

CALIFORNIA COASTAL COMMISSION

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



W18a

Filed: 12/20/24
180th Day: 6/18/25
Staff: L. Cain-SD
Staff Report: 4/17/25
Hearing Date: 5/07/25

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-23-0589

Applicant: Peter and Sarah Bates

Agent: Reggie Reyes

Location: 403 Pacific Ave., Solana Beach, San Diego County.
(APN 263-051-07)

Project Description: Remodel an existing 3,985 sq. ft. two-story single-family residence with an attached 690 sq. ft. garage on a 7,260 sq. ft. blufftop lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed project includes an interior remodel, the replacement of existing windows and doors, and removal of roof area at an existing blufftop residence ([Exhibit 5](#)). Proposed changes to the major structural components (exterior walls and roof) do not exceed 50%. There are no proposed additions or changes to the foundation. The existing residence was built prior to the Coastal Act in 1967 and is nonconforming with regard to required bluff setbacks. The site has been the subject of previous Commission action, including construction of a seawall and upper bluff protection on the subject site and neighboring sites.

The proposed project will not increase the size of the existing residence or the degree of the nonconformity. Nevertheless, remodel of a nonconforming blufftop structure raises potential concerns about redevelopment. The City of Solana Beach LUP includes a definition for Blufftop Redevelopment that allows a reasonable amount of changes to an existing structure, including up to a 50% alteration of major structural components and

up to a 50% increase in the size of the structure, while barring mischaracterizations of “repair and maintenance” or “improvements” for major work that would perpetuate the non-conforming structure. Redevelopment of a non-conforming structure, such as demolition and replacement of more than 50% of the structure’s exterior walls, requires that the structure be brought into conformance with current blufftop setback requirements. Thus, it is important to track changes to blufftop structures, including cumulative changes over time.

The proposed project includes changes to major structural components of the residence, although not more than 50%, and required special conditions will ensure that the Commission is able to keep track of changes ([Exhibit 2, 3, 4](#)). **Special Condition No. 1** requires submittal of final plans to ensure the project is consistent with those provided with this application. **Special Condition No. 3** requires the applicant to provide a certified copy of the City Building Department job card, or other form of verification required and approved by the Executive Director, demonstrating that construction has been performed pursuant to the development plans approved under this coastal development permit and no changes to the major structural components have occurred. **Special Condition No. 4** requires the applicant to submit one full-size set of “as-built” plans within sixty days of the completion of construction. **Special Condition No. 2** requires the applicant to implement best management practices and construction responsibilities regarding waste disposal and construction staging to protect water quality. **Special Condition No. 5** confirms that this permit is only for the development described in Coastal Development Permit No. 6-23-0589, so that any future development will require a CDP or CDP amendment. Also, due to the site’s proximity to the bluff edge, **Special Condition No. 6** requires the applicant to acknowledge the hazards present on-site, assume the risk of such hazards, and accept full liability for developing in a hazardous location. Finally, **Special Condition No. 7** requires the applicant to record a deed restriction against the property that imposes the conditions of the permit for the purpose of providing notice to future property owners.

Therefore, Commission staff recommend that the Commission **APPROVE** coastal development permit application 6-23-0589 as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act, with the City of Solana Beach certified LUP used as guidance.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS.....	5
IV. FINDINGS AND DECLARATIONS.....	7
A. Project Description and Background	7
B. Coastal Hazards.....	8
C. Public Access and Recreation	14
D. Marine Resources & Water Quality.....	15
E. Local Coastal Planning.....	16
F. California Environmental Quality Act	16
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS	17

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Main-Level Exterior Wall Alterations](#)

[Exhibit 3 – Upper-Level Exterior Wall Alterations](#)

[Exhibit 4 – Roof Alterations](#)

[Exhibit 5 – Setbacks](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 6-23-0589 pursuant to the staff recommendation.

