

**MINUTE ITEM**

This Calendar Item No. 015  
was approved as Minute Item  
No. 15 by the State Lands  
Commission by a vote of 3  
to 0 at its 9/23/91  
meeting.

**CALENDAR ITEM**

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**GENERAL PERMIT - PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Earle Frey Jr., et al  
aka Del Mar Beachfront Homeowners  
1924 through 2102 Ocean Front  
Del Mar, California 92014

**AREA, TYPE LAND AND LOCATION:**

Filled historic tide and submerged lands located adjacent to  
and along the Pacific Ocean, City of Del Mar, San Diego  
County.

**LAND USE:**

Removal of existing riprap and portions of existing patios,  
decks, overhangs, sunrooms, walls and fences, restoration of  
the beach and construction of an approximately 727-foot-  
long, vertical seawall with concrete cap and protective  
screen wall to protect sixteen exiting single-family  
residences and two public street ends.

**TERMS OF PROPOSED PERMIT:**

Initial period:

Ten (10) years beginning September 23, 1991.

Public liability insurance:

Combined single limit coverage of \$1,000,000.

**CONSIDERATION:**

The public use and benefit; with the State reserving the  
right at any time to set a monetary rental if the Commission  
finds such action to be in the State's best interest.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003.

**APPLICANT STATUS:**

Applicant is owner of upland.

CALENDAR ITEM NO. C 15 (CONT'D)

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing costs have been received.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

03/16/92

**OTHER PERTINENT INFORMATION:**

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
2. A Coastal Commission permit, No. 6-91-127, was adopted by the Coastal Commission on July 16, 1991.
3. The environmental analysis was prepared and adopted for this project by the Coastal Commission under its certified program (14 Cal. Code Regs. 15251(c)).
4. Staff has reviewed the document and determined that the conditions, as specified in 14 Cal. Code Regs. 15253(b), have been met for the Commission to use the environmental analysis document certified by the Coastal Commission as an EIR substitute in order to comply with the requirements of CEQA.
5. Staff has reviewed the findings made by the Coastal Commission in its permit no. 6-91-127, pages 4-10, and finds that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect as identified.
6. A mitigation monitoring and reporting program has been prepared and adopted by the City of Del Mar.
7. Del Mar has historically been subject to beach encroachments. Over the years, a series of private seawalls, riprap, patios, fences, landscaping and

CALENDAR ITEM NO. C 15 (CONT'D)

private stairs have been constructed by property owners to protect structures and to provide usable patio and walkway areas. Much of this development encroaches onto public land and was done with and without the necessary permits. The added rip-rap and other encroachments have diminished public access to the beach.

In April 1988, the City of Del Mar adopted ordinances, by voter initiative (the Beach Preservation Initiative-BPI) which includes policies establishing designs and alignments of new shoreline protective works and provided for the removal of existing encroachments within the beach area delineated in the initiative as the Shoreline Protection Area (SPA). The SPA and the line which identifies its boundaries establish the area where development would be allowed for only public recreational projects and, in certain instances with minimal encroachment, for shoreline protective devices to protect existing development.

In August 1990, the State Lands Commission authorized the settlement of the pending litigation at the City of Del Mar. The authorization provides for staff's cooperation in implementing the City's plan for removal of the encroachments and for construction of a protective seawall structure. The City of Del Mar has negotiated with the Applicants for the removal of the private encroachments located waterward of the SPA line. Therefore, although the staff of the Commission has not made a determination as to the extent of the State's interest at this location, staff recommends the issuance of a non-prejudicial permit for the removal of the encroachments and the construction of the seawall. The public benefit derived from this project is the increased beach area made available for public use.

**APPROVALS OBTAINED:**

Coastal Commission and City of Del Mar.

**EXHIBITS:**

- A. Land Description
- B. Location Map
- C. Coastal Commission permit no. 6-91-127
- D. City of Del Mar Resolution No. 91-41
- E. List of Homeowners

CALENDAR ITEM NO. C 1 5 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. FIND THAT AN ENVIRONMENTAL ANALYSIS DOCUMENT (COASTAL COMMISSION PERMIT NO. 6-91-127 ATTACHED AS EXHIBIT "C") WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CALIFORNIA COASTAL COMMISSION UNDER ITS CERTIFIED PROGRAM (14 CAL. CODE OF REGULATIONS 15251(c), THAT THE STATE LANDS COMMISSION HAS REVIEWED SUCH DOCUMENT AND THAT THE CONDITIONS AS SPECIFIED IN 14 CAL. CODE OF REGS. 15253(h) HAVE BEEN MET.
3. ADOPT THE FINDINGS OF THE CALIFORNIA COASTAL COMMISSION AND DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT THE CITY OF DEL MAR HAS ADOPTED, AND WILL IMPLEMENT, A MITIGATION MONITORING PLAN FOR THIS PROJECT AS INCORPORATED IN RESOLUTION NO. 91-41 AND ATTACHED HERETO AS EXHIBIT "D".
5. AUTHORIZE ISSUANCE TO EARLE FREY JR., ET AL, AKA DEL MAR BEACHFRONT HOMEOWNERS, AS LISTED ON THE ATTACHED EXHIBIT "E", OF FIFTEEN INDIVIDUAL TEN-YEAR GENERAL PERMITS - PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 23, 1991; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR REMOVAL OF EXISTING RIPRAP AND PORTIONS OF EXISTING PATIOS, DECKS, OVERHANGS, SUNROOMS, WALLS AND FENCES, AND CONSTRUCTION OF AN APPROXIMATELY 727-FOOT-LONG VERTICAL SEAWALL AND PROTECTIVE SCREEN WALL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**

W 24755

**LAND DESCRIPTION**

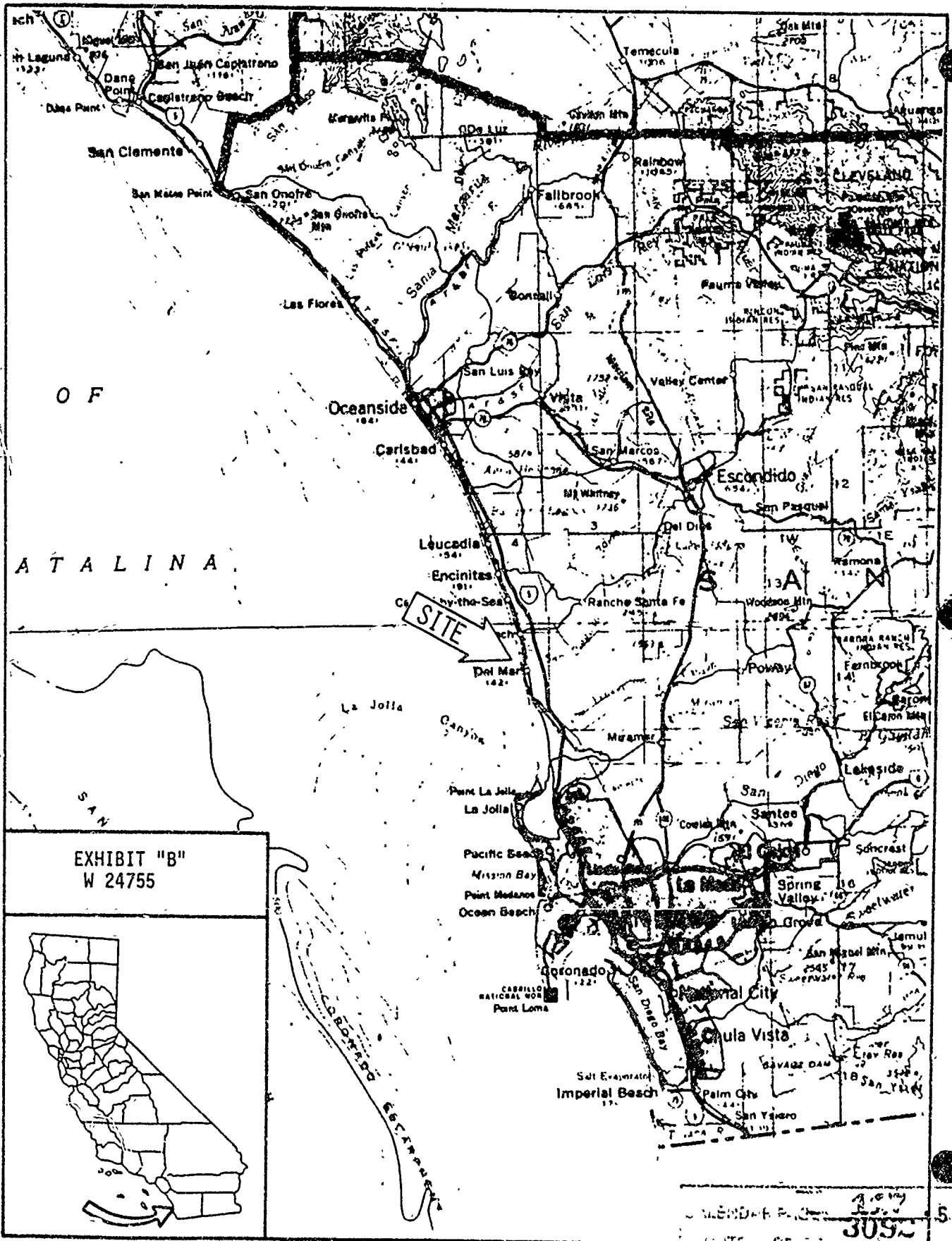
That strip of tideland in the City of Del Mar, San Diego County, California, more particularly described as follows:

1. Bounded on the west by the mean low tide line of the Pacific Ocean.
2. Bounded on the north by the westerly prolongation of the north line of Lot 13, Block 124, Del Mar Subdivision No. 3, Map 1450.
3. Bounded on the east by the mean high tide line of the Pacific Ocean.
4. Bounded on the south by the westerly prolongation of the south line of Lot 15, Block 114, Del Mar Subdivision No. 2, Map 1277.

**END OF DESCRIPTION**

PREPARED SEPTEMBER, 1991 BY LLB

LEGEND - P. M. 4  
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A T A L I N A

EXHIBIT "B"  
W 24755



RENDERED BY  
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## CALIFORNIA COASTAL COMMISSION



SAN DIEGO COAST AREA  
 1 CAMINO DEL RIO NORTH, SUITE 200  
 SAN DIEGO, CA 92108-1725  
 (619) 521-8036

Filed: June 3, 1991  
 49th Day: July 22, 1991  
 180th Day: November 30, 1991  
 Staff: EL-SD  
 Staff Report: July 1, 1991  
 Hearing Date: July 16-19, 1991

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-91-127

Applicant: Earle Frey Jr., et al      Agent: Group Delta Consultants, Inc.  
           aka Del Mar Beachfront      Walter F. Crampton  
           Homeowners

Description: Removal of existing riprap and portions of existing patios, decks, overhangs, sunrooms, walls and fences, and construction of an approximately 727-foot-long, vertical seawall, with concrete cap and protective screen wall element, to protect sixteen existing single-family residences and two public street ends, to be located between 2.5 and 5 feet westward of the Shoreline Protection Line, on sandy beach.

Zoning	Public Parkland/R1-5B
Plan Designation	Beaches/Bluffs
Ht abv mean sea level	16.33 feet

Site: 1924 through 2102 Ocean Front, Del Mar, San Diego County.  
 APNs 299-096-01; 299-136-1 through 11; 299-137-12;  
 299-146-1 through 5, 10

Substantive File Documents: City of Del Mar draft LCP Land Use Plan  
 City of Del Mar Resolution #91-41  
 Shoreline Protection Permit #SPP-90-03  
 Geotechnical Report #1254-EC01 (10/22/90 -  
 Group Delta Consultants, Inc.  
 CCC Files #6-88-542; #6-90-312; #6-91-97

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the seawall project, with special conditions addressing future need for toestone, establishment of an appropriate user fee, seawall design and materials, future maintenance, construction and staging concerns, the applicants' assumption of risk, State Lands Commission review and an assertion of public rights.

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Future Toestone. The protective toestone required for installation when the sand level reaches 0.0 NGVD, through the City of Del Mar project approval, is not herein approved. If and when the sand level approaches 0.0 NGVD, the applicants, or the City of Del Mar, may submit an application for the toestone as an amendment to this permit or as a separate coastal development permit application. Said proposal shall be for the minimal amount and size of toestone necessary, and shall be supported by a new, detailed geotechnical report documenting the need for and design of said toestone, based on future shoreline conditions.

2. Encroachment/User Fee. Prior to the issuance of the coastal development permit, the applicants shall execute a recorded agreement wherein the applicants agree to participate in the user fee program to be established by the City of Del Mar under the Beach Preservation Initiative and its implementing guidelines, subject to approval of the Coastal Commission through the Local Coastal Program certification process, to compensate for private use of those portions of sandy beach lying west of the west property line upon which the project authorized by this permit encroaches. The agreement shall include a provision making the imposition of the user fees retroactive to the date of completion of construction of the seawall. The applicants, the Coastal Commission and the City of Del Mar shall be the parties to said agreement.

3. Construction Access and Staging Areas/Project Timing. Prior to the issuance of the coastal development permit, the applicants shall submit to the Executive Director for review and written approval, a construction schedule and construction access and staging plans. The Executive Director shall review the submitted documents to insure: a) that construction activities

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which would adversely affect public access to and enjoyment of the beach are avoided between Memorial Day and Labor Day of any year; b) that the duration of project construction is minimized to the greatest extent practicable; and, c) that public safety measures are provided.

4. Storm Design. Prior to the issuance of the coastal development permit, the applicants shall submit certification by a registered civil engineer, acceptable to the Executive Director, that the approved shoreline protective device is designed to withstand storms comparable to the winter storms of 1982-83. Said certification shall be subject to the review and written approval of the Executive Director.

Within 60 days following the completion of the project the applicants shall submit certification by a registered civil engineer, acceptable to the Executive Director, verifying that the seawall and rip rap elements of the project have been constructed in conformance with the final approved plans for the project.

5. Construction Materials. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand or cobbles shall not be used for backfill or construction material.

6. Maintenance Activities/Future Alterations. The property owners shall be responsible for the maintenance of the permitted protective device. Any change in the design of the project or future additions/reinforcement of the seawall will require a coastal development permit. If after inspection, it is apparent that repair or maintenance is necessary, the applicant(s) shall contact the Commission office to determine whether permits are necessary. The applicants shall also be responsible for the removal of debris that is deposited on the beach or in the water during or after construction of the shoreline protective device or as a result of the failure of the shoreline protective device.

7. Assumption(s) of Risk: Prior to the issuance of the coastal development permit, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicants understand that the site(s) may be subject to extraordinary hazard from waves from storms, flooding and erosion and (b) that the applicants hereby waive any future claims of liability against the Commission or its successors in interest for damage from such hazards. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

8. Public Rights. By acceptance of this permit, the applicants acknowledge, on behalf of themselves and their successors in interest, that issuance of the permit shall not prejudice any subsequent assertion of, or constitute a waiver of, public rights, e.g., prescriptive rights, public trust etc. which may exist on or in front of the property. The applicants shall also acknowledge that issuance of the permit and construction of the permitted

development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on or in front of the property.

