

CALIFORNIA COASTAL COMMISSION

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21-8036



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Staff: WNP-SD
Staff Report: September 23, 1999
Hearing Date: October 12-15, 1999

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approval with Conditions

APPEAL NO: A-6-OCN-99-20

APPLICANT: James Wilt

PROJECT LOCATION: 1719 South Pacific Street, Oceanside, San Diego County.
(APN 153-091-44)

PROJECT DESCRIPTION: Construction of a two-story, 27-foot high, 3,451 sq.ft. single family residence on a 4,480 sq.ft. oceanfront lot and repair and maintenance of an existing riprap revetment.

APPELLANT: Jamie Phillips

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program; Regular Coastal Permit RC-2-98, Wave Uprush Studies by Hetherington Engineering Inc., dated May 31, 1990 and Skelly Engineering, dated April 27, 1999

STAFF NOTES:

At its March 10, 1999 hearing, the Commission found "substantial issue" exists with respect to the grounds on which the subject appeal was filed. At its June 1999 hearing, the Commission continued de novo hearing and directed the applicant and appellants to work together and come to an agreement regarding the bulk and scale of the proposed project. While the applicant has indicated a number of revisions have been incorporated to the previous home design, no agreement has been reached between the applicant and the appellants at this time. The appellants have instead indicated that they would prefer a house that is considerably landward of the present design.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission find that the proposed development is consistent with the visual and public access policies of the certified Oceanside Local Coastal

Program subject to conditions requiring final revised building plans, the recordation of a waiver of liability that indicates the applicant assumes the risk of developing the site, that construction responsibilities and debris removal shall be the responsibility of the applicant and that any change in the design of the revetment or future additions/reinforcement seaward of the riprap will require a coastal development permit. Issues regarding the size and scale of the residence and the project's consistency with the "stringline" (seaward buildout of proposed development) have been addressed by way of a comparison of the size and scale of nearby ocean-fronting development with the proposed project and a review of the Oceanside LCP regarding application of the certified "Stringline Set back Map." While the proposed structure will have more square footage and a greater floor area ratio (FAR) than other homes in the surrounding area, Commission staff has determined that the proposed single-family residence, as conditioned, is consistent with the certified LCP relative to protection of visual resources and community character and scale and will not set an adverse precedent resulting in the "walling off" of the coastline in this area as viewed from the up and downcoast public accessways and beaches.

STAFF RECOMMENDATION ON THE COASTAL PERMIT

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 the certified City of Oceanside LCP and with the public access and recreation policies of the California Coastal Act of 1976 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. Final Building, Grading and Revetment Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final building, grading and revetment plans for the proposed project that have been approved by the City of Oceanside. Said final building plans shall be in substantial conformance with the plans submitted by David Soanes, date stamped received 9/21/99. Said final grading plans shall be in substantial conformance with the plans submitted with this application, dated 4/19/99 by Logan Engineering. Said final

revetment plans shall be in substantial conformance with the plans submitted with this application, dated 4/27/99 by Skelly Engineering and indicate that repair and maintenance work shall not cause the revetment to extend further seaward than the pre-existing toe of the revetment as originally constructed.

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

2. Assumption of Risk. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from wave uprush and flooding and the applicant assumes the liability from such hazards; and (b) the applicant unconditionally waives any claim of liability on the part of the Commission or its successors in interest for damage from such hazards and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction.

This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Construction Responsibilities, Materials and Debris Removal. It shall be the responsibility of the permittee to assure that shoreline protection structures on adjacent properties are not damaged during construction on the permittee's property and to repair any damage to the adjacent property's shoreline protection structures that may be caused by the permittee's construction. Additionally, the permittee shall remove from the beach and revetment area any and all debris that result from the construction period. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material.

4. Maintenance Activities/Future Alterations. Any debris, rock or materials which become dislodged after completion through weathering and impairs public access shall be removed from the beach. Any change in the design of the revetment or future additions/reinforcement seaward of the riprap will require a coastal development permit. If after inspection, it is apparent repair or maintenance is necessary, the applicant should contact the Commission office to determine whether permits are necessary.

5. Construction Schedule/Staging Areas/Access Corridors. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of access corridors to the construction sites and staging areas, and a final construction schedule. Said plans shall include the follow criteria specified via written notes on the plan:

- a. Use of sandy beach and public parking areas outside the actual construction site, including on-street parking, for the interim storage of materials and equipment is prohibited.
- b. No work shall occur on the beach on weekends or holidays during the summer months (start of Memorial Day weekend to Labor day) of any year.
- c. Equipment used on the beach shall be removed from the beach at the end of each workday.
- d. Access corridors shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is prohibited.

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

6. As-Built Building Height Survey. Within 60 days of completion of construction of the residential structure, the applicant shall submit for review and written approval of the Executive Director, an "as-built" survey of the building height of the structure to verify that the structure does not exceed the 27 ft. height limit. The survey shall first be reviewed and approved by the City of Oceanside. If the survey determines that any portion of the completed structure exceeds the 27 ft. height limit, the applicant shall obtain the necessary permits from the City of Oceanside to revise the building height to meet the height requirements.

III. Findings and Declarations:

1. Project Description. The proposed development involves the construction of a two-story, 27-foot high, 3,539 sq.ft. single family residence on a vacant 4,480 sq.ft. oceanfront lot. The proposed structure is two stories over a basement and was approved by the City of Oceanside with a maximum height of 27 feet from the existing grade. The residence is designed with 3 bedrooms, 3 baths, kitchen, living room, 2 offices, lower level beach room, a mezzanine, an "unimproved" area and 3 patios/balconies. An elevator is also proposed which is accessed from the 2-car garage. As proposed, the

home will extend approximately 76 ft. seaward from Pacific Street (83 ft. with the proposed deck).

The subject site is located on the west Side of Pacific Street in the City of Oceanside. The site is vacant and the last undeveloped beachfront property between Cassidy Street and Buccaneer Beach. The site is sloped and maintains a 20-foot elevation differential from Pacific Street to the existing on-site revetment. The lot is 28.5 feet wide and extends westerly to the mean high tide line. An existing rock revetment is located on the site and was required by the City to be repaired subject to the recommendations of a wave uprush study. No additional seaward encroachment is proposed to repair the revetment. The revetment was constructed prior to passage of the Coastal Act. Surrounding land uses include single family residences along the west side of Pacific Street typically on narrow lots which are characteristic of this section of shoreline. On the east side of Pacific approximately 15 feet above the site, are single family residences.

Because the proposed development is the subject of an appeal of a decision of the City of Oceanside, the standard of review is the certified Oceanside Local Coastal Program and the public access policies of the Coastal Act.

2. No Waiver of Violation. Subsequent to the City's approval of the project, repair work to the revetment was undertaken by the applicant (i.e., riprap was placed on top of the revetment). The City of Oceanside notified the applicant that the repair work was unpermitted and should be stopped and the revetment returned to its original shape pending the Commission's action on the appeal. The applicant has subsequently removed the unpermitted rock. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

3. Visual Impacts/Compatibility/Stringline. Three LUP Policies (#4, #7 and #8) of the "Visual Resources and Special Communities" Section of the certified Oceanside Land Use Plan (LUP) are applicable to the proposed development and state:

4. The City shall maintain existing view corridors through public rights-of-way;
7. Development of sandy beach areas shall be restricted to those areas that are directly supportive of beach usage, such as restrooms, lifeguard towers, and recreational equipment. Any such structures should minimize view blockage and be durable yet attractive;
8. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

The beachfront on this section of shoreline in Oceanside contains a mix of older, smaller houses that were built primarily in the 1950s and 1960s and newer, larger structures that

have either replaced the older structures or have been built on the few remaining lots on the beachfront. In this case, the subject lot is the last vacant lot in the area to develop.

To determine whether the proposed residence is consistent in size and bulk with existing development in the area, staff has surveyed real estate information on ocean-fronting residential development on two blocks in the area for the year 1998-99. These blocks include lots that are zoned Residential Tourist (RT) and Residential Single Family (RS) and extend between Cassidy Street to the south of the subject site and Buccaneer Beach to the north. This area was selected by staff as representative of the neighborhood based on the project site's location near the mid points of the above areas and that this project area contains a mix of newer development primarily north of the project site in the 1700 block and older, established development primarily south of the project site in the 1600 block. The opponents of the project have objected to including the RT Zone as representative of the neighborhood as the subject site is entirely within the RS (single family) Zone. The RT Zone accommodates the building of multi-family structures that are typically larger than single family homes. However, staff has found that it is appropriate to include the RT Zone in the analysis based on the proximity of the RT Zone to the project site and based on the fact that including it in the analysis gives a more accurate picture of how development is proceeding on the Oceanside shoreline in the vicinity of the proposed development. The break in the two zones occurs between 1643 and 1701 South Pacific Street. According to the real estate records, the homes in the surrounding area range in size from 806 sq.ft. to 4,465 sq.ft. (reference exhibit #5) with all of the structures greater than 3,000 sq.ft. located in the RT Zone.

