

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

2111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Filed: June 30, 1998
 49th Day: August 18, 1998
 180th Day: December 27, 1998
 270th Day: March 27, 1999
 Staff: EL-SD
 Staff Report: February 18, 1999
 Hearing Date: March 9-12, 1999

RECORD PACKET COPY**WED 16B**

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-87

Applicant: Chart House, Inc.

Agent: Chris Nightingale

Description: Realignment of an existing 8-foot-wide public access easement approximately 4-5 feet further seaward; also, (after the fact) retention of existing restaurant amenities (firepit, tables and chairs, windscreens, awning supports, etc.) seaward of the existing restaurant.

Lot Area	38,280 sq. ft.
Building Coverage	7,006 sq. ft. (18%)
Pavement Coverage	16,344 sq. ft. (43%)
Landscape Coverage	14,930 sq. ft. (39%)
Parking Spaces	51
Zoning	VSC
Plan Designation	Visitor-Serving Commercial

Site: 2588 South Highway 101, Cardiff, Encinitas, San Diego County.
 APN 261-162-22

Substantive File Documents: No. 88-326501 Lateral Access Offer to Dedicate
 CCC Files: 6-94-163; 6-85-4; F2973

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends denial of the proposed development which would relocate portions of an existing public access easement onto an existing riprap revetment, and would retain existing unpermitted encroachments within the recorded alignment of said public access easement. The proposal is inconsistent with public access and recreation policies of the Coastal Act, particularly Sections 30211, 30212 and 30223, in that existing, required lateral public access, which provides a low-cost public recreational opportunity, is

currently diminished by the unpermitted encroachments, and would be further reduced by realignment of the access easement.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Denial.

The Commission hereby denies a permit for the proposed development on the grounds that the development will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and would prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. On June 30, 1998, and in response to an enforcement action, the applicant submitted an application for the removal of a firepit and patching of a concrete walkway. The enforcement action identified that encroachments had been constructed without a coastal development permit and were located within an access easement. Due to the fact it was not likely Commission staff would recommend approval, the applicant agreed to request a permit to remove the encroachments. In response to a request for clarification of the proposed project, the applicant responded that the proposal was to: a) remove the firepit and patch the walkway/patio beneath the pit; b) relocate or remove glass windscreens, fabric screens and supports to locations outside the access easement; and c) relocate awning supports outside the easement line. None of the existing encroachments within the public access easement had been previously permitted by the Coastal Commission. On October 13th, the application was amended. Instead of proposing removal of all encroachments, the applicant is currently proposing to relocate the access easement further seaward and to retain all existing restaurant amenities within the recorded easement area. In addition to the items mentioned previously, tables and chairs for outdoor dining have also been placed within the easement alignment without Commission approval to expand the approved outdoor dining area. __

2. Site History. This site has a long history of prior Commission permits, several of which were, at least in part, after-the-fact authorizations of unpermitted development. Only the most significant past files are listed as Substantive File Documents, but a more detailed history is presented here. The original restaurant structure, which was 4,790 sq.ft. in size, was built on the site in 1916. Permit #F2570, approved July 11, 1975, was the first Commission action; it authorized remodeling and upgrading of the existing facility to 5,208 sq.ft., with improvement of parking (62 spaces), signage and landscaping and partial reconstruction of an existing riprap revetment.

Subsequent to that approval, the applicant determined the proposed renovations were not economically feasible, due to the condition of the existing structure. In Permit #F2973, approved December 5, 1975, the Commission approved construction of a new 5,986 sq.ft. restaurant, replacing the existing one completely. The approval included outdoor dining, 54 parking spaces, a new monument sign replacing an existing pole sign and reconstruction of the existing seawall (riprap revetment). The approved permit included conditions addressing potential acquisition of the site by the State Department of Parks and Recreation and an agreement to record an 8-foot wide easement parallel to the existing revetment alignment. Ultimately, State Parks did not acquire the site and the access agreement may not have been recorded.

In 1985, the Commission approved Permit #6-85-4 which allowed replacement of a deck, installation of a windscreen patio area (enlarging the seating area) and repair of the riprap revetment. Conditions of approval required recordation of a lateral public access easement and placement of public access signage. The easement, actually an offer to dedicate, was recorded and there is currently public access signage at the site. In 1992, an emergency permit (Permit #6-92-36-G) was granted for riprap augmentation. The follow-up regular permit was not applied for in a timely manner, and was later rolled into a new application which was authorized in 1994 as Permit #6-94-163. In addition to the emergency follow-up as a component of Permit #6-94-163, that permit also involved both new riprap augmentation and after-the-fact authorization of previously unpermitted riprap. In the meantime, Permit #6-94-81 was approved for a number of minor improvements and a 404 sq.ft. inland addition to the restaurant, bringing the restaurant to its current size of 7,006 sq.ft..

3. Public Access. The following Coastal Act policies are most applicable to the proposed development, and state, in part:

Section 30210.

In carrying out the requirements of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212.

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,
- (3) agriculture would be adversely affected. ...

Section 30213.

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30223.

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The subject site is the southernmost of three contiguous properties all improved with restaurants (known locally as "restaurant row"). The three sites are located on the oceanfront in the Cardiff area of the City of Encinitas. The properties are located between two state beaches, the San Elijo State Beach and Campground to the north and Cardiff State Beach to the south. This is an area where very little sandy beach currently exists, and there is no lateral public access available except at the lowest tides. The Commission, through past permit actions, required public access easements on all three sites. These were to be located inland of the riprap revetments in order to provide dry access during all tidal regimes and storm conditions.