9. State Lands Commission Review. Prior to the issuance of the coastal development permit, the applicants shall obtain a written determination from the State Lands Commission that:

- a. No State lands are involved in the development; or,
- b. State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or,
- c. State lands may be involved in the development, but pending a final determination, an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Background History. The project is a proposal by the owners of seventeen contiguous oceanfront homes in Del Mar to demolish/remove existing riprap seawalls with associated patio, deck and yard improvements and replace it with the construction of a new, approximately 727 foot-long, vertical steel sheetpile seawall with removable windscreen elements. As proposed, the vertical wall would be located a minimum of two and one-half feet and a maximum of five feet to the west of the western property lines of the applicant's homes, landward of the existing encroachments, but over a public area formerly comprised of sandy beach. The project site is located in Del Mar between 19th and 22nd Streets, actually beginning at the fifth residence north of 19th Street and ending with the first residence north of 21st Street. The area is characterized by a low-lying beach developed primarily with single family homes.

Although the Coastal Commission has had no previous involvement with these sites, other than approvals many years ago for some of the homes and additions to others, the City of Del Mar has been involved in lengthy legal actions for some time. The current application is in response to a settlement agreement between the property owners and the City to resolve the issue of private versus public lands, beach encroachments and appropriate protection for existing residential development. Through the settlement agreement, one property owner is relocating his residence (Coastal Development Permit Application #6-91-97, heard previously on this same agenda) further landward, since it is actually sited seaward of the western property line. Nearly all of the other properties have existing encroachments seaward of the western property lines (which coincide with the City of Del Mar's Shoreline Protection Area [SPA] line), consisting of riprap seawalls, concrete patios, walls, fences, stairways, etc.

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All these encroachments will be removed under the subject application, and a single vertical concrete seawall will be constructed to protect all the properties. The seawall will be located two and one-half feet seaward of the SPA line, with the landward face of the wall on the line itself. In two locations, the wall will extend out to a maximum of five feet west of the SPA line, where existing principal structures are sited within five feet of the western property lines. At that close proximity, construction impacts of installing the seawall would seriously damage or potentially even destroy portions of the existing homes. At one location, a single property is involved; at the other, three properties are affected. There, the two outside homes are within five feet of the western property line; although the central home is not that close, it is preferred to minimize the number of seawall offsets, since these offsets can exacerbate erosion in front of the seawall.

The proposed seawall will extend approximately sixteen feet above mean sea level along its entire alignment, but, based on average beach profiles, only the top five or six feet of the wall will be visible most of the year. At the two street ends, provision for public pedestrian access are built into the design, with a discontinuity of the wall and concrete steps from street to sand level. There is an existing lifeguard tower at the 20th Street beach access, which will be afforded protection by the seawall improvements. Altogether, the applicants will be funding approximately \$200,000 in public improvements, within the approximately \$1,000,000 price tag for the entire development.

Over the past several years, the City of Del Mar has been developing a means to address shoreline development issues in a consistent manner. Foremost was the drafting of a Beach Overlay Zone Ordinance (BOZO) by the City of Del Mar, and subsequent adoption, by way of voter approval, of a similar ordinance, the Del Mar Beach Preservation Initiative (BPI). The intent of both the draft BOZO and the voter approved initiative was to regulate shoreline development and associated shoreline protective works. More recently, the City has prepared an LCP Land Use Plan (LUP), which incorporates the language of the BPI verbatim, and which is scheduled for Commission action on this same agenda. The language in those documents established the Shoreline Protection Area line (SPA line) which generally follows the western property boundaries of beachfront parcels. The ordinance(s) and LUP are discussed in more detail in subsequent pages of these findings.

2. Shoreline Protection Devices/Public Access Impacts. Coastal Act Section 30253 states, in part:

New development shall:

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

(2) 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

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landforms along bluffs and cliffs....

The project site is located on the beachfront in an area that has been subject to storm waves. Shoreline protection for most of the homes does exist in the form of riprap placed over sandy beach area to the west of the homes. The project application involves the demolition and removal of the existing shoreline protective devices and associated patio improvements and the construction of a new vertical seawall.

Section 30235 cited above allows for shoreline protective devices only when required to protect existing structures in danger from erosion and when designed to mitigate impacts on shoreline sand supply. The primary issue which has been identified and addressed in the review of proposals for shoreline protective works in this area of Del Mar has been their location and alignment more than the question of their necessity. It has been recognized for some time that all of the low-lying lots between Seagrove Park and the mouth of the San Dieguito River are and most likely will continue to be subject to impacts from storm waves. The vast majority of the residences in the area are protected by some form of device and with very few vacant lots in the vicinity, new seawalls represent infill development. Thus, if properly designed they can be found consistent with Section 30235 of the Act. Again, the critical issue has been the alignment of such shoreline protective devices so as to minimize their impacts on the shoreline processes and public access opportunities, while at the same time recognizing a need to assure stability of any new development pursuant to Section 30253 of the Act.

It has long been understood that all designs of shoreline protection, when placed in an intertidal area, do affect the configuration of the shoreline and the beach profile and do have an adverse impact on the shoreline. The precise measure of the impacts of shoreline structures on the beach is a persistent subject of controversy within the discipline of coastal engineering, and particularly between coastal engineers and marine geologists. Much of the debate focuses on whether seawalls or other factors (such as the rise in sea level) are the primary cause of shoreline retreat. This debate tends to obscure the distinction between the long-term trends of the shoreline, and the effects of seawalls on those long-term trends, and the shorter term effects that might not be permanent but may significantly alter the width and utility of a beach over the course of a year. The long-term and short-term effects of seawalls in general are discussed at length in Exhibit A, attached. The site-specific impacts of the proposed seawall will be addressed in the following paragraphs.

The Commission has recognized the need for a long-term, comprehensive solution in the Del Mar area which addresses the rights of property owners to protect their property and the Commission's mandate to minimize potential hazards and ensure maximum opportunities for public access to and along the shoreline. For years, the City has been working to establish a comprehensive solution to shoreline protective works in the area. An earlier result was the drafting of a Beach Overlay Zone Ordinance (BOZO). The drafting of BOZO covered a number of years and was never formally adopted in any form by the City. In April of 1988, a similar set of ordinances as those contained in the draft BOZO was

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adopted by way of a voter initiative (the Beach Preservation Initiative-BPI), which, in turn, has been included in the City's LCP Land Use Plan (LUP), currently before the Coastal Commission.

As mentioned, the BOZO, in its earlier draft form, the ordinances adopted via initiative, and the new LUP include policies which establish designs and alignments of new shoreline protective works and provide for the removal of existing encroachments within the beach area known in the initiative as the Shoreline Protection Area (SPA). The BOZO, BPI and LUP also established setbacks for new development and redevelopment projects to establish a new stringline of development which would accommodate necessary shoreline protection while minimizing private encroachment onto sandy beach area.

Again, a key element of the City's actions to date is the establishment of what is known as a Shoreline Protection Area. The SP area and the line which identifies its boundaries establish the area where development would be allowed for only public recreational projects and, in certain instances with minimal encroachment, for shoreline protective devices to protect existing development. The intent of these policies is to both protect shoreline processes and maximize public access opportunities. The Shoreline Protection Area (SPA) line established for the properties in question corresponds to the western property lines of the parcels.

The policies of the BPI and LUP identify the allowable uses within the SP area and the limitations as to when such encroachments are allowed. Some of the language was modelled after previous Commission actions on projects fronting the Del Mar beachfront. However, it should be noted that the previous draft BOZO and subsequent voter approved BPI contain ordinances which present the potential for inconsistency with Coastal Act policies regarding, among other issues, the minimization of hazards and the maximization of public access opportunities. These concerns have been addressed through suggested modifications to the LUP, currently scheduled for Commission action.

In the subject case, a 727-foot-long, vertical seawall is proposed in an alignment parallel to the shoreline, from two and one half to five feet to the west of the western property lines of sixteen existing homes on seventeen legal lots. Its eastern face will be on the SPA line for most of the alignment, and the width of the wall will extend two and one-half feet beyond the SPA line. In front of four properties, it will extend further westward, to the full five feet allowed in the BPI and LUP for vertical wall elements. On three of these properties, the principal structure is at or less than five feet from the western property boundary. The fourth property is sited between two of these, but it is considered prudent to minimize offsets in a seawall, to limit the amount of sand scour which increases wherever offsets exist. This alignment has been found consistent with Coastal Act mandates to minimize impacts to public beach access, as it is the least encroachment possible based on the constraints of existing development on these individual parcels.

The vertical wall will be composed of steel sheetpiles extending from an elevation of roughly +16 feet down into sand some 44 feet to an elevation of -28 feet. No toestone element is currently proposed, but the City's approvals

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require the applicants to form an assessment district to fund the project, including funding for future toestone support. This is to be installed only if and when the beach sand west of the seawall is depleted to the elevation of 0.0 NGVD. Since this is not within the scope of review at this time, and may or may not prove necessary in the future, Special Condition #1 provides that any toestone must be reviewed by the Commission separately, either as an amendment to this permit or as a new coastal development permit application. Since the toestone would actually be situated on publically-owned land, either the current applicants or the City could submit such a proposal. An up-to-date, site-specific geotechnical report, documenting the need for toestone, must be part of any such future application.

Even while recognizing the beneficial aspects of this development, based on the removal of existing beach encroachments, the Commission still must find that the proposed project may result in adverse impacts to public access opportunities and shoreline processes in general, since the new development will still occupy public land. The Commission finds that with the historic erosion of beach profiles in the area, and the background discussion on the effects of vertical seawall elements in Exhibit A, there is no assurance that the proposed seawall will not contribute to increased erosion in the future. Thus, the seawall holds the potential to usurp public beach area and impede access opportunities.

Special Condition #2 requires the applicant to pay a user fee for that area of public beach upon which the approved project would encroach. The concept of the user fee or rental payment is also consistent with the Commission's earlier action and with the City's draft BOZO, BPI, and LUP although the specific mechanism for the program has not yet been established. The condition requires the applicant to record an agreement to participate in the user fee program to be established by the City of Del Mar under the Beach Preservation Initiative, subject to approval by the Commission through review of the City's Local Coastal Program. The imposition of the user fee will be retroactive to the date of completion of construction of the seawall.

Special Condition #4 requires the applicant to submit certification by a registered civil engineer that the approved shoreline protective device has been constructed in accordance with the approved plans and is designed to withstand storms comparable to the winter storms of 1982-83. The condition requires such certification for the structural integrity of the wall itself, rather than for the homes it will serve to protect.

Special Condition #5 is an advisory condition. The conditions require that during construction, disturbance to sand and intertidal areas be minimized and that any beach sand excavated be redeposited on the beach. The condition also specifies that local sand or cobbles may not be used as backfill or construction material for the project. Special Condition #6 is attached to assure that the seawall and revetment will be properly maintained and the public beach kept free of materials both during and after project completion. The condition also advises the applicant of the need to secure a coastal development permit prior to future additions or modifications of the seawall. It should be noted that, with the alignment of the protective device approved

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herein, any future seaward expansion would involve encroachment into public beach area.

There remains an inherent risk to construction of any structure along the shoreline. Special Condition #7 requires the applicant to record a deed restriction recognizing this risk and waiving any liability on the Commission's part for allowing this development. Pursuant to Section 13166(a)(1) of the Commission's Administrative Regulations, an application may be filed to remove Special Condition #7 from this permit if the applicants present newly discovered material information regarding the existence of any hazardous condition which was the basis for the condition, if they could not with reasonable diligence have discovered and produced such information before the permit was granted.

In summary, in review of shoreline protective devices, the Commission seeks to maximize the amount of beach area available to the public and minimize the adverse effects on shoreline sand supply. The City's Beach Preservation Initiative, much of which is incorporated into the LCP Land Use Plan, is designed to achieve the same goals for the City's oceanfront. The information previously presented demonstrates that the further seaward a shoreline protective device is placed, the greater the adverse effects on beach profiles. Additionally, the walls which encroach beyond the western property lines usurp sandy beach area which would be otherwise available for public use. The Commission also finds that the location of homes along the shorefront with a history of storm wave action warrants some expectation of the need for periodic protective maintenance activities (sandbagging, window boarding, etc.) and even some measure of minor damage.

Therefore, as in the coastal development permit process, the City's BPI and LUP are set up to allow for individual review of shoreline development on a property by property basis to determine the specific conditions which apply to the site. Through such individual review, the Commission and City can balance the private property owners need to protect their property and preserve views against the measure of risk and the need to protect beach area for public use. Therefore, the approved alignment in this particular case, should not be considered a precedent for a five foot encroachment by right for shoreline protective devices in front of all properties along the City's beachfront. With the conditions attached, the Commission finds the project consistent with Section 30235 and 30253 of the Coastal Act.

3. Coastal Access. Section 30604(c) of the Coastal Act requires that a specific access finding be provided for every project located between the first coastal road and the sea. Much of the discussion contained on the previous pages of this report included an assessment of the project's impacts on public access when balanced against the need to protect existing principal residential structures. Sections 30210 and 30212 of the Act further call for the maximization of public access opportunities and require that access be provided in conjunction with developments located between the first coastal road and the sea unless, among other things, adequate access exists nearby.

The project site is located on the beachfront in Del Mar. The relative

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popularity of this area of beach has already been discussed in earlier sections of this report. Vertical access is currently provided at the termini of 20th and 21st Streets respectively. These road ends are unpaved, sandy easements which have been utilized for vertical public access. The area in front of the structures is a public sandy beach with unlimited access. It has historically been used by the public for sunbathing, fishing, and other beach-related activities. The street ends in question have historically been used as vertical accessways to the sandy beach area, and there is also a lifeguard tower within the 20th Street right-of-way. The current proposal for a seawall includes vertical access structures to provide access from the street ends through the proposed shoreline protective device to the sandy beach to the west at both street ends. These elements include a discontinuous seawall and stairs from the street level to the sand.

Special Condition #3 requires the submittal of a plan for the construction phase of the project addressing storage locations for material and equipment and timing for project implementation. The plan shall be designed so that construction activities which would adversely affect public access to and enjoyment of the beach are avoided between Memorial Day and Labor Day. Also, the duration of project construction shall be minimized to the greatest extent possible with public safety measures provided.

Special Condition #8 serves to recognize that the public and/or the applicant may have certain rights to the area west of the parcel lines, none of which are affected by the granting of this permit. Special Condition #9 requires the submittal of documentation from the State Lands Commission that either no state lands are involved with the project or that the development on the state lands that are involved has either been authorized or may proceed without prejudice to a final agreement to use such lands. As conditioned, the project is consistent with Sections 30210, 30212 and all other Chapter 3 policies of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) 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 Del Mar has just recently prepared an LCP Land Use Plan (LUP), which is scheduled for public hearing and Commission action at this time. Furthermore, the Del Mar Community Plan and existing zoning, including the BPI policies guide development within the coastal zone. The City has incorporated the provisions of the BPI into the LCP Land Use Plan for the Commission's review. The project, as specifically conditioned to minimize beach encroachment is consistent with the Commission staff's earlier comments on the draft BOZO and BPI and with many Commission permit decisions for the surrounding area. It is also consistent with the modifications suggested in review of the Land Use Plan. As conditioned, the project should not prejudice the ability of the City of Del Mar to prepare and implement a fully certifiable Local Coastal Program.