Although the City recently approved an addition to the residence located at 1737 Pacific Street increasing its size from 2,813 sq. ft. to 3,501 sq. ft., it has not been reviewed by the Commission through its post certification process as an appealable development; thus, its existing size of 2,813 sq.ft. was used to calculate the average size of houses in the RS Zone. For comparison purposes the average size of residences in the project area is 2,464 sq.ft (from 1609 to 1747). The average size in the 1700s is approximately is 2,115 sq. ft. including the subject residence. Not including the subject site, the average for this block is 2,054 sq.ft. Therefore, from the standpoint of square footage, the proposed residence is the largest structure in the RS Zoned properties and among the largest in the RT Zoned area as well.

Regarding height, the proposed structure is two stories over a basement with a maximum height of 27 feet from the existing grade. Houses in the project area have varying heights; those up to 35 feet high were built before the City recently revised the height limit from 35 feet to 27 feet in 1995. The project was approved at the height standard maximum of 27 feet above existing grade. The redesigned house remains at the same height and follows the profile of the sloped lot as it descends from the street to the ocean. Opponents of the project contend that the house extends above the height limit based on surveyed grade studies done by both the applicant and the opponents. However, the City of Oceanside has reviewed the applicant's survey and found it to be acceptable as documenting that the proposed structure will not exceed the City's 27 ft. height limit. In addition, the Commission's technical staff in San Francisco has looked at the height issue

and has determined that both of the topographical surveys that have been done for the property for purposes of determining existing grade are similar (within 1 foot of each other) and that the only way to be certain that the house conforms to the height limit at every point on the ground is to do an "as built" survey of the height of the structure once it has been constructed. Special Condition #6 makes this study a requirement of this coastal development permit. However, the Commission notes that the proposed building height is not a factor in this case for purposes of determining compatibility in bulk and scale as many houses in the project area rise above the present height standard of 27 feet.

Another way of determining bulk and scale of a structure is to calculate its Floor Area Ratio (FAR). FAR is a comparison of the size of the house with the size of the lot. The FAR of the proposed house is 0.66, which is based on a house size of 3,206 sq.ft. and a lot size of 4,560 feet (28.5' X 160' as taken from the assessors parcel map). However, this figure does not take into account a proposed 144 sq. ft. Mezzanine and 189 sq. ft. "unfinished area". The average FAR in the project area is .5; thus, as with square footage, the proposed residence has a larger FAR than the majority of the existing development in this area. To further address neighborhood compatibility the LCP establishes a lot coverage standard of 40%. The project, which includes a 36% lot coverage, is within the 40% standard certified in the LCP.

While the development does represent a greater square footage and FAR than other homes in the surrounding area, the appearance of size and bulk of a residence can be minimized by several development standards and design guidelines that have been applied to this project. The project has been designed with recessed windows and door fenestrations, a stair stepped tiered facade on both the ocean and street elevations combined with the lowering of the street side elevation by 3-feet and the elimination of an underground storage area, an eave end roof that also helps reduce the impact of larger mass. Thus, even though from a square footage standpoint the home appears bigger, the proposed project by coverage, height, bulk and scale is generally compatible with the surrounding neighborhood as it recycles with newer development.

The project site is not located within any special visual overlay areas. Major Finding #3 of the "Visual Resources and Special Communities" section of the certified LUP identifies that there are no developed vista points in Oceanside. Policy #7 of the same section identifies that development of sandy beach areas shall be restricted to those uses which are directly supportive of beach usage, such as restrooms, lifeguard towers, and recreational equipment. However, this policy is directed at public projects that propose development on the beach. Visual impacts of new development on oceanfronting lots are addressed by assuring that the project meets the requirements of the Stringline Map.

The proposed project currently meets the ocean setback requirements of the certified LCP, in that it is consistent with the certified Stringline Setback Map. Thus, by meeting this requirement, the City found the project has been designed to address visual resources and public access consistent with the ocean setback provisions of the certified LCP. The Commission must also find that project is consistent with the stringline provisions of the certified Oceanside LCP. As noted, no portion of the house or balcony extends beyond

the 85-foot stringline established by the stringline map. Moreover, the Commission is interpreting the stringline map to show what the maximum amount of seaward encroachment that oceanfronting development can achieve (i.e., It is not a permitted distance). In other words, in this case, building out to the stringline is not a development "right" that the applicant is entitled to. Maximum buildout can only be achieved when the proposed project is found consistent with all the governing policies of the certified LCP.

The certified LCP contains a requirement that new development along the ocean not extend further seaward than a "stringline". The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve public views along the shoreline. There is no specific land use plan policy that identifies the stringline. However, Section 1703 of the certified implementing ordinances (zoning code) addresses the stringline and states:

Section 1703 (e) (Rear Yard Setbacks)

Notwithstanding any other provisions of this section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the "Stringline Setback Map", which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.

The certified "Stringline Setback Map" was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions.

Regarding the preservation of visual resources, the stringline is typically used in the majority of LCPS to preserve public views but not private views. That is, by its limiting of the seaward encroachment of new development, the stringline setback preserves public views along and to the beach. However, in this case, Section 1703 (e) (Rear Yard Setbacks) of the certified Oceanside zoning ordinance allows open decks, patios and balconies to extend seaward of the Stringline Setback line, provided they do not substantially impair the views from adjoining properties. Thus, while private views are typically not preserved in most LCPs, the certified Oceanside LCP requires the preservation of private views along the shoreline, at least for development accessory to the main residence such as open decks, patios and balconies. In this particular case, no such accessory development is proposed beyond the stringline.

As noted previously, in this case the City approved the project by finding the project was within the limits of the development stringline as established in the certified LCP which was found to be 85 feet seaward of the inland right-of-way of Pacific Street, the fronting

street. The stringline was measured from Pacific Street to the inland side of the stringline (rather than the seaward side of the stringline. Because of the scale of the stringline map the stringline's width is approximately 5-feet wide). As revised, the project proposes the balcony to extend to 83 feet and the residence to 76 feet. No open decks, patios or balconies are proposed seaward of the Stringline Setback line even though the policy allows such development upon a finding that such development does not substantially impair the views from adjoining properties.

The project has been redesigned since the June, 1999 Commission hearing in response to the Commission's direction that the applicant and opponents work together to come to a compromise. However, a compromise has not been achieved. The applicant has indicated that the size of the house has been reduced along with its seaward extension. However, in fact, with the new design, the square footage of the home has actually increased over that which the Commission reviewed before. While the applicant is showing the "living area" to be 3,206 sq. ft., this does not include a 144 sq. ft. mezzanine and a 189 sq. ft. "unfinished area". The actual square footage of the redesigned home is 3,451 sq. ft. The applicant has however, pulled the home back by 2 feet to bring the balcony back to 83 feet and the building face back to 76 feet at the center and 73 feet at the sides; however, the design is still unacceptable to the opponents. The appellants propose several ways the seaward extent of the project could be minimized: the building face could be moved back to 66 feet and the balcony to 77 feet; or, the stringline could be set at 79.25 by using the City of Oceanside permitted stringline of 80-feet at 1731 (6 houses to the south) and 79.5-feet at 1637 (7 houses to the north), the two "anchor" houses which protrude most westerly and drawing a line between the two houses which would pass through the subject site at 79.25. No structures including decks could exceed the 79.25 stringline setback as proposed by the opponents. While the main residence would be consistent with that standard, the proposed balcony extends to 83 feet and would be unacceptable to the opponents. Thus, the opponents state that the redesign has not resulted in development being significantly pulled back from the stringline. The applicant states that any further redesign would be infeasible.

The opponents contend that the project will set the standard for building out to 83 feet towards the ocean in the RS zone and that others will follow resulting in a wall of houses that will block lateral visual access along the beach. The opponents consider this a precedent for subsequent development along the shoreline. They contend that the area is on the verge of remodeling and rebuilding and each development will push the envelope to capture the best shoreline view to add up to an incremental major change in the bulk and scale of buildings. Presently, only 3 houses are built out to or beyond a 80-foot stringline in the project area and all are located within the RT Zone. The westward extent of the majority of homes is 75-feet or less.