The subject property is currently improved with a one-story, approximately 7,000 sq.ft. restaurant, paved parking lots both north and south of the restaurant, landscaped areas and a riprap revetment. An original restaurant on this site pre-dated the Coastal Commission, but the site improvements described in the previous finding were approved through several past Commission actions, and were constructed intermittently during the past 20+ years. A Commission permit in 1985 required the offer to dedicate an 8-foot-wide public access easement to be located inland of the eastern extent of the pre-storm line of riprap (i.e., between the existing restaurant and the revetment). The stated purpose of the easement was to allow for lateral public access and passive recreational use. The access dedication was recorded, and the applicant has installed signs (required under another condition of the same permit) at either end of the restaurant patio.

The signs say "Public Access" but, since they are actually posted on some of the riprap, it may be a little confusing to the public whether they are supposed to walk through the patio area or climb across on the rocks. The existing unpermitted encroachments within the easement area (consisting of awning supports, a firepit, windscreens partially

covering either end of the patio, and tables and chairs) give the dedicated access easement the appearance of a private dining patio. Thus, the encroachments do not encourage public use of the easement. The Commission would have been able to find removal of these encroachments, as originally proposed in this permit application, fully consistent with the cited public access policies of the Coastal Act.

However, the application has been modified, since it is now the applicant's preference to continue operating the restaurant with all its current unauthorized amenities. Thus the development currently proposed is realignment of the public access easement further seaward and retention of the unpermitted improvements located within the existing easement alignment. Relocating the easement seaward approximately four to five feet, which is what appears to be depicted on the revised plans, would place at least a portion of the easement directly on top of the riprap revetment.

The revetment forms a three or four foot high berm along the western edge of the elevated part of the applicant's site, then covers the slope to the beach, which is approximately ten to twelve feet lower than the restaurant. Prior to the early 80's the beach itself was at a higher elevation and the mean high tide line appeared to be well seaward of the revetment. In fact, the assessor's maps indicate that State Parks owns a strip of land between the subject site's western property line and the mean high tide line. However, during the early 80's and again in the late 80's, severe winter storms removed several feet of sand from the beach. Currently there is no dry sand at all (i.e., usable beach) in front of the three restaurants except at the lowest minus tides. It is not entirely clear where the boundary between private and public land actually lays on the ground, and it is possible that portions of the existing revetment extend onto State Parks' property. If a mean high tide delineation were to be conducted at this time, it is possible, due to the significant change in beach profile, that the line has moved far enough landward to fall somewhere on the existing revetment.

The current conditions make it all the more important that the existing public access easement on the subject site be maintained in usable form. The upland location of the easement provides a low-cost (free) public recreational opportunity available in all seasons and also serves to mitigate the encroachment of riprap onto beach that would otherwise be available for public use. Approval of the applicant's proposal to realign the easement at least partially on top of riprap and retain existing, unpermitted encroachments in the recorded easement alignment cannot be found consistent with the cited public access and recreation policies of the Coastal Act. Therefore, the Commission finds that the application must be denied.

4. Potential Alternatives. When the Commission denies a permit application, it generally identifies potential alternatives in design or siting which could result in a project it could approve. Based on existing tidal conditions and history of past storm damages, maintaining shoreline protection appears to be required to protect the existing restaurant. Still, there appear to be several alternative ways to provide both shoreline protection to the restaurant and protect the public lateral accessway. These alternatives need to be analyzed for feasibility and impacts to resources. The Commission identifies

them here as suggestions only, and without implication that any or all would definitely be consistent with the Coastal Act. Further, the suggestions do not take into consideration comparative costs, future permit requirements or potential public interest or opposition.

The simplest alternative is for the applicant to obtain a permit to remove the unpermitted encroachments. In doing so, the applicant would still retain a fully functional and protected restaurant facility, including outdoor patio dining to the extent previously approved.

The other alternatives ideally can be accomplished through a cooperative effort of all three restaurant owners and potentially the State Department of Parks and Recreation, although the subject applicant could investigate the feasibility of one of these alternatives on an individual basis as well. However, the greatest public benefit would obviously be derived by the creation of viable public access along all three sites. The subject site is the only one currently providing access, although there are recorded easements on the other sites as well. In the other two cases, however, the existing riprap covers all or portions of said easements. One issue in providing this full access across all three sites is that the recorded easements do not line up evenly end to end. Moreover, it would appear that the revetment on all three sites may not exist in the exact alignment previously approved in numerous Commission actions.

If the property owners are willing to work towards a common solution, a first step would be to determine the current boundaries of state lands (i.e., whether or not the existing revetment encroaches onto public land). It is unlikely the Commission, or State Parks, would endorse any realignment of riprap that moved the revetment further seaward to accommodate an accessway inland of the revetment, unless the private property ownership actually extends seaward of the existing line of rock. However, it may be possible to re-engineer the revetment to pull it more tightly together and thus provide space for the accessway. This may be able to be accomplished within the existing footprint of the revetment or possibly even within a reduced footprint. Encroachment further seaward may not be an acceptable impact as it would reduce the sand area available now for public access and recreation, though only at low tides.