LONG BEACH 487 .15  
MINUTE PAGE 3102



STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

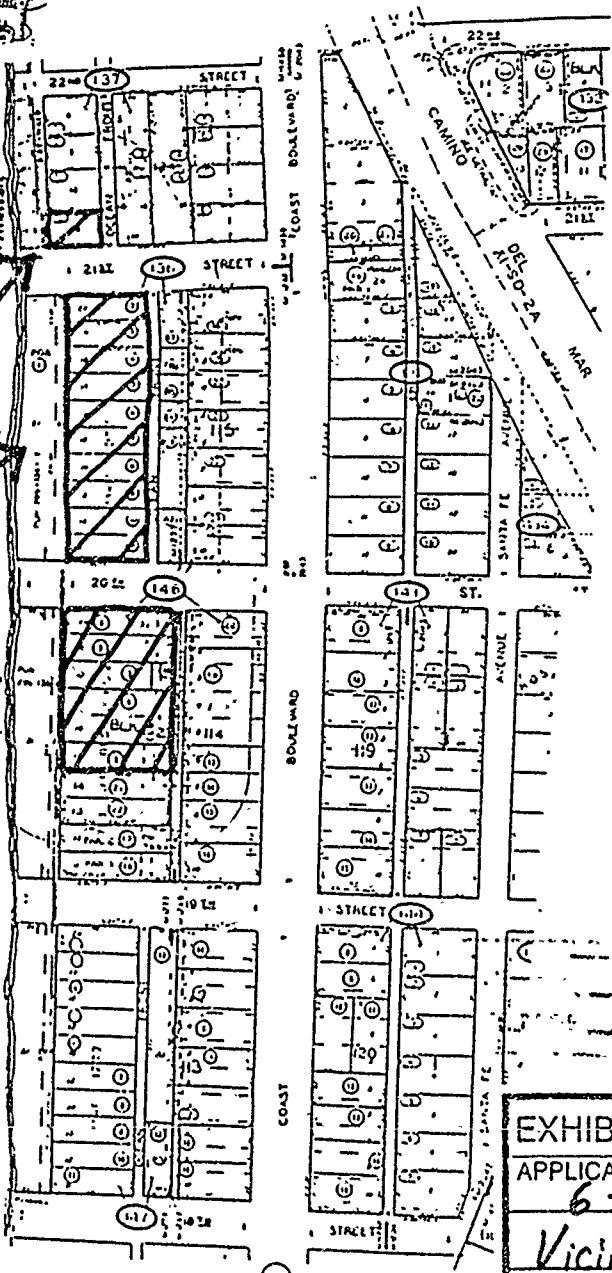
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Site

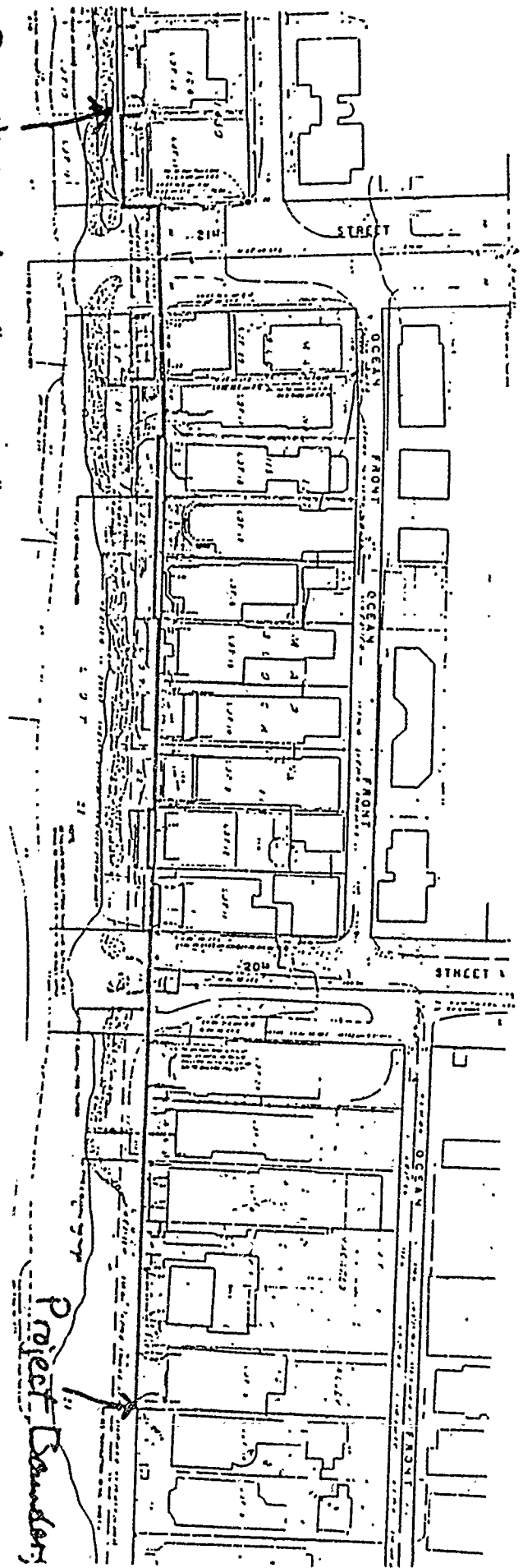


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EXHIBIT NO. 1  
APPLICATION NO. 6-91-127  
Vicinity Maps

6-21-127

Project Boundary



Project Boundary

PLANS 207 18  
 DATE 3105

EXHIBIT NO. 2
APPLICATION NO. 6-91-127
Site Plan

BACKGROUND FINDING:

Shoreline Protection Devices and Their Impacts on Coastal Access

The Coastal Act policies related to construction of shoreline protective devices are as follows:

Section 30235.

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 erosions 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.

New development shall:

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

(2) 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.

Refer to previous project description and specific findings on wave Hazards, and Shoreline protective devices.

A. There is an ongoing debate over the effects of seawalls on shoreline stability. The proposed project involves a shoreline structure which will affect the configuration of the shoreline and the beach profile and have an adverse impact on the shoreline. The precise impact of shoreline structures on the beach is a persistent subject of controversy within the discipline of coastal engineering, and particularly between coastal engineers and marine geologists. Much of the debate focuses on whether seawalls or other factors (such as the rise of sea level) are the primary cause of shoreline retreat. This debate tends to obscure the distinction between the long term trends of the shoreline, and the effects of seawalls on those long-term trends, and the shorter term effects that might not be permanent but may significantly alter the width and utility of a beach over the course of a year. The long term and short term effects of seawalls will be discussed separately below

EXHIBIT NO. A
APPLICATION NO. 6-91-12
Background Seawall Findings

The Coastal Act recognizes that protective devices may be needed to protect existing structures, that such structures may alter shoreline processes, and that those alterations should be minimized and mitigated. The ongoing debate in the literature does acknowledge that seawalls have some effect, at least on the supply of sand. A succinct statement of the adverse effects of seawalls, and the viewpoint of coastal geologists that view beach processes from the perspective of geologic time, is contained in Saving the American Beach: A Position Paper by Concerned Coastal Geologists (March 1981, Skidaway Institute of Oceanography) which was signed by 94 experts in the field of coastal geology (page 4):

These structures are fixed in space and represent considerable effort and expense to construct and maintain. They are designed for as long a life as possible and hence are not easily moved or replaced. They become permanent fixtures in our coastal scenery but their performance is poor in protecting community and municipalities from beach retreat and destruction. Even more damaging is the fact that these shoreline defense structures frequently enhance erosion by reducing beach width, steepening offshore gradients, and increasing wave heights. As a result, they seriously degrade the environment and eventually help to destroy the areas they were designed to protect.

It is widely recognized that large structures such as groins and breakwaters will have significant and obvious impacts on sand supply and beach profiles, but even a relatively small structure such as the one proposed can have an impact on the site and the adjoining area. As stated in a publication by the State Department of Boating and Waterways (formerly called Navigation and Ocean Development), Shore Protection in California (1976) (page 30):

While seawalls may protect the upland, they do not hold or protect the beach which is the greatest asset of shorefront property. In some cases, the seawall may be detrimental to the beach in that the downward forces of water, created by the waves striking the wall rapidly remove sand from the beach.

This impact is reiterated in the paper, "Economic Profiling of Beach Fills" by Herman Christiansen which is contained in the proceedings of Coastal Sediments '77 (November 1977). It states (page 1047):

Observations at some of the investigated beaches have shown that an optimal profile becomes unstable, if structures, such as rocks, groins, revetments, piles, stairs etc., are placed within the wave action zone of a beach. Steady erosions, caused by complex high turbulent surf currents, lead to heavy sand losses.

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In contrast to the perspective of coastal geologists, a number of coastal engineers argue that seawalls are symptoms of coastal erosion rather than causes. At least in part, the perspective of coastal engineers reflects their perspective of a time scale that involves the life of a structure. This viewpoint is perhaps best expressed by the renowned expert in beach processes R. G. Dean, who attributes changes in beach profiles to erosion rather than structures, in this discussion from "Coastal Sediment Processes: Toward Engineering Solutions" in Coastal Sediments '87 (page 22):

Placed along a shoreline with an erosional trend, armoring can perform the intended function of upland stabilization while the adjacent shoreline segments continue to erode. The resulting offset between stabilized and unstabilized segments may be interpreted incorrectly that the armoring has caused the adjacent erosion.

Dean's article goes on to acknowledge potential adverse effects and the responsibility for mitigation of those effects (page 23):

...Armoring can cause localized additional storm scour, both in front of and at the ends of the armoring...Under normal wave and tide conditions, armoring can contribute to the downdrift deficit of sediment through decreasing the supply on an eroding coast and interruption of supply if the armoring projects into the active littoral zone.

If armoring is deemed warranted to protect a threatened structure and if rational assessment concludes that installation of the armoring would adversely affect the shoreline, mitigation in the form of periodic additions of beach quality sediment should be considered.

Research on the effects of seawalls continues, and many of the results are not yet available. Much of the research is anecdotal, with diminished beach width evident, but the major causes not clearly identified. The potential role of seawalls remains disturbing, as noted in the conclusion to "Coastal Erosion on the Barrier Islands of Pinellas County, West-central Florida", by William O. Sayre, also in Coastal Sediments '87 (page 1049):

In two years of surveying, beach erosion and recovery on the barrier islands of Pinellas County has been measured. An undeveloped island's beach recovered quickly after winter-time and hurricane-caused erosion. A highly developed beach without a seawall and near a jetty fared almost as well, recovering more slowly, but showing no net erosion over the two year period. The two other sites, on highly developed barriers and backed by seawalls, have suffered greatly. One narrow beach was completely destroyed by a hurricane and only partially recovered. The other was reduced by at least a quarter and was artificially nourished

The Commission notes the continuing debate over the effects of seawalls, the lack of convergence in the literature, and the strong identification of viewpoints with the disciplines of coastal engineering and marine geology. The Commission does not believe that it is entirely accidental that this debate has arisen between disciplines with such fundamentally different perspectives on the time scale involved in analyzing physical processes. The Commission believes that more information can be shed on this subject through explicit consideration of long term and short term processes active on a beach.

B. The effects of a protective device on an eroding shoreline. The location of a proposed shoreline structure on the seasonal profiles of a beach (that is, the proximity of the structure to the waves), and the overall erosion pattern of a beach, are two key factors that determine the impact of seawalls. Although debate persists as to whether a shoreline structure is the cause or merely a symptom, it is generally agreed that where a beach is eroding, a seawall will come to define the boundary between the sea and the upland. H.V. McDonald and D.C. Patterson state, in "Beach Response to Coastal Works Gold Coast, Australia" in Coastal Engineering 1984 (page 1537):

On the persistently eroding beaches at North Kirra and Palm Beach, the receding beachline has effectively placed the seawall progressively further and further seaward on the beach profile until no beach exists at all in front of the wall. Clearly, the establishment of fixed seawall alignments on persistently eroding sections of beach will lead eventually to loss of the beach as a useful recreational amenity.

Whether or not the seawall or erosion leads to the loss of the beach continues to be debated in the literature, but the distinction does not alter the result: when the beach in front of the structure disappears over time the natural shoreward migration of the beach is blocked by the structure. The net effect is documented in a recent National Academy of Sciences Study "Responding to Changes in Sea Level, Engineering Implications" (1987), which provides (page 74):

A common result of sea wall and bulkhead placement along the open coastline is the loss of the beach fronting the structure. This phenomenon, however, is not well understood. It appears that during a storm the volume of sand eroded at the base of a sea wall is nearly equivalent to the volume of upland erosion prevented by the sea wall. Thus, the offshore profile has a certain "demand" for sand and this is "satisfied" by erosion of the upland on a natural beach or as close as possible to the natural area of erosion on an armored shoreline...

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While the experts continue to discuss the exact manner in which seawalls affect shoreline processes, the Commission must make decisions about specific projects. The Commission notes that the debate focuses on the cause of erosion rather than the loss of the beach, and begs the critical factual question of whether or not the beach disappears.

On an eroding shoreline fronted by a beach, a beach will be present as long as some sand is supplied to the shoreline. As erosion proceeds, from sea level rise or from other causes, the entire profile of the beach also retreats. However, this process stops when the retreating shoreline comes to a seawall. While the shoreline on either side of the seawall continues to retreat, shoreline retreat in front of the seawall stops. Eventually, the shoreline protected by the seawall protrudes into the water, with the winter MHT fixed at the base of the structure. The Commission is led inexorably to the conclusion that if the seawall works effectively on a retreating shoreline, it results in the loss of the beach, at least seasonally. If the shoreline continues to retreat, however slowly, the seawall will be where the beach was, and where the beach would be absent the presence of the seawall. This represents the loss of a beach as a direct result of the seawall. The Commission has observed this phenomena up and down California's coast, where a seawall has successfully halted the retreat of the shoreline, but only at the cost of usurping the beach. Although this may occur only slowly, the Commission concludes that it is the inevitable effect of constructing a seawall on an eroding shoreline. For such areas, even as erosion proceeds, beach would be present in the absence of a seawall.

The Commission's previous observations about the effects of seawalls on access have been upheld in previous decisions. In the case of Whalers' Village Club v. Cal. Coastal Commission (1985) 173 Cal.App.3d 240, 259-261 [220 CR 2], Cert. Denied 105 S.Ct. 1962 (1986), the Court of Appeal analyzed in the following terms the legal sufficiency of the adverse impacts discussed in these findings to justify a lateral access dedication:

Respondent challenges the nexus between the Commission's finding that the revetment imposes a burden on the public which justifies imposition of the access condition and the evidence in the record. [Citation omitted.] In point, respondent argues that the Commission found a public "burden" because seawalls in general tend to cause additional sand scour on any historically eroding beach but did not find that this particular revetment cause such damage. [Emphasis in original.]

There is substantial evidence in the administrative record to support the staff's conclusion that seawalls and revetments tend to cause sand loss from beach areas in front of and adjacent to them even if they protect immediate structures.

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Studies cited in staff reports...confirm the staff's finding that "by artificially building up the slope of the shore area, seawalls and revetments of this type tend to cause a landward retreat of the mean high tide line,...."

Staff reports...referred to surveys of the Army Corps of Engineers and other experts concerning shoreline erosion along the California coast and, in particular, beach erosion in Ventura County. The Commission [thus] had sufficient information before it to conclude that, due to construction of this revetment and others up and down the coast, the erosive nature of the beaches in Ventura County coupled with the tendency of seawalls and revetments to increase the sand loss on beaches with a tendency to recede constitutes a cumulative adverse impact and places a burden on public access to and along State tide and submerged lands for which corresponding compensation by means of public access is reasonable. [Emphasis in original; citations omitted.]