A stringline map has been prepared by the applicant which depicts the City of Oceanside stringline, and deck and house stringlines for approximately 300 feet north and south of the Wilt site (from Cassidy Street on the south to the 1600 address structures to the north). It establishes 1731 Pacific as the control home to the south and 1643 S. Pacific as the control home to the north. The deck and home stringlines on 1643 are measured at 89

ft. and 77 ft. respectively; the same stringlines at 1731 are measured at 79 feet for the home (no deck at 1731). The City of Oceanside stringlines are given at 100 feet at 1643 and 80 feet at 1731. Generally the lots between these points are randomly built out at varying distances from Pacific street to the west. Thus, it is difficult to find a consistent pattern of development in this area. Properties at the south end of the block generally observe an average 80-foot setback where properties mid block to the north observe nearly a 100-foot average setback.

Of greater concern is the visual impact of the buildout of the area should every oceanfronting lot extend development to the approved limit of the stringline. Visual impacts to upcoast beach and shoreline views from Cassidy Beach are a concern under this scenario. There are two beach accesses which are close to the site. The Whaley Street beach access is approximately 300-feet to the north and the Cassidy Street access about 390 feet to the south of the project site. Cassidy Street is a designated view corridor per Policy 4 of the visual resource section of the LUP which states the City shall maintain existing view corridors through public rights-of-way; as all east/west streets close to the shoreline in Oceanside. The Cassidy Street access has multi level stairs with platforms and benches leading to the sandy beach and is used for reaching the beach and viewing the ocean. The opponents contend that at this time no houses in the RS Zone are built to the 80-foot stringline; the westward extension of majority of the homes is 75 feet or less. As noted, the opponents stringline survey determined that the stringline at the project site is 79.25 feet based on the average seaward encroachment of the two most seaward encroaching residences in the project area.

As redesigned by the applicant, the proposed home only extends 76 feet seaward of Pacific (excluding the balcony). Based on the stringline analysis prepared by the applicant, this is within what would be considered a more "typical" stringline. As such, approval of the proposed development will not set an adverse precedent for buildout of this area that could lead to a "walling-off" effect and a reduction in available public views along the beach in this location. Because the proposed residence will not extend further than other structures already constructed in the area, it will not set an adverse precedent. The concern pertaining to the "walling-off" of public views from the nearby accessways, will likely be addressed on those sites adjacent to the accessways where public views are currently available.

In summary, the proposed residence can be found generally consistent with the pattern of development in the surrounding area. As conditioned, the project can be found in conformance with the ocean setback provisions of the certified Oceanside LCP and can be found compatible in size and scale with nearby development. Both public and private views along the shoreline would not be adversely impacted by the proposed development. Therefore, the Commission finds the proposed project, as conditioned, consistent with the visual resource policies of the certified Oceanside LUP.

4. Shoreline Protective Device/Beach Encroachment. Currently riprap exists along the shoreline to protect the vacant subject site as well as adjacent properties from adverse storm conditions. According to City officials, the bulk of the existing shoreline

protection on this part of the southern Oceanside shoreline was constructed at one time prior to the passage of the Coastal Act.

In its approval, the City required the applicant to prepare a "precise Grading and Private Improvement Plan" to reflect all pavement, flatwork, landscaped areas etc. and footprints of all structures including the onsite revetment. The City required that a wave study for the project is done or that the City's standard seawall detail is used. In this case, the applicant chose to provide the wave study because one had been done for the site in 1990. Based on the recommendations of the wave study, the City conditioned the project to include reconstruction of the revetment.

The preliminary wave action study (1990) states that the existing riprap would need to be improved to adequately protect the site. The improvements would include the reshaping of the riprap, the additional placement of stones and construction of return sections. The wave study recommends that the revetment be returned to its original design by adding approximately 5 additional feet to the height of the existing revetment, which has deteriorated over time since its original construction at least 30 years ago. Based on these recommendations, the City found the above recommended seawall improvements were necessary to find consistency with the certified LCP.

In response to Commission staff concerns that the revetment not encroach farther onto the public beach the applicant prepared an updated wave uprush study. This study recommends that the revetment be returned to its original design by adding approximately 5 additional feet to the height of the existing revetment, which has deteriorated over time since its original construction at least 30 years ago. The 1999 study concludes that no additional seaward encroachment of rock is recommended or necessary over that originally constructed and the proposed residential development would be adequately protected by the repaired revetment. The report finds:

The revetment is currently entirely above the certified mean high tide line. The applicant only proposes to rehabilitate the revetment and increase the height a few feet. The proposed increase in height will extend the top of the revetment a few feet landward from its current position. The toe of the revetment will remain exactly where it is. The rehabilitation of the revetment is part of the grading plan for the project and will be subject to inspection by the City of Oceanside.

Section 19.B.18 of the certified Seawall Ordinance requires that shoreline protective devices not have an adverse impact on sand supply and coastal resources (public access).

Shoreline structures as defined in Article II shall be allowed when required to serve coastal dependent uses or to protect proposed or existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and other coastal resources, and where the construction is in conformance with the City's Local Coastal Plan.

Based on the above, the Commission notes the revetment repairs meet the LCP standards with respect to the design of the revetment. Thus, the Commission finds the proposed repair work consistent with the certified LCP.

Special Condition #1 also requires that the applicant submit final plans for the revetment repair, which indicate that no repair and maintenance work shall extend further seaward than the pre-existing toe of the revetment as originally constructed.

In addition, the applicant is proposing to construct the development in an area subject to wave and storm hazards. Although the applicant's study asserts that the proposed development can withstand such hazards and protect the proposed development from such hazards, the risk of damage to the structure cannot be eliminated entirely. The Commission finds that in order for the proposed development to be consistent with the Coastal Act, the applicants must assume the risks of damage from flooding and wave action. As such, Special Condition #2 requires the applicants to execute assumption of risk documents, waiving any liability on the part of the Commission for approving the proposed development. In addition, these conditions require the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of failure of the proposed development to withstand and protect against the hazards.

Special Condition #3 notifies the applicant that it is the responsibility of the permittee to assure that shoreline protection structures on adjacent properties are not damaged during construction on the permittee's property and to repair any damage to the adjacent property's shoreline protection structures that may be caused by the permittee's construction. Additionally, the permittee shall remove from the beach and seawall area any and all debris that result from the construction period. It also states that disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for backfill or construction material.

Special Condition #4 requires that any debris, rock or materials which become dislodged after completion through weathering and impairs public access shall be removed from the beach and that any change in the design of the revetment or future additions and/or reinforcement seaward of the riprap will require a coastal development permit. If after inspection, it is apparent repair or maintenance is necessary, the applicant should contact the Commission office to determine whether permits are necessary.

In summary, while repairs are necessary to the existing revetment, no further seaward encroachment is necessary or proposed. As conditioned to provide final building, grading and seawall plans and to record a waiver of liability assuming the risk of developing the site, the Commission finds the proposed project conforms to the certified Oceanside LCP.

5. Public Access and Recreation. Section 30604(c) requires that a specific access finding be made for all development located between the sea and the first coastal

roadway. The certified LCP contains provisions that call for the protection and enhancement of public access.

Major Finding #7 of the LUP provides:

7. The shoreline between Wisconsin and Witherby Streets is accessed by five 80 foot wide public "pocket" beaches, spaced at 450-foot intervals.

The subject site is located on the seaward side of Pacific Street. Because of the steepness of this hillside lot and because of the existing revetment, there is no evidence of public use of the site to access the beach. Vertical access to the public beach is provided about 400 feet south of the project site at Cassidy Street and approximately 300 ft. north at Whaley Street, one of the above-identified pocket beaches. Thus, adequate vertical access to the shoreline is located nearby.

Access policy #2 of the LUP provides:

2. New public beach access shall be dedicated laterally along the sandy beach from Witherby Street south to the City limits in conjunction with restoration of the beach or new private development, whichever comes first.

The project proposes to augment an existing revetment on-site in accordance with a wave uprush study. While repair work will occur to this revetment, no further seaward encroachment beyond the existing toe is proposed or permitted. To ensure that project construction would not affect public access, Special Condition #5 requires detailed plans identifying the location of access corridors to the construction sites and staging areas, and a final construction schedule. This condition also states that any proposed changes to the approved plans or the stated criteria shall be reported to the Executive Director. No changes to the plans or schedule shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

As conditioned to provide staging and construction plans, the Commission finds the proposed development consistent with the public access and recreation policies of the Coastal Act and the certified Oceanside LCP.

