



CONDITIONAL USE PERMIT APPLICATION FOR A BLUFF RETENTION DEVICE

The City of Solana Beach prepared this updated informational handout to assist the applicant in the process of preparing a bluff retention device permit application. Please review the application carefully. Depending on the scope of the proposed bluff retention device, the applicant may wish to make an appointment with a member of the Planning Department staff to discuss the process prior to submitting a formal application.

A complete application will include a completed application form plus all of the required attachments which are listed below. The following checklist is provided for the convenience of the applicant in gathering necessary application materials. It is not a complete statement of filing requirements. Please refer to the Planning Department for any specific questions or concerns.

- Incomplete Applications will not be accepted for filing.
- Answer all questions. If a question is not applicable to your project, indicate Not Applicable or N/A.
- All maps and exhibits must be legible.
- List of Required Attachments (also listed on page 10 of the Application):
 - Assessor's Parcel Map(s);
 - Vicinity Map;
 - Digital photographs of the site taken within the last month;
 - Two sets of stamped and addressed envelopes for all properties within a 300-foot radius of the project site;
 - Copy of all other permits, approvals, and permissions;
 - Four full sized copies of the project plans and a PDF version;
 - Two hard copies and a PDF version of the Geotechnical Report; and,
 - Application Fee.

Please be aware that the review and processing of this application may take several months and that "emergency" projects will necessarily take precedence over non-emergency projects.

EXPEDITING

An applicant may choose to expedite a project (either emergency or non-emergency) by paying an expert coastal consultant to process the application through the City. These



additional fees will be used by the City to retain supplemental staff/consulting services to facilitate the review and processing of the application and will generally result in the shortening of the overall processing time by several months over regular processing time. The fee schedule, including regular fees and expedited consultant fees, is provided in Appendix 1 of this permit application.

USE OF PRE-QUALIFIED GEOTECHNICAL CONSULTANTS

For convenience, the City has developed an approved list of pre-qualified geotechnical consultants for use by applicants. This list is included as Appendix 2 to this permit application package.

PREFERRED BLUFF RETENTION DEVICE DESIGNS

Projects that conform to the City's Preferred Bluff Retention Solutions, which were approved by the City Council are contained in the Certified Local Coastal Program (LCP) Land Use Plan (LUP) and are included as Appendix 3 to this permit application package.

LANDSCAPE AND IRRIGATION

Please note that City LUP allows only native, non-invasive, salt and drought tolerant and fire resistant plantings and hydroseed mixes on the bluff face, where necessary or desired. No permanent irrigation is allowed within 100' of the bluff edge and any existing irrigation systems will be required to be removed as a condition of project approval.

IMPACT MITIGATION FEES

On June 13, 2007 the City adopted a Resolution (Resolution #2007-042) which reiterated the City's intention of establishing a method for calculating public recreation and land lease fees applicable to bluff retention device projects, as soon as practicable. The current public recreation impact mitigation fee deposit for bluff retention devices is \$1,000.00 per linear foot of the device that is constructed, with the exception of devices constructed of erodible concrete. In addition, the City also collects a Sand Mitigation Fee based on the methodology contained in Appendix A of the Certified LUP. All bluff retention device projects are subject to these fees and fee deposits with the exception of devices constructed of erodible concrete.

SHORELINE AND COASTAL BLUFF POLICY/REGULATORY CONSISTENCY

The proposed conditional use application must be consistent with the City's Certified LCP LUP which are contained primarily in Chapter 4 (Hazards and Shoreline/Bluff Development). The policies of the City's certified LUP are the guiding policies that should be reviewed by the applicant as they contain the findings which must be made by the City regarding project approval. For convenience, the key policies that pertain to the various bluff retention device types are included in Appendix 4.



Additional Shoreline & Coastal Bluff regulations are contained in the Solana Beach Municipal Code, Chapter 17.62 and will eventually be replaced and superseded by the regulations contained in the City's LCP Local Implementation Plan (LIP) which is currently in development

In accordance with the LUP Policy 4.48 (Seacave/Notch Infill), Policy 4.49 (Coastal Structure/Seawall), Policy 4.52 (Upper Bluff System) a permit for a seacave/notch infill, seawall, or upper bluff retention system may be issued only if the City Council can make all of the findings required by the respective policies referenced above and contained in Appendix 4 of this permit application.