C. The effects of shoreline structures on an "equilibrium" shoreline. The term equilibrium cannot accurately be applied to a feature that varies as much as a shoreline. Almost all California beaches vary dramatically in profile between winter and summer; the variation in the width of beach that can accompany that seasonal change can be over 200 feet. The persistent analytical problem in dealing with shore processes in California is to try to discern long-term trends in shoreline change from the normal, seasonal variation. The term "dynamic equilibrium" has come into use and has been applied to beaches that vary seasonally in width, but are approximately the same when summer (or winter) profiles are compared over a number of years. Essentially, a beach in dynamic equilibrium is one where the supply and loss of sand are in approximate balance (See Griggs and Jones, 1984). This term must be used with some caution, as there will be some variation in width even seasonally, shown graphically by J. W. Johnson in "Seasonal Bottom Changes, Bolinas Bay, California", Proceedings of the Twelfth Coastal Engineering Conference, September 13-18, 1970. That variability can mask long term changes (either erosion or accretion) unless sufficient data is available to detect a clear direction. This discussion will be equally applicable to shorelines that are in truly in "dynamic equilibrium", that is, not eroding on the long term, and to shorelines that are eroding at a relatively slow rate so that seasonal changes are approximately the same when viewed in the time frame of a few years.

The question of the effects of seawalls on shorelines that are in 'dynamic equilibrium' is more complicated, and research on the effects is even more anecdotal. At the same time, because the short-term effects may be of great importance, much more rigorous data collection is required in order to establish any clear effects. The Corps of Engineers has begun funding

research efforts into the effects of seawalls through their Coastal Engineering Research Center (CERC). One of the research efforts funded by CERC is that of Professor Gary Griggs of UC Santa Cruz. Professor Griggs is monitoring the profiles of beaches in Monterey Bay over the course of several years, and comparing the profiles of beaches with seawalls to control beaches without seawalls. Professor Griggs has completed work during the relatively storm-free winter of 1985-86, and presented his results on October 30, 1987 before the 1987 Conference of the California Shore and Beach Preservation Association. Professor Griggs is the author of various popular and technical works on beach processes and recently chaired a technical discussion of the effects of seawalls on beaches at "Coastal Sediments '87", a specialty engineering conference in coastal sediment processes. Griggs' work appears to establish two distinct effects of seawalls. First, beach profiles in front of seawalls differ from profiles along the control beaches selected during the process of beach erosion. Although the beach profiles are similar at their most accreted (summer profile) stage and at their most eroded (winter profile) stage, the beaches monitored were narrower and steeper in front of seawalls during the period when the beach was eroding from the summer profile to the winter profile. This difference represents a temporal loss in beach width in the short term, even where the time series is of too short a duration to detect erosion patterns on the beach. Second, beach profiles at the end of a seawall are further landward than natural profiles. This effect appears to extend for a distance of about 6/10 the length of the seawall. This effect represents both a spacial and temporal loss of beach width directly attributable to seawall construction. Dr. Griggs' own conclusion about the effects of seawalls, in a manuscript submitted to the Journal of Coastal Restoration titled "The Impacts of Seawalls on Beaches" is:

Based on 12 months of surveying at 4 locations in northern Monterey Bay (including a winter of only mild or moderate wave conditions) where seawalls or revetments abut unprotected beaches, some consistent seasonal beach changes have been documented. These changes or differences in beach profiles are a result of greater wave reflection from the protective structures than from the adjacent control beaches. All of these changes observed in this study appear to be temporary or seasonal in nature and are best developed in the fall and winter months during the transition from summer swell to winter storm conditions.

The seasonal effects documented include:

- 1) Loss of the summer berm sooner in front of all seawalls relative to adjacent unprotected control beaches.
- 2) Erosion of the berm in front of a vertical impermeable seawall (due to greater wave reflection) before berm loss on an adjacent beach backed by a permeable sloping revetment.
- 3) A lack of significant difference in winter beach profiles seaward of seawalls or revetments and adjacent control beaches.

- 4) Loss of beach up to 150 m downcoast from seawalls due to reflection from end of structure.
- 5) Late spring/summer berm rebuilding takes place independently of any protective structure leaving a uniform alongshore berm crest.

The Commission concludes from this information that seawalls have serious adverse effects on the width of the beach, even when examined over a relatively short period on a beach that might not be eroding. Although the beach profile at its widest and narrowest may not differ significantly, the beach width and utility will differ markedly during the period when the beach is changing from summer to winter profile. These effects have been observed by the Commission's staff over the years, and can lead to a situation where there is a narrow but usable beach on an unprotected portion of the beach, while the adjacent, protected beach is not passable.

The 1981 statement signed by 94 respected coastal geologists indicates that important public interests in shoreline resources can be harmed through the introduction of shoreline defense structures. Thus, in evaluating an individual project, the Commission must assume that the principles reflected in that statement are applicable. To do otherwise would be inconsistent with the Commission's responsibilities under the Coastal Act to protect the public's interest in shoreline resources.

#### D. Mechanisms of Impact.

##### 1. Concerns involving specific seawall designs

###### a. vertical seawalls:

Concerns about adverse impacts on sand supply particularly apply to vertical seawalls such as the one proposed because they reflect most wave energy. This is a well-known impact of vertical seawalls. For example, the generally accepted "standard" for designing shoreline structures, the U.S. Army Corps of Engineers' Shore Protection Manual (1983) has several references to the proficiency of vertical seawalls to reflect wave energy and as a result scour the beach it fronts (see pages 1-16, 2-113, 5-4, 6-15). This impact can be lessened somewhat by the placement of rock (or rubble) at the base of the wall, but nevertheless, the wall will still cause scour and steepening of the beach profile.

###### b. rock revetments (rip-rap)

Although they do not have as great an impact as smooth, vertical seawalls, rock revetments, such as currently exists on the site, have impacts on the beach sand in front of and around the structure. A rock seawall operates on the principal that the wave's energy is dissipated within the voids of the wall, therefore producing less reflected wave energy. However, the rock seawall will still reflect enough energy to change the beach profile, steepen

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the beach, and cause accelerated erosion of the downcoast area. One mechanism that accounts for rock walls' impact on beaches is stated in "The Role of Wave Reflection in Coastal Processes" in Coastal Sediments '77 by Richard Silvester (page 653):

Rubble-mound structures can reflect long period wave components with little dissipation and hence short-crested phenomena [waves] in front of and downcoast from them should be considered in design and maintenance.

Moreover, the literature on coastal engineering repeatedly warns that unprotected properties adjacent to the seawall may experience increased erosion. A rock wall very often protrudes seaward from development and exacerbates this situation. Field observations have verified this concern, see for example the paper by Gerald G. Kuhn of the Scripps Institution of Oceanography entitled "Coastal Erosion along Oceanside Littoral Cell, San Diego County, California" (1981). In this paper, it is written and pictorially illustrated that erosion on properties adjacent to rock seawall is intensified when wave run-up is high. This subject is presently being researched by scientists at Oregon State University. The preliminary results of that work was reported in "Laboratory and Field Investigations of the Impact of Shoreline Stabilization Structures on Adjacent Properties" by W.G. McDougal, H.A. Sturtevant, and P.D. Komar in Coastal Sediments '87. These researchers are investigating the length of shoreline affected by heightened erosion adjacent to seawalls. Their conclusion is (page 972):

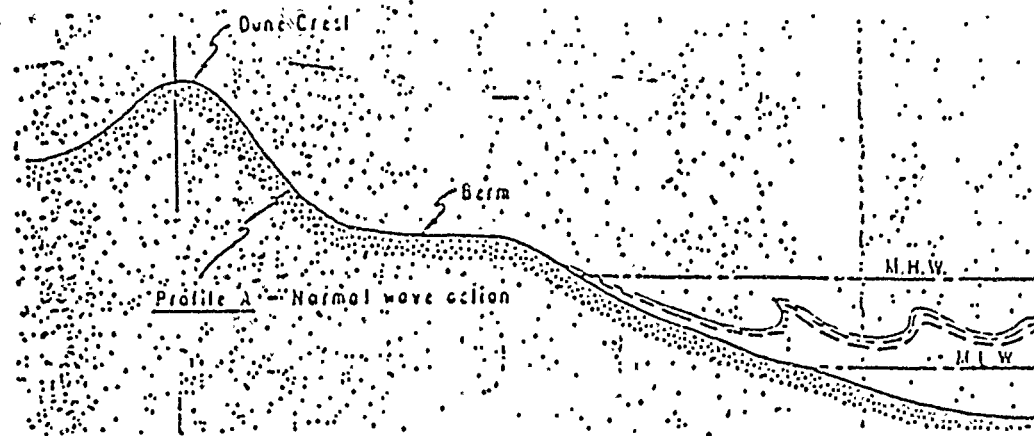
Results to date indicate that erosion at the ends of seawalls increases as the structure length increases. It was observed in both the experimental results and the field data of Walton and Sensabaugh (1978) that the depth of excess erosion is approximately 10% of the seawall length. The laboratory data also revealed that the along-coast length of excess erosion at each end of the structure is approximately 70% of the structure length.

## 2. Concerns involving both types of seawalls

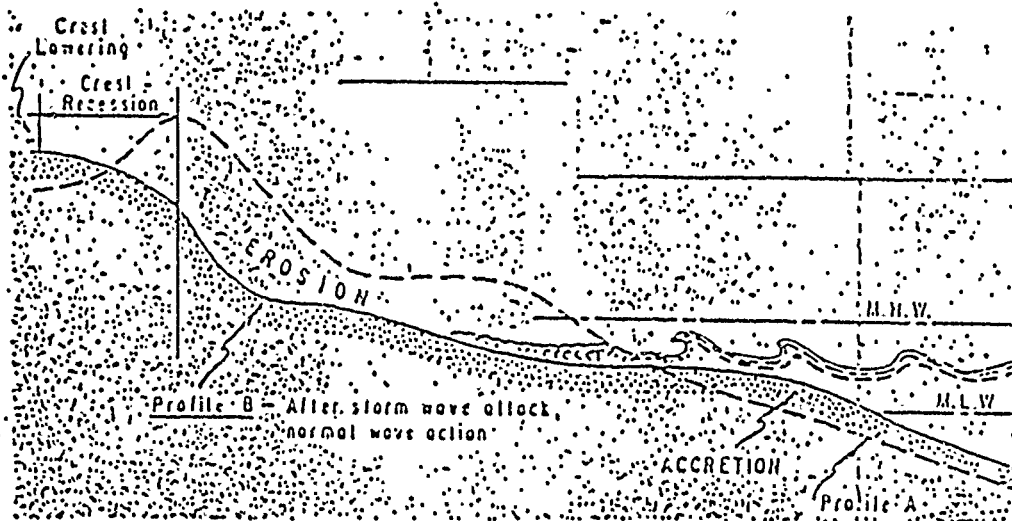
A discussion of the physical processes of wave run-up on a natural shore will help establish the effects of seawalls on shoreline processes. Sandy beaches are dynamic systems, the individual grains of sand adjust quickly to reflect both the overall supply of sediment and the ongoing forces of waves. A typical non-storm profile of the beach looks like this: (from "Shore Protection in California, DHD, 1976)

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At this profile, the shore has adjusted to a low-energy wave environment, reflecting the short period, low energy waves that strike the beach. The next diagram shows how a beach adjusts to longer period, higher energy waves:



This cross section illustrates several important things about the beaches' adjustment to the higher energy of striking waves. First, the wave energy has eroded material from the foreshore and deposited the material off-shore in a bar. Second, the shoreline profile flattens to absorb the greater amount of wave energy, even with waves breaking on the bar. These adjustments are fundamental to the shore's adjustment to high wave energy. The migration of the material to an off-shore bar causes waves to break in deeper water, and begins the process of energy dissipation far from the inland extent of the beach. The dynamic process of eroding material from the foreshore enables the shoreline to absorb wave energy. This process goes on continuously. If a given shore profile is not sufficient to absorb wave energy without further erosion, additional material is moved from the shore to the bar to increase the

beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the lines of mean low water and mean high water. This reduces the actual area in which the public can pass on property over which it has rights of access, and therefore adversely affects public access. The recent work by Cary Griggs demonstrates that a beach in front of a seawall is narrower than a beach not affected by a seawall along the same stretch of coastline. The effect of that narrowness is to reduce the area located seaward of the ordinary high water mark (or mean high water mark) that would otherwise be available for public use. This effect can occur even where the maximum summer width of the beach is essentially unchanged, and represents a temporal loss of access due to seawall construction. The second effect on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high-wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. The effects of this on the public are again a loss of useable tidelands area where the public has use rights. Third, seawalls cumulatively affect public access by causing greater erosion on adjacent public beaches. This effect may not become clear until seawalls are constructed individually along a shoreline until they reach a public beach. The recent work at Oregon State University demonstrates the magnitude of this impact, which is of greater concern as more of California is armored. Fourth, seawalls, by their occupation of beach area which may be seasonally either subject to wave action or actually below the most landward locations of the mean high tide line, interfere directly with areas of the beach in which the public has ownership interest or public trust related rights. Finally, materials attached to the seawall fall off and roll onto the sandy beach where they may also present physical hazards and obstacles to access. This is an inevitable result of flexible structures such as revetments under wave attack, and even with the most conscientious maintenance efforts, such material rolls down onto the public portions of the shore where it interferes at least temporarily with public access. Finally, the Commission finds that because it will formalize the public's right to use for recreational purposes an area of the beach where permission for use could otherwise be withdrawn, a dedication of an easement in favor of the people of the State of California over [the area as described in the conditions of approval involving recording of an offer to dedicate] will operate directly to compensate the public for, and thus alleviate, the burdens described above.

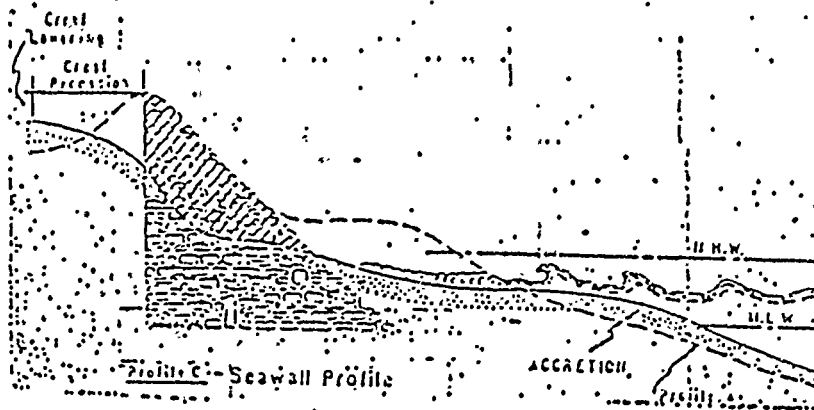
The Commission finds that the probable negative impacts of this seawall must be weighed against the property owner's need to protect the structure behind it. The Commission recognizes that the seawall will probably change the beach profile by steepening it and increasing beach erosion around it; this in turn will interfere with and decrease the amount of sandy beach available for public access. As stated elsewhere in these findings, Section 30235 allows for the use of such a device where it is required to protect an existing structure and where it has been designed to mitigate adverse impacts upon local shoreline sand supply. Although the seawall has been required to be located and designed to minimize encroachment onto the beach and impact on adjacent

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distance between the bar and the inland extent of the wave uprush. The value of the bar cannot be over-emphasized, it is on the bar that winter waves break, and the dynamic processes of the actual shoreline are affected by wave uprush, not actual breaking waves.