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

The subject site is designated as RS (Residential Single Family) with an underlying land use designation of Residential Single Family Detached. The project is consistent with these designations. The certified Oceanside LCP contains policies which call for new development to be compatible with the scale and character of the surrounding

development. In addition, the certified Stringline Setback Map calls for the preservation of visual access to the shoreline. The Commission finds the proposed development, as conditioned, is compatible in scale and character with the surrounding community and will not adversely impact views to and along the coast. Thus, the Commission finds the proposal can be found consistent with all applicable policies of the certified LCP as well as the public access and recreation policies of the Coastal Act.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the public access and visual policies of the Coastal Act and the Oceanside LCP. Mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the 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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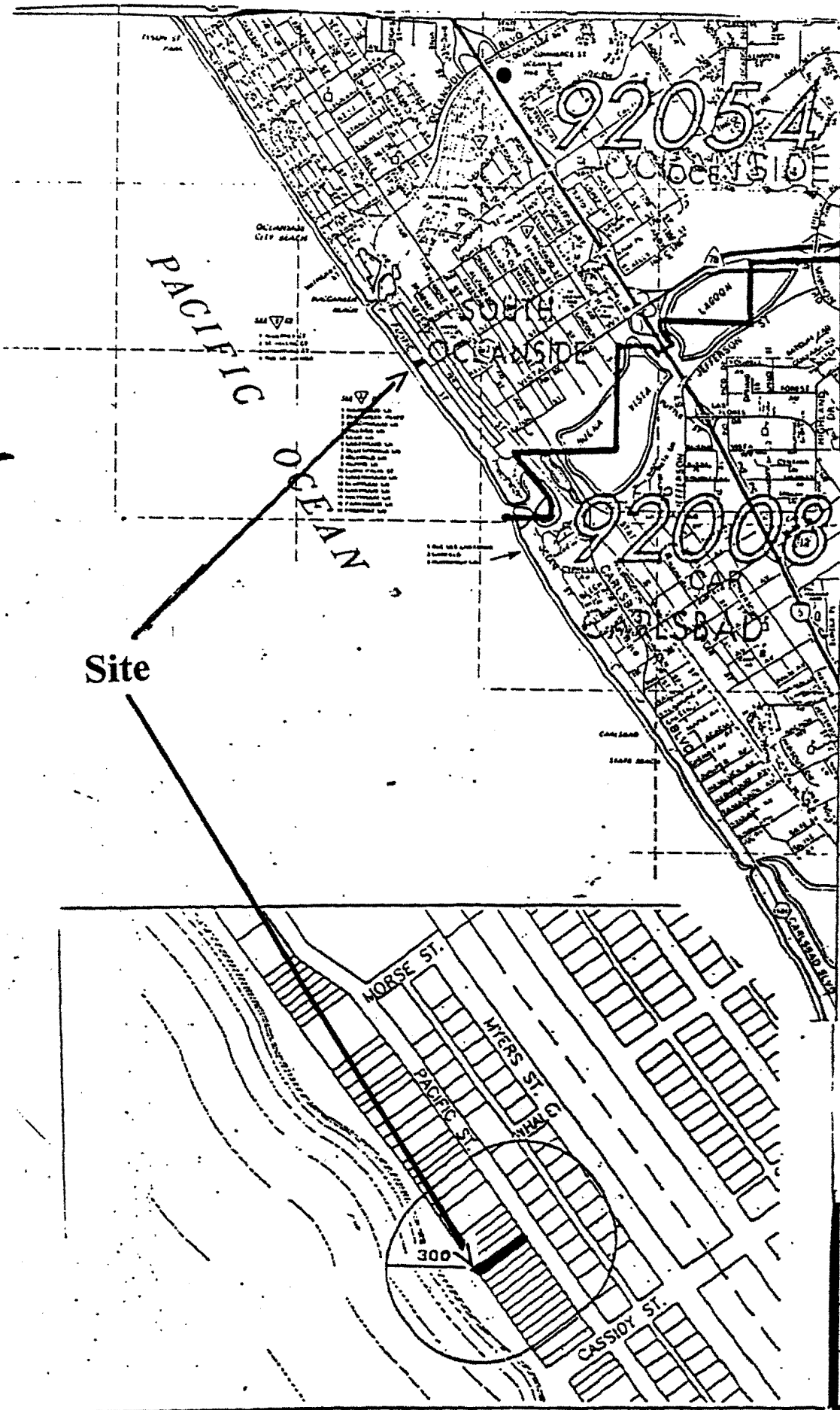


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-99-20
Location Map
California Coastal Commission

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Coastal Commission

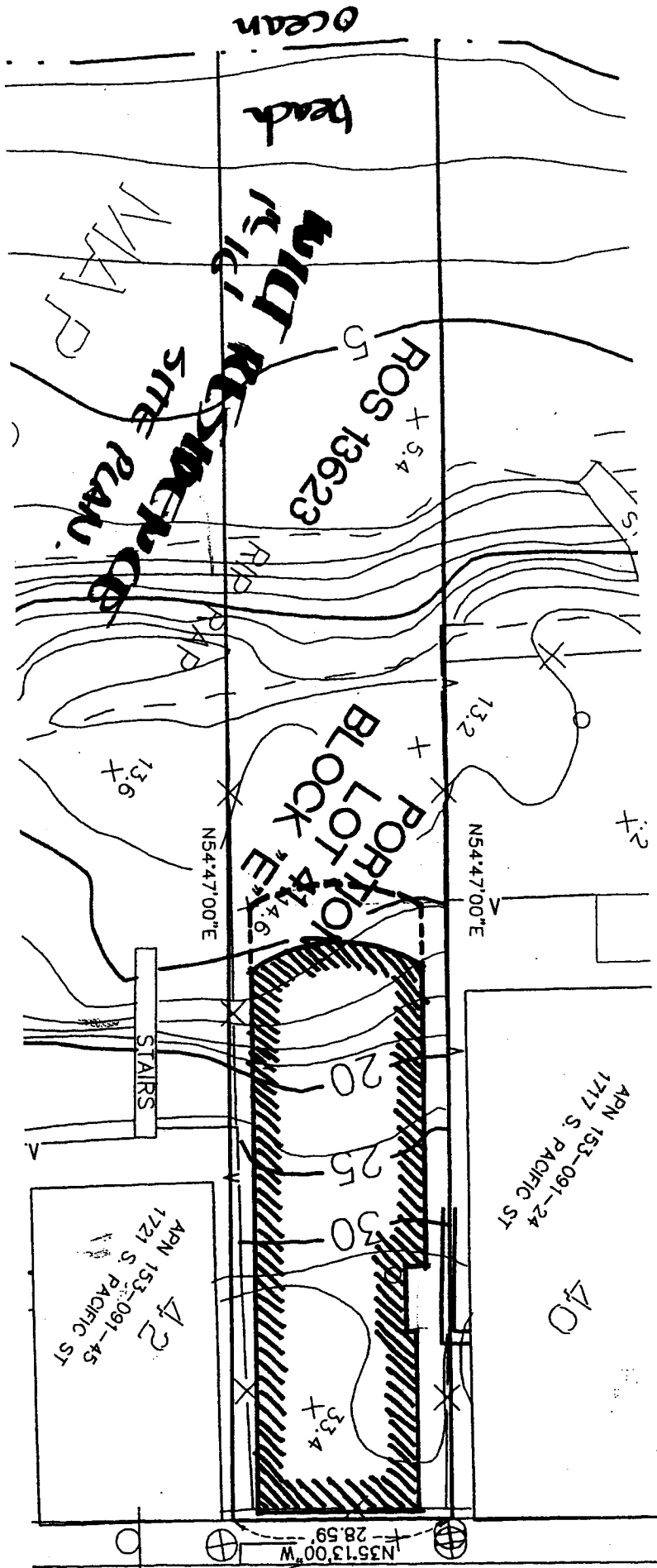


EXHIBIT NO. 2
APPLICATION NO.
A-6-OCN-99-20
Site Plan
California Coastal Commission

CALIFORNIA

COASTAL

COMMISSION

APPEAL NUMBER-6-99-20
(WILT, OCEANSIDE)

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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT


EXHIBIT NO. 3
APPLICATION NO A-6-OCN-99-20
Applicant's Response to Appellant's Appeal
 California Coastal Commission

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SUMMARY OF ITEMS PRESENTED IN THIS BROCHURE

BULK AND SCALE: We present figures that determine that our house is compatible in Bulk and Scale to the other homes on our block.

PUBLIC VIEW: We do not block public view.

HEIGHT AND GRADE: The grade done by aerial precision survey is identical with the grade done by Logan Engineering. Therefore, we are under the 27 foot height restriction as has been determined by your staff in San Diego.

STRINGLINE: We are within the guidelines as established by Oceanside's Local Coastal Plan which was established by the California Coastal Commission. As a compromise to the Appellants we are willing to reduce the size of our house by two feet bring our balcony back to 83 feet and our building face back to 76 feet at the center and 73 feet at the sides.

COMPROMISES: We worked with our architect and came up with nine compromises. The Appellants canceled our second meeting and wrote us a letter giving us their "One Compromise" which asked us to move our building face back to 66 feet. This is not a compromise as they have been asking this for the last eleven months.