**BLUFF RETENTION DEVICE
 CONDITIONAL USE PERMIT APPLICATION
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED**

Project Address: _____

Project Assessor's Parcel Number: _____

A. APPLICANT INFORMATION & PROJECT SUMMARY:

1. Applicant's Name: _____
(Last, First & Middle Initial or Company Name)
2. Applicant's Mailing Address _____
(Street, City, State & ZIP Code)
3. Applicant's Telephone: _____ Fax: _____
4. Applicant's Email Address: _____ Cell Phone: _____
5. Preferred Method of Contact: _____
6. Applicant's Representative: _____
7. Representative's Address: _____
8. Representative's Telephone/Cell: _____ Fax: _____
9. Representative's Email Address: _____
10. Project Description (Residential, Commercial, Industrial, or Mixed Use; number of structures, square footage, number of stories, etc.):

FOR OFFICE USE ONLY

Application No: _____	General Plan: _____	Zoning: _____
Fee: _____	Date Paid: _____	Overlay: _____
Related Projects: _____		Date Filed: _____



B. OWNERSHIP DISCLOSURE / AGENT AUTHORIZATION:

1. List the names of all individuals and/or organizations with a financial interest in the property. If an organization is listed, all individuals owning more than 10 percent shall be listed. If a non-profit organization is listed, list the Board of Directors and/or Trustees. If there is an ESCROW or option whereby the property will change if the application is approved, list the prospective owners. (Attach additional sheet if necessary.)

2. To show proof of applicant's legal interest in property, include with application a copy of a preliminary title report, or other proof of ownership, for the property. If applicant is leasing the property or has intent to purchase, also include a copy of the lease, or a signed offer to purchase.

3. I hereby authorize (Print): _____ to act as my representative, and bind me in all matters regarding this application.

Signature of Applicant(s)

Signature of Authorized Agent

Print Name: _____

Print Name: _____

4. I certify by my signature below that the information contained within this submittal is true and correct to the best of my knowledge. I understand that further information may be required for project review that City representatives may inspect subject property during regular working hours and that conditions may be imposed on the project before any permit is issued.

Signature of Applicant(S)

Signature of Authorized Agent

Print Name: _____

Print Name: _____

C. PUBLIC NOTICE CERTIFICATION (See Public Notice Procedures in Appendix 5):

I hereby certify that the names and addresses submitted are those of all the owners of record within a distance of 300 feet from all project property lines located at _____, Solana Beach, CA, and the assessor parcel numbers and ownership information were obtained from the latest adopted San Diego County tax roll on _____, 201___. I understand that if it is found that any of this information is incorrect, the public hearing may be declared null and void by the City Council and/or the courts, and a new application and fee may have to be filed.

Signature: _____

Date: _____

Print Name: _____



5. Please provide the title and date of the geotechnical report prepared for this bluff retention device project. Is the report signed and stamped by both a Registered Civil Engineer (RCE) and Certified Engineering Geologist (CEG)? Are you aware if this report was prepared to meet the requirements of the City of Solana Beach and the California Coastal Commission?

6. Does this project conform to the City's Preferred Bluff Retention Device Standards as shown in Appendix 3 of this application and the LUP? If you are proposing a device that is other than a preferred design solution, please clearly explain why.

7. What is the distance of the primary structure from the coastal bluff edge?

8. What does the Factor of Safety analysis indicate for this site? Please include a copy of this analysis with this submittal. (If included in the Geotechnical Report, please indicate).

9. List the alternative methods of stabilizing the coastal bluff which have been considered to abate the nuisance or preserve the economically viable use of the property. Explain why these alternatives to the project have been rejected in favor of the proposed project.



E. ADDITIONAL INFORMATION

The relationship of the proposed project to the applicable items below must be explained fully. (Attach additional sheets as necessary.)

1. Describe the present use of property.

a) Are there existing structures on the property?

YES NO (If yes, please describe)

b) Will any existing structures be demolished or removed?

YES NO (If yes, please describe)

2. Has a bluff retention device permit application for development on this site been submitted previously to the City, California Coastal Commission or any other state agency? Have these bluff retention devices if any, been built and are now in need of additional repair/replacement? Include previous application number(s), if applicable.