The next diagram was made by superimposing a revetment on the shoreline profiles that we saw in the last diagram:



This diagram illustrates dramatically the effect of a seawall on the shoreline. The material shown in cross-hatching is the material formerly available to nourish the bar. This material is now unavailable because it is either behind the seawall, or has been replaced by the seawall. As a result, the bar receives less nourishment. This makes the bar less effective in causing waves to break offshore, and results in greater wave energy reaching the shoreline. That energy is then dissipated by uprush and reflection against the face of the revetment. However, since more energy comes on-shore, more energy is reflected and sand is scoured from the base of the revetment. The Commission concludes from the opinion of experts and from an analysis of the process of shoreline dynamics that placement of a seawall within the areas of a shore affected by those processes adversely affects shoreline processes in front of the seawall, as well as property on either side of the seawall. Obviously the impact of a seawall is greater the more often it is exposed to wave attack, and seawalls located far up the beach have less impact than seawalls lower on the beach. For Site Specific Analysis refer to Specific Finding in attached staff report.

3. Public Access. Given the adverse effects of seawalls on shoreline processes, the Commission must now turn its attention to the overall impact that these changed shoreline processes will have on public access. As noted in the Commission's findings on the public trust, the public has ownership and use rights in the lands of the State seaward of the ordinary high-water mark. Seawalls affect the public's ownership and use rights by tending to eventually fix the line of mean high tide at or near the seawall. This interference with a dynamic system then has a number of effects on the public's ownership interests. First, changes in the shoreline profile, particularly changes in the slope of the profile, alter the useable area under public ownership. A

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properties, the Commission finds these measures insufficient to fully mitigate the effects of the seawall on shoreline sand supply. Thus, only as conditioned to require the dedication of a public access easement can the Commission find the project consistent with Sections 30235, 30210 and 30212 of the Coastal Act.

This finding only covers the shore processes for aspects of the impacts on public access. For analyses of any historic public use, refer to attached staff report's access findings.

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CALIFORNIA COASTAL COMMISSION  
SHORELINE PROTECTION APPLICATION  
INCLUDING COPIES OF APPLICATION AND  
MATERIALS SUBMITTED TO THE CITY OF DEL MAR  
FOR THE SHORELINE PROTECTION PERMIT AND  
THE CITY'S RESOLUTION APPROVING IT

DATE	1973
PAGE	319

Walter F. Crampton  
Barry R. Bevier  
Phillip C. Birkhahn  
Braven R. Smillie

GROUP DELTA CONSULTANTS, INC.

Engineers and Geologists  
4455 Murphy Canyon Road, Suite 100  
San Diego, CA 92123  
Tel (619) 573-1777 Fax (619) 573-0069

Project No. 1254-EC02  
May 22, 1991

Ms. Ellen Lirley  
CALIFORNIA COASTAL COMMISSION  
3111 Camino Del Rio North  
San Diego, California 92108

SHORELINE PROTECTION APPLICATION FOR THE  
CONSTRUCTION OF A VERTICAL SEAWALL  
BETWEEN 1924 - 2102 OCEAN FRONT  
DEL MAR, CALIFORNIA

Dear Ms. Lirley:

Please find enclosed the Application for Coastal Development Permit, along with all of the required items listed in Section 5 (Additional Attachments) for a 727±-foot-long seawall to be constructed as a single continuous structure fronting sixteen (16) private residences and two city street-ends between 1924 and 2102 Ocean Front within the City of Del Mar, California.

As we have previously discussed, considerable information has previously been provided to the City of Del Mar memorializing our basic approach to design. Those documents form the basis for the project now submitted to the California Coastal Commission. In this regard, we have also included, in two bound volumes, all of the correspondence and reports prepared for the subject seawall. Please note that two formal reports have been submitted, along with considerable correspondence and, ultimately, a lot-by-lot analysis describing the relationship of the various private improvements to the proposed seawall, along with an overview of the geotechnical conditions as they relate to construction-period damage potential, and additional text describing the protective screen wall element.

We believe that you will find all of the enclosed reports and correspondence to be of use in your evaluation of this application, and we believe this information represents a very thorough and comprehensive assessment of the coastal, geotechnical, and design conditions associated with this application. We wish to point out,

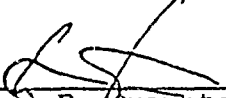
DATE 5/27/91  
PAGE 3120

however, that the lot-by-lot analysis, Appendix A of the April 9, 1991, Supplement Report packet to the City Council Members, was compiled at a City Council Member's request within a very short time frame. Unfortunately, due to the time limitation, it was not possible to provide a truly comprehensive lot-by-lot analysis of the needs for, and impacts associated with, the construction of the proposed seawall. We have submitted it as it was submitted to the City Council for your review. However, we wish to point out that the lot-by-lot analysis was not prepared with the same care and attention to detail as the remainder of the documentation submitted for this project.

Lastly, please find enclosed the application fee in the amount of \$500.00 for the standard permit application.

If you have any questions or require additional information, please give us a call.

Very truly yours,

  
Walter F. Crampton, Principal Engineer  
for GROUP DELTA CONSULTANTS, INC.

WFC/jc  
Enclosures

cc: Mr. Earle W. Frey  
Mr. Bob Wilson  
Mr. & Mrs. Joseph Sullivan  
Mr. John Mackel, Sullivan, Workman & Dee

State of California, George Deukmejian, Governor  
California Coastal Commission  
1333 Camino Del Rio, South, Suite 125  
San Diego, Ca 92108  
(619) 297-9740

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

Type of application:

Standard Permit

Administrative Permit: (May be applicable if development is one of the following:

(a) improvement to any existing structure;  
(b) any new development costing less than \$100,000;

(c) single family dwelling; (d) four dwelling units or less, within any incorporated area, that does not require demolition or subdivision of land; or (e) development authorized as a principal permitted use and proposed in an area for which the Land Use Plan has been certified.

SECTION I. APPLICANT

1. Name, mailing address and telephone number of all applicants.

SEE ATTACHMENT A

(Area code/daytime phone number)

2. Name, mailing address and telephone number of applicant's representative, if any.

GROUP DELTA CONSULTANTS, INC. - WALTER F. CRAMPION, PRINCIPAL ENGINEER

4455 MURPHY CANYON ROAD, SUITE 100, SAN DIEGO, CALIFORNIA 92123

(619) 573-1777

(area code/daytime phone number)

For office use only

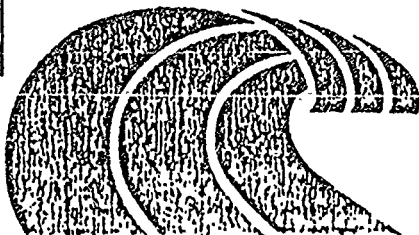
Application Number \_\_\_\_\_ (1) Project cost \_\_\_\_\_

Received \_\_\_\_\_ Filed \_\_\_\_\_ Jurisdiction code \_\_\_\_\_ (3)

Fee \_\_\_\_\_ Date paid \_\_\_\_\_ LCP segment \_\_\_\_\_ (4)

Tentative hearing date \_\_\_\_\_ Geo Ref Code \_\_\_\_\_ (5)

X \_\_\_\_\_ (6) Y \_\_\_\_\_ (7)



Coast 1: 1783 1217 .35

3122

3. Who should receive written material relevant to the application?

Applicant  Representative  Both and Mr. John Mackel @ Sullivan, Workman, & Doe, 800 S. Figueroa, #1200, Los Angeles, CA 90017

4. Conflict of Interest. All applicants for the development must complete Appendix A, the declaration of campaign contributions.

SECTION II. PROPOSED DEVELOPMENT

Please answer ALL questions. Where questions do not apply to your project (for instance, project height for a land division), indicate "Not Applicable" or "N.A."

1. Project Location. Include street address, city, and/or county. If there is no street address, include other description such as nearest cross streets.

Seawall constructed westerly of existing residential structures located at number (8) street (9)

1924 through 2102 Ocean Front, Del Mar, California

city (10) county (11)

Assessor's Parcel Number SEE ATTACHMENT A

2. Describe the proposed development. Include secondary improvements such as septic tanks, water wells, roads, etc.

Construction of a vertical wall within 5 feet westward of the shoreline protection line, as a protective structure designed to protect existing residential structures and property from ocean flooding and wave damage.

a) If residential, state:

1) Number of units N/A (28)

2) Number of bedrooms per unit N/A (28)

3) Type of ownership proposed:  rental N/A  
(if other than owner-occupied)  condominium  
 stock cooperative  
 time share  
 other

b) Number of boat slips, if applicable N/A (29)

c) If land division, number of lots to be created and size N/A

3123 36

3. Present use of property.

- a) Are there existing structures on the property?  Yes  No  
If yes, describe (including number of residential units and occupancy status).

Sixteen single-family residences on seventeen lots, with westerly patios, decks, fences, and riprap.

- b) Will any existing structures be demolished?  Yes  No  
Will any existing structures be removed?  Yes  No  
If yes to either question, describe the type of development to be demolished or removed, including the relocation site, if applicable.

Riprap will be removed and portions of patios, decks, roof eave overhangs, sunrooms, walls and fences will be removed or demolished, as necessary. (31)

4. Estimated cost of development (not including cost of land) \$ 1,000,000 (32)

5. Has any application for a development on this site been submitted previously to the California Coastal Zone Conservation Commission or the Coastal Commission?  Yes  No

If yes, state previous application number N/A

6. Project height: Maximum height of structure 16.33 ft, MSL Datum ft  
Maximum height of structure as measured from centerline of frontage road N/A ft

7. Total number of floors in structure, including subterranean floors, lofts, and mezzanines N/A

8. Gross floor area including covered parking and accessory buildings N/A sq ft

Gross floor area excluding parking N/A sq ft

9. Lot area (within property lines) N/A sq ft or acres

<u>Lot coverages:</u>	<u>Existing</u>	<u>New proposed</u>	<u>Total</u>
Building coverage	_____ sq ft	_____ sq ft	_____ sq ft
Paved area	_____ sq ft	_____ sq ft	_____ sq ft
Landscaped area	_____ sq ft	_____ sq ft	_____ sq ft
Unimproved area	_____ sq ft	_____ sq ft	_____ sq ft

No change, other than to remove portions of patios, landscaping, and riprap in order to develop more useable public beach.

10. Parking: number of spaces existing N/A  
 number of new spaces proposed \_\_\_\_\_  
 Total \_\_\_\_\_

no. of covered spaces \_\_\_\_\_ no. of uncovered spaces \_\_\_\_\_  
 no. of standard spaces \_\_\_\_\_ size \_\_\_\_\_  
 no. of compact spaces \_\_\_\_\_ size \_\_\_\_\_

Is tandem parking existing and/or proposed?  Yes  No  
 If yes, how many tandem sets? \_\_\_\_\_ size \_\_\_\_\_

11. Are utility extensions for the following needed to serve the project?

- a) water  Yes  No      d) sewer  Yes  No  
 b) gas  Yes  No      e) telephone  Yes  No  
 c) electric  Yes  No

If yes to any of the above, would extensions be above ground?  Yes  No

SECTION III. ADDITIONAL INFORMATION

The relationship of the development to the applicable items below must be explained fully. Attach additional sheets if necessary.

1. If the development is between the first public road and the sea, is public access to the shoreline and along the coast currently available near the site?  Yes  No If yes, indicate the location of the nearby access, including the distance from the project site.

Within the site, public access is currently available and will continue to be provided at the 20th and 21st Street street-ends.

2. Is any grading proposed?  Yes  No If yes, complete the following.

- a) amount of cut \_\_\_\_\_ cu yds  
 b) amount of fill \_\_\_\_\_ cu yds  
 c) maximum height of fill slope \_\_\_\_\_ ft  
 d) maximum height of cut slope \_\_\_\_\_ ft  
 e) amount of import or export \_\_\_\_\_ cu yds  
 f) location of borrow or disposal site \_\_\_\_\_

Grading and drainage plans must be included with this application. In certain areas, and engineering geology report must also be included. See Section V, paragraph 11 for the specifics of these requirements.

3. Does the development involve diking, filling, dredging or placing structures in open coastal waters, wetlands, estuaries, or lakes?

- a) diking  Yes  No      c) dredging  Yes  No  
b) filling  Yes  No      d) placement of structures  Yes  No

Amount of material to be dredged or filled \_\_\_\_\_ cu yds.

Location of dredged material disposal site \_\_\_\_\_

Has a U.S. Army Corps of Engineers permit been applied for?  Yes  No

4. Will the development extend onto or adjoin any beach, tidelands, submerged lands or public trust lands?  Yes  No

For projects on State-owned lands, additional information may be required as set forth in Section V, paragraph 10.

5. Will the development protect existing lower-cost visitor and recreational facilities?  Yes  No It will provide protection to public facilities associated with the lifeguard tower (showers, landscaping, benches, drinking fountains) located at the end of 20th Street.

Will the development provide public or private recreational opportunities?  Yes  No If yes, explain.

It will provide public beach accessways at the 20th and 21st Street street-ends, and will provide funds necessary to remodel the 20th Street lifeguard facility so that it conforms to the boundaries of the shoreline protection area.

6. Will the proposed development convert land currently or previously used for agriculture to another use?  Yes  No

If yes, how many acres will be converted? \_\_\_\_\_ acres.

7. Is the proposed development in or near:

- a) sensitive habitat areas  Yes  No (biological survey may be required)  
b) 100-year floodplain  Yes  No (hydrologic mapping may be required)  
c) park or recreation area  Yes  No

8. Is the proposed development visible from:

- a) US Highway 1 or other scenic route  Yes  No  
b) park, beach, or recreation area  Yes  No  
c) harbor area  Yes  No

9. Does the site contain any:

- a) historic resources  Yes  No  
b) archaeological resources  Yes  No  
c) paleontological resources  Yes  No

If yes to any of the above, please explain on an attached sheet.



10. Where a stream or spring is to be diverted, provide the following information:

Estimated streamflow or spring yield N/A gpm

If well is being used, existing yield N/A gpm

If water source is on adjacent property, attach Division of Water Rights approval and property owner's approval.

#### SECTION IV. OTHER GOVERNMENTAL REQUIREMENTS

The Local Agency Review Form, Appendix B, must be completed and signed by the local government in whose jurisdiction the project site is located. The completed and signed form must be submitted with this application for the application to be considered complete.

#### SECTION V. ADDITIONAL ATTACHMENTS

The following items must be submitted with this form as part of the application.

- 1. Proof of the applicant's legal interest in the property. (A copy of any of the following will be acceptable: current tax bill, recorded deed, signed Offer to Purchase along with a receipt of deposit, signed final escrow document, or current policy of title insurance. Preliminary title reports will not be accepted.)
- 2. Assessor's parcel map(s) showing the applicant's property and all other properties within 100 feet (excluding roads) of the property lines of the project site. (Available from the County Assessor)
- 3. Copies of required local approvals for the proposed project, including zoning variances, use permits, etc., as noted on Local Agency Review Form, Appendix B.
- 4. Stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the project site (excluding roads), along with a list containing the names, addresses and assessor's parcel numbers of same. The envelopes must be plain (i.e., no return address), and regular business size (9½" x 4 1/8"). Include first class postage on each one. Metered envelopes will not be accepted. Use Appendix C, attached, for the listing of names and addresses. (Alternate notice provisions may be employed at the discretion of the District Director under extraordinary circumstances.) (Envelopes are not required for Administrative items, but the list must be submitted for all items.)
- 5. Stamped, addressed envelopes and a list of names and addresses of all other parties known to the applicant to have an interest in the proposed development (such as persons expressing interest at a local government hearing, etc.).
- 6. A vicinity or location map (copy of Thomas Bros. or other road map or USGS quad map) with the project site clearly marked.