APPELLANTS LAST LETTER TO US: In this letter they asked us to move our building face back to 66 feet, said that we blocked public view which is a total misstatement, and insulted us by suggesting that we could make our house smaller if we got rid of our extravagant elevator when they know my wife is handicapped and our elevator is a necessity.

ATTEMPTS TO COMPROMISE: A list of the different times we tried to get the Appellants to come to a meeting to try to compromise.

PROOF OF BULK: A individual breakdown determining the bulk of the homes on our block as was ascertained from the aerial topographical survey.

BULK and SCALE

From what we have been able to determine bulk can be figured three ways. Two ways the city of Oceanside uses and they are considered to both be coverage which measures the roof area of the house with the lot. The third way is the Floor Area Ratio which San Diego uses.

The coverage from the roof to the mean high tide line.

Must be less than 40%--We were 36% but since we have reduced the size of our house by another two feet, our percentage of coverage is 32.2%.

The coverage from the roof to the westward end of the revetment.

Must be less than 45%---We are 40%

The San Diego way to determine bulk is by the Floor Area Ratio (F.A.R.)

As determined by the Aerial Topographic Survey we are .59.

As a compromise to our neighbors we have reduced our square footage to 3,206.

**THESE FIGURES DETERMINE
THAT OUR HOUSE IS NOT TOO
LARGE FOR THE AREA. WE FIT
INTO THE NEIGHBORHOOD.**



CITY OF OCEANSIDE

PLANNING DEPARTMENT

May 28, 1999

Bill Ponder
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725

RE: Wilt Residence (RC-2-98)

Dear Bill:

There appears to be some question on the lot coverage for the Wilt Residence project. First I'd like to say that the Wilt Residence project meets the lot coverage requirements of the LCP approved for the City of Oceanside. Under the provisions of the approved LCP the maximum allowable lot coverage is 40%. Lot coverage is determined by dividing the building "foot-print" size by the lot size. Using this formula the Wilt project has a lot coverage of 36%. Outlined below is a table that illustrates this determination.

Building "foot-print"	1,747 square feet
<u>Lot size (28.5 ft. x 170 ft.)</u>	<u>4,845 square feet</u>
Lot coverage	36%

As illustrated above you can see that the project does meet the lot coverage provisions of the LCP. I believe that the confusion is basically centered on the lot size of the property specifically, what is used as the depth of the lot. The subject lot is 28.5 ft. wide and 170 ft. deep. The depth of the lot is measured to the mean high tide line and not the western edge of the "rip-rap". The existing "rip-rap" does not represent the western property boundary. The western boundary line is the mean high tide line, which is situated at approximately 170 feet from Pacific Street along this reach of the shoreline.

PUBLIC VIEW

WE DO NOT BLOCK PUBLIC VIEW

We have two houses six doors to the South of us (1731,1733 South Pacific) whose building face goes out 78.6 feet from Pacific Street. We have six houses to the North of us (1633,1635,1637,1639,1643,1701 S. Pacific) whose building face goes out from 80 feet to 88 feet. Our building face goes out 76 feet. We have 30 feet of private beach in front of our house and then 16 feet of revetment down to the Public Beach.

WE DO NOT BLOCK PUBLIC VIEW

HEIGHT AND GRADE

The Oceanside Local Coastal Commission has approved our grading plan. The Coastal Commission Staff of San Diego has had a copy of our Laser Grade done by Logan Engineering and a copy of our plans. They have found that our house does not exceed the 27 foot height restriction. To further prove that our grade is correct we had a topographical survey done and it's grade was identical to the grade done by Logan Engineering. As a compromise to the neighbors we are agreeing to lower our basement a foot so there can be no question about our staying under the 27 foot restriction. The Appellants also had a grade done by a surveyor, but their grade according to our Arial photo analysis is not accurate.

**SO ACCORDING TO OCEANSIDE AND
THE SAN DIEGO COASTAL COMMISSION
STAFF'S REVIEW OF OUR PLANS AND
OUR GRADE, WE ARE UNDER THE
27 FOOT HEIGHT RESTRICTION.**

STRINGLINE

The Oceanside Local Coastal Plan established our stringline to be 85 feet. This stringline was established when the California Coastal Commission accepted Oceanside's Local Coastal Plan. It is not a straight line. It follows nature, the coastline. In many other cities in Southern California their coastal houses are on cliffs. In these cases the houses all have to be a certain number of feet from the cliff. This is not for view. It is for safety. The Oceanside stringline has been working well for the last eighteen years. Some of our other neighbors have found out that some people are trying to change the stringline. They do not want the stringline changed. The 85 foot measurement is from the inland side of the stringline so the width of the stringline is immaterial.

Since we have met the bulk, height, and grading restrictions for our house to bring the stringline back only serves to give our neighbors more private view. We have already brought the house back from a view perspective by 6 feet. We are now willing to compromise and give them another 2 feet of view for a total of 8 feet. The sides of the house for the neighbors view would then be 73 feet (12 feet behind the 85 foot stringline).

6. **BASEMENT MUST BE 50% UNDERGROUND**—Our basement was 58% underground, but it is now 65.38% underground.
7. **SIDE VIEW**— We have observed the full three feet side yard setbacks between the houses. Even though the Coastal Commission rules allow it, our fireplace does not intrude into that space. This was difficult as the interior width of our house is only 21 feet.
8. **FRONT HEIGHT**—We have lowered the front of our house at Pacific Street from 23 feet to 20 feet so the neighbors across the street will have a better view of the ocean (their houses are 17 feet above the street).
9. **OUR LAST COMPROMISE**—We will agree to bring our house back another two feet for a total of eight feet of view for the neighbors. Due to our elevator and many stairs in a narrow house (22 feet wide), two feet is the most we can bring our house back without redesigning the whole house and have to start all over with the city. This would be a great expense and would also take a great deal of time. In giving the Appellants these extra two feet the sides of our house will be 73 feet from Pacific Street (12 feet behind the stringline). We will move back these extra two feet if the Appellants will make their first compromise and agree to write a letter saying that they no longer will fight our house and that they will not show up at the Coastal Commission meeting.

COMPROMISES

These are our compromises to alleviate the concerns that the Appellants have expressed to us over the last eleven months.

1. **SQUARE FOOTAGE**--We reduced our square footage from 3,762 to 3,206.
2. **BULK**-- We reduced our floor area ratio from .71 to .59. We reduced our coverage which needed to be less than 40% to 32.2%. We definitely fit into the neighborhood.
3. **VIEW**--We have brought our house back from a view perspective by 6 feet. The sides of our house are now 75 feet from the street(10 feet behind the stringline). Our balconies are totally glass so they will not block any view.
4. **HEIGHT**--Even though we do not exceed the 27 foot height restriction as determined by your staff in San Diego we lowered our basement one foot so there cannot be any problem with the height restriction.
5. **SOIL REMOVAL**--We are removing 1/3 less soil by the elimination of a lowest level storage room.

EXPLANATIONS ON THE NEXT PAGE

7/22/99

Dear M/M ~~WIL~~ WILT

In response to your letter of 7/11/99 we met and reviewed your proposed modifications to your building plans. We are further aware of the recent survey you conducted of the surrounding properties and the placement of the ribbon markers on your land.

Although, we appreciate your efforts in demonstrating the extent of the westerly projection of your planned building and your concession in moving the structure east by two feet, we do not agree that this is sufficient compliance with the letter or spirit of the Coastal Commission directive. Nor do we believe it brings the structure into compliance with the requirement of the Local Coastal Plan as it relates to compatibility with the surrounding neighborhood.

THIS IS A LIE AND THE NEIGHBORS KNOW IT.

We all agree that your proposed house remains substantially greater in size, especially length, than any other in the neighborhood and we remain adamantly opposed to extensive obstruction of the coastal views, (both public and private) that will result from your plan.

It is our opinion that you could easily reduce the length of the structure to conform to neighboring properties by simply removing such extravagances as the proposed elevator and three car garage. Nevertheless, we do not assume to dictate the design, content or use of the interior spaces of your house.

THIS MAKES ME FURIOUS.

Consequently, we have considered and agreed that we will accept a plan which complies with the following limitations:

1. No enclosed portion of your structure, (ie house, decks, balconies) shall extend further than Sixty Six, (66) Feet from the east set back of your property; and
2. No unenclosed structure, (ie, decks, balconies, pillars etc.) Shall extend further than Seventy Seven, (77) feet from the east set back of your property.

THIS IS NOT A COMPROMISE.

Please be advised that this is a substantial compromise. Many of us believe the "Stringline" should be interpreted to limit building no further than the adjoining structures. In the event this matter is not resolved by agreement, we intend to argue that position to the Coastal Commission at the continued hearing.

We trust this provides you sufficient flexibility to proceed with your plans in conformity with these limitations.