YES NO (If yes, list all previous applications)

F. REQUIRED ATTACHMENTS

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

1. Public Hearing Notice Package including:

- a. Public Notice Certification signed
- b. Marked Assessors Maps showing 300-foot radius public notice area
- c. One copy of mailing label list in label format (Avery 5160)
- d. Two "owner" sets of stamped, addressed, envelopes without a return address



- e. Two “occupant” sets of stamped, addressed, envelopes without a return address, when a Structure Development Permit is required for properties that are not owner occupied

(The Owner/Occupant list shall be obtained from the most current tax roll. See page 10 for additional information on the public noticing procedure)

2. Four printed sets of plans drawn to scale plus an electronic plan set, including (as applicable):
 - Site plans
 - Grading plans depicting the limits of construction
3. Site photographs in hard copy and digital/electronic copies. Please provide historical photos if available.
4. Electronic and four printed copies of the Geotechnical Report prepared for the Project including a Slope Stability Safety Analysis.
5. Verification of all other permits, permission or approvals applied for or granted by public agencies are currently/concurrently being obtained.

I certify that I have read the Application for Bluff Retention Device Permit and state the above information is correct. I agree to comply with all City of Solana Beach Local Coastal Program Land Use Plan, Municipal code, ordinances, and State laws relating to building construction. I hereby authorize officials from the City of Solana Beach to enter upon such mentioned property for inspection, as required.

REQUIRED SIGNATURES for Application:

Applicant

Date

Property Owner

Date



APPENDIX 1
CONDITIONAL USE PERMIT - FEE SCHEDULE
(Effective July 1, 2009)

FEE TYPE	FEE	+ 15% Administrative Cost	NOTES:
CUP APPLICATION PROCESSING	\$9,300	No.	Fee applies to all projects
GEOTECHNIUCAL REVIEW	\$2,500	Yes.	Fee applies to all projects.
EXPEDITE	To be determined.	Yes.	Fee applicable only if expediting requested.
CEQA DOCUMENT PREPARATION	To be determined.	Yes.	Fee applies only to non- emergency projects.
THIRD-PARTY LEGAL REVIEW	To be determined.	Yes.	Fee applies only to non- emergency projects.



APPENDIX 2
City of Solana Beach
Pre-Qualified Geotechnical Engineering Firms
for Bluff Retention Devices

- Hetherington Engineering Inc.
5205 Avenida Encinas Suite A
Carlsbad, Ca 92008
(760) 931-1917

- Leighton and Associates, Inc.
3934 Murphy Canyon Road Suite B205
San Diego, Ca 92123
(858) 292-8030

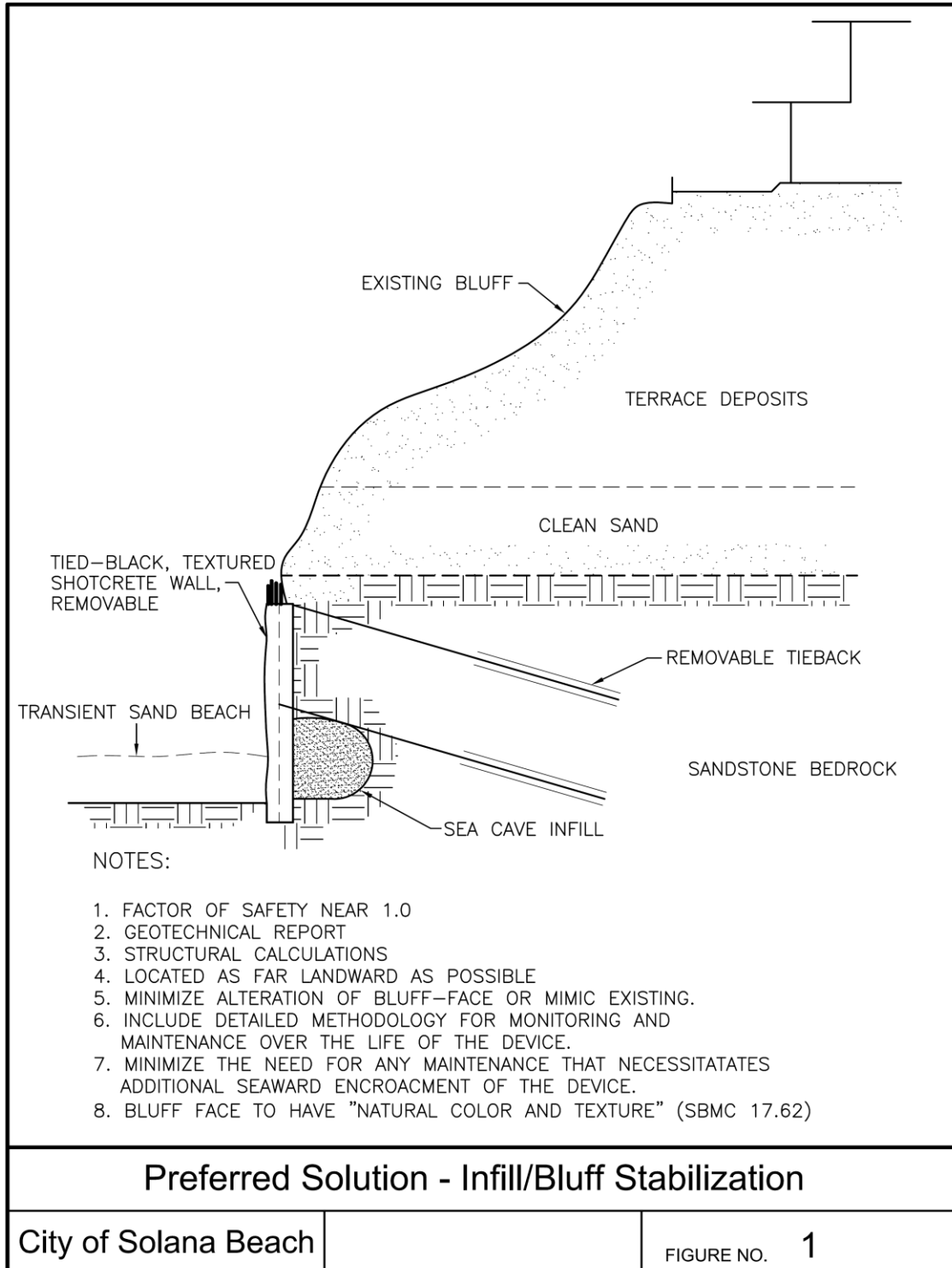
- Ninyo and Moore
5710 Ruffin Road
San Diego, Ca 92123
(858) 576-1000

