

# Coastal Commission approves Solana Beach seawall



The California Coastal Commission approved a seawall Thursday to fill this gap at 245 Pacific Ave. in Solana Beach. (Eduardo Contreras/The San Diego Union-Tribune)

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## Homeowners had sued state agency; owner to donate \$140,000 as part of legal settlement

By [PHIL DIEHL](#)

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After twice previously denying the application, the California Coastal Commission unanimously approved construction of a Solana Beach seawall Thursday with a number of modifications, including a \$140,000 donation to improve beach access.

The financial contribution was among the conditions in a legal settlement approved by Coastal Commission Executive Director John Ainsworth with the four adjacent Pacific Avenue homeowners who submitted the application for a third time.

The homeowners — Richard A. Schrager, Mark Van Oene, Robert E. DeSimone and Eron Jokipii — filed a lawsuit Oct. 19, 2020, in San Diego Superior Court to overturn the commission’s denial. The settlement, signed in late March, was contingent upon the commission’s approval of the seawall application.

The seawall will fill a 50-foot-long gap in an otherwise continuous concrete barrier that protects dozens of single-family homes atop the city’s 90-foot-tall eroding coastal bluff. The owner of the house at 245 Pacific Ave. had signed a deed restriction in the mid 1990s prohibiting any new shoreline protection as part of a rebuild that the Coastal Commission approved. The home is valued at \$4.3 million.

Often called “coastal armoring,” the seawall will be 35 feet high and 28 inches thick, with a surface designed to look like natural rock. The slope above the wall will be protected by a blanket-like geogrid structure to hold back the sandy soil in wind and rain.

Coastal Commission policies and environmental groups such as the Surfrider Foundation oppose the construction of seawalls because studies show they contribute to beach erosion. In many cases, as in Solana Beach, the devices are built on public property, using space that otherwise would be available for recreation, to protect private property.

However, the Coastal Commission staff determined that there was no way to protect the adjacent houses from falling into the ocean without filling the gap at 245 Pacific, which is owned by Jokipii.

“It’s not the first time in Solana Beach where approval was granted as the least damaging alternative,” Commission staffer Dennis Davis said at Thursday’s virtual meeting. “Often there is no way to leave a gap ... without endangering homes entitled to protection.”

The Coastal Commission also approves seawalls for what’s considered an emergency, such the repairs needed to protect the railroad tracks at the site of a recent bluff collapse in nearby Del Mar.

The Solana Beach permit approved Thursday is good for 20 years. After that, the homeowners will have to submit a new application to remove it or show why it should be maintained.

Another condition of approval is that the seawall must be removed before 20 years if any of the four homes is removed or significantly remodeled.

In addition to the \$140,000 donation by Jokipii, the owners of all four blufftop houses will share the costs of a \$54,631 public access mitigation fee to be paid to the city of Solana Beach, and a \$10,272 sand mitigation fee to be deposited in an account determined by the Coastal Commission.

Coastal Commissioners have discussed the application six times in closed session since it was denied in September, said Anders Aannestad, an attorney for the applicants. A public update on the issue was scheduled for the commission's meeting in May, but was withdrawn on the morning of the meeting because of the pending settlement.

"The settlement is the right decision that upholds the Coastal Act," Aannestad said Thursday.

The applicants will pay a total of about \$213,000 in fees, compared to about \$60,000 that would have been due if the application had been approved in September, he said.

Jokipii submitted the original application that was denied two years ago, but was not listed on the application in September even though the commission's report said his property would benefit from the protection. Some of the commissioners said at the time that the property owner's absence from the application was disturbing.

One of the commissioners at the September meeting called the Jokipii house a "poster child" for managed retreat, a policy that suggests removing structures in danger of being claimed by the sea and letting nature take its course.

Recent measurements showed the most seaward portion of the house at 245 Pacific is just 22 feet from the edge of the cliff, the staff report states. The Coastal Commission requires a 40-foot setback from the bluff, and it specifies that structures be removed when they are 10 feet or less from the edge.

Natural erosion eats away San Diego County's coastal bluffs at an average rate of six inches annually, although episodic collapses can take several feet at once.

Surfrider representative Kristin Brinner, a Solana Beach resident, asked for additional conditions on the approval, including the removal of portions of the Pacific Avenue homes that are dangerously close to the edge of the bluff.

"This application is a real stinker, and we appreciate your efforts to reach a compromise," Brinner told the commission. "It demonstrates how neighbors can collude to negate the Coastal Act."

The fees charged to the applicant break down to about \$28 a day over the life of the permit, which "grossly undervalues our beaches," she said.