- 7. Copy(s) of project plans, drawn to scale, including site plans, floor plans, elevations, grading and drainage plans, landscape plans, and septic system plans. Trees to be removed must be marked on the site plan. In addition, a reduced site plan, 8½" x 11" in size, must be submitted. Reduced copies of complete project plans will be required for large projects.
- 8. Application fee. The fee for all administrative calendar items is \$25. The fee for all consent calendar items is \$50. The fee for regular calendar items varies depending upon the project size. Contact District Office for exact fee. Only checks or money orders accepted; cash is not accepted. Fee is payable at time of application submittal.
- 9. Where septic systems are proposed, evidence of County approval or Regional Water Quality Control Board approval. Where water wells are proposed, evidence of County review and approval.
- 10. A copy of any Final Negative Declaration, Final Environmental Impact Report (FEIR) or Final Environmental Impact Statement (FEIS) prepared for the project. Comments of all reviewing agencies and responses to comments must be included.
- 11. Verification of all other permits, permissions or approvals applied for or granted by public agencies (e.g., Dept. of Fish and Game, State Lands Commission, U.S. Army Corps of Engineers, U.S. Coast Guard).
- 12. For development on a bluff face, bluff top, or in any area of high geologic risk, a comprehensive, site-specific geology and soils report (including maps) prepared in accordance with the Coastal Commission's Interpretive Guidelines. Copies of the guidelines are available from the District Office.

SECTION VI. NOTICE TO APPLICANTS

Under certain circumstances, additional material may be required prior to issuance of a coastal development permit. For example, where offers of access or open space dedication are required, preliminary title reports, land surveys, legal descriptions, subordination agreements, and other outside agreements will be required prior to issuance of the permit.

In addition, the Commission may adopt or amend regulations affecting the issuance of coastal development permits. If you would like notice of such proposals during the pendency of this application of such proposals that are reasonably related to this application indicate that desire.

Yes       No

SECTION VII. AUTHORIZATION OF AGENT

I hereby authorize WALTER F. CRAMPTON  
to act as my representative and to bind me in all matters concerning this application.

Earle W. Frey, Jr.  
Designated Homeowners' Representative  
Earle W. Frey, Jr.

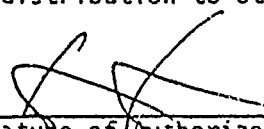
SEE ATTACHED LETTER OF MAY 20, 1991  
FROM APPLICANT'S ATTORNEY  
Signature of Applicant(s) 3125

SECTION VIII. CERTIFICATION

1. I hereby certify that I, or my authorized representative, will complete and post the Notice of Pending Permit card in a conspicuous place on the property within 3 days of receipt of the card and notification of filing of this application.
2. I hereby certify that I understand the Commission may impose reasonable conditions that must be satisfied by persons that are not a party to this application and that prior to issuance of the permit, I must submit evidence that the conditions will be satisfied by the appropriate parties.
3. I hereby certify that I have read this completed application and that, to the best of my knowledge, the information in this application and all attached appendices and exhibits is complete and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for denying the permit, for suspending or revoking a permit issued on the basis of these or subsequent representations, or for seeking of such further relief as may seem proper to the Commission.
4. I hereby authorize representatives of the California Coastal Commission to conduct site inspections on my property. Unless arranged otherwise, these site inspections shall take place between the hours of 8:00 am and 5:00 pm.

SECTION XIV. COMMUNICATION WITH COMMISSIONERS

Decisions of the Coastal Commission must be made on the basis of information available to all commissioners and the public. Therefore, permit applicants and interested parties and their representatives are advised not to discuss with commissioners any matters relating to a permit outside the public hearing. Such contacts may jeopardize the fairness of the hearing and result in invalidation of the Commission's decision by court. Any written material sent to a commissioner should also be sent to the commission office for inclusion in the public record and distribution to other commissioners.

  
\_\_\_\_\_  
Signature of Authorized Agent or Applicant(s)

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX A

DECLARATION OF CAMPAIGN CONTRIBUTIONS

Government Code Section 84308 prohibits any Commissioner voting on a project if he or she has received campaign contributions of \$250 or more within the past year from project proponents or opponents, their agents, employees or family, or any person with a financial interest in the project.

In the event of such contributions, a Commissioner must disqualify him or herself from voting on the project; failure to do so may lead to revocation of the permit.

Each applicant must declare below whether any such contributions have been made to any of the Commissioners or Alternates. A list of Commissioners and Alternates is available from the District office.

CHECK ONE

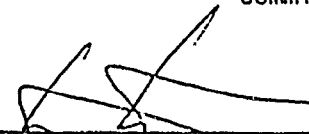
The applicants, their agents, employees, family and any person with a financial interest in the project HAVE NOT CONTRIBUTED \$250 or more to any Commissioner(s) or Alternates within the past year.

The applicants, their agents, employees, and/or family, and/or any person having a financial interest in the project HAVE CONTRIBUTED \$250 or more to the Commissioner(s) or Alternates listed below within the past year.

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

Commissioner \_\_\_\_\_

  
\_\_\_\_\_  
Signature of Applicant or Authorized Agent

MAY 22, 1991  
\_\_\_\_\_  
Date

Please print your name WALTER F. CRAMPTON

MAY 23 1991  
3130

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX B

LOCAL AGENCY REVIEW FORM

SECTION A (To be completed by applicant)

Applicant WALTER F. CRAMPTON, GROUP DELTA CONSULTANTS, INC.

Project description Construction of a vertical wall within the shoreline protection area, or within 5 feet westward of the shoreline protection line, as a protective structure designed to protect existing residential structures and property from ocean flooding and wave damage.

Location Seawall constructed westerly of existing residential structures located at 1924 through 2102 Ocean Front, Del Mar, CA Assessor's Parcel Number SEE ATTACHMENT A

SECTION B (To be completed by local planning or building inspection department)

Zoning designation Public Parkland/ R1-5b du/ac

General or Community Plan designation Beaches/ Bluffs du/ac

Local Discretionary Approvals

- Proposed development meets all zoning requirements and needs no local permits other than building permits.
- Proposed development needs local discretionary approvals noted below.

Needed Received

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/>            | Design/Architectural review                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Variance for _____                                |
| <input type="checkbox"/> | <input type="checkbox"/>            | Rezone from _____                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Tentative Subdivision/Parcel Map No. _____        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grading/Land Development Permit No. _____         |
| <input type="checkbox"/> | <input type="checkbox"/>            | Planned Residential/Commercial Development        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Site Plan Review                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Condominium Conversion Permit                     |
| <input type="checkbox"/> | <input type="checkbox"/>            | Condition, Special, or Major Use Permit No. _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other <u>Shorline Protection Permit (SPP)</u>     |

CEQA Status

- Categorically Exempt - Class \_\_\_\_\_ Item \_\_\_\_\_
- Negative Declaration Granted April 15, 1991
- Environmental Impact Report Required, Final Report certified \_\_\_\_\_

Prepared for the City/County of Del Mar by Chris Miller

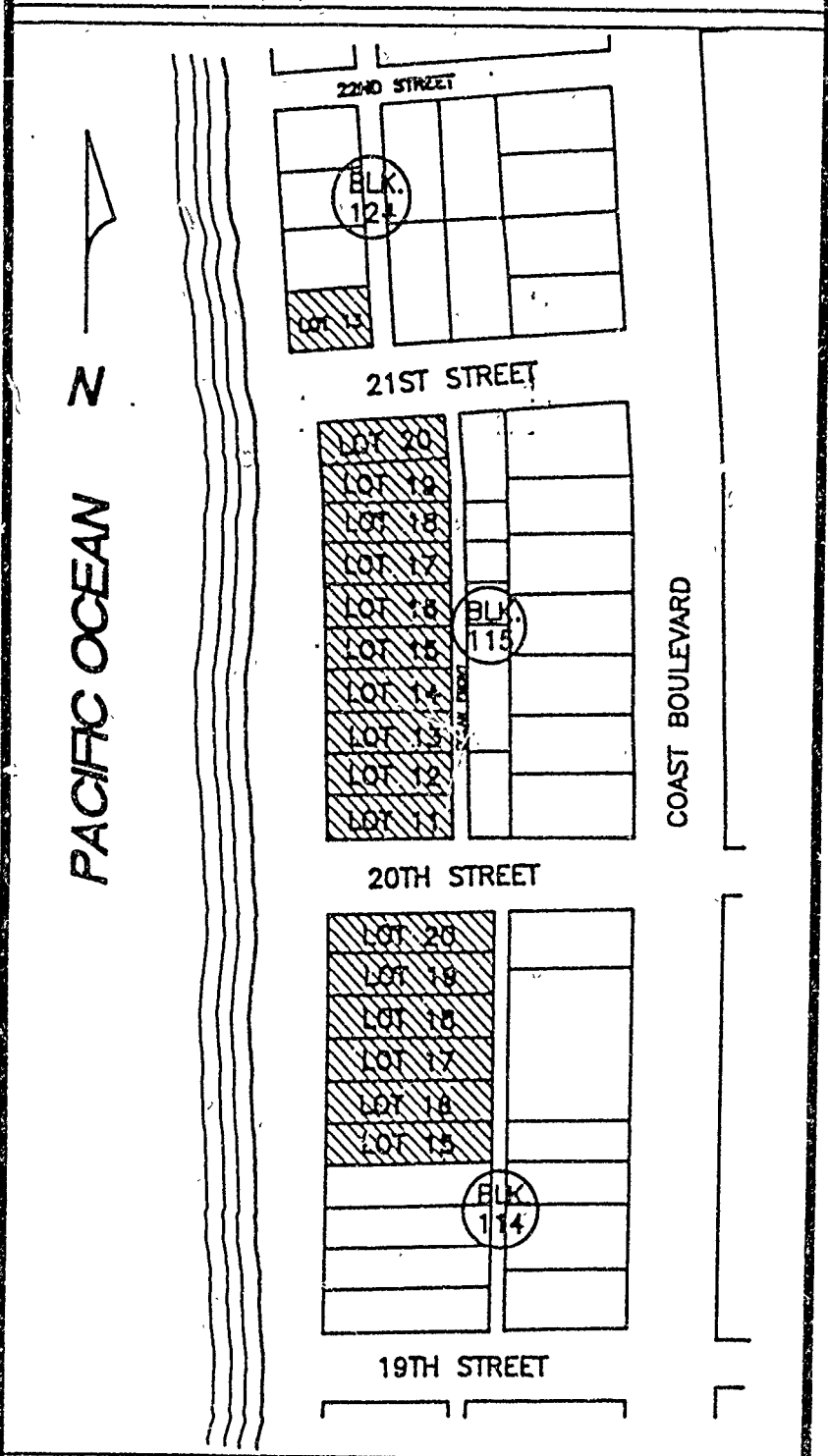
CALENDAR 7.4.4  
MINUTE  
*Chris Miller*

APPLICATION FOR COASTAL DEVELOPMENT PERMIT

APPENDIX C - List of Property Owners and Occupants within 100 feet

<p>Please use one box per name and address. Additional copies will be mailed upon request.</p>	<p>Joann Phillips 1470 Neptune Ave. Leucadia, CA 92024</p>	<p>Paul Oman P.O. Box 49757 Los Angeles, CA 90049</p>
<p>Patricia C. Duckett 345 S. Figueroa Street No. 302 Los Angeles, CA 90071</p>	<p>Gordon M. Walton 4811 Sun Valley Road Del Mar, CA 92014</p>	<p>Harold B. Starkey 849 Sunset Cliffs Blvd. San Diego, CA 92107</p>
<p>Jeffry E. &amp; Anna M. Persons 1442 Irvine Blvd., No. 225 Tustin, CA 92680</p>	<p>Mercy Cruz Rosenblum 2014 Coast Boulevard Del Mar, CA 92014-2120</p>	<p>Nancy L. &amp; H. Randall Stoke 1920 Coast Boulevard Del Mar, CA 92014-2118</p>
<p>Leslie M. Crouch 2484 Hotel Circle Pl. San Diego, CA 92108</p>	<p>John S. Pingel P.O. Box 45088 Dallas, TX 75235</p>	<p>Vast Development 1547 Tarrytown San Mateo, CA 94402</p>
<p>Thomas Werner 2121 Avenue of the Stars Los Angeles, CA 90067</p>	<p>Jock E. J. Jocoy 2118 Ocean Front Del Mar, CA 92014-2132</p>	<p>Mark P. Neary 1904 Coast Boulevard Del Mar, CA 92014-2118</p>
<p>Ben L. Bear 2040 Ocean Front Del Mar, CA 92014</p>	<p>Charlyne Lyons 2125 Ocean Front Del Mar, CA 92014-2131</p>	<p>Richard Mallery 2201 E. Georgia Ave. Phoenix, AZ 85016</p>
<p>David W. Keirseay P.O. Box 2082 Del Mar, CA 92014</p>	<p>John D. Case 22 Lake Helix Dr. La Mesa, CA 92041</p>	<p>Lorens H. Good P.O. Box 217 Del Mar, CA 92014</p>
<p>Milton M. Cerf 4737 Paradise Dr. Tiburon, CA 94920</p>	<p>Nicholas D. Holland 2102 Coast Boulevard Del Mar, CA 92014-2122</p>	<p>James A. Charnholm P.O. Box 459 Del Mar, CA 92014</p>
<p>Bonds Properties Co. 900 Kearney Street El Cerrito, CA 94530</p>	<p>Edward Nahem 130 21st Street Del Mar, CA 92014-2106</p>	
<p>Richard R. &amp; Debo Logiurato 2659 Buenos Aires Covina, CA 91722</p>	<p>D. W. Hyder 2111 Ocean Front Del Mar, CA 92014</p>	<p>4817.45 3132</p>

MAP REFERENCE:  
THOMAS BROTHERS  
PAGE: 34  
COORDINATES: A2



# VICINITY MAP

2017.46  
3133  
PACIFIC & BUREAU OF LAND MANAGEMENT

EXHIBIT "D"

RESOLUTION NO. 91-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR APPROVING A SHORELINE PROTECTION PERMIT (SPP-90-03) FOR AN APPROXIMATE 692 FOOT LONG VERTICAL SHEET-PILE SEAWALL WITH RETURN WALLS TO BE LOCATED SO THAT THE EAST FACE OF THE SEAWALL COINCIDES WITH THE SPA LINE AND THE WEST FACE OF THE SEAWALL IS 2 1/2 FEET WEST OF THE SPA LINE, ADJACENT TO 1924 THROUGH 2102 OCEAN FRONT, WITH THE EXCEPTION OF THE PROPERTIES LOCATED AT 2008, 2028, 2034, and 2040 OCEAN FRONT WHICH SHALL BE LOCATED SO THAT THE WESTERLY FACE OF THE SEAWALL IS LOCATED 5 FEET WEST OF SPA LINE.

Applicant: Walter Crampton, Group Delta Consultants, Inc.

