

**CALIFORNIA COASTAL COMMISSION**

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# W20c

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 6-24-0817

**Applicant:** City of Encinitas

**Location:** Neptune Avenue & Grandview Street, Encinitas, San Diego County. (APN 254-430-10)

**Project Description:** Repair and replacement of timber components, including posts, bracings, joists, railings, pickets, sacrificial facing and decking, and steel hardware of the Grandview Staircase.

**Staff Recommendation:** Approval with conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The Grandview Staircase provides public beach access to Grandview Beach, a popular beach in the City of Encinitas. The City is proposing to replace a select amount of identified deteriorated timber and steel hardware. The primary concern associated with the proposed project is issues of marine resources and water quality because the City originally proposed to continue to use treated Douglas fir wood for the timber replacement components. The use of preservative-treated wood in the coastal environment is of concern for aquatic toxicity because many chemicals in wood preservatives are highly toxic to a broad range of aquatic species, especially fish and invertebrates. Some of the proposed replacement components will be subject to ocean waves and high tides, thus potentially resulting in leaching of toxic chemicals into coastal waters. Given the environmental and human health risks associated with these copper-based wood preservatives, alternative materials are preferred over treated wood. Commission staff worked with City staff to minimize the use of treated wood to the maximum extent feasible. The City has agreed to use untreated, alternative materials for the non-structural components and limit the treated wood to only the

structural components of the staircase. **Special Condition No. 3** requires the City to use a combination of treated wood and alternatives to treated wood to reduce the amount of treated wood in the coastal environment and to protect marine resources and water quality. This condition also limits water quality impacts associated with potential coatings. **Special Condition No. 4** requires the City to comply with Best Management Practices during construction to minimize potential impacts from construction and treated wood pollutants. Thus, as now proposed and conditioned, the project can be found consistent with the marine resources and water quality protection measures of the Coastal Act.

The staircase and the public parking lot will be closed during the estimated 60-working day project duration. The staircase provides public access to a popular public beach and coastal access will be affected during construction when the staircase and nearby public parking lot is closed for repairs and construction staging. Therefore, **Special Condition No. 1** and **Special Condition No. 2** require the City to submit final plans showing storage and staging areas, access corridors, a Beach Access Plan, and indicating that work will not occur on weekends, holidays, or from Memorial Day weekend to Labor Day, to minimize impact on public access.

With the proposed conditions the proposed project can be found consistent with the Chapter 3 policies of the Coastal Act. Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-24-0817, as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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## EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Component Replacement Plans submitted Feb. 26, 2025](#)

[Exhibit 3 – Beach Access Plan](#)

[Exhibit 4 – Grandview Beach Access Staging Area Sheet](#)

[Exhibit 5 – Staircase Photographs](#)

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 6-24-0817 pursuant to the staff recommendation.

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

### Resolution:

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

## II. STANDARD CONDITIONS

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

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

### III. SPECIAL CONDITIONS

**1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval of the Executive Director, final plans in substantial conformance with the plans submitted via email on February 26, 2025 ([Exhibit 2](#)). The permittee shall undertake development in conformance with the approved final plans. In addition, the permittee shall comply with the following requirement:

- a. All construction activities shall take place during low tide to the maximum extent feasible.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

**2. Storage and Staging Areas/Access Corridors. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans indicating the location of access corridors to the construction site, staging areas and public beach access in substantial conformance with Grandview Stairway Repair Staging Area ([Exhibit 4](#)) of the Project Plans submitted with the application, and the Beach Access Plan ([Exhibit 3](#)) submitted with the application. The final plans shall indicate that, at a minimum:

- a. No overnight storage of equipment or materials may occur on sandy beach, and the use of other public parking spaces shall be minimized. The permittee may not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery may be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to perform repairs. Construction equipment may not be washed on the beach or public parking lots or access roads;
- b. Construction access corridors shall be located in a manner that has the least impact on public access to and along the shoreline;
- c. No work may occur on weekends or holidays or from Memorial Day weekend to Labor Day of any year;
- d. The applicant shall submit evidence that the approved plans and plan notes have been incorporated into construction bid documents; and

- e. The applicant shall remove all construction materials and equipment from the staging site and restore the staging site to its prior-to-construction condition within 72 hours following completion of the development.

