal Act, and previous permit actions on the site that require consideration of alternatives to shoreline and bluff protective devices.
- Standard conditions and monitoring requirements which include mechanisms to ensure shoreline protection effectiveness with provisions for the modification or removal of ineffective, obsolete or hazardous bluff retention devices. Conditions requiring removal of shoreline and bluff protective devices if no longer required to protect a principal residential structure.
- Procedures to address emergency conditions, such as coordination with property owners; field inspections before and after storm seasons; guidance for types of preferred temporary emergency devices and a provision for their removal if a permit for a bluff retention device is not obtained.

Policy 4.31 of the Solana Beach LUP states:

Assess potential environmental effects associated with beach sand replenishment and sand retention projects as required under CEQA and NEPA.

Policy 4.51 of the Solana Beach LUP states:

> The erosion rate, being critical to the fair and accurate calculation of the Sand Mitigation Fee shall be reviewed, after notice and public hearing, at least every ten years, and more often if warranted by physical circumstances, such as major weather events, or large-scale sand replenishment projects and possible changes in coastal dynamics due to, among others, climate change, and future changes in sea level. If warranted, the erosion rate should be adjusted by the City with input from a licensed Civil or Geotechnical Engineer based upon data that accurately reflects a change in the rate of erosion of the bluff. Any such change shall be subject to the public hearing and a vote of the City Council.

Policy 4.61 of the Solana Beach LUP states:

> Establish a wide, safe, sand beach to: (a) maintain, and when feasible, provide increased public access and recreational opportunities; (b) minimize impacts on sensitive marine resources; (c) protect water quality; (d) mitigate adverse impacts of bluff retention devices.

Policy 4.62 of the Solana Beach LUP states:

> Continue to coordinate with SANDAG, the USACE, the State Lands Commission, California Department of Boating and Waterways, and others to establish and fund programs for periodic sand nourishment of beaches which are vulnerable to wave damage and erosion. Beach nourishment programs should include measures to minimize potential adverse biological resource impacts from deposition of material, including measures such as timing or seasonal restrictions and identification of environmentally preferred locations for deposits. Any program for beach sand nourishment shall not be effective until certified as an amendment to the LCP by the CCC or permitted as an independent project subject to a CDP.

Policy 4.64 of the Solana Beach LUP states:

> Implement a series of projects implemented within the regulatory and permitting framework of the SCOUP program to provide data for planning of a long-term beach replenishment and retention program. This series of SCOUP projects may be used to determine the quantity and quality of sand needed to effectively widen the beach without being detrimental to offshore biological resources. Quantities of sand in the pilot projects and the specific sand placement locations will be determined based on the assessment of opportunities and constraints within the City.

Policy 4.66 of the Solana Beach LUP states:

> Monitor SCOUP projects according to their regulatory permit requirements by using standardized aerial photography, LIDAR, and/or other appropriate technologies as they become available and accepted for use in monitoring beach conditions, examining several beach profiles and the condition of the

> beach sand retention structures, sediment sampling, and evaluation of effects on the beach and near shore ecology. Any such SCOUP project will also be monitored for recreational resource impacts, turbidity, sediment compatibility, traffic, and hazardous materials. These data will be analyzed to identify the effectiveness of any such sand replenishment and retention efforts at the end of the SCOUP program. The level of effect on sensitive biological resources (e.g., surfgrass, threatened or endangered species) and other effects on high quality hard bottom reefs will be quantified, and rates, and patterns of sand loss, and deposition will be determined. If feasible, changes in beach user patterns will also be identified and reported.

Policy 4.67 of the Solana Beach LUP states:

> Develop a long-term beach replenishment program based on data and analysis from the Regional Beach Sand Project (RBSP) and SCOUP programs. Longer term projects will be implemented at regular intervals in the future as determined by sand loss rates or as needed after severe storm seasons. Planning and budgeting will be established to carry out the program to a pre-determined date. The City should take into account climate change research and projections of future sea level rise using the most relevant, valid, and peer-reviewed data sets relative to long term planning assumptions to ensure regional planning consistency. The most relevant research into design and maintenance plans for the long-term beach sand replenishment and retention program should also be considered. The effectiveness of any such program will be reassessed after a specified period, but at least every five years, to identify any needed modifications.