As another alternative, the riprap revetment could be engineered such that a walkway could be constructed across the top of it. This would not require further beach encroachment, nor a significant amount of backfill. However, this alternative may be difficult to maintain since the grouting (or whatever material is used to seal the top of the walk to create a walkable surface) may crack and split due to exposure to the elements and possible movement of rock within lower portions of the revetment. Also, the rock revetment could be replaced with a vertical seawall with minimal backfill to allow construction of a walkway between the restaurant and seawall, similar to what exists in other areas where seawalls have been designed to provide lateral access across the top. This alternative would also not result in additional beach encroachment.

State Parks would be the most likely entity to accept the easement at the subject site, since it owns the public beach to the south and a strip of land to the west. In addition,

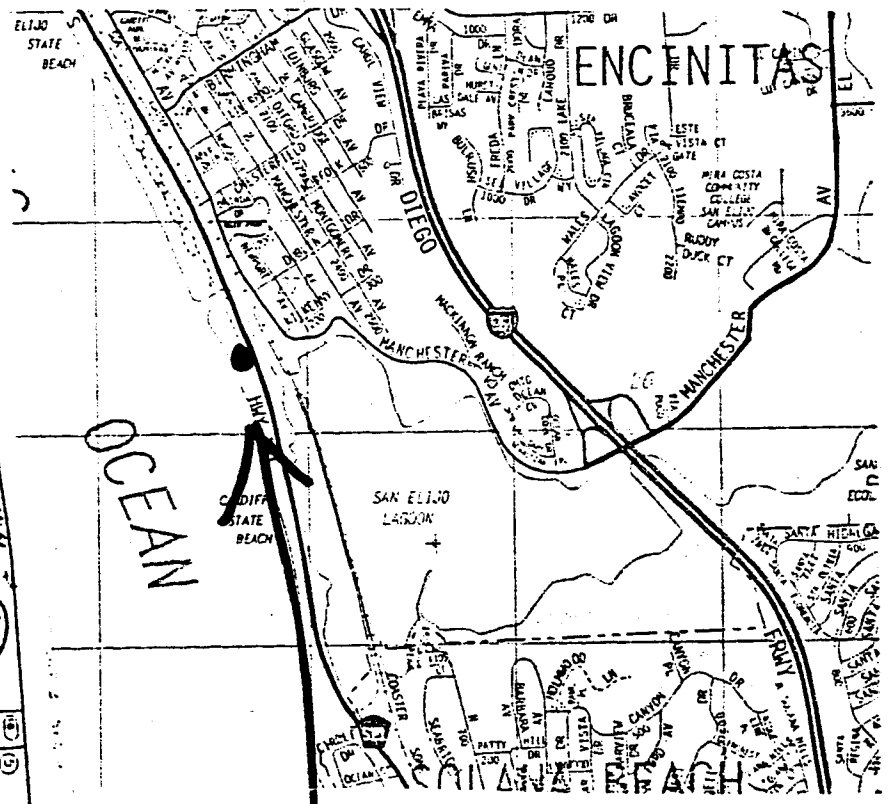
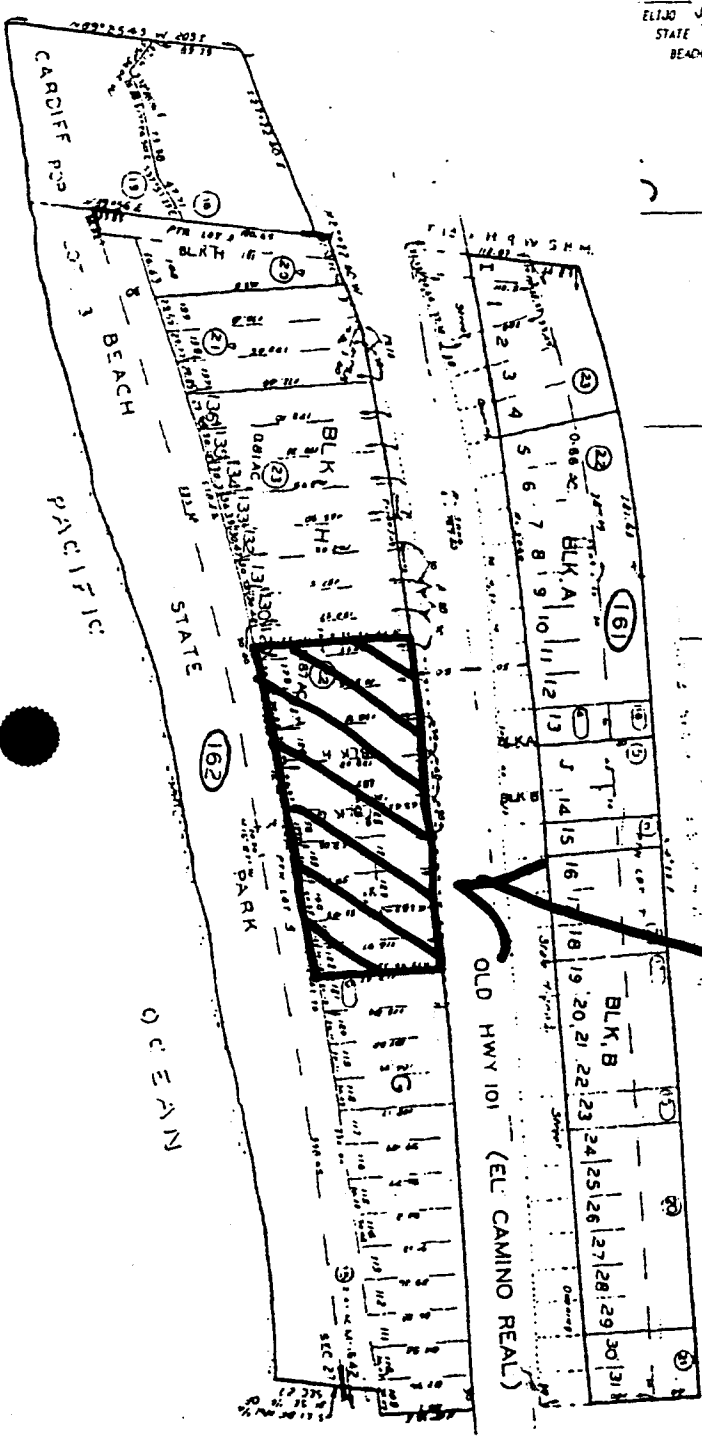
State Parks owns the San Elijo State Beach and Campground located just north of the other two restaurants north of the subject site. However, easement acceptance by State Parks probably depends in large extent to how usable such access would be and what liability and maintenance costs would have to be assumed by the agency. In other words, an easement extending across all three sites and providing a safe, flat surface, is much more likely to be accepted by State Parks, or any other public entity, than an easement on the subject site alone or one built on top of a revetment. Moreover, a smooth, barrier-free access walkway along the seaward side of the restaurants would appear to provide an economic benefit to the restaurant owners, as well. Such an amenity would entice pedestrians to stop at the various facilities as they pass in close proximity to the patio areas, as opposed to walking along the sidewalk adjacent to Highway 101, well removed from the restaurant sights and smells.