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

**3. Materials Used for Staircase. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final plans depicting the materials to replace components of the staircase and shall comply with the following requirements to protect coastal water quality:

- a. **Alternatives to Treated Wood.** Alternative materials shall be used instead of preservative-treated wood for the railings and pickets, sacrificial facing, and decking, as indicated in the plans submitted via email received on February 26, 2025 ([Exhibit 2](#)). Acceptable alternative materials include naturally decay-resistant untreated wood (e.g., Redwood and Ipe), metal (e.g., stainless steel), and/or approved equivalent. Acceptable alternative materials for the decking for the shower platform also includes plastic materials (e.g., polypropylene, Titan Decking) in addition to the aforementioned alternative materials.
- b. **Treated Wood Certified for Use in Aquatic Environments.** The permittee shall use preservative-treated wood or approved equivalent for the structural elements being replaced- the posts, bracings and joists as indicated in the plans submitted via email received Feb. 26, 2025 ([Exhibit 2](#)). The treated wood shall be treated Douglas Fir or approved equivalent and certified as produced for use in aquatic environments (as indicated by a BMP Quality Mark or Certificate of Compliance), in accordance with industry standards, such as the Best Management Practices for the Use of Treated Wood in Aquatic and Wetland Environments by the Western Wood Preservers Institute (available at [preservedwood.org](http://preservedwood.org)).
- c. **Paints, Coatings, and Other Products.** All coating, sealant, painting, wrapping, adhesive, caulk, epoxy, or other products used in construction of the staircase shall be inert when fully dried and cured, and not leach chemicals that could contribute to aquatic toxicity. The coating to be used to seal coat all wood (both treated and untreated) shall be a water-based sealant or approved equivalent that is non-hazardous to the aquatic environment (e.g., Seal Once Marine Grade).

The applicant shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the final plans shall occur without a Coastal

Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **BMPs for Use of Treated Wood in the Aquatic Environment.** To protect coastal water quality, the permittee shall comply with the following Best Management Practices (BMPs) for the use of treated wood in the aquatic environment:
  - a. BMPs shall be implemented that meet industry standards for selection, standard, and construction practices for use of preservative-treated wood in aquatic environments.
  - b. Treated wood sawdust and debris shall not be allowed to enter coastal waters. If treated wood is saw-cut, drilled, or sanded during demolition, removal, installation, or maintenance of the stairway, all sawdust and debris generated shall be contained and removed.
  - c. Treated wood and treated wood debris shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets; shall be stored on an impervious surface; and shall be covered during rain events.
  - d. Tarps or other devices shall be used to capture all debris, sawdust, oil, grease, rust, dirt, drips, and spills resulting from overwater construction activities, to protect the quality of coastal waters.
5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees that (1) that the site may be subject to extraordinary hazards from bluff collapse, erosion, liquefaction, waves. Flooding, tsunami, and sea level rise; (2) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (3) 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 (4) 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 applicant, the City of Encinitas, is proposing to repair and replace components of a timber public beach access staircase for maintenance and rehabilitation. [Exhibit 2](#) shows the proposed steel hardware to be replaced and reused, and the timber components to be replaced. Steel items to be replaced include all framing connections and tie rods. The timber components proposed to be replaced in-kind include posts,

bracings, joists, railings, pickets, sacrificial facing, and the decking of the shower platform.

## Background

The beach access staircase is a multi-level timber and concrete staircase ([Exhibit 5](#)). The upper portion begins with an at-grade walkway with concrete steps, then transitions to an elevated timber walkway, down stairs to the first landing. Following this first landing, the staircase consists of an elevated timber structure of three intermediate levels that descend to the beach. The staircase terminates at a concrete landing platform at the beach level with wooden sacrificial facing surrounding the concrete landing platform. There is a shower at the lower landing supported by a timber frame embedded into the concrete foundation. The staircase is supported by reinforced concrete piers sunk into bedrock, and further reinforced with a shotcrete anchored seawall approximately 19 feet high and 48 feet long. Dokken Engineering conducted a site investigation in 2018 to evaluate the integrity of the steel connection and timber materials, as well as the concrete stairway and support structures. The staircase was determined to be in fair condition but in need of maintenance to extend the useful life of the beach access staircase.

The original staircase was constructed by the County of San Diego in 1975. In 1983, a major block in the sea cliff formation at the beach level fell against and destroyed the lower portion of the staircase, causing the collapse of the lower two flights of stairs and two landings. The staircase remained closed until the remaining remnants were removed and a new staircase and the seawall were constructed in 1992. This work was approved by the Commission in June 1991 with a requirement that the staircase and associated structures be maintained, and if repair or maintenance is necessary, the City is to contact the Commission office to determine whether permits are necessary (Ref: CDP No. 6-91-103).