Sincerely,
Your Neighbors

ERRORS IN APPELLANT'S LETTER

"It is our opinion that you could easily reduce the length of the structure to conform to neighboring properties by simply removing such EXTRAVAGANCES as the proposed elevator."

My wife is handicapped. She is an incomplete quadriplegic. She was paralyzed two years ago. **The neighbors know this.** An elevator is not an extravagance, it is a necessity. My wife cannot go down stairs without help. She has lost about 40% of her balance. I cannot believe that the neighbors are so selfish that they say we should get rid of our elevator, a necessity, so they can have more private view. I am still furious.

"We remain adamantly opposed to extensive obstruction of the coastal views, both public"

This is a lie and the neighbors know it. Our house does not block any Public View. Our building face goes out 76 feet. There are two houses to the South of us whose building face goes out 78.6 feet (1731,1733 S. Pacific). To the North of us there are 5 houses whose building face go out between 80 and 88 feet (1633,1635,1637,1639,1643 S. Pacific). We also have 30 feet of Private beach in front of our house and then a 16 foot revetment drops down to the beach that the public can walk on. Public view is not an issue in our area.

"Please be advised that this is a substantial compromise."

The Appellants are still demanding that our building face go back to 66 feet. This is what they asked of us a year ago when they started fighting us. **This is not a compromise.** Moving the stringline is not an issue at this meeting as the stringline was established with Oceanside's Local Coastal Plan and was approved by the California Coastal Committee. We have made nine compromises. The neighbors refuse to meet with us to discuss them.

ATTEMPTS TO COMPROMISE WITH APPELLANTS

JUNE 10—Meeting in Santa Barbara. Commissioners asked us to try and get together and compromise.

JUNE 30— Meeting with Appellants. Collette Evans talked to our consultant and stated that it would be really nice if we could have a consultant to help us come to a compromise. She then said, "Do you think we could get one Pro Bono?" Our consultant talked to us and we decided that out of our pockets we would hire a consultant, Jim Bates, to help us come to an agreement. At the first meeting, the Appellants agreed with us that we would not make any demands on one another and that we would come back to the next meeting with compromises. We agreed that we would hold our next meeting at our condo on July 6.

JULY 1—Meeting with Architect and Wilts to work on compromises.

JULY 2—Phone call by Jim Bates to Collette Evans to discuss possible compromises. Forty minutes.

JULY 3—Meeting with Architect to work on compromises. We came up with 9 compromises.

JULY 3—Phone call by Jim Bates to Collette Evans to discuss possible compromises. Twenty minutes.

JULY 6—Phone call from Rene Dowling to say that the Appellants would not come to the meeting and she would bring us a letter that afternoon.

JULY 7—Phone call by Jim Bates to Collette Evans to discuss compromises and that we need to have a meeting with the Wilts. 15 minutes.

JULY 8—Still had not received letter from Appellants so I called Renee Dowling. I told her at that time that we still felt that we needed to have a meeting as you can not have any discussions from just a letter. She said she would bring the letter by that afternoon.

JULY 8—Phone calls by Jim Bates to Jamie Philips and Renee Dowling to discuss compromises and the fact that we need to have a meeting with the Wilts to discuss these compromises. 40 minutes.

July 8—Received letter from the Appellants. It was basically a demand that we bring our house back so that it is even with their houses (our building face is 78 feet, their building face is 66 feet. Difference of 12 feet.)

JULY 11—Called Renee Dowling and told her that we had staked out our lot to show exactly how far our house will go out. We hoped that when they actually saw how far our house was going out they would realize that our house fits into the neighborhood. I explained that the red stakes were the house and the yellow stakes were the balcony. She asked me to write a letter and put all of that information in it. We again discussed how important it was to have another meeting. She seemed to agree.

JULY 11—We hand delivered a letter to Renee Dowling. Again in the letter we expressed how important it was to have a meeting. We told her that if we didn't have at least one more meeting and come to some sort of compromise than we were not going to be put on the August agenda and then we would have to go to Eureka and none of us really wanted to go that far.

JULY 18—We wrote a second letter stating that we were very disappointed that we had not heard from them about having another meeting.

JULY 20—Phone calls by Jim Bates to Renee Dowling and Carolyn Wilt to discuss having another meeting. One hour.

JULY 22—Received a second letter from Appellants. They said it was their compromise letter, but basically it still demanded that we bring our building face back to 66 feet and that we could have a balcony that could go out to 77 feet. (we don't want an eleven foot balcony, what is important is the building face, that is the amount of room we will have in our house).

We received an E-Mail from Bill Ponder stating that since we had not come up with a compromise they would give us more time. We would not be put on the August agenda in Los Angeles but that we would be going to Eureka. The neighbors have not answered our second letter requesting a second meeting.

AERIAL SQUARE FOOTAGE

This individual breakdown determining the bulk of the homes on the block from 1629 to 1743 South Pacific was ascertained from the aerial topographical Survey done by R.J. Lung & Assoc. and Precision Survey and Mapping.

ADDRESS	SQUARE FOOTAGE	LOT SIZE	F.A.R.	ROOF SIZE	COVERAGE	HEIGHT
1629 S. PACIFIC	1,882	8,200	0.23	2,200	26.83%	34.1ft
1631 S. PACIFIC	1,882	10,260	0.18	2,970	28.95%	35.6ft
1633 S. PACIFIC	3,553	5,700	0.62	1,920	33.68%	25.6ft
1635 S. PACIFIC	3,991	5,760	0.69	2,425	42.10%	33.6ft
1637 S. PACIFIC	3,565	4,860	0.73	2,160	44.44%	44.3ft
1639 S. PACIFIC	3,981	4,779	0.83	2,400	50.22%	48.2ft
1643 S. PACIFIC	4,118	7,503	0.55	3,080	41.05%	40.0ft
1701 S. PACIFIC	4,465	7,912	0.56	3,080	38.93%	39.5ft
1705 S. PACIFIC	876	15,372	0.06	1,920	12.49%	17.3ft
1711 S. PACIFIC	1,635	5,952	0.27	1,450	24.36%	28.9ft
1713 S. PACIFIC	1,140	5,760	0.20	1,100	19.10%	22.0ft
1715 S. PACIFIC	2,658	5,220	0.51	1,472	28.20%	39.4ft
1717 S. PACIFIC	2,452	5,700	0.43	1,944	34.11%	29.8ft
1719 S. PACIFIC	3,208	5,413	0.59	1,747	32.27%	27.0ft
1721 S. PACIFIC	997	5,358	0.19	1,080	20.16%	19.0ft
1723 S. PACIFIC	2,024	6,016	0.34	1,976	32.85%	29.8ft
1725 S. PACIFIC	1,752	5,124	0.34	1,474	28.77%	25.5ft
1727 S. PACIFIC	1,872	5,550	0.34	1,440	25.95%	25.2ft
1729 S. PACIFIC	828	5,340	0.16	1,392	26.07%	33.8ft
1731 S. PACIFIC	3,501	5,340	0.66	1,896	35.51%	26.8ft
1733 S. PACIFIC	2,405	5,400	0.45	1,848	34.22%	25.6ft
1735 S. PACIFIC	2,729	5,280	0.52	1,608	30.45%	26.5ft
1737 S. PACIFIC	2,813	5,340	0.53	2,686	50.30%	32.0ft
1739 S. PACIFIC	1,828	8,188	0.22	960	11.72%	22.6ft
1745 S. PACIFIC	2,203	7,052	0.31	1,995	28.29%	26.3ft
TOTAL			10.51		781.01%	756.6ft
AVERAGE			0.44		32.54%	31.5Ft
WILT'S PROPERTY			0.59		32.27%	27FT

SEP 21 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST

Dear Mr. Ponder,

September 21 99

At the conclusion of the hearing in Santa Barbara Chairperson Sara Wan stated the following: "staff to bring this back with a redesign in regards to stringline, height, grade, and Commissioner Nava added "bulk and scale"

To help you clarify and make sense of the many different and varied numbers that are out there I have provided information based on the "nine compromises" that the Wilts assert they make. I say "assert" because many of these are irrelevant issues and/or changes that were made based on the city's recommendation months ago and not truly "compromises". In addition, no architecture plans have ever been received to verify this. Please reference their packet sent to the Coastal Commission dated September 02, 99. Page 8