Staff recommend 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 applicants shall submit for review and written approval of the Executive Director, final plans stamped and approved by the City of Solana Beach and in substantial conformance with the submitted plans dated October 2, 2024, by Reyes Studio Architecture. The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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.
- 2. Best Management Practices and Construction Responsibilities.** BY ACCEPTANCE OF THIS PERMIT, the permittee(s) shall comply with the following construction-related requirements:
 - a) All debris resulting from demolition and construction activities shall be removed and disposed of at an authorized disposal site outside the Coastal Zone.
 - b) Temporary sediment control Best Management Practices (BMPs) such as straw bales, fiber rolls, or silt fencing shall be installed prior to, and maintained throughout, the construction period to intercept and slow or detain runoff from the construction, staging, and storage/stockpile areas; allow entrained sediment and other pollutants to settle and be removed; and prevent discharge of sediment and pollutants toward the bluff edge. When no longer required, the temporary sediment control BMPs shall be removed. Fiber rolls shall be 100% biodegradable and shall be bound with non-plastic biodegradable netting such as jute, sisal, or coir fiber; photodegradable plastic netting is not an acceptable alternative. Rope used to secure fiber rolls shall also be biodegradable, such as sisal or manila rope.
- 3. Confirmation of the Extent of Demolition.** AFTER DEMOLITION HAS BEEN COMPLETED, the applicants shall provide the Executive Director, for review and approval, a certified copy of the City Building Department job card, or other form of verification required and approved by the Executive Director, demonstrating that all demolition has been performed pursuant to the development plans approved under this coastal development permit.

If the above-required information submitted to the Executive Director indicates additional development must occur due to the deteriorated state of any portion of a

major structural component that was proposed by the applicants to remain, the permittee shall halt construction, report the proposed changes to the Executive Director, and submit a complete application for a coastal development permit amendment or new permit, unless the Executive Director determines in writing that no amendment is legally required. The application shall address the issue of revisions to the project due to the need for additional demolition.

No further development on this project may occur until either:

- a) The Executive Director determines, in writing, based on the information provided by the applicant and reviewed and approved by the Executive Director, that all major structural components identified to remain are intact and structurally sound; or
- b) The applicants submit a coastal development permit amendment or new permit application, and the coastal development permit amendment or new permit is subsequently approved by the Coastal Commission and issued by the Executive Director.

4. As-Built Plans. WITHIN 60 DAYS OF THE DATE OF COMPLETION OF CONSTRUCTION, unless the Executive Director grants an extension for good cause, the applicant shall submit one full-size set of "as-built" plans, approved by the City of Solana Beach, showing all development completed pursuant to this coastal development permit with all relevant property lines depicted. The As-Built Plans shall be consistent with the approved final project plans required per Special Condition No. 1. If the as-built plans identify that the project has been constructed inconsistent with the approved final plans, the applicant shall submit an application for an amendment to this coastal development permit, or a new coastal development permit, if legally required, within 30 days of receiving the Executive Director's notice that the as-built plans are inconsistent with the final approved plans.

5. Future Development. The permit is only for the development described in Coastal Development Permit No. 6-23-0589. Pursuant to Title 14, California Code of Regulations Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(a) shall not apply. Accordingly, any future improvements to the residence, including, but not limited to, repair and maintenance identified as not requiring a permit in Public Resources Code section 30610(d) and Title 14, California Code of Regulations section 13252(a)-(b), require an amendment to permit No. 6-23-0589 from the California Coastal Commission, unless the Executive Director determines that a future amendment is not legally required.

6. Assumption of Risk, Waiver of Liability, and Indemnity Agreement. BY ACCEPTANCE OF THIS PERMIT, the applicants acknowledge and agree (i) that the site may be subject to hazards from erosion and coastal bluff collapse; (ii) to assume the risks to the applicants 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.

7. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and approval, documentation demonstrating that the landowner has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The proposed project involves a remodel and improvements to an existing 3,985 sq. ft. two-story single-family residence with an attached 690 sq. ft. garage on a 7,260 sq. ft. blufftop lot in the City of Solana Beach ([Exhibit 1](#)). The existing structure is a legal non-conforming structure because the home is sited between approximately 10 ft. to 18ft. feet from the bluff edge, while the minimum allowed bluff setback in the City of Solana Beach's Land Use Plan (LUP) is 40 feet. The property is approximately 0.3 miles north of Fletcher Cove Beach Park, approximately 0.2 miles from Cardiff State Beach, and approximately 300 feet from the Tide Beach Park public access stairway ([Exhibit 1](#)).