The staircase is in the Leucadia community in the City of Encinitas, located north of Grandview Street and at the northern terminus of Neptune Avenue ([Exhibit 1](#)). It is the beach access to Grandview Beach and the site is served by a public parking lot. The area surrounding the staircase consists of single-family residences and condominiums to the south and east, and Seabluffe Village, a gated community to the north. The closest beach access points are South Ponto Beach approximately half a mile north and Beacon's Beach approximately one mile south of the subject staircase.

## Standard of Review

The site is within an area of split jurisdiction, located within both the Commission's original jurisdiction as well as the City of Encinitas' coastal permitting jurisdiction. Upon request by the City, the Commission is processing the project as a consolidated coastal development permit as allowed by Section 30601.3 of the Coastal Act. Therefore, the standard of review is the Chapter 3 policies of the Coastal Act with the LCP used as guidance.

## **B. Marine Resources and Water Quality**

Section 30231 of the Coastal Act states:

The biological productivity and 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 waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oils, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

The Resource Management Element of the certified LUP reads, in part:

Goal 2: The City shall make every effort to improve ocean water quality.

Policy 2.1: In that ocean water quality conditions are of utmost importance, the City shall aggressively pursue the elimination of all forms of potential unacceptable pollution that threatens marine or human health.

[...]

Policy 2.3: To minimize harmful pollutants from entering the ocean environment from lagoons, streams, storm drains and other waterways containing potential contaminants, the City shall mandate the reduction or elimination of contaminants entering all such waterways; pursue measures to monitor the quality of such contaminated waterways, and pursue prosecution of intentional and grossly negligent polluters of such waterways.

The City's certified LCP and the Coastal Act require that water quality is protected by minimizing the chance that pollutants will enter waterways. In practice, materials used in construction need to contain minimal pollutants, and construction takes place in a way that minimizes the chance that pollutants will enter waterways. The proposed project includes replacement of timber components of the staircase. The applicant originally proposed to continue to use treated wood, specifically treated Douglas Fir, for the components to be replaced. However, the use of treated wood in the coastal environment is of concern for aquatic toxicity. Treated wood, short for preservative-treated wood, is typically pressure-treated with preservatives to protect it against decay due to wood-boring insects and microbes. Many chemicals in wood preservatives are

highly toxic to a broad range of aquatic species, especially fish and invertebrates. Water leaches the chemicals from treated wood into soil and waterways, thus raising the concern of aquatic toxicity. Toxic chemicals that leach from commonly used types of treated wood include copper, arsenic, zinc, and chromium from copper-based preservatives. For example, Ammoniacal Copper Zinc Arsenate (ACZA), a common copper-based preservative, contains both copper and arsenic; copper is highly toxic to most aquatic species and arsenic is highly toxic to mammals. Given the environmental and human health risks associated with copper-based wood preservatives, non-toxic, non-plastic alternative materials, such as Redwood, Ipe, metal, and occasionally plastic, are recommended to be used instead of treated wood.

Some of the proposed timber components of the Grandview Staircase will be subject to ocean waves and high tides crashing into the lower portion of the staircase, and freshwater soaking the shower platform, thus potentially resulting in leaching of toxic chemicals into coastal waters. Thus, Commission staff worked with the City and the City has agreed to reduce the amount of treated wood in the staircase. **Special Condition No. 3a** specifies that materials such as naturally decay-resistant untreated wood and metal shall be used for the non-structural components, including the railings and pickets, sacrificial facing, and decking. The decking for the shower platform may use plastic materials, such as the City-suggested Titan Decking (polypropylene) in order to reduce safety hazards for users. **Special Condition No. 3b** specifies that treated Douglas Fir may be used to replace the structural elements: the posts, bracings and joists. Furthermore, **Special Condition No. 3c** also requires that all coating, sealant, epoxy, etc. used in construction shall be inert when fully dried and cured and not leach chemicals that would contribute to aquatic toxicity. The coating used to seal coat all wood shall be a water-based sealant that is non-hazardous to the aquatic environment. Lastly, **Special Condition No. 4** requires the City to comply with Best Management Practices (BMPs) for use of treated wood in the aquatic environment.