Owners: See exhibit A

WHEREAS, on March 18, 1991, April 1, 1991 and April 15, 1991, the City Council of the City of Del Mar held a duly advertised public hearing to consider the merits of approving Shoreline Protection Permit application SPP-90-03 and,

WHEREAS, pursuant to an Initial Environmental Assessment per the requirements of the California Environmental Quality Act, it has been determined that based on the adoption of mitigation measures, this proposal will not have the potential for any significant unmitigated negative environmental effects; public notice of the determination of Negative Declaration has been provided as required by the State and Local CEQA Guidelines, and no challenges to this finding have been filed; and,

WHEREAS, the Council has reviewed, considered, and found adequate Program EIR, E-89-1, certified by City Council Resolution No. 89-56, and finds said EIR adequate to support the previously issued Negative Declaration for this project and, therefore, recertifies the adequacy of said Negative Declaration in reliance on said EIR as well as on the previously approved Initial Study; and,

2017.47

3134



WHEREAS, at said public hearing the City Council considered the staff report, general background studies and related documents and public testimony and written comments; and,

WHEREAS, the Council has reviewed and considered the site specific, lot by lot analysis provided by the applicants which is part of the official record, showing the applicants' justifications for encroachment into the SPA area; and

WHEREAS, the Council has considered various staff reports and analyses on the location issues, including the input of the City's Coastal Engineer; and

WHEREAS, the Council considered the information and input of Dr. Inman of Scripps Institute; and

WHEREAS, the Council considered the public benefits to be provided to the City as a result of this project; and

WHEREAS, the Council considered precedents established by the City in its approval of prior seawall applications; and

WHEREAS, the Council contemplated the "feasibility", as that term is used in the Beach Protection Initiative, or requiring a location of the wall closer to the private property line than is authorized by the approval; and

WHEREAS, the Council considered the testimony and input of those who appeared at the public hearings; and

WHEREAS, on April 15, 1991 a motion was duly made and seconded to approve SPP-90-03, as conditioned, based on the following findings:

A. The proposed use is required to protect existing structures and, as conditioned, is designed to mitigate adverse impacts to the shoreline sand supply, the private property owners, and the public.

B. The proposed use will not, as conditioned, adversely affect the Community Plan in that the use is consistent with the Community Plan, is permitted by Chapter 30.50 of the Municipal Code, and is consistent with the California Coastal Act and the City's Land Use Plan portion of its Local Coastal Program now pending before the Coastal Commission, and

C. The proposed use, as conditioned, will minimize risks to life and property in that the proposed structure will protect existing easterly structures.

D. The proposed use, as conditioned, will ensure structural integrity and stability and will not significantly create nor contribute to erosion, geologic instability, or destruction of the site or surrounding areas since as proposed the construction is to be located on a stringline with minimal breaks or offsets in the wall.

E. The proposed use is consistent with the goals and regulations of the California Coastal Act since the project involves the construction of a vertical seawall. The engineering design and location include the use of measures designed to minimize shoreline erosion. The alignment of the wall has been design to minimize on lateral access along sandy beach recognizing the Coastal Act requirements to afford protection to existing developments. Vertical access is provided at 20th and 21st Street.

F. The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act because it will maximize lateral access and will accommodate needed vertical access at the 20th and 21st street ends.

G. The proposed materials and design are consistent with good engineering practices.

H. The proposed use and its development will be consistent with the goals and regulations of the City's Municipal Code, Community Plan and Beach Preservation Initiative, since the project and its development are permitted in this location.

I. The proposed project as approved is the least damaging, feasible environmental project. As conditioned the project will minimize sand erosion, wave overtopping and flood/wave damage because the wall is located as far inland (landward) as feasible, has a re-curved face and is well designed. The proposed location and design represent the best environmental solution taking into account all relevant factors, including private property rights, public beach rights, the need to maximize useable public beach, and the feasibility and cost of the alternatives.

J. The proposed encroachment of 2-1/2 feet to accommodate the width of the proposed wall (2 feet) and the wave reflector (5 inches) is engineeringly necessary, is feasible, and is the environmentally least damaging alternative for all the following reasons:

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K. The proposed project will have an eventual uniform alignment of the wall which is recommended by the EIR, is visually more pleasing to the public and the private owners, causes less erosion, is less costly, and minimizes the concentration of wave energy which results from angles and offsets.

L. Assessment District financing is contemplated for this project, and consequently, it is necessary to align the wall so that it abuts the SPA line located on public property. The 2.5 foot encroachment is the minimum possible to accommodate assessment district financing which is an important part of the project.

M. The only alternative would be to vary the wall in and out on a lot by lot basis. This would result in multiple offsets and angles and consequent adverse impacts. The Council finds that the public interest in securing a uniform wall outweighs any encroachment which might be avoided by a strict lot by lot analysis (with the exception of the Special Situation Lots addressed below), particularly in light of the relatively minor amount of encroachment proposed at 2.5 feet.

N. As to the few special lots (2008, 2028, 2034 and 2040 Ocean Front) where an additional encroachment is allowed, the Council finds that site specific conditions on these lots support the additional encroachment and support the proposed specific findings as to these lots.

1. Bear, Sullivan, Werner. As to the Bear, Sullivan and Werner lots, the facts show, and the Council finds, that the risk of damage to improvements due to the proximity of the private improvements to the SPA line supports the additional encroachment. Permitting these properties to encroach to the five foot line will give these properties the additional protection against construction related damage that the other applicants in the group will have.

O. The Council further finds that while the facts are not identical as to the Bear, Werner, and Sullivan properties, and arguably different encroachments could be approved as to each lot, the public and private interests involved are best served by a uniform alignment across these three properties. The uniform wall will minimize offsets and the adverse effects thereof as discussed in detail during these proceedings. This interest outweighs any interest in support of granting different encroachments to these three lots.

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1. Campbell Alternate 1, Approval of 5 feet. As to the Campbell property, the Council finds that a structural column is 4.1 feet from the SPA line and the rest of the bearing wall fronting the beach is 5.1 feet from the SPA line. The evidence indicates that the foundation for the column and the home are old and probably brittle. In contrast to the Royce home, the Campbell home is 2 stories and of different construction; all of which make it more vulnerable to construction related problems. Accordingly, the council finds that an additional encroachment up to a five foot line is necessary and justified to provide a reasonable amount of protection to the structure from construction related impacts.

The council recognizes that some foundation reinforcing or underpinning may be prudent in any event, but finds that the facts as to this lot are substantially different from the facts of the Royce lot, for the reasons stated herein and noted in the applicants' submittal.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that Shoreline Protection Permit Application SPP-90-03 is hereby approved based on the plans, on file in the Planning Department office and subject to the following conditions:

1. The site shall be developed in accordance with the approved plans on file in the Planning Department and the conditions contained herein.
2. The easterly face of the seawall shall coincide with the SPA line and the westerly face of the seawall cap shall extend 2 1/2 feet westward of the SPA line for the properties located adjacent to 1924 through 2102 Ocean Front with the exception of the properties located at 2008, 2028, 2034 and 2040 Ocean Front which shall be located so that the westerly face of the seawall is located 5 feet west of the SPA line.
3. Should any owner elect not to construct the proposed seawall on (in front of) his or her property, construction of the remainder of the proposed seawall by the other owners may proceed provided:  
1) all other relevant conditions herein are satisfied; 2) revised plans incorporating appropriate return walls or other lateral protective devices at each terminus created by the resulting modification to the project are submitted to the City of Del Mar, and approved by the City Manager, prior to the completion of the affected segment of the seawall; and 3) The City Manager finds that there will be no unmitigated adverse impact to the public, the public beach or the adjoining owners as a result of the change.

DATE	4.17.51
NO. OF PAGES	3135

4. This permit is only valid as to those properties whose owners have signed the Shoreline Protection Permit application and who sign accepting the terms of this permit as approved.
5. As a condition of this approval the applicants agree to install a "phase 2" rip-rap toe as an addition to the seawall project along its entire length, at the time that the average sand elevation, as determined by the City's Coastal Engineer, west of the seawall declines to the 0.0 foot level, NGVD, or lower, as a result of natural forces. The applicants understand that the installation of this "Phase 2" rip-rap toe is a mitigation measure to mitigate adverse sand erosion impacts to the public beach and forms a material part of the approval of this application and the authorized seawall encroachment onto public property.

The delayed installation of phase 2 is authorized to minimize the expense to the applicants which would otherwise result from substantial sand excavation and to minimize construction impacts to the beach which would result from immediate installation of the rip-rap toe.

Acceptance of this permit shall constitute an agreement by the applicants and a covenant running with the land binding upon each applicant's property for the benefit of the adjoining public beach property. Acceptance of the permit will also waive opposition and any protest right that such property may have to a future Assessment District, or to an amendment to an existing Assessment District if one is formed to finance the seawall project; to finance the rip-rap toe installation project.

In addition to the foregoing general requirements, the following specific requirements shall apply as part of this Condition:

A. Design. The rip-rap toe shall be properly engineered and designed to comply with the Beach Preservation Initiative. The design shall be certified by a Coastal Engineer and shall be approved by the City Manager.

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B. Time of Installation. The proceedings to establish an Assessment District to finance the rip-rap project, and the engineering and design of the toe, shall be processed within one year of the date of approval of this application so that installation can proceed promptly when the indicated sand level is reached. Upon notice from the City that the indicated sand level has been reached and that it is safe to begin construction, the project shall commence and be diligently pursued to completion.

C. Carry Forward of Other Conditions. All other conditions of this approval, including construction-related conditions, shall remain in full force and effect as to the rip-rap project.

D. Financing. The City agrees to initiate assessment district proceedings for the phase 2 project without the need for a landowner petition upon the deposit by the applicants of funds to pay for the costs of initial proceedings. If the district is formed, these advance costs may be reimbursed from the district to the extent permitted by law. If the district is not formed for any reason, any unused balance shall be refunded to those who made the deposit.

Only the applicants' properties will be included in the district to be assessed for the phase 2 project unless the inclusion of other properties is required by law or unless the City and the affected owners agree.

While it is contemplated that the phase 2 project will be financed through assessment district proceedings, approval and establishment of such a district is not a condition precedent or subsequent to the obligations of this condition. This condition shall remain binding in any event.

CALENDAR PAGE 317.53  
MINUTE 3140

6. Considering the input on the issue of a windscreen device, the City Council hereby finds that a windscreen element serves a primarily aesthetic function, with limited protective capability. The Council further finds that protection could be provided equally or better by elevating the wall or through the use of removable partitions. The Council finds that maintaining a windscreen year round would have a negative visual impact in regards to maintaining coastal views. However, the City Council hereby finds that a protective screen, if removable and only raised between November 15 and removed no later than April 15 of each year, could afford property owners protection equivalent to, or better than, the proposed windscreen without the negative year round visual impacts. Therefore, a removable screening device which can accommodate either sheet metal, plywood or lexan is a feasible, cost effective, and less environmentally damaging alternative than a fixed screen device, and the project is approved with the option for a removable screen device, subject to review and approval of the design by the City Manager.
7. The color of the concrete cap shall match with the color of the beach sand.
8. The applicants/owners agree to indemnify, defend and save the City of Del Mar, its authorized agents, officers, representatives and employees harmless from and against any and all penalties, claims, liabilities or annoyances or loss resulting from claims or court action and arising out of any accident, loss or damage to persons or property happening or occurring as a proximate result of any work undertaken under the permit granted pursuant to the application.
9. The applicant agrees that if any tank, pipe, conduit, duct, tunnel or other installation of any nature or kind placed in the structure for which the permit is issued which shall at any time in the future interfere with the use, repair, improvement, widening, or change of grade of the affected public property, the applicants, or their successors or assigns, within ten (10) working days after the receipt of a written notice from the City Manager to do so, will at their own expense either remove such tank, pipe, conduit, duct, tunnel or other installation, or subject to the approval of the City Manger, relocate them to a site which may be designated by the City Manager.

CALENDAR 2017.54  
MINUTE 3141

10. The contractor/owners hereby agree to notify the Superintendent of Public Works and the Lifeguard Department in writing at least twenty-four (24) hours in advance of the time when work will be started. Contractor/owners will, upon completion of the work, immediately notify the Planning Director in writing of such completion.
11. Contractor/owners shall notify the appropriate utility owner forty-eight (48) hours prior to performing any work on or adjacent to any public utility. All such work shall be done only with authorization and with inspection by the appropriate utility owner.
12. The contractor shall provide a minimum of one (1) flag person to be on site at all times during the operation of heavy equipment. In addition, the contractor shall be subject to all safety measures required by the Lifeguard Department during construction.
13. If the contractor/owners propose to stock pile equipment or materials, a staging plan shall be submitted to the City of Del Mar, in advance, for the approval of the City Manager.
14. Any damage to existing public facilities caused by construction, shall be repaired to the satisfaction of the City Manager.
15. No material or equipment shall be stored on public streets or rights-of-ways without prior written authority from the City Manager.
16. Vertical and lateral pedestrian and lifeguard beach access shall be maintained during construction at 19th, 20th and 21st streets and lateral access shall be maintained above the Mean High Tide line or as required by the Lifeguard Department of the City of Del Mar.
17. All sand removed from the beach shall be replaced to the satisfaction of the City Manager.
18. Prior to the commencement of construction, the owners shall have issued in favor of the City of Del Mar a letter of credit, cash deposit or other appropriate security, the form and content of which is acceptable to the City, in the amount of \$ 90,000.00 dollars.

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19. Construction work shall only take place between 7:00 a.m and 7:00 p.m. Monday through Friday, and 9:00 a.m. to 7:00 p.m. Saturdays, in order to minimize noise and vibration levels and construction impacts. No construction work shall be performed on Sundays or City holidays and shall be consistent with the City Noise Ordinance Chapter 9.20 of the Del Mar Municipal Code.
20. Prior to the commencement of work, all contractors and subcontractors shall first obtain a valid City of Del Mar Business License.
21. To protect the public interest, the contractor/owners shall be required to file a certificate of insurance evidencing coverage of bodily injury or property damage liability subject to the approval of the City Manager.
22. The project is approved subject to all the mitigation measures set forth herein.
23. The applicants/owners are required to obtain a written clearance from the State Lands Commission with respect to the location of the wall as a condition precedent to the effectiveness of this permit.
24. Mitigated Negative Declaration (Attachment B to staff report dated April 15, 1991) is hereby certified for the project, and the Council certifies that it has reviewed, considered and found adequate for this project the information in Program EIR 89-1 and in the referenced Mitigated Negative Declaration. This permit shall not be effective until said Mitigated Negative Declaration becomes final.
25. The applicants/owners understand that a Coastal Permit issued by the Coastal Commission is required for this project.
26. The owners file a statement of acceptance of conditions stating that the owners have read and understand and accept the conditions listed above and shall prior to the commencement of construction, return a signed statement accepting said conditions.

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- 27. This permit and its terms and conditions shall be recorded against the subject properties.
- 28. The attached Mitigation and Monitoring Plan is hereby approved as a condition of the permit. Mitigation and monitoring shall be overseen by the Planning Department.