The proposed project includes an interior remodel, the replacement of existing windows and doors, and removal of roof area ([Exhibit 2, 3, 4](#)). The existing windows and doors will be replaced with new windows and doors – some will increase or decrease in size. The outer trim of the roof on the main and upper level will be removed. As described further below in Section B. Coastal Hazards, the proposed project does not include structural changes that exceed 50% and therefore does not meet the definition of "Bluff Top Redevelopment" in the City of Solana Beach's certified LUP.

The Commission certified the City's LUP in June 2013; 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.

Permit History

The construction of the existing residence occurred in 1967, prior to the Coastal Act and to the incorporation of the City of Solana Beach. The site has been the subject of past Commission action including several permits and emergency permits.

In 1985 the Commission approved the construction of an approximately 1,000 sq. ft. second story addition; however, this permit expired before the addition was constructed (CDP No. 6-85-143). In 1993, the Commission approved the construction of a second story addition, which was completed (CDP No. 6-93-156). The work approved through the 1993 permit included alterations to the roof, foundation, and added approximately 763 sq. ft. to the internal floor area. The City of Solana Beach definition of blufftop redevelopment is cumulative from the date of certification of the LUP (June 12, 2013), therefore this addition and subsequent alterations to major structural components would not be counted towards the redevelopment threshold, as explained in the staff report sections below.

In 1997, the Commission approved the temporary placement of either approximately 4,862 tons of riprap or 815 lineal feet of large sand filled bags along the base of the bluff below fourteen blufftop properties, including this site (CDP No. 6-97-134). However, the riprap was never placed.

In 1998, the Commission approved the filling of an undercut bluff area at this site with erodible concrete material (CDP No. 6-98-013-G). The erodible concrete was placed, and the follow-up permit was approved through CDP No. 6-04-083. In 2004, the Commission denied emergency stabilization of the upper bluff in front of this site and 367 and 371 Pacific Avenue (CDP No. 6-04-070-G).

Finally, in 2004, the Commission approved the construction of an approximately 138 ft. long, 35 ft. high, 2 ft.-wide colored and textured concrete tied back seawall with concrete upper return wall on the south side and construction of a geogrid reinforced fill slope on the bluff below this site, 403 Pacific Ave., and 371 Pacific Ave. (CDP No. 6-04-083).

B. Coastal Hazards

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing

marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Section 30253 of the Coastal Act states:

New development shall do all of the following:

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

[. . .]

In addition, the following certified City of Solana Beach Land Use Plan (LUP) policies provide additional guidance regarding geologic hazards and development on bluff top property:

City of Solana Beach LUP Policy 4.14 states:

Existing, lawfully established structures that are located between the sea and the first public road paralleling the sea (or lagoon) built prior to the adopted date of the LUP that do not conform to the provisions of the LCP shall be considered legal non-conforming structures. Such structures may be maintained and repaired, as long as the improvements do not increase the size or degree of non-conformity. Additions and improvements to such structures that are not considered Bluff Top Redevelopment, as defined herein, may be permitted provided that such additions or improvements themselves comply with the current policies and standards of the LCP. Bluff Top Redevelopment is not permitted unless the entire structure is brought into conformance with the policies and standards of the LCP...

City of Solana Beach LUP Policy 4.17 states:

New development shall be set back a safe distance from the bluff edge, with a reasonable margin of safety, to eliminate the need for bluff retention devices to protect the new improvements. All new development, including additions to existing structures, on bluff property shall be landward of the Geologic Setback Line (GSL) as set forth in Policy 4.25. This requirement shall apply to the principal structure and accessory or ancillary structures such as guesthouses, pools, tennis courts, cabanas, and septic systems, etc. Accessory structures such as decks, patios, and walkways, which are at-grade and do not require structural foundations may extend into the setback area no closer than five feet from the bluff edge. On lots with a legally established bluff retention device, the required geologic analysis shall describe the condition of the existing seawall; identify any impacts it may be having on public access and recreation, scenic views, sand

supply and other coastal resources; and evaluate options to mitigate any previously unmitigated impacts of the structure or modify, replace or remove the existing protective device in a manner that would eliminate or reduce those impacts. In addition, any significant alteration or improvement to the existing structure shall trigger such review (i.e., the analysis of the seawall) and any unavoidable impacts shall be mitigated.