1. **SQUARE FOOTAGE** they claim to have reduced the square footage "from 3,762 to 3206". We have not seen any actual architectural plans to verify this. If they do exist someone needs to get out a pencil and re-measure to verify numbers are accurate. Last time the plans said one thing but when we had another architect look them over he founds errors in their calculations. Errors that showed the house to be larger sq. ft than actually were stated. Also as you know (see attachment #F) the square ft. is constantly changing. Another interesting factor to note is that they have a 3-car garage. I do not know of another house in the neighborhood that has three garages but Mrs. Wilt said this was necessary to park her Porsche. Although garages do not count in the sq. ft. this certainly adds to the bulk. In addition, they have three levels to their home and only count the stairs once. How creative. However, this also adds to the bulk of the home.
2. **BULK** They claim that they have "reduced floor area ration from .71 to .59" (essential from .7 to .6) However, again who is verifying these numbers?? On page 3 of their packet they refer to three ways of determining these numbers. Each way is a variance upon the other. 1. "from the roof to mean high tide line" Are we to assume a mean high tide line of 170 which is very outdated and non-existent? 2. "from roof to westward end of revetment" Again who has verified what the actual roof measurement is?? 3. "as determined by the aerial topographical survey" Well we know that on this they used a very aggressive mean high tide line of 190 ft. This of course is where they come to there figure of .59. Wouldn't that be considered a manipulation of numbers?
3. **VIEW** they claim to have "brought back our house from a view perspective by six feet" and "the sides of our house are now 75 from the street". These numbers are confusing. Turn to page 7 of the above referenced packet. On page 7 under the heading STRINGLINE the Wilts claim "we have already brought our house back from a view perspective by 6 feet." "We are now willing to give them another 2 feet for a total of 8 feet." These numbers do not work. On pg. 1 it is 2ft, on pg 7 (second paragraph) it is 8ft and on pg. 8 it is 6 ft. The stringline is 85 feet. They claim on page 1 of their packet that their balconies go out 83 ft. $85-83=2$ not 8! The 6ft and 8ft change they claim do not exist. They also state on pg. 7 that "the sides of the house for the neighbors view would then be 73 feet". That is different then the 75ft just stated at the top of paragraph. As you can see a lot of numbers are being toood around here. What are the correct numbers? Even if we take the lowest numbers the house still does not conform to Coastal Act Title, Chapter 8 A.1 D, or to Policy #8 of Visual Resource and Special Communities section of Oceanside LUP or

EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-99-2
Appellants Response to Project

to Oceanside Zoning Ordinance Article 1050 (R). And not even to the directives given at the last hearing. For example Commissioner Wan states "the size is out of scale" "The applicant has to redesign" "clearly out of line with the surrounding area" "I know it is out of scale"

4. **HEIGHT** the applicants claim that they have "lowered (the) basement by one foot so there cannot be any problem with the height restriction". According to their own Logan engineering report when you overlay the plans onto it the height is violated by 2.8 ft. A one-foot change does not fix the violation. Also what do they mean by "lowering" it? Are they putting it that much deeper into the bluff or have they reduced the floor to ceiling height? This is not clear
5. **SOIL REMOVAL** the applicants claim that they are removing 1/3 less soil by eliminating a lower level storage room. This is great but it is not a compromise for us. Their consultant told us it was because of cost issues. However, who is going to watch the project and make sure that once the walls are up the lower level storage room does not get built anyway??
6. **BASEMENT MUST BE 50% UNDERGROUND** they claim that there "basement is now 65.38% underground". How do we know this number to be true? If based on past stated "facts" there is a lot of room to question this. Do you have actual blueprints that confirm this? We have not seen anything that shows this. We are very concerned that a manipulation of numbers is again occurring.
7. **SIDE VIEW** the applicants claim that they have "observed the full 3ft side yard setbacks" and this is correct. However, this was a change that the city insisted on for approval at that level months ago. It has nothing to do as a compromise. Using this to add to the amount of compromises is inconceivable.
8. **FRONT HEIGHT** the applicants claim that they have lowered their house to "20 ft". If this is verifiable and correct, then it is truly a compromise and will be appreciated by the general public who walk the elevated sidewalk on the east side of the street to enjoy the ocean view.
9. **OUR LAST COMPROMISE** the Will's claim that they have brought back their house "a total of eight feet of view for the neighbors" Again, where does this eight feet come from?? 85ft stringline -8ft =77ft. They are building out to 83ft. 83 and 77 are not the same no matter how one tries to camouflage it. Besides the 85ft stringline itself is ambiguous as has been already discussed. Another point to note here is on pg. 5 titled PUBLIC VIEW. In that paragraph they claim two houses whose building face goes out 78.5ft. 1731 does not have balconies so therefore, the building face is 78.6. However, 1733 has balconies so the building face for this building is incorrectly stated. It is 72.8 not the 78.6 the Will's claim. Why must they continue to manipulate the numbers? This is getting old. If you continue in that same paragraph you will notice that they reference houses in the 1600 residential tourist block again. These are not fair or legal comparisons. As you know the Coastal Commission also found these comparisons irrelevant.

Also in that paragraph they claim to "have 30 feet of private beach in front of our house". We have measured this and if you assume that they are truly going out no farther than 83ft they only have 23ft 1 1/1" of private beach. That is almost a 7ft

large and overbearing than it really is? Commissioner Nava said it best when at the end of the hearing he states: "The Wilt's project will irrevocably change the character of the neighborhood." "What it is and it means for the people who live there will be gone forever!"

For the good of the general public and the irrevocable precedent this project will cause to future generations I implore to please verify and check the numbers the Wilt's are presenting as facts. We have tried to provide you with as much outside documentation as possible but please go to an independent source if you need more.

Thank you for your time in this precedent setting issue.

Colette Evans

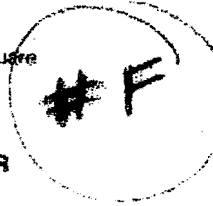
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=> WorkCenter 250; #1

FROM :

PHONE NO. :

SEP. 17 1999 12:03PM



The data on the square footage of the structure and lot keeps changing. I feel like asking, "Will the real square footage please stand up."

	Date	sq.ft. of house	sq.ft of lot	FAR (my calculations)
Application for Planning Commission Hearing	Jan. 2, 1998	4335 sq.ft.	4480 sq.ft	.96
Application for Planning Commission Hearing (revised)	Oct. 16, 1998	4335 sq.ft.	4480 sq.ft	.96
O'side Planning Comm. Hearing (At this meeting the project was approved.	Nov. 9, 1998	3719 sq.ft.	4480 sq.ft	.83
Substantial Issue Hearing C.C. Staff Report	March 10, 1999	4215 sq.ft.	4480 sq.ft	.94
Substantial Issue Hearing Applicant's Material	March 10, 1999	3397 sq.ft.	4480 sq.ft	.76
De Novo Hearing Santa Barbara C.C. Staff Report	June 10, 1999	3451 sq.ft	4480 sq.ft	.77.
De Novo Hearing Santa Barbara Applicant's Material	June 10, 1999	3451 sq.ft.	4845 sq.ft.	.71
Data submitted to San Diego Coastal Commission Staff By the applicants, Mr. Witt	Sept. 2, 1999	3208 sq.ft.	5413 sq.ft	.59

"The applicants claim that the mean high tide line for their lot is at 170 ft. according to a survey done by an aggressive developer in 1961. All the surrounding properties measure to 160 ft. As you can see the Witts made this discovery after March 1999.

With this project, as with many other projects, one number does not present a clear picture. The square footage of a structure is rather deceptive as the square footage represents "usable space". The garage is not included in the total square footage, stairs are only counted once, most of the space under the stairs is not counted, soaring ceilings which obviously produce bulk are not accounted for as only the actual floor space is counted. The elevator shaft space must be counted. A more representative number would be the "interior square footage under roof". The Witts is 4,614 sq.ft. Looking at the plans of the structure, it is clear that there is a lot of open space which represents bulk but not countable square footage.

PACIFIC OCEAN

BUCCANER BEACH		
14	15	2,196 sf.
16	17	4,047 sf.
18	19	2,832 sf.
20	21	2,928 sf.
22	23	1,714 sf.
24	25	1,802 sf.
26	27	1,802 sf.
28	29	3,553 sf.
30	31	3,991 sf.
32	33	3565 sf.
34	35	3981 sf.
36	37	4,418 sf.
38	39	4,465 sf.
40	41	876 sf.
42	43	1,635 sf.
44	45	1,140 sf.
46	47	2,658 sf.
48	49	2,452 sf.
50	51	3,451 sf.
52	53	1,049 sf.
54	55	1,144 sf.
56	57	1,752 sf.
58	59	1,872 sf.
60	61	828 sf.
62	63	2,452 sf.
64	65	2,405 sf.
66	67	2,729 sf.
68	69	2,813 sf.
70	71	1,828 sf.
72	73	2,203 sf.
74	75	906 sf.
ASSISTY PUBLIC ACCESS		
2,695 sf.		

PUBLIC ACCESS

PROPOSED MILIT RESIDENCE

HORSE ST.	
68	69
70	71
72	73
74	75
76	77
78	79
80	81
82	83
84	85
86	87
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200	201
ST.	