The acceleration in the rate of sea level rise is expected along the coast of California. The Commission's 2018 Sea Level Rise Policy Guidance[1] recognizes beach nourishment as an important "soft" armoring/green infrastructure option in California's coastal adaptation to sea level rise. As described in the Guidance, "soft" armoring generally refers to the use of beaches/beach nourishment, dunes, wetlands, and other ecosystems that adjust to waves and help to reduce erosion and dissipate wave energy while providing other natural benefits. In contrast, seawalls and revetments that block wave energy and shoreline retreat are often termed hard structures.

The Sea Level Rise Policy Guidance document recommends that soft solutions such as beach nourishment be used as an alternative to the placement of hard shoreline protection in order to enhance natural resource areas. The Sea Level Rise Policy Guidance document also encourages the establishment of beach nourishment programs, similar to the subject beach replenishment program, and protocols in Local Coastal Plans that identify locations where nourishment may be appropriate; establish criteria for the design, construction, and management of the nourishment area; and/or

[1] Available at https://www.coastal.ca.gov/climate/slrguidance.html.

establish measures to minimize adverse biological resource impacts from deposition of material, such as timing or seasonal restrictions and identification of environmentally preferred locations for deposits.

The proposed development is in an area subject to tidal action. The tidal environment is dynamic and there are risks associated with development in such areas. For instance, erosion has occurred at the subject beaches where beach nourishment is proposed, and erosion is one form of potential geologic hazard. The fact that the applicant is proposing beach nourishment to restore pre-existing beaches indicates that erosion does occur. However, the applicant will not increase erosion hazards by increasing the size of beaches beyond pre-existing conditions, and increasing the beach size may decrease risks to property. As described above, testing and monitoring the replenishment material will ensure risks to life and health are minimized. Therefore, the proposed project minimizes this hazard consistent with Section 30253.

Because there remains an inherent risk to development along the shoreline, the applicant has submitted as part of the Project Notification Report, an assumption of risk, waiver of liability and indemnity that indemnifies and holds harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. **Special Condition No. 4** of this amendment further memorializes this assumption of risk and waiver of liability. In this way, the applicant has made clear that the Commission is not liable for damage because of approving the permit for development and the amendment can be found consistent with Chapter 3 of the Coastal Act.

E. 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.

As conditioned, the proposed development is consistent with the public access, recreation, and environmental protection policies in Chapter 3 of the Coastal Act and the certified LUP. Therefore, approval of the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certified Local Coastal Program.

F. 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.

The City of Solana Beach prepared a Mitigated Negative Declaration for the proposed project that identifies specific mitigation measures to reduce potential impacts to less than significant levels. The proposed project has been conditioned to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing monitoring of biological, physical, and recreational impacts, 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 – CONDITIONS OF APPROVAL

Permit No. 6-08-038

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.

SPECIAL CONDITIONS

1. **Final Project Notification Report. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, a final revised Project Notification Report in substantial conformance with the preliminary Report (attached as Exhibit #3), except that it shall be revised as follows:
    a. The following sentence shall be added to the fourth paragraph under Section 3.3 *Beach Placement Method*: No construction staging, or storage will occur within the public parking spaces at Fletcher Cove Beach Park. If any other public parking spaces are used for staging and storage, then parking in and around Fletcher Cove shall be monitored during construction in the summer months to determine if any adverse impacts on public parking for beachgoers occur. If such monitoring is required because public spaces are used, it shall consist of parking counts at Fletcher Cove Beach Park, along S. Sierra Avenue fronting the Park and at the Distillery Lot each summer construction day at approximately 10:00 a.m. and 1:00 p.m.

b. The applicant shall comply with the procedures and submittal requirements outlined in the approved Project Notification Report. Any proposed changes to the approved Project Notification Report shall be reported to the Executive Director. No change to the Project Notification Report shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. **Approval of Excavation/Dredging Site:** The subject permit is only for sand replenishment projects. All other development proposals that may be involved in obtaining the sand source, including but not limited to non-exempt grading, new construction or dredging, if located within the Coastal Zone, shall require the approval of the Coastal Commission or its successor agency through a coastal development permit or an amendment to this permit, unless such development is exempt from permit requirements under the Coastal Act and its implementing regulations.