City of Solana Beach LUP Policy 4.18 states:

A legally permitted bluff retention device shall not be factored into setback calculations...

City of Solana Beach LUP Policy 4.19 states:

New shoreline or bluff protective devices that alter natural landforms along the bluffs or shoreline processes shall not be permitted to protect new development. A condition of the permit for all new development and bluff top redevelopment on bluff property shall require the property owner record a deed restriction against the property that expressly waives any future right that may exist pursuant to Section 30235 of the Coastal Act to new or additional bluff retention devices.

City of Solana Beach LUP Policy 4.25 states:

All new bluff property development shall be set back from the bluff edge a sufficient distance to ensure that it will not be in danger from erosion and that it will ensure stability for its projected 75 economic life. To determine the GSL, applications for bluff property development must include a geotechnical report, from a licensed Geotechnical Engineer or a certified Engineering Geologist, that establishes the Geologic Setback Line (GSL) for the proposed development. This setback line shall establish the location on the blufftop where stability can be reasonably assured for the economic life of the development. Such assurance will take the form of a quantitative slope analysis demonstrating a minimum factor of safety against sliding of 1.5 (static) or 1.2 (pseudo static, $k=0.15$ or determined through analysis by the geotechnical engineer), using shear strength parameters derived from relatively undeformed samples collected at the site. In no case shall the setback be less than 40 feet from the bluff edge, and only if it can be demonstrated that the structure will remain stable, as defined above, at such a location for its 75-year economic life and has been sited safely without reliance on existing or future bluff retention devices, other than a caisson foundation.

Furthermore, all new development including, but not limited to principal structures, additions, and ancillary structures, shall be specifically designed and constructed such that it could be removed in the event of endangerment.

The predicted bluff retreat shall be evaluated considering not only historical bluff retreat data, but also acceleration of bluff retreat made possible by continued and

accelerated sea level rise, future increase in storm or El Niño events, the presence of clean sands and their potential effect on the pattern of erosion at the site, an analysis of the ongoing process of retreat of the subject segment of the shoreline, and any known site-specific conditions. To the extent the MEIR or geology reports previously accepted by the City address the issues referenced above and remain current, technical information in the MEIR and previously accepted geology reports may be utilized by an applicant. Any such report must also consider the long-term effects of any sand replenishment and/or retention projects to the extent not addressed in the MEIR or the EIR for the specific application.

City of Solana Beach LUP Policy 4.29 states:

A bluff home may continue its legal non-conforming status; however, a Blufftop Redevelopment shall constitute new development and cause the pre-existing non-conforming bluff home to be brought into conformity with the LCP. Entirely new bluff homes shall also conform to the LCP.

City of Solana Beach LUP contains the following definitions:

Bluff Top Redevelopment shall apply to proposed development located between the sea and the first public road paralleling the sea (or lagoon) that consists of alterations including (1) additions to an existing structure, (2) exterior and/or interior renovations, (3) and/or demolition of an existing bluff home or other principal structure, or portions thereof, which results in:

(a) Alteration of 50% or more of major structural components including exterior walls, floor and roof structure, and foundation, or a 50% increase in floor area. Alterations are not additive between individual major structural components; however, changes to individual major structural components are cumulative over time from the date of certification of the LUP.

(b) Demolition, renovation or replacement of less than 50% of a major structural component where the proposed alteration would result in cumulative alterations exceeding 50% or more of a major structural component, taking into consideration previous alterations approved on or after the date of certification of the LUP; or an alteration that constitutes less than 50% increase in floor area where the proposed alteration would result in a cumulative addition of greater than 50% of the floor area taking into consideration previous additions approved on or after the date of certification of the LUP.

Floor Area means the enclosed interior space inside a bluff home, excluding required parking of 200 square feet per parking space, both before and/or after completion of any remodel.

Geologic Setback Area (GSA) is that portion of the bluff property located between the bluff edge and the Geologic Setback Line.