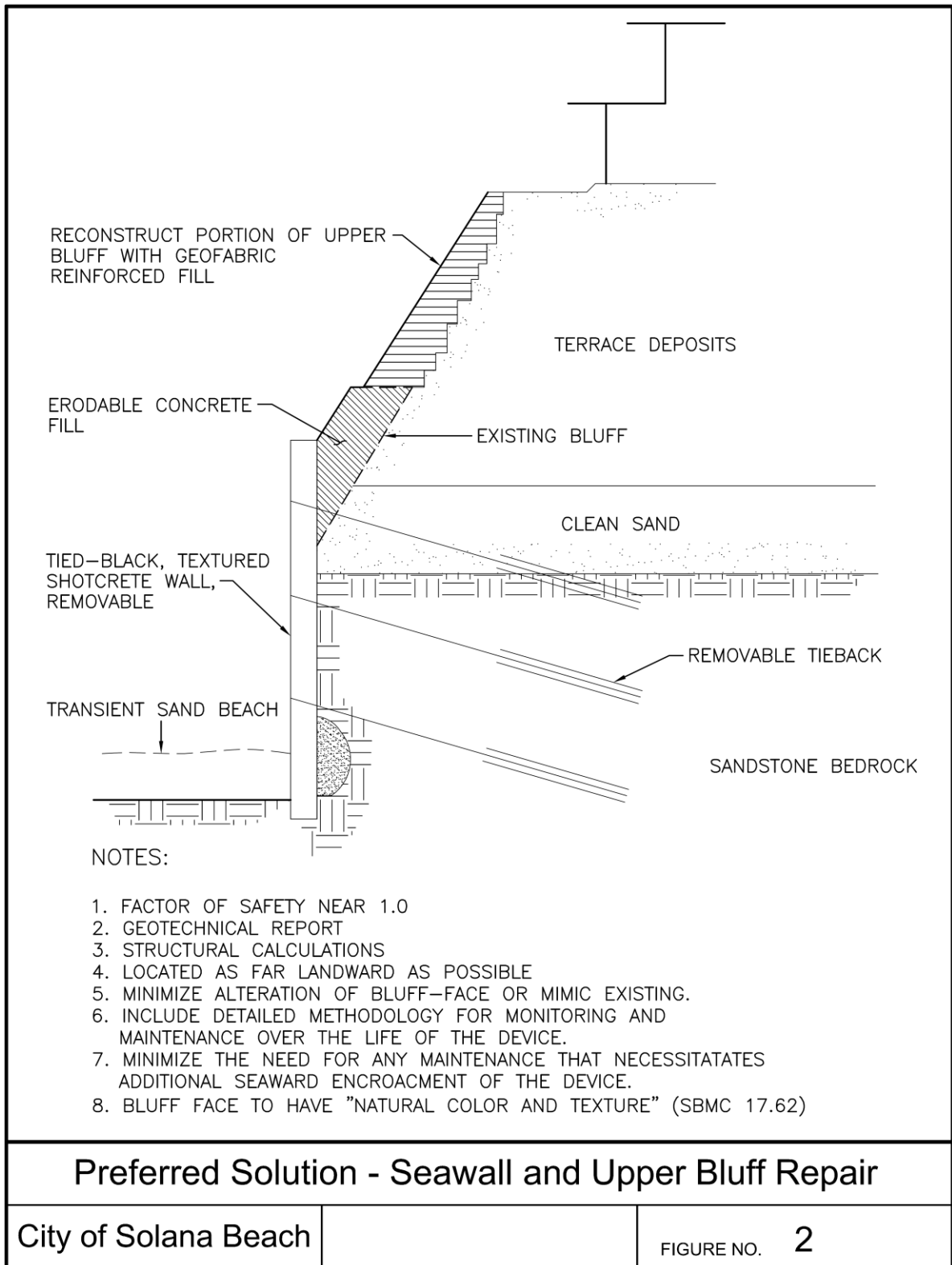
- Soil Engineering Construction Inc.
560 N. HWY 101 Suite 5
Encinitas, Ca 92024
(760) 633-3470