5. 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 cannot be made and the permit must be denied.

The subject site is designated as Visitor-Serving Commercial in the certified City of Encinitas Land Use Plan. Policy 6.2 of the land use plan provides for the protection and enhancement of lateral access opportunities along the shoreline in cooperation with the State. In this particular case, an appropriate lateral access easement has been reserved on the subject site, but it cannot be fully enjoyed by the public, since unpermitted private restaurant improvements have been placed within the easement area. In addition, relocating the easement alignment further seaward would further restrict its use, by placing all or portions of the easement on top of an existing riprap revetment. Thus, the proposed development is inconsistent with the City's certified land use plan policy and approval of the proposed development would prejudice the ability of the City to implement its certified LCP.

6. Consistency with the California Environmental Quality Act (CEQA). As previously stated, the proposed development will result in impacts on public access opportunities along the shoreline which will result in unmitigable environmental impacts. Furthermore, alternative revetment siting or design or the removal of the unpermitted encroachments would lessen the environmental impact of the proposed project on coastal resources. The Commission therefore finds that there are feasible alternatives or mitigation measures available which would substantially lessen the significant adverse impacts which the proposed development may have on the environment of the coastal zone.

6-98-87



Site

EXHIBIT NO. 1
APPLICATION NO.
6-98-87
Location Maps
California Coastal Commission

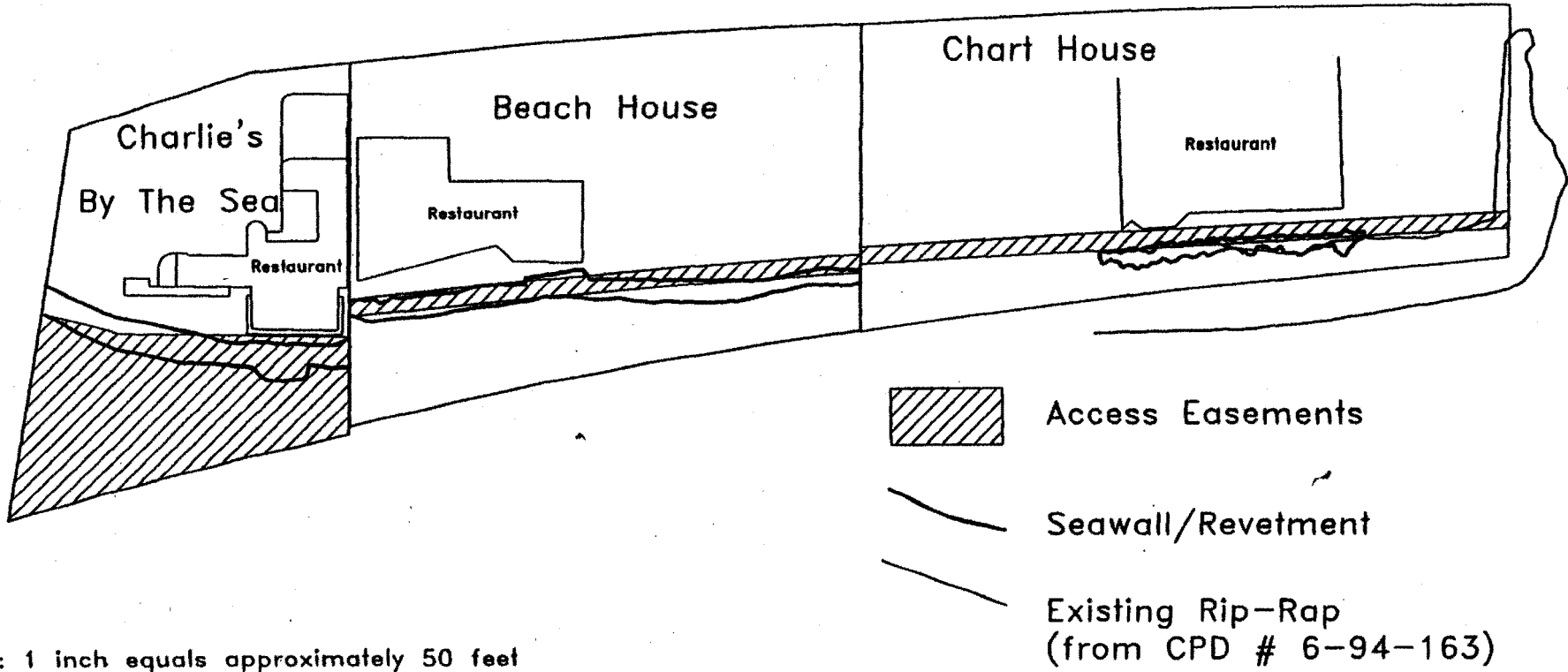
EXHIBIT NO. 2
 APPLICATION NO.
 6-98-87
 Site Plan
 Showing Access
 Easement
 California Coastal Commission