THIS APPROVAL IS VALID for one year to expire April 25, 1992. Prior to that date appropriate conditions must be satisfied, permits issued, and substantial construction must have begun to vest the permit.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 15th day of April, 1991 by the following vote, to-wit:

*Jacqueline H. Winterer*

JACQUELINE WINTERER, Mayor  
City of Del Mar

ATTEST:

*Patti Barnes / mig*  
PATTI BARNES, City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss  
CITY OF DEL MAR )

I, PATTI BARNES, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 91-41 adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 15th day of April, 1991, by the following vote:

AYES: Councilmembers Helton, Franklin, Hugo-Martinez;  
Mayor Jacqueline Winterer

NOES: None

ABSENT: Councilmember McMillan

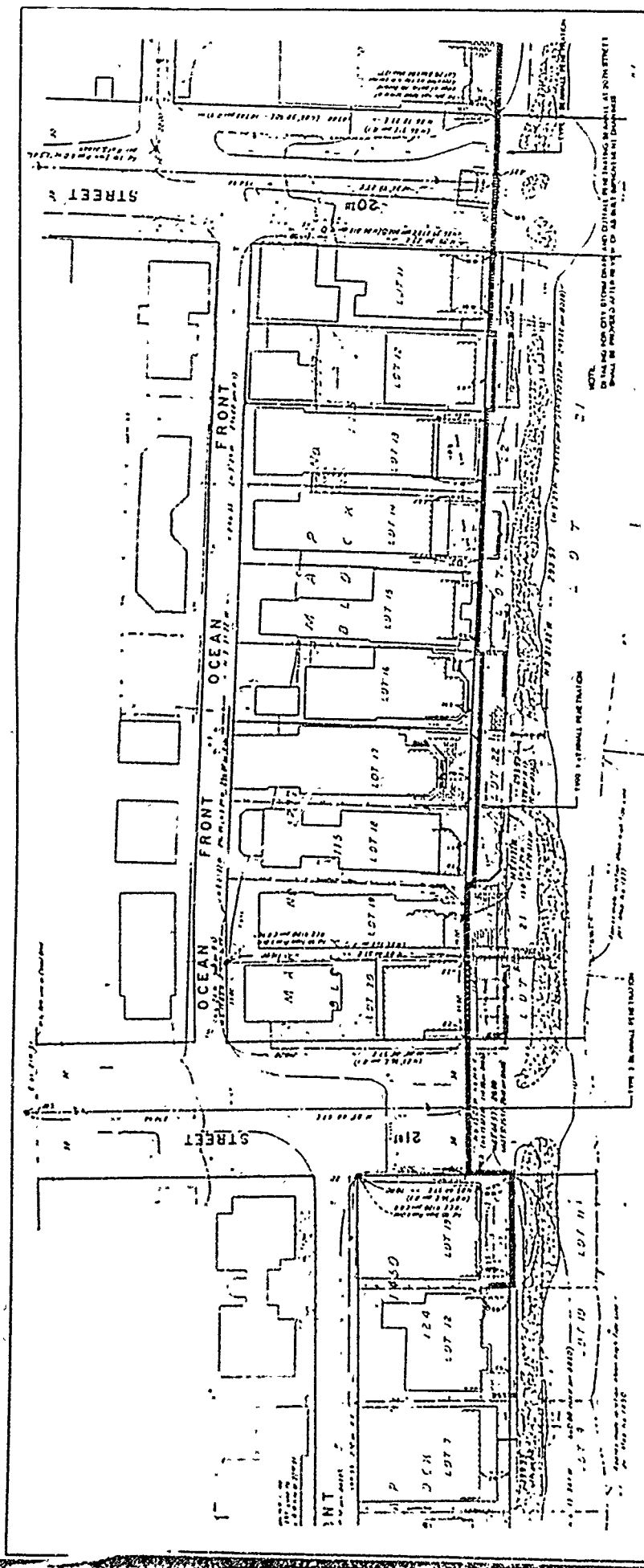
ABSTAIN: None

(SEAL)

*Patti Barnes / mig*  
PATTI BARNES, City Clerk

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NOTICE TO THE PUBLIC OF THE CITY OF DEL MAR, CALIFORNIA, THAT THE CITY ENGINEER HAS REVIEWED THE PLANS AND SPECIFICATIONS FOR THE PROPOSED SEAWALL THROUGH 21ST STREET AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND REGULATIONS. THE CITY ENGINEER'S OFFICE IS LOCATED AT 1000 19TH STREET, DEL MAR, CALIFORNIA 92028. THE CITY ENGINEER'S NAME IS JOHN J. HARRIS, P.E.



SEAL OF THE CITY OF DEL MAR  
 JOHN J. HARRIS, P.E.  
 CITY ENGINEER  
 1000 19TH STREET  
 DEL MAR, CALIFORNIA 92028  
 PHONE (619) 341-1111  
 FAX (619) 341-1112

CITY OF DEL MAR		19TH STREET THROUGH 21ST STREET SEAWALL	
GROUP DELTA CONSULTANTS Engineers and Architects 1411 Broadway, Suite 200 San Diego, CA 92101 PH 619-591-1111		DATE: 11/11/11	
PROJECT NO. 11-001		SHEET NO. 3 OF 3	
SCALE: AS SHOWN		DRAWN BY: JCH	
CHECKED BY: JCH		DATE: 11/11/11	
APPROVED BY: JCH		DATE: 11/11/11	
CITY ENGINEER: JOHN J. HARRIS, P.E.		DATE: 11/11/11	

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CITY OF DEL MAR RESOLUTION  
MEMORIALIZING USER FEE AGREEMENT WITH  
THE CITY OF DEL MAR

CALENDAR PAGE 117.60  
PAGE 3147

# city of del mar staff report

TO: Honorable Mayor and Members of the City Council

FROM: J. D. Sandoval, Planning Director  
Via Gloria Curry, City Manager  
Prepared by Monica Tuchscher, Associate Planner *MT*

DATE: June 17, 1991

RE: Amendment of the conditions of approval for Shoreline Protection Permit SPP-90-03 for construction of a 692-foot-long seawall to establish an appropriate user fee for authorized encroachment into the Shoreline Protection Area.

ISSUE: Whether to amend the conditions of SPP-90-03 as reflected in Resolution 91-41 to establish and clarify the user fee requirements for Shoreline Protection Permit SPP-90-03.

### RECOMMENDATION:

The City Council adopt the attached draft resolution (Attachment A) amending Council Resolution 91-41 (Attachment B) to add a new condition #29 for Shoreline Protection Permit SPP-90-03. The new condition clarifies the user fee requirement as it pertains to Shoreline Protection Permit SPP-90-03.

Council Action:

JUN 17 1991 2:17 PM  
ITEM 17 3148

City Council Staff Report  
Amending Resolution 91-41  
June 17, 1991  
2

BACKGROUND:

On March 18, April 1, and April 15, 1991, the City Council reviewed a proposal for an approximately 692-foot-long seawall with return walls to be located on and adjacent to properties at 1924-2102 Ocean Front (SPP-90-03). The approved seawall includes the provision of shoreline protection for the (westerly) street ends of 19th and 20th Streets (SPP-90-03) and the reconstruction of all damage which may occur to the 20th Street lifeguard tower.

After the close of the public hearings and consideration of all testimony offered, the Council voted to conditionally approve the project. The findings and conditions of approval are reflected in City Council Resolution No. 91-41.

During the course of Council deliberation, there was discussion in regards to the appropriate user fee to be established for the project pursuant to Section 30.50.080(C)(3) of the Beach Preservation Initiative. The Council, noted that the project applicants proposed to pay a user fee in the form of approximately \$ 200,000 in public benefit improvements (in the form of shoreline protection for public street ends and repairs to the 20th street lifeguard tower) authorized that the public benefit derived from the project was a reasonable user fee.

While this issue was discussed during Council deliberation, it was overlooked when the Council conditionally approved the SPP application. It is staff's understanding that the Council had intended to establish the required user fee for the project on the basis of the approximately \$ 200,000 in public benefit improvements derived from the project. The attached, draft resolution reflects this understanding. It establishes a new Condition #29 and specified that the remaining conditions of approve remain in effect and have not been modified.

It is staff's understanding that the modification of the conditions is acceptable to the project applicants/owners. Notice of the proposed change and potential Council action were mailed to interested parties and published in the local newspaper.

CONCLUSION:

In conclusion, staff recommends approving the attached Resolution amending Resolution No. 91-41.

Attachment A - Draft Resolution  
Attachment B - Resolution 91-41

JUN 17 1991  
JUN 17 1991 REG ITEM 17 3149

RESOLUTION NO. 91-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEL MAR AMENDING CITY COUNCIL RESOLUTION (91-41) TO ADD A CONDITION ESTABLISHING AND CLARIFYING A USER FEE FOR SHORELINE PROTECTION PERMIT SPP-90-03. AREA AUTHORIZED UNDER THE PREVIOUS CITY COUNCIL RESOLUTION.

Applicant: Walter Crampton, Group Delta Consultants, Inc.

Owners: See Exhibit A

WHEREAS, on March 18, 1991, April 1, 1991 and April 15, 1991, the City Council of the City of Del Mar held a duly advertised public hearing to consider the merits of approving Shoreline Protection Permit application SPP-90-03 and associated environmental documents required pursuant to the California Environmental Quality Act and,

WHEREAS, at said public hearings the City Council considered the staff reports, general background studies and related documents, public testimony and written comments; and,

WHEREAS, after consideration of all such input, the Council voted to conditionally approve the project with the findings and conditions set forth in City Council Resolution 91-41, and

WHEREAS, the Council at that meeting discussed the establishment of a user fee consistent with the provisions of the Beach Preservation Initiative with recognition that the applicant included within the project proposal approximately \$200,000 worth of public improvements, including the design, processing, and construction of public access and emergency vehicle access at the westerly terminus of 19th and 20th Streets, and the reconstruction of any damage which may occur to the 20th street lifeguard tower at the owner/applicant's expense; and

WHEREAS, the Council considered precedents established by the City in its approval of prior seawall applications which involved the construction of public improvements at private property owner's expense and the appropriate user fees for such projects.

WHEREAS, despite the Council discussion of such public improvements and user fees in the course of hearings on March 18, April 1 and April 15, 1991, the final resolution of approval (City Council Resolution #91-41) did not incorporate the establishment of a user fee for the applicant's encroachment into and use of specified Shoreline Protection Area;

CALENDAR PAGE 217.63  
DATE PAGE 3150



NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Del Mar that the conditions of Shoreline Protection Permit Application SPP-90-03 as described in City Council Resolution 91-41 are hereby amended to add a new condition, condition #29 to read as follows:

29. As a condition of this approval, the applicants agree to pay a user fee in the form of approximately \$ 200,000 in public benefit improvements that are to be constructed as party of the project at the applicants expense. Taking into account the public improvements to be provided, and the limited nature of the encroachments authorized, the user fee is reasonable.

AND BE IT FURTHER RESOLVED that the findings contained within Resolution 91-41 are incorporated herein by reference and that conditions #1-28 of Resolution 91-41 remain in full force and affect and are not modified by the establishment of a new condition #29.

PASSED AND ADOPTED by the City Council of the City of Del Mar at a regular meeting held this 17th day of July, 1991 by the following vote, to-wit:

*Jacqueline H. Winterer*

JACQUELINE WINTERER, Mayor  
City of Del Mar

ATTEST:

*Patti Barnes*

PATTI BARNES, City Clerk

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) 188  
CITY OF DEL MAR )

I, PATTI BARNES, City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 91-68 adopted by the City Council of the City of Del Mar, California, at a Regular Meeting held the 3rd day of June, 1991, by the following vote:

AYES: Councilmembers Hugo-Martinez, Franklin, Mayor Winterer

NOES: None

ABSENT: Councilmember McMillan

ABSTAIN: None

(SEAL)

*Patti Barnes*  
PATTI BARNES, City Clerk

MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration has been filed on the below referenced project, on the basis that said project will not have a significant effect on the environment.

Description of Project

A request for a Shoreline Protection Permit (SPP-90-03), to construct an approximate 692 foot long vertical sheet-pile seawall with return walls to be located adjacent to 1924 Ocean Front 2102 Ocean Front (inclusive of 20th and 21st street end), Del Mar, in the Public Parkland, R1-5B and Beach Overlay Zones. The project is regulated by the Beach Preservation Initiative Ordinance.

Mitigation Measures

1. The construction of the seawall is part of a continuous line of walls (to the south) and will not encourage additional offsets in wall alignment.
2. Construction hours shall be consistent with the City Noise Ordinance Chapter 9.20 of the Municipal Code.
3. The sandy beach area within the construction zone shall be restored at the end of each work week. Notwithstanding statements to the contrary elsewhere, as to this specific measure [item 4A(2)] this provision shall control over any mitigation measure proposed by the EIR.
4. Construction shall not occur west of the permitted shoreline protection line between Memorial Day and Labor Day (except for emergencies).
5. The City shall ensure minimization of usurpation of public parking areas during the construction period.
6. That the City shall monitor the above mentioned activities and mitigation measures to insure compliance and in accordance with Assembly Bill AB-3180.
7. The project shall comply with all conditions of approval.

ENCLOSURE PAGE 217.65  
APR 1 1991  
ENCLOSURE PAGE 218.53

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1987, 2000 THE 2022 OCEAN FRONT

Findings of No Significant Effect (with Mitigation Measures)

1. Based upon the Initial Study, there is no substantial evidence that the project, with mitigation and monitoring measures, will have a significant effect on the environment; and

2. The project will conform to all design, building safety, and public works standards applicable for such projects.

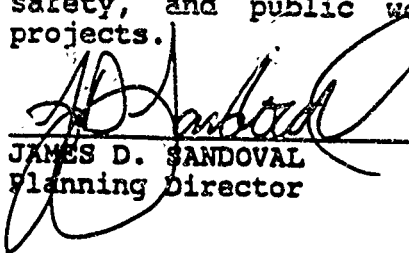
  
\_\_\_\_\_  
JAMES D. SANDOVAL  
Planning Director

EXHIBIT "E"

List of Beachfront Owners applying for permit

Earle W. and Elizabeth F. Frey, Jr.  
PO Box 271220  
Escondido CA 92027

Burnet F. Wohlford  
PO Box 382  
Escondido CA 92033

Robert S. and Helen J. Strauss  
4100 First City Center  
1700 Pacific Avenue  
Dallas, TX 75201-4618

Ben L. and E. Joan Bear, Jr.  
2040 Ocean Front  
Del Mar CA 92014

Thomas and Jill Werner  
2034 Ocean Front  
Del Mar CA 92014

Joseph and Alice Sullivan  
2028 Ocean Front  
Del Mar CA 92014

Adelaide Cocherane  
c/o Dr. Charles Cocherane  
Department of Immunology  
Research Institute of Scripps College  
10666 N. Torrey Pines Road  
La Jolla Ca 92037

John D. and Lucille A. Lindsey  
PO Box 1789  
Rancho Santa Fe CA 92067

Gary Burke  
2016 Ocean Front  
Del Mar CA 92014

Margaret J. Wells  
Leon G. Campbell, Jr.  
Patricia C. Duckett  
c/o Leon G. Campbell  
585 Albion Way  
Woodside, CA 94062

Sheldon I. Brockett  
4522 Trias Street  
San Diego CA 92103

3154

Edward H. and Nancy B. Lyon  
2411 Canyon Road  
Escondido CA 92025

Robert S. and Marion L. Wilson  
2600 Mandeville Canyon Road  
Los Angeles Ca 90049

Lorens H. and Genevra M. Good  
PO Box 217  
Del Mar CA 92014

Starkey Estate Company  
PO Box 1469  
Rancho Santa Fe CA 92067

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