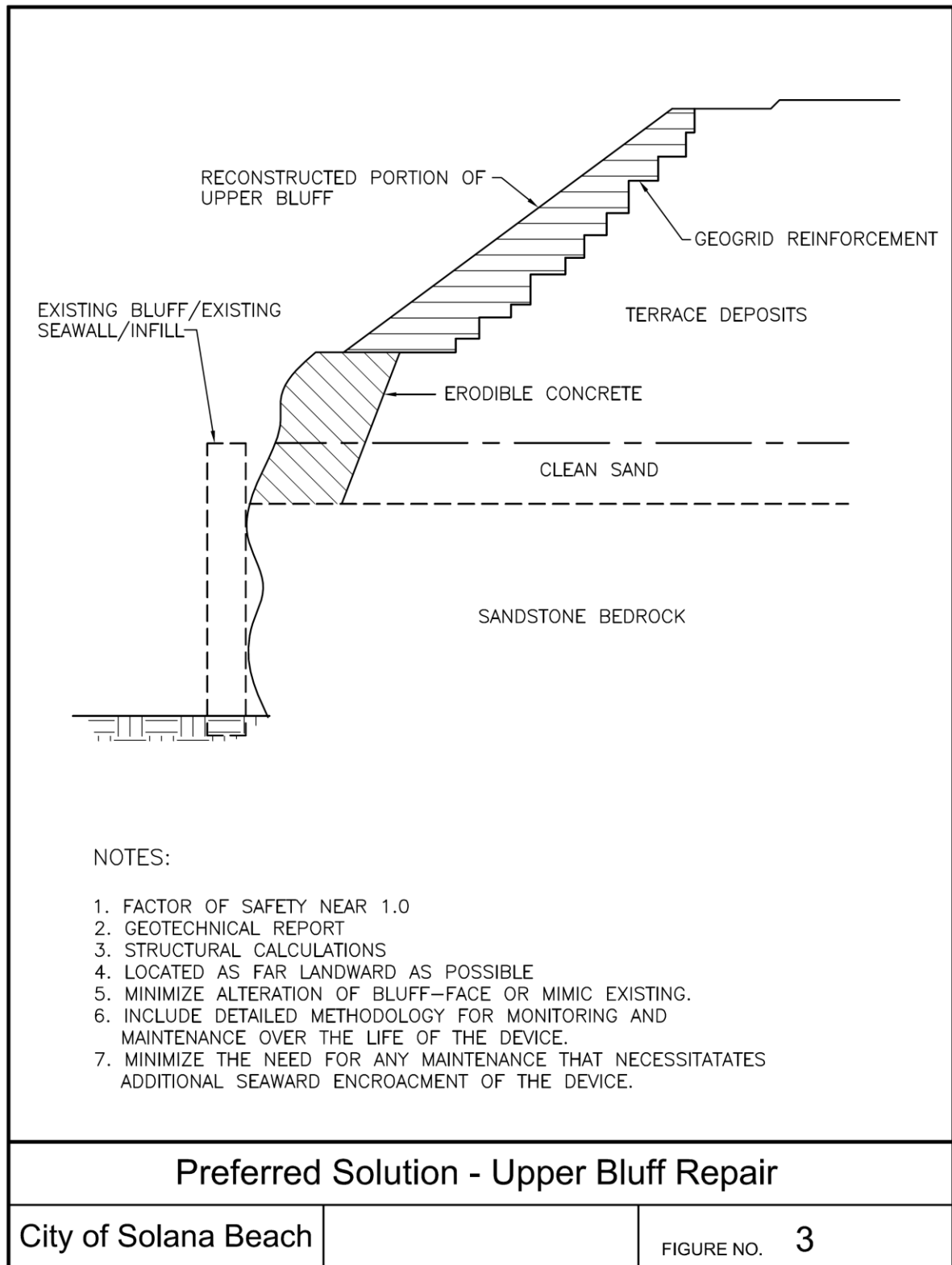
- TerraCosta Consulting Group, Inc.
4455 Murphy Canyon Road Suite 100
San Diego, Ca 92123
(858) 573-6900