Access Easement Comparison

Charlie's By The Sea, Beach House, Chart House Restaurants

Cardiff by the Sea, San Diego County

2/2/99



Scale: 1 inch equals approximately 50 feet

Note: Locations approximate.
For illustrative purposes only.

Source: Permit file materials and plans

1 California Coastal Commission
2 631 Howard Street, 4th Floor
3 San Francisco, California 94105
4 Attention: Legal Department

THE ORIGINAL OF THIS DOCUMENT WAS RECORDED
ON JUL - 6 1988 FILE/PAGE NO. 88 - 32650
VFR & L. LYLE, COUNTY RECORDER

3 IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT

4 AND

5 DECLARATION OF RESTRICTIONS

6 THIS IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT AND
7 DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this 19th day
8 of APRIL, 1988, by GEORGE'S RESTAURANT, INC.,
9 (hereinafter referred to as "Grantor").

10 I. WHEREAS, Grantor is the legal owner of a fee interest of certain real
11 property located in the County of San Diego, State of
12 California, and described in the attached Exhibit A (hereinafter referred to as
13 the "Property"); and

14 II. WHEREAS, all of the Property is located within the coastal zone as
15 defined in Section 30103 of the California Public Resources Code (which code is
16 hereinafter referred to as the "Public Resources Code"); and

17 III. WHEREAS, the California Coastal Act of 1976, (hereinafter referred to
18 as the "Act") creates the California Coastal Commission, (hereinafter referred
19 to as the "Commission") and requires that any coastal development permit
20 approved by the Commission must be consistent with the policies of the Act set
21 forth in Chapter 3 of Division 20 of the Public Resources Code; and

22 IV. WHEREAS, pursuant to the Act, Grantor applied to the California Coastal
23 Commission for a permit to undertake development as defined in the Act within
24 the Coastal zone of San Diego County (hereinafter the
25 "Permit"); and

26 V. WHEREAS, a coastal development permit (Permit No. 6-85-4)
27

Access
Easement
Dedication

6-98-87
Exhibit 3

1 was granted on December 12, 1986, by the Commission in
2 accordance with the provision of the Staff Recommendation and Findings,
3 attached hereto as Exhibit 8 and hereby incorporated by reference, subject to
4 the following condition: Lateral Public Access. Prior to transmittal of the coastal
5 development permit, the applicant shall execute and record a document, in a form and content
6 acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private
7 association approved by the Executive Director an easement for lateral public access and passive
8 recreational use along the shoreline. The document shall provide that the offer of dedication shall
9 not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any
10 rights of public access acquired through use which may exist on the property.

8 Such easement shall be 8 feet wide and located along the entire length of the property inland of
9 the eastern extent of the pre-storm line of rip rap as shown on the plans dated 11/5/84 and Exhibit A
attached to the staff report.

10 The document shall be recorded free of prior liens which the Executive Director determines may affect
11 the interest being conveyed, and free of any other encumbrances which may affect said interest.
12 The offer shall run with the land in favor of the People of the State of California, binding all
13 successors and assignees, and shall be irrevocable for a period of 21 years, such period running
14 from the date of recording. The recording document shall include legal descriptions of both the
15 applicant's entire parcel and the lateral access area.

16
17 VI. WHEREAS, the subject property is a parcel located between the first
18 public road and the shoreline; and

19 VII. WHEREAS, under the policies of Sections 30210 through 30212 of the
20 California Coastal Act of 1976, public access to the shoreline and along
21 the coast is to be maximized, and in all new development projects located
22 between the first public road and the shoreline shall be provided; and

23 VIII. WHEREAS, the Commission found that but for the imposition of the above
24 condition, the proposed development could not be found consistent with the
25 public access policies of Section 30210 through 30212 of the California Coastal
26 Act of 1976 and the Local Coastal Program as defined in Public Resources Code
27 Section 30108.6 and that therefore in the absence of such a condition, a permit
could not have been granted;

6-98-87
Ex. 3

1 IX. WHEREAS, it is intended that this Offer is irrevocable and shall
2 constitute enforceable restrictions within the meaning of Article XIII, Section
3 8 of the California Constitution and that said Offer, when accepted, shall
4 thereby qualify as an enforceable restriction under the provision of the
5 California Revenue and Taxation Code, Section 402.1;

6 NOW THEREFORE, in consideration of the granting of Permit
7 No. 6-85-4 to Grantor by the Commission, the owner(s) hereby offer(s) to
8 dedicate to the People of California an easement in perpetuity for the purposes
9 of lateral public access and passive recreational use along the shoreline

10
11 located on the subject property, measuring eight feet in width, along the entire length
12 of the property inland of the eastern extent of the pre-storm line of rip-rap

13
14 and as specifically set forth by attached Exhibit C hereby incorporated by
15 reference.