MYERS

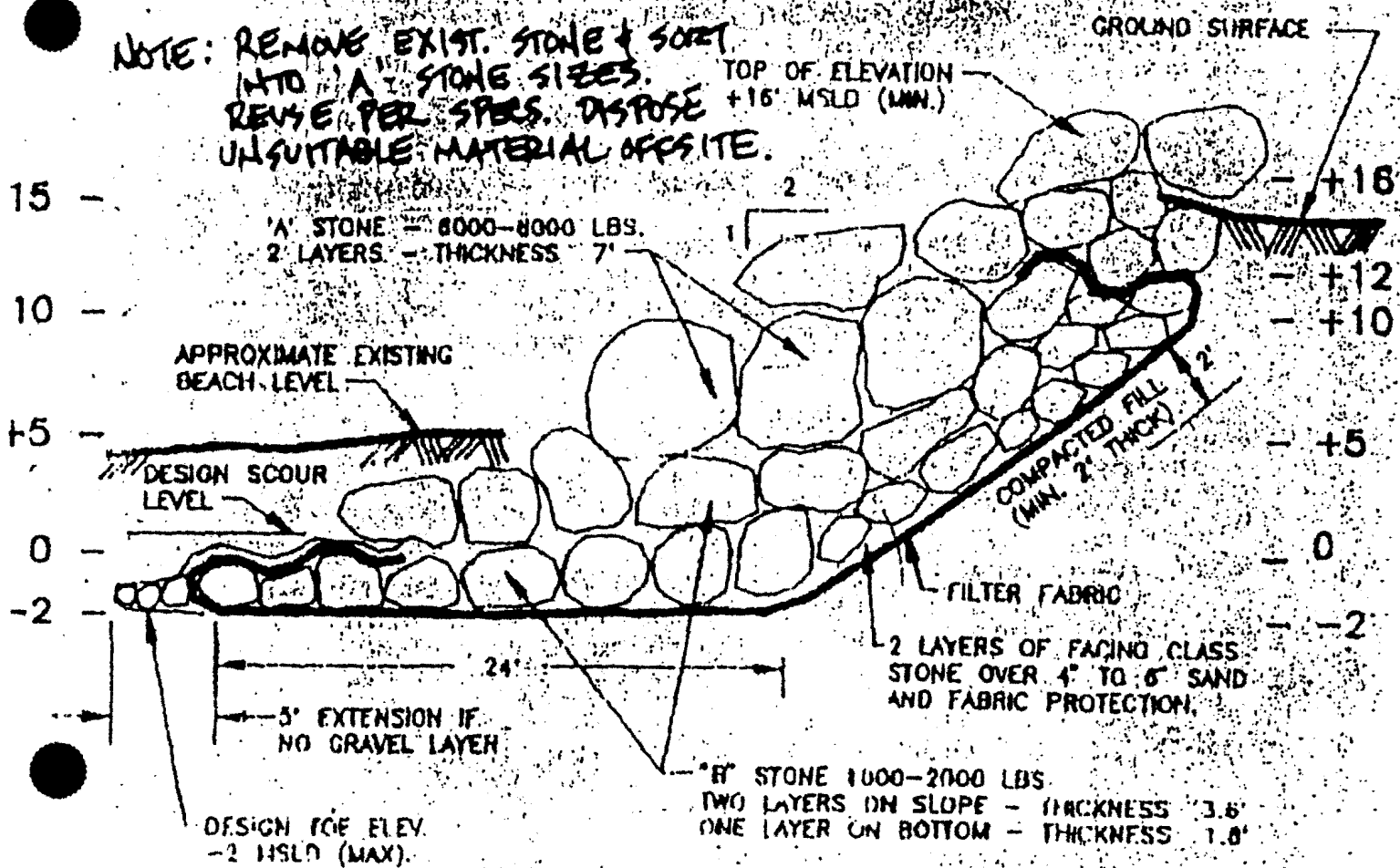
WHALEY ST.

ST.

ST.

EXHIBIT NO. 5
APPLICATION
A-6-OCN-99-20
 Square Footage of
 Homes in Project Area

NOTE: REMOVE EXIST. STONE & SORT INTO A" STONE SIZES. REVERSE PER SPERS. DISPOSE UNSUITABLE MATERIAL OFFSITE.



SEAWALL DETAIL PER M-19

6

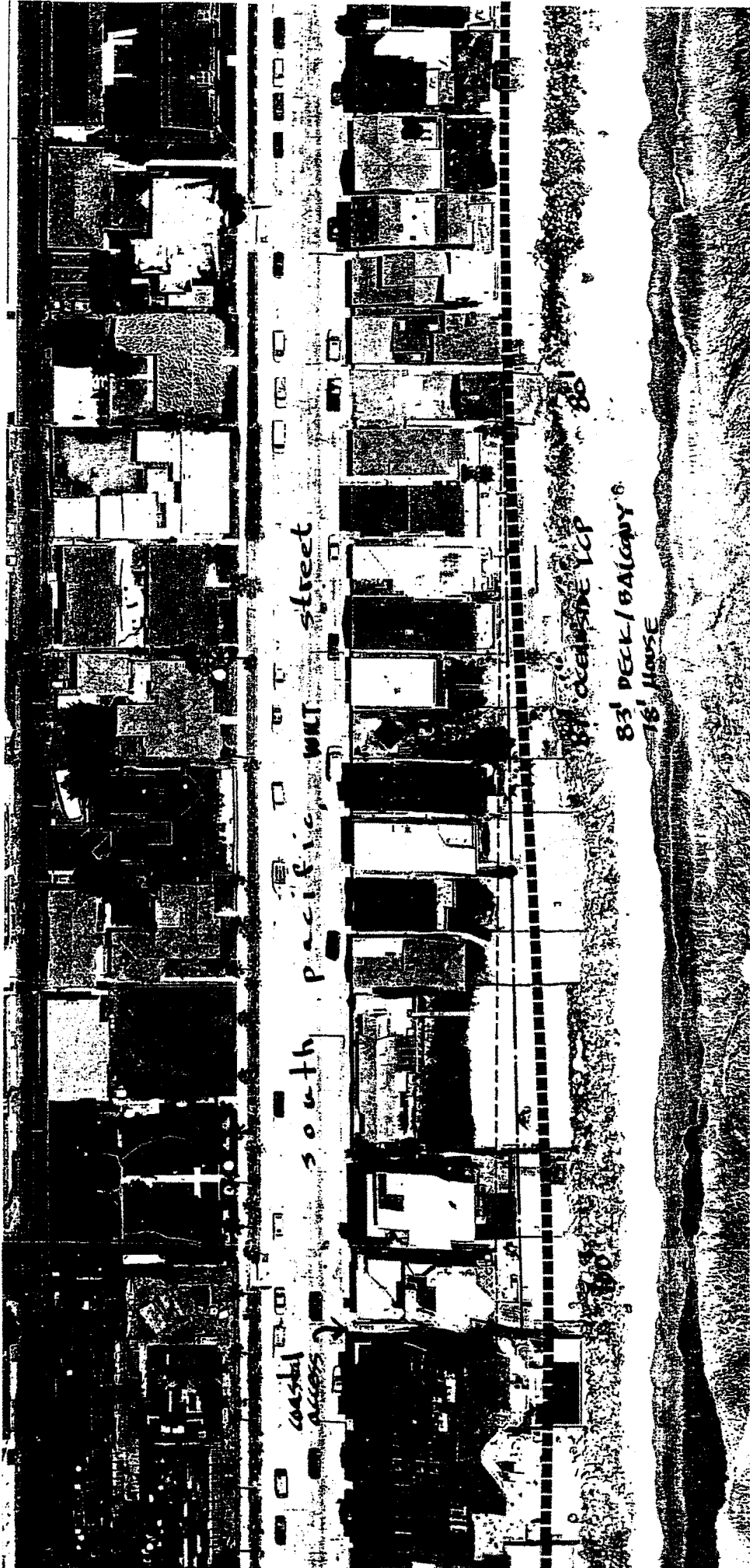
NOTE: ALL SEAWALLS SHALL BE CONSTRUCTED TO THIS DETAIL UNLESS OTHERWISE APPROVED BY A WAVE ACTION STUDY APPROVED BY THE CITY ENGINEER.

EXHIBIT NO. 6
APPLICATION NO. A-6-OCN-99-20
City of Oceanside Seawall Detail
California Coastal Commission

deck alignments
house alignments

ortho photo

as prepared by RL Lang Associates
aerial photogrametry



Certified Local Coastal Program
City of Oceanside Stringline. (30' SETBACK FROM 10'
CONTOUR) (see topo)

the wilt residence

EXHIBIT NO. 7
APPLICATION NO.
A-6-OCN-99-20
Applicants Stringline
Analysis

California Coastal Commission

