

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Filed: July 1, 1998
 49th Day: August 19, 1998
 180th Day: December 28, 1998
 270th Day: March 28, 1999
 Staff: EL-SD
 Staff Report: November 19, 1998
 Hearing Date: March 9-12, 1999

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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-089

Applicant: Charlie's by the Sea

Agent: Michael Crawford

Description: Repair and maintenance of an existing riprap revetment including the addition of approximately forty-five tons of new stone to the top of the revetment. The development has already occurred without a coastal development permit.

Site: 2526 South Coast Highway 101, Encinitas, San Diego County.
 APNs 261-162-20 and 21

Substantive File Documents: Certified City of Encinitas Local Coastal Program;
 CCC Files #F1183; #6-83-165

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends denial of the after-the-fact proposal to augment the existing riprap revetment, since such augmentation may further preclude appropriate improvements within an area previously required by the Commission to be open to the public for access. There is an access dedication, extending from the restaurant patio seaward to the applicant's western property line, and previous Commission action required that the revetment, as it existed in 1983, be treated in such a way to allow public access across the top. The proposed augmentation is to an existing revetment which may not be constructed entirely within the approved alignment and over which access is not being provided in accordance with previous Commission action. Therefore, approval of the unpermitted riprap augmentation as a permanent development would be premature and could prejudice enforcement of the apparent Coastal Act violations that exist on the property. Enforcement is being pursued independent of Commission action on this permit and may result in a revised permit application for development seaward of the restaurant. The revetments at the subject site and the

restaurants on either side have been augmented in a piecemeal fashion for many years, often without permits. Staff recommends that no more incremental augmentation be permitted until a comprehensive effort to address both public access and the need for shoreline protection is undertaken on all three properties.

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. The applicant is proposing to repair and maintain an existing riprap revetment, which protects an existing oceanfront restaurant in the Cardiff area of the City of Encinitas. The current proposal is for the addition of approximately forty-five tons of additional riprap to augment the existing wall. The additional rock was imported and placed approximately a year ago, to prevent anticipated damages from El Nino storms, without benefit of a coastal development permit. A letter received in this office on September 1, 1988, also proposed the repair of a damaged portion of the existing parking lot. It appeared the parking lot repairs could be exempted under the Coastal Act, so they are not addressed herein. However, a recent site visit indicates the parking lot repairs, which have been completed at this time, may have exceeded the work which was exempted. This can be addressed independently through the ongoing enforcement action at this site.

2. Site History. Two coastal development permit (CDP) applications have been submitted in the past for the subject site. CDP #F1183 was approved on January 4, 1974 for the enclosure of an existing patio on the west side of the Hydra Restaurant, as Charlie's was then called. The patio enclosure (walls only - no roof) was granted an administrative permit with no special conditions.

On April 29, 1983, the Coastal Commission approved a permit to demolish an existing 1,450 sq.ft. building used for restaurant offices and storage, construct a 1,820 sq.ft. second-floor dining and office addition to an existing restaurant and expand the parking lot. Through the adopted special conditions, a pre-existing, but unpermitted, riprap revetment was made part of the approved project. However, another condition of

approval required a public access easement over all portions of the site seaward of the existing patio on the south part of the site and the 10-foot contour on the north part of the site. The shoreline protective device (riprap revetment) was allowed to exist within the easement area provided it was treated in such a fashion as to assure continuous public access across the top of the revetment. The applicant derived the benefits of the permit (i.e., the expanded restaurant and parking lot) and recorded the access easement, but did not modify the top of the revetment to allow continuous public access during high tides and storms.

3. Public Access and Recreation. The Coastal Act emphasizes the need to protect public recreational opportunities and to provide public access to and along the coast. The following Coastal Act policies, which address the protection of public access and recreational opportunities, are most applicable to the proposed development:

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....