16 1. BENEFIT AND BURDEN. This Offer shall run with and burden the
17 Property and all obligations, terms, conditions, and restrictions hereby,
18 imposed shall be deemed to be covenants and restrictions running with the land
19 and shall be effective limitations on the use of the Property from the date of
20 recordation of this document and shall bind the Grantor and all successors and
21 assigns. This Offer shall benefit the State of California.

22 2. DECLARATION OF RESTRICTIONS. This offer of dedication shall not
23 be used or construed to allow anyone, prior to acceptance of the offer, to
24 interfere with any rights of public access acquired through use which may exist
25 on the Property.

26 //

27 //

1 3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior to the
2 opening of the accessway, the Grantee, in consultation with the Grantor, may
3 record additional reasonable terms, conditions, and limitations on the use of
4 the subject property in order to assure that this Offer for public access is
5 effectuated.

6 4. CONSTRUCTION OF VALIDITY. If any provision of these restrictions
7 is held to be invalid or for any reason becomes unenforceable, no other
8 provision shall be thereby affected or impaired.

9 5. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions,
10 exceptions, obligations, and reservations contained in this Offer shall be
11 binding upon and inure to the benefit of the successors and assigns of both the
12 Grantor and the Grantee, whether voluntary or involuntary.

13 6. TERM. This irrevocable offer of dedication shall be binding for a
14 period of 21 years starting from the date of recordation. Upon recordation of
15 an acceptance of this Offer by the Grantee, this Offer and terms, conditions,
16 and restrictions shall have the effect of a grant of access easement in gross
17 and perpetuity that shall run with the land and be binding on the parties,
18 heirs, assigns, and successors. The People of the State of California shall
19 accept this offer through the local government in whose jurisdiction the
20 subject property lies, or through a public agency or a private association
21 acceptable to the Executive Director of the Commission or its successor in
22 interest.

23 //
24 //
25 //
26 //
27 //

6-98-87
Ex. 3

1 Acceptance of the Offer is subject to a covenant which runs with the
2 land, providing that any offeree to accept the easement may not abandon it but
3 must instead offer the easement to other public agencies or private
4 associations acceptable to the Executive Director of the Commission for the
5 duration of the term of the original Offer to Dedicate.

6 Executed on this 19 day of APRIL, 1988, at _____
7 ESCALA, California.

8 Signed Robert A. San Clemente
9 Owner
10

By: Robert A. San Clemente, President

Type or Print

11 Signed Helen M. San Clemente
12

By: Helen M. San Clemente, Secretary

Type or Print

13
14
15 NOTE TO NOTARY PUBLIC: If you are notarizing the signatures of persons signing
16 on behalf of a corporation, partnership, trust, etc., please use the correct
17 notary acknowledgment form as explained in your Notary Public Law Book.

18 State of California.)

19 County of Tuolumne)

20 On this 19th day of April, in the year 1988,

21 before me Dequita Stafford, a Notary Public, personally

22 appeared Robert A. San Clemente and Helen M. San Clemente

23 personally known to me (or proved to me on the basis of satisfactory evidence)

24 to be the person(s) ~~whose name is subscribed to this instrument, and~~ ^{who executed the within instrument as the President and Secretary, respectively,}

25 ~~acknowledged that he/she/they executed it.~~ ^{on behalf of the corporation therein named and acknowledged to me that the corporation executed it.}

26 Dequita Stafford
27 NOTARY PUBLIC IN AND FOR
SAID STATE AND COUNTY



6-98-87
Ex 3

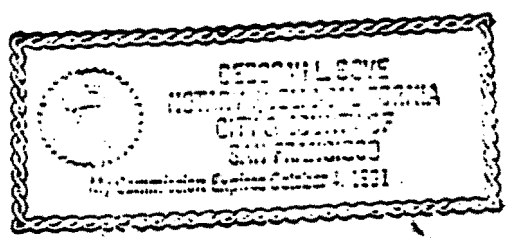
1 This is to certify that the Offer to Dedicate set forth above is
 2 hereby acknowledged by the undersigned officer on behalf of the California
 3 Coastal Commission pursuant to the action of the Commission when it granted
 4 Coastal Development Permit No. 6-85-4 on December 12, 1986
 5 and the California Coastal Commission consents to recordation thereof by its
 6 duly authorized officer.

7 Dated: June 30, 1988

8 John Bowers
 9 John Bowers, Staff Counsel
California Coastal Commission

STATE OF CALIFORNIA)
) ss
 COUNTY OF SAN FRANCISCO)

On this 30th day of June, in the year 1988
 before me Deborah L. Bove, a Notary Public, personally
 appeared John Bowers, personally known to (or proved to me
 on the basis of satisfactory evidence) to be the person who executed this
 instrument as staff counsel of the California Coastal Commission
 and acknowledged to me that the California Coastal Commission
 executed it.



Deborah L. Bove
 NOTARY PUBLIC FOR SAID
 STATE AND COUNTY

26
 27

6-98-87
 83.

LEGAL DESCRIPTION

PARCEL I:

Lots 122, 123, 124, 125, 158, 159, 160 and 161 in Block "G" and Lot Q all of Crescent Beach, in the County of San Diego, State of California, according to Map thereof No. 1642, filed in the Office of the County Recorder of San Diego County, July 14, 1914.

Excepting therefrom that portion, if any, heretofore or now lying below the mean high tide line of the Pacific Ocean.