Geologic Setback Line (GSL) is the line marking the distance from the bluff edge that will assure stability for new development, to be determined on a case-by-case basis for each bluff property.

The subject application involves the remodel of an existing residence. As described previously, the site is located in an area of known hazards where the need for shoreline protection has already been experienced. Therefore, the proposed remodel of a blufftop structure, while minor in nature, raises potential concerns about redevelopment.

Although this project is not proposing any additions or expansions to the existing residence, analysis of slope stability and the geological setback line (GSL) were conducted by the applicant and reviewed by the Commission's geologist. Using the additive approach (1.5 factor of safety setback plus bluff retreat setback without consideration of the existing shoreline protection), the GSL extends further than the 40 ft. minimum bluff setback, towards the front of the existing residence ([Exhibit 5](#)). However, the Commission's geologist confirmed that the proposed remodeling does not have an impact on slope stability because the proposed project does not include an addition. If an addition were included, it would need to be sited landward of the GSL.

Blufftop Redevelopment

Coastal Act Section 30253 requires new development to minimize risks and assure structural stability. The City of Solana Beach certified LUP, which is used here as guidance, includes a definition for "Bluff Top Redevelopment." This definition is intended to identify and prohibit redevelopment projects that essentially consist of rebuilding non-conforming, existing structures in hazardous locations, unless the entire structure is brought into conformance. The definition allows a reasonable amount of changes to an existing structure, including up to a 50% alteration of major structural components and up to a 50% increase in the size of the structure, while barring mischaracterizations of "repair and maintenance" or "improvements" for major work such as stripping a house to the studs, or gutting the entire interior, or demolishing everything but one wall, that would perpetuate the non-conforming structure. It was anticipated that further refinement of how to implement the definition of "redevelopment" and how regulatory review will be codified would occur during development of the City's Implementation Plan. However, the City's Implementation Plan has not been prepared to date and Chapter 3 is the standard of review with the LUP as guidance. Therefore, while the project is not redevelopment under the LUP definition, it is necessary to examine the extent of modifications proposed to the major structural elements of the existing structure.

Major structural components are defined in the LUP as exterior walls, the structural components of the floor and roof, and the foundation of an existing home. The LUP definition provides that alterations to major structural components are not additive between individual major structural components, while alterations to individual major structural components are cumulative over time from the date of certification of the LUP (June 12, 2013). That is, alterations to 25% of the exterior walls and 30% of the foundation would not mean 55% of the home has been altered and thus should be

considered a new structure. However, a 25% alteration to the exterior walls (or floors, etc.) approved today, would mean any future alteration of the exterior walls more than 24% would be considered redevelopment resulting in a new structure. Similarly, additions are also cumulative over time from the date of certification of the LUP, such that an initial 25% addition would not be considered redevelopment; however, if a subsequent 25% addition was proposed in the future, that would result in a cumulative 50% increase in floor area and would thus constitute "Bluff Top Redevelopment."

The proposed project includes alterations to the exterior walls and roof structure ([Exhibit 2, 3, 4](#)). There are no proposed additions or changes to the foundation. Based on plans submitted by the applicant, below is a summary of the proposed alterations:

- o Exterior Walls: Alteration of approximately 94 linear feet of the existing approximately 433 linear feet of exterior walls (22.8%). This consists of alteration of approximately 50 linear feet (21%) of the main level walls, and alteration of approximately 44 linear feet (22%) of the upper-level walls. As calculated in this case, the total alteration of existing exterior walls is a combination of exterior walls altered through demolition or replacement and exterior walls altered through removal or resizing of windows or doors.
- o Roof Structure: Alteration of approximately 400 sq. ft. of the existing 3,102 sq. ft. of roof structure (12%). The altered roof structure area consists of modification of approximately 85 sq. ft. (11%) of the main level roof and approximately 315 sq. ft. (14%) of the upper-level roof.