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 northernmost 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. In an effort to provide continuous lateral access along the shoreline, 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 two-story, approximately 6,000 sq.ft. restaurant including 670 sq.ft. of patio dining area, a paved parking lot, landscaped areas and a riprap revetment. The original restaurant and office building pre-dated the Coastal Commission, but the site improvements described in the previous finding were approved through two past Commission actions (CDPs #F1183 and #6-83-165), and were constructed during the 1970's and 1980's. The Commission's second permit included the offer to dedicate a public access easement seaward of the existing restaurant patio and the ten-foot contour north of the patio. The stated purpose of the easement was to allow for continuous dry land lateral access during periods of high tides or storms. Although the restaurant improvements were all constructed and the access dedication recorded, the applicant did not complete all the requirements of the previous CDP, since the top of the revetment was never improved to allow access to occur. Thus, the revetment, in its current state, precludes lateral movement across the structure.

All three restaurant properties have current applications pending for shoreline modifications necessitated by the past winter's unusually heavy El Nino storm conditions and other improvements. The subject property augmented its existing riprap revetment without benefit of an emergency permit about a year ago; the subject proposal is for after-the-fact approval of the riprap augmentation. Because the development occurred without a permit, the Commission did not have the opportunity to research the site history and address outstanding access issues. However, in reviewing the subject application, and the current applications from the other two restaurant owners/lessees, it has been possible to piece together the history of all three sites.

The required access dedication at the subject site was recorded in November, 1983, and all the remaining conditions of approval that required compliance prior to issuance of the permit were also fulfilled. These included a geotechnical report from Woodward-Clyde, which included recommendations for reconstruction of the riprap revetment. The plans associated with that report included a nine-foot wide flat area between the restaurant patio and rock slope. This was identified for "planting" but would accommodate the required accessway. The current plan only shows approximately four feet between the patio and the revetment, but photos submitted with the application indicate that a greater

space, including two palm trees, may exist at this time. Thus, it is not readily apparent whether or not the revetment was rebuilt pursuant to the engineer's recommendations, although space to accommodate the required walkway appears to exist.

There currently appears to be a fairly level area of cobble or small rock between the enclosed patio and the larger stone forming the revetment. The revetment forms a one-to-two 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 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, except perhaps at the northernmost point, where the subject site extends further seaward. 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.

For several reasons, including the one stated above, the Commission finds it must deny the current proposal to repair and maintain the inappropriately placed revetment. Permitting the proposed repairs could be in conflict with the Commission's past action, since the applicant has not identified exactly where the added rocks were placed, such that their placement may further preclude the provision of required access. Approval of the proposed after-the-fact riprap repair would allow the applicant to maintain the riprap in a manner that potentially violates the requirement to provide a public accessway, and in an alignment that appears different than that previously approved. Provision of the public access easement was required in the earlier action to mitigate the impacts of the development proposed at that time, particularly the authorization of a pre-existing, but unpermitted revetment, on public lateral access as it then existed. Only with the access dedication was the Commission able to find that earlier development consistent with Chapter 3 of the Act. Likewise, approval of the proposed development would be inconsistent with the cited Coastal Act policies, especially Section 30212, because it could perpetuate the applicant's inability to provide the required lateral access, due to the unpermitted location of the existing revetment. Thus, ongoing access impacts would remain unmitigated and the maximum access required by the Coastal Act would not be provided..

4. Potential Alternatives. The Commission finds that augmentation of riprap protection of the applicant's restaurant might be consistent with the Coastal Act if it were redesigned or sited differently. Based on existing tidal conditions and history of past storm damages, maintaining shoreline protection appears to be required to protect the existing restaurant. Thus, if the applicant redesigns or resites the riprap to protect the public accessway, the project could potentially be found consistent with the above-cited public access policies of the Coastal Act. There appear to be at least three 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.