APPENDIX 3 Preferred Bluff Retention Device Designs









APPENDIX 4 **KEY LCP LUP POLICIES**

SEACAVES AND NOTCH FILLS

Policy 4.48: A Seacave/Notch Infill shall be approved only if all the findings set forth below can be made and the stated criteria satisfied.

(a) Based upon the advice and recommendation of a licensed Geotechnical or Civil Engineer, the City makes the findings set forth below:

- (1) The Seacave/Notch Infill is more likely than not to delay the need for a larger coastal structure or upper bluff retention structure, that would, in the foreseeable future, be necessary to protect and existing principal structure, City facility, and/or City infrastructure, from danger of erosion. Taking into consideration any applicable conditions of previous permit approvals for development at the site, a determination must be made based on a detailed alternatives analysis that none of the following alternatives to the coastal structure are currently feasible, including:
 - Controls of surface water and site drainage;
 - A smaller coastal structure; or
 - Other non-beach and bluff face stabilizing measures, taking into account impacts on the near and long term integrity and appearance of the natural bluff face, and contiguous bluff properties; and,
- (2) The bluff property owner did not create the necessity for the Seacave/Notch Infill by unreasonably failing to implement generally accepted erosion and drainage control measures, such as reasonable management of surface drainage, plantings and irrigation, or by otherwise unreasonably acting or failing to act with respect to the bluff property. In determining whether or not the bluff property owner's actions were "reasonable," the City shall take into account whether or not the bluff property owner acted intentionally, with or without knowledge, and shall consider all other relevant credible scientific evidence as well as relevant facts and circumstances.
- (3) The location, size, design and operational characteristics of the proposed Seacave/Notch Infill will not create a significant adverse effect on adjacent public or private property, natural resources, or public use of, or access to, the beach, beyond the environmental impact typically associated with a similar bluff retention device and the Seacave/Notch Infill is the minimum



size necessary to protect the principal structure, has been designed to minimize all environmental impacts, and provides mitigation for all coastal and environmental impacts as provided for in this LCP.

(b) The Seacave/Notch Infill shall be designed and constructed:

- (1) To avoid migration of the Seacave/Notch Infill onto the beach;
- (2) To be re-contoured to the face of the bluff, as needed, on a routine basis, through a CDP or exemption, to ensure the Seacave/Notch Infill conforms to the face of the adjoining natural bluff over time, and continues to meet all relevant aesthetic, and structural criteria established by the City;
- (3) To serve its primary purpose which is to delay the need for a larger coastal structure, and designed to be removable, to the extent feasible, provided all other requirements under the LCP are satisfied; and,
- (4) To satisfy all other relevant LCP and City Design Standards, set forth for Bluff Retention Devices.

COASTAL STRUCTURES / SEAWALLS

Policy 4.49: Coastal structures shall be approved by the City only if all the following applicable findings can be made and the stated criteria satisfied. The permit shall be valid until the currently existing structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first and subject to an encroachment/removal agreement approved by the City.

(a) Based upon the advice and recommendation of a licensed Geotechnical or Civil Engineer, the City makes the findings set forth below.