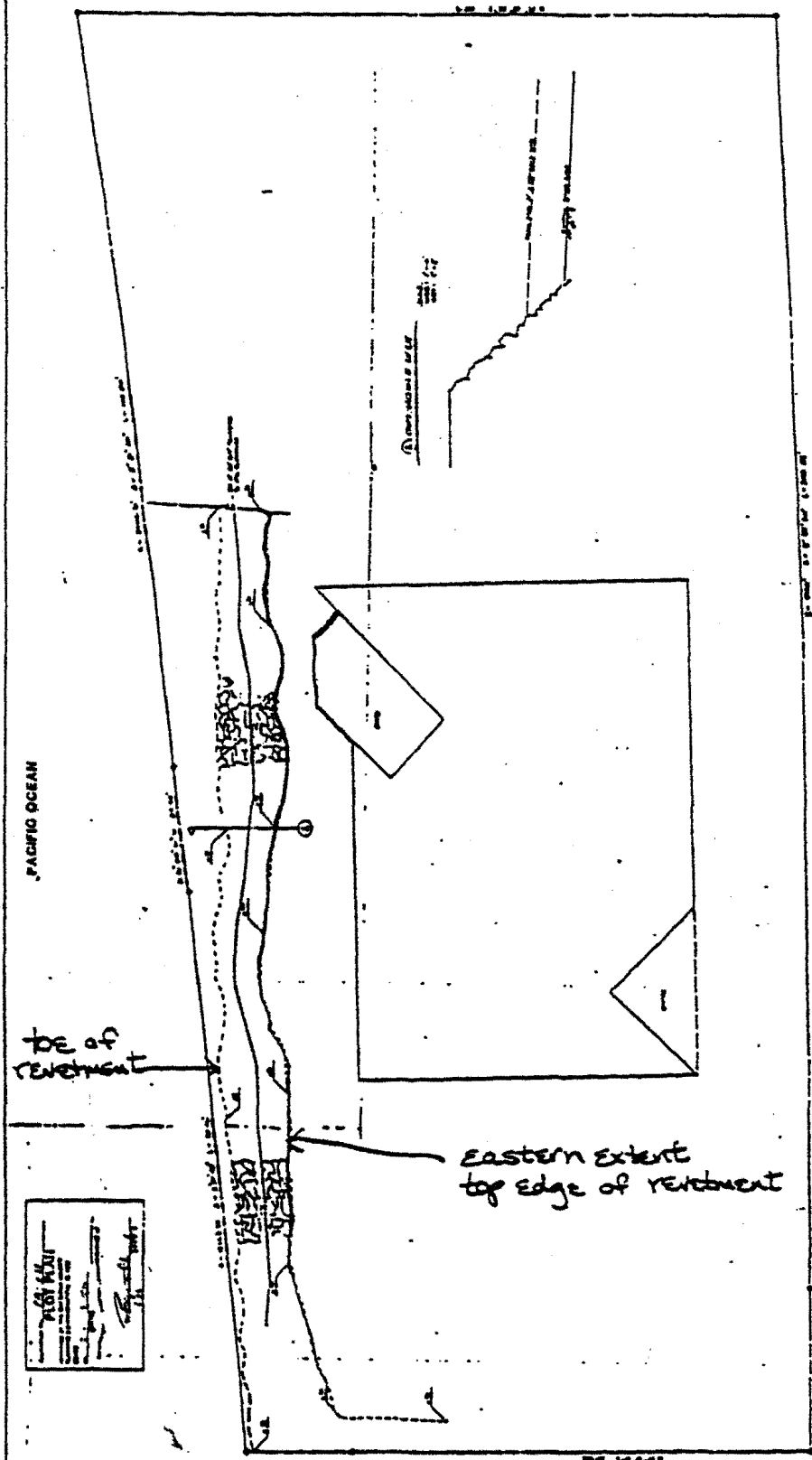
PARCEL II:

Lots 126, 127, 128 and the Southerly 10.00 feet of Lot 129 in Block "H" of Crescent Beach, in the County of San Diego, State of California, according to Map thereof No. 1642, filed in the Office of the County Recorder of San Diego County, July 14, 1914.

Excepting therefrom that portion, if any, heretofore or now lying below the mean high tide line of the Pacific Ocean.

ALSO excepting the interest in that portion of said land conveyed to the State of California for highway purposes by deed recorded November 2, 1934 in Book 334, page 442 of Official Records.

6-98-87
Ex 3.



PACIFIC COAST INVY. 101

TITLE: PACIFIC COAST INVY. 101
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DATE: [Date]
 SCALE: [Scale]
 PROJECT NO.: [Project No.]