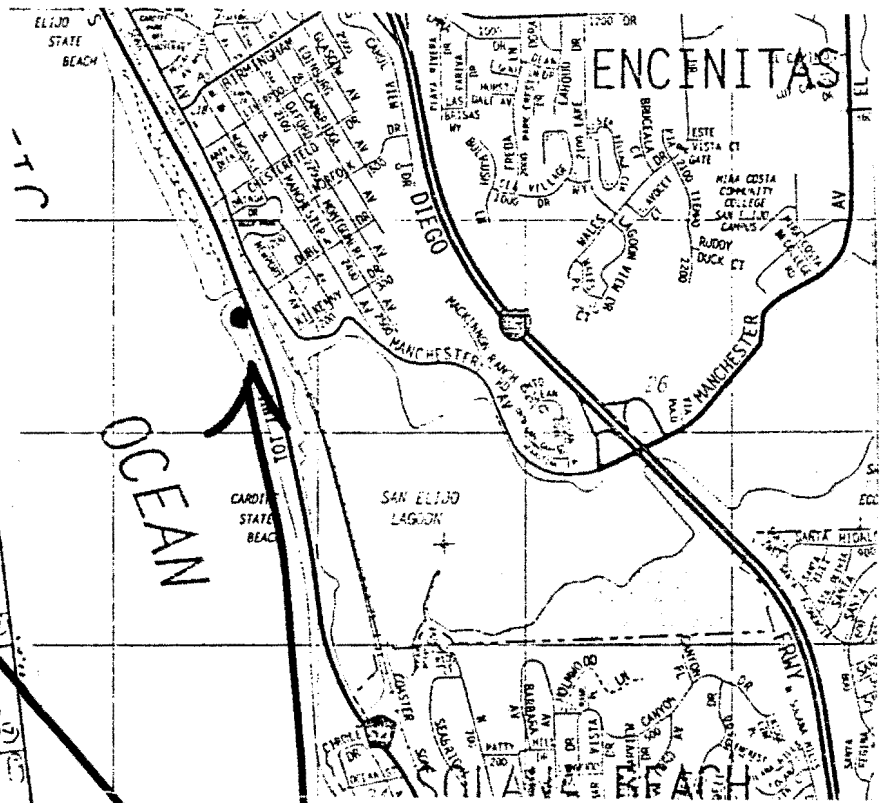
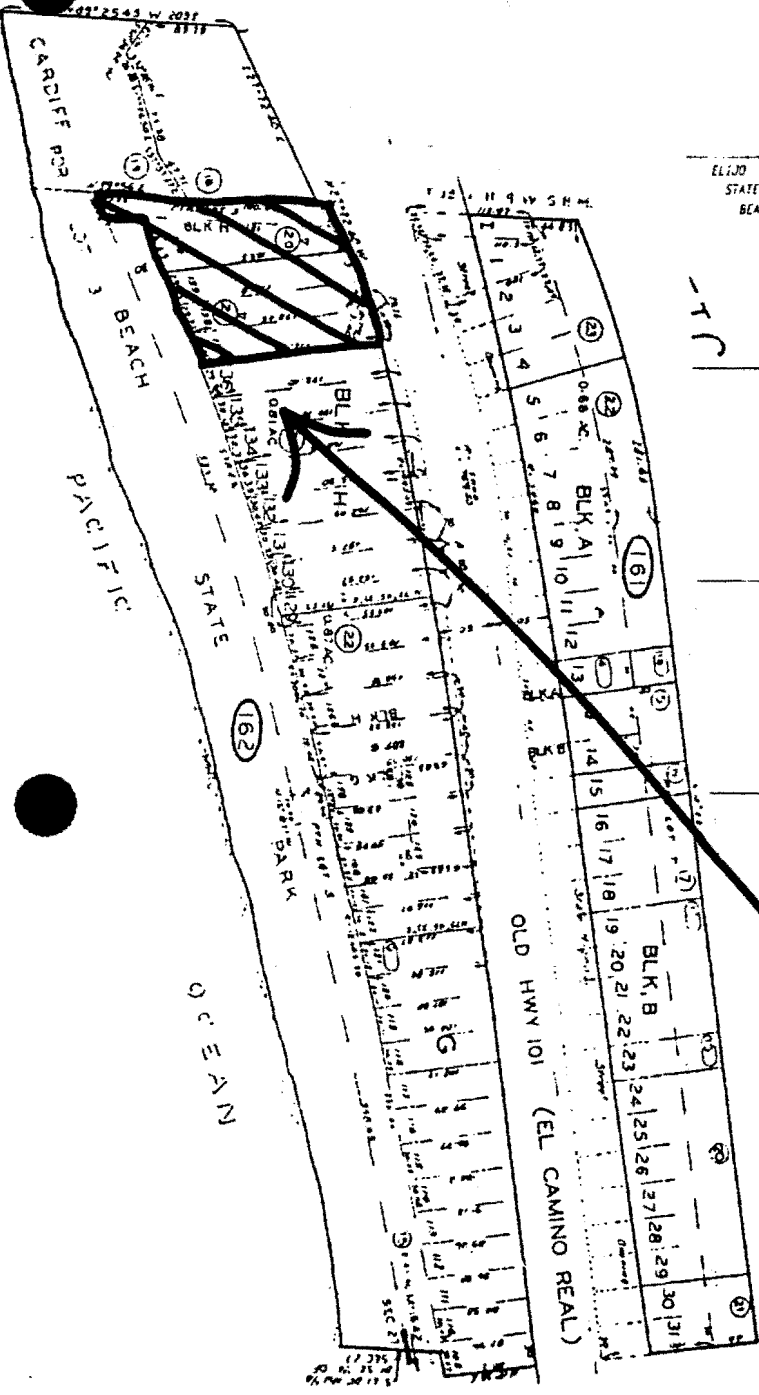
First, the applicant could reconfigure the riprap revetment in the location approved in 1983. This may require some form of backfill between the relocated wall and the restaurant, which are contiguous at this time, since the restaurant is at a higher elevation than the toe of the revetment. This may be able to be accomplished within the existing footprint of the revetment. 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. Second, the riprap revetment could be engineered such that a walkway could be constructed across the top of it as was required in the earlier permit but never built. This would not require further beach encroachment, nor a significant amount of backfill. Third, 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.