3. **Scope and Term of Permit Approval:** The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the 'Proposed Project Limits' identified in the applicant's submittal including but not limited to the placement sites, maximum annual quantities of beach nourishment, seasonal limitations, and methods of delivery. The authorization for continuing development pursuant to this permit shall expire 5 years from the date of Commission approval.

Permit No. 6-08-038-A1

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.

SPECIAL CONDITIONS

1. [Special Condition 1 of CDP #6-08-038 remains unchanged and in effect]

2. [Special Condition 2 of CDP #6-08-038 remains unchanged and in effect]

3. **Scope and Term of Permit Approval**: The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the 'Proposed Project Limits' identified in the applicant's submittal including but not limited to the placement sites, maximum annual quantities of beach nourishment, seasonal limitations, and methods of delivery. The authorization for continuing development pursuant to this permit shall expire 5 years from the date of Commission approval.

Permit No. 6-08-038-A2

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.

SPECIAL CONDITIONS

1. [Special Condition 1 of CDP #6-08-038 remains unchanged and in effect]

2. [Special Condition 2 of CDP #6-08-038 remains unchanged and in effect]

3. **Scope and Term of Permit Approval:** The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the 'Proposed Project Limits' identified in the applicant's submittal including but not limited to the placement sites, maximum annual quantities of beach nourishment, seasonal limitations, and methods of delivery. The authorization for continuing development pursuant to this permit shall expire 5 years from the date of Commission approval.

Permit No. 6-08-038-A3

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.

SPECIAL CONDITIONS

1. [Special Condition 1 of CDP #6-08-038 remains unchanged and in effect]

2. [Special Condition 2 of CDP #6-08-038 remains unchanged and in effect]

3. **Scope and Term of Permit Approval:** The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the 'Proposed Project Limits' identified in the applicant's submittal including but not limited to the placement sites, maximum annual quantities of beach

nourishment, seasonal limitations, and methods of delivery. The authorization for continuing development pursuant to this permit shall expire ~~5~~ 10 years from the date of Commission approval. Five (5) years from the date of Commission approval, the applicant shall submit one printed copy and one digital copy of a changed conditions report to the Executive Director for review and written approval. The changed conditions report shall include a summary of all placement activities conducted under the program, and a summary of monitoring results, as informed by monitoring reports required by CDP# 6-08-038. The report shall summarize the effectiveness of the CDP in meeting project objectives, including in terms of maintaining public coastal access, habitat values, and coastal resource protection, and include any changes needed to better meet these objectives or protect coastal resources. If the Executive Director determines that there are changed circumstances and that an amendment to this CDP or a separate CDP is legally required to continue this program, the permittee shall immediately, but in no event longer than 90 days, submit and complete the required application.

4. **Assumption of Risk, Waiver of Liability and Indemnity Agreement**. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, landslide, bluff retreat, erosion, and earth movement, many of which will worsen with future sea level rise; (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.

APPENDIX B – SUBSTANTIVE FILE DOCUMENTS

1. City of Solana Beach certified Land Use Plan
2. Final Mitigated Negative Declaration for the Opportunistic Beach Fill Program in the Cities of Encinitas, Solana Beach, Coronado, and Imperial Beach
3. CDP#s:
    - 6-08-038
    - 6-08-038-A1
    - 6-08-038-A2
    - 6-00-38
    - 5-02-142
    - 5-02-142-A1
    - 6-06-48
    - 6-06-048-A1
    - 6-08-110
    - 6-21-0628
    - 6-19-0608
    - 5-15-2056