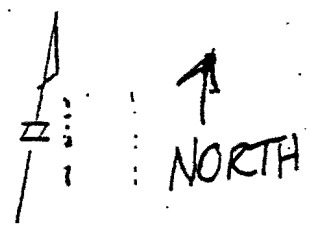
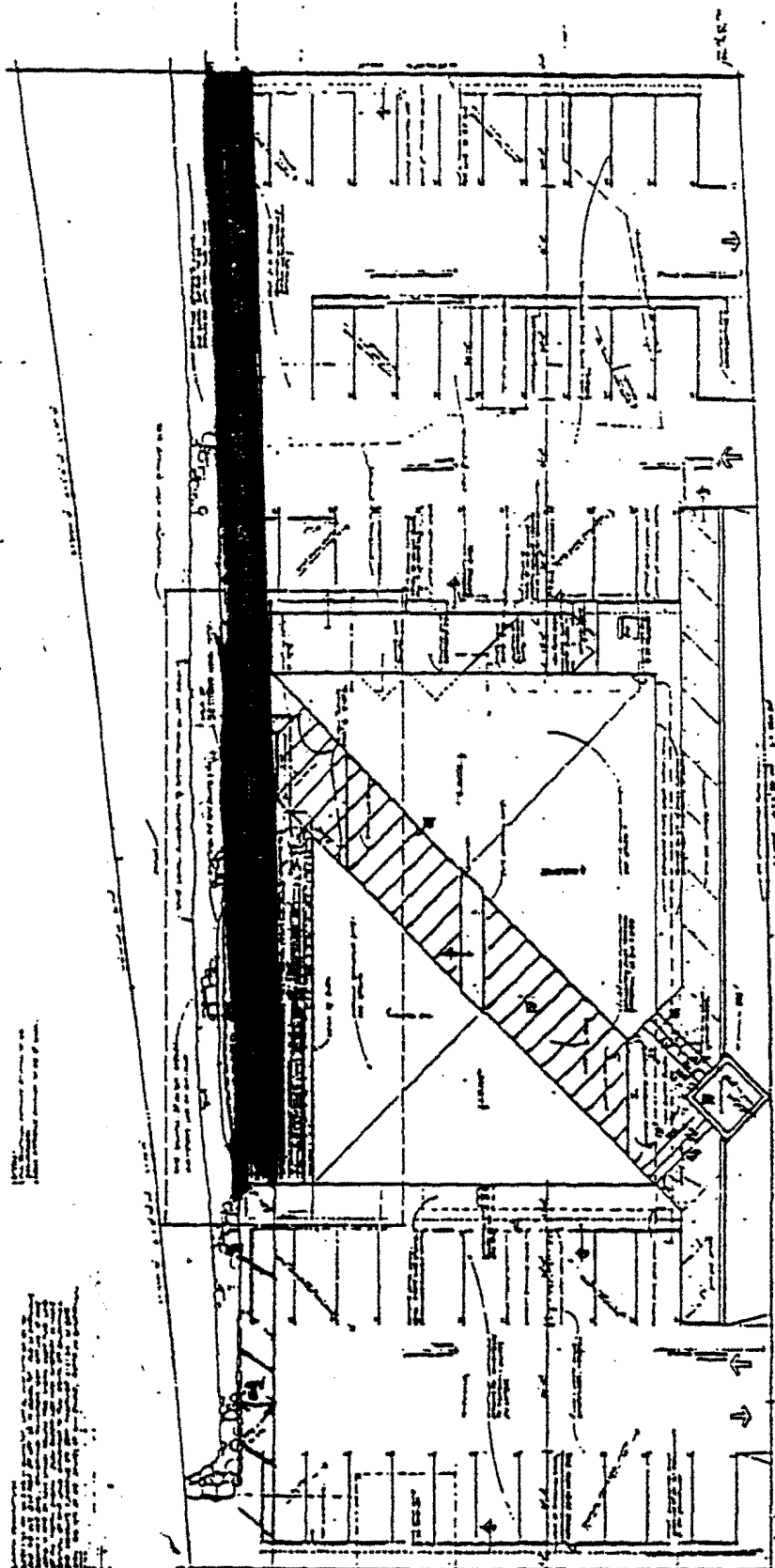



EXHIBIT NO.	3
APPLICATION NO.	6-85-
Alignment of Revetment	
App. by Cou California Coastal Comm	

6-98-87 ex.3



SITE AND ROOF PLAN


 public access
 easement required
 pursuant to Cond. # 3
 (in concept only)

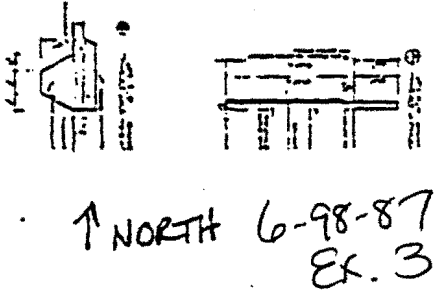



EXHIBIT NO.-A
APPLICATION NO. 6-85-004
Approximate Location of Access EASEMENT
 California Coastal Commission

An easement, 8 feet wide for public access over, under, along, and across Lots 122, 123, 124, 125, 158, 159, 160 and 161 in Block "G" and Lot Q all of Crescent Beach, in the County of San Diego, State of California, according to Map thereof No. 1642, filed in the Office of the County Recorder of San Diego County, July 14, 1914.

Excepting therefrom that portion, if any, heretofore or now lying below the mean high tide line of the Pacific Ocean.

and

Lots 126, 127, 128 and the Southerly 10.00 feet of Lot 129 in Block "H" of Crescent Beach, in the County of San Diego, State of California, according to Map thereof No. 1642, filed in the Office of the County Recorder of San Diego County, July 14, 1914.

Excepting therefrom that portion, if any, heretofore or now lying below the mean high tide line of the Pacific Ocean.

ALSO excepting the interest in that portion of said land conveyed to the State of California for highway purposes by deed recorded November 2, 1934 in Book 334, page 442 of Official Records.

The center line of said easement is described as follows:

Commencing at the South East corner of said Lot 122;
Thence South $79^{\circ}07'17''$ West 96.66 feet to the TRUE POINT
OF BEGINNING; thence North $13^{\circ}44'10''$ West 290.36 feet
to the North boundary line of said property in said
Lot 129.

6-98-87
EX-3