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, a lateral access easement has been reserved on the subject site, but it cannot be used by the public, since the revetment has been incorrectly built within the easement. Thus, the revetment location 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 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.

6-98-89



Site

EXHIBIT NO. 1
APPLICATION NO.
6-98-89
Vicinity Maps
California Coastal Commission

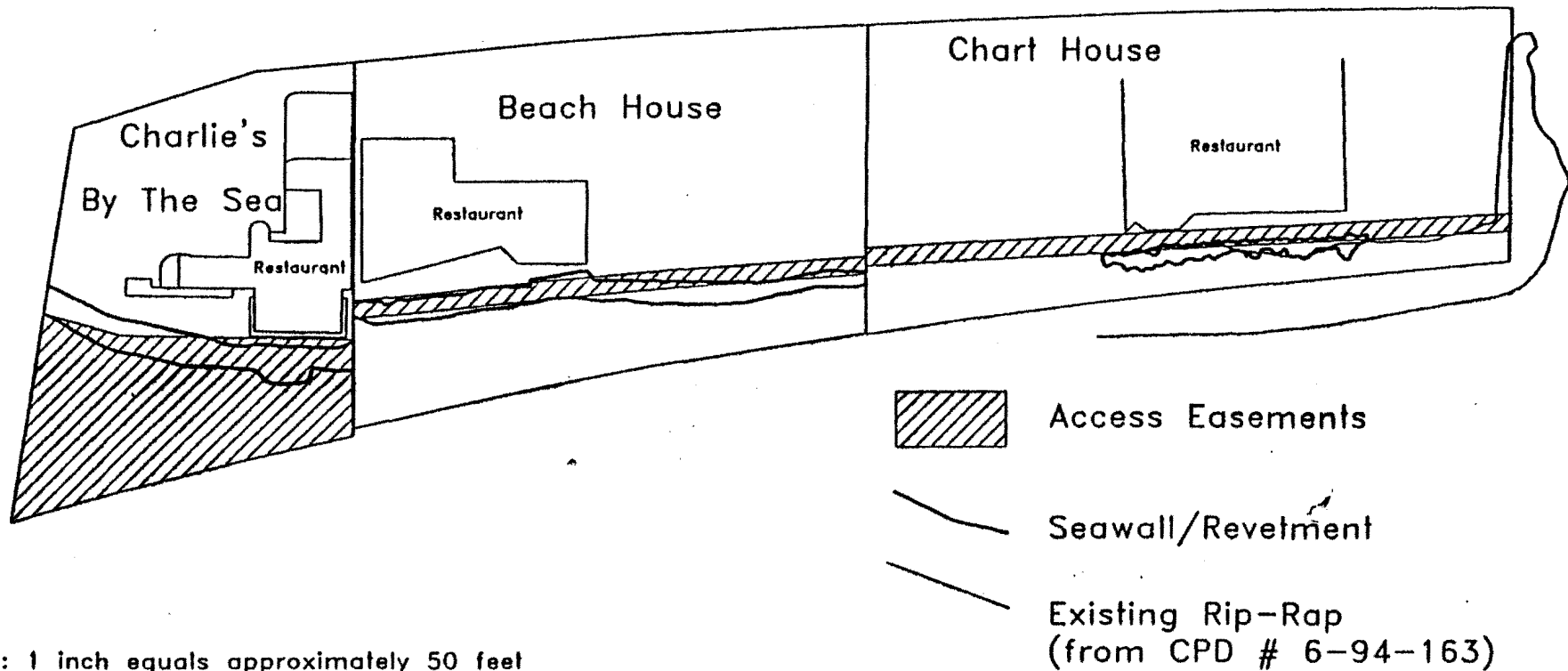
Access Easement Comparison

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

Cardiff by the Sea, San Diego County

2/2/99

EXHIBIT NO. 2
APPLICATION NO. 6-98-89
Site Plan Showing Access Easement
California Coastal Commission



Scale: 1 inch equals approximately 50 feet

Note: Locations approximate.
For illustrative purposes only.

Source: Permit file materials and plans



California Coastal Commission
Technical Services Division

JVC, KJB, 1/99

1 23 Howard Street, 4th Floor
2 San Francisco, California 94105
3 Attention: Legal Department

4 OF SAN DIEGO COUNTY, CALIF.
5 1983 NOV -7 PM 12: 15

6 VERA L. LYLE
7 COUNTY RECORDER

8 IRREVOCABLE OFFER TO DEDICATION PUBLIC ACCESS EASEMENT

9 AND

10 DECLARATION OF RESTRICTIONS

11 REC NO FEE
12 REC
13 2

14 THIS IRREVOCABLE OFFER AND DEDICATION OF PUBLIC ACCESS EASEMENT AND
15 DECLARATION OF RESTRICTIONS (hereinafter "offer") is made this 31 day
16 of May, 19 83, by Hydra Properties, Ltd.,
17 (hereinafter referred to as "Grantor").

18 I. WHEREAS, Grantor is the legal owner of a fee interest of certain
19 real properties located in the County of San Diego,
20 State of California, and described in the attached Exhibit A (hereinafter
21 referred to as the "Property"); and

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

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

28 IV. WHEREAS, Pursuant to the Act, Grantor applied to the Commission
29 for a permit to undertake development as defined in the Act within the
30 Coastal zone of San Diego County (hereinafter the
31 "Permit"); and

32 V. WHEREAS, a coastal development permit (Permit No. 6-83-165)
33 was granted on April 29, 19 83, by the Commission in

34 Access Easement 6-98-89
35 Dedication Exhibit 3

1 accordance with the provision of the Staff Recommendation and Findings,
2 Exhibit B, attached hereto and hereby incorporated by reference, subject to
3 the following condition:

4 Prior to the issuance of a coastal development permit for this project, the
5 Executive Director shall certify in writing that the following condition has
6 been satisfied. The applicant shall execute and record a document, in a
7 form and content approved in writing by the Executive Director of the
8 Commission irrevocably offering to dedicate to a public agency or private
9 association approved by the Executive Director, an easement for public access
10 and passive recreational use along the shoreline. The purpose of this
11 easement is to allow for public beach access seaward of the existing restaurant.
12 The easement shall cover the western portion of the property as shown in Exhibit
13 C. The easement will extend from the existing patio to the mean high tide
14 line on the southern portion of the property and from the first contour line
15 defining an elevation 10 feet above MHT to the mean high tide line on the
16 northern portion of the property. The document shall allow the shoreline
17 protective works approved pursuant to this permit to exist within the easement
18 area; provided, however, the top of any revetment shall be treated to allow
19 continual lateral public access seaward of the restaurant. The document shall
20 also restrict the applicant from interfering with present use by the public
21 of the areas subject to the easement, except as authorized herein, prior to
22 acceptance of the offer. The document shall include legal descriptions of
23 both the applicant's entire parcel and the easement area. Such easement shall
24 be recorded free of prior liens except for tax liens and free of prior encum-
25 brances which the Executive Director determines may affect the interest being
26 conveyed. The offer shall run with the land in favor of the People of the
27 State of California, binding successors and assigns of the applicant or land-
owner. The offer of dedication shall be irrevocable for a period of 21 years,
such period running from the date of recording.

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
24 above condition, the proposed development could not be found consistent
25 with the public access policies of Section 30210 through 30212 of the
26 California Coastal Act of 1976 and that therefore in the absence of such a
27 condition, a permit could not have been granted;

6-98-89
EX. 3

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

6 NOW THEREFORE, in consideration of the granting of Permit No. 6-83-165
7 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate
8 to the People of California an easement in perpetuity for the purposes of
9 to allow for public beach access and passive recreational use seaward of
10 the existing restaurant.

11
12 located on the subject property from the existing patio to the mean high tid
13 line on the southern portion of the property and from the first contour line on
14 the northern portion of the property.
15 and as specifically set forth by attached Exhibit C hereby incorporated by
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
19 land and shall be effective limitations on the use of the Property from the
20 date of recordation of this document and shall bind the Grantor and all
21 successors and assigns. This Offer shall benefit the State of California.

22 2. DECLARATION OF RESTRICTIONS. The Grantor is restricted from
23 interfering with the use by the public of the area subject to the offered
24 easement for public access. This restriction shall be effective from the
25 time of recordation of this Offer and Declaration of Restrictions.

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6-98-89
Ex. 3

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

6 4. CONSTRUCTION OF VALIDITY. If any provision of these
7 restrictions is held to be invalid or for any reason becomes unenforceable,
8 no other 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
12 the Grantor and the Grantee, whether voluntary or involuntary.

13 6. TERM. This irrevocable offer of dedication shall be binding
14 for a period of 21 years. Upon recordation of an acceptance of this Offer
15 by the Grantee, this Offer and terms, conditions, and restrictions shall
16 have the effect of a grant of access easement in gross and perpetuity that
17 shall run with the land and be binding on the parties, heirs, assigns, and
18 successors.

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6-98-89
Ex. 3

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

Executed on this _____ day of May, at _____, California.

Dated: May 31, 1983

Signed _____
Owner

Hydra Properties Inc.
Type or Print
Dan Hopper, General Partner

Signed [Signature]
Type or Print

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

CAT. NO. NN00630
TO 1948 CA (7-82)
(Partnership)



STATE OF COLORADO
~~CALIFORNIA~~
COUNTY OF LA PLATA } ss.

On OCTOBER 17, 1983 before me, the undersigned, a Notary Public in and for said State, personally appeared DAN HOPPER

↑ STAPLE HERE ↓

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as GEN. PARTNER of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.
WITNESS my hand and official seal.

Signature [Signature]
3104 West 10th
Denver, CO 80202
My commission expires 10/31/84

(This area for official notarial seal)

6-98-89
EX. 3

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This is to certify that the Offer to Dedicate set forth above is hereby acknowledged by the undersigned officer on behalf of the California Coastal Commission pursuant to authority conferred by the California Coastal Commission when it granted Coastal Development Permit No. 6-83-165 on April 29, 1983 and the California Coastal Commission consents to recordation thereof by its duly authorized officer.