- (1) A bluff failure is imminent that would threaten a bluff home, city facility, city infrastructure, and/or other principal structure.
- (2) The coastal structure is more likely than not to preclude the need for a larger coastal structure or upper bluff retention structure. Taking into consideration any applicable conditions of previous permit approvals for development at the subject site, a determination must be made based on a detailed alternatives analysis that none of the following alternatives to the coastal structure are currently feasible, including:

- A Seacave/Notch Infill;



- A smaller coastal structure; or
 - Other remedial measures capable of protecting the bluff home, city facility, non-city-owned utilities, and/or city infrastructure, which might include or other non-beach and bluff face stabilizing measures, taking into account impacts on the near and long term integrity and appearance of the natural bluff face, and contiguous bluff properties;
- (3) The bluff property owner did not create the necessity for the coastal structure by unreasonably failing to implement generally accepted erosion and drainage control measures, such as reasonable management of surface drainage, plantings and irrigation, or by otherwise unreasonably acting or failing to act with respect to the bluff property. In determining whether or not the bluff property owner's actions were reasonable, the City shall take into account whether or not the bluff property owner acted intentionally, with or without knowledge, and shall consider all other relevant credible scientific evidence, as well as, relevant facts and circumstances.
- (4) The location, size, design and operational characteristics of the proposed coastal structure will not create a significant adverse effect on adjacent public or private property, natural resources, or public use of, or access to, the beach, beyond the environmental impact typically associated with a similar coastal structure and the coastal structure is the minimum size necessary to protect the principal structure, has been designed to minimize all environmental impacts, and provides mitigation for all coastal and environmental impacts, as provided for in this LCP.
- (b) The coastal structure shall meet City Design Standards, which shall include the following criteria to ensure the coastal structure will be:
- (1) Constructed to resemble as closely as possible the natural color, texture and form of the adjacent bluffs;
 - (2) Landscaped, contoured, maintained and repaired to blend in with the existing environment;
 - (3) Designed so that it will serve its primary purpose of protecting the bluff home or other principal structure, provided all other requirements under the implementing ordinances are satisfied, with minimal adverse impacts to the bluff face;
 - (4) Reduced in size and scope, to the extent feasible, without adversely impacting the applicant's bluff property and other properties; and



- (5) Placed at the most feasible landward location considering the importance of preserving the maximum amount of natural bluff and ensuring adequate bluff stability to protect the bluff home, City facility, or City infrastructure.
- (c) Mitigation for the impacts to shoreline and sand supply, public access and recreation and any other relevant coastal resource impacted by the coastal structure is required and shall be assessed in 20-year increments, starting with the building permit completion certification date. Property owners shall apply for a CDP amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the coastal structure beyond the preceding 20-year mitigation period and shall include consideration of alternative feasible measures in which the permittee can modify the coastal structure to lessen the coastal structure's impacts in coastal resources. Monitoring reports to the City and the Coastal Commission shall be required every five years from the date of the CDP issuance until CDP expiration, which evaluate whether or not the coastal structure is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized coastal structure within six months of a determination that the coastal structure is no longer required to protect the existing structure it was designed to protect.

UPPER BLUFF RETENTION SYSTEM

Policy 4.52: An upper bluff system shall be approved only if all the following applicable findings can be made and the stated criteria will be satisfied. The permit shall be valid until the currently existing structure requiring protection is redeveloped (per definition of Bluff Top Redevelopment in the LUP), is no longer present, or no longer requires a protective device, whichever occurs first and subject to an encroachment/removal agreement approved by the City.

- (a) Based on the advice and recommendation of a licensed Geotechnical or Civil Engineer, the City makes the findings set forth below.
- (1) A bluff failure is imminent that would threaten a bluff home, city facility, city infrastructure, and/or other principal structure in danger from erosion.
- (2) The bluff home, city facility, city infrastructure, and/or principal structure is more likely than not to be in danger within one year after the date an application is made to the City.

Taking into consideration any applicable conditions of previous permit approval for development at the subject site, determination must be made based on a detailed alternatives analysis that none of the following alternatives to the upper bluff system are then currently feasible, including:



- No upper bluff system;
 - Vegetation;
 - Controls of surface water and site drainage;
 - A revised building footprint and foundation system (e.g., caissons) with a setback that avoids future exposure and alteration of the natural landform;
 - A smaller upper bluff system;
 - Other remedial measures capable of protecting the bluff home, city facility, non-city-owned utilities, and/or city infrastructure which might include tie-backs, other feasible non-beach and bluff face stabilizing measures, taking into account impacts on the near and long term integrity and appearance of the natural bluff face, the public beach, and, contiguous bluff properties; or
 - Removal and relocation of all, or portions, of the affected bluff home, city facilities or city infrastructure.
- (3) The bluff property owner did not create the necessity for the upper bluff system by unreasonably failing to implement generally accepted erosion and drainage control measures, such as reasonable management of surface drainage, plantings and irrigation, or by otherwise unreasonably acting or failing to act with respect to the bluff property. In determining whether or not the bluff property owner's actions were reasonable, the City shall take into account whether or not the bluff property owner acted intentionally, with or without knowledge, and shall consider all other relevant credible scientific evidence as well as relevant facts and circumstances.
- (4) The location, size, design and operational characteristics of the proposed upper bluff system will not create a significant adverse effect on adjacent public or private property, natural resources, or public use of, or access to, the beach, beyond the environmental impact typically associated with a similar upper bluff system and the upper bluff system is the minimize size necessary to protect the existing principal structure, has been designed to minimize all environmental impacts, and provides mitigation for all coastal and environmental impacts, as provided for in this LCP.
- (b) The upper bluff system shall meet City Design Standards applicable to bluff retention devices, including ensuring the natural bluff face is preserved to the greatest extent feasible, by using soft systems such as Geogrid, Geoweb, and planted with native species. The upper bluff system shall be designed to



minimize alterations of natural landforms and shall not have a material adverse visual impact. The upper bluff slope shall be designed to have both vertical and horizontal relief.

- (c) All upper bluff systems shall be subject to the same permitting time frames as specified for a coastal structure, and may be subject to removal based upon the same time frames and similar criteria set forth for removal of coastal structures, as reasonably determined by the City.

Mitigation for the impacts to shoreline and sand supply, public access and recreation and any other relevant coastal resource impacted by the upper bluff system is required and shall be assessed in 20-year increments, starting with the building permit completion certification date. Property owners shall apply for a CDP amendment prior to expiration of each 20-year mitigation period, proposing mitigation for coastal resource impacts associated with retention of the upper bluff system beyond the preceding 20-year mitigation period and shall include consideration of alternative feasible measures in which the permittee can modify the upper bluff system to lessen the upper bluff system's impacts on coastal resources. Monitoring reports to the City and the Coastal Commission shall be required every five years from the date of the CDP issuance until CDP expiration, which evaluate whether or not the upper bluff system is still required to protect the existing structure it was designed to protect. The permittee is required to submit a CDP application to remove the authorized upper bluff system within six months of a determination that the upper bluff system is no longer required to protect the existing structure it was designed to protect.



Appendix 5
CITY OF SOLANA BEACH PUBLIC NOTICE
PREPARATION PROCEDURE AND CERTIFICATION

State Regulations and the City of Solana Beach Municipal Code (SBMC) require public hearing notices for developments. The following procedure and certification must be utilized in accordance with the SBMC. The following material must be provided to the City of Solana Beach concurrent with your permit application.

Checklist Guide:

1. San Diego County Assessor's Map(s) showing the entire project property clearly outlined, with a line encircling all the properties at a distance of 300 feet outward from the project property lines. The property owner (not renter) of each Assessor Parcel that falls wholly or partially within this circle will be sent a public notice of the subsequent City Council hearing.

2. One typed list of each Assessor Parcel No. with corresponding property owner's name and address for property falling wholly or partially within the 300-foot radius as identified in Step No. 1 above. (Create mailing label list in label format Avery 5160.) A minimum of twenty-five (25) different property owners names and addresses must be included within the submittal. If less than 25 different individuals own property within 300 feet, then the 300-foot radius shall be expanded by increments of 100 feet, until 25 different property owners are included on the list. In addition, the mailing list shall include the name and address of the subject property owner, applicant, and the agent or individual responsible for the request. Hand written labels will **not** be accepted.

3. Two (2) sets of stamped and addressed (typed) No. 10 business envelopes without return addresses for each entity identified on the list from Step No. 2 above. The City will provide a return address. Postage metering is not acceptable. The first set of envelopes will be sent as a Courtesy Notice regarding the project. The second set will be mailed at least 10 days prior to the City Council Public Hearing. Should you prepare your own list from the Assessor's Office public files, you may wish to type the name, address and assessor parcel number for each property on sticky labels and then photocopy them. This will save you retyping a list as required in No. 2 while providing a set for any subsequent City Council Public Hearing and/or State of California Coastal Commission permit filing requirements. (For a nominal fee, the County Assessor's Office at (619) 531-5550, can provide assistance in preparing your Public Notice List. However, you are responsible for providing the Assessor Parcel Numbers.)

4. Read and sign the Certification found on page 5 of this Project Application and submit items from Steps 1, 2 and 3 as discussed above.