The proposed project will take place on the sandy beach, adjacent to the Pacific Ocean. While this project will have a minimal footprint compared to other larger beach access staircase projects (e.g., CDP No. 6-20-0200, CDP No. 6-23-0308) and the City has submitted plans that illustrate storage and staging of materials and the location of access corridors to the construction site, the project site is nevertheless a vulnerable area that requires protection via special conditions to address potential adverse impacts to water quality and the marine environment. **Special Condition No. 1** requires the City to submit final plans in substantial conformance with the plans submitted via email on February 26, 2025 ([Exhibit 2](#)) and shall comply with the requirement that all construction activities shall take place during low tide to the maximum extent feasible to minimize construction materials and equipment coming into contact with the ocean water and minimize marine pollution. **Special Condition No. 2** also requires the City to submit final plans indicating storage and staging and access areas and further specifies that no overnight storage of equipment or materials may occur on sandy beach, and construction materials and waste shall not be stored where it could potentially be subject to water erosion and dispersion, and construction equipment may not be washed on the beach or public parking lots or access roads. Furthermore, **Special Condition No. 4** also requires tarps or other devices to be used to capture all debris

resulting from construction activities to protect the quality of coastal waters. Any future maintenance would be reviewed on a case-by-case basis, as conditioned by CDP No. 6-91-103, to ensure water quality is protected. Therefore, as conditioned, the proposed project can be found consistent with the marine resources and water quality policies of the Coastal Act and the City's certified LCP.

### **C. 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 states:

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

In addition, the following public access policies and definitions from the City's certified LCP include:

The Circulation Element of the LUP reads, in part:

Goal 6: The City will make every effort to provide public access and circulation to the shoreline, through private dedications, easements, or other methods, and public transportation or other facilities.

[...]

Policy 6.3: The City will encourage continued public vertical access by:

[...]

- Maintaining all City-owned improved access and view points and seeking to improve the unimproved access and view points within the City boundaries;

[...]

- Supporting continued use of the existing public sea level beach and bluff-backed beach accessways and the establishment of additional

accessways, as determined appropriate to maintain adequate public access to public beaches.

The Public Safety Element of the certified LUP reads, in part:

Goal 1: Public health and safety will be considered in future Land Use Planning.

[...]

Policy 1.6: The City shall provide for the reduction of unnatural causes of bluff erosion, as detailed in the Zoning Code, by:

- a. Only permitting public access stairways and no private stairways, and otherwise discouraging climbing upon and defacement of the bluff face;

[...]

The subject site is located between the Pacific Ocean and the first public road (North Coast Hwy 101). The site, located at the northern terminus of Neptune Avenue and on the beach at the base of a coastal bluff, provides beach access to Grandview Beach, which is the northern entrance of Leucadia State Beach. There is a public parking lot nearby and across Neptune Avenue. Two other nearby public access points are South Ponto Beach approximately half a mile north and Beacon's Beach approximately one mile south of the subject site. The beach and its adjacent waters are frequently used by the public for beach and water-oriented recreation, especially during the summer.

The proposed project is to repair and replace components of the staircase, which provides public access to the beach. The staircase and public access to Grandview Beach will be temporarily closed during construction, which is proposed to take up to 60 working days. Staging for the project is proposed to occur in the public parking lot located on the eastern side of Neptune Avenue, with an optional staging site identified at South Ponto parking lot. Additionally, the City submitted Beach Access Plans that will be implemented during construction to inform the public of alternative beach access points ([Exhibit 3](#)). The plan includes using signage and instructions to access the beach at South Ponto Beach and Beacon's Beach. To protect public access during construction, **Special Condition No. 1** requires the City to comply with the requirement that all construction activities take place during low public recreational use of the sandy beach area to the maximum extent feasible. **Special Condition No. 2** requires the City to submit storage and staging areas/access corridor plans in substantial conformance with Grandview Stairway Repair Staging Area ([Exhibit 4](#)) of the Project Plans submitted with the application, and the Beach Access Plan also submitted with the application. Additionally, the plans shall indicate that no work will occur on weekends, holidays, or from Memorial Day weekend to Labor Day, and construction access corridors shall be located in a manner that has the least impact on public access to and along the shoreline.

Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act and the City's certified LCP.

## **D. Local Coastal Planning**

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

In November of 1994, the Commission approved, with suggested modifications, the City of Encinitas LCP. Subsequently, on May 15, 1995, coastal development permit authority was transferred to the City. The site is within an area of split jurisdiction, located within both the Commission's original jurisdiction as well as the City of Encinitas' coastal permitting jurisdiction. Upon request by the City, the Commission is processing the project as a consolidated coastal development permit as allowed by Section 30601.3 of the Coastal Act. Thus, the standard of view is the Ch. 3 policies of the Coastal Act with the City's LCP policies used as guidance. As conditioned, the proposed project is consistent with Chapter 3 of the Coastal Act and the certified LCP.

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

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Encinitas found the project to be Categorical Exempt as repair and maintenance of an existing structure (Cal. Code of Regs., tit. 14, div. 6, § 15301(d) (Existing Facilities)).

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

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- CDP No. 6-91-103
- CDP No. 6-20-0200
- CDP No. 6-23-0308
- Dokken Engineering Structural Evaluation Grandview Beach Access, dated June 2018