Redevelopment of a non-conforming structure, such as demolition and replacement of more than 50% of the structure's exterior walls, would require that the structure be brought into conformance with today's blufftop setback requirements. Thus, it is important to track changes to blufftop structures, including cumulative changes over time. While the proposed project does not reach the blufftop redevelopment threshold, required special conditions ensure that the Commission will be able to keep track of demolition that does occur. **Special Condition No. 1** requires the development to be undertaken consistently with the approved project plans. To ensure that additional demolition that would count towards the residence's cumulative redevelopment does not occur, **Special Condition No. 3** requires the applicant to submit a copy of the City Building Department job card, or other form of verification required and approved by the Executive Director. **Special Condition No. 4** requires submittal of as-built plans that demonstrate that the project was completed as approved by the Commission and no project modifications occurred. **Special Condition No. 5** requires the applicant to agree that any future improvements to the residence, including, but not limited to, repair and maintenance identified as not requiring a permit in Public Resources Code section 30610(d) and Title 14, California Code of Regulations section 13252(a)-(b), shall require an amendment to permit No. 6-23-0589 from the California Coastal Commission, unless the Executive Director determines that a future amendment is not legally required. **Special Condition No. 6** requires the applicant to acknowledge the risk of building in a hazardous location and ensures that the risks of property damage arising from erosion and coastal bluff collapse are borne by the applicant.

As conditioned, the Commission finds that the proposed project will allow for minor improvements to existing development but limit intensification of use and bluff disturbance in a hazardous area, consistent with the City's LUP and the Coastal Act.

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 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 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

City of Solana Beach LUP Policy 2.2 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.

The subject site is located between the Pacific Ocean and the first public roadway, which in this case is Pacific Avenue. The site is located within a developed residential neighborhood on a coastal bluff top lot and is approximately 0.3 miles north of Fletcher Cove Beach Park, approximately 0.2 miles from Cardiff State Beach, and approximately 300 feet from the Tide Beach Park public access stairway ([Exhibit 1](#)). Vertical access through the site is neither necessary given the proximity of public coastal access nor warranted given the fragile nature of the bluffs. Public parking is available at Fletcher Cove, the Cardiff State Beach Parking lot, Coast Highway 101, and in the neighborhoods surrounding Tide Beach Park. The proposed project will not impact public access to the coast.

As proposed, the project does not impact public access to the beach. Therefore, the project can be found consistent with the public access policies of the Coastal Act and the certified LUP.

D. Marine Resources & Water Quality

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.

Policy 3.84 of the Solana Beach certified Land Use Plan states:

New development shall not result in the degradation of the water quality of groundwater basins or coastal surface waters including the ocean, coastal streams, or wetlands. Urban runoff pollutants shall not be discharged or deposited such that they adversely impact groundwater, the ocean, coastal streams, or wetlands, consistent with the requirements of the RWQCB's municipal stormwater permit and the California Ocean Plan.

Policy 3.85 of the Solana Beach certified Land Use Plan states:

Development must be designed to avoid or minimize to the maximum extent feasible, the introduction of pollutants of concern into coastal waters. To meet the requirement to minimize "pollutants of concern," new development shall incorporate a BMP or a combination of BMPs best suited to reduce pollutant loading to the maximum extent feasible.

The proposed project will be located at the top of the bluff overlooking the Pacific Ocean. As such, construction activities could potentially affect water quality of coastal waters. Therefore, **Special Condition No. 2** requires the applicants to implement best management practices and construction responsibilities throughout construction at the project site, to ensure all resulting debris are properly removed and disposed of and to safeguard that temporary sediment control measures are put into place. Thus, as conditioned, the project will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) will be provided.

Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act and the Solana Beach LUP.

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.

The City of Solana Beach has a certified LUP but does not have a certified IP at this time. Thus, the Coastal Commission retains permit jurisdiction and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified LUP. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

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 found the project categorically exempt from CEQA under Class 1, section 15301 of CEQA Guidelines [existing structures] (Cal. Code of Regs., tit.14).

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 construction BMPs and future development 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. 6-85-143
- CDP No. 6-93-156
- CDP No. 6-97-134
- CDP No. 6-98-013-G
- CDP No. 6-04-070-G
- CDP No. 6-04-083
- City of Solana Beach Certified Land Use Plan
- Report of Limited Geotechnical Investigation and Coastal Bluff Edge Evaluation dated January 15, 2024, by Geotechnical Exploration, Inc.
- Response to Coastal Commission Comments dated March 25, 2025, by Geotechnical Exploration, Inc.