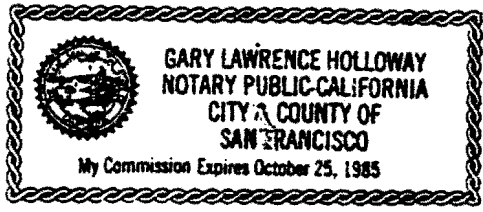
Dated: 10-4-83

Wells Obee
Staff Counsel
California Coastal Commission

STATE OF California
COUNTY OF San Francisco

On 4 October 1983, before me Gary Lawrence Holloway a Notary Public, personally appeared Evelyn Ching Lee, personally known to me to be (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument as the Staff Counsel and authorized representative of the California Coastal Commission and acknowledged to me that the California Coastal Commission executed it.

Gary Lawrence Holloway
Notary Public in and for said County and State



6-98-89
EX. 3

Exhibit A
Public Access Easement

The real property for which this coastal use permit is granted is located in the County of San Diego, State of California, and is more particularly described as follows:

LOTS 137, 138, 139 AND 140 IN BLOCK "H", AND ALL THAT PORTION OF LOT "S", CRESCENT BEACH, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1642, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY JULY 14, 1914, LYING NORTH OF THE NORTH LINE AND THE WESTERLY EXTENSION THEREOF OF LOT 140, BLOCK "H" OF SAID CRESCENT BEACH, AND LYING EAST OF THE WESTERLY BOUNDARY OF THAT CERTAIN LAND CONVEYED TO CHARLES E. CALM TO THE UNION TITLE AND TRUST COMPANY, A CORPORATION, BY DEED DATED NOVEMBER 18, 1912, AND RECORDED IN BOOK 598 PAGE 329 OF DEEDS.

EXCEPTING FROM THE ABOVE DESCRIBED REAL PROPERTY, THAT PORTION LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE WESTERLY LINE OF "EL CAMINO REAL" AND THE NORTH LINE OF SAID CRESCENT BEACH AS SHOWN ON SAID MAP NO. 1642, WHICH IS DISTANT FOR REFERENCE, ALONG SAID NORTH LINE SOUTH $89^{\circ}57'30''$ WEST 68.57 FEET FROM ENGINEER'S STATION 319 PLUS 46.10 P.O.C. ON THE CENTER LINE OF THE DEPARTMENT OF PUBLIC WORKS' SURVEY BETWEEN DEL MAR AND ENCINITAS, ROAD XI-SD-2-A, SAID ENGINEER'S STATION BEING THE SAME POINT AS DESCRIBED IN DEED TO STATE OF CALIFORNIA RECORDED SEPTEMBER 7, 1934 IN BOOK 330, PAGE 119 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER; THENCE ALONG SAID WESTERLY LINE SOUTH $27^{\circ}22'40''$ EAST 86.24 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 798.15 FEET, THROUGH AN ANGLE OF $0^{\circ}14'37''$ FEET, A DISTANCE OF 3.40 FEET TO A POINT ON THE COURSE "WITH A RADIUS OF 4,950 FEET THROUGH AN ANGLE OF $7^{\circ}06'03''$ A DISTANCE OF 613.47 FEET", AS SAID COURSE IS DESCRIBED IN SAID DEED TO THE STATE OF CALIFORNIA; THENCE LEAVING SAID EASTERLY LINE FROM A TANGENT WHICH BEARS SOUTH $17^{\circ}05'04''$ EAST ALONG A CURVE TO THE RIGHT WITH RADIUS OF 4,950 FEET, THROUGH AN ANGLE OF $6^{\circ}03'04''$, A DISTANCE OF 529.98 FEET TO A POINT DISTANT AT RIGHT ANGLES SOUTH $79^{\circ}03'00''$ WEST 50.00 FEET FROM ENGINEER'S STATION 313 PLUS 42.68 B.C. ON THE CENTER LINE OF SAID DEPARTMENT OF PUBLIC WORKS' SURVEY.

ALSO EXCEPTING THEREFROM THAT PORTION LYING BELOW THE MEAN HIGH TIDE LINE OF THE PACIFIC OCEAN.

Exhibit A

Dedication of Public Access Easement

6-98-89
Ex 3

